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PROCEEDINGS AND DEBATES OF THE 95th CONGRESS, FIRST SESSION

SENATE—*Wednesday, May 18, 1977*

(Legislative day of Monday, May 16, 1977)

The Senate met at 12:30 p.m., on the expiration of the recess, and was called to order by Hon. FLOYD K. HASKELL, a Senator from the State of Colorado.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

"Not by might, nor by power, but by My Spirit, saith the Lord of hosts."—Zechariah 4: 6.

Almighty God, arm this Nation with the sinews of the Spirit that we may wage peace and not war. Show us that our ultimate security is in Thee and in Thee alone. Make our friendships as strong as our battleships. May our skills of persuasion excel our powers of coercion. Raise up leaders, vigilant in soul and obedient to Thy will, that Thy kingdom on Earth be set forward as it is in heaven.

"Fill all our lives with love and grace
divine,
And glory, laud, and praise be ever
thine." Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 18, 1977.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. FLOYD K. HASKELL, a Senator from the State of Colorado, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. HASKELL thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of yesterday, Tuesday, May 17, 1977, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees be permitted to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I ask unanimous consent that the Committee on Rules and Administration be authorized to meet while the Senate is in session tomorrow. The purpose of the meeting is for hearings on subcommittee budgets.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration also be authorized to meet during the sessions of the Senate on Wednesday, May 25, and Thursday, May 26, the purpose being to mark up subcommittee budgets and the legislation providing for public financing of Senate elections.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Tennessee.

THE DEPARTMENT OF ENERGY

Mr. BAKER. Mr. President, we are about to proceed to the consideration of the act for the creation of a Department of Energy.

I tend to support that proposal, Mr. President, although I must confess that I do so with certain reservations in certain respects.

I agree that there is a need to consolidate, to bring together the several elements of the Government that have to do with the creation and formulation of a national policy on energy for this Government. In doing that, we are also going to create a department that will employ about 20,000 people. It will have a budget, initially, in excess of $10 billion.

Such an enormous set of figures, of people and dollars, creates some fear on my part that we may be spawning still another unwieldy bureaucracy, and goodness knows there are enough of those without creating a new one.

This particular one has the potential and the opportunity to cause great mischief or to do great good, depending on how it is handled, because of the pervasive nature of its responsibility on the life and undertakings of every citizen.

Nothing is more universally required than energy in a modern technological, industrial, mobile society. The Energy Research and Development Administration, which will be replaced by the Department of Energy, is itself only a fairly recent effort to bring together and to make coherent the energy efforts of this Government, having been created as it was in 1974.

It may be that in those 3 years of its existence, ERDA did not have enough time to fully perform its mission or to realize on its possibilities. But, Mr. President, I think the time has come for a structural reorganization of our energy effort, and I commend the administration, President Carter, and Dr. Schlesinger for making the proposal at this time. I suspect they will find broad general support for it from me and my colleagues on this side of the aisle. There will be amendments to the proposal, I am sure, and the entire issue will be discussed thoroughly.

This measure is not without substantive effect. While it is largely organizational and procedural, there are substantive matters that are dealt with directly or by implication. So I encourage Senators to hear and understand the debate, and to participate fully in it. While there is no time limitation on this measure, I would hope we will take whatever reasonable time is necessary to make sure that all of our fears and reservations are either reconciled and removed, or at least fully understood and stated.

I think it is possible that we can finish with this bill today or tomorrow. That, of course, is the prerogative of the distinguished majority leader. But I would hope that in trying to do that, we still will have a thorough ventilation of all the important issues that are presented by this piece of legislation.

Mr. ROBERT C. BYRD. Mr. President, it has been apparent for some time now that our country cannot have a national energy policy without a consolidation of all the major energy programs of the Federal Government into a central organization. The concept of the Department of Energy Organization Act is based on recognition of this need.

In 1971, the previous administration, following the recommendation of the "Ash Council," proposed such a consolidation. In the intervening years, confusion and chaos have plagued our efforts to establish a national energy policy because some agencies followed one course of action and others took the opposite route. As long as our governmental functions are each listening to a different drummer, we should expect no energy policy, despite all the good intentions of Congress and the President. Presently, energy policy is being made by myriad departments, agencies, and subagencies.

According to the report of the Committee on Governmental Affairs, there are over 100 data programs in the four agencies being consolidated into the Department of Energy. Various other important energy functions, such as conservation, economic regulation, and resource development, are spread throughout the Government. This proposal will eliminate that confusion and permit us to move forward with our national energy policy. Until we establish such a policy, neither business nor the consumer can plan ahead with certainty. That uncertainty will in turn delay new projects and new consumer purchases, and contributes further to our employment dilemma.

As we consider this legislation, it may be well to recall what has happened to us in the past in considering other energy related legislation. Too often we get bogged down in side issues which detract from our main purpose. As a result, the American people question whether we are capable of passing energy legislation. We have before us our first real test this year in the energy field, and obviously the public will watch our deliberations on this issue with interest. I would therefore urge the body not to approach this bill as a proposal to solve all the energy woes of the Nation.

While I know that on a bill of this complexity there will inevitably be questions, I commend and endorse the bipartisan efforts of the Governmental Affairs Committee and believe that the Senate can now move with dispatch on this matter.

Mr. President, I agree with the distinguished minority leader in the hope that we can complete action on the Department of Energy bill today or tomorrow. I would anticipate debate on the measure. Certainly it is an important measure.

I feel that the time has come, in view of the very serious energy problems which confront this country and the nations of the free world, especially those nations that are oil users rather than oil producers, to face up to the energy problems. It is a serious one, and I think it requires a restructuring of the executive agencies to the extent that the major responsibilities are placed in one Department of Energy.

There is no way, of course, to prevent any Senator from offering any amendment that he wishes to call up on this measure. I would simply express the hope, and I would urge, that Senators restrain themselves from calling up amendments that deal with the substance of the energy measures that were in the President's energy package, or energy measures that may be contemplated as alternatives to the President's proposal. There will be a time when the Senate will have to meet those matters head on, and I would hope that Senators would wait until that time.

Senators may wish to discuss some of those areas at this time. As I say, there is no way of preventing Senators from calling up such amendments, but I would hope they would consider the matter, consider the urgency for final action on this matter, and also consider the fact that there will be ample time down the road for dealing with the substantive energy matters, and at that time such amendments would be expected.

I again express the hope that the Senate will complete action on the measure by tomorrow. I thank the distinguished minority leader for his similar hope, which he expressed so well.

UNANIMOUS CONSENT CALENDAR

Mr. **ROBERT C. BYRD**. Mr. President, there are three measures on the Unanimous Consent Calendar which have been carried over from yesterday. I ask unanimous consent that the Senate proceed to their consideration at this time, Calendar Orders No. 127, 136, and 137.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

NOISE CONTROL ACT AUTHORIZATIONS

The Senate proceeded to consider the bill (S. 1511) to amend the Noise Control Act of 1972 to authorize appropriations to carry out the provisions of such act for fiscal year 1978.

Mr. **ROBERT C. BYRD**. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95–153), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

GENERAL STATEMENT

The Noise Control Act of 1972 was reauthorized in 1976. The committee declined last year to extend the program beyond fiscal year 1977 in order to allow time for comprehensive oversight hearings. The 1-year authorization expires at the end of fiscal year 1977.

The current fiscal year 1977 authorizations include $2,700,000 for the low noise emission product procurement program under section 15 and $13,867,500 for the general technical assistance, regulatory and administrative responsibilities under section 19.

This bill extends the authorizations under the act through fiscal year 1978 at the rate of $10,900,000 for section 19, which is the level requested by the administration. Since the Environmental Protection Agency has not yet promulgated regulations to implement section 15, the committee has determined that a reauthorization of this program is not required. Reflecting the committee's concern about the need for a strong environmental research and development program for noise control, $2,100,000 is authorized through fiscal year 1978 for research and development under the Noise Control Act. It is hoped that an appropriate level of personnel will be provided for this research program.

The committee is not satisfied with the progress that has been made in implementing the Noise Control Act and therefore does not wish to approve an extension of the program beyond one fiscal year. Due to consideration of the amendments to the Clean Air Act, the Environmental Pollution Subcommittee was not able to hold oversight hearings on the act last year. The Resource Protection Subcommittee, which now has jurisdiction over the Noise Control Act hopes to undertake a thorough review of the program later this year or early next year.

ESTIMATES OF COST

Section 252(a)(1) of the Legislative Reorganization Act of 1970 requires publication in this report of the committee's estimate of the costs of the reported legislation, together with estimates prepared by any Federal agency. The $13 million authorization provided by this bill for fiscal year 1978 is based upon the request of the Environmental Protection Agency.

Section 403 of the Congressional Budget and Impoundment Control Act requires each bill to contain a statement of the cost of such a bill prepared by the Congressional Budget Office. Because of time factors involved in meeting the May 15 deadline for reporting authorization legislation for fiscal year 1978, this report does not contain the cost estimate.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 19 of the Noise Control Act of 1972, as amended (42 U.S.C. 4918), is amended by striking "and $12,199,000 for the fiscal year ending September 30, 1977"; and inserting in lieu thereof "$12,199,000 for the fiscal year ending September 30, 1977, and $[illegible],900,000 for the fiscal year ending September 30, 1978;".

SEC. 2. There are authorized to be appropriated to the Environmental Protection Agency for research, development, and demonstration under the Noise Control Act of 1972 (42 U.S.C. 4918) not to exceed $2,100,000 for the fiscal year ending September 30, 1978.

Mr. **ROBERT C. BYRD**. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. **BAKER**. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LAND AND WATER CONSERVATION FUND ACT AMENDMENTS

The Senate proceeded to consider the bill (H.R. 5306) to amend the Land and Water Conservation Fund Act of 1965, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with amendments as follows:

On page 3, line 16, following the period, strike all through and including line 22;

On page 4, beginning with line 4, strike through and including page 5, line 24;

On page 5, beginning with line 25, insert the following:

"SEC. 2. (a) (1) For the purpose of improving the effectiveness and efficiency of the management of the Roosevelt National Forest, Colorado, and coordinating the acquisition of lands within the forest which are suitable for such management with the acquisition of lands for parks and recreation purposes pursuant to subsection (b) of this section, the Secretary of Agriculture is authorized to acquire those privately owned lands within the boundaries of the forest which are suitable for national forest purposes and which were adversely affected by the Big Thompson flood of July 31, 1976, and such other adjacent private lands within the boundaries of the forest as are available and suitable for national forest purposes.

"(2) Lands identified for acquisition pursuant to paragraph (1) of this subsection which lie within the Big Thompson/North Fork Floodways, designated pursuant to the National Flood Insurance Act of 1968 (82 Stat. 572), as amended, shall be acquired at the fair market value of such lands (not including any improvements thereon) immediately prior to the occurrence of the flood: *Provided*, That such lands shall (i) be unimproved, or (ii) include structures which have sustained damage amounting to 50 per centum or more of their market value.

"(3) Lands identified for acquisition pursuant to paragraph (1) of this subsection which are not lands described in paragraph (2) of this subsection shall be acquired at no less than appraised fair market value based on an appraisal of each parcel of such lands approved by the Secretary of Agriculture under the authority of section 11 of the Act of August 3, 1956 (70 Stat. 1034, U.S.C. 428a(a)).

"(4) Moneys appropriated to carry out this subsection shall be available until expended or until January 1, 1980, whichever is earlier.

"(b) Notwithstanding any other provision of law, in the case of lands acquired for the Big Thompson/North Fork Canyons Recreational Lands Acquisition Project in Larimer County, Colorado, for which financial assistance is authorized under section 6(e)(1) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 987, as amended; 16 U.S.C. 4601-4 et seq.), if such lands are located within the Big Thompson/North Fork Floodways and are (i) unimproved or (ii) include structures which have sustained damage amounting to 50 per centum or more of their market value, such assistance may be provided for an amount equal to the market value of such lands (not including any improvements thereon) immediately prior to the occurrence of the Big Thompson flood of July 31, 1976.".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95-162), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

COST AND BUDGETARY CONSIDERATIONS

In accordance with subsection (a) of section 255 of the Legislative Reorganization Act, the following is a statement of estimated costs which would be incurred in the implementation of H.R. 5306 as ordered reported:

The current authorization for the Land and Water Conservation Fund is $600 million in fiscal year 1978, $750 million in fiscal year 1979, and $900 million in fiscal year 1980 and thereafter through 1989. Receipts from the Outer Continental Shelf Lands Act are the principal source of income for the fund. These revenues have increased greatly in the past several years, averaging over $4 billion per annum.

H.R. 5306, as amended, would raise the authorization for the fund to $900 million in fiscal year 1978 (a $300 million increase) and fiscal year 1979 (a $150 million increase)—a total increase over 2 fiscal years of $450 million.

Set forth below is a cost estimate of H.R. 5306 prepared by the Congressional Budget Office:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, D.C., May 13, 1977.
Hon. HENRY M. JACKSON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 5306, a bill to amend the Land and Water Conservation Fund Act of 1965, and for other purposes.

Should the committee so desire, we would be pleased to provide further details on the attached cost estimate.

Sincerely,
ALICE M. RIVLIN, *Director.*

Attachment.

CONGRESSIONAL BUDGET OFFICE

Cost estimate

1. Bill No.: H.R. 5306.

2. Bill title: To amend the Land Water Conservation Fund Act of 1965, and for other purposes.

3. Bill status: As reported by the Senate Committee on Energy and Natural Resources.

4. Bill purpose: The purpose of this bill is to increase the authorization level of the Land and Water Conservation Fund (LWCF) by $300 million in fiscal year 1978 and by $150 million in fiscal year 1979. The current authorized level is $600 million for fiscal year 1978 and $750 million for fiscal year 1979. These additional funds are earmarked for use in acquiring land in areas authorized prior to the convening of the 95th Congress. This is authorizing legislation which requires subsequent appropriation action.

5. Cost estimate:

Fiscal year 1978:	
Authorization level	$300.0
Estimated cost	114.3
Fiscal year 1979:	
Authorization level	150.0
Estimated cost	125.5
Fiscal year 1980:	
Authorization level	—
Estimated cost	76.2
Fiscal year 1981:	
Authorization level	—
Estimated cost	57.9
Fiscal year 1982:	
Authorization level	—
Estimated cost	37.7

Costs in fiscal year 1982 and beyond are estimated to be $38.4 million.

The costs of this bill fall in budget function 300.

6. Basis for estimate: The authorization levels are those stated in the bill. For the purposes of this estimate, it is assumed that this legislation and the necessary appropriation action are enacted prior to fiscal year 1978. Although the funds authorized in this legislation are earmarked for the existing backlog of land, it is estimated that the funds will spend at the historical rate for the LWCF. This rate is estimated to be 38.1 percent, 22.8 per cent, 14 percent, 12.3 percent, and 6.4 percent in years 1 through 5, respectively.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Terry Nelson.

10. Estimate approved by:

C. G. NUCKOLS,
(For James L. Blum, Assistant Director for Budget Analysis).

REGULATORY IMPACT EVALUATION

This bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and business. H.R. 5306 would amend the Land and Water Conservation Fund Act of 1965. No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy. Little, if any, additional paperwork would result from the enactment of H.R. 5306.

EXECUTIVE COMMUNICATIONS

The pertinent legislative reports and communications received by the committee from the Department of the Interior setting forth Executive agency recommendations relating to H.R. 5306, are set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 5, 1977.
Hon. HENRY M. JACKSON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to the request of your committee for the views of this Department on H.R. 5306, as passed by the House, an act to amend the Land and Water Conservation Fund Act of 1965, and for other purposes.

We recommend against the enactment of H.R. 5306.

H.R. 5306 provides for a number of amendments to the Land and Water Conservation Fund Act that would significantly affect the Department's administration of this important program. In this report, we will discuss each proposed amendment separately in the order in which they appear in the bill.

Subparagraph (1) and (2) of H.R. 5306 would amend the Land and Water Conservation Fund Act to authorize an additional $300 million in fiscal year 1978 and $150 million in fiscal year 1979 be added to the fund. This additional $450 million would be put into a special account for land acquisition for areas existing and authorizations enacted prior to the 95th Congress in the National Park Service System, National Scenic Trails, National Wilderness Preservation System, federally administered components of National Wild and Scenic Rivers System, and national recreation areas administered by the Department of Agriculture.

The Land and Water Conservation Fund was just increased in the last Congress—doubling the fiscal year 1977 authorized level to $600 million for fiscal year 1978, increasing it to $750 million in fiscal year 1979, and increasing it further to $900 million for fiscal years 1980-89. Considering the President's Bicentennial land heritage initiative and his fiscal year 1978 appropriations request, we cannot recommend any further increase in the fund authorization.

The significant increases in funding for fiscal years 1977, 1978, 1979, and 1980 will have a corollary impact on the present pre-95th Congress acquisition "backlog" which should be put in perspective and properly considered before making additional increases in the fund.

The recent past, present, and proposed funding levels for the Federal agencies from the Land and Water Conservation Fund are as follows:

[In thousands]

	Fiscal year 1976	Transition quarter	Fiscal year 1977 regular appropriation	Fiscal year 1977 supplemental (Bicentennial land heritage program)	Fiscal year 1978
NPS	$86,515	$19,300	$144,603	$108,693	$142,995
FS	36,965	7,600	52,506	18,000	67,063
FWS	9,422	3,200	15,746	13,250	26,978
BLM	2,000	400	2,000		2,100
Total	134,902	30,500	214,854	140,743	239,136

Opportunities for purchase with land and water conservation fund moneys (after fiscal year 1978) for areas specifically or generally authorized are as follows:

	Millions
NPS	$184
FS	896
FWS	437
BLM	2
Total	1,519

The significant increase in funding for fiscal year 1977, assuming the enactment of the supplemental appropriation, will be of material value to the National Park Service and the Fish and Wildlife Service. Furthermore, the fiscal year 1978 budget provides substantially more for the Federal agencies than the amount appropriated for fiscal year 1976. We believe that these additional amounts are sufficient to meet the needs and capabilities of these agencies. The proposed amendment could overtax that capability and result in significant unobligated balances. At this time, in the interest of utilizing the fiscal resources in the best manner and holding the budgetary deficit to present estimates, we do not believe it would be prudent to increase the authorization in this manner.

Subparagraph (3) would provide, during any one fiscal year, authority to exceed by 10 percent or $1 million, whichever is greater, the statutory ceiling for National Park Service areas. It further requires not less than a 30-day written notice of such expenditure to the House Interior and Insular Affairs Committee and the Senate Energy and Natural Resources Committee. This authority, if enacted, could eliminate the need to submit requests for increases in statutory limitations presently existing on a number of area authorizations. We believe that the increased funding in the land and water conservation fund provided by the 94th Congress will enable us to accelerate and improve our acquisition efforts and alleviate the need for frequent ceiling increase requests.

Subparagraph (4) of H.R. 5306 proposes an amendment to permit use of appropriations from the fund for "preacquisition work" when authorization of an area is "imminent" and "where substantial monetary savings could be realized."

We are concerned that this amendment authorizes the use of appropriated funds on the basis of an extremely subjective determination. How should "imminent" be defined and when should preacquisition work begin? Even if there were a point in time at which the Congress and the administration could agree that authorization was "imminent," should the bill in question not pass, these funds would be completely wasted when they could have been better utilized to do present acquisition work on already authorized areas. We would be willing to work with the committee to develop an alternative approach to alleviate such problems as the National Park Service has experienced in Big Thicket, but we question the advisability of this approach without careful, specific definition of the terms involved.

Subparagraph (5) amends the act to: (a) permit minor revisions of the boundary of an area of the National Park System by publication of a revised map or other description in the Federal Register; (b) acquire by donation, purchase with donated funds, transfer from a Federal agency, or exchange lands, waters or interests therein adjacent to such area. The Secretary could not acquire property without the consent of the owners, and could acquire State or political subdivision property only by donation.

We understand this provision to be an attempt to provide general authority similar to specific authority contained in recently enacted park legislation. We would recommend that the committee report of this bill be quite specific that such authority be of a "de minimus" nature. That is, such authority is to be used for necessary, small boundary adjustments and not park expansion beyond specific acreage limitations.

Subparagraph (6) authorizes land and water conservation fund assistance to be used by the State of Colorado to acquire certain lands within the Big Thompson/North Fork Canyons at their fair market value immediately prior to the Big Thompson flood of July 31, 1976, rather than their current fair market value as required by existing law. This proposed amendment of the Land and Water Conservation Fund Act would be unprecedented in that it singles out a specific local resource problem under a law that is intended to be comprehensive in scope and uniform in approach in providing financial assistance to help meet outdoor recreation needs. We oppose the inclusion of this section in H.R. 5306.

The particular problem results from a tragic flood and the subsequent imposition of flood plain zoning in the Big Thompson/North Fork Canyons, both of which contributing to a decrease in property values. However, acquisition of outdoor recreation land in the United States under these circumstances is probably not an isolated occurrence. Nor is the magnitude of this resource problem greater than others. Therefore, establishing a legislative precedent for this particular area would increase the pressure to give equal attention to other outdoor recreation acquisition problems of a serious nature.

As an alternative to the proposed amendment, we suggest that the State of Colorado utilize land and water conservation fund assistance to match up to the amount which represents the current fair market value of the property in question and then utilize State funds to pay the landowners whatever it wishes to pay in excess of that amount.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

Cecil D. Andrus,
Secretary.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MONTANA WILDERNESS STUDY ACT

The Senate proceeded to consider the bill (S. 393) to provide for the study of certain lands to determine their suitability for designation as wilderness in accordance with the Wilderness Act of 1964, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with amendments as follows:

On page 3, beginning with line 3, strike through and including line 8;

On page 3, line 9, strike "(6)" and insert "(5)";

On page 3, line 15, strike "(7)" and insert "(6)";

On page 3, line 21, strike "(8)" and insert "(7)";

On page 4, line 3, strike "(9)" and insert "(8)";

On page 4, line 10, strike "(10)" and insert "(9)";

On page 6, line 3, following "appropriated" insert "after October 1, 1977,";

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Montana Wilderness Study Act of 1977".

Sec. 2. (a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132), the Secretary of Agriculture (hereinafter known as the "Secretary") shall, within five years after the date of enactment of this Act, review certain lands designated by this section, as to their suitability for preservation as wilderness, and report his findings to the President, as follows:

(1) certain lands in the Beaverhead National Forest, Montana, which are generally depicted on a map entitled "West Pioneer Wilderness Study Area" and dated April 1976, comprising approximately one hundred and fifty-one thousand acres, which shall be known as the West Pioneer Wilderness Study Area;

(2) certain lands in the Beaverhead and Gallatin National Forests, Montana, which are generally depicted on a map entitled "Taylor-Hilgard Wilderness Study Area" dated April 1976, comprising approximately two hundred and eighty-nine thousand acres, which shall be known as the Taylor-Hilgard Wilderness Study Area;

(3) certain lands in the Bitterroot National Forest, Montana, which are generally depicted on a map entitled "Bluejoint Wilderness Study Area" and dated April 1976 comprising approximately sixty-one thousand acres, which shall be known as the Bluejoint Wilderness Study Area;

(4) certain lands in the Bitterroot and Deerlodge National Forests, Montana, which are generally depicted on a map entitled "Sapphire Wilderness Study Area" and dated April 1976, comprising approximately ninety-four thousand acres, which shall be known as the Sapphire Wilderness Study Area;

(5) certain lands in the Kootenai National Forest, Montana, which are generally depicted on a map entitled "Ten Lakes Wilderness Study Area" and dated April 1976, comprising approximately thirty-four thousand acres, which shall be known as the Ten Lakes Wilderness Study Area;

(6) certain lands in the Lewis and Clark National Forest, Montana, which are generally depicted on a map entitled "Middle Fork Judith Wilderness Study Area" dated April 1976, comprising approximately eighty-one thousand acres, which shall be known as the Middle Fork Judith Wilderness Study Area;

(7) certain lands in the Lewis and Clark National Forest, Montana, which are generally depicted on a map entitled "Big Snowice Wilderness Study Area" and dated April 1976 comprising approximately ninety-one thousand acres, which shall be known as the Big Snowies Wilderness Study Area;

(8) certain lands in the Gallatin National Forest, Montana, which are generally depicted on a map entitled "Hyalite-Porcupine-Buffalo Horn Wilderness Study Area" and dated April 1976, comprising approximately one hundred and fifty-one thousand acres, which shall be known as the Hyalite-Porcupine-Buffalo Horn Wilderness Study Area; and

(9) certain lands in the Kootenai National

Forest, Montana, which are generally depicted on a map entitled "Mount Henry Wildernesss Study Area" and dated April 1976, comprising approximately twenty-one thousand acres, which shall be known as the Mount Henry Wilderness Study Area.

(b) The Secretary shall conduct his review, and the President shall advise the United States Senate and House of Representatives of his recommendations, in accordance with the provisions of subsections 3(b) and 3(d) of the Wilderness Act, except that any reference in such subsections to areas in the national forests classified as "primitive" shall be deemed to be a reference to the wilderness study areas designated by this Act and except that the President shall advise the Congress if his recommendations with respect to such areas within seven years after the date of enactment of this Act: Provided, however, That the Secretary shall give at least sixty days' advance public notice of any hearing or other public meeting concerning such areas.

(c) The maps referred to in this section shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

SEC. 3. (a) Except as otherwise provided by this section, and subject to existing private rights, the wilderness study areas designated by this Act shall, until Congress determines otherwise, be administered by the Secretary of Agriculture so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System.

(b) Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests.

(c) Nothing herein contained shall (1) limit the President in proposing, as part of his recommendation to Congress, the alteration of existing boundaries of any wilderness study area or recommending the addition to any such area of any contiguous area predominantly of wilderness value, or (2) limit the authority of the Secretary of Agriculture to establish, protect, study, or make recommendations to the President and Congress with respect to additional wilderness study areas within national forests in the State of Montana.

SEC. 4. There are hereby authorized to be appropriated after October 1, 1977, such sums as may be necessary to carry out the provisions of this Act.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95–163), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPTS

PURPOSE

S. 393, as amended, would direct the Secretary of Agriculture to study 9 areas of land located within certain national forests in Montana as to their suitability or nonsuitability for preservation as wilderness. The Secretary would be required to complete the studies and report his findings to the President within 5 years after enactment. The President would be required to advise the Congress of his recommendations with respect to such areas within 7 years after enactment. S. 393, as amended, also directs the Secretary to administer the proposed study areas so as not to diminish their presently existing wilderness character and potential until Congress makes a final determination regarding wilderness designation for these nine areas.

BACKGROUND AND NEED

In 1967, the Forest Service initiated a national inventory of all national forest roadless and undeveloped areas 5,000 acres in size or larger and of smaller areas contiguous to existing primitive areas of wilderness. The inventory identified a total of 1,449 such area encompassing 56 million acres. The Forest Service then conducted a nationwide review of the inventoried areas to select areas with the most merit for specific study as possible additions to the wilderness system. Out of the inventory of 1,449 acres, 274 areas were selected as wilderness study areas. On this number, 36 areas totalling approximately 1.6 million acres were selected in Montana.

S. 393 would prescribe a formal wilderness study for approximately 973,000 acres of national forest lands in Montana to determine their suitability as wilderness. The 9 areas involved are basically from among those identified by the Forest Service in its inventory of all roadless areas, and (with the exception of portions of two of the nine) are from among the areas that were not selected as wilderness study areas through the nationwide review process.

S. 393 as ordered reported is almost identical to last year's version of the same bill (also S. 393) which passed the Senate by a voice vote on August 23, 1977. Since one of the areas in the bill that passed the Senate in the 94th Congress, the Elkhorn study area, was designated for wilderness study last year pursuant to another Act, Public Law 94–557, that area was not included in the most recent version of S. 393. Similarly, S. 393, as introduced this year, does not contain a floor amendment added last year by Senator Mansfield regarding potential construction of a transmission corridor through a portion of the proposed Taylor-Hilgard study area.

During the study period, and until Congress determines otherwise, these areas are to be managed by the Secretaory so as not to diminish their presently existing wilderness character and potential. This language regarding wilderness character and potential was added by the committee last Congress (and retained in this year's version) to assure continued enjoyment of the areas by those recreationists whose pursuits will not, in the judgment of the Secretary, preclude potential wilderness designation for the areas.

LOCATION, DESCRIPTION AND ATTRIBUTES OF THE AREA

West Pioneer Wilderness study area

Located in the Beaverhead National Forest, the 151,245 acre West Pioneer Study Area is part of an important watershed at the headwaters of the Missouri River. Tributaries to the upper Missouri, the Wise, and Big Hole Rivers which drain the Pioneers are high quality blue-ribbon trout streams of national significance. The endangered grayling and cutthroat trout, are indigenous to the natural streams and lakes of the West Pioneer area. Both vanishing species require essentially an undisturbed aquatic environment to survive. In addition, the area serves as important elk and moose summer range. Mountain goats are also seen in the area.

In the northern part of the proposed study area is found the world's oldest stand of living lodgepole pine. The most ancient lodgepole pine in the standard exceeds 500 years in age. Also in the West Pioneers, at the headwaters of Osborne and Stone Creeks, is located the easternmost stand of alpine larch in existence. Some of these trees are more than 700 years old. The presence of thse scientific rarities provides additional reasons to study and protect the area.

Taylor-Hilgard Wilderness study area

This 289,859 acre proposed study area is located in the Beaverhead and Gallatin National Forests. The Taylor-Hilgard area represents a fine example of a remaining unprotected potential wilderness area in the national forests of Montana. It is so wild and undeveloped that the grizzly bar and the wolf still roam through its scenic mountains. Beautiful alpine lakes and meadows dot the landscape along the crest of the Madison Range. Trout abound in the deep blue lakes and clear streams. The area adjoins the northwestern boundary of Yellowstone National Park. Major herds of elk, moose, mountain goat, and big-horn sheep migrate freely between the Park and the Taylor-Hilgard area. These undisturbed ancestral migration routes are of prime importance to the well being of these wildlife populations. As a part of the Yellowstone Ecosystem, the area in its undeveloped state is of vital significance to the wide-ranging grizzly bear, which is listed by the Department of the Interior as threatened with extinction in Montana and Wyoming.

Bluejoint Wilderness study area

S. 393, as amended, would designate a 61,544 acre Bluejoint wilderness study area in the Bitterroot National Forest. The Bluejoint area consists entirely of national forest land. No operable minerals or water development projects exist in the area. No existing or planned timber sales are present. About the only development, other than foot trails in the entire area is one-half mile of unimproved bulldozer trail which is rapidly converting to nature. While a limited amount of livestock grazing occurs in the unit, grazing would not be affected by the proposed wilderness study.

The study area provides a habitat for major populations of elk, in addition to bighorn sheep, deer, and bear. The proposed Bluejoint study area supplies ideal country for quality wilderness hunting, hiking, and backpacking. It adjoins, through the Horse Creek roadless area, the Salmon River Breaks Primitive Area in Idaho, as well as the Hells Half Acre roadless area selected by the Chief Forester for wilderness study.

Sapphire Wilderness study area

Located in the Bitterroot National Forest in southwestern Montana, the proposed 94,234 acre Sapphire Study Area is one of very few units in the unclassified Bitterroot Forest that has not been subject to timber harvesting. Located in the headwaters of the East Fork of the Bitterroot River and Rock Creek—two of Montana's blueribbon trout streams—this largely undisturbed high country represents an important watershed. In its clear cold streams and lakes are found the endangered westslope cutthroat trout and grayling, as well as Dolly Varden, rainbow, and eastern brook trout.

Some 1,000 elk and numerous moose, inhabit the proposed study area. Also present are the rare lynx, pine marten, fisher, wolverine, and a remnant herd of bighorn sheep. All of these species depend largely on a wilderness environment for their survival. The Sapphires are heavily used by the residents of Missoula and the Bitterroot Valley for wilderness camping, hunting, fishing, backpacking, horseback trips, sightseeing, and photography. Wilderness use has increased 1,400 percent since 1946.

Ten Lakes Wilderness study area

The proposed Ten Lakes Wilderness Study Area is a 33,920 acre tract located in the Kootenai National Forest. The area encompasses one of the two remaining grizzly bear habitats in the entire Kootenai National Forest. The endangered westslope cutthroat trout, as well as the Rocky Mountain whitefish, Dolly Varden, rainbow, and eastern brook trout, are found in the many beautiful natural lakes and streams of the area. Also present in the area are elk, moose, mountain lion, lynx, wolverine, deer, and black bear. All of these species except for deer and black bear, require wild surroundings to thrive.

The area receives up to 80 inches of precipitation annually and provides one of the highest yields of quality water per acre in the entire West; representing a critical watershed for the Kootenai and Columbia River Basins. The area serves partly as a municipal watershed for the nearby town of Eureka.

Middle Fork Judith Wilderness study area

The Middle Fork Judith Study Area is located in the Lewis and Clark National Forests in central Montana. This area, together with the Big Snowies (see below) provide the only remaining significant opportunities to establish wilderness on national forest lands in this region of Montana.

The Middle Fork Judith area contains the beautiful and wild reaches of the Middle Fork and Lost Fork of the Judith River and a highly scenic canyon of 1,000-foot limestone cliffs. Over 1,000 elk rely on the proposed study area for spring, summer, and fall range. Spring use includes the critical elk calving period, during which time cow elk seek out remote, undisturbed areas. The Middle and Lost Forks represent the only significant undeveloped elk habitat left on national forest lands in central Montana. The Montana Fish and Game Department has owned and managed for many years the adjoining 5,000-acre Judith River State Game Range primarily for the elk herd.

Big Snowies Wilderness study area

This proposed wilderness study area of 91,392 acres is located in the Lewis and Clark National Forest and is the most eastern of all of the study areas which would be designated by S. 393. Situated approximately 15 miles south of Lewistown, the proposed study area provides the only opportunity to establish a wilderness area near this important population center.

High and scenic, the undeveloped Big Snowies form an important watershed and outstanding landmark in the central part of the State. The primeval area is used for wilderness camping, hunting, hiking, horseback riding, and sightseeing as hundreds of Boy Scouts and other citizens use the area each year for wilderness purposes.

No privately owned lands are located in the proposed study area and no operable timber or minerals are found in the area. The area contains no construction roads—only a few miles of unimproved jeep tracks which are quickly reverting to nature.

Hyalite-Porcupine-Buffalo Horn Wilderness study area

Located in the Gallatin National Forest, the Hyalite Study Area is one of the largest of the 10 proposed study areas comprising nearly 152,000 acres. The proposed study unit is a major wildlife area. Large numbers of elk, deer, moose, bighorn sheep, mountain goats, and grizzly bear and other wildlife migrate between Yellowstone Park and the proposed study area, often wintering in the Porcupine drainage and along Gallatin River.

The proposed study area is a major watershed for the Gallatin River. The Gallatin, a blue-ribbon trout stream of nationwide fame, provides large volumes of stable, quality flows of water for downstream municipal, agricultural, industrial, and recreational uses. The highly scenic Gallatin Canyon is the gateway via U.S. Highway 191 to Yellowstone Park, and the proposed study unit is a major viewing area for millions of Park visitors. Each year, many thousands of hunters, fishing enthusiasts, sightseers, and other recreationists enjoy the wild Gallatin country of the Hyalite-Porcupine-Buffalo Horn.

Mt. Henry Wilderness study area

The proposed 21,000 acre Mt. Henry Study Area is located in far northwestern Montana in the Kootenai National Forest. The area, though relatively small, is representative of the rapidly disappearing undisturbed landscape of the Purcell Lange—Yaak Valley country. As two timber sales in the area are currently being challenged in federal court, the wilderness study designation proposed in S. 393 may prove to be the most expeditious way to resolve the controversy surrounding Mt. Henry.

LEGISLATIVE HISTORY

In the 93d Congress, Senators Metcalf and Mansfield introduced very similar legislation—S. 4066, but no action was taken. The bill was reintroduced in the 94th Congress as S. 393. Hearings were held before the Senate Environmental and Land Resources Subcommittee on May 9, 1975. The bill was favorably reported, with amendments, by the full Interior and Insular Affairs Committee to the Senate on July 1, 1976. The measure was passed by the Senate, with an amendment, on August 23, 1976, by a voice vote.

On January 24, 1977, Senator Metcalf again introduced the Montana Wilderness Study Act as S. 393. This year's version is almost identical to the one that passed the Senate in 1976. (See "Background" for a discussion of the differences between the two bills.) A hearing was held this year on S. 393 before the Senate Subcommittee on Parks and Recreation on May 6, 1977.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on May 5, 1977, by unanimous voice vote of a quorum present, recommends that the Senate pass S. 393, if amended as described herein.

COMMITTEE AMENDMENTS

The committee adopted two technical amendments to S. 393. The first deletes a duplicative reference to one of the proposed study areas contained in the bill, the Mt. Henry area.

The second technical amendment is designed to insure compliance with the Congressional Budget Act by clearly stating that no funds are to be authorized to carry out the purposes of this act prior to October 1, 1977.

COST

In accordance with subsection (a) of section 255 of the Legislative Reorganization Act, the following is a statement of estimated costs which would be incurred in the implementation of S. 393, as ordered reported:

As noted in the "Background" section of this report, much of the data needed to conduct an official wilderness study for the areas has already been gathered pursuant to the Forest Service's Roadless Area Review and Evaluation (RARE) and the unit planning process. Therefore, the studies called for by S. 393 are not expected to be very costly. The work will be funded within continuing programs of the agencies.

Set forth below is a cost estimate of S. 393 prepared by the Congressional Budget Office. As noted above (see "Committee Amendments"), the committee adopted a technical amendment to S. 393 to ensure that no funds would be authorized pursuant to this legislation prior to October 1, 1977, and therefore, has no fiscal year 1977 budget impact.

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, D.C., May 6, 1977.
Hon. HENRY M. JACKSON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for S. 393, the Montana Wilderness Study Act of 1977.

Should the committee so desire, we would be pleased to provide further details on the attached cost estimate.

Sincerely,

ALICE M. RIVLIN, *Director*.

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

MAY 6, 1977.

1. Bill No.: S. 393.

2. Bill title: Montana Wilderness Study Act of 1977.

3. Bill status: As introduced on January 24, 1977.

4. Purpose of bill: S. 393 directs the Secretary of Agriculture to conduct wilderness reviews on nine designated areas of national forest in Montana. Following the review, the President is to advise the Senate and House of Representatives of the Secretary's recommendations. The review process is to be completed within 5 years of the enactment of S. 393, and the recommendations are to be reported within 7 years of enactment.

The study areas are to be administered so as to maintain their presently existing wilderness character until Congress determines otherwise.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of the bill.

5. Cost estimate: The following table presents the estimated costs of S. 393 for fiscal years 1977 through 1981:

COSTS

[In thousands of dollars]

	Fiscal year—				
	1977	1978	1979	1980	1981
Areas with land management planning studies:					
Completed	108	113	118	126	132
Underway	319	335	351	372	394
Areas with no land management planning studies	138	144	153	160	169
Total costs	565	592	622	658	695

The cost of this bill fall within function 302.

6. Basis for estimate: It was assumed that this bill would be enacted in late spring or early summer of 1977 so as to allow for a full season's work on the wilderness studies in fiscal year 1977. It was further assumed that the studies would require the full 5 years to be completed.

The Forest Service estimates a cost of $2 to $4 per acre for a wilderness review study, depending on the amount of resource inventory and study that has already been done. For an area where a land management planning study has been completed, the 1977 cost would be $0.40 per acre ($2 over 5 years), while for an area where no land management planning study has been done, the 1977 cost would be $0.80 per acre (4 over 5 years). An area with some study already done is estimated to have a 1977 cost of $.60 per acre. These costs per acre were inflated by the CBO estimate of the GNP inflator to obtain costs in 1978–81.

Land management planning studies have been completed on 269,000 of the total 973,-

000 acres included in S. 393; an additional 532,000 acres have land management planning studies in progress. The remaining acreage has not been studied. The acreage in each category was multiplied by the appropriate cost per acre to obtain costs for each fiscal year.

Under a 1972 out-of-court settlement with the Sierra Club, the Forest Service agreed to manage all areas that might be considered for the wilderness designation as if they were wilderness, until determinations were made. The section of S. 393 which directs that the Montana study areas be administered as wilderness is, therefore, expected to have no cost impact.

7. Estimate comparison: None
8. Previous CBO estimate: None.
9. Estimate prepared by: Marilyn K. Moore.
10. Estimate approved by.

JAMES L. BLUM,
Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

This bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses. S. 393 would designate nine wilderness study areas in the State of Montana. No personal information would be collected in administering the program. Therefrom, there would be no impact on personal privacy. Little, if any, additional paperwork would result from the enactment of S. 393.

EXECUTIVE COMMUNICATIONS

The committee requested a report from the Department of Agriculture on S. 393 on March 21, 1977. While the Department has presented a statement in general opposition to the bill, no departmental report has been received by the committee at the time of submission of this report.

A letter dated May 2, 1977, from Secretary Cutler to the Chairman of the Parks and Recreation Subcommittee, Senator Abourezk, regarding a possible revision in the administration's ultimate position is set forth below:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., May 2, 1977.

Hon. JAMES ABOUREZK,
Chairman, Subcommittee on Parks and Recreation, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR SENATOR ABOUREZK: On April 21, I presented testimony on S. 658, "The Oregon Omnibus Wilderness Act of 1977." My prepared statement also included remarks on S. 393, "The Montana Wilderness Study Act of 1977." At the request of Senator Hatfield, my oral tetsimony at the April 21 hearings was limited to S. 658.

At the time of my testimony, the administration's position on a broad range of wilderness legislation was still under review. This review is now nearly completed. It is apparent that additional consideration for wilderness study or designation should be given to a number of areas included in S. 658 and S. 393, as well as wildernesses proposed in other legislation. I request that the reports of the Department of Agriculture on S. 658 and S. 393, which will soon be transmitted to the committee, be considered as an amplification and possible modification of my testimony as presented on April 21. If the committee should desire, I would be happy to appear to present additional testimony on pending wilderness legislation.

I have, in a separate transmittal to Senator Hatfield and Senator Metcalf, asked for their consideration of a revised position which will be contained in the Department's reports to the committee.

Sincerely,

M. RUPERT CUTLER,
Assistant Secretary for Conservation, Research and Education.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, the committee states that no changes in existing law would be made by S. 393, as ordered reported.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR RECOGNITION OF SENATORS HELMS AND BAKER TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, Mr. HELMS and Mr. BAKER be recognized, each for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, has any order for the recognition of a Senator or Senators been entered for tomorrow prior to this request?

The ACTING PRESIDENT pro tempore. No such orders have been received.

Mr. ROBERT C. BYRD. I thank the Chair.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time.

Mr. BAKER. Mr. President, I yield back my time.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Arizona (Mr. DECONCINI) is recognized for not to exceed 15 minutes.

REVISING THE RULES OF THE SENATE

Mr. DECONCINI. Mr. President, I rise to congratulate the distinguished majority leader for his praiseworthy effort to modify the rules of the Senate. The proposals he has made are hardly revolutionary; they are in keeping with the nature and intent of rule XXII. What the majority leader has proposed is that once cloture has been invoked by the necessary three-fifths of the Senate, debate be truly limited so that a vote on the matter can occur within a reasonable period of time.

It is difficult to inveigh against the filibuster because each of us, at one time or another, has found it or will find it a convenient mechanism to prevent the Senate from acting in a manner contrary to our own interests or beliefs. Because rule XXII allows unlimited debate, a concerted effort by a majority of Senators can thwart the will of the majority. Even though the cloture rule theoretically limits debate once it has been invoked, individuals with a mastery of Senate parliamentary procedure—like the majority leader himself—can use a series of dilatory tactics to halt all work in the Senate for an almost indefinite period.

Frankly, Mr. President, I do not believe that the changes proposed by the majority leader go far enough. I believe that the filibuster rule is anachronistic and antidemocratic. It serves no useful purpose except to allow a minority of Senators to veto national policy. And while it would be exaggerating to say that it is rule by a minority, it confers too great a power on too few persons.

If our Government did not have adequate safeguards against oppressive behavior, the filibuster rule might be justified. Fortunately, however, the nature of our Constitution builds these safeguards into the structure and fabric of the American political system. The Founding Fathers were not only men of their time who had experienced political oppression, but they were men of wisdom and vision who understood human nature as well as the meaning of political power.

To insure that the fair and reasonable interests of all groups were adequately accounted for, the framers of the Constitution created a government of three distinct and separate branches. They envisioned a President in whom all Executive authority was vested. However, they understood the danger of allowing the Executive to enact the laws. Therefore, a distinct and separate legislature was established. Because this was to be a nation of individuals and States—a Federal entity—they vested this legislative power in two Chambers. One Chamber, the House of Representatives, was meant to reflect the will of the people; the other, the Senate, was meant to express the views of the several States. Among other things, this arrangement was a safeguard against the more populous States pursuing policies antithetical to the interests of the smaller States. No law, thus, can be enacted without the approval of a majority of both Houses.

To further disperse political power, the Founding Fathers established a Supreme Court, independent of either the executive or legislative bodies. A court of men and women appointed for life and thus insulated from transitory political pressures. A court to serve as an interpreter of the meaning of the Constitution and the limits of the powers of the other two branches. In outline, our Government consists of a two-house legislature, an executive to carry out the law of the land, and a court to decide if either has transgressed the limits of its own powers or has violated any of the rights guaranteed by the Constitution itself.

Having sketched out the broad elements of our system of government, let us reflect for a moment on the meaning of political democracy. Because, after all, it was toward the end of creating a democracy that the men who wrote the Constitution were striving.

Democracy literally means rule by the people. In its historic context, that has been understood as a majority of the people. Both in common usage and historically, democracy conveys the idea of majoritarian rule. Public policy in a democracy should, therefore, reflect the will of the majority of the citizens of that society. Because of that fact, a democratic government rests on the consent of the governed. This is the essential distinction between democracy and dictatorship—be it a dictatorship of the left or the right.

The Judeo-Christian tradition demands that majoritarian rule be tempered by a decent respect for the rights of the minority. The filibuster, contend its defenders, is essential to protect the rights of the minority. I submit, Mr. President, that this view is incorrect. The rights of the minority must be protected, but the filibuster is not the instrument which accomplishes that end. Furthermore, I would argue that the rights of the minority do not extend to the point where the will of the minority can override the will of the majority.

The difficulty is, in part, semantic. We need to clearly distinguish between fundamental rights and public policy decisions. Fundamental rights are the aggregate of protections, expressed or implied, contained in the Constitution. Collectively, we refer to these as the "Bill of Rights." They can never be abrogated. However, they are also procedural rights in the sense that they insure that every citizen will be allowed to speak his mind and to do his best to influence the outcome of political decisions.

Defenders of the filibuster who try to associate these basic guarantees with the "right" of the minority to prevail in policy matters through de facto veto in the legislative process confuse—purposely or inadvertently—two distinct concepts. The right of the minority to express itself and have the ability to affect the outcomes of policy is unquestioned. But it is a far different matter to accept the view that the minority should be able to veto policy outcomes. The latter bears no essential relationship to the protection of basic minority rights, but concerns who will prevail in matters of public policy.

There is not the slightest contradiction between minority rights and majoritarian rule if the two are interpreted correctly. The Constitution provides the framework within which public policy in the United States is formulated. It is essentially a set of inviolable rules. It does not—nor should it—address itself to the substance of policy. It specifies who can play the game, and how. It also mandates that policy outcomes cannot change the rules themselves. In other words, no law can deprive a citizen of his constitutional rights. But the Constitution does not say that a law cannot be passed because a minority disagrees.

The strength of the American political system is that it extends to everyone an equal opportunity to participate in its processes. To distort that principle to mean that everyone must be satisfied with the result of those processes is meaningless, even absurd. Anyone even slightly familiar with politics understands that policy generally consists of making choices between competing interests and views. By definition that means that there will almost always be some minority. The necessity to build coalitions in both Houses to pass legislation encourages compromise which broadens the support for a given policy and reduces the amount of dissatisfaction. But in all except a few rare instances, there will be a minority opposed to that policy.

Defenders of the filibuster constantly raise the spectre of the majority oppressing the minority. This sort of rhetoric implies, among other things, that, somehow, there is a specific, concrete minority which is constantly opposing and losing to a particular majority. Historically, this is simply not the case. The minority is a shifting group which today may comprise many Members of yesterday's majority. Each of us is included in the minority at one time or another.

Our Government is often accused of a peculiar inability to act, except in the face of a crisis. The filibuster rule certainly contributes to this malaise by delaying action on matters until the number of options has been dramatically reduced. There is much talk of the Senate "working its will"; what better way to accomplish this than to allow important issues to come to a vote after a reasonable period of debate? There are instances when a single Senator, by threatening to filibuster toward the end of a session, can force an important item off the calendar. That, to me, is far more frightening than the Senate accepting or rejecting a matter on the basis of a majority vote.

The minority, Mr. President, has rights—rights that are incontrovertible. Among those rights, however, is not the right to prevail in matters of public policy. In principle, at least, the filibuster extends that right to the minority. In doing so it undermines the majoritarian nature of our democracy. There is no mention of the filibuster in the Constitution, and rightly so, because there is no need. It is not a basic guarantee. It protects no fundamental rights. It prevents no injustice. It does not insure liberty. More often than not, it merely allows a few special interests to veto policies benefiting the vast majority of the people.

I believe, Mr. President, that if each of us considers carefully the meaning of democracy together with the meaning of minority rights, we will conclude that the filibuster harms the former, without protecting the latter. I believe further that the Senate of the United States can continue its tradition as the greatest deliberative body in the world without this anachronistic and pernicious device.

I might add, Mr. President, that I encourage our distinguished majority leader to continue his vigilance in pursuing the change of this rule.

I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll. The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I commend the distinguished Senator from Arizona (Mr. DECONCINI) on his thoughtful, incisive, and enlightened statement.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with no resolutions coming over under the rule.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MISSISSIPPI-LOUISIANA BRIDGE CONSTRUCTION COMPACT

Mr. ROBERT C. BYRD. Mr. President, on Monday, May 16, the Senate passed S. 837 a bill granting the consent of Congress to the Mississippi-Louisiana Bridge Construction Compact, under unanimous consent procedure. On the same day, the House passed its version of the bill, H.R. 3662, which although not identical to S. 837, is acceptable to the Senate Judiciary Committee. On behalf of that committee, I ask unanimous consent that the Senate action on Monday in passing S. 837 be vitiated, that H.R. 3662 be considered as having been read twice, that the Senate proceed to its consideration, that it be considered as having been read the third time and passed, that a motion to reconsider this action be considered as having been laid on the table, and that S. 837 be indefinitely postponed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

RESCISSION AND DEFERRALS—MESSAGE FROM THE PRESIDENT—PM 81

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States which was referred jointly, under the order of January 30, 1975, to the Committees on Appropriations; the Budget; Armed Services; and Environment and Public Works:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith propose rescission of $126.2 million appropriated for the Patrol Hydrofoil Missile program of the Department of Defense. In addition, I am reporting a deferral of $31.8 million for the Energy Research and Development Administration, Clinch River Breeder Reactor project, and revisions to two deferrals previously transmitted.

The details of the proposed rescission and the deferrals are contained in the attached reports.

Jimmy Carter.

The White House, *May 18, 1977.*

MESSAGE FROM THE HOUSE

At 12:34 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its clerks, announced that:

The House has passed without amendment the bill (S. 1279) to provide temporary authorities to the Secretary of Commerce to facilitate emergency actions to mitigate the impacts of the 1976–77 drought and promote water conservation.

The House agrees to the amendments of the Senate to the bill (H.R. 3437) to make certain technical and miscellaneous amendments to provisions relating to vocational education contained in the Education Amendments of 1976.

The House agrees to the amendments of the Senate to the amendment of the House to the bill (S. 36) to authorize appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes.

The House agrees to the amendment of the Senate to the amendment of the House to the concurrent resolution (S. Con. Res. 19) setting forth the congressional budget for the U.S. Government for the fiscal year 1978.

The House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 1551. An act granting the consent of Congress to an amendment to the Sabine River Compact entered into by the States of Texas and Louisiana;

H.R. 5493. An act to extend until October 1, 1980, the appropriation authorizations for the Seal Beach, Great Dismal Swamp, and San Francisco Bay National Wildlife Refuges; and

H.R. 6823. An act to authorize appropriations for the U.S. Coast Guard for fiscal year 1978, and for other purposes.

ENROLLED BILL SIGNED

The Speaker has signed the following enrolled bill:

H.R. 3477. An act to reduce individual and business income taxes and to provide tax simplification and reform.

The enrolled bill was subsequently signed by the President pro tempore.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDING OFFICER laid before the Senate the following communications which were referred as indicated:

EC–1355. A letter from the Assistant Secretary of Defense transmitting, pursuant to law, notice of the intent to obligate $23.8 million of funds available in the Navy Stock Fund for additional war reserve inventories; to the Committee on Appropriations.

EC–1356. A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "The Federal Motor Carrier Safety Program: Not Yet Achieving What the Congress Wanted" (CED–77–62) (with an accompanying report); to the Committee on Governmental Affairs.

EC–1357. A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Cost of Training Granted to Foreign Students Under the Military Assistance Program" (ID–76–79) (with an accompanying report); to the Committee on Governmental Affairs.

EC–1358. A letter from the Secretary of Labor transmitting, pursuant to law, a report of the 1977 Summer Youth Jobs Programs (with an accompanying report); to the Committee on Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MUSKIE, from the Committee on the Budget: Without amendment:

S. Res. 169. A resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 7 (Rept. No. 95–218).

S. Res. 171. A resolution waiving the provisions of section 402(a) of the Congressional Budget Act of 1974 with respect to S. 1305 (Rept. No. 95–219).

S. Res. 174. A resolution waiving the provisions of section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1442 (Rept. No. 95–220).

ANNUAL REPORT OF THE SELECT COMMITTEE ON INTELLIGENCE—(REPT. NO. 95–217)

Mr. INOUYE. Mr. President, May 19 will mark the completion of the first year of the Select Committee on Intelligence. I am happy to present to the Senate the committees' first annual report. While most of the work of the committee is, of necessity, conducted in secrecy, we believe that even secret activities must be as accountable to the public as possible. This public report to the Senate is intended to meet this requirement.

The ACTING PRESIDENT pro tempore. The report will be received and printed.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated:

H.R. 1551. An act granting the consent of Congress to an amendment to the Sabine River Compact entered into by the State of Texas and Louisiana; to the Committee on the Judiciary.

H.R. 6823. An act to authorize appropriations for the U.S. Coast Guard for fiscal year 1978, and for other purposes; placed on the Calendar.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HAYAKAWA:

S. 1552. A bill to amend the Marine Mammal Protection Act of 1972 with respect to the taking of marine mammals incidental to the course of commercial fishing operations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. JOHNSTON (by request):

S. 1553. A bill to amend title 38 of the United States Code to permit veterans to determine how certain drugs and medicines will be supplied to them; to the Committee on Veterans' Affairs.

By Mr. KENNEDY (for himself, Mr. Durkin, Mr. McIntyre, Mr. Hathaway, Mr. Stafford, Mr. Brooke, Mr. Ribicoff, and Mr. Pell):

S. 1554. A bill to provide a program for the rehabilitation of the Nation's railroads; to the Committee on Commerce, Science, and Transportation.

By Mr. HANSEN (for himself and Mr. Wallop):

S. 1555. A bill to provide for the amendment of the public survey records to eliminate a conflict between the official cadastral survey and a private survey of the so-called Wold Tract within the Medicine Bow National Forest, Wyoming; to the Committee on Environment and Natural Resources.

By Mr. HANSEN (for himself, Mr. Wallop, Mr. Matsunaga, Mr. Goldwater, Mr. Thurmond, and Mr. Garn):

S. 1556. A bill to amend title 38, United States Code, to authorize a program of assistance to States for the establishment, expansion, improvement, and maintenance of veterans' cemeteries; to the Committee on Veterans' Affairs.

By Mr. RIEGLE:

S. 1557. A bill for the relief of Nicholas Szmorhaj; to the Committee on the Judiciary.

By Mr. GRAVEL:

S. 1558. A bill to exclude from income, for purposes of certain programs requiring a needs test, payments made by States to individuals which are based upon attainment of age 65 and duration of residence in such State; to the Committee on Governmental Affairs.

By Mr. HATFIELD (for himself and Mr. Percy):

S. 1559. A bill to provide for the reinstatement of civil service retirement survivor annuities for certain widows and widowers whose remarriages occurred before July 18, 1966, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HATFIELD (for himself and Mr. Packwood):

S. 1560. A bill to restore the Confederated Tribes of Siletz Indians of Oregon as a federally recognized sovereign Indian tribe, to restore to the Confederated Tribes of Siletz Indians of Oregon and its members those Federal services and benefits furnished to federally recognized American Indian tribes and their members, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. BAYH (for himself, Mr. Clark, Mr. Humphrey, and Mr. Talmadge):

S. 1561. A bill to incorporate the Gold Star Wives of America; to the Committee on the Judiciary.

By Mr. CANNON (by request):

S. 1562. A bill for the relief of Datronics Engineers, Incorporated; to the Committee on the Judiciary.

By Mr. WILLIAMS:

S. 1563. A bill for the relief of Do Sook Park; and

S. 1564. A bill for the relief of Tomiko Fukuda Eure; to the Committee on the Judiciary.

By Mr. CHILES:

S. 1565. A bill for the relief of Chief Warrant Officer Joseph E. Kelly, U.S. Marine Corps (retired); to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. Eastland, Mr. McClellan, Mr. Nelson, Mr. Inouye, Mr. Mathias, Mr. Bayh, and Mr. Thurmond):

S. 1566. A bill to amend title 18, U.S. Code, to authorize applications to obtain foreign intelligence information; to the Committee on the Judiciary; and, if and when reported by that committee, to the Select Committee on Intelligence, by unanimous consent.

By Mr. RIEGLE:

S.J. Res. 55. A joint resolution authorizing and requesting the President to issue a proclamation designating the period from October 9, 1977, through October 15, 1977, as "National School Bus Safety Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HAYAKAWA:

S. 1552. A bill to amend the Marine Mammal Protection Act of 1972 with respect to the taking of marine mammals incidential to the course of commercial fishing operations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HAYAKAWA. Mr. President, the American tuna fleet has been in port during March, April, and most of May unable to go to sea because of severe restrictive court decisions and the resulting administrative regulations. Prompt legislative relief has become essential in order to resolve this deleterious impasse.

I recognized the impending emergency as early as January when I introduced S. 373 which—if enacted—would have avoided the dire consequences of unemployed fishermen and an idle tuna fleet. Unfortunately, because of the resistance of environmental groups no action was taken by Congress and the tuna fishing operations came to a grinding halt.

A few days ago Congressman JOHN MURPHY, chairman of the Merchant Marine and Fisheries Committee, introduced H.R. 6970 on which hearings are currently being held. I am anxious to join my New York colleague in his effort to remove the existing barriers to continued operations by the American tuna fleet and am introducing today a similar bill.

The bill calls for a 100-percent observer program lasting through 1978 which will enable the Government to get hard statistics on the porpoise populations and technological improvements which are being made. It further requires the tuna industry to dedicate a tuna vessel for research to reduce marine mammal mortalities. Finally, it provides a quota of 78,900 marine mammal mortalities—down over 20,000 from 1976—which is essential if the fleet is to fish successfully in 1977.

Mr. President, in view of the present emergency situation, I hope that the Senate will promptly act on my bill.

By Mr. KENNEDY (for himself, Mr. DURKIN, Mr. MCINTYRE, Mr. HATHAWAY, Mr. STAFFORD, Mr. BROOKE, Mr. RIBICOFF, and Mr. PELL):

S. 1554. A bill to provide a program for the rehabilitation of the Nation's railroads; to the Committee on Commerce, Science, and Transportation.

RAIL REHABILITATION ACT OF 1977

Mr. KENNEDY. Mr. President, I am introducing today, along with Senators DURKIN, HATHAWAY, MCINTYRE, STAFFORD, BROOKE, RIBICOFF, and PELL, a bill which deals with a fundamental problem plaguing our Nation's railroads.

The purpose of the bill is to correct the imbalance in public expenditures supporting the various transportation modes in the United States by providing for a national rail rehabilitation program. The Rail Rehabilitation Act of 1977 would authorize the voluntary transfer of all rail rights-of-way to the Federal Government in exchange for Government rehabilitation, improvements, and maintenance of those lines.

Basic economic issues were left unresolved by the process of reorganizing the Penn Central and other carriers in the final system plan, and the subsequent formation of ConRail. While ConRail has so far appeared to meet its expected performance levels, it must be noted that ConRail is only a partial solution which affects only a portion of the rail freight and passenger service in the Northeast.

Carriers in the Northeast and across the country are now faced with bankruptcy or seriously weakened financial conditions, and are unable to compete given the dual threat of a public financed rehabilitation of ConRail and the continuing public support for the Nation's trucking industry in the form of Federal investments in the Nation's highway system.

All of us agree that transportation is a most vital element of our Nation's economy. Because it serves everyone, it deserves a strong measure of Federal support to assure that the entire transportation system—including not only highways and public waterways, but also the Nation's railroads—has the capability to effectively respond to demands placed upon it.

Studies prepared for the Department of Transportation, the Interstate Commerce Commission, and other agencies clearly indicate that the railroad industry as a whole is unable to meet from private resources the capital requirements of maintenance, rehabilitation, and modernization. This fact is further confirmed by industry studies. This situation cannot continue for long without disastrous consequences. For all too long, America's railroads have been traveling fast in only one direction, and that is down.

Congress took an important step forward with the passage of the Rail Revitalization and Regulatory Reform Act of 1975, which was signed by the President in February of last year. However, a careful investigation of the program of financial aid to the railroads authorized under this act shows that a number of important carriers are unable to meet the conditions for such assistance. Further, it appears that both the Department of Transportation and the Office of Management and Budget have reservations with regard to the low-cost preference share financing program which is intended to help those carriers unable to secure private financing with Federal guarantees.

In any discussion of energy conservation, it should be noted that the railroads have an important role to play. Their ability to carry large volumes of freight over long distances efficiently is unquestioned. Whether carrying passengers or freight, the long distance railroad is a crucial conservation tool.

In the coming years, the railroads will be called upon to handle a growing volume of freight, and it is critical that they be able to provide the service which the Nation demands. This cannot be done, however, if the earning capacity of the railroads is inadequate to meet the competition from other modes, as is the case now.

The Rail Rehabilitation Act of 1977 would provide a low-cost solution to this problem. The bill provides that the Federal Government establish a program which would place the rail industry on a level of parity with other modes for access to funds for maintenance of basic rights-of-way.

This program is straight forward, fair to all parties, and would preserve the essential characteristics of the free enterprise transportation system without undue Government interference in operations. The elements of the program are the following:

First, a Federal Railroad Property Administration would be established within the Department of Transportation as a separate entity. It would acquire and maintain the rail rights-of-way.

Second, the acquisition would be through a voluntary transfer of rail properties by those railroads seeking to participate. The attraction of Government maintenance and improvement, and responsibility for the rights-of-way should be a sufficient inducement to attract profitable as well as bankrupt railroad participation.

Third, the new agency would have the responsibility for maintaining and upgrading the roadbeds and rail facilities to improved standards. All too many railroads operate today at speeds below what they did 20 years ago because of the deteriorated condition of the roadbeds.

Fourth, the railroads participating would be charged a user fee for the use of the lines. While it would not fully cover the costs, it would represent a reasonable charge for the service being performed by the Federal Government.

Fifth, funds as needed would be provided from the General Treasury through the appropriations process, subject to budgetary control.

Sixth, the bill establishes a mechanism for national rail planning including full public input to permit the establishment of an approved Interstate Railroad System plan, including the ConRail system as finally approved in a final system plan.

Seventh, the bill requires scheduling of improvements and completion up to improved standards.

Mr. President, this is an eminently fair program. It provides a balanced approach to transportation funding, and maintains the freedom of operation which carriers require to be efficient, effective and profitable.

If the railroads are to survive to meet their obligations in the future, we must act now. This bill provides us with the opportunity to move on a program which will begin restructuring the system's weakest links, and will stop the continuing deterioration which is spreading beyond the original members of ConRail.

Mr. President, for these reasons, I urge prompt and favorable action on this measure.

I ask unanimous consent that the text of this bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1554

A bill to provide a program for the rehabilitation of the Nation's railroads

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rail Rehabilitation Act of 1977".

TITLE I—FINDINGS, PURPOSE, AND DEFINITIONS

FINDINGS AND PURPOSE

Sec. 101. (a) The Congress finds that modern, efficient rail service is essential to interstate commerce and to national defense; that the international energy crisis requires more intensive use of fuel-economic freight and passenger trains; that better utilization of existing rail rights-of-way is more compatible with the environment in terms of land use, air pollution, and noise levels than is expansion of facilities for other modes of tranportation; that many railroad tracks and roadbeds have greatly deteriorated in recent years; that such deterioration has resulted in inferior railroad transportation for both freight and passengers, together with a sharp increase in train derailments; that rehabilitation of such tracks and roadbeds will provide substantial public benefits through improved rail freight and passenger service; that both the efficiency and quality of railroad service and the economic utilization of the railroad plant can be improved by freer access by rail carriers to rail lines and facilities they do not own.

(b) The purpose of this Act is to designate an Interstate Railroad System; to organize an Administration of the Department of Transportation to acquire, rehabilitate, maintain, modernize, and to restructure the rail lines included within such System; to transfer to the States responsibility for maintenance of rail lines not included within such System; to require minimum standards of maintenance for rail lines; to establish rights of access by rail carriers to rail lines they do not own; and to provide Federal fundinig to the Administration and to the States for rehabilitation of rail lines.

DEFINITIONS

Sec. 102. For the purpose of this Act, the term—

(1) "Administration" means the Federal Rail Property Administration created by this Act;

(2) "Administrator" means the Administration of the Federal Rail Property Administration as established by this Act;

(3) "Association" means the United States Railway Association established by the Regional Rail Reorganization Act of 1973;

(4) "bridge traffic" means any traffic carried by a railroad which neither originates nor terminates on the railroad, but is received from and delivered to another carrier for further movement;

(5) "Commission" means the Interstate Commerce Commission;

(6) "Conrail" means the Consolidated Rail Corporation established by the Regional Rail Reorganization Act of 1973;

(7) "Governor" means the Governor of any State and includes the Mayor of the District of Columbia;

(8) "Office" means the Rail Services Planning Office of the Interstate Commerce Commission established by the Regional Rail Reorganization Act of 1973;

(9) "overhead traffic" means any freight traffic carried over a rail line but which neither originates nor terminates on the line, nor is halted in its movement over the line for any purpose other than those incidental to freight transportation operations;

(10) "rail carrier" includes any railroad company; mail, express, or less-than-carload rail freight carrier; State, regional, or local transportation agency; the National Railroad Passenger Corporation; and any other private rail passenger carrier;

(11) "rail line" includes any main rail track (or tracks), side track, and yard track adjacent to such main track; the roadbed supporting such track, any signaling, communication, and power transmission structure and device as is permanently installed on or adjacent to such track and roadbed; any bridge, culvert, fill, tunnel, and other structure occupied by such track and roadbed; any real estate occupied by such track and roadbed; real estate adjacent to such track and roadbed which is used for drainage of, maintenance of, access to, and protection of such track and roadbed; any rail yard; any station and terminal track and facility, including air rights over, and mineral rights under, such track and roadbed and other property as acquired;

(12) "railroad company" means any class I or class II railroad, including the Consolidated Rail Corporation and switching and terminal companies, as designated by the Interstate Commerce Commission and subject to part I of the Interstate Commerce Act, together with all subsidiaries, affiliates, and leased lines of such railroads;

(13) "Secretary" means the Secretary of Transportation;

(14) "State" includes the several States and the District of Columbia;

(15) "System" means the Interstate Railroad System established by this Act; and

(16) "transportation property other than rail lines", includes any facility or equipment used for the repair and maintenance of rolling stock, track, signals, power transmission facilities or any moveable property specifically designed for primary operation on rails; but shall not include any vehicle used or designed for personal transportation use primarily on highways, air or water.

TITLE II—INTERSTATE RAILROAD SYSTEM

ESTABLISHMENT OF SYSTEM

Sec. 201. (a) Within ninety days after the date of enactment of this Act, each rail carrier shall provide the Secretary with the following items:

(1) A map showing each rail line owned, controlled, operated, or any combination thereof by the rail carrier including any leased line, rail property operated for the account of another, and rail line out of service but not abandoned or taken out of service pursuant to the provisions of the Interstate Commerce Act.

(2) One copy of the latest edition of each employee operating timetable of such carrier with related special instructions; all temporary and semipermanent slow orders" on such track in effect on the date of transmittal to the Secretary; all other restrictions on train operations on such date not included in the preceding items.

(3) A statement verified by the chief operating officer of such railroad, identifying each rail line or portion of rail line which is out of service on date of transmittal to the Secretary, but which has not been abandoned, or taken out of service pursuant to the provisions of the Interstate Commerce Act.

(4) A statement verified by the chief operating officer of such railroad identifying the reasons why each rail line identified pursuant to paragraph (3) of this subsection is out of service together with an estimate, if available, of the cost of restoring each of such rail lines to operation.

(5) Track charts, or other documents sufficient to identify all parameters of track geometry, including but not limited to radius of curvature, which preclude improving the track of Federal Railroad Administration class VI for each main line and Federal Railroad Administration class IV for all other lines.

(6) A statement verified by the chief operating officer of such railroad identifying the maximum speed authorized on each rail line identified pursuant to paragraph (1) of this subsection at any time since January 1, 1935, including the dates between which such speed was authorized.

(7) A statement verified by the chief operating officer of such railroad concerning each rail line where the present authorized speed for such line, identified pursuant to paragraph (2) of this subsection, is less than the highest maximum authorized speed authorized on such line since January 1, 1935, identified pursuant to paragraph (6) of this subsection; and identifying for each such rail line the reasons why the present authorized speed is less than previously authorized highest maximum speed.

(8) A statement verified by the Chief operating officer of such railroad identifying the location, type, and condition of all signals, interlockings, and controls.

(9) Such data as is deemed by the Secretary as adequate to deteermine all rail lines owned or used by such rail carrier, which consist of more than one track, and identification of the information required pursuant to paragraphs (1) through (8), inclusive, of this subsection for each track in such rail lines containing more than one track.

(b) Upon request by the railroad, the Secretary may modify or waive any of the provisions specified in subsection (a) of this section for any railroad company designated as a class II carrier by the Interstate Commerce Commission, provided that alternative information is offered by the rail carrier which the Secretary deems adequate to satisfy the intent of this section.

(c) Additions, deletions, and changes in the information required pursuant to subsection (a) of this section shall be forwarded by the rail carrier to the Secretary within seven days of any event which causes such additions, deletions, and changes to be made. The provisions of this subsection shall apply during the period of time beginning with the submission required in subsection (a) of this section, and ending with conveyance of any such rail line to the Administration pursuant to the provisions of this Act. Notwithstanding provisions found elsewhere in this subsection, no notice is required to be given of temporary show orders which are expected to be removed within fifteen days.

(d) Within one hundred and twenty days of the enactment of this Act, each rail carrier shall provide to the Secretary a verified statement identifying all rail lines of such carrier, or segments of such rail lines upon which have originated and terminated a total average of less than fifty loaded carloads of revenue traffic per mile during the three hundred and sixty-five days preceding the date of enactment of this Act. Such statement shall identify the stations on said rail lines where revenue traffic originated or terminated along with the number of carloads which originated or terminated at each such station during the three hundred and sixty-five days preceding the date of enactment of this Act. Such statement shall also identify the amount of overhead traffic carried on each such rail line during the three hundred and sixty-five days preceding date of enactment of this Act, the points of each such rail line between which such overhead traffic was carried, and the number of days that each such rail line was out of service during the three hundred and sixty-five days preceding the day of enactment of this Act.

(e) Information supplied by the rail carrier to the Secretary pursuant to this section shall be, when practicable, on magnetic tape or other machine-readable form determined by the Secretary to be acceptable.

(f) The Secretary may waive or modify any of the provisions of subsections (a) and (d) of this section for any individual track within terminal and yard areas provided that such waiver or modification is deemed by the Secretary to be consistent with the intent of this Act.

INITIAL DESIGNATION OF THE SYSTEM

SEC. 202. (a) Except as provided in subsection (b) of this section, the Initial Interstate Railroad System (hereinafter called the Initial System) shall consist of:

(1) All rail lines operated within the United States by railroad companies on the date of enactment of this Act; all rail lines within the United States owned, leased or otherwise controlled by domestic railroad companies which are out of service on the date of enactment of the Act, but which have not been abandoned or taken out of service pursuant to the provision of the Interstate Commerce Act; and such rail lines outside the United States which are operated by a railroad company which primarily operates within the United States and which are deemed essential to the System by the Secretary.

(b) Notwithstanding the provisions of subsection (a) of this section, the Initial System shall not include any rail line which meets any of the following criteria:

(1) A rail line which has carried no overhead traffic during the three hundred sixty-five day period preceding date of enactment of this Act, except overhead traffic to and from other rail lines not in the Initial System, provided that such a rail line has been designated as unnecessary by the Governor of each State in which the rail line is located.

(2) A rail line ten miles or less in length which has been in service for not less than three hundred fifty of the three hundred sixty-five days preceding date of enactment of this Act; which has carried no overhead traffic in the three hundred sixty-five days preceding enactment of this Act, except overhead traffic to and from other rail lines not in the Initial System; which has carried no passenger service in the three hundred sixty-five days preceding the date of enactment of this Act; upon which service has been offered at least one hundred times in the preceding three hundred sixty-five days; and upon which has originated and terminated a total average of less than twenty-five loaded carloads of revenue traffic per mile in the three hundred sixty-five days preceding the date of enactment of this Act.

(3) Rail lines between ten and fifty miles in length which have been maintained during the three hundred sixty-five days prior to enactment of this Act to, or better than the Federal Railroad Administration class II track standard, and which otherwise satisfy all of the conditions specified in subsection (b) (2) of this section, or

(4) Rail lines fifty miles or more in length which have been maintained during the three hundred sixty-five days prior to enactment of this Act to, or better than, the Federal Railroad Administration class III track standard and which otherwise satisfy all of the conditions specified in subsection (b) (2) of this section.

(c) Within one hundred eighty days of the date of enactment of this Act, the Secretary shall prepare a report containing a concise description or summary, together with a map, of all rail lines included within the Initial System. Copies of the report shall be transmitted by the Secretary to the Association, the Office, the Governor of each State, the Public Utilities Commission of each State, the Congress, each court having jurisdiction over a railroad in reorganization, and interested persons The Secretary shall further cause a copy of the report to be published in the Federal Register.

(d) Within one hundred eighty days of the date of enactment of this Act, the Secretary shall prepare a statement identifying all rail lines excluded from the Initial System pursuant to subsection (b) of this section, along with a statement of the reason for each such exclusion, and along with the data upon which each such exclusion is based. Copies of the statement shall be transmitted by the Secretary to the Association, the Office, the Governor of each State, the Public Utilities Commission of each State, the Congress, each court having jurisdiction over a railroad in reorganization, and interested persons. The Secretary shall further cause a copy of the statement to be published in the Federal Register.

HEARING BY THE OFFICE

SEC. 203. (a) Thirty days after release of the Initial System, pursuant to section 202 of this Act, the Office shall hold public hearings to solicit comments on the Initial System. Notice of date, time, and place of each such hearing shall be given in a manner as to assure a full and fair opportunity to be heard for consumers, shippers, rail carriers, rail passengers, industry, labor, State and local governments, and other interested persons.

(b) The Office shall employ and utilize the services of attorneys and such other personnel as may be required in order properly to protect the interests of those communities and users of rail service which, for whatever reason, such as their size or location, might not otherwise be adequately represented in the course of the hearings and evaluations which the Office is required to conduct and perform under other provisions of this Act.

RECOMMENDATIONS OF THE OFFICE

SEC. 204. (a) Within one hundred fifty days after release of the Initial System by the Secretary under section 202 (c) and (d), the Office shall release and report to the Secretary its recommendations for additions to and deletions from such System.

(b) Such recommendations shall include, whenever possible, proposals for rerouting of through-train operations of one or more railroad companies onto a single rail line as long as adequate capacity appears to exist on such rail line for all present traffic and for all rerouted traffic and so long as such a rerouting will not seriously harm the quality or cost of rail services presently available, and so long as such a rerouting shall not constitute the granting of access to additional markets to the railroad companies whose traffic is to be rerouted, and so long as such reroutings do not create unreasonable circuitry or require the use of connections with significant operational problems for any rail carrier so rerouted.

(c) Each recommended rerouting of through-train traffic operations shall be accompanied by a recommendation by the Office as to how adequate local rail service is to be maintained on the rail line from which through-train operations are recommended to be rerouted.

(d) The Office may recommend inclusion of any individual rail line into the System that was excluded by the Secretary pursuant to subsection (b) of section 202 of this Act. Each such recommended inclusion shall be accompanied by a report of findings by the Office that continued rail service on such line recommended for inclusion appears to be necessary to provide adequate rail service, to avoid significant violation of the Clean Air Act, to prevent excessive unemployment, to provide efficient transportation of fossil fuel resources from their source to their user, or to provide for the continued transportation of hazardous materials that should for reasons of safety, be transported via rail rather than via alternative modes.

(e) The Office may recommend exclusion from the system of rail lines designated by the Secretary as part of the Initial System. Each such recommended exclusion shall be accompanied by a report of findings by the Office that continued rail service on each such line recommended for exclusion appears to be not necessary to provide adequate rail services, to prevent excessive unemployment, to provide efficient transportation of fossil fuel resources from their source to their user, or to provide for the continued transportation of hazardous materials that should, for reasons of safety, be transported via rail rather than via an alternative mode.

(f) The Office may, as it deems necessary, publish from time to time addenda to the recommendations released pursuant to this section.

INTERMEDIATE DESIGNATION OF THE SYSTEM

SEC. 205. (a) Upon receiving the recommendations of the Office, the Secretary shall within ninety days, after giving full consideration to such recommendations and after giving consideration to whatever other information is available to the Secretary, prepare and release a concise descriptive summary, along with map and other description adequate to enable specific identification of the rail properties involved, of an Intermediate Interstate Railroad System (hereafter called the Intermediate System).

(b) The report of the Secretary shall include findings in support of each addition to or deletion from the Initial System.

(c) The Intermediate System shall reflect to the extent possible, the result of potential rerouted through-train operations recommended by the Office pursuant to subsection (b) of section 204 of this Act.

(d) The report of the Secretary shall include a detailed description of revisions to the System which would be necessary if rerouted through-train operations were not implemented due to failure of a railroad company to convey its rail facilities to the Administration pursuant to section 304 of this Act.

(c) The Intermediate System shall designate the future maintenance standards of each rail line in the System according to the following criteria:

(1) On all rail lines, ten miles or less in length, on which the Secretary anticipates no overhead traffic: FRA class I.

(2) On all rail lines, between ten miles and fifty miles in length, on which the Secretary anticipates no overhead traffic; FRA class II.

(3) On all rail lines, fifty miles or greater in length on which the Secretary anticipates no overhead traffic: FRA class III.

(4) On all rail lines on which the Secretary anticipates overhead traffic: FRA standards allowing the highest speeds operated at any previous time since January 1, 1935, on each given rail line.

(5) On all rail lines greater than ten miles on which the Secretary anticipates more than ten million gross ton miles per year: FRA class IV.

(6) On all rail lines on which the Secretary anticipates a total of more than twenty intercity passenger trains in all directions, daily: FRA class IV.

(7) For the passenger corridor between Boston, Massachusetts, and Washington, D.C.: Standards allowing one hundred fifty miles per hour operation.

(8) For all lines upon which the Secretary anticipates a total of more than two intercity passenger trains in all directions daily: FRA class III.

(f) When more than one standard applies to a given rail line pursuant to subsection (e) of this section, the higher standard shall apply.

(g) Notwithstanding the provisions of subsection (f) of this section, the Secretary may designate the maximum track standards allowed by the geometry of the right-of-way of a given right-of-way where such standards are lower than the standard prescribed pursuant to subsection (c) of this section. Such lower track standard shall apply only to portions of the rail line where such limited right-of-way goemetry exists.

(h) The Secretary may set standards for any rail line higher than those specified in subsection (e) of this section.

(i) The Secretary may upon publication of findings that passenger service or service to freight shippers will not be adversely affected, reduce the standards specified elsewhere in this section for a given rail line by not more than one FRA class, provided that no reduction of standards below FRA class I shall be made.

HEARINGS BY OFFICE

SEC. 206. (a) Commencing thirty days after release of the Intermediate System, the Office shall hold public hearings to solicit comments on the Intermediate System. Notice of date, time, and places of such hearing shall be given in a manner as to assure a full and fair opportunity to be heard for consumers, shippers, rail carriers, rail passengers, industry, labor, State, and local governments, and other interested persons.

(b) The Office may employ and utilize the services of attorneys and such other personnel as may be required in order properly to protect the interests of those communities and users of rail service which, for whatever reason, such as their size or location, might not otherwise be adequately represented in the course of the hearings and evaluations which the Office is required to conduct and perform under other provisions of this Act.

RECOMMENDATIONS BY THE OFFICE

SEC. 207. (a) Within ninety days after release of the Intermediate System by the Secretary, pursuant to section 205 of this Act, the Office shall release and report to the Secretary its recommendations for additions to and deletions from and changes to the system along with the reasons for such recommendations. A copy of the recommendations shall be published in the Federal Register.

FINAL DESIGNATION OF THE SYSTEM

SEC. 208. (a) Upon receiving the recommendations of the Office, the Secretary shall within sixty days, after giving full consideration to such recommendations, and with the cooperation and assistance of the office, prepare and transmit to the Congress the Final Interstate Railroad System (hereinafter called the Final System). The Final System shall be designed to promote and enhance the ability of rail carriers to provide modern, efficient, and economical interstate rail freight and passenger service responsive to present and future needs and demands. The report of the Secretary shall include findings in support of each addition to or deletion from the Intermediate System.

(b) The Final System shall contain no deletions from the Intermediate System other than deletions which were recommended by the Office pursuant to section 207 of this Act or deletions which were approved by the Governor of the State in which the rail lines to be deleted are located. The Secretary may choose to designate as part of the Final System any rail line designated as part of the Intermediate System notwithstanding recommendations by the Office or approval of deletion by the Governor of the State in which the rail line is located.

(c) The Final System shall contain future maintenance standards for each rail line which are no lower than those contained in the Intermediate System unless:

(1) a lower standard for any individual rail line was recommended by the Office pursuant to section 207 of this Act, and

(2) such lower standard was approved by the Governor of the State in which such rail line is located, or

(3) the individual rail line was recommended for deletion from the Final System by the Office pursuant to section 207 of this Act, and

(4) deletion of the individual rail line from the System was approved by the Governor of the State in which the rail line is located.

(d) The Final System shall be deemed approved at the end of the first period of sixty calendar days of continuous session of Congress after transmittal thereto unless either the House of Representatives or the Senate passes a resolution during such period stating that it does not favor the System. If either such body passes a resolution of disapproval, the Secretary with the cooperation and assistance of the Office shall prepare and transmit to Congress a revised System within sixty days of the date of passage of such resolution. Each such revised System shall be submitted to Congress for review pursuant to this subsection. Each such revised System shall be deemed approved at the end of the first period of sixty calendar days of continuous session of Congress after transmittal thereto unless either the House of Representatives or the Senate passes a resolution during such period stating that it does not favor the System. For purposes of this subsection, continuity of session of Congress is broken only by an adjournment sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the sixty-day period. Upon becoming effective after review by Congress, the System shall not be subject to review by any court.

REHABILITATION, CAPITAL IMPROVEMENT, AND MAINTENANCE PROGRAM

SEC. 209. (a) Upon receiving the recommendations of the Office made pursuant to section 207 of this Act, the Secretary shall within ninety days determine and publish a rehabilitation, capital improvement, and maintenance program for the restoration of all rail lines in the System to the future maintenance standards set forth in the Final System. Within such program projects scheduled to take place during the four years following enactment of this Act shall be individually scheduled. Each project within such program scheduled to take place more than four years after the enactment of this Act shall be identified as to approximate year of expected completion. If either body of Congress passes a resolution of disapproval pursuant to subsection 208(d) of this Act, the Secretary shall, within ninety days of passage of such resolution, publish a revised rehabilitation, capital improvement, and maintenance program to correspond with the revised System prepared pursuant to subsection 208(d).

(b) The entire program shall be scheduled by the Secretary for completion within twelve years following enactment of this Act.

(c) Within three years after the date of enactment of this Act, the Secretary and the Secretary of the Army shall jointly undertake and carry out a study of the long-term capital needs for modernization of signal systems, line relocation, tunneling, highway grade crossing elimination, electrification, and other major upgrading to the Final System as revised. The study shall include recommendations for investment priorities among the various upgrading projects.

(d) Upon completion of the study, the Secretary and the Secretary of the Army shall submit to the President and to the Congress, and shall release to the public, a full report thereon together with their recommendations for such legislative, administrative, and other actions as they deem appropriate for implementing the report.

(e) Within ninety days of completion of the study, the Administrator shall determine and release a revised rehabilitation, capital improvement, and maintenance program showing the schedule for completion of each element of the program. All elements of the program shall be scheduled for completion within twelve years following enactment of this Act. Provision shall be made for revision of such schedule should one or more railroad companies fail to transfer railroad facilities to the Administration pursuant to section 305 of this Act.

(f) The Administrator may, from time to time, revise the program as deemed necessary because of failure of one or more railroad companies to transfer in a timely fashion, railroad facilities to the Administration pursuant to section 305 of this Act.

RAIL PROPERTIES REORGANIZED UNDER THE REGIONAL RAIL REGIONALIZATION ACT OF 1973

SEC. 210 (a) Notwithstanding the contrary provisions in sections 201 through 208 of this title, all rail line designated to be transferred to Conrail or to be offered for sale to a profitable railroad or to be purchased, leased or otherwise acquired by the National Railroad Passenger Corporation pursuant to the Final System Plan of the Association developed under section 206(c) of the Regional Rail Reorganization Act of 1973, shall be part of the Final System.

REVISION OF FUTURE MAINTENANCE STANDARDS

SEC. 211. (a) The Administrator shall, from time to time, revise the future maintenance standards designated pursuant to subsection (e) of section 205 and pursuant to subsection (c) of section 208 of this Act so long as such revision shall reflect changes in the anticipated use of the individual rail lines. The Administrator may at any time specify future maintenance standards higher than those required to be specified pursuant to sections 205 and 208 of this Act.

VERIFICATION OF DATA SUPPLIED BY RAILROADS

SEC. 212. (a) Within two hundred and ten days of the date of enactment of this Act, the Secretary shall publish an inventory of rail lines in the United States. Such inventory shall include, but not be limited to a listing of the maximum allowable speed for freight and passenger trains on July 1, 1976, on each portion of each rail line.

(b) Within one hundred and twenty days after the date of enactment of this Act, all rail carriers shall supply the Secretary with a verified statement describing each slow order, speed restriction, and change in employee operating timetable that became effective on or after July 1, 1976. Such verified statement shall also give the reason for each such slow order, speed restriction, and timetable revision.

(c) The Secretary may make whatever physical inspections or other investigations which he deems necessary to insure that the inventory is correct.

(d) Upon receipt of satisfactory evidence that the inventory is incorrect, the Secretary shall correct such inventory.

TITLE III—FEDERAL RAIL PROPERTY ADMINISTRATION

ESTABLISHMENT OF ADMINISTRATION

SEC. 301. (a) There is hereby established an Administration of the Department of Transportation to be known as the Federal Rail Property Administration. The Administration shall be deemed not to be a railroad for purposes of the Interstate Commerce Act.

(b) The management, powers, and duties of the Administration shall be vested in an Administrator to be appointed by the President, by and with the advice and consent of the Senate.

(c) To assist the Administrator there shall be a Deputy Administrator who shall be appointed by the President, by and with the advice and consent of the Senate.

(d) To further assist the Administrator, there shall be four Assistant Administrators who shall be appointed by the Administrator. The Assistant Administrators shall perform such duties as the Administrator may from time to time designate.

(e) The Administrator shall prepare a budget and staffing plan within thirty days from his appointment, and shall submit the proposed budget and plan to Congress for review. Congress shall have thirty legislative days in which to revise this budget, or failing shall allow the budget to stand as if approved. The staffing plan shall make provision for the employment of sufficient personnel at all levels to carry out the purpose of the Act.

GENERAL POWERS OF THE ADMINISTRATION

SEC. 302. (a) The Administration may acquire rail lines and transportation property other than rail lines from any railroad company operating in the United States or whose principal place of business is in the United States. Such property may include properties of United States railroads outside the United States in contiguous portions of Canada and Mexico where such properties are part of and necessary to the functioning and operational integrity of the Interstate Rail System established pursuant to this Act.

(b) The Administration may, pursuant to section 303 of this Act, enter into leases with a railroad company which deeds rail lines to the Administration. Any such lease shall be for the purpose of providing common carriage rail service over rail lines previously owned by the railroad, and shall be granted for a term of not more than twenty-five years and shall be renewable upon certification by the Interstate Commerce Commission that the carrier is fit, willing and able to perfrom common carriage services in the territory and over the tracks covered by the lease. The Commission shall, not later than ninety days before the expiration of the lease, make a determination as to whether the carrier is fit, willing and able to perform common carriage services in the territory and over the tracks covered by the lease. In the event that the Commission fails to make such a timely determination, the Administrator shall grant an extension in time of the lease for a period of one year from the date of termination of the lease. No further extension or renewal shall be granted until the Commission has issued such certificate. Each such lease shall be subject to the provisions of the following paragraphs:

(1) During the term of the intitial lease, the railroad company shall have exclusive rights to use the rail facilities, except as provided in paragraphs (7) and (9) of this subsection.

(2) Under the terms of the lease, the carrier shall provide common carriage freight service to all stations shippers and receivers located along or adjacent to the properties leased in the manner normally prescribed in law.

(3) Under the terms of the lease, the rail carrier shall agree to pay the Administration a user charge pursuant to section 402 of this Act.

(4) The lease shall include terms for the maintenance of the rail properties as determined pursuant to section 305 of this Act.

(5) The lease shall include terms for rehabilitation and capital improvement projects on the rail properties determined pursuant to section 304 of this Act in accordance with the program and schedule established pursuant to section 209 of this Act or pursuant to section 303(d) or 304(g) of this Act.

(6) In the event that the Commission finds that a carrier is not fit, willing, and able to provide services as required under the provision of the lease, the Commission shall order the termination of the lease and shall evoke the provisions of paragraphs (15) and (16) of section 1 of the Interstate Commerce Act, as amended.

(7) The terms of the initial lease shall be for the exclusive use of the property previously owned or controlled by the carrier with the following exceptions:

(A) the terms and conditions of existing agreements for joint usage of rail properties shall remain in force unless terminated by mutual consent of the parties to the agreement and with the concurrence of the Administrator;

(B) the Administrator may grant bridge trackage rights to another railroad (hereinafter referred to as the Bridge Railroad), if the Administrator finds that:

(i) sufficient capacity exists on the rail property of the leaseholding railroad so that the bridge traffic does not materially impair the operations of the leaseholding railroad company;

(ii) said bridge trackage rights do not permit diversion of traffic to the bridge railroad from the leaseholding railroad;

(iii) the bridge trackage rights do not permit the bridge railroad to serve markets previously not served by the bridge railroad; and

(iv) the bridge railroad shall pay to the leaseholding railroad $0.10 per thousand gross ton-miles carried as bridge traffic.

The Administrator shall specify operating rules for such bridge traffic to insure that the operations of the leaseholding railroad are not materially affected by the bridge operations. The Administrator shall suspend or revoke such bridge trackage rights if he finds that traffic normally carried by the leaseholding railroad is being delivered to the bridge railroad because of such bridge trackage rights.

(C) the Administrator may grant operating rights to the National Railroad Passenger Coporation or to a State, local, or regional rail passenger authority for the operation of a passenger service over the former property of the leaseholding railroad company so long as:

(i) the operation of such passenger service does not materially impair the operations of the leaseholding railroad;

(ii) the leaseholding railroad is fully compensated by the operator of the passenger service for all costs resulting from the operation of said passenger service including the costs resulting from the operation of such passenger service and including the cost of delays to freight trains because of the passenger train operations.

The Administrator may specify operating rules to give passenger trains priority over freight trains when appropriate.

(D) the lease may allow other operating rights to railroads other than the leaseholding railroad: *Provided*, That the granting of such operating rights to another carrier be for the purposes of system rationalization and shall not constitute a penetration of the market served by the leaseholding carrier unless such a penetration shall have been agreed to by the leaseholding carrier.

(8) The terms of each lease shall be modified to exclude service over properties over which discontinuance of service has been ordered by the Commission in accordance with the Interstate Commerce Act whenever such orders are issued.

(9) Within one year from the enactment of this Act, the Administrator shall establish regulations for the planning and implementation of plans for projects to coordinate, consolidate, and rationalize operations of railroads. Such regulations shall specify:

(A) the parties to the planning process;

(B) goals, standards and criteria for such planning;

(C) social, economic, and environmental impact standards to be met under the process; and

(D) such other criteria as may be required by the Administrator.

Upon approval by the Administrator, such project may be implemented by the railroads concerned, and upon implementation shall be included in the terms of the lease for the affected properties.

(10) The Administrator may impose such conditions for the renewal of the lease as he may determine to be necessary to implement plans approved under the preceding paragraph.

(11) The Administrator shall under no circumstances grant any operating rights for private or contract carriage on properties owned by the Administration.

(12) Upon application by the leaseholding carrier, the Commission may grant permission for the lease or a portion of the lease to be assigned to another carrier so long as such assignment is consistent with the standards which the Commission normally uses in allowing the voluntary transfer of operating rights from one carrier to another. The Commission shall within one hundred and eighty days from receipt of such an application either grant permission to assign or shall refuse such permission for specific reasons.

(13) The lease shall contain such provisions as shall be determined by the Administrator to be necessary to ensure reasonable reuse of materials removed from existing track or other properties owned by the Administration during maintenance and rehabilitation of such properties, and shall further apply such conditions as shall ensure that materials provided by the Administration shall not be used in a wasteful manner.

TRANSFER OF RAIL FACILITIES

SEC. 303. (a) At any time after the Final System as designated by the Secretary is deemed approved pursuant to section 208 of this Act, any railroad company may offer to transfer all of its rail facilities which are included in the System to the Administration. For purposes of this subsection, the term "railroad company" shall be taken to include all and not less than all railroad subsidiaries of the company and railroad subsidiaries of its parent company.

(b) Within one hundred and twenty days of receipt of an offer to transfer rail properties of a railroad company pursuant to subsection (a) of this section, the Administration shall enter into a lease described in section 302 of this Act, and shall accept title of the rail facilities so offered.

(c) At any time after one hundred and twenty days after the date of enactment of this Act, ConRail may offer to transfer to the Administration all of its rail facilities, as designated by the Association in the Association's Final System Plan pursuant to section 206(a)(1) of the Regional Rail Reorganization Act of 1973: *Provided, however*, That the Corporation has not previously disposed of such rail facilities so designated in the Final System Plan.

(d) Within thirty days of receipt of notification of an offer pursuant to subsection (c) of this section, the Association shall submit to the Corporation and to the Administration a detailed program plan for the rehabilitation, modernization, and maintenance of the rail lines to be transferred by ConRail.

(e) Within one hundred and twenty days of receipt of an offer from ConRail to transfer its rail facilities pursuant to subsection (c) of this section, the Administration shall enter into a lease as described in section 302 of this Act, and shall accept title of the rail facilities so offered. For purposes of such lease, the program plan submitted by the Association pursuant to subsection (d) of this section shall be used rather than the program plan to be published pursuant to section 209 of this Act, until such program plan published pursuant to section 209 of this Act becomes available.

(f) At any time after one hundred and twenty days after the date of enactment of this Act, but prior to the date that the Final System is deemed to be approved pursuant to section 208 of this Act, any railroad company other than ConRail may offer to transfer to the Administration of all its rail facilities: *Provided, however,* That said rail facilities shall include all rail facilities owned or operated by the railroad company on July 1, 1976: *And further provided,* That the railroad company agrees to accept a return transfer of any such rail property which is not included in the Final System and which the Administrator wishes to return to the railroad company within thirty days of the date that the Final System is deemed approved pursuant to section 208 of this Act.

(g) Within one hundred and twenty days of receipt of an offer of transfer of rail facilities pursuant to subsection (f) of this section, the Administration shall enter into a lease as described in section 302 of this Act and shall accept title to rail facilities so offered: *Provided,* That there exists an interim program plan for rehabilitation, modernization, and maintenance agreeable to both the Administration and the railroad company and which shall be applicable until the date that the Final System is deemed acceptable pursuant to section 208 of this Act. The Administration shall set forth as a term of the lease an interim maintenance program specifying track standards not lower than those existing on the rail facilities on the date of transfer, and not higher than standards which the Administrator anticipates will be specified in the Final System, the interim standard offered shall be equal to the standard existing on the date of transfer. Any lease entered into pursuant to this subsection shall contain a provision under which the Administrator may, within thirty days of the date that the Final System is deemed accepted pursuant to section 208 of this Act, transfer any such rail property not included in the Final System to the railroad company and under which the railroad company shall accept any rail facility so transferred. Upon the date that the Final System is deemed accepted, the interim standards specified pursuant to this subsection shall be superseded by the program plan published pursuant to section 209 of this Act.

(h) At any time after the date that the Final System is deemed accepted pursuant to section 208 of this Act, a railroad company may offer the transfer to the Administration of any portion of the rail facilities owned or operated by the railroad company on July 1, 1976, and included in the Final System, as revised pursuant to section 208 of this Act.

(i) The Administrator may enter into a lease and accept title to rail facilities offered for transfer pursuant to subsection (h) of this section: *Provided,* That the Administrator finds that the rail facilities offered for transfer will represent a lower cost per mile to the Administration for rehabilitation, modernization, and maintenance less any user fees that would exist if all of the rail facilities owned or operated by the railroad company on July 1, 1976, and included in the Final System as revised were transferred to the Administration: *and further provided,* That the Administrator finds the transfer of rail facilities so offered to be more consistent with the intent of this Act ties owned or operated by the railroad com- than would be the transfer of all rail facili- pany on July 1, 1976, and included in the Final System as revised. For purposes of this subsection, the Administrator may set user charges greater than those specified in section 402 of this Act, and may specify the conditions of lease agreements more favorable to the Administration than the conditions specified in section 302 of this Act.

(j) Notwithstanding any other provision of this Act, the Administrator shall not enter a lease agreement, or accept title to rail facilities pursuant to subsections (b), (c), (g), or (i) of this section where any of such rail facilities are restricted to maximum speeds lower than those existing on July 1, 1976, unless payment is made to the Administration by the railroad company to fully compensate the Administration for the costs of restoration of the rail facilities to either the condition existing on July 1, 1976, or the condition specified in the future maintenance standards in the Final System as revised, whichever condition is lower.

(k) At any time after the Final System is deemed approved pursuant to section 208 of this Act, any State which has acquired railroad properties excluded from the Final System Plan pursuant to the Regional Rail Reorganization Act of 1973, may offer to the Administration transfer of all properties which are included in the Final System. Within one hundred and twenty days of such an offer of conveyance, the Administra- shall be to standards set by the Secretary in tion shall accept title to such properties and shall make payment to the State for any State funds expended in the acquisition and modernization of such rail properties.

REHABILITATION OF RAIL FACILITIES

SEC. 304. (a) The Secretary shall develop programs of rehabilitation and capital improvements for rail properties owned by the Administration and these programs shall be incorporated into and be made terms of the lease of such property. These programs shall be consistent with the provisions of sections 209, and 303 (d) and (g) of this Act.

(b) The Administration shall pay the costs of such programs. The Administrator shall contract with the leaseholding railroad to perform such programs unless, in the determination of the Administrator the railroad does not possess forces sufficiently large or skilled to perform the work, or unless in the determination of the Administrator, the terms and conditions of such a contract make it a cost to the Administration sufficiently greater than the cost of having the project performed by some other responsible party.

(c) The Administrator shall, within 30 days of completion of any program or project for rehabilitation of a line or facility, or of the completion of a capital project on any line or facility make an inspection of the property, and shall make a determination of compliance of the work with the standards set forth in the contract and the program covering such work. If, in the determination of the Administrator, work has been performed in a fully satisfactory manner, he shall issue a certificate of rehabilitation or a certificate of completion as the case may be.

MAINTENANCE OF RAIL PROPERTIES

SEC. 305. (a) The Administrator and any rail carrier leasing property from the Administration shall establish within thirty days from the date of certification by the Administrator that the property has been rehabilitated to the standard set by the Secretary under section 208(c), a schedule of maintenance whereby such leased property shall be maintained at a standard not less than that established under section 208(c).

(b) Maintenance of facilities of the Administration used exclusively by one carrier shall be the responsibility of that carrier. Where more than one carrier utilizes a facility of the Administration, responsibility for maintenance shall be as provided in the respective leases. In all cases maintenance shall be incorporated in the lease. The Ad- designating the System, which standards ministrator shall make all materials and equipment necessary for maintenance available to the responsible carrier or carriers.

(c) Failure to maintain to standards shall be a violation of the lease and shall require the payment by the carrier to the Administration of $1,000 per day per mile of track not meeting standards as specified in the lease unless in the determination of the Administrator, such failure shall have been for causes beyond the control of the carrier. Failure to provide requisite maintenance materials or equipment as needed shall require payment by the Administration to the responsible carrier or carriers of an aggregate of 2 per centum of the material value of 2 per centum of the equipment operating cost per day of delinquency.

ANNUAL REPORT

SEC. 306. The Administrator shall report annually on the first of January of each year to the President and to Congress on the extent and condition of all properties owned by the Administration, and on the condition of all other rail properties in the Nation.

TITLE IV—FUNDING

AUTHORIZATIONS FOR REHABILITATION AND MAINTENANCE

SEC. 401. There are authorized to be appropriated each year beginning with the year in which this Act is enacted and continuing for a period of twelve years such sums as are necessary for (1) rehabilitation of lines as required under section 209 of this Act, and (2) to provide materials used in maintenance as required under section 209 of this Act.

RAIL USER CHARGE AND OTHER REVENUES

SEC. 402. (a) There shall be a Rail User Charge (hereinafter referred to as "User Charge"), imposed on all railroads operating on facilities of the Administration. The User Charge shall be $0.20 annually per thousand gross ton-miles of freight, passengers, and rail equipment moved on the facilities of the Administration. The User Charge shall be collected from the railroad by the Administration at the end of each calendar quarter for the period of the preceding quarter, and shall be deposited in the Treasury as miscellaneous receipts.

(b) Other such revenues as the Administration shall earn from the sale or lease of property, or interests or uses thereof or from all other sources shall also be so deposited in the Treasury.

ADDITIONAL AUTHORIZATIONS

SEC. 403. (a) There are authorized to be appropriated to the Secretary for purposes of preparing the reports and exercising other functions to be performed by him under this Act such sums as are necessary, not to exceed $20,000,000 to remain available until expended.

(b) There are authorized to be appropriated to the Commission for the use of the Office in carrying out its functions under this Act such sums as are necessary, not to exceed $5,000,000 to remain available until expended. The budget for the Office shall be submitted by the Commission directly to the Congress and shall not be subject to review of any kind by any other agency or official of the United States or used by the Commission for any purpose other than the use of the Office. No part of any other moneys appropriated to the Commission shall be withheld by any other agency or official of the United States to offset any money appropriated pursuant to this subsection.

(c) There are authorized to be appropriated to the Administrator for purposes of carrying out its administrative expenses under this Act such sums as are necessary, not to exceed $50,000,000 to remain available until expended.

MAINTENANCE MATERIALS

Sec. 404. (a) The Administrator is authorized to make necessary expenditures for purchase of materials to be used in maintenance, modernization or improvement of facilities owned by the Administration.

(b) There are authorized to be appropriated such amounts as are necessary for the purpose of this section.

TITLE V—STATE AND LOCAL RAIL SERVICE DISCONTINUANCE AND ABANDONMENT

AUTHORIZATION

Sec. 501. (a) Except as provided in subsection (c) and (e) of this section, rail service on rail properties not designated as part of the System of a railroad which transfers to the Administration as part of the System may be discontinued to the extent such discontinuance is not precluded by the terms of the leases and agreements referred to in this Act if—

(1) not sooner than thirty days following the effective date of conveyance to the Administration the railroad or the trustee or trustees of a railroad in reorganization give notice in writing of intent to discontinue such rail service on a date certain which is not less than sixty days after the date of such notice; and

(2) the notice required by paragraph (1) of this subsection is sent by certified mail to the Governor and State transportation agencies of each State in which such rail properties are located and to each shipper who has used such rail service during the previous twelve months.

(b) Rail properties over which rail service has been discontinued under subsection (a) of this section may not be abandoned sooner than one hundred and twenty days after the effective date of such discontinuance except as provided in subsection (c) of this section. Thereafter, except as provided in subsection (c) of this section, such rail properties may be abandoned upon thirty days' notice in writing to all those required to receive notice under paragraph (2) of subsection (a) of this section. In any case in which rail properties proposed to be abandoned under this section are designated by the Governor of the State as rail properties which are suitable for use for other public purposes (including roads or highways, other forms of mass transportation, conservation and recreation), such rail properties shall not be sold, leased, exchanged, or otherwise disposed of during the one-hundred-and-eighty-day period beginning on the date of notice of proposed abandonment under this section unless such rail properties have first been offered upon reasonable terms for acquisition for public purposes.

(c) Rail service may be discontinued and rail properties may be abandoned under subsections (a) and (b) of this section notwithstanding any provision of the Interstate Commerce Act (49 U.S.C. 1 et seq.), or the constitution or law of any State or the decision of any court or administrative agency of the United States or of any State. No rail service may be discontinued and no rail properties may be abandoned under subsections (a) and (b) of this section—

(1) if after two years from the date of conveyance of the railroad's facilities to the Administration or more than two years after the final payment of any rail service continuation subsidy is received whichever is later; or

(2) if a shipper, a State, the Federal Government, a local or regional transportation authority, or any responsible person offers—

(A) a rail service continuation subsidy which covers the difference between the revenue attributable to such rail properties and the avoidable costs of providing service on such rail properties plus a reasonable return on the value of such rail properties, and standards published by the Office pursuant to the Regional Rail Reorganization Act of 1973 shall be used to determine avoidable cost and reasonable rate of return;

(B) a rail service continuation subsidy which is payable pursuant to a lease or agreement with a State, or a local or regional transportation authority, under which financial support was being provided at the time of the enactment of this Act for the continuance of rail passenger service; or

(C) to purchase, pursuant to subsection (d) of this section, such rail properties in order to operate rail service over such properties.

If a rail service continuation subsidy is offered, the Government or person offering the subsidy shall enter into an operating agreement with the railroad or any responsible person (including a Government entity), under which the railroad or such person (including a Government entity), will operate rail service over such rail properties and receive the difference between the revenue attributable to such properties and the avoidable costs of providing service on such rail properties and a reasonable rate of return on the value of any rail properties for which a rail service is operated under such subsidy.

(d) If an offer to purchase is made under subsection (c) (2) (C) of this section, such offer shall be accompanied by an offer of a rail service continuation subsidy. Such subsidy shall continue until the purchase transaction is completed, unless a railroad assumes operations over such rail properties on its own account pursuant to an order or authorization of the Commission. Whenever a railroad gives notice of intent to discontinue service pursuant to subsection (a) or (c) of this section, such railroad shall, upon the request of anyone apparently qualified to make a purchase offer promptly make available its most recent reports on the physical condition of such property together with such traffic and revenue data as would be required under subpart (B) of part 1121 of chapter X of title 49 of the Code of Federal Regulations and such other data necessary to ascertain the avoidable costs of providing service over such rail properties.

(e) (1) Two years after transfer by any rail carrier of its rail facilities to the Administration, the Commission may authorize a railroad carrier to discontinue service which is found to be not required by the public convenience and necessity. The Commission may, at any time after the effective date of transfer, authorize additional rail service or authorize the abandonment of rail properties which are not being operated. Determinations by the Commission under this subsection shall be made pursuant to applicable provisions of the Interstate Commerce Act, as amended by this Act.

(2) Rail properties over which rail service has been discontinued under subsection (c) (1) of this section may not be abandoned by the Administration sooner than one hundred and twenty days after the effective date of such discontinuance.

(3) No rail service may be discontinued and no rail properties may be abandoned under subsection (c) of this section if any of the provisions of subsection (c) (2) of this section are fulfilled.

(f) (1) The Secretary shall establish a program of Federal Aid in support of State rail planning as required by the provisions of the Regional Rail Reorganization Act of 1973. Such program shall be administered by the Administrator who shall require of each State the submission of a work program and budget for activities to be undertaken. Such program and budget shall be submitted by each State at the end of the third quarter of each fiscal year for the fiscal year beginning July 1 thereafter. The Secretary shall establish regulations concerning State rail planning and shall cause them to be published in the Federal Register. Such aid shall be provided to each State at the rate of 1 per centum of the budgeted cost of all rail rehabilitation and capital improvement projects scheduled to be undertaken during that fiscal year within the State.

(2) There are authorized to be appropriated such amounts as are necessary for the purpose of this subsection.

TITLE VI—LABOR CONTRACTS

MAINTENANCE OF EXISTING CONTRACTS

Sec. 601. All contracts between rail carriers and labor organizations for maintenance of properties transferred to the Association shall remain in full force, notwithstanding any other provision of this Act.

CONTRACT AUTHORIZATION

Sec. 602. The Association is authorized to contract with rail carriers, responsible firms, or any other person deemed competent for the performance of maintenance, rehabilitation or capital improvement projects required to fulfill the provisions of this Act, provided that all employment pursuant to such contracts shall be subject to the terms and conditions of labor contracts in force at the time on the property affected.

Mr. DURKIN. Mr. President, the legislation I am introducing today with Senator KENNEDY is an extremely important part of the effort being promoted to equalize the modes of transportation in this country. The Railroad Rehabilitation Act of 1977 creates a Federal administration to acquire, rehabilitate, maintain, and modernize our Nation's railbeds, long the stepchild of this country's transportation system. The bill, if passed, would give railroads the benefits of full Federal support long enjoyed by the automotive, trucking, and river user industries.

Perhaps more important, this legislation would promote a most energy-efficient, dependable, and speedy method of transportation—the railroads. Prompt adoption of this measure is vitally important if we are to meet our national energy conservation goals. The Carter administration's energy proposal, as recently outlined to Congress, stresses greater utilization of coal and decreased use of the automobile to avoid our increased dependence on OPEC oil. Utilities and other large energy consumers will be unable to convert to coal if deteriorated rail beds are not capable of carrying the increased traffic. Passenger vehicles will continue in high use if alternative modes of fast and efficient mass transportation are not made available.

Rail transportation has proven to be more energy efficient, yet for years the Federal Government has continued to subsidize the nationwide construction of highways for the use of trucks and automobiles and has assisted the shipping industry by contributing heavily to the construction of barges and waterways. The Department of Transportation has estimated that 112.9 billion gallons of fuel were consumed on the highways in 1976. On long haul routes, trucks consumed 2,305 Btu's per ton mile—Btu equals the heat necessary to raise 1 pound of water 1 degree Fahrenheit. Class I railroads, on the other hand, only consumed 676 Btu's per ton mile.

If we are to rely more heavily on rail transportation to move freight, immediate action must be taken to improve the condition of dilapidated rail beds. Spending to improve and replace deteriorated track and equipment has been far below what is necessary to keep up with the wearout of the equipment. As the tracks deteriorated so too did the service and profits. Firms shipping commodities switched to other modes of transportation, such as truck and barge. Rail lines folded, one after the other.

The bill introduced today provides for the voluntary transfer of rail lines to a Federal Rail Property Administration, which will grant long-term leases to rail carriers for the exclusive use of the line. Passenger service will be given priority where appropriate. The Federal Government would pay the costs of rehabilitating the rail beds, but the actual work would be performed by the leaseholding railroad.

The bill also authorizes $4.8 billion to improve passenger service along the Northeast corridor and to meet the goals of the Regional Rail Reorganization Act of 1973—the creation and maintenance of a rail system that meets the needs of the region and the establishment of high speed rail passenger service.

The task of rebuilding our railroads has always been desirable; now it is an absolute necessity. In simple and stark terms, the industrial base of the New England region is dependent on the Northeast corridor and to meet the goals not continue to be economically stable without improvement of the rail beds and rail service. More than 12 percent of the entire New Hampshire work force, some 38,000 employees, work in jobs which are touched by the rails in some direct way, shipping either finished products or raw materials. Just as this country expanded into mid-America with its rails in the last quarter of the 19th century, the economy of the Northeast is tied to this rail system today.

As a member of the Surface Transportation Subcommittee, I look forward to early hearings on this bill. I want to explore in hearings the merits of passage of this bill, either in present form or on a regional, pilot project basis. The Northeast is overdue for such a plan, with many railroads running literally in or on the borderline of bankruptcy. Congress must try a variety of solutions to the problems of the rails for the solution of our energy, economic and environmental problems must be predicated upon a balanced transportation system.

By Mr. HANSEN (for himself and Mr. Wallop):

S. 1555. A bill to provide for the amendment of the public survey records to eliminate a conflict between the official cadastral survey and a private survey of the so-called Wold Tract within the Medicine Bow National Forest, Wyo.; to the Committee on Environment and Natural Resources.

Mr. HANSEN. Mr. President, today I introduce with Senator Wallop legislation seeking to settle a longstanding boundary dispute between the U.S. Forest Service and private landowners in the Medicine Bow National Forest in Wyoming.

In 1954, an area of approximately 160 acres of privately owned land surrounded by the Medicine Bow National Forest, containing approximately 120 lots referred to as the "Wold Tract," was surveyed by Maurice Zipfel.

In 1966, the Interior Department conducted another survey which resulted in twisting the entire tract. It shifted the outer boundaries of the tract, as well as the boundaries of every parcel within the tract, leaving those on the periphery in partial trespass.

While attempts have been made over the years to settle this dispute administratively, none have been successful. Although special land permits have been obtained by the trespassing landowners, the problem still exists.

This bill would direct the Secretary of the Interior to survey the area known as the Wold Tract and the surrounding national forest lands. This survey would follow the Zipfel survey. Upon completion it would be considered by the United States to represent the official boundary between the national forest lands and the tract of privately owned lands.

By Mr. HANSEN (for himself, Mr. Wallop, Mr. Matsunaga, Mr. Goldwater, Mr. Thurmond, and Mr. Garn):

S. 1556. A bill to amend title 38, United States Code, to authorize a program of assistance to States for the establishment, expansion, improvement, and maintenance of veterans' cemeteries; to the Committee on Veterans' Affairs.

Mr. HANSEN. Mr. President, today, I am introducing a bill to amend title 38, United States Code, to authorize a program of assistance to States for the establishment, expansion, improvement, and maintenance of veterans' cemeteries.

Cosponsors are Senators Wallop, Matsunaga, Goldwater, Thurmond, and Garn.

This bill implements, in part, the study made by the Veterans' Administration at the direction of Congress in Public Law 93–43, the National Cemeteries Act of 1973.

This bill would:

First. Authorize a program of assistance to the States for the establishment, expansion, improvement, and maintenance of States veterans' cemeteries.

Second. Establish a cost-sharing ratio of 65/35 for any one or any combination of the projects stated above, the 65 percent part of the ratio being the VA's contribution. Insofar as the grant made to the States is concerned for establishing, expanding, or improving veterans cemeteries, the total value of the land owned by the States and dedicated for such purpose may be considered in determining the amount of the State's contribution. The costs incurred for the interment and perpetual care maintenance would also be shared at a ratio of 65/35 but the VA's contribution would be limited to $150 per interment and $40 in maintenance costs for each eligible person interred in the cemetery during the year.

Third. Require any cemeteries established under this program to conform to the standards and guidelines applicable to the National Cemetery System.

Fourth. Authorize appropriations of $5 million for the fiscal year beginning October 1, 1977, and $5 million for each of the 4 succeeding fiscal years.

Mr. President, the different governing bodies of our Nation have, in the past, shown a willingness to shoulder a measure of responsibility for the burial of veterans. A great majority of the States provide some assistance, financial or in kind, for veterans burials. The most common benefit is a burial allowance, provided by the State or a particular subdivision thereof. Other benefits provided are the furnishing of burial plot, care, maintenance, and decoration of veterans' graves.

One of the underlying considerations in passage of the National Cemeteries Act of 1973, Public Law 93–43, was fulfillment of the veteran's desire to be buried with his comrades-in-arms, those with whom he shared the hazards and vicissitudes of wartime service, and with whom he continued his association after the wars through membership in veterans' organizations. Many veterans were unable to fulfill this desire for different reasons. Two of the reasons are a national cemetery did not exist in a sufficiently close proximity, or the national cemetery in their State was full.

The National Cemetery System study I mentioned reaffirmed the lack of sufficient gravesites at national cemeteries, and the need for more veterans' cemeteries. The Veterans' Administration recognized the problem and embarked on a program to alleviate the insufficient gravesites. Criteria was established under which it could be determined in what areas new cemeteries should be established. I would like to submit, for the Record, its statement of criteria:

1. Location—The land should be located as close as possible to the density of veteran population in the region under consideration.

2. Availability—The land should be available at no cost to national-cemeteries appropriations if possible.

3. Size—Sufficient acreage should be available to provide gravesites for estimated needs to the year 2000 but not less than 500 acres, since the cemetery is for the entire region.

4. Accessibility—The site should be readily accessible by highways, railroads, and/or other public transportation.

5. Topography—The land should range from comparatively level to rolling and moderately hilly terrain. Rugged contours cut by erosion are unsuitable since development and maintenance costs would be excessive and grave areas would be inaccessible to elderly or infirm visitors. The land should not be subject to flooding. Means of disposing of storm water should be available.

6. Water table—The water table should be lower than seven feet.

7. Soil requirement—The soil should be free from rock, muck, quicksand, or other materials that would hamper the economical excavation of graves by normal hand-methods. In general, the soil should meet the standards of good agricultural land that is capable of supporting lawns, shrubs, and trees with normal care and without the addition of topsoil.

8. Utilities—Gas and electricity should be available.

9. Water supply—An adequate supply of water at moderate cost is essential.

Mr. President, the 500-acre figure mentioned for size is for a regional cemetery. A State veterans' cemetery could be considerably smaller such as 100 to 150 acres.

Based on this criteria and on the advice and recommendation of the Advisory Committee on Cemeteries and Memorials, the Veterans' Administration determined that five new cemeteries would be established at the following locations:

March Air Force Base, Riverside, Calif.
Otis Air Force Base, Bourne, Mass.
Indiantown Gap, Harrisburg area, Pennsylvania.
Marine Corps Base, Quantico, Va.
Naval installation, Calverton, N.Y.

As expected, these cemeteries are being built on a regional basis where the greatest demand exists. However, there is demand for veterans' cemeteries in other parts of the country. For example, the following 14 States presently do not have a national cemetery: Connecticut, Delaware, Idaho, Massachusetts, Michigan, Montana, Nevada, New Hampshire, North Dakota, Rhode Island, Utah, Vermont, Washington, and Wyoming.

In addition, the following nine States have national cemeteries, but the cemeteries are full. This is tantamount to having no cemetery at all.

Alabama, Arizona, Georgia, Maine, Maryland, New Jersey, Pennsylvania, Virginia, and California—only cremated space.

It should also be noted that some States have a national cemetery but the veterans of that State feel it is inadequate. This is to say that many veterans feel that unless the cemetery is within a certain radius of the home of the decedent, the family may indeed prefer a private cemetery closer to home.

Mr. President, because of the reasons I have stated, many veterans have been denied the honor and privilege of being buried alongside their comrades.

Enactment of this bill would make it possible for States and the Federal Government to share its mutual obligation toward veterans in this respect.

The interests of the States in such programs is clearly established by the unilateral action taken by most States some assistance in the burial of veteran.

The proposed program for assistance to the States would furnish an impetus to States to undertake further participation in meeting the burial needs of veterans.

The establishment of States veterans' cemeteries would complement those cemeteries already established or planned for the National Cemetery System and make it possible for every veteran, who so desires, to be buried with his comrades-in-arms in a cemetery in his home State.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

A bill to amend title 38, United States Code, to authorize a program of assistance to States for the establishment, expansion, improvement, and maintenance of veterans' cemeteries

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 24 of title 38, United States Code, is amended by—

(1) adding at the end thereof the following new sections:

"SEC. 1008. Aid to States for establishment, expansion, and improvement of veterans' cemeteries

"(a) There is authorized to be appropriated $5,000,000 for the fiscal year commencing October 1, 1977, and $5,000,000 for each of the four succeeding fiscal years. Subject to the conditions set forth in subsection (b) of this section, sums appropriated pursuant to this section shall be used for making grants to States which have submitted, and have had approved by the Administrator, applications for assistance in establishing, expanding, or improving veterans' cemeteries owned by a State.

"(b) The amount granted to any State for the purposes of subsection (a) shall be subject to the following conditions:

"(1) No State may receive a grant or grants in any fiscal year in excess of 20 percent of the total amount appropriated for that fiscal year.

"(2) The amount granted to a State shall not under any circumstances exceed 65 per centum of the total value of the land and improvements.

"(3) Insofar as a grant made to a State is concerned, the total value of the land, which the State already owns and dedicates to such purpose at the time of the grant, may be considered in determining the amount of the State's contribution. However, the value of such land may only be considered once.

"(4) Where the cost of improvements is less than 65 per centum of the total value of the land and improvements, as determined pursuant to paragraph (3) above, the amount granted to a State shall not exceed the actual cost of the improvements and no future credit for the difference will be established.

"(c) Any grant made under subsection (a) to any State for establishing a cemetery for veterans shall be made on condition that the establishment of such cemetery shall conform to such standards and guidelines relating to site selection, planning, and construction as the Administrator shall prescribe by regulation, taking into account such standards and guidelines, including those provided for in section 1004 (b), (c), and (d) of this title, as are applicable to the National Cemetery System.

"(d) Grants under this section shall be made on such other terms and conditions as may be prescribed in regulations by the Administrator.

"(e) Sums appropriated pursuant to subsection (a) of this section shall remain available until the end of the second fiscal year following the fiscal year for which they are appropriated.

"§ 1009. Payments to States for the interment of veterans and maintenance of State veterans' cemeteries

"(a) For the calendar year 1978 and each calendar year thereafter the Administrator may pay to any State upon application therefor in such form and containing such information as he may prescribe (1) an amount equal to 65 per centum of the reasonable cost of interment incurred by such State, such amount not to exceed $150 for each eligible person interred in a State veterans' cemetery during that year, and (2) an amount equal to 65 per centum of the reasonable cost of perpetual care maintenance, such amount not to exceed $40 for each eligible person interred in a State veterans' cemetery during that year.

"(b) Payment of funds to any State under subsection (a) for the maintenance of any cemetery for veterans shall be made on condition that such cemetery be maintained in conformity with such standards and guidelines as the Administrator shall prescribe by regulation, taking into account such standards and guidelines as are applicable to the National Cemetery System.

"(c) The Administrator shall, prior to September 30, 1978, and biennially thereafter, conduct a survey to determine the reasonable cost of interment and perpetual care maintenance for the purposes of payment under subsection (a) of this section.

"(d) Payments under this section shall be made on such other terms and conditions as may be prescribed in regulations by the Administrator."; and

(2) inserting at the end of the table of sections at the beginning of such chapter—

"1008. Aid to States for establishment, expansion, and improvement of veterans' cemeteries.

"1009. Payments to States for the interment of veterans and maintenance of State veterans' cemeteries.".

By Mr. RIEGLE:

S. 1557. A bill for the relief of Nicholas Szmorhaj; to the Committee on the Judiciary.

Mr. RIEGLE. Mr. President, I would like to say a few words about the bill I am introducing today to restore the citizenship of Nicholas Szmorhaj. Mr. Szmorhaj's story is somewhat different from many of those who are trying to gain citizenship through the legislative branch of the Government.

At 77 years of age and dying of a chronic kidney disease, Mr. Szmorhaj has one wish before he dies: to regain his U.S. citizenship. He was forced to relinquish it 4 years ago in order to extend his stay in the Soviet Union where he was visiting his crippled grandson.

According to the U.S. Immigration and Naturalization Service, Mr. Szmorhaj will be eligible to apply for naturalization in 1 year. The problem, however, is that neither his doctors nor his family believe he will live long enough to apply for his citizenship.

It is my hope, Mr. President, that the Senate will act both fairly and expeditiously in this case. I believe it is the least we can do for this dying man.

By Mr. GRAVEL:

S. 1558. A bill to exclude from income, for purposes of certain programs requiring a needs test, payments made by States to individuals which are based upon attainment of age 65 and duration of residence in such State; to the Committee on Governmental Affairs.

Mr. GRAVEL. Mr. President, today I am introducing a bill to exempt the Alaska Longevity Bonus, ALB, from income computations for the purpose of Federal income needs tests. The Senate is not unfamiliar with the ALB. Last year the bonus was excluded from supplemental security income determinations.

Mr. President, an older American most likely has worked for 40 years, raised a family, lived in one or two communities, and looked forward to the day when he could enjoy his last years unburdened of financial responsibilities. To reach a period of comfortable serenity should be the expectation of every American, and you would think our society could guarantee this lifestyle for the elderly.

In the past few years, our understanding of the quality of life provided for many older Americans has been shaken. How many bills have we introduced or cosponsored that increased social security benefits or extended medicare benefits? We are more aware today than ever of the emotional, psychological and financial needs of our elderly. But, the demands on our resources are great, and we have been greatly limited in our efforts to help the elderly. This winter we read that older people were freezing, that they could not pay their rents or buy food, that they were dying from despair and loneliness.

The bill I am introducing today would help the segment of our elderly living in Alaska who have all the difficulties common to the older American, only magnified. The social, economic, and psychological problems of living in Alaska are intensified for the elderly Alaskan. Many elderly Alaskans live in remote areas with limited accessibility. They endure a climate that require physical and psychological stamina. They cope with high prices which are driven even further upward by pipeline construction. They adjust to a boom-mentality bringing cultural changes in Alaska. They live within a fixed income which does not reflect their special needs.

The cost of living in Alaska has forced many of our elderly to leave their homes and settle in the Lower-48. A recent study by Robert Nathan and Associates estimated a 60-percent differential between Alaska cost-of-living and the lower 48. This differential is not reflected in Federal programs for the aged. Therefore, many of those who have stayed in Alaska are forced to drastically reduce their standard of living. For others living their last years in Alaska allows them little dignity.

In recognition of the desire of Alaskans to remain in the State, the Alaska State Legislature instituted the Alaska Longevity Bonus, ALB, in 1973. The bonus is a $100-a-month payment to persons 65 years of age and over who have maintained a residence for 25 consecutive years and who were living in the State prior to January 1959. Since the bonus is an incentive payment for Alaskan pioneers to remain in the State they helped to settle, there is no income test.

In a study of the effects of the bonus conducted by the Alaska Department of Health and Social Services in 1976, the positive effects of the bonus were documented. The living standard of the 5,264 ALB recipients has markedly improved. Most of the bonus money is paying food, clothing, fuel, and home maintenance costs. In contrast to old age assistance, OAA—only recipients, the ALB recipients require little assistance with life essentials, such as food, transportation, and clothing. Bonus recipients have for the most part remained in their homes, and frequently use the bonus for home maintenance and repair.

The study also pointed out that ALB or OAA–ALB recipients use fewer social services than do OAA-only recipients. For example, twice as many OAA-only recipients receive food stamps as do OAA–ALB recipients, while almost no ALB-only recipients utilize the food stamp program. Even though more than a quarter of the ALB recipients are probably eligible for some form of public assistance, they have stayed off welfare. In general, ALB recipients are able to remain independent longer than other elderly Alaskans.

There are two important factors to remember regarding this legislation. One, studies have determined that the cost of living in Alaska is 60 percent higher than in the Lower-48. Few Federal programs that impact on the elderly allow a differential for Alaska. Most do not give any consideration for the economic plight of the older Alaskan. Second, the Department of Health and Social Services' survey indicates that Alaska Longevity Bonus recipients do not take advantage of welfare programs unless obsolutely necessary. The bonus has provided sufficient incentive and financial assistance to relieve the need for Federal or State program assistance.

A permanent exemption of the ALB from income test determinations will not have a noticeable effect on the Federal budget. It will have a profound effect on elderly Alaskans who cannot meet Alaskan costs without assistance. It will permanently remove any detrimental effects the bonus has caused to the program eligibility of needy Alaskans. Perhaps most important it will convey to the Alaskan pioneer that his dedication to settling Alaska is appreciated; that we want to help him to live his retirement years in dignity at home; and that we want to assure new Alaskans the benefits of our pioneers' wisdom and experience.

By Mr. HATFIELD (for himself and Mr. PERCY):

S. 1559. A bill to provide for the reinstatement of civil service retirement survivor annuities for certain widows and widowers whose remarriages occurred before July 18, 1966, and for other purposes; to the Committee on Governmental Affairs.

Mr. HATFIELD. Mr. President, recently, two women from the city of Portland, Oreg., wrote to me regarding a special problem they were facing as widows of Federal employees. Both women had remarried and, because they were over the age of 60, normally would have been entitled to continue receiving their first husband's annuity. Unfortunately, these women faced one obstacle: They had remarried before July 18, 1966, and for that reason alone, were ineligible to receive their survivor annuities. Of course, at the time they remarried these women had no idea that July 18, 1966, would become a crucial date controlling their eligibility for the pensions.

This unfortunate gap in the coverage of the civil service pension program came about with the enactment, in 1966, of Public Law 89–504. That legislation permitted surviving spouses over 60 to remarry without losing their annuities and also enabled those survivors younger than 60, who had been divorced or widowed a second time, to resume receiving their previously cut off benefits. However, today there are approximately 3,500 widows and widowers from whom these provisions do not apply. Because the law was not made retroactive, those individuals who remarried before the effective date of the legislation, July 18, 1966, are left without any pension or any legal recourse.

Mr. President, today I am introducing a bill that would close this small but serious gap in the Federal pension law. The bill I am proposing would remove two limiting dates in the law. The first, July 18, 1966, has already been described. The second date is January 1971, the effective date of Public Law 91–658, which brought the survivors of Members of Congress under the provisions of the earlier legislation. Because of the wording of that bill, remarried survivors of Members who died before January 8, 1971, may not receive their pensions regardless of their age. In other words, strictly on the basis of having remarried a day too soon, or because one's spouse died a day too early, Federal pensions would not be paid to these otherwise eligible survivors.

The words of one of the women who wrote me about this situation illustrate the present law's effect upon the individuals:

> My first husband was a civilian employee of the department of the army. He died in 1957. In 1963 I remarried and so lost my annuity. At the time my second marriage ended I was told by the civil service office here in Portland that I was ineligible for the annuity again . . . because a woman had to have remarried after 1966.
>
> The more I think about it the more unfair it seems, and the less I understand it. Why is a woman who remarried after 1966 more entitled to benefits from her husband's connection with the government than those of us who did not? In this day of antidiscrimination, how can the Congress of the United States pass a law that is so blatantly discriminatory? I am sure there are many other women in my situation.
>
> It is almost impossible for a woman who is left alone in middle age and who has not worked for 25 years, to earn enough money to keep a household going in these inflationary times. In my case, I have about reached the point where I am going to have to sell my home—that annuity, to which I feel I am rightfully entitled, would allow me to keep it.

Mr. President, the total annual cost of extending the provisions of Public Law 89–504 would be $2.9 million. At a time when we speak in terms of hundreds of millions and billions of dollars, I hope that my colleagues will carefully consider the positive effects to be achieved by this small expenditure, and support the measure.

I ask unanimous consent that the text of the proposed legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1559

A bill to provide for the reinstatement of civil service retirement survivor annuities for certain widows and widowers whose remarriages occurred before July 18, 1966, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) upon application to the Civil Service Commission, the annuity of—

(1) a surviving spouse of an employee which was terminated under the provisions of section 8341 (b) or (d) of title 5, United States Code, or of any prior applicable law, because of the remarriage of such spouse because July 18, 1966, and

(2) a surviving spouse of a Member who died before January 8, 1971, which was terminated under any such provision, because of the remarriage of such spouse,

shall be restored in accordance with the provisions of subsection (b) of this section.

(b) (1) In the case of a remarriage occurring after the surviving spouse became sixty years of age, the annuity shall be restored to such spouse under subsection (a) of this section only if any lump sum paid on termination of the annuity is returned to the Civil Service Retirement and Disability Fund. If such amount is paid, the annuity shall be so restored commencing on the effective date of this section at the rate which would have been in effect if the annuity had not been terminated.

(2) In the case of a remarriage occurring before the surviving spouse became sixty years of age, the annuity shall be restored to such spouse under subsection (a) of this section only if—

(A) such spouse elects to receive this annuity instead of a survivor benefit to which the spouse may be entitled under subchapter III of chapter 83 of such title 5 or under another retirement system for Government employees by reason of the remarriage; and

(B) any lump sum paid on termination of the annuity is returned to such fund.

If the requirements of the preceding sentence are satisfied, such annuity shall be so restored commencing on the effective date of this section or on the first day of the month following the date the remarriage is dissolved by death, annulment, or divorce, whichever date is later, at the rate which was in effect when the annuity was terminated.

SEC. 2. Section 8341(g) of title 5, United States Code, is amended by striking out "after July 18, 1966,".

SEC. 3. The foregoing provisions of this Act shall take effect on—

(1) the first day of the month following the date of the enactment of this Act, or

(2) October 1, 1977, whichever date is later.

By Mr. HATFIELD (for himself and Mr. PACKWOOD):

S. 1560. A bill to restore the Confederated Tribes of Siletz Indians of Oregon as a federally recognized sovereign Indian tribe, to restore to the Confederated Tribes of Siletz Indians of Oregon and its members those Federal services and benefits furnished to federally recognized American Indian tribes and their members, and for other purposes; to the Select Committee on Indian Affairs.

Mr. HATFIELD. Mr. President, I am pleased today to introduce legislation to restore to the Confederated Tribes of the Siletz Indians of Oregon the status of a federally recognized Indian tribe. This legislation would reverse the termination of Federal supervision over this small western Oregon tribe which came with the act of August 13, 1954 (68 Stat. 724–58; 25 U.S.C. section 691–708). Senator PACKWOOD joins me as a cosponsor.

In 1953, termination was declared to be the long-range goal of Federal Indian policy; basically, this meant that the trust relationship which existed between the Federal Government and the various Indian tribes would be severed. During the 1950's, 13 termination acts were passed by the Congress, including one which terminated all of the small tribes and bands of western Oregon. It was this act which terminated the Confederated Tribes of the Siletz Indians.

In order to understand the reasons why the legislation I am introducing today is necessary, it is important to provide some background on the Federal Government's trust responsibility toward Indians. After all, the Government did not assume the role of guardian and trustee of Indian existence as an act of generosity toward a disadvantaged people. Rather, this special relationship arose out of solemn commitments in the nature of contractual obligations. The Indians agreed to cede vast tracts of lands to the Federal Government and agreed not to take up arms against the white settlers; in return, the Government agreed to protect the Indians from incursions, within certain described tracts of land, or reservations. These reservations and, indeed, the very nature of the Government-Indian relationship, were intended to provide a structure whereby Indian culture could survive and flourish. Through formal treaties, acts of Congress, and formal and informal agreements, the United States secured the Indians with the possession of their lands and agreed to provide health, education, and other social services. These commitments continue to carry immense legal and moral force. To simply wipe them out by congressional action is unfair and dishonorable.

The purpose of the termination of this special, contractual relationship was to end a paternalistic governmental relationship. Termination was to allow native Americans to participate fully in the mainstream of our society. As a general proposition, however, Indians have suffered greatly under the termination policies; the social and economic devastation which these policies have wrought upon many groups has been tremendous. While, in many cases, unemployment, health problems, alcoholism and school dropout rates have risen dramatically, the means for dealing with these problems have been withdrawn. While these problems were already severe among Indian societies generally, they have become epidemic among terminated Indians. In Oregon, 60 western Oregon tribes and the larger Klamath Tribe were terminated; the difference in economic and social development between these groups and federally recognized tribes in Oregon is easily discerned.

It has been my observation that the Indian citizens with the most severe social problems, the most pronounced inability to function successfully in American society, are those who have been told by the Federal Government that they are no longer recognized as Indians, that their tribes no longer exist, that they are to go and live as non-Indian people do—that they are terminated.

The ill effects of termination have not been confined to the members of those tribes which were terminated. President Nixon noted in his 1970 address on Indian affairs that the very threat of termination has created tremendous apprehension among recognized tribes. As a result, he said:

> Any step that might result in greater social, economic, or political autonomy is regarded with suspicion by many Indians who fear that it will only bring them closer to the day when the federal government will disavow its responsibility and cut them adrift.

The threat of termination has worked to encourage excessive dependence upon the Federal Government, exactly the opposite goal which termination was to achieve.

Termination is no longer the policy of this Nation. In 1970, the administration called upon the Congress to repudiate House Concurrent Resolution 108, which declared termination to be the long-range goal of Government Indian policy. In 1973, the Congress passed and the President signed into law the Menominee Restoration Act, which restored to the Menominee Tribe of Wisconsin its status as a federally recognized tribe. And again, in its report submitted to Congress yesterday, the American Indian Policy Review Commission repudiated the policy of termination.

In attempting to reverse the effects of termination, we must be careful not to foster an excessive dependence upon the Federal Government. As was noted so often during the 1950's, the effects of excessive paternalism can be extremely destructive; it is my view that this danger rivals that of termination in its ability to destroy the Indian way of life. We must learn that control over one's destiny is absolutely necessary for personal dignity and that this cannot be achieved through dependence upon the Federal bureaucracy.

We must strive for the middle ground of self-determination without termination, a system in which tribal governments and their social programs are controlled not by outsiders who are responsible to Federal officials in Washington, but are controlled by the Indian people themselves. Congress recognized the wisdom of the approach when it enacted the Indian Self-Determination Act of 1974, which provided the mechanism for tribal governments to assume far greater control over the programs and decisions which affect the lives and welfare of their members.

When they were terminated in 1954, the Siletz were ill-prepared to cope with the realities of American society. They were tossed abruptly from a state of almost total dependency to a state of total independence. The ensuing disorientation was massive, and its effects are pronounced even today. Siletz Indians were told by officials of the Bureau of Indian Affairs to leave the only way of life they had known and to begin to participate fully in the dominant society. But they were not accepted as equals by the dominant culture, nor were they any longer accepted as Indians by other tribes which had not been terminated. The Siletz were lost between two cultures.

Recent figures indicate a 44-percent unemployment rate among Indians in Lincoln County, Oreg., the majority of whom are Siletz. The median family income of Indian families in the town of Siletz is $3,300 per year. The Siletz public school in 1974 reported that 40 percent of Siletz Indians between the ages of 17 and 25 did not finish high school. Roughly 70 percent of the Indian students in Siletz School have only one parent due to the death of the other parent; 23 percent of the Indian children in grades 1 through 12 come from broken homes. Indian children at Siletz School averaged 0.6 grade equivalent below the school mean. In a nonrandom sample of 84 Siletz Indians, 52.9 percent reported dental needs, 21 percent reported medical needs, and 21.8 percent reported visual needs. These figures bear sad witness to the presumably inadvertent attempt through termination to destroy a once proud people.

The legislation I am introducing today is designed to turn around this picture of what termination can do. It is consistent with the principle of self-determination and is strongly supported by the Siletz Indians. This legislation is the product of lengthy deliberations of the Siletz and other interested parties. Restoration is, in fact, a goal toward which the Siletz have been working for over 4 years; tribal meetings in which the bill has been discussed have been well attended and there is enthusiastic support.

One issue which has come up in connection with this bill—an issue which is important to nearly all Oregonians—is that of hunting and fishing rights. As this bill is presently written, it would not grant or restore any hunting, fishing, or trapping rights to the Siletz Indians. The language on this point could not be any clearer.

Let me quote from the bill on this point, section (3) (c): "This act shall not grant or restore any hunting, fishing, or trapping right of any nature, including any indirect or procedural right or advantage to the tribe or any member of the tribe."

Furthermore, Mr. President, the bill does not create any reservation for the Siletz. Rather, it establishes a commission to determine, in full consultation with all local interests, whether a reservation should be created, and if so, how. The commission is required to report to Congress in 2 years, and the appropriate committees in each House are asked to give the plan priority. Of course, the actual creation of any reservation proposed by the plan would require a separate act of Congress.

I would also like to point out that the creation of a reservation, if it should occur, would also have no impact on the hunting and fishing rights matter. The bill explicitly states that:

> The establishment of such a reservation will not grant or restore to the tribe or any member of the tribe any hunting, fishing, or trapping right of any nature, including any indirect or procedural right or advantage on such reservation.

Mr. President, the bill I am introducing today is a simple one. Its basic thrust is to formally recognize the Siletz as a tribe, and to make this group eligible for the Federal services to which other federally recognized Indians are entitled. Passage of this legislation would restore the sense of tribal unity which tends to be destroyed through termination.

It is my hope, therefore, that the Congress will give this matter the prompt consideration which the Siletz Indians deserve. Let us move ahead to correct a serious error which has had such a serious impact on the lives of the Confederated Tribes of the Siletz Indians. As a resident of Lincoln County, the home of the Siletz, I know first-hand the hardships they have suffered. The enactment of this small piece of legislation will serve as a much needed installment toward paying a moral debt to which this Nation has committed its national honor; it is the right thing to do.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1560

A bill to restore the Confederated Tribes of Siletz Indians of Oregon as a federally recognized sovereign Indian tribe, to restore to the Confederated Tribes of Siletz Indians of Oregon and its members those Federal services and benefits furnished to federally recognized American Indian tribes and their members, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Siletz Indian Tribe Restoration Act."

SEC. 2. For the Purposes of this Act:

(1) The term "Tribe" means the Confederated Tribes of the Siletz Indians of Oregon.

(2) The term "Secretary" means the Secretary of the Interior or his authorized representative.

(3) The term "Interim Council" means the council elected pursuant to section 5.

(4) The term "member", when used with respect to the Tribe, means a person enrolled on the membership roll of the Tribe, as provided in section 4 of this Act.

(5) The term "final membership roll" means the final membership roll of the tribe published on July 20, 1956, on pages 5454–5462 of volume 21 of the Federal Register.

SEC. 3. (a) Federal recognition is hereby extended to the Tribe, and the provisions of the Act entitled "An Act to conserve and develop Indian lands and resources; to extend to Indians the right to form businesses and other organizations; to establish a credit system for Indians; to grant certain rights of home rule to Indians; to provide for vocational education for Indians; and for other purposes", approved June 13, 1934 (25 U.S.C. 461 et seq.) except as inconsistent with specific provisions of this Act, are made applicable to the Tribe and the members of the Tribe. The Tribe and the members of the Tribe shall be eligible for all Federal services and benefits furnished to federally recognized Indian tribes. Notwithstanding any provision to the contrary in any law establishing such services or benefits, eligibility of the Tribe and its members for such Federal services nad benefits shall become effective upon enactment of this Act without regard to the existence of a reservation for the Tribe or the residence of members of the Tribe on a reservation.

(b) All rights and privileges of the Tribe and of members of the Tribe (other than hunting, fishing, and trapping rights) under any Federal treaty, Executive order, agreement, or statute, or under any other authority, which have been diminished or lost under the Act of August 13, 1954 (25 U.S.C. 691–708) are hereby restored and such Act shall be inapplicable to the Tribe and its members after the date of enactment of this Act.

(c) This Act shall not grant or restore any hunting, fishing, or trapping right of any nature, including any indirect or procedural right or advantage, to the Tribe or any member of the Tribe.

(d) Except as specifically provided in this Act, nothing in this Act shall alter any property right or obligation, any contractual right or obligation, or any obligation for taxes already levied.

SEC. 4. (a) The final membership roll is declared open. The Secretary, the Interim Council, and tribal officials under the tribal constitution and bylaws shall take such measures as will ensure the continuing accuracy of the membership roll.

(b) (1) Until after the initial election of tribal officers under the tribal constitution and bylaws, a person shall be a member of the Tribe and his name shall be placed on the membership roll if he is living and if—

(A) his name is listed on the final membership roll;

(B) he was entitled on August 13, 1954, to be on the final membership roll but his name was not listed on that roll; or

(C) he is a descendant of a person specified in subparagraph (A) or (B) and possesses at least one-fourth degree of blood of members of the Tribe or their Siletz Indian ancestors.

(2) After the initial election of tribal officials under the tribal constitution and bylaws, the provisions of the tribal constitution and bylaws shall govern membership in the Tribe.

(c) (1) Before election of the Interim Council, verification of descendancy, age, and blood shall be made upon oath before the Secretary and his determination thereon shall be final.

(2) After election of the Interim Council and before the initial election of the tribal officials, verification of descendancy, age, and blood shall be made upon oath before the Interim Council, or its authorized representative. A member of the Tribe, with respect to the inclusion of any name, and any person, with respect to the exclusion of his name, may appeal to the Secretary, who shall make a final determination of each such appeal within ninety days after an appeal has been filed with him. The determination of the Secretary with respect to an appeal under this paragraph shall be final.

(3) After the initial election of tribal officials, the provisions of the tribal constitution and bylaws shall govern the verification of any requirements for membership in the Tribe, and the Secretary and the Interim Council shall deliver their records and files, and any other material relating to enrollment matters to the tribal governing body.

(d) For purposes of sections 5 and 6, a member who is eighteen years of age or older is entitled and eligible to be given notice of, attend, participate in, and vote at, general council meetings and to nominate candidates for, to run for any office in, and to vote in, elections of members to the Interim Council and to other tribal councils.

SEC. 5. (a) Within fifteen days after the date of the enactment of this Act, the Secretary shall announce the date of a general council meeting of the Tribe to nominate candidates for election to the Interim Council. Such general council meeting shall be held within thirty days after the date of the enactment of this Act. Within forty-five days after such general council meeting the Secretary shall hold an election by secret ballot, absentee balloting to be permitted, to elect nine members of the Tribe to the Interim Council from among the nominees submitted to him from such general council meeting. The Secretary shall assure that notice of the time, place, and purpose of such meeting and election shall be provided to members described in section 4(d) at least fifteen days before such general meeting and election. The ballot shall provide for write-in votes. The Secretary shall approve the Interim Council elected pursuant to this section if he is satisfied that the requirements of this section relating to the nominating and election process have been met. If he is not so satisfied, he shall hold another election under this section, with the general council meeting to nominate candidates for election to the Interim Council to be held within thirty days after such election.

(b) The Interim Council shall represent the Tribe and its members in the implementation of this Act and shall be the acting tribal governing body until tribal officials are elected pursuant to section 6(c) and shall have no powers other than those given to it in accordance with this Act. The Interim Council shall have full authority and capacity to receive grants from and to make contracts, with the Secretary and the Secretary of Health, Education, and Welfare, with respect to Federal services and benefits for the Tribe and its members and to bind the tribal governing body as the successor in interest to the Interim Council for a period extending not more than six months after the date on which the tribal governing body takes office. Except as provided in the preceding sentence, the Interim Council shall have no power or authority after the time when the duly-elected tribal governing body takes office.

(c) Within thirty days after receiving notice of a vacancy on the Interim Council, the Interim Council shall hold a general council meeting for the purpose of electing a person to fill such vacancy. The Interim Council shall provide notice of the time, place, and purpose of such meeting and election to members described in section 4(d) at least ten days before such general meeting and election. The person nominated to fill such vacancy at the general council meeting who received the highest number of votes in the election shall fill such vacancy.

SEC. 6. (a) Upon the written request of the Interim Council, the Secretary shall conduct an election by secret ballot, pursuant to the provisions of section 16 of the Act of June 18, 1934 (48 Stat. 987), for the purpose of adopting a constitution and bylaws for the Tribes. The election shall be held within sixty days after the Secretary has—

(1) reviewed and updated the final membership roll for accuracy, in accordance with sections 4(a), 4(b)(1), and 4(c)(1),

(2) made a final determination of all appeals filed under section 4(c)(2), and

(3) published in the Federal Register a certification copy of the membership roll of the Tribe.

(b) The Interim Council shall draft and distribute to each member described in section 4(d), no later than thirty days before the election under subsection (a), a copy of the proposed constitution and bylaws of the Tribe, as drafted by the Interim Council, along with a brief, impartial description of the proposed constitution and bylaws. The members of the Interim Council may freely consult with members of the Tribe concerning the text and description of the constitution and bylaws, except that such consultation may not be carried on within fifty feet of the polling places on the date of the election.

(c) In any election held pursuant to this subsection (a), the vote of a majority of those actually voting shall be necessary and sufficient for the adoption of a tribal constitution and bylaws.

(d) Not later than 120 days after the Tribe adopts a constitution and bylaws, the Interim Council shall conduct an election by secret ballot for the purpose of electing the individuals who will serve as tribal officials as provided in the tribal constitution and bylaws. For the purpose of this election and notwithstanding any provision in the tribal constitution and bylaws to the contrary, absentee balloting shall be permitted.

SEC. 7. (a) This Act shall not be construed as establishing a reservation for the Tribe, but any reservation for the Tribe shall be established by an Act of Congress enacted after the enactment of this Act.

(b) The Secretary shall negotiate with the Tribe, or with representatives of the Tribe chosen by the Tribe, concerning the establishment of a reservation for the Tribe, and the Secretary shall, in accordance with subsections (c) and (d), develop a plan for the establishment of a reservation for the Tribe and shall submit such plan, in the form of proposed legislation, to the Congress within two years after the date of enactment of this Act. The appropriate committees in each House shall give such proposed legislation priority on their calendars.

(c) To assure that legitimate State and local interests are not prejudiced by the creation of a reservation for the Tribe, the Secretary, in developing a plan under subsection (b) for the establishment of a reservation, shall notify and consult with all appropriate officials of the State of Oregon, all appropriate local governmental officials in the State of Oregon and any other interested parties. Such consultation shall include the following subjects:

(1) The size and location of the researvation.

(2) The effect the establishment of the reservation would have on State and local tax revenues.

(3) The criminal and civil jurisdiction of the State of Oregon with respect to the reservation and persons on the reservation.

(4) Hunting, fishing, and trapping rights of the Tribe and members of the Tribe, on the reservation.

(5) The provision of State and local services to the reservation and to the Tribe and members of the Tribe on the reservation.

(6) The provision of Federal services to the reservation and to the Tribe and members of the Tribe and the provision of services by the Tribe to members of the Tribe.

(d) Any plan developed under this section for the establishment of a reservation for the Tribe shall provide that—

(1) any real property transferred by the Tribe or members of the Tribe to the Secretary shall be taken in the name of the United States in trust for the benefit of the Tribe and shall be the reservation for the Tribe;

(2) the establishment of such a reservation will not grant or restore to the Tribe or any member of the Tribe any hunting, fishing, or trapping right of any nature, including any indirect or procedural right or advantage, on such reservation;

(3) the Secretary shall not accept any real property in trust for the benefit of the Tribe or its members unless such real property is located within Lincoln County, State of Oregon;

(4) any real property taken in trust by the Secretary for the benefit of the Tribe or its members shall be subject to all rights existing at the time such property is taken in trust, including liens, outstanding Federal, State, and local taxes, mortgages, outstanding indebtedness of any kind, easements, and all other obligations, and shall be subject to foreclosure and sale in accordance with the laws of the State of Oregon;

(5) the transfer of any real property to the Secretary in trust for the benefit of the Tribe or its members shall be exempt from all Federal, State, and local taxation, and all such real property shall, as of the date of such transfer, be exempt from Federal, State, and local taxation; and

(6) the State of Oregon shall have civil and criminal jurisdiction with respect to the reservation and persons on the reservation in accordance with section 1360 of title 28, United States Code, and section 1162 of title 18, United States Code.

(e) The Secretary shall append to the plan a detailed statement describing the manner in which the notification and consultation prescribed by subsection (c) was carried out and shall include any written comments with respect to the establishment of a reservation for the Tribe submitted to the Secretary by State and local officials and other interested parties in the course of such consultation.

SEC. 8. The Secretary may make such rules and regulations as are necessary to carry out the purposes of this Act.

By Mr. BAYH (for himself, Mr. CLARK, Mr. HUMPHREY, and Mr. TALMADGE):

S. 1561. A bill to incorporate the Gold Star Wives of America; to the Committee on the Judiciary.

Mr. BAYH. Mr. President, today I am introducing once again a bill to incorporate the Gold Star Wives of America. Founded in 1945 by widows of members of the Armed Forces who died in the service of our country, it is today an active organization with members across the United States. It is only through incorporation in the form of a national charter that this group of widows may be accorded the provisions, privileges and prerogatives that have been granted to many other national veterans' organizations. The organization has sought a charter from Congress since 1969.

Gold Star Wives of America came into existence 31 years ago when World War II was leaving thousands of widows and fatherless children in its wake. From the small nucleus of a few widows meeting in New York City in 1945, membership spread throughout the country, and wherever a sufficient number of members lived close enough together, local chapters were formed. The organization functions through chapter, region, and member-at-large representation. Membership in Gold Star Wives is open to widows of any person who dies while a member of the Armed Forces of our country, or who dies subsequent to such service as a result of injury or disability incurred during active service.

The purposes and objectives of the Gold Star Wives of America are as valid now as they were when the organization was first formed. In addition to honoring the memory of loved ones who paid the supreme sacrifice while serving in the Armed Forces of the United States, it is committed to assisting their widows and children, both materially and spiritually. One of its stated goals, for example, is to provide the benefits of a happy, healthy, and wholesome life to minor children of persons who dies in the service of our country. Another aim is to promote activities and interests designed to foster among its members the proper mental attitude to face the future with courage. Direct aid to the widows and children of former servicemen is likewise an obligation which this organization has assumed.

For lack of a Federal charter the organization has repeatedly been hindered and prevented from giving the assistance to new widows that could have been available to them through Gold Star Wives of America. Efforts to make the organization known through survivor assistance officers at military installations have been refused on the basis of not being recognized as a reputable organization, while in other instances contacts at military bases resulted in inquiries going to the Department of Defense regarding the reliability of Gold Star Wives of America. Experiences on these occasions would indicate that the only way the organization could acquire the respect and stature so necessary to conduct its activities is through congressional recognition.

Membership continues to be nationwide with members in almost every State and chapters in half the States. Although the organization was formed by World War II widows, the membership has always remained open to those who have later become widows of servicemen in any active-duty assignment. A number of widows from the Korean war are active members. During the Vietnam conflict membership grew and the number of local chapters increased as hundreds of new widows turned to Gold Star Wives of America for assistance with their financial and emotional problems. Often the painful experience of widowhood is further complicated by unfortunate circumstances surrounding survivor benefits, and the legislative and service committees have responded to each request. But again the organization has been hampered by its lack of a national charter in reaching all the people who could have been helped.

Mr. President, I have carefully examined the criteria set forth in 1969 in the standards for the granting of Federal Charters by subcommittees of the Senate and House Committees on the Judiciary. In every aspect it appears to me that the Gold Star Wives of America, Inc., more than measures up to those required standards. It is clearly a national permanent organization operating in the public interest; the character of this organization is such that chartering by the Congress as a Federal corporation is the only appropriate form of incorporation; it is solely a patriotic, nonprofit, nonpartisan organization devoted to civic and membership betterment; and it aspires to provide nationwide services which cannot be adequately organized without a nationally granted charter.

Mr. President I know of no other group more deserving of national incorporation than the Gold Star Wives of America. It merits the national stature and corporate structure required to achieve its worthwhile goals.

I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1561

A bill to incorporate the Gold Star Wives of America

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following named persons, to wit:

Mrs. Lavone Tueting, 5325 Beard Avenue South, Minneapolis, Minnesota 55410;

Mrs. Karen T. Sintic, 9519 North Laramie Avenue, Skokie, Illinois 60076;

Mrs. Rachel Flimir, 600 Bethell Street Northeast, Leeds, Alabama 35094;

Mrs. Rose Stalcup, 1090 Hanover, Aurora, Colorado 80010;

Mrs. Itelia J. Butler, Post Office Box 3943, Albany, Georgia 31706;

Mrs. Carol DeVore, 4201 Nineteenth Avenue South, Minneapolis, Minnesota 55407;

Mrs. Delores Peterson, Route No. 2, Box 2121, St. Cloud, Florida 32769;

Mrs. Edith V. Knowles, Post Office Box 1703, Albany, Georgia 31703;

Mrs. Pauline T. Bartsch, 9 East Narberth Terrace, Collingswood, New Jersey 08108;

Mrs. Geraldine B. Chittick, Post Office Box 306, Frankfort, Indiana 46041;

Mrs. Joy Dove, 4224 Chowen Avenue South, Minneapolis, Minnesota 55410;

Mrs. Jeanette B. Early, 5314 Yorkwood, Houston, Texas, 77016;

Mrs. Mary R. Galotta, 117 Pine Street, Lowell, Massachusetts 01851;

Mrs. Marie E. Gammill, 4330 East 18th Avenue, Denver, Colorado, 80220;

Mrs. Franc F. Gray, 6901 Penn Avenue South, Apartment 204, Richfield, Minnesota 55423;

Mrs. Darlene McDonald, 842 N. Karlov Avenue, Chicago, Illinois 60651;

Mrs. Marie B. Palmer, 4294 Nimons Street, Orlando, Florida 32805;

Mrs. Lorraine S. Patterson, 320 Penwood Road, Silver Spring, Maryland 20901;

Mrs. Peggy Simonfy, 107 Mandalay Road, Fairview, Massachusetts 01020;

Mrs. Johnnie D. Spillman, 3145 Steele Street, Denver, Colorado 80205;

Mrs. Ingrid G. Stewart, 138 Devonshire Drive, San Antonio, Texas 78209;

Mr. Odessa Wycoff, 7209 North Hammond, Oklahoma City, Oklahoma 73132;

Mrs. Larue Yessen, 1099 East Fifty-First Street, Brooklyn, New York 11234;

and their successors are hereby created and declared to be a body corporate by the name of Gold Star Wives of America (hereinafter called the corporation) and by that name shall be known and have perpetual succession and the power and limitations contained in this Act.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in the first section of this Act is authorized to complete the organization of the corporation by the election of officers and employees, the adoption of a constitution and bylaws, not inconsistent with this Act, and the doing of such other acts as may be necessary for such purpose.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation shall be—

(1) to assist in upholding the Constitution and laws of the United States of America, and to inculcate a sense of individual obligation to the community, State, and Nation;

(2) to honor the memory of those who made the supreme sacrifice in the service of our country;

(3) to safeguard and transmit to posterity the principles of justice, freedom, and democracy for which members of our armed services fought and died;

(4) to provide the benefits of a happy, healthful, and wholesome life to minor children of persons who died in the service of our country;

(5) to promote activities and interests designed to foster among its members the proper mental attitude to face the future with courage; and

(6) to aid, whenever necessary, widows and children of persons who died in the service of our country.

CORPORATE POWERS

SEC. 4. The corporation shall have power—

(1) to sue and be sued, complain, and defend in any court of competent jurisdiction;

(2) to adopt, alter and use a corporate seal;

(3) to choose such officers, directors, trustees, managers, agents, and employees as the business of the corporation may require;

(4) to adopt, amend, and alter a constitution and bylaws, not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(5) to contract and be contracted with;

(6) to charge and collect membership dues, subscription fees, and receive contributions or grants of money or property to be devoted to the carrying out of its purposes;

(7) to take and hold by lease, gilt, purchase, grant, devise, bequest, or otherwise any property, real or personal, necessary for attaining the objects and carrying into effect the purposes of the corporation, subject to applicable provisions of law in any State (A) governing the amount or kind of real and personal property which may be held by, or (B) otherwise limiting or controlling the ownership of real or personal property by a corporation operating in such State;

(8) to transfer, encumber, and convey real or personal property;

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, subject to all applicable provisions of Fedeal or State law;

(10) to adopt, alter, use, and display such emblems, seals, and badges as it may determine; and

(11) to do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation, and for such purpose the corporation shall also have, in addition to the foregoing in this section and subsection, the rights, powers, duties, and liabilities of the existing corporation referred to in section 18 as far as they are not modified or superseded by this Act.

PRINCIPAL OFFICE; SCOPE OF ACTIVITIES; DISTRICT OF COLUMBIA AGENT

SEC. 5. (a) The principal office of the corporation shall be located in Albany, Georgia, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place and may be conducted throughout the various States and possessions of the United States.

(b) The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the corporation, and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the corporation.

MEMBERSHIP; VOTING RIGHTS

SEC. 6. (a) Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be determined as the constitution and bylaws of the corporation may provide.

(b) Each member of the corporation, other than honorary and associate members, shall have the right to vote in accordance with the constitution and bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 7. (a) Upon enactment of this Act the membership of the initial board of directors of the corporation shall consist of the following persons—

Mrs. Edith V. Knowles, Post Office Box 1703, Albany, Georgia 31702;

Mrs. Pauline T. Bartsch, 9 East Narberth Terrace; Collingswood, New Jersey 08108;

Mrs. Geraldine B. Chittick, Post Office Box 306, Frankfort, Indiana 46041;

Mrs. Joy Doye, 4224 Chowen Avenue South, Minneapolis, Minnesota 55410;

Mrs. Jeanette B. Early, 5314 Yorkwood, Houston, Texas 77016;

Mrs. Mary R. Galotta, 117 Pine Street, Lowell, Massachusetts 01851;

Mrs. Marie E. Gammill, 4330 East Eighteenth Avenue, Denver, Colorado 80220;

Mrs. Franc F. Gray, 6901 Penn Avenue South, Apartment 204, Richfield, Minnesota 55423;

Mrs. Darlene McDonald, 842 N.N Karlov Avenue, Chicago, Illinois 60651;

Mrs. Marie B. Palmer, 4294 Nimons Street, Orlando, Florida 32805;

Mrs. Lorraine S. Patterson, 320 Penwood Road, Silver Spring, Maryland 20901;

Mrs. Peggy Simonfy, 107 Mandalay Road, Fairview, Massachusetts 01020;

Mrs. Johnnie D. Spillman, 3145 Steele Street, Denver, Colorado 80205;

Mrs. Ingrid G. Stewart, 138 Devonshire Drive, San Antonio, Texas 78209;

Mrs. Odessa Wycoff, 7209 North Hammond, Oklahoma City, Oklahoma 73132;

Mrs. Larue Yessen, 1099 East Fifty-First Street, Brooklyn, New York 11234.

Mrs. Lavone Tueting, 5325 Beard Avenue South, Minneapolis, Minnesota 55410.

(b) Thereafter, the board of directors of the corporation shall consist of such number (not less than fifteen), shall be selected in such manner (including the filling of vacancies) and shall serve for such term as may be prescribed in the constitution and bylaws of the corporation.

(c) The board of directors shall be the governing board of the corporation and shall, during the intervals between corporation meetings, be responsible for the general policies and program of the corporation. The board shall be responsible for all finance.

OFFICERS; ELECTION OF OFFICERS

SEC. 8. (a) The officers of the corporation shall be a chairman of the board, a president, a vice president, a secretary, and a treasurer. The duties of the officers shall be as prescribed in the constitution and bylaws of the corporation. Other officer positions may be created as prescribed in the constitution and bylaws of the corporation.

(b) Officers shall be elected annually at the annual meeting of the corporation.

USE OF INCOME; LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any member, officer, director, or be distributable to any such person otherwise than upon dissolution or final liquidation of the corporation as provided in section 16 of this Act. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation in amounts approved by the executive committee of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of such loans shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 10. The corporation, and its officers, directors, and duly appointed agents as such, shall not contribute to or otherwise support or assist any political party or candidate for office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

COMPREHENSIVE PRIVILEGES

SEC. 12. Such provisions, privileges, and prerogatives as have been granted heretofore to other national veterans' organizations by virtue of their being incorporated by Congress are hereby granted and accrue to the Gold Star Wives of America.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 13. The corporation shall have no power to issue any shares of stock nor to declare nor pay any dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 14. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors; and committees having any of the authority of the board of directors; and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 15. (a) The accounts of the corporation shall be audited annually, in accordance with generally accepted auditing standards, by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be submitted to the Congress not later than six months following the close of the fiscal year for which the audit was made. The report shall set forth the scope of the audit and shall include such statements as are necessary to present fairly the corporation's assets and liabilities, surplus or deficit with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the corporation's income and expenses during the year including the results of any trading, manufacturing, publishing, or other commercial-type endeavor carried on by the corporation, together with the independent auditor's opinion of those statements. The reports shall not be printed as a public document.

LIQUIDATION

SEC. 16. Upon final dissolution of liquidation of the corporation, and after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

EXECUTIVE RIGHT TO NAME, EMBLEMS, SEALS, AND BADGES

SEC. 17. The corporation shall have the sole and exclusive right to use the name Gold Star Wives of America. The corporation shall have the exclusive and sole right to use, or to allow or refuse the use of, such emblems, seals, and badges as have heretofore been used by the corporation referred to in section 18 in carrying out its program. Nothing in this Act shall interfere or conflict with established or vested rights.

TRANSFER OF ASSETS

SEC. 18. The corporation may acquire the assets of the Gold Star Wives of America, Incorporated, chartered as a nonprofit organization in the State of New York, upon discharging or satisfactorily providing for the payment and discharge of all of the liability of such corporation and upon complying with all laws of the State of New York applicable thereto.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHAPTER

SEC. 19. The right to alter, amend, or repeal this Act is hereby expressly reserved.

By Mr. KENNEDY (for himself, Mr. Eastland, Mr. McClellan, Mr. Nelson, Mr. Inouye, Mr. Mathias, Mr. Bayh, and Mr. Thurmond):

S. 1566. A bill to amend title 18, United States Code, to authorize applications for a court order approving the use of electronic surveillance to obtain foreign intelligence information; to the Committee on the Judiciary; and, if and when reported by that committee, to the Select Committee on Intelligence, by unanimous consent.

FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1977

Mr. KENNEDY. Mr. President, today I am introducing legislation—endorsed and supported by this administration—which would at long last place foreign intelligence electronic surveillance under the rule of law. The legislation, which has broad bipartisan support, requires that a judicial warrant be secured before the Government may engage in electronic surveillance in the United States for purposes of obtaining foreign intelligence information. I view it as the first step in the ongoing effort of this administration and the Congress to place meaningful restrictions on the largely unchecked power of the intelligence community. It is, I hope, an important signal of what is yet to come in the way of effective FBI and CIA charter reform.

This bill is not a hastily conceived idea. During the past 6 years Senator Nelson, Senator Mathias, and I have periodically introduced legislation to regulate foreign intelligence electronic surveillance. Since 1971 I have corresponded with the Justice Department in an effort to breach the mask of secrecy surrounding the electronic surveillance decisionmaking process. Various hearings have been held over the years by the Subcommittee on Administrative Practice and Procedure and other congressional committees, all pointing to the same conclusion—the need for Congress to enact legislation establishing statutory procedures for the use of electronic surveillance to gather foreign intelligence information.

Last year the Senate came very close to passing a comprehensive, effective bill in this area. Working closely with Attorney General Edward Levi, the Ford administration, and the Senate Select Committee on Intelligence, I introduced S. 3197, a bill which established a detailed judicial warrant procedure as a prerequisite for engaging in foreign intelligence electronic surveillance. The major features of S. 3197 required that all such surveillance be limited to "foreign powers" and "agents of a foreign power"; a judicial warrant be secured on the basis of a showing of "probable cause" that the target was either an "agent of a foreign power" or the foreign power itself; certain designated executive branch officials certify under oath and in writing to the court that the information sought was "foreign intelligence information"; a detailed minimization procedure be spelled out in each application to the court, thereby eliminating extraneous or irrelevant information from being obtained by those engaged in the surveillance; warrantless emergency electronic surveillance be limited to a maximum of 24 hours, after which time a warrant had to be secured.

This bill—a major achievement of Attorney General Edward Levi—was referred to the Senate Judiciary Committee where, after important improvements were made, it was favorably reported by a lopsided vote of 11 to 1. It was then referred to the Senate Select Committee on Intelligence where, under the impressive leadership of Senators INOUYE and BAYH, detailed hearings were held and the bill was further improved. That committee favorably reported the bill by a vote of 13 to 1. Unfortunately, despite this overwhelming show of support last year by two Senate committees, time ran out before the full Senate could act on the legislation.

Mr. President, this legislation picks up where S. 3197 left off. Using that bill as a foundation, it builds in further important improvements and safeguards. It is the culmination of past efforts and present hopes. It seeks to end the all too common abuses of recent history by providing substantive and procedural limitations on the heretofore unchecked power of the executive branch to engage in electronic surveillance for national security purposes.

I have always had grave reservations about the Government's role in engaging in electronic surveillance, especially wiretapping. The complexity of the problem must not be underestimated. Electronic surveillance can be a useful tool for the Government's gathering of certain kinds of information; yet, if abused, it can also constitute a particularly indiscriminate and penetrating invasion of the privacy of our citizens. My objective over the past 6 years has been to reach some kind of fair balance that will protect the security of the United States without infringing on our citizens' human liberties and rights.

This bill goes a long way in striking that balance. Like S. 3197, it provides detailed statutory restrictions on the power of the Government to engage in foreign intelligence electronic surveillance. Its provisions are applicable to all such surveillance which occurs in the United States—the bill does not cover surveillance conducted against American citizens or foreign nationals abroad; such legislation, which I also support, is now being drafted under the leadership of Senator BAYH. It limits such surveillance to "foreign powers" or "agents of a foreign power" as defined in the bill.

American citizens and lawful resident aliens, therefore, can be targets of electronic surveillance only if: they are, first, knowingly engaged in "clandestine intelligence activities which involve or will involve a violation" of the criminal law; second, knowingly engaged in activities "that involve or will involve sabotage or terrorism for or on behalf of a foreign power"; or third, "pursuant to the direction of an intelligence service or intelligence network of a foreign power" are knowingly and secretly collecting or transmitting foreign intelligence information in a manner harmful to the security of the United States. All other persons—such as illegal aliens or foreign visitors—can be targets only if they are either officers or employees of a foreign power or are "knowingly engaging in clandestine intelligence activities for or on behalf of a foreign power under circumstances which indicate that such activities would be harmful to the security of the United States."

These statutory provisions which define the targets who may be subjected to foreign intelligence electronic surveillance constitute the crux of this legislation. They relegate to the past the wiretapping abuses of recent years. Neither Martin Luther King, Jr., Joseph Kraft, or Morton Halperin could possibly fall within such narrow definitions.

But the bill also sets out specific standards and procedures which must be followed in commencing such surveillance against "foreign powers" or "agents of a foreign power." "Foreign intelligence information" and "electronic surveillance" are carefully defined, statutory minimization procedures are spelled out and, most importantly, a judicial warrant must be secured before engaging in such surveillance. Under this warrant procedure the Government applies to one of seven special district court judges for an order to engage in such surveillance. The Attorney General must first approve each application. The application must state, inter alia, the identity or a description of the target, information that the target is "a foreign power or an agent of a foreign power," what proposed minimization procedures will be employed, and a designation or description of the information sought.

In addition, a designated executive branch official must certify to the court "that the information sought is foreign intelligence information" and "that the purpose of the surveillance is to obtain foreign intelligence information." This provision provides an internal check on arbitrary Government approval of electronic surveillance by establishing a method of written accountability within the executive branch.

The court may issue a warrant authorizing the surveillance only after making certain detailed findings, and concluding that "there is probable cause to believe that the target of the electronic surveillance is a foreign power or an agent of a foreign power." This warrant requirement guarantees at long last the type of external control on executive branch decisions to engage in electronics surveillance which I and others have long advocated. The courts, not the executive, ultimately rule on whether the surveillance should occur. If the target is a designated foreign power, the warrant may authorize such surveillance for up to 1 year; in all other cases a 90-day period is the maximum authorized. Extensions may be granted only after an additional application is made to the court. As in S. 3197, an emergency warrantless surveillance is limited to a maximum of 24 hours, after which time a warrant must be secured.

Mr. President, the legislation introduced today improves S. 3197 in a number of important respects. Most importantly, the bill repeals the so-called executive "inherent power" disclaimer clause currently found in section 2511(3) of title 18 of the United States Code, and provides instead that the statutory procedures of this legislation, and title 18, "shall be the exclusive means" for conducting electronic surveillance in the United States. Overseas surveillance is not covered by this legislation. The highly controversial disclaimer has often been cited as evidence of a congressional ratification of the President's inherent constitutional power to engage in electronic surveillance in order to obtain foreign intelligence information essential to the national security. Despite the admonition of the Supreme Court in the Keith case that the language of the disclaimer was "neutral," and did not reflect any such congressional recognition of inherent power, the section has been a major source of controversy. By repealing section 2511(3) and expressly stating that the statutory warrant procedures spelled out in the law must be followed in conducting electronic surveillance in the United States, this legislation ends the 8-year ongoing debate over the meaning and scope of the inherent power disclaimer clause.

The bill also makes important improvements in the certification procedure. Under S. 3197 the court had no authority to review the validity of the executive branch certification. Today's legislation, however, gives the reviewing court the power and authority to examine the certification in cases involving American citizens or lawful resident aliens and to reject the certification if the statements therein are clearly erroneous.

Finally, the scope of this bill is broader than S. 3197, encompassing electronic surveillance conducted in the United States by the National Security Agency—S. 3197 exempted all NSA activities.

The bill is by no means perfect in all respects. In some areas it retreats from the provisions of S. 3197. I must candidly acknowledge that I harbor my own serious reservations as to certain sections of the bill. First, there remains the highly controversial issue surrounding the noncriminal standard and the extent to which surveillance can be authorized to investigate conduct which does not rise to the level of a Federal crime. S. 3197 retained a provision which I reluctantly agreed to which allowed the Government to engage in electronic surveillance without demonstrating "probable cause" that a crime was being committed. But the bill limited this loophole to persons acting at the direction of a foreign intelligence network, who were knowingly and secretly transmitting information to that network where the information was harmful to the security of the United States. The bill I introduce today retains this narrow noncriminal standard and, in fact, expands it in those cases involving illegal aliens or foreign visitors. I have never been altogether satisfied with the explanations offered by the Department of Justice as to why a noncriminal standard is necessary at all, and I am particularly troubled by the willingness of the current administration to expand the loophole beyond that thought necessary by Attorney General Levi. Under any plain reading of the statutory language, it seems to me that the activities described could effectively fall within the ambit of our espionage and conspiracy laws.

Another major question mark concerning the bill involves the decision of the Justice Department to grant less protections and safeguards to illegal aliens or foreign visitors. This disquieting feature of the bill was absent from S. 3197. When it comes to illegal aliens or foreign visitors today's legislation provides an expanded noncriminal standard, does not allow the court to look behind the executive branch certification, and allows the Government to use the information obtained as a result of the surveillance for whatever purpose it deems necessary. The fourth amendment of the Constitution speaks in terms of protecting all "persons"—not just American citizens and lawful resident aliens—and to the extent that this bill establishes different standards and procedures for illegal aliens and temporary foreign visitors, it is open to criticism.

Finally, the detailed reporting requirements and congressional oversight provisions found in S. 3197 are practically nonexistent in this bill. One lesson learned from the events and abuses of recent years is the critical need for both appropriate disclosure of the quantity and scope of the surveillance engaged in, and a renewed oversight commitment by the Congress. Such congressional oversight is particularly important since, by its very nature, foreign intelligence surveillance must be conducted in secret. This bill reflects the need for such secrecy; judicial review is limited to a select panel and routine notice of such surveillance to the target is avoided. For these reasons effective Congressional oversight is a sin qua non for any proper implementation of the statute. Yet the bill is completely silent on the role to be played by the Congress in overseeing compliance with its provisions. Fortunately, the Justice Department has informed me of its willingness to comply with whatever oversight provisions are written into the statute following hearings by the Senate Judiciary Committee and Select Committee on Intelligence.

Mr. President with this legislation we near the end of a 6-year effort to establish statutory safeguards in the area of foreign intelligence electronic surveillance. With the enactment of this legislation—which complements existing electronic surveillance provisions found in title III of the Safe Streets Act—no wiretapping or electronic surveillance for whatever purpose, will be allowed in the United States except as permitted by statute. The bill provides the Senate with an enlightened starting point from which to fashion final legislation. Despite my own limited reservations with this bill, I remain even more uncomfortable leaving the American people with no legislative protections whatsoever governing national security wiretapping. I am not committed to each word or subsection of the bill. Some terms will need clarification; some procedures will need refining; some sections will undergo change. For the past 4 months I have been involved in lengthy negotiations with the Department of Justice and the administration in an effort to modify language and alter various provisions. Major changes have been agreed upon and more changes will follow. That is what the legislative process is all about.

Mr. President, the Congress has not passed any major legislation dealing with electronic surveillance since 1968. During this long interim there have been too many instances of abuse, too many examples of surveillance based on arbitrary whim and caprice. This bill goes a long way in satisfying the objections I and others have expressed over the years. Both the President and the Attorney General are to be congratulated for their constructive role in supporting this legislation. I am confident that if the legislative deliberations concerning this bill are conducted in a similar spirit of cooperation, a workable, just piece of legislation will be the result.

Mr. President, Senate hearings on this important legislation are already scheduled in the Senate Judiciary Committee for Monday, June 13. The bill will then be referred to the Senate Select Committee on Intelligence.

I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1566

A bill to amend title 18, United States Code, to authorize applications for a court order approving the use of electronic surveillance to obtain foreign intelligence information

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Intelligence Surveillance Act of 1977".

Sec. 2. Title 18, United States Code, is amended by adding a new chapter after chapter 119 as follows:

"Chapter 120.—ELECTRONIC SURVEILLANCE WITHIN THE UNITED STATES FOR FOREIGN INTELLIGENCE PURPOSES

"Sec.
"§ 2521. Definitions.
"2522. Authorization for electronic surveillance for foreign intelligence purposes.
"2523. Designation of judges authorized to grant orders for electronic surveillance.
"2524. Application for an order.
"2525. Issuance of an order.
"2526. Use of information.
"2527. Report of electronic surveillance."

"§ 2521. Definitions.

"(a) Except as otherwise provided in this section the definitions of section 2510 of this title shall apply to this chapter.

"(b) As used in this chapter—

"(1) 'Foreign power' means—

"(A) a foreign government or any component thereof, whether or not recognized by the United States;

"(B) a faction of a foreign nation or nations, not substantially composed of United States persons;

"(C) an entity, which is openly acknowledged by a foreign government or governments to be directed and controlled by such foreign government or governments;

"(D) a foreign-based terrorist group;

"(E) a foreign-based political organization, not substantially composed of United States persons; or

"(F) an entity which is directed and controlled by a foreign government or governments.

"(2) 'Agent of a foreign power' means—

"(A) any person, other than a United States citizen or an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act), who—

"(i) is an officer or employee of a foreign power;

"(ii) knowingly engages in clandestine intelligence activities for or on behalf of a foreign power under circumstances which indicate that such activities would be harmful to the security of the United States; or

"(iii) conspires with or knowingly aids or abets a person described in paragraph (ii) above.

"(B) any person who—

"(i) knowingly engages in clandestine intelligence activities for or on behalf of a foreign power, which activities involve or will involve a violation of the criminal statutes of the United States;

"(ii) knowingly engages in activities that involve or will involve sabotage or terrorism for or on behalf of a foreign power;

"(iii) pursuant to the direction of an intelligence service or intelligence network of a foreign power, knowingly collects or transmits information or material to an intelligence service or intelligence network of a foreign power in a manner intended to conceal the nature of such information or material or the fact of such transmission or collection, under circumstances which indicate the transmission of such information or material would be harmful to the security of the United States, or that lack of knowledge by the United States of such collection or transmission would be harmful to the security of the United States; or

"(iv) conspires with or knowingly aids or abets any person engaged in activities described in subsections B(i)-(iii) above.

"(3) 'Terrorism' means activities which—

"(A) are violent acts or acts dangerous to human life which would be criminal under the laws of the United States or of any State if committed within its jurisdiction; and

"(B) appear to be intended—

"(i) to intimidate or coerce the civilian population,

"(ii) to influence the policy of a government by intimidation or coercion, or

"(iii) to affect the conduct of a government by assassination or kidnapping;

"(4) 'Sabotage' means activities which would be prohibited by title 18, United States Code, chapter 105, if committed against the United States.

"(5) 'Foreign intelligence information' means—

"(A) information which relates to, and is deemed necessary to the ability of the United States to protect itself against, actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

"(B) information with respect to a foreign power or foreign territory, which relates to, and because of its importance is deemed essential to:

"(i) the national defense or the security of the Nation; or

"(ii) the successful conduct of the foreign affairs of the United States;

"(C) information which relates to, and is deemed necessary to the ability of the United States to protect against terrorism by a foreign power or an agent of a foreign power;

"(D) information which relates to, and is deemed necessary to the ability of the United States to protect against sabotage by a foreign power or an agent of a foreign power; or

"(E) information which relates to, and is deemed necessary to the ability of the United States to protect against the clandestine intelligence activities of an intelligence service or network of a foreign power or an agent of a foreign power;

"(6) 'Electronic surveillance' means—

"(A) the acquisition by an electronic, mechanical, or other surveillance device of the contents of any wire or radio communication sent by or intended to be received by a particular, known United States person who is in the United States, where the contents are acquired by intentionally targeting that United States person, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes;

"(B) the acquisition by an electronic, mechanical, or other surveillance device, of the contents of any wire communication to or from a person in the United States, without the consent of any party thereto, where such acquisition occurs in the United States while the communication is being transmitted by wire;

"(C) the intentional acquisition, by an electronic, mechanical, or other surveillance device, of the contents of any radio communication, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes, and where both the sender and all intended recipients are located within the United States; or

"(D) the installation or use of an electronic, mechanical, or other surveillance device in the United States for monitoring to acquire information, other than from a wire or radio communication, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes.

"(7) 'Attorney General' means the Attorney General of the United States (or Acting Attorney General) or an Assistant Attorney General specially designated in writing by the Attorney General.

"(8) 'Minimization procedures' means procedures which are reasonably designed to minimize the acquisition, retention, and dissemination of any information concerning United States persons wthout their consent that does not relate to the ability of the United States—

"(A) to protect itself against actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

"(B) to provide for the national defense or security of the Nation;

"(C) to provide for the conduct of the foreign affairs of the United States;

"(D) to protect against terrorism by a foreign power or an agent of a foreign power;

"(E) to protect against sabotage by a foreign power or an agent of a foreign power; or

"(F) to protect against the clandestine intelligence activities of an intelligence service or network of a foreign power or an agent of a foreign power;

and which are reasonably designed to insure that information which relates solely to the conduct of foreign affairs shall not be maintained in such a manner as to permit the retrieval of such information by reference to a United States person, without his consent, who was a party to a communication acquired pursuant to this chapter; and if the target of the electronic surveillance is a foreign power which qualifies as such solely on the basis that it is an entity controlled and directed by a foreign government or governments, and unless there is a probable cause to believe that a substantial number of the officers or executives of such entity are officers or employees of a substantial number of the officers or executives of such entity are officers or employees of a foreign government, or agents of a foreign power as defined in section 2521(b)(2)(B), procedures which are reasonably designed to prevent the acquisition, retention, and dissemination of communications of unconsenting United States persons who are not officers or executives of such entity responsible for those areas of its activities which involve foreign intelligence information.

"(9) 'United States person' means a citizen of the United States, an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act), an unincorporated association a substantial number of members of which are citizens of the United States or aliens lawfully admitted for permanent residence or a corporation which is incorporated in the United States, but not including corporations which are foreign powers.

"(10) 'United States' when used in a geographic sense means all areas under the territorial sovereignty of the United States, the Trust Territory of the Pacific Islands, and the Canal Zone.

"§ 2522. Authorization for electronic surveillance for foreign intelligence purpurposes

"Applications for a court order under this chapter are authorized if the President has, by written authorization, empowered the Attorney General to approve applications to Federal judges having jurisdiction under section 2523 of this chapter, and a judge to whom an application is made may grant an order, in conformity with section 2525 of this chapter, approving electronic surveillance of a foreign power or an agent of a foreign power for the purpose of obtaining foreign intelligence information.

"§ 2523. Designation of judges authorized to grant orders for electronic surveillance

"(a) The Chief Justice of the United States shall publicly designate seven district court judges, each of whom shall have jurisdiction to hear applications for and grant orders approving electronic surveillance anywhere within the United States under the procedures set forth in this chapter, except that no judge designated under this subsection shall have jurisdiction of the same application for electronic surveillance under this chapter which has been denied previously by another judge designated under this subsection. If any judge so designated denies an application for an order authorizing electronic surveillance under this chapter, such judge shall provide immediately for the record a written statement of each reason for his decision and, on motion of the United States, the record shall be transmitted, under seal, to the special court of review established in subsection (b).

"(b) The Chief Justice shall publicly designate three judges, one of whom shall be publicly designated as the presiding judge, from the United States district courts or courts of appeals who together shall comprise a special court of review which shall have jurisdiction to review the denial of any application made under this chapter. If such special court determines that the application was properly denied, the special court shall immediately provide for the record a written statement of each reason for its decision and, on petition of the United States for a writ of certiorari, the record shall be transmitted under seal to the Supreme Court, which shall have jurisdiction to review such decision.

"(c) Proceedings under this chapter shall be conducted as expeditiously as possible. The record of proceedings under this chapter, including applications made and orders granted shall be sealed and maintained under security measures established by the Chief Justice in consultation with the Attorney General and the Director of Central Intelligence.

"§ 2524. Application for an order

"(a) Each application for an order approving electronic surveillance under this chapter shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under section 2523 of this chapter. Each application shall require the approval of the Attorney General based upon his finding that it satisfies the criteria and requirements of such application as set forth in this chapter. It shall include the following information—

"(1) the identity of the Federal officer making the application;

"(2) the authority conferred on the Attorney General by the President of the United States and the approval of the Attorney General to make the application;

"(3) the identity or a description of the target of the electronic surveillance;

"(4) a statement of the facts and circumstances relied upon by the applicant to justify his belief that—

"(A) the target of the electronic surveillance is a foreign power or an agent of a foreign power; and

"(B) the facilities or the place at which the electronic surveillance is directed are being used, or are about to be used, by a foreign power or an agent of a foreign power;

"(5) a statement of the proposed minimization procedures;

"(6) when the target of the surveillance is not a foreign power as defined in section 2521(b)(1) (A), (B) or (C), a detailed description of the nature of the information sought;

"(7) a certification or certifications by the Assistant to the President for National Security Affairs or an executive branch official or officials designated by the President from among those executive officers employed in the area of national security or defense and appointed by the President with the advice and consent of the Senate—

"(A) that the information sought is foreign intelligence information;

"(B) that the purpose of the surveillance is to obtain foreign intelligence information;

"(C) that such information cannot reasonably be obtained by normal investigative techniques;

"(D) including a designation of the type of foreign intelligence information being sought according to the categories described in section 2521(b)(5);

"(E) when the target of the surveillance is not a foreign power, as defined in section 2521(b)(1)(A), (B), or (C), including a statement of the basis for the certification that—

"(i) the information sought is the type of foreign intelligence information designated; and

"(ii) such information cannot reasonably be obtained by normal investigative techniques;

"(F) when the target of the surveillance is a foreign power, as defined in section 2521(b)(1)(A), (B), or (C), stating the period of time for which the surveillance is required to be maintained;

"(8) when the target of the surveillance is not a foreign power, as defined in section 2521(b)(1)(A), (B), or (C), a statement of the means by which the surveillance will be effected, and when the target is a foreign power, as defined in section 2521(b)(1)(A), (B), or (C), a designation of the type of electronic surveillance to be used according to the categories described in section 2521(b)(6);

"(9) a statement of the facts concerning all previous applications that have been made to any judge under this chapter involving any of the persons, facilities, or places specified in the application, and the action taken on each previous application; and

"(10) when the target of the surveillance is not a foreign power, as defined in section 2521(b)(1)(A), (B), or (C), a statement of the period of time for which the electronic surveillance is required to be maintained. If the nature of the intelligence gathering is such that the approval of the use of electronic surveillance under this chapter should not automatically terminate when the described type of information has first been obtained, a description of facts supporting the belief that additional information of the same type will be obtained thereafter.

"(b) The Attorney General may require any other affidavit or certification from any other officer in connection with the application.

"(c) The judge may require the applicant to furnish such other information as may be necessary to make the determinations required by section 2525 of this chapter.

"§ 2525. Issuance of an order

"(a) Upon an application made pursuant to section 2524 of this title, the judge shall enter an ex parte order as requested or as modified approving the electronic surveillance if he finds that—

"(1) the President has authorized the Attorney General to approve applications for electronic surveillance for foreign intelligence information;

"(2) the application has been made by a Federal officer and approved by the Attorney General;

"(3) on the basis of the facts submitted by the applicant there is probable cause to believe that—

"(A) the target of the electronic surveillance is a foreign power or an agent of a foreign power; and

"(B) the facilities or place at which the electronic surveillance is directed are being used, or are about to be used, by a foreign power or an agent of a foreign power;

"(4) the proposed minimization procedures meet the definition of minimization procedures under section 2521(b)(8) of this title;

"(5) the application which has been filed contains the description and certification or certifications, specified in section 2524(a)(7) and, if the target is a United States person, the certification or certifications are not clearly erroneous on the basis of the statement made under section 2524(a)(7)(E):

"(b) An order approving an electronic surveillance under this section shall—

"(1) specify—

"(A) the identity or a description of the target of the electronic surveillance;

"(B) the nature and location of the facilities or the place at which the electronic surveillance will be directed;

"(C) the type of information sought to be acquired;

"(D) when the target of the surveillance is not a foreign power, as defined in section 2521(b)((1)(A), (B), or (C), the means by which the electronic surveillance will be effected, and when the target is a foreign power, as defined in section 2521(b)(1)(A), (B), or (C), a designation of the type of electronic surveillance to be used according to the categories described in section 2521(b)(6); and

"(E) the period of time during which the electronic surveillance is approved; and

"(2) direct—

"(A) that the minimization procedures be followed;

"(B) that, upon the request of the applicant, a specified communication or other common carrier, landlord, custodian, contractor, or other specified person furnish the applicant forthwith any and all information, facilities, or technical assistance, necessary to accomplish the electronic surveillance in such manner as will protect its secrecy and produce a minimum of interference with the services that such carrier, landlord, custodian, contractor, or other person is providing that target of electronic surveillance;

"(C) that such carrier, landlord, custodian, or other person maintain under security procedures approved by the Attorney General and the Director of Central Intelligence any records concerning the surveillance or the aid furnished which such person wishes to retain;

"(D) that the applicant compensate, at the prevailing rate, such carrier, landlord, custodian, or other person for furnishing such aid.

"(c) An order issued under this section may approve an electronic surveillance not targeted against a foreign power, as defined in section 2521(b)(1)(A), (B), or (C), for the period necessary to achieve its purpose, or for ninety days, whichever is less; an order under this section shall approve an electronic surveillance targeted against a foreign power, as defined in section 2521(b)(1)(A), (B), or (C) for the period specified in the certification required in section 2524(a)(7)(F), or for one year, whichever is less. Extensions of an order issued under this chapter may be granted on the same basis as an original order upon an application for an extension made in the same manner as required for an original application and after new findings required by subsection (a) of this section. In connection with applications for extensions where the target is not a foreign power, as defined in section 2521(b)(1)(A), (B), or (C), the judge may require the applicant to submit information, obtained pursuant to the original order or to any previous extensions, as may be necessary to make new findings of probable cause.

"(d) Notwithstanding any other provision of this chapter when the Attorney General reasonably determines that—

"(1) an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained, and

"(2) the factual basis for issuance of an order under this chapter to approve such surveillance exists, he may authorize the emergency employment of electronic surveillance if a judge designated pursuant to section 2523 of this chapter is informed by the Attorney General or his designate at the time of such authorization that the decision has been made to employ emergency electronic surveillance and if an application in accordance with this chapter is made to that judge as soon as practicable, but not more than twenty-four hours after the Attorney General authorizes such acquisition. If the Attorney General authorizes such emergency employment of electronic surveillance, he shall require that the minimization procedures required by this chapter for the issuance of a judicial order be followed. In the absence of a judicial order approving such electron surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of twenty-four hours from the time of authorization by the Attorney General, whichever is earliest. In the event that such application for approval is denied, or in any other case where the electronic surveillance is terminated without an order having been issued, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee or other authority of the United States, a State or political subdivision thereof. A denial of the application made under this subsection may be reviewed as provided in section 2523.

"§ 2526. Use of information

"(a) Information concerning United States persons acquired from an electronic surveillance conducted pursuant to this chapter may be used and disclosed by Federal officers and employees without the consent of the United States person only for purposes specified in section 2521(b)(8)(A)-(F), or for the enforcement of the criminal law if its use outweighs the possible harm to the national security. No otherwise privileged communication obtained in accordance with, or in violation of, the provisions of this chapter shall lose its privileged character.

"(b) The minimization procedures required under this chapter shall not preclude the retention and disclosure, for law enforcement purposse, of any information which constitutes evidence of a crime if such disclosure is accompanied by a statement that such evidence, or any information derived therefrom, may only be used in a criminal proceeding with the advance authorization of the Attorney General.

"(c) Whenever the Government intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, or other authority of the United States, any information obtained or derived from an electronic surveillance, the Government shall prior to the trial, hearing, or other proceeding or at a reasonable time prior to an effort to so disclose or so use the information or submit it in evidence notify the court in which the information is to be disclosed or used or, if the information is to be disclosed or used in or before another authority, shall notify a court in the district wherein the information is to be so disclosed or so used that the Government intends to so disclose or so use such information. Whenever any court is so notified, or whenever a motion is made pursuant to § 3504 of this title, or any other statute or rule of the United States to suppress evidence on the grounds that it was obtained or derived from an unlawful electronic surveillance, the court, or where the motion is made before another authority, a court in the same district as the authority, shall notwithstanding any other law, if the Government by affidavit asserts that an adversary hearing would harm the national security or the foreign affairs of the United States.

review *in camera* and *ex parte* the application, order, and so much of the transcript of the surveillance as may be necessary to determine whether the surveillance was authorized and conducted in a manner that did not violate any right afforded by the Constitution and statutes of the United States to the person aggrieved; provided that, in making this determination, the court shall disclose to the aggrieved person portions of the application, order, or transcript only where such disclosure is necessary for an accurate determination of the legality of the surveillance. If the court determines that the electronic surveillance of the person aggrieved was not lawfully authorized or conducted, the court shall in accordance with the requirements of law suppress that information which was obtained or evidence derived unlawfully from the electronic surveillance of the person aggrieved.

"(d) If an emergency employment of the electronic surveillance is authorized under section 2525(d) and a subsequent order approving the surveillance is not obtained, the judge shall cause to be served on any United States person named in the application and on such other United States persons subject to electronic surveillance as the judge may determine in his discretion it is in the interest of justice to serve, notice of—

"(1) the fact of the application;

"(2) the period of the surveillance; and

"(3) the fact that during the period information was or was not obtained.

On an ex parte showing of good cause to the judge the serving of the notice required by this subsection may be postponed or suspended for a period not to exceed ninety days. Thereafter, on a further ex parte showing of good cause, the court shall forego ordering the serving of the notice required under this subsection.

"§ 2527. Report of electronic surveillance

"In April of each year, the Attorney General shall report to the Administrative Office of the United States Courts and shall transmit to Congress with respect to the preceding calendar year—

"(1) the total number of applications made for orders and extensions of orders approving electronic surveillance; and

"(2) the total number of such orders and extensions either granted, modified, or denied.

SEC. 3. The provisions of this Act and the amendment made hereby shall become effective upon enactment: *Provided*, That, any electronic surveillance approved by the Attorney General to gather foreign intelligence information shall not be deemed unlawful for failure to follow the procedures of chapter 120, title 18, United States Code, if that surveillance is terminated or an order approving that surveillance is obtained under this chapter within ninety days following the designation of the first judge pursuant to section 2523 of chapter 120, title 18, United States Code.

SEC. 4. Chapter 119 of title 18, United States Code, is amended as follows:

(a) Section 2511(1) is amended—

(1) by inserting "or chapter 120 or with respect to techniques used by law enforcement officers not involving the interception of wire or oral communications as otherwise authorized by a search warrant or order of a court of competent jurisdiction," immediately after "chapter" in the first sentence;

(2) by inserting a comma and "or, under color of law, willfully engages in any other form of electronic surveillance as defined in chapter 120" immediately before the semicolon in paragraph (a);

(3) by inserting "or information obtained under color of law by any other form of electronic surveillance as defined in chapter 120" immediately after "contents of any wire or oral communication" in paragraph (c);

(4) by inserting "or any other form of electronic surveillance, as defined in chapter 120," immediately before "in violation" in paragraph (c);

(5) by inserting "or information obtained under color of law by any other form of electronic surveillance as defined in chapter 120" immediately after "any wire or oral communication" in paragraph (d); and

(6) by inserting "or any other form of electronic surveillance, as defined in chapter 120," immediately before "in violation" in paragraph (d).

(b)(1) Section 2511(2)(a)(i) is amended by inserting the words "or radio communication" after the words "wire communication" and by inserting the words "or otherwise acquire" after the word "intercept."

(2) Section 2511(2)(a)(ii) is amended by inserting the words "or chapter 120" after the second appearance of the word "chapter," and by striking the period at the end thereof and adding the following: "or engage in electronic surveillance, as defined in chapter 120: *Provided, however*, That before the information, facilities, or technical assistance may be provided, the investigative or law enforcement officer shall furnish to the officer, employee, or agent of the carrier either—

"(1) an order signed by the authorizing judge certifying that a court order directing such assistance has been issued; or

"(2) in the case of an emergency interception or electronic surveillance as provided for in section 2518(7) of this chapter or section 2525(d) of chapter 120, a certification under oath by investigative or law enforcement officer that the applicable statutory requirements have been met,

and setting forth the period of time for which the electronic surveillance is authorized and describing the facilities from which the communication is to be acquired. Any violation of this subsection by a communication common carrier or an officer, employee, or agency thereof, shall render the carrier liable for the civil damages provided for in section 2520."

(c)(1) Section 2511(2)(b) is amended by inserting the words "or otherwise engage in electronic surveillance, as defined in chapter 120," after the word "radio."

(2) Section 2511(2)(c) is amended by inserting the words "or engage in electronic surveillance, as defined in chapter 120," after the words "oral communication" and by inserting the words "or such surveillance" after the last word in the paragraph and before the period.

(3) Section 2511(2) is amended by adding at the end of the section the following provisions:

"(e) Notwithstanding any other provision of this title or sections 605 or 606 of the Communications Act of 1934, it shall not be unlawful for an officer, employee, or agent of the United States in the normal course of his official duty to conduct electronic surveillance as defined in section 2521(b)(6) of chapter 120 without a court order for the sole purpose of:

"(i) testing the capability of electronic equipment, provided that the test period shall be limited in extent and duration to that necessary to determine the capability of the equipment, that the content of any communication acquired under this paragraph shall be retained and used only for the purpose of determining the capability of such equipment, shall be disclosed only to the persons conducting the test, and shall be destroyed upon completion of the testing, and that the test may exceed ninety days only with the prior approval of the Attorney General; or

(ii) determining the existence and capability of electronic surveillance equipment being used unlawfully, provided that such electronic surveillance shall be limited in extent and duration to that necessary to determine the existence and capability of such equipment, and that any information acquired by such surveillance shall be used only to enforce this chapter or section 605 of the Communications Act of 1934 or to protect information from unlawful electronic surveillance.

"(f) Nothing contained in this chapter, or section 605 of the Communications Act of 1934 (47 U.S.C. § 605) shall be deemed to affect the acquisition by the United States Government of foreign intelligence information from international communications by a means other than electronic surveillance as defined in section 2521(b)(6) of this title; and the procedures in this chapter and chapter 120 of this title, shall be the exclusive means by which electronic surveillance, as defined in section 2521(b)(6) of chapter 120, and the interception of domestic wire and oral communications may be conducted."

(d) Section 2511(3) is repealed.

(e) Section 2515 is amended by inserting the words "or electronic surveillance, as defined in chapter 120, has been conducted" after the word "intercepted", by inserting the words "or other information obtained from electronic surveillance, as defined in chapter 120," after the second appearance of the word "communication", and by inserting "or chapter 120" after the final appearance of the word "chapter".

(f) Section 2518(1) is amended by inserting the words "under this chapter" after the word "communication".

(g) Section 2518(4) is amended by inserting the words "under this chapter" after both appearances of the words "wire or oral communication".

(h) Section 2518(9) is amended by striking the word "intercepted" and inserting the words "intercepted pursuant to this chapter" after the word "communication".

(i) Section 2519(3) is amended by inserting the words "pursuant to this chapter" after the words "wire or oral communications" and after the words "granted or denied".

(j) Section 2520 is amended by deleting all before subsection (2) and inserting in lieu thereof: "Any person other than a foreign power or an agent of a foreign power as defined in sections 2521(b)(1) and 2521(b)(2)(A) of chapter 120, who has been subject to electronic surveillance, as defined in chapter 120, or whose wire or oral communication has been intercepted, or about whom information has been disclosed or used, in violation of this chapter, shall (1) have a civil cause of action against any person who so acted in violation of this chapter and".

Mr. BAYH. Mr. President, the Foreign Intelligence Surveillance Act of 1977 is being introduced today with the support of the administration. I am sponsoring this bill because I believe that, with some important changes, it will provide essential safeguards for the rights of Americans. It will bring to an end the practice of electronic surveillance without a judicial warrant for foreign intelligence purposes in the United States. It will also protect the rights of Americans in the United States who engage in international communications. It will assert the authority of the Congress to regulate this type of intrusive, covert foreign intelligence surveillance by law; and its standards and procedures will be the exclusive means by which such surveillance may be carried out. As a result, the executive branch can no longer rely on claims of so-called inherent Presidential power to engage in such surveillance. The standards for issuing a judicial warrant attempt to reconcile the interests of personal privacy and national security in a way consistent with the fundamental principles of the fourth amendment and due process of law.

Last year the Judiciary Committee and the Select Committee on Intelligence reported a similar bill, S. 3197, which had the support of Attorney General Edward H. Levi and President Ford. After S. 3197 failed to reach the floor, the Subcommittee on Intelligence and the Rights of Americans, of which I am chairman, continued its study of the issues raised by the bill. During the confirmation hearings for Attorney General Griffin Bell and Director of Central Intelligence Stansfield Turner, I questioned the nominees closely on the possibility of their supporting a new bill with changes designed to resolve some of the misgivings many of us had about S. 3197. Shortly after the new administration took office, a number of areas for improvement were discussed with officials of the Justice Department. The bill introduced today incorporates, at least in part, three significant modifications proposed in those discussions.

First, the most important change is the extension of the bill, and the judicial warrant protection, to intentional targeting of the international communications of American citizens and permanent resident aliens who are in the United States. The effect would be to prevent, by law, such past abuses as the National Security Agency's use of a "watch list" to target the international communications of Americans who were engaged in domestic political dissent and protect activities and posed no serious threat to the security of the country. In the late 1960's and early 1970's, the FBI Intelligence Division and the CIA's "Operation CHAOS" placed the names of hundreds of such Americans on an NSA "watch list" to monitor their political activities, partly to satisfy White House demands for proof that domestic dissent was not foreign-directed. The standards and procedures of this bill will make such abuses clearly unlawful in the future.

Last year's bill did not address this problem. Its protections covered only surveillance of domestic communications, leaving out international communications altogether. As I will discuss more fully later, the new bill does not go far enough because it does not protect Americans who are outside the United States from surveillance by their own Government. Nevertheless, it is a major step forward; and the administration deserves substantial credit for moving in this direction.

A second significant improvement is judicial review of the executive branch "certification," where the target of the surveillance is an American citizen or a permanent resident alien. Under last year's bill, the judge had no authority to reject the "certification" that the surveillance was necessary to obtain foreign intelligence. Under the new bill, before he issues a warrant for surveillance of an American, the judge must not only find probable cause that the person is a foreign agent engaged in activities tied closely to violations of law and that the place or facilities targeted for surveillance are about to be used by the agent, but he must also decide whether the executive branch has properly determined that the information sought from the surveillance is necessary for particular foreign intelligence purposes and that normal investigative techniques are not adequate.

This added safeguard is essential to making the judicial warrant an effective protection for the rights of Americans. However, as with the first improvement, the new provision does not go far enough. The standard for judicial review of the certification—"clearly erroneous"—provides only modest protection. A probable cause standard would be better because the judge should fully understand and approve the reasons for surveillance of an American. The judge should also find that the desired foreign intelligence information is likely to be obtained from the surveillance. The administration is not yet willing to go this far; but its agreement with the basic principle of judicial review of all crucial aspects of the decision to conduct surveillance of an American is a noteworthy advance.

Third, the administration's renunciation of claims of "inherent Presidential power" is a major gain for constitutional government. The new bill states that its standards and procedures are the "exclusive means" by which all electronic surveillance, as defined in the bill, may be conducted. Last year the executive branch insisted upon an exemption for matters that could not "be reasonably said to have been within the contemplation of Congress." In other words, under the provisions of the Ford administration bill, the warrant requirement and the other safeguards could have been disregarded by the executive branch if Congress had not been told about, or had not anticipated some new and more sophisticated surveillance device for acquiring intelligence information. Many of us voted to report a bill containing this provision with the greatest reluctance; the prospect of getting some legislation in this field persuaded us to do so. Nevertheless, elimination of the loophole for "inherent Presidential power" has remained one of our principal objectives.

That loophole is now closed for the use of any electronic surveillance device, as defined very broadly in the bill, within the United States and for the purpose of targeting the international communications of Americans who are in the United States. The Constitution forbids the President from acting upon the basis of a claim of "inherent power" where the Congress has expressly laid down, by law, the standards and procedures for dealing with a particular problem. This was the unmistakable decision of the Supreme Court of the United States in the Steel Seizure case. As Justice Robert Jackson declared in his opinion in that case:

> When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb. . . . *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579, 637 (1952).

Whatever may be the powers of the President in the absence of specific legislation, there is no doubt that he is bound by the Constitution to conform his action to a law enacted by the Congress. This principle applies equally to the President's domestic powers and to his powers as Commander in Chief and in the area of foreign affairs. The Constitution is clear:

> Congress shall have power . . . to make all laws which shall be necessary and proper for carrying into execution . . . all other powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof. Article I, section 8, clause 18.

The laws of the United States enacted by the Congress, pursuant to the Constitution, are "the supreme Law of the Land." Article VI, section 2. The President is bound by the Constitution to "take care that" such laws "be faithfully executed." Article II, section 3. Thus, if the President were to authorize surveillance without regard to the standards and procedures of this bill, his conduct would be unconstitutional in the same way that President Truman's seizure of the steel companies was unconstitutional in 1952.

However, even though the loophole is now closed for surveillance within the United States and for targeting international communications of Americans who are in the United States, the bill still leaves room for the President to try to claim inherent power to target Americans abroad for surveillance. The standards and procedures of the bill do not apply to such surveillance, thus leaving Congress in a position of neutrality as to whether and under what conditions an American can be placed under surveillance outside the United States by an agency of the executive branch. Americans should not give up their right to protection against the actions of their own Government when they leave this country. Until there is legislation in this area, the foreign intelligence surveillance activities of the executive branch will continue to raise serious problems for constitutional government and the rights of Americans.

The administration has made a commitment to drafting separate legislation to regulate electronic surveillance of Americans abroad for both foreign intelligence and law enforcement purposes. Therefore, there seems to be no disagreement, in principle, with the aim of eliminating reliance on inherent Presidential powers wherever surveillance is directed against an American. Nevertheless, I believe the new bill might well be an appropriate vehicle for this purpose; and I am considering the introduction of an amendment to extend the protections in the bill to the use of electronic surveillance for acquiring foreign intelligence information by intentionally targeting an American who is outside the United States. Given the commitment made by the administration, I am sure that we can cooperate in the development of legislation that will close the last gap in the framework of legal protection for the rights of Americans in this field.

The three significant improvements in this bill—the movement into the area of international communications, judicial review of all crucial aspects of the surveillance of Americans, and abandonment of certain "inherent Presidential power" claims—all make major progress beyond where we were last year.

Nonetheless, the question is whether this progress has been achieved at the expense of other features of the earlier bill, which are modified in ways that cut back on the protections developed last year. This was the issue when the Rights of Americans Subcommittee received the administration's first draft of the new bill. It contained a number of changes which did, indeed, substantially weaken important provisions of S. 3197. Since that time, further discussions with the Justice Department have eliminated some of these clauses; but others remain and must be dealt with before the bill is reported to the floor.

The following are some of the problems remedied, in full or in part, in discussions with the Justice Department:

First. The first draft made highly questionable modifications in the so-called "noncriminal standard" for surveillance of U.S. persons. The bill now goes back to the essential elements of the standard adopted by the Intelligence Committee last year.

Any standard allowing surveillance of Americans who are not engaged in illegal activities raises serious problems. Nevertheless, such a standard was adopted last year because Federal criminal laws did not appear to cover certain clandestine activities of foreign agents who are consciously working for an intelligence service or network of a foreign power. As the Intelligence Committee stated in its report on S. 3197, the standard was—

> necessary in order to permit the Government to adequately investigate cases such as those where Federal agents have witnessed a series of "meets" or "drops" between a hostile foreign intelligence officer and a citizen who might have access to highly classified or similarly sensitive information; information is being passed, but the Federal agents have been unable to determine precisely what information is being transmitted. (S. Rep. No. 94-1161, p. 22.)

A judge could issue a warrant for surveillance in such cases if he determined that the circumstances indicated harm to the security of the United States.

The administration's first draft made several questionable changes in this standard. It did not require that the agent be transmitting information or material "to an intelligence service or intelligence network of a foreign power." Instead, the transmission could be to anyone. The draft added to the "harm the security" provision another standard—"harmful to the foreign policy of the United States"—which greatly widened the possibilities for surveillance. The standard required only that there "may be" harm, rather than that the harm would occur. Finally, "collection" as well as "transmission" of information of material was covered.

Subsequent discussions with the Justice Department secured the elimination of all these changes, and a return to last year's requirements, except for the addition of "collection." This modification is, however, consistent with the essential elements of the standard. The collection must be undertaken consciously pursuant to the direction of an intelligence service or network of a foreign power; it must be done in a clandestine manner; and the circumstances must indicate that it would harm the security of the United States. It may include, for example, the activities of an agent who serves as a courier or as a conduit for passing information or material from one member of the intelligence network to another.

Nevertheless, the entire concept of a "noncriminal standard" for surveillance of Americans needs careful reexamination, to determine whether amendments to existing criminal statutes might be a better course to follow.

Second. The first draft added to the "criminal standard" for surveillance of U.S. persons the new phrase "activities in furtherance" of illegal clandestine intelligence activities. The bill now deletes this phrase. Last year this matter was handled in report language, which stated that the illegal clandestine intelligence activities were intended to include:

> Maintaining a "safe house" for secret meetings, servicing "letter drops" to facilitate covert transmission of instructions or information, recruiting new agents, or infiltrating and exfiltrating agents under deep cover to and from the United States." (S. Rep. 94-1161, p. 20.)

Similar language can be adopted this year.

Third. The first draft made it more difficult for a U.S. person to test the legality of the surveillance in court. The bill now has stronger requirements that the judge disclose information about illegal surveillance to the aggrieved person.

The administration's initial draft stated that, in making a determination of legality in a subsequent legal proceeding, "the court may disclose to the aggrieved person portions of the application, order, or transcript only in compelling circumstances where the harm to national security is outweighed by the requirements of due process in that particular case." Moreover, when the court suppressed information obtained from illegal surveillance, it was not required to inform the aggrieved person of the surveillance.

Some improvements were made as a result of discussions with the Justice Department. The bill now states that "the court shall disclose * * * only where such disclosure is necessary for an accurate determination of the legality of the surveillance." In addition, when the court suppresses information, it must do so "in accordance with the requirements of law" and thereby disclose the illegal surveillance if the law otherwise requires such disclosure.

Although these changes have improved the bill, it does not yet fully insure that Americans can effectively challenge possibly illegal surveillance, or the fruits of such surveillance, used against them in legal proceedings. If there is a reasonable question as to the legality of the surveillance, the judge should make whatever disclosure to the aggrieved person would promote a more accurate determination of such legality. This was the standard in last year's bill.

Fourth. The first draft provided that, where the surveillance is solely to obtain information for the successful conduct of foreign affairs, the Executive must certify that the information is "necessary." The bill now goes back to "essential"; and the meaning will be clarified in the report. Last year the Intelligence Committee report explained that the higher "essential" standard was needed "because of the more amorphous nature of the information which can be acquired" for the conduct of foreign affairs (S. Rept. 94-1161, p. 25). On the other hand, "essential" is not so rigid a standard as to mean totally indispensible or of the ultimate importance for the successful conduct of foreign affairs.

Fifth. The first draft provided that electronic surveillance, as defined in the bill, would require a warrant "under circumstances in which a warrant would be constitutionally required if the surveillance was not foreign intelligence purposes." The bill now reads—"under circumstances in which a warrant would be required for law enforcement purposes because of a reasonable expectation of privacy"—closer to the definition used last year.

Sixth. Under a new, special 1-year warrant procedure for surveillance of certain types of foreign powers, the first draft gave the judge no information about the means of surveillance to be used. The bill now allows the judge to be informed of the type of surveillance to be used, according to the four categories of the definition of electronic surveillance.

The new system of 1-year warrants is complex and will require careful consideration. For a judge to issue such a warrant, he must find probable cause that the target is a certain type of foreign power. The judge must be satisfied that the application by the Attorney General establishes probable cause that the target is a foreign government or component thereof, a faction of a foreign nation not substantially composed of U.S. persons, or an entity which is openly acknowledged by a foreign government to be under its direction and control. The judge can ask for more information before he makes this decision. The special 1-year warrant does not apply to individuals or to foreign-based terrorist groups, foreign-based political organizations, or entities directed and controlled by a foreign government without open acknowledgement.

Under the special warrant, the judge receives substantially less information about the purposes for and methods used in the surveillance. This may be necessary to satisfy the requirements of tight security for highly sensitive techniques. In any event, the judge will still review and approve the "minimization procedures" designed to limit the acquisition, retention, and dissemination of information about U.S. persons obtained incidentally during the surveillance. Pending further study, these standards appear to be a reasonable accommodation of the competing interests.

Seventh. The first draft provided inadequate protection for foreign visitors in the United States who are not officers or employees of a foreign power. Last year's bill gave them the same protection as American citizens and permanent resident aliens. The first draft allowed them to be placed under surveillance without any finding by the judge that their activities would violate Federal law or harm the security of the United States or that the Executive certification was not "clearly erroneous." The bill now requires a finding by the judge that their activities would harm the security of the United States; and a requirement that the activities be done "knowingly" has been added. Although these are improvements, a return to the principles of last year's bill may be essential if the United States is to be able to assure those who visit our Nation that their fundamental human rights will be fully protected.

These improvements from the administration's first draft bring the bill more closely in line with the essential features of last year's measure. However, we have been unable to resolve all our problems with the standards and procedures. Although they may not be so overwhelming as to delay introduction of the bill in its present form, these issues should be taken up in committee. In some instances, the early introduction of amendments may be necessary in order to identify clearly the weaknesses in the bill as it now stands.

The problems with the lack of protection for Americans abroad, the "noncriminal standard" for surveillance of Americans, disclosure in legal proceedings, and inadequate safeguards for foreign visitors have already been discussed. Additional issues include the following:

First. The procedures for the selection of judges who will issue warrants under the act require further study to determine whether they should serve for fixed terms, rather than indefinitely.

Second. Consideration should be given to allowing private citizens to decline to assist an intelligence agency engaged in electronic surveillance. For example, a landlord might be given the option of refusing to let an FBI agent into an apartment to plant an electronic "bugging" device.

Third. The criminal "clandestine intelligent activities" standard for surveillance of a U.S. person can be interpreted to mean activities protected by the first amendment such as lobbying or influencing public opinion on matters relating to national defense or foreign affairs, if the person fails to comply fully with vague and overly broad provisions of the foreign agents registration laws. Last year this issue was handled in report language rather than in the text of the bill. The legal standard itself should be clarified, instead of relying solely on legislative history.

Fourth. The "minimization procedures" in the bill—and in last year's bill—which set standards for the use of incidentally acquired information about U.S. persons, should be reconsidered in light of the recent experience of the executive branch under guidelines of the Attorney General. This experience may suggest improvements that would more precisely define the proper and improper uses of such information.

Fifth. The Congress must add to the bill detailed reporting requirements for the purpose of ensuring effective oversight by the committee(s) having jurisdiction over U.S. foreign intelligence activities. In the interim before such requirements may be established by law, the Intelligence Committee expects the agencies involved to cooperate with it in instituting such reporting procedures under the provisions of Senate Resolution 400. In addition, the Attorney General has stated that he will not object to the addition of more detailed statutory reporting requirements, under proper security precautions; and he has indicated that the bill does not presently contain such procedures because of his belief that they are better prescribed by Congress than in a bill developed by the executive branch.

On the issues which remain in dispute, we hope the administration bill will remain open to further accommodation. For our part, I am sure the members of the Intelligence Committee will consider carefully the views of the affected agencies, particularly where they may have information and expertise bearing upon foreign intelligence and foreign counterintelligence needs of the United States. As representatives of the American people, we bring to these deliberations a paramount concern for insuring the fullest possible protection for the rights of privacy, which have been infringed for decades because there has not been a clear legal standard for electronic surveillance conducted by our intelligence agencies under the umbrella of the "national security" justification.

Electronic surveillance is a distasteful instrument of Government power. The fear of wiretapping, electronic bugging, and even more sophisticated techniques can inhibit the free and open exchange of ideas. This fear may cause people to stay out of the political process because they are afraid that, if they express criticism of the government, their private lives will be secretly invaded by invisible surveillance technology. This fear is the hallmark of the "closed society," where human rights are forgotten and government power is unchecked.

We have learned in recent years that this fear, has unfortunately, been justified all too often in the United States. Law-abiding Americans who posed no serious danger to the security of the nation were wiretapped, bugged, targeted for the monitoring of their international communications, and placed under surveillance by their own Government when they traveled abroad. The information acquired from this surveillance went into the files of the FBI, the CIA, and other agencies, without adequate consideration of whether or not it was necessary for proper foreign intelligence or counterintelligence purposes. Presidents and Attorneys General of both political parties approved these practices, and sometimes ordered that they be carried out for their own partisan political advantage. In some cases the information was used to harrass or discredit Americans who had violated no law and posed no serious threat to the country—except in the eyes of narrow-minded intelligence officials or Presidents who sought to enhance their own political interests. The reports of the Select Committee on Intelligence Activities, prepared in 1975–76 under the direction of Senator FRANK CHURCH and then-Senator WALTER MONDALE, spelled out these abuses in great detail.

The Foreign Intelligence Surveillance Act of 1977 is intended to prevent these abuses from occurring again, by providing a firm barrier against unjustified surveillance and by instituting outside procedural checks to ensure that the law is obeyed. The administration's willingness to develop such legislation, in cooperation with the Congress, is a sign that the lessons of past abuses have not been forgotten.

This bill is the first step toward full-scale legislative regulation of the intelligence agencies of the United States. Under the mandate of Senate Resolution 400, the Intelligence Committee is drafting further measures not only to clarify the authority and structure of the intelligence community, but also to place clear legal limitations on the entire range of intelligence activities of the CIA, the FBI, and other agencies which may affect the rights of Americans.

The administration's efforts to cooperate with the Intelligence Committee in the area of electronic surveillance legislation give us hope to believe that the same spirit will prevail in our future endeavors. We all now realize, as Attorney General Bell has often stated, that legislative charters are essential for our intelligence agencies to know what the American people expect them to do—and not to do. Neither the intelligence agencies nor every segment of the American people will agree fully with what is proposed as the basis for legislative consideration. The process will be time-consuming because the issues are complex and all interests are difficult to accomodate. But the enterprise is vital for the preservation of constitutional government in the United States.

Mr. MATHIAS. Mr. President, I am pleased to join with my distinguished colleagues, Senators KENNEDY and BAYH and others in introducing The Foreign Intelligence Surveillance Act of 1977.

By sponsoring this bill, I reaffirm my determined support for congressional efforts to provide clear statutory guidelines respecting the electronic surveillance of American citizens in foreign intelligence cases.

More than 3 years ago, on May 2, 1974, I introduced in the 93d Congress, the Bill of Rights Procedures Act, S. 3440. That bill was designed to enforce the protections of the bill of rights by requiring a court order for many types of governmental surveillance—including mail openings, the entry of homes and the inspection of bank, credit and medical records, as well as the use of bugs and wiretaps. Two years ago, on June 5, 1975, I again introduced the Bill of

Rights Procedures Act, this time in the 94th Congress.

And, last year I joined with a bipartisan group of Senators and Representatives in sponsoring S. 3197, the first bill ever supported by a President and Attorney General to require judicial warrants in foreign intelligence cases.

Thus, I was proud to meet this morning at the White House with the President and the Attorney General to express my support, along with other congressional leaders, the concepts expressed in this bill.

More than rhetoric is required to make our Republic work. The founders of our Nation understood the need to place governmental power under law. They knew that power carries with it the seed of abuse, and, in framing the Constitution, they created a unique system of checks and balances designed to frustrate the exercise of arbitrary power. But recent, sad experience proves that even a system as intelligently conceived as ours demands, if it is to work, that we constantly renew our commitment to the principles that lie at its heart. For the past several decades the Congress and the executive branch have abdicated their Constitutional responsibility to establish by law the framework in which Executive power may be discharged. This abdication contributed to many of the abuses of power discovered in the intelligence operations of the Government.

It is not enough to trust in the good intentions of individuals. As Thomas Jefferson, who designed the colonnades which surrounded us in the Rose Garden this morning, said,

> In questions of power, let no more be heard of confidence in man, but bind him down by the chains of the Constitution.

Today, in sponsoring the Foreign Intelligence Surveillance Act of 1977, we are moving to restore our historic constitutional balance. With the passage of this bill, we will forge an important link in those constitutional chains of which Jefferson spoke.

Finally, the bills that I have introduced in this area, and those developed by the Ford and Carter administrations, are often thought of as only protecting American citizens from intelligence abuses. But they an equally important function. They would serve to guide and protect the thousands of dedicated men and women in our intelligence agencies from straying, either unwittingly or by the pressure of circumstance, into unauthorized or illegal activity. This Nation's intelligence officers have dedicated their lives to the service of their country. If we in the Congress can give them clear legal charters and guidelines for their work, we will serve not only the civil rights of Americans, but the best interests of our intelligence officers.

The need for such legislation to protect against the erosion of the fourth amendment of our Constitution is clear. The factual basis for new procedures to regulate the use of bugs and wiretaps against Americans was carefully and comprehensively documented in the final report of the Select Committee on Intelligence. As we stated in the committees final report:

> Since the early 1930's intelligence agencies have frequently wiretapped and bugged American citizens without the benefit of judicial warrant. Recent court decisions have curtailed the use of these techniques against domestic targets. But past subjects of these surveillances have included a United States congressman, a congressional staff member, journalists and newsmen, and numerous individuals and groups who engaged in no criminal activity and who posed no genuine threat to the national security, such as two White House domestic affairs advisors and an anti-Vietnam war protest group. While the prior written approval of the attorney general has been required for all warrantless wiretaps since 1940, the record is replete with instances where this requirement was ignored and the attorney general gave only after-the-fact authorization.

Beginning with President Franklin Roosevelt in 1940, every administration has asserted the right to conduct, and has conducted, warrantless wiretapping and bugging of Americans in national security cases.

President Ford and Attorney General Levi deserve great credit for breaking with this longstanding executive branch tradition by submitting S. 3197 to the Congress last year. President Carter and Attorney General Bell deserve similar credit for fulfilling their pledges and supporting the bill we introduce today.

Without the check provided by the judicial warrant requirement in this bill, national security wiretaps and bugs are subject to grave abuse, as history demonstrates. The report of the select committee and the Senate Judiciary Committee's report accompanying S. 3197 are replete with examples of past abuses which clearly dictate the need to enact this bill into law.

Above all, these examples show that the central problem has been the failure of existing procedures to prevent abuse. As the history of our common law and the provisions of the Constitution teach, procedure is often the surest safeguard against abuse and the use of a judicial warrant requirement is the keystone of the fourth amendment's protections.

The Supreme Court affirmed this in the Keith case where it declared:

> The Fourth amendment contemplates a prior judicial judgment, not the risk that executive discretion may be reasonably exercised. This judicial role accords with our basic constitutional doctrine that individual freedoms will best be preserved through a separation of powers and division of functions among the different branches and levels of government." (*United States v. United States District Court* 407 U.S. 297 (1972).)

The overriding significance of the Foreign Intelligence Surveillance Act of 1977 is its requirement that an impartial magistrate outside the executive branch and the intelligence community must authorize electronic surveillance in foreign intelligence or national security cases.

At the same time there are certain questions regarding particular provisions of the bill now before us—questions I hope will be carefully scrutinized by the appropriate House and Senate committees. One such question involves the provision in the bill allowing electronic surveillance of an American who is not involved in criminal activity. The Select Committee, in its recommendation No. 52, recommended that a criminal standard obtain for foreign intelligence surveillance, as my bill of rights procedures act provides. The select committee also recognized, however, that current espionage laws do not prohibit certain activity, such as industrial espionage, which the United States has a legitimate counterintelligence interest in monitoring. The select committee recommended that the espionage laws be modernized to include this fairly limited area of currently noncriminal activity.

The Congress should examine the espionage laws to determine if this is feasible without risking too broad or too vague a criminal prohibition. When that is done, the standard of the criminal law can and should be imposed in foreign intelligence surveillance cases.

In moving promptly to enact this bill, Congresss can take an important step toward restoring the balance between the legislative and executive branches contemplated by the Founders. For the past several decades Congress has abdicated its responsibility to establish by law, the framework in which executive power is to be discharged. As the select committee found, this abdication contributed to many of the abuses of power in the intelligence operations of the Government.

Unless this bill is enacted, there will continue to be no statute whatever reulating the executive's conduct in the area of foreign intelligence electronic surveillance. That situation must be corrected. Last year, the Senate in its consideration of S. 3197 built a firm foundation to transform the commands of the fourth amendment into legislative reality and to fill the present legal vacuum. I am confident that the present Congress will complete this task and enact the Foreign Intelligence Surveillance Act of 1977.

Mr. ABOUREZK. Mr. President, I would like to offer some brief remarks today upon the introduction of the Foreign Intelligence Surveillance Act of 1977. This is an extremely important piece of legislation and one which I know has been the subject of extended debate and negotiation between several Members of Congress and the Department of Justice. I have been pleased to have been involved in that process.

First, let me commend Senators KENNEDY, NELSON, BAYH, and the others for their continuing leadership in this area. As long as I have been in the Senate, these men have been in the forefront of the fight to bring electronic surveillance for foreign intelligence purposes under the rule of law. Certainly no further evidence is necessary to point up just how important a goal that is. For, until the Congress enacts legislation to control foreign intelligence surveillance activities, the specter of abuse and misuse will continue to hover over our Government.

I would also like to commend Attorney General Bell and Vice President MONDALE for their efforts in bringing forth this legislation. As we all know, the process of negotiation requires give and take on both sides, and the Attorney General and Vice President have both provided helpful counsel and guidance in providing the administration's viewpoint on many critical questions in this area.

Now let me turn to a discussion of the bill itself. After carefully reviewing this proposed legislation, I have decided that I cannot cosponsor it in its present form.

This has not been a decision lightly made or quickly arrived at. Rather, it reflects my carefully considered judgment that while there is much that is good in this legislation and while I fully support the purpose of this bill, it also contains a number of provisions with which I disagree so fundamentally that I cannot, in good conscience, add my name to its list of supporters at this time.

Before outlining these objectionable features, let me note briefly those provisions of the bill that I believe are improvements over S. 3197 of last year.

First, this year's bill repeals the "national security disclaimer" contained in 18 U.S.C. 2511(3) and contains no language which relates to any "inherent power" of the President to engage in warrantless surveillance for national security purposes. As many of my colleagues know, the question of a supposed inherent Presidential power in this area has been a subject of contention between the executive and legislative branches of Government for many years. By sending up this bill, I think it is clear that the Carter administration is prepared to lay to rest this anachronistic view of the Constitution. This is an extremely commendable action by the President and one which I wholeheartedly support.

Second, the bill introduced today will cover all electronic surveillance conducted within the United States, as well as the interception of international communications of a targeted U.S. citizen or resident alien who is in the United States. This is a slight broadening of the bill's coverage over last year.

Finally, today's bill offers the issuing judge a limited power of review over the executive branch certification, insofar as it relates to U.S. citizens or resident aliens. While this is clearly an improvement over S. 3197, which allowed no review at all, I am concerned somewhat by the standard contained in this provision. As drafted, the judge is required to accept the allegations in the certification unless they are "clearly erroneous." We will certainly want to hear the Department's explanation of why such a high threshold is necessary, particularly since the review provision applies only to U.S. citizens and resident aliens, who are, presumably, deserving of the greatest degree of protection from unwarranted governmental intrusion.

As to these specific provisions, this bill is an improvement over S. 3197 as reported to the floor last year and I am pleased that the Justice Department would agree to these changes.

I am troubled, however, by a number of other changes which have been made and which can only be viewed as retreats from the provisions of last year's bill.

Foremost among these is the provision which would supposedly allow for the court ordered surveillance of a U.S. citizen who is not engaged in criminal activity. This section, which was objectionable last year, has been broadened further in this year's bill to include not only transmission but collection activities as well. It is principally the inclusion of this provision which keeps me from cosponsoring this legislation.

I will not belabor the point today, because I know that this section will be the subject of intense scrutiny when hearings on this legislation are held. Suffice it to say that I believe there are a number of compelling arguments as to why this provision should be dropped from the bill and I intend to offer such an amendment at the appropriate time.

My chief argument for seeking to drop this "noncriminal standard" from the bill is that, in my view, it is inconsistent with the fourth amendment to the Constitution. I believe that probable cause of a crime is a necessary precondition to the issuance of a warrant for a search of seizure under the fourth amendment. To the extent that this bill would authorize a court order for electronic surveillance against a citizen on a lesser showing, I feel that it does violence to the protections offered by the Constitution.

There is also a secondary reason for seeking to delete this section of the bill. In my view, the activities encompassed in section 2521(b)(2)(B)(iii) may already be criminal under 18 U.S.C. 794 and 18 U.S.C. 798 of our current espionage laws. If this is so, and I expect that the Department of Justice will want to address this question, then there is no reason for the inclusion of this section in the proposed legislation.

Aside from the question of the "noncriminal standard," there are a number of additional provisions in this bill which are unsatisfactory or deserve further study.

I believe that section 2526(c), regarding the procedures by which information acquired from electronic surveillance can be introduced in court or challenged by a criminal defendent is awkwardly drafted and unduly restrictive. This is particularly true insofar as this provision relates to 18 U.S.C. 2518(10) involving criminal wiretaps. I intend to offer an amendment in committee to clarify the confused relationship between these sections and the procedures outlined in them.

The requirements for reporting to Congress on surveillances conducted pursuant to this bill are inadequate. I believe that more information must be provided if Congress is to properly perform its oversight function. At the very least, the reporting requirements contained in S. 3197 ought to be reinstated in this bill.

I am concerned, as well, by the new "testing" provisions contained in this legislation. They seem to me to be overly broad and to reach into areas not properly within this bill's scope.

And it should be noted that this year's version of the bill has dropped the expunging requirement from the statutory minimization procedures. I am not prepared to take a position on this change at this time. Perhaps there are valid reasons why the expunging requirement was unworkable or undesirable. Again, this is a matter which ought to be pursued with the Department at the hearing stage.

Finally, I am troubled by a number of changes in the bill which relate to surveillances targeted against lawful foreign visitors in this country and the uses which will be made of information acquired from them. Others have indicated concern in this regard and I merely wish to add my voice to theirs. While our primary areas of concern have been this bill's protection for U.S. citizens and resident aliens, I do not believe that we should be oblivious to its treatment of foreigners lawfully within the United States. I expect that the Justice Department will be prepared to justify the bill's differing treatment of foreigners and to discuss the constitutional consequences of such distinctions.

Mr. President, let me conclude on this note. I am pleased that the administration has now sent up their proposed electronic surveillance bill. This legislation addresses an important subject and ought to be dealt with as expeditiously as possible. As I have noted, this bill is better in some respects than S. 3197 of last year, but is worse, in my view in a number of other areas. I do not believe, however, that any of these matters represent insurmountable obstacles to the enactment of a fair and workable bill to regulate foreign intelligence electronic surveillance. I look forward to working toward that end.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Foreign Intelligence Surveillance Act of 1977 be referred to the Senate Judiciary Committee, and then to the Senate Select Committee on Intelligence, in that order. It has been cleared with both the committees referred to.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. RIEGLE:

Senate Joint Resolution 55. A joint resolution authorizing and requesting the President to issue a proclamation designating the period from October 9, 1977, through October 15, 1977, as "National School Bus Safety Week"; to the Committee on the Judiciary.

Mr. RIEGLE. Mr. President, today I am introducing a joint resolution declaring that the week of October 9, 1977 through October 15, 1977 be designated as "National School Bus Safety Week."

Since Michigan can claim to be one of the leading States in school bus safety, it seems only appropriate that my colleague from Michigan, Mr. BONIOR and I introduce this resolution in the House and in the Senate.

School bus safety is a concern of both parents and educators because of the increasingly large number of children who travel by school bus. In my State alone, 1 million students are transported by school bus daily. And according to a report by the Department of Transportation, 22 million students are transported daily throughout the United States. With so many children being transported every day, a heightened awareness with respect to the safety of their transportation is an aim hopefully to be achieved through observance of this week.

The taxpayers pay almost $2 billion annually to make a traveling by school bus in the United States seven times safer than by passenger car. Acknowledging "National School Bus Safety Week" will make the people of the United States aware of this fact along with furthering the effort to continue the safe transportation of our children.

ADDITIONAL COSPONSORS

S. 175

At the request of Mr. Schweiker, the Senator from Delaware (Mr. Roth) was added as a cosponsor of S. 175, to provide a special program of financial assistance to Opportunities Industrialization Centers and to other national community based organizations.

S. 845

At the request of Mr. Dole, the Senator from West Virginia (Mr. Randolph) was added as a cosponsor of S. 845, the Dole-McGovern food stamp bill.

S. 908

At the request of Mr. Huddleston, the Senator from Iowa (Mr. Clark), the Senator from Mississippi (Mr. Eastland), the Senator from Minnesota (Mr. Humphrey), the Senator from Vermont (Mr. Leahy), the Senator from Florida (Mr. Stone), and the Senator from South Dakota (Mr. McGovern) were added as cosponsors of S. 908, to amend title V of the Rural Development Act of 1972.

S. 961

At the request of Mr. Cranston, the Senator from Delaware (Mr. Biden) was added as a cosponsor of S. 961, a bill to promote the healthy development of children who would benefit from adoption by facilitating their placement in adoptive homes, to extend and improve the provisions of the Child Abuse Prevention and Treatment Act, and for other purposes.

S. 995

At the request of Mr. Williams, the Senator from Illinois (Mr. Percy) was added as a cosponsor of S. 995, to amend title VII of the Civil Rights Act of 1964.

S. 1021

At the request of Mr. Mathias, the Senator from Pennsylvania (Mr. Heinz) was added as a cosponsor of S. 1021, to extend the Juvenile Justice and Delinquency Prevention Act of 1974.

S. 1284

At the request of Mr. Humphrey, the Senator from North Dakota (Mr. Burdick) was added as a cosponsor of S. 1284, a bill to amend the Internal Revenue Code of 1954 to provide a tax credit for the purchase and installation of certain energy conserving devices in a taxpayer's principal residence and in other buildings.

S. 1305

At the request of Mr. Haskell, the Senators from Utah (Mr. Garn and Mr. Hatch) were added as cosponsors of S. 1305, to amend the Small Business Act.

S. 1307

At the request of Mr. Thurmond, the Senator from Nebraska (Mr. Curtis), the Senator from Wyoming (Mr. Hansen), the Senator from Nevada (Mr. Laxalt), the Senator from Idaho (Mr. McClure), and the Senator from Virginia (Mr. Scott) were added as cosponsors of S. 1307, to deny benefits to certain veterans.

AMENDMENT NO. 276

At the request of Mr. Johnston, the Senator from Arkansas (Mr. Bumpers) was added as a cosponsor of amendment No. 276, the surface owner compensation amendment, to S. 7, the Surface Mining Control and Reclamation Act of 1977.

AMENDMENT NO. 277

At the request of Mr. Johnston, the Senator from New Mexico (Mr. Domenici), the Senator from Oklahoma (Mr. Bartlett), the Senator from Utah (Mr. Hatch), the Senator from Oklahoma (Mr. Bellmon), the Senator from Utah (Mr. Garn), the Senator from Nevada (Mr. Laxalt), the Senator from California (Mr. Hayakawa), the Senator from Idaho (Mr. McClure), the Senator from Texas (Mr. Tower), the Senator from Arizona (Mr. Goldwater), the Senator from Virginia (Mr. Harry F. Byrd, Jr.), the Senator from Alabama (Mr. Allen), the Senator from Pennsylvania (Mr. Schweiker), the Senator from New Mexico (Mr. Schmitt), and the Senator from Indiana (Mr. Lugar) were added as cosponsors of amendment No. 277, the exclusive State jurisdiction amendment, to S. 7, the Surface Mining Control and Reclamation Act of 1977.

AMENDMENT NO. 278

At the request of Mr. Johnston, the Senators from Oklahoma (Mr. Bartlett and Mr. Bellmon) were added as cosponsors of amendment No. 278, the Coal Pipeline Act of 1977, to S. 7, the Surface Mining Control and Reclamation Act of 1977.

SENATE CONCURRENT RESOLUTION 26—SUBMISSION OF A CONCURRENT RESOLUTION DECLARING A STATE OF WAR AGAINST AMYOTROPHIC LATERAL SCLEROSIS

(Referred to the Committee on Human Resources.)

Mr. CRANSTON (for himself, Mr. Hayakawa, and Mr. Hatfield) submitted the following concurrent resolution:

Senate Concurrent Resolution 26

Whereas amyotrophic lateral sclerosis, or Lou Gehrig's disease, constitutes a serious health problem in the United States in that it afflicts thousands of Americans annually;

Whereas the complications of amyotrophic lateral sclerosis significantly decrease the quality of life and have a major negative economic, social, and psychological impact on the families of its victims;

Whereas biomedical research efforts to date have been unsuccessful in finding the cause of amyotrophic lateral sclerosis;

Whereas the development of advanced methods of treatment of amyotrophic lateral sclerosis deserves national priority; and

Whereas the citizens of the United States should have a full understanding of the nature of the human, social, and economic impact of amyotrophic lateral sclerosis and of the need to discover its cause and to develop a cure: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That a state of war is hereby declared to exist between the United States and amyotrophic lateral sclerosis, to the end that national awareness shall be focused on the extent and consequences of amyotrophic lateral sclerosis and on the need for finding a cure for this devastating, deadly disease.

AMYOTROPHIC LATERAL SCLEROSIS

Mr. CRANSTON. Mr. President, I am pleased to submit Concurrent Resolution 26, which calls national attention to amyotrophic lateral sclerosis—ALS—Lou Gehrig's disease as it is most commonly known, and declares a state of war between the United States and ALS to the end that national awareness is focused on the extent and consequences of this disease and the need for finding the cause of ALS and a cure for ALS.

I am gratified to be joined in submitting this concurrent resolution by my colleague from California (Mr. Hayakawa), and the Senator from Oregon (Mr. Hatfield).

ALS is a relentless disorder affecting adults. It attacks the motor neurons—the nerve cells which control muscles—in the brain and spinal cord to produce progressive weakness and wasting of muscle tissue. Intellectual function is not impaired, patients remain fully alert and aware of events concerning and surrounding them.

ALS does not occur in any recognizable genetic or epidemiological pattern, striking its victims without warning or recourse.

To date no treatment has proven effective against ALS. Its cause is still unknown.

Thousands of Americans are diagnosed each year as having ALS. These individuals and their families suffer deeply from the impact of ALS.

Many of these family members have been instrumental in developing organizational mechanisms through which they can provide moral support and educational services to ALS victims and their families and help them live with the disease until a cure can be discovered.

This is a major task.

To help these dedicated people reach out to each other, I have submitted Concurrent Resolution No. 26 which will provide them with a rallying symbol for their efforts. This resolution does not seek the allocation of Federal resources to support this disease. It merely calls on us as Americans to help other Americans and their families in fighting their battles against ALS.

AMENDMENTS SUBMITTED FOR PRINTING

SURFACE MINING CONTROL AND RECLAMATION ACT—S. 7

Amendment No. 280

(Ordered to be printed and to lie on the table.)

AOC VARIANCE

Mr. FORD. Mr. President, the amendment that I am submitting here is the same amendment considered by the Energy and Natural Resources and which failed adoption by two votes.

The amendment speaks for itself. S. 7 as written and reported, requires return to approximate original contour in every instance where mining is undertaken on slopes in excess of 20 degrees. The requirement may well be the most valid in most cases, but my amendment gets to the point that the bill should not in absolute terms state that return to approximate original contour is a requirement, the only requirement, with validity in each and every case.

My amendment proposes a variance procedure from this absolute requirement. The amendment sets out strict procedures that must be followed together with the specifications for post mining use. Local planning agencies are brought into the process in the determination that the variance would result in equal or better post mining uses than would return to approximately original contour. The amendment requires that permits must be reexamined within 3 years and the development has to be proven to be proceeding in terms of the plan.

Mr. President, I ask unanimous consent that my amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 280

On page 235, between lines 3 and 4, insert the following:

"(d) (1) Each State program may and each Federal program shall include procedures pursuant to which the regulatory authority may permit variances for the purposes set forth in paragraph (3) of this subsection.

"(2) Where an applicant meets the requirements of paragraphs (3) and (4) of this subsection a variance from the requirement to restore to approximate original contour set forth in subsection 415(b)(3) or 415(c)(2) of this section may be granted for the surface mining of coal where the owner of the surface requests in writing, as a part of the permit application, that such a variance be granted so as to render the land, after reclamation, suitable for an agricultural, industrial, commercial, residential, or public use (including recreational facilities) in accord with the further provisions of (3) and (4) of this subsection.

"(3)(A) after consultation with the appropriate land use planning agencies, if any, the potential use of the affected land is deemed to constitute an equal or better economic or public use, and "(B) designed by a registered professional engineer in conformance with professional standards established to assure the stability, drainage, and configuration necessary for the intended use of the site.

"(4) In granting a variance pursuant to this subsection the regulatory authority shall require that all other requirements of this Act will be met.

"(5) The regulatory authority shall promulgate specific regulations to govern the granting of variances in accord with the provisions of this subsection, and may impose such additional requirements as he deems to be necessary.

"(6) All exceptions granted under the provisions of this subsection shall be reviewed not more than three years from the date of issuance of the permit, unless the permittee affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the approved schedule and reclamation plan."

and on page 235, line 4, by renumbering "(d)" as "(e)"

AMENDMENT NO. 281

(Ordered to be printed and to lie on the table.)

SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977—S. 7

Mr. ABOUREZK. Mr. President, today I am submitting an amendment to S. 7 which would conform the Senate bill with the House bill by clarifying that surface owner consent provisions of S. 7 do not apply to Indian lands. This provision was adopted by consent on the floor in the House. It would guarantee that Indian tribes would not be prevented from having access to the coal underlying land whose surface rights are owned by non-Indians. Denial of such access by a surface owner would violate the trust agreements by which Indian tribes were guaranteed subsurface rights by the Federal Government. The rights of surface owners in these cases would be governed by applicable local laws.

I ask unanimous consent that the text of the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 281

On page 305, delete lines 19–21 and insert a new section 515(f) to read: "This section shall not apply to Indian lands."

AMENDMENT NO. 282

(Ordered to be printed and to lie on the table.)

Mr. HART submitted an amendment intended to be proposed by him to the bill (S. 7), supra.

AMENDMENTS NOS. 287 AND 288

(Ordered to be printed and to lie on the table.)

Mr. DOMENICI submitted two amendments intended to be proposed by him to the bill (S. 7), supra.

AMENDMENT NO. 289

(Ordered to be printed and to lie on the table.)

Mr. HEINZ. Mr. President, I intend to offer an amendment to S. 7, with my distinguished colleague from West Virginia, Senator JENNINGS RANDOLPH. This amendment will permit the establishment of a Coal Research Institute in each State with an interest in this matter. I ask unanimous consent that the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 289

After Section 515 ending on page 305, line 24, insert the following new title:

TITLE VI—STATE COAL MINING AND COAL RESOURCES AND RESEARCH INSTITUTES

AUTHORIZATION OF STATE ALLOTMENTS TO INSTITUTES

SEC. 601. (a) There are authorized to be appropriated to the Secretary of the Interior sums adequate to provide for each participating State $200,000 for fiscal year 1978, $300,000 for fiscal year 1979, and $400,000 for each fiscal year thereafter for five years, to assist the States in carrying on the work of a competent and qualified coal mining and coal resources and research institute, or center (hereinafter referred to as "institute") at one public college or university in the State which has in existence at the time of enactment of this title a school of mines, or division, or department conducting a program of substantial instruction and research in coal mining and coal preparation and related research or which establishes such a school of mines, or division, or department subsequent to the enactment of this title and which school of mines, or division or department shall have been in existence for at least two years. The Advisory Committee on Coal Mining and Coal Resources and Research, as created by this title, shall determine a college or university to have an eligible school of mines, or division, or department conducting a program of substantial instruction and research in coal mining, coal preparation and related research wherein education and research in these engineering fields are being carried out and wherein at least four full-time permanent faculty members are employed: *Provided*, That—

(1) such moneys when appropriated shall be made available to match, on a dollar-for-dollar basis, non-Federal funds which shall be at least equal to the Federal share to support the institute;

(2) if there is more than one such eligible college or university in a State, funds under this title shall, in the absence of a designation to the contrary by act of the legislature of the State, be paid to one such college or university designated by the Governor of the State;

(3) where a State does not have a public college or university with an eligible school of mines, or division, or department conducting a program of substantial instruction and research in coal mining, coal preparation and related areas, said advisory committee may allocate the State's allotment to one private college or university which it determines to have an eligible school of mines, or division, or department as provided herein.

(b) It shall be the duty of each such institute to plan and conduct and/or arrange for a component or components of the college or university with which it is affiliated to conduct competent research, investigations, demonstrations, and experiments of either a basic or practical nature, or both in relation to coal mining, coal preparation (including anthracite) and to provide for the training of engineers and scientists through such research, investigations, demonstrations, and experiments. Such research, investigations, demonstrations, experiments, and training may include, without being limited to: exploration; the extraction; processing; development; production of coal resources; coal mining and preparation technology; supply and demand for coal; conservation and best use of available supplies of coal; the economic, legal, social, engineering, recreational, biological, geographic, ecological, health and safety, and other aspects of coal mining, coal preparation, and mineral reclamation from coals, having due regard to the interrelation on the natural environment, the varying conditions and needs of the respective States, to coal mining and coal preparation research projects being conducted by agencies of the Federal and State governments, and other institutes.

RESEARCH FUNDS TO INSTITUTES

SEC. 602. (a) There is authorized to be appropriated annually for seven years to the Secretary of the Interior the sum of $15,000,000 in fiscal year 1978, said sum increased by $2,000,000 each fiscal year thereafter for six years, which shall remain available until expended. Such moneys when appropriated shall be made available to institutes to meet the necessary expenses for purposes of:

(1) specific coal mining, coal preparation and related research and demonstration projects of industrywide application, which could not otherwise be undertaken, including the expenses of planning and coordinating regional coal mining, coal preparation and related research projects by two or more institutes, and

(2) research into any aspects of coal mining, coal preparation and related problems related to the mission of the Department of

the Interior, which may be deemed desirable and are not otherwise being studied.

(b) Each application for a grant pursuant to subsection (a) of this section shall, among other things, state the nature of the project to be undertaken, the period during which it will be pursued, the qualifications of the personnel who will direct and conduct it, the estimated costs, the importance of the project to the Nation, region, or State concerned, and its relation to other known research projects theretofore pursued or being pursued, and the extent to which it will provide opportunity for the training of coal mining, coal preparation engineers and scientists, and the extent of participation by nongovernmental sources in the project.

(c) The Secretary shall, insofar as it is practicable, utilize the facilities of institutes designated in section 301 of this title to perform such special research, authorized by this section, and shall select the institutes for the performance of such special research on the basis of the qualifications without regard to race or sex of the personnel who will conduct and direct it, and on the basis of the facilities available in relation to the particular needs of the research project, special geographic, geologic, or climatic conditions within the immediate vicinity of the institute in relation to any special requirements of the research project, and the extent to which it will provide opportunity for training individuals as mining engineers and scientists. The Secretary may designate and utilize such portions of the funds authorized to be appropriated by this section as he deems appropriate for the purpose of providing scholarships, graduate fellowships, and postdoctoral fellowships.

(d) No grant shall be made under subsection (a) of this section except for a project approved by the Secretary of the Interior and all grants shall be made upon the basis of merit of the project, the need for the knowledge which it is expected to produce when completed, and the opportunity it provides for the training of individuals as mining engineers and scientists.

(e) No portion of any grant under this section shall be applied to the acquisition by purchase or lease of any land or interests therein or the rental, purchase, construction, preservation, or repair of any building.

FUNDING CRITERIA

Sec. 603. (a) Sums available to institutes under the terms of sections 301 and 302 of this title shall be paid at such times and in such amounts during each fiscal year as determined by the Secretary, and upon vouchers approved by him. Each institute shall set forth its plan to provide for the training of individuals as mining engineers and scientists under a curriculum appropriate to the field of coal mining and coal preparation engineering and related fields; set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available for purposes of this title, and in no case supplant such funds; have an officer appointed by its governing authority who shall receive and account for all funds paid under the provisions of this title and shall make an annual report to the Secretary on or before the first day of September of each year, on work accomplished and the status of projects underway, together with a detailed statement of the amounts received under any provisions of this title during the preceding fiscal year, and of its disbursements on schedules prescribed by the Secretary. If any of the moneys received by the authorized receiving officer of any institute under the provisions of this title shall by any action or contingency be found by the Secretary to have been improperly diminished, lost, or misapplied, it shall be replaced by the State concerned and until so replaced no subsequent appropriation shall be allotted or paid to any institute of such State.

(b) Moneys appropriated pursuant to this title shall be available for expenses for research, investigations, experiments, and training conducted under authority of this title. The institutes are hereby authorized and encouraged to plan and conduct programs under this title in cooperation with each other and with such other agencies and individuals as may contribute to the solution of the coal mining, coal preparation and related problems involved, and moneys appropriated pusuant to this title shall be available for paying the necessary expenses of planning, coordinating, and conducting such cooperative research.

DUTIES OF THE SECRETARY

Sec. 604. (a) The Secretary of the Interior is hereby charged with the responsibility for the proper administration of this title and, after full consultation with other interested Federal agencies, shall prescribe such rules and regulations as may be necessary to carry out its provisions. The Secretary shall furnish such advice and assistance as will best promote the purposes of this title, participate in coordinating research initiated under this title by the institutes, indicate to them such lines of inquiry as to him see most important, and encourage and assist in the establishment and maintenance of cooperation by and between the institutes and between them and other research organizations, the United States Department of the Interior, and other Federal establishments.

(b) On or before the 1st day of July in each year after the passage of this title, the Secretary shall ascertain whether the requirements of section 303(a) have been met as to each institute and State.

(C) The Secretary shall make an annual report to the Congress of the receipts, expenditures, and work of the institutes in all States under the provisions of this title. The Secretary's report shall indicate whether any portion of an appropriation available for allotment to any State has been withheld and, if so, the reasons therefor.

AUTONOMY

Sec. 605. Nothing in this title shall be construed to impair or modify the legal relationship existing between any of the colleges or universities under whose direction an institute is established and the government of the State in which it is located, and nothing in this title shall in any way be construed to authorize Federal control or direction of education at any college or university.

MISCELLANEOUS PROVISIONS

Sec. 606. (a) The Secretary of the Interior shall obtain the continuing advice and cooperation of all agencies of the Federal Government concerned with coal mining and coal resources and related research of State and local governments, and of private institutions and individuals to assure that the programs authorized in this title will supplement and not duplicate established coal mining, coal preparation and related research programs, to stimulate research in otherwise neglected areas, and to contribute to a comprehensive nationwide program of coal mining, coal preparation and related research, having due regard for the protection and conservation of the environment. The Secretary shall make generally available information and reports on projects completed, in progress, or planned under the provisions of this title, in addition to any direct publication of information by the institutes themselves.

(b) Nothing in this title is intended to give or shall be construed as giving the Secretary of the Interior any authority over coal mining, coal preparation and related research conducted by any other agency of the Federal Government, or as repealing, superseding, or diminishing existing authorities or responsibilities of any agency of the Federal Government to plan and conduct, contract for, or assist in research in its area of responsibility and concern with coal mining, coal preparation and related research.

(c) Contracts or other arrangements for coal mining, coal preparation and related research work authorized under this title with an institute, educational institution, or nonprofit organization may be undertaken without regard to the provisions of section 3684 of the Revised Statutes (31 U.S.C. 529) when, in the judgment of the Secretary of the Interior, advance payments of initial expense are necessary to facilitate such work: *Provided*, That authority to make payments under this subsection shall be effective only to such extent or in such amounts as are provided in advance by appropriation Acts.

(d) No research, demonstration, or experiment shall be carried out under this Act by an institute financed by grants under this Act, unless all uses, products, processes, patents, and other developments resulting therefrom, with such exception or limitation, if any, as the Secretary may find necessary in the public interest, be available promptly to the general public. Nothing contained in this section shall deprive the owner of any background patent relating to any such activities of any rights which that owner may have under that patent. There are authorized to be appropriated such sums as are necessary for the printing and publishing of the results of activities carried out by institutes under the provisions of this Act and for administrative planning and direction, but such appropriations shall not exceed $1,000,000 in any fiscal year: *Provided*, That no new budget authority is authorized to be appropriated for fiscal year 1977.

CENTER FOR CATALOGING

Sec. 607. The Secretary shall establish a center for cataloging current and projected scientific research in all fields of coal mining and coal preparation. Each Federal agency doing coal mining, coal preparation and related research shall cooperate by providing the cataloging center with information on work underway or scheduled by it. The cataloging center shall classify and maintain for public use a catalog of coal mining, coal preparation and related research and investigation projects in progress or scheduled by all Federal agencies and by such non-Federal agencies of Government, colleges, universities, private institutions, firms and individuals as may make such information available.

INTERAGENCY COOPERATION

Sec. 608. The President shall, by such means as he deems appropriate, clarify agency responsibility for Federal coal mining and coal preparation and related research and provide for interagency coordination of such research, including the research authorized by this title. Such coordination shall include—

(a) continuing review of the adequacy of the Government-wide program in coal mining, coal preparation and related research;

(b) identification and elimination of duplication and overlap between two or more agency programs;

(c) identification of technical needs in various coal mining, coal preparation and related research categories;

(d) recommendations with respect to allocation of technical effort among Federal agencies;

(e) review of technical manpower needs and findings concerning management policies to improve the quality of the Government-wide research effort; and

(f) actions to facilitate interagency communication at management levels.

ADVISORY COMMITTEE

Sec. 609. (a) The Secretary of the Interior shall appoint an Advisory Committee on Coal Mining and Coal Resources and Research composed of—

(1) the Director, Bureau of Mines, or his delegate, with his consent;

(2) the Director of the National Science Foundation, or his delegate, with his consent;

(3) the President, National Academy of Sciences, or his delegate, with his consent;

(4) the President, National Academy of Engineering, or his delegate, with his consent;

(5) the Director, United States Geological Survey, or his delegate, with his consent; and

(6) not more than four other persons who are knowledgeable in the fields of coal mining, and coal preparation and related research, at least one of whom shall be a representative of working coal miners.

(b) The Secretary shall designate the Chairman of the Advisory Committee. The Advisory Committee shall consult with, and make recommendations to, the Secretary of the Interior on all matters involving or relating to coal mining, coal preparation and related research and such determinations as provided in this title. The Secretary of the Interior shall consult with, and consider recommendations of, such Committee in the conduct of coal mining, coal preparation and related research and the making of any grant under this title.

(c) Advisory Committee members, other than officers, or employees of Federal, State, or local governments, shall be, for each day (including traveltime) during which they are performing committee business, entitled to receive compensation at a rate fixed by the Secretary, but not in excess of the maximum rate of pay for grade GS–18 as provided in the General Schedule under section 5332 of title 5 of the United States Code, and shall, notwithstanding the limitations of sections 5703 and 5704 of title 5, United States Code, be fully reimbursed for travel, subsistence, and related expenses.

AMENDMENT NO. 291

(Ordered to be printed and to lie on the table.)

Mr. CULVER (for himself, Mr. Percy, Mr. Abourezk, Mr. Humphrey, Mr. Bumpers, Mr. Anderson, and Mr. Leahy) submitted an amendment intended to be proposed by them jointly to the bill (S. 7) supra.

Mr. CULVER. Mr. President, the Surface Mining Control and Reclamation Act of 1977 will be before the Senate in the near future. I strongly support the principles contained in this act and commend highly the dedicated effort that has gone into its development. I commend particularly, my colleague from Montana (Mr. Metcalf) for his enduring commitment to this essential legislation.

There are many specific areas of concern that have arisen during the time that this issue has been before the Congress. Among these is the need to protect prime agricultural lands subject to surface mining so that those lands will be available to future generations at their full productive capacity. In order to help meet this need Senator Percy and I, together with several others of our colleagues, intend to offer an amendment to the Surface Mining Control and Reclamation Act of 1977 designed to strengthen the provisions of this act, as they relate to prime farmland.

Briefly, our amendment would require that an applicant for a new permit to carry out surface mining on prime farmland demonstrate, to the satisfaction of the regulatory authority in the State, that land can be restored to its full premining potential in agricultural production. In addition, the amendment directs the Secretary of Agriculture to carry out such research and studies as are necessary to determine the broader impact of surface mining on agricultural production. The Secretary is also directed to conduct research and experimentation aimed at developing more efficient and more effective methods of reclaiming farmland subsequent to mining.

While the current language of S. 7 provides substantial protections along the lines I have outlined, we feel that this amendment is needed to assure that the standard by which reclamation plans on prime farmland are judged is the applicant's ability and intent to restore the full agricultural potential of the land. The current language contains no requirement that these plans show intent to restore prime farmland to its former agricultural capability. In addition, the bill contains no reference to prime farmlands and the special considerations that these vital lands demand.

Prime agricultural land is one of our Nation's greatest natural resources. The permanent loss of this highly productive land severely undermines our future food production potential and places greater pressures on our remaining agricultural resources. The rapid increases in the prices of land, equipment, and fertilizer in recent years give us some indication of what that increased pressure means in real terms.

I ask unanimous consent that a copy of the amendment, a copy of the definition of "prime farmland" used by the Department of Agriculture, and a table prepared by the Office of Management and Budget containing data of the location of our coal resources and potentially strippable prime farmland be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Amendment No. 291

On page 208, between lines 21 and 22, insert the following:

(d)(1) Except to the extent otherwise provided for in paragraphs (2) and (3) of this subsection, upon enactment of this Act, no application for a permit or revision or renewal thereof shall be approved pursuant to this section unless the applicant demonstrates to the appropriate regulatory authority that prime farmland does not comprise more than 10 per centum of the surface area to be distributed pursuant to such applicant's mining plan. Such demonstration shall be based upon soil maps and data verified for accuracy by the Secretary of Agriculture.

(2) Nothing in this subsection shall apply to any permit issued prior to April 1, 1977, or to any revisions or renewals thereof.

(3) The appropriate regulatory authority may, after consultation with the Secretary of Agriculture, and pursuant to regulations hereunder by the Secretary of the Interior with the concurrence of the Secretary of Agriculture, grant a variance from paragraph (1) of this subsection if the operator demonstrates and the regulatory authority finds, on the basis of data relating to prime farmland comparable to those covered by the permit application, that the applicant can restore the land affected to a condition at least fully capable of supporting the uses which it was capable of supporting prior to any mining.

(4) As soon as is practicable following the date of the enactment of this Act, but in no event later than twelve months following such date, the Secretary of Agriculture shall commence such research, experimentation and studies as are necessary to determine the impact of surface mining operations on agricultural production including the impact on agricultural lands both directly and indirectly affected by such mining and the most effective and efficient procedures for restoring the productive capacity of prime farmlands subsequent to any mining and based thereon, make appropriate recommendations to the Congress and the President within four years after the date of enactment of this Act.

On page 291, line 3, strike out the period and insert in lieu thereof a semicolon.

On page 291, between lines 3 and 4, insert the following:

(30) the term "prime farmland" shall have the same meaning as that previously prescribed, or hereafter modified, by the Secretary of Agriculture on the basis of such factors as moisture availability, temperature regime, chemical balance, permeability, surface layer composition, susceptibility to flooding, and erosion characteristics, and as published in the Federal Register.

Prime farmland meets the following criteria:

1. The soils have an adequate moisture supply. Included are:

(a) Soils having aquic or udic moisture regimes. These soils commonly are in humid or subhumid climates that have well distributed rainfall or have enough rain in summer that the amount of stored moisture plus rainfall is approximately equal to or exceeds the amount of potential evapotranspiration. Water moves through the soil at some time in most years.

(b) Soils having xeric or ustic moisture regimes and in which the available water capacity is great enough to provide adequate moisture for the commonly grown crops in 7 or more years out of 10.

(c) Soils having aridic or torric moisture regimes and the area has a developed irrigation water supply that is dependable and of adequate quality. Also included are soils having xeric or ustic moisture regimes in which the available water capacity is limited but the area has a developed irrigation water supply that is dependable and of adequate quality. Counties in which there are soils having these moisture regimes need to be surveyed to determine the areas in which a dependable water supply of adequate quality has been developed.

(d) Soils having sufficient available water capacity within a depth of 40 inches (1 meter), or in the root zone if the root zone is less than 40 inches deep, to produce the commonly grown crops in 7 or more years out of 10.

A dependable water supply is one in which enough water is available for irrigation in 8 out of 10 years for the crops commonly grown.

2. The soils have a soil temperature regime that is frigid, mesic, thermic, or hyperthermic (pergelic and cryic regimes are excluded). These are soils that, at a depth of 20 inches (50 cm), have a mean annual temperature higher than 32° F (0° C). In addition, the mean summer temperature at this depth in soils with an 0 horizon is higher than 47° F (8° C); in soils that have no 0 horizon the mean summer temperature is higher than 59° F (15° C).

3. The soils have a pH between 4.5 and 8.4 in all horizons within a depth of 40 inches (1 meter) or in the root zone if the root zone is less than 40 inches deep. This range of pH is favorable for growing a wide variety of crops without adding large amounts of amendments.

4. The soils have no water table or a water table that is maintained at a sufficient depth during the cropping season to allow food, feed, fiber, forage, oilseed crops common to the area to be grown.

5. The soils can be managed so that, in all

horizons within a depth of 40 inches (1 meter) or in the root zone if the root zone is less than 40 inches deep, during part of each year the conductivity of saturation extract is less than 4 mmhos/cm and the exchangeable sodium percentage (ESP) is less than 15.

6. The soils are not flooded frequently during the growing season (less often than once in 2 years).

7. The soils have a product of K (erodibility factor) × percent slope of less than 2.0 and a product of I (soil erodibility) × C (climatic factor) not exceeding 60. That is, prime farmland does not include soils having a serious erosion hazard.

8. The soils have a permeability rate of at least 0.06 inches (0.15 cm) per hour in the upper 20 inches (50 cm) and the mean annual soil temperature at a depth of 20 inches (50 cm) is less than 57° F (14° C); permeability rate is not a limiting factor if the mean annual soil temperature is 57° F (14° C) or higher.

9. Less than 10 percent of the surface layer in these soils consists of rock fragments coarser than 3 inches (7.6 cm). These soils present no particular difficulty in cultivating with large equipment.

STRIPPABLE COAL AND PRIME FARMLAND

	Strippable coal counties			Other available coal reserves (millions of tons)	
	Total acres of prime farmland [1] (thousands)	Percent prime farmland [1] (average)	Prime farmlands potentially impacted by stripping [1] (thousands of acres)	Strip coal on nonprime land [1 2]	Deep-mine coal reserves [3]
Alabama (10 counties)	1,700	27	459.0	129	1,798
Indiana (16 counties)	1,600	46	736.0	937	8,948
Illinois (43 counties)	9,400	63	5,922.0	4,838	53,441
Kentucky (38 counties)	1,100	23	253.0	5,741	18,185
Maryland (1 county)	50	13	6.0	86	901
Ohio (24 counties)	1,000	15	150.0	3,057	17,423
Pennsylvania (22 counties)	1,500	17	255.0	854	22,788
Tennessee (17 counties)	500	11	55.0	282	667
Virginia (4 counties)	20	2	.4	755	2,833
West Virginia (37 counties)	500	5	25.0	1,575	34,377
Missouri (13 counties)	2,000	37	740.0	1,733	6,073
North Dakota (20 counties)	7,700	43	3,311.0	10,328	N.A.
Montana (5 counties) [4]	700	7	49.0	34,668	65,834
Wyoming (7 counties) [4]	200	2	4.0	22,030	29,490

[1] Data derived from "Report of the Interagency Task Force on the Issue of a Moratorium or a Ban on Mining in Prime Agricultural Lands," prepared by the Office of Management and Budget, Soil Conservation Service, Bureau of Mines, Federal Energy Administration, and the Environmental Protection Agency, February 1977.

[2] "Impact Of Proposed Moratorium On Surface Coal Production," R. Neil Sampson, Soil Conservation Service, Apr. 26, 1977.

[3] U.S. Bureau of Mines.

[4] Prime lands in these States coincide largely with alluvial valley floors.

PROTECTING OUR PRIME FARMLANDS WITHOUT HALTING COAL PRODUCTION

Mr. PERCY. Mr. President, Senator CULVER and I will present an amendment to S. 7, the strip-mining regulation bill, which is designed to provide uniform standards of protection for prime farmlands without eliminating the possibility for surface mining of such lands. A substantial number of Senators will cosponsor this amendment and their names will be added to the amendment tomorrow. I would like to answer, at this time, several of the most frequently asked questions about this amendment:

First, how much farmland and how much coal production is affected by this amendment? OMB estimates that, at most, 1.3 percent of our total coal production forecast for 1978 might be affected by this amendment, which provides that new permits for stripping prime farmlands could be granted by State authorities only when the applicant showed that the land would be restored to its original productivity. If every applicant proves this to the satisfaction of State authorities, there will be no loss of potential coal production at all. The coal companies claim that they can demonstrate that they can return the land to full productivity. This amendment does not place any unreasonable burden on them. And it does not apply to mining operations for which permits were granted before April 1, 1977.

The same OMB study shows that 12 million acres of prime farmland in 14 major agricultural States are potentially affected by strip mining, because they are underlain by strippable coal reserves. These 12 million acres are a substantial share of the 28 million acres of prime land in these 14 States.

However, I might add that strip mining is only one of several ways in which our prime farmlands are being encroached upon. Urbanization takes a far higher annual toll of farmland than strip mining. Indeed, the coal reserves of this country are so vast—and the fraction occurring under prime farmland is so relatively small—we are really talking about a phenomenon that is confined to only a few of our States. But for these few States, it is a most important problem.

Does the amendment reconcile the legitimate concern of protecting prime farmlands with the legitimate need to increase coal production? I believe it does. It requires operators to demonstrate that they can and will restore the land to full productivity after stripping. If no one can meet this test—an unlikely prospect—we stand to lower coal production by at most 1.3 percent, unless there is offsetting production on nonprime land. This is not an unreasonable cost to pay for protecting our prime lands.

Does the amendment provide a workable definition of "prime farmlands"? Again, I believe the answer is yes. It uses the definition that has been in use for some time by the Soil Conservation Service, and this is an extremely detailed and precise statement. The Senator from Iowa has placed the full text of the SCS definition in the record.

Finally, does this amendment constitute a "moratorium" on stripping prime agricultural lands? Clearly, it does not. Some elements of our amendment were proposed several months ago by the Secretary of the Interior, and were described by him as a "moratorium." But this term was inaccurate. The administration proposal provided for case-by-case variances for new permits—and grandfathered all existing permits for stripping prime farmlands. We have retained the case-by-case variance procedure and the grandfather clause. But we have eliminated all reference to a "moratorium," and we have written our amendment very carefully to indicate that we accept the coal companies' own contention that they can restore prime farmlands to full productivity. What we require is that they demonstrate—to the satisfaction of State regulatory authorities—that they can and will do so before receiving any new permits. Although our amendment also provides for a detailed study of restoring prime farmlands after stripping, this is not intended to inhibit State authorities from granting new permits until the study is completed.

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS—S. 1344

AMENDMENT NO. 283

(Ordered to be printed and referred to the Committee on Rules and Administration.)

Mr. STONE submitted an amendment intended to be proposed by him to the bill (S. 1344) to amend the Federal Election Campaign Act of 1971, and for other purposes.

AMENDMENT NO. 284

(Ordered to be printed and referred to the Committee on Rules and Administration.)

Mr. STONE (for himself, Mr. FORD, Mr. HELMS, and Mr. METCALF) submitted an amendment intended to be proposed by them jointly to the bill (S. 1344), supra.

AMENDMENT NO. 292

(Ordered to be printed and to lie on the table.)

Mr. ROBERT C. BYRD (for himself and Mr. MELCHER) submitted an amendment intended to be proposed to the bill (S. 7), supra.

NONPROLIFERATION OF NUCLEAR WEAPONS—S. 897 AND S. 1432

AMENDMENT NO. 285 TO S. 897

(Ordered to be printed and referred to the Committee on Governmental Affairs and the Committee on Foreign Relations, jointly.)

AMENDMENT NO. 286 TO S. 1432

(Ordered to be printed and referred to the Committee on Governmental Affairs, Foreign Relations, and Energy and Natural Resources, jointly.)

Mr. GLENN. Mr. President, it is now a well recognized principle that any successful policy for nonproliferation of nuclear weapons capability should consist of a judicious combination of "carrots" and "sticks."

This principle has been reinforced through the testimony received by the Subcommittee on Energy and Nuclear Proliferation in 7 days of hearings on the two nonproliferation bills before the Senate, S. 897 and S. 1432.

More specifically, the chief "carrot" was clearly identified as being the assurance of a reliable supply of nuclear fuel. It is my belief that any nonproliferation policy that ignores this critical factor is doomed to failure.

In both S. 897 and S. 1432, the United States is called upon to take such actions as may be necessary to essentially provide an assured supply of nuclear fuel to recipient nations which share our nonproliferation objectives. An evaluation study on possible international arrangements is called for with a report required from the President to the Congress within 1 year.

Mr. President, I believe it is necessary that action be taken now to begin the process of setting up those international arrangements. Accordingly I rise to introduce identically worded amendments to both S. 897 and S. 1432, whose purpose is to authorize and direct the President to begin negotiations to bring the appropriate international arrangements for assured fuel supply into being.

The language of these amendments is in keeping with the testimony given by Dr. Joseph Nye of the State Department before the Subcommittee on Energy, Nuclear Proliferation, and Federal Services on May 6.

I ask unanimous consent that these identically worded amendments to S. 897 and S. 2432 respectively, be printed in the RECORD.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT No. 285

On page 7, Between lines 2 and 3, insert the following new section:

INTERNATIONAL NUCLEAR FUEL AUTHORITY

SEC. 5. (a) The President of the United States is authorized and directed to begin negotiations, as soon as is practicable, with all foreign countries possessing nuclear fuel production facilities, and/or source material (including uranium and thorium) and such other countries as may be deemed appropriate, for the purpose of establishing binding international arrangements providing for—

(1) the establishment of an international nuclear fuel authority, with responsibility for allocating agreed upon quantities of fuel resources to ensure fuel supply on reasonable terms in accordance with agreements between the authority and recipient countries;

(2) a set of conditions under which international fuel assurance under INFA auspices will be provided to recipient countries, and which conditions will insure that the transferred materials cannot or will not be used for weapons or explosions;

(3) the establishment of repositories under international auspices for the storage of spent nuclear reactor fuel;

(4) the establishment of arrangements under which nations placing their spent fuel in such repositories would receive appropriate compensation for the energy content of such spent fuel if recovery of such spent fuel is deemed necessary or desirable by the authority.

(5) appropriate financial arrangements regarding transactions carried out under the authority; and

(6) sanctions for violations of such provisions and for abrogation of such binding international arrangements.

(b) The President shall prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate not later than one year after the date of enactment of this section, a report on the progress made in negotiations authorized and directed under this section, and thereafter, reports on progress in such negotiations shall be included in the annual nonproliferation report as required by this Act.

Renumber the subsequent sections accordingly.

AMENDMENT No. 286

On page 11, between lines 10 and 11, insert the following new section:

INTERNATIONAL NUCLEAR FUEL AUTHORITY

SEC. 306. (a) The President of the United States is authorized and directed to begin negotiations, as soon as is practicable, with all foreign countries possessing nuclear fuel production facilities, and/or source material (including uranium and thorium) and such other countries as may be deemed appropriate, for the purpose of establishing binding international arrangements providing for—

(1) the establishment of an international nuclear fuel authority, with responsibility for allocating agreed upon quantities of fuel resources to ensure fuel supply on reasonable terms in accordance with agreements between the authority and recipient countries;

(2) a set of conditions under which international fuel assurance under INFA auspices will be provided to recipient countries, and which conditions will insure that the transferred materials cannot or will not be used for weapons or explosions;

(3) the establishment of repositories under international auspices for the storage of spent nuclear reactor fuel;

(4) the establishment of arrangements under which nations placing their spent fuel in such repositories would receive appropriate compensation for the energy content of such spent fuel if recovery of such spent fuel is deemed necessary or desirable by the authority.

(5) appropriate financial arrangements regarding transactions carried out under the authority; and

(6) sanctions for violations of such provisions and for abrogation of such binding international arrangements.

(b) The President shall prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate not later than one year after the date of enactment of this section, a report on the progress made in negotiations authorized and directed under this section, and thereafter, reports on progress in such negotiations shall be included in the annual nonproliferation report as required by this Act.

ESTABLISHMENT OF A DEPARTMENT OF ENERGY—S. 826

AMENDMENT NO. 290

(Ordered to be printed and to lie on the table.)

Mr. KENNEDY (for himself, Mr. JAVITS, and Mr. MATHIAS) submitted an amendment intended to be proposed by them jointly to the bill (S. 826) to establish a Department of Energy in the executive branch by the reorganization of energy functions within the Federal Government in order to secure effective management to assure a coordinated national energy policy, and for other purposes.

NOTICES OF HEARINGS

NOMINATION OF ELEANOR HOLMES NORTON TO BE COMMISSIONER OF EEOC

Mr. WILLIAMS. Mr. President, I announce that the Committee on Human Resources will hold a hearing on Tuesday, May 24, between 10 a.m. and 12 a.m. to consider the nomination of Eleanor Holmes Norton to be Commissioner of the Equal Employment Opportunity Commission.

Persons wishing further information or desiring to provide testimony should contact Darryl Anderson of the committee staff on 224-3674.

TRUTH IN LENDING SIMPLIFICATION AND REFORM ACT

Mr. RIEGLE. Mr. President, I wish to announce that the Consumer Affairs Subcommittee of the Committee on Banking, Housing, and Urban Affairs will conduct hearings on S. 1312, the Truth in Lending Simplification and Reform Act, as well as other legislation to amend to the Truth in Lending Act, at 10 a.m. on June 27, 28, and 29, in room 5302, Dirksen Office Building.

All persons wishing to testify should contact Lewis Taffer, room 5300, Dirksen Office Building; telephone 224-0893.

SOLAR ENERGY

Mr. NELSON. Mr. President, I announce that the Select Committee on Small Business together with the Subcommittee on Energy Production and Supply and the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources, will hold a joint public hearing in Colorado on Wednesday, June 1, at 10 a.m., in Metals Hall, Green Center, Colorado School of Mines, at Golden. Senator HASKELL, a member of the Energy Committee and the Small Business Committee and chairman of the Subcommittee on Energy Production and Supply has been designated by Energy Committee Chairman JACKSON and me to chair the hearing at Golden. An afternoon session is scheduled for 2 p.m.

At this hearing, the committees will take testimony on the solar energy aspects of President Carter's energy plan and, in particular, the President's stated goal of using solar energy in 2.5 million American homes by 1985.

A complete witness list will be available in the offices of the Energy and Small Business Committees in the near future.

SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATION, AND FEDERAL SERVICES

Mr. GLENN. Mr. President, the Subcommittee on Energy, Nuclear Proliferation and Federal Services will continue its current series of hearings on the report of the Commission on Postal Service at 9:30 a.m., Friday, May 20, in room 3302 of the Dirksen Senate Office Building. The subcommittee will receive testimony on the recommendations from representatives of Postal employee organizations and labor unions.

ADDITIONAL STATEMENTS

THE RIGHT-TO-WORK LAWS

Mr. THURMOND. Mr. President, the Columbia Record of Columbia, S.C., recently carried an excellent editorial entitled "No Repeal of 14–B."

Retention of section 14–B, which permits States to enact laws to ban the union shop, is of vital importance to South Carolina. Retention has the overwhelming support of the American people, and I hope my colleagues will keep this fact in mind if the matter comes before the Senate.

Mr. President, in order to share this informative editorial with my colleagues, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From The Columbia Record, May 13, 1977]

NO REPEAL OF 14–B

Shell-shocked by both President Carter's failure to push and the Congress' blunt rejection of common situs picketing, union lobbyists in Washington recently rallied and regrouped their forces to push for repeal of Section 14(B) of the Taft-Hartley act. Repeal has been a major objective of the union czars since the legislation was passed over President Truman's veto three decades ago.

That section permits individual states, like South Carolina, to enact laws that ban the union shop. Without such a law, free individuals who labor in a unionized factory or business would be forced, against their will, to join a union.

Nineteen states, in addition to South Carolina, possess such "right-to-work" laws. Repeal of 14–B would invalidate them.

Well, the labor barons were jolted again yesterday. Respected pollster George Gallup reported that in his latest sampling 63 per cent of Americans vote against compelling people who work for a unionized employer to join a union. Only 31 per cent support the idea.

Opposition to 14–B has grown over the last ten years. In 1966, when Gallup posed the same question, the public opposed compulsory unionization by a 49–42 per cent margin.

The proposal to repeal 14–B is rejected by every region of our land. Southerners support retaining 14–B and individual labor liberty by a 68–25 per cent margin: Westerners, 66–28; Easterners, 60–34; and Midwesterners, 57–36.

Even though labor union families, predictably, favor compulsory unionization, a sizable minority (40 percent) are "interestingly" opposed. Furthermore, reports Gallup, "this figure represents a significant increase (11 percentage points) since 1966 in the proportion of labor union family members who vote against the union shop."

Politically, Republicans and independents are overwhelming in their opposition. Republicans say "nay" by a 72–21 margin; Democrats, 51–42. Pull the Southern Democrats out and you have an interesting result. Dixie Democrats oppose repeal of 14–B by a 58–33 percentage spread; other Democrats, only 47–46.

In any event, Americans today massively oppose both the union shop and the "closed shop," under which only union workers would be hired.

Americans want 14–B left on the books. And with the voice of the people so clearly understood and heard in the halls of Congress, repeal is very, very unlikely.

ST. PAUL YOUTH CAREER EXPLORATION AND EMPLOYMENT PROJECT—A MODEL FOR IN-SCHOOL TRAINING PROGRAMS

Mr. HUMPHREY. Mr. President, the National League of Cities and U.S. Conference of Mayors have recently published a study of 10 exemplary youth employment and training programs that are being run by large cities under the Comprehensive Employment and Training Act. Among these excellent youth programs is the city of St. Paul's Youth Career Exploration and Employment Project, which is jointly run by the St. Paul Office of Manpower Programs and the St. Paul Special School District No. 625.

Under the youth career exploration and employment project, YCEEP, about 525 disadvantaged youths in the 10th, 11th, and 12th grades of various St. Paul high schools are given the chance to develop job skills and explore different occupations, both during the school year and during the summer. They are chosen at the end of the ninth grade, and placed in summer jobs in nonprofit organizations or Government agencies. During the 10th grade, participating youths work 10 hours per week in Government agencies, with their work integrated with a curriculum that emphasizes attitudinal development and a broad range of vocational and academic courses. During the second summer, participants again work in Government agencies with an emphasis on skill development.

During the 11th grade, youths can choose between employment with a government agency or employment with a private firm at 10 hours per week under a State-funded on-the-job training program. After another summer of building job skills, 12th grade participants work in jobs for up to 15 hours per week that emphasize significant training in an area of particular career interest.

Throughout the program, participating youths receive excellent counseling devoted to exploring college, vocational training and career options. They also receive some counseling and financial assistance to continue their educations after graduating from high school. All students receive a minimum wage. During the school year, the program is funded under title I of CETA, and during the summer it is funded under title III.

In the report on St. Paul's program, the League of Cities and Conference of Mayors found that the YCEEP program was an excellent way to combine Federal, State, and local resources to help disadvantaged youths receive much-needed job training and information about the world of work that they would otherwise never get. Although everyone in the program is enthusiastic about it, the most enthusiastic are the youth participants themselves. As one student described the program in the report:

> It has a positive effect on young people who are underprivileged and who would have normally gone out and stole something for their money. I hope it keeps going for other people growing up with the same background that I had.

Mr. President, I think this St. Paul program could serve as a model for the inschool work experience programs that each prime sponsor will set up under the Youth Employment and Training Act of 1977, which the Senate will soon consider. When the original bill came to us from the administration, it did not have any provisions for helping youths who were still in school and who needed work and work experience to give meaning to their school program or just to earn the money needed to stay in school. I introduced an amendment with Senator JAVITS that would establish an inschool program, and I am very pleased that the Human Resources Committee has reported that amendment as part of the bill. The bill now requires each prime sponsor to use 15 percent of its youth employment and training funds for an inschool work experience program that would be run by the local school systems. The city of St. Paul already has just such a program, and it is an excellent one.

Mr. President, I ask unanimous consent that the preface of the report by the National League of Cities and U.S. Conference of Mayors and the section on the St. Paul Youth Career Exploration and Employment Project be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CETA AND YOUTH: PROGRAMS FOR CITIES

PREFACE

Everyone concedes that unemployment among young people is a serious problem, but there is widespread disagreement, not only over how best to solve it, but also over whether it can be solved.

Urban youth unemployment has long been a concern to the National League of Cities and the U.S. Conference of Mayors. Both organizations are committed to a comprehensive youth policy directed toward the educational, training, employment, and social needs of youth.

In 1975, the National League of Cities and U.S. Conference of Mayors launched a major youth initiative. At that time, a Youth Services staff was designated to promote youth programs as a comprehensive and integrated part of community services. The staff provides assistance to cities through a series of seminars, field letters, surveys, conferences, and on-site visits. The U.S. Department of Labor (DOL) and a variety of national organizations are consulted in various phases of these activities.

Under the Comprehensive Employment and Training Act (CETA) of 1973, local Manpower Administrators have taken a lead role in designing innovative funding and programming mechanisms for serving youth. This publication, developed for Mayors, CETA Administrators, and other local youth serving agencies describes innovative CETA youth employment and school-work programs in ten cities. A major new CETA youth employment program will soon be passed by the 95th Congress, with the support of the Carter Administration. Local elected officials and the CETA system will play a critical role in this new youth initiative.

The purpose of this report is to identify and highlight a variety of urban program strategies that have successfully fostered the employment of youth. The information contained in each of the case studies was gathered from site visits across the country between July and November 1976.

It is true thère is no easy solution to inner-city youth unemployment. However, as these case studies demonstrate, the commitment of local elected officials, combined with the program flexibility of CETA, holds the key to some answers. Youth unemployment will never be fully eradicated, but it can be alleviated. It is hoped that this publication will prove useful to cities as they launch new youth initiatives to meet that challenge.

The National League of Cities and United States Conference of Mayors also wish to thank the elected officials, CETA Administrators, youth planners, program staff, and many other individuals who gave so freely of their time and energy during the site visits and in the preparation of this publication.

ST. PAUL YOUTH CAREER EXPLORATION AND EMPLOYMENT PROJECT

The unemployment rate for youths 19 years old and under in the city of St. Paul is 28.5 percent. This distressing statistic is the result of poor vocational planning and lack of career direction among the young aged 14 through 19 and has been of major concern to the City of St. Paul. In March 1973, St. Paul's Office of Manpower Programs (OMP), in collaboration with St. Paul School District No. 625, decided that vocational planning for disadvantaged youth was inadequate in the St. Paul School System. The curriculum being offered did not fully prepare youth to make realistic career choices. Out of this joint assessment grew the decision to incorporate a career orientation curriculum and a work experience program into the existing curriculum at St. Paul high schools. During the subsequent four-month planning period, the school district and Manpower staff designed the Youth Career Exploration and Employment Project (YCEEP).

YCEEP offers disadvantaged youth a comprehensive three-year program of career exploration through life-skills training, part-time work experience, counseling, follow-up, supportive services, and referrals for further training. The program's objective of orienting youth to the work world is closely matched with the immediate need of disadvantaged youth for a personal income and sense of independence.

YCEEP planners had an advantage early on—the framework for such an approach had its beginnings under the Neighborhood Youth Corps. The potential for collaboration with labor organizations and the business sector also existed in the membership of St. Paul's Youth Task Force. However, it was under CETA that a more comprehensive and individualized YCEEP Program was formulated. At the same time, the Youth Task Force membership evolved into the Youth Subcommittee of the CETA Planning Council, and took an active role in that capacity. Private non-profit agencies, such as the Urban League and Ramsey Action Programs (RAP), were also brought into the planning process. With these groups offering a public and private commitment to the YCEEP concept, the program "opened its doors" in September 1973.

Program design

Program Operation:

Incorporating YCEEP within the existing school system was a particular goal of the Office of Manpower Programs. Thus, since the program's inception, School District No. 625 has administered YCEEP under a subcontract from the City of St. Paul. YCEEP is offered in St. Paul area high schools which enroll a high percentage of economically disadvantaged youth. This includes all the public high schools, and several "alternative" schools, which serve youth unable to function in a traditional school setting. In addition, a small number of enrollments are taken from area parochial schools that need a program of this kind for their eligible disadvantaged students. Eligible students are those St. Paul youths who conform with CETA guidelines for the economically disadvantaged. YCEEP is designed as a three-year comprehensive program to begin in the sophomore year and continue through the senior year. YCEEP has both an in-school and summer component.

In-School Title I

This program offers 525 disadvantaged youth three years of career education and part-time employment. Youth are recruited during May of their freshman year. The school system is the primary referral source. Referrals are also accepted from St. Paul's Career Guidance and Training Center and other community-based organizations. CETA certification and student status are the only requirements for the in-school program.

The majority of the participants in YCEEP's 1975–76 program are 14 to 16 years old and white. While statistics on delinquent status are not recorded, 20 slots are allocated for youth with behavioral problems. Fifteen slots are also allocated for physically handicapped youth.

Once accepted, the student is immediately enrolled in YCEEP's summer component. Program staff have developed approximately 400 worksites offering a variety of skill training and opportunities for career awareness. YCEEP students prograss through a program training skills acquired the previous year. All tenth grade students work for 10 hours per week in non-profit government agencies. Their school curriculum emphasizes attitudinal development and a broad range of vocational and academic courses. Eleventh grade students have the option of continuing in a non-profit agency or transferring to private employment (again at 10 hours per week) under a state funded on-the-job training program. Their curriculum stresses skill development and vocational planning. In the twelfth grade, jobs are secured to allow significant training, usually at 15 hours per week, in an area of particular career interest.

Counseling is devoted to exploring college, vocational training, or employment options. Up to 200 students receive post-graduate financial help, counseling and job placement services. All students receive the minimum wage; private sector jobs are subsidized by the employer.

Life skills training is an integral part of YCEEP's Career Exploration Program. At the students' option, they can undertake these skills training courses in: auto maintenance, horticulture, family health, home education, consumer and business education and occupational relations. Through individual counseling, a minimum number of skill training hours are determined for each student, subject to reassessment. Since the life skills courses are open to all students enrolled in the St. Paul school system, a broad mix of participants is ensured.

Individualized counseling is basic to YCEEP. The counselor/student ratio in YCEEP is 1/3—in the regular school curriculum that ratio is often 1/40. YCEEP counselors work in coordination with regular high school guidance counseling staff to insure maximum enrollee counseling. The counselors meet with enrollees on an individual basis for at least one half-hour session per month to discuss worksite and curriculum interests and concerns.

Youth Career Exploration and Employment Project Counselors also refer students for supportive services when necessary, assist with further training and financial assistance, document enrollee progress on a regular basis, and follow-up on all participants.

Summer Program

The summer program component underscores YCEEP's emphasis on a continuity of work/school experiences. In-school participants are immediately transferred to CETA Title III summer activities in June. Both freshmen entering the YCEEP program and graduating seniors are eligible for summer enrollment. The summer component differs in composition from that of the school year. During the summer, state legislative funds supplement federal youth employment monies. Selection and enrollment for those state-funded participants is the joint responsibility of Minnesota's Employment Security Office and sub-grantee staff. Only one-half of the youths (16 to 22 years) hired with state dollars must fit the economically disadvantaged criteria. Thus in summer 1976, 175 participants came primarily from moderate income families. Since the enrollment in YCEEP increases during the summer from 525 to 1300 youths, the CETA Office expands the number and kind of job sites. For example, YCEEP staff have combined the more traditional grounds maintenance environmental projects with peer counseling and tutoring.

Additional YCEEP Programs

Two other programs are also offered under the YCEEP umbrella—the Community Improvement Corps project, funded under CETA Title VI for unemployed adults, and the Financial Aid Program at St. Paul Technical Vocational Institute, which offers additional assistance and job placement for post-high school students.

Program Administration:

St. Paul Independent School District No. 625 administers the YCEEP program, with the City of St. Paul prime sponsor as the contracting agent and overall program coordinator/monitor. During FY '76, $608,059 of CETA Title I funds were expended on YCEEP. Fifty percent of those Title I dollars supported the salaries of seven area coordinators, nine support staff, and one clerical staff; the remaining portion of those salaries was funded through CETA Title VI monies. The school district contributes inkind supplies and facilities. An informal agreement for sharing of staff and facilities is negotiated on a yearly basis.

The school district places seven area coordinators around the city. Those coordinators are responsible for the schools in their jurisdiction. YCEEP slots are allocated on the basis of concentration of disadvantaged youth in the school population. The coordinators identify, recruit, enroll, place, counsel, and follow-up the YCEEP participants. They also develop public and private job resources in their community.

Staff say that convincing the private sector to hire YCEEP youth is still a major problem. All private sector placements are part of the school system's On-the-Job Training Program (OJT). Seventy-five OJT slots have been created primarily with service related industries. Worksite agreements with the private sector are conducted on an individualized and contributory basis. Since the area coordinators are in contact with the schools, public agencies, neighborhood groups, and local businesses, their role as a link between the education and work communities is integral to YCEEP. The Chamber of Commerce and business representative on the Manpower Planning Council have been YCEEP's mark link to the private sector.

YCEEP's link to the State Employment Security Office through the summer program component has been previously outlined. Similar coordination of resources takes place with vocational education, vocational rehabilitation, career education, and special education agencies and staff. For example, YCEEP participants are placed in vocational education funded OJT slots in conjunction with their life skills curriculum. Some vocational rehabilitation monies are used to support physically handicapped youth in work-experience programs. Union organizations are also involved, both through the CETA Planning Council and at each work site. On the whole, union participation operates on an informal one-to-one basis, with the area coordinator often acting as the liaison.

Students interested in pursing post high school training or education have access to the CETA-funded St.. Paul Career Guidance and Training Center. This is operated under a sub-grant with the Jewish Vocational Services and in cooperation with a number of community based organizations and the Minnesota Employment Service. Under informal agreements between CETA and the Career Guidance administrative staff, YCEEP utilizes the counseling, job bank, and job training facilities of the Center. Concurrently, referrals for YCEEP are accepted from Career Guidance and Training Center staff.

St. Paul's OMP staff plan to strengthen vocational training linkages. One idea currently under consideration is the utilization of vocational education monies to support the life skills centers. Those centers would use existing vocational education councils to assist in development of job placements.

Program Evaluation:

YCEEP's scope of services for July 1, 1975 through June 30, 1976 lists as an objective: "to graduate 200 enrollees per year that have had extensive one-to-one counseling, and exposure to diverse career choices and job experiences." In FY '76, 87 students completed the program; another 52 were positively terminated (left for other than work-related reasons); 76 were non-positive terminations (reasons of leaving school, lack of interest); and three dropped out. Twenty-one participants were placed in unsubsidized jobs. During that program year, the actual direct service cost per YCEEP enrollee was $1,075; administrative costs per enrollee were $103.47.

To supplement fiscal and placement criteria, CETA and sub-grantee staff developed five additional program measures:

weekly staff meeting,

monthly enrollee progress reports,

quarterly and yearly planning goals which are incorporated into YCEEP's scope of service,

annual School District/CETA program evaluations, and

post-graduate (one year) follow-up studies on YCEEP participants.

YCEEP planners admit that their implementation strategies have proved most effective jurisdiction. Their evaluation process has uncovered a number of less controllable problems. By the end of the first program year, the need for a more individually designed student/teacher/supervisor relationship became evident. Expanded and more flexible counseling services were recommended and instituted where possible.

After two years of program operation, YCEEP is undergoing another redefinition. The absence of private sector initiatives is a special concern to both CETA and school district staff. YCEEP's community outreach efforts are being redesigned to expand labor and business involvement on the overall planning process and in the creation of OJT placements. CETA staff feel that the need for private sector initiative is underscored by St. Paul's current fiscal problems. Due to St. Paul Board of Education cutbacks, the life skills curriculum has been seriously curtailed during the 1976–77 year. Additional funds have been allocated under CETA Title I to YCEEP for the specific purpose of developing and incorporating a home skills curriculum into the YCEEP life skills program. CETA staff feel that utilization of private resources would strengthen the city's ability to meet such situations.

Summary: Unique characteristics

St. Paul's Youth Career Exploration and Employment Project evolved from the belief that "school curriculums must be altered to meet changing youth and labor market needs." Matching $608,054 in CETA Title I monies with in-kind resources from St. Paul Independent School District No. 625, and $175,767 in state funded summer monies, the Mayor's Office of Manpower Programs developed a comprehensive three-year school/work program for St. Paul's disadvantaged youth. The YCEEP curriculum is based on a graduated three-year process of career exploration and skill training. While the YCEEP program is differentiated by the in-depth counseling services, planned curriculum, in-school and summer work (or OJT) experiences, and income provisions it offers students, it has been carefully incorporated into the regular curriculum at St. Paul high schools. YCEEP enrollees are in regular contact with their fellow students. Staff note that stigmatization has not been a problem, although explaining to non-YCEEP students why they are not eligible for employment and participation has been an issue.

Everyone involved with YCEEP is uniformly enthusiastic about the program's ability to flexibly pool local government, school district, state, and private funding and services. The community relationships created by coordinators, extensive use of supervisory staff, and an emphasis on year-round continuity are all cited as particularly unique aspects of the program. In the meantime, expansion into the private sector, more sophisticated tutoring, activities, and classroom placements outside the school system are on the agenda.

Most importantly, involvement of the City of St. Paul is there. The YCEEP contract has been renewed for an additional three years and for the 1976–77 program year funding is expected to continue at a comparable level. YCEEP staff say they get their greatest reinforcement from the participants themselves. As one student described the program, "it has a positive effect on young people who are underprivileged and who would have normally gone out and stole something for their money. I hope it keeps going for other people growing up with the same background as I had."

Abbreviations Used in This Text

OJT	On-the-Job Training
OMP	Office of Manpower Programs
RAP	Ramsey Action Programs
YCEEP	Youth Career Exploration and Employment Project

JAMES W. DALTON

Mr. STEVENS. Mr. President, this past week James W. Dalton, a pioneer Alaskan, passed away. Jim Dalton was well known in Alaska and will be missed greatly. He was the kind of person that has made Alaska a great place to live.

Jim Dalton was a worker, he spent his 64 years working to improve Alaska. As a territory and now as a new State, Alaska is more dependent than most places on the individual efforts of our people. Jim Dalton's individual efforts made the northern part of Alaska a place known to all Americans. He was an expert in Arctic and sub-Arctic construction techniques and his work many years ago made possible the production of Alaska's Prudhoe Bay oil. In an even larger sense, Jim Dalton was responsible for that oil finding its way into our national reserves, for he was instrumental in convincing Interior Secretary Fred Seaton to open that part of our territory to exploration.

Jim Dalton was a great Alaskan because he wanted a sound economic base for Alaska's future and worked for that constantly—not for personal gain but for the good of the State and its people. Alaska was much improved by Jim Dalton's efforts and we are grateful.

I would like to share with the Senate an editorial tribute to Jim Dalton that appeared in the Fairbanks Daily News-Miner on May 17. I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

James W. Dalton

Consistent with his mode of living during the previous six decades, a truly giant Alaskan passed away at Fairbanks Memorial Hospital as this week began.

All Americans, particularly Alaskans, owe a great debt of gratitude to James W. Dalton, a dedicated individual with foresight and practical vision—plus the ability to quietly translate his vision into reality. Unknown to all but a small handful of Alaskans was the fact that, among his other substantial contributions to our 49th state, Jim Dalton was largely responsible for making possible today's Prudhoe Bay petroleum development.

Several times during the past quarter century efforts have been made to recognize James Dalton as the catalyst who foresaw the value of petroleum deposits in northern Alaska. Quietly and methodically he initiated efforts which put into gear governmental machinery which opened up the Prudhoe Bay oil field for exploration and development. Whenever an occasion arose upon which it would have been proper to recognize Mr. Dalton's role in making it possible to utilize Alaska's northern petroleum resources, he had shied away and insisted that the spotlight of public recognition was directed upon others. An unusually modest man, Jim Dalton preferred to stay out of the lime light. He took quiet satisfaction in seeing his prophecies fulfilled, and was satisfied knowing that he was making substantial contributions to his Alaska.

James Dalton is no longer with us, and can no longer protest being recognized. It is fitting that at least a brief look is given to his accomplishments:

Son of Jack Dalton, for whom the Dalton Trail was named before the turn of the century, James W. Dalton was born 64 years ago. After graduating from our University of Alaska, Jim worked at his profession of mining engineer throughout interior and northern Alaska. Following military service during World War II, which included utilizing his professional engineering talents in Alaska military construction, Mr. Dalton joined the staff of Arctic Contractors, a joint contracting venture engaged by our United States Navy to explore petroleum resources contained within Naval Petroleum Reserve No. 4 in northern Alaska. During a seven year period while serving Arctic Contractors in several capacities, including chief engineer and general superintendent, Mr. Dalton become thoroughly familiar with petroleum potential in the northern sector of our state. As general superintendent of the project, employing more than 600 men, Mr. Dalton gained world-wide recognition for his outstanding capabilities in construction and related work in Arctic and sub-Arctic conditions.

During the period Mr. Dalton was supervising exploration of Naval Petroleum Reserve No. 4, he became convinced that northern Alaska contained very substantial petroleum resources—not only within boundaries of the 23 million acre Naval Petroleum Reserve, but also extending eastward through a section contained within Public Land Order 82, comprising 25 million acres, which had been withdrawn by the Secretary of the Interior and closed to commercial development.

Mr. Dalton felt strongly that development of North Slope petroleum reserves would be in the best interest of Alaska and our United States; but obviously no development could take place unless a change was made in the status of either Naval Petroleum Reserve No. 4 or Public Land Order 82. He felt that if our federal government could be made aware of the North Slope's potential value to our country, it might be possible to change the status of Public Land Order 82 to allow commercal exploration. Factual data concerning Public Land Order 82 area existed, much of it contained in either James Dalton's head or his files, but had not been collated.

After exploring various possible approaches to initiating action on modification of Public Land Order 82, Mr. Dalton applied for and accepted a position with the then Territory of Alaska, Alaska Development Board. Early in 1954 Mr. Dalton became the manager of the "Rail Belt Branch Office, Alaska Development Board" (at a salary substantially less than that usually recognized as the criteria in his professional field.) His reason for accepting the position was to establish a base for a report emanating from a territorial government agency encompassing reasons why Public Land Order 82 should be modified.

Mr. Dalton subsequently compiled a comprehensive report on northern Alaska petroleum possibilities, well organized and concisely written. Subsequently presented to Secretary of the Interior Fred A. Seaton, Mr. Dalton's report was the basis for a modification order affecting Public Land Order 82 issued by the Secretary and making possible commercial exploration and development of what is now the Prudhoe Bay field. Subsequently he compiled a "Survey of the Future Growth of the Petroleum Industry in Alaska." Both publications, produced 20 years ago, are still valued reference for those engaged in petroleum development in our state.

Indicative of Mr. Dalton's character was the circumstance following modification of Public Land Order 82 (for which he had provided the motivating factors) when petroleum leases were made available to the general public. Asked why he did not personally make lease offers on some of the land available (leases which subsequently made "instant millionaires" of a sizable group of Alaskans), Mr. Dalton replied: "If I made offers to lease (ground area within PLO 82) people might think that all I had in mind in writing the reports was to make a pile of money for myself. We can't have that. All I want to do is to help Alaska develop so that we Alaskans can stand on our own feet."

James Dalton achieved what he set out to accomplish. Alaska and Alaskans are forever in his debt.

ARTICLE VI OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the "international penal tribunal" mentioned in article VI of the Genocide Convention has been a topic of great concern to many opponents of the treaty. The convention's critics charge that the tribunal poses a serious threat to the constitutional rights of American citizens. They fear that Americans may be deprived of their right to trial by jury, or that they may be forced into a trial in some foreign court where our constitutional procedures are not followed.

However, by reading the text of article VI, it is clear that there are no threats posed to the rights guaranteed American citizens. Article VI states:

> Persons charged with Genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which have accepted its jurisdiction.

First, since no such tribunal presently exists, those accused would be tried in an American court. Second, nothing in the convention mandates our participation in an international tribunal should one ever be created. If the United Nations should in the future adopt a treaty providing for a tribunal, the President would have to approve it and submit it to the Senate for ratification before the treaty could take effect. Third, the Foreign Relations Committee and the United Nations have both understood article VI to allow any nation to try its own citizens for alleged acts of genocide that occur in other countries.

Mr. President, the Genocide Convention is not intended to deny the American people their rights, nor to undermine our Constitution, nor to subject us to any foreign power. It does not do any of these things. The convention simply attempts to protect the people of the world from the crime of genocide.

I urge the Senate to put the United States on record as condemning the crime of genocide. I call upon my colleagues to ratify the Genocide Convention.

OPPOSITION TO RECOGNITION OF COMMUNIST CHINA

Mr. GOLDWATER. Mr. President, one of the recurrent questions of foreign policy involves our China policy. On many occasions, I have explained why it would be immoral, illogical, and unwise for the United States to give diplomatic recognition to the so-called People's Republic of China and to withdraw our official ties with the Republic of China.

As a recent national public opinion survey demonstrates, the American people are strongly in support of retaining relations with the free Chinese Government located on Taiwan. The public comprehends in its soul the wrongness of dropping our friends and helping our enemies.

The basis for the overwhelmingly favorable public opinion toward the Republic of China is concisely and clearly expressed in a scholarly article which appeared the same week as the recent poll. I am referring to an article by Prof. Paul M. Malm, who is chairman of the Social Science Department of Lane Community College, Oreg. It was published in the Portland Oregonian of May 4.

Professor Malm's article destroys the dream-like assumptions made by persons who press for diplomatic relations with Communist China. As he proves, from Communist documents, the Chinese rulers of the mainland still consider both Moscow and Washington to be the enemy.

Professor Malm reveals that just before former President Nixon's visit to Communist China, the Communists described their goal in talking with President Nixon as primarily to secure an opportunity and create conditions to influence "the American people to rise to revolution and to overthrow the reactionary rule of the United States."

Even if the United States should fully normalize relations with Peking, Professor Malm argues, nothing would change. We would still be the enemy and destruction of our system will continue to be their goal.

Mr. President, in order that my colleagues may know of this informative article, I ask unanimous consent that the commentary by Prof. Paul Malm on United States-China relations be printed in the RECORD.

There being no objection, the commentary was ordered to be printed in the RECORD, as follows:

RECOGNITION OF PEKING WOULD DO UNITED STATES LITTLE GOOD, MUCH HARM

(By Paul M. Malm)

Present U.S. foreign policy embraces a Washington-Moscow-Peking triangle. Initially, it was based on the parity of Russian and American strategic forces and the friction-laden Moscow-Peking split. As the United States viewed it, a policy of "detente" with Russia could not succeed without our exerting some kind of diplomatic leverage. Such leverage could only come from China.

Along the thousands of miles of Sino-Soviet border, friction was continuous and intense. To counter Moscow and make "detente" work, Washington felt it must elevate China's position out of all proportion to its military strength. Under continuous Russian military pressure, China would thus allow herself to be used by the United States in order to use us when it appeared vital to her. For the United States to proceed with "detente" with Moscow, without resolving the quarter century of confrontation with Peking, would likely drive Peking into rapprochement with Moscow which would be solely to Russia's benefit. Thus the policy of normalization—detente—with Peking.

Such policy was based on at least three assumptions. (1) If U.S.-China rapprochement didn't occur, "detente" with Moscow couldn't work, and a possible Moscow-Peking accommodation would be to our detriment. (2) Peking's future leadership and foreign policy would be unimpaired by any domestic power struggle. (3) Regardless of leadership changes, the Moscow-Peking dispute would continue unabated.

All of these assumptions may be erroneous. Basing U.S. policy upon such tenuous foundations seems a grievous error. But despite their unreliability, on these foundations we have built.

We ignore pre- and post-Nixon Peking policy statements where the "dual adversary" strategy is explained. To China, both Moscow and Washington are the enemy.

Peking is "uniting with the secondary enemy (Washington), attacking the primary enemy (Moscow)." Both are enemies. Both must be destroyed eventually. But for the present, use the one to counter the other.

Just before Nixon's visit, China outlined its goal in a confidential document, "Propaganda Outlines of the International Situation:"

"Our agreement in talking with Nixon is primarily for developing friendly associations with the American people, for securing an opportunity and creating the conditions to carry the work into the American people, and to assist with ideology and public opinion for the American people to rise to revolution and to overthrow the reactionary rule of the U.S."

Since the 1972 Shanghai Communique, Peking's rhetoric has not changed. Consistently, it calls for the destruction of the "capitalist running dogs." So-called "moderates" or "radicals" sing the same song. Their paths may be different; their goals of world revolution and world communism remain the same.

Chou En-lai confessed as much when he explained to the Tenth Party Congress (1973) that Peking-Washington detente was quite different from Moscow-Washington "detente." The former was merely a tactical maneuver; the latter, a compromise on principles. Tactics could differ depending on the need of the moment; goals, however, would remain immutable.

The outcome of Peking's present power struggle bodes ill for the United States, regardless of the victor. Despite the virulent anti-Americans of the "radicals," having them in power might be to our advantage. To them, "revisionist" Moscow is the imperialist. We then are needed to help maintain Peking's sovereignty.

The "moderates," on the other hand, prefer "revisionism" to 'ideological dogmatism," improved relations with Moscow to confrontation. Though Hua Kua-feng ostensibly wants warmer relations with Washington, his practice is to consider further Peking-Moscow "detente." Leonid Brezhnev, his Russian counterpart, and other Soviet spokesmen have all recently urged accommodation and reconciliation with Peking. Perhaps China's present internal turmoil is the one factor impeding the realization of these overtures.

Our China scholars initially pointed to the seriousness of the Sino-Soviet split as rationale for urging full diplomatic relations with Peking in order to avert a Sino-Soviet war. Now the same scholars press for normalization for precisely the opposite concern, to prevent rapprochement between the two. In either case we have lost the initiative. Our policy is dictated by the policy and behavior of others. Such a policy toward Peking, based on Moscow relationships, is reactive, precarious, dangerous!

If Washington fully normalizes relations with Peking, we have lost our bargaining power with them. Furthermore, such an action may serve only to deepen Moscow's suspicions of Washington and encourage it to join Peking in expelling the United States from Asia. We would "settle" the Taiwan question and repudiate our Mutual Defense Treaty with the Republic of China without altering fundamental Peking relationships one whit. We would continue to be used for Peking's tactical purposes. We would still be the enemy. Destruction of our system would continue to be their long-range goal.

But it would alter our relationships with the world. Our moral bankruptcy would be apparent. Neither our word nor our signature would be believed. Our Asian friends would know that they could expect no aid nor comfort from us in time of need. Undoubtedly they would modify their relations with international communism to accommodate the new reality. Just as some of them withdrew recognition from Taiwan in the wake of our collapse in Vietnam, they, and others, would likely rush to embrace Peking should we desert Taipei.

The vacuum left by our departure would likely compromise South Korea as well as opening it once again to aggression from the north. Japan, which withdrew recognition from Taiwan under economic pressure from Peking, would likely swing to its strong revolutionary Socialist Party domestically, to Peking economically and from the United States in all respects. Our strategic forward military defense line running from South Korea through Japan and Taiwan would be breached, outflanked, and the massive and powerful Soviet fleet would then range freely and unimpeded from its base at Vladivostok along the shelf of Asia and throughout the Indian Ocean.

Where would our bases be? And with the energy crisis, how would we eventually service our ships and planes? Soviet bases, overlooking the major straits of the globe, would have the potential to deny the Western world the vital minerals, metals, and petroleum upon which we, and they, so sorely depend for survival.

Why need we alter our present relations with either Peking or Taipei? Our Pacific fleet is the best current guarantee to Peking against Russian expansionism. The Chinese need our industrial and technical know-how. They may eventually need our wheat crop to help feed their burgeoning population.

What can full recognition bring us? Relaxation of tensions? Full recognition of Peking by Moscow seems to have done little to ease Sino-Soviet relations. There is little of importance full recognition can provide that is not already provided for under present circumstances.

I spent a month doing research in Taiwan in 1975. The dynamism of the island nation amazed me. The degree of freedom—by Asian standards—was remarkable. In contrast to Peking, its people have full religious freedom. The economy is recognized as a modern miracle; its average annual income is second only to Japan in the Far East. Such has been the success of its land reform program that its Land Reform Institute at Taoyuan was then educating specialists from more than a score of countries. Taiwan's spirit reflected that spirit I found in America when I immigrated here from Canada in 1949.

To even consider turning Taiwan over to Peking, to deliver the free to the slave, is unthinkable. Admittedly, the United States, Taiwan and China all agree that Taiwan is an integral part of China. But which China? The government on Taiwan or on the mainland? Why not leave the decision to time and history? Let us not make that decision for them.

PRELIMINARY REPORT OF THE U.S. DELEGATION TO THE SPRING MEETING OF THE INTERPARLIAMENTARY UNION

Mr. SPARKMAN. Mr. President, the spring meeting of the Interparliamentary Union was held April 6 through 11 in Canberra, Australia. Sixty-one nations participated in the meeting. The atmosphere at the conference confirmed the recent trend within the Interparliamentary Union toward constructive dialog instead of the divisiveness that has characterized earlier meetings. A number of imaginative and constructive resolutions on a range of difficult issue were agreed to at the conference.

Congress continued interest in these valuable sessions was reconfirmed by the participation of an able delegation which I had the honor and privilege of chairing. In addition to myself, Senators BAYH, STAFFORD, and SCOTT, and Representatives DERWINSKI, PEPPER, LONG, McCLORY, VANDER JAGT, BURKE, BYRON, PATTEN, and PICKLE made up the delegation.

The work of the spring session of the Interparliamentary Union was divided among the five standing committees. The political committee this year discussed the role of parliaments in furthering relaxation of international tensions and progress in the field of disarmament, including nuclear weapons and new weapons of mass destruction. Senator STAFFORD, Representative DERWINSKI, and I served on this committee where I had the privilege of making a statement for the U.S. delegation. After paying tribute to our Australian hosts for the hard work and dedication which they had put into preparations for the conference and the fine facilities put at the disposal of the delegates,. I underlined the special responsibilities which parliamentarians have in the disarmament field as they appropriate the funds which are used for weapons development and purchase. I pointed out that there are several positive steps which parliaments can take to improve the arms situation in the world. First, we can educate our constituencies to the meager security which is afforded by nuclear weapons in the modern era and to the alternative courses afforded by arms control and disarmament measures. Second, I outlined how parliamentarians can education themselves about the just needs and desires of other nations by stepping outside of the highly circumscribed domestic political roles we normally give ourselves; and lastly, I called on parliamentarians while evaluating new military measures whether they be minor increases in force strength or major purchases or development of a weapons system, to look to the regional and international implications of such an act.

Congressman DERWINSKI represented the United States on the drafting committee on disarmament which eventually worked out a resolution that was adopted unanimously. The drafting sessions were long and arduous but were marked by a spirit of understanding and a desire to reconcile conflicting viewpoints. The resolution finally adopted emphasized that nuclear disarmament was a matter of overriding importance at a time when nuclear weapons posed the greatest danger to mankind. It noted the urgency of establishing effective measures to control the arms race and expressed concern at the absence of real progress toward the conclusion of a treaty on the complete and universal prohibition of nuclear weapons tests. The resolution also expressed alarm at the rapidly escalating rate of military expenditures and took note of the inability of any single nation to regulate the world arms trade emphasizing the need for international cooperation. It called upon parliaments and governments to get on with the negotiation of a treaty on the full and universal prohibition of nuclear weapons tests and called for accession to the treaty on nonproliferation of nuclear weapons. The resolution also encouraged the creation of zones of peace and collaboration, free of nuclear weapons, in various regions of the world. The delegates called upon parliaments to be aware of the need for the United Nations to take up the question of production and transfer of arms and to give greater international attention to practical controls on arms transfers. Finally, the delegates gave their approval to the Helsinki Agreement and the general relaxation of tensions.

In the Committee on Parliamentary, Juridical, and Human Rights Questions, the delegates discussed the issue of the Law of the Sea. The United States was represented on this committee by Senator William Scott and Congressmen J. J. Pickle and Goodloe Byron. Senator Scott made the presentation in the committee for the United States. He stressed the importance of the round of negotiations which will resume in the sixth session of the Conference on the Law of the Sea on May 23. He pointed out that at stake in these negotiations was a new agreement governing 70 percent of the surface of the globe. Senator Scott briefly summarized the accomplishments of the Law of Sea negotiations to date. He pointed out that there has been general agreement to create a 200-mile exclusive economic zone striking a balance between important coastal State rights to control fishing, mineral, and other resources and certain traditional freedoms of the international community such as the freedom of navigation. He mentioned there was also general agreement on the need to provide effective international measures to protect the oceans from pollution. Senator Scott discussed at length the still unresolved problem concerning the deep seabed. He said that all participants at the conference subscribed to the principle that the riches of the deep seabed beyond the limits of national jurisdiction are the common heritage of mankind. However, he pointed out that the task of reaching an agreement is complicated by the differences among the political and economic philosophies of the conference participants. In this regard, he mentioned that the U.S. heritage and economic experience are deeply rooted in the tradition of free markets. Finally, Senator Scott called on all of the governments to send their negotiators to the next session of the Conference with the necessary determination to reach a balanced accommodation and called for the adoption of a resolution incorporating the concept that delegations should have the necessary flexibility to seek solutions which would serve individual national interests and all mankind collectively.

The U.S. delegation followed up the Senator's speech by submitting a draft resolution incorporating this. Congressman Pickle and Congressman Byron represented the United States on the drafting committee which, after vigorous discussion, adopted a draft resolution which endorsed the U.S. proposal that governments review the instructions to their delegations to the Law of the Sea Conference so that solutions can be reached which will be needed to achieve a global agreement. In addition, the U.S. delegates strongly supported a Canadian initiative, which was adopted, aimed at attaining an agreement on new rules of international law which will insure a comprehensive and effective system for the protection, reduction, and control of vessel pollution, especially in such matters as the standards for ship construction, equipment, inspection, and certification.

Representatives Pepper, Long, and Burke participated in the work of the Economic Committee for the U.S. delegation. The Economic Committee had a full agenda, considering two items under the general subject of the new international economic order, the contribution of the developed countries to the establishment of mechanisms for cooperation among the developing countries and transfers of technology for development. Speaking for the U.S. delegation, Congressman Pepper said that the general concept of cooperation among developing countries, both economic and technical, had a long history and is firmly based in the current decade of development which the United States and other developed countries agreed to support. However, while the United States has given general support to previous resolutions adopted by international organizations in this field, this does not mean unqualified U.S. support for all of the detailed recommendations which have been made. He pointed out that consideration of the "contribution of the developed countries" should not obscure the fact that cooperation among the developing countries must originate with them and that support from others can prove effective only to the degree that a program is well conceived and fully agreed upon among the nations immediately involved. Congressman Pepper also pointed out that the United States extends extensive support to regional cooperation and economic integration in both direct bilateral technical and capital assistance and through the support of regional financial institutions. He then discussed the development of technical cooperation among the developing countries which is an additional important means of mobilizing untapped and appropriate resources and capabilities that exist within the developing countries themselves. The principal catalytic element in the realization of this program, he pointed out, is the U.N. development program. The United States has been involved with developing the concept of technical cooperation from its very inception and it was largely at the urging of the United States that the information referral system was set up. Congressman Pepper closed by acknowledging that future cooperation between the developed and developing nations will affect the health and happiness of a large part of mankind and will give to the developed nations a deep sense of satisfaction and justice and, in the long run, make them stronger and more secure as well.

The draft resolution adopted by the Economic Committee emphasized the urgency of insuring broad access for all States without discrimination. It invited parliaments and governments of the developed countries to support by all possible means economic cooperation among developing countries, their priority development programs, and the elimination of all artificial barriers hampering cooperation with these nations. It also invited parliaments and governments to take measures which would aid in the formulation of development plans at the national level in order to accelerate the utilization of the achievements of modern science for the purposes of economic and social development, especially in the developing countries. Other concerns touched on in the resolution were the UNCTAD code of conduct, the revision of the international patent system, and the activities of multinational corporations in connection with the transfer of technology.

At the 1976 IPU fall meeting in Madrid it was decided to add to the title of the Committee on Educational, Scientific and Cultural Questions, environmental questions as well. In line with this decision the committee undertook the consideration of "the provision of water and the control of the disposal of wastes as prerequisites to the development of the human environment." These discussions came immediately in the wake of the 1977 U.N. Water Conference in Buenos Aires and interest by members of the committee was high. The United States was represented on the committee by Congressmen McClory, Vander Jagt, and Patten. In his statement to the committee, Congressman McClory underlined the enormous cost to the world, over $133 billion, to meet the 1990 Habitat Conference target of adequate and safe water supplies for all people on Earth. He mentioned the enormous task for the United States to bring adequate water supplies to the American people and assured the conference that the United States was sensitive to the international and national needs spelled out at the Water Conference. Mr. McClory pointed out that the

Agency for International Development and its predecessors have provided over $860 million for water supply and sanitation projects through the fiscal year 1977, and obligations for each of the fiscal years 1977 and 1978 of $50 million were planned. He also noted that in pollution control, the United States achieved a significant milestone with passage of the 1972 Federal Water Pollution Control Act. This set the goal of reaching a desirable level of water quality by 1983, and Congressman McClory stressed optimism over the progress being made toward reaching this goal.

The Drafting Committee met under Mr. McClory's chairmanship and produced a draft resolution which set forth a program for the national parliaments in the area of water management. That program should include, among other things, effective population policies so as to curb water demand, setting up programs for reclamation and conservation of water supplies, training skilled water managers, and planning the storage and drainage systems for areas of seasonal flooding and droughts. The resolution also recommended that parliaments support activities directed toward improved community water supplies and water disposal systems by designating the decade 1980 through 1990 as International Drinking Water Supply and Sanitation Decade, as proposed at the U.N. Water Conference.

The United States was represented on the Committee on Non-Self-Governing Territories and Ethnic Questions by Senator Bayh and Representatives Burke and Derwinski. The principal question under discussion in that committee dealt with the implementation of the resolution of the 63d IPU Conference on the situation in Southern Africa. In his statement to the committee, Senator Bayh regretted that the Union of South Africa had paid no heed to calls addressed to it by the United States and many other nations over the years that it ameliorate its racial policies. Senator Bayh pointed out the stark reality of the rising revolution to achieve dignity and justice for all men. It is not possible, he stated, to think of the problems of Rhodesia, Namibia, and South Africa separately. He said that it was the influence and strength of the regime in South Africa which makes possible the continuation of unjust systems in both Rhodesia and Namibia. Until South Africa has made a decision to accept majority rule, it is difficult, he said, to see that there will be a just solution in Rhodesia or Namibia without violence or bloodshed. As an example of the concern of the United States Senator Bayh cited the recent action of the Congress in repealing the Byrd amendment relative to Rhodesian chrome and the fact that Ambassador Andrew Young's first mission for President Carter was to Africa. This underlines the fact that the United States intends to give special attention to African problems in the months ahead.

Senator Bayh represented the United States in the Drafting Committee, which produced a draft resolution that was adopted unanimously by the Conference. After paying tribute to the work of the Interparliamentary Union's Mission on Namibia and stressing the importance of this action by the IPU, the resolution requested all states and international organizations to increase their aid and support to the oppressed peoples of Southern Africa. It called on the governments and parliaments of the world to take action to promote the speedy and full implementation of the resolution adopted at the 63d IPU Conference. It also called on parliaments of nations which have commercial subsidiaries in Southern Africa to ask for a government investigation into the scope of plant investments, working conditions, and wages of those subsidiaries.

Drawing on a U.S. draft resolution, the conference also called on parliaments and governments:

In regard to South Africa: To reject categorically the practice of apartheid; to urge all countries to refrain from sending arms to South Africa and Rhodesia; to recognize the rights of all peoples of South Africa to citizenship in that republic; and to support the evolution of South Africa toward a multiracial society.

In regard to Namibia: To deplore the decision of the South African Government to refuse entry to the IPU factfinding mission; to support and encourage a constitutional conference on Namibia under U.N. auspices which would lead to free elections; and to permit the participation of SWAPO in the process at the earliest possible moment.

In regard to Rhodesia, the conference urged all governments and parties concerned to give their full support to and cooperation with the continuing initiative of the United Kingdom in its search for a negotiated settlement of the Rhodesian problem; it noted the failure so far to achieve a negotiated settlement and called for the earliest possible establishment of a legal majority government in Rhodesia; and the full respect of the U.N. mandatory sanctions against Rhodesia until majority rule is achieved.

At the conclusion of the Conference, the Interparliamentary Council met in its 120th session. The United States was represented in the Council by Senator Stafford and Representative Derwinski. Several important actions were taken during the three meetings which were held on April 15 and 16. Both Cuba and Zambia were admitted as new members of the Union by acclamation. At the request of the Government of Colombia, its membership was suspended. Panama, Paraguay, and Sierra Leone were notified that they were in arrears and in jeopardy of losing their vote. The Council gave its overwhelming endorsement to the report of the IPU factfinding mission on Namibia and adopted the report of the Secretary General on the situation in Southern Africa.

The first report of the Special Committee on Violations of Human Rights of Parliamentarians was accepted by the Council. This marked a milestone in the IPU's activities as the Union began to concern itself with the human rights of fellow parliamentarians around the world in a specific way. In connection with human rights, the Council also unanimously accepted the report of the special working group on the situation in Chile and approved four new members for the special working group. A hotly debated question was the ultimate inclusion of a new agenda item for debate at the full IPU Conference this fall in Sophia, Bulgaria, entitled "Behavior of the Israeli Authorities in the Occupied Territories." As this raised the number of items to be debated to six, it was also decided to add an additional day to the Conference. In accord with this change, the fall conference will run from September 21 through September 30.

Prior to the beginning of the Conference, the delegation had an opportunity to stop briefly in Christchurch, New Zealand, where it received a full briefing from the Deputy Prime Minister and Foreign Minister of New Zealand, Mr. Brian E. Talboys, on the current economic and political situation in that country and had a free exchange of views with him on matters of common interest. Members of the delegation were deeply appreciative of the fact that Mr. Talboys gave up his Easter Sunday to meet with the delegation. We hope that our brief visit helped to reaffirm the importance the United States attaches to our Nation's relationship with New Zealand. While there, the delegation also visited the headquarters of Operation Deep Freeze, where it received a briefing on U.S. activities in Antarctica.

Following the Conference in Canberra, and en route back to the United States, the delegation stopped overnight in Indonesia where we were met by U.S. Ambassador David P. Newsom, members of his staff, and representatives of the local government. This brief stop afforded the members of the delegation an opportunity to explore a number of issues of common concern to Indonesia and the United States.

From Indonesia, the delegation traveled to the Republic of China for an overnight stay. While there, we were fortunate to have a long- and far-ranging discussion with Premier Chiang Ching-kuo, to meet with Ambassador Leonard Unger and members of his staff, and to visit with a number of other Government leaders of the Republic of China.

Finally, on behalf of the delegation, I wish to express our gratitude to the Australian IPU group for its excellent work in arranging the Conference in Canberra and to the Government and the people of Australia for the warm hospitality extended to us throughout our stay. Our visit to Australia gave each of us the opportunity to affirm once more the significance of the American relationship with Australia. As a signer of the ANZUS treaty, I have a special feeling about our alliance with both Australia and New Zealand. It is a comfortable relationship, based on a common heritage, language, values, and faith in the capitalist system. There are many ties which bind us in common causes and objectives aside from the security treaty. Indeed, the security treaty is only symbolic of the shared interests and aspirations of our peoples.

This month marks the 35th anniversary of the Battle of the Coral Sea, the decisive battle which turned the tide of the Japanese advance through the South

Pacific to Australia and New Zealand in World War II. Indeed, the annual celebration of the victory of our joint forces in this battle is looked upon by Australians as an occasion for quiet reflection on the importance of the special relationship which exists between our two countries. I am pleased that President Carter has emphasized the importance he attaches to our partnership with Australia and New Zealand. I hope that the visit by the American delegation to the IPU, although brief, helped to demonstrate America's continued faith in, and commitment to, this partnership.

FLOOD INSURANCE

Mr. DANFORTH. Mr. President, Congress should be aware by now that the national flood insurance program, administered by the Federal Insurance Administration, has stirred up controversy across the country. While elements of this program have merit, its administration by FIA and the sanctions imposed by the program have been the cause of much of this controversy.

Flooding is a serious hazard to life and property. In recent years, the responsibility for providing relief and indemnification for property losses to flood victims has fallen on the Federal Government. In addition to disaster relief, the Federal Government, from 1936 to the mid-1970's, has spent an estimated $9 billion on flood prevention.

Despite this commitment to flood prevention programs, the annual loss from floods has continued to increase through the years. It is claimed by many that the reason for this increase stems from unwise use and development of areas within clearly identified flood risk plains. The annual expenditure by the Federal Government today for flood disaster relief approaches $1.25 billion.

In response to the growing annual loss from flooding, Congress in 1968 enacted the National Flood Insurance Act. Prior to 1968 flood insurance was unavailable through the private insurance industry. The only relief available to a victim of flooding was the payment by the Federal Government of special disaster loans. The 1968 act was an attempt by Congress to provide limited indemnification to flood victims through a voluntary national flood insurance program. The two principal objectives of the 1968 act were to make available to residents in flood risk areas federally subsidized insurance at reasonable premium rates and to require communities with flood-prone areas to enact land use and control measures designed to encourage a rational use of land within these areas as a condition for the availability of federally subsidized flood insurance.

The impetus behind the 1968 legislation was a study undertaken by the Secretary of Housing and Urban Development which was delivered to Congress in August of 1966. That study concluded that flood damage would continue to rise in the country because unwise development and demand for property in flood-prone areas was occurring—either from ignorance of the problem or indifference to it. It is interesting to note that the study found that many people within flood prone areas considered as reasonable any requirement that flood insurance be conditioned on obtaining a loan on property in such an area. In response to the problems identified by the 1966 study, the Congress passed the National Food Insurance Act of 1968. The program established by the act was voluntary and had little effect on the ability of owners within flood-prone areas to buy flood insurance.

This voluntary approach had even less of an effect on the practices of builders and communities engaged in construction in areas susceptible to flooding. A study by the American Enterprise Institute concluded that in case of flooding, property owners had become accustomed to receiving Federal disaster relief which, in many cases, left them better off after the disaster than before. It was obvious that the voluntary program was not working.

In Missouri during March and April of 1973, 63 counties were declared disaster areas due to flooding. One month later, 11 of these 63 counties were declared disaster areas a second time and in the fall of that year, an additional 36 counties became disaster areas.

In the spring of 1974, 22 of the same counties were again declared disaster areas. These counties received disaster relief totaling approximately $26 million. In addition, $10 million was spent by the Soil Conservation Service for land restoration. Comparable statistics were noted throughout the country.

In 1973, Congress began to reexamine its approach to flood insurance programs. The question was why 90 percent of the people who live outside flood plain areas should pay the disaster relief bills for flooding each year. Furthermore, the development of property in flood-prone areas was continuing at a rapid pace.

In response to this problem, the Congress enacted the Flood Disaster Act of 1973. This legislation was designed to motivate communities that had flood-prone areas to make wise use of these areas and to accept the need to participate in a national flood insurance program. Congress recognized that an effective national flood insurance program which provided adequate indemnification for the loss of property also had to assure the enactment of adequate safeguards and land use restrictions which would minimize future losses of life and property and keep payments made under the program at an affordable level.

Approximately 70 percent of the Nation's communities participate in the flood insurance program today. In Missouri at the end of January 1977, there were 408 participating communities and 228 communities that have FIA-identified flood-prone areas not participating. The 1973 legislation is having an effect. In future years the amount of Federal expenditures occasioned by flood disasters will be reduced significantly. The question is how many of these participating communities are truly willing participants.

When one analyzes the sanctions in the 1973 legislation, the conclusion is inescapable that a community which opts not to participate in the program is imposing an onerous burden on itself. Within its flood-prone area, loans and grants will no longer be available for acquisition or construction and expansion of new and existing structures. This sanction applies not only to Federal programs but also to all lending institutions which are supervised or regulated by the Federal Government. This is the nub of the problem. This is the concern that I am hearing more and more from constituents and communities in Missouri.

Participation within the program is not truly voluntary and those that have opted out of the program have done so only after serious thought and consideration.

Missouri communities have been confronted directly with this paradox. Should they participate in the Federal flood insurance program and obligate themselves to enact and enforce land use ordinances which may curtail future industrial, commercial or residential expansion, or should they decline to participate and have the sanctions imposed against them?

This is exactly what happened to the town of Cassville, Mo. An FIA-proposed flood map should have placed 75 percent of the city's industry, 60 percent of its commercial and business area, and 50 percent of its incorporated city limits within the proposed flood plain. The city was confronted with the decision either to accept the proposed FIA flood zone and enact appropriate land use ordinances or to decline participation in the flood insurance program and hope to encourage economic growth in the area. When the city's aldermen on May 3 declined to participate in the flood insurance program, the Federal administrators invoked sanctions against the community—sanctions which had the effect of hampering future economic growth within the area. The Federal Government in Cassville, Mo., has not been a helping hand but in fact, has become an obstacle to future economic growth for that community.

Cassville officials will concede that the area is susceptible to flooding and flood insurance would be welcome. But, economic growth is also important and the community has decided that the sanctions imposed by the Federal Government would be a lesser evil than the enactment of land use ordinances. When a city is confronted with this type of dilemma the Federal Government should be there to help. But this was not the case in Cassville, Mo.—there the Federal Government has become an obstacle. One Federal bureaucrat was heard to characterize the citizens of Cassville as "rednecks" whose opposition to the FIA stems purely from ignorance. Instead of assistance the Federal Government offers condescension and arrogance.

Another ugly side to this program is seen in the case of Aurora, Mo., the "Summit City of the Ozarks." Aurora sits on the highest point of the Frisco Railroad in the area. If Noah had landed his ark in southwest Missouri, Aurora would have been the place. The city of Aurora has never experienced a damaging flood. Nonetheless the city has fallen prey to the Ouija board of FIA flood map cartographers. City officials have stated that Aurora will lose nearly $1.5 million in economic growth because a major industry will be unable to expand its plant within the FIA designated flood plain and will, instead, leave the city.

The Missouri community of Portage Des Sioux could well become a federally induced ghost town because of the manner in which the Federal flood insurance program is administered. Portage Des Sioux rests on the Mississippi River above St. Louis.

One of its residents explained that he moved to the town, willing to drive long distances to work in St. Louis, because he wanted to live and raise his family on the banks of the Mississippi River.

Portage Des Sioux has reluctantly enacted proper land use ordinances which were proposed and in fact supplied by the Federal Government with a fill-in-the-blanks form. The problem in Portage Des Sioux is that the proposed FIA flood plain map encompasses the entire town.

City officials have explained that the mandated land use measures will mean the end of most development in the community. With the end of development comes the end of growth, and with the end of growth it is inevitable that an exodus will occur from the city. However, Portage Des Sioux has no choice. Without land use ordinances the townspeople would be denied Federal flood insurance protection. Without such protection, financial lenders would withhold mortgage money and the Federal Government could shut Portage Des Sioux out of other Federal programs.

If a flood-prone community opts not to participate in the current national flood insurance program, then as a matter of fairness, the community and its residents should not be eligible for Federal flood disaster relief or direct Federal loans or grants for construction or expansion programs within the flood-prone area.

However, the present law also precludes the same community and its residents from obtaining loans for construction or expansion programs from federally insured, regulated, supervised, or approved lending institutions. This latter sanction, I believe, is wrong.

Certainly it makes no sense for the Federal Government to provide a community with a low-cost subsidized flood insurance program only to have that community turn it down and then return to the Federal Government for financial assistance years later when disaster strikes. But on the other hand, there is no compelling reason for the Federal Government to deny a private lender the right to enter into an arms-length agreement with a borrower merely because that borrower happens to reside or intends to reside in a flood-prone area. This latter problem should be remedied.

Congressman Gene Taylor from Missouri successfully introduced at title VII an amendment to H.R. 6655, the Housing and Community Development Act of 1977. This amendment would repeal the sanction in the 1973 Act which prohibits federally related lending institutions from making loans on property within an FIA-designated flood zone area unless the community having jurisdiction over that area participates in the National Flood Insurance Program. The amendment also provides that a private lender must notify any borrower as to whether the property in which the loan is sought has available to it Federal disaster relief in case of a flood disaster.

ERDA AUTHORIZATION ACT, FISCAL YEAR 1978 CIVILIAN APPLICATIONS—S. 1340

Mr. JACKSON. Mr. President, in compliance with the Congressional Budget Act, the Committee on Energy and Natural Resources filed a report on the fiscal year 1978 Energy Research and Development Administration authorization on May 16, 1977. Unfortunately, the Congressional Budget Office was unable to provide a budgetary impact analysis in time for submittal of the report. The committee has now received that analysis, and for the information of the Senate, I ask unanimous consent that the CBO report be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Congressional Budget Office,
Washington, D.C., May 16, 1977.

Hon. Henry M. Jackson,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for S. 1340, the ERDA Authorization Act of 1978—Civilian Applications.

Should the Committee so desire, we would be pleased to provide further details on the attached cost estimate.

Sincerely,

Alice M. Rivlin,
Director.

Congressional Budget Office Cost Estimate

1 Bill Number: S. 1340

2. Bill Title: ERDA Authorization Act of 1978—Civilian Applications

3. Bill Status: As reported by Senate Committee on Energy and Natural Resources

4. Purpose of Bill:

This bill would authorize to be appropriated funds for the Energy Research and Development Administration (ERDA) for nonnuclear energy programs. The bill would also provide funds for guaranteeing a loan or loans for the demonstration of a 50 MW wood-fueled power generating facility.

5. Budget Impact:

[In millions of dollars; fiscal years]

	1978	1979	1980	1981	1982
Authorization level	2, 465. 0				
Estimated costs:					
Operating expenses	1, 094. 2	630. 9	246. 4		
Plant/capital expenses	152. 5	205. 3	129. 3	6. 4	
Contingent liability for wood-fueled facility loan guarantee					10. 0
Total costs	1, 245. 7	836. 2	375. 7	6. 4	10. 0

The costs of this bill fall within function 300.

6. Basis of Estimate:

Costs were estimated for operating, plant, and capital expenses by applying historical disbursement rates of the Energy Research and Development Administration. Costs were estimated for the loan guarantee for a 50 MW wood-fueled power generating facility on the basis of the following assumptions for estimating the contingent liability. A 50 MW wood-fueled plant might require the guarantee of a $60 million loan. The government's potential liability is the entire amount of the guaranteed loan—or $60 million. However, the technology of wood-fueled power generating facilities has been demonstrated successfully at the proposed size. It is estimated that the possibility of default is 33 percent. Should a default occur, it is estimated that one-half of the costs of the plant could be recovered. Therefore, the government's contingent liability is estimated at $10 million. Due to the planning and lead time necessary for construction, operating, and evaluation of this plant, any failure and disbursement of funds would not occur until after 1981.

7. Estimate Comparison: None.

8. Previous CBO Estimate: On May 16, CBO prepared a cost estimate for H.R. 6796, a similar House bill that includes ERDA's nuclear and some military programs.

9. Estimate Prepared By: Leslie Wilson (225-7760).

10. Estimate Approved By: James L. Blum, Assistant Director for Budget Analysis.

MR. J. McBRIDE CROUT

Mr. THURMOND. Mr. President, on June 3, 1976, Mr. J. McBride Crout, one of the leaders of secondary education in South Carolina, died in Batesburg, S.C., at the age of 60. At the time of his death, Mr. Crout was superintendent of Lexington County School District 3. He had occupied this position for more than 30 years, and earlier had served as principal of Batesburg-Leesville High School.

Needless to say, Mr. Crout's death was a terrible loss to the school district and to the whole educational community of South Carolina. Mr. Crout had made numerous friends during his terms as president of the South Carolina School Administrators, president of the South Carolina Education Association, and chairman of the Eastern Conference of School Administrators. Now, almost 1 year afterward, the expressions of sympathy and the tributes are still pouring in.

Last month, at the Lexington County Education Association banquet, Mr. Robert S. Moore, of the State department of education, delivered an exceptionally moving speech on the life and philosophy of Mr. Crout. My wife and I were there in person to hear it, and I have since read a copy of the text. I believe that Mr. Moore's remarks will be of interest to my fellow Members. Moreover, there is no question that Mr. Crout's outstanding character and accomplishments deserve to be as widely known as possible. Accordingly, I ask unanimous consent that Mr. Moore's tribute be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

In Memorial: J. McBride Crout

(Speech delivered by Bob Moore)

Thank you very much for inviting me to share with you tonight in honoring the memory of one of the great teachers and educational leaders South Carolina has known—J. McBride Crout.

How fortunate all of us were to be a part of his world—social, spiritual, and work.

For McBride Crout was a man who knew that the first step to serving others was to believe in them. He knew that what you truly believed in you would marshall all forces within you to make this belief come true. He knew that what you believed about someone would be the way you would react towards them.

McBride Crout once told me, "You know, Bob, believe or belief, is in my opinion, one of the strongest of all words—next only to love." "You know," he said, "it's mentioned in the Bible 387 times."

He believed in all people but he particularly believed in students and teachers.

He believed that all people were somebody very important, for he believed that each person was a president of his own life . . . and what greater responsibility could a person have! And he believed they needed a lot of assistance to help them carry out a good administration.

He believed all people could be more and do more than they ever thought possible, and he believed that within each person was the potential and ability to bring this about for himself.

He believed that people, and in particular that students, needed courage to begin being more and doing more, and he believed that education could provide this for them.

Henry Ford believed the automobile could be invented, and it became a reality.

Thomas Edison believed he could give light to a dark world, and today we have the incandescent light bulb.

The Wright Brothers believed that an airplane could be developed which would fly—and so today we have jets.

McBride Crout believed education could make a difference in the lives of people and look what his belief brought for his school district:

Quality teachers to provide fine curriculum for students.

School buildings second to none in order to provide the best learning environment for students.

Attitudes in students towards living in this world based on the Golden Rule.

A community which supported public education.

But his belief alone did not bring this about. He always practiced the second ingredient necessary for success—action. He was a man who always put action behind his beliefs.

McBride Crout kept on keeping on no matter how long it would take. He had a vocabulary that failed to include such words as "can't," "impossible," "I wish," "that can't work," "jealousy," "excusitis," and "It's too much trouble."

McBride Crout lived his life setting goals, laying plans to accomplish these goals, and committing himself to their accomplishment. He never, never complained about the price he paid or what he had to give up in order to realize his dreams, his goals.

He saw people as though they were already what they could only hope to become and in that context, he treated them.

He never showed any human being anything but love and respect, and he got back from every human being who knew him only love and respect.

His life was his lesson to us: "Believe in everyone and put action behind your belief."

Mrs. Crout, God in his great wisdom could have made someone finer than McBride Crout to be the Superintendent of Lexington School District No. 3 for over 30 years, but . . . he didn't.

SIGNING OF CONVENTION BANNING ENVIRONMENTAL WARFARE

Mr. PELL. Mr. President, beginning today the Convention on the Prohibition of Military or any Other Hostile Use of Environmental Modification Techniques is open for signature. This morning in Geneva, Secretary of State Vance and Soviet Foreign Minister Gromyko signed the Convention in behalf of the American and Soviet Governments. About 20 other governments are expected to participate in the opening day ceremonies by signing the convention, and many others are expected to sign in the near future.

The signature of this convention is a source of great pride and personal satisfaction for me, for the idea of a ban on environmental warfare first arose from hearings I conducted in 1972 in connection with reports of environmental modification carried out by the United States during the Vietnam conflict. Following those hearings, I introduced Senate Resolution 281 in the summer of 1972. That resolution was endorsed unanimously by the NATO North Atlantic Assembly on November 21, 1972; and, after being reintroduced as Senate Resolution 71, passed the Senate on July 11, 1975 by a vote of 82 to 10.

Although the Nixon administration at first reacted negatively to my proposal, it later came to support it and entered into discussions with the Soviet Union. In this regard, I am particularly appreciative of the support of Fred Ikle, the then Director of the Arms Control and Disarmament Agency. On August 21, 1975, U.S. and Soviet representatives tabled identical texts of a draft convention, along the lines of the one I had proposed in my Resolution, for consideration by the U.N. Conference of the Comimttee on Disarmament—CCD. A negotiated text was reported out by the CCD on September 3, 1976 and was approved by the United Nations General Assembly on December 3, 1976 by a vote of 96 to 8 with 30 abstentions.

With the entry into force of this convention, all significant hostile uses of environmental modification techniques will be prohibited, thus sparing future generations from the effects of new and possibly more devastating weapons of mass destruction. This convention will thus avoid a potential new arms race and, unlike what happened with nuclear weapons, keep the environmental warfare genie in the bottle.

Mr. President, yesterday I sent a telegram to Secretary Vance and Foreign Minister Gromyko congratulating them on the signature of this convention and commenting on two aspects of Secretary Vance's statement in connection with the signing of the convention. In this latter connection, I am particularly pleased by Secretary Vance's statement that the United States will be prepared to reexamine at the review conference "or possibly before" the criteria limiting the application of the Convention to those instances in which the effects are "widespread, long-lasting or severe." In my view, the need for this limitation ought to be examined carefully at the earliest possible date and, if possible, well before the review conference.

Mr. President, I ask unanimous consent that the full text of my telegram and Secretary Vance's statement be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONFERENCE OF THE COMMITTEE ON DISARMAMENT, GENEVA, SWITZERLAND

On the occasion of your signature of the Convention on the Prohibition of Military or any Other Hostile Use of Environmental Modification Techniques, I wish to congratulate the United States and Soviet governments for the role they have played in the development of this important international agreement.

I recall with great pride and personal satisfaction that on July 11, 1973 the United States Senate, by a vote of 82–10, adopted a resolution of mine calling for the negotiation of such a treaty. I was accordingly pleased that eventually, on August 21, 1975, representatives of the United States and the Soviet Union tabled identical texts of a draft convention for consideration by the Conference of the Committee on Disarmament. It ought to be a source of great satisfaction to both governments that the text that finally emerged from the Conference was approved by the United Nation's General Assembly on December 3, 1976 by a 96–8–30 vote.

With the entry into force of this treaty, all significant hostile uses of environmental modification techniques will be prohibited, thus sparing future generations from the effects of new and possibly more devastating weapons of mass destruction. In this connection, I wish to applaud Secretary of State Vance's statement that the research and development activities of the United States, as well as its employment of environmental techniques, will be dedicated solely to peaceful ends. I am also pleased that the United States is prepared to re-examine, at the review conference or possibly earlier, the provision in the convention restricting the prohibition to those cases involving "widespread, long-lasting, or severe" effects. It is my hope that there will be a general willingness to review the need for those limiting criteria.

The cooperation between the United States and the Soviet Union which marked the negotiation of this convention has been a significant and constructive endeavor in the field of arms control. Hopefully, that cooperation will continue to characterize relations between our two countries in other arms control negotiations.

CLAIBORNE PELL,
Chairman, Subcommittee on Arms Control, Oceans and International Environment.

STATEMENT BY SECRETARY OF STATE CYRUS VANCE, GENEVA, SWITZERLAND

On behalf of the United States of America, I am pleased to sign the Convention on the Prohibition of Military or any other Hostile Use of Environmental Modification Techniques. It is especially significant that this ceremony is taking place here in Geneva where for a decade and a half dedicated officials have labored to bring the goal of disarmament closer to reality. This convention was negotiated in this City by the Conference of the Committee on Disarmament, and is an achievement to be added to other significant arms control agreements such as the non-proliferation treaty, seabed arms control treaty and the biological weapons convention.

While the intentional modification of the environment at present can be done only on a local and small scale, at best, we scarcely need remind ourselves that in our era technology can advance to make possible actions which would cause hitherto inconceivable environmental consequences. So we believe it wise to outlaw what is commonly called "environmental warfare," before it has a real chance to be developed significantly for military purposes, with potentially disastrous consequences.

The Convention does not prohibit research on and development of, or the use of, environmental modification techniques for peaceful purposes. The U.S. earnestly desires that all research and development as well as use of environmental modification techniques be dedicated solely to peaceful ends. To this end, as we have made clear in the past, we have no secrets in this area: all of our activities in the area of environmental modification are carried out on an open basis and the information is shared with others.

In the view of the United States, the effect of the Convention should be to eliminate the danger of environmental warfare because it prohibits all significant hostile use of environmental modification techniques. According to the present terms, the convention limits the prohibition to those uses having "widespread, long-lasting or severe" effects. The United States will be prepared to re-examine this limitation on the scope of the convention at the review conference, or possibly before.

I wish to express the gratitude of the United States, as well as my own personal satisfaction, for the presence of the Secretary General of the U.N. on this occasion. For the first time in the history of our arms control endeavors the Secretary General has been designated the depositary for an international convention; moreover, he has an important role to play if a question arises for which the fact-finding committee of experts must be convened. The United States welcomes this new evidence of confidence and trust which nations have demonstrated in the Secretary General and in the United Nations.

In signing this convention, I hope that all other states do likewise.

OF DROOLING DOGS AND PERIWINKLES: THE NEED FOR BASIC RESEARCH

Mr. PERCY. Mr. President, I would like to call attention to the article by Jonathan Kellerman entitled "Of Drooling Dogs and Periwinkles," which appeared in the "My Turn" column of the May 23, 1977, issue of Newsweek.

I found Dr. Kellerman's thinking both fresh and insightful, and read with particular interest his comments regarding the "Golden Fleece Award" given monthly by my distinguished colleague, the senior Senator from Wisconsin. I have long applauded my colleague's efforts in discovering frivolous expenditures of tax dollars, and have worked hard myself to increase efficiency in Government by eliminating wasteful Federal spending practices.

I remember my own initial reaction of disapproval when Senator PROXMIRE announced that tens of thousands of Federal dollars were being "wasted" for a study of sexual attraction in the boll weevil. But, delving behind the title of this study, I confess to a feeling of sheepishness. As Kellerman points out, "to biologists interested in developing sterile strains of the bug as a nonpolluting alternative to chemical insecticides, this kind of information can be invaluable."

To quote Kellerman,

> One can just see Pavlov being laughed out of Congress for wanting to fool around with bells and drooling dogs. Similarly, Harlow's work on infant deprivation in primates, which has had broad implications for human psychology and psychiatry, could very easily be brushed off as playing pointless games with orphan monkeys.

As the Senate today considers S. 826, a bill to establish a Department of Energy, I find the analogy particularly applicable. What if we refused to fund basic research efforts to develop alternative sources of energy simply because they had ludicrous titles? Who in their "right mind" a century ago could have wanted to "waste" money on a study to determine whether a certain black liquid substance could replace animal power in propelling transport vehicles?

During hearings held by the Governmental Affairs Committee on S. 826, we heard testimony from Dr. George E. Pake, who is president of the American Physical Society. According to Dr. Pake, "sometimes a particular avenue of research investigation will lead to perfectly predictable applications to human needs. But the useful applications of research results—new science—are just as likely to be unforeseen. Therefore it is important to explore the frontiers of knowledge relatively broadly in order to accumulate a reservoir of knowledge upon which to draw in tackling the Nation's priority problems—for example, those relating to energy—as they arise."

As Kellerman suggests, perhaps it is the monstrous bureaucracy which awards these study grants which require reevaluation. It is indeed self-defeating to attack esoteric projects when it "often costs as much to evaluate a program as to conduct it."

Dr. Kellerman also calls attention to the "fill-up" spending practices common to Government agencies. In a study which I requested, GAO discovered that a tremendously disproportionate percentage of contract awards occur during the last month of the fiscal year so that comparable funding may be received in subsequent years. This is an area for spending reform which certainly deserves our attention.

According to George Pake, "it is the longer-range character of research that renders it vulnerable to the shorter-range urgencies" of other programs. If we are seeking ways of trimming waste, we must resist the temptation to look first at basic research. Says Pake:

> A continuous flow of research output is the life blood of the future.

As Dr. Kellerman has so ably pointed out, mortgaging this future in the acquisition of political brownie points is a dangerous practice indeed.

Mr. President, I ask unanimous consent that Dr. Kellerman's column from the May 23, 1977 issue of Newsweek be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OF DROOLING DOGS AND PERIWINKLES

(By Jonathan Kellerman)

After his hair transplants and ingenious way of fending off muggers, Sen. William Proxmire is perhaps best known for his well-publicized attacks upon Federal extravagance, including government-funded scientific research that appears ambiguous, fatuous, not immediately practical or downright silly. He has received praise in this role, as a kind of people's hero in the fight against excess government spending.

Proxmire's ridicule of spurious-sounding research is just part of a fast-growing tendency on the part of legislators and laymen to express their distrust of scientific research, and science, in general. Gone are the days when Sputnik 1 created a national paranoia that led to two decades of productive research and achievement. The emphasis now is upon careful evaluation of research projects and accountability. One must show what one is going to accomplish in order to get funding, as a *first* step.

This emphasis, though understandable in light of our current economic woes, is a dangerous one, in that it ignores the pattern of scientific accomplishment in a historic perspective.

SERENDIPITIES

When one reviews the history of major scientific accomplishments, it is interesting to find how many great discoveries occurred either purely by accident, or as unpredictable side benefits of apparently unrelated research efforts. The discoveries of smallpox vaccine, bacteria and X-rays are just a few of these. In more recent times, one can point to the development of birth-control pills as a result of research into fertility, and to the widespread use of anti-cancer drugs that were originally developed as antibiotics (and were quite poor in this regard). Similarly, Pavlov's scholarly attempts to learn more about learning and conditioning have led to important advances in the field of mental health relating to the treatment of sexual dysfunction, phobias, headaches and numerous other emotional-behavioral problems. This is not to say that all scientific discovery is serendipitous, merely that a good chunk of it is.

This is not surprising if one considers scientific accomplishment as one form of creative achievement. Psychologists have known for years that creativity flourishes best where there is an emphasis upon freedom, novelty and diversity. Thus, attempts to narrowly define a scientific goal and to mechanically channel efforts toward a well-specified end, be it a cancer cure or a better mousetrap, may not bear fruit. As Elie Shneour has noted in Science magazine, had today's narrow standards of funding been applied to polio research, the result may well have been not a vaccine but rather a compact, efficient, computerized, portable iron lung. Similarly, Baruch Blumberg, the 1976 Nobel Prize co-winner in medicine, has said that his research started out as quite esoteric and impractical and would probably not have been funded under today's standards.

SILLY PROJECTS

Another point should be made with regard to Proxmire's attacks. The senator has a tendency to latch onto titles of projects that may sound silly, but not to delve into the content of these studies in depth. This is something of a cheap shot, as it is very easy to make anything sound silly and thus dismiss it out of hand.

To a layman the study of something as esoteric as sexual attraction in the boll weevil may appear fatuous at best and perversely voyeuristic at worst. But to biologists interested in developing sterile strains of the bug as a nonpolluting alternative to chemical insecticides, this kind of information can be invaluable.

One can just see Pavlov being laughed out of Congress for wanting to fool around with bells and drooling dogs. Similarly, Harlow's work on infant deprivation in primates, which has had broad implications for human psychology and psychiatry, could very easily be brushed off as playing pointless games with orphan monkeys. One last example is that of the development of the drug vincristine, used to fight cancer. This alkaloid comes from the Vinca plant—the lowly periwinkle. Can you imagine the scientist who discovered it being refused funds because he was toying with garden flowers?

The point, of course, is not that everything and anything should be funded under the heading of research but that the criteria should be those of scientific validity, not apparent practicality. Ironically, the mass of rules and regulations developed in the name of program evaluation has created a monstrous bureaucracy that is self-propagating. This has grown to such an extent that now it often costs as much to evaluate a program as to conduct it. If we are seeking ways of trimming fat, let us slice away at the layers of bureaucrats who, once ensconced in civil-service positions, never die, fade away or otherwise disappear.

Just think of the savings that can be had by eliminating the staggering piles of typed-in-quadruplicate government forms that seem to proliferate almost magically at the sound of the word "accountability." Another way to save money would be to stop encouraging waste. Under current government practices, if a scientist is given $1,000 for the first year of his study, he must spend every penny of that $1,000 to receive comparable funds the second year. Thus, last minute "fill-up" spending is encouraged and thrift is punished.

A TRUSTING ATTITUDE

Perhaps the answer is to train scientists, while still in graduate school, in the art of glossy, deceptive packaging. After all, we have seen how successful many attempts at glamorous labeling have been in eliciting political support and funds. (Think of all the cooks, bodyguards and go-fers who were hired as special administrative assistants, not to mention undeclared wars labeled as technical operations and soldiers employed as advisers.) One would hope that it doesn't come to this, and that an open, trusting attitude is taken toward scientists and their endeavors so that the United States will remain the international leader in technical and creative achievement. Otherwise we may have to wait for another sputnik.

OKUN KAYOS GREENSPAN IN FIRST

Mr. PROXMIRE. Mr. President, the April, 1977 issue of Fortune magazine contains a dialog between Alan Greenspan and Arthur Okun, former chairmen of the President's Council of Economic Advisors. Billed as a debate on the subject, "How to Stop Inflation," Mr. Okun won hands down, in my opinion.

OKUN'S VIEWS

The reason I am persuaded by Mr. Okun's arguments is that they coincide with recent experiences going back to the Kennedy administration. He favors a mix of tools to fight inflation, a mix that does not include controls. He would employ fiscal and monetary policy as well as specific wage-price guidelines, cost-reducing cuts of payroll taxes, and actions to reduce the costs of Government subsidized health care services and Federal procurements.

GREENSPAN'S VIEWS

Mr. Greenspan would rely exclusively on fiscal and monetary restraints. A premise of this strategy seems to be that the lack of restraints in these areas are responsible for our present inflation. This, to me, is an oversimplified view of the problem although one that was held by the Ford administration.

One difficulty I have with Mr. Greenspan's position is that while I believe much Federal spending is unnecessary, wasteful, and inflationary, a large share of inflation is unrelated to Federal spending or to monetary policy. The Russian grain sale of 1972, the oil embargo of 1973, the fuel price hikes since 1973, and the steady industrial price increases in the face of weakening demand throughout the recession are a few examples of the kinds of actions in the public and private sectors that are left unexplained by Mr. Greenspan's arguments.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

DEBATE: HOW TO STOP INFLATION

Note.—Once again, fears are rising that inflation may grow worse, and once again there is talk of fighting it with wage-price guidelines or some other form of incomes policy. For opposing views about what the U.S. should—and should not—do to curb inflation. Fortune brought together two former chairmen of the President's Council of Economic Advisers. Republican Alan Greenspan, head of the Manhattan-based economic-consulting firm of Townsend-Greenspan & Co., helped shape the policies that went far to restore the economy to health when he served as CEA chief in the Ford Administration. Democrat Arthur Okun, a senior fellow at the Brookings Institution, helped administer wage-price guidelines as a member and later as chairman of the CEA under Lyndon Johnson.

For all their differences, Okun and Greenspan agree that the present rate of inflation is too high. And both take vigorous exception to the views expressed by some of their professional colleagues—on the left and right—who argue that the nation could adjust to a steady rate of inflation as high as 5 or 6 percent. Such a rate would tend to accelerate, they say, as people who have lost relative purchasing power try to catch up. That would create uncertainty, hold down capital investment, and require painful adjustments by everyone.

Where Okun and Greenspan differ markedly is on what should be done to get inflation down to the point where it would no longer distort economic decision-making—to, say, 3 percent or less.

Okun. Alan, the real question between us is: Is there a fiscal and monetary strategy that, taken alone, could give us some hope of bringing down the inflation rate? None of the economic models will tell you that such a strategy will work.

Greenspan. Arthur, in the long run, there is a relationship between unit money supply and price. To reduce inflation we have to cut the growth of money. Condition No. 1 to do that is to reduce our capital demands from the public sector.

We cannot get the rate of money growth down sufficiently if we do not bring our federal deficits down significantly. If we fail to do that, at some point the demand for credit from both the government and private business will exceed the long-term flow of savings. Then, to meet the demand for additional funds, the growth of money supply—and the rate of inflation—will accelerate.

THE FOUR-TO-ONE TRADE-OFF

Okun: If you follow the route of slow monetary growth, you face a very high cost in lost output, lost employment, and lost capital formation.

What the economic models tell me is this: If you reduce the growth of G.N.P. by 1 percent at levels of operation such as we have now, then in the first year at least four-fifths of that will show up as less real G.N.P. and no more than one-fifth in the form of less inflation. So you are really paying four points of real G.N.P. growth—or even more—for one point of inflation deceleration.

Greenspan: A phased, moderate decline in the rate of growth in money supply need not have any significant negative effects on real growth. I just see no reason at this stage why we cannot construct a noninflationary environment through fiscal and monetary policies.

In 1976, a period of not insignificant growth, the rate of increases of wages and prices decelerated and interest rates declined. I don't find that consistent with the concept that we will get a decline in real growth with a decline in inflation. I believe our experience has been the reverse, that higher inflation leads to lower real growth. What we are seeing now suggests that lower inflation leads to higher real growth.

Okun: I will be blessed if I can see any evidence that slowdowns and speedups in real activity in the last eighteen months generated slowdowns and speedups of the underlying inflation rate. There is so much momentum in the system that this year we will probably get 5½ to 6 percent inflation whether we have 4 percent real growth or 6 percent real growth.

A HOPE FOR DECELERATION

Greenspan. No, what is keeping the rates of inflation and wages from going further down is the pickup in the economy. I don't expect inflation rates to go lower at this stage. If the economy is moving upward fairly strongly, it will be difficult to bring the inflation rate down. However, if we succeed in holding it where it is, then as we reach higher levels of economic activity and the rate of acceleration normally slows down, I would not be surprised to see the rate of inflation start down again.

Okun. You are saying that when we level off, at a higher utilization rate but a slower rate of growth, that you become more optimistic about getting a deceleration in the rate of inflation. I find that very hard to believe. Higher rates of utilization may well be an occasion for businessmen to widen margins and for labor to get bigger real wage increases.

The problem is really breaking this stagflation chain that gives us the momentum of inflation, whereby this year's wages are so closely linked to last year's wages and this year's price increases linked to last year's cost increases. I don't think that fiscal and monetary policy can do that job alone. We have to use every promising tool available—guidelines may be one, but there are others as well.

HAVE THE UNIONS GROWN STRONGER?

Greenspan. It is often argued that there are some structural problems in the system which create a degree of wage acceleration that tends to make it impossible to keep the rate of money growth down without causing a credit crunch. I do not accept these arguments.

With the exception of public-employee unions, union strength is not significantly different from the early 1960's, when we had very nominal wage increases and price increases that were, for all practical purposes, zero. And there have not been any fundamental changes in our price/wage-making institutional structure since the early 1960's. Therefore, I conclude that we can reach acceptable rates of inflation with fiscal and monetary policy alone.

Okun. I think things are different. We have got an economy in which employer-employee attachments are stronger, much more patterned on some sort of standard of treating people fairly and having wages keep pace with the cost of living. This makes wages less responsive to weakening labor markets.

Meanwhile, in the product markets we have had an increasing reliance on cost-oriented pricing. In more and more industries, firms tend to charge cost plus a reasonable markup, regardless of whether demand is strong or weak. So prices become less sensitive to market pressures.

Greenspan. I think we are dealing with a problem that is a good deal less than meets the eye. I don't think that we have constructed an institutional treadmill that prevents a de-escalating of wages and prices. The experience of the past year is not consistent with that hypothesis. To have made this much progress on the wage and price side during the last two years is scarcely a pattern of change that is slow by any set of criteria that I could find.

AN ASSUMPTION ABOUT PRICE SETTING

Our disagreement rests largely on our differing theories of price and wage determination. Implicit in your argument that there is inertia or sticky wages and prices is your view that industry has a very substantial capacity to administer prices. This is not consistent with my experience. It is consistent with a number of other countries where there is such elaborate government intervention that the competitive market forces have been eviscerated and there is a considerable capacity to administer prices.

Where artificial barriers have been erected that prevent competition from setting wages and prices, we should obviously do something about that. Import quotas, for instance. If an industry gives its workers big wage increases and then clamors for quotas to keep out foreign competition, we shouldn't give in. Rather than try to restrain wages and prices with guidelines, we should attack the issue where it exists—the quotas that allow nonmarket rates of wage and price to exist by restricting competition from abroad.

Okun. I think we got something out of the Kennedy wage-price guidelines in the early Sixties. A fair number of good studies suggest that they brought something like a saving of one percentage point on union settlements in the 1962 to 1965 period. A very major part of any benefit we got was by stiffening the resistance of management to high union wage demands, partly because management assumed that other people were going to behave the same way, partly because they assumed that giving in to a large wage demand and passing it on in the form of a large price increase was going to create problems with the government and consequently was worth fighting.

The guidelines weren't ever intended to stem the tide of excess demand inflation. It was proved that they couldn't do that by the later Sixties with the step-up in spending for Vietnam. But during a period of relative tranquility, when the guidelines were swimming with the tides of the market, they helped. A similar effort to slow inflation now would be swimming with the tides of the market. We have an economy that is stil marked heavily by excess supplies.

Greenspan. Be specific. What detailed numbers would you have in your guidelines?

Okun. Obviously not the 3.2 percent of the 1960's. But I would like to avoid setting a big single number. There would be a figure on what average compensation raises would be, perhaps 6 percent. There would also be numbers associated with first-year wage settlements, with nonunion wages, with some distinction between various types of salary groups. I am really advocating launching a serious dialogue right now.

STRENGTHENING THE BUSINESS BACKBONE

Greenspan. Until you get down to a specific number, you have too much flexibility. But once you get to that number, then you are up against the basic problem everyone has always had with guidelines: what does the President do when there is a breach?

If the guidelines are too vague and nonspecific, they're an arithmetical exercise. If they get specific enough, you face the question of noncompliance.

Okun. That's a real dilemma, but if you can get people thinking of trying to justify why their wage settlements are "different" from the average of their industry or why they are "different" from the average of first-year settlements, you have improved the tone of the dialogue. Without some guidelines, there really is a danger that collective bargaining can too easily become a set of amicable relations between business and labor on how much to take out of the consumer's pocket.

I think you can strengthen the backbone of a lot of people engaged in collective bargaining. You can get business leaders today to accept the proposition that the widening of profit margins, which many of them perceive as necessary to catch up with the current cost of new capital, is something they ought to achieve over several years rather than try to catch up in one year.

GUIDELINES COULD BE INFLATIONARY

Greenspan. The very types of activities that you are talking about have downside risks. It is very difficult to get the business and labor communities to presume that the degree of intervention, which certainly in your terms is quite minimal, will stay at that level.

The major problem that exists when you move into this type of activity is that it can present the possibility of greater intervention in the future. It creates uncertainty and effectively raises the required rate of return for new capital-expenditure projects, which could act very easily to inhibit the growth of capital investment. To the extent that it thwarts the growth of capacity or raises the cost of capital, it may in the long-term context turn out to be inflationary.

Okun. There is a conventional wisdom that once you get into jawboning, it's the first step on the road to greater intervention. History tells me just the reverse, that the jawboning efforts have been preventive of price controls.

If Lyndon Johnson hadn't had some kind of a jawboning, arm-twisting, stroking operation in effect in 1965, which he could step up very easily when Vietnam heated up, my guess is we would have gone to formal wage and price controls at that time. Conversely, if Richard Nixon had had an ongoing jawboning operation in August, 1971, he would have tried to step it up instead of plunging all the way into controls. Nixon had the government trying to control the price of pickles and the pay of pro football players, which is something I don't like any better than you do.

Greenspan. It may be, as you say, since you were in the Johnson Administration and I wasn't, that guidelines avoided wage and price controls. I don't know. So far as I can see, it would not have been useful for Nixon to have had guidelines in effect prior to August '71. I am very concerned that the expectations of greater intervention in the future will affect the capital-investment side.

NO STOMACH FOR CONTROLS

Okun. Other things being equal, that's a negative, but other things aren't equal. If we can convince people that we can afford a somewhat more expansionary policy without inflationary risks because we are doing some other things on inflation besides fiscal and monetary restraint, that's a positive factor for capital investment.

I don't believe that the fear of controls has been a big deterrent to capital investment in the last couple of years. Weak markets have been the deterrents. In fact, if you track investment during the controls period, it was doing great.

I have a feeling that really crude and bungled management may have made controls or government intervention of any type a much more serious specter to the business community than it needed to be. Maybe that's a good, long-term lesson that will make controls less acceptable and keep them out of our future. The whole history of controls certainly gives you pretty damn clear assurance that, short of an absolutely incredible emergency situation, no President would want to open that can of worms again.

THE CLUB IS IN THE FIREPLACE

I don't believe for a moment that Carter has any desire to get into the wage-and-price-control business. I don't think he ever did. I think he believed during the campaign that this notion of having the standby authority, the club in the closet, was a way of getting people to behave better. But it was the unanimous verdict of academic liberals and conservative businessmen that the club in the closet had counterproductive effects, that it probably would lead people to anticipate price and wage increases rather than to behave themselves. So Carter did the reasonable thing and said that he was going to throw the club in the fireplace and burn it up.

I think there is a role for the social compact approach. You *can* influence what people think of as reasonable price increases. There is an educational job to be done in getting people to think about the implications of their behavior for the overall inflation rate in the economy.

I would like to see something like an analysis by the Carter Administration of the inflation outlook, with some discussion of what everybody would have to do and how various components would have to behave in order to get the inflation rate down by one point between mid-'77 and mid-'78. I would send this analysis out for comment by business and labor leaders, highlighting what kind of deceleration in first-year wage settlements and what kind of price-cost behavior we might need as well as what the implications for real gains would be. I ask: isn't this fair?

I thought there was a quite interesting proposal that the Ford Administration left behind asking the doctors, in order to qualify for Medicare participation, to sign a chit that their fees weren't going up more than 7 percent.

I am saying you need a lot of strings in the instrument. You ought to play them all, and you can't count on fiscal and monetary policies to do it all.

Greenspan. I find it hard to understand how your proposal for a social compact would work. For example, with respect to the issue of collective-bargaining arrangements, you have contended that you would cut taxes if wages are kept down. In reality, that's exceptionally difficult to do in this country because I am not sure who speaks for whom.

UNCLE SAM TAKES THEM OFF THE HOOK

Okun: I agree. You cannot get a treaty on this. But if you get tax-cut legislation that says in the preamble that it is intended to be associated with a slowdown in compensation to 6 percent a year, that's all you need. If you have the backing of a congressional resolution that says we are aiming at 6 percent compensation, it's going to be a damn rare employer who signs a wage contract giving much more. Certainly it would be rare in a world in which the unemployment rate is running in the sevens. With a reasonably easy labor market, employers could tell their workers, "Look, fellows, we are doing all we can for you. Uncle Sam won't let us do any more." It takes them off the hook.

Businessmen commonly tell me that their historical costs are 20 percent below current costs on new facilities and that they will try to get it all back this year. I have shaken them up by raising the question of what would happen if everybody acted as they were proposing to act. Suddenly the light dawns. It's amazing how little business executives, who really want to be socially responsible, recognize that they're one of 500 or so people who set the tone of industrial pricing. They don't recognize the social implications of their behavior.

Besides, we have learned that corporations aren't monolithic organizations with respect to price making. There are sales and production people who often really want low-margin, high-volume operations in order to increase market share. There are financial people who want high-margin operations and insist that if the production and sales people do their job, they could have high margins *and* high volume. If you stick an American flag in the hands of the guys whose own natural inclinations are toward lower margins and prices, they have a little more influence.

"FELLOWS, IT'S UP TO YOU"

I am also interested in whether there are any lessons for us from what Germany is doing in trying to link a money-growth and G.N.P. target with some kind of incomes policy. Basically, the central bank and the government sit down with the union and business leaders and say, "Okay, we are ready to set a money-growth target that we think will support 10 percent G.N.P. growth this year. Fellows, it's up to you. If you create a wage and price situation that makes for 7 percent price growth, there is only going to be 3 percent real growth, and if you create a wage and price situation that makes for 3 percent price growth, there can be 7 percent real growth. Which is it going to be?"

Of course, we cannot transplant this totally because labor unions are more centralized in Germany than in the U.S. But what we can learn is that the first step to a social compact is for the Federal Reserve and the Administration to communicate their monetary growth and G.N.P. targets for the year. The government has got to get into the dialogue. Labor and business and interest groups have got to get into the dialogue. I would use the chief executives of the Fortune 500 as my mailing list on the business side. I would give labor leaders a quite important role in the determination of what the criteria ought to be—and ought *not* to be—for catch-ups and for exceptions.

THE TAX-CUT STRATAGEM

The solution to inflation inertia is not just guidelines. I have been trying to get people to think about the kinds of tax actions that we could take that would be directly cost reducing. I would argue that had we taken our tax cuts in '75—cutting excise taxes, cutting the employers' or the employees' portion of the payroll tax, with an understanding that this was really meant to take the place of wages—we could be in a position today where we had about the same real activity with *less* inflation.

If you can take one point off the employers' tax rate on payroll taxes, you will lower unit labor costs by one point. Everything we know about price tells us that this will pass through almost one for one into prices in six or nine months. And as a result of having a lower rate of price inflation, we can expect a lower rate of wage inflation next time around. This is a much less expensive way of squeezing some inflation out of the system than by counting on fiscal or monetary restraint. And putting through cost-reducing taxes ought to be a lot less controversial than incomes policy or guidelines.

Greenspan. I would doubt it. This is a long-haul process. We can't strip the inflation rate out of our system for at least several years. That's another way of saying that it's got to be done awfully gradually or we will run into all sorts of difficulties.

Okun. Again I say that we need lots of strings, and voluntary restraint is only one string. We also should focus on cost-rising tax actions by states and localities, as well as the federal government. We should focus on what the government's role is in pricing of health-care services, for which it's paying an increasing share of the bill. We should invoke federal procurement power, as we did in the Sixties, when every steel and aluminum executive knew that as long as there was one American producer selling at a lower price, nobody was going to charge Robert McNamara a high price on a cost-plus contract.

WE TALK A GOOD GAME, BUT . . .

Greenspan. I get back to my main point: A necessary and sufficient condition is to adopt a monetary and fiscal policy that would allow unit money supply to grow at a rate that implies a noninflationary price increase. Since over the longer term we expect the economy in real terms to grow at 3½ percent annually, a 6½ percent annual increase in M–2 would be consistent with approximately at 3 percent annual rate of inflation. If we succeed in maintaining such moderate growth of M–2, an incomes policy is either redundant or counterproductive.

Getting federal borrowing down will not be easy. Even though we talk a good game about bringing the borrowing requirements down, the evidence of our capacity to do that is not overly favorable. But if we succeed in getting the proper growth of money supply and generally sensible financial policy, the payoff could be great. When the cyclical pressures ease after we have gone through the next peak, we would find that the rate of inflation, perhaps for the first time in a decade, would be significantly below 5 percent.

AN INDEPENDENT AND VIABLE VETERANS' ADMINISTRATION

Mr. THURMOND. Mr. President, the veterans population of South Carolina has long shared my strong conviction that the future effectiveness and efficiency of our veterans' programs are best assured by the continuation of an independent and viable Veterans' Administration to administer the $20 billion that our Nation will repay this year alone to its veteran population in benefits and services. The veterans of our Nation stood alone in war; to assure that their interests are properly attended to in times of peace, the VA must continue to be left alone to serve them. This important national objective can never be achieved by mingling the programs administered by the Veterans' Administration with those of HEW or of any other Federal agency.

Not only do the veterans of South Carolina feel strongly in this matter, but so do our State's leaders.

On May 5, 1977, the South Carolina General Assembly passed a concurrent resolution memorializing Congress to reject any efforts to subordinate the Veterans' Administration health care program to the Department of Health, Education, and Welfare or any other Federal agency and to reject any efforts to diminish the integrity of the programs administered by the Veterans' Administration.

On behalf of the junior Senator from South Carolina, Mr. Hollings, and myself, I ask unanimous consent that this resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

A Concurrent Resolution

To Memorialize Congress to Reject Any Efforts to Subordinate the Veterans' Administration Health Care Program to the Department of Health, Education, and Welfare or Any Other Federal Agency and To Reject Any Efforts to Diminish the Integrity of the Programs Administered by the Veterans' Administration.

Whereas, there is a continual debate concerning national health insurance; and

Whereas, some social planners and others have suggested using the one hundred seventy-one hospitals, two hundred seventeen outpatient clinics, eighty-six nursing homes and sixteen domiciliaries of the Veterans' Administration's health care system as a nucleus for a national health care program; and

Whereas, Veterans' Administration medical care programs and facilities are designed specifically for the needs of veterans, particularly those with service-connected or service-related injuries; and

Whereas, the veterans of our nation have valiantly earned special hospitalization privileges and rights contained in Title 38 of the United States Code; and

Whereas, these privileges and rights now appear to be in jeopardy unless such takeover is vigorously opposed.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

That the members of the General Assembly of South Carolina hereby memorialize the Congress of the United States to reject any legislative, administrative or any other effort to subordinate Veterans' Administration health care programs to the Department of Health, Education, and Welfare or any other agency and to reject any legislative, administrative or any other effort to dismember, dismantle or diminish in any way the integrity and independence of the Veterans' Administration system.

Be it further resolved copies of this resolution be forwarded to the President of the United States, to the Clerks of the United States Senate and House of Representatives and to each member of Congress from South Carolina.

UNNECESSARY PAPERWORK FOR FINANCIAL INSTITUTIONS

Mr. MORGAN. Mr. President, on Friday of this week I intend to offer an amendment to delete title IV of S. 1523, the housing omnibus bill. As I stated in my floor remarks last Thursday, I feel that this title which is a modified version of the Community Reinvestment Act, will add unnecessary paperwork to our already overburdened financial institutions.

The Home Mortgage Disclosure Act, just recently effective, requires that savings and loans and other regulated institutions disclose in a very detailed fashion the type and amount of mortgage lending that they do in all geographic areas. I have been informed by one of the National Savings and Loan Associations that their statistics indicate that to comply with the March 31 reporting deadline cost the savings and loan industry roughly $16.5 million. Of this amount, roughly $500,000 is attributable to the first time, start-up effort: but the remaining $16 million is the anticipated cost for each year's continued compliance. And I might add, Mr. President, that these costs must ultimately be borne by the home-buying consumer.

Approximately 2 weeks ago, this same national association sent out questionaires to over 2,700 savings and loan institutions throughout the country to test the response of the public to the home mortgage disclosure reports. As the enclosed tabulation of the results indicates, over two-thirds of those responding indicated that they had received not a single request for the information which this expensive act requires. And we must keep in mind, that this is at an estimated cost of $16.5 million.

I ask unanimous consent that this tabulation be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

[See exhibit 1.]

Mr. MORGAN. Mr. President, representative replies from three of the savings and loans in my home State of North Carolina are as follows: Black Mountain Savings & Loan of Black Mountain stated:

> None of our clients have ever uttered anything other than total disgust with the information shown on these required disclosure forms. The typical reaction, in every case that I can recall is "just some more government red tape."

Caroline Federal of Ashville replied that:

> We have received absolutely no inquiry from any source for this information. The preparing of this information is made by members of our staff members at considerable time, effort and expense to our institutions. The information may have some internal value: But as interest to the public, we have had none shown.

And finally, Home Federal in Fayetteville replied:

> Another consumerist congressional colosal calamity.

What I am attempting to show by this, Mr. President, is that we are paperworking the businesses of this country to death, and although we may very well have very noble intentions, these intentions are often subverted by bureaucratic regulation.

And I would submit, Mr. President, that although the recordkeeping provisions of the original bill have been deemphasized in the amended version, undoubtedly the regulatory agencies will have to develop a whole set of complicated regulations to "test" whether financial institutions are adequately meeting community credit needs. These unnecessary paperwork burdens must stop.

On May 9, an editorial appeared in Barron's magazine which I ask unanimous consent to have printed in the RECORD. In the editorial the writer points out the fallacies of legislation such as the Communitv Reinvestment Act and I think we would all do well to consider his thoughtful analysis.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From Barron's Magazine, May 9, 1977]

THROUGH THE BACK DOOR—STATISTS PUSH POLITICAL ALLOCATION OF CREDIT

(By Robert M. Bleiberg)

"Savings bankers like to be known as Mr. Nice Guy. Nonetheless, the local thrift institutions have never rated very high around here. Despite his dubious pitch about how it pays to save at the Bowery (that is, if you don't count inflation), Joe DiMaggio doesn't get to first base with us. . . . Years ago we chided New York City's savings banks for failing to demur at the ravages of rent control. '(They) pride themselves on good citizenship. . . . Yet without a word of warning or protest, most have stood idly by while ruthless politicians effectively laid waste their communities.'

"In the Commonwealth of Massachusetts, however, we are pleased to report that things are different. A month ago, the Bay State's Commissioner of Banks issued so-called Directives seeking to compel state-chartered thrift institutions to disclose, on a geographical basis, their sources of deposits and where they make their loans. Aim of the exercise . . . is to turn up statistical evidence of alleged 'redlining' (i.e., refusal by banks to lend in certain areas), presumably as a first step toward effecting change. Last week a score of Massachusetts savings and cooperative banks, charging that the official (Carol S. Greenwald by name) had exceeded her authority, took her to court . . . 'No more Mr. Nice Guy,' so the Massachusetts bankers in effect have proclaimed, and we are moved to applaud. In dealing with government, nice guys finish last."

Since the lines cited above (Barron's, June 23, 1975) first appeared in print, much—none of it good—has happened in this realm. Rebuffed in the courts, the embattled Massachusetts savings bankers swiftly moved to settle. "She gave 5%," muttered one disgruntled banker, "and we gave 95%." Commissioner Greenwald has gone on to achieve national stature; indeed, with the support of Senator William Proxmire (D., Wis.), she was prominently mentioned for the post of Comptroller of the Currency. A number of states (most recently New Jersey) have passed measures aimed one way or another at putting a stop to redlining. On Capitol Hill, meanwhile, federal lawmakers, whose own handiwork, the Home Mortgage Disclosure Act of 1975, has barely begun to take effect, already is busy weighing a tougher follow-on. Neatly titled the Community Reinvestment Act of 1977—fair name for foul legislation—the bill would put not-so-subtle pressure on regulatory authorities and bankers alike to guide mortgage money into political, not economic channels.

Anti-redlining, in short, is an idea whose time has come. And yet, as hard evidence sadly lacking in the past starts to build, the campaign increasingly seems to rest on the flimsiest foundations. In an effort to respond to community demands, bankers throughout the country have set up mortgage review boards to weigh claims that a rejected application for a home loan involved geographical bias. Very few have been filed and all but one or two have been dismissed, so to speak, without prejudice. Viewing the costly mass of facts and figures (breaking down mortgage loans made nationwide by zip code and census tract), which Congress in its wisdom has chosen to mandate, one banker has observed: "We suspect that quite soon the data will represent the most meaningless mountain of numbers ever assembled."

Statistically, perhaps; politically, they strike us as having a sinister significance. Behind the carefully contrived facade of nondiscrimination, the powers-that-be are pursuing well-designed purposes of their own. Thus, redlining has become a handy scapegoat for official failures in the fields of housing and home finance. To illustrate, the legislature in New York State is gravely weighing various legal attacks on this nefarious practice even as it votes a four-year extension of the rent controls which have blighted Brooklyn, the Bronx and much of Manhattan. Ultimate objective—as bankers all along have charged, and as the so-called Community Reinvestment Act scarcely troubles to hide—is federal allocation of private capital, with all its attendant potentialities for waste, abuse and other political evils. Once the camel gets its nose in the tent, as we have seen time and again, the rest is sure to follow.

At a rough guess, the beast right now is working on its second hump. In half-a-dozen states, anti-redlining measures lately have been dropped into the hopper. Since 1974, Illinois, Michigan, Minnesota and New Jersey have enacted laws which, in the main, compel financial institutions to disclose certain statistical information on savings deposits and loans; declare those which practice redlining ineligible to receive public deposits; or go so far as to prohibit lenders from refusing to make a mortgage loan because of the property's location.

On the federal level, Congress, as noted, passed a law which requires 470 mutual savings banks, 3,000 savings and loan associations and an estimated 4,400 comercial banks to disclose, by census tract, all loans on condominiums, cooperatives and one-to-four family dwellings. Its pending successor, which soon may emerge from committee, gets far more coercive. Public policy, it implies, requires lending institutions to meet local credit needs, rather than ranging further afield, thereby threatening to impede the flow of funds from areas of capital surplus to those of capital shortage. Through scarcely veiled threats of regulatory retaliation, it also would arm-twist lenders into making less desirable and riskier commitments. Once they start slicing the salami, so to speak, statists never stop.

Even when it's baloney. To comply with the law, the U.S. League of U.S. Savings Associations (formerly U.S. Savings & Loan League) compiled a "Census Tract and Address Coding Guide" for 240 Standard Metropolitan Statistical Areas. The work ran to 18,901 pages. To gather and collate the information cost the members of the League $16.5 million. Yet according to a League spokesman, almost nobody has shown the slightest interest in this arcane and very costly data.

There is more. Under overt political pressure, bankers in several cities have set up bodies, comprising leading local citizens, neighborhood groups and lenders alike, to weigh charges of redlining. To what is presumably a burning issue of public policy, response has been minimal. For example, a Lenders' Review Board, set up six months ago in Seattle to hear complaints of discrimination, to date has yet to hear its first case. In Boston, which launched its Urban Mortgage Review Board a year ago, complete figures for the eight months ended December 31, 1976, are available. They are eyebrow-raising. Of 1,603 applications for loans on one-to-four family homes, only 243 were denied, 30 of which were appealed. By unanimous decision of the Board in the vast majority of cases, four were found to rest on shaky ground. That's one quarter of one percent of the grand total.

If the benefits of anti-redlining thus are largely illusory, the costs, present and potential, are painfully real. Nor can the latter, heavy as they are, be measured solely in dollars-and-cents. One major danger, according to Pierre de Vise, assistant professor of Urban Sciences at the University of Illinois, is the risk of creating a smokescreen to divert public attention from genuine ills. In a study provocatively titled "The Devil Theory of Redlining," he argues that the current drive against it "has provided a forum for self-designated leaders to build up political influence based largely on nuisance value." Thereby, they serve to "relieve local and national officials of the need to realistically face up to the problem of urban decay." However controversial it may be on the Chicago campus where Professor de Vise holds forth, the analysis demonstrably holds true of New York. Here, as noted, the solons, while weighing various coercive measures against alleged discrimination, are ready to extend almost indefinitely legislation which both parties privately agree is swiftly undermining, inner city and out, Gotham's remaining store of shelter.

Senator Proxmire's bill, the Community Reinvestment Act has still uglier implications. In forthright testimony not long ago, A. A. Milligan, head of the American Bankers Association, spelled them out. "It is a step toward specifying the kind and amount of loans to be made by financial institutions. It would substitute the judgment of a Federal agency as to what constitutes a legitimate credit need for the judgment of borrowers and financial institutions. If this bill is carried to its logical conclusion, financial institutions could find themselves forced to turn down creditworthy borrowers in order to make other loans, perhaps of lower quality, to meet the priorities determined by the regulators. . . . In fact, it is a major step toward political allocation of credit." That tent gets more and more overcrowded.

[EXHIBIT 1]

TABULATION OF RESPONSES RE. PUBLIC REQUESTS FOR HOME MORTGAGE DISCLOSURE REPORTS

Total No. of questionnaires sent out	2, 775
No. responses received as of 5/13/77	1, 543
No. associations receiving *no* requests	1, 039
No. associations receiving *one* request	268
No. associations receiving *two* requests	101
No. associations receiving *three* requests	52
No. associations receiving *four* requests	15
No. associations receiving *five* requests	23
No. associations receiving *six* requests	2
No. associations receiving *seven* requests	5
No. associations receiving *eight* requests	3
No. associations receiving *nine* requests	16
No. associations receiving *ten* requests	12
No. associations receiving *eleven* requests	3
No. associations receiving *twelve* requests	1
No. associations receiving *fourteen* requests[1]	1
No. associations receiving *twenty* requests[2]	1
No. associations receiving *thirty-four* requests[3]	1
Inquiries From:	
News reporters	190
Housing, consumer or community activist group members	543
Public officials	51
Private citizens	520
Other:	
Federal Home Loan Banks	19
Competitors	13
Other associations	47
Trade organizations	11

[1] Talman Federal of Chicago—News People (3), Housing and Activist Groups (2), Private Citizens (9).

[2] First Federal of Alexandria, La. (all from Private Citizens).

[3] Chase Federal, Miami, Fla. News People (1) Public Officials (2) Private Citizens (5), Other S&L Assns. (26).

FOREIGN IMPORTS

Mr. HEINZ. Mr. President, I am pleased to submit to my distinguished colleagues a proclamation by the city of Allentown, Pa., concerning the need for rapid Government action to stem the tide of job losses due to the influx of imports, which is so seriously affecting the garment, electronics, and shoe industries.

I ask unanimous consent that the proclamation be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION

Whereas, various elements of the American economy are being threatened by the tremendous influx of foreign imports which are produced under conditions that make them unfairly competitive with products of the American industry; and

Whereas, such imports have the effect of destroying thousands of jobs in this nation, in Pennsylvania, and in this community, and have particularly affected the garment, electronics, and shoe industries; and

Whereas, American industry is being penalized by this unfair competition due to the fact that for many years the American economy has been characterized by its high standard of wages and working conditions which have benefited its workers and their families; and

Whereas, on Wednesday, April 13, 1977 there will be a two-hour demonstration in Allentown as part of a nationwide effort by the country's two largest clothing unions—the Amalgamated Clothing and Textile Workers and the International Ladies Garment Workers to dramatically demonstrate their concern for the threats of foreign imports and the accompanying loss of jobs,

Now, therefore, I, Joseph S. Daddona, Mayor of the All-America City of Allentown, do hereby urge all citizens of Allentown who are able to do so to participate in this demonstration and urge the federal government to impose restrictions of foreign imports in order to enable American industry to compete fairly in the world market.

In witness whereof, I have hereunto set my hand and caused the Seal of the City of Allentown, Pennsylvania to be affixed hereto this thirteenth day of April, 1977.

COMMENDATION TO SENATOR DOMENICI FOR LEADERSHIP ON EXCLUSIVE STATE JURISDICTION AMENDMENT TO S. 7

Mr. JOHNSTON. Mr. President, yesterday I introduced four amendments to S. 7, the Surface Mining Control and Reclamation Act of 1977, which appeared at page S7740 of the RECORD. One of those amendments is commonly referred to as the exclusive State jurisdiction amendment. My good friend and colleague from New Mexico, Senator DOMENICI, was the leading proponent of that amendment during committee consideration of S. 7. Unfortunately, reference to Senator DOMENICI's leadership on that amendment does not appear in the RECORD as I had intended.

Mr. President, I want the RECORD to show and I want the Senate to know that Senator DOMENICI has been the driving force behind the exclusive State jurisdiction amendment. I look forward to working with him on the amendment and trust that, through his fine leadership, the Senate will be convinced of the merits of this most reasonable concept.

CLEAN AIR

Mr. HEINZ. Mr. President, in the coming weeks, this body will consider proposed amendments to the Clean Air Act. Among the topics to be discussed will be the question of automobile emission standards. This is a topic that has long been of interest to those concerned about pollution abatement, energy, fuel economy, and the future of the automobile industry in this country. As we enter into the discussion of these concerns and their relation to the proposed Clean Air Act amendments, I think it important that we make every effort to insure that all the facts and arguments are heard and considered so that we might arrive at a resolution which sacrifices none of our goals.

Recently, one of my constituents, Mr. Louis J. Kasing, on behalf of the Chrysler-Plymouth Dealer Council, brought to my attention several concerns which that group has with the proposed amendments. I believe that Mr. Kasing's comments would be of general interest and would like to bring them to the attention of the Senate.

Mr. President, I ask unanimous consent that the text of Mr. Kasing's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHRYSLER-PLYMOUTH DEALER COUNCIL,
Harmony, Pa.

On behalf of our Chrysler Corporation dealers, especially the thousands of smaller dealers serving our outlying communities, we the Chrysler-Plymouth Dealer Council Civic Affairs Committee submit the following testimony regarding the impending mobile Clear Air Act Amendments.

The vast majority of our dealers are independent local businessmen who are an important part of their local communities financial stability through their employment and resultant tax collections. They are also major supporters of the local advertising media, local parts and accessory suppliers, charitable institutions and so on.

The local automobile dealerships create more community activity in their normal creative course of business than any other local business of comparable size. Therefore, any action by our Congress that will affect this important area or our local economies must deserve consideration.

We should also remember that the success or failure of the entire auto industry depends on the dealers and their ability to sell their products. For a dealer to sell successfully in today's market he must establish a trust between himself and his customer. This trust requires determination and dedication to see to it that all his employees consider it their duty and responsibility that every new automobile be properly prepared for delivery. The customer must be satisfied not only with the appearance but he must also be satisfied with its drivability and overall operation. Most dealers are dedicated to this end, and we want to avoid any interruption in this important fundamental principle.

With the recent introduction of more sophisticated anti-pollution devices, we have experienced an interruption. The dealer-customer relationship has been put to the test.

We the dealers found that to satisfy our customers we had to purchase many test machines as well as intensify our shop personnel training. After experimenting with many different training methods, the industry found the most effective way was to train on a one and one basis, 1 instructor—1 trainee. It is obvious that training each and every mechanic in each and every dealership is a very slow, expensive, and time consuming method when you take into consideration the geographics of our outlying dealerships on a national basis. Regarding equipment, the dealers have had to purchase more new test devices in the last 2 years than any other time in our history. In many instances this has created financial hardships. On behalf of our small community dealers, we requested that the developers of this equipment use every cost cutting method so that this equipment could be afforded and available to all dealers. Our pleas were always responded to in the same way, "We can do it if given the time." They needed time then, they need the time now.

Another problem area was that test procedures had to be developed, tried, and checked many times over for accuracy. A test procedure manual had to be written both with words and diagrams then rewritten in simplified form and understandable language. The manuals then have to be published and distributed to each and every dealer. Finally personal instruction by a qualified instructor to our dealership service personnel. "Time" again a most necessary ingredient for fair treatment.

As we enter into still another new phase of anti-pollution devices and M.P.G. standards, more equipment has to be developed and purchased by each and every dealership, more and more intensified shop personnel training has to be undertaken. The cost to our dealerships will be substantial, some will be able to afford it, but the very survival of our small outlying dealerships will ultimately depend on this Congress. For this Congress will decide the Clean Air Act time table and our small business people need time.

We all want clean air.

We all want more m.p.g. cars.

We all want jobs.

Let the Congress cast aside all previous arguments and confront the problem as it is today. Whether the Corporation and their dealers have been right or wrong in the past could be debated forever. We need direction today. Let the Congress provide this direction, but with the least amount of impact on our peoples' jobs and pocket books. We believe this can be accomplished with the Clean Air standards as proposed by Messrs. Riegle/Griffin, Dingell/Broyhill. If the Congress grants this extension in the best interests of our people and our industry, then let it also make it understood that these future time tables and M.P.G. standards will have to be adherred to without exception or future appeals. Under these conditions the auto industry and their dealers, with the additional time provided, will have to continually utilize that time for orderly development of product, equipment and training.

Respectfully,

Louis J. Kasing, Jr.,
Chairman.

RESOLUTIONS FROM THE GENERAL ASSEMBLY OF THE STATE OF RHODE ISLAND

Mr. PELL. Mr. President, on behalf of myself and my distinguished colleague, Mr. Chafee, I send to the desk two resolutions adopted by the General Assembly of the State of Rhode Island, and I ask unanimous consent that they be printed in the Record.

There being no objection, the resolutions were ordered to be printed in the Record, as follows:

[State of Rhode Island]

Resolution

Memoralizing Congress to take action to prevent Federal civil service operations personnel from being replaced by private contractors

Whereas, The United States Navy has announced plans to seek bids for a private contractor to operate the federally owned Navy Publications and Printing Service Office in Brooklyn, New York, which is presently operated by federal civil service employees; and

Whereas, Said Publications and Printing Service Office is owned, lighted, heated and equipped at the cost of the Navy Department; and

Whereas, The proposed private contract specifications include continued provision of federal payment of said office's rent, utilities, and equipment; but the contractor is not required to pay the same wages or benefits as are provided civil service employees by the Department of Defense Wage Fixing Authority; and

Whereas, Said proposed contract specifications encourage the dismissal of the civil service personnel for the profit of the private contractor; and

Whereas, The federal civil service employees of the Newport, Rhode Island and Navy Publications and Service Office anticipate that a precedent will be set by the awarding of the private contract in the Brooklyn office, thereby jeopardizing the job security of the Newport federal civil service printing personnel and 11,000 other civil service personnel in Rhode Island; and

Whereas, The approval of the Congress of the United States' Joint Committee on Printing is required for the operation of any printing plant; now, therefore be it

Resolved, That the Senate of the state of Rhode Island and Providence Plantations hereby memorializes the Congress of the United States to take action to prevent federal civil service operations personnel from being replaced by private contractors in the Brooklyn, New York, Navy Publications and Printing Service Office; and specifically to recommend to the Congressional Joint Committee on Printing to refuse approval of the operation by private contractors of all Navy Publications and Printing Service Offices; and be it further

Resolved, That the secretary of state be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the Rhode Island delegation in Congress and to the members of the Congressional Joint Committee on Printing.

State of Rhode Island, &c.

Resolution

Memorializing Congress to resolve the land claims of the alleged "Narragansett Tribe of Indians" to certain land in Charlestown, Rhode Island.

Whereas, In January, 1975 two suits for the possession of certain alleged "tribal" lands in Charlestown, Rhode Island of the alleged "Narragansett Tribe of Indians" were filed in the United States District Court for the District of Rhode Island by a group alleging that it was the "Narragansett Tribe of Indians" and that it was entitled to the protection of 25 U.S.C. § 177, the Federal Non-Intercourse Act; and

Whereas, These suits have called into question the ownership of land in Charlestown even though possession of much of this land has not been requested in these suits since, if the group is able to prove that it is an Indian tribe within the meaning of 25 U.S.C. § 177, any conveyance of any land by the alleged "Narragansett Tribe of Indians" or its members which occurred after 1790 may be void and of no effect; and

Whereas, The residents and taxpayers of Charlestown have suffered and are continuing to suffer widespread hardships because of the title questions created by these suits; and

Whereas, The federal government bears the primary responsibility for the peaceful and reasonable resolution of all the land claims of the alleged "Narragansett Tribe of Indians" in Charlestown, Rhode Island because the wrongs, if any, of almost two hundred years, are the responsibility of the federal government for its failure to act under the law; nowtherefore be it

Resolved, That the Congress of the United States be and hereby is memorilaized to resolve the land claims of the alleged "Narragansett Tribe of Indians" to certain land in Charlestown, Rhode Island, by enacting remedial legislation which recognizes the rights and obligations of all persons affected by these claims, including, but not limited to, the residents and taxpayers of Charlestown, the private defendants identified in the suits, the State of Rhode Island, the Town of Charlestown, the alleged "Narragansett Tribe of Indians" and the United States of America; and be it further

Resolved, That the Rhode Island delegation in Congress actively support such legislation; and be it further

Resolved, That the Secretary of State be and he hereby is authorized and directed to transmit a duly certified copy of this resolution to the Rhode Island delegation in Congress.

S. 790—HOW THE WATERWAY USER CHARGES ARE PHASED IN OVER 10 YEARS

Mr. DOMENICI. Mr. President, as the Senate prepares to take up in the coming days the issue of S. 790 and waterway user charges, I have noted some apparent confusion over just how the phase-in of charges would work, as recommended by the Committee on Environment and Public Works. It provides a reasonable approach, with opportunity for congressional review at various times. It is a controlled process, far preferable, I believe, to yet another theoretical study.

To clarify this point, I ask unanimous consent that a brief description of the user charge provision in S. 790 be printed in the Record.

There being no objection, the description was ordered to be printed in the Record, as follows:

The User Charge Provision of S. 790, as Approved by the Committee on Environment and Public Works

Ten months after enactment, the Secretary of Transportation, after consulting with the Secretary of the Army and public hearings and comment, publishes preliminary regulations on user charges.

After further study of comments, the Secretary, by January 1, 1979, promulgates final regulations that establish a schedule of charges.

These regulations are submitted to Congress and become effective October 1, 1979, unless Congress, by joint resolution within 60 days of transmittal, disapproves or amends the regulations.

The bill doesn't specify the detailed form of the charges. It says they will be assessed on such bases as the volume of traffic on various waterway portions, seasonal peaks, and other factors that the Secretary of Transportation finds reasonable. DOT may use license fees, congestion charges, ton-mile charges, lockage fees, and charges based on the cargo capacity. The bill states that DOT must "assure that user charges that apply to any particular existing segment of the inland waterways of the United States shall be set at a level so as not to cause serious economic disruption among the commercial users of such segment."

Final rates must be set so that, after 10 years, they will recover the Corps of Engineers cost of operating and maintaining the inland waterway and half the capital costs of new construction and rehabilitation of the inland waterways. Coast Guard costs are not recovered.

In the first year of user charges (Fiscal 1980), they will recover 20 percent of the total Federal operations and maintenance costs. That recovery rate will be increased by 20 percent during each of the succeeding four years until the operations and maintenance costs are recovered after five years. During the sixth year, the user charges shall also recover 10 percent of the total costs of new construction on the waterways spent the previous year, and that figure shall be increased 10 percent a year until the maximum of 50 percent is reached.

DOT and the Corps, no later than three years after the user charge regulations become effective, must report to Congress on the economic impact of user charges and the effectiveness of user charges in establishing a more balanced national transportation system, giving the Congress an opportunity to make a mid-course correction, if necessary. The schedule, based on estimates by the Corps that it spent $140 million for operating and maintaining the inland waterways and $240 million for construction on the inland waterways during fiscal year 1976:

Fiscal year	Operation and maintenance percentage	Construction percentage	Estimated dollar recovery
1978	(1)		
1979	(1)		
1980	20		$28, 000, 000
1981	40		56, 000, 000
1982	60		84, 000, 000
1983	80		112, 000, 000
1984	100		140, 000, 000
1985	100	+10	164, 000, 000
1986	100	+20	188, 000, 000
1987	100	+30	212, 000, 000
1988	100	+40	236, 000, 000
1989 and thereafter	100	+50	260, 000, 000

[1] No recovery.

[2] Study due to advise Congress on impact of initial phase-in.

SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977: THE LAST LAP

Mr. METCALF. Mr. President, we are about to move S. 7, the Surface Mining Control and Reclamation Act of 1977, into the final stage of its long and tortuous journey to enactment. S. 7 has been reported out by the Energy and Natural Resources Committee, and I confidently expect that when it shortly comes before the Senate for debate, my colleagues will join in moving it to passage with all deliberate speed.

I have said it before and I now say it again: The Federal legislation embodied in S. 7 is long overdue. Until Congress establishes a uniform system of minimum environmental protection performance standards for the mining of all coal, whether that coal is private, State, Indian, or federally owned, this administration will find it next to impossible to implement a national energy policy.

We all know coal is the kingpin of that policy. S. 7 will enable our coal industry to proceed under an equitable set of guidelines to develop the capital and the technology necessary for boosting the annual rate of production by two-thirds within the time period proposed by President Carter.

Over the years, opponents of S. 7 have made many unfounded charges in their attempts to confuse and delay the progress of this bill. Of all those charges, the strangest is the idea that the States are now doing an adequate job of enforcing reclamation standards which are equal to or better than the standards in S. 7, and consequently—so runs the argument—Congress should rely on State regulatory authorities to carry on with only token Federal oversight.

In order to put this theory to the test, when it surfaced near the end of the last Congress—following the unsuccessful attempt to override President Ford's veto of H.R. 25, the predecessor bill—I had a questionnaire prepared. This questionnaire was sent to each of the States together with a copy of the reclamation standards contained in the bill. I asked each State regulatory authority to make its own assessment of the relative stringency of its laws and regulations vis-a-vis the reclamation standards in the Federal bill. In addition, I requested information about the enforcement capability of the State.

The results of this survey show conclusively that a very wide discrepancy exists among the States on both accounts. Some States have laws which are every bit as tough—if not tougher—than those of S. 7. Many States have well-trained, well-paid inspectors and a superior enforcement capability.

But clearly there are other States which are woefully deficient.

Even when a State may have taken steps to bring its laws into closer compliance with the Federal standards of the bill, it often lacks many of the essential supporting legal provisions. For example, it may not require performance bonds set high enough to enable adequate reclamation of the mined site, if the operator should renege on his legal responsibility for reclamation and the State has to pay to have the job done right.

It makes no sense whatsoever to give these States another 7 years or longer to come into full compliance with the requirements of the Federal bill. Yet, this is what proponents of the so-called exclusive State jurisdiction amendment would have us do. It makes absolutely no sense to jettison the entire administrative, appeals, citizen participation, inspection, and other essential enforcement mechanisms Congress has laboriously put together. Yet this is just what this amendment would do. It would abolish the requirement that States wishing to exercise jurisdiction must submit a comprehensive program for approval and supervision by the Secretary of the Interior.

To adopt this disastrous amendment would be to cheat all those who look to Congress to assure enforcement of fair but stringent reclamation standards within a reasonable time period. In my view, this amendment amounts to an abdication of congressional responsibility.

Mr. President, I ask unanimous consent to have printed in the RECORD a summary of the State-by-State survey of surface mining regulation which I have described, as prepared by the Congressional Research Service. I urge support for the passage of S. 7, by all who share my belief that it is time this Nation puts aside the wasteful years of uncertainty and strife regarding strip mining, and buckles down to producing the coal we will need in ever-increasing quantity, coal which must be dug from the Earth in an environmentally acceptable manner.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

STATE SURFACE MINING LAWS: A SURVEY, A COMPARISON WITH THE PROPOSED FEDERAL LEGISLATION, AND BACKGRUOND INFORMATION

(By Duane A. Thompson and David M. Lindahl)

SUMMARY

The effectiveness of State regulation of surface mining, as indicated in responses to a questionnaire sent by the Senate Committee on Energy and Natural Resources, varies greatly from State to State. The results from the survey suggest that most requirements of the State laws are far less stringent than the proposed Federal regulations in H.R. 13950 would be. The survey also indicates that the relative weakness of these laws is further compounded in many cases by extremely lenient or even non-existent enforcement of the laws that do exist.

The usefulness of the Committee's survey is limited by the quality of the responses, which were varied. Some States provided prompt and complete answers as requested. A large number of states, however, including some that produce significant amounts of coal, made only token responses to the Committee's effort to obtain an accurate determination of the existing extent of state control of this problem. The coal mining industry has claimed that State laws are sufficient to prevent future mining abuses; environmentalists and others dispute this claim. So, an accurate understanding of the degree to which the States actually regulate surface mining appears essential to the resolution of the issue of whether or not Federal controls are needed.

Some States expressed interest in formulating a workable surface mining control and reclamation policy for the Federal Government and were grateful for the opportunity to provide input to the legislative process. Much of the information which was forwarded by the states was too complex to fit into the matrix and had to be footnoted for further explanation.

Some of the information requiring more detailed analysis was included in the text of the report.

As shown in the matrices, virtually all of the states which have surface mining laws require that mine operators first obtain permits before engaging in active mining. This concept appears compatible with the requirements of the Federal bill, H.R. 13950, with which, the various states were asked, by the Senate Energy and Natural Resources Committee through its survey, to compare their respective laws. Even though the permit requirements are similar in most instances, procedures for permits in H.R. 13950 are for the most part much more detailed than those of the states, the Ohio law, being an exception. Ohio mining law is very similar to the Federal proposal and requires detailed information from prospective mine operators.

ABANDONED LANDS RECLAMATION PROGRAMS

Few of the states in the survey have implemented any programs of reclaiming land which was mined prior to the passage of the State mining laws. Exceptions to this include Kentucky and Virginia which have either directly appropriated money for such reclamation or have procured money from other government agencies such as the TVA. Some of the other states have also initiated programs to reclaim abandoned lands by using the proceeds from fines for noncompliance or from permit application fees. Of the States that reported such programs, Kentucky had the largest expenditures with approximately $1.5 million designated for reclamation of abandoned lands. A large percentage of the coal-producing states which admitted having problems with abandoned lands also indicated that the largest percentage of these lands either had been or were being left to be reclaimed naturally.

MINE INSPECTORS

Mine inspection problems reported by the various states consisted of:

Inadequate number of mine inspectors for the number of mining operations under permit in the state.

Inadequate professional training for surface mine inspectors.

Distance of the mine inspectors to the mines being inspected.

The inspection capabilities vary considerably from State to State. Some of the key coal-mining states such as Kentucky have ratios of one inspector for 75 coal mines. Others, which are not major coal producers, such as Kansas, have only one inspector for the entire state. In this instance, one individual is responsible for the regulation of the total of 97 surface mining operations in the State. In Georgia, the ratio is one inspector to 85 mines, and in Idaho one to 362. Pennsylvania, one of the most important coal-producing States, replied that it had an inspector-to-mine ratio of between one to 50 and one to 100. Ratios such as these usually require inspectors to devote much less time to the inspection of each mine at the cost of the thoroughness of the inspection.

For example, in the case of West Virginia, the law requires inspectors to inspect each mine at least once every two weeks, with the ratio of mine inspectors to mines in West Virginia being about one to 17.5, that law on the face of it could be hard to administer. An inspector has a difficult time inspecting one mine a day. Given a five-day work week, an inspector in two weeks would have to exert a rigorous effort to thoroughly review 10 mines; 17.5 mines would be that much more difficult. Such high ratios may be the result of inadequate funding for mine inspection in the various states; if true, the ratios could be alleviated by the implementation of Federal strip mine controls with their associated appropriations for mine inspection. In any case, if the demands for coal production projected by the FEA materialize between now and 1985, it is open to question whether the present mine inspection personnel can assume the additional workload that will be generated by the almost certain increase in the number of surface mines that will be opened.

Many State inspection officers have not had adequate training to detect reclamation problems. A large number of these officials are not graduates of mining engineering programs and, according to the States, lack training in other disciplines such as agronomy, forestry, hydrology, and geology, which are vital to adequate reclamation efforts. It should be noted, however, that many of the enforcement officers that lack the technical training or have degrees in liberal arts are older and have been with the enforcement agencies for many years and thus have much experience. The States, however, appear to be hiring young field inspectors with more substantial backgrounds in environmental sciences and actual mining experience.

The location of mine inspectors near the mines which they are to inspect was also perceived as a problem. Such close proximity could result in the intimidation of mine inspectors and their families by uncooperative operators; in some cases, substandard wages of the mine inspectors could make them susceptible to favors from the mining industry.

CITIZEN COMPLAINTS

Many State mining laws do not have adequate mechanisms for the filing, consideration, and disposition of citizen complaints related to coal surface mining. This is evidenced by the disproportionately small number of operations that were either halted or modified as a result of citizen complaints. With the exception of Kentucky and West Virginia, very few of the major coal-mining states conducted hearings arising from such complaints. Although many of the opponents of the Federal bills have complained that the review and hearings procedures in the bills would be an unnecessary hindrance, the State suggestion reveals that some improvements in the present state systems could be made. Of all of the States participating in the survey, Tennessee, South Dakota, Montana, and Kentucky were the only ones which indicated that a mining operation had either halted or been modified as a result of a citizen complaint.

ENFORCEMENT

The survey also indicates that even when violations have been discovered in a state, fines assessed were against the operators and were small in size and in number. Kentucky, Montana, Ohio, and Virginia were among the few States which have actually assessed fines against mine operators for non-compliance with the law. One of the largest coal producers, West Virginia, indicated in the survey that no fines or prison sentences had yet been imposed.

BONDING

The survey indicates that the most serious shortcoming of the state surface-mining laws seems to be that of not requiring an adequate amount of performance bond to insure reclamation in the event of forfeiture by the operator. Indiana, Virginia, Kentucky, Missouri, and Kansas reported that the average amount of performance bond required of the mine operators would not cover reclamation costs in the event that the State has to perform that reclamation itself or award a contract to have the job done. In the case of Indiana, the State agency responded that it had not reclaimed lands under forfeited bond because the costs exceeded the amount of the bond required of the operator. Indiana indicated that the average amount of bond forfeited per acre under permit was $268.05. When the State accepted estimates for the reclamation of the land, however, it learned that the reclamation cost could range between $2000 and $4000 per acre, leaving a shortfall between $1700 and $3700 per acre in the amount of performance bond. Not all of the coal-producing States have seen this discrepancy develop. Illinois and Ohio are two States that require apparently adequate amounts of performance bonds, in the $3000/acre range; some of the other states require the performance bond to be sufficient to reclaim the land, whatever the cost, by the state or by a third party in the event of forfeiture by the operator. This is the same concept proposed by the H.R. 13950. In instances where the mining operation is carried on over a long period of time and where contemporaneous reclamation is not required, it may be desirable to require a bond in an amount sufficient to reclaim the affected areas at the end of the projected period for mining. The bond could cover any increases in costs between the time the permit is granted and the actual reclamation is started.

Regardless of the mechanisms used to require reclamation, a feature of the performance bond which would give it more authority is that an amount to be set which is sufficient to motivate the operators to completely reclaim the affected areas. The action of forfeiting performance bond in all cases, therefore, should be less attractive alternative than incurring the cost of adequate reclamation.

ALLIANCE TO SAVE ENERGY: UNLIMITED HORIZONS

Mr. PERCY. Mr. President, since 36 Members of the Senate are honorary Members of the Board of Advisors of the Alliance To Save Energy, and several score Members of the House are affiliated with ASE, and the Speaker of the House and minority leader are honorary cochairmen of the Advisory Board, from time to time I have brought to the attention of my colleagues the goals and objectives of the Alliance as it relates to the immediate goal—within this decade—of saving 35 quads of energy or the equivalent of 16 million barrels of oil per day annually. Because the potential is so great for conservation of energy, and the cost so little, estimated now at $1.50 to $2 per barrel in its oil equivalent, according to Dr. James Schlesinger our honorary consultant, our primary attention shall be focused upon this effort rather than new sources of supply, exotic as some of these are, and necessary, as we should all admit. ·

In this connection, I was most interested in an article that appeared in the September–October 1976 issue of Compost Science, journal of waste recycling entitled "Chicago's Program for Using Sludge to Reclaim Land," by Joanne H. Alter, commissioner, Metropolitan Sanitary District of Greater Chicago. The article suggests that sludge is a national, natural resource, and we must begin to understand and utilize the potential of our waste treatment facilities. In describing the potential of our waste treatment facilities, Joanne Alter reports on the wide range of programs the Chicago Metropolitan Sanitary District has for distribution of sludge as a fertilizer and soil conditioner.

If we can recycle and conserve sludge, there are unlimited ways we can effectively conserve and recycle our natural resources. We must begin to explore these possibilities today, not after it is too late.

Mr. President, I ask unanimous consent that the above-mentioned article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COMMITMENT TO RECYCLING: CHICAGO'S PROGRAM FOR USING SLUDGE TO RECLAIM LAND

(By Joanne H. Alter)

It is with great pride that I report to you the latest developments in recycling the solids produced by the Metropolitan Sanitary District of Greater Chicago. Last year we discussed the merchandising program of Nu-Earth, one of the sludges MSD produces in great quantity each day. Today I would like to report on the wide range of programs we have for distribution of sludge as a fertilizer and soil conditioner.

The responsibility of the MSD, a tax supported sewage treatment agency is to collect, treat and dispose of all the sewage, and much of the storm water, from the Chicago metropolitan area, including the City of Chicago and 123 municipalities. The District is the wholesaler of sewage, serving an area of 5½ million people, and an industrial waste load of an additional 4½ million for a population equivalent of 10 million. Each of these communities has its own collection system. The budget this year is over $500 million and we, along with the entire country, are now in the process of upgrading our system to meet the requirements of PL 92-500.

Our problems are similar to those of every city in the country, and like every city, the biggest challenge is in the area of disposal, not collection or treatment. I consider it a challenge to do my best to see that those in the area of sewage treatment are fully aware of the world of organic farming, and that those interested in organic farming see the necessity to become more involved in the question of "disposal".

The MSD treats one billion, 600 million gallons of sewage each day, not counting periods of storm. Therefore, each day we produce 500 dry tons of sludge . . . in three different forms. We have gone in several directions "disposing" of these solids. But it is a policy of the Board of Commissioners to recycle; therefore, we do not burn or bury the sludge, nor dump it in Lake Michigan. We control the quality of the sludge produced through an industrial waste ordinance, preventing pollutants from being sent to the plant.

Three types of sludge are produced: heat dried, liquid digested and air dried. Of the 500 tons, approximately 120 dry tons are heat dried each day. This sludge, about 4 percent solids, is vaccum filtered and then heat dried at 1,400 degrees, producing a granular material. Under a long term contract, this heat dried material is barged down the Illinois waterways to Florida where it is sold to brokers who distribute it for use on the citrus crops. From a cost point of view, this is a very expensive process. It costs us about $153 a dry ton to produce the material. We sell it for about $14. But it is being recycled . . . not burned off. (Last year we spent more than $3 million on energy to produce the product.) The Board is developing alternative methods to heat drying since the challenge is to use as little energy as possible in the disposal of solids, and our drying bill is likely to double in the next few years without alternatives. Our total energy costs exceed $11 million yearly.

The second far-reaching program in its implications nationally is the Prairie Plan, a program for liquid digested sludge. This material is developed in an aerobic and anaerobic process, and digested for 14 days at 95 degrees Fahrenheit. When it leaves the digesters, it is nonpathogenic and a good nutritious soil conditioner and fertilizer. About 250 dry tons a day are produced by the digester. Keep in mind that it is in liquid form, 4 to 6 percent solids, and that it must be recycled in that form.

The MSD has purchased 15,000 acres of strip-mined land in Fulton County, Illinois, 180 miles down the river from metropolitan Chicago. This land has been ravaged by the strip miners over the years, and Fulton County is particularly scarred. There are over 40,000 acres of stripped land in Fulton County alone. The cuts and scars of the land have been regarded and bermed, and runoff basins built. We barge the liquid sludge to this area and have been applying liquid digested sludge to these barren lands (and some non-scarred adjacent lands) for the past four years. Corn and soybeans and grass are growing well on land formerly thought to be useless. The material is NOT dumped in the cuts—the land is graded first!

The application methods include injection (using a long hose and disc plow) and we are now moving into a gated pipe application method. The spraying techniques I reported on last year are being phased out.

Our results have been most encouraging . . . the crops are sold on the open market and farmers in adjacent areas are now coming to us with requests for the material. Crops have been grown after one year of application and a humus layer is building up. This land can be returned to productive use! A humus cover can be built up in three years and the yield per acre is increasing. The problems with this method of recycling include the costs . . . We have almost $60 million in the Fulton County project to date and it costs more than $150 per ton to use this technique.

Last year in Fulton County, the District sold on the open market approximately 16,000 bushels of corn, 8,000 bushels of soybeans, and 10,000 bales of hay. The previous year we sold 55,000 bushels of corn and 6,000 bushels of wheat. The decrease was due to the reduced acreage planted and a very wet season. Control plots at the recycling site were supervised by the Extension advisor from the University of Illinois. He found that on stripped soils that received no kind of fertilizer of any sort, the yield was 62 bushels an acre. On soils that received an NPK of 120-60-60, the yield was 108 bushels per acre; the plot that got a commercial fertilizer loading of NPK 120-150-150, had a yield of 135 bushels per acre; and on the plot that received 4 inches of 4 percent digested sludge, (above 20 dry tons per acre), the yield was 133 bushels per acre—enough proof for surrounding farmers who are watching the project closely.

There have been some problems with a vocal local group who have several axes to grind. Some odor complaints have been filed, although very few this year thus far, and there is the ever present political and psychological conflict between the rural area and the large urban center of Chicago. We have recently been successful in one case brought by the EPA to the Illinois Pollution Control Board and not much action is seen in the citizens' case for $1,000,000 against the District Commissioners at this time.

In addition, it is also such a huge project that people are fearful. It is important for us all to know that intensive research has been done on lysimeter plots for nine years. In addition, every field is bermed and runoff tested before released to the waterway. Wells are tested, and the entire project is constantly monitored.

In conjunction with the University of Illinois, Department of Agronomy, the taxpayers of the MSD have spent more than $4 million studying the metal uptake in plants and soil, and the uptake of nutrients. If we include costs of analyzing runoff, soils, and wells, the total approaches $10 million. The sludge treated crops are followed through the food chain, using 80 head of cattle divided into experimental and control groups in conjunction with the University of Illinois School of Veterinary Medicine. We, like others, are particularly concerned with the questions of cadmium, lead and mercury, as well as nitrogen and phosphorous. There is an extensive bibliography on the research done by Dr. Thomas Hinesly of the University of Illinois, and others, and I will have copies available.

It is important to know that there is a direct relationship between toxicity and the loading rates, but this is true of any fertilizer application. At present, the USEPA is doing an environmental impact statement on the Fulton County project, and it should be ready within the month. This will be the first impact statement on a sewage recycling project of this size, and we hope will open vistas heretofore only dreamed of by organic gardeners.

In 1974, the Fulton County project received the American Society of Civil Engineers award as the Engineering Achievement of the year. The competition included BART and the Sears Tower.

The Prairie Plan is a multi-faceted effort—there is an 800-acre conservation area used for hiking, fishing and camping. A Big Bluestem Nature Prairie is being developed. School children collected native prairie seeds. Plugs were planted and a small natural prairie is developing. We purchased five buffalo. A herd is developing, and buffalo will be ranging on a natural prairie within a few years.

As farmers, we should all be interested in the scientific, agricultural and marketing aspects of the Prairie Plan.

And now a few words about the ambitious and successful urban recycling project of the air dried solids . . . called Nu-Earth.

As I reported last year, air dried sludge is the product of the Imhoff system. About 60 dry tons a day are produced. The solids are dried on sand and gravel beds. For thirty years or more, we have been hauling this material out to the Harlem Avenue dump, and only a few loyal organic gardeners have realized its worth. Three years ago, I renamed the sludge "NU-EARTH", and renamed the dump the distribution site. We applied for and received an Illinois EPA permit. Since then our merchandising program has been growing at a tremendous rate. Nu-Earth is distributed free to anyone who drives to one of the four distribution sites or any municipality or individual who desires a 24-cubic yard truckload.

In 1974, we answered all of our orders and delivered 97,000 cubic yards, costing us about $8 per ton. In 1975, we delivered 1,213,000 cubic yards, costing us about $5 per ton, and at one point in 1975, we were 6,000 calls, behind on orders. Thus far in 1976, we have delivered 74,000 cubic yards. In addition, anyone having a small truck, 10 cubic yards or more, can drive directly to the distribution site and MSD will load the truck. We deliver all year 'round.

Most of the material goes to local municipalities, averaging five truckloads each. About 20 truckloads a day go to the four pickup points run by the District so that organic gardeners can pick it up themselves. Because of the tremendous demand, we were 2,800 orders behind earlier this year, but at present have caught up with orders.

In 1974, we had one man on the phone taking orders. This year, we have needed as many as five people answering calls and one person took as many as 203 orders in one day . . . a call every two or three minutes. We have determined that this rush of calls came from a small article printed in a local paper. The paper has a circulation of 49,000, but evidently a lot of home gardeners read it!

The Nu-Earth merchandising program developed a priority list, and it leans more in the political than in the organic direction. Commissioners and the Mayor's farm program get first priority on the list. (So you can see you need clout to get sludge in Chicago.) The mayor's farm program includes about 300 plots located throughout the City, and they have been very successful.

Next on our priority list are staff, aldermen and precinct captains (who have their alderman's approval); then our own pickup points; and then municipalities and individuals.

The program is not free, but compared to other methods of disposal of solids, it is the least expensive alternative. In 1974, we spent about $75,000 for delivery; in 1976, we will spend $750,000 for loading and delivery. This includes more than $150,000 for crane and operators as we now use a big drag line to help load the trucks.

Individuals may come and pick up whatever they wish. When more than 75 cubic yards are ordered for one location, we send an inspector out who determines how much acreage is involved, what crops will be grown, and what application method will be used. For crops not in the food chain (Golf courses, large lawns, and ornamental areas), we recommend about a 2-inch layer—up to 50 dry tons an acre. Sod farms and landfill operators have requested the material. We are looking for large users!

For crops in the food chain, including corn, oats, soybeans and vegetables, we recommend that Nu-Earth be rotary-tilled, applied with a manure spreader or tractor, disc-plowed or spaded in well, and that the application be within the rate of 5 to 10 dry tons per acre. Much of this is dependent on the type of soil available. But it is always advised to mix in well. The District instructs individual gardeners to mix five parts soil to one part Nu-Earth. We also advise that the soil be tested, which all good gardeners do.

As I indicated earlier, sludge disposal is the major problem facing most sewage treatment agencies. Presently, we distribute about four times as much Nu-Earth as we produce. As a result, we have ordered six centrifuges which will de-water the sludge, which can then go through a few years of drying and freezing and be available for the distribution program. This material will be of standard quality which is a great advantage and much in demand.

Also considered is a $9 million contract which would involve building a fertilizer plant adjacent to our treatment facilities. This plant would supplement the heat-drying process and provide another recycling alternative. I seriously question this type of expenditure without some assurance that the taxpayers of the District will have the opportunity to share in the profits of whoever builds this plant since I am convinced that our product has an economic value on the open market.

Also on line is a small experiment similar to the one developed in Bangor, Maine—composting lagooned sludge with wood chips. At present we pay as much as $2 million to empty 2 lagoons and the solids' content is not suitable for bagging or delivering to individuals. I think we should be moving in the direction of composting, and look forward to reporting to you on the results of our experiment.

In 1974, the District established a vegetable garden with a control plot to test vegetables grown in Nu-Earth. No bacterial contamination of the soil or vegetables were found due to the application of Nu-Earth. Of the macro nutrients, potassium, sodium, calcium and magnesium remained unaffected by a Nu-Earth fertilization. Of the essential micro nutrients, zinc and copper increased slightly with application, but within limits. Manganese and iron varied with the vegetable species. In the nonessential metals, cadmium, nickel and lead, no trend could be distinguished. Again, spinach grown on the experimental plots out of doors showed little change in cadmium uptake. Spinach grown indoors in pots showed some increase. It should be noted that the natural soils in Chicago are higher in metal content than those found in the literature.

For 1976, we will have a more extensive program with replicated plots and several control plots. We will also have 12 local gardens throughout the county growing vegetables without any kind of organic or commercial fertilizer. The natural metal content in Chicago soil is high, and we will compare these vegetables with crops grown in other parts of the country, and on our own experimental and control plots. We have written to County agents in seven states, asking for specific vegetables and are conducting a national survey of metal content in garden vegetables sold on the open market. We will also continue our market basket comparisons.

Two years ago, the Illinois EPA director appointed a task force to develop criteria for the de-regulation of application or municipal sludges on agricultural lands. This task force was made up of farmers, environmentalists, treatment plant operators and representatives from academia and the State Department of Conservation and Agriculture. The task force developed recommended agronomic loadings, limiting the program to 500 acres or less, topographical restraints, and such information as requirements for setbacks and application methods. They would have allowed from 8 dry tons to 20 dry tons per acre, depending on the soil. These recommendations were radically changed and challenged by the state agency. If the guidelines were adopted as presently defined, 85 percent of the treatment agencies in the State of Illinois would be prohibited from distributing solids to land for agriculture use.

I believe our State agency is holding things in abeyance at present, awaiting any Federal guidelines which may be forthcoming. The State generally agrees with the organic ratio recommended, but the conflict was over the question of heavy metals, and cadmium in particular.

Sludge is a national, natural resource, and I am proud that the MSD has taken the lead in recycling this valuable product. Although we have spent more than $4 million on research to date, we will be spending more over the next decade, and it is money well spent. The challenge, I believe, is to continue to meet together, as we are here today, to exchange information, to examine each other's experiments, and learn from each other. The treatment agencies must learn from the organic farmers and gardeners, and we *here* must begin to understand the potential of our waste treatment facilities. They *can* provide a safe and marketable product that will fit into the picture of meeting our national need to recycle our valuable nutrients instead of wasting them.

S. 7—SURFACE MINING CONTROL

Mr. JACKSON. Mr. President, the Senate is about to consider S. 7, the Surface Mining Control and Reclamation Act of 1977.

Amendment No. 278—the Coal Pipeline Act of 1977—would add to the bill a new title 6 which would be identical to S. 707. S. 707 was referred jointly to the Committee on Energy and Natural Resources and the Committee on Commerce, Science, and Transportation. No hearings have been held on it. A related bill, S. 1492, the Coal Transportation Act of 1977 is pending before the Committee on Commerce, Science, and Transportation. The chairman and ranking minority member of that committee have written me a letter opposing amendment No. 278. I ask unanimous consent that this letter be printed in the RECORD, together with a letter which I have received from Andrew J. Biemiller, director, Department of Legislation, AFL–CIO, which strongly supports enactment of S. 7.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
May 17, 1977.

Hon. HENRY M. JACKSON,
Chairman, Committee on Energy and Natural Resources, Washington, D.C.

DEAR SCOOP: It has come to our attention that an effort will be made to add S. 707, the Coal Pipeline Act of 1977, to the comprehensive legislation dealing with strip mining during consideration of that legislation on the Senate floor. We strongly believe that this would be a serious mistake. As you know, S. 707 was referred jointly to the Committee on Energy and Natural Resources and the Committee on Commerce, Science and Transportation. Amending the concepts contained in S. 707 into the strip mining bill without hearings or consideration by either Committee would force us to oppose the entire bill in order to consider those parts of the bill concerned with the transportation of coal.

S. 707 raises serious questions concerning the alternative means of transporting the nation's energy. As you may know, S. 1492, the Coal Transportation Act of 1977, which touches on many of the same isssues addressed in S. 707, was recently introduced and it is our strong belief that hearings should be held to consider both these bills along with any other similar legislation which may be introduced. It is our hope that any legislation favorably reported will seek to assure that the transportation regulatory and funding considerations relating to the transportation of coal will be coordinated in such a manner as to produce the maximm public benefit possible.

Sincerely yours,

WARREN G. MAGNUSON,
Chairman.
JAMES B. PEARSON,
Ranking Minority Member.

WASHINGTON, D.C., *May 16, 1977.*

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JACKSON: The AFL-CIO has long supported legislation to regulate strip mining. In endorsing this legislation, the most recent Convention of the AFL-CIO stated that "America needs both energy and reclaimed land . . . and can have both through reasonable strip mining legislation."

The Surface Mining Control and Reclamation Act of 1977, S. 7, we believe is reasonable legislation to regulate strip mining. Recently reported by the Senate Energy and Natural Resources Committee, the minimum standards for state strip mining and reclamation laws and other provisions of the measure are designed to assure the continued orderly development of the nation's coal resources while providing much needed protections against environmental devastation which for too long has gone unchecked. Unlike opponents of this legislation, we in organized labor believe that the twin objectives of environmental protection and energy development must be pursued simultaneously. While helping to accomplish both of these goals, S. 7, contrary to past assertions, rather than costing jobs will create new employment opportunities through the reclamation activities required by this legislation.

In summary this legislation represents a balanced program to control surface mining in the United States and as such it is a vital component of the nation's energy program. Only through congressional approval of S. 7 can the nation be protected against the continued environmental destruction of the past. We therefore urge your vote for passage of this important environmental legislation and opposition to any weakening amendments.

Sincerely,

ANDREW J. BIEMILLER,
Director, Department of Legislation.

NO RETREAT TO THE SUBURBS

Mr. PERCY. Mr. President, after years marked by a loss of urban dwellers to the suburbs, our cities are beginning to experience a period of revitalization, of reawakened interest in living and working in the central city. Neighborhood groups, private businesses, and the Government are recognizing our older urban centers as valuable resources to be cultivated and preserved.

It is interesting—but not surprising—to note that, long before neighborhood preservation efforts became widespread, the University of Chicago was involved in a creative plan to assist the neighborhoods adjoining its campus by giving its faculty an incentive to stay in the city. The university is to be commended for its early and innovative approach, first begun in 1952.

On May 5, an article by Bob Wiedrich appeared in the Chicago Tribune describing the University of Chicago's plan and illustrating its successes. Mr. President, I ask unanimous consent that the Tribune article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

How the University of Chicago Fought for the City

(By Bob Wiedrich)

Chicago is worth saving. Otherwise, most of us wouldn't continue living here.

Unlike the faint-hearted who packed up and ran, die-hard Chicagoans decided to stand their ground and fight blight and decay.

In doing so, they became members of a new breed of urban pioneers who prefer the challenge of attempting to restore the vitality of a big city to an ignominious retreat to the suburbs.

Loyola University on the city's far North Side recently decided to dig in its heels and stay by offering employes low interest housing loans to encourage their living within walking distance of its campus.

But a quarter of a century ago, the University of Chicago pioneered a similar venture when blight threatened the Hyde Park-Kenwood communities surrounding its South Side campus.

And today, the resulting success story has yet to be duplicated anywhere else in the United States.

The neighborhoods were saved. And the university, both as a center of research and learning and as the focal point of cultural activities in the community, is stronger than ever.

Since 1952, when the university first instituted its plan, 926 loans totaling more than $10 million have been made to faculty and senior staff in the form of second mortgages on homes, condominiums, and cooperatively owned apartment buildings. There has never been a default.

Now, more than 800 faculty families, or more than 70 per cent of the 1,050 faculty members live in the Hyde Park-Kenwood area. More than 35 per cent of the 7,000 non-academic staff also have established roots within a short hike of the campus.

Naturally, because of the influx of talented and productive people the loan program has brought to the area, there also have been other beneficial effects.

Heartened by the university's obvious faith in the future of Chicago, other residents have dug their roots deeper, too.

Since 1959, $240 million worth of new construction and rehabilitation has been undertaken in the U. of C. community. Of that sum, $35 million was for rehabilitation projects alone.

"We wanted to encourage people to live in the area because the university considers itself a community of scholars, not a community of scholarly commuters," said Julian H. Levi, executive director of the South East Chicago Commission.

Levi became a major architect of the neighborhood loan program in 1952 after a civic committee of five community representatives, including the then university chancellor, Lawrence Kimpton, created the commission.

The South East Commission was established in the hope of revitalizing Hyde Park-Kenwood after their streets were threatened by urban blight and rising crime.

The program proved to be a rousing success.

"Cultural events and seminars run virtually around the clock at the University of Chicago," Levi said. "That is because people live close to the campus.

"At Columbia University in New York City, the campus becomes empty after dark. Everybody retreats back across the Hudson River.

"But at the University of Chicago, the program has had very much to do with establishing the character of the neighborhood.

"People who teach are also the kind of people you need to build a city.

"They're young. They're productive. They're family people. They bring life to a neighborhood."

Under the loan plan, faculty and senior staff are advised to make their own best possible arrangements for a commercial loan.

Then the university comes through with second mortgages whose interest rates historically have hovered at about the level charged by major lending institutions.

"The program has brought great stability to the neighborhood," Levi said.

"Yale, Harvard, Amherst, and the University of Pennsylvania have all offered similar programs, but not to the extent that has been done here.

"It has been enormously successful. And it has served as the major inducement for getting faculty and senior staff members to live in the neighborhood."

In the last decade of the 19th Century, the University of Chicago was offered property by a land company if it would settle in Morgan Park, then a suburb of the city.

Instead, the school's founders made their commitment to an urban academic lifestyle and the university has continued to honor that commitment.

By 1945, the steady deterioration of the U. of C. neighborhood had become a cause for alarm. The university's faculty was dubbed the worst housed of any in the nation.

In March of 1952, a meeting of concerned citizens resulted in appointment of the so-called Committee of Five under the chairmanship of Chancellor Kimpton."

Out of that committee emerged the South East Chicago Commission and one of the nation's first comprehensive community conservation programs, the result of a close working relationship between the university, city and state agencies, and the Hyde Park-Kenwood Community Conference.

Yes. Urban pioneers can save a city. But they have to stick around to do it. Retreat is never the answer.

WATER PROJECTS

Mr. YOUNG. Mr. President, in recent months there have been many articles appearing in magazines and various national publications very critical of most Bureau of Reclamation and Corps of Engineers projects. They all, regardless of the merit of the project or its great importance, attack them with the old shopworn slogan "pork barrel project." It is obvious that this opposition is sponsored by well-organized and well-financed interests.

President Carter first singled out 19 of these projects and then later 30 for review and for his own appraisal. Mr. President, I feel very strongly that both President Carter and Secretary of Interior Andrus went beyond their authority and contrary to present law, under which all these projects were authorized by Congress. They establish their own criteria, which is, in my opinion, contrary to the expressed will of Congress.

Mr. President, a grave injustice has been done to the State of North Dakota in their all but killing the Garrison diversion project, a project the people of our State have been working on since statehood. Congress has appropriated funds for diversion of water from the Missouri River to eastern North Dakota every year since 1938. This action of trying to kill most of these projects and crippling many of them, represents a serious departure from anything that has happened in the Federal Government in my 32 years in the Senate.

The people of North Dakota are solidly behind this Garrison diversion project and have been for years. The Fargo Forum, our largest newspaper, had an excellent editorial with respect to the Garrison diversion project—one I hope every Member of the Senate and every reader of the CONGRESSIONAL RECORD will take note of. I ask unanimous consent to have it printed in the RECORD as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

North Dakota Shafted by Carter Administration

In words that everybody understands, North Dakota has been shafted by President Jimmy Carter, his Department of Interior and his Department of Justice. With the blessings of the White House, the Department of Interior, headed by Secretary Cecil Andrus, and the attorneys from the Department of Justice, who are supposed to defend all actions brought against the United States, made a deal with the privately-funded National Audubon Society to stop construction of the Garrison Diversion and Irrigation project in North Dakota.

The deal to stop the project was hammered out in secret between representatives of the Department of Interior, the attorneys from the Department of Justice and the Audubon Society. The Audubon Society had sued in U.S. District Court to stop the project, being built by the Bureau of Reclamation. The bureau is a part of and under control of the Department of Interior. The attorneys representing the state of North Dakota, which had joined the suit as a defendant with Interior, were firmly excluded from the precourt negotiations. Then the agreement was accepted by the U.S. District Court in Washington and converted into a court order which stays further construction with a few minute exceptions.

When President Carter first revealed his list of 19 water projects which he claimed deserved no further funding, Garrison was at the top of the list. Following a public hearing in Jamestown, attended by almost the full N.D. Legislature and presided over by Secretary Andrus himself, the administration agreed that construction could continue if the connections with the Souris and Sheyenne Rivers were deleted.

Congress showed every intention of going ahead with the full Garrison appropriation, as well as with most of the appropriations for the other projects on the Carter "hit" list. Of all these projects, only Garrison has proved to be in a truly vulnerable situation. The Audubon Society had filed its suit several months ago, and there it was, scheduled to come up for trial just after the House

Appropriations Committee had approved the original budget for the project, some $18 million, instead of the $6 million finally requested by President Carter, apparently on the recommendation of Secretary Andrus following the North Dakota hearing.

So what could be simpler than have the Department of Interior go into court, and agree that all the accusations of the Audubon Society were correct, and that its request for an injunction against the project should be granted. Not only that, but the Bureau of Reclamation must confer with the attorneys of the Audubon Society before completing the purchase of eight parcels of land for the now deferred Lonetree dam and reservoir.

This particular legal transaction completely eliminated the sovereign state of North Dakota from the legal proceedings. Just what can be done to defuse the court order has been the subject of intensive legal research in Bismarck in the last few days.

The state's position is simple: The government of the United States, through its Congress and its last five presidents, has made a pact with the state of North Dakota to provide water for irrigation and municipal purposes, in return for the 500,000 acres flooded by the Garrison and Oahe dams on the Missouri river to provide hydroelectric power for the entire Missouri basin, and to provide flood control and navigation flows for the downstream states and cities.

Now President Carter comes along and says the pact is cancelled because he has made a deal of his own with the environmentalists.

Congress became concerned when President Nixon tried to subvert the intent of Congress by withholding funds that had been appropriated for federal projects and operations with which he disagreed. Such withholding by executive order has since been declared illegal. Now President Carter is trying the same tactic by making a deal with a private organization, the Audubon Society, and getting a District Court seal of approval.

We trust Congress will find this method of setting aside the intent of Congress is as abhorrent as the outlawed executive orders to withhold appropriated funds. The Carter administration dealt in secrecy with a nongovernmental group, with no public input or examination, and now challenges North Dakota and the Congress to try to keep the Garrison project alive in face of the court order.

North Dakota should do everything possible to overcome this roadblock, either through congressional action, the courts, or both.

Mr. YOUNG. Mr. President, the two next largest daily newspapers in North Dakota also had excellent editorials, describing the deep feeling that exists in North Dakota with reference to the efforts to kill this project. Should President Carter, Secretary Andrus, and those closely associated with them succeed in killing this project that has been so close to the hearts of North Dakota people almost since statehood, it would be something that our people would remember for the next 50 years to come.

I ask unanimous consent to also have printed in the RECORD editorials appearing in the Grand Forks Herald and the Bismarck Tribune, with the last sentence referring to me stricken.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Grand Forks Herald, May 15, 1977]

BAD ADVICE FOR CARTER

Last week's settlement by the Interior Department of the Audubon Society's suit for a Garrison Diversion Project moratorium demonstrates anew the Carter Administration insenstitivity to problems of the West.

That insensitivity was shown earlier by release of a report from President Carter's Domestic Council, proposing a shift in federal funding from "expensive water projects" in the West to economic stimulus for the Northeast. The report said "expensive water projects already in place have done little to alleviate dought or flooding." It added, that water storage is not an adequate insurance against drought.

That report brought an open letter to the President from Gov. Richard Lamm of Colorado—one with which most of us can agree.

"Contrary to the Domestic Council's statement . . .," wrote Lamm, "let me inform you that most of our major cities would be totally incapable of supporting our present population without these 'expensive water projects.' The expense, simply put, allows our cities to survive by providing a cushion against the vicissitudes of weather."

He pointed out that Denver is depending upon reservoir storage for 200,000 acre feet of its 265,000 acre-feet water needs this year. Other Colorado cities, as well as Salt Lake City, Las Vegas, Cheyenne, Los Angeles, San Diego and many others, he said, all depend in whole or in part on water storage to survive.

Lamm added:

"Frankly, Mr. President, we are worried about the quality of advice you are getting about the West. Contrary to your statement that water projects have done little to alleviate the drought, those water projects are our first line of defense against drought. Without them, our cities would become ghost towns, and our irrigated farms would disappear.

"I urge you to re-examine your policies relating to the West. They do not serve you well."

All too often the Garrison project is considered only as an irrigation project. The water needs of North Dakota cities are just as important a factor in the scheme of things.

CONGRESS CAN OVERRULE AGREEMENT

A lawyer for the Department of Interior says that if Congress votes funds for work on Garrison, beyond that called for in the settlement, the agreement will be nullified. This apparently results from the action of Congress in prohibiting the administration from freezing funds it appropriates for such projects.

The settlement provides that "if any part of the agreement becomes unenforceable, is violated, or is nullified, the other party to this agreement may abrogate the entire agreement or any portion of it."

The result, apparently, would be to bring the Audubon lawsuit up for hearing in United States District Court, just as if there had been no out-of-court settlement.

We hope that Congress will vote full-funding of the project, as recommended in former President Ford's budget. As Sen. Milton Young says, Congress will look more favorably on Garrison while it is acting on other projects on President Carter's "hit list" than if it was to come up alone later for reauthorization.

Meanwhile, we welcome the decision of State Sen. Dave Nething to call together the legislative oversight committee on the project, to consider state action in the courts or elsewhere. The committee will meet in Bismarck Tuesday with Attorney General Allen Olson to consider what steps are feasible.

[From the Bismarck Tribune, May 14, 1977]

CONGRESS TO THE SIDELINES

The Garrison Diversion "settlement" agreed to by Secretary of the Interior Andrus under the whip of a federal judge constitute more than a challenge to the diversion project.

The agreement and the procedure used to achieve it also constitute a challenge to the prerogatives and powers of the Congress itself.

In effect what Judge Charles Richey has done is issue an ultimatum to Congress to do what he wants it to do.

And Andrus has exercised, by signing the agreement, a veto over an act of Congress.

If the judge and the secretary can get by with this, a precedent dangerous to the prestige and independence of the legislative branch will have been set.

If the secretary of the Interior by a simple stroke of his pen can amend or render invalid an act of Congress why can't any other member of the cabinet do the same?

Example: Why couldn't the secretary of labor set aside, by signing an agreement under the eyes of a "friendly" judge, the minimum wage law passed by Congress?

Example: Why couldn't the secretary of commerce negate, in the same way, tariffs adopted in an act passed by Congress and signed by the President?

The Constitution provides that the legislative powers shall be vested in a Congress, and among these legislative powers are those of authorizing and funding projects such as Garrison Diversion.

There is nothing that gives the secretary of the Interior authority to veto an act of Congress already signed by a President of the United States. Yet here we have Secretary Andrus telling Congress agreeing not to carry out a properly adopted law of the United States. And Judge Richey telling Congress what it must do and when and how.

If Congress has meant what it said, post-Watergate, in promising to reassert its place as a co-equal of the judicial and executive branches in the federal spectrum it can hardly take this sort of maltreatment lying down. It must act to force funding for Garrison or acknowledge that it has abdicated its legislative powers and turned them over to the President's Office of Management and Budget. If all decisions are to be made there, with Congress simply a rubber stamp, why have a Congress at all? Congress might as well announce at the Garrison Diversion barrier that it won't stand for this dictation as wait to make a stand at a later and more undefendable barrier.

Washington reports indicate that Interior agreed to knuckle under to project foes not because of projects faults but because of political considerations, including Carter "memorandums" that might have been forced into the open had the suit come to trial. If this is the altar that Diversion must be sacrificed upon, it may be time for North Dakota's congressional delegation to unsheath whatever teeth it has on other legislation.

SACCHARIN HEARINGS

Mr. ANDERSON. Mr. President, today the Food and Drug Administration—FDA—began two days of public hearings regarding the proposed ban of saccharin. I support these hearings as an opportunity for members of the public to express their feelings on the implications of the restrictions proposed by the FDA.

On March 31 of this year, I expressed in the RECORD my concerns over the removal of saccharin from the market. Since the initial proposed rule making was published in the Federal Register, the FDA has announced that it will consider permitting saccharin to be sold as an over-the-counter drug. This action will not aid persons with sugar-restricted diets who could no longer obtain prepackaged, artificially sweetened foods.

The Canadian study which triggered this ban used such excessive amounts of saccharin that the dosage exceeded the maximum tolerated dose for an appropriate experiment, as defined by the National Cancer Institute. How can legitimate conclusions be drawn from data obtained under these circumstances?

This country's 10 million diabetics, saccharin's largest user group in the United States, were found in several major documented studies to show no higher incidence of bladder cancer than the general population. In addition, studies conducted with bladder cancer patients have shown no abnormally high use of saccharin-sweetened products.

The major health problems in the United States are coronary and heart disease, high blood pressure, diabetes, obesity, liver disease and cancer. Excessive weight is a contributing factor in all. It makes little sense to me to remove from the market the only existing low calorie sweetener, before conclusive evidence has shown it to be carcinogenic. Saccharin can be seen as a contributing factor to good health, in that it helps obese patients and diabetics stay on their rigid low-sugar diets.

Mr. President, I certainly could not support the manufacture and distribution of saccharin if it were a known carcinogen. Likewise, I cannot support a ban of a product used and needed by so many persons, when the scientific community does not agree on the implications of the Canadian study.

I feel that the American public deserves not only the chance to be heard, as provided by the current hearings, but substantial evidence of the detrimental effects of saccharin—evidence which can also be accepted by the other members of the scientific community from which it came.

Senate Resolution 120 states that no ban should be made on the production, distribution or sale of saccharin until FDA hearings or proper scientific data bring conclusive evidence of saccharin's carcinogenic effects to the American public. I support the FDA hearings, and I support Senate Resolution 120.

Mr. President, I ask unanimous consent that an editorial from the April 22, 1977, issue of the Sun Newspaper be printed in the Record to further explain the problems which will be faced by certain groups if the ban on saccharin becomes effective.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Unfair Banning of Saccharin

All kids drink soda pop, but diabetic kids can only drink diet pop. Recently, it was determined in one inconclusive study in Canada that saccharin in huge doses causes cancer in rats. As far as is known, no human has ever contracted cancer from saccharin in 80 years of the additive's use.

All diet pop contains saccharin. On July 1, 1977, saccharin will be banned in the U.S. by the Food and Drug Administration (FDA). From that time on diabetics will not be able to drink pop.

Juvenile diabetics, of which there are a rapidly growing number in the U.S., have an uncertain future. The odds against a long life are very large. Blindness and kidney disorders are among the more serious complications from this disease. Even great athletes, Jackie Robinson, for example, frequently do not live past middle age.

As one father wrote us, "My son is a diabetic. He could be blind by the time he is 20 and dead by the time he is 50, and the government in its wisdom wants to protect him against the mathematically remote, if not impossible, chance of contracting cancer in his old age.

"You know what my boy will be able to drink by the time the FDA ban becomes effective? A glass of water!"

If the FDA is concerned about saccharin, why not express that concern in the form of a warning on the label of each can of diet pop similar to the cancer warning required on each pack of cigarettes.

Cigarettes are far more harmful than saccharin and they get by with a warning, while saccharin and diet pop have to be banned causing hardship and discomfort for a group of people, diabetics, who already have all the problems they need.

The FDA claims it had no choice other than to ban saccharin. It points to a mandate from Congress that all substances known to cause cancer in test animals and suspected of causing cancer in humans be banned.

While that may be true, we are concerned with the arrogance exhibited by FDA officials and their refusal to give industry time to develop a substitute for the artificial sweetener. The FDA's recent decision to allow saccharin to be sold over-the-counter as a drug is a small consolation; it will do little to help the diabetics who depend on food manufactured with saccharin.

We hope Congress will take immediate action to restore the use of saccharin and to curb the FDA.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

James R. Britton, of North Dakota, to be U.S. attorney for the district of North Dakota for the term of 4 years vice Harold O. Bullis, resigned.

Harold C. Warren, of North Dakota, to be U.S. marshal for the district of North Dakota for the term of 4 years vice Alvin W. Bumann, resigning.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Wednesday, May 25, 1977, any representations or objections they may wish to present concerning the above nominations with a further statement whether it is their intention to appear at any hearing which may be scheduled.

EDDIE STANKY—AN ALL-TIME BASEBALL GREAT AND NOW A GREAT COACH

Mr. ALLEN. Mr. President, I daresay that there are few Members of this body who do not remember the grand days of baseball as that national pastime was played 20 or 30 years ago, give or take a bit, and at times wonder what has happened to some of the players of the day.

So it was with great interest that I read in the Sunday, May 15, 1977, edition of the Washington Post, an article by Colman McCarthy entitled "The Brat Who Became a Father Figure," with a dateline from Spring Hill, Ala., a part of greater Mobile, Alabama's great port city and home of the University of South Alabama.

This university is relatively new, having been created just a few years ago when I was serving as Lieutenant Governor of Alabama, but it has grown by leaps and bounds and is already an important center of higher education in Alabama and in the Southeast. Also, it is the possessor of one of the finest baseball teams in American collegiate athletics, earning this record under the coaching of one of the finest players and managers ever associated with the big leagues, Coach Eddie Stanky.

Coach Stanky has been coaching at the University of South Alabama since he ended his career in professional baseball in 1968 as manager of the Chicago White Sox.

Alabamians are proud that Coach Stanky chose our State to pursue his vocation and his avocation, both being the training of young men to compete in America's national game, baseball, and in the even bigger game of life.

Mr. McCarthy, I believe, has written a fine article about one of America's sports heroes, and I believe this story about Coach Eddie Stanky makes interesting reading for all.

Mr. President, I ask unanimous consent that the article from the Post be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, May 15, 1977]

The Brat Who Became a Father Figure

(By Colman McCarthy)

Spring Hill, Ala.—The doubleheader against Ohio State was two hours off, so Coach Eddie Stanky of the South Alabama Jaguars was receiving visitors in his tiny office beyond the right-field fence. I came as a sightseer, squinting backward to the ancient scenes of the 1940s when Stanky and his Dodgers were giving artificial respiration to a dying Brooklyn.

At Ebbets Field, he played second base like a tantrum, using bad behavior for a mitt. The athletic despotism by which he ruled his part of the infield caused him to be called "Eddie the Brat." Freud said that childhood is anything but an age of innocence, but the brattiness of Stanky was the youthful id that drove him, spikes and fists, into guileless combat against the Musials, Kiners and other archetypes of the National League. They had poise and power; Stanky had the talent of the intangibles. Branch Ricky of the Dodgers said, "He can't throw, he can't run, he can't hit—but he's the most valuable player on the team."

Today, at 60, weighing a playing-days 156 pounds and wearing his old No. 12, Stanky is regarded as one of the best coaches in college baseball. This week he is completing his ninth winning season at South Alabama, a state university outside of Mobile flowering as brightly as the spring azaleas. A believer in graduate work for his boys, he has produced an average of three players a season for the major leagues. On some days, more fans come to Jaguar Field than do Bostonians to Fenway Park or New Yorkers to Yankee Stadium.

For all of these brags, what Stanky boasts of with the most feeling has nothing to do with winning or losing. "I'm a believer in participation," he said. "The one record I care about came in a game against Vanderbilt in 1972. I played 38 men in one 9-inning game. Everyone got in. Some seasons, I've carried as many as 45 players on the team. I've never cut anyone from the squad."

As a manager in the majors for seven years—his last team was the White Sox in 1968—Stanky was known as a brooding terror who would fine his players for such offenses against cosmic probity as missing a bunt or not advancing a runner from third with fewer than two outs.

As a 5-foot, 8-inch runt who forcefed himself on desire, Stankey had no peer in devising ways to get to first base. As a Chicago Cub, he began his major-league career by going to the plate and stopping a pitch with his head. He went on to discover less fracturing ways of advancing himself: He holds the National League record for most bases on balls in one season (148 in 1945). A mutt among the Rin Tin Tins of baseball, Stanky preached that "what counts is not the size of the dog in the fight but the size of the fight in the dog."

What happened to change all this, to convert a brat into a father figure? Stanky believes the mothers of his players have gotten to him: "The greatest thrill I have these days is when my players graduate and their mothers come up and embrace me for helping along their sons. There is something about a mother's tears at graduation. I can't weigh it, I'm a second parent to boys who are away from home for the first time. There's a key to every lock in a youngster. If we can find the problem, we can solve it."

For all of us almost-athletes (I almost made it in pro golf, one of my older brothers almost signed with the Yankees) few comforts in our fretful middle age should mean as much as the maturing of Eddie Stanky. As a Polish-German boy who might have gone no further than the stickball finals in the poor neighborhood of his native Philadelphia, here he is at age 60 saying that what counts is not the score. When he went to South Alabama in 1969, he told a reporter, "I consider whether a year is successful not on the won-lost record but on how many boys I have helped physically and mentally." On recruiting: "I always talk to the parents first, rather than the ballplayers. My idea is that baseball is not as important as the education that the boys can get to prepare them for a career. So I sell the parents on the education opportunity first, then the baseball."

The days of innocent aggression are well behind him, and an emotional continuity now flows between Eddie-the-Brat and Eddie-Among-the-Crying-Mothers: He is still extolling the intangibles. As a ballplayer, he told the fans that getting to first by a base on balls was the same as a long single to the outfield. Now he says that sports mean something only if the social context means more. By this he believes that games are not only a way of enjoying youth but of getting beyond it as well, so that when the other delights come along—education, raising children, tears at graduation—we will be wise enough to value them.

(This concludes additional statements submitted today.)

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there morning business? If not, morning business is closed.

DEPARTMENT OF ENERGY ORGANIZATION ACT

Mr. ROBERT C. BYRD. Mr. President, what is the business before the Senate?

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of S. 826, which the clerk will state.

The legislative clerk read as follows:

A bill (S. 826) establish a Department of Energy in the executive branch by the reorganization of energy functions within the Federal Government in order to secure effective management to assure a coordinated national energy policy, and for other purposes,

The Senate proceeded to consider the bill, which had been reported from the Committee on Governmental Affairs with an amendment to strike all after the enacting clause and insert the following:

That this Act may be cited as the "Department of Energy Organization Act".

TITLE I—DECLARATION OF FINDINGS AND PURPOSES

FINDINGS

SEC. 101. The Congress hereby finds and declares that because of serious economic and social consequences which arise from the vulnerability of this nation to energy shortages, and possible interruption of foreign energy supplies; coordinated and effective action to better manage existing energy resources and to provide reliable alternative energy sources is essential in avoiding or mitigating future energy problems; the existing organizational framework does not provide the comprehensive, centralized focus necessary to effective coordination of energy programs involving all forms of energy supply, conservation, and alternative energy sources, a central organizational mechanism is needed to achieve this coordination, and to aid in formulation of effective energy policy which will meet the energy needs of the Nation and relate them to overall national economic, environmental, and social goals.

PURPOSES

SEC. 102. The Congress therefore declares that the establishment of a Department of Energy is in the public interest, to promote the general welfare by assuring coordinated and effective administration of Federal energy policy and programs. It is this purpose of the Act—

(a) to establish a permanent Department of Energy in the executive branch;

(b) to bring together in the Department of Energy for coordinated management, all of the major energy programs in the Federal Government, including those providing economic regulation of energy supply systems;

(c) to provide the appropriate organizational framework for the implementation of such programs;

(d) to provide for an effective permanent mechanisms for development and implementation of a comprehensive national energy policy;

(e) to create and implement a comprehensive energy conservation strategy;

(f) to assure coordinated and effective energy research, development, demonstration, and commercialization programs within the framework of a comprehensive energy policy, with the aim of increasing the efficiency and reliability of all feasible energy resources and making the Nation self-sufficient in energy;

(g) to provide a strong and effective organizational framework for development of energy supply and energy conservation technology and initiatives, interrelated and balanced within the context of national energy strategy;

(h) to continue and improve the effectiveness and objectivity of a central energy data collection and analysis program within the Department of Energy;

(i) to facilitate establishment of effective strategy for distributing and allocating fuels in periods of short supply and to provide for the administration of a national energy supply reserve;

(j) to protect the interests of consumers in an adequate and reliable supply of energy at reasonable cost;

(k) to assign to the Department of Energy a policy formualtion role with respect to the participation of the United States in international energy programs and initiatives, except insofar as these programs involve issues of nuclear nonproliferation;

(l) to encourage cooperation of Federal, State, and local governments, and all other interested parties in the development and achievement of national energy objectives and policies;

(m) to foster and assure competition among parties engaged in the supply of energy and fuels;

(n) to facilitate local and individual initiative in the development of energy systems and technology;

(o) to assure incorporation and national environmental protection goals in the formulation and implementation of energy programs, and to advance the goals of restoring, protecting, and enhancing environmental quality, and assuring public health and safety;

(p) to engage in and support basic research in the physical sciences related to and underlying the development of energy sources and utilization technologies;

(q) to establish an effective mechanism to allow direct participation of the State governments, in the energy policymaking process so as to insure the development of a truly national energy policy;

(r) to establish an effective intergovernmental network to facilitate the development of impending energy programs; and,

(s) to assure to the maximum extent practicable that private enterprise is utilized in the development and achievement of the above purposes.

TITLE II—ESTABLISHMENT OF THE DEPARTMENT

ESTABLISHMENT

SEC. 201. There is hereby established at the seat of government an executive department to be known as the Department of Energy (hereinafter in this Act referred to as the "Department"). There shall be at the head of the Department a Secretary of Energy (hereinafter in this Act referred to as the "Secretary") who shall be appointed by the President by and with the advice and consent of the Senate. The Department shall be administered under the supervision and direction of the Secretary.

PRINCIPAL OFFICERS

SEC. 202. (a) There shall be in the Department a Deputy Secretary, who shall be appointed by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for level II of the Executive Schedule under section 5313 of title 5, United States Code. The Deputy Secretary shall act for and exercise the functions of the Secretary during the absence or disability of the Secretary or in the event the office of Secretary becomes vacant. The Secretary shall designate the order in which the Under Secretaries and other officials shall act for and perform the functions of the Secretary during the absence or disability of both the Secretary and Deputy Secretary or in the event of vacancies in both of those offices.

(b) There shall be in the Department a General Counsel and two Under Secretaries, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions and duties as the Secretary shall prescribe from time to time. One of these Under Secretaries shall be specifically designated by the Secretary to bear primary responsibility for energy conservation. The Under Secretaries shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code, and the General Counsel shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

ASSISTANT SECRETARIES

SEC. 203. There shall be in the Department eight Assistant Secretaries, each of whom shall be appointed by the President by and with the advice and consent of the Senate; who shall be compensated at the rate provided for at level IV of the Executive Schedule under section 5315 of title 5, United States Code; and who shall perform such functions as the Secretary shall prescribe from time to time. The functions which the Secretary shall assign to the Assistant Secretaries include but are not limited to the following:

(1) Energy resource applications, including functions dealing with management of all forms of energy production and utilization, such as the fuel allocation and distribution functions, energy technology demonstration and commercialization programs, and management of energy resource leasing procedures on Federal lands.

(2) Energy research and development functions, including the research and development functions transferred to the Department dealing with all forms of energy production and conservation in order to fullfill the responsibilities given to the Secretary in section 207(2) of this Act.

(3) Environmental responsibilities and functions, including advising the Secretary with respect to the conformance of the Department's activities to environmental protection laws and principles, and conducting a comprehensive program of research and development on the environmental effects of energy technologies and programs.

(4) International energy policy functions, including those functions which assist in formulation of international energy policies assigned to the Secretary in section 207(5) of this Act.

(5) National security functions, including those transferred to the Department from the Energy Research and Development Administration in section 301 of this Act, which relate to management and implementation of the nuclear weapons program and other national security functions involving nuclear weapons research and development.

(6) Intergovernmental policies and relations, including responsibilities for assuring that national energy policies are reflective of and responsible to the needs of State and local governments; insuring that other divisions with the Department coordinate the development and implementation with State and local governments where appropriate; and in developing an intergovernmental communications network with State and local governments.

(7) Competition and consumer affairs responsibilities for the promotion of competition in the energy industry and for the protection of the consuming public in the energy regulatory and policymaking processes, including but not limited to assisting the Secretary in the formulation and review of policies, rules, regulations, leases and enforcement actions, acquiring, analyzing and disseminating information relating to competition and consumer affairs.

(8) Nuclear waste management responsibilities, including—

(A) the establishment of control over existing Government facilities for the treatment and storage of nuclear wastes, including all containers, casks, buildings, vehicles, equipment, and all other materials associated with such facilities;

(B) the establishment of control over all existing nuclear waste in the possession or control of the Government and all commercial nuclear waste presently stored or other than the site of a licensed nuclear power electric generating facility, except that title to the nuclear waste shall remain with the owner of such material until otherwise transferred;

(C) the establishment of temporary and permanent facilities for storage, management, and ultimate disposal of nuclear wastes;

(D) the establishment of facilities for the treatment of nuclear wastes;

(E) the establishment of programs for the treatment, management, storage, and disposal of nuclear wastes;

(F) the establishment of fees or user charges for nuclear waste treatment or storage facilities, including fees to be charged Government agencies; and

(G) the promulgation of such rules and regulations to implement that authority granted under this section. *Provided*, That nothing in this section shall be construed as granting to the Department of Energy regulatory functions presently within the Nuclear Regulatory Commission.

(9) Energy conservation functions, including the development of comprehensive energy conservation strategies for the Nation, the planning and implementation of major research and demonstration programs for the development of technologies and processes to reduce total energy consumption, the administration of voluntary and mandatory energy conservation programs and the dissemination to the public of all available information on energy conservation programs and measures.

(10) Power marketing functions, including responsibility for marketing and transmission of Federal power in accordance with applicable statutes regarding the disposition of power generated by Federal agencies.

ENERGY INFORMATION ADMINISTRATION

SEC. 204. (a) (1) There shall be within the Department an Energy Information Administration to be headed by an Administrator who shall be appointed by the President by and with the advice and consent of the Senate and who shall be compensated at the rate provided for in level III of the Executive Schedule under section 5314 of title 5, United States Code. The Administrator shall be a person who, by reason of professional background and experience, is specially qualified to manage an energy information system.

(2) The Administrator shall be responsible for carrying out a central, comprehensive, and unified energy data and information program which will collect, evaluate, assemble and analyze data and information relevant to energy resource reserves, energy production, demand, and technology, and related economic and statistical information, and relevant to the adequacy of energy resources to meet demands in the near and longer term future for the Nation's economic and soical needs.

(b) The Secretary shall delegate to the Administrator (which delegation may be on a nonexclusive basis as the Secretary may determine may be necessary to assure the faithful execution of his authorities and responsibilities under law) the functions vested in him by law relating to gathering and analysis of energy information (as defined in section 11 of the Energy Supply and Environmental Coordination Act of 1974) and the Administrator may act in the name of the Secretary for the purpose of obtaining enforcement of such delegated functions.

(c) In addition to, and not in limitation of the functions delegated to the Administrator pursuant to other subsections of this section, there shall be vested in the Administrator, and he shall perform, the functions assigned to the Director of the Office of Energy Information and Analysis in part B of the Fedral Energy Administration Act of 1974.

(d) (1) The Administrator shall be available to the Congress to provide testimony on such subjects under his authority and responsibility as the Congress may request, including but not limited to, energy information and analyses thereof.

(2) Any request for appropriations for the Department submitted to the Congress shall identify the portion of such request intended for the support of the Administration and a statement of the differences, if any, between amounts requested and the Administrator's assessment of the budgetary needs of the Administration.

(3) Prior to publication, the Administrator may not be required to obtain the approval of any other officer or employee of the United States with respect to the substance of any statistical or forecasting technical reports which he has prepared in accordance with law.

(e) The Energy Information Administration shall be subject to an annual professional audit review of performance as described in section 55 of part B of the Federal Energy Administration Act of 1974.

(f) (1) The Administrator shall promptly provide upon request any energy information or analysis in the possession of the Administration to any duly established committee of the Congress. Such information shall be deemed the property of such committee and may not be disclosed except in accordance with the rules of the House of Representatives or the Senate and as permitted by law.

(2) The Administrator shall promptly provide upon request any energy information or analysis in his possession to any other administration, board, or office within the Department.

(3) Information collected by the Energy Information Administration shall be cataloged and, upon request, any such information shall be promptly made available to the public in a form and manner easily adaptable for public use: Provided, however, That neither the catalog nor the disclosure required by this subsection shall require disclosure of matters—

(A) exempted from mandatory disclosure by section 552(b) of title 5, United States Code; or

(B) the disclosure of which to the public is otherwise prohibited by law.

ECONOMIC REGULATORY ADMINISTRATION

SEC. 205. There shall be within the Department an Economic Regulatory Administration to be headed by an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at a rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code. Such Administrator shall be, by background, training, and experience, an individual who is specially qualified to assess fairly the interest and needs of producers, consumers, and users of energy.

ENERGY REGULATORY BOARD

SEC. 206. (a) There shall be within the Department, an Energy Regulatory Board as described in title IV of this Act. The Chairman and members of the Board shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code. The Chairman and members of the Board shall be, by background, training, and experience, individuals who are specially qualified to assess fairly the interests and needs of producers, consumers, and users of energy.

(b) There shall be vested in the Board those functions transferred by section 402 of this Act.

RESPONSIBILITIES OF THE SECRETARY—GENERAL PROVISIONS

Sec. 207. In carrying out the purposes of this Act the Secretary shall have responsibilities including but not limited to—

(1) Providing leadership in energy in coordinating a comprehensive national energy policy, including making recommendations to the President and Congress for consideration and implementation of energy policies and programs;

(2) Carrying out the planning, coordination, support, and management of a balanced and comprehensive energy research and development program, including—

(A) assessing the requirements for research and development in regard to various energy sources in relation to near-term and long-range needs;

(B) developing priorities necessary to meeting those requirements;

(C) undertaking programs for the optimal development of the various forms of energy production and conservation; and

(D) disseminating information resulting from such programs.

Such functions shall include the development and demonstration of the commercial feasibility, and applications of all phases related to the development and use of energy from fossil, nuclear, solar, geothermal, and other energy technologies. Such resources shall be allocated among such energy technologies in a balanced manner. Appropriate measures shall be taken for the protection of the environment and human safety.

(3) Assuring the availability of adequate and reliable energy information to assist in the formulation of energy policy.

(4) Assuring development of a comprehensive energy conservation program directed toward the goals of reducing total energy consumption to the maximum extent practicable. Such program should incorporate the necessary research, development, and demonstration components, together with programs authorized by law for developing and implementing equitable voluntary and mandatory energy conservation programs, and making available to the public information on all energy conservation technologies and available measures.

(5) establishing and implementing, in coordination with the Secretaries of State, Treasury, and Defense, policies regarding international energy issues that have a direct impact on research, development, utilization, supply, and conservation of energy in the United States, and undertaking activities involving the integration of domestic and foreign policy relating to energy, including provision of independent technical advice to the President on international negotiations involving energy resources, energy technologies, or nuclear weapons issues: Provided, That the Secretary of State will continue to exercise primary authority for the conduct of foreign policy relating to energy and nuclear nonproliferation, pursuant to policy guidelines established by the President.

(6) Developing effective procedures for participation of regional, State, and local governments in the resolution of energy problems and development of related policies.

(7) Developing plans and programs for dealing with domestic energy production and import shortages.

(8) Promoting free and open competition in all aspects of the energy field, assuring a fair and equitable price for consumers of energy products, and providing for fair and reasonable profits within the various segments of the energy industry.

(9) Working with business, labor, consumer, and other interests to obtain their participation and their cooperation in the development and implementation of energy programs, including, when appropriate, the holding of informal public hearings.

(10) Administering the functions of the Energy Research and Development Administration related to nuclear weapons and national security which are transferred to the Department by this Act, and

(11) Consulting with the heads of other Federal departments and agencies in order to determine the energy requirements of the Government, and in order to encourage them to establish and observe policies consistent with a coordinated energy policy, and in order to promote maximum possible priority in all the Federal agencies and departments of energy conservation measures in connection with the activities within their respective jurisdictions.

STATUTES

Sec. 208. (a) In carrying out his duties, responsibilities, and functions under this Act, the Secretary shall be governed by all applicable statutes, including the policy, standards, purposes, and responsibilities set forth in the Emergency Petroleum Allocation Act of 1973; the Natural Gas Act; the Federal Power Act; the National Environmental Policy Act of 1969; the Energy Policy and Conservation Act; the Energy Conservation and Production Act; the Energy Supply and Environmental Coordination Act of 1974; the Federal Energy Administration Act of 1974; the Energy Reorganization Act of 1974; the Federal Non-nuclear Energy Research and Development Act of 1974; and other statutes governing functions transferred to the Department.

(b) Except as provided in section 301 of this Act and notwithstanding any other provisions of this title, or any other provision of law, nothing in this title shall be construed as changing or otherwise impinging upon or affecting any provision of the Alaska Natural Gas Transportation Act of 1976.

COMPTROLLER GENERAL FUNCTIONS

Sec. 209. The duties and authorities of the Comptroller General of the United States under section 12 of the Federal Energy Administration Act of 1974 shall apply with respect to the monitoring and evaluation of all functions and activities of the Department under this Act or any other Act administered by the Department.

TITLE III—TRANSFERS OF FUNCTIONS

GENERAL TRANSFERS

Sec. 301. Except as otherwise provided in this Act, there are hereby transferred to and vested in the Secretary all of the functions vested by law in the Administrator of the Federal Energy Administration or the Federal Energy Administration, the Administrator of the Energy Research and Development Administration or the Energy Research and Development Administration, and the Federal Power Commission or the Chairman and members of the Commission; and the functions vested by law in the officers and components of either such Administration or in the Commission.

TRANSFERS FROM THE DEPARTMENT OF INTERIOR

Sec. 302. (a) There are hereby transferred to and vested in the Secretary all functions and authorities of the Secretary of the Interior under section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and all other functions and authorities of the Secretary of the Interior, and officers and components of the Department of the Interior, with respect to—

(1) the Southeastern Power Administration;

(2) the Southwestern Power Administration;

(3) the Alaska Power Administration;

(4) the Bonneville Power Administration including but not limited to the authority contained in the Bonneville Project Act of 1937 (50 Stat. 731), as amended, and the Federal Columbia River Transmission System Act (88 Stat. 1376);

(5) the power marketing functions of the Bureau of Reclamation including the construction, operation, and maintenance of transmission lines and attendant facilities; and

(6) the transmission and disposition of the electric power and energy generated at Falcon Dam and Amistad Dam, international storage reservoir projects on the Rio Grande, pursuant to the Act of June 18, 1954, as amended by the Act of December 23, 1963.

(b) The Southeastern Power Administration, the Southwestern Power Administration, the Bonneville Power Administration, and the Alaska Power Administration shall be preserved as separate and distinct organizational entities within the Department; shall each be headed by an Administrator appointed by the Secretary at an Executive Schedule level or a General Schedule grade not less than the level or grade for the chief executives officer of each such administration in effect on the effective date of this Act. The functions and authority hereby transferred to the Secretary shall be exercised by the Secretary, acting by and through such Administrators. Each such Administrator shall maintain his principal office at a place located in the region served by his respective Federal power marketing entity.

(c) There is hereby created a separate and distinct Administration within the Department of Energy which shall be headed by an Administrator appointed by the Secretary who shall serve at an Executive Schedule level not less than the level held by the Bonneville Power Administrator on the effective date of this Act; the functions and authority transferred in paragraph (a)(5) or (a)(6) of this section shall be exercised by the Secretary, acting by and through such Administrator; and the Administrator shall establish and shall maintain such regional offices as necessary to facilitate the performance of such functions.

(d) There are hereby transferred to and vested in the Secretary all functions of the Secretary of the Interior to establish production rates for all Federal leases.

(e) There are hereby transferred to and vested in the Secretary all functions of the Secretary of the Interior to promulgate regulations under the following provisions of law:

(1) Section 5(a)(1) of the Outer Continental Shelf Lands Act (67 Stat. 468; 43 U.S.C. 1334(a)(1)), insofar as it authorizes the promulgation of regulations:

(A)(i) specifying procedures, terms and conditions for the acquisition and disposition of Federal royalty interests taken in kind under the last sentence of section 5(a)(1) and sections 6(a)(8), 8(a), and 8(b) of such Act;

(ii) implementing competitive bidding and alternative bidding systems under sections 8(a) and 8(e) of such Act;

(iii) establishing diligence requirements and setting rates of production under section 5(a)(1) (insofar as it provides for the suspension of operations and production), section 6(a)(10) (insofar as it requires production or operations or drilling), and section 8(b) (insofar as it requires production in paying quantities, drilling or well reworking) of such Act; and, in addition,

(iv) promoting development and production by the reduction of rentals and royalties under the last sentence of section 5(a)(1) of such Act; and

(B) insofar as section 5(a)() of such Act relates to economic terms and conditions of leases reflected in—

(i) fostering competition for Federal leases including, but not limited to, (I) prohibition on bidding for development rights by certain joint ventures; (II) setting rates on royalty and other types of receipts from leases; and (III) procedures to enhance competition at lease sales;

(ii) implementing alternative bidding systems authorized for award of Federal leases including, but not limited to, experiments on bidding systems;

(iii) establishing diligence requirements for operations conducted on Federal leases (including unitized leases), including, but not limited to, procedures relating to the granting or ordering by the Secretary of the Interior of suspensions of operations or production or the cancellation of leases as they relate to such diligence requirements;

(iv) setting rates of production for Federal leases (including unitized leases), including, but not limited to, establishing procedures for requiring a lessce to produce at a specified rate, and establishing rates of minimum production; and

(v) specifying the procedures, terms and conditions for the acquisition and disposition of Federal royalty interests taken in kind; and

(2) Sections 17, 21, and 32 of the Mineral Lands Leasing Act, insofar as they authorize the promulgation of regulations—

(A) implementing competitive bidding systems, including the creation of alternative bidding systems, under—

(i) section 2(a)(1) of such Act (insofar as it authorizes the awarding of leases by competitive bidding);

(ii) section 7(a) of such Act (insofar as it provides for setting royalty rates); and

(iii) section 17(b) of such Act (insofar as it authorizes leasing by competitive bidding and the setting of royalty rates);

(B) limiting the number of leases and the amount of acreage under lease under sections 21, 27(a)(1), and 27 (d), (e), and (f) of such Act;

(C) setting rates of production under sections 2(d)(2), 7(b) (insofar as it relates to the condition of continued operation), 17 (e) and (f) of such Act (insofar as they relate to the condition of production in paying quantities);

(D) limiting leasing by common carriers under section 2(c) of such Act;

(E) with respect to consulting with and considering the advice of the Attorney General of the United States concerning the issuance of regulations and the issuance, renewal, or readjustment of leases under section 27(l) of such Act;

(F) establishing diligence requirements under sections 2(a)(2)(A), 2(d)(2), 7(a) (insofar as it requires production in commercial quantities), 7(b) (insofar as it requires diligent development), 17(e) (insofar as it requires drilling operations), 17(f) (insofar as it provides for reworking or drilling operations), and section 21 (insofar as it relates to productive development) of such Act;

(G) for the purpose of encouraging the greatest ultimate recovery, waiving, suspending, or reducing the rentals or minimum royalties, or reducing the royalties, in order to promote development or the successful operation of leases under section 39 of such Act;

(H) specifying the procedures, terms, and conditions for the acquisition and disposition of Federal royalty interests taken in kind under such sections 17 (b) and (c), and section 36 of such Act;

(I) and as sections 17, 21, and 32 relate to economic terms and conditions of leases reflected in the regulatory authorities enumerated in subsection 302(e)(1)(B) of this Act;

(3) Section 10 of the Mineral Leasing Act for Acquired Lands (61 Stat. 915; 30 U.S.C. 359) insofar as it authorizes the promulgation of regulations described in subsection 302(e)(2) of this Act; and

(4) Sections 4 and 24 of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1573; 30 U.S.C. 1003, 1023) insofar as they authorize the promulgation of regulations:

(A)(i) implementing competitive bidding and alternative bidding systems under section 4 of such Act;

(ii) limiting the amount of acreage under lease under the second and third sentences of section 7 of such Act;

(iii) establishing diligence requirements under the first sentence of section 6(c) (insofar as it requires actual drilling operations), sections 11 and 24(e) (insofar as they provide for suspension of operations and production upon application by the lessee), and section 24(h) (insofar as it provides for maintenance by the lessee of an active development program) of such Act;

(iv) setting rates of production under section 6 (insofar as it requires production or utilization in commerical quantities) of such Act;

(v) to encourage the greatest ultimate recovery, waiving, suspending, or reducing rentals or royalties, to promote development or successful operation of leases under sections 13 and 24(e) of such Act;

(B) and as sections 4 and 24 of such Act relate to economic terms and conditions of leases reflected in the regulatory authorities enumerated in subsection 302(e)(1)(B) of this Act; and

(5) sections 105 and 106 of the Energy Policy and Conservation Act (89 Stat. 871).

(f) There are hereby transferred to and vested in the Secretary those functions of the Secretary of the Interior, the Department of the Interior, and officers and components of that Department under the Act of May 16, 1910, and other authorities, exercised by the Bureau of Mines, relating to fuel supply and demand analysis and data gathering related thereto. The Secretary, acting through the provisions of the Federal Nonnuclear Energy Research and Development Act of 1974, is authorized to undertake such research and development relating to energy mineral extraction technologies and coal preparation and analysis which he determines are essential to support the programs of the Department and which are not being performed by the Department of the Interior.

ADMINISTRATION OF LEASING TRANSFERS

SEC. 303. (a) The Secretary of the Interior shall retain any authorities not transferred under subsection 302(e) of this Act and shall be solely responsible for the issuance and supervision of leases and the enforcement of all regulations applicable to the leasing of mineral resources, including but not limited to, lease terms and conditions and production rates. No regulation issued by the Secretary shall restrict or limit any authority retained by the Secretary of the Interior under subsection 302(e) of this Act with respect to the issuance or supervision of leases. Nothing in subsection 302(e) of this Act shall be construed to transfer a responsibility of the Secretary of the Interior as trustee for Indian lands and resources.

(b) In exercising the authority under subsection 302(e) of this Act to issue regulations, the Secretary shall consult with the Secretary of the Interior during the preparation of such regulations and shall afford the Secretary of the Interior thirty days, prior to the date on which the Department first publishes or otherwise prescribes regulations, to comment on the content and effect of such regulations.

(c)(1) The Secretary of the Interior shall afford the Secretary thirty days, prior to the date on which the Department of the Interior first publishes or otherwise prescribes the terms and conditions on which a lease will be issued, to disapprove any term or condition of such lease which relates to any matter with respect to which the Secretary has authority to issue regulations under subsection 302(e) of this Act. No such term or condition may be included in such a lease if it is disapproved by the Secretary. The Secretary and the Secretary of the Interior may by agreement define circumstances under which a reasonable opportunity of less than thirty days may be afforded the Secretary to disapprove such terms and conditions.

(2) Where the Secretary disapproves any lease, term, or condition under paragraph (1) of this subsection he shall furnish the Secretary of the Interior with a detailed written statement of the reasons for his disapproval, and of the alternatives which would be acceptable to him.

(d) There is established a Leasing Liaison Committee (hereinafter referred to in this subsection as the "Committee") which shall be composed of an equal number of members from among the relevant employees of the Department and the Department of the Interior. The Chairman shall be an officer of the Department designated as Chairman by the President, and a Cochairman shall be designated from the Department of the Interior. The Committee shall provide a mechanism for a full consultation on leasing needs, the establishment of long-term energy leasing goals, energy resources on the public lands, and any other information relevant to leasing decisions and procedures, between the Department and the Department of the Interior, in order to assure that leasing procedures and decisions are fully coordinated, and are designed and implemented in a manner satisfactory to the Secretary and the Secretary of the Interior. The Committee shall obtain from the Department and from the Department of the Interior such information as is necessary to keep the Committee fully and currently informed on matters with regard to Federal leasing relating to energy resources. The Committee shall have authority to make recommendations to the Secretary or the Secretary of the Interior on the matters under the respective jurisdictions of each such Secretary related to Federal energy resource leasing. If the Secretary or the Secretary of the Interior conclude that the action or the failure to act on the part of such other Secretary on matters thus recommended is adverse to its responsibilities, the matter may be referred to the President for resolution.

(e) As used in section 302 of this Act, "Federal lease" means an agreement which, for any consideration, including but not limited to, bonuses, rents, or royalties conferred and covenants to be observed, authorizes a person to explore for, or develop, or produce oil and gas, coal, oil shale, tar sands, and geothermal resources on lands or interests in lands under Federal jurisdiction.

(f) The Department of the Interior shall be the lead agency for the purpose of preparation of an environmental impact statement required by Section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) for any action with respect to the Federal leases taken under the authority of this section, unless the action involves matters within the exclusive authority of the Secretary.

TRANSFERS FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 304 (a) There is hereby transferred to and vested in the Secretary the authority vested in the Secretary of Housing and Urban Development pursuant to section 304 of the Energy Conservation Standards for New Building Act of 1976 (42 U.S.C. 6833), to develop and promulgate energy conservation standards for new buildings. The Secretary of Housing and Urban Development shall provide the Secretary with any necessary technical assistance in the development of such standards. All other responsibilities, pursuant to title III of the Energy Conservation and Production Act, shall remain with the Secretary of Housing and Urban Development: Provided, That the Secretary is kept fully and currently informed of the implementation of the promulgated standards.

(b) There is hereby transferred to and vested in the Secretary the authority vested in the Secretary of Housing and Urban Development pursuant to section 509 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–8.)

COORDINATION WITH THE DEPARTMENT OF TRANSPORTATION

SEC. 305. Section 502 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002) is amended at the end thereof by adding the following new subsections:

"(g) The Secretary shall consult with the Secretary of Energy in carrying out his responsibilities under this section. The Secretary shall, before issuing any notice purposing to establish an average fuel economy standard under subsection (a) or (b) of this section or reduce or amend such a standard under subsection (d) or (f) of this section, provide the Secretary of Energy with a period of not less than five days from the receipt of the notice during which the Secretary of Energy may, upon concluding that the proposed standard would adversely affect the conservation goals set by the Secretary of Energy, provide written comments to the Secretary concerning the impacts of the proposed standard upon those goals. To the extent that the Secretary does not revise the proposed standard to take into account any comments by the Secretary of Energy regarding the level of the proposed standard, the Secretary shall include the unaccommodated comments in the notice.

"(h) The Secretary shall, before taking action on any final standard under this section or any modification of or exemption from such standard, notify the Secretary of Energy and provide such Secretary with a reasonable period of time to comment thereon. If the Secretary of Energy concludes that action or the failure to act on the part of the Secretary on any such matter would be adverse to the conservation responsibilities of the Secretary of Energy, the Secretary of Energy may refer the matter to the President for resolution.".

TRANSFERS FROM THE INTERSTATE COMMERCE COMMISSION

SEC. 306. There are hereby transferred to and vested in the Secretary such functions and authorities as are set forth in the Interstate Commerce Act (chapter I, title 49, United States Code), and vested by law in the Interstate Commerce Commission or the Chairman and members thereof, as relate to transportation of oil by pipeline.

TRANSFERS FROM THE DEPARTMENT OF THE NAVY

SEC. 307. There are hereby transferred to and vested in the Secretary all functions vested by chapter 641 of title 10, United States Code, in the Secretary of the Navy as they relate to the administration of and jurisdiction over—

(1) Naval Petroleum Reserve Numbered 1 (Elk Hills), located in Kern County, California, established by Executive order of the President, dated September 2, 1912;

(2) Naval Petroleum Reserve Numbered 2 (Buena Vista), located in Kern County, California, established by Executive order of the President, dated December 13, 1912;

(3) Naval Petroleum Reserve Numbered 3 (Teapot Dome), located in Wyoming, established by Executive order of the President, dated April 30, 1915;

(4) Oil Shale Reserve Numbered 1, located in Colorado, established by Executive order of the President, dated December 6, 1916, as amended by Executive order dated June 12, 1919;

(5) Oil Shale Reserve Numbered 2, located in Utah, established by Executive order of the President, dated December 6, 1916; and

(6) Oil Shale Reserve Numbered 3, located in Colorado, established by Executive order of the President, dated September 27, 1974. In the administration of any of the functions transferred and vested in the Secretary by this section the Secretary shall consider national security.

TRANSFERS FROM THE DEPARTMENT OF COMMERCE

SEC. 308. There are hereby transferred to and vested in the Secretary all functions of the Secretary of Commerce, the Department of Commerce, and officers and components of that Department, as relate to or utilized by the Office of Energy Programs, but limited to industrial energy conservation programs, specifically, industry association programs, business awareness programs, and technology liaison programs.

NAVAL REACTOR PROGRAM

SEC. 309. The Division of Naval Reactors established pursuant to section 25 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2035), and responsible for research, design, development, health, and safety matters pertaining to naval nuclear propulsion plants and assigned civilian power reactor programs is transferred to the Department under the Assistant Secretary to whom the Secretary has assigned those functions listed in section 203(2).

DEFINITIONS

SEC. 310. As used in this Act (1) references to "function" or "functions" shall be deemed to include reference to any duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plural thereof, as the case may be; and (2) references to "perform," when used in relation to functions, shall be deemed to include the undertaking, fulfillment, or execution of any duty or obligation; and the exercise of power, authority, rights, and privileges.

TITLE IV—ENERGY REGULATORY BOARD

APPOINTMENT AND ADMINISTRATION OF BOARD

SEC. 401. (a) The Energy Regulatory Board (hereinafter referred to in this title as the "Board") established by title II shall be comprised of three members appointed by the President by and with the advice and consent of the Senate. One of the members shall be designated by the President as Chairman. Members shall hold office for a term of four years and may be removed by the President only for inefficiency, neglect of duty, or malfeasance in office. The terms of the members first taking office shall expire (as designated by the President at the time of appointment), one at the end of two years, one at the end of three years, and one at the end of four years. Not more than two members of the Board shall be members of the same political party. Upon the expiration of his term of office, a member shall continue to serve until his successor is appointed and shall have qualified. In the event of any vacancy on the Board, the President shall make an appointment by and with the advice and consent of the Senate for the unexpired balance of the term.

(b)(1) Subject to such rules and regulations as may be adopted by the Board, the Chairman of the Board is authorized to—

(A) appoint such hearing examiners as he deems necessary to assist in the performance of the Board's functions and to fix their compensation in accordance with the provisions of title 5, United States Code: *Provided*, That assignment, removal, and compensation of such hearing examiners shall be in accordance with sections 3105, 3314, 5302, and 7521 of title 5, United States Code. The hearing examiners appointed pursuant to this section shall be subject to the laws governing employees in the classified civil service, except that appointments shall be made without regard to section 5108 of title 5, United States Code.

(B) appoint and fix the compensation of such staff personnel as he deems necessary, including an executive director, and

(C) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

(2) The Chairman of the Board shall exercise the executive and administrative functions of the Board with respect to—

(A) the supervision of personnel employed by or assigned to the Board, except that each member of the Board may select and supervise personnel for his personnel staff,

(B) the distribution of business among personnel and among administrative units of the Board, and

(C) the use and expenditure of funds appropriated or made available to the Board.

(c) In the performance of their functions, the members, employees, or other personnel of the Board shall not be responsible to or subject to the supervision or direction of any officer, employee, or agent of any other part of the Department.

(d) The Chairman of the Board may from time to time designate any other member of the Board as Acting Chairman to act in the place and stead of the Chairman during his absence. The Chairman (or the Acting Chairman in the absence of the Chairman) shall preside at all sessions of the Board and a quorum for the transaction of business shall consist of at least two members present. Each member of the Board, including the Chairman, shall have one vote. Actions of the Board shall be determined by a majority vote of the members present. The Board shall have an official seal which shall be judicially noticed.

(e) The Board is authorized to establish such procedural and administrative rules consistent with the provisions of this section are as necessary to the exercise of its functions.

(f) In carrying out its functions, the Board shall have the same powers as are vested in the Secretary to hold hearings, sign and issue subpenas, administer oaths, examine witnesses, and receive evidence at any place in the United States it may designate.

(g) The principal office of the Board shall be in or near the District of Columbia, where its general sessions shall be held; but the Board may sit anywhere in the United States.

(h) For the purpose of section 552b of title 5, United States Code, the Board shall be deemed to be an agency. Except as provided in section 518 of title 28, United States Code, relating to litigation before the Supreme Court, attorneys designated by the Chairman of the Board may appear for and represent the Board in any civil action brought in connection with any function carried out by the Board pursuant to this or any other Act.

(i) To insure adequate funding of the Board and to facilitate congressional oversight of the Board's regulatory activities, the Board shall concurrently submit its budget estimates and requests to Congress and to the Department. Each such estimate or request shall reflect the independent judgment of the Board. Appropriations requested by the Department for each fiscal year shall identify that portion of the request intended for the Board and shall contain a statement of differences, if any, between the amounts requested by the Board and the amounts subsequently designated by the Department for the Board.

SEC. 402. (a) The Board shall have jurisdiction over any regulatory function of the Federal Power Commission or of any member of the Commission or any officer or component of the Commission transferred to the Secretary under section 301 of this Act, involving an adjudicatory or rulemaking procedure where the regulatory function—

(1) establishes rates and charges for the first sale of natural gas by a producer or gatherer to a natural gas pipeline; or

(2)(A) directly establishes rates and charges for sale of electric energy at wholesale in interstate commerce under part II of the Federal Power Act, or directly establishes rates and charges for the transportation and sale of natural gas by a natural gas pipeline under the Natural Gas Act, other than rates and charges described in paragraph (1) of this subsection; or

(B) consists of issuing a certificate of public convenience and necessity for a natural gas pipeline, including abandonment of facilities or service under section 7 of the Natural Gas Act.

(b) The Board shall have jurisdiction to promulgate a rule in connection with any amendment to the regulation required by section 4(a) of the Emergency Petroleum Allocation Act of 1973 which is required by sections 8 and 12 of said Act to be transmitted to and reviewed by each House of Congress under section 551 of the Energy Policy and Conservation Act.

(c) The Board shall have jurisdiction to hear and adjudicate matters transferred to the Secretary under section 306 of this Act from the Interstate Commerce Commission or any member of the Commission or any officer or component of the Commission.

(d) The Board shall have jurisdiction to hear and determine any other matter arising under any other function of the Secretary—

(1) involving any agency determination required by law to be made on the record after an opportunity for an agency hearing; or

(2) involving any other agency determination which the Secretary determines shall be made on the record after an opportunity for agency hearing.

(e) In addition to the other provisions of this section, the Board shall have jurisdiction over any other matter which the Secretary may assign to the Board.

(f) No functions described in this section which relate to exports or imports of natural gas or electricity, or curtailments under section 4, 5, or 7 of the Natural Gas Act, or the authority vested in th_ Secretary by section 302(e)(5) of this Act shall be within the jurisdiction of the Board unless the Secretary so assigns such functions to the Board.

INITIATION OF PROCEEDINGS

SEC. 403. (a) To the extent authorized by this section or by other law the Secretary or the Board is authorized to propose rules pursuant to the procedures in section 501 relating to any function specified in section 402 of this Act. Any matter which relates to any regulatory function exercised by the Board that involves rulemaking procedures shall be subject to the procedures established in subsection (b) of this section, and to any procedures specified in title 5, United States Code, not inconsistent with this Act.

(b) The Board shall consider any proposal made under subsection (a) of this section, and shall take final action on it in an expeditious manner. The Secretary is authorized to direct the Board to give priority to any particular rulemaking proceeding. The Secretary may set reasonable time limits for the completion of action by the Board on any particular rulemaking proceeding which shall not exceed ninety days unless the Secretary specifies otherwise. The Board shall give priority to a rulemaking proceeding on a matter proposed by the Secretary under subsection (a) of this section over any actual or contemplated adjudicatory proceeding on the same matter.

(c) Any function described in section 402(a) of this Act transferred to the Secretary by section 301 of this Act which relates to the establishment of rates and charges under the Federal Power Act or the Natural Gas Act, may be conducted by rulemaking procedures pursuant to section 501 of this Act, except as provided in subsection (d) of this section.

(d)(1) Any matter described in section 402(a)(2)(A) and 402(a)(2)(B) of this Act required by agency rule on the date of enactment of this Act to be decided on the record after an opportunity for an agency hearing shall continue to be decided on the record after an opportunity for an agency hearing until at least six months following transmission of the report required by paragraph 3 of this subsection, or January 1, 1979, whichever is later.

(2) The Secretary shall conduct a study of procedures utilized in connection with any matter described in paragraph (1), and shall transmit such study to the Congress no later than April 1, 1978. Such study shall include proposals, if any, designed to improve the procedures utilized to carry out such functions while insuring that due process for participants before the Board is maintained and shall include justification for any proposed changes.

(e) To the extent authorized by law, the Secretary or the Board is authorized, in connection with any regulatory function described in section 402 of this Act, to initiate a proceeding to be determined on the record after an opportunity for an agency hearing.

REVIEW OF BOARD ACTIONS

SEC. 404. (a) The decision of the Board involving any function within the jurisdiction of the Board, other than a decision on a function described in subsection (b) or subsection (c) of this section, shall be final agency action within the meaning of section 704 of title 5, United States Code, and shall not be subject to further review by the Secretary or any officer or employee of the Department.

(b) Any decision on a rule, regulation, or order by the Board involving any regulatory function described in section 402(a)(1) of this Act that is made by rulemaking procedure shall be considered final agency action unless within ten days of such action the President finds that the action taken by the Board would be inconsistent with implementation of the Nation's energy policies, and disapproves the action on such grounds. Such disapproval shall include a written explanation of the basis of the action taken by the President.

(c) Any decision on a rule, regulation, or order by the Board involving any regulatory function described in section 402(b) of this Act shall be the proposal transmitted to the Congress pursuant to section 551 of the Energy Policy and Conservation Act unless within ten days of such action the President finds that the action taken by the Board would be inconsistent with implementation of the Nation's energy policies, and disapproves the action on such grounds. Such disapproval shall include a written explanation of the basis of the actions taken by the President.

ACTIONS BY SECRETARY

SEC. 405. (a) Subject to the provisions of sections 402 of this Act, the Secretary may issue, make, amend, and rescind rules, regulations, and statements of policy of general applicability concerning any function transferred to the Secretary under section 301 of this Act.

(b) Whenever the Secretary proposes an action described in subsection (a) of this section which the Board determines may significantly affect any function administered by the Board pursuant to section 402 of this Act, the Secretary shall provide the Board with a minimum period of thirty days to consider and comment on such proposal. The Secretary shall take into account any comments received from the Board pursuant to this subsection before taking such action. If such action by the Secretary is inconsistent in any way with the comments of the Board, the Secretary, when taking such action, shall publicly state the grounds for such inconsistency.

(c) The Secretary may as of right intervene or otherwise participate in any proceeding before the Board. The Secretary shall comply with rules of procedure of general applicability governing the timing of intervention or participtaion in such proceeding or activity and, upon intervening or participating therein, shall comply with rules of procedure of general applicability governing the conduct thereof. The intervention or participation of the Secretary in any proceeding or activity shall not affect the obligation of the Board to assure procedural fairness to all participants.

REVIEW OF REQUESTS FOR ADJUSTMENTS

SEC. 406. (a) The Secretary or any officer designated by him shall provide for the making of such adjustments to rules, regulations or orders under the Emergency Petroleum Allocation Act of 1973, the Energy Supply and Environmental Coordination Act of 1974, or the Energy Policy and Conservation Act, consistent with the other purposes of the relevant Act, as may be necessary to prevent special hardship, inequity, or unfair distribution of burdens, and shall, by rule, establish procedures which are available to any person for the purpose of seeking an interpretation, modification, rescission, or order.

(b) If any person is aggrieved or adversely affected by a denial of a request for adjustment under subsection (a), he may request a review of such denial by the Board and may obtain judicial review thereof, if such denial is affirmed by the Board, in accordance with chapter 7 of title 5, United States Code. The Board shall, by rule, establish procedures including a hearing when requested, for review of any such denial. Action shall be by the Board under this section and shall be considered final agency action within the meaning of section 704 of title 5, United States Code, and shall not be subject to further review by the Secretary or any officer or employee of the Department.

TITLE V—ADMINISTRATIVE PROCEDURES AND JUDICIAL REVIEW

PROCEDURES

SEC. 501. (a) Subject to the other requirements of this section, the provisions of subchapter II of chapter 5 of title 5, United States Code, shall apply in accordance with its terms to any rule, regulation, or order issued pursuant to authority vested by law in or delegated to the Secretary, or required by this Act or any other Act to be carried out by the Energy Regulatory Board or by any other officer, employee, or component of the Department, including any such rule, regulation, or order of a State or local government agency or officer thereof, issued pursuant to authority delegated by the Secretary.

(b)(1) In addition to the requirements of subsection (a) of this section, notice of any proposed rule or regulation shall be given by publication of such proposed rule or regulation in the Federal Register. Such publication shall be accompanied by a statement encompassing, to the degree necessary, the research, analysis, and other information in support of the need for and the probable effect of any such proposed rule or regulation. Other means of publicity shall be utilized as may be rasonably calculated to notify concerned or affected parties of the nature and probable effect of any such proposed rule or regulation. In each case, a minimum of thirty days following such publication shall be provided for opportunity to comment; except that the requirements of this subsection as to time of notice and opportunity to comment may be waived where strict compliance is found to cause serious harm or injury to the public health, safety, or welfare, and such finding is set out in detail in such rule or regulation. In addition, public notice of all rules or regulations described in subsection (a) which are promulgated by officers of a State or local government agency shall be achieved by publication of such rules or regulations in at least two newspapers of statewide circulation. If such publication is not practicable, notice of any rule or regulation shall be given by such other means as the officer promulgating such rule or regulation determines will assure wide public notice.

(c)(1) Where the Secretary or the Board determines in connection with the proposed rulemaking that there is no substantial and genuine issue the proposed rule may be promulgated in accordance with section 553 of title 5, United States Code. If there is a substantial and genuine issue, an opportunity for oral presentation of views, data, and arguments shall be provided.

(2) Any person who would be adversely affected by the implication of a proposed rule or regulation carried out pursuant to paragraph (1) who desires an opportunity for oral presentation of views shall offer evidence supporting the existence of an adverse impact and substantial and genuine issue.

(3) Following the notice and comment period, including any oral presentation required by this subsection the Secretary or the Board may promulgate a rule if it is accompanied by an explanation responding to the major comments, criticisms, and alternatives offered during the comment period. These requirements may be suspended and satisfied subsequent to the promulgation of the rule or regulation upon a finding by the Secretary or the Board that an emergency exists requiring the immediate implementation of any such rule or regulation.

(d)(1) With respect to any rule or regulation promulgated by the Board to establish rates and charges for the first sale of natural gas by a producer or gatherer to a natural gas pipeline under the Natural Gas Act, the Board shall, in addition to the other requirements of this section, afford any interested person a reasonable opportunity to submit written questions with respect to disputed issues to other interested persons participating in the rulemaking. The Board shall have the authority to establish a reasonable time for both the submission of questions and responses thereto.

(2) Nothing in paragraph (1) shall prohibit the Board from utilizing procedural safeguards in addition to those required by paragraph (1).

(3) The requirements of this subsection shall not apply to the promulgation of rules or regulations which are required by law to be presented to the Congress under the Energy Policy and Conservation Act, Emergency Petroleum Allocation Act of 1973, or the Energy Reorganization Act of 1974.

(e)(1) With respect to any rule or regulation the effects of which, except for indirect effects of an inconsequential nature, are confined to—

(A) a single unit of local government or the residents thereof:

(B) a single geographic area within a State or the residents thereof; or

(C) a single State or the residents thereof; the Secretary or the Board shall, in any case where appropriate, afford an opportunity for a hearing or the oral presentation of views and provide procedures for the holding of such hearing or oral presentation within the boundaries of the unit of local government, geographic area, or State described in paragraphs (A) through (C) of this paragraph as the case may be.

(2) For purposes of this subsection—

(A) the term "unit of local government" means a county, municipality, town, township, village, or other unit of general government below the State level; and

(B) the term "geographic area within a State" means a special purpose district or other region recognized for governmental purposes within such State which is not a unit of local government.

(3) Nothing in this subsection shall be construed as requiring a hearing or an oral presentation of views where none is required by this section.

(f)(1) Judicial review of agency action taken under any law the function of which are transferred to the Secretary or the Board by this Act shall, notwithstanding such transfer, be made in the manner specified in such law.

(2) Notwithstanding the amount in controversy, the district courts of the United States shall have exclusive original jurisdiction of all other cases or controversies arising under this Act, or under rules, regulations, or orders issued exclusively thereunder, except any actions taken to implement or enforce any rule, regulation, or order by any officer of a State or local government agency under this Act: *Provided*, That in this section affects the power of any court of competent jurisdiction to consider, hear, and determine in any proceeding before it any issue raised by way of defense (other than a defense based on the unconstitutionality of this Act or the validity of action taken by any agency under this Act). If in any such proceeding an issue by way of defense is raised based on the unconstitutionality of this Act or the validity of agency action under this Act, the case shall be subject to removal by either party to a district court of the United States in accordance with the applicable provisions of chapter 89 of title 28, United States Code. Cases or controversies arising under any rule, regulation, or order of any officer of a State or local government agency may be heard in either (1) any appropriate State court, or (2) without regard to the amount in controversy, the district courts of the United States.

(3) The Secretary may, by rule, prescribe procedures for State or local government agencies authorized by the Secretary to carry out such functions as may be permitted under applicable law. Such procedures shall apply to such agencies in lieu of section 501, and shall require that prior to taking any action, such agencies shall take steps reasonably calculated to provide notice to persons who may be affected by the action, and shall afford an opportunity for presentation of views (including oral presentation of views where practicable) a reasonable time before taking the action.

(4) Subject to the provisions of section 401 of this Act, and notwithstanding any other law, the litigation of the Department shall be subject to the supervision of the Attorney General pursuant to chapter 31 of title 28, United States Code.

TITLE VI—ADMINISTRATIVE PROVISIONS

DIVESTITURE OF ENERGY HOLDINGS BY SUPERVISORY OFFICIALS

SEC. 601. (a) For the purposes of this section, the following officers or employees of the Department are supervisory employees—

(1) an individual compensated at grade of GS-16 or above under section 5332 of title 5, United States Code; or

(2) any other individual who, in the judgment of the Secretary, exercises sufficient decisionmaking authority so that the provisions of this section should apply to such individual;

(3) the Director or Deputy Director of any State, regional, district, local, or other field office maintained pursuant to section 610 of this Act;

(4) an individual serving within the Energy Information Administration, the Economic Regulatory Administration, or the Energy Regulatory Board, classified as GS-16 or above under section 5322 of title 5 of the United States Code; or

(5) an employee or officer who has responsibility with respect to the award, review, modification, or termination of any grant, contract, reward, or fund transfer within the authority of the Secretary.

(b)(1) No supervisory employee shall receive compensation from, or hold any official relation to, any person, firm, association, or corporation significantly engaged in the production, generation, transmission, distribution, or sale of electric power, petroleum or petroleum products, natural gas, coal, solar, nuclear technology, equipment or material, minerals, or other energy related source or resource, or own stocks or bonds thereof, or have any pecuniary interest therein.

(2) Personnel transferred to the Department pursuant to section 801 of this Act shall have six months to comply with the provisions of paragraph (1) of this subsection with respect to prohibited property holdings. Any person transferred pursuant to section 801 of this Act shall notify the Secretary or his designee of all circumstances which would be violative of the restrictions set forth in paragraph (1) of this subsection not later than fifteen days after the date of such transfer as determined by the United States Civil Service Commission.

(3) Where exceptional hardship would result, or where the interest is vested, the Secretary is authorized to waive the requirements of this subsection with respect to any person covered. Such waiver shall be:

(A) published in the Federal Register;

(B) contain a finding by the Secretary that exceptional hardship would result; and

(C) indicate the steps taken by the Secretary to minimize conflict of interest and the appearance of conflict of interest.

Such waiver shall in no instance constitute a waiver of the requirements of section 208 of title 18, United States Code.

FULL PUBLIC DISCLOSURE

SEC. 602. (a) Each officer and employee of the Department who, for a period in excess of ninety days in a calendar year is a supervisory employee (as defined in section 601(a) of this Act), shall file a Public Financial Disclosure Report (hereinafter referred to in this section as the "report") with the Secretary for such calendar year not later than May 15, of the next year.

(b) Each report shall be in such form and manner as the Secretary shall by rule prescribe and shall disclose the information required to be disclosed by Members or employees of Congress pursuant to the rules of the Senate or the House of Representatives applicable on the date of enactment of this Act.

(c) Each individual required to file a report under this section who during any calendar year ceases to occupy an office or position described in subsection (a) of this section shall file a report covering that portion of such year beginning on January 1 and ending on the date on which he ceases to occupy such office or position. The report shall be filed with the Secretary not later than sixty days following the last day the reporting individual occupies an office or position described in subsection (a) of this section during such year.

(d) The Secretary may grant one or more reasonable extensions of time for filing any such report but the total of such extensions shall not exceed ninety days.

(e)(1) Except as provided in this subsection, the Secretary shall make each report filed with him under this section available to the public within fifteen days after the receipt of such report, and shall provide a copy of any such report to any person upon a written request.

(2) The Secretary may require any person receiving a copy of any report to pay a reasonable fee in any amount which the Secretary finds necessary to recover the cost of reproduction or mailing of such report; excluding any salary of any employee involved in such reproduction or mailing. The Secretary may furnish a copy of any such report without charge or at a reduced charge if he determines that waiver or reduction of the fee is in the public interest because furnishing the information primarily benefits the public.

(3) Any report received by the Secretary shall be held in his custody and made available to the public for a period of three years after receipt by the Secretary of such report. After such three-year period, the Secretary shall destroy any such report.

(4)(A) The Comptroller General of the United States (hereinafter in this paragraph referred to as the "Comptroller General") shall, under such regulations as he may prescribe, and which are approved by the Secretary, conduct audits on a random basis of approximately 5 per centum of the reports filed with the Secretary.

(B) In conducting an audit under this paragraph the Comptroller General is authorized to issue a subpena to require the production of books, papers, and other documents.

(C) The Comptroller General may use outside consultants to assist him in his responsibilities under this paragraph.

(D) The Comptroller General shall transmit the findings of each audit to the Secretary and the individual being audited.

DISCLOSURE OF ENERGY ASSETS AND INCOME BY OTHER EMPLOYEES

SEC. 603. (a) Each individual who is an officer or employee of the Department for a period in excess of ninety days in a calendar year, who is not covered by either section 601 or section 602 of this Act, and who occupies a position compensated at a rate provided for grade GS–13 or above, under section 5332 of title 5, United States Code, shall disclose to the Secretary by May 15 of the next year, in such form and manner as the Secretary shall prescribe—

(1) the amount and the identity of each source of income received by such person from any person, firm, association, or corporation significantly engaged in the production, generation, transmission, distribution, or sale of electric power, petroleum or petroleum products, natural gas, coal, solar, nuclear technology equipment or materials, minerals, or other energy-related source or resource, and

(2) the identity and category of value of property owned, directly or indirectly, in any such entity.

(b) In providing the information required by subsection (a) of this section the individual may use, where appropriate, the categories of value specified in the rules of the Senate or the House of Representatives governing disclosure by Members or employees of Congress. The listing of income or holdings of a spouse or dependent shall be handled in a manner consistent with such rules of the Senate or House of Representatives.

(c) The provisions of section 602 of this Act shall apply with respect to the time of filing and public availability of the reports filed pursuant to this section.

POSTEMPLOYMENT CONTACT

SEC. 604. (a) No officer or employee of the Department who is a supervisory employee (as defined in section 601 of this Act) shall, except pursuant to a subpena issued pursuant to section 605 of this Act, make any appearance or attendance before, or written or oral communication with, the Department or any officer or employee thereof, for a period of one year after such employment has ceased if such appearance or communications relates to the affairs of the Department: *Provided*, That this provision shall not apply during any part of such year that such individual is employed by the United States: *And provided further*, That this provision shall not apply where, upon the initiation of the Department, such former officer or employee is consulted for his technical or other special expertise.

(b) In the event of a violation of the provisions of subsection (a), the Secretary or the Board shall—

(1) take such violation into consideration in deciding any matter to which the appearance, attendance, or communication relates; and

(2) shall notify the appropriate committees of Congress that such violation has occurred.

(c) For purposes of subsection (a), any volunteer, as defined in section 616 of the Act, who has substantial decisionmaking authority shall be subject to the prohibitions of subsection (a) as if he were an employee.

SUBPENA

SEC. 605. For the purpose of carrying out the provisions of this Act, the Secretary, or his duly authorized agent or agents, shall have the same powers and authorities as the Federal Trade Commission under section 9 of the Federal Trade Commission Act with respect to all responsibilities vested in the Secretary by this Act.

RULES

SEC. 606. The Secretary is authorized to prescribe such procedural and administrative rules and regulations as he may deem necessary or appropriate to administer and manage the functions now or hereafter vested in him.

DELEGATION

SEC. 607. Except as otherwise expressly prohibited by law, or except as otherwise provided in this Act, the Secretary may delegate any of his functions to such officers and employees of the Department as he may designate, and may authorize such successive redelegations of such functions within the Department as he may deem to be necessary or appropriate.

ENERGY INDUSTRY PROFILE

SEC. 608. (a)(1) In addition to the acquisition, collection, and analysis of energy information pursuant to section 204 of this Act, the Administrator of the Energy Information Administration (hereinafter referred to in this section as the "Administrator") shall designate "major energy-producing companies" which alone or with their affiliates are involved in one or more lines of commerce in the energy industry so that the energy information collected from such major energy-producing companies shall provide a statistically accurate profile of each line of commerce in the energy industry in the United States.

(2) In fulfilling the requirements of this section the Administrator shall—

(a) utilize, to the maximum extent practicable, consistent with the faithful execution of his responsibilities under this Act, reliable statistical sampling techniques; and

(B) otherwise give priority to the minimization of the reporting of energy information by small businesses.

(b) The Administrator shall develop and make effective for use during the first full calendar year following the date of enactment of this Act the format for an energy-producing company financial report. Such report shall be designed to allow comparison on a uniform and standardized basis among energy-producing companies and shall permit for the energy-related activities of such companies.

(1) an evaluation of company revenues, profits, cash flow, and investments in total, for the energy-related lines of commerce in which such company is engaged and for all significant energy-related functions within such company;

(2) an analysis of the competitive structure of sectors and functional groupings within the energy industry;

(3) the segregation of energy information, including financial information, describing company operations by energy source and geographic area;

(4) the determination of costs associated with exploration, development, production, processing, transportation, and marketing and other significant energy-related functions within such company; and

(5) such other analyses or evaluations as the Administrator finds is necessary to achieve the purposes of this Act.

(c) The Administrator shall consult with the Chairman of the Securities and Exchange Commission with respect to the development of accounting practices to be followed by persons engaged in whole or in part in the production of crude oil and natural gas required by the Energy Policy and Conservation Act and shall endeavor to assure that the energy-producing company financial report described in subsection (b) of this section, to the extent practicable and consistent with the purposes and provisions of this Act, is consistent with such accounting practices where applicable.

(d) The Administrator shall require each major energy-producing company to file with the Administrator an energy-producing company financial report on at least an annual basis and may request energy information described in such report on a quarterly basis if he determines that such quarterly report of information will substantially assist in achieving the purposes of this Act.

(e) A summary of information gathered pursuant to this section accompanied by such analysis as the Administrator deems appropriate shall be included in the annual report of the Department required by subsection (a) of section 626 of this Act.

(f) As used in this section the term—

(1) "energy-producing company" means a person engaged in any of the following:

(A) ownership or control of mineral fuel resources or nonmineral energy resources;

(B) exploration for, or development of, mineral fuel resources;

(C) extraction of mineral fuel or nonmineral energy resources;

(D) refining, milling, or otherwise processing mineral fuels or nonmineral energy resources;

(E) storage of mineral fuels or nonmineral energy resources;

(F) the generation, transmission, or storage of electrical energy;

(G) transportation of mineral fuels or nonmineral energy resources by any means whatever; or

(H) wholesale or retail distribution of mineral fuels, nonmineral energy resources or electrical energy;

(2) "energy industry" means all energy-producing companies; and

(3) "person" has the meaning as set forth in section 11 of the Energy Supply and Environmental Coordination Act of 1974.

(g) Any person who willfully discloses information obtained by the Administration pursuant to this section which information constitutes a trade secret or confidential commercial information, the disclosure of which could result in significant competitive injury to the person to which such information relates, shall be fined not more than $40,000 or imprisoned not more than one year or both.

FIELD OFFICES

SEC. 609. The Secretary is authorized to establish, alter, consolidate or discontinue and to maintain such State, regional, district, local or other field offices as he may deem to be necessary to carry out functions now or hereafter vested in him.

REORGANIZATION

Sec. 610. The Secretary is authorized, from time to time, to establish, alter, consolidate or discontinue such organizational units or components within the Department as he may deem to be necessary or appropriate. Such authority shall not extend to the abolition of organizational units or components established by this Act, or to the transfer of functions vested by this Act in any organizational unit or component.

OFFICERS AND EMPLOYEES

Sec. 611. In the performance of his functions the Secretary is authorized to appoint and fix the compensation of such officers and employees as may be necessary to carry out such functions. Such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code, except that to the extent the Secretary deems such action necessary to the discharge of his functions, he may appoint not more than six hundred of the scientific, engineering, professional, and administrative personnel of the Department without regard to such laws, and may fix the compensation of such personnel not in excess of the rate for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.

SENIOR POSITIONS

Sec. 612. (a) In addition to those positions created by title II of this Act, there shall be within the Department fourteen additional officers in positions authorized by section 5316 of title 5, United States Code, who shall be appointed by the Secretary and who shall perform such functions as the Secretary shall prescribe from time to time.

(b) In addition to the number of positions which may be placed in grades GS-16, 17, and 18 under section 5332 of title 5, United States Code, under existing law or this Act, not to exceed one hundred and fifty positions may be placed in grades GS-16, 17, and 18 to carry out functions under this Act. Positions established by this subsection shall be subject to standards and procedures under chapter 51 of title 5, United States Code.

EXPERTS AND CONSULTANTS

Sec. 613. The Secretary may obtain services as authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily rate prescribed for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for persons in Government service employed intermittently.

ADVISORY COMMITTEES

Sec. 614. (a) The Secretary is authorized to establish in accordance with the Federal Advisory Committee Act such advisory committees as he may deem appropriate to assist in the performance of his functions. Members of such advisory committees, other than full-time employees of the Federal Government, while attending meetings of such committees or while otherwise serving at the request of the Secretary while serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United 5, United States Code, for persons in Government serving without pay.

(b) Section 17 of the Federal Energy Administration Act of 1974 shall be applicable to advisory committees chartered by the Secretary, or transferred to the Secretary or the Department under this Act.

VOLUNTEER ASSISTANCE

Sec. 615. (a) The Secretary is authorized to recruit, train, accept, and utilize, without regard to the civil service and classification laws, rules, and regulations, the services of individuals without compensation as volunteers for or to aid or facilitate the work of the Department.

(b)(1) No volunteer under this section may hold any financial interest in any person or property required to be disclosed under section 602 or 603 of this Act.

(2) For the purpose of title 18, United States Code, a volunteer shall be deemed to be an employee of the United States.

(c) Except as otherwise provided in this section, a volunteer under this section shall not be deemed to be a Federal employee and shall not be subject to the provisions of laws relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(d) For the purpose of the tort claim provisions of title 28, United States Code, a volunteer under this section shall be considered a Federal employee.

(e) For the purpose of subchapter I of chapter 81 of title 5, United States Code, a volunteer under this section shall be deemed a civilian employee of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code.

ARMED SERVICES PERSONNEL

Sec. 616. (a) The Administrator is authorized to provide for participation of military personnel in the performance of his functions. Pursuant to cooperative agreements between the Secretary and the Secretary of Defense or his designee, members of the Army, Navy, Air Force, or Marine Corps may be detailed or assigned for service in the Department in such numbers as mutually agreed to by the Secretary and the Secretary of Defense or his designee. Members so detailed or assigned will normally serve on a reimbursable basis.

(b) Detail or assignment in the Department under this section shall in no way affect status, office rank, or grade which officers or enlisted men may occupy or hold or any pay, allowances, right, privilege, or benefit incident to or arising out of such status, office, rank, or grade. A member so detailed or assigned shall not be subject to direction or control by the armed force for which he was assigned or is a member or any officer thereof directly or indirectly with respect to the responsibilities exercised while so detailed or assigned; however, such members shall be subject to the provisions of the Uniform Code of Military Justice and shall, subject to the agreements entered into pursuant to subsection (a), be subject to the laws and regulations governing the assignment, reassignment and retirement of other members of the Army, Navy, Air Force, or Marine Corps.

CONTRACTS

Sec. 617. The Secretary is authorized to enter into and perform such contracts, leases, grants, cooperative agreements, or other similar transactions with public agencies and private organizations and persons; and to make such payments (in lump sum or installments, and by way of advance or reimbursement, and, in cases of grants, with necessary adjustment on account of overpayments and underpayments) as he may deem to be necessary or appropriate to carry out functions now or hereafter vested in the Secretary.

ACQUISITION AND MAINTENANCE OF PROPERTY

Sec. 618. The Secretary is authorized to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain laboratories, research and testing sites and facilities, quarters and related accommodations for employees and dependents of employees of the Department, personal property (including patents), or any interest therein, as the Secretary deems necessary; and to provide by contract or otherwise for eating facilities and other necessary facilities for the health and welfare of employees of the Department at its installations and purchase and maintain equipment therefor.

FACILITIES CONSTRUCTION

Sec. 619. (a) As necessary and when not otherwise available, the Secretary is authorized to provide for, construct, or maintain the following for employees and their dependents stationed at remote locations:

(1) Emergency medical services and supplies;

(2) Food and other subsistence supplies;

(3) Messing facilities;

(4) Audio-visual equipment, accessories, and supplies for recreation and training;

(5) Reimbursement for food, clothing, medicine, and other supplies furnished by such employees in emergencies for the temporary relief of distressed persons;

(6) Living and working quarters and facilities; and

(7) Transportation of school age dependents of employees to the nearest appropriate educational facilities.

(b) The furnishing of medical treatment under paragraph (1) of subsection (a) and the furnishing of services and supplies under paragraphs (2) and (3) of subsection (a) shall be at prices reflecting reasonable value as determined by the Secretary.

(c) Proceeds from reimbursements under this section shall be deposited in the Treasury and may be withdrawn by the Secretary to pay directly the cost of such work or services, to repay or make advances to appropriations of funds which will initially bear all or a part of such cost, or to refund excess sums when necessary. Such payments may be credited to a working capital fund otherwise established by laws, including the fund established pursuant to section 624 of this Act, and used under the law governing such fund, if the fund is available for use by the Department for performing the work or services for which payment is received.

PRIVATE AND PUBLIC USE

Sec. 620. The Secretary, under such terms, at such rates, and for such periods not exceeding five years, as he may deem to be in the public interest, is authorized to permit the use by public and private agencies, corporations, associations, or other organizations or by individuals of any real property, or any facility, structure, or other improvement thereon, under the custody of the Secretary for Department purposes. The Secretary may require permittees under this section to recondition and maintain, at their own expense, the real property, facilities, structures, and improvements involved to a satisfactory standard. This section shall not apply to excess property as defined in 3(e) of the Federal Property and Administrative Services Act of 1949, as amended.

COPYRIGHTS

Sec. 621. The Secretary is authorized to acquire any of the following described rights if the property acquired thereby is for use by or for, or useful to, the Department:

(1) Copyrights, patents, and applications for patents, designs, processes, and manufacturing data;

(2) Licenses under copyrights, patents, and applications for patents; and

(3) Releases, before suit is brought, for past infringement of patents or copyrights.

GIFTS AND BEQUESTS

Sec. 622. The Secretary is authorized to accept, hold, administer, and utilize gifts, bequests and devises of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts, bequests and devises of money and proceeds from sales of other property received as gifts, bequests or devises shall be deposited in the Treasury and shall be disbursed upon the order of the Secretary. Property accepted pursuant to this section, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift, bequest, or devise. For the purposes of Federal income, estate, and gift taxes, property accepted under this section shall be considered as a gift, bequest, or devise to the United States.

SEAL OF DEPARTMENT

Sec. 623. The Secretary shall cause a seal of office to be made for the Department of such design as he shall approve and judicial notice shall be taken of such seal.

CAPITAL FUND

Sec. 624. The Secretary is authorized to establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as he shall find to be desirable in the interests of economy and efficiency, including such services as a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department and its agencies; central messenger, mail, telephone, and other communications services; office space, central services for document reproduction, and for graphics and visual aids; and a central library service. The capital of the fund shall consist of any appropriations made for the purpose of providing capital (which appropriations are hereby authorized) and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations. Such funds shall be reimbursed in advance from available funds of agencies and offices in the Department, or from other sources, for supplies and services at rates which will approximate the expense of operations, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the United States Treasury as miscellaneous receipts any surplus found in the fund (all assets, liabilities and prior losses considered) above the amounts transferred or appropriated to establish and maintain said fund. There shall be transferred to the fund the stocks of supplies, equipment, other assets, liabilities, and unpaid obligations relating to the services which he determines will be performed through the fund. Appropriations to the fund, in such amounts as may be necessary to provide additional working capital, are authorized. The working capital fund shall recover from the appropriations and funds for which services are performed, either in advance or by way of reimbursement, amounts which will approximate the costs incurred, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from the sale or exchange of its property, and receipts in payment for loss or damage to property owned by the fund.

GENERAL AUTHORITY

Sec. 625. To the extent necessary or appropriate to perform any function transferred by this Act, the Secretary may exercise, in carrying out the function so transferred, any authority or part thereof available by law, including Appropriation Acts, immediately prior to the enactment of this Act to the official or agency from which such functions was transferred to carry out the functions transferred.

ANNUAL REPORT

Sec. 626. (a) The Secretary shall, as soon as practicable after the end of each fiscal year, commencing with the first complete fiscal year following the effective date of this Act, make a report to the President for submission to the Congress on the activities of the Department during the preceding fiscal year. Such report shall include a statement of the Secretary's goals, priorities, and plans for the Department together with an assessment of the progress made toward the attainment of those goals, the effective and efficient management of the Department, and progress made in coordination of its functions with other departments and agencies of the Federal Government. In addition, such report shall include:

(1) projected energy needs of the United States to meet the requirements of the general welfare of the people of the United States and the commercial and industrial life of the Nation;

(2) an estimate of the domestic and foreign energy supply on which the United States will be expected to rely to meet such needs in an economic manner with due regard for the protection of the environment, the conservation of natural resources, and the implementation of foreign policy objectives;

(3) current and foreseeable trends in the price, quality, management, and utilization of energy resources and the effects of those trends on the social, environmental, economic, and other requirements of the Nation;

(4) a summary of research and development efforts funded by the Federal Government to develop new technologies, to forestall energy shortages, to reduce waste, to foster recycling, and to encourage conservation practices, and shall include recommendations for developing technologies capable of improving the quality of the environment and increasing efficiency;

(5) a review and appraisal of the adequacy and appropriateness of technologies, procedures, and practices (including competitive and regulatory practices) employed by Federal, State, and local governments and nongovernmental entities to achieve the purposes of this Act; and

(6) a summary of substantive measures taken by the Department to stimulate and encourage the development of new manpower resources through the nation's colleges and universities and to involve these institutions in the execution of the Department's research and development programs.

(b) Such report shall satisfy the reporting requirements of section 15 of the Federal Energy Administration Act of 1974, section 307 of the Energy Reorganization Act of 1974, and section 15 of the Federal Nonnuclear Energy Research and Development Act of 1974 other than subsection (e) thereof.

(c) The Secretary of the Interior shall develop a plan for the reorganization of the leasing functions of the Federal Government and submit such plan to the Congress no later than one year after the date of enactment.

TRANSFER OF FUNDS

Sec. 627. The Secretary, when authorized in an appropriation Act, in any fiscal year, may transfer funds from one appropriation to another within the Department: Provided, That no appropriation shall be either increased or decreased pursuant to this section more than 5 per centum of the appropriation for such fiscal year.

AUTHORIZATION OF APPROPRIATIONS

Sec. 628. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act: Provided, however, That the appropriations for those programs authorized by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2017), the Energy Reorganization Act of 1954 (42 U.S.C. 2017), and the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5915) shall be subject to annual authorization: *And provided further*, That nothing in this Act shall affect any provision in those acts governing the use of appropriated funds.

DESIGNATION OF CONSERVATION OFFICERS

Sec. 629. The Secretary of Defense, the Secretary of Commerce, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Secretary of Interior, the United States Postal Service, and the Administrator of General Services shall each designate one Assistant Secretary or Assistant Administrator, as the case may be, as the principal conservation officer of such Department or of the Administration. Such designated principal conservation officer shall be principally responsible for planning and implementation of energy conservation programs by such Department or the Administration and principally responsible for coordination with the Department with respect to energy matters. The word "conservation" shall become a part of each duly designated Assistant Secretary's or Assistant Administrator's title.

TITLE VII—ENERGY PLANNING

NATIONAL ENERGY POLICY PLAN

Sec. 701. (a) The President shall—

(1) prepare and submit to the Congress a proposed National Energy Policy Plan (hereinafter "proposed Plan") as provided in subsection (b);

(2) seek the active participation by regional, State, and local agencies and instrumentalities and the private sector through public hearings or other appropriate means to insure that the views and proposals of all segments of the economy are taken into account in the formulation of such proposed Plan;

(3) evaluate and measure the achievement of the objectives contained in any approved National Energy Policy Plan (hereinafter "approved Plan") and report thereon, as provided in subsection (c);

(4) review major programs and activities of the Federal Government that impact on energy to determine the extent to which such programs or activities are consistent with an approved Plan;

(5) review the long-range planning activities of the departments and agencies of the Federal Government that impact on energy to assure the consistency of such activities with the objectives stated in an approved Plan; and

(6) carry out such other functions pertaining to energy planning as the President may deem necessary.

(b) Not later than April 1, 1979, and biannually thereafter, the President shall transmit to the Congress a proposed Plan. Such proposed Plan shall—

(1) establish energy production, utilization, and conservation objectives, for periods of five and ten years, necessary to satisfy projected energy needs of the United States to meet the requirements of the general welfare of the people of the United States and the commercial and industrial life of the Nation, paying particular attention to the needs for full employment, price stability, energy security, economic growth, environmental protection, special regional needs, and the efficient utilization of public and private resources;

(2) identify the strategies that must be followed and the resources that must be committed to achieve the objectives set forth, forecasting the level of production and investment necessary in each of the significant energy supply sectors and the level of conservation and investment necessary in each consuming sector;

(3) recommend legislative and administrative actions necessary or desirable to achieve the objectives of such proposed Plan, including recommendations with respect to taxes or tax incentives, Federal funding, regulatory actions, antitrust policy, foreign policy, and international trade.

(c) The President shall submit to the Congress with the proposed plan a report which shall include—

(1) whatever data and analysis are necessary to support the objectives, resource needs, and policy recommendations contained in such proposed Plan;

(2) a comparison of the actual trends and results with respect to matters referred to in subsection (b) since the submission of the previous proposed or approved Plan with the projections made in such Plan when submitted and indicate (A) the reasons for any failure to achieve the objectives of such Plan, (B) further steps being taken to achieve the objectives of such Plan, and (C) any necessary revisions of such Plan;

(3) an estimate of the domestic and foreign energy supplies on which the United States will be expected to rely to meet projected energy needs in an economic manner with due regard for the protection of the environment, the conservation of natural resources, and the implementation of foreign policy objectives;

(4) an evaluation of current and foreseeable trends in the price, quality, management, and utilization of energy resources and the effects of those trends on the social, environmental, economic, and other requirements of the Nation;

(5) a summary of research and development efforts funded by the Federal Government to forestall energy shortages, to reduce waste, to foster recycling, to encourage conservation practices, and to otherwise protect environmental quality, including recommendations for developing technologies to accomplish such purposes;

(6) a review and appraisal of the adequacy and appropriateness of technologies, procedures, and practices (including competitive and regulatory practices) employed by Federal, State, and local governments and nongovernmental entities to achieve the purposes of the Plan.

CONGRESSIONAL REVIEW

SEC. 702. (a) Each proposed Plan shall be referred to the appropriate committees in the Senate and the House of Representatives.

(b) Not later than September 1 of the year of the submission of a proposed Plan to the Congress, the appropriate committees shall report to the House of Representatives and to the Senate a joint resolution which shall contain a proposed Plan and which may contain such alternatives to, modifications of, or additions to the proposed Plan submitted by the President as the committee deems appropriate. The report accompanying such joint resolution shall include findings and recommendations of the committee with respect to each of the main recommendations contained in the proposed plan as the committee deems appropriate.

(c) Not later than October 1 of the year of submission of a proposed Plan to the Congress, each House of the Congress shall act upon a joint resolution reported under subsection (b).

(d) Upon enactment of any such joint resolution, any Plan contained therein shall be considered an approved Plan for purposes of this title.

IMPLEMENTATION OF THE PLAN

SEC. 703. (a) The President, with the assistance of the Secretary, shall take appropriate actions to encourage the departments and agencies of the executive branch to carry out their programs and activities in such a manner as to further the objectives of an approved Plan, and to encourage State and local governments, independent agencies, and the private sector to carry out their programs and activities in such a manner as to further the objectives of such Plan.

(b) Whenever the President determines that any department or agency of the Federal Government has proposed any legislation, rule, or regulation, or undertaken any other activity which may have a significant effect on the achievement of the objectives contained in an approved Plan, the President may require the head of such department or agency to submit a detailed statement assessing the consistency of the proposed legislation, rule, regulation, or other action, with such Plan, together with the reasons for any significant departure from such objectives.

(c) Whenever any committee of the Senate or the House of Representatives determines that any proposed legislation may have a significant effect on the achievement of the objectives contained in an approved Plan, such committee shall, in its report on such legislation, prepare a statement assessing the consistency of the proposed legislation with such Plan together with the reasons for any significant departure from such objectives.

SEC. 704. The President is authorized and encouraged to establish, at the earliest feasible time, an organizational structure within the Executive Office of the President to assist him in carrying out the functions specified in this title. Such structure shall be designed so that it may readily be expanded to carry out policy planning functions involving areas other than energy.

TITLE VIII—TRANSITIONAL, SAVINGS AND CONFORMING PROVISIONS

TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL

SEC. 801. (a) Except as otherwise provided in this Act, the personnel employed in connection with, and the personnel positions, assets, liabilities, contracts, property, records, and unexpended balance of appropriations authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available in connection with the functions transferred by this Act, subject to section 202 of the Budget and Accounting Procedure Act of 1950, are hereby transferred to the Secretary for appropriate allocation. Unexpended funds transferred pursuant to this subsection shall only be used for the purposes for which the funds were originally appropriated.

(b) Positions expressly specified by statute or reorganization plan, personnel occupying those positions on the effective date of this Act, and personnel authorized to receive compensation at the rate prescribed for offices and positions at level I, II, III, IV, or V of the executive schedule (5 U.S.C. 5312–5316) on the effective date of this Act shall be subject to the provisions of section 803 of this Act.

EFFECT ON PERSONNEL

SEC. 802. (a) Except as otherwise provided in this Act, the transfer of full-time personnel (except special Government employees) and part-time personnel holding permanent positions pursuant to this title shall not cause any such employee to be separated or reduced in grade or compensation for one year after the date of enactment of this Act.

(b) Any person who, on the effective date of this Act, held a position compensated in accordance with the executive schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department to a position having duties comparable to those performed immediately preceding his appointment shall continue to be compensated in his new position at not less than the rate provided for his previous position, for the duration of his service in the new position.

(c) Employees transferred to the Department holding reemployment rights acquired under section 28 of the Federal Energy Administration Act of 1974 or any other provision of law or regulation may exercise such rights only within one hundred and twenty days from the effective date of this Act.

AGENCY TERMINATIONS

SEC. 803. Except as otherwise provided in this Act, whenever all of the functions vested by law in an agency, commission or other body, or any component thereof, have been terminated or transferred from that agency, commission or other body or component by this Act, the agency, commission or other body or component, shall terminate. If an agency, commission or other body, or any component thereof, terminates pursuant to the preceding sentence, each position and office therein which was expressly authorized by law, or the incumbent of which was authorized to receive compensation at the rates prescribed for an office or position at level II, III, IV, or V of the Executive Schedule (5 U.S.C. 5313–5316) shall terminate.

TRANSFER OF FUNCTIONS

SEC. 804. The Director of the Office of Management and Budget in consultation with the Secretary is authorized and directed to make such determinations as may be necessary with regard to the transfer of functions which relate to or are utilized by an agency, commission, or other body, or component thereof affected by this Act, to make such additional incidental dispositions of personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations and other funds held, used, arising from, available to do or to be made available in connection with the functions transferred by this Act as he may deem necessary to accomplish the purposes of this Act.

SAVINGS PROVISIONS

SEC. 805. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal department or agency or official thereof or by a court of competent jurisdiction, in the performance of functions which are transferred under this Act or by Executive order to the Department after the date of enactment of this Act, and

(2) which are in effect at the time this Act takes effect,

shall continue in effect according to their terms unless modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, the Board, or other authorized officials, a court of competent jurisdiction, or by operation of law.

(b)(1) The provisions of this Act shall not affect any proceedings other than rulemaking proceedings pending at the time this Act takes effect before any department, agency, commission, or component thereof functions of which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued if this Act had not been enacted.

(2) Rulemaking proceedings pending at the time this Act takes effect, in which no final order has issued, shall be reviewed by the Secretary, if the functions involved in such proceedings are transferred to him, or by the Board if such functions are transferred to it. Within sixty days after the

transfer of the functions, the Secretary or the Board shall, by appropriate notice, terminate the proceeding or modify or continue such proceedings in accordance with this Act.

(3) The Secretary is authorized to promulgate regulations providing for the orderly transfer of such proceedings to the Department or the appropriate entity of the Department as provided elsewhere in this Act.

(c) Except as provided in subsection (d)—

(1) the provisions of this Act shall not affect suits commenced prior to the date this Act takes effect, and,

(2) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as this Act had not been enacted.

(d) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act.

(e) If, before the date on which this Act takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under this Act any function of such department, agency, or officer is transferred to the Secretary or any other official, then such suit shall be continued with the Secretary or other official as the case may be, substituted.

SEPARABILITY

Sec. 806. If any provision of this Act or the application thereof to any person or circumstance is held invalid, neither the remainder of this Act nor the application of such provision to other persons or circumstances shall be affected thereby.

REFERENCE

Sec. 807. With respect to any functions transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any department or agency or any officer or office the functions of which are so transferred shall be deemed to refer to the Secretary or other official in which this Act vests such functions.

PRESIDENTIAL AUTHORITY

Sec. 808. Nothing contained in this Act shall be construed to limit, curtail, abolish, or terminate any function of, or authority available to, the President which he had immediately before the effective date of this Act; or to limit, curtail, abolish, or terminate his authority to delegate, redelegate, or terminate any delegation of functions.

AMENDMENTS

Sec. 809. (a) The Federal Energy Administration Act of 1974, is amended:

(1) by repealing sections 4, 9, 28, 29, and 30 hereof;

(2) section 52(a) of such Act is amended by deleting the word "and" in paragraph (2) by deleting the period at the end of paragraph (3), and by adding at the end of the subsection: "; and (4) the States to the extent required by the Natural Gas Act and the Federal Power Act,"; and

(3) section 55(b) is amended by changing the word "seven" to the word "six" and deleting the phrase "one shall be designated by the Chairman of the Federal Power Commission."

(b) The Energy Reorganization Act of 1974 is amended by repealing section 108 thereof.

(c) The Atomic Energy Act of 1954 is amended by repealing section 161(d) thereof as it relates to functions transferred by this Act.

(d) The Energy Conservation Standards for New Buildings Act of 1976 is hereby amended:

(1) in section 304 thereof by adding "the Secretary of Housing and Urban Development" to the list of those with whom consultation is required; and

(2) in section 310 thereof by adding "the Secretary of Housing and Urban Development" to the list of those with whom the Secretary shall act in cooperation.

(e) The Rural Electrification Act of 1936 is hereby amended by adding a new section 16 to title I thereof to read as follows:

"Sec. 16. In order to insure coordination of electric generation and transmission financing under this Act with national energy policy, the Administrator, in making or guaranteeing loans for the construction, operation, or enlargement of generating plants or electric transmission lines or systems shall consider such general criteria, consistent with the provisions of this Act, as may be published by the Secretary of Energy."

(f) In section 509(c)(6) of title 5 of the Housing and Urban Development Act of 1970, add "the Secretary of Housing and Urban Development" to those individuals and agencies with whom the Secretary of the Department of Energy must consult.

ADMINISTRATIVE AMENDMENTS

Sec. 810. (a) Section 101 of title 5, United States Code, is amended by adding at the end thereof the following: "The Department of Energy.".

(b) Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following: "(14) Secretary of Energy.".

(c) Section 5313 of title 5, United States Code, is amended by striking out "(22) Administrator of Energy Research and Development Administration," and inserting in lieu thereof: "(22) Deputy Secretary of Energy.".

(d) Section 5314 of title 5, United States Code, is amended by striking out "(21) Chairman, Federal Power Commission, (60) Deputy Administrator, Energy Research and Development Administration," and by adding at the end of the section the following new section:

"(66) Under Secretaries of Energy (2).

"(67) Administrator of the Economic Regulatory Administration, Department of Energy.

"(68) Chairman and Members, Energy Regulatory Board, Department of Energy (3).

"(69) Administrator of the Energy Information Administration, Department of Energy.".

(e) Section 5315 of title 5, United States Code, is amended by striking out "(60) Members, Federal Power Commission," by striking out "(102) Assistant Administrators, Energy Research and Development Administration (6)," and

(3) by adding at the end thereof the following "(114) Assistant Secretaries of Energy (8) and (115) General Counsel of the Department of Energy.

(f) Section 5316 of title 5, United States Code, is amended—

by striking out "(135) General Counsel Energy Research and Development Administration";

by striking out "(136) Additional Officers, Energy Research and Development Administration (9)" and

by adding at the end thereof the following: "(141) Additional Officers, Department of Energy (14)".

TRANSITION

Sec. 811. With the consent of the appropriate department or agency head concerned, the Secretary is authorized to utilize the services of such officers, employees and other personnel of the departments and agencies from which functions have been transferred to the Secretary for such period of time as may reasonably be needed to facilitate the orderly transfer of functions under this Act.

ENVIRONMENTAL IMPACT STATEMENT

Sec. 812. The transfer of functions under title III of this Act shall not affect the validity of any draft environmental impact statement published before the effective date of this Act.

TITLE IX—EFFECTIVE DATE AND INTERIM APPOINTMENTS

Sec. 901. (a) The provisions of this Act shall take effect one hundred and twenty days after the Secretary first takes office, or on such earlier date as the President may prescribe and publish in the Federal Register, except that at any time after the date of enactment of this Act, (1) any of the officers provided for in title II and title VI of this Act may be nominated and appointed, as provided in those titles, and (2) the Secretary may promulgate regulations pursuant to section 805(b)(2) of this Act at any time after the date of enactment of this Act. Funds available to any department or agency (or any official or component thereof), functions of which are transferred to the Secretary by this Act, may, with approval of the Director of the Office of Management and Budget, be used to pay the compensation and expenses of any officer appointed pursuant to this subsection until such time as funds for that purpose are otherwise available.

(b) In the event that one or more officers required by this Act to be appointed by and with the advice and consent of the Senate shall not have entered upon office on the effective date of this Act, the President may designate any officer, whose appointment was required to be made by and with the advice and consent of the Senate and who was such an officer immediately prior to the effective date of the Act, to act in such office until the office is filled as provided in this Act. While so acting such persons shall receive compensation at the rates provided by this Act for the respective offices in which they act.

TITLE X

REGIONAL ENERGY ADVISORY BOARDS

(a) The Governors of the various States may establish Regional Energy Advisory Boards for their regions with such membership as they may determine.

(b) Representatives of the Secretary, the Secretary of Commerce, the Secretary of Interior, the Chairman of the Council on Environmental Quality, the Commandant of the Coast Guard and the Administrator of the Environmental Protection Agency shall be entitled to participate as observers in the deliberations of any Board established pursuant to subsection (a) of this section.

(c) Each Board established pursuant to subsection (a) may make such recommendations as it determines to be appropriate to programs of the Department having a direct effect on the region.

(d) If any Regional Advisory Board makes specific recommendations pursuant to subsection (c), the Secretary shall, if such recommendations are not adopted in the implementation of the program, publish his reasons for not adopting such recommendations in the Federal Register within sixty days after the implementation of such program.

Mr. RIBICOFF. Mr. President, S. 826, the bill we take up today, is one of the most important pieces of legislation Congress will act upon in this session. It provides for the creation of a Cabinet-level Department of Energy. The new Department constitutes the vital foundation stone for a national energy policy. The department which Congress develops must be manageable and workable, so that the substantive energy policy mandates that the Congress gives to the Executive will not be frustrated by administrative roadblocks.

In my judgment, the bill our Committee, the Committee on Governmental Affairs, presents today creates an efficient, solid departmental framework. It grants to the President and the Secretary of Energy adequate powers to deal with complex energy issues. It allows sufficient organizational flexibility to manage wide-ranging responsibilities. It provides clear expressions of congressional intent regarding functions and programs. And finally it contains essential protections for due process, for citizen access to information, and for public accountability of the Department's personnel.

In the course of its deliberations on S. 826, the committee took exhaustive testimony on issues related to the creation of the new Department. Over a 5-week period, we held 12 days of hearings and I think it accurate to state that no public or private interest group with major concerns regarding this legislation was left unheard.

In addition, the committee worked closely with representatives of the administration in fashioning the details of the Department's organization and powers.

Mr. President, there is universal agreement that a consolidation of functions and agencies in the energy area is necessary. Duplication, overlap in jurisdiction, fragmentation of responsibilities, and conflicting mandates have severely hampered the Federal Government's ability to formulate, implement and enforce a coherent and consistent national energy policy.

In the area of policy planning, for instance, FEA has authority which extends to 1985, but not beyond. ERDA may plan after 1985, but not before. The Federal Power Commission makes policy for the use of electrical energy. Responsibility for coal is shared by FEA, ERDA, and the Department of the Interior. Authority over natural gas and oil, fossil resources which are almost always found and produced together, is held by FPC and FEA respectively.

In the area of data, there are currently 261 energy data programs operated by over 40 executive departments and agencies. Over 100 of these are in 4 agencies: FEA, FPC, Interior, and ERDA.

Five Federal agencies and departments—FEA, ERDA, Department of Commerce, Department of Transportation, and the Department of Housing and Urban Development—share responsibility for energy conservation, the key element in any program to bridge the gap in the short term between U.S. energy demand and domestic production.

Energy research and development programs are likewise splintered among numerous agencies: coal R. & D. in Interior, FEA, ERDA, and EPA; nuclear responsibilities split among NRC, ERDA, and FEA; and conservation R. & D. is treated like a stepchild and shunted back and forth between FEA and ERDA.

The litany could go on and on. As President Carter said when he submitted the legislation,

> Nowhere is the need for reorganization and consolidation greater than in energy policy. All but two of the Executive Branch's Cabinet departments now have some responsibilities for energy policy, but no agency, anywhere in the Federal Government, has the broad authority needed to deal with our energy problems in a comprehensive way.

Mr. President, the following are the major provisions of S. 826:

First. Energy Pricing and Economic Regulation.

The committee gave long and careful consideration to how the Department should exercise its extensive powers to set prices and make other far-reaching regulatory decisions. The committee recognized the necessity to assure that important economic regulatory and pricing decisions be consistent with the Nation's overall energy policy. It also recognized the need for speedy decisions in the regulatory area. At the same time, the committee was concerned that careful and impartial consideration be given these regulatory decisions. It seemed to the committee that no single official should have sole responsibility for both proposing and setting energy prices which could have such an important effect on the entire country.

In order to protect the integrity of the regulatory process, and to assure consistency in that process, title IV of S. 826 assigns primary responsibility for consideration of major oil and natural gas pricing proposals specified in the act to an Energy Regulatory Board. The Board will be responsible for the direct establishment of natural gas and electricity rates, and for granting certificates and other licenses for oil or natural gas pipelines. Formal adjudicatory matters will also fall within the Board's jurisdiction. Finally, the Board will hear appeals from denials of requests for exceptions or adjustments under the statute regulating oil.

The Board will be composed of three members appointed by the President for staggered terms of 4 years. Members of the Board will only be removable for cause.

The Secretary may play an active role in all matters before the Board by proposing prices or other rules the Board must then consider setting time limits for the Board to act, and formally intervening in cases before the Board.

Most decisions by the Board will be final agency action. The only exceptions are for decisions relating to the wellhead price of natural gas and certain energy actions under the Emergency Petroleum Allocation Act of 1973, affecting the price and allocation of crude oil or oil products.

In these cases, the President is allowed 10 days to review the Board's action and then may veto the decision if he finds that it would be inconsistent with the implementation of the Nation's energy policies.

With respect to those economic regulatory matters not specifically assigned to the Board, the Secretary will carry out these functions primarily through the Economic Regulatory Administration. These include curtailments, export-import questions, and related issues of general applicability.

The bill prescribes procedural safeguards to assure everyone interested in regulatory action by the Board or the Secretary has a chance to express his views. A chance for those interested to present their views orally is guaranteed before most rules are issued. Where the impact for issue is primarily local, the oral hearing will have to be held in that locality.

Second. Leasing of Energy Minerals on Federal Lands.

As requested by the President, the bill provides for a division of leasing responsibilities between the Secretary of Energy and the Secretary of the Interior. The Secretary of the Interior retains sole responsibility for the issuance of and supervision over individual leases, as well as for enforcement of all leasing regulations. This means that he will continue to exercise statutory responsibilities to factor in environmental and multiple-use considerations in decisions regarding the exploitation of energy minerals on Federal lands. The Secretary of Energy is given authority to regulate the economic terms and conditions of the leasing arrangements; that is, he is responsible for regulations which relate to: First, fostering competition for Federal leases; second, implementation of alternative bidding systems authorized for the award of Federal leases; third, establishment of diligence requirements for operations conducted on Federal leases; fourth, setting production rates for Federal leases; and fifth, specifying the procedures, terms and conditions for the acquisition and disposition of Federal royalty interest taken in kind.

The committee also provided for a Leasing Liaison Committee, composed equally of officials from the Department of Energy and the Department of the Interior. This committee is authorized to make recommendations to either or both Secretaries on matters relating to the leasing of Federal energy resources, and it will serve as the main focal point for consultations between the two Secretaries.

Third. Internal Organization.

The bill provides for a Secretary, Deputy Secretary, two Under Secretaries, a General Counsel, and eight Assistant Secretaries, appointed by the President with the advice and consent of the Senate. The committee decided not to name the Assistant Secretaries individually, but rather to provide statutorily for a group of functions that must be handled at the Assistant Secretary level. This arrangement will give the Secretary of Energy maximum flexibility to sort out the functions among the Assistant Secretaries, and leave to him the decisions as to which functions should be performed by a single Assistant Secretary and which can be combined under an Assistant Secretary. The functions that the committee directed to be handled by Assistant Secretaries are as follows: Energy resource applications, energy research and development, environmental responsibilities; international energy policy functions, national security functions; intergovernmental policies and relations; competition and consumer affairs responsibilities; nuclear waste management functions; energy conservation functions; and power marketing functions.

Fourth. Public Accountability.

S. 826 contains a number of measures to insure public accountability. First, there is a provision for divestiture of all energy-related financial holdings for employees at GS-16 and above levels. Second, there is mandated an annual Financial Disclosure Report for all supervisory personnel in the Department. This annual report must follow the rules for disclosure now being written for Members and employees of the Congress.

A less rigorous financial report is also required for employees of the Department at the GS-13 through 15 levels. Finally, the bill forbids post-employment contacts with the Department by former top employees of the Department for 1 year after leaving the Government.

Fifth. Transfers from Other Departments.

In addition to transferring the general authorities of the Energy Research and Development Administration, the Federal Energy Administration and the Federal Power Commission, the bill grants the Secretary of Energy substantial additional responsibilities through outright transfers of a number of programs now being administered by other departments or through granting the Secretary of Energy joint authority over the programs.

The most important of these transfers include:

Building Energy Performance Standards. Transfer from HUD of the authority to develop and promulgate energy conservation standards for new buildings. The HUD Secretary will retain responsibility for implementation of standards.

Fuel Economy Standards. Provision for notice by the Secretary of Transportation to the Secretary of Energy not less than 5 days before issuing a regulation to establish an average fuel economy standard, and provision for the Secretary of Energy to provide written comment on the proposed regulations and to appeal to the President if he concludes that such regulations would adversely affect national energy conservation goals.

Interstate Commerce Commission. S. 826 transfers authority over oil pipelines from the ICC to the Department of Energy.

Industrial Energy Conservation Programs. The bill transfers from the Department of Commerce personnel and organizational components that are administering industrial energy conservation programs.

Naval Reserves. The Department of Energy is given authority over three petroleum and three oil shale reserves now under the control of the Navy Department.

Power Administrations. There are transferred to the control of the Department of Energy the power marketing functions of the Southeastern Power Administration, the Southwestern Power Administration, the Bonneville Power Administration, and the Alaska Power Administration. In addition, the bill also transfers the power marketing functions of the Bureau of Reclamation including construction, operation, and maintenance of transmission lines.

Bureau of Mines, Department of the Interior. The bill provides for transfer of functions relating to fuel supply and demand analysis and data gathering from the Bureau of Mines.

Sixth. Data collection and analysis.

The absence of a reliable, unbiased data base for analyzing the nature and extent of the energy crisis has been a continuing source of frustration to the Executive and to Congress, as well as to industry, consumers and the general public. In order to overcome this major deficiency, S. 826 creates an Energy Information Administration headed by an Administrator appointed by the President with the advice and consent of the Senate. Though the Energy Information Administration is a functioning element within the Department of Energy, the committee has added provisions designed to insure the independence, integrity and accessibility of the data that will be collected. These provisions include: stipulations regarding the professional qualifications of the Administrator; provision that the Administrator be available to testify before Congress, be free from censorship concerning the content of technical reports, and promptly provide any information requested by any committee of Congress. In addition, the Administrator is to submit his own assessment of budgetary needs to Congress.

S. 826 also requires the Administrator of the Energy Information Administration to develop and implement a system of mandatory reporting by major energy firms. While not expanding the authority of the Federal Government to gather new information, this provision requires that information relating to costs, profits, cash flow, and investments be collected on a systematic basis. This provision is consistent with the President's concerns expressed in his April 20, National Energy Plan.

Seventh. International Energy Policy.

The bill creates a strong role for the Secretary of Energy in the formulation of international energy policy where that policy will have a direct impact on energy supply and conservation in the United States. It is the committee's intent that the Secretary of Energy be the principal technical advisor to the President in any international negotiations involving energy resources, energy technologies or nuclear weapons. At the same time, the committee recognizes that the Secretary of State will continue to exercise primary responsibility for the conduct of foreign affairs relating to energy and nuclear proliferation.

Mr. President, the committee believes that we have found a balance in granting authorities to the Secretary while providing for safeguards on that authority. We believe that we have developed an organizational structure which can meet the challenge of an effective national energy policy, and we hope that the Senate will act expeditiously on the bill.

Mr. President, I want to pay special tribute to the ranking minority member, the distinguished Senator from Illinois (Mr. PERCY) for his cooperation, his outstanding contributions to this measure, his thumbprints are found throughout this bill; to Senator JACKSON, Senator JAVITS, Senator METCALF, Senator MUSKIE, and the entire committee that worked hard and cooperatively in order to get a bill through the committee to the floor.

Senator JACKSON, of Washington, whom I consider the most knowledgeable man in this country in the energy field and whose Energy Committee will have the ultimate responsibility of the oversight of this measure, consistently was consulted. We frequently called upon Senator JACKSON and his staff from the Energy Committee for help and guidance.

I say to the Senator from Washington (Mr. JACKSON) that we have a bill that will be important to his Energy Committee and to Congress as the President's energy program is developed. I know that without a strong department, an effective energy program will be meaningless.

Mr. President, I ask unanimous consent that the following staff members of the Committee on Governmental Affairs be given the privilege of the floor during the consideration and votes on S. 826: Richard Wegman, Ellen Miller, Paul Hoff, Matt Schneider, Claude Barfield, David Johnson, Rochelle Jones, Dan Dreyfus, Ben Cooper, Len Bickwit, Chris Palmer, Stuart Statler, John Childers, Brian Walsh, Vic Reinemer, Win Turner, Gary Klein, and Lyle Morris.

The PRESIDING OFFICER (Mr. JOHNSTON). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I make the same request for Judy Hefner, of my staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I ask unanimous consent that the following members of my staff have the privilege of the floor during the consideration of the pending measure: Daniel A. Dreyfus, D. Michael Harvey, Deborah Merrick, Fred Craft, and Chuck Trabandt.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I ask unanimous consent that Mr. Mike Maloff, a member of Senator GRIFFIN's staff, have the privilege of the floor; and I make the same request with respect to a member of my staff, Dan Case.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, today the Senate is considering S. 826, a bill to establish a new Department of Energy in the executive branch.

This measure may well be the key to the success of the many other energy policy proposals which the President has recommended to this Congress. It is certain that no matter how well considered national energy programs may be, the implementation of our energy policies will prove to be more difficult and more critical than the promulgation of policies.

The Department of Energy created by the measure we are considering today will be the principal agency of the Federal Government for monitoring energy systems and implementing Federal energy programs. Its success or failure may well become the ultimate success or failure of the Federal Government to respond adequately to the energy crisis.

Mr. President, the form of the Department of Energy which the President has proposed is not the form which I would have chosen. It is not a Department of Energy and Natural Resources which can address the multitude of resource development versus environmental protection tradeoffs which are at the heart of the energy problem.

The department proposed in this bill, however, does represent a consolidation of the presently fragmented executive energy agencies. It will consolidate the authorities and responsibilities of ERDA, FEA, the Federal Power Commission, and other smaller programs. It establishes a formal policy relationship between the Secretary of Energy and the Secretary of the Interior regarding the development of critical federally owned energy resources.

The responsibilities and authorities vested in the Secretary of Energy by this measure are impressive. For the first time, a single Cabinet-level official will have the ability to overview and monitor the complexities of the energy system serving this country. For the first time, Federal energy programs will be able to be coordinated at the agency level—on a day-to-day basis.

These are important accomplishments. They are essential to any effective national energy program.

I particularly thank the distinguished chairman of the Committee on Government Affairs for his fine and effective leadership throughout the committee's deliberations on the Department of Energy bill. The efforts of the Senator from Connecticut to improve and perfect this important legislation were contributions which I sincerely commend.

I join the chairman and members of the Committee on Governmental Affairs in supporting the bill as reported and I urge its adoption.

Mr. President, this was no easy task. We had proposals in every direction. Our task, indeed, was to try to reconcile all these conflicts. The distinguished chairman orchestrated this whole effort in a way which made it possible for us to achieve a unanimous vote in reporting the measure. I salute the distinguished Senator from Connecticut for his leadership and his direction.

In all these endeavors, the ranking minority member, the Senator from Illinois (Mr. PERCY) was extremely cooperative. He was able to bring together the various areas of disagreement that existed, particularly with respect to pricing policies, and he was able to assist the committee in coming together as one in the final action.

So I thank the distinguished ranking minority member and all the members of the committee for their cooperation and help.

This has been a hard assignment; it will continue to be. I think all of us agree that it is not the final word in a Department of Energy. The Senator from Connecticut, the distinguished chairman, observed from time to time that there had to be trial and error in this kind of operation. After this department has functioned awhile and has gone through a shake-down period, we will be in a better position to determine whether any changes are necessary and will be able to deal with those issues at an appropriate time.

I express my deep appreciation for this great leadership.

Mr. PERCY. Mr. President, I should like to express my great pleasure once again at being able to work with my distinguished colleague, Senator RIBICOFF. I have truly enjoyed working side by side with him on many issues. He exhibits excellent judgment and a deep knowledge of government at the State level, where he served as Governor, and of the executive branch of Government, where he served as Secretary of Health, Education, and Welfare.

He has a deep understanding of the legislative process and the importance of the separation of powers. He is able to reach out and to work with the executive branch of Government whenever we can find agreement, and to work toward finding that sense of agreement, as well as a natural tendency to reach out in a gracious way toward the minority.

He does not look upon the minority as an adversary, but as a partner. He always respects the right of the minority to hold opposing views. Many times we find that these are not partisan issues at all, and that there are differences of opinion within the majority and the minority. It is that sense of tolerance and understanding, and his desire to preserve the rights of every member of the Governmental Affairs Committee, that distinguishes him amongst all men I know.

I am proud to have worked closely and constructively with Senator RIBICOFF on the bill before the Senate today and on numerous bills coming out of the Governmental Affairs Committee.

I also join Senator RIBICOFF in paying tribute to Senator JACKSON, who has brought to our committee an expertise and a substantive knowledge in the field of energy that has been extraordinarily helpful to us in our work.

Every member of this committee supported the final bill we reported, although each of us might have changed it in some way. As we deliberated and reached a consensus, I think we exemplified the unique nature of the legislative process.

Therefore, I pay tribute to every member of the committee for the way in which they have worked on this bill.

The 17 members of the committee have been ably supported by their staffs, and we all appreciate the endless hours of study and revision which they have put in on S. 826.

We held 12 days of hearings on the bill—many days, both in the morning and in the afternoon. We listened to and questioned many groups and individuals affected by the proposed Department of Energy.

In all, 53 witnesses appeared before the committee regarding this legislation. We heard testimony from the administration, including all affected departments and agencies; from public interest and environmental groups; from representatives of every energy industry, from oil and gas to coal, electric, and nuclear, and including private and public companies and cooperatives; from energy regulators past and present and those they regulate; from the National Governors Conference and State legislators; from the General Accounting Office and the American Federation of Government Employees; from scientists, administrative law judges, and diverse political interest groups. In addition, we received solicited and unsolicited comments from many other persons and organizations.

These extensive hearings were followed by seven markup sessions on S. 826. During the last of these markup sessions, on May 9, the bill was reported out from the Governmental Affairs Committee by a unanimous vote.

I strongly believe that this legislation, as amended, successfully fills a tremendous void in the executive branch by establishing a permanent Cabinet-level Department of Energy, and by bringing together in this department all major Federal energy programs. The main components of this department include the Federal Energy Administration, the Energy Research and Development Administration, the Federal Power Commission, certain programs in the Department of Interior, including the authorities of the Bonneville, Alaska, Southwestern, and Southeastern Power Administrations, the power marketing functions of the Bureau of Reclamation, and some of the responsibilities relating to on- and offshore energy mineral leasing. Also included are certain conservation program authorities now vested in the Department of Housing and Urban Development and the Commerce Department, jurisdiction over the administration of naval petroleum and oil shale reserves, and ICC oil pipeline authority. In addition, the Department of Energy will have the right to insure that the Department of Transportation's automobile efficiency standards are compatible with national energy policy, and will have the authority to publish guidelines for loans and loan guarantees by the Rural Electrification Administration.

For the sake of expediency, I will not attempt to summarize the internal organization of the proposed department, or to provide a section-by-section analysis of this legislation. A detailed explanation of the bill may be found in the committee's report. However, I would like to briefly discuss two very important energy issues and the manner in which they are handled by S. 826. These key issues are energy regulation and energy conservation.

S. 826 places pricing control over various energy resources within the Department of Energy, but insulates the price-setting process from direct secretarial control. The bill creates a three-member, bipartisan Energy Regulatory Board, with members appointed by the President for staggered 4-year terms, subject to Senate confirmation and removable only for inefficiency, neglect of duty, or malfeasance in office.

The Energy Regulatory Board will have authority over all major direct pricing actions, including natural gas wellhead pricing, wholesale electric rates, pipeline transmission rates, and pipeline route certifications. The Energy Regulatory Board will also handle crude oil and oil products pricing.

This board has been designed to insure that full, careful, and impartial consideration be given these important regulatory pricing decisions. To guarantee against arbitrary decisionmaking, this bill sets up a carefully constructed balance of power between the Secretary and the Energy Regulatory Board.

The Secretary would propose a pricing or certification action to the board and set a reasonable deadline for completion of action. The board would then hold hearings and receive comments from interested parties. After the board issues a decision, the President may veto the board's action within 10 days if he finds it unsatisfactory. Otherwise the board's action becomes the final agency action. Ultimately, no new price for oil or gas may be set without the concurrence of both the Energy Regulatory Board and the President.

In this regard, I would like to pay great tribute to my colleague, Senator RIBICOFF, who, as I said at the outset, is, I believe, in an absolutely unique position to know when you should place power in an individual and, possibly when you should not. He has served as the chief executive officer of his own State; he has served as Secretary of HEW, and has had the awesome power to preside over the largest single budget and personnel in the Federal Government, outside of the Department of Defense.

In his wisdom and insight, taking into account that this is a government of law and not of men, no matter how much we respect the integrity, intelligence, and ability of a single individual, it was Senator RIBICOFF's feeling that a deliberative process should be built into this so that the whole process of hearings and deliberation process would be undertaken in pricing and rulemaking decisions, especially when we consider that the very existence of a major industry is at stake.

I know that some Members, as we went through the process, disagreed. However, as we moved through the process of deliberation, it was recognized that this seemed to be the consensus of the committee and, ultimately, it worked out that way.

I talked this morning with Dr. Schlesinger on another matter and, at the same time, I asked him how he felt now about the board and the authority given to it in this bill. To his credit, even though the legislation as originally drafted would have vested the authority in the Secretary—presumably to be Dr. Schlesinger—he indicated without any equivocation that he fully supports what has been reported from the committee and, I believe, in so doing he represents the point of view of the President.

We did consider giving the President final authority to make the decision. But we decided against that process in the committee.

I at first felt that this possibly was the best way to do it, to let the buck stop there. But too many decisions get sent up there already, and I did not want the President put into a position where he might even have to conduct a hearing in the Oval Office. That is really not the best use of the Presidency of the United States. That process can be done some place else, a place other than in the President's office.

Then we did have the problem of constitutionality. To his great credit, Senator GLENN did considerable research on that particular point. I think we all had open minds as we listened to him on that. But there still seemed to be some doubt as to whether or not this would create a built-in constitutional problem.

There was a division of opinion in this case. It was my own decision and the decision of many others not to give the President final authority in this particular case. When it is possible to do it in a way where it is absolutely clear that what we were doing would be fully constitutional, why then take the risk that in these important areas we may be outlining a procedure that may be subject to indecision, because of a potential constitutional challenge?

If there is any one thing we know in any area where there is rulemaking or decisionmaking, it is that we really need decisions made as swiftly and as expeditiously as possible. It is indecision that causes so many mistakes in judgment and so much condemnation of Government, because of our inability to get off the dime and make up our minds.

It is the decision of the committee, then, that the proposal that we have made best handles this sensitive and difficult issue. By emphasizing rulemaking, it does attempt to speed up economic regulatory decisions on energy resources. Simultaneously, the committee recognizes that these decisions have such a significant and far-reaching effect on the lives of Americans that they should not be made solely by one individual.

The committee also amended the administration's original bill to upgrade the priority accorded energy conservation within the organizational structure of the new department. Since energy conservation is correctly emphasized as the cornerstone of President Carter's energy policy, we felt this priority should be better reflected in the internal structure of the Department of Energy and in that of related departments.

To achieve this, the committee adopted two amendments which I proposed during markup. My first amendment heightened the apparent as well as actual significance of conservation energy in the new department by designating an under secretary to bear primary responsibility for energy conservation, as well as recommending that conservation be the exclusive concern of one assistant secretary.

My second amendment contains a specific requirement that other Cabinet-level departments and agencies with conservation responsibilities—specifically DOT, DOC, RUD, DOI, DOD, GSA, and the Post Office—designate an assistant secretary or equivalent officer as the principal conservation officer within that department, and requires that the word "conservation" become a part of each applicable assistant secretary's title.

In the committee report, language has also been inserted calling upon the President to carefully consider an Energy Policy Council in the Executive Office of the President. This council would function in a similar manner to the Council of Economic Advisers. The committee is hopeful that President Carter will seriously consider such a council, but did not add it to the bill so as not to interfere with the upcoming reorganization of the Executive Office of the President.

I do hope that those in the White House working on this concept will look it over carefully. Energy is such a vital and important part of our entire economy, defense, security, and well-being, and its influence is so broad that we should have a council to represent all points of view and bring to bear in the creation of policy the impact that our energy policy has on virtually every aspect of American life.

We should simply recall what happens when we are slightly short of energy in some States, as we were this winter, when schools closed, homes were shut down, people had to move into school houses, into communal living boarded up with someone else, when factories were closed and people were out of work. When we consider what happened with just a brief oil embargo by the OPEC countries, and how that embargo affected motorists through long lines, wasted hours, people not able to obtain energy, we can see what a pervasive effect the lack of energy has in this country. When there is a shortage of petroleum for fertilizers, we learn how vitally that can affect us as the largest exporting nation on Earth and what effect it has on the food resources of all people of the world.

In summary, I voice my strong support for the changes made in committee with regard to regulation and energy conservation, and for this legislation as a whole. The amended bill for which we ask support today represents the culmination of almost 3 months of intensive effort. It has received an overwhelming mandate in committee, having passed by a unanimous vote of 17 to 0. I think that the committee's unanimity is perhaps the best evidence of the widespread support and crucial need for this legislation. I am hopeful that the Senate will reaffirm the committee's judgment by a similar overwhelming margin, so that the Department of Energy can become a reality this summer.

Mr. President, last year at the close of the session we had a reorganization bill involving the extension of the Federal Energy Administration. That bill, a simple extension of FEA, became the vehicle for many substantive amendments and for a tremendous amount of oratory and rhetoric for home consumption on every conceivable subject involving energy.

Members of the Governmental Affairs Committee were tied up for weeks in a conference that was a debating session between House and Senate Members, those interested in oil and gas pricing, those interested in all aspects of the energy problem, and it really needlessly tied up the Senate. In talking with the leadership, and with various interested members, we wish simply to make an appeal. Because of the upcoming recess, with other calendar matters that should move forward and be cleaned up by the Senate before we go on recess, and because we do have before the Energy Committee now for hearings a very large energy bill which deals with every conceivable energy subject, it is our earnest hope that those debates will be held at the proper time and not at this particular time when we are dealing with a straightforward organizational bill.

We need to move forward on this bill because it involves thousands of people and the creation of a department. We all are unanimous in our feeling we need such a department. I hear no opposition to that. Certainly we can have legitimate debate and discussion on rulemaking, on where these various functions should be performed. All of those debates did occur in the committee, and certainly they are very appropirate for the floor. But I am joined by Senator BAKER and Senator STEVENS in hoping that we will confine our debate on substantive matters involving energy policy to the energy bills that will be coming before us after they have gone through the Finance Committee and the Energy Committee. I hope we will try to deal now only with the organizational items that are specifically incorporated in this particular bill.

I express again my appreciation to such Senators as Senator CLIFF HANSEN, Senator MARK HATFIELD, Senator JAMES McCLURE, and others, who have been extremely interested in the energy field and who have indicated they wish to help us move this bill expeditiously, after due deliberate debate, through the legislative process.

I shall just mention, in closing, since energy conservation is the centerpiece of the administration's policy, that I wish to express deep appreciation to the 38 Members of the Senate, especially Senator HUMPHREY, and to a great many Members of the House of Representatives and the House leadership and the Senate leadership that have joined the Alliance to Save Energy the Alliance is a private nonprofit organization, but it is supported by members of the administration and members of past administrations including Past-President Ford, Secretary Kissinger and Secretary Carla Hills. They are working, in a sense, in a nonlegislative way to bring about the goals and accomplishments outlined by President Carter in his major effort to alert America to the problems that we face.

Later this month, Henry Kissinger will be meeting with the Alliance's Advisory Board in Washington and James Schlesinger will be addressing that group.

If anyone would challenge the President as over-reaching to the challenge ahead of us, I would urge that they not only read the report submitted by the Central Intelligence Agency, and declassified, so that it could be made available to all Americans, but also the report released 2 days ago by MIT and a distinguished panel from across this country and around the world that puts this matter in almost a wartime perspective from the standpoint of an emergency.

I, therefore, once again commend the 17 members of our committee, who have worked so diligently, and the extraordinarily dedicated staff who have worked to move this legislation forward to the Senate in a very expeditious manner. We have had years in which we have debated the creation of a Department of Energy and Natural Resources. I hope we will ultimately work toward enacting that legislation. However, I am proud that we have already accomplished more in the past several months with this bill than we have in the past 2 or 3 years.

I am very grateful to our chairman and to every member of the committee for their cooperation.

Mr. LEAHY and Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. GLENN. Is the Senator calling up an amendment?

Mr. LEAHY. Yes. Mr. President, I yield to the Senator from Ohio, provided that I may do so without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I wish to make just a short statement in support of, and associate myself with, some of the remarks already made, as well as to make a couple of points on this bill.

The Senator from Connecticut (Mr. RIBICOFF), as chairman of the committee, had a most difficult task in trying to ride herd through the committee on all the considerations involved, because I do not believe that most Members of the Senate really appreciate to this day the complexity of the energy problem. I associate myself with those who have already commended our chairman on the fine job he did in the committee in conducting the hearings and the markup on as nonpartisan a basis as one can see in legislation in the U.S. Senate.

I refer to the complexity. In getting the things that affect the price of energy for every single person in this country——

Mr. RIBICOFF. Mr. President, will the Senator from Ohio yield for a second?

Mr. GLENN. Certainly.

Mr. RIBICOFF. I wish to make the specific point that the distinguished Senator from Ohio chaired many of the hearings on the creation of this new department. His knowledge, dedication, and skill were most helpful in conducting those hearings. He was most loyal in attending the hearings and examining and cross examining the various witnesses, and his contributions to this bill were most important.

As chairman of the committee, I consider it a real privilege to have the Senator from Ohio as a member of the committee.

Mr. GLENN. I thank the Senator from Connecticut.

Mr. President, I do not think most people yet appreciate the complexity of the monumental task we are going to give to this new Secretary of Energy once the department is established. I have been concerned, all through our legislative process, that considering the enormity of the task that we are giving to this new Secretary, we be very careful to give him the tools to accomplish that job once the department has been established.

We are dealing with something that is so complex and so all-pervasive throughout our whole society and throughout the Government that every single department of the Government is involved in some way with energy and the energy problem. The reason we are trying to set up a new department is that in the executive branch, as well as in the legislative branch, those dealing with energy matters have found the authority so proliferated all over the place that there has been no one spot we could turn to to get things done. This legislation will go a long way toward addressing that problem in the executive branch.

Let me try to indicate for a moment the complexity of the problem, and why I think that we should not have any weakening amendments on this bill. Very frankly, Mr. President, I think this bill is as weak as it can be and still afford a hope of getting the job done. And I do not say that lightly. I think too many people have looked at this legislation as concentrating all energy-related authority in this new department, that we were setting up an energy czar who was going to be all-powerful. I say to my colleagues in the Senate and to the President that that is not being done in this bill. We are not setting up an all-pervasive, all-powerful czar of energy in this country with this legislation. If anything, I question whether he is going to have enough power to get the job done.

The amendments I proposed in committee were those that I felt would strengthen the department and not weaken its functions any further. Some of those amendments were accepted. I am sorry that all of them were not accepted, because I think we are going to need a very strong department to accomplish what has to be done in this energy field.

For instance, let me go through a couple of items to illustrate what I am talking about.

President Carter has proposed a policy which will require a great deal of coal. At the same time, we want clean air. Clean air standards will be set—even under this bill, once it is in force—by the EPA. The new Secretary will be able to advise EPA, but the final authority for setting standards will still reside in EPA, with all the implications that has.

To override anything EPA does, the new Secretary would have to make such a fuss about it that it would take both department heads to the President for a final decision; and I am afraid that may have to be done many times by the new Department of Energy Secretary.

Let me mention a different area. I, in the past, have been very concerned that the Department of the Interior in the administration of its leasing functions for oil and gas offshore and on Federal properties ashore, has, I felt, dragged its feet in not pushing more forcefully to get leasing underway so that we can get our energy reserves onstream. It is important that we know what we have, not just as a seismic or geological study, but as known reserves, tapped, drilled and with pressures measured. I have felt that they have not pushed very hard, and I have talked with Dr. Schlesinger about this issue. He feels that they could work it out.

Yet I pick up this morning's Washington Post, and there, according to an article on the front page, the Department of the Interior is holding up the sale of leases, at a time when we need more energy, when we need more leasing, not less. But the Secretary of the Interior, by his action yesterday, set back offshore leasing for years and years, at the very time when we need more energy, and not a setback in leasing policy.

I found that disturbing, Mr. President. I find it difficult to believe. Just when we are setting up new authority in a Department of Energy to help coordinate all these functions, suddenly, at this particular time, the Department of the Interior seeks to act to set back our plans for drilling offshore. I presume on Federal lands onshore also, although I do not believe that was mentioned in this article.

I wonder what goes on. As I say, I find it very hard to believe there had been prior consultation on this vital point. I find it hard to believe that the matter could not have been postponed until the new department is established. But the Department of the Interior seems to be working at cross-purposes right now, holding up getting new energy sources onstream, and saying, "Well, we have to consult with the States."

I do not say we do not have to consult with the States, and consider their views in these matters, but I do say that unless there was very adequate prior consultation between those who are trying to establish the new Department of Energy in the executive department and the Department of the Interior, that the left hand does not know what the right hand is doing down Pennsylvania Avenue, I have no indication from checks I made this morning that it was.

Another matter that is left out of this legislation is the matter of nuclear electrical generation. Right now around 10 percent of our electrical generating capacity in this country is coming from nuclear plants. It is estimated that it will be between 22 and 25 percent by 1985. Yet the considerations of that new energy source are not to be in the direct control of the Department of Energy. That means that perhaps within 6, 7, or 8 years 25 percent of our electricity, unless some changes are made, will be left out from under the control of the Department of Energy.

That is a little hard for me to fathom. The reasons given as to why the administration did not include that in the bill were based upon issues related to public safety. I appreciate those considerations, but this is a mammoth new energy source, and I hope it can be folded into the new Department sometime later on.

Another consideration, Mr. President, that concerns me is related to automobiles, which use some 40 percent of our crude oil in this country. By the most recent available figures, about 40 percent of our crude goes into transportation. Yet the miles-per-gallon standards will not be under the new Department of Energy. The Department of Transportation will set the mileage standards and the Secretary of Energy will only have an opportunity to comment. There will be consultation back and forth, but final authority remains in the Department of Transportation. If the Secretary of Energy objects to the proposed standards, he may refer the matter to the President for resolution. That is one step forward we did make in committee.

I find it difficult to believe that the use of 40 percent of our crude will not be directly controlled in this new Department of Energy.

Another function Senator PERCY alluded to a few moments ago is the pricing function. Senator RIBICOFF also mentioned this in his opening remarks. I see that, Mr. President, as being key to the new Department of Energy, and key to the Secretary being able to exercise any control. This was debated long and hard in the committee. It did not come out the way I might have preferred, but as a compromise measure it was as good as we could obtain in committee.

I would have preferred to go the route of the original administration bill, in which the Secretary was to have the pricing authority, subject only to what the President might have wished to do, of course. In the committee we came up with a different mechanism. It somewhat weakens the original administration bill.

These are just a few of the things, Mr. President, that I wish to have on the record. Simply because we pass a new Department of Energy bill, which I believe we need and which I have been in favor of for a long time, I would not want the American people or this body to think that suddenly all things involving energy are now going to come under the close scrutiny and control of this new Secretary. That is just not going to be the case. We are going to need the utmost of direction and guidance from the Presidential level, from one man speaking to his department heads and to the various agencies of the executive government, in order to bring them into line so they cooperate with this new Department of Energy head.

With all due respect to our committee activities, we did approve some strengthening amendments. I congratulate Senator RIBICOFF for his leadership in seeing that those strengthening amendments received adequate consideration in committee. Some of them were adopted. I believe the bill is a better bill because we do have those strengthening amendments.

The main reason I bring up some of the things I see as weaknesses, Mr. President, is because I hope my colleagues in this body will not weaken this bill further. I would almost prefer to see no Department of Energy if this bill is seriously weakened from its present form.

While I know we have all the little private interests in the various States represented by Senators, I would hope we could keep to a minimum any amendments that in any way would weaken this legislation. It is barely able to do the job now, as I see it. I hope we can reject any weakening amendments.

Once again I commend Senator RIBICOFF for his leadership on this bill. He did a magnificent job in the committee. This is extremely tough legislation to deal with because of the complexities across the board. It gets into every single department of Government. There is not a single department in Government which does not have something to do with the energy picture in this country. Energy affects every pocketbook, every household, every man, woman, and child in this country. Indeed, it may be the determining factor as far as unemployment, jobs, the future society of this country, the standard of living we have, and what we can do in helping other nations around the world. There is nothing more important than coming to grips with this energy problem.

I thank the Senator for his leadership and for his indulging me at this time.

Mr. LEAHY. Mr. President, I also compliment the distinguished Senator from Connecticut (Mr. RIBICOFF) and the distinguished Senator from Illinois (Mr. PERCY) for their leadership in this field.

I assure the distinguished Senator from Ohio (Mr. GLENN) that the amendment I will call up is not in any way a weakening amendment.

Mr. JAVITS. Mr. President, I would like to make a few introductory points on S. 826 before we begin the specific debate on individual amendments. As a senior Republican member of the Governmental Affairs Committee, and as an original cosponsor of the Department of Energy legislation, I have been involved for quite some time on the issues presented by this bill.

We began this process last year in the FEA Act by ordering an energy reorganization proposal from President Ford by December 31, 1976. We received that report, and much of the original concept for a Department of Energy bill that finally emerged fom the current administration had its genesis in that proposal. At that time, it was not certain that most would support the idea of merging each of the scattered energy functions of the Federal Government in a single department and a single secretary. But as the issues became more clear, it became apparent that a single department of Government was the only feasible structure for handling the pervasive problems we confront in the energy area.

Once that threshold was crossed, we

then had to face the myriad questions involved in what powers would be included in the Department, and with what procedural processes and safeguards. The foremost of those issues was whether to transfer the Federal Power Commission to the new Department, and what was to become of the independence and consumer protection orientation of that Commission if a transfer was needed. We worked long and hard to come up with a solution to that question, and I believe the committee has fashioned a structure that is both workable and fair to all concerned. It is a consensus fashioned by those who would put all of the energy pricing decisions of the Federal Government in the secretary, as well as those who believe it is critical that there be a public participation process with independent decisionmakers to determine whether the judgment of the mission-oriented department accords with all of the other considerations that must be considered when making energy pricing decisions that affect the pocketbook of every single American, without exception. The structure agreed upon, which is title IV of S. 826, provides the input and control needed by the Secretary to insure that all pricing decisions adequately consider the effect on national energy policies, and the independence necessary to guarantee that prices are not set entirely by those whose interests are singly directed toward increased domestic production.

Mr. President, there is another area to which I want to call the attention of my colleagues, and that is energy planning. Title VII of the bill establishes a procedure that I believe will be with us for many years to come, and which help to insure that we never reach this point again. It continues the admirable start we are making this year in national energy planning will not be discarded for the more random and short-term energy policies that have been so characteristic of our actions in the past. It will require that once every 2 years, beginning in 1979, the President must submit to the Congress, for our active consideration pursuant to a statutory timetable, an updated plan for energy policy. This plan will establish the framework for future executive and congressional policy in the energy area.

It will establish goals and make projections for both a 5- and 10-year time frame, as to production and conservation. If enacted as a joint resolution, the plan would then require the executive branch and Congress to explicitly consider, with every action that affects energy, whether such action is consistent with the objectives of the plan. There is absolutely no doubt that we have to plan our energy policy better than we have in the past, with the future firmly in mind. I believe this process of energy planning will provide us with the information and the incentives to continue long range energy policy formulation.

Finally, Mr. President, I would like to inform my colleagues that I will be offering an amendment to the bill on the subject of administrative procedure. This amendment would have been offered in committee but for an unavoidable scheduling conflict. The amendment would establish a statutory procedure for enforcement actions under the Emergency Petroleum Allocation Act. There is no statutory procedure now in existence other than the general guidance contained in the Economic Stabiization Act of 1970 which has been implemented by regulations.

The procedure that has evolved at FEA is one well-suited for emergency needs and temporary authorities, but it falls short of the due process safeguards and separation of functions requirements included in all other permanent regulatory schemes. The amendment is procedural and does not modify any of the underlying provisions of the Emergency Petroleum Allocation Act. It will require that a hearing be held before the Energy Regulatory Board before a party is judged guilty of a violation of the act, thus bringing enforcement of EPAA into line with enforcement of the other regulatory statutes administered by the Department.

Mr. President, I do believe we must move forward quickly to establish this new and critically needed department of Government. I commend the chairman and Senator PERCY for their excellent work in moving this bill expeditiously but always guaranteeing that all Members' views were fully heard.

UP AMENDMENT NO. 220

Mr. LEAHY. Mr. President, I call up my amendment which is at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Vermont (Mr. LEAHY) proposes an unprinted amendment No. 220.

Mr. LEAHY. Mr. President, I ask unanimous consent to dispense with the reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 53, line 21, strike out "and,".

On page 53, line 24, strike out the period and insert in lieu thereof a semicolon and "and".

On page 53, following line 24, add the following new subsection:

"(t) To create within the Department of Energy an awareness of, and responsibility for, the fuel and energy needs of rural residents as such needs pertain to home heating and cooling, transportation, agricultural production, electrical generation, conservation, and research and development.".

On page 66, line 19, strike out ", and" and insert in lieu thereof a period.

On page 67, between lines 4 and 5, insert the following new paragraph:

"(12) assuring the compilation of adequate and reliable data needed to carry out the duties specified in section 701 of this Act, relating to energy uses in rural areas, through independent development and through the solicitation of information from other governmental agencies at the Federal, State, and local levels, and from private entities.".

On page 129, line 18, strike out "and".

On page 129, line 20, strike out the period and insert in lieu thereof a semicolon and "and".

On page 129, between lines 20 and 21, insert the following new paragraph:

"(7) include within the proposed Plan required under paragraph (1) of this subsection information as a comprehensive summary of data pertaining to all fuel and energy needs of residents of the United States residing in—

"(A) areas outside standard metropolitan statistical areas; and

"(B) areas within standard metropolitan statistical areas which are unincorporated or are specified by the Bureau of the Census, Department of Commerce, as rural areas.".

On page 130, line 20, strike out the period and insert in lieu thereof a semicolon and "and".

On page 130, between lines 20 and 21, insert the following new paragraph:

"(4) include a comprehensive summary of data pertaining to all fuel and energy needs of residents of the United States residing in—

"(A) areas outside standard metropolitan statistical areas; and

"(B) areas within standard metropolitan statistical areas which are unincorporated or are specified by the Bureau of the Census, Department of Commerce, as rural areas.".

On page 132, line 6, strike out the period and insert in lieu thereof a semicolon and "and".

On page 132, between lines 6 and 7, insert the following new paragraph:

"(7) including a comprehensive summary of data, including findings and conclusions based thereon, pertaining to all fuel and energy needs of residents of the United States residing in—

"(A) areas outside standard metropolitan statistical areas; and

"(B) areas within standard metropolitan statistical areas which are unincorporated or are specified by the Bureau of the Census, Department of Commerce, as rural areas.".

Mr. LEAHY. Mr. President, during the last session of Congress and at the beginning of this Congress I introduced legislation, along with similar legislation in the House introduced by the distinguished Member of the House, the Honorable CHARLES ROSE, of North Carolina, to create a Rural Energy Office in the Department of Agriculture. The office would be charged with maintaining an audit of the fuel and energy needs for rural America and the agricultural sector.

The creation of such an office would now be inconsistent with the establishment of a Department of Energy in the executive branch to assure effective formulation and implementation of a national energy policy. However, the fact remains that rural Americans have very different energy needs and problems than those residing in more populated areas, needs and problems which in the past have been largely ignored.

Because of the greater distance which rural Americans have to travel to their employment and to obtain basic social services, they consume a higher per capita amount of gasoline than the national average. Also, because the predominant housing pattern in rural areas consists of single-family dwellings, rural citizens consume more heating fuel as well. This is compounded by the fact that 60 percent of the Nation's substandard housing exists in rural areas. Rural people also have higher per capita consumption rates of liquefied petroleum gases, LPG because of the use made of these gases in crop drying for agricultural purposes.

The list could go on and on. The bottom line is simply that although the rural areas have been pinpointed as being especially hard hit by the energy crisis, no attempt has been made thus far to take these special needs into account in the formulation of national energy policy.

Mr. President, my amendment would merely insure that these needs are taken into account in the formulation and implementation of national energy policy. The amendment provides for an assessment of rural energy needs as they pertain to home heating and cooling, transportation, crop production, electrical generation, conservation, and research and development of fossil fuel substitutes, an integral part of national energy policy planning.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point examples of the kind of information I would like to see included as part of this assessment referred to in section 701(a)(7), (b)(4) and (c)(7) of my amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I. The heating and cooling of residential dwelling units, especially with regard to—

(i) the methods and sources of heating and cooling existing dwelling units;

(ii) anticipated new construction of dwelling units;

(iii) energy sources which could be used in heating and cooling such newly constructed units; and

(iv) the possibilities of converting existing dwelling units to heating and cooling systems which can be produced but are not widely used.

II. Transportation, especially with regard to—

(i) gasoline for motor vehicles used primarily on highways, including a specification of—

(a) amounts and retail prices of such gasoline;

(b) the approximate number and location, by State, of existing retail outlets; and

(c) anticipated changes in the marketing and availability of (and demand for) gasoline, anticipated responses to the changes, and the potential effect of research on these changes;

(ii) all fuel, diesel and otherwise, available for farm equipment used primarily in areas other than highways, including a specification of the factors referred to in clauses (i) through (iii) of subparagraph (A) of this paragraph; and

(iii) existing availability of intercity and intracity public transportation and the feasibility of expanding such transportation;

III. The production of agricultural commodities, especially with regard to—

(i) the amount of liquefied petroleum gases consumed in the production of various agricultural commodities;

(ii) the amount of petrochemicals, fertilizers, and related byproducts consumed in the production of various agricultural commodities;

(iii) the marketing and related costs involved in the production and transportation of agricultural commodities; and

(iv) the amount of energy used to produce agricultural commodities on different-sized farms;

IV. Energy needs of businesses and industries, especially with regard to—

(i) maintaining existing business and industry in rural areas;

(ii) attracting new business and industry to such areas; and

(iii) comparing the degree of dependence of such industry and business on conventional and on alternative sources of energy with the degree of dependence of urban industry and business on each such source;

V. Sources of electricity, especially with regard to—

(i) existing sources;

(ii) short- and long-range anticipated needs for electricity;

(iii) short- and long-range projected conversions from electrical to other sources of energy, including nuclear and solar energy;

(iv) short- and long-range plans concerning the location of nuclear plants; and

(v) the estimated costs (in three, five, and ten-year intervals) of utilizing existing sources of electricity, meeting anticipated needs for electricity, converting from electricity to other sources of energy, and establishing nuclear plants;

VI. Conservation of energy, especially with regard to—

(i) the extent of existing programs designed to conserve energy; and

(ii) the potential for developing new programs of conservation and the costs thereof, especially with regard to encouraging self-sufficienecy by utilizing wood, solar energy, wind, and water to supply alternate sources of energy; and

VII. Energy research and development, especially with regard to locating, identifying, developing, and providing information on alternate fuels and the potential use of energy technologies which have not been fully developed or widely utilized.

Mr. LEAHY. Mr. President, this amendment will make it possible to detect important demographic and economic conditions which will impact directly upon rural areas, and in turn, on their energy needs. It also provides an additional data base that will be helpful in policymaking. Finally, it will also insure that the impact of any Federal rules, regulations, or legislation on rural energy needs is taken into account in national energy policymaking.

Mr. President, I yield to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, I have spoken with the distinguished Senator from Vermont about this amendment. I believe it is proper. We should take into account the problems of rural America. The problems of rural America are different and should be considered. The amendment is satisfactory to the majority, and to the manager of this bill. I defer to the distinguished Senator from Illinois. I would be willing to accept the amendment of the distinguished Senator from Vermont.

Mr. PERCY. Before commenting on accepting or not accepting the amendment, I would first like to say to Senator LEAHY that of all the Senators who have been aware of the energy problems we face and the necessity of moving forward, he has been in the forefront. Since the first meeting we ever held on the need to save energy, Senator LEAHY has been right there.

Mr. LEAHY. If the Senator will yield, I was extremely honored to be there with the distinguished Senator from Illinois.

Mr. PERCY. We were honored to have the distinguished Senator.

With respect to energy requirements in rural areas, I do not think there is anyone in the Senate who knows more about it, or who has been more in the forefront in looking after rural interests. Rural interests are so terribly important. Many think of Illinois as a big, industrial State, but Illinois to me is also southern Illinois and central Illinois. We have 132,000 farm families there. Energy is their life blood. Certainly, demands are very, very great for energy. Rural people are vitally affected by it. Obviously, from the standpoint of fertilizers alone and the indirect use of energy, it is vital to their agricultural revenue and income.

I find the amendment praiseworthy. I am fully supportive of it. I do not know of anyone in the minority who would not commend the distinguished Senator, as I do, for his initiative in this regard. I hope the Department of Energy will fully take this into account. I will discuss it with Dr. Schlesinger personally to be certain he is well aware of the amendment. From the standpoint of the minority, we accept it.

Mr. LEAHY. I thank the Senator very much.

Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. RIBICOFF. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I thank the distinguished floor managers for both the majority and minority side for their confidence and their help. This amendment could not have been agreed to without their assistance. I yield the floor.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BAYH). Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent that Mr. Richard Bryan of my staff be accorded the privilege of the floor during consideration of S. 826 and any votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 221

Mr. KENNEDY. Mr. President, I send to the desk an amendment for myself and for the Senator from Maryland (Mr. MATHIAS) and ask that it be considered.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY) for himself and Mr. MATHIAS, proposes unprinted amendment numbered 221.

SEC. 502. ATTORNEYS' FEES; FEES AND COSTS OF EXPERTS; PARTICIPATION EXPENSES

(a) For the purpose of this section, the term—

(1) "person" means any person as defined in section 551 (2) of title 5, United States Code, and includes a group of individuals with similar interests;

(2) "proceeding" means any Secretarial or Economic Regulatory Administration or Energy Regulatory Board process in which there may be public participation pursuant to statute, regulation, or departmental practice.

(b) The Secretary is authorized, in accordance with such rules as he may prescribe, to award reasonable attorneys' fees, fees and costs of experts, and other costs of participation in any proceeding under this Act or under the authority of any law the functions of which are transferred by this Act to any person, if—

(1) the person is an effective representative of an interest the representation of which contributes or can reasonably be expected to contribute substantially to a fair determination of the proceeding, taking into account—

(A) whether the interest is adequately represented by a participant other than the Department itself,

(B) the number and complexity of the issues presented,

(C) the importance of public participation, in consideration of the need to encourage participation by representatives of segments of the public who, as individuals, may have little economic incentive to participate, and

(D) the need for representation of a fair balance of interests; and

(2)(A) the economic interest of the person in the outcome of the proceeding is small in comparison to the costs of effective participation in the proceeding by that person, or whenever the person is a group or organization, the economic interest of a substantial majority of the individual members of such group or organization is small in comparison to the costs of effective participation in the proceeding, or

(B) the person does not have sufficient resources available to participate effectively in the proceeding in the absence of an award under this section.

(3) The amount of reasonable attorneys' fees, fees and costs of experts, and other costs of participation awarded under this section shall be based upon prevailing market rates for the kind and quality of the services furnished or to be furnished, except that (A) no expert or consultant shall be compensated at a rate in excess of the highest rate of compensation for experts and consultants paid by the Department; and (B) attorneys' fees shall not be awarded in excess of $50 per hour for any such participation unless the agency determines that special factors, such as an increase in the cost of living or limited availability of qualified attorneys for the proceeding involved justify a higher fee.

(4) Payment of fees and costs under this section shall be made within ninety days after the date on which a final decision or order disposing of the matters involved in the proceedings or phase of the proceeding is made by the agency.

(5) Notwithstanding any other provision of law, the Secretary may make advance payments of fees and costs under this section to enable a person to participate or to continue to participate in a proceeding if the person establishes that the ability of such person to participate in the proceeding will be impaired by failure to receive funds prior to the conclusion of such proceeding.

(6) The Director shall, within ninety days after the date of enactment of this Act, propose regulations to carry out the provisions of this section. Such regulations shall be adopted by the agency and take effect no later than one hundred and eighty days after the date of enactment of this Act.

SEC. 503. ATTORNEYS' FEES; FEES AND COSTS OF EXPERTS; LITIGATION EXPENSES

(a) For the purpose of this section, the term "person" means any person defined by section 551 (2) of this title and includes a class of individuals and any individual member of such class.

(b) Notwithstanding any other provision of law, any party or party intervenor in a civil action or other proceeding for judicial review of agency action under this chapter shall be entitled to recover reasonable attorneys' fees, fees and costs of experts, and other reasonable costs of litigation, including taxable costs, from the United States if—

(1) the court affords such person the relief sought in substantial measure, or, after the filing of such action, the agency affords such person the relief sought in substantial measure;

(2) such action served an important public policy; and

(3)(A) the economic interest of the person in the outcome of the action is small in comparison to the costs of effective participation in the action by that person, or whenever the person is a group or organization, the economic interest of a substantial majority of the individual members of such group or organization is small in comparison to the costs of effective participation in the action, or

(B) the person does not have sufficient resources available to participate effectively in the action in the absence of an award under this section.

(c) Reasonable attorneys' fees, fees and costs of experts, and other costs of litigation awarded under this section shall be based upon prevailing market rates for the kind and quality of the services furnished.

SEC. 504. OFFICE OF PUBLIC PARTICIPATION

(a) There is hereby created within the Department an Office of Public Participation. The office shall be headed by a Director who shall be compensated at the rate provided for by level IV of the Executive Schedule under Section 5316 of title 5, United States Code.

(b) The Director shall have the responsibility for providing for, encouraging, and assisting public participation in any Departmental process and for administering the awards for public participation as provided for in section 502 of this title.

Mr. KENNEDY. Mr. President, the amendment I am offering makes it clear that the Secretary is authorized to provide financial assistance to persons whom he thinks capable of making important contributions to the resolution of issues involved in Department proceedings. Awards of fees and costs of attorneys and experts may only be made to persons with little or no direct economic interest in the outcome of a particular proceeding. The amendment also authorizes Federal courts to award fees and costs to successful litigants in actions for judicial review of Department decisions, when the litigant has little or no direct economic interest in the outcome of an action and where a court feels that the bringing of the action clearly served to vindicate an important public policy. I might add that the provision relating to the Department's authority to make these kinds of awards is modeled on the program that has been operating with great success at the FTC for the past 18 months under authority provided by the Magnuson-Moss Act. The EPA has similar authority under the recent Toxic Substance Control Act.

A similar amendment to this bill was offered by Senator MATHIAS during markup by the Committee on Government Affairs. Although there was considerable support for insuring that the public is involved in decisions on energy issues, the committee members declined to adopt the Mathias amendment on the ground that the Senate would have an opportunity to consider legislation which Senator MATHIAS and I have introduced to authorize all Federal agencies to provide such assistance. I am offering this amendment today, because I believe we can not afford to wait until the Senate is able to consider the generic legislation we have proposed. In the weeks and months to come, the Department of Energy will be dealing with numerous crucial issues which cannot be resolved fairly or in the best interests of the general public unless we insure that public views are effectively represented.

Indeed, the Federal Energy Administration, one of the agencies to be absorbed by the new department, is already providing such assistance in certain of its proceedings, under the authority of several decisions by the Comptroller General. The Comptroller General has ruled that Federal agencies have inherent statutory authority to provide compensation to persons who can contribute to agency proceedings. The EPA has been among several agencies to utilize this authority, and has already made awards to participants in proceedings conducted by its Office of Exceptions and Appeals. The Comptroller General has also suggested, however, that Congress should act to provide affirmative guidance to the agencies as to how the inherent authority is to be exercised.

On the other hand, the Federal Power Commission, another existing agency to be absorbed by the new department, has been extremely hostile to the concept of providing assistance for public participation in its proceedings. It has challenged the validity of the Comptroller General's rulings in the courts, taking the position that only Congress can authorize such payments. In light of the present confusion, it is, therefore, essential that Congress act now, first, to make clear that the Secretary has the authority to provide financial support for citizen participation in Department proceedings, and second, to provide guidelines for its effective exercise. While adoption or rejection of my amendment clearly will not alter the authority which agencies like the FEA and the FPC already have, I think it important that Congress act to settle the present confusion as soon as possible. Adoption of the amendment would obviously speed that process.

My amendment also establishes within the Department an Office of Public Participation which will have the responsibility of insuring that the views of the public are well represented in department proceedings. While the office itself will not make the actual decisions on requests for financial assistance, it will administer the awards made by the Secretary. In general, the office will assume many of the functions currently performed by the Office of Energy Policy and Planning, which, under the direction of Mr. Schlesinger, has shown itself to be committed to increasing public involvement in FEA activities.

The office has conducted mailings to solicit the views of a cross section of the American people on the President's energy proposals. It has also conducted regional town meetings and conferences in various parts of the country to solicit the views of consumers, businesses, industry, environmentalists, and State and local governments. The Office of Public Participation to be created by this amendment would carry on these and many other similar activities in which the Office of Energy Policy and Planning has been involved.

To sum up, Mr. President, I do not believe that the Department of Energy can be expected to formulate and administer a comprehensive energy program that will have the support of the American people unless it insures that the voices of all citizens can be heard in its proceedings. The responsibilities of the department we are creating are so vast, its powers so comprehensive, and the need for decisive action on energy issues so pressing, that Congress must act to eliminate even the possibility that the public will be effectively excluded from the decisionmaking process. Not only will the agency make pricing decisions on oil, gas, and electricity, but it will control mandatory allocation and pricing of crude oil, residential fuel oil, and refined petroleum products, and certification and rates for transportation by natural gas pipelines.

The hard reality is that only those special interests which stand to realize significant financial gains can afford the often enormously high costs of effective participation in proceedings of this complexity. We must insure that all citizens who can make important contributions to agency proceedings are able to participate, if we are ever to right the imbalance which now exists. There is simply no alternative to permitting agencies like the Department of Energy to provide financial assistance to persons who can assist in reaching responsible decisions from which the entire Nation will benefit.

Mr. President, I ask unanimous consent that Mr. Tom Susman be granted privilege of the floor during consideration of this amendment and the remainder of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, there are other Members that are extremely interested in this provision. I will suggest the absence of a quorum just briefly so that they can be notified. In particular, the Senator from Georgia as well as the Senator from Florida have expressed reservations about it. I will then be glad to begin to debate this particular issue.

Mr. RIBICOFF. If the Senator will yield. I happen to be personally sympathetic and approving of the Senator's amendment. However, the Senator from Georgia (Mr. NUNN) feels very strongly about this amendment. I do think—and I talked to the Senator from Massachusetts—I will suggest the absence of a quorum and send for the Senator from Georgia so he will have an opportunity to discuss the other side of this amendment.

Mr. PERCY. Mr. President, if the Senator will yield, while Senator KENNEDY is in the Chamber, I wish to indicate that in committee I expressed the thought that we should not innovate in this bill. I thought that the emergency is such that we ought to move ahead and set up a department along established lines. But, if the procedure that is being outlined has been used in other places, so we know the territory we are going into, then certainly I am receptive to the idea of continuing to experiment with public participation. However, I wanted to be absolutely certain we had a precedent which we could go by.

The original proposal, which was raised by Senator MATHIAS of our committee, followed and paralleled the procedures used at the FTC.

I ask the distinguished Senator from Massachusetts if that is true of the amendment he is offering and, if so, what experience we have on the record from FTC as to what the costs have been, how the FTC Chairmen have reacted to it, whether it has enabled groups to come in and benefit or if it has unduly delayed the decisionmaking process. In general, I think if we are not pioneering but are going down known channels it would help us in formulating a judgment. Members, certainly on the minority, would like to have more information on it, and to have past experience to draw from.

Mr. KENNEDY. If I may respond, Mr. President, the substance of this proposal is based on the program at the Federal Trade Commission, which I think has been an extremely strong one. We have heard compelling testimony from former Chairman Collier of the Commission, who reviewed in detail the success of this program. He expressed very strong support for this type of legislation.

We have also heard from the Consumer Product Safety Commission, which is strongly in support of the proposal.

And, as I pointed out earlier, the FEA has a program at the present time with respect to certain of its proceedings. They have found it to be a very considerable success, and I know they intend to continue it. I think it is also important to emphasize once again that the existing authority of any agency to be incorporated in the new department will remain unaffected by whatever action is taken on this amendment. All I am trying to do is to emphasize that the authority exists and should be utilized, and to provide guidelines to the Secretary for exercising the considerable discretion this amendment gives him.

The amendment is basically echoing something already being done within the FEA. We are building on it, taking note of the experience of other agencies which came out in the course of the hearings before the Subcommittee on Administrative Practice.

Mr. RIBICOFF. Will the Senator tell us the experience the Federal Trade Commission and the FEA have had with this procedure? Can the Senator give us that information?

Mr. KENNEDY. The particular statute involved is the Moss-Magnuson FTC Improvement Act that has been in effect since June 1975. As I mentioned earlier, the Agency has had generally excellent experience with broad citizen participation, and is very proud of their program.

In FEA, it has been in effect for only a few months, as I understand it. There are now at least seven agencies where different types of public participation programs are either in effect or are about to be adopted. While none has had the extensive experience of the FTC, I understand that most of them feel their programs have been working effectively.

A similar program in the National Science Foundation, the Science for Citizens program, does not fund actual intervenors but does fund programs for scientists to present various kinds of information in public forums. The Boasberg report, which has followed that program for a period of years, provided strong commendation for this program.

Mr. THURMOND. Mr. President, I believe it would be very unwise if we were to attach this amendment to this bill.

We have a bill, S. 270, that is now being considered in the Judiciary Committee, for various agencies of the Government, to allow lawyers to come in and represent clients and intervene.

I should like the manager of the bill to hear this.

We now have a bill in the Judiciary Committee, S. 270, that would provide attorneys' fees for intervenors to come in. It was reported by the subcommittee by a vote of 3 to 2. I am not sure that the full Committee on the Judiciary is going to report that bill. It may. At any rate, we think it is an objectionable bill. We think it offers an opportunity for lawyers to go out and get clients and sue the Government and cause the Government to pay a lot of lawyers' fees.

The Federal Trade Commission has that authority now, and I believe it was stated here that it is working there. Some of us do not think it is working there.

A gentleman came in a day or two ago and testified. He went into some detail as to how it is not working there. He tried to come in on a case, and the staff over there was strongly opposed.

It seems that they have certain attorneys with whom they are working. For that reason, he thinks it is not proper for a commission such as the FTC to grant attorneys' fees, choose the attorneys to do it or work with attorneys, perhaps indirectly suggest to them, because the consumer really is not protected. We have evidence along this line, direct evidence.

We think it would be bad to add this amendment to this bill. After S. 270 comes out of the Judiciary Committee, if it does, I believe it is to be referred to the Governmental Affairs Committee, the committee of the Senator from Connecticut, which will consider it. We feel that it is premature now; it is unwise.

This is a matter that needs more hearings. We want to get more facts, and we want to develop the situation. It seems to me that simply to offer an amendment and to try to go into all of the details on the floor would be improper and bad procedure to follow.

Mr. RIBICOFF. Of course, on behalf of the committee, I cannot accept this amendment. I am sympathetic toward the amendment. A similar amendment was offered in the committee and was withdrawn.

Senator NUNN is very strongly opposed to this amendment. We will defer further debate until we have sent for Senator NUNN, to give him an opportunity to discuss it.

I know that the Senator from Florida is deeply concerned about this issue, also.

Mr. THURMOND. The Senator from Alabama is deeply concerned, too.

Mr. RIBICOFF. They will have ample time to debate this amendment, and the Senate will work its will. The committee will not accept it.

Mr. THURMOND. This is going to involve a lot of debate.

Mr. RIBICOFF. There is no way we can stop that.

Mr. KENNEDY. Mr. President, I am prepared to vote.

The PRESIDING OFFICER. Is there further debate? If there is no further debate——

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CHILES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHILES. Mr. President, the amendment that is now being proposed by the distinguished Senator from Massachusetts did come before the committee, and we had considerable discussion about the amendment in the committee during at least 2 or 3 days of meetings.

I think it was the strong feeling of the members of the committee that this amendment parallels a bill that has been introduced by the distinguished Senator from Massachusetts, which I understand is now in the Judiciary Committee. I do not know whether it has been referred to any other committee, but it is in the Judiciary Committee.

The subject of that bill and the subject of this amendment really chart some totally new ground. I think everyone recognizes that this Department of Energy bill applies to an emergency, that we do have an emergency. We are trying to set up a new Department of Energy so that we can try to coordinate all efforts to solve this emergency. It was the strong feeling of the Committee on Governmental Affairs that this amendment, a completely new and innovative scheme of trying to provide attorneys' fees and provide for the opening up of public participation, should not be included in this legislation.

I believe that many members of the committee felt that trying to encourage public participation was good.

Many of us have worked for providing attorneys' fees in various areas. In the area of "Sunshine," which Congress passed last year, the Senator from Florida and others provided for attorneys' fees to be awarded by the court for successful action. But this amendment goes much further than that and is much different from that, in that it requires—or allows, first—attorneys' fees to be provided in advance of successful action. It provides that those attorneys' fees are not awarded by the court, but rather by the department itself or by a director of the Office of Public Participation.

It also provides a set of criteria upon which he would award these fees in advance. If he fails to award those fees, under this set of criteria, it then provides that he can be taken to court for his failure to provide fees.

That was the way the amendment was set forth in the committee. There may have been some changes, and I do not want to misspeak myself if there have been changes since the amendment was put forth in the committee. I have not had a chance to read the Senator's amendment. Will the Senator tell me whether his amendment is the same as it was in the committee?

Mr. KENNEDY. Mr. President, the amendment has been modified, based upon the very considerable concern which has been raised by the Senator from Florida and by other Members. It provides nonreviewable discretion to the Secretary in providing compensation. So if there is any failure by the Secretary, under any set of circumstances, that cannot be used as a reason for delaying the final decisionmaking process.

This was done primarily to meet the objections of those who felt that if the Secretary refused to provide adequate funding, that this might be a means for delaying the final results of a proceeding. So that particular provision has been stricken from the amendment.

Mr. CHILES. Will the distinguished Senator tell me whether or not under the provisions as now set forth in his amendment these fees can be awarded in advance?

Mr. KENNEDY. We have followed in this amendment the same process which has been followed, and with great success, by the Federal Trade Commission, giving some discretion to the Secretary so that when he feels these particular criteria are going to be met there can be some advance of fees so that these issues can be raised and the hearing can proceed.

The point is that in a number of instances the FTC has found that unless they provided a very, very small amount of seed money for the various public groups that are able to make important contributions to various proceedings, then many important issues would not be raised, and public groups would not be able to participate in the deliberations.

Mr. CHILES. Will the distinguished Senator from Massachusetts tell me whether or not under the provisions of the amendment as he has now introduced it——

Mr. KENNEDY. Could I just add one other item which, I think, is important in this: The awards are made before, but the actual payments are made after the proceeding, unless there is an extraordinary hardship case. I think that is an important item to complete my answer to the Senator's question.

Mr. CHILES. My understanding of the FTC provision is that the attorneys' fees are awarded when the FTC is considering issuing a rule in a proceeding.

Now, has the Senator limited the attorneys' fees here to where there is the issuance of a rule or regulation or does this amendment cover other agency proceedings?

Mr. KENNEDY. No. The amendment covers all types of proceedings in the FEA's Office of Exemptions and Appeals, fee awards, for instance, are made to citizen groups in adjudicatory proceedings to determine whether oil companies should be granted exemptions from the mandatory petroleum pricing regulations.

Mr. CHILES. Is that the only thing for which the Senator offers attorneys' fees here?

Mr. KENNEDY. No, but it is an example of an adjudicatory proceeding where public participation is crucial.

Mr. CHILES. But the Senator would offer attorneys' fees here for more than the exemption of an oil company——

Mr. KENNEDY. Under the criteria which we have established, which I reviewed earlier, awards are only appropriate when public policy questions will be raised that otherwise would not have been raised, that the economic interest of a participant in the outcome of a proceeding is insubstantial, or that genuine need is demonstrated—those are basically the criteria.

Mr. CHILES. Now, those are the criteria. What the Senator from Florida is trying to understand is in what areas of the duties of the board or of the Secretary of the new department could attorneys' fees be awarded? What about site locations? That is one of the duties which will have come up; that is, whether any one particular site will be chosen over another. Could attorneys' fees be awarded in such proceedings?

Mr. KENNEDY. Well, there is no attempt to limit the authority to particular issues which would be before the department. It is discretionary authority, and it could be utilized in any proceeding the Secretary sees fit.

Mr. CHILES. I thank the distinguished Senator.

I feel, then, that while this amendment is more limited than the one which was offered to the committee, it still is of concern to me and, I think, to a majority of the other members on the committee. This would be a much broader experiment in this area than anything to date, because it would not simply cover the rulemaking criteria but would also cover all of the duties of the Board of Hearings and Appeals and of the new Secretary of Energy.

For instance, whenever you have a site location hearing, there are certainly going to be groups that are opposed to the use of any particular site. I see endless possibilities for litigation and for attorneys' fees there. One can go right down the list of the duties of the new board or of the new Secretary of Energy, and he will find that possibility at each one of those junctures, pricing, quotas, and all of the responsibilities we are going to give him. We are not just giving him the responsibilities that were in FEA; he will have some leasing responsibilities, he will have site location responsibilities, pricing responsibilities, responsibilities all across the board.

I think it was the feeling of the majority of the members of the committee that this is not the bill on which we should start tacking something this new and this innovative. Instead, we should allow the legislation that the Senator from Massachusetts has introduced, and that is now before the Judiciary Committee, to go through its process of hearings to determine to what extent and how broad this legislation generally should be.

We are trying to create this new agency because there is a national emergency, and we should not add this broad, new provision to an agency set up to deal with that emergency.

I would urge the Senate that we not adopt the amendment of the distinguished Senator from Massachusetts at this time, but that we allow this new department to be created, that we study in the proper manner the bill he has before his committee, and that it go through the legislative process on its own merits.

Even though we did spend some part of 3 days in the Committee on Governmental Affairs discussing this question, we still were not able to go into this area the way we should have in light of the size and the scope of these powers. We were only able to consider the amendment superficially, because of all the other amendments and other facets of this bill we were trying to consider.

We have not had the time to try to determine what this amendment would mean in the way of cost and delays to the new Department of Energy. I therefore think that it would not be wise for us to adopt this amendment at this time.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. CHILES. I yield.

Mr. JACKSON. Mr. President, I should like to state—and it has already been well-articulated—that we did spend a lot of time on this issue in the committee.

I am very sympathetic with what Senator Kennedy has in mind. We had to face, Mr. President, a very fundamental issue, and that is how much new and substantive material we could put into this bill without trying to rewrite the proposed energy policy which had been submitted to Congress by the President.

As has been expressed here by the Senator from Florida, this matter is now before the Judiciary Committee; the legislation which has been introduced, as I understand it, would apply to all the other agencies, and I think it would not be wise to go ahead and accept it for the Department of Energy without thorough hearings which are now underway in the Judiciary which normally the Committee on Energy and Natural Resources would be having and I want to say that I am sympathetic to the amendment, and I have supported legislation along these lines in other areas before. But I think the Senator from Florida has stated the proposition very clearly, and that is that the Senate need not pass on this question, because it is not prepared to pass on it at this point until there have been the kind of hearings that are now underway.

Mr. CHILES. I thank the Senator from Washington.

The Senator from Washington was present at all of our markup sessions on this. He well understands from the vast amount of work that he has done in this field in the Interior Committee, all of the complex matters that we are putting in this bill. We are really putting all of this authority in one department, and we are trying to not sort of create anything new. We wish at least to get this department started and to get it working, and we would be adding something completely new on top of it if we add this amendment.

Mr. KENNEDY. Mr. President, I want to respond to some of the questions that have been raised here by my friend and colleague, the Senator from the State of Washington.

We are talking about this Nation's energy program. It is probably the most important question with which we are going to have to deal. Its implications for the citizens of this Nation and the consumers of this Nation are staggeringly comprehensive. What in the world is the point of having effective citizen participation at all, if we prohibit it in some of the most critical issues of our time. We are not talking about funeral homes or about bicycles, or about other trade or safety regulations with which the agencies have been concerned. The experience of the Federal Trade Commission has been good, and I am all for that. But the fact of the matter is we are at the cutting edge of one of the most basic and fundamental questions that we are going to face in our society, and we have to ask ourselves: Why the reluctance? Why the reservations?

The only concern could be the issue of delay. Is this going to slow down the decisionmaking processes of this Energy Department? We answered that, Mr. President, by indicating this is going to be solely discretionary, that there are no provisions in here to appeal the decision that is made by the Secretary in this particular question. Furthermore, the Secretary—and indeed all Federal agencies—have a wide-range of devices to deal with parties to proceedings who cause delays.

It cannot be said that the actions or the lack of action of the Secretary are going to provide a basis for delaying the final decisions of this department. That simply is not a legitimate issue to raise under the provisions of the current amendment.

But beyond that, Mr. President, if we look at what happens in the courts of this country as they deal with many of these issues, the fact is that some legitimate issues have not been raised in many proceedings. This is the reason why so many of these matters have been sent back for additional hearings, and this itself has been the cause of considerable delay. All interests simply have not been heard, as the law requires.

So if we are talking about delaying final decisions by adopting this amendment, I daresay that this will never be the case. In the course of the hearings that we have had in the Judiciary Committee, it is quite clear from testimony by Federal district judges and appellate judges that the way we are going to get delay is by not providing the kind of discretion to insure that these issues are raised during agency proceedings.

Another question is: Why do we not wait until we take up S. 270? The fact of the matter is we reported this legislation out of the Judiciary Committee last year and also held hearings in the Government Operations Committee. Then we were faced with extended comment and discussion on the floor of the Senate. Faced with that, the leadership felt we had other matters that were of a priority nature in terms of the Senate calendar.

It is interesting to hear members of the Judiciary Committee say that when we are considering this matter in the Judiciary Committee we should do it ad hominem, agency by agency, but when they come out here they say no, let us do it in a comprehensive way, the way we are considering it in the Judiciary Committee. It is coming from the same people who make the same argument both ways. So for me their argument does not really carry much weight.

Finally, Mr. President, I want to say that adoption of this amendment will insure that this agency is successful in carrying out its mission. If we in Congress are going to be able to support the decisions that are going to have to be made by this agency in a wide variety of important public policy areas, then the agency better have the American public in mind and have its confidence. It should not be able to lock the public out. This amendment is one of the best ways to assure at least some opportunity for the public to participate in the broad public policy issues that are being raised that otherwise would not be.

Mr. RIBICOFF. Mr. President, we are still waiting for Senator Nunn. I am wondering, until Senator Nunn arrives, whether the Senator from Massachusetts would give unanimous consent to temporarily put his amendment aside so a few noncontroversial amendments that the committee will accept can be presented. One amendment is by the distinguished Senator from New Mexico, and the Senator from Ohio has an amendment which will only take a few minutes. By that time maybe the distinguished Senator from Georgia would be here.

Mr. KENNEDY. Mr. President, I would like to be able to accommodate the Senator. I am supposed to be in a number of places at the same time as well as my colleague. But I want to accommodate the floor manager on this. I have discussed a number of points. I am glad to offer them and review them in detail again and again. I realize anyone can delay the process here. But I would hope that we could get some decision. I have been around here long enough to know that by the time we finally get back to this later in the day the timeliness of it has altered or changed.

I want to accommodate, but I have real reluctance about setting aside this amendment now. We have been debating this for 35 or 40 minutes. I want to accommodate my friend and colleague from the State of Georgia, but I am not prepared to set my amendment aside for too long a period of time.

Mr. RIBICOFF. If the Senator will yield, I believe the Senator from New Mexico would not need more than 5 minutes on his amendment, but naturally we defer to the Senator from Massachusetts.

Mr. KENNEDY. I am glad to set it aside with the understanding we could return to this in 5 minutes, if that is all right.

Mr. DOMENICI. I agree. We discussed it, and 5 minutes is all I need.

Mr. KENNEDY. With that understanding, I yield.

AMENDMENT NO. 267

Mr. DOMENICI. Mr. President, I call up printed amendment No. 267 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI), for himself and Mr. SCHMITT, proposes printed amendment numbered 267.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, between lines 7 and 8, insert the following new section:

SEC. 102. Nothing in this Act shall effect the jurisdiction of a State energy commission or any person, agency, or office performing similar functions to any such State energy commission, of any State, territory, or possession of the United States, over its own State energy plan or other areas of State jurisdiction. In the case of conflict between any such State energy commission and the United States with respect to any provision of this Act affecting a State energy plan of such State the Secretary of the Department of Energy established by title II of this Act shall give due consideration to the needs of such State and, where practicable, shall attempt to resolve such conflict, and where possible avoid such conflicts, through consultations between appropriate State and Federal officials.

Mr. DOMENICI. Mr. President, I thank the manager of the bill and the ranking Republican for their consideration on this amendment.

As we proceed through solving the energy crisis we hear a great deal about the partnership between the States and the Federal Government. As we look at this bill and the new reorganization plan, it came to us and to a number of States that we should have something significant in this bill that clearly indicates that the States already have in place some substantial efforts of their own in the field of energy regulation, energy development, energy conservation, and energy impact area assistance. We wanted to make it clear with this amendment that this new Department of the Federal Government should take cognizance of the State's rolls as we move through the solution to the energy crisis, that it should wherever possible recognize the established State agencies and State processes that are already in place or might be developed in the future as the State's interests in its own development, its own conservation approaches, and its own contribution as a State to the energy crisis solution.

The amendment clearly indicates that that is what we intend the agency to do, and then reminds it, in a rather firm manner, that as they develop their processes, it take into consideration the State's responsibility as we move as a nation toward solving these problems.

I think if we do not have something like that in our legislation, the States could justifiably say, "You have reorganized and forgotten about us again. You reorganized, and you got a new national department with extreme powers, and you failed to recognize that we have a substantial role in working with the Federal Government as sovereign States in the solution to the energy crisis."

Mr. RIBICOFF. Mr. President, if the Senator will yield, the amendment is most acceptable. In setting out the purposes of this legislation, we have been most anxious to give the States a role. We have sought to encourage the cooperation of Federal, State, and local governments, in the establishment of effective mechanisms to allow the participation of State governments, and in the establishment of regional agencies or regional groups by Governors. The objectives of the Senator from New Mexico are consistent with the objectives the committee has, and as far as the committee is concerned, on behalf of the committee I accept the amendment proposed by the Senator from New Mexico.

Mr. DOMENICI. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. DOMENICI. I yield 1 minute to my junior colleague.

Mr. SCHMITT. Mr. President, we all compliment the Governmental Affairs Committee and Senator DOMENICI for recognizing and emphasizing once again that we are indeed a Federal system, a union of States, and that in this matter as well as in all others we should attempt to insure that those things that are best done by the States are left to the States, and those things that are best done by the Federal Government are left to the Federal Government.

The amendment, which I am very pleased to join in cosponsoring with Senator DOMENICI, calls attention to that fact once again. I appreciate that the distinguished Senator from Connecticut and the distinguished Senator from Illinois are willing to accept the amendment. I think it will go a long way toward reassuring the States that we in the Federal Government anticipate that they will be partners in this great endeavor, rather than just passive participants.

I yield back the remainder of my time.

Mr. DOMENICI. Mr. President, I yield back the remainder of my time, and move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Mexico.

Mr. KENNEDY. Mr. President, I wonder if we could have a short quorum call.

Mr. DOMENICI. Mr. President, will the Senator from Massachusetts yield? We have not adopted this amendment yet.

Mr. KENNEDY. I am sorry. I withdraw the request.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Mexico.

The amendment was agreed to.

UP AMENDMENT NO. 221

Mr. KENNEDY. Mr. President, if we may have a brief quorum call, I would like to call my colleague, who is interested in speaking on this amendment, to tell him what the situation is.

Mr. ALLEN. Mr. President, if the Senator will yield, there are others who would like to speak on it also. I would like to speak.

Mr. KENNEDY. I am sorry. I yield the floor.

Mr. ALLEN. Mr. President, as I understand the bill we have before us, the administration bill as amended by the committee, it is designed to meet a crisis that we have in energy—a crisis to the economy, which has come about by reason of the fact that we are purchasing approximately 50 percent of our oil consumption from overseas, a crisis that has to do with inflation, a crisis that has to do with jobs, a crisis that has to do with the maintaining of our very economy in this country.

What does the distinguished Senator from Massachusetts say in his amendment this crisis that we have is? Why, it is a crisis in attorneys' fees. That is the crisis that the distinguished Senator from Massachusetts sees in the present state of affairs.

I do not regard that as a crisis. The amendment, which was submitted in committee, and which did not apparently receive support in the committee and is now offered here on the floor, I think is absolutely unnecessary. Furthermore, the distinguished Senator from Massachusetts has a bill now pending in the Judiciary Committee, S. 270, that would provide for the granting of attorneys' fees by the various agencies. It would not seem to me to be necessary to put that provision for attorneys' fees into this emergency bill to meet a crisis that I do not think is important, which is the crisis in attorneys' fees.

I was an attorney before I came to the Senate, but I did not feel that there was any crisis regarding the law practice or the earning of fees by attorneys, and I do not believe that any crisis exists now. I do not feel that we should encourage attorneys to go around seeking attorneys' fees by filing intervention proceedings in various agency proceedings.

That is not going to solve any crisis. The amendment of the distinguished Senator from Massachusetts merely adds confusion. As a matter of fact, not only does it provide for attorneys' fees, but down at the bottom of the amendment, which is about 4 pages long, it creates an Office of Public Participation. Does that not help a great deal in solving the energy crisis, the Office of Public Participation?

The amendment says we are creating within the Department an Office of Public Participation. That is going to go a long way toward solving the energy crisis, I am sure. It provides that:

> The Office shall be headed by a Director who shall be compensated at the rate provided for by level IV of the Executive Schedule under Section 5316 of title 5, United States Code.
>
> The Director shall have the responsibility for providing for, encouraging, and assisting public participation in any Departmental process and for administering the awards for public participation as provided for in section 502 of this title.

The attorneys do not need any crisis legislation. Let us go ahead and meet the crisis insofar as this bill is intended to do so, without bringing in these extraneous matters. This is a matter that has not had any hearings before the Governmental Affairs Committee. When the amendment was presented in committee, it was withdrawn, I assume for lack of support. If it had had support, it would have been adopted in committee. But the committee did not see fit to accept the amendment. Why, then, should the Senate tack this amendment on to this bill? Because it does not do anything toward solving the energy crisis, and is going to take considerable time to dispose of.

Thirty minutes or an hour ago it looked as though the bill was going to pass within minutes. There did not seem to be any amendments at the desk. This amendment is not printed; it is an unprinted amendment brought in here on the spur of the moment, without any opportunity for any Member of the Senate to acquaint himself with its provisions, so far as I know. Other Senators may have received copies of the amendment. I did not. I had to get one at the desk and have a Xerox copy made.

To add this provision to this emergency legislation seems to me to be ill-advised. I would hope the distinguished Senator from Massachusetts would recognize that there is no emergency regarding attorneys' fees for public participation in this matter. I hope he will withdraw the amendment. If not, at the proper time I shall move to lay the amendment on the table. But I understand that the distinguished Senator from Georgia, who has been referred to on a number of occasions in connection with this amendment, does wish to have something to say in opposition to the amendment. So I will not make the motion at this time; but I am hopeful that the distinguished Senator from Massachusetts will withdraw the amendment, so that we can go on and pass this legislation tonight. I hope that can be done. I seriously doubt if it can be passed tonight with this amendment as a part of the bill.

Mr. President, I yield the floor.

Mr. RIBICOFF. Mr. President, I suggest the absence of a quorum.

Mr. SCHMITT. Mr. President, will the Senator withhold that request?

Mr. RIBICOFF. Mr. President, I withdraw my request.

Mr. SCHMITT. Mr. President, I ask unanimous consent that Dick Burdette and Jim Hinish of my staff be granted the privileges of the floor during the consideration of this legislation.

The PRESIDING OFFICER (Mr. MOYNIHAN). Without objection, it is so ordered.

Mr. DANFORTH. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. RIBICOFF. I yield.

Mr. DANFORTH. Mr. President, I ask unanimous consent that Burleigh Leonard of my staff be granted the privilege of the floor during the consideration of the pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, if the Senator will yield, I ask unanimous consent that John I. Brooks of my staff be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, if the Senator will yield, I ask unanimous consent that Jay Steptoe of my staff be granted the privilege of the floor during the consideration of the pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, if there are no other Senators present in the Chamber who wish to be heard on this amendment, I would like to make a motion to lay the amendment on the table. I will withhold that——

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

Mr. ALLEN. I have not yielded the floor, Mr. President. The Senator can make that motion after I make my motion to table.

If any Senator desires to be heard on the amendment, I would not make the motion to table at this time, as long as a Senator desires to be heard.

Mr. McCLURE. Will the Senator yield for a unanimous-consent request?

Mr. ALLEN. Provided I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I ask unanimous consent that Mr. Mike Hathaway of my staff be granted the privilege of the floor at all stages of consideration of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. I thank the Senator for yielding.

Mr. ALLEN. Mr. President, I move to lay on the table the amendment of the Senator from Massachusetts.

Mr. KENNEDY. May I make a brief comment in response to what the Senator has said? I am ready to see a vote on this.

Mr. ALLEN. I ask unanimous consent that I might yield to the distinguished Senator from Massachusetts without losing my right to the floor.

The PRESIDING OFFICER. Does the Senator withdraw his motion? The motion is not debatable.

Mr. KENNEDY. If the Senator will yield to me, I will yield to the Senator from Alabama at the end of my remarks.

Mr. ALLEN. Mr. President, I ask unanimous consent that the Senator from Massachusetts might speak and then the motion will be put.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I just want to make a final, brief comment on some of the points which have been raised here this afternoon.

First of all, on the issue about whether this really is an attorney's welfare bill, this is an issue we have debated in other circumstances, on civil rights legislation, on antitrust legislation. There is always a ritual that we run through in terms of debating and discussing that. In spite of the fact that we debate and discuss this time and time again, year in and year out, no Senator has been able to come forward with any proof that abuses have occurred, whether in civil rights matters or in any other matter.

I have never heard a single instance where there has been an abuse of this particular type of program. The fact of the matter is that in the agency which has had the greatest experience with this issue, the Federal Trade Commission, the majority of those resources which have been made available to participants have gone to expert witnesses and various consumer studies. Less than 50 percent has actually gone to attorneys. The highest rate of compensation for the most experienced attorneys is $44 an hour, which is not nearly the amount such an attorney could have been paid if he was representing private client interests.

There is a similar ceiling on fees in this particular proposal as well, to meet the particular concern that has been expressed.

The fact remains, Mr. President, we have heard the President speak about the issue of energy, about the role that this agency is going to play—and it is a monstrous role—in influencing and impacting upon the citizens of this Nation and the consumers of this Nation in a wide variety of different ways. The questions as to whether they are going to get home heating oil or whether our hospitals are going to get oil to heat their particular facilities are matters which have an enormous impact in many different sections of the country.

The best estimate when the total energy package is completed is that approximately $73 billion will be, in one way or another, recirculated in our economy. This agency is going to have the major voice in making decisions about how that process is going to work. Without this particular amendment we are effectively eliminating or precluding, in a very important way, the opportunity for significant public policy questions to be raised and ventilated.

So, Mr. President, I would hope the motion of the Senator from Alabama would be rejected. I ask for the yeas and nays.

Mr. ROBERT C. BYRD. Has the Senator made the motion?

Mr. ALLEN. I made the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Vermont (Mr. LEAHY), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Montana (Mr. MELCHER) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Nebraska (Mr. CURTIS), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

I further announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to illness.

I further announce that, if present and voting, the Senator from Maryland (Mr. MATHIAS) would vote "nay."

The result was announced—yeas 59, nays 34, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—59

Allen
Baker
Bellmon
Bentsen
Bumpers
Burdick
Byrd,
  Harry F., Jr.
Cannon
Chafee
Chiles
Church
Danforth
DeConcini
Dole
Domenici
Eagleton
Eastland
Ford
Garn
Glenn
Goldwater
Hansen
Hatch
Hatfield
Hayakawa
Helms
Hollings
Huddleston
Inouye
Jackson
Johnston
Laxalt
Long
Lugar
Matsunaga
McClure
Moynihan
Muskie
Nunn
Packwood
Pearson
Percy
Randolph
Roth
Schmitt
Schweiker
Scott
Sparkman
Stennis
Stevens
Stevenson
Stone
Talmadge
Thurmond
Tower
Wallop
Weicker
Young
Zorinsky

NAYS—34

Abourezk
Anderson
Bayh
Biden
Brooke
Byrd, Robert C.
Case
Clark
Cranston
Culver
Durkin
Gravel
Hart
Haskell
Hathaway
Heinz
Humphrey
Javits
Kennedy
Magnuson
McGovern
McIntyre
Metcalf
Metzenbaum
Morgan
Nelson
Pell
Proxmire
Ribicoff
Riegle
Sarbanes
Sasser
Stafford
Williams

NOT VOTING—7

Bartlett
Curtis
Griffin
Leahy
Mathias
McClellan
Melcher

So the motion to lay on the table was agreed to.

Mr. RIBICOFF. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RANDOLPH. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. RANDOLPH. Mr. President, I regret to say, but I think I must, the Senate is not in order, we cannot hear the requests made or the procedures being discussed.

The PRESIDING OFFICER. The Senator from West Virginia is correct. The Senate will be in order.

The Senator from Arizona.

Mr. DECONCINI. Mr. President, I ask unanimous consent that Jerry Bonham of my staff be granted the privilege of the floor during the vote and proceedings on S. 826.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill is open to further amendment.

Mr. ROBERT C. BYRD. Mr. President, I hope that Senators who have amendments will call them up.

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. Otherwise, the Chair is under an obligation to put the question on third reading.

Mr. ABOUREZK. Mr. President, I wonder if I might pose a question to the manager of the bill, Senator RIBICOFF.

The PRESIDING OFFICER. The Senator has the floor.

Mr. ABOUREZK. I want to ask the manager of the bill if this legislation excludes the new Energy Department from the admininstrative practices and procedures.

Mr. RIBICOFF. It does not.

If the distinguished Senator will refer to title V and look on page 43 of the report, he will find stated therein:

> Title V provides for administrative procedures and judicial review applicable to decisions by the Secretary or the Energy Regulatory Board.
>
> Section 501 states, subject to other requirements of this section, that the provisions of the Administrative Procedure Act, subchapter 2 of chapter 5 of title 5, United States Code, shall apply to any rule, regulation, or order of general applicability carried out by the Energy Regulatory Board or the Secretary.
>
> Section 501(b) imposes additional, more specific procedural requirements than found in the Administrative Procedure Act.

We have been very careful throughout our consideration and mark-up to make sure the Administrative Procedures Act is applied to any decision made by the Secretary or the Energy Regulatory Board.

Mr. ABOUREZK. So then in view of that, the Administrative Practice Subcommittee of the Judiciary is not excluded from exercising whatever jurisdiction they might have had?

Mr. RIBICOFF. It is not up to me to state the nature of the jurisdiction of any other committee. I know we have not altered any jurisdiction and I would imagine that anything that came up in this field, the clerk would refer it to——

Mr. ABOUREZK. But we are changing that?

Mr. RIBICOFF. Not at all.

Mr. JAVITS. If the Senator will yield, I am going to present an amendment to provide for administrative review of the decisions of the Department of Energy. I am very hopeful the committee will concur in that. The only reason it was not presented to the committee is because of the time they ended the bill, before I could physically get there, just in time to vote, and I will present it.

Mr. RIBICOFF. Will the Senator yield?

Mr. JAVITS. Yes.

Mr. RIBICOFF. The amendment being offered by the Senator from New York and the Senator from Maryland (Mr. MATHIAS) will be acceptable to the committee. So that further strengthens the Senator's position.

Mr. ABOUREZK. I would like to be a cosponsor of this amendment.

Mr. JAVITS. I will do that. I thank the Senator very much.

Mr. McCLURE. Mr. President, I wonder if the managers of the bill might be able to answer one or two questions that I would like to have for the record.

It has been stated by some that in general characterization of this bill it simply consolidates in one department the authority now exercised in whole or in part by various other departments and agencies, including regulatory agencies of the Government.

Can the Senator characterize in what areas of the bill the Secretary of the Department of Energy would have authority which is not now exercised by any agency or department of Government?

Mr. RIBICOFF. I believe that he has additional information-gathering authority that is not presently found in other agencies which have information-gathering authority.

This question was raised in a private conference by the Senator from Wyoming (Mr. HANSEN). We have an understanding with the leadership, Senator PERCY, and the Senator from Wyoming, that when we go to conference on this bill, we will include as conferees the Senator from Wyoming (Mr. HANSEN) and the Senator from Oregon (Mr. HATFIELD) for certain sections, such as information. In addition, the Senator from Washington (Mr. JACKSON) and the Senator from Montana (Mr. METCALF) will be conferees from the Governmental Affairs Committee. We will also add the distinguished Senator from Idaho (Mr. CHURCH) from the Energy Committee.

This has been taken into account. This was agreed to last night in the office of the minority leader.

Mr. McCLURE. The reason I ask the question is that, in conversation with any number of Members of this body as to exactly what authority the Secretary would have, I get all kinds of answers. I have a great deal of confusion.

For example, there is a new section in the bill in regard to the regulation of radioactive wastes. Is this intended to give more authority to the Secretary than has been exercised by the Joint Committee on Atomic Energy?

Mr. RIBICOFF. There is nothing in this bill that gives any additional authority to the Secretary concerning radioactive waste. It does not change the Atomic Energy Act in any way. The distinguished Senator from Washington is here, and he can reaffirm it.

Mr. McCLURE. What is the purpose of the language that appears at the bottom of page 57 and all of page 58 and to the middle of page 59 of the bill? It starts on line 21 of page 51, subsection 8, "Nuclear Waste Management Responsibilities Including." Then it goes to (a) through (g) on page 58.

Mr. RIBICOFF. This was an amendment placed in the bill by the distinguished Senator from Maryland (Mr. MATHIAS). It transfers to the Secretary existing authorities; it gives the same powers, without creating any additional powers.

My interpretation is that no additional powers have been given to the Secretary relating to nuclear waste management.

I defer to the distinguished Senator from Washington in this matter.

Mr. JACKSON. The distinguished Senator from Connecticut is correct. The language here simply centralizes the authority in the Secretary. There is no new authority.

We discussed this in general terms. We are not taking away or adding to the authority of ERDA, which is transferred to the new Department of Energy. We did not make any substantive changes. I say that to the Senator because I was present during all of the public markup, and we made no change whatever in that regard.

Mr. McCLURE. I thank both Senators for their answers. It is a matter of great concern to me that language which is contained in the bill is not construed or may not be construed by the courts to change or to add or to subtract from the existing authority under the existing statute.

Mr. RIBICOFF. I reaffirm, as the manager of the bill, that no new authority is intended. The distinguished Senator from Washington, the chairman of the Energy Committee, which has jurisdiction of ERDA, and which has the management of this particular subject matter agrees with my interpretation. So the Senator from Idaho has the assurance and the legislative intent as stated by both of us on the floor at this time.

Mr. JACKSON. To back up the manager of the bill, I state that, as a part of the legislative history here—and the floor manager concurs—it is not the intent of this legislation to change in any manner the substantive authority to handle nuclear waste which is now vested in ERDA under existing law.

Mr. McCLURE. Would it not be better, then, rather than prescribing the powers by a rather lengthy recitation, to have a simple reference to the powers which are being transferred, which are imbedded in the different statutes, rather than stating on the face of this statute a whole laundry list of authorities the Secretary shall exercise?

Mr. JACKSON. I say to the Senator that it was a drafting problem. I understand what he is getting at, and I sympathize. It was a drafting problem. The simple thing to do would be to incorporate by reference—and that is the only thing to do—all the statutory authority that exists in connection with the authority of the Energy Research and Development Administration.

Mr. GLENN. Mr. President, will the Senator yield?

Mr. McCLURE. If the Senator from Ohio would like to make a comment, I will be happy to yield to him for a moment.

Mr. JACKSON. I yield.

The PRESIDING OFFICER. The Senator from Idaho has the floor.

Mr. McCLURE. I yield to the Senator from Ohio.

Mr. GLENN. I say to the Senator from Washington (Mr. JACKSON)—and correct me if I am wrong—that that was put in at the request of Senator MATHIAS, to make sure that this particular thing received emphasis. I ask the Senator to refer to the section in which we are assigning specific functions to assistant secretaries. Senator MATHIAS wanted to make sure—I agreed with him, and I think we all did—that this particular function, which is assuming an increased importance, not be subordinated way down and get lost in some department. We specifically assigned this so that it did not get lost. We assigned it to an assistant secretary and put it in this section because of that.

Mr. JACKSON. The Senator is correct. Senator MATHIAS, as I recall the record of the markup, had a rather elaborate proposal setting up a board and a separate agency to deal with nuclear waste. That amendment, as I recall, was withdrawn. In lieu of the amendment, it was agreed that we would set out in statutory form, instead of incorporating it by reference, the various provisions of the existing law, and we did this at the request of Senator MATHIAS. But we did turn down a proposed change which would involve the setting up of an independent agency.

The statutes that refer to this occur on page 67. Specifically, the reference is made on lines 15 and 16 to the ERDA Act of 1974 and up above on lines 7 and 8, page 67:

> The Secretary shall be governed by all applicable statutes.

Then they are listed below.

Mr. RIBICOFF. Mr. President, if the Senator will yield, I wonder whether I may have the attention of the Senator from Washington and the Senator from Idaho.

Would it clarify the matter in the mind of the Senator from Idaho if we did this? I refer the Senator to page 58 of the bill, line 25. Would it clarify matters to strike out the period and insert a comma and add the following: "or any additional powers than those already conferred by law."

That might clarify the matter for the Senator and might be more satisfactory, if he has any remaining doubt or any questions.

Mr. McCLURE. I think the Senator could if some language similar to that could be added to this, and I would hope, perhaps, before we complete action on this, we can get our heads together on precisely which language should be added.

Mr. RIBICOFF. I have no objection if a member of the Senator's staff will get together with Senator JACKSON's staff and my staff. We will clarify this matter because there is not any intention whatsoever to confer any additional authorities.

Mr. McCLURE. I appreciate both the Senator's willingness to modify this and the colloquy because I am sure the Senator would recognize that the specific references that may be made would override the general references that are made, and the general references which may appear later in the bill in regard to the transfer of authority under existing statutes would, by ordinary rule of statutory construction, be subject to whatever change was implied in the specific language here.

I understand the Senator from Connecticut is saying that is not the intention of the committee. I think we need to make very certain that the list of things that are included here at the request of the Senator from Maryland cannot be construed to be an enlargement of the authority or an enlargement of the grant of power over that which is now existing in current statute, and that is what I understand to be the case.

Mr. RIBICOFF. May I say the staffs will be working this out and will be presenting an amendment for the Senator's consideration shortly.

Mr. McCLURE. I thank the Senator for that statement.

I wonder if we could also have some definition of what is being transferred from the authority exercised by the Bureau of Land Management.

I understand that the Secretary of the Department of Energy will have the authority to enter into those areas which are now energy-related fields with authority exercised by the Bureau of Land Management, and that includes the coal leasing, the oil and gas leasing, as I understand, that are now under the authority of the Department of the Interior and the Bureau of Land Management.

Mr. RIBICOFF. The Secretary of Energy will only have responsibility for setting general economic leasing goals.

Mr. McCLURE. Does it extend to and include the authority of the Bureau of Land Management to grant rights-of-way across the public lands?

Mr. RIBICOFF. I do not believe it does, but I will defer to the distinguished Chairman of the Energy Committee to be doubly sure. I defer to him on his knowledge of the leasing matters.

Mr. McCLURE. I think the statute really is not clear on that point as to whether or not in the transfer of the energy-related functions the Secretary of Energy would then become the administering agency over an application for rights-of-way across the public lands where an energy-related subject was involved.

Mr. RIBICOFF. May I respond that, after conferring with Mr. Dreyfus of

Senator JACKSON's staff, the answer is definitely no.

Mr. McCLURE. So the right-of-way authority would be retained within the Bureau of Land Management under this current statute dealing with the grants of rights-of-way across the natural resources lands.

Mr. RIBICOFF. That is affirmed.

Mr. SCHMITT. Mr. President, will the Senator yield for a question, to follow up his question?

Mr. McCLURE. I would be happy to yield to the Senator from New Mexico.

Mr. SCHMITT. It relates to the nuclear waste question, at least as an example. Would the Senator foresee that the Department of Energy's authority would go to the condemnation of public lands that might be used for nuclear waste disposal sites? We have an example in the State of New Mexico where presently an exercise is underway to prevent the leasing of those lands for any other purpose while the site is under examination as a potential low level waste disposal site.

Would the Senator see the Department of Energy having that kind of authority?

Mr. RIBICOFF. All I can say is it gives no greater authority than ERDA presently has over this subject matter. There is no other greater authority transferred to the Secretary of Energy. He only has the powers in this field that ERDA presently has.

Mr. McCLURE. If I understand the Senator from Connecticut correctly, in response to the Senator from New Mexico, if ERDA has that authority to do that now, the Secretary of the Department of Energy would have that authority, and if ERDA does not have that authority——

Mr. RIBICOFF. He gets no additional authority, that is correct.

Mr. SCHMITT. But it does get additional authority in Bureau of Land Management activities related to energy, is that right?

Mr. McCLURE. My understanding would be it does not give them additional authority, authority other than the Bureau of Land Management now exercises. I think there may be a little gray area in the precise area the Senator from New Mexico has raised, because the Bureau of Land Management, under the existing authority, under existing statute, would have the authority to withdraw pending a decision of some other governmental action. I assume the Bureau of Land Management would still have that authority under this enactment; it would simply be transferred.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. McCLURE. I would be happy to yield.

Mr. JACKSON. There is a clear-cut severance between the Secretary of Interior's authority in connection with the Bureau of Land Management and the Department of Energy's authority to set goals in terms of what the energy requirements are. All leasing authority stays with the landlord, and the landlord is the Department of Interior.

Mr. McCLURE. Does the Senator mean the Secretary of the Department of Energy would have no authority over leasing policy?

Mr. JACKSON. That is correct.

Mr. McCLURE. And he would have no authority over coal leasing?

Mr. JACKSON. He sets the goals for production and certain other requirements. But the authority to grant the lease is vested in the Department of Interior.

The next question is what if there is a disagreement between the Secretary of Interior and the Secretary of Energy? The answer is it goes to the President.

We discussed these questions several times, and a lot of time has been spent on the leasing portion of the bill. I just want to say to the Senator there have been various proposals to give the Secretary of Energy, for example, once the lease is granted, the administration of that lease. However, that still remains in the Secretary of Interior. In other words, all of the authority that normally goes with the proprietor, the lessor—using that analogy—remains, and it remains in the Department of Interior.

There is a big argument on this question. I have, as the Senator knows, real reservations. I support the Department of Energy and Natural Resources, and when you divide the house I think you can have ongoing problems. But the administration understands this, and whatever differences have to be ironed out of a fundamental nature will go to the President.

Mr. McCLURE. Let me simply state that I agree with the Senator from Washington that when you divide the Bureau of Land Management from the management of the resources on those lands you begin to have trouble. I am trying to determine what the statute does in that regard. My understanding is that under this proposed legislation the Secretary of the Department of Energy would have no direct authority over leasing.

Mr. JACKSON. That is correct.

Mr. McCLURE. He would have no direct authority over the leasing of coal or oil or gas on any of the public lands.

Mr. JACKSON. The Senator is correct.

Mr. McCLURE. And would have no direct authority over the designation of public lands for radioactive waste storage areas.

Mr. SCHMITT. Withdrawal of public lands, if I may submit.

Mr. McCLURE. The Secretary of Energy would not have the authority to make a withdrawal of public lands.

Mr. JACKSON. That is correct. That would have to be done—the Secretary of Energy would have no authority over public lands or has no authority or will not under the proposed legislation.

Therefore, any withdrawal of public lands for that or any other purpose, of course, would have to go through the Secretary of Interior. The landlord relationship, or landlord-tenant I was going to say, but there is no tenant here—the user has no proprietary impact whatever over the lessor, the Department of Interior.

Mr. McCLURE. The Secretary of the Department of Energy then would have the authority to request the withdrawal of public lands for that purpose?

Mr. JACKSON. It is not done by statute now. Of course, he could make that through channels, but there is no statutory authority given to the Secretary of Energy to make such a request. But that is not needed. I mean he can make it.

Mr. McCLURE. Presumably then the Secretary of the Department of Interior or his agents in the Bureau of Land Management could deny that request.

Mr. JACKSON. The Senator is correct.

May I sum it all up by saying that in this area of the lessor-lessee relationship, the Department of Interior being the lessor and the lessee being the Department of Energy, for all practical purposes whenever there is a dispute, and there can be a lot of them, those disputes will have to be resolved by the President if the two Secretaries cannot work them out.

That conclusion is inevitable once we did not go all the way and vest the proprietary rights in the Department of Energy.

So, I can only say to the Senator that the Department of Interior continues to have total control over the leasing of the Federal lands for the purposes of this act.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. McCLURE. Mr. President, I am happy to yield to the Senator from Arizona.

Mr. GOLDWATER. I thank the Senator.

I call attention of the manager to this question. I am referring to page 134 of the bill, section 704. Let me read this section.

> The President is authorized and encouraged to establish, at the earliest feasible time, an organizational structure within the Executive Office of the President to assist him in carrying out the functions specified in this title.

The next sentence is the one that has me puzzled.

> Such structure shall be designed so that it may readily be expanded to carry out policy, planning functions involving areas other than energy.

I wish to ask the distinguished Senator from Connecticut if this is not the Humphrey-Hawkins bill in sort of a nutshell.

Mr. RIBICOFF. I defer to both the distinguished Senator from New York and the Senator from Ohio, who are the sponsors of this amendment. It is their amendment, and I ask the distinguished Senators from New York and Ohio to respond to the distinguished Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona temporarily has the floor.

Mr. GLENN. Does the Senator yield for a comment?

Mr. GOLDWATER. I yield.

Mr. GLENN. I am glad to yield to Senator JAVITS first since he was the prime sponsor of this if he wishes to comment, and I shall be glad to make additional comment, or comment now, either way.

Mr. JAVITS. I think the Senator

should since this part was written by him.

Mr. GLENN. Fine.

This particular part has nothing whatsoever to do with the Humphrey-Hawkins bill. In fact, this is the first time I heard mentioned it might have anything to do with that.

There is a reorganization in the Executive Office of the Presidency going on right now, as we are well aware. We held a number of hearings last year on getting a better mechanism within the President's office itself for looking ahead and laying out the options in many different fields, which I feel we do not do now.

It is like the old Agenda for a Nation or Goals for America under the Eisenhower years, those types of looking ahead and laying out what the options are for this Nation. In any common sense business in the country, a businessman looks ahead and tries to see in what areas are his options for the future, and then he knows what to drive toward.

We are probably going to one of these days have a bill that helps the President set this thing up. What we wanted to do and what I did by adding that last sentence was not try and open the door in any way, shape, or form toward a Humphrey-Hawkins type approach or toward national planning. I hate to use that word because all sorts of communistic vapors get into the air when we start even mentioning that word. But the intent of this was to set this particular energy policymaking function, which we look at as laying out the options for the future in this field which we have not done enough of in the past.

While we are setting this up in the office of the Presidency keep in mind that the Presidency may be required one of these days to go into a much broader option laying out function and keep this so it will be compatible with that. That is all that was intended with this additional one sentence. It was not intended to open the door to some great thing of letting us plan economy or plan this and plan that, a 5-year plan, or whatever specter we conjure up when the word "planning" comes into the fore. It was merely to make this so that they would keep in mind these other option-setting functions when they set up this energy-planning mechanism in the White House.

Mr. GOLDWATER. I can understand that, and I can understand the Senator's recognition of the problems that might arise. But this is at first glance. I have just seen this myself. When the Senator says "functions involving areas other than energy," that is a very broad statement and it could include the eventual setting up of a structure that could cause Government planning of everything, including business.

I do not know whether I would try to amend it or not, but I think we would feel safer with that language out of it and some other language in that would do precisely what the Senator wants to do, because I think it is something that has to be done. But I am naturally worried whenever there is language that can be used by some to go further than one plans.

Mr. GLENN. If the Senator will yield further, if there is no legislative record on this yet let the legislative history be established as of my statement now. It was not intended that that additional sentence give any additional authority to do anything other than the energy considerations that Senator Javits planned for this to provide in this basic part of the bill. I am happy to agree with that. The President could not use this authority and it is not intended that he use this authority to go on and do anything else in any of these other fields in which the Senator has evidenced concern. I share his concern, too, that he not go ahead and use this as any mandate to go ahead and move into a planning function in any other field except that specified in other parts of this legislation.

Mr. GOLDWATER. I thank the Senator very much.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. JAVITS. As the author of the whole amendment, I wish to exclude factually and decisively, with all the strength I can command, anything other than what it says about energy. I realize that whatever I or others may feel about the planning debate, it must await another day and should not in any way complicate this bill. Therefore, when Senator Glenn suggested the addition of this particular paragraph, I accepted it because it seemed to me to be simply a structural question of whatever the President set up in his office, that that office should be capable of doing other things, if other things came along. As I said, it was a rather business-like decision that if there should ever be such an office the beginnings of it would be present in the President's structure, if he did set anything up in the Presidency at all.

May I say, also, that this amendment not only dealt with the subject that I am describing but it also displaced an amendment introduced by Senator Percy in which he wanted a policy planning mechanism for energy in the President's office, per se. That was his proposal for an Energy Policy Council. I could not see that because I thought we were already giving too much power to the Executive. Neither did Senator Glenn. So we came along with Congress and the President, the total concept, as an alternative.

When Senator Glenn offered this, it was also embraced by Senator Percy because it went to his concerns. He orginally had in mind and filed an amendment for a planning mechanism for energy only in the Office of the President.

Very frankly, I will talk this over with Senator Glenn. Our purpose is very clear. It may be achievable without this particular sentence being written in the bill. Frankly, if it disquieted anyone—though, there is no reason for it—I will discuss the matter with Senator Glenn to see whether it is all that important or whether we should just let the record of the debate and our statement reflect our intent, and I am sure the managers will agree that this should be considered as incorporated in the committee report to do what we had in mind rather than worry anyone that we are trying to drag something in by the heels.

Mr. GOLDWATER. I do not believe for one moment that I accused anyone of trying to drag something in. This language caused me apprehension, and I might say that it caused others here on this side of the aisle and on the other side of the aisle concern. I think it would be a good idea if these two gentlemen could sit down and devise some other language.

I do not really believe the rest of that section would do exactly what the Senator from Ohio has in mind, but I do think there is a possibility of coming up with some language; and if the Senators would like to discuss it with me, this is very early in the whole proceeding, and I would be glad to. Like the Senator from New York, I am very apprehensive of any further Government interference with our business enterprise system.

Mr. SCHMITT. Mr. President, will the Senator from Arizona yield for a question?

Mr. GOLDWATER. I yield.

Mr. SCHMITT. Like the Senator, I am concerned about the section in question, and I hope some alternative language can be worked out. We all, at this point in our history, may agree as to what it may mean, but in the longer spectrum of time, however, that agreement may be lost, and the language may be used some day for a far different purpose.

I hope that before we are through with this bill, we can look at title VII as a whole and better understand—of course, we have just received this material—why that function is necessary in the light of the vast responsibility given to the Secretary on page 63, line 20, which reads:

> Providing leadership in energy in coordinating a comprehensive national energy policy, including making recommendations to the President and Congress for consideration and implementation of energy policies and programs;

That sounds like a national energy policy planning function, which is basically, as I understand it, what title VII is supposed to do. I am sure there will be further discussion today, tomorrow, and probably even longer on this particular issue. It is of concern to me as maybe not only unnecessary, but as opening some doors that it might not be necessary to open at this particular time on this particular issue.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SCHMITT. Surely.

Mr. JAVITS. I welcome the debate. I cannot think of anything that would be more helpful than to have the Senate debate it thoroughly and vote on it. We have either grown up or we have not, and I think all of us ought to find out. In other words, are we afraid of ourselves?

Is it not a fact that the reason for the terrible mess we are in, with a grave national crisis the depth of which the people do not begin to realize, and a grave crisis to the whole world monetary system, has come about precisely because we were not provident? Are we going to continue to hide our heads in the sand and assume we can legislate to meet problems as they arise, or do we at long last begin to understand that the lead time is a minimum of 10 years?

I do not want this amendment just to slip through. It is too important, too critical to our country for that. I am delighted to have the debate, and have it voted on.

Mr. SCHMITT. Mr. President, I think the Senator's statement is entirely true. We have not been prophets, in our own time or any other time. The only question I am raising is whether it is duplicative of the whole purpose of the entire act, which is to set up a Secretary who can do these things.

Mr. JAVITS. Exactly.

Mr. SCHMITT. What is the best way to have these things initiated? The President will always be in the loop, as my friend JOHN GLENN and I would say, on these kinds of decisions.

Mr. JAVITS. I beg the Senator to read the section carefully, and he will find that I have done everything I can in the legislative art to weave together a check and balance system of the Secretary, the President, and Congress; and if the Senator can find a deficiency in that check and balance, or a better way, I hope and pray he will recommend it.

Mr. SCHMITT. I am sure it would be difficult for me or anyone else to find a deficiency in the Senator's legislative language. However, I will be spending some time on it, as will others. We just received a copy of the report and the legislation itself. I think this is an issue that must be debated, and I think that is exactly what the Senator from New York is trying to do, is to make sure that we on this floor and those in the country who are interested in the proceedings understand why we are in the situation we are in today, and to assure that we at least start to climb out of the morass we are in.

Mr. JAVITS. Exactly.

Mr. SCHMITT. I appreciate the Senator's bringing up the amendment at this point, so that we can debate it.

Mr. JAVITS. For the Senator's further information. I have already looked over some of the proposed amendments to this amendment which Senator HELMS was gracious enough to give me, and I find some of them quite satisfactory. I have every desire to advance this, not based on the fundamental proposition that we have been highly improvident, but that it is time we grew up and became as mature in our judgment as American Telephone & Telegraph Co., or the United States Steel Corp., or Sears, Roebuck. That time has now arrived. As I say, I welcome very much the challenge, and I hope the Senate will make its decision in the light of mature consideration.

Mr. GLENN. Mr. President, will the Senator yield for additional comments?

Mr. SCHMITT. I yield.

Mr. GLENN. I might say to the Senator from New Mexico that ever since the report in May of 1963, as he pointed out, we can follow this through a series of Presidencies, and there has been very little done in this area, as the Senator from New Mexico is well aware. We all bemoan the fact that we should have been doing more a long time back. I personally have been collecting these articles about the coming energy crisis for the last 11 or 12 years, and have a whole folder of them at home. But we get so bound up in the day in, day out, operation of the Government at both the executive and legislative levels that we have never really gotten around to addressing the fact that we really do face a crisis.

This is spelled out, on page 63, as the establishment of an energy policy council whose specific function is not only to take care of the day-to-day, here and now considerations with regard to energy, but as the Senator from New York points out, is to look ahead and try to see what is going to be happening 8 or 10 or 20 years down the road, and then lay out the options we have, to get a solution to our energy problems in these different time levels.

That is what we are talking about, with an energy policy office established for that purpose so that we may avoid again getting into the situation we are in now, occasioned by the fact that we never seem to have time to look at long-term considerations. This proposal would help correct that deficiency, we feel.

Mr. SCHMITT. Mr. President, if the Senator will yield, I think he has pointed out a deficiency which may not be isolated just to the executive branch; but when plans have been forthcoming on these problems, and we have a Congress which, for some reason, has not been willing to look as far ahead as other members of the Government and our society have, I think putting the words on paper is the first step. The second step is to insure that the product of those words is viewed by Congress as a set of alternatives by which we can insure that there is, in fact, a promise of victory in this battle in which the President has asked us to join.

Just having the words, however, and having the planning function in the administration, does not relieve Congress of its responsibility to be able to look ahead with the executive branch.

Mr. GLENN. There was no intent to relieve Congress of any responsibility whatsoever. That is far from being the intent. I would hope, looking forward, that such an energy planning conference would be of benefit not only to the executive branch, but would be of benefit to Congress also. There is no attempt to absolve Congress of responsibility. But in coming to a sense of the pattern of future developments, we feel this would help.

Several Senators address the Chair.

The PRESIDING OFFICER (Mr. SARBANES). The Senator from Illinois.

Mr. PERCY. Mr. President, I certainly commend the Senator from New York (Mr. JAVITS) for what he has attempted to accomplish here. When I proposed an Energy Policy Council, it was with the thought in mind that, just as we decided years ago with respect to our economy we needed to have a Council on Economic Advisors, so too a council was needed in the field of energy. We have responded to every crisis as it came along without regard to the certainty of certain events unfolding. We did have, for example, the Paley reports in 1952. The problem is we never looked at the issue really seriously. As in the case of so many other reports, no one paid a lot of attention to it. If we had paid attention at that time, we might not have the crisis we have today.

I believe what Senator JAVITS is doing is saying:

> Look, this is going to be a problem with us for a long time. It is now imminent. Whether from the Central Intelligence Agency or MIT or wherever, these reports are coming out rather ominously from the standpoint of our not looking ahead. So let us look ahead. Let us plan on this.

What is giving concern is in the final sentence, where the implication may be that we are really going too far. We may be doing something which may be a cause for concern to Senator GOLDWATER and Senator HELMS, who have deep concerns about a planned society, as such. So does the Senator from Illinois. We are not very good at this.

In a specific field, such as energy, where there are so many unknown factors, and when we have known that by not looking ahead we have had a crisis condition put upon us, I would really respectfully suggest, as a strong supporter of this title overall, that the author of this title (Mr. JAVITS) give consideration to omitting the final sentence.

As a supporter of the section, and handling the bill from the minority standpoint, I feel that may remove some of the objections which have been raised by some our our Members. I would hope that we would move in that direction so that we can expeditiously move ahead.

Certainly, we are not against planning. We all do that in our personal lives. We do it in our corporate lives. Every university would have a plan, as such. But this is not to say we are a planned society. That is what we are trying to avoid. All of the segments within our society certainly should have a blueprint for the future. This is what Senator JAVITS is trying to very wisely provide specifically in the energy field.

Mr. SCHMITT. I appreciate the Senator's comments. I believe he has made an excellent suggestion for us to consider. My questions about title VII have been primarily concerned with whether it duplicates and may cause problems within just the mechanical administration of the Secretary's functions as described herein; whether or not suddenly there is another layer at the top which will add further bureaucratic impediments to us getting the job done that we want the Department of Energy to do. I wonder if the Senator from Illinois or the Senator from Connecticut would comment on that.

Mr. RIBICOFF. I would be pleased to comment.

First, may I take this opportunity to commend the Senator from Ohio for having this title inserted in the bill.

I think Senator JAVITS is absolutely

correct. For 40 years different commissions and different groups in this country have been talking about the forthcoming crisis in energy and no one believed them. The world did not believe them and we did not believe them. We suddenly find ourselves with the worldwide realization that we do have an energy crisis and still no plans have been made.

The Senator from New York and the Senator from Ohio were most careful in title VII to give this planning authority to the President. The President is going to have to rely upon the Secretary of Energy. We will not have two different groups doing it. The Secretary of Energy has the prime responsibility to put it in place for the President.

If the distinguished Senator will look on page 132 of the bill, in section 702, he will see that the Senators from New York and Ohio were very careful to make the Congress a partner in these proposals.

Each proposed plan shall be referred to an appropriate committee in the Senate and the House of Representatives.

Then it is the responsibility of Congress to review these plans. If we agree with the objective the President presents in his plan, then we have the obligation by joint resolution to report it back. If we want to make amendments, we can make amendments.

For the first time we establish a partnership between the executive branch and the Congress, we create responsibility to establish objectives for the Nation in the field of energy. This is most important.

I would hope that those who are unhappy with title VII would move to strike the entire title VII and join an issue with us to determine whether or not this is meaningful. I happen to think it is meaningful. I hope if there is a move to strike this title, the Senate will uphold title VII.

The Senator from Arizona has raised an important question. But there is no intention here for a Humphrey-Hawkins camel's nose under the tent.

I know what the Senator from Ohio sought to achieve. Unfortunately, the language is broad enough to indicate that we are going beyond energy. I do not think it was the thought of the Senator from New York or the Senator from Ohio to go beyond energy. If we struck the last sentence beginning on page 9, it would achieve the result we were intending.

Mr. GLENN. Will the Senator yield?

Mr. PERCY. If the Senator would yield for just one sentence, I would ask unanimous consent that when I gave credit to Senator JAVITS of New York for authorship of this, that Senator GLENN be included. It just slipped my mind that he had been the coauthor of it. We certainly support it. I wish my remarks to be addressed to both Senators in suggesting that they strike that one sentence.

I would like to also say this is exactly why I withdrew my amendment for an Energy Policy Council. It was so that in the reorganization the President is now undertaking in the White House, it gives him maximum flexibility to propose how he would intend to do it, taking this into account, of course. We do not want to require that he set up a big bureaucracy. The implication of that last part is so open ended. To provide for what? I just think it is so ambiguous it is probably best left out.

Mr. RIBICOFF. When the first amendment was proposed by the Senator from New York, the concept of a separate council was in it. I was asked to confer with the President and Mr. Schlesinger. They were deeply upset over the thought that there was going to be another layer to do planning between the President and the Secretary. I came back to the distinguished Senator from New York and I expressed to him the concern of the President that they were putting another layer and another group in the White House to do the planning.

The distinguished Senator from New York and the distinguished Senator from Ohio saw this immediately. The Senator from New York and the Senator from Ohio completely redrafted their amendment to put this responsibility on the shoulders of the President.

So the intentions are now consistent throughout. The Senator from New York and the Senator from Ohio have shown a great deal of legislative statesmanship in this amendment with the changes that they have redrafted. I hope I have clarified some of the doubts in the minds of the Senator from New Mexico.

Mr. GLENN. Will the Senator yield?

Mr. SCHMITT. As usual, the Senator from Connecticut has clarified it very well. I hope there is a move afoot, as I said, to strike that last sentence. I also wish to make sure that the Senators from Ohio and New York realize I am not questioning the basic intent of this. I am just trying to make sure that the record is clear as to what that intent is. I also think it important that the concept of the joint resolution be emphasized.

As the Senator is aware, I introduced on April 6 a joint resolution which would attempt to define goals and objectives for such a national energy policy. I would be remiss if I did not say I concurred in that basic conceptual idea that would, in this case, as drafted so excellently by the two Senators from Ohio and New York, tie the administration and the Congress together to a resolution that could be modified every year—and I presume would be, based on new information—but, nevertheless, would say these are the directions in which we are trying to head as a nation in this very, very important area.

UP AMENDMENT NO. 222

Mr. METZENBAUM. Mr. President, I call up an amendment which I have at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Ohio (Mr. METZENBAUM) proposes unprinted amendment No. 222.

On page 88, between lines 19 and 20, insert the following:

"JURISDICTION"

On page 89, line 1, strike out "the first sale" and insert in lieu thereof "all sales".

On page 89, beginning on line 2, strike out "to a natural gas pipeline".

Mr. METZENBAUM. Mr. President, this amendment is merely a clarifying amendment. Some of the language in the legislation seems to be a bit ambiguous. I have discussed the subject with those who are handling the bill on the floor, Senators RIBICOFF, JACKSON, and PERCY, and I hope that the amendment may be agreed to.

Mr. RIBICOFF. Mr. President, the amendment is accepted by the manager of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 223

Mr. GLENN. Will the Senator yield?

Mr. SCHMITT. I yield to the Senator from Ohio.

Mr. GLENN. I appreciate the Senator's yielding.

This last sentence of the title seems to be the offensive one. I thought the legislative history we had just a few moments ago here would be sufficient to explain our intent so that it would not be misconstrued in any way. Apparently, that is not sufficient. I send to the desk an unprinted amendment which will strike the sentence beginning on line 9 and ending on line 12.

I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The second assistant legislative clerk read as follows:

The Senator from Ohio (Mr. GLENN) for himself and Mr. JAVITS proposes unprinted amendment No. 223.

On page 134, line 9, strike the word "such".

On page 134, strike lines 10, 11, and 12.

Mr. GLENN. Mr. President, before we vote on this, I wish to say one other thing: It was our intent, by adding this sentence, to indicate to the White House and the executive branch that we felt that there was other option-setting legislation that was going to be coming down the road shortly. All we hoped was that, when they are organizing this particular function, which is encompassed in title VII, they do it in a way that will be commensurate with other legislation if we pass it. I agree with the floor manager of the bill that perhaps now is not the time to join that discussion, in the middle of this Department of Energy legislation. That is the reason I am proposing to withdraw that sentence. I might read just one paragraph from the report of the Committee on Governmental Affairs to accompany S. 826, the Department of Energy Reorganization Act, on page 63:

> The current administration is presently engaged in reorganzing the structure of the Executive Office of the President. The committee, in adopting title VII and section 704 in particular, urges the administration to give significant attention to defining the planning function of Government. The committee hopes to work closely with the administration in this effort both before and after the submission of the Preident's Executive Office reorganization plan. It is the committee's

strongly held view that promotion of long-term planning in energy and other areas can clarify our opportunities as a nation and significantly help us to seize those opportunities.

That was the intent of this sentence. If it is offensive, I think we should vote to take it out. I think all we intended was to send a message down the avenue to the White House on how we hope the rest of this title will be accomplished. I think we are sending that message, anyway, by this colloquy here today.

So, I say to the floor manager, if he is agreeable, we are ready to vote on it.

Mr. RIBICOFF. Mr. President, I think this is a very wise amendment. It seems to carry out the intention of the entire Senate. I accept that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 224

Mr. JAVITS. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read as follows:

> The Senator from New York (Mr. JAVITS) for himself and Mr. MATHIAS, Mr. KENNEDY, Mr. STONE, Mr. MCINTYRE, and Mr. ABOUREZK, proposes unprinted amendment No. 224.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 102 line 3, insert the following new subsection:
>
> (g)(1) The purpose of this subsection is to require separation of the prosecutorial and judicial functions relating to enforcement of the Emergency Petroleum Allocation Act and to impose statutory due process requirements on such enforcement activities so that they conform to all other enforcement actions undertaken by the Department.
>
> (2) If upon investigation, the Secretary or his authorized representative believes that a person has violated any regulation, rule, or order promulgated pursuant to the Emergency Petroleum Allocation Act, he may issue a remedial order to the person. Each remedial order shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the rule, regulation, or order alleged to have been violated. For purposes of this section "person" includes any individual, association, company, corporation, partnership, or other entity however organized.
>
> (3) If within thirty days from the receipt of the remedial order issued by the Secretary, the person fails to notify the Secretary that he intends to contest the remedial order, the remedial order shall become effective and shall be deemed a final order of the Secretary and not subject to review by any court or agency.
>
> (4) If within thirty days from the receipt of the remedial order issued by the Secretary, the person notifies the Secretary that he intends to contest a remedial order issued under subsection (f)(2) of this section, the Secretary shall immediately advise the Energy Regulatory Board of such notification. Upon such notice, the Board shall stay the effect of the remedial order except where the Board finds the public interest requires immediate compliance with such remedial order. The Board shall, when requested, afford an opportunity for a hearing, including, at a minimum, the submission of briefs, oral or documentary evidence, and oral arguments, and to the extent that the Board in the discretion determines it is required for a full and true disclosure of the facts the right to conduct cross examination. The Board shall thereafter issue an order, based on findings of fact, affirming, modifying, or vacating the Secretary's remedial order, or directing other appropriate relief, and such order shall become final agency action thirty days after its issuance.
>
> (5) The Secretary may set reasonable time units for the Board to complete action on a proceeding referred to it pursuant to this subsection.

Mr. JAVITS. Mr. President, this amendment is offered for myself and Senator MATHIAS—Senator MATHIAS especially importantly because he chaired a subcommittee hearing on the congressional oversight of administrative agencies, including the FEA, in which this issue turned up—and also on behalf of Senators KENNEDY, STONE, MCINTYRE, and ABOUREZK. The amendment provides that, where a specific remedial order is issued against an individual on grounds of violation of EPAA regulations by the Energy Secretary, upon the application of that particular person or firm, that particular remedial order, as it is called in the bill, shall be subject to review by the Board which is organized for this and other purposes under title IV of the act. That is the Energy Regulatory Board consisting of three bipartisan appointees by the President, with confirmation by the Senate. The Board shall have the right to call witnesses, cross-examine, and so on; insofar as it is germane to the order, so that the order may be upon the facts contested.

The difference between this and the right of judicial review, which is also contained in the bill as it relates to this issue, is that here, the individual or the corporation charged may have a factual hearing upon the evidence, with the right of cross-examination, et cetera, instead of depending upon the record, which the agency itself may make as the basis for the appeal, which can then be decided only on the substantial-evidence rule.

We believe that, in view of the broad powers which are given to the Secretary and the permanent nature of this regulatory scheme, this particular protection is a very useful one to incorporate in the act.

Mr. President, I had intended to present this amendment to the committee and it was my belief that the committee would have accepted it in the committee, as I am one of its members. But, at the moment that the bill was under final consideration and reported out, I was engaged in a markup in another committee where I am the ranking member. Hence, I missed the timing on it, so I have to present it here as the only way to get it into the bill. I hope very much that the managers will feel disposed to accept it.

Mr. RIBICOFF. Mr. President, before accepting the amendment, I wish to make this comment, especially in view of the discussion concerning title VII.

In all the years I have known the distinguished Senator from New York, who is one of the most imaginative and constructive men in this body, there is no one out of the 100 I have found who is more solicitous of the individual's rights and privileges and constitutional guarantees. There is not a bill presented on this floor or in committee that is not gone over with a fine-tooth comb by the Senator from New York to assure that the rights of individuals, in person and in property, are protected completely. This amendment is to that end; that is, to insure that when dealing with a bureaucracy, the rights of individuals are protected. I certainly feel that it is a pertinent and proper amendment. In behalf of the committee, I do accept it.

Mr. JAVITS. I am very grateful to my colleague.

Mr. PERCY. Mr. President, before formulating a final opinion on the amendment, we have given, as the Senator from New York knows, a great deal of thought to speeding up the decision-making process. One of the frustrating parts of the Government regulation has been the long delays involved. I very much appreciate the comment of the distinguished Senator from New York when he offered this amendment. As to what ways this could delay the decisionmaking process, does he feel that it would complicate matters considerably? If we could have reassurance on that point, I would have no objection at all to the amendment.

Mr. JAVITS. I thank my colleague. I should like to work this out with the prospective Department. I am not coupling them with the amendment. This is our idea. In order to deal with that very subject, the amendment read as follows:

> The Board—

That is the Energy Board—

> shall, when requested, afford an opportunity for a hearing, including, at a minimum the submission of briefs, oral or documentary evidence, and oral arguments, and to the extent that the Board in its discretion determines it is required for a full and true disclosure of the facts the right to conduct cross examination.

So the board has discretion to deal with delaying tactics.

Then there is an additional section:

> (s) The Secretary may set reasonable time limits for the Board to complete action on a proceeding referred to it pursuant to this subsection.

The virtue of including these precautions against stretching out and yet having an effective amendment is that, when it gets to a court, the court can also review the reasonableness with which the Board acted and the Secretary acted. So there is protection for the individual or the firm. We have been very careful, and this was worked out—as I say, we took this suggestion. I do not want to couple them with approving or disapproving. We did take this to give the board control over any stretchout.

Mr. PERCY. With that explanation, I have no objection to it.

Mr. McCLURE. Will the Senator yield for a question?

Mr. JAVITS. I yield.

Mr. McCLURE. I understand the amendment which the Senator has offered would be a modification of amendment No. 271.

Mr. JAVITS. It is.

Mr. McCLURE. And that modification——

Mr. JAVITS. May I key the Senator to it?

Mr. McCLURE. Certainly, it would be helpful.

Mr. JAVITS. In the last paragraph, where it reads on line 2, strike the words, "the right to conduct such cross examination as may be" and insert the words, "to the extent that the board in its discretion determines it is."

And then at the end of line 3 before the period and after the word "facts" insert "the right to conduct cross examination."

And then as an added item 5, the following, and I will read it slowly.

Mr. McCLURE. That is all right.

Mr. JAVITS. What it says is, "The Secretary may set reasonable time limits for the board to complete action on a proceeding referred to it pursuant to this subsection."

Mr. McCLURE. I thank the Senator for that explanation.

Now, just to follow the question of the Senator from Illinois in regard to the effect it may have upon speeding up or slowing down the decisionmaking process, I understand the Administrative Procedure Act would require that any applicants have utilized this proceeding before they can go to court.

Mr. JAVITS. Exactly. So it is really my purpose also to get a hearing before an independent decisionmaker where both sides could be presented, not just the bureaucracy side.

Mr. McCLURE. And the Senator hopes that would resolve it there and not have to go to court.

Mr. JAVITS. Exactly.

Mr. McCLURE. If, however, it did not have that result, then this additional proceeding internally could extend the time before it got to court and, therefore, extend the time before final determination was made.

Mr. JAVITS. But only in the discretion of the Board, what rights they would give cross-examination, et cetera, otherwise they would be confined to direct evidence only, oral or documentary, and the brief, and within the discretion of the Secretary as to the total time parameter, which even allowed for the whole proceeding.

Mr. McCLURE. I notice in subsections of this amendment, for instance, on page 2, line 10, and again at line 16, the Senator has 30-day periods involved.

Mr. JAVITS. Yes.

Mr. McCLURE. In new subsection (5), the Senator provides such time as may be determined by the Secretary to be necessary. Is that correct?

Mr. JAVITS. Yes.

Mr. McCLURE. Is the Senator's thought the Secretary would take that time?

Mr. JAVITS. That is my purpose.

Mr. McCLURE. Still recognizing the rights of the persons that are involved to be fully heard within the administrative review?

Mr. JAVITS. Yes. And this does not apply to rulemaking, only to an individual proceeding where an individual is charged with having violated an order, an allocation, or a pricing regulation.

Mr. McCLURE. I thank the Senator for his explanation and I applaud his intention to ascertain a whole administrative review and the full rights within the administrative proceedings.

But I think in response to the Senator from Illinois he should know that if it succeeds in resolving the issue, it will shorten the time. If not, then it will be a somewhat——

Mr. JAVITS. Somewhat.

Mr. McCLURE. 90 days or 20 days extension of the period of time before it could be resolved.

Mr. JAVITS. I think the Senator stated it correctly.

It is the best compromise we can make between the rights of the individual and the rights of the State.

Mr. McCLURE. I understand. I thank the Senator for the explanation.

Mr. JAVITS. Mr. President, I yield.

Mr. HANSEN. Mr. President, on page 103 of the bill, beginning on line 3, I find this language:

> (b) (1) No supervisory employee shall receive compensation from, or hold any official relation to, any person, firm, association, or corporation significantly engaged in the production, generation, transmission, distribution, or sale of electric power, petroleum or petroleum products, natural gas, coal, solar, nuclear technology, equipment or material, minerals, or other energy related source or resource, or own stocks or bonds thereof, or have any pecuniary interest therein.

I applaud the motive behind this particular section and my question goes to this issue. I assume that a number of people will be called to fill these different administrative slots, if this bill does, indeed, become law—and I do not doubt one bit but that it will. I call the Senator's attention to the fact that as various candidates or nominees for secretarial posts or assistant secretarial posts have come before one or more of the committees on which I serve, it has been the judgment of the old Interior Committee, now the Energy and Natural Resources Committee, and the Finance Committee, both, that on occasion a reasonable time should be afforded individuals in order to divest themselves of those ownerships of property which could represent a conflict of interest.

My question is, Is there any provision in this bill to make such an accommodation?

Mr. RIBICOFF. May I say first that the Senator's comment does not address the amendment of the distinguished Senator from New York, but if the Senator will yield.

Mr. JAVITS. Yes.

Mr. RIBICOFF. The language is taken out of the Federal Power Commission legislation. The administration's language is comparable with it.

There is a provision allowing the Secretary to either waive this stipulation or provide more time to accommodate the situation.

Certainly, I see an opportunity as the Finance Committee and the Governmental Affairs Committee did with Secretary Lance, of giving someone time to dispose of large holdings of bank stocks in order for him not to incur a large loss.

There is no question some officials will have large holdings, and we are certainly not going to force them to incur an unusual loss. The Secretary does have a right to waive it.

I am sure that the Energy Committee, with any prospective appointee, would take those factors into account as long as they still applied to the prospective appointee.

We can get comments from the ranking minority member of the Energy Committee, who would have jurisdiction over this.

Mr. HANSEN. Will the Senator yield further?

Mr. JAVITS. Yes.

Mr. HANSEN. I was in error in looking at the wrong page. I thought this was the same section as the Senator's amendment.

I do not think there is any question about the disposition of members of the various committees here to make a reasonable accommodation, as the distinguished Senator from Washington has demonstrated on more than one occasion for Republicans as well as Democrats.

Mr. JACKSON. Every now and then.

Mr. HANSEN. Extremely fair on occasion.

Mr. RIBICOFF. And the Secretary has that authority.

Mr. HANSEN. But the point here is that these officials, or the personnel that I assume are alluded to in this section, would not be the ones subject to Senate confirmation.

Mr. RIBICOFF. That is right.

Mr. HANSEN. I think they, too, would deserve the kind of consideration we have extended to personnel requiring Senate confirmation.

Mr. RIBICOFF. The Secretary has the authority to make exactly the same commendation.

Mr. HANSEN. I thank the Senator.

Mr. JAVITS. Mr. President, will the Senator yield? I should like to place something in the RECORD with respect to this amendment.

Mr. RIBICOFF. I yield.

Mr. JAVITS. Mr. President, I ask unanimous consent that a letter dated May 13, addressed to me by representatives of independent marketers of petroleum products—there is a list of them here—supporting this amendment, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 13, 1977.

Subject: S. 826, Dept. of Energy

Hon. JACOB JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: As representatives of independent marketers of petroleum products, we are deeply concerned that Senate Bill S. 826, establishing a Department of Energy, has been reported to the full Senate by the Committee on Governmental Affairs, without effective provisions to protect the procedural rights of small businesses subject to regulation under the Emergency Petroleum Allocation Act (EPAA).

In this respect, the bill is unprecedented. The Department of Energy will be the only permanent cabinet level department permitted to adjudicate the rights of regulated persons without adhering to the basic due process safeguards applied by other administrative agencies. It will be the only independent or executive agency whose decisions are reviewable solely by a "temporary" court of appeals composed entirely of temporarily appointed and primarily retired judges. In this circumstance, we can only anticipate that independent marketers will continue to be denied any effective recourse from arbitrary administrative action.

We urge that you bring to the attention of the Senate these material defects in the legislation as reported by the Government Affairs Committee and that the bill be amended.

To provide for a hearing on the merits in all appeals of remedial enforcement orders under the EPAA;

To permit review by the United States Courts of Appeals of all final agency actions under the EPAA or alternatively for review by the United States Court of Appeals for the District of Columbia Circuit.

These basic steps, while procedural in nature, are essential to the future of thousands of independent marketers, whose preservation as viable competitive entities is a cornerstone of an effective domestic energy policy.

A detailed analysis of these issues together with suggested amendments to S. 826 is appended. Your consideration of this most urgent problem is sincerely appreciated.

Respectfully submitted,

Independent Fuel Terminal Operators Association; Independent Gasoline Marketers Council; Independent Oil Compounders Association; Independent Terminal Operators Association; Lobel, Novins & Lomont; Mid-American Petroleum Marketers Association; National Oil Jobbers Council; New England Fuel Institute; Oil Heat Institute of Long Island; Society of Independent Gasoline Marketers of America.

Mr. JACKSON. Mr. President, before we vote on this amendment, I should like to make an observation.

I know what the distinguished Senator has in mind. He wants to improve the adjudicatory process here. I only wish to observe that we have not held hearings on this particular proposal. It provides for a new procedure for enforcement of remedial orders under EPAA. I just want to comment for the record that I really do not know what the impact of all this will be on the adjudicatory process and the various parties involved.

These proposals are something that we will get into, in the normal course of things, in the Energy Committee, but I did want to make that observation. No hearings have been held on this. As I say, it does raise some new questions regarding the adjudicatory procedures to be used for enforcement of remedial orders. I shall not oppose it at this time, but I did want to put up that flag and raise those questions.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. JAVITS. I thoroughly agree with the Senator. I hope he will look into it very carefully. If the department has any second thoughts, we understand. I do not want to join them in this, because they are not even a department yet.

Mr. JACKSON. That is right.

Mr. JAVITS. If they have any second thoughts, I am sure we will hear about it in conference.

Mr. JACKSON. By tomorrow morning.

Mr. JAVITS. We think they are not alarmed by it at all.

I must tell the Senator the genesis so that he may understand me, too.

Hearings were held by the Committee on the Judiciary, and the report is dated 1975, in which these questions came up. Senator MATHIAS presided. It so happened that he was there and handled these hearings—and it was really because of the request of the independents and his experience.

I say to the Senator from Washington (Mr. JACKSON) that I have no ax to grind. I think he knows that I am enough of a lawyer to be with him on anything that it seems intelligent to do. But I felt it my duty, because of this background, to propose it.

Mr. JACKSON. I fully understand. I just wanted to make this statement for the RECORD until we have more information.

Mr. JAVITS. I thank the Senator.

Mr. STONE. Mr. President, I joined today in cosponsoring an amendment to S. 826, the Department of Energy Organization Act, proposed by Senator JAVITS and Senator MATHIAS. This amendment would establish statutory due process procedures by affording an alleged wrongdoer a hearing on the record. Under these procedures, a party will now have an opportunity at an agency hearing to present its case to an independent board, to rebut evidence presented against it, to confront adverse witnesses and to develop a complete record for a fair and equitable judicial review of the final Department order. This notion of due process is securely engrained in our administrative judicial process and there is no valid reason why the Department of Energy should not follow these basic safeguards.

Under current FEA procedure, these safeguards have not been fully applied in the compliance and enforcement process. Congress never intended to allow FEA to depart from these requirements of fundamental administrative due process. With the transition from a short-term administrative agency to a permanent, cabinet-level Department of Energy which will be authorized to develop and administer a long-term comprehensive national energy program, the Department must accept the responsibility of insuring administrative due process rights by affording a full and complete hearing on the record in Department adjudicatory hearings. Congress must now pass this amendment to clearly reaffirm its desire for fundamental due process in the administrative arena.

Mr. President, this amendment would make the Department of Energy Organization Act conform to basic principles of fairness and due process. I hope the Senate will adopt this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 225

Mr. RANDOLPH. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. RANDOLPH) proposes an unprinted amendment numbered 225:

On page 146, line 19, insert the following:

"The Federal Cochairman of the Appalachian Regional Commission or any regional commission under title V of the Public Works and Economic Development Act shall participate as an observer in the deliberations of any such Board which contains one or more States which are members of such commission.".

Mr. RANDOLPH. Mr. President, this amendment provides that the Federal cochairman of the Appalachian Regional Commission, or a title V regional commission, will participate as an observer on the Regional Energy Advisory Board for that region. These commissions have specific statutory responsibility for energy development related planning and programs.

Since the Federal Code chairman is the only person with responsibility for the views and needs of the region as a whole, these Presidentially-appointed officials should serve on the regional energy advisory boards.

I hope that the amendment meets the understanding and approval of the able chairman who is handling this measure.

Mr. RIBICOFF. Mr. President, I certainly do approve it. I can understand the necessity for the role for the Appalachian Regional Commission. We are concerned about the involvement of regions. It is a well-drafted and meaningful amendment ,and I certainly accept it on behalf of the committee.

Mr. RANDOLPH. I thank my colleague.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 226

Mr. RIBICOFF. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Connecticut (Mr. RIBICOFF) proposes an unprinted amendment numbered 226.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 119, line 6, delete the ".", and insert in lieu theerof"; *Provided, however,* That such authority is effective only to such extent or in such amounts as are provided in appropriations acts."

Mr. RIBICOFF. Mr. President, this is a technical amendment recommended by the Budget Committee. This technical amendment is the result of a drafting oversight.

Section 401(a) of the Budget Act requires that any legislation which provides contract or borrowing authority must limit that authority to "such extent or in such amounts as is provided in appropriations act." This limitation on the contracting authority of the Secretary of the Department of Energy was inadvertently excluded from the reported bill.

This requirement of the Budget Act was included to curtail escalation of back-door spending measures.

The technical amendment is what we have at the desk now.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 227

Mr. McINTYRE. Mr. President, I call up my unprinted amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from New Hampshire (Mr. McINTYRE) proposes an unprinted amendment numbered 227.

Mr. McINTYRE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In Title I, p. 53 add the following new subsection:

SEC. 102

"(t) to foster insofar as possible the continued good health of the nation's small business firms involved in energy production, transportation, research, development, demonstration, marketing, and merchandising of both existing energy supplies and new technologies to be developed by the Federal Government.

To Title II, page 68 add the following new section:

"SMALL BUSINESS

"SEC. 210. In carrying out his duties, responsibilities, and functions under this Act, the Secretary shall be advised by an Office of Small Business Affairs, which shall be directly responsible to the Secretary. This Office shall be responsible for providing information on the effects on small business as defined by the Small Business Act; industrial organization and structure; competition and the position of small business. The Office shall report to the Secretary on the impact on small business on the policies, rules, and regulations proposed and promulgated by the Secretary."

In Title VII, p. 132 add the following new subsection:

SEC. 701

"(7) insure that the nation's small business community is consulted in the development of the Plan."

Mr. McINTYRE. Mr. President, this amendment, which is in three parts, will help the Department of Energy foster the development of the Nation's small business community, particularly those companies directly concerned with energy. Senator Hathaway joins me as a cosponsor in offering this amendment.

Mr. President, I ask unanimous consent that two members of the staff of the Small Business Committee, Mr. Cross and Mr. Donovan, have the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McINTYRE. Mr. President, with the understanding of the distinguished manager of the bill, I should like to discuss very briefly the two parts of the bill that I believe will be fairly noncontroversial, and then proceed to discuss the third part, which may raise some objection.

The first part simply is an amendment to the preamble of this bill which would give direction to the department by amending it to insure that the department has as one of its primary missions the fostering of small business. I will read that subsection:

To foster insofar as possible the continued good health of the Nation's small business firms involved in energy production, transportation, research, development, demonstration, marketing, and merchandising of both existing energy supplies and new technologies to be developed by the Federal Government.

Another part of this amendment would require the President to consult with the Small Business Administrator, as a representative of the small business community, in the development of the national energy plan, insuring that the 97 percent of the Nation's small businesses which provide about half of our gross national product are given opportunity to make input into the national plan that will be designed for the future of our energy supply.

I believe that this amendment added to title VII of the Department of Energy Organization Act will make sure that small business is consulted when the national plan is drawn up.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McINTYRE. Would it be appropriate at this time for the Senator to move that the amendment be divided, so that we could take up these two relatively simple matters first and then proceed to the other part of the amendment, which deals with a Department of Energy Office being created in the Department of Energy? Would it be appropriate to divide this amendment into three parts and simply excise for the moment the first and second parts, so that we can deal with these matters with simplicity?

The PRESIDING OFFICER. The amendment is divisible into three parts.

Mr. McINTYRE. I ask the floor manager of the bill for his comment on those two parts.

Mr. RIBICOFF. Mr. President, as explained by the distinguished Senator from New Hampshire the first two parts are acceptable to the floor manager of the bill.

Mr. McINTYRE. I say to the distinguished Senator from Connecticut that I have modified the amendment by inserting these words:

Insure that the Administrator of the Small Business Administration on behalf of the Nation's small business community is consulted in the development of the Plan.

This is in line with our conversation.

Mr. RIBICOFF. I have no problem at all with this. The original amendment raised some basic problems, because every group in the United States wanted to have an assistant secretary designated just for it. It would have been an executive and legislative nightmare. That is why it was resisted. But, without question, consultation should be given to small businessmen, and I would have no objection to the amendment as amended.

Mr. McINTYRE. I am glad the distinguished manager of the bill has made the statement which he has, and I move this time the adoption of the amendment, divided.

The PRESIDING OFFICER. The amendment will be so modified as put forth by the Senator from New Hampshire; and, as modified, the question is on agreeing to the amendment.

Does the Senator demand a division with respect to this amendment?

Mr. McINTYRE. Would the Presiding Officer say that again.

The PRESIDING OFFICER. Does the Senator demand a division with respect to his amendment as now modified?

Mr. McINTYRE. No, no.

The PRESIDING OFFICER. The question then occurs on agreeing to the amendment.

Mr. McINTYRE. There are two parts which the Senator will take.

Mr. RIBICOFF. The third one, as modified.

Mr. McINTYRE. The first and third parts of this amendment as separated, and the third part as modified; that is agreeable to a vote.

The PRESIDING OFFICER. Does the Senator from New Hampshire request a division on the amendment or does he submit the amendment as modified?

Mr. McINTYRE. I submit the amendment as modified.

UP AMENDMENT NO. 228

The amendment, as modified, is as follows:

In Title I, p. 53, add the following new subsection:

SEC. 102.

"(t) to foster insofar as possible the continued good health of the nation's small business firms involved in energy production, transportation, research, development, demonstration, marketing, and merchandising of both existing energy supplies and new technologies to be developed by the Federal Government."

On page 2, strike all of the title VII, insert amendment and insert the following:

"(7) insure that the Administrator of the Small Business Administration on behalf of the nation's small business community is consulted in the development of the plan."

The PRESIDING OFFICER. The question is now on agreeing to the amendment as modified.

The amendment, as modified, was agreed to.

UP AMENDMENT NO. 229

Mr. McINTYRE. Now, Mr. President, I would like to proceed to that part of the amendment which is under some objection.

The PRESIDING OFFICER. Is the Senator offering that as a substitute amendment?

Mr. McINTYRE. I wish to offer this amendment which would set up the Office of Small Business Affairs in the Department of Energy.

The PRESIDING OFFICER. If the Senator from New Hampshire would suspend for a moment and send the amendment to the desk, the amendment he is now submitting for consideration, it would be helpful.

Mr. RIBICOFF. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. McINTYRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

To Title II, page 68 add the following new section:

"SMALL BUSINESS

"SEC. 210. In carrying out his duties, responsibilities, and functions under this Act, the Secretary shall be advised by an Office of Small Business Affairs, which shall be directly responsible to the Secretary. This Office shall be responsible for providing information on the effects on small business as defined by the Small Business Act; industrial organization and structure; competition and the position of small business. The Office shall report to the Secretary on the impact on small buinsess of the policies, rules, and regulations proposed and promulgated by the Secretary."

Mr. McINTYRE. This amendment will provide for the establishment of an Office of Small Business Affairs in the Department of Energy. This Office will report directly to the Secretary.

This part of the amendment is a direct result of the hearings held through the Small Business Committee which I cochaired with Senators HATHAWAY and NELSON in the 94th Congress.

In those hearings the committee examined the work of the Energy Research and Development Administration to assess how well its programs were working for the betterment of small business.

Small business had usable solar energy equipment and other types of technology at that time, but ERDA had not seen fit to include small business in its plan for development of new energy technologies.

As a result of the hearings we held, ERDA has taken an active role in the development of small business and is finally on the right track.

However, I believe that the development of small business has not been adequately covered in this bill. Many other interests are represented in the offices of the Assistant Secretaries established under this bill, but there is no one place where small business, a much harassed sector of our economy, can make its views known.

I would rectify this situation by adding a new section 210 to title II of the Department of Energy Organization bill. The new Office of Small Business Affairs established by this amendment would have the authority to advise the new Secretary of Energy of the problems and possibilities facing small business—not just research companies or companies with new, developing technologies, but all small businesses. This would include the small fuel oil dealer who is struggling to provide fuel to winter-bound communities in my State of New Hampshire, the company facing Government restrictions on the use of energy, the company hastening to install solar energy or other energy-saving equipment on homes and businesses, and so on.

It is my hope, Mr. President, that this Office would also be able to advise the Secretary on the problems that could be encountered with specific policies which would lead to increased concentration and changes in the energy industry structure.

As many Members of this body know, the Small Business Committee serves as an advocate for small business in the government. We have been working to beef up programs at the SBA to make sure that it can provide a good amount of help to small business. I believe that this amendment establishing an Office of Small Business Affairs at the new Department of Energy will go one step further to end the period of neglect which has permeated the Federal Government's dealings with small business and help foster this most vital sector of our economy.

Mr. HATHAWAY. Mr. President, I am pleased to join my colleague from New Hampshire (Mr. McINTYRE) in sponsoring this amendment to insure that the substantial contribution which small businesses can make to our energy program is part of the new Department of Energy. I have had a longstanding interest in this problem of providing access for small business to Government programs.

For example, I participated in hearings in 1975 of the Senate Small Business Committee on the "Role of Small Business in Solar Energy Research, Development and Demonstration." That resulted in a report which concluded:

> The Federal department and agencies charged with the development of solar energy have not adequately considered the needs and capabilities of small business. The agencies have not sufficiently consulted the Small Business Administration, have not established small business set-asides and have usually relied on and favored big business concerns and giant universities.

There were some changes which resulted from those hearings, but small business continued to have difficulty in obtaining the Federal opportunities more readily available to the larger, better financed corporations.

Yet, the contribution which small business can make to our energy program is substantial. Throughout history, we have relied chiefly on the innovations of small businessmen for our technological progress. Government and private studies bear out the innovative talent of small enterprises, with small business responsible for more than one-half of all industrial inventions and innovations, including the Xerox copier, the Polaroid camera, the handheld calculator, and frozen foods. In addition, small business has been responsible for instituting new ways of doing business, from franchising to containerization. In heavy industry, such as steel, aluminum, and oil refining, the overwhelming number of major breakthroughs have likewise been made by small firms and individual inventors.

Small business is innovative, willing to take risks, and a major factor in our economy. The statistics speak for themselves: The IRS finds that there are 13.3 million businessmen in this country, and over 97 percent can be classified as small. These small businesses employ over one-half of all employees and account for over one-third of the gross national product.

In addition, fostering of small business helps foster many traditional values important to us all—small businessmen and women are committed to their geographical areas, to their local institutions, and to their local employees. Ever-increasing accumulation of economic power in giant conglomerates is contrary to our longstanding cultural and economic values, and may well breed inefficiency and caution rather than innovation and development.

The amendment we are offering today will insure the role of small business in our Federal energy program. It establishes an Office of Small Business Affairs within the Department of Energy and requires that small business concerns and the small business community have direct input into the development of the national energy plan required under the act. The Office of Small Business Affairs shall also be responsible for reporting to the Secretary on the impact of the Department's rules, regulations, and policies on the small business community.

Through this mechanism, we can begin to utilize the potential contribution which small business can make to solving our national energy problems.

Mr. RIBICOFF. Mr. President, the problem with this amendment is that while the objective is a most worthy one, we have been inundated during the hearings and markup by every group and special interest wanting an assistant secretary or a special office to take care of their individual affairs.

This amendment would tie the hands of the new secretary. I am sure that, with the other two sections of the amendment which we have adopted and accepted, the secretary will take into account the problems of small business.

If we create a special office here, we will have to establish a separate office for every segment of the American economy.

Mr. President, I move to table the amendment.

Mr. McINTYRE. Mr. President, I would just like to say that when this new vast Department of Energy is put together, and the redoubtable Mr. Schlesinger is put in charge of it, my experience with this outstanding Government official was, when he served as the Defense czar, and is that he very likely, as he attempts to put this program together, would overlook the very backbone of this Nation, the small businesses of this country.

Mr. President, I venture to say that more innovations, more ideas have come out of the backyards, the garages and the attics of the people of this country than have come out of even the great factories of IBM.

Mr. President, I think it is an important amendment, and I would like very much to have this motion defeated.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. De Concini). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Connecticut. The clerk will call the roll.

Mr. JAVITS. Mr. President, may I make a unanimous-consent request?

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. I ask unanimous consent that my assistant, Jerry Klein, have the privileges of the floor during the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion to lay on the table the amendment of the Senator from New Hampshire. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from South Dakota (Mr. Abourezk), the Senator from Colorado (Mr. Hart), the Senator from Massachusetts (Mr. Kennedy), the Senator from Vermont (Mr. Leahy), the Senator from Arkansas (Mr. McClellan), the Senator from Montana (Mr. Melcher), and the Senator from Michigan (Mr. Riegle) are necessarily absent.

I also announce that the Senator from North Carolina (Mr. Morgan) is absent because of illness.

I further announce that, if present and voting, the Senator from Michigan (Mr. Riegle) would vote "nay."

Mr. STEVENS. I announce that the Senator from Rhode Island (Mr. Chafee), the Senator from Nebraska (Mr. Curtis), the Senator from Michigan (Mr. Griffin), and the Senator from California (Mr. Hayakawa) are necessarily absent.

I further announce that the Senator from Oklahoma (Mr. Bartlett) is absent due to illness.

The result was announced—yeas 51, nays 35, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—51

Baker
Bellmon
Bentsen
Biden
Burdick
Byrd,
  Harry F., Jr.
Cannon
Case
Chiles
Cranston
Danforth
Domenici
Eagleton
Eastland
Garn
Glenn
Hansen
Hatch
Hatfield
Helms
Hollings
Huddleston
Inouye
Jackson
Javits
Johnston
Laxalt
Lugar
Magnuson
Mathias
Matsunaga
Metzenbaum
Moynihan
Pearson
Percy
Randolph
Ribicoff
Roth
Schmitt
Scott
Sparkman
Stevens
Stevenson
Stone
Talmadge
Thurmond
Tower
Wallop
Williams
Young
Zorinsky

NAYS—35

Allen
Anderson
Bayh
Brooke
Bumpers
Byrd, Robert C.
Church
Clark
Culver
DeConcini
Dole
Durkin
Ford
Goldwater
Gravel
Haskell
Hathaway
Heinz
Humphrey
McClure
McGovern
McIntyre
Metcalf
Muskie
Nelson
Nunn
Packwood
Pell
Proxmire
Sarbanes
Sasser
Schweiker
Stafford
Stennis
Weicker

NOT VOTING—14

Abourezk
Bartlett
Chafee
Curtis
Griffin
Hart
Hayakawa
Kennedy
Leahy
Long
McClellan
Melcher
Morgan
Riegle

So the motion to lay on the table Mr. McIntyre's amendment was agreed to.

Mr. RIBICOFF. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will come to order. The Senator from South Dakota is recognized.

UP AMENDMENT NO. 230

Mr. McGOVERN. Mr. President, I call up an amendment which I have at the desk, and ask that it be reported.

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will please come to order. Senators will please take their seats. The Senate is not in order.

The Senator from South Dakota may proceed.

Mr. McGOVERN. Mr. President, I have an amendment at the desk which I ask be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Dakota (Mr. McGovern) proposes an unprinted amendment numbered 230: On page 70, after line 20—

Mr. McGOVERN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 70 after line 20, insert the following: .

Neither the transfer of functions and authority effected by subsection a(5) of this section nor any changes in cost allocation or project evaluation standards shall be deemed to authorize the reallocation of joint costs of multipurpose facilities theretofore allocated unless and to the extent that such change is hereafter approved by Congress.

Mr. McGOVERN. Mr. President, this amendment is a very simple one that would make certain that cost allocations with respect to multipurpose projects shall not be changed without the approval of Congress.

While I am concerned specifically about the Missouri Basin project, it is proper to protect the allocation of joint costs on all projects, when they have been properly made by Congress. Congress should determine cost allocations as we do now, and project repayments as we now do.

My concern with S. 826 centers on the divided responsibility for the Pick/Sloan Missouri River Basin project that will prevail under this legislation when the administration of multipurpose projects is divided again, this time between the Departments of Interior and Energy.

I am sure that my colleagues from the other Missouri Basin States share this concern—which exists for other river basin systems as well.

The operating power system of the Pick/Sloan Missouri Basin project includes 23 powerplants with 2.7 million kilowatts of installed generating capacity, 177 substations with 6.9 million KVA of transformer capacity, and 10,600 miles of transmission line.

In fiscal year 1976, an aggregate of 16.5 billion kilowatts was delivered to 344 customers for resale and distribution, with a return of revenue of $117 million. Sales were primarily to preference customers who have firm power allocations which the Bureau of Reclamation is committed to deliver under long-term contractual arrangements, such as rural electric cooperatives, power districts and municipalities.

The Congress has carefully evaluated the financial aspects of the total project during previous years. The Department of the Interior prepared a financial report and recommendations for financial management that were accepted by the Congress in conjunction with the authorization of the Garrison unit in 1966.

The amendment I am proposing today would make certain that cost allocations and project evaluations with respect to joint costs of multipurpose projects shall not be changed without the approval of the Congress.

While I am concerned specifically about the Missouri Basin project, it is proper to protect the allocation of joint costs on all projects when they have been made by the Congress.

Congress should determine cost allocations and project repayment requirements. This becomes even more important with the new alinements and adjusted responsibilities in the executive branch.

We need this assurance at the time when new alinements and adjusted responsibilities are being considered in the executive branch. I have discussed this matter both with the distinguished manager of the bill (Mr. Ribicoff) and the Senator from Idaho (Mr. McClure) who have indicated no objection to it. I hope the amendment can be agreed to.

Mr. RIBICOFF. Mr. President, the amendment is acceptable to the manager of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 231

Mr. ZORINSKY. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Nebraska (Mr. Zorinsky) proposes an unprinted amendment No. 231.

Beginning with page 128, line 19, strike out all through page 134, line 12.

Mr. ZORINSKY. Mr. President, in proposing the amendment striking title VII, it appears to me this is a title which indicates a plan to end all plans. It is comprehensive and quite extensive. It has the capability of setting quite a format for future plans concerning the Congress and the running of the Government of this country. Inasmuch as it has not been requested by the administration——

The PRESIDING OFFICER. Will the Senator suspend? The Senate is not in order. Will the Senate please come to order? Will Senators please take their seats?

Mr. ZORINSKY. Inasmuch as title VII had not been recommended as being part and parcel of the Senate bill S. 826, I propose to eliminate title VII. The comprehensiveness of the so-called plan and proposal are very apparent. In a day and age when the administration is speaking about a reduction of employees within the executive branch, the first act would be to build a $20 million building to house the participants involved in the creation of such a plan.

I propose this amendment.

Mr. RIBICOFF. Mr. President, it is unfortunate that the Senator from Nebraska was not here earlier today. There has been more debate over this title than any other part of the bill. The distinguished Senator from New York and the distinguished Senator from Ohio have been involved, since it is their title. They entered into lengthy colloquies with the distinguished Senator from Arizona, and others.

As a consequence, on page 134, the last sentence was deleted by an amendment.

The distinguished Senator from North Carolina (Mr. Helms) has had a number of consultations with Senator Javits of New York, and is offering a series of amendments to title VII, which the Senator from New York agreed to accept and, as manager of the bill, I agreed to accept. We have been working this out all afternoon. Apparently that work has gone for naught. However, if the Senator insists on striking title VII, I move to table that amendment, Mr. President.

The PRESIDING OFFICER. Does the Senator move to table?

Mr. HELMS. Does the Senator move to table?

Mr. RIBICOFF. If the Senator would temporarily withdraw his amendment or put it aside, I would then entertain a series of amendments to title VII by the distinguished Senator from North Carolina. These are the amendments he has worked out with Senator Javits to eliminate certain factors in title VII that were unsatisfactory to the Senator from North Carolina.

We would accept those. However, the distinguished Senator from Nebraska was recognized before the Senator from North Carolina.

Mr. HELMS. Will the Senator yield?

Mr. RIBICOFF. Mr. President, I withdraw my motion to table.

Mr. HELMS. Mr. President, I wonder if the Senator from Nebraska would entertain a unanimous-consent request by the Senator from North Carolina to set aside for the moment his amendment so that I may call up a series of amendments, which I believe will be agreed to.

Mr. ZORINSKY. I would be most happy to set aside my amendment.

The PRESIDING OFFICER. Without objection, the amendment is set aside.

Mr. HELMS. Mr. President, after the disposition of the amendments called up by the Senator from North Carolina, I ask unanimous consent that the amendment of the Senator from Nebraska be the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 232

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. Helms) proposes an unprinted amendment No. 232.

On page 129, line 21, strike "biannually" and insert in lieu thereof "biennially".

Mr. HELMS. Mr. President, I am confident that this was a typographical error both in the printing of the bill and in the committee report. I have no further comment. I believe the distinguished manager of the bill is prepared to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 233

Mr. HELMS. Mr. President, I send to the desk an unprinted amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. Helms) proposes an unprinted amendment No. 233.

On page 131, line 6, after "Plan," insert "including the estimated impact of prior regulatory actions on resource allocation,".

Mr. HELMS. Mr. President, I will be brief on this amendment. Senator Ribicoff has indicated his acceptance of it, and I have discussed this with the distinguished Senator and also with the distinguished senior Senator from New York. This amendment provides additional wording which increases the accountability of independent agencies and departments to the Congress. Often, in fact usually, poor market performance is the result of Government policy and regulation. This would only be compounded under national planning.

Mr. RIBICOFF. The amendment is acceptable, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 234

Mr. HELMS. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. Helms) proposes an unprinted amendment No. 234.

Mr. HELMS. I ask unanimous consent that reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 129, line 10, strike out "and activities" and insert in lieu thereof ", activities, policies and regulations".

On page 129, line 11, after "energy" insert "supply and demand".

On page 129, line 12, strike out "or activities" and insert in lieu thereof ", activities, policies or regulations".

Mr. HELMS. This amendment increases the accountability of agencies and departments for their total impact in the efficient functioning of markets. The use of words "supply and demand" emphasizes that the plan will heavily impact the price mechanism and the market allocative process in addition to any technological impact on energy.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 235

Mr. HELMS. Mr. President, I send to the desk an unprinted amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. Helms) proposes an unprinted amendment No. 235.

Mr. HELMS. Mr. President, I ask that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 131, line, after "Nation" strike the semicolon and insert in lieu thereof "including an alternate estimate of such trends under conditions of market determined prices;".

Mr. HELMS. Mr. President, the additional wording in this amendment provides comparison of forseeable trends both with and without planning and regulation. This improves the information available to Congress under the requirements of this section. We need to be constantly reminded that there is a better way than government regulation.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 236

Mr. HELMS. Mr. President, I send to the desk an unprinted amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. Helms) proposes unprinted amendment numbered 236.

Beginning on page 129, line 19, strike out all through page 129, line 20.

Mr. HELMS. As the reading of the amendment has indicated, this amendment simply strikes section 701(a)(6). As written, the section gives the President unlimited authority with no guidance. The Senator from North Carolina feels that this is not desirable.

Mr. RIBICOFF. Mr. President, I accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 237

Mr. HELMS. Mr. President, I send an unprinted amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read as follows:

The Senator from North Carolina (Mr. HELMS) proposes unprinted amendment numbered 237.

On page 130, line 9, strike "must" and insert in lieu thereof "should".

On page 130, line 10, strike "must" and insert in lieu thereof "should".

On page 130, line 14, after "sector", strike the semi-colon and insert in lieu thereof ", and outlining the appropriate policies and actions of the Federal Government that will maximize the private production and investment necessary in each of the significant energy supply sectors.

Mr. HELMS. Mr. President, it is unclear what the word "must" implies. Conceivably there could be other policy considerations even more compelling than energy strategy. The word "should" says the same thing, but in a more reasoned fashion, implying that there still might be some room for free and open debate.

The added language underlines the view that only the free market will solve our energy problems, and that the best role of government is to see that the free market is permitted to function and "do its thing." Rather than "forecasting the level of production and investment necessary"—something which no one is wise enough to accomplish—the Government should let the price mechanism of the free market do the forecasting as it has done quite well for 201 years.

Mr. RIBICOFF. Mr. President, the amendment is acceptable.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order to move that the votes by which the amendments were approved be reconsidered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I now move to reconsider the votes by which the amendments were agreed to.

Mr. RIBICOFF. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 231

Mr. RIBICOFF. With regard to Unprinted Amendment No. 231, I should like to note that there has been a lengthy debate and discussion with many Senators from both sides. I do believe that, as a result of the amendments offered by the distinguished Senator from North Carolina and the amendment striking the general clause by the Senator from Ohio, we probably have taken care of many of the objections that concern the distinguished Senator from Nebraska.

Mr. ZORINSKY. I thank the distinguished Senator from Connecticut very much. I withdraw my unprinted amendment No. 231.

The PRESIDING OFFICER. The amendment is withdrawn.

UP AMENDMENT NO. 238

Mr. STEVENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. Is there an order established for offering amendments? I do not wish to be out of order.

The PRESIDING OFFICER. There is no order established. There has been a request from Senator Schweiker. I do not see him.

Mr. STEVENS. If he is not ready, I have an amendment which I shall be pleased to call up. I yield to the distinguished floor manager for whatever order he has established.

Mr. RIBICOFF. There is no order established. It is catch as catch can.

Mr. STEVENS. I send up an amendment and ask that it be considered.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes unprinted amendment No. 238.

On page 82, delete line 9 thru and including 14 and insert in lieu thereof the following:

SEC. 306. (a) There are hereby authorized to be transferred to and vested in the Secretary such functions and authorities as are set forth in the Interstate Commerce Act (chapter 1, title 49, United States Code), and vested by law in the Interstate Commerce Commission or the Chairman and members thereof, as relate to transportation of oil by pipeline.

(b) The transfer of such functions and authorities set forth in the Interstate Commerce Act shall take place after: (1) the Secretary has promulgated a proposed rule or regulation (and provided an opportunity for oral presentation of views) to effectuate the transfer and to set forth the procedures to govern proceedings under the Interstate Commerce Act as relate to transportation of oil by pipeline; and (2) submitted such proposed rule or regulation to the Congress for review by each House of the Congress in accord with the procedures required for an "energy action" under Section 551 of the Energy Policy and Conservation Act, 42 U.S.C. 6421.

Mr. STEVENS. Mr. President, I did not ask that the reading be dispensed with, because I think it is very important that members of the committee, in particular, understand that this is not the same amendment that I offered in the committee.

As a member of the committee, I opposed the transfer of the ICC's authority regarding transportation of oil by pipeline to the new Department of Energy. I did that—and I am happy to see the chairman of our Committee on Commerce and the ranking Republican member, the Senators from Washington and Kansas, here—at their request.

At the time of the reorganization brought about by Senate Resolution 4, the Committee on Commerce maintained jurisdiction over all forms of transportation; transportation of oil by pipeline, I think, should have stayed where it was and not been transferred to the new Department of Energy. However, this amendment accepts the committee's decision, but I want to point out that there are 13 major cases on ratemaking alone pending before the ICC that have been there for some time. There are 50 to 75 audits and valuations of pipelines that concern the tariffs to be charged on major existing pipelines underway now. This does not include the major case of the century, which will be the valuation of the Alaska oil pipeline for the purpose of establishing a tariff. That has already been the subject of a study by the ICC, however, and this is a difficult history with regard to tariffs on oil pipelines.

The 1947 ruling that is generally referred to by the ICC is a policy that was established in 1947, based upon the percentage of the pipeline cost that would be allowed as a tariff and how that pipeline had to be valued, what would be included in the pipeline cost for the purpose of valuation. In 1941, there was a basic ruling that 8 percent of the cost for the land and the construction cost of the oil pipeline would be considered for the basis of a fair rate of return on the investment. In 1944, that was changed to 10 percent of the cost of oil products pipelines as a fair rate of return.

At the present time, there is a study known as Ex Parte 308 that is making a total investigation into ratemaking for pipelines and for the valuation of pipelines which, again, as I said, is leading to the final decision that will be made with regard to the Alaska pipelines.

Let me point out that what this says is that the committee's decision that this portion of the ICC's jurisdiction will be transferred to the Department of Energy is approved by subsection (a). But subsection (b) says that that will take place after the Secretary has promulgated a rule or regulation which would go through the Administrative Procedure Act to bring about the transfer and set forth the procedures to govern the proceedings under the ICC act, as they relate to the transportation of oil by pipeline. That would, of necessity, include all of these proceedings that are underway now—13 major cases and 50 to 75 audits and valuations, not including the major one that is coming.

Second, the proposed rule or regulation that was promulgated by the Secretary after compliance with the Administrative Procedure Act would be submitted to each House of Congress for review as an energy action as required by section 551 of the Energy Policy and Conservation Act—meaning that we shall have oversight over this function, which, Mr. President, is a legislative function, are giving the new Secretary of Energy. It is not a quasi-judicial function. We are giving the new Secretary of Energy, under this bill, the authority to promulgate rules and regulations to carry out the intent of Congress, and that is legislated. My position is that, until we see what the Secretary of Energy is going to do with regard to preserving the constitutional due process that is involved in the proceedings underway, and to assure a fair hearing and some form of constitutional due process in the future, we should not totally transfer this authority to the Secretary.

I know that what it will mean is that within a short period of time, the Secretary will have this authority. But I do believe that we must review the procedures under which the Secretary is going to carry out these authorities.

Let me point out to the Members of the Senate that, with regard to the FPC, we have been very specific. We have created certain policies on the secretarial level and given the Secretary the authority to promulgate general policy by regulation. We have created a board of appeals, and we have had a long, long debate about how the procedure is going to be followed in the Department of Energy to protect due process under the quasi-judicial functions of the FPC.

This ICC question has not received that attention. It has been presumed that it is just such a small portion of the ICC's jurisdiction it ought to be transferred to the Secretary.

I seek in my amendment to assure full consideration of all the constitutional problems involved in this transfer of jurisdiction, of the transportaton of oil by pipeline, to the Secretary of Energy, and to assure that Congress will review those procedures before the final transfer takes place.

I am hopeful. I have not had a chance to discuss this with the chairman. Again I compliment the chairman of our committee publicly for his fairness, in the way he has conducted hearings in the committee markups on this bill.

I tried to prevent this entirely. It was only because we decided this might have one last gasp, one last way to assure we had a guarantee of procedural due process before the transfer took effect.

Mr. RIBICOFF. May I respond to the Senator from Alaska. I would appreciate his personal comments.

I discussed this with the Senator from Washington, who is much more knowledgeable in this field than I am.

What the Senator has proposed is unique. It had not been discussed in committee. I am somewhat uncertain as to just what it means.

The House will not take up this bill until after the recess. I will accept this and take it to conference. This would give the staffs an opportunity to go into the Senator's proposal to see just what it means. The Senator from Washington's staff, our staff and the Senator's staff will have further discussions to say, whether this is workable. I would accept it with the understanding we will take it to conference.

Mr. JACKSON. Mr. President, I would strongly recommend to the Senate that the course of action suggested by the distinguished manager of the bill be followed in this instance. There are questions here. I have not had time to study the amendment as proposed by the distinguished Senator from Alaska. I know his concern. I know what problem areas he is trying to address.

By accepting this amendment, we will have time to review it in all of its aspects. I believe that the wise course to follow is the one recommended by the floor manager.

Mr. PERCY. Will the Senator yield?

Mr. STEVENS. The Senator from Washington asked me to yield first.

Mr. MAGNUSON. I want to correct the RECORD. One is on the side of the Senator from Alaska on this. I agree with my colleague that it is a difficult thing to work out, and I hope it can be. But what bothers me, I want to ask this question while I am on my feet, when we talk about rates, rates of importing oil, all these things, we get to the question of who is going to set the rates for transportation of coal and what kind of jurisdiction that is going to be. That is primarily with the ICC and deals with interstate commerce.

This is not the price of coal, and this is not the uses. It is the question of the rates. The same thing will be the costs. The same amount of money to transport barrels of oil and what the rates are going to be.

All these things have to be considered and these are things which the ICC still has jurisdiction of, and the Committee on Commerce has jurisdiction.

Mr. JACKSON. Mr. President, if I may respond, I say to the Senator from Alaska (Mr. STEVENS) that his amendment, of course, is limited to the oil by pipeline.

On the question of coal, it is yet to be determined whether the ICC has authority to regulate coal slurry pipelines; hence, we have legislation pending for so-called slurry lines.

Mr. MAGNUSON. The Senator from Alaska and I joined in that. We have had that here before the committee. It is a problem that has to be resolved because the rates, particularly in coal, are going to play a big part in this whole energy project, and who can afford high rates and things of that kind?

So I am glad the committee is going into it.

Mr. RIBICOFF. As the Senator realizes, we deleted the ICC jurisdiction for the Secretary over coal slurry pipelines.

This is a problem that is complex. I must confess that I do not know it well. I have been depending on my distinguished colleague on the committee, the Senator from Washington, because it has been presented for the first time.

It is our thought we accept this and take it to conference. This will give us a full 3 or 4 weeks before conference to see the implications of it and there will be an opportunity for us to talk to our colleagues and the Senator from Alaska with our staffs to see if it is something that can be worked out.

I know the concern. I know the interrelationship between cost of delivery and transportation and the overall costs. I realize that. But the only way I think we could attempt it now, because it is being brought up toward the end of the bill without any study at all, is to take it to conference, and that will give us 3 to 4 weeks.

Mr. STEVENS. Does the Senator from Illinois wish me to yield?

Mr. PERCY. As I say, I fully support what the floor manager said. I think it would be wise to take it to conference.

I know the Senator from Alaska has a tremendous amount of expertise in this field. I wonder if he has obtained from Dr. Schlesinger's office any reaction to this that we might be able to take into account, or if he has not, could that be requested, so we could take their judgment under consideration at the same time we draw upon our own resources before conference?

Mr. STEVENS. No. I might say I do not know the previous position the Commerce Committee had with Dr. Schlesinger. At one time, but not this.

I think what the chairman of our committee was saying and what motivated us to seek to keep the jurisdiction over the pipelines within the Commerce Committee is that to revise the tariff structure with regard to the transportation of oil by pipeline is going to have an impact on the tariff by tank car on railroads, of the tariffs of transportation of oil by tanker.

It is going to have a lot to do with the total economics of moving oil by truck in the smaller oilfields, and we believe it is not a separate subject. The Department of Energy and Secretary Schlesinger have convinced the committee otherwise. But we would like to see the regulations before it takes place make certain we will have the least possible disruption with the industry as far as transportation is concerned.

I state, Mr. President that I accept the offer of the chairman. I am hopeful that I will be a member of this conference committee and be able to keep a watchful eye on it. But I do believe we can work between now and the conference committee to demonstrate to the members of the committee that we are not trying to reverse the decision that was made by the majority, but we are trying to assure that as the transfer takes place the equities involved in the tariffs on existing pipelines, and on such as may soon or just now are becoming operative, and the equities as far as pipelines that are planned, will not be changed precipitately by a new form of regulation that has more to do with pricing the product than the cost of transportation.

That is our worry, the cost of transportation. I think the Secretary primarily is worried about the cost of energy per se, and it is a legitimate worry.

So on the basis of the Senator's comment, I am prepared to yield back any time I have and to ask for a voice vote on the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. RIBICOFF. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that a member of my staff, David Newhall, have the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 239

Mr. SCHWEIKER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Pennsylvania (Mr. SCHWEIKER) proposes an unprinted amendment numbered 239.

The amendment is as follows:

> On page 147, following line 4, add the following new title:

TITLE XI—CONGRESSIONAL DISAPPROVAL OF REGULATIONS

TRANSMITTAL TO CONGRESS

SEC. 1101. Whenever the Secretary, under authority granted him under this Act or by any other provision of law, promulgates any rule, regulation, or standard (hereafter referred to as "regulation"), he shall transmit a copy thereof to the Speaker of the House of Representatives and the President pro tempore of the Senate not less than 30 days prior to the intetnded date of promulgation of such regulation.

EFFECTIVE DATE

SEC. 1102. Except as provided elsewhere in this title, a proposed regulation shall become effective sixty calendar days after the date of its submission to Congress pursuant to section 1101 of this title, or at such later time as may be required by law or specified in such regulation.

CONGRESSIONAL DISAPPROVAL

SEC. 1103. No proposed regulation shall become effective if, before the expiration of the period of sixty calendar days beginning on the date of submission to Congress of such regulation under section 1101 of this title, either House of Congress adopts a resolution stating in substance that it disapproves such regulation because it contains provisions which are contrary to law or inconsistent with the intent of the Congress, or because it goes beyond the mandate of the legislation which it is designed to implement or in the administration of which it is designed to be used. No such resolution shall disapprove of one part of a regulation and approve another part of the same regulation.

EMERGENCY REGULATIONS

SEC. 1104. An agency head may promulgate a regulation which shall become effective immediately under appropriate emergency authority granted by law, except that, any such regulation may be disapproved by Congress under the authority and procedures established by this title within the period of sixty calendar days immediately following the promulgation of such emergency regulation.

TIME PERIODS

SEC. 1105. If a resolution under section 1103 of this title disapproves a regulation which is promulgated subject to a statutory time limit for rulemaking, the adoption of the resolution shall not relieve the Secretary of his responsibility for adopting a regulation, but any statutory time limit shall apply to such renewed rulemaking only from the date on which the resolution was adopted.

SUSPENSION OF TIME

SEC. 1106. for purposes of this title, the period of sixty calendar days beginning on the date of submission to the Congress of a proposed regulation shall be suspended upon the adjournment sine die of the Congress, and shall recommence upon the convening of the following session of Congress.

INACTION

SEC. 1107. Congressional inaction on or rejection of a resolution of disapproval shall not be deemed an expression of approval of such rule.

EXCEPTIONS

SEC. 1108. (a) The procedures established in sections 1101 through 1107 of this title shall not apply to regulations relating to agency organization, management, or personnel.

(b) Nothing in this title shall apply to any rule, regulation, or procedure of, or proceeding before, the Energy Regulatory Board.

Mr. HANSEN. Mr. President, if the Senator from Pennsylvania will yield to me without losing his right to the floor, I should like to make the unanimous-consent request.

Mr. SCHWEIKER. I yield.

Mr. HANSEN. Mr. President, I ask unanimous consent that a staff member of the Energy Committee, Ted Ork, may have the privilege of the floor during the debate and all votes on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I ask unanimous consent that the Senator from Pennsylvania defer to the distinguished Senator from Mississippi to take up a matter out of order, which will only take a short period of time.

Mr. STENNIS. One minute.

Mr. SCHWEIKER. With that understanding.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I have an amendment, but I am not going to ask that the amendment be called up or even voted on.

Mr. President, by Senate Resolution 4, the Committee on Armed Services assumed jurisdiction of the national defense programs of the Energy Research and Development Administration. These programs include research and development and production of the nuclear weapons used by our military forces—a program of vital importance to this country.

This function will be transferred to the Department of Energy as provided for in the bill under consideration.

In the companion bill passed by the House of Representatives establishing this new Department of Energy there is a provision which transfers the Division of Military Applications of ERDA as an organizational entity into the new Energy Department.

I had prepared and considered proposing an amendment for the bill we are now considering which would likewise transfer this Division of Military Applications into the new Energy Department. However, since it is already in the House bill and I understand there are some minor concerns about the precise impact of this provision, I am not going to offer my amendment. However, I do want to emphasize the extreme importance of this organization—the Division of Military Applications—to our national defense, and I trust that the Senate conferees will give careful consideration to the proper legal basis for this organization when the bill goes to conference.

This subject matter is already in the House bill, and we want to emphasize the importance of it. It perhaps needs some alteration there. Members handling the bill are familiar with it. Senator DOMENICI has an interest in it, and he joins me as a cosponsor of the amendment.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. JACKSON. Mr. President, I am sympathetic to the issues raised here by the distinguished Senator from Mississippi and the distinguished Senator from New Mexico. It is a matter that I think can be resolved in conference, and it would be the wisest course not to proceed with a vote on the amendment itself until we have had an opportunity to work out the differences.

However, I do say for the record that I am fully familiar with what is involved. There are two very important laboratories that are vital, both in the energy area and in military applications, for the work of ERDA in the new Department of Energy. I am very sympathetic with the comments made by the Senator from New Mexico and the Senator from Mississippi.

Mr. STENNIS. I thank the Senator from Washington.

Mr. DOMENICI. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. DOMENICI. I thank the Senator from Mississippi.

I thank the Senator from Washington (Mr. JACKSON) for his comments. I am fully aware of the dimension of the problems and his understanding of it, and I appreciate his commitment to watch it as we go through conference, with the objective of the amendment in mind.

Mr. STENNIS. Mr. President, I ask unanimous consent that the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

> Intended to be proposed by Mr. STENNIS (for himself and Mr. DOMENICI) to S. 826:
>
> At the appropriate place in the bill insert the following:
>
> SEC. —. The Division of Military Application, established by Section 25 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2035), and the functions of the Energy Research and Development Administration with respect to the Military Liaison Committee, established by Section 27 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2037), are transferred to the Department under the Assistant Secretary to whom the Secretary has assigned those functions listed in Section 203(5).

Mr. SCHWEIKER. Mr. President, the legislation now pending before the Senate will create a new Department of Energy consolidating for the first time the vast and varied responsibilities of a number of Federal agencies over different aspects of the energy problem under one roof. It is the first step in what hopefully will be a coordinated approach to our Nation's energy needs that will continue as we consider further pieces of legislation.

The powers of the new Department of Energy will be immense. Section 207 of this bill sets out 11 separate responsibilities of the new Secretary of Energy, including such areas as coordinating our energy research program, assuring development of an energy conservation program, developing policies regarding international energy issues, developing plans and policies for dealing with domestic energy production, promoting competition in the various aspects of the energy industry, and so on. These responsibilities will touch every aspect of our lives each day. They will vitally affect our Nation's economy, our Nation's security, and our Nation's future.

Often in recent years we have seen new agencies created by Congress to do a specific job, and given broad authority, as the Department of Energy is given in this bill. Yet time and time again we have seen those agencies go out of bounds using rules and regulations the Congress would not have approved had they been presented to them. Much of what these agencies do is good and proper, but it is the excesses that get the attention and cause the problems.

The result of these excesses has been serious. The confidence of the people in the Government is shaken as they see their Government going off the deep end in pursuit of contradictory goals without full realization of the consequences. Congress has few options in these situations. We can attempt to add a rider to an appropriations bill or cut the agency's budget, or we can try to amend the statute after the fact. But these are not satisfactory.

What is needed is a way for Congress to say "no" before an agency gets into trouble. We need a way for Congress to put a stop to a turn down a blind alley by the Federal Government before it leads to arbitrary action, hardship, and outrage among our people.

Therefore, I am proposing that, when we create this massive new agency, we retain the final say over the rules and regulations of that Department that have the effect of law. We can do this in a very simple way. Whenever the Secretary of the Department of Energy proposes to promulgate a new rule, regulation, or standard, he must submit that regulation to the Congress.

Then each House of Congress would have 60 calendar days in which to disapprove of the regulation. If neither House did so, the regulation would become effective at the end of the 60-day period. There is no "item veto" in my amendment; regulations would have to be struck down in toto or not at all.

There may be emergency occasions when a regulation is proposed that should go into effect within the 60-day waiting period. In those cases the Secretary can promulgate a regulation to become effective immediately, with Congress still having 60 days to review it. In such a case, a resolution of disapproval would cut off the effectiveness of such an emergency regulation.

Finally, it is not my intention that Congress should become further involved in actions before the new Energy Regulatory Board. The bill, as reported by committee, preserves the existing system of congressional and Presidential review over a limited number of significant energy actions by the Energy Regulatory Board. I would not change that procedure or involve Congress in any way in routine ratemaking cases before the Board.

Let me give a general example of a situation where the veto power of this amendment might come into play. Suppose the Secretary, under the enormous authority given him by this bill, promulgates a regulation or standard which those of us who wrote the law feel completely misses our congressional intent. Without my amendment he would be in a position to legislative virtually by fiat. It would not be the first time that nonelected bureaucrats have frustrated and twisted the intent of Congress effectively legislating by regulation.

My amendment would give the Congress an immediate way to prevent regulation which we deemed to be contrary to Congress' intent when it writes the law.

Without my amendment, the only way we could have a say would be to pass a new law putting our own standards on the statute books. I do not think that is our role. I think this is something that should be left to the primary attention of the Secretary of the Department. But I do think Congress should be able to send him back to the drawing boards if a regulation comes along that is too far out of line.

So let me just sum up by saying that this bill creates an immense new department with enormous power and authority over our lives and our future. By the very nature of the decisions in the energy field, we cannot hope, in this law or the other laws we will write in the future, to set down precise standards and policies that the Department will follow. We provide guidelines, and entrust the details to the executive branch. Where the details and the implementation go far beyond the will of Congress, however, I think we should have a regular procedure that can put the agency back on the right course. That in substance is what my amendment does. I hope my colleagues will join me in adding it to the bill.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. RIBICOFF. Mr. President, I understand what the distinguished Senator is trying to do. I was concerned with all the power given to the Secretary, and that is why we created the Energy Regulatory Board with authority over prices. But this amendment goes too far, because it would subject all rules and regulations of the Secretary to a congressional veto. It would get Congress into the day-to-day operations of the department. It would delay the effective date of all action by the Secretary.

It raises serious constitutional questions, since these are not the type of one-shot executive actions which constitutional experts believe can be made subject to a legislative veto.

I move to table the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment.

Mr. SCHWEIKER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion to table the amendment.

Mr. SCHMITT addressed the Chair.

The PRESIDING OFFICER. The motion is not debatable.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Colorado (Mr. HART), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Montana (Mr. MELCHER), and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

I also announce that the Senator from Hawaii (Mr. INOUYE) is absent because of illness.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) would vote "yea."

Mr. STEVENS. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Nebraska (Mr. CURTIS), the Senator from Michigan (Mr. GRIFFIN), the Senator from California (Mr. HAYAKAWA), and the Senator from New York (Mr. JAVITS) are necessarily absent.

I further announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to illness.

The result was announced—yeas 57, nays 29, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—57

Allen
Anderson
Bentsen
Biden
Brooke
Bumpers
Burdick
Byrd, Robert C.
Cannon
Chiles
Church
Clark
Cranston
Culver
Danforth
DeConcini
Durkin
Eagleton
Eastland
Ford
Glenn
Gravel
Haskell
Hathaway
Hollings
Huddleston
Humphrey
Jackson
Johnston
Long
Magnuson
Mathias
Matsunaga
McGovern
McIntyre
Metcalf
Morgan
Moynihan
Muskie
Nelson
Nunn
Packwood
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Sarbanes
Sasser
Sparkman
Stennis
Stevenson
Stone
Talmadge
Williams
Zorinsky

NAYS—29

Baker
Bayh
Beilmon
Byrd,
  Harry F., Jr.
Case
Dole
Domenici
Garn
Goldwater
Hansen
Hatch
Hatfield
Heinz
Helms
Laxalt
Lugar
McClure
Metzenbaum
Pearson
Schmitt
Schweiker
Scott
Stafford
Stevens
Thurmond
Tower
Wallop
Weicker
Young

NOT VOTING—14

Abourezk
Bartlett
Chafee
Curtis
Griffin
Hart
Hayakawa
Inouye
Javits
Kennedy
Leahy
McClellan
Melcher
Riegle

So the motion to lay on the table Mr. SCHWEIKER's amendment was agreed to.

Mr. RIBICOFF. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. HUDDLESTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that Mr. Robert Lyon and Mr. John Napier of Senator THURMOND's staff be accorded the privilege of the floor.

The PRESIDING OFFICER (Mr. SASSER). Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I am going to vote against this bill. A number of the reasons for my opposition are stated in a column, written by the distinguished columnist Milton Friedman, entitled A Department of Energy. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A DEPARTMENT OF ENERGY?

(By Milton Friedman)

Recent news stories on President Carter's energy proposals stress an alleged contrast between rhetoric and substance. The rhetoric is tough—talk of the "moral equivalent of war," the need to change life-styles, the sacrifices that citizens will be asked to bear. The substance, it is said, is mild—a hypothetical future gas tax, every stick to the consumer balanced by a carrot, the invisible corporation rather than the visible household to bear the brunt of costly conservation. Even the President is reported as telling lawmakers that the program is not really so tough.

A TROJAN HORSE

I submit that these news stories overlook, or take as innocuous, the key element in the proposal. If it alone were adopted, it would presage a major revolution in the institutional arrangements for producing and distributing energy. That element is the establishment of a Federal Department of Energy with far-reaching powers. This is the Trojan Horse, or to mix metaphors, the entering wedge, that is camouflaged by the 103 specific pieces of the complex Carter-Schlesinger program.

Why is the establishment of a Department of Energy so important? Because it enthrones a bureaucracy that would have a self-interest in expanding in size and power and would have the means to do so—both directly, through exercising price control and other powers, and indirectly, through propagandizing the public and the Congress for still broader powers. The new Energy Department will produce distortions and disruptions, which its Secretary and its bureaucrats will take not as evidence of their own malfeasance but as demonstrating the need for still broader powers.

The scenario is by no means purely hypothetical. The Federal Energy Administration was established in 1973 in response to the Arab boycott. After several extensions, its staff has gone from zero to 4,000 in less than four years. And by now, it is only one of no one knows how many agencies that have mushroomed to "solve" the energy crisis that the FEA and its associated agencies have created. We are now at the next stage: the drive to consolidate them into a department—to start out with nearly 20,000 employees.

Moreover, the experience is by no means unique to energy. For example, the Department of Health, Education and Welfare was established in 1953 to consolidate a growing number of separate agencies. Its total spending has exploded from less than $7 billion in 1954 to about $160 billion currently; the number of bureaucrats, from fewer than 36,000 to more than 140,000. It now has the largest budget of any Cabinet department, and no end is in sight.

It would be child's play to multiply examples. The typical Federal agency starts small, grows slowly for a while, and then explodes.

TOWARD A CORPORATE STATE

A Department of Energy has the potential of being the most powerful, and the most harmful, of all Federal agencies. It would control the life-blood of our economic system. Its tentacles would reach into every factory, into every dwelling in the land. Our economic system has been able to survive the U.S. Postal Service. It has been able to survive Amtrak. I suspect that it will survive Conrail—though Conrail is potentially more harmful than its predecessors. But can our economic system survive Federal control of the pricing, the production, the distribution, the import of energy?

Do not be misled into supposing that the energy problem is a purely technical problem that engineers can solve. No government engineer is in as good a position as you are to decide whether you would rather use expensive energy for heating your home, driving your car, or helping to produce one or another product for you to buy. No government engineer is in as good a position as the owner of a factory to choose the most economical fuel for his purposes or the cheapest way to conserve energy. No government engineer can replace the market in calculating the indirect effects of energy use or conservation. And no government engineer will enforce the ever more numerous edicts that will come down from on high. That will be done by policemen.

Make no mistake about it. The establishment of a Department of Energy, with the powers requested by the President, would be a further major step toward converting our free-enterprise system into a corporate state.

UP AMENDMENT NO. 240

Mr. HUDDLESTON. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kentucky (Mr. HUDDLESTON), for himself and Mr. INOUYE, proposes unprinted amendment No. 240.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 126, line 13,

(1) strike out "; and" at the end of paragraph 5;

(2) strike out the period at the end of paragraph (6) and insert in lieu thereof, "; and"; and

(3) insert the following new paragraph:

"(7) to the extent practicable, a summary of activities in the United States by companies or persons which are foreign owned or controlled and which own or control United States energy sources and supplies, including the magnitude of annual foreign direct investment in the energy sector in the United States and exports of energy resources from the United States by foreign owned or controlled business entities or persons, and such other related matters as the Secretary may deem appropriate."

Mr. HUDDLESTON. Mr. President, the amendment that I just submitted on behalf of myself and the distinguished Senator from Hawaii (Mr. INOUYE) is an amendment to the annual report provisions to require the inclusion of information on foreign ownership and control of domestic energy sources and supplies.

Pursuant to an amendment which I offered to the original FEA bill, the FEA published a report entitled "Foreign Ownership, Control, and Influence on Domestic Energy Sources and Supply" which concluded that foreign ownership of U.S. energy activity approximated 2.4 to 12 percent in the various sectors of the energy industry. These figures were based on data collected by the Department of Commerce prior to the Foreign Investment Survey Act of 1974, which revealed that official Government figures had significantly understated foreign direct investment by approximately 10 percent and foreign portfolio investment by approximately 30 percent. In the petroleum industry alone, the foreign direct investment position—10 percent or more of voting equity—was $6.4 billion with total assets of $28.5 billion.

This amendment is not intended to put any limitations on foreign investment in the energy sector. It is not intended to give the new Energy Secretary any information-gathering authority which he would not already have. It is simply intended to give us, on an annual basis, a handle on the extent of such foreign investment in U.S. energy sources and supplies—information which I consider vital to the establishment of well thought out and responsible energy policy.

We have checked this amendment out with the managers of the bill. I think it will provide some very important information to us and I urge its adoption

Mr. RIBICOFF. Mr. President, this is a good amendment, and it is acceptable to the committee.

Mr. HUDDLESTON. I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SCHMITT. Mr. President, I wish to join with those who have and will soon compliment my colleagues on the Governmental Affairs Committee, the ranking member and the chairman who have done such a thorough and professional job in preparing this bill for our consideration, that is, the bill on the Department of Energy.

I do have some major concern about the length of time we have had, those of us not on the committee and directly associated with it, to evaluate all the ramifications of the bill. I presume that during the next year or two, as we see how the new department functions and what kind of problems it runs into, there will be a concerted effort by all of us, and particularly by those committees with jurisdiction, to insure that any deficiencies that may be in the bill now and that we are forced to leave there as a consequence of the time limitation will in fact be corrected.

There is one particular area that I am very concerned about. Much has been said as to whether or not the Department will be strong enough or too strong, as to whether or not the Secretary will have enough authority or too little authority. In general, I am comfortable in deferring to the judgment of the Governmental Affairs Committee on that point. However, the particular point of concern to me is the area of data gathering and information analysis related to energy.

There is no question but that this approach of centralizing data gathering and information analysis in the Department of Energy will save dollars, and hopefully it will insure that we have complete and accurate information, as well. But the contention that a single agency of the executive branch can perform this function without bias may not be completely valid, perhaps no more valid than the contention that this same function can be performed by an institute closely associated with the industry.

As an example of what might occur—and I think we have to be very leery of this type of a situation—a memorandum has just come to my attention, issued by the Energy Research and Development Administration, over a signature that I cannot read but signed for Edwin E. Stokely, Assistant Director of Communication Services in the Office of Public Affairs. The title of the memorandum is "Removal of Publications from Distribution." It reads as follows:

> Effective immediately, the following booklets and pamphlets/folders should be withdrawn from further distribution and destroyed:
>
> BOOKLETS
>
> "The Economics of America's Energy Future"
>
> "Nuclear Power and the Environment"
>
> "Atoms on the Move"
>
> PAMPHLETS/FOLDERS
>
> "High-Level Radioactive Wastes from Nuclear Power Plants"
>
> "The Economics of Nuclear Power"
>
> "The Breeder Reactor"
>
> "Shipping of Nuclear Wastes"
>
> These publications do not reflect current policies. We will initiate revision of some of these publications, and these will be furnished to you as soon as they are completed. Please contact your exhibits contractor to remove all of these publications from current distribution through exhibits and museums.

Mr. President, there is no question but that there are debatable issues relating to the public information pamphlets and booklets covered by this memorandum, and there is no question that new publications will replace old ones, which should be superseded. But that is not the point of the memorandum. The point seems to be to restrict the availability of information to the public which does not support the administration's present point of view. I think this is intolerable, but all too likely a result of complete centralization of information gathering and analysis. I hope that through this record, the new Department of Energy will be extremely careful in this matter, and I also hope that Congress will watch very carefully over the shoulders of the staff of the new Department.

Mr. President, I had intended to offer an amendment that would strike, on page 76, beginning on line 6, the first sentence in subsection (f), which reads as follows:

> There are hereby transferred to and vested in the Secretary those functions of the Secretary of the Interior, the Department of the Interior, and officers and components of that Department under the Act of May 16, 1910, and other authorities, exercised by the Bureau of Mines, relating to fuel supply and demand analysis and data gathering related thereto.

The purpose of the amendment would have been to retain within the Department of the Interior those functions related to fuel supply and demand analysis and data gathering performed by the Bureau of Mines. The intent would have been to insure that there was available to the President and to Congress energy related information and analysis which has not been prepared solely by a single agency or branch of the Government.

In my experience in NASA and in other activities, we found it extremely useful to have alternate data sources by which we could determine when discrepancies existed in data analysis and collection. Impartiality is essential in the field of fuel supply and analysis and data gathering related thereto. If the administration, Congress, and the people are to make certain that energy policy is based on the best possible information, then we must insure that that information is gathered in an objective and in as complete a way as possible.

After consultation and discussion with the bill's floor leaders I will not offer this amendment, under the assurances that this is going to be an area of great concern and oversight to the Energy and Natural Resources Committee and the Governmental Affairs Committee.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. SCHMITT. I yield.

Mr. JACKSON. Mr. President, I commend the distinguished junior Senator from New Mexico for having raised the highly welcome question at this point that he has raised in connection with the whole question of information gathering.

I would point out that the new Department of Energy is being given a very strong mandate, running to the Secretary, with the checks and balances. An integral part of this mandate is to gather the information that we do not now have, on, hopefully, a totally impartial basis. The objective is to achieve the kind of professionalism and integrity that has established the Bureau of Labor Statistics as a great data-gathering organization. The BLS, basically, is respected by all segments of the American economic community. That is based on the fact that it is a highly professional, nonpolitical operation.

I would say to my good friend that although Congress has authorized the Federal Energy Administration—on a permissive basis, not on a machinery basis—to gather the data, they have not seen fit to do it in the past. The result is that it is not fair to the energy industry or to the American people to have to rely solely on private sources. What we are endeavoring to do here is not a final thing in any sense, but it is to gather it all together in one place, to collect these data from the various departments of the Government.

I will say that we will be monitoring, in the Energy and National Resources Committee, very closely this particular aspect of new responsibility in the Department of Energy. We want to make sure that the independence of the information being made available will be assured; and I invite the Senator to attend those sessions, as I have an other hearings, to participate when we monitor, audit, and review the work of this new division within the Department of Energy on data gathering.

Mr. RIBICOFF. If the Senator will yield, while the Committee on Energy and Natural Resources will have the oversight, we specifically provided that these facts and data are available to any committee of the Senate or House. So if this data is necessary for any committee, any committee has the right to see and receive this data.

Mr. JACKSON. I compliment the Senator from New Mexico for his timely observations. I want to assure him that we will cooperate in every way possible in following through on the work of this particular activity within the Department of Energy. I cannot think of anything more important than getting accurate information.

The people of this country, Mr. President, are asking over and over again, "Is there an energy shortage? Do we have a problem? What are the facts? What are the reserves? Do we have hidden reserves? Are the oil companis holding back on reserves?"

The questions go on and on. I believe it is high time that we develop within the new Department of Energy the kind of integrity that we have been able to obtain in other data and information gathering groups. I am sure that is the objective of the Senator.

I know of his concern about the Bureau of Mines. I am aware of that. We will follow it closely. We will ask him to join with us when we get to that point where we will be looking into the effectiveness of this new responsibility being placed in the Department of Energy, which has been available, by law, to the FEA but not exercised heretofore.

Mr. SCHMITT. I thank the Senators for their comments. I want it to be clear that I am in no way questioning the intent of accurate, centralized data collection. I want to be sure that as we develop data gathering and data analysis capability that we watch very closely to insure that the results are objective, and that the data analysis will not somehow be influenced by the policy that the agency may be trying to put forward.

Mr. JACKSON. I say again, over and over again I referred to the most descriptive reference I could make: integrity. If we do not have integrity in this system it is not going to be meaningful. It will be impossible, really, to have an effective energy program if we cannot rely on the honesty of the data submitted. I would fight and oppose anything that inhibits that. It should be totally professional and nonpolitical. The heart of it must be integrity.

Mr. PERCY. Will the Senator from New Mexico yield for a comment?

Mr. SCHMITT. I do not want my re

marks to indicate I have questioned the integrity of the analyses we have seen to date. I just question how easy it is to lack objectivity when one is also dealing with policy formation. Sometimes that is done without even knowing it. I have seen it happen. I saw it in the agency I worked in for awhile, as well as in other agencies. That is what we have to be sure does not happen here. We have to insure that policy does not dictate what the analysis gives us. That is the one error that can put us off on the wrong track faster than any other single error in this whole area of energy and natural resources.

Mr. JACKSON. I agree. I might say in the middle of an election the BLS have come out with statistics which embarrassed the party in power. That happened in Republican administrations and in Democratic administrations. But the truth is the truth. Unless there is that kind of integrity, and that is what the Senator is referring to, there is not the kind of data gathering and information gathering that the American people can rely upon and respect.

Mr. PERCY. If the Senator will yield, I would simply comment that so far as the Senator from Illinois knows the American Petroleum Institute and their oil member companies have not objected to this provision in the bill. I would rather be surprised if they did.

I believe the Department of Energy will rely upon them for a great deal of data. Even though I have not often heard of the integrity or the honesty of those figures being questioned, at this stage the problem is getting much more serious and there is the appearance of a possibility of a conflict of interest when those figures so vitally affect the decisions made by Government.

I really believe that at this stage the Department of Energy must be the gathering source. They can rely upon all the sources available to them, but they ultimately have to accept responsibility for representing to the industry and the consumers, to every other interested group, including the Congress, that these are the figures.

While the Senators from Idaho and New Mexico are in the Chamber, I want to say that they began earlier in the day——

Mr. SCHMITT. Is the Senator moving to another subject?

Mr. PERCY. This is just a closing comment.

Earlier in the day they started a point of inquiry which was interrupted. I would like to come back to it and commend them.

There is a great deal of concern about this bill, that we are setting up a czar, putting too much power in one person, and creating new powers. The title of this bill is, "Reorganization of energy functions within the Federal Government in order to secure effective management to assure a coordinated national energy policy."

That is what we are trying to do.

The colloquy conducted by the Senator reassures all of our colleagues, that, in a sense, we are taking all of the power and authority which already exists and transferring it to a Department of Energy with plenty of checks and balances. We heard the Senator from Pennsylvania say there is too much power.

We have the Senator from Ohio saying the Department of Energy does not have enough power. I think we should disabuse ourselves of saying we have created a czar. Webster defines a czar as "any person having great or unlimited power over others; autocrat."

No one can say we are creating a czar of energy. There are plenty of checks and balances within the executive branch of Government. There are plenty of checks and balances within the department itself with the creation of an Energy Regulatory Board, for which I give considerable credit to Senator RIBICOFF. We have reserved to Congress plenty of power in this field, which will be handled by the committee which will have oversight.

The colloquy has been strengthened tremendously by the contributions of our colleagues throughout the day, Senator McCLURE and Senator SCHMITT.

Mr. SCHMITT. I appreciate the Senator's remarks. I am sure I also speak for the Senator from Idaho.

Before we leave the subject of fuel supply and demand analysis and data gathering, I would comment that the private sector, as well as appropriate portions of the Government, including the Congress, should continue to watch over this function in the Department of Energy. The intent of my remarks is not to support unnecessary duplication but rather to be sure that we can, for the time being, at least, evaluate the quality of the work being done, the objectivity of the work being done. This is needed to insure that we in the Congress, and the people in general, can identify discrepancies that might be in the data and can ask the right questions about those discrepancies.

Mr. McCLURE. Will the Senator yield?

Mr. SCHMITT. I yield.

Mr. McCLURE. I thank the Senator for raising this issue for two reasons, and I take this time to comment on those two reasons.

First, concerning statistical analyses, the publications of the Bureau of Mines with regard to the availability, quantity, and so on, of mineral commodities has had the kind of integrity the Senator from Washington has ascribed to the Bureau of Labor Statistics. I would agree that kind of integrity is absolutely necessary if we are going to maintain any kind of confidence in the figures which are published. That integrity was gained over a period of a great many years. They gradually gained the confidence of the industry, which then gave them what would otherwise have been closely held information which would not have been freely available. I believe a great many people are concerned that if that function is removed from its present locus and put into another location under a different administration with different objectives and a consolidated authority, that integrity will be compromised.

I think the fact that the Senator has made reference to a book-burning decree from FEA does not necessarily allay the fears of people that, somehow, the integrity of the process will be compromised by that shift. I am not certain that simple oversight is going to make certain that the integrity which has been established can be maintained.

The second point I wish to make—and I solicit the Senator's comment on it—is that there seems to be a kind of subliminal acceptance of the fact, or a feeling on the part of many in this body, that it is a fact that all of the energy statistics are concrete facts; that they are not subject to subjective analysis; that the opinions of all people will arrive at the same end if, indeed, they just get all the facts together; whereas the truth of the matter is that there are a few facts which then have to be subjected to critical analysis and evaluation. That is a subjective process and the end result becomes quite widely divergent in terms of the totals, in the opinion of the people who make those totals.

Would not the Senator from New Mexico agree?

Mr. SCHMITT. I agree completely. Statistics is an art which starts with the selection of the data you are going to use in your statistics and it continues through the selection of the models or the equations that you use for analysis. That is what I think Congress has to be very careful about and has to scrutinize very diligently: are alternative data collections being used; are alternative equations for analysis being used; are alternative models being used. When we question this part of the Department of Energy about their data, they should be able to show us the checks and balances that they used internally in order to insure that the information upon which policy is then being based is as true and accurate as is possible, given the starting conditions under which they operate. The Senator is absolutely correct.

Mr. McCLURE. The thing that concerns me in that field is that, if we put it all in the same agency that then has the administrative responsibility to formulate policy and to administer policy, to use the facts that are thus generated, we get right back to the basis of the memorandum the Senator just read that says, "Destroy this information, because it does not now fit the policy that we have assumed."

Mr. SCHMITT. That is right.

Mr. McCLURE. I think there is a tremendous danger in that concentration in one agency of Government.

Mr. SCHMITT. The concern of the Senator from New Mexico is not gone, but I shall bow to what probably is the inevitable result of the amendment. I will take in good faith the statement of the Senator from Washington and rely on the fact that many other Senators will be scrutinizing this information to insure that the Department of Energy does develop an information group with integrity. I think that is absolutely the right word.

As a final statement, the final test will probably come when the new Department of Energy releases information damaging to an administration that is up for election in some future election year.

Mr. McCLURE. I shall await that breathlessly.

Mr. SCHMITT. I thank the chairman of the Energy and Natural Resources Committee, and the chairman of the Committee on Governmental Affairs and the ranking minority member for their indulgence in this colloquy. I think the issue has been clarified to my satisfaction.

UP AMENDMENT NO. 241

Mr. MATHIAS. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> The Senator from Maryland (Mr. MATHIAS) proposes unprinted amendment No. 241.
>
> On page 58, line 25, strike the period, add a comma, and insert the following:
>
> "or any additional powers than those already conferred by law."

Mr. MATHIAS. Mr. President, as the distinguished Senator from Connecticut, the manager of the bill, has already stated, in this section, which deals with nuclear waste management, we are not adding any new authority. We are, for the first time, bringing the existing provisions of law which deal with nuclear waste management together in one place. We are doing that for a very specific purpose: Because we want to put the finger on the man who has the responsibility for nuclear waste management.

There has been a very poor record for the last 20 years. We really have not managed nuclear waste; we have just let it accumulate. This portion of this bill fixes responsibility where it ought to be so that Congress, in its oversight function, can direct that the problem of dealing with nuclear waste is efficiently and effectively and promptly handled.

I am indebted to the distinguished Senator from Idaho for the suggestion of adding these words, which make it clear that what we are trying to do is assemble in one place—codify, as it were—the existing law, and to fix the responsibility so clearly that it cannot be evaded. I believe, Mr. President, that that is all this amendment does. I hope it will be agreeable to the Senate.

Mr. McCLURE. Will the Senator yield?

Mr. MATHIAS. I am happy to yield.

Mr. McCLURE. I thank the Senator for the comments that were made and also for offering the amendment. I had said earlier that the language might be construed to change some existing law. I understand that the Senator from Maryland does agree that the list of responsibilities included in subsection 203 (b) would be discharged in accordance with the authority contained in other statutes such as the Atomic Energy Act, as amended, and the Energy Resource Act.

Mr. MATHIAS. I can advise the Senator that it is my understanding, and I think it is the understanding of the Senate, that one assistant secretary will be the man who has this responsibility; that we now have a person that we can put the finger on. If we are not making progress in developing the techniques and applying the techniques of nuclear waste management, we know whose phone to ring. We know, if necessary, whose paycheck to cut off.

I think we ought to make it very clear that that is what we have in mind here. But that is really all we have in mind.

I am encouraged by the comments on this subject by the distinguished Senator from Washington, who has expressed great interest in the problem of nuclear waste management. I believe that, with the provisions of this bill and with the intentions of the Energy Committee to go forward with the nuclear waste management problem, we shall really, at long last, begin to get hold of this problem.

Mr. RIBICOFF. Mr. President, the amendment of the distinguished Senator from Maryland is acceptable to the committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. McCLURE. Mr. President, I do not mean to prolong this colloquy at all, but I do understand that the amendment says exactly what the Senator has represented it to say and what the Senator from Connecticut and the Senator from Washington earlier said today—that this recitation in the section of the bill does not add to nor subtract from the existing law.

I understand full well the concern that the Senator from Maryland has expressed, that we must not just talk about this problem of radioactive waste treatment and storage, that we must act on it. I understand from my conversations with the Senator from Maryland earlier his frustration that we have not done so. I agree with the thrust that he has made here, that we have, in this bill, now concentrated the responsibility in one place; that we can find the responsible official and begin to require accountability for actions or inactions under that particular official.

I share with the Senator from Maryland the concern about the radioactive waste question—not just the commercial, but also the liquid waste, the reprocessing of solid wastes, and the temporary and permanent storage of those wastes. It is a question that must be confronted within the administration and within the Congress of the United States.

I share with the Senator from Maryland the determination that we will confront that question.

I think the Senator from Washington will concur with that statement, that we are going to get into that question, we will be dealing with it specifically.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. MATHIAS. I am happy to yield to the Senator from Washington.

Mr. JACKSON. Mr. President, I commend both Senators on their remarks this afternoon on nuclear waste. Obviously, it is a matter of critical importance in connection with the nuclear programs. We have an enormous amount of nuclear waste that must be more effectively managed.

A solution is essential in connection with any ongoing nuclear power program.

Third, let me just say this to put it all in proper perspective. We have an annual authorization bill each year in connection with the nuclear program. I say to both my colleagues and to the Senate that the nuclear part of ERDA will be coming up in the Energy Committee next month. We already have on the Calendar the nonnuclear ERDA part and we will be holding further hearings, in connection with the nuclear power program, including problems of nuclear waste.

Each year we have to authorize this whole program and I say to my friend from Maryland that there will be ample opportunity on the floor again in a few weeks to get into this question in connection with the annual authorization.

Amendments will be in order then and I personally extend a welcome to him to come to our hearings and participate by asking questions, and so on, when the ERDA people will be up with the annual authorization.

We do not have the amended request yet from the department due to the policy changes over the Clinch River breeder reactor project and some other aspects of the program.

I wanted to make that statement because it is, indeed, an added safeguard in connection with the concerns expressed by both Senators.

Mr. MATHIAS. Mr. President, I am very grateful to the Senator from Washington and I am very grateful for his invitation. I accept.

I thank the Senator from Idaho for his offer of collaboration. I think all of us pushing in the same direction will make a difference.

Mr. SCHMITT. Will the Senator yield?

Mr. MATHIAS. I am happy to yield.

Mr. SCHMITT. Just for a very brief comment.

I compliment both Senators on their compromise in this area in the discussion.

New Mexico, of course, has been the site of some experiments in nuclear waste disposal and the ERDA is presently active in that area.

I hope if this issue continues to be discussed and looked at and that we would encourage the new Department of Energy to look at more options than they have in the past.

We have really been going along one major nuclear waste disposal option, and I think we must examine our new technologies and the new sites offered to us as alternatives, because we really do not have an answer to nuclear waste disposal. We are not sure, for example whether terrestrial disposal is the most economical and safest way to handle nuclear wastes. Space disposal or the use of laser isotopic separation or a variety of other alternatives may be valid when we look at that broad range of time into the next century, where the volume of waste may be so great that several alternatives may be required.

I commend to the Energy and Natural Resources Committee the task of insuring that the administration and the Congress is examining all reasonable alternatives, perhaps even those that look unreasonable at this time, because this is at the core of our ability to use this fantastic energy source called nuclear power.

If we cannot resolve that problem, then we have not solved the energy problem, most likely, for many decades to come.

Mr. MATHIAS. I thank the Senator.

SEVERAL SENATORS. Vote! Vote!

Mr. GLENN. Will the Senator yield for a short comment?

Mr. MATHIAS. I yield to the Senator.

Mr. GLENN. I thank the Senator from Maryland.

Mr. President, the Senator from Maryland called attention to this and asked for separate hearings in the Governmental Affairs Committee and conducted hearings about Eastertime on this particular item in which I did participate. I want to compliment him on that.

But beyond that, I think this addresses the fact that we have not yet in this Nation, nor really around the world, addressed the full fuel cycles of nuclear energy, which includes radioactive waste and what happens to it. So far, we have been stockpiling and that will not go on forever.

I was glad to hear the Senator from Washington indicate he is going to take action on that, and we will be doing more on that in Governmental Affairs and working together with the Senator from Maryland.

I appreciate this.

Mr. MATHIAS. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

UP AMENDMENT NO. 242

Mr. METZENBAUM. Mr. President, I call up an amendment that is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Ohio (Mr. METZENBAUM) proposes an amendment:

On page 91, insert the following:

Between lines 23 and 29 insert the following: "Provided however that nothing in this subsection shall affect any litigation in process on the date of enactment of this act.

Mr. METZENBAUM. Mr. President, this is a simple amendment. It is a clarifying amendment. It follows the usual rules and procedures that occur when we pass legislation, that the legislation not affect any pending litigation. That is all this amendment does, to make that unequivocally clear.

Mr. JACKSON. Will the Senator yield?

Mr. METZENBAUM. Certainly.

Mr. JACKSON. This is a saving clause. I think the distinguished Senator from Ohio has raised some questions here that we cannot answer at this moment. I think it is an important amendment, and that it should be agreed to by the Senate at this time.

Mr. RIBICOFF. Mr. President, on behalf of the committee, we accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio.

The amendment was agreed to.

SEVERAL SENATORS. Third reading!

Mr. McCLURE addressed the Chair.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, there are a number of questions about this bill which I think the Congress and the Senate could have well addressed, but I think the mood of this body is very obvious.

I do not think that it is going to do us a great deal of good to discuss it any further. I think the Senate is going to pass it.

Just as we brought it up today without having, really, the opportunity to examine it in very great detail, I think that is a grave disservice to the country.

I hope before we get around to the final conference report we will have had the opportunity to have studied the conference report in a little more detail and a little greater length than we have had the opportunity to examine one of the most important single actions that this body will make this year in the very basic reorganization of Government dealing with a very important problem that confronts our society.

I think the fact that the report was available yesterday and we are acting upon it today is, in itself, an indictment of the process under which we labor.

I asked earlier today whether there were any changes in the leasing programs on the public lands and I was assured by the Senator from Washington that there were none, that the Department of the Interior will still be the lessor just as they were prior to the enactment of this bill, and that statement is almost totally inaccurate.

It is technically accurate, because the Secretary of the Interior will still sign the leases, and that is the only extent to which there will be any discretion left in the Secretary of the Interior.

I asked if there would be any other changes in existing law. I am assured there will be none. But let me ask just this one question, a hypothetical example of the kind of thing we are talking about.

Under the current law, there is a phased deregulation of oil prices—that is under current law.

Under this law as being established there will be a board with a Presidential veto and if, as a matter of fact, the board or the President disagrees with the action of the phased deregulation, then there will be no phased deregulation.

That is a change in the law, and no kind of rhetoric attempting to cover up the fact that we are changing law can change the harsh realities that laws are being changed.

I might have gone into the question of what will the volunteer assistants do, how will they be covered by law, what authorities do they have, what will be the conflicts?

I might have, had we had the opportunity, wondered about the question of first amendment rights under section 604 of this bill.

That is a new provisional clause. It has never been there before. There is a substantial right, the freedom of speech, in section 604, which has been totally ignored in the colloquy, which has been totally ignored in the discussion, which has been totally ignored by the Senate. That is a disservice.

Mr. SCHMITT. Mr. President, will the Senator yield?

Mr. McCLURE. I yield.

Mr. SCHMITT. Mr. President, I concur emphatically with Senator McCLURE's remarks.

I think we all have been done a disservice, the country has been done a disservice, by too rapid a discussion of this bill.

It is in no way a reflection of what the committee has done. As I said earlier, they have done an excellent job. But I think that the other representatives of the people—I represent New Mexico, they represent other parts of this country—are obligated to spend more time on an issue and on a bill that is going to have impact on their lives and the lives of their grandchildren for decades to come.

Nonetheless, we have proceeded in less than 24 hours to dispense with this particular issue.

We had better think very hard about how many more times we are going to do that on the kinds of legislation coming before this Congress.

Mr. PERCY. Mr. President, I should like to respond by simply indicating that the points that have been raised by the distinguished Senator from Idaho are important.

The point of how we should establish rulemaking and what procedure we should follow is so important that the committee spent not only a tremendous amount of time in hearings on it, but also a tremendous amount of time in markup deliberations—three or four sessions on that point alone.

The Senator from Illinois reported to the Republican Policy Committee at our luncheon on two occasions that I recall, the point of view expressed on several sides, and sought advice and counsel, particularly from those from oil-producing and gas-producing States.

It was a dilemma. We were faced with the problem and laid the facts out as clearly as we could. No one had an insight or direct word as to the right procedure. We finally compromised on what we felt was right. The administration stated their position. They accepted the committee judgment. As I reported, Dr. Schlesinger reaffirmed to me this morning that they accepted the committee decision in this case.

There may have been a dozen different ways of doing it in that important matter. We tried to work it out as best we could.

This report is dated May 14. I understand that it was available for study on Monday. Perhaps if we took a couple of more days, we could come up with a couple more amendments.

I think the distinguished manager of the bill took this fully into account when we met in the minority leader's office yesterday with the majority leader and Senator HANSEN and worked on an arrangement whereby conferees—four Democrats and two Republicans from the Energy Committee—would be at the conference.

The House will take up the bill, probably before we come back from our recess. There is every possibility of offeringing amendments in the House, if in the meantime there are additional thoughts that any Member has. There is no attempt to railroad it.

I believe the rights of everyone have been protected. When it was apparent that Senator SCHWEIKER could not get legislative counsel quickly enough on his amendment, we saw to it that he got it. But if he had not gotten it, we would have held over until tomorrow. I had notified the manager of the bill that we would object to putting the bill through tonight if Senator SCHWEIKER did not get the service he wanted on the bill.

I appreciate very much the points raised by the distinguished colleague. They are all points that were thoroughly debated in committee and are perfectly legitimate matters for debate on the floor if anyone wishes to do so.

Mr. HELMS. Mr. President, I must reluctantly vote against S. 826. Let me make it clear that I do so not because I am opposed to the creation of a Department of Energy. In fact, I believe that is a good idea. Rather, I am disturbed that this legislation does not stop at that simple task, but instead goes on to include a hodge-podge of provisions all pointing in the direction of the nationalization of energy and energy policy.

Especially disturbing is title VII of the bill. This section, which, incidentally, was neither requested nor desired by the administration, calls for the creation by the President and Congress of a biennial national energy plan—with a capital "P." All other policies and programs are supposed to dovetail into this "Plan." In addition, State and local governments and private businesses are to be "encouraged" to cooperate—and we all know what we mean when we speak of "encouragement" from the Federal bureaucracy. In short, section VII might be called "a variation on a theme by Humphrey-Hawkins."

The idea of a national energy "Plan"—a super plan administered by a super Federal bureaucracy—has ominous implications. In China, it might be called a "great leap forward." As we know, China's "great leap forward" are usually great leaps backward. I believe the concept contained in title VII will result in a great leap backward for America.

I realize that my vote may be misunderstood now. But, later on, when the bureaucracy created by this bill begins to grab more and more power, and impose more and more needless controls, I believe that my vote this evening will be vindicated.

In any case, Mr. President, I was sent here by the people of my State to vote my convictions, whether they be popular or unpopular. And that is what I am doing in this matter.

ADDITIONAL STATEMENTS SUBMITTED ON S. 826

Mr. CANNON. Mr. President, I am pleased that the Senate and House committees have acted swiftly on President Carter's proposal to consolidate the Federal Government's energy bureaucracy into a new Cabinet-level department.

I agree that there has been too much duplication and confusion on the part of the Executive in dealing with energy questions. Here in the Senate we have reorganized to reduce the number of committees with jurisdiction over energy-related legislation. So I think this step is in keeping with establishing the type of mechanism required to deal more effectively with this Nation's energy problems. S. 826, which the Senate is now debating, pretty much contains the primary provisions sought by the President on March 1. This bill consolidates the Federal Energy Administration, the Federal Power Commission, and Energy and Research and Development Administration with various other energy functions now spread out among six other Federal agencies. Certain energy-related responsibilities now carried out by the Interior Department, HUD, ICC, Defense Department, Commerce, and the Department of Transportation will be shifted over to the proposed Energy Department if S. 826 is adopted.

In the past no one single agency or individual has been accountable for this Nation's energy policies. Indeed no agency or person has been aware of all of the existing programs, the data on hand, or maintained responsibility for implementing and reviewing all of our energy-related programs and needs. The committee's report indicates that there are over 100 energy data programs in four of the agencies being folded into the Department of Energy. Not surprisingly five Federal departments now share responsibility for energy conservation. I think we can all clearly see that this type of fragmentation of responsibilities, duplication, and overlapping of jurisdiction has to be dealt with before we can establish an effective national energy program and policy.

Mr. President, I want to commend Chairman RIBICOFF and Senator JACKSON who worked so hard on this bill. I think the Governmental Affairs Committee has reported out a sound bill and I am pleased that the chairman was able to work out a compromise with the White House on those provisions vesting power over gas and oil prices in the department Secretary. I think the compromise providing that the Secretary could only recommend oil and gas prices to the three-member regulatory board and that the board's decisions would be subject to a Presidential veto is a sensible approach with adequate safeguards against excessive powers being invested in the Secretary. I might also say I am pleased that the board's decisions on oil pricing and allocation can be vetoed by a vote of either house of Congress. We already have this power over oil pricing and allocations decisions coming out of the FEA.

Let me say that I view this bill as the first important steps by this Congress in facing up to our energy problems. I, of course, have several reservations regarding the specifics of the President's energy proposals. Those we shall debate later this session. I am reviewing his package carefully and awaiting the findings and recommendations of our Senate committees. I anticipate that we will make several modifications before those important proposals are acted upon by Congress. This particular bill at least puts us on the right road and establishes the type of mechanism that we will need in the years ahead for a coherent and consistent national energy policy.

Mr. HOLLINGS. Mr. President, there was an old saying aboard ship in World War II, "When in danger, when in doubt, run in circles, scream, and shout." Such as Washington's reaction to the energy crisis. It has been coming. The brownouts in Northeastern United States in 1965 and 1966 gave us the warning, but we were too busy with the Vietnam war to listen. Suffice it to say that no single President caused the energy crisis. But a President is the only one who could have prevented the crisis from becoming a catastrophe.

Historically, there are many reasons for our energy crisis, but most of all, no one has been in charge! The responsibility for energy policy has been spread over 91 agencies and departments of Government. Back in 1972, one would have thought that Governor Love, whom President Nixon called his "Energy Czar," would be in charge, but appearing on the "Today" Show, Governor Love, when asked about gasoline rationing said he did not know. But, he continued, "an interagency group pulled together by OMB is working on a plan." OMB is the Office of Management and Budget charged with fiscal affairs, not energy affairs. OMB is staffed with fiscal experts—not energy experts. And so we had in place of a policy, organized chaos. Secretary Morton said we will have rationing by January, Secretary Shultz said over his dead body. Herbert Stein, economic counselor, and Melvin Laid recommended 30 cents tax on a gallon of gas and then came the President blaming Congress. No one seriously suggests that the legislative branch is equipped to promulgate a policy on energy. The problem is complex and the committee system of Congress forbade a comprehensive approach. The Commerce Committee had jurisdiction over the Federal Power Commission, the Joint Committee on Atomic Energy had jurisdiction over nuclear powerplants. Public Works Committee had the Government hydroelectric dams. The Interior Committee had fossil fuels. Foreign Relations and Finance had jurisdiction over Mideast oil—there was no one committee of Congress to cope with the problem spreading through 91 agencies. Accordingly we needed one place in the executive branch to go for energy policy.

Foreseeing this dilemma, I introduced in July 1972 a bill to institute an Energy Policy Council in the White House. It provided three persons appointed by the President and confirmed by the Senate with its director or chairman being the Energy Czar. Continuity and communication between the legislative and executive branches was guaranteed by the confirmatory power in the Senate. Best of all, this Council was charged not only with promulgating a policy to be updated annually, but it was specifically directed to corral all the statistics. Every time you hear one of these "energy experts," he is using one set of figures and someone else has different figures. No one knows the truth. The oil companies and natural gas companies are reluctant to give the true facts. So here was a simple plan which passed the Senate on three separate occasions. It passed over White House opposition and the White House continued to oppose the bill in the House.

Trying to get an energy policy out of that administration was like pulling teeth. Until the Nixon reelection in 1972, his energy man was Peter Flanigan in the White House who said there was no energy problem. However, after the election, the President switched off saying there could be a problem and appointed Dr. Kenneth Lay, Deputy Assistant Secretary of Interior for Energy. The ink was not dry on this order before in December the President changed again and stated that Mr. James E. Akins of the State Department was preparing the President's energy message to the next Congress. Then in January 1973, the President changed completely, appointing his so-called Super-Cabinet of four was put in charge of this department and Natural Resources. Secretary Earl Butz was put in charge of his department and named Counselor to the President in charge of energy. But in February the President changed again, appointing Presidential Advisers Shultz, Kissinger, and Ehrlichman as the President's Special Committee on Energy. These advisers were so busy with other responsibilities, it was hard to get a quorum. So next the President appointed Mr. Charles DiBona as Special Consultant to the President on Energy. Mr. DiBona prepared a 42-page term paper on energy and submitted it as the President's message to the Congress on energy on April 18, 1973. This contained much rhetoric and little substance. In the meantime, Mr. William Simon, Assistant Secretary of the Treasury, was appearing at congressional hearings on energy matters and he seemed to have the best grasp of the situation. However, when the Congress started working closely with him, the President canceled him out on June 29 with the appointment of Governor Love as the so-called Energy Czar. So you can see that the Nixon lead of seven policies in 7 months as rather difficult to follow. And, of course, the major ingredient necessary was missing: credibility. When the President speaks, fundamental to the success of his proposals is that the President is believed. An Energy Policy Council would have eliminated the internecine warfare between department heads jockeying for position. It would have cleared the air from countermanding counterproposals. There would have been that one place where the Congress and the people could all go to obtain the truth and this one office would speak for Government so that we could all head in the same direction. Like Sealtest ice cream, it was the flavor of the week, and if you did not like the Government's position this week, wait until next week. And waiting, a crisis became a catastrophe.

Then in 1974 several people began to realize that the energy crisis was also in fact a political crisis. Twenty-two years before, in 1952, the Paley Study Commission issued an 8-volume report. The volume on energy contained this language:

> In the past, Government has dealt with energy problems largely on a piecemeal basis . . . The hydra heads of energy policy must be reined together.

The lesson was clear: When everyone is in charge, no one is in charge. And that national interest suffers. Realizing this in the Senate, 3 years earlier we organized the National Fuels and Energy Policy Study. Each of the energy-related committees was represented. When the Arab oil embargo hit us in late October 1973, we were geared for the battle and responded. By the 19th of December we had passed an energy policy council bill, an emergency fuel allocation bill, an energy conservation bill, an energy research and development bill, and a Federal Energy Administration bill. We knew that the executive department suffered from the same organizational dilemma and this is why we tried to provide the Energy Policy Council so the executive could fix responsibility and respond effectively.

President Ford, the Congress and the people were all going in the same direction at the end of 1974. We had participated in the economic summits, we had given the President the trade bill, and we were presenting a solid front to hold the line against high oil prices and inflation. We were all in the huddle and turning the game around. But then President Ford switched signals at the line of scrimmage. On December 30, he vetoed the cargo preference bill, because it would raise the price of oil and cause added inflation, but 12 days later he raced onto TV to impose an excise tax of $3 per barrel on imported oil. What 12 days before had been inflationary was suddenly good government. The Congress was caught completely off base. Where we had had leadership and cooperation, suddenly we had only confusion and conflict.

Seeing the problems and seeing no organization or realistic plan forthcoming the congressional alternatives were passed in 1975. This alternative was to apply the discipline of realistic regulation. The Congress passed through either House—and in some cases both Houses—regulations to gradually change the American way of life. The change was from oil and gas to coal. The change was from the gas-guzzling auto to the gas saver. The change was from wasteful industrial and home construction to proper insulation. The change was to mandatory conservation, such as the 55-mile-an-hour speed limit and other requirements that directly conserve. You did not have to sit and hope under the automobile fuel economy bill that passed the Senate. Applying this regulation to the 1977 model, 270,000 barrels of oil per day would be saved—equal to the output of our Elk Hills Reserve. By 1980, this same measure conserves 880,000 barrels a day; by 1985 we will conserve 2 million barrels a day, or the output of the Alaska pipeline. The following are the measures acted upon in whole or in part by the Congress in the spring and summer of that year:

1. Disapproval of the excise tax—H.R. 1767—vetoed, March 4.
2. Repeal of the oil depletion allowance—H.R. 2166 enacted into law—$3 billion gain for the taxpayers.
3. Strip Mining Act—H.R. 25—vetoed.
4. Standby Energy Authorities Act—S. 622—Enacted.
5. Six month extension of price control authority—in S. 1849—passed the Senate and House. Earlier extension with price rollback to Jan. 1, 1975—H.R. 4035—vetoed.
6. Strategic Reserves Act—H.R. 49—Enacted.
7. Naval Petroleum Reserves Development Act—H.R. 49—Enacted.
8. Coal Conversion Act Extension—vetoed earlier in H.R. 4035 and now in S. 1849—passed the Senate and the House.
9. Automobile Fuel Economy Act—passed the Senate as S. 1883 and contained in H.R. 7014.
10. Coastal Zone Act Amendments for Energy Facilities Siting—S. 586—passed the Senate.
11. Offshore Drilling Amendment—S. 521—passed the Senate.
12. Appliance Labeling Act—passed the Senate as S. 349 and also contained in H.R. 7014.
13. Natural Gas Act Amendments—S. 692—on the Senate calendar.
14. ERDA Authorization—S. 598—passed the House and the Senate—provides $3.2 billion for the next year for development of coal gasification, solar energy, geo-thermal energy, nuclear energy, etc.
15. Railroad Rehabilitation Act—S. 1730—passed the Senate.
16. Energy Production Mobilization Board—S. 740—to be reported to the Senate.
17. Industrial Conservation Act—S. 1908—to be reported to the Senate in September.
18. Energy Policy Council—S. 580—passed the Senate three times.
19. Omnibus Energy Bill—H.R. 7014—contains many of the previously cited Senate-passed measures plus a provision for revised oil pricing.

Since it takes "two to tango," congressional action was not enough. Thus in 1976 in a major policy address to the National Planning Conference on the Commercial Development of the Oceans, I called on the Congress and the executive branch to give serious consideration to establishing a new Cabinet-level post. I recommended a Department of Energy which would have included the Department of the Interior, the Federal Energy Administration, and the Energy Research and Development Administration.

At last, 1977 shows that many energy engines or programs have been presented by American Presidents, but President Carter's is the first with four wheels and a body. As the automobile industry does every fall, Carter presented his new model with all the hoopla—briefings, news conferences, a TV talk to the people, a grim warning by the CIA and an address to a joint session of Congress. And sell or not—this is a model that America must buy or else find itself walking within 20 years. No President has given the energy crisis more thorough study and attention and it is to Carter's credit that he did so early in this term.

The President has proposed, and we are now considering the creation of a new Department of Energy. The functions of the Federal Energy Administration, the Federal Power Commission, the Energy Research and Development Administration and certain programs and functions from the Department of the

Interior are assigned to the new Department of Energy. We have just organized a new energy committee in the U.S. Senate and organization in the executive branch is long overdue.

Mr. President, I commend President Carter for presenting us with this new Department and I commend the Governmental Affairs Committee for their diligence in reporting S. 826 to the Senate. It is essential that we now resolve our differences and move ahead in the creation of a single energy department so that at long last we will have a national energy policy.

STATEMENT ON SECTION 809(e) OF S. 826

Mr. EAGLETON. Mr. President, I would like to commend the Governmental Affairs Committee on its detailed and considered deliberations on this important piece of legislation. There is one section in particular that I am pleased they changed from the administration's original proposal. The section I refer to is now section 809(e) which adds a new section 16 to the Rural Electrification Act.

As originally drafted, the new section would have provided the Secretary of Energy with a veto over every loan made by the Rural Electrification Administration for the construction or enlargement of any generation and transmission facility. This was an undesirable section for several reasons.

First, it provided for a split of authority in the loan approval process which would have created more bureaucracy instead of eliminating it. Although the REA Administrator indicated that he did not find this provision undesirable, REA borrowers and their national trade association, the National Rural Electric Cooperative Association, believe that the duplication in the loan approval process was ill advised from a managerial standpoint and would be extremely cumbersome to them.

The administration's proposal also discriminated against the financing of one segment of the electric utility industry. No other sector of the electric utility industry had to have their financing approved by DOE under the original proposal. This meant that privately, municipally and even Government-owned utilities such as TVA were free from DOE control of their financing. Since the G. & T. facilities financed by REA represent only about 2 percent of total national generation, this layer of review by DOE would have been unduly harsh.

Finally, the administration's original proposal would have allowed the Secretary of Energy to delay unnecessarily the approval of an REA loan. There was no time limit on how long the DOE Secretary could take in reaching his decision on approval or disapproval of a G. & T. loan. It would have lengthened already long lead times on the construction of these facilities:

The committee wisely rejected the administration's proposal and in its place put a provision which allows the Secretary of Energy to publish general criteria regarding the granting of generation and transmission loans by REA. The REA Administrator shall follow these criteria as long as they are consistent with the Rural Electrification Act. This provision will allow for the maximum consistency with national energy goals while eliminating bureaucracy and delay. The committee amendment will insure that REA loans and loan guarantees for construction of generation and transmission facilities will continue to be available under the terms of the Rural Electrification Act to meet the needs of borrowers.

Mr. MUSKIE. Mr. President, I would like to briefly discuss with the chairman the role which State and local governments should play in the development and implementation of our national energy policies. I am personally concerned that the importance which the committee attached to this issue might not be clearly conveyed in the report on S. 826, or in the legislation itself.

Mr. RIBICOFF. I agree with Senator MUSKIE that this is a matter to which the committee as a whole attached a great deal of importance. During our hearings, we heard from many witnesses on this point and they were unanimous in their belief that the provisions of S. 826 as it was proposed by the administration required improvement insofar as intergovernmental policies were concerned.

Mr. ROTH. Mr. President, I would like to express my agreement with what my colleagues have just said. As a matter of fact, I would like to point out that at one point, the committee included in the bill a requirement that one of the assistant secretaries be the Assistant Secretary for Intergovernmental Relations.

Mr. MUSKIE. That is right, and it is my recollection that there was unanimous agreement among the Members on this point. The committee did not report the bill with this provision only because we thought that the flexibility of the Secretary to assign responsibilities to assistant secretaries in other areas should be preserved.

Mr. ROTH. I share my colleague's view of that situation. We made the decision to withdraw the specific designation of an assistant secretary for intergovernmental relations only for the sake of preserving the secretary's flexibility in other areas. Was that your impression as well, Mr. Chairman?

Mr. RIBICOFF. It was. I think that the committee members wanted to emphasize this area as much as they could. Their concern is reflected in the number and scope of other amendments that were adopted dealing with the development of intergovernmental policies.

Mr. MUSKIE. That is so, Mr. Chairman and I would like to enumerate the amendments that were offered by the Senator from Delaware in this area and adopted by the committee. First, his amendments included a requirement that an assistant secretary be designated as responsible for intergovernmental relations, although for the reasons just mentioned we did not require that this be his or her exclusive function. In addition, the committee unanimously approved a statement of policy in section 102 and adopted a new title X, permitting the formation of regional energy advisory boards. In fact, all of Senator ROTH's amendments in this area were adopted by the committee. Is not that correct?

Mr. ROTH. That is correct. As a matter of fact, there was another amendment adopted which I consider very important from the point of view of State and local governments. That was my amendment to establish procedural safeguards, as contained in title V of the bill. I think those procedures will be as helpful to the Governors and county officials and other such representatives as anything else in the bill.

Mr. MUSKIE. I agree that those procedures will be of great assistance. And, I think having an assistant secretary for intergovernmental relations will also be very helpful to the States. We have only to look at the history of intergovernmental relations efforts within the existing Federal bureaucracy to see the danger in an inappropriate combination of intergovernmental and other departmental tasks. In the past, Federal-level intergovernmental relations efforts have too often been characterized by a marked tendency to disregard the States as operating units in the system. We have failed to develop effective mechanisms to allow State participation in the policy development process.

Without State and local government participation, the energy job—no matter how well planned—simply will not get done.

One of the quickest and most effective ways to implement a successful national energy policy is to work with the States, to draw on their knowledge of local resources and needs, and to make use of State governmental structures already in place.

It is essential that the many State efforts to deal with our energy problems be integrated with the emerging Federal energy policy into a single national energy policy. To accomplish this requires open channels of communication between the State capitals and Washington.

Mr. RIBICOFF. I agree that we need to maintain good channels of communication between Washington and the States. Along those lines, does the Senator from Delaware have any specific functions in mind for the Assistant Secretary for Intergovernmental Relations?

Mr. ROTH. Yes, I did Mr. Chairman. Some have been suggested and they would include the following:

(a) Obtaining State and local inputs into agency program development.

(b) Formalizing A-85 review procedures.

(c) Promoting integrated and effective R&D utilization, technical assistance, and training activities.

(d) Integrating the planning, management and assessment of State and local capacity building programs within the agency.

(e) Assuring the effective use of Title III of the Intergovernmental Personnel Act for joint Federal, State and local management and technical training.

(f) Providing a contact point for State and local officials.

Mr. KENNEDY. Mr. President, last April I joined eight other Senators in sponsoring an amendment to the Department of Energy Organization Act to establish a special post of Assistant Secretary for Competition and Consumer Affairs. As I explained in my introductory statement, Congress has often expressed its priority objective to "restore and foster competition in the energy industries"; yet these statements have not been adequately translated into action on the part of either the energy agencies or the antitrust enforcement agencies. That is why we need a special office in the new agency, dedicated to promoting competition and to supporting the interests of consumers in matters under the new department's jurisdiction.

I was pleased to see that the Governmental Affairs Committee agreed that competitive and consumer issues should be of high visibility and priority with the new department. For example, the agency's declaration of policy includes the purposes "to foster and assure competition among parties engaged in the supply of energy and fuels" and "to protect the interests of consumers in adequate and reliable supply of energy at reasonable cost."

I further note that, while the legislation does not name the specific functions of any Assistant Secretary, it does contain the following enumerated function which shall be assigned to an Assistant Secretary by the Secretary:

> Competition and consumer affairs responsibilities for the promotion of competition in the energy industry and for the protection of the consuming public in the energy regulatory and policymaking processes, including but not limited to assisting the Secretary in the formulation and review of policies, rules, regulations, leases and enforcement actions, acquiring, analyzing and disseminating information relating to competition and consumer affairs.

I note with pleasure, Mr. President, that these functions generally track the responsibilities which my amendment No. 186 would have established for the Assistant Secretary designated by that amendment.

Last week, the testimony of Attorney General Bell before the Senate Antitrust Subcommittee emphasized the need for these tasks to be undertaken in the new department itself. Although the Attorney General is responsible for enforcing and carrying out the antitrust laws and policies within the executive, when I asked the Attorney General about his input into the energy policy area, he said:

> Like the energy policy, I had no input in that except to be asked about the antitrust aspects toward the end.

So it was clear that competitive considerations in the formulation of the President's energy policy played a backseat, after-the-fact role. That is just what we want to avoid. In fact, when I mentioned my proposal for an assistant secretary for competition in the new department, to insure that competitive implications were considered up front in the fashioning of energy policy, Attorney General Bell responded: "It wouldn't be a bad idea."

Further, Mr. President, our Antitrust Subcommittee hearings revealed that the Antitrust Division has been placing no priority on energy matters, has no organized or coordinated approach to insuring competition in the energy industries, and is not coordinated with what the FTC is doing in that area. So the need became even clearer to me and the members of the subcommittee that not only should the Antitrust Division reorder its priorities and reorganize itself, but that in any event a specific office in the new department—in the middle of the decisionmaking process and with the information of the agency available for its analysis and use—was an imperative.

In this regard, I was pleased to see that section 608 of the bill contains direct requirements and authority for the new department relating to the collection and analysis of energy company data. Particularly, that section requires the Administrator of Energy Information to collect information adequate to permit "an analysis of the competitive structure of sectors and functional groupings within the energy industry." While Congress can collect much of this information—and the Antitrust Subcommittee has done so over the past decade—it would be extremely important for our Nation to have the data collected and analyzed as well by the new department. Obviously the Assistant Secretary to whom is assigned the competition policy responsibilities will have to play a major role in both the development of the reporting requirements and in analysis of the data obtained under the authority and mandate of this bill.

In short, Mr. President, I wholeheartedly endorse the attention given by this legislation—reflecting the priorities of the bill's manager and the Carter administration—on promotion of competition and on compilation and analysis of energy information.

Mr. STONE. Mr. President, in connection with the Senate's consideration of S. 826, the Department of Energy Organization Act, I want to express my appreciation for the careful and thorough consideration given this important legislation by the Senate Committee on Governmental Affairs. As other Senators know the establishment of a Cabinet-level Department of Energy is a first and necessary step toward the development of an effective national energy policy. I commend President Carter for his initiative in proposing the legislation we are considering.

I am particularly pleased that the Governmental Affairs Committee has amended section 809(e) of S. 826. As originally proposed, this section would have given the Secretary of Energy veto with respect to loans for construction of generation and transmission facilities by the Rural Electrification Administration. As I outlined in a letter of March 14, 1977, to Chairman Ribicoff, I had several concerns about this section. The committee has wisely corrected S. 826 in this respect. In the bill as reported to the Senate, the Secretary of Energy is given authority to publish general criteria with respect to the granting of generation and transmission loans by the Rural Electrification Administration. The REA Administrator should follow these criteria if they are consistent with the Rural Electrification Act.

The committee's modification will provide for a comprehensive development of national energy goals while minimizing bureaucracy and delay. It means that the REA loans and loan guarantees for construction for generating and transmission facilities will continue to be available under the terms of the Rural Electrification Act.

Mr. President, I ask unanimous consent that the letter to which I refer above be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., March 14, 1977.

Hon. Abraham Ribicoff,
Chairman, Government Affairs Committtee, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: I am writing to express my concern about Section 712(h) of S. 826, the Department of Energy Organization Act, which is now being considered by the Committee on Government Affairs.

As you know, Section 712(h) requires all loans made by the Rural Electrification Administration for construction of generation and transmission facilities to be approved by the Secretary of Energy. Presently, this authority rests solely with the Rural Electrification Administration. While I strongly endorse President Carter's effort to reorganize the federal government's energy-related activities, I am concerned that this particular provision of S. 826 may be a source of additional delay and unnecessary bureaucratic red tape. I believe that Section 712(h) would necessarily result in the duplication of the loan justification process.

Some persons knowledgeable about the REA loan justification process have suggested that the goal of co-ordination of REA's loan program with the nation's overall energy policy might be better served if the Rural Electrification Administration were required to establish meaningful criteria, to be approved by the Secretary of Energy, on which the loan program would operate. This approach would assure that REA's loan program for the construction of generation and transmission facilities is consistent with the nation's energy policy without additional and unnecessary bureaucratic delay.

I understand that the Committee will receive testimony on this matter on March 24, 1977. I shall appreciate the Committee's consideration of my letter at that time.

Warm personal regards.

Cordially,

Richard (Dick) Stone.

Mr. MUSKIE. Mr. President, S. 826, the legislation we are considering today to establish a new Department of Energy, is an important step in the development of a comprehensive energy policy for the Nation. It pulls together the Federal Government's many energy related activities into one cabinet level department and consolidates control over these activities in the Secretary.

For several years now, the Federal Government has responded to each new energy problem by establishing a new organization or new program within existing organizations. The 1973 OPEC embargo brought us first the Federal Energy Office, then the Federal Energy Administration. Emerging interest in new energy sources and problems in regulating older technologies resulted in the Energy Research and Development Administration and the Nuclear Regulatory Commission.

This piecemeal approach reflected our lack of understanding the problem and even a greater lack of agreement of what to do about it. But, as we have gained understanding about the problem in the last few years, so have we come to more agreement about the solutions. And it is in this light that this legislation is most important.

The Governmental Affairs Committee labored long hours over this bill in an effort to achieve an organizational format through which our energy policies could best be expressed and brought to fruition. Very special attention was given to the way in which energy prices will be set by the new Department. And agreement was reached on a mechanism that will provide maximum flexibility to the Secretary of Energy while at the same time insuring that price setting is conducted in an open, orderly manner with all sides being heard before a decision is reached.

This legislation, by itself will not solve our energy problems. But, it will establish a framework in which solutions can develop and be implemented.

RESEARCH AND DEVELOPMENT ACTIVITIES IN THE DEPARTMENT OF ENERGY

Mr. STEVENSON. Mr. President, the legislation to establish a Department of Energy will necessarily affect some of the most important scientific and technological resources maintained by the Federal Government. The nature of these resources and their vital role in developing an effective national energy program should be explicitly recognized by Congress in its consideration of S. 826.

The Department of Energy will inherit from ERDA, which in turn inherited from the Atomic Energy Commission, a remarkable basic research capability encompassing programs in the Nation's universities and in the ERDA national laboratories. The results of this research and the capabilities associated with these programs have permitted these institutions to address on short notice many of the scientific problems associated with the entire spectrum of energy technologies.

The development of nuclear energy required research in almost the complete sphere of physical science, as well as in a broadly based sector of biology and medical science. The science establishment formed originally by the Atomic Energy Commission was for that reason comprehensive and flexible. It was capable of providing the discovery and innovation needed to create new high technologies and much of the information needed to support the development of all energy resources.

This will be no less true in solving the energy problems of the 20th and 21st centuries. Therefore, as we set about forming a new agency which, in the words of Dr. James Schlesinger, is to be an "instrument of energy policy," the way in which the technical and analytical strength of this instrument has been developed and should continue to be developed must be kept in mind. When the AEC was established by the Atomic Energy Act of 1946, it was wisely provided with responsibility for a broadly based research program because the value of such a program had been clearly established in World War II. Therefore, the AEC had the opportunity to develop a basic science establishment second to none.

The success of this endeavor can be measured in many ways, but suffice it to say that there are on record since 1946, 13 Nobel Prizes awarded for work supported directly by ERDA and the AEC.

The responsibility for the health and well-being of this research establishment is now being transferred to the Department of Energy. The DOE will find this research establishment to be among its most valuable assets in developing and implementing an energy policy that will protect the interests of the United States.

For this reason, it is heartening to note in the report of the Governmental Affairs Committee on S. 826 that:

> Research and development activities will play a central role in developing supply and conservation options to solve the Nation's energy problems. Thus, approximately 70 percent of the new Department's initial annual budget will be spent on R&D projects. The committee believes that it is important that the scientific capabilities being inherited from the Energy Research and Development Administration be sustained and augmented with an integrated program that combines necessary support for long-term basic research with vital applied research and the expeditious development of near-term energy technologies.

A balanced program of basic and applied research by the new Department of Energy is essential, not only to the eventual solution of our energy problems but also to the maintenance of this country's leadership in science and technology. I commend the distinguished chairman of the Governmental Affairs Committee (Mr. RIBICOFF), the distinguished ranking minority member (Mr. PERCY), and their colleagues for stressing this aspect of the new Department's organization.

There is, however, one element of the proposed structure for the DOE that needs further clarification. The committee has given the Secretary great flexibility in designating the responsibilities of the eight Assistant Secretaries authorized by S. 826. This is a prudent course which I support. Nonetheless, it is likely that the Department's research and development responsibilities will be divided among several of the Assistant Secretaries. In its initial proposal to the Congress, for example, the Administration designated Assistant Secretaries for Energy Technology, Resource Applications, Conservation, Environment, and Defense Programs who would each be responsible for a portion of the Department's total R. & D. program.

This division of responsibility raises the problem of coordination and accountability. Dr. Philip Handler, President of the National Academy of Sciences, has expressed this concern in a letter to me. He writes:

> . . . the proposed bill is flawed by the omission of a statutorily designated focal point within the new Department with responsibility for overview and coordination of this large complex of research activities, other than at the level of the Secretary and Deputy Secretary. Efforts to balance, integrate and coordinate the energy research and development program could easily be frustrated without strong leadership to counter those predictable institutional constraints within the new organization that would otherwise tend to fragment the research program into a set of essentially autonomous subprograms managed by the Department's constituent units. If such leadership is lacking, it may needlessly become even more difficult to assemble the framework of a knowledge base needed to permit objective evaluation of energy policy alternatives.

Dr. Handler reports in his letter that various members of the National Academy of Sciences have expressed similar concerns to him. I have received similar comments from respected scientists, engineers, and technical experts in my capacity as chairman of the Subcommittee on Science, Technology and Space of the Commerce Committee.

Mr. President, I ask unanimous consent that the full text of Dr. Handler's letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ACADEMY OF SCIENCES,
Washington, D.C., May 17, 1977.

Hon. ADLAI E. STEVENSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENSON: It is my understanding that the Senate is about to consider S. 826, proposed legislation cited as the "Department of Energy Organization Act." Knowing of your interests, I write to convey the consensus view, concerning the proposed plan of organization as set forth in S. 826, expressed to me by various members of the National Academy of Sciences during our recent annual meeting. It is their feeling and mine that, in the proposed organizational structure of the new Department, less than adequate recognition has been accorded to the major role that fundamental and applied research and development must serve in our national energy program.

Patently, the program of a Department of Energy must build upon the programs and resources of the present Energy Research and Development Administration. These have largely been dedicated to the various aspects of technology for energy production. While maintaining the most desirable segments of that program and building yet further capabilities relating to presently unconventional energy sources, one must also contemplate future augmentation of research and development efforts with respect to diverse aspects of energy storage, delivery, utilization and conservation, of environmental protection, and of natural resource availability, inter alia. Although not so noted in the statement of explanation accompanying the transmittal of the Administration's draft bill, these research and development activities must necessarily constitute major elements of the functions assigned, by the bill, to several of the designated Assistant Secretaries, such as those for technology, for conservation, and for the environment.

From that standpoint, the proposed bill is flawed by the omission of a statutorily designated focal point within the new Department with responsibility for overview and coordination of this large complex of research activities, other than at the level of the Secretary and Deputy Secretary. Efforts to balance, integrate and coordinate the energy research and development program could easily be frustrated without strong leadership to counter those preditcable institutional constraints within the new organization that would otherwise tend to fragment the research program into a set of essentially autonomous subprograms managed by the Department's constituent units. If such leadership is lacking, it may needlessly become even more difficult to assemble the framework of a knowledge base needed to permit objective evaluation of energy policy alternatives.

Certainly, it seems likely that the complexities of national energy policy will leave little time for the Secretary and Deputy Secretary to concern themselves with the management and direction of the research program of the new Department. In the Department of Defense, the position of Director of Defense Research and Engineering is established at a level equivalent to that of Under Secretary, reporting directly to the Secretary or his Deputy. The scientific and technological tasks facing a new Department of Energy are no less pressing or diverse than those of the Department of Defense.

I respectfully urge for your consideration the establishment of a statutory Under Secretary for Research and Development who would report directly to the Secretary. (By analogy, this official might have the title of the Director of Energy Research and Engineering.) Such a step would markedly strengthen program direction of the Department's large research and development effort while also making that program more comprehensible to the Congress and the public.

These views are consistent with those that I transmitted on 18 March to the Chairman, Senate Committee on Governmental Affairs. A copy of that earlier correspondence is enclosed for your information.

Sincerely yours,

PHILIP HANDLER,
President.

Mr. STEVENSON. Mr. President, it is not my purpose to seek an amendment to S. 826 that would mandate the coordination of the Department's research and development functions by the Under Secretary for Policy and Evaluation. I recognize the difficulties that have been encountered by the committee in attempting to specify these responsibilities among the Assistant Secretaries and the Under Secretaries. It would serve no useful purpose, in my view, to reopen this controversy on the Senate floor.

I would, however, welcome the comments by the distinguished chairman of the Governmental Affairs Committee (Mr. RIBICOFF) to the general proposition that coordination of the Department research and development activities, above the Assistant Secretary level, is desirable.

Specifically, S. 826 provides in section 207(2) that the Secretary shall have the responsibility for "carrying out the planning, coordination, support, and management of a balanced and comprehensive energy research and development program."

In addition, section 208 provides that the Secretary shall be governed by all applicable statutes, including the policy, standards, purposes, and responsibilities set forth in the Energy Reorganization Act of 1974, which established the Energy Research and Development Administration. This act, Public Law 93–438, directs the Administrator of ERDA to be responsible for the planning, coordination, support and management of the administration's research and development program. Mr. President, I ask unanimous consent that the text of section 103 of Public Law 93–438 be printed in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

RESPONSIBILITIES OF THE ADMINISTRATOR

SEC. 103. The responsibilities of the Administrator shall include, but not be limited to—

(1) exercising central responsibility for policy planning, coordination, support, and management of research and development programs respecting all energy sources, including assessing the requirements for research and development in regard to various energy sources in relation to near-term and long-range needs, policy planning in regard to meeting those requirements, undertaking programs for the optimal development of the various forms of energy sources, managing such programs, and disseminating information resulting therefrom;

(2) encouraging and conducting research and development, including demonstration of commercial feasibility and practical applications of the extraction, conversion, storage, transmission, and utilization phases related to the development and use of energy from fossil, nuclear, solar, geothermal, and other energy sources;

(3) engaging in and supporting environmental, biomedical, physical, and safety research related to the development of energy sources and utilization technologies;

(4) taking into account the existence, progress, and results of other public and private research and development activities, including those activities of the Federal Energy Administration relating to the development of energy resources using currently available technology in promoting increased utilization of energy resources, relevant to the Administration's mission in formulating its own research and development programs;

(5) participating in and supporting cooperative research and development projects which may involve contributions by public or private persons or agencies, of financial or other resources to the performance of the work;

(6) developing, collecting, distributing, and making available for distribution, scientific and technical information concerning the manufacture or development of energy and its efficient extraction, conversion, transmission, and utilization;

(7) creating and encouraging the development of general information to the public on all energy conservation technologies and energy sources as they become available for general use, and the Administrator, in conjunction with the Administrator of the Federal Energy Administration shall, to the extent practicable, disseminate such information through the use of mass communications;

(8) encouraging and conducting research and development in energy conservation, which shall be directed toward the goals of reducing total energy consumption to the maximum extent practicable, and toward maximum possible improvement in the efficiency of energy use. Development of new and improved conservation measures shall be conducted with the goal of the most expeditious possible application of these measures;

(9) encouraging and participating in international cooperation in energy and related environmental research and development;

(10) helping to assure an adequate supply of manpower for the accomplishment of energy research and development programs, by sponsoring and assisting in education and training activities in institutions of higher education, vocational schools, and other institutions, and by assuring the collection, analysis, and dissemination of necessary manpower supply and demand data;

(11) encouraging and conducting research and development in clean and renewable energy sources.

Mr. STEVENSON. Mr. President, given the language of section 207(2) of the pending legislation (S. 826) and the authority contained in Public Law 93–438 that should govern the actions of the Secretary of Energy, it is reasonable to expect the Secretary, presumably Dr. Schlesinger, to provide for the effective coordination of the Department's research and development program, regardless of how these responsibilities are divided among the Assistant Secretaries. Does the chairman of the Governmental Affairs Committee concur in this proposition?

Mr. RIBICOFF. Yes, I do.

Mr. STEVENSON. In the Chairman's opinion, would the Under Secretary, who would handle policy and evaluation matters, be an appropriate official within the Department to exercise this coordinating authority, as delegated by the Secretary?

Mr. RIBICOFF. Yes, he would.

Mr. STEVENSON. I thank the Senator. Such a delegation of authority by the Secretary to the Under Secretary for Policy and Evaluation would also provide that a single official within the Department would be accountable for managing the Department's total R. & D. program. Both Congress and the White House would be well served by such an arrangement.

In closing, I thank the Chairman again for his observations. They help clarify an extremely important aspect of the new Department's organizational structure as it affects the management of research and development activities.

It is also my intention to pursue these matters with the Secretary of Energy and other departmental officials once the DOE is established. Only if we maintain a well-managed and adequately supported program of energy R. & D. can we achieve the effective "instrument of energy policy" that this legislation is designed to establish.

Mr. RANDOLPH. Mr. President, today we are reviewing a legislative proposal that is critical to our Nation's quest for energy independence. A permanent, Cabinet-level Department of Energy in the executive branch is essential to the development of a comprehensive national energy policy.

In 1959, I first introduced legislation urging development of a national fuels and energy policy. That measure would have created a commission of congressional, executive, and public members to determine a realistic energy policy. I have continued since that time to actively advocate programs to insure comprehensive Federal action to meet our energy requirements.

Over the last 5 years some 71 measures which will eventually affect substantially any major energy plan have been enacted into a substantial body of law. The reorganization of energy functions in the Federal Government is necessary to assure effective management of these measures and any new laws into a coordinated and comprehensive energy doctrine.

Up to this point, no other area of responsibility within the Federal Government has had development of policy so smothered because of fragmentation of function relating to energy. No single agency has been accountable for policies directed toward energy conservation, energy contingency planning, oil pricing, Federal leasing policy and energy research and development.

Mr. President, I say to my colleagues that at long last we have a President in the White House who recognizes the vital role energy consumption and conservation will have in every American's life now and in the future. On several occasions he has counseled with me and other Senators to review plans for creation of this Energy Department. I cosponsored this bill when it was introduced on March 1 of this year. Creation of this Department will effectively hasten a vastly expanded policy of production and utilization of coal to lessen the United States dependence on unreliable foreign oil. In addition it might expedite additional Federal support of such synthetic fuel development as coal gasification and liquefaction. The Committee on Government Affairs does not statutorily name any of the Assistant Secretaries or deputies to these eight key individuals, to give complete flexibility to the Secretary in organizing his Department. I feel, however, that it is essential that the new Secretary of Energy eventually designate a permanent position at a high level in the organizational structure of the Department, to oversee commercial demonstration of synthetic fuel programs and other nonnuclear technologies.

Mr. President, I commend our able colleague from Connecticut, Senator RIBICOFF and other members of the Government Affairs Committee for their constructive work on this important measure. They have given us a positive or organization approach to the effectiveness of this new Department of Energy.

Mr. METCALF. Mr. President, this legislation goes too far, too fast.

In the name of emergency—one that is yet to be proved to this Senator—we are being asked, in essence, to delegate all Federal powers over the price and allocation of energy supplies to the head of a new department, subject to the direct control of the President, without adequate standards, and without sufficient safeguards of due process, or administrative protection against arbitrary abuse of discretion.

By the process of reorganization we are combining here basic legislative powers—reserved to us under the Constitution—in one executive official to be administered in a quasi-legislative and quasi-judicial manner, but without any meaningful check or balance over the administrative use of such powers. In short, as I said when we passed the Executive Reorganization Act, we are delegating to the President an undue and unreasonable degree of legislative authority which, under the guise of efficiency and coordination, may result in standing the Constitution on its head.

We are a democratic government, a pluralistic and competitive government, with many managers and many opportunities for public participation. That often has not been very efficient, but it has preserved a substantial degree of freedom of choice in business and politics which was contemplated by the Founding Fathers when they put together our system.

With this legislation, we start down a new road, and open a new phase in American Government: managerial rule; executive efficiency. Perhaps the future of America is bleak enough to require this new order of things, but before we go down that road we ought to fully understand the meaning of what we are doing.

To begin with, by this legislation, we abolish the Federal Power Commission, and transfer all of its delegated powers over electric and gas rates, licenses, certificates and allocations to the new Secretary. This agency may not have been the best vehicle for interpreting and implementing legislative authority but it was independent of Executive interference and it did provide an independent forum where producers, suppliers and consumers alike could obtain full due process and a record for judicial review of agency action. Some have referred to such independent regulatory agencies as a fourth branch of government, some call them "arms of the Congress," but whatever their roles and however inefficient they may be, they have provided a balance against undue Executive authority, while at the same time preserving the legislative prerogatives of Congress and the opportunity for judicial restraint.

I am not wedded to any continuation of the independent regulatory process as the best means of solving the energy problem—whatever that problem may be. There are probably better governmental techniques for determining agency policies and for establishing and enforcing energy rules. I just do not think we have the right answer in this reorganization bill because it abandons the concepts of legislative control and due process and conveys just too much power to the President and his political subordinates.

Now why do I feel this way? What does the legislation really do?

First, the bill transfers to the Secretary, among other things, all functions of the FPC, the FEA and ERDA with respect to the price and supply of electricity, gas, oil and uranium, and to a limited—but potentially effective—extent, coal. These energy sources have been considered competitive in the past. The administration now seeks monopoly power over their pricing and distribution in order to regulate their production and use. Chief among its objectives is to push up the price of energy in order to encourage production and discourage use. With all these powers under one person, I suspect that any number of efficient energy allocation plans can be devised and implemented but at what price to the consumer, and at what cost to our freedom?

Second, as a gesture toward independent regulation and administrative due process, the administration bill and the committee version provide for an energy regulation board within the new department which has the appearance of being independent, but in fact is not. Similarly the board is granted certain limited jurisdiction over energy pricing and other regulatory activities giving it the appearance of being separate of the Secretary and the President, but in fact, it is not. Indeed, it is difficult to understand why we have the mechanism of an ostensibly independent board when the administration's objective is total executive control over energy pricing and policy.

For instance, the board is given jurisdiction to set the wellhead price of natural gas, but the Secretary has the plenary authority to make rules of general applicability affecting the board's determination of that price, including whether the price shall be set by rule or adjudication, and the President is granted the ultimate power to veto the rate if he does not think it is consistent with the Nation's energy policies, whatever that may mean. So the board is completely boxed-in on wellhead rates.

It is no secret that the administration wishes to establish wellhead rates by rulemaking on a nationwide basis, and wants to push those rates up to the equivalent of foreign oil. Any supposedly independent board which felt that such policy was inimical to the standards of the Natural Gas Act and unfair to the consumer would be faced with an impossible standoff situation.

Although the board has the authority to determine wellhead rates by on-the-record adjudication, the Secretary can require that it decide such matters by rulemaking on the basis of a notice and comment record, without any cross-examination of the issues. This could relegate the board's decisions to backroom trade offs and informal negotiations with the Secretary and the White House and, at best, a dubious record for judicial review.

This legislation also provides the board with jurisdiction to directly establish wholesale electric rates and pipeline gas rates, and to issue certificates. However, again, rules that may have a significant impact on these matters are the exclusive domain of the Secretary. Such rules being contemplated by the administration relate to construction work in progress, and other elements that make up the rate so that the board could be locked into a rate pattern merely by being required to follow the Secretary's general rules.

More significantly, the bill provides that any adjudicatory approach being followed by the FPC—which is to be abolished—at the date of enactment shall continue to be decided on the record no later than January 1, 1979, after which these matters can—and probably will—be converted to informal rulemaking by secretarial insistence.

The bill gives the Board jurisdiction to promulgate rules in connection with amendments to oil pricing and allocation regulations where the charge is of sufficient importance to be transmitted to Congress for review. But as in the case of wellhead gas prices, the President can veto the rule, and the Congress would never have the opportunity for review.

Thus if Congress should like the Board's oil pricing decisions, the President's action of disapproval would preclude it from going into effect.

Mr. President, I do not think we should be misled by organizational gimmickry such as boards, administrations, and the distribution of functional responsibilities within an executive department. The objective of the legislation is clear; that is, full control over the promotional and economic policies of this country's energy resources lodged in a Cabinet secretary under direct supervision of the President.

In time of war or other imminent and endangering threats to our security, such aggregation of power in the President may be justified, but today it is very questionable and must be looked at with much more than the peripheral inspection we have thus far given it in the Senate.

The price of this flow-chart efficiency in energy policy is the abdication of congressional authority and the loss of due process. The shift from a testing of the facts and issues through cross-examination to informal, behind the scenes rulemaking and orders is a dangerous precedent for the administrative process in a constitutional government. The economic matters covered in title IV of this bill directly affect people and their property. Such matters should not be governed in the final analysis by vague standards of what is consistent with the President's energy policy; rather they should be based on what is just and reasonable and fair to the consumer.

As this is a reorganization bill, one should expect that the strict consumer standards implicit in the statutory functions transferred would be controlling upon both the Secretary and the President. However, the new structures of Secretarial rulemaking and Presidential disapprovals contained in the bill would seem to stretch those congressionally delegated standards to another level of policy. Thus in many ways, this bill may be substantive, not procedural or organizational, and according to some critics I have heard from, it could be an effort to reregulate the total energy structure without waiting for the substantive bill presently being considered in both Houses.

With all due respect to the President, these reorganization messages and bills are beginning to take on the appearance of a Shakespearean play.

In act I, we had the Executive Reorganization Act, where Presidential plans to rearrange agencies and functions would become law if we did not veto them in 60 days. I thought that was a substantial derogation of congressional power.

In act II, we have this energy reorganization where promotional and economic regulatory functions are essentially combined in the President—in my view, another undue delegation of legislative authority.

What are we to expect in act III? Perhaps the transportation arms will fall—the CAB, the ICC, the Maritime Commission—with their functions transferred to the Secretary of Transportation.

Is this the scenario of a raid on the jurisdiction of Congress under the politically disarming title of reorganization? At a time when Congress has just begun to recover its appropriate balance against Presidential power, are we to now give back again our legislative powers to the Executive?

I make this statement so that my colleagues will have another point of view to consider in the debate on this bill. I do not expect that it will change very much the overwhelming effort that is being pressed to get the legislation to conference and the new energy czar in place. But I just feel we ought to understand thoroughly what we are doing and the degree to which we are in effect transferring congressional responsibilities to an executive official as a very large precedent for the future.

Mr. DOLE. Mr. President, the Senator from Kansas wishes to comment specifically on two provisions in S. 826.

First, there is the provision that requires the administrator of the rural electrification administration to consider the guidelines set forth by the Secretary of Energy when granting loans or loan guarantees. This is to insure the coordination of electric generation and transmission financing with national energy policy. I support this provision.

This provision is much more desirable than the previous wording in this bill that gave the Secretary of Energy veto power over REA loans. There is already a great deal of consideration that must be given before a loan can be made. It already takes a great deal of effort, and giving the Secretary veto power would have only created another obstacle. The existing provision is much more appropriate in view of the importance of getting electrical service into our rural areas.

The second provision of interest to me requires that the Office of the Administrator of the Southwestern Power Administration must be located in the region served. There was concern that with the Administration being placed under the Department of Energy, the Office of the Administrator might be moved to Washington, D.C. because of the hundreds of contracts that exist with the Southwestern Power Administration, it would cause a great deal of difficulty. The wording of the bill resolves that concern.

The Senator from Kansas hopes these provisions can be retained in the bill through the conference committee.

(This concludes additional statements submitted on S. 826).

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

Mr. HANSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. HANSEN. Mr. President, I applaud the dedicated efforts and the long hours that the committee charged with the responsibility for this legislation and the floor managers have contributed.

There is much to applaud in this bill. No one can argue with the objectives that the President has in mind and as have been enunciated by Members in support of the proposed legislation.

I shall vote against the bill, not because I believe there is no energy emergency facing the Nation, nor because I believe that action need not be taken, but rather because of the feeling I have that too many Senators, including myself, do not understand many of the specifics contained in the bill. I believe that in passing legislation as important as this, additional time could well have been spent in bringing about a clearer understanding of what the bill does.

Let me cite a few examples of my concern.

First. This bill places in the hands of one agency an inordinate amount of power over the pricing of all energy.

Second. There is some benefit to having several agencies involved in these issues—for example, Department of Commerce making assessments on crude oil policy as well as perhaps Geological Survey in the Department of Interior. This bill may alter this independence.

Third. The planning process in the bill contains the potential for controlling major sectors of the private economy in pursuit of energy objectives which can be obtained by market mechanisms. As drafted temporary controls which the Congress enacted to deal with the Arab embargo of 1973, for example, which are due to be phased out may in fact be perpetuated by this legislation.

Fourth. The bill mandates the collection of energy information from industry and even could be construed as forcing a uniform accounting procedure on industry—that is, a major policy decision which has not been considered on its merits, and it is a further invasion of our private rights.

Fifth. The compromise called the Energy Regulatory Board, with a Presidential veto can completely void the mandated oil pricing under the Energy Policy and Conservation Act. Will we see the step-by-step movement toward decontrol mandated by that act? Not one Member of this body can tell us what this process will bring.

Sixth. The bill, with the split authorities in the Energy Department and Interior Department—most in the Energy Department—effectively voids our current leasing policies. The Secretary of Energy makes the rules and can veto individual leases. The Secretary of Interior is rendered a mere functionary.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. RIBICOFF. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there

a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SCOTT. Mr. President, I have nothing to say, other than that I feel that every Senator, when he is standing on his feet seeking to be heard, should be recognized before the Chair asks for third reading of the bill. I protest such action as that in the Senate of the United States.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. DURKIN addressed the Chair.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. DURKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. DURKIN. Mr. President, I was seeking recognition before we went to third reading. If the steamroller is greased that much, maybe we ought to start reading the hearing record all night. If we have had all those days of hearings, maybe we ought to read it tonight.

I should like to join in the remarks of the Senator from Idaho (Mr. McCLURE). This may be the finest bill this body has ever passed, or it may be the worst, but I estimate that 75 percent of the membership does not know whether it is the best or the worst.

This thing is slid through. I am afraid that many constituents across the country, when they see the impact of this bill on energy prices and the impact on the appeal procedure, will want to know who voted for this thing, will want to know who supported it.

However, as the Senator from Idaho said, I can read the tea leaves; I can read the handwriting on the wall. This bill is going to be passed. I had several amendments that I was interested in bringing up. Every one was going to be opposed. There was no indication that this was going to be slowed down 5 minutes.

My disposition is to discuss the things that have not been discussed yet on the floor. I realize that the Senator from Illinois has said that this has been discussed in committee; but the committee system, even under reorganization, is not really supposed to supplant discussion on the floor. However, echoing the Senator from Idaho, discussion on the floor is not going to do much to correct or slow down the Silver Streak, whatever you want to call it.

For that reason, I am not going to keep people here any longer tonight. I am going to vote "no" on this bill because I think it has been taken up and moved too fast, and I submit that there are many Members in the Chamber who do not know what this bill does.

The PRESIDING OFFICER (Mr. NUNN). The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Colorado (Mr. HART), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), the Senator from Arkansas (Mr. McCLELLAN), the Senator from Montana (Mr. MELCHER), the Senator from Michigan (Mr. RIEGLE), and the Senator from Arkansas (Mr. BUMPERS) are necessarily absent.

I also announce that the Senator from Hawaii (Mr. INOUYE) is absent because of illness.

I further announce that, if present and voting, the Senator from Arkansas (Mr. BUMPERS), and the Senator from Michigan (Mr. RIEGLE) would each vote "yea."

Mr. STEVENS. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Nebraska (Mr. CURTIS), the Senator from Michigan (Mr. GRIFFIN), the Senator from California (Mr. HAYAKAWA), and the Senator from New York (Mr. JAVITS) are necessarily absent.

I further announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to illness.

The result was announced—yeas 74, nays 10, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—74

Allen
Anderson
Baker
Bayh
Bellmon
Bentsen
Biden
Brooke
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Danforth
DeConcini
Dole
Domenici
Eagleton
Eastland
Ford
Glenn
Gravel
Haskell
Hatfield
Hathaway
Heinz
Hollings
Huddleston
Humphrey
Jackson
Johnston
Long
Lugar
Magnuson
Mathias
Matsunaga
McIntyre
Metcalf
Metzenbaum
Morgan
Moynihan
Muskie
Nelson
Nunn
Packwood
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Sarbanes
Sasser
Schmitt
Schweiker
Sparkman
Stafford
Stennis
Stevens
Stevenson
Stone
Talmadge
Thurmond
Wallop
Weicker
Williams
Young
Zorinsky

NAYS—10

Durkin
Garn
Goldwater
Hansen
Hatch
Helms
Laxalt
McClure
Scott
Tower

NOT VOTING—16

Abourezk
Bartlett
Bumpers
Chafee
Curtis
Griffin
Hart
Hayakawa
Inouye
Javits
Kennedy
Leahy
McClellan
McGovern
Melcher
Riegle

So the bill (S. 826), as amended, was passed as follows:

S. 826

An act to establish a Department of Energy in the executive branch by the reorganization of energy functions within the Federal Government in order to secure effective management to assure a coordinated national energy policy, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Energy Organization Act".

TITLE I—DECLARATION OF FINDINGS AND PURPOSES

FINDINGS

SEC. 101. The Congress hereby finds and declares that because of serious economic and social consequences which arise from the vulnerability of this Nation to energy shortages, and possible interruption of foreign supplies; coordinated and effective action to better manage existing energy resources and to provide reliable alternative energy sources is essential in avoiding or mitigating future energy problems; the existing organizational framework does not provide the comprehensive, centralized focus necessary to effective coordination of energy programs involving all forms of energy supply, conservation, and alternative energy sources; a central organizational mechanism is needed to achieve this coordination, and to aid in formulation of effective energy policy which will meet the energy needs of the Nation and relate them to overall national economic, environmental, and social goals.

PURPOSES

SEC. 102. The Congress therefore declares that the establishment of a Department of Energy is in the public interest, to promote the general welfare by assuring coordinated and effective administration of Federal energy policy and programs. It is the purpose of this Act—

(a) to establish a permanent Department of Energy in the executive branch;

(b) to bring together in the Department of Energy for coordinated management, all of the major energy programs in the Federal Government, including those providing economic regulation of energy supply systems;

(c) to provide the appropriate organizational framework for the implementation of such programs;

(d) to provide for an effective premanent mechanism for development and implementation of a comprehensive national energy policy;

(e) to create and implement a comprehensive energy conservation strategy;

(f) to assure coordinated and effective energy research, development, demonstration, and commercialization programs within the framework of a comprehensive energy policy, with the aim of increasing the efficiency and reliability of all feasible energy resources and making the Nation self-sufficient in energy;

(g) to provide a strong and effective organizational framework for development of energy supply and energy conservation technology and initiatives, interrelated and balanced within the context of national energy strategy;

(h) to continue and improve the effectiveness and objectivity of a central energy data collection and analysis program within the Department of Energy;

(i) to facilitate establishment of effective strategy for distributing and allocating fuels in periods of short supply and to provide for the administration of a national energy supply reserve;

(j) to protect the interests of consumers in an adequate and reliable supply of energy at reasonable cost;

(k) to assign to the Department of Energy a policy formulation role with respect to the participation of the United States in international energy programs and initiatives, except insofar as these programs involve issues of nuclear nonproliferation;

(l) to encourage cooperation of Federal, State, and local governments, and all other interested parties in the development and achievement of national energy objectives and policies;

(m) to foster and assure competition

among parties engaged in the supply of energy and fuels;

(n) to facilitate local and individual initiative in the development of energy systems and technology;

(o) to assure incorporation and national environmental protection goals in the formulation and implementation of energy programs, and to advance the goals of restoring, protecting, and enhancing environmental quality, and assuring public health and safety;

(p) to engage in and support basic research in the physical sciences related to and underlying the development of energy sources and utilization technologies;

(q) to establish an effective mechanism to allow direct participation of the State governments, in the energy policymaking process so as to insure the development of a truly national energy policy;

(r) to establish an effective intergovernmental network to facilitate the development of impending energy programs;

(s) to assure to the maximum extent practicable that private enterprise is utilized in the development and achievement of the above purposes;

(t) to create within the Department of Energy an awareness of, and responsibility for, the fuel and energy needs of rural residents as such needs pertain to home heating and cooling, transportation, agricultural production, electrical generation, conservation, and research and development; and

(u) to foster insofar as possible the continued good health of the nation's small business firms involved in energy production, transportation, research, development, demonstration, marketing, and merchandising of both existing energy supplies and new technologies to be developed by the Federal Government.

SEC. 103. Nothing in this Act shall effect the jurisdiction of a State energy commission or any person, agency, or office performing similar functions to any such State energy commission, of any State, territory, or possession of the United States, over its own State energy plan or other areas of State jurisdiction. In the case of conflict between any such State energy commission and the United States with respect to any provision of this Act affecting a State energy plan of such State the Secretary of the Department of Energy established by title II of this Act shall give due consideration to the needs of such State and, where practicable, shall attempt to resolve such conflict, and where possible avoid such conflicts, through consultations between appropriate State and Federal officials.

TITLE II—ESTABLISHMENT OF THE DEPARTMENT

ESTABLISHMENT

SEC. 201. There is hereby established at the seat of government an executive department to be known as the Department of Energy (hereinafter in this Act referred to as the "Department"). There shall be at the head of the Department a Secretary of Energy (hereinafter in this Act referred to as the "Secretary") who shall be appointed by the President by and with the advice and consent of the Senate. The Department shall be administered under the supervision and direction of the Secretary.

PRINCIPAL OFFICERS

SEC. 202. (a) There shall be in the Department a Deputy Secretary, who shall be appointed by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for level II of the Executive Schedule under section 5313 of title 5, United States Code, The Deputy Secretary shall act for and exercise the functions of the Secretary during the absence or disability of the Secretary or in the event the office of Secretary becomes vacant. The Secretary shall designate the order in which the Under Secretaries and other officials shall act for and perform the functions of the Secretary during the absence or disability of both the Secretary and Deputy Secretary or in the event of vacancies in both of those offices.

(b) There shall be in the Department a General Counsel and two Under Secretaries, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions and duties as the Secretary shall prescribe from time to time. One of these Under Secretaries shall be specifically designated by the Secretary to bear primary responsibility for energy conservation. The Under Secretaries shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code, and the General Counsel shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

ASSISTANT SECRETARIES

SEC. 203. There shall be in the Department eight Assistant Secretaries, each of whom shall be appointed by the President by and with the advice and consent of the Senate; who shall be compensated at the rate provided for at level IV of the Executive Schedule under section 5315 of title 5, United States Code; and who shall perform such functions as the Secretary shall prescribe from time to time. The functions which the Secretary shall assign to the Assistant Secretaries include but are not limited to the following:

(1) Energy resource applications, including functions dealing with management of all forms of energy production and utilization, such as the fuel allocation and distribution functions, energy technology demonstration and commercialization programs, and management of energy resource leasing procedures on Federal lands.

(2) Energy research and development functions, including the research and development functions transferred to the Department dealing with all forms of energy production and conservation in order to fulfill the responsibilities given to the Secretary in section 207(2) of this Act.

(3) Environmental responsibilities and functions, including advising the Secretary with respect to the conformance of the Department's activities to environmental protection laws and principles, and conducting a comprehensive program of research and development on the environmental effects of energy technologies and programs.

(4) International energy policy functions, including those functions which assist in formulation of international energy policies assigned to the Secretary in section 207(5) of this Act.

(5) National security functions, including those transferred to the Department from the Energy Research and Development Administration in section 301 of this Act, which relate to management and implementation of the nuclear weapons program and other national security functions involving nuclear weapons research and development.

(6) Intergovernmental policies and relations, including responsibilities for assuring the national energy policies are reflective of and responsible to the needs of State and local governments; insuring that other divisions with the Department coordinate the development and implementation with State and local governments where appropriate; and in developing an intergovernmental communications network with State and local governments.

(7) Competition and consumer affairs responsibilities for the promotion of competition in the energy industry and for the protection of the consuming public in the energy regulatory and policymaking processes, including but not limited to assisting the Secretary in the formulation and review of policies, rules, regulations, leases and enforcement actions, acquiring, analyzing and disseminating information relating to competition and consumer affairs.

(8) Nuclear waste management responsibilities, including—

(A) the establishment of control over existing Government facilities for the treatment and storage of nuclear wastes, including all containers, casks, buildings, vehicles, equipment, and all other materials associated with such facilities;

(B) the establishment of control over all existing nuclear waste in the possession or control of the Government and all commercial nuclear waste presently stored on other than the site of a licensed nuclear power electric generating facility, except that title to the nuclear waste shall remain with the owner of such material until otherwise transferred;

(C) the establishment of temporary and permanent facilities for storage, management, and ultimate disposal of nuclear wastes;

(D) the establishment of facilities for the treatment of nuclear wastes;

(E) the establishment of programs for the treatment, management, storage, and disposal of nuclear wastes;

(F) the establishment of fees or user charges for nuclear waste treatment or storage facilities, including fees to be charged Government agencies; and

(G) the promulgation of such rules and regulations to implement that authority granted under this section.

Provided, That nothing in this section shall be construed as granting to the Department of Energy regulatory functions presently within the Nuclear Regulatory Commission, or any additional powers than those already conferred by law.

(9) Energy conservation functions, including the development of comprehensive energy conservation strategies for the Nation, the planning and implementation of major desearch and demonstration programs for the development of technologies and processes to reduce total energy consumption, the administration of voluntary and mandatory energy conservation programs and the dissemination to the public of all available information on energy conservation programs and measures.

(10) Power marketing functions, including responsibility for marketing and transmission of Federal power in accordance with applicable statutes regarding the disposition of power generated by Federal agencies.

ENERGY INFORMATION ADMINISTRATION

SEC. 204. (a) (1) There shall be within the Department an Energy Information Administration to be headed by an Administrator who shall be appointed by the President by and with the advice and consent of the Senate and who shall be compensated at the rate provided for in level III of the Executive Schedule under section 5314 of title 5, United States Code. The Administrator shall be a person who, by reason of professional background and experience, is specifically qualified to manage an energy information system.

(2) The Administrator shall be responsible for carrying out a central, comprehensive, and unified energy data and information program which will collect, evaluate, assemble, and analyze data and information relevant to energy resource reserves, energy production, demand, and technology, and re-

lated economic and statistical information, and relevant to the adequacy of energy resources to meet demands in the near and longer term future for the Nation's economic and social needs.

(b) The Secretary shall delegate to the Administrator (which delegation may be on a nonexclusive basis as the Secretary may determine may be necessary to assure the faithful execution of his authorities and responsibilities under law) the functions vested in him by law relating to gathering and analysis of energy information (as defined in section 11 of the Energy Supply and Environmental Coordination Act of 1974) and the Administrator may act in the name of the Secretary for the purpose of obtaining enforcement of such delegated functions.

(c) In addition to, and not in limitation of the functions delegated to the Administrator pursuant to other subsections of this section, there shall be vested in the Administrator, and he shall perform, the functions assigned to the Director of the Office of Energy Information and Analysis in part B of the Federal Energy Administration Act of 1974.

(d)(1) The Administrator shall be available to the Congress to provide testimony on such subjects under his authority and responsibility as the Congress may request, including but not limited to, energy information and analyses thereof.

(2) Any request for appropriations for the Department submitted to the Congress shall identify the portion of such request intended for the support of the Administration and a statement of the differences, if any, between amounts requested and the Administrator's assessment of the budgetary needs of the Administration.

(3) Prior to publication, the Administrator may not be required to obtain the approval of any other officer or employee of the United States with respect to the substance of any statistical or forecasting technical reports which he has prepared in accordance with law.

(e) The Energy Information Administration shall be subject to an annual professional audit review of performance as described in section 55 of part B of the Federal Energy Administration Act of 1974.

(f)(1) The Admiinstrator shall promptly provide upon request any energy information or analysis in the possession of the Administration to any duly established committee of the Congress. Such information shall be deemed the property of such committee and may not be disclosed except in accordance with the rules of the House of Representatives or the Senate and as permitted by law.

(2) The Administrator shall promptly provide upon request any energy information or analysis in his possession to any other administration, board, or office within the Department.

(3) Information collected by the Energy Information Administration shall be cataloged and, upon request, any such information shall be promptly made available to the public in a form and manner easily adaptable for public use; *Provided, however,* That neither the catalog nor the disclosure required by this subsection shall require disclosure of matters—

(A) exempted from mandatory disclosure by section 552(b) of title 5, United States Code; or

(B) the disclosure of which to the public is otherwise prohibited by law.

ECONOMIC REGULATORY ADMINISTRATION

SEC. 205 There shall be within the Department an Economic Regulatory Administration to be headed by an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at a rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code. Such Administrator shall be, by background, training, and experience, an individual who is specially qualified to assess fairly the interest and needs of producers, consumers, and users of energy.

ENERGY REGULATORY BOARD

SEC. 206. (a) There shall be within the Department, an Energy Regulatory Board as described in title IV of this Act. The Chairman and members of the Board shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code. The Chairman and members of the Board shall be, by background, training, and experience, individuals who are specially qualified to assess fairly the interests and needs of producers, consumers, and users of energy.

(b) There shall be vested in the Board those functions transferred by section 402 of this Act.

RESPONSIBILITIES OF THE SECRETARY—GENERAL PROVISIONS

SEC. 207. In carrying out the purposes of this Act the Secretary shall have responsibilities including but not limited to—

(1) Providing leadership in energy in coordinating a comprehensive national energy policy, including making recommendations to the President and Congress for consideration and implementation of energy policies and programs;

(2) Carrying out the planning, coordination, support, and management of a balanced and comprehensive energy research and development program, including—

(A) assessing the requirements for research and development in regard to various energy sources in relation to near-term and long-range needs;

(B) developing priorities necessary to meeting those requirements;

(C) undertaking programs for the optimal development of the various forms of energy production and conservation; and

(D) disseminating information resulting from such programs.

Such functions shall include the development and demonstration of the commercial feasibility, and application of all phases related to the development and use of energy from fossil, nuclear, solar, geothermal, and other energy technologies. Such resources shall be allocated among such energy technologies in a balanced manner. Appropriate measures shall be taken for the protection of the environment and human safety.

(3) Assuring the availability of adequate and reliable energy information to assist in the formulation of energy policy.

(4) Assuring development of a comprehensive energy conservation program directed toward the goals of reducing total energy consumption to the maximum extent practicable. Such program should incorporate the necessary research, development, and demonstration components, together with programs authorized by law for developing and implementing equitable voluntary and mandatory energy conservation programs, and making available to the public information on all energy conservation technologies and available measures.

(5) establishing and implementing, in coordination with the Secretaries of State, Treasury, and Defense, policies regarding international energy issues that have a direct impact on research, development, utilization, supply, and conservation of energy in the United States, and undertaking activities involving the integration of domestic and foreign policy relating to energy, including provision of independent technical advice to the President on international negotiations involving energy resources, energy technologies, or nuclear weapons issues: *Provided,* That the Secretary of State will continue to exercise primary authority for the conduct of foreign policy relating to energy and nuclear nonproliferation, pursuant to policy guidelines established by the President.

(6) Developing effective procedures for participation of regional, State, and local governments in the resolution of energy problems and development of related policies.

(7) Developing plans and programs for dealing with domestic energy production and import shortages.

(8) Promoting free and open competition in all aspects of the energy field, assuring a fair and equitable price for consumers of energy products, and providing for fair and reasonable profits within the various segments of the energy industry.

(9) Working with business, labor, consumer, and other interests to obtain their participation and their cooperation in the development and implementation of energy programs, including, when appropriate, the holding of informal public hearings.

(10) Administering the functions of the Energy Research and Development Administration related to nuclear weapons and national security which are transferred to the Department by this Act.

(11) Consulting with the heads of other Federal departments and agencies in order to determine the energy requirements of the Government, and in order to encourage them to establish and observe policies consistent with a coordinated energy policy, and in order to promote maximum possible priority in all the Federal agencies and departments of energy conservation measures in connection with the activities within their respective jurisdictions.

(12) Assuring the compilation of adequate and reliable data needed to carry out the duties specified in section 701 of this Act, relating to energy uses in rural areas, through independent development and through the solicitation of information from other governmental agencies at the Federal, State, and local levels, and from private entities.

STATUTES

SEC. 208. (a) In carrying out his duties, responsibilities, and functions under this Act, the Secretary shall be governed by all applicable statutes, including the policy, standards, purposes, and responsibilities set forth in the Emergency Petroleum Allocation Act of 1973; the Natural Gas Act; the Federal Power Act; the National Environmental Policy Act of 1969; the Energy Policy and Conservation Act; the Energy Conservation and Production Act; the Energy Supply and Environmental Coordination Act of 1974; the Federal Energy Administration Act of 1974; the Energy Reorganization Act of 1974; the Federal Non-nuclear Energy Research and Development Act of 1974; and other statutes governing functions transferred to the Department.

(b) Except as provided in section 301 of this Act and notwithstanding any other provisions of this title, or any other provision of law, nothing in this title shall be construed as changing or otherwise impinging upon or affecting any provision of the Alaska Natural Gas Transportation Act of 1976.

COMPTROLLER GENERAL FUNCTIONS

SEC. 209. The duties and authorities of the Comptroller General of the United States under section 12 of the Federal Energy Administration Act of 1974 shall apply with respect to the monitoring and evaluation of all functions and activities of the Department under this Act or any other Act administered by the Department.

TITLE III—TRANSFERS OF FUNCTIONS

GENERAL TRANSFERS

SEC. 301. Except as otherwise provided in this Act, there are hereby transferred to and vested in the Secretary all of the functions vested by law in the Administrator of the Federal Energy Administration or the Federal Energy Administration, the Administrator of the Energy Research and Development Administration or the Energy Research and Development Administration, and the Federal Power Commission or the Chairman and members of the Commission; and the functions vested by law in the officers and components of either such Administration or in the Commission.

TRANSFERS FROM THE DEPARTMENT OF INTERIOR

SEC. 302. (a) There are hereby transferred to and vested in the Secretary all functions and authorities of the Secretary of the Interior under section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and all other functions and authorities of the Secretary of the Interior, and officers and components of the Department of the Interior, with respect to—

(1) the Southeastern Power Administration;

(2) the Southwestern Power Administration;

(3) the Alaska Power Administration;

(4) the Bonneville Power Administration including but not limited to the authority contained in the Bonneville Project Act of 1937 (50 Stat. 731), as amended, and the Federal Columbia River Transmission System Act (88 Stat. 1376);

(5) the power marketing functions of the Bureau of Reclamation including the construction, operation, and maintenance of transmission lines and attendant facilities; and

(6) the transmission and disposition of the electric power and energy generated at Falcon Dam and Amistad Dam, international storage reservoir projects on the Rio Grande, pursuant to the Act of June 18, 1954, as amended by the Act of December 23, 1963.

(b) The Southeastern Power Administration, the Southwestern Power Administration, the Bonneville Power Administration, and the Alaska Power Administration shall be preserved as separate and distinct organizational entities within the Department; shall each be headed by an Administrator appointed by the Secretary at an Executive Schedule level or a General Schedule grade not less than the level or grade for the chief executive officer of each such administration in effect on the effective date of this Act. The functions and authority hereby transferred to the Secretary shall be exercised by the Secretary, acting by and through such Administrators. Each such Administrator shall maintain his principal office at a place located in the region served by his respective Federal power marketing entity.

(c) There is hereby created a separate and distinct Administration within the Department of Energy which shall be headed by an Administrator appointed by the Secretary who shall serve at an Executive Schedule level not less than the level held by the Bonneville Power Administrator on the effective date of this Act; the function and authority transferred in paragraph (a)(5) or (a)(6) of this section shall be exercised by the Secretary, acting by and through such Administrator; and the Administrator shall establish and shall maintain such regional offices as necessary to facilitate the performance of such functions. Neither the transfer of functions and authority effected by subsection (a)(5) of this section nor any changes in cost allocation or project evaluation standards shall be deemed to authorize the reallocation of joint costs of multipurpose facilities theretofore allocated unless and to the extent that such change is hereafter approved by Congress.

(d) There are hereby transferred to and vested in the Secretary all functions of the Secretary of the Interior to establish production rates for all Federal leases.

(e) There are hereby transferred to and vested in the Secretary all functions of the Secretary of the Interior to promulgate regulations under the following provisions of law:

(1) Section 5(a)(1) of the Outer Continental Shelf Lands Act (67 Stat. 468; 43 U.S.C. 1334(a)(1), insofar as it authorizes the promulgation of regulations:

(A)(i) specifying procedures, terms and conditions for the acquisition and disposition of Federal royalty interests taken in kind of under the last sentence of section 5(a)(1) and sections 6(a)(8), 8(a), and 8(b) of such Act;

(ii) implementing competitive bidding and alternative bidding systems under section 8(a) and 8(e) of such Act;

(iii) establishing diligence requirements and setting rates of production under section 5(a)(1) (insofar as it provides for the suspension of operations and production), section 6(a)(10) (insofar as it requires production or operations or drilling), and section 8(b) (insofar as it requires production in paying quantities, drilling or well reworking) of such Act; and, in addition,

(iv) promoting development and production by the reduction of rentals and royalties under the last sentence of section 5(a)(1) of such Act; and

(B) insofar as section 5(a)(1) of such Act relates to economic terms and conditions of leases reflected in—

(i) fostering competition for Federal leases including, but not limited to, (I) prohibition on bidding for development rights by certain joint ventures; (II) setting rates on royalty and other types of receipts from leases; and (III) procedures to enhance competition at lease sales;

(ii) implementing alternative bidding systems authorized for award of Federal leases including, but not limited to, experiments on bidding systems;

(iii) establishing diligence requirements for operations conducted on Federal leases (including unitized leases), including, but not limited to, procedures relating to the granting or ordering by the Secretary of the Interior of suspensions of operations or production or the cancellation of leases as they relate to such diligence requirements;

(iv) setting rates of production for Federal leases (including unitized leases), including, but not limited to, establishing procedures for requiring a lessee to produce at a specified rate, and establishing rates of minimum production; and

(v) specifying the procedures, terms, and conditions for the acquisition and disposition of Federal royalty interests taken in kind; and

(2) Sections 17, 21, and 32 of the Mineral Lands Leasing Act, insofar as they authorize the promulgation of regulations—

(A) implementing competitive bidding systems, including the creation of alternative bidding systems, under—

(i) section 2(a)(1) of such Act (insofar as it authorizes the awarding of leases by competitive bidding);

(ii) section 7(a) of such Act (insofar as it provides for setting royalty rates); and

(iii) section 17(b) of such Act (insofar as it authorizes leasing by competitive bidding and the setting of royalty rates);

(B) limiting the number of leases and the amount of acreage under lease under sections 21, 27(a)(1), and 27 (d), (e), and (f) of such Act;

(C) setting rates of production under sections 2(d)(2), 7(b) (insofar as it relates to the condition of continued operation), 17 (e) and (f) of such Act (insofar as they relate to the condition of production in paying quantities);

(D) limiting leasing by common carriers under section 2(c) of such Act;

(E) with respect to consulting with and considering the advice of the Attorney General of the United States concerning the issuance of regulations and the issuance, renewal, or readjustment of leases under section 27(1) of such Act;

(F) establishing diligence requirements under sections 2(a)(2)(A), 2(d)(2), 7(a) (insofar as it requires production in commercial quantities), 7(b) (insofar as it requires diligent development), 17(e) (insofar as it requires drilling operations), 17(f) (insofar as it provides for reworking or drilling operations), and section 21 (insofar as it relates to productive development) of such Act;

(G) for the purpose of encouraging the greatest ultimate recovery, waiving, suspending, or reducing the rentals or minimum royalties, or reducing the royalties, in order to promote development or the successful operation of leases under section 39 of such Act;

(H) specifying the procedures, terms, and conditions for the acquisition and disposition of Federal royalty interests taken in kind under such sections 17 (b) and (c), and section 36 of such Act;

(I) and as section 17, 21, and 32 relate to economic terms and conditions of leases reflected in the regulatory authorities enumerated in subsection 302(e)(1)(B) of this Act;

(3) Section 10 of the Mineral Leasing Act for Acquired Lands (61 Stat. 915; 30 U.S.C. 359) insofar as it authorizes the promulgation of regulations described in subsection 302(e)(2) of this Act; and

(4) Sections 4 and 24 of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1573; 30 U.S.C. 1003, 1023) insofar as they authorize the promulgation of regulations:

(A)(i) implementing competitive bidding and alternative bidding systems under section 4 of such Act;

(ii) limiting the amount of acreage under lease under the second and third sentences of section 7 of such Act;

(iii) establishing diligence requirements under the first sentence of section 6(c) (insofar as it requires actual drilling operations), sections 11 and 24(e) (insofar as they provide for suspension of operations and production upon application by the lessee), and section 24(h) (insofar as it provides for maintenance by the lessee of an active development program) of such Act;

(iv) setting rates of production under section 6 (insofar as it requires production or utilization in commercial quantities) of such Act;

(v) to encourage the greatest ultimate recovery, waiving, suspending, or reducing rentals or royalties, to promote development or successful operation of leases under sections 13 and 24(e) of such Act;

(B) and as sections 4 and 24 of such Act relate to economic terms and conditions of leases reflected in the regulatory authorities enumerated in subsection 302(e)(1)(B) of this Act; and

(5) sections 105 and 106 of the Energy Policy and Conservation Act (89 Stat. 871).

(f) There are hereby transferred to and vested in the Secretary those functions of the Secretary of the Interior, the Department of the Interior, and officers and components of that Department under the Act of May 16, 1910, and other authorities, exercised by the Bureau of Mines, relating to fuel supply and demand analysis and data gathering related thereto. The Secretary, acting through the provisions of the Federal Nonnuclear Energy Research and Development Act of 1974, is authorized to undertake such research and development relating to energy mineral extraction technologies and coal preparation and analysis which he determines are essential to support the programs of the Department and which are not being performed by the Department of the Interior.

ADMINISTRATION OF LEASING TRANSFERS

Sec. 303. (a) The Secretary of the Interior shall retain any authorities not transferred under subsection 302(e) of this Act and shall be solely responsible for the issuance and supervision of leases and the enforcement of all regulations applicable to the leasing of mineral resources, including but not limited to, lease terms and conditions and production rates. No regulation issued by the Secretary shall restrict or limit any authority retained by the Secretary of the Interior under subsection 302(e) of this Act with respect to the issuance or supervision of leases. Nothing in subsection 302(e) of this Act shall be construed to transfer a responsibility of the Secretary of the Interior as trustee for Indian lands and resources.

(b) In exercising the authority under subsection 302(e) of this Act to issue regulations, the Secretary shall consult with the Secretary of the Interior during the preparation of such regulations and shall afford the Secretary of the Interior thirty days, prior to the date on which the Department first publishes or otherwise prescribes regulations, to comment on the content and effect of such regulations.

(c) (1) The Secretary of the Interior shall afford the Secretary thirty days, prior to the date on which the Department of the Interior first publishes or otherwise prescribes the terms and conditions on which a lease will be issued, to disapprove any term or condition of such lease which relates to any matter with respect to which the Secretary has authority to issue regulations under subsection 302(e) of this Act. No such term or condition may be included in such a lease if it is disapproved by the Secretary. The Secretary and the Secretary of the Interior may by agreement define circumstances under which a reasonable opportunity of less than thirty days may be afforded the Secretary to disapprove such terms and conditions.

(2) Where the Secretary disapproves any lease, term, or condition under paragraph (1) of this subsection he shall furnish the Secretary of the Interior with a detailed written statement of the reasons for his disapproval, and of the alternatives which would be acceptable to him.

(d) There is established a Leasing Liaison Committee (hereinafter referred to in this subsection as the "Committee") which shall be composed of an equal number of members from among the relevant employees of the Department and the Department of the Interior. The Chairman shall be an officer of the Department designated as Chairman by the President, and a Cochairman shall be designated from the Department of the Interior. The Committee shall provide a mechanism for a full consultation on leasing needs, the establishment of long-term energy leasing goals, energy resources on public lands, and any other information relevant to leasing decisions and procedures, between the Department and the Department of the Interior, in order to assure that leasing procedures and decisions are fully coordinated, and are designed and implemented in a manner satisfactory to the Secretary and the Secretary of the Interior. The Committee shall obtain from the Department and from the Department of the Interior such information as is necessary to keep the Committee fully and currently informed on matters with regard to Federal leasing relating to energy resources. The Committee shall have authority to make recommendations to the Secretary or the Secretary of the Interior on the matters under the respective jurisdictions of each such Secretary related to Federal energy resource leasing. If the Secretary or the Secretary of the Interior conclude that the action or the failure to act on the part of such other Secretary on matters thus recommended is adverse to its responsibilities, the matter may be referred to the President for resolution.

(e) As used in section 302 of this Act, "Federal lease" means an agreement which, for any consideration, including but not limited to, bonuses, rents, or royalties conferred and covenants to be observed, authorizes a person to explore for, or develop, or produce oil and gas, coal, oil shale, tar sands, and geothermal resources on lands or interests in lands under Federal jurisdiction.

(f) The Department of the Interior shall be the lead agency for the purpose of preparation of an environmental impact statement required by Section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) for any action with respect to the Federal leases taken under the authority of this section, unless the action involves matters within the exclusive authority of the Secretary.

TRANSFERS FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Sec. 304. (a) There is hereby transferred to and vested in the Secretary the authority vested in the Secretary of Housing and Urban Development pursuant to section 304 of the Energy Conservation Standards for New Building Act of 1976 (42 U.S.C. 6833), to develop and promulgate energy conservation standards for new buildings. The Secretary of Housing and Urban Development shall provide the Secretary with any necessary technical assistance in the development of such standards. All other responsibilities, pursuant to title III of the Energy Conservation and Production Act, shall remain with the Secretary of Housing and Urban Development: *Provided*, That the Secretary is kept fully and currently informed of the implementation of the promulgated standards.

(b) There is hereby transferred to and vested in the Secretary the authority vested in the Secretary of Housing and Urban Development pursuant to section 509 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-8).

COORDINATION WITH THE DEPARTMENT OF TRANSPORTATION

Sec. 305. Section 502 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002) is amended at the end thereof by adding the following new subsections:

"(g) The Secretary shall consult with the Secretary of Energy in carrying out his responsibilities under this section. The Secretary shall, before issuing any notice proposing to establish an average fuel economy standard under subsection (a) or (b) of this section or reduce or amend such a standard under subsection (d) or (f) of this section, provide the Secretary of Energy with a period of not less than five days from the receipt of notice during which the Secretary of Energy may, upon concluding that the proposed standard would adversely affect the conservation goals set by the Secretary of Energy, provide written comments to the Secretary concerning the impacts of the propsed standard upon those goals. To the extent that the Secretary does not revise the proposed standard to take into account any comments by the Secretary of Energy regarding the level of the proposed standard, the Secretary shall include the unaccommodated comments in the notice.

"(h) The Secretary shall, before taking any action on any final standard under this section or any modification of or exemption from such standard, notify the Secretary of Energy and provide such Secretary with a reasonable period of time to comment thereon. If the Secretary of Energy concludes that action or the failure to act on the part of the Secretary on any such matter would be adverse to the conservation responsibilities of the Secretary of Energy, the Secretary of Energy may refer the matter to the President for resolution.".

TRANSFERS FROM THE INTERSTATE COMMERCE COMMISSION

Sec. 306. (a) There are hereby authorized to be transferred to and vested in the Secretary such functions and authorities as are set forth in the Interstate Commerce Act (chapter 1, title 49, United States Code), and vested by law in the Interstate Commerce Commission or the Chairman and members thereof, as relate to transportation of oil by pipeline.

(b) The transfer of such functions and authorities set forth in the Interstate Commerce Act shall take place after: (1) the Secretary has promulgated a proposed rule or regulation (and provided an opportunity for oral presentation of views) to effectuate the transfer and to set forth the procedures to govern proceedings under the Interstate Commerce Act as relate to transportation of oil by pipeline; and (2) submitted such proposed rule or regulation to the Congress for review by each House of the Congress in accord with the procedures required for an "energy action" under section 551 of the Energy Policy and Conservation Act, section 6421 of title 42, United States Code.

TRANSFERS FROM THE DEPARTMENT OF THE NAVY

Sec. 307. There are hereby transferred to and vested in the Secretary all functions vested by chapter 641 of title 10, United States Code, in the Secretary of the Navy as they relate to the administration of and jurisdiction over—

(1) Naval Petroleum Reserve Numbered 1 (Elk Hills), located in Kern County, California, established by Executive order of the President, dated September 2, 1912;

(2) Naval Petroleum Reserve Numbered 2 (Buena Vista), located in Kern County, California, established by Executive order of the President, dated December 13, 1912;

(3) Naval Petroleum Reserve Numbered 3 (Teapot Dome), located in Wyoming, established by Executive order of the President, dated April 30, 1915;

(4) Oil Shale Reserve Numbered 1, located in Colorado, established by Executive order of the President, dated December 6, 1916, as amended by Executive order dated June 12, 1919;

(5) Oil Shale Reserve Numbered 2, located in Utah, established by Executive order of the President, dated December 6, 1916; and

(6) Oil Shale Reserve Numbered 3, located in Colorado, established by Executive order of the President, dated September 27, 1974.

In the administration of any of the functions transferred and vested in the Secretary by this section the Secretary shall consider national security.

TRANSFERS FROM THE DEPARTMENT OF COMMERCE

Sec. 308. There are hereby transferred to and vested in the Secretary all functions of the Secretary of Commerce, the Department of Commerce, and officers and components of that Department, as relate to or are utilized by the Office of Energy Programs, but limited to industrial energy conservation programs, specifically, industry association programs, business awareness programs, and technology liaison programs.

NAVAL REACTOR PROGRAM

SEC. 309. The Division of Naval Reactors established pursuant to section 25 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2035), and responsibe for research, design, development, health, and safety matters pertaining to naval nuclear propulsion plants and assigned civilian power reactor programs is transfererd to the Department under the Assistant Secretary to whom the Secretary has assigned those functions listed in section 203(2).

DEFINITIONS

SEC. 310. As used in this Act (1) references to "function" or "functions" shall be deemed to include reference to any duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plural thereof, as the case many be; and (2) references to "perform," when used in relation to functions, shall be deemed to include the undertaking, fulfillment, or execution of any duty or obligation; and the exercise of power, authority, rights, and privileges.

TITLE IV—ENERGY REGULATORY BOARD

APPOINTMENT AND ADMINISTRATION OF BOARD

SEC. 401. (a) The Energy Regulatory Board (hereinafter referred to in this title as the "Board") established by title II shall be comprised of three members appointed by the President by and with the advice and consent of the Senate. One of the members shall be designated by the President as Chairman. Members shall hold office for a term of four years and may be removed by the President only for inefficiency, neglect of duty, or malfeasance in office. The terms of the members first taking office shall expire (as designated by the President at the time of appointment), one at the end of two years, one at the end of three years, and one at the end of four years. Not more than two members of the Board shall be members of the same political party. Upon the expiration of his term of office, a member shall continue to serve until his successor is appointed and shall have qualified. In the event of any vacancy on the Board, the President shall make an appointment by and with the advice and consent of the Senate for the unexpired balance of the term.

(b)(1) Subject to such rules and regulations as may be adopted by the Board, the Chairman of the Board is authorized to—

(A) appoint such hearing examiners as he deems necessary to assist in the performance of the Board's functions and to fix their compensation in accordance with the provisions of title 5, United States Code: *Provided*, That assignment, removal, and compensation of such hearing examiners shall be in accordance with sections 3105, 3314, 5302, and 7521 of title 5, United States Code. The hearing examiners appointed pursuant to this section shall be subject to the laws governing employees in the classified civil service, except that appointments shall be made without regard to section 5108 of title 5, United States Code.

(B) appoint and fix the compensation of such staff personnel as he deems necessary, including an executive director, and

(C) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

(2) The Chairman of the Board shall exercise the executive and administrative functions of the Board with respect to—

(A) the supervision of personnel employed by or assigned to the Board, except that each member of the Board may select and supervise personnel for his personnel staff,

(B) the distribution of business among personnel and among administrative units of the Board, and

(C) the use and expenditure of funds appropriated or made available to the Board.

(c) In the performance of their functions, the members, employees, or other personnel of the Board shall not be responsible to or subject to the supervision or direction of any officer, employee, or agent of any other part of the Department.

(d) The Chairman of the Board may from time to time designate any other member of the Board as Acting Chairman to act in the place and stead of the Chairman during his absence. The Chairman (or the Acting Chairman in the absence of the Chairman) shall preside at all sessions of the Board and a quorum for the transaction of business shall consist of at least two members present. Each member of the Board, including the Chairman, shall have one vote. Actions of the Board shall be determined by a majority vote of the members present. The Board shall have an official seal which shall be judicially noticed.

(e) The Board is authorized to establish such procedural and administrative rules consistent with the provisions of this section are as necessary to the exercise of its functions.

(f) In carrying out its functions, the Board shall have the same powers as are vested in the Secretary to hold hearings, sign and issue subpenas, administer oaths, examine witnesses, and receive evidence at any place in the United States it may designate.

(g) The principal office of the Board shall be in or near the District of Columbia, where its general sessions shall be held; but the Board may sit anywhere in the United States.

(h) For the purpose of section 552b of title 5, United States Code, the Board shall be deemed to be an agency. Except as provided in section 518 of title 28, United States Code, relating to litigation before the Supreme Court, attorneys designated by the Chairman of the Board may appear for and represent the Board in any civil action brought in connection with any function carried out by the Board pursuant to this or any other Act.

(i) To insure adequate funding of the Board and to facilitate congressional oversight of the Board's regulatory activities, the Board shall concurrently submit its budget estimates and requests to Congress and to the Department. Each such estimate or request shall reflect the independent judgment of the Board. Appropriations requested by the Department for each fiscal year shall identify that portion of the request intended for the Board and shall contain a statement of differences, if any, between the amounts requested by the Board and the amounts subsequently designated by the Department for the Board.

JURISDICTION

SEC. 402. (a) The Board shall have jurisdiction over any regulatory function of the Federal Power Commission or of any member of the Commission or any officer or component of the Commission transferred to the Secretary under section 301 of this Act, involving an adjudicatory or rulemaking procedure where the regulatory function—

(1) establishes rates and charges for all sales of natural gas by a producer or gatherer; or

(2)(A) directly establishes rates and charges for sale of electric energy at wholesale in interstate commerce under part II of the Federal Power Act, or directly establishes rates and charges for the transportation and sale of natural gas by a natural gas pipeline under the Natural Gas Act, other than rates and charges described in paragraph (1) of this subsection; or

(B) consists of issuing a certificate of public convenience and necessity for a natural gas pipeline, including abandonment of facilities or service under section 7 of the Natural Gas Act.

(b) The Board shall have jurisdiction to promulgate a rule in connection with any amendment to the regulation required by section 4(a) of the Emergency Petroleum Allocation Act of 1973 which is required by sections 8 and 12 of said Act to be transmitted to and reviewed by each House of Congress under section 551 of the Energy Policy and Conservation Act.

(c) The Board shall have jurisdiction to hear and adjudicate matters transferred to the Secretary under section 306 of this Act from the Interstate Commerce Commission or any member of the Commission or any officer or any component of the Commission.

(d) The Board shall have jurisdiction to hear and determine any other matter arising under any other function of the Secretary—

(1) involving any agency determination required by law to be made on the record after an opportunity for an agency hearing; or

(2) involving any other agency determination which the Secretary determines shall be made on the record after an opportunity for agency hearing.

(e) In addition to the other provisions of this section, the Board shall have jurisdiction over any other matter which the Secretary may assign to the Board.

(f) No functions described in this section which relate to exports or imports of natural gas or electricity, or curtailments under section 4, 5, or 7 of the Natural Gas Act, or the authority vested in the Secretary by section 302(e)(5) of this Act shall be within the jurisdiction of the Board unless the Secretary so assigns such functions to the Board.

INITIATION OF PROCEEDINGS

SEC. 403. (a) To the extent authorized by this section or by other law the Secretary or the Board is authorized to propose rules pursuant to the procedures in section 501 relating to any function specified in section 402 of this Act. Any matter which relates to any regulatory function exercised by the Board that involves rulemaking procedures shall be subject to the procedures established in subsection (b) of this section, and to any procedures specified in title 5, United States Code, not inconsistent with this Act.

(b) The Board shall consider any proposal made under subsection (a) of this section, and shall take final action on it in an expeditious manner. The Secretary is authorized to direct the Board to give priority to any particular rulemaking proceeding. The Secretary may set reasonable time limits for the completion of action by the Board on any particular rulemaking proceeding which shall not exceed ninety days unless the Secretary specifies otherwise. The Board shall give priority to a rulemaking proceeding on a matter proposed by the Secretary under subsection (a) of this section over any actual or contemplated adjudicatory proceeding on the same matter.

(c) Any function described in section 402(a) of this Act transferred to the Secretary by section 301 of this Act which relates to the establishment of rates and charges under the Federal Power Act or the Natural Gas Act, may be conducted by rulemaking procedures pursuant to section 501 of this Act, except as provided in subsection (d) of this section: *Provided*, however, That nothing in this subsection shall affect any litigation in process on the date of enactment of this Act.

(d)(1) Any matter described in section 402(a)(2)(A) and 402(a)(2)(B) of this Act required by agency rule on the date of enactment of this Act to be decided on the record after an opportunity for an agency hearing shall continue to be decided on the record after an opportunity for an agency hearing until at least six months following transmission of the report required by paragraph 2 of this subsection, or January 1, 1979, whichever is later.

(2) The Secretary shall conduct a study of procedures utilized in connection with any matter described in paragraph (1), and shall transmit such study to the Congress no later than April 1, 1978. Such study shall include proposals, if any, designed to improve the procedures utilized to carry out such functions while insuring that due process for participants before the Board is maintained and shall include justification for any proposed changes.

(e) To the extent authorized by law, the Secretary or the Board are authorized, in connection with any regulatory function described in section 402 of this Act, to initiate a proceeding to be determined on the record after an opportunity for an agency hearing.

REVIEW OF BOARD ACTIONS

SEC. 404. (a) The decision of the Board involving any function within the jurisdiction of the Board, other than a decision on a function described in subsection (b) or subsection (c) of this section, shall be final agency action within the meaning of section 704 of title 5, United States Code, and shall not be subject to further review by the Secretary or any officer or employee of the Department.

(b) Any decision on a rule, regulation, or order by the Board involving any regulatory function described in section 402(a)(1) of this Act that is made by rulemaking procedure shall be considered final agency action unless within ten days of such action the President finds that the action taken by the Board would be inconsistent with implementation of the Nation's energy policies, and disapproves the action on such grounds. Such disapproval shall include a written explanation of the basis of the action taken by the President.

(c) Any decision on a rule, regulation, or order by the Board involving any regulatory function described in section 402(b) of this Act shall be the proposal transmitted to the Congress pursuant to section 551 of the Energy Policy and Conservation Act unless within ten days of such action the President finds that the action taken by the Board would be inconsistent with implementation of the Nation's energy policies, and disapproves the action on such grounds. Such disapproval shall include a written explanation of the basis of the action taken by the President.

ACTIONS BY SECRETARY

SEC. 405. (a) Subject to the provisions of section 402 of this Act, the Secretary may issue, make, amend, and rescind rules, regulations, and statements of policy of general applicability concerning any function transferred to the Secretary under section 301 of this Act.

(b) Whenever the Secretary proposes an action described in subsection (a) of this section which the Board determines may significantly affect any function administered by the Board pursuant to section 402 of this Act, the Secretary shall provide the Board with a minimum period of thirty days to consider and comment on such proposal. The Secretary shall take into account any comments received from the Board pursuant to this subsection before taking such action. If such action by the Secretary is inconsistent in any way with the comments of the Board, the Secretary, when taking such action, shall publicly state the grounds for such inconsistency.

(c) The Secretary may as of right intervene or otherwise participate in any proceeding before the Board. The Secretary shall comply with rules of procedure of general applicability governing the timing of intervention or participation in such proceeding or activity and, upon intervening or participating therein, shall comply with rules of procedure of general applicability governing the conduct thereof. The intervention or participation of the Secretary in any proceeding or activity shall not affect the obligation of the Board to assure procedural fairness to all participants.

REVIEW OF REQUESTS FOR ADJUSTMENTS

SEC. 406. (a) The Secretary or any officer designated by him shall provide for the making of such adjustments to rules, regulations or orders under the Emergency Petroleum Allocation Act of 1973, the Energy Supply and Environmental Coordination Act of 1974, or the Energy Policy and Conservation Act, consistent with the other purposes of the relevant Act, as may be necessary to prevent special hardship, inequity, or unfair distribution of burdens, and shall, by rule, establish procedures which are available to any person for the purpose of seeking an interpretation, modification, rescission, or order.

(b) If any person is aggrieved or adversely affected by a denial of a request for adjustment under subsection (a), he may request a review of such denial by the Board and may obtain judicial review thereof, if such denial is affirmed by the Board, in accordance with chapter 7 of title 5, United States Code. The Board shall, by rule, establish procedures including a hearing when requested, for review of any such denial. Action shall be by the Board under this section and shall be considered final agency action within the meaning of section 704 of title 5, United States Code, and shall not be subject to further review by the Secretary or any officer or employee of the Department.

TITLE V—ADMINISTRATIVE PROCEDURES AND JUDICIAL LAW

PROCEDURES

SEC. 501. (a) Subject to the other requirements of this section, the provisions of subchapter II of chapter 5 of title 5, United States Code, shall apply in accordance with its terms to any rule, regulation, or order issued pursuant to authority vested by law in or delegated to the Secretary, or required by this Act or any other Act to be carried out by the Energy Regulatory Board or by any other officer, employee, or component of the Department, including any such rule, regulation, or order of a State or local pursument agency or officer thereof, issued pursuant to authority delegated by the Secretary.

(b) In addition to the requirements of subsection (a) of this section, notice of any proposed rule or regulation shall be given by publication of such proposed rule or regulation in the Federal Register. Such publication shall be accompanied by a statement encompassing, to the degree necessary, the research, analysis, and other information in support of the need for and the probable effect of any such proposed rule or regulation. Other means of publicity shall be utilized as may be reasonably calculated to notify concerned or affected parties of the nature and probable effect of any such proposed rule or regulation. In each case, a minimum of thirty days following such publication shall be provided for opportunity to comment; except that the requirements of this subsection as to time of notice and opportunity to comment may be waived where strict compliance is found to cause serious harm or injury to the public health, safety, or welfare, and such finding is set out in detail in such rule or regulation. In addition, public notice of all rules or regulations described in subsection (a) which are promulgated by officers of a State or local government agency shall be achieved by publication of such rules or regulations in at least two newspapers of statewide circulation. If such publication is not practicable, notice of any rule or regulation shall be given by such other means as the officer promulgating such rule or regulation determines will assure wide public notice.

(c)(1) Where the Secretary or the Board determines in connection with the proposed rulemaking that there is no substantial and genuine issue the proposed rule may be promulgated in accordance with section 553 of title 5, United States Code. If there is a substantial and genuine issue, an opportunity for oral presentation of views, data, and arguments shall be provided.

(2) Any person who would be adversely affected by the implementation of a proposed rule or regulation carried out pursuant to paragraph (1) who desires an opportunity for oral presentation of views shall offer evidence supporting the existence of an adverse impact and substantial and genuine issues.

(3) Following the notice and comment period, including any oral presentation required by this subsection the Secretary or the Board may promulgate a rule if it is accompanied by an explanation responding to the major comments, criticisms, and alternatives offered during the comment period. These requirements may be suspended and satisfied subsequent to the promulgation of the rule or regulation upon a finding by the Secretary or the Board that an emergency exists requiring the immediate implementation of any such rule or regulation.

(d)(1) With respect to any rule or regulation promulgated by the Board to establish rates and charges for the first sale of natural gas by a producer or gatherer to a natural gas pipeline under the Natural Gas Act, the Board shall, in addition to the other requirements of this section, afford any interested person a reasonable opportunity to submit written questions with respect to disputed issues to other interested persons participating in the rulemaking. The Board shall have the authority to establish a reasonable time for both the submission of questions and responses thereto.

(2) Nothing in paragraph (1) shall prohibit the Board from utilizing procedural safeguards in addition to those required by paragraph (1).

(3) The requirements of this subsection shall not apply to the promulgation of rules or regulations which are required by law to be presented to the Congress under the Energy Policy and Conservation Act, Emergency Petroleum Allocation Act of 1973, or the Energy Reorganization Act of 1974.

(e)(1) With respect to any rule or regulation the effects of which, except for indirect effects of an inconsequential nature, are confined to—

(A) a single unit of local government or the residents thereof;

(B) a single geographic area within a State or the residents thereof; or

(C) a single State or the residents thereof;

the Secretary or the Board shall, in any case where appropriate, afford an opportunity for a hearing or the oral presentation of views and provide procedures for the holding of such hearing or oral presentation within the boundaries of the unit of local government, geographic area, or State described in paragraphs (A) through (C) of this paragraph as the case may be.

(2) For purposes of this subsection—

(A) the term "unit of local government" means a county, municipality, town, township, village, or other unit of general government below the State level; and

(B) the term "geographic area within a State" means a special purpose district or other region recognized for governmental purposes within such State which is not a unit of local government.

(3). Nothing in this subsection shall be construed as requiring a hearing or an oral presentation of views where none is required by this section.

(f)(1) Judicial review of agency action taken under any law the functions of which are transferred to the Secretary or the Board by this Act shall, notwithstanding such transfer, be made in the manner specified in such law.

(2) Notwithstanding the amount in controversy, the district courts of the United States shall have exclusive original jurisdiction of all other cases or controversies arising under this Act, or under rules, regulations, or orders issued exclusively thereunder, except any actions taken to implement or enforce any rule, regulation, or order by any officer of a State or local government agency under this Act: Provided, That nothing in this section affects the power of any court of competent jurisdiction to consider, hear, and determine in any proceeding before it any issue raised by way of defense (other than a defense based on the unconstitutionality of this Act or the validity of action taken by any agency under this Act). If in any such proceeding an issue by way of defense is raised based on the unconstitutionality of this Act or the validity of agency action under the Act, the case shall be subject to removal by either party to a district court of the United States in accordance with the applicable provisions of chapter 89 of title 28, United States Code. Cases or controversies arising under any rule, regulation, or order of any officer of a State or local government agency may be heard in either (1) any appropriate State court, or (2) without regard to the amount in controversy, the district courts of the United States.

(3) The Secretary may, by rule, prescribe procedures for State or local government agencies authorized by the Secretary to carry out such functions as may be permitted under applicable law. Such procedures shall apply to such agencies in lieu of section 501, and shall require that prior to taking any action, such agencies shall take steps reasonably calculated to provide notice to persons who may be affected by the action, and shall afford an opportunity for presentation of views (including oral presentation of views where practicable) a reasonable time before taking the action.

(4) Subject to the provisions of section 401 of this Act, and notwithstanding any other law, the litigation of the Department shall be subject to the supervision of the Attorney General pursuant to chapter 31 of title 28, United States Code.

(g)(1) The purpose of this subsection is to require separation of the prosecutorial and judicial functions relating to enforcement of the Emergency Petroleum Allocation Act and to impose statutory due process requirements on such enforcement activities so that they conform to all other enforcement actions undertaken by the Department.

(2) If upon investigation, the Secretary or his authorized representative believes that a person has violated any regulation, rule, or order promulgated pursuant to the Emergency Petroleum Allocation Act, he may issue a remedial order to the person. Each remedial order shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the rule, regulation, or order alleged to have been violated. For purposes of this section "person" includes any individual, association, company, corporation, partnership, or other entity however organized.

(3) If within thirty days from the receipt of the remedial order issued by the Secretary, the person fails to notify the Secretary that he intends to contest the remedial order, the remedial order shall become effective and shall be deemed a final order of the Secretary and not subject to review by any court or agency.

(4) If within thirty days from the receipt of the remedial order issued by the Secretary, the person notifies the Secretary that he intends to contest a remedial order issued under subsection (f)(2) of this section, the Secretary shall immediately advise the Energy Regulatory Board of such notification. Upon such notice, the Board shall stay the effect of the remedial order except where the Board finds the public interest requires immediate compliance with such remedial order. The Board shall, when requested, afford an opportunity for a hearing, including, at a minimum, the submission of briefs, oral or documentary evidence, and oral arguments, and to the extent that the Board in its discretion determines it is required for a full and true disclosure of the facts the right to conduct cross-examination. The Board shall thereafter issue an order, based on findings of fact, affirming, modifying, or vacating the Secretary's remedial order, or directing other appropriate relief, and such order shall become final agency action thirty days after its issuance.

(5) The Secretary may set reasonable time limits for the Board to complete action on a proceeding referred to it pursuant to this subsection.

TITLE VI—ADMINISTRATIVE PROVISIONS

DIVESTITURE OF ENERGY HOLDINGS BY SUPERVISORY OFFICIALS

SEC. 601. (a) For the purposes of this section, the following officers or employees of the Department are supervisory employees—

(1) an individual compensated at grade of GS–16 or above under section 5332 of title 5, United States Code; or

(2) any other individual who, in the judgment of the Secretary, exercises sufficient decisionmaking authority so that the provisions of this section should apply to such individual;

(3) the Director or Deputy Director of any State, regional, district, local, or other field office maintained pursuant to section 610 of this Act;

(4) an individual serving within the Energy Information Administration, the Economic Regulatory Administration, or the Energy Regulatory Board, classified as GS–16 or above under section 5322 of title 5 of the United States Code; or

(5) an employee or officer who has responsibility with respect to the award, review, modification, or termination of any grant, contract, reward, or fund transfer within the authority of the Secretary.

(b)(1) No supervisory employee shall receive compensation from, or hold any official relation to, any person, firm, association, or corporation significantly engaged in the production, generation, transmission, distribution, or sale of electric power, petroleum or petroleum products, natural gas, coal, solar, nuclear technology, equipment or material, minerals, or other energy-related source or resource, or own stocks or bonds thereof, or have any pecuniary interest therein.

(2) Personnel transferred to the Department pursuant to section 801 of this Act shall have six months to comply with the provisions of paragraph (1) of this subsection with respect to prohibited property holdings. Any person transferred pursuant to section 801 of this Act shall notify the Secretary or his designee of all circumstancs which would be violative of the restrictions set forth in paragraph (1) of this subsection not later than fifteen days after the date of such transfer as determined by the United States Civil Service Commission.

(3) Where exceptional hardship would result, or where the interest is vested, the Secretary is authorized to waive the requirements of this subsection with respect to any person covered. Such waiver shall be:

(A) published in the Federal Register;

(B) contain a finding by the Secretary that exceptional hardship would result; and

(C) indicate the steps taken by the Secretary to minimize conflict of interest and the appearance of conflict of interest.

Such waiver shall in no instance constitute a waiver of the requirements of section 208 of title 18, United States Code.

FULL PUBLIC DISCLOSURE

SEC. 602. (a) Each officer and employee of the Department who, for a period in excess of ninety days in a calendar year is a supervisory employee (as defined in section 601(a) of this Act), shall file a Public Financial Disclosure Report (hereinafter referred to in this section as the "report") with the Secretary for such calendar year not later than May 15, of the next year.

(b) Each report shall be in such form and manner as the Secretary shall by rule prescribe and shall disclose the information required to be disclosed by Members or employees of Congress pursuant to the rules of the Senate or the House of Representatives applicable on the date of enactment of this Act.

(c) Each individual required to file a report under this section who during any calendar year ceases to occupy an office or position described in subsetcion (a) of this section shall file a report covering that portion of such year beginning on January 1 and ending on the date on which he ceases to occupy such office or position. The report shall be filed with the Secretary not later than sixty days following the last day the reporting individual occupies an office or position described in subsection (a) of this section during such year.

(d) The Secretary may grant one or more reasonable extensions of time for filing any such report but the total of such extensions shall not exceed ninety days.

(e)(1) Except as provided in this subsection, the Secretary shall make each report filed with him under this section available to the public within fifteen days after the receipt of such report, and shall provide a copy of any such report to any person upon a written request.

(2) The Secretary may require any person receiving a copy of any report to pay a reasonable fee in any amount which the Secretary finds necessary to recover the cost of reproduction or mailing of such report; excluding any salary of any employee involved in such reproduction or mailing. The Secretary may furnish a copy of any such report without charge or at a reduced charge if he determines that waiver or reduction of the fee is in the public interest because furnishing the information primarily benefits the public.

(3) Any report received by the Secretary shall be held in his custody and made available to the public for a period of three years after receipt by the Secretary of such report. After such three-year period, the Secretary shall destroy any such report.

(4)(A) The Comptroller General of the United States (hereinafter in this paragraph referred to as the "Comptroller General") shall, under such regulations as he may prescribe, and which are approved by the Secretary, conduct audits on a random basis of approximately 5 per centum of the reports filed with the Secretary.

(B) In conducting an audit under this paragraph the Comptroller General is authorized to issue a subpena to require the production of books, papers, and other documents.

(C) The Comptroller General may use outside consultants to assist him in his responsibilities under this paragraph.

(D) The Comptroller General shall transmit the findings of each audit to the Secretary and the individual being audited.

DISCLOSURE OF ENERGY ASSETS AND INCOME BY OTHER EMPLOYEES

Sec. 603. (a) Each individual who is an officer or employee of the Department for a period in excess of ninety days in a calendar year, who is not covered by either section 601 or section 602 of this Act, and who occupies a position compensated at a rate provided for grade GS–13 or above, under section 5332 of title 5, United States Code, shall disclose to the Secretary by May 15 of the next year, in such form and manner as the Secretary shall prescribe—

(1) the amount and the identity of each source of income received by such person from any person, firm, association, or corporation significantly engaged in the production, generation, transmission, distribution, or sale of electric power, petroleum or petroleum products, natural gas, coal, solar, nuclear technology equipment or materials, minerals, or other energy-related source or resource, and

(2) the identity and category of value of property owned, directly or indirectly, in any such entity.

(b) In providing the information required by subsection (a) of this section the individual may use, where appropriate, the categories of value specified in the rules of the Senate or the House of Representatives governing disclosure by Members or employees of Congress. The listing of income or holdings of a spouse or dependent shall be handled in a manner consistent with such rules of the Senate or House of Representatives.

(c) The provisions of section 602 of this Act shall apply with respect to the time of filing and public availability of the reports filed pursuant to this section.

POSTEMPLOYMENT CONTACT

Sec. 604. (a) No officer or employee of the Department who is a supervisory employee (as defined in section 601 of this Act) shall, except pursuant to a subpena issued pursuant to section 605 of this Act, make any appearance or attendance before, or written or oral communication with, the Department or any officer or employee thereof, for a period of one year after such employment has ceased if such appearance or communication relates to the affairs of the Department: *Provided*, That this provision shall not apply during any part of such year that such individual is employed by the United States: *And provided further*, That this provision shall not apply where, upon the initiation of the Department, such former officer or employee is consulted for his technical or other special expertise.

(b) In the event of a violation of the provisions of subsection (a), the Secretary or the Board shall—

(1) take such violation into consideration in deciding any matter to which the appearance, attendance, or communication relates; and

(2) shall notify the appropriate committees of Congress that such violation has occurred.

(c) For purposes of subsection (a), any volunteer, as defined in section 616 of the Act, who has substantial decisionmaking authority shall be subject to the prohibitions of subsection (a) as if he were an employee.

SUBPENA

Sec. 605. For the purpose of carrying out the provisions of this Act, the Secretary, or his duly authorized agent or agents, shall have the same powers and authorities as the Federal Trade Commission under section 9 of the Federal Trade Commission Act with respect to all responsibilities vested in the Secretary by this Act.

RULES

Sec. 606. The Secretary is authorized to prescribe such procedural and administrative rules and regulations as he may deem necessary or appropriate to administer and manage the functions now or hereafter vested in him.

DELEGATION

Sec. 607. Except as otherwise expressly prohibited by law, or except as otherwise provided in this Act, the Secretary may delegate any of his functions to such officers and employees of the Department as he may designate, and may authorize such successive redelegations of such functions within the Department as he may deem to be necessary or appropriate.

ENERGY INDUSTRY PROFILE

Sec. 608. (a)(1) In addition to the acquisition, collection, and analysis of energy information pursuant to section 204 of this Act, the Administrator of the Energy Information Administration (hereinafter referred to in this section as the "Administrator") shall designate "major energy-producing companies" which alone or with their affiliates are involved in one or more lines of commerce in the energy industry so that the energy information collected from such major energy-producing companies shall provide a statistically accurate profile of each line of commerce in the energy industry in the United States.

(2) In fulfilling the requirements of this section the Administrator shall—

(A) utilize, to the maximum extent practicable, consistent with the faithful execution of his responsibilities under this Act, reliable statistical sampling techniques; and

(B) otherwise give priority to the minimization of the reporting of energy information by small businesses.

(b) The Administrator shall develop and make effective for use during the first full calendar year following the date of enactment of this Act the format for an energy-producing company financial report. Such report shall be designed to allow comparison on a uniform and standardized basis among energy-producing companies and shall permit for the energy-related activities of such companies—

(1) an evaluation of company revenues, profits, cash flow, and investments in total, for the energy-related lines of commerce in which such company is engaged and for all significant energy-related functions within such company;

(2) an analysis of the competitive structure of sectors and functional groupings within the energy industry;

(3) the segregation of energy information, including financial information, describing company operations by energy source and geographic area;

(4) the determination of costs associated with exploration, development, production, processing, transportation, and marketing and other significant energy-related functions within such company; and

(5) such other analyses or evaluations as the Administrator finds is necessary to achieve the purposes of this Act.

(c) The Administrator shall consult with the Chairman of the Securities and Exchange Commission with respect to the development of accounting practices to be followed by persons engaged in whole or in part in the production of crude oil and natural gas required by the production of crude oil and natural gas required by the Energy Policy and Conservation Act and shall endeavor to assure that the energy-producing company financial report described in subsection (b) of this section, to the extent practicable and consistent with the purposes and provisions of this Act, is consistent with such accounting practices where applicable.

(d) The Administrator shall require each major energy-producing company to file with the Administrator an energy-producing company financial report on at least an annual basis and may request energy information described in such report on a quarterly basis if he determines that such quarterly report of information will substantially assist in achieving the purposes of this Act.

(e) A summary of information gathered pursuant to this section accompanied by such analysis as the Administrator deems appropriate shall be included in the annual report of the Department required by subsection (a) of section 626 of this Act.

(f) As used in this section the term—

(1) "energy-producing company" means a person engaged in any of the following:

(A) ownership or control of mineral fuel resources or nonmineral energy resources;

(B) exploration for, or development of, mineral fuel resources;

(C) extraction of mineral fuel or nonmineral energy resources;

(D) refining, milling, or otherwise processing mineral fuels or nonmineral energy resources;

(E) storage of mineral fuels or nonmineral energy resources;

(F) the generation, transmission, or storage of electrical energy;

(G) transportation of mineral fuels or nonmineral energy resources by any means whatever; or

(H) wholesale or retail distribution of mineral fuels, nonmineral energy resources or electrical energy;

(2) "energy industry" means all energy-producing companies; and

(3) "person" has the meaning as set forth in section 11 of the Energy Supply and Environmental Coordination Act of 1974.

(g) Any person who willfully discloses information obtained by the Administration pursuant to this section which information constitutes a trade secret or confidential commercial information, the disclosure of which could result in significant competitive injury to the person to which such information relates, shall be fined not more than $40,000 or imprisoned not more than one year or both.

FIELD OFFICES

Sec. 609. The Secretary is authorized to establish, alter, consolidate or discontinue and to maintain such State, regional, district, local or other field offices as he may deem to be necessary to carry out functions now or hereafter vested in him.

REORGANIZATION

Sec. 610. The Secretary is authorized, from time to time, to establish, alter, consolidate or discontinue such organizational units or components within the Department as he may deem to be necessary or appropriate. Such authority shall not extend to the abolition of organizational units or components established by this Act, or to the transfer of functions vested by this Act in any organizational unit or component.

OFFICERS AND EMPLOYEES

Sec. 611. In the performance of his functions the Secretary is authorized to appoint and fix the compensation of such officers and employees as may be necessary to carry out such functions. Such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code, except that to the extent the Secretary deems such action necessary to the discharge of his functions, he may appoint not more than six hundred of the scientific, engineering, professional, and administrative personnel of the Department without regard to such laws, and may fix the compensation of such personnel not in excess of the rate for grade GS–18 of the General Schedule under section 5332 of title 5, United States Code.

SENIOR POSITIONS

SEC. 612. (a) In addition to those positions created by title II of ths Act, there shall be within the Department fourteen additional officers in positions authorized by section 5316 of title 5, United States Code, who shall perform such functions as the Secretary shall be appointed by the Secretary and who shall prescribe from time to time.

(b) In addition to the number of positions which may be placed in grades GS–16, 17, and 18 under section 5332 of title 5, United States Code, under existing law or this Act, not to exceed one hundred and fifty positions may be placed in grades GS–16, 17, and 18 to carry out functions under this Act. Positions established by this subsection shall be subject to standards and procedures under chapter 51 of title 5, United States Code.

EXPERTS AND CONSULTANTS

SEC. 613. The Secretary may obtain services as authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily rate prescribed for grade GS–18 of the General Schedule under section 5332 of title 5, United States Code, for persons in Government service employed intermittently.

ADVISORY COMMITTEES

SEC. 614. (a) The Secretary is authorized to establish in accordance with the Federal Advisory Committee Act such advisory committees as he may deem appropriate to assist in the performance of his functions. Members of such advisory committees, other than full-time employees of the Federal Government, while attending meetings of such committees or while otherwise serving at the request of the Secretary while serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government serving without pay.

(b) Section 17 of the Federal Energy Administration Act of 1974 shall be applicable to advisory committees chartered by the Secretary, or transferred to the Secretary or the Department under this Act.

VOLUNTEER ASSISTANCE

SEC. 615. (a) The Secretary is authorized to recruit, train, accept, and utilize, without regard to the civil service and classification laws, rules, and regulations, the services of individuals without compensation as volunteers for or to aid or facilitate the work of the Department.

(b)(1) No volunteer under this section may hold any financial interest in any person or property required to be disclosed under section 602 or 603 of this Act.

(2) For the purpose of title 18, United States Code, a volunteer shall be deemed to be an employee of the United States.

(c) Except as otherwise provided in this section, a volunteer under this section shall not be deemed to be a Federal employee and shall not be subject to the provisions of laws relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(d) For the purpose of the tort claim provisions of title 28, United States Code, a volunteer under this section shall be considered a Federal employee.

(e) For the purpose of subchapter I of chapter 81 of title 5, United States Code, a volunteer under this section shall be deemed a civilian employee of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code.

ARMED SERVICES PERSONNEL

SEC. 616. (a) The Administrator is authorized to provide for participation of military personnel in the performance of his functions. Pursuant to cooperative agreements between the Secretary and the Secretary of Defense or his designee, members of the Army, Navy, Air Force, or Marine Corps may be detailed or assigned for service in the Department in such numbers as mutually agreed to by the Secretary and the Secretary of Defense or his designee. Members so detailed or assigned will normally serve on a reimbursable basis.

(b) Detail or assignment in the Department under this section shall in no way affect status, office, rank, or grade which officers or enlisted men may occupy or hold or any pay, allowances, right, privilege, or benefit incident to or arising out of such status, office, rank, or grade. A member so detailed or assigned shall not be subject to direction or control by the armed force for which he was assigned or is a member or any officer thereof directly or indirectly with respect to the responsibilities exercised while so detailed or assigned; however, such members shall be subject to the provisions of the Uniform Code of Military Justice and shall, subject to the agreements entered into pursuant to subsection (a), be subject to the laws and regulations governing the assignment, reassignment and retirement of other members of the Army, Navy, Air Force, or Marine Corps.

CONTRACTS

SEC. 617. The Secretary is authorized to enter into and perform such contracts, leases, grants, cooperative agreements, or other similar transactions with public agencies and private organizations and persons; and to make such payments (in lump sum or installments, and by way of advance or reimbursement, and, in cases of grants, with necessary adjustment on account of overpayments and underpayments) as he may deem to be necessary or appropriate to carry out functions now or hereafter vested in the Secretary: *Provided, however,* That such authority is effective only to such extent or in such amounts as are provided in appropriations Acts."

ACQUISITION AND MAINTENANCE OF PROPERTY

SEC. 618. The Secretary is authorized to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain laboratories, research and testing sites and facilities, quarters and related accommodations for employees and dependents of employees of the Department, personal property (including patents), or any interest therein, as the Secretary deems necessary; and to provide by contract or otherwise for eating facilities and other necessary facilities for the health and welfare of employees of the Department at its installations and purchase and maintain equipment therefor.

FACILITIES CONSTRUCTION

SEC. 619. (a) As necessary and when not otherwise available, the Secretary is authorized to provide for, construct, or maintain the following for employees and their dependents stationed at remote locations:

(1) Emergency medical services and supplies;

(2) Food and other subsistence supplies;

(3) Messing facilities;

(4) Audio-visual equipment, accessories, and supplies for recreation and training;

(5) Reimbursement for food, clothing, medicine, and other supplies furnished by such employees in emergencies for the temporary relief of distressed persons;

(6) Living and working quarters and facilities; and

(7) Transportation of school age dependents of employees to the nearest appropriate educational facilities.

(b) The furnishing of medical treatment under paragraph (1) of subsection (a) and the furnishing of services and supplies under paragraphs (2) and (3) of subsection (a) shall be at prices reflecting reasonable value as determined by the Secretary.

(c) Proceeds from reimbursements under this section shall be deposited in the Treasury and may be withdrawn by the Secretary to pay directly the cost of such work or services, to repay or make advances to appropriations of funds which will initially bear all or a part of such cost, or to refund excess sums when necessary. Such payments may be credited to a working capital fund otherwise established by laws, including the fund established pursuant to section 624 of this Act, and used under the law governing such fund, if the fund is available for use by the Department for performing the work or services for which payment is received.

PRIVATE AND PUBLIC USE

SEC. 620. The Secretary, under such terms, at such rates, and for such periods not exceeding five years, as he may deem to be in the public interest, is authorized to permit the use by public and private agencies, corporations, associations, or other organizations or by individuals of any real property, or any facility, structure, or other improvement thereon, under the custody of the Secretary for Department purposes. The Secretary may require permittees under this section to recondition and maintain, at their own expense, the real property, facilities, structures, and improvements involved to a satisfactory standard. This section shall not apply to excess property as defined in 3(e) of the Federal Property and Administrative Services Act of 1949, as amended.

COPYRIGHTS

SEC. 621. The Secretary is authorized to acquire any of the following described rights if the property acquired thereby is for use by or for, or useful to, the Department:

(1) Copyrights, patents, and applications for patents, designs, processes, and manufacturing data;

(2) Licenses under copyrights, patents, and applications for patents; and

(3) Releases, before suit is brought, for past infringement of patents or copyrights.

GIFTS AND REQUESTS

SEC. 622. The Secretary is authorized to accept hold, administer, and utilize gifts, bequests and devises of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts, bequests and devises of money and proceeds from sales of other property received as gifts, bequests or devises shall be deposited in the Treasury and shall be disbursed upon the order of the Secretary. Property accepted pursuant to this section, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift, bequest, or devise. For the purposes of Federal income, estate, and gift taxes, property accepted under this section shall be considered as a gift, bequest, or devise to the United States.

SEAL OF DEPARTMENT

SEC. 623. The Secretary shall cause a seal of office to be made for the Department of such design as he shall approve and judicial notice shall be taken of such seal.

CAPITAL FUND

SEC. 624. The Secretary is authorized to establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as he shall find to be desirable in the interests of economy and efficiency including such services as a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department and its agencies; central messenger, mail, telephone, and other communications services; office space, central services for document reproduction, and for graphics and visual aids; and a central library service. The capital of the fund shall consist of any appropriations made for the purpose of providing capital (which appropriations are hereby authorized) and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations. Such funds shall be reimbursed in advance from available funds of agencies and offices in the Department, or from other sources, for supplies and services at rates which will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the United States Treasury as miscellaneous receipts any surplus found in the fund (all assets, liabilities, and prior losses considered) above the amounts transferred or appropriated to establish and maintain said fund. There shall be transferred to the fund the stocks of supplies, equipment, other assets, liabilities, and unpaid obligations relating to the services which he determines will be performed through the fund. Appropriations to the fund, in such amounts as may be necessary to provide additional working capital, are authorized. The working capital fund shall recover from the appropriations and funds for which services are performed, either in advance or by way of reimbursement, amounts which will approximate the costs incurred, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from the sale or exchange of its property, and receipts in payment for loss or damage to property owned by the fund.

GENERAL AUTHORITY

SEC. 625. To the extent necessary or appropriate to perform any function transferred by this Act, the Secretary may exercise, in carrying out the function so transferred, any authority or part thereof available by law, including appropriation Acts, immediately prior to the enactment of this Act to the official or agency from which such function was transferred to carry out the function transferred.

ANNUAL REPORT

SEC. 626. (a) The Secretary shall, as soon as practicable after the end of each fiscal year, commencing with the first complete fiscal year following the effective date of this Act, make a report to the President for submission to the Congress on the activities of the Department during the preceding fiscal year. Such report shall include a statement of the Secretary's goals, priorities, and plans for the Department together with an assessment of the progress made toward the attainment of those goals, the effective and efficient management of the Department, and progress made in coordination of its functions with other departments and agencies of the Federal Government. In addition, such report shall include:

(1) projected energy needs of the United States to meet the requirements of the general welfare of the people of the United States and the commercial and industrial life of the Nation;

(2) an estimate of the domestic and foreign energy supply on which the United States will be expected to rely to meet such needs in an economic manner with due regard for the protection of the environment, the conservation of natural resources, and the implementation of foreign policy objectives;

(3) current and foreseeable trends in the price, quality, management, and utilization of energy resources and the effects of those trends on the social, environmental, economic, and other requirements of the Nation;

(4) a summary of research and development efforts funded by the Federal Government to develop new technologies, to forestall energy shortages, to reduce waste, to foster recycling, and to encourage conservation practices, and shall include recommendations for developing technologies capable of improving the quality of the environment and increasing efficiency;

(5) a review and appraisal of the adequacy and appropriateness of technologies, procedures, and practices (including competitive and regulatory practices) employed by Federal, State, and local governments and nongovernmental entities to achieve the purposes of this Act;

(6) a summary of substantive measures taken by the Department to stimulate and encourage the development of new manpower resources through the nation's colleges and universities and to involve these institutions in the execution of the Department's research and development programs; and

(7) to the extent practicable, a summary of activities in the United States by companies or persons which are foreign owned or controlled and which own or control United States energy sources and supplies, including the magnitude of annual foreign direct investment in the energy sector in the United States and exports of energy resources from the United States by foreign owned or controlled business entities or persons, and such other related matters as the Secretary may deem appropriate.

(b) Such report shall satisfy the reporting requirements of section 15 of the Federal Energy Administration Act of 1974, section 307 of the Energy Reorganization Act of 1974, and section 15 of the Federal Nonnuclear Energy Research and Development Act of 1974 other than subsection (e) thereof.

(c) The Secretary of the Interior shall develop a plan for the reorganization of the leasing functions of the Federal Government and submit such plan to the Congress no later than one year after the date of enactment.

TRANSFER OF FUNDS

SEC. 627. The Secretary, when authorized in an appropriation Act, in any fiscal year, may transfer funds from one appropriation to another within the Department: *Provided*, That no appropriation shall be either increased or decreased pursuant to this section more than 5 per centum of the appropriation for such fiscal year.

AUTHORIZATION OF APPROPRIATIONS

SEC. 628. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act: *Provided, however*, That the appropriations for those programs authorized by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2017), the Energy Reorganization Act of 1954 (42 U.S.C. 2017), and the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5915) shall be subject to annual authorization: *And provided further*, That nothing in this Act shall affect any provision in those acts governing the use of appropriated funds.

DESIGNATION OF CONSERVATION OFFICERS

SEC. 629. The Secretary of Defense, the Secretary of Commerce, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Secretary of Interior, the United States Postal Service, and the Administrator of General Services shall each designate one Assistant Secretary or Assistant Administrator, as the case may be, as the principal conservation officer of such Department or of the Administration. Such designated principal conservation officer shall be principally responsible for planning and implementation of energy conservation programs by such Department or the Administration and principally responsible for coordination with the Department with respect to energy matters. The word "conservation" shall become a part of each duly designated Assistant Secretary's or Assistant Administrator's title.

TITLE VII—ENERGY PLANNING

NATIONAL ENERGY POLICY PLAN

SEC. 701. (a) The President shall—

(1) prepare and submit to the Congress a proposed National Energy Policy Plan (hereinafter "proposed Plan") as provided in subsection (b);

(2) seek the active participation by regional, State, and local agencies and instrumentalities and the private sector through public hearings or other appropriate means to insure that the views and proposals of all segments of the economy are taken into account in the formulation of such proposed Plan;

(3) evaluate and measure the achievement of the objectives contained in any approved National Energy Policy Plan (hereinafter "approved Plan") and report thereon, as provided in subsection (c);

(4) review major programs, activities, policies, and regulations of the Federal Government that impact on energy supply and demand to determine the extent to which such programs, activities, policies or regulations are consistent with an approved Plan;

(5) review the long-range planning activities of the departments and agencies of the Federal Government that impact on energy to assure the consistency of such activities with the objectives stated in an approved Plan;

(6) include within the proposed Plan required under paragraph (1) of this subsection information as a comprehensive summary of data pertaining to all fuel and energy needs of residents of the United States residing in—

(A) areas outside standard metropolitan statistical areas; and

(B) areas within standard metropolitan statistical areas, which are unincorporated or are specified by the Bureau of the Census, Department of Commerce, as rural areas.

(b) Not later than April 1, 1979, and biennially thereafter, the President shall transmit to the Congress a proposed Plan. Such proposed Plan shall—

(1) establish energy production, utilization, and conservation objectives, for periods of five and ten years, necessary to satisfy projected energy needs of the United States to meet the requirements of the general welfare of the people of the United States and the commercial and industrial life of the Nation, paying particular attention to the needs for full employment, price stability, energy security, economic growth, environmental protection, special regional needs, and the efficient utilization of public and private resources;

(2) identify the strategies that should be followed and the resources that should be committed to achieve the objectives set forth, forecasting the level of production and investment necessary in each of the significant energy supply sectors and the level of conservation and investment necessary in each consuming sector, and outlining the appropriate policies and actions of the Federal Government that will maximize the private production and investment necessary.

in each of the significant energy supply sectors;

(3) recommend legislative and administrative actions necessary or desirable to achieve the objectives of such proposed Plan, including recommendations with respect to taxes or tax incentives, Federal funding, regulatory actions, antitrust policy, foreign policy, and international trade; and

(4) include a comprehensive summary of data pertaining to all fuel and energy needs of residents of the United States residing in—

(A) areas outside standard metropolitan statistical areas; and

(B) areas within standard metropolitan statistical areas which are unincorporated or are specified by the Bureau of the Census, Department of Commerce, as rural areas.

(c) The President shall submit to the Congress with the proposed plan a report which shall include—

(1) whatever data and analysis are necessary to support the objectives, resource needs, and policy recommendations contained in such proposed Plan;

(2) a comparison of the actual trends and results with respect to matters referred to in subsection (b) since the submission of the previous proposed or approved Plan with the projections made in such Plan when submitted and indicate (A) the reasons for any failure to achieve the objectives of such Plan, including the estimated impact of prior regulatory actions on resource allocation, (B) further steps being taken to achieve the objectives of such Plan, and (C) any necessary revisions of such Plan;

(3) an estimate of the domestic and foreign energy supplies on which the United States will be expected to rely to meet projected energy needs in an economic manner with due regard for the protection of the environment, the conservation of natural resources, and the implementation of foreign policy objectives;

(4) an evaluation of current and foreseeable trends in the price, quality, management, and utilization of energy resources and the effects of those trends on the social, environmental, economic, and other requirements of the Nation including an alternate estimate of such trends under conditions of market determined prices;

(5) a summary of research and development efforts funded by the Federal Government to forestall energy shortages, to reduce waste, to foster recycling, to encourage conservation practices, and to otherwise protect environmental quality, including recommendations for developing technologies to accomplish such purposes;

(6) a review and appraisal of the adequacy and appropriateness of technologies, procedures, and practices (including competitive and regulatory practices) employed by Federal, State, and local governments and nongovernmental entities to achieve the purposes of the Plan;

(7) including a comprehensive summary of data, including findings and conclusions based thereon, pertaining to all fuel and energy needs of residents of the United States residing in—

(A) areas outside standard metropolitan statistical areas; and

(B) areas within standard metropolitan statistical areas which are unincorporated or are specified by the Bureau of the Census, Department of Commerce, as rural areas; and

(8) insure that the Administrator of the Small Business Administration on behalf of the Nation's small business community is consulted in the development of the Plan.

CONGRESSIONAL REVIEW

SEC. 702. (a) Each proposed Plan shall be referred to the appropriate committees in the Senate and House of Representatives.

(b) Not later than September 1 of the year of submission of a proposed Plan to the Congress, the appropriate committees shall report to the House of Representatives and to the Senate a joint resolution which shall contain a proposed Plan and which may contain such alternatives to, modifications of, or additions to the proposed Plan submitted by the President as the committee deems appropriate. The report accompanying such joint resolution shall include findings and recommendations of the committee with respect to each of the main recommendations contained in the proposed plan as the committee deem appropriate.

(c) Not later than October 1 of the year of submission of a proposed Plan to the Congress, each House of the Congress shall act upon a joint resolution reported under subsection (b).

(d) Upon enactment of any such joint resolution, any Plan contained therein shall be considered an approved Plan for purposes of this title.

IMPLEMENTATION OF THE PLAN

SEC. 703. (a) The President, with the assistance of the Secretary, shall take appropriate actions to encourage the departments and agencies of the executive branch to carry out their programs and activities in such a manner as to further the objectives of an approved Plan, and to encourage State and local governments, independent agencies, and the private sector to carry out their programs and activities in such a manner as to further the objectives of such Plan.

(b) Whenever the President determines that any department or agency of the Federal Government has proposed any legislation, rule,. or regulation, or undertaken any other activity which may have a significant effect on the achievement of the objectives contained in an approved Plan, the President may require the head of such department or agency to submit a detailed statement assessing the consistency of the proposed legislation, rule, regulation, or other action, with such Plan, together with the reasons for any significant departure from such objectives.

(c) Whenever any committee of the Senate or the House of Representatives determines that any proposed legislation may have a significant effect on the achievement of the objectives contained in an approved Plan, such committee shall, in its report on such legislation, prepare a statement assessing the consistency of the proposed legislation with such Plan together with the reasons for any significant departure from such objectives.

SEC. 704. The President is authorized and encouraged to establish, at the earliest feasible time, an organizational structure within the Executive Office of the President to assist him in carrying out the functions specified in this title.

TITLE VIII—TRANSITIONAL, SAVINGS AND CONFORMING PROVISIONS

TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL

SEC. 801. (a) Except as otherwise provided in this Act, the personnel employed in connection with, and the personnel positions, assets, liabilities, contracts, property, records, and unexpended balance of appropriations authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available in connection with the functions transferred by this Act, subject to section 202 of the Budget and Accounting Procedure Act of 1950, are hereby transferred to the Secretary for appropriate allocation. Unexpended funds transferred pursuant to this subsection shall only be used for the purposes for which the funds were originally appropriated.

(b) Positions expressly specified by statute or reorganization plan, personnel occupying those positions on the effective date of this Act, and personnel authorized to receive compensation at the rate prescribed for offices and positions at level I, II, III, IV, or V of the executive schedule (5 U.S.C. 5312–5316) on the effective date of this Act shall be subject to the provisions of section 803 of this Act.

EFFECT ON PERSONNEL

SEC. 802. (a) Except as otherwise provided in this Act, the transfer of full-time personnel (except special Government employees) and part-time personnel holding permanent positions pursuant to this title shall not cause any such employee to be separated or reduced in grade or compensation for one year after the date of enactment of this Act.

(b) Any person who, on the effective date of this Act, held a position compensated in accordance with the executive schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department to a position having duties comparable to those performed immediately preceding his appointment shall continue to be compensated in his new position at not less than the rate provided for his previous position, for the duration of his service in the new position.

(c) Employees transferred to the Department holding reemployment rights acquired under section 28 of the Federal Energy Administration Act of 1974 or any other provision of law or regulation may exercise such rights only within one hundred and twenty days from the effective date of this Act.

AGENCY TERMINATIONS

SEC. 803. Except as otherwise provided in this Act, whenever all of the functions vested by law in an agency, commission or other body, or any component thereof, have been terminated or transferred from that agency, commission or other body or component by this Act, the agency, commission or other body or component, shall terminate. If an agency, commission or other body, or any component thereof, terminates pursuant to the preceding sentence, each position and office therein which was expressly authorized by law, or the incumbent of which was authorized to receive compensation at the rates prescribed for an office or position at level II, III, IV, or V of the Executive Schedule (5 U.S.C. 5313–5316) shall terminate.

TRANSFER OF FUNCTIONS

SEC. 804. The Director of the Office of Management and Budget in consultation with the Secretary is authorized and directed to make such determinations as may be necessary with regard to the transfer of functions which relate to or are utilized by an agency, commission or other body, or component thereof affected by this Act, to make such additional incidental dispositions of personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations and other funds held, used, arising from, available to or to be made available in connection with the functions transferred by this Act as he may deem necessary to accomplish the purposes of this Act.

SAVINGS PROVISIONS

SEC. 805. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal department or agency or official thereof or by a court of competent jurisdiction, in the performance of functions which are transferred under this Act or by Executive order to the Department after the date of enactment of this Act, and

(2) which are in effect at the time this Act takes effect,

shall continue in effect according to their terms unless modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, the

Board, or other authorized officials, a court of competent jurisdiction, or by operation of law.

(b) (1) The provisions of this Act shall not affect any proceedings other than rulemaking proceedings pending at the time this Act takes effect before any department, agency, commission, or component thereof functions of which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued if this Act had not been enacted.

(2) Rulemaking proceedings pending at the time this Act takes effect, in which no final order has issued, shall be reviewed by the Secretary, if the functions involved in such proceedings are transferred to him, or by the Board if such functions are transferred to it. Within sixty days after the transfer of the functions, the Secretary or the Board shall, by appropriate notice, terminate the proceeding or modify or continue such proceedings in accordance with this Act.

(3) The Secretary is authorized to promulgate regulations providing for the orderly transfer of such proceedings to the Department or the appropriate entity of the Department as provided elsewhere in this Act.

(c) Except as provided in subsection (d)—

(1) the provisions of this Act shall not affect suits commenced prior to the date this Act takes effect, and,

(2) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as this Act had not been enacted.

(d) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act.

(e) If, before the date on which this Act takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under this Act any function of such department, agency, or officer is transferred to the Secretary or any other official, then such suit shall be continued with the Secretary or other official, as the case may be, substituted.

SEPARABILITY

SEC. 806. If any provision of this Act or the application thereof to any person or circumstance is held invalid, neither the remainder of this Act nor the application of such provision to other persons or circumstances shall be affected thereby.

REFERENCE

SEC. 807. With respect to any functions transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any department or agency or any officer or office the functions of which are so transferred shall be deemed to refer to the Secretary or other official in which this Act vests such functions.

PRESIDENTIAL AUTHORITY

SEC. 808. Nothing contained in this Act shall be construed to limit, curtail, abolish, or terminate any function of, or authority available to, the President which he had immediately before the effective date of this Act; or to limit, curtail, abolish, or terminate his authority to delegate, redelegate, or terminate any delegation of functions.

AMENDMENTS

SEC. 809. (a) The Federal Energy Administration Act of 1974, is amended:

(1) by repealing sections 4, 9, 28, 29, and 30 hereof;

(2) section 52(a) of such Act is amended by deleting the word "and" in paragraph (2) by deleting the period at the end of paragraph (3), and by adding at the end of the subsection: "; and (4) the States to the extent required by the Natural Gas Act and the Federal Power Act,"; and

(3) section 55(b) is amended by changing the word "seven" to the word "six" and deleting the phrase "one shall be designated by the Chairman of the Federal Power Commission."

(b) The Energy Reorganization Act of 1974 is amended by repealing section 108 thereof.

(c) The Atomic Energy Act of 1954 is amended by repealing section 161(d) thereof as it relates to functions transferred by this Act.

(d) The Energy Conservation Standards for New Buildings Act of 1976 is hereby amended:

(1) in section 304 thereof by adding "the Secretary of Housing and Urban Development" to the list of those with whom consultation is required; and

(2) in section 310 thereof by adding "the Secretary of Housing and Urban Development" to the list of those with whom the Secretary shall act in cooperation.

(e) The Rural Electrification Act of 1936 is hereby amended by adding a new section 16 to title I thereof to read as follows:

"SEC. 16. In order to insure coordination of electric generation and transmission financing under this Act with national energy policy, the Administrator, in making or guaranteeing loans for the construction, operation, or enlargement of generating plants or electric transmission lines or systems shall consider such general criteria, consistent with the provisions of this Act, as may be published by the Secretary of Energy."

(f) In section 509(c)(6) of title 5 of the Housing and Urban Development Act of 1970, add "the Secretary of Housing and Urban Development," to those individuals and agencies with whom the Secretary of the Department of Energy must consult.

ADMINISTRATIVE AMENDMENTS

SEC. 810. (a) Section 101 of title 5, United States Code, is amended by adding at the end thereof the following: "The Department of Energy.".

(b) Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following: "(14) Secretary of Energy.".

(c) Section 5313 of title 5, United States Code, is amended by striking out "(22) Administrator of Energy Research and Development Administration," and inserting in lieu thereof: "(22) Deputy Secretary of Energy.".

(d) Section 5314 of title 5, United States Code, is amended by striking out "(21) Chairman, Federal Power Commission, (60) Deputy Administrator, Energy Research and Development Administration," and by adding at the end of the section the following new sections:

"(66) Under Secretaries of Energy (2).

"(67) Administrator of the Economic Regulatory Administration, Department of Energy.

"(68) Chairman and Members, Energy Regulatory Board, Department of Energy (3).

"(69) Administrator of the Energy Information Administration, Department of Energy.".

(e) Section 5315 of title 5, United States Code, is amended by striking out "(60) Members, Federal Power Commission," by striking out "(102) Assistant Administrators, Energy Research and Development Administration (6)," and

(3) by adding at the end thereof the following

"(114) Assistant Secretaries of Energy (8)" and "(115) General Counsel of the Department of Energy".

(f) Section 5316 of title 5, United States Code, is amended—

by striking out "(135) General Counsel Energy Research and Development Administration";

by striking out "(136) Additional Officers, Energy Research and Development Administration (9)" and

by adding at the end thereof the following: "(141) Additional Officers, Department of Energy (14)".

TRANSITION

SEC. 811. With the consent of the appropriate department or agency head concerned, the Secretary is authorized to utilize the services of such officers, employees and other personnel of the departments and agencies from which functions have been transferred to the Secretary for such period of time as may reasonably be needed to facilitate the orderly transfer of functions under this Act.

ENVIRONMENTAL IMPACT STATEMENT

SEC. 812. The transfer of functions under title III of this Act shall not affect the validity of any draft environmental impact statement published before the effective date of this Act.

TITLE IX—EFFECTIVE DATE AND INTERIM APPOINTMENTS

SEC. 901. (a) The provisions of this Act shall take effect one hundred and twenty days after the Secretary first takes office, or on such earlier date as the President may prescribe and publish in the Federal Register, except that at any time after the date of enactment of this Act, (1) any of the officers provided for in title II of title VI of this Act may be nominated and appointed, as provided in those titles, and (2) the Secretary may promulgate regulations pursuant to section 805(b)(2) of this Act at any time after the date of enactment of this Act. Funds available to any department or agency (or any official or component thereof), functions of which are transferred to the Secretary by this Act, may, with approval of the Director of the Office of Management and Budget, be used to pay the compensation and expenses of any officer appointed pursuant to this subsection until such time as funds for that purpose are otherwise available.

(b) In the event that one or more officers required by this Act to be appointed by and with the advice and consent of the Senate shall not have entered upon office on the effective date of this Act, the President may designate any officer, whose appointment was required to be made by and with the advice and consent of the Senate and who was such an officer immediately prior to the effective date of the Act, to act in such office until the office is filled as provided in this Act. While so acting such persons shall receive compensation at the rates provided by this Act for the respective offices in which they act.

TITLE X

REGIONAL ENERGY ADVISORY BOARDS

SEC. 1001. (a) The Governors of the various States may establish Regional Energy Advisory Boards for their regions with such membership as they may determine.

(b) Representatives of the Secretary, the Secretary of Commerce, the Secretary of the Interior, the Chairman of the Council on Environmental Quality, the Commandant of the Coast Guard and the Administrator of the Environmental Protection Agency shall be entitled to participate as observers in the deliberations of any Board established pursuant to subsection (a) of this section. The

Federal Cochairman of the Appalachian Regional Commission or any regional commission under title V of the Public Works and Economic Development Act shall participate as an observer in the deliberations of any such Board which contains one or more States which are members of such commission.

(c) Each Board established pursuant to subsection (a) may make such recommendations as it determines to be appropriate to programs of the Department having a direct effect on the region.

(d) If any Regional Advisory Board makes specific recommendations pursuant to subsection (c), the Secretary shall, if such recommendations are not adopted in the implementation of the program, publish his reasons for not adopting such recommendations in the Federal Register within sixty days after the implementation of such program.

Mr. RIBICOFF. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PERCY. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of S. 826.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I congratulate the distinguished Senator from Connecticut (Mr. RIBICOFF) on his able management of this important bill.

It has been over a period of many weeks that he and his committee have labored diligently in connection with this certainly at some times controversial measure. It required a high degree of skill, patience, and dedication.

I also wish to say the same about the distinguished Senator from Illinois, the ranking member of the committee (Mr. PERCY).

It has provided, I think, an ideal for us all to seek to achieve, to see this splendid demonstration of teamwork on the part of the manager, the ranking member, all the members of that committee, and members of other committees who were vitally interested in this measure.

The measure was reported by a solid vote of 17 to nothing in that committee.

I saw this same kind of teamwork demonstrated earlier this year on a measure which came out of Mr. RIBICOFF's committee on the Government reorganization plans the President requested.

Mr. President, I am proud of this committee, I am proud of these Senators, and I am proud of the Senate. I thank them for the work they have done, and I thank all Senators for the cooperation, understanding, and hard work that has gone into the passage of this bill today.

Mr. RIBICOFF. Mr. President, will the majority leader yield?

Mr. ROBERT C. BYRD. I yield.

Mr. RIBICOFF. First, I thank the majority leader for the gracious comment.

I, too, pay tribute to Senator PERCY and the entire membership of the Governmental Affairs Committee. Each member of the committee—Senators MCCLELLAN, JACKSON, MUSKIE, METCALF, EAGLETON, CHILES, NUNN, GLENN, SASSER, JAVITS, ROTH, STEVENS, MATHIAS, DANFORTH and HEINZ—played key roles in developing this legislation. I have been in Government for 40 years, and I have never worked with any other group of men so dedicated, so hard working, and so cooperative. All of them make the job of being chairman a real joy.

Also, I pay special tribute to the staff of the entire committee—Dick Wegman, Ellen Miller, Paul Hoff, Claude Barfield, John Childers, Chris Palmer, Stuart Statler, Gary Klein, Dan Dreyfus, David Johnson, Win Turner, Vic Reinemer, Len Bickwit, and Brian Walsh who worked so hard and cooperated with one another. They know no hours. They know no days. They work around the clock and work weekends.

I consider myself most fortunate, and I am grateful to the entire membership and the staff of the Government Affairs Committee.

Mr. PERCY. If the majority leader will yield for a brief comment, again I commend my distinguished colleague (Mr. RIBICOFF) and I share his admiration for every member of the majority and minority of the Governmental Affairs Committee and our staff. We are truly blessed to have a group of men and women who work together without an iota of partisanship in what we consider to be the national interest.

Our respect for the majority leader and the minority leader is such that, when they asked us in every possible way to expedite this matter so that we could get on with the Senate's agenda and take up the strip mining bill tomorrow, we did seek the cooperation of all members.

Parenthetically and personally, I shall state, because the two distinguished Senators from West Virginia are both in the Chamber, that I enjoy working with both of them very much indeed, and I cannot help but be very proud of the senatorial representation my three grandchildren, my daughter, and son-in-law have. The kind of relationship these distinguished Senators from West Virgina have established with the Governor of West Virginia and first lady of West Virginia, the camaraderie and good fellowship they have had, and the mutual admiration they have one for the other is one of the great blessings we have developed here in the Senate.

We may look as though we are partisan on occasion to the public, and we may fight very hard in the Chamber, but I think the good fellowship and the wonderful comments made even by those who felt we should have carried this over and debated it for several days, indicate there has been good will. That is one of the great qualities and privileges we have in living and working in the Senate of the United States.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield to my distinguished senior colleague.

Mr. RANDOLPH. Mr. President, in speaking at this time, I wish only to reemphasize that which has been said. I feel that I have not only the opportunity but the responsibility. I have in my earlier remarks expressed my genuine thanks to Senator RIBICOFF. It is a pleasure to commend also the Senator from Illinois (Mr. PERCY) and the other members of the committee for their work on the Department of Energy Organization Act.

At long last, hopefully, we have a partnership not only between this Congress in its beginning, and this administration in its beginning in the year 1977, but also with a third and very, very important group—the people of the United States. Our citizenry may not realize it today but they will realize later the importance of this measure to the effort, coordinated and understood, for programs and policies that will strengthen the United States of America from the standpoint of the use of fuels and energy, in the years ahead.

Some might say that this is only a beginning. But it is a very important beginning. As one who has labored in this field since 1943, when, with Senator O'Mahoney, I authored the Synthetic Liquid Fuels Act, which became law in the following year, and as one who has advocated over and over again the creation of a fuels and energy commission of Congressional members, of executive members, and of members of the public, I wish to state that from this structure of the Department of Energy will come a better understanding and action on energy issues.

This is a good day. There will be challenges tomorrow and we must meet these challenges.

I thank my colleague.

Mr. ROBERT C. BYRD. I thank my senior colleague.

Mr. President, I also wish to express appreciation to the Senator from Wyoming (Mr. HANSEN), who is not a member of the Committee on Governmental Affairs, for his kind contributions and splendid cooperation, which made it possible for the Senate to proceed today with action on this measure.

Mr. President, I, too, would like to compliment the staff of the committee, and I am grateful that Senator RIBICOFF and others have not omitted to speak of the staff and the important contributions that have been made by our aides.

ORDER FOR RECESS UNTIL 12:30 P.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 12:30 p.m. tomorrow.

The PRESIDING OFFICER (Mr. FORD). Without objection, it is so ordered.

ORDER TO PROCEED TO THE CONSIDERATION OF S. 7 AT 2 P.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the hour of 2 o'clock tomorrow afternoon the Senate proceed to the consideration of the Surface Mining bill, Calendar Order No. 107, S. 7.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the farm bill, Calendar Order No. 153, S. 275, is called up and made the pending business before the Senate, there be a time limitation thereon of 4 hours for debate on the bill, to be equally divided between the Senator from Georgia (Mr. TALMADGE) and the Senator from Kansas (Mr. DOLE);

That there be a time limitation on any amendment of 1 hour, with a time limitation on any amendment to an amendment, debatable motion, or appeal of 30 minutes, and a time limitation on any point of order, if such is submitted to the Senate, of 20 minutes, and that the agreement be in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I ask unanimous consent that at such time as Calendar Order No. 103, S. 725, is called up and made the pending business before the Senate, there be a time limitation on that measure of 1 hour, to be equally divided between the Senator from West Virginia (Mr. RANDOLPH) and the Senator from New York (Mr. JAVITS);

That there be a time limitation on any amendment thereto of 1 hour, and a time limitation on any amendment in the second degree, debatable motion, appeal, or point of order, if such is submitted to the Senate, of 30 minutes; and that the agreement be in the usual form;

Provided further, if in the judgment of the manager of the bill, once S. 725 has been read the third time, it would be desirable to call up H.R. 6692, the House bill, and substitute the language of the Senate bill therefor, that such may be in order without any intervening motion or debate, and that the Senate then may proceed immediately to vote on the House bill as amended by the Senate bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, it is understood, but I wish to state that with respect to the farm bill, it will not be called up before Monday. It is the intention of the leadership to call that bill up on Monday, provided the surface mining legislation has been completed; but in the event that the farm bill is up on Monday, I ask unanimous consent that there be no votes on that bill or on any amendments thereto, or motions in relation thereto, on Monday, but that if such votes are ordered, they be put over until Tuesday, with the further understanding that this does not mean there will not be any votes on Monday on anything. I am merely assuring that there will be no votes on the farm bill on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO PREVENT RESOLUTIONS COMING OVER UNDER THE RULE FOLLOWING THE NEXT ADJOURNMENT OF THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the next adjournment of the Senate, no resolutions come over under the rule at the conclusion of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand adjourned for 30 seconds.

There being no objection, the Senate adjourned until 7:40 p.m. on Wednesday, May 18, 1977.

AFTER ADJOURNMENT

WEDNESDAY, MAY 18, 1977

The Senate met at 7:40 p.m., pursuant to adjournment, and was called to order by Hon. WENDELL H. FORD, a Senator from the State of Kentucky.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there morning business? If not, morning business is closed.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO RECOGNIZE CERTAIN SENATORS TO PROPOSE AMENDMENTS—S. 7

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the statements of the managers of the surface mining bill tomorrow, the distinguished Senator from Alaska (Mr. STEVENS) be recognized to call up two amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following Mr. STEVENS, Mr. JOHNSTON be recognized to call up four amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I am willing to state now that I will accept a time limitation of 30 minutes on each of my amendments, if it is agreeable with the manager of the bill, but I agree we should not seek that at this time.

Mr. ROBERT C. BYRD. I think Mr. JOHNSTON has indicated also that he would be willing to accept a time limitation on each of his amendments of 1 hour, but I will not seek that this evening.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO HOLD H.R. 5493 AT THE DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a message from the House of Representatives on H.R. 5493 be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, what is the subject matter of that bill?

The PRESIDING OFFICER. It is a bill relating to authorization of appropriations for the Seal Beach, Great Dismal Swamp, and San Francisco Bay National Wildlife Refuges.

CIVIL RIGHTS COMMISSION REPORT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, on behalf of Mr. EAGLETON, that the Committee on Human Resources be discharged from further consideration of H.R. 6668, to amend the Age Discrimination Act of 1975, to extend the date upon which the U.S. Commission on Civil Rights is required to file its report under such act, and for other purposes. Discharge of the committee has been agreed to by the majority and minority members of the committee, and I understand it has been cleared on both sides through the cloakrooms.

Mr. STEVENS. Mr. President, that is my understanding. That is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the action of the Senate on May 17 in passing S. 1170 and S. 1321 be vitiated. These two bills are companion measures to the provisions contained in H.R. 6668.

I now ask unanimous consent, on behalf of Mr. EAGLETON, that the Senate proceed to the consideration of H.R. 6668.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6668) to amend the Age Discrimination Act of 1975 to extend the date upon which the United States Commission on

Civil Rights is required to file its report under such act, and for other purposes.

The **PRESIDING OFFICER**. Without objection, the Senate will proceed to its immediate consideration.

UP AMENDMENT NO. 243

Mr. **ROBERT C. BYRD**. Mr. President, on behalf of Mr. EAGLETON, I offer an amendment in the nature of a substitute which would combine the provisions of the two Senate bills, S. 1170 and S. 1321, passed on May 17. The amendment would strike all after the enacting clause and substitute the combined text of the two Senate bills.

The **PRESIDING OFFICER**. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Missouri (Mr. EAGLETON) proposes an unprinted amendment No. 243.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That section 307(d) of the Age Discrimination Act of 1975 (42 U.S.C. 6106(d)) is amended—

(1) by striking out "eighteen months" and inserting in lieu thereof "two years"; and

(2) by adding at the end thereof the following new sentence: "The Commission is authorized to provide, upon request, information and technical assistance regarding its findings and recommendations to Congress, to the President, and to the heads of Federal departments and agencies for a ninety-day period following the transmittal of its report.".

SEC. 2. (a) Section 707(a)(4) of the Older Americans Act of 1965 is amended by striking out the word "and" following "1976," and by inserting after "1977" a comma and the following: "and 30 cents per meal during the fiscal year ending September 30, 1978".

(b)(1) Section 707(d)(1) of such Act is amended by striking out "in any case in which a State has phased out its commodity distribution facilities before June 30, 1974, such" and inserting in lieu thereof the word "a".

(2) The second sentence of section 707(d)(2) of such Act is amended by inserting "only" after "shall".

The **PRESIDING OFFICER**. The question is on agreeing to the amendment.

The amendment was agreed to.

The **PRESIDING OFFICER**. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The **PRESIDING OFFICER**. Without objection, the bill is agreed to, as amended, and passed.

Mr. **ROBERT C. BYRD**. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. **STEVENS**. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The **PRESIDING OFFICER**. Does the Senator ask unanimous consent that both Senate bills be indefinitely postponed?

Mr. **ROBERT C. BYRD**. Yes, Mr. President.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. **ROBERT C. BYRD**. Mr. President, I believe there are two orders for recognition of Senators tomorrow. Am I correct?

The **PRESIDING OFFICER**. The Senator is correct. There are orders for Mr. HELMS and Mr. BAKER.

Mr. **ROBERT C. BYRD**. I thank the distinguished Chair.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. **ROBERT C. BYRD**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ROBERT C. BYRD AND SENATOR BAKER TOMORROW

Mr. **ROBERT C. BYRD**. Mr. President, I ask unanimous consent that following the orders for recognition of Senators that have been entered previously, I be recognized for not to exceed 15 minutes and that Mr. BAKER be recognized for not to exceed 15 minutes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

PROGRAM

Mr. **ROBERT C. BYRD**. Mr. President, that is about all for today, I guess. The Senate will convene at 12:30 tomorrow. There are four special orders. At 2 p.m., the Senate will proceed to the consideration of surface mining legislation. I anticipate rollcall votes during the afternoon tomorrow on the surface mining legislation. I do not anticipate that we shall finish work on it, which means that the next day, the Senate will continue action on the surface mining legislation.

Other measures which have been cleared for action, including conference reports, which are privileged, can come up and, of course, rollcall votes could occur thereon. I anticipate rollcall votes tomorrow and rollcall votes Friday, and rollcall votes on Saturday. If the surface mining bill has not been completed by Friday, the Senate will be in session on Saturday and there will be rollcall votes in relation thereto.

RECESS UNTIL 12:30 P.M. TOMORROW

Mr. **ROBERT C. BYRD**. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 12:30 p.m. tomorrow.

The motion was agreed to and, at 7:51 p.m., the Senate recessed until Thursday, May 19, 1977, at 12:30 p.m.

NOMINATIONS

Executive nominations received by the Senate May 18, 1977:

IN THE MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of lieutenant colonel under the provisions of Title 10, U. S. Code, Section 5780:

William A. Abele, Jr.
Billy W. Adams
Sidney C. Adkins
Walter P. Aleksic
Joseph H. Alexander
George N. Allerton
Kenneth L. Ammons
Jesse E. Anderson, Jr.
Alfred A. Arroyo U
Robert B. Austenfeld, Jr.
Claude A. Austin
Edward V. Badolato
William W. Bahnmaier
Clarence L. Baker
Larry L. Baldwin
Robert E. Barker
Paul V. Barra
Connie A. Barsky, Jr.
Hubert M. Bartel, Jr.
Ernest B. Beall, Jr.
Leonard J. Beaudoin, Jr.
Donald D. Bergman
Edward O. Bierman
Robert N. Bogard
Walter E. Boomer
David M. Brahms
James V. Bronson
George W. Brooks III
Herman C. Brown
James B. Brown
Mark T. Brown
Austin R. Brunelli, Jr.
Ronald L. Bub
Francis M. Burke
Leslie D. Burnett
Bobby G. Butcher
Larry E. Byers
Frank L. Capin
John A. Caputa
Paul L. Carlson
Thomas J. Carroll
George L. Cates
Alfred F. Cazares, Jr.
Ronald H. Chalmers
Bobby D. Chambless
Daniel B. Chapla
John L. Clark, Jr.
William B. Clark
John E. Clements, Jr.
Eric J. Coady
Robin W. Cobble
Bobby F. Cole
Larry M. Collins
Thomas M. Collins
Edmund J. Connelly, Jr.
Wayne A. Coomes
William J. Cooper
Robert S. Coulter
William C. Cowperthwait
Donald C. Cox
Frederick B. Craig
Donald S. Creal, Jr.
Charles A. Cushman
William H. Dabney
Jack N. Daniel
Lawrence E. Davies
Christian F. Defries, Jr.
Robert H. Dietrich
Gerald L. Diffee
Chris G. Dokos, Jr.
Richard J. Dove
Billy H. Draffen
Robert J. Driver, Jr.
Thomas R. Durham
William P. Eshelman
Leonard L. Etcho
Timothy J. Fallon
David E. Fanning
Steven E. Field
Ernest T. Fitzgerald
Matthew Flessner
Robert A. Furtado
Vincent R. Gallery
Robert B. Gann
William H. Ganz
Donald R. Gardner
Phillip E. Gardner
Frederic L. Gatz
Harry R. Gentry
Timothy J. Geraghty
Joseph W. Gibbs III
Leroy H. Gonzales
James H. Granger
Ronald R. Grega
Robert C. Gregor
James A. Gress
Donnie M. Griffay
George R. Griggs
Edward A. Grimm
Charles R. Gruning
Louis T. Gundlach
Paul E. Hacker
Jack B. Hammond
Herman G. Hannah
Chester E. Hanson
Harry G. Hartley
Barclay Hastings
Maurice A. Holder
Robert S. Holman
John M. Holt
Harvard V. Hopkins, Jr.
Herbert E. Hoppmeyer Jr.
Frank J. Horak, Jr.
Ansley S. Horton
Otis D. Howe III
Walter R. Hoyle
Carl O. Hubbell II
Richard H. Huckaby
Frank A. Huey
Gerald C. Huggin
James L. Hughes
Carl R. Ingebretsen
Thomas R. Jensen
Anthon C. Johnson, Jr.
Donald W. Johnson
Robert L. Johnson
John H. Keating
Charles F. Kellenbarger
Reginald C. Kelley, Jr.
Robert L. Kerzic
Robert E. Kirkpatrick
Donald P. Klinger
Donald R. Knepp
John T. Komar
Thomas W. Krimminger
Burrell H. Landes, Jr.
James E. Lary
Thomas E. Lewis
Melton G. Lilley
Gerland E. Lindgren
Wesley A. Lokken
Gary N. Loveland
Francis L. Loving
James L. Lumsden
Charles L. Lynch
Gerald E. Macdonald
Robert A. Mallard
John C. Marshall
Billy R. Massey
Claude A. Matson
James S. May

Joseph C Mayers
Peter R. McCarthy
Billy L. McClain
John C. McDonald
James R. McElroy, Jr.
Robert C. McInteer
Werner W. McIver
Samuel K. McKee III
Paul A. McLaughlin
Charles T. McMullin
Clarence I. Meeks III
Gilbert R. Meibaum
John H. Messick
Harry R. Metzler
Thomas P. Miller
Roger L. Miner
Larry G. Mitchell
Alfred L. Mize
Lenus C. Morrison
Robert R. Mullins
John M. Mushallo, Jr.
Joseph F. Nardo
Robert L. Neff
Philip L. Noggle
William H. Osgood
Robert F. Ott
Hugh P Pate
John K Payne
Jeremiah W. Pearson III
Francis L. Pieri, Jr.
Charles M. Pisanchin
Lloyd G. Pool
John Powers
Richard A. Prestera
Norman E. Pridgen, Jr.
David A. Quinlan
Charles J. Ramsay
Albert J. Ransom
John H. Redgate
Robert M. Reed
Thomas L. Reeves
Lawrence P. Reiman
Richard C. Rich
Tom V. Richardson
Franklin D. Richey
Howard L. Richey
Ernest G. Rivers
George K. Robinson, Jr.
Torrence W. Rogers
Robert A. Ross
Ronald K Roth
James R Ruffini
Jaime Sabater, Jr.
Ramiro Saenz
Joseph R. Sales
Joaquin S. Santos, Jr.
Harold D. Scarbrough
Richard C Schamay
Joseph G. Schamber
Peter G. Scharf
Daniel W. Schrader
William F. Schwab
Manfred E. Schwarz
Richard B. Scibeck
James T. Sehulster
James R. Shaffer
James P. Sheehan
Winfield W. Sisson
David T. Sites
Hardy A. Slone
Leonard K. Slusher
Clyde D. Smith
Gid B. Smith
Vincent M. Smith
William S. Smith
Thomas J. Smyth
Munson R. Snedeker
Thomas J. Solak
Richard M. Stacy
Donald R. Stanton
James E. Stanton
David L. Steele
David R. Stefansson
Mitchell Steinberg
James J. Stewart
Donald L. Stiegman
Donald L. Stoner
John A. Studds
Junius R. Tate
Lawrence A. Taylor
John Telles, Jr.
Richard E. Thomas
Richard K. Thompson
William A. Tilley, Jr.
Thomas W. Toler
Henry L. Trimble III
James M. Tully
George E. Turner, Jr.
Donald V. Vacca
James E. Vanfleet
John W. Viglione
Robert L. Vogt
Thomas D. Ungar
Charles R. Upshaw
Kimball R. Wakefield
Sanford D. Wanner
Robert C. Watson
Richard J. Weidner
Philip S. Weigand
Gerald A. Wessels
Vincent M. Whelan
Justin H. Wickens
Kelton M. Wilson
Herbert T. Winston
David L. Wiseman
Herbert H. Wood
David K. Workmon
William E. Wright
Kenneth N. Zike
Robert F. Zumbado

The following named officers of the Marine Corps Reserve for permanent appointment to the grade of lieutenant colonel under the provisions of Title 10, U.S. Code, Section 5911:

Nicholas J. Adamo
Ronald J. Anthony
Carroll G. Baumgardner
Gregory S Bean
Thomas G. Beers
John C. Boston, Jr.
Fred R. Brown
William V. Bunker, Jr.
Ciro A. Buttacavoli
Angelo V. Candelori
John H. Carew
James P. Carman
Joseph H. Carpenter
Jacques W. Carter, Jr.
Edward L. Collymore
Charles W. Couch
Ronald W. Crawford
Vincent L. Crudele
Daniel H. Donegan
Francis L. Donnelly
Edward T. Donohoe
John F. Dwan
Wallace N. Dyer, Jr.
John C. Eisenhammer
Peter D. Everill
Andrew J. Fang
Richard J. Fitzgerald
Robert G. Flynn
Coleman J. Foley
Richard H. Forrester, Jr.
Jere C. Fowlkes
John L. Gaddis
Gary L. Gillespie
James D. Gilliard
Harold C. Gosnell, Jr.
Daniel J. Hampton
Dennis W. Harvison
David L. Hilton
Nicholas R. Hirsch
Richard N. Hoehn
Donald E. Holt
Ansley S. Horton
William G. Hyndman
Philip S. Inglee
Donald F. Joganic
William M. Keal
Gerard M. Kincade III
Ronald D. Lince
William J. Lohman, Jr.
Timothy D. Lundy
Myron B. Margolis
Robert D. Marshall
Theodore F. Martinez
Joseph W. Massenburg, Jr.
Miles C. Mays
John E. McDermott
Richard J. McGill
James C. McGuinness, Jr.
Wilbur C. McMinn, Jr.
John F. McNamara
Michael E. McPherson
James C. McRoberts
Robert Miller
Allan R. Millett
Stanley R. Nelson
Roos E. Nippard
John J. Norton
John D. Oakey
Darrell L. Parkin
Christopher Peet
Christopher Pennewill
Frank Piccola
James H. Pope
Donald A. Posluszny
Walter M. Schramm
Anthony F. Schuster. Jr.
James R. Shea
William O. Sheetz
Donald H. Smith
Richard N. Smith
Ronald L. Sowers
Joe W. Steele
Milton C. Stewart
Anthony R. Strickland
Robert C. Summe
Charles M. Temple
Henry E. Thomas IV
Lew E. Tingley
Rudolph G. Tschida
Hugh B. Vergara
Michael J. Wade
Rodney Walton
Edward B. Williams
Tren A. Williamson
Francis T. Wolfe
Charles H. Wood
Frank D. Yusup, Jr.
Carl E. Zachary

The following names officers of the Marine Corps for permanent appointment to the grade of major under the provisions of Title 10, U.S. Code, Section 5780:

Michael C. Abajian
Winfree M. Abernethy
Charles K. Ables
Robert L. Adams
John H. Admire
Allan A. Algoso, Jr.
George E. Allen, Jr.
James P. Allen, Jr.
Kenneth E. Allen
Jose G. Alonzo
Richard S. Alvarez
Granville R. Amos
George A. Ampagoomian
Charles W. Anderson
Denis J. Anderson, Jr.
Lee H. Anderson
Joseph U. Arroyo
James O. Atkinson, Jr.
John P. Aymond, Jr.
Richard A. Bagby
Russell F. Bailes, Jr.
Thomas C. Bailey, Jr.
James W. Baker
Randolph S. Balara
Lorenzo R. Bancells
Barry V. Banks
William L. Barba
Andrew R. Barkovich
James B. Barr
William E. Bartels, Jr.
Michael C. Bell
Virgil M. Berdine
Stephen R. Berkheiser
Rudy W. Bernard
Floyd A. Best
Thomas R. Betz
Russell M. Black
Frank S. Blair III
Gary A. Blair
Richard J. Blanchfield
Richard P. Bland L.
Andrew J. Blenkle
Edward L. Bloxom
Donald E Bonsper
Norman P. Bourre
Thomas A. Bowditch
Charles W. Bowers
Wilburn R. Bowers
John T. Boyer
Martin L. Brandtner
Randolph H. Brinkley
John F. Brosnan, Jr.
Neil J. Bross
Donald P. Brown
Edward C. Brown
James C. Brown
William F. Brown
Curtis B. Bruce
Roland J. Brunelle
David N. Buckner
James C. Buffington
James M. Burch
Richard S Burgess
George W. Burkley
John G. Burns
Raymond M. Burns
Thomas V. Burns
Dwight R. Byers
David L. Caldon
Charles M. Calhoon
Columbus P. Calvert, Jr.
Wallace L. Campbell
Ray G. Canada
Joseph L. Cannava, Jr.
Michael D. Carey
Rayon H. Carlisle, Jr.
Nicholas F. Carlucci, Jr.
William D. Carr, Jr
John R. Carswell II
Thomas W. Carter III
John J. Caskey
Bernard J. Cauley
Bernie N. Caviness
Russell E. Cazier
Norman B. Centers
Johnny D. Chapman
Philip C. Cisneros
David W. Cleeland
Brascal B. Cole, Jr.
Benjamin F. Collins III
James G. Collins
Joseph P. Colly, Jr.
Leslie R. Conklin
Ronald W. Corner
Martin E Costello
Ronald J. Coulter
Thomas N. Cox
Thomas P. Craig, Jr.
Arthur O. Cravets
Lyle P. Creadick
Curtis T. Crews
Fred R. Crowley
Louis M. Croy, Jr.
John D. Cummings
Gary J. Cummins
Jack W. Cunningham
William M. Dale
Walter E. Daniell
John J. David
William A. Davidson III
Charles R. Davis
Donald L. Davis
Peter K Davis
Pleas E. Davis
John E. Day
Stephen M. Day
Walter S. Deforest
Conrad A. Delateur, Jr.
John F. Dennis
Richard E. Dennis
Gerald L. Dereberry
James A. Derrico, Jr.
Kenneth W. Dewey
William J. Dibello
Gary D. Dockendorff
Harry C. Dolan
Richard E. Donaghy
Robert J. Dougal
David Douglas III
James A. Doyle, Jr.
James J Doyle, Jr.
John B. Dudley III
Donald R. Dunagan
Thomas H. Eagen, Jr.
Thomas M. Early
Edgar J. Easton, Jr.
Larry M. Edwards
Thomas R. Edmunds
William E. Egen
Sidney A. Ellertson
Donald G. Eirich
Billie R. Ellis
Michael W. Emmett
Delano R. Esguerra
Leroy B. Evans
John P. Farrell
Raymond W. Fesperman
Thomas M. Fine III
Dennis M. Finnance
William C. Fite III
Dennis R. Fitz
Ronald E. Fix
Arturo E. Flores
Joseph G. Flynn
Walter H. Flynn, Jr.
William R. Ford
David E. Foss
John B. Fretwell
Dennis B. Fryrear
Stephen R. Fulk
Larry D. Gable
Randolph A. Gangle
Anthony J. Garcia
Henry W. Gardner
Kenneth M. Gardner
Dixon B. Garner
Jerald B. Gartman
George E. Gaumont, Jr.
Phillip E. Gates
Jeffrey A. Gaugush
Jerry R. German
Terry G. German
Wayne M. Gibbons
Woody F. Gilliland
Roger H. Gingrich, Jr.
John T. Gipson
Robert E. Godwin
Jerome E. Goodrich
Lance A. Goodrum
John B. Goody
John H. Grant
Thomas H. Griffith, Jr.
Ronald J. Gruenberg
Gunnar Gudjonsson
Lyal V. Gustafson
Clarence L. Guthrie, Jr.
Gustav E. Gyllenhoff
David I. Habermacher, Jr.
Thomas M. Haddock
James C. Hallman II
James W. Hardy
Richard I. Harris
Richard L. Harris
Robert L. Harrison
Richard T. Harry
James G. Hart
Norbert J. Hart
Robert H. Hart
Stephen M. Hartnett
Eric E. Hastings
James M. Hayes
Preston D. Haynes
William E. Healy
Lawrence N. Helber
Phillip R. Hemming
Roger M. Henry
James E. Henshaw
Richard Herberg, Jr.
William R. Herder
Leslie B. Herman
Roger A. Herman
Ronald G. Herms
Donnie H. Hester
Milton J. Hester
Larry T. Higbee
David A. Higley
Alan S. Hill
Steven M. Hinds
James H. Hodgson III
Howard M. Hoffman
Thorvald P. Holme
Harold L. Honbarrier, Jr.
Harry L. Hooper III
Marvin T. Hopgood, Jr.
John T. Horvatich
Terry L. Howard
David Howe
Jack R. Howell
Merlin R. Huckemeyer
Stanley P. Huey, Jr.
Jimmy W. Hughes
Therlon E. Hughes
Ralph P. Hundley
Edward L. Hutchinson, Jr.
Michael M. Hynes
Charles H. Ingraham, Jr.
Leonard L. Ingram
Thomas R. Irvine
Marvin L. Jackson
James W. Jacobson
Leo R. Jamieson
Michael R. Janay
William W. Jeffrey
Harry E. Jensen III
Gerald O. Jenson
Victor Johnnides
Jeffry L. Johnson
Gerald M. Johnson
Kenneth H. Johnson
Michael B. Johnson
Robert J. Johnson, Jr.
David A. Jones
Fred L. Jones
Gerald W. Jones
Richard D. Jones
Thomas L. Jones
Louis S. Jumbercotta, Jr.
John F. Juul
Thomas A. Kahl
Patrick J. Kahler
Richard J. Kalata
James H. Kean
Arthur J. Keener C
Robert F. Kehres
James M. Kelly
William G. Kemple
Laurance J. Kennedy
James D. Keown
Norman G. Kerr G
William M. Keys
Robert E Kiah, Jr.
Lynn J. Kimball
Ronald D. Kincade
David R. Kinneer

Kenneth J. Kiriacopoulos
Joe J. Kirkpatrick
Robert H. Kirkpatrick, Jr.
Edward D. Klatte
Edward J. Kline
Larry P. Klipp
John E. Knight, Jr.
Kenneth A. Koelln
Raymond O. Kotrla
Melvin P. Krone
John B. Krueger
Carl S. Kusky, Jr.
David J. Laboissiere
Claudie J. Ladner
Alexander E. Lancaster
Robert M. Lancaster
Robert K. Lange
Shelton F. Lankford
David L. Lapham
Robert L. Larkin
Walter M. Lazar
William F. Lawlor III
Charles D. Lea
Shawn W. Leach
Harry E. Lee III
Roy E. Lee, Jr.
Peter J. Lepo
Terrence D. Lewis
Jay C. Lillie
Stephen E. Lindblom
Achim W. Lind
Hans W. Lindholm
William W. Lindsay, Jr.
David B. Littell
Junior D. Littlejohn
Lowell D. Long
Anthony A. Lopez
John S. Lowery, Jr.
James L. Lucas
Gary K. Lulfs
Bertie D. Lynch
James M. Macevitt III
Warren R. Madsen
Gerald R. Magliano
Bruce A. Major
Douglas A. Manz
Alvin F. Marshall, Jr.
Jon A. Marshall
David P. Martin
Malcolm R. Massie, Jr.
Robert L. Matlosz
Frederick H. Matthys, Jr.
Robert E. Mattingly
William J. McCallum
Jeffrey B. McAnally
John C. McAnnally
Robert M. McBride
Patrick J. McCann
James E. McClenahan, Jr.
Daryl S. McClung, Jr.
Stephen R. McComb
Thomas C. McDonald
Gary W. McDowell
John C. McGee
David L. McInturff
Gary S. McKissock
Robert J. McLaughlin
John P. McMahon
Donald A. McPheron
Thomas H. Meeker
Robert B. Meissner
James H. Merrill
Thomas H. Meurer
Gary G. Meyers
Charles R. Mills
Terry L. Miner
John W. Moffett
John W. Mohr
John J. Mondry, Jr.
John R. Moore
William O. Moore, Jr.
Walter H. Moos I
Franklin M. Morgan
Joseph J. Morrissey III
Michael J. Moss
Samuel L. Moyer
John J. Mulholland
James E. Murphy
James W. Murphy
Michael W. Murphy
William F. Murphy
James B. Murray
John D. Murray
Norbert M. Murray III
Joseph A. Murry
James M. Mutter
Lonnie M. Myers
Richard I. Neal
Thompson D. Neff
David W. Nelson
Ronald S. Neubauer
Doyle A. Nicholson
David E. Niederhaus
Richard C. Norris Jr.
Andre Novickis
Robert G. Nunnally
Robert M. Nye, Jr.
Donald J. Oconnor
George W. Odell T.
Thomas F. Omalley, Jr.
Kevin P. Omara
Edward P. Oneil B.
Gene P. Oneill
Raymond A. Oneill
James M. Orourke, Jr.
Alan L. Orr
Theodore D. Owens
Douglas B. Page
William A. Parker
Lionel Parra, Jr.
Lowell W. Patak
Robert F. Patton
Erwin W. Paulson
Kenneth B. Petersen
Lawrence E. Peterson
Robert L. Peterson
Alan D. Pettit
Frank S. Phillips
Richard P. Pierzchala
William E. Platz
William W. Pollock
Gerald J. Polyascko
Harry P. Porth, Jr.
John D. Phillips
James M. Puckett
Jimmy M. Ray
Philip H. Ray
John M. Reardon
Charles Rechtenbach
Don T. Reed
Henry L. Reed
Robert E. Reedhill, Jr.
Claude W. Reinke
Robert R. Renier
Philip F. Reynolds
Larry D. Richards
David A. Richwine
Clarence C. Riner III
James P. Riordan
Frederick M. Rivers, Jr.
Joseph W. Robben, Jr.
Douglas A. Roberts
Henry A. Robertson III
Lawrence R. Robillard
Gary H. Robinson
George R. Robison
Nedson K. Robison II
Richard J. Rochford
Bob B. Rodgers
Waynor F. Rogers
Peter R. Rounseville
Jack A. Ruffer
Kenneth S. Russom
Bernard R. Rusthoven
Dennis C. Rydstrom
Edward R. Rynne
Robert V. Sabia
William J. Sandberg
Durward T. Savage
James E. Scoggins
Don F. Schafer, Jr.
Carl J. Schlack
Raymond H. Schmidt
Edward C. Schriber
Ernst U. Schultes A.
Bruce A. Schwanda
James E. Secrist
Vytautas S. Senkus
Merlyn A. Sexton
Louis E. Shaw
John D. Shinnick
Michael F. Shisler
Raul A. Sifuentes
Thomas R. Siggins
Michael W. Smith
Stephen K. Smith
Sidney L. Snellings, Jr.
Robert L. Snyder
William R. Spicer
Michael A. Stankosky
Gregory C. Steele
Eugene A. Steffen
Louis C. Stengel III
Charles R. Stichter II
James F. Stodola
Robert R. Stout
Edward G. Stuckrath, Jr.
Robert J. Sullivan
Warren E. Sweetser III
Robert E. Swete
Jerry K. Taylor
Larry L. Terry
Raymond L. Thacker, Jr.
Joseph G. Thomas
Raymond A. Thomas
Edward F. Thruston
Robert O. Tilley
Stanley R. Tomlinson, Jr.
Ferdinand A. Toval
Frank L. Turner
Charles G. Tyrian, Jr.
Gary R. Vangysel
William J. Vankat
Richard H. Voigt
John M. Wagner
Alfred J. Walke
Earl P. Wallis
George H. Walls, Jr.
Loren A. Wasson
Michael F. Waters
Jerome L. Weis
Edwin W. Welch
Roger V. Wellbrook
Daniel T. Wellman, Jr.
Robert F. Wemheuer
William D. Wester
William K. Westling
Buddy P. Westmoreland
Billy K. White
David L. White
Howard M. Whitfield
Harold B. Wilber
Robert S. Williams
Robert T. Willis
Robert O. Wills
Gordon R. Willson
Jeffrey A. Wilson
Lynn W. Wilson
Lance P. Woodburn
John A. Woodhead III
Clyde E. Woods
Dabney E. Wooldridge III
Patrick A. Yaccarino
Robert E. Yeend
Paul D. Young
Thomas Zalewski
Anthony C. Zinni
Lawrence M. Zipsir, Jr.

The following named officers of the Marine Corps for permanent appointment to the grade of captain under the provisions of Title 10, U.S. Code, Section 5780:

Alexander J. Aitken
Jeffery A. Applen
Gary W. Barnes
John L. Borst
Robert J. Boyd, Jr.
Albert R. Calderon
Ronald J. Cruz
Timothy L. Dahlin
Anthony A. Decandia
Charles Demello
Donald V. Demikis
Edward A. Devite
Robert W. Dyar, Jr.
David C. Eberhart, Jr.
Robert G. Essink
Kenneth R. Falasco
Arnold Fields
Paul R. Fields
Jerry W. Fitzgerald
Lloyd D. Fitzpatrick
Eugene Frazier
James L. Hayes
Askold T. Haywas
Allen T. Head, Jr.
Roger D. Herring
Frank W. Hicks
Richard F. Holihan
Stephen D. Hopkins
Richard A. Houston, Jr
Thomas P. Hudson, Jr.
Jerry D. Humble
Jan C. Huly
James F. Huzl
David C. Johnson
Rodger L. Jones
John M. Kelleher
Eric N. Kiersh
David C. Kurner
Paul M. Lee, Jr.
Timothy B. Levan
John K. Lizzo
Charles V. Long III
Roger J. Mauer
John B. Middleton, Jr.
Stephen A. Miller
Alex G. Mitkevich
Michael F. Monigan
Thomas B. Moore
Rollin G. Napier
James M. Naylor
John J. Niemyer
Michael C. Osajda
Frederick D. Parker
John C. Pastuf
William Penry, Jr.
Doyle B. Plott
Andrew N. Pratt
William T. Ramsey IV
Garrett V. Randel, Jr.
Robert W. Rathbun
Louis A. Rehberger III
James L. Reid
Raymond W. Schellinger
Jerauld D. Schroeder
Alan A. Schultz
James R. Schwenk
Michael J. Shaw
Richard V. Sherwood
James E. Smith
Terry A. Smith
James P. Sureau
Joe R. Stewart
John D. Stokes
Thomas L. Stratton
John L. Thompson
Donald G. Turner
Roger C. Wahls
Charles N. Wells
Paul A. Whitham
Richard T. Willard
Norris E. Williams
Frederick H. Wolfrom
Michael D. Woods
John P. Wright
Frank Yohannan
Brian M. Youngs

The following named officers of the Marine Corps for permanent appointment to the grade of first lieutenant under the provisions of Title 10, U.S. Code, Section 5788:

Michael J. Adams
Robert P. Adelhelm
Frederick P. Adkins
Thomas M. Adkins
Rodolfo F. Aguilar, Jr.
Michael N. Ahlers, Sr.
John W. Allshire
Marcia M. Albright
Louis J. Alfieri
Frederick C. Alke
Charles H. Allen
Paul C. Allen
Martin D. Amador
Rodney W. Anderson
Wesley M. Anderson
Clarke F. Ansel
James R. Appleby
Elwood M. Armstrong, Jr.
Berwick P. Babin
Donald L. Bailey
Peter J. Baldwin
Charles H. Ball
Forrest L. Barbee
Jane Barlow
William C. Barnebee
Charles D. Barrier
Michael E. Barrington
Stephen B. Baumann
James M. Beal
Jesse L. Beamon, Jr.
Timothy P. Beard
Michael D. Becker
Michael C. Beegle
David L. Beeman
Charles R. Bell
Wayne T. Bell
Charles P. Bennett
William J. Berger
William F. Best
George A. Biszak
James E. Bond
John E. Borley
David G. Brereton
Pamela A. Brills
Kenneth W. Broussard
Gregory D. Brown
Richard A. Brown
John C. Buckingham, Jr.
Lyle R. Buerkens
John R. Bukowski
James B. Burke
Steven F. Burke
Carl L. Burney, Jr.
Donald R. Butcher
Judith A. Butler
Patricia A. Byrne
Paul A. Calvert
Paul B. Cannon
Lawrence J. Carino
Stephen A. Carnes
Mitchel Carthon
Howard D. Chamberlain
Grady B. Chaney II
Rockey J. Chavez
Cary R. Cheston
Steven K. Chorak
Frank Chukes, Jr.
Michael A. Cicere
John M. Clapp
Sylvester P. Clymer, Jr.
James L. Cole
Wayne C. Collins
Kenneth J. Conatser
Timothy C. Conway
Christian B. Cowdrey
Leon Craig, Jr.
Frank Crilley
Joseph A. Crookston
Thomas D. Crowley
Glenn K. Cunningham
Terrence J. Cuny
Charles K. Curcio
Daniel D. Cushman
Maurice Daniel
Carmen M. Darminio
Arthur H. Davis, Jr.
Jack G. Davis
Robert J. Debellis
Robert E. Decker
Kenneth D. Dennett
James A. Dentinger
Richard E. Deslauriers
Robert P. Destefanis
Robert C. Dickerson, Jr.
Thomas E. Dillard, Jr.
Richmond F. Douglas
Edwin R. Downum, Jr.
Bruce E. Duderstadt
Gary P. Duffy
Terrence P. Dugan
Robert J. Duhon
William K. Duncan
Richard M. Dunnigan
George A. Eberhart, Jr.
Andrew F. Eble
Howard B. Eddins III
James L. Edwards, Jr.
Michael A. Einsidler
Joel P. Eissinger
Kimlyn A. Elder
Dan S. Ellis
Kent D. Ellis
Howard F. Eslick
Dennis M. Etheredge
James P. Etter
Frank A. Fucci
Charles R. Fairchild
Peter T. Fairclough
Lee H. Farmer
William P. Ferrel
Henry Fontela
James C. Forney
Robert T. Forte
Christopher T. Franklin
Paul O. Freeberg
William E. Freisthler
John N. Frisby, Jr.
Herbert L. Fritz, Jr.
Jack Furcht
Foster L. Fuselier
Joey R. Gallegos
Robert D. Galloway
William T. Gates
Cecil C. Gatlin, Jr.
Kerry K. Gershaneck
Wilma J Gibbons
Gary G. Gisolo
Susan C. Godbold
Stephen K. Graham
Robert J. Graus
Juanita M. Grigsby
Roy W. Grimes
Dennis H. Grimm
Leo J. Grogan
Stanley L. Grossman
Norman R. Guenther
Ronald L. Guenther
Karl L. Haithcock
Mark K. Hall
Willard D. Hall, Jr.
John A. Hamilton
Theodore J. Hammond
Virginia G. Handelsman
Robert L. Hayes III
Stephen G. Harrison
Frank C. Hart III
James A. V. Hart
Andrew W. Hartman

Robert L. Hayes III
George C Hays, Jr.
James R. Hedges
Scott A. Hegland
James R. Henderson, Jr.
Robert J. Herkenham
Craig B. Herold
Joseph F. Hickey, Jr.
John W. Hiett
Richard A. Hobbs, Jr.
John J. Hogan III
Ronald T. Hogan
Ides L. Holdridge, Jr.
Trenton F. Holland
Leonard E. Holloway
Mont K. Hoover
Jeffrey W. Hopkins
Rick L. Horvath
Larry D. Hosler
Michael D. Howard
Daniel R. Hudson
Bruce W. Hueners
Joseph P. Hylan
Gerald A. Hyndman
Daniel Iverson III
Neal L. Jackman
Michael D. Jacobs
Benjamin W. Jeffrey
Jurden J. Jelken
Robert E. Jerabek
David L. John
David W. Johns
Dennis M. Johnson
Kenneth D. Johnson
James M. Johnson
Larry A. Johnson
Thomas V. Johnson
Ernest S. Jones
Roland L. Juvenal
John T. Kamikawa
Jeffrey H. Kammerer
David J. Keirstead
Patrick J. Kelly
Thomas R. Kelly
Roy H. Kemble III
Gary J. Kenter
William P. Keogh
Thomas N. Kerigan
Michael J. Kerrigan
David L. Kiffer
Michael L. Kildare
David A. King
Frederick T. King
William A. King
David B. Kirkwood
David M. Kirkwood
Frederick M. Kist
Steven A. Kein
David F. Klingenhofer
Jack R. Knight
Michael J. Knowles
Kent D. Koebke
Joseph C. Koen
Peter D. Kope
Dudolph B. Kowalcyk
James J. Krimm
Michael R. Kupar
Joseph E. Laforest
Grant E. Latin
John F. Larkin
George S. Lauer
Dennis L. Lawrence
Dennis L. Leahy
James M. Leavis
Michael R. Lehnert
Dyer T. Lennox
Edward J. Lesnowicz, Jr.
Larry F. Lewis
Eric J. Linn
Thomas C. Linn
Eugene A. Lohman III
Jarvis K. Long
Joseph C. Long
Robert L. Longtain
Tony S. Lopez
David M. Lumsden
Robert G. Lyell
Coleman R. Lyons, Jr.
John H. MacGhee
Gilbert A. Macklin
Michael H. Mahlock
Kelly J. Mahoney
Diane L. Manley
Richard J. Martin, Jr.
Steven D. Martin
Jack L. Mattson
Samuel Mauch, Jr.
Mary P. Mauck
Billy P. Mauldin
Dennis P. McCarthy
Michael E. McCormick
Danny J. McDaniel
James S. McElhiney
Charles E. McGinnis
Robert M. McGinnis
John D. McGuire
Douglas M. McKay
Michael E. McKenzie
Curtlan R. McNeily
Thomas J. Menendez
Jesse M. Merriett III
John M. Metterle
Charles W. Michalk
Gary W. Miller
John S. Miller
Melvin L. Miller
Scott D. Miller
Warren D. Miller
Carolyn A. Minerich
Douglas M. Mitchell
Lawrence W. Moczulski
John Moisuk, Jr.
Andrew H. Moreton
Frederick R. Morse
Patrick J. Mullin
Harry M. Murdock
Steven M. Mutzig
Larry F. Naifeh
Robert F. Neely
Victor P. Neshyba, Jr.
Gary P. Newell
Lester K. Newell
Richard E. Nicolai, Jr.
Freddie R. Nielsen
Raymond A. Nikula
Melvin P. Noack
Michael J. Nolan
Bruce E. Nowak
Lawton R. Nuss
Dennis A. O'Brien
William V. Osborne II
John M. Pagel
Robert E. Parcell
Mark T. Parmenter
William J. Passeno
Lloyd W. Patrick
Robert S. Patterson
Alan R. Pavsner
John M. Paxton, Jr.
Thomas G. Peeler
Eugene D. Pellecchia
William M. Pennick
Stephen W. Perkins
Darwin D. Peterson
Mark A. Peterson
Paul W. Pfohl
Steven J. Piccirilli
Mark A. Pillar
Terrance M. Portman
Kathleen J. Potthoff
Joseph S. Prizy, Jr.
Paul R. Puckett
Michael J. Quinlan
William M. Ramsey
Donald G. Rape
David J. Rash
Robert W. Reese
Rodney J. Reynolds
Scott P. Reichert
Joseph S. Regan
Anthony W. Rice
Howard E. Rice, Jr.
Thomas A. Richards
William E. Richardson
Michael H. Rising
Leonard D. Robert
Samuel E. Roberts
Clifton B. Rook
Anthony P. Rothfork
Robert O. Rowland
Mark V. Ruggiero
Karl R. Russell
John E. Ryan
Joseph M. Sackett
Richard J. Salsman
Mark S. Sams
Stephen L. Sayko
Russell O. Scherck
James W. Schwindler
Eddie R. Schmalz
Steven J. Schneider
Darrel G. Schueler
Arlon T. Schuetz
Thomas E. Seal
David J. Sebastian
Ray L. Seckinger, Jr.
Harvey F. Seegers, Jr.
James S. Sfayer
John P. Sharples
Trent W. Shirey
James H. Shnell
Steven V. Shook
Richard A. Showman
Philip F. Shutler II
Ricky L. Simmons
Larry R. Sims
George J. Singley
Bruce J. Slagle
Dennis J. Smith
Gail A. Smith
Harry D. Smith
Kenneth E. Smith
Malcolm W. Smith, Jr.
Spencer H. Smith
Thad L. Smith
Francis M. Snow
Fred D. Soetekouw
George C. Solley
James M. Sorley
Frederick L. Spaethe
Michael A. Spaulding
Grafton A. Spinks
Michael J. Spitz
Glenn C. Spradling
Theadore A. Sprute
Gordon B. Staples
Barry J. Statia
Marc A. Steele
Richard Stockburger
Lucy Stolpe
Jacob F. Stone, Jr.
Frederick T. Strock
Robert M. Stubbs
Clyde N. Sturgeon
Stanley J. Shuchecki, Jr.
Donald E. Summers
Mark E. Swanstrom
John R. Sykes
Fabio Taglieri
John R. Taxeras
Charles J. Temple
Charles A. Teubert
James E. Thigpen
James W. Thompson
Frederick C. Tillack
Eugene R. Timothy
Leonard E. Todd, Jr.
Leslie J. Tomlinson
Philip D. Tracy
Francis V. Treybal III
Charles F. Triplett
Ronald H. Underdahl
Charles M. Urtnowski
Jeffrey B. Vandyke
Lawrence R. Vanloan
Lagrant D. Velde
Terry L. Vermillion
James P. Voss
Michael J. Vrabel
Garry W. Walker
Martin W. Walker II
Walter J. Wallace
John F. Walsh, Jr.
Frederick B. Warren II
Michael J. Warren
Eva D. Wehrle
Robert J. Weimann II
Eric W. Weiss
Walter F. Welch
Buford G. Wells
John R. Westbrook
Clifton R. Weyeneth
Dickie J. White
Walter L. Whitesides
Janice L. Wiley
Thomas J. Williams
Willie J. Williams
Earnest W. Williamson
Penelope R. Williamson
Raymond E. Willis
Joseph J. Winer
Gary M. Winter
Ronald L. Withrow
Richard L. Wolf
James Wong
Lee W. Wood
William E. Wood, Jr.
Gregory R. Wright
William G. Wright
William A. Wright III
David G. Yarrington
John R. York
Richard Zee
Francis E. Zink, Jr.

The following named male officers of the Marine Corps for temporary appointment to the grade of first lieutenant under the provisions of title 10, U.S. Code, section 5784:

Dirk R. Ahle
Joseph A. Alexander, Jr.
Christopher D. Allemand
Robert M. Andrews
Stephen W. Andriko
Steven J. Antosh
Johnny E. Arline, Jr.
Michael C. Arola
Dennis S. Augspurger
Cozy E. Bailey
Philip M. Bambrick
Richard K. Barnes
Brian S. Bean
Jeffery W. Bearor
Christopher L. Becker
Guy M. Belleman
Johnie W. Benefield
Larry W. Berquist
Timothy P. Biggs
Edward W. Blankenship
Michael R. Blehm
Timothy B. Born
Charles E. Boyd
Daniel J. Bourassa
William J. Brechtel, Jr.
Allan C. Breller
Francis P. Brennan
Emmitt D. Brewington
Randolph R. Bridgeman
Bruce E. Bronars
Donald D. Brown, Jr.
Eugene M. Brown
John D. Brown
Philip E. Buchinger
Bruce A. Buckiewicz
Joe C. Burgin III
Mark A. Cagiano
Stewart D. Cameron
Andrew H. Campbell II
Frank J. Cappiello
William A. Card
James Carlsen
Steven C. Carpenter
John K. Carroll, Jr.
Robert M. Carroll
Mark W. Casey
Alan T. Cassidy
Benjamin L. Cassidy
Anthony H. Catanach, Jr.
Michial M. Celvi
Roy T. Centner
Theodore C. Childers, Jr.
Courtney D. Chinn
James R. Clark, Jr.
Robert B. Clark
Robert A. Clarke
Eugene J. Cole
Michael D. Cole
Raymond S. Collins, Jr.
Cleveland E. Cooper
Patrick D. Connally
Rodney M. Cotten
Richard D. Coulter
Joseph F. Cramer
William M. Cryan
James J. Cuff, Jr.
Larry E. Cumberland
Brian E. Curdy
David L. Darbyshire
Jeremiah C. Day
Frank C. Deen, Jr.
Thomas L. Dempsey
Wayne E. Dillingham
Darrel W. Dillon
Kenneth W. Dixon
William H. Dixon, Jr.
Thomas E. Dolan
Robert E. Donelan, Jr.
William J. Donahue
Martin A. Donovan
James E. Dorsey III
Paul A. Doscher
James V. Doyle
William B. Drennan
Charles P. Dublin
Arnoldo R. Easterly
Gary M. Eberling
Gregory J. Eddy
Daniel P. Ellis
John P. Elwell
Jeffrey P. Estep
Rex A. Estilow
Willie M. Everett
Phillip A. Faigley
Allie C. Felder III
Robert M. Finer
Richard C. Fitzgerald, Jr.
Patrick J. Fitzsimmons
William R. Fletcher
Barry J. Flick
James F. Flock
George J. Flynn, Jr.
Stephen P. Folan
Barry M. Ford
James R. Forgy
William M. Forman
Andrew P. Frick
Kenneth M. Fritts
Steven J. Gaffney
William M. Garrabrants
Donald M. Garrett
Michael J. Gearin
David L. Gilbreath
Robert J. Giuda III
Thomas C. Glover
Michael J. Goin
William E. Goldmon
Daniel B. Gonda
Richard W. Goodale, Jr.
James Goodloe, Jr.
Kevin L. Gordon
Richard A. Graham
Charles A. Gram
Douglas L. Green
Max P. Greene
John J. Guevremont
Paul R. Gustin, Jr.
Thomas X. Hammes
Myron L. Hampton
Michael J. Hanaway
Terry R. Harding
Eugene P. Hardy
William W. Harney
John S. Harrel
William M. Harris
Kevin P. Hart
George S. Hartley
Charles W. Harvey III
Stanley M. Hebert
Charles W. Hehl
Dennis J. Hejlik
John D. Henderson
Steven H. Herrington
Kim O. Hetler
Mark A. Hickey
Michael S. Hicklin
John R. Hiner
Francis G. Horne, Jr.
James C. Hosmer, Jr.
William J. Howey
Robert J. Hubert
Craig S. Huddleston
David C. Hug
Michael K. Hughes
Bernard S. Hummel
Robert L. Humphrey R.
Clifford G. Hurst
Christopher J. Iaquinto
Michael J. Inabinet III
Michael D. Ince
Jonathan D. Inghram
John M. Jagielski
Dwight W. Jones
Michael J. Jinnett
Floyd J. Johnson III
Richard T. Johnson
Peter L. Jones.
Daniel J. Kernen
Charles E. Kerr
Sven K. Kiilsgaard
Frederick J. Klauser
Christian P. Klinefelter
Robert L. Knight, Jr.
Mark R. Koenig
Stephen Kozick III
Raymond M. Knox, Jr.
David E. Krugler
Joseph S. Lape
Victor D. Lance
David G. Langness
Granville D. Lasseter II
Larry L. Laughlin
James M. Laverick
Henderson Lawson, Jr.
Thomas G. Leahy
John D. Lehockey
Roderick W. Leitch
Richard J. Lies
Ritchie M. Lilly
Joel G. Lindemann
Scott A. Lindsey
David G. Linnebur
Frank M. Lochocki
John L. Lott, Jr.
Edward J. Lubbers
Robert D. Luginbill
Gary A. Lundeen
Kevin B. Lydon
Constantine Y. Lynard
Steven J Lynn
Adam F. Macadam II
Kenneth A. MacGowan III
Henry E. Maher
Robert R. Maldonado
William H. Malone
Curtis W. Marsh
William J. Martin
Walter Maximuck, Jr.

William J. McCann
Bernard V. McCarthy, Jr.
Nathaniel T. McCleskey
Francis M. McComb M.
Joseph M. McDonnell
Richard F. McDonough
Allan P. McGuinness
Luther B. McIntyre, Jr.
Paul P. McNamara
Thomas O. McQuerry
Michael D. Meier
Paul G. Merchant, Jr.
William Merrell
Gary L. Miller
Jeffrey W. Miller
Melvin R. Miller
William A. Miller
Robert B. Monnie
William J. Montgomery
Jacques J. Moore, Jr.
Roger K. Moore
John C. Mordue
Arthur G. Morrell
Mark M. Mossman
Michael J. Motes
Richard J. Murphy
William R. Murray
Daniel J. Muthler
James D. Nelson
Elias A. Nesar
David H. Neundorfer
Ronald C. Nicholas
Eric P. Nielsen
Thomas J. Nielsen
Rex C. Nowlan
David M. Oberholtzer
Mary F. O'Connor
Emmett A. O'Donnell P.
Fulton P. O'Donnell
Courtenay L. Olney
Stanley A. Ordone
Pierre J. Ortiz, Jr.
Richard J. Packard
Harry A. Page
Steven M. Palmer
Frank A. Panter, Jr.
Rodney P. Panter
Raymond D. Parker
John S. Pate
Gregory A. Patterson
David N. Penman
Melvin L. Peoples
Andrew J. Peters, Jr.
James J. Pettengill
David A. Phillips
James A. Phillips
Steven R. Pietrzak
Alexander Plechash
Gregory J. Plush
Dennis D. Poulos
William J. Preston
Joseph E. Price
Steven L. Prout
Kenneth C. Rains
David P. Rann
Daniel E. Rapp
Robert S. Rea
David E. Reagan
Michael J. Regan
Robert S. Richardson
James S. Richter
Jeffrey C. Richter
Stephen C. Robb
Jeffrey A. Robertson
James W. Robinson, Jr.
Richard L. Rodecker
Daniel W. Roepke
John R. Ruckriegel
Charles W. Russell
Thomas P. Ryan
Richard A. Rybolt
Kevin M. Sandkuhler
James K. Sapp
Alan K. Schuler
John F. Seal
William E. Seibel
Scott G. Seney
James J. Seward
Raymond S. Shelton
Mark D. Sherry
Robert J. Shipley
John A. Shookster
David Simon
Jeffrey R. Simons
Richard L. Simmons, Jr.
Frank P. Slavich, Jr.
John W. Slider
Timothy A. Sloan
Robert F. Smith
Wesley F. Snyder
Daniel G. Somers
John W. Sondermann
George T. Sparkman, Jr.
Harrell D. Spoons, Jr.
William T. Snider, Jr.
Robert E. Steffensen
Gary D. Stack
Michael H. Stevens
Robert A. Stevens
Paul C. Stock
Robert W. Strahan
Carroll B. Sumrall III
John D. Swain
John L. Sweeney, Jr.
Terry M. Symens
John D. Theeuwen, Jr.
Jerry L. Thompson
Michael W. Thumm
Randolph E. Tom, Sr.
Douglas M. Tonn
Craig W. Towsey
William K. Tritchler
Michael J. Trout
Richard T. Tryon
John H. Turner
Stephen A. Turner
Bert B. Tussing
Jonathan N. Vizina
Michael W. Wagner
David G. Walick
Andrew D. Walker
John E. Wangsgard
Dayton F. Warfle
Paul H. Watson
Daniel A. Wehrle
Robert G. Wilcox
Christopher A. Wilk
Charles D. Wilkins
Thomas P. Wilkinson
Michael E. Williams
Michael T. Williams
Dennis A. Winberry
David E. Wirsig
Michael Wisloski, Jr.
Larry J. Wolf
Robert S. Wolfe
David B. Wood
Douglas T. Wray
James M. Wright
Charles S. Wuest
Randolph F. Young
Robert E. Younger
Michael J. Zak
Robert G. Zakula
Michael A. Zarate
Mark J. Zehfus
Mark D. Ziobro

The following named women officers of the Marine Corps for temporary appointment to the grade of first lieutenant under the provisions of Title 10, U.S. Code, Section 5787b:

Rose A. Allen
Gwendolyn E. Blizzard
Pamela F. Capatosic
Susie K. Jones
Leellen Kubow
Crystal M. Nans
Lisa A. Talmage
Kelley J. Nielsen
Nancy J. Olson
Linda S. Rutledge
Ann F. Toggenburger
Ann F. Toggenburger
Wilma L. Turner

The following named officers of the Marine Corps for temporary appointment to the grade of lieutenant colonel under the provisions of Title 10, U.S. Code, Section 5769:

Andrew B. Adams
Louis P. Andrews
Carl R. Ariola
Elie M. Asanovich
Henry W. Austin
Thomas R. Baisley
Joseph R. Balthis
Gordon D. Batcheller
Frank A. Bendrick
Alfred R. Bergstrom, Jr.
Wesley H. Birt
Norman H. Bomkamp
John F. Borders
William T. Bosserman
Rodney W. Botelho
Howard J. Bowden
Gene W. Bowers
Marx H. Branum
John P. Brickley
David B. Brown
Richard L. Brown
Robert T. Bruner
Martin C. Brush
Jerry M. Byrd
George R. Callison
John M. Campanelli
David A. Carter
Conwill R. Casey
David J. Cassady
Frank G. Castillo
John P. Caynak
William F. Cerny
Francis X. Chambers, Jr.
Jack A. Chapman
Robert G. Clapp
Roger L. Clawson
Vincent S. Coll
Raymond L. Collins, Jr.
Edward M. Condra III
James J. Coolican
Gary J. Cooper
David C. Corbett
John C. Cregan
Lowell R. Cushman
Paul G. Davenport
James M. Davis
Howard L. Decastro
Roy E. Deforest
Gerald Dejong
John D. Dempsey
David V. Denton
Michael P. Downs
J. R. Duckworth
Stephen C. Durrant
Tod A. Eikenbery
Thomas L. Elser
Berlis F. Ennis
Walter M. Esser
John G. Fitzgerald
Jon T. Flint
David M. Gallegos
Dayne G. Gardner
Theodore L. Gatchel
Floyd S. Giordani
Thomas E. Gnibus
Richard L. Goodlake
David B. Gregory
James R. Griffin
John W. Guy
Lynn M. Haines
William A. Hall
Myron C. Harrington, Jr.
Phillip L. Harrington
Terry E. Harris
Charles B. Hartzell
Edward M. Healey
Marlin L. Hefti
Thomas E. Hemingway
David G. Henderson
Nelson P. Hendricks
James B. Hicks, Jr.
Donnal E. Hiltbrunner
Charles T. Huckelbery
Kenneth D. Holland
Carl J. Horn
Melvin Horowitz
Gerald F. Huml
William F. Hurley
Wilton H. Hyde, Jr.
Harry W. Jenkins, Jr.
Thomas F. Jessen
Kenneth D. Johnson
Richard F. Johnson
Robert B. Johnston
Raymond W. Kalm, Jr.
Richard S. Kaye
Edmund M. Keefe, Jr.
Alan B. Kehn
Glenn D. Kelly, Jr.
Watt J. Kiser
Grover C. Knowles
William G. Kogerman
Robert C. Korman
Philip R. Kruse
Rene F. Larriva
Otto J. Lehrack III
Robert Leiker
James W. Lent, Jr.
Martin J. Lenzini
Otto G. Linden
Thomas J. Lyman
Robert F. Machado
Frederick J. Mahady, Jr.
William D. Major
James H. Marshall
John T. Marshall
John S. Martin
James E. May, Jr.
William R. McAdams
James D. McGowan, Jr.
James P. McHenry
Charles L. Meadows
Richard H. Meydag
David C. Mills
Charles H. Mitchell, Jr.
Gerry M. Mizer
Robert W. Molyneux, Jr.
Raymond R. Moore
Lawrence R. Moran
Harmon S. Morgan, Jr.
Patrick J. Morgan
John D. Morris
Michael P. Mulqueen
Barry J. Murphy
Donald J. Myers
Herbert T. Nance, Jr.
Ives W. Neely, Jr.
Bobby J. Newsom
Robert J. O'Brien
Larry R. Ogle
William W. Ogle
John H. Olin, Jr.
James J. O'Meara
Robert R. O'Neill
Robert L. Patenaude
Rabun N. Patrick, Jr.
Alva E. Peet, Jr.
Joel N. Peterson
Ronald E. Pfrimmer
Joseph R. Phaneuf
Albert H. Phillips
Richard L. Phillips
Herbert E. Pierpan
Joseph W. Pinson
Raymond G. Pinson
Kenneth W. Pipes
John Pipta
Raymond L. Pollard, Jr.
Reginald G. Ponsford III
Raymond E. Porter
Roy Whitehead, Jr.
George S. Prescott
Russell C. Prouty
James E. Quill
Henry J. Radcliffe M.
John W. Raymond
John E. Regal
John P. Reilly
Owen B. Renfro
Edward O. Reusse, Jr.
John D. Riley
Karl Rippelmeyer
William E. Russell
Lawrence R. Salmon
Donald E. Santo
John H. Slater
Ronald W. Schmid
Adolfo P. Sgambelluri
Charles H. Shelton
Troy T. Shirley
William D. Shuman
Jerry I. Simpson
Frank M. Slovik
Robert W. Sloan
Paul J. Smith, Jr.
Robert W. Smith
Joseph A. Sole
Richard G. Sousa
John A. Speicher
Billy J. Speights
Louis M. Spevetz
Norbert J. Spitzer
Bayliss L. Spivey, Jr.
James L. Steele
Marion F. Stone
John H. Strasser
William C. Stroup
Francis X. Sullivan
Thomas C. Sullivan
Michael L. Sweeney
William T. Sweeney
Andrew P. Taylor, Jr.
Jack L. Throckmorton
William F. Tremper
Robert C. Trumpfheller
Lonnie S. Underhill
Luke J. Urban
Rocco F. Valluzzi
Nat H. Vincent
William R. Warren
James B. Way
John C. Weare
Ralph D. Webster
Richard D. Weede
William H. West, Jr.
William H. Westhoff
John L. Whaley
Arnold G. Whittelsey
Robert W. Wiegand
James L. Williams
Duane A. Wills
Peter D. Winer
Thomas H. Wold
Randolph L. Wood, Jr.
David A. Wyrick
Rafael Zalles
Roger Zensen

The following named officer of the Marine Corps Reserve for temporary appointment to the grade of lieutenant colonel under the provisions of Title 10, U.S. Code, Section 5769:

Paul T. Shaffer.

HOUSE OF REPRESENTATIVES—*Wednesday, May 18, 1977*

The House met at 10 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

O give thanks unto the God of heaven; for His mercy endureth forever.—Psalms 136: 26.

O God and Father of us all, whose love is everlasting and whose truth endures forever, we bow at the altar of Thy presence and with grateful hearts we say: "It is good to give thanks unto the Lord; for He is good; for His mercy endures forever." At this national shrine we come seeking a wisdom higher than our own, a faith greater than we have ever had, and a courage stronger than we have ever shown as we face the tasks of this day and this week. Guide us with Thy spirit that we may be led to decisions which will enlarge the circle of good will, strengthen the moral foundations of our national life and keep us steady in our direction to human rights everywhere. Amen and amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 5562. An act to authorize the establishment of the Eleanor Roosevelt National Historic Site in the State of New York, and for other purposes;

H.R. 6205. An act to authorize appropriations for fiscal years 1978, 1979, and 1980 to carry out the Atlantic Tunas Convention Act of 1975; and

H.J. Res. 424. Joint resolution to authorize the Administrator of General Services to accept land, buildings, and equipment, without reimbursement, for the John Fitzgerald Kennedy Library, and for other purposes.

The message also announced that the Senate disagrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 4975) entitled "An act to amend the Public Health Service Act to authorize appropriations for fiscal year 1978 for biomedical research and related programs," agrees to a conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. WILLIAMS, Mr. CRANSTON, Mr. PELL, Mr. NELSON, Mr. HATHAWAY, Mr. JAVITS, Mr. SCHWEIKER, and Mr. CHAFEE to be the conferees on the part of the Senate.

The message also announced that Mr. WILLIAMS was appointed as an additional conferee on the bill H.R. 4991.

The message also announced that the Senate appoints as members to the Mexico-United States Interparliamentary Conference at Guayamas, Mexico, May 27–31: Mr. METZENBAUM, Mr. MATSUNAGA, and Mr. LUGAR.

VOCATIONAL EDUCATION AMENDMENTS OF 1976

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3437) to make certain technical and miscellaneous amendments to provisions relating to vocational education contained in the Education Amendments of 1976, with Senate amendments thereto, and concur in the Senate amendments.

Mr. Speaker, I may state that this has been cleared with the gentleman from Minnesota (Mr. QUIE).

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 6, line 20, after "exceed" insert "(i)".

Page 6, line 23, after "section" insert: ", or (ii) 50 per centum of such costs if the non-Federal share of such costs is paid by the State from appropriations for such purpose."

Page 6, line 24, after "(15)" insert "(A)".

Page 7, after line 5, insert:

(B) Section 108(b)(1)(B)(i) of such Act is amended by inserting after the word "uses" the second time it appears in such section the following: "for State administration and".

(C) Section 108(b)(2)(B) of such Act is amended by inserting after the words "funds" the second time it appears in such section the following: "for State administration and".

(D) Section 111(a) of such Act is amended by adding at the end thereof the following:

"(3) In addition, the Commissioner shall pay, from the amount available to each State from the amount appropriated under section 102(d), an amount not to exceed 100 per centum of the cost of carrying out the purposes described in such section 102(d).".

Page 7, line 6, after "111(a)(2)(B)" insert "of such Act".

Page 11, line 15, after "(27)" insert: "(A)".

Page 11, after line 17, insert:

(B) Section 195(20) of such Act is amended by striking out "For the purposes of this Act, the" and inserting in lieu thereof "The".

(C) Section 195 of such Act is amended by adding at the end thereof the following:

"(21) The term 'private vocational training institution' means a business or trade school, or technical institution or other technical or vocational school, in any State, which (A) admits as regular students only persons who have completed or left elementary or secondary school and who have the ability to benefit from the training offered by such institution; (B) is legally authorized to provide, and provides within that State, a program of postsecondary vocational or technical education designed to fit individuals for useful employment in recognized occupations; (C) has been in existence for two years or has been specially accredited by the Commissioner as an institution meeting the other requirements of this subsection; and (D) is accredited (i) by a nationally recognized accrediting agency or association listed by the Commissioner pursuant to this clause, or (ii) if the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit schools of a particular category, by a State agency listed by the Commissioner pursuant to this clause, or (iii) if the Commissioner determines that there is no nationally recognized or State agency or association qualified to accredit schools of a particular category, by an advisory committee appointed by him and composed of persons specially qualified to evaluate training provided by schools of that category, which committee shall prescribe the standards of content, scope, and quality which must be met by those schools and shall also determine whether particular schools meet those standards. For the purpose of this paragraph, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations and State agencies which he determines to be reliable authority as to the quality of education or training afforded.".

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, I wonder if the gentleman from Kentucky can tell us what the substance of the Senate amendments is and if they are all germane to this bill?

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, I certainly can. All the Senate amendments are germane to the bill, let me inform the distinguished gentleman from Maryland.

Mr. Speaker, last March 22 the House passed H.R. 3437, a bill containing technical and minor amendments to the new Vocational Education Amendments of 1976. The principal provision of that bill permits local school districts to use the same proportion of Federal funds for local administration as those Federal funds are of the total funds spent within the school district for vocational education.

Last week the Senate Committee on Human Resources reported H.R. 3437 with one substantive amendment. That amendment proposes an additional method for determining the amount of Federal funds which can be used for local administration. The Senate amendment permits such use, on a 50–50 matching basis, when a State legislature has appropriated a set amount of funds for the explicit purpose of local administration.

Monday, the Senate passed that bill. I am urging that since the one Senate amendment conforms to our original purpose of providing some check on the use of Federal funds for local administration, we take the Senate bill from the Speaker's desk and pass it without going to conference.

Mr. Speaker, for the sake of legislative history, I would like to clarify one point regarding the original Quie amendment. That amendment states that a local school district or a community college can use Federal funds for local administration in the same percentage that these Federal funds are of all the funds within the local school district or community college for vocational education. The committee report on H.R. 3437 states inaccurately that the Quie amendment applies to vocational programs supported by the Federal funds and not to the total vocational education program. That is inaccurate. All funding for vocational education within the community college or local school district must be looked at in determining what percentage of Federal funds can be used for local administration.

Mr. BAUMAN. I thank the gentleman for his explanation, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

A motion to reconsider was laid on the table.

AUTHORIZING APPROPRIATIONS TO ERDA

Mr. FUQUA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 36) to authorize appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes", with Senate amendments to the

House amendment, and concur in the Senate amendments to the House amendment.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendments to the House amendment, as follows:

Page 9, line 8, of the House engrossed amendment, after "$3,000,000" insert: "(A-E and long-lead procurement)"

Page 27, of the House engrossed amendment, strike out lines 14 to 21, inclusive, and insert:

SEC. 309. In utilizing the funds which have been made available by Public Law 94–355, as amended, the Administrator is hereby directed to observe the limitations of clauses (1) through (8) and clauses (12) through (14) of section 202, sections 203 through 207, and section 208 except subsection (e)(5) of the bill H.R. 13350 (Ninety-fourth Congress) as set forth in the conference report thereon (House Report 94–1718).

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. WYDLER. Mr. Speaker, reserving the right to object, I wish the gentleman would just explain what, if any, changes have been made in the bill by the Senate.

Mr. FUQUA. If the gentleman will yield, the Senate amendments are germane and in the nature of technical amendments to the nuclear section of the bill. Otherwise, essentially it is the same bill as passed by the House under suspension of the rules last week.

Mr. WYDLER. I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. CHARLES H. WILSON of California. Mr. Speaker, reserving the right to object, did I hear, when the amendment was read, an indication that there was $3 million added?

Mr. FUQUA. No funds were added.

Mr. CHARLES H. WILSON of California. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

A motion to reconsider was laid on the table.

LIFELINE AND ELECTRIC RATE REFORM ACT OF 1977

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, today I am reintroducing a bill which is the same as H.R. 6009, with 12 additional cosponsors. This bill is known and is to be entitled, "Lifeline and Electric Rate Reform Act of 1977."

The additional cosponsors are Mr. EDGAR, Mrs. MEYNER, Mr. WON PAT, Mr. WALGREN, Mr. EDWARDS of California, Mr. PATTISON of New York, Mr. MOLLOHAN, Mr. RANGEL, Mr. BONIOR, Mr. STARK, Mr. BEDELL, and Mr. GILMAN.

At the same time, Mr. Speaker, I want to invite any other Members who have had an opportunity to study this bill to join in cosponsoring it.

PROVIDING FOR CONSIDERATION OF H.R. 1139, NATIONAL SCHOOL LUNCH ACT AND CHILD NUTRITION AMENDMENTS OF 1977

Mrs. CHISHOLM. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 569 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 569

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1139) to extend through fiscal year 1982 certain child nutrition programs under the National School Lunch Act and the Child Nutrition Act of 1966. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against said substitute for failure to comply with the provisions of clause 7 of rule XVI and clause 5 of rule XXI are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentlewoman from New York (Mrs. CHISHOLM) is recognized for 1 hour.

Mrs. CHISHOLM. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 569 provides for 1 hour of debate with an open rule on H.R. 1139, the National School Lunch Act and Child Nutrition Amendments of 1977.

Under the terms of the rule the committee's substitute would be in order as an original bill for purposes of amendment.

The rule also provides for a motion to recommit with or without instructions.

In addition the rule waives two points of order.

The first relates to clause 7 of rule XVI, the germaneness clause, which states—

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

This waiver was granted because the bill as introduced merely extends three provisions of law affecting Federal child funding programs while the bill as amended revises those programs and also amends a number of other programs which were not specified in the original bill.

The reason these amendments were included in the bill was to expedite consideration of this legislation. If the Education and Labor Committee had waited to reintroduce an amended bill it would have failed to meet the May 15 Budget Act deadline.

The rule also waived clause 5 of rule XXI which prohibits appropriations in bills reported from committees other than the Committee on Appropriations.

As you know, section 32 funds are utilized for Federal child nutrition programs.

Section 32 funds are customs receipt funds which may be used by the Secretary of Agriculture for the general support of Federal feeding efforts.

The Appropriations Committee each year in its agriculture appropriations bill usually appropriates funds directly and then designates a certain amount of section 32 funds for child nutrition programs.

Thus, these section 32 funds do come under the annual review of the appropriations and are treated as appropriations in their bill.

However, it is the usual procedure to include this waiver for rules for child nutrition legislation because the authority given to the Secretary of Agriculture to use section 32 funds can technically be considered a violation of the Rules of the House.

No opposition to either of these waivers was expressed at our committee hearing.

We believe the waivers incorporated in this rule are appropriate and necessary and I therefore urge the adoption of this rule so that we can proceed to the consideration of H.R. 1139.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have supported this act since its inception in 1971, and I hope to be able to support it today.

However, after reading the minority views of the gentleman from Minnesota (Mr. QUIE) contained in the report, I find that I have some questions which I hope will be answered during the debate on this bill today, and as a result, hopefully, some amendments to this Act will be put in place.

The gentleman from Minnesota (Mr. QUIE) indicates there have been some abuses in the summer feeding program, especially in the distribution of funds. For example, the State-by-State breakdown of the funds provided in this bill, as printed on the last page of the committee report, shows a considerable discrepancy in their distribution among the States.

New York State, which has 7.35 percent of the Nation's poor children, receives under the program 37.012 percent of the total funds. By way of comparison, Ohio, which has 4.12 percent—more than one-half the figure of New York receives only 1.991 percent, as opposed to New York State's 37.012 percent, as indicated earlier. New York receives 18 times as much as Ohio under this program.

Certainly, Mr. Speaker, I must ask the

committee how this happened? I think it is time that we take a look at the facts contained in the report.

In New York State, according to the 1975 estimate of children between the ages of 5 and 17 in poverty families, there are 524,000 such children; in Ohio there are 293,000. As I have indicated earlier, the percentage of the U.S. total in New York is 7.35 percent, and in Ohio it is 4.12 percent.

Mr. PERKINS. Mr. Speaker, will the gentleman yield to me?

Mr. LATTA. I will yield as soon as I have finished.

Mr. Speaker, going on over to the summer participants as a percentage of the poverty children—I want the Members to listen to this figure—in New York State that percentage is well above 100 percent. As a matter of fact, it goes to 265.9 percent. How we can get more children participating under the program than the total number of poverty children is more than I can understand.

By comparison, in Ohio only 25.5 percent of that figure is participating.

As far as the summer participants are concerned, once again, under the free and reduced-price participants category, in New York State it is 146.1 percent, as opposed to 21.1 percent in Ohio.

So before we vote by title alone, as we often do, for these programs, it behooves every Member of Congress in every State save New York—of course, I suppose every Member from New York State ought to clamor to vote for this legislation—to take a look at this and see how their States are faring under this act's distribution.

Mr. Speaker, I understand the State of New York's program and some other States' programs have been under investigation. If they are under investigation, we ought to learn about them during this debate today. We have questions to ask. We have no questions concerning the rule, but we have some questions about the operation of this program.

Mrs. CHISHOLM. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I promised to yield first to my friend, the gentleman from Kentucky (Mr. PERKINS), and then I will be happy to yield to my friend, the gentlewoman from New York.

Mr. PERKINS. Mr. Speaker, first, let me say that this program was enacted for all the children in the United States of America. New York assumed more initiative in this area and had perhaps better outreach programs than any other State, and perhaps no other city in the Union had as many poor children as the city of New York.

It was for those reasons that New York took advantage of the program early in its history.

I am of the opinion that if we undertook to arbitrarily put some kind of a lid or ceiling on the amount that each State should receive, we would really jeopardize the program at a time when other States throughout this country are commencing to take advantage of it.

Mr. Speaker, it is up to the other States to do a better selling job.

It is true enough that there have been some discrepancies and some fraud in the program, not only in New York City, but in other cities in the country. However, we are taking steps in this legislation that we feel will stop the fraud in the future; and we have followed the recommendations of the General Accounting Office in that we provide that sponsors must show adequate financial responsibility and must be a recognized organization.

In the past, Mr. Speaker, we have had some bad sponsors, some fly-by-night people who have stolen money from this program; but I think we have put a stop to it in this legislation by requiring sponsors to be adequate administrators, with financial responsibility, and that they must be recognized organizations. Also, reduce the start-up payments, and make each sponsor justify administrative funds.

Because the administrative funds in the past were so easily obtainable under present law, that was one of the reasons for so much of this fraud.

Mr. Speaker, this legislation requires registration of companies supplying meals and requires full disclosure of their records.

I do not know how we can get any better method to make sure that we have a sound sponsor than by requiring a disclosure of their assets and a disclosure of their records. We also require State plans in the legislation. We require local health inspections, and we limit this program to those children 18 years and under.

True enough, the program has been abused, perhaps, by children or adults; and I think other parts of the country, if we give this program a chance, will participate to a greater degree, including the gentleman's State of Ohio; and at that point, naturally, with Ohio and the other States participating to a greater degree, there will be a shift of the percentage of funds being available in New York. This will come about because the committee bill directs the Secretary and the States to expand the summer programs into rural areas of the country. The Department of Agriculture is monitoring the programs and the States will also monitor the programs. I feel that with these safeguards in this legislation, the concern of the gentleman from Ohio (Mr. LATTA) is not well taken. Just because a State has a good outreach program and is more progressive than other States does not mean it should be penalized in any way. I must admit that my own State is comparable, from the standpoint of population, to the participation on the same percentage basis as the State of Ohio; but we expect in the future to do a better job and to carry out the true intent of this law and to put a ceiling at this time would frustrate those efforts. Even though New York has received 37 percent of the funds in the past, I think we would be doing harm to the intent of the program, and that is the summer feeding program, if we did anything other than what we provided in this bill.

Mr. LATTA. Mr. Speaker, if I might reclaim my time, I appreciate the very brief response made by the gentleman from Kentucky, but I would like to point out that we are not opposed to the program, per se, we are just opposed to the way the funds are being allocated.

I do not think anybody can justify this, including the gentleman from Kentucky (Mr. PERKINS) that the feeding program for the summer of 1976 provided for an expenditure of $169 million of the taxpayers money, of which New York City received some $62,506,000 of that $169 million, and Ohio received only $3,364,790. That is what we are complaining about.

The gentleman from Kentucky (Mr. PERKINS) admits discrepancies in the program but has not told us they are going to do anything about them.

These programs have been going on since 1971, this is 1977 and we are going into fiscal year 1978.

I might say that we have had 6 years of this program, this is the 7th year and I hope we can get something done before another 7 or 8 years elapses.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, let me say to my distinguished colleague, the gentleman from Ohio (Mr. LATTA), that he has made the argument on the Quie amendment. I want to say in response that the Quie amendment doubles the number of children eligible for free meals, and says that no State can receive more than that amount. But the children who are eligible for the summer program are children who are eligible for free and reduced priced meals and that number of eligible children exceeds the number in the Quie amendment.

I am sure the gentleman from Ohio has the charts that the gentleman from Minnesota (Mr. QUIE) has passed out.

Mrs. CHISHOLM. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentlewoman from New York.

Mrs. CHISHOLM. Mr. Speaker, questions have been raised with regard to the discrepancies and the abuses in this program. We New Yorkers are the first ones to admit that there have been abuses in the program. But we should not throw the baby out with the bath water.

Currently there are over 10 million children in this country who are not getting the benefits of the program because of the failure of various States to carry out some of the regulations and the rules. We cannot blame those States that have been aggressive in terms of their carrying out the Outreach program. We should proceed on the basis of the needs of the children, not on the basis of making a comparison of one State to another. This is an entitlement program. If a State has a larger participation rate than another State and therefore gets more money, any attempt to cut off funding in that State would not result in the State with the lesser participation in the program getting more money.

Mr. LATTA. Mr. Speaker, if I might comment there for a moment, going on the basis of need, is the gentlewoman

saying that children in the other 49 States already determined to be eligible under this program, are not needy? Is the gentlewoman trying to infer the only children who are in need are those in New York?

Mrs. CHISHOLM. No, of course not, there are other children in other States.

Mr. LATTA. All I am saying is that the program gives a disproportionate share of the money to children in New York.

Mrs. CHISHOLM. But the point is that the other States have not taken advantage of the Outreach program in terms of advertising summer feeding programs to the various sponsors and organizations. We cannot penalize New York just because New York has been aggressive in terms of their Outreach program. There are many more children and there are many more States that should be in the program that are not in it now.

Mr. GOODLING. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Maryland.

CALL OF THE HOUSE

Mr. BAUMAN. Mr. Speaker, we have been discussing this for about 20 minutes with about 20 Members of the floor.

Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 253]

Abdnor
Andrews, N.C.
Ashley
Badham
Badillo
Bafalis
Blouin
Brown, Calif.
Butler
Clawson, Del
Clay
Collins, Ill.
Conyers
Dellums
Dent
Devine
Diggs
Drinan
Eckhardt
Eilberg
Flippo
Florio
Forsythe
Fountain
Fraser
Giaimo
Hansen
Harsha
Hawkins
Heckler
Hollenbeck
Johnson, Colo.
Kastenmeier
Krebs
Long, Md.
Mazzoli
Metcalfe
Michel
Mitchell, Md.
Moffett
Murphy, Ill.
Obey
Patten
Pike
Poage
Pressler
Price
Railsback
Roe
Ryan
Scheuer
Shuster
Slack
Steers
Stokes
Teague
Ullman
Vander Jagt
Waxman
Young, Alaska

The SPEAKER pro tempore (Mr. KILDEE). On this rollcall 372 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

NATIONAL SCHOOL LUNCH ACT AND CHILD NUTRITION AMENDMENTS OF 1977

The SPEAKER pro tempore. The Chair now recognizes the gentleman man from Pennsylvania (Mr. GOODLING).

(Mr. GOODLING asked and was given permission to revise and extend his remarks.)

Mr. GOODLING. Mr. Speaker, I will take this time during the debate on the rule to point out a few things and talk about an amendment that I will offer later. First of all, we have done a lot of cleaning up of the present legislation. There are some shortcomings that the gentleman from Minnesota (Mr. QUIE) will talk about later, concerning the summer feeding program and others, I am sure.

I would like to talk very briefly about this school lunch program. I take this time simply because I will be offering an amendment, and I am sure there will be no serious opposition to it if the Members understand the amendment, and there are more Members on the floor at the present time than there probably will be later on. If anyone misunderstands the amendment or would like to change the amendment, it would only be one group, in my estimation. That would be the large businesses who presently are in the business of selling foods to the Agriculture Department. They do not want to lose that, and they would be the only people who would object to my amendment. That is, I am saying they would be the only people who would seriously object.

I would like to explain what the amendment primarily does. It does what the Agriculture Department presently could do. They had an opportunity to do it in a much larger pattern than what I am suggesting. My amendment is a simple pilot program. The agriculture program could have done the same thing with 25 percent of this entire commodity area.

They have not done that.

What my amendment would do would say, "You as a local school district for 1 year can make a choice. You can take cash in lieu of commodities or you can take the commodities." Only those commodities that are not surplus commodities and are not price support commodities; they are not touched in my amendment at all.

There are many reasons for my amendment. No. 1, at the present time, when the Department of Agriculture is in the business of buying commodities beyond surplus, beyond price supports, they have a tendency to send commodities to districts where the cultural makeup of that district cannot use those commodities, has no use for those commodities. The local district could much better take that small portion and purchase themselves.

Let me point out that 80 percent of all of the food purchased now is purchased by the local school district. All we are talking about in this legislation is 20 percent. All I am talking about in my amendment is 7 percent of that 20 percent maximum, and it is a trial basis. It means it will be about 2 percent. That is all. It is a pilot-type thing where about 2 percent would participate.

Mr. Speaker, the Members probably had some ladies who wrote and said, "We are opposed to that amendment." They are opposed because they think we are taking their commodities away. They do not understand it.

There are other people who will say that the local school district will divert this money into something else, not food. No way can that be done. It tells us right in the law that there is no way that can possibly be done. The law says:

> Each State educational agency, and the Secretary in the case of schools in which he directly administers school food service programs, shall promptly and equitably disburse such funds to schools participating in the lunch and breakfast programs under this Act and the Child Nutrition Act of 1966 and such disbursements shall be used by such schools to obtain agricultural commodities and other foods for their food service program.

There is no way that it can be diverted into anything else.

Second, we will have people who will tell us that this will interfere with the distribution of commodities. No way. We are taking about 2 percent of the whole distribution. That is all. How could it interfere with the distribution of a $500 million program?

We will also have people tell us that the Department of Agriculture can buy better foods than the local district. I would sure hate to be a local nutrition supervisor or person responsible for school lunches and admit something like that, that men down here in this Department of Agriculture can do a better job of getting nutritious food for the youngsters back in their particular school district.

Mr. GLICKMAN. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. I thank the gentleman for yielding.

Mr. Speaker, prior to coming to the House of Representatives I was president of the school board in Wichita, Kans. I strongly support the gentleman's amendment. I think in Kansas we have had some experience in going with cash as opposed to commodities. This has proven to be a positive approach, and I urge that the Members support the gentleman's amendment.

Mr. SIMON. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Illinois (Mr. SIMON).

Mr. SIMON. I thank the gentleman for yielding.

Mr. Speaker, the gentleman said no one seriously objects to the amendment.

Mr. GOODLING. I said that no one could object if they truly understand the amendment.

Mr. SIMON. I gather the gentleman is saying the school lunch administrators in most of the States do not understand it and that the Department of Agriculture does not understand it.

Mr. GOODLING. Mr. Speaker, let me get back to that. The Secretary of Agriculture wrote to us on April 26. He was addressing one thing, total cash in lieu of commodities. Total cash in lieu of commodities.

And he says:

> The first point, therefore, is that any consideration of the substitution of cash for commodities should be limited to commodities that are not acquired under USDA price support or surplus removal operation.

We asked the Department of Agriculture to write the amendment so that it would conform with exactly what the

Secretary said was needed. This is something that he could do. He now has permission to do this up to 25 percent.

All I am saying is that we should let local school districts have 7 percent of that opportunity to participate in that 25 percent, which the Secretary has authority to request, and that should be done on a year's trial or on a pilot-type program to see whether they want to go in that direction.

Mr. SIMON. Mr. Speaker, if the gentleman will yield further, I would just say in response that I have a letter from the Department of Agriculture indicating that they are not supporting this amendment.

Mr. GOODLING. I did not say they were supporting this amendment. Never did I say they were supporting this amendment. They did not want to support it last year.

Why should an organization that is stuck with the school food program support such an amendment? And they are stuck with it, because it used to be a surplus commodity program. That is the only reason it ever came into being. We now have world markets; we do not have surplus food, and now they are stuck with this program.

The Department did not want to change anything. Why should they want to change anything? They said they could not support any changes having to do with plate waste. In no way could it work, they said. It is now working beautifully. In fact, in our legislation we have even said it is working, and we have extended it beyond high school into junior high school.

All I say is that earlier they helped to draw this amendment so it would conform with the changes in the program because they had great fear at the time I was talking about the total commodity surplus and price support foods. That would cost the Government all sorts of money. That would be suicide at this particular time.

Mr. SIMON. Mr. Speaker, I would simply point our to my colleague, the gentleman from Pennsylvania (Mr. GOODLING), that there is another side to this, and I will be pointing that out when we get into consideration of the gentleman's amendment.

Mr. GOODLING. Mr. Speaker, I am sure the gentleman will do that, and I will have an opportunity for rebuttal.

I hope that we will have an opportunity to send this message to the Department of Agriculture.

Mr. Speaker, I have been informed that the gentleman from Minnesota (Mr. QUIE) needs the rest of this time, so I will stop at this particular time and say only that I think local communities and small businesses should have a little opportunity to participate in this market. I think Pikeville, Ky., would probably like to have a little more money to spend locally; I think Carbondale, Ill., would like to have a little more money to spend locally; I think Dubuque, Iowa, and Gettysburg, Pa., would like to have a little more money to spend locally for the benefit of their small businesses.

Mr. Speaker, I hope that when we get to that point, the Members will support this amendment.

Mrs. CHISHOLM. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Speaker, just prior to the quorum call a number of statements were made about the fact that New York City is getting 37 percent of this money.

I think that we ought to remember that under the existing law all that they have to do to get the money under this program is to come under a statement which says that any eligible service institution shall receive the summer food program upon its request.

I think the point is that that law has been unacceptable, and that it was that open eligibility that made the program unacceptable to this committee. That is the reason why we have this legislation on the floor today.

The issue is not how much money New York City is getting for the summer feeding program; the issue is over the law that was written and that was never properly enforced by the USDA. It is a law that was never embraced by the USDA, a department that put out regulations late every year to the school districts and other nonprofit institutions. They could never properly gear up for the program, and it was never properly enforced, and, therefore, we have the problems with which this legislation deals.

Mr. Speaker, that is what this rule makes in order, a debate on legislation which for the first time looks at a comprehensive reform of this program.

However, that in no way affects the ability of Ohio or any other State to participate. Perhaps a better question and one that should be asked is: Why is Ohio not receiving more money? I suggest it is because they cannot find schools and service institutions that wish to participate and that will extend their operations to needy children during the summer.

Why is California not participating to a greater extent? Why is Kentucky not participating to a greater extent? Why are there other States in that same position? It is because the program has not been properly structured by USDA for their participation. That is the real issue. The issue is not why one State is participating to a greater extent than another but why other States have failed to participate when we know the number of needy children within their boundaries.

Mr. Speaker, this proposal that we will be debating later on the floor of this Congress is the first comprehensive reform of the Summer feeding program since its inception.

Mr. Speaker, this is a very tough piece of legislation. For those of us who have been worried about the scandals that have come into the summer feeding program, about people who have ripped the program off, about unethical vendors, about unethical sponsors, about people who have exploited the administration of this program, I do not believe that will be allowed to happen in the future under this legislation.

Mr. Speaker, that is what we ought to keep in mind, not the fact that New York is doing a commendable job in trying to feed its needy children.

Mr. LATTA. Mr. Speaker, I yield the rest of our time to the gentleman from Minnesota (Mr. QUIE).

The SPEAKER pro tempore (Mr. KILDEE). The gentleman from Minnesota (Mr. QUIE) is recognized for 7 minutes.

Mr. QUIE. Mr. Speaker, I support the summer feeding program, and I support the feeding of all eligible children, no matter where they live. I support the feeding of all eligible children in New York City—those eligible for free and reduced-price meals—but I do not support the feeding of noneligible children, and I do not support feeding adults, and I do not support whatever they do with that food in New York where they evidently are not feeding anybody.

Mr. Speaker, it was amazing to me that, according to the testimony of the gentlewoman from New York (Ms. HOLTZMAN), one vendor netted $1 million in 10 weeks. Fantastic.

Mr. Speaker, if last summer was the first time this had happened it would be different; but I recall when the present Governor of New York was a Member of Congress and the same thing was happening, we had a meeting behind closed doors, and then the gentleman from California had indicated to us that they were going to correct that. They said, "Let us not publicize it. We will correct that so that that will not happen again."

Mr. Speaker, what has been happening? In New York City they are being paid for feeding about 1.3 million kids under the summer feeding program. During the school year in New York City, 555,000 children are getting free and reduced-cost lunches. One would expect that during the summertime there would not be as many children receiving meals under the summer feeding program as there would be during the year-round program. However, instead of 555,000 in the year-round program, they are getting paid for feeding 1.3 million.

Mr. Speaker, in the whole State of New York they are only feeding 953,000 children free and reduced-cost lunches during the school year. This 1.3 million participants in New York City is more than they are feeding free and reduced-price meals in the whole State of New York, and in the school year New York City gets 58 percent of the free and reduced-cost lunches in the State. In the summer feeding program they get 93 percent of all of the money; but even more importantly, bear in mind that the average daily attendance in New York City, in both public and private schools, is 1.2 million kids.

Mr. Speaker, they are being paid for feeding more children in the summertime than go to school, to public and private schools, during the school year, eligible and noneligible.

That is an amazing thing.

There is some correction in the legislation, but what astounds me is that program, put a cap on the program for the State of New York, of 200 percent of the poverty level, there was refusal to accept that. That is what bothers me. If they are going to correct it so well, they will not even put as generous a lid on it as I proposed, which would only cut it back about 100,000; that is about all it would be.

Mr. Speaker, let us remember the testimony of the gentlewoman from New York (Ms. HOLTZMAN) and let us remember the GAO study. The GAO suggested in their alternative that we only reimburse the cost of the meals for those who are eligible for free and reduced-cost lunches. That is what they suggested.

We are not putting any control on that. If an area can show that one-third or more of the children in that area qualify for free and reduced-cost lunches, they can feed everybody.

What is astounding to me, Mr. Speaker, is that they are going way beyond those who are eligible children.

The argument is heard that we should not take food away from needy children, and I agree with that. However, by that argument, we are saying that we are going to continue to provide all that money and all that food which has been used for the non-needy and has been used illegally and that if they cut back the money, they will have to cut back on those who should legally receive meals. those who should receive free lunches.

This is way beyond my conception of what this program should be.

I should also mention that yesterday when we were talking about the budget resolution and there was concern expressed by many Members over the social programs and the educational programs in our Nation, that that indicates, I believe, that we do have a deep concern for the needy members of this Nation. But when we see a program of this nature with the kind of total ripoff we have witnessed, it is astonishing that some say that we even should not put a lid on it. And that is all the amendment I am offering is trying to do, to put a lid on it so that we would not be putting out any more money than is needed for the total number of eligible children. That seems to me to be reasonable but yet there seems to be opposition from New York.

I commend the gentlewoman from New York (Ms. HOLTZMAN) for coming out and stating publicly what has happened up there. It takes courage to point out such things in one's own home district. But, at the same time, I would never condone anybody in my State of Minnesota for abusing a program the way they have done there. I do not believe we should do so for this either.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Ohio.

Mr. LATTA. Mr. Speaker, does the gentleman from Minnesota mean that they have opposed an amendment to tighten up on this program?

Mr. QUIE. That is correct.

Mr. LATTA. Despite the fact that they have heard about all of the abuses and illegal actions that have been brought to light by the gentlewoman from New York (Ms. HOLTZMAN)?

Mr. QUIE. That is correct.

And I want to put a cap, or a lid, on the total number of eligible children.

Mr. LATTA. The gentleman from Minnesota has brought to light some very interesting statistics. Do I understand correctly that the gentleman says that they will feed in the city of New York, in the summer program, more children than they have in the entire school system?

Mr. QUIE. That is right, of all children in all schools.

Mr. LATTA. All children?

Mr. QUIE. That is right.

Mr. LATTA. It would appear to me, Mr. Speaker, that there is definitely something drastically wrong. I believe the program certainly should be changed to correct such abuses.

Mr. QUIE. That is what my amendment at least gets part way at.

Mr. LATTA. Why not take care of all of them?

Mr. QUIE. We would take care of the whole works.

Mr. ZEFERETTI. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from New York.

Mr. ZEFERETTI. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, being a representative from New York and having shared in hearing some of the testimony with the gentleman from Minnesota, let me say that I am sure that the gentleman from Minnesota was mistaken when he said that we condone, the New Yorkers condone, the type of abuses that were reported at those hearings.

Mr. QUIE. I would say to the gentleman from New York that by rejecting any effort to limit the number as I do in my proposed amendment, that we should not have more than the eligible number, then I believe you are condoning that action.

Mr. ZEFERETTI. Mr. Speaker, the answer is no, we are not condoning such abuses. The point is that we do not want to see children in a position where they would not benefit from such a program. The program is a nutritional program for children. We should punish the abusers of the program but we should not punish the children that would be the beneficiaries of that program.

Mr. QUIE. I certainly agree with the gentleman from New York that we should not punish the children. That is the reason why I cannot understand why you do not want to put a cap or a lid on the program and say no more than the total number of eligible children should receive the benefits. If the gentleman wishes to go above it, above that cap, then that must mean that the gentleman wants people who are not eligible for the program to receive it. That seems to be wrong.

Mrs. CHISHOLM. Mr. Speaker, I yield 4 minutes to the gentlewoman from New York (Ms. HOLTZMAN).

Ms. HOLTZMAN. Mr. Speaker, I am very grateful to the gentleman from Minnesota (Mr. QUIE) for his kind remarks about me, but I would also state, as my colleague, the gentleman from New York (Mr. ZEFERETTI) has said, that the entire New York delegation has been very disturbed about the operation of the program in New York and has cooperated with me to clean it up.

This legislation has some very important new safeguards against fraud and abuse, whether in New York City or anywhere else. It tightens up on the competitive bidding process. It reduces the possibility of collusion. It excludes from participation in this program those who exploited it in previous summers.

But, Mr. Speaker, I would say to my friend the gentleman from Minnesota (Mr. QUIE) that he is not really telling the full story to the Members of the House when he says that his amendment is going to clean up the program. His amendment does nothing of the sort. All his amendment does is say that New York, or any other State, can only receive a certain amount of money. He does not say who is to get that money; he does not change the eligibility in this program.

I think the gentleman from Minnesota (Mr. QUIE) raises a good point that perhaps the eligibility requirements for this program ought to be narrower than those in this legislation.

The legislation provides that any child is entitled to a summer meal if that child lives in an area where one-third of the children are eligible for free or reduced price lunches. This means that the child of a millionaire might be eligible for a free meal under this program. I agree with the gentleman from Minnesota that that raises a serious question, but I would say to the gentleman that he is not telling the House an accurate story when he says that his amendment deals with the problem; it does not. All it does is put a lid on the amount that a State can receive. It does not restrict eligibility. The State still must provide food to children who are eligible under the standards in this bill.

In addition, the eligibility for this program far exceeds the eligibility for the school lunch program. That is why I would say to the gentleman that when he pointed to the fact that New York serves more children during the summer than it does during the school lunch program, he has not justified his amendment. The school lunch program has a means test. The summer-feeding program has no means test. The only test of eligibility is that one lives in an area where one-third of the children are eligible for free or reduced price lunches during the school year.

Mr. LATTA. Mr. Speaker, will the gentlewoman yield?

Ms. HOLTZMAN. I yield to the gentleman from Ohio.

Mr. LATTA. I thank the gentlewoman for yielding.

First of all, I want to commend the gentlewoman for the effort she has put forward to try to clean up this program. She has enlightened me here during this debate on some of the illegal specifics about this program. Let me ask the gentlewoman whether or not she proposes to offer an amendment to put a means test on the summer lunch program, and if not, why not? It seems to me we could get at the cases where millionaires' children become eligible in these very exclusive areas.

Ms. HOLTZMAN. What I would say to the gentleman is that I intend to propose an amendment that will allow the Secretary of Agriculture to conduct pilot programs to see if there is a more efficient, more reliable, more effective way of feeding needy children. Perhaps there is a better way than a means test. Perhaps we could automatically entitle the same children who receive free or reduced price lunches during the school year. There may be other ways to effect this. The imposition of a means test may be a solution. I would like to see that evaluated in a pilot testing project so that the Secretary can report back to the Congress about possible alternatives to this program. I do think that is something that ought to be looked at.

Ms. OAKAR. Mr. Speaker, will the gentlewoman yield?

Ms. HOLTZMAN. I yield to the gentlewoman from Ohio.

Ms. OAKAR. I thank the gentlewoman for yielding.

I just wanted to point out to my friends from Ohio on both sides of the aisle that this is not merely a New York City issue; it is a country issue in that in Ohio we have 1.4 million children who are eligible for this school lunch program, and under the Quie amendment almost a half million lunches would be eliminated. So what is right for New York is also right for Ohio.

Ms. HOLTZMAN. Mr. Speaker, I urge that the Quie amendment be defeated.

Mrs. CHISHOLM. Mr. Speaker, I yield 5 minutes to the chairman of the committee, the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, it was my hope that we would get into these amendments in general debate. But, first, let me state that the gentleman from Minnesota (Mr. QUIE) was mistaken about the number of children in New York City. There are 1,393,000 children participating in programs in the entire State of New York.

The important point, though, is that the Quie amendment, as has so eloquently been stated by the gentlewoman from New York (Ms. HOLTZMAN) has nothing to do with the fraud that has taken place under the summer feeding program. We take care of the fraud in other sections of this bill—all through it. But the Quie amendment puts a cap on how much can go to New York State. It does this by doubling the number of children eligible for free meals and says that no State can get more than that amount. But the children who are eligible for the summer programs are those who are eligible for both free and reduced-price meals. That number exceeds the gentleman from Minnesota, Mr. QUIE's number.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr PERKINS. I yield briefly to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, I hope we will keep these figures together so people will not be misled on them. New York City gets 93 percent of the lunch funds in the summer feeding program, so when we take the 1,393.000 and multiply by 93 percent, we will find that is the figure I gave the gentleman.

Mr. PERKINS. Even if that were true, in my opinion it is inequitable and unfair to take away from any child in the Nation the right to participate in this program, because they have had a more far reaching program than other parts of the country. The New York members wanted to clean up any fraud in the program, and we feel we have cleaned it up in this bill, which has nothing earthly to do with the gentleman's amendment.

Mr. QUIE. Mr. Speaker, will the gentleman yield further?

Mr. PERKINS. If the gentleman will wait just a moment.

Mr. Speaker, another amendment is the Goodling amendment to take the $80 million that is presently being appropriated under Section 6 and give the cash in lieu of commodities.

Does the gentleman know what that is going to do? That is going to cause the school lunch program to accelerate in cost from the present $2.5 billion to maybe $4 billion in the next 2 years.

We have made some improvements in the commodity program in H.R. 1139. Now the schools can reject up to 20 percent of the commodities, and the States must establish advisory councils of local school representatives to give advice on the type and timing of commodities. Those are the types of changes needed to improve an already good program.

The federally donated commodities are of the highest quality. The section 6 commodities in issue here where the $80 million is concerned are highly acceptable to children and are especially purchased for the school lunch program. The commodities are not necessarily surpluses of the price supported program.

But cash in lieu of commodities could be spent by school districts for other purposes than food, such as eliminating deficits, increases in production or energy costs, and so forth.

Also, the school districts might favor purchase of convenience foods here. We want to have this food prepared in the school lunchroom, the best of foods, the most staple of foods.

Go over the list of commodities. Many of them, 80 percent are bought at the local level and the other 20 percent are purchased by the Department of Agriculture. They are the most up-to-date staple foods which we will discuss here in general debate and we will enumerate the types of those commodities later.

Another problem with the cash option is that it would lead to higher administrative costs because some school districts in a State could opt for cash but the State would have to maintain the entire food storage and distribution system for the other districts.

Mrs. CHISHOLM. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The **SPEAKER** pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 388, nays 10, not voting 34, as follows:

[Roll No. 254]

YEAS—388

Addabbo
Akaka
Alexander
Allen
Ambro
Ammerman
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Applegate
Archer
Armstrong
Ashley
Aspin
AuCoin
Badham
Bafalis
Baldus
Barnard
Baucus
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bevill
Biaggi
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonior
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Caputo
Carney
Carr
Carter
Cavanaugh
Cederberg
Chappell
Chisholm
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Coleman
Conable
Conte
Conyers
Corcoran
Corman
Cornell
Cornwell
Cotter
Crane
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Davis
de la Garza
Delaney
Dellums
Derrick
Derwinski
Devine
Dicks
Dingell
Dodd
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Eilberg
Emery
English
Erlenborn
Ertel
Evans, Colo.
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flood
Flowers
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Fraser
Frenzel
Frey
Fuqua
Gammage
Gaydos
Gephardt
Gibbons
Gilman
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Grassley
Gudger
Guyer
Hagedorn
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Harkin
Harrington
Harris
Harsha
Hefner
Heftel
Hightower
Hillis
Holland
Hollenbeck
Holt
Holtzman
Horton
Howard
Hubbard
Huckaby
Hughes
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Ketchum
Keys
Kildee
Koch
Kostmayer
Krueger
LaFalce
Lagomarsino
Latta
Le Fante
Leach
Lederer
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
Luken
Lundine
McClory
McCloskey
McCormack
McDade
McEwen
McFall
McHugh
McKay
McKinney
Madigan
Maguire
Mahon
Mann
Markey
Marks
Marlenee
Marriott
Mathis
Mattox
Mazzoli
Meeds
Metcalfe
Meyner
Mikulski
Mikva
Milford
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Pa.
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Gary
Myers, Michael
Myers, Ind.
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pattison
Pease
Pepper
Perkins
Pettis
Pickle
Pike
Preyer
Pritchard
Pursell
Quayle
Quie
Quillen
Rahall
Rangel
Regula
Reuss
Rhodes
Richmond
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Rogers
Roncalio

Rooney
Rose
Rosenthal
Rostenkowski
Roybal
Rudd
Runnels
Ruppe
Russo
Santini
Sarasin
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shuster
Sikes
Simon
Sisk
Skelton
Skubitz
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
Spence
St Germain
Staggers
Stangeland
Stanton
Stark
Steed
Stockman
Stratton
Studds
Stump
Taylor
Thompson
Thone
Thornton
Traxler
Treen
Trible
Tsongas
Tucker
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Waggonner
Walgren
Walker
Walsh
Wampler
Watkins
Weaver
Weiss
Whalen
White
Whitehurst
Whitley
Whitten
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Young, Tex.
Zablocki
Zeferetti

NAYS—10

Ashbrook
Bauman
Collins, Tex.
Dickinson
Dornan
McDonald
Moorhead, Calif.
Rousselot
Steiger
Symms

NOT VOTING—34

Abdnor
Badillo
Beard, R.I.
Brown, Calif.
Clawson, Del
Collins, Ill.
Coughlin
Dent
Diggs
Flippo
Florio
Forsythe
Giaimo
Hansen
Hawkins
Heckler
Johnson, Colo.
Kindness
Krebs
Martin
Michel
Mitchell, Md.
Moffett
Poage
Pressler
Price
Railsback
Roe
Ryan
Slack
Steers
Stokes
Teague
Waxman

The Clerk announced the following pairs:

Mr. Mitchell of Maryland with Mr. Roe.
Mr. Dent with Mr. Price.
Mr. Diggs with Mr. Hansen.
Mr. Florio with Mr. Abdnor.
Mr. Hawkins with Mr. Railsback.
Mr. Giaimo with Mr. Coughlin.
Mr. Teague with Mrs. Heckler.
Mr. Waxman with Mr. Del Clawson.
Mr. Slack with Mr. Brown of California.
Mr. Badillo with Mr. Pressler.
Mr. Beard of Rhode Island with Mrs. Collins of Illinois.
Mr. Flippo with Mr. Michel.
Mr. Moffett with Mr. Kindness.
Mr. Krebs with Mr. Martin.
Mr. Ryan with Mr. Stokes.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1139) to extend through fiscal year 1982 certain child nutrition programs under the National School Lunch Act and the Child Nutrition Act of 1966.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. PERKINS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 1139, with Mr. WEAVER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Kentucky (Mr. PERKINS) will be recognized for 30 minutes, and the gentleman from Minnesota (Mr. QUIE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Chairman, I yield myself 9 minutes.

Mr. Chairman, H.R. 1139 as reported by the Committee on Education and Labor extends and amends the summer feeding program, the nonfood assistance program, and the commodity distribution program. The bill also contains a number of amendments to the regular school lunch and breakfast programs.

Regarding the summer feeding program, the bill extends that program through fiscal years 1978 and 1979 and tightens up the eligibility requirements for sponsors. The bill also reduces administrative and startup payments, and includes a number of provisions providing for certification of vendors and providing for criminal penalties for fraud or embezzlement.

Regarding the commodity distribution program, the bill extends for 5 years the "standby" authority of the Secretary of Agriculture, to purchase commodities contained in section 14 of the act. And, the bill attempts to make the commodity program more responsive by giving local school districts the right to refuse up to 20 percent of the commodities they are offered by the State educational agencies and to receive in their place more acceptable commodities. States are also required to establish advisory councils of local school representatives to assure that the type of commodities offered and their timing are more acceptable. Last, the Secretary of Agriculture must conduct pilot studies on the feasibility of an all cash in lieu of commodities system.

Regarding the nonfood assistance program, the reservation of funds for schools without school lunch programs would be continued; and schools which presently have school lunch programs but which do not have the facilities to offer hot meals would be permitted to share in this reservation of funds.

The bill also contains several amendments to cut back on the paperwork involved in administering the regular school lunch program by making the eligibility forms valid for longer periods of time. The bill also gives students in junior high schools the option to refuse offered foods if their local board of education chooses to permit them to have this right, increases reimbursements for free breakfasts in needy schools, and increases State administrative funding for the regular lunch program for fiscal 1978 only.

Mr. Speaker, this bill is the result of many long hours of work by the members of the Subcommittee on Elementary, Secondary, and Vocational Education and the full Committee on Education and Labor. And, it was fashioned in a bipartisan manner with the full cooperation of all members.

I would now like to provide for the Members a more detailed explanation of the provisions of H.R. 1139.

SUMMER FEEDING PROGRAM

The committee's oversight hearings on the summer feeding program and its hearings this year on H.R. 1139 showed that the program has suffered from abuse in a number of urban areas of the country, especially New York City. The GAO submitted a very fine study to the committee which confirmed these problems and recommended a series of corrective measures which ought to be taken. Congresswoman HOLTZMAN and Congressman RICHMOND from New York also both told us of the problems in New York City and recommended corrective legislation.

H.R. 1139 reflects all of these recommendations. The bill, first of all, only extends the summer feeding program for 2 additional years so that it can be reviewed thoroughly both by the administration and by the Congress.

Second, the bill limits the agencies which can apply to become local sponsors to those which demonstrate sufficient administrative and financial ability, which have not been seriously deficient in the past, and which provide an ongoing year-round service to the community. The bill also gives direction to the Secretary of Agriculture in defining an order of priority to use in choosing among competing agencies when they apply to become local sponsors for the same area.

Third, H.R. 1139 separates administrative payments to local sponsors from the meal reimbursements and encourages the Secretary of Agriculture to limit these payments to only those necessary for efficient operation of a program. The bill also reduces the number of meals which can be claimed in any one day by a local sponsor from 5 to 3 and reduces both advanced payments and startup payments to local sponsors.

Fourth, the bill requires that companies bidding to become vendors for meal preparation must be registered with the State educational agency and must make a full and complete disclosure of their present and past financial records and relationships. The Secretary of Agriculture is charged with keeping a national register of all companies certified by the States as appropriate vendors so that fraudulent vendors cannot shift from State to State to prey on unsuspecting sponsors.

Periodic inspections of meal preparation and service are also required in conformity with local health standards.

Fifth, the States are required to submit to the Secretary for approval comprehensive plans of program administration so that the program is considered an ongoing responsibility by the State and is operated accordingly. States with limited programs or with no programs are given a preference in the allocation of State administrative money in order to encourage them to expand or initiate summer programs.

Finally, criminal penalties are included in the bill for anyone who acts fraudulently or seeks to embezzle funds used in connection with the summer program. These criminal provisions are specifically aimed at fraudulent vendors and collusive arrangements between local sponsors and vendors.

Mr. Chairman, these provisions amending the summer-feeding program are all meant to tighten up on the program administration so that it is a better operated service for children. But, we have tried very hard to avoid accepting any amendments which would deter us from our basic purpose which is to feed needy children during the summer months with the same type of meals they receive in the regular school lunch and breakfast programs during the remainder of the year. I believe that we have achieved this balance, and I would like to commend highly the Department of Agriculture for its recommendations for these amendments, most of which are embodied in the bill. I would also like to commend Congresswoman Holtzman for her recommendations, many of which have been incorporated into the bill.

FOOD SERVICE EQUIPMENT PROGRAM

H.R. 1139 also amends the food service equipment program in three regards. First, the requirement setting aside one-third of the funds for schools without lunch programs is extended for another 3 years. We have extended this provision because there are still almost 13,000 schools in the country enrolling more than 2 million students which have not made available a regular school lunch program.

Second, we have amended this program in order to expand the categories of school eligibility for that reservation of funds to include those without facilities to prepare hot meals. This amendment was adopted in order to encourage onsite preparation of meals.

Third, we have amended the equipment program to place a priority in funding on those schools which are attempting to prepare hot meals. We have included this priority provision again because of our belief that onsite preparation of meals provides more nutritious and appealing foods than preplated meals.

COMMODITY DISTRIBUTION PROGRAM

H.R. 1139 extends the "standby" authority of the Secretary of Agriculture to purchase commodities for the child nutrition programs and title VII of the Older Americans Act for an additional 5 years. This authority would otherwise expire on September 30, 1977, and is needed to give the Secretary authority to cover unusual situations which may arise in trying to maintain the programed levels of support for those programs.

Regarding the regular commodity distribution program, H.R. 1139 amends that program in a number of ways in order to make it more responsive to the need and preferences of the children participating in the school lunch program. These amendments are based upon testimony presented to the committee during our oversight hearings and our hearings this year and also on the recommendations made by the GAO which did an extensive evaluation of the program.

The first amendment gives schools the right to reject up to 20 percent of the commodities offered to them during the school year and obliges the States to supply these schools with commodities which they prefer for their programs. This amendment is meant to make the States and the Department of Agriculture more responsive to local officials in providing commodities.

The second amendment has the same purpose as the first. It requires each State to establish a State advisory council composed of representatives of local schools which are to give the States their recommendations for preferred foods. These councils would advise not only on the type of commodities which sought to be provded but also on the quantities that should be delivered and on the time of the deliveries.

The last amendment to the commodities program directs the Secretary of Agriculture to conduct several pilot programs on the feasibility of giving local schools the option of choosing all cash instead of commodities. We would hope that the Secretary would conduct a very thorough and exhaustive study of the experiences in Kansas where all cash instead of commodities is being provided, and also such other local studies as he may determine necessary.

MISCELLANEOUS AMENDMENTS

The last amendments in H.R. 1139 have to do with other child nutrition programs. The first of these amendments gives junior high school students the right to refuse some of the foods offered to them in the regular school lunch program if the school district chooses to afford them this right.

The second miscellaneous amendment seeks to reduce paperwork in Federal programs by extending the time for determining eligibility for free and reduced price meals in especially poor schools from doing so on an annual basis to doing so once every 3 years. The next miscellaneous amendment has the same purpose. It would permit the determination for eligibility for free and reduced price meals to occur once every 3 years in any school if the school provides a free lunch program for all children in the school and pays for the additional expense from its own funds.

The fourth amendment requires the Secretary to reduce paperwork in the child nutrition programs as far as possible and to use his authority to conduct pilot studies for the purpose of determining whether there are any ways to reduce such paperwork. He would have to report the findings of these efforts within a year of the enactment date of this bill.

The fifth miscellaneous amendment affects the breakfast program. This amendment requires States to issue criteria for determining eligibility of especially needy schools and also increases the rate of reimbursements for free and reduced price breakfasts. Free breakfasts in especially needy schools would be increased from a set rate of 45 cents a breakfast to a rate which was 10 cents above the national average payment for breakfasts. The reduced price reimbursemen in such schools would be increased to 5 cents less than this new free breakfast reimbursement.

The last miscellaneous amendment, and the last amendment in the bill, increases the authorization of appropriations for State administrative expenses from such sums as may be necessary in present law to an amount not exceeding 1 percent of the sums spent in these programs and an additional amount not to exceed 2 percent of the appropriation in the child care program. This amendment is meant to help States expand their staffing so that they can oversee more effectively the greatly expanded breakfast and lunch programs which have occurred within the States in the last few years.

Mr. Chairman, I believe that H.R. 1139 is on the whole a well balanced, comprehensive bill; and I would urge its adoption.

Mr. BLOUIN. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Iowa.

Mr. BLOUIN. Mr. Chairman, the bill presently before us is an example of how Congress can constructively amend a law previously passed in order to better address the needs the law was originally intended to address, and to correct those inequities and abuses that have arisen because of oversights in the present law.

The Child Nutrition Act which was passed in 1966 to strengthen the school lunch program established a school breakfast program as well as a food service equipment assistance program; and finally in 1968 the summer feeding program was added. Together these three programs supplement the already existing and successful school lunch program in adequately addressing the nutritional needs of America's school age youth.

The concepts of these programs are excellent. However, problems arose which indicated that the basic needs the program was to address were not fully being met, because of inadequacies within the program. The summer feeding program was the specific case in point as the 1974 GAO audit indicated the program was being misused and a considerable amount of abuse was found in the administration of the program at the local level. It is important to note that the concepts of the program were not considered bad, but that the delivery mechanism needed improvement.

Thus, the Subcommittee on Elementary, Secondary, and Vocational Education began to investigate and evaluate the summer feeding program. Under the guidance of our distinguished chairman, Congressman Carl Perkins and with the able assistance of my colleague from California, Congressman George Miller, the Subcommittee and full Committee on Education and Labor made the changes in the summer feeding program which I think more than adequately address the real problems of the summer feeding program. The bill before you today contains these changes.

The bill before us today also contains an extension of the commodity distribution program which was first authorized in 1946 to provide school lunch programs with federally donated commodities to supplement the cash assistance provided to each school district via the School Lunch Act.

This program provides the real substance in my opinion, to the program as it assures school districts and the Federal Government a cost efficient means by which to supply the school lunch program with the commodities necessary to meet the nutritional needs of our Nation's school age youth.

There have been criticisms directed toward the program—specifically as it relates to the distribution of commodities to schools and also the question of direct cash payments in lieu of commodities, at the option of the individual school district. These are legitimate concerns and I feel the bill before you amply addresses those concerns raised thus far.

In addition, the bill before you contains an amendment I introduced in full committee pertaining to the establishment of a procedure directing the USDA to consider the past and present sanitary conditions of meat packing plants and other providers of commodities used by the school lunch program when contracting to purchase under the school lunch program and the Child Nutrition Act of 1966.

This amendment was meant to address a problem which was brought to the attention of the Subcommittee on Elementary, Secondary, and Vocational Education just prior to the reporting of the bill to the full committee that problem being that the USDA commodity distribution program has in the past contracted to purchase hamburger and canned beef from a packing plant with a longstanding record of questionable sanitary practices. The company in question was contracted by USDA to provide a substantial amount of the ground beef used in the school lunch program for the current school year. For example, they provided over 40 percent of the total ground beef used in the school lunch program.

My amendment which was accepted in full committee and based on a full day of oversight hearings, grants the Department broad authority, yet directs that a procedure be established, that standards be followed in contracting, which will help assure that commodities purchased under the commodity distribution program will be of top quality . . . an absolute necessity if we are to maintain a credible and nutritionally sound school lunch program.

And finally, I request the full support of the House for the bill before you, because in addition to the improvements alluded to thus far, the bill also contains improvements of the school breakfast program in "especially needy" schools. That improvement should best be viewed as an addition to our commitment, as articulated in 1975, to insure that the school breakfast program is implemented in every needy school thoughout the country under the mandate of USDA's regulatory requirements. It is part of our historic commitment to program expansion as set forth initially in 1970.

In that year, we required each State to submit child feeding plans of operation that, among other things, indicated how the breakfast program would be expanded "to the maximum extent practicable to reach needy children." As a condition of receiving funds for the school lunch and other child feeding programs, States have been required to submit annual plans indicating when specified schools would implement the breakfast program. Timetables for such implementation in the specified schools are to be provided, and those timetables are to be followed. Each State's schedule is to be approved if it insures program expansion to the "maximum extent practicable," and if the State is complying with previous year's schedules.

In 1975 we strengthened that commitment by mandating "that the school breakfast program be made available in all schools where it is needed to provide adequate nutrition for children in attendance." We expected the Secretary to mandate program expansion to all needy schools, and we expected a concrete national definition of what constitutes a needy school.

At a minimum, we expected that all schools in which 25 percent or more children qualified for free or reduced-price school lunches would qualify as a "needy" school and, hence, be targeted for mandatory and immediate breakfast program expansion.

Our pending legislation provides additional resources to accomplish this job as quickly as possible. The committee's bill requires each state to establish standards to determine which schools qualify for "especially needy" funding. Once those standards are established, schools that fall within the eligibility criteria would be entitled, upon a demonstration of their eligibility, to receive Federal reimbursement rates that are 10 cents higher than the regulator rates. This will provide "especially needy" schools with the wherewithal to properly implement the breakfast program for poor youngsters. Those eligibility standards would not necessarily need to coincide with the national criteria for determining which schools, at a minimum, must implement the breakfast program.

I believe that this provision and the entire bill are pragmatic solutions to aiding breakfast program implementation and to preventing summer feeding program abuse as well as to insure the quality of the food consumed under the school lunch program. I urge my colleagues to support the committee's bill now before you.

Mr. QUIE. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this bill extends three expiring provisions of the National School Lunch and Child Nutrition Acts and in the process makes some very useful and much-needed amendments designed to improve the operation of the various programs authorized by those acts.

But the major focus of our hearings and of our concerns about this bill has been on two programs—commodity distribution and the summer food service for children. There will be amendments offered with respect to the bill's provisions in both of those areas and I want to use this time to discuss two of those amendments.

Our colleague from Pennsylvania (Mr. GOODLING), a member of the committee, will offer an amendment to provide a limited option to local school districts to receive cash in lieu of some commodities. I stress that it is limited only to some commodities—the nonprice support and nonsurplus removal items which comprise only about $80 million worth of the nearly $500 million of commodities purchased. I stress this because those opposed to the amendment have not mentioned its very limited nature which could not cause any of the problems they ascribe to it.

While the Department of Agriculture would prefer to have no option at all of cash in lieu of any commodities, and does not favor the amendment they assisted us in working out the language to assure that no commodities purchased under the Agriculture Acts for surplus removal or price support purposes would be involved. The Department has indicated it could live with this limited option. A GAO report of January 31, 1977 on the commodities donations to the school lunch program found many problems and indicated that larger school districts would like to have a cash option to do more of their own purchasing.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I thank the gentleman for yielding.

I think it is also important to say at this point that none of those school districts have to take cash in lieu of commodities. It is their choice.

Mr. QUIE. That is correct. They do not have to take it. But I was under the assumption all the way along that if the Department of Agriculture could buy the commodities, for instance, buy turkey or buy beef or buy pork, as examples, that they would then furnish it to the schools at a lower cost; but the studies indicate that the schools in many instances can buy those same commodities cheaper out on the market themselves. I asked one person how in the world that could ever be possible, and that person indicated to me that the way they get their frozen beef is in 55-pound blocks. There is no way that the people in the kitchens are going to handle those 55-pound blocks, especially if they do not use it all at one time. So what they do is send it out to have it processed and sent back to them again in a size that they can handle more easily, and that runs the cost up. It seems to me that we ought to have enough confidence in the local schools, those people who are running the food service programs there, for them to make the judgment. Will they be able to feed those children more economically with the USDA food or by having the cash in regard to section 6 programs to go and buy it themselves? I am willing to let them have the option.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I thank the gentleman for yielding.

Again I think at this point it is also important to point out that what makes that food so expensive is the distribution costs. If we ship Washington State apples, which happens regularly, to the State of Pennsylvania into the apple belt, that is some kind of cost to get those apples refrigerated the whole way from one coast clear to the east coast.

Mr. QUIE. That same thing would be true of all the other commodities as well.

Mr. Chairman, I shall offer an amendment to the summer food service program for children—a program that has been beset by fraud and scandal and mismanagement outlined in two GAO reports and voluminous testimony before our committee—which will place a limit on participation in each State. The limit would be 200 percent of the number of children in each State aged 5 to 17, inclusive, who are from families with a poverty-level income. The Bureau of the Census has those figures for as recently as 1975. This would permit the program participation to nearly double nationally, from 3.7 million to over 7 million.

The uncontrolled growth of this program, which is intended to serve needy children but has served many of the nonneedy as well, has been a major concern of GAO and of members of our committee. GAO testified that if we do not control it the program may soon reach $1 billion annually, essentially for just 10 weeks in the summer. A limitation of twice the number of needy children there are to be served would be completely reasonable.

But there is a problem. Very frankly, it is the gross overparticipation of New York in the program. If you will look at the tables I have provided on the back page of the committee's report, you will see that 37 percent of the program participants last summer was in New York State, which has only 7.35 percent of the Nation's poor children and only 8.59 percent of the children receiving free or reduced-price school lunches.

Yet this is only a part of the problem. Between 91 and 93 percent of the New York State program, in turn, is concentrated in New York City. Thus New York City, which accounts for a far smaller percent of the Nation's poor children than the whole of New York State, has between 33.7 percent and 34.4 percent of the entire national participation in this summer program. New York City, as one measure of need, serves only 5 percent of the national number of children receiving free and reduced-price lunches in the school lunch program.

My amendment would place a national limitation on the program by placing a limitation on the participation in each State. It would permit a substantial expansion of the program in every State except New York, where it has been concentrated to an extent that is completely inequitable.

Looking at the results of my amendment on other relatively heavy participants in the program: New Jersey could double its participation; California and South Carolina could triple their participation; Alabama, Florida, Georgia, Massachusetts, Michigan, and Pennsylvania could at least quadruple their programs; Illinois could increase its program 6 times, Ohio 9 times, and Texas 13 times. Outside New York only the District of Columbia would be somewhat affected by my amendment, and even it could increase its program by one-third before it reached the proposed ceiling.

It has been argued in defense of such a heavy concentration in New York City that, due to the difficulties of reaching needy children in rural areas in summer, this is an urban program. But even on those terms, the concentration in one city cannot be defended.

We have 153 cities in the Nation with populations of 100,000 or more. New York City has only 12 percent of the average daily attendance of the public and nonpublic schools of those cities which have a school lunch program; New York City serves only 14 percent of the free and reduced-price lunches served in those city schools—yet it has over a third of the total number of participants in the summer food service program for children in the entire Nation, which includes children who do not live in our 153 largest cities.

For obvious reasons, my colleagues on the committee from New York City opposed my amendment. They argued that it would result in needy children in New York being eliminated from the program. On paper, it would, but in reality I doubt very much if it would have that effect. The reason is simple—a high proportion of the so-called "participants" in New York City were fictitious. Nobody knows how many children actually were served, but all the testimony we have had would indicate that it was far fewer than reported.

The findings of two GAO reports and of our own committee investigations and hearings indicate that this program has been beset by widespread fraud, waste, and mismanagement. The worst management of all, apparently, has been in New York City. Our colleague, Representative ELIZABETH HOLTZMAN conducted her own investigations of the program in her district during the summers of 1975 and 1976 and twice reported her findings to our Subcommittee on Elementary, Secondary, and Vocational Education. In my "Additional Views" accompanying the report on the bill, I have quoted at some length from her testimony. In discussing the number of meals served in New York City last summer, Ms. HOLTZMAN said:

> On the basis of my own visits to sites, visits conducted by my staff, and other reports I received about this program, I suspect that most of those meals never actually reached needy children, that most of the meals which did get to children were rotten, inedible or prepared under unsanitary conditions, and that many of the meals for which the government paid never even existed, but were rather fictitious meals at phantom sites.

Ms. HOLTZMAN estimated that in the summer of 1975 there were "nearly 1.2 million meals served every day" in New York City, compared with a total of 1.1 million public school children in the city and concluded that "something seems seriously wrong." We do not really have final figures for last summer, but it would appear that there were between 1,268,000 and 1,296,000 average daily participants in the summer feeding program claimed for New York City—which exceeds its total average daily attendance in the public and nonpublic elementary and secondary schools—1,205,907—for the 1975–76 school year. It is close to the total 5–17 population—1,461,000—estimated for New York City. Obviously something is seriously wrong.

If the attempt of the committee to rewrite the law in such a way as to clean up this mess in fact succeeds, there is a high probability that the amendment I shall propose would result in no reduction of legitimate participation in the program in New York City or New York State. If our new provisions do not work as well as hoped, at least my amendment would put a limit on the extent of the potential for fraud.

Of course, we are all increasingly aware that resources available for running well-targeted and well-managed programs are limited. Surely we know that it is inequitable to permit a wild overconcentration of limited national program funds in a single city. This program is meant to serve needy children. The committee rejected amendments recommended by GAO which would have limited participation to needy children. Nevertheless, a limitation of twice the number of needy children there are to be served would appear more than reasonable.

I think my amendment also is necessary from a budgetary viewpoint. In 1971, the program served an average daily number of just over 1 million children at a cost of nearly $21 million; by the summer of 1975 it had grown to 2.4 million children at a cost of $65 million; and in the next summer it jumped to 3.7 million children at a cost of $169 million. Obviously, we need some control related in a reasonable fashion to the number of needy children. My amendment would permit the program nationally to grow to a maximum of 14.3 million children at an estimated cost of $498 million. I think that is more than sufficient to meet any actual needs.

To conclude, I want to make one point about the amendment I shall propose which is important in terms of the administration of the program. It places a limit on the average daily number of participants in each State. It does not define eligibility of participants either by age or family income level or in any other way. Program administrators tell us that as a practical matter, very few children under 5 years old or over 15 participate. So the 5–17, inclusive, age bracket of poverty children I use is appropriate for limiting the number of participants, but it in no way limits the age or income levels of participants. The bill fixes the maximum age of participants at 18.

Mr. Chairman, we shall have an opportunity to debate the amendment when it is offered, but I wanted to thoroughly outline the case for it during general debate. I think that logic, equity, and commonsense all argue strongly for its adoption.

So, Mr. Chairman, my amendment does put a limitation on it. It is true, it does not zero in particularly on the problem of graft. It is still true that under the bill with just that amendment that any child under 18 could receive food in areas that have one-third or less poverty; but the interesting thing is, as I pointed out, they are charging for feeding more children than actually go to school in the City of New York; however, in those areas that have less than one-third of the children eligible for free or reduced price meals, then neither the poor or nonpoor are receiving any summer feeding program. It gives a sort of perspective to the extent this graft exists in the program.

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentlewoman from New York.

Ms. HOLTZMAN. Mr. Chairman, I appreciate the gentleman's concern and I want to compliment the gentleman and the committee for their eagerness to incorporate this legislation to prevent a repetition of the fraud that has plagued the program in the past. What concerns me about the gentleman's amendment is the following: If we do not eliminate the eligibility standards for the children themselves and we put a cap on the program, we are positively trying to follow the situation; as I understand, in New York there will be a serious effort to have additional outreach to more poor children that are eligible for this program. If we put a cap on the total amount we say they can receive and we have more children participating in the program, real children, as opposed to phony figures of children, the State has no authority to give the money to the children really in need and we may have a situation, if the gentleman's amendment is adopted, where the children not as much in need will get some of the money and some of the food in this program and those desperately in need may not.

I would say to the gentleman, if the bill works as it is expected to work and fraud is eliminated, then we should eliminate the problem of fictitious feeding; but the gentleman's amendment will put New York in a very difficult position when it apportions its money and it will not be entitled to apportion its money for food to the needy on the basis of poverty. I think that is a very serious problem.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. QUIE. Mr. Chairman, I yield myself 1 additional minute.

Mr. Chairman, I will be giving the House three options; the one I talked about the most, because it was offered in committee of putting a cap of 200 percent on the poverty level; that ought to take care of all the eligible problems needed for the State.

Also, I will offer one in the area that shall have cost reinbursement for those eligible and they can select the area, take the whole city or a portion of the city.

The third one is that they will only get cost reimbursement for those eligible, each individual for those eligible for free and reduced cost lunches. That way, if they want to zero in exactly on the program, as the GAO has recommended, they will have a chance to do it; so the House will have a chance on those three amendments to work its will on those that I will be offering.

Mr. PERKINS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. ZEFERETTI).

Mr. ZEFERETTI. Mr. Chairman, I want to make known my strong support for the passage of H.R. 1139, which amends the National School Lunch and Child Nutrition Acts.

In spite of the criticism these programs have received, there is no denying that they have contributed greatly to upgrading the nutritional value of the food being consumed by this Nation's youth.

During the past year many abuses in the programs have been found, particularly in the summer food service program. I would like to take this time to salute two of my colleagues from New York City: Ms. CHISHOLM for arranging for field hearings that were held several weeks ago, and Ms. HOLTZMAN for uncovering cases of waste, fraud, and mismanagement within the summer feeding program in that area.

I feel that the Education and Labor Committee, under the astute and untiring leadership of Chairman CARL PERKINS, has acted properly in dealing with these abuses by proposing these amendments that strengthen the administration of the program by providing greater authority to the Secretary of Agriculture and the States to determine eligibility for summer food service program sponsors and by limiting eligible sponsors to institutions that have proven capable of operating the program in the past.

These committee recommendations further tighten up the program by requiring each sponsor to submit its administrative budget to the State for approval and by requiring each State to submit a comprehensive plan of operation to the Secretary. In addition, abuse will be further reduced by the implementation of criminal penalties for fraud and embezzlement within the program.

The passage of these major amendments to the acts, along with the improved summer feeding regulations that have been issued by the Department of Agriculture, will provide the necessary safeguards for the well-being of the projects' recipients—the children—and will insure the fiscal integrity of the program.

It has been suggested that we should impose a limit on the number of children in any State who can participate in the program. While the intentions of that amendment are worthy—to eliminate abuses in the program—I feel that such a limitation would unjustly penalize our larger urban areas, particularly New York City, that have been successful in attracting a large number of those individuals eligible to participate.

Another proposal rejected by the committee would provide local school districts with the option of receiving cash instead of additional commodities. The bill before us today contains a number of improvements directed toward meeting the needs of the school districts served. School districts will be permitted to refuse up to 20 percent of donated commodities offered to them during the year and elect to receive other more necessary items as they become available to the State. In addition, several pilot projects will be established to study the "cash in lieu of commodities" method so that its feasibility and effectiveness can be better determined.

There is no denying that many inexcusable abuses have occurred in the past. The committee bill as it appears before this body recognizes these problems and recommends reforms that will go a long way toward remedying the situation.

When properly operated, the programs whose authorization we are extending give necessary assistance to local school districts in providing nutritional food for our school children and save millions of children from malnourishment, preventing massive Government expenses in medical and educational costs.

I laud the Education and Labor Committee members for their wisdom in unanimously passing this bill, and I encourage my colleagues to join in supporting this necessary legislation.

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Chairman, I rise to express my strong opposition to the Quie amendment to H.R. 1139. Passage of this amendment would have an especially devastating effect on the summer feeding program in New York State and City, which serve the largest number of children in the program.

The Quie amendment cannot be interpreted as a reform proposal for the improvement of the legislation. Rather, it is purely punitive, both in its intent and prospective application. I expressed these same sentiments in committee, where this amendment was defeated. I see no change in the version being offered today. What I do see is a possible one-third reduction in the number of needy children who can be fed under the program by the State of New York. This presents an unfair and discriminatory feature of the bill which if passed, could negate its many other fine provisions.

I and other members of the New York State congressional delegation are aware of the many problems which the summer feeding program encountered. I and others were critical of the problems early on and the matter has received extensive attention, not only from the committee but from the GAO as well. Substantive recommendations for administrative reform in the program have been offered and many of these recommendations are embodied in this legislation.

It is not fair for us to make the needy children who are served by the program the scapegoats in a false pursuit of reform. This is what the Quie amendment proposes we do. New York serves the most children under the program because we have higher concentrations of poverty children than are found in any other State. The problems in New York were not created by these children, nor should they be the ones made to suffer for them.

A revision in the eligibility formula such as proposed in the Quie amendment; namely, to base it on a flat 200 percent of the State's number of poverty level children between the ages of 5 and 17, will adversely affect New York and other large urban centers. It is our large urban centers, like New York, that are serving the largest number of children. Yet instead of being rewarded for their efforts, the Quie amendment seeks to punish them.

In 1976, some 3.6 million children participated in the summer-feeding program. This represented an 81-percent increase from 1974. H.R. 1139 would extend funding authority for the summer-feeding program through fiscal year 1979 and would make a number of important administrative changes to make the program more accountable and efficient. The Education and Labor Committee has worked hard to develop a good bill. Passage of the Quie amendment would negate the good intentions of the measure.

I call upon my colleagues to consider the impact of the Quie amendment on needy children in our urban areas. For many of these children, the meals provided under the summer-feeding program represent a vital source of daily nutrition. The alternative for those children who would be eliminated from the program under the Quie amendment would be tragic. It is for this reason that I urge defeat of the Quie amendment and passage of the bill as reported.

Mr. Chairman, I would like to address myself to the remarks that the gentleman from Minnesota, a member of the committee, made. The gentleman is an esteemed member of that committee and has made valuable contributions over the many years. I have been privileged to be associated with the gentleman over those same years.

Generally, the gentleman's logic follows, and the gentleman's demeanor is excellent, but I am a little perplexed at today's aberration. The gentleman addressed the House and stated that the New York delegation condoned fraud and mismanagement in the summer lunch program.

Mr. Chairman, because it existed does not mean that it was condoned. Following that logic, the gentleman from Minnesota would then have to be held liable for the crimes committed in the gentleman's own district. Because it exists, I am sure the gentleman does not condone it. Moreover, I am sure the gentleman opposes it in the State; but the gentleman's logic is that if one represents the area and there is mismanagement and fraud, that he condones it.

The fact is that members of the delegation were aware, have been critical of and were responsible for the GAO intervention, for the investigation, and for focusing attention on the problem. The members themselves got into the field in different areas to learn firsthand of the abuses. We are not charged and are not endowed with executive powers to take summary action. We took the proper course of conduct. The condition was properly focused upon, properly revealed, and the committee, with the gentleman making his valuable contribution, has responded in proper legislative fashion.

I do not know of any program that this House has ever produced for the people of this Nation that has not been subjected to abuse and fraud and mismanagement. That is the commonplace complaint from the people of the Nation—"Oh yes, it is the Federal Government; what do you expect from them?"

The fact is that our programs are of such magnitude that it is virtually impossible to have a perfect system or perfect application of congressional intent. That is why we have oversight jurisdiction. That is why we have the GAO; to determine that is why we have the Justice Department get involved and determine whether there is criminality, whether there is mismanagement, whether there are abuses.

When we have them, we should respond to them, as every level of government should respond. That is what we are doing today in this legislation. We are responding to the abuses that have been disclosed, and I simply cannot emphasize too much how disappointed I am in the gentleman's observation that the New York delegation condoned the abuses.

I might suggest that it would be more appropriate if the gentleman rose and said, "Congratulations to the New York delegation for focusing attention on the abuses and bringing the attention of the government and the Congress to the need for correction." And providing the leadership in this corrective legislation.

The fact of the matter is that this legislation is excellent. The program is sound. It fulfills a very substantial need for the children of our Nation who are in need of nutrition. If we were to pose that question to the people of our Nation, we would have overwhelming acclaim for the acceptance of the program. I have found that, more often than not, it is the abuser who jeopardizes the program. If we were to respond to demagoguery, we would eliminate the program, but thank God we respond in a logical, rational, reasonable, intelligent fashion. Thus, we advance the program and make provisions to restrict the fraud and the mismanagement.

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, since those who are here now heard what I had to say before, I am just going to make a few other observations. First of all, I think the committee should be commended for the work that has been done. Many improvments have been made to this legislation, and those who were not on the committee helped us make some changes that are going to be very important.

I would call the attention of the Members to a couple of areas. There is no question about the importance of the summer feeding program. I do not think we can do it now here on the floor, but I am sure that my chairman will be amenable to taking a serious look on how we can make it a better program. I say that only because, if we do not, it has to collapse because there is no way we will be able to afford it.

There are two major problems which I see. One is that if 33 percent in an area qualify, everybody qualifies. There is just no way we can afford that. We discussed that last year when it came to free lunches. There is just no way if, all over the United States, they would take advantage of this program—and they should participate in this program—there is no way we could afford it if we are going to say that my children and the children of anybody who makes any amount of money can participate in the program bcause 33 percent are eligible.

The other side of the coin is equally true. If we do not have 33 percent in our area, let us say we have 32 percent, those poor souls get nothing. So we have the two extremes. While my children may be eating, children in another community, who are in dire need, get nothing because they do not measure up. I would hope by the time that we come back here in another year we will have found some way to solve those particular problems.

Mr. Chairman, let me just eulogize my chairman a little. When I first came to the Committee on Education and Labor, I sized up my chairman, and I wondered who this gentleman was from Kentucky. I had some real reservations. But since that time, I have learned to love the gentleman. Let me point out that he has some real qualities that I guess if I am here a long time I will develop. The gentleman is—and I say this very kindly—very clever. The gentleman has a way, as we would say in York County, in answer to a question, "You go by way of Wrightsville to get to Spring Grove." But it is very effective. The gentleman is a very hard-working and conscientious Member and the gentleman is always looking out for the best interests of the youngsters. The gentleman also reminds me a little of my father. My father never heard anything he did not want to hear. He could turn us off, six kids around the table. He never heard it.

The Members will remember that I said in my first 8-minute address how it is impossible—impossible—to take this money and use it in any other way. It is written here. It is right here. And, of course, the gentleman very eloquently indicated, when he spoke, that this money would be taken and put into something else. The gentleman knows and I know that there is $80 million available out of this $500 million, but the gentleman knows and I know that at the most—at the most—there might be $12 million or $15 million used. As a matter of fact, with all of these people saying they do not want cash in lieu of commodities, it will not even be $15 million, it will be probably zero. So nowhere will it interfere in any way, shape or form with distribution.

When we talk about the Government's ability to buy cheaply, it should be pointed out that, oh, yes, you can buy cheaply, but then you get into the business of buying in Kansas and shipping to Florida or buying in California and shipping to Pennsylvania, and boy, that gets expensive. There is no question about that. Anybody connected with school nutrition who says, "You buy better food than I can buy back home," does not belong in the position of purchasing food for children. They know that if the local butcher sold them inferior food one time, that is the last time he will get a chance to serve them, I will guarantee the Members, and they have him right there to nail him when he steps in. He is not some bureaucracy down in Washington, D.C. He is local.

So I would hope we could improve it, the way we improved the waste program.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. GOODLING) has expired.

Mr. QUIE. Mr. Chairman, I yield 2 additional minutes to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, last year I tried to get kindergarten through 12, that youngsters did not have to take every item that was served. The Department of Agriculture said, "It will never, never work. It will destroy our whole operation." The committee agreed that we try 9 through 12. This year they agreed we would go middle school or junior high school through 12. I hope the next time we come back that we will say kindergarten through 12. There is no reason why we should waste food and put food on trays of youngsters who are not going to eat the food. So we have improved the bill tremendously. I think there are some amendments available that will even further improve it and, furthermore, I am sure that our committee will look seriously about the business of what we will do about those youngsters who do not get a proper diet, those who fall below the 33 percent and are not, therefore, entitled, and what we will do with those youngsters whose parents make $57,000 a year, or something of that nature, and get a free meal. I am sure we will tackle that problem.

Mr. QUIE. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I thank the gentleman from Minnesota (Mr. QUIE) for yielding this time to me.

I, too, want to join my colleagues in commending the chairman of the committee, the distinguished gentleman from Kentucky (Mr. PERKINS), and the ranking minority member, the gentleman from Minnesota (Mr. QUIE), for their work and their committee's work in strengthening the national school lunch program.

I also want to commend the gentlewoman from New York (Ms. HOLTZMAN) and the two other Members of the New York congressional delegation for focusing attention on the abuses and fraud in the New York City school lunch program. They brought to our attention the need for more stringent administrative controls and the need for a better oversight of the program by the Congress, as well as the need for adopting a means test. But, while those reforms are needed, I feel that we should certainly not place any cap or limitation on the program, as has been suggested by my colleague, the gentleman from Minnesota (Mr. QUIE).

Mr. Chairman, the bill which we have before us is extremely important to the children of our Nation, enhancing the health and well being of millions. The National School Lunch and Child Nutrition Act Amendments of 1977, H.R. 1139, extends authorizations for three Federal child nutrition programs expiring on September 30, 1977, and extending summer feeding programs for 2 years. I urge my colleagues to join with me in supporting this legislation which has been offered by the distinguished gentleman from Kentucky (Mr. PERKINS), the chairman of the House Committee on Education and Labor.

Most of us endorse the positive aspects of the school lunch program affording to children who would otherwise be denied, because of economic barriers, nutritional meals at no cost to themselves or to their families. The beneficial effects of the school lunch program far outweigh the fraud and mismanagement which has been associated with this program as with other large scale Government programs. The legislation before us today addresses itself to the problems of mismanagement and waste, attempting to correct such abuses by strengthening the administration of the program, tightening up the eligibility requirements of local agencies and by requiring the States to submit extensive administrative plans.

An important aspect of this legislation is the option to junior high school students to refuse offered subsidized food if their school district gives them such an option. Many of us have heard from constituents, school nutrition administrators, and parents of school age children, that the plate waste accompanying school lunch programs is appalling. I believe that the optional acceptance or refusal of foods offered for junior high school students is a positive step toward the elimination of waste and in increasing the effectiveness of the overall program. There is a need for us to give students attending junior high school, or middle schools, the option of choosing to accept or refuse foods offered to them if they do not intend to consume such foods, an option already afforded to senior high school students.

The children of our Nation can only benefit from these amendments to this act. Having expressed our concern with the moral obligation that this Nation has to the nutritional needs of the underdeveloped countries, and having considered elaborate programs to eliminate hunger and need all over the world, we certainly should focus our attention upon the needs of one of our greatest potential resources of our own Nation: Our children. If they are suffering from poor nutrition, improper diets, or poor attitudes toward nutrition, we cannot expect the next generation of Americans to enjoy the health and welfare which is the basic right of all Americans. If our children are suffering these maladies, due to mismanagement or fraud and abuse, let us properly revise and correct this program so that all can enjoy the benefits of good food. If the summer feeding program has been abused by maladministration, let us seek to correct such waste and fraud not by limiting participation but by applying more stringent controls and oversight and by exploring the possibilities of a means test for participants.

Accordingly, I urge my colleagues to support this worthy legislation in order to further contribute to the healthy growth of our Nation's youth.

Mr. PERKINS. Mr. Chairman, I yield 6 minutes to the distinguished gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Chairman, I rise to indicate my very strong support of H.R. 1139 and my opposition to the so-called Quie amendment.

At the outset, I would like to pay my highest regards and respects to the chairman of the Committee on Education and Labor, the gentleman from Kentucky, the Hon. CARL PERKINS, who is also the chairman of the Subcommittee on Elementary, Secondary, and Vocational Education. His wisdom and enlightenment have allowed us to come through with a piece of legislation which I think will serve well the people of this country and most especially the children of this country.

I wish also to commend the gentlewoman from New York (Ms. HOLTZMAN) for the very constructive role she has played in calling the Nation's attention to the fact that there was a combination of failures on the part of the U.S. Department of Agriculture and the State administrators which allowed rip-off artists to abuse not only this program but the very children who were supposed to be benefited.

Mr. Chairman, before I came here one of the handful of Members on the other side of the aisle whom I knew by reputation was my friend, the distinguished gentleman from Minnesota (Mr. QUIE). This gentleman, who preceded my arrival here, bears a very well deserved and honorable reputation. Therefore, I am really distressed that I must engage myself in this way in disagreement with the gentleman in an area where I believe his emotions, although probably very well placed, have led him astray.

I hope that I can persuade him to reach the same conclusion that prevailed in the subcommittee when he had offered an amendment to place a cap on the amount of moneys which any particular State could receive. At that time, upon reconsideration, and after discussion and debate, he thought better of it and withdrew his proposal. I believe that if he thinks his current proposal through, he will perhaps come to the same conclusion today.

Mr. Chairman, the fact is that the very abuses which have taken place have hidden the fact that the program is only now beginning to succeed.

I would like to read for the benefit of the Members from the first substantive page of the commitee's report, and that is page 4. At the bottom of that page the report says as follows:

> In an effort to expand the program to reach more children, Public Law 94-105—and that was in 1975— broadened the definition of eligibility to include any sponsor providing food services to areas in which one-third of the children were eligible to receive free or reduced price meals.

That is the end of the quotation. I am sure that I do not have to remind the distinguished gentleman from Minnesota (Mr. Quie) that he was a member of the House and was the ranking minority member and an important member of the Committee on Education and Labor at that time. I am sure that he supported that particular expansion because the program was not reaching enough children.

The report goes on to say this:

> The 1975 amendments to the summer program in Public Law 94-105 have had a profoundly significant impact on the program.

The report says further that the participation in fiscal year 1976 was 13 percent higher than in fiscal year 1975 and 81 percent higher than in fiscal year 1974.

In fiscal year 1976, 3.6 million children participated in the program at a funding level of $132 million.

Mr. Chairman, that was the very intent of Congress when in 1975 it expanded the program. The problem has been that because of the failure of the regulations of the U.S. Department of Agriculture to keep pace with the legislation, there have not been enough safeguards built in. This legislation takes care of that.

Beyond that, Mr. Chairman, there has been an insufficient outreach program so that rural areas and suburban areas have not participated.

I understand, for example, that the distinguished Member's district does not have a single program of summer feeding. I am sure that there are poor people in the distinguished Member's district, but there has been no outreach to bring them in

Mr. Chairman, rather than putting a lid or a cap on the program, what we ought to be doing is insisting that all of the children who are eligible should be brought in to qualify and participate in the program.

Mr. Chairman, I only want to make a few brief comments on the proposed formula suggested by the gentleman from Minnesota (Mr. Quie) because, again, I think it has not been sufficiently well thought through.

The summer feeding program allows anyone from age 1 day to age 18, up to 19 years old, to participate; and yet, the formula that is being proposed by my distinguished friend, the gentleman from Minnesota (Mr. Quie), limits participation from age 5 through age 17 and indicates the cap to be on that basis.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. WEISS. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Chairman, I would like to state that the gentleman's statement was inaccurate. I just wanted to make sure that the gentleman had an accurate statement.

Mr. WEISS. Mr. Chairman, I think I do, but I am delighted to have the gentleman correct his formula.

Mr. QUIE. Mr. Chairman, if the gentleman will yield further, the age 5-to-17 wording has nothing to do with participation. That is what we use as the top in order to get the lid on.

Mr. WEISS. That is right. My distinguished friend, the gentleman from Minnesota (Mr. Quie), is correct in saying that that is how he tabulates the numbers. However, it is a distortion of the tabulation to count only children between ages 5 and 17 rather than from ages zero through 18 all of whom are eligible to participate in the summer feeding programs.

Mr. Chairman, the bill reported out by the Committee on Education and Labor, H.R. 1139, is another demonstration of the congressional commitment to insuring that low-income children receive nutritious meals throughout the year. The committee heard stories of substantial abuses and fraudulent activities from witnesses during hearings on this bill, and in response has reported a bill which strengthens the program at the same time it imposes substantial controls to prevent recurrence.

The bill sets forth clear lines of accountability and responsibility for States, sponsors, and vendors. H.R. 1139 makes it clear that only sponsors which demonstrate fiscal and administrative capabilities, and which have not been seriously deficient in the past are eligible to participate in the program. This provision will enable State agencies to take a good, close look at applications from sponsors, and to disallow sponsors with prior program abuses. State agencies will also be able to take quick action to terminate or disallow portions of sponsor's programs due to program deficiences in the summer of operation. These provisions will enable States to stop abuses before they occur—and to quickly take steps to correct current problems before they escalate.

The committee also included provisions which will put stringent controls on vendors. Vendors will be required to register with State agencies, disclosing their corporate officers, and their past history in the program, including any terminations of disallowances. The requirements for participation are similar to those for sponsors—only vendors with adequate administrative and fiscal capabilty and with no serious deficiences in prior years, will be able to register and participate.

In addition, the Agriculture Secretary is charged with promulgating regulations setting forth requirements governing bid and contract procedures, including specific provisions to prevent collusive bidding activities between service institutions and food service management companies. Many vendors participate in more than one State. To assist State agencies in the registration process, USDA will keep a record of all State registered vendors. Any State may contact the central registry for information about a vendor seeking to register to determine its past program performance in other areas.

The responsibilities of State agencies have been carefully delineated. The bill makes it clear that the State agencies have a responsibility to take active steps in administering this program insuring its effective and efficient operation. Thus, the State plan of operation must set forth specific plans each State will implement to insure proper program operation. The detailed steps State agencies will take to inform potential sponsors—and children—of the availability of the program, the technical assistance to be offered, the methods used to encourage self-preparation of meals and development of high-quality, nutritious menus must all be included in the plan the State agency files with USDA.

The final responsibility of course lies with the Department of Agriculture. The detailed, specific State plans will assist the Department in fulfilling its responsibilities to monitor the program and alert it to potential problem areas in various States. We expect the Department to take an active role in insuring that this program operates efficiently and effectively, that unscrupulous sponsors and vendors are weeded out of the program, that States encourage self-preparation of quality meals by public and private sponsors, and that the program continues to grow—reaching all eligible children as quickly as possible.

We must curb the abuses and fraud that have been brought to our attention. I sincerely believe that the provisions in this bill, as reported by the committee, will give program administrators the power to take action to curtail program deficiencies. The key to accompanying our goal is good program administration—the committee bill will, if properly implemented, ensure that the program can and must be properly administered.

I am also pleased with the sections of the bill relating to the national school breakfast program. These sections improve the reimbursement system for schools which are in "severe need." In 1973, Congress authorized a higher rate of reimbursement for free and reduced priced breakfasts for those schools which were especially needy. This higher reimbursement rate was viewed as a tool to be utilized in furthering program expansion. We had expectations that the State would develop specific criteria by which a school could determine its eligibility for the higher reimbursement rate, and that such criteria be included in the State plans of child nutrition operations. These State plans were required to be filed by the State each year, as a condition precedent to receiving child nutrition funds. Each State was required to set forth its detailed plans to use funds available to expand the school breakfast program "to the maximum extent practicable."

These State plans were designed to give a sense of predictability to the program, specifying in which schools the breakfast program would be implemented on what specific dates. In 1975, Congress found that the breakfast program was not reaching sufficient numbers of needy children, and therefore mandated its expansion to all schools "where it was needed to provide adequate nutrition for children in attendance."

In enacting Public Law 94-105, Congress specifically directed the Agriculture Secretary to promulgate regulations requiring the implementation of the school breakfast program in all needy schools—at a minimum, those schools in which 25 percent or more of the students are eligible for free or reduced price meals.

The expansion mandated has not occurred. In our continuing effort to accomplish our goal of school breakfast expansion, we must now set forth in plain language the requirement that State agencies establish criteria by which schools can determine their eligibility for reimbursement at the "especially needy" rate. We can no longer rely on our expectations. New York, for example, has to date not reimbursed any school in the State at the especially needy rate, and until only a few months ago, did not develop any criteria for "especially needy" determination. Under our bill, any school which meets the criteria established by the State, and subject to the approval of the Agriculture Secretary, will be entitled to especially needy reimbursement rate of 10 cents more than the basic reimbursement rate. We believe that this amendment will contribute to the expansion of the program in an expeditious fashion.

I am proud to support this committee bill and urge its passage.

The CHAIRMAN. The time of the gentleman from New York (Mr. WEISS) has expired.

Mr. PERKINS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Chairman, I think the previous speaker, the gentleman from New York (Mr. WEISS), has outlined some of the problems with the cap.

I think the discussion thereof, nevertheless, goes to this question: How do we want to correct the flaws exposed in this program over the last couple of years and the abuses that have taken place?

Mr. Chairman, we can start throwing children out of the program or we can start putting the program under some kind of decent accountability, rules, and supervision by both Federal and State Governments.

Mr. Chairman, this committee, in the adoption of this legislation, has chosen the latter course. That is, we have told the States that they have to hold local sponsors more accountable, that they are going to have to separate the administrative costs of these programs out from the ongoing costs of the programs, that the budgets are going to have to be submitted in advance, and that these budgets are going to have to be approved by the States. We have told the USDA that they are going to have to register food vendors, and the information about these vendors is going to have to be made available to local sponsors throughout the country so that never again will we see unscrupulous vendors drifting around the country and offering services to unworthy programs and providing inferior food products for the children who participate in these programs, and reaping rather significant profits and benefits, to the detriment of these children.

Mr. Chairman, I think this is by far a better way to go because if we really want to lay the blame in the proper place for what went wrong with this program, one need only to look at the USDA over the last couple of years, for they are the one who have failed to properly administer this program. They really did not like it in the first place. They were opponents of the program when this committee originally authorized the program. They have let the program go awry.

Mr. Chairman, if we take a look at the presentations that have been made before this committee by the new Secretary of Agriculture and by his staff, we will see a group of individuals dedicated to seeing this program survive. They are very much aware that politically the only way this program can survive and do the job which it was originally designed to do, feed needy children and hungry children, both in school and out of school, from growing neighborhoods, is through this kind of legislation.

I think that is the need.

Mr. QUIE. Will the gentleman yield?

Mr. MILLER of California. I only have been yielded 3 minutes, I must say to the gentleman from Minnesota, but I am sure we will have plenty of time to debate this today.

Mr. QUIE. I will yield the gentleman additional time if he will yield.

Mr. MILLER of California. I will yield in a moment.

Mr. Chairman, this is what the program will do under the new reforms and the new guidelines set out in this legislation. It is very clear that this committee has done an excellent job in trying to place this type of accountability on this program and to make sure that we follow through on many of the suggestions that have been made for improvements in this program by the Members of the New York delegation, especially the gentlewoman from New York (Ms. HOLTZMAN), who has brought so much of this to your attention.

I believe that with the proper monitoring, we will see a program that we can all be proud of and one which will serve the needs of all of our hungry and malnourished children in this country.

In conclusion, Mr. Chairman, I rise to speak in support of H.R. 1139, the School Lunch and Child Nutrition Amendments of 1977, and against the amendment offered by my colleague, Mr. QUIE.

The summer food program for children provides access to nutritional meals for children during the summer months. It is vital that this program continue to be made available to all children in need of its benefits. We must crack down on sponsors and vendors who try to abuse this program, and at the same time, expand our efforts to feed needy, hungry children wherever they are.

The amendment offered by Mr. QUIE seeks to put a cap on the participation in this program. At present, this will affect only New York, but if other States continue their efforts to expand the program, they too will be affected, and large numbers of low-income children in their States will be unable to participate in the program. For example, under Mr. QUIE's "cap" on participation, there are at least 700,000 eligible children in California that will never be able to receive the benefits of this program and who will be denied their entitlements to nutritious meals. Other States will be similarly affected, as demonstrated by the chart which I request be inserted in the RECORD.

Limiting participation will not cut down the abuses in the program, it will only hurt hungry children. In order to achieve the goal Mr. QUIE seeks to attain, a goal which I also hope to reach, we must strengthen the program and provide significant controls through legislation to assist State and USDA administrators to take the necessary steps.

The committee bill now before us does exactly that. We have looked at the abuses occurring last year, and taken strong steps to curtail them. We have tightened the controls over participation by sponsors and vendors, and have set forth with specificity the responsibilities of State agencies in administering the program. For example, we have limited participation by sponsors to those which demonstrate adequate administrative and financial responsibility and which have not been seriously deficient in conducting the program in the past. We must encourage competent sponsors, public and private, to expand their programs, reaching more children, and thus we place a premium on past experience in program operation.

Vendors will be subject to more stringent control under our bill. They will be required to register with the State agency, disclosing their corporate officers, their past relationship to the program, and any disallowances or terminations under the program. Only registered vendors will be allowed to participate in the program, and in order to assist State agencies, USDA will keep a record of all registered vendors, making this information available to State agencies upon their request.

State obligations have also been strengthened. The bill makes clear that the State agencies have a responsibility to take active steps in administering this program, insuring its effective and efficient operation. Thus, the State plan of operation must set forth with specificity the steps each State will take to inform potential sponsors—and children—of the availability of the program, to offer technical assistance and training to sponsors to help them apply for and conduct good programs, and to encourage utilizing on-site preparation facilities and development of menus of high quality and nutrition.

The final responsibility, of course, lies with the Department—to insure that State plans do provide detailed, specific information, that State agencies implement the plans, and to monitor program operation in the States during the summer. We expect the Department to take an active role in insuring that this program operates successfully and continues to grow—reaching all eligible children as quickly as possible.

The clear lines of accountability and responsibility set forth by the bill will have a major impact on curing the fraud and abuse which occurred last year. Mr. QUIE'S amendment, however, will have no such impact. Limiting the participation of hungry children will not decrease abuse—it will only cause hunger pains. This is an entitled program, and we must insure it continues to grow, and continues to feed as many needy children as there are in this country.

I want particularly to call attention to another provision of this bill as reported by the committee. Our bill improves the reimbursement system for schools designated as "especially needy," and requires each State agency to establish standards for the identification of those schools which should receive the higher "especially needy" rate of reimbursement. Once a State establishes the eligibility criteria, subject to approval b the Secretary, any school in that State which meets the standards will be entitled to be reimbursed at the higher "especially needy" rate.

This strengthened "especially needy" requirement is a further demonstration of our commitment to expand the school breakfast program quickly. Although this reimbursement has always been available, since 1973, States have not taken advantage of this important tool in efforts to expand the school breakfast program. The criteria established by the State will be required to be included in the State plans of child nutrition operations, required under section 11 of the School Lunch Act. This section mandates the development of comprehensive descriptions of how funds will be used to reach needy children," thereby detailing a State's intentions to expand the program to designated needy schools within specified timetables. It was expected that State plans contain the criteria for especially needy reimbursements, but it appears they do not. Thus, we must now expressly mandate the formulation of such criteria, and their inclusion.

Although, in 1973, more generous reimbursement rates were established for the provision of free and reduced-price school breakfasts, and 1975 brought a congressional mandate to the Agriculture Secretary to expand the program to all needy schools so that the school breakfast program be made available in all schools where it is needed to provide adequate nutrition for children in attendance," the mandated expansion has not taken place. Thus, we have taken this additional step to insure that the reimbursement for "especially needy" schools offers an incentive for participation. Those schools which qualify will be entitled to receive reimbursement for free meals that are 10 cents higher than the free breakfast reimbursement rates in non-especially needy schools. As a result of the implementation of this section, we believe that the expansion of the breakfast program in needy schools, as mandated by Public Law 94-105, will be accomplished as expeditiously as possible.

I introduced a bill affecting the summer food program and the school breakfast program shortly before the subcommittee began its markup. I am pleased that the bill reported out of committee bears a close relationship to the one I introduced. I believe this bill will go far toward curbing abuses in the summer food program, and strongly urge its passage.

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIE. Mr. Chairman, I yield 1 additional minute to the gentleman from California.

Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Chairman, I think that the gentleman from California knows that the act under which the Department of Agriculture operated last year prohibited them from refusing to fund someone who wanted to be a vendor of this food.

Second, Mr. Chairman, it is surprising to me that when a person robs a bank that they blame the bank president.

Mr. MILLER of California. If the bank president left the vault door open, then I would suggest that maybe he is the one who ought to be blamed.

Let me say further to the gentleman from Minnesota that I do not believe that the law required the funding of some of the vendors that were funded because it talked about eligible institutions. I believe that the discretion was therefore made available but I do not think that the USDA gave a damn who ran the programs and who was eligible, all they wanted to do was to get the money out, get the meals prepared and hope that there were some kids to eat the meals. All these abuses were brought to their attention but they did not go in and monitor them. It is the new Department of Agriculture who is sending the 60 to 70 people into the city of New York to monitor the program. If there was some fault, then there was some responsibility resting on the superiors who are the guarantors of the Treasury.

Mr. PERKINS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Ms. HOLTZMAN):

Ms. HOLTZMAN. Mr. Chairman, I thank the distinguished gentleman from Kentucky (Mr. PERKINS) for yielding me this time.

I would like to say first of all that I am deeply grateful to the chairman of the full Committee on Education and Labor, the gentleman from Kentucky (Mr. PERKINS) for the alacrity with which that gentleman has responded in correcting the serious problems that have developed in this program. I also wish to commend the work of the full committee. I believe the actions of the chairman and his committee provide an important model for the rest of the Congress to follow in eliminating waste and fraud in programs and making them work better.

Mr. Chairman, I would like to engage in a colloquy with the gentleman from Kentucky (Mr. PERKINS) the chairman of the full committee, about the school breakfast program.

I have been concerned about situations in which a State requires local school districts to operate the school breakfast program without assuring that available Federal and State funds will meet all program costs. In my district, for example, schools are required by State law to institute the breakfast program. Many of these schools, however, expect to have low participation rates. In these cases, the per meal reimbursement amounts are not likely to be sufficient to cover overhead costs, and the school districts will have to make up the deficits out of their education budgets. Thus, funds for books, school supplies and perhaps even teachers may have to go instead to pay for the breakfast program.

Although I have introduced legislation to resolve this problem, it has not yet been considered by the Education and Labor Committee.

I understand, however, that the bill before us addresses this situation and I would like to ask the chairman of the Education and Labor Committee how it does so.

Mr. PERKINS. Mr. Chairman, if the gentlewoman will yield, first let me take this opportunity to compliment the distinguished gentlewoman from New York (Ms. HOLTZMAN) because when we first commenced our oversight hearings and before we commenced those hearings, the gentlewoman communicated to the committee that certain fraud was taking place in connection with the summer food program and wanted steps taken by the committee to stop that fraud.

This speaks so well of the gentlewoman from New York (Ms. HOLTZMAN) in my judgment, and goes along with all of her other outstanding qualities. The gentlewoman from New York is one of the most outstanding Members of this chamber.

Getting back to answering the question posed by the gentlewoman from New York, let me say that the gentlewoman is correct. The bill provides increased reimbursement for schools which cannot recover their costs out of the standard per meal reimbursement. Such schools can get up to an additional 10 cents per breakfast.

Ms. HOLTZMAN. Does this mean, Mr. Chairman, that schools which cannot recover their costs because of low participation rates will get additional Federal funds?

Mr. PERKINS. It does, so long as the schools meet State standards for schools in severe need. I would expect New York City's schools to meet such standards. That would be my judgment.

Ms. HOLTZMAN. I thank the gentleman. Does it also mean that these schools will be able to recover all of their additional costs?

Mr. PERKINS. That would depend on the actual participation rates and whatever additional assistance the State provides, but the committee believes that the increased funding provided by this bill should enable nearly all schools participating in the program to recover their complete costs.

Ms. HOLTZMAN. I thank the Chairman for his assurance, for his kind words, and for the leadership that he has given to the Congress.

Mr. PERKINS. Mr. Chairman, I only have one further request for time. That is from the gentleman from Tennessee (Mr. ALLEN) to whom I yield 2 minutes.

Mr. ALLEN. Mr. Chairman, I will make my remarks very short, in the event the distinguished chairman of the committee would like to conclude the debate.

I would like to say first that I want to compliment the distinguished gentleman from Kentucky (Mr. PERKINS) for an outstanding job of trying to put together a bill to meet the problems which have developed in the administration of this program. I think he has done a very excellent job And certainly there is no more worthy project that can command the attention and support of Congress than to see to it that the children of this Nation who are going to school receive nourishing food. This is an absolute necessity to efficient education, and to proper growth of our children, both physically and culturally. I want to compliment the chairman, and I pledge to him my support of this bill which I hope will pass without substantial amendment.

Mr. PERKINS. Mr. Chairman, I yield back the remainder of my time.

Mr. LEHMAN. Mr. Chairman, I rise in support of H.R. 1139, the National School Lunch Act and child nutrition amendments.

As a member of the Education and Labor Committee during the 93d and 94th Congresses, I played a very active role in the development of legislation affecting these child nutrition programs.

I have been dismayed by the much publicized reports of waste and abuses in the administration of the summer food service program. Such incidents do immeasurable damage to a worthwhile endeavor. In response to the criticism directed at this program, the committee investigated ways to prevent such abuses from occurring in the future. I believe that the legislation before us today provides some very important safeguards.

I am particularly pleased that the hearings which were held in Hialeah last July were helpful in developing this legislation. Testimony from sponsoring agencies and the Florida Department of Education concerning the administrative costs of the program was instrumental in the committee's decision to separate administrative expenses from payments made for the meals. From now on, our children will be able to receive the full benefit of the amounts allowed for their meals, and the temptation to falsify the number of meals served will be diminished.

I am confident that we will have a greater degree of accountability for our investment in the summer food service program and abuses in the future will be far less frequent.

Mrs. BURKE of California. Mr. Chairman, I will oppose the Quie amendment, when it is offered, which would limit participation in the summer food service program.

As a member of the California delegation, I am deeply concerned about the potentially adverse impact of this amendment on the hungry children in my State. Let me describe the situation in California: In the past we have not been successful in reaching a substantial percentage of our 2.1 million eligible children. During the past few months, Jeanne White, director of the child nutrition program in the State of California, and her staff have been actively working to make the program more widely available. However, because our outreach program is a relatively new one, we are not going to get to all our eligible children this year. Ms. White estimates that the summer feeding program will reach about 250,000 children in Los Angeles County and a total of 550,000 children across the State, a remarkable increase from the 395,000 children served last year. However, if Mr. QUIE's amendment is adopted, California will be able to feed only 1.4 million eligible children, or twice the number of children age 5 to 17 in poverty families in 1975 census estimates. Thus, if our intensive outreach efforts are successful, someone is going to have to say "No" to more than 700,000 eligible children.

To permit children to go hungry because we are trying to crack down on fraudulent sponsors is a cruel and false economy. It is also totally unnecessary. The Education and Labor Committee has put together a strong bill which squarely addresses our concerns about fraud and abuse in the summer food service program. The bill provides clear guidelines for the U.S. Department of Agriculture and State agencies to take affirmative action to control abuses.

The Quie amendment is an obvious case of overkill. We are all concerned with waste and mismanagement of funds—but the problem is an administrative one and the solution lies in adequate administrative remedies, not in limiting particpation in the program.

Mr. FOUNTAIN. Mr. Chairman, I have long supported the basic design of the school lunch program. It has provided a necessary and valuable nutrition service to many children throughout the Nation—children who, without the program, might unfortunately have to go through the entire day without so much as one balanced meal. Many children in my own district in North Carolina have so benefited from the program.

However, I cannot support the concept of including every child under the age of 18 in the summer food service program in eligible and participating schools—particularly if those children are not eligible for the free or reduced price lunch program during the regular school year.

Since the summer program provides free meals—across the board—school dropouts under the age of 18, whether or not they are employed, and even preschoolers are apparently eligible for free meals by simply showing up at the proper time and place. I dare say that even the minor children of members of this body would also appear to be eligible, so long as they lived in an eligible, participating school district.

If there is to be a food service program during the summer months, then children should pay for the meals according to the ability of their family to pay—in a way similar to the manner in which the school lunch program operates during the regular school year. Certainly, many children would receive free or reduced price meals. But it is, to my mind, a waste of the taxpayers' money to provide free meals to all children under 18, regardless of the income level of their families. In addition, the program should be strictly limited to students who are currently enrolled in the public schools.

Mr. Chairman, last summer I asked Chairman PERKINS of the Education and Labor Committee for an explanation of the committee's reasoning in establishing the summer program in this way. He responded that the large number of low-income families in the urban areas of our country were the prime motivating force behind the provisions allowing all participating children to receive free summer meals.

Chairman PERKINS further replied that many urban sponsors of the feeding program must serve the meals to children on school playgrounds and sometimes even on the streets of the inner cities. This situation, according to him, makes it very difficult to maintain accurate records of who is taking part in the program and to verify the eligibility of those participating. Also, the chairman stated that the sponsors would encounter serious theft problems if money were kept in the open in the areas where children are fed.

Mr. Chairman, I appreciate the chairman's well-founded concerns. However, I believe that if a situation does exist where the sponsors of this program, or any program for that matter, are unable to keep good records or provide proper security, or to even guarantee that the food will be served in a clean and sanitary setting, then something is definitely wrong. Perhaps it would be better to save untold amounts of tax dollars and find another way to feed hungry, deserving, and truly needy children—a way that can be implemented and administered properly and efficiently, and not so haphazardly.

The sponsors of this legislation before us today say that it will provide some integrity in the administration of the program, for example in New York City where serious, demonstrable problems have occurred. That would, of course, remain to be seen. But, even though I have always in the past supported the good and popular school lunch act, I cannot fail to recognize the loss to the taxpayers that has occurred in this area of the summer food service program.

Consequently, I will support those amendments which are designed to keep this program on a more responsible basis, especially as it relates to the summer program. If we do not find some way to reform this program, legislatively and administratively, it will soon cost a fortune, at which time our people may rise up and force us to repeal it. Basically, the school lunch program has been one of our most popular programs. Again, I have always supported it, but I am strongly against providing during the summer months three or maybe four meals a day for every child from the day he or she is born through the age of 18. I do strongly support the basic design of the school lunch program.

Mrs. COLLINS of Illinois. Mr. Chairman, I am in full support of the National School Lunch Act and child nutrition amendments which the House of Representatives is considering today. This bill, H.R. 1139, is a worthy effort and would extend the program through fiscal year 1979.

The three programs covered by the act—summer food service, commodity distribution, and food service equipment assistance—have all proven themselves to be of tremendous value to the many children from lower income families who have taken part in them.

All three programs have shown tremendous growth in recent years and I believe that Congress must vote to continue their success. In the past year alone, the summer lunch program fed 3.6 million children at 24,830 sites. The commodity distribution program distributed approximately $433.5 million worth of beef, poultry, dairy products, fruits, and vegetables, an increase of 40 percent since fiscal year 1974. Finally, the food service equipment assistance program aided more than 8,000 schools, including those of 412,379 children who had previously attended schools that had no food programs.

Figures like these are to be applauded, especially when one realizes that the figures are actually children who are receiving adequate food and nutrition because of these programs. Although there has been some abuse of the programs in the past, I am convinced that the provisions of H.R. 1139 that strengthen the administration of the program and more carefully account for program funds will curtail these problems.

Therefore, I exhort my fellow Members to join me in supporting this piece of legislation.

Mr. LE FANTE. Mr. Chairman, as a member of the Subcommittee on Elementary, Secondary and Vocational Education, I am proud of the improvements we have made in the summer food program legislation. For example, there are new administrative controls on vendors and sponsors such as vendor registration and a year round criteria for sponsor approval—except for needy areas which would not otherwise be served. Members of the subcommittee also approved, without objection, Chairman PERKINS' suggestion that the Department of Agriculture give special emphasis to finding ways to get this vital program into rural areas which have traditionally been underserved. Additionally, a number of new measures passed which will improve the quality of the meals served our children. In short, we have tightened up the program and improved a service essential to needy children.

It is because we have made so many far-reaching improvements in the program which are yet untested that it is particularly disturbing that Congressman QUIE now offers an amendment which would place a limitation on the number of children who can be served. Have we made the program better only to let fewer children benefit from the program?

Mr. QUIE's formula for limiting the program does not at all in any way address the administrative problems of this program. In a letter to Chairman PERKINS, the administration spoke forcefully against the Quie amendment when Carol Tucker Foreman, USDA Assistant Secretary, noted that—

> The Department believes (the amendment) has a number of serious flaws . . . The eligibility limit for reduced-price school meals is 195% of the Secretary's income poverty guidelines. A study recently conducted under contract with the Department demonstrates that the number of children in many states whole family income fall below 195% of the poverty guidelines is significantly different from the number derived by simply multiplying by two the number of children in families with below poverty line incomes.

I share the administration's concern that the Quie amendment misses the mark. Additionally, it hits hardest at those States with high costs of living—those with many families between 100 to 195 percent of the poverty guidelines.

The only immediate impact of the Quie amendment is cutting out from the program needy children living in New York. It does not seem right to stop feeding children just because they happen to live in a highly concentrated poverty area. But the amendment has the potential to cut out from the program over 10 million needy children nationally.

An awesome side effect of the cap on participation would be that all States would invariably cut back on outreach efforts, or never initiate any. This is clearly counterproductive to the Perkins amendment which we all so wholeheartedly endorsed in committee to assure the program reaches the needy in rural areas.

I strongly urge my colleagues to join with me in opposing the Quie amendment.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 1139

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National School Lunch Act and Child Nutrition Amendments of 1977".

SEC. 2. Effective October 1, 1977, section 13 of the National School Lunch Act is amended to read as follows (except that the Secretary shall undertake the studies which he is directed to conduct pursuant to section 13(b) as soon as practicable following enactment of this Act):

"SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

"SEC. 13. (a) (1) The Secretary is authorized to carry out a program to assist States through grants-in-aid and other means, to initiate, maintain, and expand nonprofit food service programs for children in service institutions. For purposes of this section, (A) 'program' shall mean the summer food service program for children authorized by this section; (B) 'service institutions' shall mean nonresidential public or private nonprofit institutions, and residential public or private nonprofit summer camps, that develop special summer or school vacation programs providing food service similar to that available to children during the school year under the school lunch program under this Act or the school breakfast program under the Child Nutrition Act of 1966; (C) 'areas in which poor economic conditions exist' shall mean areas in which at least 33⅓ per centum of the children are eligible for free or reduced price school meals under the National School Lunch Act and the Child Nutrition Act of 1966, as determined by information provided from departments of welfare, zoning commissions, census tracts, by the number of free and reduced price lunches or breakfasts served to children attending public schools located in the area of program food service sites, or from other appropriate sources, including statements of eligibility based upon income for children enrolled in the program; (D) 'children' shall mean individuals who are eighteen years of age and under; and (E) 'State' shall mean any of the fifty States, the District of Columbia, the Commonwealth Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands. To the maximum extent feasible, consistent with the purposes of this section, any food service under the program shall utilize meals prepared at the facilities of the service institution or at the food service facilities of public and nonprofit private schools. The Secretary of Agriculture is directed to assist States in the development of information and technical assistance to encourage increased service of meals prepared at the facilities of service institutions and as such schools.

"(2) Eligible service institutions entitled to participate in the program shall be limited to those that—

"(A) demonstrate adequate administrative and financial responsibility to manage an effective food service;

"(B) have not been seriously deficient in operating under the program;

"(C) either conduct a regularly scheduled food service for children from areas in which poor economic conditions exist or qualify as camps in accordance with subsection (a) (3); and

"(D) provide an ongoing year-round service to the community to be served under the program (except that an otherwise eligible service institution shall not be disqualified for failure to meet the requirement of this clause if the State determines that its disqualification would result in an area in which poor economic conditions exist not being served or in a significant number of needy children not having reasonable access to a summer food service program),

except that, in the case where more than one institution otherwise eligible under clauses (A) through (D) of this sentence applies to serve the same area or children, the Secretary is authorized to establish priorities for the approval of a service institution to serve such area or children. If the Secretary establishes priorities under the preceding sentence, the Secretary shall use, among others, the following criteria for establishing those priorities:

"(A) whether the service institutions applying are public or nonprofit private sponsors which utilize local school food facilities for the preparation of meals;

"(B) whether the service institutions applying prepare meals at their own facilities or operate only one site;

"(C) whether the service institutions applying have demonstrated successful program performance in a prior year;

"(D) whether the service institutions applying are public or nonprofit private schools with food service facilities;

"(E) whether the service institutions applying plan to integrate the summer program with other Federal, State, or local programs such as those under the Comprehensive Employment and Training Act of 1973 to maximize available resources for the purposes of community development; and

"(F) whether the service institutions applying are other public or nonprofit private sponsors which have demonstrated ability for successful program operation.

The Secretary and the States, in carrying out their respective functions under this section, shall actively seek eligible service institutions which are located in rural areas, for purposes of assisting such service institutions in applying to participate in the program authorized under this section.

"(3) Camps that satisfy all other eligibility requirements of this section shall receive reimbursement only for meals served to children who meet the eligibility requirements for free or reduced price meals, as determined in accordance with the procedures prescribed under section 9(b) of this Act.

"(b)(1) Payments to service institutions shall equal the full cost of food service operations (which cost shall include the cost of obtaining, preparing, and serving food, but shall not include administrative cost), except that such payments to any institution shall not exceed (1) 85.75 cents for each lunch and supper served; (2) 47.75 cents for each breakfast served; and (3) 22.50 cents for each meal supplement served: *Provided*, That the above amounts shall be adjusted on January 1 of each fiscal year in which the program is operated to the nearest one-fourth cent in accordance with the changes for the twelve-month period ending the preceding November 30 in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor: *Provided further*, That the Secretary shall conduct a study of the cost of food service operations to determine whether adjustments in the aforementioned maximum reimbursement levels should be made, and may make such adjustments in the maximum reimbursement levels as he determines appropriate. The Secretary shall report the findings of such study to the President and the Congress no later than February 1, 1978.

"(2) Any service institution (except those approved under subsection (a)(3)) shall be permitted to serve up to three meals per day of operation if at least one of the three such meals is a meal supplement, and any service institution approved under subsection (a)(3) shall be permitted to serve up to four meals per day of operation, if the service institution has the administrative capability, and the food preparation and food holding capabilities (where applicable), to manage more than one meal service per day, and if the service period of different meals does not coincide or overlap. Such meals may include a breakfast, a lunch, a supper, and meal supplements.

"(3) Every service institution, when applying for participation in the program, shall submit a complete budget for administrative costs related to the program, which budget shall be subject to approval by the State. Payment to service institutions for administrative costs shall equal the full amount of such State approved administrative costs incurred, except that such payment to service institutions shall not exceed maximum allowable levels to be prescribed by the Secretary. As part of the study prescribed by subsection (b)(1), the Secretary shall study the administrative costs of service institutions participating in the program and shall thereafter prescribe maximum allowable levels for administrative payments that reflect the costs of service institutions, taking into account the number of sites and children served and such factors as the Secretary shall determine to be appropriate to further the goals of efficient and effective administration of the program.

"(c) Payments shall be made to service institutions only for meals served during the months of May through September, except for institutions which operate food service programs for children on school vacation at any time under a continuous school calendar.

"(d)(1) No later than June 1, July 15, and August 15 of each fiscal year, or in the case of service institutions which operate under a continuous school calendar, the first day of each month of operation, the State agency shall forward advance program payments to each service institution: *Provided, however*, That (A) the State agency shall not release the second month's advance program payment to any service institution which has not certified that it has held training sessions for its own personnel and the site personnel with regard to program duties and responsibilities: and (B) no advance program payments shall be made for any months in which the service institutions will operate under the program for less than ten days.

"(2) Each month's advance payment shall be in an amount equal to the total program payment for meals served by such service institution in the same calendar month of the preceding calendar year, or 50 per centum of the amount established by the State agency to be needed by a service institution which contracts with a food service management company for meals to be served in the month for which the advance is made, or 65 per centum of the amount established by the State agency to be needed by a service institution which self-prepares meals for meals to be served in the month for which the advance is made, whichever is the greatest: *Provided however*, That the advance payment shall in no case exceed the total amount estimated by the State agency to be needed by the service institution for meals to be served in the month for which such advance payment is made: *Provided, further*, That no monthly advance payment to any service institution shall exceed $40.000, except that a State may make a larger advance payment to a service institution in circumstances where the State determines that such larger payment is necessary for the operation of the program by such service institution and where the institution demonstrates sufficient administrative and management capability to justify a larger payment. The State shall forward any remaining payment due pursuant to subsection (b)(1) no later than seventy-five days following receipt of valid claims. If the State agency has reason to believe that a service institution will not be able to submit a valid claim for reimbursement covering the period for which an advance payment has been made, the subsequent month's advance program payment shall be withheld until such time as the State agency has received a valid claim. Program payments advanced to service institutions which are not subsequently deducted from a valid claim for reimbursement shall be repaid upon demand to the State agency. Any prior payment which is under dispute may be subtracted from an advance payment.

"(e) Participating service institutions shall serve meals consisting of a combination of foods and meeting minimum nutritional standards prescribed by the Secretary on the basis of tested nutritional research. Such meals shall be served without cost to children attending service institutions approved for participation under the program. To assure meal quality, States shall, with the assistance of the Secretary, prescribe model meal specifications to the degree practicable, and model food quality standards, and insure that all service institutions that contract for the preparation of meals with food service management companies shall include menu cycles and food quality standards approved by the State in such contracts. Such contracts shall include provisions which shall require periodic inspections, by an independent agency or the local health department for the locality in which the meals are served, of meals prepared in accordance with the contract in order to determine bacteria levels present in such meals, and which shall require that such levels shall conform to the standards which are applied by the local health authority for that locality with respect to the level of bacteria which may be present in meals served by other institutions in that locality. Such inspections and any testing resulting therefrom shall be in accordance with the practices employed by such local health authority.

"(f) The Secretary shall publish proposed regulations relating to the implementation of the program by November 1, shall publish final regulations by January 1, and shall publish guidelines, applications, and handbooks by February 1, of each fiscal year in which the program is operated. To improve program planning, the Secretary may provide that service institutions receive as startup costs not to exceed 20 per centum of the administrative costs provided for in the administrative budget approved by the State pursuant to subsection (b)(3). Any such startup costs shall be subtracted from payments for administrative costs subsequently made to service institutions pursuant to subsection (b)(3).

"(g) Each participating service institution shall, insofar as practicable, utilize in its food service under the program foods designated from time to time by the Secretary as being in abundance. The Secretary is authorized to donate to States, for distribution to participating service institutions, food available under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431), or purchased under section 32 of the Act of August 24, 1935 (7 U.S.C. 613 C), or section 709 of the Food and Agricultural Act of 1965 (7 U.S.C. 1446a–1): *Provided*, That donations by the Secretary shall be made only to participating service institutions that can utilize commodities efficiently and effectively as determined by the Secretary.

"(h) If (1) in any State there is no State agency able to disburse the funds paid to it under this section to any service institution in the State, because prohibited by law or otherwise, or (2) any State does not operate the program in accordance with the requirements of this section, the Secretary shall assume authority for administration of the program in such State, and shall disburse the funds directly to service institutions in the State for the same purpose and subject to the same conditions as are required of a State disbursing funds made available under this section. In cases described in clause (1) of the preceding sentence, the State shall notify the Secretary, not later than January 1 of each fiscal year in which the program is operated, of its intention not to administer the program.

"(i) Expenditures of funds from State and local sources for the maintenance of food programs or children shall not be diminished as a result of funds received under this section.

"(j)(1) The Secretary shall pay to each State for its administrative costs incurred pursuant to this section an amount equal to (A) 20 per centum of the first $50,000 in funds distributed to that State for the program in the preceding fiscal year; (B) 10 per-centum of the next $50,000 in funds distributed to that State for the program in the preceding fiscal year; (C) 5 per centum of the next $100,000 in funds distributed to that State for the program in the preceding fiscal year; and (D) 2 per centum of any remaining funds distributed to that State for the program in the preceding fiscal year: *Provided*, That such amounts may be adjusted by the Secretary to reflect changes since the preceding fiscal year in the size of State programs. The Secretary is directed to establish standards and effective dates for the proper, efficient and effective administration of the program by the State. If the Secretary finds that the State has failed without good cause to meet any of his standards or has failed without good cause to carry out the approved State management and administration plan under subsection (n), he may withhold from the State such funds authorized under this subsection as he determines to be appropriate.

"(2) To provide for adequate nutritional and food quality monitoring, and to further the implementation of this program, an additional amount not to exceed actual costs or 1 per centum of program funds, whichever is the lesser, shall be made available by the Secretary to States to pay for State or local health department inspections, and to reinspect plant facilities and deliveries to test meal quality.

"(k) Service institutions may contract on a competitive basis with food service management companies registered with the State in which they operate for the furnishing of meals or management of the entire food service under the program, except that a food service management company entering into a contract with a service institution may not subcontract with a single company for the total meal with or without milk or for the assembly of the meal, and that any food service management company entering into a contract pursuant to this section shall, at the time of bid award, provide to the sponsor information as to its meal capacity.

"(l)(1) Each State shall provide for the registration of food service management companies, which registration shall include, at a minimum (A) certification that the company now meets applicable State and local health, safety and sanitation standards; (B) disclosure of past and present company directors and officers, and their relationship, if any, to any service institution or food service management company which received Summer Food Service Program for Children funds in prior fiscal years; and (C) records of contract terminations and disallowances in regard to program operations in prior fiscal years. No food service management company shall be registered if such company lacks the administrative and financial capability to perform as specified under the contract or subcontract, or if it has been seriously deficient in its participation in the program in prior fiscal years. The Secretary shall prescribe conditions and limitations governing assignment of all or any part of a contract entered into by a food service management company pursuant to this section. The Secretary shall further prescribe requirements governing bid and contract procedures for acquisition of the services of food service management companies, including but not limited to, bonding requirements, procedures for review of contracts by States, and safeguards to prevent collusive bidding activities between service institutions and food service management companies.

"(2) In order to assure that only quality food service management companies be permitted to contract for services in all States, the Secretary shall maintain a record of all registered food service management companies and their summer food service records for the purpose of making available such information to State agencies.

"(m) State agencies, service institutions participating in programs under this section, and other entities receiving benefits or funds under this section, shall keep such accounts and records as may be necessary to enable the Secretary to determine whether there has been compliance with this section and the regulations issued hereunder. Such accounts and records shall at all times be available for inspection and audit by representatives of the Secretary and shall be preserved for such period of time, not in excess of five years, as the Secretary determines is necessary.

"(n) Each State desiring to participate in the program shall submit for approval, prior to a date established by the Secretary, its management and administration plan for the program for the fiscal year, which plan shall be fully integrated with the plan required by section 11(e)(1) of this Act and shall include but not be limited to: (1) the State's administrative budget for the fiscal year, and the State's plans to comply with any standards prescribed by the Secretary under subsection (j); (2) the State's plans to use program funds and funds from within the State to the maximum extent practicable to reach needy children, including the State's method for assessing need, and its plans and timetable for informing potential participating service institutions of the availability of the program; (3) the State's best estimate of the number and character of service institutions and sites to be approved, and of meals to be served and children to participate for the fiscal year, and a description of the estimating methods used; (4) the State's plans and timetable for providing technical assistance and training to eligible service institutions; (5) the actions to be taken to maximize the use of meals prepared by service institutions themselves or prepared at the food service facilities of schools; (6) the State's plans for monitoring and inspecting service institutions and food service management companies and for insuring that such companies do not enter into contracts for more meals than they can provide effectively and efficiently; (7) the State's plans for timely and effective action against program violators; (8) the State's plans to insure fiscal integrity by auditing service institutions not subject to other audit requirements prescribed by the Secretary; (9) the State's plan for determining the amounts of advance payments to service institutions and for disbursing such payments; and (10) the State's procedure for granting of a hearing and prompt determination thereafter to any service institution aggrieved by the denial of its application for participation in the program, for advance payments, or for program reimbursement.

"(o)(1) Whoever, in connection with any application, procurement, recordkeeping entry, claim for reimbursement, or other document or statement made in connection with the program, knowingly and willfully falsifies conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or repreesntations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, or whoever, in connection with the program, knowingly makes an opportunity for any person to defraud the United States, or does or omits to do any act with intent to enable any person to defraud the United States, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

"(2) Whoever being a partner, officer, director, or managing agent, connected in any capacity with any partnership, association, corporation, business, or organization, either public or private which receives benefits under this Act, knowingly or willfully embezzles, misapplies, steals, or obtains by fraud, false statement, or forgery, any benefits provided by this Act or any money, funds, assets, or property derived from benefits provided by this Act shall be fined not more than $10,000 or imprisoned for not more than five years or both (but, if the benefits, money, funds, assets, or property involved is not over $200, then the penalty shall be a fine of not more than $1,000 or imprisonment for not more than one year, or both).

"(3) If two or more persons conspire or collude to accomplish any act made unlawful under this subsection, and one or more of such persons do any act to effect the object of the conspiracy or collusion, each shall be fined not more than $10,000 or imprisoned not more than five years, or both.

"(p) There is hereby authorized to be appropriated such sums as are necessary for fiscal year 1978 and for fiscal year 1979 to carry out the program."

FOOD SERVICE EQUIPMENT ASSISTANCE

SEC. 3. (a) The National School Lunch Act and the Child Nutrition Act of 1966 are each amended by striking "nonfood assistance" each time such phrase appears in such Acts and by inserting in lieu thereof "food service equipment assistance". The heading of section 5 of the National School Lunch Act is amended to read "FOOD SERVICE EQUIPMENT ASSISTANCE", and the heading of section 5 of the Child Nutrition Act of 1966 is amended to read "FOOD SERVICE EQUIPMENT ASSISTANCE PROGRAM AUTHORIZATION".

(b) Section 5 of the Child Nutrition Act is amended:

(1) By striking "as determined by the State" in the last sentence of section 5(b), and inserting in lieu thereof: "as determined by criteria established by each State and approved by the Secretary".

(2) By amending subsection (e), effective October 1, 1977, to read as follows:

"(e) For the fiscal years ending September 30, 1978, September 30, 1979, and September 30, 1980, 33⅓ per centum of the funds appropriated for the purposes of this section shall be reserved to the Secretary to assist schools without a food service program and schools without the facilities to prepare and cook hot meals or receive hot meals. The Secretary shall apportion the funds so reserved among the States on the basis of the ratio of the number of children in each State enrolled in schools without a food service program and in schools without the facilities to prepare and cook hot meals or receive hot meals to the number of children in all States enrolled in schools without a food service program and in schools without the facilities to prepare and cook hot meals or receive hot meals. In those States in which the Secretary administers the food service equipment assistance program in nonprofit private schools, the Secretary shall withhold from the funds apportioned to any such State under this subsection an amount which bears the same ratio to such funds as the number of children enrolled in nonprofit private schools without a food service program or without the facilities to prepare and cook hot meals or receive hot meals in such State bears to the total number of children enrolled in all schools without a food service program or without the facilities to prepare and cook hot meals or receive hot meals in such State. The funds so reserved, apportioned, and withheld shall be used by the

State, or the Secretary in the case of nonprofit private schools, only to assist schools without a food service program and schools without the facilities to prepare and cook hot meals or receive hot meals. If any State cannot utilize all the funds apportioned to it under the provisions of this subsection, the Secretary shall make further apportionment to the remaining States for use only in assisting schools without a food service program and schools without the facilities to prepare and cook hot meals or receive hot meals: *Provided*, That, if, after such further apportionment, any funds received under this subsection remain unused, the Secretary shall immediately apportion such funds among the States in accordance with the provisions of subsection (b) of this section to assist schools with a food service program and with the facilities to prepare and cook hot meals or receive hot meals. Payment to any State of funds under the provisions of this subsection shall be made upon the condition that at least one-fourth of the cost of the equipment financed shall be borne by funds from sources within the State, except that such conditions shall not apply with respect to funds used under this subsection to assist schools which are especially needy, as determined by criteria to be established by each State and approved by the Secretary.".

(3) By adding at the end of such section a new subsection (f) to read as follows:

"(f)(1) Food service equipment funds shall be used only for facilities that enable schools or local public or private nonprofit institutions under the conditions prescribed in subsection (f)(2) to prepare and cook hot meals or receive hot meals at the school or institution unless the school can demonstrate to the satisfaction of the State that an alternative method of meal preparation is necessary for the introduction or continued existence of the school lunch or breakfast program in such school or institution or to improve the consumption of food or the participation of eligible children in the program.

"(2) In the event that a school authorized to receive funds under this section cannot establish a food service program of hot meals prepared and cooked by the school, or received by the school, the school may enter into an agreement with a public or private nonprofit institution to provide the school lunch or breakfast program for children attending the school, and the funds provided under this section may be used for food service facilities to be located at such institution, if the school retains legal title to such facilities and if, in the case of funds made available under subsection (e), the institution would otherwise be without such facilities.".

(4) By striking out the comma after "as amended" in subsection (a), inserting a period in lieu thereof, and striking out the remainder of the sentence.

COMMODITIES

SEC. 4. (a) Section 14(a) of the National School Lunch Act is amended by striking out "September 30, 1977" and inserting in lieu thereof "September 30, 1982".

(b) Section 4 of the National School Lunch Act is amended by adding at the end thereof the following new sentences: "In providing assistance under this Act to States for school lunch programs, the Secretary shall establish procedures which will—

"(a) insure that the views of schools within each State participating in the school lunch program with respect to the type of commodity assistance needed in such schools are fully and accurately reflected in reports to the Secretary by that State with respect to State commodity preferences and that such views are considered by the Secretary in the purcase and distribution of commodities and by the States in the allocation of such commodities among schools within the States,

"(b) solicit the views of the State with respect to the acceptability of commodities,

"(c) insure that the timing of commodity deliveries to States is consistent with State school year calendars and that such deliveries occur with sufficient advance notice,

"(d) provide for systematic review of the costs and benefits of providing commodities of the kind and quantity which are suitable to the needs of local schools, and

"(e) make available technical assistance on the use of commodities distributed under this section.

Each State educational agency which receives food assistance payments under this section for any fiscal year shall establish for such year an advisory council, which shall be composed of representatives of schools in the State which participate in the school lunch program and which shall advise such State agency with respect to the needs of such schools relating to the manner of selection and distribution of commodity assistance for such program. Within eighteen months after the date of the enactment of this sentence, the Secretary shall report to the Congress on the impact of procedures established under the two preceding sentences, including the nutritional, economic, and administrative benefits of such procedures. In purchasing commodities under this Act for programs carried on under this Act and the Child Nutrition Act of 1966, the Secretary shall establish procedures to insure that contracts for the purchase of such commodities shall not be entered into unless the previous history and current patterns of the contracting party with respect to compliance with applicable meat inspection laws and with other appropriate standards relating to the wholesomeness of food for human consumption are taken into account.".

(c) Section 6(a) of the National School Lunch Act is amended by inserting immediately after the first sentence thereof the following: "Any school participating in food service programs under this Act may refuse to accept delivery of not more than 20 per centum of the total value of agricultural commodities and other foods tendered to it in any fiscal year; and if a school so refuses, that school may receive, in lieu of the refused commodities, other commodities to the extent that other commodities are available to the State during that fiscal year.".

ACCEPTANCE OF OFFERED FOODS

SEC. 5. The third sentence of section 9(a) of the National School Lunch Act is amended to read as follows: "Students in senior high schools which participate in the school lunch program under this Act (and, when approved by the local educational agency, students in any other grade or grades which are below senior high school and which are in any junior high school, or in any middle school) shall not be required to accept offered foods which they do not intend to consume, and any such failure to accept offered foods shall not affect the full charge to the student for a lunch meeting the requirements of this subsection or the amount of payments made under this Act to any such school for such lunch.".

SPECIAL ASSISTANCE

SEC. 6. Section 11(a) of the National School Lunch Act is amended by inserting immediately after the first sentence the following new sentences: "In the case of any school which determines that at least 80 per centum of the children in attendance at that school during a fiscal year (hereinafter in this sentence referred to as the 'first fiscal year') are eligible for free lunches or reduced-price lunches, special-assistance payments shall be paid to the State educational agency with respect to that school, if that school so requests for either or both of the two fiscal years following that first fiscal year, on the basis of the number of free lunches or reduced-price lunches, as the case may be, which are served by that school during the fiscal year for which the request is made, to those children who were determined to be so eligible in the first fiscal year and the number of free lunches and reduced-price lunches served during that year to other children determined for that year to be eligible for such lunches. In the case of any school which (1) elects to serve all children in that school free lunches under the school lunch program during any period of three successive fiscal years and (2) pays, from sources other than Federal funds, for the costs of serving such lunches which are in excess of the value of assistance received under this Act with respect to the number of lunches served during that period, special-assistance payments shall be paid to the State educational agency with respect to that school during that period on the basis of the number of lunches determined under the succeeding sentence. For purposes of making special-assistance payments in accordance with the preceding sentence, the number of lunches served by a school to children eligible for free lunches and to children eligible for reduced-price lunches during each fiscal year of the three fiscal-year period shall be deemed to be the number of lunches served by that school to children eligible for free lunches and to children eligible for reduced-price lunches during the first fiscal year of such period, unless that school elects, for purposes of computing the amount of such payments, to determine on a more frequent basis the number of children eligible for free and reduced-price lunches who are served lunches during such period.".

PILOT PROJECTS

SEC. 7. The National School Lunch Act is amended by adding at the end thereof the following new section:

"PILOT PROJECTS

"SEC. 20. (a) Notwithstanding any other provision of this Act, the Secretary shall carry out pilot projects in local school districts designed to determine more efficient methods of operating school lunch programs under this Act, and methods for operating such programs which will result in improved delivery of benefits thereunder in accordance with the purposes of this Act. Such project or projects shall include experiments in providing to schools participating in a pilot project the option of receiving all or part cash assistance under this Act for the school lunch programs operated in such schools, experiments designed to streamline or reduce reporting requirements by local school districts, and the utilization of United States Department of Agriculture Extension Service dietitians to aid in nutritional training and education in schools.

"(b) The Secretary shall report to the Congress not later than eighteen months after the date of the enactment of this section, on the results of the pilot project or projects carried out under this section. Such report shall include an assessment, with respect to the methods employed therein for operating school lunch programs, of the administrative feasibility and nutritional impact thereof, the cost savings which may be effected thereby at the Federal, State, and local levels, the impact thereof on agriculture programs designed to provide adequate income to farmers, the impact thereof on the quality of food served and the impact thereof on plate waste in school lunch programs.".

BREAKFAST PROGRAM

SEC. 8. (a) Effective October 1, 1977, section 4(b) of the Child Nutrition Act of 1966 is amended by striking out the last sentence thereof and inserting in lieu thereof the following: "The Secretary shall make additional payments for breakfasts served to children qualifying for a free or reduced-price meal at schools which are in severe need. The maximum payment for each such free breakfast shall equal the national average payments established by the Secretary for free breakfasts plus 10 cents; the maximum payment for each such reduced-price breakfast shall be 5 cents less than the maximum payment for each such free breakfast.".

(b) Effective October 1, 1977, section 4(d) of the Child Nutrition Act of 1966 is amended to read as follows:

"(d) Each State educational agency shall establish eligibility standards for the provision of additional assistance to schools in severe need where the rate per meal established by the Secretary is insufficient to carry on an effective breakfast program in a school. Such eligibility standards shall be submitted to the Secretary for his approval and shall subsequently be published in the State plan of child feeding operations set forth in section 11(e)(1) of the National School Lunch Act. Pursuant to those State eligibility standards, a school, upon the submission of appropriate documentation about the need circumstances in that school and the school's eligibility for addtiional assistance, shall be entitled to receive 100 per centum of the operating costs of the breakfast program, including costs of obtaining, preparing, and serving food, or the meal reimbursement rate specified in the last sentence of section 4(b) of this Act, whichever is less.".

Sec. 9. The National School Lunch Act is amended by adding at the end thereof the following new section:

"REDUCTION OF PAPERWORK

"Sec. 21. In carrying out his functions under this Act and the Child Nutrition Act of 1966, the Secretary shall reduce, to the maximum extent possible, the paperwork required of State and local educational agencies and schools and other agencies participating in child nutrition programs authorized under such Acts, and shall report to the Congress not later than one year after the date of the enactment of this section on the extent to which a reduction in such paperwork has occurred.".

STATE ADMINISTRATIVE EXPENSES

Sec. 10. Sectiion 7 of the Child Nutrition Act of 1966 is amended to read as follows:

"Sec. 7. (a)(1) From the amounts appropriated under this section for the fiscal year ending September 30, 1978, the Secretary shall make payments to States in a total amount not to exceed 1 per centum of the funds expended in the preceding fiscal year under sections 4, 11, and 17 of the National School Lunch Act and under sections 3, 4, and 5 of this Act in accordance with a formula for allocation of such payments to be determined by the Secretary, for part of the administrative costs incurred by the States in administering the National School Lunch Act and this Act, and the Secretary shall conduct a study of such administrative costs and not later than March 1, 1978, shall report the results of such study to the Congress, together with recommendations for a formula for allocating administrative cost payments to the States on an equitable basis.

"(2) From the amounts appropriated under this section for such fiscal year 1978, the Secretary shall also make payments to States in a total amount not to exceed 2 per centum of the funds expended in the preceding fiscal year under section 17 of the National School Lunch Act, in accordance with a formula for allocation to be determined by the Secretary, for the purpose of conducting audits of participating child care institutions under such section 17 in accordance with program regulations.

"(b) Funds received under subsection (a)(1) of this section may be used to pay for salaries (including employee benefits and travel expenses) of administrative and supervisory personnel, support services, office equipment, and staff development in connection with administrating the National School Lunch Act and this Act.

"(c) In the event that any State educational agency agrees to assume responsibility for the administartion of food service programs in private nonprofit schools or child care institutions which were previously administered by the Department of Agriculture, an appropriate adjustment shall be made in the administrative funds paid under this section to the State educational agency in the succeeding fiscal year.

"(d) Notwithstanding any other provision of law, funds available to each State educational agency under the provisions of this section for any fiscal year which are not obligated or expended in that fiscal year shall remain available for obligation and expenditure by that agency in the succeeding fiscal year.

"(e) Each State educational agency may use a portion of the funds received under subsection (a)(1) of this section to assist in the administration of the commodity distribution programs under section 6 of the National School Lunch Act.

"(f) Payments of funds under subsection (a)(1) of this section for any fiscal year shall be made only to State educational agencies which agree to maintain, for that fiscal year, a level of funding out of State revenues for administrative costs in connection with their administration of the programs under the National School Lunch Act and this Act of not less than the amount expended or obligated for such purposes by that agency in fiscal year 1977.

"(g) The Secretary is directed to develop State staffing standards for the administration by each State of sections 4, 11, and 17 of the National School Lunch Act and sections 3, 4, and 5 of the Child Nutrition Act of 1966, which will insure sufficient staff for the planning and administration of programs covered by funds received under subsection (a)(1) of this section.

"(h)(1) There are hereby authorized to be appropriated such sums as may be necessary for the purposes of this section.

"(2) In the event that funds appropriated under this section are not sufficient to pay in full the amounts which are to be paid to each State under subsection (a), the Secretary shall ratably reduce such amounts to the extent necessary so that the total of such amounts paid does not exceed the amount of appropriated funds. In case additional funds become available for making such payments, such amounts shall be increased on the same basis as they were reduced.".

EFFECTIVE DATE

Sec. 11. Except as otherwise specifically provided in this Act, the amendments made by this Act shall take effect on October 1, 1977.

Mr. PERKINS (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Quie: Page 3, line 13, after "public" insert "and nonprofit private".

Mr. QUIE. Mr. Chairman, this is just a technical amendment.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Kentucky.

Mr. PERKINS. I thank the gentleman for yielding.

Mr. Chairman, I see nothing wrong with the amendment. It is in order. It is perfectly appropriate, and we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. Quie).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Quie: Page 19, line 11, before the quotation mark insert the following sentence: "Notwithstanding any other provision of this section, the Secretary shall not make payments to any State from funds appropriated to carry out the program for any fiscal year which are in excess of an amount required to fund the program for the average daily participation of a number of children which is greater than 200 per centum of the number of children in each State, aged five to seventeen, inclusive, from families below the poverty level, as determined on the basis of the most recent satisfactory data available from the Department of Commerce."

Mr. QUIE. Mr. Chairman, this is the amendment that we have talked about both during consideration of the rule and during general debate, the amendment which puts the cap on the number of summer feeding participants of 200 percent of the school children below the poverty level in each State. What this means as far as these States are concerned is that New York is the only one on whom the amendment would impact. From my reading of the statistics, realizing that this figure would be well above the free and reduced-cost lunches that are being funded during the school year, realizing that areas that have less than one-third who are qualified for free and reduced-cost lunches do not qualify for the program, and realizing that this is an adequate number of those who legitimately are eligible for the program, I believe that it would then do one thing: It would require that the State Department of Education in administering this program would have to make certain that they enforce the law as we have provided in the other provisions here and make certain the program just goes to those who are eligible for the program.

Since we have argued this to such a great extent and the Members know what the program is, I will let my argument rest so we can get on to the vote.

Mr. SIMON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it could very well be that we could adopt this amendment and it would have no impact whatsoever because under the new administration, under the more rigorous look at what is taking place, it could very well be that what happens in New York will fall below the kinds of goals that have been set here.

It could also be that a year from now we will be back here and, having taken another look at what happens in New York this summer, if we find that again our colleague, the gentlewoman from New York (Ms. HOLTZMAN) comes in and says there were still abuses taking place, we will have to move in this direction. But I think on balance this is not the time to be doing this and there is the very real possibility we will be depriving of food the young people who are in need of that food.

I know that is not the intent of my colleague, the gentleman from Minnesota, for whom I have great respect, but let me just read two paragraphs from a letter from the Department of Agriculture, from the Assistant Secretary for Food and Consumer Services, Carol Tucker Foreman, to the chairman of our committee:

> This amendment may sound attractive at first glance. However, the Department believes it has a number of serious flaws, and is not the proper way to address the issues it attempts to resolve. The Department opposes its adoption.

Then let me point out one flaw that the Department pointed out, which I think is serious:

> In addition, we have serous questions concerning the use of ages 5–17 to determine the number of children a state may serve, because eligibility for the summer program is set at ages 0–18.

I believe that on balance with the actions that have been taken by the Department of Agriculture, by the State of New York, and by the school system within New York City, and by the Department of Justice, that the abuses that have taken place will not take place again. I think that at least there is the strong probability of that.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I yield to the gentleman from Illinois.

Mr. QUIE. Mr. Chairman, when we raised the eligibility of 0 to 18, I wonder how many 1-year-old babies are going to get their bottles filled with the summer feeding program. I wonder how many toddlers are going to the summer feeding program.

I think Mrs. Foreman ought to realize that her own Department is aware that most of them are between 6 and 14, as they have observed the program; so they are not feeding all those less than 1-year-olds and the 2-year-olds. There are a few 4-year-olds, but most of them are 6 to 14; so if we double the poverty level children aged 5 to 17, feeding more than 1 million children in New York, that would seem to be adequate in New York when there are less than 1 million children getting free and reduced price meals in the course of the school year.

Mr. SIMON. Mr. Chairman, let me point out two things: There is a possibility of many of these children getting more than one meal. Second, I would like to point out to my colleagues that the districts that our colleagues from New York City represent differ appreciably from districts in your State of Minnesota and my district in Illinois. While in my district there would not be 2-year-olds that would go to the school lunch program because they are half a mile or 2 miles or 10 miles away, in New York City, in the district of the gentleman from New York (Mr. WEISS), it may just be down the elevator and it is a totally different situation.

I think the objections the Department of Agriculture have are legitimate.

Mr. QUIE. Mr. Chairman, if the gentleman will yield further, they are also getting food stamps. The families are getting food stamps as well, so they are not starving.

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I yield to the gentlewoman from New York.

Ms. HOLTZMAN. Mr. Chairman, I share the concern the gentleman has expressed, but his amendment just does not solve the problems it raises. The gentleman from Minnesota says that more children receive food under the summer feeding program than under the school lunch program; therefore, there is something wrong. I would say to the gentleman that his amendment does not deal with that issue. More people are eligible for the summer feeding program than the school lunch program. The school lunch program has a means test. There is no means test for the summer feeding program. Therefore, many more people are eligible.

But the gentleman's amendment does not restrict eligibility in the summer feeding program; it does not restrict the program to feeding poor children. It simply prevents States from feeding more than a certain number of children, whether or not they are needy.

Mr. RICHMOND. Mr. Chairman, my colleagues and I have worked long and hard with community groups and program sponsors in New York, and with the Department of Agriculture to make the summer feeding program responsive to needy children while controlling abuse and fraud. The committee bill makes at least 12 major changes to strengthen program administration and provide greater accountability for program funds. We have made every effort to make this vital program run properly.

Why, then, are we considering drastically reducing the number of needy children eligible for the program? Why are we singling out the children of New York to bear the brunt of a misguided attempt to manage this program? Taking nutritious meals away from thousands of hungry children does not solve problems of fiscal accountability.

Rather, as my colleagues from California point out, we should concentrate on program administration and provide State and USDA administrators with the tools to crack down on sponsors and vendors who seek to reap excess profits from this program. We must not crack down on needy, hungry children and deprive them of program benefits.

I urge my colleagues to soundly defeat this amendment and support the committee bill which insures that all eligible children have a chance to participate in this important nutrition program.

Mr. ROUSSELOT. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The question was taken; and on a division (demanded by Mr. QUIE) there were—ayes 24, noes 25.

RECORDED VOTE

Mr. QUIE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 180, noes 218, not voting 34, as follows:

[Roll No. 255]

AYES—180

Abdnor
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
Ashley
Aspin
AuCoin
Bafalis
Baldus
Bauman
Beard, Tenn.
Bedell
Bennett
Bevill
Breaux
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Carter
Cederberg
Chappell
Clausen, Don H.
Cleveland
Cohen
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Cotter
Coughlin
Crane
Daniel, Dan
Daniel, R. W.
Davis
Derrick
Derwinski
Devine
Dickinson
Dornan
Duncan, Oreg.
Duncan, Tenn.
Edwards, Ala.
Edwards, Okla.
Emery
English
Erlenborn
Evans, Colo.
Evans, Del.
Findley
Flowers
Flynt
Fountain
Frenzel
Frey
Fuqua
Glickman
Goldwater
Goodling
Gradison
Grassley
Guyer
Hagedorn
Hall
Hamilton
Hammerschmidt
Harsha
Hefner
Hightower
Holt
Huckaby
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jenkins
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kasten
Kelly
Kemp
Ketchum
Keys
Kindness
Krueger
Lagomarsino
Latta
Leach
Lloyd, Tenn.
Long, Md.
Lott
Lujan
Luken
McClory
McCloskey
McCormack
McDonald
McKay
Madigan
Mann
Marlenee
Marriott
Martin
Mathis
Mazzoli
Milford
Miller, Ohio
Montgomery
Moore
Moorhead, Calif.
Mottl
Myers, Gary
Myers, Ind.
Neal
Nichols
Pettis
Pressler
Preyer
Pritchard
Pursell
Quayle
Quie
Regula
Rhodes
Roberts
Robinson
Rogers
Rousselot
Rudd
Runnels
Ruppe
Santini
Sarasin
Satterfield
Sawyer
Schulze
Sebelius
Sharp
Shuster
Sikes
Skelton
Smith, Iowa
Smith, Nebr.
Snyder
Spence
Stangeland
Stanton
Steiger
Stockman

Stump
Symms
Taylor
Thone
Treen
Trible
Vander Jagt
Volkmer
Waggonner
Walker
Wampler
Watkins
Whitehurst
Whitley
Wiggins
Wilson, Bob
Winn
Wylie
Young, Fla.

NOES—218

Addabbo
Akaka
Alexander
Allen
Ambro
Ammerman
Anderson, Calif.
Annunzio
Applegate
Barnard
Baucus
Beard, R.I.
Beilenson
Benjamin
Biaggi
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonior
Bonker
Bowen
Brademas
Brinkley
Brodhead
Brooks
Brown, Calif.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Caputo
Carney
Carr
Cavanaugh
Chisholm
Clay
Cochran
Collins, Ill.
Conyers
Corman
Cornell
Cornwell
D'Amours
Danielson
de la Garza
Delaney
Dellums
Dicks
Diggs
Dingell
Dodd
Downey
Drinan
Early
Edgar
Edwards, Calif.
Eilberg
Ertel
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fenwick
Fish
Fisher
Flood
Foley
Ford, Mich.
Ford, Tenn.
Fowler
Fraser
Gammage
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Gore
Gudger
Hanley
Hannaford
Harkin
Harrington
Harris
Hawkins
Heftel
Holland
Hollenbeck
Holtzman
Horton
Howard
Hubbard
Hughes
Jenrette
Johnson, Calif.
Jordan
Kastenmeier
Kazen
Kildee
Koch
Kostmayer
Krebs
LaFalce
Le Fante
Lederer
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Long, La.
McDade
McEwen
McHugh
McKinney
Maguire
Mahon
Markey
Marks
Mattox
Meeds
Metcalfe
Meyner
Mikulski
Mikva
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Moss
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Natcher
Nedzi
Nix
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pattison
Pease
Perkins
Pickle
Pike
Quillen
Rahall
Rangel
Reuss
Richmond
Rinaldo
Risenhoover
Rodino
Rooney
Rose
Rosenthal
Rostenkowski
Roybal
Russo
Ryan
Scheuer
Schroeder
Seiberling
Shipley
Simon
Sisk
Skubitz
Solarz
Spellman
St Germain
Staggers
Stark
Steed
Stratton
Studds
Thompson
Traxler
Tsongas
Tucker
Udall
Ullman
Van Deerlin
Vanik
Walgren
Walsh
Weaver
Weiss
Whalen
White
Whitten
Wilson, C. H.
Wilson, Tex.
Wirth
Wolff
Wright
Wydler
Yates
Yatron
Young, Mo.
Young, Tex.
Zablocki
Zeferetti

NOT VOTING—34

Badham
Badillo
Breckinridge
Clawson, Del
Dent
Eckhardt
Fithian
Flippo
Florio
Forsythe
Hansen
Heckler
Hillis
Johnson, Colo.
Lundine
McFall
Michel
Moffett
Myers, Michael
O'Brien
Pepper
Poage
Price
Railsback
Roe
Roncalio
Slack
Steers
Stokes
Teague
Thornton
Vento
Waxman
Young, Alaska

The Clerk announced the following pairs:

On this vote:

Mr. Teague for, with Mr. Dent against.

Mr. Del Clawson for, with Mr. Badillo against.

Mr. Badham for, with Mr. Steers against.

Mr. Hansen for, with Mr. Moffett against.

Mr. Michel for, with Mrs. Heckler against.

Mr. Hillis for, with Mr. Waxman against.

Messrs. SHIPLEY, WHITE and JENRETTE changed their vote from "aye" to "no."

Messrs. HALL, GLICKMAN, DUNCAN of Oregon, and HAMILTON changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. KILDEE

Mr. KILDEE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Kildee: Amend page 3, line 20 after "American Samoa," by striking the remainder of the sentence and inserting the following: "the Trust Territory of the Pacific Islands, and the Northern Mariana Islands."

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from Kentucky.

Mr. PERKINS. I thank the gentleman for yielding.

Mr. Chairman, I see nothing wrong with the amendment offered by the gentleman from Michigan (Mr. Kildee). I think it is a good amendment, and we accept it on this side.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from Minnesota.

Mr. QUIE. I thank the gentleman for yielding.

Mr. Chairman, the amendment is acceptable on this side, too.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. Kildee).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Quie: Page 6, after line 19 insert: "*Provided*, That the above amounts shall not exceed an amount representing an average daily participation of a number of children in excess of the number of children in the area served who are eligible for free or reduced price meals under the National School Lunch Act and the Child Nutrition Act of 1966; and".

Page 6, line 20, strike out "*Provided*" and insert in lieu thereof "*Provided, further,*".

Mr. QUIE. Mr. Chairman this amendment can only be understood in the context of the purpose and design of the summer food service program for children under this bill. Children do not have to be needy in order to participate, but the program is intended to serve needy children.

There are two kinds of organizations which can participate as "service institutions" which act as sponsors of the programs. One is a residential public or private nonprofit summer camp. Such camps can only be reimbursed for meals served to children who qualify for free or reduced-price meals under the National School Lunch Act—that is, children from families having an income of not more than 195 percent of the Secretary's income poverty guideline. For fiscal 1977 that figure is $11,115 for a family of four in the continental United States, with a higher figure for Hawaii and Guam and for Alaska. The figure increases with family size.

The other type of "service institution" is a nonresidential public or private nonprofit institution which conducts "a regularly scheduled food service for children from areas in which poor economic conditions exist." Such areas, in turn, are defined as areas in which at least one-third of the children aged 18 and below are eligible for free or reduced-price school meals under the National School Lunch Act and the Child Nutrition Act of 1966, as determined by various sources of information.

One-third of the children in the area must be from families with incomes of not more than 195 percent of the Secretary's poverty income figure. But unlike children in residential camps, the children from such areas who actually receive the meals do not have to meet the family income standards. The GAO recommended that all children who participate be from families whose income level would qualify them for a free or reduced-price meal if they were in school, but the committee rejected an amendment offered to do that. So while this program is intended to serve needy children, the children do not have to be needy to participate.

My amendment would not change that. It would not require, except in residential camps—where it does not affect the bill's provisions—that family income eligibility be established for each child in order for the sponsoring organization to be reimbursed for the meals of that child.

What my amendment would do is to set a limit on average daily participation in each area served. That limit would be the number of children, 18 and below, determined to be eligible for free and reduced-price meals under the two acts in the area served. This would not be a burden on the service institution, since the bill requires that this number be established for the area to be served. But once it is established, my amendment would prohibit a greater number of children being fed than there are needy children in the area.

This would be absolutely fair and it would require some badly needed self policing by sponsoring organizations. The bill already provides that among the information sources to be used in determining the eligibility of an area are "the number of free and reduced-price lunches or breakfasts served to children attending public schools located in the area of program food service sites" and "statements of eligibility based upon income for children enrolled in the program." So it should not be too difficult to find some means of limiting the number of children served to the number of needy children in the area without establishing eligibility for each child. Certainly we should provide this much protection to keep this program within some reasonable bounds and to further limit the opportunity for abuse.

As I have said, we may have had an average daily participation rate in New York City last summer of as many as 1,296,000. That is nearly the entire school-age population of the city! The opponents of any controls on the number of participants in this program argue that we must really talk about the total population aged 18 and below. But the people who know this program state flatly that relatively few children be-

> low 5 years of age or over 14 take part. The opponents of any numerical limitation say that you cannot use a limitation such as double the number of poverty-level children, because the free and reduced price eligibility goes up to 195 percent of the poverty level.

But the most liberal estimates I have seen on the possible number of children aged 17 and below from families with 195 percent or less of the poverty income guideline would be less than 2 million for the entire State of New York.

But we have rejected the concept of statewide limitations. So I offer an amendment to limit the number of participants in the program in an area served by it to the number of children 18 and below in that area—however determined—who come from families with 195 percent or less of the poverty income level. As the bill stands, without my amendment, that figure must be determined for each area served by a sponsor. So we would have the figure, accurate as it could be, for that area. It is the most reasonable, most practicable, and most equitable method of keeping this program in some kind of bounds. If we reject even this kind of limitation, I think that the taxpayers—who already are rightly outraged at the ripoffs of programs intended to help the needy—sooner or later will reject this program.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(By unanimous consent, Mr. QUIE was allowed to proceed for 2 additional minutes.)

Mr. ALLEN. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Tennessee.

Mr. ALLEN. Mr. Chairman, would the amendment offered by the gentleman not exclude all preschool age children?

Mr. QUIE. No, it would not. Anybody below 18 who was eligible for free and reduced-cost lunches, meaning that they are children of parents who fall below 195 percent of the poverty line. They would have to get that estimate for an area before that area could be eligible to have the program, and once they get that estimate the kids 18 years and below would be eligible.

Mr. ALLEN. Perhaps I misunderstood certain language the gentleman stated, but I understood his amendment to say it would be limited to the number of children who qualified for the school lunch programs, in which case certainly the preschool age children would be ineligible.

Mr. QUIE. Mr. Chairman, the gentleman misunderstands the estimate that they must make to determine that an area is eligible. Of course, it is not required that they be in school, but only that they be 18 years old or less and from families whose income would qualify them for a free or reduced price meal if they were in school.

Mr. ALLEN. But it could not change the number of children eligible for school lunch programs; is that correct?

Mr. QUIE. No; eligible under the criteria of free and reduced school lunches as used in the school lunch programs.

Mr. ALLEN. I will have to look at the amendment.

Mr. QUIE. What it means is that in an area served they should not be reimbursed more than the number of children that are estimated to be there. What could be more fair than that?

Mr. PERKINS. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

Mr. Chairman, I think the membership of this committee knows that the gentleman from Minnesota is one of the most astute legislators we have in the chamber. The gentleman from Minnesota did not offer this amendment in the Committee on Education and Labor. This is the first time I ever heard anything about this particular amendment.

The effect of the amendment would be to curtail the summer feeding program throughout the Nation. This amendment limits the total payments to sponsors in poor areas to no more than what could be claimed for the children eligible for free and reduced price lunches during the regular school year.

Now, we have provisions in this bill tightening up the provisions in the summer feeding program against fraud. The problem with this amendment is that it places a limit on payments within an area, but does not specify how this limit will be prorated among the local sponsors. This will cause a great deal of uncertainty among these local sponsors, because they will not know how much they will be paid after they run their programs. It could mean that YMCA's or other sponsors may be forced to pay for the programs out of their own funds, even though the Government has said it will pay for these meals.

Mr. Chairman, I just do not think we need an amendment of this type that will confuse all the sponsors of the summer feeding program in this country. I would ask that the amendment be defeated.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I would like to just briefly tell the House that with the defeat of the last amendments we are now apart from that type of procedure and we can rectify some of the procedures that have taken place.

I think the House ought to fully understand that under the old summer feeding program prior to the introduction of this legislation that they got paid so much per meal for every meal that they, shall we say, ordered. They did not even have to serve it to a child. Now, that is no loger true. We have separated administrative expenses from the ongoing expenses of the program, so there no longer is an incentive to order an extra 10,000 meals or an extra 500 meals or an extra 100 meals a day because they are going to get 6 cents or 10 cents on each meal.

Further, every sponsor of this program must submit to the State a budget estimate of what their costs are going to be based on the size of the program they are going to run. I think this will get a handle on the States to look at these sponsors to see whether or not they are overestimating the number of eligible children they will be able to serve.

Mr. Chairman, I think these are very important changes and take away the need for any type of limitation in terms of numbers of children able to participate. I think we will find that if the incentive of combined administrative expense is taken away from these sponsors, that they will be feeding eligible children and only eligible children.

Mr. Chairman, I ask for a "no" vote on the amendment.

Mr. SIMON. Mr. Chairman, I move to strike the requisite number of words.

Mr. SIMON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I shall not take my full 5 minutes, but simply point out that the objections of the Department of Agriculture to the previous amendment hold to this one also.

In addition, this one has the disadvantage, as the chairman of the committee pointed out, of applying nationally, and it creates some administrative problems.

Third, it has a phrase here, "in the area served." If schools were the only sponsors of summer feeding programs, that might be a workable administrative procedure, but in fact, YMCA's, church groups, and others are sponsors. So, we have a situation where we would have an administrative nightmare.

Mr. Chairman, the amendment deserves to be defeated.

Mr. STEIGER. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, I could hardly afford to pass by the Education and Labor Committee's debate about the school lunch program. That is too much of an opportunity, particularly after having listened to those who oppose the amendment. I have a sense of deja vu, that we are back again with this, Mr. Chairman, with all due respect.

What is wrong with putting limits on the number who can participate? If I understand, and I listened with great care to the distinguished Lincoln scholar from Illinois and to the gentleman from Kentucky, the analysis of the Quie amendment is that it poses an administrative complexity. That is a terrible thing. We certainly do not want administrative complexity. Of course, there is a degree of legislative complexity in the language of the present bill which I think is somewhat helped by the quite modest amendment of the gentleman from Minnesota.

What is wrong with saying that we shall limit the amount to the average daily participation of children in excess of the number of children in the area served who are eligible for free or reduced-price meals? That is what the amendment says, and the argument that somehow that creates a degree of complexity administratively leaves me absolutely baffled.

I do not think there is any complexity about it except for the subtle complexity of the way the bill is structured which is, I suspect, an effort on the part of the Committee on Education and Labor to find a way to achieve an objective. The gentleman from Minnesota may correct me if I am wrong, but if we do not adopt this amendment, I am assuming that what we can do is have a program that spends, in effect, more money than the number of kids who participate. Is that fair?

Mr. QUIE. If the gentleman will yield, that is what is happening in New York, more money being spent than kids who participate. But, they can, without this amendment, spend more money than required for the kids who are counted to make an area eligible.

As far as administrative difficulty is concerned, the Department already has to make the estimate, so that they know how many are eligible. So, we are saying in my amendment that, "You just get paid for the number who are counted to make an area eligible. If you want to feed more than those who are not eligible, go ahead with your own money." How anyone can be opposed to an amendment such as this, I cannot understand. It must mean that the implications of fraud and the other things are a smokescreen to make us think that we are eliminating them. This is more generous than my previous amendment. It has nothing to do with States, just with areas. It proposes that we feed the number the estimates indicate are there who qualify for free or reduced price meals.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. STEIGER. Of course I yield to the distinguished chairman.

Mr. PERKINS. First, let me state to the gentleman that I do not think we should come here and determine eligibility on the floor of the House. In one sense of the word, we are interfering with the eligibility provisions because the present law says that a program operates in an area where one-third of poor children qualify for free and reduced price meals, then all are fed in the summer feeding program. Here is where we do it. We put a cap—using Mr. QUIE's language—on any amount of money in any local area to the number of children receiving free and reduced-price lunches. I just think we are going far beyond the intent of this legislation to come here and try to limit the program in this manner. I would hope that the amendment would be defeated.

Mr. STEIGER. May I say to the distinguished gentleman from Kentucky that the bill already says, in effect, that we have to determine the number that we are going to be able to serve.

Mr. PERKINS. Certainly.

Mr. STEIGER. What the Quie amendment does is to say——

Mr. PERKINS. Is reduce that number.

Mr. STEIGER. No. Alright, maybe it does reduce that number, but should not we reduce the number so that we are not serving more than those eligible? I must say that I do not understand how the gentleman can tell me he wants to pass a bill where he wants to have a program that will, in effect, say to people, "No matter how many are eligible, we are going to give you more anyway."

Mr. PERKINS. It may be that we need to study in committee in the future the eligibility requirements of the summer feeding program. But to do what the gentleman is undertaking to do here, to limit the amount which can be spent in an area to those only receiving free or reduced meals will interfere with a lot of programs in this country.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. STEIGER) has expired.

(On request of Mr. QUIE and by unanimous consent, Mr. STEIGER was allowed to proceed for 3 additional minutes.)

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. STEIGER. I yield to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. I thank the gentleman for yielding.

Mr. Chairman, what the opponents of this amendment are pleading for is that the Federal Government, the taxpayers, pay for meals for children who are above the 195 percent level. For a family of four, this means that they want the taxpayers to pay for meals of the children in the summertime from families with $11,115 income. For a family of eight, it is over $17,394.

What we ought to bear in mind is what the gentleman from Kentucky is pleading for is that the high middle income and the upper income ought to have the Federal Government, in effect, pay for their meals in the summertime, too. I think that is totally ridiculous. So we are saying here, "Just get paid for the number of those who are eligible." And we go from age 18 all the way down to zero. That means that babies in arms will be counted, all of those toddlers will be counted who cannot have their baby bottles filled or who cannot get there to have their milk and sandwich, but who, through a stretch of the imagination, are eligible or they should be reimbursed.

Mr. STEIGER. I think the gentleman from Minnesota has made a good point.

I would hope that the Committee will do this afternoon what we have often done before, that we have taken the excellent work product of the Committee on Education and Labor, have found it lacking in some instances, and we have been able to reshape it on the floor of the House. This is one of those instances where it should be reshaped.

Mr. BUCHANAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. I thank the gentleman for yielding.

Mr. Chairman, did I understand correctly that unless this amendment is adopted, families which are making over $17,000 a year would have their lunches subsidized by the American taxpayer?

Mr. QUIE. If the gentleman will yield, I would say to the gentleman from Pennsylvania that if they are served in an area where one-third or more qualify as being free and reduced-cost lunches available for them, it does not make any difference what their incomes are. They could be millionaires and receive free meals.

Mr. SHUSTER. In other words, if the gentlemen will yield further, Nelson Rockefeller's children would be eligible?

Mr. QUIE. If the gentleman will yield, local merchants, doctors, lawyers, their children could take part in it.

Mr. SIMON. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Illinois (Mr. SIMON).

Mr. SIMON. I thank the gentleman for yielding.

In fact, we are creating the kind of administrative structure where schools are reluctant to serve those one-third or more who are needy because they are going to have to segregate, and rather than starting segregating and creating some practical problems locally, they are simply not going to serve those meals to needy boys and girls. That is the reality which we are going to have to face here.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. I thank the gentleman for yielding.

Mr. Chairman, what the gentleman from Illinois has said is not true. It is my next amendment which would do that, but not this one. This one says, "That is all the money you are going to get, money for the eligible needy. You can go ahead and feed whoever you want to under the law, under my amendment, just as the bill itself, all you have to do is qualify." My next amendment will limit it.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Minnesota talks about reducing the amount in the area by limiting payments to those counted between the ages of 5 to 17.

Let me point out what the gentleman is really doing here.

Mr. QUIE. No, I did not say anything about 5 to 17 in this amendment.

Mr. PERKINS. These are the free and reduced-price lunches.

Mr. QUIE. No, let me explain this. This is up through 18, those whose families have an income level which will make them eligible.

Mr. PERKINS. Including those between 5 and 17 years of age.

Mr. QUIE. Perhaps the gentleman does not understand my amendment.

Mr. BUCHANAN. Mr. Chairman, I have risen to strike the requisite number of words because I must confess that I am confused. I do not know whether it is because I am a Member of Congress or a member of this committee or because I did not see the amendment before I arrived here. However, I am quite confused by the situation.

I would like to ask the chairman of the committee a couple of questions.

In the first place, as I understand the committee bill, it provides that an area may qualify if it has a certain level of poverty, and that is 30 percent, I believe?

Mr. PERKINS. One-third.

Mr. BUCHANAN. Then what happens?

Mr. PERKINS. Then we feed all who come under that sponsorship.

Mr. BUCHANAN. Mr. Chairman, I personally think that this is a formula that needs further study because I believe those young people who are in the poverty category but who live in areas that are not poverty areas ought somehow to be included. I think this is something that we should study further.

As I understand it, the amendment offered by my colleague, the gentleman from Minnesota (Mr. QUIE), would then require that we catalogue who does qualify and who does not qualify as they come in?

Mr. QUIE. The Department supplies that information.

Mr. BUCHANAN. And the sponsor has to have a look at it and check them off?

Mr. QUIE. No, he does not.

Mr. BUCHANAN. If he does not, then how is this done?

Mr. QUIE. Mr. Chairman, if the gentleman will yield further, the Department figures it, and he uses the figures the Department supplies.

Mr. BUCHANAN. All right. Let us say I have a YMCA and I have 50 children I am feeding. If 30 of them do qualify and 20 do not and I do not find out which is which, I am in danger of losing funds when I reach the legal limit. That would then have the effect of cutting off poverty-level children because I know that children who are not poverty-level children have already participated in my program. But if I do not do that in the administration of the YMCA program, I have to make up the whole difference out of my own funds if I go ahead and feed them all.

Mr. QUIE. Mr. Chairman, if the gentleman will yield further, the YMCA is one of those sponsors in this area. Whoever supervises that program in this area is the one who takes into account the total amount of money available and makes it available at that level.

The CHAIRMAN. The time of the gentleman from Alabama (Mr. BUCHANAN) has expired.

(By unanimous consent, Mr. BUCHANAN was allowed to proceed for 1 additional minute.)

Mr. BUCHANAN. Mr. Chairman, let me ask the gentleman this question:

What would the legal effect be in that event? Who would foot the bill once they got past the legal limit?

Mr. QUIE. What they do is this: They get the amount of money as allowed by my amendment, and they divide it as they want. It is not a question of losing money as much as it is determining the amount of money they have to distribute in that area. If they give him enough money to distribute to 50 children in the YMCA, then he gets it and uses it.

Mr. BUCHANAN. Mr. Chairman, my concern is that I wish to continue this program and provide a way for all poverty children in all poverty areas to participate in the program. Malnutrition is a real problem in this country.

I, of course, share the gentleman's feeling that we ought not to take care of those children of high-income or middle-income families, but I do not see how the gentleman's amendment or the committee bill accomplishes that purpose.

I hope we can move toward that goal as we consider this program, and also provide the benefits of the program where the total poverty percentage is not one-third of the entire area, so those poverty-level children are still helped by this program. If we have to sacrifice help to other income levels in this program to meet the needs of all poor children I think that would be meritorious.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The question was taken, and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. QUIE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 192, noes 216, not voting 24, as follows:

[Roll No. 256]

AYES—192

Abdnor
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
Ashley
AuCoin
Bafalis
Baldus
Bauman
Beard, Tenn.
Bennett
Bevill
Bowen
Breaux
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Carter
Cederberg
Chappell
Clausen, Don H.
Cleveland
Cochran
Cohen
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Coughlin
Crane
Daniel, Dan
Daniel, R. W.
Derwinski
Devine
Dickinson
Dornan
Duncan, Oreg.
Duncan, Tenn.
Edwards, Ala.
Edwards, Okla.
Emery
English
Erlenborn
Evans, Colo.
Evans, Del.
Evans, Ind.
Findley
Fithian
Flowers
Flynt
Foley
Fountain
Frenzel
Frey
Fuqua
Goldwater
Goodling
Gradison
Grassley
Gudger
Guyer
Hagedorn
Hall
Hamilton
Hammerschmidt
Harsha
Hefner
Hightower
Hillis
Holt
Huckaby
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jenkins
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kasten
Kelly
Kemp
Ketchum
Keys
Kindness
Krueger
Lagomarsino
Latta
Leach
Lent
Lloyd, Tenn.
Long, Md.
Lott
Lujan
Luken
McClory
McCloskey
McCormack
McDade
McDonald
McEwen
McKay
Madigan
Mahon
Mann
Marks
Marlenee
Marriott
Martin
Mathis
Mazzoli
Milford
Miller, Ohio
Montgomery
Moore
Moorhead, Calif.
Mottl
Myers, Gary
Myers, Ind.
Neal
Nichols
O'Brien
Pettis
Pickle
Pike
Preyer
Pritchard
Pursell
Quayle
Quie
Quillen
Regula
Rhodes
Robinson
Rogers
Rousselot
Rudd
Runnels
Ruppe
Sarasin
Satterfield
Sawyer
Schulze
Sebelius
Sharp
Shuster
Sikes
Skelton
Skubitz
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spence
Stangeland
Stanton
Steiger
Stockman
Stratton
Stump
Symms
Taylor
Thone
Treen
Trible
Waggonner
Walker
Walsh
Wampler
White
Whitehurst
Whitley
Whitten
Wiggins
Wilson, Bob
Wilson, C. H.
Winn
Wylie
Young, Alaska
Young, Fla.

NOES—216

Addabbo
Akaka
Alexander
Allen
Ambro
Ammerman
Anderson, Calif.
Annunzio
Applegate
Aspin
Badillo
Barnard
Baucus
Beard, R.I.
Bedell
Beilenson
Benjamin
Biaggi
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonior
Bonker
Brademas
Breckinridge
Brinkley
Brodhead
Brooks
Brown, Calif
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Caputo
Carney
Carr
Cavanaugh
Chisholm
Clay
Collins, Ill.
Conyers
Corman
Cornell
Cornwell
Cotter
D'Amours
Danielson
Davis
de la Garza
Delaney
Dellums
Derrick
Dicks
Diggs
Dingell
Dodd
Downey
Drinan
Early
Edgar
Edwards, Calif.
Eilberg
Ertel
Evans, Ga.
Fary
Fascell
Fenwick
Fish
Fisher
Flood
Ford, Mich.
Ford, Tenn.
Fowler
Fraser
Gammage
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Ginn
Glickman
Gonzalez
Gore
Hanley
Hannaford
Harkin
Harrington
Harris
Hawkins
Heftel
Holland
Hollenbeck
Holtzman
Horton
Howard
Hubbard
Hughes
Jenrette
Johnson, Calif.
Jordan
Kastenmeier
Kazen
Kildee
Koch
Kostmayer
Krebs
LaFalce
Le Fante
Lederer
Leggett
Lehman
Levitas
Lloyd, Calif.
Long, La.
Lundine
McFall
McHugh
McKinney
Maguire
Markey
Mattox
Meeds
Metcalfe
Meyner
Mikulski
Mikva
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Moss
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Natcher
Nedzi
Nix
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pattison
Pease
Pepper
Perkins
Pressler
Rahall
Rangel
Reuss
Rinaldo
Risenhoover
Roberts
Rodino
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roybal
Russo
Ryan
Santini
Scheuer
Schroeder
Seiberling
Shipley
Simon
Sisk
Spellman
St Germain
Staggers
Steed
Studds
Thompson
Thornton
Traxler
Tsongas
Tucker
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Watkins
Weaver
Weiss
Whalen
Wilson, Tex.
Wirth
Wolff
Wright
Wydler
Yates
Yatron
Young, Mo.
Young, Tex.
Zablocki
Zeferetti

NOT VOTING—24

Badham
Clawson, Del
Dent
Eckhardt
Flippo
Florio
Forsythe
Hansen
Heckler
Johnson, Colo.
Michel
Moffett
Myers, Michael
Poage
Price
Railsback
Richmond
Roe
Slack
Stark
Steers
Stokes
Teague
Waxman

The Clerk announced the following pairs:

On this vote:

Mr. Badham for, with Mr. Dent against.

Mr. Del Clawson for, with Mr. Stokes against.

Mr. Hansen for, with Mr. Florio against.

Mr. Michel for, with Mr. Moffett against.

Mr. Railsback for, with Mr. Richmond against.

Mr. Teague for, with Mr. Waxman against.

Messrs. MINETA, ROYBAL, GLICKMAN, HARKIN, CHARLES WILSON of Texas, and VANDER JAGT changed their vote from "aye" to "no."

Messrs. DUNCAN of Oregon and AuCOIN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. QUIE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, my next amendment would actually limit the program to where it can only serve those who are eligible, and since we already voted to fund children who are not eligible, I withdraw my amendment.

AMENDMENT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Goodling: Page 27, line 22, strike out "PILOT PROJECTS" and insert in lieu thereof "CASH OPTION AND PILOT PROJECTS".

Page 27, line 23 and page 28, line 13, redesignate subsections (a) and (b), respectively, as subsections "(d)" and "(e)", respectively, and on page 27, line 23, after "Sec. 20." insert:

"(a) During each of the fiscal years ending September 30, 1978, and September 30, 1979, any local educational agency may (upon its notification to the State educational agency on or before July 1 of the preceding fiscal year) exercise an option to receive cash in lieu of any commodities which would have been made available to such local educational agency for such year under the authority of sections 6 and 14 of this Act.

"(b) Cash payments made pursuant to this section shall be made from funds available for direct expenditure for agricultural commodities and other foods under sections 6 and 14 of this Act. To the extent that cash payments are made in lieu of commodities under this section, the Secretary's obligation under the last sentence of section 6(e) of this Act to provide 75 per centum of assistance in the form of donated foods shall be reduced.

"(c) Any local educational agency which has exercised its option under this section during the fiscal year ending September 30, 1979, may continue to do so during each of the three succeeding fiscal years."

Mr. GOODLING (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GOODLING. Mr. Chairman, I would like to very briefly mention, since I have already had about 12 or 14 minutes on this amendment previously, just a couple items. No. 1, I am sure many have gotten some correspondence on this particular amendment, because a very capable and careful effort was made to confuse the public; so back home an awful lot of people think we are trying to cut out their commodities and they say, "Oh, we don't want our commodities cut out."

This has nothing to do with cutting out their commodities in any way, shape or form. There is $500 million available in this whole bill in relation to food or cash in lieu of food.

What my amendment says is that that food that is purchased by the Department of Agriculture which is not surplus food, which is not price-supported food, the local community can opt to either continue receiving those special commodities or they can decide for a year on a pilot program that they could take cash in lieu of that small portion.

Mr. Chairman, we are really talking about 2 percent of $500 million, because very few school districts will opt to take this pilot program. My colleagues tell me that no one is going to opt to do it. Then we have no problem; but nobody is forced in this amendment to do anything. It gives the opportunity for local communities to purchase a few more percentage above the 80 percent that they now buy locally. Local school districts, local communities, small businesses, have this opportunity; so let me quickly summarize the amendment.

They can get as much as $70 million back to the local communities, local economies. They probably will get about $14 million or $15 million, because they will not all choose to take it. It does not touch the surplus or support price commodities, does not touch them at all. It does not take anybody's commodities away if they do not want them taken. It cannot interfere with any distribution system, because we are talking about 2 percent of $500 million. How can that interfere with a distribution system?

They cannot buy any more cheaply in bulk by the Department of Agriculture if they figure in the distribution costs. Now, if they do not figure in the distribution costs of getting food from Washington to Pennsylvania or from Pennsylvania to Indiana then, of course, it would be cheaper to buy in bulk that way. It will not take away the kind of foods they purchase, the quality, because locally they have those people on their hands and they will serve them the best and they do not do business with them. It is as simple as that.

So I would hope that we would think about the different cultures, the different school feeding places, so that we do not have food shipped into communities that they do not use. We cannot ship food and expect them to use it if it is a culture that does not use that kind of food.

So let me say again, this would give them an opportunity to buy 4 percent more than they are buying locally in Carbondale, Iowa, or Dubuque, Iowa, or Gettysburg, Pa.

It just gives them about 4 percent more than the 80 percent they now buy, keeping in mind that the only reason the Agriculture Department got into this business in the first place was that we had a lot of surplus and we did not know what to do with it. Now, they no longer have those surpluses so the law says that the Secretary of Agriculture will still buy 75 percent of this $500 million and send it out to communities. He now has an opportunity to send 25 percent in cash, which he does not do.

So, I would hope that everybody understands that this has nothing to do with whether they get commodities or do not get commodities. It is an option that they may choose as a local district. It is a very small option, a pilot option, where they might take up to 7 percent, which is about $80 million. So, I hope that the Members would find themselves able to support an amendment which merely gives a local community an option. They are not locked in, only for a year. They can then make a choice to go the other way.

I think the Members will find that, at most, 2 percent will take advantage of this. Let me point out one other thing, because Members are going to hear that they will use this money for something other than food. Not so; not so.

The law is written in such a manner—and it is right here in black and white—that any money they take in lieu of commodities, any commodities they take, must go into this school food program. No way can they take this money and spend it in any other manner.

Mr. PERKINS. Mr. Chairman, I rise in opposition to the amendment.

I think we all realize that this amendment is an amendment to the regular school lunch program. Presently, the school lunch programs, including the free and reduced-price school lunch programs, are costing about 80 cents, or a little better. The commodities that go into those programs constitute a considerable part of that cost.

But, here we have 11¾ cents in commodities on top of these payments in section 4 and section 11, and what the Goodling amendment deals with is the $80 million involved under section 6, which is direct appropriations for the commodities for school lunches.

It is true enough that of everything that goes into the school lunch program, about 80 percent is purchased locally, but that other 20 percent is what this amendment deals with.

The gentleman from Pennsylvania (Mr. Goodling) referred to what it may cost in Hindman, Ky.

Why not make Hindman, Ky., the exception to purchase this 4 percent of the commodities locally? The reason is, we are going to destroy the distribution system, and if Hindman, Ky., has a deficit in its school lunch program, they can take that cash and make up that deficit. There is nothing in the amendment that will keep them from making up the deficit in the local school lunch program.

The commodity program has worked wonderfully well, and I would think that with the two amendments we adopted in committee, schools can reject up to 20 percent of the commodities if they are not satisfied with them and the advisory councils, we have improved the program. Furthermore, the commodities that are purchased in huge quantities are the most up-to-date staple products that can possibly be purchased, such as chicken, fruit cocktail, turkeys, oranges, potatoes, beef, apricots, cranberries, peaches, and so forth. The Department of Agriculture purchases these commodities pursuant to the requests of the local school districts. They do not try to run over the local school districts and say, "We are going to force upon you certain commodities." In fact, as I pointed out, they have the right to tell the Department of Agriculture that, "We want 20 percent of the commodities in something else."

But generally they get 100 percent of what they want. The local school districts want commodities. But now if we spend this $80 million at the local level by letting the school districts do their own purchasing, the cost is certainly going to go up considerably. They cannot buy in huge quantities. And then if we permit this cash option, the distribution system is going to be severely hampered because some schools within a State will choose cash and some will not. As a result, we are going to see the cost of this school lunch program accelerated not only to $500 million, but in a couple of years it will be over $1 billion, in my judgment.

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Indiana (Mr. Brademas).

Mr. BRADEMAS. Mr. Chairman, I thank the distinguished chairman of the committee for yielding.

Mr. Chairman, I rise in opposition to the amendment offered by Mr. Goodling to H.R. 1139, the National School Lunch Act and Child Nutrition Amendment of 1977, which would have the effect of severely undermining the commodities program which now supplies about 20 percent of the foods used in school feeding program.

These federally donated agricultural products—meat, poultry, milk, vegetables—have been made available to school systems, large and small, since 1935. The program predates the enactment of the first school lunch bill by over 10 years and has proven to be particularly popular especially with small and medium size school districts.

Mr. Chairman, the Goodling amendment would seek to allow school districts to take cash payments in lieu of these commodities. On the surface, this amendment might seem attractive; but it would have the effect of undermining the State administered, national distributing network for these commodities and would lead to increased costs of this important program.

The commodity program provides for small and medium school districts food stuffs in quantities they would not be in a position to equal where they are given a cash payment instead. Both the General Accounting Office and the Department of Agriculture provided the Committee on Education and Labor with studies which underscored this point.

Mr. Chairman, additionally, a survey of 5,000 local school lunch directors show that 65 percent preferred the commodities program to receipt of cash in lieu of commodities. Seventy-five percent of the respondents—15,000 were queried and 5,000 responded—were from school districts of less than 5,000 students. Fully 88 percent of the school districts in the Nation have enrollments of less than 5,000 students.

So, Mr. Chairman, I hope that will support the Education and Labor Committee bill and will vote to retain without change the existing school lunch commodities program.

Mr. PERKINS. Mr. Chairman, I think the gentleman will agree with me that we should go ahead with the pilot projects we authorized in this bill, with the study, and vote down this amendment.

Mr. SIMON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, let me give, just briefly, a little history of how we got where we are right now.

Our committee heard the distinguished gentleman from Missouri (Mr. Gephardt), a new Member of the House. I had, frankly, never heard him speak before. I was most impressed about what he had to say about some of the problems. We then drafted an amendment which authorized and mandated the Department of Agriculture to have some pilot projects in cash versus commodities. We worked it out with the committee counsel, with the Department of Agriculture. The Department of Agriculture agreed to this. Secretary Bergland testified before our subcommittee in behalf of the pilot project concept.

The gentleman from Pennsylvania (Mr. Goodling) has referred to his program as a pilot project. But in fact it is a 2-year program. He is shaking his head, but if the Members will read the amendment, it calls for 2 years rather than 1. There is no control, the kind of controls we can have with a Department of Agriculture pilot program.

The chairman of the committee has pointed out that the so-called Heftel amendment, the amendment of our colleague, the gentleman from Hawaii, gives additional flexibility. In addition, we have some advisory programs now that should improve the commodity program.

Let me point out, in addition, two other things. One is that the Department of Agriculture does not support this amendment. The Department of Agriculture at this point is very sincerely interested in improving the commodity program.

I am going to insert in the Record at this point a letter from the State Board of Education of the State of Illinois, a letter from the director of the school lunch program in Illinois. Let me read just two points of his somewhat lengthy letter:

> 1. Few if any Child Nutrition programs can purchase comparable quality at prices equal to or lower than those paid by the USDA with their volume buying power.

He writes:

> This is not a guess, for six years I was assistant purchasing agent for the University of Illinois Chicago Colleges and the division which included the university hospitals. In this position I was responsible for all food purchasing. Following this, for 9 years I was buyer for the Chicago Board of Education, purchasing all the food for over 500 school cafeterias. With the volume available in either organization, the best we could do was occasionally equal the USDA quantity prices.

There is another point he makes, and this goes precisely to the issue Mr. Goodling raised on the floor. This is what he said in his letter:

> Meat—where or how does a local school test ground beef for fat content? It is not enough to specify a maximum of 20 or 25 percent. Few schools have any facilities to test analytical fat content. All USDA commodities purchased are analyzed and graded.

There is a third point taken from his letter that I want to quote, and I think this would apply to any State represented here. This is what he said:

> The option could have a very detrimental effect on the cost of receiving and distributing commodities in Illinois. We have a contract with a commercial firm to receive, store, and distribute commodities. If the volume decreases, due to the option, the end results will be less quantity at greater cost because we will continue to distribute Sections 32 and 416 items.

Mr. Chairman, I think very clearly the amendment offered by the gentleman from Pennsylvania (Mr. Goodling) is not in the best interests of the school lunch program, and I urge that the amendment be defeated.

Mr. GEPHARDT. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I yield to my colleague, the gentleman from Missouri.

Mr. GEPHARDT. Mr. Chairman, would the gentleman not agree that the basic objection that he has with the Goodling amendment is that the pilot program, as set out in the bill and as it came out of committee, would better achieve a pilot study of whether or not cash in lieu of commodities would be more successful in certain school districts?

Mr. SIMON. Absolutely. In order to have a successful program we must control the factors, and the Department of Agriculture can do that.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. Simon) has expired.

(On request of Mr. Gephardt and by unanimous consent, Mr. Simon was allowed to proceed for 2 additional minutes.)

Mr. GEPHARDT. Mr. Chairman, will the gentleman yield further?

Mr. SIMON. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Chairman, let me ask this: Is it not correct that the bill, as it came out of committee and as it appears on the floor, without the Goodling amendment, would allow a pilot program throughout the United States in different school districts, which program would be run by the USDA in a controlled way to determine whether or not cash might be better than commodities in those districts? And does it not require the USDA within 18 months to report back to Congress on its findings from those pilot programs?

Mr. SIMON. That is absolutely correct.

Mr. GEPHARDT. And would not the Goodling amendment allow school districts all over the United States to institute, without much coherence, their own cash programs in lieu of commodities, and that that might be destructive of their own school lunch programs? Is it not also true that that would really not give us the data and the results we need in making a final judgment on whether we should go to all cash in lieu of commodities in certain areas of the country?

Mr. SIMON. That is absolutely correct. Without any reporting standards, that is what would happen.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Chairman, the study is going to go on anyway, even if the Goodling amendment is adopted. What is the argument about that? It sounds as though the gentleman is saying that if the Goodling amendment is adopted, we would not have the study.

I agree that there should be a study, but the gentleman does not contend that the study will be lost if the Goodling amendment is adopted, does he?

Mr. SIMON. The study would not be lost, but the commodity program is going to deteriorate in the meantime.

Mr. QUIE. Why is the commodity program going to deteriorate?

Mr. SIMON. Because we are going to be eroding a part of that commodity program. I do not think there is any question about that.

Mr. QUIE. No; the commodity program would not be eroded by the Goodling amendment. All of the commodities that are represented here in the price support program and the surplus disposal program will still go through the commodity program. They are not affected by the Goodling amendment.

Mr. SIMON. Mr. Chairman, all I can say to the gentleman is that the U.S. Department of Agriculture disagrees with that conclusion, and I agree with the statements made by the Department of Agriculture.

Mr. QUIE. Mr. Chairman, the gentleman is reading an old letter of the Department's, and I agree with their opposition to the original Goodling amendment. The original Goodling amendment was like the amendment of the gentleman from Missouri, but now the amendment limits it to sections 6 and 14 of the School Lunch Act.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. Simon) has again expired.

(By unanimous consent, Mr. Simon was allowed to proceed for 1 additional minute.)

Mr. SIMON. Mr. Chairman, to set the record straight and for the gentleman's information, it is not true that I am reading from an old letter. I am reading from a letter directed to me by the Department of Agriculture on May 17, and I will also insert that letter in the Record. That letter makes it clear that they do not support the Goodling amendment.

Mr. QUIE. But what they say in that letter concerning the commodities or concerning the amendment does not mean it would disrupt the commodity program, does it?

Mr. SIMON. I have had conversation with them that certainly indicates that is the case.

Mr. QUIE. That is the old context, the context of the old letter, is it not?

Mr. SIMON. No: this was not the correspondence.

Mr. QUIE. If that was not the correspondence, I would like to find out what the intelligence of that person was down in the Department of Agriculture.

Mr. SIMON. I do not think there is any question that there would be a diminution of the commodity program if the Goodling amendment is adopted.

Mr. Chairman, the letter I referred to follows:

Department of Agriculture,
Washington, D.C., May 17, 1977.

Hon. Paul Simon,
House of Representatives,
Washington, D.C.

Dear Mr. Simon: I am writing in response to your inquiry as to whether the Department is supporting adoption of an amendment to H.R. 1139. The amendment in question would provide school districts with the option of selecting cash in lieu of those commodities provided for the school lunch program under Section 14(a) of the National School Lunch Act and those commodities purchased for the lunch program with General Revenue funds appropriated under Section 6 of the National School Lunch Act.

The Department is not supporting this amendment, nor has the Department taken any position suggesting that it prefers the provisions of this amendment to the provisions presently contained in H.R. 1139.

Sincerely,
Carol Tucker Foreman,
Assistant Secretary for Food and Consumer Service.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. Simon) has expired.

(On request of Mr. Gephardt and by unanimous consent, Mr. Simon was allowed to proceed for 1 additional minute.)

Mr. GEPHARDT. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Chairman, I would just like to clear up the key distinction between the two amendments.

Is it not the case that with the version of the pilot program and the bill as it came out of committee, the USDA would pick where the pilot projects would be conducted instead of the location of those projects being picked pellmell, without much input by individual school districts themselves?

Mr. SIMON. That is correct.

Illinois Office of Education,
State Board of Education,
May 10, 1977.

Hon. Paul Simon,
House of Representatives, Cannon House Office Building, Washington, D.C.

Dear Congressman Simon: As requested, some of the specific problems and shortcomings which would, or could, result from the authorization of receiving cash in lieu of commodities are listed below:

1. Few if any Child Nutrition Programs can purchase comparable quality at prices equal to or lower than those paid by the USDA with their volume buying power.

This is not a guess. For six years I was Assistant Purchasing Agent for the University of Illinois Chicago Colleges and the division which included the University Hospitals. In this position I was responsible for all food purchasing. Following this, for nine years I was Buyer for the Chicago Board of Education, purchasing all the food for over 500 school cafeterias. With the volume available in either organization, the best we could do was occasionally equal the USDA quantity prices.

2. Price equalization is only a fraction of the skill required to achieve good value purchasing. Knowledge of specification writing, can cutting, and inspection of product at time of delivery are equally important as is the timeliness of when to buy. Many schools are talked into making their major canned food commitment prior to the close of schools each summer. Therefore, the products are a year old when the schools open in the fall.

3. Meat—where or how does a local school test ground beef for fat content? It is not enough to specify a maximum of 20 or 25 percent. Few schools have any facilities to test analytical fat content. All USDA commodities purchased are analyzed and graded.

4. Under current regulations, total reimbursement can not exceed the cost of serving the Type A meal. Will cash received in lieu of commodities be included or considered as reimbursement? Food commodities are not presently included in reimbursement computations. The USDA regulations for the Child Care Food Program require that the cash in lieu of commodities funds be treated as reimbursement. Therefore, when their expenses do not equal or exceed combined reimbursement and other income, they do not receive the difference. However, when commodities are received as food, they are not considered as income. Therefore, their net gain by designating cash could be zero.

5. The option could have a very detrimental effect on the cost of receiving and distributing commodities in Illinois. We have a contract with a commercial firm to receive, store, and distribute commodities. If the volume decreases, due to the option, the end results will be less quantity at greater cost because we will continue to distribute Sections 32 and 416 items.

6. There are district school boards which maintain a local buying preference policy. This results in food purchases from local stores at substantially increased food costs.

A final point on the subject of State Administrative Expense Funds. In May of 1975, we submitted to the Food and Nutrition Service of the USDA the completed Nutrition Program Staff Study. This 21-page questionnaire was the result of the State Agency needs mandated by PL 94–105. The results of this study reveal a projected need in Illinois of over two million dollars. It would require a 2% level of SAE funding to achieve this figure.

If we may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,
Robert E. Ohlzen,
Manager, Food and Nutrition Programs.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I heard the gentleman from Missouri (Mr. Gephardt) prior to that say something about all cash.

I want to make clear that we are not talking about all cash in lieu of commodities. We are talking about what would turn out to be about 2 percent.

Mr. Chairman, let me detail what happens when we have a small pilot program. It is very obvious that the local suppliers in a small pilot program are going to make very sure that what they sell is low priced, even if they have to take a loss, because, in the long run, they know that they will be able to prove then that it is better to purchase locally.

Mr. MOTTL. Mr. Chairman, I move to

strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by my colleague from Pennsylvania, Mr. GOODLING, to the National School Lunch and Child Nutrition Act.

It should be emphasized that this amendment, if adopted, will not compel any local school district to accept cash in lieu of commodities. Rather, it will give each local school district the option of continuing to receive commodities or of receiving cash for a 1-year trial period.

This amendment will thus give local school districts the best of both worlds. The small districts can continue to receive the commodities furnished by the Department of Agriculture. The school districts in our larger cities can elect to receive cash, and thus be able to shop comparatively for the most nutritional food available for their children.

The superintendent of the Cleveland public schools, Dr. Paul Briggs, has advised me that the granting of a cash option in lieu of commodities will enable the Cleveland school system to offer nutritionally superior meals at a lesser cost. Schools will be abe to offer students the food they prefer, thus eliminating plate waste and unnecessary storage costs.

I would therefore earnestly urge my colleagues to vote in favor of this amendment.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. MOTTL. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I thank the gentleman for yielding.

I would like to point out that the gentleman corrected what was said before about the 1 year. True, it is a 2-year program, but it is written in such a manner that if, after it is tried for 1 year, you would like to go the other way, or if you do not try it a year and you would like to get into it, you have that opportunity; is that not correct?

Mr. MOTTL. That is correct.

Mr. QUIE. Mr. Chairman, I move to strike the requisite number of words.

Schools will be able to offer students the

Mr. Chairman, I would like to take a moment to review a little history on this program and the question of commodities versus cash.

Some years ago because of the change in weather conditions in other parts of the world, we started to reduce our surpluses. After a while, we did not have any. What that meant after a while is that we did not have the commodities for the school lunch program that had previously existed. Consequently, the National School Food Service people, who are the big lobby behind this, came in and asked us to give authority to the Department of Agriculture to give cash instead of commodities, which operated then for a period of time.

Then next they came in and asked that they purchase commodities over and above that which is purchased because of the price support program or the surplus removal program, and then we gave some latitude to the Secretary in case he came to the end of the fiscal year and did not have the commodities available in order to make certain that the cash was there. Then a study was made between Kansas, which had the cash-out, and Oklahoma, which did not.

The result of the cash-out in Kansas, to the amazement of all of us, was that they could actually do better in providing for nutritious food if they could use the cash-out than they otherwise could.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I think the gentleman knows that the GAO study contradicts the Kansas study, that the distribution of commodities are in reality cheaper than on a full cash distribution as in Kansas.

Mr. QUIE. I would say there is a question, but the study indicated, between Kansas and Oklahoma, that they could do it more economically in a cash-out system in Kansas. But there are differences of opinion. And then, in order to find out the answer, we are going to the pilot system such as the one referred to by the gentleman from Illinois (Mr. SIMON), which will go further than the Goodling amendment, because of the surplus removal.

What do we have before us? Some school districts have indicated to us that they can use that money more cheaply and more efficiently for nutritious food for their children than they could if that same amount of money was reflected in commodities from the USDA.

That is what we have before us. Should they, where they have an amount of money that is above the surplus removal and the price support program, permit that to occur?

From the information I have received there is the possibility, as the gentleman from Pennsylvania indicated, one of them is more expensive, it is more expensive to send apples from the State of Washington to the State of Pennsylvania than to buy the apples in Pennsylvania, and it might be that it is more expensive to run a turkey program through the USDA and then back into the community when they could go out to the turkey farm and the plant and work out an agreement with them.

Also the commodity people who were opposed to it before, now do not oppose it and find some good, especially in the Goodling amendment. The only one opposed is the National School Service Group who have been lobbying, and who want to have control of the program, they are frightened to death to have anybody say anything at all. Just as with the case of the students in the school selling apples during the lunch hour time, the National School Service people were flatly opposed to it. Then they showed their true colors, they said they would support it if we made sure the money went to them, indicating that they do want to run the program.

I find that the program now is working extremely well.

They felt the same way on giving the children the opportunity to select or refuse food, where the food had been ending up in the garbage cans, and the junior high schools chose not to take the food instead of having it end up in the garbage cans.

We give a little latitude to the local levels and it seems it is working out well.

I do not understand why we will not let the schools use that amount of money where they can use it better and more efficiently by buying food on the local market rather than going to the USDA.

They ought to be intelligent enough to be able to do that.

That is why I support the Goodling amendment.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. GOODLING and by unanimous consent, Mr. QUIE was allowed to proceed for 3 additional minutes.)

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I would just like to ask my chairman not to play the role of my father, now, and turn me off, and to listen while I read from the report which says:

> Each State educational agency, and the Secretary in the case of schools in which he directly administers school food service programs, shall promptly and equitably disburse such funds to schools participating in the lunch and breakfast programs under this Act and the Child Nutrition Act of 1966 and such disubursements shall be used by such schools to obtain agricultural commodities and other foods for their food service program.

It does not say that he may go and pay some supervisor or he may go and pay some cook, it says they will purchase food commodities for their school lunch programs.

The second thing I would like to point out is that I get the impression, as I have listened here, that we trust the USDA much more than we trust the local school boards and local school administrators and local communities. We seem to be saying, that down here the USDA does not do anything wrong; it is the local school boards that are the rip-off artists.

I would further like to point out again that this is a program where the local school districts have a choice. Nobody is telling them to take the cash. Nobody is telling them to take the commodities. It is strictly up to them, and it only deals with one very small part of the whole food distribution program.

Mr. PURSELL. Mr. Chairman, I move to strike the last word.

I just wanted to make the point to the committee that the Goodling amendment has been carefully thought out. I think we are sort of overdebating and hitting an overkill on a particular optional amendment to allow some flexibility for only a pilot program. As I read the language, this is an authorization for 5 years, and it simply is just a pilot program. I think we ought to allow the local school officials, those in local jurisdictional responsibilities, to have some flexibility in cash or commodities to have that choice to bring down those dollar costs and possibly have a better program at the local level for the children. So it is strictly an optional and strictly a pilot program.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. PURSELL. I yield to the gentleman from Kentucky.

Mr. PERKINS. I thank the gentleman for yielding.

I think it should be pointed out that the local school districts do have the flexibility. They purchase 80 percent of the food in the local areas. But the House Committee on Appropriations makes judgment on how much is necessary to pay for the cost of these lunches, and they have made the judgment here in section 6 on top of the surplus removal, section 32, 416, price supports, that we need section 6 commodities in the amount of $80 million. But if we go the gentleman's route, the Committee on Appropriations will have to take other factors into consideration, the distribution factor, and it is going to cost next year in excess of $100 million. So I think the gentleman's argument does not have merit. The local people have all the options now that they want, and I think that we do not want to appropriate more money here in the Congress under section 6.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. PURSELL. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I thank the gentleman for yielding.

I think we can put to rest once and for all that in no way can we possibly interfere with the distribution of commodities when we are talking about what will turn out to be about 2 percent of $500 million. I think it is just a totally false argument. There is no way that we can interfere with distribution when we are talking about 2 percent of $500 million. It is a pilot program. It could be 7 percent; it could be 8 percent; but we have already been told that they are not going to opt to take this opportunity to take cash in lieu of commodities—so we are talking about probably $12 or $14 million at the very most. It is a pilot program, and they should have the opportunity.

Mr. PURSELL. Mr. Chairman, I just want to make a final point that this is a pilot program for 5 years. We have a current study going on. Obviously the result of this amendment would be more productive in that final outcome of that study, to look at that flexibility and decide whether or not those costs are going to be improved and we have a more efficient program. Mr. Chairman, I support the Goodling amendment.

Mr. DERRICK. I rise to support the school lunch program and to express my concern about an inappropriate financing procedure which this bill would extend for 5 years.

Section 4 of this bill would continue through September 30, 1982, the authority of the Secretary of Agriculture to use funds from both section 32, which utilizes customs receipts to finance the purchase of surplus agriculture products, and section 416, the price support program.

Section 32 goes back to 1935 when the Congress authorized the automatic appropriation of 30 percent of customs receipts for the use of the Secretary of Agriculture in making purchases of surplus agricultural commodities for the purpose of price stabilization. Over time, this provision has become a major means of financing the school lunch and child nutrition programs. However, the use of this type of back-door spending is not necessary to insure the continuation of these programs. These programs are now automatic entitlements. Therefore, the funds to continue them must be made available. As a result, whether this back-door spending provision is extended or not, the total spending for these programs will be unaffected. The issue is whether these programs should go through the normal appropriations process, like other entitlement programs such as food stamps, aid to families with dependent children—AFDC—or the supplemental security income—SSI—program, or whether the Congress will continue to provide the Secretary of Agriculture with the significant discretion and a resulting lack of congressional control, which section 32 provides him.

As chairman of the Budget Committee's Budget Process Task Force this year, I have become concerned about the large portion of the budget which is relatively uncontrollable in a given year. Under the House rules, each committee is encouraged to review their programs from time to time to determine whether there is good cause not to finance them through annual appropriations.

I consider it most unfortunate that the Committee on Education and Labor in recommending a 5-year extension of this back-door spending provision has clearly not reviewed whether circumstances now warrant annual appropriations for these programs. I can assure my colleagues on that committee that I have supported and will continue to support the school lunch and child nutrition programs. Because these programs are now automatic entitlements, we can go to annual appropriations without jeopardizing the funding for these programs. Such a shift, moreover, would eliminate a major back-door spending provision and help the Congress to retain overall control of its financing techniques.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. GOODLING).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GOODLING. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred Members are present, a quorum.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Pennsylvania (Mr. GOODLING) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 138, noes 272, not voting 22, as follows:

[Roll No. 257]

AYES—138

Alexander
Ambro
Anderson, Ill.
Archer
Armstrong
Badillo
Bafalis
Beard, R.I.
Beard, Tenn.
Beilenson
Blanchard
Boggs
Boland
Bonior
Brinkley
Broomfield
Brown, Mich.
Brown, Ohio
Burgener
Burke, Mass.
Butler
Cederberg
Chappell
Cleveland
Coleman
Collins, Tex.
Conte
Corcoran
Cotter
Crane
Davis
de la Garza
Derwinski
Devine
Dickinson
Diggs
Dornan
Emery
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Fenwick
Findley
Fish
Flynt
Ford, Mich.
Frenzel
Frey
Gaydos
Gilman
Glickman
Goldwater
Goodling
Gradison
Grassley
Guyer
Hagedorn
Hammerschmidt
Heckler
Hillis
Horton
Hughes
Hyde
Ireland
Jacobs
Jeffords
Kelly
Ketchum
Keys
Kindness
Lagomarsino
Latta
Lent
Levitas
Lujan
McClory
McCloskey
McDade
McEwen
McKay
McKinney
Mann
Marlenee
Marriott
Martin
Mathis
Mattox
Miller, Ohio
Mitchell, N.Y.
Moore
Moorhead, Calif.
Mottl
Murtha
Myers, Gary
Nedzi
O'Brien
Oakar
Pettis
Pickle
Pressler
Pritchard
Pursell
Quie
Regula
Rhodes
Rudd
Ruppe
Sarasin
Sawyer
Schulze
Sebelius
Shuster
Skelton
Snyder
Spence
St Germain
Stangeland
Stanton
Stockman
Stratton
Symms
Taylor
Traxler
Vander Jagt
Walgren
Walker
Walsh
Whalen
Wiggins
Wilson, Bob
Winn
Wolff
Wydler
Wylie
Yates
Yatron
Young, Fla.

NOES—272

Abdnor
Addabbo
Akaka
Allen
Ammerman
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Applegate
Ashbrook
Ashley
Aspin
AuCoin
Badham
Baldus
Barnard
Baucus
Bauman
Bedell
Benjamin
Bennett
Bevill
Biaggi
Bingham
Blouin
Bolling
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brodhead
Brooks
Brown, Calif.
Broyhill
Buchanan
Burke, Calif.
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Byron
Caputo
Carney
Carr
Carter
Cavanaugh
Chisholm
Clausen, Don H.
Clay
Cochran
Cohen
Collins, Ill.
Conable
Conyers
Corman
Cornell
Cornwell
Coughlin
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Delaney
Dellums
Derrick
Dicks
Dingell
Dodd
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Eilberg
English
Evans, Colo.
Evans, Ind.
Fary
Fisher

Fithian
Flood
Flowers
Foley
Ford, Tenn.
Fountain
Fowler
Fraser
Fuqua
Gammage
Gephardt
Giaimo
Gibbons
Ginn
Gonzalez
Gore
Gudger
Hall
Hamilton
Hanley
Hannaford
Harkin
Harrington
Harris
Harsha
Hawkins
Hefner
Heftel
Hightower
Hollenbeck
Holt
Holtzman
Howard
Hubbard
Huckaby
Ichord
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kasten
Kastenmeier
Kazen
Kemp
Kildee
Koch
Kostmayer
Krebs
Krueger
LaFalce
Le Fante
Leach
Lederer
Leggett
Lehman
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Luken
Lundine
McCormack
McDonald
McFall
McHugh
Madigan
Maguire
Mahon
Markey
Marks
Mazzoli
Meeds
Metcalfe
Meyner
Mikulski
Milford
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Moss
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Myers, Michael
Myers, Ind.
Natcher
Neal
Nichols
Nix
Nolan
Nowak
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pattison
Pease
Pepper
Perkins
Pike
Preyer
Quayle
Quillen
Rahall
Rangel
Reuss
Richmond
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Rousselot
Roybal
Runnels
Russo
Ryan
Santini
Satterfield
Scheuer
Schroeder
Seiberling
Sharp
Shipley
Sikes
Simon
Sisk
Skubitz
Smith, Iowa
Smith, Nebr.
Solarz
Spellman
Staggers
Stark
Steed
Steiger
Studds
Stump
Thompson
Thone
Thornton
Treen
Trible
Tsongas
Tucker
Udall
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Waggonner
Wampler
Watkins
Weaver
Weiss
White
Whitehurst
Whitley
Whitten
Wilson, Tex.
Wirth
Wright
Young, Alaska
Young, Mo.
Young, Tex.
Zablocki
Zeferetti

NOT VOTING—22

Clawson, Del
Dent
Fascell
Flippo
Florio
Forsythe
Hansen
Holland
Johnson, Colo.
Michel
Mikva
Moffett
Poage
Price
Railsback
Roe
Slack
Steers
Stokes
Teague
Waxman
Wilson, C. H.

Mr. COTTER and Mr. WALGREN changed their vote from "no" to "aye."

Mr. KASTENMEIER changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. PANETTA

Mr. PANETTA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PANETTA: Page 3, line 18, delete semicolon and insert a comma and immediately after the word "under", the following: "except that such term shall also include individuals who are 18 years of age or older who are (i) determined by a State educational agency or a local public educational agency of a State to be mentally or physically handicapped in accordance with regulations prescribed by the Secretary, and (ii) who are participating in a public school program established for the mentally or physically handicapped";

Mr. PANETTA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PANETTA. Mr. Chairman, the purpose of my amendment is simply to allow the mentally and physically handicapped individuals who are attending a public school program to receive the benefits of the Summer Food Services Act.

The basis of the School Lunch Act is the principle that there is a relationship between good education and good nutrition. That principle is even more relevant when dealing with special educational programs provided for the mentally or physically handicapped.

As H.R. 1139 now stands, however, eligibility is limited strictly to those individuals who are 18 years of age and under. While the purpose of this provision is understandable, the consequence is the exclusion of public school programs serving the mentally handicapped persons whose physical age is above age 18 but whose mental age may be as low as 8 or 10 years.

As an example, in school districts in California, there are year-round adult educational programs offered through the public school system which serve the developmentally disabled. One school in my district serves about 70 mentally handicapped individuals all of whom are over the age of 18, but have an average mental age of 10 or 12.

Adequate nutrition is extremely important for those participating in these programs. There are examples of mentally disabled individuals, considered to be catatonic—absence of speech, glazed staring, and general inability to communicate—who, as a result of a proper nutritional lunch, began to talk and actually take part in school activities.

I recognize the concern of the committee over the abuses that have occurred within summer food program. But it is my understanding that the study by the General Accounting Office established that most of the abuses involved private nonprofit organizations, which comprise 76 percent of the program sponsors. The GAO noted that the public agency sponsors comprising 24 percent of the program were relatively free of any abuses.

For this reason, I have limited my amendment to those individuals over 18 years who are:

First, determined by a State educational agency or a local public educational agency of a State to be mentally or physically handicapped in accordance with regulations prescribed by the Secretary, and

Second, who are participating only in a public school program established for the mentally or physically handicapped.

The amendment thus is limited to public agency sponsors.

It is my hope that the committee will see the obvious merits of this amendment. It is in line with the basic intent of this legislation and I move its adoption.

Mr. PERKINS. Mr. Chairman, will the distinguished gentleman yield to me at this point?

Mr. PANETTA. I yield to the distinguished gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. I thank the gentleman for yielding.

Mr. Chairman, I think this amendment is an amendment that everybody can support. It is a good amendment. We accept the amendment on this side.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. I thank the gentleman for yielding.

Mr. Chairman, there is a precedent for this amendment. We accept the amendment on this side.

The question is on the amendment offered by the gentleman from California (Mr. PANETTA).

The amendment was agreed to.

AMENDMENTS OFFERED BY MS. HOLTZMAN

Ms. HOLTZMAN. Mr. Chairman, I offer three amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Ms. HOLTZMAN: Page 15, line 3 immediately after "company" insert "owners,".

Page 15, line 7, strike out "and disallowances" and insert in lieu thereof ", disallowances, and health, safety and sanitary code violations".

Beginning on page 27, line 20, strike out everything down through line 12 on page 28 and insert in lieu thereof the following:

SEC. 7. The National School Lunch Act is amended by—

(1) inserting in section 6(a)(3) immediately after "participants in these programs" the following: ", for pilot projects required to be carried out by section 20 of this Act,"; and

(2) by adding at the end thereof the following new section:

"PILOT PROJECTS

"SEC. 20. (a) The Secretary shall carry out pilot projects with respect to local school districts or other appropriate units, or groups of program participants, for the purpose of determining whether there may be more efficient, healthful, economical, and reliable methods of operating school lunch, school breakfast, and summer feeding programs under this Act and the Child Nutrition Act of 1966, and methods for operating such programs which will result in improved delivery of benefits thereunder in accordance with the purposes of said Acts. Such project or projects shall, notwithstanding any other provision of law, include experiments in providing to schools or other institutions participating in a pilot project the option of receiving all or part cash assistance under said Acts for the said nutrition programs operated in such schools or institutions, experiments designed to streamline or reduce reporting requirements by local school districts, and the utilization of United States Department of Agriculture Extension Service dietitians to aid in nutritional training and education in schools and other institutions.".

Page 28, "lines 18 and 24, strike out "school lunch programs" each time it appears and insert in lieu thereof "school lunch, school breakfast, and summer feeding programs."

Page 5, line 24, immediately before the semicolon insert ", unless the Secretary finds that the establishment of such a priority would increase the likelihood of fraud, violation of program regulations, or misuse of funds in this program or any program with which it is integrated".

Ms. HOLTZMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. HOLTZMAN. Briefly, Mr. Chairman, these are amendments that I believe will improve the act.

Two of the amendments are designed to tighten up the operation of the summer feeding program and reduce the chances of fraud. The third amendment would require the Secretary to carry out pilot projects with regard to the school breakfast and summer feeding programs to see if those programs can be improved.

Mr. PERKINS. Mr. Chairman, will the gentlewoman yield?

Ms. HOLTZMAN. I am happy to yield to the very distinguished chairman of the committee.

Mr. PERKINS. Mr. Chairman, the gentlewoman from New York (Ms. HOLTZMAN), as all the members who constitute the Committee on Education and Labor know, has been out in the forefront trying to clean up the fraud that existed in the summer feeding program in the State of New York and in New York City.

This first amendment deletes from the criteria for choosing among local applicants the criterion concerning coordination of the summer feeding program with the CETA programs. We have no objection to that amendment, and we accept it.

Concerning the second amendment, the amendment requires vendors to make a public disclosure of any past health, safety, or sanitary code violations. There is certainly nothing wrong with that amendment, and we accept it.

The third amendment expands the required pilot studies to include studies as to better ways to operate school breakfast and summer feeding programs. It also makes clear the source of appropriations for this purpose.

Mr. Chairman, we accept the amendments.

Mr. QUIE. Mr. Chairman, will the gentlewoman yield?

Ms. HOLTZMAN. I am happy to yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Chariman, so that I may understand where these three amendments go in the bill, may I ask, are these the three amendments that are marked at the top as Nos. 1, 2, and 3?

Ms. HOLTZMAN. No. These are the amendments that are marked as Nos. 2, 3, and 5.

Mr. QUIE. Mr. Chairman, I thank the gentlewoman.

On the amendment that is numbered "5," there was a change from the original No. 5. Is this the one at page 5, line 24?

Ms. HOLTZMAN. That is correct. The amendment does not strike out the priority given to programs that combine summer feeding programs and CETA programs, but it does say they may not be given priority if to do so would create a likelihood of fraud.

Mr. QUIE. Mr. Chairman, I have no objection to the amendments.

The CHAIRMAN. The question is on the amendments offered by the gentlewoman from New York (Ms. HOLTZMAN).

The amendments were agreed to.

The CHAIRMAN. If there are no further amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BRADEMAS) having assumed the chair, Mr. WEAVER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1139) to extend through fiscal year 1982 certain child nutrition programs under the National School Lunch Act and the Child Nutrition Act of 1966, pursuant to House Resolution 569, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SYMMS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 393, nays 19, not voting 20, as follows:

[Roll No. 258]

YEAS—393

Abdnor
Addabbo
Akaka
Alexander
Allen
Ambro
Ammerman
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Applegate
Archer
Armstrong
Ashley
Aspin
AuCoin
Badillo
Bafalis
Baldus
Barnard
Baucus
Bauman
Beard, R.I.
Bedell
Beilenson
Benjamin
Bevill
Biaggi
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonior
Bonker
Bowen
Brademas
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Caputo
Carney
Carr
Carter
Cavanaugh
Cederberg
Chisholm
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Coleman
Collins, Ill.
Conable
Conte
Conyers
Corcoran
Corman
Cornell
Cornwell
Cotter
Coughlin
D Amours
Daniel, Dan
Daniel, R. W.
Danielson
Davis
de la Garza
Delaney
Dellums
Derrick
Derwinski
Dicks
Diggs
Dingell
Dodd
Dornan
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Eilberg
Emery
English
Erlenborn
Ertel
Evans, Colo.
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fenwick
Findley
Fish
Fisher
Fithian
Flood
Flowers
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Fraser
Frenzel
Frey
Fuqua
Gammage
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Ginn
Glickman
Gonzalez
Goodling
Gore
Gradison
Grassley
Gudger
Guyer
Hagedorn
Hall
Hamilton
Hammer-schmidt
Hanley
Hannaford
Harkin
Harrington
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Holland
Hollenbeck
Holt
Holtzman
Horton
Howard
Hubbard
Huckaby
Hughes
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kasten
Kastenmeier
Kazen
Kemp
Ketchum
Keys
Kildee
Kindness
Koch
Kostmayer
Krebs
Krueger
LaFalce
Lagomarsino
Latta
Le Fante
Leach
Lederer
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lujan
Luken
Lundine
McClory
McCloskey
McCormack
McDade
McEwen
McFall
McHugh
McKay
McKinney
Madigan
Maguire
Mahon
Mann
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Mattox
Mazzoli
Meeds
Meyner
Metcalfe
Mikulski
Mikva
Milford
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Gary
Myers, Michael
Myers, Ind.
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pattison
Pease
Pepper
Perkins
Pettis
Pickle
Pike
Pressler
Preyer
Pritchard
Pursell
Quie
Quillen
Rahall
Rangel
Regula
Reuss
Rhodes
Richmond
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roybal
Rudd
Runnels
Ruppe
Russo
Ryan
Santini
Sarasin
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Sikes
Simon
Sisk
Skelton
Skubitz
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
Spence
St Germain
Staggers
Stangeland
Stanton

Stark
Steed
Steiger
Stockman
Stratton
Studds
Stump
Taylor
Thompson
Thone
Thornton
Traxler
Treen
Trible
Tsongas
Tucker
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Waggonner
Walgren
Walker
Walsh
Wampler
Watkins
Weaver
Weiss
Whalen
White
Whitehurst
Whitley
Whitten
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Young, Tex.
Zablocki
Zeferetti

NAYS—19

Ashbrook
Badham
Beard, Tenn.
Bennett
Burleson, Tex.
Chappell
Collins, Tex.
Crane
Devine
Dickinson
Goldwater
Kelly
Lott
McDonald
Quayle
Rousselot
Shuster
Symms
Wiggins

NOT VOTING—20

Breaux
Clawson, Del
Dent
Fascell
Flippo
Florio
Forsythe
Hansen
Johnson, Colo.
Michel
Moffett
Poage
Price
Railsback
Roe
Slack
Steers
Stokes
Teague
Waxman

The Clerk announced the following pairs:

Mr. Teague with Mr. Del Clawson
Mr. Dent with Mr. Hansen.
Mr. Moffett with Mr. Steers.
Mr. Waxman with Mr. Michel.
Mr. Flippo with Mr. Railsback.
Mr. Price with Mr. Breaux.
Mr. Florio with Mr. Slack.
Mr. Slack with Mr. Stokes.

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to revise and extend the summer food service program for children, to revise the nonfood assistance program, and for other purposes.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill H.R. 1139, just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Chirdon, one of his secretaries.

PERSONAL EXPLANATION

Mr. MIKVA. Mr. Speaker, I was testifying before the Food and Drug Administration when the vote occurred on the Goodling amendment to H.R. 1139. Had I been present, I would have voted "no."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6111, AMENDING JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. 95–353) on the resolution (H. Res. 581) providing for the consideration of H.R. 6111, amending the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 6884, INTERNATIONAL SECURITY ASSISTANCE ACT OF 1977

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 576 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 576

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6884) to amend the Foreign Assistance Act of 1961 to authorize international security assistance programs for fiscal year 1978, to amend the Arms Export Control Act to make certain changes in the authorities of that Act, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Florida (Mr. PEPPER) is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), and pending that I yield myself such time as I may consume.

Mr. Speaker, House Aesolution 576 provides for the consideration of H.R. 6884, International Security Assistance Act of 1977, which provides a total authorization of $3.2 billion for international security assistance programs, including $228.9 million for U.S. grant military assistance programs, $675.9 million for foreign military sales credits, and $2.2 billion for security supporting assistance. This is an open rule providing for 1 hour of debate to be divided in the customary manner.

The policy of phasing out grant military assistance by reducing the funding levels and limiting the number of recipient countries is continued in this legislation. The total authorization is $46.1 million below the administration request and $214.1 million above the fiscal year 1977 authorization.

A 30-calendar day period for congressional review and approval or disapproval of proposed transfers of defense equipment and services abroad to other countries is required prior to the granting of Presidential consent. This does not prevent, in fact the bill allows, transfers for the purpose of maintenance, repair, or overhauling and in fulfillment of cross-servicing among NATO members. Licensing of experts is permitted in connection with commercial sales of major defense equipment to Australia, Japan, and New Zealand on the same basis as NATO countries.

H.R. 6884 prevents funds appropriated under the Foreign Assistance Act from being used to finance nuclear powerplants under agreements for cooperation between the United States and other countries. It directs the President to conduct a comprehensive study on the policies and practices of the United States with respect to the national security and military implications of international transfers of technology. The legislation also contains a provision prohibiting assistance or sales for purposes of aiding repression. In addition, there is a provision expressing the sense of Congress that the President assure that the Republic of Korea cooperates with investigations of the Department of Justice and request that the President report to Congress on the extent of such cooperation each 90 days while such investigation is underway.

Mr. Speaker, since 1950 the United States has distributed over $100 billion of military equipment, defense services and security supporting assistance. The 94th Congress, for the first time, considered authorizations for foreign economic assistance and foreign military aid in separate legislation. Major revisions in the foreign assistance program were made, including those to phase out grant military assistance programs and bring all arms sales under closer public and congressional scrutiny, and to tie security assistance to respect for human rights. H.R. 6884 adheres to and extends the reforms enacted last year, and I urge my colleagues to adopt House Resolution 576 so that we may proceed to the consideration of H.R. 6884.

Mr. COHEN. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Maine.

Mr. COHEN. Mr. Speaker, I was interested in the gentleman's comments about requiring Korea to cooperate with the Justice Department concerning the investigation now being conducted.

Is there any suggestion made that the Republic of Korea sees to it that Mr. Tongsun Park is required under the terms of the laws of the United States to cooperate with Justice Department officials?

Mr. PEPPER. With respect to South Korea, I take the position that they give assistance and cooperation with the investigation of the Department of Justice and the Congress in respect to the matters I have just mentioned.

Mr. COHEN. Mr. Speaker, if the gentleman will yield further, would that include returning to this country those individuals who are fugitives or wanted for questioning.

Mr. PEPPER. The President must report to the Congress every 90 days with respect to that.

Mr. COHEN. I thank the gentleman.

Mr. LATTA. Mr. Speaker, as indicated by the gentleman from Florida (Mr. PEPPER) this rule provides 1 hour of general debate for consideration of H.R. 6884, the International Security Assistance Act of 1977. Under the rule, the bill will be open to all germane amendments. There are no waivers of points of order.

The principal purpose of this bill that the rule makes in order is to authorize appropriations of $3,202,850,000 for fiscal year 1978, for international security assistance programs. By way of comparison, when we are attempting to cut the budget, the amount appropriated for these same purposes last year was $2,846,250,000. Very hastily, taking my pencil in hand, this indicates an increase for fiscal year 1978 of $356,600,000.

I might say that I have great respect and high regard for my good friend, the chairman of the International Relations Committee, the gentleman from Wisconsin (Mr. ZABLOCKI), and I would like very much to support this rule and to support this bill. But, in view of the fact that we have such a tremendous increase, and having never supported such a bill in the past, I do not believe I shall begin now. So, I not only oppose the rule, but I oppose the bill.

Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Speaker, I take this time to call the attention of the House to one particular provision in this legislation which is not only historic, but totally extraordinary in its import. I know that all of us are busy these days, and we do not have much time to look over legislation. Bills are zipping through here with great speed, but I would like the attention of the Members who do not serve on this committee, and of those who do serve on the committee but who do not read the bills.

Language on pages 9 through 11 establish, by earmarking $100 million of the funds appropriated in the foreign aid bill, a southern African special requirements fund. You have to read it to believe it.

I think this bears our close scrutiny, because so far as I know, it is the first time, aside from humanitarian aid for disasters or food for peace programs, that the Congress has ever been asked to give direct foreign economic aid to Communist countries. That is exactly what this provision of the bill does, at the very least in the case of Angola and Mozambique, both of which would benefit from this special fund. They are Communist dominated. One of these countries has recently, apparently, entered into an agreement with President Podgorny of the Soviet Union, who visited Mozambique, which will provide Soviet arms and aid to the country's dictator, Samora Machel.

Most of the countries that would benefit from this special fund, financed by American taxpayers, are now engaged in guerrilla warfare, murdering and pillaging in other countries. In a perverse sort of way, the language in this bill rewards that killing and guerrilla warfare by making the damaged and death caused by that warfare the object of the taxpayers' money we are going to give away. The bill provides for our taxpayers back home to finance public works improvements, education, all sorts of transportation systems, when we do not even have a mass transportation program in President Carter's energy proposals. Yet, we are going to be building such public works in southern Africa under this special fund. All of this, I suggest to the Members, will do nothing more than to subsidize Communist controlled countries and far leftist countries in southern Africa who are not interested in democracy, who are not democracies themselves, and who could care less about the human rights of the people over which their dictatorships rule. In addition, most of these nations have permitted Fidel Castro's agents and troops to enter their borders and train the guerrilla troops who are killing blacks and whites indiscriminately. Is this what Americans pay taxes to finance? It is if this section stays in the bill.

I am at a loss to understand why the majority of the committee would report out language such as this.

I understand an effort will be made by the gentleman from Illinois (Mr. CRANE) to exclude certain named countries amongst those which I mentioned. There may be a specific effort to strike the entire section. That should be done. But I would suggest that the liberal mentality in its full flower is evidenced in this section of the bill. The familiar contradiction in that liberal mentality is to be found when we compare the provisions I have just mentioned with the additional provisions on pages 19 and 20 dealing with the U.S. policy toward Zaire. Now Zaire is no democracy, but it is friendly to the United States rather than the Soviets. But the bill contains a prohibition against aid to a country that is friendly to us, a country which is not necessarily dominated by Marxists or Communists, but which is under present attack by guerrillas from the nations which would benefit from the fund the bill creates.

The committee shows great concern against any military aid which might be used to fight Communist guerrillas in Zaire; elsewhere it sees no evil in aiding Communist countries. This is clearly madness.

So this bill is replete with such contradictions, and I would hope that the Members would not overlook the rather detailed explanation which I think most of their constituents will require as to why you might support direct aid to Communist countries.

I think we can solve the problems of Rhodesia and South Africa without the United States getting into bed with the Soviet Union and without the American taxpayers supporting Communist governments and financing guerrilla warfare.

Mr. Speaker, I would hope when the time comes that we can strike this section out of the bill.

Mr. PEPPER. Mr. Speaker, I will say only that this language, on page 9 of the bill, says:

> Of the funds authorized to be appropriated by section 532 for the fiscal year 1978, $100,000,000 shall be available only for the majority ruled countries of southern Africa . . .

In addition to that, it is an open rule, so anyone can offer any amendment he or she desires to offer.

Furthermore, I think the administration can be counted upon—although this is a fluid, changing situation in South Africa—not to give any money to the Communist-dominated areas and to try to progress democracy in the interest of our country.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. The gentleman has offered the quotation from the section which I mentioned, which says that the money will only go to majority-ruled countries. I found that an interesting phrase, too. I looked in vain in the report or further in the bill for any definition of what the phrase "majority-ruled countries" means. If it means that the country is headed by a dictator who is of the same race as the majority of the people in the country whom he oppresses, all of these countries would qualify. If it means the majority of the people have a democratic right to vote for the leaders of their countries, none of them would qualify.

What does it mean?

Mr. PEPPER. Mr. Speaker, I think the executive branch of the Government would be glad to have the advice that the able gentleman from Maryland has given, or any further advice which he will probably give.

Mr. BAUMAN. And, to borrow a phrase, "You can believe that."

Mr. PEPPER. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. YATES). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LATTA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 359, nays 48, not voting 25, as follows:

[Roll No. 259]

YEAS—359

Abdnor
Addabbo
Akaka
Alexander
Ambro
Ammerman
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Applegate
Archer
Armstrong
Ashley
Aspin
AuCoin
Badillo
Baldus
Baucus
Beard, R.I.
Bedell
Benjamin
Bennett
Bevill
Biaggi
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonior
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Caputo
Carney
Carr
Carter
Cavanaugh
Cederberg
Chappell
Chisholm
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Coleman
Collins, Ill.
Conable
Conte
Conyers
Corcoran
Corman
Cornell
Cornwell
Cotter
Coughlin
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
de la Garza
Delaney
Dellums
Derwinski
Dicks
Diggs
Dingell
Dodd
Downey
Drinan
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Eilberg
Emery
English
Erlenborn
Ertel
Evans, Colo.
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fenwick
Findley
Fish
Fisher
Fithian
Flood
Flowers
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Fraser
Frenzel
Frey
Fuqua
Gammage
Gaydos
Gephardt
Glickman
Goldwater
Goodling
Gore
Gradison
Grassley
Gudger
Guyer
Hagedorn
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Harkin
Harrington
Harris
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Holland
Hollenbeck
Holtzman
Horton
Howard
Hubbard
Huckaby
Hughes
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jordan
Kasten
Kazen
Kelly
Kemp
Ketchum
Keys
Kildee
Kindness
Koch
Kostmayer
Krebs
Krueger
LaFalce
Lagomarsino
Le Fante
Lederer
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Long, La.
Long, Md.
Lott
Lujan
Luken
Lundine
McClory
McCloskey
McCormack
McDade
McEwen
McFall
McHugh
McKay
McKinney
Madigan
Maguire
Mahon
Mann
Markey
Marks
Marlenee
Martin
Mathis
Mazzoli
Meeds
Metcalfe
Meyner
Mikulski
Mikva
Milford
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Gary
Myers, Michael
Myers, Ind.
Natcher
Neal
Nedzi
Nichols
Nix
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pattison
Pease
Pepper
Perkins
Pettis
Pickle
Pike
Pressler
Preyer
Pritchard
Pursell
Quayle
Quie
Rahall
Rangel
Regula
Reuss
Rhodes
Richmond
Rinaldo
Robinson
Rodino
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roybal
Ruppe
Russo
Ryan
Santini
Sarasin
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shuster
Sikes
Simon
Sisk
Skelton
Skubitz
Smith, Iowa
Smith, Nebr.
Solarz
Spellman
Spence
St Germain
Staggers
Stangeland
Stanton
Stark
Steed
Steiger
Stockman
Stratton
Studds
Thompson
Thone
Thornton
Traxler
Treen
Trible
Tsongas
Tucker
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Walsh
Wampler
Weaver
Weiss
Whalen
White
Whitehurst
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Young, Tex.
Zablocki
Zeferetti

NAYS—48

Allen
Ashbrook
Badham
Bafalis
Barnard
Bauman
Beard, Tenn.
Brinkley
Burgener
Collins, Tex.
Crane
Davis
Derrick
Devine
Dickinson
Dornan
Duncan, Tenn.
Flynt
Ginn
Gonzalez
Harsha
Holt
Ichord
Jenrette
Jones, Tenn.
Kastenmeier
Latta
Lloyd, Tenn.
McDonald
Marriott
Mattox
Murphy, Pa.
Quillen
Risenhoover
Roberts
Rousselot
Rudd
Runnels
Satterfield
Snyder
Stump
Symms
Taylor
Waggonner
Watkins
Whitley
Whitten
Wylie

NOT VOTING—25

Beilenson
Clawson, Del
Dent
Fascell
Flippo
Florio
Forsythe
Giaimo
Gibbons
Gilman
Hansen
Leach
Michel
Moffett
Nolan
O'Brien
Poage
Price
Railsback
Roe
Slack
Steers
Stokes
Teague
Waxman

The Clerk announced the following pairs:

Mr. Dent with Mr. Teague.
Mr. Florio with Mr. Del Clawson.
Mr. Waxman with Mr. Hansen.
Mr. Moffett with Mr. Steers.
Mr. Flippo with Mr. Michel.
Mr. Slack with Mr. Railsback.
Mr. Stokes with Mr. Gilman.
Mr. Nolan with Mr. Gibbons.
Mr. Fascell with Mr. Price.
Mr. Roe with Mr. O'Brien.
Mr. Giaimo with Mr. Beilenson.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 10, FEDERAL EMPLOYEES' POLITICAL ACTIVITIES ACT OF 1977

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 575 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 575

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10) to restore to Federal civilian and Postal Service employees their rights to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Post Office and Civil Service now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Missouri (Mr. BOLLING).

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Mississippi (Mr. LOTT), and I yield myself such time as I may consume.

Mr. Speaker, those who listened to the reading of the rule will know that it is an uncomplicated open rule with 2 hours of general debate, providing that the committee amendment be considered as an original bill, and providing that a motion to recommit can be with or without instructions. There was no particular controversy over the rule before the Committee on Rules. I understand there is a great deal of controversy on the matter that will be brought up by the rule. I, therefore, reserve the remainder of my time.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

First of all, Mr. Speaker, I should like to outline just briefly what has been going on here for the past hour. An hour ago it was not clear whether we were going to take up one rule or two rules together. It was finally decided we would take both rules, with some objections to that. Then it has not been clear whether we are going to take up the International Security Assistance Act and then the Hatch Act, or neither or both, and now we have taken up the two rules, and we apparently are going to take up the Hatch Act bill right after this rule, and the international security assistance bill will go off until next week.

Mr. Speaker, I should like to ask the leadership the question if they could tell us what is the floor schedule. I doubt if some of the Members on the floor right now know what the agenda is for the afternoon. Does the gentleman from Missouri know what will be the order of business from this point on?

Mr. BOLLING. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Missouri.

Mr. BOLLING. I thank the gentleman for yielding.

As far as the gentleman from Missouri knows, the gentleman from Mississippi has described the situation accurately both before and now.

Mr. LOTT. We are going to take up the Hatch Act bill after this rule?

Mr. BOLLING. That is my understanding.

Mr. LOTT. I just want to say that the order of the schedule before the House this year has been unusually good, but I say this is a heck of a way to run a ship, and I think the Members are entitled to know a little about what the schedule is going to be on legislation of this importance.

Since the gentleman did not go into any detail on the bill, I think I am going to have to make some comments about the problems with this bill and why the rule should be defeated in view of the problems with the bill.

It is true that this resolution provides for the consideration of H.R. 10 under a 2-hour open rule. The committee substitute now printed in the bill is made in order as an original bill for the purpose of amendment. It provdes for one motion to recommit with or without instructions.

The legislation which is before us under this proposed rule is designed to permit partisan political activity by Federal Civil Service and Postal Service employees by repealing certain provisions of the Hatch Act. The bill allows Federal employees to engage in the following partisan political conduct—and I want to read these, because I think they are scary when we thing about what the employees will be able to do:

First. Become a candidate for an elective public office.

Second. Take an active part in managing the political campaign of a candidate for public office or political party office.

Third. Solicit votes in support of or in opposition to a candidate for public office or political party office.

Fourth. Organize, sell tickets to, promote, or participate in a fundraising activity of a candidate, political party, or political club.

Fifth. Organize a political party or club.

Sixth. Solicit, handle, and disburse contributions or other funds for a purely political purpose.

There are a number of reasons why I oppose this legislation and which cause me to oppose the rule, not the least of which is the absolute necessity to expect from our civil servants decisions which are not politically motivated. This bill provides no real safeguards against political coercion and improper use of authority among Government workers. Great opportunities for abuse exist in that the huge contingent of civil and criminal investigators, inspectors, auditors, and contract officers in the Federal Government will be exposed to and influenced by partisan political pressure should this measure be enacted.

Further evidence of the fallacy of this bill is that it does not include language specifically to allow Federal Government employees to refrain from political activity. That is a very simple amendment that was offered in the subcommittee and in the full committee. All it says is that these people will have a right to participate in or to refrain from participating in the political process or political activity. It is just one more little step to say affirmatively that these civil servants cannot be coerced into participating in such activity and say: "No thank you, I will refrain from it." The committee refused to put those simple words in there.

I believe this points out very clearly the singular purpose of those interested in repealing the Hatch Act.

It is dangerous to rely heavily on polls, but I want to mention one such survey taken in 1976 among Government workers by Decision-Making Information of Santa Ana, Calif. The results of this nationwide poll were that 73 percent of the Federal employees in this country favor leaving the Hatch Act as it presently exists. That means something, because these are the people who would be affected by the Hatch Act.

Another important consideration is that the administration sought a much broader definition of those employees occupying positions which should be restricted from political activities. President Carter in his March 22 message stated:

> There should be exceptions for those employees who must retain both the appearance and the substance of impartiality.

The bill H.R. 10 does not allow for the retention of both the appearance and the substance of impartiality when it does not include investigators, inspectors, and auditors in the definition of "restricted positions."

The restricted positions definition in this bill is not adequate. It does not go far enough. When we took it up in the committee there was a divided vote, and certainly not on party lines.

Mr. Speaker, I strongly urge defeat of this rule and the legislation. I ask my colleagues to consider the consequences of a politicized civil service which could improperly interfere with the rights of private citizens in this country.

Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. DERWINSKI), the ranking member of the Committee on Post Office and Civil Service.

(Mr. DERWINSKI asked and was given permission to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Speaker, the Hatch Act as we now know it was passed in 1940, almost 38 years ago. The only Members of the House who were serving then and are still in our body are two great Texans, the gentleman from Texas (Mr. POAGE) and the gentleman from Texas (Mr. MAHON). Interestingly enough, both as rather young Congressmen voted for the Hatch Act, which is a tribute to the early wisdom they displayed in this body.

I would like for a moment to go back in the history of political limitation on the activities of Federal employees. The propaganda behind this bill is that Federal employees are second-class citizens and that they have suffered under the yolk of the Hatch Act. Nothing could be further removed from the truth. The facts of life are the Federal employees enjoy the protection of the Hatch Act.

We have had a few preprinted postcards come in our doors the last few days. We have had some official letters from heads of labor organizations, but we have not had any spontaneous spirit shown by the rank and file Federal employees in repealing this act.

Mr. Speaker, let me go back into history. In 1801 President Jefferson issued a circular emphasizing the principle of political neutrality for Federal employees, and I quote from Mr. Jefferson:

> The President of the United States has seen with dissatisfaction officers of the general government taking on various occasions active parts in the elections of public functionaries, whether of the general or state governments . . . The right of any officer to give his vote at elections as a qualified citizen is not meant to be restrained, nor, however given, shall it have any effect to his prejudice; but it is expected that he will not attempt to influence the votes of others, nor take any part in the business of electioneering, that being deemed inconsistent with the spirit of the Constitution and his duties to it.

After that period of time in which Jefferson tried to stem what actually became the spoils systems, we know from our study of political history that the spoils system became so bad that in 1873 President Grant took the first steps to impose practical restrictions on political abuse by Federal employees. Despite the efforts of President Grant and President Arthur and eventually President Theodore Roosevelt, who in his early career was on the Civil Service Commission, we find this issue of political activity of employees was a constant irritation.

It reached its climax in the late 1930's with the WPA. At that time the WPA officials and their employees were accused of misuse of individuals and misuse of work relief funds for political activities. This is what brought about the passage of the Hatch Act. There was an investigative committee of Congress which found that there was extensive misuse of Federal relief funds in the 1938 election campaign. This investigation uncovered major examples of political coercion in over 10 States. It was the work of that Commission, the Sheppard Commission, that brought about in early 1940, the passage of the Hatch Act.

Now, the Hatch Act has withstood the test of time. It has withstood three serious court challenges.

Frankly, when we stop to think of the situation that we have before us, where there is not any grassroots support for this bill, when there is not any real interest of public employees in the alleged freedom they might have under the passage of this bill, when we stop to think that the public respects our Federal civil servants because they are above politics, they do not misuse their positions.

Mr. Speaker, with the passage of this bill, the opportunity for coercion and pressure will be tremendous. I would think that in view of the lack of public support for this bill that we look at the slogan on my button, which reads:

Beat H.R. 10 now.

I hope that becomes the battle cry this afternoon.

This is a bad bill, not in the public interest, not in the interests of the Federal employees, not in the interest of effective operations of the Federal Government. Mr. Speaker, I will have more to say on this subject later.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER pro tempore (Mr. DOWNEY). The time of the gentleman from Illinois has expired.

Mr. LOTT. Mr. Speaker, I yield 4 additional minutes to the gentleman from Illinois.

Mr. DERWINSKI. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, this is a question which perhaps could be addressed to the gentleman during the course of general debate, but it stands out in my mind at this moment and I am going to ask the question now.

I listened carefully to the gentleman from Mississippi a few minutes ago when he enumerated in his statement the categories of partisan political conduct that would now become permissible if this legislation is adopted. It would be permissible on the part of Federal employees, as one of the things the gentleman mentioned, the organizing, selling of tickets to, promoting or participating in a fundraising activity of a candidate, political party or political club.

I would like to put a hypothetical question to the gentleman from Illinois. Let us suppose the Federal employee in question is an OSHA inspector, or he could be an employee engaged in Federal employment and on the payroll of any one of a number of Federal regulatory agencies that have the power to issue a citation or to fine an offending employer or individual who has violated a Federal statute or regulation. Now, let us suppose that the Federal employee in question solicits a small businessman whose factory has been or is about to be inspected under one of these Federal regulatory statutes. Would that kind of political activity on the part of that Federal employee be permissible under this legislation, even though he has the power to levy a fine or to issue a citation against the person whom he is soliciting for a contribution, or trying to sell a ticket to, because it seems to me that there cannot be any question in anyone's mind that the degree of pressure is not even very subtle.

It is not difficult for anyone to see that it is not very subtle at all, the pressure that could be applied in that case against the person who is being solicited to make the contribution or to buy the ticket.

Mr. DERWINSKI. I believe the gentleman is correct, because the bill before us does not cover the so-called sensitive employees. A similar bill before us a year ago had precise restrictions, and defined sensitive employees, which would be FBI agents, Internal Revenue agents, OSHA inspectors, and others. The bill before us, H.R. 10, does not have that kind of restriction.

Furthermore, the issue is also one of, let us say, broad approach. The inspector could call one day in his capacity as an inspector, and call back the next day in his capacity as a ticket seller.

Mr. SOLARZ. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from New York.

Mr. SOLARZ. Mr. Speaker, I think the gentleman from Illinois has made a very cogent observation. I would simply point out to him that while the existing bill, as it is now before us, would in fact permit precisely the kind of solicitation to which the gentleman referred, I intend to offer an amendment to the bill which is, I think, acceptable to the ranking majority and minority Members who will be managing this legislation. It was adopted in subcommittee, but was inadvertently knocked out in the full committee. It would, in fact, prohibit Federal employees from soliciting contributions from any individual over whom the Federal agency for which they work has jurisdiction. So, to the extent that the gentleman has focused the attention of the House on what is, indeed, a very serious problem, the amendment I intend to offer, which I trust will be adopted, will remedy it.

The SPEAKER pro tempore. The time of the gentleman from Illinois has again expired.

Mr. LOTT. Mr. Speaker, I yield 1 additional minute to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Speaker, first I just wish to acknowledge that the gentleman from New York, who just spoke, is one of the rising young diplomats of the world, and I predict a great future for him in the field of diplomacy. But, the point he makes, the fact that he will offer an amendment to clean up this bill, brings us to the real issue here. Representing as I do an urban constituency, although I want all the Members to know that I have a small rural pocket in my district consisting of a dozen farmers—one of the old farmers told me one day, "Ed, just remember, you will never make a silk purse out of a sow's ear."

I do not care how many amendments are offered to this bill, it is a bad bill and deserves defeat.

Mr. LOTT. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Speaker, I take this occasion to discuss with my colleagues an opinion survey which was done by our colleague, the gentleman from Maryland (Mr. STEERS), who like the gentleman from Virginia (Mr. FISHER), has a very substantial number of Federal employees in his district. As a matter of fact, I am sure that the gentleman from Maryland (Mr. STEERS) probably has well in excess of 60,000 Federal employees in his district. Because he knew this bill would again come before the House of Representatives and because he took his responsibility very seriously, he asked all Federal employees in his district to respond to a survey of some size and detail on their wishes relating to the Hatch Act. I would like to review some of those comments made by Federal employees in the district of the gentleman from Maryland (Mr. STEERS). I will leave to the gentleman from Virginia (Mr. FISHER) to explain how the Federal employees residing in his district react. I felt Mr. STEER's survey was very convincing representing an area which has such a large number of Federal employees.

Mr. Speaker, last year I supported this legislation because I genuinely believed that some amendments were needed to the original Hatch Act. But since that time I too, have, been contacted by many Federal employees in my own district, and so I was very interested in the results of the survey conducted by the gentleman from Maryland (Mr. STEERS).

The first question the gentleman asked was: "Should Federal employees be allowed to retain their jobs if they run for partisan elective office at the Federal, State, or local level?"

The answer was that 31 percent thought yes, and 69 percent said no. An overwhelming majority of these were Federal employees.

I firmly believe that we should allow Federal employees to run for nonpartisan offices, school boards, city councils, that type of thing, and there should in no way be a prohibition to such activity in the legislation. But when I offered in committee an amendment to provide that, if a Federal employee ran for partisan public office that he or she should take 90 days off prior to the primaries, 90 days before the final election, my distinguished chairman of the subcommittee turned me down, whereas a year ago he accepted that amendment.

No. 2: "Should Federal employees be allowed to campaign actively for candidates for Federal, State, and partisan elective offices?"

The answer he received: "Yes," 47 percent. "No," 53 percent.

I did not understand that, but I was told later that the main advocates of this idea concerning elective office were the Federal unions, who would collect a lot of dues, and the thought was that the 90-day requirement should be eliminated. They just did not want it because many of the union leaders want to decide when people should run or not run for Federal office, and evidently they felt my amendment might be a hindrance.

The third question that my colleague asked was this: "Should Federal employees be allowed to campaign actively for candidates for State and local partisan elective office only?"

Only 45 percent answered yes, and 55 percent answered no.

Mr. Speaker, I will say to my colleagues that I believe Federal employees should have the right to campaign for local nonpartisan offices and run for those offices and participate in that way, but I think there is a crossing of the line when we ask the Federal taxpayers to finance Federal employees while they are running for a partisan public office. Candidates should not remain on the public payroll.

The SPEAKER pro tempore. The time of the gentleman from California (Mr. ROUSSELOT) has expired.

Mr. LOTT. Mr. Speaker, I yield 5 additional minutes to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Speaker, as I said, I think that crosses the line and puts an unfair burden on the Federal taxpayer. For that reason and others, I am disappointed with this bill, and I probably will offer some of these amendments on the floor during general debate.

We were in such a big hurry to get this legislation out of committee that actually we only took 1 day to report it. I know we had hearings, but in marking up the bill itself we were for some reason under time pressures and I do not know why. I felt that some of the issues that had been raised by my colleague, the gentleman from Maryland (Mr. STEERS), should be discussed thoroughly. The gentleman has in his district a substantial number of Federal employees, most of whom, as indicated by the results of the poll I earlier cited, feel the Hatch Act has an important role to play in protecting them from undue political pressure and duress.

I felt that we should take these points into consideration, and so I decided to utilize this time in our discussion on the rule to explain that we really did not have time to adequately consider these amendments in the committee. I felt that that was unfortunate, and I hope that there will be no attempt, when we get to consideration of the bill on the floor, to try to cut off the debate on that subject.

Mr. SYMMS. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Speaker, I thank the gentleman for yielding, and I would like to associate myself with his remarks.

I would also like to tell the gentleman and the other Members of the House that in my State of Idaho we have 37 million acres of public land, land that is owned and managed by the Federal Government. The largest single employer in the First District of Idaho is the U.S. Forest Service, and the second largest one in the State of Idaho is the Department of the Interior, Bureau of Land Management and Bureau of Reclamation.

During the last 2 years I have had a good bit of association with those people concerning problems that we have on public land issues, and I have asked them about this matter. Everywhere I have gone, speaking to groups and individuals, with forest rangers and supervisory officers and employee's, they tell me to the person that I should be against these Hatch Act amendments.

Mr. ROUSSELOT. The gentleman means, of course, the Hatch Act amendments?

Mr. SYMMS. I am referring to the Hatch Act amendments.

These people want the protection they now have. I believe we should vote against the rule today. If we vote against this rule, we would cast a vote on behalf of all those employees of the USDA and of the Department of the Interior who oppose what the Congress is trying to do here today.

Mr. ROUSSELOT. Mr. Speaker, I appreciate the comments of my colleague, the gentleman from Idaho (Mr. SYMMS).

I must say that I found a very similar sentiment among the vast majority of Federal employees in my own district and also throughout southern California because they believe this Hatch Act was well conceived. Although they do favor some amendments to the original act, they believe this particular bill goes too far and is unnecessary. They also feel it could well lead to an undue amount of political coercion to participate in matters in which they do not feel they should be involved. That is especially true of people who work for the IRS and some of the regulatory agencies. They just do not feel they should be politically unprotected or encouraged to be overly involved in partisan political activities.

Therefore, I am going to vote against the rule, although I normally support open rules, because I do not think the committee has given adequate, fair, and total consideration to this bill. I think the discussion was hurried, and that in my opinion was unfortunate.

Mr. Speaker, I would encourage my colleagues to vote down the rule and urge the committee to take this bill up again so that we can appropriately amend the Hatch Act rather than endorsing the kind of a "rush act" to which we have been subjected.

Mr. LOTT. Mr. Speaker, I have no further requests for time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. DOWNEY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BOLLING. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 348, nays 60, not voting 24, as follows:

[Roll No. 260]

YEAS—348

Addabbo
Akaka
Alexander
Allen
Ambro
Ammerman
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Applegate
Armstrong
Ashley
Aspin
AuCoin
Badillo
Baldus
Barnard
Baucus
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bevill
Biaggi
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Caputo
Carney
Carr
Cavanaugh
Chappell
Chisholm
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Conte
Conyers
Corcoran
Corman
Cornell
Cornwell
Cotter
Coughlin
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Davis
de la Garza
Delaney
Dellums
Derrick
Derwinski
Dicks
Diggs
Dingell
Dodd
Downey
Drinan
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
Emery
English
Ertel
Evans, Colo.
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flood
Flowers
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Fraser
Frenzel
Frey
Fuqua
Gammage
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Ginn
Glickman
Gonzalez
Gore
Grassley
Gudger
Hagedorn
Hall
Hamilton
Hanley
Hannaford
Harkin
Harrington
Harris
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Holland
Hollenbeck
Holtzman
Horton
Howard
Hubbard
Huckaby
Hughes
Ichord
Ireland
Jacobs
Jeffords
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Keys
Kildee
Koch
Kostmayer
Krebs
Krueger
LaFalce
Le Fante
Leach
Lederer
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Luken
Lundine
McCloskey
McCormack
McDade
McEwen
McFall
McHugh
McKay
McKinney
Madigan
Maguire
Mahon
Mann
Markey
Marks
Marlenee
Mathis
Mattox
Mazzoli
Meeds
Metcalfe
Meyner
Mikulski
Mikva
Milford
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Mollohan
Moore
Moorhead, Pa.
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Gary
Myers, Michael
Myers, Ind.
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pattison
Pease
Pepper
Perkins
Pettis
Pickle
Pike
Pressler
Preyer
Pritchard
Quie
Rahall
Rangel
Regula
Reuss
Richmond
Rinaldo
Risenhoover
Roberts
Rodino
Rogers
Rooney
Rose
Rosenthal
Rostenkowski
Roybal
Runnels
Ruppe
Russo
Ryan
Santini
Sarasin
Sawyer
Scheuer
Schroeder
Schulze
Seiberling
Sharp
Shipley
Sikes
Simon
Sisk
Skelton
Skubitz
Smith, Iowa
Smith, Nebr.
Solarz
Spellman
Spence
St Germain
Staggers
Stangeland
Stanton
Stark
Steed
Stockman
Stratton
Studds
Stump
Thompson
Thornton
Traxler
Treen
Trible
Tsongas
Tucker
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Waggonner
Walgren
Walsh
Wampler
Watkins
Weaver
Weiss

Whalen
White
Whitehurst
Whitley
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Yates
Yatron
Young, Fla.
Young, Mo.
Young, Tex.
Zablocki
Zeferetti

NAYS—60

Abdnor
Archer
Ashbrook
Badham
Bafalis
Bauman
Broomfield
Brown, Mich.
Burke, Fla.
Burleson, Tex.
Carter
Cederberg
Coleman
Collins, Tex.
Conable
Crane
Devine
Dickinson
Dornan
Duncan, Tenn.
Edwards, Okla.
Erlenborn
Flynt
Goldwater
Gradison
Guyer
Hammerschmidt
Harsha
Holt
Hyde
Ketchum
Kindness
Lagomarsino
Latta
Lott
Lujan
McClory
McDonald
Marriott
Martin
Montgomery
Moorhead, Calif.
Quayle
Quillen
Rhodes
Robinson
Rousselot
Rudd
Satterfield
Sebelius
Shuster
Snyder
Steiger
Symms
Taylor
Thone
Walker
Whitten
Wilson, Bob
Wylie

NOT VOTING—24

Bonior
Clawson, Del
Dent
Flippo
Florio
Forsythe
Goodling
Hansen
Michel
Moakley
Moffett
Poage
Price
Pursell
Railsback
Roe
Roncalio
Slack
Steers
Stokes
Teague
Waxman
Wiggins
Young, Alaska

The Clerk announced the following pairs:

On this vote:

Mr. Railsback for, with Mr. Del Clawson against.

Mr. Steers for, with Mr. Hansen against.

Mr. Dent for, with Mr. Michel against.

Mr. Moakley for, with Mr. Teague against.

Until further notice:

Mr. Florio with Mr. Goodling.

Mr. Price with Mr. Purcell.

Mr. Roe with Mr. Wiggins.

Mr. Flippo with Mr. Young of Alaska.

Mr. Stokes with Mr. Slack.

Mr. Roncalio with Mr. Bonior.

Mr. CARR and Mr. SKUBITZ changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 5840, EXPORT ADMINISTRATION AMENDMENTS OF 1977

Mr. ZABLOCKI submitted the following conference report and statement on the bill H.R. 5840 to amend the Export Administration Act of 1969 in order to extend the authorities of that act and improve the administration of export controls under that act, and to strengthen the antiboycott provisions of that act:

CONFERENCE REPORT (H. REPT. NO. 95-354)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5840) to amend the Export Administration Act of 1969 in order to extend the authorities of that Act and improve the administration of export controls under that Act, and to strengthen the antiboycott provisions of that Act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Export Administration Amendments of 1977".

TITLE I—EXPORT ADMINISTRATION IMPROVEMENTS AND EXTENSION

EXTENSION OF EXPORT ADMINISTRATION ACT

SEC. 101. Section 14 of the Export Administration Act of 1969 is amended by striking out "September 30, 1976" and inserting in lieu thereof "September 30, 1979".

AUTHORIZATION OF APPROPRIATIONS

SEC. 102. The Export Administration Act of 1969 is amended by inserting after section 12 the following new section 13 and redesignating existing sections 13 and 14 as sections 14 and 15, respectively.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 13. (a) Notwithstanding any other provision of law, no appropriation shall be made under any law to the Department of Commerce for expenses to carry out the purposes of this Act for any fiscal year commencing on or after October 1, 1977, unless previously and specifically authorized by legislation.

"(b) There is hereby authorized to be appropriated to the Department of Commerce $14,033,000 (and such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs) for fiscal years 1978 and 1979 to carry out the purposes of this Act.".

CONTROL OF EXPORTS FOR NATIONAL SECURITY PURPOSES; FOREIGN AVAILABILITY

SEC. 103. (a) Section 4(b) of the Export Administration Act of 1969 is amended—

(1) by striking out the third sentence of paragraph (1);

(2) by striking out paragraphs (2) through (4) and;

(3) by inserting the following new paragraph (2) immediately after paragraph (1):

"(2)(A) In administering export controls for national security purposes as prescribed in section 3(2)(C) of this Act, United States policy toward individual countries shall not be determined exclusively on the basis of a country's Communist or non-Communist status but shall take into account such factors as the country's present and potential relationship to the United States, its present and potential relationship to countries friendly or hostile to the United States, its ability and willingness to control retransfers of United States exports in accordance with United States policy, and such other factors as the President may deem appropriate. The President shall periodically review United States policy toward individual countries to determine whether such policy is appropriate in light of the factors specified in the preceding sentence. The results of such review, together with the justification for United States policy in light of such factors, shall be reported to Congress not later than December 31, 1978, in the semiannual report of the Secretary of Commerce required by section 10 of this Act, and in every second such report thereafter.

"(B) Rules and regulations under this subsection may provide for denial of any request or application for authority to export articles, materials, or supplies, including technical data or any other information, from the United States, its territories and possessions, to any nation or combination of nations threatening the national security of the United States if the President determines that their export would prove detrimental to the national security of the United States. The President shall not impose export controls for national security purposes on the export from the United States of articles, materials, or supplies, including technical data or other information, which he determines are available without restriction from sources outside the United States in significant quantities and comparable in quality to those produced in the United States, unless the President determines that adequate evidence has been presented to him demonstrating that the absence of such controls would prove detrimental to the national security of the United States. The nature of such evidence shall be included in the semiannual report required by section 10 of this Act. Where, in accordance with this paragraph, export controls are imposed for national security purposes notwithstanding foreign availability, the President shall take steps to initiate negotiations with the governments of the appropriate foreign countries for the purpose of eliminating such availability.".

(b)(1) Section 4(h) of the Export Administration Act of 1969 is amended by striking out "controlled country" in the first sentence of paragraph (1) and in the second sentence of paragraph (2) and inserting in lieu thereof "country to which exports are restricted for national security purposes".

(2) Section 4(h)(2)(A) of such Act is amended by striking out "controlled" and inserting in lieu thereof "such".

(3) Section 4(h)(4) of such Act is amended—

(A) by inserting "and" at the end of subparagraph (A); and

(B) by striking out the semicolon at the end of subparagraph (B) thereof and all that follows the semicolon and inserting in lieu thereof a period.

(4) The amendments made by this subsection shall become effective upon the expiration of ninety days after the receipt by the Congress of the first report required by the amendment made by subsection (a)(3) of this section.

(c) Section 4(h) of such Act is amended—

(1) in paragraph (1)—

(A) in the first sentence by striking out "significantly increase the military capability of such country" and inserting in lieu thereof "make a significant contribution to the military potential of such country"; and

(B) in the second sentence by striking out "significantly increase the military capability of such country" and inserting in lieu thereof "make a significant contribution, which would prove detrimental to the national security of the United States, to the military potential of any such country"; and

(2) in paragraph (2)(A), by striking out "significantly increase the military capability of such country" and inserting in lieu thereof "make a significant contribution, which would prove detrimental to the national security of the United States, to the military potential of such country or any other country".

(d) Section 6(b) of such Act is amended by striking out "Communist-dominated nation" and inserting in lieu thereof "country to which exports are restricted for national security or foreign policy purposes".

MONITORING OF COMMODITIES IN POTENTIAL SHORT SUPPLY

SEC. 104. Section 4(c)(1) of the Export Administration Act of 1969 is amended by inserting after the first sentence thereof the following: "Such monitoring shall commence at a time adequate to insure that data will be available which is sufficient to permit achievement of the policies of this Act.".

EXEMPTION FOR CERTAIN AGRICULTURAL COMMODITIES FROM CERTAIN EXPORT LIMITATIONS

SEC. 105. Section 4(f) of the Export Administration Act of 1969 is amended—

(1) by redesignating such section as section 4(f)(1); and

(2) by adding at the end thereof the following new paragraph:

"(2) Upon approval of the Secretary of Commerce, in consultation with the Secretary of Agriculture, agricultural commodities purchased by or for use in a foreign country may remain in the United States for export at a later date free from any quantitative limitations on export which may be imposed pursuant to section 3(2)(A) of this Act subsequent to such approval. The Secretary of Commerce may not grant approval hereunder unless he receives adequate assurance and, in conjunction with the Secretary of Agriculture, finds that such commodities will eventually be exported, that neither the sale nor export thereof will result in an excessive drain of scarce materials and have a serious domestic inflationary impact, that storage of such commodities in the United States will not unduly limit the space available for storage of domestically owned commodities, and that the purpose of such storage is to establish a reserve of such commodities for later use, not including resale to or use by another country. The Secretary of Commerce is authorized to issue such rules and regulations as may be necessary to implement this paragraph.".

CONGRESSIONAL REVIEW OF EXPORT CONTROLS ON AGRICULTURAL COMMODITIES

Sec. 106. Section 4(f) of the Export Administration Act of 1969, as amended by section 105 of this Act, is further amended by adding at the end thereof the following new paragraph:

"(3) If the authority conferred by this section is exercised to prohibit or curtail the exportation of any agricultural commodity in order to effectuate the policies set forth in clause (A) or (B) of paragraph (2) of section 3 of this Act, the President shall immediately report such prohibition or curtailment to the Congress, setting forth the reasons therefor in detail. If the Congress, within 30 days after the date of its receipt of such report, adopts a concurrent resolution disapproving such prohibition or curtailment, then such prohibition or curtailment shall cease to be effective with the adoption of such resolution. In the computation of such 30-day period, there shall be excluded the days on which either House is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment of the Congress sine die.".

PERIOD FOR ACTION ON EXPORT LICENSE APPLICATIONS

Sec. 107. Section 4(g) of the Export Administration Act of 1969 is amended to read as follows:

"(g)(1) It is the intent of Congress that any export license application required under this Act shall be approved or disapproved within 90 days of its receipt. Upon the expiration of the 90-day period beginning on the date of its receipt, any export license application required under this Act which has not been approved or disapproved shall be deemed to be approved and the license shall be issued unless the Secretary of Commerce or other official exercising authority under this Act finds that additional time is required and notifies the applicant in writing of the specific circumstances requiring such additional time and the estimated date when the decision will be made.

"(2)(A) With respect to any export license application not finally approved or disapproved within 90 days of its receipt as provided in paragraph (1) of this subsection, the applicant shall, to the maximum extent consistent with the national security of the United States, be specifically informed in writing of questions raised and negative considerations or recommendations made by any agency or department of the Government with respect to such license application, and shall be accorded an opportunity to respond to such questions, considerations, or recommendations in writing prior to final approval or disapproval by the Secretary of Commerce or other official exercising authority under this Act. In making such final approval or disapproval, the Secretary of Commerce or other official exercising authority under this Act shall take fully into account the applicant's response.

"(B) Whenever the Secretary determines that it is necessary to refer an export license application to any interagency review process for approval, he shall first, if the applicant so requests, provide the applicant with an opportunity to review any documentation to be submitted to such process for the purpose of describing the export in question, in order to determine whether such documentation accurately describes the proposed export.

"(3) In any denial of an export license application, the applicant shall be informed in writing of the specific statutory basis for such denial.".

CERTAIN PETROLEUM EXPORTS

Sec. 108. Section 4 of the Export Administration Act of 1969 is amended by adding at the end thereof the following new subsection:

"(j) Petroleum products refined in United States Foreign-Trade Zones, or in the United States Territory of Guam, from foreign crude oil shall be excluded from any quantitative restrictions imposed pursuant to section 3(2)(A) of this Act, except that, if the Secretary of Commerce finds that a product is in short supply, the Secretary of Commerce may issue such rules and regulations as may be necessary to limit exports.".

EXPORT OF HORSES

Sec. 109. Section 4 of the Export Administration Act of 1969, as amended by section 108 of this Act, is further amended by adding at the end thereof the following new subsection:

"(k)(1) Notwithstanding any other provision of this Act, no horse may be exported by sea from the United States, its territories and possessions, unless such horse is part of a consignment of horses with respect to which a waiver has been granted under paragraph (2) of this subsection.

"(2) The Secretary of Commerce, in consultation with the Secretary of Agriculture, may issue rules and regulations providing for the granting of waivers permitting the export by sea of a specified consignment of horses, if the Secretary of Commerce, in consultation with the Secretary of Agriculture, determines that no horse in that consignment is being exported for purposes of slaughter.".

PROHIBITION OF CERTAIN PETROLEUM EXPORTS

Sec. 110. Section 4 of the Export Administration Act of 1969, as amended by sections 108 and 109 of this Act, is further amended by adding at the end thereof the following new subsection:

"(l)(1) Notwithstanding any other provision of this Act and notwithstanding subsection (u) of section 28 of the Mineral Leasing Act of 1920, no domestically produced crude oil transported by pipeline over rights-of-way granted pursuant to such section 28 (except any such crude oil which (A) is exchanged in similar quantity for convenience or increased efficiency of transportation with persons or the government of an adjacent foreign state, or (B) is temporarily exported for convenience or increased efficiency of transportation across parts of an adjacent foreign state and reenters the United States) may be exported from the United States, its territories and possessions, during the 2-year period beginning on the date of enactment of this subsection unless the requirements of paragraph (2) of this subsection are met.

"(2) Crude oil subject to the prohibition contained in paragraph (1) may be exported only if—

"(A) the President makes and publishes an express finding that exports of such crude oil—

"(i) will not diminish the total quantity or quality of petroleum available to the United States,

"(ii) will have a positive effect on consumer oil prices by decreasing the average crude oil acquisition costs of refiners,

"(iii) will be made only pursuant to contracts which may be terminated if the petroleum supplies of the United States are interrupted or seriously threatened,

"(iv) are in the national interest, and

"(v) are in accordance with the provisions of this Act; and

"(B) the President reports such finding to the Congress as an energy action (as defined in section 551 of the Energy Policy and Conservation Act).

The Congressional review provisions of such section 551 shall apply to an energy action reported in accordance with this paragraph, except that for purposes of this paragraph, any reference in such section to a period of 15 calendar days of continuous session of Congress shall be deemed to be a reference to a period of 60 calendar days of continuous session of Congress and the period specified in subsection (f)(4)(A) of such section for committee action on a resolution shall be deemed to be 40 calendar days.".

TECHNICAL ADVISORY COMMITTEES

Sec. 111. (a) Section 5(c)(1) of the Export Administration Act of 1969 is amended by striking out "two" in the last sentence thereof and inserting in lieu thereof "four".

(b) The second sentence of section 5(c)(2) of such Act is amended to read as follows: "Such committees, where they have expertise in such matters, shall be consulted with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to any articles, materials, and supplies, including technical data or other information, and (D) exports subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.".

(c) Section 5(c)(2) of such Act is further amended by striking out the third sentence and inserting in lieu thereof the following: "The Secretary shall include in each semiannual report required by section 10 of this Act an accounting of the consultation undertaken pursuant to this paragraph, the use made of the advice rendered by the technical advisory committees pursuant to this paragraph, and the contributions of the technical advisory committees to carrying out the policies of this Act.".

PENALTIES FOR VIOLATIONS

Sec. 112. (a) Section 6(a) of the Export Administration Act of 1969 is amended—

(1) in the first sentence, by striking out "$10,000" and inserting in lieu thereof "$25,000"; and

(2) in the second sentence, by striking out "$20,000" and inserting in lieu thereof "$50,000".

(b) Section 6(b) of such Act is amended by striking out "$20,000" and inserting in lieu thereof "$50,000".

(c) Section 6(c) of such Act is amended by striking out "$1,000" and inserting in lieu thereof "$10,000".

(d) Section 6(d) of such Act is amended by adding at the end thereof the following new sentence: "In addition, the payment of any penalty imposed under subsection (c) may be deferred or suspended in whole or in part for a period of time no longer than any probation period (which may exceed one year) that may be imposed upon such person. Such a deferral or suspension shall not operate as a bar to the collection of the penalty in the event that the conditions of the suspension, deferral, or probation are not fulfilled.".

AVAILABILITY OF INFORMATION TO CONGRESS

Sec. 113. (a) Section 7(c) of the Export Administration Act of 1969 is amended by adding at the end thereof the following new sentences: "Nothing in this Act shall be construed as authorizing the withholding of information from Congress, and any information obtained under this Act, including any report or license application required under section 4(b), shall be made available upon request to any committee or subcommittee of Congress of appropriate jurisdiction. No such committee or subcommittee shall disclose any information obtained under this Act which is submitted on a confidential basis unless the full committee determines that the withholding thereof is contrary to the national interest.".

(b) Section 4(c)(1) of such Act is amended by inserting immediately before the period at the end of the last sentence thereof "and in the last two sentences of section 7(c) of this Act".

SIMPLIFICATION OF EXPORT REGULATIONS AND LISTS

Sec. 114. Section 7 of the Export Administration Act of 1969 is amended by adding at the end thereof the following new subsection:

"(e) The Secretary of Commerce, in consultation with appropriate United States Government departments and agencies and with appropriate technical advisory committees established under section 5(c), shall review the rules and regulations issued under this Act and the lists of articles, materials, and supplies which are subject to export controls in order to determine how compliance with the provisions of this Act can be facilitated by simplifying such rules and regulations, by simplifying or clarifying such lists, or by any other means. Not later than one year after the enactment of this subsection, the Secretary of Commerce shall report to Congress on the actions taken on the basis of such review to simplify such rules and regulations. Such report may be included in the semiannual report required by section 10 of this Act.".

TERRORISM

Sec. 115. Section 3 of the Export Administration Act of 1969 is amended by adding at the end thereof the following new paragraph:

"(8) It is the policy of the United States to use export controls to encourage other countries to take immediate steps to prevent the use of their territory or resources to aid, encourage, or give sanctuary to those persons involved in directing, supporting, or participating in acts of international terrorism. To achieve this objective, the President shall make every reasonable effort to secure the removal or reduction of such assistance to international terrorists through international cooperation and agreement before resorting to the imposition of export controls.".

SEMIANNUAL REPORTS

Sec. 116. (a) Section 10 of the Export Administration Act of 1969 is amended by adding at the end thereof the following new subsection:

"(c) Each semiannual report shall include an accounting of—

"(1) any organizational and procedural changes instituted, any reviews undertaken, and any means used to keep the business sector of the Nation informed, pursuant to section 4(a) of this Act;

"(2) any changes in the exercise of the authorities of section 4(b) of this Act;

"(3) any delegations of authority under section 4(e) of this Act;

"(4) the disposition of export license applications pursuant to sections 4 (g) and (h) of this Act;

"(5) consultations undertaken with technical advisory committees pursuant to section 5(c) of this Act;

"(6) violations of the provisions of this Act and penalties imposed pursuant to section 6 of this Act; and

"(7) a description of actions taken by the President and the Secretary of Commerce to effect the policies set forth in section 3(5) of this Act.".

(b)(1) The section heading of such section 10 is amended by striking out "QUARTERLY".

(2) Subsection (b) of such section is amended—

(A) by striking out "quarterly" each time it appears; and

(B) by striking out "second" in the first sentence of paragraph (1).

SPECIAL REPORT ON MULTILATERAL EXPORT CONTROLS

Sec. 117. Not later than 12 months after the enactment of this section, the President shall submit to the Congress a special report on multilateral export controls in which the United States participates pursuant to the Export Administration Act of 1969 and pursuant to the Mutual Defense Assistance Control Act of 1951. The purpose of such special report shall be to assess the effectiveness of such multilateral export controls and to formulate specific proposals for increasing the effectiveness of such controls. That special report shall include—

(1) the current list of commodities controlled for export by agreement of the group known as the Coordinating Committee of the Consultative Group (hereafter in this section referred to as the "Committee") and an analysis of the process of reviewing such list and of the changes which result from such review;

(2) data on and analysis of requests for exceptions to such list;

(3) a description and an analysis of the process by which decisions are made by the Committee on whether or not to grant such requests;

(4) an analysis of the uniformity of interpretation and enforcement by the participating countries of the export controls agreed to by the Committee (including controls over the re-export of such commodities from countries not participating in the Committee), and information on each case where such participating countries have acted contrary to the United States interpretation of the policy of the Committee, including United States representations to such countries and the response of such countries;

(5) an analysis of the problem of exports of advanced technology by countries not participating in the Committee, including such exports by subsidiaries or affiliates of United States businesses in such countries;

(6) an analysis of the effectiveness of any procedures employed, in cases in which an exception for a listed commodity is granted by the Committee, to determine whether there has been compliance with any conditions on the use of the excepted commodity which were a basis for the exception; and

(7) detailed recommendations for improving, through formalization or other means, the effectiveness of multilateral export controls, including specific recommendations for the development of more precise criteria and procedures for collective export decisions and for the development of more detailed and formal enforcement mechanisms to assure more uniform interpretation of and compliance with such criteria, procedures, and decisions by all countries participating in such multilateral export controls.

REVIEW OF UNILATERAL AND MULTILATERAL EXPORT CONTROL LISTS

Sec. 118. The Secretary of Commerce, in cooperation with appropriate United States Government departments and agencies and the appropriate technical advisory committees established pursuant to the Export Administration Act of 1969, shall undertake an investigation to determine whether United States unilateral controls or multilateral controls in which the United States participates should be removed, modified, or added with respect to particular articles, materials, and supplies, including technical data and other information, in order to protect the national security of the United States. Such investigation shall take into account such factors as the availability of such articles, materials, and supplies from other nations and the degree to which the availability of the same from the United States or from any country with which the United States participates in multilateral controls would make a significant contribution to the military potential of any country threatening or potentially threatening the national security of the United States. The results of such investigation shall be reported to the Congress not later than December 31, 1978.

TECHNOLOGY EXPORT STUDY

Sec. 119. (a) The President, acting through the Secretary of Commerce, the Secretary of Labor, and the International Trade Commission, shall conduct a study of the domestic economic impact of exports from the United States of industrial technology whose export requires a license under the Export Administration Act of 1969. Such study shall include an evaluation of current exporting patterns on the international competitive position of the United States in advanced industrial technology fields and an evaluation of the present and future effect of these exports on domestic employment.

(b) The results of the study conducted pursuant to subsection (a) will be reported to the Congress within one year after the date of enactment of this Act.

REPORT ON TECHNICAL DATA TRANSFERS

Sec. 120. The Secretary of Commerce shall conduct a study of the transfer of technical data and other information to any country to which exports are restricted for national security purposes and the problem of the export, by publications or any other means of public dissemination, of technical data or other information from the United States, the export of which might prove detrimental to the national security or foreign policy of the United States. Not later than 12 months after the enactment of this section, the Secreary shall report to the Congress his assessment of the impact of the export of such technical data or other information by such means on the national security and foreign policy of the United States and his recommendations for monitoring such exports without impairing freedom of speech, freedom of press, or the freedom of scientific exchange. Such report may be included in the semiannual report required by section 10 of the Export Administration Act of 1969.

TITLE II—FOREIGN BOYCOTTS

PROHIBITION ON COMPLIANCE WITH FOREIGN BOYCOTTS

Sec. 201. (a) The Export Administration Act of 1969 is amended by redesignating section 4A as section 4B and by inserting after section 4 the following new section:

"FOREIGN BOYCOTTS

"Sec. 4A. (a)(1) For the purpose of implementing the policies set forth in section

3(5) (A) and (B), the President shall issue rules and regulations prohibiting any United States person, with respect to his activities in the interstate or foreign commerce of the United States, from taking or knowingly agreeing to take any of the following actions with intent to comply with, further, or support any boycott fostered or imposed by a foreign country against a country which is friendly to the United States and which is not itself the object of any form of boycott pursuant to United States law or regulation:

"(A) Refusing, or requiring any other person to refuse, to do business with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person, pursuant to an agreement with, a requirement of, or a request from or on behalf of the boycotting country. The mere absence of a business relationship with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person, does not indicate the existence of the intent required to establish a violation of rules and regulations issued to carry out this subparagraph.

"(B) Refusing, or requiring any other person to refuse, to employ or otherwise discriminating against any United States person on the basis of race, religion, sex, or national origin of that person or of any owner, officer, director, or employee of such person.

"(C) Furnishing information with respect to the race, religion, sex, or national origin of any United States person or of any owner, officer, director, or employee of such person.

"(D) Furnishing information about whether any person has, has had, or proposes to have any business relationship (including a relationship by way of sale, purchase, legal or commercial representation, shipping or other transport, insurance, investment, or supply) with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person which is known or believed to be restricted from having any business relationship with or in the boycotted country. Nothing in this paragraph shall prohibit the furnishing of normal business information in a commercial context as defined by the Secretary of Commerce.

"(E) Furnishing information about whether any person is a member of, has made contributions to, or is otherwise associated with or involved in the activities of any charitable or fraternal organization which supports the boycotted country.

"(F) Paying, honoring, confirming, or otherwise implementing a letter of credit which contains any condition or requirement compliance with which is prohibited by rules and regulations issued pursuant to this paragraph, and no United States person shall, as a result of the application of this paragraph, be obligated to pay or otherwise honor or implement such letter of credit.

"(2) Rules and regulations issued pursuant to paragraph (1) shall provide exceptions for—

"(A) complying or agreeing to comply with requirements (i) prohibiting the import of goods or services from the boycotted country or goods produced or services provided by any business concern organized under the laws of the boycotted country or by nationals or residents of the boycotted country, or (ii) prohibiting the shipment of goods to the boycotted country, on a carrier of the boycotted country, or by a route other than that prescribed by the boycotting country or the recipient of the shipment;

"(B) complying or agreeing to comply with import and shipping document requirements with respect to the country of origin, the name of the carrier and route of shipment, the name of the supplier of the shipment or the name of the provider of other services, except that no information knowingly furnished or conveyed in response to such requirements may be stated in negative, blacklisting, or similar exclusionary terms after the expiration of 1 year following the date of enactment of the Export Administration Amendments of 1977 other than with respect to carriers or route of shipment as may be permitted by such rules and regulations in order to comply with precautionary requirements protecting against war risks and confiscation;

"(C) complying or agreeing to comply in the normal course of business with the unilateral and specific selection by a boycotting country, or national or resident thereof, of carriers, insurers, suppliers of services to be performed within the boycotting country or specific goods which, in the normal course of business, are identifiable by source when imported into the boycotting country;

"(D) complying or agreeing to comply with export requirements of the boycotting country relating to shipments or transshipments of exports to the boycotted country, to any business concern of or organized under the laws of the boycotted country, or to any national or resident of the boycotted country;

"(E) compliance by an individual or agreement by an individual to comply with the immigration or passport requirements of any country with respect to such individual or any member of such individual's family or with requests for information regarding requirements of employment of such individual within the boycotting country; and

"(F) compliance by a United States person resident in a foreign country or agreement by such person to comply with the laws of that country with respect to his activities exclusively therein, and such rules and regulations may contain exceptions for such resident complying with the laws or regulations of that foreign country governing imports into such country of trademarked, trade-named, or similarly specifically identifiable products or components of products for his own use, including the performance of contractual services within that country, as may be defined by such rules and regulations.

"(3) Rules and regulations issued pursuant to paragraphs (2)(C) and (2)(F) shall not provide exceptions from paragraphs (1)(B) and (1)(C).

"(4) Nothing in this subsection may be construed to supersede or limit the operation of the antitrust or civil rights laws of the United States.

"(5) Rules and regulations pursuant to this subsection shall be issued not later than 90 days after the date of enactment of this section and shall be issued in final form and become effective not later than 120 days after they are first issued, except that (A) rules and regulations prohibiting negative certification may take effect not later than 1 year after the date of enactment of this section, and (B) a grace period shall be provided for the application of the rules and regulations issued pursuant to this subsection to actions taken pursuant to a written contract or other agreement entered into on or before May 16, 1977. Such grace period shall end on December 31, 1978, except that the Secretary of Commerce may extend the grace period for not to exceed 1 additional year in any case in which the Secretary finds that good faith efforts are being made to renegotiate the contract or agreement in order to eliminate the provisions which are inconsistent with the rules and regulations issued pursuant to paragraph (1).

"(6) This Act shall apply to any transaction or activity undertaken, by or through a United States or other person, with intent to evade the provisions of this Act as implemented by the rules and regulations issued pursuant to this subsection, and such rules and regulations shall expressly provide that the exceptions set forth in paragraph (2) shall not permit activities or agreements (expressed or implied by a course of conduct, including a pattern of responses) otherwise prohibited, which are not within the intent of such exceptions.

"(b)(1) In addition to the rules and regulations issued pursuant to subsection (a) of this section, rules and regulations issued under section 4(b) of this Act shall implement the policies set forth in section 3(5).

"(2) Such rules and regulations shall require that any United States person receiving a request for the furnishing of information, the entering into or implementing of agreements, or the taking of any other action referred to in section 3(5) shall report that fact to the Secretary of Commerce, together with such other information concerning such request as the Secretary may require for such action as he may deem appropriate for carrying out the policies of that section. Such person shall also report to the Secretary of Commerce whether he intends to comply and whether he has complied with such request. Any report filed pursuant to this paragraph after the date of enactment of this section shall be made available promptly for public inspection and copying, except that information regarding the quantity, description, and value of any articles, materials, and supplies, including technical data and other information, to which such report relates may be kept confidential if the Secretary determines that disclosure thereof would place the United States person involved at a competitive disadvantage. The Secretary of Commerce shall periodically transmit summaries of the information contained in such reports to the Secretary of State for such action as the Secretary of State, in consultation with the Secretary of Commerce, may deem appropriate for carrying out the policies set forth in section 3(5) of this Act.".

(b) Section 4(b)(1) of such Act is amended by striking out the next to the last sentence.

(c) Section 7(c) of such Act is amended by striking out "No" and inserting in lieu thereof "Except as otherwise provided by the third sentence of section 4A(b)(2) and by section 6(c)(2)(C) of this Act, no".

STATEMENT OF POLICY

Sec. 202. (a) Section 3(5)(A) of the Export Administration Act of 1969 is amended by inserting immediately after "United States" the following: "or against any United States person".

(b) Section 3(5)(B) of such Act is amended to read as follows: "(B) to encourage and, in specified cases, to require United States persons engaged in the export of articles, materials, supplies, or information to refuse to take actions, including furnishing information or entering into or implementing agreements, which have the effect of furthering or supporting the restrictive trade practices or boycotts fostered or imposed by any foreign country against a country friendly to the United States or against any United States person,".

ENFORCEMENT

Sec. 203. (a) Section 6(c) of the Export Administration Act of 1969 is amended—

(A) by redesignating such section as section 6(c)(1); and

(B) by adding at the end thereof the following new paragraph:

"(2)(A) The authority of this Act to suspend or revoke the authority of any United States person to export articles, materials, supplies, or technical data or other information, from the United States, its territories or possessions, may be used with respect to any violation of the rules and regulations issued pursuant to section 4A(a) of this Act.

"(B) Any administrative sanction (including any civil penalty or any suspension or revocation of authority to export) imposed under this Act for a violation of the rules and regulations issued pursuant to section 4A(a) of this Act may be imposed only after notice and opportunity for an agency hearing on the record in accordance with sections 554 through 557 of title 5, United States Code.

"(C) Any charging letter or other document initiating administrative proceedings for the imposition of sanctions for violations of the rules and regulations issued pursuant to section 4A(a) of this Act shall be made available for public inspection and copying.".

(b) Section 8 of such Act is amended by striking out "The" and inserting in lieu thereof "Except as provided in section 6(c)(2), the".

DEFINITIONS

Sec. 204. Section 11 of the Export Administration Act of 1969 is amended to read as follows:

"DEFINITIONS

"Sec. 11. As used in this Act—

"(1) the term 'person' includes the singular and the plural and any individual, partnership, corporation, or other form of association, including any government or agency thereof; and

"(2) the term 'United States person' means any United States resident or national (other than an individual resident outside the United States and employed by other than a United States person), any domestic concern (including any permanent domestic establishment of any foreign concern) and any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern which is controlled in fact by such domestic concern, as determined under regulations of the President.".

PREEMPTION

Sec. 205. The amendments made by this title and the rules and regulations issued pursuant thereto shall preempt any law, rule, or regulation of any of the several States or the District of Columbia, and any of the territories or possessions of the United States, or of any governmental subdivision thereof, which law, rule, or regulation pertains to participation in, compliance with, implementation of, or the furnishing of information regarding restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries.

And the Senate agree to the same.

That the Senate recede from its amendment to the title of the House bill.

Clement J. Zablocki,
Dante B. Fascell,
Benjamin S. Rosenthal,
Lee H. Hamilton,
Jonathan B. Bingham,
Leo J. Ryan,
Stephen Solarz,
Wm. Broomfield,
John Buchanan,
Charles W. Whalen, Jr.,
Managers on the Part of the House.

William Proxmire,
John Sparkman,
Harrison J. Williams,
Thomas J. McIntyre,
Alan Cranston,
Adlai Stevenson,
Edward W. Brooke,
John Tower,
Jake Garn,
H. John Heinz III,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5840) to amend the Export Administration Act of 1969 in order to extend the authorities of that Act and improve the administration of export controls under that Act, and to strengthen the antiboycott provisions of that Act, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE OF THE ACT

The House bill established the title of the Act as "An Act to amend the Export Administration Act of 1969 in order to extend the authorities of that Act and improve the administration of export controls under that Act, and to strengthen the antiboycott provisions of that Act".

The Senate amendment established the title of the Act as "An Act to amend and extend the Export Administration Act of 1969".

The conference committee agreed to the House title.

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FY 1978 AND FY 1979

The House bill authorized the appropriation of $14,033,000 (and such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs) for fiscal year 1978 and 1979 to carry out the purposes of the Export Administration Act.

The Senate amendment contained no such authorization and required that any such authorization be enacted after the enactment of this Act.

The conference committee adopted the House provision.

Report on review of export controls for national security purposes

The House bill required that the report on the review of export controls for national security purposes be submitted to Congress not later than December 31, 1978, as part of the semiannual report of the Secretary of Commerce now required by existing law.

The Senate required that such report be included in the second semiannual report of the Secretary of Commerce following enactment of this Act.

The conference committee accepted the date in the House bill.

Basis for recommendation by Secretary of Defense that an export be disapproved for national security purposes

The House bill amended section 4(h)(1) of the Export Administration Act to provide that it is the purpose of Section 4(h) to authorize the Secretary of Defense to recommend disapproval of an export license application whenever he determines that the export would make a contribution, detrimental to U.S. national security, to the military potential of the recipient country or any other country to which exports are restricted for national security purposes.

The Senate amendment amended Section 4(h)(1) to provide that it is the purpose of Section 4(h) to authorize disapproval if the export would make a contribution, detrimental to U.S. national security, to the military potential of the recipient country only.

The conference committee agreed to the House language.

Storage of agricultural exports in the United States

The House bill exempted from future export controls agricultural commodities stored in the U.S. upon a finding that the commodities will eventually be exported and that storage of such commodities in the U.S. will not unduly limit the space available for storage of domestically owned commodities. The House bill further provided that the Secretary of Commerce must grant or deny approval within 30 days after receiving an application for such an exemption and that, unless the Secretary acts within 30 days, approval shall be deemed to be granted and the applicant shall be notified that approval has been granted.

The Senate amendment required, in addition to the findings required by the House bill, findings that neither the sale nor export thereof will result in an excessive drain of scarce materials and have a serious domestic inflationary impact and that the purpose of such storage is to establish a reserve of such commodities for later use, not including resale to or use by another country. The Senate amendment contained no specific time for action by the Secretary.

The conference committee adopted the Senate provision and strongly urged the Secretary of Commerce to process such applications as expeditiously as possible.

Congressional review of export controls on agricultural commodities

(a) The House bill provided for Congressional review of export controls placed on agricultural commodities for foreign policy reasons.

The Senate amendment provided for Congressional review of export controls placed on agricultural commodities for foreign policy and for short supply reasons.

The conference committee adopted the Senate provision.

(b) The House bill provided that export controls will be effective for 30 days only unless Congress approves the controls by concurrent resolution. The 30-day period would be extended to 60 days if the controls are modified during the original 30-day period.

The Senate amendment provided that the export controls cease to be effective if the Congress adopts a concurrent resolution of disapproval within 30 legislative days after the controls are reported to the Congress.

The conference committee adopted the Senate provision.

Right of an applicant to be informed of issues raised in review of export license application

The House bill provided that if an application for an export license is not acted upon within 90 days, the applicant must be informed of "any substantial" questions raised and negative considerations or recommendations made in order that the applicant may respond.

The Senate amendment did not require that the questions, considerations, or recommendations be "substantial."

The conference committee agreed to the Senate provision.

Study of export of technical information

(a) The House bill required that the Secretary of Commerce conduct a study of the problem of the export, by agreements for scientific or technical cooperation or exchange entered into by any United States person (including any college, university, or other educational institution) and by publications or any other means of public dissemination, of technical data or other information from the United States, the export of which might prove detrimental to the national security or foreign policy of the United States.

The Senate amendment was similar but did not require a study of exports of information by agreements for scientific or technical cooperation; instead, it required a general study of transfers of technical data and other information to any country to which exports are restricted for national security purposes.

The conference committee adopted the Senate provision.

(b) The House bill required that the results of this study are to be reported to Congress within 12 months of enactment of this Act.

The Senate amendment required that the results are to be reported within 6 months of enactment.

The conference committee adopted the House time period.

Exclusion of certain petroleum products from export limitations

The House bill provided that petroleum products refined in U.S. Foreign-Trade Zones or in Guam shall be excluded from any quantitative limitations imposed for short supply purposes unless the Secretary of Commerce limits such exports for short supply purposes.

The Senate amendment contained no comparable provision.

The conference committee adopted the House provision.

Export of Alaskan oil

The House bill prohibited the exportation of domestically produced crude oil transported by pipeline over rights-of-way granted pursuant to section 28, except (1) for oil that is exchanged in similar quantity for convenience or increased efficiency of transportation with persons or the government of an adjacent foreign state or (2) for oil that is temporarily exported for convenience or increased efficiency of transportation across parts of an adjacent foreign state and reenters the United States. This prohibition would be in effect for two years after the date of enactment.

The Senate amendment contained no comparable provision.

The conference comittee agreed to a substitute which is similar in nature to the House provision and which substantially strengthens existing law. The substitute prohibits the export of oil transported by pipeline over a right of way granted pursuant to section 28 of the Mineral Leasing Act of 1920 except (1) for exchanges of crude oil in similar quantity for convenience or increased efficiency of transportation with persons or the government of an adjacent foreign state, or for oil that is temporarily exported for convenience or increased efficiency of transportation across parts of an adjacent foreign state and reenters the United States, or (2) where the President makes and publishes an express finding that the export of such oil will not diminish the total quantity or quality of petroleum available to the United States, that such export will have a positive effect on consumer oil prices by decreasing the average of refiners' crude oil acquisition costs as a result of allowing such exports, and that such export is in the national interest and is in accord with the provisions of the Export Administration Act of 1969. The President must submit such findings to the Congress, and the export may not take place until the expiration of a sixty legislative day period during which either House of Congress may veto the proposed export by the passage of a resolution of disapproval. Any such resolution shall be considered under expedited procedures. The substitute further requires that any contract for the export or sale of such oil may be terminated if the petroleum supplies of the United States are interrupted or seriously threatened. This provision shall be in effect for two years.

It is the opinion of the committee of conference that this provision for possible oil swaps should be utilized only under circumstances where it is clearly in the interest of the United States and of U.S. oil consumers and where there will clearly be no potential danger to long-term U.S. energy interests.

Technical advisory committees

The Senate amendment required that the Technical Advisory Committees be informed of the reasons for failure to accept their advice or recommendations.

The House bill contained no comparable provision.

The conference committee accepted the House position.

Availability of information to Congress

The House bill provided that information obtained under the Export Administration Act shall be made available upon request to any committee or subcommittee of Congress of appropriate jurisdiction.

The Senate amendment provided that nothing in the Export Administration Act shall be construed as authorizing the withholding of information from any committee of Congress having appropriate jurisdiction upon the request of the committee chairman.

The conference committee adopted the House provisions.

Review of unilateral and multilateral export controls

(a) The House bill specified that both the Secretary of State and the Secretary of Commerce shall review U.S. unilateral and multilateral export controls, in cooperation with other appropriate U.S. agencies.

The Senate amendment directed the Secretary of Commerce to undertake this review, in cooperation with other appropriate U.S. agencies.

The conference committee adopted the Senate provision.

(b) The House bill required that the results of the review be reported to Congress by December 31, 1978.

The Senate amendment required that the results be reported to Congress not later than 12 months after the completion of the first revision, after the date of enactment of this Act, of the list of items controlled by agreement of the Coordinating Committee of the Consultative Group.

The conference committee adopted the House provision.

Financial disclosure by Commerce Department officers and employees

The Senate amendment required annual disclosure statements by each Commerce Department employee who has policy making responsibilities relating to export administration and who has any known financial interest in any person subject to, licensed under, or otherwise receiving benefits under the Export Administration Act. Criminal penalties were provided for knowing violations.

The House bill contained no comparable provision.

The conference committee accepted the House position.

Technology export study

The House bill directed the President, through the Secretary of Commerce, the Secretary of Labor, and the International Trade Commission, to conduct a study of the domestic economic impact of exports from the United States of industrial technology whose export requires a license under the Export Administration Act. The study was to include an evaluation of current exporting patterns on the international competitive position of the United States in advanced industrial technology fields and an evaluation of the present and future effect of these exports on domestic employment. The results of the study were to be reported to the Congress within 1 year of enactment of this Act.

The Senate amendment contained no comparable provision.

The committee of conference agreed to the House provision.

Monitoring of commodities in potential short supply

The Senate amendment required that monitoring of exports for short supply purposes commence at a time adequate to insure that data will be available which is sufficient to permit achievement of the policies of the Export Administration Act.

The House bill contained no provision on this issue.

The conference committee adopted the Senate provision. The conference committee recognized that formal monitoring can have a disruptive effect on the market because it can lead to excess ordering abroad in anticipation of controls, resulting in export restrictions which would not have been imposed but for the monitoring. Therefore, it is the understanding of the conference committee that this provision would not create any new substantive criteria for monitoring, but clarified that the Department of Commerce is to gather information at a time adequate to permit intelligent and informed decisions about the need for short supply export controls.

TITLE II—"FOREIGN BOYCOTTS"

General requirements for a violation

In setting forth the general requirements for a violation under the new "Foreign Boycotts" Section of the Export Administration Act, the House bill prohibited a U.S. person from willfully taking or agreeing to take certain actions to comply with, further, or support any boycotts fostered or imposed by a foreign country against a country which is friendly to the United States and which is not itself the object of any form of embargo by the United States, if such action is taken or agreed to be taken pursuant to an agreement with, a requirement of, or a request from or on behalf of the boycotting country.

The Senate amendment prohibited any United States person, with respect to his activities in the interstate or foreign commerce of the United States, from taking or knowingly agreeing to take certain actions with intent to comply with, further, or support any boycott fostered or imposed by a foreign country against a country which is friendly to the United States and which is not itself the object of any form of boycott pursuant to United States law or regulation.

The conference committee adopted the Senate provision.

Prohibited actions

The House bill specified the actions which would be prohibited pursuant to a boycott. These actions include: refraining from doing business with the boycotted country or any other person; refraining from employing or otherwise discriminating against any U.S. person on the basis of race, religion, sex, or national origin; furnishing information with respect to the race, religion, sex, or national origin of any other U.S. person; and, using a foreign person in order to circumvent the antiboycott prohibitions.

The Senate amendment specified similar prohibited actions, but in slightly different language. Rather than prohibiting "refraining", it prohibited "refusing, or requiring any other person to refuse" to do business with any person or to employ or otherwise discriminate against any U.S. person on the basis of race, religion, sex, or national origin of that person or of any owner, officer, director, or employee of such person; it further prohibited furnishing information with respect to the race, religion, sex, or national origin of any other U.S. person or of any owner, officer, director, or employee of such person, and prohibited the taking of any action with the intent of evading the antiboycott provisions of this legislation.

The conference committee adopted the Senate language, with an amendment that the prohibition against furnishing information cover information on "any person" rather than "any other person" and that the exception for compliance with passport or immigration requirements be amended to permit compliance with requests for information pertaining to securing or maintaining employment in a boycotting country (see below).

The conference committee further agreed to accept as part of the Statement of Managers the explanation of the scope of the word "refusing" included in the Senate Report (No. 95-104) on S. 69:

". . . the bill is in no way intended to penalize business firms which explore business opportunities with blacklisted firms or with a boycotted country and then decide for nonboycott reasons not to pursue the transaction. Such action does not constitute an illegal refusal to do business. The refusal must be boycott based. The refusal to pursue the transaction must be because of a requirement or request of the boycotting country before any violation may be found.

"On the other hand, if it were a U.S. firm's policy to avoid dealings with blacklisted persons, such as by maintaining a boycott-based list of persons eligible to do business with it (a so-called whitelist), by using the components of blacklisted firms in transactions in other parts of the world and switching to components made by nonblacklisted firms in transactions with a boycotting country, or by refusing to entertain business offers from blacklisted firms because they are blacklisted, then such actions, if undertaken in order to comply with a foreign boycott, would constitute a violation of the law."

Exceptions to the prohibitions

a. "Compliance" or "Complying or Agreeing to Comply"

The House bill stated the exceptions to the prohibitions in terms of "compliance with" various requirements or actions.

The Senate amendment used the language "complying with or agreeing to comply with" various requirements or actions.

The conference committee adopted the Senate language.

b. Certification

The House bill contained a provision which allowed compliance with import and shipping document requirements with respect to designation of country of origin, name and nationality of the carrier, and route of shipment, and the name of the supplier. It prohibited compliance with negative certificates of country of origin beginning one year after the effective date of the rules and regulations.

The Senate amendment allowed compliance with respect to country of origin, the name of the carrier and route of shipment, and the name of the shipper or the provider of other services. However, beginning one year after the enactment of this act, such information could not be provided if stated in negative, blacklisting, or similar exclusionary terms, except with respect to carriers or route of shipment as may be necessary to comply with precautionary requirements protecting against war risks and confiscation.

The conference committee adopted the Senate provisions.

c. Unilateral Selection

The House bill permitted compliance with the designation of a specific person to be involved in a particular aspect of a transaction, unless the U.S. person has actual knowledge that the sole purpose of the designation is to implement the boycott.

The Senate amendment permitted a U.S. person to comply or agree to comply with the unilateral and specific selection by the boycotting country or a national or resident thereof of carriers, insurers, suppliers of services to be performed within the boycotting country, or specific goods which, in the normal course of business, are identifiable by source when imported into the boycotting country.

The conference committee adopted the Senate provision.

d. Letters of Credit

The House bill prohibited the paying, honoring, confirming, advising, processing or otherwise implementing a letter of credit containing an illegal boycott condition. The House bill also stated that a U.S. person may refuse to pay, honor, advise, confirm or otherwise implement a letter of credit if the beneficiary fails to comply with the conditions thereof.

The Senate amendment prohibited the paying, honoring, confirming or otherwise implementing such letter of credit. It also stated that a U.S. person is not obligated, because of the antiboycott prohibitions, to pay or otherwise honor or implement a letter of credit containing a condition or requirement compliance with which is prohibited by the antiboycott prohibitions.

The conference committee adopted the Senate provision.

e. Compliance with Local Law

The House bill provided for Presidential waivers of the rules and regulations (other than those prohibiting the use of a foreign person to circumvent the prohibitions) in order to permit compliance with a specific provision of the laws of a foreign country which requires the taking of an action in that country which would be prohibited by these antiboycott provisions. The President would be required to report the use of this authority promptly to the Congress.

The Senate amendment permitted a U.S. person resident in a foreign country to comply with the laws of that country with respect to the activities of such person exclusively in that country. In addition, the amendment also provided for exceptions by regulation for a U.S. person resident in a foreign country to comply with the laws of that country governing imports of trademarked, trade-named, or similarly specifically identifiable products or components for his own use, including the performance of contractual services within that country.

The conference committee agreed to the Senate provision.

f. Additional Exceptions

The Senate amendment contained three additional exceptions. It specified that normal business information could be furnished in a commercial context and allowed compliance with immigration or passport requirements with respect to one-self or members of one's family. It further provided that the exceptions with respect to unilateral selection and compliance with local law not apply to the prohibitions against discriminating or furnishing information with respect to race, religion, sex, or national origin.

The House bill did not contain comparable provisions.

The conference committee agreed to the Senate provisions, with an amendment to permit compliance by an individual with requests for information regarding requirements of employment within the boycotting country.

Civil rights and antitrust laws

The House bill stated that the prohibitions and exceptions provided for in the subsection shall not be construed to supersede or limit the operation of the antitrust laws of the United States.

The Senate amendment contained a provision which was almost identical to the House bill with respect to the operations of the antitrust laws and also extended the coverage to include the civil rights laws of the United States.

The conference committee adopted the Senate provision.

Preemption

The House bill preempted and superseded any state or local law which is directed to compliance with, furtherance of, or support for any boycott fostered or imposed by a foreign country against another foreign country.

The Senate amendment preempted any State, D.C., territorial, or local law, rule, or regulations which pertains to participation in, compliance with, implementation of, or the furnishing of information regarding restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries.

The conference committee adopted the Senate provision.

Effective date of rules and regulations

The House bill required that rules and regulations implementing the prohibitions be issued and become effective within 120 days of enactment.

The Senate amendment required that rules and regulations implementing the prohibitions (except the prohibition against negative certificates) shall be issued within 90 days of enactment and be issued in final form and become effective within 120 days after being first issued. The rules and regulations implementing the prohibition against negative certificates would take effect within 1 year of enactment.

The conference committee adopted the Senate provision.

Grace period

The House bill provided a grace period through December 31, 1978, for written contracts entered into as of April 1, 1977; the grace period could be extended for one additional year where there are good faith negotiations to eliminate provisions that are inconsistent with the antiboycott prohibitions of this legislation.

The Senate amendment provided a grace period of 2 years from enactment for contracts in effect as of March 1, 1977, extendable for 3 additional 1-year periods where there are good faith efforts made to amend such contracts.

The conference committee adopted the House provision, with an amendment that the provision cover contracts entered into on or before May 16, 1977.

Reporting requirement

The House bill required the reporting of any request for taking a prohibited action and provided that the rules and regulations might also require the reporting of any other action described in the policy statement. It further provided that certain information in the required reports, including the identity of reporting parties, shall be kept confidential if the Secretary of Commerce determines that disclosure thereof would place the U.S. person at a competitive disadvantage.

The Senate amendment required the reporting of any request for taking any action described in the policy statement. It provided that the Secretary of Commerce could keep certain information in the report confidential if the Secretary determines that the disclosure would place the U.S. person at a competitive disadvantage.

The conference committee adopted the Senate provision.

Statement of policy

The House bill amended the policy statement in section 3(5) of the Export Administration Act to declare it to be U.S. policy to discourage, and in certain cases to prohibit, U.S. persons from taking or agreeing to take actions to comply with or support boycotts fostered by any foreign country against a country friendly to the United States or against any U.S. person, and to discourage the use of negative certificates of origin.

The Senate amendment amended section 3(5) to declare it to be U.S. policy to encourage, and in certain cases to require, U.S. persons to refuse to take actions, including the furnishing of information or entering into agreements, which have the effect of furthering or supporting the restrictive trade practices or boycotts fostered or imposed by any foreign country against a country friendly to the U.S. or against any U.S. person.

The conference committee adopted the Senate provision.

Definition of a U.S. person

The House bill defined the term "U.S. person" as including any U.S. resident or national, any domestic concern (including any subsidiary or affiliate of any foreign concern with respect to its activities in the U.S.), and, with respect to its activities which affect U.S. foreign commerce, any foreign subsidiary or affiliate controlled in fact by a domestic concern.

The Senate amendment defined the term "U.S. person" as meaning any U.S. resident or national (other than an individual resident outside the U.S. and employed by other than a U.S. person), any domestic concern (including any permanent domestic establishment of any foreign concern), and any foreign subsidiary or affiliate (including any permanent foreign establishment) controlled in fact by a domestic concern.

The conference committee adopted the Senate provision.

Reporting requirements

The conference committee further urged that in the review of current regulations and the development of new regulations pursuant to this act, great care shall be taken to minimize to the greatest extent feasible the amount of paper work required of those reporting to the Secretary of Commerce.

Clement J. Zablocki,
Dante B. Fascell,
Benjamin S. Rosenthal,
Lee H. Hamilton,
Jonathan B. Bingham,
Leo J. Ryan,
Stephen Solarz,
Wm. Broomfield,
John Buchanan,
Charles W. Whalen, Jr.
Managers on the Part of the House.
William Proxmire,
John Sparkman,
Harrison J. Williams,
Thomas J. McIntyre,
Alan Cranston,
Adlai Stevenson,
Edward W. Brooke,
John Tower,
Jake Garn,
H. John Heinz III
Managers on the Part of the Senate.

FEDERAL EMPLOYEES' POLITICAL ACTIVITIES ACT OF 1977

Mr. CLAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10) to restore to Federal civilian and Postal Service employees their rights to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

The SPEAKER pro tempore (Mr. Murtha). The question is on the motion offered by the gentleman from Missouri (Mr. Clay).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10, with Mr. Mann in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Missouri (Mr. Clay) will be recognized for 1 hour, and the gentleman from Illinois (Mr. Derwinski) will be recognized for 1 hour.

The Chair now recognizes the gentleman from Missouri (Mr. Clay).

Mr. CLAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 10 enjoys the cosponsorship of 73 Members of the House. The Subcommittee on Civil Service, which I am privileged to chair, conducted 2 days of public hearings on the bill.

Testimony was received from 18 individuals and organizations, including a Member of Congress, public employee organizations, public interest groups, and nonpartisan civic and professional organizations. The hearing record was further supplemented by statements from numerous other individuals and organizations.

On April 20, 1977, the Subcommittee on Civil Service approved H.R. 10 by rollcall vote of 6 to 4 after striking out all after the enacting clause and inserting a new text. On April 27, the Committee on Post Office and Civil Service, by rollcall vote of 18 to 7, ordered H.R. 10 favorably reported to the House after striking out all after the enacting clause and substituting a new text.

During the 94th Congress a bill (H.R. 8617) very similar to H.R. 10 passed the House—288 to 119—and the Senate—47 to 32. The report of the House-Senate conferees passed the House and Senate by votes of 241 to 164 and 54 to 36, respectively. That bill was vetoed by President Ford and the House sustained the veto by a vote of 243 to 160.

Mr. Chairman, the Subcommittee on Civil Service and its predecessor conducted exhaustive studies on the issue of political activities of Federal employees—they have held a total of 12 days of public hearings and received testimony from almost 150 witnesses.

The committee has concluded, after careful and deliberate study, that restrictions on the voluntary political activities of Federal employees are improper and inappropriate. A review of the circumstances surrounding the enactment of the Hatch Act leads to the inevitable conclusion that the legislation was a congressional overreaction to fear of the growing influence of President Franklin D. Roosevelt during a period of rapid growth of the Federal bureaucracy. At that time less than 32 percent of the Federal work force was under the classified merit system.

No evidence has ever been revealed that voluntary political activity in any way erodes the integrity of the merit system or operates against the public interest. Certain activities, however, which might cause this erosion are expressly prohibited by H.R. 10—that is, misuse of official authority, and coercion for political purposes, and certain activities involving political contributions.

In developing this legislation the committee has been guided by the importance of striking the proper balance between the right of Federal employees to participate in the political life of this Nation at all levels and the right of the public to impartial, nonpolitical, administration of the law.

This legislation strikes the proper balance by relaxing the existing overly broad restrictions and instead: First, prohibiting only those activities which might, by appearance, or in reality, erode the integrity of the Government; second, providing firm protections for both employees and the public against improper influences, as well as direct and subtle political coercion; and third, establishing the means by which the law may be vigorously enforced.

I am pleased to report that President Carter, in his election reform message to the Congress, supported modification of the Hatch Act subject to three specific conditions—retaining employees in designated "restricted" positions under the prohibitions of existing law. The committee has done so. Retaining adjudicatory authority within the Civil Service Commission. The committee has done so. Eliminating the one House congressional veto over Commission regulations. The committee has done so.

The primary provisions of H.R. 10 are:

First. States that Federal employees are encouraged to exercise their right of voluntary political participation.

Second. Prohibits the use of official authority, influence, or coercion with respect to the right to vote, not to vote, or to otherwise engage in political activity.

Third. Prohibits the solicitation of political contributions by superior officials, and making political contributions in Government rooms or buildings.

Fourth. Prohibits political activity while on duty, in Federal buildings or in uniform.

Fifth. Prohibits partisan political activity by employees in "restricted positions," for example, supervisory employees with certain audit, inspection, prosecutorial, or contracting authority.

Sixth. Authorizes leave for candidates for elective office.

Seventh. Provides for stricter and more vigorous enforcement of those provisions which prohibit certain political activities.

Eighth. Provides for removal, suspension, or lesser penalties for employees who violate political activity prohibitions.

Ninth. Requires that the Civil Service Commission conduct a program for informing, counseling, and advising Federal employees of their rights of political participation, and report annually to the Congress on the implementation of the program.

H.R. 10 enjoys far broader support than similar legislation which was passed by the last Congress. The bill is a product of cooperation between the executive and legislative branches. The bill protects the public interest while expanding the political rights of federal employees.

I urge your support for this important legislation.

Mr. Chairman, I might say that the passage of this act had something to do with the personalities and personal conflict between two Senators from the State of New Mexico, one whose name bears the title of this bill, the Hatch Act. Senator Hatch, even though a Democrat, had not been privy to the political spoils system because he was an opponent of Franklin Roosevelt, so his counterpart in the Senate was the recipient of all of the political jobs under the WPA and other relief programs.

Consequently, in an effort to get back at this counterpart and at Franklin Delano Roosevelt——

POINT OF ORDER

Mr. BAUMAN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BAUMAN. The gentleman is referring to the other body and actions in the other body. Under our rules, that is forbidden.

The CHAIRMAN. The gentleman may proceed in order.

Mr. CLAY. Thank you, Mr. Chairman. I thought I was referring to history. If the other body is not a part of history, I am sorry.

Mr. NIX. Mr. Chairman, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from Pennsylvania (Mr. NIX).

Mr. NIX. Mr. Chairman, I rise in support of H.R. 10, the Federal Employees' Political Activities Act of 1977. I wholeheartedly endorse H.R. 10 because it will restore to Federal and postal employees those rights of political participation which they have been denied for so many years. It will give them the right to participate in the political process of the Nation to the same extent that all other Americans may participate.

Equally important, this legislation protects Federal workers from improper political pressures. In addition, the bill contains provisions which insure that the public will be protected from any misuse of official authority or influence for political purposes by Federal employees. The bill also strengthens enforcement mechanisms to insure that any employee who misuses his official authority or influence will be appropriately disciplined.

The present law and regulations as promulgated by the Civil Service Commission permit political activity at the local level by Federal employees in communities where the majority of residents are Federal employees. It also permits so-called nonpartisan political activity in these communities where nonpartisan political races take place. H.R. 10 would extend to all Federal employees those rights currently enjoyed by only some in certain areas as the result of civil service regulations.

Geography of local nonpartisan politics should not and will not be under this legislation, the basis on which Federal employees may play their full role as American citizens.

In 1939, when Congress passed the Hatch Act, two-thirds of the Federal civil service was not subject to the competitive merit system. Accordingly, two-thirds of the Federal work force did not enjoy the protections with respect to job tenure which are enjoyed by competitive service employees. As a result, these unprotected employees were extremely vulnerable to political pressures. Under those circumstances, there may have been some justification for enacting the Hatch Act restrictions.

Today, the vast majority of Federal workers are in the competitive service and do have the job protections which flow from being competitive service employees. Accordingly, the time is appropriate to restore to these individuals their right to participate in the political process.

This is sound legislation that will benefit the Federal service and allow our local communities to have the benefit of full participation by Federal employees in political campaigns. It is a progressive step which fits today's world. We cannot do less. I urge all my colleagues to join with me in support of H.R. 10.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. NIX. I yield to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. I thank the gentleman for yielding.

Mr. Chairman, I just want the House to know that, even though my distinguished chairman and I have different viewpoints on this bill, I wish to compliment the gentleman for the fairness, equity, and the polite manner in which he conducted the full committee when we debated this bill.

Mr. NIX. I thank the gentleman for his remarks.

Mr. DERWINSKI. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I did not intend to speak at this time since there are a number of my colleagues who have brilliant and devastating statements to make which will help rout this bill. But my friend, the gentleman from Missouri (Mr. CLAY), went into a bit of history. I wish to be corrected if I misinterpreted his point. I understood the gentleman to say that in the late 1930's, when the Hatch Act was originally passed, the world was in turmoil, there was a depression, major economic problems, and he specifically pointed out that Hitler, Tojo, Mussolini, and other tyrants were abroad in the world. His point was that Mr. Roosevelt gathered great power in order to combat these forces of evil and it was felt that the restrictions of the Hatch Act were in order at that time.

If that is the case, then my friend, the gentleman from Missouri (Mr. CLAY) should join us in opposing the bill. Here we are, 40 years later, with economic problems caused by the oil countries and the inflation they have turned loose on the world. There is because of poor weather conditions, rising coffee prices, dictators such as Brezhnev, Amin in Uganda, a faceless group in China, Qaddafi in Libya, Castro in Cuba and others. All of these people, all of these dictators, these forces facing our dear President, Mr. Carter, are creating great problems for him. If we should un-Hatch the Federal bureaucracy, our President could not cope with the new complications. I am not going so far as to say that I carry into battle today the banner of Mr. Carter, but I believe the President will heave a sigh of relief if we reject this monstrosity.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Virginia (Mr. FISHER).

Mr. FISHER. I thank the gentleman for yielding.

Mr. Chairman, I had not expected this to take such a historical turn as it has, but it is interesting. I was a civil servant here in Washington when the Hatch Act was originally debated and passed, believe it or not. I was a young man, and I remember it very well. It was regarded throughout the town by civil servants as a truly landmark piece of legislation, a great event for their protection and betterment. It was no small matter at the time. I remember it clearly. It is no small matter now, either, and for the same reasons.

Mr. DERWINSKI. Mr. Chairman, I commend the gentleman for his recollection of that historic event, even though at the time he was, I am sure, a very, very young man.

Mr. COHEN. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Maine.

Mr. COHEN. Mr. Chairman, I thank the gentleman for yielding.

Is it my understanding that the gentleman intends at some later time to offer a motion that would exclude postal workers from the Hatch Act?

Mr. DERWINSKI. I may not, but I understand that several of our colleagues are discussing that subject. Frankly, we have so many amendments floating around that it is almost total chaos here on the floor. That is one of the rumored amendments that may be offered to try to make some sense out of a very bad bill.

Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, I was interested in the statement of my colleague, the chairman of our very fine subcommittee, the distinguished gentleman from Missouri (Mr. CLAY), that he was assured that this legislation would protect Federal employees from coercion in a more evident fashion than the Hatch Act now provides. I would like also to join my colleague, the gentleman from

Illinois (Mr. Derwinski), in saying to the distinguished committee chairman, the gentleman from Pennsylvania (Mr. Nix), that he is fair and operates the committee in a very open way, and we are grateful for the manner in which he conducts the meetings of the full committee.

However, I was surprised to hear that my colleague, the gentleman from Missouri (Mr. Clay), who is the chairman of the subcommittee, was considering deleting a section that is in the present bill—that is section 608 which refers to extortion of political contributions from Federal personnel—on the basis that this section was covered in another piece of legislation that was passed last year.

Mr. Chairman, let me ask my colleague, the gentleman from Missouri (Mr. Clay), this question: Is the gentleman going to allow that particular section 608, which is found on page 50 of the bill, to be deleted?

Mr. CLAY. Mr. Chairman, if the gentleman will yield, we received a letter from the chairman of the Committee on the Judiciary on that subject.

Mr. ROUSSELOT. I have seen a copy of that letter. The gentleman was nice enough to see that we got a copy.

Mr. CLAY. I believe that the letter is self-explanatory.

Mr. ROUSSELOT. Does the gentleman want me to go through it and read the letter for the benefit of my colleagues, or does he want to summarize it himself? What does the gentleman think we ought to do?

Mr. CLAY. I think the gentleman ought to summarize it. It is his point.

Mr. ROUSSELOT. My point is that it has been said that section 608 is not necessary because there is already a Federal law which applies. However, this bill contains amendments to the Hatch Act, and if we are going to guarantee, as my colleague, the gentleman from Missouri (Mr. Clay), has suggested, that Federal employees cannot be coerced, I think it is important to maintain this language in the bill.

Mr. Chairman, let me read the language. This section 608, on page 50, says as follows:

> Whoever, by the commission of or threat of physical violence to, or economic sanction against, any person, obtains, or endeavors to obtain, from an officer or employee of the United States or of any department or agency thereof, or from a person receiving any salary or compensation for services from money derived from the Treasury of the United States, any contribution for the promotion of a political object, shall be imprisoned not less than two nor more than three years, or fined not more than $5,000, or both.

Mr. Chairman, I see no reason why we should remove this language. If the gentleman is sincere in saying that he wants to protect Federal employees, I cannot understand why he would want to delete that language, because the previously mentioned public law, as I understand it, does not necessarily apply to every single Federal employee to which the gentleman from New Jersey (Mr. Rodino) referred in his letter.

Mr. CLAY. Mr. Chairman, I understand that the jurisdiction belongs to the Committee on the Judiciary.

Mr. ROUSSELOT. First, let me ask the gentleman this: Do you support the idea that civil servants should not have any coercion practiced against them?

Mr. CLAY. Mr. Chairman, I believe the record is clear as to where I stand.

Mr. ROUSSELOT. Then why should we not leave this language in the bill?

Mr. CLAY. Because the jurisdiction belongs to the Committee on the Judiciary, and that committee has already assured us they will properly and adequately deal with the subject.

Mr. ROUSSELOT. Is my colleague now saying that we are to have a big debate over jurisdiction when this bill comprises amendments to the Hatch Act? The gentleman stands here on the floor of the House now and tells us he wants to protect Federal employees, and yet he wants to take this simple language, a protection for the employee, out of the bill. Why does the gentleman want to do that?

Mr. CLAY. First, Mr. Chairman, if the gentleman will yield, I do not know how big the debate will be. It will apparently become emotional.

Mr. ROUSSELOT. Mr. Chairman, let me assure the gentleman that if he is going to try to delete section 608, I think he is wrong. He accepted it last year. He said it was good language. He thought it should be there to protect the Federal employee.

Why does the gentleman from Missouri (Mr. Clay) now change his mind?

Mr. CLAY. The gentleman from California (Mr. Rousselot) voted for the bill last year.

Mr. ROUSSELOT. Yes; I certainly did.

Mr. CLAY. Now he is apparently not going to vote for it this year. If the gentleman is entitled to change his mind, I think I am entitled to change mine.

Mr. ROUSSELOT. Yes, but not if the gentleman is sincere in saying that——

Mr. CLAY. Was the gentleman from California sincere then?

Mr. ROUSSELOT. Mr. Chairman, will the gentleman from Missouri let me finish my statement. If the gentleman is sincere in saying that he genuinely wants to protect Federal employees, why would he want to eliminate this criminal penalty for anyone who engaged in this kind of illegal activity?

Mr. CLAY. I think there are already adequate penalties on the books to deal with anyone convicted of extortion.

The CHAIRMAN. The time of the gentleman from California (Mr. Rousselot) has expired.

Mr. DERWINSKI. Mr. Chairman, I yield 2 additional minutes to the gentleman from California (Mr. Rousselot).

Mr. ROUSSELOT. Mr. Chairman, I am very disappointed in this matter. I cannot understand why my colleague, the gentleman from Missouri (Mr. Clay), would support this last year and now believes that the Federal employee should not be protected. Therefore, I will express my disappointment now.

Mr. Chairman, my colleague is right. We will have adequate time to debate this question when we get to the point at which the gentleman or perhaps some other Member decides to offer an amendment to delete it. However, I can assure the Members that I will oppose such an amendment because I believe it reaffirms the stated objectives of the supporters of this legislation to protect the Federal employee from political coercion and pressure. If the bill's supporters truly desire protection for the Federal employee, they will oppose efforts to remove section 608.

Mr. CLAY. Mr. Chairman, if the gentleman will yield further, just let me point out to the gentleman what title 18 of the United States Code prohibits as it relates to this problem.

Mr. ROUSSELOT. I am familiar with that, but it does not cover, if the gentleman will study it, all civil servants; and that is my concern.

Mr. CLAY. I think there are adequate protections already in title 18 to deal with extortion or any other criminal activity.

The CHAIRMAN. The time of the gentleman from California (Mr. Rousselot) has expired.

Mr. CLAY. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. Harris).

Mr. HARRIS. Mr. Chairman, it has occurred to me, as we have gone through 2 years now of debating what I think is a very simple provision, that is, whether or not Federal employees are citizens, whether they can participate in political activities, whether they have rights that are inherent in a democratic society, that often during the debate we start talking about things that do not exist.

Mr. Chairman, I think one of the worst ploys that hapens is that we start to refer to this as a Hatch Act repeal bill. The fact of the matter is that two-thirds of H.R. 10 contains additional protections and prohibitions. I would urge my colleagues to look at the bill and to note with me the many provisions that are in there that are not currently in the law.

We have in section 7323 clear provisions against the use of official influence or official information with respect to any campaign or any political activity. It says specifically:

> An employee may not directly or indirectly use or attempt to use the official authority or influence of such employee for the purpose of interfering with or affecting the result of any election.

It goes on to lay out in detail what cannot be done or should not be done if a Federal employee participates or if a Federal employee engages in any sort of campaign.

We then go on to section 7324, and the bill prohibits political solicitation. It says:

> An employee may not give or offer to give a political contribution to any individual either to vote or refrain from voting, or to vote for or against any candidate or measure, in any election.

It further says that he may not "solicit, accept, or receive a political contribution to vote or refrain from voting, or to vote for or against any candidate or measure, in any election."

Mr. Chairman, on the next page it

goes on to set down for the first time specific, detailed prohibitions against such activities.

Most importantly, I think, on page 35 we lay down the prohibition that a Federal employee while on duty may not in a Federal facility engage in political activities, a provision that becomes especially important after the experience that we have had the last 10 years.

Mr. Chairman, as we start talking about the great debate over revising the Hatch Act, I could not help but wonder over the past 3 or 4 years where the Hatch Act was. What was there to prevent unlawful activity? What was there to prevent political referrals? What was there to protect the Federal employee who needed such protection?

The Hatch Act was not there. I think in the future what will be there is the bill H.R. 10 with the prohibitions that are contained in it.

I believe the problem is that we have had a Hatch Act which nobody knew the meaning of. It is really amazing that no one knows just what the Hatch Act prohibits, and what it does not prohibit.

Have any of the Members looked at the regulations that the Federal employee is supposed to look at and refer to in order to determine what he or she can or cannot do? One can look at a whole column and then say that the Federal employee may "register and vote in any election; express his opinion as an individual privately and publicly on political subjects and candidates." Then we look to see what he or she cannot do and it says that an employee may not take an active part in political management or in a political campaign, except as permitted by this subsection.

When does a Federal employee's opinion stop being private and start being public? If he is at a reception and says who he is for, is that campaigning? The Federal employee does not know, the lawyers do not know, and the 3,000 decisions, vis-a-vis the Hatch Act, do not know. The Hatch Act cannot tell them either because if he or she should believe these regulations, and, for Heaven's sake warn him or her to read subsection (b) of section 733.111, because that section tells him or her, the following: "The head of any agency may prohibit or limit the participation of an employee or class of employees of his agency in an activity permitted by paragraph (a) of this section, if participation in the activity would interfere with the efficient performance of official duties," and so forth.

It is as simple as can be. Everything that this regulation says an employee can do, the head of the agency can say he cannot do if he thinks that is a good idea.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLAY. Mr. Chairman, I yield 2 additional minutes to the gentleman from Virginia.

Mr. HARRIS. Mr. Chairman, I thank the gentleman for yielding me the additional time.

Mr. Chairman, I would just like to point out that these regulations have not worked. We need a law that can work, so that we can have a law that says to the Federal employee that he or she is a citizen and that he or she can participate, but that they participate as an individual, not as a governmental employee.

I think we need such a law. I think the Government employees deserve such a law. I think this country will be strengthened if we have such a law.

I urge my colleagues to support the adoption of H.R. 10. This bill has been carefully drafted.

As one who has for over 2 years cosponsored, helped draft, and worked for the Federal Employees Political Activities Act of 1977, I am pleased to rise in support of H.R. 10.

This bill should be called the Public's Protection Act, because while it grants 2.8 million Federal and postal employees the right to engage or not engage in political activities voluntarily as private citizens, over two-thirds of the bill contains strong, new prohibitions against political abuse of our Government. For example, this legislation unequivocally prohibits an employee from using his or her official authority—such as promising to confer benefits or threatening to make reprisals—for political purposes. It bars political activities while on duty or in a Federal building on the Government's time. It makes it illegal to solicit political contributions in Federal buildings. It requires employees who wish to engage in political activity to do so on their own time in their private lives. It sets up a new mechanism for investigating violations of the act and includes penalties for violations. It requires the Civil Service Commission to provide clear guidance to employees on what they can and cannot do.

These new provisions will, I believe, protect the public and employees from improper influences and misuse of governmental authority and prestige.

HATCH ACT SCREENS OUT QUALITY PERSONNEL

The Hatch Act has deprived our Government from many highly-competent individuals who do not want to work for the Government because they do not want "to be hatched." The Government's recruitment efforts are hampered and we are unable to get many able individuals. Many people will not sacrifice their rights to become "politically neuterized." The Hatch Act stands in the way of attracting the best possible public officials.

HATCH ACT IS TOO GRAY

Currently, there is a myriad of regulations and 3,000 rulings which purport to "explain" what is legal and what is illegal under the Hatch Act. The Commission on Political Activity of Governmental Personnel has called the Hatch Act "confusing, ambiguous, restrictive, negative in character and possibly unconstitutional." Existing law is overly-broad and remarkably vague.

For example, certain activities are allowed, but the head of an agency has the discretion to prohibit or limit political activities, an authority which in effect negates those few rights granted. Currently employees "may not take an active part in political management or in a political campaign," yet he or she may "display a political picture, sticker, badge, or button" and "be a member of a political party or other political organization and participate in its activities to the extent consistent with law." One may "express his opinion as an individual privately and publicly on political subjects," but one cannot address a convention, caucus, rally or similar gathering of a political party in support of or in opposition to a partisan candidate for public office or political party office." Where one's private opinion stops and his "public" opinion begins is a line I cannot determine. Is, for example, bearing a candidate's bumper sticker an "allowed activity"—expressing one's opinion publicly? Those gray areas of the law lead to too much uncertainty. It is not fair to the employee or the employer to have to leave so much to discretionary interpretation.

HATCH ACT CREATES A FRAUD

The Hatch Act creates what I call "legitimate deception." While it says for most employees, "You cannot engage in partisan politics," it allows employees in certain areas designated by the Civil Service Commission—areas like northern Virginia—to be "independent" candidates. Though independent, these candidates can and do receive party endorsements. They run under the Democratic or Republican banner. They are partisan in all but the name and their party affiliation is no secret. I believe it is more honest to make the party affiliation open. I also believe it is inconsistent to say to employees in one geographical area, "You can," and employees in other areas, "You cannot."

HATCH ACT HAS NOT WORKED

Opponents of Hatch Act revision—and this bill is a revision, not a repeal—like to charge that the bill would erode the civil service and create a nightmare of political coercion and abuse in our Federal agencies. To those I say, where was the Hatch Act in recent years when the White House was seeking out political favorites, writing "Malek" manuals, and establishing political referral rings; when campaigns were being run from the Attorney General's office; when a Presidential assistant was organizing career Federal employees for the President's campaign? Gross abuses occurred despite the Hatch Act. The Hatch Act did not stand in the way.

When Congress granted 18-year-olds the right to vote there were cries that those young upstarts would storm to the polls and "distort" elections. And when women were given the right to vote, there were protests that they would turn the political process upside down. I believe that this country needs more political participation, not less. I believe that Government thrives when the public is involved. This bill will open the door to that last group of "disenfranchised" people, 2.8 million Federal and postal workers. It does not do so at the public's expense. It protects the public from improper political manipulation of Government. It is simultaneously a "public protection bill" and a "bill of political rights," a measure this country needs if we are going to make Government work the way it is supposed to.

Mr. DERWINSKI. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. TAYLOR), the ranking member of the subcommittee that handled this matter.

Mr. TAYLOR. Mr. Chairman, I am opposed to this legislation, because of the potential it presents for abundant abuse of Federal employees through political coercion, and because I believe the public expects and deserves a nonpartisan career civil service.

The Hatch Act serves to prevent political extortion of employees who administer Federal programs and thereby protects the civil service from corrupt practices of overzealous politicians.

While times has certainly changed since the 1930's, for example, the Federal work force of classified career civil servants is nearly 10 times as large; the need to insulate the civil service from partisan politics is as compelling today as it was in 1939, if not more so.

Today, we have close to 3 million Federal employees, over 90 percent of whom are covered by legal prohibitions on partisan political activities. They take pride in their work. The public views their work as being impartial execution of the laws.

These employees know, we know, and the public knows, that no career civil service employee is required to be a political activist or help "get out the vote" on election day in order to keep or get a Government job.

If the rank-and-file Federal worker fears anything, it is political coercion and discrimination. It is my feeling this fear far outweighs any desire for a chance to run for partisan office or raise money for political campaigns. In my own district I have personally interviewed many Federal workers to solicit their opinions on this bill. By an overwhelming margin they want the law left alone, because they want the protection and the security it offers.

I understand that within the last 2 hours WMAL radio right here in Washington announced the results of a poll that they had conducted in the Washington area. Their response from hundreds and hundreds of Federal employees in that poll reflects a 10-to-1 majority who are opposed to H.R. 10.

Even employee union groups who support this bill, the National Federation of Federal Empolyees, for example, wanted more protection for employees from illegal solicitations of political contributions by their supervisors. The sheer numbers of and the unique status of civil service workers makes them easy marks for unethical politicians and political organizers.

Even though only a few, if any, Federal employees would exercise the maximum emancipation this bill calls for, every Federal employee—no matter how anonymous his particular job, no matter how insignificant some may think he or she is—would feel the impact of this bill on the job.

Employees as well as Government programs would come to be labeled politically, the appearance of favoritism based upon political affiliation would be commonplace. Decisions having preferential or adverse impact on anyone would be perceived as being politically motivated. The impact of this bill will go far beyond the confines of the Federal bureaucracy, and the public will be left to suffer. If we do not think the public trusts our Government today, just imagine what it will be like when Federal employees are branded because of the political activities of a few.

There are several aspects of this bill which concern me very much, not only as a member of both the Subcommittee on Civil Service and the full committee, but also as a citizen who respects the rights of all other citizens to think and vote as they please.

The bill purports to encourage more voluntary political activity. But when we tried to change the policy statement of the bill—section 7321—to guarantee that all Federal employees will have the right to exercise their freedom-of-choice and refrain from political activities, our attempts fell on deaf ears. I was especially dismayed when a simple guarantee of freedom-of-choice was cast aside, because to me it presented an avenue of employee protection from coercion.

Another aspect of the bill I think all the Members should be aware of, is the very narrowly drawn definition of "restricted position," for which partisan political activities would still be prevented.

Under the bill's provisions, we are going to be left with only a very few "restricted positions" in the Federal Government, and the process by which they might become "restricted" is very complicated indeed.

Under these provisions, no one has any clear idea of how many "restricted position" possibilities there are. One thing is clear, however, there are no blanket "restrictions" for FBI agents, U.S. Treasury agents, the CIA, or the IRS.

Not too many Government investigators, inspectors, law enforcement officers, auditors, contracting officers or purchasing agents will be determined to be in "restricted positions." They will not exercise the sort of authority over other employees that the bill calls for.

What this means, for example, is that an Internal Revenue Service auditor who calls in a taxpayer for an audit of his tax return would not be "restricted" from partisan politics. This is because the taxpayer who is to be called in for an audit is selected by a computer, or the basis of mathematical calculations; and the individual auditor, while he has almost total decision authority over the taxpayer, does not have "binding decision authority" over other IRS employees.

Another example of where the bill's "restricted position" definition will be rendered meaningless is in the Occupational Safety and Health Administration within the Department of Labor.

OSHA, which is not a small town in Wisconsin, has many employees who conduct investigations and inspections of private business firms to determine the status of compliance with Government standards and regulations. It is highly likely that these OSHA inspectors, although they can bring the full legal and bureaucratic wrath of the Federal Government down on a small businessman, will still be able to play partisan politics because they would not occupy positions considered restricted under the bill.

The examples of this kind of doubletalk are replete, when one looks at the hundreds of investigators and inspectors of various kinds working for the Government. The Environmental Protection Agency, the Wage and Hour Division, the Postal Service, Housing and Urban Development, Farmers Home Administration, the list could go on and on.

BILL NOT IN LINE WITH CARTER WISHES

H.R. 10's provision for restricted positions is much narrower than the one suggested by the Carter administration and the Civil Service Commission. The new administration apparently has concerns over the public's interest in having all law enforcement officers, investigators, inspectors, prosecutors, contracting officers, grant officers, purchasing agents, et cetera, totally free from partisan politics.

Put very simply, the integrity of the career civil service is at stake in this bill. Our new President stated, "There should be exceptions for those employees who must retain both the appearance and the substance of impartiality" at all times, and that their individual political persuasions should not enter into the processes of Government.

I do not believe that H.R. 10 allows for the retention of either the appearance or the substance of impartiality, when most of the Federal Government's first-line inspectors, agents, auditors, law enforcement officers, contract officers, et cetera, will be able to engage in partisan politics.

This is why I say the impact of this legislation will reach far beyond the high rise Federal office buildings, will be far more dangerous than the thirst for power of some political organizations, and will shake the very foundations of our Government's integrity.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, I am interested in the example the gentleman uses of an Internal Revenue employee who might be in fact a political activist in his spare time and, coming to the gentleman as a well-known Republican, the employee might be prejudiced in his treatment of the gentleman's tax return because of his respective political persuasion. Would not the gentleman feel more comfortable if this employee was out in the open and a Democrat who could be identified with potential prejudice rather than a closet Democrat who was auditing the gentleman's tax return?

Mr. TAYLOR. I do not know that it would make any difference. He might be a Republican from another faction.

Mr. FORD of Michigan. But would not the gentleman like to know that about the employee instead of having him practice his prejudice surreptitiously? Would not the gentleman like to have the employee out in the open so one could identify him?

Mr. TAYLOR. I have never tried to interrogate one of those fellows. I generally find they can outdo me in that respect. But if I knew him to be a partisan Democrat, I might well feel that I might be in double jeopardy.

Mr. CLAY. Mr. Chairman, I yield 6 minutes to the gentleman from California (Mr. RYAN).

Mr. RYAN. Mr. Chairman, the reforms of any age become the orthodox sins of the next generation. This particular piece of reform is itself the son of reform of 40 years ago. I have not, and I repeat not, made up my mind yet as to how I intend to vote on the final passage of this legislation, mostly because I do not know what the final shape of this legislation will be after this Committee of the Whole gets through. How I vote will depend upon what we do here.

This legislation was in response to political scandal which involved elected officials who were pressuring Government employees 40 years ago. In those 40 years since, the Hatch Act has remained what it was intended to be. It removed the unethical pressure on Federal employees. Now we determine that we need to relax some of that restriction. There is a new line to be drawn. We are not talking about doing away with this legislation or repealing this legislation.

We are talking about simply drawing a new line and including some employees who are Federal Government employees within the American political system, who at the present time exist in a kind of gray area. I think that is a good idea. We should allow every single American citizen, as much as is humanly possible, the right to engage in political activity. Presently we deny the right of suffrage to certain felons. We deny the right to certain other people who hold a significant kind of political power, and might be prone to misuse that power in either party if their particular party wins. I believe these employees who hold some kind of political power, some kind of significant determinative power within the system, are now included to a dangerous degree in the present bill.

For example, under the present legislation, as I read it, it would be possible for my opponent, or me, running for election or reelection to ask certain Federal employees to join my campaign and have my opponent to ask certain Federal employees to join his or her campaign, such as an Internal Revenue agent, or an FBI agent.

Now, bear in mind, I am implying nothing illegal or immoral or unethical on the part of any agent of the Federal Government; but let us suppose, taking the burden myself, that upon my campaign literature, listed on my campaign letterhead stationery, there is a name prominently displayed of an FBI agent, or two or three, or an IRS agent or two or three, or an SEC agent or anyone else who is in a position of some degree of authority with investigative or auditing capacity. As members of my committee they simply advocate my election or reelection; but others on that same election committee, with perhaps a little less regard for the ethics of Federal employees, go to citizens, voters in the community. The reelection committee knows that a businessman has a little shaky condition in regard to his business. Perhaps they have delayed a little too long the submission of their withholding tax funds for their employees. The campaign worker says, "Harry, wouldn't it be great if you could support Congressman X for reelection, because he needs your help. Besides, so-and-so, listed as an IRS agent, is on his reelection committee."

Now, that is what I call the leaning factor—the leaning factor; I have seen it in too many campaigns to know that it does not exist. Now, I think that is wrong and there is the possibility that that can, in fact will, appear under the present language.

Now, the present bill, unamended, is simply unacceptable to me. That is the main objection I have to this legislation as it presently reaches the floor. I could support, of course, changes in this legislation. I believe those Federal employees who have asked me to vote for this bill. They want to participate in political campaigns because they have a right to do so, and they are right, they do. There is no reason why someone working in the social security office in Daly City in my district cannot go out and campaign for me or anybody else for city or State or county or Federal office. They should be able to do it at any time they want, as they cannot do now. That is important, but unless we draw this bill more carefully than we have, it is better to come back later and do it again. That is why I say if this bill is to pass today, it ought to have some limitations placed within it. As we go along in the amendment process when the debate period is over, I would suggest that those here be very careful in the manner they vote for and against these amendments.

Mr. Chairman, I began by saying this is the most significant proposed change in Federal law regarding the way employees can participate in elections in 4 years. It is worth our time to make this law as perfect as possible, so that we do not get into the trouble that there will be because of carelessness in drafting the law at this time.

Mr. DERWINSKI. Mr. Chairman, I yield 5 minutes to the gentleman from Mississippi (Mr. LOTT).

Mr. LOTT. Mr. Chairman, I thank the gentleman from Illinois for yielding to me.

Mr. Chairman, the Hatch Act was enacted in 1939 due to massive and overt partisan manipulation which existed in the Federal service. Congress moved to establish an efficient and impartial Federal service, and for almost four decades it has been accepted as an example of Government integrity.

One of the things that bothers me today, though, is that there seems to be an indication that Government employees cannot now participate in the political process. They can. I quote from a letter sent to the members of this committee from Common Cause. These points are made:

> Common Cause believes it is important to recognize that under the Hatch Act Federal employees are currently permitted to engage in certain types of political activity—for example, civil servants can make partisan campaign contributions; be rank and file members of political parties; work for or against ballot measures; serve as election judges; wear political buttons and display bumper stickers, except when on duty; and engage in non-partisan political activities, such as running for election to a non-partisan local school board. It is more active levels of partisan political activity that are barred by the Hatch Act. In drawing this line, we think the Hatch Act equitably resolves the difficult underlying question of how much political activity by government employees can be allowed while still preserving the fair administration of government policy and the full protection of government employees against political pressure.

The Hatch Act, in its present form, is what allows Government workers to say "no" to partisan demands for time, money and improper influence, if they see fit, over the day-to-day decisions made by Government employees which affect the lives of all Americans.

That is what bothers me. I think we should include the language to say that they have the right to refrain from participating, or the right to say, "no, we do not want to get involved." A lot of Members of Congress have been told, I am sure, that Federal employees want the protection that the Hatch Act gives them, the shield it gives them.

We know that subtle racial, religious, and sexual discrimination in the Federal employee system is nearly impossible to uncover and subsequently adjudicate. Do we want to add to that political pressure? I do not think so.

The Hatch Act strikes a delicate balance between fair and effective government and the first amendment rights of individual employees. In my opinion, it has been successful in striking that balance. The vast majorty of Federal employees fear political coercion and discrimination far more than they desire the opportunity to run for political office and become directly involved in partisan politics.

I am convinced that passage of this bill in its present form will lead to subtle attempts to require civil service employees to participate in partisan campaigns or to contribute to political fundraising. I would go along with some liberalization of the Hatch Act amendments. I think Federal employees probably should be able to participate more, but there must be some guarantees that they can refrain if they want to.

It also seems essential that we have restricted positions.

I would like to read, in conclusion, some of the newspaper editorials on this subject from around the country. From the Wall Street Journal:

> The last thing this country needs is a Civil Service that regards neutrality and impartiality towards the public as an outmoded concept.

From the Washington Star:

> The public can only come out second best with a work force torn between loyalty to politicians and union leaders.

From the Houston Post:

> For 38 years the Hatch Act has protected . . . the nation from potential efforts to organize the Federal bureaucracy into a political legion supporting incumbents."

Even the Supreme Court in 1973 said:

> It is in the best interest of the country, indeed essential, that Federal service should depend on meritorious performance rather than political service.

Mr. DERWINSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Chairman, it may truly be said that the Civil Service is the heart of our Federal system. It is the point of contact where the policies we legislate actually touch the people. And it is where the people get their most lasting impression of the workings of their Government.

I can say without hesitation that I believe we have the finest Civil Service in the world. The Federal workers whom I have known—and I have known many—are as conscientious, dedicated, and honest, as any group of employees anywhere. And I am convinced that one of the reasons why this is so is because they can do their job without fear of political reprisal.

The proposal we have before us today is not a new one. It is essentially the same bill which passed this House in the last Congress and which was vetoed by President Ford. So I have had plenty of opportunity to get the views of both my regular constituents and the Federal employees in my district on this bill. The letters, personal conversations, and questionnaires which I have had on this subject overwhelmingly support retention of the Hatch Act.

Interestingly enough, there is almost no difference between the views of Federal employees and my other constituents in this regard. Clearly, the majority of Federal employees whom I have talked to regard the Hatch Act as one of the most important bulwarks against influence peddling, arm twisting, and political coercion that they have. It is a merit system, not a spoils system, and they do not want it repealed.

A little reflection will show why this is so. The Hatch Act was passed in 1939, when it was revealed that Federal employees in many of the economic recovery programs then in effect had been coerced into supporting or working for the Democratic Party in return for a Federal job. At that time there were 900,000 Federal employees. Today there are three times that number. Yet there has never been a suggestion of that type of scandal since among civil service employees.

This bill would remove the shield which has worked so well for almost 40 years. A shield that protects both the public and the Federal employee. When a supervisor today makes a suggestion that a Federal employee should work for or against a particular candidate, that employee can safely refuse, citing the clear and specific prohibitions of the Hatch Act as his reason. The incident goes no further. Under the provisions of this bill, the worker would no longer have that automatic protection, because this law says it is all right for him to contribute to and work for a partisan candidate. Even if the worker does not like that candidate, he may feel compelled to go along. To resist might mean he would have to charge a superior with violating the law, and then prove that charge.

Mr. Chairman, this bill will simply put the Civil Service back on the patronage system. In those States where the patronage system operates, public jobs are regarded by the public and the politicians alike as little more than prizes to be awarded to retainers. We do not want such a system in the Federal Government. The workers do not want it. The public does not want it.

Civil service employees already have right, not the obligation, to make political contributions to candidates, to join and work in political parties, to work for or against ballot measures, to serve as election judges, to voice opinions and to wear political buttons off the job, and in California, to run for local nonpartisan office such as school board, city council or county supervisor.

As the letter which each of you have received from the President of Common Cause state so plainly, H.R. 10 will undermine the Hatch Act, demoralize the Civil Service, and downgrade Federal workers in the eyes of the public. It has the potential for destroying the integrity of our Civil Service and turning the public against their own Government. I urge my colleagues to rise above partisan considerations and consider the consequences of this bill. Do we want to be bought and sold ourselves by union bosses? Would we sell our independence, just for a job? I say no, and I hope you will all join me in defeating this bill once and for all.

Mr. CLAY. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. FORD).

Mr. FORD of Michigan. Mr. Chairman, I rise today to voice my support for the Federal Employees' Political Activities Act of 1977 which I have cosponsored.

During my work for the enactment of this legislation in the last Congress and in this one, I have been amazed by the political climate surrounding opposition to the bill. In fact, the opposition's attitude is reminiscent of the political climate in which Alice found herself while visiting Wonderland.

If you remember the story, the Queen of Hearts busied herself during the royal croquet game by pronouncing sentences of execution most arbitrarily against any player who got in her way. Little Alice, however, speaking as the voice of reason and fairness, observed the situation and asked whether there would be a trial for the victims of the queen's disfavor. "No. No," said the queen. "Sentence first, verdict afterwards." To which Alice replied, "Stuff and nonsense—the idea of having a sentence first."

Mr. Chairman, in my mind the Federal employees in this country received just this kind of backward justice when the Hatch Act was enacted in 1939. The report of the Committee on Post Office and Civil Service clearly describes how the political rights of Federal employees were arbitrarily executed in 1939, without even the kind of "verdict" the legislative process allows. In the Senate, for instance, no public hearings were even conducted on the bill nor was there much comment on it when the bill reached the Senate floor. There the bill passed the Senate by unanimous consent.

Reading the legislative history of the Hatch Act, it is obvious that the bill did not receive the kind of rational consideration afforded it during this Congress and the last one, but rather was passed in a climate of political emotionalism and congressional irresponsibility. In this way, the full political rights of Federal employees were eliminated—the sentence first, the verdict afterwards.

H.R. 10 provides the Congress with an opportunity to undo the present archaic system which has not been altered since 1939. It provides Congress with an opportunity to rationally consider the injustice and impact of denying full political participation to 2½ million American citizens. In 1939 the Sheppard committee, which had been investigating charges of abuses in the form of coercion and intimidation of Government employees or relief recipients to change party affiliation, made its report to Congress. The report contained no findings that the effectiveness of the Federal work force was compromised by voluntary political activity.

Yet, based on the publicity generated by the work of that committee, the Hatch Act was signed into law on August 2, 1939. Almost 40 years later, during this Congress, after conducting extensive hearings, the Committee on Post Office and Civil Service stated in its report:

> No conclusive evidence was presented during the hearings that voluntary political activity by Federal employees endangered the integrity of the merit system.

And finally, initial impetus for this legislation came from the 1966 report of the Hatch Act Commission, which was established by Congress and which recommended lifting many Hatch Act restrictions and reducing coverage to as few employees as possible.

Mr. Chairman, you can see that the case for reforming the Hatch Act is a compelling one. Since 1939, the Hatch Act has denied Federal and Postal Service employees one of the most basic human rights—the right to participate fully in American political life. Federal and Postal Service employees cannot campaign for partisan political candidates of their choice, cannot seek partisan elected office themselves and cannot actively participate in a political party. In addition, the confusion to the Federal worker about what is and what is not allowed under the Hatch Act surely has a "chilling effect" on even that political activty whch may be allowed under the Hatch Act.

H.R. 10, cosponsored by 74 Members of Congress, would guarantee most Federal workers the same rights, as all other Americans have, to participate in political activity. It would also strengthen protections for Federal workers against political pressures brought by their supervisors. Most of all, the bill would clarify and simplify the act and bring its administration into the light of public scrutiny.

The intent of this legislation is supported by President Carter, and the bill is essentially the same measure that passed the 94th Congress with strong majorities, only to be vetoed by President Ford. It should be noted that employees who hold "restricted positions" are exempt from H.R. 10 and would remain under the restrictions of the Hatch Act.

I argued against any such restrictions in committee because of my belief that the first amendment rights of all Federal and Postal Service employees should be restored. However, I do believe that the few restrictions which remain in the bill do not alter the substance of H.R. 10 and should not prevent its passage. The bill provides the necessary balance between protecting the integrity of the Federal service and protecting the democratic rights of Federal employees to participate freely in political activity.

In closing, I would like to draw my colleagues' attention to some earlier wisdom of this same House of Representatives. As early as 1791, a proposed amendment to limit the political activities of inspectors of distilled spirits was defeated in the House by a vote of 37 to 21. The reason for the defeat was that "this clause will muzzle the mouths of freemen, and take away their use of their reason."

Our predecessors understood the philosophical connection between the theory and the practice of democratic rights—that in the absence of democratic participation, an absence of democratic belief can exist.

Mr. Chairman, I urge my colleagues to heed the warning of our predecessors and restore full political rights to Federal employees by voting in favor of H.R. 10.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BENJAMIN).

Mr. BENJAMIN. Mr. Chairman, I rise to voice my apprehensions and focus on one significant deficiency of H.R. 10. Before explaining my analysis of this important measure, I do congratulate Chairman CLAY and members of the Subcommittee on Civil Service for their excellent and thorough work on H.R. 10. Chairman CLAY is to be commended for his outstanding work on H.R. 8617 in the 94th Congress which he brought to this floor following 11 days of hearings and testimony from over 100 witnesses. To this, he has added 2 days of hearings and 18 offerings of testimony in the 95th Congress and has tailored this bill into a general improvement of the 1939 Hatch Act except for the aforementioned concern.

In explanation, allow me to indicate that I do not, as some would claim, find that H.R. 10 repeals the Hatch Act. Rather, I find that this bill, with two carefully distinguished exceptions, expands and clarifies the Hatch Act.

To amplify, the Hatch Act enables the President to prescribe rules to prohibit the coercion of certain Federal employees to contribute to political funds or render political service. This bill specifically sets forth those prohibitions.

The Hatch Act enables the President to prescribe rules to bar a Federal employee from using his official authority or influence to coerce the political action of a person. This bill specifically sets forth those prohibitions.

The Hatch Act prohibits most Federal employees from requesting, receiving, or giving something of value to an employee, Member of Congress, or military officer for political purposes. This bill retains that prohibition for employees holding a restricted position and excepts out other employees.

The Hatch Act prohibits a Federal employee from using his official authority or influence to interfere with or affect the result of an election. This bill specifically sets forth those prohibitions.

The Hatch Act prohibits a Federal employee from participating actively in political management or campaigns involving national parties. This bill excepts out all employees.

I personally do not find that this bill invokes a constitutional argument as many of my friends claim. Nor do I find that this bill reinstitutes the spoils system as other friends claim. The real question here is what comprises really good public policy.

I find that H.R. 10 does, in a lucid manner, contain and continue prohibitions against the activities which gave rise to the Hatch Act in 1939. On the other hand, it does not meet the litmus test imposed by the President on March 22 when he declared:

> I favor revising the Hatch Act to free those federal employees not in sensitive positions . . . There should be exceptions for those employees who must retain both the appearance and the substance of impartiality. For employees in such sensitive positions who are not subject to Senate confirmation, restrictions on political activity are necessary. Acting on standards prescribed by Congress, the Civil Service Commission should determine which position should be treated as sensitive. . .

H.R. 10, in section 7322(9), sets forth the areas of sensitivity in which "restrictive position" may apply if the employee is found to have the authority to make policy decisions binding on other employees and any restrictions imposed on the policymaker is justified to insure the integrity of the Government or the public's confidence in the integrity of the Government. I would submit that very few persons in sensitive positions, as envisioned by the President and this Member, would be subject to regulation by the Commission under this definition.

I believe that the Congress should shift the burden from the Commission being compelled to justify its determination to a simple finding of whether the restriction is in the public interest.

I do not believe that the Congress should only limit the definition of "restrictive position" to a person with the ultimate authority of making a binding policy decision, but should expand the definition in enforcement to persons who can determine the object of an enforcement action as well as discharge an enforcement action. In licenses, grants, and subsidies, I believe that the Congress should include those who can make substantial determinations.

I also believe and subscribe to the President's apparent intention to bar "restricted employees" from being candidates. Otherwise said, if the Congress expands the definition of "restrictive position" to include all persons who are truly in sensitive positions regarding enforcement and the handling of Government moneys and prohibits these persons from partisan political candidacy and contributions, then we will have protected the public interest and, without exception, have improved the 1939 Hatch Act.

I do not anticipate that this improvement can be accomplished on the floor today, mainly because of the tenuous balance of the provisions of the bill. On the other hand, it can be accomplished in the committee considering this bill in the other body and I hope that it will effect the necessary changes to implement a sound policy and direction on the definition of "restrictive positions" as well as the definitive prohibition of these employees from campaigning in any manner.

Mr. CLAY. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. Mr. Chairman, I would like if possible to engage in colloquy with the gentleman from Missouri (Mr. CLAY) in reference to the matter which the gentleman from Indiana (Mr. BENJAMIN) just talked about. That is the issue of restrictive positions. I would like to somehow get some clarity on who qualifies in that category. I do know that in the President's message and in the amendment that he made through another Member of this body, there is a different concept of what qualifies as a restrictive position, as opposed to what is in the bill.

Taking one of the enforcement agencies, such as the Internal Revenue Service, who would qualify in that category on restrictive positions and who would not?

For example, would a revenue agent or a special agent qualify who is engaged in an audit, or would his supervisor qualify? Just for legislative history, I am trying to get a determination of who is in there and who is not in there.

Mr. CLAY. If the gentleman will yield, under the provision, as I interpret the law and the bill, and my intention would be to include only those supervisors who make binding decisions on persons under their supervision. In other words, the first-line supervisors.

Mr. GLICKMAN. There was some concern that I had. I used to be an attorney with a Federal agency here in town, and I recall when we used to bring enforcement actions where the ultimate authority was only the Commission itself. Commission and only the Commission could have authority to determine in a binding fashion, who would actually be the subject of an action, even though it would go all the way up the chain of command, from the Assistant Director, the Associate Director, the Director of the division, all the way up there. Ultimately, the only person who could make a binding policy would be the Commission itself.

I would like to establish for legislative history what the gentleman's position is. It is not the gentleman's position, is it, that only the Director of the Internal Revenue Service or the Commissioners of the Securities and Exchange Commission would be in that capacity?

Mr. CLAY. No. I think, if we check the language, it talks in terms, especially in the IRS, of those who actually cover investigations, inspections, et cetera, the ones who have final decision as to who it is and who will be audited and investigated.

Mr. GLICKMAN. There was a question about the possibility of people who may be picked for an audit by reason of a computer. I am not sure exactly how the Internal Revenue works.

Mr. CLAY. Mr. Chairman, I do not think we are going to try to exclude the computers.

Mr. GLICKMAN. I would hope we would not exclude the computers. I am just trying to figure out at what level this restriction takes place.

Let us take the case of a person who is being audited. Let us say my tax returns are being audited and I go down to the Internal Revenue Center in Wichita, Kans.

Mr. CLAY. Is this a hypothetical case?

Mr. GLICKMAN. This is a hypothetical case.

Mr. CLAY. Mine is one involving a grand jury investigation, so why do we not talk about mine?

Mr. GLICKMAN. Perhaps we could, but let me finish my point.

Let us say I go down there for an audit and I am being audited by someone. I suppose we could call that employee a revenue agent; I am not sure what the category is.

Let us say my return has been selected for audit, my return comes from the Regional Service Center, and we go over the items in controversy. Let us assume further that my return has been picked out by a computer.

What I am trying to determine is this: At what level in that stage of command would a restricted employee come into the situation?

Mr. CLAY. Mr. Chairman, if the gentleman will yield further, I believe the language is clear. It would be any supervisor or any manager who has the power to initiate investigations, audits, et cetera. It would not be those who just carry out the orders. I think the language is quite clear in that sense.

Mr. GLICKMAN. All right. Under the language of the bill, will each agency make its determination?

Mr. CLAY. The Civil Service Commission will make that determination.

Mr. GLICKMAN. That is the determination of who is qualified or who is included as being in a supervisory capacity?

Mr. CLAY. Yes. And they have wide discretion.

Mr. GLICKMAN. Mr. Chairman, I thank the gentleman.

Mr. DERWINSKI. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. CORCORAN), a member of the committee.

Mr. CORCORAN. Mr. Chairman, as a member of the committee with jurisdiction for this legislation, I rise in opposition to H.R. 10. This bill would drastically revise the present Hatch Act. For nearly 40 years, this act has prohibited Federal employees from participating in partisan political activities and has also protected the integrity of those civil servants from political "arm-twisting" by their superiors.

Since some of my colleagues have already mentioned the strong opposition of Common Cause to any relaxation of the Hatch Act, I would like to call to the attention of my colleagues another nonpartisan organization which has expressed its opposition to H.R. 10. That organization is none other than the investigative arm of Congress, the General Accounting Office.

In a letter to the chairman of the Committee on Post Office and Civil Service on March 17, 1977, the Acting Comptroller General of the United States expressed concern about increasing the political activity of Federal employees. According to the GAO:

> Active participation by a Federal employee in political activities could involve or give the appearance of a conflict-of-interest situation.

Mr. Chairman, I believe the concerns expressed by GAO are realistic. Repeal of Hatch Act restrictions—as proposed in H.R. 10—would present a clear invitation to conflict-of-interest problems in the Federal civilian work force. Section 7323 of the bill supposedly prohibits the use of official authority or influence for political purposes, such as the awarding of a grant, contract, license, or ruling, or a reprisal denying these awards. If such an activity is detected, the penalty—as provided in section 7328—would be a simple 30-day suspension without pay. However, the GAO has warned that:

> Without guidelines of maximum specificity of what constitutes official authority or influence, it would be virtually impossible to monitor or control the political involvement of a federal employee.

And H.R. 10 does not even attempt to spell out such guidelines.

I believe it is nearly impossible to administratively control subtle and indirect coercion of Federal employees. Even the most stringent enforcement mechanism—which is conspicuously missing from this bill—would fail to deter all the abuse possible under this bill. The removal of political restrictions eliminates the major device Federal employees have to protect themselves from coercion: the assertion that they may not engage in political activity because of the restrictions of the Hatch Act. Robert G. Vaughn, associate professor of law at American University, points out that with the removal of the "I'm Hatched" defense:

> The bill undertakes to protect federal employees from coercion by specific prohibitions which are combined with an enforcement structure, but the task undertaken truly is a difficult one. Coercion in any large organization based upon a hierarchical structure is difficult to control because it is difficult to detect. Subordinates often need little direction to conform their conduct to the wishes of their superiors.

A vague remark, effusive praise, or its sudden absence is sufficient to influence the activity of a Federal employee properly concerned with his own future. And who can fault him? He is aware that his supervisor, when making a promotion or transfer may choose another from the list of qualified candidates. Under these circumstances, merit system abuse is almost impossible to detect.

Illinois, which has nearly 110,000 Federal employees, would certainly be adversely affected by this bill.

Governmental services, which we now take for granted, would lose their high priorities, as some workers would enter the political arena and speak out and work against governmental policies while on the public payroll.

I believe, Mr. Chairman, that the present Hatch Act equitably resolves the difficult underlying question in this debate of how much political activity by Government employees can be allowed while still preserving the fair administration of Government policy and the full protection of Government employees against political pressure.

I again call to the attention of my colleagues the Supreme Court decision that "it is in the best interest of the country, indeed essential, that Federal service should depend on meritorious performance rather than political service."

Mr. Chairman, I urge my colleagues to seriously consider the ramifications of removing the aforesaid Hatch Act protections. Enactment of H.R. 10 would undermine the principle of a nonpartisan, impartial civil service system, and transform the civil service into a political spoils system reminiscent of the days of Boss Tweed. I urge defeat of this legislation.

Mr. DERWINSKI. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. RUDD).

Mr. RUDD. Mr. Chairman, I am opposed to H.R. 10. This legislation would be more appropriately entitled as labor's effort to politicize the Federal bureaucracy. The Nation's 2.8 million Federal workers are seen as a fertile field for union organizing and increased muscle in political and governmental affairs.

Therein lies the danger of H.R. 10. As so aptly stated in a recent Washington Star editorial, if H.R. 10 passes, the union tail will soon be wagging the Federal dog.

The Hatch Act was passed because of the political corruption and abuses in the elections of the 1930's. A 1939 report issued by a special congressional study committee detailed blatant and scandalous misuse of the Federal civil service for political gains. There were a multitude of cases involving Works Progress Administration officials using their positions to intimidate and coerce WPA workers.

That was 1939. The coercion of the employee then was by a supervisor. The coercion today, however, would come from the union. The difference is that coercion of an employee by a union is far harder to resist.

Remove the protection of the Hatch Act and millions of Federal employees, in every corner of the United States, could be pressed into supporting candidates not of their choosing; leaned on for contributions against their will and which they can ill-afford, or expected to give favor in the conduct of their job to friends of the administration.

The Federal employees of my district have not given any individual cry for their political freedom from the restraints of the Hatch Act. To the contrary, individually they have expressed real fear that the protective provisions of the Hatch Act may be lost to them.

Fear of coercion may explain why a 1976 poll of public and Federal employee attitudes revealed that 70 percent of the American people oppose repeal of the Hatch Act and that 73 percent of those employed by Government—and protected by the Act—feel the same way. Remember those percentages.

Mr. Chairman, the Hatch Act does not deny the Government employee his or her rights; it protects them.

The revisions to the Hatch Act proposed by H.R. 10 are the means by which the reins of Government would be handed from the duly elected public officials to the nonelected union bosses.

I urge my colleagues to consider their constitutional duty and public trust, and defeat this bill.

Mr. CLAY. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Chairman, I want to go on record today against continuation of the discriminatory policies contained in the 1939 Hatch Act and the excessive limitations it places on the freedom of Federal employees. It is incumbent on this 95th Congress to correct this abuse and return to Federal employees rights which are taken for granted by all other citizens.

The arguments which originally convinced Congress to pass the Hatch Act no longer make sense. They were reacting to abuses which occurred in the 1930's, including the use of official authority to influence political activity and political contributions. The Hatch Act prohibited this and also prevented Federal and postal employees from running for political office. The vagueness of language in the act led to some 3,000 administrative decision by the Civil Service Commission. The ultimate result has been such confusion that the act tends to inhibit nearly all political participation by Federal employees.

No other government employees remain covered by such restrictions and it is not fair that the rights of Federal employees should be limited. This is perhaps one of the strongest arguments against the Hatch Act—its blatant unfairness and prejudice toward those who work in the Federal system.

As a long-time public employee, I think I have a fairly good understanding of the feelings and perspective of the workers in the public sector. I know the unfairness of this treatment.

It is a waste of human resources to prevent persons from actively taking part in our democratic system. The Hatch Act prevents some 2.8 million Federal and postal employees from being full-fledged citizens. They cannot be politically active and they cannot run for political office. This is tantamount to the treatment most States give convicted felons.

To argue that the Hatch Act is necessary for the protection of these employees is like arguing that a dictatorship is justified because it is needed to protect the masses against foreign invaders and themselves. James Madison wrote a long time ago in Federalist No. 1: "If men were angels, there would be no need for government." Men and women are not angels, but they are not dullards either. They do not need a paternalistic Federal Government to scrutinize their activities and deny their rights under the guise of protection.

Recent efforts to politicize the Civil Service point up the need to reform the Hatch Act more than ever before. The best defense against such misuse of power is more involvement in the political process, not less.

I firmly believe that we are the losers by excluding these civil servants. With their career backgrounds and insights into the workings of the system, they have much to contribute. And with the strengthening of the civil service system; the new code of ethics for Government employees; our well-defined election laws; our strong public employee unions to act as buffers against abusive authority; and the legal protection afforded by employee contracts and agreements; we have stronger protection than ever against repetition of those 1930's abuses.

The real question when you are talking about withholding rights is "who's next?" Should the Hatch Act be extended to anyone who has a contract with the Federal Government? Should they be prevented from participating because of potential misuses of official authority? Where do you stop?

The real point is that employees in the public sector are no more susceptible than men and women working in the private sector.

The 94th Congress realized the need to correct this situation and acted to take the Hatch Act off the books. We can credit our past Presidents with keeping this anachronistic law in existence. Fortunately, our leadership has changed and we are now serving with an enlightened administration which recognizes the need to revise this discretionary law and eliminate this injustice.

Mr. CLAY. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. SOLARZ).

Mr. SOLARZ. Mr. Chairman, this debate has so far had a rather Kafkaesque character to it because it seems to me many of the objections that have been raised against this legislation are essentially unrelated to the real world as we know it. It seems to me that the real problem that we have in this country is not that we suffer from an excess of political activity but rather that we suffer from an excess of political apathy. It seems to me that what we ought to be doing, instead of talking about how we can restrict Federal employees from participating in the political process, is to begin talking about what we can do to encourage the American people to exercise the political rights which have been given them by the Constitution.

Has everybody forgotten the fact that in the Presidential election last year almost half of the eligible voters in this country failed to even take the trouble to go to the polls and vote? Has everybody forgotten the fact that of virtually every industrial democracy in the Western World, our country ranks lower than any other in terms of the percentage of people who participate in the political process? It seems to me that instead of upholding the existence of legislation which makes it impossible for 2½ million Americans to participate in the political process, we ought to be moving toward the enactment of legislation which removes the remaining restrictions on millions of Americans who would like to participate in the process, but who are currently denied the right to do so by virtue of the existing law of the land, which is, of course, precisely what H.R. 10 would do.

H.R. 10 would give Federal civil employees the right to participate on the same basis as all other Americans in the political process of this country. I have heard a lot of arguments today against this legislation which, as I indicated earlier, seem to be essentially unrelated to reality. But there is one argument which I think is sufficiently substantial to require some kind of a response. I refer to the contention that the enactment of H.R. 10, the so-called Clay bill, would make it possible to create a kind of Federal political machine which would enable the existing administration, or those that follow, to remain in power in perpetuity; that it would create a possibility, as it were, for the manipulation of over 2 million Federal employees in such a way that they would become a political force reaching out to the length and breadth of the land, making the reelection of those who run the Federal Goverment virtually inevitable.

I want to suggest to our colleagues on the committee who were impressed by that argument that it is, in the words of an old professor of constitutional law whom I used to have in college, a classic example of an imaginary horrible. There may be, even given all of the prohibitions written into this legislation, isolated examples where Federal employees are coerced into unwanted forms of political activity against their will.

I think that is rather unlikely. I think that the prohibitions and the penalties which have been put into H.R. 10 are so clear and they are so comprehensive that it is exceedingly unlikely that individuals working for the Federal Government are going to violate this law by forcing those employees who work for them to go out and campaign for, or contribute to, the candidacies of the individuals whom they support.

But I do want to suggest that even if there were some examples of isolated coercion, it is virtually inconceivable that, given the prohibitions contained in this bill, the Federal civil service could be turned into a political machine, because that would require the kind of systematic subversion of the law which in this day and age, particularly given the prohibitions in the legislation, is virtually inconceivable.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CLAY. I yield the gentleman from New York 2 additional minutes.

Mr. ROUSSELOT. Mr. Chairman, would my colleague be kind enough to yield?

Mr. SOLARZ. I yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate the gentleman yielding.

I wonder if my distinguished colleague, the gentleman from New York, has a chance, as Ms. Holtzman did last year, to take a poll of his constituents on this subject of the Hatch Act? She informed us the poll came back about 2 to 1 against. I know the gentleman's district is not too far from her district. Has he conducted such a poll?

Mr. SOLARZ. I have conducted an informal survey in my district and I can only tell the gentleman that while the people who live in the district of my colleague from East Flatbush are wonderful people, and they are good people, and they pay their taxes, apparently my constituents are far more enlightened than hers, because my constituents favor by a rather substantial margin the enactment of this legislation and the removal of these regressive restrictions on Federal employees.

Mr. ROUSSELOT. In other words, the gentleman took a similar poll in his newsletter?

Mr. SOLARZ. I have not compared the precise wording of my poll with the one circulated by Ms. Holtzman, but I can tell the gentleman my constituents support by substantial margins the enactment of this legislation.

Mr. ROUSSELOT. So it is in disagreement with hers?

Mr. SOLARZ. It is in disagreement. But may I say that even if the result in my district were similar to the result in Ms. Holtzman's district, that I would support this legislation anyway, because I think there are times when it is obligatory upon Members of this body to provide some leadership.

Mr. ROUSSELOT. The gentleman would do it whether it was good for Federal employees or not?

Mr. SOLARZ. No. I would do it because I think it is good for Federal employees. If my constituents do not think it would be good for them, I think they would think that only because they do not fully understand the issue.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. CLAY. Mr. Chairman, I yield the gentleman 30 additional seconds.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I think the point the gentleman is making is that this is a kind of civil rights issue in terms of the fact that we should not determine whether a member of our society should not have a right to participate in the democratic society processes. Is that what the gentleman is saying?

Mr. SOLARZ. I think that is what I am saying.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. DERWINSKI. Mr. Chairman, I will yield 2 minutes to the resident philosopher of the House, the gentleman from New York (Mr. Solarz).

Mr. SOLARZ. This, I take it, does not make me a member of the minority, if I speak on the gentleman's time.

Mr. DERWINSKI. If the gentleman is going to be voting for the bill, he probably is going to be in the minority.

Mr. ROUSSELOT. Mr. Chairman, if the gentleman will yield further, maybe my distinguished colleague was not here when I had the chance to read the results of the poll taken by the gentleman from Maryland (Mr. Steers), who has polled many of the Federal employees in his district. I am sure he is aware of the feelings of the gentleman from Virginia (Mr. Fisher), who has the largest number of Federal employees of any Member of Congress, and aware of some of his concepts on this issue.

So what I am saying is, the people who are affected might consider it an important civil right and, therefore, I would be in agreement with the gentleman that none of us should just go on polls alone. I think that would be a mistake.

Mr. VENTO. Mr. Chairman, if the gentleman will yield further, I certainly was here when the gentleman was discussing this on the rule and enlightened us on the results of what these informal polls said. I do not think we can put the rights of individuals on the basis of a poll. That was the point I was trying to make and I think the gentleman from New York made an excellent job of that.

I can understand the concern of individuals who have a substantial number of Federal employees in their districts. I want to work with them and solve this.

Mr. DERWINSKI. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. Wylie).

Mr. WYLIE. Mr. Chairman, I rise in opposition to H.R. 10, a bill which would repeal most of the protections of the Hatch Act which shelters Federal civil servants from political pressures incident to their employment.

I did not always agree with President Franklin Delano Roosevelt, but I think he was right back in 1939 when he said that "improper political practices can be eliminated only by the imposition of rigid statutory regulations."

The Hatch Act did, in fact, effectively put an end to the political abuses involving Federal employees to which President Roosevelt was referring. It now seems very strange that many of those who are attempting to carry on the traditions of the Democratic Party have rejected this wise admonition from their most respected 20th century partisan leader. Instead, they appear prepared to take a step backward into a previously discredited system of power politics that abuses the very concept of a merit civil service system and resurrects the evils of the spoils system.

Mr. Chairman, I have before me a publication entitled "The Hatch Act," by John R. Bolton and published as one of the domestic affairs studies of the American Enterprise Institute for Public Policy Research here in Washington, D.C. I know that each Member of this body received a copy of this publication. I note on the board of directors such distinguished gentleman as Paul W. McCracken, R. H. Coase, Milton Friedman, and others. On page 16 of that report I was interested in a quotation that said:

> A politically active bureaucracy raises grave dangers that, at least in part, government by the people risks being replaced by government by the government.

This is another danger which has not been touched on, it seems to me, by repeal of the Hatch Act.

It goes on to say:

> There are only a very few indications that Congress in 1939 believed that protection of the individual citizen was a major reason for supporting the Act. On the contrary, at least some members fully realized the importance of a politically active bureaucracy. Representative Emanuel Celler (Democrat, New York), one of the chief House opponents of Senator Hatch's bill, reminded his colleagues that:
>
> "Fifty Members of the Congress came to the House at the time they were United States attorneys, marshals, or holding a Federal office. They could not have come to the Congress if . . . [the act] were in effect, because they would have been an officeholder, and they could not have taken part in a political campaign."
>
> Representative Elizabeth Holtzman, Representative Celler's successor in the House, has provided the correct rebuttal:
>
> ". . . if there is one lesson we should have learned from Watergate, it is that we must strive to reduce, rather than increase, political influence in the Federal law enforcement and investigative agencies. This bill [H.R. 8617] would, instead, authorize and invite the politicizing of the Justice Department, FBI, U.S. Attorneys' Offices, and Internal Revenue Service, as well as the CIA, National Security Agency and Defense Intelligence Agency."
>
> She posed the hypothetical situations of a U.S. attorney or a district director of Internal Revenue pledged to a particular candidate,

> and asked how exacting the enforcement of the appropriate statutes against their favored candidate would be.
>
> Equally as deleterious as favoritism to a particular partisan candidate is the possibility for discriminatory enforcement against other candidates or their supporters. Such discrimination could be motivated by distaste for a candidate's philosophy, or from personal, political ambition. Repeal of the Hatch Act's prohibitions against partisan activity would, for instance, allow a United States attorney with political ambitions to enforce the criminal provisions of the Federal Election Campaign Act against an incumbent senator or representative or other potential opponent, and then run for that same office himself as a vindicator of "campaign reform" laws.

Now, there is also reason to fear the effect of politicizing Government agencies and those who would deal with them on a day-to-day basis, but I think if this bill passes, it will bring discredit upon this House. I urge my colleagues to vote no, and retain the present effective provisions of the Hatch Act.

Mr. DERWINSKI. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, the suggestion was offered by my friend from New York (Mr. SOLARZ), a few moments ago that the debate had taken on a very Kafkaesque tone; that, in fact, those inveighing against this legislation and who cannot support it, at least in the form reported from the committee, that we were summoning up creatures from the vasty deeps that do not exist. A lot of history has been talked about this afternoon, but it is my understanding that at the time this legislation was given birth, it was because of injustices which occurred in the 1938 election, when Federal workers were coerced into supporting the Democratic Party in return for a job.

The statistics, perhaps, had been mentioned earlier, but my recollection is that about that time only about a third of 900,000 Federal employees were under civil service. Today, two-thirds of more than 2.8 million Federal employees are under the jurisdiction of the Civil Service Commission. So, if we look at the figures, certainly the potential for abuse is far greater today, and many times greater than it could have ever been back in 1938.

I believe Thomas Jefferson was the first President to publicly recognize the ideal of the politically neutral civil servant as the best way to insure impartial Government and protect the rights of all Federal employees to impartial treatment.

In an 1801 circular, Jefferson wrote,

> The President of the United States has seen with dissatisfaction (employees) of the general government taking on various occasions active parts in the elections of public functionaries whether of the general or state government.

He went on to write that a Government employee's attempts to influence the votes of others or the "business of electioneering" is deemed, in his words, "inconsistent with the spirit of the Constitution and his duties to it."

Mr. Chairman, as I mentioned in the Rules Committee yesterday, when we were considering this bill, on this one issue, at least, I guess I had have to call myself a Jeffersonian democrat. Some of my colleagues on the other side of the aisle hastened to welcome me into the fold, but when it came to voting on this matter, they deserted the party of Jefferson to which they lay claim.

Whether or not the modern Democratic Party is a legitimate heir of Jefferson is a matter of some dispute, especially after that vote in the Rules Committee, but there can be no dispute that the Hatch Act, which we are being asked to emasculate here today, was authored by a Democratic Senator, passed by a Democratic Congress and signed into law by a modern day Democratic President, Franklin Delano Roosevelt, in 1939.

What gave rise to that act was the widespread corruption uncovered in connection with the 1938 elections during which Federal workers were coerced into supporting and working for the Democratic Party in return for a job. At that time, only about a third of the 900,000 Federal employees were under the civil service. Today, about two-thirds of the 2.8 million Federal employees are under the jurisdiction of the Civil Service Commission. Thus, if you look at the figures, the potential for abuse against which Jefferson warned is many times greater today than it was back in 1938. And yet, ironically, we have a Democratic President and a Democratic Congress who have apparently lost their roots and seem intent on reconfirming Santayana's warning that, "Those who do not remember the past are condemned to relive it."

Perhaps my colleagues on the other side of the aisle do not see anything but benefits flowing from the un-Hatching of Federal employees. This certainly does unleash a vast new work force for political candidates and it certainly does strengthen the bargaining hand and legislative influence of the public employee unions. This legislation is even being portrayed by some as being the greatest thing since the Emancipation Proclamation and those who oppose it as the cruel slave masters holding countless Federal employees in bondage, prohibiting them from acting like first-class citizens.

You would think they could not vote; but they can. You would think they cannot express their political opinions on candidates; but they can. You would think they cannot contribute to political campaigns; but they can. You would think they cannot attend political rallies, wear political buttons and sport political bumper stickers; but they can. These are not disenfranchised second-class citizens. The major thrust of the Hatch Act is to prevent Federal employees from taking an active part in political campaigns and running for public office.

And how do Federal employees feel about this political emancipation proclamation. A survey of Federal employees commissioned by the Public Service Research Group reveals that 73 percent of the respondents want to keep the Hatch Act as it is. They recognize all the subtle pressures that will be brought to bear on them by their superiors if they lose this protection. They know of all the ways their careers can be thwarted if they do not demonstrate their political support for the party in power.

I would urge my colleagues, especially those on the other side of the aisle who claim to be descendants of Jefferson and Roosevelt, to remember Jefferson's admonition that involving Federal employees in the business of electioneering is "inconsistent with the spirit of the Constitution," and to recall the events that led to the enactment of the Hatch Act in the first place, by a Democratic Congress under a Democratic President. I would hope my colleagues would demonstrate the political wisdom and historic perspective that will not condemn them to reliving the mistakes of the past.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DERWINSKI. Mr. Chairman, I yield 2 additional minutes to the gentleman from Illinois.

Mr. CLAY. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Missouri.

Mr. CLAY. I would just like to ask the gentleman a question as to which Thomas Jefferson he just quoted. As the gentleman knows, Thomas Jefferson, although he was eloquent and persuasive and intelligent, he was somewhat like Da Vinci, Picasso, and Michaelangelo. He went through several stages of genius. I am just wondering if the gentleman is quoting the Thomas Jefferson, the young radical and revolutionist, who said, "A little rebellion is a good thing," or quoting the Thomas Jefferson in later life, after he became President of the United States, who was conservative, antibureaucracy, and a strict constructionist.

Mr. ANDERSON of Illinois. I think the remarks were made about 1801 and it seems to me that that was probably a little bit past the stage that Jefferson made the other remark he made in reference to about a little rebellion being a good thing. But in any event, I do not think the earlier quotation from Jefferson's early career has anything to do with the debate that is taking place on the floor of the House this afternoon. We are not saying, as I indicated earlier, that Federal employees do not have the full right under the present law as it is written to express their feelings fully and freely. They have the same constitutional rights as any other citizen does. What we are saying is that for those people to run for public office, particularly at the Federal level, and to go into the business of electioneering, particularly when they are in a sensitive, strategic position, when they can use the force and influence of that office to coerce someone else, I think it is at that point where we ought to draw the line.

I would prefer to take my stand with the Thomas Jefferson of 1801, who said that that kind of conduct is violative of the very spirit of the Constitution itself.

Mr. DERWINSKI. Mr. Chairman, I

yield such time as he may consume to the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Chairman, I rise in support of the Federal Employees' Political Activities Act of 1977 (H.R. 10), amendments which would revise the Hatch Act of 1939. The purpose of the bill is to allow most Federal and postal employees to participate more fully in the political life of the Nation. At the same time, the amendments are written to provide safeguards against any abuse to the sensitive nature of the civil service merit system.

The legislation is similar to that passed last year by the House and Senate and vetoed by President Ford. An attempt made in the House to override the veto failed by a narrow 23-vote margin. Like last year's measure, I support this one because it encourages Federal employees to exercise, to the extent not expressly prohibited by law, their rights of voluntary participation in the political process—the same rights exercised by non-Federal employees.

Because of a recognized danger of politicization of the Federal service, the amendments indeed would not repeal the Hatch Act but revise it to bring the law up to date with the realities of the 1970's. Numerous safeguards would be added to an otherwise ambiguous law which would prevent civil servants from utilizing their positions in ways that might interfere with nonpartisan public service. By stating these guidelines the bill in effect would better guide Federal employees on what is possible and what is not in regard to personal political activity.

These safeguards would: First, prohibit all Federal employees, except White House employees, from engaging in political activity while on duty or in a Federal building; second, prohibit the solicitation of political contributions by superiors; third, require Federal employees running for full-time elective office to inform their superiors of such activity; fourth, set penalties—including removal, suspension, fines, and imprisonment—for violations of the law; and fifth, make it a Federal crime to use official authority, influence, or coercion to affect the result of any election, or affect any individual's right to vote or not to vote. In addition, the Civil Service Commission would be directed to investigate complaints, to establish a continuing program to inform all employees of their rights, and to educate them with respect to those activities which are prohibited.

With the growth of Federal employment in all fields, Government workers—now totaling 2.8 million—should not be placed in a position that would discourage them from participation in the political process. Although the present law, as amended six times since 1939, does allow limited participation, it is characterized more by its ambiguities than its directives. For instance, it allows employees to make voluntary contributions to political parties but prohibits any partisan solicitation of funds. The law allows personal expression of political views, but prohibits employees from holding official positions in political clubs or partisan campaign committees. It allows Federal workers to attend as spectators political meetings, fundraisers and conventions, but does not allow them to offer motions or vote on resolutions at such meetings. Additionally, the law as presently constituted acts as a disincentive which discourages any political activity for many Federal employees because of their fear of violating, through ignorance, some vague regulation.

Thus, in my view, the Federal Employees' Political Activities Act offers better safeguards from improper political activities than currently exist. And, the bill would help to remedy the undesirable effects of the Hatch Act, while encouraging a more responsive and aware Federal work force.

I therefore support this bill and urge its passage.

Mr. DERWINSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. ROBINSON).

Mr. ROBINSON. Mr. Chairman, I wish to offer a few observations about H.R. 10, a bill to repeal 38-year-old protections that have existed to safeguard Federal workers from political exploitation, abuse by their politically appointed superiors, or by outside political forces in the so-called interest of allowing their future unfettered engagement in political activities.

It is exceedingly odd that at a time all hands should be working diligently to restore public trust in the workings of the Federal Government, this Congress should be working to turn back the clock to an old, scandal-ridden political spoils system that would further discredit Government and expose well over 2½ million Federal workers to political abuses virtually impossible for responsible executive authorities to prevent.

The Common Cause organization has sensibly warned that Federal personnel must be impartial in the administration of our Federal laws and policies, and that undermining the Hatch Act cannot possibly build respect for the Federal civil service. Yet many so-called liberals with a record of unswerving obedience to the Common Cause position appear in this matter to be ignoring the views of their leading cause-setter. Why?

The Carter administration itself, through the Civil Service Commission, tried without success to amend this legislation within the Post Office and Civil Service Committee to assure that restrictions on political activity remain in full force for Federal employees holding sensitive positions. These positions generally cover law enforcement—including civil and criminal investigators—inspectors and auditors, Federal contracting agents for goods or services, and administrators making decisions on licenses, grants, subsidies, and other such benefits.

Yet the minority report filed to H.R. 10 indicates that the administration's views on this important matter were brushed aside by the President's own partisans on the committee, and that a watered-down substitute was adopted that cannot possibly be effective in preventing political improprieties or worse. Why?

In committee, according to the minority report, a moderating amendment was offered designed merely to assure that Federal workers would have the right to participate or to refrain from participating in political activities during their careers in the Federal service, or to assist or to refrain from assisting any organization whatsoever encouraging their political activities. It was defeated. Why?

Incredibly, an amendment was even defeated at the committee level that would have prevented taxpayers from having to pay the salaries during campaign periods of nonelected Federal and postal employees running for partisan public office. Again, the question is, Why?

The answer to all the above questions seems quite clear. As the Republican Policy Committee, of which I am a member, pointed out earlier this month:

> Labor union leaders and their allied political forces are supporting the passage of H.R. 10 to cloak their politicization of the Federal bureaucracy. Public employees can then be pressured to work actively for candidates, their committees and platforms, to participate in the organization and management of political campaigns, and be required to contribute money to political campaigns and parties.

The Chicago Tribune puts it another way:

> The reason Big Labor hungers for it (Hatch Act repeal) is that Federal employees would be vulnerable to immense political pressure from public employee unions . . . What would result, judging from what has happened in some of our big cities, would be a vast Federal patronage army of 2.6 million persons, controlled not by politicians but by unions.

There is a good deal of nonsense in all the rhetoric we are hearing about the present oppressed state of Federal workers operating under the reasonable political restrictions of the Hatch Act. The fact is, they can freely register and vote, make voluntary contributions to the political party of their choice, express their political opinions publicly and privately, attend all political functions as a spectator, wear political paraphernalia on their clothes, bedeck their cars with political bumper stickers, sign nominating petitions, petition Members of Congress individually or collectively, and even, as in northern Virginia, run as nonpartisan candidates for local offices.

The freedoms Federal workers already enjoy, without the danger of political intimidation damaging to their career advancement or to their bank account, undoubtedly account for the Hatch Act's popularity among them. For example, in the last Congress, a poll of the 10th Congressional District of Virginia, home to the largest number of Federal workers in any district outside the Nation's capital, showed that 59 percent of responding participants opposed any change in the Hatch Act, with only 34 percent preferring change.

Mr. Chairman, I am certain that the

vast majority of citizens in my congressional district, regardless of their partisan political affiliation, believe strongly that Government employees must remain strictly impartial in their many services and duties to the public, and that they deserve to be kept free of any compromising political impropriety or pressure in making decisions about public policy. Federal employees are entitled to be protected from the debasement of their merit system—which was won for them only after many political scandals and years of political exploitation. They have every right to be protected from endless subtle pressures by superiors to make campaign contributions or do governmental favors for outside political interests on threat of job loss or stymied career advancement.

As the National Taxpayers Union puts it:

> Opening the floodgates for political activity within the Federal establishment is clearly not in the interests of the American taxpayer, good government or career integrity for federal employees. Removing Hatch Act limitations on the political activities of career Federal officials, executives, managers, supervisors and employees will create entirely new levels of administrative confusion, conflicts of interest and corruption.

Mr. Chairman, H.R. 10 should be defeated in the public interest.

Mr. DERWINSKI. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, if awards were given for disruptive legislation, H.R. 10 surely would rate an Oscar or an Emmy. It already has earned richly deserved plaudits as an outstanding piece of fiction. From its title through its often vague and vaporous language, it purports to address itself to political freedom, but it really invites political coercion and intimidation.

The so-called freedom guaranteed by this legislation is the freedom to build partisan political machines within the executive branch with the capability of crippling the Government on any controversial issue. It is the type of freedom which will undermine morale in the Federal workforce and further erode public confidence in Government.

In the limited time allotted for debate, it is impossible to make a line-by-line analysis of the various bad features in this bill. For that reason, I will concentrate on only a few points.

Let us examine the charge the Hatch Act, in some mysterious way, makes Federal employees "second-class citizens." That is patently untrue. The Hatch Act does not deny Federal workers their basic rights. They can register and vote, make voluntary contributions to a political party, express opinions on political subjects and candidates, wear campaign buttons and badges, and individually or collectively petition Congress or any Member of Congress.

If Federal workers were being deprived of their rights, the courts long ago would have declared the Hatch Act unconstitutional. Instead, the act has been tested three times before the Supreme Court, and each time it has passed with flying colors. In the last test, in 1973, the Supreme Court said:

> It is in the best interest of the country, indeed essential, that Federal service should depend on meritorious performance rather than political service.

It also has been said that circumstances have changed in the 38 years which have elapsed since passage of the Hatch Act, and that Federal employees are more sophisticated. In 1939, there were 920,000 Federal employees. The chief sponsor of H.R. 10 disputed that figure during the Rules Committee hearing pointing out that there were only some 330,000 employees in the competitive service back in 1939. I will gladly accept the accuracy of that count since it provides even more dramatic proof of what is at stake. Today, we have in excess of 2.8 million Federal employees.

It was a Democratically controlled Congress which concluded that 300,000-plus Federal employees needed protection from threats of coercion and political intimidation. Are the proponents of this legislation trying to make us believe that the present huge Federal workforce is less susceptible to political pressure than the comparatively smaller number of employees who were on the Federal payroll in 1939?

Obviously, the labor bosses are not proceeding on that basis. As political operators of the first order, they know there is strength in numbers, particularly organized numbers. That makes it easy to understand why organized labor has assigned top priority to this legislation. They know it would give them the elbow room they need to operate in an area which the Hatch Act now declares "off limits."

In an editorial last Friday, the Washington Star said labor's interest in H.R. 10 was twofold. "The Federal workforce represents a fertile field for union organization; and politicizing the Federal service would increase labor's muscle in political and governmental affairs," the editorial said.

According to the Civil Service Commission 58 percent of the nonpostal workforce—1,190,478 employees—were represented by employee unions as of November 1976. Since a recognized union in a particular agency must represent all the employees in that unit, representation is not the same as union membership. In fact, the Commission's Office of Labor-Management Relations currently estimates that only about 550,000 nonpostal Federal employees are entered into dues withholding agreements. The Commission estimates these dues to union total about $29 million annually.

The point is that there is absolutely no way a handful of labor bosses can claim to speak for all Federal employees.

A variety of responsible public organizations have not been misled by H.R. 10. Common Cause, for example, in opposing any relaxation of the Hatch Act, said:

> We cannot afford a politicized civil service. Our civil service must be respected and that requires that federal personnel be impartial in the administration of our federal laws and policies.

The bill before us is virtually the same legislation which was considered in the last session, but this time the ground rules are different. For some Members who supported this legislation, it was a painless decision since a Presidential veto was a foregone conclusion. This time around, despite White House reservations about some provisions of the bill, it will be signed into law, if Congress makes that option available. The vote you cast today literally and figuratively will be set in cement.

Although the Hatch Act is not perfect, it has provided Federal employees with the necessary insulation against "'spoils-system" politics, and it has not deprived them of their rights to participate in political affairs on a reasonable and appropriate basis.

This is not the time to jettison principle for political expediency. We can keep faith with the public and our Federal employees by overwhelmingly rejecting this bad bill.

Mr. Chairman, I could take 30 minutes or 30 hours to go on and advise the House just how bad a bill this is, but in order to expedite the moment when we will all have to make a historic decision, I will limit my remarks.

First, my friend, the gentleman from Missouri (Mr. Clay), keeps reciting a list of supporters of this measure. So I would just like the Members of the House to know that newspaper editorial opinion has been almost 100 percent in opposition to H.R. 10. These include such outstanding journals as the San Francisco Examiner; Columbus Dispatch; Washington Star; Baltimore Sun; Christian Science Monitor; Minneapolis Tribune; Kansas Gazette; Memphis Commercial Appeal; Chicago Tribune; and others.

The San Francisco Examiner had a very practical editorial. I will read just one paragraph from that editorial:

> Three Supreme Court decisions have upheld the law's constitutionality, and an impartial 1976 survey showed that 73 percent of civil service workers want the Hatch Act left as is.

It goes on further to say:

> The Hatch Act is government policing itself against a politicized civil service—and doing a reasonable good job of it for almost four decades. It should be left as is.

I suggest that we have had a good, fair, complete debate. I would suggest, as I did earlier, that there are not any number of amendments that could make this bill acceptable. After we add to the confusion by accepting or rejecting dozens of amendments, I will close by urging a vote against the measure in whatever form it finally appears.

Mr. Chairman, the earliest challenge was in *United Public Workers* v. *Mitchell* 330 U.S. 75 (1974). The Court said:

> The influence of political activity by government employees, if evil in its effects on the service, the employees or the people dealing with them, is hardly less so because the activity takes place after hours (330 U.S. 95).

At page 99 of the opinion:

> Congress and the President are responsible for an efficient public service. If, in their

> judgement, efficiency may be best obtained by prohibiting active participation by classified employees in politics as party officers or workers, we see no constitutional objection (330 U.S. 99).

The most recent major challenge occurred in 1973, *National Association of Letter Carriers* v. *Civil Service Commission* 413 U.S. 556:

> Our judgement is that neither the First Amendment nor any other provision of the Constitution invalidates a law barring this kind of partisan political conduct by federal employees. Such decision on our part would no more than confirm the judgement of history, a judgement made by this country over the last century that it is in the best interest of the country, indeed essential, that federal service should depend upon meritorious performance rather than political service, and that the political influence of federal employees on others and on the electoral process should be limited.

Mr. Chairman, I have no further requests for time.

Mr. Chairman, I yield such time as he may consume to the gentleman from Guam (Mr. WON PAT).

Mr. WON PAT. Mr. Chairman, the House should pass H.R. 10, the Hatch Act amendments.

As you know, the Hatch Act currently prohibits 2.8 million Federal civil service and postal employees from actively participating in political campaigns, soliciting campaign funds from fellow workers, or running for office on a partisan ticket.

As it is presently drafted, H.R. 10 would amend the Hatch Act to permit Federal civilian and postal employees to participate voluntarily and as private citizens in the political process of the Nation. It sets sensible guidelines to protect these employees from improper influences and solicitations, and coercion or the misuse of official authority.

I endorse H.R. 10 in the belief that a democratic society cannot function as an effective unit when a major portion of its population is denied complete participation in its political affairs. When the Hatch Act was passed years ago, it was out of fear that Federal employees would be forced to donate to Federal elections or be required to campaign for members of certain parties or face loss of their jobs. This may have been the situation 50 years ago, but much has changed since then. The Civil Service Commission has established sound guidelines to protect Federal employees from such abuses and H.R. 10 carries additional protection.

Speaking on behalf of the approximately 4,000 Federal workers on Guam, I believe what an employee does in his or her spare time is not the concern of the Government as long as it does not impair job efficiency.

The Hatch Act's current excessive limitations on political activity discriminate against Federal employees by denying them the opportunity to participate on an equal basis with their fellow Americans in the political process of their country. To my way of thinking, H.R. 10 corrects a long overdue inequity in the law and restores the precious right of political participation on a broad level of voluntary activity to Federal civil service and postal employees on Guam and elsewhere in the nation.

I am proud to join many of my colleagues in support of this legislation and wish to note that I was an early cosponsor of such legislation in the 94th Congress. It deserves passage and I urge my colleagues to do so.

Mr. EILBERG. Mr. Chairman, I rise in full support of H.R. 10, which modifies the Hatch Act to permit Federal civilian and postal employees to participate voluntarily in the political life of the Nation.

I joined in cosponsorship of this legislation, Mr. Chairman, because I felt there was something inherently wrong in having on the statute books a law like the Hatch Act, which effectively denied to 2.8 million citizens of this Nation all of the rights and privileges associated with their franchise, except the right to vote itself.

The Hatch Act became law in a different era, when we were trying to end the spoils system in this country and when we wanted to insulate—and rightly so—civil service employees from improper political pressures from elected and appointed officers of the executive branch of the Government. The goal was worthy: as is far too often the case, the "cure" of this law was worse than the "disease." The Hatch Act so insulated the career civil servant that he was effectively foreclosed from participation in the political processes of our country.

Today we have an opportunity to rectify this situation. The amendments on which we will vote give back to the civilian and postal employees of the Federal Government that precious right to participate in politics—while still shielding them from reprisals in the event that they choose to work within the framework of a political party which may be different from that of the party in power at any given time.

I shall vote for this legislation with great enthusiasm, and with the conviction that, in so doing, I will be advancing the cause of individual political rights in America. I hope my colleagues share that conviction, and that they will be able to cast their votes for this bill with equal enthusiasm.

Mr. BROOMFIELD. Mr. Chairman, I rise in opposition to H.R. 10. This effort to water down the Hatch Act virtually to the point of repeal was abhorrent to me last year, and is no less so today.

The Hatch Act was instituted in 1939 because the Nation had learned its lessons from the flagrant misuse and abuse of the Federal work force for political gain. Weakening the Hatch Act would return the Government to the spoils system and force us to relearn those same lessons.

For years the Hatch Act has served the Nation well by protecting public and Federal employees from undue political influence in the bureaucracy. It has helped the civil service say "no" to partisan politics, partisan solicitations of funds, and partisan attempts to sway the day-to-day decisions of government.

The inherent problem of political influence on the bureaucracy is recognized by the sponsors of the bill. The bill's exemption of certain Federal employees from any loosening of the Hatch Act restraints admits to skepticism of the so-called safeguards. However, these few exemptions cover only the most obvious areas of potential abuse. The large number of civil servants who would be removed from the Hatch Act's protection, also make daily decisions that affect the public, and these civil servants and their decisions would be subject to partisan political forces.

Supporters of H.R. 10 argue that the Hatch Act makes "second-class citizens" of Federal employees. This idea of "second-class citizenship" does not appear to be recognized by the majority of Federal employees. A 1975-76 poll in Virginia's 10th Congressional District—which contains the highest concentration of Federal workers outside the District of Columbia—showed that 59 percent of the respondents were opposed to changes in the Hatch Act. Likewise, the 1977 poll conducted by our colleague from Maryland's Eighth Congressional District, Mr. STEERS, who also represents large numbers of Federal employees, showed that 69 percent of the respondents felt Federal workers should not retain their jobs if they run for partisan elective office. Fifty-three percent said "no" to allowing Federal employees to campaign actively for candidates running for partisan elective offices.

Supporters of H.R. 10 argue that the Hatch Act limits the political rights of Federal employees. The act does have restrictions on political activities but these restrictions must be kept in perspective and weighed against the consequences of virtual repeal. Federal employees may still register and vote in any election. They may express opinions on political issues or candidates, and be members of and make contributions to political parties. They may attend political rallies and conventions and engage in a variety of other political activities. What they may not do is wear the two hats of partisan political activist and impartial Government employee at the same time.

Mr. Chairman, last year when this legislative body passed a bill weakening the Hatch Act, the American people were saved by a Presidential veto. We cannot expect to be rescued like that every time. Therefore, I urge my colleagues to keep the bureaucracy on a merit, nonpolitical basis and vote against this bill.

Mr. FAUNTROY. Mr. Chairman, I rise in support of H.R. 10, the 1977 Federal Employees Political Activities Act, which would amend the present Hatch Act to permit most Federal, civilian and postal employees to voluntarily participate in the political processes of the Nation. As the Representative of a District which has one of the largest numbers of Federal employees, I am particularly impressed with the necessity of making it possible for Federal and District of Columbia employees to voluntarily determine the degree to which they want to participate in the political process, as well as for the need to assure that they are not subjected to undue coercion and politicization of their jobs. This bill has achieved a very workable balance between these two needs.

All of us are aware that more than 2 years of work has gone into this bill. Originally considered in the early days of the 94th Congress, this House, as well as the Senate, enacted for the President a bill providing Hatch Act revisions. It was vetoed and failed the override by a mere 26 votes. This bill is less extensive in its revisions than H.R. 8617 of the 94th Congress and, should not, therefore, be subjected to the same concerns as expressed by those who opposed this earlier effect.

Unless this bill is passed, we will continue to face the anomaly, in a democratic society, that seeks to encourage participation in its political processes, that more than 2.8 million Federal employees, including all those who live and work in the District of Columbia, are purposely denied the right to run for partisan office, hold a party office, or even do volunteer work in a partisan campaign. Those who seek to work, those who seek to support a candidate, seek to give their time because they lack the financial resources to give money, risk very severe sanctions if not the loss of their jobs and even possible criminal penalties. Such a policy in an enlightened era is wrong.

I do not deny that perhaps at one time the stringent requirements of the Hatch Act were necessary. They are no longer necessary because we, in this Nation, now have the very strong tradition of an independent civil service. At the time the original Hatch Act was made law, there was no such tradition; the spoils system was rampant and the rule of practice. Today, I think I can say I know of no politician who would want to substitute a merit system for the old and discredited spoils. Additionally, I would point out that H.R. 10 has very stringent provisions against coercion, prohibitions against political activities while one is on duty, and requirements that one must take a leave of absence if he or she is a candidate. Additionally, the bill retains the full prohibition on political work by those persons who are engaged in law enforcement, audit or inspection, contracting, or the providing and administration of grants, subsidies, or other kinds of benefits. This may be stricter than is necessary; but, I fully understand the rationale behind this exemption and I think, at the initial stages of this change, it is not an unreasonable judgment, though I emphasize that this restriction is broader than I would have sought.

Mr. Chairman, there are few rights more important to the American citizenry than the right to decide the level of one's own participation in the political process. One who believes he or she can do a better job ought to have the opportunity to test his belief in the open market of a political campaign. One who cannot give money ought to be able to give his or her own time. One who wishes to engage in seeking to improve local government by actively holding a party office, running for office, or working with the political personages ought to be free to do so without wondering whether or not he or she is violating some law or regulation that may be complex beyond all necessary reason and comprehension.

The fact is, Mr. Chairman, that there are people who do participate in the political process. They do so at great risk to themselves and to those for whom they work. This should not be so. It is far more dangerous to the integrity of government that one be forced to exercise what ought to be a cherished and public right in the hidden recesses of fear.

This bill is particularly important to the residents of this community—Washington, D.C.—because without it we will not be able to seek out those who are the most talented for work in our own local government. We will lose what they have to offer; we need the talents these people can bring to us.

The men and women who are denied a right to participate are effectively forced to live with political decisions that they could not help to make. They are given a choice of government without participation. Our Founding Fathers never intended this; I hope we will not perpetuate it today.

Mr. Chairman, I urge support for this bill; this House has passed similar—indeed broader—legislation in the past and I hope we can do it again today.

Mr. LEACH. Mr. Chairman, I rise in opposition to H.R. 10, which will substantially revise the Hatch Act.

This is not a partisan political issue. It transcends party and philosophical lines. The bill's importance, however, is measured by its ultimate effect on employees, the Government, and the general public. Also, of equal importance is how the public perceives the Nation's business being handled.

For the past 38 years, the Hatch Act has served our country well. The original purpose and intent of this act is no less diminished today by the fact our Government employs over 3 times the number of employees it did in 1939—2.8 million—or that it has a budget that is more than 40 times what it was in 1939—$408 billion.

Mr. John R. Bolton, author of "The Hatch Act, A Civil Libertarian Defense," said in defense of the Hatch Act—

> Government workers have a right to be free from political coercion—particularly from any systematic solicitation by either their superiors or their coworkers. Since the power to coerce derives in substantial amount from power vested in the government, the Hatch Act is, in effect, a case of the government restraining itself.

I agree.

Therefore, with more and more of our daily lives influenced by Federal decisionmaking, it is alarming to conclude, as H.R. 10 does, that we need a relaxation of these protections of employees and the public. I think the reverse is evident.

The Nation's business is too large, too expensive, and too important for its administration to be constantly suspect of partisan political motives. However, I am afraid that is exactly what might happen if we approve H.R. 10. A politically tainted bureaucracy will not promote confidence and trust in our Government. It will, instead, adversely change the character of our civil service merit system. This would be a tragic mistake.

Mr. Chairman, the Hatch Act is not perfect. It needs revision, but not as drastically proposed in H.R. 10. I urge rejection of this proposal with the hope a more careful review be undertaken.

Mr. GOLDWATER. Mr. Chairman, I rise in opposition of H.R. 10 as it now stands before us. I only hope that all my colleagues, Democrats and Republicans alike think long and hard before passing this legislation.

I believe we all know that public confidence in the bureaucracy and its elected officials has been at low tide for quite some time. Enactment of H.R. 10 would only justify the lack of confidence. In fact, adoption could bring a return to those days before 1939, when the Hatch Act passed, when Federal employees in Kentucky, Tennessee, and elsewhere were fired, ordered to change their voter registration or browbeaten by superiors who expected them to toe a partisan political line. I know what you must be thinking, times have changed, with this legislation we will not be reverting back to the "spoils system." However, I think times have not changed—this country is more powerful than ever before and the outside interest groups are far stronger than they were 38 years ago.

There is a basic question here as I am sure there was 38 years ago. Is there a justifiable reason for treating Federal employees differently from other citizens with regard to freedom to participate in political activity? Further, are civil service employees second class citizens? I think not. Apparently, this is the opinion of a majority of my colleagues. I ask my colleagues how a civil service employee can vote, contribute to political parties; express their opinions in public and private; observe primary meetings, fundraisers and conventions; sign nominating petitions and run as independents for local offices? I ask you how can anyone be tagged a second class citizen when they have the rights I just stated?

I find it disturbing that major legislation such as H.R. 10 has been skirted through full committee in an amazing three hours. Not only do I find this amazing, but that not a single Federal, State or local government employee testified pro or con when the Subcommittee on Civil Service held hearings. I think we all know who's been doing the speaking for those civil service employees.

There is not one shred of doubt in my mind that this legislation could mean ultimate doom. My fellow colleagues, if you cannot see the political power base that this legislation would mean for special interest groups, then I cannot do your seeing for you.

I know that polls have been taken and special interest groups have been quoted over and over again on this legislation. But, I leave you with one thought—as elected officials who have worked tremendously hard at rebuilding public opinion about our Government—should not we be thinking about protecting Government workers from political coercion of any kind or would you rather have your children or your children's children read in history books how the people's government was replaced by government by the Government.

Therefore, I urge its defeat.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise today in support of the proposed amendments to the Hatch Act. If passed, H.R. 10 will prove to be a great step toward allowing full democratic participation in the political system by all Americans.

The Hatch Act has systematically denied meaningful political involvement to approximately 2.8 million Federal executive branch civilians and postal employees. This is not in keeping with our democratic form of government.

This bill includes sufficient safeguards against abusive political activity. Since last year, it has been carefully and skillfully improved by the Post Office and Civil Service Committee and the problem areas have been eliminated. Therefore, support for H.R. 10 is more warranted than ever before. Although H.R. 10 encourages Federal employees to exercise their right of voluntary political participation, it has been wisely written to maintain the prohibitions of existing law for certain "restricted" employees in sensitive managerial, law enforcement and national security positions.

Additionally, I strongly favor the provision which requires the Civil Service Commission to inform employees of their rights under this act and to establish an office to advise and counsel them.

The Congressional Commission on Political Activity of Governmental Personnel called the Hatch Act "confusing, ambiguous, restrictive, negative in character, and possibly unconstitutional." With a report card as bad as that, I can see no reason for continued adherence to the 1939 Hatch Act when this bill, H.R. 10, has exactly the kind of remedial help it needs.

I urge my colleagues to vote in support of this measure.

Mr. LEGGETT. Mr. Chairman, this afternoon the House considers H.R. 10, the Federal Employees' Political Activities Act of 1977. This legislation reforms the Hatch Act first made law in 1939 and merits favorable action by the Congress.

This legislation comes before us after better than a decade of consideration by the Congress. In 1966, the Congress established the Commission on Political Activity of Government Personnel to study Federal laws which limited or discouraged participation of Government employees in political actiivty. The Commission recommended that the degree of activity permitted to Federal employees should be significantly expanded, and that sanctions at all levels of Government against coercion should be strengthened. The Commission recommendations ultimately formed the basis for a bill considered during the last Congress. As you will recall, we passed the bill, but failed to override President Ford's veto and the issue is before the House again this session.

As the Commission has documented, the Hatch Act and some 3,000 subsequent administrative rulings have created a maze which make it virtually impossible to determine with precision what is and what is not prohibited. This has had a chilling impact on political participation, even beyond that conceived of by the authors of the 1939 law. We cannot allow this to continue.

The bill before the House is a well thought out measure which addresses our experience with the Hatch Act since 1939. H.R. 10 restores to Federal and postal employees essential rights of citizens in a free society; that is, to voluntarily participate in the political processes by which the decisions are made to govern our Nation. H.R. 10 removes severe and unnecessary restrictions on the first amendment rights of Federal employees. I believe our country can only benefit by maximum participation in our democratic institutions which this bill would encourage.

In addition to enlarging the scope of approved political activity, the measure before us strengthens existing protections for Federal employees against possible intimidation by their superiors, spelling out in unequivocal language the prohibitions against use of official authority to coerce another Federal employee. Also, the bill retains those persons working in sensitive agencies—the FBI, the IRS, and those employees who influence grants and contracts—under the provisions of the original Hatch Act.

To conclude, Mr. Chairman, H.R. 10 would allow Federal and postal employees to fully participate in our Nation's political process while protecting the integrity of the merit system and the impartial administration of Government. I believe this is a thoroughly researched, well written, and balanced approach that deserves the support of the House.

Thank you.

Mr. DRINAN. Mr. Chairman, the Hatch Act has been the focus of much debate and public attention since its approval in 1939. It was first enacted in response to improper political coercion by Federal employees administering certain New Deal programs. Even at the time of its passage, some observers considered it an overreaction to the documented abuses. In sweeping prohibitory language, which itself raised serious constitutional questions of vagueness, the act sought to remove Federal employees totally from partisan political activities.

In retrospect, it may be that Congress, in 1939, developed a cure which was much worse than the disease. It may be that we sought to kill a flea with the proverbial elephant gun. Be that as it may, the question before us today is whether we should reaffirm the judgment of almost 40 years ago or whether we should reexamine the present need for the Hatch Act and make appropriate revisions.

The question is not one of easy resolution. People who are equally strong in their desire for an impartial civil service may, and indeed have, come to different conclusions. The overwhelming weight of opinion appears to be on the side of change; more specifically, an impressive array of individuals and organizations, including the President of the United States, support H.R. 10. While that body of opinion is persuasive, it is not, for me, determinative.

In my judgment, the key factor is whether the present Hatch Act strikes a proper balance between the rights of Federal employees which they otherwise would have to participate freely in partisan political activities and the need for an impartial fair Civil Service. Because I do not think that it does, I favor H.R. 10 and urge its immediate passage. It is intolerable that Federal employees, alone among all of the groups in our Nation, should be prohibited from participating in the simplest and least offensive partisan political activities, such as stuffing envelopes, handing out campaign literature, and assisting voters to the polls for specific candidates or even for a political party.

The necessity for maintaining a high standard in the public service does not require that kind of broad proscription. Narrower, more limited restrictions would, in my judgment, clearly accomplish the goal of a fair Civil Service, while preserving the right of Federal employees to participate voluntarily in the political life of the country.

I cannot agree with those who say that passage on H.R. 10 will politicize the Federal civil service. First, it should be stressed that the bill does not remove all restrictions on political activities. The kind of coercion by Federal employees which triggered the enactment of the Hatch Act would still be prohibited. H.R. 10 would also keep intact existing proscriptions against soliciting funds in Federal buildings and by supervisory officials.

Second, some of the most severe abuses of the civil service occurred during the recent Nixon administration, when the Hatch Act was in full force. That experience should show us that no law will prevent improper activities by elected and appointed officials who are determined to use the bureaucracy for crass, selfish, political purposes. Since the Hatch Act restrictions did not prevent such abuses, I doubt if loosening them will encourage abuses.

Third, Congress has permitted a wide range of Federal employees to participate in partisan political activities without the restrictions of the Hatch Act. Employees of the Congress, who serve a role equally as vital as executive branch employees, have never been subject to the broad proscriptions in the Hatch Act. Furthermore 3 years ago we liberalized the Hatch Act as it applied to State employees administering programs funded in whole or in part from Federal funds. In those 3 years we have not heard any great outcry that those reforms have politicized the affected employees and their departments.

Fourth, with respect to certain restricted positions, H.R. 10 permits the Civil Service Commission to continue existing Hatch Act restrictions in full force. These positions are largely in agencies which were the target of recent abuses by White House and other officials. Thus if the Commission believes, after careful review of specific positions on a case-by-case basis, that present proscriptions are needed, then it may continue them after proper notice in the Federal Register. Of course, such exceptions must comply with the standards enunciated in the bill and explained in the legislative history.

Fifth, it must be stressed that the new rights to be granted Federal employees under H.R. 10 would apply only in off-duty hours. In some of the discussion over this measure, that fact seems to have been forgotten. I have the utmost confidence in Federal employees that they will be able to divorce their personal political beliefs and activities from the faithful and fair execution of their sworn duties. One of the premises of the merit system is that it will select employees who have the capacity to separate personal conviction from the proper exercise of governmental authority. Politicization of the civil service is more likely to come from the application of lax selection standards than from allowing employes, on their own time, to participate in political activities.

Sixth, I would argue that encouraging participation in political activities will enhance, not detract from, the due administration of Federal programs. One of the criticisms frequently leveled at the bureaucracy is that it is not responsive to the needs of the people it serves. Engraving in political activities often means direct contact with the voters. Such interchanges between Federal employees and the people will, in my view, increase the responsiveness of the Civil Service. It is the chasm between bureaucrats and the persons they serve that adversely affects the effectiveness and efficiency of the Civil Service. Heightening their sensitivity to the problems of the people through direct participation in politics should advance not hinder the proper execution of the laws.

One of the unfortunate results of the Watergate affair is that we have become apologetic and defensive about "politics." By reinforcing the popular misperception that all politicians are "crooks," the Watergate events have taken their toll on our own willingness to advocate increased, not less, participation in partisan political acivity. Citizens, including Federal employees, who do not participate in such activities contribute to an atmosphere which allows abuses to occur simply because they are not present to prevent them. If we truly believe in popular democracy, then we will encourage vigorous and active participation in, not total abstention from, the political process by Federal employees. When the Governors are forbidden to work with the governed in selecting their officials, the likelihood of abuse is enhanced. Greater participation, not less, is the answer, and that is the object of H.R. 10.

In short, Mr. Chairman, this bill will better serve the Republic than the existing Hatch Act. With its overbroad prohibitions, the current law has denied the rights of 2.8 million Americans without guaranteeing the desired result. By forbidding Federal employees from working with other citizens in the crucible of politics, the Hatch Act is counterproductive by closing off an important mechanism for the discussion of national problems and their solutions. H.R. 10 would reopen these important channels of exchange. In my view, that is a necessary step forward in producing a more responsive, intelligent, effective, and impartial Civil Service.

I urge my colleagues to support this measure.

Mr. ABDNOR. Mr. Chairman, it is amazing that in a Congress apparently consumed with the desire to protect citizens from everything, we find ourselves today debating whether or not we should do away with one of the best "protection" laws we have on the books. I speak today in opposition to what we are contemplating in regard to the Hatch Act.

The Hatch Act is the best guarantee the citizen has that his dealings with the Federal Government will be relatively untainted by consideration of partisan politics. This is protection, not only for the citizen, but protection for the Federal worker. The Hatch Act does not infringe on a Federal worker's rights as a citizen, as some would have you believe. They have an array of rights as participants in elections and are free to exercise them as they see fit. Among them are:

First. Register and vote in any election;

Second. Express opinion as an individual privately and publicly on political subjects and candidates, display a political picture, sticker, badge, or button;

Third. Make a financial contribution to a political party or organization;

Fourth. Participate in the nonpartisan activities of a civic, community, social, labor, or professional organization, or of a similar organization;

Fifth. Be a member of a political party or other political organization and participate in its activities to the extent consistent with law;

Sixth. Attend a political convention, rally, fund-raising function, or other political gathering;

Seventh. Sign a political petition as an individual;

Eighth. Take an active part, as an independent candidate, or in support of an independent candidate, in a nonpartisan election. In specified municipalities having high concentrations of Federal employees—41 in Maryland, 11 in Virginia, 13 in other States—employees may be candidates for and serve in elective office and as independents may take an active part in political management and campaigns in connection with partisan elections for local offices of the municipality or political subdivision;

Ninth. Be politically active in connection with a question not specifically identified with a political party—constitutional amendment, referendum, and so forth.

Tenth. Serve as an election judge or clerk or in a similar position to perform nonpartisan duties; and

Eleventh. Otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise efficiency or integrity of an employee or the neutrality, efficiency or integrity of the agency.

Mr. Chairman, a majority of Federal workers contacting me as we have considered altering the Hatch Act, in both the last Congress and in this, have expressed their satisfaction with the present law and their desire to keep the protection they have. Most certainly, I have heard from the postal unions, too, who are on record for changing the act, but postal workers are far from comprising a majority of Federal employees. Moreover, the reservations expressed at one time or another by my distinguished colleague, the Honorable JOSEPH FISHER on the wisdom of changing the Hatch Act as we are contemplating, indicate that he, too, has found most Federal workers like things the way they are.

If we want to politicize the Federal worker and erase the line between administrative discretion and political expediency, we will vote the amendments proposed in H.R. 10.

If, however, we are sincerely concerned about protecting both our citizens and Federal workers from the political coercion that is certain to follow should the protection be removed, then we will reject this ill-conceived bill, as I hope we will.

Mr. BADILLO. Mr. Chairman, I am pleased to rise in support of H.R. 10, which would finally give Federal employees the right to fully participate in the democratic process.

Since 1939, when in a burst of overzealousness over revelations of corruption of Federal employees by campaigning candidates, the Congress passed the Hatch Act, the largest single employer in the United States, the Government itself has been guilty of breaching the civil rights of its employees. It is not the Government's role to intervene in the life of its employees once they leave their workplace. It is not the role of the Government to say that, although all people are entitled to participate in the election of those who will serve them, only some citizens have that right. It is a sacrifice that too many people have made. And it is a sacrifice, too, that some have not made, for in their desire to shape the system under which they work, they have worked in campaigns illegally. It seems to me almost ludicrous that someone should be doing something illegal when they only seek to do what we in this body do every other year in order to work here.

Yes, there is the possibility of abuse. But that possibility has been taken into account. And the safeguards that this bill provides, coupled with the professionalism and commitment of most Government workers, will assure the accountability and adherence to the law that the Hatch Act was designed to enforce.

The bill also strengthens existing protections for employees against possible coercion by the superiors, and so there is recourse for the honest employee when that happens.

It is simple justice, that after 38 years, to end this gross discrimination against a large sector of the American labor force. I urge my colleagues to join me in passing H.R. 10.

Mr. CLAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the debate on this important piece of legislation has come to a close. The arguments have been vigorous and informative. The opponents have presented their case in a scholarly and sober manner. But I think it is obvious that the proponents of this legislation have effectively and articulately rebuffed the fears and contentions advanced by those who oppose the bill. Hopefully, we have resolved any reservations they might have had.

It has been shown that the passage of this bill will in no way threaten or destroy the merit system. It has been demonstrated that Federal employees will enjoy more protection against coercion and intimidation under the provisions of this bill than exists under the present Hatch Act. This bill in no way will encourage or permit the politicizing of the Federal work force. Nor will it compromise the integrity of our merit system to the whims of elected and appointed officials.

Mr. Chairman, our committee started with two major objectives in mind. Both were desirable and both of primary concern in our attempt to fashion this legislation.

First, was our deep concern for extending to all citizens their constitutional rights of free speech and association. For we know that a democratic society is only as strong, only as vital as the extent of active citizen participation in our political process.

Second, was our determination to assure the most honest, most impartial, and most efficient transaction of the public's business. This bill accomplishes both objectives. We have been able to reconcile constitutional freedom with controls against political excesses. We have struck that delicate balance between citizen participation in the political process and protection of honest and impartial public service.

We have documented that this country is the only democratic society in the entire world which imposes such stringent restrictions on their Government employees. It has always puzzled me that those who vigorously oppose the extension of constitutional rights can do so in such lofty terms. Invariably they wrap themselves in the American flag, quote the Founding Fathers, sing the national anthem, and march out some self-written mandate for them to save the republic.

Mr. Chairman, the argument here is clear and precise. You either believe that the constitutional framers intended to guarantee freedom of speech to all Americans or you do not. You either believe that Federal employees are just as honest, just as law abiding, and just as responsible as their counterparts in the private sector or you do not. You either believe that 2.8 million American citizens are just that in every sense of the word or you believe that they are second class.

I believe it is time for this Congress to stand up and tell the world that the Constitution and the Bill of Rights applies to every man, woman and child in the United States. I believe it is time for us to make it possible for all Americans to enjoy the full meaning of the first amendment which says:

> Congress shall make no law prohibiting the free exercise of speech, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

The CHAIRMAN. There being no further requests for time, pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute recommended by the Committee on Post Office and Civil Service now printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 10

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Employees' Political Activities Act of 1977".

SEC. 2. (a) Subchapter III of chapter 73 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER III—POLITICAL ACTIVITIES

"§ 7321. Political participation

"It is the policy of the Congress that employees should be encouraged to fully exercise, to the extent not expressly prohibited by law, their rights of voluntary participation in the political processes of our Nation.

"§ 7322. Definitions

"For the purpose of this subchapter—

"(1) 'employee' means any individual, other than the President and the Vice President, employed or holding office in—

"(A) an Executive agency;

"(B) the government of the District of Columbia;

"(C) the United States Postal Service or the Postal Rate Commission; or

"(D) a position within the competitive service which is not in an entity referred to in subparagraphs (A) through (C);

but does not include a member of the uniformed services;

"(2) 'candidate' means any individual who seeks nomination for election, or election, to any elective office, whether or not such individual is elected, and, for the purpose of this paragraph, an individual shall be deemed to seek nomination for election, or election, to an elective office, if such individual has—

"(A) taken the action required to qualify for nomination for election, or election; or

"(B) received political contributions or made expenditures, or has given consent for any other person to receive political contributions or make expenditures, with a view to bringing about such individual's nomination for election, or election, to such office;

"(3) 'political contribution'—

"(A) means a gift, subscription, loan, advance, or deposit of money or anything of value, made for any political purpose;

"(B) includes a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a political contribution for any political purpose;

"(C) includes the payment by any person, other than a candidate or a political party or affiliated organization, of compensation for the personal services of another person which are rendered to such candidate or political party or affiliated organization without charge for any political purpose; and

"(D) includes the provision of personal services for any political purpose;

"(4) 'superior' means an employee who exercises supervision of, or control or administrative direction over, another employee;

"(5) 'elective office' means any elective public office and any elective office of any political party or affiliated organization;

"(6) 'enforcing authority' means the general counsel of the Civil Service Commission or such other individual within the Commission as the Commissioners may designate to carry out investigation and enforcement activities under this subchapter;

"(7) 'State means each of the several States and the District of Columbia;

"(8) 'person' means any individual, corporation, trust, association, any State, local, or foreign government, any territory or possession of the United States, or any agency or instrumentality of any of the foregoing; and

"(9) 'restricted position' means any position with respect to which there is in effect a determination by the Commission, by regulation, that—

"(A) the duties and responsibilities of such position require such employee, as a substantial part of his official activities, to engage in—

"(i) the enforcement of any civil or criminal law;

"(ii) the inspection or auditing of the activities of any person;

"(iii) the contracting for goods or services for the Government;

"(iv) the providing, administration, or monitoring of licenses, grants, subsidies, or other benefits; or

"(v) foreign intelligence or national security activities;

"(B) the duties and responsibilities of such position—

"(i) in the case of any inspection, audit, prosecution, or investigation under any civil or criminal law, employees holding such positions have the authority to make policy decisions binding on other employees under their control with regard to who shall be the subject of any such action; or

"(ii) in the case of any Government contract or any Government license, grant, subsidy, or other benefit, employees holding such positions have the authority to make binding decisions on other employees under their control with respect to such contract or benefit which involves any funds or other interest having a substantial monetary value; and

"(C) the restrictions on political activity imposed on such employee in such a position are justified in order to insure the integrity of the Government or the public's confidence in the integrity of the Government.

"§ 7323. Use of official influence or official information; prohibition

"(a) An employee may not directly or indirectly use or attempt to use the official authority or influence of such employee for the purpose of—

"(1) interfering with or affecting the result of any election; or

"(2) intimidating, threatening, coercing, commanding, influencing, or attempting to intimidate, threaten, coerce, command, or influence—

"(A) any individual for the purpose of interfering with the right of any individual to vote as such individual may choose, or of causing any individual to vote, or not to vote, for any candidate or measure in any election;

"(B) any person to give or withhold any political contribution; or

"(C) any person to engage, or not to engage, in any form of political activity whether or not such activity is prohibited by law.

"(b) An employee may not directly or indirectly use or attempt to use, or permit the use of, any official information obtained through or in connection with his employment for any political purpose, unless such official information is available to the general public.

"(c) For the purpose of subsection (a) of this section 'use of official authority or influence' includes—

"(1) promising to confer or conferring any benefit (such as any compensation, grant, contract, license, or ruling) or effecting or threatening to effect any reprisal (such as deprivation of any compensation, grant, contract, license, or ruling); or

"(2) taking, directing others to take, recommending, processing, or approving any personnel action (such as any appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, performance evaluation or any adverse action under this title, suspension for 30 days or less, or other disciplinary action).

"§ 7324. Solicitation; prohibition

"(a) An employee may not—

"(1) give or offer to give a political contribution to any individual either to vote or refrain from voting, or to vote for or against any candidate or measure, in any election;

"(2) solicit, accept, or receive a political contribution to vote or refrain from voting, or to vote for or against any candidate or measure, in any election;

"(3) knowingly give or hand over a political contribution to a superior of such employee; or

"(4) knowingly solicit, accept, or receive, or be in any manner concerned with soliciting, accepting, or receiving, a political contribution—

"(A) from another employee (or a member of another employee's immediate family) with respect to whom such employee is a supervisor; or

"(B) in any room or building occupied in the discharge of official duties by—

"(i) an individual employed or holding office in the Government of the United States, in the government of the District of Columbia, or in any agency or instrumentality of the foregoing; or

"(ii) an individual receiving any salary or compensation for services from money derived from the Treasury of the United States.

"(b) In addition to the prohibitions of subsection (a) of this section, an employee holding a restricted position may not solicit, accept, or receive a political contribution from, or give a political contribution to, any individual who is an employee, a Member of Congress (or a candidate for such office), or a member of a uniformed service, or any agent of any such individual. The preceding sentence shall not be construed to prohibit an employee from giving a political contribution to a political committee.

"§ 7325. Political activities on duty, etc.; prohibition

"(a) An employee may not engage in political activity—

"(1) while such employee is on duty;

"(2) in any room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States, in the government of the District of Columbia, or in any agency or instrumentality of the foregoing; or

"(3) while wearing a uniform or official insignia identifying the office or position of such employee.

"(b) The provisions of subsection (a) of this section shall not apply to—

"(1) an individual—

"(A) paid from the appropriation for the White House Office;

"(B) paid from funds to enable the Vice President to provide assistance to the President; or

"(C) on special assignment to the White House Office;

"(2) the Mayor of the District of Columbia, the Chairman or a member of the Council of the District of Columbia; or

"(3) any activity of an individual which is not otherwise prohibited by or under law and which is part of such individual's official duties.

"(c) Nothing in this section shall be construed to authorize an individual designated in subsection (b) to engage in political activity otherwise prohibited by or under law.

"(d)(1) In addition to the prohibitions of subsection (a) of this section, an employee holding a restricted position may not take an active part in political management or political campaigns unless such part—

"(A) is in connection with (i) an election and preceding campaign if none of the candidates is to be nominated or elected at that election as representing a party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected or (ii) a question which is not specifically identified with a National or State political party or political party of a territory or possession of the United States: or

"(B) is permitted by regulations prescribed by the Civil Service Commission and involves the municipality or political subdivision in which such employee resides, when—

"(i) the municipality or political subdivision is in Maryland or Virginia and in the immediate vicinity of the District of Columbia or is a municipality in which a majority of voters are employed by the Government of the United States; and

"(ii) the Commission determines that because of special or unusual circumstances which exist in the municipality or political subdivision it is in the domestic interest of the employees to permit political participation.

"(2) For the purpose of this subsection, 'an active part in political management or in political campaigns' means those acts of political management or political campaigning which were prohibited on the part of employees in the competitive service before July 19, 1940, by the determinations of the Civil Service Commission under the rules prescribed by the President.

"§ 7326. Candidates for elective office; leave, notification by employees

"(a) An employee shall promptly notify the agency in which he is employed upon becoming a candidate for elective office and upon the termination of such candidacy.

"(b) An employee who is a candidate for elective office shall, upon the request of such employee, be granted leave without pay for the purpose of allowing such employee to engage in activities relating to such candidacy.

"(c) Notwithstanding section 6302(d) of this title, an employee who is a candidate for elective office shall, upon the request of such employee, be granted accrued annual leave for the purpose of allowing such employee to engage in activities relating to such candidacy. Such leave shall be in addition to leave without pay to which such employee may be entitled under subsection (b) of this section.

"(d) The foregoing provisions of this section shall not apply in the case of an individual who is an employee by reason of holding an elective public office.

"§ 7327. Investigation; procedures; hearing

"(a) The enforcing authority shall investigate reports and allegations of any activity prohibited by section 7323, 7324, or 7325 of this title. Any such investigation shall terminate not later than 90 days after the date of its commencement. If the enforcing authority does not make the notification required under subsection (c) of this section before the close of the period for investigation, subsections (c)(2) and (3) and (d) of this section, and section 7328 of this title, shall not apply thereafter to the employee involved with respect to the activities under investigation.

"(b) As a part of the investigation of the activities of an employee, the enforcing authority shall provide such employee an opportunity to make a statement concerning the matters under investigation and to support such statement with any documents the employee wishes to submit. An employee of the Commission lawfully assigned to investigate a violation of this subchapter may administer an oath to a witness attending to testify or depose in the course of the investigation.

"(c)(1) If it appears to the enforcing authority after investigation that a violation of section 7323, 7324, or 7325 of this title has not occurred, it shall so notify the employee and the agency in which the employee is employed.

"(2) Except as provided in paragraph (3) of this subsection if it appears to the enforcing authority after investigation that a violation of section 7323, 7324, or 7325 of this title has occurred, the enforcing authority shall serve upon the employee a notice by certified mail, return receipt requested (or if notice cannot be served in such manner, then by any method calculated to apprise the employee)—

"(A) setting forth specifically and in detail the charges of alleged prohibited activity;

"(B) advising the employee of the penalties provided under section 7328 of this title;

"(C) specifying a period of not less than 30 days within which the employee may file with the enforcing authority a written answer to the charges in the manner prescribed by rules issued by the Commissioners; and

"(D) advising the employee that unless the employee answers the charges, in writing, within the time allowed therefor, the Commissioners may treat such failure as an admission by the employee of the charges set forth in the notice and a waiver by the employee of the right to a hearing on the charges.

"(3) If it appears to the enforcing authority after investigation that a violation of section 7323, 7324, or 7325 of this title has been committed by—

"(A) an employee appointed by the President by and with the advice and consent of the Senate;

"(B) an employee whose appointment is expressly required by statute to be made by the President;

"(C) the Mayor of the District of Columbia; or

"(D) the Chairman or a member of the Council of the District of Columbia;

the enforcing authority shall refer the case to the Attorney General for consideration of prosecution, if appropriate, under title 18, and shall report the nature and details of the apparent violation to the President and to the Congress.

"(d)(1) If a written answer is not filed within the time allowed therefor, the Commissioners may, without further proceedings, issue their final decision and order.

"(2) If an answer is filed within the time allowed therefor, the charges shall be determined by the Commissioners on the record after a hearing conducted by a hearing examiner appointed under section 3105 of this title, and, except as otherwise expressly provided under this subchapter, in accordance with the requirements of subchapter II of chapter 5 of this title, notwithstanding any exception therein for matters involving the tenure of an employee. The hearing shall be commenced within 30 days after the answer is filed with the enforcing authority and shall be conducted without unreasonable delay. As soon as practicable after the conclusion of the hearing, the examiner shall serve upon the Commissioners, the enforcing authority, and the employee such examiner's recommended decision with notice to the enforcing authority and the employee of opportunity to file with the Commissioners, within 30 days after the date of such notice, exceptions to the recommended decision. The Commissioners shall issue their final decision and order in the proceeding no later than 60 days after the date the recommended decision is served. The employee shall not be removed from active duty status by reason of the alleged violation of this subchapter at any time before the effective date specified by the Commissioners.

"(e) (1) At any stage of a proceeding or investigation under this subchapter, the Commissioners may, at the written request of the enforcing authority or the employee, require by subpena the attendance and testimony of witnesses and the production of documentary or other evidence relating to the proceeding or investigation at any designated place, from any place in the United States or any territory or possession thereof, the Commonwealth of Puerto Rico, or the District of Columbia. Any Commissioner may issue subpenas, and any Commissioner and any hearing examiner authorized by the Commissioners may administer oaths, examine witnesses, and receive evidence. In the case of contumacy or failure to obey a subpena, the United States district court for the judicial district in which the person to whom the subpena is adressed resides or is served may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

"(2) Any Commissioner may order the taking of depositions at any stage of a proceeding or investigation under this subchapter. Depositions shall be taken before an individual designated by the Commissioners and having the power to administer oaths. Testimony shall be reduced to writing by or under the direction of the individual taking the deposition and shall be subscribed by the deponent.

"(f) An employee upon whom a penalty is imposed by an order of the Commissioners under subsection (d) of this section may, within 30 days after the date on which the order was issued, institute an action for judicial review of the Commissions' order in the United States Court of Appeals for the District of Columbia Circuit or in the United States court of appeals for the judicial circuit in which the employee resides or is employed. The institution of an action for judicial review shall not operate as a stay of the Commissioners' order. A copy of the summons and complaint shall be served as otherwise prescribed by law and, in addition, upon the Commissioners who shall then certify and file with the court the record upon which the Commissioners' order was based. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that the additional evidence may materially affect the result of the proceeding and that there were reasonable grounds for failure to adduce the evidence at the hearing conducted under subsection (d) (2) of this section, the court may direct that the additional evidence be taken before the Commissioners in the manner and on the terms and conditions fixed by the court. The Commissioners may modify their findings of fact or order, in the light of the additional evidence, and shall file with the court such modified findings or order. The Commissioners' findings of fact, if supported by substantial evidence, shall be conclusive. The court shall affirm the Commissioners' order if it determines that it is in accordance with law. If the court determines that the order is not in accordance with law—

"(1) it shall remand the proceeding to the Commissioners with directions either to enter an order determined by the court to be lawful (including an order for reinstatement with or without back pay) or to take such further proceedings as, in the opinion of the ccurt, are required; and

"(2) it may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred by the employee.

"(g) The enforcing authority or the Commissioners may proceed with any investigation or proceeding instituted under this subchapter notwithstanding that the enforcing authority cr the head of an employing agency or department has reported the alleged violation to the Attorney General as required by section 535 of title 28.

"(h) (1) All decisions of the Commissioners with respect to the exercise of their duties and powers under the provisions of this subchapter shall be made by a majority vote of the Commissioners.

"(2) A Commissioner may not delegate to any person his vote nor, except as expressly provided by this subchapter, may any decisionmaking authority vested in the Commissioners by the provisions of this subchapter be delegated to any Commissioner or other person.

"§ 7328. Penalties

"(a) An employee who is found under section 7327 of this title to have violated any provision of—

"(1) section 7323 of this title shall, upon a final order of the Commissioners, be suspended without pay from such employee's position for a period of not less than 30 days, or shall be removed in which event that employee may not thereafter hold any position (other than an elected position) as an employee (as defined in section 7322(1) of this title);

"(2) section 7324 or 7325 of this title shall, upon a final order of the Commissioners, be—

"(A) removed from such employee's position, in which event that employee may not thereafter hold any position (other than an elected position) as an employee (as defined in section 7322(1) of this title) for such period as the Commissioners may prescribe;

"(B) suspended without pay from such employee's position for such period as the Commissioners may prescribe; or

"(C) disciplined in such other manner as the Commissioners shall deem appropriate.

"(b) The Commissioners shall notify the enforcing authority, the employee, and the employing agency of any penalty they have imposed under this section. The employing agency shall certify to the Commissioners the measures undertaken to implement the penalty.

"§ 7329. Educational program; reports

"(a) The Commission shall establish and conduct a continuing program to inform all employees of their rights of political participation and to educate employees with respect to those political activities which are prohibited.

"(b) The Commission shall designate an employee within the Commission who shall be responsible for the establishment and administration of the program described in subsection (a) of this section. Such employee may receive and answer questions relating to the provisions of this subchapter. Information received by such employee and the identity of the person who provided such information shall not be disclosed by such employee except with the consent of the person who provided such information.

"(c) On or before March 31 of each calendar year, the Commission shall submit a report covering the preceding calendar year to the Speaker of the House of Representatives and the President pro tempore of the Senate for referral to the appropriate committees of the Congress. The report shall include—

"(1) the number of investigations conducted under section 7327 of this title and the results of such investigations;

"(2) the name and position or title of each individual involved, and the funds expended by the Commission, in carrying out the program required under subsection (a) of this section; and

"(3) an evaluation which describes—

"(A) the manner in which such program is being carried out; and

"(B) the effectiveness of such program in carrying out the purposes set forth in subsection (a) of this section.

"§ 7330. Regulations

"(a) The Civil Service Commission shall prescribe such rules and regulations as may be necessary to carry out its responsibilities under this subchapter. Regulations shall be prescribed under this subchapter in accordance with section 553 of this title, notwithstanding any exception therein for matters relating to agency management or personnel.

"(b) The regulations referred to in section 7322(9) of this title shall be prescribed not later than 90 days after the effective date of such section. Thereafter any revision of such regulations shall be prescribed not later than March 1 of the calendar year in which such revision is to take effect. Any employee holding any position with respect to which any such regulation is prescribed may institute an action for judicial review of such regulation by filing a petition in the United States Court of Appeals for the District of Columbia Circuit, or in the United States court of appeals for the judicial circuit in which such employee resides or is employed, except that no such action may be instituted more than 30 days after the effective date of such regulation.".

(b) (1) Section 3302 of title 5, United States Code, is amended by striking out "7153, 7321, and 7322" and inserting in lieu thereof "and 7153".

(2) Section 1308(a) of title 5, United States Code, is amended—

(A) by inserting "and" at the end of paragraph (2);

(B) by striking out paragraph (3); and

(C) by redesignating paragraph (4) as paragraph (3).

(3) The second sentence of section 8332 (k) (1) of title 5, United States Code, is amended by striking out "second" and inserting "last" in lieu thereof.

(4) The section analysis for subchapter III of chapter 73 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER III—POLITICAL ACTIVITIES

"7321. Political participation.
"7322. Definitions.
"7323. Use of official influence or official information; prohibition.
"7324. Solicitation; prohibition.
"7325. Political activities on duty, etc.; prohibition.
"7326. Candidates for elective office; leave, notification by employees.
"7327. Investigation; procedures; hearing.

"7328. Penalties.
"7329. Educational program; reports.
"7330. Regulations.".

(c) (1) Sections 602 and 607 of title 18, United States Code, relating to solicitations and making of political contributions, are each amended by adding at the end thereof the following new sentence: "This section does not apply to any activity of an employee, as defined in section 7322(1) of title 5, unless such activity is prohibited by section 7324 of that title.".

(2) Chapter 29 of title 18 of the United States Code is amended—

(A) by adding at the end the following new section:

"§ 608. Extortion of political contributions from Federal personnel

"Whoever, by the commission of or threat of physical violence to, or economic sanction against, any person, obtains, or endeavors to obtain, from an officer or employee of the United States or of any department or agency thereof, or from a person receiving any salary or compensation for services from money derived from the Treasury of the United States, any contribution for the promotion of a political object, shall be imprisoned not less than two nor more than three years, or fined not more than $5,000, or both."; and

(B) by adding at the end of the table of sections for such chapter the following new item:

"608. Extortion of political contributions from Federal personnel.".

(d) Section 6 of the Voting Rights Act of 1965 (42 U.S.C. 1973d) is amended by striking out "the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 1181), prohibiting partisan political activity" and by inserting in lieu thereof "the provisions of subchapter III of chapter 73 of title 5, United States Code, relating to political activities".

(e) Sections 103(a) (4) (D) and 203(a) (4) (D) of the District of Columbia Public Education Act are each amended by striking out "sections 7324 through 7327 of title 5" and inserting in lieu thereof "section 7325 of title 5".

(f) Sections 8332(k) (1), 8706(e), and 8906 (e) (2) of title 5, United States Code, are each amended by inserting immediately after "who enters on" the following: "leave without pay granted under section 7326(b) of this title, or who enters on".

SEC. 3. (a) The amendments made by this Act shall take effect 120 days after the date of the enactment of this Act, except that the authority to prescribe regulations granted under section 7330 of title 5, United States Code, as added by section 2 of this Act, shall take effect on the date of the enactment of this Act.

(b) Any repeal or amendment made by this Act of any provision of law shall not release or extinguish any penalty, forfeiture, or liability incurred under such provision, and such provision shall be treated as remaining in force for the purpose of sustaining any proper proceeding or action for the enforcement of such penalty, forfeiture, or liability.

(c) No provision of this Act shall affect any proceedings with respect to which the charges were filed on or before the effective date of the amendments made by this Act. Orders shall be issued in such proceedings and appeals shall be taken therefrom as if this Act had not been enacted.

Mr. CLAY (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AMENDMENTS OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. GILMAN: Page 44, beginning on line 15, strike out "and other litigation costs reasonably incurred by the employee" and insert in lieu thereof "and other costs reasonably incurred by the employee in connection with proceedings under this subchapter".

Page 45, after line 7, insert the following new subsection:

"(i) Under regulations prescribed by the Commission, if any employee is found under a final decision of the Commissioners not to have violated any provision of section 7323, 7324, or 7325 of this title, the Commissioners may award attorney fees and other costs reasonably incurred by such employee in connection with proceedings under this subchapter."

Mr. GILMAN. Mr. Chairman, I ask unanimous consent that the amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Chairman, my first amendment, simply put, would permit the U.S. Court of Appeals for the District of Columbia or the U.S. Court of Appeals for the judicial circuit in which the employee resides or is employed to assess against the United States, in an action for judicial review, where the court finds that an employee has been wrongfully penalized, both litigation costs as well as other legal costs incurred by an employee in connection with proceedings provided for by section 1327 of this legislation.

My second amendment requires the Civil Service Commission to prescribe regulations governing the assessment of reasonable attorney fees and other costs against the Civil Service Commission contracted by a Federal employee in those situations where the employee, whether or not employing counsel, successfully defends himself against all charges brought against him under either section 7323, 7324, or 7325 of this legislation.

The rationale of these amendments is to afford some relief to those Federal employees forced to incur the ruinous costs commonly associated with and necessitated by a proper and adequate legal defense in both court and administrative law proceedings, and at the same time, heighten the Commission's awareness of the number of instances involving dubious, and even spurious charges brought against Federal employees by the "enforcing authority", as defined in section 7322 of H.R. 10, relating to improper political activities.

As contemplated by these amendments, the Commission would be permitted the same wide latitude in the awarding of reasonable attorney fees and other costs that a U.S. Court of Appeals is premitted in an action for judicial review.

We are all aware of the exorbitant costs of a quality legal defense. The nature of the proceedings envisioned by section 7327 of this legislation, the subleties of legal representation, and the importance of the outcome of these proceedings to the future livelihood of an employee necessitates, in all but the simplest of cases, the best legal representation that can be afforded. However, the costs that may be contracted by an employee in the preparation of a legal defense to charges brought against him under section 7323, 7324, or 7325 of this legislation could prove prohibitive to an average wage earner if forced to bear such fees entirely by himself, and consequently, may well negate the option of employing counsel. Such legal costs typically involve: attorney fees, depositions, transcripts, and the travel and time of witnesses, expert or not.

Another consideration, is that in the past, the Commission has had a very poor track record in the successful prosecution of violations of the Hatch Act. And under the provisions of H.R. 10, once the Commissioners have found an employee, accused of improper political activities, not to have violated any provisions under section 7323, 7324, or 7325, that employee has no further recourse against the U.S. Government to recoup out-of-pocket expenses borne in defense of his good name, unlike the situation where the same employee found guilty and is penalized, may then seek judicial reveiw, and if found wrongfully penalized, petition the court for an order assessing costs against the U.S. Government.

Mr. Chairman, there is apparently no precedent for these amendments. However, I think it is time that we consider both the burdensome costs that can be suffered by a Federal employee in defense of charges brought against him under the provisions of this new Hatch Act and all its attending confusion and act to preclude the personal assumption of such damages.

Mr. Chairman, it is my understanding that this amendment is acceptable to the sponsor, Mr. CLAY, and the majority members of the House Post Office and Civil Service Committee. I would also hope to have the assurance of the sponsor, the gentleman from Missouri, that he will support my amendments should H.R. 10 be taken up by a conference committee. Accordingly, I urge the committee's adoption of these amendments.

Mr. CLAY. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Chairman, I wish to congratulate and commend the gentleman from New York (Mr. GILMAN) on his amendment. I think it is a very worthwhile and fair amendment.

Mr. Chairman, we will accept it on this side, and I give the gentleman the assurance that we will fight for it in conference.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for his comments.

Mr. DERWINSKI. Mr. Chairman, I

move to strike the requisite number of words.

Frankly, Mr. Chairman, I am rarely at a loss for words; but in this instance I am.

Mr. DERWINSKI. Frankly, Mr. Chairman, I am rarely at a loss for words; but in this instance I am.

Just imagine what we are seeing here. Here we have H.R. 10, an absolutely perfect legislative vehicle; and it is brought to the floor with great fanfare and with great acclaim by its supporters and its sponsors.

Then our dear friend, the gentleman from New York (Mr. GILMAN), a member of the committee, offers an amendment that raises some interesting points.

Mr. Chairman, I am in an awkward position in that the sponsor of the bill accepts the amendment. It would ill behoove me, an opponent of the measure, to try to save it from its folly. However, at least for the record, these points have to be made.

Under present law there is no provision for awarding attorney's fees in the case of Federal employees who have been cleared of an adverse activity charge.

On the other hand, Mr. Chairman, H.R. 10, the bill before us, provides that a court may award attorney's fees to an employee who has been cleared of a Hatch Act violation if the case goes to court.

Mr. Chairman, the Gilman amendment goes one step further and authorizes attorney's fees also for employees cleared of Hatch Act charges before the Civil Service Commission. This is a major departure, and it is an inconsistency. I think it will set a precedent for a wave of such amendments to any bill affecting civil service employees. We have no estimate of what the cost might be. We have no estimate of what the imposition on the Civil Service Commission from an administrative standpoint might be, in addition to these legal fees that would be paid.

Mr. Chairman, if I were trying to defend the bill, I probably would object to the amendment. However, since I think the bill is bad per se, if the sponsor wants to overload it with a few more dubious amendments, let him be my guest.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York (Mr. GILMAN).

The amendments were agreed to.

Mrs. SPELLMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, H.R. 10 is legislation which this body should not have had to consider today. This is a bill which should have become law last year when both this House and the other body passed a similar bill by substantial majorities. Only because those majorities fell short of the two-thirds necessary to override President Ford's veto are we discussing this measure again.

The points in favor of the bill this year are identical to those last year. H.R. 10, simply, makes sense. It corrects a situation which for 40 years has denied Federal employees the right of complete access to the political process, and in so doing has made those employees something less than full citizens of this country.

During the last Congress I served on the subcommittee to which the Hatch Act revision bill was referred. We held extensive hearings on the measure, and even held evening hour hearings so that Federal employees could participate directly. We held hearings in my own district, as well as in other areas impacted by large numbers of Federal employees. What we heard during those hearings was a strong plea to revise, not eliminate, the restrictions imposed by the Hatch Act, so that those employees can more freely participate in our political process.

Some of that desire to modify the Hatch Act stems from the confusion caused by the vagueness of present-day regulations. This vagueness acts as a restraint against the employee who considers becoming involved in any political actions. The law as it stands now is a hodge-podge, such a mish-mash that it is being violated every day by people acting in good faith.

For example, if a Federal employee, is approached by a friend who wants to put a political bumper sticker on his car, he might well back off, afraid that a sticker might be a violation of the Hatch Act. Actually under current regulations this is permitted.

Or, if a Federal employee were asked to wear a button for a political candidate, he might say, "No," because, of course, many people feel this is a prohibited act. Wrong. Under present law, it is allowed.

But, if an elderly neighbor calls to ask for a ride to the polls, because she is unable to walk there, naturally, the employee would gladly pick him up, and he would do so in good faith. But he would have been in violation of the Hatch Act, as it stands today.

We all know of the apathy which permeates the electorate. Why should we continue to maintain a system that causes so much confusion that it actually erects barricades in the way of voter participation? I should think that we in the Congress would do everything we could to encourage, not discourage, participation in the political arena.

This act before us today, despite what some people seem to believe, is actually a bill which strengthens the existing safeguards and provides additional explicit safeguards for both the employee and the Government. It carefully details protections of the rights of Federal employees. It explicitly identifies the process through which an aggrieved employee may protest. It clearly specifies proscribed activities and permitted activities. Most importantly, it establishes an affirmative education program through the Civil Service Commission to inform each Federal employee of his rights of political participation. Rather than open the Federal service to coercion and politicization, this bill prevents it by removing any doubt as to exactly what is and is not allowed.

Those in opposition to this bill say that the Federal employee cannot serve both an impartial civil service and a partisan political organization. I cannot believe that the political activities of a Federal employee will affect his work performance any more than would such activities would affect the work performance of a construction worker, a teacher, a businessman, or a doctor.

Mr. Chairman, again this year I announced to Federal employees in my district that I would vote as they told me to on this issue. Again this year they have told me by an overwhelming margin that they want changes made in the restrictions of the Hatch Act. It is important to recognize that there are a great many people who are being denied, or who think they are prohibited from, the opportunity to be full-fledged, active citizens.

I am just transmitting the pleas of "Hatched" citizens who asked me to say that all other citizens of this great country of ours are free from political restraint, and then ask, "Why are we not?"

I urge my colleagues to join me in support of this bill to strengthen our political system and preserve the integrity of the Federal service.

AMENDMENT OFFERED BY MR. SOLARZ

Mr. SOLARZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLARZ: Page 35, line 5, at the end of subsection 7324(b) insert the following new subsection—

"(c)(1) In addition to the prohibitions of subsection (a) of this section, an employee may not solicit, accept, or receive a political contribution from, or give a political contribution to, a person who—

"(A) has, or is seeking to obtain, contractual or other business or financial relations with the agency in which the employee is employed;

"(B) conducts operations or activities which are regulated by such agency; or

"(C) has interests which may be substantially affected by the performance or nonperformance of such employee's official duties.

"(2) The Commission shall prescribe regulations which exempt an employee from the application of paragraph (1) of this subsection with respect to any political contribution to or from an individual who has a family or personal relationship with the employee if the employee complies with such requirements as the Commission shall so prescribe which relate to the disqualification of such employee from engaging in any official activity involving such individual.

"(3) The Commission shall prescribe regulations which exempt the application of paragraph (1) of this subsection with respect to any political contribution from a person in situations in which the facts and circumstances indicate there would not be any adverse effect on the integrity of the Government or the public's confidence in the integrity of the Government."

Mr. SOLARZ (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SOLARZ. Mr. Chairman, this is a simple, but I think significant, amendment.

I understand it has the support of the distinguished gentleman from Missouri (Mr. CLAY) who is managing the legislation; and, believe it or not, the support as well of my good friend, the distinguished gentleman from Illinois (Mr. DERWINSKI) who is managing the minority interests with respect to this legislation.

Mr. Chairman, basically what the amendment would do is to prohibit any Federal employee from soliciting a political contribution from any individual over whom the agency for which that employee works has jurisdiction. This amendment, I think, would go a long way toward eliminating one of the remaining loopholes in this legislation by creating a situation in which we could avoid even the appearance of a conflict of interest, by virtue of the fact that Federal employees would now be prohibited from soliciting contributions, not from the American people in general, but only from those individuals who have interests pending before the agency for which they work.

As a consequence, Mr. Chairman, to take but one example, a Federal mine inspector under my amendment would be prohibited from soliciting a contribution from the owner of a mine, but would not be prohibited from soliciting a contribution from the owner of the neighborhood drugstore, who has no relationship whatsoever to the agency for which that mine inspector works.

Mr. CLAY. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. Mr. Chairman, at this point I will yield to my good friend and colleague, the gentleman from Missouri (Mr. CLAY) so that I can get the gentleman's blessing on this amendment also.

Mr. CLAY. Mr. Chairman, we accept the amendment on this side. This amendment was originally included in H.R. 10. I believe the amendment strengthens the solicitation prohibition in the bill. I congratulate the gentleman from New York (Mr. SOLARZ) for offering this amendment and for his work in the drawing up of this legislation so that it is a truly balanced bill and one which will protect both the employees and the public.

Again I say that we accept the amendment.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I am delighted to yield to my very good friend, the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, in looking at the bill on page 34, it says:

> . . . an employee holding a restricted position may not solicit, accept, or receive a political contribution from or give a political contribution to, any individual who is an employee, a Member of Congress. . . .

So that it would be perfectly all right for others who are not in a restricted position, is that correct?

Mr. SOLARZ. Yes, it would. But my amendment has to do with solicitation.

Mrs. FENWICK. Yes, I understand that the amendment offered by the gentleman from New York is different. But this language struck my eye because I did not have a copy of the gentleman's amendment.

Is that correct about the bill?

Mr. SOLARZ. I think the interpretation of the gentlewoman from New Jersey is correct.

Mrs. FENWICK. Because according to the chairman of the subcommittee when he earlier informed the House, anybody in the Internal Revenue Service, for example, who is not in a supervisory position, is not considered to be in a sensitive position. I presume that it would be true of other agencies, also. So that it would be perfectly all right for this unrestricted individual to do any of these things and, in fact, to use the information that he receives in his official capacity, with the only punishment being a 30-day suspension.

Mr. SOLARZ. I believe the gentlewoman from New Jersey (Mrs. FENWICK) has made one misstatement there. That is, there is a prohibition in the legislation, as well as in the existing law, under which Federal employees are prohibited from divulging confidential information which they obtain in the course of their employment. So that no Federal employee, even if this bill is enacted, would be in a position to utilize information they had obtained in the course of their employment for political purposes. But under my amendment, any employee of the Treasury Department who is not covered under the restricted clause would be prohibited from solicitating a contribution from any individual who had business pertaining to the work of his agency.

Mrs. FENWICK. I understand, and that certainly seems like a most desirable development, but the danger it seems to me here is this: suppose, for example, you have an employee in the Internal Revenue Service and he says to a private individual, "I am investigating your income tax return and you had better give a little contribution."

Now, he, too, is going to be subject only to the 30 day suspension. It seems to me incredible, but that is what it says.

Mr. SOLARZ. Under my amendment, that would be prohibited, they would not be able to do that.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words.

be prohibited from soliciting a contri-

Again, Mr. Chairman, at the risk of sounding like a broken record, I would wish the Members on the floor here and those watching on the television sets in the Rayburn Building, would know what has happened. Here we have a case where an amendment is offered with an explanation that in the bill in the subcommittee, it was left out through inadvertence and now it is brought back.

But this is the problem with this bill. The amendment provides that no employee may solicit, accept, or receive a political contribution from, or give a political contribution to a person who is seeking to obtain contractual or other business or financial relations with the agency in which the employee is employed.

This is disturbing to me, the very fact that we have to go to such great pains and be redundant and reemphasize these fears and prohibitions. This shows what a Pandora's box we are opening with this bill. We can accept many more amendments like this. The gentleman from New York (Mr. SOLARZ) is one of the great experts in amending bills, so we can multiply and multiply these statements of protection. But the gentleman is still creating a monster. The very fact that he has to go great lengths to cleanse the bill with amendments like this shows the fundamental defects of this bill. However, if the sponsor wishes to accept it, who am I, a poor opponent, to reject this great change? So long as the gentleman overloads the bill enough to kill it, be my guest.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SOLARZ).

The amendment was agreed to.

Mr. ROUSSELOT. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears. Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

AMENDMENT OFFERED BY MR. LOTT

Mr. LOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. LOTT: On page 27, strike out line 20 and all that follows down through line 23, and insert in lieu thereof the following:
>
> "It is the policy of the Congress that employees should be encouraged to fully exercise, freely and without fear of penalty or reprisal, and to the extent not expressly prohibited by law—
>
> "(1) their rights to participate or to refrain from participation in the political processes of our Nation, and
>
> "(2) their rights to form, join, or assist, or to refrain from forming, joining, or assisting, any organization, political party, committee, association, or other group which advocates or encourages political activities, and that employees should be protected in the exercise of these rights.

Mr. LOTT. Mr. Chairman, this amendment adds to the congressional policy statement of the bill, by giving Federal employees a statutory right to refrain from political activity, if they so desire.

Although the subject matter of legislation dealing with Federal labor-management relations is different than the subject matter of this bill, I would point out that similar language dealing with the right to refrain is found in Executive Order 11491, as amended, as well as H.R. 13—page 3, lines 4–7.

Under provisions of this amendment, we guarantee to our Federal employees the right to participate in political activities, the right to refrain from participation in political activities, the rght to form, join or assist any organization, political party, committee, association or other group which advocates or encourages political activities, and the right to refrain from forming, joining or assisting any organization, political party, committee, association, or other group which advocates political activities.

While it may be argued that the bill, by using the phrase "voluntary participation" anticipates an unspecified right to refrain, we think this right ought to be specified in the bill.

I think this is a very basic, key issue. We are stating the policy of the Congress on this bill. It has been argued by the chairman of the subcommittee that there is no real need for it. I think we should make it clear that Federal employees have the right to refrain from political participation. If it is noncontroversial, why could it not be accepted and made a part of this bill as it is a part of H.R. 13 and Executive Order 11491?

Mr. MITCHELL of Maryland. Mr. Chairman, will the gentleman yield for a question?

Mr. LOTT. I yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. I am just curious. This amendment says that it gives the employees the right to refrain. It seems to me that if we get into that, we might get back all the way to altering the Constitution, where we have the right to vote, and we would have to go back to the Constitution and put in the right to refrain from voting.

I just think it is so unnecessary to do this. As I see it, the bill stresses voluntariness. It is purely voluntary, and for the life of me I cannot understand the necessity for this amendment.

Mr. LOTT. It is voluntary, but this is a very sensitive area, where we are dealing with Federal employees. I think we should make it clear that it is their right. Also, I ask the question, why was it necessary to have it in H.R. 13 and in an Executive order, but to put it into the Hatch Act is not necessary?

Mr. MITCHELL of Maryland. If the gentleman wants to talk about logic, I go back all the way to the Constitution. The Constitution says that no citizen shall be denied the right to vote. Then, would the gentleman think it in order to put in some words concerning the right to refrain from voting?

Mr. LOTT. We are not rewriting the Constitution. We are amending the Hatch Act.

Mr. MITCHELL of Maryland. It just does not seem necessary or to make any sense to me. I thank the gentleman for yielding.

Mr. FORD of Michigan. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am sorry I was not at the desk when the reading started, because I believe that this amendment would have been subject to a point of order. What the gentleman is doing—and I trust we can engage in coloquy to clarify it—is attempting to get the House to go on record, in a statement of policy, which is a right-to-work statement of policy. What he is attempting to do indirectly is to say they would have the right to refrain from joining or assisting or otherwise participating in any organization, he throws "political party" in to fancy it up a little bit, committee, association, or other group which advocates or encourages political activities.

Notwithstanding the fact that we have provided that Federal employees, by Executive order under several Presidents, have a right to join labor organizations, and we provide, particularly with respect to the postal employees, the exclusive bargaining rights by statute, the gentleman would have us put in a statement of policy at the very beginning of the bill, a bill which talks about the right to participate in political activities, under the guise of expanding the rights of employees, the right not to join a union, even though it is recognized as the exclusive bargaining agent for the unit of which one is an employee, and presumably of H.R. 13, to which the gentleman was making reference, or any of its sister or brother bills, that this is going to be a major issue to be decided by this House. It should be decided in a labor-management relations bill. not in a political freedom bill. What the gentleman talks about as the expansion of freedom of the employees is a union-busting provision.

It has no legal effect the way it is placed in the bill. It does not have the effect of being a right-to-work provision. It would have this House go on record in favor of the principle of the right-to-work provision which he advocates exclusion of in H.R. 13, or any form of H.R. 13 collective bargaining for Federal employees that would come to the floor.

Mr. Chairman, I ask the members of the Committee to vote against the amendment.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentlewoman from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. I thank the gentleman for yielding.

This has nothing to do, as I understand it, with joining unions. On page——

Mr. FORD of Michigan. That is because the gentlewoman does not understand it.

I will reclaim my time, Mr. Chairman. I thought the gentlewoman wanted to ask a question.

Mrs. FENWICK. I did.

Mr. FORD of Michigan. The gentlewoman is making a statement, but it is an erroneous statement.

It clearly does affect the question of the relationship between employees and a collective bargaining unit, which the gentlewoman is referring to as a union. That has no place in this bill.

It says, "Political processes," it says "* * * or other group which advocates or encourages political activities." And the main objection on the gentlewoman's side of the aisle is that the union to which Federal employees belong are going to become more actively engaged in political activities than in the past, once this bill is passed.

Mr. GLICKMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wonder if the gentleman who offered the amendment might want to clarify the statement made earlier. There are some things in here which I can support, but I do not think we would want to put anything in here that would otherwise abridge some of the aspects of Federal or State law.

What about the question of union members in nonright to work States? Is there a conflict between that concept and what the gentleman is saying?

Mr. LOTT. If the gentleman will yield, the purpose here, so far as I am concerned, where it says they have a right to participate in all these things, I am trying to say that they have a right not to participate.

I just took the language that was contained in the Executive Order.

Mr. GLICKMAN. Mr. Chairman, is there any way that the gentleman can corroborate whether this is in fact language taken from an existing Executive Order? Does any Member know the answer to that question?

Mr. LOTT. Mr. Chairman, I think that is correct, but I cannot say to the gentleman right now for sure that it is the exact language. As we proceed with debate here, I will try to supply that information for the Members.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, I thought I understood what the sponsor of the amendment, the gentleman from Mississippi (Mr. LOTT), had to say a few moments ago. Perhaps I did misunderstand him.

Did the gentleman say or did the gentleman not say that the language he is now proposing is contained in H.R. 13, a proposal pending before our committee, and that it is contained in the Executive Order covering collective bargaining in labor relations for Federal employees?

Mr. LOTT. Mr. Chairman, will the gentleman from Kansas (Mr. GLICKMAN) yield?

Mr. GLICKMAN. I would be glad to yield to the gentleman from Mississippi.

Mr. LOTT. Mr. Chairman, the language, "to refrain," is in the Executive order.

Mr. FORD of Michigan. But the language of the gentleman's amendment is not in the Executive order. We mistakenly thought over on this side that the gentleman was saying his amendment is taken from the present Executive order.

Mr. LOTT. That is correct.

Mr. FORD of Michigan. We also thought he was saying it was taken from H.R. 13, as introduced by the gentleman from Missouri, a bill that is pending before our committee.

Mr. LOTT. That is correct.

Mr. FORD of Michigan. But that is patently not true. The language is contained in neither document, and if the gentleman will show me that it is in either document, I will be happy to apologize here on the floor or anywhere else he chooses.

Mr. LOTT. The amendment is adopted from the language in that Executive order.

Mr. FORD of Michigan. Mr. Chairman, the amendment is contained in neither of the documents. It is in neither document, and I will apologize most profusely if the gentleman can prove to me that it is there.

Mr. LOTT. It is there, and I will show it to the gentleman just the way it appears. I will find it and show it to the gentleman.

Mr. CLAY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, we considered this amendment in great detail twice, once by the subcommittee and once by the full committee. Each time it was overwhelmingly rejected.

It is our position that the amendment is redundant, that it is unnecessary. The bill speaks in terms of voluntary activity, and I do not think we ought to be cluttering the bill up with useless language.

Therefore, Mr. Chairman, I ask that the amendment be rejected.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words.

I will be brief, Mr. Chairman. First, I would like to point out to the Members that the Member on the other side of the aisle who is leading the debate against this amendment hopes to be in the other body in the next Congress. It is no wonder, therefore, that he is confused about the language in the amendment.

The language specifically states that this is intended not only to guarantee Federal employees the right to participate in political activity but to guarantee also the right to refrain from participation.

Mr. Chairman, this right-to-work issue is a red herring. It is nothing more than that. This is a clear amendment. It is easy to read. All the Members are doing by supporting this amendment is giving an employee the right to refrain and not to participate. If that is the personal choice of an employee, I do not see how anyone can argue that he should not have that right.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. LOTT).

The question was taken; and on a division (demanded by Mr. LOTT) there were—ayes 32; noes 23.

RECORDED VOTE

Mr. CLAY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 259, noes 144, not voting 29, as follows:

[Roll No. 261]

AYES—259

Abdnor
Allen
Ammerman
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
Ashley
AuCoin
Badham
Bafalis
Barnard
Baucus
Bauman
Bedell
Beilenson
Bennett
Bevill
Bingham
Blouin
Boggs
Boland
Bonker
Bowen
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Caputo
Carter
Cavanaugh
Cederberg
Chappell
Clausen, Don H.
Cleveland
Cochran
Cohen
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Cornell
Cornwell
Cotter
Coughlin
Crane
D'Amours
Daniel, Dan
Daniel, R. W.
Davis
de la Garza
Derwinski
Devine
Dickinson
Dicks
Dodd
Dornan
Drinan
Duncan, Tenn.
Edgar
Edwards, Ala.
Edwards, Okla.
Emery
English
Erlenborn
Evans, Del.
Evans, Ga.
Evans, Ind.
Fenwick
Findley
Fish
Fisher
Fithian
Flowers
Flynt
Foley
Fountain
Fowler
Frenzel
Frey
Fuqua
Gammage
Gephardt
Gibbons
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Grassley
Guyer
Hagedorn
Hall
Hamilton
Hammerschmidt
Hannaford
Harkin
Harsha
Heckler
Heftel
Hightower
Holt
Holtzman
Horton
Hubbard
Huckaby
Hughes
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jenkins
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Kasten
Kazen
Kelly
Kemp
Ketchum
Keys
Kindness
Koch
Kostmayer
Krebs
Krueger
Lagomarsino
Latta
Leach
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
Luken
McClory
McCloskey
McCormack
McDade
McDonald
McEwen
McHugh
McKay
McKinney
Madigan
Mahon
Mann
Marks
Marlenee
Marriott
Martin
Mathis
Mattox
Mazzoli
Miller, Ohio
Minish
Mitchell, N.Y.
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Murphy, Pa.
Murtha
Myers, Ind.
Natcher
Neal
Nichols
Obey
Ottinger
Panetta
Pattison
Pettis
Pickle
Pike
Pressler
Pritchard
Pursell
Quayle
Quie
Quillen
Regula
Rhodes
Rinaldo
Roberts
Robinson
Rogers
Rousselot
Rudd
Runnels
Ruppe
Russo
Santini
Sarasin
Sawyer
Schulze
Sebelius
Sharp
Shuster
Sikes
Simon
Smith, Nebr.
Snyder
Spellman
Spence
Stangeland
Stanton
Steiger
Stockman
Stratton
Studds
Stump
Symms
Taylor
Thone
Thornton
Treen
Trible
Tsongas
Tucker
Vander Jagt
Waggonner
Walgren
Walker
Walsh
Wampler
Watkins
Weiss
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, Tex.
Winn
Wirth
Wydler
Wylie
Yatron
Young, Alaska
Young, Fla.

NOES—144

Addabbo
Akaka
Alexander
Ambro
Anderson, Calif.
Annunzio
Applegate
Aspin
Badillo
Baldus
Beard, R.I.
Benjamin
Blanchard
Bolling
Bonior
Brademas
Brodhead
Brown, Calif.
Brown, Mich.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Carr
Chisholm
Clay
Collins, Ill.
Conyers
Corman
Danielson
Delaney
Dellums
Derrick
Diggs
Dingell
Downey
Duncan, Oreg.
Early
Eckhardt
Edwards, Calif.
Eilberg
Ertel
Evans, Colo.
Fary
Fascell
Flood
Florio
Ford, Mich.
Ford, Tenn.
Fraser
Gaydos
Gilman
Gudger
Hanley
Harrington
Harris
Hawkins
Hefner
Holland
Hollenbeck
Howard
Jenrette
Johnson, Calif.
Jordan
Kastenmeier
Kildee
LaFalce
Le Fante
Lederer
Leggett
Lehman
Lundine
McFall
Maguire
Markey
Meeds
Metcalfe
Meyner
Mikulski
Mikva
Miller, Calif.
Mineta
Mitchell, Md.
Moakley
Mottl
Murphy, Ill.
Murphy, N.Y.
Myers, Gary
Myers, Michael
Nedzi
Nix
Nolan
Nowak
Oakar
Oberstar
Patten
Patterson
Pease
Pepper
Perkins
Preyer
Rahall
Rangel
Reuss
Richmond
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roybal
Scheuer
Schroeder
Seiberling
Shipley
Sisk
Skelton
Smith, Iowa
Solarz
St Germain
Staggers
Stark
Steed
Stokes
Thompson
Traxler
Udall
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Weaver
Whalen
Whitley
Wilson, C. H.
Wolff
Wright
Yates
Young, Mo.
Young, Tex.
Zablocki
Zeferetti

NOT VOTING—29

Beard, Tenn.
Biaggi
Carney
Clawson, Del
Dent
Flippo
Forsythe
Giaimo
Hansen
Hillis
Jones, Tenn.
Michel
Milford
Moffett
Moss
O'Brien
Poage
Price
Railsback
Risenhoover
Rodino
Roe
Ryan
Satterfield
Skubitz
Slack
Steers
Teague
Waxman

Messrs. DODD, AMMERMAN, MURTHA, GEPHARDT, HEFTEL, and TUCKER, Mrs. SPELLMAN, and Messrs. KREBS and CONTE changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SOLARZ

Mr. SOLARZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLARZ: Page 51, after line 8, insert the following:

SEC. 3. (a) Subsection (a) of section 1502 of title 5, United States Code, relating to political activities of certain State and local employees, is amended—

(1) by inserting "or" at the end of paragraph (1);

(2) by striking out "; or" at the end of paragraph (2) and inserting in lieu thereof a period; and

(3) by striking out paragraph (3).

(b)(1) Section 1502 of title 5, United States Code, is amended by striking out subsection (c).

(2) Section 1503 of title 5, United States Code, is hereby repealed.

(3) The section analysis for chapter 15 of title 5, United States Code, is amended by striking out the item relating to section 1503.

Page 51, line 9, strike out "SEC. 3." and insert "SEC. 4.".

Mr. SOLARZ (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SOLARZ. Mr. Chairman, I will be very brief. This is a small perfecting amendment, as it were, which is acceptable, I understand, to the manager of the bill, the gentleman from Missouri (Mr. CLAY) and even to my good friend, the manager of the minority interests of the bill, the gentleman from Illinois (Mr. DERWINSKI).

Basically, what it would do is this: Under existing law those individuals who work for State and local governments who are in positions which are funded by the Federal Government are permitted to participate in political campaigns, but they are denied the right to run for elective office. If this bill is enacted as is, we would have an anomalous situation.

Mr. CLAY. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Chairman, we want to commend the gentleman on the amendment and we will accept it on this side.

Mr. SOLARZ. Mr. Chairman, I thank the gentleman. Just so I may finish the explanation, if the bill is adopted without the amendment, we would have the anomalous situation in which Federal employees are able to run for office, but State and local employees who are in federally funded positions would not be able to run for office. This permits individuals in State and local and federally funded jobs to run for office. If there were State and local prohibitions against running for office, those prohibitions would remain in effect, but it would eliminate Federal prohibitions on their right to run.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, the gentleman can assure us, since this is the first time I have seen this language, that this amendment does not preempt State law or any items in this bill that are allowed for Federal employees, are disallowed for State, Federal, county, and city employees, who may be funded by Federal programs, that the State, city, Federal, county, and local law will still apply where the primary employment is located.

Mr. SOLARZ. The gentleman's understanding is correct.

Mr. ROUSSELOT. Mr. Chairman, if the gentleman will yield further, the gentleman can assure us then, that in no way does the amendment do damage to State or local laws on the prohibition.

Mr. SOLARZ. In no way whatsoever.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in the interest of keeping the good will of the House, I will be very brief. This is the second amendment we have had offered and accepted by the floor manager of the bill to correct an imperfection that was discovered after the bill left the committee. What we really have here is a mess of pottage, poorly drafted, poorly conceived and a poorly directed bill in the sense of its political impact on Federal employees. Here at this late hour we have what amounts to a major amendment, I realize what happened; it was overlooked in committee, it was an innocent oversight by the managers of the bill. This was discovered as the result of some alert questioning in the Committee on Rules.

Certainly in an attitude of fair play I am not going to object to the amendment. I think it makes a bad bill slightly less "stinky," and in that spirit I suggest that it be accepted.

Please remember, our Federal employees want us to vote against final passage, regardless of what shape it is finally in.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SOLARZ).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HARRIS

Mr. HARRIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARRIS: Page 37, after line 19, insert the following:

"§ 7326. Personnel actions; improper recommendations

"(a) No employee may accept or consider, or influence or direct, or attempt to influence or direct any other employee to accept or consider, with respect to any personnel action, any recommendation unless—

"(1) the recommendation is furnished pursuant to a request made by an authorized representative of the United States solely to determine whether the individual involved in the personnel action meets the loyalty, suitability, and character requirements for employment; or

"(2) the recommendation—

"(A) is furnished pursuant to a request of an employee who is responsible for taking (or directing others to take), recommending, processing, or approving the personnel action; and

"(B) consists solely of an evaluation of the work performance, ability, aptitude, character, or general qualifications of the individual involved in the personnel action.

"(b)(1) Any employee who receives a written recommendation prohibited by subsection (a) of this section shall return such recommendation to the person who provided it, with an appropriate indication that the acceptance or consideration of such recommendation would be in violation of this section.

"(2) Any employee who receives an oral recommendation which is prohibited by subsection (a) of this section shall advise, in an appropriate manner, the person providing such recommendation that the acceptance or consideration of such recommendation would be in violation of this section.

"(c) For the purpose of this section—

"(1) 'personnel action' means—

"(A) an appointment,

"(B) a promotion,

"(C) a removal, suspension, furlough without pay, or reduction in rank or pay,

"(D) a transfer, assignment, or reassignment,

"(E) a reinstatement,

"(F) a restoration,

"(G) a reemployment, or

"(H) a performance evaluation,

with respect to an employee in, or applicant or eligible for, a position in the competitive service;

"(2) 'recommendation' means any communication, oral or written, made directly or indirectly by—

"(A) a member of Congress or a candidate for such office;

"(B) a Congressional employee, as defined in section 2107 of this title (determined without regard to whether the employee's pay is paid by the Secretary of the Senate or the Clerk of the House of Representatives);

"(C) an employee appointed by the President or an individual referred to in section 7325(p)(1) or (2) of this title; or

"(D) an employee in a position which is excepted from the competitive service and which is designated by the Commission as being of a confidential or policy-determining character;

"(3) 'recommendation' does not include—

"(A) an inquiry which is limited solely to a request—

"(i) for a statement on the status of any personnel action; or

"(ii) for an explanation of the basis on which a personnel action has been taken; and

"(B) a statement of a type which the Commission determines, by regulation, should be excepted from the application of section (a) of this section in the interest of the orderly and efficient functioning of the Government, but only if such statement is made in such form and manner as the Commission shall determine, by such regulation, to be appropriate.

Strike out "or 7325" at each of the following places and insert in lieu thereof "7325, or 7326"; page 38, on line 18; page 39, on lines 11 and 16; page 40, on line 11; and page 45, on line 18.

Redesignate the sections following the new section 7326 accordingly (including any references to such sections).

Mr. HARRIS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. HARRIS. Mr. Chairman, this is, I think, in the nature of a perfecting amendment also. I feel certain that the minority will want to accept it. It simply is a provision that stops political referrals from Members of Congress or from political appointees of the executive branch with regard to merit system appointments or promotions.

According to the law now, merit system appointments cannot be influenced by political activity or by political recommendations. They are merit system appointments and promotions. It simply puts into operation with regard to the merit system what we have already put into operation with regard to the Postal Service. That is to say, we are no longer in the business of fooling people as far as a nonpolitical merit system is concerned.

We do not wink at our constituents and say, "Yes, we have influence on this." We tell them the truth; that is, that we have a nonpolitical merit system and we—you and I—and political appointees of the executive branch—do not have any bearing on whether or not a person is appointed or promoted.

This is consistent with the law and very, very germane to the Hatch Act revision bill because what we are saying is, "Yes, of course it is voluntary for you to participate in politics, but don't expect it to have any influence on your job, with regard to your appointment, promotion, or what have you."

This is completely consistent with what we have in the Postal Service, and is very appropriate with respect to the merit system. The White House has no objection to it, and I think we should enact it into law.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Chairman, I certainly support the gentleman's amendment. I think it makes, as he says, a major improvement in the bill, a perfecting amendment. I think it will go far toward doing what the gentleman and I seek to do; that is, to make the Federal service as nonpolitical as it can be.

Mr. HARRIS. I thank the gentleman.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I think the gentleman's amendment is rather attractive but let me ask him: Suppose a constituent of his feels that he is not being properly considered for promotion. Under his amendment could the gentleman write a letter asking that the constituent be given proper consideration?

Mr. HARRIS. The amendment makes specific provision that an inquiry with regard to the status and with regard to the procedure is permitted.

Mr. SEIBERLING. Suppose he goes beyond that and says the explanation is unsatisfactory and that the constituent is not being given proper consideration, and demands that he be given it?

Mr. HARRIS. If it is just an inquiry as to the procedure or objection to the procedure, it would be permitted under the amendment. It cannot take that other step and make recommendations which traditionally we all are making, and which is taking up 20 percent of our staff time doing things that mean nothing.

Mr. SEIBERLING. Of course, we would all be happier if we did not have to deal with this sort of problem. Yet, I wonder if our constituents who work for the Federal Government would not have some of their rights neglected when there is nobody outside the executive branch they can turn to.

Mr. HARRIS. I do not think this amendment does that, if I may say to my colleague from Ohio. It specifically safeguards against that. What it does do is to take the step that restores confidence in the merit system.

May I point out to my colleague that our committee has issued a report that shows the kinds of messages and kinds of referring that had been going on in the merit system. I do not think there is any problem at all in stating that many Federal employees and many people applying for Federal jobs still have the feeling that political influence helps to get these merit system jobs.

By adopting this amendment, we simply start restoring that kind of confidence in Government which we need. I would also suggest to the gentleman that for every person who gets a Federal job who may think the gentleman's recommendation helped, there are probably 20 others who think that they did not get the job because the gentleman's recommendation did not help.

Mr. SEIBERLING. Is this limited to people who have civil service status?

Mr. HARRIS. Yes, strictly limited to the merit system. It carefully distinguishes with regard to political appointments, as it should.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to my colleague from Virginia.

Mr. FISHER. Mr. Chairman, I would like to support the amendment being offered by my colleague from Virginia. He and I deal with as many cases of this kind as probably any two Congressmen in this House. Believe me, this would square practice with what we ought to do. I support the amendment heartily.

Mr. GARY A. MYERS. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Pennsylvania (Mr. Gary A. Myers).

Mr. GARY A. MYERS. I thank the gentleman for yielding.

Mr. Chairman, I support what the gentleman is doing. I think the gentleman is acting somewhat in tradition. It in no way prevents the political people in the administration, for instance, the White House, to make this sort of political intervention, does it?

Mr. HARRIS. Mr. Chairman, may I tell my colleague that indeed it does. It does specifically that. It not only applies to Members of Congress, but if the gentleman will note on page 2, it applies to political appointees in the executive branch as well.

Mr. GARY A. MYERS. In the executive branch political employees cannot exercise any influence in these merit jobs?

Mr. HARRIS. Exactly.

Mr. GARY A. MYERS. I support the gentleman's amendments.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. Harris) has expired.

(On request of Mrs. Spellman and by unanimous consent, Mr. Harris was allowed to proceed for 2 additional minutes.)

Mrs. SPELLMAN. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to my colleague, the gentlewoman from Maryland (Mrs. Spellman).

Mrs. SPELLMAN. I thank the gentleman for yielding.

Mr. Chairman, I would like to congratulate the gentleman from Virginia (Mr. Harris) for offering this amendment. I think it is time we leveled with our constituents. We are giving them false hope that we can indeed be of help to them when we really cannot. As we write these letters, we are doing them an injustice, leading them to believe our requests in their behalf will be of real assistance and may turn the tide when in reality they are of dubious value.

Mr. Chairman, this amendment does put us all on record as being open, honest, and aboveboard, respectful of the merit system, and I commend the gentleman for offering this amendment.

Mr. HARRIS. Mr. Chairman, I would like to express my thanks to my colleague, the gentlewoman from Maryland (Mrs. Spellman) who is indeed an expert in the civil service area.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Texas (Mr. Pickle).

Mr. PICKLE. I thank the gentleman for yielding.

Mr. Chairman, is the gentleman saying that as a Member of Congress I cannot write a letter of recommendation or a character reference letter to the Post Office Department or to a civil service division?

Mr. HARRIS. Under the current law, which was adopted when we adopted the Postal Service Act, before I was in Congress, yes, that is prohibited. My amendment has nothing to do with that.

Mr. PICKLE. If the gentleman will yield further, the gentleman is saying that as a Member of Congress now I cannot write in support of any person who asks me to add my name as a reference in consideration of a job?

Mr. HARRIS. The gentleman cannot do that under the current law with regard to the Postal Service now.

Mr. PICKLE. Oh, but we do it, and we are going to keep on doing it.

Mr. HARRIS. Under this amendment, one could go ahead and do it, but the appointing officer simply stamps it, sends it back, and explains he is not allowed to receive it under civil service law.

Mr. PICKLE. If the gentleman will yield further, I have not received any of those letters back, nor have I exercised any political pressure on anybody. But I do not think we should say that as a Member of Congress we therefore cannot endorse anybody or add our name to it. It seems to me that it might be better if we just said, "Get rid of Congress."

The CHAIRMAN. The time of the gentleman from Virginia (Mr. Harris) has again expired.

(On request of Mr. Hightower) and by unanimous consent, Mr. Harris was allowed to proceed for 2 additional minutes.)

Mr. HARRIS. I thank the gentleman for requesting additional time, and after yielding to the distinguished chairman of the subcommittee (Mr. Clay) I will then yield to the gentleman from Texas (Mr. Hightower).

Mr. CLAY. I thank the gentleman for yielding.

Mr. Chairman, we discussed this amendment in the subcommittee and in the full committee, and we defeated it on both occasions.

I cannot find whether or not the gentleman has made any changes in the amendment that we defeated in committee. As I understand it, the big argument in committee was that it would be against the law for a Member of Congress to write a letter to one of the agencies, recommending a person for employment, but at the same time it was not against the law for an opponent of a Member of Congress, who was seeking that office, to write a letter.

Did the gentleman correct that part of the amendment?

Mr. HARRIS. The provision specifically prevents a Member of Congress or candidate for such office. So both the candidate and the Member would be covered as the language is being presented today.

I would also recall with my colleague that the vote in the committee was 13 to 11, and I guess they do not pay off on close ones; I do not know.

I now yield to my colleague, the gentleman from Texas (Mr. HIGHTOWER).

Mr. HIGHTOWER. I thank the gentleman for yielding.

Does the amendment apply only to Federal employees?

Mr. HARRIS. Yes, sir.

Mr. HIGHTOWER. It would not apply to a member of a subdivision of government which might be partially paid by Federal funds?

Mr. HARRIS. Under this amendment it would not. What we do is apply it to the Federal merit system. It has a specific application here. It applies only to the Federal Government and to the merit system section of the Federal Government.

Mr. HIGHTOWER. Mr. Chairman, I thank the gentleman.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I am happy to yield to the gentleman from New York.

Mr. SOLARZ. Mr. Chairman, I appreciate the gentleman's yielding.

I am not sure that I fully understand exactly what the gentleman's amendment would do, so with his permission I would like to propound this question to him.

If Albert Einstein, a constituent of mine, who is an unemployed physicist, applies for a job as a scientist with the Energy Research and Development Administration, and comes to me for a recommendation, does the gentleman's amendment mean that I would not be in a position to send a recommendation to ERDA on behalf of Dr. Einstein?

Mr. HARRIS. Yes, it does. Albert Einstein is going to have to get his position on his own, I will tell my colleague, the gentleman from New York.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. HARRIS) has expired.

(On request of Mr. WEISS and by unanimous consent, Mr. HARRIS was allowed to proceed for 2 additional minutes.)

Mr. WEISS. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from New York.

Mr. WEISS. Mr. Chairman, I appreciate the gentleman's yielding.

Under the amendment that the gentleman has offered, what is the penalty that is provided? What is the penalty under this provision of law for making such a recommendation?

Mr. HARRIS. Mr. Chairman, the penalty does not apply to the Member of Congress but to the person making the recommendation. The penalty applies to the appointive officer who is in charge of the merit system or who is making the appointment or acting on the promotion. He cannot consider that recommendation; he must return that recommendation to the sender.

Mr. WEISS. Mr. Chairman, will the gentleman yield further?

Mr. HARRIS. I yield to the gentleman from New York.

Mr. WEISS. Mr. Chairman, does the gentleman mean that a Federal official who would receive a communication from a Member of Congress would have to read the letter, put it back into an envelope, and send it back to the Member?

Mr. HARRIS. Yes. That is what is required under the Postal Service Act now, and that is what would be required by the officer in charge of the merit system if this amendment is adopted.

Mr. ERTEL. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I would be happy to yield to my colleague, the gentleman from Pennsylvania.

Mr. ERTEL. Mr. Chairman, I am concerned about this. Let us say I have an administrative assistant who has worked for me for about 3 or 4 years here in the House, and that he has worked only for me. Let us say that then he wants to go to work for an agency and he has no place to go for a recommendation.

Does the gentleman mean that I cannot send a recommendation to the agency concerning him?

Mr. HARRIS. Yes, the gentleman could under those circumstances. With respect to an employee about whom a Congressman has specific knowledge, the appointive officer, under a specific provision of the amendment, can request such a recommendation concerning the applicant's work habits, loyalty, and so on. A Member of Congress can respond to that. This is true in the case of an employee about whom a Member of Congress has personal knowledge.

Mr. WYDLER. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I would be happy to yield to my colleague, the gentleman from New York.

Mr. WYDLER. Mr. Chairman, let me ask the gentleman this question:

The gentleman says that the White House, under his amendment, cannot call anybody and make any recommendation, and they cannot write any letters.

Can they make a telephone call?

Mr. HARRIS. No. Specifically under the amendment, if such a call is received by an appointive officer, he must in an appropriate way reply to the official and make it known that he cannot receive any such recommendation.

Mr. WYDLER. And that is the end of it?

Mr. HARRIS. That is correct.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to point out that this is one of the great moments in legislative history. Here we have the gentleman from Virginia (Mr. HARRIS), who represents more Federal employees than any other Member in this Chamber, willing to stand there as courageously as Sir Galahad in his finest hour and say, "I am going to free all of my colleagues from any temptation to apply politics to appointments."

I think that is the kind of nobility that our Founding Fathers had in mind when they established this institution. I would hope that the gentleman receives solid support from his Democrat political colleagues he is uplifting to probably the highest and most noble performance in the history of the Democratic Party.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. HARRIS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HARRIS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 153, noes 248, not voting 31, as follows:

[Roll No. 262]

AYES—153

Ambro
Anderson, Ill.
Archer
AuCoin
Baldus
Baucus
Bedell
Beilenson
Benjamin
Blanchard
Boland
Bonior
Bonker
Breckinridge
Brodhead
Broomfield
Buchanan
Burton, John
Caputo
Cederberg
Clausen, Don H.
Cleveland
Cochran
Cohen
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Cornell
Crane
D'Amours
Daniel, Dan
Daniel, R. W.
Derrick
Derwinski
Drinan
Duncan, Tenn.
Early
Edwards, Ala.
Edwards, Okla.
Emery
Erlenborn
Ertel
Evans, Ind.
Fascell
Findley
Fisher
Fithian
Florio
Foley
Fountain
Fowler
Fraser
Gephardt
Gilman
Glickman
Goldwater
Goodling
Gradison
Grassley
Hagedorn
Hamilton
Harris
Hollenbeck
Holtzman
Hughes
Hyde
Ireland
Jacobs
Jeffords
Kelly
Kemp
Keys
Kildee
Kindness
Kostmayer
Krebs
Lagomarsino
Leach
Lent
Levitas
Lloyd, Tenn.
Lujan
McCloskey
McDonald
McEwen
McHugh
Madigan
Maguire
Mann
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Mazzoli
Miller, Ohio
Mitchell, N.Y.
Moore
Moorhead, Calif.
Mottl
Myers, Gary
Nedzi
Nowak
Panetta
Pattison
Pease
Pettis
Pike
Pressler
Pritchard
Quayle
Quie
Regula
Rhodes
Robinson
Roncalio
Russo
Santini
Sarasin
Sawyer
Schroeder
Schulze
Sebelius
Sharp
Smith, Nebr.
Spellman
Spence
Stangeland
Stanton
Steiger
Stockman
Studds
Symms
Thone
Traxler
Treen
Trible
Tsongas
Volkmer
Walgren
Walker
Wampler
Weiss
Whalen
Whitehurst
Winn
Wirth
Wydler
Wylie
Young, Fla.

NOES—248

Abdnor
Addabbo
Akaka
Alexander
Allen
Ammerman
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Applegate
Armstrong
Ashbrook
Ashley
Aspin
Badham
Badillo
Bafalis
Barnard
Bauman
Beard, R.I.
Bennett
Bevill
Bingham
Blouin
Boggs
Bolling
Bowen
Brademas
Brinkley
Brooks
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Phillip
Butler
Byron
Carr
Carter
Cavanaugh
Chappell
Chisholm
Clay
Collins, Ill.
Conyers
Corman
Cornwell
Cotter
Coughlin
Danielson
Davis
de la Garza
Delaney
Dellums
Devine
Dickinson
Dicks
Diggs
Dingell
Dodd
Dornan
Downey
Duncan, Oreg.
Eckhardt
Edgar
Edwards, Calif.
Eilberg
English
Evans, Colo.
Evans, Del.
Evans, Ga.
Fary
Fenwick
Fish
Flood
Flynt
Ford, Mich.
Ford, Tenn.
Frenzel
Frey
Fuqua
Gammage
Gaydos
Giaimo
Gibbons
Ginn
Gonzalez
Gore
Gudger
Guyer
Hall
Hammerschmidt
Hanley
Hannaford
Harkin
Harrington
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Holt
Horton
Howard
Hubbard
Huckaby
Ichord
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jordan
Kasten
Kastenmeier
Kazen
Ketchum
Koch
Krueger
LaFalce
Latta
Le Fante
Lederer
Leggett
Lehman
Lloyd, Calif.
Long, La.
Long, Md.
Lott
Luken
Lundine
McClory
McCormack
McDade
McFall
McKay
McKinney
Mahon
Mattox
Meeds
Metcalfe
Meyner
Mikulski
Mikva
Miller, Calif.
Mineta
Minish
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Michael
Myers, Ind.
Natcher
Neal
Nichols
Nix
Nolan
Oakar
Oberstar
Obey
Ottinger
Patten
Patterson
Pepper
Perkins
Pickle
Preyer
Pursell
Quillen
Rahall
Rangel
Reuss
Richmond
Rinaldo
Risenhoover
Roberts
Rodino
Rogers
Rooney
Rose
Rosenthal
Rostenkowski
Rousselot
Roybal
Rudd
Runnels
Ruppe
Ryan
Scheuer
Seiberling
Shipley
Shuster
Sikes
Simon
Sisk
Skelton
Skubitz
Smith, Iowa
Snyder
Solarz
St Germain
Staggers
Stark
Steed
Stokes
Stratton
Stump
Taylor
Thompson
Thornton
Tucker
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Waggonner
Walsh
Watkins
Weaver
White
Whitley
Whitten
Wiggins
Wilson, Bob
Wilson, Tex.
Wolff
Wright
Yates
Yatron
Young, Alaska
Young, Mo.
Young, Tex.
Zeferetti

NOT VOTING—31

Andrews, N.C.
Beard, Tenn.
Biaggi
Breaux
Carney
Clawson, Del
Dent
Flippo
Flowers
Forsythe
Hansen
Holland
Jones, Tenn.
Michel
Milford
Mitchell, Md.
Moffett
Moss
O'Brien
Poage
Price
Railsback
Roe
Satterfield
Slack
Steers
Teague
Udall
Waxman
Wilson, C. H.
Zablocki

Messrs. JOHN L. BURTON, WIRTH, and WALGREN changed their vote from "no" to "aye."

Mr. SKUBITZ and Mr. BENNETT changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. LOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, earlier in the debate on an amendment I offered, my veracity had been questioned. For Members who were on the floor and for the RECORD I would like to show that the language of my amendment was taken from H.R. 13, page 3, section 7102, employees' rights, and from page 7, Executive Order 11491, referring to the right to refrain from such activity, to join, form, and assist any labor organization, or to refrain from any such activity.

AMENDMENT OFFERED BY MR. FISHER

Mr. FISHER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FISHER: Page 35, strike out lines 6 through 8 and insert in lieu thereof the following:

"§ 7325. Political activities by employees, etc.; prohibition

"(a) An employee may not hold, or be a candidate for—

"(1) any elective public office, unless such office is—

"(A) a part-time elective public office of a State or political subdivision of a State; or

"(B) to be filled in a nonpartisan election; or

"(2) an elective office of a political party or affiliated organization.

"(b) an employee may not engage in political activity—

"(1) in which such employee actively participates in any campaign activity on behalf of, or in opposition to, any candidate or political party (or affiliated organization), unless such activity is in connection with—

"(A) any campaign by any candidate for an elective public office of a State or political subdivision of a State; or

"(B) any nonpartisan election;

Page 35, line 9, strike out "(1)" and insert in lieu thereof "(2)".

Page 35, line 10, strike out "(2)" and insert in lieu thereof "(3)".

Page 35, line 15, strike out "(3)" and insert in lieu thereof "(4)".

Page 35, line 17, strike out "(b)" and insert in lieu thereof "(c)", and strike out "subsection (a)" and insert in lieu thereof "subsections (a) and (b)".

Page 36, after line 6, insert the following: "The provisions of subsection (a) and of paragraph (1) of subsection (b) shall not apply to the head or the assistant head of an Executive agency or military department or an employee appointed by the President by and with the advice and consent of the Senate."

Page 36, line 7, strike out "(c)" and insert in lieu thereof "(d)".

Page 36, line 8, strike out "(b)" and insert in lieu thereof "(c)".

Page 36, line 10, strike out "(d)(1)" and insert in lieu thereof the following: "(e)(1)".

Page 36, strike out lines 14 through 22 and insert in lieu thereof the following:

"(A) is in connection with a nonpartisan election; or

Page 37, after line 19, insert the following:

"(f) For purposes of this section—

"(1) 'office of a political party' means the position of chairman, vice chairman, secretary, treasurer, committeeman, or any other substantially similar position of any political party or affiliated organization;

"(2) 'nonpartisan election' means any election—

"(A) in which no candidate is to be nominated or elected as a representative of any political party of affiliated organization which was identified with any candidate who received any vote in the last preceding election at which presidential electors were selected; or

"(B) on any issue, including a constitutional amendment, referendum, or any other issue, which is not identified with any political party or affiliated organization; and

"(3) 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, or any other territory or possession of the United States.

Page 37, beginning on line 23, strike out "elective office", and insert in lieu thereof "any elective office specified in subparagraph (A) or (B) of section 7325(a)(1) of this title".

Page 38, on line 1 and line 6, strike out "elective office" and insert in lieu thereof "any elective office specified in subparagraph (A) or (B) of section 7325(a)(1) of this title".

Page 49, in the item relating to section 7325 in the section analysis following line 8, strike out "on duty" and insert in lieu thereof "by employees".

Mr. FISHER (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the assessment be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. FISHER. Mr. Chairman, I have an amendment to H.R. 10 which I would like to offer at this time. My amendment would permit Federal employees to engage in political activities at the State and local level, permit them to run for part-time State and local office, and prohibit engaging in political activities at the Federal level.

I share the views of the sponsors of H.R. 10 that the present Hatch Act should be clearer and that steps should be taken to encourage Federal workers to take part in permissible political activities. My disagreement is with the major provision that would lift so many restrictions on political activity by Federal employees. Enactment of this provision, in my opinion, would jeopardize the merit system as we know it and threaten impartial administration of the law.

In testimony to the Post Office and Civil Service Committee a representative of the International Personnel Management Association gave some examples of situations that could arise if the committee bill passes. In one he describes an inspector from the Occupational Safety and Health Administration—OSHA—or some other agency, who is also an elected party precinct captain. He solicits or receives political contributions from the businesses he inspects. In the course of his inspection he finds that an important political contributor is not complying with Government regulations or standards. Can he avoid the appearance of conflict of interest?

Proof in a case like this would be difficult, but inevitably the public perception will be that political considerations prevented fair treatment. This we cannot afford.

The committee bill acknowledges that certain positions should remain under the present Hatch Act restrictions because of the need for public confidence in the integrity of Government. Having raised the issue, however, the committee fails to deal adequately with it. Work in certain fields is identified as being incompatible with a political role. These fields include law enforcement, auditing, contracting, administering grants, and the like. But the restrictions on political activity are limited to supervisors with authority to make binding policy decisions. It would be a very easy matter for a nonsupervisory employee to use his position in a way that was or appeared to be biased, either with or without his supervisor's approval. But no protection is offered.

Furthermore, I think that drawing lines between restricted and nonrestricted positions in every bureau and agency in the Government will be cumbersome and impractical. Restricted and unrestricted employees will be working side by side. Uncertainties about status will be frequent. Critics of the existing Hatch Act think it is unclear and difficult to interpret, but I think that will seem a model of simplicity compared to attempts to draw lines around restricted and nonrestricted employees.

Another negative result if H.R. 10 passes involves the Federal employees themselves. If an employee is being considered for a promotion or a new assignment, how certain can he be that politics will not affect the decision? For instance, will his career prospects be enhanced if he openly campaigns for Democratic candidates for Federal office? What will happen to an active Democrat who has a Republican supervisor? or vice versa? If he loses a good assignment, will he ever know if the reason was his political affiliation or his job performance? These questions take on added importance because of political connections the head of a department may have with members of the legislative body which oversees the budget and activities of the agency.

My amendment is a compromise. It is an effort to balance increasing citizen participation in the political process with protecting the Civil Service and civil servants. It would permit much greater participation at the State and local level while prohibiting much political activity at the Federal level. This approach gives Federal employees the opportunity to become involved in most political activities with emphasis on the issues that most immediately affect their daily lives. At the same time it protects against activities most likely to have an adverse influence on their work life or on citizens' receiving impartial treatment by Federal officials.

The amendment would considerably broaden the opportunities for political activity by Federal employees. Although approximately three-quarters of all local elections are nonpartisan, most of the partisan elections are in the bigger cities where there are large numbers of Federal employees. Under my bill, Federal employees would be able to work in campaigns for all local candidates, and State ones also. They would also be able to run for offices which are part time—as measured by tradition, typical duties, and number and frequency of official meetings. Thus, they would be eligible to run for 78 percent of the mayoral and 94 percent of the city council positions, more than half of the county board positions, most of the State legislative positions, and many State offices.

I have come to this position from my own experience as a civil servant, but also from a great deal of contact with my constituents, many of whom are Federal employees, and with people with practical and academic background in public administration. A poll of my own district, with about 20,000 responses, showed 59 percent against any change at all in the Hatch Act. More recent polls by Congressman STEERS who represents a district comparable to my own, and by Common Cause show similar results.

Mr. STEERS' poll showed 53 percent against permitting Federal employees to campaign for candidates in Federal, State, or partisan local elections. Of those, 45 percent would be willing to let Federal employees campaign at the State and local levels only. The Common Cause poll, conducted among its members in the Washington metropolitan area and a Midwestern State, found that over 70 percent said their overriding concern was for preserving impartial government administration and protecting civil service employees from political pressure.

The same Common Cause poll found 52 percent in favor of permitting participation in State and local, but not Federal, partisan political activities. While admittedly not scientifically designed polls, they do show a great concern about opening the full range of political activity to Federal employees.

While my amendment does not satisfy those who feel that any relaxation of the Hatch Act is completely unwise, I think it does go a long way toward satisfying the fears expressed, for instance, in the Common Cause poll. Like any compromise it can be attacked by both sides, but I think it is entirely workable.

A separation of State and local from Federal campaign activities would be necessary if my amendment passes. This should not be difficult. Even when joint campaigns are conducted, there are always activities which are distinctly on behalf of only certain candidates. The Federal employee could engage in those activities for candidates in State and local elections. This already occurs routinely in my district. A special exemption for areas heavily impacted with Federal employees permits the employees to work for nonparty candidates in local partisan campaigns. This has worked very well, and the necessary separations between partisan and nonpartisan, or local and Federal candidates have been made with relative ease. Similarly, this last year, Federal campaign financing required some separation of the Presidential and other races. This, too, was accomplished.

Supporters of revision in the Hatch Act claim that any restriction on the political activity of Federal employees makes them into second-class citizens. I would point out that Federal employees can vote, contribute money, participate in meetings with candidates, and generally express their views under the existing law. My amendment would open up State and local elections to full participation by Federal employees while retaining Hatch Act restrictions of the Federal level. I oppose removing the last degree of restriction because I believe that the cost in loss of public confidence in Government is not worth the gain for Federal employees.

The recent memory of Watergate is often invoked in debates over the Hatch Act. I think that the protection of the Hatch Act kept down the excesses of politicization of the bureaucracy. Without the Hatch Act the problem would have been worse than it was. Many point to the Federal employees who kept the Government running while its leadership was in crisis. If those workers had not been able to say no to political pressure would the country have been as well served? I think not.

I urge my colleagues to vote for this amendment. If it passes, then Members can reach their own conclusions as to whether they wish to vote for the complete bill. With this amendment the bill will go a long way to opening the political process to Federal employees, without going too far. Let us try out full political participation in State and local elections and see how that works out before extending this to the Federal level where this chance of abuse could be devastating to good Government.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. FISHER. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. The gentleman is talking about one item which has concerned me very much, that is embodied in his illustration of the OSHA inspectors. Yet, I cannot see how his amendment will get away from the difficulty he suggests. It seems to me that there would be as much difficulty with regard to an OSHA inspector's going to a businessman soliciting funds and talking about politics, even though he were talking State or local politics, as there would be if he were entitled to take part in Federal politics. Am I correct in saying that the gentleman's amendment does not obviate this problem?

Mr. FISHER. It does not obviate it completely. I have presented my amendment as a good, workable compromise between two great principles: Participation fully in Government by everyone, employees included, and the maintenance of a neutral, objective, independent Civil Service to protect citizens.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. FISHER) has expired.

(On request of Mr. FORD of Michigan, and by unanimous consent, Mr. FISHER was allowed to proceed for 1 additional minute.)

Mr. FISHER. Mr. Chairman, it is true that, at the State and local level, what the gentleman is saying could happen.

I think it is far less damaging there than at the Federal level.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. FISHER. I yield to the gentleman from Michigan (Mr. FORD).

Mr. FORD of Michigan. Mr. Chairman, I am concerned about the colloquy that just occurred here. I know the gentleman was off of the floor for awhile, but in fact we adopted an amendment offered by the gentleman from New York (Mr. SOLARZ) which would specifically prohibit the OSHA inspector, which the gentleman made reference to, from soliciting funds or doing anything of the kind to anyone who was subject to his inspection. That has been adopted and is now a part of the legislation before us.

I would like to put the gentleman's mind at ease to the extent that he sees what we do not see in the amendment with respect to the OSHA inspectors. It is no longer necessary.

Mr. COHEN. Mr. Chairman, will the gentleman yield?

Mr. FISHER. I yield to the gentleman from Maine (Mr. COHEN).

Mr. COHEN. Mr. Chairman, the Hatch Act has for nearly four decades shielded Federal employees against coercion from politically motivated supervisors. The law was enacted in 1939 in response to growing public dissatisfaction with the cronyism and machine-type political activities which permeated Government service. Thousands of people who were being paid by the taxpayers were in fact busily engaged in partisan politicking for candidates of one party or another.

I believe that some revision of the Hatch Act's outright ban on all involvement in elective politics by Federal employees is in order. As a consequence, I support the amendment proposed by my colleague from Virginia (Mr. FISHER), which allows Federal workers to run for part-time State or local office. It seems to me this amendment is a good compromise between the need for a nonpartisan, impartial, and meritorious Federal service and the expression of the legitimate political rights of Federal employees.

Many references have been made to surveys taken last year that revealed that 74 percent of all respondents—and 73 percent of all Government employees questioned—supported continuing the Hatch Act unchanged.

But a more telling argument against repeal of the law, it seems to me, is the erosion of public confidence in the civil service system that would surely result if partisan political activities once again were to become widespread within the Federal bureaucracy.

This is a time when the Congress is subject to particular public scrutiny. It is ill-timed for Congress to be undermining legislation that has, for 38 years, inspired public confidence.

Mr. Chairman, the fact that Federal employees are under the Hatch Act for decades has been accepted as a symbol of Government integrity. It has been endorsed by the American people as one of the foundations of our Government. I believe that passage of the repeal measure in the House would attack the solid rock of integrity upon which our Federal agencies rest, and I hope that the House will reject this ill-advised and ill-timed proposal.

Mr. CLAY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, we spent approximately 7 hours debating this bill last year. The bill we are debating now is precisely or almost the same as the one we debated last year. We have been on this bill for almost 5 hours today. We have been in session 12 hours. I have heard very few new arguments for or against the bill. The pending amendments are the same ones that were offered last year, and the Fisher amendment, in my opinion, is the only really crucial amendment that is pending. The rest of them are frivolous, so far as I am concerned.

Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto close at 9 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

Mr. GLICKMAN. Mr. Chairman, I object.

Mr. ASHBROOK. Mr. Chairman, I object.

Mr. ROUSSELOT. Mr. Chairman, I object.

Mr. WYDLER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. CLAY. Mr. Chairman, I move that all debate on the bill and all amendments thereto close at 9 o'clock.

The CHAIRMAN. Does the gentleman move that all debate on the committee amendment in the nature of a substitute and all amendments thereto close at 9 o'clock?

PARLIAMENTARY INQUIRY

Mr. KAZEN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KAZEN. Mr. Chairman, how many amendments do we have at the desk?

The CHAIRMAN. The Chair has knowledge of seven amendments at the desk, in addition to the pending amendment.

Does the Chair understand the gentleman's motion to be that all debate on the committee amendment and all amendments thereto cease at 9 o'clock?

Mr. CLAY. And the bill is a part of the motion.

The CHAIRMAN. That is the bill.

The question is on the motion offered by the gentleman from Missouri (Mr. CLAY).

Mr. BAUMAN. Mr. Chairman, I demand that the motion be reduced to writing.

The CHAIRMAN. The gentleman from Maryland (Mr. BAUMAN) demands that the motion be reduced to writing.

MOTION OFFERED BY MR. CLAY

Mr. CLAY. Mr. Chairman, I offer a motion in writing.

The CHAIRMAN. The Clerk will report the motion.

The Clerk read as follows:

Mr. CLAY moves that all debate on the bill and all amendments thereto end at 9 o'clock p.m.

PARLIAMENTARY INQUIRY

Mr. GLICKMAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GLICKMAN. Mr. Chairman, under this type of motion is it true that no Member of the body is allowed to speak for or against the motion?

I would like to speak against the motion. Is that possible?

The CHAIRMAN. The Chair will state that the motion is not debatable.

The question is on the motion offered by the gentleman from Missouri (Mr. CLAY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ROUSSELOT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 169, noes 237, not voting 26, as follows:

[Roll No. 263]

AYES—169

Addabbo
Alexander
Ambro
Ammerman
Andrews, N.C.
Applegate
Archer
Aspin
Badillo
Beard, R.I.
Benjamin
Bennett
Bevill
Blanchard
Blouin
Bolling
Bonior
Bowen
Brademas
Brodhead
Brooks
Brown, Calif.
Brown, Mich.
Burke, Calif.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Byron
Carney
Cavanaugh
Cederberg
Chisholm
Clay
Cleveland
Cochran
Collins, Ill.
Conte
Corman
Cotter
Daniel, R. W.
Danielson
Davis
de la Garza
Delaney
Dellums
Derrick
Dickinson
Dicks
Dingell
Downey
Duncan, Oreg.
Early
Eilberg
English
Evans, Colo.
Evans, Ind.
Fascell
Findley
Fithian
Flood
Florio
Ford, Mich.
Ford, Tenn.
Gaydos
Gonzalez
Guyer
Hanley
Harrington
Harris
Harsha
Hawkins
Hefner
Hillis
Hollenbeck
Ichord
Ireland
Jenrette
Johnson, Calif.
Jones, N.C.
Jordan
Kastenmeier
Krueger
Le Fante
Leggett
Lehman
Lloyd, Calif.
Long, La.
Long, Md.
Lujan
Luken
Lundine
McClory
McFall
Maguire
Marlenee
Mathis
Meeds
Metcalfe
Meyner
Milford
Mineta
Mitchell, Md.
Mollohan
Montgomery
Mottl
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Gary
Nedzi
Nichols
Nix
Nolan
Oakar
Oberstar
Obey
Patten
Pepper
Perkins
Pike
Pressler
Preyer
Quillen
Rahall
Reuss
Risenhoover
Roberts
Rodino
Rogers
Roncalio
Rose
Rosenthal
Roybal
Runnels
Russo
Santini
Sawyer
Seiberling
Shipley
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Solarz
Spellman
St Germain
Staggers
Steed
Stokes
Thompson
Traxler
Treen
Tsongas
Tucker
Ullman
Van Deerlin
Vento
Watkins
Weaver
Whitehurst
Whitten
Wilson, Bob
Wilson, C. H.
Wirth
Yatron
Young, Tex.
Zablocki
Zeferetti

NOES—237

Abdnor
Akaka
Allen
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Armstrong
Ashbrook
Ashley
AuCoin
Badham
Bafalis
Baldus
Barnard
Baucus
Bauman
Beard, Tenn.
Bedell
Beilenson
Bingham
Boggs
Boland
Bonker
Breaux
Breckinridge
Brinkley
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Butler
Caputo
Carr
Carter
Chappell
Clausen, Don H.
Cohen
Coleman
Collins, Tex.
Conable
Conyers
Corcoran
Cornell
Cornwell
Coughlin
Crane
D'Amours
Daniel, Dan
Derwinski
Devine
Dodd
Dornan
Drinan
Duncan, Tenn.
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Fary
Fenwick
Fish
Fisher
Flowers
Flynt
Foley
Fountain
Fowler
Fraser
Frenzel
Frey
Fuqua
Gammage
Gephardt
Giaimo
Gibbons
Gilman
Ginn
Glickman
Goldwater
Goodling
Gore
Gradison
Grassley
Gudger
Hagedorn
Hall
Hamilton
Hammerschmidt
Hannaford
Harkin
Heckler
Heftel
Hightower
Holt
Holtzman
Horton
Howard
Hubbard
Huckaby
Hughes
Hyde
Jacobs
Jeffords
Jenkins
Johnson, Colo.
Jones, Okla.
Kasten
Kazen
Kelly
Kemp
Ketchum
Keys
Kildee
Kindness
Koch
Kostmayer
Krebs
LaFalce
Lagomarsino
Latta
Leach
Lederer
Lent
Levitas
Lloyd, Tenn.
Lott
McCloskey
McDade
McDonald
McEwen
McHugh
McKay
Madigan
Mahon
Mann
Markey
Marks
Marriott
Martin
Mattox
Mazzoli
Mikulski
Mikva
Miller, Calif.
Miller, Ohio
Minish
Mitchell, N.Y.
Moore
Moorhead, Calif.
Moorhead, Pa.
Murphy, Ill.
Myers, Michael
Myers, Ind.
Natcher
Neal
Nowak
O'Brien
Ottinger
Panetta
Patterson
Pattison
Pease
Pettis
Pickle
Pritchard
Pursell
Quayle
Quie
Regula
Rhodes
Richmond
Rinaldo
Robinson
Rooney
Rostenkowski
Rousselot
Rudd
Ruppe
Ryan
Sarasin
Scheuer
Schroeder
Schulze
Sebelius
Sharp
Shuster
Sisk
Skubitz
Snyder
Spence
Stangeland
Stanton
Stark
Steiger
Stockman
Stratton
Studds
Stump
Symms
Taylor
Thone
Thornton
Trible
Udall
Vander Jagt
Vanik
Volkmer
Waggonner
Walgren
Walker
Walsh
Wampler
Weiss
Whalen
White
Whitley
Wiggins
Wilson, Tex.
Winn
Wolff
Wright
Wydler
Wylie
Yates
Young, Alaska
Young, Fla.
Young, Mo.

NOT VOTING—26

Biaggi
Clawson, Del
Dent
Diggs
Flippo
Forsythe
Hansen
Holland
Jones, Tenn.
McCormack
McKinney
Michel
Moakley
Moffett
Moss
Poage
Price
Railsback
Rangel
Roe
Satterfield
Sikes
Slack
Steers
Teague
Waxman

So the motion was rejected.

The result of the vote was announced as above recorded.

Mr. RYAN. Mr. Chairman, I rise in support of the amendment.

For those Members who have come in from dinner since the debate began on the Fisher amendment, let me briefly repeat what the gentleman from Virginia author of the amendment has said. As I understand the amendment, it will limit to some further extent those Federal employees who can participate in elected activities in a fully franchised sense. I can only tell the Members that from sitting as a member of the Post Office committee, and as a new Member this year taking my place at the end of the row on the Democratic side, I watched the process of this bill. It was shaped very carefully by many Members. But it seems to me we have not come carefully and cautiously toward the center of where that line must be drawn as to which employees have full participatory powers. We may lose the entire intent of this bill and find ourselves back in the same situation we were 40 years ago. That is my impression. I would rather go more cautiously this year with this bill. Let us try the Fisher amendment and see how well the law works, we can come back at a later time and refine it further; but I do not believe this bill is a good bill unless this amendment is in this bill now. I can tell the Members that from my own personal reading of the legislation itself and this amendment, if the Fisher amendment is not in this bill, I cannot vote for it myself, and I would urge other Members to vote against it until such time as this bill has the limits imposed in the Fisher amendment.

Mr. SOLARZ. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, in deference to the hour, I will be brief, but I think that this amendment is so totally without sense or justification that it is really important to call the attention of the Members to what precisely is wrong with it. When the gentleman from Virginia (Mr. FISHER) offered the amendment, he said that there was a need for it because in the absence of this amendment it would be possible for a Federal employee to solicit support from someone with respect to whom the agency for which that Federal employee worked had jurisdiction. And that, the gentleman has said, would create a conflict-of-interest situation. But the answer to the gentleman's argument is that we adopted an amendment a few hours ago which precisely prohibits Federal employees from soliciting contributions from any individual over whom the agency for which that Federal employee works has jurisdiction. The fact of the matter is that if a loan officer for the Small Business Administration wants to solicit support from an individual who is applying for a loan from the SBA, that SBA loan officer would be prohibited from soliciting support from that individual by the amendment already adopted.

What, then, is the problem with the amendment offered by the gentleman from Virginia? The problem with it is that the SBA loan officer would also be prohibited from soliciting support from the housewife next door, or the farmer down the road, or thousands of other Americans, who have no business whatsoever with the Small Business Administration for which that employee works.

The only imaginable conflict of interest which could be created under this bill would be if a Federal employee attempts to solicit support from an individual for whom his agency has jurisdiction, and we already adopted an amendment which prohibits it.

The amendment of the gentleman from Virginia does one other thing. It would permit an employee to run for part-time office, such as most State legislatures, but would prohibit them from running for Federal office. Aside from the fact that it creates a protected class of politicians, namely ourselves, if we permit Federal employees to run for any office they want to except Congress, I would submit that makes no sense. If an individual Federal employee is permitted to run for local office, he should be permitted to run for Federal office, and if we are prohibiting him from running for Federal office, then we should prohibit him from running for local office.

The gentleman from Virginia said this was a compromise, but it is a compromise in theory only, because if this amendment were to be adopted, those of us who worked hard on this legislation to give employees an opportunity to take part in the political process, would find that Federal employees are prohibited from doing what all other Americans are permitted to do, and we would be forced to vote against the bill itself.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from California?

Mr. RYAN. I want to ask the gentleman a question. Is it possible for me to ask an FBI agent to join my committee or for anyone else to ask an FBI officer to join or take part in an election committee for me?

Mr. SOLARZ. The gentleman is in a position to ask anyone he wants. He is not, under present law, able to ask them for a contribution.

Mr. RYAN. But I asked if it were possible for me to ask an FBI officer or other agent of the Federal Government.

Mr. SOLARZ. If that person is not in a restricted category, the gentleman would then be free to invite that person to join the gentleman's campaign, just as that individual is free to say no.

Mr. RYAN. That is precisely my objection to the legislation as it presently stands and which this Fisher amendment would change.

Mr. HARRIS. Mr. Chairman, I rise in opposition to the amendment and I move to strike the requisite number of words.

Mr. Chairman, I think we have heard a great deal about surveys here today. I would like to present as a matter of record the only clearly scientific, objective survey I know of with regard to how people feel about revising the Hatch Act in this area. This survey was done by the American University and it was done in a very scientific way.

The American University survey was conducted from February 23 to February 28, 1977, and the surveyors, the pollsters, indicate that 1126 residents on a random basis were polled. The result was quite significant. In the area 53 percent or 2 to 1 favored revision of the Hatch Act.

I would point out there is another survey that is sometimes quoted that indicates 74 percent were against the repeal of the Hatch Act. This is why I made clear in the past debate this act does not repeal the Hatch Act. I do not believe the latter survey is cogent with respect to this debate.

I also point out something else about this amendment that has not been made clear. I would ask my colleague, the gentleman from Virginia, if this is not so, if under his amendment Federal employees would not be precluded from participating in Federal elections if they were political appointees. Only if they were merit system people would they be precluded from participating in Federal elections; is that not correct?

Mr. FISHER. Mr. Chairman, if the gentleman will yield, this deals with the civil service merit system.

Mr. HARRIS. But I would point out the specific provision in this amendment that says it would not apply to the head or assistant head of an agency, to employees appointed by the President and confirmed by the Senate.

In fact, this means we make a two-class system of Federal employees. Those in the merit system cannot participate in the Federal elections, but the Attorney General and his assistant or his deputy could run and participate in Federal elections. It seems to me we make a faulty distinction when we say Federal appointees of the Federal Government can participate in Federal elections, but the merit people cannot. It is a strange suggestion.

Mr. DAN DANIEL. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Virginia.

Mr. DAN DANIEL. Mr. Chairman, if the gentleman's argument is valid, how does the gentleman explain the overwhelming victory last fall of the gentleman from Virginia (Mr. FISHER)?

Mr. HARRIS. I think it was quite clear because he is an outstanding legislator with experience beyond compare in Virginia.

I would point out to my colleague from Virginia that the fellow from the Eighth District did not do too badly, either.

Mr. DAN DANIEL. Mr. Chairman, if the gentleman will yield further, is it not true the Congressman from Arlington, the gentleman from Virginia (Mr. FISHER), represents more Federal employees than any other Member of Congress?

Mr. HARRIS. I do not think we have an accurate count on that, but I think I come awfully close to having as many Federal employees as the gentleman from Virginia (Mr. FISHER).

Mr. DAN DANIEL. But not quite.

Mr. CLAY. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

Mr. Chairman, I oppose the proposed amendment by the gentleman from Virginia because it is unfair, impractical, and strikes against the primary purpose of this bill—full participation in the political processes of our Nation. It still lets "big brother" decide who shall and shall not participate in politics because someone may abuse his authority. In our system of government, local, State, and Federal politics are inextricably interrelated. There is inherent in this amendment, the idea that somehow an unscrupulous employee could misuse his Federal authority but would not do so on a State or local level. For the life of me, I just do not see the logic of that argument.

H.R. 10 contains ample protections to both the public and employees against coercion, the misuse of authority, and improper solicitations. In addition, certain employees in designated restricted positions are retained under the provisions of the Hatch Act.

Let us deal with any abuse of the law by strictly enforcing the bill's enforcement and penalty provisions—not by disenfranchising an entire group of individuals.

In his election reform message, the President specifically stated his support for Hatch Act reform. He further stated that under this revision "the vast majority would be able to participate in Federal, State, and local elections and other political functions." He made no artificial distinction between Federal and State and local activities.

Finally, we in the Congress are already under public scrutiny for preserving certain privileges for ourselves. What this amendment says is that it is all right for Federal employees to seek any elective office—any elective office but our own.

Reject this ill-advised amendment.

Mr. Chairman, I would like to ask the sponsor of the amendment a question. As I understand the amendment, Federal merit service employees would be permitted to participate in local and State elections, but prohibited from participating in Federal elections. Does this mean that after a merit employee has participated during the entire primary process for State and local employees and then he wants to continue his participation in the general election, if that general election involves Federal candidates, the President or a Member of Congress, and as I understand it, all ballots are issued in the general election saying, "Vote the straight Republican ticket," or, "Vote the straight Democratic ticket"—would that merit employee if he passed out such a ballot be in violation of the bill the gentleman is proposing?

Mr. FISHER. Mr. Chairman, if the gentleman will yield, yes, my amendment would require that handbills, for example, separate the Federal candidates from the State and local and the Federal employee would be able to pass out the handbill for State and local, but not Federal.

Mr. Chairman, I want to go on and say that under the present Hatch Act this is done in the districts in the country that have a lot of Federal employees. It is done routinely and there is no problem about it. They are quite used to it. They soon learn how to make those adjustments, as they should.

This is the kind of minor difficulty, I think, that is sometimes raised to throw a major reform.

Mr. CLAY. Mr. Chairman, may I interrupt the gentleman. Will the gentleman point out to me in this amendment where it says they should be separated?

Mr. FISHER. Mr. Chairman, if the gentleman will yield further, it is not stated in the amendment, but that is the inference one has to draw from it, that Federal employees cannot participate fully politically for Federal candidates. They can for State and local candidates. Therefore, they could not peddle a handbill that had Federal candidates on the bill, as well as the others could.

Mr. CLAY. Mr. Chairman, I rise in opposition to the amendment. I think it flies in the face of the whole intent of this bill.

The thrust of this bill is for universal suffrage, and I think it is a cause of constitutional rights, the constitutional right of free speech; the constitutional right of free association. I do not think we ought to infringe on those rights in any aspect. I think every American citizen ought to be entitled to exercise those basic rights. For that reason, I oppose the amendment.

Mr. ROUSSELOT. Mr. Chairman, I move to strike the requisite number of words in the name of civil rights.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. In the name of the civil rights I yield to the gentleman from Virginia.

Mr. FISHER. I think there is no doubt but what the courts have found that the Hatch Act is constitutional.

Mr. ROUSSELOT. I agree with my colleague from Virginia. I yield back the balance of my civil rights time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. FISHER).

The question was taken; and the Chairman announced that he was in doubt.

RECORDED VOTE

Mr. FISHER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 143, noes 266, not voting 23, as follows:

[Roll No. 264]

AYES—143

Abdnor
Ammerman
Anderson, Ill.
Archer
Armstrong
Ashbrook
Ashley
AuCoin
Bafalis
Bauman
Beard, Tenn.
Bennett
Broomfield
Brown, Ohio
Broyhill
Burke, Fla.
Burleson, Tex.
Butler
Byron
Cederberg
Chappell
Clausen, Don H.
Cleveland
Cohen
Coleman
Collins, Tex.
Conable
Corcoran
Crane
Daniel, Dan
Daniel, R. W.
de la Garza
Derwinski
Devine
Dickinson
Dornan
Duncan, Oreg.
Duncan, Tenn.
Edwards, Okla
Erlenborn
Evans, Ga.
Fenwick
Findley
Fisher
Flynt
Foley
Fountain
Frenzel
Frey
Gephardt
Goldwater
Gonzalez
Goodling
Gradison
Grassley
Guyer
Hagedorn
Hammerschmidt
Harsha
Holt
Holtzman

Hyde
Ichord
Ireland
Jeffords
Jones Okla.
Kasten
Kazen
Kemp
LaFalce
Lagomarsino
Leach
Lloyd, Calif.
Long, Md.
Lujan
McClory
McCloskey
McDonald
McEwen
McKay
McKinney
Madigan
Mann
Markey
Marlenee
Marriott
Martin
Miller, Ohio
Mitchell, N.Y.
Mollohan
Montgomery
Moore
Moorhead, Calif.
Murphy, Pa.
Myers, Gary
Myers, Ind.
O'Brien
Pettis
Pickle
Pritchard
Pursell
Quayle
Quie
Quillen
Regula
Robinson
Rogers
Roncalio
Rousselot
Rudd
Runnels
Ruppe
Ryan
Sarasin
Sawyer
Schulze
Sebelius
Simon
Sisk
Skubitz
Snyder
Spence
Stangeland
Stanton
Steiger
Stockman
Stratton
Symms
Taylor
Treen
Trible
Ullman
Vander Jagt
Volkmer
Waggonner
Walgren
Walker
Wampler
Whitehurst
Winn
Wydler
Wylie
Young, Fla.

NOES—266

Addabbo
Akaka
Alexander
Allen
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Applegate
Aspin
Badham
Badillo
Baldus
Barnard
Baucus
Beard, R.I.
Bedell
Beilenson
Benjamin
Bevill
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonior
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Brown, Calif.
Brown, Mich.
Buchanan
Burgener
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Caputo
Carney
Carr
Carter
Cavanaugh
Chisholm
Clay
Cochran
Collins, Ill.
Conte
Conyers
Corman
Cornell
Cornwell
Cotter
Coughlin
D'Amours
Danielson
Davis
Delaney
Dellums
Derrick
Dicks
Diggs
Dingell
Dodd
Downey
Drinan
Early
Eckhardt
Edgar
Edwards, Ala.
Eilberg
Emery
English
Ertel
Evans, Colo.
Evans, Del.
Evans, Ind.
Fary
Fascell
Fish
Fithian
Flood
Florio
Flowers
Ford, Mich.
Ford, Tenn.
Fowler
Fraser
Fuqua
Gammage
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Glickman
Gore
Gudger
Hall
Hamilton
Hanley
Hannaford
Harkin
Harrington
Harris
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hollenbeck
Horton
Howard
Hubbard
Huckaby
Hughes
Jacobs
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jordan
Kastenmeier
Kelly
Ketchum
Keys
Kildee
Kindness
Koch
Kostmayer
Krebs
Krueger
Latta
Le Fante
Lederer
Leggett
Lehman
Lent
Levitas
Lloyd, Tenn.
Long, La.
Lott
Luken
Lundine
McCormack
McDade
McFall
McHugh
Maguire
Mahon
Marks
Mathis
Mattox
Mazzoli
Meeds
Metcalfe
Meyner
Mikulski
Mikva
Milford
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moorhead, Pa.
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Michael
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pattison
Pease
Pepper
Perkins
Pike
Pressler
Preyer
Rahall
Rangel
Reuss
Rhodes
Richmond
Rinaldo
Risenhoover
Roberts
Rodino
Rooney
Rose
Rosenthal
Rostenkowski
Roybal
Russo
Santini
Scheuer
Schroeder
Seiberling
Sharp
Shipley
Shuster
Sikes
Skelton
Smith, Iowa
Smith, Nebr.
Solarz
Spellman
St Germain
Staggers
Steed
Stokes
Studds
Stump
Thompson
Thone
Thornton
Traxler
Tsongas
Tucker
Udall
Van Deerlin
Vanik
Vento
Walsh
Watkins
Weaver
Weiss
Whalen
White
Whitley
Whitten
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Wirth
Wolff
Wright
Yates
Yatron
Young, Alaska
Young, Mo.
Young, Tex.
Zablocki
Zeferetti

NOT VOTING—23

Biaggi
Clawson, Del
Dent
Edwards, Calif.
Flippo
Forsythe
Hansen
Holland
Jones, Tenn.
Michel
Moakley
Moffett
Moss
Poage
Price
Railsback
Roe
Satterfield
Slack
Stark
Steers
Teague
Waxman

Mr. BURKE of Florida changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GLICKMAN

Mr. GLICKMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GLICKMAN: Page 52, after line 2 insert:

SEC. 4. The Civil Service Commission shall study and review the effects of the amendments made by the Act on:

(1) the level of participation by federal employees in activities relating to Federal, State and local elections;

(2) the merit system, particularly the hiring, termination, or advancement of federal employees, and

(3) matters generally affecting and contributing to the improper use of official influence or official information by Federal employees as prohibited under this Act.

The Commission shall report to the Congress not later than March 31, 1979, and March 31, 1981, the results of such study and review any findings therefrom together with such legislative or administrative recommendations as they consider appropriate.

Mr. GLICKMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. GLICKMAN. Mr. Chairman, this is an oversight amendment, which should give some comfort to those who worry that the reform of the Hatch Act will have a dangerous effect on the operations of our Federal system. This amendment provides a formal oversight mechanism whereby the Civil Service will be required to report to the Congress, within 5 months after both the 1978 and 1980 Federal elections, the following information:

First. The level of participation by Federal employees in activities relating to Federal, State, and local elections.

Second. The merit system—hiring, termination or advancement of Federal employees.

Third. Matters generally affecting and contributing to the improper use of official influence or official information by Federal employees as prohibited under this act.

The Commission shall report to the Congress 150 days after the next two Federal elections—findings and/or legislative or administrative recommendations as they consider appropriate.

While oversight is not sexy, it is a critical function of Government activity. And for the first 4 years that this reform is in effect, Federal employees will know that a formal oversight program will be in effect to determine the propriety of their actions. Public demands oversight, those who fear the act's importance can take comfort in it. I urge adoption.

Let us face it. We all have some concern about this bill and its effect. For nearly 40 years, under it, many Federal employees feel very protected.

Mr. CLAY. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Chairman, we on this side are willing to accept the amendment offered by the gentleman from Kansas.

Mr. GLICKMAN. I thank the gentleman.

Does the gentleman from Illinois also accept the amendment?

Mr. DERWINSKI. Mr. Chairman, does the gentleman from Missouri now bestow upon me the authority to accept or reject all amendments?

Mr. GLICKMAN. I believe the gentleman from Missouri accepted the amendment.

Mr. DERWINSKI. The gentleman from Missouri accepted the amendment? Well, since I am operating on the basic principle that you cannot make a silk purse out of a sow's ear, I will accept this amendment, too.

Mr. CLAY. Did the gentleman from Illinois accept the vote on the last amendment?

Mr. DERWINSKI. No, but democracy prevailed.

Mr. CLAY. Thank you.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. GLICKMAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LEVITAS

Mr. LEVITAS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEVITAS: on page 47, strike out line 23 and all that follows through line 4 on page 48 and insert in lieu thereof the following:

"(a)(1) The Civil Service Commission shall promulgate such rules and regulations as may be necessary to carry out its responsibilities under this subchapter.

With promulgation or repromulgation of any such rule or regulation, the commission shall transmit a copy thereof to the Secretary of the Senate and the Clerk of the House of Representatives. Except as provided in paragraph (2), any such rule or regulation shall not become effective, if—

"(A) within 90 calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: That Congress disapproves the rule or regulation promulgated by the Civil

Service Commission dealing with the matter of , which rule or regulation was transmitted to Congress on , the blank spaces therein being appropriately filled; or

"(B) within 60 calendar days of continuous session of Congress after the date of promulgation, one House of Congress adopts such a concurrent resolution and transmits such resolution to the other House, and such resolution is not disapproved by such other House within 30 calendar days of continuous session of Congress after such transmittal.

"(2) If at the end of 60 calendar days of continuous session of Congress after the date of promulgation of a rule or regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the rule or regulation, and neither House has adopted such a resolution, the rule or regulation may go into effect immediately. If, within such 60 calendar days, such a committee has reported or been discharged from further consideration of such a resolution, or either House has adopted such a resolution, the rule or regulation may go into effect not sooner than 90 calendar days of continuous session of Congress after its promulgation unless disapproved as provided in paragraph (1)(A).

"(3) The commission may not promulgate a new rule or regulation identical to one disapproved pursuant to this section unless a statute is adopted affecting the commission's powers with respect to the subject matter of the rule or regulation.

"(4) If the commission proposes a new rule or regulation dealing with the same subject matter as a disapproved rule or regulation, the commission shall comply with the procedures required for the issuance of a new rule or regulation.

"(5) For the purpose of this subsection, calendar days of continuous session of Congress' means consecutive calendar days of a session of Congress the continuity of which is broken only by an adjournment sine die, excluding days on which either House is not in session because of an adjournment of more than 3 days to a day certain.

Mr. LEVITAS. Mr. Chairman, the bill as introduced by the gentleman from Missouri (Mr. CLAY) had in it a provision which provided that the rules and regulations which would be promulgated by the Civil Service Commission would be subject to review by the Congress. We are giving the Civil Service Commission very broad powers under this legislation to decide what activities are covered or are not covered and what people are covered or are not covered.

Mr. CHARLES H. WILSON of California. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I will be happy to yield to the gentleman from California.

Mr. CHARLES H. WILSON of California. Mr. Chairman, as I understand the gentleman's amendment, it is due to a court opinion which overruled the opinion of the administration to the Congress that we take this language out of the original bill.

Mr. LEVITAS. That is correct.

Mr. CHARLES H. WILSON of California. And the gentleman from Georgia, through his amendment, wants to reinstate the language that was in the original bill, as a result of this court opinion?

Mr. LEVITAS. That is correct. The substance of the original bill's provision for congressional review is contained in my amendment. The procedures are somewhat different and are spelled out in more detail.

Mr. CHARLES H. WILSON of California. Mr. Chairman, I think this is a good amendment. As one member of the subcommittee I am going to urge my friend, the gentleman from Missouri (Mr. CLAY) to accept the amendment.

Mr. LEVITAS. Mr. Chairman, I thank the gentleman from California. I commend the gentleman for his leadership and support of the rights of the people through their elected representatives to make the laws and not be unelected appointees.

I would just like to make reference to the fact that today the Court of Claims—and this may be of some interest to the Members generally—handed down an opinion in a case dealing with the case of the constitutionality of the so-called congressional veto power as contained in the congressional pay raise legislation. After very lengthy discussion of the law on the subject it issued what I believe to be the first judicial decision directly in point, the court concluded that:

> Based on the foregoing discussion, we conclude that plaintiffs' attack on the one-House veto as in violation of the principle of separation of powers, and specifically of the first sentence of article II, must fail.

The court went on to say that the one-House veto provision was constitutional. As I indicated, the congressional veto concept was in the original bill. It was taken out because some people had suggested it might be unconstitutional. The provision gives to the elected Congress the power to pass upon those regulations which in effect have the force of law. We have adopted similar legislative veto amendments on previous occasions. Mr. Chairman, I urge the members of this committee to adopt this amendment.

Since the regulations of the unelected Civil Service Commission have the same effect as laws passed by the elected Congress, surely the elected Congress should have the right to review those regulations to ascertain whether they are consistent with congressional intent or wise or proper. The issue is very simple. Who should make the laws in America? The unelected Commission appointees or the elected representatives of the people, the Congress.

I urge adoption of the amendment.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from Virginia.

Mr. HARRIS. I thank the gentleman for yielding.

I think this is a good amendment. I think it is consistent with what we did last year, and I think it reemphasizes the responsibility of this House. I urge adoption of the amendment.

Mr. LEVITAS. I thank the gentleman for his leadership in this matter and for his comment.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. LEVITAS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PEASE

Mr. PEASE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. PEASE: Page 38, after line 25, insert the following: "The enforcing authority may receive in confidence any reports or allegations of violations of the prohibitions of section 7323, 7324, or 7325 of this title. Information so received and the identity of the person who provided such information shall not be disclosed by the enforcing authority except with the consent of the person who provided it or in connection with a proceeding under this subchapter with respect to which notice has been served under subsection (c) of this section or pursuant to a subpoena or an order issued by a court under any provision of law other than this subchapter."
>
> Page 39, line 13, strike out "is employed." and insert "is employed, and shall provide for the disposal of information, records, and materials relating to the employee which were obtained by the enforcing authority in the course of the investigation."

Mr. PEASE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. ROUSSELOT. Mr. Chairman, could we have a copy of the amendment? I will object until we get one.

The CHAIRMAN. Objection is heard.

The Clerk continued reading the amendment.

Mr. PEASE (during the reading). Mr. Chairman, I now ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. PEASE. Mr. Chairman, I am offering an amendment to H.R. 10 that will help insure that the expanded political rights of Federal employees will not be abused.

My special concern is that Federal employees be able to come forward and report alleged violations of H.R. 10 without having to fear retribution. Opponents of H.R. 10, have expressed concern that Federal employees would be hesitant to report wrong-doing on the part of other Federal employees because of fear of punitive action being taken against them.

Current language of the bill calls for allegations of wrong-doing to be submitted to the General Counsel of the Civil Service Commission. The General Counsel is then directed to conduct an investigation taking no longer than 90 days to determine whether probable cause of a violation by a Federal employee does exist. During the course of the investigation, the General Counsel is free to disclose the identity of the person who registered the complaint. This raises serious doubts in my mind about the likelihood of employees being willing to come forward with information of alleged wrong-doing. This is especially true in cases where employees discover evidence of their supervisors or "Higher-ups" being involved in wrong-doing.

My amendment would encourage employees to come forth with credible information of potential violations. It provides that the source of information of alleged wrong-doing against a Federal employee shall not be disclosed to the Federal employee under investigation until such time as that employee is formally charged with a violation of H.R. 10. If the person making the allegation of wrong-doing is certain of his name remaining confidential until a formal charge is made, then I think he will be less hesitant to report possible violations.

Let me emphasize that I am not without concern for the rights of the employee accused of wrong-doing. I think that it is only fair that the accused have the right to know who is making the allegation against him. My amendment is compatible with this principle. The accused would have that right, if and when a formal charge is lodged. Furthermore, if no formal charges . . . .

I see no reason why it is necessary for the identify of the reason making an allegation to be disclosed to the accused until probable cause has been determined by a preliminary investigation and a formal charge of wrong-doing has been made. Keep in mind that the best sources of information about violations of H.R. 10 are Federal employees themselves. To deny them confidentiality while a preliminary investigation is underway leaves them subject to harassment or worse. This would have a chilling effect upon enforcement of this bill.

I commend the committee on its work. This is a good bill that strikes a responsible balance between the need to accord Federal employees expanded political rights and the need to protect the integrity and professional character of the Federal work force. However, I think my amendment will go further in checking violations. The committee report itself (p. 16) states:

> It is imperative that the enforcing authority (General Counsel), in fulfilling the enforcement responsibilities, not simply react to formal allegations or complaints but, in addition, aggressively initiate appropriate investigations to insure compliance with the provisions of this bill. For any number of reasons, employees may not make formal complaints.

I urge your support of my amendment. It will facilitate the reporting of violations of H.R. 10 and it will ease for Federal employees the fear of retaliation.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(On request of Mr. Panetta, and by unanimous consent, Mr. Pease was allowed to proceed for three additional minutes.)

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. PEASE. I yield to my friend, the gentleman from California.

Mr. PANETTA. Mr. Chairman, I respect the intent of the gentleman's amendment but one of the concerns I have is that it seems that we may possibly be setting a dangerous precedent in that a person's accuser need not be identified or need not identify himself to the person he is charging with a possible offense. I am wondering if the gentleman has checked on the constitutionality of his amendment.

Mr. PEASE. I thank the gentleman from California. I do not think there is any constitutional problem until and unless formal charges are lodged, and at the time formal charges are lodged under this amendment, then the accused would have every right to know who his accuser is.

Mr. PANETTA. For a period of 90 days during the process of an investigation the person who is being accused would not have access to the person who is accusing him.

Mr. PEASE. But he would have the right to make a statement to the General Counsel regarding the facts as he sees them.

Mr. PANETTA. I thank the gentleman.

Mr. FORD of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. This is a rather basic kind of question, really. On the surface the gentleman's amendment would appear to simply facilitate law enforcement; but, I am sure that when we look at it we realize it is a complete departure from everyone's idea of even the most rudimentary kind of due process for the person accused. If we look at the amendment in the context of the sections of the bill that it would modify, on page 38, the amendment would be added to the language on page 38. It does not in any way relieve the investigating or enforcing authority from proceeding with the investigation, as soon as the enforcing authority has any allegation that a violation has occurred.

Due process, it seems to me, requires that when the enforcing agent begins that formal investigation required by the statute that the name of the accuser ought to be available to everybody that should have access to it, and particularly to the person accused.

Mr. Chairman, the amendment, obviously well-intentioned, lends itself to a great deal of mischief. If one puts himself in the position of a supervisory employee in the Civil Service who is having some sort of difficulty with employees, maybe they are trying to form a union in a unit and one has had some disagreements with them, maybe he had to discipline somebody, I think it is important that a person who has been disciplined by the supervisory employee be identified as the one who is making the complaint from the beginning of the investigation, because it clearly is something that ought to be taken into account by anybody in evaluating that person's complaint.

Mr. Chairman, if we follow through page 39 and on down in the bill, we discover what actually is set in motion before we get to the gentleman's amendment is an investigatory process that can lead to and is intended to lead to criminal prosecution. For a long time in this country we have recognized that no stage in the investigation of an alleged crime is privileged in such a way as to insulate the accused or the suspect from having full disclosure of any and all people who are providing information against him or her or leading to investigation.

Mr. PEASE. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from Ohio.

Mr. PEASE. Mr. Chairman, is the gentleman aware that the amendment states that if the preliminary investigation results in no formal complaint being lodged and any and all records are destroyed, that there is no permanent record, that the complaint is never brought against the supervisory employee.

Mr. FORD of Michigan. That does not satisfy the question raised at all. What the gentleman is saying is that after they play around with this person's life or record for 90 days and for any reason they do not go any further, they have some sort of duty, it is not clear how it would be enforced, to clear all the records. That means they would go back and purge the minds of all the fellow employees and perhaps additional supervisory employees that had been questioned in connection with the investigation. As a practical matter, it just is not compatible with fundamental justice.

Mr. KOSTMAYER. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. Mr. Chairman, would the gentleman agree the effect of this amendment would constitute a basic fundamental violation of the civil liberties of the American people?

Mr. FORD of Michigan. I think that the first time it was tested by an employee it would probably be stricken down by the courts; but I hate to subject employees to that when we should be able to recognize clearly that it is a violation of the Constitution.

Mr. ERTEL. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from Pennsylvania.

Mr. ERTEL. Mr. Chairman, I am concerned about the gentleman's allegation. I was a prosecutor and certainly I investigated complaints in my office, took a great deal of time. The other person may not have done anything about being investigated. Even if it was investigated, there was no requirement on a prosecutor who filed a complaint as regards his particular activities. Once we filed a formal charge, I would say he is entitled to know who is complaining about him. I do not see any difference between that procedure, which is a standard investigative procedure by the FBI, and this procedure which the gentleman from Ohio (Mr. Pease) is recommending.

Could the gentleman explain the answer to that question?

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(At the request of Mr. Ertel, and by

unanimous consent, Mr. Ford of Michigan was allowed to proceed for an additional 2 minutes.)

Mr. FORD of Michigan. Mr. Chairman, the basic difference, if we look at page 38 of the act, upon receiving any information that a violation has occurred, the enforcing authority has a duty to investigate reports and allegations of any activity prohibited by section 7323, et cetera, and that any such investigation shall terminate not later than 90 days after the date of its commencement.

When the gentleman was a prosecutor, he could pursue his investigation if, on first impression, he believed he had adequate cause to go ahead, and he was using his judgment. The administrative agency involved here, the Civil Service Commission, has no authority to consider whether this is a frivolous complaint and drop it. It must undertake an investigation once a complaint is made. The gentleman's amendment provides no relief from that absolute duty to go forward with the investigation. Even if a complainant comes in acting like a raving maniac, screaming insanely about his boss, the investigating agency is nevertheless bound, when the complaint is made, to go forward with the investigation.

As a prosecutor, the gentleman could deal on what he could see and feel and hear from his own experience, and save himself and the proposed defendant a lot of trouble. That discretion is not here with the agency.

Mr. ERTEL. Possibly that discretion should be written into the act rather than subject the agency to those infirmities. If we do not have this amendment, perhaps we ought to put it in there.

Mr. FORD of Michigan. The reason we do not give them discretion is that we do not want the Civil Service Commission to be playing the same kind of politics they played in recent years. We do not want them to decide whether they will or will not investigate. They will investigate.

Mr. ERTEL. That is a lot of rhetoric. If the Civil Service Commission does not want to investigate, or feels that it does not want to, it is going to give a cursory examination and dismiss it in 90 days. Every prosecutor in the Nation knows that. It depends on the individual doing the investigation.

Mr. FORD of Michigan. The gentleman obviously has a different brand in his State than we have in ours.

Mr. ERTEL. I think it is everywhere.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(On request of Mr. Ertel and by unanimous consent Mr. Ford of Michigan was allowed to proceed for 2 additional minutes.)

Mr. ERTEL. I am concerned about another section of this bill, which the gentleman may be able to explain. On page 40, section (D), it requires that there be a written answer advising the employee that unless the employee answers the charges, in writing, within the time allowed therefor, the commissioners may treat such failure as an admission by the employee of the charges set forth in the notice and a waiver by the employee of the right to a hearing on the charges.

Is that not, in fact, making him waive his fifth amendment rights and saying, "You must answer or you are guilty"?

Mr. FORD of Michigan. This is not an innovation for this act. This is consistent with the present procedure of the Civil Service Act for any kind of infraction or alleged violation of the civil service regulations. That is the present practice.

Mr. ERTEL. It may be the present practice, but does that not run directly into Murphy against Waterfront Commission?

Mr. FORD of Michigan. If the gentleman wants to offer an amendment to strike this provision, I would be inclined to support it, but I think the Civil Service Commission probably would object to it.

Mr. ERTEL. I thank the gentleman.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words.

Frankly, Mr. Chairman, I think this is a practical amendment. With the other amendments earlier, it would help make a bad bill somewhat less disastrous. I do not think there is anything mischievous about it. I think the gentleman from Ohio is really reflecting the deep-seated concern of all the Members with what they are doing with this legislation.

All these amendments that have been offered in recent hours have been intended to provide additional protection, because inherently this bill is a denial of the protection to the Federal employees that they have enjoyed for 38 years. I regret that the spokesman for the bill has seen fit to use constitutional arguments rather than arguing the philosophy of the amendment. Since I am not managing the bill, I merely commend the gentleman from Ohio for offering the amendment, but I regret that he has not received more support from his colleagues on his side of the aisle.

Mr. CHARLES H. WILSON of California. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to my dear friend from California.

Mr. CHARLES H. WILSON of California. Mr. Chairman, I will say to my dear friend, the gentleman from Illinois (Mr. Derwinski) that I am surprised that he would support this amendment, because it seems to me that this amendment does exactly the thing that my friends on that side of the aisle objected to in regard to OSHA. It allows people to make complaints and not be identified and to cause considerable mischief. I think it is a mischievous amendment. I think everyone on this side and all of my southern friends should object to this amendment absolutely because of the impact it may have.

Mr. DERWINSKI. First of all, we both have southern friends. The gentleman is misreading the amendment. The thrust of the amendment is to permit the Federal employees, who observe a violation of the law, to report in confidence to the proper officials.

Mr. CHARLES H. WILSON of California. If the gentleman will yield further; would not the gentleman like to know who his accuser is?

Mr. DERWINSKI. The reason for that emphasis is the inherent fear all House Members have that if they pass this bill they are stripping their Federal employees of the much deserved protection under the Hatch Act.

Mr. CHARLES H. WILSON of California. Would not the gentleman like to know who his accuser it?

Mr. DERWINSKI. This is a very, very fair amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. Pease).

The question was taken; and on a division (demanded by Mr. Clay) there were—ayes 83, noes 51.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. ASHBROOK

Mr. ASHBROOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Ashbrook: Page 33, after line 18, insert the following new subsection:

"(d)(1) No employee organization (including any national or international union, council, or department which includes such organization, or any affiliate of such organization), or officer, employee, or agent thereof, shall directly or indirectly intimidate, threaten, coerce, command, or directly or indirectly attempt to intimidate, threaten, coerce, or command—

"(A) any employee for the purpose of interfering with the right of any employee to vote as such employee may choose, or of causing any employee to vote, or not to vote, for any candidate or measure in any election;

"(B) any employee to give or withhold any political contribution; or

"(C) any employee to engage, or not to engage, in any form of political activity whether or not such activity is prohibited by law.

"(2) No portion of any dues, fees, or assessments levied on the membership of any employee organization referred to in paragraph (1) of this subsection by such organization shall be used by such organization for any political purpose or by any political education or action committee of such organization for any purpose.

Page 40, line 17, strike out "or".

Page 40, line 19, insert "or" after "Columbia;"

Page 40, after line 19, insert the following:

"(E) any entity or individual who is not an employee, with respect to any violation of section 7323(d);

Mr. ASHBROOK. Mr. Chairman, this amendment increases protections for Federal employees by prohibiting intimidation, threats, and coercion by employee organizations.

Under the provisions of the amendment, no employee organization could directly or indirectly attempt to intimidate Federal employees to vote, or not to vote, for any candidate or measure in any election; nor could employee organizations directly or indirectly intimidate Federal employees to give or withhold political contributions.

The amendment further provides that no portion of any dues, fees, or assessments levied on members of an employee organization shall be used by such organizations for political purposes.

The enforcement of the prohibition on coercion as it applies to employee organizations, under the amendment, is provided for in that section of the bill that requires the enforcing authority to refer violations to the Attorney General.

Mr. CLAY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I move that all debate on the committee amendment in the nature of a substitute and all amendments thereto end at 10 o'clock p.m.

The CHAIRMAN. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY).

The question was taken; and on a division (demanded by Mr. ASHBROOK) there were—ayes 110, noes 58.

So the motion was agreed to.

The CHAIRMAN. Members standing at the time the motion was agreed to will each be recognized for 1 minute and 50 seconds.

Are there any Members who wish to debate the Ashbrook amendment?

Mr. ALLEN. Mr. Chairman, I wish to offer an amendment to the Ashbrook amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee (Mr. ALLEN).

AMENDMENT OFFERED BY MR. ALLEN TO THE AMENDMENT OFFERED BY MR. ASHBROOK

Mr. ALLEN. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. ALLEN to the amendment offered by Mr. ASHBROOK: In paragraph (2) of the Ashbrook amendment, strike out: ", fees, or assessments".

Mr. ALLEN. Mr. Chairman, as I understood the language of the Ashbrook amendment, it said that no part of dues, fees, or assessments could be used for political purposes.

Of course, virtually all unions and many corporations today collect fees or what might be termed fees for political purposes.

To preclude or prohibit any part of a man's dues from being used for political purposes is entirely consistent with precedent and law; but when we go beyond that, I think we are restricting the right of unions to have political action committees.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, the key words are levied fees or assessments. Those that are voluntary would not be affected. The amendment only refers to dues, fees, or assessments levied on members—the important word is "levied." I would advise my friend from Tennessee.

Mr. Chairman, I thank the gentleman for yielding.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. ALLEN) to the amendment offered by the gentleman from Ohio (Mr. ASHBROOK).

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. ASHBROOK).

The question was taken; and on a division (demanded by Mr. CLAY) there were—ayes 79, noes 58.

RECORDED VOTE

Mr. CLAY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 229, noes 168, answered "present" 10, not voting 25, as follows:

[Roll No. 265]

AYES—229

Abdnor
Alexander
Ammerman
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
AuCoin
Badham
Bafalis
Baldus
Barnard
Bauman
Beard, Tenn.
Benjamin
Bennett
Bevill
Boggs
Boland
Bowen
Breaux
Breckinridge
Brinkley
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Caputo
Carter
Chappell
Clausen, Don H.
Cleveland
Cochran
Cohen
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Coughlin
Crane
Daniel, Dan
Daniel, R. W.
Danielson
Davis
de la Garza
Derwinski
Devine
Dickinson
Dornan
Duncan, Oreg.
Duncan, Tenn.
Edwards, Ala.
Edwards, Okla.
Emery
English
Erlenborn
Evans, Del.
Evans, Ind.
Fenwick
Findley
Fithian
Flowers
Flynt
Fountain
Fowler
Frenzel
Frey
Fuqua
Gibbons
Gilman
Ginn
Goldwater
Goodling
Gradison
Grassley
Gudger
Guyer
Hagedorn
Hall
Hammerschmidt
Harkin
Harsha
Heckler
Hefner
Hillis
Hollenbeck
Holt
Horton
Hubbard
Huckaby
Hughes
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jenkins
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Kasten
Kelly
Kemp
Ketchum
Keys
Kindness
LaFalce
Lagomarsino
Latta
Leach
Lederer
Lent
Levitas
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
Luken
McClory
McCloskey
McDade
McDonald
McEwen
McKay
McKinney
Madigan
Mahon
Mann
Marks
Marlenee
Marriott
Martin
Mathis
Milford
Miller, Ohio
Minish
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Pa.
Myers, Gary
Myers, Ind.
Natcher
Neal
Nichols
Nowak
O'Brien
Panetta
Pettis
Pickle
Pressler
Preyer
Pritchard
Pursell
Quayle
Quie
Quillen
Regula
Rhodes
Rinaldo
Roberts
Robinson
Rogers
Rose
Rousselot
Rudd
Runnels
Ruppe
Russo
Santini
Sarasin
Sawyer
Schulze
Sebelius
Seiberling
Shuster
Sisk
Skelton
Skubitz
Smith, Nebr.
Snyder
Spence
Staggers
Stangeland
Stanton
Steiger
Stockman
Stratton
Stump
Symms
Taylor
Thone
Thornton
Treen
Trible
Ullman
Van Deerlin
Vander Jagt
Waggonner
Walgren
Walker
Walsh
Wampler
Watkins
Whalen
Whitehurst
Whitley
Whitten
Wiggins
Wilson, Bob
Wilson, C. H.
Winn
Wydler
Wylie
Young, Alaska
Young, Fla.
Zablocki
Zeferetti

NOES—168

Addabbo
Akaka
Ambro
Anderson, Calif.
Annunzio
Applegate
Ashley
Aspin
Badillo
Baucus
Beard, R.I.
Bedell
Beilenson
Bingham
Blanchard
Blouin
Bolling
Bonior
Bonker
Brademas
Brodhead
Brooks
Brown, Calif.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton, Phillip
Carney
Carr
Chisholm
Clay
Collins, Ill.
Conyers
Corman
Cornell
Cornwell
Cotter
Delaney
Dellums
Derrick
Dicks
Diggs
Dingell
Dodd
Downey
Drinan
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Ertel
Evans, Colo.
Evans, Ga.
Fary
Fascell
Fisher
Flood
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fraser
Gammage
Gaydos
Gephardt
Giaimo
Gonzalez
Gore
Hamilton
Hanley
Hannaford
Harrington
Harris
Hawkins
Hightower
Holtzman
Howard
Jenrette
Johnson, Calif.
Jordan
Kastenmeier
Kazen
Koch
Krebs
Krueger
Le Fante
Leggett
Lehman
Lloyd, Calif.
Lundine
McCormack
McFall
Maguire
Markey
Mattox
Mazzoli
Meeds
Metcalfe
Meyner
Mikulski
Mikva
Miller, Calif.
Mineta
Mitchell, Md.
Moakley
Mollohan
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Michael
Nedzi
Nix
Nolan
Oakar
Oberstar
Obey
Ottinger
Patten
Patterson
Pattison
Pease
Pepper
Perkins
Pike
Rahall
Rangel
Reuss
Richmond
Risenhoover
Rodino
Roncalio
Rooney
Rosenthal
Rostenkowski
Roybal
Ryan
Scheuer
Schroeder
Sharp
Shipley
Simon
Smith, Iowa
Solarz
Spellman
St Germain
Stark
Steed
Stokes
Traxler
Tsongas
Tucker
Udall
Vanik
Vento
Volkmer
Weaver
Weiss
White
Wilson, Tex.
Wirth
Wolff
Wright
Yates
Yatron
Young, Mo.
Young, Tex.

ANSWERED "PRESENT"—10

Allen
Burton, John
Cavanaugh
D'Amours
Glickman
Heftel
Kildee
Kostmayer
McHugh
Studds

NOT VOTING—25

Biaggi
Brown, Mich.
Cederberg
Clawson, Del
Dent
Fish
Flippo
Forsythe
Hansen
Holland
Jones, Tenn.
Michel
Moffett
Moss
Poage
Price
Railsback
Roe
Satterfield
Sikes
Slack
Steers
Teague
Thompson
Waxman

Messrs. STRATTON, COUGHLIN, and DE LA GARA changed their vote from "no" to "aye."

Messrs. VOLKMER, MAZZOLI, WEAVER, and KREBS changed their vote from "aye" to "no."

Messrs. JOHN L. BURTON, D'AMOURS, STUDDS, and ALLEN changed their vote from "no" to "present."

Messrs. GLICKMAN, HEFTEL, and McHUGH changed their vote from "aye" to "present."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the previous action of the House, all time has now expired for debate on the committee amendment in the nature of a substitute and all amendments thereto. The Chair will recognize Members having amendments only.

AMENDMENT OFFERED BY MR. GUDGER

Mr. GUDGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GUDGER: On page 49, strike out "(1)" in line 9.

On page 49, strike out line 16 and all that follows down through the matter immediately following line 14 on page 50.

Mr. GUDGER. Mr. Chairman, I ask unanimous consent that I be allowed to revise and extend my remarks and that I have time to explain the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. BAUMAN. Mr. Chairman, reserving the right to object, the motion was made on the majority side of the aisle to limit the debate earlier this evening. It passed. I think it is an unfortunate thing, but with all due respect to the distinguished gentleman from North Carolina, I will have to object since all of our rights have been limited.

The CHAIRMAN. Objection is heard.

The question is on the amendment offered by the gentleman from North Carolina (Mr. GUDGER).

The question was taken; and on a division (demanded by Mr. ROUSSELOT) there were—ayes 96; noes 60.

RECORDED VOTE

Mr. ASHBROOK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 73, noes 319, answered "present" 19, not voting 21, as follows:

[Roll No. 266]

AYES—73

Akaka
Anderson, Calif.
Annunzio
Aspin
Beard, R.I.
Bolling
Bonior
Brademas
Brooks
Brown, Calif.
Burke, Calif.
Burlison, Mo.
Burton, Phillip
Carr
Clay
Collins, Ill.
Conyers
Danielson
Dellums
Derrick
Dodd
Drinan
Eckhardt
Edwards, Calif.
Fascell
Flowers
Ford, Mich.
Gudger
Hanley
Harrington
Harris
Hawkins
Heftel
Howard
Hughes
Ireland
Jenrette
Jones, N.C.
Kastenmeier
Lederer
Mann
Metcalfe
Mikulski
Murphy, Ill.
Myers, Michael
Nedzi
Oberstar
Obey
Patten
Pickle
Preyer
Rahall
Rangel
Reuss
Roberts
Rodino
Rose
Rosenthal
Russo
Scheuer
Seiberling
Simon
Skelton
Solarz
St Germain
Stark
Steed
Stokes
Udall
Volkmer
Weiss
Young, Mo.
Zablocki

NOES—319

Abdnor
Addabbo
Alexander
Allen
Ambro
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Applegate
Archer
Armstrong
Ashbrook
Ashley
AuCoin
Badham
Badillo
Bafalis
Baldus
Barnard
Baucus
Bauman
Beard, Tenn.
Bedell
Benjamin
Bennett
Bevill
Bingham
Blanchard
Blouin
Boggs
Boland
Bonker
Bowen
Breaux
Breckinridge
Brinkley
Brodhead
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton, John
Butler
Byron
Caputo
Carney
Carter
Cederberg
Chappell
Clausen, Don H.
Cleveland
Cochran
Cohen
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Corman
Cornell
Cotter
Coughlin
Crane
D'Amours
Daniel, Dan
Daniel, R. W.
Davis
de la Garza
Delaney
Derwinski
Devine
Dickinson
Dicks
Diggs
Dingell
Dornan
Downey
Duncan, Oreg.
Duncan, Tenn.
Early
Edgar
Edwards, Ala.
Edwards, Okla.
Eilberg
Emery
English
Erlenborn
Ertel
Evans, Colo.
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fenwick
Findley
Fish
Fisher
Fithian
Flood
Florio
Flynt
Foley
Ford, Tenn.
Fountain
Fowler
Fraser
Frenzel
Frey
Fuqua
Gammage
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Ginn
Glickman
Goldwater
Goodling
Gore
Gradison
Grassley
Guyer
Hagedorn
Hall
Hamilton
Hammerschmidt
Hannaford
Harkin
Harsha
Heckler
Hightower
Hillis
Hollenbeck
Holt
Holtzman
Horton
Hubbard
Huckaby
Hyde
Ichord
Jacobs
Jeffords
Jenkins
Johnson, Calif.
Johnson, Colo.
Jordan
Kasten
Kazen
Kelly
Kemp
Ketchum
Keys
Kindness
Koch
Krebs
Krueger
LaFalce
Lagomarsino
Latta
Le Fante
Leach
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
Luken
McClory
McCloskey
McCormack
McDade
McDonald
McEwen
McFall
McHugh
McKay
McKinney
Madigan
Maguire
Mahon
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Mazzoli
Meeds
Meyner
Mikva
Milford
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Gary
Myers, Ind.
Natcher
Nichols
Nix
Nolan
Nowak
O'Brien
Oakar
Ottinger
Panetta
Patterson
Pattison
Pease
Pepper
Perkins
Pettis
Pressler
Pritchard
Pursell
Quayle
Quie
Quillen
Regula
Rhodes
Richmond
Rinaldo
Risenhoover
Robinson
Rogers
Roncalio
Rooney
Rostenkowski
Rousselot
Roybal
Rudd
Runnels
Ruppe
Ryan
Santini
Sarasin
Satterfield
Sawyer
Schroeder
Schulze
Sebelius
Sharp
Shipley
Shuster
Sikes
Sisk
Skubitz
Smith, Iowa
Smith, Nebr.
Snyder
Spellman
Spence
Staggers
Stangeland
Stanton
Steiger
Stockman
Stratton
Stump
Symms
Taylor
Thone
Thornton
Traxler
Treen
Trible
Tucker
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Waggonner
Walgren
Walker
Walsh
Wampler
Watkins
Weaver
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, Tex.
Winn
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Tex.
Zeferetti

ANSWERED "PRESENT"—19

Ammerman
Beilenson
Cavanaugh
Chisholm
Cornwell
Gonzalez
Hefner
Jones, Okla.
Kildee
Kostmayer
Lundine
Mattox
Mitchell, Md.
Neal
Pike
Studds
Whitley
Wilson, C. H.
Wirth

NOT VOTING—21

Biaggi
Clawson, Del
Dent
Flippo
Forsythe
Hansen
Holland
Jones, Tenn.
Michel
Moffett
Moss
Poage
Price
Railsback
Roe
Slack
Steers
Teague
Thompson
Tsongas
Waxman

Mr. BUTLER and Mr. DE LA GARZA changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. ROUSSELOT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to H.R. 10, the so-called Act of 1977, which would amend the Federal Employees' Political Activities Hatch Act to permit, if not require, political participation by civil servants.

The Hatch Act is vital to the protection of the individual liberty and integrity of Federal employees. Since 1939 the Hatch Act has effectively prevented the coercion of Federal employees into participation in partisan political activities under threat of career sanctions. The American people have a right to expect their Government to be fair, impartial, and efficient in its conduct of their business. This would be impossible if H.R. 10, as reported by the Committee on Post Office and Civil Service, is enacted.

The potential for conflict between the role of an impartial public servant and that of a politically active private citizen is great. Since 1791, the Congress has recognized this potential and has considered limiting the range of permissible political activities of Federal employees in order to further the objective of a politically neutral civil service. There is little doubt that the public supports the concept of a civil service unfettered by political influence or favoritism. The crisis of public confidence in Government and its officials which this Nation has recently experienced would be expanded and intensified if public employees are "unHatched".

The Hatch Act, passed in 1939 and amended by the Congress over the years, prohibits an employee from using official authority or influence to interfere with an election. It further prohibits an employee from taking an "active part in political management or political campaigns." Under the Hatch Act, as amended, a covered employee retains the right to vote, to express a political opinion, to make political contributions, to engage in nonpartisan activity, and to participate in partisan activity at the local level if he lives in an area where a majority of the residents are subject to the Hatch Act restrictions. Surely civil servants can operate under these protections without feeling that they are "second-class citizens" totally without political rights or privileges.

In a letter to the chairman of the House Post Office and Civil Service Committee, the Honorable David N. Henderson, dated July 17, 1975, Robert E. Hampton, then Chairman of the Civil Service Commission, expressed his belief that—

> The enactment of this legislation would deprive employees of the protections which they now enjoy from the subtle, sometimes even unintended, pressures which can be and would be brought to bear. It is an empty hope that provisions against coercion, no matter how tightly drawn they may be, can alone protect the merit system against the encroachment of partisan political management and partisan political influences.

The bill which has been reported by the Committee on Post Office and Civil Service appears to be tightly drawn and to provide the employee with adequate protection against coercion into political activity; however, it is my belief that no legislation can be so tightly written as to prevent the very subtle and often, unprovable, pressure which could be brought to bear on a civil servant. Actual, overt duress or force would be unusual if H.R. 10 is enacted. Instead, we would witness the exposure of Federal employees to insidious and delicate "suggestions" that they contribute to a particular campaign or ring doorbells for a certain candidate. Such a situation is more dangerous to the confidence of the American people in the Government than outright and obvious strong-arm tactics.

There is an important governmental interest in curbing the appearance of undue influence, in order to avoid the corrosion of public confidence in their public employees. The reaffirmation of the principles embodied in the Hatch Act is necessary and the defeat of H.R. 10 essential to the restoration of the damaged citizen confidence in representative Government and the system of merit employment and promotion through the civil service.

I urge my colleagues to be wary of statistics which seem to express broad public support for this legislation, and I urge them to be especially suspicious of polls which indicate widespread support for H.R. 10 by civil service employees.

Little reliable support has been expressed to me for a relaxation of the protections provided by the Hatch Act. The Public Service Research Council cites a nationwide survey which showed that 74 percent of the American people support the Hatch Act as it now is written, and 73 percent of the Government workers oppose tampering with it.

We must examine where the push for this bill is really coming from and let this determination guide us in our decision not to strip the civil servant of every shred of protection, leaving him bare before the power of the unions and certain political factions which would force the employee into political activity against his wishes—but essential to his survival.

I will vote against H.R. 10. I hope my colleagues will be guided by good commonsense and join me in this effort to protect the integrity of the civil service system and the freedom of the individual employee.

Mr. GUDGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am offering this amendment pursuant to an understanding between the chairman of the Post Office and Civil Service Committee and the chairman of the Committee on the Judiciary. The purpose of the amendment is to remove a criminal provision so that it can be referred to the Committee on the Judiciary.

During the markup of H.R. 10 by the Post Office and Civil Service Committee, the administration proposed that several criminal provisions be added to the bill. The provisions suggested by the administration were not directly related to the main purpose of the bill. The chairman of the Post Office and Civil Service Committee then contacted the chairman of the Committee on the Judiciary and asked him to look at and comment upon the proposals.

In response to the request of the chairman of the Post Office and Civil Service Committee, the chairman of the Committee on the Judiciary examined the proposals carefully. This study included extensive discussion between the staff of the Judiciary Committee's Subcommittee on Criminal Justice and the staff of the Post Office and Civil Service Committee, as well as with representatives of the Justice Department and Civil Service Commission. It was subsequently agreed, with the concurrence of the appropriate executive agencies, that the criminal provisions proposed by the administration should be included in a separate bill and examined by the Committee on the Judiciary.

The amendment I am offering, Mr. Chairman, will remove a portion of the bill that contains one of the criminal provisions proposed by the administration that it was agreed would be considered separately by the Committee on the Judiciary.

The Department of Justice is expected to send us very soon a legislative proposal embodying the administration's proposed criminal provisions. Its legislative proposal would be referred to the Judiciary Committee's Subcommittee on Criminal Justice chaired by the gentleman from South Carolina. The chairman of the subcommittee has indicated that the subcommittee will give careful and diligent consideration to the administration's legislative proposal.

Just last year the Subcommittee on Criminal Justice handled legislation related to the area with which the administration's legislative proposal will be concerned. That legislation was enacted and signed into law (Public Law 94-453).

The sole purpose of this amendment is to carry out the understanding between the chairman of the Post Office and Civil Service Committee and the chairman of the Committee on the Judiciary concerning certain criminal provisions in H.R. 10 that are not directly related to the main purpose of the bill. Its adoption will neither strengthen nor weaken the bill, whether it is viewed from the standpoint of a proponent of the bill or an opponent of it. I urge its approval.

Mr. CLAY. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY).

RECORDED VOTE

Mr. DERWINSKI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered

The vote was taken by electronic device, and there were—ayes 326, noes 84, not voting 22, as follows:

[Roll No. 267]

AYES—326

Addabbo
Akaka
Alexander
Allen
Ambro
Ammerman
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Applegate
Armstrong
Ashley
Aspin
AuCoin
Badham
Badillo
Bafalis
Baldus
Barnard
Baucus
Beard, R.I.
Bedell
Beilenson
Benjamin
Bennett
Bevill
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonior
Bonker
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Broyhill
Burgener
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Caputo
Carney
Carr
Carter
Cavanaugh
Chappell
Chisholm
Clausen, Don H.
Clay
Coleman
Collins, Ill.
Conable
Conyers
Corcoran
Corman
Cornell
Cornwell
Cotter
Crane
D'Amours
Daniel, Dan
Danielson
Davis
de la Garza
Delaney
Dellums
Derwinski
Dicks
Diggs
Dingell
Dodd
Downey
Drinan
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
English
Ertel
Evans, Colo.
Evans, Ind.
Fary
Fascell
Fenwick
Findley
Fisher
Fithian
Flood
Florio
Flowers
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Fraser
Frenzel
Fuqua
Gammage
Gaydos
Gephardt
Giaimo
Gibbons
Ginn
Glickman
Gonzalez
Goodling
Gore
Gradison
Grassley
Gudger
Guyer
Hagedorn
Hall
Hamilton
Hanley
Hannaford
Harkin
Harrington
Harris
Harsha
Hawkins
Hefner
Heftel
Hightower
Hollenbeck
Holtzman
Horton
Howard
Hubbard
Huckaby
Hughes
Ireland
Jacobs
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jordan
Kazen
Kelly
Ketchum
Keys
Kildee
Kindness
Koch
Kostmayer
Krebs
Krueger
LaFalce
Lagomarsino
Le Fante
Leach
Lederer
Leggett
Lehman
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
Luken
Lundine
McCormack
McDade
McEwen
McFall
McHugh
McKay
Madigan
Maguire
Mahon
Mann
Markey
Marks
Marlenee
Marriott
Martin
Mattox
Mazzoli
Meeds
Metcalfe
Meyner
Mikulski
Mikva
Milford
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Michael
Natcher
Neal
Nedzi
Nichols
Nix
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson

Pattison
Pease
Pepper
Perkins
Pettis
Pickle
Pike
Pressler
Preyer
Pursell
Quillen
Rahall
Rangel
Regula
Reuss
Rhodes
Richmond
Rinaldo
Risenhoover
Robinson
Rodino
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roybal
Rudd
Runnels
Ruppe
Ryan
Santini
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shuster
Sikes
Simon
Sisk
Skelton
Skubitz
Smith, Iowa
Solarz
Spellman
St Germain
Staggers
Stangeland
Stanton
Stark
Steed
Stockman
Stokes
Stratton
Studds
Stump
Symms
Thornton
Traxler
Trible
Tucker
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Waggonner
Walgren
Walker
Weaver
Weiss
Whalen
White
Whitehurst
Whitley
Whitten
Wiggins
Wilson, Tex.
Wirth
Wolff
Wright
Yates
Yatron
Young, Mo.
Young, Tex.
Zablocki
Zeferetti

NOES—84

Abdnor
Anderson, Ill.
Archer
Ashbrook
Bauman
Beard, Tenn.
Breckinridge
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Fla.
Burleson, Tex.
Cederberg
Cleveland
Cochran
Cohen
Collins, Tex.
Conte
Coughlin
Daniel, R. W.
Derrick
Devine
Dickinson
Dornan
Duncan, Oreg.
Duncan, Tenn.
Edwards, Okla.
Emery
Erlenborn
Evans, Del.
Evans, Ga.
Fish
Frey
Gilman
Goldwater
Hammerschmidt
Heckler
Hillis
Holt
Hyde
Ichord
Jeffords
Jones, Okla.
Kasten
Kemp
Latta
Lent
McClory
McCloskey
McDonald
McKinney
Mathis
Miller, Ohio
Mitchell, N.Y.
Moorhead, Calif.
Mottl
Myers, Gary
Myers, Ind.
Nolan
O'Brien
Pritchard
Quayle
Quie
Roberts
Rousselot
Russo
Sarasin
Smith, Nebr.
Snyder
Spence
Steiger
Taylor
Thone
Treen
Walsh
Wampler
Watkins
Wilson, Bob
Wilson, C. H.
Winn
Wydler
Wylie
Young, Alaska
Young, Fla.

NOT VOTING—22

Biaggi
Clawson, Del
Dent
Flippo
Forsythe
Hansen
Holland
Jones, Tenn.
Kastenmeier
Michel
Moffett
Moss
Poage
Price
Railsback
Roe
Slack
Steers
Teague
Thompson
Tsongas
Waxman

So the motion was agreed to.

The result of the vote was announced as above recorded.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. WRIGHT) having assumed the chair, Mr. MANN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10) to restore to Federal civilian and Postal Service employees their rights to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes, had come to no resolution thereon.

PROPOSED RESCISSION OF $126.2 MILLION FOR PATROL HYDROFOIL MISSILE PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 95–158)

The SPEAKER pro tempore (Mr. WRIGHT) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith propose rescission of $126.2 million appropriated for the Patrol Hydrofoil Missile program of the Department of Defense. In addition, I am reporting a deferral of $31.8 million for the Energy Research and Development Administration, Clinch River Breeder Reactor project, and revisions to two deferrals previously transmitted.

The details of the proposed rescission and the deferrals are contained in the attached reports.

JIMMY CARTER.

THE WHITE HOUSE, *May 18, 1977.*

LEGISLATIVE PROGRAM

(Mr. RHODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RHODES. Mr. Speaker, I take this time to inquire of the distinguished gentleman from Illinois (Mr. ROSTENKOWSKI) if he can inform the House as to the program for the balance of the week.

Mr. ROSTENKOWSKI. Will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Illinois.

Mr. ROSTENKOWSKI. Mr. Speaker, the program for tomorrow is, as the whip notice indicates, as follows: The House will meet at 10 a.m. to consider H.R. 6111, Juvenile Justice and Delinquency Prevention Act.

At the conclusion of that business, we are hoping that the House will receive the former Members of Congress.

Mr. RHODES. That will be all the business?

Mr. ROSTENKOWSKI. That will conclude the business for this week.

Mr. RHODES. I thank the gentleman.

LINDBERGH REMEMBERED

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, Friday will be the 50th anniversary of Charles Lindbergh's epochal flight across the Atlantic. In a sense, it all started in my home city of San Diego, where the *Spirit of St. Louis,* a modified M-1 plane, was built for Lindbergh by the Ryan Aeronautical Co.

The plane first became airborne in the Dutch Flats area which is now the site of the main San Diego Post Office.

On May 10, 1927, the Lone Eagle took off from San Diego, banked over the Cuyamaca Mountains to the east and 10 days later flew into history, following stopovers in St. Louis and New York.

San Diego never forgot Lindbergh. Our main airport is named after him. And an airworthy replica of the original "Spirit" holds the place of honor in our local aerospace museum. The original plane, of course, is in the Smithsonian.

San Diego has planned numerous observances for the anniversary of this great achievement, which marked the beginning of modern aviation.

Perhaps the most appropriate tribute has been undertaken by KPMS–TV, the noncommercial station at San Diego State University. KPBS was handed responsibility for presenting "Kitty Hawk to Paris," a 1-hour salute to Lindbergh and other aviation pioneers which will be transmitted nationally Friday by the Public Broadcasting Service.

Besides presenting the Kitty Hawk film, an exciting compilation of early film clips originally produced by ABC in 1969, KPBS prepared a new 6½ minute short, "Eagles," which seeks to add another dimension to the ABC material which will precede it in the airing Friday.

According to Judith Adams of the KPBS science office, KPBS producers Jeff Kirsch and Susan Pollock were concerned with "not just how far America's aviation heroes have come from the turn of the century * * * but also if and how this special breed of hero has changed. Are the men of NASA who sought to conquer outer space really any different?"

"Eagles," who takes us from Lindbergh's era through the Apollo 11 Moon landing, sets for itself the ambitious goal of "looking into the rare stuff of which such heroes are made," Ms. Adams writes.

The KPBS operation is not among the most opulent in the radio/television complex. Like most public broadcasting outlets, the station makes do with relatively little in the way of staff, funding, and facilities—and does a generally excellent job in the process.

As chairman of the Communications Subcommittee, I am especially pleased when circumstances permit KPBS to make a solid mark nationally. San Diego's close affinity with Charles Lindbergh and his legendary feat has created the right climate for some inspired programing. I urge our colleagues to tune in Friday.

A Public Broadcasting Service news release about the program follows:

PBS SALUTES 50TH ANNIVERSARY OF LINDBERGH FLIGHT WITH DOCUMENTARY, "KITTY HAWK TO PARIS"

"Kitty Hawk to Paris," a magnificent documentary about early aviation history, will commemorate the 50th anniversary of Charles Lindbergh's unforgettable transatlantic crossing.

Originally produced and directed for ABC by John and Helen Secondari, the program brings to life the romantic years of aviation through rare film clips, exciting eyewitness accounts, and thrilling flying sequences with antique planes.

From the turn of the century, when the Wright brothers set out to design the world's first airplane in their bicycle shop, to Lucky Lindy's 1927 solo flight in "The Spirit of St. Louis," the program affords a glimpse of some of the greatest aviation pioneering of our time.

Though the Wright brothers' 12 horsepower engine plane was airborne for only 59 seconds and a record distance of 852 ft. that eventful day in 1903 at Kitty Hawk, it wasn't long before barnstormers, flying circus groups and parachute jumpers were performing daredevil feats across the country to awe-stricken crowds.

During World War I the airplane took on a new role; heroes like Eddie Rickenbacker, who downed 26 German aircraft, and General Billy Mitchell, who was instrumental in the establishment of the Air Force, rose to fame.

It was Lindbergh's 33 hour, 3,600-mile, non-stop New York to Paris transatlantic first that triggered the development of aviation into force which was to change the course of the world. An exact replica of his modified M-1, "Spirit," was built by Frank Tallman of Tallmantz Aviation and flown by him in the program.

The program is presented by KPBS/San Diego. KPBS has also produced a 6½ minute short to follow the documentary which incorporates archival footage of Lindbergh and of the historic Apollo 11 moon landing. Produced by Susan Pollock and directed by Ryall Wilson, it will focus on recent attitudes and advances in aviation.

The program is made possible by a grant from the Sperry Rand Corporation and is being transmitted nationally by the Public Broadcasting Service.

INTRODUCTION OF A BILL TO CREATE THE CHANNEL ISLANDS AND SANTA MONICA MOUNTAINS NATIONAL PARK AND SEASHORE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BEILENSON) is recognized for 5 minutes.

Mr. BEILENSON. Mr. Speaker, today I am introducing legislation to establish the Channel Islands and Santa Monica Mountains National Park and Seashore. The Channel Islands and the Santa Monica Mountains are our last major recreational resource in the Greater Los Angeles metropolitan area. The mountains will be scarred by roads and covered with houses, and canyons will be used as land fills for the cities' wastes if Congress does not act to protect and save the islands and mountains for public use during this session of Congress.

Legislation to protect the Channel Islands and provide additional public parkland in the Santa Monicas has been before Congress for 20 years. Meanwhile the price of land has increased and much of the land has been subdivided and developed. There is still broad local and national support for a national effort to save the islands and mountains for public use. We cannot wait another decade to act.

Placing the Channel Islands and the Santa Monica Mountains in the national park system will provide high quality recreational land for more than 10 million residents of the Los Angeles metropolitan area and 8 million other visitors annually. The Santa Monica Mountains contain approximately 210,000 acres of open space stretching from the Pacific Ocean into the heart of Los Angeles' most populated area. The farthest part of the mountain range is less than a 90 minute drive from downtown Los Angeles and is a short drive from the suburban communities of the San Fernando Valley where the greatest population growth is occurring.

The mountains parallel the Pacific Ocean for 10 miles offering spectacular views, but most important, they provide an expanse free from cars and across which the ocean breezes can move into the heart of the city and push the smog-filled air back out to sea. Preserving this gigantic natural air freshener may be one of the least expensive methods of reducing hydrocarbons and nitrous oxides in the Los Angeles basin.

This bill would create a national park and seashore of national significance and high recreational value. Money from the land and water conservation fund would be appropriated to purchase roughly 40,000 mainland acres and portions of the two privately owned islands or to acquire easements, development rights, or other interests in lands and waters in the mountains and islands. Key coastal bluffs, canyons, and high mountain meadows will be acquired to add to and connect the 40,000 acres of State, city, and country public parks and beaches in the area. This will make it possible to establish a hiking and equestrian trail system on public land throughout the entire mountain range and to extend the trail to the sea.

Ownership of San Miguel Island, which is the prime breeding ground for 3,000 northern elephant seals and other pinnepeds, would be transferred from the Navy to the Department of the Interior. Santa Cruz and Santa Rosa, the largest and most ecologically diverse islands, would be added to the national park system when their current owners wish to sell or donate their interests. Both islands are privately owned and primarily devoted to ranching. They have long been on environmentalists' key lists for inclusion in the National Park System.

I am not asking the Congress to protect the Santa Monica Mountains because the State has failed to do so. California has spent millions of dollars to acquire, develop, and operate three large parks in the mountains. Last year, the State legislature created the Santa Monica Mountains Comprehensive Planning Commission to plan for the remaining acreage and allocated $200,000 for the 2-year life of the commission. The Los Angeles City Council established a two-lane scenic parkway corridor along Mulholland Drive which is presently a partly paved road winding through the entire mountain range.

But the State and local governments do not have sufficient funds to buy enough acres to make the area a real sanctuary from city life, to protect the shrinking open space, and to provide a clean airshed. This bill would allocate $150 million for acquisition in the Santa Monica Mountains and Channel Islands. This is a bargain for wilderness situated in the middle of a major metropolis which will serve scientific, educational, and recreation needs as well as benefit the physical and mental health of millions.

The Channel Islands and Santa Monica Mountains are part of a single mountain range 125 miles long which is mostly submerged beneath the Pacific Ocean. The mainland mountains are tied to the islands culturally and historically, as well as geologically. Remains of the earliest known inhabitants of California, the Chumash Indians, have been found on Santa Cruz Island and over a thousand archeological sites exists on both the island and mainland parts of the mountain range. The islands, cut off from the mainland and removed from much of man's imprint, provide a habitat for unique flora and fauna which represent a vital link to the natural history of the southern California coast.

The Channel Islands National Monument has been recognized by UNESCO for its environmental and archeological value as a biosphere reserve under their man and the biosphere program. The two tiny islands, Anacappa and Santa Barbara, which comprise the national monument, are included in the UNESCO program primarily for conservation purposes. However, if the other three larger islands in the chain and the mainland also receive national protection, the entire area would be more useful to this international program which seeks to study and understand man's impact on the evolutionary process.

The Channel Islands clearly qualify for national park status under the strictest criteria for establishing a national park. The islands have preserved unique and ancient life forms due to long periods of isolation, and thus are severely threatened by contact with man.

Although the mainland's wildlife species are not as rare as the islands' species, the Santa Monica Mountains are as much ecological "islands" as the Channel Islands out to sea. The mountains are now islands in a sea of developed human systems. They are as unique a resource as the Channel Islands. The mountains offer scenic and psychic relief for the urban dweller, and they are far more accessible to visitors than most National Parks. There is no question in my mind that the Santa Monica Mountains and Channel Islands qualify for inclusion in the national park system.

The need for protection of the islands and mountains is so critical at this time, however, that I would support and may introduce other park bills calling for shared Federal, State, and local participation in order to save the area and I applaud the efforts of my colleagues Mr. GOLDWATER and Mr. LAGOMARSINO to establish a National Santa Monica Urban Park with joint Federal, State, and local control.

The wilderness open space of the Santa Monicas and the Channel Islands is a resource which can shrink but cannot grow. We can create new golf courses, tennis courts, and other types of structured recreation, but we cannot create new wilderness. The time to acquire it is now.

Mr. Speaker, at this point I include the text of the bill.

H.R. —

A bill to establish the Channel Islands and Santa Monica Mountains National Park and Seashore in the State of California, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

PURPOSE

SECTION 1. In order to protect and preserve in public ownership an area in the State of California possessing significant scenic, wilderness, recreational, public health, educational, scientific, natural and archeological values, and in order to provide for the maintenance of recreational open space necessary to the urban environment, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall establish the Channel Islands and Santa Monica Mountains National Park and Seashore (hereinafter referred to as the "Park and Seashore." In the management of the park and seashore, the Secretary shall utilize the park and seashore resources in a manner which will preserve its scenic, natural and historical setting and its public health value as an airshed for the Southern California Metropolitan area while providing for the recreational and educational needs of the visiting public. In order to preserve their delicate habitat, the Channel Islands and the channel waters shall be managed in a manner consistent with their status as a fragile resource area.

LAND ACQUISITION

SEC. 2. (a) The park and seashore shall consist of the lands and waters and interests therein generally depicted on the map entitled "Boundary Map, Channel Islands and Santa Monica Mountains National Park and Seashore, California", numbered ————, and dated ——, which shall be on file and available for inspection in the offices of the National Park Service, Department of the Interior, Washington, District of Columbia, and in the offices of the General Services Administration in the Federal Office Building in West Los Angeles, California, and in the main public libraries in Ventura, and Santa Barbara, California. After advising the Committees on Interior and Insular Affairs of the United States Congress, in writing, the Secretary may make minor revisions of the boundaries of the park and seashore when necessary by publication of a revised drawing or other boundary description in the Federal Register.

(b) Within the boundaries of the park and seashore the Secretary, after consultation with the Governor of the State of California and the California Coastal Commission and the Santa Monica Mountain Comprehensive Planning Commission, may acquire lands, improvements, waters, or interests therein by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange, or otherwise. Any lands or interests owned therein, as well as any lands hereafter acquired, by the State of California or any political subdivision thereof (including any park district or other public entity) may be acquired only by donation or exchange. Notwithstanding any other provisions of law, any Federal property located within the boundaries of the park and seashore area shall, with the concurrence of the head of the agency having custody thereof, be transferred without transfer of funds to the administrative jurisdiction of the Secretary for the purposes of the park and seashore.

(c) The Channel Islands National Monument (52 Stat. 1541) is hereby abolished and any funds available for purposes of the monument shall be available for purposes of the National Park and Seashore.

(d) With respect to improved properties, as defined in this Act, the Secretary may acquire scenic easements or such other interests as, in his judgment, are necessary for the purposes of the park and seashore. Fee title to such improved properties shall not be acquired unless the Secretary find that such lands are being used, or are threatened with uses, which are detrimental to the purposes of the park and seashore, or unless each acquisition is necessary to fulfill the purposes of this Act.

(e) When any tract of land is only partly within the boundaries of the park and seashore the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs. Land so acquired outside of the boundaries may be exchanged by the Secretary for non-Federal lands within the boundaries. Any portion of the land acquired outside the boundaries and not utilized for exchange shall be reported to the General Services Administration for disposal under the Federal Property and Administrative Services Act of 1949, as amended: *Provided*, That no disposal shall be for less than the fair market value of the lands involved.

(f) For the purposes of this Act, the term "improved property" means: (i) a detached single family dwelling, the construction of which was begun before January 1, 1978 (hereafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures necessary to the dwelling which are situated on the land so designated, or (ii) property developed for agricultural uses, together with any structures accessory thereto which were so used on or before January 1, 1978. In determining when and to what extent a property is to be considered an "improved property", the Secretary shall take into consideration the manner of use of such buildings and lands prior to January 1, 1978, and shall designate such lands as are reasonably necessary for the continued enjoyment of the property in the same manner and to the same extent as existed prior to such date.

(g) The owner of an improved property, as defined in this Act, on the date of its acquisition, as a condition of such acquisition, may retain for herself or himself, her or his heirs and assigns, a right of use and occupancy of the improved property for noncommercial residential or agricultural purposes, as the case may be, for a definite term of not more than twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or the death of her or his spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated, the Secretary shall pay to the owner the fair market value of the property on the date of its acquisition, less the fair market value on that date of the right retained by the owner. A right retained by the owner pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law upon notification by the Secretary to the holder of the right of such determination and tendering to him the amount equal to the fair market value of that portion which remains unexpired.

(h) In exercising the authority to acquire property under this Act, the Secretary shall give prompt and careful consideration to any offer made by an individual owning property within the park and seashore to sell such property, if such individual notifies the Secretary that the continued ownership of such property is causing, or would result in, undue hardship.

SEC. 3. (a) Within six months after the date of enactment of this Act, in connection with the description of the boundaries of the park and seashore pursuant to the second section of this Act, the Secretary shall identify the areas within such boundaries which must be acquired and held in public ownership for the following critical purposes: Preservation of beaches and coastal uplands; protection of undeveloped inland stream drainage basins; connection of existing State and local government parks and other publicly owned lands to enhance their potential for public recreational use; protection of existing park roads and scenic corridors, including such right-of-way and adjacent or related sites as are necessary for the development of the Mulholland Scenic Parkway Corridor; and development and interpretation of historic sites and recreation areas in connection therewith, to include, but not limited to, parks, picnic areas, scenic overlooks, hiking trails, bicycle trails, and equestrian trails.

(b) The Secretary may from time to time revise the identification of such areas, and any such revisions shall become effective in the same manner as herein provided for revisions in the boundaries of the park and seashore.

(c) Within one year after the date of the enactment of this Act, the Secretary shall submit, in writing, to the Committees on Interior and Insular Affairs and to the Committees on Appropriations of the United States Congress a detailed plan which shall indicate:

(i) the lands and areas identified in subsection (a)

(ii) the lands which he has previously acquired by purchase, donation, exchange, or transfer for the purpose of this recreation area, and

(iii) the annual acquisition program (including the level of funding) which he or she recommends for the ensuing five fiscal years.

(d) It is the express intent of the Congress that the Secretary shall substantially complete the acquisition program contemplated by this Act within five years after the date of its enactment and shall substantially complete the acquisition of the lands, improvements, waters, or interests therein identified for the critical purposes referred to in subsection (a) within three years after the date of enactment of this Act, and during such three year period funds appropriated for the acquisition of property within the park may be used only for acquisition of the lands, improvements, waters, and interests therein so identified.

ADMINISTRATION

SEC. 4 (a) The Secretary shall establish the park and seashore by publication of a notice to that effect in the Federal Register at such time as the lands, improvements, waters and interests therein have been acquired in an amount sufficient in the determination of the Secretary to be administered efficiently for the purposes of this Act. Such notice shall include a map and a detailed description of the boundaries of the park and seashore.

(b) The Secretary shall administer the park and seashore in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535) as amended and supplemented (16 U.S.C. 1 et seq.) In the administration of the park and seashore, the Secretary may utilize such statutory authority available for the conservation and management of wildlife and natural resources as he or she deems appropriate to carry out the purpose of this Act. The islands and the fragile resource areas of the mainland portion of the park and seashore shall be administered on a low-intensity, limited-entry basis.

(c) San Miguel, Santa Cruz and Santa Rosa Islands shall not be opened to the public until the Secretary has approved a park management plan which ensures permanent protection of unique island species and provides for continued scientific research.

(d) The Secretary may enter into cooperative agreements with the State of California, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.

(e) Notwithstanding any other provision of law, the Secretary is authorized to accept donations of funds, property, or services from individuals, foundations, corporations, or public entities for the purpose of land acquisition and providing services and facilities which he or she deems consistent with the purposes of this Act.

(f) The Secretary may, on his or her own initiative, or at the request of any public agency or local government having jurisdiction over land located within or adjacent to the park and seashore, assist and consult with the appropriate officers and employees of such public agency or local government in establishing zoning laws or ordinances which will assist in achieving the purposes of this Act. In providing assistance pursuant to this subsection, the Secretary shall endeavor to obtain provisions in such zoning laws or ordinances which—

(1) have the effect of prohibiting noncompatible use of all real property adjacent to the park and seashore;

(2) aid in preserving the character of the park and seashore by appropriate restrictions on the use of real property in the vicinity including, but not limited to, restrictions upon: building and construction of all types; signs and billboards; the burning of cover; significant modifications of natural habitat types; removal of topsoil, sand, or gravel; dumping, storage, or piling of refuse; or any other use which would detract from the aesthetic character of the recreation area; and

(3) have the effect of providing that the Secretary shall receive notice of any hearing for the purpose of granting a variance and of any variance granted under, or of any exception made to, the application of such law or ordinance.

(g) The Secretary shall give full consideration to the recommendations of the California Department of Parks and Recreation, the Santa Monica Mountains Comprehensive Planning Commission, and the California Coastal Commission.

TRANSPORTATION STUDIES

SEC. 5. (a) The Secretary, in cooperation with the State of California and the affected political subdivisions thereof, local and regional transportation agencies, relevant advisory groups, and the Secretary of Transportation, shall plan a coordinated public and private transportation system to and within the mainland portions of the park and other units of the national park system in Los Angeles and Ventura Counties. This system shall include but not be limited to the Mulholland Scenic Parkway with its roadway and its bicycle, equestrian, and hiking trails.

(b) The Secretary shall make and submit to the Congress a study as to the design, construction, and operation of a public scenic transportation system to and from the mainland and the Channel Islands. The Secretary shall implement the construction and operation of such transportation system, unless within thirty calendar days of continuous session of Congress after the report has been submitted to it, either House passes a resolution stating in substance that that House does not favor the construction of such system. Such transportation system shall be consistent in all respects with the more stringent of environmental standards established by the State of California and the United States.

ADVISORY COMMISSION

SEC. 6. (a) There is hereby established the Channel Islands and Santa Monica Mountains National Park and Seashore Advisory Commission (hereinafter referred to as the "Advisory Commission"). The Advisory Commission shall terminate ten years after the date of establishment of the park and seashore.

(b) The Advisory Commission shall be composed of seventeen members to serve for terms of 5 years as follows:

(1) The fourteen members of the Santa Monica Mountains Comprehensive Planning Commission; or the successor regional agency. After the termination of the Santa Monica Mountains Comprehensive Planning Commission, the Secretary shall appoint fourteen members with approximately the same representation of local areas and interests.

(2) One representative appointed by and who is a member of the South Central Coast Regional Coastal Commission of California or if there is no such commission, one representative appointed by the California Coastal Commission.

(3) One representative appointed by and who is a member of the South Coast Regional Coastal Commission of California or if there is no such commission, one representative appointed by the California Coastal Commission.

(4) One representative appointed by and who is a member of the Citizens Advisory Committee on the Mulholland Scenic Parkway.

The Advisory Commission shall designate one of its members as Chairperson and any vacancy shall be filled in the same manner in which the original appointment was made.

(c) Members of the Commission shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred by the Commission and reimburse members for reasonable expenses incurred in carrying out their responsibilities under this Act on vouchers signed by the Chairperson.

(d) The Secretary, or his or her designee, shall from time to time but at least semiannually, meet and consult with the Advisory Commission on matters relating to the development of this recreation area and with respect to carrying out the provisions of this Act.

SEC. 7. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, but not more than $150,000,000 for the acquisition of lands and interests in lands.

(b) For the development of essential public facilities there are authorized to be appropriated not more than $500,000. Within one year from the date of establishment of the park and seashore pursuant to this Act, the Secretary shall, after consulting with the Advisory Commission, develop and transmit to the House Committee on Interior and Insular Affairs and the Senate Committee on Energy and Natural Resources of the United States Congress a final master plan for the development of the park and seashore consistent with the objectives of this Act, indicating:

(1) the facilities needed to accommodate the health, safety, and recreation needs of the visiting public;

(2) the location and estimated costs of all facilities;

(3) the projected need for any additional facilities within the area;

(4) any additions or alterations to the boundaries of the park and seashore which are necessary or desirable to the better carrying out of the purposes of this Act.

(c) For the design and study of the transportation system referred to in Sec. 5 of this Act there are authorized to be appropriated not more than $500,000.

THE ALASKAN OIL ISSUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. McKINNEY) is recognized for 10 minutes.

Mr. McKINNEY. Mr. Speaker, I was disturbed and disheartened to learn that the conference committee on the Export Administration Act Amendments of 1977 (H.R. 5840) has adopted a so-called compromise amendment which in my judgment clearly fails to maintain the strong House position against the exportation of Alaskan oil. The committee has blindly leapt in support of an alleged compromise which merely reenacts present statutory ambivalence which will undoubtedly be exploited to justify the exportation of Alaskan oil. In my view, it is no compromise. The conference amendment summarily ignores the very heart of the issue this House voted to support by a 240–166 vote.

For the benefit of those who have not seen the final version of the alleged compromise, the committee added a new section to the text of my amendment which qualifies it out of existence. In brief, the new section is a verbatim reproduction of section 28(u) of the Mineral Leasing Act—the very section more than a majority of this House voted to suspend for 2 years until domestic delivery capability was apace of North Slope production.

In addition, the conferees added a new finding that any proposed export/exchange somehow benefit consumers. This specious requirement that the President set out the purely economic advantages of a swap represents the standard line offered by oil industry and Senate opponents of an export moratorium. According to them, excessive tanker transportation costs would be visited directly on the consumer if Alaskan oil goes anywhere but Japan. While the conferees admitted that these imaginary cost differentials would last only until a domestic delivery route is chosen, they showed little or no concern that exportation is an obvious alternative to domestic distribution.

Given the generous terms of the President's tentative pricing decision for Alaskan oil, this finding still provides no guarantee that 400,000 to 600,000 per day of Alaskan oil will ever reach the rest of the country. On the contrary, the proposed entitlement treatment for Alaskan oil already fulfills the required finding that a swap will decrease "the average crude oil acquisition cost of refiners." As I understand the entitlement program, that requirement is automatically fulfilled because the pending "as-if-imported" treatment of Alaskan oil averages the cost of differently-priced oil among all refiners.

Also, this new cost finding fails to address the fundamental point underlying the Alaskan oil issue. It was balanced energy demand growth, balanced conservation efforts, and reduced dependence on foreign energy sources, not increased Alieska profits, which the President himself declared to be of paramount importance in our national energy policy. FEA admits that the prospect of reduced transportation costs reaching the consumer is minimal, yet all it took to chase the conference committee away from these energy goals was the promise of a few pennies per barrel savings for the producer. If anyone had asked, this OPEC-dependent consumer would gladly pay that few cents to reduce our vulnerable addiction to Mideast oil. A Presidential finding of minor transportation cost savings will be small consolation when factories close and homes grow cold due to an OPEC supply curtailment or embargo. Finally, yesterday's election results in Israel bring a new and unsettling element into this situation which can only increase the chance of another oil shut-off to undermine U.S. support for our ally.

In response to the prospect of another embargo, the conferees added yet another required Presidential finding to justify Alaskan oil exports. Henceforth, exports of Alaskan oil "will be made only pursuant to contracts which may be terminated if the petroleum supplies of the United States are interrupted or seriously threatened." Clearly, the conferees envision the continuation of some export contracts even in the event of another embargo; and they might as well because there will be no way that oil could quickly be diverted to OPEC's abandoned customers in the Midwest and the Northeast. Tanker capability cannot be assembled and made ready on an emergency basis and most refineries away from the west coast cannot handle Alaska's "sour" oil without time-consuming recalibration.

Again, missing the main point that domestic delivery must be kept abreast of Alaskan oil extraction, the conferees "tightened" the procedure whereby Congress can move to disapprove any Presidential export proposal. The "energy action procedure" of the Energy Policy and Conservation Act is invoked, and ambiguously bastardized, to give us 60 days before exports can begin—60 days to refute the irrefutable need for exports because no domestic delivery system yet exists. In addition, either House may move to block a proposed exchange. This simply misses the point.

I was never concerned with the congressional disapproval process. My goal is to suspend the export authority altogether until government and industry had decided upon and begun to implement a delivery plan to the rest of the States. Without this hiatus, the owners of Alaskan oil can, and will, present Congress with an export fait accompli which no disapproval process could successfully rebut. Unlike Congress, the oil industry plans well ahead and has long since realized what we apparently do not—industry conduct cannot be molded to meet national goals on a 60-day disapproval basis.

Typical of congressional preoccupation with crisis management, the conference amendment strengthens Congress role in an export decision while my amendment was intended to provide the 2-year breathing room necessary to avoid that no-alternative exercise in futile oversight. True, Alaska's oil producers deserve an immediate return on their substantial investment and leaving the oil in the ground has never been seriously proposed. Yet, our investment in that oil in terms of environmental waivers and expanded rights-of-way across public lands deserves equal protection. Any exportation before domestic delivery plans are set robs us of that investment for no financial incentive exists to deliver Alaskan oil as long as "significant savings" can be achieved by swapping it for OPEC oil.

Senate forces in opposition to the House-endorsed position were joined by FEA officials who claim to be protecting the President's "option" to export Alaskan oil. I only wish he would pursue his other options—any one of a number of domestic delivery proposals—with as much vigor. I submit that as long as our ability to distribute Alaskan oil lags behind our ability to extract it, exportation is not only an illusory option but a foregone conclusion. Consideration of such an option is a disservice to the American public which subsidized the Alaskan pipeline and a blatant contradiction of the President's own energy goals. Nor can this option help us convince the wasteful American energy consumer of the severity and scope of our problems. After all, we have now got oil enough to give away.

In conclusion, I want to thank again my 239 courageous colleagues who joined in support of the motion to instruct House conferees. The product of the conference demonstrates that the 240–166 vote did little damage to the normal committee process, as its opponents feared. The conference committee, the unchecked fourth branch of Government, proceeded as if the vote were never taken. The amendment was never read, never discussed on its merits, and never voted upon.

Mr. Speaker, I am incredulous, angry and personally disappointed in the failure of the conference committee to give my amendment a fair hearing. I happen to think reduced dependence on Arab oil—which requires the immediate development of domestic delivery and refining capacity—is as important to our relations with Israel as an antiboycott bill—perhaps even more so. Yet, it is clear that others are just not ready to listen to reason on this issue. In the name of every beleaguered homeowner, every senior citizen living on a fixed income and every businessman enduring escalating energy costs, I will not let this issue end here. It is tempting to await the President's first export request, supported by industry claims of financial ruin and the lack of any feasible alternative destination for Alaskan oil but Japan, and say, "I told you so." But our energy future is more than in-house politics and committee feifdoms to me. It is literally a life and death matter over which I will not "compromise" as the conferees have done.

I ask unanimous consent at this time to insert an incisive column by Samuel Smith of the States News Service which expresses my frustration over the Alaskan oil issue in far more civil terms than I can muster after 2 years. The article follows:

Keep Alaskan Oil in United States: McKinney

Washington.—Did you ever know something important that nobody else thought amounted to much? And you felt like you were screaming out during the playing of the 1812 Overture.

Well, then join Congressman Stewart B. McKinney, who represents the heavily populated southwestern part of Connecticut. McKinney must think he is yelling at a deaf man for all the public attention he is generating on his campaign to keep American oil for Americans.

A few years ago, and it was front-page news every day, Congress decided we needed to tap our own Alaskan oil fields. It was not only Congress. The public and the President expressed outrage that the Arab nations could force Americans to wait hours on line for gasoline and threaten our very existence.

It was decided by all that America must become energy self-sufficient. One of the first places we looked for help was Alaska, with its oil reserves. A pipeline was proposed.

Since construction began, a lot of people have gotten wealthy and Alaska has suffered scandal, but now the oil is almost ready to flow.

It was thought at the beginning that much of the oil would go to the West Coast, which was crying shortage as much as everywhere else. But somehow, almost magically it seemed, the West Coast decided it really had all the oil it could use. So, several plans were suggested on how to get the oil to the East and Midwest, but little more.

McKinney took an interest in the dilemma, although few seemed to care, and prodded the Ford Administration (he was a strong Ford supporter) until it admitted, yes, we might want to export the oil.

McKinney couldn't believe what he was hearing. Here is the U.S. still importing much of its oil, at the same time claiming a move to self-sufficiency, and also thinking about exporting Alaskan oil. The deal, the administration said (the alternative is now embraced by the Carter Administration), is to trade our oil to Japan, which would see that Arab oil is shipped to the East Coast, thus saving the American oil companies the trouble of getting Alaskan oil to the East.

But McKinney pointed out something very

interesting. The deal enhances our dependence on the Arabs. If there is a Middle East war, or if the Russian Navy shuts off the Mediterranean, the oil will not come to the East Coast. And America still will have no way to move it there from Alaska, because no alternatives would have been accepted.

Despite the media's lack of concern, McKinney succeeded in getting a 2-year moratorium on exporting the oil. But the Senate refused. So, then McKinney did something he rarely does: He held a press conference to tell the story. And still the media remained unconcerned.

But he did succeed in convincing the House to order its conferees to insist on the moratorium when the conference meets.

Still, what is so mystifying is the apparent failure of the media to express interest in the export threat. Few newspapers or electronic media representatives carried the story, despite the Capitol Hill press conference. And little has been made of it in Congress.

That is surprising, especially considering the great hardships many states, especially in the Northeast, have had to endure because of threatened oil shortages. Maybe, as McKinney says, people will catch on when they see those tankers heading out of American ports with American oil.

FINANCIAL STATEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. WHALEN) is recognized for 10 minutes.

Mr. WHALEN. Mr. Speaker, in accordance with the custom I have followed during the past several years, I am inserting herewith in the RECORD a full disclosure of my family's financial affairs.

The tabulation covers income received by my family and me during calendar year 1976; Federal, State and local taxes paid in 1976; and a breakdown of our assets, liabilities and net worth as of January 1, 1977. An increase in the net worth of my wife and myself in 1976 is attributable to an advance in stock prices, a revaluation of the market value of real estate holdings in Dayton, and gifts from our respective parents.

Mr. Speaker, I insert at this point in the RECORD the aforementioned financial information.

FINANCIAL STATEMENT, JANUARY 1, 1977

MARY BARBARA AND CHARLES W. WHALEN, JR.

Assets and Gross Amounts

Cash, checking account	$8,532.44
Partnership interest, Whalen Investment Company	180,000.00
Residence—228 Beverly Place, Dayton, Ohio	40,000.00
Residence—5301 Portsmouth Road, Bethesda, Md	140,000,00
Household:	
Furniture—228 Beverly Place, Dayton, Ohio	1,000.00
Furniture—5301 Portsmouth Rd., Bethesda, Md	25,000.00
Jewelry (1969 valuation)	26,000.00
Total	52,000.00
Automobiles:	
1971 Ford Country Square Station Wagon	1,450.00
1965 Ford Mustang	300.00
Total	1,750.00
Common Stock:	
American Cyanamid Co., 200 shares	$5,550.00
Beneficial Finance Company, 188 shares	5,098.56
Coca-Cola, 240 shares	
Copeland Corporation, 3,400 shares	63,750.00
Delmarva Power & Light Co., 1,000 shares	14,120.00
Duke Power Co., 1,000 shares	22,000.00
Federated Department Stores, 220 shares	10,780.00
General Telephone & Electronics, 300 shares	9,525.00
Indianapolis Power & Light, 850 shares	21,250.00
Middle South Utilities, 1,400 shares	23,450.00
Minnesota Mining and Mfg. Co., 600 shares	34,050.00
Owens-Illinois Glass, 200 shares	11,150.00
Charles Pfizer, Inc., 60 shares	1,725.00
Phillips Petroleum, 200 shares	13,100.00
Royal Dutch Petroleum, 188 shares	9,776.00
Steadman Am. Industrial Fund, 123½ shares	290.22
Texas Utilities, 400 shares	8,648.00
Unity State Bank, 2 shares	50.00
Virginia Electric Power, 1,400 shares	21,700.00
Westinghouse Electric Corp., 400 shares	6,900.00
Total common stocks	311,452.78
Bonds:	
Hamilton County, Ohio Hospital	20,000.00
Hamilton County, Ohio, Stadium	20,000.00
Illinois Health Facilities	40,000.00
Middletown, Ohio, Hospital	30,000.00
North Royalton, Ohio	20,000.00
Ohio State Public Facilities Commission	10,000.00
Southfield, Michigan, Building Authority	30,000.00
Total bonds	170,000.00
Life insurance:	
Cash Value—Paid Up Life Insurance	102,054.06
Cash Value—Outstanding Life Insurance	4,049.56
Total cash value—Life Insurance	106,103.62
Contributions—Retirement Funds:	
Civil Service Retirement System	31,231.43
Public Employees Retirement System of Ohio	4,290.61
Teachers Insurance and Annuity Association	13,959.06
Total contributions—Retirement Funds	49,481.10
Total Assets	1,059,319.94
Liabilities:	
Loan—Third National Bank and Trust Co., Dayton, Ohio	10,000.00
Total Liabilities	10,000.00
Net Worth	1,049,319.94

FINANCIAL STATEMENT, JANUARY 1, 1977

CHARLES EDWARD WHALEN

Assets and gross amounts

Cash, Third National Bank & Trust Company	$4,821.37
Cash, Riggs National Bank	1,080.23
Total Cash	5,901.60
Common Stock:	
Allegheny Power System, Inc., 500 shares	11,000.00
Atlantic City Electric Co., 400 shares	9,400.00
Baltimore Gas and Electric Co., 100 shares	2,700.00
Carolina Power and Light Co., 700 shares	16,625.00
Central Illinois Light, 100 shares	1,812.00
Consolidated Edison, 100 shares	2,100.00
Copeland Corp., 1,700 shares	31,875.00
Delmarva Power and Light Co., 100 shares	1,412.00
Duke Power, 500 shares	11,000.00
Entex, Inc., 640 shares	18,880.00
Merrill Lynch Capital Fund, 356 shares	5,357.80
Florida Power and Light Co., 460 shares	12,650.00
Illinois Power Co., 300 shares	8,325.00
Indianapolis Power and Light Co., 100 shares	2,500.00
Kansas City Power and Light, 100 shares	3,000.00
Middle South Utilities, 700 shares	11,725.00
Pacific Gas & Electric, 100 shares	2,300.00
Pfizer, Inc., 140 shares	4,025.00
Public Service Electric & Gas, 300 shares	7,125.00
Third National Bank & Trust Co., 224 shares	243.50
Virginia Electric Power Co., 300 shares	4,650.00
Total value—common stocks	168,705.30
Liabilities	none
Total Net Worth	174,606.90

DANIEL DENNIS WHALEN

Assets and gross amounts

Cash, Third National Bank & Trust Co	$5,635.03
Cash, Madison National Bank	229.11
Cash, Riggs National Bank	206.15
Total cash	6,070.29
Common Stock:	
Allegheny Power System, Inc., 500 shares	11,000.00
Atlantic City Electric Co., 400 shares	9,400.00
Baltimore Gas & Electric Co., 100 shares	2,700.00
Carolina Power and Light Co., 700 shares	16,625.00
Central Illinois Light, 100 shares	1,812.00
Central Southwest Corporation, 100 shares	1,700.00
Consolidated Edison, 150 shares	3,150.00
Copeland Corporation, 1,700 shares	31,875.00
Duke Power, 500 shares	11,000.00
Entex, Inc., 320 shares	9,440.00
Merrill Lynch Capital Fund, 402 shares	6,050.10
Florida Power and Light Co., 560 shares	15,400.00

FINANCIAL STATEMENT, JANUARY 1, 1977—Con.

DANIEL DENNIS WHALEN—Continued

Assets and gross amounts—Continued

Illinois Power Company, 300 shares	8,325.00
Indianapolis Power and Light Co., 100 shares	2,500.00
Middle South Utilities, 700 shares	11,725.00
Pacific Gas & Electric, 100 shares	2,300.00
Pfizer, Inc., 140 shares	4,050.00
Public Service Electric & Gas, 300 shares	7,125.00
South Carolina Electric & Gas, 100 shares	1,950.00
Third National Bank & Trust Co., 221 shares	4,309.50
Virginia Electric Power Co., 200 shares	3,100.00
Total value—common stocks	165,511.60
Liabilities	none
Total net worth	171,581.89

EDWARD JAMES WHALEN

Assets and gross amounts

Cash, Third National Bank & Trust Company	5,512.02
Cash, Riggs National Bank	233.18
Total cash	5,745.20
Common Stock:	
Allegheny Power System, Inc., 500 shares	11,000.00
Atlantic City Electric Co., 400 shares	9,400.00
Baltimore Gas and Electric Co., 100 shares	2,700.00
Carolina Power and Light Co., 700 shares	16,625.00
Central Illinois Light, 100 shares	1,812.00
Central Southwest Corporation, 100 shares	1,700.00
Consolidated Edison, 100 shares	2,100.00
Copeland Corporation, 1,700 shares	31,875.00
Delmarva Power and Light, 100 shares	1,412.00
Duke Power Company, 500 shares	11,000.00
Entex, Inc., 160 shares	4,720.00
Merrill Lynch Capital Fund, 414 shares	6,230.00
Florida Power and Light Co., 540 shares	14,850.00
Illinois Power Company, 300 shares	8,325.00
Indianapolis Power and Light Co., 100 shares	2,500.00
Middle South Utilities, 700 shares	11,725.00
Pacific Gas and Electric Co., 100 shares	2,300.00
Pfizer, Inc., 140 shares	4,025.00
Public Service Electric and Gas, 300 shares	7,125.00
Third National Bank & Trust Co., 200 shares	3,100.00
Total value—common stocks	158,834.20
Liabilities	none
Total net worth	164,579.40

JOSEPH MICHAEL WHALEN

Assets and gross amounts

Cash, Third National Bank & Trust Company	$6,577.89
Cash, Madison National Bank	20.00
Cash, Riggs National Bank	347.89
Total cash	6,945.78
Common Stock:	
Allegheny Power Systems, Inc., 500 shares	$11,000.00
Atlantic City Electric Co., 400 shares	9,400.00
Baltimore Gas and Electric Co., 100 shares	2,700.00
Carolina Power and Light Co., 700 shares	16,625.00
Central Illinois Light, 100 shares	1,812.00
Consolidated Edison, 100 shares	2,100.00
Copeland Corporation, 1,700 shares	31,975.00
Duke Power Co., 500 shares	11,000.00
Entex, Inc., 160 shares	4,720.00
Merrill Lynch Capital Fund, 395 shares	5,944.75
Florida Power and Light Co., 420 shares	11,550.00
Illinois Power Co., 300 shares	8,325.00
Indianapolis Power and Light, 100 shares	2,500.00
Kansas City Power and Light, 100 shares	3,000.00
Middle South Utilities, 700 shares	11,725.00
Pacific Gas and Electric, 100 shares	2,300.00
Pfizer, Inc., 140 shares	4,025.00
Public Service Electric & Gas, 300 shares	7,125.00
Third National Bank & Trust Co., 221 shares	4,309.50
Virginia Electric Power Co., 300 shares	4,650.00
Total value—common stock	156,686.25
Liabilities	none
Total net worth	163,632.03

ANNE ELIZABETH WHALEN

Assets and gross amounts

Cash, Third National Bank & Trust Company	$3,166.75
Cash, Riggs National Bank	387.98
Total cash	3,554.73
Common Stock:	
Allegheny Power Systems, Inc., 230 shares	5,060.00
Baltimore Gas and Electric Co., 100 shares	2,700.00
Carolina Power and Light Co., 700 shares	16,625.00
Central Illinois Power, 100 shares	1,812.00
Consolidated Edison, 75 shares	1,575.00
Copeland Corp., 1,700 shares	31,875.00
Delmarva Power and Light Co., 100 shares	1,412.00
Duke Power, 300 shares	6,600.00
Merrill Lynch Capital Fund, 418 shares	6,290.90
Florida Power and Light Co., 440 shares	12,100.00
Illinois Power, 300 shares	8,325.00
Indianapolis Power and Light, 50 shares	1,250.00
Middle South Utilities, 700 shares	11,725.00
Pfizer, Inc., 140 shares	4,025.00
Public Service Electirc and Gas, 300 shares	7,125.00
South Carolina Electric and Gas, 100 shares	1,950.00
Third National Bank & Trust Co., 221 shares	4,309.50
Virginia Electric Power Co., 200 shares	3,100.00
Total value — common stocks	127,859.40
Liabilities	none
Total net worth	131,414.13

MARY BARBARA WHALEN

Assets and gross amounts

Cash, Third National Bank & Trust Co	$2,047.95
Cash, Riggs National	295.90
Total cash	2,343.85
Common Stock:	
Central Illinois Light, 100 shares	1,812.00
Carolina Power and Light Co., 100 shares	2,375.00
Copeland Corp., 1,300 shares	24,375.00
Merrill Lynch Capital Fund, 350 shares	5,267.50
Indianapolis Power and Light, 300 shares	7,500.00
Middle South Utilities, 600 shares	10,050.00
Pfizer, Inc., 140 shares	4,025.00
Virginia Electric Power Co., 200 shares	3,100.00
Total value—common stock	58,504.50
Liabilities	none
Total net worth	60,848.35

1976 INCOME—MARY BARBARA AND CHARLES W. WHALEN, JR.

	Gross amounts
U.S. House of Representatives, salary	44,600.00
Net Partnership Income: Whalen Investment Co	18,136.83
Rental Income, 228 Beverly Place, Dayton, Ohio	1,500.00
Dividends Received — Common Stock:	
Allegheny Power System, Inc	880.00
American Cyanamid	300.00
Baltimore Gas & Electric	153.00
Beneficial Corporation	253.80
Coca Cola Company	636.00
Copeland Corporation	1,736.00
Delmarva Power & Light Company	1,200.00
Detroit Edison Company	761.25
Duke Power Company	1,525.00
Ex-Cell-O	82.50
Federated Department Stores, Inc.	292.60
General Telephone & Electronics	555.00
Gulf States Utilities Company	224.00
Hubbard Real Estate Investments	108.00
Indianapolis Power & Light Co.	1,547.00
Merrill Lynch Capital Fund	923.59
Merrill Lynch, Pierce, Fenner and Smith	20.00
Middle South Utilities	1,848.00
Minnesota Mining & Mfg. Co	870.00
Owens-Illinois, Inc	376.00
Charles Pfizer, Inc	51.60
Phillips Petroleum Co	350.00
Public Service Electric & Gas	2,068.00
Royal Dutch Petroleum Co	572.30
South Carolina Electric & Gas	755.00
Texas Utilities Co	520.00
Virginia Electric Power Co	1,281.67
Westinghouse	338.80
Total	20,279.11
Return on capital — Common stock:	
Detroit Edison Company	326.25
Virginia Electric Power Co	433.33
Total	759.58
Interest received:	
Prudential Insurance Co	59.83
Merrill Lynch Ready Assets Trust	214.49
Hamilton County, Ohio Stadium	480.00

Illinois Health Facilities	$1,500.00
Middletown, Ohio, Hospital	1,134.36
North Royalton, Ohio	541.68
Southfield, Michigan, Building Authority	1,035.00
Total	4,965.36
Honorarium:	
New York Times (Schorr Article)	150.00
Danforth Associates (speech)	25.00
Total	175.00
Total income received	90,415.88

Capital gains

Gulf States Utilities Co., 400 shares:	
Total investment	3,883.81
Total received	5,124.27
Total capital gains	1,290.46

Capital losses

Allegheny Power Systems, 1,100 shares:	
Total investment	22,137.00
Total received	19,039.34
Capital loss	3,097.66
Baltimore Gas & Electric Co., 100 shares:	
Total investment	3,012.50
Total received	2,357.69
Capital loss	654.81
Detroit Edison Company, 1,000 shares:	
Total investment	17,444.13
Total received	13,595.40
Capital loss	3,848.73
Ex-Cell-O Corporation, 100 shares:	
Total investment	2,235.00
Total received	2,123.80
Capital loss	111.20
Hubbard Real Estate Investment Co., 120 shares:	
Total investment	2,700.00
Total received	1,584.26
Capital loss	1,115.74
Merrill Lyunch Capital Fund, shares:	
Total investment	71,014.45
Total received	68,928.98
Capital loss	2,085.47
Merrill Lynch, Pierce, Fenner and Smith, 50 shares:	
Total investment	1,400.00
Total received	1,220.39
Capital loss	179.61
Public Services Electric & Gas, 2,350 shares:	
Total investment	48,830.53
Total received	46,664.80
Capital loss	2,165.73
Total capital losses	13,258.95
Net capital losses	11,968.49
1976 taxes paid to IRS	22,893.53

1976 CLAIMED DEDUCTIONS

Standard exemptions—6 children: Charles E., Daniel D., Edward J., Joseph M., Anne E., Mary B.

Public Law, 82d Congress, Public Law 178, 83d Congress, Away from home living expense allowance	$3,000.00
Standard deduction for stock dividends	$200.00
Allowable medical deductions (family)	150.00
Charitable contributions	1,153.00
Political donations—Whalen For Congress Fund	200.00
Business and professional expenses	1,085.78
Travel, not reimbursed	308.99
Interest paid on loans	
Charles W. Whalen, Sr	325.00
Third National Bank & Trust Company	376.01
Total	701.01
Property expenses—228 Beverly Place, Dayton, Ohio	
Depreciation	600.00
Property Tax, Montgomery County, Ohio	1,256.55
Insurance, D. C. Brower Insurance Company	185.00
Taxes paid (other than Federal):	
City of Dayton, personal income tax	1,100.00
Montgomery County intangibles tax	1,734.78
State of Ohio, personal income tax	1,500.00
Montgomery County, MD, property tax	2,508.96
Sales tax—standard deduction	
Gasoline tax	174.84
Government of Netherlands, Royal Dutch Petroleum Company	101.00
Total	6,669.58

1976 INCOME—WHALEN CHILDREN

CHARLES EDWARD WHALEN

Dividends received—Common stock:	
Allegheny Power System, Inc	$810.00
Atlantic City Electric Co	624.00
Baltimore Gas and Electric Co	205.00
Carolina Power and Light Co	1,162.00
Central Illinois Light	120.00
Consolidated Edison Co	160.00
Copeland Corporation	868.00
Duke Power Co	762.50
Merrill Lynch Capital Fund	128.16
Entex, Inc	672.00
Florida Power and Light Co	717.60
Illinois Power Co	660.00
Indianapolis Power and Light Co	182.00
Kansas City Power and Light	234.00
Middle South Utilities	891.00
Pacific Gas and Electric	141.00
Pfizer, Inc	120.40
Public Service Electric & Gas	534.00
Third National Bank & Trust Co	224.00
Virginia Electric Power Co	274.64
Delmarva Power and Light Co	90.00
Total	9,580.30
Return on capital—Common stock:	
Virginia Electric Power Company	92.86
Interest received:	
Riggs National Bank	55.05
Madison National Bank	3.60
Total	58.65
Total income received	9,731.81
1976 taxes paid to IRS	1,470.39

1976 claimed deductions

Taxes paid (other than Federal):	
State of Ohio, income tax	11.81
Montgomery County, Ohio, intangibles tax	395.75
Total	407.56
Accountants' fee	$35.00
Dividend exclusion	100.00

DANIEL DENNIS WHALEN

Dividends received—Common stock	
Allegheny Power Systems, Inc	810.00
Atlantic City Electric Co	624.00
Baltimore Gas and Electric Co	205.00
Carolina Power and Light Co	1,162.00
Central Illinois Light	120.00
Central & Southwest Corp	90.00
Consolidated Edison Company	240.00
Copeland Corporation	868.00
Duke Power Company	762.50
Merrill Lynch Capital Fund	144.72
Entex, Inc	336.00
Florida Power and Light Co	873.00
Illinois Power Company	660.00
Indianapolis Power and Light Co.	132.00
Middle South Utilities	891.00
Pacific Gas & Electric	141.00
Pfizer, Inc	120.40
Public Service Electric & Gas Co.	504.00
South Carolina Electric & Gas	114.00
Third National Bank & Trust Co.	221.00
Virginia Electric Power Co	183.10
Total	9,222.32
Return on capital—Common stock:	
Virginia Electric Power Company	61.90
Interest received:	
Riggs National Bank	13.30
Madison National Bank	4.11
Total	17.41
Total income received	9,301.63
1976 taxes paid to IRS	1,391.71

1976 claimed deductions

Taxes paid (other than Federal):	
State of Ohio, income tax	12.06
Montgomery County, Ohio, intangibles tax	391.80
Total	403.86
Accountants' fee	35.00
Dividend exclusion	100.00

EDWARD JAMES WHALEN

Dividends received—Common stock:	
Allegheny Power Systems, Inc	$810.00
Atlantic City Electric Company	624.00
Baltimore Gas and Electric Co	205.00
Carolina Power and Light Co	1,162.00
Central Illinois Light	120.00
Central & Southwest Corp	90.00
Consolidated Edison Co	160.00
Copeland Corporation	868.00
Delmarva Power and Light Co	90.00
Duke Power Co	762.50
Merrill Lynch Capital Fund	149.04
Entex, Inc	168.00
Florida Power and Light Co	842.40
Illinois Power Co	660.00
Indianapolis Power and Light Co.	182.00
Middle South Utilities	891.00
Pacific Gas & Electric	141.00
Pfizer, Inc	120.40
Public Service Electric & Gas Co.	534.00
Third National Bank & Trust Co	21.00
Virginia Electric Power Co	183.10
Total	8,983.44
Return on capital—Common stock:	
Virginia Electric Power Company	61.90
Interest received:	
Riggs National Bank	11.98
Total income received	9,057.32
1976 taxes paid to IRS	1,336.97

1976 Income—Whalen Children—Continued

EDWARD JAMES WHALEN—Continued

1976 claimed deductions

Taxes paid (other than Federal):	
State of Ohio, income tax	$12. 06
Montgomery County, Ohio intangibles tax	381. 10
Total	393. 16
Accountants' fee	35. 00
Dividend exclusion	100. 00

JOSEPH MICHAEL WHALEN

Dividends received—Common stock:	
Allegheny Power System, Inc	810. 00
Atlantic City Electric Co	624. 00
Baltimore Gas & Electric Co	205. 00
Carolina Power and Light Co	1, 162. 00
Central Illinois Light	120. 00
Consolidated Edison Company	160. 00
Copeland Corporation	868. 00
Duke Power Company	762. 50
Merrill Lynch Capital Fund	142. 20
Entex, Inc	168. 00
Florida Power and Light Co	655. 20
Illinois Power Co	660. 00
Indianapolis Power and Light Co	182. 00
Kansas City Power and Light	234. 00
Middle South Utilities	891. 00
Pacific Gas & Electric	141. 00
Pfizer, Inc	120. 40
Public Service Electric & Gas	534. 00
Third National Bank & Trust Co	221. 00
Virginia Electric Power Co	274. 64
Total	8, 934. 94
Return on capital—Common stock:	
Virginia Electric Power Company	92. 86
Interest received:	
Riggs National Bank	17. 69
Madison National Bank	. 08
Total	17. 77
Total income received	9, 045. 57
1976 taxes paid to IRS	1, 325. 65

1976 claimed deductions

Taxes paid (other than Federal):	
State of Ohio, income tax	11. 81
Montgomery County, Ohio, intangibles tax	372. 40
Total	384. 21
Accountants' fee	35. 00
Dividend exclusion	100. 00

ANNE ELIZABETH WHALEN

Dividends Received—Common Stock:	
Allegheny Power System, Inc	372. 60
Baltimore Gas and Electric	205. 00
Carolina Power and Light Co	1, 162. 00
Central Illinois Light	120. 00
Consolidated Edison Co	120. 00
Copeland Corporation	868. 00
Delmarva Power and Light	90. 00
Duke Power Company	457. 50
Merrill Lynch Capital Fund	150. 48
Florida Power and Light	686. 40
Illinois Power Co	660. 00
Indianapolis Power and Light	91. 00
Middle South Utilities	891. 00
Pfizer, Inc	120. 40
Public Service Electric & Gas	534. 00
South Carolina Electric & Gas	114. 00
Third National Bank & Trust Co.	221. 00
Virginia Electric Power Co	183. 10
Total	7, 046. 48
Return on capital—Common Stock:	
Virginia Electric Power Company	61. 90
Interest received:	
Riggs National Bank	$18. 51
Total income received	7, 126. 89
1976 taxes paid to IRS	956. 01

1976 claimed deductions

Taxes paid (other than Federal):	
State of Ohio, income tax	8. 81
Montgomery County, Ohio, intangibles tax	296. 55
Total	305. 36
Accountants' fee	35. 00
Dividend exclusion	100. 00

MARY BARBARA WHALEN

Dividends Received—Common stock:	
Carolina Power and Light Co	166. 00
Central Illinois Light	120. 00
Copeland Corporation	620. 00
Merrill Lynch Capital Fund	126. 00
Indianapolis Power and Light	546. 00
Middle South Utilities	792. 00
Pfizer, Inc	120. 40
Virginia Electric Power Co	183. 10
Total	2, 673. 50
Return on capital—Common stock:	
Virginia Electric Power Co	61. 90
Interest received:	
Riggs National Bank	13. 74
Total income received	2, 749. 14
1976 taxes paid to IRS	218. 00

1976 claimed deductions

Taxes paid (other than Federal):	
State of Ohio, income tax	0
Montgomery County, Ohio, intangibles tax	109. 90
Total	109. 90
Accountants' fee	35. 00
Dividend exclusion	100. 00

BURKE OPPOSES INCREASED GOVERNMENT REGULATIONS FOR CONSUMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BURKE) is recognized for 15 minutes.

Mr. BURKE of Florida. Mr. Speaker, there is presently a strong effort being made by some to pass H.R. 6805 which, if enacted, would establish a new Government agency. This one, the agency for consumer protection.

This, like other good sounding legislation, may on the surface sound like a good idea. Mr. Chairman, although we are all consumers, nevertheless, I think it is about time to take a closer look to determine whether such an agency is actually needed to benefit the American consumer. Will it be beneficial or will it actually add another stifling layer of redtape on top of the multitude of regulations for which the consumer will have to pay? How long must we let those who in the name of helping the public insult our intelligence by presuming that the bureaucrats in Washington and elsewhere are more capable than the American people in choosing what is in their best interest? Do we the American people need—or for that matter want—more interference from the Washington bureaucrats?

Mr. Speaker, we all know that we, the people, are the consumers, but we are also much more than that. Not only are we consumers, we are the employees, or employers and we are all taxpayers. We are individuals struggling with inflation and the mounting restrictions on our life style. Each of us then has many interests and thus the consumer interest is only a part of the total aggregate of interests we as individuals have to protect.

It is my feeling that if a special agency is set up to protect any consumer interests, it will be necessary to put one interest over and above the other interests we all share. For instance, some consumers will want lower product prices; others will be willing to pay more for durability or quality; some may stress appearance while others may be unwilling to pay the extra costs. How can an agency decide between these conflicting values for each of us individually? To allow a regulatory body to determine answers to questions such as these is to have a governmental body protect some consumers at the expense of others.

Mr. Speaker, the people must begin to realize that there is no way for a consumer protection agency to function without infringing on the lives and the rights of all of us as individuals.

It is odd to me that the advocates of a consumer protection agency seem to hold to the timeworn dictum that "more means better." The truth is, that there presently are 33 Federal departments and agencies charged with regulating more than 1,000 consumer-related programs. Despite this, a new bureaucracy is now suggested which would interfere with, and substitute its own judgment, for all the other agencies presently in existence. If experience is any guide, this new agency would be accountable to no one—least of all to the American consumer.

I believe the overwhelming majority of Americans are opposed to the continued growth of the Federal bureaucracy and the tremendous amount of waste it generates. The proposed Consumer Protection Agency would have its bureaucratic costs and there is no reason to expect that those will be small.

A look at some of the costs of the already existing regulations will illustrate the point. For instance:

First. Consumers pay around $4 billion a year in taxes to support the Federal agencies which now presumably is riding herd on business.

Second. Government regulations cost General Motors more than $1.3 billion in 1974, a sum which is more than it cost to operate the entire Federal Government during the first 75 years of our country's existence and which was passed on to the American consumer in additional costs.

Third. It cost American business $3.12 billion in 1975 to comply with OSHA regulations alone, which obviously meant higher prices for the consumer.

Fourth. Compliance with five Federal

programs is costing Harvard University up to $8.3 million a year.

Fifth. Regulations of the new Employee Retirement Income Security Act are so costly that more than 5,000 companies canceled pension plans—stating it must either do that or go out of business.

Sixth. Interstate Commerce Commission regulations costs the railroad industry from $1.7 billion to $2.4 billion a year and the U.S. economy as much as $10 billion.

Seventh, The cost burden of regulations on the American economy is estimated to be as much as $130 billion a year. This sum translates to $2,000 per family per year.

Mr. Speaker, if this legislation is passed by some "so-called" consumer advocates the public will find itself once more under strong pressure from one more Federal bureaucracy. My belief is that the best consumer protection we have going for us is the free market under a free enterprise system. The American consumer casts votes every day that determines prices, quality, amount, and design of goods and services, each time they make a purchase and the producers must respond to consumer demands if they want to stay in business.

Mr. Speaker, I recognize that some existing regulations are in the public interest. However, I contend that when the Government smothers business initiatives by piling on often unneeded and stifling regulations, one upon the other, private enterprise simply cannot fully respond and the consumer therefore thus pays both in higher prices and in narrower options. Let us not, in meeting consumers demands, tie up our markets with more redtape.

My colleagues, it is my opinion, that if we want consumer protection, another agency in Washington is not the answer. We should take some of the bureaucratic shakles off of our American businessman rather than support H.R. 6805 when it comes to the floor for passage.

I sincerely hope that we will defeat H.R. 6805 and in doing so we will be doing a service for the American consumer.

THE BAN ON SACCHARIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MARTIN) is recognized for 15 minutes.

Mr. MARTIN. Mr. Speaker, today the Food and Drug Administration began 2 days of hearings on the controversial proposal to ban the use of saccharin as a food additive. It is likely that the ban will slam shut on tens of millions of American consumers on July 31. Yet, despite the fact that well over half the Members of the House of Representatives favor legislation to halt the onerous ban, legislative hearings have not yet been held.

We are now waiting for a report to issue from the Congressional Office of Technology Assessment in early June. So even if we begin serious consideration by June 15, that would leave 25 or so legislative days until the expected deadline on July 31.

Clearly that is not enough time for the cautious attention that this sensitive issue requires. I am deeply concerned that we will find ourselves under extreme pressure to move too hastily, unless relief is allowed. This saccharin issue is under the jurisdiction of the Committee on Interstate and Foreign Commerce, and thus will have to compete with its already crowded agenda on energy regulation.

Accordingly, I have testified before the FDA, appealing for an additional grace period. The text follows, as a guide to others who may wish to make a similar respectful appeal for time:

SACCHARIN TESTIMONY BY CONGRESSMAN JIM MARTIN

The last of the artificial sweeteners is about to be banned.

Even though that will do more harm than good, you really don't have any other choice. The law doesn't allow you to take into account the benefits that the general public will lose when you ban saccharin.

You can think about the ten million diabetics, millions of whom will have great difficulty managing their blood sugar. You will be aware of the plight of forty million obese Americans, tens of millions of whom will not stick to their low calory diet without saccharin—and will cheat, and gain a hundred million pounds: and increase their chances of heart attack, diabetes and cancer.

But you won't be able to do anything about it. You will be compelled to act against the public health interest by an absolute law that allows no room for reasonable balancing of public benefits and risks.

You will have to act to ban saccharin, because you really have no choice. The choice was made for you in 1958, that if ever it would come to pass that any food additive would be found to cause cancer upon ingestion of daily massive overdoses by test animals: that substance would be "deemed unsafe", and eliminated from the food supply.

Never mind that the Delaney clause only pertains to food additives and therefore does not apply to a grocery shelf full of natural foods containing natural ingredients that are known to be carcinogens at higher exposure levels.

Never mind that the action you take will not protect our people from a potent hazard. You will only protect us from the last of the approved non-caloric sweeteners, on grounds that if it is carcinogenic, it is so remotely weak a carcinogen that there is no evidence that anyone has ever gotten one tumor from the normal use of it.

But what choice have you got? None; you must ban it at the drop of a rat.

You may, however, continue to use restraint and forbearance in scheduling the irreconcilable, unavoidable ban, by delaying its operation.

It is for that reason that I have come here to speak to you on behalf of fifty million American consumers. I am talking for real consumers, those of us who actually use the stuff.

I'm not going to belabor you about the thousand cans of diet soda needed to parallel the Canadian rats' diets; because I know it's humanly impossible to drink one-tenth that amount in a day. The first 50 cans of water would kill you.

I'm not going to tell you about Dr. Vernon Riley at Pacific Northwest Research Foundation in Seattle, who induced cancer in mice by spinning them on turntables; because I realize that the Delaney clause does not apply to merry-go-rounds and Viennese waltzes.

Neither am I going to dwell on the remarkable advances in analytical chemistry, with the sensitivity of our detection threshold now down to mere parts-per-billion. That alone should be grounds for amending the Delaney clause and the entire Food Additive law to allow some rational standard other than absolute zero, especially for weak carcinogens.

Neither will I do more than mention the parallel of the automobile speed limit. It is not absolute zero, or even 10 m.p.h., even though the evidence is incontrovertible that that would reduce highway fatalities to the level of risk imagined for saccharin.

Rather let me ask you to think about the benefit which is claimed for saccharin. There is just one significant benefit: it helps people stick to their diet. That is no small benefit. Before you ban saccharin, pause to think of how many millions without it will occasionally or regularly cheat on their diet. How many more cases of diabetes will result? How many will get worse? How many heart attacks: as many as 25,000? And how many cancers of the breast and colon will result from the weight gain over the next year?

Within 15 minutes after I conclude, it is probable you will hear from the Public Citizen Health Research Group about how saccharin is not essential to anyone's diet. They maintain it is but a convenience.

Some convenience!

It is true, of course, that there are thousands of men and women who need no sweetener in their food. They can do without it. On the other hand there are tens of millions who lack that elite, ascetic self-discipline; they cannot muster that iron-will that you are going to require of them. Rather, they even take great pride in whatever measure of free choices they are still allowed to make in a real world which is swarming with risks.

At least a million of them have written their Congressman. Here are over 6000 that I have received. These are individually composed, describing personal circumtsances, some crying out for help, others demanding it . . . for themselves; for their invalid parents; for their children who have learned to "be just like everybody else" with the "convenience" (if you call it that) of a diet soda; and for their medical patients.

Clearly, there is an over-riding public health interest here that you are about to over-ride.

You will be hold that there is "no evidence"; that no one has scientifically proved the benefit of saccharin. This box and 534 just like it in other Congressional offices, as well as your own record breaking collection, is all the proof needed in a benevolent society. This is the Evidence of Human Experience! This is from consumers, speaking for themselves.

I acknowledge that you must not consider this when enforcing the Delaney clause. The Food Additive laws do not allow such factors to be weighed. You must enforce the current law, even though the last four former F.D.A. commissioners have called for it to be amended. You may not change the law as advocated by the American Diabetes Association, the American Cancer Society and others.

Such a change is, of course, the responsibility of Congress. As you know several hundred of us are seeking to modernize the food additive law: to "bomb the ban". There are many proposals with over 244 co-sponsors in the House; 193 have joined me in a bill drafted with technical assistance from your own staff—which I requested and for which I am grateful. This bill, H.R. 5166, proposes a very cautious exception to the Delaney clause for an additive whose risk is outweighed by its benefits to the general public. The same provision should be added elsewhere in the General Safety section, e.g., in Section 409.

While that is not today's issue before you, you need to know the circumstances that have temporarily stalled us. It is not possible, and may not even be desirable or prudent, for legislative hearings to begin before the mid-June report of the scientific evaluation by the Office of Technology Assessment (O.T.A.). Yet when that report comes, the ensuing legislative agenda of the Committee on Interstate and Foreign Commerce (to which our bills are referred) will be dominated by the priority consideration of many of the most difficult regulatory aspects of the Comprehensive Energy Act.

In light of this, it can be anticipated that only through unseemly haste would it be possible to enact such legislation. Yet it requires the greatest of care, for which the 45 days left (after the O.T.A. report until the ban is proposed to be final) may be inadequate.

So with appreciation for the patient deferral exercised by the F.D.A. thus far, let me respectfully request that your final order allow an extended grace period before the ban falls shut. Avoid the disruption of a ban that would be ON one day and OFF the next. Allow time for efforts to proceed to find a substitute. Allow an extended period of at least 6 months or a year for Congress to refine our food additives policy free from the pressure of the extreme public reaction of which we have only had a taste (unsweetened).

A further moratorium would avoid jeopardizing your own public support at a crucial time when so many other regulatory actions are before you.

Let me comment on your Table Top Compromise, announced on April 14. I commend you and wish you well on that; because if you succeed in approving saccharin as an over-the-counter single-ingredient sweetener under the Drug section of the law: it will be a clear demonstration that you hold the benefits of saccharin to outweight the risks! You are authorized to consider that balance only in the law on drugs, not additives. If you succeed, it will reaffirm my belief that the same balance ought to be weighed in the Food Additives law—thus adding impetus to my bill.

Unfortunately, there are two major problems. First, despite all your best intentions of wanting to try this way to moderate the impact upon the public health interest, there is profound doubt that you can reclassify saccharin as an efficacious drug. In the non-statutory view of the public's perception, there is a vague and imprecise line between a drug and a food additive. Yet in the Food, Drug and Cosmetics Act you will probably find too sharp a statutory demarcation. Thus you won't get a chance to weigh the benefits against the risks unless you can first find a way to include "the last of the non-carbohydrate, non-caloric, artificial sweeteners" within the Kefauver definition of a drug.

In the second place, even if you do succeed in continuing saccharin as a "table top" sweetener, for which several million adult diabetics who use it in their coffee and tea will be grateful, what about several million others who are accustomed to diet drinks? What about two million juvenile diabetics? What about many millions who will lose control of their diet in favor of sugar sweetened beverages and desserts? Do you leave them with the old, proverbial "fat chance" of dietary management?

Before closing, let me refer to the evidence upon which you are about to ban low-calorie dietary sweets.

You have no evidence that anyone has ever gotten one tumor from the ordinary enjoyment of saccharin.

Who did? The compelling evidence is that a massive daily overdose of saccharin clearly did cause a significant increase in bladder cancer in a second generation of rats whose exposure was most severe in utero. That is all the evidence you have, and is at best a flimsy scientific basis for predicting any incidence of cancer in humans.

In the first place, while it is customary to overdose test animals because of their short life-span and the limited number to be tested, the dosage employed here borders upon a side-assortment of pathological ill-effects. The abnormally low growth rate of the test animals, the general presence of microcrystals in their urine, the fact that the rat has a low weight per cent of water in its system: all suggest the overdose (perhaps to the fetus) was indeed excessive. The young pups were ingesting as much as 6 g per kg of body weight. These facts suggest that the mechanism was that of a physical irritant or abrasive (like repeated injections of cold water) rather than that of chemical inductive carcinogenesis.

This raises great doubt about estimating any low dose effects by extrapolation, even in rats.

The principal distinction between this experiment and some others which were inconclusive was the evidence of an effect on the second generation of animals. This suggests that close attention needs to be given to the problem of the concentration of saccharin through the transplacental barrier. If there is evidence of corresponding transplacental concentration of saccharin during normal use by humans, then there should be a precaution against saccharin during pregnancy. We need to know whether in fact the human placental barrier passes saccharin as readily as the much thinner barrier in the rat.

As to the claim that there was a significant incidence of bladder tumors among first generation rats: I understand that all depends on how many tumors are allowed for the control group. If one disputed tumor is counted, the control group shows about the same incidence as the test group. The disputed decision to disallow it and thus show a significant increase only among the test group came on a 4-to-3 split decision.

That kind of evidence is reminiscent of recent Congressional testimony by a well-known health research group claiming 1973 Canadian research as evidence that rats exposed at even low levels of saccharin developed cancer. What they did was to selectively list only those three test groups, at whatever dosage level, provided they actually developed one or two cancers in 51–56 animals, selectively leaving out those five test groups which did not develop cancers, even at the highest level of exposure. This kind of abuse of data allowed a conclusion to be derived that saccharin caused bladder tumors even at low dose ingestion when in truth the average incidence of cancer in all the test animals was precisely identical with that in all the unexposed control animals!

Others will deal further with these questions of the validity of the new Canadian evidence and its meaning. My principal concern, however, is that regardless of all this you may still find that massive daily overdoses of fetal test animals did cause cancer, and that regardless of the mechanism the Delaney clause requires you to ban saccharin.

You do have the authority to withhold that ban for a brief further moratorium. I urge you to do so. In this way you can allow Congress an extension of the panic-free atmosphere so wisely allowed by you thus far. Such an extension of time may well be the best way available to you to allow the public interest truly to be served.

TV-PORN: A SEEPING POLLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DORNAN) is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, the corrupting slime of pornography is seeping into America's living rooms and family rooms. It is not being pushed through the mail slot in plain brown wrappers—foolishly proclaimed as safe from young eyes. It is being broadcast in lurid color by pay-television stations at all hours of the day and night.

This is the disquieting report which was published in yesterday's Wall Street Journal and which I place in the RECORD following my remarks. It tells of the spread of pornographic films through our supposedly FCC regulated television sets and into our homes.

One is forced to ask, "Why is this happening?"

The answer is too simple. The people who pay for this sexual "diversion" are those who are rightly ashamed to be seen entering porn palaces where these films are regularly shown. Ready and willing pay-TV broadcasters pander to these people's appetite for obscenity. Give them bread and circuses. Stations are pushing pornography in their pursuit of ever-greater profits. Their success is evident. Lust for the almighty dollar destroys dignity.

But the success of these few companies is causing no little concern among some decent television broadcasters. They fear that too much sexual license will invite Government regulation.

They could not be more correct.

The pressure for Government regulation is growing with each passing day and I do not believe that it will ease. These pornography profiteers are the target and the regulators are getting them in their sites.

Unfortunately, it does not take much foresight to know what will be the reaction to this attempt to clean up our airwaves. The defenders of this filth will hide behind the pillars of the first amendment and whimper that any regulation of pornography violates the smut peddlers' "inalienable rights."

That is a patent falsehood.

As anyone who really understands the Constitution knows, the first amendment was never intended to protect gross indecency and the corruption of the public marketplace. Every Supreme Court—for 19 decades—has insisted that hard-core pornography does not, should not and will never receive protection under the first amendment.

To put it quite simply: Freedom is not license to corrupt.

A man is not free to peddle dope, why should he be free to peddle smut? Those who pollute the mind are as dangerous as those who pollute the body. The damage done by smut may not be as readily visible as that done by drugs, but the damage is there nonetheless. We just cannot see the needle marks on the mind and soul of the victim.

What is more, those very people who have so frequently hidden behind the first amendment in other instances, know that unseen damage can be very real and very killing. Chief Justice Earl Warren, in the Brown against Board of Education decision, reiterated his belief that the existence of segregation may permanently harm the "hearts and minds" of children regardless of its effect on their physical well-being.

In keeping with the spirit of the Brown decision, the Court has continued to recognize that psychological harm can be inflicted on the human mind as a result of intangible forces and the social environment. This is the basis of our laws against libel, against slander and against invasion of privacy. The harm done by these practices can be seen only infrequently but the harm is real all the same. And the courts have recognized this time and time again.

If it is true of libel and slander, it is true of obscenity.

Mr. Speaker, the freedom to libel, to slander and to invade someone's privacy are all severely limited. The freedom to market obscenity should be limited as well. It should be limited in general and it should be limited in the specific instance of obscene television broadcasts.

What an arrogant and pathetic abuse of a majestic instument of communication. What low-level of grubby mentality causes a self-proclaimed broadcaster to arrogantly excuse his venality with the stupid rationale. "But the viewers want it." Some, repeat some, viewers want it. So what. Some slob porno-freaks want children in pornography, too. Shall we feed every vile sadistic and kinky hang-up that exists just because there's money in it. That is the twisted nonlogic of the hated heroin pusher.

Wake up cable TV stockholders. If you want the hassle of your life—fine. I quote the incomparable Al Jolson, "You ain't seen nothing yet." I am a republican who is very proud of the tough stand of democrat JOHN M. MURPHY of New York against this pornographic incursion into cable TV. I back him right down the line in trying to halt this nihilism before our society becomes a cesspool.

The article follows:

[From the Wall Street Journal, May 17, 1977]

A TV STAR IS PORN AS X-RATED MOVIES GET EXCITED RATINGS

(By John E. Cooney)

Parents in Buffalo, N.Y., were hopping mad. They would come home after a night out to find their kids and babysitters glued to the TV set. So what's so bad about that?

Well, they were watching pornographic movies.

When angry mothers began calling the local pay-TV company, International Cable, the blue movies were taken off the air. "We didn't think it was right to continue showing them," says Peter Gilbert, president of the company.

But in other parts of the country, far from there being many complaints, viewers are happily settling down for the evening with such television fare as "Swinging Stewardesses" and "Penthouse Girls." Twin County Trans-Video of Allentown, Pa., recently screened "Campus Pussycats," billed as "the reason every dorm is fireproof." It was replete with nudity, lesbianism and simulated sex. "The only complaints we get are when the movies aren't hard core enough." the company claims.

As yet, only a handful of the nation's 364 pay-television systems which make up about 10 percent of all cable systems, are cashing in on an apparent viewer appetite for X-rated entertainment. But the number seems to be growing, mainly because financially shaky pay-TV systems find this an effective way to boost subscribers and revenues.

A "NERVOUS" INDUSTRY

Yet the trend is worrying some cable-TV people because they fear that too much sexual license will invite government license. "Industry people feel nervous," says John Barrington, a vice president of Time Inc.'s Home Box Office, the nation's largest pay-TV system (which doesn't show blue movies). "Showing Xs can cause trouble for all cable operators," says Keith Burcham, president of Cable Vision Properties in Denver.

The reason that viewers want the movies on their home sets seems obvious. "Many people don't want to be seen going to skin-flick theaters, but if they can see a sexy movie at home on TV they think it's great," says Mark Slade, president of Entertainment Video Relasing, the nation's major distributor of X-rated movies.

"We asked viewers what they wanted, and 90 percent said hard-core movies," says John Cunningham, manager of Channel M in Hilo, Hawaii, which began sending out blue movies last month.

Even in this liberated age it might be thought that pay-TV companies would be flooded with complaints from wives who don't like their husbands watching nude cavortings in the den. But cable companies insist that husbands and wives are watching the movies together. As for the effect of airwave pornography on adults, "I know of no evidence that blue movies are harmful to people who have seen them," says Irving Biederman, professor of psychology at the University of Buffalo.

A $110 TV BILL

Since they are shown on pay TV, the movies can be received only with the aid of special equipment. Most pay-TV operators charge a fee every time a blue movie (or any other movie, for that matter) is shown. For example, the Allentown company charges $2.50 or $3 each time a subscriber's set is tuned in to its movies, in addition to the regular monthly charge of $7.50. Although only three different blue movies are shown a month, each one screened several times daily, one customer's bill last month was $110.

Some cable firms are going out of their way to make sure the movies are seen by adults only. The pay-TV channels in Ann Arbor, Mich., and in Allentown provide a lock and key for the channel switch that brings in the X-rated signals. The Allentown company also has a computer system that sends the movies only into those homes that have ordered them.

But despite some of the incredibly explicit sexual material that is going out over the airwaves ("Commuter Husbands," with a billing that proclaims, "they have their hands full at the office") there seems to be little organized protest from viewers groups. "I'm surprised there aren't more letters to the editor about this," says Robert Daday, manager of Special Electric TV Cable, the other cable TV company in Allentown (and which doesn't show "adult" movies).

The closest thing to organized public protest came last year when a sort of sexual variety show called "Midnight Blue" was shown over the public access channel on New York's Manhattan Cable TV. But the program wasn't part of pay-TV programming (public access is a regular cable channel available to anyone), and "Midnight Blue" was taken off the air because of complaints. Now, says a Manhattan Cable executive, "we review the public access channel so that no X-rated or pornographic material gets on."

But as a result of "Midnight Blue," viewers seem to be taking more interest in what Manhattan Cable shows. When it recently programmed a movie called "A Cathouse for Dogs," viewers, suspecting pornography, began phoning in complaints. But the movie really was about cats and dogs.

But sexy movies on TV do have one powerful opponent in New York Congressman John Murphy, who is on the House Communications Committee. "Showing indecent pictures is going to lose cable TV a lot of friends," he warns. Partly because of Mr. Murphy's concern, the Federal Communications Commission is taking an interest in the trend. The agency says, however, that it is hampered in dealing with pornography by a communication act that was written in the 1930s and thus doesn't specifically cover television.

"If a cable operator is originating programming, he could be liable under criminal statutes for airing obscene material," says an agency official. "But the issue is what's obscene? The Supreme Court is unsure and the FCC is unsure."

One reason for the FCC's uncertainty could be that earlier this year it lost its suit in federal appeals court against WBAI, a New York radio station that had played George Carlin's record "Seven Dirty Words You Won't Hear on Radio." The court ruled against the agency's contention that the record shouldn't have been played when there was the likelihood of children listening.

Until the FCC decides what is obscene, several cable systems probably will continue to wax fat from the increased business from blue movies. "We have picked up quite a few subscribers as a result of showing Xs," says Sid Mizukami, general manager of West Hawaii Cablevision.

Ann Arbor Cable, which was in poor financial shape before it began showing X-rated movies, has more than doubled its subscribers to 2,600 in the past six months. And Twin County in Allentown has 1,000 subscribers and has another 5,000 customers waiting to be hooked up.

Of course, there may be some fine distinctions between the nature of X films. Movies like "Last Tango in Paris" have been making the rounds of several pay-TV systems that wouldn't dream of showing such fare as "1001 Danish Delights." But for some pay-TV systems, just an X-rating alone is too tame for their subscribers. Says Coaxial Communications, a pay-TV system in Columbus, Ohio, "We show only pornography."

ROBERT A. GEORGINE HONORED AS "MAN OF THE YEAR"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, on Saturday, May 14, 1977, the Joint Civic Committee of Italian Americans held their annual installation of officers banquet and dinner dance at the Conrad Hilton Hotel in Chicago. Over 1,200 people gathered there to honor Man of the Year Robert A. Georgine, the outstanding president of the Building and Construction Trades Department, AFL–CIO.

At the dais were many outstanding political and civic leaders of our community. Additionally, many distinguished visitors throughout the United States came to pay tribute to Bob Georgine, including prominent labor leaders representing the labor movement in the city of Chicago, the State of Illinois, and the Nation.

The Joint Civic Committee of Italian Americans is an umbrella organization comprised of more than 40 civic organizations in the Chicago area, and among its objectives are charitable, educational, and cultural activities which will best serve the welfare of Americans of Italian extraction and the community at large. One of the most outstanding civic events held in the Chicagoland area, the Columbus Day Parade, is sponsored annually by the Joint Civic Committee of Italian Americans.

I extend my sincerest congratulations to James E. Coli. the JCCIA's president for 1977. Jim did an outstanding job as president of the JCCIA during 1976, and I know that he will continue to render distinguished service during his second term of leadership.

The chairman of the dinner committee included James L. Coli. Jr., Thomas Nayder, and Joseph S. Spingola. The banquet chairman was James Caporale and the committee members included Thomas Crivellone, Peter J. Fosco, and William A. Lee.

In addition to serving as one of the chairmen of the dinner committee, James L. Coli, Jr., who is vice president of the Teamsters Local Union No. 727, also served as master of ceremonies, along with James Caporale, who is secretary-treasurer of the Laborers' District Council.

The National Anthem was performed by Mrs. Rose Cuzzone, the invocation was given by Rev. Armando Pierini, and the installation of officers and executive committee was handled by Justice Philip Romiti of the Illinois Appellate Court. The names of the new 1977 JCCIA officers follow:

JOINT CIVIC COMMITTEE OF ITALIAN AMERICANS—OFFICERS 1977

James E. Coli, president.
Dr. James F. Greco, 1st vice president.
John C. Porcelli, 2nd vice president.
Joseph Tolitano, 3rd vice president.
Jerome Zurla, 4th vice president.
Rudy L. Leone, 5th vice president.
Anthony Morizzo, treasurer.
Charles Carosella, secretary.
Achille J. Chiappetta, sergeant-at-arms.
Anthony Sorrentino, consultant.

President James E. Coli was introduced by Anthony Paterno, president emeritus of the JCCIA, and Mr. Coli, in turn, presented the "President's Awards" to James Caporale, Joseph Spingola, Tony Judge, and Theresa Petrone. Reservations were handled by Marie Palello, and the women's divisions presentations were handled by Norma Battisti and Aurelia Tornabene.

Mr. Speaker, I congratulate Robert A. Georgine on his selection as Man of the Year, and I send him my warmest best wishes as he continues his career of service and example of capable excellence. Bob Georgine's biography follows:

The Joint Civic Committee of Italian Americans is proud to present its 1977 "Man of the Year Award" to Robert A. Georgine, President of the Building and Construction Trades Department, AFL-CIO in recognition for his outstanding contributions as a labor leader and supporter of many civic and humanitarian enterprises.

Robert A. Georgine was born in Chicago on July 18, 1932. He was graduated from DePaul High School and then attended the University of Illinois and DePaul University.

After serving his apprenticeship in Lathers' Local Union #74 in Chicago, he became a journeyman in 1953. A two-year military service with the U.S. Army was spent mostly in Germany in 1955 and 1956. Upon his return to civilian life, he worked his way up through the elected offices in Lathers' Local Union #74.

He was Assistant Business Manager of the Lathing Foundation in Chicago, which promotes activities of the Lathing Industry in 1962 and 1963. The following year, he became International Representative of the Wood, Wire and Metal Lathers' International Union. Later, he served as Assistant to the General President and at the Convention of the Wood, Wire and Metal Lathers' International Union in Vancouver, B.C. in 1970, he was elected General President.

He was elected Secretary-Treasurer of the Building and Construction Trades Department in May 1971 and served in that capacity until June 1, 1974 when he was unanimously elected President of the Department.

He was the first member of the Wood, Wire and Metal Lathers' International Union to serve on the National Joint Board for the Settlement of Jurisdictional Disputes. He is Fiancial Secretary of the Illinois State Council of Lathers and Executive and Fifth Vice President of the Wood, Wire and Metal Lathers' International Union.

He is a member of the Building Research Advisory Board; the National Bureau of Standards Building Technology Advisory Committee; served on the Construction Industry Stabilization Committee; Co-Chairman of the Construction Advisory Committee of the Federal Energy Administration; Member of the Advisory Council on Employee Welfare and Pension Benefit Plans of the United States Department of Labor; Chairman of the National Coordinating Committee for Multiemployer Plans and a Member of the National Institute of Building Sciences.

He is married to the former Mary Rita Greener and they have a son and three daughters.

ANNOUNCEMENT OF HEARINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. PREYER) is recognized for 5 minutes.

Mr. PREYER. Mr. Speaker, I am pleased to announce that the Select Committee on Ethics will hold hearings on Wednesday, May 25, at 9:30 a.m. in room 2141, Rayburn House Office Building, on the Legislative Branch Financial Disclosure Act.

I will be introducing that bill on Thursday, May 19. Hearings will also be held on this legislation on June 2. Members wishing to testify or submit a statement for the RECORD should address their requests to the Select Committee on Ethics, room 3506, House Annex No. 2.

WELFARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CORMAN) is recognized for 5 minutes.

Mr. CORMAN. Mr. Speaker, on April 27, 1977, the Secretary of Health, Education, and Welfare, Joseph A. Califano, Jr., spoke before the Washington Press Club luncheon.

His remarks are important, because they attempt to dispel many of the widespread myths and misconceptions which surround welfare.

As the Secretary indicated, both at the Press Club and before the Public Assistance Subcommittee which I chair, we must develop welfare reform legislation based on the facts, not on myths.

I commend this important statement to my colleagues. It is printed in full below:

REMARKS BY JOSEPH A. CALIFANO, JR.

In a few days from now, President Carter will make his first major statement on welfare since his campaign.

In helping the President prepare for this statement, we have combed the country for suggestions and advice about welfare reform. Meetings and hearings were held throughout the nation. I personally conducted a ten-hour public hearing. I have asked dozens and dozens of people about alternative reform proposals, sat through innumerable briefings, and received hundreds of letters.

I have been surprised and appalled by what I have heard and learned.

I have been surprised at some of the facts about poverty. The gap between the realities of poverty in America and the public perception of the poor population represents one of the major barriers to enactment of effective welfare reform. I have come to appreciate that any welfare reform proposal must rest on excruciatingly difficult choices on which opposing views are often intensely held.

I have also been appalled at the extent to which our present welfare system is anti-work and anti-family. I have come to believe that President Carter understated the matter during the campaign when he characterized the present welfare system as a disagreeful mess.

What the welfare debate in this nation needs is blunt talk about real facts.

Past debates about welfare have too often focused on pernicious myths about the poor in America. These myths have been perpetrated and perpetuated by ignorance, by incoherent and demagogic discussion by public officials, and inadequate reporting by the media. It is imperative that the forthcoming national debate on welfare not focus on phony issues, false choices, or unrealistic expectations that have so clouded past discussions.

At the outset, we must work to dispel the myths and misconceptions concerning the poor and needy that have been, in large measure, responsible for the defeat of past reform measures. The real welfare problem may well be, in fact, the widespread lack of public understanding of what the welfare picture really is—a picture that is complex and inconveniently divergent from our conventional wisdom about it.

Five myths have come to distort public understanding of the poor and welfare.

Myth No. 1—the most pernicious and most widespread—is that people are poor because they don't work and don't want to work, that the welfare rolls are replete with lazy loafers.

The facts are quite different.

Nearly 71 percent of the 26 million poor individuals in the Nation represent people that we do not normally ask to work: children and young people under 16, the aged, the severely disabled, students, or mothers with children under six.

19 percent of the poor population work either full-time or part-time. Thus, 90 percent of poor Americans either work full- or part-time, or are people no civilized society would force to work.

Some 8 percent are women, most of whom have family responsibilities—mothers with children between 6 and 17, or wives.

Only two percent of the 26 million poor people even resemble the mythical welfare stereotype—non-aged, non-disabled males who do not work. And Census figures indicate that most of this group is between 62 and 64, ill, or looking for work.

The facts are that the vast majority of household heads in poverty are working; that nearly a third work full-time, all year around, and still remain poor. The poor are poor, not because they won't and don't work; but because when they do work, they do not earn enough money to lift them out of poverty.

Myth No. 2 is that most of the poor are poor for life—that they represent a permanent stagnant group.

The fact is that the poverty population is extremely fluid—with sizable numbers of people moving in and out of poverty with remarkable frequency. Each year about 7.5 to 10 million people move above the poverty line, and a like number become poor.

Over a six-year period (1967–1972), only 3% of the American population was poor in every one of those six years. More than one-fifth—21 percent—of the American population were poor in at least one of those six years. So while the poverty percentage of the American population hovered around 11 percent during that period, in reality about twice that number of Americans—21 percent—were in poverty for at least one year of that period. Moreover 30% to 40% of those who were poor in any given year are not poor the next year.

Most of the poor are poor, not because of some inherent character flaw or personal failing, but because of events they cannot control. And many of them do, in fact, regain higher incomes and climb back out of poverty.

Myth No. 3 is that the poor are mostly black and nonwhite. The fact is that 69 percent of the American poor are white.

Myth No. Four is that the poor don't know how to spend their money. The evidence we have shows that low-income people spend a somewhat greater proportion—about 88 percent—of their income on food, clothing, housing, medical care and transportation than do people with higher incomes.

Myth No. Five is that many welfare families receive payments that are far too high. The fact is that, in 24 states, the combined benefits of AFDC and Food Stamps total less than three-fourths of the official poverty income level. That level ($5,500 for a family of four in 1975) has increased along with the price level but has not been increased to reflect the changes in consumption patterns which have occurred since 1955.

These five myths distort the welfare debate and obscure the real problems of the current system. There is certainly no need to resort to myths to criticize our persent welfare government assistance programs. These programs—presently costing some $40 billion in Federal funds—sorely need overhaul. There is a good deal of truth in the charge that present programs are anti-work, anti-father, and anti-family.

Many Americans are familiar with the man-in-the-house rule which has been so destructive of family life for decades. But to get a sense of how viciously anti-family and anti-work our present welfare system has become, try these two examples:

In Michigan, a two-parent family with two children, with the father working at the minimum wage, has a total income of $5,678 (including earnings, the earned income tax credit, food stamps and less FICA taxes) and has to pay his own medical bills. By contrast, a single parent family of 4, with a non-working mother on welfare, has a total income of $7,161 (including AFDC, food stamps, and the insurance value of Medicaid).

Should that Michigan mother decide to go to work at the minimum wage, her income rises to $9,530 (including earnings, the earned income tax credit, AFDC food stamps and the insurance value of Medicaid, less FICA taxes).

The quickest way for that working father to increase his family's income under the Michigan welfare system is to leave his family.

Or take a family in Wisconsin where the father can make more money working half-time than full-time. Wisconsin's welfare system covers two-parent families.

Thus, a family of four, with the father working half-time at the minimum wage, has a total income of $8,628 (including earnings, the earned income tax credit, AFDC–UF, food stamps, and the insurance value of Medicaid less FICA taxes).

But that father had better not go to work full-time or his income will drop by some $3,000. If he works full-time in Wisconsin at the minimum wage, his income is reduced to $5,691 (including earnings, earned income tax credit, food stamps, and less FICA taxes). He loses his AFDC–UF payments and his medicaid coverage.

As outrageous as these examples are, there are no simple solutions for dealing with welfare. The tradeoffs involved in designing welfare reform are tough, the choices are hard.

How do we set benefits at adequate assistance levels and introduce an overriding incentive to work?

What is the trade-off between fiscal relief and adequate benefits?

How rapidly should benefits be reduced as earnings rise? As the incentive to work increases, the program's cost and coverage rises rapidly.

Who should be eligible?

Which recipients should be required to work? To what degree, if any, should the Government compel mothers with small children to work?

Should public jobs be guaranteed? If so, to whom: single, or two-parent, families with children over 6? 12? 16? or 18?

I believe welfare reform is politically possible. But political consensus requires an end to the widespread acceptance of myths about the poor. I hope the vigorous debate in the months ahead will be based on a realistic understanding of poverty in America and on realistic expectations of what Government can do to ameliorate poverty's brutal impacts.

As the discussion continues between Congress, the States localities, and the Administration, I believe we can develop a welfare system that is efficient, fair, and compassionate—a system of jobs and assistance in the tradition of President Carter's campaign promises to reform welfare to reflect the good sense and common decency of the American people.

CONGRESSMAN AuCOIN INTRODUCES SILETZ RESTORATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. AuCoin) is recognized for 5 minutes.

Mr. AuCOIN. Mr. Speaker, it is my privilege today to join the distinguished senior Senator from Oregon (Mr. HATFIELD) in reintroducing legislation to restore the Confederated Tribes of the Siletz to federally recognized status, ending the devastating limbo in which the tribe and its members have endured since August 13, 1954, when the tribe was terminated.

The legislation I am introducing in the House today is significantly different and substantially tighter than the bill I introduced in the 94th Congress. Much of the credit for this must go to the Siletz Indians who, patiently but persistently, have been willing to compromise in order to realize these objectives:

To qualify for education, health, and special program benefits provided by the Federal Government for federally recognized tribes; and,

To regain cultural identity that will enhance the Siletz Indians' ability to help themselves.

Before I detail the differences between the bill I am introducing today and the previous legislation, I would like to state why I am compelled to take this initiative on behalf of the Siletz people.

Termination was formal tribal status declared in 1953 to be the long-range goal of Federal Indian policy. It meant that the trust relationship which existed between the Government and the various Indian tribes would be ended. The Government would no longer be responsible for the social and economic well-being of individual Indians, and tribal governments would be dismantled.

The Siletz tribe was terminated—as were others—with little real thought and even less planning. Much-needed services were withdrawn at a time when the Indians were ill-equipped and ill-prepared to cope successfully with the mainstream of society.

This policy is now seen by nearly everyone as a disaster.

In Lincoln County, Oreg., where the majority of the Siletz Indians are located, termination has had a startling adverse impact. Unemployment among Indians has reached as high as 44 percent. The median family income is $3,300 a year. As many as 40 percent of the Siletz Indian children do not finish school. Roughly 70 percent of Siletz children come from broken homes. On top of this, there is evidence of nutritional, health, dental, and sight problems far in excess of the ratio these problems are found among the Oregon non-Indian population. In short, the Siletz are a classic example of the battered American Indian, displaced and disoriented in society, set adrift from his cultural heritage, downtrodden, and discouraged.

There is no easy solution to this ravage. It is the legacy of generations of neglect and misguided policies. It may take years or even decades to reverse. The bill I am introducing is not a panacea for these ills. It represents only a beginning. But it is an important beginning, because it represents a change in attitude toward the Siletz, a change that will clear away obstacles to allowing tribal members to regain their rights and their sense of integrity.

The Siletz have made requests that are modest and reasonable. But from the beginning, the legislation to restore their tribal status has been under siege from those who claim it creates a separate nation within the nation, yields hunting and fishing rights and benefits not enjoyed by non-Indians, is discriminatory in nature and will lead to increased tension between Indians and non-Indians. In recognition of these and more technical concerns, I have made every attempt to revise this legislation in order to assure it succeeds only in achieving the two basic goals I have mentioned.

The major change I have made is to separate the issue of tribal restoration from recreation of a reservation. Removal of provisions to create a reservation should make it even more abundantly clear that this legislation will not and cannot grant special hunting and fishing rights to the Siletz.

Establishment of a small reservation to include an ancestral burial ground and, someday, a community center, remains an aspiration of the Siletz people. My bill introduced today speaks to that aspiration by providing guidelines as to how and when a reservation could be created. But it would take a separate act of Congress to create a reservation.

There also have been other, relatively minor changes. Election procedures have been tightened and membership in the tribe has been clarified. Under this legislation, only those would qualify who were on the final tribal roll published on July 20, 1956; were eligible to be included on that roll but were not, or are descendants of anyone on the roll or anyone eligible to be on the roll. This approach prevents any possibility, however remote, of restoring tribes other than the Confederated Tribes of Siletz.

I believe these changes improve the bill markedly. My colleague in the Senate, Senator HATFIELD, agrees and intends to introduce identical legislation. The Siletz people, in the spirit of compromise and in keeping with their basic objectives, also have agreed to the changes.

As did the previous bill, this legislation makes clear that it does not confer any special hunting or fishing rights to the Siletz Indians. None is intended, and none is provided, directly or indirectly. In addition, the bill confers no special procedural rights to the Siletz in pressing any claims.

In my campaign for reelection last year, this legislation was an issue that was hotly debated. My opponent criticized me for introducing this measure. He said it gave the Siletz Indians special treatment. He also said it raised the spectre of broadening the already broad Indian/non-Indian fishing rights battle that has engulfed the Pacific Northwest. And, he said there were simpler ways to assist the Siletz short of restoring their federally recognized tribal status.

I disagreed with that and said so repeatedly on the campaign trail. I made it very clear to my constituents that if reelected I would reintroduce this legislation with the changes I have described.

I told my constituents I supported this bill, because it addresses a need in both a short-term and long-term way. It speaks to immediate assistance to the Siletz in the form of increased benefits. It speaks to a long-term solution to their plight by reestablishing for them a tribal identity so important if Indians are to be able to help themselves solve their overwhelming social and economic problems.

But perhaps most important is that this legislation does no more to assist the Siletz than might be done to aid a community stricken by decay and fading expectations. We have created a Neighborhood Policy Commission to examine neighborhood problems and propose cures. We have passed the Housing and Community Development Act which provides large sums to regenerate communities. Why, then, should there be any reluctance to lend a hand to the Siletz, a community of people in the truest sense of the word?

The Federal Government's termination policy in the 1950's was no answer to the troubles of this small community on the rainy coast of Oregon. Claiming the time had come for Indians to take their place in the white man's world was little more than an intolerant ultimatum demanding that the Siletz assimilate or sink. Tragically, the Siletz were left to sink.

Now it is time to reacknowledge our former trust relationship with the Siletz, to perform our duties and discharge our responsibilities. We should remove obstacles preventing them from coping effectively with their problems. And we should recognize their special identity, because in so doing we give them what they want and need most—the right to be distinct, the right to be linked firmly and directly with their own special heritage.

I plead the case of the Siletz people in this legislation, because it is the essence of justice, not only because of its fundamental rightness, but because of its practicality in solving real problems in realistic ways.

ANNUAL MEETING OF FORMER MEMBERS OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 5 minutes.

Mr. BRADEMAS. Mr. Speaker, on Thursday and Friday, May 19 and 20, 1977, there will be held here in Washington, D.C., the Seventh Annual Spring Meeting of the organization known as "Former Members of Congress."

This organization, composed of our former colleagues, the House of Representatives and Senate, has fashioned a most impressive program.

Former President Gerald R. Ford, former Senator Sam J. Ervin, Jr., AID Administrator John J. Gilligan, U.S. Human Rights Commission Representative Allard K. Lowenstein, Secretary of Agriculture Robert Bergland, Ambassador John Sherman Cooper, political columnists David Broder and Jules Witcover, Dr. Harlan Cleveland, director of the Aspen Institute for Humanistic Studies, and Dr. Everett Kleinjans, president of the East-West Center, will all address the meeting.

Mr. Speaker, I insert the agenda for the meeting at this point in the RECORD:

AGENDA: SEVENTH ANNUAL SPRING MEETING, FORMER MEMBERS OF CONGRESS

THURSDAY, MAY 19, 1977

9:00–9:30 a.m., Coffee, Cannon Caucus Room.

9:30–10:00 a.m., "Agricultural Prospects and Policies," Hon. Robert Bergland, Secretary of Agriculture.

10:00–10:30 a.m., "Reflections on the Status of the German Democratic Republic," Ambassador John Sherman Cooper.

10:30–11:15 a.m., "Is Foreign Aid Passe?" Hon. John J. Gilligan, Administrator, A.I.D.

11:30–12:15 p.m., House Floor proceedings. Report to the Congress.

12:30–12:45 p.m., "Greetings"—Hon. Gerald R. Ford, Cannon Caucus Room.

12:45–1:30 p.m., Luncheon. Cannon Caucus Room.

1:30–2:00 p.m., "Report on the U.N. Human Rights Commission"—Hon. Allard K. Lowenstein, U.S. Representative to the Human Rights Commission.

2:00–2:30 p.m., "Why Grow Old in America?" Dr. Robert N. Butler, Director, National Institute on Aging, NIH.

2:30–5:30 p.m., Optional tour of Library of Congress led by Hon. Gilbert Gude, Director, Congressional Research Service.

5:30–7:00 p.m., Seventh Annual Congressional Reception honoring Members of Congress, the Great Hall, Library of Congress.

FRIDAY, MAY 20, 1977

10:00 a.m.–12:00 noon, Panel Presentation: David Broder, "The Washington Post"; Jules Witcover, Syndicated columnist; John Wallach, Hearst White House Correspondent; Dan H. Fenn, Jr., Moderator, Senate Caucus Room.

12:00–1:30 p.m., Luncheon–Senate Caucus Room "Trans-Atlantic Relationships in Global Perspective"—Hon. Harlan Cleveland, Director, Aspen Institute of Humanistic Studies.

2:00–3:30 p.m., FMC business meeting, Senate Caucus Room.

3:30–7:30 p.m., Free time.

7:30–8:00 p.m., Reception, Skylight Lounge, top of the Washington Hotel.

8:00–9:30 p.m., Banquet, The Washington Room, the Washington Hotel, "Pacific Prospects", Dr. Everett Kleinjans, President, East-West Center.

LEGISLATION PROVIDING FOR APPOINTMENT OF SPECIAL PROSECUTOR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. HOLTZMAN) is recognized for 15 minutes.

Ms. HOLTZMAN. Mr. Speaker, yesterday I introduced a bill to provide for the appointment of a special prosecutor when highly placed Federal officeholders, including Members of Congress, are accused of certain serious crimes—abuse of office, election law violation, obstruction of justice, perjury, or defrauding the United States.

Watergate made painfully clear the importance of a special prosecutor when high Government officials are charged with crimes. No Attorney General can seriously investigate the President who appointed him and the public would have legitimate questions about his investigation of other high political appointees.

Neither can we be sure that political considerations will be avoided in cases involving Members of Congress. Perhaps, when we have a President of one party and a Congress of another, this will not be the case. When, however, the administration and the Congress are of the same party, the question may arise, as it has in connection with the so-called Korean investigation, whether the law will be fully enforced against important Members of Congress.

Whether a thorough investigation can take place in such instances is beside the point. The criminal justice system should be insulated not only against the actuality of political influence but the appearance of such influence as well.

A special prosecutor who is appointed by a court to investigate serious charges involving important executive officials and Members of Congress would do much to restore credibility to our criminal justice system. The public is entitled to know that there is not a dual standard of justice and that our laws will be enforced equally against those who are powerful as well as those who are not.

Except for the inclusion of Members of Congress within its coverage, the bill I have introduced is virtually identical to the bill reported last year by the Criminal Justice Subcommittee of the House Judiciary Committee.

The major provisions of the bill are as follows. If the Attorney General receives an allegation involving the commission of a serious crime by the President, Vice President, Cabinet officers, some specific sub-Cabinet official, people above level IV of the Executive Schedule in the White House, the Director of the FBI and CIA, or Members of Congress, he must apply to a special division of the District of Columbia Court of Appeals for appointment of a special prosecutor unless he files a memorandum with the court within 60 days saying that the claim cannot be substantiated. If no memorandum is filed, the court then appoints an individual to be a special prosecutor to investigate the allegation.

Each special prosecutor appointed must make public reports from time to time and, must report to the Congress at least once a year. When the special prosecutor has completed his work, he must file a final report with the court that details his work and describes the disposition of all cases brought as well as reasons for not prosecuting any matter within his jurisdiction. The court may release such portions of this report as it deems appropriate but, before doing so, it must allow any persons named a chance to file a response to be included as an appendix to the published report.

This provision will require future special prosecutors to provide much more information than that afforded by the Watergate Special Prosecutor's report. The American people will then not have to await best sellers by the investigators or television interviews with the investigated to obtain sufficient information upon which to determine whether justice was done by the specal prosecutor.

I urge passage of this bill.

BILLIONS MORE FOR MILITARY SPENDING; MILLIONS LESS FOR WESTERN WATER AND RURAL LIFE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wyoming (Mr. RONCALIO) is recognized for 5 minutes.

Mr. RONCALIO. Mr. Speaker, America's western rural citizens are irate about the impending loss of mail deliveries on Saturdays, and the proposed increase in postage rates. The West has already been called upon to do without millions in water storage and irrigation projects. Yet we are told that we can afford billions for dubious military weapons and the dubious B–1 bomber which is still not up to specifications after spending millions of dollars on prototypes. A pattern is emerging of billions more for military spending and millions less for western water and rural lifestyles.

When Postal Service does not seek congressional approval before cutting back deliveries, the Service is inviting our intercession. The mail system was organized to serve the public and is subsidized by public funds. A decision to drastically reduce its services should be made by representatives of that public. The report of the Commission on Postal Service should not be used as a rationale for unilateral action on the part of the Postal Service. Action should be suspended until the President and the Congress have had time to review its recommendations and develop appropriate action.

The Postal Service is also considering the reinstatement of its former policy of gradually reducing the number of post offices in rural communities. Its justification is that rural letter carriers go down almost every rural road in the country selling stamps and delivering mail. In the same breath, the Service states that those carriers will not be going down those streets from Friday through Monday. Even if they continued their 6-day routes, however, it does not justify closing small post offices. Many customers are not at home to meet their carrier. Customers mail many large packages. General delivery customers and post office box patrons prefer to collect their mail at the office for security, business, or personal reasons.

Rural Americans strongly oppose the loss of their post offices not only due to the obvious inconvenience, but because these institutions have an important social significance.

The Commission recommended that if 5-day delivery is effected, window service should be available on the day mail is not delivered. If the Postal Service closes the post offices, how in the name of reasonable thought, will window service be available on that day?

The Commission also stated that small post offices should not be closed merely for economic reasons, citing that post offices provide major Government services and closing them because it costs too much to keep them open is not a fair return to the rural taxpayer. In fact, more convenient post offices and postal station hours and locations are recommended. The concept of public service obliges the Postal Service to locate offices for the convenience of customers rather than for the most economical handling of the mails. Obviously, highly selective tactics were used to decide which Commission recommendations would be accepted.

As the report further states, the public is somewhat prepared to accept 5-day delivery increases in place of rate or appropriation increases. Now, however, at the same time Congress is to practically double public funding, the Postal Service intends to reduce the services provided that public. To ask more funds and provide less service is to add insult to injury.

Elimination of mail delivery on Saturday would mean that a double volume of mail must be delivered on Monday. Five times a year, when a national holiday falls on a Monday, carriers would have 3 days of mail to deliver in one trip. It would take the rest of the week to deliver the backlog.

This proposal deals many blows to rural communities. In addition to losing their post offices, rural citizens would be more affected by the reduction in delivery days than any other population group. Farmers rely on delivery of agriculture reports to keep abreast of market developments. Interpersonal communications are less frequent, and the arrival of the rural carrier is eagerly anticipated by his customers, especially senior citizens who rely on the mails as a primary source of contact with other people. The value of the social and intellectual communications carried on through the mails is immeasurable. Elimination of Saturday mail would also eventually mean fewer rural routes and increased unemployment for rural carriers.

Finally, the Commission's report gives "dependability of timely delivery" as the primary service objective of the Postal Service. The American people rated dependability of service higher than fast delivery or lower costs. It can only be left to the imagination how this objective can be met by closing post offices and eliminating a day's delivery.

The Postal Service should serve all of the Nation with reasonably equal access to postal services. Congress should enact legislation to stop the dismantling of America's postal system and to prohibit such irresponsible actions by a "semi"-independent corporation that is in fact dependent upon taxpayer dollars.

CONGRESSIONAL REVIEW OF EXECUTIVE ACTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia, (Mr. LEVITAS) is recognized for 5 minutes.

Mr. LEVITAS. Mr. Speaker, I wish to call to the attention of my colleagues section 1013, beginning on page 743, of "Jefferson's House Rules Manual, 95th Congress" which lists the many laws providing various procedures whereby Congress has reserved to itself the right to review, by approval or disapproval, certain actions of the executive branch or the independent agencies, and, in one case, rules of evidence recommended by the Supreme Court.

I commend the Parliamentarian for his diligence and service to the House in making this compilation.

This section, numbering 119 pages in the "Manual," is significant inasmuch as it is a thorough compilation of the large number of precedents thus far set for congressional review of Executive actions, and presents a strong argument against those who contend that when Congress delegates authority to the executive branch, that delegation is absolute until Congress enacts legislation changing the law. This compilation makes it clear that Congress has repeatedly reserved to itself the right to review Executive actions and has exercised that right.

Moreover, this list serves to illustrate the need for uniform consideration of various congressional review mechanisms attached to laws of equally varied subject matter. The "Manual" categorizes the congressional review procedure as follows:

First, those in which the resolution must be acted upon by either or both Houses and which are privileged under certain conditions for consideration—17 laws contain one or more provisions which fall within this category,

Second, those in which the resolution must be acted upon by either or both Houses but which must be considered under regular House procedure, there being no special privilege attached to their consideration—25 laws contain provisions falling within this category; and

Third, those in which the resolution need only be acted upon by designated committees of either or both Houses—nine laws contain provisions in this category.

In addition, the procedures set forth in these provisions are varied. They may require a simple, concurrent or joint resolution of disapproval or approval, either within a specified time period or whenever either or both Houses choose to act.

Mr. Speaker, the support for congressional review of Executive actions within the 95th Congress is most impressive. To date, over 150 Members of the House have joined me in sponsoring three bills I have introduced (H.R. 959, H.R. 960, H.R. 961), each of which provide for congressional veto of administrative rules and regulations. This list of cosponsors is growing every day.

The broad support for these bills is based on the realization that the issue is a simple one: "Who makes the laws in this country? The elected Congress or the unelected bureaucracy?"

Also, I hope that both the need to establish some sort of uniformity in congressional review procedures, as well as the strong support in the House for these bills, which provide for uniform congressional consideration of administrative rules and regulations, will inspire the Rules Committee and Judiciary Committee, which have joint jurisdiction, to proceed expeditiously in considering this matter.

The American people know that the vast Federal bureaucracy has become an unelected, fourth branch of Government which exercises its frequently unresponsive power through the promulgation of a flood of rules and regulations. The power of congressional veto reserves to the elected Congress the right to curb that administrative rulemaking power when it is abused, excessive or exceeds congressional intent. If we fail to act on this important issue, we will not have responded to the public's desires and the public interest.

Mr. Speaker, I am submitting a list of the present cosponsors of these bills. As can be noted, these Members are not from one political philosophy, but cross ideological and partisan lines, as well as representing nearly all the 50 States:

COSPONSORS OF CONGRESSIONAL VETO BILLS
(H.R. 959, H.R. 960 AND H.R. 961)

Mr. Alexander of Arkansas.
Mr. Ammerman of Pennsylvania.
Mr. Anderson of California.
Mr. Andrews of North Dakota.
Mr. AuCoin of Oregon.
Mr. Badham of California.
Mr. Barnard of Georgia.
Mr. Baucus of Montana.
Mr. Bauman of Maryland.
Mr. Beard of Rhode Island.
Mr. Benjamin of Indiana.
Mr. Bennett of Florida.
Mr. Bevill of Alabama.
Mr. Blanchard of Michigan.
Mr. Blouin of Iowa.
Mr. Bonior of Michigan.
Mr. Bowen of Mississippi.
Mr. Breaux of Louisiana.
Mr. Breckenridge of Kentucky.
Mr. Brinkley of Georgia.
Mr. Brodhead of Michigan.
Mr. Brown of Ohio.
Mr. Broyhill of North Carolina.
Mr. Burgener of California.
Mr. Butler of Virginia.
Mr. Carr of Michigan.
Mr. Cavanaugh of Nebraska.
Mr. Chappell of Florida.
Mr. Clausen of California.
Mr. Cleveland of New Hampshire.
Mr. Cochran of Massachusetts.
Mrs. Collins of Illinois.
Mr. Corcoran of Illinois.
Mr. Coughlin of Pennsylvania.
Mr. D'Amours of New Hampshire.
Mr. Dan Daniel of Virginia.
Mr. Robert Daniel, Jr. of Virginia.
Mr. Davis of South Carolina.
Mr. Derwinski of Illinois.
Mr. Devine of Ohio.
Mr. Dornan of California.
Mr. Downey of New York.
Mr. Duncan of Oregon.
Mr. Edwards of Oklahoma.
Mr. Eilberg of Pennsylvania.
Mr. Emery of Maine.
Mr. English of Oklahoma.
Mr. Evans of Georgia.
Mr. Evans of Indiana.
Mr. Fish of New York.
Mr. Fithian of Indiana.
Mr. Flowers of Alabama.
Mr. Flynt of Georgia.
Mr. Fountain of North Carolina.
Mr. Frenzel of Minnesota.
Mr. Fuqua of Florida.
Mr. Gephardt of Missouri.
Mr. Gilman of New York.
Mr. Ginn of Georgia.
Mr. Glickman of Kansas.
Mr. Goldwater of California.
Mr. Gradison of Ohio.
Mr. Grassley of Iowa.
Mr. Gudger of North Carolina.
Mr. Guyer of Ohio.
Mr. Hannaford of California.
Mr. Hefner of North Carolina.
Mr. Heftel of Hawaii.
Mr. Hightower of Texas.
Mr. Hollenbeck of New Jersey.
Mrs. Holt of Maryland.
Mr. Hubbard of Kentucky.
Mr. Huckaby of Louisiana.
Mr. Hughes of New Jersey.
Mr. Hyde of Illinois.
Mr. Ireland of Florida.
Mr. Jacobs of Indiana.
Mr. Jeffords of Vermont.
Mr. Jenkins of Georgia.
Mr. Jenrette of South Carolina.
Mr. Jones of Tennessee.
Mr. Kemp of New York.
Mr. Ketchum of California.
Mrs. Keys of Kansas.
Mr. Kildee of Michigan.
Mr. Kindness of Ohio.
Mr. Krebs of California.
Mr. LaFalce of New York.
Mr. Lagomarsino of California.
Mr. Leach of Iowa.
Mr. Lent of New York.
Mr. Lloyd of California.
Mrs. Lloyd of Tennessee.
Mr. Long of Louisiana.
Mr. Lott of Mississippi.
Mr. Luken of Ohio.
Mr. McDonald of Georgia.
Mr. Mann of South Carolina.
Mr. Martin of North Carolina.
Mr. Mathis of Georgia.
Mr. Mazzoli of Kentucky.
Mrs. Meyner of New Jersey.
Ms. Mikulski of Maryland.
Mr. Milford of Texas.
Mr. Mineta of California.
Mr. Mitchell of Maryland.
Mr. Moakley of Massachusetts.
Mr. Mollohan of West Virginia.
Mr. Moore of Louisiana.
Mr. Moorhead of Pennsylvania.
Mr. Murphy of Pennsylvania.
Mr. Myers of Indiana.
Mr. Neal of North Carolina.
Mr. Nedzi of Michigan.
Mr. Nolan of Minnesota.
Mr. Nowak of New York.
Mr. Patterson of California.
Mr. Pepper of Florida.
Mr. Pressler of South Dakota.
Mr. Preyer of North Carolina.
Mr. Price of Illinois.
Mr. Pritchard of Washington.
Mr. Quayle of Indiana.
Mr. Rahall of West Virginia.
Mr. Regula of Ohio.
Mr. Robinson of Virginia.
Mr. Rose of North Carolina.
Mr. St Germain of Rhode Island.
Mr. Santini of Nevada.
Mr. Scheuer of New York.
Mr. Sharp of Indiana.
Mrs. Spellman of Maryland.
Mr. Steers of Maryland.
Mr. Stockman of Michigan.
Mr. Studds of Massachusetts.
Mr. Stump of Arizona.
Mr. Traxler of Michigan.
Mr. Trible of Virginia.
Mr. Volkmer of Maryland.
Mr. Waggonner of Louisiana.
Mr. Walker of Pennsylvania.
Mr. White of Texas.
Mr. Whitehurst of Virginia.
Mr. Whitley of North Carolina.
Mr. Wilson of Texas.
Mr. Winn of Kansas.
Mr. Wirth of Colorado.
Mr. Wydler of New York.
Mr. Yatron of Pennsylvania.
Mr. Zeferetti of New York.

ENVIRONMENTALIST CASTS UNWARRANTED SLUR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. VAN DEERLIN) is recognized for 5 minutes.

Mr. VAN DEERLIN. Mr. Speaker, in this morning's Washington Post, an ugly side of the environmentalist lobby is revealed, for all to see.

Last March, as many of our colleagues will recall, a delegation of 173 women associated with the tuna industry came to Washington, to petition for relief from onerous regulations. For several days, these ladies visited congressional and executive offices, urging legislative or administrative actions that would encourage the tuna fleet to put back to sea.

Petitioning the Government, of course, is a constitutional right of every citizen.

But this time the circumstances were especially poignant, since Federal controls intended to protect the porpoise were threatening the continued existence of this great industry.

But according to the Post, one Toby Cooper, of the Defenders of Wildlife, was notably unimpressed.

He is quoted as saying the lobbying effort "backfired." And then he goes on to rub in the salt.

"They came across like upper middle income hussies with their spangled jewelry—not like poor fishermen's wives," said Mr. Cooper, in a quote which he told my office this morning is essentially correct as published.

Now I realize he does not speak for all environmentalists—and, indeed, Mr. Cooper's views are rendered suspect by his admission that he did not actually meet any of the San Diego delegation.

I trust that Mr. Cooper chose his terminology without regard to the dictionary definition of hussy—"a lewd or brazen woman." Whatever his meaning, it was a gratuitous slur—as well as a cruel and ironic misrepresentation of the hardships many of these women have faced.

Undeniably, a few who came to Washington are wed to relatively affluent boatowners. But also in the group were many fishermen's wives and—saddest of all—about 20 cannery workers who felt their jobs were on the line. People like Eloise Fair, Tami Malocary, Beatrice Avino, Antoinette Giacolone, Lupe Kirby, Maria Salcedo, and Isobel Urtasun. Those who are still working are down to 4 days a week on the job, as the canneries continue cutting back. Even in good times, a cannery worker's budget does not allow for much jewelry, certainly not enough to dazzle a worldy environmentalist.

Most of the other women married fishermen, not owners. When he is working, a tuna fisherman makes about $20,000. Not bad, but hardly in the limousine category.

Even the well-off members of the group did not get that way because it was handed to them. Typically, acquisition of an expensive boat comes only after years of work and sacrifice—an experience shared no less by the women who wait at home while the fishermen are at sea. Not surprisingly, they are concerned about losing their life's investment—and it can cost up to $5,000 a day to have a superseiner tied up in port when it could be out fishing if regulations permitted.

Mr. Speaker, I am willing to stand on my voting record in support of legitimate environmentalist causes. But I want no part of the snobbery or elitism which sometimes manifests itself in these circles. And I continue to hope we can resolve the tuna-porpoise controversy without resort to rhetorical cheap shots.

F. EDWARD HÉBERT—"LAST OF THE TITANS"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. WAGGONNER) is recognized for 15 minutes.

Mr. WAGGONNER. Mr. Speaker, when F. Edward Hébert, the highly respected and beloved dean of the Louisiana congressional delegation, retired from office last year, the Congress lost one of its greatest statesmen. Truly, Eddie Hébert has been accurately described as "the Last of the Titans."

In the 36 years Eddie served his State and Nation in the House, he made his mark on the legislative history of this country. He was a national leader in the truest sense, but he never forgot the people back home and the State he loved so much. Nor in all his years of service was he ever tainted by the slightest hint of scandal.

It is fitting for him to have been honored by the Louisiana State Legislature for "having demonstrated that elected officials can and do serve their constituents in the best tradition of American democracy." Recently the State legislature passed House Concurrent Resolution Number 24, honoring Eddie for his years of dedicated public service. In part, it praised Eddie for his strong position on national defense which "has exemplified the true meaning of the American spirit by maintaining an unwavering stance in the face of vacillating attitudes and flagging morality."

Of all men, this can honestly be said of Eddie Hébert, he put the best interest of his country above all other considerations. In the words of the resolution, his having been here "has left us all with a sense of gratitude and pride that such men walk amongst us."

For the benefit of all our many colleagues who call Eddie Hébert "friend," and I proudly claim that distinction, I include the complete text of the legislative resolution honoring him following my remarks.

RESOLUTION

A Concurrent resolution to express the sentiments of the members of the legislature with respect to the Very Honorable F. Edward Hébert, distinguished public servant of the State of Louisiana

Whereas, in a generation that has experienced the disappointment of improprieties on the part of those few who have abused the power of elected public office, there exists a basic doubt of the sincerity and the motivation of elected public officials; and

Whereas, the state of Louisiana is fortunate to have had the services of one such individual for many years, an individual who is more than deserving of such recognition, the Very Honorable F. Edward Hébert, who has only recently removed himself from public service by choosing not to seek an unprecedented nineteenth term as a representative to the Congress of the United States from the First District of Louisiana; and

Whereas, in a day when it was politically unfeasible to publicly inquire into the sometimes distasteful aspects of government he acquired for himself a national reputation as the toughest, but the most fair and impartial, of congressional investigators, a conscientious continuation of his career as a political reporter and columnist whose exposes of political corruption vaulted him into elective office and who always referred to himself as "a reporter on sabbatical leave"; and

Whereas, he served a record thirty-six years as the representative of the people of the First Congressional District of the state of Louisiana and the Congress of the United States, the only Louisianian ever elected to public office that many times, and his standing of fifth in House seniority is the highest ever achieved by a Louisianian and because of his many years of service, Congressman Hébert has the unique distinction of having served in the House and on the same committee with three presidents; and

Whereas, that gentleman and statesman, through the arduous course of those eighteen congressional terms, the incumbencies of seven presidents, World War II, Korea, and Vietnam, the threat of global nuclear war, social unrest and upheaval, and lastly the demands of nature upon the physical being that embodies his dauntless spirit, has exemplified the true meaning of the American spirit by maintaining an unwavering stance in the face of vacillating attitudes and flagging morality; and

Whereas, his devotion to his state and his belief in the destiny of our nation is rooted in his basic philosophy of individualism and the history of his exploits is mirrored in his own statement:

"We were born in an era of rugged individualism where our sole weapons were our brains and our hands. The extent to which we used them was limited only by our desire and ability."

Therefore, be it resolved by the House of Representatives of the Legislature of the state of Louisiana, the Senate thereof concurring, that the legislature does hereby officially record the respect and appreciation accorded the Very Honorable F. Edward Hébert by the members of this honorable body and the citizens of the state of Louisiana and of the United States upon the occasion of his retirement from a public service career that has left us all with a sense of gratitude and pride that such men walk amongst us.

Be it further resolved that the legislature does extend to Congressman Hébert the highest accolades of this body for his having served as an example to those who come after him of the true meaning of public service, having demonstrated that elected officials can and do serve their constituents in the best tradition of American democracy.

Be it further resolved that the legislature and the citizens of the state of Louisiana do also hereby extend to the Very Honorable F. Edward Hébert their best wishes as now free from the pressures of public office he may devote himself to the tranquility of family life he so richly deserves.

Be it further resolved that a copy of this Resolution be transmitted to the Very Honorable F. Edward Hébert, retired congressman from the First Congressional District, the Honorable Edwin W. Edwards, his colleague in Congress, and to Mrs. John Malcolm Duhe, Jr., his daughter, for safekeeping on behalf of his grandchildren.

ROMANIA AND HUMAN RIGHTS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, many of my colleagues have been expressing their concern about the need to emphasize the importance of human rights in many areas of our foreign policy. Today the question of military aid for countries with repressive governments will be debated in this House, and I will not elaborate at this time on the need to eliminate our military commitments to nations who repress their own populations. I have made my concern known on that subject through my successful amendment last year to cut off military aid to Uruguay, because of that country's brutal treatment of its own citizens. Tomorrow I will be offering a similar amendment in subcommittee to the foreign assistance appropriations bill to deny Nicaragua American economic and military assistance, because of that government's dictatorial and brutal policies.

Today I would like to draw attention to the allegations of human rights problems in Romania, the only Eastern European country which receives most-favored-nation treatment under the terms of the Jackson-Vanik amendment of 1974. Along with 52 of our colleagues, Representative Robert Drinan, Representative Christopher Dodd, and I today sent a letter to the President, asking him to investigate the human rights situation in Romania carefully before recommending a new 1-year extension of most-favored-nation treatment for Romania. We have asked the President to look into the recent precipitous decline of emigration visas approved by Romania, the alleged harassment of applicants for emigration, the recent crackdown on Romanian dissidents, and the allegations of repressive measures taken against minority groups in Romania, including 2.5 million Hungarians.

In June, President Carter will be making his recommendations concerning the extension of most-favored-nation treatment for Romania for the year beginning July 3, 1977. Under the terms of section 402 of the Trade Act of 1974, most-favored-nation tariff status, Import-Export Bank credits, and other commercial benefits available to trading partners of the United States may not be extended to a "nonmarket economy" nation such as Romania, if that nation denies its citizens the right to emigrate or otherwise infringes on human rights.

Under the terms of section 402, the President may recommend a waiver of the free emigration requirements and an additional 1-year extension of MFN where he receives assurances that the emigration practices of the country will "henceforth lead substantially to the objectives of this section." Congress may agree to the extension before July 3, or, during a 60-day period following July 3, 1977, either House of Congress may adopt a resolution of disapproval which would deny MFN to Romania.

Regrettably, figures compiled by the staff of the Trade Subcommittee of the Ways and Means Committee, which has been monitoring Romanian emigration, show that there has been a substantial drop during the past year in the numbers of emigration visas allowed by the Romanian Government. Although Romania issued 1,054 visas for emigration to the United States during the first 9 months of fiscal 1976, only 715 visas to the United States were issued during the same period this year—July through March 1977. For emigration to Israel 2,157 were issued during the first 9 months of fiscal 1976, but in the most recent 9 months this figure dropped to 1,146.

In our opinion, this year's Romanian record in emigration has been disappointing and inadequate. We are also disturbed by reports of abuse and harassment of dissidents in Romania and serious charges that the Hungarian language minority is being systematically isolated and subject to discrimination.

The recent crackdown on a number of dissidents in Romania was well documented in the press, including the arrest and subsequent release of writer Paul Goma, allegedly for having circulated a petition criticizing Romania for not complying with the human rights requirements of the Helsinki agreement. As for the repression of the Hungarian minority, serious allegations continue to be made that the Romanian Government has frustrated the exercise of fundamental cultural, religious, and language rights by the Hungarian population and other minorities. Last fall I presented a copy of the Romanian statute that provides that 35 students are required to have a school class section conducted in a minority language such as Hungarian, while only three students were required to have a section taught in Romanian. I have still not received an answer in writing from the Romanian Government as to the reason for or the accuracy of this Romanian law. In my opinion, such a distinction would be clearly discriminatory.

In our letter to President Carter, we have not indicated our disapproval of most-favored-nation treatment for Romania, but we have asked that the President clearly ascertain that Romania is taking seriously its commitments to human rights both under the MFN agreement and under various international covenants which Romania has signed, such as the U.N. Convention on Human Rights and the Helsinki Accords.

Along with 33 other colleagues, Representative Drinan, Representative Dodd, and I are also reintroducing House Resolution 37, which calls on the President and the Commission for Security and Cooperation in Europe to study and report to Congress on the emigration record of Romania and the allegations of poor treatment of minority groups in Romania.

I am appending a copy of the letter to the President and a list of the signers of the letter:

House of Representatives,
Washington, D.C., May 18, 1977.

Hon. Jimmy Carter,
President of the United States, The White House, Washington, D.C.

Dear Mr. President: One element of your announced policies which has met with almost unanimous approval in both Houses of Congress is your principled stand on the role of human rights in our foreign policy. We would like to call your attention to a particular situation where our foreign policy seems to conflict with our respect for fundamental human rights.

As you know, Romania is the only country which enjoys United States most-favored nation trade benefits subject to the human rights and free emigration conditions of Section 402 of the Trade Act of 1974. These trade benefits were granted in part because Romania, while remaining within the Communist bloc, allegedly was pursuing a foreign policy somewhat independent of the Soviet Union.

On June 3 of this year, the terms of Section 402 require your recommendation on whether the United States should continue to grant Romania a waiver from the free emigration requirements of the Trade Act. As you know, the law allows a waiver where it will substantially promote the human rights objectives of Section 402, and where you have received assurances that the emigration practices of Romania "will henceforth lead substantially to the achievement of the objectives of this section."

During the first two years of the United States-Romania Trade Agreement, the Romanian record on emigration has been highly unsatisfactory, according to evidence presented in the summer of 1975 and again last fall at Congressional hearings. During the most recent nine-month period (July, 1976 through March, 1977) the number of visas issued by Romania for emigration to both the U.S. and Israel has dropped precipitously when compared to the previous year's period. The number of visas to the U.S. dropped from 1,054 to 715, and for Israel, from 2,157 to 1,146. Even those of us who supported the renewal of MFN last fall were disappointed in Romania's continued frustration and harassment of those seeking to emigrate. These latest figures are even more disappointing.

Moreover, last year very serious charges were raised about human rights violations against the several million minority inhabitants of Romania, including approximately 2.5 million Hungarians. Some of these allegations were substantiated by reference to official Romanian sources, and it appears that some of Romania's minority policies violate the Helsinki Agreement and other international covenants, all ratified by Romania. We feel that this question is also relevant to continuation of Romania's MFN status and request that you make representations to the Romanian Government accordingly.

Finally, the recent crackdown on dissidents as reported by the Associated Press, including the arrest of human rights leader Paul Goma, alleged beatings and "work assignments" in labor camps should also be taken into account when the extension of MFN is considered.

We do not want to prejudge this situation in advance of your recommendations, but before you make those recommendations, we hope that you will look into each of these human rights questions. We hope that the Romanian Government can provide some evidence of its good faith by granting permission to emigrate to those who have been waiting long periods, by ceasing its harassment of those who apply to emigrate, and by simplifying emigration procedures. While we are concerned about those who seek to emigrate, we are also concerned about the even-larger number who will remain in Romania. We hope that in preparing your recommendation concerning a waiver of Section 402, you will be able to focus the attention of both the Romanian and our own Government on the importance of human rights.

Thanking you for your kindness and cooperation, we are,

Sincerely,

Edward I. Koch, Christopher J. Dodd, Robert F. Drinan, Joseph P. Addabbo, Jerome A. Ambro, Herman Badillo, Jonathan B. Bingham, James J. Blanchard.

Don Bonker, Silvio O. Conte, Philip M. Crane, Thomas J. Downey, Mickey Edwards, Joshua Eilberg, Allen E. Ertel, Dante B. Fascell, James J. Florio, Donald M. Fraser, Charles E. Grassley.

Marjorie S. Holt, Harold C. Hollenbeck, Frank Horton, James J. Howard, William J. Hughes, Jack F. Kemp, Peter H. Kostmayer, Norman F. Lent, Elliott H. Levitas, Clarence D. Long.

Stanley N. Lundine, Larry McDonald, Stewart B. McKinney, Ralph H. Metcalfe, Barbara Mikulski, Norman Y. Mineta, Joe Moakley, John M. Murphy, Mary Rose Oakar, Richard L. Ottinger, Claude Pepper.

Donald J. Pease, Charles B. Rangel,

Matthew J. Rinaldo, Robert E. Bauman, Fred B. Rooney, John H. Rousselot, Stephen J. Solarz, Newton I. Steers, Jr.

Henry A. Waxman, Theodore S. Weiss, Lester L. Wolff, John W. Wydler, Gus Yatron, Henry J. Hyde, Ed Jenkins.

UPDATE ON THE NEED TO REGULATE THE COLLECTION OF CHARITABLE FUNDS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extreaneous matter.)

Mr. KOCH. Mr. Speaker, I would like to bring our colleagues up-to-date on a matter that I discussed here on the floor of the House on March 29, 1977. It concerned the need for legislation to regulate the collection of charitable funds so as to make certain that they are used for the purposes for which they were collected. I discussed at that time three cases as illustrative of the problem. I had been made aware of large amounts of moneys raised for charitable purposes which were spent in great part on administrative and fund raising costs with few dollars being used to benefit the intended beneficiaries. My discussion of those three cases appears on page H2710 of the RECORD of that date. There is pending legislation, introduced by Congressman CHARLES WILSON of California, and it is a good bill but does not go far enough. What we need in addition to what is provided for under that bill is the introduction of the Internal Revenue Service jurisdiction as well.

I should now like to place in the RECORD subsequent correspondence that I have had with the attorney general of the State of New York concerning those three cases. The charities involved are: Freedom for All, Forever Corp., raising funds for Hurricane Carter; Attica Bridge, Inc., raising funds for Attica prisoners; and the Puerto Rican Day Parade, Inc., raising funds for charitable purposes.

The correspondence, in my judgment, shows that we cannot rely on State enforcement in the collection of charitable funds because for one reason the collection activities cross State lines. And, in my judgment, there also is a lack of will on the State level to pursue these matters and thus a need for Federal legislation which will monitor the raising of funds for alleged charitable purposes, and audit expenditures.

The correspondence follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 27, 1977.

LOUIS J. LEFKOWITZ,
Attorney, State of New York,
New York, N.Y.

DEAR LOUIS: I would appreciate knowing what measures your office has taken, if any, to investigate the collection and disposition of funds of the following three charitable organizations:

1. Freedom For All Forever Corporation
2. Attica Bridge Inc.
3. Puerto Rican Day Parade Inc.

Two of the matters to wit: the Freedom For All Forever Corporation and the Attica Bridge Corporation were brought to the attention of your office on November 9, 1976 by letter which is enclosed for your ready reference and it certainly appears that these matters are worthy of closer scrutiny by your office.

The third matter requires in my judgment scrutiny because in the report that the Puerto Rican Day Committee filed with the New York State Board of Social Welfare there are two items that jar one's sensibilities. There is an item of $39,514.39 for meetings and conventions in preparation for a one day parade, and the other is that at a benefit dance $24,500.00 was raised but that there was $22,000.00 in expenses leaving $1,443.00 as the net sum available to the charitable organization.

I raised these three matters when I testified on H.R. 41 before the House Subcommittee on Postal Personnel and Modernization. I am encolsing a copy of my statement for your ready reference.

I would appreciate what your office is doing or intends to do to ascertain whether in these three situations monies raised from the public for charitable purposes in fact went to the intended beneficiaries.

Finally, I would appreciate your comments on the need for legislation on both the federal and state level to address the problems in this field.

Plese direct your response to my New York office.

All the best.

Sincerely,

EDWARD I. KOCH.

STATE OF NEW YORK,
DEPARTMENT OF LAW,
New York, N.Y., May 9 ,1977.

Hon. EDWARD I. KOCH,
New York, N.Y.

DEAR CONGRESSMAN KOCH: Attorney General Lefkowitz has referred to me your letter of April 27, 1977 requesting further information pertaining to Freedom For All, Forever Corp., Attica Bridge, Inc., and Puerto Rican Day Parade, Inc.

For some time the Charity Frauds Bureau has been inquiring into the activities of Freedom For All, Forever Corp., particularly following the audit of its books and records by the State Board of Social Welfare. A copy of that audit report was sent to you directly by the State Board at the same time it was made available to this office. Since that date, the Bureau has examined an officer of the corporation and books and records made available to us from both the corporation and the attorney for Rubin Carter. On April 26, 1977, I wrote a letter to Judge Bruno L. Leopizzi, Passaic County Superior Court, to whom the attorneys had made application to have the State of New Jersey defray the expenses of the appeal. A copy of that letter was sent to you in view of your expressed interest as an interim report of the findings of both the State Board of Social Welfare and this office.

In the meantime, we have communicated with the Tax Department License Section of the City of Houston to ascertain the financial records filed there by Carson Associates, Inc., the producer of the Astrodome event which resulted in a financial loss. That Texas agency has sent me a copy of a report filed there which is similar to the report submitted to Carson Associates, Inc. and to Freedom For All, Forever Corp. by the public accounting firm of Arthur Young & Company, New Orleans. We have also written to the accounting firm for an update.

With respect to Attica Bridge, Inc., on October 26, 1976, I advised you that the New York University Clinical Law Center had informed the State Board of Social Welfare that as of 1973 the "Attica Defense Committee" had ceased operation. I further advised you that Attica Bridge, Inc., ultimately changed its name to Bridge Volunteers/Associates, Inc., and enclosed copies of the registration statement and financial reports for 1973 and 1974. I am informed that no field audit has as yet been made by the Department of Social Welfare of either of these two Attica organizations.

With respect to the Puerto Rican Day Parade, Inc., I have not as yet seen a copy of any of the reports filed but am requesting the State Board to forward copies of the reports filed and of any audit made. This is, of course, the function of the State Board in respect to charitable organizations subject to its statute. When we receive the information from the Board, we will be in a position to make an evaluation of whether further inquiry or proceedings are warranted.

In the event that you may not have received a copy of my letter of April 26th and the copy of the letter to Judge Leopizzi, I enclose herewith an additional copy.

Very truly yours,

LOUIS J. LEFKOWITZ,
Attorney General.
By HERBERT J. WALLENSTEIN,
Assistant Attorney General.

STATE OF NEW YORK,
DEPARTMENT OF LAW,
New York, N.Y., April 26, 1977.

Hon. BRUNO L. LEOPIZZI,
Passaic County Superior Court,
Paterson, N.J.

DEAR JUDGE LEOPIZZI: I have read the articles in the New York Post, April 19, 1977 and the Sunday New York Times, April 24, 1977, with respect to the application of the various attorneys for Rubin Carter and John Artis to you for the recognition of their status as paupers in connection with their appeal from their recent conviction.

As you may know, the Charity Frauds Bureau in this office has been investigating the solicitation of funds by Freedom For All, Forever Corp., a New York corporation whose purpose, inter alia, (according to its certificate of incorporation) is stated to be to provide for the payment of legal fees and related expenses for the purpose of the defense of human and civil rights or liberties, the promotion of prison reform and test cases of significance to the public in these areas.

According to the registration filed with the New York Board of Social Welfare, the corporation did undertake as its first project the payment of legal and other related fees for the legal defense of Carter and Artis. Financial statements audited by the State Board of Social Welfare show that there were two fund raising events, one in New York which was handled by the corporation, the other in Houston, Texas handled by Clyde Carson Associates of New Orleans, Louisiana, without any direct supervision by the corporation. According to testimony taken at this office, Clyde Carson approached Rubin Carter and asked for permission to raise funds on his behalf using the name of the corporation. A loose arrangement was entered into between Carson and Freedom For All, Forever Corp. whereby any and all profits from the event were to be turned over to the corporation and passed on to defray the expenses of Carter and Artis' legal fees. Representatives of the corporation lay the blame for the apparent failure of the Texas event to be successful upon the shoulders of Carson who had relatively little experience in fund raising on such a large scale. The Houston event resulted in a $48,000 loss. However, the management of the Astrodome did send a $10,000 contribution to Freedom For All, Forever Corp.

According to the audit report, receipts in the Madison Square Garden event were $220,578 against which expenses including the rental of the hall, hotel accommodations for the various performers, production costs, travel expenses of the performers and advertising expenses were in the amount of $112,-

504, leaving a net of $108.074.00. Income from other sources is $45.109.00.

We have ascertained from the audit report and subsequent documents submitted that the corporation has paid:

Program services

Legal fees—defense attorneys	$36,510
Other legal fees	4,000
Disbursements—printing briefs, etc	17,533
Total	58,043
Other program services, printing and information	21,401
Total	79,444
Fundraising expenses	49,270
Management and general expenses	10,402
Total	65,672
Total	145,116

We are advised that the corporation has less than $6,000 on hand in order to pay outstanding bills. Claims for legal services rendered Carter and Artis exceed $500,000.

The audit made by the State Board of Social Welfare of the Madison Square Garden event found that the expenses were within reasonable parameters for that type of public solicitation. They were verified and found to be basically correct except for some very minor technical reallocations of expenses which did not affect the overall income or disbursements in connection therewith.

Attempts to contact Clyde Carson at his last known address in New Orleans to inquire further into the event in Houston have been frustrated by reason of the fact that he has moved and left no forwarding address. Representatives of the Charity Frauds Bureau are currently attempting to obtain a better address. [We cannot speculate as to what we will discover in connection with the Texas fund raising event.]

According to the newspaper article, money raised at the Madison Square Garden event "was spent on administrative costs and legal fees." The legal fees referred to are the legal fees of the attorneys for defendants Carter and Artis and are in effect the program services of the corporation and the purpose for which they were solicited and contributed. The monies paid for the program services were 52 per cent of public support and revenue of the event.

I trust the foregoing is of assistance.

Very truly yours,
LOUIS J. LEFKOWITZ,
Attorney General.
By HERBERT J. WALLENSTEIN,
Assistant Attorney General.

APRIL 20, 1977.

Re: Hurricane Carter Fund (Freedom For All, Forever Corp.).

Hon. EDWARD I. KOCH,
New York, N.Y.

DEAR CONGRESSMAN KOCH: Reference is made to prior correspondence had with respect to the above matter.

As you know, the New York State Board of Social Welfare did audit the books and records of the corporation. A copy of this audit was, I believe, forwarded to you. Thereafter, this office determined to investigate the matter.

I enclose herewith a copy of a letter which I have this date sent to Judge Bruno L. Leopizzi, Passaic County Superior Court (the court to which the attorneys for Carter and Artis have made application to have the State of New Jersey defray the expenses of the appeal). This letter is forwarded to you by way of an interim report of the investigation and findings of both the State Board of Social Welfare and this office.

With kind, personal regards, I am

Very truly yours,
LOUIS J. LEFKOWITZ,
Attorney General.
By HERBERT J. WALLENSTEIN,
Assistant Attorney General.

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 17, 1977.

HERBERT J. WALLENSTEIN,
Assistant Attorney General, State of New York, Department of Law, New York, N.Y.

DEAR MR. WALLENSTEIN: I have your letter of May 9th and the enclosures. It does not appear from your letter that the State Board of Social Welfare conducted an examination of Attica Bridge, Inc., and the Puerto Rican Day Parade, Inc.

As you know, it is the position of the State Board of Social Welfare that they "can only make field audits in selected cases, either upon a direct request from the Attorney General or where the annual report itself indicates the need for a field audit."

Have you made the direct request that the Attica Bridge, Inc., and the Puerto Rican Day Parade, Inc., be the subjects of field audits? If not, why not?

Please advise.

Sincerely,
EDWARD I. KOCH.

P.S. Please reply to my New York office, address as above.

H.R. 5400, UNIVERSAL VOTER REGISTRATION, REPRESENTS THREAT TO INTEGRITY OF ELECTORAL PROCESS

(Mr. BARNARD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BARNARD. Mr. Speaker, bipartisan election authorities warn that universal voter registration (H.R. 5400) represents a grave threat to the integrity of the electoral process.

Rhode Island's secretary of state, a Democrat, asserts this bill "not only invites fraud but makes it easy—and makes it virtually impossible to catch anyone engaging in fraud."

The Democratic chairman of the Chicago Board of Elections Commissioners declares this bill would "set the cause of honest elections back many years."

The Republican State's attorney for Cook County, Ill., says the bill "provides vote thieves with a license to steal elections."

Now it is time for a bipartisan majority in the House to put to rest one of the most dangerous proposals to come before Congress this year.

Registration on election day would throw polling places into a frenzy of confusion, making them easy prey for those who seek to distort the democratic process through fraud. It would place voting on an honor system basis. It would be an open invitation for organized political cliques to transport their supporters from precinct to precinct stuffing ballot boxes.

The morning after election day is too late for voting officials to check claims of residency. The results have been announced. That is why the logic of prior registration is so overwhelming. After the horse has escaped, it is too late to close the barn door.

Ben W. Fortson, Georgia's secretary of state, took a poll of election officials in Georgia to get their reaction to H.R. 5400. He reports that more than 90 percent of these officials oppose the bill.

I suspect that if we in Congress put aside partisan politics, a like number of Members would oppose this dangerous concept of instant registration.

ALLA D. CLARY—A DEDICATED LADY FROM TEXAS

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, on May 9, 1977, Alla D. Clary passed away at the age of 87.

For a great many years, this remarkable lady served faithfully as the personal secretary to the late great Speaker of the House, the Honorable Sam Rayburn. Miss Clary was a well-known personality here on Capitol Hill throughout the Speaker's congressional service. She was an outstanding example of total dedication and loyalty to her Congressman and to the Texas district which he represented so effectively.

Originally from McKinney, Tex., Miss Clary was sincerely interested in everything and everyone with whom she came in contact all during her long career and, even after her retirement from congressional service, she led a full and active life, traveling extensively.

I think it is only fitting that the article from Monday's Washington Post be included here in the CONGRESSIONAL RECORD. It is as follows:

ALLA D. CLARY DIES AT 87; FAMED AS AIDE TO RAYBURN

(By Eduardo Cue)

Alla D. Clary, a Texas farm girl who became a fixture and something of a celebrity on Capitol Hill as the longtime private secretary to the late House Speaker Sam Rayburn, died May 9 at the Sleepy Hollow Manor Nursing Home in Annandale, Va. She was 87.

Bright-eyed and assertive, Miss Clary was devoted to Speaker Rayburn and the House of Representatives to the point of taking personal offense if she felt they had been insulted.

When a magazine reporter called Rayburn "cantankerous and not very handsome" Miss Clary scolded the reporter and told him, "He's not cantankerous and we think he's plum pretty."

"You picked on Sam Rayburn and you got a fight with her. You picked on the House of Representatives and you got a fight with her," John W. Holten, Rayburn's administrative assistant for many years, recalled in an interview.

Perhaps Miss Clary's first love (she never married) was the Democratic Party. "She was a real yellow-dog Democrat, as we say in Texas," Holton said.

Miss Clary's interest in politics and her outspokenness became evident early in life. She told an interviewer sometime back: "As long as I can remember I have been interested in politics. The first clear recollection I have is when Mr. McKinley was running for office. Anyone who talked against him I was ready to punch in the nose. And I was a strong kid."

Miss Clary, who arranged Speaker Rayburn's appointments and kept a close eye on district matters back home, came to Washington to work for the War Department in 1918 after having taught school for eight years.

It was an unhappy experience for her and a year later she was ready to return home to Texas. She stopped by her congressman's office to say goodby and it was then that Sam Rayburn offered her a job. She would never return home permanently again, but growing up on a farm had a lasting influence.

"We lived in McKinney, Tex.," she once told a newspaper reporter. "You get a different slant on life if you know wheat from barley at the start."

By 1956 Miss Clary had become such a well known figure in Washington that columnist George Dixon named her among Washington's six "most fascinating women." The others on the list included Jacqueline Onassis and Baroness Silvercruys.

Despite her fame in Washington political circles Miss Clary maintained a "down-home" attitude about life.

When she was asked what she considered her greatest assistance as the personal secretary to one of the most powerful men in the country she replied matter of factly: "Getting new drapes and carpets for his office. It took 35 years, but I got them the other day. Now the place doesn't look so much like a haunted hovel."

Yet long before the advent of protective aides around powerful men, Miss Clary had developed a criterion for determining which strangers would be allowed to see the Speaker personally.

"If they say right off the bat who they are and what they want, then they're usually all right, but if they hem and haw and beat around the bush, likely as not they're going to ask for something out of line," she said.

Miss Clary loved to travel and did so frequently both in this country and overseas. In 1960 she went on an around the world cruise that included a stop in China.

Surviving is a sister, Kate Clary Bates of Prosper, Tex.

ADVISORY OPINIONS ISSUED BY SELECT COMMITTEE ON ETHICS

(Mr. **PREYER** asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. **PREYER**. Mr. Speaker, last week the Select Committee on Ethics issued seven formal advisory opinions which have general applicability to all Members of the House. Four of these opinions, Nos. 7–10, provide clarifications and guidelines with respect to rule XLIII, clause 4, which limits acceptance of gifts from persons with a direct interest in legislation to $100 in a calendar year. Since this new gifts limitation is especially important, I would like to direct the Members' careful attention to these four advisories, and particularly to No. 8, which provides a conditional exemption for factfinding trips related to official duties.

The select committee has now issued a total of 11 advisory opinions. The first four appear in the Record of April 21, 1977, pages 11617–11619. These opinions resolve the major interpretive issues that have been outstanding since the new rules took effect on March 3. The seven new advisory opinions will soon be distributed to Members' offices and to each committee.

In summary, these advisory opinions provide as follows:

No. 5: Members may use campaign funds on hand as of March 3, 1977, the effective date of the new Rules, to pay for official expenses incurred prior to that date. The payment of official expenses with campaign funds raised after March 3, 1977, is prohibited, in accordance with Rule XLIII, clause 6, and Rule XLV.

No. 6: Rule XLV, which abolishes unofficial office accounts, prohibits the private contribution of in-kind services for official purposes (e.g., office supplies and equipment, district office space, etc.), as well as monetary contributions. However, in-kind services provided by federal, state and local government agencies and participation in educational intern or volunteer programs are permitted under the Rule.

No. 7: The term "gift" is defined for purposes of Rule XLIII, clause 4, and certain categories of gifts are exempted from the limitations of the Rule (e.g., expenses provided by federal, state, and local governments; expenses provided by foreign governments to an official delegation of the House; communications to a Member's office, including free newspaper subscriptions; bona fide awards; suitable mementos; and consumable home-state products passed on to constituents).

No. 8: Necessary expenses paid by an organization in connection with a fact-finding event which is directly related to the official duties of the Member, officer, or employee are exempted from the limitations of Rule XLIII, clause 4, on the condition that the individual certifies to the Select Committee on Ethics that his attendance at a particular event is for purposes directly related to his official duties. This self-certification procedure will be conducted on a trial basis through the August recess.

No. 9: The term "indirect gift" is defined for purposes of Rule XLIII, clause 4 to mean gifts to a spouse or dependent of the Member, officer, or employee, unless such gifts are prompted by some consideration unrelated to the Member, officer, or employee. Simultaneous gifts, such as a dinner invitation, to a Member and his spouse or dependents should be treated as separate gifts and not be aggregated.

No. 10: Persons with a "direct interest in legislation before the Congress," for purposes of Rule XLIII, clause 4, include registered lobbyists and their principals and agents; any corporation, union or other organization, including any affiliate or subordinate organization, which maintains a separate segregated fund for political purposes (P.A.C.); and any individual or organization which the Member, officer, or employee knows has a distinct or special interest in influencing or affecting legislation which sets such individual or organization apart from the general public.

No. 11: A Member of Congress is prohibited from accepting proceeds from a fund-raising event for his unrestricted personal use even if the fund-raising event is conducted by a group independent of the Member.

Mr. Speaker, for the information of the Members, I insert in the Record at this point the complete texts of advisory opinions 5–11, pursuant to the procedures adopted by the select committee.

The material follows:

Advisory Opinion No. 5

(May 9, 1977)

Subject: Use of campaign funds to pay for official expenses incurred prior to March 3, 1977.

REASON FOR ISSUANCE

The Select Committee has received several inquiries regarding the use of campaign funds to pay for official expenses incurred prior to the effective date of House Rule XLIII, clause 6, and Rule XLV.

BACKGROUND AND DISCUSSION

House Rule XLIII, clause 6, as amended on March 2, 1977, restricts the use of campaign funds to bona fide campaign purposes. House Rule XLV, also adopted on March 2, 1977, prohibits the acceptance of private contributions to defray ordinary and necessary expenses incurred in the operation of a congressional office. Both Rules changes became effective upon adoption.

Some Members committed excess campaign funds to pay for official expenses incurred on or before March 3, 1977, the effective date of the new Rules, but have not actually expended their campaign funds to pay those debts. In such cases, the campaign funds were contributed prior to the Rules changes and the expenses were incurred before the adoption of the new Rules.

The amendment to Rule XLIII, clause 6, and new Rule XLV were not intended to have an ex post facto effect. Therefore, the Select Committee finds that use of campaign funds contributed prior to the Rules changes to pay for official expenses incurred prior to March 3 is permissible under the Rules.

House Rule XLV clearly prohibits Members who have incurred official expenses either before or after March 3 from raising private funds subsequent to the effective date of the Rules changes to pay those expenses. Campaign funds can be raised, of course, to pay for campaign or political expenses incurred before or after March 3.

SUMMARY OPINION

Members who incurred official expenses prior to March 3, 1977, the effective date of new Rule XLIII, clause 6, and Rule XLV, may use campaign funds available on or before that date to pay those official expenses. The payment of obligations incurred prior to the effective date of the new Rules would be limited to the liability accrued up to March 3. Campaign funds raised after March 3, 1977 may not be used to pay for official expenses incurred before or after the effective date of the new Rules.

Advisory Opinion No. 6

(May 9, 1977)

Subject: Acceptance of in-kind services for official purposes.

REASON FOR ISSUANCE

The Select Committee has been asked whether House Rule XLV, which prohibits unofficial office accounts, extends to private contributions of in-kind services for official purposes.

BACKGROUND AND DISCUSSION

House Rule XLV provides that no funds may be paid into any unofficial office account subsequent to March 2, 1977, and that such accounts must be abolished by January 3, 1978. The definition of an unofficial office account included in the new Rule focuses on the most common form, i.e., a privately subsidized account used to supplement official allowances.

The legislative history of Rule XLV refers to an unofficial office account as a fund, repository, or process whereby funds are received or expended. The reasons for adopting new Rule XLV, as presented in the Financial Ethics report of the Commission on Administrative Review (H. Doc. 95–73, February 14, 1977), emphasize that eliminating private support of the public's business should be the primary objective of a new Rule:

"The Commission strongly believes that

private funds should be used only for politically-related purposes. Official allowances should reflect the necessary cost of official expenses. . . . To suggest otherwise would be to accept or condone the continuation of the present system [of unofficial office accounts] which, at the very least, allows for the appearance of impropriety, and, at worst, creates a climate for potential 'influence peddling' through private financing of the official expenses of Members of Congress."

Although it is clear that acceptance of monetary contributions to sustain such accounts was perceived as conduct to be prohibited by the new Rule, questions have been raised concerning the application of Rule XLV to acceptance of certain in-kind services (e.g., office supplies and equipment, district office space, etc.) and whether such items will be treated differently than monetary contributions for purposes of the Rule XLV prohibition.

The Select Committee finds that no distinction can be made between in-kind and monetary contributions. Whether the private support alluded to in the Commission's report is in the form of a monetary contribution or in the form of an in-kind service is not relevant in view of the intended prohibition against the private financing of official business. Moreover, it can hardly be argued that donation of in-kind services is any less an infusion of private support for official business than is the donation of money.

At least two precedents for treating in-kind services as monetary contributions are found in regulations promulgated by the Federal Election Commission (FEC) and the Internal Revenue Service (IRS). Those regulations require the inclusion of in-kind donations as contributions to unofficial office accounts, thus confirming the Select Committee's understanding that money and in-kind contributions should be treated the same.

The FEC defines an "office account" (unofficial office account) as "an account established for the purposes of supporting the activities of a Federal or State officeholder which contains excess campaign funds . . ." (11 CFR 113.1b). Such excess campaign funds include contributions of "anything of value." Therefore, according to the FEC definition, unofficial office accounts may encompass in-kind services or resources.[*]

Similarly, the IRS considers the donation of in-kind resources as a "contribution," applying the criterion of "anything of value." The IRS treats the contribution of in-kind services or resources used for official purposes as personal income to the Member, just as it treats contributions to unofficial office accounts.

In sum, the Select Committee finds that for purposes of applying Rule XLV, no logical distinction can be drawn between the private contribution of in-kind services and the private contribution of money, and that both perpetuate the very kind of unofficial office accounts and practices that are prohibited by House Rule XLV.

Equally clear, however, is that various in-kind services and functions provided by federal, state and local government agencies do not fall in the same category as private donations of money or in-kind services. Thus, the provision of office space or rooms for constituent meetings, etc., by a state or local government would not be precluded by application of this Rule. Of course, the occasional use of privately-owned meeting space where no other appropriate public accommodations are reasonably available for meeting constituents does not fall within the proscriptions of the new Rule.

Additionally, application of the Rule would not prohibit a Member from continued participation with various educational intern, fellowship or volunteer programs. Members have long recognized that there is an inherent educational and professional benefit in interns, fellows, and volunteers viewing first hand the Legislative Branch of government, and that there are compelling public policy considerations for encouraging such programs. There is nothing in the legislative history that suggests an intent to discontinue these programs, nor has there surfaced any evidence of abuses resulting from the infusion of private money into public business causing conflict of interest or other situations intended by Congress to be prohibited by the new Rule. The Select Committee believes these programs are of primary benefit to the persons involved and notes that interns, fellows, and volunteers are not on the payroll of the House, nor are they considered to be employees of the House of Representatives. Therefore, this interpretation of Rule XLV does not apply to intern programs, provided the internships are primarily for educational purposes and do not give undue advantage to special interest groups or others with a direct interest in legislation.

However, it is clear that a Member would be violating the intent and the spirit of House Rule XLV if he attempted to supplement his official allowance by raising, receiving, or disbursing contributions to hire or support interns in his office. Therefore, it follows that a Member and his staff are prohibited from personally raising, receiving, or disbursing contributions used to support an educational intern, fellowship, or volunteer program. This holding represents the only effective method for restricting the potential to collect and maintain, directly or indirectly, unofficial funds for supplementing staff assistance and the officially provided clerk-hire allowance.

SUMMARY OPTIONS

For purposes of House Rule XLV, the private contribution of in-kind services for official purposes is prohibited. However, Rule XLV does not apply to services provided by federal, state and local government agencies or to the occasional use of privately-owned meeting space where no public accommodations are reasonably available for meeting with constituents. Nor does Rule XLV apply to interns or volunteers in a Member's office, based on the understanding that such intern programs are primarily of educational benefit to the intern and do not give undue advantage to special interest groups. However, Members and their staffs may not personally raise, receive or disburse any private contributions for intern programs associated with their offices.

Advisory Opinion No. 7

(May 9, 1977)

Subject: Definition of a gift for purposes of House Rule XLIII, clause 4.

REASON FOR ISSUANCE

The Select Committee has received a number of inquiries concerning the definition of the word "gift" and application of the provisions of House Rule XLIII, clause 4 pertaining to acceptance of gifts.

BACKGROUND AND DISCUSSION

House Rule XLIII, clause 4 was amended in March, 1977 to provide that "a Member, officer, or employee of the House shall not accept gifts in any calendar year aggregating $100 or more in value, directly or indirectly, from any party with a direct interest in legislation before the Congress, or from a foreign national." Specifically exempted from this provision are : 1) gifts from relatives; 2) gifts valued at $35 or less; and 3) gifts of personal hospitality of an individual.

The Commission on Administrative Review, in its report on Financial Ethics (H. Doc. 95–73, February 14, 1977) recommending the Rules changes that were enacted by the House, specified that bequests and other forms of inheritance should not be considered gifts for purposes of the new Rule, and explained personal hospitality to mean "hospitality extended for a non-business purpose by an individual, not a corporation or organization, on property or facilities owned by that individual or his family." Additionally, it is understood that loans and campaign contributions are not considered to be gifts.

Other than the exemptions specified in the Rule and the legislative history, there is no precise definition of what constitutes a gift for purposes of Rule XLIII, clause 4. The House recognized the likelihood that Members, officers and employees would need guidance of the definition of terms used in the new House Rules, and therefore passed H. Res. 383 which authorized the Select Committee to issue advisory opinions providing such guidance and interpretation respecting the application of the Rules.

The Select Committee begins with the proposition that the basic legal definition of a gift should be used in applying the provisions of Rule XLIII, clause 4, as follows:

"A payment, subscription, advance, forbearance, rendering, or deposit of money, services, or anything of value, including food, lodging, transportation, or entertainment, and reimbursement for other than necessary expenses, unless consideration of equal or greater value is received by the donor."[*]

This definition is implicit, for example, in the Select Committee's Advisory Opinion No. 2, which states that necessary expenses provided a Member in connection with an event in which he "substantially participates," i.e., renders consideration of equal value, do not constitute a gift.

The Select Committee finds that there are certain categories of gifts that were never intended to be covered under the Rule XLIII, clause 4 limitations on acceptance of gifts. These are items that do not present potential conflicts of interest or are related to a Member's official duties. For these reasons, Rule XLIII, clause 4 is not applicable to the following categories of gifts:

Food, lodging, transportation, and entertainment provided on an official basis by federal, state, and local governments and political subdivisions thereof. Members, officers, and employees are frequently invited to various functions paid for or sponsored by such government agencies. It was not the intent of the gifts limitation to prohibit Members, officers, and employees from participating in such events. Even if the individual is not fully participating, but is simply present, for example, at a groundbreaking ceremony or a banquet honoring newly-elected officials, it would serve no purpose to preclude such activities.

Food, lodging, transportation, and entertainment provided by a foreign government to members of an official delegation of the House of Representatives. The Select Committee recognizes that it would be contrary to accepted international courtesy and diplomatic protocol to refuse such hospitality. Therefore, in those cases where the travel is authorized by the Speaker or the appropriate committee chairman, such gifts from a foreign government would not be prohibited under the Rule. The Committee emphasizes, however, that this holding has no bearing on any constitutional or statutory prohibition regarding acceptance of gifts from foreign governments or their representatives.

Communications to a Member's offices in Washington, D.C. and his district, including subscriptions to newspapers, magazines, and periodicals. Members are traditionally provided free subscriptions to weekly news magazines, newspapers, interest group journals, and other publications which are useful as information sources or reference tools in the conduct of the Member's official duties. In many cases, these publications are provided by organizations with a direct interest in legislation and could exceed $100 in value in a calendar year, particularly if postage is added (e.g., local newspapers). It would be inappropriate and contrary to the public interest to prohibit Members from receiving these materials and might impinge on the rights of citizens to communicate with their Representative. The Select Committee emphasizes that this finding applies primarily to free subscriptions to publications, and not to individual items of considerable value, such as a set of encyclopedias or rare books.

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[*] The Senate, in adopting a Rule change similar to that of the House, adopted the FEC definition of unofficial office accounts (*Congressional Record*, March 24, 1977, p. 8998).

[*] A similar basic definition of a gift has been adopted by the Senate for purposes of its provisions concerning acceptance of gifts.

Bona fide awards presented in recognition of public service and available to the general public. A Member, officer, or employee should be permitted to accept an award valued at more than $100 from an organization so long as the award is not contrived for one special occasion and is available to the general public.

A suitable memento of a function held in honor of the Member, officer, or employee. A Member, officer, or employee should be permitted to accept a suitable memento of reasonable value. However, the Committee emphasizes that a "suitable memento" would not include items such as cash, a television set, or automobile.

Consumable products provided by home-state businesses to a Member's office but which are primarily intended for consumption by persons other than the Member and his staff. Members have traditionally received gifts of consumable items (e.g., cigarettes, light beverages such as coffee or soft drinks, peanuts, apples, etc.) from businesses in their home states. These consumable products are usually passed on to constituents and other visitors to the office and are therefore not considered by the Committee to be gifts to the Member or his staff. This applies only to gifts of consumable items, and only when such items are consumed primarily by persons other than the Member and his staff.

SUMMARY OPINION

For purposes of Rule XLIII, clause 4, a gift is defined as follows:

"A payment, subscription, advance, forbearance, rendering, or deposit of money, services, or anything of value, including food, lodging, transportation, or entertainment, and reimbursement for other than necessary expenses, unless consideration of equal or greater value is received by the donor."

The Select Committee finds, based on the language of new Rule XLIII, clause 4, the Rule's legislative history, the absence of conflict of interest issues, and/or public policy considerations, that the following items are not gifts for purposes of Rule XLIII, clause 4:

(1) Bequests and other forms of inheritance;

(2) Loans made in a commercially reasonable manner (including requirements that the loan be repaid and that a reasonable rate of interest be paid);

(3) Political contributions as defined by the Federal Election Commission and otherwise reported as required by law;

(4) Food, lodging, transportation, and entertainment provided on an official basis by Federal, state, and local governments or political subdivisions thereof;

(5) Food, lodging, transportation, and entertainment provided by a foreign government to members of an official delegation of the House of Representatives.

(6) Communications to a Member's offices in Washington and his district, including subscriptions to newspapers, magazines, and other periodicals.

(7) Bona fide awards presented in recognition of public service and available to the general public;

(8) Suitable mementos of a function honoring the Member, officer, or employee.

(9) Consumable products provided by home-state businesses to a Member's office that are primarily intended for consumption by persons other than the Member and his staff.

ADVISORY OPINION NO. 8

(May 11, 1977)

Subject: Applicability of House Rule XLIII, clause 4 to acceptance of necessary expenses paid by an organization in connection with a fact-finding event which is directly related to the official duties of a Member, officer, or employee.

REASON FOR ISSUANCE

The Select Committee has received numerous inquiries concerning whether a Member, officer, or employee may accept payment or reimbursement for necessary expenses from an organization sponsoring a fact-finding event.

BACKGROUND

Members, officers, and employees of the House of Representatives are often invited by independent foundations, corporations, unions and other non-governmental organizations, both foreign and domestic, to attend a "fact-finding" event which is intended for educational purposes directly related to their official duties.

For example, an oil company may sponsor an inspection tour of its offshore oil drilling platform, or a lumber company may arrange a demonstration of new logging methods in a remote area. Similarly, a foreign foundation may invite Members and employees to attend an educational program designed to promote better understanding and improve U.S. relations with that country.

The applicable House Rule regarding fact-finding events is Rule XLIII, clause 4, which provides that a Member, officer or employee shall not accept gifts[1] in any calendar year aggregating $100 or more in value, directly or indirectly, from any party with a direct interest in legislation before the Congress, or from a foreign national. In many instances, the sponsoring organization of a fact-finding tour or similar activity would be deemed to have a direct interest in legislation before the Congress, and the travel expenses provided by the organization would alone exceed $100.

DISCUSSION

Although there has been some criticism regarding abuses of "fact-finding tours" in the past, the Select Committee finds that it would be contrary to the public interest and the intent of Rule XLIII to prohibit Members, officers, and employees from attending fact-finding events or activities which have a legitimate purpose directly related to the official duties of the Congress. The Committee also notes the precedent in current law (22 U.S.C. 2451-2) which allows federal employees to accept travel expenses paid by foreign governments in connection with a trip which is for an educational or cultural purpose and is so certified by the State Department.

Therefore, the Select Committee holds that *necessary expenses* paid by an organization sponsoring a fact-finding event are exempted from the limitations of Rule XLIII, clause 4, on the condition that the Member, officer, or employee certifies that the fact-finding event or activity is directly related to his official duties. This certification procedure, which requires a full disclosure of the nature of the activity and an explanation of how it relates to official business, is intended to guard against the potential abuse of converting this kind of activity from an official business purpose to that of personal pleasure or entertainment. Gifts of that nature exceeding $100 in value were clearly intended to be prohibited by Rule XLIII, clause 4. At the same time, such certification will also serve to protect Members against unwarranted charges of abuse.

This exemption also applies to necessary expenses for the spouse of a Member, officer, or employee in the case of foreign travel. The Committee recognizes that the ability of a spouse to accompany a Member on a foreign trip is often a matter of protocol and therefore has diplomatic value. However, the Committee does not believe that there would be many instances in which the presence of the spouse would be necessary or appropriate in the case of domestic fact-finding events.

The Committee notes that the phrase "fact-finding event or activity" does not apply to situations where expenses are provided in consideration of personal services rendered. In those cases where the purpose of a Member's trip is to provide such services as delivering a major speech to a convention, necessary expenses are not considered to be a gift (see Advisory Opinion No. 2, issued April 6, 1977). In comparison, although a Member of Congress may render some personal services in the course of a fact-finding event, the primary purpose of the trip is for the Members, officers, or employees to become better informed regarding subject matters closely related to their official duties. Of course, in both cases, beginning October 1, 1977, all gifts (or reimbursements) of transportation, food, and lodging must be disclosed in accordance with the new financial disclosure requirements of Rule XLIV.

Additionally, the Select Committee emphasizes that the definition of a "fact-finding event" must be interpreted narrowly. House Rule XLIII, clause 2 puts Members on notice that not only the "letter" but also the "spirit" of House Rules must be adhered to. Therefore, since Members are already provided travel expenses to and from their own districts, a Member should not accept free transportation on a corporate jet or commercial flight from Washington to his district, on grounds that he would "tour" the corporate facilities there. Neither would the exemption apply, for example, to travel expenses provided by representatives of the maritime industry to attend a ship-launching.

The intended definition of a fact-finding event would also not extend to expenses incurred during such an event which are unrelated to the specific fact-finding activity. For example, if a Member spends two days attending an educational event in a foreign country and then spends several more days touring that country at his leisure, the expenses associated with the sight-seeing tour would not be exempted from the Rule. Similarly, this exemption for fact-finding activities applies only to necessary expenses (transportation, food, and lodging) and not to entertainment. Thus, a Member of Congress, whether traveling on a fact-finding tour or under any circumstances, may not accept gifts of entertainment from groups with a direct interest in legislation beyond the $100 limit imposed by Rule XLIII.

The Committee also emphasizes that to qualify for the exemption, the fact-finding event or activity must bear a direct relationship to official duties. The responsibility will rest with the Member, officer, or employee to indicate that the particular event or activity is intended for fact-finding purposes directly related to his official duties.

This self-certification procedure will be conducted on a trial basis through the August recess. Once the Select Committee has had the opportunity to study the types of fact-finding trips that are offered to Members, officers, and employees of the House, it will then reevaluate this Advisory Opinion with a view toward developing more precise rules and guidelines applicable to these kinds of activities.

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[1] In Advisory Opinion No. 7, the Committee held that Rule XLIII, clause 4 does not apply to expenses provided on an official basis by federal, state or local governments, or to expenses provided by a foreign government to an official delegation of the House of Rep-

Finally, the Committee reiterates that the temporary exemption for bona fide fact-finding events is provided to a Member, officer, or employee only on the condition that a self-certification form is filed with the Select Committee on Ethics. If such a form is not filed, then the Member, officer, or employee might be subject to charges of violation of House Rule XLIII, clause 4.

Certification forms need not be filed for a fact-finding tour if:

(1) expenses provided are valued at less than $100;

(2) expenses are provided by federal, state or local governments; or

(3) expenses are provided by a foreign government to an official delegation of the House of Representatives.

Such certification must include the name and address of the organization or individual providing the expenses, the purposes of the event and explanation of how it directly relates to the individual's official duties, the date(s) and location(s), and a listing of the nature of the expenses to be reimbursed to the individual. The certification form must be submitted to the Select Committee on Ethics, which will make such forms available to the public during normal business hours and will compile the forms periodically for publication in the Congressional Record. If possible, certification forms should be filed with the Select Committee in advance of the fact-finding activity, but in any case, within 10 days after the individual's return to Washington, D.C.

SUMMARY OPINION

The Select Committee on Ethics has determined that, on a trial basis through the August recess, the following procedure applies to "fact-finding events or activities" for purposes of Rule XLIII, clause 4:

A Member, officer, or employee of the House[2] may accept necessary expenses provided by the sponsor of a fact-finding event or activity which is directly related to official duties, on the condition that the Member, officer, or employee certifies in writing that the event is for fact-finding purposes directly related to his official duties.

The Committee emphasizes that this holding has no bearing on any constitutional or of gifts from foreign governments or their statutory prohibition regarding acceptance of gifts from foreign governments or their representatives.

ADVISORY OPINION NO. 9

(May 11, 1977)

Subject: Definition of an indirect gift for purposes of House Rule XLIII, clause 4.

REASON FOR ISSUANCE

The Select Committee has received a number of requests for an advisory opinion interpreting what constitutes an "indirect gift" to a Member, officer, or employee for purposes of applying the new gifts provision in House Rules.

BACKGROUND AND DISCUSSION

House Rule XLIII, clause 4 provides that a Member, officer, or employee shall not accept gifts in any calendar year aggregating $100 or more in value, directly or indirectly, from any party with a direct interest in legislation before the Congress.

The word "indirectly" has principal reference to gifts to the spouse or dependent of a Member, officer, or employee of the House of Representatives.* For example, if a Member would be personally barred from receiving a color television set from a registered lobbyist, obviously it would not be appropriate for the Member's spouse or dependents to receive such a gift. Therefore, as a general rule, gifts received by the spouse or dependent of a Member, officer, or employee of the House from a party with a direct interest in legislation before the Congress would be considered to be indirect gifts to the Member, officer, or employee. Failure to so apply the gifts provision to spouses and dependents could cause the intent of the Rule to be easily defeated. The issue is not simply one of preventing circumvention of the gifts provision, but also a common sense recognition that assets and holdings of a spouse and dependents are generally considered to be shared by the partner, i.e., the Member, officer, or employee. However, in finding that the gifts to a spouse or dependent generally constitute an indirect gift to a Member, officer or employee because of the nature of the relationship involved, the Select Committee is well aware that where a truly independent status is identified, considerations of privacy and equal rights should be controlling.

Therefore, the following guidelines are set forth by the Select Committee to clarify, when gifts to spouses and dependents would not be considered as indirect gifts to the Member, officer, or employee of the House for purposes of Rule XLIII, clause 4.

A spouse or dependent may frequently receive a gift from an employer or another person which is prompted by recognition of their services, friendship, or some other consideration unrelated to the official responsibilities of the Member, officer, or employee. When it is clear that such gifts are truly independent of the Member, officer, or employee and would have been offered regardless of the donee's relation to that person, such gifts would not be considered as indirect gifts for purposes of Rule XLIII. However, when it is apparent that the gift may not have been offered *but for* the donee's relation to a Member, officer, or employee, such a gift would constitute an indirect gift to the Member, officer, or employee.

An additional clarification that has been requested concerns the treatment of "simultaneous gifts" to a Member, officer, or employee and his spouse or dependents. For example, an individual or organization with a direct interest in legislation before the Congress may well invite a Member's family to a dinner of reception. The question is whether such gifts should be aggregated or considered as separate gifts in relation to the provision of Rule XLIII, clause 4 which exempts all gifts valued at $35 or less. For example, the question has been raised: "Would a dinner costing $20 each for a Member and his spouse be considered as one $40 gift or as two $20 gifts (thus falling under the $35 exemption)?"

The legislative history of the amendment to Rule XLIII, clause 4 clearly indicates that the intent of the "de minimis" exemption for gifts of less than $35 in value was to avoid imposing excessively burdensome recordkeeping requirements and to ignore insubstantial gifts which do not present any potential conflict of interest. Furthermore, it would seem to serve no public policy consideration to prohibit a Member from attending a reception with his spouse and dependents, but to allow the Member to attend such a reception alone. Therefore, the Select Committee finds that simultaneous gifts should not be aggregated, but rather should be considered as separate gifts.

SUMMARY OPINION

Gifts to a spouse or dependent are considered indirect gifts to the Member, officer, or employee for purposes of House Rule XLIII, clause 4, unless such gifts are prompted by some consideration unrelated to the Member, officer, or employee. "Simultaneous gifts" such as dinner or reception invitations to a Member and his spouse and dependents should be treated as separate gifts and not be aggregated. Therefore, unless an individual gift is valued at more than $35, it would be exempted for purposes of Rule XLIII, clause 4.

ADVISORY OPINION NO. 10

(May 11, 1977)

Subject: Who has a direct interest in legislation before the Congress?

REASON FOR ISSUANCE

The Select Committee has been requested to issue interpretive guidelines concerning who has "a direct interest in legislation before the Congress" for purposes of applying House Rule XLIII, clause 4.

BACKGROUND AND DISCUSSION

House Rules XLIII, clause 4 provides, in effect, that a Member, officer, or employee shall not accept gifts aggregating over $100 in value in any calendar year from any party with *a direct interest in legislation before the Congress*. This Rule has restricted gifts to Members since its adoption in 1968, when it prohibited Members, officers, and employees from accepting gifts of "substantial value" from any party with a direct interest in legislation before the Congress. However, the term "direct interest in legislation" was neither defined nor discussed in the legislative history surrounding Rule XLIII, and clause 4 itself was essentially unenforceable because of the totally subjective nature of the term "substantial value."

On March 2, 1977, the House amended Rule XLIII, clause 4 by defining the term "substantial value" to mean gifts aggregating over $100 in a calendar year. The Commission on Administrative Review, in its report recommending that the Rule be amended (H. Doc. 95–73, February 14, 1977), noted that under the old Rule it was very difficult to define precisely who has a direct interest in legislation before Congress, since almost every citizen has such an interest. The Commission recommended that:

". . . the term 'direct interest' should be defined so that it includes, but is not limited to, any person or organization who must file under the Federal Lobbying Act of 1946 or its successor statute."

Therefore, H. Res. 287 amended House Rule XLIII, clause 4, to read, in part:

"Any person registered under the Federal Regulation of Lobbying Act of 1946 (or any successor statute), any officer or director of such registered person, and any person retained by such registered person for the purpose of influencing legislation before the Congress shall be deemed to have a direct interest in legislation before the Congress."

The Select Committee also believes that any person, organization, or corporation which retains or employs a lobbyist should be deemed to have a direct interest in legislation. However, the Commission's report also noted that others, in addition to registered lobbyists, may well have a direct interest in legislation before the Congress, and that Rule XLIII, clause 4 should be interpreted in such a way that Members are "alerted to the need to exercise care in accepting gifts aggregating over $100 in any calendar year from all sources."

The issue before the Select Committee is to clarify the term "direct interest in legislation before the Congress." The Congress, by the very nature of the institution, represents individuals and groups with a direct interest in legislation. Taxpayers anticipating a rebate, parents petitioning for day care centers, etc., communicate with Members of Congress concerning legislation of interest to them. In one sense, therefore, most citizens have a "direct interest in legislation before the Congress." But it is not the intent of Rule XLIII, clause 4 to bar all gifts valued at more than $100 from concerned citizens interested in federal legislation.

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[2] And their spouse in the case of foreign travel.

*The word "indirectly" also refers to gifts received by a Member, officer or employee through or from a third party. For example, a Member or employee could not accept a gift from an agent of a person with a direct interest in legislation before the Congress who had actually paid for the gift.

The problem for the Select Committee is to delineate to the extent possible the point at which individuals or organizations are transformed from being "concerned citizens" to those having a "direct interest" in legislation, placing them in a class of donors from whom Members may not accept certain gifts valued at more than $100.

Beyond registered lobbyists and persons or organizations which employ lobbyists, there is another group of clearly identifiable individuals and organizations that have a direct interest in the legislative process, i.e., organizations which maintain a separate, segregated fund for political purposes (a Political Action Committee as defined in Sec. 321 of the Federal Election Campaign Act of 1971) and the officers or directors of such organizations. Additionally, consistent with FEC regulations, any subordinate or affiliated organization of a "parent" organization which maintains such a Political Action Committee should certainly also be deemed to have a direct interest in legislation before the Congress for purposes of Rule XLIII, clause 4. Of course, persons who simply contribute to such a political fund would not be included within this category.

However, there are clearly a number of individuals and groups which neither retain paid lobbyists nor maintain a Political Action Committee, yet have a very direct and substantial interest in legislation before the Congress. With this understanding, the Select Committee believes that Members should not accept gifts aggregating over $100 in value from any individual or organization that the Member knows has a distinct or special interest in influencing or affecting the federal legislative process which sets such individual or organization apart from the general public. In this context, the Select Committee emphasizes the clear statement of intent issued by the Commission on Administrative Review that Members should be *"alerted to the need to exercise care . . . in accepting gifts from all sources"* (emphasis added). Implicit in this admonition is the understanding that while individuals often receive gifts from non-relatives, and occasionally from organizations, it is rare that such gifts are valued at more than $100. Therefore, unless such a gift is from a close personal friend, it is most likely offered because of the Member's position as a United States Representative.

The Select Committee also notes that appropriate exceptions have been made for purposes of Rule XLIII, clause 4 to allow acceptance of certain categories of gifts, as set forth in Advisory Opinion No. 7, even if such "gifts" are valued at more than $100. Thus, the Committee reiterates that a Member, officer, or employee should be most careful before accepting other forms of gifts from any source.

However, if the Member does not believe that the donor of the gift has a distinct or special interest in the congressional legislative process which sets him clearly apart from the general public, then the Member should feel free to accept such gifts. Of course, gifts aggregating over $100 from one source must be disclosed in accordance with the new financial disclosure requirements of Rule XLIV, which takes effect October 1, 1977.

Finally, the question arises as to when legislation is considered to be "before the Congress." A narrow construction might be confined to an interest in a specific piece of legislation then pending before at least one subcommittee, or any other subdivision, of either House. If the Congress were not in session, for instance, no legislation would be before it, and unlimited gifts (subject only to disclosure requirements) might then flow freely to favored legislators. Also, if the Congress were in session, but the "direct interest" was in having a particular piece of proposed legislation introduced, a narrow construction of the prohibition might lead to the conclusion that the legislation was not yet "before the Congress."

Clearly, in either of the two foregoing instances, a result incongruous with the entire purpose of the gift restriction would occur. When this purpose is the reduction of the tendency of certain types of gifts to affect legislative action, then a narrow reading would invite a subversion of attempts at achieving that goal.

Therefore, the phrase "legislation before the Congress" should be read broadly to include an ongoing special interest in affecting the legislative process.

SUMMARY OPINION

For purpose of House Rule XLIII, clause 4, the following individuals and organizations are deemed to have a direct interest in legislation before the Congress:

(1)(a) Any person, organization, or corporation registered under the Federal Regulation of Lobbying Act of 1946, or any successor statute; and any person who is an officer or director of a registered lobbyist, or a person who has been employed or retained by a registered lobbyist for the purpose of influencing legislation before the Congress;

(b) Any person, organization, or corporation which employs or retains a registered lobbyist;

(2) Any corporation, labor organization, or other organization which maintains a separate, segregated fund for political purposes (Political Action Committee as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 441b)); any subordinate or affiliated organization thereof; and the officers or directors of such organizations; and

(3) Any other individual or organization which the Member, officer, or employee knows has a distinct or special interest in influencing or affecting the federal legislative process which sets such individual or organization apart from the general public.

ADVISORY OPINION No. 11

(May 11, 1977)

Subject: Acceptance of proceeds from a fund-raising event sponsored by an independent group or committee for the unrestricted personal use of a Member.

REASON FOR ISSUANCE

The Select Committee has been asked whether a Member could accept proceeds from a fund-raising event for the Member's unrestricted personal use, if the event were sponsored by a group independent of the Member.

BACKGROUND AND DISCUSSION

House Rule XLIII, clause 7, as amended on March 2, 1977, prohibits the conversion of proceeds from testimonial dinners or other fund-raising events to a Member's personal use. The Select Committee stated in Advisory Opinion No. 4 that a mass mailing constituted a fund-raising event for purposes of Rule XLIII, clause 7, and concluded that neither a Member nor his spouse could directly solicit funds for personal use by a fund-raising technique such as a mass mailing.

An additional question has been asked which concerns the acceptance of funds for a Member's unrestricted personal use that are raised by a group independent of the Member, his spouse, staff, or campaign committee.

As a general proposition, House Rules do not affect the actions of any individuals or organizations which are independent of a Member of Congress. The issue before the Select Committee, however, is not whether an independent group may conduct a fund-raising event, but whether a Member may accept the proceeds of such an event given in his behalf when such proceeds are for the Member's unrestricted personal use.

A major thrust of the provisions contained in the new House Rules was to severely limit the potential for Members of Congress to use their positions of influence for personal gain. In this context, therefore, it is irrelevant whether the Member himself solicits these funds, or whether the Member accepts funds for personal use that are solicited on his behalf by an independent committee.

Rule XLIII, clause 2 specifically states that a Member shall "adhere to the spirit and letter of the Rules of the House of Representatives." The clear intent of clause 7 is to prevent the acceptance of proceeds from fund-raising events for personal use. Thus, to allow a Member to accept such proceeds if raised by a paper "Dinner Committee," "Fund-raising Committee," or similar subterfuge would render Rule XLIII, clause 7 meaningless.

Finally, the Committee recognizes the distinction between the treatment of proceeds from a fund-raising event for purposes of Rule XLIII, clause 7, and acceptance of gifts for purposes of Rule XLIII, clause 4. Clause 4 does not prohibit the acceptance of gifts from anyone who is not a foreign national or does not have a direct interest in legislation before the Congress. Clause 7, however, addresses gifts from fund-raising events, specifying that proceeds from such events should not be treated as personal gifts, but as campaign contributions.

SUMMARY OPINION

For purposes of House Rule XLIII, clause 7, a Member is prohibited from accepting the proceeds from a fund-raising event for his unrestricted personal use.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MICHEL (at the request of Mr. RHODES), for the balance of the week, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TRIBLE) to revise and extend their remarks and include extraneous material:)

Mr. McKINNEY, for 10 minutes, today.

Mr. WHALEN, for 10 minutes, today.

Mr. BURKE of Florida, for 15 minutes, today.

Mr. MARTIN, for 15 minutes, today.

Mr. GOLDWATER, for 15 minutes, today.

(The following Members (at the request of Mr. NOLAN), to revise and extend their remarks, and to include extraneous matter:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.
Mr. PREYER, for 5 minutes, today.
Mr. CORMAN, for 5 minutes, today.
Mr. AUCOIN, for 15 minutes, today.
Mr. RODINO, for 5 minutes, today.
Mr. KASTENMEIER, for 5 minutes, today.
Mr. BRADEMAS, for 5 minutes, today.
Ms. HOLTZMAN, for 15 minutes, today.
Mr. RONCALIO, for 5 minutes, today.
Mr. LEVITAS, for 5 minutes, today.
Mr. VAN DEERLIN, for 5 minutes, today.
Mr. WAGGONNER, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. RICHMOND, to revise and extend his remarks preceding the vote on the Quie amendment.

(The following Members (at the request of Mr. TRIBLE) and to include extraneous matter):

Mr. ROBINSON.
Mr. WHITEHURST.
Mr. COCHRAN of Mississippi.
Mr. YOUNG of Alaska.
Mr. GILMAN.
Mr. FINDLEY.
Mr. SARASIN.
Mr. COLEMAN.
Mr. DERWINSKI in two instances.
Mr. SHUSTER.
Mr. SYMMS in two instances.
Mr. MARRIOTT.
Mrs. PETTIS.
Mr. LUJAN.
Mr. GRASSLEY.
Mr. DORNAN in two instances.
Mr. ROBERT W. DANIEL, JR.
Mr. HAGEDORN.
Mr. LEACH.
Mr. LOTT.
Mr. ABDNOR.
Mr. MOORE.
Mr. ASHBROOK in two instances.
Mr. BADHAM.
Mr. KEMP in three instances.
Mr. FRENZEL in three instances.
Mr. PRESSLER.

(The following Members (at the request of Mr. NOLAN) and to include extraneous matter:)

Mr. ANDERSON of California in three instances.
Mr. GONZALEZ in three instances.
Mr. LEHMAN.
Mr. ROSENTHAL.
Mr. BADILLO.
Mr. GAMMAGE.
Mr. BONKER.
Mr. BEARD of Rhode Island.
Mr. MURTHA in two instances.
Mr. HAMILTON in two instances.
Mr. MOLLOHAN.
Mrs. BURKE of California in three instances.
Mr. MURPHY of Illinois.
Mr. VANIK in two instances.
Mr. BRECKINRIDGE.
Mr. TEAGUE.
Mr. RUSSO in two instances.
Mr. DRINAN.
Mr. KREBS in five instances.
Mr. GIBBONS.
Ms. SCHROEDER.
Mr. SCHEUER.
Mr. NEDZI.
Mr. EDGAR.
Mr. AUCOIN.
Mr. HARKIN.
Mr. JOHN L. BURTON.
Mr. JACOBS.
Mr. NIX.
Mr. UDALL.
Mr. EILBERG.
Mr. OTTINGER.
Mr. MCDONALD.
Mr. ZEFERETTI.
Mrs. SPELLMAN.
Mr. LAFALCE in two instances.
Mr. RANGEL.

ADJOURNMENT

Mr. NOLAN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. WRIGHT). The question is on the motion offered by the gentleman from Minnesota (Mr. NOLAN).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BROWN of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So the motion was agreed to; accordingly (at 10 o'clock and 50 minutes p.m.) the House adjourned until tomorrow, Thursday, May 19, 1977, at 10 o'clock a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LONG of Louisiana: Committee on Rules. House Resolution 581. Resolution providing for the consideration of H.R. 6111. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes (Rept. No. 95–353). Referred to the House Calendar.

Mr. ZABLOCKI. Committee of conference. Conference report on H.R. 5840 (Rept. No. 95–354). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN (for himself, Mr. EDGAR, Mrs. MEYNER, Mr. WON PAT, Mr. WALGREN, Mr. EDWARDS of California, Mr. PATTISON of New York, Mr. MOLLOHAN, Mr. RANGEL, Mr. BONIOR, Mr. STARK, Mr. BEDELL, and Mr. GILMAN):

H.R. 7258. A bill to reform electric energy ratemaking, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. AUCOIN:

H.R. 7259. A bill to restore the Confederated Tribes of Siletz Indians of Oregon as a federally recognized sovereign Indian tribe, to restore to the Confederated Tribes of Siletz Indians of Oregon and its members those Federal services and benefits furnished to federally recognized American Indian tribes and their members, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BALDUS (for himself, Mr. KASTENMEIER, Mr. BLOUIN, Mr. CORNELL, and Mr. EDWARDS of Oklahoma):

H.R. 7260. A bill to amend the Federal Election Campaign Act of 1971 with respect to the filing of reports with State officers; to the Committee on House Administration.

By Mr. BALDUS (for himself, Mr. BRECKINRIDGE, Mr. WINN, Mr. MATHIS, Mr. RUPPE, Mr. RANDALL, Mr. STOCKMAN, Mr. CLEVELAND, Mr. OBERSTAR, Mr. MCHUGH, Mr. BAUCUS, Mr. VENTO, Mr. LLOYD of California, Ms. SPELLMAN, Mr. SARASIN, Mr. EDGAR, Mr. BADILLO, Mr. PANETTA, Mr. BLOUIN, Mr. GEPHARDT, Mr. MOAKLEY, and Mr. IRELAND):

H.R. 7261. A bill to authorize the Small Business Administration to make grants to support the development and operation of small business development centers in order to provide small business with management development, technical information, product planning and development, and domestic and international market development, and for other purposes; to the Committee on Small Business.

By Mr. BALDUS (for himself, Mr ERTEL, Mr. COHEN, Mr. DRINAN, Mr. WON PAT, Mr. KOSTMAYER, Mr. JENRETTE, Mr. NEAL, Mr. BARNARD, Mr. NOLAN, Mr. GILMAN, Mr. WEAVER, Mr. WHITTEN, Mr. BOWEN, Mr. BEDELL, and Mr. ASPIN):

H.R. 7262. A bill to authorize the Small Business Administration to make grants to support the development and operation of small business development centers in order to provide small business with management development, technical information, product planning and development, and domestic and international market development, and for other purposes; to the Committee on Small Business.

By Mr. BEARD of Rhode Island:

H.R. 7263. A bill to amend title 38 of the United States Code in order to require the Administrator of Veterans' Affairs to pay a $150 allowance to any State or any agency or political subdivision of a State in reimbursement for expenses incurred in the burial of each veteran in any cemetery owned by such State or agency or political subdivision of a State, if the cemetery or section thereof is used solely for the interment of veterans; to the Committee on Veterans' Affairs.

By Mr. BEILENSON:

H.R. 7264. A bill to establish the Channel Islands and Santa Monica Mountains National Park and Seashore in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BRINKLEY:

H.R. 7265. A bill to amend title XVIII of the Social Security Act to authorize payment under the supplementary medical insurance program for optometric and medical vision care; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

H.R. 7266. A bill to amend part B of title XI of the Social Security Act to assure appropriate participation by optometrists in the peer review and related activities authorized under such part; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. DODD:

H.R. 7267. A bill to amend the Internal Revenue Code of 1954 to allow the deduction of the portion of certain taxes which is allocable to the construction of sewage treatment works; to the Committee on Ways and Means.

By Mr. HAGEDORN (for himself, Mr. MANN and Mr. TREEN):

H.R. 7268. A bill to amend the Davis-Bacon Act, and for other purposes; to the Committee on Education and Labor.

By Mr. HARKIN:

H.R. 7269. A bill to amend the Soil Conservation and Domestic Allotment Act to provide an updated national direction to the conditions under which the Federal Government will provide financial assistance to agricultural producers for needed soil, water, wood, and wildlife conservation on agricultural lands; to the Committee on Agriculture.

By Mr. HEFTEL (for himself, Mrs. Collins of Illinois, Mr. Nolan, Mr. Gephardt, Mr. Neal, Mr. Pritchard, Mr. Frenzel, Mr. Patterson of California, Mr. Akaka, Mr. Jenrette, Mr. Mollohan, Mr. Ginn, and Mr. Ford of Michigan):

H.R. 7270. A bill to establish a Department of Education, and for other purposes; to the Committee on Government Operations.

By Mr. KEMP:

H.R. 7271. A bill to amend the Internal Revenue Code of 1954 to exempt nonprofit volunteer firefighting or rescue organizations from the Federal excise taxes on gasoline, diesel fuel, and certain other articles and services; to the Committee on Ways and Means.

By Mr. LEVITAS (for himself, Mr. AuCoin, Mr Don H. Clausen, Mr. Guyer, Mr. Lagomarsino, Mr. Lent, Mr. Charles Wilson of Texas, Mr. Edwards of Oklahoma, Mr. Glickman, Mr. Gudger, Mr. Huckaby, Mr. Quayle, Mr. Rahall, Mr. Rudd, Mr. Stockman, Mr. Volkmer, Mr. Whitley, Mr. Benjamin, Mr. Carr, Mr. Jeffords, Mr. Pressler, Mr. Corcoran of Illinois, Mr. Anderson of California, Mr. Eilberg, and Mr. Grassley):

H.R. 7272. A bill amending title 5 of the United States Code to improve agency rulemaking by expanding the opportunities for public participation, by creating procedures for congressional review of agency rules, and by expanding judicial review, and for other purposes; jointly, to the Committees on the Judiciary and Rules.

By Mr. LEVITAS (for himself, Mr. AuCoin, Mr. Don H. Clausen, Mr. Guyer, Mr. Lagomarsino, Mr. Lent, Mr. Charles Wilson of Texas, Mr. Edwards of Oklahoma. Mr. Glickman, Mr. Gudger, Mr. Huckaby, Mr. Quayle. Mr. Rahall, Mr. Rudd, Mr. Stockman, Mr. Volkmer, Mr. Whitley, Mr. Benjamin, Mr. Carr, Mr. Jeffords, and Mr. Pressler):

H.R. 7273. A bill amending title 5 of the United States Code to improve agency rulemaking by expanding the opportunities for public participation, by creating procedures for congressional review of future agency rules, and by expanding judicial review, and for other purposes; jointly, to the Committees on the Judiciary and Rules.

By Mr. LEVITAS (for himself, Mr. AuCoin, Mr. Don H. Clausen, Mr. Guyer, Mr. Lagomarsino, Mr. Lent, Mr. Charles Wilson of Texas, Mr. Edwards of Oklahoma, Mr. Glickman, Mr. Gudger, Mr. Huckaby, Mr. Quayle, Mr. Rahall, Mr. Rudd, Mr. Stockman, Mr. Volkmer, Mr. Whitley, Mr. Benjamin, Mr. Carr, Mr. Jeffords, Mr. Pressler, Mr. Leach, and Mr. Mollohan):

H.R. 7274. A bill amending title 5 of the United States Code to improve agency rulemaking by expanding the opportunities for public participation, by creating procedures for congressional review of agency rules imposing certain sanctions, and by expanding judicial review, and for other purposes; jointly, to the Committees on the Judiciary and Rules.

By Mr. LEVITAS (by himself, Mr. Traxler, Mr. Cavanaugh, Mr. Robinson, Mr. Badham, Mr. Hollenbeck, Mr. Winn, Mr. Gephardt, Mr. Walker, Mr. Goldwater, Mr. D'Amours. Mr. Luken, Mr. Ireland, and Mr. Preyer):

H.R. 7275. A bill amending title 5 of the United States Code to improve agency rulemaking by expanding the opportunities for public participation, by creating procedures for congressional review of agency rules, and by expanding judicial review, and for other purposes; jointly, to the Committees on the Judiciary and Rules.

By Mr. LLOYD of California:

H.R. 7276. A bill to amend the Internal Revenue Code of 1954 to allow individuals who have attained age 65 a refundable tax credit for property taxes paid by them on their principal residences or for a certain portion of the rent they pay for their principal residences; to the Committee on Ways and Means.

By Mr. McKINNEY:

H.R. 7277. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 7278. A bill to amend section 510 of the Merchant Marine Act, 1936; to the Committee on Merchant Marine and Fisheries.

By Mr. MURPHY of New York (for himself and Mr. Addabbo):

H.R. 7279. A bill to name the U.S. Customs Court and Federal Office Building at 1 Federal Plaza, New York, N.Y., the "Paul P. Rao U.S. Customs Court and Federal Office Building"; to the Committee on Public Works and Transportation.

By Mr. MURPHY of New York (for himself, Mr. Luken, Mr. Gilman, Mr. Mineta, Mr. Hollenbeck, Mr. Bonior, Mr. Stark, and Mr. Bedell):

H.R. 7280. A bill to amend title 38, United States Code, to provide for a 12-year delimiting period for a veteran to complete a program of education; to the Committee on Veterans' Affairs.

By Mr. NOLAN:

H.R. 7281. A bill to amend the Internal Revenue Code of 1954 to exempt farm trucks and soil and water conservation trucks from the Highway Use Tax; to the Committee on Ways and Means.

By Mr. PEASE (for himself, Mr. Addabbo, Mr. Hagedorn, Mr. Won Pat, Mr. Whitehurst, Mr. Hyde, Mr. Volkmer, Mr. Ireland, Mr. Charles Wilson of Texas, Mr. Ashley, Mr. Mathis, Mr. Young of Florida, Mr. McCormack, Mr. Whitley, Mr. Murphy of Pennsylvania, Mr. Edwards of Oklahoma, Mr. Gaydos, Mrs. Spellman, Mr. Bevill, Mr. Milford, Mr. Mitchell of New York, Mr. Russo, Mr. Grassley, Mr. Sisk, and Mr. Seiberling):

H.R. 7282. A bill to amend title XVI of the Social Security Act to provide that certain aliens may not qualify for supplemental security income benefits unless they not only are permanent residents of the United States but have also continuously resided in the United States for a period of 5 years, and to provide that an alien may not be admitted to the United States unless a citizen of the United States agrees to provide support to such alien for a period of 5 years after admission, and for other purposes; jointly, to the Committees on Ways and Means, and the Judiciary.

By Mr. PRESSLER:

H.R. 7283. A bill to establish an art bank in the Congress for the purpose of selecting American works of art for display in the House and Senate office buildings; to the Committee on House Administration.

H.R. 7284. A bill to amend title XVIII of the Social Security Act to authorize payment under the supplementary medical insurance program for optometric and medical vision care; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. PRICE (for himself and Mr. Bob Wilson) (by request):

H.R. 7285. A bill to amend title 37, United States Code, to authorize family separation allowance for members in the pay grade of E-4 and below with dependents; to the Committee on Armed Services.

By Mr. RANGEL:

H.R. 7286. A bill to amend the Public Health Service Act to provide for the establishment of a National Sickle Cell Anemia Institute; to the Committee on Interstate and Foreign Commerce.

By Mr. RHODES:

H.R. 7287. A bill to amend title II of the Social Security Act to require that procedures be established for the expedited replacement of undelivered benefit checks, to require that decisions on benefit claims be made within specific periods and to require that payments of benefits on approved claims begin promptly; to the Committee on Ways and Means.

By Mr. RONCALIO:

H.R. 7288. A bill to amend part B of title XI of the Social Security Act to assure appropriate participation by optometrists in the peer review and related activities authorized under such part; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. SMITH of Iowa (for himself, Mr. Conte, Mr. Steed, Mr. Corman, Mr. Addabbo, Mr. St Germain, Mr. Breckinridge, Mr. LaFalce, Mr. Richmond, Mr. Russo, Mr. Nolan, Mr. Badillo, Mr. Nowak, Mr. Le Fante, Mr. Ireland, Mr. Stanton, Mr. McDade, Mr. Carter, Mr. Butler, Mr. Cohen, Mrs. Fenwick, Mr. Kasten, Mr. Pressler, Mr. Quayle, and Mr. Marriott):

H.R. 7289. A bill to amend title 18 of the United States Code to make it a Federal offense to kill a Small Business Administration employee engaged in the performance of his official duties; to the Committee on the Judiciary.

By Mr. SMITH of Iowa (for himself, Mr. Conte, Mr. Hanley, and Mr. Skelton):

H.R. 7290. A bill to amend title 18 of the United States Code to make it a Federal offense to kill a Small Business Administration employee engaged in the performance of his official duties; to the Committee on the Judiciary.

By Mr. STEED (for himself and Mr. Hightower):

H.R. 7291. A bill to require the Secretary of Transportation to designate certain highways in Oklahoma and Texas as part of the Interstate System; to the Committee on Public Works and Transportation.

By Mr. UDALL:

H.R. 7292. A bill to amend title 5, United States Code. to revise the pay structure for Federal air traffic controllers; to the Committee on Post Office and Civil Service.

By Mr. UDALL (for himself, Mr. Preyer, Mr. Pepper, Mr. Cochran, and Mr. Sawyer):

H.R. 7293 A bill to provide for limited public financing of congressional general election campaigns, to provide that candidates receiving public funds in Presidential elections may accept certain contributions and make increased expenditures, and for other purposes; to the Committee on House Administration.

By Mr. VENTO:

H.R. 7294. A bill to amend the Internal Revenue Code of 1954 to permit individuals to defer payment of income tax based upon certain expenses paid or incurred by the taxpayer in connection with this education or the education of his spouse or any of his dependents; to the Committee on Ways and Means.

By Mr. CHARLES H. WILSON of California (for himself, Mrs. Spellman, Mr. Abdnor, Mr. Bonior, Mr. Buchanan, Mr. Cavanaugh, Mr. Grassley, Ms. Holtzman, Mr. Lederer, Mr. Marlenee, Mr. Mitchell of Maryland, Ms. Oakar, Mr. Rooney, Mr. Sebelius, and Mr. Thone):

H.R. 7295. A bill to amend title 39, United States Code, to alter the organizational structure of the U.S. Postal Service, to revise the procedure for adjusting postal rates and services, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WYDLER:

H.R. 7296. A bill to designate the new Terminal Radar Approach Control Federal Building in Hempstead, Long Island, N.Y., as the Charles A. Lindbergh Federal Building; to the Committee on Public Works and Transportation.

By Mr. ALEXANDER (for himself, Mr. Emery, Mr. Gephardt, Mr. Grassley, Mr. Nolan, Mr. Fithian, Mr. Simon, Mr. Risenhoover, and Mr. Neal):

H.R. 7297. A bill to amend title 39, United States Code, to authorize the appropriation of funds necessary to operate the U.S. Postal Service, to provide that revenues of the Postal Service shall be deposited in the Treasury of the United States, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ANDERSON of California:

H.R. 7298. A bill to amend the Federal Aviation Act of 1958 to provide financial protection to victims of aircraft incidents in domestic air transportation, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. CLAY (for himself, Mr. Duncan of Tennessee, Mr. Fauntroy, Mr. Murphy of Pennsylvania, Mr. Kostmayer, Mr. Corrada, Mr. Nix, Mrs. Keys, and Mr. Hawkins):

H.R. 7299. A bill to provide that the Federal Government will reimburse any individual who prevails in a court action if such court action is the result of harassment or other unreasonable conduct by the Federal Government; jointly, to the Committees on the Judiciary, and Ways and Means.

By Mr. FISHER (for himself, Mr. Fauntroy, Mr. Harris, Mrs. Spellman, Mr. Steers, and Mr. Mazzoli):

H.R. 7300. A bill to amend the act of February 9, 1821, to restate the charter of the George Washington University; to the Committee on the District of Columbia.

By Mr. FREY (for himself, Mr. Broyhill, Mr. Fithian, Mr. Jenrette, Mr. Mann, Mr. Martin, and Mr. Miller of Ohio):

H.R 7301. A bill to amend the Communications Act of 1934 with respect to the renewal of licenses for the operation of broadcasting stations; to the Committee on Interstate and Foreign Commerce.

By Mr. ICHORD:

H.R. 7302. A bill to amend the Internal Revenue Code of 1954 to provide that taxpayers may sue for damages resulting from wrongful seizures of property after jeopardy assessments; to the Committee on Ways and Means.

By Mr. JENRETTE (for himself, Mr. Holland, Mr. Panetta, Mr. Moss, Mr. Mineta, Mr. Walgren, Mr. Fraser, Mrs. Collins of Illinois, Mr. Hughes, Mrs. Heckler, Mr. Badillo, Mr. Beard of Rhode Island, Mr. Solarz, and Mr. Ottinger):

H.R. 7303. A bill to prohibit discrimination on the basis of marital status, and for other purposes; jointly, to the Committees on the Judiciary, and Education and Labor.

By Mr. LEGGETT:

H.R. 7304. A bill to increase the amount of a loan the Secretary of Commerce may guarantee from 75 percent to 87½ percent of the cost of certain vessels, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MADIGAN (for himself, Mr. Anderson of Illinois, Mr. Annunzio, Mr. Derwinski, Mr. Erlenborn, Mr. Findley, Mr Hyde, Mr. Metcalfe, Mr. Michel, Mr. Mikva, Mr. O'Brien, Mr. Railsback, Mr. Shipley, Mr. Simon, and Mr. Staggers):

H.R. 7305. A bill to designate a certain Federal building in Champaign, Ill., the William L. Springer Building; to the Committee on Public Works and Transportation.

By Mr. NEAL:

H.R. 7306. A bill to amend the Internal Revenue Code of 1954 with respect to income earned abroad by U.S. citizens living or residing abroad; to the Committee on Ways and Means.

By Mr. QUAYLE:

H.R. 7307. A bill to amend title 18, United States Code, to provide increased penalties for any person convicted of using a firearm to commit certain Federal crimes or carrying a firearm during the commission of such crimes, and for other purposes; to the Committee on the Judiciary.

By Mr. RODINO:

H.R. 7308. A bill to amend title 18, United States Code, to authorize applications for a court order approving the use of electronic surveillance to obtain foreign intelligence information; to the Committee on the Judiciary.

By Mr. SOLARZ:

H.R. 7309. A bill to establish within the Department of State a Bureau of Claims Against Foreign Diplomats with responsibility for awarding full and just compensation to persons injured by foreign diplomats and for reimbursing local governments for revenues lost because of their inability to collect parking fines from foreign diplomats; to the Committee on International Relations.

By Mr. WON PAT (for himself and Mr. Heftel):

H.R. 7310. A bill to regulate certain interstate commerce and to assure that essential maritime transportation is provided, and for other purposes; to the Committee on Education and Labor.

By Mr. SEIBERLING:

H.R. 7311. A bill to provide that the 1972 revision in the social security benefit computation formula for men shall fully apply with respect to individuals who retired in or before 1972 as well as with respect to individuals retiring after that year; to the Committee on Ways and Means.

By Mr. ADDABBO (for himself, Mr. Neal, and Mr. AuCoin):

H.J. Res. 472. Joint resolution authorizing the President to proclaim September 8 of each year a National Cancer Prevention Day; to the Committee on Post Office and Civil Service.

By Mr. BAFALIS (for himself, Mr. Archer, Mr. Badham, Mr. Bauman, Mr. Broomfield, Mr. Burleson of Texas, Mr. Chappell, Mr. Coleman, Mr. Crane, Mr. Robert W. Daniel, Jr., Mr. Dornan, Mr. Duncan of Tennessee, Mr. Edwards of Oklahoma, Mr. Frey, Mr. Goldwater, Mr. Guyer, Mr. Hall, Mr. Hammerschmidt, Mr. Hansen, Mr. Ichord, Mr. Kelly, Mr. Kemp, Mr. Kindness, Mr. Latta, and Mr. Marriott):

H.J. Res. 473. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or national emergency; and to provide for the systematic paying back of the national debt; to the Committee on the Judiciary.

By Mr. BAFALIS (for himself, Mr. Martin, Mr. Miller of Ohio, Mr. Mottl, Mr. O'Brien, Mr. Rudd, Mr. Schulze, Mr. Spence, Mr. Treen, Mr. Vander Jagt, Mr. Waggonner, Mr. Walker, Mr. Young of Florida, and Mr. Edwards of Alabama):

H.J. Res. 474. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or national emergency; and to provide for the systematic paying back of the national debt; to the Committee on the Judiciary.

By Mr. BRODHEAD:

H.J. Res. 475. Joint resolution to provide for the designation of a day as "National Day for Solidarity with Soviet Jewry"; to the Committee on Post Office and Civil Service.

By Mr. ALEXANDER (for himself, Mr. Risenhoover, Mr. Simon, Mr. Thornton, Mr. Davis, Mr. Whitley, Mr. Badillo, Mr. Hughes, Mr. Ertel, Mr. Cornwell, Ms. Holtzman, Mr. Neal, and Mr. Krebs):

H. Con. Res. 225. Concurrent resolution expressing the sense of Congress that the providing of adequate water and waste disposal systems for rural America is a national goal; jointly, to the Committees on Agriculture, Interior and Insular Affairs, and Public Works and Transportation.

By Mr. MURPHY of New York:

H. Con. Res. 226. Concurrent resolution encouraging maximum use of U.S. Flag Merchant Marine; to the Committee on Merchant Marine and Fisheries.

By Mr. ANDERSON of Illinois (for himself, Mr. Fisher, Mr. Allen, Mr. Badillo, Mr. Bafalis, Mr. Baucus, Mr. Bennett, Mr. Boland, Mr. Bonior, Mr. Brown of Michigan, Mr. Butler, Mr. Cleveland, Mr. Cohen, Mr. Diggs, Mr. Duncan of Oregon, Mr. Edgar, Mr. Ertel, Mr. Evans of Colorado, Mr. Fascell, Mrs. Fenwick, Mr. Fraser, Mr. Frenzel, Mr. Gradison, Mr. Guyer, and Mr. Hannaford):

H. Res. 582. Resolution to permit all employees of the House of Representatives to contribute through payroll withholdings, to charitable organizations in coordination with the Combined Federal Campaign and other fundraising in the executive branch of the Federal Government; to the Committee on House Administration.

By Mr. ANDERSON of Illinois (for himself, Mr. Fisher, Mr. Horton, Mr. Hughes, Mr. Jeffords, Mr. Kindness, Mr. Koch, Mr. Lagomarsino, Mr. Leggett, Mr. Levitas, Mr. Lloyd, of California, Mr. McKinney, Mr. Mann, Mr. Mazzoli, Mr. Nowak, Mr. Ottinger, Mr. Pease, Mr. Seiberling, Mr. Simon, Mrs. Spellman, Mr. Stark, Mr. Steers, Mr. Tsongas, and Mr. Vander Jagt):

H. Res. 583. Resolution to permit all employees of the House of Representatives to contribute through payroll withholdings, to charitable organizations in coordination with the Combined Federal Campaign and other fundraising in the executive branch of the Federal Government; to the Committee on House Administration.

By Mr. D'AMOURS (for himself, Mr. Ertel, Mr. Cotter, Mr. Walsh, Mr. Volkmer, Mr. Harrington, Mr. Shuster, Mr. Corrada, Mr. Emery, Mr. McDade, Mr. Koch, Mr. Allen, Mr. Ford of Michigan, Mr. Dent, and Mr. Byron):

H. Res. 584. Resolution expressing the sense of the House of Representatives with respect to the President's action of April 1, 1977, regarding import relief for the nonrubber footwear industry; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H Res. 585. Resolution creating a special committee to conduct an investigation and study into the legal, political, and diplomatic status of lands which were the subject of grants from the King of Spain and from the Government of Mexico prior to the acquisition of the American Southwest as a result of the Treaty of Guadalupe Hidalgo concluding the Mexican-American War in 1848; to the Committee on Rules.

By Mr. KOCH (for himself, Mr. Drinan, Mr. Dodd, Mr. Ambro, Mr. Addabbo, Mr. Baucus, Mr. Badillo, Mr. Bonker, Mr. Downey, Mr. Edwards of Oklahoma, Mr. Eilberg, Mr. Florio, Mrs. Holt, Mr. Horton, Mr. Hollenbeck, Mr. Hughes, Mr. Kemp, Mr. Kostmayer, and Mr. Long of Maryland):

H. Res. 586. Resolution relative to the freedom of the citizens of Romania, and for other purposes; to the Committee on Ways and Means.

By Mr. KOCH, (for himself, Mr. Drinan, Mr. Dodd, Mr. Lundine, Mr. McDonald, Mr. Metcalfe, Ms. Mikulski, Mr. Mineta, Mr. Moakley, Miss Oakar, Mr. Ottinger, Mr. Pepper, Mr. Pease, Mr. Rangel, Mr. Rinaldo, Mr. Waxman, Mr. Wolff, and Mr. Yatron):

H. Res. 587. Resolution relative to the freedom of the citizens of Romania, and for other purposes; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII

By Mr. JACOBS:

Mr. JACOBS introduced a bill (H.R. 7312) for the relief of Glenn Richard Poter; which was referred to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5400

By Mr. FRENZEL:

On page 33, line 10, after (2) insert the following: "(A)(1)".

On page 33, line 17, insert the following new subsection:

(ii) No State shall receive any payments under subparagraph (A), subparagraph (B), or subparagraph (C) unless such State has complied with the provisions of section 10 (c) (1) and (2).

Page 22, line 15 after the word "election" in the first place it appears, insert the following: ", any primary election,".

Page 22, line 14, delete "general".

Page 22, line 15, delete "general".

Page 22, line 16, delete "general".

Page 23, line 4, delete "general".

Page 26, line 17, delete "general".

Page 31, line 14, delete "general".

Page 33, line 5, delete "general".

Page 33, line 15, delete "general".

Page 33, line 16, delete "general".

Page 26, strike out line 15 and all that follows down through page 27, line 7, and insert in lieu thereof the following:

(2)(A) States and units of general local government shall not be required to comply with the provisions of (a)(1) with respect to any Federal election held before the general election for Federal office occurring in 1980.

Page 28, beginning line 6, strike out "if additional identification is required by the State or unit of general local government involved,".

Page 26, line 8, strike out "shall" and insert in lieu thereof "may".

Page 39, beginning on line 23, strike out "including any State, unit of general local government, or".

Page 40, beginning on line 24, strike out "(D) any failure to comply with the provisions of section 6; or".

Page 20, strike out line 14 and all that follows down through page 21, line 19, and insert in lieu thereof the following:

DECLARATION OF PURPOSE

Sec. 2. The Congress hereby declares that it is the purpose of this Act to provide financial and other assistance to encourage States to provide expanded opportunities for voters registration before and on the date of Federal elections and State or local elections, and to modernize the administration of elections and voter registration.

H.R. 6884

By Mr. ICHORD:

Page 8, line 17, strike out "$2,214,700,000" and insert in lieu thereof "$2,114,700,000"; on page 9, line 17, strike out "sections" and insert in lieu thereof "section"; strike out line 18 on page 9 and all that follows through line 2 on page 11; and in line 3 on page 11, strike out "534" and insert in lieu thereof "533".

H.R. 10

By Mr. ERTEL:

Page 40, line 3, strike out "; and" and insert in lieu thereof a period.

Page 40, strike out line 4 and all that follows down through line 9.

By Mr. VOLKMER:

Page 30, after line 12, strike out all that follows down through page 31, line 22, and insert in lieu thereof the following:

"(9) 'restricted position' means any position with respect to which there is in effect a determination by the Commission, by regulation, that—

"(A) the public interest requires a restriction on the political activity of any employee holding such position; and

"(B) the duties and responsibilities of such position—

"(i) require such employee, as a substantial part of his office activities, to engage in—

"(I) the enforcement of any civil or criminal law;

"(II) the inspection or auditing of the activities of any person;

"(III) the contracting for goods or services for the Government, including the procurement or sale of real or personal property;

"(IV) the awarding, administration, or monitoring of licenses, grants, subsidies, or other benefits; or

"(V) foreign intelligence or national security activities; and

"(ii) (I) in the case of any enforcement action referred to in subparagraph (B)(i)(I) of this paragraph or any inspection or audit referred to in subparagraph (B)(i)(II) of this paragraph, include the authority to determine who shall be the subject of any such action, include the actual carrying out of any such action, or include the authority to make a final determination with respect to any such action; or

"(II) in the case of any Government contract referred to in subparagraph (B)(i)(III) of this paragraph or any Government license, grant, subsidy, or other benefit referred to in subparagraph (B)(i)(IV) of this paragraph, include the authority to make any substantial determination with respect to any such contract or benefit which involves any funds or other interest having a value which exceeds $25,000; or;

"(III) in the case of any foreign intelligence or national security activity referred to in subparagraph (B)(i)(V) of this paragraph, the primary function of the agency, or office, bureau or entity within an agency relates to such activity.

EXTENSIONS OF REMARKS

A GOOD WORD FOR THE CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for May 18 1977, into the Congressional Record:

A Good Word for the Congress

A nationally syndicated columnist wrote recently, "Our society can do without Congress for a decade and would be better off for the absence."

Although one does not often hear pleas for the outright abolition of the Congress, criticism of the Congress is nothing new. Some of the criticism is well-deserved, and should be accepted. Some is the rhetorical bi-product of a vital two party system and should be expected. Some is unwarranted, excessive, demeaning, even destructive, and should be rejected.

Sometimes it seems the Congress is in a no-win situation. If the Congress is slow to act it is called a do-nothing Congress. If it moves swiftly, it is lambasted for giving insufficient consideration to legislation. If it passes many bills, it is criticized for leading the nation in a headlong rush toward socialism. If it enacts few laws, it is blasted for failing to meet America's urgent needs. The Congress is faulted for too much bickering, haggling, politicking, wasting of time, too many scandals and questionable dealings, and not enough action on such critical issues as the economy and energy.

Perhaps it is time to say a good word for the Congress. The fundamental task of the U.S. Congress is not to deal with any specific problem on the national agenda, as important as that may be, but to maintain freedom. Less than 20% of the people of the world live in free nations. The U.S. Congress, having helped create and maintain a nation more free than any other, is certainly a successful political institution. The strength and independence of an elected national parliament is a vital test of the strength and independence of a democracy. Among the parliaments of the world, the U.S. Congress, despite its faults, is the most powerful and the most respected. As the demands on democratic government accelerate while their capacity stagnates, most political observers see a bleak future for democratic governments. In view of the perilous status of freedom in the world, and the vital role a parliament plays in maintaining that freedom, it is astounding to me that a seasoned observer would favor the abolishment of the U.S Congress.

It is also important to understand the role of the Congress and its extremely difficult task of managing conflict in the country and trying to reconcile differing views. That is really what lawmaking is all about. In a democratic society the role of government is to soften tension and strife and to enable groups to strive toward the kind of life they want to lead. It is not easy, but it is essential, that the tensions and the strife within a country of 220 million people be adjusted, harmonized and accommodated.

The Congress plays an indispensable role in working out accommodations on particular issues. The Congress is often untidy, slow and inefficient, but that is because it represents the total diversity of the country. The nation's resources are vast, but limited. The nation cannot afford everything that every group wants. Congress through its lawmaking function tries to reconcile the differences. It does not perform this job perfectly. Sometimes it avoids conflict, sometimes it postpones conflict, but it does keep the country from coming apart Its debates, struggles, and conflicts often serve as a catharsis for the American people.

In evaluating the Congress it also helps to understand its staggering and expanding workload. The House of Representatives received 14 million pieces of mail in 1969; last year it received 42.5 million pieces, an increase of 300%. In 1972 there were 3,900 committee meetings; in 1975 there were 6,200. In the first Congress in 1790 there were 144 pieces of legislation introduced while in the 94th Congress, just completed, that figure totaled over 37,000. In 1790 a Congressman represented 30,000 people, today he represents about 500,000. The most difficult social problems of the country today compose the agenda for the United States Congress. Additionally, the Congress has the responsibility of overseeing, by consecutive estimates, more than 1,500 departments, agencies, and commissions of the federal government, employing about 5 million people.

An understanding of the role of the Congress, and of the difficulty of its task, assures that the public will not have an exaggerated expectation of what the Congress can do. The Congress is unable to resolve all the problems in the country and it is not structured to provide decisive, comprehensive leadership on every political issue. Its role is to focus on those areas where it can play a meaningful role, and where, taking into account political and organizational realities, it can have a beneficial impact.

An improved understanding of the limitations as well as the accomplishments of the Congress provide a realistic, even optimistic view of the Congress, and certainly help make legislators' tasks easier.

Fortunately, most Americans understand the role of the Congress. I see no mass rejection of the Congress as an institution, nor do I see the American people grasping for extreme solutions like the abolition of the Congress.

AGENCY FOR CONSUMER ADVOCACY

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. SYMMS. Mr. Speaker, now that the Government Operations Committee has favorably reported H.R. 6118, each Member of this distinguished body must decide whether it is in the best interests of the Nation to create yet another agency to look after the interests of the American consumer. Of course, this is not just another agency; the proposed Agency for Consumer Protection—ACP—would be the granddaddy of all consumer agencies, with power over all and with responsibility towards none. In fact, its administrator, by virtue of his ability to direct the intervention of the ACP into practically every nook and cranny of business and government, could well become the second most powerful man in the country, second only to the President.

One would think, if 50 Federal agencies and bureaus have not been able to "protect" the consumer, that adding a 51st would be rejected outright. However, there are still those who feel that government must do everything for people but will, in the process, do nothing to people. Of course, nothing could be further from the truth. Somebody will have to pay the cost of all the extra paper work, litigation, delay, and confusion that will result from the creation of an ACP and that somebody will be the American consumer.

For those worried about the burden of government over-regulation, consider what will happen when, after years of study, a Federal agency issues a rule or regulation or makes a finding, only to find itself challenged and dragged into court by the ACP ostensibly on behalf of a group of consumers. If that happens often, the regulatory process will be strung out further than ever, to the point that both business and government will all but grind to a halt. Rarely has a piece of legislation had more potential for trouble.

Mr. Speaker, I could elaborate further on the difficulties this piece of legislation will create but my good friend and colleague, PHIL CRANE, in his recent testimony before the Legislation and National Security Subcommittee, went into them at some length. So, rather than be duplicative, I ask unanimous consent that his testimony be inserted in the RECORD at this time for the benefit of all who might be interested.

CONGRESSMAN CRANE'S TESTIMONY

Mr. Chairman. Before beginning, let me express my thanks to you and the other members of the subcommittee for letting me appear here today. I appreciate your consideration.

What prompts my visit is a deep-seated concern about the potential adverse effects of a bill that, ostensibly, is designed to protect the interests of the Amerian consumer. While creating a single agency to guard the consumer may seem beneficial on the surface, in practice, it will complicate and impede the already burdensome process of federal regulation. On the one hand, existing federal regulatory agencies will continue to make rules and regulations in the "public interest;" on the other hand, the proposed Agency for Consumer Protection (ACP) would be charged with contesting those very same rules and regulations in the "consumer interest."

In theory, this legislation is based on the assumption that a single agency can act as an advocate for "consumers" as a class. The fact is that there are as many consumers as there are citizens, and their interests are more diverse than one can imagine. It is ridiculous to think that any one Federal agency could possibly represent them all.

Richard Simpson, the first Chairman of the Consumer Product Safety Commission once stated in a letter to President Carter, "it is my view that sincere, and well intentioned, legislators too often seek instant 'cures' for such problems by the creation of yet another federal agency.' He continued by noting that "the ACP legislation would appear to me to be an attempt at such a legislative panacea. Unfortunately, as we are all too well aware, the cure is often worse than the illness. Just because the legislative title says "Consumer Protection" doesn't mean that in practice the consumer will be well served." Truer words were never spoken.

Many people forget that there is no lack of government interest and involvement in the welfare of consumers at the present time. In fact, there are about 50 federal agencies and bureaus performing some 200 or 300 functions affecting the consumer and if they haven't helped him by now what reason is there to believe that yet another agency would do any better. Moreover, creation of an ACP would seem to contradict President Carter's stated purpose of streamlining the bureaucracy. At the very least, it will increase paperwork and red tape; at the worst, it threatens to frustrate not just the regulatory process but our entire system of governmental checks and balances.

In the first place, I believe it unwise to set up one "super" agency with the power to intervene in the affairs of other agencies, and to call their decisions into question in the courts. The Agency For Consumer Protection, proposed in HR 6118, will have not only the right but the mandate to become an adversary against every other agency, first disputing their findings and then overriding their decisions by appeals to the federal courts. Private persons and companies engaged in proceedings with other federal agencies now will be confronted with the situation in which no decision involving consumer interests is final until the Agency For Consumer Protection has agreed to let it rest, or until it has been reviewed and settled by the courts.

The ACP would not only be authorized to appear in formal hearings but would also be legally empowered to intervene in agency hearings of a most sensitive nature, well below the level of formal rule-making. This is the result of a provision which allows for the Administrator of the ACP to intervene in Federal regulatory agency investigations requiring an investigational hearing. It seems to me that such intervention by the ACP Administrator would destroy the very purpose of the investigatory hearings which are non-public for good reason.

The ACP would also have the right to issue mandatory interrogatories, subpoena trade secrets and other confidential information from business and individuals. Any piece of paper, any type of communications and records of any kind might have to be turned over to the proposed Agency for Consumer Protection. This kind of situation would have a shattering effect on normal negotiations between business and the federal government. It would literally put an end to the practice of negotiated settlements between the two—settlements which often save the consumer the cost of lengthy litigation. Once the ACP made itself a party to all such informal negotiations by demanding copies of communications, whatever cost advantage there might be in settling would diminish.

In pursuit of the information that would be necessary for it to function the ACP would have the power to demand information about business and businessmen, regardless of its confidentiality. Even privileged data, reports, studies or findings submitted to another agency could be obtained by ACP. Existing understanding as to proprietary nature of such items would not be binding upon ACP, leaving anyone's business activities open to the perpetual threat of public disclosure. Moreover, as inferred earlier, such an agency could bring adversary pressure to bear on government decision-making, and through prolonged and tortuous litigation, further bog down the decision-making process. The paperwork alone would increase the delay and cost of excessive proportions and the legal costs of both prosecution and defense would be tremendous. Since the taxpayer would foot the bill for the former and the consumer would be charged for the latter, that unique combination of the two, the American citizen, would be the loser twice over. Perhaps that is why a national survey done by Opinion Research Corporation found that 75 percent of the consumers they questioned opposed setting up a new agency favoring, instead, making existing federal consumer agencies more effective.

If all that were not enough, what about those that are exempted by this legislation.

Certainly consumers are affected by the activities of labor unions, the setting of price supports and the market price of loans to farmers. Yet all these things are exempted just as organized labor is from the provision of the antitrust laws, in what can only be considered an amazing paradox. The very least we can do is apply the same torture to everybody so that everyone can enjoy it together. However, if we were to do that, I suspect the furor would be so great that the value of applying HR 6118 to anyone would soon be brought into serious question.

The trouble with legislation like this is that it is not possible to be all things to all men. One person's protection may be another's poison and it is high time Congress and the American people recognized that a stance you take on behalf of one class of consumers is apt to leave another class unhappy. This legislation will undoubtedly leave a lot of people unhappy and I urge the subcommittee to reject it.

Thank you, Mr. Chairman.

PIPELINE SABOTAGE

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. MURTHA. Mr. Speaker, a concern that has always been part of the discussion of building a natural gas pipeline through Canada is sabotage. I would like to submit for the Record an article on the subject from the Washington Post, May 17, 1977:

Alaska Pipeline Poses Target For Saboteurs, Congress Told

The Alaska pipeline poses a unique target for saboteurs, and there are people in the state with grievances enough to disrupt it, an Arctic expert told Congress in secret testimony released yesterday.

"The trans-Alaska pipeline represents a target for political terrorism that is unique in the American experience," said Leonard A. Leschack, a consultant on arctic projects for government and oil clients.

"Never before could the potential destruction, or merely the threat of such destruction of private property, have such ramifications to the national defense as will soon be possible when the pipeline comes on stream," Leschack said.

Leschack testified at closed hearings before the defunct Senate Internal Security Subcommittee a year ago, and his testimony along with that of other witnesses was released yesterday. All witnesses called for greater cooperation among the federal government, the state government and the oil companies to guard the pipeline.

Sen. Ted Stevens (R-Alaska) said the pipeline would be most vulnerable during the first months of operation, beginning later this year, and warned that opponents of future pipelines may seek a "real cause celebre" by going after the first one.

Richard L. Burton, Alaska's commissioner of public safety, echoed Leschack's warning of possible sabotage attempt, saying, "It will happen—I am sure of that as I am sitting here."

He said shots had been fired at the pipeline already and there had been an extortion threat of dynamiting it, apparently from three disgruntled workers.

Leschack said, "A few knowledgeable saboteurs could destroy enough of the pipeline so that repairs could not be completed within three weeks' time—this is the time limit beyond which Alyeska engineers estimate that the natural heat of the oil will be lost and the pipeline and its contents would freeze."

He said it would then take six months to restore the flow and "such a cutoff or even the threat of a cutoff could have disastrous political ramifications."

He singled out Alaskan North Slope natives as possible saboteurs because some feel they were treated unfairly by the lands claim settlement.

PROGRAM AT AUSCHWITZ

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. DERWINSKI. Mr. Speaker, at a time when news reports tell of the slaughter of innocent citizens by the government forces in Uganda and reports indicate that as many as a million people have been killed by the Communists in Cambodia, one realizes that these tragedies result in part because of the disinterest of other governments and their peoples; or the lack of foresight in heading off the growth of dictatorships which perpetrate such actions.

Historians would probably agree that the pattern of such indifference to mass slaughter started with the world's unresponsiveness to the attempted genocide of the Armenians by the Turks in 1915, and the belated world reaction to Hitler's efforts to exterminate the Jews.

Therefore, I take this time to bring the attention of the Members to a program at the Auschwitz concentration campsite undertaken by Lt. Col. Stanley Glod in conjunction with his temporary duty assignment with the U.S. Army Reserve in the Federal Republic of Germany:

National Republican Heritage
Groups (Nationalities) Council,
Washington, D.C.

The Polish Labor Service Group in Kaiserslautern, like other civilian labor service groups in the employ of the U.S. Forces in Europe, is organized along para-military lines and composed largely of former Polish soldiers and displaced persons who were either unable to return to their native Poland following World War II, or chose not to. The ceremonies held on August 15 featured an unveiling and blessing of an oil portrait of the Reverend Maximilian Kolbe, a Polish Franciscan priest who offered to give his life in place of that of a friend who had been designated for cremation by camp authorities. The portrait, painted by a fellow inmate of the slain priest, and who presently resides in Poland, is believed to be the only one of its kind in the world.

Raymond Kolbe was born on January 8, 1894 in Zdunska Wola, Poland. He entered the Franciscan order, adopting the name of "Father Maximilian." As a Franciscan at the monastery in Niepokalanow, he became known for his talents as a printer-editor, founding several Catholic writings and literary publications. As his priestly career matured, he was sent to Japan, where he resided between 1931–1935. He returned to Poland and, on February 17, 1941, was taken by the Nazis to the Auschwitz death camp, along with many other Poles. Incarcerated in Compound No. 14, Father Maximilian bore prisoner number 16670 on his forearm.

Following the escape of several prisoners from Auschwitz in the summer of 1941, the Nazis selected a number of persons, at random, for death, as had been the custom in such circumstances. One of those selected, a Polish Army Sergeant by the name of Francis Gajewniczek (Prisoner No. 5659), had been a fellow inmate of Father Maximilian. The doomed prisoner tearfully pleaded for his life, exclaiming that he would never again be able to see his wife and children. Moved by this display of grief, Father Maximilian calmly requested an audience with camp authorities, offering his life in place of that of his fellow inmate. Although surprised by the priest's peaceful tone and most unusual sacrifice, the authorities nevertheless consented.

Father Maximilian was cremated in the ovens of Auschwitz on August 15, 1941. Since that time, the story of his heroic and selfless deeds became known throughout the world. In 1971, the Vatican conducted Beatification proceedings for Father Maximilian with a view towards canonization as a Saint of the Roman Catholic Church. After hearing hundreds of witnesses, examining countless documents and investigating the priest's entire life, the Church declared him as the Beatified Father Maximilian on October 17, 1971.

The portrait in question was donated by the artist in Poland to Henryk Sienkiewicz, a member of the Polish Labor Service unit in Kaiserslautern, specifically for the ceremonies outlined above. Sienkiewicz who occupied a bunk at Auschwitz adjacent to Father Maximilian, knew the hero-priest well and was one of the nine key witnesses giving testimony at the beatification proceedings in Rome during 1971.

Representing the U.S. Forces at the ceremony, Lt. Colonel Glod is well known to the Polish Labor Service units in Europe. While an active duty Army Judge Advocate officer in both France and Germany during 1962–67, Lt. Colonel Glod worked closely with the Labor Service, assisting them with various internal problems, as well as serving as a liaison with the many U.S. commands in the European theater. Fluent in the Polish language, Lt. Colonel Glod was awarded the Polish Labor Service Medal of Achievement in 1967 upon departing the European Command for reassignment in the United States.

At the conclusion of the ceremonies, Mr. Sienkiewicz offered the portrait as a gift to Lt. Colonel Glod, pronouncing that the work of art rightfully belongs in the United States, which serves as the seat of democracy, freedom and peace-loving nations around the world. He stated that many of the traits and characteristics exemplified by the life of Beatified Maximilian Kolbe were similar in spirit to that of the American nation and people. Particularly, it was his desire that the portrait serve as a symbol of modern-day faith, inspiration and love of fellow man, not only to the Polish-American community in the United States, but indeed to every American.

For this purpose, Mr. Sienkiewicz sincerely requested that Lt. Colonel Glod display this picture and make known its story to the President of the United States.

As a Washington attorney with an international practice, Stanley J. Glod is also active in politics and the ethnic community nationwide. He currently serves as a member of the Presidential Advisory Committee for Trade Negotiations and a consultant to the Director, Office of Telecommunications Policy, Executive Office of the President. Likewise, he is the treasurer of the National Republican Heritage Groups Council of the Republican National Committee. He is a member of the District of Columbia and Virginia Bars, and resides in Alexandria. In his Army Reserve capacity, Lt. Colonel Glod is a member of the 810th Support Command (Theater Army Area), based at Fort Belvoir, Virginia.

ALEXANDER LERNER

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. SCHEUER. Mr. Speaker, last year I had the privilege of speaking about Alexander Lerner. This year, unfortunately, the privilege remains. I say "unfortunately" not because I am reluctant to speak about my good friend Alexander Lerner, whom I visited at his home in Moscow, but because, unfortunately, Alexander Lerner remains a virtual prisoner in Moscow. The Committee for Dr. Alexander Lerner, a group of distinguished academicians has sent both a cable and a letter to Dr. A. P. Alexandrov, president of the Academy of Sciences of the U.S.S.R., requesting that Alexander Lerner be granted an exit visa. The communications have not been acknowledged and, it goes without saying, no visa has been forthcoming. I will insert these documents at the conclusion of my remarks.

Now Dr. Lerner stands accused of being in the employ of "American secret services." In a cable dated March 23, 1977, Lerner has categorically denied these charges. The charges are not true; they are merely indicia of the latest harassment campaign launched against Dr. Lerner by the Soviet Government.

Dr. Lerner is a respected and respectable scientist who should be accorded his freedom. He has no state secrets; he knows no state secrets; he desires only to be free.

It is cruel and inhuman for the Soviet authorities to continue to hound Dr. Lerner. Alexander Lerner is a distinguished scientist with a worldwide reputation in cybernetics. The fruits of his mind are lost to the world as Dr. Lerner is denied the right to earn a living.

The outrage continues and my friend, Dr. Alexander Lerner, remains imprisoned in the land of his birth seeking only to be free.

My special interest in this case is long standing and personal. Five years ago I was in Moscow on an official trip as a Member of this body, and had dinner with Dr. Lerner. While enjoying our dinner, we were interrupted by the KGB who arrested me and then took me into custody.

My offense was my concern for Alexander Lerner's plight.

We in the Congress must reaffirm our commitment to freedom. The leaders of the Soviet Union must meet their legal obligations set forth both in the U.N. Declaration of Human Rights and in the Helsinki accord to which they have affixed their signature. Alexander Lerner must be given the visa he has requested so that he can be free, and so that the civilized world can be the beneficiaries of his work.

The letters follow:

Dr. A. P. ALEXANDROV,
President, Academy of Sciences of the U.S.S.R., Leninsky Prospect 4, Moscow RSFSR, U.S.S.R.

DEAR DR. ALEXANDROV: This cable concerns Dr. Alexander Y. Lerner. As you undoubtedly know, Dr. Lerner is a distinguished scientist who has been the head of a major scientific laboratory in the Soviet Union. He was Professor and Head of the Department of Large-Scale Systems at the Institute of Automation and Techmechanics. He has represented the Soviet Union in scientific matters at the international level. His technical work is well-known in the western world, and because of his work in cybernetics he was invited to participate in the 1975 International Joint Conference on Artificial Intelligence held in Tbilisi, Georgia, U.S.S.R.

Several years ago Dr. Lerner requested an exit visa to permit him to leave the Soviet Union so that he might join his family which is living in Israel. Dr. Lerner has repeatedly been denied an exit visa. The members of the Committee for Dr. Alexander Y. Lerner are gravely concerned by this action. The denial is in contradiction to the spirit and the letter of the Helsinki, and other international agreements to which the Soviet Union is a signatory. Among these are:

1. The UNESCO Resolution on the Status of Scientific Workers passed at the 18th General Conference (Paris, November 20, 1974) calls for "respect for the principle of freedom of movement of scientific researchers." The same Resolution goes on to urge member nations to "take all measures necessary to ensure that scientific researchers are enabled throughout their careers to participate in international scientific and technological gatherings and to travel abroad."

2. The International Congress of Scientific Unions (ICSU) Resolutions on the Free Circulation of Scientists states at the XIVth General Assembly (September 1972) "that the prevention of migration of scientists . . . (is) a serious challenge to the scientific community." The general principle of free emigration is contained in Article 13 of the Universal Declaration of Human Rights (1948), Article 12 of the International Covenant on Civil Rights (1966) and Article 5d of the International Covenant on the Elimination of All Forms of Racial Discrimination (1965).

As scientists ourselves, we are very much aware that because of their work, some scientists may have access to classified information. However, as noted in testimony which appeared in the *Congressional Record* of the United States Congress, Dr. Lerner asserts that he has no knowledge of classified information. He has stated, further, that any specialized information that he may have had has appeared in open publications in the Soviet Union.

In view of the above, we find it difficult to understand why Dr. Lerner has been denied an exit visa. We would greatly appreciate it if you would inquire of the Soviet authorities, as a fellow scientist, why such a distinguished scientist has been denied an exit visa. We hope that you can be instrumental in helping Dr. Lerner.

The Committee for Dr. Alexander Y. Lerner is anxious to hear from you on this matter as soon as possible.

Respectfully yours,
Prof. JACK MINKER,
Chairman, Committee for Dr. Alexander Y. Lerner.

Dr. A. P. ALEXANDROV,
President, Academy of Science of the U.S.S.R., Leninsky Prospect 4, Moscow RSFSR, U.S.S.R.

DEAR DR. ALEXANDROV: This letter is written to you concerning Dr. Alexander Y. Lerner of the Soviet Union. As you undoubtedly know, Dr. Lerner is a distinguished Soviet scientist who has been the head of a major scientific laboratory in the Soviet Union. He was a Professor and Head of the Department of Large-Scale Systems at the Institute of Automation and Techmechanics. He has represented the Soviet Union in scientific matters at the international level. His technical work is well-known in the western world, and because of his work in cybernetics he was invited to participate in the 1975 International Joint Conference on Artificial Intelligence held in Tbilisi, Georgia, U.S.S.R.

Several years ago Dr. Lerner requested an exit visa to permit him to leave the Soviet Union so that he may join his family who are living in Israel. Dr. Lerner has repeatedly been denied an exit visa. The members of the Committee for Dr. Alexander Y. Lerner are very much concerned with this action. The denial is in contradiction to the spirit and the letter of the Helsinki, and other international agreements to which the Soviet Union is a signatory. These agreements permit the free movement of scientists and other individuals.

As scientists ourselves, we are very much aware that because of their work, some scientists may have access to classified information. The departure of such individuals could have a detrimental impact on national security. However, as noted in the enclosed testimony which appeared in the CONGRESSIONAL RECORD of the United States Congress, Dr. Lerner asserts that he has no knowledge of classified information. He has stated, further, that any classified information that he may have had has appeared in open publications in the Soviet Union.

In view of the above, we find it difficult to understand why Dr. Lerner has been denied an exit visa. As a fellow scientist, we would greatly appreciate your inquiring of the Soviet authorities why such a distinguished scientist as Dr. Lerner has been denied an exit visa. We hope that you can be instrumental in helping Dr. Lerner receive his exit visa.

The Committee for Dr. Alexander Y. Lerner is anxious to hear from you on this matter as soon as possible.

Respectfully yours,
JACK MINKER, *Chairman Committee for Dr. Alexander Y. Lerner.*

HONORARY MEMBERS OF THE COMMITTEE FOR DR. ALEXANDER Y. LERNER

Dr. Gerald Estrin, Professor of Computer Science, Department of Computer Science, School of Engineering and Applied Science, University of California, Los Angeles, Los Angeles, California 90024.

Dr. Bernard A. Galler, Associate Dean, Professor of Computer Science, President ACM, 1968–1970, College of Literature, Science & the Arts, The University of Michigan, Ann Arbor, Michigan.

Dr. C. C. Gotlieb, Professor of Computer Science, Department of Computer Science, University of Toronto, Toronto, Canada MES 1A7.

Dr. Herbert R. J. Grosch, President, ACM 1976–, Association for Computing Machinery, 1133 Avenue of Americas, New York, New York 10036.

Dr. Harold Kuhn, Professor of Mathematics, Department of Mathematics, Princeton University, Princeton, New Jersey.

Dr. John McCarthy, Professor of Computer Science, Director, Artificial Intelligence Laboratory, Stanford University, Stanford, California 94305.

Dr. Jack Minker, Professor of Computer Science, Chairman, Department of Computer Science, University of Maryland, College Park, Maryland 20742.

Dr. Anthony J. Ralston, Professor of Computer Science, Chairman, Department of Computer Science, President ACM, 1972–1974, President AFIPS 1975, State University of New York-Buffalo, 4226 Ridge Lea Road, Amherst, New York 14226.

Dr. J. Ben Rosen, Professor of Computer Science, Chairman, Department of Computer Science, University of Minnesota, 114 Lind Hall, 207 Church Street S.E., Minneapolis, Minnesota 55455.

Dr. Joseph Weizenbaum, Professor of Computer Science and Electrical Engineering, Laboratory for Computer Science, Massachusetts Institute of Technology, 545 Technology Square, Cambridge, Massachusetts 02139.

THE BIG ISSUE: ANOTHER CONSUMER AGENCY?

HON. SHIRLEY N. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mrs. PETTIS. Mr. Speaker, I would like to call to the attention of my colleagues, the following article which was published by the National Association of Manufacturers concerning the establishment of a Consumer Protection Agency.

As we all know this issue is again upon us, and though I am aware of examples that can be cited to suggest that the Federal Government is not sufficiently concerned with consumer problems, I am not convinced that a new bureaucracy is the answer. Nearly every Federal department presently has a consumer advisory group. Before creating a new "super" agency, it should first be determined whether existing activities are inadequate and, if so, what needs to be done to make them work.

It is my belief that the pending legislation, H.R. 6118, would further complicate the process of Government at a time when the Federal bureaucracy is badly in need of reform, reorganization and simplification. Therefore, I plan to vote against this proposal, I hope that after reading the following article, many of my colleagues will be persuaded to do likewise:

[From National Association of Manufacturers]

THE BIG ISSUE: ANOTHER CONSUMER AGENCY?

The issue of whether to establish an independent agency with authority to intervene in the affairs of other federal departments and regulatory agencies on behalf of consumers and consumer interests is not a new one. In various forms such legislation has been before the Congress for eight years.

In November 1975 the concept, embodied in H.R. 7575 and S. 200, was passed by both the House and the Senate. The 1975 House vote was far closer—208 to 199—than the 1974 vote. The severe decline in the number of supporters has been attributed to increased opposition by constituents to new federal agencies and more government spending; increasing congressional disenchantment with many political, agricultural and labor issues being exempted from the agency's investigation; and growing realization of many policy, litigation and paperwork compliance problems which would arise from the agency's activities.

The bill was never reported out of conference because of the near certainty of a Presidential veto. Now, however, it is expected to be one of the first issues with which the new Administration and the 95th Congress will concern themselves.

The proposed Consumer Protection Agency would have full legal authority to intervene in the proceedings and actions (both formal and informal) of other federal offices and regulatory agencies, and to appeal their decisions to the federal courts, whenever the Administrator determines it is "in the interest of consumers." Exempted only are certain labor, radio-television, small business, financial and national security matters.

In addition, the Administrator would have the authority to issue directives to other administrators; demand public explanations for non-compliance with his requests; compel investigations; gain access to other agency files; and employ subpoenas

THE AGENCY—WHAT IS IT?

The agency represents a new concept in government—a tax-financed adversary to monitor and litigate with other officers of government in all social and economic matters—agriculture, natural resources, energy, rate-setting, import-export problems, taxation, licensing, transportation, housing, employment, civil rights, scientific research and trade regulations of all kinds.

WHO IS FOR IT?

The idea is publicly credited to consumer activist Ralph Nader. It is supported by the Consumers Federation of America, one of the largest consumers groups, comprised of more than 200 organizations (primarily state and local consumer groups, labor unions and rural electric co-ops). According to Mr. Nader, groups such as Consumers Union, the National Consumers League, Common Cause and the National Farmers Union also support the concept of a consumer advocacy agency.

The proponents believe that the interests of consumers have not been adequately represented within the federal regulatory process.

One critic of the present regulatory process has pointed out that in order for consumers to have long-term influence on regulation, it is essential "year in, year out, (to) attend the appropriation hearings, and the unending sequence of hearings on new appointments, which in the long run determine the direction and personnel of the regulatory agency."

The agency's supporters believe that it offers the best if not the only way to solve the problems they perceive in the areas of regulation and consumer protection.

THE CASE AGAINST CPA

The foundation of the argument against the CPA is that creation of a new consumer agency would only add another stifling layer of red tape on top of the multitude of present layers, with consumers footing the bill.

It is also held that the concept of intervention on behalf of the "consumer interest" is a fallacy: Because the consumer interest is only a part of the public interest, the administrator would be putting that one interest above the whole public interest.

The whole person has many interests—he is a consumer for a few minutes, he is an employee an hour later, and he is a taxpayer always.

And if the administrator advocates the interest of one group of citizens, he must oppose the interests of other groups. Some consumers will want lower product prices, others are willing to pay more for durability, some stress appearance over serviceability, etc.

So the agency would face the impossible task of choosing fairly between competing consumer interests, and protecting some consumers at the expense of others.

What is government for, ask opponents, if not to represent the whole public in all its interests and do its best to balance them in the public good? The executive departments, the regulatory agencies created by the Congress and the Congress itself are charged with this responsibility.

Opponents foresee other problems in many fields if a "Consumer Protection Agency" is created:

In the field of law:

A new criterion may be established for both statutes and administrative policy, under which an undefined "interest of consumers" will be equal to, or prevail over the whole public interest to which all government is accountable.

Sen. John Tower (R.-Tex.) has elaborated on this argument:

"Most agencies will . . . when they are faced with the [CPA] . . . cave in to the short-run consumer goal of trying to keep goods and services at minimum prices and maximum quality, rather than at prices and qualities that market forces determine will give the consumer the most for his money. Governmental decisions based on short-run consumer interests will in most instances paradoxically result ultimately in a reduction in supplies and the quality of the goods and services in question."

The federal courts will be further burdened and clogged with the task of deciding intragovernment disputes over a myriad of new issues.

Private persons and companies involved in federal agency proceedings may be confronted with two adversaries, and possibly two conflicting decisions of the U.S. government.

In the Congress:

The Congress will transfer its historic responsibility to exercise oversight of its regulatory bodies and other federal agencies to a single federal administrator.

In the private sector:

The cost of operating the agency would be dwarfed by the expensive burden which would be placed on business in any situation in which the agency chose to intervene These inevitably translate into higher costs for consumer goods and services.

Competitive damage is inevitable through the release of private financial data, trade secrets and other proprietary information.

QUESTION OF LABOR

Some of the controversy over the bill arises from the so-called "labor exemption." The legislation seeks to exclude labor disputes or union agreements from the agency's purview.

Since the cost of labor accounts for a large part of the prices paid for goods and services, people have questioned how it could be excluded from the definition of "consumer interests."

While many of the bill's proponents believe that labor should not be exempted, many opponents believe that, if the legislation passes, the legal power to intervene would soon be requested by the agency and granted by Congress in later legislation.

Above and beyond this, some of those arguing against the agency declare there is no way in which organized labor can escape the impact of the CPA in terms of higher costs and more unemployment.

HEARING POSTPONED

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. GIBBONS. Mr. Speaker, I wish to inform you that the Ways and Means Oversight Subcommittee's hearing scheduled for May 19 on taxpayer services has been postponed. This change in schedule is a result of the extensive hearings planned by Ways and Means on the energy bill.

The subcommittee still plans a thorough examination of how the Internal Revenue Service taxpayer service program functions. We have a special interest in the way the new problem resolution offices, a pilot project, have worked.

It is my hope that the hearing, originally scheduled for May 19, will be rescheduled for the near future.

CONSUMER PROTECTION AGENCY

HON. DAN MARRIOTT

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. MARRIOTT. Mr. Speaker, the last thing the Federal Government needs is another Federal agency, especially an agency which is presumably the result of a political deal between President Carter and Ralph Nader. The Agency for Consumer Protection is just such an agency.

With our 413 units of the Federal Government administering 938 consumer related activities, an additional superwatchdog would only add another new and costly layer to the bureaucratic structure. I simply can see no logic in forming an agency to "cure" the ills of existing agencies, especially with a price tag of $15 million, paid in full by the consumer himself.

The following article recently appeared in the Salt Lake Tribune. I urge all my colleagues to read it because it succintly underscores one important fact: "Government is by no means bound to guard everybody against everything. Nor should it be."

[From the Salt Lake Tribune, Mar. 30, 1977]

CONSUMER PROTECTION NEARING POINT OF QUESTIONABLE RETURN

Consumer protection is an ancient and legitimate function of government. But the country is fast reaching the point where benefits are outweighed by inconvenience and protection is too dearly bought.

This seems to be what Sen. Jake Garn, R-Utah, had in mind the other day when he lashed out before the Senate Banking Committee against consumer groups he blamed for excessive government regulations that cost the public money.

Consumer protection is a major function of such old-line agencies as the Food and Drug Administration, the Federal Aviation Administration and the Public Health Service. But consumer groups say many agencies cannot, or will not, see things from the consumer's point of view.

To fill the need, consumer groups have for some time pressed for establishment of a Consumer Protection Agency (CPA) which would ride herd on the older government agencies and even initiate consumer protection activities on its own.

Prior attempts to create such a department have failed but advocates expect to have better luck with the present Congress and a President who has voiced strong support for greater consumer advocacy.

The CPA is by no means the only avenue of advance. Separate bills are expected to be introduced dealing with such consumer issues as debt collection practices, product testing, consumer credit protection, unit pricing in retail stores, no-fault automobile insurance and appliance dating.

Nobody would seriously deny that abuses exist in these areas and more. But the question is whether more government regulation is the way to reduce or eliminate the trouble.

For every action taken on the consumer's behalf, it is a safe bet there will come into being new restrictions, paperwork, hiring of enforcement personnel, time-consuming adjudication of disputes and increasing disenchantment with government in general. And the consumer will ultimately pay the cost.

Consumer protection is a worthy concept that has ben stretched out of shape. Government has a responsibility to provide fundamental safeguards the citizen cannot provide for himself. But government is by no means bound to guard everybody against everything. Nor should it be.

HARAMBEE, AFRICA AND THE LAW OF THE SEA

HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. EDGAR. Mr. Speaker, I think Members will be interested in a very thoughtful public lecture on "Harambee, Africa and the Law of the Sea" which one of my constituents, Dr. John J. Logue, delivered at the University of Nairobi on January 19, 1977. Dr. Logue is director of Villanova University's World Order Research Institute and his lecture appeared in the March issue of the institute's publication, WORI Report. He is deeply concerned about the law of the sea and Africa is the fifth continent and Kenya the 14th country in which he has spoken on that subject:

HARAMBEE, AFRICA AND THE LAW OF THE SEA*

(By John J. Logue)

It is a great honor and pleasure to speak at the University of Nairobi, an institution which is playing such a key role in the education of young men and women who will be playing leading roles in the Africa of tomorrow—indeed the world of tomorrow. It is a very special pleasure to speak in Kenya, this beautiful country which is trying so hard to meet the challenges of social and economic development under the leadership of its great President, Jomo Kenyatta.

For the past two weeks I have been lecturing on the law of the sea in your university's excellent Diplomacy Training Programme. My students were very talented young diplomats, men and women from eight African countries: Egypt, Ghana, Kenya, Lesotho, Swaziland, Tanzania, Uganda and Zambia. During those two weeks I have also managed to see a small part of Africa and to meet a great many interesting Africans. It has been a wonderful experience.

THE SPIRIT OF HARAMBEE

I want to speak to you this afternoon about the giant United Nations Conference on the Law of the Sea, which will resume its labors in New York City in late May. That Conference has one of the greatest opportunities in human history to promote peace and economic and social justice and ecological sanity. And Africa has played a most important role in the Conference. It has made many constructive proposals and set an excellent example of self-restraint and willingness to cooperate for the common good.

But I am sorry to have to report to you that the Law of the Sea Conference has lost its momentum. It is in deep trouble. It has lost its momentum because it has lost sight of the great idea which brought it into being, the idea that the resources of the ocean are "the common heritage of mankind." Too many nations are unilaterally appropriating the cream of that heritage, i.e. the offshore mineral resources. Too many other nations want to achieve the same result by writing a giveaway treaty, i.e. a treaty that awards the coastal states the heart of the common heritage. The practical result of all this will be to enrich the rich and impoverish the poor. As Dr. Arvid Pardo of Malta, "the father of the Law of the Sea Conference," said last summer, the treaty text now before the Conference "will enormously increase inequalities between states and consequently world tensions and conflicts."

If the Conference is to go forward, it must restore the idea of the common heritage to the central place in the proposed treaty. It must nail it to the mast! I hope Africa will play a key role in helping the Conference to re-orient itself and to ask anew the basic questions: Who owns the seas? To what purposes should their resources be put? How can the seas—and the living species within them—be saved from ecological disaster. My hope is that the coming session will see a new spirit in the Conference. The spirit I would like to see is beautifully stated in Kenya's motto, "Harambee." As you know Harambee means "Let's pull together."

The hour is late. But if the Conference adopts the spirit of Harambee, great and good things can still be accomplished. The human family waits and hopes.

AFRICA IN THE LAW OF THE SEA CONFERENCE

Africa's law of the sea diplomats are a talented group. They have a healthy skepticism about doctrinaire or simplistic answers to the difficult problems before the Conference. They are familiar with President Kenyatta's advice to his countrymen not to depend on foreigners for their ideas. Africa's diplomats do not let other nations do their thinking for them: whether that other nation be the United States or Uruguay, Canada or Korea, the Soviet Union or San Marino, Peru or the People's Republic of China. What is good for the developed nations may not be good for developing nations. What is good for some developing nations may not be good for others. Somewhere in Christian Scripture it says, "Not everyone who says 'Lord! Lord!' shall enter the Kingdom of Heaven." By the same token not everyone who says "Third World! Third World!" is necessarily advocating something that is good for the Third World as a whole. I hope Africa's diplomats will continue to be skeptical of slogans, of simple answers to complex problems. I would even be wary of visiting professors like myself!

In my view the African nations are the most important group in the Conference—and not only because they have one-third of the votes. For Africa is, to a considerable degree, a microcosm of the Conference. Thus a policy which is good for Africa will probably be good for the Conference as a whole. Let us take a look at the diversity, the rich diversity of the African nations in the Law of the Sea Conference.

Africa has so many kinds of states! It has long coastline states, many of them wanting to own as much as they can of the mineral and living resources off their shores. It has landlocked states, thirteen of them, far more than any other continent. These states want guaranteed access to the seas and a fair share of the trillions of dollars of ocean resources. It has short coastline states, like Zaire, which will lose a great deal if the valuable portions of the common heritage pie, the offshore resources, are given to the long coastline states.

In Africa there are coastal water fishing states and distant water fishing states, each with somewhat different interests. There are states, such as Kenya, with beautiful ocean beaches, with a strong interest in seeing that oil pollution does not harm those beaches and the tourism income they attract. There are "straits states" such as Morocco and Somalia, which want to be sure that their special interests are not neglected in the new law of the sea. One African country, Liberia, has a very special interest in freedom of navigation since more tankers fly her flag than that of any other nation. But all African nations, indeed all nations on this planet, have a deep concern about freedom of navigation. A final African category would be "hard mineral producing states," e.g. Zambia. These states are deeply concerned about the possible effect on their economies of the copper, cobalt, manganese and nickel which will soon be exploited in the deep ocean and enter the world commodity markets.

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* Dr. Logue delivered this public lecture at the University of Nairobi on January 19, 1977 under the sponsorship of the University's Law Students Association. He subsequently edited the manuscript.

What should Africa's policy be in the Law of the Sea Conference?

A PROPOSAL TO AFRICA

I have a bold suggestion for African law of the sea policy. I offer it with some hesitation since I am a stranger, an American on his first visit to this remarkable continent. Borrowing a famous phrase from Dr. Martin Luther King, "I have a dream!" It is a dream that this great Law of the Sea Conference can yet be a means, a major means to bring peace and justice and plenty to the human family. This dream is not my dream. It is the dream of concerned men and women in many parts of the world. The realization of that dream could be a major step toward that new economic and political order the world is yearning for. It could be a most important way of reconciling nations East and West, North and South, as they work together to save the ocean environment, to increase the supply of protein in the oceans and to use seabed mineral revenues to build peace and development. That work could nourish trust, the kind of trust that would encourage mutual and sizeable reduction in the senseless—and dangerous—burden of armaments the world is bearing.

To make this dream a reality it is essential that the concept of "the common heritage of mankind" be revived and given a central place in the Conference and in the law of the sea treaty which is the Conference's goal. I hope that Africa will take the lead in reviving that concept and in seeing that common heritage revenues include not only the very, very modest mineral revenues from the deep ocean but also a fair share of the immense mineral revenues from the thirty trillion dollars, i.e., thirty thousand billion dollars, of offshore oil and gas. The fate of that thirty trillion dollars, the dream of the common heritage, some twelve times the annual Gross National Product of the entire world, is the most important question before the Conference. The long coastline states will tell you that offshore sharing is "a closed question?" And their motivation is all too obvious. But how can you close a question that wasn't ever really opened?

Yes, the question of offshore sharing must and, I predict, will come back into the Conference. For, as Frank Njenga, the very able Vice Chairman of the Kenya Delegation, said many years ago: "What is done with the seabed will determine whether we believe what we have stated, i.e., that the immense wealth of the ocean floor is to be exploited for all mankind." Yes that closed question must be opened. It is the key to a successful Conference. It is the key to a long-lasting treaty. It is the key to saving the ocean environment.

Why should the coastal states share offshore resources with less fortunate states? For a very simple reason. For hundreds of years that offshore wealth, except for whatever was within three miles of shore, was regarded as *res communis*, as the common property of mankind. Thus it will be a great injustice if the developing nations—including the many developing nations of Africa—do not get a substantial share of that offshore wealth.

SHARING: FAIR AND UNFAIR

The sharing proposal I like variously called "the Barba Negra Formula" or "the mixed economic zone", would require graduated sharing. Each coastal state would contribute between one and twenty percent of the mineral revenues from its 200-mile economic zone to a World Common Heritage Fund. A country with a $6,000 per capita income would contribute twenty percent. A country with a per capita income of $450 or less would contribute only one percent. The major purpose of the Fund would be to aid development but it could also be used to fight pollution and, I would hope, to make a modest contribution to the United Nations. Within a short time the Fund might have an income of at least two billion dollars a year—and much more in years to come.

By focusing on the offshore wealth, the cream of the common heritage, I do not mean to neglect the resources of the deep ocean. But those resources are not important in terms of money. They will do next to nothing to aid development or fight pollution. Indeed a September 1976 study by the UN Secretariat on Financing the Enterprise estimated that, seven years after it gets into operation, the Enterprise, i.e. the operating arm of the International Seabed Authority, would earn only about $150,000,000 a year. Let us assume that by that time, which would probably be about 1987, ISA taxes on state and national corporations mining the deep ocean give the ISA another $150,000,000. That would mean that in 1987 the Authority would have an income of only $300,000,000 a year. That is—let's say it loud and clear—very, very little. It is a drop in the bucket. With no disrespect to Jimmy Carter, $300,000,000 will be peanuts in the world of 1987 with its five billion people.

It is instructive to contrast that $300,000,000 from "deep ocean only" sharing with the proposal Ambassador Pardo made back in 1967, a proposal which included offshore sharing. Pardo said that with his plan the international community would get six billion dollars by 1975, i.e. two years ago. Now remember that his calculations were based on 1967 oil prices. Given the difference between 1967 and 1987 oil prices, a reasonable projection of the international community's 1987 income under the Pardo Plan would be twenty-five billion dollars a year, a very substantial sum, some 75 times as much as can be expected from the deep ocean sharing plan now before the Conference!

The deep ocean is not important because of revenues but because of the opportunity it affords to build international institutions with real legal jurisdiction in a defined international area. Such institutions can make a very important contribution to building international community. But to be really effective they must have at their disposal far more than the tiny amount they will have under the current Revised Single Negotiating Text. We must not let our enthusiasm for deep ocean institutions distract us from the great "ripoff" which is taking place where the real treasure is, i.e. the area within 200 miles of shore. Let us look at some of the tremendous inequities which come with the idea of giving the coastal state all the offshore resources within 200 miles of shore in a 200-mile "exclusive economic zone" EEZ. Keep in mind the frequently heard statement that the 200-mile EEZ is "good for the Third World" or "a step in the direction of the new economic order."

THE 10 TOP GAINERS FROM THE EXCLUSIVE ECONOMIC ZONE

Rank and nation		EEZ (square miles)	Increase (percent)
1	U.S.A.	2,222,000	62
2	Australia	2,043,300	68
3	Indonesia	1,577,300	274
4	New Zealand	1,409,500	1,358
5	Canada	1,370,000	38
6	U.S.S.R.	1,309,500	15
7	Japan	2,126,000	788
8	Brazil	924,000	28
9	Mexico	831,500	109
10	Chile	667,300	233

GAINERS AMONG MISCELLANEOUS AFRICAN NATIONS

Rank and nation		EEZ (square miles)	Increase (percent)
15	South Africa	442,400	55
17	Mauritius	345,000	47,916
28	Somalia	228,300	28
54	Equatorial Guinea	82,600	762
59	Tanzania	65,100	60
62	Nigeria	61,500	62
78	Kenya	34,400	15
87	Sudan	26,700	2
112	Cameroon	4,500	2
121	Zaire	300	(.001)
	Landlocked [1]	0	0

[1] Last 13.

Source: Ap 75 Neptune.

Note: Top 10 gainers get 55 percent (13,480,400 nautical mi.^{2}) of all exclusive economic zones of all nations—zones of all organization of African unity (OAU) nations total only about 2 percent more than the zone of U.S.A.

"GAINERS" AND THE GETTY ANALOG

I have a table (see p. 4) which indicates the ten "top gainers" from the 200-mile EEZ, i.e. the tea nations which will get the most seabed area if the 200-mile EEZ becomes part of the law of the sea treaty. What does it show?" The EEZ's of the top ten nations will be larger than the EEZ's of all the remaining nations of the world! Please note that six of the top ten gainers are developed nations. (So is the 11th, Norway.) The EEZ of my country, the United States, would be largest of all, 2,222,000 square nautical miles. How big is that? The EEZ of the United States is only 2% less than the combined KEZ's of all 45 members of the OAU. (April 75 Neptune. I do not have the data re those who subsequently joined the OAU.) And although the OAU had (in 1975) some 45 members, only seven of them would be among the top fifty gainers from the EEZ. This compares very unfavorably with other continents, e.g. South America, where more than half the nations (7 out of 12) are among the top fifty- and four are among the top twenty-gainers in the world.

Lenin once said that the capitalists would be hung with rope they had sold to the proletariat. The verdict is not yet in on that prediction. But 1977 may be the year in which the Group of 77 votes to give the rich nations of the world most of the trillions of dollars of offshore resources—and does so in the name of aiding the Third World!

A simple analogy suggests the absurdity of this process. Suppose the children of the late billionaire, J. Paul Getty meet to divide his estate. From the chair I point out that it has four parts: two billion dollars in cash, a Toyota automobile, a modest home and some furniture. I continue: "Because of the principle of duoprimogeniture Tom and I will, of course, get the cash. So our real business here in Geneva is the intriguing question of how to divide up the Toyota, the house and the furniture. I imagine you will have some fascinating proposals on that!"

Troublemaker Bill asks: "What does duoprimogeniture mean? I've never heard of it." With a perfectly straight face I reply: "It is an ancient legal principle, which means 'The two oldest get the cash.' " Without blinking an eye, I continue: "Now who has the first proposal as to how to divide up the Toyota, the house and the furniture?". . . Troublemaker Bill persists: "I've never heard of duoprimogeniture and I'll bet nobody else here has either. It's ridiculous that you and Tom should get the two billion dollars just because you are the oldest. Since we are a family I say we share everything—and especially the cash!"

Is the concept of duoprimogeniture any more absurd than the concept of "geological prolongation" which coastal states use to justify their claims to offshore minerals. Using that argument, Switzerland could claim title to all of Italy since Italy is obviously a geological prolingation of Switzerland. And Uganda could claim title to all of Kenya! How ridiculous can we get?

"* * * THE FOUNDATION ON WHICH A FUTURE CAN BE BUILT"

Tomorrow January 20th, 1977 will be a new beginning for my country, a new beginning in many areas. I fervently hope that one of them will be the law of the sea. I hope that our new President, Jimmy Carter, your great President, Jomo Kenyatta, and all heads of government—and all peoples—will rethink this great problem of the oceans. It is time for all of us, citizens as well as statesmen to ask not "How much can we grab?" but "How well can we build?"

I hope the coming session of the Conference will open up the whole question of sharing, just open it up, not decide it. Africa and the Third World and the whole human family have everything to gain by doing that. I do not know how President Carter stands on the question of sharing. I do know he is deeply committed to peace and, as he has said, to helping "the hundreds of millions of people on this planet who are living in poverty and despair." A year ago the Trilateral Commission, a group of which he was proud to be a member, urged that wealthy states share as much as fifty percent of their EEZ mineral revenues with the international community. A breathtaking idea. It makes me hopeful.

I must conclude. It is nearly ten years since Arvid Pardo told us of his magnificent dream of ocean resources as "the common heritage of mankind." But each year that dream seems to be farther from realization. There is growing impatience with the Conference and growing unilateralism. Believers in the idea of a meaningful common heritage are tempted to give up the fight to make that concept a reality. They must not give up! They should take heart from the wonderful example of Jomo Kenyatta. For even though he had to suffer long years in prison, Jomo Kenyatta never gave up the fight for independence, for Uhuru. And when Uhuru was finally achieved, the words he spoke to the people of Kenya were words which speak to us. He said:

"Triumph in a struggle of this kind cannot be achieved without a long history of setbacks and sufferings, of failure and humiliation. But all this is worthwhile and all can be forgotten when its outcome is the foundation on which a future can be built."

A TRIBUTE TO WINIFRED ZEIGLER

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. MURTHA. Mr. Speaker, many times in Washington we wonder about the effectiveness of Federal programs and funds. We all know the real strength of those programs rests not with the laws, but with the people who administer them and make the laws work.

One such person is my good friend, Winifred Zeigler. For the past 4 years she has been director of the Senior Action Center in Indiana, Pa. Soon she will be leaving with her husband to join their son, Gregory, working for the Western Door Wilderness School in Utah.

The attitute of Winifred Zeigler that made the Senior Action Center work is well illustrated in these quotes from a recent newspaper story on her decision to leave Indiana.

Mrs. Zeigler said:

Here at the center, we try to educate the elderly to enjoy life, to be unafraid to speak out. We've found that so many widows were almost completely dependent on their husbands. For instance, a man would die and his wife wouldn't know how to do little things, like voting.

We also provide good nutrition training here. We try to emphasize that a good breakfast is not a piece of bread and a cup of coffee.

I think one of the most important things we do here is to try to keep these people in their homes, rather than nursing homes as long as possible.

Further testimony comes from another person involved with working with the elderly who comments—

Winnie has the ability to make the center a real home for the people. She seems to remove all the federal bureaucratic red tape and make the center a warm, friendly place.

It is the work and dedication of people such as Winifred Zeigler that make Government programs work. Too often the credit for success goes to others. I am glad to place these remarks in the RECORD to congratulate a public servant in the highest definition of that profession.

TELEVISION—THE SECOND GREAT CRISIS IN MODERN CONSCIOUSNESS

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. NEDZI. Mr. Speaker, Daniel J. Boorstin, a distinguished historian and Librarian of the Library of Congress, has an exceptionally keen mind and a knack for making his readers think.

Recently, he delivered a talk at the dedication of the National Humanities Center in North Carolina in which he confronted the impact television has made on us and our children.

Because the speech was only fleetingly, or obliquely, reported on in the press, and because I believe it is so pertinent, I am having it inserted in the CONGRESSIONAL RECORD.

Under leave to extend, the text of Dr. Boorstin's talk is set forth below:

TALK AT DEDICATION OF THE NATIONAL HUMANITIES CENTER, NORTH CAROLINA RESEARCH TRIANGLE PARK

(By Daniel J. Boorstin)

At any time the founding of a great new center for the humanities would be a cause for celebration and would merit national notice. In our time such an event has epochal significance.

For ours is a time of crisis, an undeclared crisis of human consciousness, or more precisely of the American consciousness. This crisis touches every American, great and small, adult and child, rich and poor, ambulatory and bed-ridden. No one can escape it.

A crisis, I remind you, means a turning point. Crises of consciousness are times when the human awareness, the human vision is extended or limited, imprisoned or liberated.

The first great crisis in modern consciousness in the West came with the invention and spread of printing. The knowledge of the few became the knowledge of the many, with the effect, as Carlyle observed, of "disbanding hired armies, and cashiering most kings and senates, and creating a whole new democratic world." The vistas of the past were opened. The accumulated knowledge of science was put within the reach of everyman. The language of the marketplace became the raw material of enduring literature. The debates and acts of legislatures could be known by all. The peccadillos and the crimes of rulers could be spread abroad. The products of craftsmen and factories, of artists and authors and composers, could be advertised. Millions of unfurnished minds would now be furnished, others would be refurnished.

The crisis of our time, the next great crisis of human consciousness, has come with television. The act, or rather the non-act, of television viewing now consumes more of our citizens' and our children's waking hours than is spent reading or eating, and almost as many hours as are spent sleeping. This is revolution. This has revised our American vocabulary, and now governs our times of rising and of eating and of retiring, the hours set for public events, the schedule of our daily lives. Television has become the authenticating experience. We can no longer say, with Oscar Wilde, that Life imitates Art, for now Life imitates Television.

Enightened Americans accept television as another unfolding of human ingenuity, another step in man's relentless mastery of the physical universe. We all recall Margaret Fuller's complacent confession, "I accept the Universe." And we cannot forget Carlyle's retort, "By God! she'd better." We too have no choice but to accept television as part of our universe. Which makes it the more necessary that we view soberly what it has done for us, and what it may do to us.

The impact of television has been strikingly similar to the historic impact of printing. Even in this, television's first half-century, we have seen its power to disband armies, to cashier presidents, to create a whole new democratic world—democratic in ways never before imagined, even in America. Of course, none of us is so simple-minded as to believe that one cause explains any historical event. But we cannot ignore the fact that the first era when television became a universal, engrossing American experience, the first era when Americans everywhere could witness in living color the sit-ins, the civil rights marches, was also the era of a civil rights revolution, of the popularization of protests on an unprecedented scale, of a new era for minority power, of a newly potent public intervention in foreign policy, of a new, more publicized meaning to the constitutional rights of petition, of the removal of an American President. The Vietnam War was the first American war which was a television experience. Watergate was the first national political scandal which was a television experience. The college-student protests of the '60's were the first non-sporting college events to become television experiences.

While the book democratized knowledge, television has democratized experience. Our television experience is vivid and explicit, it is ungraded and undemanding. People who would never have read lengthy accounts of civil rights organizers or of wars in Southeast Asia or of Washington political intrigue have had all these brought vividly, instantly, repeatedly, effortlessly, willy-nilly, into their very own living rooms and bedrooms.

To understand why there is a crisis in the humanities, why this and other centers are so urgently needed, we must underline two novel features of the television experience.

First, and most obvious, the television experience is present-oriented. The instant vividness with which the TV screen brings to all Americans the complaints and protests of any few of their fellows helps explain some of the changes we have recently seen. It gives to a few Americans anywhere instant national dramatic prominence. It creates (or deflates) celebrities with electronic speed. But the time-vision of television extends back only to the earliest days of photography, which is still less than a century. The oldest events offered us with TV-vividness are Old Movies, Television, with the aid of satellites, can conquer space, can cross oceans and continents. But it is powerless to cross the centuries. TV programmers can only give us 20th-century versions of 17th-century dramas. Pre-history now means the age before photography. With television we live in the vivid-everywhere-present. But even as television stretches our vision in space, it afflicts us with chronological myopia.

Television offers ephemeral experience. Of course there are ways—kinescoping and videotaping and filming—to make the television experience less ephemeral, more repeatable. But a moment of prime time cannot be stored for use tomorrow. The perishable precious item is time, measured not by the hour but by the minute and the half-minute.

Second, television is a channelled experience. You can only choose among the offerings. If you don't like them you can turn off your set, which few Americans can bear to do. We hear heated debates about who should rule the air waves, how much they should be policed by federal agencies. But there is always somebody in control. Our TV bill of fare is always prepared by somebody who is not you or me. The book emerged from the age of the patron back in the 18th century and in free countries effective book-censorship came to an end about the same time. But television still remains in the age of the patron (now called the sponsor) and under control of governments.

These familiar features of the newly dominant television experience, which is the newly-dominant American experience, provide a new stage on which the humanities—and centers such as this—can and must play a new role. Forces external to the humanities have created a new urgency for the humanities. The Oxford English Dictionary still describes the humanities as "including the various branches of *polite* scholarship." The humanities have been stigmatized—or praised—as a luxury, a genteel accomplishment for the rich and the well-born, for those who could afford it. If the humanities ever were a luxury, they are no longer. Now we need them desperately. Not only as an antidote, but as essential nutriment for a free, growing, fully human consciousness.

Without the humanities, without the resources, the freedoms, the adventures and explorations to be found here in this center for the humanities, we will become more myopic, more self-preoccupied, than any other people in modern times. The humanities which have made us free can and must keep us free. Free to choose from the resources of all past times and places, free to read and not just to watch. The humanities can keep us from becoming passive victims—of commercial songs and slogans and fantasies, of situation comedies and soap serials, of quiz programs and talk shows, of those who would tell us what to buy, what to think, whom to admire, how to behave. It would be hardly less dangerous for us to become the victims of philanthropists or moralists. Television tends to make us objects, and not subjects, to make each of us a target and not a bow.

A century and a half ago, Emerson, charting the direction for the American Scholar warned that we had "listened too long to the courtly muses of Europe." Now we should be warned that we have already listened too long to the commercial muses of television.

Just as earlier Americans showed the courage to declare their independence of political powers which limited their opportunities and infringed their freedoms, so we must declare our independence of the newly overwhelming Television Powers. Here at this Center, and at others, in the Library of Congress and elsewhere, we can declare that independence. The Jeffersonian sentiments of that earlier Declaration are applicable to our present condition. Life, Liberty, and the Pursuit of Happiness must include our right of free access to all the treasures, wisdom, and knowledge of the past (even those created before the Age of Photography and of Television), our right freely to choose the art, literature, drama, and advertising messages that enter our households. Among our grievances we might, in Jeffersonian style, affirm that the Television Powers subject us to a jurisdiction foreign to our constitution and unacknowledged by our laws: pretending to have our assent to their acts of pretended popular preference; invading our homes with unwanted, unneeded, and sometimes disgusting, disruptive, and destructive messages, commercial and otherwise; imposing taxes on us, included in the price of everything we purchase, through the addition of commercial, political, and other messages for which we must pay without our consent; acting the unwitting ally of highjackers and charlatans; the willing tout of celebrities and pseudo-celebrities, kooks and cranks; dominating and polluting our experience, and attempting to substitute Television Experiences for all others.

Here in this center we can declare such independence, for ourselves and our children. By doing so we will be fulfilling the ancient mission of the book, enlarging our experience into a more ample, more fully human view of the experience of all peoples past and present, freeing us from the prison of the present, liberating and encouraging each of us to explore for himself the treasures of all humankind. To this end we today at this dedication, must pledge our lives, our fortunes, and our sacred honor.

Humanities is a name for the studies which make us independent, which make us not the object but the subject. Here we explore and reflect, here we are never passive, here our very act of reading requires our act of interpretation, here connotation reigns and each of us is sovereign. The great traditions of the humanities liberate in precisely the ways in which the expanding television experience tends to confine.

For the humanities, the study of literature and philosophy, de-provincialize us. They are concerned not with the fashionable and the newsworthy but with the enduring and the durable. The humanities are, of course, past-oriented. Or rather they are oriented toward the timeless. In Ezra Pound's familiar truism, worth quoting again and again, "Literature is news that stays news." The humanities treat the past as present and the present as past. Only this search for the durable can help us discover the truly novel, and so rescue us from a false modernity. The humanities discover and interpret and reinterpret and rediscover the monuments—the reminders—of our humanity.

The humanities are the instruments, weapons, and tokens of our freedom. Dictators have found it easy enough to control the channels of the air to make radio and television into instruments of tyranny. But they have found it difficult or impossible to silence the book. They may temporarily clog, but they cannot close the countless channels of printed matter, nor keep its currents from flowing into the interstices. They may burn a few books, but they cannot deplete the infinite arsenal of the whole human past. The humanist—and in a free society we aim to make every citizen a humanist—remains free to choose for himself.

This center for the humanities, the Library of Congress and other centers for the humanities across the land, can keep us free. Blessed and afflicted by mechanical ingenuities of our own making, blessed and afflicted by a gargantuan appetite and a New World enthusiasm for novelties, we Americans are being tested. Can we survive the transformation of experience which television has brought us? Can we keep a healthy appetite for the whole human experience, a will to explore the whole human past, a determination to let nobody choose our thoughts for us?

BUSINESS WEEK MAGAZINE CITES LOOPHOLES IN U.S. 200-MILE LAW

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. AuCOIN. Mr. Speaker, Business Week magazine is the latest of a growing number of respected news and business journals to report the increasing attempts of foreign interests to circumvent America's new 200-mile law.

In its May 9 issue, Business Week points out that—

> The Japanese and Koreans, worried that the 200 mile limit set by . . . the United States will sharply reduce the fishing catch . . . are trying everything from diplomatic negotiations to corporate takeovers to soften the blows.

It becomes clearer by the day that they are succeeding nicely at both.

Weeks ago, I protested the fisheries agreement negotiated with Japan, because it so blatantly favored Japanese interests. Since then I have taken the floor several times to warn my colleagues about the second of these concerns: The infiltration of the U.S. fishing industry by foreign interests bent on escaping both the fees and the fishing quotas mandated by the 200-mile law. I intend to keep at it until corrective action is taken by the Congress.

As I believe my colleagues will find it of interest, I would like to include in the RECORD at this time the full text of this article by Business Week magazine:

FISHING TO GET AROUND THE 200-MILE LIMIT

The Japanese and Koreans, worried that the 200-mile limits set by the U.S. and the Soviet Union will sharply reduce the fishing catch that provides 80% of their protein diet, are trying everything from diplomatic negotiations to corporate takeovers to soften the blows. The Koreans are even endeavoring an end run around the U.S. quotas by contracting for the catch of Alaskan fishermen.

The new offshore restrictions, which went into effect two months ago, are already proving to be devastating to the large, modern Japanese and Korean fishing industries. The $7.2 billion Japanese industry is particularly hard hit, with some 5,500 fishing and processing boats idle, canneries slowed to a crawl, and related industries such as ship repair thirsting for business.

The Russian limit hurts the Japanese the most because they are completely excluded from Siberian waters that formerly provided one-sixth of their 1.8 million ton annual catch. So last week the Japanese Cabinet hurriedly approved a 200-mile zone for Japan.

TALKING POINT

The Japanese hope to use their new 200-mile limit as leverage when the talks are renewed. One key question is who owns the southern Kurile Islands that the Russians took from Japan at the end of World War II.

Both 200-mile limits would include the four islands in question. So far the Russians are not budging. "They don't want to talk fishing," complains Masanori Shioya, managing director of the Japan Fisheries Assn. "They talk politics."

The new U.S. limits pose less complicated problems because the Americans allow foreign fishing boats a designated quota. In fact, both the U.S. and Canada have relaxed their limits so that Japan's annual tonnage from those waters is reduced by only 11%.

Meanwhile, companies from both countries are working on methods to ease the pain. For example, the Korean Marine Industry Development Corp. (KMIDC) is hoping to slip through a loophole in the U.S. law that would permit its large fish-processing ships to anchor within the 200-mile zone and buy the catch of American fishing boats.

COMPROMISE

KMIDC has signed a five-year contract with R. A. Davenny & Associates Inc. to send three factory ships into U.S. waters to process pollock provided by Alaskan fishermen. The contract allows the three ships to process an annual catch of 130,000 tons of pollock, a Korean staple, and to use about 30 trawlers that Davenny would lease from an Alaskan shipowner.

American fishermen are up in arms over such deals. "We're not against joint ventures. We just want American processors to have priority so that the economic benefits of our 200-mile limits will be as widely dispersed as possible," says Thomas A. Casey, general manager of the United Fishermen's Marketing Assn. in Kodiak. Americans are also upset that such arrangements would permit foreigners to exceed the quotas.

Japan's Taiyo Fishery Co., the world's largest fishing and processing company, has bought three subsidiaries in the U.S.-Taiyo California Inc., a trading company, and Western Alaska Enterprises Inc. and A & B Fisheries Inc., both processing companies. Kyokuyo Co., also of Japan, has owned 98% of the Seattle-based Whitney-Fidalgo Seafoods Inc. since 1973 and is shopping for other U.S. acquisitions.

Other large Japanese companies reportedly want to buy or lease American boats to service their own factory ships. To the Japanese, these maneuvers are essential to survival. "You cannot change a 2,000-year-old diet in a day," says Shioya. "Japan's very life depends upon the sea."

TRIBUTE TO STU FILBEY

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. NIX. Mr. Speaker, last night Stu Filbey, president of the American Postal Workers Union, passed away.

Those of us who worked with Stu for many years on matters relating to the Postal Service, will sorely miss his wise counsel and great contribution. Stu presided over the APWU during the most difficult and most significant years of that union's development. These were the years of postal reorganization including the turbulent period when postal workers in major cities went out on strike and, more recently, when the American Postal Workers Union was formed out of the merger of five postal unions representing 300,000 postal workers. His achievements were many, as a labor leader and a citizen, but those of us who knew him well will remember him as a gentleman with integrity and true leadership, who was faithfully dedicated to the interest of the people he served so well. On behalf of the Committee on Post Office and Civil Service, I extend to his family our deep regret on his passing, and our deep gratitude for having known this fine man.

FEA RESPONSE TO QUESTIONS: TRADE PROBLEMS FOR LDC'S AND OPEC INVESTMENT IN THE UNITED STATES

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. VANIK. Mr. Speaker, as chairman of the Ways and Means Trade Subcommittee, I have been concerned about the international aspects of the energy crisis and its impact on world trade and investment. In preparation for the Ways and Means energy hearings and as part of my work on the Ad Hoc Energy Committee, I have posed a number of questions to the administration on trade-related aspects of our energy problem.

Following is a series of questions and answers which I have just received from the Federal Energy Administration which provide valuable information on the energy problems facing the world's less developed countries. In addition, it provides some recent data on OPEC investments in the United States, and other, trade-related subjects.

The economies of many countries have been adversely affected by the energy crisis. Perhaps the most affected are the economies of the less developed countries—LDC's. Current Federal Energy Administration estimates show that the non-OPEC developing countries have been and will most likely continue to suffer adverse consequences from the direct and indirect impact of higher oil prices. These difficulties can be attributed to:

First, limited developed indigenous resources;

Second, chronic difficulties in mobilizing foreign-exchange resources; and

Third, weak capital reserves and little margin for additional strain.

The FEA forecast shows that non-OPEC less developed countries will have to import close to three times as much oil in 1990 as they did in 1975 to sustain their current rate of economic growth. This raises serious questions concerning the financing of these increased imports. The FEA concludes that the ability of the oil importing LDC's to finance these projected levels of oil imports "would be doubtful." The LDC's will most likely experience aggravated balance of payments deficits, and possible reduced economic growth.

I hope that the following questions and answers will be helpful to all the Members of the Congress in considering urgently needed energy conservation legislation.

FEDERAL ENERGY ADMINISTRATION,
Washington, D.C., May 14, 1977.

Honorable CHARLES A. VANIK,
Chairman, Subcommittee on Trade, Committee on Ways and Means, House of Representatives, Washington, D.C.

DEAR MR. VANIK: Thank you for your letter of May 3, 1977, concerning the upcoming hearings on the House Ways and Means Committee on the President's Energy Plan.

Enclosed are replies to all of those questions which fall within the competence of the Federal Energy Administration. Several of the questions on international trade and payments problems would be more appropriately answered by other agencies.

Thank you also for copies of your recent speeches on energy and trade problems. Although the unusually high oil import levels of recent months are probably the result of the abnormally cold winter experienced by the United States, your concerns about the adverse effects of high oil prices on the international trade positions of the United States, the less developed countries and other countries of the world are well founded and shared by the Federal Energy Administration. The balance of payments effects of high oil costs represent a loss of real national income, and may have detrimental effect on economic growth throughout the world. Reduction of the United States oil bill from projected levels and the alleviation of pressure on the price of oil paid by developing and industrial countries are major objectives of the President's program and will be well served by a reduction of U.S. oil imports to approximately 6 million barrels per day by 1985.

I look forward to testifying before the House Ways and Means Committee and to providing whatever assistance I can to the Committee's work.

Sincerely,

JOHN F. O'LEARY,
Administrator.

QUESTIONS AND ANSWERS

U.S. BALANCE OF PAYMENTS

Q. 1a. What is the present schedule of OPEC price increases?

A. OPEC has no schedule of price increases. The member countries will have another ministerial meeting in July this year. In December 1976, eleven of the group raised prices by 10 percent for the first half of 1977 and announced that they would raise prices by another 5 percent in July. Saudi Arabia and the United Arab Emirates resolved at that same meeting to hold their total price increase for 1977 to 5 percent. Thus far the outcome of the July meeting cannot be predicted.

Q. 1b. For each 5 percent increase in OPEC oil prices, what is the estimated cost to the growth in U.S. GNP? What is the estimated impact on U.S. consumer prices? What is the total impact of a 5 percent OPEC price increase on all OECD countries?

A. Federal Energy Administration analysis indicates that, for each 5 percent increase in OPEC prices beginning in January 1977, U.S. GNP would be approximately 0.3 percent lower at the end of 1977 and 0.4 percent lower at the end of 1978 than would have been the case with no price increase. Although this analysis was prepared specifically to assess the possible effects of last December's OPEC meeting, it provides a general indication of the effects of OPEC price increases.

The same analysis showed that, for each 5 percent increase in oil prices, approximately, the consumer price index would be 0.1 percent higher at the end of the first and second years than would have been the case with no price increase.

The Federal Energy Administration has not analyzed the effects for the OECD as a whole. A recent CIA analysis, however, indicated that the "Big Seven" OECD countries

(United States, Canada, France, West Germany, the United Kingdom, Italy and Japan) would lose 0.3 percent of GNP for each 5 percent increase in oil prices, with individual country losses ranging from 0.2 percent in the United States, Canada and the U.K. to 0.5 percent in Italy. Since these estimates were prepared with a different methodology, they are not strictly comparable to the FEA estimates.

HIGH OIL PRICES AND DEVELOPING COUNTRIES

Q. 1. How will the less developed countries be able to finance increased oil imports, or do you see their imports stabilizing with resulting decline in economic growth?

A. The non-OPEC developing countries (NODC's) have been and will most likely continue to suffer adverse consequences from the direct and indirect impact of higher oil prices. These difficulties can be attributed to: limited developed indigenous resources; chronic difficulties in mobilizing foreign-exchange resources; and weak capital reserves and little margin for additional strain.

As the price of imported energy increases, thereby further reducing NODC financial reserves and increasing debt burdens, investments in indigenous economic growth programs could be seriously threatened, in turn generating pressures for increased assistance from the U.S. and other major industrialized countries.

Although awareness of NODC problems is growing, the data base and analysis of NODC's energy balances is rudimentary. Because the knowledge of economic development in general is limited and since the level of information required to perform a detailed projection of energy balances is not available, this analysis can present only major trends for the LDC's.

The reference projections during the period 1975–1990 illustrated in Table 1 shows a slight reduction in oil imports for the LDC's from current levels of 2.5 MMB/D to a level of 2.0 MMB/D. During the 1980's, however, consumption in the LDC's is expected to grow faster than production, with a resultant rise in oil imports to 2.8 MMB/D in 1985 and 6.7 MMB/D by 1990.

The projected burden of these import levels would not be distributed uniformly. The fourteen non-OPEC oil exporters* will continue to enjoy a net export position. Table 2 also shows energy balances for this group of facilities.

TABLE 1.—ENERGY BALANCES FOR THE LESS-DEVELOPED COUNTRIES, 1975–90

[Million barrels per day oil equivalent] [1]

	1975 [2]	1980	1985	1990
Total ernegy requirements	8.8	11.5	15.4	20.7
Production:				
Oil	3.4	6.0	8.1	8.5
Gas	.9	1.2	1.6	2.1
Coal	1.8	2.0	2.4	2.9
Primary electricity	.3	.4	.5	.7
Total	6.4	9.6	12.6	14.2
Oil imports	2.5	2.0	2.8	6.7

[1] Numbers may not add because of rounding.
[2] Estimated.

TABLE 2.—ENERGY BALANCES FOR THE OIL EXPORTING LDC's

[Million barrels per day oil equivalent] [1]

	1975 [2]	1980	1985	1990
Total energy requirements	1.7	2.3	3.2	4.4
Production:				
Oil	2.7	4.6	6.6	6.6
Gas	.4	.5	.7	.9
Coal	.1	.2	.2	.2
Primary electricity	.1	.1	.1	.1
Total	3.2	5.2	7.6	7.2
Oil exports	1.4	2.8	4.1	3.8

[1] Numbers may not add because of rounding.
[2] Estimated.

The net energy position of the remaining LDC's could therefore be serious. Oil imports for the net importers, as shown in Table 3 would increase under Reference conditions from the 1975 level of 3.5 MMB/D to 4.8 MMB/D in 1980, 7.1 MMB/D in 1980 and 9.9 MMB/D in 1990.

TABLE 3.—ENERGY BALANCES FOR THE OIL IMPORTING LDC'S, 1975–90

[Million barrels per day oil equivalent] [1]

	1975 [2]	1980	1985	1990
Total energy requirements	7.0	9.1	12.2	16.3
Production:				
Oil	1.1	1.4	1.5	1.9
Gas	.5	.7	.9	1.2
Coal	1.7	1.9	2.2	2.7
Primary electricity	.3	.4	.5	.6
Total	3.6	4.4	5.1	6.4
Oil imports	3.5	4.8	7.1	9.9

[1] Numbers may not add because of rounding.
[2] Estimated.

The ability of the oil importing LDC's to finance these projected levels of oil imports would be doubtful. As Table 3 illustrates, reference conditions imply severe energy problems for the oil importing LDC's, including aggravated balances of payments deficits, and, possibly, reduced economic growth rates.

Q. 2. Could you please describe (1) what the Administration is doing in each of these areas and (2) what the total estimated cost in both new or expanded commitments and in actual outlay is estimated to be in FY 1977 and FY 1978 for U.S. support of the IMF, World Bank (IBRD) etc.

A. The Administration is currently actively considering the most appropriate mechanism for increased assistance for energy development in the LDC's. Finally decisions will depend not only on the U.S. position, but also on the outcome of the Conference on International Economic Cooperation, which will convene at the Ministerial level at the end of May. Since we are still in a negotiating stage it would be inappropriate at this time to project the actual amounts that the U.S. is prepared to commit.

I can reveal, however, that the U.S. is considering a whole range of options, including increased World Bank (IBRD) funding, creation of an International Energy Institute, expanded energy research and development cooperation and bilateral assistance programs.

Q. 3. What is the Administration's position on repealing the OPEC exclusion of the (Generalized System of Preferences in the Trade Act of 1974) for Venezuela and Ecuador?

For All OPEC countries?

A. The Administration is currently studying the question of removal of the exclusion.

ELASTICITY OF DEMAND

Q. What does the Administration assume the price elasticity of oil to be? For example, for every $1 increase in the price of a barrel of oil, what do you anticipate will be the fall in demand? For every 10¢ increase in a gallon of gasoline, what do you anticipate the decline in demand will be? In both cases, what is the basis for your calculations?

A. A number of estimates of price elasticities have been made by various U.S. Government Agencies and other analysts. The U.S. price elasticities of oil and gasoline demand derived by FEA were estimated econometrically based on historical relationships between consumption, energy prices, economic activity and the capital stock of energy-consuming equipment. Since the capital stock often requires time to respond to price changes, both short-term and long-term elasticities were determined. The U.S. elasticity for total oil consumption is estimated at −0.208 in the short term and −0.289 in the long term. The short-term U.S. gasoline elasticity is estimated at −0.23 and the long-term elasticity at −0.363 assuming that price increases are supplemented by other conservation measures.

Long-term price elasticities of oil demand for the OECD were determined in the same way, and are estimated as follows:

Canada	−0.48
Japan	−0.28
OECD Europe	−0.30
Estimated weighted average	−0.30

Using the long-term elasticities, for every $1 barrel increase in crude oil prices U.S. demand for crude oil would be about 400 thousand barrels per day lower in 1985 than would be the case with no price increase. For every 10¢ increase in the price of gasoline, 1985 demand for gasoline in the United States would be about 400 thousand barrels per day lower than would have been the case with no price increase, assuming additional mandatory conservation measures.

It should be noted that price increases refer to increases in the real price, that is the price adjusted for inflation.

These elasticities were used as one of the many inputs into the President's energy program. It should be remembered, however the program includes many proposals, such as mandatory automobile efficiency standards and mandatory conversion to coal, that will produce changes in oil demand without price changes. Price effects are therefore only one of the factors affecting oil and gasoline demand in future years.

OPEC INVESTMENTS

Projections of OPEC balance of payments are subject to a number of uncertainties. Affecting the size of OPEC current account surpluses are the price of oil, the rate of economic growth in the industrial countries, and the growth of OPEC import spending. Even for 1980, a small change in any of the above factors would cause a large shift in the OPEC current account surplus. We believe that the success of the President's energy policy itself will have a strong influence on future demand for OPEC oil; hence on OPEC current account. Because of all of these uncertainties, we have not made 1980 projections on OPEC balance of payments at this time.

Q. 1. What was the 1976 export figure for the combined OPEC countries? What is it projected to be in 1980? 1985?

A. Oil export earnings for all OPEC countries for 1976 are estimated to be between $110 and $120 billion. Based on a recently released C.I.A. study, OPEC oil exports by 1980 might equal 31.5 mmbd. Depending on assumptions about oil prices, export earnings could range between $175–230 billion.

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* Mexico, Trinidad, Bolivia, Peru, Oman, Bahrain, Syria, Egypt, Tunisia, Angola/Cabinda, The Congo, Zaire, Malaysia and Brunei.

Q. 2. What was the OPEC current account surplus in 1976? What is it estimated to be in 1980? 1985?

A. The 1976 OPEC current account surplus has been estimated to equal between $38 and $45 billion. Figures for 1980 are subject to such a wide range of factors depending on economic growth and oil price assumptions, that we have not found them useful.

Q. 3. What were the OPEC financial assets in 1976? What are they projected to be in 1980? In 1985?

A. OPEC financial assets (of all types) are estimated at $138–145 billion by year end 1976. Although substantial accumulations are expected over the next few years for OPEC as a whole, they will become more and more centralized in countries such as Saudi Arabia. If for example $30 billion were added to the present total annually, 1980 OPEC financial assets would range between $250–265 billion.

Q. 4. A critical factor in the financing of higher priced energy imports has been OPEC investment. What have been the changes in OPEC investment in the U.S. in the past five years? How much OPEC investment is there today in the U.S.? What is the level of OPEC investment that the Administration assumes for 1980? 1985? Of total OPEC investment, how much is placed in OECD countries? How much in NLDCs?

A. Pursuant to its responsibilities under Section 26 of the FEA Act of 1974, FEA has been monitoring foreign direct investment in U.S. energy sources and supplies. We have no evidence of any such foreign investment coming from OPEC sources, and will continue to monitor this situation closely.

From information we have received from the U.S. Department of the Treasury, OPEC countries have placed $32.5 billion in all types of securities in the U.S. Additional details are available from the Department of the Treasury, Office of the Assistant Secretary for Trade Energy and Financial Resources Policy coordination, or from U.S. Department of Commerce, Office of Foreign Investment in the U.S. The director of that office is Milton A. Berger (377–2175).

LEGISLATIVE "FUNNY TIME"

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. FINDLEY. Mr. Speaker, my partner in the newspaper business, Mr. Allen Seiler, editor of the Pike Press, Pittsfield, Ill., regularly pens succinct superb masterpieces in his editorial column. Last week's issue included the following gems:

No Comparison

It's getting to be "funny time" again in the Illinois General Assembly.

The House last week voted 66 to 62 in favor of an amendment to a bill, thereby requiring newspaper readers to pay a refundable deposit of three cents or more for each copy of a newspaper.

The amendment was added to the so-called "bottle bill," which would require deposits be paid on sales of beer and soda pop bottles and cans. It was proposed by Rep. Ebbesen of DeKalb.

The sponsor of the original bottle bill said, "Several newspapers have endorsed the bottle bill. This is a way to get even with them." (The Pike Press is one that favors the bottle bill as a possible way to reduce the can and bottle litter the editor picks up every week at his home and office.)

We'll make a deal with Rep. Ebbesen, the sponsor of the "newspaper amendment:"

Show us how to wrap garbage in a beer can and we'll support your amendment.

Into Oblivion?

The U.S. Postal Service is getting ready to pave the way for an increase next year in the cost of a first class stamp from 13 to 16 cents and a cut in mail delivery from six days to five a week.

The objective is to cut its mounting $2.4 billion deficit.

Does this mean that if the postal service decides to go to five day a week delivery in 1978, four days in 1979, three days in 1980, two days in 1981, and one day in 1982, it will then be totally out of business in 1983?

A rather frightening possibility.

Yet on the other hand . . .

VICTIMS OF CRIME

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. RUSSO. Mr. Speaker, I would like to bring to the attention of my colleagues a transcript of CBS television's "60 Minutes" program on victims of crime. It serves to emphasize the need for victims of crime legislation to compensate those who need immediate financial help to overcome the brutality of criminals.

As many of you know, victim compensating programs have been started in many cities and States throughout the States. Last year the House Judiciary Commitee reported legislation to the floor, but further consideration was delayed by the heavy schedule at the end of the session. However, I am happy to report that as one of its first orders of business, the Judiciary Committee has again reported a victim compensation bill to the floor. The House should consider this proposal in the near future and I think this transcript will provide excellent reasons for its passage:

60 Minutes, Volume IX, No. 11

(With CBS News Correspondents Morley Safer, Mike Wallace, and Dan Rather)

VICTIMS

Morley Safer. Jaime Figueroa was sentenced to ten years in a New York State medium-security prison. Two years ago, Figueroa and a friend got a gun and held up this man in a New York subway. His name is Sylvester Davis, age 39, shot in the head at close range, resulting in blindness and some brain damage. He was a well-paid construction worker; now he vegetates. Of the fifteen billion dollars spent each year on criminal justice, less than one percent goes to helping victims of crimes.

We don't have to remind you that this country is in the middle of a wave of violent crime. All the statistics do is reconfirm what we know only too well. With this nightly news of muggings, hold-ups, rapes and murders, more and more attention has been focused on reforming prisons, rehabilitation of violent offenders. In a sense, criminals have been cast as a deprived and underprivileged minority.

All this attention has tended to cast into the shadows another group of Americans who are closely related to criminals and crime: the victims. They make very few demands, very little noise. Often they are too hurt, emotionally and physically, to speak out for their rights. It's something worth thinking about, because one thing all of us share is the chance to become the victim of a crime any time, any place. For example, a shopping center in the suburbs of Minneapolis.

In November, 1974, this was a basement record shop, the kind of place that young people hang out in. One Saturday night there were four people down here—a young woman, a clerk, and three young men. One of the men, after browsing around, left, went across the street, bought himself a hamburger, brought it back here, sat down on the top step and ate it. When he was finished he pulled out a gun and a machete, walked back down here, shot one of the young men (killed him instantly), shot the other four times, and crippled him for life; and then he chased the clerk, the young woman, back here, back into this back room. He shot her four times.

What were the permanent injuries?

Jenny Randell. Well, my arm's paralyzed.

Safer. It's your left arm?

Randell. Yeah. And my voice. It used to be a lot worse than it is now.

Safer. What hap——?

Randell. It hit—One of the vocal cords got severed. And, I don't know, all the scars I got, you know, I—I don't know.

Kevin Finneman. He came back after me again because he seen me up, and he stuck the gun up towards my head, and I ducked a shot and landed on my stomach. And he stuck one—stuck the gun up to my back and shot me square in the spinal cord, which paralyzed me.

Safer. Two people scarred horribly for life, one young man dead, and, as in most cases like this one, a killer still on the loose. In the unlikely event that he is caught, the state will bend every effort to cure him, to make him a better man. But what about the victims? Kevin Finneman, for example. He will never walk again.

Kevin is a strong, determined-to-be-independent young man. His neighbors held a dance to raise money for this especially equipped van. He's studying mechanical drafting. And if you can believe it, Kevin is lucky. He lives in Minnesota, one of sixteen states that provides some compensation to victims of crimes. The Compensation Board gave him the maximum: ten thousand dollars to cover medical bills, rehabilitation and the loss of his legs forever. It is paid in monthly installments. Last month it ran out. Kevin Finneman, age twenty-one, is paid in full.

New York State, too, has a Victim Compensation Board. It hears appeals. And like most boards, it amounts to a victim's court. In order to collect reparations, the victim must prove his innocence, must prove he or she has not contributed to the crime. And most states view compensation as a form of charity, rather than a right, forcing the victim to demonstrate financial need. If the victim already has insurance and medical coverage and workmen's compensation, he collects virtually nothing. And just listen to the resulting statistics: Only four of a hundred victims are eligible; and only a fifth of them, fewer than one person in a hundred, make application. They either do not know about compensation, or do not want their lives investigated.

Jenny, the clerk at the Minneapolis record store, received only nine hundred dollars from the Minnesota Board. That's because Jenny was eligible for Workmen's Compensation. But financial problems are not the only problems victims have. Jenny was an expert water skier. Now she finds it difficult to walk. Her sense of balance has been impaired. At twenty-one, Jenny Randell must try to build a new life out of a broken body.

Was there any other state aid or state program to help you, to rehabilitate you?

Randell. No, there wasn't.

SAFER. No program to—to teach you a job or a trade or—or educate you?

RANDELL. Nothing special, no. They have the vo-tech schools, but that's for everyone. They don't—they don't have it just for victims of crime.

SAFER. What about any physiotherapy, that kind of thing——

RANDALL. No. Nothing.

SAFER.—to get you over your current problems?

RANDELL. No. There's nothing.

SAFER. Are you bitter in any way, Jenny, that—I suppose you can go into any prison in the country and see fantastic technical schools——

RANDELL. Yeah.

SAFER.—trade schools and—and all kinds of methods being used to—quote—"rehabilitate" people.

RANDELL. Yes, I am.

SAFER. And yet, for you, as a victim, nothing.

RANDELL. Yeah, that bothers me quite a bit. They're trying to help them so much, but they, you know, they don't really do anything for anybody else, you know. They pay more attention to them; they're more worried about them.

JIM FOGARTY. There stands the victim out in the street, badly beaten or rendered destitute, or incapacitated emotionally or physically in some way. No attention has been paid to the victim. And I think anyone who has even that amount of human nature in them certainly would feel that that requires some kind of attention promptly.

SAFER. Jim Fogarty is the Senior Victim Advocate in the Fort Lauderdale, Florida, Police Department. It's one of the few such programs in the country. He's a one-man band trying to give legal advice, do social work and be, generally, a helping hand to victims. It's a pitifully small, pitifully budgeted operation. Yet, he is a great help to those victims he gives counsel to—victims like Ruth Pitt, whose misfortune it was to stop into a tavern owned by some friends. A robbery took place, and she was struck in the face by a ricocheting bullet.

RUTH PITT. When I was in—in the bar and the man came in and shot, the one bullet bounced off the bar, hit my cheek, cutting all the nerves on the side of my face, went through my ear, which has made me stone deaf in the one ear, and lodged at the base of my skull.

FOGARTY [on phone]. Jim Fogarty, Victim Advocate Office in the Police Department.

SAFER. Ruth Pitt was destitute, and would have remained so had Jim Fogarty not stepped in and cut through the red tape, and fought three appeals before he won for her a Social Security disability pension of two hundred and twenty dollars a month.

RUTH PITT. I fought Social Security by myself by going down there and being hassled; the food stamps was the same way. I was hassled and—and hassled and I was ready to give up. I really was. No one has any idea of what it's like until you go through it.

SAFER. There are some federal funds designed to help victims—money that comes from LEAA, the Law Enforcement Assistance Administration. But that money cannot go directly to victims. It goes into such things as courthouse amenities: lounges for witnesses, people to help witnesses through the law's delays. But even this indirect help is miniscule; only six million dollars for the entire country. And while all crimes produce victims, few crimes result in prosecution. Only about one in ten. When there is a real live criminal, our justice system is designed to ensure that his rights are protected. And once a prosecution is made, our penal system spends billions to educate, rehabilitate or simply occupy the time of the guilty. But once a case is closed, we rarely hear any more about the criminal and his victim. We decided to follow up on one crime, to look into the lives of both men.

This man, Jaime Figueroa, was sentenced to ten years in a New York State medium-security prison. Two years ago, Figueroa and a friend got a gun and held up this man in a New York subway. His name is Sylvester Davis, age thirty-nine, shot in the head at close range, resulting in blindness and some brain damage. He was a well-paid construction worker; now he vegetates. He did get Victim Compensation. His wife discovered he could almost by accident, because she worked for an answering service that worked for a lawyer who led the Davises through the paperwork jungle. His benefits run to just over five hundred dollars a month. As a working man, he brought home near a thousand.

SYLVESTER DAVIS. So I went down in the subway station, put my toll in the slot. Walk on in.

JAIME FIGUEROA. We went to the train station. We was actually going to take off a pimp, a so-called pimp.

SAFER. You were going to rob a pimp?

FIGUEROA. Yeah, because we knew he had money, the way he was dressing; had a lot of white coat. But it so happened that this man got in the way.

DAVIS. He grabbed me from behind, and I twist and I turn, so I got—got loose from him. And just as quick as I'd gotten loose from him and I looked at him, and the other guy said, "Shoot! Shoot!"

FIGUEROA. We didn't want to shoot him. We told him. But he kept coming at us, you know. He just wanted to get us, and we got to the state where it was him or us, the way he was fighting us, because he was bigger than us.

SAFER. But there were two of you. He wasn't armed.

FIGUEROA. Right. There's two of us. We're young, we're ignorant, we're scared, you know. We need—We're hungry, you know. We wanted to get money to eat.

DAVIS. I didn't know where more money was coming from, so I had to try to work for it. But I wouldn't let anyone come up to me and take it from me.

FIGUEROA. He wanted to kill us, that's how it seems to me. So I said, "It's either him or me." And I didn't want to die so young. I didn't want to get hurt so young.

SAFER. Before this happened, were you a pretty strong fellow?

DAVIS. Very strong.

Mrs. DAVIS. They have taken my husband away from me in every way. Like I need him, and he's not there.

SAFER. Since you've been out of the hospital, has anyone—has a therapist come around, has a social worker come around, has the state been around in any way to try and ask: Do you need anything? Can we help you in any way?

Mrs. DAVIS. No way, no way. No, nothing.

FIGUEROA. I went and spoke to my counsellor, and I told him I wanted to go to school and I wanted to have a vocational shop. Because I knew that if I didn't do something for myself while being in here, when I go out there, you know, I'm just going fall back into these conditions. And—and I went to the shop—

SAFER. You went to school first, though, right?

FIGUEROA. Yeah, school and shop.

SAFER. They tried to teach Jaime Figueroa a trade—welding. The instructor says he showed some aptitude. But he chose to drop out. Had he completed the course, he could earn up to twelve dollars an hour when he's released from prison. There are other trades open to Figueroa, but none interest him. There's also a high school within the prison and some college degree courses. Figueroa went to school, but then decided he would drop out of that as well. The state gives him a choice of the kind of work he will do in prison and he chooses this—janitor work in the school building. It costs the state fifteen thousand dollars a year to keep Jaime Figueroa, but he is not impressed with the facilities.

FIGUEROA. Okay, they—they gave me a pair of pants to wear, okay. But what do they give me to rehabilitate me so that when I go out there I won't do the same thing?

SAFER. They tried to teach you a trade.

FIGUEROA. A trade? A trade—Anybody with a trade can go out there and commit crimes again, because you can use the trade to cover up your crimes. So what's a trade? A trade ain't nothing if they don't give you something for your mind.

SAFER. Does it bother you that—that those men inside now are being offered opportunity to go to school, opportunity to learn a trade?

Mrs. DAVIS. Well—

SAFER. That the state is putting that kind of effort into—into rehabilitating, as they call it, those men?

Mrs. DAVIS. I feel that if they can do it for them, then they should do it for us. Because, number one, we were both working people all our lives, and I don't—I wouldn't say they owe us, you know, anything, but at least they should—If they can offer that to them, then, you know, do the same to someone that were unprotected.

SAFER. Don't you think it's kind of unfair that here you are in here with the state spending a great deal of money on you—schools, and hospitals and a warm place to sleep, and all that—and there's Mr. Davis out there virtually blind, the state's doing almost nothing for him?

FIGUEROA. See, it's not a point of being fair or not, okay? If the state put me here so that I could see my wrong, that—so that when I go out there, then I won't do it again, then it's fair for me to receive all this, because I know what I done wrong and I know it was wrong, and there's no way in the world I could repay my wrong to that person. Because how can I give that man back his eyes, his eyesight? I can't do this. I'm not God. Only God could repay what I've done wrong.

SAFER. The government takes much the same attitude to victims as Jaime Figueroa. Of the fifteen billion dollars spent each year on criminal justice, police, courts, prisons and rehabilitation programs, less than one percent goes to helping victims of crimes. A federal bill that would help states pay victims compensation and promote more compensation boards failed once again to clear the House of Representatives in this last Congress. The chief opposition came from the Justice Department—on financial grounds.

RECOMMENDATIONS TO IMPROVE PRESIDENT CARTER'S ENERGY PROGRAM

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. BROWN of California. Mr. Speaker, I have been pleased to serve as the national chairman of the Advisory Board for the Helioscience Institute Conference recently held in Palm Springs, Calif. This conference concentrated on solar, wind, and geothermal energy, during 3 days of excellent workshops on the various aspects of these alternative energy sources. At the conclusion of the conference, the findings of the workshops were summarized, and the more than 700 attendees were surveyed about the national energy policy. As might be expected, the scientists, engineers, small businessmen, educators, and citizens who attended had numerous recommendations on how to improve President Carter's energy program. The issues identified were primarily omissions in the program before the Congress, and not disagreements with it.

In my keynote address to the Helioscience Institute Conference, I emphasized the point that our current energy sources are highly subsidized, and unless these subsidies are removed, alternative sources will need comparable subsidies in order to compete. The remarks can be found in the May 11 issue of the CONGRESSIONAL RECORD on pages 14440–14441.

At this time, I wish to insert for the RECORD, and commend to my colleagues, especially those working on the energy program, the energy policy paper from the Helioscience Institute Conference on Alternative Energy.

[From the Helioscience Institute Conference on Alternate Energy]

ENERGY POLICY PAPER

INTRODUCTION

The implementation of alternate energy sources will depend upon many factors such as the availability of funding for development, state-of-the-art technology, and the near-term and long-range economic trade-offs. Paramount in all of these will be the nature of our national energy policy which has the potential to create either an adverse or opportune environment for alternate energy source development.

The primary purpose of the Helioscience Institute Conference was to assist in the development of national energy policy in the alternate energy fields. The conference focused its attention on solar, wind, and geothermal energy. The first two days of the conference were dedicated to technology assessment in these source areas, and the third day was specifically directed toward open discussions on energy policy. To facilitate this discussion, a panel of experts and an inquiry panel were assembled to discuss a series of energy policy statements and interact with conference attendees.

The conference sponsors are shown on Attachment I. Attachment II indicates the members of the Blue Ribbon Panel and the Inquiry Panel. Attachment III is a list of Policy Coordination, or from U.S. Department Helioscience Conference attendees to identify the issues that should receive top priority attention by policymakers. The attendees were asked to identify the top three issues in each category. However, it was recognized that all of the issues should receive some attention in national policy planning.

SUMMARY

The President's energy message to the nation covered many elements from conservation to new resource development. The reality and potential severity of the energy crisis is not felt by the general public, even though certain areas in the eastern United States experienced some inconvenience and discomfort during the past winter because of natural gas shortages and weather severity. But the general American public does not seem to be aware of the fact that the United States is now dependent upon foreign nations to supply 50 percent of this country's oil requirement—an increase of 100 percent from the 25 percent dependency that existed in 1973 when the oil embargo was established. This dependency is not only critical to the security of the country, but also the importation of this quantity of oil, at the monopolistically controlled world price, now represents nearly forty billion dollars of American capital and contributes in no small way to the United States trade deficit in payments.

What are the alternatives to imported oil? The nuclear option is significantly diminished by safety and environmental concerns. Furthermore, it is alleged but well recognized that the price of enriched uranium ore is being controlled by a world cartel. The use of the country's supply of nonfissionable uranium may not be realized because of national policy directed away from the breeder reactor primarily stimulated by concern for plutonium proliferation and environmental risk. The high cost of nuclear power plant development (in excess of one billion dollars per one thousand megawatts) and the long delay for construction (up to ten years) presents an extremely questionable investment for venture capitalists. This is particularly true in a world market system in which there is a wide disparity between the cost (thirteen cents per barrel) and the price ($13 per barrel) for oil produced in Saudi Arabia.

The coal option will be developed; however the source of this abundant fuel is, in most cases, far from the potential consumers; and development requires major considerations of issues such as environmental quality, ecology, water, transportation, transmission, national park disruption, and even Indian treaties.

Thus it is no longer a question of, "Will alternate energy sources be developed?" but rather, "When and how?" The Helioscience Institute considers that the national energy policy should reflect this reality and direct significantly greater national resources and incentives for the stimulation of near-term implementation. Alternate energy sources such as wind, solar, and geothermal are not panaceas, but investments made in these systems can and should contribute significantly to the nation's energy needs.

FINDINGS

(1) The near-term development of alternate energy sources is not so much a technological problem as it is an attitudinal one with whole new economic considerations and approaches.

(2) In the past, power development has concentrated on centralization for the generation of electrical energy for distribution through large network and intertie systems. The implementation of alternate energy sources such as solar, wind, and some types of geothermal, will require a major effort toward decentralization.

(3) The implementation of alternate energy sources may require the development of new funding systems such as an energy bank.

(4) In viewing all energy options, it is imperative to identify both high-grade and low-grade sources. The best use of every energy source should be a matching of the energy grade to the use requirements. National policy should stimulate the use of low-grade energy for low-grade requirements and should be directed away from the use of high-grade energy for low-grade requirements.

(5) In those areas requiring technological development, national policy should be directed toward the funding of competitive design approaches similar to the prototyping technique used by the Department of Defense for new weapon systems.

(6) One of the most critical requirements in the development of energy conservation consciousness and alternate energy implementation is the education of the public. New educational approaches are critically needed in the primary and secondary school systems to establish states-of-awareness, and in the postsecondary educational system to stimulate curriculum development for the training of engineers, scientists, architects, technologists, and technicians. Current curricula in these fields is woefully lacking in the energy field whether it be conservation or maximum utilization of alternate energy sources.

(7) There is a need to develop national standards for alternate energy sources to protect both the consumer and producer.

(8) There is a need for totally different approaches in economic trade-offs for the various energy options. These are needed to establish reasonable pay back times for the recognized higher capital cost required for initial investment in alternate energy systems. These new economic approaches must take into consideration the true cost of imported oil when such importation results in the deficit in trade payments.

(9) There must be a national commitment to the development of alternate energy sources, and a first step would be the "prospecting" for these sources. This is particularly true of wind, since most of the past data developed in this field has pertained to air transportation rather than an energy source development. However, this is also true for maximum utilization of both solar and geothermal energy.

(10) National targets must be established in the alternative energy field, and these goals should be realistically achievable.

(11) Local ordinances can act as impedances to alternate energy development. An examination of such impedances should be initiated so that appropriate policy planning can result in their elimination or modification through appropriate legislative actions.

(12) Geothermal exploration can be stimulated by allowing independent operators a wide degree of latitude for their search operations. The parallel is the independent oil drillers who played a significant role in developing the oil resource in this country in earlier years. The filing of environmental impact statements for the drilling of exploratory holes is counterproductive.

(13) There are no 100 percent solutions to the energy problem. However, success will come through the application of a series of five-percent solutions.

(14) Solar and wind energy have significant potential environmental payoffs. As a result, these positive cost/benefit ratio advantages should be quantified and used as the basis for competitive cost trade-offs with other energy sources.

RECOMMENDATIONS

Attachment III identifies numerous issues and recommendations for public policy. The attendees at the conference identified the top three priority considerations in each of the categories listed. The following is a result of that survey:

A. Government Incentives to Consumers:

1. Tax credit for solar equipment installations.

2. Elimination of real estate tax on solar energy installations.

3. Low interest loans for solar and wind installations—residential and nonresidential buildings.

B. Government Incentives to Suppliers:

1. Tax incentives to investors in solar, wind, and geothermal energy industries.

2. Government insured, low-interest mortgage loans for industrial development of alternate energy systems.

3. Preferential patent processing and protection for invention in solar, wind, and geologic energy systems and components.

4. State/federal matching funds for development/installation of alternate energy systems.

Items three and four were equally rated by respondees in this survey.

C. Education:

1. Public forums on alternate energy development.

2. Required public education at all levels

on energy conservation and alternate systems development.

3. Training programs for technicians for installation and servicing.

D. Regulation:

1. Government mandated conservation on nonrenewable energy resources.

2. Government regulated building codes, zoning, and licensing standards for energy systems.

3. Government jurisdictional definition of energy policy for alternate energy development; i.e., which areas should be federal, state, locally controlled, etc.

E. Labor:

1. Impact of alternate energy systems on employment/unemployment; labor/energy trade-offs.

2. Trade union jurisdictional considerations.

3. Development of productivity index that reflects man-hours and energy trade-offs.

F. Legal:

1. Sun rights, i.e., shade or blockage by adjacent property owners.

2. Local, state, federal jurisdiction for legal questions.

3. Wind rights—blockage.

G. Research, Development, and Planning:

1. Increased government funding of research and development of alternate energy systems.

2. Private sector input into government energy policy planning.

3. State/federal cooperation in solar and wind energy plans.

CONCLUSIONS

The Helioscience Institute feels that national policy should be strongly directed toward near-term development of alternate energy sources. In order to achieve implementation of this, government involvement should be limited to providing incentives to consumers for installation, and to systems developers for the production of the required equipment. The government should not become involved in the actual production of the equipment or ownership of energy-producing systems. The solution to the energy problem will be found through coordinated national policies, the stimulation of the private sector, and the education and commitment of the general public. Only through this approach, which has been highly successful in the conduct of the war effort and other national programs such as space exploration, shall the nation be capable of moving from an era of low-cost energy and waste to a new renaissance of maximum efficiency in the use of all energy sources to meet the needs of man and protect not only the way of life, but the quality of life for generations to come.

HUMAN RIGHTS IN THE SOVIET UKRAINE

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. SARASIN. Mr. Speaker, today Ukrainian Americans from all over the country are meeting here in Washington, D.C., with their Members of Congress to express their concern about the violations of human rights in the Soviet Ukraine. Thus, I feel it a particularly appropriate time for me to comment on this important issue.

As you know, the second Conference on Security and Cooperation in Europe will be held in Belgrade, Yugoslavia this summer. The people of the Soviet Ukraine are anxiously awaiting the outcome of this Conference as it represents to them the only foreseeable means for them to benefit from the Basket 3 humanitarian provisions of the Final Act of the Helsinki Conference held in 1975. At that time, the Soviet Union willingly put its signature to the Helsinki agreement. Now, the Belgrade Conference will determine the extent of compliance by signatory countries such as the Soviet Union with the Helsinki provisions.

The Ukraine has been under Soviet domination since 1922. Still, the Ukrainian people have not forgotten their declaration of independence in 1918 with the establishment of the Ukrainian National Republic. However, Communist Russia could not abide a free nation at its borders and militarily overran the new nation and subjugated its people.

In the course of its rule over the captive Ukraine, millions of her people were killed through man-made famines and forced deportations to Siberia. Freedom of religion was denied as both the Ukrainian Autocephalic Orthodox Church and the Ukrainian Catholic Church were abolished. In addition, all aspects of Ukrainian life were subordinated to the rigid control of Moscow. This included the Ukrainian economy, education, press, arts, literature, and the labor unions.

More than 50 years later, the Ukrainian people still suffer from the same kinds of oppression. There are 47 million people in the Ukraine, the largest captive nation in the whole of the Soviet Union and Eastern Europe. Today, Ukrainian intellectuals are being persecuted and liquidated as they were in the past. Major figures such as Valentyn Moroz, Ivan Dzuiba, Vyacheslav Chornovil, and other writers, poets, artists, and scientists have either been imprisoned or are in exile. Moreover, religious oppression still continues. I have cosponsored a resolution in the House which calls upon the Soviet Union to permit the concrete reurrection of both the Ukrainian Orthodox and Catholic Churches, and thereby permit the people to worship as they have in the past.

It is clear that the situation today in the Ukraine is not far different from what it was 50 years ago. The Ukrainian people are still being denied their fundamental rights. That is why the Belgrade Conference is so important to them. It represents their one real hope for worldwide exposure to and knowledge of the Soviet Union's refusal to abide by the humanitarian provisions of the Helsinki agreement. Thus, it is important that the United States participate in the Conference, and moreover, point out the continued violations of the rights of the Ukrainian people by the Soviet Union and thereby encourage them to reverse their present oppressive policies.

PERSONAL EXPLANATION

HON. JOHN KREBS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. KREBS. Mr. Speaker, because I accompanied President Carter, at his invitation, on his visit to California and my district, on May 17, 1977, I was not present for roll No. 239 through roll No. 252. Had I been present, I would have voted "present" on roll No. 239 and "yea" on roll Nos. 240 through 252.

MEDICAL FREEDOM OF CHOICE

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. SYMMS. Mr. Speaker, a "drug lag" does exist in the United States and it is very harmful to the American consumer. Yet another example of the drug lag was reported in the May 16, 1977, issue of American Medical News by Robert Weltman.

The drug currently under discussion is sodium valproate, a drug used to control epileptic seizures. The Commission for the Control of Epilepsy's executive director, Dr. Richard Masland, states: "We could prevent 1 million seizures this year in the United States if this drug were available." The Commission's chairman, Dr. David D. Daly, blew up:

> This is the last country in the world where a new drug is available . . . Only by the widest stretch of a sentence can this be called a new drug.

The cause of these unbelievable delays: the "effectiveness" provisions of the 1962 amendments to the Food, Drug, and Cosmetic Act. The solution: the medical freedom of choice bill, H.R. 54, a bill to repeal the very provisions of the Food, Drug, and Cosmetic Act that brought our country to the position of being the last country in the world where a new drug is available.

I urge my colleagues to read the article that follows, "Lag in Marketing Drug for Epileptics Cited," and to join in the effort to reform the Food and Drug Administration's regulations by adding their name to the list of 100 Members who have already cosponsored H.R. 54.

The article follows:

[From American Medical News, May 16, 1977]

LAG IN MARKETING DRUG FOR EPILEPTICS CITED

Chalk up one point for those who claim the United States suffers from a drug lag.

The point was scored in Washington at a meeting of the Commission for the Control of Epilepsy. The drug is sodium valproate and the time lag between introduction in the United Kingdom and possible availability in the United States is more than four years. The drug is also marketed in 13 other European countries, as well as Japan and Israel.

The ability of sodium valproate to control seizures was first reported by the French in 1964. Today there are more than 35 clinical reports on the drug's use in more than 1,500 patients. Two of the reports are double blind randomized cross-over trials, one from Japan, the other from Holland.

The English, who claim to have the strictest drug approval laws, after the thalidomide disaster, gave their okay to sodium valproate in 1974.

Representatives from the National Institutes of Health, the Food and Drug Administration and the British Health Service told the Epilepsy Commission that the drug is safe and effective.

It won't be on the market here until mid-1978, at the earliest.

On hearing that, Commission Chairman David D. Daly, MD, blew up.

"This is the last country in the world where a new drug is available. . . Only by the widest stretch of a sentence can this be called a new drug."

Commission Executive Director, Richard Masland, MD, reluctant to place all the blame on the FDA, remarked sadly, "We could prevent one million seizures this year in the United States if this drug were available." So what's holding things up? Two obstacles.

First, for the FDA to approve a drug, it must have the raw data from clinical trials. Journal articles are not sufficient. The agency have the actual case reports to be sure that the patients on whom the therapy was done were in fact appropriate for the trial, i.e. they really had the disease. FDA also has to check confounding variables. Concomitant medication being given? Does this bias the study?

The FDA has trouble with information from foreign sources. Sometimes it is regarded as "trade secrets," as in the United States. The case reports may not be sufficient in their notation of history, demographic data, or clinical course. The reports may be in a foreign language and require translation. Sometimes raw data are not retrievable.

Also, the FDA does not go out and aggressively seek these data. The agency adopts a passive posture, waiting for industry to come to it with the data which is then reviewed and judged. The reason for this is, of course, the 1962 Food and Drug amendments.

"The FDA is not obliged, or even empowered by Congress, to promote the improvement of health in drug-related matters. It is primarily required to prevent harm from drugs. This is probably the single greatest defect in the present law and regulations," says William M. Wardell, MD, in a report to the Epilepsy Commission.

Ronald Kartzinel, MD, PhD, who heads FDA's unit on neuropharmacological durgs says that if the agency could get the raw data from foreign trials, it would review them. The fact that the tests were done overseas does not rule out their appropriateness.

Other things could, such as failure to adhere to this country's strict protocol on informed consent and other clinical requirements, but the fact that the tests were done by foreign investigators doesn't rule against them.

The second obstacle is time required to assemble the necessary data.

Clifford Joseph, MD, director of clinical research at Hoffman La Roche gives this account of the time required:

"Write the clinical protocol, circulate it through appropriate department and have protocol review committee pick it apart. Takes four to six weeks minimum.

"Then send it to an investigator who has indicated interest and get agreement on cost of study, etc. Takes at least one month. Then the investigator must go through his institutional review committee. This will take six to twelve weeks. Then do the study. This takes a minimum of one year, sometimes two or three years.

"Then write the final report, collate the data, process it by computer, analyze it. This takes two to three months. People who aren't familiar with testing don't have the foggiest notion of how much time is required. I must also report that when we submitted the new drug application for clonazepan, it took an additional 20 months for approval. This is not said in the accusative, at all. FDA is terribly understaffed."

The lack of international standards for clinical testing of new drugs, forcing a repetition of testing of sodium valproate in the United States, plus the strict requirements of the 1962 amendments for controlled investigations, plus understaffing at FDA have produced, in the case of this drug, a time lag of more than four years between approval in Britain and the United States.

The time lag is growing worse, according to William Wardell, MD, who is a pharmacologist at the U. of Rochester in New York.

"From 1960 to date, all except one of the 11 drugs introduced for epilepsy in the United States or Britain have been introduced first into Britain, by margins up to 11 years . . . Half of the drugs available in the United Kingdom are not yet available in the United States. Those drugs unavailable include drugs that, while not of great importance to large numbers of epileptics, are known to be uniquely effective in some patients: nitrazepam and sulthiamine."

Dr. Wardell is most concerned that these last two drugs, intended for a very small population of very sick people, may never reach the U.S. market.

Agreeing with Dr. Wardell, is Richard Schmidt, MD, president of SUNY Upstate Medical Center in Rochester, N.Y.

"The time and cost of developing new drugs in this country, up to $535 million in some cases, is encouraging private industry to go after the more popular drugs and ignore the much needed medicines for these small populations of the very ill," Dr. Schmidt said.

While the American epileptic population waits for relief, some have taken matters into their own hands.

Nelson D. Goldberg, PhD, pharmacologist at the U. of Minnesota, has on several occasions gone to Mexico to obtain a prescription for sodium valproate from a Mexican physician and legally brought the drug back into this country for his son, who suffers from epilepsy.

"I resent having to turn to a foreign government for help," he told the commission.

"I can assure you, there is a pipeline from Nogales and other border towns, and the drug is flowing into this country legally. I appreciate that the FDA is protecting the public and that Abbott Laboratories has financial considerations, but these are working against the public."

The Epilepsy Commission is trying to work on an answer and have it ready by Aug. 1, when its report to Congress is due, says Executive Director Dr. Richard Masland.

"All the pressure on the FDA is from so-called consumer advocates who are anti-establishment, against the medical profession, and advocates for the wrong consumers. Doctors on the firing line get emotional because we see the sick patients," Dr. Masland said.

"I'm not convinced that the FDA is the real villian. The real problem is who is going to be the advocate for the new needed drugs for the seriously ill?"

Not a "me-too" drug, sodium valproate, an 8-carbon branched chain carboxylic acid, is unrelated chemically to any antiepileptic drug available in the United States.

ROBERT WELTMAN.

PLUTONIUM—HOW GREAT IS THE TERRORIST THREAT?

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. LUJAN. Mr. Speaker, recent headlines and feature articles have commented on the ingenuity of an undergraduate at Princeton University who is credited with putting together a paper on how to build a nuclear explosive.

It is rumored that he received an A for his paper. This would indicate initiative, enterprise, plus originality. But how much originality was there in his paper?

In April of 1943 a Dr. R. Serber gave a set of five lectures as an indoctrination course in connection with the Manhattan District atomic bomb project. The notes, compiled by E. U. Condon, were published as "The Los Alamos Primer" on how to build a bomb with a few thousand helpers. This document was declassified about 1963 and has been in the public domain since then.

I wonder if anyone in the media or the Congress bothered to consult with knowledgeable people before embarking on this project to lift this young man from obscurity to fame.

There are many trained scientists and engineers who have devoted their careers to understanding and explaining nuclear energy and its promises and shortcomings. One of these is Prof. Bernard L. Cohen of the University of Pittsburgh who has written an excellent article published in "Nuclear Engineering International," February 1977, which I recommend to those who want the facts, not fantasy.

The article follows:

PLUTONIUM—HOW GREAT IS THE TERRORIST THREAT?

(By Bernard L. Cohen, University of Pittsburgh)

A few weeks ago, ex-President Ford decided not to allow reprocessing of commercial reactor fuel in the United States for at least the next few years because of fears over control of plutonium. For domestic uses, the only such fears are of terrorist theft of plutonium to make bombs.

In the UK, the Royal Commission on Environmental Inquiry decided that: "Terrortion of a crude nuclear weapon by an illicit group is credible. We are not convinced that the government has fully appreciated the implications of this possibility."

In Australia, the Ranger Uranium Environmental Inquiry decided that: "Terrorism is a real danger, and one likely to have international consequences. . . . In our view the possibility of nuclear terrorism merits energetic consideration and action at the international level."

And in Sweden, the Aka Committee (the Swedish Government Committee on Radioactive Waste) found that the threat of nuclear terrorist acts "can not be discounted".

For the past three years, Theodore Taylor has been a hero of the antinuclear movement in the United States because of his emphasis on the potential danger of terrorists stealing plutonium and using it to make nuclear bombs.

It has been widely argued that this is a reason to stop the development of nuclear power.

This seems like a strange time to advance such an argument: the problem should have been raised in the 1950s when the decision was made to develop nuclear power, rather than now after billions of dollars and thousands of man-years of effort have been devoted to the project.

Moreover, at that time other available energy options might have been developed, whereas now the national economy would be gravely injured if the nuclear option were abandoned.

However, the threat still must be faced, and put into perspective with other potential terrorist acts.

First, an effort must be made to quantify the plutonium bomb threat. Stealing plutonium might be possible, but it would not be easy.

Where it is accessible in processing plants, employees are screened and everyone entering or leaving the area must pass monitors capable of detecting 0.01 per cent of the minimum amount needed to make a bomb, even if it were in a capsule swallowed by a would-be thief?

When it is transported, plutonium is carried in armoured trucks carrying guards who are expert marksmen with shoot-to-kill orders. There are elaborate communications facilities which should bring help rapidly.

SECURITY TIGHTENED

Taylor himself has estimated that if he were to organize a theft conspiracy, there would be much more than an even chance that he would be killed in the attempt. And security measures are being tightened continuously. For example, a new transport vehicle is being developed which can be made immovable and impregnable for a long period of time, and which will automatically send out a call for help.

Once the plutonium is in hand, fabrication of a bomb is by no means easy. How difficult it is must be judged by people with experience in nuclear weaponry, so a few of these are quoted on the subject:

The opinion that makes the task seem easiest is that of Taylor:

"Under conceivable circumstances, a few persons, possibly even one person working alone, who possessed about 10 kilograms of plutonium and a substantial amount of chemical high explosive could, within several weeks, design and build a crude fission bomb.

"By a 'crube fission bomb' we mean one that would have an excellent chance of exploding with the power of at least 100 tons of chemical high explosive. . . . The key persons or person would have to be reasonably inventive and adept at using laboratory equipment. . . . They or he would have to be able to understand some of the essential concepts and procedures that are described in widely distributed technical publications concerning nuclear explosives, nuclear reactor technology, and chemical explosions (and) would also have to be willing to take moderate risks of serious injury or death."

An opinion which gives more comfort is that of J. Carson Mark, former division director at Los Alamos Scientific Laboratory:

"I think that such a device could be designed and built by a group of something like six well-educated people, having competence in as many different fields.

"As a possible listing of these, one could consider: A chemist or chemical engineer, a nuclear or theoretical physicist; someone able to formulate and carry out complicated calculations, probably requiring the use of a digital computer, on neutronic and hydrodynamic problems; a person familiar with explosives; similarly for electronics; and a mechanically skilled individual.

"Among the above (possibly the chemist or the physicist) should be one able to attend to the practical problems of health physics.

"Clearly depending on the breadth of experience and competence of the particular individuals involved, the fields of specialization, and even the number of persons could be varied, so long as areas such as those indicated were covered."

An even more optimistic opinion is due to E. M. Kinderman of Standard Research Institute:

"Several people, five to 10 with a hundred thousand dollars or so could do the job if the people were both dedicated to their goal and determined to pursue it over two years or more.

"One or a few competent physicist-engineers could probably arrive at a tentative design in a year or so.

"A chemical engineer and a metallurgist could . . . construct the essential equipment, make essential tests, and alone or with some help, operate a plant to produce the product dictated by the bomb designer.

"Others would be needed for the design and construction of the miscellaneous parts. . . . It is likely that the team will produce something with a force equivalent to 50 to 5,000 tons of TNT . . . (and it) will weigh less than one ton."

Statements from government officials have been purposely vague for fear of inadvertently providing official information that might be useful to potential bomb makers. Perhaps the most definite statement is the following from an ERDA Safeguards Programme Background statement dated March 10, 1975:

". . . a dedicated individual could conceivably design a workable device. Building it, of course, is another question and is no easy task.

"However, we also recognize that it is conceivable that a group with knowledge and experience in explosives, physics, metallurgy, and with the requisite financial resources and nuclear materials could, over a period of time, perhaps even build a crude nuclear explosive."

The information best known to the public on this question is derived from the NOVA television programme "The Plutonium Connection" in which an MIT undergraduate produced on paper a design and fabrication procedure which a Swedish expert judged to have "a small but real chance of exploding with a force of 0.1 to 1.0 kilotons."

It is well known that a design on paper is only a small part of the problem, and the film never argues that one person could make a bomb, although most viewers were left with that impression.

CHANCE OF DEATH

One ERDA expert who examined the fabrication procedure said that there is a very high probability that the fabricator would be killed long before he finished his work.

A median expected explosive yield for such a device would be perhaps 300 tons of TNT. Exploded at ground level in open terrain this would produce a crater about 20 ft deep and 90 ft in diameter, and the blast would be sufficient to severely damage a brick apartment house 2000 ft away, or a large office building at a distance of 500 ft assuming that there are no structures in the way to absorb the blast.

The prompt gamma radiation would administer a lethal gamma ray dose (500 rem) to unshielded persons up to 500 yards away, and clothing would be set afire up to 300 yards if there is no shadowing.

The two most obvious sites for such a detonation would be in a large building which would be totally destroyed along with all its inhabitants, or in a football stadium where the gamma radiation and the thermal effects would prove fatal to nearly all attendees. Thus there are special situations where 50,000 or more people could be killed by such a bomb.

However, it is clearly a "blockbuster" rather than a "city-destroyer". This very important distinction is often lost sight of; to most people, all nuclear bombs are city-destroyers.

Indeed, even the radioactive fallout from such a device, while causing great inconvenience, would cause few effects. For example, a person one mile directly downwind might receive about 100 rem of exposure[*] which would give him a probability of eventual cancer death (typically 30 years later) of two per cent, hardly noticeable compared to our normal 17 per cent probability of cancer death.

EASIER METHODS

To a terrorist, then, such a bomb would be a way of killing all the people in a large building or a football stadium. However, if that is his desire, there are many easier alternative ways of accomplishing this:

Release a poison gas into the ventilation system of a large building.

Discharge a large load of gasoline (either by airplane or tank truck) on the spectators in a football stadium—lighted cigarettes would do the rest.

Blast open a large dam, there are situations where this could kill over 200,000 people.

Poison a city water or food supply.

Attack a tanker carrying liquefied natural gas as it passes near a densely populated area; estimates for this are about 50,000 fatalities.

Any imaginative person could add many more items to this list. In fact, one expert on terrorism told me he was very gratified by the interest in terrorist employment of nuclear weapons because it might divert their attention from other far easier and more damaging activities.

To be most efficient, terrorists employing nonnuclear methods might carry out one or two mass-murder incidents for starters, just to establish their credibility. Wouldn't this be as effective for blackmail as blowing up a building with a nuclear bomb?

Unlike the nuclear bomb situation, there are plenty of people with all the necessary know-how to carry out such plans. In some of them, there is a reasonable risk that some of the terrorists would be captured, but this is no problem: their reelase could be added to the conditions for the next threat.

GUARDING AGAINST ALL THREATS?

Once the fact is accepted that these are real threats, perhaps efforts should be started to guard against them—that is the current approach to the nuclear bomb problem.

For starters, ventilation systems of large buildings should be guarded. It would not be sufficient just to watch the intakes, as the poison gases could be introduced at many places simply by cutting into the duct.

A guard force must be capable of withstanding a well planned and competently directed surprise attack by 15 heavily armed men—that is the type of attack assumed in plutonium theft scenarios.

This would require at least 10 guards at each large building, a force of a thousand or more in a large city—and that's just to take care of item No. 1 on the list. Some other items would require even larger guard forces, and the list is far from complete. (It is estimated that a very adequate guard force for the nation's plutonium would consist of a few thousand men.)

In fact, it is not necessary for terrorists to kill thousands of people for backmail purposes. Killing a bus load of school children, or turning a theatre or auditorium into a blazing inferno would be almost equally effective.

Kidnapping wives and children of Congressmen and other high officials would probably be more effective. Attempting to guard all such potential targets would be a tremendous task.

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[*] From "The Effects of Nuclear Weapons", Samuel Glasstone (Ed.), USAEC (1962), pages 457 and 423. For an 0.3 kiloton explosion, the dose rate is 45 rem/hour at one mile down wind after one hour; this is the so-called "reference dose rate".

If the wind velocity is 10 miles per hour, the fallout reaches this point six minutes after the explosion. The integrated exposure would then be 100 rem after 45 minutes, 200 rem after 11 hours, 250 rem after 100 hours, and 300 rem after several weeks.

However, it seems most unlikely that a person would stand around outside while this highly visible radioactive debris descends around him. Being inside any building gives at least a factor of two reduction, and if it is a large building the reduction is by a factor of 100.

Almost any basement gives a factor of five protection, and a completely underground basement of a two storey house gives a factor of 25. We therefore would expect very few people as far as one mile downwind to be exposed to more than 100 rem.

If the "guarding" route were followed, the US would indeed be approaching the police state that Ralph Nader has been attributing to the safeguarding of plutonium. Moreover there could be all sorts of accidents and misinterpretations of seeming suspicious movements. And then terrorists could infiltrate the guard forces—that is always considered in plutonium theft scenarios.

IMPOSSIBLE

Clearly all this guarding is impossible. Given the will and the resources, a large, well led, well disciplined, heavily armed group of terrorists striking at a time and place of their choosing can commit as much mass murder as suits their purposes, and no amount of guarding or police action can stop them or even appreciably deter them. (Police have had some success in capturing irrational offenders or those who can be traced through personal motive, but gangland killers working "under contract" are seldom apprehended.)

Terrorists have had this mass murder option for a very long time, and the added possibility of stealing plutonium to fabricate into crude nuclear bombs capable of blowing up a building or committing mass murder in a football stadium adds little if anything to this capability.

Perhaps we can take solace in the fact that terrorists have never exercised this option even though it has been available to them for some time, in fact they have never killed large numbers of people in a single episode.

Perhaps they have more morality than we credit them with, or perhaps they are deterred by the loss of public sympathy that would ensue. This question has been discussed at some length by Brian Jenkins (California Seminar on Arms Control and Foreign Policy, Nov. 1975).

But if terrorists should decide to employ mass murder, there can be only one answer—society must learn not to give in to blackmail. Actually society can gain little by yielding to it; if one threat is averted, what is to prevent another from following, and another, and another? On the other hand, if society stands fast against it, blackmail can serve its perpetrators no purpose.

When this point is raised, it is often argued that in the past society has often yielded to blackmail. But this was always to irrational blackmailers on a one-time binge.

A well organized mass murder programme, and surely one involving nuclear weapons, would not be possible without highly rational direction, and any undertaking of such magnitude would probably not be for a single episode.

Societies have often been faced with rational blackmailers willing to commit mass murder to achieve their ends—that is what is called making war.

In nearly all cases, societies have chosen to resist the blackmail and accept the mass murders ravaged upon them. They have chosen this course even when their hope of victory was small.

Surely the type of war ravaged upon society by rational internal blackmailers can be faced up to and losses accepted. Not to do so would mean accepting indefinite tyranny, something few nations have done to void war.

Facing up to it would mean a guaranteed victory. And the victory might not be long in coming; mass murderers would be faced with indescribable hatred from their fellow citizens, and in such an environment they could not last long. In any case, they would have nothing to gain by continuing the fray.

But what does this issue have to do with nuclear electric power? As described, there are and always have been many easier vehicles for blackmail.

If terrorists are attracted by the nuclear option, there are other sources of plutonium. Tens of tons have been produced for our weapons programme and there are many potential foreign sources, mostly of much lower ^{240}Pu content and therefore much better for bombs than the plutonium from our nuclear power industry.

The ^{235}U is much easier to use for making bombs, and is even more available. And a terrorist group could save itself a great deal of time and trouble by stealing a ready-made bomb from the military.

Plutonium should certainly be guarded carefully to deter terrorist thievery. But making a major issue of it as a reason for stopping nuclear power is hard to understand.

We pay no attention to the potentialities of terrorism in design of building ventilation systems, in guarding crowds at sports events, in protecting schools and theatres, in guarding dams and so forth.

Isn't this just another example of nuclear critics looking hard for issue to support their emotionally-based dislike for nuclear power?

PROBLEMS OF THE SOCIAL SECURITY ADMINISTRATION

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. RUSSO. Mr. Speaker, I would like to call to the attention of my colleagues a series of articles printed in the Washington Post at the end of March. Haynes Johnson has written an excellent series on the myriad problems facing the Social Security Administration. I intend to insert these articles over the next 3 days because the length prohibits me from including all of them at once.

Johnson's investigation reveals the principal reason behind the Administration's faltering record the past few years. In a single word—overextended. Congress, realizing the Social Security Administration's fine record since its inception nearly 40 years ago, continually assigned it new responsibilities. Eventually the system and its people faltered under the increasing pressure.

The first article points out the massive problem that arose when Congress enacted the supplemental security income—SSI—program. The State records were in such poor shape the Administration had to reconstruct many of them from scratch; thousands in a short time. The strain has taken its toll on the Administration's morale and service has dropped dramatically.

Congress must learn from this experience. It should not overdepend on the best agencies for everything and it should know from its investigations the major problems that will arise when it assigns new programs to existing or new agencies.

The article follows:

DAYS OF ENDLESS STRUGGLE, DROWNING IN A SEA OF PAPER

(By Haynes Johnson)

As everyone in every organization knows, the views from the top and the bottom are different. The same is so in the federal government.

From the top, officials look down and see a bureaucatic jungle, unresponsive, entrenched, self-protective, slothful, pawns of the ubiquitous special-interest groups that affect, if not control, legislation. A senior White House aide looks at a chart of a key government agency taped to his office wall, gestures vigorously toward the hand-lettered names of high officials on it, and says decisively, "We're going to clean them all out."

From the bottom, workers look up and see more regulations, more programs, more paperwork, more hostility from politicians and public. They see Presidents and Cabinet officers come and go. It really doesn't make any difference who's on top, they almost always will say: they are the government. They still have their work to perform, and that work has become increasingly complex and frustrating. They are drowning in a sea of paper, fighting merely to keep up.

A new employee, four months on the job dealing with citizens' claims in a district office, recites the various forms needed to file one case—the 401 and 85-10 and ID info and tie-up RC and the a-27, b, d, and c, among others.

Inarticulately, but accurately, she defines the problem: "There's a lot of rules and regulations because people write laws and file lawsuits and stuff, and if you got rid of the rules and regulations you could get rid of the paperwork, but you can't get rid of the rules and regulations because people have made them. So really, it's like an unending cycle. There's nothing you can do."

Catch 22, real life, every day, every office. To read regulations that come out of one department alone—HEW—each week is equivalent to wading through twice as many words as "War and Peace." Words, it hardly needs to be said, that lack the clarity of a Tolstoy. Words, in fact, that are almost incomprehensible if you do try to wade through them. Who can master them? No one. Who even tries?

From the top, a new Cabinet secretary comes into power determined to move aggressively and quickly. He's going to reorganize his department and set, he hopes, a new tone for a new administration. The enterprise is carried out in melodramatic secrecy. One of a handful of trusted advisers describes the process a akin to receiving sealed wartime orders to be opened only at sea. Preparation of charts for the reorganization is even secretly shepherded out of his department, and done at the Pentagon, through a private and personal arrangement with the Secretary of Defense.

Why? Because they believe if word of the plan leaks it will be blocked by the bureaucracy and the special-interest groups that want to maintain the status quo.

From the bottom, where the repetitive, grinding work is performed, those far-off decisions in Washington aren't the immediate concern. The problems are more mundane—and more critical. They involve such seemingly simple things as obtaining file cabinets and qualified clerk-typists. Neither is easy to come by. The harassed office managers wind up fighting within the bureaucracy itself. They often lose.

"We have these old claims," one says, "and we have thousands and thousands of these folders. So I ordered 12 file cabinets about a year and a half ago. I still haven't got those cabinets. You can't get supplies.

"I'll tell you very confidentially how we get around it. Not having those cabinets probably cost the government a thousand dollars each, because what happened was we had put the files in cartons, but we have to go looking through them. Well, you know how much clerical time can be lost when these things get all mixed up.

"So frankly what I do, even if it's not

strictly legal, is work out a deal with a guy. You say, 'Look, I'm not allowed to buy, I'm only allowed to rent, but when the rent price reaches the purchase price it's mine. Okay?' But why should I have to do that? . . .

"I can understand the claimants yelling at me, the Germans shooting at me, but my own government, why are they doing this to me?"

Now file cabinets and clerk-typists and frustrated employees like the one who says he reaches the point where he throws a case into the trash can ("that's one case you don't have to worry about") may not seem matters of great moment in the world of Washington. Or even, to be more lofty, about democracy and government and the rights and responsibilities of citizens and society.

Yet that is what this story is all about.

In time, both top and bottom express the same kinds of fears and frustrations about how government works. They are both captives of the bureaucratic machinery of which they are integral parts, and which they themselves have helped to build. Who is to blame? Everyone and no one. *U.S. THEM.* This is true even of the best of them.

That's the lesson of the one government agency that directly affects the lives of more Americans than any other—Social Security.

When Jimmy Carter was preparing to launch his presidential campaign last summer, he received some advice from a man with a long and distinguished government career. People will judge the federal government and the next administration—by their personal experience with those few huge agencies that directly touch their lives, the analysis went.

"They are Uncle Sam in every town, village, and city in America. If the employees of those organizations are friendly and considerate and the organizations give good service, that will mean to most people that government can make things work. If those organizations are unresponsive, bureaucratic, and make mistakes, then that is the impression that the ordinary citizen will have of his government."

Max Stamler would agree with that judgment and its implicit challenge. He's a bureaucrat, who resents the term. He's been around a long time, and speaks from the bottom looking up. Over his years with Social Security he's witnessed stunning changes in the role of government and public attitudes about it.

"I've learned one thing," he says, "it's that I don't feel the people on top know more than I do. Maybe it's because they are so high up that they don't see the obvious things."

Another personal lesson: "If I were President, I'd put the decision-making as close to the people as the guy who's going to get punched in the nose if it doesn't work."

Max Stamler knows something about that feeling: from where he sits, in his midtown Manhattan Social Security office, each day is an endless struggle. He oversees some 150 employees who in turn serve 90,000 of the most diverse cross-section of the citizenry, everyone from bankers and brokers to junkies and mental patients. A quarter of a billion dollars in benefits is processed each year out of that office alone.

Until very recent years Social Security stood as the brightest ornament in the ever-expanding federal establishment. It was the best, the elite, a model of what government could do for the citizens it serves. Social Security no longer enjoys that reputation, but it still touches more and more people personally. And more and more is being asked of it.

As Stamler correctly says, "We are the government, as far as the people are concerned. We are the United States government."

What Stamler will also tell you is that working for the government today bears no resemblance to the government he knew. "Here's an agency that needs to get the best possible employee," he says, in disgust. "Here's a system that almost dooms you to the worst."

When Max Stamler joined Social Security just before World War II, the agency was paying out some $15 million annually in benefits. Today, overall Social Security benefits amount to $106.7 billion a year—and are rising. Yet the system faces critical financing problems in the years to come, problems that threaten its very existence. (More on that on another day.)

Back when Social Security came into being, the entire federal civilian work force numbered only slightly more than 100,000. Now Social Security alone fast approaches that number: Stamler is one of 84,000 employees working out of 1,300 local offices around the country.

More figures, almost meaningless in the mass, but not in what they represent to individual human beings; 1 out of every 7 of us now gets a Social Security check each month. That's 36 million people, young and old, sick and disabled, retired and alone, receiving billions of dollars month after month after month.

What's remarkable is that Social Security carried out its mission so well for so long. In fact, its very success led to its present problems—that and the insatiable demands placed on it by everyone, from every side; from politicians and Presidents and people in general.

In the early days, the mission was simple. Deliver the right check in the right amount to the right person at the right address, and on time. Social Security did everything asked of it, and did it superbly. And Social Security kept getting more and more benefit programs assigned to it and more and more complicated personal records to process and maintain.

The roll grows longer and gets more complex:

Payments for half a million sufferers of black lung disease, now running at $79 million a month . . . for 835,000 young people drawing survivors' benefits, much of that billion dollars a year going to finance higher educations . . . for millions of Medicare claimants, the largest government health insurance program, $22 billion a year.

All were moving along, all seemingly going well, until Social Security came face to face with a real crisis it couldn't control. Looking back on that time three years ago, agency officials say the danger signals should have been clear. The agency was overconfident, suffering from what one person calls "organizational menopause." And its crisis came at a time when its work force was changing, when public attitudes about government were becoming more cynical, and yet when greater demands to administer more difficult programs were still being placed on government agencies like Social Security.

But that's hindsight.

Three years ago Social Security began administering another massive program, one that put the agency for the first time in the federally subsidized welfare business. The program, called Supplemental Security Income (SSI), gave the agency responsibility for another 4 million people—the aged, the blind and the disabled on state welfare rolls.

Almost everything went wrong. Many of the state and local welfare rolls turned out to be hopelessly in error; case after case had to be reconstructed from scratch. Dealing with the new claimants themselves often came as a shock. In all of its experience, Social Security had dealt only with those who had paid their money into the system through payroll taxes. Those, in other words, who had earned their benefits. Now, picking up the welfare load, they were dealing with the core of the urban poor.

The program itself was supposed to be simple to administer. Thus, the claim in Congress. But the law implementing it had nightmarish elements.

States were given the right to supplement the basic eligibility requirements in ways that often created impossible situations. For example: in California a person eligible for the federal welfare payment could get additional money. If he was living alone, taking meals twice a day in a restaurant, he'd get extra money. But when he stopped having two meals in a restaurant and started cooking at home, the financial grant would be adjusted—up or down.

"Well, that's monstrous," says a Social Security administrator. "From the standpoint of the federal government administering it, that's just a monstrous thing to attempt to do. It's inherently bad, but it's even worse—because here's Congress saying don't you dare make a mistake in the process."

Social Security strained and began paying its welfare checks, but for the first time it failed. "All of a sudden we wake up and find all hell's broken loose," the agency executive recalls. "The press, the Congress, the advocacy groups of the poor are raising hell because we didn't get those checks delivered on time to those people.

"And here's an agency that if it never did anything else right it had a 40-year record of delivering checks and delivering them on time—by the hundreds of millions."

At local offices mob scenes occurred as welfare clients filled the corridors, halls, and massed outside. There were threats and violence—and finally armed guards. Social Security people began working around the clock, 30,000 of them, to try to bring order out of the program. A decision was made to get those checks out—fast. "It was pay now and ask questions later," one person says. "Because here was a program directed toward humane treatment of people, and here was an agency whose basic mission was to put cash in the hands of people."

After intensive efforts for more than a year, and great strains and pressures on personnel, Social Security thought it was winning its battle. Then came the greatest shock of all. It became painfully clear that a great deal more money was being given to people than they were entitled to. And a great deal of money was going to people who weren't eligbile in the first place. There were massive over- and under-payments.

In its first two years of administering SSI, Social Security over-payments totaled about $2 billion.

Error rates were running between 10 and 25 per cent. The program was unmitigated disaster. Take the reaction of the state agencies which reported to Congress on the program's impact. The first three alone, in alphabetical order, tell the story:

Alabama—"The sheer size of the program has drained our leadership, stretched our resources to the breaking point and forced us into a continuing battle for administrative control."

Alaska—"This was an absolute disaster."

Arizona—"Operations instructions were hurried, inaccurate and subject to constant change. Today, some 2½ years from date of enactment, our operating manuals remain without subject indexes."

But the greatest impact has been on Social Security itself, and particularly on those local offices in the great urban areas where employees deal most directly with the public. Until Social Security began administering its welfare program armed guards had not been posted inside those district offices. Today, three years later, they are still there. They have become permanent fixtures.

In the New York offices of the Social Security Administration the stories become familiar: the job is one frustration after another, and it's getting harder. There isn't time to keep up adequately with the changing manuals issued to explain the changing programs. Dealing with the public these days can be difficult: drug addicts and mental cases, occasionally abusive or threatening, sometimes shouting, sometimes throwing paper in the faces of employees, are not uncommon. Personnel turnover is high, good replacements are harder to come by.

Office managers find themselves exploding in anger—not at the public, but at the government itself, a government that imposes intolerable burdens on its work.

"If you were to ask me what are the largest barriers you have to overcome in order to do an efficient job," one said, "you know what my answer would be? The Civil Service Commission and the General Services Administration. These agencies, the Civil Service Commission and the GSA, they do not serve us. They're there but they're there to block us. It's like they're in business for themselves. And their sole preoccupation is to keep themselves in power without rendering service."

Then you will be told one horror story after another about problems in hiring clerical workers or getting office equipment or leasing new space.

"You just don't have the time," says Richard Ferguson, the Harlem office manager. "For every demand that you satisfy there are three which are made in addition. You find that you're really going backwards. You're not really keeping up. Sometimes you think you are, other times you're just overwhelmed. I just don't see where you can keep up this kind of pace under these kinds of conditions and still be effective."

Ferguson, a soft-spoken man who carefully masks his emotions, told of spending months trying to untangle a problem. Cabinets, again. A shipment arrived damaged and unusable. They're still sitting there, with no replacements in sight. He finished telling his story, was silent a moment, and then calmly offered a kind of soliloquy:

"That's the frustration when you're in the government dealing with the government. I'm ordering this stuff because I need it, because it helped me to do my job better, but . . ."

His voice trailed off.

Several weeks after that conversation, new word came down from Washington. It hit Ferguson's Harlem office hard. In a reorganization move directly affecting Social Security, the agency would be given a new program—aid for dependent children. Another welfare program had been assigned.

Ferguson's employees were more than upset. "I had to reassure them it doesn't mean them at a staff meeting. Then he added, in his same quiet way: "You know I'm sure that any office that went through the trauma we went through in 1974 would feel the same way."

FEDERAL PROTECTION OF NONSMOKERS LONG OVERDUE

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. DRINAN. Mr. Speaker, the Congress continues to lag far behind State governments in taking action to protect the right of the nonsmoking majority of Americans to breathe the air uncontaminated by noxious tobacco fumes. I first introduced legislation to protect nonsmokers on November 13, 1975 (H.R. 10748). A companion bill was filed in the Senate by Senator MARK HATFIELD of Oregon. No hearings were held on these measures during the 94th Congress.

On January 4, 1977, the opening day of the 95th Congress, I introduced H.R. 862, the Federal Nonsmokers Protection Act of 1977. Twenty-three other Members of the House have joined me in cosponsoring this landmark bill to date. The bill was jointly referred to the Interstate and Foreign Commerce Subcommittee on Transportation and the Public Works and Transportation Subcommittee on Public Buildings. Unfortunately, neither of these subcommittees has scheduled hearings on the bill.

I realize that every subcommittee of the House has an enormous number of bills before it. Priorities must be set which means that some bills cannot be accorded active consideration. But the issue of nonsmokers' rights cannot be ignored any longer. Tens of millions of Americans, hypersensitive to tobacco smoke, have waited patiently for congressional action to alleviate this health hazard. It would be unjust for the Congress to ignore the needs of these citizens by failing to accord this legislation the full hearing it deserves.

Our distinguished colleague, the gentleman from Utah, GUNN McKAY, a cosponsor of H.R. 862, recently brought to my attention an excellent article on the subject of nonsmokers' rights which appeared in the April 1977 issue of the Ensign, a publication of the Church of Jesus Christ of Latter-Day Saints. George H. Russ, an attorney, the author of this article, outlines the scientific evidence for protecting the nonsmoker and summarizes actions taken by other nations and by State and local governments to meet that objective. I commend this article to my colleagues and hope that they will join me in urging prompt hearings on H.R. 862:

THE IMPACT OF SOMEONE ELSE'S TOBACCO SMOKE

(By George H. Russ)

The prophet Joseph Smith and his wife Emma were perhaps the first two members of the Church to be concerned about the rights of nonsmokers. Joseph was disturbed by the offensive cloud of tobacco smoke that greeted him as he entered the small room over his kitchen where the School of the Prophets met. Emma, on the other hand, had to clean up after those who chewed tobacco and spit on the floor. Their concern was sufficient to motivate the Prophet to go to the Lord in prayer; the Lord was sufficiently concerned to give him the revelation known as the Word of Wisdom.

Ever since this revelation was received in 1833, members of the Church have been part of a group of nonsmokers who have quietly tolerated the unwelcome odor and other ill effects of tobacco smoke. This attitude of tolerance, however, has not always been predominant. Extreme sanctions imposed against smokers in some countries during the seventeenth century included dragging the offender through the street with the stem of his pipe pierced through his nose, cutting off the nose, banishment, and even death. These extraordinary penalties were abolished as tobacco use became more popular and as it was discovered by governments to be a valuable source of tax revenue.

Attempts by many American states early in this century to invoke legal penalties against the smoking of cigarettes met with little success. All such statutes were repealed by 1927, with the exception of a Utah law that is still on the books today. In the past, arguments favoring a ban on tobacco have relied on "purely moral considerations" with no basis in scientific fact. In contrast, the impetus for the current trend that favors nonsmokers' rights has come from recent scientific studies proving the harmful effects of "passive smoking," or the breathing of tobacco smoke in the air by nonsmokers.

The direct causal relationship between smoking and ill health in smokers was conclusively established in the now well-known 1964 Report of the United States Surgeon General's Advisory Committee on Smoking and Health. (See Ensign, June 1973, pp. 29–30.) Smokers, nevertheless, continued to argue that smoking was harmful only to themselves and that any attempts to regulate it were invasions of their personal liberty. The death knell to this argument was sounded with the publication of the 1972 Annual Report of the Surgeon General, which for the first time brought to public attention evidence of the harmful effects of passive smoking on the nonsmoker.

Most of this evidence indicates that tobacco smoke exerts complex irritative and allergic effects. A study by Dr. Frederic Speer confirmed that such reactions to tobacco smoke as eye irritation, headache, cough, nausea, sore throat, and dizziness are not psychological but physical in nature. It also pointed out that passive smokers who experience heavy exposure to cigarette smoke may develop the more serious diseases that affect smokers. Research reported by the American Lung Association has shown that animals exposed to cigarette smoke developed bronchitis, emphysema, and lung tumors. But more complex studies are needed to make such a determination in humans.

Tobacco smoke is as potent as a concentrated aerosol, in which some 500-plus compounds of gases, uncondensed vapors, and liquid particulate matter have been identified. Carbon monoxide (CO) constitutes the largest percentage of gas byproducts of cigarette smoking. Effects of low-level CO on human health are still under investigation, but it is known that CO combines more rapidly than oxygen with red blood cells, causing a lack of the normal flow of oxygen—which affects all parts of the body, but primarily the brain. The levels of CO found to be present in smoke-filled rooms are in excess of the safety standards specified by the Environmental Protection Agency for outdoor air. Such excess amounts are considered to have adverse health effects. Similar exposures to CO have been demonstrated to alter auditory discrimination, visual acuity, the ability to distinguish relative brightness, response time for automotive tail light discrimination, and distance estimation—all important to driving ability.

The well-known London medical journal *Lancet* reported findings that show that under poorly ventilated conditions in closed spaces, the amount of CO absorbed by a passive smoker in one hour is approximately equivalent to having actually smoked one cigarette. In additional studies, animals continuously exposed to low levels of CO for several weeks have experienced varying degrees of cardiac and cerebral damage.

Two scientific studies that were released in February 1975 confirm that passive smokers get nicotine in their blood, in addition to CO in their lungs, as a result of smoky air. Dr. Raymond Slavin, a noted allergist at St. Louis University, tested passive smokers attending meetings while smoking was allowed and again when it was prohibited. He said the study leaves "no question that nonsmokers can develop toxic levels of carbon monoxide in smoke-filled rooms." Meanwhile, British researchers published compelling evidence in *Lancet* that "virtually all urban nonsmokers have measurable amounts of nicotine in their body fluids . . . derived from the indoor air they breathe and it requires no more than one or two smokers to contaminate a vehicle or building."

Perhaps the most helpless passive smokers are children. Recent studies indicate that children born to smoking parents weigh less at birth and have twice the chance of contracting pneumonia or bronchitis during the first year of life. Even up to age sixteen the presence of tobacco smoke in the child's environment is associated with lessened physical health.

There is also substantial evidence that tobacco smoke is especially harmful to persons with preexisting allergies and respiratory diseases. This is significant because the American Medical Association estimates that at least 34 million Americans are sensitive in one way or another to cigarette smoke.

Despite this accumulation of medical evidence, the federal and many state governments have hesitated to take protective measures. Inroads are being made, however. A bill introduced in the U.S. House of Representatives on 13 December 1975 would limit smoking in federal buildings and in transportation terminals affecting interstate commerce. This bill is still pending. A bill introduced in the Senate (S.B. 2902) on 29 January 1976 would increase the tax on cigarettes; the revenues derived therefrom would support expanded programs in cancer research, disease prevention, and public health education. This bill was recently tabled (temporarily defeated).

The U.S. state legislatures have been somewhat more successful. Approximately twenty-two of the fifty states have established some form of legislative or administrative regulation of smoking in public places. Many other states have legislation pending. The fact that all of these states have taken legislative action since 1971 may be some indication of a continuing trend toward widespread regulation.

One objection to such ordinances and statutes is that they are unenforceable. Although it is true that full enforcement may not be feasible, such laws are certainly as enforceable as parking regulations and would at least supply the nonsmoker with a foundation for complaint. Also, a significant number of smokers will be law abiding, thus making such ordinances beneficial to that degree. The minimum significance of antismoking legislation is that by it the government decisively stops its passive acceptance of an activity harmful to the public.

The courts have been even more hesitant than the legislatures to grant relief to complaining passive smokers. The United States Court of Appeals in *Nader vs. The Federal Aviation Administration*, however, left open the question of the relative rights of smokers versus nonsmokers by declaring that in the future "the freedom to smoke may have to give way to the freedom of others to be unannoyed by smoke."

Despite legislative and judicial hesitancy, the Civil Aeronautics Board (CAB) has adopted a compromise regulation segregating smokers from nonsmokers in all passenger airplanes. This ruling in May 1973 relied greatly on a joint study by several government agencies that established that over 60 percent of nonsmoking passengers were bothered "physically" by tobacco smoke—and this annoyance is not based on moralistic judgments. The CAB expressed the belief that in the future greater emphasis will be placed on the health hazards of smoking. It also predicted that greater numbers of people will be annoyed by tobacco smoke unless corrective action is taken.

Many other countries are showing trends toward antismoking legislation to protect nonsmokers as well as smokers. Sweden has the most comprehensive program with a twenty-five year plan to cut cigarette consumption from an average of 1,700 per year per person to 300 per year per person. To achieve this goal, advertising has been restricted, prices have been raised, vending machines will be removed by 1979, prosmoking scenes have been banned from television and the movies, public smoking has been restricted, and antismoking education programs are being carried out in schools and in the military. In Norway it is a crime to even offer a cigarette to a child under sixteen, and there is a total ban on all tobacco advertising, including tobacco shop windows. Variations of these and other restrictions exist in Great Britain, West Germany, Venezuela, Argentina, Canada, Poland, and Australia, to name just a few.

Emphasizing the seriousness of smoking as a worldwide problem was the Third World Conference on Smoking and Health, held 2–5 June 1976 in New York City. This conference was jointly sponsored by the American Cancer Society and the National Cancer Institute and was attended by 50 delegates representing the scientific, medical, public health, social action, and antismoking communities of some forty-one countries. The conference recommended that appropriate legislation be passed in all countries to protect the rights of nonsmokers and shield them from the hazards of passive smoking. More specifically, the conference recommended that governments of the world: (1) Recognize that smoking kills—it is the single most preventable cause of cancer, coronary heart disease, and increased fetal and infant mortality; (2) undertake vigorous antismoking education, prevention, therapy, and social action programs; (3) discontinue subsidizing the growth, manufacture, and export of tobacco products; (4) price and tax tobacco products so as to discourage consumption and use such taxes in the antismoking campaign; (5) prohibit all advertising designed to sell tobacco products.

Harper's Weekly proposed that since smokers are well aware of the risk they take in smoking and since they utilize health resources to a greater extent than nonsmokers, they should contribute a proportionately greater sum to support those health resources. At current levels of cigarette consumption, an additional tax of fifty cents per pack would result in an extra $15 billion in federal revenue.

Despite significant evidence of the detrimental effects of tobacco smoke on both smokers and nonsmokers, most of the changes necessary to correct the problem have yet to be made. Senator Charles Percy of Illinois has pointed out that the American government continues to subsidize tobacco production "while we spend millions of dollars to tell people not to smoke." Senator Mark Hatfield of Oregon disclosed that the government shipped $25 million worth of tobacco to starving nations as part of its "*Food for Peace*" program in 1974; at that time he expected that equal amounts would be sent in the future.

The question remains as to who is responsible for promoting affirmative action on nonsmokers' rights. In the U.S. antismoking organizations such as Action on Smoking and Health (ASH) and Group Against Smoking Pollution (GASP) have contributed millions of dollars and hours of effort to this campaign. John F. Bronzhaf III, organizer and director of ASH, was the prime mover behind the 1967 Federal Communications Commission (FCC) decision that required radio and television to devote time to presenting the case against smoking. ASH was also instrumental in the drive to remove cigarette advertising from airways and require separate no-smoking sections on planes. Many other groups and individuals are also supporting nonsmokers' rights through both effort and finances.

As Latter-day Saints, we have a duty to further the spirit of the Word of Wisdom by helping to create a healthier environment. The Church itself cannot, due to its growing worldwide responsibility, "respond to all the various and complex issues involved in the mounting problems of the . . . communities in which we live. But the complexity does not absolve members as individuals from filling their responsibilities as citizens in their own communities." This statement by the First Presidency goes on to remind us that the historic position of the Church has been one that is concerned with the quality of man's contemporary environment as well as with his preparation for eternity. We are told that the health of our communities remains a genuine concern and that we as Latter-Day Saints must seek solutions to problems that beset us.

The progress thus far in providing solutions to the smoking problem is a result of many people making their voices heard by those in the position to make changes. Members of the Church can make their voices heard by writing or calling their national government representatives and local officials to express their ideas and complaints. They may also write and contribute to organizations such as ASH, which publishes a biweekly newsletter that suggests ways in which individuals can aid in the antismoking campaign. Others may want to begin a local chapter of a national antismoking organization: GASP will provide interested persons with a starter kit for this purpose or with information, new ideas, posters, pamphlets, stickers, etc.

Jesse L. Steinfield, former Surgeon General of the United States, has stated: "With this scientific backing, [and] with the realization that we are speaking for persons until now who have been diffident about exerting their rights, it seems to me that we can begin taking a far stronger stand than we have taken before."

The issue as it has crystallized today is not whether a person has a right to smoke but where he has a right to smoke; it is not whether cigarettes may be sold, but to whom and in what manner. This approach is in keeping with the Latter-day Saint doctrine of free agency. Even the Word of Wisdom was originally given "not by commandment or constraint." (D&C 89.2.) In this same spirit of free agency, smokers should be free to pursue their habit if in doing so they do not impose on the freedom of others to breathe clean air. Present-day medical evidence puts nonsmokers on firm ground in demanding protection from the ill effects of passive smoking.

BUFFALO, N.Y., AND KIRYAT GAT ISRAEL, BECOME SISTER CITIES

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. KEMP. Mr. Speaker, I am pleased to bring to the attention of my colleagues the new "sister city" relationship which has been established between the cities of Buffalo, N.Y., and Kiryat Gat, Israel.

Kiryat Gat, a city of over 26,000 people, is located in the southern sector of Israel and is considered the gateway to the Negev Desert which lies directly to the south. Established in 1955, it has grown to be a major city, producing such commodities as cotton, sugar, grains, and citrus fruits. In addition, there are more than 25 industrial plants producing textiles, metals, chemicals, and plastic and wood products.

The sister city arrangement between these two cities was designed to develop an exchange of culture, friendship, education, and trade between these two municipalities, and is largely the idea of Mr. Joselyn Berg, a Buffalo area businessman who conceived the plan while visiting Israel with his wife during the 1973 Yom Kippur war. Last year, Mr. Berg was able to return to Kiryat Gat and had the opportunity to present a bronze bison to Mayor Dovod Magen from Mayor Stanley Makowski on behalf of Buffalo and its citizens and since then, plans for the Buffalo-Kiryat Gat Sister City Foundation have proceeded smoothly.

Trustees of the foundation, Joselyn Berg, Rev. David S. Greenwood of the Episcopalian Diocese of Buffalo, Msgr. John J. Conniff of the Catholic diocese, and Dr. Samuel Porrath, rabbi of Temple Beth El, have worked diligently to build support for this endeavor, and I am pleased to report that there is much enthusiasm among western New Yorkers. An official visit to Kiryat Gat, including a tour of Israel in general, will leave Buffalo on May 30, and will take its participants to many places of historical and religious significance for both Christians and Jews.

I commend this endeavor to my colleagues as one which will surely result in improved understanding between our countries, and one which has provided the basis for innumerable exchanges in a great variety of fields. It is my hope that Mr. Berg's model will be followed by cities all over the United States to promote good feeling and greater understanding between the American people and citizens of other nations.

POSTAL SERVICE: A VIEW FROM RURAL AMERICA—PART II

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. ABDNOR. Mr. Speaker, in last February's part I of the rural view of the Postal Service I included 70 comments excerpted from constituent letters. They detailed a post office's relationship with small communities and rural patrons, the experiences of some communities which had switched from a classified post office to a contracted office, and some of the happenings connected with the transition.

The people of South Dakota are not unreasonable in their expectations of the Postal Service, but they are concerned that their unique circumstances of living in a land of wide open spaces may be totally lost on what they perceive to be a completely urban-oriented postal bureaucracy.

They are concerned, not only for the future of the Postal Service in rural America but in all of America. And, well they have reason to be. Everybody, urban and rural alike, acknowledges the problems confronting the Postal Service, but for some reason there is a reluctance to pursue a solution.

Two editorials from South Dakota daily newspapers explore this reluctance and its meaning for rural America. The first appeared May 9 in the Huron, S. Dak., Daily Plainsman, the second in the Aberdeen, S. Dak., American-News:

[From the Huron (S. Dak.) Daily Plainsman, May 9, 1977]

LESS POSTAL SERVICE?

There are two ways of tackling a tough problem. One is to be convinced that a solution exists and can be found if the challenge is pursued hard enough. Medical researchers generally follow this line of thought.

The other way is to assume the problem is insurmountable and too much trouble to tackle anyway. That is the approach taken by the Commission on Postal Service toward the future of the Postal Service.

After studying the situation, the chairman of the commission, Gaylord Freeman, came to the conclusion "the decline of the Postal Service as a delivery system" is all but assured.

Four "reputable firms," Freeman said, were contracted to study the postal system. "All predicted that the Postal Service in its present form simply cannot survive unless postal rates rise beyond a politically and publicly acceptable level or unless subsidies are greatly increased," he said

If the proposal to eliminate Saturday service is implemented, the Postal Service can again be charged with a diminution of service, which will cut into revenues and sharpen the criticism of postal patrons. Dropping Saturday delivery in rural areas imposes special hardships because much of this mail already arrives one or two days late.

One way for the Postal Service to go about solving its problems without destroying the service that it was created to render, would be to call upon its own people at the grass roots management level for input into management policies. Maybe Saturday delivery is not important in New York or Washington, D.C., where the weekends are longer. But it is extremely important in sparsely settled areas such as South Dakota. Certainly, metropolitan areas have somewhat different needs than we do here.

Local postmasters know the local problems and, we expect, could provide commonsense solutions for many of them. As a matter of record, some sensible economic remedies have actually been tried with success in specific local situations in South Dakota.

Unfortunately, the commission leans toward outside sources for its recommendations or to the postal unions who are understandably more interested in pay scales than in patron service.

If the commission refuses to take suggestions from its own management people, then it is possible that the only solution left is higher federal subsidies. But these subsidies should be charged not to patron service, rather they should be openly labeled as subsidies to mismanagement at the top and to appeasement of the postal carriers' unions.

[From the Aberdeen (S. Dak.) American News]

POSTAL CUTBACK WOULD IGNORE NEEDS OF MILLIONS LIVING IN RURAL AMERICA

It is time again to remind members of Congress, the Postal Service Commission, the Carter administration and the eastern establishment that there is a rural America.

The need for the reminder comes from the postal commission's recommendation to cut back mail service to five days a week, presumably eliminating Saturday deliveries.

While the federal government in Washington and its branches throughout the nation generally adhere to a five-day, 40-hour week, and members of Congress enjoy long weekends, life in the agricultural communities is geared pretty much to business as usual on Saturdays.

The protests from rural regions should be heeded in Washington.

Complaints being mailed to the Postal Service executives and to federal lawmakers point out that no law can put farming operations on a five-day schedule. And that no law can fit newspapers, other communications media, phone service or gasoline stations into five-days-a-week operations.

As one Dakota protester told Postmaster General Benjamin Bailar, "If Saturday deliveries are eliminated, our farmers will not receive adequate marketing information, weather predictions and other news information necessary for successful farming from Thursday market closings until the following Tuesday."

The economic impact on rural areas of such curtailment of service must not be ignored.

The argument that the cutback would save $412 million a year would have greater validity if the government should abandon its "make work" efforts in other areas. Few jobs created by the government have more practical value than prompt delivery of mail.

At best the estimated savings is questionable. While expenses would be reduced on the five-day schedule the Postal Service would lose prestige and cause customers to seek additional substitutes for mail service, thus reducing postal revenue. The Postal Service now handles less than half of the packages the turbine got 20%30% better fuel econpetition in the delivery of third-class (circular) mail. Also it faces the threat of losing more of its first class business to electronic communications systems.

American News readers who see the proposed mail service reduction as bad tidings can be effective in maintaining present service by telling their views to members of South Dakota's congressional delegation.

CITY PLANNING DECISIONS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. STOKES. Mr. Speaker, I rise on this occasion to bring to your attention and to the attention of my colleagues in the House, an article which appeared in last Wednesday's Washington Post. It concerns the effects of city planning decisions on the residents of inner-city neighborhoods in Cleveland, Ohio, and the effort of one man, Norman Krumholz, in humanizing the all too often technical and sterile decisionmaking process.

Mr. Krumholz. director of Cleveland City Planning Commission, was appointed by Mayor Carl Stokes in 1969. Since then, he has become one of the foremost national experts in the city planning field and is widely sought after by professional organizations and universities as a lecturer.

At this time, Mr. Speaker, I submit to the RECORD the Washington Post article on Mr. Krumholz which was written by the syndicated columnist, Neal Peirce:

A CITY PLANNER WHO DRAWS THE PEOPLE IN

(By Neal R. Peirce)

CLEVELAND.—Hair shirt to the establishment, professed advocate for the downtrodden and a pioneer of "cutback planning" for declining cities, Cleveland's planning director appears to be one of a kind. But the approaches he is taking may be the wave of the future.

His name is Norman Krumholz—some of his staff members call him "Stormin' Norman." He believes that planners, instead of charading as aloof technicians and relying on abstract mathematical models to design some "best future" for the "city beautiful," should plunge into the political battle as advocates for the kind of poor and near-poor people who make up the vast bulk of aging cities like Cleveland.

Every piece of planning that truly affects the future, Krumholz says, benefits some people and may harm others. Massive urban freeways and big downtown office complexes, he suggests, may line the pockets of developers and the construction unions, but what is their effect on poor people, on city neighborhoods?

The key question, Krumholz and his planners say, is, "Who pays, who benefits?"

"The problems of Cleveland and its people," they contend, "have less to do with land uses, zoning or issues of urban design—the traditional domain of city planners—and more to do with personal and municipal poverty, unemployment, neighborhood deterioration and abandonment, crime and inadequate mobility."

Thus when highways, office complexes, rapid-transit plans or sales of city properties are proposed, Krumholz does not—as one of his staffers puts it—"wait to be consulted. He barges in, uninvited, wherever he finds the door ajar."

It's a perilous approach, creating many powerful enemies. But though his initial appointment came from Carl Stokes, a black mayor, Krumholz has survived under Ralph Perk, Stoke's Republican-ethnic successor. One reason, he suggests: Opponents on one issue often turn out to be allies on the next.

For any proposed project, Krumholz raises basic questions: Will it provide more jobs at liveable wages for Cleveland residents? Will it stem the tide of neighborhood deterioration? Will it return more, rather than less, tax money to the city so that public services can be maintained and expanded?

The city, Krumholz says, must be hard-headed and businesslike in its investment decisions. In any project, he says, there should be some *quid pro quo* for the city—"not in ribbon cutting, but in terms of the fiscal vitality of the city."

When a new West Side highway was proposed, the city's cost share seemed a bargain—just $10 million. But Krumholz showed it would displace 1,000 housing units and cost Cleveland $400,000 in lost taxes annually. Stokes blocked the project.

Krumholz blew the whistle when developers asked the city to pay for bridge and road improvements—estimated at $15 million—to serve a proposed $350 million "Tower City" of downtown office buildings and apartments. "We thought it was pie in the sky," Krumholz said: There was no guarantee that the developers could raise the needed capital, existing buildings might "go bust" with loss of tenants, and analysis showed property-tax receipts might increase little or actually decline. The city council overrode Krumholz, 32–1, but capital problems have continued to stymie the project.

Krumholz believes his office's "greatest success" was in forcing a much better deal for the city—especially the "transit-dependent" third of its people who don't own cars—in negotiations for transfer of the ailing Cleveland Transit System to a regional authority. The city planners demanded—and got—reduced fares, expanded bus service, and agreement to spend about $1 million a year for a "dial-a-ride" pre-notification pick-up and delivery service for elderly and infirm transit-dependent passengers

Krumholz also forced a moratorium on proposed rapid-rail extensions, a position that brought him into conflict with environmentalists, transit officials and business leaders who view rail expansion as a way to bolster development and inflate the value of downtown real estate.

His latest challenge to big business is an idea for a special downtown property tax, on top of existing real-estate taxes, to finance center-city public improvements that increase profits for landowners there.

All this places Krumholz in league with the neighborhood movement, now fast developing in Cleveland and other cities. By fighting for the poor on immediate issues, he provides them with the research backup that their grass-roots organizations often lack.

Krumholz is a pioneer, Columbia University sociologist Herbert Gans suggests, in "cutback planning"—chartering for an era of population and economic decline in aging cities like Cleveland.

Krumholz rightfully insists that the residue of poor left in center cities should not be forced to pay inordinate costs in the era of decline, or be ripped off by the business-labor coalitions intent on new freeways and downtown edifices that benefit suburban workers and executives. More of the costs, he says, must fall on businesses, suburbanites, and the federal government through income-maintenance plans for the poor.

But the poor are ill served unless there are also creative plans to encourage investment, to create jobs in the older cities. Krumholz has some ideas along those lines—but not many.

The ultimate test will be to devise plans that stop the rip-offs but also encourage investors and new job opportunities. "Stormin' Norman" may not have arrived yet. But he has made a beginning.

"TURBINE OR NOT TURBINE"

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. DORNAN. Mr. Speaker, throughout the history of the United States, the small businessman has been the backbone of our economy and our Nation. We have always been a "nation of shopkeepers" and—in spite of Government regulation—have done a good job of staying that way to the benefit of the country.

For this reason, I find it particularly gratifying to learn that it is a small company in Santa Monica, Calif., which is the prime mover in what may prove to be a remarkable breakthrough in energy and water conservation. The company which has developed this unique answer to both the energy and water crises is Biphase Engines, Inc.

According to the newsletter of Americans for Energy Independence, Biphase Engines expects to:

First. Increase diesel engine fuel economy by 20 percent;

Second. Move geothermal power production into the megawatt range;

Third. Use solar energy to produce commercial amounts of electricity; and

Fourth. Separate liquids from gases in oil and geothermal wells—producing at least 1.1 megawatts of electricity and 250,000 gallons of fresh water per day from each geothermal well.

These are no mean feats.

So that my colleagues may learn exactly how this innovative small company plans to accomplish these significant breakthroughs, I insert the newsletter and an article from Heavy Duty Trucking at this point:

[From Americans For Energy Independence, February/March 1977]

BIPHASE BRINGS TWO-PHASE TURBINES INTO PHASE WITH ENERGY CRISIS

(By Bently H. Preece)

There's a small company in Santa Monica that may have a unique answer to both the energy and water crises. Using two-phase turbines, operating at 10,000 rpm or less, Biphase Engines, Inc. expects to:

Increase diesel engine fuel economy by 20 percent

Move geothermal power production into the megawatt range

Use solar energy to produce commercial amounts of electricity

Separate liquids from gases in oil and geothermal wells—producing at least 1.1 Mw of electricity and 250,000 gallons of fresh water per day from each geothermal well

The unique feature of a two-phase turbine is that a low rpm can be obtained at high efficiency and low temperatures (500°F to 700°F). While a gas or steam turbine engine for automobiles will rotate at 60,000 to 100,000 rpm, a two-phase turbine engine operates at 5,000 to 10,000 rpm. This slower speed results from using a gas phase to accelerate a large mass flow (20 to 30 times the gas flow) of liquid in a nozzle. This mixture has a much lower velocity than the gas phase alone, and can drive a turbine at low speed (momentum is conserved: as the combined mass increases, the combined velocity decreases).

Impinging the high velocity mixture tangentially within a rotating drum separate the gas and liquid. The force used to rotate the drum can be provided by the two-phase mixture itself; thus no motors are required. An outlet tube removes the liquid and the gas exits from the center.

The high centrifugal forces and long residence time provide a high degree of separation.

The President of Biphase Engines is Lance Hayes, co-inventor of the two-phase turbine. Donald W. Douglas, Jr., well known aviation executive, is Chairman of the Board for the small company. The firm, which specializes in the development of advanced energy conversion concepts, appears to be financed by its seven stockholders and several ERDA programs in the geothermal, solar, and waste heat recovery fields.

Their "Two-phase Rotary Separator/Turbine" was demonstrated to the press early in February. The trailer mounted prototype was driven by a steam generator to simulate geothermal steam. During the demonstration, the steam-driven turbine turned a small generator to power a flashing light. Eighty-five percent of the steam was separated out as hot water, while fifteen percent was exhausted as a hot gas.

Biphase and ERDA apparently believe that "the feasibility of the primary component of an advanced geothermal energy system" has been demonstrated. The unit was tested under a $200,000 contract from ERDA. The next tests will be conducted on geothermal wells in the southwestern United States. During these tests, the engineers expect to separate corrosive brine and solids from the geothermal fluids and produce both fresh water and electricity.

"This would accomplish conservation of two of our nation's most valuable resources." Biphase spokesmen say, "fresh water and fuel oil, by the utilization of a resource that is currently unused (geothermal steam) and amply available in many of the western states."

Geothermal energy is currently little used in significant amounts because there is no mass-producible hardware capable of converting geothermal energy, which exists as a mixture of steam and highly saline water, Biphase people point out. The high salt content of the water prevents the use of conventional steam-driven electrical generators because of the plugging and corrosive nature of the water.

The Biphase rotary separator/turbine is designed specifically to operate in the salt-laden brine environment. The system uses both the steam and hot brine water from geothermal wells, producing a high-velocity mixed steam and water jet with a two-phase nozzle (biphase). Clean steam is removed from the high velocity liquid flow by the rotary separator. The liquid jet energy is then converted to electricity by a liquid turbine driving a conventional generator. The liquid leaves the turbine at the pressure required to reinject the liquid into the ground to complete the liquid flow cycle.

The steam flow is valuable byproduct; it is clean; it can be used to generate electricity in a conventional steam turbine or for home, agricultural, or industrial heating, and when condensed, this steam forms a significant amount of fresh water.

The rotary separator, which was tested at the Biphase Engines facility in Santa Monica with clean water and steam, when outfitted with a full complement of nozzles and operated by well-head pressure of 225 psia, will produce 1.5 megawatts of electrical power. Approximately 25% of this electricity can drive a steam-condensing system with a net output of 1.1 megawatts of electricity and 250,000 gallons per day of fresh water, enough water for a community of 3000 people, according to Biphase spokesmen.

Biphase also believes that the system will save 15,000 barrels of oil a year, enough to pay for fabrication and installation of the system, including steam condensers and well-drilling costs in about two years of operation.

Estimates by the U.S. Geological Survey indicate the geothermal reserves in the Salton Trough (Palm Springs to the Mexican border) are adequate to supply four million residents with electric power for 25 years.

Final feasibility demonstration of a rotary separator with turbine generator is expected to take another year to complete.

Other applications of the biphase turbine include using solar energy to produce steam at about 700°F, which will drive the turbine and turn a generator—again with a net output of electricity in the megawatt range and recycling of the water. Another application under development is a small, direct drive, silent engine using a lithium reactor as a heat source to create steam for the turbine. Present indications are that engine output will be about 100 hp at the shaft with a speed of about 4000 rpm.

EXPERIMENTAL TURBINE: A COOL ONE

A two-phase turbine engine that eliminates the problems of high temperature and high speed operations is being developed by Biphase Engines, Inc., of Santa Monica (Calif.). The new power plant has potential for truckers as either an auxiliary or accessory motor, as well as a main engine.

Basically, the engine consists of a system through which heat transfer oil moves. The oil goes through a heater and into a nozzle. There it is combined with water. It turns the water to steam, which then accelerates the velocity of the oil. Both then squirt through the nozzle into a flywheel. The steam is drawn off, while the hot oil, directed at the sides of the wheel, drive it. As the oil passes around the wheel it is scooped up by an intake valve and returned to the heating system. The flywheel turns a turbine, much like the turning of automatic transmission components. As the oil recirculates through its system, the steam is also recirculated through another system, turned back into water and sent around again.

According to Biphase President Lance Hays and Board Chairman Donald W. Douglas, Jr., the two-phase liquid turbine engine uses the principle of high mass and low velocity to produce high torque at low temperatures and rpms. Conventional gas turbines normally operate on low mass and high velocity.

The two men said their engine offers the possibility of direct drive—eliminating transmissions—a flat power and rpm curve, less noise and weight than a diesel engine and construction from mild or low alloy steel. With few moving parts, it is expected to have fewer maintenance problems than conventional engines.

Although no tests have been made in trucks yet, a 100 hp turbine was compared to test runs of a 1971 high output Chevrolet Vega 2300 engine with a three-speed transmission. The firm used the '71 because it did not have all the power killing emission controls required on later models.

Comparisons of the power delivered by the two engines showed the turbine producing approximately 70 shaft horsepower at 1,000 rpms, while the conventional engine was producing approximately 65 shaft horsepower in first gear.

Approaching peak Vega performance in second gear, almost 90 hp at 2,500 rpms, the turbine was producing more than 90 hp. At approximately 4,500 rps, the Vega was producing a peak of approximately 90 hp, and the turbine was approaching 100 hp.

Comparisons of fuel use indicated that the turbine got 20%-30% better fuel economy than the Vega with both engines running at 20% of their peak output. At peak output, the Vega and the turbine's performance were comparable.

But the key to the appeal of the Biphase engine is the temperatures at which it operates. According to Hays, the engine operates in ranges between 440° and 980°F, compared to the 1,800°F common in gas turbine engines and the 3,000°F peaks reached inside diesel engines. And since all it needs is a heat source to warm the oil, it can burn practically anything.

Another advantage the experimental engine offers is its size. The firm is currently building one for a navy torpedo that produces 135 hp at 4,400 rpms. The whole package fits inside an 11-inch diameter circle. The small sizes possible and the need for nothing but heat, make the turbine ideal for an auxiliary engine on a truck, according to Hays and Douglas.

They noted that the turbine could run off the heat of the conventional exhaust and power reefers or other accessories.

In a test the firm made on a 1,800 hp stationary diesel, the turbine added approximately 300 hp to the engine.

Both men acknowledged that they have not yet tried their engine on a heavy truck, but they expressed confidence that the reduced weight, the performance characteristics of the engine and its economy, plus the elimination of an expensive transmission would make the Biphase turbine appealing to the transportation industry.

COMMITTEE TO INVESTIGATE THE SPANISH LAND GRANTS IN THE SOUTHWEST

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. GONZALEZ. Mr. Speaker, today I am reintroducing a measure that I have sponsored for a number of Congresses, with hopes that it will receive serious consideration in the 95th. My measure calls for establishing a committee to investigate the Spanish land grants in the Southwest.

My bill would have the committee inquire into the basic issue—the validity of the succession of ownership to the original Spanish land grants in the Southwest. I believe that this study is essential in order to bring the issue to rest once and for all.

There is a strong need for such a study based on the many cases that have been brought to my attention of exploitation by unscrupulous persons of unwary individuals anxious to claim their land grant rights.

The committee would hold hearings, conduct investigations, and otherwise inquire into the legal, political, and factual status of lands which were the subject of grants from the King of Spain and from the Government of Mexico prior to the acquisition of the American Southwest as a result of the Treaty of Guadalupe-Hidalgo concluding the Mexican-American War in 1848. The committee would be required to report its findings to the House within 1 year of its inception.

Mr. Speaker, the question of land grants in the Southwest is one that continues to surface and there are many people in this area who would like to see this issue resolved. I sincerely hope that the House Rules Committee will give my proposal serious consideration and hopefully establish this committee that can review the issues in order to bring peace of mind to the many families who have unanswered questions regarding these claims.

HON. DON FUQUA

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. TEAGUE. Mr. Speaker, I would like to bring to the attention of all Members remarks of my good friend and colleague from Florida, the Honorable DON FUQUA, before the Space Manufacturing Facilities Conference at Princeton University. Mr. FUQUA, chairman, Subcommittee on Space Science and Applications, pointed out that the history of science demonstrates that the development of a major new research capability leads to rapid advances in knowledge, and to technological breakthroughs of major significance. The Space Shuttle being developed by NASA represents such a new capability and will provide for new frontiers and opportunities for research. Mr. FUQUA further noted that disbursing tax dollars to effect social change involves the redistribution of existing wealth whereas spending to effect technological change involves the creation of new wealth. I am including in the RECORD the complete text of the Princeton address:

REMARKS OF THE HONORABLE DON FUQUA

Dr. O'Neill, other members of the organizing committee, and attendees: I welcome the opportunity to keynote this Third Princeton University Conference on Space Manufacturing Facilities. I well remember the first time I heard Dr. O'Neill's presentation on his space colonization concept in July, 1975. At the time I observed that even though it kind of boggles the mind at the present time, it is not beyond the realm of possibility. Since that time there have been additional studies which have expanded not only to the engineering and technical problems but also addressing the social and societal aspects of island colonies in space. Indeed the concepts are mind stretching but I believe it will happen some day.

In the brief history of our space program we have made great strides, but our progress to date is only the tip of the iceberg. We live in an age of great change, of cultural revolution, and fortunately so. As Emerson asked, "If there is any period one would desire to be born in, is it not the Age of Revolution, when the old and the new stand side by side and admit of being compared?"

I am reminded of one story about what a condemned man said back at the turn of the century in Dodge City. Just as the hanging was about to take place a candidate for Congress pushed and shoved his way through the crowd to a place near the gallows.

As the sheriff was adjusting the rope, he said to the hanging victim, "You have ten minutes to live. Perhaps you would like to say something to the crowd."

The prisoner shook his head, sullenly indicating that he would not like to say anything. Whereupon the congressional aspirant jumped up on the gallows, opened his coat, and cried, "If the gentleman does not want his ten minutes and will kindly yield to me, I should like to begin by saying, if elected to Congress, I . . ."

That was too much for the prisoner. "Sheriff," he said," I came here to be hung, not tortured. Pull the rope! . . ." and they did.

With this story in mind, my remarks will be brief. A very important aspect of our Nation's heritage has been our resourcefulness when faced with difficult and, at times, seemingly insurmountable problems. What has enabled us to be resourceful? I think most of you would agree that the primary ingredients of our successes have been technology and the will to succeed. Man can look back at this Century with pride from the accomplishments. However, I must ponder what future historians will write about the next twenty-five years. Will they report that the technology base developed in the first two decades of the space program was used judiciously in discoveries of energy systems and other new resources upon which to build a better society? Or will he write: They had the technology but lost the will. They decided that obtaining energy from the sun was too much trouble; they failed to utilize the technology to improve the quality of life or to explore the unknown.

As most of you know, the Subcommittee on Space Science and Applications has encouraged NASA to plan and prepare an expanded space program to capitalize on the space program opportunities which exist and to allow our nation to benefit from the high positive economic multiplier associated with space related research and development.

Space manufacturing facilities and space industrialization offer a viable theme for future space activities. The Space Shuttle will immensely expand our abilities to conduct research in space over the next two decades. Research on a wide variety of subjects will not only increase our knowledge but will lead to breakthroughs in products and services.

Undoubtedly, new policies and new institutional arrangements will be required to carry out the exploratory concepts and transition into products and services of practical benefit to the public. Not only must the policies and institutions encourage research but they must also allow for and encourage commercialization. The measurable benefits will be the new services and the economic growth resulting from introduction of new and better products in the marketplace here on Earth. Planning is being done for research in space and we must begin to address the transition from research to commercial activities. It will be important to have an early demonstration of a successful commercial adventure involving new or improved products from space. Analogously, when Benjamin Franklin wished to interest the people of Philadelphia in street lighting, he didn't try to persuade they by talking about it—instead, he hung a beautiful lantern on a long bracket before his own door. Then he kept the glass brightly polished, and carefully and religiously lit the wick every evening at the approach of dusk. Thus recounts Cole D. Robinson in World Horizons.

People wandering about on the dark street saw Franklin's light a long way off and came under the influence of its friendly glow with grateful hearts. To each one it seemed to say: "Come along, my friend! Here is a safe place to walk. See that cobblestone sticking up? Don't stumble over it! Good-bye! I shall be here to help you again tomorrow night, if you should come this way."

It wasn't long before Franklin's neighbors began placing lights in brackets before their homes, and soon the entire city awoke to the value of street lighting and took up the matter with interest and enthusiasm.

We can be certain that both the research community and product-oriented people will take advantage of properties available in space. The question which remains is—how rapidly? This nation's research organizations are in an enviable position to play a leadership role in exploring the potential benefits offered by the space environment. New frontiers and opportunities for research in totally new dimensions occur only rarely. The history of science demonstrates that the development of a major new research capability leads to rapid advances in knowledge and to technological breakthroughs of major significance. It is essential that the commitment using the Shuttle as an extraordinary new research bridge be made promptly.

Space processing and large structures for communication antennas and for solar satellite power stations are the most obvious candidates for space industrialization. Both point to the need for a permanent manned habitat in space to enable a large enough volume for new products and to serve as a construction shack for the engineers and carpenters who will build the large antennas and the solar power satellites.

During the next few days you will be addressing many of the technical and societal problems associated with space industrialization. Success in these endeavors will require perseverance because there will be many opponents and doubters. Any man can see further than he can reach, but that doesn't mean he should quit reaching. If Columbus had turned back after sixty-five days of sailing on the uncharted seas, no one could have blamed him. But then, no one would have remembered him, either! Even if you have a good excuse for giving up, remember that all the rewards go to those who stick until they achieve what they are after.

When critics state we should not concern ourselves with concepts such as solar satellite power because it is too far ahead to be of practical concern I am reminded of what Dr. Vannevar Bush said back in 1945:

"There has been a great deal said about a 3,000-mile rocket. In my opinion such a thing is impossible for many years. The people who have been writing these things that annoy me have been talking about a rocket, so directed as to be a precise weapon that could land exactly on a certain target, such as a city. I feel confident that it will not be done for a very long period of time to come. I think we can leave that out of our thinking. I wish the American public would leave that out of their thinking."

Well, the ICBM was then only 10 years in the future and landing on the moon was less than twenty-five years away. Yet, there are few scientists to whom this country owes more than the late Dr. Bush.

I want to close by emphasizing that there are direct and beneficial relationships between the space program and the growth of our economy. Our capacity to deal with national needs, our ability to deal with the challenges of the environment and limited natural resources of earth, and our standing among the Nations of the world will be favorably or adversely affected by how well we utilize space.

And what does it cost? The average citizen believes it is extremely high. The opponents of the program have successfully convinced many people the cost of the space effort is proportional to the publicity it receives. Opponents continually emphasize "the cost of going to the moon". Indeed, it comes as a shock to many to learn that it would take several years for NASA's annual budget to add up to one year's payment of interest on the national debt.

We must gain a public understanding that disbursing tax dollars to effect social change involves the redistribution of existing wealth whereas spending to effect technological change involves the creation of new wealth.

We must convince the public and our Nation's leaders to make investments in the future of our Nation. Government-sponsored research has produced discoveries that have triggered developments that totally changed our way of life. Advancing technology allows society to get more from the same stock of resources. The American society must not become one that sacrificed its future by striving almost exclusively for immediate short term gain.

ALASKAN NATURAL GAS PIPELINES

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. YOUNG of Alaska. Mr. Speaker, recently the Federal Power Commission rendered its "recommendation" regarding a transportation system for Alaskan natural gas. I say "recommendation," because the Commission was split between two projects: Alcan and Arctic Gas, both of which traverse Canada. Moreover, the "recommendations" were replete with caveats. It is safe to say that the FPC has dumped the whole issue in the President's lap without giving him any clear indication of which of the three systems is in the Nation's interest.

The recommendation is also suspect. A reading of it presents much evidence that seems to indicate the superiority of the all-American trans-Alaska route. The Commission has apparently acknowledged that this project is easier to finance and provides greater direct economic benefits to Americans than its competitors. More importantly, the report makes it clear that only the El Paso project can be built in an assured time frame.

The Commission's report has become even more suspect since the release of the Berger report in Canada. Justice Thomas Berger, commissioned in 1974 to report on the impact of the Arctic project on Northwest Territories natives, has recommended that the Arctic project never be built because of its "devastating" effects. A similar report is being prepared by another Commission on the effects of the Alcan project on Yukon Territory natives. It is unlikely that a trans-Canada gas pipeline can be built without facing serious opposition from Canada's original inhabitants.

Nevertheless, the split recommendation for the trans-Canada systems rests on one factor: the supposed cost advantages of the systems. The Commission believes that the cost of service per thousand cubic feet—MCF—of delivered gas will amount to $0.76 for Arctic, $0.79 for Alcan, and $1.09 for El Paso. However, and this cannot be stressed strongly enough, these cost factors are based upon two big "ifs": First, if each line can be built in its time frame, and second, if each project can be readily financed. Examination of these "ifs" indicates that both of the trans-Canada schemes are subject to greater delay and are more difficult to finance than the all-American project. Consequently, it is probable that delays and financial difficulties will drive up the price tag for Arctic or Alcan and obliterate the cost advantages of these proposals.

Timing remains the great advantage of the trans-Alaska gas project. The project falls completely within U.S. jurisdiction and will not be subject to regulatory difficulties beyond our control. Furthermore, the project will use existing construction technology and a thoroughly engineered utility corridor.

In contrast, Arctic and Alcan each face regulatory problems in Canada. The Berger report virtually precludes further consideration of the Arctic project. Not only did Berger recommend that neither of Arctic's proposed routes across the northern Yukon be used, he urged that no pipeline be built in the MacKenzie Valley for at least 10 years; this period is needed to settle and implement native land claims. I cannot imagine the U.S. Congress urging Canada to ignore the aspirations and needs of native peoples to build Arctic Gas when alternatives are available.

Moreover, to approve the Alcan route before the Yukon Native report is finished also involves real risk. Where do we stand if the Yukon Commission also recommends a 10-year delay? The Yukon Native leadership has testified that it believes 10 to 15 years are required to implement a land settlement and that implementation must occur before pipeline construction. Should we set the wheels in motion for a trans-Canada system only to have it stopped because Canada needs to equitably settle legitimate native land claims?

Arctic and Alcan also face technical difficulties. Arctic plans to use a whole new technology to construct its line in the dead of the winter. Firms which worked on the Alaskan oil line have stated that Arctic's plans will not work. The Department of Transportation believes the plans are flawed. Even the FPC has acknowledged that—

> Arctic has some probability of up to a one-year delay in commencement of deliveries from Prudhoe Bay.

Alcan is the least engineered and designed of the three proposals and "has yet to settle upon a final alignment with Alyeska, to complete many detailed environmental and geotechnical studies, or to complete many essential tasks." This problem has been intensified with Alcan's February submission of its new "Express Route." This new route is barely designed compared to El Paso and Arctic. Accordingly, construction of this line is likely to be delayed pending completion of "many essential" preconstruction tasks.

The trans-Canada lines face financial problems, too. Obviously any delays to these projects, from native claim problems or technical troubles, will drive up costs. Such additional costs will only make the already difficult financing more troublesome. The FPC recommendation noted that the "Arctic Gas financing plan would press the limits of certain United States and Canadian capital markets"; delay and extra costs are likely to push Arctic's dollar needs beyond those limits. And the Commission states that—

> Alcan's financing plan has been the subject of the greatest criticism.

Among its problems are a unique scheme to force U.S. companies to provide over 50 percent of the equity financing for Canadian portions of the system in exchange for nonvoting stock in the line. The FPC is correct when it remarked:

> We do not intend forcing U.S. shippers to accept such a proposal.

El Paso, on the other hand, has the "most feasible" financing plan. Its greatest advantage is that it "would operate solely under American regulation." "Operating under a single regulatory authority facilitates innovations which may prove essential in arranging private financing."

Lastly, the FPC recognized that the all-American trans-Alaskan proposal will provide the greatest direct benefits to the United States. The Commissioners concluded:

> El Paso would generate more jobs, more personal income, more property subject to tax, and more indirect economic activity than would the other proposals. . . .

The all-American trans-Alaska gas pipeline can be constructed in an assured time frame and can provide the gas at the soonest possible date. It does not face unresolved Canadian native claims. It is the most financable project. Its costs will not escalate because of delays, it will not overtax financial markets, and it will not rely on wild schemes to own half a pipeline without voting on its operations. Finally, it provides more direct economic benefits to Americans.

But let me reiterate that the delivery date remains the critical issue. Last winter was a dramatic demonstration that more gas is needed and needed immediately. Should we approve a trans-Canadian pipeline with all its delay potential, Congress will be hard pressed to explain to cold, jobless constituents why it did not select the pipeline which could have gotten the gas here soonest.

1980 CENSUS HEARINGS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. LEHMAN. Mr. Speaker, I would like to inform my colleagues that the Subcommittee on Census and Population, which I chair will begin oversight hearings on the 1980 census on June 9. The hearings will concentrate on a general overview of the Bureau's plans and then turn to specific problem areas from the 1970 census.

Under existing law the Bureau of the Census is required to transmit the proposed content for the decennial census to Congress for review and comment. The subcommittee has noted only minor changes in the basic content between 1970 and 1980. We are going to conduct a thorough evaluation of each subject area proposed for inclusion on the census questionnaires to satisfy ourselves and the American public that every item appearing on the questionnaires for 1980 is relevant and necessary.

Preliminary results from the Bureau's three test censuses indicate a lower than expected mail return rate. These poor results can be attributed to a growing public indifference and resentment toward Government questionnaires as an invasion of privacy and further indicates that there may be some trouble ahead for the 1980 census program. My own view is that people are willing to take the time to accurately complete these forms but only if they do not feel threatened and the information does not appear trivial.

The 1980 census questionnaire is even more constructed for machine tabulation than the 1970 form which makes for less understanding by the public who must do the real work. The forms are more machine oriented than people oriented. This fact, coupled with the increased length of census documents, has concerned the subcommittee; therefore we will implement a "zero-based census" approach in the hearings.

The current projections put the cost of the 1980 census at over $500 million. The subcommittee will be looking at alternative methods for taking the census and improvements in the coverage of minority groups. Cost is one factor but it is equally important that the census not overlook any of the less visible groups.

In addition the subcommittee has written various Government users of decennial census data to request detailed supporting statements for particular items scheduled for inclusion on the questionnaires. We want to know exactly why an agency or department needs this certain information and in the form it is asked; what specific requirements does the data meet; and examples of how data has been used in the past.

I am hopeful that by making each Government user undertake a critical self-assessment of its data needs we may ultimately decide that the data is readily available from other sources.

The subcommittee also plans to hear from public witnesses on the extent to which users outside of the Government depend on data from the decennial census.

Mr. Speaker, the hearings will be held in room 345 of the Cannon House Office Building at 9 a.m. on June 9 and 10 and I invite my colleagues to submit statements for the RECORD.

SACCHARIN BAN ILL ADVISED

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. COLEMAN. Mr. Speaker, today I submitted testimony at the public hearings being held in Washington, D.C., by the Food and Drug Administration to consider the proposed ban on the artificial sweetener, saccharin. I believe the ban is ill conceived and the people of the sixth district of Missouri have written hundreds of letters to me to express their opposition to the ban.

Included in my testimony were excerpts of some of those letters, and in order to have the voice of the people of north Missouri heard before the House of Representatives, I submit into the RECORD the text of my testimony to Dr. Donald Kennedy, Commissioner of the Food and Drug Administration, at the public hearings held May 18 and 19, 1977, at the HEW Auditorium in Washington, D.C.:

TESTIMONY OF E. THOMAS COLEMAN

Mr. Commissioner, it is good that you are providing this opportunity to hear views on the Food and Drug Administration's proposed ban on the sale of usage of saccharin.

No proposal by the federal government, that I am aware of, has created more consternation or greater outcry of viewpoints. This is a consumer outcry that reflects health concerns more than anything else.

It is not necessary for me to try to review all the scientific data that I have seen. You know this material, and you are well aware that the scientific community is not united on this issue and even appears to disagree with the direction proposed by FDA.

At this time, I strongly oppose any ban on the usage of saccharin. The vast majority of people want to take actions to reduce their exposure to carcinogenics. However, most people question the data that has been offered in the case of saccharin.

I support further testing of the potential harm saccharin may cause. Likewise, I support, and hope you will expedite, research-seeking substitutes for saccharin.

Aspartame had been approved by FDA in the past and is now under further review. Hopefully, the results of that review will be known soon. Derivatives of orange peel offer some promise as a substitute for saccharin, but it will be years before we know if it could be safe.

Further, FDA should expedite its review work with cyclamate, which you banned earlier. I understand that if saccharin and cyclamate are combined, less material is needed to obtain the desired sweet taste. Possibly, this holds promise as a long-range solution to the sweetner substitute question. I support research in all these areas.

What we know today is that we do not know enough. The public does not feel there is sufficient information on which to base a ban as proposed by FDA.

From the Congressional point of view, I plan to work for the review and re-writing of the "Delaney amendment." The good intentions of the Delaney amendment are not sufficient for the sophisticated judgments that must be made by our federal government. Issues of this nature are not black or white, but frequently are found to be grey. Before government acts, it must know the ramifications of its actions. Its actions must be balanced against other needs and desirable results which may be derived by the use of certain products.

Many of my constituents have expressed views on this issue that are worthy of your attention. I am submitting a quantity of those comments for your consideration. But, at this time I would like to bring some representative comments to your personal attention.

A young woman in Kansas City, a diabetic, wrote, "I believe the ban on saccharin is an infringement on my rights to life and the pursuit of happiness."

The Missouri Dental Association said, "We feel the ban would be unwise and most detrimental. . . ."

A North Kansas City woman wrote suggesting, "Label saccharin and all products containing saccharin that 'Saccharin may be dangerous to your health if consumed in large quantities'. Cigarettes contain such a label, and it is left up to the public to decide whether to use them or not."

From Hale, Missouri, a woman told me, "I have asked my physician his opinion on this matter, and he encourages me to continue my stand on the opposition against the ban."

From a small, rural town I heard the comment, "I believe that the smog that is breathed in our cities, (thank goodness for small towns like Kirksville) will cause cancer of the lungs as quickly, or more so, than prolonged and extensive use of any saccharin."

Another Kansas City constituent asked, "Has the FDA fed equivalent amounts of sugar to rats to compare the results with the Canadian saccharin-fed rats?"

From St. Joseph, a woman wrote, "I, for one, would rather risk saccharin than heart attack, stroke, high blood pressure, tooth decay, and all of the other things that are caused from being obese."

From a young girl in Chillicothe, I received this comment "Being a fifth grader, I have school parties, scout cook-outs, etc., and it isn't easy on a diabetic. But, if I can have a pop, gum and sugarless candy, it makes me a little more like the rest of the kids."

Writing about her husbands health, a woman in Hamilton, Missouri, wrote, "He is able to control his diabetic problem by diet and no medication."

The mother of a diabetic child in Kansas City, said, I'm afraid many (children) will drink sugar-sweetened soft-drinks which pose a much greater problem."

From Rushville, Missouri, a constituent wrote, ". . . they are wanting to legalize marijuana, and they have not banned cigarettes, liquor, beer. . . .

Dr. Kennedy, you can see that the public does not support the proposed ban on saccharin. And that brings us to a final point we must all consider. The point was stated very clearly by a man from Liberty, Missouri, when he said, "It will become another of the controls the government is imposing on its citizens. We are over-controlled as it is. People are fed up. . ."

It appears to me that a ban is too strong an action. At this time, until Congress can review the Delaney amendment and until more scientific work is done on the real danger of saccharin and on possible substitutes, the ban should not be implemented. A warning on saccharin-containing products would seem to be sufficient since those who do not use those products for health considerations would be aware of the possible danger, and those who feel they need to use saccharin could make their own choice.

Mr. COLEMAN. Mr. Speaker, I also submit into the RECORD the text of a letter I have sent to the Hon. Harley O. Staggers, Chairman of the House Interstate and Foreign Commerce Committee. This committee is charged wiht reviewing the Delaney amendment to the Food and Drug Act which I contend should be amended to allow the Food and Drug Administration greater flexibility in determining the potential effects of a food additive.

The letter follows:

MAY 17, 1977.

Hon. HARLEY O. STAGGERS,
Chairman, Interstate and Foreign Commerce Committee, Washington, D.C.

DEAR MR. CHAIRMAN: The issue of the Food and Drug Administration proposed ban on the use and sale of saccharin is one of great significance to many people throughout the country and specifically the 6th District of Missouri.

The majority of people contacting me have expressed their concern for health reasons. Many people rely on saccharin as part of their diet when they are diabetic or have weight problems. The consensus seems to be that the removal of saccharin would pose a greater health hazard than its continued use. This information comes primarily from individual consumers and also from medical groups who feel that the removal of saccharin would be detrimental to the health of patients.

As a sponsor of H.R. 5822, I strongly urge the committee to proceed with hearings on the review of the Delaney Amendment. Thus, Congress can give new direction to the Food and Drug Administration to properly review all of the issues involved in making a decision such as this.

Again, I state my support of early hearings on this issue.

Sincerely,

E. THOMAS COLEMAN,
Member of Congress.

IMPACT OF PRESIDENT CARTER'S ENERGY PROPOSAL ON SMALL BUSINESS

HON. ALVIN BALDUS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. BALDUS. Mr. Speaker, on Thursday, May 19, at 9 a.m., in room 2359, my Energy, Environment, Safety, and Research Subcommittee will hold hearings on the impact of President Carter's energy proposal on small business.

Such an assessment is most difficult to make. It is hard enough to understand the proposal in detail, on its face, much less measure its impact on the amorphous, 10 million member small business community. It is an important endeavor and we will attempt it in any event.

If any of my colleagues, their staff, constituents or concerned organizations have insights or comments they wish to have included in the record, please submit them to my subcommittees, 2361 Rayburn, Washington, D.C. 20515, no later than May 26. Thank you for your comments and insights.

THE GLOBAL HUMAN RIGHTS CRISIS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. BINGHAM. Mr. Speaker, our colleague from Minnesota, DON FRASER, has taken the lead on human rights issues for many years. When he was a member of the State Senate of Minnesota in the late fifties and early sixties he championed open housing legislation. When he was elected to the House in 1963 his ability to influence human rights matters was given wider scope, and when he assumed the chairmanship of the International Relations Subcommittee on International Organizations at the beginning of the 92d Congress in 1971, he decided to use this opportunity to conduct an investigation into the subject of human rights and U.S. foreign policy, an inquiry which has continued into this Congress.

His longtime interest in human rights issues, his official position in the House as chairman of the subcommittee most directly involved in these matters, and his wide acquaintanceship with leaders in the international human rights community makes him a person worth listening to on human rights issues.

I am pleased that the French publication Le Monde Diplomatique asked DON FRASER to do an essay for their March 1977 issue. The result is an essay that in a few pages brings the human rights issue into perspective. DON's concluding sentences sum it up:

> Given the enormous diversity of governmental systems in the world, the defense of human rights must begin where governments are today, not where they ought to be. Authoritarianism comes in many forms. Social and economic progress occurs under authoritarian regimes of both the left and the right. Moreover, it is for other societies to determine how they shall be governed, and even where the people have no adequate means to express their preferences, the solutions must largely come from within rather than being enforced from the outside.
>
> We in the U.S. need to keep all of this in mind as we embark on a new commitment in behalf of human rights. We need to respect the rights of other societies to work things out for themselves. We can, however, make certain that we are not playing a supportive role for oppressive regimes and that our tax dollars are not being used both to endorse and finance such regimes. And our preferences indeed can and should run to those societies which share with us an abiding respect for individual human rights.

I commend the entire article to this House. The English-language version follows:

THE GLOBAL HUMAN RIGHTS CRISIS

On that cold, sunny inaugural day in January, President Jimmy Carter enunciated a new U.S. policy on human rights.

"The world itself is now dominated by a new spirit," he said. "Peoples more numerous and more politically aware are craving and now demanding their place in the sun—not just for the benefit of their own physical condition, but for basic human rights."

"Our moral sense," he went on to say, "dictates a clear-cut preference for those societies which share with us an abiding respect for individual human rights."

In carrying out a policy of "preference" for regimes respectful of human rights Carter will encounter many obstacles. Like other nations, the U.S. has many interests which must be served by its foreign policy. Trade and investment are two of them. Another is security. When human rights considerations have been matched against economic and military considerations in the past, human rights have not fared well.

But things will be different under the Carter Administration, and none too soon. The American people have been increasingly restive with existing U.S. policies abroad. The State Department discovered this growing concern in a series of public meetings which it held around the country within the past two years. As its own summary discloses, many who attended these meetings voiced their belief that the U.S. was helping the wrong people and that our policies did not reflect the commitment of the American people to justice and decency.

Part of this public concern springs from a realization that the U.S. not only aids repressive regimes, but in the past has actively intervened in other societies to alter their governments usually to the detriment of the human rights of the people. The most shocking revelations involved our efforts to cause the downfall of Allende in Chile, and assassination plots against leaders of other countries.

Thus, the Carter statement in his inaugural address further pledging that the U.S "will not behave in foreign places so as to violate our rules and standards here at home" complemented and strengthened the new U.S. commitment to a higher concern for human rights.

The new Administration will have support in Congress for these new policies. In recent years, Congress has voiced its concern about human rights in legislative enactments. Bans on military aid to Chile and Uruguay and a one-year reduction in aid to South Korea were adopted. Congress has also laid down some new legislative standards: aid should not be given to nations which engage in a consistent pattern of gross violations of internationally recognized human rights. However, economic aid for needy people is not barred. The U.S. delgates to the Inter-American Development Bank and the African Development Bank are also mandated by law to vote against loans to offending nations unless the aid is for needy people.

The United States has a long way to go to overcome its past. Not only has the U.S. been guilty of illegal acts abroad which have in turn led to an increased abuse of human rights, but it lags badly in ratifying international agreements covering human rights. The U.S. has ratified only a few of the approximately 29 human rights treaties ranging from the Genocide Convention adopted in 1948 to the more recent covenants dealing with political, civil, economic, social and cultural rights.

Moreover, the U S. is threatening a permanent withdrawal from the ILO, the most effective U.N. agency now operating in the field of human rights as it seeks to protect the rights of workers.

U.S. support for repressive regimes is notorious. At the very same time that reports of killings and torture were flowing from Chile, Secretary Kissinger was prompting U.S. AID officials to increase the aid which was already the most generous to any country in Latin America. In contrast, during the Allende years all U.S. aid was cut off. And last year, as leading church and public officials were being prosecuted in South Korea for having voiced their belief that South Korea should return to democracy, Secretary Kissinger was urging Congress to increase military aid to South Korea.

International interest is growing in what may fairly be called the global human rights crisis. The major international political movements (Christian Democrats, Liberals and Socialists) are considering an international conference on human rights, inviting participation from the democratic parties of the world.

At a recent meeting between U.S. Members of Congress and Members of the European Parliament the subject of human rights was given a central place on the agenda.

At this meeting a number of specific suggestions were made for cooperative action to promote human rights:

(1) Publish an international parliamentarians' newsletter on human rights issues for the exchange of information among parliamentarians in order to identify important human rights issues and the positions taken by national governments with respect to them and to propose and coordinate activities by parliamentarians regarding human rights issues.

(2) Facilitate active cooperation among democratic political parties in defense of internationally recognized human rights by convening an annual world conference of democratic party representatives and establishing a secretariat to support activities of the project.

(3) Address more effectively the human rights issues in the United Nations General Assembly and U.N. Commission on Human Rights by advance consultations between the United States and the European Community nations to reach agreement on jointly-supported positions.

(4) Consider conducting joint study missions by members of the European Parliament and members of the U.S. Congress to countries where widespread human rights abuses have been reported.

(5) Invite participants in human rights study missions of the European Parliament to appear at U.S. Congressional hearings to report on their findings.

(6) Adopt concurrently in the U.S. Congress and the European Parliament resolutions on human rights violations by governments.

(7) Urge their respective governments not to allow military assistance or sales, except in the most extraordinary circumstances, to any government with a consistent record of gross violations of internationally recognized human rights.

(8) Include on the agenda for future meetings between the U.S. Congress and the European Parliament discussions of topics such as implementation of the Helsinki Accords, encouragement of democratic development in Spain, white minority rule in southern Africa, and major problems of repression in individual nations.

The European members noted that the European Parliament had already taken action in a number of instances, including the proposal to freeze the agreement of association with Greece while it was under the Junta, an expression of reservation about the Franco dictatorship in Spain, and a 1973 resolution asking the Commission of the E.E.C. to prepare a report on how basic rights would be guaranteed within the fully integrated Community.

The interest in human rights among the parliamentarians at that meeting was very strong. General support was voiced for the establishment of a working party to develop possible joint actions concerning the defense of human rights, and they agreed to keep this as a major agenda item in future meetings.

A concerted international effort to defend human rights is long overdue. The new policies of the U.S. will certainly make such an international effort more meaningful. But to be effective such efforts must be focused and realistic.

The Western nations place a very high value on civil and political rights. Many other nations, struggling with few material resources and little successful experience with Democratic forms of government, place a much greater value on social and economic rights. There is little point in pursuing a confrontation over these differences in viewpoint. On some issues there is general agreement. The use of torture or other cruel and inhuman treatment is not acknowledged by any government. The international strictures against such practices, therefore, can be a starting point. The excellent declaration on torture adopted by the U.N. General Assembly in 1975 underscores the widespread abhorrence of torture.

The use of torture by the Greek Junta was a principal finding by the Council of Europe which led to the withdrawal of Greece.

It is true that reports of torture are not easily verified. Many of the repressive regimes today use torture techniques which leave little or no visible trace. Yet the interrogation of prisoners at separated places may establish a consistency in the testimony which is persuasive to an impartial commission to visit a country, the burden may be properly shifted to that country to disprove any reliable report of torture.

Another widespread practice also draws general condemnation. That is the practice of arresting or detaining a person for prolonged periods of time without any charges being filed and no opportunity for a fair trial. This practice is much easier to prove than torture, but is often defended as a necessary practice by governments for various reasons. While certain extreme circumstances might appear to justify such practices for a short time, the continuation of this practice over a period of months or years becomes increasingly difficult to justify. One of the most notorious cases is in Indonesia where many tens of thousands of prisoners languish in detention with no trial 12 years after the 1965 coup attempt.

The continued use by the USSR of mental hospitals to incarcerate political dissidents represents in some cases both a form of torture through the extensive use of drugs and a means of detaining persons without the necessity of a trial. Just such a case was vividly portrayed before our subcommittee by Leonid Pluysch, a Soviet mathematician who finally won his release through international pressure.

He testified that he was still a Marxist, but believed in a democratic Marxism. He roundly condemned oppression by both the right and the left.

How should the international community respond to a country which is practicing torture, or imprisoning political opponents without a trial? The most obvious and easily agreed upon action is that of international censure in some form. This happened in the case of Chile after a U.N. special committee was created to inquire into conditions in Chile. Despite being refused entry into Chile, the Committee interviewed many refugees and produced a vivid, detailed account of torture along with other human rights abuses.

The next step would be a discontinuance of military aid. The U.S. is a major supplier of military aid, and under its laws such aid ordinarily should be terminated. A similar response by other arms-producing nations would strengthen the effectiveness of this action.

A third step would involve economic aid. Here the choices are harder. Some economic aid flows through international or regional banks. As of now, there is no clear policy which could be consistently applied to all cases. This is a subject which has arisen in the case of World Bank loans to Chile, and there is an urgent need for the members of the World Bank to examine this question carefully. In the meantime, President Carter has suggested one useful approach—giving preference to countries who share a respect for human rights.

But the defense of such basic rights as freedom from torture or prolonged detention without trial encounters difficulty early on. The principal international forum for considering these issues is with the U.N. Commission on Human Rights and its Subcommission on Racial Discrimination. In that forum governments have been reluctant to point the finger at one another. Thus, the Commission has largely failed in its responsibilities to protect human rights, not so much because of deficiency in the machinery but because of the lack of political will by the member nations. A stronger expression of concern by governments may come only after public opinion has been aroused within each nation.

In dealing with other human rights abuses the circumstances will suggest the availability of remedies. In South Korea the Americans have joined in standing guard to defend the South from another attack by North Korea. Secretary of State Acheson made plain in the early 50's that our purpose was to defend a democratic nation. In the last 5 years the people of South Korea have been subjected to the steady destruction of their civil and political rights. The U.S. has thus far failed to effectively express its concern over these developments. Reliable reports, in fact, indicate that President Nixon told President Park of South Korea that the U.S. had no interest in what Park did inside Korea. That basic policy has not changed until now.

President Carter has made clear his determination to take U.S. troops out of South Korea. This must be regarded as a second-best choice for the U.S., one forced upon it by the intransigence of President Park who reportedly rules in increasing isolation. If the U.S. stayed in South Korea under present circumstances, it risks both the increasing identification of the U.S. with the repressive policies, and the possibility that the repression will erode the cohesion of the South Koreans, leading to the possibility that the U.S. may become drawn into a struggle which may look more like the Vietnam war than the Korean war in the 50's.

The best choice, of course, would be to fully inform the South Korean establishment in unmistakeable terms that the U.S. would be leaving in the absence of a change in course, but making clear our willingness to stay if that change should occur.

It is especially important for the United States to adopt a more forthright position in support of eradicating racism and colonialism in southern Africa. We cannot profess to give priority to human rights in foreign policy unless we provide more significant and practical support for the equality and independence for the peoples of Rhodesia, South Africa and Namibia.

First, the Congress must repeal the infamous Byrd Amendment which permits us to violate the UN sanctions against the importation of goods from Rhodesia. In view of the breakdown of the Geneva talks, this action is particularly desirable.

Secondly, we should declare our support for the independence of Namibia in accordance with the legal authority and the procedures established by the United Nations. We should also make clear South Africa's illegal presence in Namibia is unacceptable.

The United States has long espoused its opposition to apartheid in South Africa but without making the necessary economic sacrifices which would be helpful in applying leverage upon South Africa. The United States could begin by applying in full force the arms embargo imposed on South Africa by the United Nations. Further efforts should be made to prevent any new investment in South Africa by American corporations and to ensure that the employment practices of U.S. firms in South Africa are providing equal opportunity. The interest of the world community in seeing that majority rule is brought to all of Africa would be ill-served by acquiescence in renewed foreign domination of any part of Africa. The United States should continue to express concern about the intrusion into Africa of any foreign troops.

The United States and Western Europe should seek every opportunity to press the Eastern European Governments to respect the human rights provisions of the Final Act of Helsinki. Public expressions of concern as well as quiet diplomatic efforts should be utilized toward this end. The United States should utilize every means to promote the basket three provisions of the Act which call for increased exchange of persons, ideas and information between the Western and Eastern Europe.

Change in Eastern Europe can also be advanced through the ratification by the United States and other Western States of the UN Covenants on Civil and Political Rights and Economic, Social and Cultural Rights. The Covenants have recently come into force and the Soviet Union and many of the Eastern European states have ratified them. Under the Covenants a committee is established with responsibility for implementing the Covenants. Through participation on this committee, the United States can seek Eastern European compliance with its legal obligations under the Covenants.

Given the enormous diversity of governmental systems in the world, the defense of human rights must begin where governments are today, not where they ought to be. Authoritarianism comes in many forms. Social and economic progress occurs under authoritarian regimes of both the left and the right. Moreover, it is for other societies to determine how they shall be governed, and even where the people have no adequate means to express their preferences, the solutions must largely come from within rather than being enforced from the outside.

We in the U.S. need to keep all of this in mind as we embark on a new commitment in behalf of human rights. We need to respect the rights of other societies to work things out for themselves. We can, however, make certain that we are not playing a supportive role for oppressive regimes and that our tax dollars are not being used both to endorse and finance such regimes. And our preferences indeed can and should run to those societies which share with us an abiding respect for individual human rights.

A WORLD TO BE SAVED

HON. ROBERT W. DANIEL, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. ROBERT W. DANIEL, JR. Mr. Speaker, our colleague from Virginia, Hon. G. WILLIAM WHITEHURST, recently spoke before the First Annual Prayer Breakfast at the Navy League Convention here in Washington.

As always, his remarks were most perceptive. I believe every member, who is concerned about the future of this country and the principles for which it stands, will benefit by reading his remarks.

With that thought in mind, I insert the remarks in the RECORD:

A WORLD TO BE SAVED

Last April, I was in China for a week. On leaving Shanghai for the airport to begin the long flight home, we drove down a road of some three or four miles, bounded on either side by trees. It was as if we were driving through a tunnel. At the end of it, the road divided in front of a large crimson sign that marked the entrance to the terminal building. No visitor leaving Shanghai by air can fail to see the words.

In Chinese and English they proclaim: "Countries want independence. Nations want liberation. People want revolution. This is the irresistible trend of history."

No modern-day Belshazzar need summon his soothsayers or astrologers, or search out a Daniel, as Belshazzar finally did, to understand the meaning of those words.

To anyone from the West, the message is just as ominous as the one the last king of Babylon received in 538 B.C.

We are approaching the end of a remarkable century, one that has no parallel in the history of mankind. Indeed, one has to go back five centuries to find a time that is similar. Only in the period between 1450 and 1550 do we find it.

Allowing for the obvious differences between generations so far removed, the similarities are nevertheless striking. We have boldly begun to explore our solar system. Our European forebears discovered a new world on this planet. For us, the computer has had an enormous impact on learning, science and technology.

But Gutenberg's primitive printing press set in motion a revolution in communication and the transmission of knowledge and ideas that in the sum of things is far greater.

There are other parallels. Christians sought to contain the power of Islam. There were both victories and setbacks. We, too, are familiar with the policy of containment, only the 20th Century infidel is far more dangerous than the 15th Century Turk.

Both eras were a time of ideological conflict. The great schism in the Christian world would lead to religious fratricide. In our own century, a false ideological crusade led to the bloodiest war in all mankind, ended the paramount role of the great Western European powers and enhanced the strength and sway of an ideology equally as threatening as the one buried in the ashes of Europe in 1945.

The point of all this is that both of these centuries were marked by parallels that meant profound change for the world, politically, economically and scientifically.

But our time stands alone in the challenge raised for the fate of our souls. We have been seized by a temporal malaise which threatens our Christian foundation. While the world has soared to new heights of human achievement, it is more rootless than ever spiritually.

The events of the past 60 years confound me. When in the history of mankind has there been such an overturn in things of spirit and faith and the substitution of a belief in mortal self alone? Quite frankly, since the dawn of the Christian era, I can't think of one.

Out of the self-destructive course that the West embarked upon in 1914 has emerged a weaker dimension of the human spirit. Much of mankind has despaired of the Christian ethic, to say nothing of a fundamental faith in God, both as our Creator and the hope of the world.

For most of this century, men have given their allegiance to something else. Consider the monstrous hoaxes that have deceived and destroyed nations in our lifetimes. Whether Fascism or Marxism, they have been or are formidable rivals, employing the common characteristics of religion to attract and hold loyalty and obedience.

All have had their holy writ, be it Mein Kampf, Kapital, or the quotations of Chairman Mao. All have had their apostles and saints, icons and relics. All have dazzled with pageantry and duped their believers.

I remember an incident related to me 25 years ago by a young German student who attended the college where I taught. He had grown up in Nuremberg, the city where Hitler held his giant party day rallies in September of each year before the war. On one of those occasions, a friend of his father had a relative visiting him from America, a German who had made a new life for himself abroad after the First World War.

Returning to Germany for a visit, he was skeptical about National Socialism and its leader, and so told his relative in Nuremberg. Nevertheless, his curiosity prompted him to go out to see Hitler make his entry into the city.

This man had never before seen anything like it. The euphoria of the crowds of people, the banners and bands, intoxicated him. To get a better view of the man who had set this all in motion, he climbed a lamp post, and when the car drove by with Hitler standing beside his chauffeur, as was his custom, this chap found himself cheering deliriously with everyone else.

When he came down, he seized his kin and cried over and over, "I saw my Führer, I saw my Führer." My young German friend then asked me, "What do you think of that?" I said that it reminded me of Zaccheus, who climbed a sycamore tree to see Jesus pass, but what a pity it was that someone was so easily seduced of his soul.

The Marxists, of course, make no such narrow national appeal. Their dogma, which challenges us so relentlessly, is the more successful because it calls upon some of the best human instincts—self-sacrifice for others and the presumption that men are indeed brothers. The fact that this is all sterile and without real love has in no way weakened its appeal.

In purely political terms, we are more secure by virtue of the quarrel that has divided the Marxist powers, a twist which has a religious irony about it.

I remember sitting with the Chinese Foreign Minister in Peking and listening to him denounce the Soviet deviationists, calling Brezhnev "the new Czar," and charging the current Russian leaders with abandoning the path of Marx and Lenin. It reminded me of Luther's revolt in the middle of the 16th Century. "Where does the truth lie, in Rome or in Germany? Is salvation by works or by faith?"

The similarity was inescapable, and the consequences for world Marxism may be just as profound as the earlier Christian division.

But it should be self-evident to us that despite the inter-Marxist conflict over which is the citadel of orthodoxy, the strength of neither has been diminished, nor their influence much lessened on the rest of the world.

The stark truth is that while they may challenge each other as well as us, we challenge no one, not even ourselves. I regret to say that this absence of a vigorous spirit has communicated itself to others, and in particular, to our adversaries.

Although my visit to China was brief, I left with the indelible impression that while it was technically and economically inferior to us, as well as to its Russian neighbor, there was a feeling of awakening, of great discipline and national purpose. There was also the conviction of inevitable success by Chinese officials, a smug belief that history is on their side and that we are in decline. It was annoying as well as unsettling.

Knowing what the forces of change have done to the world in my lifetime, I have inevitably asked myself where we will stand at the end of this century, just 24 short years away, time enough for the generation just born to grow into maturity.

That world will then be perilously swollen with people, with food and raw materials jealously guarded or used as weapons to advance or defend the existence of nations It will be a world so totally different from the one that turned on its axis in 1900, that men will indeed say that this was the most incredible century in the history of man.

And what will be our response to these forces?

Are we to find salvation only in the mind of man? If that is our belief, then no matter what our technical success or standard of living we have achieved, we will fail.

No nation has endured because its citizens found their inspiration from their wealth, nor was able to persevere for long without a sense of purpose that exceeds the bounds of purely physical rewards. It is this that has set us apart from the challenge growing daily in the world.

We cannot match those other nations in ruthless regimentation to compel obedience in order to survive. To attempt it would bring chaos and hasten our destruction.

But neither can we continue down the present path. Our own works have corrupted us. We have indeed multiplied our talents on this continent, but we have, in a sense, become a prisoner of them.

Do you remember the rest of the story on the night of Belshazzar's feast? When Daniel was summoned to read the mysterious words on the wall of the king's palace, he first reminded the king of his sin of having "praised the gods of silver and gold, iron, brass, wood and stone, which see not, nor hear, nor know."

And my friends, that is what we have done.

No one can deny the great accomplishments of America in the 20th Century. Nor can one deny that for much of these 77 years, America has been a force for good. But we have, of late, allowed ourselves to tumble in one grand scramble which portends not promise for the future, but demise.

In the 5th Chapter of the First Epistle of John, we read these words: "For whatsoever is born of God overcometh the world: and this is the victory that overcometh the world, even our faith."

Is it not within God's plan to use us? Is it not within ourselves to seize the prize that God offers, even as Christ offers us the choice of salvation or death?

A world is at stake, and no other nation has either the means or the opportunity to fulfill God's plan as we have. The vast challenges of this century which have unsettled and tested us, also place us in a unique position and offer a challenge to moral leadership that is unprecedented.

In the past few weeks much has been said about moral leadership. There are signs that the nation at large truly thirsts for it, that there is a void. But what we finally realize from those we choose to lead us depends ultimately on what we demand of ourselves.

I believe that there is time and I believe that there is a latent reservoir of virtue within us, but I also believe that God's men must answer the summons.

It is not only America that must be rescued, but there is still a world to be saved. For all mankind, and for generations to come, the handwriting is on the wall.

HATCH ACT

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. LOTT. Mr. Speaker, I would like to call to the attention of my colleagues an editorial which recently appeared in the South Mississippi Sun. I feel that the comments which are to follow on the Hatch Act are worthy of special consideration today as we debate H.R. 10, the Federal Employees Political Activities Act of 1977.

The comments follow:

[From the South Mississippi Sun, May 2, 1977]

CLEAR SIGN OF DANGER

The bill to gut the Hatch Act appears to be meeting with congressional resistance that is both encouraging and surprising. That's not saying the bill won't pass. President Carter has said he'd sign a measure changing the act to permit full political involvement by government workers.

But some House members are having sober second thoughts about the results of such a step.

It seems to us that the reasons for passage of the Hatch Act are as valid today as they were in 1939 when it was adopted. So why change it? As someone once said, "Don't fix it if it isn't broken."

The Hatch Act came into being because federal employees were being fired, forced to change their voter registration and support the party in power.

Remove those safeguards and the same abuses would spring up again. Federal employees have the same right to vote that the rest of us have. They ought to be willing to give up the right to get out and campaign for candidates of their choice. By doing so, they are protected from political harassment under the Hatch Act as it is now written.

We hope more House members will reconsider and see clearly the dangers inherent in passage of the bill that would make such far-reaching changes in the Hatch Act. Signing that bill is one promise Mr. Carter shouldn't be given the chance to keep.

IDA NUDEL: ANGEL OF MERCY FOR SOVIET JEWS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. DRINAN. Mr. Speaker, during my visit to the Soviet Union in 1975 I met a gallant, courageous woman, Mrs. Ida Nudel. Mrs. Nudel is known to her fellow Soviet Jews who have suffered because of their desire to emigrate as an "Angel of Mercy." She has dedicated herself to assisting those most in need, by providing material and emotional support.

Mrs. Nudel is a 46-year-old resident of Moscow who has but two living relatives, both of whom now reside in Israel. I have met her sister in Israel. Mrs. Nudel applied for permission to emigrate to join them in 1971, and she immediately lost her job as a result. Since that time she has been imprisoned, harassed and threatened by the KGB. Despite her own problems, including a serious heart condition, Ida Nudel has continued to provide a life-line to dozens of Soviet Jews who have lost their jobs because they sought to exercise their fundamental right to emigrate to join their relatives.

Mrs. Nudel's activities were described in the May 6, 1977, issue of the Jewish Advocate by Ronya Schwaab, one of the greater Boston area's most knowledgeable and active citizens regarding the rights of Soviet Jews. Her article, entitled "The Case of Ida Nudel" follows:

UNDER THE SOVIET HEEL—THE CASE OF IDA NUDEL

(By Ronya Schwaab)

While we are naturally concerned with human rights for everyone, from time to time we focus on the plight of a particular individual. The case of Ida Nudel attracts, indeed demands, our attention. A Soviet Jew she appears to have been singled out for inordinate abuse and punishment at the hands of her captors. Yet at great personal risk, she continues to provide dozens of Jewish prisoners-of-conscience with material and emotional support, necessary for their survival. She is the one who maintains a letter writing campaign with the prisoners in labor camps.

The prisoners, especially those whose families are no longer in Russia, look to Ida Nudel as the "Angel of Mercy." She has become the surrogate wife, mother, daughter, pouring out to them her affectionate concern with visits, food and medicine. When David Chernaglass was finally released from his imprisonment, he convalesced in Ida's flat. Upon arrival in Israel, he said: "A person who has not been in prison, cannot envisage what Ida Nudel means to the prisoners. No woman on earth merits help more than does Ida. She, more than anyone else in the world has given the prisoners her loving care, comfort, and attention . . . There is no one we value more . . ."

Ida Nudel was born on April, 1931. At the present she has only two relatives in the world. They are her sister, Elena Friedman, and her husband, Yuli Brind, a former Prisoner of Zion. Both are now living in Israel and both in pleading her case, express alarm over the state of her health. She has a serious heart condition. When she first applied for an exit visa in 1971, Ida was dismissed from her job in Moscow's Institute of Planning and Production, where she studied standards of hygience in food shops and the control of infection in various foods. Her first application was denied on the grounds she had access to state secrets. "The greatest secret I ever had access to was where the rats and mice built their nests," she protested. "For these so called secrets I am prevented from leaving the USSR."

Looking back on the five years since her first application, she says "What haven't they done to me?" and then answers her own question. "I was placed in a prison punishment cell when I applied to the President of the Supreme Soviet. There I was tortured with hunger and difficult conditions. I was beaten and hounded like a wild animal during a hunt. I was seized in the street many times and thrown into dirty and smelly cellars that are called preliminary detention cells. In them I lay on dirty floors, together with criminals. I wiped those floors with my body."

By accident, Ida saw her medical card at the clinic she attended for her heart condition. It described her as an "alcoholic." In Russia if a person is thus certified, he may be interned in a psychiatric hospital. Of all the cruelties devised by man to punish independence of spirit, none equals the threat of psychiatric confinement. Unlike a prison term, confinement here has no date of termination and the treatment and drugs forcibly administered cause indescribable pain. Her refusal to desist from pursuing her mission of mercy, her participation in hunger strikes and other activities in her own behalf and that of other refuseniks and prisoners, has recently resulted in threats by KGB agents that she will be put away in a psychiatric ward.

The most recent development on the Russian front, has sent shock waves through the Jewish community, especially among the activists and refuseniks. A KGB agent, posing as a refusenik, has falsely accused Ida along with Mmes. Slepack, Lerner, Sharansky, etc., as being paid by the CIA to carry on espionage work against the Soviet Union. Their apartments were raided in the style of the infamous Stalin day raids and Sharansky was arrested. This is a grave development. Ida's situation also has become even more serious.

Ida Nudel has written eloquent letters to government agencies and individuals pleading her cause. One of these, addressed to Alexandra Pachmutova, member of the Soviet Committee on the Celebration of the International Year of Women, reads as follows:

". . . I am begging for help! I am begging for help not in obtaining an apartment, a pension, a good job or for any other boon. I am begging for only a visa! A visa to Israel! For nearly five years I have been waiting for that fair moment when I can hold in my hand that tiny pink sheet of paper.

"I hope that you are not a hypocrite and that you will not tell me that a person is obliged to die where he was born. I hope that a composer, a person of an artistic turn of mind, understands that one cannot order one's heart that it should love this or that, should be enthusistic about this or that.

The heart is free and most frequently we are subject to its passions. I have no intentions of criticizing Russia. I have no intention of criticizing the Russian people. I was born in Russia. I spent 40 years here and nobody can separate me from my childhood, not adolescence, nor maturity. I am part of this land. But I am also part of another land, a land that is the dream of my people—my ancient, wise, passionate people, with the fate of a martyr.

"I shall not describe how we are persecuted, burned and annihilated. You know it very well yourself. I want to tell you something else. I want to tell you about how at present, with its head held high, my people are slowly but surely taking their place in the ranks of the other peoples of the world. Not all are yet ready to recognize us, not all are yet glad to see us in the ranks as equals, but we shall rise, no matter what. We have no other way out! I hope that my words made my pain and suffering clear to you. I hope you will respond by a desire to help me."

So far no exit visa has been granted. It is now up to us to help her!

FOURTH BISHOP OF PHILADELPHIA TO BE CANONIZED AS FIRST U.S. MALE SAINT IN CATHOLIC HISTORY

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. EILBERG. Mr. Speaker, on June 19, in solemn ceremonies in St. Peter's Basilica in Rome, Pope Paul VI will canonize blessed John Neumann, thus making the fourth Roman Catholic Bishop of Philadelphia the first American male Saint in history.

Most Philadelphians, and countless other Americans, are acquainted with the life and works of this great man. Born in Bohemia on March 28, 1811, he yearned as a youth to be a foreign missionary in far-away America. This dream came true when, in 1836, he was ordained a priest by the Bishop of New York. He trudged the Niagara frontier for the next four winters—building churches and establishing schools.

In 1840 he joined the Redemptorist Fathers, making his religious profession as a Redemptorist in the Church of St. James in Baltimore. In the years that followed, he served as rector of St. Philomena's Church in Pittsburgh and St.

Alphonsus Church in Baltimore, as well as vice-provincial of the Redemptorist Missionary Order in America.

It was during this period that Bishop Neumann became a naturalized citizen of the United States. On February 10, 1848, in Baltimore, he renounced allegiance to the Emperor of the Austrian Empire, in whose realm he had been born.

On March 28, 1852, his 41st birthday, he was consecrated Bishop of Philadelphia by Archbishop Francis Kenrick at St. Alphonsus Church in Baltimore.

Bishop Neumann can lay several claims to fame in Philadelphia and the United States. The credit is his for establishing the first system of parochial schools in the United States—not the first parish school, for there were at least 200 parish schools in various parts of the country when Bishop Neumann came to Philadelphia—but the first unified system of Catholic schools under a diocesan board.

He may also lay claim to being founder of a religious order for women, the Third Order of St. Francis of Glen Riddle, whose rule he drafted in 1855 after returning from Rome for the solemn promulgation of the dogma of the Immaculate Conception.

The School Sisters of Notre Dame likewise regard Bishop Neumann as their secondary founder, their "father in America." In 1847, when he was serving as superior of the Redemptorist Fathers, he welcomed the first band of these teaching nuns from Munich, found them a home in Baltimore, and then provided them with teaching assignments in his Order's parish schools at Baltimore, Pittsburgh, New York, Buffalo, and Philadelphia.

At 48, worn out with his apostolic endeavors, he collapsed on the streets of Philadelphia, a few blocks from his new cathedral on Logan Square. Bishop Neumann died on January 5, 1860.

Down through the years, the Catholic Church has paid its honors to Bishop Neumann. In 1921, Pope Benedict XV declared his life to be heroic in virtue; during the Second Vatican Council, he was beatified by Pope John XXIII; and this year he is being elevated to sainthood by Pope Paul VI.

One of the most compelling tributes ever paid to Bishop Neumann came from Pope Pius XII. On the 150th anniversary of the founding of the Diocese of Philadelphia, he said:

> Among the shepherds of the flock in Philadelphia, the figure of Venerable John Neumann is pre-eminent. It was mainly through his prodigious efforts that a Catholic school system came into being and that parochial schools began to rise across the land. His holy life, his childlike gentleness, his hard labor and his tremendous foresight is still fresh and green among you. The tree planted and watered by Bishop Neumann now gives you its fruit.

Mr. Speaker, no words of mine can adequately convey the deep sense of pride which Philadelphians, and particularly those of the Roman Catholic faith, feel about the canonization of Bishop John Neumann. It is a dramatic affirmation of a life dedicated to the fatherhood of God and the brotherhood of man.

HIGHWAY ROBBERY

HON. TOM HAGEDORN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. HAGEDORN. Mr. Speaker, a decision by the Wage and Hour Division of the Department of Labor has threatened to force substantially higher costs on highway construction in this country. I am referring to the Division's decision issued on April 1 which redefines "highway construction" for purposes of the Davis-Bacon Act. According to Governor Robert Bennett of Kansas, the decision, if allowed to stand, will be "dangerously inflationary", and could result in increased highway costs of 38 percent in that State over the next 5 years. Virginia Gov. Mills Godwin has argued that the decision could result in an increase of wage rates on construction work on I–66 by as much as 125 percent. Governor Boren of Oklahoma insists that "it will add to the unemployment woes of Oklahoma."

What the Assistant Administrator of the Wage and Hour Division has done is to remove from the "highway" classification under the Davis-Bacon airport runways and taxiways, bridges over navigable waters, tunnels, rest areas which may include building structures, and railways. This, despite the fact that the identical construction skills are employed on each of these projects as on highway work, for which reason they have traditionally fallen within the "highway" classification. The same firms, using the same equipment, the same materials, and the same workers are involved on each of these projects. Airport runways and highway paving, railroad construction and highway grading, and bridges whether or not constructed over navigable or non-navigable waters are each performed in an essentially interchangeable manner.

The immediate effect of these regulations, which have already been imposed in at least seven States, is to substantially increase costs on highway-related work since the new "building" classification imposed on these projects is one which has traditionally required higher levels of skill and, hence, paid more. Nor is it coincidental, in my opinion, that "building" work is far more heavily organized than is "highway" work, particularly in those States in which the reclassification has been proposed. It is also interesting to note that a majority of these States are so-called right-to-work States. Thus, through simple administrative manipulations, the Department of Labor would appear to be doing its best to circumvent these laws, and give preference to organized construction workers at the expense of open shop workers.

Governor Godwin further notes,

> [As a result of the Department's decision] equipment operators grading the normal roadway would be paid $6.50 an hour, while those doing identical grading work in the median, requiring no greater skill or accuracy, would be paid $11.45 an hour. The inequity is obvious. Such a plan most certainly will invite first the ridicule and then the wrath of workers and taxpayers alike.

The inevitable result will be to force a single wage rate—union scale—upon all public construction work. In the process, State "right-to-work" laws will be undermined and the very existence of open shop contractors will be threatened. A law, designed initially to prevent the importation of wage rates from one section of the country to another will have, ironically, become the vehicle for doing exactly this. Union organizers will have been provided with a powerful weapon in their organizing efforts and in insuring that their negotiated wage rates extend to the remotest areas.

Mr. Speaker, I believe that the Labor Department is abusing its authority in using the Davis-Bacon Act as a vehicle to promote objectives which were never intended for it. I would urge my colleagues to consider the implications of the Department's actions for their own States. At this point in the RECORD, I would like to insert a brief editorial from the Washington Star commenting upon the Department's decision:

THE ENDS AGAINST THE MIDDLE

Gov. Mills Godwin called it a "patent absurdity" and that's about as good a way as any to describe the Labor Department's wage-rate order on I–66 construction.

The Department has informed the state, which is the contracting agent for the highway project, that it will have to pay laborers who work on the Metrorail portion of the roadbed $9.07 an hour and grading equipment operators $11.45. Laborers and grading equipment operators working on the portion to be used by motor vehicles will be paid $4.50 and $6.50. The reason for the order is that higher wage scales are in effect for Metro construction in the Washington area than for highway construction in Virginia.

The order establishes a ridiculous situation in which workers in the middle section of the right-of-way, where the Metro rails will be laid, will make approximately twice as much as those working a few feet away on the outer sections, all doing essentially the same work.

If the department persists in its requirement, over the governor's objection, someone had better sign on a raft of referees to decide who moves what clods of dirt. If the $4.50 laborer accidentally drifts over the line, will he then be eligible for $9.07? There's apt to be some bad blood, too, between the baloney-for-lunch bunch on the highway side and the steak sandwich Metro crowd.

In addition to protesting the administrative nightmare the order would cause on the I–66 project, Governor Godwin questioned the height of the Metro wage scales in general. It's an interesting point: Could paying twice as much for Metro work as for similar work on Virginia highways be the reason that Metro is running out of money before its proposed 100-mile system is half finished?

ADMINISTRATION'S ENERGY PROPOSAL

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. JACOBS. Mr. Speaker, summation of the administration's energy proposal: The power to tax is the power to deploy.

RENEGOTIATION BOARD

HON. CHARLES E. GRASSLEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. GRASSLEY. Mr. Speaker, for the past 2 months, debate has been raging over the proposed Renegotiation Reform Act of 1977 (H.R. 5959). Many of us are opposed to this bill and feel that the Renegotiation Board should be shelved now that wartime contracting is behind us and other procurement safeguards have been proved workable.

I was pleased to note that the May issue of Government Executive magazine carries an article, "The Renegotiation Board: Is 'Hairbreadth Harry' About to Fold?" As ranking minority member of the Oversight and Renegotiation Subcommittee, of the Banking Committee, I ask unanimous consent to insert this article in the RECORD and urge Members to read it.

It is interesting to note that the authors of the article conclude, as we do, that renegotiation is costing the taxpayers far more than it is worth. Although their figures seem low, they conclude that renegotiation cost the taxpayers $39.9 million last year.

And I hope Members will also note the following quote:

> The ironic thing, said one company spokesman, is that at a time when the Defense Department has just revised its profit policies to encourage contractors toward greater investment in facilities (the Minish Bill) proposes controls on profits which would not only prevent increased investment but probably force a substantial number of contractors out of the Defense business entirely.

Mr. Chairman, with President Carter and his spokesmen telling us they want to stimulate jobs through investments in the private sector, I do not see how he or anyone else can endorse renegotiation.

The article follows:

THE RENEGOTIATION BOARD: IS "HAIRBREADTH HARRY" ABOUT TO FOLD?

HIGHLIGHTS

(Originally a World War II emergency measure, the Renegotiation Board claims it has recovered more than $1.3 billion in "excess profits" on Government contracts over the past 24 years—at a cost of barely one-tenth of that amount.

(Yet, proposals to make it a permanent peacetime body are in trouble on Capitol Hill; the Board's claims are suspect; and, on principle alone, its growing opposition says it should be shelved.)

Last January, Comptroller General Elmer Staats told a National Contract Management Association group, "The 'Hairbreadth Harry' Act is on again." The enabling legislation for the Renegotiation Board was allowed to lapse the previous September; and, as a result, the Board was operating as it sometimes has in the past—without a chairman or an authorization.

That arrangement, he said, "is not conducive to either good management" or to "maintaining an adequate staff." For the handful of fans in Government who applaud its work, help seemed on the way. As he had the previous year, Representative Joseph Minish (D-N.J.) had introduced a Bill (originally numbered H.R. 10680, then H.R. 4082, but now labelled H.R. 5959) to make the Renegotiation Board permanent and give it vastly increased powers.

An identical "Minish Bill" passed the House in 1976 by a vote of 251 to 129 but was shelved in the Senate. But this Spring, under Senate committee reorganization responsibility for the Renegotiation Board shifted to William Proxmire's (D-Wisc.) Senate Banking, Housing and Urban Affairs committee. Proxmire has often decried the "excessive profits" of the Defense industry, and this time Board advocates suddenly had high hopes the Minish Bill would sail successfully through a vote on both sides of Capitol Hill.

OPPOSITION MOUNTS

Their honeymoon lasted until about the middle of last month. Then the bombs started falling. McCloskey of California introduced legislation that would "put the Board on a shelf," i.e. authorize its after-the-fact renegotiation of Government-contract profits only in wartime and/or when the President declared a national emergency. Maryland's Senator Mathias introduced a bill calling for its abolition altogether.

But what could be the most telling opposition has come from another combination of Congressmen, Executive branch leaders and industries. For one, 14 Congressmen signed a letter to President Carter. Gist of the message:

"We applaud your determination to simplify government and eliminate unnecessary red tape. There seems to be little doubt that the renegotiation process could well be a prime target for commencing this process."

Their letter pointed out three contentions: (A) a wartime renegotiation process "should be eliminated" in peacetime; (B) "a very real question" exists as to whether the Board costs more to operate than it recovers in excess profits (a very challenging argument under zero-based budgeting, not to mention common sense); and (C) a strong possibility that Renegotiation Board activities are "aggravating . . . the declining condition and productivity of many Defense plants and . . . the eroding base of Defense subcontractors."

On April 4, on behalf of the President, OMB's (Office of Management & Budget) Bert Lance wrote the Congressmen back. He said, in effect, the Administration agreed with the general philosophy expressed in the Congressional letter; and, more to the point, "would have no objection" to legislation proposing a simple extension of the Board under the present (1951-enacted) law to allow time "for a review of the present renegotiation process and possible revisions" of it.

Staats, no amateur at reading Congressional tea leaves, had said in January he'd favor a simple extension of the 1951 Act—even though GAO (General Accounting Office) had come out some three years ago in favor of many of the tough provisions in the current Minish Bill. Most industry spokesmen, inflamed over the Minish provisions, privately confessed they'd settle for the same simple extension as "the best we can hope for."

Summed up one top industry association president, "At the very least, such changes will cause an unnecessary and substantial increase in the total cost of renegotiation without any known economic benefit.

At the same time, in letters to Lance, both the Defense Department General Counsel and the Shipbuilders Council of America weighed in with objections to the Minish Bill, and basically even the Board's continued existence under its present (theoretical) powers, essentially identical to those of the Congressmen.

COSTS QUESTIONED

Finally, adversaries of the Board's continuing existence in peacetime have gotten around to doing some of the detailed kind of homework they probably should have done a long time ago. For one thing, pressured by the cage-shaking provisions of the current Minish Bill, they've taken some first rough cuts at what the Board really costs to operate versus what it returns to the Government in "excess" profits.

Until now, advocates of the Board's being made permanent have trumpeted that "In the past five years, the Renegotiation Board has made excessive profit determinations in excess of $230 million." A report of the House Committee on Banking. Currency and Housing claims, in addition, "Since the inception of the Act, the Board has made excessive profit determinations in excess of $1 billion."

And all that, say Board annual reports, at an annual cost, over the last six years of $4.5 to, in Fiscal '76, $5.6 million. That, say Board adversaries, is like trying to describe an old crone by talking about her pretty kneecaps.

For one thing, pointed out the Shipbuilders Council, the $1.305 billion in excess profits recovered over the past 24 years really amounted to only $560 million, "an average of $23 million a year." Reason: what contractors actually had to refund was the $1.3 billion *less* what they had already paid on those "excess profits" in Federal income and excess profit taxes—which average out to about 50% of the gross.

Specifically, said the Council, in 1976 "gross determinations were $40.1 million, with after-tax adjustments and credits of $19.3 million, resulting in a net (to the Government) of $20.8 million." The Board's annual report for last year said they "collected" all that at a Board annual operating cost of $5.6 million.

But, the Council pointed out, a minority view of the same House Committee report which praised the Board's work noted business probably spent $72 million per year to comply with requirements under the current Act for data they must supply the Board (while noting how difficult it is to accumulate such "hidden cost" data.) If their cost figure is accepted, the Board, in effect, operated in 1976 at a net loss to the taxpayer and the Government of some $57 million.

Another study, by a batch of aerospace executives, came to the same cost conclusion, though their spread between costs and "excess profits" return isn't quite as wide as the Council's. Covering a five-year period, 1971–75, they estimate other Government agencies were spending roughly the same amount as the Board to either serve the Board's information needs and/or follow up on its determinations.

In 1975, for instance, the study contends Government cost for courts and Justice Department litigation (157 Renegotiation cases were pending in the courts at year-end 1975), for Congressional oversight hearings, and for agencies (Defense, Internal Revenue Service, OMB, et al) to supply information and services to the Board equaled the Board's $5.3 million annual cost.

On top of that they added the contractor cost to comply with data filing requirements (which they verified, to their own satisfaction at least, with spot checks to be $75,000 a year for the 50 largest Defense contractors, $30,000 a year for the 200 next largest, $15,000 a year for the 1,000 next largest, and $7,500 a year for "all others") at some $43.2 million for 1975. In short, to "recover" $27.7 million (probably only $13.9 million after tax adjustments), the direct and indirect Board cost was $53.8 million—a net cost to the Government of $39.9 million.

The cost, incidentally, is almost all borne by the Government since contractors, on negotiated contracts at least, can charge their data compiling and filing costs to their Defense, NASA, et al contracts as a cost of doing business.

WW II MENTALITY

Besides the trouble those numbers put the Board in, below that tip of the iceberg is a more basic set of challenges. The Board was first created in 1942 when even the Board's strongest opponents felt it was necessary. Summed up one, "Immediately following Pearl Harbor, the enormous requirements of our Armed Forces, the immediate shortages of materials and the tremendous pressure exerted on limited procurement personnel to place contracts, all combined to create a situation in which normal procurement safeguards were impossible to implement."

The same situation developed in 1951 when the Renegotiation Board concept was resurrected during the Korean war. But, say the critics, "It (the Board) was never intended to substitute in time of peace for the normal orderly procedures developed by the Government to provide an efficient and economical procurement process." The "extraordinary nature" of the Act was emphasized, they point out, by the Supreme Court (in Lichter vs. U.S. 334 U.S. 742.)

However, the 1951 enactment has been extended periodically ever since "despite the fact that the Government has become increasingly more sophisticated in its procurement philosophy and techniques" (the Truth in Negotiations Act, the 1400 or so GAO auditors of Defense activities, etc., etc.)

In sum, the continued operation of the Board flies in the face of a long-standing common law dictum, in free enterprise nations anyway, of "contract mutuality," i.e. the Government buyer should assume a risk in buying what he says he wants for the price he offers just as the supplier does. And the Minish Bill, if passed, would simply intensify the one-sidedness of that relationship.

Besides making the Board permanent, the Bill would require industries to report by major divisions and by product lines within those divisions. Thus, because no case exists on record where the Board determined a firm should be reimbursed for losses on contracts, companies could not offset the loss on one contract with profits from another. Present law permits those offsets.

INCREASED JEOPARDY

Even under present circumstances, doing business, particularly negotiated contract business, with the Government is risky. Even under present rules—where the Board has the power to obtain information by profit center, individual contracts or contract types—a contractor runs a substantial risk that profitable contracts will not occur in the same time frame as unprofitable ones.

Add to that the uncertainties in the funding process, changes in requirements and/or (in the Defense case) threat estimates and political agreements, any one of which could turn a profitable job to a loss. When none of these things do happen and, as a result, the contract turns out with larger-than-average (about 3-4 percent on sales for the more aggressive firms) profit, not to allow that to be aggregated with losses on other jobs that *were* hit by funding cuts, etc., "is the most inequitable of all the proposed revisions" to the Act, says industry.

The ironic thing, said one company spokesman, is "that at a time when the Defense Department has just revised its profit policies to encourage contractors toward greater investment in facilities (the Minish Bill) proposes controls on profits which would not only prevent increased investment but probably force a substantial number of contractors out of the Defense business entirely."

Nor would the Bill, if passed, make renegotiation a concern any longer of just those firms heavily engaged in Defense-type business. According to one of its provisions, while standard commercial items and services would continue to be exempt from renegotiation and data filing in a generic sense, the definition of what qualifies as "commercial" would be changed. Essentially, in order for a company's given product to qualify as an exempt "standard commercial article," 75 percent of the company's output of that item would have to be sold on the open market.

In other words, if Company "X" sold 26 percent of its "widgets" to the Federal Government, it would have to file cost and profit data and have the contract subject to renegotiation. Says Defense succinctly, "We have seen no evidence that there are any significant amounts of excessive profits escaping renegotiation through the present (55 percent) provisions defining this exemption."

SELF-DESTRUCTIVE

The Bill would require, also, that a company pay interest on excessive profits "from the day following the end of the fiscal year in which the profits were realized." Considering that the Board makes its "excess profit" determinations an average 4.8 years after a contract has been completed and that the Board has tried to justify its existence to date almost solely on the basis of how much money it recovers, that bill proviso poses two ominous probabilities:

The Board will be in no great hurry to make determinations;

A company hit with an adverse ruling would pay an extra penalty because of circumstances it could not control.

The Bill is loaded with other "bombs," say critics, both in and outside government. It would require an audit of every financial statement submitted by industry, meaning at a minimum, the paperwork and legal cost would rise even higher than it is now.

It would disallow the "percentage of completion" method of accounting for profit which both the Internal Revenue Service (for tax purposes) and the Securities Exchange Commission (for annual report and stock evaluation purposes) allow. Result would be a second set of accounting records—and more paperwork cost.

It would give the Board subpoena power and impose civil penalties for failure to file data and/or for filing "misleading" information. Summed up one contractor, "All in all, it (the Minish Bill) is unbelievable."

Commented another, "Look at it this way. It's quicker than 'creeping socialism.'"

LIFE SUPPORT SYSTEMS

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. HARKIN. Mr. Speaker, my wife Ruth and I are proud parents. Consequently, the joys, and above all, the responsibilities, of parenthood have been much on my mind lately.

Parenthood and the family are the bedrock of American society. Nothing has brought this home to me more than becoming a parent myself. Surely, it is the duty of American Government, within the limits of our Constitution, to protect the family and to enhance the well-being of the family unit.

When I saw my wife and our firstborn for the first time, I could not help feeling deeply for new parents and prospective parents everywhere. And yet, I was poignantly aware that as a U.S. Representative I know for a fact that not every prospective parent faces such a joyful prospect for the future as my new family.

I could not help remembering the startling statistics which came to light during Senate hearings last year on the various proposals for a constitutional amendment to protect the right to life.

I felt especially strongly for the thousands of sometimes very young women with unintended pregnancies, who face an exceedingly difficult future, and who are confused, panicky in some cases and unsure of the alternatives available to them. Those Senate hearings brought some very hard facts to public attention. Consider, for instance, the fact that 1 out of every 7 girls or young women between the ages of 12 and 17 will give birth to a child next year, and about 40 percent of these will bear their child out of wedlock. This percentage, although already a dramatic increase over that of the past decade, is expected to further increase in the next decade, due to changing social attitudes toward marriage.

Most alarming of the newly acquired statistics is the increase in pregnancies in the under-15 years of age group. This group is the only one in the childbearing years which is actually showing an increase in its rate of pregnancies, as well in total number of pregnancies.

These teenage mothers, still children themselves, and their children will continue to suffer if we ignore their needs. Despite the efforts of concerned volunteers and agencies, the costs associated with teenage child-bearing are as unacceptable as they are unnecessary.

There are so many conflicts facing the pregnant adolescent, so many risks and emotional traumas, that they may turn to abortion without realizing that there are other ways to handle the situation. Although the pregnant teen may be aware of other alternatives, she sometimes encounters difficulty in obtaining the necessary assistance. We owe these young women a real alternative to abortion—one which will allow every prospective mother to consider all the possible avenues for help.

A major area of concern for these unprepared and unready expectant mothers is the health factor. Medical evidence has shown that the teenage mother has a higher probability of complications during pregnancy and delivery than any other group except for women 40 and over.

Nutrition should be an area of great concern to the pregnant mother. Normal teenage growth and good health require increased nutrition, and it is known that the mother's health at the moment of conception plays a decisive role in formulating the expected baby's health. It has been found that there are increasing incidences of toxemia, prolonged labor and iron deficiency anemia among abolescent mothers. Similarly, infant mortality due to poor health is significantly higher among births to teenagers than older women—children born to mothers under the age of 15 have a mortality rate twice as high as children born to women in their early twenties, and the rate is 52 percent higher for infants born to women between 15 and 19 years of age, than for children born to mothers between the ages of 20 and 24.

Present Federal policies are unfocused and ill-suited to meet problems faced by pregnant adolescents. Current Federal medical assistance programs have eligibility requirements which suffocate attempts by the mother to be self-sufficient thereby forcing teen mothers to go on welfare in order to get medical benefits.

Since teenage mothers are often punished and expelled from school systems, their incomplete education makes them high risk unemployment candidates, likely to become dependent on the welfare public assistance system.

Additionally, these mothers, because of the stigma of pregnancy, are forced out of normal social activities.

It is imperative that we help these young women adjust to their new roles as parents and that we help their children. Quite often the parents of the teenage mother cannot afford to help as much as they would like, or they may refuse to help at all. Because of the confusion and proliferation of services, and because of the myriad eligibility requirements, they may not be able to obtain benefits they could use to stay together as a family—to help their children with her child. If we in the Congress did nothing other than provide a coordinated series of services, we would have accomplished a great deal.

To begin this effort, I have cosponsored the Life Support Centers Act. Similar to legislation introduced by Senator BAYH, this bill provides health care services to pregnant adolescents before and after childbirth. Also, it establishes national "life support centers" through State health agencies and nonprofit organizations, to provide a coordinated array of medical, social, and counseling services, including nutrition and adoption assistance if desired. Among the services offered through these centers would be:

First, health care to the prospective teen mother, both prenatal and postnatal, including nutrition programs;

Second, health care to infants of adolescent mothers during the preschool years;

Third, referral services to other agencies that may be able to help, if such referral is deemed necessary;

Fourth, coordinated social services, including educational, vocational, legal, and social counseling for the mother;

And fifth, funds to provide adoption services for adolescent mothers who are considering voluntary placement of their child in adoptive homes.

This legislation limits the Federal share of assistance to such life support centers programs to 75 percent of the cost, and authorizes $30 million in appropriations for a 2-year period.

In all, the debate on the abortion question, there has been entirely too little emphasis placed on providing services to sustain life, and thereby minimize the need for abortions. The legislation which I have cosponsored provides those services, to give pregnant adolescents the best possible care so that their children will have the opportunity to survive successfully.

Mr. Speaker, the bill, H.R. 3699, follows:

H.R. 3699

A bill to amend the Public Health Service Act to provide health care services for pregnant adolescents before and after childbirth

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Life Support Centers Act of 1977".

SEC. 2. Title III of the Public Health Service Act (42 U.S.C. 201) is amended by adding after section 319 the following new section:

"SPECIAL SERVICES FOR ADOLESCENTS

"SEC. 320. (a) The Secretary is authorized and directed to make grants to health agencies of any State (or political subdivision thereof) or any other qualified nonprofit agency, institution, organization (with the approval of the State agency) for originating, continuing, extending, or improving programs involved in the provision of—

"(1) necessary health care to prospective adolescent mothers, including, but not limited to—

"(A) tests for pregnancy,

"(B) screening, diagnosis, and treatment of all prenatal and postnatal conditions, including nutritional deficiencies for a period of one year after birth; and

"(C) referrals when appropriate to other agencies for treatments not covered under this section;

"(2) necessary health care to infants of adolescent mothers during their preschool years, including but not limited to—

"(A) medical examinations,

"(B) diagnosis and screening of—

"(i) nutritional deficiencies,

"(ii) visual and hearing defects,

"(iii) genetic birth disorders,

"(iv) mental retardation and learning disorders,

"(v) crippling and handicapping conditions, and

"(vi) catastrophic illness,

"(C) referrals when appropriate to other agencies for services not covered under this section;

"(3) family planning services;

"(4) a coordinated program of social services including educational, vocational, legal, social, counseling, and referral services (including adoption counseling) designed for adolescent mothers for the period extending to the point in time that the agency finds that parent and child are capable of caring for themselves; and

"(5) funds to purchase adoption services (approved by the Secertary) for adolescent mothers participating in a program established under this section who are considering the placement of their children in adoptive homes.

"(b) The Federal share of assistance to programs under this section shall not exceed 75 per centum of the cost of such program.

"(c)(1) Applications for grants under this section shall be made in such form and contain such information as may be required by the Secretary.

"(2) The Secretary shall approve only those applications which—

"(A) provide that the project for which assistance is sought will be administered by or under the supervision of the applicant,

"(B) set forth such fiscal controls and fund accounting procedures as may be necessary to assure proper disbursement of and accounting of Federal funds,

"(C) provide assurances that it will employ professionals skilled in maternal and child health, public health services, nutrition, and social services,

"(D) provide for cooperation with the State agency administering or supervising the administration of the State plan approved under title XIX of the Social Security Act in the provision of care and services, available under a project, for recipients eligible for such a plan approved under such title XIX, and

"(E) provide for the coordination of health and social services provided by the project with, and utilization (to the extent feasible) of Federal, State, or local health, welfare, and education programs.

"(d) Payments under this section may be made in advance or by way of reimbursement, and in such intallments, as the Secretary may determine.

"(e) Nothing in this section shall be construed to require any project receiving financial support to compel any person to undergo any medical screening, examination, diagnosis, or treatment or to accept any other health care or services provided under this section for any purpose, if such person or his guardian objects.

"(f) No individual shall be required as a condition precedent for the receipt of assistance under this Act or any other law to participate in programs established or assisted by Federal funds unless such individual has given their informed consent to such participation.

"(g) There are authorized to be appropriated to carry out the purposes of this section $30,000,000 for the fiscal year ending September 30, 1978, and for each of the next two succeeding fiscal years.".

BALANCE(S) OF POWER SERIES—PART V(ii)(a) SOVIET TANK DEBATE

HON. JOHN BRECKINRIDGE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. BRECKINRIDGE. Mr. Speaker, just as the successful application of anti-tank weapons during the Middle East War of 1973 touched off debate in this country on the future of armour and tank warfare, a similar discussion ensued within Soviet defense circles.

Mr. Phillip Karber, a long-term specialist in Soviet military affairs notes in his article entitled, "The Soviet Anti-Tank Debate," in the June 1976 issue of Survival, that contrary to popular belief the Yom Kippur War had a considerable impact on Soviet armour tactics. Perhaps most significant is Karber's observation that in the early 1960's, the ratio of tank to motorized rifle divisions was 1 to 1: 8, including a total of 147 divisions. By 1974, the Soviet Army had increased by 20 divisions—all motorized rifle with anti-tank weapons, decreasing the ratio to 1 to 2: 2 and including a total of 167 divisions.

Mr. Karber's article concludes part V, Conventional Forces Balance, of my continuing Balance(s) of Power series. Within part V we have discussed U.S. manpower capabilities in two articles by former Secretary of Defense, Donald Rumsfeld, and Mr. Sitterson of the Defense Manpower Commission. In addition, we examined the U.S.S.R.'s manpower strength in an article by Colonel Scott. Part VI of the series will be directed at the naval forces balance between the United States and the Soviets.

Mr. Karber's article follows:

BALANCE(S) OF POWER SERIES—PART V(ii) (a) SOVIET TANK DEBATE

On 21 June 1339, an outnumbered group of Swiss Infantry, armed with hand-held pikes, stood up to the cream of feudal armour, unseated the knights from their armoured chargers and ushered in a new era of warfare. The battle of Laupen was a tactical innovation which not only established the defense superiority of light infantry over the shock action of mobile and heavily armoured forces, but also announced a political and social revolution. With striking similarity this "democratization of warfare" was repeated 634 years later in the opening days of the 1973 Middle East War, when an Arab infantry force armed with anti-tank weapons met and brought to a halt an Israeli tank offensive.

The implications of the Arab success have been widely discussed in the West. Numerous commentators have agreed that the balance has swung against the tank, which has dominated the battlefield since World War II. Many have taken heart that the same weapons which provided the Arab success, the anti-tank guided missile (ATGM) and the hand-held anti-tank grenade-launcher, would give NATO a greatly improved chance of offsetting the Warsaw Pact's tank superiority in Central Europe. Indeed one study has claimed that the ground forces of the Warsaw Pact and Soviet Union are tank-heavy, even tank-dependent, suggesting that "Soviet tables of organization are unduly influenced by experiences gained in a war of 30 years ago and that a certain amount of "battleship thinking" permeates their military intellectual environment."

Another study concludes that Soviet reliance on tanks as the core of the Army's shock and initial striking power is not likely to change. "The debate in Western military circles that followed the Yom Kippur War over the viability of armour in a battlefield environment dominated by precision-guided munitions has had no visible parallel in the USSR . . ."

These conclusions reveal a naivete about Soviet force structure and ignore recent Soviet doctrinal literature. The Soviet Union is not only aware of the implications of the 1973 Middle East War—after all, it was Soviet anti-tank weapons that the Arab forces used—but demonstrates a deep appreciation of the potentials of anti-tank technology for the modern battlefield in professional military writings. Changes in Soviet doctrine and force structure reflect this concern and the implications are important for Western defence.

THE ANTI-TANK THREAT

The Red Army has long been aware of the potentials of anti-tank weaponry. It was in fact one of the first armies to deploy ATGM in large numbers, and to mount them on armoured vehicles. As early as 1964 (upon seeing a firing demonstration of an ATGM against a tank), Khrushchev noted: "It hurt. After all, we are spending a lot of money to make tanks. And if . . . a war breaks out, these tanks will burst into flames even before they reach the battle line."

Throughout the intervening decade Russian writers have often studied anti-tank weapons and shown a keen interest in the state of the art in Western ATGM technology. In 1967 Soviet military writers noted "serious changes" resulting from the technological improvements to ATGM: "A qualitatively new method of combating tanks has appeared—the anti-tank guided projectile, which can destroy any tank at a distance of up to several kilometers."

In 1972 the classic work *Antitank Warfare* appeared, which paid particular attention to ATGM, noting their significantly greater range and armour-penetrating power in comparison with tanks their high kill probability, and that under operational conditions ATGM vehicles could achieve a favorable exchange ratio of four-to-one against tanks and double this against armoured personnel carriers (APC). In 1973 the authors of a book titled *Tanks* pointed out that "no little danger for tanks is presented by ATGM". Following the Middle East War (but in advance of the current debate) Soviet authors were quick to recognize that: "Guided anti-tank missiles gave to the infantry that which it never had: the probability of destroying tanks with one shot before the tank could use its own weapons against the infantry."

SOVIET EMPHASIS ON TANKS

While the Soviet Union and the Warsaw Pact allies have a decided advantage in tanks *vis-a-vis* NATO, the Soviet Army has not neglected the other combat arms. In fact, contrary to opinions frequently expressed in the West over the last decade, the Soviet Army has actually reduced the importance of the tank in relation to the other combat arms—particularly motorized infantry and artillery. In the early 1960s the ratio of tank to motorized rifle divisions was 1 to 1.8. By 1974 the Soviet Army had increased by 20 divisions—all motorized rifle—decreasing the ratio to 1 to 2.2.

The increased Soviet emphasis on combined arms has run parallel with the doctrinal shift from "one variant" nuclear war to the adoption of conventional options for the theatre forces and was preceded by changes in Soviet ground force organization and command. In the late 1950s the Soviet Army was reorganizing to meet what were deemed to be the new demands of nuclear warfare. The artillery branch gave way to the nuclear rocket forces and infantry was de-emphasized in favour of tanks, which might survive on a nuclear battlefield. However, with the conversion of the infantry forces to full mechanization, a rival branch to the tank troops, motorized rifle, was formed in 1963. At the same time the concept of the "offensive in depth", which emphasized mechanized infantry, was re-instated. This had been developed by Tukhachevsky in the 1930s but purged by Stalin. In 1967 the Soviet Army brought back the position of Commander-in-Chief of Ground Forces with the appointment of I. V. Pavlovsky, who had been in charge of the build-up of Soviet motorized infantry forces on the Chinese border. In the same year the Soviet Union conducted her first exercise emphasizing conventional rather than nuclear combat, and from then on numerous Soviet writers have stressed the importance of ground force arms other than tanks, and there was even the suggestion that the tank divisions be merged with motorized rifle divisions.

Contrary to Western expectations and predictions, it took the Soviet Union 15 years to deploy a new main battle tank in Central Europe following the introduction of the T–62. (This is the T–72 which is now undergoing initial deployment.) Yet over the same period she designed, developed and deployed five major . . .

THE ARTILLERY OPTION

In countering anti-tank weapons particular importance is attached to the role played by the artillery. Many Soviet authors, particularly those from the artillery branch, argue that only massive suppressive fire from artillery is capable of reliably destroying an enemy's anti-tank defense. During the conduct of combat operations not involving the use of weapons of mass destruction such a task rests almost entirely upon the artillery. The artillery branch apparently relishes this new role for two main reasons: that within the Soviet Army supervision of ATGM falls under the artillery branch; and that this is a major opportunity for artillery to regain its pre-Khrushchev influence and command over resources.

In the anti-tank debate, the pro-armour writers insist that traditional indirect artillery fire is not sufficient to suppress anti-tank weapons. The artillery advocates recognize this and repeatedly point out that artillery fire against anti-tank positions is much more effective when fired in a direct rather than an indirect mode. But to be truly effective in the direct fire mode, artillery will have to be decentralized in battery-sized units down to battalion level and many direct fire weapons are needed to penetrate a defense.

To ensure that the artillery weapon has tactical mobility and enable the crew to survive in close proximity to the tactical battle, the artillery must be armoured and self-propelled. In fact within the last year the Soviet Union has deployed two new self-propelled large caliber artillery pieces with direct fire capability. This emphasis upon decentralized direct fire self-propelled artillery demonstrates a major shift in traditional Soviet thought which hither-to emphasized massed indirect artillery barrages fired from towed equipment.

As the Soviet experts themselves are well aware, parcelling out artillery in battery-sized units and attempting to co-ordinate the artillery with tanks and infantry is not without its potential disadvantages: even a small-unit tactical assault is rendered enormously complex. Battalion staffs—traditionally lean in personnel—will have to be expanded and even greater strain will be placed upon an already frugal logistic structure. The artillery itself becomes much more exposed and its decentralization becomes a major problem in co-ordinating massed fires.

There are then several indications that in the event of conflict with NATO the Red Army would prefer to launch a surprise attack without needing to rely upon massive mobilization of the rear echelon divisions in the Soviet Union or filling out under-strength forces of the Warsaw Pact. Such an attack, with in-place theatre forces, might have a prospect of catching NATO before, or in the process of, mobilization, thus preventing the West from establishing a linear and dense forward-deployed anti-tank defense. This would permit the Soviet Union to concentrate her forces in the weakest zones of the defense and so maintain their potential for a rapid rate of advance. Soviet commentators often make the point that NATO ground forces, particularly the West German and American armies, are not geared to a prepared defense in depth, which would make the most favourable use of anti-tank weapons, but remain committed to the doctrine of a mobile defense based on brigade and division-level armoured counter attacks. Thus while the West still seems to believe that the tank is the best means of anti-tank defense, Soviet military writers are beginning to stress the offensive use of anti-tank weapons.

GAS TAXES IN ILLINOIS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. DERWINSKI. Mr. Speaker, it is often important to hear from the grassroots level in judging the possible effects throughout the country of a various issue. As representative of the public interest in the effects of President Carter's energy program, WLS–TV Chicago, broadcast their editorial commentary during the week of April 25, on the consequences of the gas taxes in Illinois:

ENERGY PROPOSAL

Part of President Carter's energy proposal has important consequences for Illinois. We're talking about the increased federal gasoline tax.

There's already been talk about increasing state gas taxes. If both proposals, state and national, go through, we could end up paying more for gasoline than almost any other state in the country. Or, more likely, there'll be no way to pass a separate increase here, if the President's proposal is approved.

Now, it's certainly important to conserve fuel. If high gasoline taxes will help do the job, we're behind them. But there's one important point: The proposed state tax was for badly needed transportation improvements, like new highways, road repairs, and mass transit subsidies. Cars get better mileage on good roads, and improved public transportation encourages more car owners to use buses and subways, so state tax money could save even more gasoline. But if the state money is lost because of high federal taxes, these transportation improvements will be lost, too.

Governor Thompson proposes that increased revenue from federal gas taxes be returned to the states, to be used for exactly the kind of changes we're talking about: transportation improvements. We think the President and the Congress should make this proposal part of the Energy Bill. It would allow us to participate in a good, master plan for the country, without sacrificing our own local needs.

(The above editorial was telecast at various times during the week of April 25, 1977.)

PICKLE'S BILL WOULD REDUCE BEEF IMPORTS

HON. BOB GAMMAGE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. GAMMAGE. Mr. Speaker, it is my pleasure to bring to the attention of my colleagues an article appearing in the May 1977, issue of Independent Cattlemen, entitled "Pickle's Bill Would Reduce Beef Imports."

Mr. Speaker, cattlemen today are facing a very real crisis caused by rising fuel and feed costs, coupled with a flood of imported beef, resulting in badly depressed beef prices.

As good fortune would have it, my good friend JAKE PICKLE, Democrat of Texas, has introduced H.R. 1154, which amends the policy of Congress to restrict to 750 million pounds the annual aggregate importation of fresh, chilled, or frozen beef, goat, or sheep meat after December 31, 1974. I support and commend Representative PICKLE for addressing this very severe problem in a straightforward manner, and I urge my colleagues to lend his legislative effort their full support.

The article follows:

PICKLE'S BILL WOULD REDUCE BEEF IMPORTS

Congressman Jake Pickle said in his Washington Report last month that he has introduced legislation "to bring some common sense to the present meat import law so that the rancher will not be forced to quit."

Pickle's report included mention of recent newspaper accounts which warn that the cattle industry is threatened by economic ruin and has suffered its most serious losses since the Dust Bowl days of the 1930's.

Pickle said that the oil price hike of 1973, the Russian wheat deal of 1972 and the increase in animal feed prices are just a few of the problems that have plagued cattlemen nationwide.

Compounding the difficulties, he said, has been the federal government's policy on beef imports.

The congressman said that during the past three years, cattle inventories have grown steadily, from 112 million head in 1970 to 132 million head in 1975.

While this overproduction was depressing the market for producers, he said, the country was being inundated with more than five billion pounds of beef, making an already difficult situation worse.

Although the 1964 Meat Import Act established quota limitations, the quotas have not been enforced.

Pickle says his bill will provide for less imports when this country has a domestic surplus and allow more importation when production is down. He believes the measure would not hurt the consumer and would allow the family farmer and rancher to earn a livelihood.

"The American cattle industry is facing a crisis," he said in his report. "Meat prices today are the lowest in more than a decade in spite of double digit inflation in every other area."

The congressman concluded, "Cattle raisers are going broke by the thousands and now they are going for broke for legislation to keep them in business. For them it is a matter of survival."

A TRIBUTE TO JOHN H. BIDDLE

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. SHUSTER. Mr. Speaker, it is with a deep sense of sadness that I rise to advise the House of Representatives of the sudden death of Mr. John H. Biddle, a leading newspaper, radio, banking, and civic figure in Pennsylvania and, indeed, America.

Mr. Biddle, who lived and worked in my central Pennsylvania congressional district, led an exemplary life dedicated to public service which extended beyond central Pennsylvania to the national and international level. He enriched the lives of his fellow men wherever he went with a sense of dedication and devotion to the public good that is rarely matched.

Rising from a "carrier boy" for the semiweekly News of Huntingdon in 1918 to president of the Gazette Publishing Co., Mr. Biddle demonstrated the skills and intelligence that made him an outstanding success in all walks of life. His leadership and expertise in the field of journalism was recognized by his colleagues who honored him by electing him president of the Pennsylvania Newspaper Publishers Association in 1947 and by naming him Pennsylvania's Newspaper Man of the Year in 1956.

He also served as treasurer and president of the National Newspaper Association in the 1960's. In recognition of his outstanding work for this organization, Mr. Biddle received the NNA's Presidential Award in 1971.

John Biddle also extended his talents and energies to the field of radio where he was instrumental in the founding of Radio Station WHUN in Huntingdon and served as president since its inception in 1947. Until very recently, he was owner and operator of WBFD and WAKM-FM in Bedford County.

Mr. Biddle, who served as chairman of the board of the First National Bank in Bedford since 1955, was active in the banking community throughout his life. He was director at the First National Bank for 40 years; was president of the Grange Trust Co. of Huntingdon from 1955 to 1959; and was chairman of the board for the Penn Central National Bank since 1969.

Always thoughtful of the welfare of his fellow man, John H. Biddle devoted a lifetime to conquering tuberculosis. His never-ending work in this field exceeded State and national boundaries. From 1933 to 1952 he was secretary of the Huntingdon County TB Society; he was president of the Pennsylvania TB and Health Society from 1950 to 1954; was president of the National TB and Respiratory Disease Association from 1971 to 1972; and was councilor to the International Union Against TB in Paris, 1953, Madrid, 1964, and Moscow, 1971.

The eradication of tuberculosis was one of the most important facets of his life and the enthusiasm and vigor with which he attacked the problem was an inspiration to all those who were inflicted with the terrible disease.

Mr. Biddle's deep sense of devotion to public service emanated from his strong religious and moral commitment. A lifetime church member, he served on the church council of the St. James Lutheran Church in Huntingdon, and remained active in civic and charitable institutions throughout his life. He was also a trustee of the Lutheran Theological Seminary at Gettysburg from 1950 to 1956.

He never stopped working for his central Pennsylvania community and could always be counted on to sponsor and organize a community effort for the benefit of others. He was a member of the sponsoring committee of the Pennsylvania Prison Society and served on the board of trustees of the Huntingdon State Correctional Institution from 1939 to 1955. He was one of the founders of the Huntingdon business and industry and served as the second president of the organization.

In his country lodge is the Latin motto "Carpe Diem"—seize the day. John Biddle did just that for the betterment of his family, his community, his State, and his country.

An avid history buff, he was responsible for the establishment of the McMurtrie Mansion as the historical society headquarters and home of the Huntingdon County Library. For his contributions in prose and poetry in Pennsylvania folklore, Mr. Biddle was awarded a lifetime membership in the Pennsylvania Folklore Society.

He was a giant among men and it is extremely difficult to pay tribute to a man who has served the public so faithfully and earned the respect and admiration of those who were privileged to know him. The true worth and value of this man can only be illustrated by the esteem in which he is held by those he touched. John Biddle's character and inner qualities exemplify those for which every man should strive.

Mr. Speaker, John Biddle is survived by his wife, five children, eight grandchildren, and three sisters. I extend to all of them my deepest heartfelt condolences and sympathy. I know that his family will find comfort in his unparalled accomplishments and respect that he earned throughout his lifetime and which will be remembered for many years to come.

America and central Pennsylvania have lost a nationally prominent leader, a devoted public servant, and a true and gracious gentleman.

CONFERENCE ON THE LEGISLATIVE PRIORITIES OF THE HISPANIC COMMUNITY: IV

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. BADILLO. Mr. Speaker, during the past weeks, I have been presenting the working papers and recommendations of the various task forces and workships that took part in the first Conference on the Problems of the Puerto Rican and Hispanic Community in the Metropolitan New York area. As I mentioned, these recommendations when taken together will form the basis for a legislative package that I shall present to the Hispanic Congressional Caucus for inclusion in our list of legislative priorities. This week, I would like to include the trenchant paper prepared by the task force on education, under the leadership of Alfredo Mathew, director of community relations for the New York City Board of Education. I commend this paper, and particularly its recommendations, to my colleagues who are concerned with the growth and expansion of educational opportunities to minority children:

EDUCATION

Purpose: To express to President Carter's Administration and the Federal Government the needs and aspirations of the Puerto Rican/Hispanic Community with a view towards the improvement of educational opportunity and achievement. Specifically, this panel will address itself to the following questions:

1. Where are the educational needs and aspirations of the Puerto-Rican/Hispanic Community?

2. How are these needs and aspirations being met?

3. How can the Federal Government, in particular, the Executive Branch, promote programs and legislation to more effectively serve the needs and aspirations of the Puerto Rican/Hispanic Community?

STATEMENT—PANEL ON EDUCATION—HISPANIC-LEGISLATIVE COMMUNAL CONFERENCE

For more than thirty years now the hardships, frustrations, and failures of the Puerto Rican child in the public schools of this City have been lumped into a category conveniently referred to as "The Puerto Rican Problem." It is high time that we, as parents, and teachers, reject that notion and dispel the myth. The "problem" has not been the children, but rather the overall inability of our schools to cope with their unique needs and to fulfill their legal mandate to educate them.

In more recent years other Hispanic and minority group children have experienced the same consequences of this tragic failure on the part of our educational institutions and supportive governmental agencies.

The net results of this experience have been compiled by various independent sources at various stages but the findings persistently highlight the same deficiency.

The following are a few examples:

Puerto Rican students attend schools that are more segregated now than they were a decade ago.

Very little is known as to the academic and psychological impact on the learner of the many and still proliferating versions of bilingual/bicultural education.

For many Puerto Rican students academic delay increases as they move through the schooling process.

Puerto Ricans have a dropout rate from the public schools of the nation's major urban areas that varies, mostly, between 55 and 80 percent.

The devastating effects of academic retardation and educational disadvantagement, working hand-in-hand with the lack of useful training and adequate employment programs have obviously contributed to the high dropout rates. The results translate into an unemployment rate which surpasses 25% of the total Puerto Rican/Hispanic population nationally.

But even those who survive the public school system and succeed in preparing themselves in institutions of higher learning for the various professions, find themselves confronted with a new series of frustrations.

Recently cited discriminatory practices in the field of education by the U.S. Office of Civil Rights are an example of this. Even qualified Puerto Ricans and Hispanics often find themselves on unemployment lines—not necessarily because there are no positions available, but because doors in education, business and even government are still not completely open to them.

The most recent case in point is the fact that Hispanics are still sadly underrepresented in the Federal Government—this, despite President Carter's commitment to the contrary. It is shocking to note that the threat exists that there will be fewer Puerto Rican/Hispanics in key positions in this administration than were under Presidents Ford and Nixon. But it is not too late to consider and appoint qualified Hispanics who have been recommended for positions which require decisionmaking. We need such people in Health, Education and Welfare, Housing and Urban Development and the Department of Justice, for example.

The purpose and thrust of this conference is to address these and the many other crucial issues facing Puerto Rican/Hispanics throughout the country today. The Panel on Education resolves to organize a Task Force for New York City to rectify these issues in the hope that their children, or at the very least, their children's children can put "The Problem" to rest.

One of the most publicized approaches designed for Puerto Rican/Hispanics to achieve equal educational opportunity and meaningful participation in the mainstream of our society is bilingual education.

For the past ten years, bilingual education programs have been steadily increasing. However, the vast majority of the programs being implemented are transitional and remedial in nature. Transitional programs utilize a child's native language as a medium of instruction until the child becomes fluent in English. Upon achieving fluency in English the utilization of the child's native language as a medium of instruction ceases. The child's native language is used only as a vehicle which will facilitate the acquisition of English as a second language. A child's native language is relegated second class status; creating a classroom environment which is not conducive to learning. Transitional programs negate the richness of an individual's native language and culture and reinforce the development of a negative self-concept. These programs tacitly affirm that a child's native language is second rate—not "good" enough to be used as a medium of instruction in the teaching of subject areas, implying that there is very little need in maintaining it. The aforementioned programs have a negative effect on the child's social and emotional development and deprive the child of his/her rich cultural heritage. By not maintaining their native language, children will not be able to communicate with their parents and grandparents, and they will not be able to read their forebears' great historical and literary works. Children who speak a language other than English are being muffled; their windows to the world are being shut tight, limiting their view of the world. By emphasizing English language instruction and the culture of the dominant language group, transitional programs are atrophying the intellectual, cultural, social and emotional development of children.

We contend that if our community's needs are to be met, we will need to establish maintenance bilingual education programs at all levels from pre-K through graduate school, in all fields of endeavor, from basic adult education course to highly technical courses of study. Our proposal is a costly one, but is of great necessity if we are to assist our community in becoming upwardly mobile. The evidence of real commitment to bilingual education is whether or not adequate levels of funding are provided. But this is only one dimension of what we are facing.

On January 18, 1977 the United States Office of Civil Rights determined that the New York City Board of Education has violated Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, national origin; Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex; and section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against the physically or mentally handicapped individuals. The specific findings of this report which have been widely disseminated are a focal point of this panel and of serious concern to all conference participants.

RECOMMENDATIONS

The Panel on Education of the Hispanic Legislative-Communal Conference, therefore, urges the adoption of the following resolutions:

1. Full and complete compliance with the Office of Civil Rights' findings with respect to the elimination of discriminatory practices in the hiring and promoting of minorities and women.

2. Full and complete compliance with the Office of Civil Rights' findings with respect to the unequal delivery of services in both tax levy and reimbursable programs to minority children in the public schools.

3. That the Federal Government require an affirmative action program supervised by the Office of Civil Rights to improve the representation of minority staff throughout the school system.

4. That the Federal Government mandate an affirmative retention program that will eliminate any further diminution of minority staff in the New York City school system.

The above represent our recommendations for immediate action.

In addition, we propose that the Title VII, ESEA legislation be modified in order to:

1. Encourage the development of maintenance bilingual education programs.

2. Allocate funds on a formula basis according to the size and needs of the target populations.

3. Provide direct services to the target populations.

4. Provide funds for the development of different types of instructional programs, from pre-K to university programs offering highly technical graduate courses of study.

5. Provide funds to conduct extensive research on all facets of bilingual education.

6. Provide funds for the development of appropriate and relevant materials and evaluation instruments.

7. Provide funds to large city school systems (with student populations of more than one million) to enable them to provide technical assistance to its school districts in program planning and implementation.

8. Expand the parental and community involvement component of Title VII programs because the success of any bilingual education program impinges upon the receptivity and commitment on the part of the parents and community to the concept of bilingual education. Provisions must be made to allocate specific moneys to provide parents and community organizations with orientation and significant cultural experiences to give continuity to the bilingual educational process.

ROLLCALL OF HEROES, 1976–77

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. GOLDWATER. Mr. Speaker, once again we gather here to pay tribute to those law enforcement officers who gave their lives in the performance of their duty during the past year. In sad commemoration of National Peace Officers Memorial Week, I offer my colleagues the thoughtful words of Thucydides, whose funeral oratory for Pericles is uncannily appropriate to this occasion:

> Fix your eyes on the greatness of Athens as you have it before you day by day, fall in love with her, and when you feel her great, remember that this greatness was won by men with courage, with knowledge of their duty, and with a sense of honor in action...
>
> So they gave their bodies to the commonwealth and received, each for his own memory, praise that will never die, and with it the grandest of all sepulchers, not that in which their mortal bones are laid, but a home in the minds of men, where their glory remains fresh to stir to speech or action as the occasion comes by.
>
> For the whole earth is the sepulcher of famous men; and their story is not graven only on stone over their native earth, but lives on far away, without visible symbol, woven into the stuff of other men's lives.
>
> For you now it remains to rival what they have done and, knowing the secret of happiness to be freedom and the secret of freedom a brave heart, not idly to stand aside from the enemy's onset.

Mr. Speaker, colleagues, it is now my sad honor and privilege to name those, who in the past year, have earned "a home in the minds of men, where their glory remains fresh":

On April 25, 1976, Sgt. Julian Branch, of Clio, Marlboro County, South Carolina;

On May 25, 1976, Chief Carl Simons, of Leoti, Kansas;

On May 25, 1976, Patrolman Wayne B. Stoutamyer, of Bridgewater, Virginia;

On May 31, 1976, Patrolman Jack A. Wright, of Bradley Beach, New Jersey;

On May 31, 1976, Patrolman Kip E. Boulis, of Perryburg, Ohio;

On May 31, 1976, Department Chief Joseph A. LeBlanc, of Portage County, Ohio;

On June 11, 1976, Officer Douglas Paul Bell, of Keota, Iowa;

On June 12, 1976, Sgt. Roger E. Barrett, of Waco, Texas;

On June 14, 1976, Deputy Gary D. Murphy, of Lake County, Illinois;

On June 27, 1976, Patrolman Ernesto Rascon, of Anthony, Texas;

On June 30, 1976, Officer James Marchbanks, of Savannah, Georgia;

On July 6, 1976, Deputy Walter F. Irey, of Columbia County, Florida;

On July 6, 1976, Deputy William T. Williams, Jr. of Columbia County, Florida;

On July 11, 1976, Officer William R. Mullins, Jr., of Yorktown, Texas;

On July 19, 1976, Patrolman Sanford Stanley, of Coshocton, Ohio;

On July 20, 1976, Agent Robert Bay Hutchings, of the Utah Department of Public Safety;

On July 22, 1976, Patrolman Edwardo B. Mendez, of Ponce, Puerto Rico;

On July 31, 1976, Patrolman Pablo E. Albiderz, Jr., of Laredo, Texas;

On July 31, 1976, Sgt. Hugh Purdy, of the Colorado State Patrol;

On August 3, 1976, Patrolman Clemmie Curtis, of Huntington, West Virginia;

On August 6, 1976, Officer Lewis Steve Hall, of Port Arthur, Texas;

On August 11, 1976, Patrolman Michael J. Smith, of Columbus, Ohio;

On August 11, 1976, Patrolman Roger Lee Brown, of Columbus, Ohio;

On August 10, 1976, Officer Andrew V. Robinson, of Madison Township, Ohio;

On August 11, 1976, Officer Brian Murray, of Rockville Centre, New York;

On August 13, 1976, Officer John Snow, of Newark, New Jersey;

On September 2, 1976, Patrolman John S. Reese, of Cleveland, Ohio;

On August 17, 1976, Patrolman Earl Charles Ashton, of Osborn, Idaho;

On August 17, 1976, Patrolman Raymond Hicks, of Los Angeles, California;

On August 31, 1976, Narcotics Officer Kenneth Smith, of Jefferson Parish, Louisiana;

On August 28, 1976, a Deputy from Tallahatchie County, Mississippi;

On August 29, 1976, Officer Mark W. Hines, of Jefferson County, Kentucky;

On September 3, 1976, Chief Andrew Williams of Saluda, North Carolina;

On September 4, 1976, Sheriff Donald D. Eustice, of Waseca County, Minnesota;

On September 13, 1976, Patrolman Patrick Crowley, of Chicago, Illinois;

On September 23, 1976, Officer Dorian Halvorson, of Seattle, Washington;

On September 24, 1976, Officer Randy Monroe Basnet, of Fort Smith, Arkansas;

On October 2, 1976, Patrolman Ralph W. Miller, of Manchester, New Hampshire;

On October 12, 1976, Patrolman Terrance Loftus, of Chicago, Illinois;

On October 12, 1976, Officer Arthur DeMatte, of Larchmont, New York;

On October 12, 1976, Patrolman John Schmidt, of Butler Township, Ohio;

On October 13, 1976, Sgt. Morris Albany, of Upland, Pennsylvania;

On October 15, 1976, Chief Leanneau D. Hammond, of Fairbluff, North Carolina;

On October 16, 1976, Sgt. Michael J. Acri, of the Washington, D.C. Metropolitan Police;

On October 19, 1976, Auxiliary Officer Fred B. Bergmann, of St. Charles, Missouri;

On October 27, 1976, Chief Ted Holcombe, of Trimble, Ohio;

On October 30, 1976, Patrolman Paul Luther, of Mechanicville, New York;

On November 12, 1976, a Sheriff from Motley County, Texas;

On November 13, 1976, Patrolman Alvin E. Moore from Dallas, Texas;

On November 14, 1976, Officer George Kempen of Nassau County, New York;

On November 15, 1976, Trooper Garland W. Fisher, Jr., of the Virginia State Police;

On November 18, 1976, Sheriff Park Richards, of Calhoun County, West Virginia;

On November 19, 1976, Sgt. Donald J. Sowma, of Cypress, California;

On November 21, 1976, Patrolman John H. LeCompte, of Arnold, Missouri;

On November 21, 1976, Trooper Sammy Charles Long, of the Texas Department of Public Safety;

On November 28, 1976, Patrolman Robert W. Wood, of Dallas, Texas;

On November 29, 1976, a Deputy from Benton County, Arkansas;

On December 4, 1976, a Deputy from Wayne County, Michigan;

On December 7, 1976, Officer Gerald L. Carpenter from Pontiac, Michigan;

On December 11, 1976, Officer David Hancock, from Montgomery Township, Pennsylvania;

On December 28, 1976, Officer Billy Ray Watson, from Columbus, Georgia;

On December 28, 1976, Officer Milburn Williamson, of Philadelphia, Mississippi;

On January 1, 1977, Officer James Gatzounas, of Holyoke, Massachusetts;

On January 6, 1977, Patrolman Robert Dale Hoelzel, of Normandy, Missouri;

On January 8, 1977, Officer Dennis F. Spinnett, of Thomasville, North Carolina;

On January 12, 1977, Trooper C. H. Johnson, of the West Virginia State Police;

On January 12, 1977, Trooper T. D. Hercules, of the West Virginia State Police;

On January 16, 1977, Officer James Lloyd Stapp, of Sweetwater, Tennessee;

On January 20, 1977, Constable Manuel Gonzalez, of Zapata, Texas;

On February 3, 1977, a Lieutenant from the Arkansas Department of Public Safety;

On February 5, 1977, Officer Paul N. Mitchell, of Anne Arundel County, Maryland;

On February 14, 1977, Officer Allan McLeod, of New Rochelle, New York;

On February 22, 1977, an Officer from Puerto Rico;

On March 4, 1977, an Officer from Caliente, Nevada;

On March 12, 1977, Patrolman McCord Springfield, from Memphis, Tennessee;

On March 30, 1977, Officer Francis Magro, from Philadelphia, Pennsylvania;

On April 2, 1977, Patrolman Denis Allen, of San Diego, California;

On April 4, 1977, Trooper Larry B. Crabtree, of the Oklahoma Highway Patrol;

On April 5, 1977, Patrolman Abe I. Pipkin, of Beebe, Arkansas;

On April 12, 1977, Patrolman Clifton Henderson of Bolton, Mississippi;

On April 15, 1977, Officer John W. Buckley, of Arlington County, Virginia;

On April 17, 1977, Deputy Benton P. Bardelon, Jr., of Rapides Parish, Louisiana;

On April 19, 1977, Patrolman James Taylor Thomas, of Dania, Florida; and

On April 26, 1977, Officer Bruce W. Wilson, of the Washington, D.C. Metropolitan Police.

My profound apologies to the families of any deceased police officer whose name might be missing from this Roll Call of Heroes, 1976–1977; and my sincere thanks to Virgil D. Penn, Jr., National Chaplain-East, Fraternal Order of Police, whose dedication in keeping this list every year makes this recognition possible.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, May 19, 1977, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 20

9:30 a.m.

Governmental Affairs

Energy, Nuclear Proliferation, and Federal Services Subcommittee

To resume hearings to receive testimony on a report of the Commission on Postal Service.

3302 Dirksen Building

*Joint Economic

To receive testimony on the economic impact of the President's energy proposals.

6202 Dirksen Building

10:00 a.m.

Appropriations

Defense Subcommittee

To hold closed hearings on proposals to reprogram certain fiscal year 1977 funds for the Army, Navy, Air Force, and Marine Corps.

1223 Dirksen Building

Banking, Housing, and Urban Affairs

To continue hearings on S. 695, to impose on former Federal procurement personnel an extended time period during which they may not work for defense contractors.

5302 Dirksen Building

Select Intelligence

To hold a closed business meeting.

H-403, Capitol

11:00 a.m.

Foreign Relations

Near Eastern and South Asian Affairs Subcommittee

To receive testimony on problems in the Middle East.

4221 Dirksen Building

MAY 23

9:00 a.m.

Energy and Natural Resources

Public Lands and Resources Subcommittee

To hold oversight hearings on the implementation of the Wild Horses and Burros Act.

3110 Dirksen Building

10:00 a.m.

Banking, Housing, and Urban Affairs

To continue hearings on S. 695, to impose on former Federal procurement personnel an extended time period during which they may not work for defense contractors.

5302 Dirksen Building

Governmental Affairs

Intergovernmental Relations Subcommittee

To hold hearings on S. 600, the Regulatory Reform Act of 1977.

6226 Dirksen Building

Select Indian Affairs

To hold hearings on S. 905, the Central Arizona Indian Tribal Water Settlement Act of 1977.

Room to be announced

MAY 24

9:00 a.m.

Governmental Affairs

Subcommittee on Reports, Accounting, and Management

To resume hearing to review the processes by which accounting and auditing practices and procedures, promulgated or approved by the Federal Government, are established.

6202 Dirksen Building

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on S. 657, to establish an Earth Resources and Environmental Information System.

5110 Dirksen Building

Select Small Business

To resume hearings on alleged restrictive and anticompetitive practices in the eyeglass industry.

424 Russell Building

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on bills dealing with Federal regulation and supervision of financial institutions (S. 1433, 895, 71 and 73).

5302 Dirksen Building

Energy and Natural Resources

Energy Production and Supply Subcommittee

To hold oversight hearings to review the proposed exchange of land between the Superior Oil Company and the Federal Government.

3110 Dirksen Building

Finance

Private Pension Plans and Employee Fringe Benefits Subcommittee

To resume joint hearings with Select Committee on Small Business on S. 285, proposed Tax-Exempt Private Pension Investment Act of 1977, and S. 901, proposed Pension Simplification Act.

2221 Dirksen Building

Foreign Relations

To hold hearings on the Convention on the Prevention and Punishment of the Crime of Genocide (Exec. O, 81st Cong., 1st sess.).

4221 Dirksen Building

Governmental Affairs

Intergovernmental Relations Subcommittee

To continue hearings on S. 600, the Regulatory Reform Act of 1977.

6226 Dirksen Building

Human Resources

To hold hearings on the nomination of Eleanor Holmes Norton, of New York, to be a member of the Equal Employment Opportunity Commission.

4232 Dirksen Building

10:30 a.m.

Judiciary

To hold hearings on the nomination of Francis J. Boyle, of Rhode Island, to be U.S. district judge for the district of Rhode Island.

2228 Dirksen Building

11:00 a.m.

Judiciary

To resume hearings on S. 1096, to strengthen Federal regulations concerning use of false identification when applying for Federal identification documents.

2228 Dirksen Building

2:00 p.m.

Select Intelligence

Charters and Guidelines Subcommittee

To hold a closed business meeting.

H-403, Capitol

MAY 25

9:00 a.m.

Energy and Natural Resources

Energy Conservation and Regulation Subcommittee

To hold hearings on S. 19, S. 743, and H.R. 130, to provide for the protection of franchised distributors and retailers of motor fuel.

3110 Dirksen Building

Veterans' Affairs

To hold hearings on S. 247 and S. 1414, to provide recognition to the W.W. II Women's Air Forces Service Pilots and W.W. I Signal Corps telephone operators, respectively; and S. 129, to restore certain rights and benefits to certain Filipino combat veterans of W.W. II.

Until noon 318 Russell Building

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To continue hearings on S. 657, to establish an Earth Resources and Environmental Information System.

5110 Dirksen Building

Energy and Natural Resources

Energy Production and Supply Subcommittee

To resume hearings on S. 977, to conserve gas and oil by fostering increased utilization of coal in electric generating facilities and in major industrial installations.

4200 Dirksen Building

Human Resources

Education, Arts, and Humanities Subcommittee

To hold joint hearings with the House Subcommittee on Select Education on the arts in education.

Until noon 2175 Rayburn Building

Select Small Business

To continue hearings on alleged restrictive and anticompetitive practices in the eyeglass industry.

424 Russell Building

Select Indian Affairs

To hold hearings on S. 660, seeking an agreement with the Cherokee, Choctaw, and Chickasaw Indian Tribes of Oklahoma for the purchase or lease of their rights in the riverbed of the Arkansas River.

Room to be announced

10:00 a.m.

Banking, Housing, and Urban Affairs

To continue hearings on bills dealing with Federal regulation and supervision of financial institutions (S. 1433, 895, 71 and 73).

5302 Dirksen Building

Finance

Private Pension Plans and Employee Fringe Benefits Subcommittee

To continue joint hearings with Select Committee on Small Business on S. 285, proposed Tax-Exempt Private Pension Investment Act of 1977, and S. 901, proposed Pension Simplification Act.

2221 Dirksen Building

Governmental Affairs

Intergovernmental Relations Subcommittee

To continue hearings on S. 600, the Regulatory Reform Act of 1977.

6226 Dirksen Building

Joint Economic

To receive testimony on the economic

impact of the President's energy proposals.

1114 Dirksen Building

Rules and Administration

To mark up resolutions requesting funds for activities of Senate committees and subcommittees.

301 Russell Building

Select Small Business

To hold hearings on S. 807, to authorize grants to assist individuals and small business concerns in developing solar energy equipment and energy-related inventions.

235 Russell Building

1:00 p.m.

Governmental Affairs

Government Efficiency Subcommittee

To hold hearings to receive testimony on a GAO study alleging inaccurate financial records of the Federal flood insurance program.

1224 Dirksen Building

MAY 26

9:30 a.m.

Energy and Natural Resources

Public Lands and Resources Subcommittee

To hold hearings on S. 1338, to authorize the issuance of permits on public domain national forest lands for commercial outdoor recreation activities.

3110 Dirksen Building

Rules and Administration

To mark up S. 926 to provide for public financing of primary and general elections for the U.S. Senate, and the following bills to amend the Federal Election Campaign Act: S. 15, 105, 962, 966, 1320, and 1344.

301 Russell Building

Select Small Business

To continue hearings on alleged restrictive and anticompetitive practices in the eyeglass industry.

235 Russell Building

10:00 a.m.

Foreign Relations

To continue hearings on the Convention on the Prevention and Punishment of the Crime of Genocide (Exec. O, 81st. Cong., 1st sess.).

4221 Dirksen Building

Governmental Affairs

Subcommittee on Reports, Accounting, and Management.

To continue hearings to review the processes by which accounting and auditing practices and procedures, promulgated or approved by the Federal Government, are established.

6202 Dirksen Building

Human Resources

Health and Scientific Research Subcommittee

To resume hearings on S. 1391, Hospital Cost Containment Act of 1977.

4232 Dirksen Building

Select Small Business

To continue hearings on S. 807, to authorize grants to assist individuals and small business concerns in developing solar energy equipment and energy-related inventions.

424 Russell Building

JUNE 3

11:00 a.m.

Joint Economic

To hold hearings to receive testimony on the employment/unemployment situation in May.

1202 Dirksen Building

JUNE 6

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on H.R. 5675, to authorize the Treasury Department to make short-term investments of any portion of its excess operating cash balance.

5302 Dirksen Building

Commerce, Science, and Transportation

Communications Subcommittee

To hold oversight hearings on the cable TV system.

235 Russell Building

Select Indian Affairs

To hold oversight hearings on the Indian Education Reform Act (Public Law 93-638).

Room to be announced

JUNE 7

8:30 a.m.

Finance

Health Subcommittee

To hold hearings on S. 1470, Medicare and Medicaid Administrative and Reimbursement Reform Act.

2221 Dirksen Building

9:30 a.m.

Select Small Business

To resume hearings on alleged restrictive and anticompetitive practices in the eyeglass industry.

424 Russell Building

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on S. 1397, to increase from 16 to 19 the size of the Board of Directors of FNMA.

5302 Dirksen Building

Commerce, Science, and Transportation

Communications Subcommittee

To continue oversight hearings on the cable TV system.

235 Russell Building

Foreign Relations

To hold hearings on an agreement with Canada concerning the transit oil pipeline (Exec. F, 95th Cong., 1st sess.), and the Inter-American Treaty of Reciprocal Assistance (Exec. J, 94th Cong., 1st sess.).

4221 Dirksen Building

Human Resources

Health and Scientific Research Subcommittee

To hold hearings to evaluate information upon which the FDA based its decision to propose regulations banning the use of saccharin.

4232 Dirksen Building

Joint Economic

Economic Growth and Stabilization Subcommittee

To hold hearings on economic development in rural areas.

1202 Dirksen Building

Select Indian Affairs

To continue oversight hearings on the Indian Education Reform Act (P.L. 93-638).

Room to be announced

10:30 a.m.

Appropriations

Transportation Subcommittee

To mark up proposed appropriations for fiscal year 1978 for the Department of Transportation.

S-128, Capitol

JUNE 8

8:30 a.m.

Finance

Health Subcommittee

To continue hearings on S. 1470, Medicare and Medicaid Administrative and Reimbursement Reform Act.

2221 Dirksen Building

9:00 a.m.

Commerce, Science, and Transportation

Science Technology, and Space Subcommittee

To hold hearings on S. 421, to establish a program to educate the public in understanding climatic dynamics.

5100 Dirksen Building

10:00 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To continue oversight hearings on the cable TV system.

235 Russell Building

Energy and Natural Resources

Parks and Recreation Subcommittee

To hold hearings on S. 975, to improve the administration of the National Park System.

3110 Dirksen Building

Foreign Relations

International Operations Subcommittee

To hold oversight hearings on the role of the media, business, banking, labor, national security, etc. in the current and future international flow of information.

4221 Dirksen Building

Human Resources

Health and Scientific Research Subcommittee

To continue hearings to evaluate information upon which the FDA based its decision to propose regulations banning the use of saccharin.

4232 Dirksen Building

Joint Economic

To hold hearings to review economic conditions, and to discuss the future outlook.

6202 Dirksen Building

JUNE 9

8:30 a.m.

Finance

Health Subcommittee

To continue hearings on S. 1470, Medicare and Medicaid Administrative and Reimbursement Reform Act.

2221 Dirksen Building

9:00 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To continue hearings on S. 421, to establish a program to educate the public in understanding climatic dynamics.

5110 Dirksen Building

10:00 a.m.

Foreign Relations

International Operations Subcommittee

To continue oversight hearings on the role of the media, business, banking, labor, national security, etc., in the current and future international flow of information.

4221 Dirksen Building

Governmental Affairs

Reports, Accounting, and Management Subcommittee

To resume hearings to review the processes by which accounting and auditing practices and procedures, promulgated or approved by the Federal Government, are established.

6202 Dirksen Building

Joint Economic

To continue hearings to review economic conditions, and to discuss the future outlook.

1202 Dirksen Building

JUNE 10

8:30 a.m.

Finance

Health Subcommittee

To continue hearings on S. 1470, Medicare and Medicaid Administrative and Reimbursement Reform Act.

2221 Dirksen Building

9:00 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To continue hearings on S. 421, to establish a program to educate the public in understanding climatic dynamics.
5110 Dirksen Building

10:00 a.m.
Foreign Relations
International Operations Subcommittee
To continue oversight hearings on the role of the media, business, banking, labor, national security, etc., in the current and future international flow of information.
4221 Dirksen Building

JUNE 13

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on S. 657, to establish an Earth Resources and Environmental Information System.
235 Russell Building

Finance
Taxation and Debt Management Subcommittee
To receive testimony on proposal which seeks to encourage economic growth and employment.
2221 Dirksen Building

10:00 a.m.
Governmental Affairs
Reports, Accounting, and Management Subcommittee
To resume hearings to review the processes by which accounting and auditing practices and procedures, promulgated or approved by the Federal Government, are established.
6226 Dirksen Building

JUNE 14

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To continue hearings on S. 657, to establish an Earth Resources and Environmental Information System.
5110 Dirksen Building

Finance
Taxation and Debt Management Subcommittee
To receive testimony on proposals which seek to encourage economic growth and employment.
2221 Dirksen Building

10:00 a.m.
Joint Economic
Economic Growth and Stabilization Subcommittee
To continue hearings on economic development in rural areas.
1202 Dirksen Building

JUNE 15

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To continue hearings on S. 657, to establish an Earth Resources and Environmental Information System.
235 Russell Building

10:00 a.m.
Foreign Relations
To hold hearings on treaties with Mexico and Canada on prisoner exchanges (Exec. D and H, 95th Cong., 1st sess.).
4221 Dirksen Building

Joint Economic
Economic Growth and Stabilization Subcommittee
To continue hearings on economic development in rural areas.
6226 Dirksen Building

JUNE 16

9:00 a.m.
Veterans' Affairs
Compensation and Pension Subcommittee
To hold hearings on proposed increase in veterans' pensions.
6226 Dirksen Building

10:00 a.m.
Foreign Relations
To continue hearings on treaties with Mexico and Canada on prisoner exchanges (Exec. D and H, 95th Cong., 1st sess.).
4221 Dirksen Building

JUNE 17

9:30 a.m.
Veterans' Affairs
Health and Readjustment Subcommittee
To hold oversight hearings on veterans' employment-unemployment situation.
Until 12:30 p.m. 6226 Dirksen Building

JUNE 22

9:00 a.m.
Veterans' Affairs
Health and Readjustment Subcommittee
To hold hearings on the effectiveness of VA programs on Mental Health, Alcohol and Drug Abuse, Readjustment Counseling, and Health.
Until 2 p.m. 6226 Dirksen Building

10:00 a.m.
Joint Economic
Subcommittee on Economic Growth and Stabilization
To hold hearings to receive testimony from public pollsters on the current status of, and future conditions affecting the economy.
1202 Dirksen Building

JUNE 24

9:00 a.m.
Veterans' Affairs
Health and Readjustment Subcommittee
To hold hearings on proposed increases in rates of education benefits.
Until 2 p.m. 6226 Dirksen Building

JUNE 27

9:30 a.m.
Veterans' Affairs
Health and Readjustment Subcommittee
To hold hearings on proposed legislation to amend the Veterans' Physician and Dentists' Pay Comparability Act.
Until noon 6226 Dirksen Building

JUNE 28

9:00 a.m.
Veterans' Affairs
Housing, Insurance, and Cemeteries Subcommittee
To hold hearings on S. 718, to provide veterans with certain cost information relating to the conversion of Government-supervised insurance to individual life insurance policies.
6202 Dirksen Building

JUNE 29

9:00 a.m.
Veterans' Affairs
Health and Readjustment Subcommittee
To resume hearings on proposed increases in rates of veterans' education benefits.
Until 2 p.m. 6226 Dirksen Building

JUNE 30

9:00 a.m.
Veterans' Affairs
Housing, Insurance, and Cemeteries Subcommittee
To continue hearings on S. 718, to provide veterans with certain cost information relating to the conversion of Government-supervised insurance to individual life insurance policies.
6226 Dirksen Building

JULY 12

10:00 a.m.
Foreign Relations
To hold hearings on the Vienna Convention on the Law of Treaties (Exec. L, 92d Cong., 1st sess.).
4221 Dirksen Building

JULY 13

10:00 a.m.
Foreign Relations
To review the operation and effectiveness of the War Powers Resolution of 1973.
4221 Dirksen Building

JULY 14

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To receive a report from the National Commission on Supplies and Shortages on materials policy research and development.
5110 Dirksen Building

10:00 a.m.
Foreign Relations
To review the operation and effectiveness of the War Powers Resolution of 1973.
4221 Dirksen Building

JULY 15

10:00 a.m.
Foreign Relations
To review the operation and effectiveness of the War Powers Resolution of 1973.
4221 Dirksen Building

JULY 19

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To receive a report from the National Commission on Supplies and Shortages on materials policy research and development.
5110 Dirksen Building

10:00 a.m.
Foreign Relations
To hold hearings on the following five tax treaties. Convention with Israel (Exec. C, 94th Cong., 2nd sess.); Convention with Egypt (Exec. D, 94th Cong., 2nd sess.); Convention with the United Kingdom (Exec. K, 94th Cong., 2nd sess.); Convention with the Republic of Korea (Exec. P, 94th Cong., 2nd sess.); and Convention with the Republic of the Philippines (Exec. C, 95th Cong., 1st sess.).
4221 Dirksen Building

JULY 20

10:00 a.m.
Foreign Relations
To hold hearings on the following five tax treaties; Convention with Israel (Exec. C, 94th Cong., 2nd sess.); Convention with Egypt (Exec. D, 94th Cong., 2nd sess.); Convention with the United Kingdom (Exec. K, 94th Cong., 2nd sess.); Convention with the Republic of Korea (Exec. P, 94th Cong., 2nd sess.); and Convention with the Republic of the Philippines (Exec. C, 95th Cong., 1st sess.).
4221 Dirksen Building

JULY 26

10:00 a.m.
Foreign Relations
To hold hearings on protocol to the Convention on International Civil Aviation (Exec. A, 95th Cong., 1st sess.), and two related protocols (Exec. B, 95th Cong., 1st sess.).
4221 Dirksen Building

HOUSE OF REPRESENTATIVES—*Thursday, May 19, 1977*

The House met at 10 o'clock a.m.

DESIGNATION OF SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore (Mr. WRIGHT) laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
May 19, 1977.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore for today.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

Msgr. James P. Cassidy, Ph. D., director, Department of Health and Hospitals, Archdiocese of New York, offered the following prayer:

Let us pray:

Almighty and Eternal God, we humbly ask your blessings on this assembly that, with deep understanding and sound judgment, they may be strengthened with fortitude to persevere in the performance of the task set before them.

On this Ascension Thursday, it is appropriate to recognize the need to gather together in these times when doubt and fears assail us, so that our undertakings will lead to a better understanding of our goals and commitments to the people of our great country.

May the Holy Spirit allow fulfillment of this trust which will lead to a better development of mankind, especially for the Cuban people who today are celebrating Cuban Independence Day.

May we be encouraged in our compassion for our brothers and sisters and grow in holiness by loving service through the intercession of our Lord God so we may all ascend with Him on the last day. Amen.

THE JOURNAL

The **SPEAKER** pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3662. An act granting the consent of Congress to the Mississippi-Louisiana Bridge construction compact.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 5970. An act to authorize appropriations during the fiscal year 1978, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense and to authorize the military training student loads, and for other purposes; and

H.R. 6370. An act to authorize appropriations to the International Trade Commission for fiscal year 1978, to provide for the Presidential appointment of the chairman and vice chairman of the Commission, to provide for greater efficiency in the administration of the Commission, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5970) entitled "An act to authorize appropriations during the fiscal year 1978, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STENNIS, Mr. JACKSON, Mr. CANNON, Mr. MCINTYRE, Mr. HARRY F. BYRD, JR., Mr. NUNN, Mr. CULVER, Mr. HART, Mr. TOWER, Mr. THURMOND, Mr. GOLDWATER, Mr. SCOTT, and Mr. BARTLETT to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 58. An act for the relief of Dora Alicia Adan;

S. 215. An act for the relief of Nostratollah Moradi;

S. 464. An act for the relief of Sameek Keshary Ray;

S. 556. An act for the relief of Lee Young Soo;

S. 891. An act to extend the authorization for appropriations under the Deepwater Port Act, and for other purposes;

S. 904. An act to provide for the efficient and regular distribution of current information on Federal domestic assistance programs; and

S. 1511. An act to amend the Noise Control Act of 1972 to authorize appropriations to carry out the provisions of such Act for fiscal year 1978.

MSGR. JAMES P. CASSIDY

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADDABBO. Mr. Speaker, I wish to welcome to the House of Representatives Monsignor Cassidy who gave us the great invocation this morning. Monsignor Cassidy has dedicated himself to all people in all walks of life and religion in working with charity. His heart is as big as he is, and it is a great privilege for us to have received our invocation by Monsignor Cassidy.

Mr. BIAGGI. Mr. Speaker, I am pleased at the opportunity to welcome Msgr. James Cassidy here this morning. His opening prayer reflects his deep commitment to helping his fellow man in service to God.

Monsignor Cassidy for the past two decades has served as a leader in the Archdiocese of New York. His expertise has been especially effective in the health field. Monsignor Cassidy serves as the director of the Health and Hospital Division of Catholic Charities, of the Archdiocese of New York. He also serves as an executive member of the Health Systems Agency in the city of New York.

Monsignor Cassidy and I share a deep concern about the problem of child abuse and neglect in the city of New York, and we are both involved with the programs of the New York Foundling Hospital which is headed by my good friend Dr. Vincent Fontana.

It is an honor to welcome such an outstanding man of God and community leader. Monsignor Cassidy represents the epitome of the modern day priest combining his service to God with service to his fellow man. He is a man I deeply respect and admire.

PERMISSION FOR SUBCOMMITTEE ON MINORITY ENTERPRISE AND GENERAL OVERSIGHT OF COMMITTEE ON SMALL BUSINESS TO SIT DURING MORNINGS OF MAY 25, 1977, AND MAY 26, 1977, DURING 5-MINUTE RULE

Mr. ADDABBO. Mr. Speaker, I ask unanimous consent that the Subcommittee on Minority Enterprise and General Oversight of the Committee on Small Business may be permitted to sit on the mornings of May 25, 1977, and May 26, 1977, during the deliberations of the House under the 5-minute rule.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

HOW SWEET IT IS

(Mr. O'BRIEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'BRIEN. Mr. Speaker, the plan the President has proposed to prop up sugar farmers through a $250 million Federal giveaway looks, on the surface, like any other farm program. But looking a little deeper, it is one of the most unusual proposals made by the new administration.

Not too many people realize how much of our Nation's sweetener supply comes from sweeteners made from corn. Today about a quarter of our sweeteners come from corn. And this new program would use your tax dollars to give sugar growers a competitive edge over corn growers in the sweetener markets. The companies that make sweeteners from corn are buying about 1 out of every 10 bushels of corn sold in the cash market today. Every time the Government passes out cash to the sugar processors, they will be taking away another piece of the corn market. This is one of the most unprecedented actions our Government has ever considered. Ours is a nation based on principles of free trade and open competition, and here we have the Government proposing to subsidize one group of farmers at the expense of another group of farmers.

We still do not know exactly how the Agriculture Department plans to pass this money around, but it looks like we are headed back to the days when sugar companies would regularly expect to see million-dollar Government checks in their mailbox. Only 16,000 farmers in America grow sugar. After sugar prices climbed to record peaks 3 years ago, they expanded their production tremendously, leading to today's oversupply and low prices. A quarter-billion dollars seems an awfully large price for the taxpayers to pay to get them out of trouble.

TOMORROW MARKS 50TH ANNIVERSARY OF LINDBERGH FLIGHT

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to extend his remarks.)

Mr. DORNAN. Mr. Speaker, 50 years ago tomorrow a young Minnesotan, a Reserve Army Air Corps captain and sometime airmail pilot, Charles A. Lindbergh, Jr., began what was to become the most famous flight in all of aviation history with the sole exception of the Wright brothers' magnificent flight at Kitty Hawk on December 17, 1903. This 50th anniversary is receiving worldwide attention, but I wonder how many Members of this body are aware that Lindbergh's father, Charles Augustus Lindbergh, Sr., was a member of this esteemed legislative body for 10 years as the Representative of the Sixth District of Minnesota from March 4, 1907, through March 3, 1917.

Congressman Lindbergh must have been an inspiring dad.

What his young son, who had turned 25 on February 4, 1927, brought in progress to aviation by opening up commercial routes around the world has been an absolutely awesome story of progress in the history of civilization.

If we were to take 50 years of growth in transportation during any other period in all the centuries of recorded history, whether by sea, by rail, or by road and try to compare that with the explosive growth of air transportation since that little San Diego-built *Spirit of St. Louis* flew those 33 hours and 29 minutes to Paris, we would find there is no comparison. Look at the majestic ships of the sky only 50 years later, the 747's, the DC-10's, the Lockheed 1011's, and yes even the sleek, controversial Concorde supersonic airliners that are flying the airways of the world. One lone eagle and a dynamic free enterprise society. What a combination. That courageous effort of one young American 50 years ago was an unbelievable leap forward in the progress of mankind.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO HAVE UNTIL MIDNIGHT, FRIDAY, MAY 20, 1977, TO FILE CERTAIN REPORTS

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until midnight, Friday, May 20, 1977, to file certain reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

The Chair states that it is our hope that we will be able to expedite consideration of the business of the House today, inasmuch as a ceremony is planned to welcome and honor former Members of Congress. The ceremony will begin hopefully at 11:30 a.m. The Chair requests the cooperation of all Members to that end.

PROVIDING FOR CONSIDERATION OF H.R. 6111, JUVENILE JUSTICE AND DELINQUENCY PREVENTION AMENDMENTS OF 1977

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 581 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 581

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6111) to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment, and all points of order against said amendment for failure to comply with clause 5 of rule XXI and clause 7 of rule XVI are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. LONG) is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield the usual 30 minutes for the minority to the distinguished gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 581 provides for the consideration of H.R. 6111, the Juvenile Justice and Delinquency Prevention Amendments of 1977. The resolution provides 1 hour of general debate to be divided equally and controlled by the chairman and ranking minority member of the Committee on Education and Labor. The resolution makes it in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor, now printed in the bill H.R. 6111, as an original bill for the purpose of amendment.

H.R. 6111 would extend the Juvenile Justice and Delinquency Prevention Act of 1974 for a period of 3 years. The bill contains several amendments designed to strengthen efforts to combat juvenile delinquency and improve the juvenile justice system. The legislation also extends the runaway youth program and provides authority for the President to transfer the administration of the runaway youth program from the Department of Health, Education, and Welfare to ACTION.

The rule provides a waiver of all points of order for failure to comply with clause 7 of rule 16 which requires that all amendments be germane. This waiver assures that the provisions relating to the runaway youth program and reorganization, and also the amendment to title 5, will be in order.

An additional waiver of all points of order for failure to comply with clause 5 of rule 21 is included in the resolution. This waiver was granted because the bill grants to the LEAA administrator the discretion to reallocate funds under certain circumstances. The waiver was also necessary because under the reorganization provisions, the President may direct the transfer from HEW to ACTION property, records, and unexpended balances of appropriations, allocations and other funds. Such reallocation and transfer could be interpreted as appropriations in a legislative bill, and the waiver was granted to cure this problem.

Mr. Speaker. Juvenile delinquency is a problem that exists in all congressional districts. The Federal Government has a responsibility to supply necessary resources and leadership in attacking the problem on many levels. New approaches by State and local governments must be encouraged. H.R. 6111 strengthens and revitalizes this program to combat juvenile criminality and delinquency.

I urge the adoption of House Resolution 581 in order that we may consider H.R. 6111 the Juvenile Justice and Delinquency Prevention Act.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Louisiana (Mr. LONG) has stated that this is a 1-hour, open rule providing for the consideration of H.R. 6111, the Juvenile Justice and Delinquency Prevention Amendments of 1977.

The committee substitute is made in order as an original bill for purposes of amendment. Points of order are waived against the committee substitute for failure to comply with the germaneness rule, clause 7 of rule 16, since section 6 of the substitute was not a part of the bill as originally introduced. Finally, clause 5 of rule 21 also is waived because the substitute contains a reappropriation.

The purpose of this legislation is to extend the Juvenile Justice and Delinquency Prevention Act and the Runaway Youth Act for 3 years. Authorizations include $125 million in fiscal year 1978 for LEAA's juvenile justice programs and such sums as are necessary in fiscal years 1979 and 1980. An additional authorization of $25 million for fiscal year 1978 is sought for the runaway youth program, with such sums as are necessary in the succeeding two fiscal years. The runaway youth program would be transferred from HEW to ACTION.

Mr. Speaker, I am not aware of any particular controversy surrounding this open rule; and I have no objections to its adoption at this time.

Mr. Speaker, we have no further requests for time on this side of the aisle.

Mr. LONG of Louisiana. Mr. Speaker, having no requests for time, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. BAUMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAUMAN. Mr. Speaker, I have asked for this time in order to ask the distinguished majority deputy whip, the gentleman from Illinois (Mr. Rostenkowski), what the program for the coming week will be.

Mr. ROSTENKOWSKI. Mr. Speaker, if the gentleman will yield, the scheduled program for the House of Representatives for the week of May 23, 1977, is as follows:

On Monday the House meets at noon. It is District day, but there are no bills scheduled.

We have six bills on the Suspension Calendar and votes on suspension bills will be postponed until the end of the consideration of all suspension bills.

Mr. Speaker, the suspension bills are as follows:

S. 955, Federal Crop Insurance Act amendments;

H.R. 6258, extension of Privacy Protection Commission;

H.R. 1862, Veterans Disability Compensation and Survivor Benefits Act of 1977;

H.R. 6501, increased compensation for veterans who have suffered the loss or loss of use of paired extremities;

H.R. 6502, to provide automobile assistance allowance and automotive adaptive equipment to veterans of World War I; and

H.R. 5645, Civil Rights Commission Authorization Act of 1977.

Then, Mr. Speaker, we will take up H.R. 6884, International Security Assistance Act, fiscal year 1978, under an open rule, with 1 hour of debate.

On Tuesday, Mr. Speaker, the House will meet at noon. That is also a suspension day, but no suspension bills will be taken up.

We will, however, take up H.R. 6161, Clean Air Act Amendments of 1977, subject to a rule being granted.

On Wednesday, Mr. Speaker, the House meets at 10 a.m. to continue H.R. 6161, the Clean Air Act Amendments of 1977, and to complete the consideration of that bill.

Mr. Speaker, we will adjourn at 5:30 p.m. on Wednesday of next week.

On Thursday, Mr. Speaker, the House meets at 10 a.m. to consider H.R. 6970, Amendments to Marine Mammal Protection Act of 1972, subject to a rule being granted.

The House will adjourn for the Memorial Day district work period on Thursday, May 26, until Wednesday noon of June 1.

Mr. Speaker, the House will adjourn by 3 p.m. on Fridays, and by 5:30 p.m. on all other days except Wednesdays.

As we know, conference reports may be brought up at any time; and any further program will be announced later.

Mr. BAUMAN. Mr. Speaker, I do not see any mention on the program for next week of the repeal of the Hatch Act. Is that in a comatose state?

Mr. ROSTENKOWSKI. That is subject to an agreement by both the manager of the legislation and the leadership scheduling it at that time. I do not know that it necessarily will be brought up next week. It will be by the mutual agreement of the leadership and management of the legislation.

Mr. BAUMAN. The gentleman from Maryland understands. I am not encouraging that it be brought up.

Mr. ROSTENKOWSKI. Again, I would like to bring the attention of the House to the fact that the House will meet at 10 a.m. on Wednesday.

Mr. BAUMAN. I thank the gentleman.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule on Wednesday of next week be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ADJOURNMENT TO MONDAY, MAY 23, 1977

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next, May 23, 1977, at 12 o'clock noon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION AMENDMENTS OF 1977

Mr. ANDREWS of North Carolina. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6111) to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. Andrews).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 6111, with Mr. Jenrette in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from North Carolina (Mr. Andrews) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. Goodling) will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. Andrews).

Mr. ANDREWS of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Committee on Education and Labor has reported to the House H.R. 6111, the Juvenile Justice and Delinquency Prevention Amendments of 1977. The bill represents a strong, bipartisan effort to extend and strengthen Public Law 93–415, the Juvenile Justice and Delinquency Prevention Act of 1974.

We must give the problem of juvenile delinquency more priority in our consideration if we as a nation are going to reduce crime. Today, nearly half of all serious crime in this country, about 43 percent, is committed by persons under 18 years of age. This includes roughly 10 percent of all homicides, 20 percent of all forcible rapes, one-third of all armed robberies, and more than half of all burglaries. H.R. 6111 would continue the work, begun in 1974, of preventing this problem and improving our system of juvenile justice.

Briefly, H.R. 6111 would extend the Juvenile Justice and Delinquency Prevention Act of 1974 for 3 additional years. It would authorize $125 million for fiscal year 1978 and such sums as are necessary for the fiscal years 1979 and 1980.

H.R. 6111 makes significant changes in the provisions relating to Federal assistance for State and local programs. Additional flexibility and clarification are provided to State requirements that juvenile status offenders, dependent, and neglected children not be placed in juvenile detention or correctional facilities. The bill, as amended, requires that within 3 years of a State's participation in a formula grant program, 75 percent of those juveniles who are so classified must be removed from such facilities. Provisions are also made so that the Administrator can grant a waiver to those

States who have commitments to fully comply with the requirement within an additional 2 years.

Federal assistance to States, local governments and private nonprofit agencies would be authorized to 100 percent of the approved costs with the provision that no Federal assistance may be utilized for planning or for services related to the preparation, administration, or promotion of the comprehensive plan. H.R. 6111 provides that no more than 20 percent of the funds available shall be used for special emphasis discretionary grants. These provisions, taken together, should result in more juvenile justice funds reaching service delivery programs.

Finally, H.R. 6111 would extend and amend title III of the 1974 act, the Runaway Youth Act, for 3 years and would authorize $25 million for fiscal year 1978 and such sums as are necessary for each of the fiscal years 1979 and 1980. A provision is included in title III which authorizes the President, after January 1, 1978, with congressional approval, to transfer runaway youth programs from the Department of Health, Education, and Welfare to ACTION.

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of this legislation today. It is totally bipartisan and it addresses an issue which affects us all. It affects every city, State, and community in America. As ranking members of the subcommitee, I would like to commend Mr. ANDREWS, the chairman of the subcommittee, for the manner in which he conducted the hearings and moved this bill through the subcommittee and the full committee. He insisted on addressing every issue. He listened to all points in view and worked cooperatively with us. I think the bill that we have here today reflects our combined efforts to fully address the issues.

I will not attempt to review the contents of the bill because the chairman just did. I would like to point out, however, that I believe that the few changes that we made will go a long way toward helping States to better address the problems of juvenile delinquency. I think that the accommodation that we made regarding status offenders by allowing the States who are having difficulty in accommodating this particular provision would have 1 more year with the possibility of 2 additional years, will remove any barriers that any States may have toward participation in the program. At the same time, I think that this provision will correct some of the problems that children who have committed noncriminal offenses face. In making this change, I believe that we have focused enough attention on the issue that few States will probably need the extra time we allowed.

I would like to emphasize one other idea in the bill; that is, the transfer of the Runaway Youth Act from HEW to ACTION if the President chooses to take the option that we have placed in the bill. The runaway problem, in my judgment, is one of the most critical that we have in this country. It reflects the result of problems and pressures throughout America which manifest themselves within families and ultimately causes the breakup of these families. Young people who do run away have needs, problems, and very real concerns. Often with just a little help they can be straightened out so that they can "get themselves together." If transferring this program to ACTION will make it easier for the Federal Government to help solve the runaway problem and will bring about more efforts on behalf of the runaways and their families, I think it will be a wise move. I have seen no evidence to indicate that the runaway program in HEW has any priority or visibility. Certainly the budget does not reflect any commitment. I was appalled to learn that they have 43 employees to administer an $8 million program. During the hearings, we were unable to determine what these people really did and why that number was needed. Since the President wants to cut the budgeting bureaucracy in Washington, here is an opportunity for him to do so and, at the same time, give the program a great boost by transferring it to ACTION.

I think this is a good bill, and I hope that all Members will support it.

Mr. Chairman, I have no other requests for time.

Mr. ANDREWS of North Carolina. Mr. Chairman, I believe the distinguished gentleman from Missouri (Mr. VOLKMER) would like to use a portion of my remaining time, and I yield to him such time as he may consume.

Mr. VOLKMER. Mr. Chairman, I, too, wish to commend the committee for the work that they have done on these amendments to the act, both to the Juvenile Justice and Delinquency Prevention, and the Runaway Youth. I would like to address my remarks basically to the provision in regard to the runaway youth program and to the responsibilities I feel that the Federal Government has imposed upon itself. The exact language in the Runaway Youth Act as originally enacted says that:

> In view of the interstate nature of the problem, it is up to the Federal Government to develop an effective system of temporary care outside the law-enforcement structure.

Mr. Chairman, the original act provided for only $10 million. That is increased now to $25 million. While that is a good increase, it is not really the amount that is going to be totally necessary. We must face this problem. That is not the amount that is going to be totally necessary if we are going to face the problem of the runaway youth in this country.

There are many places in this country that do not have facilities in order to care for runaway youths. The major metropolitan areas are developing halfway houses or developing homes for these runaway youths to try to provide them with the treatment, care, and education that is necessary and that cannot be found in their own homes. However, many areas of this country are without the means, the finances in order to provide these same facilities. Yet they have runaway youths. The means at the present time that are utilized to the extent possible are mostly the foster care provisions and foster homes, but these people do not have the actual training that is necessary in order to fully provide the care which these youths require.

Therefore, Mr. Chairman, I believe that in the future we should look to the enactment of continued improvement and to increased authorization for the runaway youths program and an emphasis on trying to set up facilities throughout this country outside, specifically outside, the law enforcement structure, outside of jails, because these are not criminals. They should not be treated as criminals. Therefore, it is going to take a massive amount of money if the Federal Government is going to do what it said it would do when it enacted this law in 1974. We must accept that responsibility. I say that in the long run we will save money by making these youth assets to their communities, assets to this country so that they will develop themselves into being positive members of society.

At one time I thought of suggesting an amendment to increase the $25 million. I think I will let it go this time, but I think in the total structure of what we are attempting to do here we are going to need additional funds in the future.

Mr. PERKINS. Mr. Chairman, I rise in support of H.R. 6111, the Juvenile Justice and Delinquency Prevention Amendments of 1977.

This bill was ordered reported by the Committee on Education and Labor on May 5, 1977, by a vote of 30 to 0, and represents a well-considered, bipartisan approach to dealing with the problems associated with juvenile delinquency.

I want to commend the chairman of the Subcommittee on Economic Opportunity, my good friend and distinguished colleague IKE ANDREWS, for his skill and leadership in bringing this legislation to the floor. I also want to commend AL QUIE, the ranking minority member of the committee, and BILL GOODLING, the ranking minority member of the subcommittee, for their great contributions to this legislation.

The Juvenile Justice and Delinquency Prevention Act of 1974 was an attempt on the part of the Congress to provide Federal leadership and coordination of resources to assist States, local governments and private agencies to develop and implement effective programs for the prevention and treatment of juvenile delinquency. An Office of Juvenile Justice and Delinquency Prevention was established within the Law Enforcement Assistance Administration to assume primary responsibility for this implementation through a means of providing financial assistance to comprehensive programs and services.

The committee bill extends the Juvenile Justice and Delinquency Prevention Act of 1974 for 3 years and provides amendments designed to strengthen efforts to combat juvenile delinquency and improve the juvenile justice system. Specifically, H.R. 6111 authorizes $125 million for fiscal year 1978 and such sums as are necessary for each of the fiscal years 1979 and 1980.

The Federal Coordinating Council, established by the 1974 act, would be authorized to assist in the preparation of LEAA annual reports on the analysis, evaluation and planning of Federal juvenile delinquency programs in the effort of improving the coordination of Federal efforts.

In addition, H.R. 6111 would amend title I of the Omnibus Crime Control and Safe Streets Act to require that the chairman and at least two other members of each State's juvenile justice advisory group be appointed to the State planning agency supervisory board. H.R. 6111 would incorporate a number of other administrative provisions of the Crime Control Act as applicable to the Juvenile Justice and Delinquency Prevention Act.

H.R. 6111 makes significant changes in the provisions relating to Federal assistance for State and local programs. With respect to the formula grant program, the committee bill, as amended, requires that within 3 years of a State's participation in the formula grant program 75 percent of those juveniles who are classified as status offenders, dependent or neglected children must be removed from juvenile detention or correctional facilities.

Federal assistance to the States, local governments, and private agencies would be authorized at up to 100 percent of the approved costs of any assisted program or activity with the provision that no Federal assistance may be utilized for planning or administrative programs.

With respect to special emphasis grants H.R. 6111 provides that no more than 20 percent of funds available for Federal assistance for State and local programs may be allocated, and new categories such as the relationship between juvenile delinquency and learning disabilities are added to the list of special emphasis programs.

Finally, H.R. 6111 would extend and amend title III of the 1974 act, the Runaway Youth Act, for 3 years and would authorize $25 million for fiscal year 1978 and such sums as are necessary for each of the fiscal years 1979 and 1980. A provision is included in title III which authorizes the President, after January 1, 1978, and with congressional approval, to transfer runaway youth programs from the Department of Health, Education, and Welfare to ACTION.

I believe the approach the committee has taken in this bill is a well-balanced one, and will give the administration the tools it needs to deal effectively with the problem of juvenile delinquency. I urge my colleagues to support its passage.

Mr. PEPPER. Mr. Chairman, in recognition of the overwhelming need for a rational legislative approach to the problems of youth crime, I am pleased to offer my full support for H.R. 6111, a bill which will strengthen, solidify, and expand the commitment of the Juvenile Justice and Delinquency Prevention Act of 1974, which established juvenile crime prevention as a national priority. If we are to have an impact on crime in the United States, which is primarily youth related, then a well-conceived, coordinated national effort such as H.R. 6111 proposes is essential. Nothing less, in my judgment, will prove effective.

The House Select Committee on Crime, which I chaired, spent 4 years seeking ways to curb youth-oriented crime. We found that no one project or program can accomplish that task. Rather, local communities must consider programs that are available and decide which will be most effective for their particular local needs. But under no circumstances should a community relinquish its fight and its campaign against youth crime. The threat it poses to the national welfare demands that juvenile crime prevention continue to be viewed as a national priority.

Twelve years ago, President Johnson's Commission on Law Enforcement and the Administration of Justice concluded that "America's best hope for reducing crime is to reduce juvenile delinquency and youth crime." It was true then, and it was true 3 years ago when Congress passed the act that is before us today, stating:

> Juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal government to reduce and prevent delinquency . . .

Unfortunately, the enactment of this necessary legislation did not incite the Republican administration to action. They did not seek to provide adequate appropriations, nor adequate staffing to carry forth the mandate of the act. Rather, the administration's response has been inconsistent, inadequate, and inappropriate in face of hard statistics which indicate that a maximum return will be achieved by investing in programs designed to help young people. The disproportionate amount of money spent on law enforcement approaches in this country, instead of prevention and rehabilitation of the youthful offender, is shocking.

I am gratified, however, that the current administration has endorsed the continuation of this measure and views its objectives as critical elements in improving the crime situation.

I commend the President, and my distinguished colleagues, IKE ANDREWS, chairman of Economic Opportunities Subcommittee, and CARL PERKINS, chairman of the Committee on Education and Labor, for offering H.R. 6111, a bill that fulfills the promise Congress made to the American people 3 years ago.

This bill will not simply maintain the efforts of States currently participating in this program, but rather, offers a substantially increased level of authorizations to enable the participation of those States which have avoided the program entirely because of the reluctance on the part of the administration to provide resources necessary to make this program fully operational. In addition, certain funding requirements have been relaxed in the recognition of the fact that many States will remain ineligible for participation under the current inflexible funding requirements.

I was honored to testify before the Subcommittee on Economic Opportunities during consideration of this legislation, in support of H.R. 1137, which I introduced to provide for a Federal effort to come to grips with the negative effects associated with undetected and untreated learning disabilities.

Coupled with the committee's recognition of the need to provide funds and flexibility necessary to permit full participation, I am pleased by their decision to expand the special emphasis program authority under this act. Section 224(a)(10) of the act provides for the development and implementation of programs relating to juvenile delinquency and learning disabilities.

I introduced this legislation because of my background and association with youth, both handicapped and delinquent.

The first bill I introduced as a Senator in 1937, was a bill to provide funds for the education of all types of physically handicapped children. Twenty years later, legislation was enacted to accomplish that purpose. It took 20 more years for Congress to recognize that not all handicaps are visible—for during the 94th Congress the definition of "handicapped" was amended to include those youth with learning disabilities. I am eagerly awaiting the regulations which will implement this legislation which were due November 29, 1976.

Congress has done much for the handicapped youth of our Nation. We no longer expect handicapped youth to succeed, or reach full potential, without special assistance. However, the symptoms of the invisible handicaps referred to as "learning disabilities" are so subtle they often go unrecognized by all with whom the child interacts. If the learning disability remains undetected, the youth may become a far greater risk with respect to law and custom than youngsters not handicapped with learning disabilities.

It is well established that learning disabilities are the greatest single reason why children drop out of school—700,000 each year. They drop out because they are frustrated by their inability to keep up. Many will act out their frustration in delinquent ways. A study by the National Institute of Mental Health revealed that as many as 75 percent of the children who find themselves in juvenile detention centers suffer from learning disabilities. In a recent report published by the General Accounting Office, it noted that 90 percent of the adjudicated delinquents tested by the State of Colorado's Division of Youth Services were diagnosed as having learning problems. Additionally, 90 percent of the girls tested in a Tennessee State reformatory were 2 to 7 years below their grade in reading.

When these children enter the judicial process, the policeman, the probation officer, and the judge, who have not had special training in this area, cannot recognize the subtle symptoms of their disability. The problem remains undetected and uncorrected. As a consequence, the learning disabled offender continues to be more handicapped by our society's ignorance of the problem than by the learning disability itself.

When I served as the chairman of the House Select Committee on Crime, I found that if there is any one common characteristics about a delinquent child, it is not that he has long hair, or is white or black—but rather that they are educationally disadvantaged. Although statistics varied by locale, witnesses in virtually all of our hearings pointed out the causal relationship between inappropriate education experiences, and dropping out and crime.

Although I believe the Law Enforcement Assistance Administration, on the whole, has made a salutory contribution toward the suppression and punishment of crime in this country, I believe a significantly increased emphasis should be focused on the preventive aspects of juvenile crime.

Mr. Chairman, I commend the committee for recognizing the need to provide special emphasis authority for programs designed to provide quality services to assist in the identification and treatment of youthful offenders with learning disabilities. More importantly, I am pleased to note they also encourage an approach to this problem outside the formal juvenile justice system by suggesting these special emphasis funds be used for the dissimination of information on learning disabilities between interested parties. The committee views the National Conference, such as I proposed, as a means of accomplishing that objective.

I am hopeful that the resources under this special emphasis program will begin to identify and treat these children immediately. Some have expressed concern, however, about creating a forum, such as the national conference I have proposed, because the experts have not reached a consensus as to the definition or etiology of learning disabilities. Thus, bringing experts together to develop common pathways for understanding and action would only create more havoc in the larger community than already exists.

Let me make several things perfectly clear at this point. First, the bill I introduced would not bring together just experts, but would include legal, medical and education professionals, teachers, parents, State officials, and the learning disabled themselves. Secondly, if we are to save these children before irreversible damage is done, if we are to reach these children at all, it is imperative that the knowledge we possess be shared and pathways to identification and treatment be identified. Knowledge of this problem is a necessary prerequisite to identification.

I agree that a consensus has not yet been reached among experts as to the definition or etiology of learning disabilities. I polled the views of all State officials of education and justice to determine their efforts and concerns regarding learning disabilities and juvenile delinquency. It is clear the officials were not in every instance using the same definition of learning disabilities. However, I was impressed by the fact that 26 States have recognized that the relationship demands attention.

Simply because the experts do not agree is no reason to do nothing. As Dr. Marvin Gottlieb, professor of pediatrics at the University of Tennessee Center for the Health Sciences, stated in testimony before the Economic Opportunities Subcommittee on this matter:

> We may not be able to understand the learning disabled child until we learn better ways of communicating with one another.

I agree. I urge the Associate Administrator act on the committee's suggestion, as stated in the report on H.R. 6111, and provide for a national conference on learning disabilities and juvenile delinquency.

There is no provision for a conference on learning disabilities and juvenile delinquency in S. 1021, juvenile justice amendments, which has been reported recently in the Senate. I am persuaded that this provision must be retained when this legislation is enacted.

Mrs. CHISHOLM. Mr. Chairman, I rise in enthusiastic support for this bill, which will extend for 3 years programs authorized under the Juvenile Justice and Delinquency Act of 1974. I believe that these programs are of critical importance to our country, particularly if we are to reduce the staggering increase in criminal activity of our youth in crime. In fact, in 1975 although persons under 18 account for only 16 percent of the population, they accounted for over 43 percent of arrests for serious crimes.

At the same time, I believe we must address ourselves to the factors which motivate young people to commit crime. The problems which were debated on the floor earlier this week related to youth unemployment clearly represent one of the major obstacles to their development into a productive part of society.

My colleagues, the programs authorized under this act are our major effort not only at stopping juvenile crime, but also at insuring the full development of the potential our youth have, and at improving the juvenile justice system. The impact of these programs is clear, as areas with LEAA youth outreach and service programs have recidivism rates for previously delinquent youths which range from 16 to 30 percent, as compared to 45 to 80 percent reported in other areas without these programs.

Although passed originally in 1974, it is my belief that because of the lack of commitment of the previous administration the full impact these programs could have had was lessened. The support which the current administration has given to these efforts is heartening, and over the coming 3 years I believe we will see a dramatic reduction in crimes committed by young people.

Some of the important provisions of the amendments in this extension include:

An appropriations authorization level of $125 million for 1978 and such sums as may be necessary for the 2 following years. This is consistent with our need to provide stronger support for these programs.

Identification of additional areas for "special emphasis" by LEAA's Office of Juvenile Justice and Delinquency Prevention. Cited for special emphasis are the development of youth advocacy programs, programs for youth employment, programs to improve the juvenile justice system, and programs which address the linkage between learning disabilities and subsequent involvement in juvenile delinquency.

I believe that this last area of emphasis is of critical importance if we are to develop remedies for the causes of delinquency, and not just the after effects. A recent study by the General Accounting Office of juvenile correction institutions reveal that an overwhelming majority of juveniles in these institutions have primary and secondary learning disabilities. Our Nation's schools will definitely have to do more to ameliorate these learning problems, because research is making clear the correlation between these two problems. I am hopeful that emphasis on programs which address this linkage will result in significant accomplishments and innovation.

There is only one area of this legislation which I feel needs remedy. This bill reduces the amount of funding available for these discretionary special emphasis programs. Currently, between 25 and 50 percent of all appropriated funds are available for special emphasis. The new law provides no more than 20 percent for these important efforts, and could serve to seriously underfund them. It is my hope that the House will yield to the Senate in this area, and maintain the level of support for these programs.

Finally, I would like to compliment my colleague from North Carolina, Representative ANDREWS, for his excellent work on this legislation in such a short period of time. I also want to compliment other Members of the Subcommittee on Economic Opportunity, particularly Representatives CORRADA, GOODLING, QUIE, and HAWKINS for their diligent efforts on behalf of this legislation. I am convinced that we will see substantial results from these important programs, and I wholeheartedly support this legislation.

Mr. CONYERS. Mr. Chairman, H.R. 6111, the Juvenile Justice and Delinquency Prevention Act of 1977, is designed to continue innovative improvements in juvenile justice systems and programs begun under the 1974 act. The most significant of these improvements deals with the removal of youth from detention centers and training schools who have not committed a criminal offense and need community services rather than institutionalization. These so-called status offenders include youth whose family, school and community situations come to the attention of police and courts but whose behavior cannot be characterized as delinquent. As a condition of any State's eligibility for funding under the 1974 act, the State had to file an acceptable plan for "deinstitutionalization" of status offenders within 2 years.

This goal was ambitious, but reforms of the unnecessary incarceration of status offenders were long overdue. Over the past 2 years, in response to this provision of the 1974 act, there has been notable progress in the majority of States on the "deinstitutionalization" of status offenders. In several States, notably California, New York, Florida and Michigan, status offenders largely have been removed from detention centers and training schools.

The key to progress in this area has been a firm commitment by the State supported by appropriate legislation amending their juvenile codes. In my view, extending the compliance period for deinstitutionalization from 2 years under the 1974 act to 3 years should have been sufficient to insure accomplishment of the original intent of the 1974 act. Even in the 10 States not receiving formula grant funds currently, efforts are underway at State and local levels to remove status offenders from correctional settings.

Section 223(a)(12) of H.R. 6111 says that, within 3 years after submitting a plan to remove status offenders from detention or correctional facilities, States must achieve this goal or lose their juvenile justice funds. This provision adds 1 year for compliance to the Juvenile Justice and Delinquency Prevention Act of 1974.

Section 223(c) says that, if after 3 years, States have removed 75 percent of status offenders from these institutions, they are in "substantial compliance" and can be granted another 2 years for full compliance.

Therefore, in effect States have 5 years for full compliance. I would argue that 5 years is too long. Three years is too long to jail and imprison youth who have committed no criminal offense.

I regard the removal of status offenders from detention centers and correctional institutions as one of the Nation's most important anticrime programs. As we continue to fill our jails and prisons with young adults, at record rates, and build new jails and prisons in record numbers, we find that the best predictor of imprisonment as adults is juvenile experience in detentions centers and training schools. These juvenile schools of crime have no moral or practical justification, for status offenders, neglected or dependent youth. I support residential and nonresidential alternatives to State and local crime schools.

Mr. GOODLING. Mr. Chairman, I yield back the balance of my time.

Mr. ANDREWS of North Carolina. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 6111

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. (a) This Act may be cited as the "Juvenile Justice and Delinquency Prevention Amendments of 1977".

(b) As used in this Act, the term "the Act" means the Juevnile Justice and Delinquency Prevention Act of 1974.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

Sec. 2. (a) The following sections of the Act are each amended by striking out "Assistant" each place it appears and inserting in lieu thereof "Associate": sections 201, 204 (1), 206 (a)(1) and (b), 241, 246.

(b) Section 201(g) of the Act is amended by striking out "first" and inserting in lieu thereof "second".

(c) To assure that the delegation of authority to the Associate Administrator mandated by the Act, including section 545, is accomplished, sections 204(1)(1) (second appearance), 208 (b), (c), and (e), 223 (14), (20), and (21), 243(4), 246, 249, 250, and 251 of the Act are each amended by inserting the word "Associate" prior to the word "Administrator" wherever it appears.

(d)(1) Section 204(b) of the Act is amended by inserting immediately after "shall" in matter preceding paragraph (1) the following: "with the assistance of Associate Administrator".

(2) The first sentence of section 204(b)(5) of the Act is amended by inserting "and the Coordinating Council" after "Advisory Committee".

(3) Section 204(b)(6) of the Act is amended by inserting "and the Coordinating Council" after "Advisory Committee".

(4) Section 204(f) of the Act is amended by inserting "Federal" after "appropriate authority,".

(5) Section 204(g) of the Act is amended by striking out "part" and inserting in lieu thereof "title".

(6) Section 204(j) of the Act is amended by inserting "organization," after "agency,", and by striking out "part" and inserting in lieu thereof "title".

(7) Section 204(k) of the Act is amended by striking out "part" and inserting in lieu thereof "title", and by striking out "the Juvenile Delinquency Prevention Act (42 U.S.C. 3801 et seq.)" and inserting in lieu thereof "title III of this Act".

(e) Section 205 of the Act is amended by inserting immediately before the period at the end of the first sentence, the following: "whenever the Associate Administrator finds the program or activity to be exceptionally effective or for which the Associate Administrator finds exceptional need".

(f)(1) Section 206(a)(1) of the Act is amended by inserting after "the Director of the Office of Drug Abuse Policy," the following: "the Commissioner of the Office of Education, the Director of ACTION,".

(2) Section 206(d) of the Act is amended by striking out "six" and inserting in lieu thereof "four".

(3) Subsection (e) of section 206 of the Act is amended—

(A) by striking out "(e)" and paragraphs (1) and (2);

(B) by striking out "(3) The Executive Secretary" and inserting in lieu thereof "(e) The Associate Administrator"; and

(C) by inserting "or staff support" after "personnel".

(g)(1) Section 207(c) of the Act is amended by inserting ", including youth workers involved with alternative youth programs" after "community-based programs", and by inserting immediately before the period at the end thereof the following: ", of whom at least three shall have been under the jurisdiction of the juvenile justice system".

(2) Section 207(d) of the Act is amended by inserting at the end thereof the following new sentence: "Eleven members of the committee shall constitute a quorum."

(h)(1) Section 208(b) of the Act is amended by inserting ", the President, and the Congress" after "the Administrator".

(2) Section 208(d) is amended by inserting "not less than" after "subcommittee of" and by striking out ", together with the Director of the National Institute of Corrections,".

(3) Section 208(e) of the Act is amended—

(A) by inserting "not less than" after "subcommittee of"; and

(B) by striking out "to the Administrator" and by striking out "the Administrator of".

(4) Section 208(f) of the Act is amended to read as follows:

"(f) The Chairman, with the approval of the Committee, shall request of the Associate Administrator such staff and other support as may be necessary to carry out the duties of the Advisory Committee.".

FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

Sec. 3. (a) Section 221 of the Act is amended by striking out "local governments" and inserting in lieu thereof "units of general local government or combinations thereof", and by inserting "grants and" after "through".

(b) Section 222 of the Act is amended by striking out subsections (c) and (d).

(c)(1) Section 223(a)(3)(C) of the Act is amended by inserting "business groups and businesses employing youth;" immediately after "programs;".

(2) Section 223(a)(3)(E) of the Act is amended by inserting before the semicolon at the end thereof the following: ", of whom at least three are or have been under the jurisdiction of the juvenile justice system".

(3) Section 223(a)(4) of the Act is amended by striking out "local governments" the first place it appears therein and inserting in lieu thereof "units of general local government or combinations thereof".

(4) Section 223(a)(5) of the Act is amended by striking out "local government" and inserting in lieu thereof "units of general local government or combinations thereof".

(5) Section 223(a)(6) of the Act is amended by striking out "local government" and inserting in lieu thereof "unit of general local government", and by inserting "or to a regional planning agency" after "local government's structure".

(6) Section 223(a)(8) of the Act is amended by inserting before the semicolon at the end thereof a period and the following: "Programs and projects developed from the study may be funded under paragraph (10) provided that they meet the criteria for advanced technique programs as specified therein".

(7) The first sentence of section 223(a)(10) of the Act is amended by striking out "local government" and inserting in lieu thereof "unit of general local government or combination thereof", and by inserting "grants and" after "or through".

(8) Section 223(a)(10) of the Act is further amended by inserting "and to encourage a diversity of alternatives within the juvenile justice system" after "correctional facilities".

(9) Section 223(a)(10)(A) of the Act is amended by inserting after "health services" the following: "twenty-four hour in-take screening, volunteer and crisis home programs, day treatment and home probation".

(10) Section 223(a)(10)(D) of the Act is amended to read as follows:

"(D) projects designed to develop and implement programs stressing advocacy activities aimed at improving services for and protecting the rights of youth impacted by the juvenile justice system;".

(11) Section 223(a)(10)(G) of the Act is amended by inserting "traditional youth" immediately after "reached by".

(12) Section 223(a)(10)(H) of the Act is amended by striking out "that may include but are not limited to programs designed to" and inserting in lieu thereof "are designed to".

(13) Section 223(a)(10) of the Act is further amended by adding at the end thereof the following new subparagraph:

"(I) activities which establish standards for juvenile justice, based on the recommendations of the Advisory Committee on Standards;".

(14) Section 223(a)(12) of the Act is amended to read as follows:

"(12) provide within three years after submission of the plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult or such nonoffenders as dependent or neglected children, shall not be placed in juvenile detention or correctional facilities but shall, if placed in facilities, be placed in facilities (A) that are the least restrictive alternative appropriate to the needs of the child and the community, (B) that are in reasonable proximity to the family and the home communities of the juveniles and (C) that provide the services described in section 103(1);".

(15) Section 223(a)(13) of the Act is amended by inserting "and youths within the

purview of section 223(a)(12)" immediately after "delinquent".

(16) Section 223(a)(15) of the Act is amended by striking out "all".

(17) Section 223(a)(19) of the Act is amended by striking out "to the extent feasible and practical,".

(18) Section 223(b) of the Act is amended by striking out "consultation with" and inserting in lieu thereof "receiving and considering the advice and recommendations of".

(19) Section 223(c) of the Act is amended by inserting at the end thereof the following new sentence: "Failure to achieve compliance with the subsection (a)(12) requirement within the three-year time limitation shall terminate any State's eligibility for funding under this subpart unless the Administrator, with the concurrence of the Associate Administrator, determines that the State is in substantial compliance with the requirement, through achievement of deinstitutionalization of not less than 75 per centum of such juveniles, and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time not exceeding two additional years.".

(20) Section 223(d) of the Act is amended by inserting "chooses not to submit a plan" after "fails to submit a plan,".

(21) Section 223 of the Act is further amended by striking out subsection (e).

(d)(1) Section 224(a)(3) of the Act is amended by inserting after "system" the following: "including restitution projects which test and validate selected arbitration models, such as neighboring courts or panels and increase victim satisfaction while providing alternatives to incarceration for detained or adjudicated delinquents".

(2) Section 224(a)(4) of the Act is amended by striking all after "for delinquents" and inserting in lieu thereof "and other youth to help prevent delinquency".

(3) Section 224(a)(5) of the Act is amended by striking out "on Standards for Juvenile Justice" and by striking out "and" at the end thereof.

(4) Section 224(a)(6) of the Act is amended by inserting after "develop and implement" the following ", in coordination with the United States Office of Education,", and by striking out the period at the end thereof and inserting in lieu thereof a semicolon.

(5) Section 224(a) of the Act is amended by adding at the end thereof the following new paragraphs:

"(7) develop and support programs stressing advocacy activities aimed at improving services to youth impacted by the juvenile justice system;

"(8) development, implement, and support, in conjunction with the United States Department of Labor, other public and private agencies and organizations and business and industry programs for youth employment;

"(9) improve the juvenile justice system to conform to standards of due process; and

"(10) develop and implement programs relating to juvenile delinquency and learning disabilities.".

(6) Section 224(b) of the Act is amended to read as follows:

"(b) Not more than 20 per centum of the funds appropriated for each fiscal year pursuant to this part shall be available only for special emphasis prevention and treatment grants and contracts made pursuant to this section.".

(e)(1) Section 225(c)(4) of the Act is amended by striking all after "to delinquents" and inserting in lieu thereof "and other youth to help prevent delinquency;".

(2) Section 225(c)(6) of the Act is amended by striking out "on Standards for Juvenile Justice".

(f)(1) Section 227(a) of the Act is amended by striking out "State, public or private agency, institution, or individual (whether directly or through a State or local agency)" and inserting in lieu thereof "public or private agency, organization, institution, or individual (whether directly or through a State planning agency)".

(2) Section 227(b) of the Act is amended by striking out "institution, or individual under this part (whether directly or through a State agency or local agency)" and inserting in lieu thereof "organization, institution, or individual under this title (whether directly or through a State planning agency)".

(g)(1) Section 228(b) of the Act is amended by striking out "under this part" and inserting in lieu thereof "by the Law Enforcement Assistance Administration".

(2) Section 228(c) of the Act is amended by striking out "part" and inserting in lieu thereof "title".

(3) Section 228 of the Act is amended by adding at the end thereof the following new subsections:

"(e) Financial assistance extended under the provisions of this title shall be 100 per centum of the approved costs of any program or activity, except that moneys received under this title shall not be used for the cost of the preparation and promotion of the plan, the cost of the preparation, pursuit, or promotion of applications for receipt of any funds, or administrative services associated with such plan or applications.

"(f) In the case of a grant under this part to an Indian tribe or other aboriginal group, if the Administrator determines that the tribe or group does not have sufficient funds available to meet the local share of the cost of any program or project to be funded under the grant, the Administrator may increase the Federal share of the cost thereof to the extent he deems necessary. Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administrator is authorized to waive State liability and may pursue such legal remedies as are necessary.

"(g) If the Administrator determines, on the basis of information available to him during any fiscal year, that a portion of the funds granted to an applicant under this part for that fiscal year will not re required by the applicant or will become available by virtue of the application of the provisions of section 509 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, that portion shall be available for reallocation under section 224 of this title.".

NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 4. (a)(1) Section 241 of the Act is amended by striking out subsection (e), and by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(2) Section 241(f) of the Act, as so redesignated by paragraph 1, is amended by inserting "make grants and" after "(4)".

(3) The subsection designated as subsection (b) immediately following section 241 (f) of the Act, as so redesignated by paragraph (1), is redesignated as subsection (g).

(4) Section 241(g) of the Act, as so redesignated by paragraph (1), is amended by striking out "subsection (g)(1)" and inserting in lieu thereof "subsection (f)(1)".

(b) Section 243(5) of the Act is amended by inserting before the semicolon at the end thereof the following: ", such as assessments regarding the role of family violence, sexual abuse or exploitation and media violence in delinquency, the improper handling of youth placed in a State by another State, the possible ameliorating roles of recreation and the arts, and the extent to which youth in the juvenile system are treated differently on the basis of sex and the ramifications of such practices".

(c) Section 245 of the Act is amended to read as follows:

"SEC. 245. The Advisory Committee shall advise, consult with, and make recommendations to the Associate Administrator concerning the overall policy and operations of the Institute.".

(d)(1) Section 247(a) of the Act is amended by striking out "on Standards for Juvenile Justice established in section 208 (e)".

(2) Section 247(d) of the Act is amended by inserting after subsection (c) the following new subsection:

"(d) Following the submission of its report under subsection (b) the Advisory Committee shall direct its efforts towards refinement of the recommended standards and shall assist State and local governments and private agencies and organizations in the adoption of appropriate standards at the State and local levels.".

(e) Title II of the Act is further amended by striking out section 248.

ADMINISTRATIVE PROVISIONS

SEC. 5. (a) The heading for part D of title II of the Act is amended to read as follows:

"PART D—ADMINISTRATIVE PROVISIONS"

(b) Section 261(a) of the Act is amended to read as follows:

"(a) To carry out the purposes of this title there is authorized to be appropriated $125,000,000 for the fiscal year ending September 30, 1978, and such sums as are necessary for each of the fiscal years ending September 30, 1979, and September 30, 1980. Funds appropriated for any fiscal year may remain available for obligation until expended."

(c) Section 262 of the Act is amended to read as follows:

"APPLICABILITY OF OTHER ADMINISTRATIVE PROVISIONS

"SEC. 262. The Administrative provisions of title I of the Omnibus Crime Control and Safe Streets Act of 1968, designated as sections 501, 504, 507, 509, 510, 511, 516, 518(c), 521, and 524 (a) and (c) of such Act, are incorporated herein as administrative provisions applicable to this Act.".

(d)(1) Section 263(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out "subsection (b)" and inserting in lieu thereof "subsections (b) and (c)".

(2) Section 263 of the Juvenile and Delinquency Prevention Act of 1974 is amended by adding at the end thereof the following new subsection:

"(c) The amendments made by the Juvenile Justice and Delinquency Prevention Amendments of 1977 shall take effect on and after October 1, 1977.".

RUNAWAY YOUTH

SEC. 6. (a)(1) Section 311 of the Act is amended—

(A) by inserting in the first sentence "and short-term training" after "technical assistance" and by inserting "and coordinated networks of such agencies" after "agencies"; and

(B) by inserting "or otherwise homeless youth" immediately after "runaway youth" where it first appears and by deleting "runaway youth" in the third and fourth sentences and inserting in lieu thereof "such youth".

(2) Section 312(b)(5) of the Act is amended by striking out "aftercase" and inserting in lieu thereof "aftercare".

(3) Section 312(b)(6) of the Act is amended by striking out "parental consent" and inserting in lieu thereof "the consent of the individual youth and parent or legal guardian".

(4) Section 313 of the Act is amended—

(A) by striking out "'State,", and

(B) by striking out "$75,000" and "$100,000" and inserting in lieu thereof "$100,000" and "$150,000", respectively.

(b) Part B of title III of the Act is amended by redesignating the title of part B as "Records" and striking out sections 321 and 322 and inserting in lieu thereof the following:

"RECORDS

"Sec. 321. Record containing the identity of individual youths pursuant to this Act may under no circumstances be disclosed or transferred to any individual or to any public or private agency.".

(c) Title III of the Act is further amended by redesignating part C as part D, by redesigating section 331 as section 341, and by inserting after part B the following new part:

"PART C—REORGANIZATION

"Sec. 331. (a) After January 1, 1978, the President may submit to the Congress a reorganization plan which, subject to the provisions of subsection (b) of this section, shall take effect, if such reorganization plan is not disapproved by a resolution of either House of Congress, in accordance with the provisions of and the procedures established by chapter 9 of title 5, United States Code, except to the extent provided in this part.

"(b) A reorganization plan submitted in accordance with the provisions of subsection (a) shall provide—

"(1) for establishing within ACTION an Office of Youth Assistance, which shall be the principal agency, and the Director of ACTION shall be the principal officer, for carrying out title III of this Act;

"(2) that the transfer authorized by paragraph (1) shall be effective thirty days after the last date on which such transfer could be disapproved under chapter 9 of title 5, United States Code;

"(3) that property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions of the Office of Youth Development within the Department of Health, Education, and Welfare in the operation of functions pursuant to title III of this Act, shall be transferred to the Office of Youth Assistance within ACTION, and that all grants, applications for grants, contracts and other agreements awarded or entered into by the Office of Youth Development shall continue in effect until modified, superseded, or revoked;

"(4) that all official actions taken by the Secretary of the Department of Health, Education, and Welfare, his designee, or any other person under the authority of title III of this Act which are in force on the effective date of such plan, and for which there is continuing authority under the provisions of title III of this Act, shall continue in full force and effect until modified, superseded, or revoked by the Director of ACTION as appropriate; and

"(5) that references to the Office of Youth Development within the Department of Health, Education, and Welfare in any statute, reorganization plan, Executive order, official document or proceeding shall, on and after such date, be deemed to refer to the Office of Youth Assistance within ACTION, as appropriate."

(d) Section 341 of the Act (as redesignated by subsection (c) of this section) is amended—

(1) by striking out, in subsection (a), everything after "appropriated" and inserting in lieu thereof the following: "for the fiscal year ending September 30, 1978, "25,000,000, and for the fiscal years ending September 30, 1979, and September 30, 1980, such sums as may be necessary.".

(2) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) The Secretary (through the Office of Youth Development which shall administer this Act) shall consult with the Attorney General (through the Associate Administrator of the Office of Juvenile Justice and Delinquency Prevention) for the purpose of coordinating the development and implementation of programs and activities funded under this Act with those related programs and activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974 and under the Omnibus Crime Control and Safe Streets Act of 1968, as amended.".

AMENDMENT TO OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Sec. 7. Section 203 (a)(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new sentence: "The chairman and at least two additional members of any advisory group established pursuant to section 223(a)(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 shall be appointed to the State planning agency as members thereof. These individuals may be considered in meeting the general representation requirements of this subsection.".

AMENDMENT TO TITLE 5

Sec. 8. Section 5108(c)(10) of title 5, United States Code, first occurrence, is amended by striking out "twenty-five" and inserting in lieu thereof "twenty-six".

Mr. ANDREWS of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. There being no amendments, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore having resumed the chair, Mr. Jenrette, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6111) to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes, pursuant to House Resolution 581, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROUSSELOT. Mr. Speaker, I object to the vote on the groundthat a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 389, nays 5, not voting 38, as follows:

[Roll No. 268]

YEAS—389

Abdnor
Addabbo
Akaka
Alexander
Allen
Ambro
Ammerman
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Armstrong
Ashbrook
Ashley
Aspin
AuCoin
Badham
Badillo
Bafalis
Baldus
Barnard
Baucus
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bevill
Biaggi
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonior
Bonker
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Caputo
Carney
Carter
Cavanaugh
Cederberg
Chappell
Chisholm
Clausen, Don H.
Cleveland
Cochran
Cohen
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Corman
Cornell
Cornwell
Cotter
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Davis
de la Garza
Delaney
Dellums
Derwinski
Devine
Dickinson
Dicks
Diggs
Dornan
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Eilberg
Emery
English
Erlenborn
Ertel
Evans, Colo.
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Findley
Fish
Fisher
Fithian
Flippo
Flood
Florio
Flowers
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Fraser
Frenzel
Frey
Fuqua
Gaydos
Gephardt
Gibbons
Gilman
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Grassley
Gudger
Guyer
Hagedorn
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Harkin
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hillis
Hollenbeck
Holt
Holtzman
Horton
Howard
Hubbard
Huckaby
Hughes
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jenkins
Jenrette
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jordan
Kasten
Kastenmeier
Kazen
Kemp
Ketchum
Keys
Kildee
Kindness
Koch
Kostmayer
Krebs
Krueger
LaFalce
Lagomarsino
Latta
Le Fante
Leach
Lederer
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
Lundine
McClory
McCloskey
McCormack
McDade
McEwen
McFall
McHugh
McKay
McKinney
Madigan
Maguire
Mahon
Mann
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Mattox
Mazzoli
Meeds
Metcalfe
Meyner
Mikulski
Mikva
Milford
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Gary
Myers, Michael
Myers, Ind.
Natcher
Neal
Nedzi
Nichols
Nix
Nowak
Oakar
Oberstar
Obey
O'Brien
Ottinger
Panetta
Patten
Patterson
Pattison
Pease
Pepper
Perkins
Pettis
Pickle
Pike

Preyer
Pritchard
Pursell
Quayle
Quie
Quillen
Rahall
Rangel
Regula
Reuss
Rhodes
Richmond
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Rousselot
Roybal
Rudd
Runnels
Russo
Ryan
Santini
Sarasin
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Sharp
Shipley
Shuster
Sikes
Simon
Sisk
Skelton
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
Spence
St Germain
Staggers
Stangeland
Stanton
Stark
Steed
Steiger
Stockman
Stokes
Stratton
Stump
Taylor
Thompson
Thone
Thornton
Traxler
Treen
Trible
Tsongas
Tucker
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Waggonner
Walgren
Walker
Walsh
Wampler
Weaver
Weiss
Whalen
White
Whitehurst
Whitley
Whitten
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Fla.
Young, Mo.
Young, Tex.
Zablocki
Zeferetti

NAYS—5

Archer
Crane
Kelly
McDonald
Symms

NOT VOTING—38

Applegate
Breckinridge
Carr
Clawson, Del
Clay
Coughlin
Dent
Derrick
Dingell
Dodd
Eckhardt
Fascell
Fenwick
Forsythe
Gammage
Giaimo
Hansen
Harrington
Hightower
Holland
Johnson, Calif.
Jones, Tenn.
Luken
Michel
Moffett
Nolan
Poage
Pressler
Price
Railsback
Ruppe
Seiberling
Steers
Studds
Teague
Watkins
Waxman
Young, Alaska

The Clerk announced the following pairs:

Mr. Fascell with Mr. Johnson of California.
Mr. Giaimo with Mr. Waxman.
Mr. Michel with Mr. Carr.
Mr. Dent with Mr. Del Clawson.
Mr. Hightower with Mr. Applegate.
Mr. Price with Mr. Hansen.
Mr. Teague with Mr. Clay.
Mr. Studds with Mr. Pressler.
Mr. Holland with Mr. Watkins.
Mr. Dingell with Mr. Steers.
Mr. Railsback with Mr. Breckinridge.
Mr. Eckhardt with Mr. Young of Alaska.
Mr. Coughlin with Mr. Luken.
Mrs. Fenwick with Mr. Nolan.
Mr. Derrick with Mr. Ruppe.
Mr. Seiberling with Mr. Dodd.
Mr. Gammage with Mr. Harrington.
Mr. Jones of Tennessee with Mr. Moffett.

Mr. EVANS of Colorado changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANDREWS of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill H.R. 6111, just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

EXTENDING DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 853) to extend the Defense Production Act of 1950, as amended, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill, as follows:

S. 853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Defense Production Act Extension Amendments of 1977".

SEC. 2. The first sentence of section 717(a) of the Defense Production Act of 1950 (64 Stat. 822) is amended by striking out "September 30, 1977" and inserting in lieu thereof "September 30, 1979".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, will the gentleman explain why it is necessary to go through this process?

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, if the gentleman will yield, it is merely to expedite the matter. As the gentleman will recall, the House passed the bill H.R. 4962. The other body passed, in identical language, the Senate bill S. 853. In order to avoid conferences and the like and because the language is identical, the most expeditious way of handling it is merely to bring up the bill S. 853 and pass that bill.

Mr. ROUSSELOT. Further reserving the right to object, Mr. Speaker, can the gentleman assure us that there is absolutely no difference between the two bills?

Mr. MOORHEAD of Pennsylvania. There is absolutely no difference. It merely extends the Defense Production Act for 2 years.

Mr. ROUSSELOT. Mr. Speaker, I thank my colleague for his explanation, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, H.R. 4962 is a simple piece of legislation to extend the Defense Production Act of 1950 for 2 years, through 1979. This is in line with the periodic extensions of the act, usually at 2-year intervals, since its inception in 1950, when the Korean conflict arose.

The current law will expire September 30, 1977.

The Defense Production Act is an important and time-tested law supporting programs vital to our national security. In the act, Congress has addressed the need to give priority treatment and to allocate materials for national defense purposes, to expand necessary productive capacity and supply, and to provide the machinery for Government cooperation with industry in making our national preparedness meaningful.

The act is important legislation for it is by this law that we are able to answer "yes" to the question of do we have or can we rapidly develop adequate productive capacity for wartime needs.

It provides the needed mechanism for assuring standby or preparatory financial support with which to meet emergency needs.

It is by this act we are assured that measures have been taken to assure us there is an adequate manpower pool possessed of the requisite skills to carry out a conversion to a wartime economy.

It is this act that is the underpinning for contingency plans for converting from peacetime to wartime production.

It is this act that is the underpinning of plans which allows for conversion to peacetime production upon cessation of hostilities or the termination of emergency.

Mr. Speaker, I view the Defense Production Act as the cornerstone of the present legal structure for insuring preparedness to meet crises requiring mobilization of the Nation's industrial and material resources.

Its continuation is essential to the national security, and a 2-year extension interval is a reasonable compromise between the needs of administrative efficiency and the need for periodic review by the Congress. The present administration has requested a 2-year extension. The House Banking Committee supported the request by a unanimous vote of 33 to 0.

Mr. Speaker, I urge favorable consideration of this bill, which would assure continuance of this important act.

The Senate bill was ordered to read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed, S. 853.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair is going to recognize Members under the previous order of the House, with the understanding that at 11:30 the House will rise and proceed to receive our former Members.

THE STRUGGLE OF OLA MAE ALLEN

(Mr. DELLUMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELLUMS. Mr. Speaker, I recently came across another example of the individual citizen's difficulty in gaining fairness and justice from the bureaucracy. Mrs. Ola Mae Allen, a constituent and former high school counselor, was injured while on the job. Her injury resulted in 100 percent permanent disability and astronomical medical expenses.

Mrs. Allen experienced many problems in getting reimbursed for expenses and has never received full compensation for her pain and suffering. Unable to obtain full relief from the bureaucracy and being unable to secure counsel, Mrs. Allen has armed herself with an extraordinary knowledge of the law and has personally embarked on an effort to seek relief from the court.

She has steadfastly pursued justice, essentially without assistance, while severely impaired by her injury. I marvel at her capacity.

I am joining Mrs. Allen in her struggle. I look forward to the day when there are mechanisms to assist citizens to secure justice from the bureaucracy without the necessity of expenditures beyond their capacity.

I am asking for full congressional support in her efforts.

LET US AVOID THE AGONY OF A HATCH ACT RERUN

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Speaker, it is axiomatic in show business that the cast in any drama is only as good as the script. The performance here last night proved that point rather convincingly. Recognizing the weakness of the comic opera material they had to work with, many dedicated Members had to resort to hasty improvisation in a desperate effort to save what objective critics regarded as a legislative "turkey." Their efforts, lacking clear direction, resulted in a confusing series of independent tragedies with no discernible central theme or plot.

I hope the sponsors of this poorly drawn legislation have seen the error of their ways and will spare the public, our Federal employees, and Congress the agony of another rerun. No amount of tinkering or production changes will make this legislative mishmash more palatable. It is beyond repair.

Rushed to the floor under the guise of reform and billed as a favor for our Federal employees, H.R. 10 quickly wilted under objective examination. In accepting a series of perfecting amendments, the sponsors were tacitly admitting there were loopholes in the bill. Amendments dealing with attorney fees, solicitation of funds, the rights of State and local employees supported by Federal funds, and oversight requirements were quickly embraced by the sponsors in any effort to win votes.

The long debate on H.R. 10 did have one redeeming feature. It underscored the lack of wisdom in tampering with an act which clearly and positively provides the Federal workforce with the positive assurances it wants. Under the Hatch Act, employees know they will not be subject to threats of political intimidation or coercion. They know their jobs depend upon the quality of service they provide all citizens in an impartial manner, and not on their skill in pursuing votes or soliciting funds.

Thoughtful Federal employees and union members know there is nothing in the Hatch Act which makes them second-class citizens. They know the act is a vital part of their impartial civil service status which, if weakened, would indeed impose second-class citizenship on them.

NEW ATTACK ON FAMILY FARMERS

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PANETTA. Mr. Speaker, I was alarmed to read in a recent issue of the Los Angeles Times that, just as family farmers and consumers had warned only 2 months ago, a new proposal to spread the corporate takeover of agriculture has appeared on the scene.

After family farmers had scored a significant victory by forcing the Continental Bank of Illinois to withdraw its $50 million Ag Land Trust proposal, a new scheme has been proposed in my own State of California. This time a land investment syndicate, called Western Farmlands, Inc., is planning to buy out small farmers in California who are being forced to sell their land as a result of the drought. According to the syndicate proposal, "lands distressed by shortages of water, energy, and other resources" offer investment opportunities. The letter describing the proposal indicates that the investment corporation will—

> * * * offer the investor a way to participate in the farming business while avoiding many of the risks * * * It provides current income, potential for growth of the investment, and anonymity of ownership.

The appearance of this new plan merely confirms my fears and those of small family farmers throughout the country that corporate America has declared all-out war on the family farmer, as well as on the very basic American principle of individual ownership.

One of the most distressing aspects of the Ag Land Trust proposal and that of Western Farmlands, Inc., is the potential that both represent regarding the trend toward increased corporate ownership at the expense of individual ownership. This trend is not only dangerous for the farmer but for the economy as a whole. And it must be stopped.

Although the declared policy of Congress has been to preserve and encourage an agricultural sector based on the family farm, the implementation of this policy has become increasingly difficult. Inflation, rising land prices, energy shortages and now the drought have made farming extremely expensive and next to impossible to undertake. In 1976, the average farm required more than $150,000 in land and buildings, and nearly $60,000 in machinery and other production assets. The need for increasing capital investment has provided much of the stimulus for the entry of nonagricultural corporations into farming, while at the same time, discouraging family farmers from continuing to participate in agricultural production.

Despite all the rhetoric to the contrary, we are losing our family farmers. In the past quarter century, the number of farms has dropped by nearly 50 percent, and if we do not act now another 40,000 to 45,000 farms will go out of existence as individual enterprises during the 95th Congress. It is my hope that the article I submit to the RECORD will be another grim reminder to all of us that we must protect our family farmer. We must place immediate restrictions on investments in farming by large nonagricultural businesses by eliminating tax advantages for nonfarm investors, prohibiting corporations which receive assets from activities other than farming from directly engaging in agricultural production and by limiting the amount of farmland owned by nonfarmers. I have requested the chairman of my Subcommittee on Family Farms and Rural Development of the Agriculture Committee to continue to hold hearings on this issue. It is essential that the public be made aware of these threats to harm the basic foundation of agriculture in this country—our family farmer.

I would like to share the following article with my colleagues which I include in the RECORD:

PLAN TO BUY FARMS, LEASE LAND BACK STIRS OUTCRY

(By Larry Stammer)

SACRAMENTO.—A proposal to form a $50 million land investment syndicate to buy out farmers and then lease the land back to them created a storm of protest Thursday among state officials who called for a full review.

State officials said Thursday they are alarmed that the investors may be attempting to take advantage of farmers hit hard by the two-year drought.

But Malcolm MacNaughton, Jr., a San Francisco investment banker who is helping put the syndicate together, denied Thursday the drought figured in the syndicate's planning.

The syndicate proposal, which includes a land management company and two investment corporations—one of which is incorporated in the Netherlands Antilles—was filed March 21 with the state Corporations Department by officials with current or former connections with some of the state's biggest land banking and food corporations.

MacNaughton denied any of the corporations are paticipants in the proposal and also denied a published report that the prospectus for the proposed syndicate, Western Farmlands, Inc., said that lands "distressed by shortages of water, energy and other resources" offer investment opportunities. The purported quote was contained in a Sacramento Union story.

The syndicate seeks investors who can put up a minimum of $1 million each to raise between $20 million and $50 million.

The letter describing the proposal indicates the syndicate will "offer the investor a way to participate in the farming business while avoiding many of the risks . . . it provides current income, potential for growth of the investment, and anonymity of ownership."

The proposal prompted state Consumer Affairs Director Richard Spohn on Thursday to compare the syndicate to "latter-day barons seeking to reinstitute feudalism at the expense of the distressed farmer and consumer."

MacNaughton told The Times, "We're not going in there and grab farm land and lock it up and run a bunch of serfs on it."

He explained the syndicate's intent is to buy land which has not been hit hard by the drought.

"It's unfortunate this proposal coincides with the drought, but you have to take it on good faith Western Farmlands was put together before anyone was focusing on the pressures the drought would bring.

"Our objectives are to buy lands which have not been affected by the drought as severely as other areas, so probably, there would be less pressure on the farmer to sell," MacNaughton said.

Both the governor's office and the California State Board of Food and Agriculture on Thursday called for a thorough review of the proposal, and Spohn said he has assigned attorneys in the Consumer Affairs Department to begin a separate examination.

Gray Davis, the governor's executive assistant and chief of staff, said he has directed state Corporations Commissioner Willie R. Barnes to "look thoroughly into this matter."

Thomas Pickett, an attorney for the state Department of Corporations in San Francisco who is handling the application, said Thursday, when informed of the governor's interest, "That might cause further study if the governor's office is interested in it."

Normally, he said it would take between two to three months for the Corporations Department to act on the request.

But Pickett added, "Inasmuch as this seems to have enlisted objections and special study, I would think normal times requirements would not be applicable here."

He said the syndicate was asking for several exceptions to state regulations, but declined to specify the exceptions without first contacting the attorney for the syndicate.

Lionel Steinberg, president of the state Board of Food and Agriculture, raised the issue at the board's meeting Thursday.

He said the public interest was better served by encouraging family farming by such methods as 30-year land loans at prevailing prime bank rates.

State Food and Agriculture Director R. E. Rominger reported Thursday that the Cal-Vet program made only 10 farm loans last year.

Steinberg called for "a halt to domination of primo lands by oil companies, conglomerates, and syndicates."

He added, "It is essential that federal and state agencies monitor and insure that the sale of drought-distressed lands, prime lands, and excess land holdings by such giants as the Southern Pacific Railroad not be gobbled up by investment banking syndicates seeking participation by nonfarmer land profiteers."

The board adopted a motion backing up Steinberg, and another board member, Chester C. Deaver, master of the state Grange, who also expressed alarm.

The board also called for an examination into the purchase of farmland by the federal government. It is scheduling a special meeting on the issue.

MacNaughton conceded Thursday that the drought may be one of many factors which may put pressure on farmers to sell all or part of their holdings.

HEARINGS ON WILDERNESS LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wyoming (Mr. RONCALIO) is recognized for 15 minutes.

Mr. RONCALIO. Mr. Speaker, the Subcommittee on Indian Affairs and Public Lands is currently conducting hearings on H.R. 3454, the Endangered American Wilderness Act of 1977. This important legislation would designate 14 areas totaling 1.4 million acres as components of the National Wilderness Preservation System, and require that another eight areas comprising 0.6 million acres be studied for potential future addition. The bill contains one area in Alaska, five in Oregon, three in California, two in Arizona, three in New Mexico, two in Colorado, one in Utah, three in Montana, one in Oregon and Washington, and one in Wyoming.

The subcommittee has already held 6 days of hearings on the legislation in Washington, D.C., during which we heard from 83 witnesses, and a 1-day hearing in Eugene, Oreg., where over 100 persons and organizations testified. Further hearings in Creede, Colo., and Saratoga, Wyo., are scheduled for mid-June.

Public interest in the legislation has been intense, perhaps because many of the areas in the bill are within easy access of metropolitan areas, are threatened by proposed Forest Service timber sales, and are the subject of longstanding dispute between preservation and industry interests. Controversy also surrounds the criteria used by the Forest Service in previous administrations to evaluate the wilderness suitability of most of the areas in the bill. Conservation groups and others presented a strong case to support their arguments that the Forest Service review process had been too slow, and had incorrectly disqualified many potential wilderness areas by splitting them into multiple study units which did not allow consideration of the area's wilderness value as a whole. Further, it was alleged that the Forest Service's wilderness qualification criteria relied on an overly stringent interpretation of the requirements of the 1964 Wilderness Act, and thus improperly disqualified areas containing some marks of mankind but which should, nevertheless, have been added to the system.

In an historic appearance before the Indian Affairs and Public Lands Subcommittee on May 6, Assistant Secretary of Agriculture Rupert Cutler, essentially agreed with the conservationists' charges. He promised a speedy review, of all wilderness potential areas in the National Forest System using updated criteria, and announced the Carter administration's commitment to an expanded system. At the same time he stressed the administration's view that an expanded wilderness system and the production of raw materials—especially timber—from the public lands are not inimical. Specifically, Cutler feels that intensive management of our national forests—which currently typically yield only half the timber per acre as intensively managed private lands—will much more than make up for any timber lost through classification of areas as wilderness. He also feels that a speeded up review of wilderness potential lands will enable those lands determined to be unsuitable for wilderness to be quickly returned for possible extractive uses, thus ending the wilderness study limbo in which millions of acres of public lands are currently tied up.

Assistant Secretary Cutler initially endorsed 5 of the 22 areas in H.R. 3454, and promised administration recommendations on the other areas in the very near future.

It is the intention of the Subcommittee on Indian Affairs and Public Lands to proceed with this important legislation as expeditiously as possible, and make such boundary adjustments, additions, or deletions as are dictated by the facts gathered during the hearing process. I would especially welcome the comments of my colleagues on any or all of the areas in the bill, or any other areas which should be considered for addition to the bill during markup.

THE MOVE OF POPULATION AND INDUSTRY TO THE SUNBELT CONTINUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, every year for some time now Fortune magazine has published a list of the top 500 industrial corporations in America. In order to determine the extent of how much business has grown in the so-called Sunbelt and declined in the so-called Snowbelt, I made an examination of the Fortune 500 list. The results confirm what was already known—that companies are continuing to move out of States like New York and are relocating in States like Texas and California.

Compare, for example, the following list of top 500 industrial corporations located in New York State in 1960 with those located there in 1976.

In 1960—the number in parentheses indicates the position on the Fortune list and unless otherwise noted all companies are located in New York City:

1. Standard Oil of New Jersey (2).
2. General Electric (4).
3. U.S. Steel (5).
4. Mobil Oil (6).
5. Texaco (8).
6. Western Electric (11).
7. General Dynamics (17).
8. Shell Oil (18).
9. National Dairy Products (20).
10. Union Carbide (23).
11. RCA (24).
12. IBM (27).
13. Sinclair Oil (29).
14. Continental Can (32).
15. American Can (33).
16. GTE (34).
17. General Foods—White Plains (37).
18. International Paper (39).
19. Cities Service (41).
20. Sperry Rand (42).
21. U.S. Rubber (43).
22. Borden (44).
23. Eastman Kodak—Rochester (45).

24. ITT (52).
25. Allied Chemical (57).
26. Olin Mathieson (60).
27. American Tobacco (63).
28. Corn Products (65).
29. American Metal Climax (66).
30. Anaconda (69).
31. American Cyanamid (73).
32. Colgate Palmolive (74).
33. National Lead (82).
34. American Radiator & Standard Sanitary (85).
35. Singer (89).
36. St. Regis Paper (92).
37. W. R. Grace (93).
38. J. P. Stevens (94).
39. Kennecott Copper (98).
40. Standard Brands (102).
41. Nabisco (104).
42. Merritt-Chapman & Scott (105).
43. American Home Products (107).
44. United Merchants & Manufacturers (110).
45. Lever Brothers (112).
46. American Smelting (116).
47. Continental Baking—Rye (120).
48. Johns Manville (124).
49. Coca-Cola (132).
50. Babcock & Wilcox (134).
51. Combustion Engineering (136).
52. Liggett-Myers (142).
53. American Sugar (145).
54. AVCO (148).
55. Philip Morris (156).
56. Grumman Aircraft—Bethpage (159).
57. Phelps Dodge (161).
58. American Machine & Foundry (165).
59. Lorillard (171).
60. Time, Inc. (177).
61. National Distillers & Chemical (179).
62. Celanese (180).
63. Carrier—Syracuse (181).
64. Lowenstein & Sons (185).
65. Seagram (187).
66. Pfizer—Brooklyn (189).
67. Revere Copper & Brass (191).
68. U.S. Plywood (197).
69. West Virginia Pulp & Paper (198).
70. Diamond International (201).
71. Stauffer Chemical (202).
72. Otis Elevator (203).
73. National Gypsum—Buffalo (205).
74. Flintkote (207).
75. Sterling Drug (217).
76. Corning Glass Works—Corning (221).
77. Air Reduction (225).
78. Republic Aviation—Farmingdale (228).
79. Schenley (231).
80. Sunshine Biscuits—Long Island City (242).
81. Hearst Publications (243).
82. Union-Camp (250).
83. ACF Industries (252).
84. National Sugar Refining (253).
85. General Cable (260).
86. General Baking (261).
87. American Brake Shoe (265).
88. Foster Wheeler (268).
89. Ingersoll-Rand (269).
90. General Aniline & Film (273).
91. Cerro de Pasce (274).
92. Pepsi-Cola (276).
93. Hooker Chemical (283).
94. Fairbanks Whitney (284).
95. Endicott Johnson—Endicott (287).
96. Yale & Towne Manufacturing (289).
97. Avon (291).
98. Anaconda Wire & Cable (293).
99. Rheem Manufacturing (295).
100. Philadelphia & Reading (297).
101. Simmons (304).
102. Bristol-Myers (307).
103. Spencer Kellogg & Sons—Buffalo (309).
104. Rayonier (313).
105. Bell Aircraft—Buffalo (314).
106. Rubberoid (317).
107. Revlon (323).
108. Interchemical (329).
109. American Bosch Arma—Hempstead (333).
110. Beech Nut-Life Savers—Canajoharie (341).
111. Vick Chemical (343).
112. Alco Products (345).
113. Carborundum—Niagra Falls (349).
114. Cluett, Peabody (359).
115. Glen Alden (364).
116. McGraw-Hill (372).
117. Royal McBee—Port Chester (376).
118. New York Times (377).
119. Kayser-Roth (378).
120. Ameranda Petroleum (379).
121. Beaunit Mills (380).
122. Ward Baking (381).
123. Mohasco Industries—Amsterdam (384).
124. Riegle Textile (392).
125. Reichhold Chemicals — White Plains (398).
126. American Agricultural Chemicals (404).
127. Smith Corona—Syracuse (410).
128. Lily-Tulip Cup (416).
129. Lone Star Cement (421).
130. Standard Packaging (426).
131. Consolidated Electronics Industries (432).
132. U.S. Industries (433).
133. St. Joseph Lead (436).
134. Hardy & Harmon (437).
135. Canada Dry (440).
136. Howe Sound (449).
137. Chicago Pneumatic Tool (454).
138. Todd Shipyards (458).
139. Houdaille Industries—Buffalo (460).
140. Consolidated Cigar (468).
141. Tennessee Corp. (473).
142. American Petroleum (474).
143. Tobin Packaging—Rochester (477).
144. Columbia Carbon (479).
145. Underwood (480).
146. McCall (488).
147. Walworth (492).
148. Oxford Paper (494).
149. Bigelow-Sanford (499).

1976

1. Exxon (1).
2. Texaco—Harrison (4).
3. Mobil (5).[1]
4. IBM—Armonk (8).
5. ITT (11).
6. Western Electric (18).
7. Union Carbide (21).[2]
8. Eastman Kodak—Rochester (28).
9. RCA (31).
10. General Foods—White Plains (44).
11. Amerada Hess (48).
12. W. R. Grace (50).
13. International Paper (52).
14. Colgate-Palmolive (54).
15. Continental Group (56).[3]
16. Gulf & Western Industries (57).
17. Borden (59).
18. Sperry Rand (62).
19. Philip Morris (65).
20. Pepsico—Purchase (77).
21. American Brands (80).
22. American Home Products (89).
23. CBS (102).
24. Singer (105).
25. Celanese (106).
26. Brystol-Myers (113).
27. Pfizer (118).
28. Standard Brands (126).
29. North American Phillips (128).
30. Babcock & Wilcox (129).
31. Norton Simon (131).
32. American Standard (134).
33. St. Regis Paper (135).[4]
34. Ogden (145).
35. Grumman—Bethpage (148).
36. Anaconda (151).[5]
37. Avon (157).
38. J. P. Stevens (160).
39. Agway—DeWitt (162).
40. U.S. Industries (169).
41. American Broadcasting (170).
42. SCM (172).
43. NL Industries (175).
44. Colt Industries (178).
45. Studebaker-Worthington (187).
46. Squibb (188).
47. National Distillers & Chemical (193).
48. Amstar (198).
49. Carrier—Syracuse (199).
50. AMF—White Plains (201).
51. Asarco (203).
52. Sterling Drug (205).
53. United Merchants & Manufacturers (207).
54. Crane (208).
55. GAF (216).
56. Time, Inc. (217).
57. Corning Glass Works—Corning (219).
58. Kennecott Copper (234).
59. Revelon (235).
60. Phelps Dodge (240).
61. Seagram & Sons (241).
62. Westvaco (245).
63. Diamond International (252).
64. Peabody Coal (257).
65. Warner Communications (261).
66. Eltra (265).
67. Kane-Miller—Tarrytown (269).
68. St. Joe Minerals (271).
69. Lever Brothers (275).
70. General Host (299).[6]
71. ACF Industries (301).
72. Mohasco—Amsterdam (306).
73. Avnet (309).
74. Carborundum—Niagara Falls (313).
75. Sperry & Hutchinson (316).
76. Hewmont Mining (317).
77. McGraw-Hill (323).
78. Reichhold Chemical—White Plains (325).
79. Cluett, Peabody (330).
80. Sybron—Rochester (332).
81. Wiltco Chemical (336).
82. Inmont (350).
83. M. Lowenstein & Sons (351).
84. Indian Head (355).
85. UV Industries (368).
86. Revere Copper & Brass (374).
87. Macmillan (376).
88. Saxon Industries (385).[7]
89. New York Times (394).
90. Gannett—Rochester (426).
91. Collins & Aikman (440).
92. General Instrument (443).
93. Dairylea Cooperative—Pearl River (460).
94. Dover (462).
95. U.S. Filter (465).
96. Belco Petroleum (468).
97. Bausch & Lomb—Rochester (475).
98. Handy & Harmon (476).
99. Columbia Pictures Industries (488).
100. Wallace Murray (490).
101. Houdaille Industries (496).[8]
102. Peabody International (498).

FOOTNOTES

[1] Has announced its intention to move to Falls Church, Virginia.

[2] Will move to Fairfield, Connecticut.

[3] Will move to Rowayton, Connecticut.

[4] Is expected to move to Fairfield, Connecticut.

[5] Is expected to move shortly.

[6] Will move to Stamford, Connecticut.

[7] Is expected to move to Fairfield, Connecticut.

[8] Has moved to Ft. Lauderdale, Florida.

Thus one can see that in 16 years the number of top 500 industrial corporations with headquarters in New York State has declined from 149 in 1960, to less than 100 today—with the number continuing to decline as more companies announce their intention to move elsewhere.

By contrast, the number of top 500 industrial corporations with headquarters in the so-called sunbelt—composed of the South Atlantic States, East South

Central States, West South Central States, Mountain States, and Pacific States—has increased dramatically.

1960

1. Du Pont—Wilmington, Delaware (12).
2. Boeing Aircraft—Seattle, Washington (19).
3. Standard Oil of California—San Francisco (22).
4. Lockheed Aircraft—Burbank, California (28).
5. Phillips Petroleum—Bartlesville, Oklahoma (31).
6. North American Aviation—Los Angeles (38).
7. Douglas Aircraft—Santa Monica, California (46).
8. Burlington Industries—Greensboro, North Carolina (49).
9. R. J. Reynolds—Winston-Salem, North Carolina (56).
10. Continental Oil—Houston (61).
11. Tidewater Oil—Los Angeles (75).
12. Crown Zellerbach—San Francisco (83).
13. Martin—Baltimore, Maryland (84).
14. Reynolds Metals—Richmond, Virginia (91).
15. Weyerhaeuser — Tacoma, Washington (95).
16. Sunray Mid-Continental Oil—Tulsa, Oklahoma (96).
17. Foremost Dairies—San Francisco (97).
18. Kaiser Aluminum & Chemical—Oakland, California (101).
19. Union Oil of California—Los Angeles (106).
20. Pullman—Wilmington, Delaware (114).
21. Carnation—Los Angeles (115).
22. California Packing—San Francisco (129).
23. Food Machinery & Chemical—San Jose, California (131).
24. Ashland Oil & Refining—Ashland, Kentucky (150).
25. Hercules Powder—Wilmington, Delaware (167).
26. Colorado Fuel & Iron—Denver (170).
27. Genesco—Nashville (173).
28. Richfield Oil—Los Angeles (178).
29. Northrop—Beverly Hills, California (182).
30. Skelly Oil—Tulsa, Oklahoma (186).
31. Chance Vought Aircraft—Dallas (188).
32. Dresser Industries—Dallas (199).
33. Rexall Drug & Chemical—Los Angeles (204).
34. Kaiser Industries—Oakland, California (213).
35. Wheeling Steel—Wheeling, West Virginia (219).
36. Cannon Mills—Kannapolis, North Carolina (220).
37. Kaiser Steel—Oakland, California (222).
38. Chemstrand—Decatur, Alabama (229).
39. Garrett—Los Angeles (232).
40. Texas Instruments—Dallas (234).
41. Georgia-Pacific — Portland, Oregon (235).
42. Rohr Aircraft—Chula Vista, California (237).
43. Newport News Shipbuilding—Newport News, Virginia (238).
44. Cone Mills—Greensboro, North Carolina (239).
45. Spring Cotton Mills—Fort Mill, South Carolina (246).
46. Dan River Mills—Danville, Virginia (256).
47. Campbell Taggart Assoc. Bakeries—Dallas (257).
48. Signal Oil & Gas—Los Angeles (264).
49. Wesson Oil & Snowdrift—New Orleans (271).
50. Southern States Cooperatives—Richmond, Virginia (281).
51. Hunt Foods & Industries—Fullerton, California (285).
52. West Point Manufacturing—West Point, Georgia (288).
53. Kerr-McGee Oil Industries—Oklahoma City (305).
54. Superior Oil—Los Angeles (311).
55. Colorado Milling & Elevator—Denver (318).
56. Boise Cascade—Boise, Idaho (321).
57. Litton Industries—Beverly Hills, California (322).
58. U.S. Pipe & Foundry—Birmingham, Alabama (332).
59. Fibreboard Paper Products—San Francisco (334).
60. Vulcan Materials—Birmingham, Alabama (339).
61. Pacific Vegetable Oil—San Francisco (340).
62. Potlatch Forests—Lewiston, Idaho (346).
63. Fairchild Engine & Airplane—Hagerstown, Maryland (350).
64. Lone Star Steel—Dallas (353).
65. American Enka—Enka, North Carolina (366).
66. Ideal Cement—Denver (368).
67. Pacific Car & Foundry—Renton, Washington (374).
68. Temco Aircraft—Dallas (386).
69. Minute Maid—Orlando, Florida (387).
70. Island Creek Coal—Huntington, West Virginia (388).
71. Great Western Sugar—Denver (390).
72. Di Giogio Fruit—San Francisco (393).
73. Times-Mirror—Los Angeles (394).
74. Hawaiian Pineapple—Honolulu, Hawaii (402).
75. American Forest Products—San Francisco (424).
76. Lear—Santa Monica, California (431).
77. Delhi-Taylor Oil—Dallas (434).
78. Ryan Aeronautical—San Diego (442).
79. Cosden Petroleum—Big Spring, Texas (452).
80. Virginia-Carolina Chemical—Richmond, Virginia (459).
81. W. P. Fuller—San Francisco (466).
82. Robertshaw-Fulton Controls—Richmond, Virginia (467).
83. Permanente Cement—Oakland, California (471).
84. Siegler—Los Angeles (472).
85. Bibb Manufacturing—Macon, Georgia (486).
86. Friden—San Leandro, California (487).
87. Anderson-Prichard Oil—Oklahoma City (493).
88. Chamlin Oil & Refining—Fort Worth (498).

1976

1. Standard Oil of California—San Francisco (6).
2. Shell Oil—Houston (13).
3. Atlantic Richfield—Los Angeles (15).
4. Du Pont—Wilmington, Delaware (16).
5. Tenneco—Houston (20).
6. Phillips Petroleum—Bartlesville, Oklahoma (24).
7. Occidental Petroleum—Los Angeles (26).
8. Union Oil of California—Los Angeles (30).
9. LTV—Dallas (39).
10. R. J. Reynolds—Winston-Salem, North Carolina (41).
11. Ashland Oil—Russell, Kentucky (43).
12. Cities Service—Tulsa, Oklahoma (45).
13. Boeing—Seattle, Washington (47).
14. Greyhound—Phoenix, Arizona (49).
15. Litton Industries—Beverly Hills, California (60).
16. Lockheed Aircraft—Burbank, California (61).
17. Getty Oil—Los Angeles (67).
18. Georgia Pacific—Portland, Oregon (68).
19. Coca-Cola—Atlanta, Georgia (69).
20. Signal Industries—Beverly Hills, California (91).
21. Burlington Industries—Greensboro, North Carolina (98).
22. Dresser Industries—Dallas (101).
23. Carnation—Los Angeles (103).
24. Crown Zellerbach—San Francisco (104).
25. Reynolds Metals—Richmond, Virginia (108).
26. Kerr-McGee—Oklahoma City (114).
27. Teledyne—Los Angeles (115).
28. Boise Cascade—Boise, Idaho (116).
29. Kaiser Aluminum & Chemical—Oakland, California (122).
30. Texas Instruments—Dallas (133).
31. Associated Milk Producers—San Antonio, Texas (137).
32. Lykes—New Orleans (140).
33. Hercules—Wilmington, Delaware (142).
34. Dart Industries—Los Angeles (152).
35. Del Monte—San Francisco (158).
36. Jim Walter—Tampa, Florida (177).
37. Northrop—Los Angeles (179).
38. Levi Strauss—San Francisco (186).
39. Martin Marietta—Bethesda, Maryland (189).
40. Charter—Jacksonville, Florida (192).
41. Ethyl—Richmond, Virginia (194).
42. Genesco—Nashville, Tennessee (196).
43. Hewlett-Packard—Palo Alto, California (200).
44. Commonwealth Oil Refining—San Antonio, Texas (211).
45. American Petrofina—Dallas (212).
46. Tesoro Petroleum—San Antonio, Texas (213).
47. Pennzoil—Houston (221).
48. Kaiser Industries—Oakland, California (222).
49. Williams Companies—Tulsa, Oklahoma (226).
50. Paccar—Bellevue, Washington (227).
51. Murphy Oil—El Dorado, Arkansas (229).
52. Times Mirror—Los Angeles (232).
53. Castle & Cook—Honolulu, Hawaii (250).
54. Gold Kist—Atlanta, Georgia (251).
55. Tosco—Los Angeles (258).
56. Clorox—Oakland, California (262).
57. MCA—Universal City, California (267).
58. Evans Products—Portland, Oregon (270).
59. Anderson Clayton—Houston (274).
60. Black & Decker Manufacturing—Towson, Maryland (276).
61. Blue Bell—Greensboro, North Carolina (281).
62. Akzona—Asheville, North Carolina (282).
63. Liggett Group—Durham, North Carolina (283).
64. Whittaker—Los Angeles (286).
65. West Point-Pepperell—West Point, Georgia (287).
66. Universal Leaf Tobacco—Richmond, Virginia (290).
67. Campbell Taggart—Dallas (291).
68. Lear Siegler—Santa Monica, California (292).
69. Knight-Ridder Newspaper—Miami, Florida (295).
70. Potlatch—San Francisco (308).
71. Spring Mills—Fort Mill, South Carolina (311).
72. National Gypsum—Dallas (314).
73. Adolph Coors—Golden, Colorado (321).
74. Norin—North Miami, Florida (324).
75. Cone Mills—Greensboro, North Carolina (326).
76. Louisiana-Pacific—Portland, Oregon (338).
77. Cooper Industries—Houston (340).
78. Baker International—Orange, California (342).
79. Southwest Forest Industries—Phoenix, Arizona (344).
80. Williamette Industries—Portland, Oregon (345).
81. Federal Company—Memphis, Tennessee (348).
82. Alumax—San Mateo, California (352).
83. Fairmont Foods—Houston (358).
84. Great Western United—Denver (359).

85. Crown Central Petroleum—Baltimore (365).
86. Dan River—Greenville, South Carolina (372).
87. Cook Industries—Memphis, Tennessee (380).
88. National Service Industries—Atlanta, Georgia (381).
89. Simmons—Atlanta, Georgia (387).
90. Purex—Lakewood, California (388).
91. Cannon Mills—Kannapolis, North Carolina (393).
92. NVF—Yorklyn, Delaware (402).
93. Gardner-Denver—Dallas (403).
94. Fairchild Camera & Instrument—Mt. View, California (404).
95. Superior Oil—Houston (405).
96. Norris Industries—Los Angeles (416).
97. MAPCO—Tulsa, Oklahoma (419).
98. Rohr Industries—Chula Vista, California (421).
99. Cameron Iron Works—Houston (422).
100. Envirotech—Menlo Park, California (424).
101. Vulcan Materials—Birmingham, Alabama (427).
102. Natomas—San Francisco (436).
103. Fleetwood Industries—Riverside, California (427).
104. Monfort of Colorado—Greeley, Colorado (445).
105. Hughes Tool—Houston (448).
106. Flavorland Industries—Denver (450).
107. Washington Post—Washington, D.C. (452).
108. Hyster—Portland, Oregon (454).
109. Hanes—Winston-Salem, North Carolina (455).
110. Tektronix—Beaverton, Oregon (457).
111. Avery International—San Marino, California (463).
112. Twentieth Century-Fox Film—Los Angeles (472).
113. Talley Industries—Mesa, Arizona (478).
114. Louisiana Land & Exploration—New Orleans (479).
115. Fieldcrest—Eden, North Carolina (480).
116. Memorex—Santa Clara, California (481).
117. Olinkraft—West Monroe, Louisiana (484).
118. Varian Associates—Palo Alto, California (485).
119. Mattel—Hawthorne, California (486).
120. International Systems & Controls—Houston (489).
121. Tyler—Dallas (492).

While this list is hardly exhaustive and makes no effort to compensate for mergers, name changes, or other factors, nevertheless I think it is impressive that while New York State lost 31 percent of its top 500 industrial corporations the number of top 500 industrial corporations located in the sunbelt increased by 37 percent. In many cases this is the direct result of companies moving from New York to the sunbelt—National Gypsum, for example, moved from Buffalo to Dallas and Coca-Cola moved from New York City to Atlanta—in other cases it was simply due to the fact that so many new companies from the sunbelt have joined the 500 list because of rapid growth that older companies were simply pushed off the list.

In searching for the cause of this phenomenon, I do not think one needs to go any further than an examination of tax burden with employment growth, as this chart demonstrates:

Region	1960–75 [1]	1975 [2]
Middle Atlantic	1.1	$795
New England	1.8	658
East North Central	2.0	649
United States	2.8	618
West North Central	2.8	606
East South Central	3.8	452
Pacific	4.0	775
South Atlantic	4.4	586
West South Central	4.4	492
Mountain	5.4	619

[1] Percent increase in employment per year.
[2] Per capita State and local taxes.

According to this data, every State with below average taxation had average or above average employment growth between 1960 and 1975, while 3 out of 5 States with above average taxation had below average employment growth. New York, of course, has the heaviest tax burden in the Nation—$1,025 per capita in 1975. I think this explains why the exodus of business from New York has taken place and why it continues unabated. Before the situation can reverse itself there will have to be a substantial reduction in tax rates across the board, both on the State and Federal level.

MEETING OF INTERPARLIAMENTARY UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Derwinski) is recognized for 60 minutes.

(Mr. DERWINSKI asked and was given permission to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Speaker, the purpose of this special order is to report to the Members of the House on the meeting of the Interparliamentary Union which was held in Canberra, Australia. Aside from my remarks which deal with the importance and the historic international significance of that meeting, I take this opportunity to digress from that point to indicate that those of us who traveled there in the interests of the Congress were subject to some criticism in the media. There were implications that the trip was a junket. Thus I take this opportunity to remind all the Members of the House that the U.S. Congress is the outstanding legislative body in the world; therefore our Members, collectively, representing the best example of democracy, legislative ability and diplomacy, must travel in line of duty. Further, Mr. Speaker, let me say that I consider junkets not as a bad word, but a badge of honor.

Mr. Speaker, the regular spring meeting of the Interparliamentary Union was held April 10 through 17 in Canberra, Australia. The atmosphere in the meetings confirmed the recent trend within the Interparliamentary Union to political dialog rather than divisiveness that had consistently dominated previous meetings. Sixty-two national parliamentary groups participated in the meetings which produced profound and detailed resolution on a range of major issues.

The interest of the U.S. Congress in this major international meeting was affirmed by the participation of an active delegation, with Senator John Sparkman as chairman. In addition, Senators Bayh, Stafford, and Scott, and Representatives Pepper, Long, McClory, Vander Jagt, Burke, Byron, Patten, Pickle, and I made up the delegation.

The heavy work of the spring session of the Interparliamentary Union is divided among its five standing committees. The Political Committee this year discussed the role of parliaments in furthering relaxation of international tensions and progress in the field of disarmament, including nuclear weapons and new weapons of mass destruction. Senator Sparkman, Senator Stafford, and I served on this committee, with Senator Sparkman making the official statement for the U.S. delegation. After paying tribute to the hard work and dedication with which our Australian hosts had prepared the conference and the historic facilities which were put at the disposal of the delegates, he underlined the special responsibilities which parliamentarians have in the disarmament field as they appropriate the funds which are used for weapons development and purchase. He pointed out that there are several positive steps which parliaments can take to improve the arms situation in the world. First, to educate our constituencies to the meager security which is afforded by nuclear weapons in the modern era and to the alternative courses afforded by arms control and disarmament measures. Second, he outlined how parliamentarians can educate themselves about the just needs and desires of other nations by stepping outside of the highly circumscribed domestic political roles normally given themselves; and lastly, he called on parliamentarians while evaluating new military measures, whether they be minor increases in force strength or major purchases or developments of a weapons system, to look to the regional and international implications of such an act.

I represented the United States on the Drafting Committee on Disarmament which eventually achieved a unanimously adopted resolution on the subject under discussion. The drafting sessions were long and arduous, but were marked by a spirit of understanding and a desire to produce a resolution acceptable to all the delegates.

The resolution as finally adopted emphasized that nuclear disarmament was a matter of overriding importance at a time when nuclear weapons posed the greatest danger to mankind. It noted the urgency of establishing effective measures to control the arms race and expressed concern at the absence of real progress toward the conclusion of a treaty on the complete and universal prohibition of nuclear weapons tests. The delegates also expressed their alarm at the rapidly escalating rate of military expenditures and took note of the inability of any single nation to regulate the world arms trade emphasizing the need for international cooperation. The resolution also called upon parliaments and governments to get on with the negotiation of a treaty on the full and universal prohibition of nuclear weapons tests and called for accession to the treaty on nonproliferation of nuclear weapons. The resolution would also encourage the creation of zones of peace and collaboration free of nuclear weapons in various regions of the world. The delegates called upon parliaments to also be aware of the need for the United Nations to take up the question of production and transfer of arms and greater international attention to practical controls on arms transfers. Finally, the delegates gave their approval to the Helsinki Agreement and the relaxation of tensions which should be a product of those agreements.

In the Committee on Parliamentary, Juridical and Human Rights Questions, the delegates discussed the important issue of the Law of the Sea. The United States was represented on this committee by Senator WILLIAM SCOTT and Representatives EDWARD PATTEN, J. J. PICKLE, and GOODLOE BYRON.

Representatives PEPPER, LONG, and BURKE participated in the work of the Economic and Social Committee.

The Committee on Educational, Scientific, Cultural, and Environmental Questions was manned by Representatives McCLORY, VANDER JAGT, and PATTEN. I yield to Congressman McCLORY who will report on his committee.

Mr. McCLORY. Mr. Speaker, I want to concur in the remarks of my distinguished colleague, the gentleman from Illinois (Mr. DERWINSKI). In my opinion, our colleague (Mr. DERWINSKI) is one of the very best representatives of our Nation at international gatherings.

I would also say that the person-to-person contacts by representatives of this body with the representatives from other governments, especially representatives from the parliamentary branch of those other governments, is an important part of our international relations.

I cannot think of any activity which promotes international understanding or long-range programs of peace in a better way than the contacts which our Members have with the representative leaders of other countries. As my colleague has said, we can promote a better understanding of the parliamentary system of representative government than anyone else. In addition to that, we have the opportunity to set forth our views with regard to so many problems which are of common interest to all of the parliaments of the world. The Interparliamentary Union, I think, is a particularly important body, it having been established back in 1894, and it has a long history. If we were not represented at these meetings, I think it would be a great disservice to our Government. The fact that we are there with representatives from some 60 other nations, it seems to me, is a major contribution toward the welfare of this Nation. I am proud, indeed, to have been a part of our delegation headed by the chairman of the Senate Committee on Foreign Relations, the gentleman from Alabama (Mr. SPARKMAN) and participated in by other leaders of this body, eminent and eloquent spokesmen in behalf of our system. Mr. Speaker, I was privileged to take part in the spring Conference of the Interparliamentary Union this year in Canberra, Australia, from September 11–16, in Australia's Parliament House. Parliamentary representatives from 60 other nations joined in this meeting to consider and take preliminary action on subjects in which our representative parliaments have a common interest.

In my own case I was pleased to attend the opening plenary session, which was addressed by the Governor General of Australia, Sir John Kerr, as well as the Australian Prime Minister, Malcolm Fraser. The significance of the Interparliamentary Union Conference was epitomized in the words of the Governor General, who declared at one point:

> Gatherings of parliamentarians such as are here today, provide that necessary forum for the cross-fertilisation of ideas which will do much, I am sure, to ease the problems facing the Parliaments of the world and indeed the world body itself—the United Nations. Where there has to be change in the institutions of the world, it behooves Parliaments to see to it that change is brought about not through violence, distrust or division, but rather through the democratic parliamentary system.

Following the opening ceremonies, our group took on our respective committee assignments. I took part, as before, in the work of the Educational, Scientific, Cultural, and Environmental Committee, which I served formerly as chairman during a period of 4 years.

Having prepared a preliminary paper on the subject assigned to this committee, namely, "The Provision of Water and the Control of the Disposal of Wastes as Prerequisites to the Development of the Human Environment," I likewise submitted a draft resolution for the committee's consideration.

Mr. Speaker, at this point I should point out the very able support which I received from the Congressional Research Service of the Library of Congress in preparing for the debates at this Interparliamentary Union meeting. I am grateful particularly to Mrs. Ellen Collier, specialist, U.S. foreign policy, who worked on the paper with her associate, Harvey Sherman, specialist in conservation and natural resources. With this assistance, I was able to make major contributions to the overall discussions and to submit a draft resolution, which, after amendment, was approved and recommended for debate in the fall meeting in Sofia, Bulgaria.

I was privileged to serve as chairman of the Drafting Committee and to see the final affirmative action taken by the full committee on the resolution which the Drafting Committee proposed. In this connection I was also grateful to be named as rapporteur to report on this resolution at the fall conference.

Mr. Speaker, while these comments reflect only the barest outline of the work of the Educational, Scientific, Cultural and Environmental Committee, I would be remiss if I did not attest to the particular benefits which are gained from the contacts which our U.S. representatives have with those parliamentary representatives from the other member nations. There is no question in my mind but that this type of person-to-person diplomacy contributes substantially to our improved understanding of the problems, aspirations, attitudes and other human characteristics of elected public officials from around the world.

Mr. Speaker, in my view the Interparliamentary Union is a mechanism which permits the establishment of the most substantial international relations. I have had evidence time and time again that the agreements which we are able to work out through our debates and discussions contribute ultimately to treaty language which, in turn, results in improved international understanding.

Mr. Speaker, may I also commend my other colleagues who served, as well as the Clerk of the House, Edmund L. Henshaw, Jr., who joined us at this conference and took part in the affairs of the Association of Secretaries General of the Interparliamentary Union, our esteemed Executive Secretary, Darrell St. Claire, Assistant Secretary of the Senate, and Curtis C. Cutter of the State Department. Also to be commended are Mrs. Octa Watson and Mrs. Mary McLaughlin, and the U.S. Army escort personnel.

Mr. Speaker, I want particularly to commend our group's chairman, Senator JOHN SPARKMAN of Alabama, who always provided responsible and informed leadership in behalf of our U.S. interests. At the intensive working level, our colleague Congressman ED DERWINSKI of Illinois is without a peer. His tenacious representation of our U.S. positions, his broad knowledge of our foreign policy positions, and his awareness of the techniques employed by representatives of many of the other nations, particularly our counterparts from the single-party Communist-dominated countries, are superb. Congressman DERWINSKI and Senator BOB STAFFORD of Vermont served as our representatives on the Interparliamentary Union Council. Together they provided capable and effective representation of our Nation's important national security, social and political interests.

Mr. Speaker, without detailing the many events of our mission to Canberra, let me say simply that our Nation's interests and welfare were well served, and, in my view, the cause of peace and international understanding were advanced another notch.

Mr. DERWINSKI. I thank my colleague, the gentleman from Illinois. I wish to point out that in his modesty he failed to mention that he is one of the most active of our Members, expecially energetic in the work of the Education Committee at these meetings where he has pioneered and dramatized to the parliamentarians of the Third World the practical effects of educational TV and other modern educational developments.

One of our other hard-working colleagues was our distinguished Member, the gentleman from Texas (Mr. PICKLE) and I yield such time to him as he may consume.

Mr. PICKLE. I thank the gentleman for yielding.

Mr. Speaker, I, in turn, want to compliment the gentleman from Illinois (Mr. DERWINSKI) and the gentleman from Illinois (Mr. McCLORY) for the leadership that they gave. We had 60 to 65 nations at this conference, and I think that the Members of this body would be impressed with the acceptance of the gentleman from Illinois (Mr. DERWINSKI) as a leader in this interparliamentary group. I noticed one nation after another come up to him and visit with him and pose a serious question, and then go off satisfied that he was listening. Although we were the United States, at the same time we were giving an attentive ear to all of the smaller nations. I think all the Members ought to remember this, that in these Interparliamentary Union meetings, normally some of the most serious problems facing the world start off at that level of discussion between and among nations, and they will perhaps float up nation to nation and end up at the United Nations and perhaps on the floor of this Congress. Quite often, though, the problems that we discuss and on which later the nations come together with some accord are started at these very Unions. I was pleased to be with this group, and I will say to the gentleman from Illinois (Mr. DERWINSKI) that I believe he was even more popular than was the gentleman from Florida (Mr. PEPPER) and he is a model for all of us.

Mr. DERWINSKI. I thank the gentleman from Texas.

I would also like to point out to the Members that as the gentleman from Texas (Mr. PICKLE) indicated, our colleague, the gentleman from Florida (Mr. PEPPER) has been extremely effective in the Interparliamentary Union. The gentleman from Maryland (Mr. BYRON), the gentleman from Louisiana (Mr. LONG), the gentleman from Florida (Mr. BURKE), and the gentleman from Michigan (Mr. VANDER JAGT) and on the Senate side the gentleman from Vermont (Mr. STAFFORD) and the gentleman from Indiana (Mr. BAYH), the gentleman from Virginia (Mr. SCOTT) were especially effective Members. I should add that Senator BAYH was especially effective in handling the problems relating to southern Africa.

The Committee on Non-Self-Governing Territories and Ethnic Questions was attended by Senator BAYH and Representatives BURKE and DERWINSKI. The principal question under discussion in that committee dealt with the implementation of the resolution of the 63d IPU Conference on the situation in southern Africa. In his statement to the committee, Senator BAYH regretted that the Union of South Africa had paid no heed to calls addressed to it not only by the United States but by many others over the years, that it must ameliorate its racial policies. Senator BAYH pointed out the stark reality of the rising revolution of dignity and justice for all men regardless of their race or color that is now inevitable. It is not possible to think of the three problems of Rhodesia and Namibia and South Africa separately. He said that it was the influence and strength of the regime in South Africa which makes possible the continuation of unjust systems in both Rhodesia and Namibia. Until South Africa has made a decision to accept majority rule, it is difficult, he said, to see that there will ever be a fully just solution in Rhodesia or Namibia without violence or bloodshed. As an example of the concern of the United States, Senator BAYH cited the recent action of the Congress in repealing the Byrd amendment relative to Rhodesian chrome and the fact that Ambassador Andrew Young's first mission for President Carter was to Africa. This underlines the fact that the United States intends to give special attention to the African problem in the months ahead.

Senator BAYH represented the United States in the drafting committee that produced a draft resolution which could be supported unanimously by the Conference. After paying tribute to the work carried out by the Interparliamentary Union Visiting Mission on Namibia and stressing the importance of this action by the IPU, the resolution requested all states and international organizations to increase their aid and support to the oppressed peoples of southern Africa. It called on the governments and parliaments of the world to take legislative and other action to promote the speedy and full implementation of the resolution adopted at the 63d IPU Conference and called on all parliaments of nations which have commercial subsidiaries in southern Africa to ask for a government investigation into the scope of plant investments, working conditions, and wages of those subsidiaries. Drawing on a U.S. draft resolution, the Conference further called on parliaments and governments:

In regard to South Africa: To reject categorically the practice of apartheid; to urge all countries to refrain from sending arms to South Africa and Rhodesia; to recognize the rights of all peoples of South Africa to citizenship in that republic; and to support the evolution of South Africa toward a multiracial society.

In regard to Namibia: To deplore the decision of South African Government to refuse entry to the IPU factfinding mission; to support and encourage a constitutional conference on Namibia under U.N. auspices which would lead to free elections; and the participation of SWAPO in the process at the earliest possible moment.

In regard to Rhodesia, the Conference urged all governments and parties concerned to give their full support to and cooperation with the continuing initiative of the United Kingdom in its search for a negotiated settlement of the Rhodesian problem; it noted the failure so far to achieve a negotiated settlement and called for the earliest possible establishment of a legal majority government in Rhodesia; and the full respect of the U.N. mandatory sanction against Rhodesia until majority rule is achieved.

At the conclusion of the Conference, the Interparliamentary Council met in its 120th session. The United States was represented in the Council by Senator STAFFORD and Representative DERWINSKI. Several important actions were taken during the three sessions which were held on April 15 and 16. Cuba and Zambia were admitted as new members of the Union. At the request of the Government of Colombia, its membership was suspended. Panama, Paraguay and Sierra Leone were notified that they were in arrears and in jeopardy of losing their vote.

The Council gave its overwhelming endorsement to the report of the IPU factfinding mission on Namibia and adopted the report of the Secretary General on the situation in southern Africa. The first report of the Special Committee on Violations of Human Rights of Parliamentarians was accepted by the Council. This marked a milestone in the IPU's activities as the Union began to concern itself with the human rights of its fellow parliamentarians around the world in a specific way. In connection with human rights, the Council also unanimously accepted the report of the special working group on the situation in Chile and approved four new members for the special working group. A hotly debated question was the ultimate inclusion of a new agenda item for debate at the fall conference in Sofia, Bulgaria, entitled "Behavior of the Israeli Authorities in the Occupied Territories." Mr. Speaker, I attach a copy of the table showing the vote on this motion as a part of my remarks.

Also, the possible increase or decrease in contributions to the IPU organization will be reviewed in Sofia. We are the target since we now make a contribution of 13.8 percent and there are some who think we should pay the 25 percent as assessed in the U.N. Obviously, we are resisting and will make every effort to hold our contribution to the 13.8 percent level.

Since the number of items to be debated at the fall conference was raised to six, it was decided to add an additional day to the conference. In accord with this change the fall conference in Sofia will run from September 21 through September 30.

Mr. Speaker, it was necessary for me to fly directly to and from Canberra from Washington to cover two meetings held on Sunday, April 10, and then to represent the United States at the Council meeting with Senator STAFFORD on April 16 and 17.

In the Executive Committee meeting on April 10, Cuba and Zambia were admitted as new members. The official action would take place at the Council meeting on Friday, April 15. Also, questions were raised concerning the status of parliaments in Thailand and Brazil. The status of both were challenged by Communist country members, but no action was taken. New resolutions were introduced by Jordan and Syria specifically addressing the Palestinian issue. In the absence of the Israeli delegation and the heavy agenda already established, it was hoped that a debate on the Middle East, and specific points in that context, would be deferred until the fall meeting in Sofia. Also, action to adjust the formula for nations contributing to the IPU was postponed until the fall meeting in Sofia.

The other meeting held on Sunday the 10th was a special strategy meeting of the Committee of Western European Nations plus the United States. In attendance were representatives from Denmark, Iceland, Sweden, Belgium, Austria, Luxembourg, Switzerland, Norway, West

Germany, Canada, France, Australia, and the United States. The group was preparing and negotiating for election of officers that would take place Thursday, April 14, at the final meeting of each committee. Suggested slates would be finalized at a meeting Wednesday afternoon. There was very little progress, some pessimism over the next Parliamentary Conference on European Security.

Tentatively the Austrians will host the conference in May 1978. If Belgrade Conference falls behind schedule, the date will have to be changed. Soviets are showing little interest in the subject matter. Presumably this is due to the defensive position the Communist governments must take on the human rights issue. The European, and our U.S. group, agreed that all items covered by the Helsinki Conference should automatically be on the agenda when a third Parliamentary Conference on European Security is held.

There was a followup meeting of this group on Thursday afternoon, April 15. The purpose was to work with the candidates for committee offices and continue coordination on draft resolutions and other agenda items. It was marked by the growing cooperation that we have been able to develop through meetings of this special group.

VOTE ON MOTION TO INCLUDE DEBATE ON "BEHAVIOR OF THE ISRAEL AUTHORITIES IN THE OCCUPIED TERRITORIES" AT THE NEXT MEETING

YES

Brazil—1
Bulgaria—2
Czechoslovakia—2
North Korea—2
Egypt—2
Gabon—1
East Germany—2
Greece—1
Hungary—2
India—2
Indonesia—2
Iran—2
Italy—1
Ivory Coast—1
Jordan—2
Lebanon—2
Liberia—2
Mauritania—1
Mexico—1
Mongolia—2
Nepal—2
Pakistan—1
Poland—2
Rumania—2
Senegal—2
Spain—2
Sudan—2
Syria—2
Tunisia—2
Turkey—1
Cameroon—2
U.S.S.R.—2
Yugoslavia—2
Zaire—2

NO

Australia—2
Austria—2
Belgium—2
Canada—2
West Germany—2
Iceland—1
Ireland—2
Luxembourg—2
Monaco—1
Netherlands—2
New Zealand—2
Norway—1
Portugal—1
Switzerland—2
United Kingdom—2
U.S.—2

ABSTAIN

France—2
Italy—1
Japan—2
South Korea—2
Sweden—1
Thailand—2
Venezuela—1

ABSENT

Denmark
Finland
Malawi
Malaysia
Sri Lanka

Mr. LONG of Louisiana. Mr. Speaker, I am pleased to add my comments to the remarks of the gentleman from Illinois (Mr. DERWINSKI).

As cochairman, together with Mr. REUSS of Wisconsin, of the Subcommittee on International Economics of the Joint Economic Committee, I was particularly pleased to be chosen as a delegate to the Inter-Parliamentary Union Conference held last month in Canberra, Australia.

I requested to be assigned, and was appointed, to the Economic and Social Committee of the Conference. This committee assignment, from my point of view, was particularly significant because it offered us an opportunity to learn firsthand how other delegates view what the lesser developed countries are calling the "new international economic order."

Statements by some of the delegates from other nations, unfortunately, were sometimes predictable; others, however, were fresh and interesting. And, although there was, inevitably, a certain amount of rhetoric, on the whole the meeting was characterized by practical proposals and pragmatic measures for cooperation.

My experience at the conference proved to be valuable and gratifying. The Inter-Parliamentary Union meetings are important forums for U.S. participation, because they provide each of us with direct exposure to the attitudes of delgates from other regions, and to the problems that will eventually come before the Congress and its various committees.

Mr. BYRON. Mr. Speaker, I would like to take this opportunity to express my appreciation to you for selecting me to represent the Congress as one of the delegates to the recent conference of the Inter-Parliamentary Union. I would like to take this opportunity to briefly report on some of the work of the conference. A full report is being prepared and will be available in the future.

The Inter-Parliamentary Union began in 1889 to provide legislators from around the world the opportunity to meet, exchange ideas, and work to resolve issues of international importance.

The most recent conference of the Inter-Parliamentary Union addressed such issues as nuclear proliferation and safety, water quality, and the Law of the Sea. I had the honor of serving on the Committee on Parliamentary, Judicial, and Human Rights Questions. We adopted a resolution to provide for free access to the resources of the oceans in international water, which will become increasingly important as the intense competition for scarce mineral and energy resources causes more pressure for the development of the treasures of the oceans. This work laid important groundwork for the more comprehensive efforts to resolve this problem at the third U.N. Conference on the Law of the Sea in New York later this month.

The Inter-Parliamentary Union also took important action on the subject of water quality, which is particularly timely since the conference followed so closely the United Nations Water Conference in March of this year. The recent controversies over oilspills from foreign tankers emphasizes the fact that the environmental decisions of other countries affect the quality of life here in the United States. A strong resolution was passed urging all nations to take more effective measures to reduce water pollution and improve the water quality available to all nations.

Mr. Speaker, I would like to commend my distinguished and able colleagues on the U.S. delegation to the Inter-Parliamentary Union. I think they represented the U.S. Congress with distinction and should be congratulated for a job well done. The Inter-Parliamentary Union affords a unique opportunity for legislators to meet their counterparts of other nations and achieve a better understanding of the problems which we all share. While the report of the U.S. delegation is still being prepared, I know the other members and I would welcome any inquiries from our colleagues in the House regarding our work.

Mr. PEPPER. Mr. Speaker, I was privileged to be a member of the U.S. delegation which attended the spring meeting of the Interparliamentary Union held in Canberra, Australia, April 10 to 17. There were four Senators and nine Representatives in our delegation. All of us except Senator SPARKMAN and Representative DERWINSKI were accompanied by our wives, who rendered valuable assistance to us upon this trip. Senator SPARKMAN was accompanied by his daughter, a great asset to him. There were 62 nations in attendance upon this Conference.

The Interparliamentary Union goes back to about 1890 when it was founded by a Member of the British House of Commons. Since almost its inception the United States has taken an active and important part in the Interparliamentary Union which consists of representative groups of the parliamentary bodies of the nations which are members of the Union. The conferences are now very similar in character to the meetings of the United Nations. That is, the subjects discussed cover the range of the important subjects challenging the attention and consideration of the nations of the world. The difference, of course, between the United Nations and the Interparliamentary Union is that the United Nations is an authoritative body, the decisions of which have in most instances judicial effect and the representatives of the respective nations at the United Nations are subject to the control of the executive branch of the respective governments. The Interparliamentary Union Conferences are in the nature of consultations among the representatives of the parliamentary bodies of the world. They do not have any legal binding effect, but they give an opportunity for Members in the legislative bodies of the participating nations to become acquainted with one another and often to develop warm and meaningful friendships. They also give an opportunity for the parliamentary representatives to express the point of view of their respective legislative bodies and, in general, of their respective countries. The Conferences provide an opportunity for consultation among the representatives of the various parliamentary bodies of the participating nations upon subjects vital to the international community. The Interparliamentary Union operates primarily through committees. This is where the study of various subjects is carried on by representatives of the participating nations. The committees are:

First. Committee on Political Questions, International Security and Disarmament. This committee discused the role of parliaments in furthering relaxation of international tensions and progress in the field of disarmament, including nuclear weapons and new weapons of mass destruction. One of the critical subjects discussed was the control of the distribution of military weapons. As I recall, the nations of the world spend some $300 billion a year on armament. The President, as the Members know, has been concerned about the United States being so heavily engaged in the sale of weapons of war to the nations of the world. There was a very full discussion of this critical subject at the Canberra Conference. Ably representing the United States on this committee were Senators JOHN SPARKMAN and ROBERT STAFFORD and Representative EDWARD DERWINSKI.

Second. Committee on Parliamentary, Juridical and Human Rights Questions. The topic of discussion was the Law of the Sea, a subject very critical now to the maritime nations of the world and there was a valuable expression of opinion and points of view by the participating nations on this vital subject. Eloquent spokesmen for the United States on this committee were Senator WILLIAM SCOTT and Representatives EDWARD PATTEN, J. J. PICKLE, and GOODLOE BYRON.

Third. Economic and Social Committee. Representatives GILLIS LONG, HERBERT BURKE, and I were members of this committee. This committee deals with the challenging economic problems confronting the participating nations of the world—the problem of maintaining high levels of employment, of controlling inflation, of maintaining satisfactory economic levels for the developing nations, the effective establishment and operation of international financial institutions, the matter of international credits and financial assistance by the developed nations for the developing nations; treatment of the demand of the developing nations, that has been foremost before the Interparliamentary Union for the last several sessions, for a new international economic order—the subject which was recently considered by participating nations in Paris. I spoke in our committee for our country. I had spoken in the same committee upon the same subject at a previous meeting of the Interparliamentary Union. I pointed out the many efforts of our country to assist the developing nations to set up an international financial structure which would be of assistance to them and our efforts at assisting the developing nations to find a fair market for their raw materials and to be able to buy the manufactured goods of the developed nations at a fair price in relation to what they got for their raw material. Yet, I emphasized that we had to be realistic in our programs of assistance to the developing nations. We must, above all, help the developing nations to help themselves—to work in closer cooperation one with another.

I am incorporating in the RECORD following these remarks a copy of my address to the Economic and Social Committee at Canberra:

Subject: The contribution of the developed countries to the establishment of mechanisms of cooperation among the developing countries

The United States delegation is pleased to join in discussing the highly important topic of cooperation among developing countries and wishes to treat both its major components, namely, economic cooperation and technical cooperation. The general concept, of course, has a long history and is firmly based in the current Decade of Development, under which the United States and other developed countries agreed (in paragraph 40 of the International Development Strategy) to support regional cooperation among developing countries through financial and technical assistance as well as commercial policy.

Subsequent resolutions of various international forums have sought to assure concrete application of this principle. Within the last year alone it may be recalled that UNCTAD IV combined a number of specific proposals into that conference's Resolution 92 on economic cooperation among developing countries, and the subsequent meeting of the Trade and Development Board in October went on to establish a special committee for further consideration of the matter.

The 31st General Assembly also adopted a resolution on December 13, 1976, reviewing past action in this field and welcoming formation of the special committee. The United States intends to cooperate fully in the work of that body when it meets in Geneva next month (May 2-6).

Reference to previous resolutions, however, should not be interpreted as meaning unqualified U.S. support for all of the many detailed recommendations which have been made in this field. In this respect even the staged topic of "establishment of mechanisms of cooperation" may be misleading, for this conference (and others for considering this issue) should examine the more effective use of existing mechanisms as well as creation of new ones. In addition, consideration of the "contribution of the developed countries" should not obscure the fact that cooperation among the developing countries must originate with them and that support from others can prove effective only to the degree that a program is well conceived and fully agreed among the nations immediately involved.

With these qualifications it should be emphasized that the U.S. Government already extends extensive support to regional cooperation and economic integration in two forms, (1) direct bilateral technical and capital assistance to regional projects and/or institutions, and (2) support of regional financial institutions which in turn fund integration projects or activities (e.g., the IDB, ADB, etc.). The United Nations regional economic commissions, particularly those for Latin America (ECLA), for Asia and the Pacific (ESCAP), for Africa (ECA), and for Western Asia (ECWA), have been active for many years in the promotion of economic cooperation among the developing nations. The United States is a charter member of both ECLA and ESCAP and hence has been actively involved in these efforts for almost 20 years. It participates also in ECA and ECWA in an observer capacity.

An important new concept in the field of cooperation among developing countries is that of technical cooperation. While this idea in various guises has been practiced for a long time, the concept is being given new emphasis as the needs of the developing world grow, the resources of the industrialized nations become limited and the capabilities of some advanced LDC's improve.

Technical cooperation among developing countries or "TCDC", as this approach is labeled, is seen as an additional means of mobilizing untapped and appropriate resources and capabilities—those within developing countries themselves—for the benefit of the Third World in general. Rather than a separate program, it is to be viewed as a dynamic process of development through mutual sharing which should permeate all multilateral activity, especially as carried out in the United Nations system. This recourse to indigenous skills and production should at one and the same time enlarge the world reservoir of resources for development assistance, refine and expand the human and material resources within the developing world and encourage that self-reliance which promotes independence and human dignity.

The principal catalytic element in the realization of TCDC is the United Nations Development Program. Acting upon resolutions passed in the UN General Assembly and by its Governing Council, UNDP has co-sponsored meetings on TCDC in each of the four regional economic commissions and has developed an information referral system as a catalogue of skills and products available in the developing world. A year from now, UNDP will co-sponsor with the United Nations a world conference on technical cooperation among developing countries.

The United States has been involved with development of the concept of TCDC from its inception. It was largely at our urging that the Information Referral System was set up. We have participated actively in each of the regional meetings on TCDC and are assuming an appropriate role in the preparations for the world conference. In short, the United States is committed to this additional means of involving the developing countries in all aspects of developmental assistance.

In forthcoming meetings of UN organizations as well as in the present conference the US representatives will be ready to review existing mechanisms of cooperation and to explore new means of assisting the developing nations in their mutual efforts to achieve progress. We look forward to useful discussions on practical issues and to the formulation of rational programs of action through which the concepts of economic and technical cooperation can contribute to enlarging and improving delivery of development aid in the Third World.

We in the United States know that the cooperation which shall exist in the future between the developed and the developing nations will affect the health and happiness of a large part of the human race found in the developing nations and will not only give a deep and justified sense of satisfaction and justice to the developed countries but in the long run will make them stronger and more secure as well. Hence the United States is pleased to continue to cooperate in such a program.

Fourth. Committee on Non-Self-Governing Territories and Ethnic Questions. The primary topic of discussion by this committee was the inalienable right to self-determination and independence of peoples still under colonial and neocolonial domination, and evaluation of the implementation of the resolution of the 63d conference on the situation in southern Africa. An important contribution to the work of this committee was made by Senator BIRCH BAYH and Representatives HERBERT BURKE and EDWARD DERWINSKI, representing the United States.

Fifth. Committee on Educational, Scientific, Cultural and Environmental Questions. The topic of discussion was one of deep concern to us all, the provision of water and the control of the disposal of wastes as prerequisities to the development of the human environment. Our country was ably represented on this committee by Representatives Robert McClory, Guy Vander Jagt, and Edward Patten.

This conference is really sort of a preview of critical issues to be presented to the United Nations. It gives our country, through our legislative representatives, a sense of what most of the nations of the world are thinking, what their attitude is toward the critical problems facing the world, whether they are inclined to be friendly to our country or are inclined to be inimical to our interests and whether they are willing to work with us toward finding a friendly and cooperative solution to many of the pressing problems we all have to face in the world today. As I said, this conference also affords an opportunity for our representatives to have a better understanding of the point of view of other nations and to develop warm friendships with the parliamentary representatives of other nations which are conducive to a high degree of friendship and cooperation among those nations and ours in world affairs.

The United States delegation is always a strong delegation at these Interparliamentary Union Conferences. Our members are diligent in attending the committee meetings and in participating in the activities of the Conference, whether they be committee meetings or the plenary sessions when there is general debate upon many of the critical subjects being considered by the Conference. The other nations always treat our delegation with respect and accord to us an important function at the Conferences. It is important to our country's standing among the nations of the world, therefore, that we be represented by strong delegates, as we have been in the past, at the Interparliamentary Union meetings.

Australia was a very gracious host country for our delegation and all of the delegates attending. It is a beautiful country with a viable and vital democracy and a cherished sense of liberty and freedom on the part of the people. The people of Australia have a very warm feeling toward our country, which we assured them our country very sincerely reciprocated. We are sure that in meeting the problems of the future we shall always have a good friend in the people of Australia.

One little episode which occurred, on our return trip, at Taipei was in some respects the highlight of our trip. The one morning we were in Taipei, about six of us members of our delegation had a breakfast with about six Christian Chinese businessmen. We talked about religion in our two countries and about what the sentiments of religion meant to us in our respective lives. One of our members had suggested, apparently, to Representative Jake Pickle that he bring his harmonica to the breakfast. Before we broke up, one of our members mentioned how much the old Christian songs meant to all of us. It was suggested that Jake Pickle play his harmonica and we sing a couple of old hymns. Jake got out his harmonica and suggested that we sing "Amazing Grace" and "Blest Be The Tie That Binds." After Jake refreshed our memories of the words of these old hymns, this group of Christian American Congressmen and Christian Chinese businessmen sat around a table in a little room there in China together singing these hymns while Jake Pickle movingly played his harmonica. I could not help but think if we could get all the nations and people of the world singing hymns like "Amazing Grace" and "Blest Be The Tie That Binds" we could have peace in the world and nations could follow the biblical injunction of turning their swords into plow shares and their spears into pruning shears and make war no more.

Mr. Speaker, I count it a great honor and a great privilege, with my wife, to have been able to attend this Interparliamentary Union meeting at Canberra, Australia.

GENERAL LEAVE

Mr. DERWINSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. Krueger). Is there objection to the request of the gentleman from Illinois?

There was no objection.

THE 59TH ANNIVERSARY OF ARMENIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Annunzio) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, on May 28, Americans of Armenian descent throughout the United States and their compatriots all over the world will pause to observe the 59th anniversary of Armenian independence.

After 600 years of foreign domination, the valiant Armenians, although small in number and limited in resources, threw off the yoke of their oppressors on May 28, 1918, and declared their independence from the Ottoman Empire. But this precious independence was destined to be short lived, for the newborn Armenian Republic was brutally partitioned less than 2 years later by Russia and Turkey.

Today, historic Armenian lands are in the hands of Turkey and Communist Russia and the independence of Armenia remains an unresolved question.

The Armenians have struggled relentlessly and have died willingly over the turbulent centuries to preserve their identity, their nation, and their Christianity, and to keep alive hope for a free and independent Armenia. I know their gallant struggle shall continue until the territorial integrity of Armenia is restored, and Armenian independence is recognized and upheld by the freedom-loving nations of the world.

Mr. Speaker, at this point in the Record I would like to include "The Evidence of the Genocide" as compiled by the Armenian National Committee headquartered in Boston, Mass.

Armenian National Committee,
Boston, Mass.

The Evidence of the Genocide

The evidence of a planned and systematic genocide is overwhelming, as the following quotes—a brief sampling from thousands of readily available, authoritative, non-Armenian sources—indicate:

By any standards this was surely the most unprecedented, indeed the most unimaginable racial annihilation, until then, in modern history. Nevertheless, apparently unconcerned by the enormity of their affront to civilization, the members of the Young Turk regime continued to view the "deportations" as nothing more than effective diplomacy, the realization of Abdul Hamid's injunction that "the best way to finish with the Armenian Question is to finish with the Armenians."

Howard M. Sachar.

[Emergence of the Middle East 1914–1924. (Knopf, 1969)]

From May until October the Ottoman Government pursued methodically a plan of extermination far more hellish than the worst possible massacre. Orders for deportation of the entire Armenian population to Mesopotamia were despatched to every province of Asia Minor. These orders were explicit and detailed. No hamlet was too insignificant to be missed. The news was given by town criers that every Armenian was to be ready to leave at a certain hour for an unknown destination. There were no exceptions for the aged, the ill, the women in pregnancy.

Dr. Herbert A. Gibbons.

[The Blackest Page of Modern History (Putnam, New York 1916)]

In 1915 there occurred a "final solution" which is now almost forgotten, the deliberate extermination of the Armenians by the Turks. The Armenian "problem" was solved by the massacre or deportation of some 1,750,000 men, women and children from the Armenian provinces of Turkey. Over a million died or disappeared through massacres in Turkey or during the forced marches to the deserts of the Turkish eastern territories—the areas which were later to become Syria and Iraq.

Roger Manvell and Heinrich Fraenkel.

[The Incomparable Crime (Putnam 1976)]

When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact.

I have by no means told the most terrible details, for a complete narration of the sadistic orgies of which these Armenian men and women were the victims can never be printed in an American publication. Whatever crimes the most perverted instincts of the human mind can devise, and whatever refinements of persecutions and injustice the most debased imagination can conceive, became the daily misfortunes of this devoted people. I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915.

Henry Morgenthau.

[Ambassador Morgenthau's Story (Doubleday, Garden City 1918)]

A foreign witness has said that these deportation columns were merely a polite form of massacre, but in reality they were infinitely worse and more heartless; for instead of instant death they forced the victims to undergo all sorts of inhuman sufferings, while this cowardly and barbarous plan was to save the face of the authorities by posing as a necessary military measure. From June till August 1915, the hottest time of year when the victims were most likely

> to succumb, these processions of death wended their way endlessly from all the vilayets and towns where there were Armenians southwards in the direction of the desert.
>
> FRIDTJOF NANSEN,
> *High Commissioner for Refugees,*
> *League of Nations.*

[Armenia and the Near East (New York 1928)]

> And Hitler cited the Armenian Genocide with the comment, "Who talks nowadays of the extermination of the Armenians? The world believes in success only".

Eight years ago, his Eminence, Richard Cardinal Cushing, Archbishop of Boston, who died in 1970, publicly termed the Armenian claim as the "oldest unresolved grievance on the agenda of world business" and charged the United Nations to effect a just solution for the Armenians in order to right the wrongs of the past and to demonstrate to the world that international justice is not merely an empty, meaningless phrase.

Cardinal Cushing's words are as appropriate today as they were 8 years ago when they were first spoken. The United Nations has not yet taken up the "oldest unresolved grievance on the agenda of world business." On this 59th anniversary, I would like to follow Cardinal Cushing's lead in urging that the United Nations fulfill its mission for world peace through international justice by proving that it is indeed a forum which can provide a peaceful redress for the legitimate grievances of the Armenians and of any freedom-loving people whose inalienable rights of self-determination have been violated.

Mr. Speaker, as we approach the 59th anniversary of Armenian independence, I join with my colleagues in the House of Representatives in saluting the courage of the Armenian people and in expressing the hope that they will soon realize peace and liberty in a democratic country of their own, free from foreign persecution and domination.

PANAMA CANAL TREATY NEGOTIATIONS

The **SPEAKER** pro tempore (Mr. KRUEGER). Under a previous order of the House, the gentleman from Illinois (Mr. METCALFE) is recognized for 60 minutes.

(Mr. METCALFE asked and was given permission to revise and extend his remarks.)

Mr. METCALFE. Mr. Speaker, it is becoming increasingly clear that one of the U.S. foreign policy issues now requiring greater attention by the Congress and the people is negotiation of a new Panama Canal treaty. This complex and controversial issue must not be ignored. It is critical to relations with our friends and neighbors abroad and, at the same time, is a measure of our own political maturity.

The arguments and emotions aroused by the Panama Canal issue are well known to me. With my responsibilities as chairman of the Panama Canal Subcommittee of the Merchant Marine and Fisheries Committee, I have the opportunity to deal with all the constituencies expressing strong views on canal treaty negotiations. As a result of my experiences, and in light of the importance of the issue, I would like to express my own views on the canal controversy.

In examining the Panama Canal question, I believe we must recognize not only the U.S. viewpoint but also the Latin American viewpoint. It is absolutely essential that we, as responsible Members of Congress, look at the political situation from the viewpoint of other nations, for, as Edmund Burke said:

> Nothing is so fatal to a nation as an extreme of self-partiality and the total want of considerations of what others naturally hope or fear.[1]

The facts of the Panama Canal situation ought to be set before the American people. We have an obligation to respect the expressed viewpoints of our constituents. But we have an equal obligation, as leaders and representatives, to communicate to the people certain facts and realities. Experience has shown that the American people will respond rationally, compassionately, and wisely, when the facts of a particular situation are made clear.

The Panama Canal question is just such a situation. But it is a critical one:

Critical for maintaining the safest, most efficient, most beneficial operation of the Panama Canal, a waterway that is a monumental feat in the history of mankind and a project that has reaped worldwide benefits;

Critical for our relations with the nations of Latin America, which view the canal issue as a test of U.S. intentions;

Critical for reaffirming the principles of justice, fairness, and self-determination that have made our country a beacon of freedom to the world; and

Critical for demonstrating that a democratic nation with a government based on separation and sharing of powers can deal with a complex and emotional foreign policy issue.

I believe our Government owes the people of the United States, and the people of Panama and the world, immediate and close attention to the canal issue.

The prolongation of negotiations over 13 years has placed the canal operation in an uncertain political environment. It has damaged the morale of United States and Panamanian employees at the canal and has made decisions on major capital investment difficult. Also, it has made decisions on canal expansion impossible and caused unnecessary conflicts through disparate expectations of the future.

The lengthy continuation of negotiations has often made resolution of negotiating issues more difficult, as political jingoism and unrealistic treatment of these issues in public have served only to create additional tension.

Thus, the canal issue merits close and immediate attention.

The negotiations should not be concluded prematurely for reasons of political expediency in Panama or the United States. The interests of the entire world are at stake in the negotiations, and those interests must be satisfactorily and consciously considered.

Under the present treaty arrangement, U.S. presence on the Isthmus of Panama is pervasive and static. To keep the Panama Canal operating efficiently under a new Panama Canal treaty arrangement in which change and transition will be the rule, a delicate balance must be achieved. That balance may require a complex document. Too rapid an agreement on complex issues in the negotiations, ranging from land use rights to the structure and powers of a new canal entity, will be detrimental to all concerned if a balance is not negotiated.

Many of the issues in the negotiations require careful consultation with the Congress, employee groups, and canal users. It will be nearly impossible to arrive at an agreement acceptable in the United States and Panama without these consultations. Refusal to talk with these groups could damage the objectives canal negotiations are designed to achieve.

Thus, the timing of these negotiations should allow all parties to proceed with good faith, candor, and determination, but not so quickly that injustice is done to any of those concerned. Only a fair treaty will have a chance of success, but a treaty, in order to be fair, must be workable.

From the reports emanating from our U.S. negotiators, it appears that the United States does desire to expedite negotiations and still carefully handle a new treaty arrangement. We should be encouraged by that.

THERE IS A NEED FOR NEGOTIATIONS

The chief challenge to the operation of the Panama Canal today is not a technical engineering problem, but rather the political controversy and hostility in which operations of the canal must be carried on. Impairment of the canal operation hurts everyone. The safe, open, and efficient operation of the canal is not just in our best interest, it is important to the whole world, as is indicated by the international guarantees in the treaty relationship governing our role on the Isthmus of Panama.

The perpetual nature of the present canal treaty relationship is perhaps its most unusual aspect. In an age when most international agreements have a duration of less than a decade, perpetuity exacerbates what one of the signatories—in this case, Panama—regards as treaty inequities.

While the Panama Canal is an important and magnificent tribute to U.S. engineering genius, the zone surrounding the waterway geographically bisects a sovereign country and creates a situation unusual and perhaps unique in the world today. The form of our presence in the zone makes the United States vulnerable to anti-U.S. passions in Latin America and at the same time makes the protection of the Panama Canal itself more open to question.

Moreover, the form of the U.S. presence in the canal is in contradiction to the trends in the international sphere since World War II:

Footnotes at end of article.

The form runs against the growing nationalism and Third World identity in the "developing" countries, and in particular, in Panama;

The form contravenes the theory that a sovereign nation ought to have complete control over its resources; in this case, by impairing Panamanian control of its locational resource;

The form is an aberration today because some 30 years ago the United States changed the legal domination which it exercised in relationship to geographically close Latin American countries such as Haiti and the Dominican Republic. The era in which the United States served as a paternal trustee of the financial and sovereign resources of other countries has passed.

In addition to swimming against the tide of history in the world political arena, the United States, under the present treaty arrangement with Panama, cannot adequately deal with specific bilateral inequities that might be minor irritants to a country such as the United States but major irritants to the Panamanians.

Panama believes there is a decisionmaking structure with respect to canal affairs that gives the United States a disproportionate share of power. Decisions concerning the canal and its appurtenant facilities vitally affect the economy, the social conditions, hopes and aspirations of many Panamanians. As a practical matter, Panama is often consulted on shifts in canal policy but this does not satisfy Panamanian desires to have a more formal consultation role. Panama's representatives note that this kind of unilateral decisionmaking contradicts the spirit of American democracy.[2]

Second, Panama believes that the United States can be the unpredictable landlord of important territory which hems in the most heavily populated cities of the Republic, namely Panama City and Colon. The argument is made that we do not allow the Panamanian people to have full use of Canal Zone lands which have been marginal or unrelated to the canal operation. Panama feels the United States is constructing an unnecessary barrier to the needed growth and development of a metropolitan area which is at the crossroads of the world. And the Panamanians point out that there would be dire social and political consequences if comparable metropolitan areas in the United States were prevented from expanding when unused land was available nearby.[3]

Third, the annual compensation which the United States has always paid to Panama is considered minimal by Panama when compared with the compensation we render for U.S. installations and rights elsewhere in the world.

For example, in our recent treaty arrangement with Spain, the United States agreed to pay some $200 million per year in economic and military assistance. In contrast we pay Panama only $2.3 million per year for our prerogatives on the Isthmus.

The Panamanians point out that the United States is consistently alluding to the vital role the canal plays in the U.S. national interest.[4]

And they argue that it is only reasonable that the compensation for rights or use of a territory should reflect the value of that area to both the parties in the contract.

Fourth, some Panamanians believe the United States has gone far beyond the boundaries of the present treaty in establishing in the Canal Zone military schools for instruction and various training programs. The Panamanians state, as they have with respect to other issues, that the absence of any requirement for the United States to consult with Panama concerning activities in the Canal Zone means that the United States will do as it pleases in the zone regardless of the substance of the treaty arrangement.[5]

Fifth, Panama believes that the aspects of U.S. jurisdiction which impact most on the average Panamanian citizen contradict the right of a sovereign to be the law-enforcing organ in its own territory, and that the division of jurisdictional powers between two nations over areas which are closely interrelated serves to impair the authority of at least one of those parties, the Republic of Panama.[6]

Sixth, many Panamanian citizens and employees of the canal organization feel that over the years there has been a double standard in the treatment of U.S. and Panamanian employees, in terms of compensation and in terms of human dignity. They say that only recently have Panamanians had an opportunity to attain higher management positions in the canal organization.[7]

I find that on many occasions my own sentiments have been similar to those of Panamanians on this matter of equal treatment. Despite recent changes for the better in the Canal Zone under the leadership of Gov. H. R. Parfitt, the history of U.S. administration in the Canal Zone has previously failed to show the concern I feel is due the dignity of the individual Panamanian.

Finally, Panama, as a commercial nation populated with service industries which are the heart of a crossroads economy, has long felt that the expansion of its economy has been impeded by the limitations on commercial activity in the Canal Zone. The Panamanians point to the Suez and other canals and indicate the intense commercial activity which has developed in areas similar to the territory now in the Canal Zone.[8]

Mr. Speaker, there is some merit in each of these basic contentions made by Panama. Therefore, there is a need to negotiate these issues. But simply because there are imbalances in the present relationship does not mean it would be correct to stereotype the United States as malevolent or illegal in its dealings in Panama. In my view, U.S. intentions generally have been aimed at the protection of the efficient operation of the canal, an obligation to the world necessitated by the present treaty.

Our administration of the canal has been beneficial to Panama in many respects.

For the rights to construct, operate, and defend the Panama Canal, the United States paid Panama $10 million in 1903 on a one-time basis and also agreed to pay an annual sum to Panama beginning in 1912. The total amount of money injected into the Panamanian economy since 1903 in connection with the canal is in the many billions of dollars.[9] The canal, built with U.S. funds, which have not been totally recovered, has been a major impetus to the Panamanian economy since 1903.[10]

The decisionmaking structure of the canal has worked fairly well over the last 70 years, as attested to by the virtually uninterupted flow of over 500,000 transits and 2 to 3 billion tons of cargo through the canal.[11]

The disposition of lands under U.S. jurisdiction in connection with the 1903 treaty and its modifications has not been adverse to the operation of the canal.[12] Again, I think this illustrates the basic constructive intention of the United States to protect the canal for world commerce.

While the direct U.S. annuity to Panama is a relatively small sum in the international field, the benefits to Panama of the existence of a canal constructed, operated, financed, and maintained by the United States included over $250 million in transfer payments from the zone to the Panamanian economy in 1975. This amount represented nearly 12 percent or Panama's gross domestic product, a percentage which was lower than the comparable figure in previous years. Also, about 40 percent of Panama's foreign exchange traditionally derives from the canal. Clearly, the existence of the Panama Canal itself, not just the location of Panama, has been a chief reason why Panama has the fourth highest per capita income in Latin America.[13]

U.S. military bases in the Canal Zone are objectionable to many Panamanians. But the bases are certainly less objectionable to those who are provided employment, contracts, and other economic opportunities by these bases. Also, the bases have been the location of training for most of Panama's National Guard, which has the role of providing Panama's national defense and police services.[14]

The exclusive police and jurisdictional control exercised by the United States over the Canal Zone has provided security and protection that tied in well with U.S. operation of the canal. The cost of security and protection of the canal provided by the U.S. Armed Forces from 1904 to 1974, protection especially necessary during times of international hostilities, has been estimated at more than $5.312 billion.[15]

While U.S. citizens working in the Canal Zone have generally occupied higher-paid positions and been given better benefits than their non-U.S. citizen counterparts, the United States has been generous to Panamanian employees. A 1975 report of the General Accounting Office stated:

Footnotes at end of article.

> The non-U.S. citizen (employed by Canal Zone agencies) does receive greater benefits than normally received by foreign national employees in other overseas locations.[16]

Finally, as I mentioned before, the commercial opportunities which Panama has had as a result of the Canal Zone have made services to the zone one of the chief components of the Panamanian economy.

Mr. Speaker, it is not in the best interests of the United States to ignore the realities and sensitivities arising from an agreement negotiated three-quarters of a century ago. Because of the limitations of the present arrangement we must consider a new arrangement that is more flexible and modern, and more capable of providing greater benefits to more people, in Panama, the United States and the world. We cannot afford to forget, however, the rationale of the instruments established in the 1903 treaty, the past facility of those instruments, and the manner in which the principles which underlie those instruments are relevant to the future.

THERE IS AN IMPORTANT HISTORICAL PERSPECTIVE RELATIVE TO TREATY NEGOTIATIONS

The negotiation of a new Panama Canal treaty would be an achievement that would interrelate not just with events in this century but also with events since the early 1500's.

The United States has had a long-term interest in the Isthmus of Panama, an interest that preceded Panama's independence. The first treaty that legitimized our presence there was signed in 1846, and the first major Isthmian agreement in 1850.[17] The United States was involved in a concession of rights in the 1870's, and attempted to negotiate treaties to obtain a site for an Isthmian canal on several occasions in the late 1800's.[18]

On several different occasions the U.S. Senate rejected agreements that had been negotiated with other nations because the Senate believed that our rights were not extensive enough to merit investment in an interoceanic waterway.[19] But, on the other hand, the rejections were justifiable from the viewpoint of the Latin nations in that the United States was seeking a treaty beyond the political capability of even the most pro-U.S. nation.

The key point of every negotiation in the late 19th century was the sovereign status of the territory on which the canal was to be built. Although the United States had obtained certain sovereign rights in its earliest Isthmian treaties, the Latin American nations were adamant in their refusal to grant rights that essentially nullified their "operational" sovereignty or jurisdiction.[20] The Hay-Herran Treaty with Colombia, the rejection of which was proximately the cause of the 1903 Hay-Bunau-Varilla Treaty, was rejected by the Colombian senate precisely because it yielded sovereign rights to the United States.[21] In short, the battle which is now being fought over the sovereignty question is not an entirely new subject of discussion.

Two points should be made with respect to the historical perspective on this issue. Clearly the treaty which we concluded with Panama in 1903 was signed under the most unusual of international circumstances. The circumstances are ones which stretch the boundaries of accepted international diplomacy.[22]

It is difficult to blame the Panamanians for objecting and continuing to object to an agreement that was signed by a Frenchman who had at stake his own prestige and part of his fortune. The Panamanian Government in 1903 appointed a group of negotiators to replace Bunau-Varilla. But the group reached the United States on the day before the agreement was signed by that gentleman.[23]

None of this detracts, of course, from the legal validity of the 1903 agreement. Panama fully accepted the agreement because it desired to have the canal built on the Isthmus. The smooth operation of the canal for some 60 years is proof that the agreement has worked well.

Nevertheless, the United States must realize the sensitivities of Latin American countries to the signing of an important treaty with an infant country that was 2 weeks independent and had not set up a foreign policy machinery. The feelings of Panamanians concerning the circumstances that surrounded the signing of the 1903 treaty were best summed up by President Lakas of Panama when he said to me at one meeting: "When you save a damsel in distress, do you then proceed to rape her?"

Whatever importance we attach to the circumstances of 1903, we must recognize that such circumstances are significant to Panamanians.

Let us remember that even the political parties in our own country were divided in 1903 as to the propriety of the Roosevelt administration's efforts to gain territory on the Isthmus. Senator Carmack, for example, in an intensely bitter Senate speech on January 14, 1904, charged Roosevelt with "intermeddling into the affairs of the countries of Central and South America." [25]

A second historical point should be made, one with respect to the role of the U.S. Congress in the canal issue. While the Congress has always had a strong interest in the canal, we should note that its positions have been subject to change. Later in my exposition, I hope to explain what the nature of the role has been, and should be.

THE STATUS OF THE CANAL ZONE IS UNIQUE

Those who object to the present trend of canal treaty negotiations believe that those responsible for canal treaty negotiations are guilty of relinquishing U.S. territory that is an inalienable part of the United States.[26] I do not believe the evidence supports such a conclusion.

The Canal Zone is an area which the executive and legislative branches have full authority to alter or change in accordance with legislative and constitutional practices.

The Canal Zone has always had a unique relationship to the United States. It is necessary to gain an understanding of the actual legal status of the Canal Zone in national and international law in order to understand this relationship. It is also necessary to understand the manner in which the United States has traditionally administered this 10-mile-wide, 51-mile-long waterway and zone in order to look toward the constitutional processes that will apply to any major change in its status. Finally, if we have an understanding of how the United States and the Republic of Panama have viewed the rights of one another with respect to the canal and zone in the years since 1903, we will be more able to envision the optimum future for this waterway and its surrounding land.

In my view, the U. S. position with respect to the Canal Zone can be summarized as one in which the United States has taken maximum advantage of the basic grant of powers made by the 1903 treaty arrangement, subject to subsequent changes and concessions which seemed compelling to the national interest. Thus extensive power over the Panama Canal and Canal Zone characterize this facility and this area which are important to U. S. security and commerce.[27]

But during the U.S. exercise of power in the last 70 years it has always been clear that a reversionary or titular sovereignty remained invested in the Republic of Panama. By titular or reversionary sovereignty, as it has been described over the years, Panama retains the right to fully rule the territory in the Canal Zone should the United States not desire to exercise the powers and responsibilities it assumed in the 1903 Treaty. This right of Panama is one of several unique characteristics of the United States-Panamanian relationship.[28]

The special status of the Canal Zone in our history and law is reflected in many places in the documents, the institutions and the vision which have made our role on the Isthmus of Panama one that comports with the concept of exercising great powers over the Zone while allowing residual sovereignty to be retained by Panama.

Despite extensive U.S. power, the available evidence indicates to me that the Panama Canal and Canal Zone do not share a status which is identical to the status of the State of New York or U.S. Territory of the Virgin Islands. Primary evidence of this is found in the very documents and language which authorized the creation of the Canal Zone and established the Canal relationship with the Republic of Panama.

The legislation which in effect authorized the canal treaty arrangement and the key parts of the 1903 treaty with Panama was phrased in very careful language.

The Spooner Act of 1902 authorized the United States to acquire "perpetual control of a strip of land, the territory of the Republic of Colombia * * *, and the right to use and dispose the waters * * *, and to perpetually maintain, operate, and protect thereon a canal." This legislative language, which allowed for the proposed Canal area an interpretation of some retained sovereignty in favor of the Republic of Colombia, was still not restricted enough to permit a treaty that Colombia could accept.[29]

Thus, the language of the authorizing Spooner Act did not direct that the

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United States have sovereignty over the canal.[30] Similarly, the language of the Hay-Bunau-Varilla Treaty, the chief vehicle of our presence in Panama, itself stopped short of giving us the quality we designate as "sovereignty." [31]

The treaty drafters of 1903, while fashioning an agreement that was unabashedly generous to the United States in its efforts to get a canal built in Panama, apparently did not desire to transfer that quality called "sovereignty" over the canal area from the new Republic of Panama. This becomes evident in an examination of other relevant documentary sources.

In article II of the 1903 Hay-Bunau-Varilla Treaty with Panama, the United States obtained a major grant of powers from Panama:

> The Republic of Panama grants to the United States in perpetuity the use, occupation and control of a zone of land and land under water for the construction, maintenance, operation, sanitation and protection of said Canal of the width of ten miles extending to the distance of five miles on each side of the center line of the route of the Canal to be constructed.

The United States also received powers to the exclusion of Panama in article III of the treaty:

> The Republic of Panama grants to the United States all the rights, power and authority within the Zone mentioned and described in Article II of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said Article II which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority.

A careful reading of these two key articles upon which the United States-Panamanian relationship over the canal is based reveals a major conveyance of power but not a transfer of territory. This realization is important because it does show a qualitative difference between the Canal Zone and "regular" U.S. territory.

Such a transfer is apparent in other international agreements of the period.

Only 2 years before the 1903 canal treaty, the United States acquired the Philippines and the island of Puerto Rico. In the acquisition of these islands, treaty language specifically indicated a transfer of sovereignty.

The treaty of peace following the Spanish-American War (30 Stat. 1754) ceded to the United States sovereignty over the Philippine Islands in the following words of article III:

> Spain cedes to the United States the Archipelago known as the Philippine Islands, and comprehending the Islands lying within the following line . . . to the United States.

The same treaty conveyed Puerto Rico in article II in the following terms:

> Spain cedes to the United States the Island of Puerto Rico and other islands now under Spanish sovereignty in the West Indies, and the Island of Guam in the Marianas or Ladrones.

There are other numerous references in this treaty to cession of sovereignty.

Other important treaties in our history contained the same definitive language as to cession. The acquisition of the Virgin Islands in the Convention Between the United States and Denmark for cession of the Danish West Indies stated, for example, in article I:

> His Majesty the King of Denmark by this Convention cedes to the United States all territory, dominion and sovereignty, possessed, asserted or claimed by Denmark in the West Indies, including the Islands of Saint Thomas, Saint John and Saint Croix together with adjacent islands and rocks.
>
> This cession includes the right of property in all public, government, or crown lands, public buildings, wharves, ports, harbors, fortifications, barracks, public funds, rights, franchises, and privileges, and all other public property of every kind.

The language of the 1903 Hay-Bunau-Varilla Treaty on the canal, when compared to this agreement, clearly falls short of providing the same terms of conveyance.

Other primary relevant documents which pertain to the international status of the Canal Zone likewise fall short of allowing the status of the Canal Zone to be categorized with the several States or U.S. possessions and territories.

Article 3 of the 1904 Panamanian Constitution does not contain a reference to the Canal Zone as U.S. territory or territory under U.S. sovereignty, but rather as "territory of the Republic" subject to "jurisdictional limitations."

The 1914 Boundary Agreement with Panama, still applicable today, refers to territory "within the jurisdiction of the Canal Zone."

Finally, the 1936 and 1955 treaties with Panama did not change but rather reaffirmed without definition the status of the zone.

The applicable compensation articles in the United States-Panama treaties likewise indicate a status for the Canal Zone different from that of the States or regular territories and possessions.

The compensation article—article XIV—of the 1903 treaty with Panama reads as follows:

> As the price or compensation for the rights, powers and privileges granted in this Convention by the Republic of Panama to the United States, the Government of the United States agrees to pay to the Republic of Panama the sum of ten million ($10,000,000) . . . and also an annual payment during the life of the Convention of $200,000 . . . beginning nine years after the date aforesaid.

These words speak for themselves. They are not the usual one-time payment for ceded land, but rather an initial payment followed by annual payments for rights granted.

In contrast to the Hay-Bunau-Varilla Treaty stands the language of the U.S. purchase of the Virgin Islands from Denmark. Article 5 of this latter agreement states:

> ARTICLE 5
>
> In full consideration of the cession made by this Convention, the United States agrees to pay, within ninety days from the date of the exchange of the ratifications of this Convention, in the City of Washington to the diplomatic representative or other agent of His Majesty the King of Denmark duly authorized to receive the money, the sum of twenty-five million dollars in gold coin of the United States.

A third point which underscores the special character of the Canal Zone is the common agreement—among those those who support and object to a new treaty—that Panama does have a reversionary right to the land in the Canal Zone should the United States not desire or not utilize the land for the purposes specified in the treaty arrangement.

In terms of U.S. law, the treatment of the Canal Zone in the statutes and judicial expressions accords the zone a special status. The flexibility and occasional inconsistency with which the national law has treated the canal and zone has occurred in the case of other entities, such as Puerto Rico. But the zone probably has been classified in more diverse categories than any other area over which the United States has jurisdiction.

In terms of the U.S. statutes, the Canal Zone is treated as a domestic jurisdiction in some cases, as an organized territory for purposes of extraditions and a foreign territory for the purposes of customs and the transportation of mail.

The Canal Zone is defined as a "state" in several places in the United States Code—for example, 12 United States Code 202, 15 United States Code 1052, 18 United States Code 5003—a "territory" in others—for example, 15 United States Code 77b—a "possession"—for example, 10 United States Code 101—and a geographical part of the United States—for example, 16 United States Code 951.

On the other hand, there are many places in the United States Code where the Canal Zone has been specifically excluded from the definition of "the United States"—for example, 15 United States Code 1261, 21 United States Code 321.

In general, the status of the Canal Zone in various statutes legislated by the Congress has depended upon the practicality and convenience of inclusion of the zone and the effect that such inclusion would have on the international treaty obligations of the United States with respect to the canal.

In essence, the national policy regards the Canal Zone as essentially a U.S. Government reservation devoted to the purposes of maintenance, operation, sanitation, and protection of the Panama Canal.[32]

U.S. immigration and naturalization law with respect to the canal is one indication of the status which the Canal Zone has been accorded in U.S. law. Inhabitants of the Canal Zone, whatever the length of their residence there, have never automatically become U.S. citizens. Children born to Panamanian parents in the Canal Zone are Panamanian, not U.S. nationals. In general, citizenship on the basis of the principle of jus sanguinis—by parentage—rather than jus soli—by location—has been the rule in the Canal Zone. This is the same basis upon which our U.S. laws have determined the basis of U.S. citizenship for foreign areas.

The absence of automatic U.S. citizenship is no determinant of the sovereignty question. While the acquistion of territory or exercise of jurisdiction by the United States implies that the United States will determine rules for the status of inhabitants, all inhabitants need not

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become citizens to show U.S. authority or sovereignty.[33]

There are several areas other than the Canal Zone, such as Puerto Rico, in which U.S. citizenship was not accorded to inhabitants upon assumption of U.S. jurisdiction. But whereas U.S. citizenship was later conferred by the statutes in these areas, the jus sanguinis rule has continued to apply in the zone.

It can be argued that non-U.S. citizens who remained in the area that became the Canal Zone could be considered U.S. nationals.[34] But today only a handful of non-U.S. citizens in the Canal Zone could meet the qualifications necessary to be a U.S. national.

Judicial pronouncements in the United States have likewise referred to the Canal Zone in a number of ways. No Supreme Court or other court decision has comprehensively addressed the international legal status of the zone.

In the 1907 Wilson against Shaw decision, the Supreme Court spoke of a treaty with Panama "ceding" the Canal Zone and further said that it was hypercritical to contend that the treaty gave imperfect title to the United States.[35] Here the Supreme Court did equate the Canal Zone with territory belonging to the United States, but in the context of establishing the authority of the Federal Government to expend funds and to engage in construction work in the zone.

Other Supreme Court decisions have had an opposite direction. In Vermilya-Brown Co. against Connell, the Court referred to the Canal Zone as an area "over which we admittedly do not have sovereignty".[36] In Luckenbach S.S. Co. against the United States, the Court said:

> Whether the grant in the treaty amounts to a complete cession of territory and dominion to the United States or is so limited that it leaves at least titular sovereignty in the Republic of Panama, is a question which has been the subect of diverging opinions.[37]

In addition to looking at the Court decisions and statutes with respect to the canal, an examination of some of the present circumstances which exist in the Canal Zone as a result of treaty and statute and Executive order are relevant in examining the zone's status:

There is no private property in the Canal Zone—with two special exceptions—because of the requirement to dedicate the zone solely to the canal's operation; [38]

Persons can reside in the zone only if they or their wage earner is employed by one of the agencies in the zone. Upon retirement, persons are required to leave this jurisdiction in accordance with the tradition of treating it as a U.S. Government reservation; [39]

The flag of Panama flies with our own in the Canal Zone at equal staff; [40]

The U.S. courts in the Canal Zone are legislative rather than constitutional courts, and thus are considered temporary.[41]

All of these rights which the United States allows to be exercised but has refrained from exercising and has specifically conceded to Panama in treaty provisions are an indication of the unique nature of the zone.

It is clear from the foregoing that the Canal Zone has been treated in diverse ways in terms of past and present U.S. national law. But it is also clear that there is a historical tendency to change inherent in the U.S. relationship with Panama over the canal. This tendency is clearly shown in the fact that the 1903 treaty with Panama has been twice modified by treaty in 1936 and 1955.

The facts that I have recounted demonstrate the changing and flexible nature of the U.S. legal position on the canal. In other cases where there has been even greater change required, and where the realities of the situation demanded it, the United States has allowed change in its relationship with a territorial entity.

In the case of the Philippines, for example, Spain ceded to the United States sovereignty and title over the islands. Despite the investiture of sovereignty and title in the United States, in a treaty between the United States and the Republic of the Philippines, signed July 4, 1946 (61 Stat. 1174), the United States agreed "to withdraw and surrender all rights and possession, supervision, jurisdiction, control or sovereignty" over the Philippines and recognized the independence of the Philippines as a separate nation.

Given this precedent of the Philippines, and the status the zone has been accorded, I conclude that there is no legal obstacle to or irregularity in changing the status of the Panama Canal and Canal Zone if it is in our national interest.

There are many in the Congress who understand the need for change on the basis of new realities and who see no inherent obstacle to that change. But this should not blind us to the special constitutional competence of the Congress in this canal question as a result of the U.S. status as property owner in the Canal Zone.

The United States received the rights and property of the French Panama Canal Co. in the 1903 Hay-Bunau-Varilla Treaty. In that agreement, Panama gave up all interest, rights, and property connected with the 1878 Wyse Concession, the Universal Panama Canal Co., the Panama Railroad Co., and the new Panama Canal Co. Panama conveyed all interests associated with these entities. The 1903 treaty, in article XXII, further stated:

> The aforesaid rights and property shall be and are free and released from any present or reversionary interest in or claims of Panama and the title of the United States thereto upon consummation of the contemplated purchase by the United States from the new Panama Canal Company, shall be absolute, so far as concerns the Republic of Panama, excepting always the rights of the Republic specifically secured under this treaty.

The absolute title of the United States to the property of the old Panama Railroad Company which I have cited is especially important because much of the land of the railroad, which we own, is in the Canal Zone today.

The 1903 treaty, in addition to this very explicit conveyance of title and property, in article VI, also empowered the United States to purchase all privately held land in the Canal Zone. A joint land commission was authorized by article XV of the treaty to administer the purchase of land, and was established in accordance with the treaty, the Panama Canal Act of 1912, the Executive order of December 5, 1912, and the Sundry Civil Appropriations Acts of 1915 and 1916. The United States, from 1904 to 1914, obtained title to all privately owned land and property in the zone at a cost—estimated in 1974—of $166,362,173.[42]

Further proof of the status of the United States as property owner in the Canal Zone is found in the language of the Spooner Act of 1902, which declared:

> That the President of the United States is hereby authorized to acquire, for and on behalf of the United States, at a cost not exceeding forty millions of dollars, the rights, privileges, franchises, concessions, grants of land, right of way, unfinished work, plants, and other property, real, personal and mixed, of every name and nature, owned by the New Panama Canal Company . . . including all the capital stock, not less, however, than sixty-eight thousand eight hundred and sixty-three shares of the Panama Railroad Company, owned by or held for the use of said Canal Company, provided a satisfactory title to all of said property can be obtained.

In 1907, the "satisfactory title" to property of the new Panama Canal Company, which authorized the appropriation of U.S. funds, was confirmed by the U.S. Attorney General.[43]

Finally, it has been uppermost in the minds of negotiators of previous Panama treaties that the U.S. Congress has been given special authority to dispose of U.S. property. This is the reason for insertion of language in the 1955 canal treaty that states that the transfer of property was subject to congressional authorization. This is why Green H. Hackworth, the legal adviser to the Department of State, raised the congressional role when he stated before the House Committee on Foreign Affairs in 1943 that:

> There can be no doubt that the Congress has the power to dispose of the property in Panama to which the United States has title. It might be done by the treaty-making process but it can also be done by the Congress, whose authority stems directly from the Constitution. . . . the fact that our property rights in Panama were acquired by the treaty process does not in the slightest degree derogate from the authority of Congress to dispose of them.

Hence, while I see no reason why we cannot have some needed changes in our treaty relationship with Panama, there should be procedural and substantive adherence to the constitutional processes which mandate congressional disposal of U.S. property. Such adherence would do much to assure the legitimacy of any changes in the status of the canal.

THE PANAMA CANAL IS IMPORTANT ECONOMICALLY

Of what economic value to the United States, Panama, and the world is the canal and the Canal Zone? An understanding of the economic and military value of the canal ought to be the foundation of any policy course we adopt.

The most recent economic analyses of the value of the Panama Canal and the cost to the United States of any canal closure seem unanimous in viewing the canal as an important facility for U.S.

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and world commerce but not one of overwhelmingly or absolutely critical importance in the context of the total U.S. economy.[44] In simple statement of economic fact, the price advantage offered as a result of utilizing the Panama Canal has diminished in recent years because of the increasing use of alternative modes such as air transport and the so-called rail "landbridge" concept in the United States.[45]

The decline in the canal's economic worth to the United States is somewhat evident in the fact that whereas once U.S.-flag transits of the canal constituted almost a majority of canal traffic, today only 10 percent of the traffic at the canal is by U.S.-flag vessels.[46] And when the total U.S.-connected traffic that transits the canal is analyzed, it becomes evident that such traffic is related to less than 1 percent of the gross national product of the United States.[47]

It would be unfair to view the canal's value in such an isolated fashion, however. A comparative view of U.S. trade handled by the canal and major U.S. ports provides a more balanced perspective. In terms of handling U.S. trade, the canal is comparable to a major U.S. port. For example, when 106.9 million tons—of 2,000 pounds—of U.S.-connected cargo—exports and imports—transited the canal in fiscal year 1975,[48] the Port of New York handled 177.8 tons of cargo in calendar 1975, the Port of New Orleans, 140.4 million tons, the Port of Houston, 83.7 million tons, and the Port of Philadelphia, 52.2 million tons.[49] The canal by no means dwarfs the importance of other U.S. ports, but at the same time its importance to the U.S. oceanborne trade system, which carries most exports and imports, cannot be minimized.

In attempting to determine the canal's dollar value to the United States, final figures are always the result of the criteria and mathematical operations used. Thus, it should not be surprising that estimates run from $34 million in 1975 based on the U.S. share of the so-called user's surplus to $200 million plus, based on the costs which would accrue if the canal were inoperable.[50] The value of the canal could likewise be regarded as its replacement cost, judged to be at least $2 to $3 billion today.[51]

It seems ironic that in the controversial national debate on the canal issue, some economic evidence has been developed to demonstrate that closure, destruction or mismanagement of the Panama Canal could be a long-term net economic benefit to the internal economy of the United States because of the economic stimulus attendant an increased investment in the transportation shipping and service sectors of the U.S. economy.[52] Such a situation would bring increased costs to consumer goods in the United States and would, whatever its consequences for the United States, be a disaster for the rest of the world.

While the real economic value of the Panama Canal to the United States has been diminishing, it nevertheless remains important, perhaps significantly so:

In 1972, according to one estimate, 17 percent of the U.S. foreign seaborne trade by volume and 33 percent by value transited the Panama Canal;[53]

As I previously indicated, over two-thirds of the Panama Canal's annual traffic in 1973 had a U.S. port either as a point of origin or destination;[54]

About one-fourth of the subsidized sailings of the U.S. fleet transit the canal;[55]

The value of the Panama Canal for U.S. intercoastal shipping is of paramount importance. A ship going from New York to San Francisco saves 7,860 miles of travel, 10 to 15 days of sailing time, and $35,000 in fuel consumption by using the Canal in lieu of sailing around Cape Horn;[56]

If we include the cost of military bases in the Canal Zone, the United States has invested over $6 billion in the canal and zone;[57]

Installations and properties in the Canal Zone are worth an amount difficult to calculate, but clearly significant;[58]

Several studies by economists in Latin America indicate that the U.S. economy and U.S. Government have gained some $4 to $5 billion in indirect subsidies from operation of the canal under a break-even tolls formula. Another study indicated that in the early 1970's one-half of the annual benefits enjoyed by canal users accrued directly or indirectly to the United States and Japan;[59]

In the transportation of supplies during the Vietnam war, it is clear that use of the Panama Canal saved billions of dollars in comparison to the most feasible alternative routes.[60]

The significance of the Panama Canal for the United States requires that now or under any new treaty we continue to have guaranteed access to the waterway during peacetime as well as during hostilities.

But this waterway, in my view, is even more critical to world commerce as a whole, and several developing countries in particular, than it now is to the United States.

About 15 percent of the world's fleet uses the canal on an annual basis, but 97 percent of the 26,000 vessels in active world fleet can use the canal.[61] A number of countries find the canal of particularly great importance. There are nine Latin American countries, for example, which have over one-third of their total foreign commerce transit the canal.[62]

Nations on the west coast of South America, particularly Peru, Chile, and Ecuador, find the canal and its charges important factors in their trade. A large percentage of their exports and imports transit the canal and the competitive nature of products conveyed in the trade of these nations causes additional transportation charges to be borne by Latin American producers and consumers. Higher tolls charges at Panama, then, fall most heavily on the developing countries.

It makes sense that many of the developing countries in Latin America and elsewhere need the canal. These are nations which have expanding merchant marine fleets but undeveloped rail, highway, and trucking transportation modes to connect with other countries and to serve as alternatives to use of the canal.[63]

The important role the canal plays in the trade of many developing nations would seem to necessitate some form of continuing international guarantee for fair and just toll rates. And just such a guarantee is contained in the present treaty arrangement.

While the canal is important to other countries, its economic value is greatest to Panama. This is a motivating factor in Panama's continuing campaign to achieve a greater role in canal operation and defense. For example:

As I mentioned earlier, if one includes military bases in the zone, approximately 12 percent of the gross domestic product of Panama is attributable to the existence of the Canal and pertinent military and other facilities;[64]

At least 5 percent, if not more, of the Panamanian work force is employed in the Canal Zone[65] and today more than a $100 million is paid to them annually in salaries and wages;[66]

Panama's per capita income, the highest in Central America and fourth highest in Latin America, is partially attributable to the U.S. presence in the Canal Zone;[67]

Many of the important public services in Panama are provided in cooperation with, and sometimes dependent upon, U.S. installations and services in the Canal Zone;[68]

It is estimated that up to one-third of the economy of Panama consists of services and businesses that would not exist without the canal.[69] This is a speculative figure but it does emphasize the importance of the canal to Panama.

The conclusion which I draw from the comparative importance of the canal to the United States, the world, and Panama is that greater direct benefits are due Panama and more participation should be given to Panamians in decisions concerning the canal. Such Panamanian interest should be recognized in a manner which protects international and U.S. commerce.

Clearly the treaty negotiators face a major challenge in balancing the political and economic interests of the various parties at issue. Unfortunately, those interests will be even more difficult to adjust as a result of the more difficult financial circumstances facing the canal.

The Panama Canal has been able to contribute much to world trade because it has operated for decades, at moderate tolls, providing benefits to both Canal Zone employees and Panamian economy. Those benefits have now become endangered for several reasons. The reopening of the Suez Canal and the world recession of 1974 through 1976 decreased canal traffic.[70] The greatly unavoidable increased costs of canal operation have begun to outstrip available amounts of revenues. Despite two major toll increases in the last 3 years, the canal has operated at a deficit for the last 4 years.[71]

It is a clear and simple economic truth that it will be increasingly difficult to

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operate the canal on a self-sustaining basis without further increases in tolls or U.S. Government willingness to subsidize the canal operation. A new arrangement with Panama providing greater compensation for canal rights, will likely involve further financial difficulties for the canal.

Who should pay the cost of change which will result from increased compensation to Panama?

In my view the fairest solution to the question of canal compensation and canal rates will take into account the contributions made to and the advantages derived from the existence and operation of the Panama Canal by the four signatories of canal pacts, the United States, Panama, Colombia, and Great Britain, as well as the contributions and advantages of world trade as a whole.

THE CANAL IS ALSO IMPORTANT MILITARILY

The military value of the Panama Canal to the United States today can be described on the same level as its economic value. The canal is not vital to our national security. The value of its operation during a conflict in which the United States is engaged cannot be precisely estimated. But clearly the canal does retain a military value:

In terms of logistics, the Panama Canal remains militarily important to the United States in facilitating the flow of our supplies and forces from one theater of strategic interest to another, a flow that is primarily dependent on our seaborne capability;[72]

In terms of mobility, we note that all of the ships in our U.S. fleet except the 14 aircraft carriers can transit the canal;[73]

Additionally, the existence of the canal has allowed the United States to take certain risks in reducing U.S. fleet size.

Historical data clearly show the military advantage the canal has afforded.

In World War II, there were 6,400 transits of the canal by combat vessels and 10,300 transits by other military craft. The United States saved an estimated $1½ billion in World War II by such use of the canal. And this does not count the lives and material saved because the war was shortened by the time advantage the canal provided.[74]

Similarly, the canal played an important logistical role in the U.S. effort in Korea and Vietnam. About 40 percent of the dry cargo dispatched to Vietnam was transported through the canal.[75]

The Panama Canal's value during military conflicts is contingent upon the fact that the waterway has never been directly attacked or damaged. In any high intensity conflict in the future, the United States could not count on such a fortuitous course of events. Long-range destructive weaponry now available could damage the canal to the point where repair would be impossible or simply not feasible, given the canal's sensitive lock operation and dependency on fresh water from watersheds inside Panama.[76]

In short, the canal is militarily important while in operation, but we must have plans other than those which contemplate its use during hostilities.

In recent years, some of our highest military officers have said that the military value of the Panama Canal has diminished, but other aspects of our military involvement in the Canal Zone have remained intact. The number of U.S. troops stationed in the zone has decreased by one-half in the last 20 years, yet 85 percent of Canal Zone land is still dedicated to military use. Much of this is related to training U.S. troops for defense of the canal, and also for training Latin American officers and enlisted personnel in fulfillment of our military relationship to the nations of that region.

In recent years, the Isthmian area has been of some military value as an advantageous point for our defense assistance program in Latin America. While the use of the zone for the assistance program has not been injurious to canal operation and defense, such assistance ought to be explicitly legitimized in a new treaty.

The primary objective in negotiating a new canal treaty, however, does not concern defense assistance. The objective, as I see it, is to guarantee continued operation of the canal, but in such a manner as to advance our international reputation by providing a fair and satisfactory settlement to the Panamanians. How does this objective relate to the vulnerability of the canal? And exactly how vulnerable is the canal to interruption, damage or destruction?

In answer, the canal has always been vulnerable as a structural mechanism—with locks and dams particularly vulnerable, as the canal's builders knew from the start. But the fact that the canal has survived two wars without damage indicates it has been perceived as defensible by our adversaries.

If there is a future military conflict involving the canal, the likelihood of guerrilla activity may change that perception.

What constitutes the present danger to the canal, then, is not the kind of conventional military threat that would come in a declared war, but rather a canal closure that could result from civil strife and terrorism. Such terrorism or strife, whether contrived or spontaneous, would be difficult to assess, or stop.

We, of course, should not negotiate a new agreement out of fear of strife or terrorism. And yet we must negotiate now, when the nature and form of our presence in Panama has become so counterproductive to our real national interests. Continuing and intensifying negotiation would also answer those who question the allocation of benefits from our activity in Panama and deem our actions unreasonable and inconsistent and a violation of the standards of the world, as well as objectionable to the Panamanian people, whose good will is essential to the best operation of the canal. That is what the world is telling us, and this must be taken into account when defining real national interests in Latin America.

What if the continuation of the present treaty arrangement results in a willingness of Panamanians to take a more aggressive position concerning the canal?

A 1976 report by the executive branch to Senator CLARK of Iowa indicated that upward of 100,000 U.S. troops might be needed to adequately defend the canal area against a determined military attack from Panama with outside support.[77] Is it then in our vital interests to contribute to a set of circumstances which would place us in such a situation? In defining our vital interests we must be prepared to answer this question. Those who adamantly contend that the United States must maintain "undiluted" sovereign control of the canal also must be prepared to accept the consequences of that intransigent position.

As the canal is a waterway international in character and history, but also national in importance, a new treaty arrangement must include some type of guarantee for adequate defense and the passage of our vessels when needed. Additionally, we must maintain a U.S. military force for defense of the canal so that all nations, whether they be friend or foe, know that the canal will be protected and the highest standards of security maintained to keep the canal operational.

Again, in assessing the role which military values ought to play in canal treaty negotiations, we need to keep a rational and balanced perspective, remembering that a vulnerable facility is still worth defending but that the best preventive for violence is excellent human relations.

THE CANAL IS IMPORTANT TO U.S. FOREIGN POLICY

Mounting tensions with Panama, and world opinion in general, have necessarily had a major effect in shaping U.S. policy on the Panama Canal. In the last decade we have come under increasingly severe criticism from abroad, and have been accused of maintaining the Canal Zone as a remnant of the colonial period.

The Secretary General of the Organization of American States, Ambassador Alejandro Orfila, pointed out the Latin American dimensions of this matter in 1975 in stating that—

> It is not the issue of the Panama Canal. It is the issue of the United States and Latin America, and a solution must be found and very soon because there is not enough time to keep negotiating.

The solidarity of Latin America behind Panama cannot be overstressed. Indeed nearly all the Third World and many developed countries have expressed continuing support for Panama and concern over the present state of affairs. Such unanimity of world opinion cannot be ignored.

In 1973, the United States was forced to veto a security council resolution on Panama. And twice in recent years Panama has been chosen by Latin America to be the regional representative on the security council, lending further support to her claim that this is now a Latin American and Third World issue.

What if we adopt the inflexible policy which some advocate? An example of the result of such a policy is to be seen in the experience of Great Britain, whose intransigence over the Suez Canal ultimately led to bloodshed and closure of that canal. In 1956 the British Government—or elements within it—chose to

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avoid a compromise and maintained an increasingly unpopular international position. Hopefully, the United States will not have to repeat these types of mistakes. Let us remember there is a limited set of circumstances in which the United States will have friends or allies if hostilities occur at the canal.

We should not be afraid to negotiate. This is far more responsible than ignoring the present circumstances in Panama. To negotiate now does not demonstrate cowardice or "giving in" to pressure. On the contrary, it is an act of prudence and foresight. Again, it is a recognition of what in fact are our vital interests.

Certainly a new treaty is pointless unless it deals with those matters that are truly essential points of friction between the United States and Panama. However, the negotiating of such a treaty is just as pointless if it does not coincide with the acceptable limits which the people and the Congress of the United States assign to the Panama Canal issue.

U.S. relations with Latin America have been favorably affected by the eight-point "Agreement on Principles" signed by former Secretary Kissinger in 1974. The eight-point agreement has set the present negotiations on a course toward a fixed-term treaty arrangement in which Panama will have full sovereignty over all the territory which she had at independence. Such an arrangement fundamentally differs from the present arrangement.

Latin America sees the perpetual arrangement allocating sovereign power to the United States in the geographical entity that splits a Latin country as a remnant of those days when the honor of Latin America was subject to the big stick—el garrote. For our neighbors to the south the eight principles augur an end to that stick in Panama.

But it must be remembered that the ramifications of the eight principles, however valuable in Latin America, are probably not acceptable in the present climate of opinion in this country. A courageous and forthright effort by the leadership of this Nation will be needed to explain the Panama situation and the negotiations and to find a mutually compatible solution. This, then, is the challenge of leadership.

CONGRESS MUST PLAY AN IMPORTANT ROLE IN THE PROCESS OF ARRIVING AT A NEW TREATY ARRANGEMENT

Our Founding Fathers were wary of foreign entanglements and thus set distinct constitutional limits on the treaty process. It was determined at that time, when the Constitution was written, that no executive authority should take unto its own powers to commit the United States. Accordingly, the representatives of the States and people were given a positive authority in treaty affairs. In short, our constitutional procedures were not designed to be conducive to the production and ratification of treaties.[78] The subjects of the treaty power, however, are as broad as the foreign affairs powers exercised under the Constitution.

The procedural requirements which our constitutional system imposes upon the United States have always been magnified by the political controversy surrounding an interoceanic canal. It is not surprising that four treaties respecting the interoceanic canal question were not approved in the form negotiated by the U.S. Senate before the approval of the Hay-Bunau-Varilla Treaty of 1903.[79]

In fact, the entire Congress of the United States has historically exhibited great interest in the interoceanic canal is recorded in 1826. The first congressional report on the subject is documented in 1849.

The interest of the Congress in the Panama Canal treaty issues continues to be evident today. A constitutional directive requires our negotiators to look at the power invested in the Senate to consent to ratification and in the entire Congress of the United States to implement valid agreements and to be responsible for disposal and disposition of U.S. property.

As I indicated previously, article IV, section 3, clause 2 of the U.S. Constitution states that:

> The Congress shall have the Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.

This power has been used to implement the 1955 modification of the canal arrangement and also in many other instances.[80]

The prerogatives of the Congress, including the House of Representatives, in any challenge or conflict with the property disposal power, would in my view be overriding, for the pronouncements of our highest court make it clear that a treaty, to be valid, must adhere to proper constitutional mandates. In my view, this includes the mandates under article IV, section 3, clause 2. In Geofrey against Riggs, the Supreme Court said:

> It need hardly be said that a treaty cannot change the Constitution or be held valid if it be in violation of that instrument.[81]

Further, participation of the whole Congress in the decision on a new arrangement with Panama not only will be constitutionally appropriate, it will make any new treaty more politically legitimate, and democratically superior, in the eyes of the people of the United States.

As Justice Miller explained in the Head Money cases:

> A treaty is made by the President and the Senate. Statutes are made by the President, the Senate and the House of Representatives. The addition of the latter body to the other two in making a law certainly does not render it less entitled to respect in the matter of its repeal or modification than a treaty made by the other two. If there be any difference in this regard, it would seem to be in favor of an act in which all three of the bodies participate. And such is, in fact, the case in a declaration of war, which must be made by Congress, and which, when made, usually suspends or destroys existing treaties between the nations thus at war.[82]

The House, then, through its committees, including the Committee on Merchant Marine and Fisheries, of which I am a member, and the Panama Canal Subcommittee, which I chair, intends to guard the constitutional prerogatives of the Congress.

There are at least three other issues—employee rights and benefits, a reasonable tolls policy, and an efficient canal entity—in which I and my colleagues will take a special interest because they involve the maintenance of equity and balance and the U.S. interest.

With respect to employee protections, when there is a group of employees as large as those 3,700 U.S. citizens and 10,400 non-U.S. citizens who work for the canal organization, it is safe to say that not all will enjoy change, and some may even leave in preference to living under a new canal regime.

But given the eight principles enunciated by former Secretary Kissinger, or even in the absence of those points, the vital interest which this Nation has in the Panama Canal commands that our policy retain, protect, and defend the rights of those U.S. employees, and their Panamanian counterparts, now working for the canal organization. For in protecting the rights and labor gains of these employees, we are also promoting the efficient operation of the canal.

The U.S. Government has been aware of the apprehensions and uncertainties of canal employees. Accordingly, on March 15, the Governor of the Canal Zone, with the approval of the executive branch of the U.S. Government, issued to canal employees a list of 15 assurances or protections which should be the minimum under a new treaty arrangement.

Following the issuance of those assurances, the Subcommittee on Panama Canal of the Committee on Merchant Marine and Fisheries held open hearings in the Canal Zone on them. All relevant groups testified.

I applaud the efforts of the administration to reassure employees. But we must do much more.

A lock canal and a restricted channel waterway such as the Panama Canal requires a stability of operation and a continuity of experience in order to operate and maintain it. The absence of qualified pilots, engineers, or administrators could be very injurious to the operation of the waterway. However, our assurance to guarantee employee rights also guarantees continued stability and continuity of canal operation.

The protection of employees is in line with consistent national policy over the years to provide incentives to retain quality personnel within the canal organization. At a time when we must recognize the new realities in international politics we should not allow our loyalty to trusted employees to diminish.

We must insure that U.S. employees who are uprooted by treaty changes are properly compensated and given their just due by their own Government. And our obligations to the Panamanian employees of the canal organization are likewise serious.

With respect to a tolls policy, we must seek assurances that Canal tolls will not become an unreasonable obstacle to those who wish to use the canal.

With respect to the new entity that will operate the canal under a new treaty arrangement, we must assure world commerce that the structure of the organization will be immune to the arbitrary

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political whims of any government, and be guided by the international guarantees that ought to be provided.

Whatever the disposition of these issues in a new treaty, the interest of the House of Representatives in them is important. It is clear that the role of the House would necessarily include substantial implementing legislation for a new treaty.

THE CONCLUSION WE SHOULD DRAW

Given the constitutional and political obstacles to any new Panama Canal treaty, it is obvious that a new agreement must have large, clear, and essentially recognizable benefits for both the United States and Panama if it is ever to be implemented. On behalf of the United States, it is essential that among other things:

The United States cannot be in the position of having to bargain to transit the Panama Canal;

The United States cannot allow world commerce to be coerced into unreasonable payment or side payments to the authorities who control the canal;

The United States cannot allow an agreement for change to be interpreted as a retreat from our responsibilities or prerogatives in Panama or any Latin American countries; and

The United States cannot be perceived as being cowed into an agreement it clearly does not want.

These items must be guaranteed, not because of any suspicion of the Panamanian Government, but rather because we cannot afford to rely on good will alone to protect the important interests involved with the canal.

While I believe that these are essential and rational U.S. interests, it is only reasonable that we assess and recognize the legitimate and substantial interests of the Republic of Panama in the present canal and Canal Zone.

While we accept the many points of national interest the United States does have in the canal, we can agree with Panama on her own essential interests:

We can agree to provide for more flexibility than the concept of perpetual control allows;

We can reorganize the canal organization to eliminate obstacles to Panamanian entry to the highest job levels;

We can turn over lands and waters and governmental services that are more appropriately Panama's than the canal's itself;

We can arrange for more compensation for the strategic land we occupy on the Isthmus.

We can satisfy these Panamanian needs, and others, and still have the necessary guarantees for world commerce.

I believe the canal problem, despite many facts which militate against its settlement, can be resolved amicably and in the best interests of this country, Panama, and the world. Based on my experience as Panama Canal Subcommittee chairman, I believe that the chief objectives of the United States and Panama in the Panama Canal are compatible if we are willing to forego some of our secondary objectives.

We can resolve the problem because there is a substantial working relationship between the United States and Panama and there has been for some time.

We can resolve the issue because U.S. and Panamanian citizens have worked for 70 years side by side to operate successfully an enterprise which has been a critical element in the growth of world commerce.

We can resolve the issue because we know the canal can operate with maximum efficiency only if the peoples and the governments of the United States and Panama believe their interests and their equity in the canal are recognized and appreciated.

We can resolve this issue because we know in the United States, and in Panama, that the sensitive mechanism of a lock-type canal demands stability and order based on justice and fairness for those who run the canal and those for whom the Canal is operated. Too abrupt a change in the operation of the canal or in its government could only serve to frustrate the general purposes for which international agreements are negotiated or domestic law made—the welfare of the people.

Because of the complex character of our presence on the Isthmus of Panama, a presence replete with political, economic and military questions, we must be careful to combine our foresight with a tenacious grasp of essential U.S. interests.

This is a matter of national dignity for the United States as well as Panama.

The United States is confronted with a challenge in its negotiations with Panama. How we respond to that challenge will be an indication to the rest of the world of the strength of our commitment to the ideals of justice, equality and self-determination.

FOOTNOTES

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[4] *Ibid.*

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[7] Fourth Periodic Report of the Republic of Panama to the United Nations Committee on the Elimination of Racial Discrimination, November, 1976.

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[12] See Annual Reports of Panama Canal Company and Various Reports on Canal Expansion and Modernization.

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THE RIGHT OF PRIVACY

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEVITAS) is recognized for 5 minutes.

Mr. **LEVITAS**. Mr. Speaker, under the Omnibus Crime Control and Safe Streets Act of 1968, either a law enforcement officer or a private person is allowed to intercept wire or oral communication where the officer or private person is a party to the conversation or where one of the parties to the conversation has given prior consent to such interception. Under these circumstances, interception, whether by wiretapping, recording from an extension telephone, or by any other means, where done with consent of one of the parties, is not subject to prior judicial approval; that is, no warrant is required for such surveillance and interception.

I am today introducing a bill to amend the Safe Streets Act, specifically 18 USCA § 2511 (2) (c) and (d), to require the consent of all parties to an oral or wire communication before that communication can be intercepted, or "bugged," unless a warrant is obtained beforehand, or unless the communication is directly in furtherance of a crime or the message itself constitutes a crime. In the latter two cases, only the consent of one party shall be necessary.

My purpose in amending the present law to broaden the consent required before warrantless eavesdropping or interception of a conversation may be allowed is to safeguard what I believe to be a most fundamental right, guaranteed by the fourth amendment to the Constitution, the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, and that no warrant for any search shall issue except on the basis of probable cause shown before a judicial officer. When there is a communication between two people which is neither a crime nor in the furtherance of a crime, and one of those people for some reason chooses to "bug" the conversation, the fundamental fourth amendment right of the other person to be safe against unreasonable "search and seizure" is violated. This in spite of the argument that the person unknowingly being recorded has no right to expect that the other person will not turn around and repeat the conversation to a third party. It is the absence of this "expectation of privacy" which is at issue, since the Supreme Court has recognized that this expectation must be protected where reasonable.

In support of my position that the present provision with respect to electronic eavesdropping does not protect the guarantees of the fourth amendment, I wish to make several points. First of all, when a conversation is intercepted and recorded, much more than the substance of the conversation is taken. A person speaks for the purpose of communicating an idea, but he in fact communicates much more than the spoken word if the listener has the proper electronic means to interpret the speech. Upon proper analysis, speech may be made to reveal the identity of the speaker, his personality traits, and his emotional state, as well as his veracity. The "seizure" of these elements of voice is therefore a violation of the speaker's expected area of privacy. Few people would question the premise that it would be a violation of fourth and fifth amendment rights—and possibly others—to force a person without justifiable reason to be subjected to a lie detector test, a personality test, or a test which evaluates emotions; but, nevertheless, section 2511 of the Safe Streets Act allows just such a violation.

Second, the right to privacy and the free flow of different ideas is fundamentally necessary to a democratic society. Allowing electronic surveillance of speech without a warrant is a serious erosion of the very foundation of our social structure.

Finally, since the 1967 Supreme Court decision of United States against Katz, the person's reasonable expectation regarding zones of privacy has been the test for determining the extent of fourth amendment search and seizure protection. In Katz, as you may recall, the defendant was engaged in a telephone conversation in a telephone booth on a public street. Law enforcement officers had set up a microphone outside the booth to eavesdrop on his conversation. The Supreme Court ruled inadmissible any evidence obtained through the use of this microphone, finding such use to be a violation of the defendant's fourth amendment protection from unreasonable search and seizure. Katz had a right to expect his telephone conversation in the booth to be private, though the booth was public. The Court held that the Constitution protects the person's expectation of privacy rather than the place in which the conversation occurs. It protects people, not places. This is the rule of Katz.

Some have argued that when I have a conversation with you, I have no guarantee that you will not repeat to another person what I have said; therefore, I have no expectancy of privacy protected by the fourth amendment. The argument is that since I entered the conversation assuming the risk that you may subsequently reveal my secrets, I must also assume the risk that the conversation may be recorded. However, there is a difference between your verbal disclosure of what I have said and your recording of my actual voice and replaying that for a third party. The flaw in the argument is in its assumption that disclosure of a conversation by testimony and disclosure through a tape recording are essentially identical. This is certainly not a valid assumption in light of the numerous characteristics of speech which are undetected by the unaided ear but which can be detected by electronic analysis.

An analogy which illustrates this difference can be seen by noting the difference between describing a person and photographing the same person. While both methods are descriptive, a photograph certainly contains much more than a verbal description. Although one assumes the risk that a guest may verbally divulge his appearance, he does not assume the risk that the same guest may photograph him without his consent. There is a significant amount of essentially private information which may be seized by recording the human voice.

Even disregarding the technical elements of speech which are preserved on a recording, the adoption of this "assumption of risk" doctrine ignores a fundamental assumption that we all make every day, and that is that when we speak to another in private, we are heard by his ears alone and not by electronic devices.

Unfortunately, in electronic surveillance decisions since Katz, the Supreme Court has adopted the "assumption of risk" doctrine and has not extended the fourth amendment protection to a person in a conversation whose words are secretly recorded by the other party to the conversation. According to the Court, it is not constitutionally justifiable to expect that the person to whom one is talking will not divulge the conversation by recording or transmitting it to police officers. This argument will not hold up under the Katz rule that protects people and not places. It is not the method of eavesdropping but rather the eavesdropping itself from which a person is protected. Applying the Katz rule, if the speaker has an expectation of privacy, the fact that the person to whom he was speaking might have consented to eavesdropping by a third party or did the recording himself does not change the speaker's expectations.

Suppose the facts in Katz are changed so that instead of the defendant occupying a telephone booth outside of which was a microphone placed by the police, the party to the conversation with the defendant consented to a bug on the telephone. Have the defendant's constitutional rights against electronic eavesdropping been waived, or does the fact that a party to the conversation gave consent make the defendant's expectations constitutionally unjustifiable? I do not think that the correct conclusion is that the defendant's constitutional protections have been waived here because of the other party's consent.

I think the time has come to amend the Federal law to afford the constitutional protection to all parties to conversations. There are presently eight States which permit interception of wire and oral communications without prior judicial approval only if all parties to the conversation have given their prior consent—California, Florida, Maryland, Michigan, Montana, New Hampshire, Pennsylvania, and Washington. Another six limit interceptions permitted with the consent of only one party to the wire or oral communication only for law enforcement purposes—Delaware, Georgia, Illinois, Maine, Massachusetts, and Ohio. It is the latter type of provision which I am proposing in my bill.

In conclusion, in a democratic society, privacy of communication is essential if citizens are to think and act creatively and constructively. Fear or suspicion that one's speech is being monitored by a stranger, even without the reality of such activity, can have a seriously inhibiting effect upon the willingness to voice critical and constructive ideas. When dissent from the popular view is discouraged and intellectual controversy is smothered, the process for testing new concepts and ideas is hindered and desirable change is slowed. Restraints on free communication are repugnant to a free society.

EXPORT OF ADVANCED COMPUTER TECHNOLOGY TO SOVIET UNION

The SPEAKER per tempore. Under a previous order of the House the gentleman from California (Mr. DORNAN) is recognized for 20 minutes.

Mr. DORNAN. Mr. Speaker, on April 4, I made a statement in this body about the export of vital U.S. technology to the Soviet Union and our other Communist enemies. Articles to which I referred detailed the sale of advanced computers and technology to the Iron Curtain countries. The frightening aspect of this seemingly normal business transaction is that these computers are essential to all aspects of modern warfare. They are used for navigation and weapons guidance in modern missiles, aircraft, tanks, high performance satellite-based surveillance systems, ABM defense systems, and submarines. Without these computers, modern weapons systems could not be built, integrated, tested, deployed, kept combat ready, or operated.

Moreover, this suicidal practice is continuing.

The U.S. Government is expected to approve the latest in a long series of Western technological aid to the Soviet Union within the next 60 days. It will accomplish this by permitting exportation to the U.S.S.R. of one of the largest and most advanced computer systems in the world, the Cyber-76.

The Cyber-76 is a "supercomputer" developed by the Control Data Corp. of Minneapolis, Minn. It is a scientific marvel, estimated to be from 12 to 18 years ahead of any computer system in the Soviet Union and its satellite countries. It serves as a "brain center" of the Pentagon, of the U.S. Air Force, of the supersecret National Security Agency, of the Energy, Research and Development Agency, and of the National Aeronautics and Space Administration. An older model, the Cyber-74, will be used by NORAD. Repeat, an older model.

One can only ask in amazement: "What can the officials of the U.S. Government be thinking of when they allow the export of tools that can be used to destroy us?"

Those who defend these suicidal sales argue weakly that the Cyber-76 will be used only to process weather forecasting data. They say that we can trust the Communists to be true to their word when they assure us that they will not use the Cyber-76's capacity for strategic military applications.

Moreover, those who want the sale argue that safeguards will be built in so that the Soviets cannot use the devastating military potential of the Cyber-76. They plan on providing for onsite monitoring by one or two Control Data technicians.

But many computer experts—inside and outside of Government—have expressed skepticism about these assurances. Some have explained their basis for skepticism. It seems that it is all too easy for a Soviet technician sitting next to the monitors to feed in military problems without the Control Data technician being aware of it.

Last year, then Secretary of State Henry Kissinger intervened to approve the export to the Soviet Union of Control Data's Cyber-73 system. Cyber-73 is a very high-speed, large volume advanced third-generation computer suitable for nuclear weapons calculations, for antisubmarine warfare, for large phased-array radar to track enemy ICBM's and for other purposes.

Sales of similar nature have been approved in the past by other administrations. But we have a new administration and a new head of the National Security Council. The decision now rests on their shoulders. It is Mr. Brzezinski who is facing a major test that could affect the future of our country. Will he reassess the Kissinger policy of transferring to the Soviet bloc sophisticated technology with critical strategic implications?

More importantly, are the National Security Council and the present administration committed to curbing the growing Soviet strategic advancement? Or, are these officials willing to aid the Communist effort by exporting militarily vital strategic computers. It is my sincere hope that the administration will not repeat the mistakes of its predecessor and will prohibit the export of the Cyber-76.

Mr. Speaker, I would like to take this opportunity to place in the RECORD an article written by Mr. Miles Costick which examines the implications of the proposed export of the Cyber-76 to the Soviet Union. I believe that it will bring into clear view the threat to our Nation posed by those businessmen who are willing to cash in on the Communists' need for advanced computer technology.

The article follows:

The Strategic Dimension of the U.S. Computer Exports to the U.S.S.R.

(By Miles Costick)

Recent series of authoritative studies—CIA, Defense, Library of Congress, Congressional Budget Office, and NATO—have one thing in common: their concern for rapidly deteriorating U.S. defense posture in face of an unprecedented Soviet military build-up.

The non-partisan Congressional Budget Office (CBO) in a new study, entitled "SALT and the U.S. Strategic Forces Budget", emphasizes that the Soviet Union is driving hard for decisive strategic superiority over the U.S. rather than strategic equilibrium between the superpowers. Neither detente nor the Strategic Arms Limitation Talks (SALT I and SALT II) have slowed the Soviet drive for supremacy.

Viewing the overall Soviet objectives it becomes clear beyond any doubt that the U.S.S.R. also strives to attain scientific and technological superiority, which then can be translated into a margin of military advantage. The superiority in high-technology areas is of paramount importance in effective military systems.

Last year, in his statement before the House Committee on Appropriations, Dr. Malcolm Currie, then director of Defense Research and Engineering, said:

"American security, like the American economy, stands on a foundation of technological superiority. We need superiority in defense technology . . . in military operations we traditionally depend on superior quality to compensate for inferior numbers."

Computer technology, in particular, plays a paramount role in the change of military technology and strategy. Many exports point out that numerous other technologies are revolutionizing warfare, such as giros, lazers, avionics, nucleonics, and propulsion. This is true, yet in one way or another *all* emerging technologies, including computer technology itself, are dependent on computers. For example, the world's most advanced computers (e.g., ILLIAC IV, CDC STAR–100, Texas Instruments' ASC and Goodyear's STARAN IV) were built with the assistance of several large computers.

In short, today's emerging technologies are as dependent on computers as the technologies of the first industrial revolution were dependent on energy.

Without computers modern weapons systems could not be built, integrated, tested, deployed, kept combat-ready and operated. In fact, weapons such as missiles, aircraft, tanks, high-performance, satellite-based surveillance systems, ABM defense systems and submarines incorporate computers as part of their armament. Avionics are intrinsically computer-linked. So is missile accuracy. Helicopters and airplanes used against tanks are provided with computers and computer links to obtain the real time information needed for effective battlefield interaction. In conclusion, there are no modern weapon systems that are not dependent upon high-speed computers.

Computers have also become indispensable tools to sciences, industry, crime control, social management, and, indeed, all walks of life for which information processing is important. The power for good or evil of these machines is beyond exaggeration.

In the present era of technological competition with the Soviet Union, the United States enjoys now and is expected to maintain a ten- to fifteen-year lead in computer technology, provided that there is no ill-considered export to the Soviet Union and to the other communist dominated countries. For it is known to our intelligence community that any technology transferred to a Soviet satellite, or for that reason to Yugoslavia, was in turn made available to the Soviet Union.

SOVIET COMPUTER TECHNOLOGY

Computer technology in the Soviet Union is almost entirely imported from the West. In the early 1930's, the U.S.S.R. was importing unit record equipment manufactured by Powers and Hollerith. The SAM business machine plant was established in Moscow in 1932 and began to produce copies of Western machines. This practice of copying earlier models of Western machines continues to the present time, although Soviet modifications of the Western models are now more frequent, so that the copies are not as faithful as they once were.

The list of computer technological advances pioneered in the West that made their appearance in the Soviet Union after a lag of from three to twelve years is rather lengthy. The point to be made is that virtually all significant technological innovations in computer technology have occurred in the West. Advances in Soviet computer technology, have been, without significant exception, direct transplantations. Obviously, this may not always be the case. If computer technology in the U.S.S.R. receives the required input from the West, and if the Soviet authorities decide to elevate it high on the scale of priorities—and that appears to be the case—it is reasonable to expect that there will be independent Soviet contributions to this technology.

There are several significant features of Western computer technology that the Soviets have failed, thus far, to aquire. The first of these is the technique of large-scale mass production of high quality computer components, subsystems, and systems. For all practical purposes, each Soviet computer is a custom-made item. A second element that the Soviets have yet to master is reliability engineering and quality control. Third, but certainly not least, the Soviets have yet to inject into their computer industry the kind of creative dynamism so characteristic of the Western computer scene.

The gap separating contemporary Western computer software[1] and that employed in the Soviet Union is enormous. It is no exaggeration to say that the state of Soviet software in 1977 is no further advanced than Western software was in 1964. However interesting Soviet work on the theory of automatic programming may be, it has not contributed to software that would economize programming time and make computers more accessible to more users.

The best Soviet computer produced in series is BESM–6, which was introduced in 1967. Some of these machines have been sold to India, Pakistan, Afghanistan, and Eastern Europe, which lack hard currency to buy more advanced equipment from the West or Japan. One must stress, however, that the Soviet capacity to produce DESM–6 is limited to about 35 machines per year, that demand for them within the U.S.S.R. and its bloc considerably exceeds supply, and that at least 14 different machines in the United States, the United Kingdom, Germany, France and Japan, in 1967, were vastly superior.

One of the main inferiority of Soviet computers is in their memory storage, both internal and external. Even the most advanced computers produced in the Soviet Union and East Germany demonstrate the acuteness of the problem with mass memory storage.

Almost precisely 12 years ago, one of the highest officials in the Soviet Academy of Sciences in Moscow leaked the Soviet decision to proceed with development of a family of third-generation computers, closely patterned after the IBM–360 series. The working name for the project was RYAD, which is the Russian word for series.

It is interesting to observe that the KGB agents, in middle sixties, were able to steal IBM–360 series of computers and their blueprint and specifications from West Germany. These served as a base for production of RYAD series.

Several years went by before any mentions of the ambitious undertaking were seen in the Soviet literature. The "official" version of the Unified System (ES)—the RYAD system in other words—development history places the date of the decision to proceed in December, 1969. Clearly, this is at least five years after the fact. The 1969 reference point actually refers to the signing of a multilateral agreement between the USSR, Bulgaria, Czechoslovakia, East Germany (GDR), Hungary, and Poland to cooperate on the ES project. Finally, in 1973 the first computers in the ES series went on display. These were ES–1020 and ES–1030, in the USSR, and the visitors to East German exhibition were shown the ES–1040 prototype. In the Soviet Union, most significantly, the top machines in the series, the ES–1050 and ES–1060, were missing. In 1975 the Soviets finally displayed the ES–1050 prototype, but it was obvious to the visiting experts that they had serious problems with the machine and its peripheral equipment. They were far from capacity to produce a workable computer system in series. The top machine, the ES–1060 that may be similar to IBM 360/75, was missing again, and the Soviets openly admitted that it was (and still is) far from completion. All the evidence available suggests that the Soviets have failed in their attempt to develop and mass produce dependable third generation computer systems.

TECHNOLOGY TRANSFER

In view of the fact that it was unable to abridge the computer gap between itself and the West, the Soviet Union is intensifying its efforts to obtain large computer systems and computer manufacturing technology from the West. The RYAD system itself is, of course, an example of adopting a Western computer design. At present, Western manufacturers are more than willing to sell their wares in the Soviet Union and Eastern bloc countries, make licensing agreements, install complete manufacturing plants, and launch development efforts jointly with communist governments. The only real obstacle to these efforts are the export controls placed on computer systems of certain size and associated equipment by CoCom (Coordinating Committee composed of United States, NATO nations, and Japan) and the U.S. Export Administration Office. As might be expected, the current export control policies are considered too restrictive by the U.S. computer industry. On the other hand, the experts both inside and outside of government view with alarm the dismantling of export controls resulting from Kissinger's detente policy.

Three aspects of technology transfer are involved in the export administration question: (1) transfer of products, (2) transfer of manufacturing capability (e.g., manufacturing and testing equipment or entire factories), and (3) transfer of design and manufacturing technology and know-how. The third forms a base on which the receiving country can build its own research, development, and manufacturing capabilities. All three aspects are involved in exporting computer technology to the Soviet Union and its satellites.

Soviet efforts to obtain from us the advanced computer systems and technology has not been without success. In his testimony on April 12, 1974, before an executive session of the Congressional Subcommittee on Priorities and Economy in Government, William Colby, then director of the CIA, stated that the Soviets "have been getting military technology" from the West. When Chairman William Proxmire inquired about the nature of that technology, Mr. Colby replied: "Comuputers, some scientific instruments, and advanced equipment."

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[1] "Software" refers to the programming languages and other aids that assist computer users to avail themselves of the machine.

Control Data Corporation, General Electric, Hewlett-Packard Co., IBM, Sperry-Univac and RCA among American computer firms, have all sold computers, related equipment and some technology to the USSR and its satellites. Only during the last four years the U.S. computer and electronic equipment manufactures have sold to the communist governments over $300 million worth of computers and related equipment. This sum does not include the clandestine trade which also flourishes.

Control Data Corporation of Minneapolis, Minnesota is one of the largest suppliers of computers to the communist governments. So far, CDC has sold to the Soviet bloc and Red China about 50 large computer systems. For example, CDC, in 1968 provided a second-generation 1604 computer system to be installed at the Soviet nuclear facility at Dubna near Moscow. In 1972, Control Data sold the Soviet Union a third-generation CDC 6200 system computer, which processes one million information per second, considerably more than any known Soviet computer at that time. Since that time CDC sold its 6400 computer system with computing power of 1.19 million operations per second; this system, more powerful than CDC 6200, was also delivered to the Joint Institute for Nuclear Research at Dubna, USSR. In addition, CDC delivered its next generation computer Cyber 72–14 to the Nuclear Research Institute at Swierk, Poland, in May 1973. In summer of 1974 a CDC Cyber 72–16 was exported to Poland, to be installed at Jagellonian University at Krakow, to be used for "scientific research". The CDC Cyber 72–16 is comparable to the previously sold Cyber 72–14 with the exception of having a larger memory.

In October 1973, Control Data signed an agreement with the Soviet government which calls for the joint development of the next generation of large high-speed computers. In addition, this agreement calls for CDC to construct a plant for manufacturing of new computers, of most modern peripheral devices, and of software. The plant, in the usual Soviet style, would be one of the largest in the world. This venture, if allowed, would not only create a full-blown competitor for our overseas computer sales, but also it would, by moving the Soviets 10–15 years into the future, enormously upgrade their military potential. American sources in our embassy in Moscow, at that time, put the agreements worth at above $500 million.

The official Soviet news agency TASS which announced the signing of the agreement with the CDC also went on to reveal, "Talks are underway on the sale of high-speed 'Cyber' electronic computers."

This raised eyebrows in some of Washington's more sensitive sanctums. U.S. officials as well as Control Data executives were surprised that TASS announced any dialogue on the Cyber computer system, for Cyber is the top line of CDC computers and at the time it was not on the list of items permitted for export to the communist governments.

Finally on Sept. 30, 1976, National Security Council under Henry Kissinger's appointee Lt. Gen. Brent Scowcroft, in extreme discretion, approved the sale of the Control Data's Cyber 73 computer system to the Soviet Union. The value of the transaction to CDC was about $6 million and to the Soviets about 10 years leap in computer technology plus a new acquired strategic capability.

On October 12, 1976, the National Security Council approved the sale of two CDC Cyber 172 computer systems to Red China. Through acquisition of Cyber 172 computers the Chinese communists gained capabilities which they have lacked before, since their computer technology is about 20 years behind that of the United States.

The Energy Research and Development Administration (ERDA) and the Pentagon objected to the sale of computers on the ground that both systems—the Cyber 73 and Cyber 172—were suitable for nuclear weapons calculations, for anti-submarine warfare, for large phased-array radar to track enemy ICBM's and for other military applications.

For example, a next higher-capacity computer in the Cyber 70 series, the Cyber 74–18 is now being used in USAF's Cobra Dane phased-array radar on Shemya in the Aleutian Islands, and a newer version, the Cyber 174, will be used in the Air Force's two new Pave Paws phased-array radars to be installed on the East and West Coasts to detect enemy submarine-launched ballistic missiles.

Control Data is also an "avantgardist" as far as joint plant ownership and technology transfer are concerned. Since 1973 the CDC operates with Rumanian government a joint manufacturing company ROMCONTRODATA in Bucharest. The factory utilizes CDC technology for production of peripheral equipment such as: display terminals, high-speed printers and card punchers. This year CDC uplifted its production in communist Rumania by advancing the technology of its products.

Since the Communist computer makers produce inferior peripheral equipment it has a bearing on the overall capacity of computers produced in the Soviet bloc. Obviously, the CDC peripheral equipment manufactured in Rumania enhances across the board the performance of Soviet and other computers produced in satellite countries.

CDC had an agreement with the Soviet Union to manufacture 100-megabit disk memory in the USSR. The production of 100-megabit disk memory units would have considerably enhanced Soviet computer capabilities, which in turn would have enhanced its military capabilities as well. Fortunately, the export license was denied to CDC.

The final insult came with the sale of the top of the line super-computer Cyber 76 to the Soviet Union. It is a typical strategic computer, suitable for nuclear weapons calculations and especially for sophisticated air defense. Cyber 76 handles normally about 10 to 12 million instructions per second, and with some software its speed is considerably higher. It serves as a part of the "brain center" of the Pentagon, of the U.S. Air Force, of the super-secret National Security Agency, of the Atomic Energy Commission, and of the NASA.

The experts contend that Cyber 76 will provide Soviet military with capabilities of critical strategic importance. For example, the Soviets, with use of Cyber 76, could neutralize our entire D–52 bomber force or vastly improve their nuclear force capabilities.

According to highly placed sources within the U.S. Government the pending export license for Cyber 76 will be approved within 60 days, since no one so far has raised any objections to its sale to the Soviet Union.

CONCLUSION

At the time when Carter Administration is energetically working to limit the Soviet massive military buildup, or at least to place a cap on further Soviet strategic expansion, it becomes obviously counterproductive to supply them with most advanced strategic computers which will enable the Soviets to abridge qualitative gap which exists between the United States and the USSR.

In 1921, Lenin made the statement, "The capitalist countries . . . will supply us with the materials and technology we lack and will restore our military industry, which we need for our future victorious attacks upon our suppliers. In other words, they will work hard in order to prepare their suicide."

In 1973, Soviet Communist Party boss Leonid Brezhnev defined detente in the following statement made to the members of his Politburo and communist leaders of Warsaw Pact countries:

"We communists have got to string along with the capitalists for a while. We need their credits, their technology, and their agriculture. But we are going to continue a massive military buildup, and by the middle 1980s we will be in a position to return to a much moré aggressive foreign policy designed to gain the upper hand in our relationship with the West."

In its study *Detente in Soviet Strategy*, Defense Intelligence Agency of the United States, informs American President in one of the paragraphs:

"11. The Soviets needed Western trade, capital and technology—notably advanced US technology—not only for economic reasons. They value economic strength largely for its contribution to Soviet political and military power. Thus, the detente policy seeks to facilitate building a powerful operating base from which Soviet foreign policy goals can be pursued."

The proclaimed objective of eventual victory for "socialism" on a world scale makes it clear that any accommodation with the Western powers is a purely temporary phase while the Soviet Union and its satelites around the world build up their strength in the advancement of that standing objective. It is paradoxical for the West to assist a military might of a regime dedicated to destroy its creditors.

Mr. Speaker, I had a gentleman from the Control Data Corp., come into my office a few days ago to try to give me the rationale as to why they are asking the Commerce Department and DOD and President Carter to approve this sale. I had never heard such pathetic justifications and rationalizations in all my life.

The public relations visitor said the Soviets are not 15 years behind us in computer technology, they are only 5 years behind us. What is that illogical response supposed to mean? By all means let us close that 5-year gap, since they are tracking us, anyway? Then he said the Soviet Union needs the Cyber–76, made by his firm, Control Data, because there is a hole in weather reporting in the Moscow area. What? As if our satellites cannot pick up whether or not they have fronts or storms or even cloud formations anywhere around the world. We see the satellite weather maps every night on our TV news programs.

He said the Soviets need the advanced computer for earthquake research. I guess at the expense of a possible man-made nuclear earthquake for us in a Soviet ICBM attack. I asked the man from Control Data if he felt the KGB just might possibly walk into wherever the Cyber–76 is installed in the U.S.S.R. and ask to run "a few problems"? And if so, would the KGB people be told to "go away" by the Soviet weather people?

He said, "You don't have to worry about that. We are going to have a Control Data tech-rep at the scene."

I inquired if their tech-rep would be sleeping on the Cyber–76 with a bazooka. What an inane thing to tell a U.S. Congressman. This complex equipment is going to be placed right in the hands of a nation that has warned us on many occasions they want to destroy us and our way of life. I am going to continue to read into the CONGRESSIONAL RECORD and to bring this issue before the Members of this Chamber, until I get the Commerce Department to jerk all licenses giving American computer companies the right to sell the Soviets "the rope with which they will hang us."

Thank you, Mr. Speaker.

A TRIBUTE TO CMSGT. THOMAS J. BIEL

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, I would like to take a moment to pay tribute to a great American, a man who has spent most of his life in the service of his country.

Over this past weekend, CMSGT. Thomas J. Biel participated in his last drill at the Hancock Air Base in North Syracuse, N.Y. His military career began in Massachusetts in 1938. It included 5 years of active duty during World War II in the Army Air Corps.

Sergeant Biel joined Syracuse's 138th Tactical Fighter Squadron on October 23, 1947. Only a few months later, he started working for the unit full time as an air technician. He saw active duty in Phalsbourg, France, during the Berlin crisis in 1961, and also at Cannon Air Force Base, N. Mex., during the *Pueblo* incident in 1968.

Sergeant Biel will retire as Hancock Base quality control superintendent and as a Guard member as NCOIC of the quality control section of the 174th Consolidated Aircraft Maintenance Squadron. He will officially have more than 37 years of service when his retirement becomes effective June 2.

He and his wife, Helen, live at 337 Winton Street in Syracuse. They have three children, including a son still in college.

In retirement, Sergeant Biel intends to pursue his hobby of rock collecting and rock polishing. I am certain my colleagues join me in sending thanks and warm wishes to a man who has served his Nation proudly.

RECESS

The SPEAKER pro tempore (Mr. KRUEGER). Pursuant to the authority granted the Speaker on Friday, May 13, 1977, the Chair declares a recess, subject to the call of the Chair, to receive the former Members of the House of Representatives.

The Chair will inform the Members that the ceremonies to receive former Members will begin at 11:30.

Accordingly (at 11 o'clock and 18 minutes a.m.), the House stood in recess subject to the call of the Chair.

RECEPTION OF FORMER MEMBERS OF CONGRESS

The SPEAKER of the House presided.

The SPEAKER. On behalf of the Chair and the Chamber I consider it a high honor and a distinct personal privilege to have the opportunity of welcoming so many of our former Members and colleagues in the Congress as may be present here for this occasion. We all pause to welcome them.

This is a bipartisan affair, and, in that spirit, the Chair is going to recognize the floor leaders of both parties.

At this time I recognize the majority leader, the distinguished gentleman from Texas, Mr. JIM WRIGHT.

Mr. WRIGHT. Mr. Speaker, this is a warm, wonderful, and festive occasion when we can welcome back our friends and fellow laborers in the vineyards.

This organization, which was founded some 7 years ago by our beloved friends Brooks Hays and Walter Judd, is, I guess, one of the most exclusive fraternities in the world. We honor it because all of us hope that some day we will live long enough to become eligible for membership therein. We want to express our appreciation to you for having developed the tradition that there will be no blackballs cast.

We are honored at your presence. We are thrilled with the achievements that you have set in motion. It demonstrates that there is a thread of common understanding interwoven into the sometimes tattered tapestry of our common experience which, when we contemplate it, makes those superficial differences between Democrats and Republicans disappear like our breath from a looking glass before the calm breeze of reason.

We love you for what you have gone through. We sometimes envy you for no longer having to go through what we have to go through. All of you look remarkably the same except you appear more relaxed than I have seen faces in this Chamber look during the past 4 months.

Again I say that we welcome you and thank you for the great contribution that you are making to the history of the United States, particularly in your thrilling project for an oral history of the Congress to be reposed in the Library of Congress for future historians to know of the meanings, the nuances, and the threads of human experience that ran through our time.

Mr. Speaker, I appreciate this opportunity on behalf of the majority to welcome all of you back, even those of you in the minority.

The SPEAKER. In view of the fact that the minority leader, the gentleman from Arizona (Mr. RHODES), at the present time is with our former President of the United States Mr. Ford, in his office, with some of the present Members, he is delayed and will be appearing on the floor very shortly.

As I look around, I see so many friendly, familiar faces that bring back nostalgia and indeed I see one of the prettiest and most able women Members that I have ever seen, the lovely Charlotte Reid, the former Member from Illinois. I think we ought to have Charlotte sing us a song.

We will continue with the ceremony. I will turn the meeting over at this particular time to the honorable former Senator from Delaware, James Caleb Boggs, who will yield appropriate time to the former Members. I would appreciate it if the Senator would yield time to the gentleman from Arizona (Mr. RHODES) the minority leader, when that gentleman comes on the floor.

Mr. JAMES CALEB BOGGS. I thank the distinguished Speaker for so kindly recognizing me as a former Member of the Senate. I want also to say that I am proud to have served in this great body before I was a Senator and shall always cherish the fond moments which I spent here.

Mr. Speaker, on behalf of all the more than 100 Members of our organization who have gathered today for our Seventh Annual Spring Meeting, we all wish to express our appreciation to you, Mr. Speaker, and to the majority leader, the gentleman from Texas, Mr. JIM WRIGHT, and also, I am sure, to the minority leader, the gentleman from Arizona, Mr. JOHN RHODES, when he comes to the floor, and to all of our former colleagues in the House and in the Senate for the warm hospitality which you have so generously accorded to us.

It is always a great honor and privilege for us to be with you and our former colleagues. You all have our best wishes in the very important work you are doing.

I am pleased to report to you that this has been a year of great progress and growth for the Alumni Association of the Congress. We now number some 500 members who served from 48 States in the House and Senate, and when the co-founders of our Association, the gentleman from Arkansas, Mr. Brooks Hays, and the gentleman from Minnesota, Mr. Walter Judd, conceived the idea of an Alumni Association of the Congress some 7 years ago this spring, they envisioned among other things two principal program areas that would be of special significance.

One was to conduct an oral history of the Congress in which the recollections and rich experiences of those persons who had served as Members of the Congress might be recorded and transcribed to be made available to the students and scholars throughout the country and actually throughout the world.

We are happy to report to you today that the National Endowment for the Humanities has funded our oral history project with a $108,000 grant that will enable us to conduct the first major oral history of the Congress. We are very pleased that this project will be directed by the renowned oral historian who wrote the famous biography of the late Gen. George Marshall, Dr. Forrest Pogue, Director of the Eisenhower Institute at the Smithsonian Institution. Serving with him on our advisory board are Mr. Dan Fenn, director of the Kennedy Library, and Dr. Alton Frye of the Institute for Congress.

The second major program area envisioned by our founders was to utilize as a resource on college campuses persons who have served in the Congress. No sitting Member of Congress has the time to spend an uninterrupted week on a college campus even probably in his own district. I am pleased to report that the Ford Foundation has funded FMC with a pilot program grant of $14,250 to begin this program, and that it had already begun with our first visit to Hamilton College by our colleague, Ambassador William S. Mailliard of California.

This fall we will be going to another dozen campuses throughout the country with selected former members' spending a week visiting with students, college faculty, townspeople, and others to interpret the Congress as an institution.

Mr. Speaker, I want to report that our board of directors unanimously voted, as you probably know, to honor the distinguished former Member of the House and Senate, our beloved colleague, Sam J. Ervin, Jr., with the presentation of a distinguished service award at Williamsburg, Va., last fall. Senator Ervin, whom we are pleased to have with us today, joins former President Ford, Speaker John McCormack, and the late long-time beloved House Parliamentarian, Lew Deschler, as recipients of this recognition for their splendid and faithful service in the Congress and to the Republic.

This year's new nominations for officers and board members will be:

Horace R. Kornegay of North Carolina, president; and Charles B. Brownson, Indiana, vice president.

Nominated for 1-year terms on the board are Andrew Biemiller, Wisconsin; and Robert Taft, Jr. of Ohio. Nominated for 2-year terms are Horace Kornegay of North Carolina, and Henry P. Smith, III of New York.

Those nominated for 3-year terms to the Board of Directors are Hugh Scott of Pennsylvania; William S. Mailliard of California; Clare Boothe Luce of Connecticut; William Spong of Virginia; John O. Marsh, Jr., of Virginia; and John Monagan of Connecticut.

Mr. Speaker, I could not help but mention those names. They are all very well known and I think they will make a very impressive board.

Mr. Speaker, I am pleased to report to you that our organization is vital and growing and under the leadership of the new president, Horace Kornegay, if he is elected this afternoon at our business meeting, and I do not doubt but what he will be elected, and the new board, I am sure this organization will continue to make a substantial contribution to the causes of good government and representative democracy.

I wish to take this opportunity, Mr. Speaker, to thank and commend, in the very highest terms, our staff, Mrs. Dorothy Beagent as secretary, and a former Member of Congress of this body is our executive director, Jed Johnson of Oklahoma. Jed Johnson is a real spark. He is very effective and a creative person. He is hard working and on the job. He has given a touch to the organization which has helped it to make such fine progress.

Also I want to take this opportunity to thank my fellow officers and directors and committee members for their wonderful cooperation during this year.

The future of this organization holds great promise and I am sure much happiness for all who participate. This meeting today and tomorrow, May 19 and 20, promises to be one of the best yet. The agenda includes honoring current Members of Congress this evening at the reception at the Congressional Library and hearing a few remarks from our former President Ford at the luncheon today.

Mr. Speaker, as you have said and know, the Former Members of Congress is a bipartisan, nonprofit organization which has been established to promote the cause of good government at the national level by strengthening the United States Congress as an institution.

The Former Members of Congress seek to develop among the people of the United States a better understanding and appreciation of the role, in our system of government, of the Congress.

Mr. Speaker, we are very happy and enthusiastic about our activities. We would like to report briefly to you and to the Congress on these programs and projects. I will yield to individual members of committees to make brief reports after I have had the honor of yielding to the minority leader, JOHN RHODES.

Mr. RHODES. Mr. Speaker, I thank my good friend the former Senator from the great State of Delaware for yielding to me.

I apologize to the former Members of this august body and the other august body for being necessarily absent when the ceremony began. The former President of the United States, as many know, is in town and will be speaking with the former Members later on in the day. He met with the Republican leadership of the House and the Senate and I have just now bid him adieu for the time being and rushed to the floor so that I might have a chance to greet my dear friends and former colleagues.

It is a real pleasure to be here with you. As always I am pleased to note that you all look so well. I am reminded however of an incident which occurred during the 25th reunion of my class of the Harvard Law School. We had a banquet the second night. After the banquet was over several of my best friends met in my hotel suite. Since we had not seen each other for quite a while we had a lot to say and it took us a long time to say it. About 3 o'clock in the morning one of my friends looked and said: "My goodness, don't we all look good." Then another one said: "Of course we all look good. The ones who don't look good did not come." That may be the situation with this reunion today! But I am glad always to know that my friends have prospered outside of this womb which is the House of Representatives and the Senate.

We in the House are proud of the work the former Members of Congress are doing to interpret the Congress as an institution, as they are uniquely qualified to do. I note with pleasure that the Oral History Project, which will be housed in the Library of Congress, recently has been funded by the National Endowment for the Humanities and is being directed by the biographer of the late General George C. Marshall, Dr. Forrest Pogue, Director of the Eisenhower Institute at the Smithsonian Institute.

I am also pleased to learn that the campus fellows program which has been funded by the Ford Foundation to send Members to college campuses for a week to interpret Congress to students and faculty has been initiated by our longtime colleague in the House, my classmate of 1952 and former Ambassador to the OAS, the Honorable Bill Mailliard of California.

I think the former Members of Congress offer a unique resource and perspective to interpret on a nonpartisan basis the Congress of the United States, which regardless of our party affiliation, is a fundamental institution of our form of representative government. I do not need to embellish that, but I would like to say that in my own travels around the country I find that the ignorance of the people of the country with regard to what the Congress is, what it can do, what it cannot do, what it should do, and what it should not do, is truly amazing.

I genuinely applaud the effort the former Members are making to enhance the public's knowledge of what Congress has done and the important moments of recent history.

Again, I congratulate all of you, not only on coming back, but on the obvious prosperity which you have as far as not only material wealth is concerned, but also the fact that you are obviously healthy. I hope that each of you will take my best wishes and best regards to your wives and to your families. Again, I assure you that one of the really fine days for all of us in any session of Congress is the day we have a chance to greet our former colleagues, in whom we have such fond memories and for whom we have such deep affection.

Mr. BOGGS. Mr. Speaker, I thank the distinguished minority leader, the gentleman from Arizona (Mr. JOHN RHODES) for his very kind and generous remarks and, I might say, encouraging remarks, and for your hospitality. We are always honored and proud to be here with this great body and with you distinguished Members.

Mr. Speaker, I ask unanimous consent to provide a list of names of former Members of Congress present to go into the RECORD and I ask unanimous consent that some of the committee members who due to the limits of time will not have time to give reports be permitted to put their statements in the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman?

There was no objection.

The list of former Members is as follows:

FORMER MEMBERS OF CONGRESS ATTENDING SEVENTH ANNUAL SPRING MEETING, WASHINGTON, D.C., MAY 19–20, 1977

Hugh Q. Alexander of North Carolina.
Elizabeth (Mrs. George) Andrews of Alabama.
Leslie C. Arends of Illinois.
Robert T. Ashmore of South Carolina.
La Mar Baker of Tennessee.
Robert R. Barry of New York.
Laurie C. Battle of Alabama.
J. Glenn Beall, Jr. of Maryland.
Bob Bergland of Minnesota.
Andrew J. Biemiller of Wisconsin.
John A. Blatnik of Minnesota.
J. Caleb Boggs of Delaware.

William G. Bray of Indiana.
Daniel B. Brewster of Maryland.
Charles B. Brownson of Indiana.
John W. Byrnes of Wisconsin.
Terry McGovern Carpenter of Nebraska.
Marguerite Stitt Church of Illinois.
Frank M. Clark of Pennsylvania.
Jeffery Cohelan of California.
Albert M. Cole of Kansas.
W. Sterling Cole of New York.
John Sherman Cooper of Kentucky.
Francis E. Dorn of New York.
Wm. Jennings Br. Dorn of South Carolina.
Clyde T. Ellis of Arkansas.
Sam J. Ervin, Jr., of North Carolina.
Elizabeth P. (Mrs. Joseph R.) Farrington of Hawaii.
Paul A. Fino of New York.
John R. Foley of Maryland.
Edward A. Garmatz of Maryland.
Tom S. Gettys of South Carolina.
John J. Gilligan of Ohio.
Ed Gossett of Texas.
Robert A. Grant of Indiana.
Stanley L. Greigg of Iowa.
G. Elliott Hagan of Georgia.
Harlan F. Hagen of California.
Leonard W. Hall of New York.
Seymour Halpern of New York.
Robert P. Hanrahan of Illinois.
Cecil M. Harden of Indiana.
Ralph R. Harding of Idaho.
Porter Hardy, Jr., of Virginia.
Brooks Hays of Arkansas.
Don Hayworth of Michigan.
David N. Henderson of North Carolina.
A. Sydney Herlong, Jr. of Florida.
Earl Hogan of Indiana.
Chet Holifield of California.
Craig Hosmer of California.
Evan Howell of Illinois.
William L. Hungate of Missouri.
J. Edward Hutchinson of Michigan.
Frank N. Ikard of Texas.
W. Pat Jennings of Virginia.
Jed Johnson, Jr. of Oklahoma.
Charles R. Jonas of North Carolina.
Paul C. Jones of Missouri.
Walter H. Judd of Minnesota.
James Kee of West Virginia.
Hastings Keith of Massachusetts.
David S. King of Utah.
Horace R. Kornegay of North Carolina.
John Davis Lodge of Connecticut.
Allard K. Lowenstein of New York.
Clare Boothe Luce of Connecticut.
John E. Lyle of Texas.
Eugene McCarthy of Minnesota.
Hervey G. Machen of Maryland.
William S. Mailliard of California.
George Meader of Michigan.
John S. Monagan of Connecticut.
Thomas E. Morgan of Pennsylvania.
Charles A. Mosher of Ohio.
Frank E. Moss of Utah.
Abraham J. Multer of New York.
F. Jay Nimtz of Indiana.
Alvin E. O'Konski of Wisconsin.
Frank C. Osmers, Jr. of New Jersey.
Stanford E. Parris of Virginia.
Alexander E. Pirnie of New York.
Stanley A. Prokop of Pennsylvania.
James M. Quigley of Pennsylvania.
Wm. J. Randall of Missouri.
Charlotte T. Reid of Illinois.
Ben Reifel of South Dakota.
Kenneth A. Roberts of Alabama.
John M. Robsion, Jr., of Kentucky.
Byron G. Rogers of Colorado.
Walter Rogers of Texas.
Alfred E. Santangelo of New York.
Herman T. Schneebeli of Pennsylvania.
Fred D. Schwengel of Iowa.
James P. Scoblick of Pennsylvania.
Byron N. Scott of California.
Hugh Scott of Pennsylvania.
Robert T. Secrest of Ohio.
Carlton R. Sickles of Maryland.
Alfred D. Sieminski of New Jersey.
Frank E. Smith of Mississippi.
Neil Stabler of Michigan.
William L. Springer of Illinois.
Lynn E. Stalbaum of Wisconsin.
Robert G. Stephens, Jr., of Georgia.
William G. Stratton of Illinois.
Robert Taft, Jr., of Ohio.
Burt L. Talcott of California.
Roy A. Taylor of North Carolina.
Clark W. Thompson of Texas.
James E. Van Zandt of Pennsylvania.
Joseph P. Vigorito of Pennsylvania.
George M. Wallhauser of New Jersey.
John H. Ware III of Pennsylvania.
J. Irving Whalley of Pennsylvania.
Basin L. Whitener of North Carolina.
Louis C. Wyman of New Hampshire.
Ralph W. Yarborough of Texas.

Mr. Speaker, I am also advised by the chairman of the nominating committee that former President Ford, who is a member of this organization, of course, has agreed to be nominated and serve on our board of directors.

At this time, it is a great honor, Mr. Speaker, to yield to the distinguished former Member from North Carolina (Mr. Basil L. Whitener), on our oral history project.

Mr. WHITENER. Mr. Speaker and former Members of the House and present Members of the House, I join with those who have already spoken in expressing our gratitude for the warmth of your reception.

Since the founding of the organization of former Members of Congress, one of its primary goals has been the preservation of the history of Congress through a system of tape recorded oral history. Former President George Meader appointed the initial Oral History Committee and asked that I serve as chairman. On that committee he appointed O. K. Armstrong, Bob Barry, Fred Schwengel, John Sherman Cooper, William C. Cramer, G. Elliott Hagan, and Donald E. Lucas.

We immediately launched an interview program by urging each member of the organization to arrange for tape-recorded interviews at their own expense. To date, more than 30 of those Members have participated by making such interviews.

At this point, I acknowledge the invaluable guidance of two distinguished faculty members at the University of North Carolina in Charlotte. Dr. Edward Perzel, chairman of the history department, and Mr. Joseph Boykin, Jr., librarian, with the approval and at the urging of the president of the University, assisted in preparing the format of the interviews and in giving guidance to our committee, as well as to those who were participating in the interview program.

The Library of Congress has agreed to provide a special place for the housing of the oral history collection. I am sure that it will be one of the features of the Library which will be extremely attractive to many people. At our spring meeting in 1976, the Librarian of Congress, Daniel Boorstin, received the first tape and transcript, which was an interview with former Representative George Outland of California. The presentation was made by Prof. Charles T. Morrissey, FMC's oral historian and academic consultant.

It has been mentioned that we have an academic board working with us, and a distinguished one. I am pleased that to head up that group the administrator will be Dr. Morrissey, one of the most capable people in the field of oral history in our country.

Our President has pointed out that the National Endowment for the Humanities has provided a grant of $108,000 for this program. It has further committed the sum of $21,114 to support the program on a matching basis. A few days ago, Mrs. John Kunkel, chairperson of the board of trustees of the John Crain Kunkel Foundation, made an award of $12,500 to our organization, to be used in matching the $21,114 matching grant of the endowment. We express to Mrs. Kunkel and the trustees of that foundation our profound sentiments of appreciation for this support. Those of us who knew the late John Crain Kunkel, have confidence that he would be pleased to know of this act by Mrs. Kunkel and the board of trustees.

So, we now have $133,000 to finance this project, with prospects of funds from other sources. We hope that within the next 21 months, at least 100 additional former Members of the House and Senate will have been interviewed. These interviews will then be deposited in the Library of Congress and in depositories in the districts or States of the interviewees. The interviews will also be widely disseminated on microfilm by the Microfilming Corporation of America.

These interviews will be done in depth by Professor Morrissey and other historians throughout our land. We feel that it is apparent that these efforts will provide invaluable sources of knowledge to students and scholars in the future.

We know that there is a great interest in oral history in our country. We know its value, and we are delighted that a rather inauspicious beginning has found approval from those who can support it financially, and for those in the academic world who are interested in knowing more about the Congress and how it works.

Mr. Speaker, I will close by saying to our colleagues who have not participated by making the cassette tape recording that it really is a painless operation. It will not take a great deal of your time. The contribution that you make to the history of our country will more than repay you for your efforts.

I would say further that I urge those now serving in the Congress do that which many of us failed to do; that is, to keep some records and some memory joggers and, if possible, record your thoughts as you go along in order that they may be available later.

Thank you very much.

Mr. WILLIAM S. MAILLIARD. Mr. Speaker, I am delighted to advise the Members of Congress that we have initiated our Campus Fellows Program to utilize as an academic resource persons who have served in the United States

Congress by visiting college campuses for a week at a time to interpret the Congress as an institution. This program was begun under the auspices of a Ford Foundation grant and we expect to have more than a dozen of our members visit colleges throughout the United States this fall. I myself, was extremely interested in the response which I received on the Hamilton campus and a brief visit to Colgate University in upstate New York.

The program is devised in such a manner that the college selects the former Member for the visit, the only caveat being that the member cannot visit a campus in a State from which he or she served in the Congress. This is to ensure absolute objectivity during the campus visits. Our members are going out not to promote any political viewpoint or cause, rather simply to interpret the Congress as an institution in order that students and scholars might become better acquainted with the workings of the Congress through firsthand dialog with persons who have served in the House or the Senate.

We believe that there is a great need for this kind of education in the college and university campus communities throughout the country. Our projection is that within 5 years this program will be an established part of the academic curriculum in more than 200 colleges and universities in all 50 of the States.

We believe that persons who have served in the Congress can uniquely interpret the Congress and we have the interest in the institution, the commitment to representative democracy and the time, as well as the detachment, to speak objectively and frankly about the Congress as an institution.

We look forward to reporting to the Congress next year on the fuller development of this program which we believe is of considerable value, significance, and importance.

Mr. JOHN S. MONAGAN. Mr. Speaker, it will come as no surprise to this group when I say that there has been a tremendous upsurge of interest in Washington in the last few years in the subject of methods of disposal of official papers.

In part, as a result of this interest, President Ford created a Commission, the National Study Commission on Records and Documents, of Federal officials to study this problem and make recommendations for its illumination and hopeful improvement.

Also, to assert the congressional interest FMC has created a committee which I have had the honor to chair. Other members of the committee are George Meader, Chester Mize, David King, and Pat Jennings.

The principal activity of the committee has been to act as consultant and advisor to the Presidential Commission by carrying on a survey of opinion of former members of Congress, on the subject of disposal of Congressional papers and making a report on the results. In this Professor Charles Morrissey, of the History Department of the University of Vermont, who prepared the survey and report, testified before the Commission. The Commission which has now filed its report has been truly appreciative of the assistance of former members of Congress.

This activity has been important because it demonstrates that FMC can be effective in putting its expertise to work in helping in the solution of a significant national problem.

Needless to say, the survey showed that there was a great diversity of views and experience in disposing of CONGRESSIONAL RECORDS.

Some went to universities, some to historical societies, some to cellars, and some to the bonfire.

It is our feeling that history would be served if there were to be some assistance to members in understanding this disposal problem and preparing in time to do something about it.

The Senate already has a historian who has some concern with this problem.

It seems that the House might well provide some minimum form of assistance to members in planning for the day when disposal of their papers will be required; in selecting donee, in winnowing out the extraneous matter, and in providing pertinent matter on the democratic mores for posterity.

The work of the committee in the future will probably be directed toward the development of a structure which will provide this needed assistance.

Mr. CARLTON R. SICKLES. Mr. Speaker, the American Specialists Program is designed to achieve improved communications and mutual understanding betwen the citizens of the United States and other peoples of the world. For some twenty-odd years, the American Specialist on tour has usually been an academic, an artist, a writer, but in 1976, for the first time in the history of the Program, two former members of Congress, namely, Henry P. Smith III and I, were selected as American Specialists to visit six countries in Asia. The State Department had discovered that in the former members of Congress, there was a pool of experienced legislators with that practical knowledge which comes from direct first-hand involvement in the process of government. Who would be better in the post-election and pre-inauguration period to discuss with our foreign friends the circumstances of our election and estimate the future bent of our country as a result of this election?

In our pre-embarkation briefing, it was emphasized that we were being oriented so that we could be comfortable in our discussions, but were not instructed in any way as to what we were to say. Rosalind Swenson of State also noted that the tour would be mostly unstructured. Meetings would be arranged at the discretion of the local representatives who may very well draw from our specialized backgrounds in setting up some of the local meetings. She further pointed out that the objectives of understanding should flow both ways, that those of us who were in public service are inclined to continue as opinion leaders in this country and in our own community, and should be inclined to share our thoughts upon our return.

Because of my background, I found that I was meeting among others with labor and transit specialists, educators, students and businessmen.

There was particular interest in explaining how a relatively unknown political figure could become the President of the United States and even more interest in what one might expect from our new President. One could speak with a relative degree of certainty with respect to the events which led to the selection of our President since this was hindsight, but there was less certainty in my prediction of the positions to be taken by the President. It was here that it became important to explain the role of the Congress of the United States in establishing and overseeing the major policies of our country, particularly as they affect domestic affairs.

An interesting highlight was a visit with Fred Daly, a former parliamentarian in Canberra, Australia, who as a result of our discussion is considering establishing an association of former parliamentarians there. This might be the forerunner of similar organizations in other democracies in the world. In this connection, the Board of Directors of the Former Members of Congress has authorized the formation of a committee to explore the establishment of an international association of former national legislators, which task will be undertaken shortly.

Our tour may very well be considered a pilot project of sorts. Both Henry and I believe it was a success and would recommend that State continue to look to the former members as a source of American Specialists traveling abroad to these and other countries of the world. I am convinced that the former members would likewise guide and entertain foreign visitors to the United States under this program, if called upon to do so.

An interesting sidelight is that our experience in the Former Members has proven that it is not difficult to limit our partisanship and indeed articulate points of view other than our own, explaining maybe the Republican and Democratic point of view on an issue or the liberal and conservative approach to a problem. This may all be done while we are uniform in our strong advocacy for the democratic process.

Mr. CHARLES B. BROWNSON. Mr. Speaker, I would like to report to you the activities we are planning with the East-West Center. The Center has agreed with us to begin an interparliamentary project called "Pacific Prospects in the Global Perspective," with the double meaning of looking at the prospects for the countries in the Pacific region and the prospects for peace in that area based upon our knowledge of the interrelationship of these nations. You will recall that the East-West Center is an educational institution established in Hawaii by the 86th Congress for the purpose of promoting "better relations and understanding between the United States and the nations of Asia and the Pacific through cooperative study, training, and research." The Center continues to operate basically on an annual appropriation from the Congress and has received financial support and commitments from 13 Asian and Pacific countries.

Since its establishment in 1960, the center has brought into its programs almost 30,000 people from some 31 countries and 30 territories and dependencies stretching across the Asian Continent from Iran to Korea, and across the vast Pacific Ocean from Japan to New Zealand. Since 1970 the center has developed some outstanding programs focused on problems of mutual consequence to the countries of the area; problems such as the discovery, creation and distribution of resources (including food and technology), international environmental issues, the rapid growth of population, the causes for gaps in the East-West communication process, and those unique problems that emerge when cultures come into contact. Since these problems constitute much of the substance of our relations, learning how to cooperate in their solution and moving together toward that solution will enhance our relations and improve our understanding of each other. Into these programs scholars, students, and professional people come as equal partners to give and receive training, exchange their views, and look together for new ideas as they search for alternative solutions that will be mutually beneficial.

Working closely with Dr. Everett Kleinjans, East-West center President, and John A. Brownell, UP, in January of next year the former Members of Congress will be meeting with their counterpart parliamentarians in an EWC presidential seminar program developed for us by the staff of the center. Present and former parliamentarians from some 10 or 12 countries will be provided with facts and trends about that area of the world, exchange ideas about the impact of these facts and trends upon our various countries, and attempt to develop alternative options for the alleviation of the problems. Some of the most exciting part of the discussion will center around the mutual impact such policies will have on our respective countries. The East-West center plans to make this a yearly project as it moves to bring people with common interests and concerns from the East and West to look for solutions to our common problems.

Mr. HENRY P. SMITH III. Mr. Speaker, my colleagues present and past:

I share our common excitement at returning to these hallowed halls, a unique experience for all of us who have been or are now Members of Congress.

I bring you a brief report on one interesting and, we hope, valuable ongoing program of Former Members of Congress.

Through the imaginative and dedicated efforts of our Director, former Member Jed Johnson, Jr., we have enjoyed a remarkable association with the Johnson Foundation (no relation of Jed's, I understand) of Racine, Wisconsin, and its Conference Center there called "Wingspread." A year ago, a grant from this Foundation and the cooperation of the United Nations Association of the U.S.A. enabled us to hold the first MFC Foreign Affairs Conference at "Wingspread" entitled "The U.S. and the U.N.", bringing together some 20 Congressional alumni who had served on U.S. delegations to the United Nations, as Ambassadors to other countries, or with comparable foreign affairs experience. Among the distinguished participants were FMC members William S. Mailliard, former U.S. Ambassador to the O.A.S.; Howard W. Pollock, Deputy Administrator of the National Oceanic and Atmospheric Administration; James Roosevelt, former Ambassador to ECOSOC; Senator Gordon Allot, former U.N. Delegate, and many others, as well as Dr. Harlan Cleveland, former Assistant Secretary of State for International Organizations; and Sadako Ogata, the highest ranking Japanese woman diplomat. All of the participants in the Conference felt it was extremely worthwhile.

This year on October 13 through 15, with the continuing assistance of the Johnson Foundation, we are holding our second Foreign Affairs Conference at "Wingspread." The subject will be "The U.S., Japan and the Pacific Basin," and we expect several present and former Members of the Japanese Diet to participate with us in this challenging Conference, along with some of the present Members of Congress.

And, finally, in 1978 we are planning a "Wingspread" Conference on "U.S. and Canadian Relations," a subject in which many of us, both present and former Members, are extremely interested. In the meantime, efforts on both sides of the border are going forward with the hope of the formation in Canada of an organization of Former Members of Parliament. Indeed, we hope that the future will see similar organizations in all of the democracies of the world.

Thank you, Mr. Speaker.

Mr. BOGGS. I thank the gentleman very much. That was certainly a fine presentation.

Due to the time, I just want to mention reports that were to have been made and which will be filed for the record and which will be in the CONGRESSIONAL RECORD.

"The Campus Fellows Program," by William S. Mailliard, "The Public Documents Commission," by John S. Monagan; "The American Specialists Program, State Department," by Carlton R. Sickles; "The East-West Center," by Charles W. Brownson; the "Wingspread Conference," by Henry P. Smith III; "The report on History of the Congress," by Charles R. Jonas; and "The report on the Marshall Plan Anniversary" by Dr. Walter H. Judd.

We know that Dr. Judd and Brooks Hays, two distinguished former Members of this body and founding fathers of the former Members of Congress organization are both here, and I am going to call upon one of them to speak for all of us as our anchorman.

The Honorable Brooks Hays will speak at this time.

Mr. HAYS. Mr. Speaker, I am really embarrassed because I had expected to follow my dear friend for many years, Walter Judd. I do not know who arranged this trick, but here I am, and I have received more time than I had planned to use. It was in this Chamber—and I am sure it was the experience of many of you—that I would stand up to speak, and Mr. Rayburn raised the gavel—I spoke while it descended.

But I am very grateful for the evidence of appreciation for what Walter and I have tried to do. Yet I fear I will be like the preacher when we surprised him with a gift of a new automobile. He stammered out his thanks like this: "I do not appreciate this, but I sure do deserve it."

I remember a Governor of Arkansas, who it was related, served in the last century, and he was not our most distinguished Governor. He said to someone in a little community where he was campaigning, "Do you ever hear them mention my name at the crossroads store?" The man said, "Yes, I hear your name mentioned."

He said, "What do they say?"

The man said, "They do not say anything, they just laugh."

I do not know why you put it on me to interject a little humor, but I do remember what Abraham Lincoln had to say about it, "Considering the great and fearful burdens of the war, if I could not laugh, I should die." And so I think even in this Chamber, where sometimes solemn debate takes place, we are entitled to indulge in a bit of laughter.

Many memories are crowding into my mind now. I remember the day that I sat here and Jack Kennedy, who was very young as you will recall. I almost turned to him and said, as he sat down by me, "Young man, are you sure you are old enough to serve in this body?"

I also remember Lyndon Johnson. In later years I served with both of them in the White House. After I had been a professor at Rutgers University, I went, at the President's request to help him on an assignment, and he said, "how do you like teaching?" I said, "Mr. President, I just love it."

He said, "Well, I think maybe when my work here is ended I would like to teach awhile."

I said, "You will have problems, Mr. President, the same problems I have had."

I said, "You will want to give every student A, just as I have wanted to. That is the politician in us."

I remember seeing at the bottom of one of the examination papers this little notation: "Mr. Hays, I am not proud of my performance in this examination. It is not up to my usual standard but, you see, I was up all night last night. At 6 o'clock this morning my wife gave birth to a little girl. I was so disappointed. I wanted a boy. I intended to name him for you."

A-plus was the best I could do for him.

Then I recall something that involved my good Baptist friend, Bill D. Moyers. Of course, I always try in a subtle way to bring the Baptists into all my talks. Bill Moyers was a graduate of one of our seminaries during the time I was president of the Baptist Convention. He asked my advice. He had just been invited by Senator Johnson to go on his staff.

He said, "Here I am about to desert the Baptist ministry to do it. Should I?"

To make it very brief, I said, "Yes, you should."

I have been very proud of his career because I think it is possible in politics to do that, and I am sure my ministerial friends will not object to my saying it is possible to have the same sense of dedication in the field of politics.

President Johnson called on Bill one day to open a Cabinet meeting with prayer. Bill was sitting at the end of the Cabinet table, and when he had finished the prayer, the President said, "Bill, we couldn't hear you up here."

Bill said, "I wasn't talking to you, Mr. President."

At one time when I was on the same program with Bill in San Francisco, he saw me in the audience and said, "I see Brooks here and am reminded that I recently ran across an old memo from some of my papers. It was signed 'LBJ.' It said, 'Get hold of Brooks. I am going to make a speech at the Baptist Convention. Get a story from him.'"

I even remember the story, and I will share it with you. I think you know my ecumenical spirit. If I am proud of anything, I am proud of the fact that I had a private audience with that great saintly Pope, Pope John XXIII. If any of you want to shake the hand that shook his hand, I will wait in the corridor for you.

The story was about this Baptist Deacon, and you know how we Baptists feel about horse racing. He sneaked off with all the money he could spare to the racetrack. He didn't know very much about the horses, but he looked around, and there was a Catholic priest standing by a horse. He thought, well, that horse must be all right. It was number 17.

So he put all his money on number 17 because of the priest, and he just knew that horse had to be all right.

The horse came in last. The Baptist went over to the Catholic priest, and he said, "Say, you caused me to lose every dollar I brought out here."

The priest said, "Why are you blaming me for your bad betting practices?"

He said, "I saw you give number 17 your blessing."

The priest said, "That is just the trouble with you Baptists. you don't know the difference between a blessing and the last rites."

My time is nearly up. I must give just this one little perception into our purposes as we go about trying to strengthen the image of the Congress. We need no better vehicle, no better implementation than your efforts in putting into our hands constantly a good performance. That is all we can ask at the hands of the American people.

But we believe there is work to be done in defending this great and wonderful institution.

Yes, since I left the Congress, with the consent of the people, I have traveled a good deal. Incidentally, we make no distinction between those who leave with the consent of the people and those who leave without it.

We have a Southern historian named Bell Wiley. He produced a book, The Daily Life of Johnny Reb." I enjoyed particularly the letters that he included. One went like this:

> Dear Paw: I have saw a right smart of the world since I lef home, but I have not saw no place like my native county.

Likewise, "we have not saw no place where we have traveled that" is any more precious to us than this great institution.

There were 341 Members of the first Congresses who enlisted for some kind of military aid in the Revolutionary War. Twenty-two of them were wounded; one was killed. A number of them became bankrupt as a result of the adversities that they had to face. So, you see, they were right after all in pledging at the time our government was established "their lives, their fortunes, and their sacred honor."

In that spirit, we have tried to carry on with a love of freedom and a love of truth.

I think it was Ralph Waldo Emerson who said:

> Each honest man shall have his vote, each
> child shall have his school—
> Equal on Sunday in the pew and on Monday
> in the mall.
> For what avail the plough or sail,
> Or land or life, if freedom fail?

Mr. Speaker, as a result of our endeavors, we are more committed than ever to this marvelous experiment in human government, government by consent of the governed.

I close with the words of Benjamin H. Hill.

> Who lets his country die lets all things die
> and all things, dying, curse him.
> Who lets his country live lets all things
> live, and all things living, bless him.

Thank you, Mr. Speaker.

Mr. JAMES CALEB BOGGS. Mr. Speaker, we are all grateful for those wonderful remarks by our distinguished colleague, Brooks Hays.

In addition, Mr. Speaker, we take this time to thank you and the Members of the House for your wonderful, hospitable reception. Thank you very much.

The SPEAKER. The Chair again wishes to thank the former Members for their appearance and to thank them for the opportunity of renewing old acquaintances, bringing back fond memories, indeed.

It was a great pleasure to listen to the remarks of Brooks Hays, whom we all affectionately call the "Protestant Pope."

Mr. Hays, you are up to your usual standard. We were just delighted to hear you in the well again.

With that, the Chair declares the meeting closed.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 14 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the Record and that all Members and former Members who spoke during the recess have the privilege of revising their remarks.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Hanley, for 60 minutes, May 24, 1977.

Mr. Roncalio, for 15 minutes, today.

(The following Members (at the request of Mr. Trible), to revise and extend their remarks and include extraneous matter:)

Mr. Dornan, for 20 minutes, today.

Mr. Kemp, for 10 minutes today.

Mr. Derwinski, for 60 minutes today.

(The following Members (at the request of Mr. Kostmayer), to revise and extend their remarks, and to include extraneous matter to:)

Mr. Annunzio, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Metcalfe, for 60 minutes, today.

Mr. Brademas, for 5 minutes, today.

Mr. Levitas, for 5 minutes, today.

(The following Members (at the request of Mr. Foley) to revise and extend their remarks and include extraneous material:)

Mr. St Germain, for 5 minutes, today.

Mr. Reuss, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Metcalfe, during the special order of Mr. Mitchell of Maryland of May 9, 1977.

Mr. Florio, and to include extraneous matter.

Mr. Perkins, to insert his remarks in the Record today following those of Mr. Andrews of North Carolina.

(The following Members (at the request of Mr. Trible) and to include extraneous matter:)

Mr. Madigan.

Mr. Crane.

Mr. Kemp in three instances.

Mr. Abdnor.

Mr. Buchanan in two instances.

Mr. Rudd.

Mr. Burke of Florida.

(The following Members (at the request of Mr. Kostmayer) and to include extraneous matter:)

Mr. Anderson of California in three instances.
Mr. Gonzalez in three instances.
Mr. Russo.
Mr. Murphy of Illinois.
Mr. Mikva.
Mr. Addabbo.
Mr. Panetta in two instances.
Mr. Ford of Tennessee.
Mr. Brademas in six instances.
Mr. Kildee.
Mr. Teague in two instances.
Mr. McDonald.
Mr. Minish.
Mr. Dingell.
Mr. Ford of Michigan.
Mrs. Burke of California.
Mr. Koch.
Mrs. Spellman.
Mr. Studds.
Mr. Blouin.
Mr. Long of Maryland.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 58. An act for the relief of Dora Alicia Adan; to the Committee on the Judiciary;

S. 215. An act for the relief of Nostratollah Moradi; to the Committee on the Judiciary;

S. 464. An act for the relief of Sameek Keshary Ray; to the Committee on the Judiciary; and

S. 556. An act for the relief of Lee Young Soo; to the Committee on the Judiciary.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. Thompson, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5562. An act to authorize the establishment of the Eleanor Roosevelt National Historic Site in the State of New York, and for other purposes.

H.R. 6205. An act to authorize appropriations for fiscal years 1978, 1979, and 1980 to carry out the Atlantic Tunas Convention Act of 1975.

H.J. Res. 424. Joint resolution to authorize the Administrator of General Services to accept land, buildings, and equipment, without reimbursement, for the John Fitzgerald Kennedy Library, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1279. An act to provide temporary authorities to the Secretary of Commerce to facilitate emergency actions to mitigate the impacts of the 1976-77 drought and promote water conservation.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMPSON, from the Committee on House Administration, reported that that committee did on May 18, 1977, present to the President, for his approval, a bill of the House of the following title:

H.R. 3477. To reduce individual and business income taxes and to provide tax simplification and reform.

ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until Monday, May 23, 1977, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

[Omitted from the Record of May 18, 1977]

1516. A letter from the Assistant Secretary of Defense (Comptroller), transmitting notice of the intention of the Department of Defense to obligate funds available in the Navy stock fund for additional war reserve inventories, pursuant to section 735 of Public Law 94-419; to the Committee on Appropriations.

1517. A letter from the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), transmitting a report on negotiated contracts for experimental, developmental, test or research work, or for industrial mobilization in the interest of national defense, covering the period July-December 1976, pursuant to 10 U.S.C. 2304(e); to the Committee on Armed Services.

1518. A letter from the Secretary of Labor, transmitting a report on the 1977 Summer Youth Jobs Programs, pursuant to section 705(c) of the Comprehensive Employment and Training Act of 1973, as amended; to the Committee on Education and Labor.

1519. A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting proposed final regulations governing the administration of the talent search program, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

1520. A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting proposed final regulations to govern the administration of the special services for disadvantaged students program, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

1521. A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting proposed final regulations to govern the Upward Bound program. pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

1522. A letter from the Secretary of the Treasury. transmitting a report on the status of foreign debts owed to the U.S. Government as of December 31. 1976, pursuant to section 634(f) of the Foreign Assistance Act of 1961. as amended: to the Committee on International Relations.

1523. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to offer to sell certain defense equipment and services to Spain (Transmittal No. 77-39), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

1524. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense equipment to Morocco (Transmittal No. 77-40), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

1525. A letter from the Chairman, U.S. Consumer Product Safety Commission, transmitting the Commission's comments of H.R. 936, the Beverage Container Reuse and Recycling Act of 1976, pursuant to section 27(k)(2) of Public Law 92-573; to the Committee on Interstate and Foreign Commerce.

1526. A letter from the Attorney General, transmitting a draft of proposed legislation to amend title 18, United States Code, to authorize applications for a court order approving the use of electronic surveillance to obtain foreign intelligence information; to the Committee on the Judiciary.

1527. A letter from the Comptroller General of the United States, transmitting a report on the cost of training granted to foreign students under the military assistance program (ID-76-79, May 17, 1977): jointly, to the Committees on Government Operations, and International Relations.

1528. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness of the Department of Transportation's program to establish and enforce safety standards for interstate motor carrier operations (CED-77-62, May 16, 1977); jointly, to the Committees on Government Operations, and Public Works and Transportation.

1529. A letter from the Secretary of Health, Education, and Welfare, transmitting the annual report of the Social Security Administration for fiscal year 1976, pursuant to sections 704, 1611(e)(3)(B), and 1875(b) of the Social Security Act, and section 426(b) of Public Law 91-173; jointly, to the Committees on Ways and Means, Education and Labor, and Interstate and Foreign Commerce.

[Submitted May 19, 1977]

1530. A letter from the Deputy Comptroller General of the United States, transmitting his review of the deferral and revised deferral of budget authority contained in the message from the President dated April 28, 1977 (H. Doc. No. 95-135), pursuant to section 1014 (b) and (c) of Public Law 93-344 (H. Doc. No. 95-159); to the Committee on Appropriations and ordered to be printed.

1531. A letter from the Secretary of Health Education, and Welfare, transmitting a draft of proposed legislation to amend the Higher Education Act of 1965 to permit basic educational opportunity grants to be awarded in amounts exceeding the schedule of reductions, to eliminate certain funding restrictions, and for other purposes; to the Committee on Education and Labor.

1532. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend title II of the Social Security Act, the Internal Revenue Code of 1954, as amended, and the Railroad Retirement Act of 1974 to permit combined reporting of wages by employers for old age, survivors, disability, and health insurance and income tax withholding purposes on an annual basis, and for other purposes; to the Committee on Ways and Means.

1533. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to provide for two additional Assistant Secretaries of Agriculture and for other purposes; jointly, to the Committees on Agriculture, and Post Office and Civil Service.

1534. A letter from the Comptroller General of the United States, transmitting a summary report on the Defense Department's positions on the recommendations contained in the April 1976 report of the Defense Manpower Commission (FPCD-77-40, May 3, 1977); jointly, to the Committees on Government Operations, and Armed Services.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California (for himself, Mr. McCormack, Mr. Teague, Mr. Chappell, and Mr. Jenrette):

H.R. 7313. A bill to establish a 5-year research and development program leading to advanced automobile propulsion systems, and for other purposes; to the Committee on Science and Technology.

By Mr. DINGELL (for himself and Mr. Hall):

H.R. 7314. A bill to amend the Clean Air Act to establish certain motor vehicle emission standards, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DUNCAN of Tennessee (for himself and Mr. Broyhill):

H.R. 7315. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit with respect to housing senior citizens in the principal residence of the taxpayer; to the Committee on Ways and Means.

By Mr. LEVITAS:

H.R. 7316. A bill to amend title 18, United States Code, to further restrict the interception of certain wire or oral communications; to the Committee on the Judiciary.

By Mr. MARTIN (for himself, Mr. Rose, Mr. Hannaford, Mr. Rudd, Mr. Evans of Delaware, Mr. Dickinson, Mr. Bob Wilson, Mr. English, and Mr. Hightower):

H.R. 7317. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize an evaluation of the risks and benefits of certain food additives and to permit the marketing of saccharin until such an evaluation can be made of it; to the Committee on Interstate and Foreign Commerce.

H.R. 7318. A bill to amend title XVIII of the Social Security Act to authorize payment under the supplementary medical insurance program for optometric and medical vision care; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. SANTINI:

H.R. 7319. A bill to require the disclosure of efforts to lobby the Congress; to the Committee on the Judiciary.

By Mr. ULLMAN (for himself and Mr. Waggonner):

H.R. 7320. A bill to revise miscellaneous timing requirements of the revenue laws, and for other purposes; to the Committee on Ways and Means.

By Mr. WYDLER:

H.R. 7321. A bill to amend the Federal Aviation Act of 1958 relating to control and abatement of aircraft noise and sonic boom; to the Committee on Public Works and Transportation.

By Mr. WYDLER (for himself and Mr. Ryan):

H.R. 7322. A bill to authorize the operator of any airport to prohibit the operation of certain types of aircraft at the airport in order to control and abate aircraft noise resulting from the operation of the airport; to the Committee on Public Works and Transportation.

By Mr. YOUNG of Missouri:

H.R. 7323. A bill to amend title XVI of the Social Security Act to provide that an alien may not qualify for supplemental security income benefits unless he not only is a permanent resident of the United States but has also continuously resided in the United States for at least 2 years; to the Committee on Ways and Means.

By Mr. PICKLE (for himself, Mr. Thone, and Mr. Alexander):

H.J. Res. 476. Joint resolution designating National Coaches' Day; to the Committee on Post Office and Civil Service.

By Mr. DRINAN:

H. Res. 588. Resolution calling for the President to promote negotiations for a Comprehensive Test Ban Treaty ending all nuclear explosions; to the Committee on International Relations.

MEMORIALS

Under clause 4 rule XXII, memorials were presented and referred as follows:

[Omitted from the Record of May 18, 1977]

150. By the SPEAKER: Memorial of the Legislature of the State of North Carolina, relative to payments in lieu of taxes to local governments within which large amounts of Federal land or employees are located; to the Committee on Government Operations.

[Submitted May 19, 1977]

151. Also, memorial of the Legislature of the State of Rhode Island and Providence Plantations, requesting that Congress call a convention for the purpose of proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

152. Also, memorial of the Legislature of the State of South Carolina, relative to research and development in alternate sources of energy; to the Committee on Science and Technology.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

Mr. VENTO introduced a bill (H.R. 7324) for the relief of In Hea Kim and Myung Sung Kwon; which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

[Omitted from the Record of May 18, 1977]

110. The SPEAKER presented a petition of R. Joseph von Kaufmann, Newark, N.J., relative to a granting of a Federal charter to the National Opportunity Camps, Inc., which was referred to the Committee on the Judiciary.

FACTUAL DESCRIPTIONS OF BILLS AND RESOLUTIONS INTRODUCED

Prepared by the Congressional Research Service pursuant to clause 5(d) of House Rule X. Previous listing appeared in the Congressional Record of May 5, 1977, page 13708.

H.R. 1737. January 11, 1977. Interstate and Foreign Commerce. Directs the Secretary of Health, Education, and Welfare to expand the problems for the treatment of burn injuries, research on burns, and the rehabilitation of burn victims by establishing additional burn centers and burn units and by supporting research and training programs in the treatment and rehabilitation of burn injury victims.

Authorizes funds for the continuation of present burn treatment programs and authorizes the appropriation of additional funds for such expanded programs.

H.R. 1738. January 11, 1977. Post Office and Civil Service. Authorizes the Secretary of Agriculture to appoint to the Federal service specified State, territory, and local meat and poultry inspection personnel to enforce and perform Federal inspection requirements with respect to slaughterhouses and processing establishments whose products are distributed solely intrastate where such regulation is required because the State or territory in which such slaughterhouses or processing establishments are located has failed to devolp or enforce sufficient inspection standards.

H.R. 1739. January 11, 1977. Ways and Means. Amends the Internal Revenue Code to allow a deduction for the current fair market value of charitable contributions of literary, musical or artistic compositions created by the taxpayer, without any reduction for appreciation.

H.R. 1740. January 11, 1977. Ways and Means. Amends Title II (Old-Age, Survivors', and Disability Insurance) of the Social Security Act to allow a State to terminate social security coverage for policemen and firemen without affecting the coverage of other public employees.

H.R. 1741. January 11, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title X-III (Medicare) and Title II (Old-Age, Survivors', and Disability Insurance) of the Social Security Act to extend Medicare hospital coverage to include drugs. Establishes a Formulary Committee within the Department of Health, Education, and Welfare to prepare and maintain a listing of qualified drugs.

H.R. 1742. January 11, 1977. Judiciary; Banking, Finance and Urban Affairs. Prohibits any United States entity or Representative from obtaining copies of, or access to, information contained in the financial records, toll records, or credit records or any customer of a financial institution, communication common carrier, credit card issuer, or consumer reporting agency. Lifts such prohibition if: (1) the records are described with sufficient particularity; and (2) the customer has authorized disclosure, the disclosure is obtained in response to an administrative subpoena, search warrant, or judicial subpoena, or disclosure is in compliance with specified provisions of the Fair Credit Reporting Act. Restricts the use of mail covers and the interception of wire and oral communications for purposes of supervisory observing by communication common carriers and others.

H.R. 1743. January 11, 1977. Rules. Amends the Congressional budget Act of 1974 to require economic impact statements for every bill or joint resolution reported in Congress and for each rule proposed by any Federal agency to show the effects of such proposed law on specified sectors of the economy. States that statements pertaining to agency rules shall disclose the effects of such proposed rule on State and local governments, small business, and low- and middle-income families.

H.R. 1744. January 11, 1977. Veterans' Affairs. Provides that remarriage of the widow of a veteran after age 60 shall not result in termination of dependency and indemnity compensation.

H.R. 1745. January 11, 1977. Government Operations; Rules. Requires the President to report to the Congress yearly suggestions for the reform of independent regulatory bodies in order to decrease their inflationary effects and to increase competition.

H.R. 1746. January 11, 1977. International Relations. Amends the United Nations Participation Act of 1945 to permit enforcement of any executive order restricting the importation of Rhodesian chrome, pursuant to any United Nations Security Council resolution. Requires that steel mill products containing chromium not be imported while such executive order is in effect without the filing of a certificate of origin with the Secretary of the Treasury unless such shipment is released by the Secretary. Authorizes the Secretary to prescribe regulations to carry out this provision.

H.R. 1747. January 11, 1977. International Relations; Education and Labor. Establishes a Commission on Proposals for the National Academy of Peace and Conflict Resolution to study the establishment of such academy and alternative proposals which would assist the Federal Government in promoting peace. Directs the Commission to review the theory and techniques of conflict resolution and the institutions for conflict resolution in international relations, race relations, community relations, and family relations.

H.R. 1748. January 11, 1977. Judiciary. Provides that a certain individual be classified as a preference immigrant under the Immigration and Nationality Act.

H.R. 1749. January 11, 1977. Judiciary. Declares that a certain individual is eligible for specially adapted housing and a specially adapted automobile for disabled veterans.

H.R. 1750. January 11, 1977. Judiciary. Provides that a certain individual be considered lawfully admitted to the United States for permanent residence.

H.R. 1751. January 11, 1977. Judiciary. Provides that a certain individual be considered lawfully admitted to the United States for permanent residence.

H.R. 1752. January 11, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1753. January 11, 1977. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 1754. January 11, 1977. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States.

H.R. 1755. January 12, 1977. Armed Services. Authorizes appropriations in specified amounts for fiscal year 1978 for the procurement of naval vessels for the armed forces. Prohibits the obligation of funds authorized under this Act for a certain guided missile destroyer program for material or components which are not suitable for use in a nuclear powered strike cruiser until the President has made certain determinations and has reported them to Congress.

H.R. 1756. January 12, 1977. Rules; Government Operations. Sets forth a five-year schedule for initial review and reauthorization of all Federal programs according to functional and subfunctional categories.

Establishes a Citizens' Commission on the Organization and Operation of Government to study and recommend ways to improve the efficiency and effectiveness of the Federal Government.

Requires a review and revision of Federal tax laws every five years.

H.R. 1757. January 12, 1977. House Administration. Establishes the Voter Registration Administration within the Federal Election Commission to establish and administer a program of voter registration by mail for Federal elections.

H.R. 1758. January 12, 1977. Interstate and Foreign Commerce. Amends the Securities Exchange Act of 1954: (1) to require the filing of certain information regarding purchasers of equity securities with the Securities and Exchange Commission; and (2) to make unlawful acquisition by a foreign investor of more than five percent of the equity securities in a United States company with assets exceeding $1,000,000. Authorizes the President to prohibit such acquisition. Authorizes civil actions to enjoin such acquisitions made in violation of the requirements of this Act. Authorizes revocation of voting rights or creation of a trusteeship for acquisitions made in violation of this Act. Imposes a penalty for violation of the filing requirements of this Act.

H.R. 1759. January 12, 1977. Interstate and Foreign Commerce. Amends the Securities Exchange Act of 1934 to direct the Securities and Exhange Commission: (1) to prohibit any person who is not a citizen of the United States or is owned or controlled by a person who is not a citizen of the United States from acquiring more than specified percentages of securities of any issuer registered under such Act; (2) to prohibit any such person who owns more than the specified percentages of securities from acquiring more of such securities; and (3) to require all persons covered by this Act to register with the Commission prior to the aquisition or securities of any issuer registered under the Securities Exchange Act of 1934.

H.R. 1760. January 12, 1977. Post Office and Civil Service. Requires that the following information be posted in a prominent place in each post office: (1) the qualifications, dates, and places for voter registration and voting in the area served by the post office; (2) the names and office addresses of the United States Senators and Representatives for the area served by the post office; (3) the names and office addresses of the State legislators representing the area served by the post office; and (4) the cost and availability of Western Union public opinion messages to the President, Vice President, and Members of Congress.

H.R. 1761. January 12, 1977. Ways and Means. Amends the Internal Revenue Code and the Social Security Act to allow individuals aged 65 or more to elect an exemption from social security taxes.

H.R. 1762. January 12, 1977. Ways and Means. Allows an individual receiving payments under Title XVI (Supplemental Security Income for the Aged, Blind, and Disabled) of the Social Security Act to receive up to $250 a month in support and maintenance (furnished by members of his or her immediate family) without a reduction in the individual's benefits.

H.R. 1763. January 12, 1977. Post Office and Civil Service. Requires that the postmark on mail matter disclose: (1) the name of the city or community and the State, territory, or possession in which the item was actually mailed; (2) the date; (3) the time of postmarking; and (4) the ZIP code, notwithstanding that such item may have been postmarked elsewhere.

H.R. 1764. January 12, 1977. Ways and Means. Amends the Internal Revenue Code to provide an additional personal exemption for each of the taxpayer's dependents who is mentally retarded.

H.R. 1765. January 12, 1977. Ways and Means. Amends the Internal Revenue Code of 1954 to establish lower tax rates on employees, employers, and the self-employed for purposes of old-age, survivors and disability insurance after fiscal year 1975.

Decreases the tax rate on self-employment, employee, and employer income for purposes of hospital insurance.

Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act in order to provide that one-third of the costs of the program shall hereafter be borne by the Federal Government.

Increases the earnings counted for benefit and tax purposes.

H.R. 1766. January 12, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) and Title II (Old-Age, Survivors', and Disability Insurance) of the Social Security Act to extend Medicare hospital coverage to include drugs. Establishes a Formulary Committee within the Department of Health, Education, and Welfare to prepare and maintain a listing of qualified drugs.

H.R. 1767. January 12, 1977. Interstate and Foreign Commerce. Amends the Federal Trade Commission Act to authorize persons, partnerships, and corporations which are injured by unfair or deceptive acts or practices to bring suit for the redress of such injury.

H.R. 1768. January 12, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act by reducing from 72 to 65 the age beyond which deductions on account of an individual's outside earnings will no longer be made from such individual's benefits.

H.R. 1769. January 12, 1977. Ways and Means. Amends the Tariff Schedules of the United States to require proof of automobile property and personal liability insurance on automobiles imported for the personal use of nonresidents and foreign government personnel, in an amount equal to the minimum insurance requirements in those States in which the vehicle will be operated.

Directs the Secretary of the Treasury to forward certain identifying information on such vehicles to the Secretary of Transportation who shall forward such information to the appropriate State agency responsible for motor vehicle registration.

H.R. 1770. January 12, 1977. House Administration. Amends the Federal Election Campaign Act of 1971 to exempt political committees from filing a change of information report with the Federal Election Commission if the change in information relates to the list of candidates supported by such committee.

H.R. 1771. January 12, 1977. Merchant Marine and Fisheries; Interior and Insular Affairs. Enlarges the boundaries of Sequoia National Park, California, by including Mineral King Valley.

H.R. 1772. January 12, 1977. Merchant Marine and Fisheries; Interior and Insular Affairs. Enlarges the boundaries of Sequoia National Park, California, by including Mineral King Valley.

H.R. 1773. January 12, 1977. Public Works and Transportation. Designates the Federal building in Grand Rapids, Michigan, as the Gerald R. Ford Building.

H.R. 1774. January 12, 1977. Rules. Terminates budget authority for all Federal programs. Requires Congress to consider whether any such programs merit continuation on the same, a greater, or a lesser level, or termination. Requires the Comptroller General to identify inactive or inefficient programs.

H.R. 1775. January 12, 1977. Judiciary. Mandates the classification of certain individuals as the children and grandchildren of a United States citizen, for purposes of the Immigration and Nationality Act.

H.R. 1776. January 12, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1777. January 12, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1778. January 12, 1977. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 1779. January 12, 1977. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 1780. January 12, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1781. January 12, 1977. Judiciary. Declares certain individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1782. January 12, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1783. January 12, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1784. January 12, 1977. Judiciary. Authorizes the admission of a certain individual to the United States for permanent residence.

H.R. 1785. January 12, 1977. Judiciary. Provides that a certain individual be conditionally admitted to the United States for permanent residence.

H.R. 1786. January 12, 1977. Judiciary. Declares certain individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1787. January 12, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1788. January 12, 1977. Judiciary. Provides that a certain individual be considered lawfully admitted to the United States for permanent residence.

H.R. 1789. January 12, 1977. Judiciary. Provides that a certain individual be considered lawfully admitted to the United States for permanent residence.

H.R. 1790. January 12, 1977. Judiciary. Provides that a certain individual be considered lawfully admitted to the United States for permanent residence.

H.R. 1791. January 12, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1792. January 12, 1977. Judiciary. Provides that a certain individual be considered lawfully admitted to the United States for permanent residence.

H.R. 1793. January 12, 1977. Judiciary. Provides that a certain individual be considered lawfully admitted to the United States for permanent residence.

H.R. 1794. January 12, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1795. January 12, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R.1796. January 12, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1797. January 12, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1798. January 12, 1977. Judiciary. Provides that a certain individual be conditionally admitted to the United States for permanent residence.

H.R. 1799. January 12, 1977. Judiciary. Declares a certain individual admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1800. January 12, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for parmanent residence, under the Immigration and Nationality Act.

H.R. 1801. January 12, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act

H.R. 1802. January 12, 1977. Judiciary. Provides that certain individuals be considered lawfully admitted to the United States for permanent residence.

H.R. 1803. January 12, 1977. Judiciary. Provides that a certain individual be considered lawfully admitted to the United States for permanent residence.

H.R. 1804. January 12, 1977. Judiciary. Provides that a certain individual to be considered lawfully admitted to the United States for permanent residence.

H.R. 1805. January 12, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1806. January 12, 1977. Judiciary. Permits certain individuals to file for a income tax credit or refund notwithstanding any period of limitations or lapse of time.

H.R. 1807. January 12, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 1808. January 13, 1977. Veterans' Affairs. Requires the Administrator of Veterans' Affairs to pay (in addition to any pension already paid) a monthly pension of $150 to each veteran of World War I who meets specified service requirements, or to the surviving spouse of each such veteran, or when there is no surviving spouse, to the child or children of each such veteran.

H.R. 1809. January 13, 1977. Post Office and Civil Service. Requires all persons admitted to a competitive examination given by the Civil Service Commission or appointed in the competitive service to: (1) be citizens of the United States; or (2) owe permanent allegiance to the United States.

H.R. 1810. January 13, 1977. Ways and Means. Amends the Internal Revenue Code to exempt winnings from wagers on horse races from the withholding tax.

H.R. 1811. January 13, 1977. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service. Requires the Federal Communications Commission to make specified findings in connection with Commission actions authorizing specialized carriers.

H.R. 1812. January 13, 1977. Ways and Means. Amends title II (Old-Age, Survivors and Disability Insurance) of the Social Security Act by removing the limitation upon the amount of outside income which an individual may earn while receiving benefits.

H.R. 1813. January 13, 1977. Public Works and Transportation. Authorizes the Secretary of the Army, acting through the Chief of Engineers, to study and recommend remedial measures to eliminate flood control and related problems of major tributaries of the Mississippi River in Mississippi.

H.R. 1814. January 13, 1977. Ways and Means. Amends the Internal Revenue Code to exclude from gross income the first $5,000 received by an individual for service during less-than-30 day periods as a member of the National Guard or a reserve component of the Armed Forces.

H.R. 1815. January 13, 1977. Post Office and Civil Service. Repeals the provisions of the Legislative Reorganization Act of 1946 permitting automatic cost-of-living adjustments in the salaries of Members of Congress.

H.R. 1816. January 13, 1977. Interstate and Foreign Commerce. Prohibits the inspection or acquisition by agents of the United States of medical and dental records of patients who are not under a federally-assisted program unless inspection or acquisition is authorized by the patient.

H.R. 1817. January 13, 1977. Judiciary. Directs the United States to pay reasonable litigation costs, including attorney fees, to prevailing defendants in civil actions in which the United States is a plaintiff.

H.R. 1818. January 13, 1977. Ways and Means; Interstate and Foreign Commerce. Requires every employer to offer qualified health care insurance to his employees and their families. Establishes a program of Federal participation to provide qualified health care insurance to low-income, nonemployed and self-employed individuals and their families. Requires the Secretary of Health, Education, and Welfare to pay the full premium insurance for individuals receiving State or Federal unemployment benefits.

H.R. 1819. January 13, 1977. Judiciary. Directs the United States to pay reasonable litigation costs, including attorney fees, to prevailing defendants in civil actions in which the United States is a plaintiff.

H.R. 1820. January 13, 1977. Ways and Means. Amends the Tariff Schedules of the United States to increase the personal exemption of: (1) articles imported by a United States resident returning from American Samoa, Guam, or the Virgin Islands; and (2) alcoholic beverages imported by a United States resident returning from such territories.

H.R. 1821. January 13, 1977. Ways and Means. Amends the Internal Revenue Code to allow an income tax deduction for State and local property taxes that are allocable to the construction or improvement of sewage treatment works, even though such benefits tend to improve the value of the property taxed.

H.R. 1822. January 13, 1977. Public Works and Transportation. Modifies the project for the Houston Ship Channel in Texas to direct the Secretary of the Army, acting through the Chief of Engineers to perform dredging operations to maintain the depth of the channel at a specified level.

H.R. 1823. January 13, 1977. Post Office and Civil Service. Directs the Postmaster General to issue a special postage stamp in honor of Martin Luther King.

H.R. 1824. January 13, 1977. Post Office and Civil Service. Designates the anniversary of Martin Luther King Junior's birth, January 15, as a legal public holiday.

H.R. 1825. January 13, 1977. Ways and Means. Amends the Internal Revenue Code to allow individuals a limited income tax credit for the rent paid for their principal residence.

H.R. 1826. January 13, 1977. Ways and Means. Amends the Tax Reform Act to provide an unlimited exclusion from gross income of disability payments received by persons who retired on or before October 1, 1976, and either retired on disability, or were entitled to retire on disability.

H.R. 1827. January 13, 1977. Merchant Marine and Fisheries: Public Works and Transportation. Establishes a fund for the purpose of paying for otherwise uncompensated losses resulting from oil pollution.

Imposes, within certain monetary limits, joint, several, and strict liability on the owners and operators of each pollution source. Requires petroleum facilities and certain vessels to maintain evidence of financial responsibility in an amount equal to applicable liability limits.

Sets forth procedures for identifying and publicizing pollution sources.

H.R. 1828. January 13, 1977. Ways and Means. Amends the Internal Revenue Code to limit the application of the Tax Reform Act's elimination of the sick pay exclusion for persons who have not retired on total disability, to taxable years beginning after December 31, 1976.

H.R. 1829. January 13, 1977. Ways and Means. Extends for two years, the time during which the taxpayer may pay income taxes incurred for sick pay received for 1976 as a result of the provisions of the Tax Reform Act.

H.R. 1830. January 13, 1977. Judiciary. Empowers a Federal grand jury conducting an inquiry into the activities of an office in the executive branch to have appointed by a district court judge a special prosecutor to assist it.

Stipulates that a special prosecutor shall have exclusive authority and responsibility on behalf of the United States to conduct all grand jury and other criminal proceedings arising out of such an inquiry.

H.R. 1831. January 13, 1977. Government Operations; House Administration; Judiciary; Post Office and Civil Service; Rules; Ways and Means. Establishes regulations for Members of Congress regarding the use of funds, the effective date of salary increases, travel allowances, and other financial matters.

Requires the publication on every piece of proposed legislation of a statement of the economic impact on the taxpaying family. Sets forth measures to facilitate communication between Members and their constituents. Defines the conditions under which elected and appointed Federal officials and employees may accept honoraria.

Establishes the Office of the General Counsel to the Congress.

H.R. 1832. January 13, 1977. Banking, Finance, and Urban Affairs. Extends the moratorium on State taxation of federally insured depository institutions until January 1, 1979.

H.R. 1833. January 13, 1977. Merchant Marine and Fisheries. Directs the Secretary of Commerce to establish a National Aquaculture Development Plan which identifies each aquatic species which can be commercially cultured and contains a program of aquacultural development for such species.

Establishes the Interagency Committee on Aquaculture to coordinate aquacultural programs and projects.

Establishes within the Treasury a Federal Aquaculture Assistance Fund to guarantee loans for the financing of aquacultural facilities and to make disaster loans available to recipients of such guaranteed loans. Authorizes a program of grants for aquacultural projects.

H.R. 1834. January 13, 1977. Agriculture. Amends the Agricultural Adjustment Act of 1938 to remove permission for the owner and operator of a farm with a tobacco acreage allotment to lease all or part of such allotment or marketing quota to any other owner or operator of a farm in the same county. Substitutes permission, at the option of the Secretary of Agriculture, to lease all or any part of such allotment or marketing quota to any other owner or operator of a farm in a contiguous county of the same State for use in such county on a farm having a current tobacco allotment or marketing quota of the same kind.

H.R. 1835. January 13, 1977. Agriculture. Prohibits the importation of palm oil unless the Secretary of Agriculture has certified that such imports originate from pure and wholesome supplies and that such imports were processed in plants meeting minimum sanitation standards. Directs the Secretary to establish standards which are comparable to domestic standards for purity, wholesomeness, and sanitation. Directs the Secretary to inspect such imports. Subjects such imports to the Federal Food, Drug, and Cosmetic Act after entry. Requires that such imports be labeled. Imposes penalties for violation of such labeling requirements.

H.R. 1836. January 13, 1977. Armed Services. Authorizes the recomputation of the retired or retainer pay for specified members and former members of the uniformed services. Increases the basic pay for specified officers.

H.R. 1837. January 13, 1977. Banking, Finance and Urban Affairs. Directs the Comptroller General to audit annually the Federal Reserve Board, the Federal Advisory Council, the Federal Open Market Committee, all Federal Reserve Banks and their branches, including transactions of the System Open Market Account.

H.R. 1838. January 13, 1977. Government Operations. Prohibits the obligation or expenditure of any amount by any Governmental entity unless such amount has been specifically appropriated.

H.R. 1839. January 13, 1977. Government Operations. Amends the Federal Property and Administrative Services Act of 1949 to permit the transfer or sale to specified entities of surplus property, including real property, to help meet State, multistate, and local special needs arising out of the actual or threatened severe unemployment arising from the closing of Federal facilities.

H.R. 1840. January 13, 1977. Government Operations. Directs the Administrator of General Services to convey specified lands and all improvements thereon to the city of Albany, Ga., for no more than 25 percent of the fair market value of such land. Insular Affairs. Establishes the Chattahoochee River National Recreation Area composed of a 48-mile segment of the Chattahoochee River and adjoining lands in the State of Georgia. Authorizes the Secretary of the Interior to acquire property for such recreation area and provides for its development.

H.R. 1842. January 13, 1977. Internaational Relations. Prohibits the settlement of a debt owed to the United States by a foreign country in an amount less than the full value of the debt, unless approved by Congress by concurrent resolution.

H.R. 1843. January 13, 1977. Interstate and Foreign Commerce. Amends the Federal Trade Commission Act to permit, under specified circumstances, exclusive territorial arrangements made as part of a licensing agreement for the manufacture, distribution or sale of a trademarked soft drink product.

H.R. 1844. January 13, 1977. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to authorize the Federal Communications Commission to grant broadcast licenses and license renewals for five year terms.

Revises the Act to allow certain appeals from orders or decisions of the Commission to be brought in the United States court of appeals for the circuit in which the broadcast facility is, or is proposed to be located.

Requires the Commission to examine its broadcast license renewal procedure to determine how it can be simplified.

H.R. 1845. January 13, 1977. Interstate and Foreign Commerce. Requires the manufacturers of farm tractors for sale in interstate commerce to mark the engine blocks of such tractors with permanent identifiaction numbers.

H.R. 1846. January 13, 1977. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Grants additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service.

H.R. 1847. January 13, 1977. Judiciary. Makes it unlawful for a parent to kidnap his minor child.

H.R. 1848. January 13, 1977. Judiciary. Amends the provision of the Gun Control Act of 1968 imposing additional sentences on persons committing Federal felonies while carrying, or with the use of, a firearm to: (1) increase the penalties thereunder; (2) encompass State crimes; and (3) prohibit a suspended, probationary or concurrent sentence with respect to a first conviction.

H.R. 1849. January 13, 1977. Judiciary. Amends the Gun Control Act of 1968 to increase the penalties for the use of a firearm to commit certain felonies.

H.R. 1850. January 13, 1977. Judiciary. Sets forth grounds and procedures for the removal of Federal judges and justices. Establishes a Council on Judicial Tenure to receive and investigate complaints concerning a Federal justice or judge. Makes it the duty of the Judicial Conference of the United States to sit as a court to hear any case relating to the removal, censure, or involuntary retirement of Federal judges or justices.

H.R. 1851. January 13, 1977. Judiciary. Amends the Omnibus Crime Control and Safe Streets Act of 1968 to condition certain assistance to States, local governments, and agencies thereunder on the adoption of a law enforcement officers' bill of rights.

H.R. 1852. January 13, 1977. Post Office and Civil Service. Amends the Legislative Reorganization Act of 1946 to defer any increase in pay for Members of Congress until the first day of the session beginning after any law is passed or plan or recommendation for such increase is made.

H.R. 1853. January 13, 1977. Rules. Requires review of Federal programs to determine if they warrant continuation. Directs the President to conduct such review of the programs covered by the annual budget. Requires Congress to make such review every 4 years.

H.R. 1854. January 13, 1977. Ways and Means. Amends the Internal Revenue Code to allow a limited tax credit for savings deposits and stock and bond purchases. Excludes stock dividend payments from income. Allows a deduction under the estate tax for an interest in a family farm. Alters the corporate tax normal rate and the procedure for computing adjusted basis. Increases the investment credit, corporate surtax, and the permissible variance from class life. Creates a new amortization option for pollution control facilities. Provides for the tax treatment of employers and employees participating in an employee stock ownership plan.

H.R. 1855. January 13, 1977. Ways and Means. Amends title II (Old-Age, Survivors and Disability Insurance) of the Social Security Act by removing the limitation upon the amount of outside income which an individual may earn while receiving benefits.

H.R. 1856. January 13, 1967. Ways and Means. Amends the Tariff Schedules of the United States to impose a customs duty on palm oil which is not imported for use in the manufacture of iron or steel products, tinplate, or terneplate.

H.R. 1857. January 13, 1977. Interior and Insular Affairs. Creates as a corporate entity the National Power Resources Authority. Empowers the Corporation to issue bonds, to enter into agreements, and to exercise the power of eminent domain in order to assist in the design, construction, and operation of additional nuclear power facilities.

H.R. 1858. January 13, 1977. Judiciary; Rules. Requires public notice of, and allows public participation in, rulemaking proceedings conducted by executive agencies. Requires all regulations promulgated by such agencies containing criminal penalties to be submitted to Congress for approval.

H.R. 1859. January 13, 1977. Judiciary. Amends the Immigration and Nationality Act to decrease from 18 to 16 the minimum age at which a person may file a naturalization petition on his own behalf.

H.R. 1860. January 13, 1977. Ways and Means. Amends the Internal Revenue Code to exclude winnings from State lotteries from gross income.

H.R. 1861. January 13, 1977. Ways and Means. Amends the Internal Revenue Code to allow individuals a limited income tax credit for volunteer work for organizations caring for the physically handicapped or mentally ill.

H.R. 1862. January 13, 1977. Veterans' Affairs. Increases the rates of disability compensation for disabled veterans, and the rates of dependency and indemnity compensation for their survivors.

H.R. 1863. January 13, 1977. Veterans' Affairs. Increases the rates of: (1) pensions for war veterans with a non-service-connected disability, their surviving spouses and children; (2) dependency and indemnity compensation for parents of veterans who died in active military service; and (3) the monthly rate of death compensation payable to a widow or dependent parent if the payee is a patient in a nursing home or helpless or blind.

H.R. 1864. January 13, 1977. Veterans' Affairs. Includes among those disabled veterans eligible for assistance for automobiles and automobile adaptive equipment: (1) veterans of World War I; and (2) any other veteran who is not eligible but who has a service-connected disability which constitutes a permanent loss or impairment of the use of an anatomical part which is rated at not less than 30 percent and which impairs his ability to operate an automobile or other conveyance.

H.R. 1865. January 13, 1977. Veterans' Affairs. Increases the rate of the pension of a veteran's surviving spouse by 25 percent when such spouse attains age 78.

H.R. 1866. January 13, 1977. Veterans' Affairs. Authorizes the provision of increased awards of service-connected disability compensation by the Administrator of Veterans' Affairs to veterans who have suffered the loss or loss of use of paired extremities.

H.R. 1867. January 13, 1977. Veterans' Affairs. Permits election of current law pension benefits by surviving spouses of Civil War and Indian War veterans.

H.R. 1868. January 13, 1977. Veterans' Affairs. Extends indefinitely, barring a showing of fraud, the ratings for children permanently incapable of self-support, for compensation or pension purposes under laws administered by the Veterans' Administration, if such ratings have been continuously in force for 20 years or more.

H.R. 1869. January 13, 1977. Veterans' Affairs. Extends from 60 to 120 days the period between notice of, and the effective date for, the reduction or discontinuance of compensation, dependency and indemnity compensation, or pension paid by the veterans' Administration.

H.R. 1870. January 13, 1977. Veterans' Affairs. Authorizes the Administrator of Veterans' Affairs to assist veterans with a permanent and total service-connected disability due to the loss or loss of use of one upper and one lower extremity in acquiring specially adapted housing.

H.R. 1871. January 13, 1977. Veterans' Affairs. Provides, for purposes of qualifying veterans for wartime disability compensation, a two-year presumptive period of service connection for psychoses which develop wtihin two years from the date of separation from active service.

H.R. 1872. January 13, 1977. Veterans' Affairs. Provides to a veteran rated not less than 50 percent disabled an additional compensation benefit paid by the Veterans' Administration on account of a child requiring regular aid and attendance.

H.R. 1873. January 13, 1977. Veterans' Affairs. Permits certain eligible service-disabled veterans to purchase up to $20,000 of National Service Life Insurance.

H.R. 1874. January 13, 1977. Veterans' Affairs. Extends the annual clothing allowance provided by the Veterans Administration to veterans with service-connected blindness and those who are required to wear hearing aids as a result of service-connected disability.

H.R. 1875. January 13, 1977. Veterans' Affairs. Provides, for purposes of qualifying veterans for wartime disability compensation, a five-year presumptive period of service connection for malignant tumors (cancer) which develop within five years from the date of separation from wartime active service.

H.R. 1876. January 13, 1977. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to provide automobile adaptive equipment to any veteran receiving compensation for ankylosis of one or both knees, or one or both hips, which resulted from any injury incurred or disease contracted in or aggravated by active military, naval, or air service during World War II or thereafter.

H.R. 1877. January 13, 1977. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Grants additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service.

H.R. 1878. January 13, 1977. House Administration. Prohibits travel at Government expense outside the United States by Members of Congress who have been defeated, or who have resigned or retired.

H.R. 1879. January 13, 1977. Interior and Insular Affairs. Establishes the Boston Harbor National Recreation Area in Massachusetts. Requires the Secretary of the Interior to establish a planning commission for such Area.

Authorizes the Secretary to make grants to State and local units of government responsible for implementing the Commission's plan.

H.R. 1880. January 13, 1977. Banking, Finance and Urban Affairs. Amends the Defense Production Act of 1950 to authorize the President to make commitments to purchase or otherwise encourage the use of synthetic fuels.

Authorizes the President to install additional Government-owned equipment in certain defense facilities. Authorizes subsidies to private industry to encourage the production of domestically-produced raw materials for national defense.

H.R. 1881. January 13, 1977. Interior and Insular Affairs. Adds Sailor's Snug Harbor National Register District in New York to the Gateway National Recreation Area.

H.R. 1882. January 13, 1977. Interstate and Foreign Commerce. Prohibits deceptive acts or practices in connection with the sale of consumer goods or services, including false advertising, intended undersupply of goods, misrepresentation of goods and acceptance of consideration without intending to perform or deliver as promised.

H.R. 1883. January 13, 1977. Judiciary. Removes Columbia, Greene, and Ulster Counties, New York, from the Southern judicial district of New York and includes them within the Northern judicial district.

H.R. 1884. January 13, 1977. Education and Labor. Establishes a career education program for elementary and secondary schools to increase the emphasis such institutions place upon career awareness, exploration, decisionmaking, and planning.

Specifies procedures to be used in implementing this Act, both at the national and local level.

Directs the Office of Career Education within the Office of Education to administer this Act.

H.R. 1885. January 13, 1977. Government Operations; Rules. Requires the President to report to the Congress yearly suggestions for the reform of independent regulatory bodies in order to decrease their inflationary effects and to increase competition.

H.R. 1886. January 13, 1977. Veterans' Affairs. Provides that recipients of veterans' pensions and compensation will not have the amount of such pension or compensation reduced because of increases in social security benefits.

H.R. 1887. January 13, 1977. Veterans' Affairs. Reduces from 30 to 10 percent the disability rating necessary to qualify a disabled veteran for special emphasis in affirmative action programs of the Federal Government and of private contractors doing business with the Federal Government.

H.R. 1888. January 13, 1977. Veterans' Affairs. Authorizes the Administrator of Veterans' Affairs to compute the ten-year period in which their wives and widows of veterans may pursue programs of education as beginning at the date of death of the spouse from whom eligibility is derived.

H.R. 1889. January 13, 1977. Veterans' Affairs. Permits certain veterans with service-connected disabilities, regardless of disability rating, who are retired members of the uniformed services to compensation concurrently with retired pay, without deduction from either.

H.R. 1890. January 13, 1977. Veterans' Affairs. Authorizes a person who has been released from active service and who suffers an increase in a service-connected disability to 30 percent or more to apply for National Service Life Insurance anytime within two years from the date that the increase in the service-connected disability is determined by the Veterans' Administration.

H.R. 1891. January 13, 1977. Veterans' Affairs. Provides educational benefits, on a prorated basis, to children of veterans having permanent service-connected disabilities rated at not less than 50 percent but less than total.

H.R. 1892. Januuary 13, 1977. Veterans' Affairs. Repeals the provision requiring the preservation of total disability ratings for compensation purposes. Reduces from 20 to 10 years the period after which a rating cannot be reduced for pension purposes.

H.R. 1893. January 13, 1977. Education and Labor. Amends the Comprehensive Employment and Training Act of 1973 to require that disabled veterans be given opportunities to participate in the comprehensive manpower services programs and the public service employment programs thereunder at a rate in excess of the rate of unemployment among such veterans.

Directs that special consideration be given disabled veterans in the public service employment programs.

Specifies disabled veterans as a group eligible for additional manpower services under such Act.

H.R. 1894. January 13, 1977. Veterans' Affairs. Authorizes a presumption of service connection for cause of death for the purposes of payment of dependency and indemnity compensation in the case of a veteran who had a service-connected disability rated permanent and total for at least one year immediately preceding death, if death was due to natural causes not the result of misconduct on the part of such veteran.

H.R. 1895. January 13, 1977. Veterans' Affairs. Creates certain presumptions of disability for any veteran who was a prisoner of war for not less than six months, and deems such veteran to have a permanent service-connected disability rating of 50 percent.

H.R. 1896. January 13, 1977. Veterans' Affairs. Increases to two the number of automobiles for which adaptive equipment may be authorized for disabled veterans eligible to receive assistance from the Veterans' Administration in procuring one.

H.R. 1897. January 13, 1977. Veterans' Affairs. Provides to each eligible person for whom the Veterans' Administration has purchased an automobile with specially adapted equipment a loan, not to exceed $5,000, for the purpose of replacing the automobile or conveyance so purchased.

H.R. 1898. January 13, 1977. Ways and Means. Amends the Internal Revenue Code to provide either a refund or an income tax credit for Federal gasoline excise taxes paid by disabled veterans for fueling specially equipped motor vehicles for their personal use.

H.R. 1899. January 13, 1977. Judiciary. Directs the President to appoint, by and with the advice and consent of the Senate, an additional judge for each of specified United States courts of appeals.

H.R. 1900. January 13, 1977. Merchant Marine and Fisheries; Public Works and Transportation. Establishes a fund for the purpose of paying for otherwise uncompensated losses resulting from oil pollution.

Imposes, within certain monetary limits, joint, several, and strict liability on the owners and operators of each pollution source. Requires petroleum facilities and certain vessels to maintain evidence of financial responsibility in an amount equal to applicable liability limits.

Sets forth procedures for identifying and publicizing pollution sources.

H.R. 1902. January 13, 1977. Education and Labor. Amends the Occupational Safety and Health Act to permit a person possibly liable for an industrial accident involving bodily injury to sue an employer if such employer's failure to comply with an industrial safety requirement caused or contributed to such injury.

Allows a person being sued by the employer in a subrogation suit to raise as a defense the employer's contributory fault of failure to comply with an industrial safety requirement.

H.R. 1903. January 13, 1977. Ways and Means. Amends the Internal Revenue Code to allow an additional investment tax credit for machinery and equipment placed in service on existing manufacturing plants or in nearby areas.

H.R. 1904. January 13, 1977. Ways and Means. Amends the Tariff Schedules of the United States to permit the duty-free importation of intravenous fat emulsions.

H.R. 1905. January 13, 1977. Post Office and Civil Service. Requires that military service performed by an individual who was voluntarily discharged from active military service before becoming entitled to retirement pay in order to accept a Presidential appointment to a civilian position requiring Senate confirmation, be included in determining the period of service on which a civil service annuity is based.

H.R. 1906. January 13, 1977. Ways and Means. Amends the Internal Revenue Code to provide that certain trusts established for the payment of medical or dental malpractice claims and related expenses shall be tax exempt, and that contributions to such trusts shall be tax deductible.

H.R. 1907. January 13, 1977. Interior and Insular Affairs. Designates specified lands within the National Wildlife Refuge System and within the National Forest System as wilderness. Provides for the addition of specified lands to specified wilderness areas.

SENATE—*Thursday, May 19, 1977*

(Legislative day of Wednesday, May 18, 1977)

The Senate met at 12:30 p.m., on the expiration of the recess, and was called to order by Hon. PAUL S. SARBANES, a Senator from the State of Maryland.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray:

Our Father-God, as we lift our prayer to Thee this day, may we become not mere creatures but creators; not only one of Thy works, but Thy coworkers. May our minds be joined with Thy mind, our hearts with Thy heart, our love with Thy love, our hands with Thy hands, that being strengthened by partnership with Thee we may serve this Nation and the world's deepest needs. May our service be with such skill and joy as to have about it the strength of the mountains, the freedom of the streams, the gladness of the sunshine, the beauty of the stars and flowers. Thus living and working in union with Thee may we have peace and rest at the end.

We pray in the name of the great Redeemer. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 19, 1977.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. PAUL S. SARBANES, a Senator from the State of Maryland, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. SARBANES thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of yesterday, Wednesday, May 18, 1977, be approved.

The PRESIDING OFFICER (Mr. NELSON). Without objection, it is so ordered.

LEGISLATIVE DAY, MAY 18, 1977

Mr. ROBERT C. BYRD. Mr. President, I call attention to an error on the calendar of business which states that the legislative day is May 16, 1977. Will the Chair please state the correction?

The PRESIDING OFFICER. The legislative day is May 18.

Mr. ROBERT C. BYRD. I thank the Chair.

COMMITTEE MEETINGS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President. there are three budget waivers on page 14, Calendar Orders numbered 192, 193, and 194, that have been cleared for action by unanimous consent. I ask unanimous consent that the Senate proceed at this time to the immediate consideration of those measures.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAIVER OF CONGRESSIONAL BUDGET ACT WITH RESPECT TO CONSIDERATION OF S. 7

The resolution (S. Res. 169) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 7, was considered, and agreed to, as follows:

S. RES. 169

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 7, a bill to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface mining operations, and the acquisition and reclamation of abandoned mines and for other purposes. Such waiver is necessary to allow for authorization of fiscal year 1977 funds for use by the Secretary of the Interior to assist State regulatory agencies to improve their enforcement capabilities in line with the requirements of the interim implementation program established in the Act.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

WAIVER OF CONGRESSIONAL BUDGET ACT WITH RESPECT TO CONSIDERATION OF S. 1305

The resolution (S. Res. 171) waiving the provisions of section 402(a) of the Congressional Budget Act with respect to S. 1305 was considered and agreed to as follows:

Resolved, That the provisions of section 402(a) of the Congressional Budget Act of 1974 are waived with respect to S. 1305, a bill to reform disaster relief procedures in the Small Business Administration.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

WAIVER OF CONGRESSIONAL BUDGET ACT WITH RESPECT TO CONSIDERATION OF S. 1442

The resolution (S. Res. 174) waiving the provisions of section 402(a) of the Congressional Budget Act of 1974 with respect to S. 1442 was considered and agreed to as follows:

Resolved, That the provisions of section 402(a) of the Congressional Budget Act of 1974 are waived with respect to S. 1442, a bill which includes a title to reform disaster relief procedures in the Small Business Administration.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(The following proceedings occurred during consideration of the Small Business Administration authorizations and disaster loan program amendments (S. 1442).)

ORDER OF BUSINESS

Mr. STEVENS. Mr. President, with the concurrence of the manager of the bill, I ask unanimous consent that the pending business be set aside until the two special orders previously entered have been satisfied.

The PRESIDING OFFICER. There are four. Is the Senator referring to the first two special orders?

Mr. STEVENS. The first two special orders, Mr. Helms and Mr. Baker.

The PRESIDING OFFICER. Is there objection?

Mr. HATHAWAY. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from North Carolina (Mr. Helms) is recognized for not to exceed 15 minutes.

Mr. HELMS. Mr. President, I yield to the distinguished Senator from Kentucky.

PRIVILEGES OF THE FLOOR—S. 7

Mr. FORD. Mr. President, I ask unanimous consent that James King and James Fleming of my staff be granted the privileges of the floor during the debate and vote on S. 7.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. HELMS. Mr. President, I yield such time as the distinguished Senator from Iowa may require.

CIVILIAN CONTROL AND MILITARY DISSENT

Mr. CULVER. I thank the Senator for yielding.

Mr. President, this morning's Washington Post reports comment by U.S. military personnel in Korea critical of President Carter's proposed gradual withdrawal of American ground forces from that country.

Such comments are damaging to the delicate process of negotiations and are possibly insubordinate. With high-level discussions scheduled to begin next week, these comments undermine America's negotiating position with its Asian allies.

Obviously, the views of local commanders are an important ingredient in the policy review process. But so are the views of higher ranking military planners, diplomats, and the intelligence community.

It is my understanding—and I would expect no less—that local and national commanders have been queried as to their views and that intelligence community assessments of the military balance have been carefully considered.

But once broad decisions have been made and a negotiating strategy planned by appropriate civilian authorities, I believe that civilian and military subordinates have an obligation not to short circuit those decisions by public comment.

Mr. President, I ask unanimous consent that a copy of the newspaper article to which I have referred be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, May 19, 1977]

U.S. General: Korea Pullout Risks War

(By John Saar)

Seoul, May 19.—One of the top-ranking U.S. generals in South Korea says that President Carter's plan to withdraw U.S. troops here in the next four to five years is a mistake that will end in war with North Korea.

"If we withdrew our ground forces on the schedule suggested it will lead to war," said Maj. Gen. John K. Singlaub, chief of staff in the U.S. Forces Korea headquarters.

Singlaub, the third-ranking U.S. Army general in Korea, said that he and "many other senior military people" challenge the wisdom of Carter's plan, and predicted that withdrawal of the war-ready 2d Infantry Division in that time-frame would seriously weaken defenses in the south and encourage North Korean President Kim Il-sung to attack.

The unusual situation of serving generals openly differing with the President's declared policy arises on the eve of talks to implement that policy.

Philip C. Habib, under secretary of state for political affairs, and Gen. George Brown, chairman of the Joint Chiefs of Staff, are to arrive in Seoul May 24 as the President's special representatives.

Some military officers, saying the planned withdrawal may jeopardize gains made here over the past 24 years and pose serious military and credibility problems, are trying to influence Washington policy decisions.

"I don't know anybody who is not staggered by it," a headquarters Army officer said of the planned withdrawal. "There's no military or strategic logic for withdrawal. In fact, there's a very good case for reinforcing" American strength in South Korea.

Singlaub, a World War II veteran with a distinguished combat record, said he is deeply concerned that decision-makers may be working from outdated intelligence that substantially underestimates current North Korean strength.

"The question asked after U.S. setbacks in China and Vietnam was, 'Did the military people in the know express themselves loudly and clearly enough that the decision-makers understood?" We want to make sure," he added. "If the decision is made we will execute it with enthusiasm and a high level of professional skill."

The apprehensions voiced by Singlaub are echoed to some degree by many, if not all, U.S. military leaders in South Korea. "No one understands why they are being pulled out," said a well-informed American source. "Carter says the withdrawal won't endanger South Korean security or upset the military balance. Our military people say that would be a miracle. They think it can't be done."

The commander-in-chief of United Nations and U.S. forces in South Korea, Gen. John W. Vessey, has expressed his misgivings directly to President Carter and Defense Secretary Harold Brown, sources here say.

Singlaub and Vessey's deputy, Lt. Gen. John J. Burns, expressed their concerns in separate lengthy interviews today.

Burns said he would prefer the ground troops to stay.

"The withdrawal must be managed to avoid any disastrous change in the military balance on the Korean Peninsula or credibility of the American commitment. American Air Force Units which Carter has said will stay in Korea should be reinforced," added Burns, who flew 102 combat missions as a fighter pilot in the Korean War.

Some officers stress the fear that—despite all assurances to the contrary, the drawdown will be interpreted in South and North Korea as a disengagement.

A well-connected U.S. colonel says that South Korean officers who believe that the United States abandoned South Vietnam are asking: "Why are you giving up everything you've accomplished here? They quote the old Korean proverb, 'Don't trust the Russians and Don't believe the Americans,'" he recounted unhappily.

The concern centers around the 14,000-man 2d Division, which has a vital role covering the main southbound invasion route to this capital.

The division's firepower, mobility, ground-surveillance radar and technology give it a far higher combat value than any single South Korean Division. It has more helicopters, and TOW missiles to stop North Korea's 2,000 tanks, than the whole South Korean army. Even if Seoul could afford to buy the advanced weaponry, it would take longer than the scheduled five years to train the South Koreans in its use and maintenance, U.S. officers here say.

The 2d Division is also the controversial "tripwire," which doves argue could lead to U.S. embroilment in another Asian land war and which hawks maintain has successfully deterred agression since 1953.

Reinforced American air power, which could be flown out as easily as it could be flown in, is not seen as a full replacement for the ground commitment. "Warplanes are like geese," said a U.S. source. "They can honk and fly away. Who really believes that if we don't have the resolve to keep troops in Korea that we're going to bring them back if a war starts?"

"An intensive intelligence effort over the last 12 months has discovered North Korea to be much, much stronger than we thought," Singlaub said. "My deep concern is that people making the decisions are basing them on information that's two or three years old."

Mr. CULVER. I yield back the time and I thank the distinguished Senator for yielding.

ENERGY CONSERVATION AND SCHOOL TRANSPORTATION SAFETY ACT—S. 1567

Mr. HELMS. Mr. President, on April 18, President Carter reported to the Nation that the energy crisis, with the exception of preventing war, is the greatest challenge our country will face during our lifetimes. The bill I am introducing today recognizes that we are in a national energy emergency regarding our petroleum consumption. It further provides that, in this emergency, an adjustment must be made to accommodate services which are most essential and which require the least consumption of fuel.

Mr. President, educators have frequently noted the serious financial impact which the introduction of forced school busing has had upon education in the United States. But its impact upon our energy supply has gone almost unnoticed. In developing pupil assignment plans, Federal courts and bureaucracies are still as heedless of the energy drain created by unnecessary busing as they are of the other burdens these plans impose upon American society.

At the time when many busing plans were put into effect, the availability of fuel—that is to say gasoline—was not a factor. But circumstances have drastically changed since that time and, as the President noted, what may have appeared reasonable to some in a period of energy abundance, can no longer be tolerated during a time of national emergency.

To put it bluntly, Mr. President, we have reached a point where the various uses of busing must be ranked on a priority scale. Busing is needed only where the distances are too far for a child to walk to school. When these distances are artificially created, either by Federal judges or a combination of judges and Federal bureaucrats, then busing of school children can no longer be considered essential. We simply do not have the fuel left to transport pupils beyond their neighborhood schools. Under the emergency conditions President Carter has described, and I commend him for making clear to the American people that there is, indeed, a crisis, it is certainly proper now to set up energy conservation by limiting unnecessary busing of the school children of America.

Indeed, I believe our determination to stop unnecessary busing will provide a very significant test of our determination to meet what the President has said is the greatest challenge our country will face during our lifetimes.

We cannot seriously propose to our fellow citizens all across this land that they may face the loss of their jobs and the inability to heat their homes and still at the same time insist upon needless and wasteful school busing.

Mr. President, the amount of gasoline consumption involved in school busing today is enormous. Based upon a study of gasoline used for busing in several of the major metropolitan areas in my State of North Carolina, I estimate that the use of gasoline for busing has more than doubled wherever widespread busing has been introduced under pressure from HEW guidelines or court orders, or both.

Let me give some examples.

The Charlotte-Mecklenburg school system used 478,343 gallons of gasoline in the year 1968–69 to travel 1,908,842 miles. That was before the Federal bureaucracy and the Federal judge in Mecklenburg County got into the act. Then came forced busing, and in April of 1971 the Supreme Court affirmed a busing plan in the famous case known as Swann versus Charlotte-Mecklenburg County Board of Education.

What happened, Mr. President, as the result of this? In the 1971–72 school year, Charlotte used 865,733 gallons of gasoline to travel 3,914,215 miles. Last year, this is the school year 1975–76, Charlotte used 1,210,825 gallons to travel 5,990,210 miles. And that is not even the whole story. These Charlotte figures do not include the thousands of miles traveled with the thousands of gallons of gasoline used by the City Coach Service which was chartered to bus a substantial number of students supplementing the school buses.

The cost of gasoline alone to the taxpayers increased from $47,448 in 1969 to $371,521 in 1976—almost an eightfold increase in cost since the bureaucrats and the Federal judges got into the act ordering forced busing upon the school children there.

In 1969–70, my hometown, the city of Raleigh and Wake County used 332,855 gallons of gasoline to travel 1,676,925 miles. That was the year 1969–70, I emphasize. But last year, Mr. President, Raleigh-Wake County used 718,650 gallons to travel 3,339,581 miles. The cost to the taxpayers with reference to gasoline alone increased during this brief period from $43,079 in 1969, to $254,066 in 1976.

Similarly, during the 1969–70 school year, Winston-Salem, N.C., used 305,307 gallons of gasoline for its buses to travel 1,239,300 miles; during the 1975–76 school year it used 792,905 gallons to travel 4,149,373 miles. Here too, the cost to the taxpayers made a stunning increase from $37,089 in 1969, to $291,786 in 1975 for gasoline alone, and that is just one city, the city of Winston-Salem.

In 1970–71 the city of Greensboro in my State sent buses traveling 593,176 miles and consumed 131,817 gallons of gasoline. But by 1975–76, Greensboro school buses, thanks to forced busing, traveled 3,903,177 miles to consume 830,678 gallons of gasoline. The cost to the taxpayers for gasoline alone increased from $20,596 in school year 1970–71 to $299,426 in 1975–76. And again I emphasize that this is one city out of literally hundreds across the country.

Mr. President, I ask unanimous consent at this point to print in the RECORD a table showing the consequences of forced busing in four cities in North Carolina.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

	1969–70	1975–76
Charlotte, Mecklenburg County:		
Buses	267	584
Miles	1, 908, 842	5, 990, 210
Gallons/gas	478, 343	1, 210, 825
Cost/gas	$47, 448	$371, 521
Raleigh, Wake County:		
Buses	254	458
Miles	1, 676, 925	3, 399, 581
Gallons/gas	332, 855	718, 650
Cost/gas	$43, 079	$254, 066
Winston-Salem:		
Buses	208	405
Miles	1, 239, 300	4, 149, 373
Gallons/gas	305, 307	792, 905
Cost/gas	$37, 089	$291, 786
Greensboro:		
Buses	107	541
Miles	[1] 593, 176	3, 903, 177
Gallons/gas	131, 817	830, 678
Cost/gas	$20, 596	$299, 426

[1] Estimate based on averages from other school districts.

Mr. HELMS. I thank the Chair.

Mr. President, I realize that not all of this increase is attributable to unnecessary busing, but the fact remains that the average schoolbus gets only a mere 5 miles to the gallon in gasoline consumption. Five miles per the gallon. And we talk about gas guzzlers and the waste of energy. I submit if Senators are serious about solving the energy crisis, this is a good place to begin.

Paul Harvey, a friend of mine, reported in his news commentary for April 18, 1977, that we will continue to waste 342 million gallons of gasoline each year busing schoolchildren. Mr. President, 342 million gallons of gasoline, for all practical purposes, gone down the drain just to satisfy the whim and the caprice of some Federal judges and some Federal bureaucrats. Mr. Harvey went on in his broadcast to point out that nationally this wastes the total output of 600 average producing oil wells every 12 months.

Mr. President, there is one further dimension to this problem which is even more serious than the misguided use of tax dollars and the ill-contrived consumption of energy. It is the tragic cost paid by the children themselves as a result of schoolbus accidents. No one usually says anthing about this. But it is time that we think of the children in terms of what is happening to them.

Mr. President, there were 23,000 accidents involving schoolbuses in just 1 year—resulting in 8,500 injuries and 185 fatal injuries.

The U.S. Department of Transportation reports that, in North Carolina for the 1974–75 school year alone, there were 1,907 schoolbus crashes in which 631 schoolchildren were injured and 328 busdrivers, and other passengers were injured, for a total of 959 people injured. That is more than seven bus crashes per school day. It is an increase of over 30 percent in the number of accidents and almost 40 percent in the number of injuries than before widespread forced busing beyond neighborhood schools came into effect, sending children against their will and against their parents' will beyond their neighborhood schools.

Oh, Mr. President, what fools we mortals be. When will this folly end?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HELMS. Mr. President, I ask unanimous consent that the time allocated to the distinguished majority leader be assigned to me. This has been cleared with him.

The PRESIDING OFFICER (Mr. BENTSEN). Is there objection? The Chair hears none, and it is so ordered.

Mr. HELMS. Mr. President, I do not know how many of these injuries occurred during the unnecessary transportation of students to achieve the social engineering of some bureaucrat or judge.

But even one crippled or dead child is far too high a price to pay for Federal meddling.

Mr. President, there are of course some who will not accept the fact that there are many people in this country who oppose court-ordered busing because it is wasteful of our resources, or because it increases the risk of accident and injury to our children, or because it simply does not work. Oh, they rise in this Chamber so quickly to ascribe a sinister motive to anyone who does not share their enthusiasm for the forced busing of little schoolchildren. Mr. President, I sincerely wish that these people, and those others who believe in forced busing, would have seen the March 14 telecast of Black Journal, a program distributed by the Public

Broadcasting Service on the subject of forced school busing.

This telecast of Black Journal reported the conclusions of black educators and black community leaders across this country. This weekly television commentary on the black experience in the United States concluded:

> Equality—not integration—should be our national objective. Integration cannot lead to equality, but equality can lead to integration. . . . Whites who oppose busing must lose their fear of being called racists and blacks must stop the automatic adoption of integration as a cure-all for the problems of black children.

I repeat, Mr. President, that is a quotation from Black Journal, a television program broadcast nationally on March 14. Let me continue the quotation:

> Both (Whites and Blacks) must embrace a higher principle of truth: It is not necessarily good or bad because it is Black or White. It is good or bad because it does or does not work.

The producer of Black Journal is a man named Tony Brown, who believes further that "there is a significant silent black majority view on busing that is virtually never heard."

Mr. President, I come from the news media. I think I would be among the first to defend objective news reporting. But why is it, Mr. President, that the major news media in this country never seem to refer to poll after poll showing that the majority of black citizens of this country are just as opposed to forced busing as anyone else? According to a poll of 100 black leaders selected by Black Journal, 58 percent of those asked did not want children bused to schools outside their neighborhoods to achieve desegregation, while a recent Lou Harris poll shows that only 38 percent of black Americans favor such busing. Asked whether busing will improve the quality for all students, 74 percent, Mr. President, of the black leaders responding to the Black Journal poll said, "no."

The program also found that there is mounting evidence questioning the effectiveness of forced busing. The U.S. Civil Rights Commission, in a report costing more than a million dollars, could not substantiate the success of busing for desegregation purposes. Scholars who once supported forced busing after extensive research have now documented its failure, and point instead to a deterioration of educational achievement and race relations all across this country.

Black Journal producer Tony Brown said this:

> Everyone agrees that the findings to support the success of busing for desegregation purposes are inconclusive. This is really a polite way of saying that it does not work.

The program discussed a 10-year study of busing by two noted social psychologists. Dr. Norman Miller of the University of Southern California and Dr. Harold Gerard of the University of California at Los Angeles found in a study of a large-scale voluntary busing program in Riverside, Calif., that even under the most favorable conditions, busing would fail to achieve any increased educational benefits for the minority students involved.

Some of my colleagues may remember that I discussed this study at some length on the floor of the Senate during consideration of the 1977 Labor/HEW Appropriations Act on June 29, of last year.

Mr. President, the bill I am introducing today simply closes a loophole in the present Federal prohibition of forced busing. Today, title 20, section 1714, of the United States Code, prohibits any court, department, or agency of the United States from ordering the implementation of a plan that requires the transportation of any student to a school other than the school closest or next closest to his place of residence which provides the appropriate grade level and type of education. Section 1716 of title 20 permits such busing plans which have not been so ordered. My bill would make inoperative this provision during the period of a national energy emergency.

Let me conclude, Mr. President, with this:

Children today are being denied the right to walk to school in their own neighborhoods, where thousands of children have walked to school in previous generations. From kindergarten age on up, they are now being conditioned to accept vehicular transportation as the normal and expected mode of getting from one place to another. They are being denied the experience of walking, and the opportunity of forming healthful habits which would persist throughout their lives. They are, on the contrary, forming an unhealthy attitude toward the prudent use of our energy resources in the future.

These children are growing up in an age when they will be faced with chronic energy shortages, at least over the next several decades. Should we not be educating them to live in the world of today and tomorrow, rather than in the world of yesterday when we had all the gasoline we wanted?

Instead, we are training them to accept the idea that it is normal for healthy individuals to have free transportation even when they could and should walk, and even when they do not want the transportation. So much of the busing today is completely unneeded and absolutely detrimental to the formation of sound attitudes about energy conservation.

Mr. President, this Senator contends that we can no longer afford the luxury of training our children to waste our energy supplies.

Mr. President, I ask unanimous consent that the Energy Conservation and School Transportation Safety Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Energy Conservation and School Transportation Safety Act".

SEC. 2. Section 217 of the Equal Educational Opportunities Act of 1974 (88 Stat. 518) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "except during a national energy emergency.".

SEC. 3. Section 221 of the Equal Educational Opportunities Act of 1974 (88 Stat. 518) is amended by inserting at the end thereof the following new subsection:

"(f) The term 'national energy emergency' shall be deemed to be such period of time, as determined by the Secretary of Health, Education, and Welfare, upon consultation with the Secretary of the Treasury and such other officials as may be relevant, when direct and indirect imports of crude oil and refined petroleum products into the United States equal or exceed 40 per centum of the total annual United States petroleum demand during the calendar year immediately preceding the beginning of the new school year.".

(This concludes the proceedings which occurred during the consideration of S. 1442.)

SMALL BUSINESS ADMINISTRATION AUTHORIZATIONS AND DISASTER LOAN PROGRAM AMENDMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 157.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

> A bill (S. 1442) to amend the Small Business Act and the Small Business Investment Act of 1958 to extend and increase loan and surety bond guarantee authorities, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Select Committee on Small Business with an amendment on page 1, beginning with line 5, strike through and including page 13, line 19, and insert in lieu thereof:

TITLE I—AUTHORIZATIONS AND LIMITATIONS

SEC. 101. (a) Section 4(c)(1) of the Small Business Act is amended by striking out ", including administrative expenses in connection with such functions" following "7(g) of this Act" and by striking out ", including administrative expenses in connection with such functions" following "Small Business Investment Act of 1958".

(b) Section 4(c)(3) of such Act is amended by striking the last sentence.

(c) Section 4(c)(4) of such Act is repealed.

(d) Section 7(a)(8) of such Act is repealed.

(e) Section 7(g)(4) of such Act is repealed.

SEC. 102. Section 20 of the Small Business Act is amended to read as follows:

"SEC. 20. (a) The following program levels are authorized for fiscal year 1978:

"(1) For the programs authorized by section 7(a) of this Act, the Administration is authorized to make $150,000,000 in direct loans, $15,000,000 in immediate participation loans, and $3,000,000,000 in deferred participation loans.

"(2) For the programs authorized by section 7(h) of this Act, the Administration is authorized to make $40,000,000 in direct and immediate participation loans and $20,000,000 in guaranteed loans.

"(3) For the programs authorized by section 7(i) of this Act, the Administration is authorized to make $60,000,000 in direct and immediate participation loans and $81,000,000 in guaranteed loans.

"(4) For the programs authorized by sections 501 and 502 of the Small Business Investment Act of 1958, the Administration is authorized to make $45,000,000 in direct and immediate participation loans and $41,000,000 in guaranteed loans.

"(5) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $20,000,000 in direct purchase of debentures and preferred securities and to make $180,000,000 in guarantees of debentures.

"(6) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,000,000,000.

"(7) For the programs authorized by sections 7(b)(3), 7(b)(4), 7(b)(5), 7(b)(6), 7(b)(7), 7(b)(8), and (g) of this Act, the Administration is authorized to enter into $100,000,000 in direct loans and $100,000,000 in loan guarantees.

"(8) For the programs authorized in sections 404 and 405 of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $100,000,000.

"(9) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes, except for administrative expenses, of sections 7(b)(1) and 7(b)(2) of this Act.

"(b) There are authorized to be appropriated to the Administration for fiscal year 1978 $954,700,000 to carry out the programs referred to in subsection (a), paragraphs (1) through (8). Of such sum $47,100,000 shall be available for the purpose of carrying out the provisions of section 412 of the Small Business Investment Act of 1958, $4,000,000 shall be available for the purpose of carrying out the provisions of section 403 of the Small Business Investment Act of 1958, and $171,000,000 shall be available for salaries and expenses of the Administration, of which amount—

"(1) $13,000,000 shall be available for procurement assistance, with priority given to developing a small business procurement source data bank and to employing additional procurement officers to increase the number and total value of set-asides, including those under section 8(a) of this Act.

"(2) $30,000,000 shall be available for management assistance, with priority given to development of effective training programs and counseling services, and to development of small business development centers.

"(3) $3,000,000 shall be available for advocacy, with priority given to representing the interests of small business within the Federal Government and to developing a small business ombudsman function to help solve small business problems that are caused by programs, regulations, or general activities of the Federal Government and of which no more than $60,000 can be used for the payment of travel and transportation of persons for the national, regional, and Small Business Investment Companies advisory council meetings.

"(4) $3,000,000 shall be available for research, with priority given to developing a small business economic data base and evaluating the required resources for a major small business economic research and analysis unit in the Administration and to undertake such economic research and analysis.

"(5) $1,000,000 shall be available for public communication functions, with priority given to informing small business people in detail about Administration programs and activities, and how they can be utilized.

"(6) $4,000,000 shall be available for the office of minority small business.

"(7) $2,000,000 shall be available for technical assistance programs with priority given to development of an effective small business technology transfer program.

"(8) $3,900,000 shall be available for data management with priority given to more effective and efficient utilization of existing data management resources of the Administration.

"(9) $13,000,000 shall be available for contingencies with priority given to operations of disaster loan programs and achieving any priorities listed in this section.

"(c) The Administrator may transfer no more than 5 percent of program levels for salaries and expenses authorized in subparagraphs (1) through (9) of section 20(b) of this Act.".

SEC. 103. Section 403 of the Small Business Investment Act of 1958 is amended to read as follows:

"FUND

"SEC. 403. There is hereby created within the Treasury a separate fund for guarantees which shall be available to the Administrator without fiscal year limitations as a revolving fund for the purposes of section 401. All amounts received by the Administrator, including any moneys, property, or assets derived by him from his operations in connection with section 401, shall be deposited in the fund. All expenses, excluding administrative expenses, pursuant to operations of the Administrator under section 401 shall be paid from the fund.".

SEC. 104. Section 405 of the Small Business Investment Act of 1958 is amended to read as follows:

"SEC. 405. There is hereby created within the Treasury a separate fund for guarantees which shall be available to the Administrator without fiscal year limitations as a revolving fund for the purpose of section 404. All amounts received by the Administrator, including any moneys, property, or assets derived by him from his operations in connection with section 404 shall be deposited in the fund. All expenses and payments, excluding administrative expenses, pursuant to operations of the Administrator under section 404 shall be paid from the fund.".

SEC. 105. Section 412 of the Small Business Investment Act of 1953 is amended to read as follows:

"FUND

"SEC. 412. There is hereby created within the Treasury a separate fund for guarantees which shall be available to the Administrator without fiscal year limitation as a revolving fund for the purposes of this part. All amounts received by the Administrator, including any moneys, property, or assets derived by him from his operations in connection with this part, shall be deposited in the fund. All expenses and payments, excluding administrative expenses, pursuant to operations of the Administrator under this part shall be paid from the fund.".

SEC. 104. This title becomes effective on October 1, 1977.

TITLE II—MORATORIUMS

SEC. 201. Section 5 of the Small Business Act is amended by adding at the end thereof the following new subsection:

"(f)(1) Subsection to the requirements and conditions contained in this subsection, upon application by a small business concern which is the recipient of a loan made under this Act, the Administration may undertake the small business concern's obligation to make the required payments under such loan or may suspend such obligation if the loan was a direct loan made by the Administration. While such payments are being made by the Administration pursuant to the undertaking of such obligation or while such obligation is suspended, no such payment with respect to the loan may be required from the small business concern.

"(2) The Administration may undertake or suspend for a period of not to exceed 5 years any small business concern's obligation under this subsection only if—

"(A) without such undertaking or suspension of the obligation, the small business concern would, in the sole discretion of the Administration, be unable to meet its current liabilities;

"(B) with the undertaking or suspension of the obligation, the small business concern would, in the sole discretion of the Administration, remain a viable small business entity; and

"(C) the small business concern executes a satisfactory agreement in writing satisfactory to the Administration as provided by paragraph (4).

"(3) Notwithstanding the provisions of section 7(a)(4)(C) and 7(i)(1) of this Act, the Administration may extend the maturity of any loan on which the Administration undertakes or suspends the obligation pursuant to this subsection for a corresponding period of time.

"(4)(A) Prior to the undertaking or suspension by the Administration of any small business concern's obligation under this subsection, the Administration, consistent with the purposes sought to be achieved herein, shall require the small business concern to agree in writing to repay to it the aggregate amount of the payments which were required under the loan during the period for which such obligation was undertaken or suspended, either—

"(i) by periodic payments not less in amount or less frequently falling due than those which were due under the loan during such period, or

"(ii) pursuant to a repayment schedule agreed upon by the Administration and the small business concern, or

"(iii) by a combination of the payments described in clause (i) and clause (ii).

"(B) In addition to requiring the small business concern to execute the agreement described in subparagraph (A), the Administration shall, prior to the undertaking or suspension of the obligation, take such action, and require the small business concern to take such action as the Administration deems appropriate in the circumstances, including the provision of such security as the Administration deems necessary or appropriate to insure that the rights and interests of the lender (Small Business Administration or participant) will be safeguarded adequately during and after the period in which such obligation is so undertaken or suspended.".

"(5) The term "required payments' with respect to any loan means payments of principal and interest under the loan.".

SEC. 202. Section 4(c) of the Small Business Act is amended by inserting in clauses (1)(A) and (2)(A) thereof "5(f)", after the word sections".

TITLE III—CERTIFICATE OF COMPETENCY

SEC. 301. Section 8(b) of the Small Business Act is amended by striking paragraph (7) and by inserting in lieu thereof the following:

"(7) To certify to Government procurement officers, and officers engaged in the sale and disposal of Federal property, with respect to all elements of responsibility, including, but not limited to, capability, competency, capacity, credit, integrity, perseverance, and tenacity, of any small business concern or group of such concerns to receive and perform a specific Government contract. A Government procurement officer or an officer engaged in the sale and disposal of Federal property may not, for any reason specified in the preceding sentence, preclude any small business concern or group of such concerns from being awarded such contract without referring the matter for a final disposition to the Administration. In any case in which a small business concern or group of such concerns has been certified by the Administration to be a responsible or eligible Government contractor as to a specific Government contract, the officers of the Government having procurement or property disposal powers are directed to accept such certification as conclusive, and shall let such Government contract to such concern or group of concerns without requiring it to meet any other requirement of responsibility or eligibility.".

TITLE IV—PROCUREMENT ASSISTANCE

Sec. 401. Section 15 of the Small Business Act is amended as follows:

(1) by inserting "(a)" immediately after "Sec. 15.";

(2) by inserting immediately after "small business concerns within the meaning of this Act" the phrase ", including those public and private organizations and individuals eligible for assistance under section 7(h) of this Act,".

(3) by adding the following new subsections at the end of subsection (a):

"(b) For purposes of this section, priority shall be given to the awarding of contracts and the placement of subcontracts to concerns which shall perform a substantial proportion of the production on those contracts and subcontracts within areas of concentrated unemployment or underemployment or within labor surplus areas. Notwithstanding any other provision of law, total labor surplus area set-asides pursuant to Defense Manpower Policy Number 4 (32A C.F.R. part 8) shall be authorized if the secretary or head of the appropriate department or agency specifically determines that there is a reasonable expectation that offers will be obtained from a sufficient number of eligible concerns so that awards will be made at reasonable prices.

"(c) In carrying out labor surplus areas and small business set-aside programs, departments, agencies, and instrumentalities of the executive branch shall award contracts, and encourage the placement of subcontracts for procurement to the following in the manner and in the order stated:

"(1) Concerns which are located in labor surplus areas, and which are also small business concerns, on the basis of a total set-aside.

"(2) Concerns which are small business concerns, on the basis of total set-aside.

"(3) Concerns which are small business concerns, on the basis of a partial set-aside.

"(4) Concerns which are located in labor surplus areas on the basis of total set-aside.".

TITLE V—MISCELLANEOUS CONFORMING AND TECHNICAL AMENDMENTS

Sec. 501. Section 4(c)(2) of the Small Business Act is amended by striking out "and 7(c)(2)" and by inserting in lieu thereof "7(c)(2), and 7(g)".

Sec. 502. Section 4(c)(5) of the Small Business Act is amended to read as follows:

"(5) The Administration shall submit to the Committees on Appropriation, Senate Select Committee on Small Business, and the Committee on Small Business of the House of Representatives, as soon as possible after the beginning of each calendar quarter, a full and complete report on the status of each of the funds established in paragraph (1). Business-type budgets for each of the funds established by paragraph (1) shall be prepared, transmitted to the Committees on Appropriations, the Senate Select Committee on Small Business, the Committee on Small Business of the House of Representatives, considered, and enacted in the manner prescribed by law (sections 102, 103, and 104 of the Government Corporation Control Act (31 U.S.C. 847-849)) for wholly owned Government corporations.".

Sec. 503. Section 10(a) of the Small Business Act is amended by inserting "the Senate Select Committee on Small Business," after the clause "the President of the Senate,".

Sec. 504. Section 10(b) of the Small Business Act is amended by striking out "House Select Committee to Conduct a Study and Investigation of the Problems of Small Business" and by inserting in lieu thereof "Committee on Small Business of the House of Representatives".

Sec. 505. Section 10(c)(2) of the Small Business Act is amended by inserting "the Senate Select Committee on Small Business", after the word "Congress".

Sec. 560. Section 10(d) of the Small Business Act is amended by inserting, "the Senate Select Committee on Small Business," after the clause "the President of the Senate,".

Sec. 507. Section 10(e) of the Small Business Act is amended by striking out "House Select Committee To Conduct a Study and Investigation of the Problems of Small Business" and by inserting in lieu thereof "Committee on Small Business of the House of Representatives".

Sec. 508. Section 10(g) of the Small Business Act is amended by striking out "Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Banking and Currency of the House of Representatives" and inserting in lieu thereof "Senate Select Committee on Small Business and Committee on Small Business of the House of Representatives".

Sec. 509. Section 5316 of title 5, United States Code, is amended by striking from paragraph (11) the figure "(3)" and by inserting the figure "(4)".

Sec. 510. Section 302(b) of the Small Business Investment Act of 1958 is amended by inserting the word "and" between the words "capital" and surplus".

Sec. 511. Section 4(c) of the Small Business Act is amended as follows:

(1) by inserting in paragraph (1)(A) after the figure "7(b)(2)," the figure "7(b)(3)," and by striking from paragraph (1)(B) thereof the figure "7(b)(3),";

(2) by inserting in paragraph (2)(A) after the figure "7(b)(2)," the figure "7(b)(3)," and by striking from paragraph (2)(B) thereof the figure "7(b)(3),".

TITLE VI—HOMEBUILDERS

Sec. 601. Section 7(a) of the Small Business Act is amended by inserting after the semicolon at the end of the first clause the following: "or to finance residential or commercial construction or rehabilitation for sale or rental, or to provide financial assistance to individuals and nonprofit groups with a limit of seventy-five members organized for purposes of rehabilitating blighted urban or rural areas: *Provided, however,* That such loans shall not be used primarily for the acqusition of land;"

TITLE VII—COMPLIANCE LOANS

Sec. 701. Section 7(b)(5) of the Small Business Act is amended by inserting immediately after "any Federal law" the words "heretofore or hereafter enacted".

TITLE VIII—DISASTER RELIEF

Sec. 801. Section 7(b)(2) of the Small Business Act is amended by striking out "or" at the end of clause (A) and by adding at the end of such section the following:

"(c) a disaster as determined by the Administrator of the Small Business Administration pursuant to the Disaster Relief Act of 1974; and

"(D) if no disaster declaration has been issued pursuant to (A), (B), or (C) herein, the Governor of a State in which a disaster has occurred may certify to the Small Business Administration that small business concerns (1) have suffered economic injury as a result of such disaster, and (2) are in need of financial assistance which is not available on reasonable terms in the disaster stricken area. Upon receipt of such certification, the Administration may then make such loans as would have been available under this paragraph if a disaster declaration had been issued. The Administration shall determine whether to make such loans within 60 days of receipt of certification from the Governor. For the purposes of this subparagraph, extraordinary, severe, and temporary natural conditions or economic dislocations as determined by the Administration shall constitute a disaster. Such natural conditions or economic dislocations must be of such magnitude that without the benefit of loans provided hereunder a significant number of otherwise financially sound small businesses in the impacted regions or business sectors would either become insolvent or be unable to return quickly to their former level of operation. No loan made hereunder shall exceed $100,000 nor shall the proceeds thereof be used to reduce the exposure of any other lender. The Administration shall permit deferral of payment of principal and interest for one year on loans made hereunder;".

Sec. 802. Section 7(b) of the Small Business Act is amended by inserting at the end of the first undesignated paragraph the following:

"Notwithstanding any other provision of law, the interest rate on the Administration's share of any loan made pursuant to paragraph (1) of this subsection to repair damage to a primary residence and/or replace or repair damaged or destroyed personal property, to the extent that such damage or destruction is not compensated for by insurance or otherwise, with respect to a disaster which occurs on or after July 1, 1976, shall be 1 per centum on the first $5,000 worth of such damage or destruction, 2 per centum on the second $5,000 worth of such damage or destruction, and 3 per centum on all such damage or destruction above $10,000 in value. All other loans made with respect to a disaster which occurs on or after July 1, 1976, pursuant to paragraph (1) of this subsection shall be 5 per centum per annum: *Provided,* That for loans made pursuant to paragraph (1) with respect to disasters occurring on or after such date, if the uninsured, damaged portion of a person's primary residence is equal to between 10 per centum and 20 per centum of the primary residence's market value as assessed by the Small Business Administration, repayment of the principal amounts which exceed $500 shall be canceled, except that the total amount so canceled shall not exceed $1,000; if the uninsured, damaged portion of a person's primary residence is equal to between 20 per centum and 30 per centum of the primary residence's market value as assessed by the Small Business Administration, repayment of the principal amounts which exceed $500 shall be canceled, except that the total amount so canceled shall not exceed $2,000; if the uninsured, damaged portion of a person's primary residence is more than 30 per centum of the primary residence's market value as assessed by the Small Business Administration, repayment of the principal amounts which exceed $500 shall be canceled, except that the total amount so canceled shall not exceed $3,000: *Provided further,* That those individuals whose primary residences have been damaged or destroyed to the extent described in the previous proviso, and who would qualify for a loan under paragraph (1), shall have the option of receiving a one-time payment equal to the amount that would be forgiven pursuant to the previous proviso in place of such loan. Qualifications for a loan for the purpose of determining eligibility for the payment in lieu of forgiveness shall not include an individual's ability to repay the loan.

"The Administrator may defer payment of interest and principal on loans made pursuant to paragraphs (1) and (2) of this subsection for up to 3 years.".

Mr. HATHAWAY. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Alan Neece, Larry Yuspeh, Bill Cherkasky, and Larry Greenberg, of the staff of the Select Committee on Small Business, and John Doyle, of my staff, during consideration of the pending measure and any votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATHAWAY. Mr. President, I am pleased that the Senate is considering today the Small Business Administration fiscal year 1978 authorization bill. This authorization measure is especially important to small business which plays such a key role in the economy of our Nation.

There are over 13 million small businesses in the United States, and these businesses constitute 97 percent of all of the business entities. Small business accounts for over half of all private employment, 43 percent of business output, and over one-third of the gross national product.

I was pleased to introduce this bill in behalf of the Senate Select Committee on Small Business, and that it was referred to this committee for consideration. A few weeks ago, I participated, along with the Senator from Connecticut (Mr. Weicker), in a hearing of the committee at which Small Business Administrator Vernon Weaver testified regarding the authorization levels for SBA programs. Earlier this month, the committee met and agreed unanimously to report the bill, with a number of additions and improvements.

I cite these events because they are all activities which the Select Committee on Small Business would not have undertaken in the 94th Congress, or in any of the preceding Congresses in its 27-year life. Instead, the Committee on Banking, Housing, and Urban Affairs had direct legislative authority and authorizational jurisdiction over the programs of the SBA.

This jurisdictional setup was altered with the passage of Senate Resolution 104 in April of last year, which took effect at the beginning of this Congress. I was pleased to introduce that resolution and that it ultimately received the cosponsorship of over three-fourths of this body.

It is particularly gratifying that this organizational change is leading to substantive legislative improvements in SBA programs, of which this bill is a prime example.

A new approach to budgeting for the SBA is represented by this bill. Previously, authorizing committees simply increased loan program ceilings periodically. SBA would then decide how quickly it intended to lend the ceiling increase. The increase might be spent in 1 year or 2 or 3. The decision was entirely the SBA's.

This bill, however, sets program levels for the 1978 fiscal year alone and thereby sets targets and goals for such programs. For the first time, it establishes how much, and at what rate, the SBA will spend on business loans, handicapped assistance, disaster assistance, and all other lending functions. This process represents a major step toward responsible budgetary control of SBA's loan programs.

This bill also affirms the belief that SBA must be more than a lending agency. Specific line items are established for nonlending SBA programs such as management, technical and procurement assistance, advocacy, and economic research. Mitchell Kobelinski, the past SBA Administrator, has said that he believes the SBA must do more than lend money. He told the Senate Small Business Committee that the SBA must deliver effective management help and that it must do a better job in advocating the interests and needs of small business within the Federal Government and around the Nation. So far, the level of the agency's funding requests for these nonlending programs indicate that the SBA was prepared to do not much more than articulate its commitment.

This bill demonstrates an intention to act, as opposed to the SBA's apparent intention to do little more than talk. It earmarks funds for salaries and administrative expenses of the SBA to specific programs. It provides $30 million for management assistance with particular emphasis to be placed on training, counseling, and small business development centers. It provides sufficient funding to establish the beginnings of competent advocacy and economic research operations in the SBA.

The bill also provides increased funding for procurement assistance. As chairman of the Small Business Committee's Government Procurement Subcommittee, I am well aware of the importance of providing detailed assistance on procurement processes to individual small businesses, to insure that they benefit from procurement business opportunities. This bill would begin to provide that help by directing the SBA to employ more procurement officers in order to increase the number and total value of small business set-asides. It also sets as a priority for SBA's procurement office that it build a small business source data base to be used to widely expand the scope of SBA's business set-aside program.

The Administrator is already empowered under section 8(b)(2) et seq., of the Small Business Act to make a complete inventory of all productive facilities of small business concerns and to coordinate how these facilities might be best used in all procurement activities. But thus far, there is no definitive data bank available which includes all potential small business Government contractors. If SBA is to increase the number and value of small business set-asides, as required by this bill, it seems clear this data must be gathered and disseminated to all relevant procurement agencies. The bill specifically authorizes handicapped groups to be eligible for small business set-asides. This provision is included on the basis of the findings of hearings held in Denver last year which were chaired by the Senator from Colorado (Mr. Haskell) and the Senator from New York (Mr. Javits).

Also, in the procurement area, the bill includes a section which expresses the policy that priority should be given to the placing of set-asides within areas of substantial unemployment, or so-called labor surplus areas. This section includes language to allow for total set-asides of individual contracts to small business firms within such areas pursuant to Defense Manpower Policy No. 4.

In this regard, on April 28 of this year I introduced S. 1380 which is intended to achieve this same goal.

The bill also gives the Administrator additional authority to declare a given contractor as qualified to perform Government work under the certificate of competency program.

Further, the bill responds to a major complaint by small business people that they do not know what SBA programs do or how they can use them. To a large degree, SBA presently lends to the most persistent, who may not always be those most needing help. SBA should serve small business; SBA should not force eligible and deserving small businesses to run an obstacle course in order to gain needed assistance. Therefore, reasonable funding for public information is provided to inform small business people of what SBA programs do and how they can be used.

Also included in the bill are provisions to allow the SBA to grant moratoriums on the repayment of loans if certain specific conditions are met. The bill includes a number of technical corrections to amend prior drafting mistakes or vagueness, and to change references in the Small Business Act from the Senate Committee on Banking to the Senate Committee on Small Business.

The bill provides specifically for the creation of a new position entitled the Associate Administrator for Minority Assistance. In addition, it authorizes small homebuilders who are otherwise eligible to receive SBA financial assistance, and clarifies existing law to allow compliance loans to be granted for the purpose of complying with Federal laws which were enacted prior to 1974.

Finally, it includes the provisions of S. 1305, introduced by Senator Haskell, which represents a comprehensive improvement of SBA's disaster relief legislation.

This bill is a blueprint for the development of a complete Small Business Administration. If we follow it, the SBA will become a full service agency, not just a lending body.

Mr. President, I ask unanimous consent that the text of three letters I received recently from small business groups throughout the country be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Smaller Business Association
of New England, Inc.,
May 4, 1977.

Hon. William D. Hathaway,
U.S. Senate,
Washington, D.C.

Dear Bill: I congratulate you on behalf of the Smaller Business Association of New England for introducing S. 1442, to provide for a fiscal year authorization for the Small Business Administration. The Association is particularly delighted to see that you made provision for line item authorizations covering the critically important activities and functions such as procurement, advocacy, economic research and analysis, development of an economic data base, technical assistance, and management assistance.

ASBANE has testified before numerous Congressional committees over the years citing the need for the SBA to be more than a lending agency and that more of its resources should be allocated to performing the important missions which you have addressed in your salary and expense line items. S. 1442 is a bold step forward and you are to be commended for your leadership in this area.

Look forward to seeing you at the Washington Presentation on May 18.

Sincerely,

LEWIS A. SHATTUCK,
Executive Vice President.

CENTER FOR VENTURE MANAGEMENT,
Milwaukee, Wis., May 2, 1977.

Senator WILLIAM D. HATHAWAY,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR HATHAWAY: I just became aware of your hearings relative to changing the manner in which the Budget is established for the Small Business Administration. I know that the SBA has traditionally offered a package budget, except for the total loan or guarantee allocations. I think that it is most appropriate for the SBA to work within the system of line item budgeting.

Formerly, the SBA was a political agency within the President's Administration. Recently, the Congress and the Senate determined that Small Business was too important a function to leave to such political arrangements and each House upgraded their Small Business Committee to full fledged legislative committees. This new recognition for the importance of Small Business now demands that Congress take firmer charge of what is happening and how well that agency is performing.

There is a tendency for that agency to respond to disaster by removing their officials doing small business work to help on disaster work. This is all carried in the package budget and really should be a line item. Also, for years the SBA has talked about Management Assistance, and working to improve management performance in smaller companies and in companies having SBA loans or guarantees, but it is very difficult to ascertain what they have been doing and how well it is proceeding. A line item budget will help matters here.

Because of their former tradition of coming from the Reconstruction Finance Corporation, the SBA still lingers in that tradition. Advancing to the line item budgeting system will assist greatly to bring the SBA into the 1970's and hopefully a much better performing agency on behalf of Small Business. I wish you well in your efforts to accomplish this effort.

Cordially,

JOHN L. KOMIVES,
Director.

SMALLER MANUFACTURERS COUNCIL,
Pittsburgh, Pa., May 3, 1977.

Senator WILLIAM D. HATHAWAY,
U.S. Senate Small Business Committee, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR HATHAWAY: The Smaller Manufacturers Council comends you on the introduction of S. 1422, the Small Business Administration authorization bill.

We especially agree with the line item authorizations and increases in S. 1442 for procurement assistance; advocacy; economic research and analysis; development of an economic data base; technical assistance and management assistance.

Our more than 700 member companies have known for years the need to upgrade the Small Business Administration's functions and S. 1442 is a major step in that direction.

Again, thank you and, if we can be of any assistance, please call on us.

Sincerely,

LEO R. MCDONOUGH,
Executive Vice President.

Mr. WEICKER. Mr. President, I rise in support of S. 1442 as reported by the Senate Select Committee on Small Business. It represents the Senate's intention to effectuate responsible oversight of the Small Business Administration. It attempts to insure that programs within the Small Business Administration reflect the desires of the committee and that assistance to small businesses will be increased. Authorizations for fiscal year 1978 and a permanent disaster relief program administered through SBA are highlights of S. 1442.

As the newly ranking minority member of the Senate Select Committee on Small Business, I wish to commend Senator GAYLORD NELSON, chairman of the committee, for continuing the tradition of bipartisan effort in approaching the problems that affect small business. With the beginning of the 95th Congress, the Select Committee on Small Business has legislative jurisdiction for the first time. Yet, it remains nonpartisan in its outlook which is a tribute to its chairman, and the other members who have demonstrated their commitment to small business.

FISCAL YEAR 1978 AUTHORIZATIONS

A new approach is begun with the adoption of S. 1442. Line item authorizations for loan programs and salary and expenses have been provided. This is a departure from past practice, and represents an emphasis which should make the Small Business Administration more responsible to the desires of Congress and enable the SBA to better serve its constituency. Testimony from both the former and present Administrators of SBA indicated that the Agency had become predominantly a loan making institution and that its resources were used mainly to service and collect loans. Technical and management assistance to small business was at a minimum; only a small percentage of those who had SBA loans or SBA guarantees received any assistance. Assistance to other small businessmen, who had no loans, is virtually nonexistent.

It is because of this inadequacy that line item authorizations are necessary. The committee has provided for authorizations only for fiscal year 1978, which will allow the committee and the Congress to review carefully how the programs are functioning, and provide the required budgetary control in authorizations and appropriations. In hearings held by the committee, the new Administrator, Mr. A. Vernon Weaver, concurred with the committee's belief that more technical and management assistance needs to be provided, and that functions such as advocacy, procurement assistance, minority small business assistance, economic research and analysis, and economic data base development were important to the small business community. Mr. Weaver was reassured that he had the support of the committee, while at the same time, he was put on notice that in the future, with yearly authorization and funding, he will be required to clearly justify the budget for program levels and program support.

In accordance with the above, the committee has recommended small increases above the administration's requests. It is hoped that SBA will expand its role in regard to advocacy, economic research and analysis, procurement, and management and technical assistance programs. The administration's request for these programs is $58,855,000 and the committee bill would authorize $72,900,000.

An example of the inadequacy of the SBA technical assistance program was provided in testimony that there are only eight technical assistance officers to serve a small business community of 13 million small firms. Additional authorization of $2 million over the administration request will not reach the entire small business community, but is a first step and an indication of where additional support is needed.

Testimony before the committee has amply demonstrated where the SBA could be made more effective in its support for small businesses. The importance of shoring up these areas of concern is addressed in title I of the bill. It will, however, remain with the committee and the Congress, in its oversight capacity, to see how these programs are implemented. At least we will have a better handle on it with this system of itemized authorizations.

DISASTER RELIEF

The Small Business Administration has the responsibility for administering disaster relief programs. In the past, these programs have been initiated by Congress in response to emergency situations which have occurred, such as hurricanes, tornadoes, and floods, causing economic hardship and misery to thousands of people and millions of dollars in damage to homes and businesses. Congress reacted by passing measures to relieve the immediate problem by setting up emergency programs providing assistance. This was done by reducing the interest rates available to those who were in the disaster area. Some measure of forgiveness of the loan was also incorporated within the relief package. The interest rates fluctuated, as with the forgiveness, depending on the disaster.

This legislation would amend the Small Business Act to provide for a permanent disaster relief assistance program. With a minimal cost provision the bill would obviate the necessity of the committee and the Congress repeatedly amending the loan provisions. It also provides relief for those with demonstrated need, and not to all those in a designated disaster area. By so doing, it limits the costs to the Treasury, while at the same time it provides economic sustenance to those who have suffered in a disaster.

By establishing a permanent program for disaster relief, with no expiration date, an equitable distribution will be available to all those who suffer, with the absence of fluctuations of interest rates and forgiveness depending on the disaster. The present interest rate on disaster loans is 6⅝ percent. The new rate provided on principal homes and property would be 1, 2, and 3 percent on respective loan increments of $5,000, $5,000 to $10,000, and greater than $10,000. The forgiveness feature is restricted to $1,000, $2,000, or $3,000 based upon the amount of uninsured damage to one's principal residence and/or property. This is a change from prior laws which granted forgiveness to any and all who were located in a designated disaster area regardless of demonstrated physical injury to property. These increasing levels of forgiveness are available to people whose private residences have experienced varying degrees of damage.

If the uninsured damaged portion is equal to between 10 and 20 percent of assessed market value, the borrower can receive up to $1,000 forgiveness; between 20 and 30 percent, up to $2,000 forgiveness; and over 30 percent, up to $3,000 forgiveness. Statistics show that the forgiveness feature is subject to the most abuse, has the greatest cost, and therefore causes the biggest drain on the Treasury. The bill will provide relief, and not be tantamount to a giveaway to all. The cost, estimated by the Congressional Budget Office, compares favorably to the cost of Hurrricane Agnes—where there was $477.9 in forgiveness. At that time a $5,000 forgiveness was available to all eligible borrowers regardless of demonstrated injury. The low rates of interest will insure relief will be available to those who need it.

A second feature of the disaster relief bill is its provision for declaring a disaster area when there is economic injury without any physical damage. The recent winter caused severe dislocation of industry, and no relief has been available to businesses because no physical damage could be demonstrated. Cold and snow may not cause physical damage, but the effects to industry and business may be as disasterous. By providing a new mechanism, whereby a Governor certifies to SBA that small business in an area of his State has suffered economic injury from an extremely severe and temporary economic dislocation or natural condition, that area may be declared a disaster area and therefore eligible for disaster relief loans. This will do much to aid small businesses and communities that suffer economic hardships caused by excessive weather conditions without permanent physical damage.

Mr. HATHAWAY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment is not in order until the committee amendments are agreed to, unless it is an amendment to the committee amendments.

COMMITTEE AMENDMENTS AGREED TO

Mr. HATHAWAY. Mr. President, I ask unanimous consent that the committee amendments be agreed to.

The PRESIDING OFFICER. Without objection, the committee amendments are agreed to.

UP AMENDMENT NO. 244

Mr. HATHAWAY I call up amendment No. 244.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Maine (Mr. HATHAWAY) proposes an unprinted amendment numbered 244.

Mr. HATHAWAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 16, line 4, strike out "$954,700,000" and insert in lieu thereof: "$906,300,000".

On page 24, line 20, strike out "areas" and insert "area".

On page 25, line 8, between "of" and "total", insert "a".

On page 21, lines 3 and 4, strike out "a satisfactory" and insert "an".

On page 25, line 22, strike out "in" and insert "by".

On page 28, line 19, strike out "(c)" and insert "(C)".

Mr. HATHAWAY. Mr. President, this amendment is technical in nature. It conforms the total funds authorized to be appropriated for the activities listed in paragraphs (1) through (8) of subsection 20(a) of the Small Business Act, as amended by this bill, to their appropriate level. The total included in the bill as reported failed to reflect the role of offsetting receipts which would accrue to the various funds in the course of the 1978 fiscal year, and therefore was unnecessarily high.

The new figure is one which the Small Business Administration and the Congressional Budget Office have generated pursuant to more detailed statistical analysis than was available at the time of markup.

Also included are technical amendments to correct typographical errors.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO 245

Mr. ROBERT C. BYRD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD) on behalf of himself and Mr. RANDOLPH proposes an unprinted amendment numbered 245.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 30, line 16, strike out "5" and insert in lieu thereof "3".

At the end of the bill add the following:

SEC. 803. (a) Section 324 of the Consolidated Farm and Rural Development Act is amended by adding at the end thereof the following: "Notwithstanding any other provision of law, a loan made or insured under this Act to finance the repair or replacement of property (including crops or livestock) which was lost, damaged, or injured by a disaster shall bear interest at a rate of 3 per centum per annum.".

(b) The amendment made by subsection (a) applies to any disaster occurring on or after July 1, 1976.

Mr. ROBERT C. BYRD. Mr. President, on April 4 through April 7, 1977, the residents of Virginia, Tennessee, Kentucky, and southern West Virginia suffered massive flooding damages which left 2,100 West Virginia families homeless, and property damages within West Virginia which are estimated to exceed $70 million.

This disaster is one of the most devastating that I have witnessed. It has caused extreme hardship and suffering to many individuals. Because of this disaster, businessmen now find themselves in the situation of owing preexisting loans for business equipment, properties, and merchandise destroyed in the flood and of having to obtain new business loans to repair their premises and replace their stocks. These businessmen simply cannot service their predisaster loans plus new loans necessary to rebuild and to restock their businesses at a 5-percent interest rate. I believe that the lowering of this interest rate to 3 percent, as provided by my amendment, is absolutely essential to enable these businessmen to reopen their businesses. My amendment does not create or establish any new precedent for the victims of this disaster. It merely puts them on a comparable footing with the treatment afforded the victims of other recent disasters.

On April 13, I visited the flood damaged areas of West Virginia, and with me were my senior colleague, Mr. RANDOLPH, and the Representative of that congressional district, Mr. RAHALL, and several Federal officials.

Thereafter, on April 22, 1977, I introduced S. 1362 which provided for 1-percent residential loans, 3-percent business loans, and reinstatement of the $5,000 forgiveness loan feature. Senators RANDOPH, BAKER, SASSER, FORD, HUDDLESTON, and SCOTT were cosponsors of the legislation. I strongly believe that the provisions contained in S. 1362 are needed; however, I accept the judgment of the committee in including a compromise version of S. 1362 within S. 1442.

Briefly, the disaster provisions of S. 1442, other than the business loan provisions previously discussed, provide: graduated forgiveness loans up to $3,000 in instances where the damages suffered exceed 30-percent of the value of the victim's primary residence; the lowering of the existing 6⅝ percent interest rate on residential loans to 1 percent for the first $5,000, 2 percent for the second $5,000, and 3 percent for all amounts above $10,000.

While I do appreciate the committee's including the aforementioned liberalizations within S. 1442 at my request, neither their action nor my amendment, if enacted, will provide treatment more liberal than that provided victims of former disasters.

For instance: The victims of Hurricane Camille in 1969 received a 1-percent interest rate for all physical damage and a $5,000 forgiveness loan for everyone; the victims of Hurricane Celia in 1970 and the victims of the California Earthquake in 1971 receive 3-percent loans for all physical damages and a $2,500 forgiveness loan for everyone; and the victims of Hurricane Agnes in 1972 and the victims of Hurricane Doria earlier in 1971 received 1-percent loans for all physical damages and a $5,000 forgiveness loan for everyone.

Mr. President, the victims of the recent disaster in West Virginia find it difficult to understand why they are being treated differently and, obviously, more unfairly than victims of previous disasters. My amendment attempts to correct this discriminating treatment.

In summation, the purpose of the amendment which I have offered on behalf of myself and Senator RANDOLPH is simply to lower the interest rate on

SBA business disaster loans, from the committee recommended rate of 5 percent, to 3 percent. My amendment concomitantly reduces the disaster loan rate of the Farmers Home Administration from 5 percent to 3 percent to make the agency's disaster loan rate consistent with that of the Small Business Administration. The Small Business Committee staff informed me that this latter provision was essential to keep these loan rates consistent.

I urge the distinguished members of the Small Business Committee to accept my amendment.

Mr. HASKELL. Mr. President, as the occupant of the Chair (Mr. NELSON) will recall, the reason for not taking small business loans down to 3 percent was that farm loans would be at 5 percent and there would be an imbalance.

I congratulate the distinguished Senator from West Virginia, Mr. BYRD, on reducing the small business loans and farm loans to 3 percent. So far as this Senator is concerned, I would be very pleased to accept the amendment, because it reduces both of them and it brings them into parity.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from Colorado.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATHAWAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 246

Mr. ROBERT C. BYRD. Mr. President, I was asked by Mr. HUDDLESTON to offer an amendment on his behalf. I therefore send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> The Senator from Kentucky (Mr. HUDDLESTON) proposes an unprinted amendment numbered 246.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the end of the bill, add the following new section:
>
> Sec. . Section 7(b) of the Small Business Act is amended by adding at the end thereof the following:
>
> "Notwithstanding any other provision of law, the principal amount of any loan made pursuant to paragraph (1) in connection with a disaster which occurs on or after April 1, 1977, but prior to October 1, 1977, may be increased by such amount, but not more than $2,000, as the Administration determines to be reasonable in light of the amount and nature of loss, damage, or injury sustained in order to finance the installation of insulation in the property which was lost, damaged, or injured, if the uninsured, damaged portion of the property is 10 per centum or more of the market value of the property at the time of the disaster. Not later than April 1, 1978, the Administration shall prepare and transmit to the Committee on Small Business of the Senate, the Committee on Small Business of the House of Representatives, and the Committees of the Senate and House of Representatives having jurisdiction over measures relating to energy conservation a report on its activities under this paragraph, including therein an evaluation of the effect of such activities on encouraging the installation of insulation in property which is repaired or replaced after a disaster which is subject to this paragraph, and its recommendations with respect to the continuation, modification, or termination of such activities. There are authorized to be appropriated to the Administration such sums as may be necessary to prepare the report required under the preceding sentence.".

Mr. ROBERT C. BYRD. Mr. President, for the time being, I withdraw that amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

UP AMENDMENT NO. 247

Mr. SARBANES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> The Senator from Maryland (Mr. SARBANES) proposes an unprinted amendment numbered 247:
>
> On page 30, lines 10 and 15, strike the date "July 1, 1976" and insert in lieu thereof the date "July 1, 1975"

Mr. SARBANES. Mr. President, this amendment is submitted also on behalf of Senator MATHIAS, with whom I have worked closely with respect to this matter.

The amendment moves the applicable date for disaster assistance under the bill back 1 year, that is, to July 1, 1975. There is strong supporting rationale for this date in that the terms on which disaster loans were made were stringently worsened in the summer of 1975 when the interest rate on such loans was increased by almost a third from 5 to 6⅝ percent. This amendment will improve the equity of the bill with respect to people who were extremely hard hit not only by the natural disasters which they experienced but also by a marked increase in the interest charge on the loan assistance available to them to recover from such disasters.

I hope it will be possible for the committee to take this amendment and to go to conference with it.

Mr. MATHIAS. Mr. President, the amendment which Senator SARBANES and I offer today to H.R. 692, relating to disaster relief loans, is vital to the people of Maryland, and to citizens around the country. This amendment would cause the improvements made in H.R. 692 to be effective July 1, 1975, as opposed to July 1, 1976, which is the date in the bill before us. We are deeply concerned that the legislation provide for truly low interest loans for victims of disasters which have occurred since July 1, 1975.

The history of disaster relief legislation has been almost as volatile as the weather itself. Under the previous Disaster Relief Act of 1970, the SBA granted loans bearing a 1-percent interest rate with a $5,000 forgiveness clause. In April of 1973, however, the law was changed to provide an interest rate of 6⅝ percent and no forgiveness.

My colleagues can readily see the resulting anomaly in loan terms. If it was 1972, and you had the misfortune to be damaged by, for example, Hurricane Agnes, you could apply for a 1-percent loan under the provisions of the Disaster Relief Act of 1970. But when Hurricane Eloise came along in September of 1975, and an unnamed flood struck my hometown of Frederick, Md., her victims were not only at the mercy of the hurricane, but of a new law—the Disaster Relief Act of 1974 which provided for the higher interest rate with no forgiveness clause.

In Prince Georges County, Md., one of the counties most damaged by Hurrican Eloise, only one-tenth of the estimated 1,000 disaster victims—both households and businesses—even applied for the SBA loans because of their high cost.

As Prince Georges County Council Chairman David G. Hartlove, Jr., stated:

> It's no wonder so few applied. Few of our citizens, faced with high inflation and little spare money, can afford to take relatively high interest loans over a long stretch. At that percentage, the federal government isn't lending a helping hand to unfortunate victims but instead it's acting like a commercial brokerage house.

Mr. President, over 100 disasters have occurred during the time period which our amendment covers. I ask that two tabulations, one prepared by the Small Business Administration and the other by the Federal Disaster Assistance Administration showing the date and nature of the disaster, appear in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibits 1 and 2.)

Mr. MATHIAS. Arbitrarily changing a date in Congress does not, unfortunately, change the nature and extent of natural disasters. Legislation for the relief of disaster victims should cover the greatest number of people possible. If there is one area where we all need to show some degree of compassion, it is toward those victims of natural disasters, who, through no fault of their own, have sustained damage to their homes and businesses through acts of God. The least we can do is offer those victims a helping hand in the form of low-interest disaster loans when they are down and out—regardless of whether that disaster hit them in July of 1976 or September of 1975.

I believe the disaster relief loan program outlined in H.R. 692, will, in fact, help victims of disasters by offering low-interest loans with some degree of forgiveness. However, I urge my colleagues to consider making this legislation retroactive to cover the victims of disasters which have occurred throughout the United States since July of 1975. Our amendment to H.R. 692 will provide the opportunity for many of those remaining disaster victims to take advantage of the SBA disaster relief loan program.

EXHIBIT 1

DMIS TABLE 1.1.—DISASTER DECLARATIONS, MAJOR DISASTERS ONLY, DECLARATIONS 73/01/01 THROUGH 76/11/08

FDAA Reg.	Date of declaration [1] [2]	State	Type
473- 5	July 5, 1975	Minnesota	Flooding.
474- 6	July 9, 1975	Oklahoma	Severe storms, flooding, and tornadoes.
475- 8	July 11, 1975	North Dakota	Severe storms and flooding.
476- 5	July 17, 1975	Minnesota	Severe storms, tornadoes, and flooding.
477- 2	July 23, 1975	New Jersey	Heavy rains, high winds, hail, and flooding.
478- 5	July 25, 1975	Illinois	Tornado.
479- 4	Aug. 22, 1975	Florida	Flooding.
480- 5	Sept. 11, 1975	Ohio	Heavy rains and flash flooding.
481- 3	Sept. 12, 1975	West Virginia	Heavy rains and flooding.
482- 5	Sept. 15, 1975	Wisconsin	Heavy rains, tornadoes, and flash flooding.
483- 2	Sept. 19, 1975	Puerto Rico	High winds, heavy rains, and flooding.
484- 4	Sept. 26, 1975	Florida	Do.
485- 4	do	Pennsylvania	Severe storms, heavy rains, and flooding.
486- 5	Sept. 30, 1975	Michigan	Severe storms, high winds, and flooding.
487- 2	Oct. 2, 1975	New York	Storms, rains, landslides, and flooding.
488- 4	do	Alabama	Winds, tornadoes, heavy rains, and flooding.
489- 3	Oct. 4, 1975	Maryland	Heavy rains and flooding.
490- 9	Dec. 7, 1975	Hawaii	Earthquakes, seismic waves, and volcanoes.
491- 6	Dec. 10, 1975	Oklahoma	Severe storms and tornadoes.
492-10	Dec. 13, 1975	Washington	Severe storms and flooding.
493-10	Dec. 18, 1975	Alaska	Fire and freezing.
494- 2	Mar. 19, 1976	New York	Ice storm, severe storms, and flooding.
495- 5	do	Michigan	Storms, icing, wind, flooding, tornadoes.
496- 5	Mar. 23, 1976	Wisconsin	Severe storms, icing, winds, and flooding.
497- 6	Apr. 1, 1976	Oklahoma	Severe storms and tornadoes.
498- 6	do	Arkansas	Tornadoes.
499- 4	do	Mississippi	Severe storms, tornadoes, and flooding.
500- 7	Apr. 8, 1976	Nebraska	Ice storms and high winds.
501- 8	Apr. 16, 1976	North Dakota	Flooding.
502- 9	Apr. 22, 1976	Trust Territory.	Typhoon Marie.
503- 9	May 22, 1976	Guam	Typhoon Pamela.
504- 6	June 5, 1976	Oklahoma	Severe storms and flooding.
505-10	June 6, 1976	Idaho	Dam collapse, flooding.
506- 9	June 8, 1976	Trust Territory.	Typhoon Pamela.
507- 4	June 11, 1976	Georgia	Severe storms and flooding.
508- 9	June 17, 1976	Northern Mariana.	Typhoons Pamela and Therese.
509- 5	June 18, 1976	Illinois	Severe storms, tornadoes, flooding.
510- 6	June 19, 1976	Texas.	Severe storms and flooding.
511- 8	June 25, 1976	South Dakota	Flash flooding and mudslides.
512- 2	June 29, 1976	New York	Flash flooding.
513- 3	July 7, 1976	Pennsylvania	High winds and flash flooding.
514- 7	July 13, 1976	Kansas	Severe storms, high winds, and flooding.
515- 2	July 21, 1976	New York	Severe storms and flooding.
516- 7	do	Missouri	Severe storms and flooding.
517- 8	Aug. 2, 1976	Colorado	Severe storms and flash flooding.
518- 1	Aug. 5, 1976	Vermont	Severe storms, high winds, and flooding.
519- 2	Aug. 21, 1976	New Jersey	Severe storms, high winds, and flooding.
520- 2	Sept. 3, 1976	New York	Hurricane Belle.
521- 9	Sept. 21, 1976	California	Flooding from tropical storm Kathleen.
522- 3	Oct. 14, 1976	Maryland	Severe storms and flooding.
523- 3	Oct. 20, 1976	Pennsylvania	Do.

[1] Total of 160 declaration(s).

[2] All declaration dates are not closed at present.

Source: Federal Disaster Assistance Administration.

EXHIBIT 2

DISASTER DECLARATION

[Prepared by: Office of Disaster Operations, SBA]

FDAA No.	Termination date	Disaster No.	State	Counties/parishes	Type of disaster	Date occurred	Date SBA declared or responded to Presidential declaration	Date Presidential declaration
	Aug. 12, 1976	1250	Georgia	Banks, Franklin, Habersham, Jackson, Lumpkin, Rabun, and Stephen Counties.	Flooding	May 28, 1976	June 17, 1976	June 11, 1976.
	Aug. 16, 1976	1251	Texas	Starr and adjacent counties	Flooding	May 31, 1976	June 16, 1976	
	Aug. 16, 1976	1252	Texas	Bell, Dallas, Young and adjacent county.	Tornadoes	May 25–26, 1976	June 16, 1976	
	Aug. 16, 1976	1253	Northern Mariana Islands of the Pacific.		Typhoon Pamela	May 20, 1976	June 21, 1976	June 17, 1976.
	Aug. 19, 1976	1254	Illinois	Cook and Du Page Counties	Flooding	June 13, 1976	June 22, 1976	June 18, 1976.
510	Aug. 19, 1976	1255	Texas	Harris County	Flooding	June 15, 1976	June 24, 1976	June 19, 1976.
	Aug. 26, 1976	1256	Iowa	Boone and Story Counties	Tornadoes	June 13, 1976	June 25, 1976	
511	Aug. 26, 1976	1257	South Dakota	Butte, Harding, Lawrence, and Meade Counties.	Flooding	June 14, 1976	June 30, 1976	June 25, 1976.
512	Aug. 30, 1976	1258	New York	Chemung and Steuben Counties	Flooding	June 19, 1976	July 2, 1976	June 29, 1976.
	Sept. 7, 1976	1259	New York	Rockland and adjacent counties	Flooding	June 30, 1976	July 7, 1976	
	Sept. 7, 1976	1260	Kansas	Wyandotte and adjacent counties	Flooding	June 28, 1976	July 7, 1976	
	June 28, 1976	1238	Massachusetts	Town of Palmer in Hampden County.	Fire	Jan. 16, 1976	Apr. 28, 1976	
	June 28, 1976	1239	Massachusetts	City of Brockton, Plymouth County	Fire	Apr. 4, 1976	Apr. 29, 1976	
	June 28, 1976	1240	Texas	Dallas County and adjacent counties.	Floods	Apr. 19, 1976	Apr. 29, 1976	
	June 28, 1976	1241	Pennsylvania	Township of Tinicum in Delaware County.	Fire	Apr. 16, 1976	Apr. 30, 1976	
	July 6, 1976	1242	New York	Monroe, Wayne, and adjacent counties.	Flooding	Apr. 15–16, 1976	May 7, 1976	
	July 19, 1976	1243	Ohio	81st St. and Kinsman Ave., City of Cleveland.	Fire	May 5, 1976	May 18, 1976	
	July 15, 1976	1244	Michigan	Bay County and adjacent county	Flooding	Apr. 25, 1976	May 14, 1976	
	July 19, 1976	1245	Connecticut	Industrial complex in Cambridge St. area, City of Meriden.	Fire	Apr. 27, 1976	May 20, 1976	
	July 22, 1976	1246	Territory of Guam		Typhoon Pamela	May 20, 1976	May 26, 1976	May 22, 1976.
	Aug. 5, 1976	1247	Oklahoma	Tulsa and Wagoner Counties	Flooding	May 30, 1976	June 9, 1976	June 6, 1976.
	Aug. 5, 1976 Oct. 4, 1976	1248	Idaho	Bingham, Bonneville, Fremont, Jefferson, and Madison Counties.	Teton Dam collaspe	June 5, 1976	June 9, 1976	June 6, 1976.
	Aug. 9, 1976	1249	Guam (Truk District, etc.).	Truk District and Saipan/Guam Troposcatter facilities.	Typhoon Pamela	May 15, 1976	June 16, 1976	June 9, 1976.
	May 31, 1976	1224	Oklahoma	Latimer, LaFlore and adjacent	Storms and tornadoes.	Mar. 26, 1976	Apr. 7, 1976	Apr. 1, 1976.
	May 31, 1976	1225	Arkansas	Cleburne, Lonoke, Pulaski, Yell and adjacent.	Tornadoes	Mar. 25, 1976	Apr. 7, 1976	Apr. 1, 1976.
	May 31, 1976	1226	Mississippi	Copiah, Madison, Newton, Simpson and adjacent.	Storms, flooding and tornadoes.	Mar. 26, 1976	Apr. 8, 1976	Apr. 1, 1976.
	June 7, 1976	1227	Louisiana	West Carroll Parish and adjacent	Tornado	Mar. 20, 1976	Apr. 8, 1976	
	June 7, 1976	1228	Nebraska	Adams, Butler, Clay, Fillmore, Gage, Hall, Hamilton, Jefferson, Nuckolls, Platte, Polk, Saline, Thayer, Webster, York and adjacent.	Ice storms and high winds.	Mar. 30, 1976	Apr. 13, 1976	Apr. 8, 1976.
	June 14, 1976	1229	Vermont	Addison, Chittenden, Franklin, Grand Isle and adjacent.	Flooding	Apr. 2–4, 1976	Apr. 13, 1976	
	June 14, 1976	1230	Michigan	Ogemaw and adjacent	Tornado	Mar. 30, 1976	Apr. 13, 1976	
	June 15, 1976	1231	Alabama	Autauga, Cullman, Elmore, Marion, Shelby, Talladega, Tuscaloosa.	Tornadoes and flooding.	Mar. 12–22, 1976	Apr. 16, 1976	

Footnotes at end of table.

EXHIBIT 2—Continued

DISASTER DECLARATION—Continued

[Prepared by: Office of Disaster Operations, SBA]

FDAA No.	Termination date	Disaster No.	State	Counties/parishes	Type of disaster	Date occurred	Date SBA declared or responded to Presidential declaration	Date Presidential declaration
	June 15, 1976	1232	North Dakota	Bottineau, Burke, Divide, McHenry, Mountrail, Renville, Rolette, Ward, Williams and adjacent.	Flooding	Mar. 18, 1976	Apr. 16, 1976	Apr. 16, 1976.
	June 21, 1976	1233	New York	Ulster and adjacent counties	Tornado-like winds	Mar. 21, 1976	Apr. 22, 1976	
	June 22, 1976	1234	Indiana	Jasper and adjacent counties	Tornadoes	Mar. 12 and 20, 1976.	Apr. 23, 1976	
	June 22, 1976	1235	Maine	Arrostook, Penobscot and adjacent	Flooding	Apr. 2–5, 1976	Apr. 23, 1976	
	June 22, 1976	1236	New York	Essex and Warren and adjacent	Flooding	Apr. 1–2, 1976	Apr. 23, 1976	
	June 21, 1976	1237	Trust Territory of the Pacific Islands.	District of Palau	Typhoon Marie	Apr. 7, 1976	Apr. 26, 1976	Apr. 22, 1976.
	Apr. 19, 1976	1210 04	Nebraska	Downtown Freemont, Dodge County	Gas explosion and fire.	Jan. 10, 1976	Feb. 18, 1976	
	Apr. 26, 1976	1211 06	New York	Ulster County and adjacent counties	Flooding	Jan. 27–29, 1976	Feb. 26, 1976	
	Apr. 27, 1976	1212 12	Mississippi	Hinds, Leake, and adjacent counties	Tornadoes, thunderstorms, and heavy rains.	Feb. 17–18, 1976	Feb. 27, 1976	
	Apr. 27, 1976	1213 06	Kentucky	Hopkins, Ohio, and adjacent counties	Flooding	Feb. 17, 1976	Feb. 27, 1976	
	Dec. 3, 1976	1214 06	New York	Chautauqua and adjacent counties	Flooding	Feb. 16–17, 1976	Mar. 2, 1976	
	May 3, 1976	1215 12	Missouri	Howell and adjacent counties	Tornado	Feb. 20, 1976	Mar. 2, 1976	
	May 4, 1976	1216 05	Montana	Downtown business district, Billings, Yellowstone County.	Fire	Dec. 30, 1975	Mar. 5, 1976	
	May 10, 1976	1217 05	Kansas	Pleasanton, and Linn County	Fire	Feb. 17, 1976	Mar. 9, 1976	
	Mar. 1, 1976	1204 06	Oregon	Tillamook County and adjacent counties.	Flooding	Nov. 30–Dec. 12, 1975.	Dec. 30, 1975, Jan. 27, 1976.	
	Mar. 15, 1976	1205 12	Florida	Marion County, and adajcent counties	Tornado	Dec. 31, 1975	Jan. 13, 1976	
	Mar. 15, 1976	1206 05	Montana	Town of Livingston in Park County	Fire	Oct. 26, 1975	Jan. 13, 1976	
	Apr. 8, 1976	1207 05	Massachusetts	Jamaica Plain, in the City of Boston, Suffolk County.	Fire	Feb. 1, 1976	Feb. 6, 1976	
	Apr. 12, 1976	1208 11	Maine	Washington County and adjacent counties.	Heavy rains, windstorms, and flooding.	Feb. 2, 1976	Feb. 11, 1976	
Amend. No. 1 (Amend. No. 3)	Apr. 12, 1976 May 12, 1976			Penobscot and adjacent counties			Feb. 25, 1976	
Amend. No. 2				Lincoln and adjacent counties			Mar. 30, 1976	
	Apr. 13, 1976	1209 05	California	City of San Clemente (Orange County)	Fire	Jan. 21–Jan. 23, 1976.	Feb. 13, 1976	
491	Feb. 9, 1976	1199 12	Oklahoma	Latimer, Tulsa, and adjacent counties.	Severe storms, and tornadoes.	Dec. 5, 1975	Dec. 15, 1975	Dec. 10, 1975.
	Feb. 16, 1976	1200 06	Alabama	Baldwin, Mobile, and adjacent counties.	Strong winds, heavy rains, and flooding.	Nov. 6–9, 1975	Dec. 17, 1975	
	Feb. 13, 1976	1201 05	Massachusetts	City of Marlborough in Middlesex County.	Fire	Dec. 7, 1975	Dec. 15, 1975	
492	Feb. 13, 1976	1202 06	Washington	Grays Harbor, King, Lewis, Skagit, Snohomish, and Whatcom Counties, and adjacent counties.	Storms/flooding	Beg. Nov. 30, 1975	Dec. 17, 1975	Dec. 13, 1975.
Amend. No. 1	Feb. 20, 1976			Benton, Cowlitz, Kittitas, Mason, Thurston, and Yakima Counties, and adjacent counties.			Dec. 22, 1975	Dec. 13, 1975.
493	Feb. 17, 1976	1203 05	Alaska	City of Bethel	Fire/freezing	Beg. Dec. 2, 1975	Dec. 23, 1976	Dec. 28, 1975.
	Dec. 12, 1975	1191 05	Rhode Island	City of Woonsocket	Fire	Sept. 22, 1975	Oct. 9, 1975	
	Dec. 12, 1975	1192 04	Massachusetts	City of Lowell in Middlesex County	Gas explosion	Sept. 27, 1975	Oct. 10, 1975	
	Dec. 15, 1975	1193 06	New York	Richmond and adjacent counties	Flooding	Sept. 22–27, 1975	Dec. 15, 1975	
	Jan. 25, 1976	1194 05	Montana	City of Havre, Hill County	Fire	Oct. 8, 1975	Nov. 25, 1975	
	Feb. 2, 1976	1195 05	California	Los Angeles County, and adjacent counties.	Fire	Nov. 23–28, 1975	Dec. 3, 1975	
	Feb. 6, 1976	1196 06	New York	Erie Chautauqua Counties and adjacent counties.	High winds, high water, flooding.	Nov. 10, 1975	Dec. 8, 1975	
490	Feb. 6, 1976	1197 02	Hawaii	Hawaii County	Earthquakes, seismic sea waves, and volcanic action.	Beg. Nov. 29, 1975	Dec. 11, 1975	Dec. 7, 1975.
	Feb. 13, 1976	1198 06	North Carolina	Buncombe, and adjacent counties	Flash flooding, and heavy rains.	Sept. 23, 1975	Dec. 15, 1975	
488	Dec. 1, 1975 (Dec. 9, 1975)	1189 06	Alabama	Barbour, Bullock, Chambers, Coffee, Covington, Dale, Geneva, Houston, Lee, Macon, Pike, Russell, and adjacent counties.	High winds, tornadoes, heavy rains, flooding (Eloise).	Beg. Sept. 22, 1975	Oct. 6, 1975	Oct. 2, 1975.
Amend. No. 1	Dec. 8, 1975 (Dec. 9, 1975)			St. Clair and adjacent counties			Oct. 14, 1975	Oct. 8, 1975.
Amend. No. 2	Dec. 9, 1975			Crenshaw, Henry, and adjacent counties.			Oct. 16, 1975	Oct. 10, 1975.
489	Dec. 4, 1975 (Dec. 9, 1975)	1190 06	Maryland	City of Baltimore; counties—Anne Arundel, Baltimore, Carrol, Cecil, Charles, Frederick, Howard, Montgomery, Prince Georges, Washington, and adjacent counties.	Severe storms, heavy rains, flooding (Eloise).	Beg. Sept. 22, 1975	Oct. 8, 1975	Oct. 4, 1975.
Amend. No. 1	Dec. 9, 1975			Calvert, Kent, Queen Anne's, St. Mary's, Talbot, and adjacent counties.			Oct. 16, 1975	Oct. 10, 1975.
487	Dec. 1, 1975 Dec. 15, 1975 Dec. 29, 1975.	1187 06	New York	Allegany, Broome, Cayuga, Chemung, Madison, Onondaga, Oswego, Queens, Rockland, Steuben, Tioga, Westchester, and adjacent counties.	Severe storms, heavy rains, landslides,	Beg. Sept. 22, 1975 (Eloise).	Oct. 6, 1975	Oct. 2, 1975.
Amend. No. 1	Dec. 15, 1975 (Dec. 29, 1975)			Putnam and adjacent counties			Oct. 16, 1975	Oct. 14, 1975.
Amend. No. 2	Dec. 15, 1975 (Dec. 29, 1975)			Tompkins and adjacent counties			Oct. 24, 1975	Oct. 20, 1975.
Amend. No. 3	Dec. 29, 1975			Yares and adjacent counties Nov 20, 1975 FDAA amended to include "Corland". However, no action taken by SBA since already covered in "adjacent" areas.			Nov. 5, 1975	Oct. 30, 1975.
	Dec. 4, 1975	1188 06	Virginia	Independent city of Alexandria and adjacent counties of Arlington and Fairfax.	Heavy rains, flooding.	Sept. 22–26, 1975	Oct. 3, 1975	
Amend. No. 1	Dec. 15, 1975			Prince William and adjacent counties.			Oct. 14, 1975	

FDAA No.	Termination date	Disaster No.	State	Counties/parishes	Type of disaster	Date occurred	Date SBA declared or responded to Presidential declaration	Date Presidential declaration
485	Nov. 28, 1975	1184 06	Pennsylvania	Adams, Berks, Bradford, Centre, Clinton, Columbia, Cumberland, Dauphin, Franklin, Fulton, Juniata, Lackawanna, Lancaster, Lebanon, Luzerne, Lycoming, Mifflin, Montour, Northumberland, Perry, Potter, Schuykill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, York, and adjacent counties.	Severe storms, heavy rains, flooding (Eloise).	Beg. Sept. 22, 1975	Sept. 29, 1975	Sept. 26, 1975.
486	Dec. 1, 1975	1185 06	Michigan	Allegan, Clare, Genesee, Gratiot, Ingham, Isabella, Mecosta, Midland, Montcalm, Muskegon, Newaygo, Oceana, Osceola, Ottawa, Saginaw, Shiawassee, and adjacent counties.	Severe rainstorms, high winds, flooding.	Beg. Aug. 21, 1975	Oct. 3, 1975	Sept. 30, 1975.
	Dec. 1, 1975	1186 06	Connecticut	Fairfield, Litchfield, and adjacent counties.	Heavy rains	Sept. 17–27, 1975	Oct. 2, 1975	
483	Nov. 20, 1975	1178 06	Puerto Rico	All municipalities	High winds, heavy rains, flooding.	Beginning about Sept. 13, 1975 (Eloise).	Sept. 23, 1975	Sept. 19, 1975.
	Nov. 24, 1975	1179 06	New York	Erie and adjacent counties	Heavy rains, flooding	Beginning Aug. 29, 1975.	Sept. 24, 1975	
	Nov. 28, 1975	1180 06	Iowa	Dallas, Polk, Warren, and adjacent counties.	High winds, torrential rain, flooding.	Aug. 27–29, 1975	Sept. 26, 1975	
	Nov. 28, 1975	1181 06	New Mexico	Sandoval and adjacent counties	Flooding	Aug. 12, 1975	Sept. 26, 1975	
	Nov. 28, 1975	1182 06	Texas	Willacy and adjacent counties	Flooding	Aug. 31, 1975	Sept. 29, 1975	
484	Nov. 28, 1975	1183 06	Florida	Bay, Holmes, Okaloosa, Walton, Washington, and adjacent counties. Note: Oct. 1, 1975, FDAA added Gulf County. Adjacent—SBA did not amend.	High winds, tornadoes, heavy rains, flooding.	Beginning Sept. 22, 1975 (Eloise).	Sept. 29, 1975	Sept. 26, 1975.
	Nov. 10, 1975	1173 06	New York	Dutchess and adjacent counties	Heavy rains, flooding.	July 8–24, 1975	Sept. 9, 1975	
	Nov. 10, 1975	1174 06	North Dakota	Burleigh and adjacent counties	Severe thunderstorms, flooding.	July 31, 1975	Sept. 10, 1975	
480	Nov. 10, 1975	1175 06	Ohio	Belmont, Cuyahoga, Jefferson, and adjacent counties. Note: FDAA added Lake County Sept. 29, 1975. Adjacent to Cuyahoga. SBA did not amend.	Heavy rains, flash flooding.	Beg. about Aug. 24, 1975.	Sept. 15, 1975	Sept. 11, 1915.
481	Nov. 13, 1975	1176 06	West Virginia	Marshall, Ohio, and adjacent counties.	Heavy rains, flooding.	Beg. about Aug. 31, 1975.	Sept. 16, 1975	Sept. 12, 975.
482	Nov. 14, 1975	1177 06	Wisconsin	Buffalo, Pepin, Pierce, Trempealeau, and adjacent counties.	Heavy rains, tornadoes, flash flooding.	Beg. about Aug. 21, 1975.	Sept. 18, 1975	Sept. 15, 1975.
	Sept. 29, 1975	1167 06	Louisiana	Ouachita and adjacent parishes	Flooding	July 7–8, 1975	July 30, 1975	
	Oct. 10, 1975	1168 06	California	Imperial and adjacent counties	High wind/flooding	April and May 1975	Aug. 11, 1975	
	Oct. 10, 1975	1169 06	Pennsylvania	Westmoreland and adjacent counties	Flooding	June 25, 1975	Aug. 11, 1975	
	Oct. 10, 1975	1170 02	California	Butte and adjacent counties	Earthquake/aftershocks.	Aug. 1, 1975	Aug. 11, 1975	
	Oct. 20, 1975	1171 06	Mississippi	Jackson, Madison, and adjacent counties.	Flooding	July 31–Aug. 1, 1975	Aug. 21, 1975	
479	Oct. 20, 1975 (Nov. 28, 1975)	1172 06	Florida	Bay, Holmes, Gulf, Okaloosa, Santa Rosa, Waukulla, Walton, Washington, and adjacent counties.	Heavy rains and flooding.	Beg. July 28, 1975	Aug. 25, 1975	Aug. 21, 1975.
Amend. No. 1	Extended closing date only.							
	Sept. 22, 1975	1162 06	Iowa	Jasper, Polk, Story, and adjacent counties.	Flooding	June 8–27, 1975	July 24, 1975	
477	Sept. 22, 1975	1163 06	New Jersey	Bergen, Burlington, Cumberland, Essex, Mercer, Middlesex, Morris, Passaic, Salem, Somerset, Sussex, Union, and adjacent counties.	Heavy rains/high winds/hail/flooding.	Beg. July 13, 1975	July 28, 1975	July 23, 1975.
	Sept. 26, 1975	1164 06	Maryland	Montgomery and adjacent counties	Flooding	July 15, 1975	July 28, 1975	
	Sept. 29, 1975	1165 06	Ohio	Hamilton and adjacent counties	Flooding	June 26, 1975	July 29, 1975	
478	Sept. 26, 1975	1166 12	Illinois	Fulton and adjacent counties	Tornado	July 23, 1975	July 30, 1975	July 25, 1975.
	Sept. 15, 1975	1158 06	Nevada	Clark and adjacent counties	Flooding	July 3, 1975	July 17, 1975	
	Sept. 15, 1975	1159 06	Maryland	Baltimore City, Baltimore County and adjacent counties.	Flooding	July 10–11, 1975	July 17, 1975	
476	Sept. 15, 1975 (Sept. 22, 1975)	1160 12	Minnesota	Beltrami, Clay, Itasca, Kittson, Marshall, Norman, Pennington, Polk, Roseau, Wilkin, and adjacent counties.	Severe storms/tornadoes/flooding.	Beg. June 28, 1975	July 21, 1975	July 17, 1975.
Amend. No. 1	(Sept. 22, 1975)			Chicago, Winona, and adjacent counties. Note: FDAA added Red Lake on Aug. 8, 1975—adjacent—SBA did not amend.		July 25, 1975	July 25, 1975	July 22, 1975.
	Sept. 22, 1975	1161 06	Connecticut	Litchfield and adjacent counties	Flooding	July 11–15, 1975	July 24, 1975	
	Sept. 8, 1975	1155 12	Oklahoma	Blaine, Cleveland, Cotton, Jefferson, Kingfisher, Lincoln, McClain, Major, Mayes, Payne, and adjacent counties.	Severe storms, tornadoes, flooding.	Beg. May 13, 1975	July 11, 1975	July 9, 1975.
475	Sept. 11, 1975	1156 06	North Dakota	Barnes, Cass, Dickey, LaMoure, Ransom, Richland, Sargent, Stutsman, and adjacent counties.	Severe storms, flooding.	Beg. June 27, 1975	July 15, 1975	July 10, 1975.
Amend. No. 1	Sept. 19, 1975			Grand Forks, Hettinger, Pembina, Walsh, and adjacent counties. Note: FDAA also added Traill which is adjacent. SBA did not amend.			Sept. 23, 1975	Sept. 21, 1975.
	Sept. 15, 1975	1157 06	Maryland	Harford and adjacent counties	Heavy rains, flooding.	June 28, 1975	July 16, 1975	
	Aug. 28, 1975	1152 12	Kansas	Chautauqua, Thomas, and adjacent counties.	High winds/tornadoes/flooding.	June 16–19, 1975	June 27, 1975	
472	Aug. 29, 1975 (Sept. 8, 1975) (Dec. 23, 1975)	1153 06	Montana	Cascade, Flathead, Glacier, Lewis and Clark, Pondera, Teton, and adjacent counties.	Severe storms/heavy rains and snowmelt.	June 19, 1975	July 3, 1975	June 28, 1975.
Amend. No. 1	(Sept. 8, 1975) (Dec. 23, 1975)			Wheatland and adjacent counties Note: FDAA added Broadwater and Powell which are adjacent. SBA did not amend.			July 11, 1975	July 8, 1975, FDAA.
Amend No. 2	Dec. 23, 1975			Fergus, Judith Basin, and adjacent counties.			Oct. 30, 1975	Oct. 24, 1975, FDAA.
473	Sept. 5, 1975	1154 06	Minnesota	Aitken and adjacent counties	Flooding	On or about Apr. 23, 1975.	July 9, 1975	July 5, 1975.

Note: Parentheses ( ) indicate new termination date for additional counties.

Mr. HASKELL. Mr. President, as the occupant of the Chair (Mr. Nelson) will recall, the disaster provisions in this bill are basically embodied in a bill introduced by myself and others.

The amendment of the Senator from Maryland was presented in committee and was voted down. However, so far as this Senator is concerned, I am perfectly willing to accept it and go to conference with it.

As I have said to the Senator from Maryland, it would be incumbent upon the Senator to convince other members of the committee that it is a meritorious amendment. So I will accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 246

Mr. HATHAWAY. Mr. President, I offer an amendment, which I believe is at the desk, on behalf of Senator Huddleston.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> The Senator from Kentucky (Mr. Huddleston) proposes an unprinted amendment No. 246.

Mr. HATHAWAY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the end of the bill, add the following new section:
>
> Sec. . Section 7(b) of the Small Business Act is amended by adding at the end thereof the following:
>
> "Notwithstanding any other provision of law, the principal amount of any loan made pursuant to paragraph (1) in connection with a disaster which occurs on or after April 1, 1977, but prior to October 1, 1977, may be increased by such amount, but not more than $2,000, as the Administration determines to be reasonable in light of the amount and nature of loss, damage, or injury sustained in order to finance the installation of insulation in the property which was lost, damaged, or injured, if the uninsured, damaged portion of the property is 10 per centum or more of the market value of the property at the time of the disaster. Not later than April 1, 1978, the Administration shall prepare and transmit to the Committee on Small Business of the Senate, the Committee on Small Business of the House of Representatives, and the Committees of the Senate and House of Representatives having jurisdiction over measures relating to energy conservation a report on its activities under this paragraph, including therein an evaluation of the effect of such activities on encouraging the installation of insulation in property which is repaired or replaced after a disaster which is subject to this paragraph, and its recommendations with respect to the continuation, modification, or termination of such activities. There are authorized to be appropriated to the Administration such sums are may be necessary to prepare the report required under the preceding sentence.".

Mr. HUDDLESTON. Mr. President, the amendment I am introducing today has a twofold purpose. First, it would provide disaster victims with a measure of assistance which is not now available to them while, at the same time, it would make a small contribution to the Nation's efforts to conserve energy.

Under existing law, the Small Business Administration can make loans to victims of a disaster to repair or replace personal or real property which has been damaged or destroyed in a disaster. However, there is some question under existing law whether the SBA can include an amount necessary to install insulation in property which was not insulated at the time of the destruction or damage. Under a literal reading of the law, this would not be a repair or replacement of the damaged property but an improvement on the predisaster condition of the property.

The amendment I am offering would clear up any questions on this point by specifically authorizing the Small Business Administration to increase the principal of a loan by an amount sufficient to cover the installation or insulation in property, regardless of whether or not it was insulated prior to the disaster. However, in cases where the property was not insulated prior to the disaster, this amount could not exceed $2,000 and in each instance the SBA could only approve of those installations that are reasonable in light of the amount and nature of the loss, damage or injury. For example, if a person's home were totally destroyed, his or her loan could include the replacement value plus up to $2,000 for storm windows, storm doors, and insulation in the attic, walls, and floors. If, however, only the floors were damaged, then it probably would be reasonable only to allow an extra amount sufficient to insulate the floors at the time they are repaired.

The reasoning behind this proposal is that it is easier and cheaper to install insulation in an area while it is being repaired or replaced, rather than coming back at a later date and being forced to redo previous work when the insulation is installed. Without some assistance such as my amendment would provide, however, I seriously doubt that many of these disaster victims—most of whom have suffered staggering financial losses—would be able to afford the additional expense.

I have framed this proposal as a pilot program to cover disasters occurring during a specified 6-month period—from April 1, 1977, to October 1, 1977. At the end of this time, the SBA would be required to file a report with the Congress evaluating the program and making recommendations as to its continuation, modification, or termination. This will not be an authorization that will continue to live on in the statutes in perpetuity if it does not effect the desired results of encouraging disaster victims to insulate their property and save energy for the Nation.

The term insulation is intended to mean materials which are specifically and primarily designed for insulation use, including storm doors and windows and thermal windows. It is not intended to include materials that are primarily structural or decorative in purpose.

The cost of this amendment would be minimal because the extension of funds to install insulation would be in the nature of loans which would have to be repaid by the borrower. The actual cost would be that small percentage of loans which are defaulted on and the additional interest subsidy provided in the bill: that is, between 6⅝ percent and the ultimate lower interest rate approved. However, there would be other savings to the individuals and the country as a whole which would be offsetting. The Energy Research and Development Administration has supplied me with an evaluation of my amendment which states that the capital cost to meet insulation needs in the four-State disaster area of Kentucky, West Virginia, Virginia, and Tennessee would cost about $8.75 million, but the reduction in annual fuel bills would be about $2.7 million per year, providing an average payback period of the original investment of 3.2 years. This assumes full insulation, including storm doors and windows.

I urge the adoption of my amendment.

Mr. HATHAWAY. Mr. President, I have had a chance to look over the amendment. It basically allows loan funds to be utilized for insulation costs when a home is rehabilitated as a result of a disaster, and I think it is a wise measure to be included in the disaster loan portion of this bill. On my own behalf I would be glad to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky.

The amendment was agreed to.

The PRESIDING OFFICER. Are there any further amendments?

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HATHAWAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSORS

Mr. HATHAWAY. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors to the bill: the Senator from Wisconsin (Mr. Nelson), the Senator from Colorado (Mr. Haskell), the Senator from Kentucky (Mr. Huddleston), the Senator from New Hampshire (Mr. McIntyre), the Senator from Iowa (Mr. Culver), and the Senator from Alaska (Mr. Stevens).

Mr. PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATHAWAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. Culver and Mr. Helms delivered at this point in the proceedings are printed earlier in today's Record.)

Mr. HATHAWAY. Mr. President, I ask unanimous consent that the Senator from Georgia (Mr. NUNN) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATHAWAY. Mr. President, I am ready to go to third reading of the bill, if there are no further amendments.

Mr. MUSKIE. Mr. President, the Senate has before it S. 1442, the Small Business Administration Authorization Act for fiscal year 1978. This is a sizable bill, involving new budget authority of over $900 million, and I feel it is important the Senate be aware of the impact it could have on the fiscal 1978 first budget resolution. However, before I get into the details, let me assure the distinguished floor manager and the other members of the authorizing committee that I support the bill.

According to an analysis provided by the Congressional Budget Office, full funding of S. 1442 would result in budget authority of $906 million and outlays of $573 million for SBA's fiscal 1978 budget. These impacts would be felt in two functional categories, function 400—commerce and transportation, and function 450—community and regional development.

For function 400, the fiscal 1978 first budget resolution set targets of $20.0 billion in budget authority and $19.4 billion in outlays. Full funding of S. 1442 would utilize roughly $873 million of the budget authority target, and $426 million of the outlay target. For function 450, the budget resolution set targets of $8.2 billion in budget authority, and $10.8 billion in outlays. If S. 1442 is fully funded, the SBA programs involved would utilize only about $33 million of the budget authority target and $147 million of the outlay target.

As the Senate knows, the budget resolution does not specify spending targets for individual agencies or programs. That breakdown is determined through the work of the authorizing and appropriations committees. However, it is possible at this time to add up the numerous authorizations that have been reported in the Senate, and thereby to get an estimate of the competition for funding in particular budget functions. From this we can get an estimate of how easy or difficult it will be to accommodate the funding for authorization bills such as S. 1442 within the overall budget totals.

Taking this perspective, I believe it is possible to say that although the authorizations in S. 1442 are above those requested in the President's budget, they do appear to be consistent with the function 400 and 450 targets established in the fiscal year 1978 first budget resolution. Those targets were selected to accommodate a general continuation of current policy in most programs in the two functions, plus a small additional allowance for increases in program areas to be selected by the Congress during the authorization and appropriations processes. Programs of assistance to small business represented one such area of potential increase, and now that May 15 has passed and it is possible to see the total authorization which the Senate has in mind, I believe it is safe to conclude that funding of S. 1442 can be accommodated within the function 400 and 450 targets.

Having said this, however, let me add that at least with regard to the programs in function 400, commerce and transportation, it appears that the House could have more grandiose fiscal 1978 spending plans than does the Senate. If we are not careful, this could lead to trouble. For example, I notice that the House version of the SBA legislation before us authorizes appropriations roughly $300 million above those provided by S. 1442. Similarly, it is expected that there will be other House bills which likewise authorize more for commerce and transportation programs than is provided in Senate legislation. Clearly the cumulative effect of this could be to breach the function 400 targets. I therefore urge the floor manager and the other Senate Members who will be conferees on this legislation to help us protect the budget resolution targets by being firm in their support for the Senate authorization levels.

Finally, I would like to take this opportunity to congratulate the chairman of the Select Committee on Small Business, Senator NELSON, the distinguished floor manager, Senator HATHAWAY, and the other members of the select committee for reporting legislation that should significantly enhance the Senate's ability to exercise proper legislative and budgetary oversight of the SBA. In the past, SBA authorization legislation established only overall ceilings for SBA's various revolving funds. Decisions regarding the proper level of operation for specific programs were left largely to administrative discretion. S. 1442 shifts to line-item authorizations for individual programs, and thereby enhances immensely the possibility for the authorizing committee to exercise effective agency oversight. Equally important, the new format also facilitates more accurate budget scorekeeping. The congressional budget process will be stronger and more credible because of it.

Mr. President, the distinguished floor manager and I have long been strong supporters of SBA programs to assist the small businessman. Such programs are of vital importance to our home State of Maine. I am pleased to be able to vote in favor of S. 1442, and I urge my Senate colleagues to do likewise.

The PRESIDING OFFICER. If there be no further amendments, we will go to third reading.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

SMALL BUSINESS ACT AND SMALL BUSINESS INVESTMENT ACT AMENDMENTS

Mr. HATHAWAY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 158, H.R. 692.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 692) to amend the Small Business Act and the Small Business Investment Act of 1958 to increase loan authorization and surety bond guarantee authorities; and to improve the disaster assistance, certificate of competency, and small business set aside programs.

Mr. HATHAWAY. Mr. President, I ask unanimous consent that all after the enacting clause be stricken, and the language of S. 1442, as amended, be inserted in lieu thereof, and that H.R. 692, as so amended, be considered as having been read the third time, and passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 692), as amended was passed, as follows:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "Small Business Administration Authorization Act, Fiscal Year 1978".

TITLE I—AUTHORIZATIONS AND LIMITATIONS

SEC. 101. (a) Section 4(c)(1) of the Small Business Act is amended by striking out ", including administrative expenses in connection with such functions" following "7(g) of this Act" and by striking out ", including administrative expenses in connection with such functions" following "Small Business Investment Act of 1958".

(b) Section 4(c)(3) of such Act is amended by striking the last sentence.

(c) Section 4(c)(4) of such Act is repealed.

(d) Section 7(a)(8) of such Act is repealed.

(e) Section 7(g)(4) of such Act is repealed.

SEC. 102. Section 20 of the Small Business Act is amended to read as follows:

"SEC. 20. (a) The following program levels are authorized for fiscal year 1978:

"(1) For the programs authorized by section 7(a) of this Act, the Administration is authorized to make $150,000,000 in direct loans, $15,000,000 in immediate participation loans, and $3,000,000,000 in deferred participation loans.

"(2) For the programs authorized by section 7(h) of this Act, the Administration is authorized to make $40,000,000 in direct and immediate participation loans and $20,000,000 in guaranteed loans.

"(3) For the programs authorized by section 7(i) of this Act, the Administration is authorized to make $60,000,000 in direct and immediate participation loans and $81,000,000 in guaranteed loans.

"(4) For the programs authorized by sections 501 and 502 of the Small Business Investment Act of 1958, the Administration is authorized to make $45,000,000 in direct and immediate participation loans and $41,000,000 in guaranteed loans.

"(5) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $20,000,000 in direct purchase of debentures and preferred securities and to make $180,000,000 in guarantees of debentures.

"(6) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,000,000,000.

"(7) For the programs authorized by sections 7(b)(3), 7(b)(4), 7(b)(5), 7(b)(6), 7(b)(7), 7(b)(8), and (g) of this Act, the Administration is authorized to enter into $100,000,000 in direct loans and $100,000,000 in loan guarantees.

"(8) For the programs authorized in sections 404 and 405 of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $100,000,000.

"(9) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes, except for administrative expenses, of sections 7(b)(1) and 7(b)(2) of this Act.

"(b) There are authorized to be appropriated to the Administration for fiscal year 1978, $906,300,000 to carry out the programs referred to in subsection (a), paragraphs (1) through (8). Of such sum $47,100,000 shall be available for the purpose of carrying out the provisions of section 412 of the Small Business Investment Act of 1958, $4,000,000 shall be available for the purpose of carrying out the provisions of section 403 of the Small Business Investment Act of 1958, and $171,000,000 shall be available for salaries and expenses of the Administration, of which amount—

"(1) $13,000,000 shall be available for procurement assistance, with priority given to developing a small business procurement source data bank and to employing additional procurement officers to increase the number and total value of set-asides, including those under section 8(a) of this Act.

"(2) $30,000,000 shall be available for management assistance, with priority given to development of effective training programs and counseling services, and to development of small business development centers.

"(3) $3,000,000 shall be available for advocacy, with priority given to representing the interests of small business within the Federal Government and to developing a small business ombudsman function to help solve small business problems that are caused by program, regulation, or general activities of the Federal Government and of which no more than $60,000 can be used for the payment of travel and transportation of persons for the national, regional, and Small Business Investment Companies advisory council meetings.

"(4) $3,000,000 shall be available for research, with priority given to developing a small business economic data base and evaluating the required resources for a major small business economic research and analysis unit in the Administration and to undertake such economic research and analysis.

"(5) $1,000,000 shall be available for public communication functions, with priority given to informing small business people in detail about Administration programs and activities, and how they can be utilized.

"(6) $4,000,000 shall be available for the office of minority small business.

"(7) $2,000,000 shall be available for technical assistance programs with priority given to development of an effective small business technology transfer program.

"(8) $3,900,000 shall be available for data management with priority given to more effective and efficient utilization of existing data management resources of the Administration.

"(9) $13,000,000 shall be available for contingencies with priority given to operations of disaster loan programs and achieving any priorities listed in this section.

"(c) The Administrator may transfer no more than 5 percent of program levels for salaries and expenses authorized in subparagraphs (1) through (9) of section 20(b) of this Act.".

SEC. 103. Section 403 of the Small Business Investment Act of 1958 is amended to read as follows:

"FUND

"SEC. 403. There is hereby created within the Treasury a separate fund for guarantees which shall be available to the Administrator without fiscal year limitations as a revolving fund for the purposes of section 401. All amounts received by the Administrator, including any moneys, property, or assets derived by him from his operations in connection with section 401, shall be deposited in the fund. All expenses, excluding administrative expenses, pursuant to operations of the Administrator under section 401 shall be paid from the fund.".

SEC. 104. Section 405 of the Small Business Investment Act of 1958 is amended to read as follows:

"SEC. 405. There is hereby created within the Treasury a separate fund for guarantees which shall be available to the Administrator without fiscal year limitations as a revolving fund for the purpose of section 404. All amounts received by the Administrator, including any moneys, property, or assets derived by him from his operations in connection with section 404 shall be deposited in the fund. All expenses and payments, excluding administrative expenses, pursuant to operations of the Administrator under section 404 shall be paid from the fund.".

SEC. 105. Section 412 of the Small Business Investment Act of 1958 is amended to read as follows:

"FUND

"SEC. 412. There is hereby created within the Treasury a separate fund for guarantee which shall be available to the Administrator without fiscal year limitation as a revolving fund for the purposes of this part. All amounts received by the Administrator, including any moneys, property, or assets derived by him from his operations in connection with this part, shall be deposited in the fund. All expenses and payments, excluding administrative expenses, pursuant to operations of the Administrator under this part shall be paid from the fund.".

SEC. 104. This title shall become effective on October 1, 1977.

TITLE II—MORATORIUMS

SEC. 201. Section 5 of the Small Business Act is amended by adding at the end thereof the following new subsection:

"(f)(1) Subject to the requirements and conditions contained in this subsection, upon application by a small business concern which is the recipient of a loan made under this Act, the Administration may undertake the small business concern's obligation to make the required payments under such loan or may suspend such obligation if the loan was a direct loan made by the Administration. While such payments are being made by the Administration pursuant to the undertaking of such obligation or while such obligation is suspended, no such payment with respect to the loan may be required from the small business concern.

"(2) The Administration may undertake or suspend for a period of not to exceed 5 years any small business concern's obligation under this subsection only if—

"(A) without such undertaking or suspension of the obligation, the small business concern would, in the sole discretion of the Administration, be unable to meet its current liabilities;

"(B) with the undertaking or suspension of the obligation, the small business concern would, in the sole discretion of the Administration, remain a viable small business entity; and

"(C) the small business concern executes an agreement in writing satisfactory to the Administration as provided by paragraph (4).

"(3) Notwithstanding the provisions of sections 7(a)(4)(C) and 7(i)(1) of this Act, the Administration may extend the maturity of any loan on which the Administration undertakes or suspends the obligation pursuant to this subsection for a corresponding period of time.

"(4)(A) Prior to the undertaking or suspension by the Administration of any small business concern's obligation under this subsection, the Administration, consistent with the purposes sought to be achieved herein, shall require the small business concern to agree in writing to repay to it the aggregate amount of the payments which were required under the loan during the period for which such obligation was undertaken or suspended, either—

"(i) by periodic payments not less in amount or less frequently falling due than those which were due under the loan during such period, or

"(ii) pursuant to a repayment schedule agreed upon by the Administration and the small business concern, or

"(iii) by a combination of the payments described in clause (i) and clause (ii).

"(B) In addition to requiring the small business concern to execute the agreement described in subparagraph (A), the Administration shall, prior to the undertaking or suspension of the obligation, take such action, and require the small business concern to take such action as the Administration deems appropriate in the circumstances, including the provision of such security as the Administration deems necessary or appropriate to insure that the rights and interests of the lender (Small Business Administration or participant) will be safeguarded adequately during and after the period in which such obligation is so undertaken or suspended.".

"(5) The term 'required payments' with respect to any loan means payments of principal and interest under the loan.".

SEC. 202. Section 4(c) of the Small Business Act is amended by inserting in clauses (1)(A) and (2)(A) thereof "5(f)", after the word "sections".

TITLE III—CERTIFICATE OF COMPETENCY

SEC. 301. Section 8(b) of the Small Business Act is amended by striking paragraph (7) and by inserting in lieu thereof the following:

"(7) To certify to Government procurement officers, and officers engaged in the sale and disposal of Federal property, with respect to all elements of responsibility, including, but not limited to, capability, competency, capacity, credit, integrity, perseverance, and tenacity of any small business concern or group of such concerns to receive and perform a specific Government contract. A Government procurement officer or an officer engaged in the sale and disposal of Federal property may not, for any reason specified in the preceding sentence, preclude any small business concern or group of such concerns from being awarded such contract without referring the matter for a final disposition to the Administration. In any case in which a small business concern or group of such concerns has been certified by the Administration to be a responsible or eligible Government contractor as to a specific Government contract, the officers of the Government having procurement or property disposal powers are directed to accept such certification as conclusive, and shall let such Government contract to such concern or group of concerns without requiring it to meet any other requirement of responsibility or eligibility.".

TITLE IV—PROCUREMENT ASSISTANCE

Sec. 401. Section 15 of the Small Business Act is amended as follows:

(1) by inserting "(a)" immediately after "Sec. 15.";

(2) by inserting immediately after "small business concerns within the meaning of this Act" the phrase ", including those public and private organizations and individuals eligible for assistance under section 7(h) of this Act,".

(3) by adding the following new subsections at the end of subsection (a):

"(b) For purposes of this section, priority shall be given to the awarding of contracts and the placement of subcontracts to concerns which shall perform a substantial proportion of the production on those contracts and subcontracts within areas of concentrated unemployment or underemployment or within labor surplus areas. Notwithstanding any other provision of law, total labor surplus area set-asides pursuant to Defense Manpower Policy Number 4 (32A C.F.R. part 8) shall be authorized if the secretary or head of the appropriate department or agency specifically determines that there is a reasonable expectation that offers will be obtained from a sufficient number of eligible concerns so that awards will be made at reasonable prices.

"(c) In carrying out labor surplus area and small business set-aside programs, departments, agencies, and instrumentalities of the executive branch shall award contracts, and encourage the placement of subcontracts for procurement to the following in the manner and in the order stated:

"(1) Concerns which are located in labor surplus areas, and which are also small business concerns, on the basis of a total set-aside.

"(2) Concerns which are small business concerns, on the basis of a total set-aside.

"(3) Concerns which are small business concerns, on the basis of a partial set-aside.

"(4) Concerns which are located in labor surplus areas on the basis of a total set-aside.".

TITLE V—MISCELLANEOUS CONFORMING AND TECHNICAL AMENDMENTS

Sec. 501. Section 4(c)(2) of the Small Business Act is amended by striking out "and 7(c)(2)" and by inserting in lieu thereof "7(c)(2), and 7(g)".

Sec. 502. Section 4(c)(5) of the Small Business Act is amended to read as follows:

"(5) The Administration shall submit to the Committees on Appropriation, Senate Select Committee on Small Business, and the Committee on Small Business of the House of Representatives, as soon as possible after the beginning of each calendar quarter, a full and complete report on the status of each of the funds established by paragraph (1). Business-type budgets for each of the funds established by paragraph (1) shall be prepared, transmitted to the Committee on Appropriations, the Senate Select Committee on Small Business, the Committee on Small Business of the House of Representatives, considered, and enacted in the manner prescribed by law (section 102, 103, and 104 of the Government Corporation Control Act (31 U.S.C. 847–849)) for wholly owned Government corporations.".

Sec. 503. Section 10(a) of the Small Business Act is amended by inserting "the Senate Select Committee on Small Business," after the clause "the President of the Senate,".

Sec. 504. Section 10(b) of the Small Business Act is amended by striking out "House Select Committee to Conduct a Study and Investigation of the Problems of Small Business" and by inserting in lieu thereof "Committee on Small Business of the House of Representatives".

Sec. 505. Section 10(c)(2) of the Small Business Act is amended by inserting "the Senate Select Committee on Small Business", after the word "Congress".

Sec. 506. Section 10(d) of the Small Business Act is amended by inserting, "the Senate Select Committee on Small Business," after the clause "the President of the Senate,".

Sec. 507. Section 10(e) of the Small Business Act is amended by striking out "House Select Committee To Conduct a Study and Investigation of the Problems of Small Business" and by inserting in lieu thereof "Committee on Small Business of the House of Representatives".

Sec. 508. Section 10(g) of the Small Business Act is amended by striking out "Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Currency of the House of Representatives" and inserting in lieu thereof "Senate Select Committee on Small Business and Committee on Small Business of the House of Representatives".

Sec. 509. Section 5316 of title 5, United States Code, is amended by striking from paragraph (11) the figure "(3)" and by inserting the figure "(4)".

Sec. 510. Section 302(b) of the Small Business Investment Act of 1958 is amended by inserting the word "and" between the words "capital" and "surplus".

Sec. 511. Section 4(c) of the Small Business Act is amended as follows:

(1) by inserting in paragraph (1)(A) after the figure "7(b)(2)," the figure "7(b)(3)," and by striking from paragraph (1)(B) thereof the figure "7(b)(3),";

(2) by inserting in paragraph (2)(A) after the figure "7(b)(2)," the figure "7(b)(3)," and by striking from paragraph (2)(B) thereof the figure "7(b)(3),".

TITLE VI—HOMEBUILDERS

Sec. 601. Section 7(a) of the Small Business Act is amended by inserting after the semicolon at the end of the first clause the following: "or to finance residential or commercial construction or rehabilitation for sale or rental, or to provide financial assistance to individuals and nonprofit groups with a limit of seventy-five members organized for purposes of rehabilitating blighted urban or rural areas: *Provided, however,* That such loans shall not be used primarily for the acquisition of land;".

TITLE VII—COMPLIANCE LOANS

Sec. 701. Section 7(b)(5) of the Small Business Act is amended by inserting immediately after "any Federal law" the words "heretofore or hereafter enacted".

TITLE VIII—DISASTER RELIEF

Sec. 801. Section 7(b)(2) of the Small Business Act is amended by striking out "or" at the end of clause (A) and by adding at the end of such section the following:

"(C) a disaster as determined by the Administrator of the Small Business Administration pursuant to the Disaster Relief Act of 1974; and

"(D) if no disaster declaration has been issued pursuant to (A), (B), or (C) herein, the Governor of a State in which a disaster has occurred may certify to the Small Business Administration that small business concerns (1) have suffered economic injury as a result of such disaster, and (2) are in need of financial assistance which is not available on reasonable terms in the disaster stricken area. Upon receipt of such certification, the Administration may then make such loans as would have been available under this paragraph if a disaster declaration had been issued. The Administration shall determine whether to make such loans within 60 days of receipt of certification from the Governor. For the purposes of this subparagraph, extraordinary, severe, and temporary natural conditions or economic dislocations as determined by the Administration shall constitute a disaster. Such natural conditions or economic dislocations must be of such magnitude that without the benefit of loans provided hereunder a significant number of otherwise financially sound small businesses in the impacted regions or business sectors would either become insolvent or be unable to return quickly to their former level of operation. No loan made hereunder shall exceed $100,000 nor shall the proceeds thereof be used to reduce the exposure of any other lender. The Administration shall permit deferral of payment of principal and interest for one year on loans made hereunder;".

Sec. 802. Section 7(b) of the Small Business Act is amended by inserting at the end of the first undesignated paragraph the following:

"Notwithstanding any other provision of law, the interest rate on the Administration's share of any loan made pursuant to paragraph (1) of this subsection to repair damage to a primary residence and/or replace or repair damage to a primary residence and/or replace or repair damaged or destroyed personal property, to the extent that such damage or destruction is not compensated for by insurance or otherwise, with respect to a disaster which occurs on or after July 1, 1975, shall be 1 per centum on the first $5,000 worth of such damage or destruction, 2 per centum on the second $5,000 worth of such damage or destruction, and 3 per centum on all such damage or destruction above $10,000 in value. All other loans made with respect to a disaster which occurs on or after July 1, 1975, pursuant to paragraph (1) of this subsection shall be 3 per centum per annum: *Provided,* That for loans made pursuant to paragraph (1) with respect to disasters occurring on or after such date, if the uninsured, damaged portion of a person's primary residence is equal to between 10 per centum and 20 per centum of the primary residence's market value as assessed by the Small Business Administration, repayment of the principal amounts which exceed $500 shall be canceled, except that the total amount so canceled shall not exceed $1,000; if the uninsured, damaged portion of a person's primary residence is equal to between 20 per centum and 30 per centum of the primary residence's market value as assessed by the Small Business Administration, repayment of the principal amounts which exceed $500 shall be canceled, except that the total amount so canceled shall not exceed $2,000; if the uninsured, damaged portion of a person's primary residence is more than 30 per centum of the primary residence's market value as assessed by the Small Business Administration, repayment of the principal amounts which exceed $500 shall be canceled, except that the total amount so canceled shall not exceed $3,000: *Provided further,* That those individuals whose primary residences have been damaged or destroyed to the extent described in the previous proviso, and who would qualify for a loan under paragraph (1), shall have the option of receiving a one-time payment equal to the amount that would be forgiven pursuant to the previous proviso in place of such loan. Qualifications for a loan for the purpose of determining eligibility for the payment in lieu of forgiveness shall not include an individual's ability to repay the loan.

"The Administrator may defer payment of interest and principal on loans made pursuant to paragraphs (1) and (2) of this subsection for up to 3 years.".

SEC. 803(a) Section 324 of the Consolidated Farm and Rural Development Act is amended by adding at the end thereof the following: "Notwithstanding any other provision of law, a loan made or insured under this Act to finance the repair or replacement of property (including crops or livestock) which was lost, damaged, or injured by a disaster shall bear interest at a rate of 3 per centum per annum.".

(b) The amendment made by subsection (a) applies to any disaster occurring on or after July 1, 1976.

SEC. 804. Section 7(b) of the Small Business Act is amended by adding at the end thereof the following:

"Notwithstanding any other provision of law, the principal amount of any loan made pursuant to paragraph (1) in connection with a disaster which occurs on or after April 1, 1977, but prior to October 1, 1977, may be increased by such amount, but not more than $2,000, as the Administration determines to be reasonable in light of the amount and nature of loss, damage, or injury sustained in order to finance the installation of insulation in the property which was lost, damaged, or injured, if the uninsured, damaged portion of the property is 10 per centum or more of the market value of the property at the time of the disaster. Not later than April 1, 1978, the Administration shall prepare and transmit to the Committee on Small Business of the Senate, the Committee on Small Business of the House of Representatives, and the Committees of the Senate and House of Representatives having jurisdiction over measures relating to energy conservation a report on its activities under this paragraph, including therein an evaluation of the effect of such activities on encouraging the installation of insulation in property which is repaired or replaced after a disaster which is subject to this paragraph, and its recommendations with respect to the continuation, modification, or termination of such activities. There are authorized to be appropriated to the Administration such sums as may be necessary to prepare the report required under the preceding sentence.".

Amend the title to read as follows: "An act to amend the Small Business Act and the Small Business Investment Act of 1958 to extend and increase loan and guarantee authorities and to authorize appropriations for such programs, to authorize appropriations for salaries and expenses, and for other purposes.".

UP AMENDMENT NO. 248

The title was amended to read as follows:

"A bill to amend the Small business Act and the Small Business Investment Act of 1958 to extend and increase loan and guarantee authorities and to authorize appropriations for such programs, to authorize appropriations for salaries and expenses, and for other purposes.".

Mr. HATHAWAY. Mr. President, I ask unanimous consent that S. 1442 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATHAWAY. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendment to H.R. 692.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATHAWAY. Mr. President, I move that the Senate insist upon its amendment and request a conference with the House of Representatives on the disagreeing votes of the two Houses on H.R. 692, and that the Chair be authorized to appoint conferees on behalf of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. NELSON, Mr. MCINTYRE, Mr. NUNN, Mr. HATHAWAY, Mr. HASKELL, Mr. CULVER, Mr. WEICKER, Mr. PACKWOOD, and Mr. BARTLETT conferees on the part of the Senate.

Mr. HATHAWAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATHAWAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATHAWAY. Mr. President, I move to reconsider the vote by which H.R. 692, as amended, was passed.

Mr. WEICKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

Mr. HELMS. Mr. President, I move that the Senate stand in recess until the hour of 2 p.m. today.

The motion was agreed to, and at 1:28 p.m. the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. JOHNSTON).

SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977

The PRESIDING OFFICER. Under the previous order, the hour of 2 p.m. having arrived, the Senate will now proceed to the consideration of S. 7, which the clerk will state by title.

The legislative clerk read as follows:

Calendar No. 107, S. 7, a bill to provide for the Cooperation between the Secretary of the Interior and the States with respect to the regulation of surface mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources with an amendment in the nature of a substitute.

Mr. METCALF. Mr. President, yesterday I placed an opening statement in the RECORD. (See RECORD of May 18, 1977, Page 15256.)

I ask unanimous consent to have printed in the RECORD a letter from Secretary Andrus to the chairman of our committee, Senator JACKSON, with respect to this bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., May 17, 1977.

Hon. HENRY M. JACKSON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In my judgment, S. 7 as reported by your Committee, provides a sound State-Federal partnership for carrying out an effective and balanced surface coal mining reclamation and enforcement program.

The Administration strongly opposes an amendment which I understand may be offered to permit individual States to continue surface mining regulation under their existing laws, modified only to incorporate specified performance standards. Such an amendment was recently endorsed by the Western Governors' Regional Energy Policy Office. It would eliminate major protections and procedural safeguards in the bill which are essential to establishing a fair and effective approach to surface mining regulation.

As you know, we proposed and S. 7 incorporates specific provisions in section 423 and elsewhere to accommodate States desiring to carry out the program on Federal lands and we have endorsed other changes to assure that States will have a strong role in controlling the abuses of surface coal mining within their borders. As a former State governor, I am keenly aware that every effort must be made to encourage strong State programs without undue Federal intrusion.

In contrast to the provisions of the reported bill, however, the proposed amendment would do serious damage to the integrity of the regulatory program of S. 7. If offered, I urge the Senate to defeat such an amendment.

In addition to our opposition to this amendment, several other matters are of particular concern. I urge your support of a strong provision for protection of alluvial valley floors, such as that incorporated in H.R. 2 as passed. We have also recommended a special five-year prime agricultural land protection until the effect of mining on these lands can be ascertained. We oppose the 30 month exemption in the reported S. 7 for persons producing less than 200,000 tons annually and any weakening of the basic return-to-approximate-original-contour and highwall elimination standards of the bill. To assure that the surface mining reclamation and enforcement program is a sound one, I urge the Senate to give favorable consideration to these veiws and to recommendations we have previously made to your Committee.

Sincerely,

CECIL D. ANDRUS,
Secretary.

Mr. HANSEN. Mr. President, many of us here have been through the debate on surface mining legislation a few times before. As a member of the Senate Interior Committee, now known as the Energy and Natural Resources Committee, I was involved in the formulation of the various surface-mining bills which preceded the one we are debating today. There are some new issues this time around, but essentially, we will be focusing on some very familiar questions, such as how to treat fairly the private landowner with Federal coal beneath his property, how to deal with mining in alluvial valley floors, how to handle the problem of damage caused by past mining, and to what extent the Federal Government should dictate to the individual States on regulation of mining and assuring that reclamation will take place after mining.

For a number of years, we in the West have talked about the fact that the Nation is looking to us to reduce the severity of the energy crisis. We have expressed our concern about the effects which intensive energy development will have on our Western economy and way of living. By calling for massive conversion to coal by industry, the President has brought into sharp focus the role that will be played by the West, where there are vast amounts of coal.

Over the years as Congress has debated several surface-mining bills, I have repeated my goal of formulating legislation that will protect our environment and still allow for recovery of the resources in a balanced manner. My objectives have not changed: First, to require reclamation of mined lands; second, to treat surface owners fairly; and third, to allow our Nation access to its abundant supply of coal.

The bill reported out by the Senate Energy and Natural Resources Committee will insure reclamation. Proof that land can be reclaimed will have to be evident before mining can take place. While I had hoped that the individual States could be given more latitude in adopting regulatory and reclamation standards specifically suited to local conditions and circumstances, I am satisfied with the bill's provision to protect the agreements. Wyoming and other States have signed with the Interior Department to allow application of State law to all surface-mining in these States. The provision says that any State with an approved State program "may elect to enter into a cooperative agreement with the Secretary to provide for State regulation of surface coal mining and reclamation operations on Federal lands within the State," providing the State has the capability to enforce the law. The provision also says that "States with cooperative agreements existing on the date of enactment may elect to continue regulation on Federal lands within the State" until the State program is formally approved.

The Senate committee's bill also provides protection for the private landowner with Federal coal beneath his property. There are more than 16 million acres of privately-owned land in this country where the coal beneath the land is owned by the Federal Government. The surface-owner is protected under this bill by a provision I proposed in committee. The original version of the Senate bill contained a total prohibition on mining of any Federal coal beneath a privately owned surface. The committee deleted that provision and also rejected an initial amendment of mine to require surface-owner consent after leasing of the Federal coal, but before mining.

The committee then accepted my compromise amendment, which was identical to the House-passed provision, to require the Government to obtain written consent from the surface owner before leasing the coal. A surface owner is defined as one who has held title to and lived on the land for at least 3 years and has personally conducted farming or ranching operations or received a significant portion of income, if any, from such farming or ranching.

The Senate bill also addresses the problem of damage from past mining. Citizens of Rock Springs, Wyo., are probably as well-qualified as anyone in this country to bear witness to the fact that great damage has been caused by past mining practices. Their entire community is situated above abandoned underground coal mine voids. The earth above these voids has collapsed in many areas of the town, destroying public and personal property and jeopardizing public health and safety. Of course, such problems are not confined to Rock Springs, although it is that situation I am most familiar with.

The Bureau of Mines has indicated that approximately 8.4 million acres of land throughout the United States has been affected by surface and underground coal mining in the past 40 years or so, and 569,000 acres of surface-mined land remains unreclaimed, while 1.8 million acres of underground mined land has been affected by subsidence like that occurring in Rock Springs. There are the problems of burning coal waste banks and of fires in underground mines. Such fires and the noxious gases they generate are a threat to people, wildlife, and vegetative life. Further, they consume vast quantities of coal. The Bureau of Mines says there are 255 uncontrolled mine fires burning today in 16 States including Wyoming.

In the case of areas affected by subsidence, there are tragic situations where people's homes and businesses have been destroyed. We all agree that such situations should be addressed, and the abandoned mine reclamation fund is meant to help solve these problems.

In the past, the Government has had authority to correct subsidence and to help people affected by subsidence only if they lived in the Appalachian States. That is because specific authority was included in legislation of benefit to these particular States which said the Government could pay 75 percent of the cost of correcting subsidence caused by past mining.

The Bureau of Mines has not had the authority to correct subsidence problems outside of the Appalachian area. The Bureau has done some underground mine backfilling at Rock Springs, but only because it wanted to test a new backfilling process. And even under this research effort which has resulted in the backfilling of some of the mine voids beneath Rock Springs, the Government has not been able to deal with the human aspects of the problem—to help the people who list their homes and their businesses because of subsidence.

About 3 or 4 years ago when the committee was working on an earlier version of surface-mining legislation, I asked that there be included a provision extending the authority which the Government already had in Appalachia to fill and seal abandoned underground mine voids and tunnels. I had in mind, of course, extending this authority so that the citizens of Rock Springs and other areas affected by subsidence could be helped. That provision was expanded upon by others with a concern about abandoned mine problems, and what started out to be essentially a subsidence control provision has become the provision we are considering today which sets up an abandoned mine reclamation fund and calls for broad efforts to reclaim areas damaged by past mining.

It is my understanding that the money that will accrue to Wyoming as the State's share of the abandoned mine reclamation fund could be used to help the people of Rock Springs and of any other area damaged by past mining. It could be used to help compensate people who have lost their homes or who have been damaged because of subsidence.

There has been a great deal of debate about whether or not mining should be allowed in alluvial valley floors. The House passed the so-called Baucus amendment which essentially bans mining in such areas. The Senate bill is far more reasonable in this regard. The Senate section on alluvial valley floors is based on the overall premise of the bill that mining will not be carried out in areas where the land cannot be reclaimed. Insofar as alluvial valley floors are concerned, I see no reason to ban mining when reclamation can be carried out, and when such mining would not jeopardize water rights. The Senate provision is more strict than I would have liked, but it does recognize the validity of existing operations in such areas. It is vastly preferable to the House provision.

Mr. JACKSON. Mr. President, today we begin the next to last step in the long effort by the Congress to develop Federal legislation governing the surface mining of coal in our country. I will not recite the long history of hearings, committee markups, floor debate and Senate-House conference committee meetings which have gone into this legislation. Suffice it to say that both the 93d and 94th Congresses passed surface mining bills by overwhelming margins. Unfortunately, President Ford saw fit to veto both bills and in 1975 the House of Representatives failed by a mere three votes in its attempt to override the veto.

I firmly believe that this legislation will be enacted this year. We have a President who has repeatedly stated his support for it. Responsible representatives of the coal industry have indicated that they can live with it. Recent studies by outside experts have demonstrated that the exaggerated claims of adverse impacts made by the Ford administration and some industry representatives are nonsense.

The United States is truly the "Saudi Arabia of coal." Development of coal is the key to meeting our energy needs for the rest of this century.

One of the major inhibiting factors to coal development in all of the coal regions of the country—East and West—is the failure to establish Federal surface mining standards. Our coal industry must know what the guidelines are in order to be able to plan their investments and proceed with mining.

I think it is important to keep in mind that our domestic reserves of coal are so large that we can afford to establish standards which provide strong protection for water quality, and renewable resources even if in some instances this means that certain coal deposits will not be mined.

Once we have established the rules for digging the coal, then we must insure that we can burn it without impairing the quality of our air. The question of air quality standards will be before the Senate soon. Furthermore, the Energy Research and Development authorization bill (S. 36) reported by the Committee on Energy and Natural Resources steps up the necessary research and development to find ways of solving the air quality problem. For example, we are encouraging the development of better methods of removing the sulfur from the coal before or during burning.

In closing, I want to pay tribute to Senator LEE METCALF who has led the fight for Federal surface mining legislation for the last 4 years. He has done the work of chairing hearings, leading the committee markups and managing the legislation on the floor. The Senate has repeatedly endorsed his efforts by overwhelming votes. Indeed, the last Senate rollcall on surface mining was 84 to 13. That kind of vote reflected the conviction of Senators from all parts of the country that Senator METCALF had brought before them legislation which struck an appropriate balance between the need to develop our coal reserves and to protect our lands and waters. It further reflected their feeling that the legislation was flexible enough to be applicable to the mountain sides of Appalachia, the fertile agricultural areas of the Midwest and the arid, fragile lands of the West, and that it recognized the interest of the individual States by giving them the principal responsibility for regulation of mining within their borders.

I am sure that Senator METCALF has been even more frustrated than I over the failure to enact a Federal law. I am equally sure that such a law will be enacted within the next few weeks. When it is, Senator METCALF will have the satisfaction of knowing that his efforts have, at long last, borne fruit.

Mr. FORD. Mr. President, I ask unanimous consent that my amendment No. 280 follow the Johnston amendment.

The PRESIDING OFFICER (Mr. MCINTYRE). Is there objection? The Chair hears none, and it is so ordered.

Mr. METCALF. I have no problem.

Mr. President, I ask unanimous consent that the following staff members of the Committee on Energy and Natural Resources be given the privilege of the floor during consideration of and voting on S. 7: R. D. Folsom, Mike Harvey, Norm Williams, Dan Dreyfus, Mary Flanagan, Caroline Clark, Fred Craft, Tom Wylie, Faye Widenmann, and Carol Sacchi.

Mr. HANSEN. Mr. President, will the Senator yield for a moment? I ask unanimous consent that Tony Bevinetto of my staff, Rick Herod on Senator BAKER's staff, and Mike Maloof on Senator GRIFFIN's staff may have access to the floor during all debate and votes on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that Bob Szabo of my staff have the same privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that Henry Welch of my staff be accorded the same privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METCALF. Is the Senator from Alaska on the floor?

Mr. HANSEN. I do not think so.

Mr. METCALF. The Senator from Wyoming and I have already put our statements in the RECORD, and we are prepared to listen to amendments.

Will the Senator from Louisiana offer one of his amendments until the Senator from Alaska comes?

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

AMENDMENT NO. 276

Mr. JOHNSTON. I have an amendment at the desk, which is No. 276, which I ask be reported.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Louisiana (Mr. JOHNSTON), for himself, Mr. BUMPERS, and Mr. HASKELL, proposes an amendment numbered 276.

The amendment is as follows:

On page 303, line 21, strike all of section 515 and insert in lieu thereof a new section 515 as follows:

SEC. 515. (a) The provisions and procedures specified in this section shall apply where coal owned by the United States under land the surface rights to which are owned by a surface owner as defined in this section is to be mined by methods other than underground mining techniques.

(b) Any coal deposits subject to this section shall be offered for lease pursuant to section 2(a) of the Mineral Leasing Act of 1920 (30 U.S.C. 201a), except that no award shall be made by any method other than competitive bidding.

(c) Prior to placing any deposit subject to this section in a leasing tract, the Secretary shall give to any surface owner whose land is to be included in the proposed leasing tract actual written notice of his intention to place such deposits under such land in a leasing tract.

(d) The Secretary shall not approve any mining plan pursuant to this Act until the appraised value of the surface owner's interest has been tendered in accordance with the provisions of subsection (e). Upon such tender and upon approval of the mining plan, the lessee may enter and commence mining operations whether or not the determination of value of the surface owner's interest is subject to judicial review as provided in this section.

(e) Tender of the appraised value of the surface owner's interest shall occur when—

(1) the lessee and the surface owner agree on an amount and method of compensation for the surface owner's interest, whether or not the amount of compensation is fixed in accordance with the provisions of subsection (f), and the surface owner has given the Secretary written consent for the lessee to enter and commence surface mining operations; or

(2) the lessee has deposited the appraised value of the surface owner's interest in the United States district court for the locality in which the leasing tract is located. At any time after the appraised value of the surface owner's interest is deposited in the court and upon execution by the surface owner and the lessee of a final settlement of their rights under this section, the surface owner shall be entitled to withdraw from the registry of the court the full amount of the deposit.

(f) For purposes of this section, the term "appraised value of the surface owner's interest" means the value of the surface owner's interest fixed by the Secretary based on appraisals made by three appraisers. One such appraiser shall be appointed by the Secretary, one appointed by the surface owner concerned, and one appointed jointly by the appraisers named by the Secretary and such surface owner. In computing the value of the surface owner's interest, the appraisers shall fix and determine—

(1) the difference between the fair market value of the surface estate, computed without reference to the value of the underlying coal, immediately before mining is to commence, and what said fair market value is reasonably expected to be immediately after mining and associated activities have been completed;

(2) the net income the surface owner can be expected to lose as a result of the surface mining operation during the two years immediately following approval of the mining plan: *Provided, however,* That if mining and associated activities are reasonably expected to be completed within a shorter period of time, then said net income shall be computed only for that shorter period of time;

(3) the cost to the surface owner for relocation or dislocation during the mining and reclamation process; and

(4) any other damage to the surface caused or reasonably anticipated to be caused by the surface mining and reclamation operations.

(g) For the purpose of this section the term "surface owner" means the natural person or persons (or corporation, the majority stock of which is held by a person or persons who meet the other requirements of this section) who—

(1) hold legal or equitable title to the land surface; and

(2) have their principal place of residence on the land; or personally conduct farming or ranching operations upon a farm or ranch unit to be affected by surface coal mining operations; or receive directly a significant portion of their income, if any, from such farming or ranching operations.

(h) The United States district court for the locality in which the leasing tract is located shall have exclusive jurisdiction to review the determination of the value of the surface owner's interest made pursuant to this section.

(i) This section shall not apply to Indian lands.

Mr. JOHNSTON. Mr. President, last year we considered the surface owner consent provision of the strip-mining bill. After some weeks of hearing in the Committee on Interior, and after extended debate on the floor of the Senate, the bill then went to a conference committee.

At the conference committee strip

mining was virtually dead. Having met for some weeks and being unable to agree on the subject of surface owner consent, the chairman, in effect, announced that that was the last meeting, and we were folding our tents and closing the books on strip mining.

Mr. METCALF. Will the Senator identify the chairman? It was Congressman UDALL.

Mr. JOHNSTON. Yes; Congressman UDALL was the chairman of the conference at that time.

I wanted to see strip mining pass, and I came up with an amendment as a compromise which saved surface owner consent and, in effect, saved the bill.

Now, I am not asking for any credit but I simply want to show the Senate where I am coming from on the subject of strip mining as not only someone who has supported strip mining but someone who could have killed the whole bill last year.

But, Mr. President, this year we are presented with a package on surface owner consent that is so outrageous that it would make Teapot Dome not only legal but increase the number of dollars involved in the Teapot Dome scandal.

Now, Mr. President, that is not an overstatement. Let me state precisely what this bill does on surface owner consent. It states that in those situations where a surface owner owns the surface and the Government owns the coal, no mining may take place until the surface owner consents. In effect, the surface owner has two rights: first, he can lock up vast areas of very rich coal reserves which are needed if President Carter's program on coal conversion means anything, so, first, he can lock it up or, second, he can sell it.

Now, what kind of figures are we talking about, Mr. President? Well, I can tell you what at least one of the lower estimates is. One of the lowest estimates we have heard is an example taken from the Rocky Mountain Mineral Law Institute paper entitled "Representing the Land Owner in Mineral or Surface Lease or Sales Transactions." Senator HANSEN uses this paper as justification for his surface owner consent provision.

That article states that in a typical area, using a royalty rate of only 5 cents a ton, it would amount to $1,632,000 a section, a section being, of course, 640 acres.

Now, the usual royalty rate is 50 cents a ton, but this article uses 5 cents a ton. So, Mr. President, what we are saying in this bill, and let us understand this very clearly, is that a landowner does not own the coal, the Federal Government does, but you are giving that landowner the right to sell it for $1.600.000 at 5 cents a ton or 10 times that if it is at 50 cents a ton, which is the going rate.

Can you imagine the enormity of that outrage, allowing a man who does not own something to sell the Government's coal for $1 million or $16 million? It would be, if you had 50 cents a ton, which is the going rate, $16 million which would be the amount they would allow that individual to sell the Government's coal for.

Now Mr. President, that is indefensible. That is not an overstatement. That is indefensible. If that is bad, what would be worse would be to lock up the Government's coal. You know, you have some people in this world who have such an affection for a piece of land that they love that land above anything else, and I do not denigrate that emotion of love for the land. We have people in my State who love every inch of a piece of property as if it were a child.

I do say that we have made a decision in this Government from the time of the founding of the Government that there are some natural values that transcend that love of an individual for a piece of land. One of those values is the natural good, whether it is building a highway, extending a runway or an air base, or whatever the natural value is. We have given to the Government the right of eminent domain, when the right of the people of this country transcends that of private property.

But what we are saying here is that the right of surface owners is so sacred, so sacrosanct that it should be enshrined above all other values.

For that reason, Mr. President, I think the present bill with its present provision is contrary to the national interest. It defeats President Carter's energy program, and it allows a ripoff of the taxpayers of the property of the people of this country. We have a lot of people in this body who talk about obscene profits, who talk about ripoffs. This is one prime example where, unless my amendment is adopted, we are getting ready to make it legal, we are putting the imprimatur of this body on a sale of the taxpayers' property for private interests.

Mr. President, my amendment is joined in by the distinguished Senator from Arkansas (Mr. BUMPERS), and the distinguished Senator from Colorado (Mr. HASKELL). What the amendment does, in a word, is totally to recompense the value of that which the surface owner owns and not allow him the right to lock up the coal or to sell the Government's coal. It provides that in those instances where the surface owner owns the surface and the Government owns the coal the surface owner may give his consent to the Secretary in which event the Secretary shall put the coal up for lease and have it proceed at public bid, the highest bidder getting the bid and getting the lease.

If the owner and the Government are not able to agree as to what the value of that coal is, then there is a provision provided for the appraisal of that piece of property where the owner will appoint one person, the Government will appoint another, and the two will select a third, and they shall in turn appraise the property.

Mr. President, under our amendment the owner would get more than the value of what he owns. Let me give you the elements that would go into that appraisal. First, he would get the difference between the fair market value of the surface estate, computed without reference to the coal, immediately prior to and immediately after the mining operation. In other words, that is what he loses. He loses the value of that surface estate as diminished by the mining operation.

Second, he would get the net income the surface owner can be expected to lose as a result of the surface mining operation during the 2 years immediately following the approval of the mining plan. In other words, he gets 2 years' loss of income.

Third, he gets the cost for relocation or dislocation during the mining operation.

And fourth, he gets any other damage to the surface caused or reasonably anticipated to be caused by the surface mining and reclamation operations.

In other words, Mr. President, he gets to keep his property. He gets it back, and he gets the value of what he loses. He gets his relocation expenses. He gets any other damages, and he gets 2 years' income. That is more than he has lost. I submit it is very generous; moreover, and this is very important, he does not have the right to lock up the Government's coal.

Mr. President, in my State of Louisiana we have many industries that are burning gas. That gas is very much needed around this country. We recognize that. We are willing to convert those industries that can be converted to the burning of coal. But, Mr. President, if you want us to burn coal in Louisiana so we can ship that gas elsewhere, you have to make the coal available and if you are going to give every surface owner the right to say no to a mining operation, it simply is not going to be possible to get the coal in the quantities needed to the Southwest where we are burning gas.

You can hear a lot of people tell you we have billions of acres of coal and if you do not mine them in the Powder River Basin you can go somewhere else. I can tell you this, Mr. President: The owners of industry in my State commissioned a study to find out whether coal would be available, and we have that study, which is rather thick, definitive, and detailed, about the availability of coal, and let me tell you there is, first, a great question about the availability of coal. People do not know whether they can mine it or not.

They do not know whether they can get the miners, and it is thought to take about 40,000 additional miners. They do not know whether they can get the capital, and they do not know whether they are going to be able to get around environmental standards in order to be able—well, really to get around this bill in order to mine the coal; and one of the biggest stumbling blocks right here is the surface-owner lockup of the coal.

Either way you want to take it, either a lockup or a sale of the Government's coal, is equally an outrage to the taxpayers of this country.

Mr. President, I think the case is so clear that it cannot be defended on any grounds other than the desire to get more bucks from the Government, and I can understand that desire, particularly if you represent some of the people who would like to get rich on the taxpayers, but as far as the national interest is concerned, Mr. President, it is clear; I hope that the Senate will adopt this amendment.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. HANSEN. Mr. President, first let me pay tribute to my good friend, Senator JOHNSTON, from Louisiana. I have had the pleasure and the privilege of working with him for as many years as he has been a Member of the Senate. It is indeed a pleasure to work and to be associated with him. He is a very knowledgeable and able person, a person for whom I have the deepest respect and regard.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. HANSEN. I am happy to yield.

Mr. JOHNSTON. I thank my able colleague from Wyoming. One of the great pleasures in the Senate is to work with the Senator from Wyoming, who is the senior Senator now from Wyoming, for whom I have not only great respect but great affection, as well. While I know his remarks about me stem from overgenerosity with which he is greatly imbued, I, nevertheless, appreciate those comments and return them doublefold. I thank him.

Mr. HANSEN. Mr. President, I thank my good friend from Louisiana.

Let me say by way of introduction, Mr. President, that I think it would be inappropriate to begin the consideration of this extremely important piece of legislation without first paying my respects to the distinguished chairman of the subcommittee that has been handling this legislation, the senior Senator from Montana, Senator METCALF. I know that Senator JOHNSTON joins with me in saying that those of us on the Energy and Natural Resources Committee are privileged to have the dedicated leadership, ability, willingness to listen, patience, and deep understanding that so characterizes LEE METCALF. He is a person who has grown up in the West. He has been educated in the West, and he has served in many capacities for western people and for the people of the United States. I wanted to say before we get bogged down into a consideration of amendments how grateful I am to him for his leadership and for his understanding and comprehension.

Now, to speak specifically to the amendment that is offered by the distinguished Senator from Louisiana, let me say that as he began his remarks he said that the amendment which was adopted by the Energy and Natural Resources Committee—I am not certain what vote the language in the bill was adopted by; I have forgotten what the final vote was. We reported out the language. But Senator JOHNSTON'S amendment, the same amendment he now offers, was rejected, Mr. President. I make this point: It was rejected by a vote of either 11 to 3 or 10 to 4.

I think it is important that Senators understand that we discussed this issue at length. I have no illusions at all about the ability of Members of the Senate here this afternoon, if we were to spend the entire afternoon on it, to even begin to achieve the degree of comprehension on this specific issue that I can say advisedly the members of the Energy and Natural Resources Committee had before we finally voted on and rejected, as we did overwhelmingly, the Johnston amendment.

Yesterday we took up the President's energy proposal. It was a very complicated piece of legislation. In some remarks that I offered just before we took the final vote, I observed that I had concern because I did not know what was in the package. There were many unresolved issues that I thought we should have had a better handle on than we did. There were many things that I felt Senators, if not yesterday certainly in the future, will be called upon to answer, and to justify to their constituents why they voted or positioned themselves as they did on the different issues.

I make that point because in voting against the passage of the bill yesterday, which I did reluctantly, after first having paid full respects to President Carter and to the dedicated members of the Government Operations Committee for the work they had done, I observed that it seemed to me that we just did not have time enough, compressed into the time frame that we were placed in yesterday afternoon, to start to understand what all was in the energy package.

I say that because I am fearful that Senators may find themselves in the same situation this afternoon. This is a difficult and a complicated measure. It is extremely complex to understand what is involved in an issue of surface owner consent.

After the Government started reserving materials for retention by the Federal Government of the Government's ownership in those minerals, it was concluded that the Government might sell just the surface of the public lands, or offer for sale or homestead the surface of the public lands, mostly in the West, to homesteaders, affording them an opportunity to take up more land than they had been afforded earlier, but reserving the minerals, with the idea that the minerals could and indeed would become more important. Of course, the wisdom of Congress was prophetic insofar as that point was concerned, but less understood and less appreciated was the fact, I submit, that no one in Congress at that time could possibly have contemplated the kind of surface mining operations that exist in Montana, Wyoming, and other Western States today. It is not a case of digging a mine shaft and going underground with little disruption of the surface, as legislators back at the time these withdrawals or reservations were made would have contemplated. There was no reason on earth for anyone to have imagined the massive, enormous pieces of equipment that would be brought on the scene today. Nor could anyone, I submit, possibly have assumed that an ongoing surface mining operation could disrupt the surface owner's entire operation and management of those lands for several decades.

So when we are talking about the rights that would be reserved to the surface owners by the language presently in this bill as reported out by the Energy and Natural Resources Committee, let us keep in mind that the issue is not a position or a concern that was resolved back many years ago when the Government started reserving these minerals, but rather the development and the evolution of a mining process, which casts an entirely different light upon the issue than we had at that time.

I say that because the owners of the surface know only too well that when a permit is granted by the Government of the United States and a development plan is approved, and a coal company moves in, for all intents and purposes the owner of the land had just as well kiss it good-bye. It does not matter; it is of little satisfaction to him to remember that maybe 40 years from now, if his children are still alive, they will have that land back. As far as he is concerned, he has had the land taken from him. And it does not matter how long or how far back those ties go, he is indeed being effectively separated from the ownership and control of the land.

The Senator from Louisiana says, according to his figures, that this could amount to $1,600,000 per section. I divide that amount of money by 640, which is the number of acres in a section of ground, and if my mathematics is correct, it comes to $2,500 an acre.

Many people would say that is a lot of money. But I was watching, just here 2 weeks ago, a part of the Today show, showing what was happening in Illinois, a State that has a lot of coal. I noted there that one of the farmers whose ranch or farm was prominently displayed in that program observed that his land was worth about $6,000 an acre—not the $2,500 that Senator JOHNSTON says these Wyoming and Montana ranchers and farmers would "rip off the Federal Government." Not that $2,500, but $6,000 an acre. That is what this farmer in Illinois said his land was worth on today's market.

Senator JOHNSTON says that this language in the bill would either lock these coal reserves up or result in their being sold by the surface owner, when he really has no right to it at all.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. HANSEN. Be happy to.

Mr. JOHNSTON. I wanted to clarify that what I was quoting from was a Rocky Mountain Mineral Law Institute paper, which I think the Senator from Wyoming has used in connection with his amendment. But the figure that they used was $25,000 an acre, not $2,500, and that is based on a current royalty rate of 50 cents per ton.

Mr. HANSEN. I thought the Senator quoted 5 cents a ton and 50 cents a ton both. Which figure was he using?

Mr. JOHNSTON. Let me read it if I may. The coal is owned by——

Mr. HANSEN. I was just taking the Senator's statement. Is it not true that he spoke about 5 cents a ton, and 50 cents a ton later?

Mr. JOHNSTON. I used both figures, and the article uses both. It said at the current royalty rate of 50 cents a ton, it would amount to $25,000 an acre, or if you assumed 5 cents a ton, and I do not know where they got the 5 cents a ton, it would amount to $2,500 an acre. So, just quoting from that article, which I think was the Senator's authority in earlier speeches on this matter, it would be $25,000 using the current rate of 50 cents per ton, or $2,500 using one-tenth of that rate.

I have some other examples I can give later when I get the floor as to what I think the real cost per acre to the people might be.

Mr. HANSEN. Mr. President, let me say these figures are pretty deceptive. If we were to apply the same criteria that Senator JOHNSTON is now proposing we consider in trying to determine the fairness and equity, which I think are both on our side, in the language in this present bill, I would say to my good friend from Louisiana, figure out for me how much the people of the United States are going to pay per acre for the oil or gas developed in Louisiana. If he will figure that out per acre, I would be interested.

I will say, in answering that question he would have rather considerable latitude because it depends on how much oil and gas they will get out of an acre of gas, obviously. I think I can anticipate maybe one of the answers my good friend from Louisiana might give. He would say, "First, let us decide how much is going to come out."

Mr. JOHNSTON. If the Senator will yield, the Government would not pay 1 cent on oil which is owned by the United States. That is what we are talking about. Here we are talking about coal which is owned by the United States, and we are talking about oil on the OCS, I believe, which is owned by the United States. There we get nothing and here we are talking about figures of $10 million an acre or whatever.

I can give the justification for that figure of $10 million an acre if the Senator would like to have it.

Mr. HANSEN. What I would like the Senator to do is to speak as long as he wants and make whatever case he believes will best support his position. Then I would like to make a statement, if I may. I yield to the Senator for that purpose.

Mr. JOHNSTON. I apologize to my friend from Wyoming for interrupting his train of thought. I just wanted to clear up that point, since I believe he did ask a question about how much was made on an acre of oil in Louisiana. As I say private owners do not receive anything on Government-owned oil in Louisiana. They are not entitled to anything. I am not making any claim for anything. But I am saying that where the Government owns the coal in Wyoming, the same rule ought to apply. The Government ought to receive whatever that figure is, whether it is $10 million for a 640-acre tract or whether it is $1 million. The Government ought to receive that and not the private landowner. Under my amendment the private landowner is being very generously recompensed.

Would the Senator concede that under my amendment the surface owner is being given more than the law presently allows? Will the Senator concede that much?

Mr. HANSEN. No, I will not concede that.

Mr. JOHNSTON. Would the Senator prefer to have that compensation determined by the present law?

Mr. HANSEN. I believe the Senator from Louisiana is asking rhetorical questions. He knows perfectly well what the Senator from Wyoming would desire and what a majority of the members of the Energy and Natural Resources Committee all agree is fair and equitable. That is that the surface owner consent provision in the present bill addresses those issues and resolves them in a fair, equitable, and satisfactory manner. So my response is that if the Senator wants to know what I think, read what is in the bill, the position of 10 or 11 members who were present and voting.

Mr. JOHNSTON. If the Senator will recall, at the time of that vote a number of Senators were not present. It was voted by proxy. We are sure the vote was overwhelming, 10 to 4 or 11 to 3, whatever it is.

Mr. HANSEN. If the Senator will yield on that point, I am sorry my good friend from Louisiana must feel so hard-pressed in trying to defend his position that he would seek to impugn the validity of those proxies. I suspect that every one of those persons will be present this afternoon, if there is any doubt in the mind of the Senator. I believe the RECORD will pretty well disclose that the proxies which have been voted since I have been a member of that committee have been far greater in number on his side of the aisle.

I have never once questioned the authority of Senator JACKSON, Senator JOHNSTON, or any other Senator to cast proxies. I am sorry the Senator from Louisiana would impugn my fairness and my honesty in casting proxies on this issue.

I can say to him that I believe those persons whose proxies I cast, if they are in town and if they are here this afternoon, will be glad to appear on this floor to assure my good friend from Louisiana that I did indeed vote their proxies fairly and honestly. If there is any doubt about that, would the Senator from Louisiana so indicate to me now?

Mr. METCALF. Will the Senator yield?

Mr. HANSEN. I will be happy to.

Mr. JOHNSTON. May I answer the question first? I want to clear this up. First of all, I believe the Senator knows I would never impugn his honesty, his fairness, his accuracy, indeed his authority to cast proxies. We are not dealing with that.

Mr. HANSEN. It was the Senator who issue. I am just saying I think this is raised the issue.

Mr. JOHNSTON. The reason I raised the issue was because a number of proxies were cast, at least on our side of the aisle, by members who told me they did not understand the issue. They would have voted differently had they been there. Indeed, at least one of those is a coauthor of this amendment.

I understand the proxy system. I vote proxies both as the proxy and the "proxor." [Laughter.]

I can say that occasionally Senators vote proxies and have proxies voted for them when they do not understand the issue. I am just saying I think this is one of those issues. I do not know where the majority of the committee would go. I hope the majority of the Senate recognizes the issue for what it is.

The Senator says we should discuss this for a long time. That is fine with me. Frankly, I believe time is on my side. We do not have many Senators present to listen to this debate, but if we can keep this going for a while, word will trickle back to the offices. The able aides who do cover the floor action will find out what the very simple issue is. That simple issue is whether a private person can sell the Government's coal or lock up the Government's coal.

Those may be majority terms but that is precisely what it does.

Let me give an assumption——

Mr. METCALF. Before the Senator goes into some other subject, I would like to address myself to this charge about proxies, if the Senator from Wyoming will yield.

Mr. HANSEN. I am not sure who has the floor. I thought I did.

Mr. METCALF. I thought the Senator did, too.

Mr. HANSEN. If I do not, address the request to our good friend from Louisiana. If I have the floor, I will be happy to yield to the chairman.

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. METCALF. Where did he get the floor, Mr. President?

Mr. JOHNSTON. Let me keep it long enough——

The PRESIDING OFFICER. A Senator cannot maintain the floor when he remains seated.

Mr. METCALF. Will the Senator from Louisiana yield to me for a moment?

Mr. JOHNSTON. Certainly. I will yield the floor. But first, let me say——

Mr. METCALF. I want the Senator to go ahead with his other developments, but I want to talk for just a moment about proxies.

Mr. JOHNSTON. Before I yield the floor, on the subject of proxies I want to make clear there is no charge of anybody doing anything wrong on proxies. I am saying that at the time we voted, a lot of proxies were voted. I do not think they were fully understood. Some Senators have told me that. That is all.

Mr. METCALF. I want to say to the Senator from Louisiana that I voted many proxies during the course and development of this debate. Sometimes I refrained from voting proxies because I was not sure, as the Senator from Louisiana very well knows, how the Senators who gave me the proxies would have wanted them voted. But on this subject, this is a matter, as the Senator from Louisiana has suggested, that we spent hours and hours on in conference. We spent hours in discussion. Every Senator knows just exactly what the issues are, every Senator who is a member of the committee. I voted those proxies as I was instructed and informed that I should vote from the Senators who left them with me. I make no apology about it.

I am going to speak a little later on this very subject matter, if I can get the floor.

I say to the Senator from Louisiana that I carefully refrained, as we were discussing the bill, from voting anybody's proxy on any matter on which I was not sure of the position that the Senator would take.

Mr. JOHNSTON. I state to my friend from Montana that I have never charged, I want to make clear that I have never charged otherwise. I think the Senator from Montana, first of all, is the soul of fairness and equity and integrity. Moreover, he is a pleasant and able chairman under which to serve. When this bill becomes law, which I am confident it will, it will be, to a large extent—to the principal extent—because of the efforts of the Senator from Montana. I want to make that very clear.

I am just charging that there are some people who did not know precisely what the issue is. Maybe they had just not heard my argument. That is what I would like to say.

Mr. HASKELL. Will the Senator yield without losing his right to the floor?

Mr. JOHNSTON. Yes, I yield to the Senator from Colorado.

Mr. HASKELL. Mr. President, first, on the proxy issue, I am sure that the Senator from Indiana would not have indicated in any way that the Senator from Montana or the Senator from Wyoming would vote proxies contrary to the giver's views. We on the committee all have the utmost respect for the Senator from Wyoming and the Senator from Montana. I should like briefly, Mr. President, to state my views on this matter.

In certain parts of the country, private individuals own the surface and the United States owns the minerals underneath. Those minerals, at least in my view, are the people's minerals. They are owned by people who live in Denver, Colo.; in Houston, Tex.; in Los Angeles, and in Billings, Mont., as well as the fortunate few who may own the surface. My understanding of the bill or the committee amendments—whichever they are—the bill presented to the Senate—is as follows: that where you have a split ownership—the Government owning the minerals and an individual owning the surface, who otherwise qualifies—that is, has owned the surface for a certain length of time—that individual may refuse access to the Government for it to get at its minerals. With that ability to refuse access, there is implied the right to give access for a price.

In other words, if I should happen to own the surface, and if I have lived there—I think it is 3 years—I could say to a potential lessee, who is, for purposes of this illustration, the U.S. Government—"Yes, you can come on; you can get your minerals, you can get your coal; but I am going to charge you a certain price." The price, of course, would be dependent upon the richness of the minerals underlying my land.

In that way, by a fortuitous set of circumstances, I can become a multimillionaire. Not that that would not be nice, but I do not think I should become a multimillionaire by the happenstance of ownership.

The amendment of the Senator from Louisiana, if I understand it correctly, would say, "All right, Government, you can come on HASKELL's land, but you have to pay HASKELL the damages which he incurs as a result of your coming on his land." And since the bill requires that the land be restored—because the basis of the bill is that if you cannot restore, you cannot mine—the result would be that I would be made whole for the damages that I would incur by loss of use of the land during the mining operation. But I would get my land back, and I would get it back whole. So I would be made whole.

Mr. WALLOP. Will the Senator yield on that point?

Mr. HASKELL. Not right now, but in just a minute, I say to the Senator from Wyoming.

If my understanding is correct, the amendment of the Senator from Louisiana basically is the compromise which we worked out 2 years ago, I think—is that correct, I ask the Senator from Louisiana? Was that 2 or 3 years ago?

Mr. JOHNSTON. Would the Senator repeat the question, please?

Mr. HASKELL. As I understand the amendment of the Senator from Louisiana, it reflects the compromise we worked out in conference committee, or substantially that compromise, which we worked out 2 or 3 years ago, was it?

Mr. JOHNSTON. It is a variation on the theme that we had a couple of years ago. The basis of it is that it treats the surface owner a little bit more generously than we would if we left him under present law; nevertheless, we do not allow him to sell the Government's coal.

Mr. HASKELL. That is what I thought. We worked for—I do not know how long it was. The Senator from Louisiana, the Senator from Montana, and the Senator from Wyoming were on the conference committee. We worked to get this compromise over a period of weeks. I personally think it is fair.

This really ends my presentation. I am glad to yield to the distinguished Senator from Wyoming.

Mr. HANSEN. If the Senator from Wyoming, my very good colleague and greatly prized friend, will yield, I wish to make one observation.

It may be interesting to Senator JOHNSTON and Senator HASKELL to know that this particular vote on the Johnston amendment occurred with no proxies being cast. It was a vote of 11 to 3. I have just had the record checked. There were no proxies cast in that 14-vote case there. There were 11 votes against the Johnston amendment, and there were 3 for it. So I think it is really rather academic to argue further about the proxy situation. I am glad we obtained that information to refresh Senators minds.

I observe, Mr. President, that this issue was voted upon by persons present and voting. The Johnston amendment having followed long hours of debate, I think I can say with certainty that a clearer understanding of the issues being held in the minds of those persons who voted than we could possibly hope to bring about here this afternoon resulted in a rejection of the Johnston amendment by a vote of 11 to 3.

I thank my friend from Wyoming for yielding.

Mr. HASKELL. May I make one observation to the senior Senator from Wyoming?

Mr. WALLOP. By all means.

Mr. HASKELL. Maybe some of those people have changed their minds because, after all, they are older now and, as they get older, they get wiser.

The PRESIDING OFFICER. The junior Senator from Wyoming is recognized to respond to the Senator from Colorado.

Does the Senator from Colorado have the floor?

Mr. HASKELL. I yielded to the Senator from Wyoming for a question and I am yielding for that purpose. If he wants the floor, the Senator from Louisiana has the floor.

If the Senator from Wyoming wants to ask a question, I yield to him for that purpose.

Mr. WALLOP. I would like to ask a question and make an observation.

I also take the opportunity to ask unanimous consent that Mr. Rob Wallace and Mr. Bob Jerome of my staff may have the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. With regard to the questions raised by the Senator from Colorado, in which he has made the statement that the surface holder would be made whole, there are many of us who have fought these battles for a long time, at the State level and at other levels, who question how whole in those lands anybody can ever be made, regardless of the findings that will be made prior to mining. The product you get back will not be the product you gave up. It will be a synthetic creation of machines, men, possibly irrigation. But nobody will know for 20, 30, or 40 years, despite the best judges around, whether this is really going to be something that makes you whole.

On top of that, during the course of mining on such an enormous extent as is going to take place in those western surface mining fields—we are talking here, and will be a little bit later, about alluvial valleys and those kinds of things—a ranching operation gets split in half. It is not economically pursuable any longer. You cannot make somebody whole, and you cannot really compensate them for that length of time.

That was the reason, I am convinced, that no mention was ever made of it when they held these reservations in the first place, when the Government reserved the coal. Nobody knew about strip mining. Nobody ever contemplated the enormous shovels and other things that exist now.

Nobody ever could have imagined the extent to which technology has made us capable of disrupting the surface of the Earth.

Those reservations were for holes and mine mouths and tipples, but they were not for vast acreages; they were never mentioned.

None of the language in any of the legislative proceedings of the U.S. Congress even remotely recognizes the possibility of surface entry on this kind of scale. So I do not think somebody can be made whole or have other comments later.

In the remarks addressed to the distinguished Senator from Colorado, on that one point alone, and there are other points I would care to make before this argument is finished, but on that one point alone, I do not think anybody in this body can claim to make somebody whole to the extent that the amendment of the distinguished Senator from Louisiana would contemplate.

Mr. HASKELL. Just 1 minute, if I may.

Mr. President, in response to the remarks of the Senator from Wyoming the whole underpinning of the bill is that if we cannot restore, we cannot mine.

Specifically, as I read the Senator from Louisiana's amendment, among the elements of damage which would be awarded ahead of time, incidentally, to the owner of the surface, it reads, and this is on page 4:

> Any other damage to the surface caused or reasonably anticipated to be caused by the surface mining and reclamation operation.

I certainly remember the debate 2 years ago. It was well pointed out that surface mining on some portion of a man's land might interrupt his entire economic operation—which was the distinguished Senator's point. This disruption of the economic operation is intended to be an element of damage, at least, as I understand it—and I would like a comment from the Senator from Louisiana—as an element of damage which would be awarded to the surface owner.

Could the Senator from Louisiana comment?

Mr. JOHNSTON. I think the Senator from Colorado makes an excellent point.

This amendment is designed and does very specifically give that owner every element of damage, plus it gives him 2 years' income.

Now, if the Senator from Wyoming could point out to me in this amendment, and I hope he will read the amendment carefully, what kinds of damage specifically are not covered by this amendment, then I would be glad to amend it and include the elements of damage.

Mr. WALLOP. May I attempt to answer?

Mr. JOHNSTON. Certainly.

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. JOHNSTON. I yielded for a question.

Mr. WALLOP. First of all, it speaks of damages that can be reasonably supposed. It does not have any review process of that damage that might be far in excess of the damage that has been reasonably supposed.

Mr. JOHNSTON. If the Senator will yield, I will give the answer.

If the Senator will look at subsection (f), first, it provides for appraisal whereby the owner will appoint an appraiser and the Government will appoint an appraiser, and those two will appoint a third.

If the owner does not like that appraiser, he can go to court, as in subsection (f), that whole procedure is set out.

So he can go to court if he is not satisfied with the appraisal.

Mr. WALLOP. But most of this is a relatively new process. A great deal of it will not be reasonably forecastable.

Mr. JOHNSTON. What was that?

Mr. WALLOP. Forecastable, or reasonably supposed.

Nobody will know how these kind of things take place, and there is no reentry.

Mr. JOHNSTON. What was that?

Mr. WALLOP. Reentry into the proceedings.

We get the findings. There is no reentry provision. So 10 years down the road we find there are things far in excess of what was reasonably supposed.

Mr. JOHNSTON. That can cut both ways. He can also get far in excess of what his actual losses were.

There has to be some time for an end to litigation, and we provide an appraisal process for people in the area to do the appraisal. If they do not like it, they go to a court located in the area.

That seems to be reasonable due process and the best kind of superstructure we could put together protecting those rights.

I wonder if the Senator can point out any element of damage, any element whatsoever, that is not covered under this amendment.

Mr. WALLOP. Yes. I could point out one that has not been contemplated at any level, in the discussions I have read in the hearing record, or anything else. That is the tax law this very Congress passed last year in which we sought to make it possible for rural people, agricultural people, to stay in agriculture, by giving them an exemption, an agricultural exemption in inheritance taxes.

One of the requirements of that exemption is that the property be kept in agricultural production for 15 years.

Suppose my good friend from Louisiana takes the role as the father of my friend from Wyoming and he dies and leaves this property to my friend from Wyoming, his son.

His son takes the agricultural exemption, up to $500,000 worth of it, and then along comes the distinguished Senator from Colorado who holds the coal lease under that and says, "I come to claim my coal."

Now, this man is in terrible shape and that is not a forecastable event.

All during this time a set of taxes nobody even contemplated becomes triggered by this severed interest that exists primarily in the West.

Mr. JOHNSTON. Is that the only element that the Senator can refer to?

Mr. WALLOP. No. I do not think anyone has the scientific technological ability to really forecast damages there; there is no reentry provided and we have to get one. I have seen the results of this. I have watched it. It is quite a fact that we sit here in our wisdom and say we have a surface reclamation bill which requires that if we cannot restore it, we cannot mine it. But I think we will find down the road that many of these things we thought we could do, we are not really so capable of doing, as we sit here in comfort and contemplate today.

Mr. JOHNSTON. If I may make a comment, that situation adheres in both the bill as proffered by my friend from Montana and my friend from Wyoming and under my amendment.

In other words, my amendment does not exaggerate the difficulties of trying to forecast what the damages will be in the future. That is inherent in the bill as presently written.

Mr. WALLOP. I recognize that, but it is inherent in the injustices which I see in the amendment of the distinguished Senator from Louisiana because it is an impossible thing. It is better to let these people get together and, hopefully, keep this land in some agriculture owner's hands.

The product returned to the "owner" is synthetic. There is nothing in this which can prevent sale prior to the lease, and that is exactly what is going to happen.

In the Ruhr area of West Germany, the biggest single landowner is no longer small farmers; it is coal companies. This amendment would have the effect of forcing people to leave small agricultural holdings and put agricultural holdings and most agricultural land in the hands of coal companies. It would actually do that. I realize the distinguished Senator from Louisiana thinks he is going to be keeping people on the land with this but, as a matter of fact, it will be exactly the opposite.

Mr. BUMPERS. Will the Senator yield?

Mr. JOHNSTON. I yield to my friend from Arkansas.

Mr. BUMPERS. Mr. President, I was not here for the opening of the debate, so I may be covering ground that has already been covered. But I am curious as to whether or not some of my colleagues in this body understand the implications of what this bill contains without this amendment.

Let me give some statistics.

Twenty-nine percent of all the mineral acres in Montana, Wyoming, and North Dakota is owned by the U.S. Government. That ownership represents 60 percent of all the coal under that 29 percent of the Federal ownership.

What we are saying is that the owners of the surface can thwart the mining of 60 percent of the coal in those three States. We are talking about more than 100 billion tons of coal—96 billion tons of coal, to be precise—that cannot be mined unless the surface owner gives his consent.

The President has declared war on energy, and we come in here with a bill which is designed to an absolute certainty to prohibit our being able to cope with it.

Let me ask the Senator a couple of questions and make a couple of points.

No. 1, the Secretary of the Interior prescribes a tract of land to be leased, and that land has coal under it. Let us assume that the tract consists of a thousand acres, and in the middle of that thousand-acre tract, the surface of a 500-acre tract is owned by one man.

That means one thing: That tract will not be mined, simply because anybody who is going to make the investment necessary to mine it will not do it for less than 1,000 acres.

Assume that the Secretary has set this 1,000-acre tract out as an economically viable tract of land to mine, and the Federal Government owns all the minerals under the entire 1,000 acres, but in the middle of that tract, it does not own the surface of half of it, or 500 acres; or, cut that to 200 acres. To make it a little more interesting, just spot a few 40-acre tracts around in it, where the surface is owned by some individual.

That means that unless the lessee, the coal company that wants to become involved in mining that coal, can get the consent of the surface owners, that coal is not going to be mined.

No. 2, what kind of leverage does this give that surface owner in demanding damages from the lessee before the lessee can operate the tract? It is a leverage that is unheard of in the common law or the codified law of any State in this country.

I ask either Senator or both Senators from Wyoming, what are the damages provided by the laws of Wyoming where an individual owns the surface and somebody else owns the minerals? I can tell the Senators what it says in my State. It says that the surface owner will be compensated for the difference between the value of the land before it was mined and the value immediately after it is mined.

The Senator from Louisiana, the Senator from Colorado, and I drafted this amendment and have gone not an extra mile but an extra half-dozen miles in trying to accommodate the so-called poor farmer who is going to be chased off his land. We have provided that he gets not only the difference between the before and after value but also 2 years loss of profits. He gets all the expenses he may incur for being relocated and any other damages he possibly can incur.

No. 3, what happens after the U.S. Government or the lessee pays him all of that? The lessee must reclaim the land, in accordance with this bill, put it back in its approximate original contour, with the surface back on top the way he found it, and then give the land back to the surface owner.

We are not talking about a few tracts of land. We are talking about 60 percent of the lowest sulfur content, finest grade of coal in the United States.

I respect the people of Wyoming and I respect their delegation in this body, but that coal does not belong to one citizen. It was reserved by some farsighted people in this country when the land was sold. Whoever owns that surface right bought it with full knowledge that the United States owned the coal and had the right to mine it at any time in the future that it desired to do so.

Mr. WALLOP. Mr. President, will the Senator yield?

Mr. BUMPERS. I yield for a question.

Mr. WALLOP. I should like to answer the question that the Senator from Arkansas posed to the Senator from Washington.

Our State has recognized this dilemma and has come down in favor of the landowner's consent in almost exactly the language of the Senator's proposal. This it does with the State's coal, and this it does with private coal where the surface and mineral interests have been severed.

However, I think the Senator is making a mistake in talking about one person locking up all this coal. It just has not worked that way. We in Wyoming have been operating with exactly this kind of principle, while Congress has fiddled back and forth in passing a bill, and it has not locked up any coal in Wyoming.

Wyoming had the law that was recognized—the first in the country—as being in excess of those regulations promulgated by the Department of the Interior. It is just not going to lock up coal.

Mr. HANSEN. Mr. President, if the Senator will yield further, I should like to make one point.

Mr. BUMPERS. Let the Senator from Louisiana respond, if he will. I yield to him to respond to the distinguished Senator from Wyoming.

Mr. JOHNSTON. Mr. President, my friend from Wyoming says that, at present, the surface owners are not holding up the Government, that they are not locking up the coal. The reason for that is that the law now does not allow them to do so.

I quote from the present law, which is 43 United States Code, section 299. It reads:

> All entries made and patents issued under the provisions of sections 201 to 301 of this title—

Those are the homesteading provisions whereby an owner can go in and get 640 acres of the surface.

> —shall be subject to and contain a reservation to the United States of all the coal and other minerals and the lands so entered and patented, together with the right to prospect for, mine and remove the same.

I will not read the remainder, but it goes into some detail, stating what his rights to damages are, which is much more limited than under our amendment, and what the rights of the Government, or the Government's lessee are to go in and occupy the surface and remove the coal. That is what the present law is. The present law provides for no lockup and no compensation to that owner.

It is true that some owners are getting more by giving their consent, but the only reason for that is that the coal is so tremendously valuable that these coal companies want to make darn sure that Congress does not take a step such as is proposed to be taken in this bill, whereby they are given the right to lock it up. That is why they are able to get a thousand dollars an acre, or whatever it is.

Believe me, if this amendment is adopted, one never will be able to buy an acre of that prime coal land for a thousand dollars. It will be more on the order of $25,000 to $40,000 an acre; or, for one of these homesteaded 640-acre tracts that are allowed for homesteading under the provisions I referred to, it will be $900 million.

Mr. BUMPERS. Mr. President, I yield to the Senator from Wyoming for a question.

Mr. HANSEN. I thank the Senator from Arkansas.

I think the Senator from Arkansas inadvertently may have overstated the situation in the West.

It is my understanding that 60 percent of the coal in the area that my friend from Arkansas described is Federal coal. The point I make is, however, that the Federal Government owns the surface with respect to about half of that coal, roughly.

Mr. BUMPERS. The Senator is correct. If I said something that reflected otherwise, I will correct the RECORD, because the Senator is correct.

Mr. HANSEN. Actually what I am trying to say is only half of that amount of coal is coal owned by the Federal Government with the surface in private ownership. I think it is an important point.

Mr. BUMPERS. It is an important point. But I believe the Senator will agree with me that 96 billion tons of coal are under divided ownership between surface and minerals.

Mr. HANSEN. Did the Senator say 96 billion?

Mr. BUMPERS. Yes, 96 billion tons.

Mr. President, if I may make a couple of other observations. In the Decker-Birney area in Montana there was an evaluation made of about 900,000 acres of federally owned land and minerals. In some of this area they own the minerals, and in other areas, they own the minerals and the surface. But that 900,000 acres—which is just one area in Montana—has 15.9 billion tons of recoverable and mineable coal. Now, on today's market, if the value of coal is $20 a ton, that would be $30 billion worth of coal.

Mr. HANSEN. Mr. President, if the Senator will yield, let me see if I am figuring the same way he is. He talked about 15.9 billion tons at $20 a ton, would that not be $300 billion instead of $30 billion?

Mr. BUMPERS. I stand corrected.

Mr. HANSEN. The Senator has trouble with his mathematics. I often do, too, so I can be sympathetic.

Mr. BUMPERS. Well, it is very assuring to have a mathematician on the floor to help me because I am not very strong in mathematics.

Mr. HANSEN. The Senator needs it because his case is not strong. He needs a little help. [Laughter.]

Mr. BUMPERS. Out of that 900,000 acres, the Federal Government owns both the surface and minerals on about 79,000 acres of it or less than one-tenth of it.

Underlying those 79,000 acres are 1.4 billion tons. In other words, the Government can go in and mine 1.4 billion tons of the 15.9 billion, and the other 14.5 billion may not be mined without the surface owner's consent.

That is just a little dramatic illustration of what we are confronting here with this absurdity of saying that the U.S. Government may not take what belongs to it without possibly arbitrary and capricious consent of somebody who happens to own the surface rights.

I wanted to make another point that I started on a moment ago, and I mean this with all respect in the world to the people of Wyoming, Montana, South Dakota, and North Carolina. But that coal was reserved by the United States for a very specific purpose, and that purpose was for the good and for the benefit of all of the people of this country. That includes the people in Louisiana, who have been sharing their oil with the rest of the Nation; that includes the people in my State; it includes the people of Illinois; it includes all of the people in the United States.

To allow surface owners to have the kind of leverage they are going to have in this impending energy crisis, which the Senator from Louisiana has described even more graphically than I did, could only be classified as an outrage.

Let me make a point. What if some Hollywood star bought several thousand acres of surface rights in Wyoming in the past 60 days. He is going to, whether he has speculated on it or not, stand a chance to reap the biggest windfall profit that has ever been experienced in the history of this country because he is not going to just recover the value of the surface, which is maybe all he paid for, but he is going to hold somebody's feet to the fire for a big chunk of the value of that coal, or they are not going to mine it.

Later on during this debate I intend to ask unanimous consent of the principal sponsor, the Senator from Louisiana, to modify the amendment, to provide that anyone who does not meet all the criteria of having lived on the land and received, not only a "significant part," but a majority of it during the past 6 to 10 years can benefit from this amendment in any manner.

Strip mining has been debated in the U.S. Congress at least since 1972. Anybody who wanted to start speculating in 1972 by buying those surface rights is going to be in clover if this bill passes in its present form.

I will not go into that right now, but I certainly think anybody who has not lived on that land and has not gotten a majority of his income from the surface of that land for the past 10 years should not be handed this kind of a windfall.

Mr. HANSEN. Let me make several points. Let me go back to what the Senator from Louisiana was talking about when he was speaking about oil. I would certainly agree it is not comparable because when oil is produced on a person's land, a small area may be occupied. When a ranch is strip mined it is going to be taken over sooner or later, and I am referring to all of the land under which coal might be found.

If the situation in removing coal were comparable to the situation in removing oil, we would not be here because that situation was not contemplated by the Congress of the United States when the law was passed reserving these minerals to the ownership of the United States.

The second point I would like to make is that the Senator from Arkansas speaks about 15.9 billions of coal, and he is talking about that coal just in this particular part of the West.

I have great respect for all of my colleagues, and I have particular respect for the sagacity, the wisdom, and the knowledge of the two proponents of this amendment, the Senator from Arkansas (Mr. BUMPERS) and the Senator from Louisiana (Mr. JOHNSTON).

Let me say this: You know your neighbor may sell out for $500 an acre, and it does not mean it is worth $500 an acre. There is an old axiom "Oil is where you find it and land is worth what you can get for it."

Now, the trouble with this scare tactic we are hearing this afternoon, about these terrible ripoffs that are going to result if this law, if this legislation becomes law, is simply this: The Secretary of the Interior and the Secretary-designate of the Department of Energy, when it comes into being, along with the President of the United States are hopeful that we may increase coal production, that we may increase coal production in this country by slightly more than a million tons a year.

Do you know how much we are at present producing? We are producing about 665 million tons. Figure out, if you will, divide 1.1 million tons into 15.9 billion—I hope I might have the attention of my friend from Arkansas because this was his point, and I did want him to hear it—I would say to my friend from Arkansas, who is good with a sharp pencil, if we would divide 1.1 million tons into 15.9 billion tons he will find out there is going to be a lot of coal around for a long time just in this part of the West.

If anybody thinks that a rancher or every rancher, every person who has ownership of the surface and not of the coal, can write his own ticket for what he is going to receive if he gives his consent to having his place taken over by a mining operation for several decades, he has got another think coming, because all you have to do is go down the road to the next place and say, "What would you take to give owner consent for your operation here?" I will guarantee you when you compare 15.9 billion tons in just this small area of the West with 1.1 million tons that the Government hopes we may be able to use by 1985, it becomes readily apparent that those people out there on the land now are going to be dead and gone and several generations following them will be dead and gone before anybody is going back a second time and say to them, "What will you take in order to give us surface owner consent today?"

The facts are that I took the figures that Senator JOHNSTON quoted. Let us assume that the land to get surface owner consent would go for $2.500 an acre. I shall be very honest with the Senator. I do not know of anyone who has gotten that much out there. I do not say it has not been paid, but I do not know of anyone who has gotten that much. The top price about which I have heard is $1,000 an acre. Let us take the $2,500 an acre to which Senator JOHNSTON alluded. We have coal around the Gillette area that is found in seams 90 feet thick, and that is a lot of coal because 1 acre of ground with coal under it 1 foot thick has about 1,750 tons, just that 1 foot thick seam of coal. If you have coal 90 feet thick, if my mathematics are right, I figure that there would be under an acre of ground out there to be found 157,500 tons of coal.

Mr. BUMPERS. Mr. President, will the Senator yield for a question?

Mr. HANSEN. No, I will not yield. I would be very happy to yield, but I am afraid it will be a long spell between speeches. I wish to have a chance to finish this point. If the Senator has a question, he may ask me.

Mr. BUMPERS. I have a question.

Mr. HANSEN. I yield for a question only.

Mr. BUMPERS. My question is: Will the Senator agree with me that developing and mining of coal for any significant size operation requires a rather large contiguous area? Will the Senator agree with that?

Mr. HANSEN. These are relative terms. When the Senator speaks about large—I will not ask him a question. My response to his question is that "large" is a relative term. I think that if he wants to find out what the average size of an operation is out there I suspect the most definitive answer I know of could be found in the Bureau of Mines. I yielded for that question. I wish to continue if I may.

Mr. BUMPERS. Will the Senator yield for only one additional short question?

Mr. HANSEN. I yield.

Mr. BUMPERS. We mentioned this area in Montana that contained 15.9 billion tons of coal under 900,000 acres of federally owned land. That is federally owned minerals. Out of the 900,000 acres the Federal Government only owns the surface and the minerals under 79,000 acres. It is under those 79,000 acres that 1.5 billion tons of coal is located. Will the Senator agree with me that if the Federal Government ownership of that 79,000 acres is spotted around in various places within that 900,000 acres, it would make the leasing of it virtually impossible?

Mr. HANSEN. I do not agree with the statement by the Senator from Arkansas.

To continue my statement about what we are talking here in terms of the value of this coal, Senators should understand, as I was pointing out, Mr. President, that we have in the Gillette area coal in seams 90 feet thick, and we have coal in seams 200 feet thick around the Buffalo-Story-Sheridan areas. If the coal seams are only 90 feet thick, which is the case around Gillette, under each one of those acres is found or contained 157,500 tons of coal. If the surface owner were to receive $2,500 an acre, and my friend from Wyoming, Senator WALLOP, and I know of no such price being paid out there; $1,000 is about the maximum I know of, and that is where the coal company comes in and buys the man out. They do not buy the right to mine it; they come and buy the whole ranch. They buy the whole ranch for about $1,000 per acre.

But let us say $2,500, which is 2½ times as much as ranches have been selling for, as far as I know, at that rate, the return that the surface owner would receive would be 1.6 cents per ton. I ask some of my friends in the utility business, what does this mean in terms of extra charges per kilowatt hour? And to take the figures that were suggested by my friend from Arkansas, if coal is worth $20 a ton it is so infinitesimal that there would be no way to factor in less than 2 cents per ton. So my point is it is not a ripoff. It makes the point that my colleague from Wyoming, Senator WALLOP, made that if we believe there is virtue, strength, good wisdom, and defendable national policy in keeping farms and ranches in family ownerships, there is, indeed, strong reason and persuasive argument in support of the language contained in this bill. I think it makes sense to keep it this way.

If we want to look at the alternatives, then precisely what has occurred in West Germany will, indeed, obtain in Wyoming, Montana, and North Dakota. The coal companies will be coming in and they will own the land, and they may not be quite as concerned with the quality of reclamation that will be demanded as would have been required if we had kept that land in family ownerships.

I am going to yield the floor to my good friend from Montana, a person with whom I have worked closely because I know he has some points he wishes to make.

Mr. METCALF. I am grateful to the Senator from Wyoming. I think, by and large, the debate that has gone on for an hour and a half, has been helpful. I wish to move on. We are going to talk about alluvial valley floors, prime agricultural land, and some of these other questions.

One point has not been made, I say to Senator WALLOP, and that is that there are people out in Montana and Wyoming who do not want to sell their ranch. They do not want to sell it for $20,000 an acre. They want to continue their ranching operations, and this provision will permit them to do so.

Mr. WALLOP. The Senator is absolutely correct, and it was the reason that this came about as a concept in the first place. It was not to provide windfalls but to provide protection. The country will always have a lot of coal, and that is not going to go anywhere. There is plenty of time to take care of that when it runs out, and the only things remaining are ranches to keep together.

Mr. METCALF. In 1973, we put in the so-called Mansfield amendment that said when there is private surface ownership and Federal coal we will keep it in reserve. We will let these people keep their surface ownership and the Federal Government will keep its coal under the land. This year that provision ran into so much opposition from President Carter's energy program that I withdrew it. But, nevertheless, there are men and women out there in Montana and in Wyoming, especially, third generation ranchers, who are not going to sell their ranch for any amount of money to a coal company that is going to cut it apart for a 150-foot seam of coal.

Mr. WALLOP. The Senator brings in the single most important group of people affected by this amendment, and I thank him.

Mr. METCALF. I wonder if Senator HANSEN and Senator JOHNSTON will agree that we are going to wind this amendment up and move forward in consideration of this legislation.

Mr. JOHNSTON. I certainly have no desire to delay the matter. I have a few more words to say, but not a great deal.

Mr. METCALF. I am not going to ask unanimous consent, but I really urge my colleague to bring this to a vote and let us move on.

Mr. JOHNSTON. I think we are very close to winding it up unless there are others who want to speak, and I imagine my colleague from Arkansas would wish to say some more on this side, but I do not know of others who wish to speak for a long time.

Mr. METCALF. Senator SCHMITT has some comments to make. But I hope we will move on.

Mr. SCHMITT. Mr. President, if the Senator will yield for a very brief comment, first of all let me compliment Senator METCALF and Senator HANSEN for the work they have done on this bill. I am not yet convinced I am going to support the bill in its entirety. I think there are some other problems. But in this particular area I have been involved in the mining business, or close to it, for many years. As a matter of fact, I was born in the copper pit Santa Rita region of New Mexico.

I just would say that the mining industry gets extremely clever when it runs into a bottleneck in terms of a particular lease or section of land or acre that is not available because of a high price or some other circumstance.

I suspect that if we find that kind of problem developing, we will also find the industry, the coal miners, working out ways in which they can circumvent the high price that is being asked, or any other contingency that might develop.

I think even more important, however, is the total amount of public lands of which the Government owns both the surface and the mineral rights. That area, particularly with respect to coal, is so very, very large that, at this point in our national need, to pass an amendment such as that proposed by the distinguished Senator from Louisiana, I think, is unnecessary and may well open up some difficulties that we had just as well let alone.

The ranchers and the farmers who would like to keep their land, I think, should certainly for the time being have the right to do that. Maybe at some future time, if it appears that a national emergency is involved or something like that, we could look at this question again; but I would say the time is premature for that issue at this time.

Mr. BUMPERS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. GRAVEL). The Senator will state it.

Mr. BUMPERS. Is the pending bill considered the original text, so that the pending amendment is subject to an amendment?

The PRESIDING OFFICER. The committee amendment is an amendment in the nature of a substitute, which does not kill a degree. So the pending amendment is in the first degree, and obviously is available for an amendment in the second degree.

UP AMENDMENT NO. 249

Mr. BUMPERS. Mr. President, I send to the desk an amendment modifying the pending amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Arkansas (Mr. BUMPERS) proposes an unprinted amendment numbered 249 to amendment No. 276:

On page 4 of the amendment No. 276, line 25, add the following subsection—

Mr. BUMPERS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4 of the amendment No. 276, line 25, add the following subsection:

(3) have met the conditions of paragraphs (1) and (2) for a period of at least six years prior to the granting of the consent.

In computing the six-year period the Secretary may include periods during which title was owned by a relative of such persons by blood or marriage during which period such relative would have met the requirements of this subsection.

On page 4 of the amendment, line 23 and 24, strike the words "significant portion," and insert in lieu thereof the word "majority."

Mr. BUMPERS. Mr. President, let me spend just about 60 seconds describing to my colleagues what this amendment would do.

Under the pending bill, there is no provision that a surface owner must have lived on the land for any period of time before he is entitled to all the privileges that the bill gives him.

This amendment to the pending amendment would provide that the surface owner must have lived on the land for at least 6 years, and must have derived a majority of his income from that land during that period of time.

Mr. HANSEN. Mr. President, will the Senator from Arkansas yield for a question?

Mr. BUMPERS. Certainly.

Mr. HANSEN. Is it not a fact that despite the statement by our colleague from Arkansas, a movie star might come in and buy up a lot of land——

Mr. BUMPERS. I have nothing against movie stars; I just used that as an illustration.

Mr. METCALF. How about a Texas oil man?

Mr. BUMPERS. Make it an oil man; that might be better.

Mr. HANSEN. My point is, is it not a fact that the language in the committee bill precisely excludes that sort of operator from coming in and doing what the Senator said he could do?

If the Senator will look on page 305 of

the bill (S. 7), he will find this language:

> For the purpose of this section the term "surface owner" means the natural person or persons (or corporation, the majority stock of which is held by a person or persons who meet the other requirements of this section) who—
>
> (1) hold legal or equitable title to the land surface;
>
> (2) have their principal place of residence on the land; or personally conduct farming or ranching operations upon a farm or ranch unit to be affected by surface coal mining operations; or receive directly a significant portion of their income, if any, from such farming or ranching operations; and
>
> (3) have met the conditions of paragraph (1) and (2) for a period of at least three years prior to the granting of the consent.

My question is, have we not precluded, as my friend from Arkansas said, a Hollywood movie star coming in and buying up land out there and taking windfall profits from it?

Mr. BUMPERS. To answer the Senator's question, the word "significant" is always an ambiguous term. I resist that term in committee and on this floor every time I see it, because it could mean anything.

The Senator will recall that yesterday morning, in the Energy Committee, we got into a debate over whether or not someone had committed a significant amount of money to the development of an offshore oil lease. I resisted it, and I resist it here.

I assume if we are talking about someone whose income is a million dollars a year, and only $50,000 of it came from the surface of the property, that probably would not be considered a significant amount. But $50,000 is indeed a significant amount of income to 99.9 percent of the people of this country.

To answer the Senator's question, I would say no, we have not addressed it, or, at least, not in a manner that will prohibit people from speculating or having previously speculated.

Finally, the bill provides for a 3-year period in which these things must have occurred. The point I made in my original statement is that we have been debating strip mining since 1972. That is now 5 years, and I am just suggesting 6 years to make sure that nobody, from the time we started talking about surface mining, will have been able to benefit from speculating on the purchase of surface rights in the far West.

Mr. JOHNSTON. Mr. President, the choice of 3 years in my amendment was entirely arbitrary. I think the Senator from Arkansas does make a point about the length of time that this matter has been debated, and perhaps 6 years is a preferable length of time. If he feels that 6 years is a better number of years, it is perfectly acceptable to me.

Therefore, I move to amend my amendment to conform to the amendment of the Senator from Arkansas.

The **PRESIDING OFFICER.** The Senator has the right to modify his amendment, and it is so modified.

The amendment (No. 276), as modified, is as follows:

> On page 303, line 21, strike all of section 515 and insert in lieu thereof a new section 515 as follows:
>
> SEC. 515. (a) The provisions and procedures specified in this section shall apply where coal owned by the United States under land the surface rights to which are owned by a surface owner as defined in this section is to be mined by methods other than underground mining techniques.
>
> (b) Any coal deposits subject to this section shall be offered for lease pursuant to section 2(a) of the Mineral Leasing Act of 1920 (30 U.S.C. 201a), except that no award shall be made by any method other than competitive bidding.
>
> (c) Prior to placing any deposit subject to this section in a leasing tract, the Secretary shall give to any surface owner whose land is to be included in the proposed leasing tract actual written notice of his intention to place such deposits under such land in a leasing tract.
>
> (d) The Secretary shall not approve any mining plan pursuant to this Act until the appraised value of the surface owner's interest has been tendered in accordance with the provisions of subsection (e). Upon such tender and upon approval of the mining plan, the lessee may enter and commence mining operations whether or not the determination of value of the surface owners' interest is subject to judicial review as provided in this section.
>
> (e) Tender of the appraised value of the surface owner's interest shall occur when—
>
> (1) the lessee and the surface owner agree on an amount and method of compensation for the surface owner's interest, whether or not the amount of compensation is fixed in accordance with the provisions of subsection (f), and the surface owner has given the Secretary written consent for the lessee to enter and commence surface mining operations; or
>
> (2) the lessee has deposited the appraised value of the surface owner's interest in the United States district court for the locality in which the leasing tract is located. At any time after the appraised value of the surface owner's interest is deposited in the court and upon execution by the surface owner and the lessee of a final settlement of their rights under this section, the surface owner shall be entitled to withdraw from the registry of the court the full amount of the deposit.
>
> (f) For the purposes of this section, the term "appraised value of the surface owner's interest" means the value of the surface owner's interest fixed by the Secretary based on appraisals made by three appraisers. One such appraiser shall be appointed by the Secretary, one appointed by the surface owner concerned, and one appointed jointly by the appraisers named by the Secretary and such surface owner. In computing the value of the surface owner's interest, the appraisers shall fix and determine—
>
> (1) the difference between the fair market value of the surface estate, computed without reference to the value of the underlying coal, immediately before mining is to commence, and what said fair market value is reasonably expected to be immediately after mining and associated activities have been completed;
>
> (2) the net income the surface owner can be expected to lose as a result of the surface mining operation during the two years immediately following approval of the mining plan: *Provided, however*, That if mining and associated activities are reasonably expected to be completed within a shorter period of time, then said net income shall be computed only for that shorter period of time;
>
> (3) the cost to the surface owner for relocation or dislocation during the mining and reclamation process; and
>
> (4) any other damage to the surface caused or reasonably anticipated to be caused by the surface mining and reclamation operations.
>
> (g) For the purpose of this section the term "surface owner" means the natural person or persons (or corporation, the majority stock of which is held by a person or persons who meet the other requirements of this section) who—
>
> (1) hold legal or equitable title to the land surface; and
>
> (2) have their principal place of residence on the land; or personally conduct farming or ranching operations upon a farm or ranch unit to be affected by surface coal mining operations; or receive directly a significant portion of their income, if any, from such farming or ranching operations.
>
> (3) have met the conditions of paragraphs (1) and (2) for a period of at least six years prior to the granting of the consent.
>
> In computing the six-year period the Secretary may include periods during which title was owned by a relative of such persons by blood or marriage during which period such relative would have met the requirements of this subsection.
>
> On page 4 of the amendment, line 23 and 24, strike the words "significant portion," and insert in lieu thereof the word "majority."
>
> (h) The United States district court for the locality in which the leasing tract is located shall have exclusive jurisdiction to review the determination of the value of the surface owner's interest made pursuant to this section.
>
> (i) This section shall not apply to Indian lands.

Mr. JOHNSTON. Very well. Mr. President, I would like to make clear the kind of figures we are talking about. Just to take that example that the Senator from Wyoming used from the Powder River Basin, where you have a seam of coal, as he pointed out, I believe he said a seam of coal 90 feet thick. Let us take a seam of coal 70 feet thick, and if you assume 1,750 tons of coal per acre foot, which is, I think, also a figure he used, or in any event the figure that is ordinarily used, you have an amount of coal per acre of 122,500 tons. If you assume a $7 selling fee for that coal, you end up with a huge amount of money.

Or let us just say, instead of assuming the $7 per ton sales price, that we assume a 50-cent fee to that owner, which is about what owners get now when they lease their coal. Let us assume what they get is 50 cents, and not any more than 50 cents per ton. You have a value of $61,250 per acre, and you can pick any figure you want. At 60 cents, you get $73,500. At 25 cents, you get almost $31,000; or you can take a much smaller percentage. The point is that we are talking about multimillions of dollars for the leasing of 640 acres.

Mr. President, I am just about ready to bring this matter to a vote, if Senators are ready. I would like to close on one note: President Carter made a television address not too many nights ago, in which he talked about the crisis which this country faces.

He said that we are running out of oil and gas, that it is a crisis calling for sacrifice by every American. He called it the moral equivalent of war.

He offered a gasoline tax that goes up as high as 50 cents a gallon. He offered a gas guzzler tax that, in its initial year, goes up to $500 a car, and goes up as high as $2,500 a car. He offered a tax on natural gas; a tax upon oil. He offered a tax on the industrial use of natural gas over and above that. He proposed a conversion program that will cost my section of the country alone some $18 billion, according to the administration.

He called for sacrifice by every American.

So it seems to me, Mr. President, peculiarly inappropriate that here in the midst of this moral equivalent of war, in the midst of this crisis, that those from the coal-owning areas say—

> We do not want to make the sacrifice. We do not want to get less than our land is worth. In fact, we want you to pay us whatever our land is worth when you want to mine the Government's coal. In addition to that, we want about $10 million for every 640-acre tract.

That is what this bill provides. That is not an exaggeration and that is not an overstatement. That is fact.

If that is what this Senate wants to do, if this Senate wants to say in the midst of this crisis, "Let us give a $10 million per 640-acres windfall to these owners of the surface," when the Government and the people of this country own the coal, then I submit to this Senate let us forget this talk about crisis; let us forget this talk about sacrifice.

If the Senate expects me as a Senator from Louisiana to vote sacrifices upon my people when we are granting $10 million windfalls out West, if the Senate wants me to ask my people to give up oil and gas, and give up oil and gas for runways and for all the multiplicity of purposes the Government has, I say it is not right. I say it is an outrage.

I trust the Members of this Senate are going to recognize the unfairness, the inequity, and the outrageous nature of this bill and vote for this amendment.

Mr. MELCHER. Mr. President, Montana was part of the Louisiana Purchase. When that purchase was made, perhaps the people in Louisiana, when they received patent to their land, also received title to the subsurface minerals.

When the first settlers came to Montana, they received patent to their land and title to the subsurface, to the minerals underneath.

There are many cases where title to the surface is separated from title to the subsurface and the minerals which lie thereunder. But it was an act of Congress in the early 1900's, the Homestead Act, that said the coal would be reserved to the United States but the homesteaders could have title to the surface.

The very colloquy in the House during debate on that bill in the early 1900's stressed the point that this would indeed not be so much of a hindrance to those homesteaders who came out West, survived the rigors, and proved up on their claims, receiving title to their land. If that coal which was reserved to the United States was ever mined, they would be out the right-of-way for the tipple, the road, and the railroad tracks necessary for underground mining.

The colloquy demonstrated that. That is what Congress had in mind.

It did not have in mind that the land might some day be stripmined to get the coal that was reserved to the United States, where all the surface would be taken away.

What would be paid to the landowner under that law in the early 1900's? Well, he would get paid for the loss of his crops, for the loss of the right-of-way for the tipple, the roadway, and the railroad tracks, but he would still have the huge percentage of that land. That surface would be his and would not be interfered with.

During all the debate we have had on the national strip mine reclamation bill during the past 4 or 5 years we have come up against this issue, as we are against it today.

The Senator from Louisiana talks about sacrifice for his people. What is at issue here are the property rights of those people who own their land but because of this reservation in the Homestead Act they do not own the subsurface; they do not own the minerals.

It is Congress which must address this issue and say what the rights of the landowners are since the modern method of mining that coal will be stripping it and taking away all the surface.

We had quite a siege in the conference committee in the Congress before last when we reached this point. The conference darn near failed on this issue. We finally resolved it by saying, "Yes, the landowner's rights to his land comes first. He shall have the right to say, 'Yes, I will permit my land to be strip mined,' or he shall have the right to say, 'no.' "

Then in the compromise offered by the Senator from Louisiana and accepted by the conference, we agreed to a system of arriving at the value of the surface in relation to the coal underneath if the landowner said, "Yes," but we reserved that right. The landowner could keep his land as is and say, "No," and then negotiate on the basis of what it would take if he were going to lose the surface of his land.

We accepted the compromise of the Senator from Louisiana for that formula. It ended the difficulty in the conference and we had a bill. The conference committee was successful. The House accepted it, the Senate accepted it, but the President vetoed it.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. MELCHER. I will be delighted to yield.

Mr. JOHNSTON. The basis of that formula was basically the value of the surface plus not to exceed $100 per acre. Is that accurate, as a general statement?

Mr. MELCHER. The value of the surface, the value of the interruption of his business, the value of the loss of income, the value of moving, and then $100 as a bonus, if it were necessary.

Mr. JOHNSTON. Limited to a total a of $100 bonus.

Mr. MELCHER. No, not limited to a total of $100. And a bonus of $100. A bonus means something on top.

Mr. JOHNSTON. That is correct.

Mr. MELCHER. Having arrived at that compromise, it was the thought of the House and the Senate committees at this time—and the Senator served on the Committee on Energy which handled this bill—it was the thought at the start of this Congress, "Let us get a bill. We have a solution for this issue."

I understand that the committees have modified it somewhat, both in the House and in the Senate. That modification is not objectionable. But to go back now and say to those landowners, after these many years, "We have not arrived at the point of protecting your rights as landowner, but we are going to throw you into the pit of uncertainty and you are going to run the risk of having your land stripped away from you"—I have to say no to that. I think the Senate should say no to it, as the House has said no to it.

I hope the Senator's amendment is defeated.

Mr. BUMPERS. Mr. President, I assume we have just about reached the point where everybody has said everything they want to say on this.

First, I ask unanimous consent that Ark Monroe and George Jacobson, of my staff, may have the privilege of the floor during debate and vote on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Second, since the Senator from Louisiana modified his amendment in accordance with my amendment to his amendment, at this time, I withdraw my amendment.

The amendment was withdrawn.

Mr. BUMPERS. Mr. President, there are two or three salient points I think ought to be made before the Senate votes on this. I preface what I want to say by saying that if the Senate does not accept this amendment, it will live to rue the day. It will live to rue the day.

First, we spend a lot of time talking about consumer rights. We are worried about inflation in this country because of the rapid rise of energy rates that have occurred and will continue to occur. Yet, here we are, about to pass a bill—and this bill certainly will be passed—that would provide for the literal obstruction of one of the greatest solutions to the energy crisis. That is the mining of coal.

Second, there is not a State in the Union, to my knowledge—not one of the 50 States—that provides that people who legitimately own the mineral rights can be deprived of those mineral rights simply because the surface owner does not want them to allow them. There is not a State in the Union that provides for anything even close to the compensation that this amendment provides in case the coal under the surface is dug.

There is not a State in the Union that even comes close to that compensation. And, Mr. President, I defy anybody in this Chamber to find for me a statute on the books of the United States Code that is as generous in the compensation that is to be awarded, through eminent domain or any other taking, as provided by this amendment.

Mr. President, as my third point, I reiterate just what this amendment does: It says to these surface owners, "We will give you the difference between the value of your farm today and after it is mined. That is the law in this country in all eminent domain proceedings: you get the difference between the before and the after value, considering the highest and best use to which that property could ever be put. Not only are we going to give you the before and after value; we are going to give you 2 years for loss of profits; and we are going to give you every expense that you have incurred by being dislocated or anything else.

Fourth, we are going to give you any other expenses that you can conceive of no matter how specious it may be, and no matter how farfetched it may be. If there is a reasonable expectation of it, you get that.

Then what is this bill all about? I shall tell you what the bill is all about: It is to make sure that all strip mining is done and the land reclaimed to its original contours and as close to its original productivity as is possible.

So, after we pay all those four kinds of compensations, and after we reclaim the land and put it back into its original contour, as close to its original productivity as is possible, we give the land back to him.

I do not think there is anything uncharitable or ungenerous about that.

Let us take another point. We are talking about consumers. Who is going to pay if the predictions that the Senator from Louisiana and I have made come true about the unjust enrichment that is going to be provided to the surface owners, who are going to have the hammer over the head of every lessee, the Department of the Interior, and the people of the United States? Who is going to pay for this outrageous price that these lessees will have to pay these surface owners? You and I both know who is going to pay: the consumers, the people who use electricity.

And somewhere down the line, I say to my dear colleague from Wyoming, we are not going to be mining a billion tons a year, as the President has said we should be doing by 1980 or 1985; we are going to be mining 2 to 10 billion tons a year. And we are going to be doing it very soon. And what is the price going to be? That is just anybody's guess.

So there are two things we want to bear in mind: No. 1, all of those millions of dollars that are going to go into the pockets of those surface owners, according to the illustration used by the Senator from Colorado a while ago, the consumers are going to pay. Who is going to be the loser? When the lessees bid this tract of land or the Department of the Interior puts out a tract of land for lease and says, "You can mine this if you can get the surface owners' consent," who also suffers? The Treasury of the United States.

We are not going to get as much for the coal because the lessee cannot pay that much for the coal. He has to pay for the surface on it. So the Treasury of the United States, and therefore, the people of the United States, are being robbed again—and I hesitate to use such a strong term.

Mr. President, as I say, I do not know of much that can be said that has not already been said on this amendment. But I do want to say that I am glad to stand on the Senate floor today and say that, unless this amendment is adopted and unless it sticks in the conference, the people of the United States will have a legitimate right to hold us responsible for an irresponsible act.

Mr. MELCHER. Mr. President, the Senator from Arkansas was talking generally about the statutes concerning mining and eminent domain. I do not think he is really addressing strip mining of an area that might be 1,000 acres or 2,000 acres or 3,000 acres. I think his remarks were more pertinent to deep mining, where you just disturb a tiny fraction of the surface and sink a shaft.

Is there not a vast amount of difference where they are going to strip mine and take away all the surface that belongs to a landowner, and tell him, "Maybe you can get it back, reclaimed, 15 years from now, or maybe after a generation"? Is that not a huge difference from the question of what is a landowner's rights in relation to shaft mining, where they only disturb a little bit of the surface?

And what about all this cost for the consumer? We have heard this over and over again during the last 3 years. So we took some figures. There was a utility company that said "If we had surface owners' rights, those landowners out in Montana or Wyoming might get as much as $1,000 an acre for their surface for that sage land, that grazing land."

So we took their figures, $1,000 an acre, figured out the tonnage of coal underneath that, and figured out how many kilowatts of electricity it would generate. And, yes, it was going to cost the consumers. That was going to cost the consumers about $0.00636 in their monthly utility bills. Find it in their monthly utility bill: $0.00636 in the average monthly utility bill of consumers.

So, there, for the cost to consumers.

What is more important—that the landowner have some right over his surface, or do we concern ourselves about $0.00636 in the average monthly utility bill of the consumer?

How much coal is involved? In my State, the USGS tells us there are 40-odd billion tons of strippable coal. The marketplace is going to establish where that coal is strip mined next year, 5 years from now, 10 years from now, and 20 years from now. We shall probably only strip mine, in the West, 200 million tons of coal in any year during the next 10 years. Why do we have to trample over the rights of those landowners, where it looks best to strip mine now, and ignore their rights for their surface, rather than being selective and saying to the marketplace, and through the economics of transportation and the economics of where the coal is wanted to be used: "Let us look at a series of alternatives where we might strip mine."

In doing so, then negotiate with the landowners in those particular areas of the West to see which ones are willing to forgo their surface.

It will not impede strip mining in the West, but it will bring to it an honesty and an equity we must have and this Senate must agree to.

Mr. McCLURE addressed the Chair.

Mr. DANFORTH. Will the Senator yield for a unanimous-consent request?

Mr. McCLURE. I am happy to.

Mr. DANFORTH. Mr. President, I ask unanimous consent that Allen Moore of my staff be granted the privilege of the floor.

The PRESIDING OFFICER (Mr. PELL). Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I ask unanimous consent that Doug Smith of my staff be granted the privilege of the floor at all stages of the proceedings on this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, a number of us have been involved in this debate for the last several years. As has been pointed out, this matter has been before the Congress of the United States for several years. My first reaction, as the Senator from Montana would know, is that we should not deal with the question of the surface owners. That is something that perhaps should best be dealt with by the States under State laws, in the various variety of ways in which State legislatures and State courts have wrestled with the question of surface, subsurface, owner rights, and the way we balance those two rights and the equities involved.

That was the initial reaction of the committee, to remain silent on this and let each State confront the question in its own way.

As we get into this question more deeply and we get involved more and more in a matter of national policy, then we begin to wrestle ourselves with what kind of policy was best.

I am convinced that if we have to make an error in this field, we ought to err on the side of protecting the rights of the surface property owner. That is really what we are talking about.

The Senator from Louisiana and the Senator from Arkansas are talking about payments of $10 million an acre to the surface owner. That is patently and obviously ridiculous. That is not going to happen. Market constraints themselves will prevent that from happening. As the Senator from Wyoming has pointed out, no payments he knows of have exceeded $1,000 an acre for surface-owner consent.

It has been suggested by some that all of this coal will be deprived to the owners of the coal, the people of the United States. The Senator from Louisiana stated that his people in Louisiana had to give up their oil and gas for the public good, why should not the people in the West have to give up their surface for the public good?

That is not exactly what he said, but that is what he meant.

Let me say, the owners of the oil and gas in Louisiana did not give it up, they sold it. It was not reserved for the Federal Government. It was owned by the owners who then sold it on the market and they got a price for all of it, not just the owner's consent.

They did not sell the right to consent to remove that oil and gas. They got the market price of the oil and gas. We are not even talking about that here.

I am not talking for people in my State because the State of Idaho does not have strippable coal. It has very little coal at all. But I am concerned about the competitive rights of the people who live in the Western United States, the public land States, as compared to people who live in the rest of the States in the United States because, as was observed, we did not have the same options that people in the rest of the United States had with regard to how we owned the land.

The Congress of the United States put some restrictions on it before they would allow our people to own it. Those restrictions now become an onerous burden. I do not think it makes any sense at all, at least not to this Senator, to say, "You now must bear that burden because we want that coal."

It is not going to deprive the markets of the United States of coal that is necessary for the energy program in this country. There is plenty of coal, as has been observed by some.

The President of the United States has said that there is a national crisis in energy and I applaud him for having said that.

I applaud this Congress for finally beginning to realize that is true. Perhaps we will now evolve an energy policy because we now do recognize it is true.

But if we increase the coal consumption in this country to the extent the President of the United States has indicated we might over the next 7 years, he indicates, and others indicate, that half that will come from the eastern United States—from West Virginia, from Kentucky, from Arkansas, from Illinois, from Pennsylvania—and only half of it will come from the western United States, if that. And that half can be mined from private lands. It can be mined from Federal lands in which there is no division of ownership between surface and subsurface. It can be mined on public lands in which there is a division, but there is a consent freely given.

Why should we go further when it is not necessary to go further? Why should we deprive surface owners of their rights of ownership simply because it is convenient to Government to do that?

The Senator from Arkansas has indicated that it must take large tracts of land to put together a mining operation and we start to talk about 900,000 acres, or some such figure that was mentioned.

Let me put that into some kind of perspective. Any mining operation will be built around the single shovelful in the bottom of that hole. That single shovel with its necessary supporting activities will at any one time occupy probably less than 100 acres of surface.

Now, we may haul on roads, have storage yards, get into larger areas, but we are not talking about stripping 900,000 acres immediately or over the next 5, 10, or 15 years.

We are talking about maybe 50 or 100 shovels each operating in the bottom of a pit which occupies less than 100 acres. That pit will move, that opening will move. Over a period of time, from the time it is removed, from production until the time it is returned to production, some 5 or 6 years after mining is completed, we will have about 500 or 600 acres per shovel, per operation, removed from productive use at any one time.

That is not a massive disruption unless—unless—it happens to be critical to the operation of the farmer or the rancher whose land it may be occupying.

I went to Germany last year to take a look at the strip mine operations there in the lignite operation, the so-called brown coal, to see what they do over a 20- or 30-year period as they move through the countryside, remove villages, disrupt old churches, dig up old cemeteries, in order to get the coal that is underneath.

Is that what we want to say to the people of this country, that in every instance the public interest demands that they give up all of their heritage, that they give up what is important to them and sacrifice that on the altar of public convenience, when, as a matter of fact, it is not necessary to make that sacrifice of that nature in the public convenience?

Why should not the surface owner say, "I don't want you to mine that land"?

Mr. BUMPERS. Will the Senator yield?

Mr. McCLURE. "I want to maintain that bit of land."

I yield for a question without losing my right to the floor.

Mr. BUMPERS. Does the Senator know a single instance of State of Federal law where surface owner consent is required before minerals can be dug, or preservation reserved?

Mr. McCLURE. Let me put it in the contrary situation.

I know of no situation either under State or Federal law where the Federal Government can take private property for public use unless it is necessary to the public use.

Mr. BUMPERS. Does the Senator not consider the mining of coal necessary for public use?

Mr. McCLURE. If the Senator had been listening to my remarks, he would have understood the answer to that question. That is, it is not necessary to meet the public demand for coal to mine where it is not desired by the owner of the surface where the surface and subsurface are in separate ownership.

There is plenty of coal to meet all of our demands for the foreseeable future without concentrating on and without invading the one situation in which the surface and subsurface are in separate ownerships, and that is where the surface is owned by a private individual and the subsurface by the Federal Government, the mineral rights by the Federal Government—that one instance. That is all we are talking about.

It is not necessary to mine those areas in order to meet the coal commitments that are necessary for our country. I do not know of a single instance in which any government—any government in a free society such as the United States—is given the authority to take private property and destroy private property rights unless it is essential to the public good. It is not essential to the public good in this instance.

Will there be a rip-off? I think not. I think it is quite obvious that there can be no rip-off when so many alternative sources of coal are readily available. When they have the alternatives, there is no way that that surface owner will then have the leverage that is necessary to have the rip-off of $10 million per section that is referred to by the Senator from Louisiana.

Mr. BUMPERS. Mr. President, will the Senator yield for an observation?

Mr. McCLURE. I yield.

Mr. BUMPERS. I agree with the Senator to this extent: If all the acres where the Federal Government owns the surface and the minerals were contiguous and in economically viable tracts, then I think that what the Senator says is at least partially correct, and there would be no need right now because there would be enough acres of coal where the Federal Government owns the minerals and the surface to meet our immediate needs. But that overlooks one point.

The ownership of these surface rights is interspersed throughout the entire western part of the United States. The land in which the United States owns the surface and the minerals is not contiguous, and it is virtually impossible for the Secretary to design a plan on which anybody will want to bid. That makes this thing so obnoxious to me.

Mr. McCLURE. I understand the Senator's point, and I think he probably could find some instances in which the dispersed pattern of ownerships, the checkerboarding of ownership, might have that result. But I think it is also quite possible to show that there are large contiguous tracts of land far more than necessary to meet the needs of the public for the next 75 or 80 years, at least, where that pattern does not exist.

The truth of the matter is that, while we may speculate on that issue, I do not suppose that either the Senator from Arkansas or the Senator from Idaho can produce a map this afternoon to prove that point.

However, I think it is obvious, with the tremendous volumes of coal that are out there, as compared to the market demand, that we simply do not have to confront that unique situation at the expense of depriving people of their private property rights.

Mr. GOLDWATER. Mr. President, will the Senate yield?

Mr. McCLURE. I yield.

Mr. GOLDWATER. I call my friend's attention to the fact that in the State of Arizona, located on the Hopi and Navajo Indian Reservations, remains one-third of the coal in the entire United States. This is coal that is not on private land. This is Indian land. There is a section in this bill that deals specifically with how the Indians will be protected, and so forth, as they negotiate.

So in just this one area of shale coal, this cheap coal—my friend from New Mexico knows that it makes a good fire and that we generate a lot of electricity with it—I think it is important that we protect the surface rights of the individual.

We went through all this in years past and finally have enacted into law—thanks to the senior Senator from Montana—the protection of the property rights, the surface rights, and the subsurface rights on copper, gold, silver, or anything else that might be underneath. No longer can a man just back a rig up to your home and start drilling for minerals.

This is not in this act, but I just wanted to make certain that people understood that, and I also want to back up the Senator's claim that we do not have to disturb the Western United States to that extent.

Mr. McCLURE. I thank the Senator from Arizona for that observation.

Mr. President, I do not want to belabor this question. It is just that after several years of consideration, trying to sort out all the hypothetical and possible cases that might be made for or against any particular case, this Senator, at least, decided that it was not necessary to deprive the ranchers of the Western United States of their rights to continue a ranching operation if they desired to do so. That is all it boils down to. If it were necessary, then we would have to confront this in a much different way, but it is not necessary. We can meet our energy commitments in this country, so far as coal is concerned—any reasonable expectation over the next half century to a century—without confronting this problem by saying to the individual property owner, "Sorry, friend; your home, your farm, your memories, your background must be sacrificed to the public good."

I do not think that is necessary now, and this Senator, at least, came down on the side of protecting the rights of the individual against the oppressive weight of the Federal Government in this instance.

Mr. DOMENICI. Mr. President, will the Senator yield?

Mr. McCLURE. I yield.

Mr. DOMENICI. Mr. President, I would not speak to this issue today but for the position of some of those who favor the amendment and oppose the committee report and because of the way they have expressed themselves with respect to what the committee bill does and what I, therefore, am supporting. When I support it, I feel compelled to make a few remarks.

First of all, we have a great deal of public domain land in my State, but we have very little that is festered with the problem we are discussing today. So I started a year ago trying to learn about this problem on the committee on which I serve.

First, I thank the junior Senator from Montana, who spoke today for a few moments, because I think it is important, in understanding how I voted in the committee, to know that I started with the explanation he made. It sounds today, in listening to the proponents of the amendment, as though this question of the surface rights and the mineral rights is just a black and white situation; that it is a simple question of mining law; that obviously Congress and these people clearly understood everything; that they knew they were reserving these mineral rights, and that at some later date you could come along and take out those minerals. The fact is that that is a very gray area.

Those particular homestead deeds reserve these minerals that we are speaking of today; but it is very questionable, as the junior Senator from Montana said, whether or not we ever envisioned in that reservation the destruction of the fee, of the surface right fee, while we mined that coal.

So as I pursued my answer, I started there. I said that if that is so, then I have an absolute right, as a Senator, to be part of a policy that might clarify that particular gray set of property rights vis-a-vis the United States and its constituent fee owner, surface owner, who sacrificed in homesteading. I started with that.

The second issue of which I had to convince myself was how much of this American coal owned by the Government is in that condition. I cannot give an exact percentage, but this Senator satisfied himself that the overwhelming proportion of it was not on that kind of land but, rather, on land that did not have that problem.

If we are talking about hundreds of billions of tons of coal on the public domain, the majority of it is not on this kind of land.

The majority of it is on land that the Federal Government owns, that is going to put out for lease and we are going to mine to satisfy our energy needs.

Once I have satisfied myself on those two points then I have to make a public policy decision, and it is a matter of policy as to whether or not we are going to move quickly against those lands wherein the surface and the fee are owned by an owner and by the Federal Government in terms of fee and mines, or whether we are going to let the marketplace go on the rest of the lands under a reclamation law that is valid.

I convinced myself that the property owners had a serious complaint that it was never intended that their lands be stripped, to begin with.

I convinced myself there is plenty of coal on land that is not like this, and it is a proper public policy to say, "Go first on that land that is not of diverse ownership, and if you want to go after the other do the reasonable, logical thing and require consent."

For those who think the marketplace is not going to have anything to do with the consent, they are ignoring the issue. They are talking as if you could drive down the road and find no other coal available to bid on, so you have to pay a farmer $10 million an acre. That is an absurdity. That is an absurdity unless there are a few isolated cases of a little piece of land that you cannot do without. But the abundance of the evidence is that if you drive down the road and find two sections of Federal land that do not have the ownership problem, you bid on them and you are not going to drive up the street if you can bid that to the Federal Government and pay a man $10 million an acre for land up the road.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. DOMENICI. Let me just finish. I have been waiting all afternoon, listening to the arguments, and let me say to my good friend from Louisiana on this one I do not agree, on the next one we will be together. We both have the same kind of goal on this bill, and it is to do right by the energy crisis and by the American people.

If I were the least bit convinced that we were going to be ripped off, I would not be for it. Quite to the contrary, I am convinced there is a valid public reason and valid public policy to distinguish between the ownership rights of these kinds of people who homesteaded and clear-cut cases where the Federal Government reserved the mineral rights, and that is the answer to some of the questions here about whether there is any law, any mining law, that makes you pay for these kinds of damages you provide for. Of course not, because here we have a gray kind of conveyance. The Federal Government never intended to reserve strip-mineable coal, as the junior Senator from Montana said. So we have a real opportunity to do equity kind of belatedly, and we are not going to harm the solution to the energy crisis.

My last remark is this: If it came to pass that 5 or 6 years from this date this kind of land was holding up energy development in this country, I would just ask what have we done that will not permit us to come back to the floor of the Senate and do what the Senator asks us to do today. In my opinion, nothing.

Those owners who have consented will have consented, and their land will be developed and mines will be growing very slowly, taking many, many decades, and if we find it has not worked, and consent is not being given, and $10 million is being extracted, it will not be extracted very many times; let us come back and say, "Let us establish another policy," and let us say yours is right, then condemn it, as you suggest—you do not use the word, but condemn it—and pay reasonable damages under your definition or some other one. I think that is the issue.

There is a clear right to a public policy that says "protect these people." It is not black and white. It is not owners ripping off the Federal Government. These owners, under different circumstances in different times, would never have had these minerals ever even touched, for who would have dreamed at the turn of the century, that a mineral reservation meant one of these coal machines that can dig up 30 tons at one whack. Nobody thought of that when we reserved this, so it is our job to determine this policy one way or the other. It is not in an atmosphere of who is going to rip off whom; it is in an atmosphere of what is right, and will we hurt America by doing it in its energy solution. The answer is the bill is right, and we will not hurt the solution to the energy crisis if we go at it this way.

I would be delighted to yield to the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. PELL). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DURKIN. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. JOHNSTON. I yield.

Mr. DURKIN. I ask unanimous consent that William Houser of my staff be permitted the privileges of the floor during the deliberations and votes on the pending measure.

Mr. MELCHER. Mr. President, will the Senator yield for a similar unanimous-consent request?

Mr. JOHNSTON. I yield.

Mr. MELCHER. Mr. President, I ask

unanimous consent that during the debate and votes on this bill three members of my staff be allowed the privileges of the floor: Bill Whitsitt, Janine Volsky, and Benton Stong.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I hope we can be ready to vote at this time. There is a lot of repetition that many of us can state, but I am ready to vote at this time.

Mr. STEVENS. Mr. President, I ask unanimous consent that my assistant, Timothy McKeever, be granted the privileges of the floor during the consideration and debate on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. It is my understanding that following this vote the two amendments I submitted last night under the special order will follow.

The PRESIDING OFFICER. The Senator is correct. Following this vote the Senator from Alaska will be recognized to call up his two amendments.

The question is now on agreeing to the amendment, as amended, of the Senator from Louisiana.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Darla West, Eric Everett, and Sam Ballinger be granted floor privileges.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from California, (Mr. CRANSTON), the Senator from Maine (Mr. HATHAWAY), the Senator from Hawaii (Mr. INOUYE), and the Senator from Arkansas (Mr. MCCLELLAN) are necessarily absent.

I further announce that, if present and voting, the senator from Nevada (Mr. CANNON) would vote "nay."

Mr. STEVENS. I announce that the Senator from Oregon (Mr. HATFIELD), the Senator from Nevada (Mr. LAXALT), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "nay."

The result was announced—yeas 25, nays 67, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—25

Allen
Anderson
Bartlett
Bellmon
Bentsen
Bumpers
Case
Chiles
Curtis
Eagleton
Griffin
Haskell
Humphrey
Jackson
Javits
Johnston
Long
Mathias
Metzenbaum
Morgan
Nelson
Nunn
Pell
Stevenson
Talmadge

NAYS—67

Abourezk
Baker
Biden
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Bayh
Chafee
Church
Clark
Culver
Danforth
DeConcini
Dole
Domenici
Durkin
Eastland
Ford
Garn
Glenn
Goldwater
Gravel
Hansen
Hart
Hatch
Hayakawa
Heinz
Helms
Hollings
Huddleston
Kennedy
Leahy
Lugar
Magnuson
Matsunaga
McClure
McGovern
McIntyre
Melcher
Metcalf
Moynihan
Muskie
Pearson
Percy
Proxmire
Randolph
Ribicoff
Riegle
Roth
Sarbanes
Sasser
Schmitt
Schweiker
Scott
Sparkman
Stafford
Stennis
Stevens
Stone
Thurmond
Tower
Wallop
Weicker
Williams
Young
Zorinsky

NOT VOTING—8

Cannon
Cranston
Hatfield
Hathaway
Inouye
Laxalt
McClellan
Packwood

So Mr. JOHNSTON'S amendment was rejected.

Mr. HANSEN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. METCALF. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. METCALF. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats.

UP AMENDMENT NO. 250

Mr. STEVENS. Mr. President, I call up an amendment which I have at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an unprinted amendment numbered 250.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 305, line 24, insert following new section:

SEC. 516. (a) The Secretary is directed to contract with the National Academy of Sciences-National Academy of Engineering for an in-depth study of surface coal mining conditions in the State of Alaska in order to determine which, if any, of the provisions of this Act should be modified with respect to surface coal mining operations in Alaska.

(b) The Secretary shall report on the findings of the study to the President and Congress no later than two years after the date of enactment of this Act.

(c) The Secretary shall include in his report a draft of legislation to implement any changes recommended to this Act.

(d) Until one year after the Secretary has made this report to the President and Congress, or three years after the date of enactment of this Act, whichever comes first, the Secretary is authorized to modify the applicability of any environmental protection provision of this Act, or any regulation issued pursuant thereto, to any surface coal mining operation in Alaska from which coal has been mined during the year preceding enactment of this Act if he determines that it is necessary to insure the continued operation of such surface coal mining operation. The Secretary may exercise this authority only after he has (1) published notice of proposed modification in the Federal Register and in a newspaper of general circulation in the area of Alaska in which the affected surface coal mining operation is located, and (2) held a public hearing on the proposed modification in Alaska.

(e) In order to allow new mines in Alaska to continue orderly development, the Secretary is authorized to issue interim regulations pursuant to Sec. 401(b) including those modifications to the environmental standards as required based on the special physical, hydrological and climatic conditions in Alaska but with the purpose of protecting the environment to an extent equivalent to those standards for the other coal regions.

(f) There is hereby authorized to be appropriated for the purpose of this section $250,000.

Mr. STEVENS. I yield to the Senator from Oklahoma for a unanimous-consent request, without relinquishing my right to the floor.

Mr. BARTLETT. Mr. President, I ask unanimous consent that Erich Evered of my staff be accorded the privilege of the floor during the discussion and voting on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METCALF. Mr. President, may we have order? The Senate is not in order.

Mr. HEINZ. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. STEVENS. Mr. President, I am hopeful that with the aid of——

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Alaska may proceed.

Mr. STEVENS. I am hopeful that we can get the managers of the bill to accept this amendment. I do not expect to take much time. I would be willing to enter into a time limitation agreement, but I do not believe it is really necessary.

This amendment is similar to one I offered last year when the bill was before the committee. This year I submitted it to the committee again, but the committee felt that it would be better to offer the amendment on the floor.

The problem is that in Alaska some 54,152 square miles of land onshore and over 4,000 square miles offshore are potential producing areas containing known economic deposits of coal. In most of those areas, the coal exists in the permafrost or semicontinuous permafrost areas where, if the overburden is removed, the ice portion, that is, the frozen water portion of the overburden melts, making it impossible to comply with some of the provisions in this bill. This is particularly true with respect to the original contour concept, and with regard to the restoration of topsoil conditions.

This amendment authorizes the Secretary of the Interior to continue to permit mining; and there is at least one mine in Alaska that would be forced to shut down if the amendment were not adopted. It would authorize the Secretary of the Interior to publish special regulations to modify any environmental protection provisions of this act, or any regulation issued under it, for any surface coal mining operation in Alaska, as he deems necessary. There will be public notice and there will be adequate protection for the environment under this approach.

Let me point out that this is not a small matter that we are discussing, because Alaska has total demonstrated coal resources of 2.029 trillion tons. Over 2 trillion tons of coal could be mined in my State.

We do not seek any provisions which would allow our State to be raped. What we do seek is regulations which are adapted to the special and peculiar conditions of our area.

I am hopeful that the Senator from Montana will once again accept this amendment. It has been modified, as he knows, and it has been discussed with his staff.

Mr. METCALF. Mr. President, as the Senator from Alaska has already told us, this is an amendment which was accepted last year, the last time the bill was considered. The amendment has been modified so that it complies with some of the other provisions of the legislation. I am perfectly willing to accept it. I have talked to the minority leader (Mr. HANSEN) and I believe he is willing to accept it. I would like to move forward, unless there is further discussion.

Mr. STEVENS. The Senator knows we did modify it to cover the environmental section.

Mr. METCALF. Yes; I have spoken to the Senator from Alaska about this amendment, about the modifications I felt were necessary in order to make it comply with some of the other provisions of the legislation. He has modified it.

Mr. STEVENS. I appreciate that. It would permit the Secretary to issue regulations to allow the mines to operate, waiving only the environmental conditions. That is the modification.

Mr. METCALF. The Senator is correct. The Senator from Wyoming is nodding and I understand he concurs in the agreement that we have reached with the Senator from Alaska.

Mr. STEVENS. With that understanding, unless there is someone who wishes to raise any questions, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. METCALF. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

UP AMENDMENT NO. 251

Mr. STEVENS. Mr. President, I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an unprinted amendment No. 251.

The legislative clerk proceeded to read the amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. MELCHER. Mr. President, reserving the right to object, is this a printed amendment?

Mr. STEVENS. No, it is not a printed amendment. It is title I and title II of S. 302, which is printed and available to the Senator. I would be happy to explain that, if he would give me a minute.

Mr. METCALF. May I say to my colleague that S. 302 is a bill I introduced and a bill upon which I held hearings in the last Congress, a matter with which I am in accord with the Senator from Alaska.

Mr. MELCHER. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 284, line 7, insert the following:

Title V—UNIVERSITY COAL RESEARCH LABORATORIES

ESTABLISHMENT OF UNIVERSITY COAL RESEARCH LABORATORIES

SEC. 501. (a) The Director of the National Science Foundation, after consultation with the National Academy of Engineering, is authorized and directed to designate ten institutions of higher education at which university coal research laboratories will be established and operated.

(b) In making designations under this section, the Director shall consider the following criteria:

(1) The institution of higher education shall be located in a State with abundant coal reserves.

(2) The institution of higher education shall have experience in coal research, expertise in several areas of coal research, and potential or currently active, outstanding programs in coal research.

(3) The institution of higher education has the capacity to establish and operate the coal laboratories to be assisted under this title.

(c) Not more than one coal laboratory established pursuant to this title shall be located in a single State and at least one coal laboratory shall be established within each of the major coal provinces recognized by the Bureau of Mines, including Alaska.

(d) The Director shall establish a period, not in excess of ninety days after the date of enactment of this Act, for the submission of applications for designation under this section. Any institution of higher education desiring to be designated under this title shall submit an application to the Director in such form, at such time, and containing or accompanied by such information as the Director may reasonably require. Each application shall—

(1) describe the facilities to be established for coal energy resources and conversion research and research on related environmental problems including facilities for interdisciplinary academic research projects by the combined efforts of specialists such as mining engineers, mineral engineers, geochemists, mineralogists, mineral economists, fuel scientists, combustion engineers, mineral preparation engineers, coal petrographers, geologists, chemical engineers, civil engineers, mechanical engineers, and ecologists;

(2) set forth a program for the establishment of a test laboratory for coal characterization which, in addition, may be used as a site for the exchange of coal research activities by representatives of private industry engaged in coal research and characterization;

(3) set forth a program for providing research and development activities for students engaged in advanced study in any discipline which is related to the development of adequate energy supplies in the United States. The research laboratory shall be associated with an ongoing educational and research program on extraction and utilization of coal.

(e) The Director shall designate the ten institutions of higher education under this section not later than ninety days after the date on which such applications are to be submitted.

FINANCIAL ASSISTANCE

SEC. 502. (a) The Director is authorized to make grants to any institution of higher education designated under section 101 to pay the Federal share of the cost of establishing (including the construction of such facilities as may be necessary) and maintaining a coal laboratory.

(b) Each institution of higher education designated pursuant to section 101 shall submit an application to the Director. Each such application shall—

(1) set forth the program to be conducted at the coal laboratory which includes the purposes set forth in section 101(d);

(2) provide assurances that the university will pay from non-Federal sources the remaining costs of carrying out the program set forth;

(3) provide such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for Federal funds received under this title;

(4) provide for making an annual report which shall include a description of the activities conducted at the coal laboratory and an evaluation of the success of such activities, and such other necessary reports in such form and containing such information as the Director may require, and for keeping such records and affording such access thereto as may be necessary to assure the correctness and verification of such reports; and

(5) set forth such policies and procedures as will insure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available for the purposes of the activities described in section 101(d) (1), (2), and (3), and in no case supplant such funds.

LIMITATION ON PAYMENTS

SEC. 503. (a) No institution of higher education may receive more than $4,000,000 for the construction of its coal research laboratory, including initially installed fixed equipment, nor may it receive more than $1,500,000 for initially installed movable equipment, nor may it receive more than $500,000 for new program startup expenses.

(b) No institution of higher education may receive more than $1,500,000 per year from the Federal Government for operating expenses.

PAYMENTS

SEC. 504. (a) From the amounts appropriated pursuant to section 106, the Director shall pay to each institution of higher education having an application approved under this title an amount equal to the Federal share of the cost of carrying out that application. Such payments may be in installments, by way of reimbursement, or by way of advance with necessary adjustments on account of underpayments or overpayments.

(b) The Federal share of operating expenses for any fiscal year shall not exceed 50 per centum of the cost of the operation of a coal research laboratory.

ADVISORY COUNCIL ON COAL RESEARCH

SEC. 505. (a) There is established an Advisory Council on Coal Research which shall be composed of—

(1) the Director of the National Science Foundation, who shall be Chairman;

(2) the Director of the Bureau of Mines of the Department of the Interior;

(3) the President of the National Academy of Sciences;

(4) the President of the National Academy of Engineering;

(5) the Director of the United States Geological Survey; and

(6) six members appointed by the Director from among individuals who, by virtue of experience or training, are knowledgeable in the field of coal research and mining, and who are representatives of institutions of higher education, industrial users of coal and coal-derived fuels, the coal industry, mine workers, nonindustrial consumer groups, and institutions concerned with the preservation of the environment.

(b) The Advisory Council shall advise the Director with respect to the general administration of this title, and furnish such additional advice as he may request.

(c) The Advisory Council shall make an annual report of its findings and recommendations (including recommendations for changes in the provisions of this title) to the President not later than December 31 of each calendar year. The President shall transmit each such report to the Congress.

(d)(1) Members of the Council who are not regular officers or employees of the United States Government shall, while serving on business of the Council, be entitled to receive compensation at rates fixed by the Director, but not exceeding the daily rate prescribed for GS-18 of the General Schedule under section 5332 of title 5, United States Code, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(2) Members of the Council who are officers or employees of the Government shall be reimbursed for travel subsistence, and other necessary expenses incurred by them in carrying out their duties on the Council.

(e) Whenever a member of the Council appointed under clauses (1) through (5) is unable to attend a meeting, that member shall appoint an appropriate alternate to represent him for that meeting.

AUTHORIZATION OF APPROPRIATIONS

SEC. 506. There are authorized to be appointed not to exceed $30,000,000 for the fiscal year ending September 30, 1979 (including the cost of construction, equipment, and startup expenses) and $7,500,000 beginning with the fiscal year 1980 each fiscal year thereafter through the fiscal year ending June 30, 1983, to carry out the provisions of this title.

TITLE VI—ENERGY RESOURCE GRADUATE FELLOWSHIPS

PROGRAM AUTHORIZED

SEC. 601. (a) The Director is authorized to award under the provisions of this title not to exceed one thousand fellowships for the fiscal year ending September 30, 1979, and each of the five succeeding fiscal years. Fellowships shall be awarded under the provisions of this title for graduate study and research in those areas of applied science and engineering that are related to the production, conservation, and utilization of fuels and energy. Fellowships shall be awarded to students in programs leading to master's degrees. Such fellowships may be awarded for graduate study and research at any institution of higher education, library, archive, or any other research center approved by the Director after consultation with the Commissioner of Education.

(b) Such fellowships shall be awarded for such periods as the Director may determine, but not to exceed two years.

(c) In addition to the number of fellowships authorized to be awarded by subsection (a) of this section, the Commissioner is authorized to award fellowships equal to the number previously awarded during any fiscal year under this title but vacated prior to the end of the period for which they were awarded; except that each fellowship awarded under this subsection shall be for such period of graduate work or research, not in excess of the remainder of the period for which the fellowship which it replaces was awarded as the Commissioner may determine.

AWARDING OF FELLOWSHIPS

SEC. 602. Recipients of fellowships under this title shall be—

(a) persons who have been accepted by an institution of higher education for graduate study leading to an advanced degree or for a professional degree, and

(b) persons who plan a career in the field of energy resources, production, or utilization.

DISTRIBUTION OF FELLOWSHIPS

SEC. 603. In awarding fellowships under the provisions of this title, the Director shall endeavor to provide equitable distribution of such fellowships throughout the Nation, except that the Director shall give special attention to institutions of higher education, libraries, archives, or other research centers which have a demonstrated capacity to offer courses of study or research in the field of energy resources and conservation and conversion and related disciplines. In carrying out his responsibilities under this section, the Director shall take into consideration the projected need for highly trained engineers and scientists in the field of energy sources.

STIPENDS AND INSTITUTIONS OF HIGHER EDUCATION ALLOWANCES

SEC 604. (a) Each person awarded a fellowship under this title shall receive a stipend of $10,000 for each academic year of study. An additional amount of $500 for each such calendar year of study shall be paid to such person on account of each of his dependents.

(b) In addition to the amount paid to person pursuant to subsection (a) there shall be paid to the institution of higher education at which each such person is pursuing his course of study, 100 per centum of the amount paid to such person less the amount paid on account of such person's dependents, to such person less any amount charged such person for tuition.

LIMITATION

SEC. 605. No fellowship shall be awarded under this title for study at a school or department of divinity. For the purpose of this section, the term "school or department of divinity" means an institution or department or branch of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects.

FELLOWSHIP CONDITIONS

SEC. 606. (a) A person awarded a fellowship under the provisions of this title shall continue to receive the payments provided in section 204(a) only during such periods as the Director finds that he is maintaining satisfactory proficiency in, and devoting essentially full time to, study or research in the field in which such fellowship was awarded, in an institution of higher education, and is not engaging in gainful employment other than part-time employment in teaching, research, or similar activities, approved by the Director.

(b) The Director shall require reports containing such information in such forms and to be filed at such times as he determines necessary from each person awarded a fellowship under the provisions of this title. Such reports shall be accompanied by a certificate from an appropriate official at the institution of higher education, library, archive, or other research center approved by the Director, stating that such person is making satisfactory progress in, and is devoting essentially full time to, the research for which the fellowship was awarded.

APPROPRIATIONS AUTHORIZED

SEC. 607. There are authorized to be appropriated $11,000,000 for the fiscal year ending September 30, 1979, and for each of the five succeeding fiscal years. For payments for the initial awarding of fellowships awarded under this title, there are authorized to be appropriated for the fiscal year ending September 30, 1979, and for each of the five succeeding fiscal years, such sums as may be necessary in order that fellowships already awarded might be completed.

RESEARCH AND DEMONSTRATION PROJECTS OF ALTERNATIVE COAL-MINING TECHNOLOGIES

SEC. 608. (a) The Secretary is authorized to conduct and promote the coordination and acceleration of, research, studies, surveys, experiments, demonstration projects, and training relating to—

(1) the development and application of coal-mining technologies which provide alternatives to surface disturbance and which maximize the recovery of available coal resources, including the improvement of present underground mining methods, methods for the return of underground mining wastes to the mine void, methods for the underground mining of thick coal seams and very deep seams, and

(2) safety and health in the application of such technologies, methods, and means.

(b) In conducting the activities authorized by this section, the Secretary may enter into contracts with and make grants to qualified institutions, agencies, organizations, and persons.

(c) There are authorized to be appropriated to the Secretary, to carry out the purposes of this section, $35,000,000 for each fiscal year beginning with the fiscal year 1979, and for each year thereafter for the next four years.

(d) At least sixty days before any funds are obligated for any research studies, surveys, experiments or demonstration projects to be conducted or financed under this Act in any fiscal year, the Secretary in consultation with the Administrator of the Energy Research and Development Administration and the heads of other Federal agencies having the authority to conduct or finance such projects, shall determine and publish such determinations in the Federal Register that such projects are not being conducted or financed by any other Federal agency. On December 31 of each calendar year, the Secretary shall report to the Congress on the research studies, surveys, experiments or demonstration projects, conducted or financed under this Act, including, but not limited to, a statement of the nature and purpose of each project, the Federal cost thereof, the identity and affiliation of the persons engaged in such projects, the expected completion date of the projects and the relationship of the projects to other such projects of a similar nature.

(e) Subject to the patent provisions of section 306(d) of this Act, all information and data resulting from any research studies, surveys, experiments, or demonstration projects conducted or financed under this Act shall be promptly made available to the public.

Page 284 line 7 renumber Title called:

"Administrative and Miscellaneous Provisions" as Title VII and renumber subsections accordingly.

Page 291 after line 3 add:

"(30) 'coal laboratory' means a university coal research laboratory established and operated pursuant to a designation made under Section 501 of this Act,

"(31) 'institution of higher learning' means any such institution as defined by Section 1201(a) of the Higher Education Act of 1968, and

"(32) 'Director' means Director of the National Science Foundation."

Mr. METZENBAUM. Will the Senator from Alaska yield for a unanimous-consent request?

Mr. STEVENS. I yield.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that Mary Jane Due, Roger Berliner, and Roger Miller of my staff be accorded the privilege of the floor during the consideration of the pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Will the Senator yield for a unanimous-consent request?

Mr. STEVENS. I yield.

Mr. HART. Mr. President, I ask unanimous consent that Peter Gold and Len Stewart, of my staff, be granted the privilege of the floor during the consideration of the pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Will the Senator yield for another unanimous-consent request?

Mr. STEVENS. I yield.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that John I. Brooks, of my staff, be granted the privilege of the floor during the consideration of the pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, this is title I and title II of S. 302 introduced by the senior Senator from Montana, the manager of the bill. I am not in any way trying to embarrass my distinguished colleague. The situation was this: It was my understanding that this was in the House bill. I had a visitor in my office who pointed out that only title III of the Senator's bill was in the House version of the bill.

Title I deals with the establishment of university coal research laboratories and is a provision I believe most of us would support.

Title II deals with the creation of energy research graduate fellowships.

One of the great difficulties we have as we try to move the country to convert and substitute for either gas or oil is the lack of trained people, particularly graduate level people, to work in the area of coal conversion, and particularly in the environmental controls necessary to assure the proper development of the coal lands consistent with this policy of Congress.

I hope my good friend knows I am not trying to embarrass him by offering this amendment, but I do not believe the bill would be complete unless all portions of S. 302 are considered in conference. I am hopeful the Senator will accept this amendment also. It is precisely title I and II of the Senator's bill, S. 302.

Mr. METCALF. Mr. President, as the Senator knows, the Interior and Insular Affairs Committee held hearings on this bill last year. We had witnesses from industry laboratories and the various academic institutions testify before them.

One of the things in the President's program is the necessity to provide for the cleaner burning of coal so that we will have less air pollution. This is one of the research investigations which is necessary.

I will take the amendment to conference. It is not a new idea because we have held hearings in the Senate.

Mr. STEVENS. It is a very good idea. It is the Senator's idea, which my university very much applauds. People from the University of Idaho and other western universities came to see me about this. Until that time, as I said, I thought this was in the House bill. It was not until we discovered that it was not that I thought it should be offered here and we should have the option of taking it to conference.

If there are no further comments concerning the amendment, Mr. President, I move the adoption of this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. METCALF. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RANDOLPH. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. Under the previous order the Senator from Louisiana is to be recognized.

Mr. RANDOLPH. Mr. President, I have made arrangements with the Senator from Louisiana (Mr. JOHNSTON) and the Senator from Montana (Mr. METCALF) to proceed with my amendment.

Mr. METCALF. Mr. President, I ask unanimous consent that the Senator from West Virginia be recognized just for a moment. The amendment of the Senator from Louisiana is rather long.

The PRESIDING OFFICER. Without objection, the Senator from West Virginia is recognized.

UP AMENDMENT NO. 252

Mr. RANDOLPH. I am very appreciative.

Mr. President, I ask that my amendment, which is at the desk, be considered at this time.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. RANDOLPH) proposes unprinted amendment No. 252.

Mr. RANDOLPH. Mr. President, I ask that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 305, line , insert the following new section:

"COORDINATION OF REGULATORY AND INSPECTION ACTIVITIES"

"SEC. 516 (a). The President shall, to the extent appropriate, and in keeping with the particular enforcement requirements of each Act referred to herein, insure the coordination of regulatory and inspection activities among the departments, agencies, and instrumentalities to which such activities are assigned by this Act, by the Clean Air Act, by the Water Pollution Control Act, by the Department of Energy Organization Act, and by existing or subsequently enacted Federal mine safety and health laws, except that no such coordination shall be required with respect to mine safety and health inspections, advance notice of which is or may be prohibited by existing or subsequently enacted Federal mine safety and health laws.

(b) The President may execute the coordination required by this section by means of an Executive Order, or by any other mechanism he determines to be appropriate."

Mr. RANDOLPH. Mr. President, this amendment requires the President to coordinate regulatory and inspection activities under several critical environmental and safety programs. I desire to have the complete understanding of the able managers of this important legislation, Senator METCALF and Senator HANSEN and I believe they are in favor of the amendment.

This amendment would direct the President to effect this coordination to the extent practicable among regulatory and inspection activities mandated under S. 7, under the Department of Energy Organization Act, the Clean Air Act, the Water Pollution Control Act, and under nine health and safety laws in order to avoid duplication of effort and excessive numbers of inspections by these agencies. The amendment is designed to achieve a cooperative effort among the agencies involved in these programs and develop, if possible, a system so that such agencies may jointly inspect an operation, mine, or facility at the same time. Its purpose also is to avoid the promulgation of regulations by several agencies which, if independently arrived at, may act at cross purposes with each other or cause confusion.

The amendment does not reduce the number of inspections in various areas of concern—for example surface mine reclamation and water pollution—but it will help alleviate the total number of disruptions to a particular operation. This, in my judgment, will be beneficial to both employees and management.

An exception is provided with respect to any mine safety and health inspections, which are, by law, prohibited from disclosure in advance to anyone outside the agency. Such inspections and their confidentiality are essential to the success of mine safety and health standards enforcement.

Mr. METCALF. Will the Senator from West Virginia yield?

Mr. RANDOLPH. I yield to the able Senator from Montana.

Mr. METCALF. As I understand it, we are talking about the fact that we do not want a parade of inspectors through these mines. We want to have a coordination of inspections. But insofar as safety and health inspections are concerned, there is an exception in the Senator's amendment.

Mr. RANDOLPH. That is correct.

Mr. METCALF. I thank the Senator. I am in accord, and I agree.

Mr. RANDOLPH. I appreciate the helpfulness and cooperation of the able Senator from Montana (Mr. Metcalf).

The PRESIDING OFFICER (Mr. Moynihan). The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. RANDOLPH. I move to reconsider the vote by which the amendment was agreed to.

Mr. METCALF. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, I call up my amendment No. 277 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Mr. Johnston) for himself, Mr. Domenici, Mr. Bartlett, Mr. Laxalt, Mr. Hayakawa, Mr. McClure, Mr. Hatch, Mr. Tower, Mr. Goldwater, Mr. Harry F. Byrd, Jr., Mr. Bellmon, Mr. Allen, and Mr. Garn proposes an amendment.

On page 284, line 6, insert a new section 429 as follows:

Sec. 429. (a) Notwithstanding any other provision of this Act, any State which has, on the date of enactment of this Act, an existing program regulating surface coal mining operation may elect to retain exclusive State jurisdiction over the regulation of surface coal mining and reclamation operations taking place on lands within the State by incorporating in State law standards which are equal to or more stringent than the environmental protection performance standards of sections 415 and 416.

(1) If a State so elects, it shall notify the Secretary within one hundred and thirty-five days after enactment of this Act. Pending final determination by the Secretary pursuant to this section (including judicial review), the State shall apply and insure compliance with subsections 402 (a), (b), and (c).

(2) Such environmental performance standards shall be incorporated into State law within twenty-four months after enactment of the Act.

(3) The Secretary shall hold a public hearing in the State as soon after such standards are incorporated into State law to determine if the environmental performance standards are equal to or more stringent than the standards in sections 415 and 416.

(4) If the Secretary finds that the State standards are not equal to or more stringent than the standards in sections 415 and 416, he shall recommend to the State what conforming changes are necessary and shall afford such State an appropriate period of time to enact conforming amendments but in no event shall such period exceed adjournment sine die of the next full session of the State legislature to occur after such finding. Such finding shall be reviewable in a trial de novo in a Federal district court in such State.

(5) If such State fails within the prescribed time to submit acceptable amendments, the Secretary shall impose a program pursuant to section 403 or 404.

(6) If the Secretary finds that State law is equal to or more stringent than the standards in section 415 and 416, then the State shall retain exclusive jurisdiction pursuant to State law over all surface coal mining operations in such State except as follows:

(A) For a period of four years after such determination, the Secretary shall take such actions as he deems appropriate to monitor State regulation. If within this period the Secretary determines after public hearings that the State is failing to effectively enforce State law with regard to the environmental performance stadards, he shall impose a program pursuant to section 403 or 404 of this Act. Such determination shall be reviewable in a trial de novo in a Federal district court in such State.

(B) Nothing in this section shall be construed to deny such States the effect of sections 505 (a) and (c) of this Act, nor the right to fully participate with respect to title III in the same manner as a State with an approved State program.

(C) States, with cooperative agreements with the Secretary existing on the date of enactment of this Act, which elect pursuant to this section shall be permitted to continue to regulate surface coal mining and reclamation operations on Federal lands within the State pursuant to such agreements: *Provided*, That the Secretary has made the determination required by subsection (a)(6) and such agreements are modified accordingly: *Provided further*, That such existing agreements are modified to require compliance with the initial regulatory procedures of subsection (a)(1).

The Secretary shall retain his duties under sections 2(a), (2) (B) and 2(a) (3) of the Federal Mineral Leasing Act, as amended. Nothing in this section shall be construed as authorizing the Secretary to delegate to the States his duty to designate certain Federal lands as unsuitable for coal mining pursuant to section 422 of this Act, or to regulate other activities taking place on Federal lands.

Mr. JOHNSTON. Mr. President, this is known as the Johnston-Domenici amendment. It is an amendment which was put together by the distinguished Senator from New Mexico in the committee and was jointly handled by the two of us.

This is the States rights amendment. Let me say at the outset, Mr. President, that I hope we can vote on this matter before the hour of 6 p.m. I understand our Republican friends must go to a dinner tonight. I wonder if it will be possible to get a unanimous-consent agreement to vote on it on or before the hour of 6 p.m.?

Mr. DURKIN. Reserving the right to object, I shall have to check on this time.

Mr. JOHNSTON. The problem is that we shall have to put it over until tomorrow and a number of us have plans not to be here tomorrow. I think the issue is well understood and it just means making some of us miss our appointments back in our States.

Mr. DURKIN. I have no desire to cause anyone to miss any engagements. I am concerned that, if it is adopted, this amendment will effectively nullify most of the bill. So, at this time, I think the Senator from New Hampshire will have to object.

Mr. JOHNSTON. The Senator will object?

Mr. DURKIN. I think the Senator has to object.

Mr. METCALF. Will the Senator yield to me for a moment?

Mr. JOHNSTON. Yes.

Mr. METCALF. Will the Senator from Louisiana agree to a division of time? It is now 5 minutes after 5. If the Senator wants a vote at 6, maybe I can persuade the Senator from New Hampshire, if we have a division of time.

Mr. JOHNSTON. Certainly.

Mr. METCALF. Could we divide the time between the opponents and the proponents?

Mr. JOHNSTON. Yes, absolutely.

Mr. DURKIN. Mr. President, I reserve the right to object for 5 minutes.

Mr. JOHNSTON. Mr. President, this is the so-called States rights amendment. What it does is this: Where the Secretary determines, after a public hearing, that the State law is at least as stringent as, or more stringent than, the Federal law, the States shall be given the opportunity to elect State control over their strip mining law. They shall make that notification within 135 days after enactment of this bill.

Mr. President, I understand that we can get a unanimous-consent agreement at this time.

Mr. METCALF. If the Senator has 30 minutes, would he give me 25 minutes?

Mr. JOHNSTON. Absolutely.

Mr. METCALF. And vote at 6 p.m.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that a vote on the pending amendment occur not later than the hour of 6 p.m.; that the time be divided equally between myself and Senator Domenici.

The PRESIDING OFFICER. Is there objection?

Mr. WALLOP. Mr. President, reserving the right to object, I have an amendment which I propose to add as a perfecting amendment to this. I want to have the opportunity to do that. If the Senator's amendment will not take very long——

Mr. JOHNSTON. That will have to be done out of the time.

Mr. WALLOP. I ask if the Senator will reserve me a moment out of his time.

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. METCALF. Could we get a vote at a quarter to 6?

Mr. JOHNSTON. Quarter to 6 is all right.

Mr. METCALF. May we have the yeas and nays?

Mr. MELCHER. Mr. President, reserving the right to object.

Mr. DOMENICI addressed the Chair.

Mr. MELCHER. Will the Senator yield? Does the Presiding Officer recognize me?

The PRESIDING OFFICER. The Senator from Louisiana has the floor. Will he yield to the Senator from Montana?

Mr. JOHNSTON. Only for reserving the right to object, Mr. President.

Mr. MELCHER. Reserving the right to object, this is a pretty serious amendment and I do not know how many amendments might be made to it. To dispose of it in only 40 minutes is asking quite a bit of us. I hope that the Senator from Louisiana can see fit at least to debate it for a couple of hours. I do not know how many people have plans.

Mr. JOHNSTON. I say to my distinguished friend that it is not the seriousness of the amendment, but the fact that our Republican friends must leave at 6 to attend a dinner. A number of us had plans to leave on Friday. I think the amendment is well understood. It is a simple concept. I hope we can vote on it and let us keep our plans to go back to our States.

Mr. MELCHER. Mr. President, may I inquire how many amendments to this amendment there might be?

The PRESIDING OFFICER. So far, one Senator has announced an intention.

Mr. JOHNSTON. And I shall modify my own amendment.

Mr. MELCHER. In that case, I shall not object.

Mr. DOMENICI. Mr. President, reserving the right to object, I ask the junior Senator from Wyoming if he intends to ask for a rollcall vote on his amendment.

Mr. WALLOP. It is my intention at this moment, although it may not be necessary.

Mr. DOMENICI. I ask the Senator from Louisiana, how are we going to work that out in terms of allowing him time? If we allow him just a few moments and 15 minutes for a rollcall vote, there is not much time for the amendment.

Mr. JOHNSTON. Could we have a 10-minute rollcall; have the rollcall for the amendment of the Senator from Wyoming start at 10 minutes to 6 and the rollcall start at 6 o'clock on our amendment?

Mr. President, let me restate the unanimous-consent request.

I ask unanimous consent that the Johnston-Domenici amendment be called for a vote not later than the hour of 6 p.m.; that that vote be limited to 10 minutes in length; that the time be equally divided on that; that the junior Senator from Wyoming have a vote on his amendment in the first degree; that that vote occur at the hour of 10 minutes to 6, and also be limited to 10 minutes.

Mr. BROOKE. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Louisiana has the floor.

Mr. JOHNSTON. Mr. President, this amendment, as I say, I thought was well understood. I thought we could get this business out of the way. I regret very much that we cannot dispatch the matter more quickly. However, let me say what this amendment does.

Mr. BROOKE. Will the Senator yield?

Mr. JOHNSTON. Yes.

Mr. BROOKE. I had hoped the Senate would agree to vote on it at 5:45, as the Senator had originally asked. I have a meeting at 6 o'clock. Could we vote on it at 5:45? We have heard this amendment, it has been debated. We all know what it is. If the Senator requires a vote, could he not have a vote on his amendment, at least, say, at 25 minutes to 6, a 10-minute vote? Would he agree to that?

Mr. JOHNSTON. I agree to that.

Mr. President, I ask unanimous consent that a vote on the Johnston-Domenici amendment occur at the hour of 5:45 p.m.; that it be limited to 10 minutes; that a vote on the amendment in the first degree of the Senator from Wyoming occur at 5:35 p.m., and be limited to 10 minutes; and that, in the meantime, the time be divided equally.

Mr. BAKER. Reserving the right to object, did I understand correctly that the Senator is asking for a 10-minute limit on the first vote?

Mr. JOHNSTON. A 10-minute vote on both amendments.

Mr. BAKER. I would have to object to that. I hope the Senator will agree to a 15-minute vote on the first and 10 minutes on the second.

Mr. JOHNSTON. Very well. I modify my request to request 15 minutes for the first and 10 minutes for the second.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, if a State has a program which is at least as stringent or more stringent than the Federal program, it shall, within 135 days of the passage of this amendment, notify the Secretary of the Interior.

If the Secretary of the Interior determines that that is the case, then the State may proceed with the administration of its own program.

If the Secretary finds the State standards are not equal or more stringent than the Federal standards, he shall recommend to the State conforming changes that would be necessary.

Now, if a State fails to submit the required amendments, then the Secretary imposes a Federal program.

Very simply stated, Mr. President, it is a procedure with due process requirements that allows a State to continue with its own program, if it has a program at least as good as the Federal program. Mr. President, there has been one deficiency cited to the amendment.

A number of our colleagues have said, "Suppose a State initially has a program that is as stringent or more stringent than the Federal program, but the State amends that program, what can we do then?"

UP AMENDMENT NO. 253, MODIFICATION TO AMENDMENT 277

Mr. President, I send a modification of my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Mr. JOHNSTON) proposes a modification to his amendment numbered 253.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(b)(1) Upon revision of or significant amendment to the environmental performance standards of such state law adopted pursuant to subsection (a) of this section, the Secretary shall ascertain whether such amended or revised environmental performance standards remain at least equal to the environmental performance standards of sections 415 and 416 of this Act. In the event that the Secretary determines that such state law as revised or amended is not at least equal to the performance standards of sections 415 and 416, he shall cause a hearing to be held in the state, and the burden of proof shall be upon the state to show that its revised or amended reclamation law provides for environmental performance at least equal to those standards in sections 415 and 416 of this Act. If the Secretary finds that the environmental performance standards of the revised or amended state law are not equal to those of sections 415 and 416, he may proceed to impose a program pursuant to section 403 or section 404: Provided, however, that such findings shall first be reviewable in a trial *de novo* in a Federal District Court in such state.

(2) Prior to adoption of a revision or amendment to the environmental performance standards of such state law, the state regulatory authority may consult with the Secretary and shall receive in writing the opinion of the Secretary with respect to said revision or amendment. If in the opinion of the Secretary the environmental performance standards would remain at least equal to the environmental performance standards of sections 415 and 416 upon adoption of said revision or amendment, he shall so state, in writing, to the state regulatory authority, and such statement shall be binding upon the Secretary and his successors.

Mr. JOHNSTON. Mr. President, what this modification does is to provide that in case a State changes its law after once getting the ability to go ahead, if it changes that law then the Secretary shall hold a hearing in the State on the question of whether that law is still as stringent as or more stringent than the Federal law, and the State in that hearing shall bear the burden of proof to show the requisite finding.

It can be appealable to a district court where the State bears the burden of proving that change.

Should the State desire to make a change in its law and it wants to find out in advance, it may submit a request to the Secretary for a ruling in writing, and the Secretary may give that ruling in advance, in which event the ruling would be binding upon that Secretary and future Secretaries.

In other words, what this modification and amendment would do would provide a fail-safe mechanism to insure that once a State gets in conformity, gets control of its own strip mining program, that it not thereafter stray from the straight-and-narrow path by amending its own law in a way that would do damage to the program.

Mr. President, can we modify the amendment?

The PRESIDING OFFICER. The amendment has been modified.

Mr. JOHNSTON. Very well. I yield to my distinguished friend from New Mexico (Mr. DOMENICI).

Mr. DOMENICI. I thank my friend from Louisiana.

Mr. President. I ask unanimous consent that Senators SCHWEIKER, LUGAR, and SCHMITT be added as original cosponsors to those shown on the printed amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask at this point that communications from the following State Governors be printed at this point in the RECORD.

We have a telegram urging support from the Governors of Louisiana, Illinois, Oklahoma, Utah, Nevada, New Mexico, and Texas and the Railroad Commission of Texas.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BATON ROUGE, LA.,
March 30, 1977.

Hon. DEWEY F. BARTLETT,
Russell Senate Office Building,
Washington, D.C.:

I have reviewed a proposed amendment to section 42 of S. 7, the "Surface Mining Control and Reclamation Act of 1977" granting exclusive jurisdiction to regulate surface coal mining activities to those States which have existing programs patterned after the environmental protection standards of section 415 and 416 and wholeheartedly endorse its adoption.

EDWIN EDWARDS,
Governor, State of Louisiana.

SPRINGFIELD, ILL.,
April 28, 1977.

Senator DEWEY F. BARTLETT,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR BARTLETT: The State of Illinois with its vast coal reserves and its great agricultural production has considerable interest in the consideration of S. 7, the Surface Mining Control and Reclamation Act of 1977. Illinois has been a leader with its strong surface mining regulations and I strongly support efforts to bring all States into conformity with strict national environmental performance standards. I understand that you are considering amendments to S. 7 which would grant to a State exclusive jurisdiction over all surface mining in the State if that State enacts standards equal to the Federal requirements.

I would strongly endorse such an amendment and am hopeful that it will receive positive action in the Senate.

Sincerely,

JIM THOMPSON,
Governor of Illinois.

OKLAHOMA CITY, OKLA.,
April 12, 1977.

Hon. DEWEY F. BARTLETT,
Russell Senate Office Building,
Washington, D.C.:

I have reviewed a proposed amendment to section 429 of Senate bill 7, the Surface Mining Control and Reclamation Act of 1977, granting exclusive jurisdiction to regulate surface coal mining activities to those States which have programs patterned after the environmental protection standard of section 415 and 416. I endorse the concept of State regulation, which is the basis of this amendment.

DAVID L. BOREN,
Governor of Oklahoma.

SALT LAKE CITY, UTAH,
April 21, 1977.

Senator ORRIN G. HATCH,
U.S. Senate,
Washington, D.C.

I strongly urge your support for the Hansen amendment to S7 Federal strip mining legislation. The amendment would recognize Federal-State cooperative agreements for surface coal mine reclamation similar to the one entered into between Utah and the Department of Interior and would grant exclusive jurisdiction for enforcement of standards to States with existing reclamation standards at least as stringent as Federal requirements. The amendment would preclude unnecessary duplication of enforcement efforts and reduce cost, this provision was adopted in subcommittee and I urge your support of the measure in full committee markup and floor consideration.

Sincerely,

SCOTT M. MATHESON,
Governor

CARSON CITY, NEV.,
March 29, 1977.

Hon. PAUL LAXALT,
U.S. Senate, Russell Senate Office Building,
Washington, D.C.

I support the amendment to section 57 permitting exclusive State regulation. I believe States should have the right to regulate mining and reclamation operations within their boundaries.

Sincerely,

MIKE O'CALLAGHAN,
Governor of Nevada.

RAILROAD COMMISSION OF TEXAS,
Austin, Texas, April 7, 1977.

Hon. DEWEY BARTLETT,
U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR BARTLETT: It is my understanding that you propose to introduce an amendment to S. 7 (the pending "Surface Mining Control and Reclamation Act of 1977") which would in effect allow a state which has an existing program regulating the surface mining and reclamation of coal lands within its state boundaries to elect to retain its jurisdiction over this regulatory function. As the Chairman of the Railroad Commission of Texas and Executive Officer of this State's agency administering this responsibility, I heartily applaud and support your proposed amendment.

As you are aware, the current language of S. 7 assumes that the states are presently not adequately regulating coal surface mining activities within their boundaries. This is certainly not the case in Texas. It is in the national interest to produce energy—not to create another federal program.

I congratulate you on your proposed amendment and offer you whatever assistance this agency has the power to provide you in your effort.

Sincerely,

MACK WALLACE, *Chairman.*

OFFICE OF THE GOVERNOR,
Austin, Texas, April 27, 1977.

Senator JOHN G. TOWER,
Russell Office Building,
Washington, D.C.

DEAR SENATOR TOWER: As you know, I oppose Federal coal surface mining legislation as unnecessary. Virtually every one of the coal producing states has enacted legislation regulating surface coal mining and reclamation. Texas, of course, has a very effective statutory program and it is being vigorously enforced.

In fact, the proposed federal surface mining legislation would destroy existing programs. It would abandon the expertise and experience developed by the states, including the entire procedural and administrative framework upon which the programs rest and which are tailored to the needs of each area. The federal bill (S. 7) would substitute instead an inflexible federal program which would be administratively unfeasible from the state's viewpoint. S. 7 would require the states to administer a federal program instead of their own programs. The state would be the agent of the federal government subject to the direction of a huge new federal bureaucracy.

I urge that the amendment to be offered in Committee and possibly on the Senate Floor by Senator Johnston be adopted so that states that presently regulate surface coal mining could elect to retain their own programs if the state adopted the environmental performance standards in S. 7 within 24 months after enactment. It would also permit the Federal Government to monitor the effectveness of the modified state programs for a period of four years. Several other Governors also endorse the Johnston approach including those from: Wyoming, Montana, North Dakota, South Dakota, Nebraska, Nevada, New Mexico, Indiana, Oklahoma, Alabama and Louisiana.

It is in the national interest to produce energy—not to create another Federal program. Senator Johnston's amendment will serve this interest. It will simplify the implementation of the bill, it will eliminate the need for a substantial federal bureaucracy which would otherwise be necessary to implement the bill's provisions, and it will recognize the importance of the state in regulation of surface mining within its boundaries.

In view of its importance to the State of Texas and the Nation, I urge your consideration and support of Senator Johnston's amendment, which is cosponsored by Senators Domenici, Bartlett, and Laxalt, so that the integrity of state programs can be maintained.

Sincerely,

DOLPH BRISCOE,
Governor of Texas.

SANTA FE, N. MEX.,
April 14, 1977.

Re: Amendment S. 7.
Senator PETE DOMENICI,
Capitol One, D.C.

I have reviewed the proposed amendment to S. 7, the Surface Mining Control and Reclamation Act of 1977, which grants exclusive jurisdiction to States which have existing regulation programs.

It is my understanding that the amendment would accomplish the goal of bringing all States into conformity with national environmental performance standards while recognizing and respecting the usefulness and importance of existing State reclamation programs.

I cannot overemphasize my endorsement of this amendment, and I am hopeful it will receive swift and positive action in the Senate.

JERRY APODACA,
Governor.

[From the Congressional Record,
Mar. 17, 1977]

POM-90. Senate Concurrent Resolution No. 5 adopted by the Legislature of the State of Utah relating to proposed surface management regulations of the Bureau of Land Management on Public Lands; to the Committee on Energy and Natural Resources:

"SENATE CONCURRENT RESOLUTION NO. 5

"Be it resolved by the Legislature of the State of Utah, the Governor concurring therein:

"Whereas, a viable mining industry is essential to the economic and physical well being of the State of Utah and the Nation and independent prospectors and miners are significantly contributing to the discovery and development of mineral resources on public lands;

* * * * *

management rules which do not adversely affect important mining development in this State and Nation and the right of the individual to enter upon public lands for purposes of discovery, exploration and mining of mineral resources; request that the Congress recognize that this State has established an orderly plan for development and reclamation of mining properties, and that the State must be allowed to enforce its reclamation laws; and request that the Congress of the United States immediately evaluate the potential adverse effect of the proposed regulations and pass such legislation as will better serve the public interest and the rights of individuals in the development of mineral resources on public lands.

"Be it further resolved, that a copy of this Resolution be forwarded to all members of the congressional delegation of the State of Utah, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to the Department of the Interior."

POM-91. Senate Concurrent Resolution No. 6 adopted by the Legislature of the State of Utah relating to the recent order of President Carter deleting funds for the Bonneville Unit of the Central Utah Project from his fiscal 1978 budget requests; to the Committee on Energy and Natural Resources:

"SENATE CONCURRENT RESOLUTION NO. 6

"Be it resolved by the Legislature of the State of Utah, the Governor concurring therein:

"Whereas, the Central Utah Project was instituted by the Colorado River Storage Project Act with the Bonneville Unit having a cost of approximately $773 million and which would include 10 new reservoirs together with the enlargement of two more reservoirs, 140 miles of aqueducts, tunnels and canals, three power plants, nine pumping plants and 200 miles of pipe drains; and

"Whereas, the adequacy of these Environmental Studies and findings portraying tradeoffs and consequences of development were recently confirmed and upheld by the Federal District and Appellate Courts, and

"Whereas, since 1956, approximately $200 million have already been expended toward the completion of this unit; and

"Whereas, $32 million in federal funding was required for the fiscal year 1978 to maintain the completion schedule of this unit; and

"Whereas, the importance of the Bonneville Unit of the Central Utah Project was particularly evident this year when a recent meeting of the governors of the western and midwestern states in Denver, Colorado, together with the Secretary of the Interior, Cecil Andrus, concluded that the western and midwestern states are facing the worst drought in the history of the United States; and

"Whereas, the drought is expected to be devastating this year and to continue to cause severe water shortages for several years to come; and

"Whereas, this country is currently in the midst of an energy shortage which even the President has indicated will not change in the foreseeable future; and

"Whereas, since 1956 the construction and development in Salt Lake County has been established on the basis of the completion date set for the Bonneville unit and, absent such construction, the persons living therein would face a severe water shortage even in good water years; and

"Whereas, the termination of funds for this unit at this time, and in view of all of the foregoing, can serve only to extend the devastating impact which Utah and its surrounding states are presently facing and enhance the energy and food shortage facing the United States; and

"Whereas, if any steps changing this funding should be made, the funding should be increased at this time to speed up the completion of the unit in view of the energy shortage and drought facing this country.

"Now, therefore be it resolved, that the 42nd Legislature of the State of Utah, the Governor concurring therein, memorializes the President of the United States to reconsider his deletion of funding for the Bonneville Unit of the Central Utah Project for the fiscal year 1978 and, if he feels further study on the unit is required, that the study be undertaken while the unit continues.

"Be it further resolved, that the Legislature urges Congress to pass a budget which will allow the usage of funds for the continuation of the Bonneville unit, and that the construction of all units of the Central Utah Project should be expedited so that they can meet the existing and rapidly growing water requirements for both Indians and non-Indians within the State of Utah.

"Be it further resolved, that copies of this Resolution be forwarded to the President of the United States, the Speaker of the House, the President of the Senate, and the Congressional Delegation of Utah and the other western and midwestern states, as an expression of the strong feelings of the people of the state in relation to this project."

Mr. DOMENICI. Mr. President, I will read from the Governor of the State of New Mexico, the last paragraph, and I quote:

> I cannot overemphasize my endorsement of this amendment, and I am hopeful it will receive swift and positive action in the Senate.

Mr. President, I read that because when we first started hearings on this strip mining bill, many Governors from around the country, including the Governor of the State of New Mexico and a number of those that I have just read off, and that I will read off shortly, all indicated in a general sense that they supported a national strip mining law.

Then, as we read their testimony and their qualified support, we find inherent in every one of their endorsements a genuine concern.

One is positive, and that concern is that we set some minimal reclamation and environmental standards that can be enforced unequivocally by our National Government.

Then we see some very negative and some genuine concerns about the bill that is before us. That is that as they look at the permit system, as they look at the bonding system, as they look at all of the front end parts of this bill, they say, "But we don't need those in order to have a reclamation program that is environmentally sound."

So the good Senator from Louisiana and I came up with this approach. We take the two sections of this bill that set forth the reclamation and environmental standards, that is section 415 and section 416, and we say that once and for all if we pass this bill, there is no State in the Union that can have less than that, and we say to any State in the Union, "You've got 24 months to put in place a State law, State rules and regulations that are enforceable and that are so found by the Secretary of the Interior."

And then we say, "If you so desire and the Secretary so finds, you are out from under this strip mining bill, but you are bound by the Senator from Louisiana's recent amendment to continue under that reclamation and environmental approach that has been once certified by the Federal Government."

Mr. President, this is a third way to get the minimal requirements under this law. The first way is to turn it all over to the National Government and let them do it. This bill will permit a State to do that, if they so choose. I do not think anyone in his right mind will do it.

The second one permits a State to basically put in place everything that the Federal Government requires in this bill, regulations, rules, permit systems, and all the rest, and an environmental reclamation plan, and then the Federal Government might delegate to them on a revocable basis the right for the State to run that.

We are providing a third way. That third way is to get their program certified in 24 months as to environmental and reclamation standards and they opt out of this bill and run their own program.

In addition, the States of South Dakota, North Dakota, Montana, Virginia, Alabama, and Indiana have supported this amendment by direct communication.

Mr. President, I want to reserve for my friend from Louisiana and I some time and we are going to run short. But I want to clear up one other aspect of this amendment as we present it.

In the West, where there is public domain, there may be some concern that by a State getting its reclamation and environmental rules and standards up to the minimum in 24 months, that we may be turning over the Federal lands to them to run under that program. I want to clarify that under our amendment such an event requires the full consent of the Secretary of the Interior. So that we retain that right of the Secretary of the Interior inviolate for him to run that public domain under his rules and regulations, be they this national strip-mining law or by consent to let the State run it under its law.

Mr. President, for those in this body who have seen national laws that started with a great goal and then end up totally festered by bureaucracy because we run a complicated program out of Washington, D.C., and for those who run around this country saying, "We don't want any more of that," the good Senator from Louisiana and I are offering them an opportunity to let their State get out from under that kind of bureaucracy and redtape. Yet, we feel that the principal ingredients of this bill, section 416 and section 415, will have to be complied with before they can opt out.

We think that reaches the genuine goals of the strip mining bill in its inception, when it was conceived and when it was brought forth by the committees of Congress.

I urge every Senator who thinks his State, with minimal Federal standards, might do a better job than the Federal Government in running this program, with rules and regulations that are adopted here, a permit system that is designed and administered here, to seriously consider voting for the Johnston-Domenici State exclusive regulation amendment.

I reserve the remainder of my time.

Mr. JOHNSTON. Mr. President, I ask for the yeas and nays on both amendments.

The PRESIDING OFFICER. Without objection, the motion is in order.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. METCALF. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. METCALF. What is the time situation?

The PRESIDING OFFICER. The vote will occur at 5:35. The Senator from Louisiana has a minute and a half. The Senator from Montana has 12.5 minutes.

Mr. METCALF. Mr. President, I will yield 5 minutes of the 12.5 minutes to the Senator from Wyoming, for his amendment, and then I want to have some time to conclude the debate.

I yield to the junior Senator from Wyoming.

UP AMENDMENT NO. 254

Mr. WALLOP. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Wyoming (Mr. WALLOP) proposes an unprinted amendment numbered 254, to Senator JOHNSTON's amendment, as amended:
>
> Substitute a comma for a period after the words "Section 415 and 416" appearing at the end of the first paragraph in Section 429(a) and add "and by incorporating in State law provisions comparable to those contained in Sections 407, 408, 409, 410, 420, 421, and 514, of this Act.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the amendment.

Mr. WALLOP. Mr. President, the purpose of this amendment, although I doubt the sponsors of the Johnston-Domenici amendment agree, is to strengthen their amendment.

The amendment proposed by the Senator from Louisiana and the Senator from New Mexico and others applies only to the reclamation standards, and none of the enforcement procedures are there.

So the first thing that is going to happen is that we are going to lever the States into a weakened position. They will be sitting there, forced by their neighbors who have lower requirements to lower their own requirements; and instead of the States' reclamation procedures being enhanced, they will be diminished.

I do not disagree with the Senator from New Mexico about the burdensome role of the Federal bureaucracy; but my proposal would put into the amendment all the enforcement procedures to go with the reclamation standards. It would mean that the States would have something useful and worthwhile with which to deal with the problems they have.

The sections are quite simple. The first one, 407, is the enumeration of the application requirements necessary for filing for permits, including the most necessary information of the applicant, of his plans for mining, the hydrologic consequences of mining, the sampling, the adequacy of insurance, and the reclamation plan. It seems simple. We have standards, and we have to have them.

Section 408 is the requirement that they have a reclamation plan. There is no way in the proposed Johnston-Domenici amendment that that requirement exist.

Section 409 refers to the performance bonds. There is no way that the performance bond aspect would be a requirement under the Johnston-Domenici amendments as proposed, which I hope to amend.

Section 410 relates to certain prerequisites for permit approval, including the written findings by the regulatory authorities of the State, the fees, the prevention of hydrologic imbalance, and the alluvial protection.

Section 420 and 421, which refers to citizen suits for those adversely affected, is included to compel compliance with the act and gives the authority to issue cease and desist orders to inspectors on the site.

The last one, section 514, is the proviso that persons whose water rights will be affected can be protected.

All these things enhance the amendment and would give the States some ability to keep the requirements of the Federal bill on their books. It would give them the leverage to be good States rights citizens and so avoid the competition between States to reduce their standards because of economic pressures.

I do not disagree in any way with what the Senator from New Mexico said about burdensome bureaucracy in the promulgation of rules that cannot be lived up to. I could accept the Johnston-Domenici amendments, if the enforcement requirements of my amendment were included.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WALLOP. I understand that the yeas and nays have been ordered.

Mr. METCALF. Mr. President, I will use my time now and will leave a minute and a half to Senator JOHNSTON, to conclude the debate.

Mr. President, this amendment is one of the most important amendments we are considering in the proposed legislation.

For years, we have been trying to pass a strip mining bill. We have been trying to put reclamation and restoration enforcement into such a bill. Now, with this amendment, at the end of all that time, we are going to say that the States do not have to abide by the provisions of the legislation for as many as 4 years, perhaps 6 or 7 years; that the States do not have to listen to the Federal oversight.

The Senator from Wyoming made a suggestion that, to my mind, helps the amendment offered by requiring bonding procedures and requiring some of the licensing procedures that are in this bill. But if the amendment by the Senator from Louisiana and the Senator from New Mexico is adopted, many States will not have to abide by the enforcement procedures in the proposed legislation for perhaps as many as 8 years. All the efforts that have been expended, all the work that has gone into devising the reclamation procedures, the licensing procedures, and the bonding procedures will be abandoned for 4 to 8 years.

The Senator from Wyoming (Mr. HANSEN) and I have long insisted that a part of this legislation would be the practice of the various and respective States to pass laws complying with the minimum provisions of the Federal legislation. But here we are saying that for 4 more years, even if this bill is passed, even if the amendment of the junior Senator from Wyoming is adopted, many of these legislative provisions, many of these strictures, much of this reclamation, will not take place at all.

What happens to the State of Wyoming and the State of Montana, where we have had strict legislation and where we will be competing for the next few years with States which have failed to pass any legislation, which have failed to enforce any legislation?

The Senator from Tennessee (Mr. BAKER) put an outstanding article into the RECORD a couple of days ago. I put in the RECORD last night many arguments that have been presented.

Secretary Andrus has especially written to Senator JACKSON and told Senator JACKSON that he regards this amendment as the principal challenge to this legislation.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. METCALF. Oh, yes, I yield to the Senator from West Virginia.

Mr. RANDOLPH. In the State of West Virginia, Mr. President, we have a very stringent surface mining law. If the Johnston amendment is agreed to is it not the opinion of the able manager of the bill, the Senator from Montana (Mr. METCALF) that this would penalize the State of West Virginia?

Mr. METCALF. It is my opinion if this amendment is adopted that States which have strong surface mining legislation and have passed legislation in order to conform with its anticipated Federal legislation will have distinct competitive disadvantage with States that have neither passed such legislation nor States that are not enforcing it.

Mr. RANDOLPH. I fully agree.

My good friend, Senator DOMENICI, may say that this amendment will not place West Virginia or other States which have improved their reclamation laws at a competitive disadvantage. Is it not true, I ask the Senator, that it is the absence of effective Federal enforcement during the interim period which is the problem? And that being so, is it not true that a State with weak regulation of its reclamation laws is likely to delay as long as possible coming into compliance with the Federal standards of the bill?

Mr. METCALF. The Senator is correct. I believe that is a reasonable expectation and Secretary Andrus seems to be in agreement in his opposition to the amendment.

Mr. RANDOLPH. Then I am sure West Virginia would continue to lose surface mining business to neighboring States, as it has ever since it began to bring its laws and regulations into line with the proposed Federal program. I thank the Senator.

Mr. METCALF. How is my time, Mr. President?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. DOMENICI. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMENICI. How much time remains for the proponents of the amendment?

The PRESIDING OFFICER. One minute and a half.

Mr. METCALF. Mr. President, this so-called exclusive States jurisdiction amendment was considered during markup of S. 7 in the Energy and Natural Resources Committee and was decisively rejected. It was rejected because the amendment would seriously weaken enforcement of the interim performance standards of the bill and would render Federal oversight of the bill as a whole meaningless in many instances.

Congress has worked long and hard to develop a whole body of administrative, citizen participation, appeals and other procedures to assure adequate enforcement of the performance standard in the bill. The amendment would eliminate these provisions in the interim. Without this supportive legal structure, States having a weak regulatory capability are not likely to enforce the tougher Federal standards during the initial regulatory period of 8 years from enactment—the period to which this amendment would lengthen the interim implementation time of the bill. This means we will end up with the status quo in most States for a period of 4 to 8 years or longer.

There is no question in my mind that the impact of this amendment will be severe in Appalachian States where citizen unrest concerning inadequate State regulation of strip mining has been a large factor in bringing about this bill. Citizens in many of these States, under this amendment, would be denied recourse to the Secretary or to the Federal courts if their State's enforcement of the interim standards in sections 415 and 416 is unsatisfactory. There would be no significant Federal supervision from the viewpoint of the citizen who is anxious to protect his home and community from the ravages of strip mining.

I think Senator BAKER put the basic problem with this amendment exceedingly well in his statement which appeared in the May 17 CONGRESSIONAL RECORD. He said—and I hope he does not mind my quoting him at some length as follows:

> While I am mindful of and sympathetic to arguments for enhanced State initiative, I firmly believe surface mine control demands a strong Federal presence if State reclamation efforts are to continue to be effective.
>
> Additionally, there is a real need for uniformity. In fairness to the States and to industry the environmental ethic applicable to surface mining must not only be clear and practicable but must apply equally in all regions. Flexibility in the design of specific standards should be allowed, but fundamental requirements such as contour restoration, erosion control, performance bonding and so forth must be uniformly applied if they are to be equitable. Only a strong Federal presence can assure that these standards will be so applied.

The administration's strong opposition to this amendment was expressed by Secretary Andrus in his letter of May 17, 1977, to Senator JACKSON, chairman of the Energy and Natural Resources Committee. Secretary Andrus wrote:

> It (the proposed amendment) would eliminate major protections and procedural safeguards in the bill which are essential to establishing a fair and effective approach to surface mining regulation.
>
> As you know, we proposed and S. 7 incorporates specific provisions in section 423 and elsewhere to accommodate States desiring to carry out the program on Federal lands—

And that is the so-called Hansen-Metcalf amendment—

> And we have endorsed other changes to assure that States will have a strong role in controlling the abuses of surface coal mining within their borders. As a former State governor, I am keenly aware that every effort must be made to encourage strong State programs without undue Federal intrusion.
>
> In contrast to the provisions of the reported bill, however, the proposed amendment would do serious damage to the integrity of the regulatory program of S. 7. If offered, I urge the Senate to defeat such an amendment.

Although this amendment has been pushed as a western Governors' amendment, it does not have the unanimous support of the western Governors, some of whom are aware of the serious consequences it will have for Eastern States. At least two Governors of Appalachian coal producing States have expressed their active opposition to the amendment: Governor Carroll of Kentucky and Governor Rockefeller of West Virginia.

Although the sponsors of the amendment have made some modifications in the original language with respect to State enforcement of performance standards on Federal lands, the overall effect of the amendment on implementation of the bill remains essentially unchanged in the printed version. My understanding of the amendment is that the Secretary of the Interior would be unable to enforce any standard for as long as 8 years after the date of enactment, or possibly longer depending upon likelihood of judicial appeal by the States.

States with existing regulatory programs—no matter how inadequate—would have the option, within 135 days after enactment, of retaining exclusive jurisdiction of surface mining regulations within the State and of regulating surface mining of Federal lands within the State.

These States would be required, witha period of 24 months after enactment, to amend their laws to comply with the standards set forth in sections 415 and 416 for surface mining operations and underground mining operations.

The Secretary must determine whether the amended State laws are stringent as the standards of the act or not, must recommend changes where necessary, and must allow the States up to two additional years—where State legislatures meet biennially—to adopt the changes.

The Secretary can impose a Federal program under section 404 in a State which fails to meet the stringency test or he can require submittal of a State program for his approval under section 403.

If the State meets the stringency test, then the Secretary would monitor State enforcement for a period of 4 years after his finding on stringency. If he finds during this period that the State is "failing to effectively enforce State law with regard to environmental protection performance standards," he must impose either requirements for submittal of a State program, or he must impose a Federal program for that State.

The State may challenge the Secretary's finding on stringency or on adequate enforcement in court.

States would receive Federal grants from the Secretary under section 505 (a) and (c) for administration of regulatory programs both on Federal and non-Federal lands.

Major effects of the amendment would be as follows:

First. To abolish procedures for Federal oversight and enforcement of the interim environmental protection performance standards contained in section 402 (d), (e), (f), and (g).

Second. To abolish the absolute requirement that a State wishing to continue exercising regulatory authority over surface mining must submit a State program for the Secretary's approval under section 403.

Third. To abolish review of the States' proposed programs by EPA and other affected Federal agencies.

Fourth. To extend the interim period between enactment of the act and full implementation from the 42 months in the bill—assuming no litigation—to 8 years—assuming no litigation. During this period, grossly inadequate environmental practices such as allowing placement of spoil on steep slopes would most likely continue to be allowable in some States.

Fifth. To abolish all Federal oversight over enforcement of standards for at least 2 and possibly as long as 4 years from the date of enactment. During that time citizen complaints concerning inadequate enforcement and citizen suits under sections 402(f) and 420 would be precluded entirely.

Sixth. To abolish ongoing Federal oversight and monitoring of State enforcement of standards, where a State has been found by the Secretary to meet the stringency test. The Secretary is allowed 4 years to monitor that State's regulations of surface mining. After that time, if the State enforcement is deemed to be acceptable, the Federal presence would terminate permanently.

Seventh. To allow State regulation of surface mining on Federal lands.

Eighth. To abolish all criteria applying to the Secretary's finding as to either stringency of State laws or effectiveness of State enforcement of standards.

Ninth. To abolish all bonding and other important requirements of title IV other than sections 405 and 406.

Tenth. To, apparently, authorize the Secretary, at his discretion, to impose State law under section 403, if he chooses to impose a State program rather than a Federal program in a State failing the stringency or adequacy tests.

I cannot stress too strongly, that this amendment would render S. 7 virtually meaningless as far as the ability of citizens to appeal to the Federal Government to enforce the standards of the act for 8 or more years from date of enactment. It would remove or reduce all the review, public hearing, bonding, appeal, inspection, monitoring, and other requirements of title IV in States meeting the stringency or adequacy tests.

And once the Secretary has determined enforcement to be effective in a State, the amendment would put an end to all Federal oversight permanently in such a State.

I would urge the defeat of this amendment.

Now, I am not going to quarrel with my friend from New Mexico, but I have talked to the Governor of Montana. The Governor of Montana refused to go along with one of those cooperative agreements until we were offered the same sort of enforcement procedure that the State of Wyoming and the State of North Dakota and others have.

The Governor of Montana has just recently signed such a procedure. The Governors of West Virginia and Kentucky have notified me, at least, that they are opposed to the amendment offered by the Senator from New Mexico, so there is at least a difference between the opinion of some of the Governors on one side and some on the other.

I say to my friends that if we are going to pass a strip mining bill and we are going to apply these regulations, we should apply them from the date of enactment and not give 4 to 8 years leeway to some of the States that do not have any strip mining legislation, that are not enforcing such legislation, and give them a competitive advantage over States that have tried to comply.

The PRESIDING OFFICER. The Senator from Louisiana has a minute and a half.

Mr. JOHNSTON. Mr. President, we strongly oppose the Wallop amendment. All that does is write into my amendment all these procedural rules that this bill requires.

The thrust of our amendment is, as Bert Lance is wont to say, "If it ain't broke don't fix it." If you have a good State program, like Pennsylvania has a good program, let them continue to run that program without changing all these rules at great cost, at great Federal intervention.

You have got to be at least as stringent as the Federal rules to be eligible to run your State program under our amendment, and it ought to be passed, and the Wallop amendment ought to be defeated.

I yield the remainder of my time to the coauthor of my amendment, Senator DOMENICI.

Mr. DOMENICI. I want to say to my good friend from West Virginia, Senator RANDOLPH, that there is nothing in the Johnston-Domenici amendment that will penalize the State of West Virginia for the 135 days they have to make that election. The interim standards applicable to all States of the Union will apply.

If they so elect they have 2 years to get their program up to the minimum, and the interim standards that are being promulgated for all the States will apply.

The point I am making is if a State like the State of West Virginia thinks that by the adoption of this national law they are going to make a few little changes to an already good law and be out from under the Federal Government, then I will predict—and I am not used to doing this—that when the State of West Virginia finishes with this national law unless they can opt out under our amendment they will be back down here asking you, "How did that Federal law so penalize the State?"

Our amendment makes all States the same ultimately on minimum standards on reclamation and environment. None are excluded.

Mr. ALLEN. Mr. President, I rise in support of the amendment offered to S. 7 by my distinguished colleagues from Louisiana, (Mr. JOHNSTON) and New Mexico (Mr. DOMENICI).

The amendment would, in my opinion, recognize a fact of life and that is, the States of the United States can and do react to the concerns of their citizens.

The heart of Senator JOHNSTON'S amendment would be congressional recognition of the advances made by the States to control the deleterious effects on the environment, of surface mining within their respective borders. I should state at the outset that I have supported the concept of Federal minimum regulatory standards for surface coal mining in the past, and hope to be able to support final passage of the pending legislation, but I have always believed that primary responsibility for surface mining regulation should be in the hands of those who know with what they deal and not in the hands of a group of well-meaning bureaucrats here in Washington who may not know the potential adverse impact on the environment or the economies of the various States and regions of the country. In short, Mr. President, I support the old-fashioned concept that those at the local level know best how to deal with local problems.

Mr. President, my support for the "exclusive State jursidiction" amendment is not an indication that the State of Alabama intends to operate in a vacuum or regulate strip mining operations without due regard for improvements in technology in other parts of the country. The State of Alabama has, and will continue to have, a close working relationship with Federal Government officials on the subject of surface mining and land reclamation. In a press announcement of May 14, from the Department of Interior's Bureau of Mines, I learned that the Bureau and the Alabama Surface Mining Reclamation Council will be discussing, in an open briefing in Birmingham, on May 19, a plethora of matters regarding surface mining techniques and related topics.

The Bureau is bringing to Alabama the benefit of its most recent research pertaining to surface mining which will include development of new and improved types of equipment for surface mining, research on blasting and the vibrations from blasting associated with such mining, the results of research to improve the health and safety of surface miners, and improved strip mining and reclamation systems based on existing equipment and techniques. This gathering is an example of Federal-State cooperation on a national problem that has unique applications in each State of the Union.

As a further measure of proof that the States have met and are meeting their responsibilities to their citizens and to the general environment, let us recall that when President Lyndon Johnson—on March 8, 1968—called for surface mining reclamation legislation, only 14 States had surface mining laws, and 5 such laws applied strictly to surface coal mining. In a sense, Mr. President, in the 10-year period, 38 of the States of the Union have "seen the environmental light" and through their duly elected legislators, enacted laws to protect local environments from the ravages of unregulated strip mining.

I think that is a pretty good record of accomplishment for the States. In effect, each of such 38 States has recognized the national concern over surface coal mining and past or potential adverse impacts on the land, and then, in a spirit befitting the gravity of the problem, each of these States took upon itself to remedy or protect its citizens and its fragile land from the potential harm resulting from surface mining. Each of those 38 States has, in effect, gone through the debate we are now launched upon, and in consideration of the peculiarities and vagaries of the mining operations and mining potential in each State, adopted what they considered as realistic laws and regulations to protect their citizens and, at the same time, continue the production of coal. State action, not Federal action, has prepared the way for the country to meet the challenge of increasing coal production which the President and his top energy advisers tell us is absolutely necessary.

Mr. President, the proposed amendment does not proclaim itself to be the "end" of the matter with respect to the dual roles of the Federal Government and the State government in the matter of controlling surface mining. In fact, quite the opposite is the case.

The proposed new section 429 would grant to those States which have an existing program that regulates surface coal mining, exclusive State jurisdiction over all surface mining in the State, if the State enacts legislation which is equal to or more stringent than the environmental protection standards of sections 415 and 416 of the pending bill, S. 7.

The State would have 135 days to notify the Federal Government that it desires to elect exclusive State jurisdiction, and the amendment requires the State to enact a State law encompassing those performance standards within 24 months of enactment of the pending Federal legislation.

Now, if the Secretary of the Interior, after a hearing, determines that the State standards are not equal to or more stringent than the forthcoming new law, then the Secretary would notify the State as to the deficiencies in its law and the State would have to make up those deficiencies during the sitting of the then current legislature.

Mr. President, the most critical portion of the pending amendment should satisfy the proponents of S. 7, for the amendment specifically states that if a State refuses to adopt the performance standards called for in the Federal law, then the Secretary of the Interior would assume Federal jurisdiction over surface mining operations in that State. Thus, it appears to me that the proponents of a Federal law, and the supporters of State initiative, could achieve the best of both worlds and without bringing to a halt or disrupting the surface coal mining that is currently underway to produce the coal called for by the President. Furthermore, while even with the amendment, there is still the specter of "big brotherism" in the bill, the States themselves are responsible for the decision or lack of decision to bring the Federal Government down upon the mining activities in the State.

Going a step further, the Secretary of the Interior would monitor the States' enforcement programs for a 4-year period and within this period, the Secretary, after a hearing, could cancel exclusive State jurisdiction if the State failed to perform as expected in the pending legislation. Adoption of the amendment would not preclude the States from participating in the grant moneys made available by section 503 of the act; those funds are made available to the States to develop and administer as well as enforce State programs.

The States which have Federal coal lands within their borders would be permitted to regulate surface mining on those Federal lands through this procedure. Under existing agreements between the Secretary, several States are already regulating such Federal coal lands; this amendment would grandfather-in those agreements.

Mr. President, the proposed amendment would accomplish the major objective of a Federal surface mining and reclamation act: to bring all States into conformity with strict national environmental performance standards while at the same time recognizing the usefulness and importance of existing State reclamation programs. The amendment requires all States to live up to Federal standards but, at the same time, it preserves for the States the necessary flexibility to influence and achieve the goals of the act through existing State regulatory mechanisms.

Without such an amendment, the Federal surface mining and reclamation act would strike down every State law and every regulatory provision which has heretofore regulated surface mining.

I realize, Mr. President, that supporters of the committee's bill will be quick to point to many sections of the measure, particularly title IV, and say that "the States' rights and prerogatives are already fully protected." I submit that that title and the multitudinous sections contained therein and in connection with further sections of the bill, are in reality, the means of enforcing a slowdown in surface mining in various States until such time as State plans are approved by the Secretary of the Interior, if at all, with the assistance of the horrendous bureaucratic newly formed Office of Surface Mining Reclamation and Enforcement. Without a point-by-point dissertation of the impacts of the sections mentioned on State laws, it seems to me that the presumption in the proposed legislation is that the States do not have, will not have, and have little interest in perfecting, legislative means of controlling surface mining within their borders.

This is patently untrue, as the fact is that most of the States of the United States have enacted such laws. Now, whether or not those laws fully conform to the requirements, or the full intent, of the pending bill, is subject to legitimate question, but the presumption should be that the States are interested in and willing to meet reasonable environmental standards for surface mining, and will upgrade such current laws as are in existence to meet new Federal rules and regulations without their present efforts being called into question as to effectiveness, as is implicit in the committee's bill.

With the amendment under consideration, a State could simply adopt in State law the two-core provisions of the bill, the reclamation standards set down in sections 415 and 416 and once these environmental performance standards are adopted as State law, the existing State regulatory machinery would be used to continue the regulatory job that is being done today. The role of the Federal Government then would be to monitor the effectiveness of State enforcement of those laws.

The proposed amendment would eliminate the need for a vast Federal bureaucracy which otherwise would be necessary to implement the provisions of the act. States would have the choice of regulating surface coal mining themselves or leaving it to the Federal Government. Should the States fail to take advantage of this option, there will be no one to blame but the State.

The amendment I am supporting puts the Congress in the position of trusting the States and also recognizing that the States are best equipped to deal with the differences in climate, topography, geography, and various conditions which vary from coal mining State to coal mining State. As a slight digression, but to emphasize the point of State-by-State differences in minable seams, I pointed out in a speech on the floor of the Senate on October 9, 1973, with reference to remarks made by the distinguished senior Senator from Wyoming (Mr. HANSEN):

> The distinguished Senator from Wyoming spoke of seams in his State being 100 or 200 feet thick, whereas in Alabama they are sometimes as little as 18 inches to 2 feet in thickness.

While that comment was made with reference to another point of contention in all surface mining regulation proposals, the facts remain the same: Differing areas of the country require different means of mining, and that means different means of regulation of the operations of those who would seek to mine the coal.

Mr. President, I shall bring my remarks in support of the amendment to a close with references to public and private persons in Alabama who have suggested and urged the adoption of the "exclusive State jurisdiction" amendment now pending.

I am, of course, pleased to inform our colleagues that Governor Wallace, Lt. Gov. Jere Beasley, House of Representatives Speaker Joe McCorquodale, Speaker Pro Tempore of the Alabama House Bobby Tom Crowe, and members of the Alabama Surface Mining Reclamation Commission, and the President and members of the Alabama Public Service Commission, have all contacted me in support of the amendment.

Governor Wallace has said:

> While the intent and purpose of H.R. 2 and S. 7 are worthy, the bills must be construed in light of practical application, as well as our State and national energy requirement. I, therefore, find the proposed amendments to be in line with realities; and hence, endorse their favorable consideration by the Congress.

The speaker pro tempore of the Alabama House of Representatives, Robert T. Crowe, states:

> I am writing to continue my support for having mining and reclamation governed by the states on a state by state basis. The State of Alabama is making great progress in the area of strip mining regulations. It takes time to develop an effective program. The State of Alabama is committed to developing a program to meet the particular needs of coal mining in Alabama. It is the belief and position of the State of Alabama that each state's mining is peculiar due to nature itself. With this a firm reality, we believe each state should regulate its own mining operations.
>
> At a time when coal production is declining and the demand is rising, cost should be of upmost concern. Utility bills are increasing at an alarming rate and many federal surface mining regulations would add hundreds of millions of dollars to utility bills paid by the consumer. These factors should be considered and the Congress should be working toward a positive energy program rather than negative controls.

The Alabama Public Service Commission, the State agency charged with the responsibility of overseeing the cost of utility rates in our State, wrote the following:

> As members of the Alabama Public Service Commission, it is our duty to ensure that the citizens of this State receive a reliable source of energy at the lowest possible cost. There will be no way for us to discharge our duty to Alabama energy consumers if the Federal surface-mining bill, S. 7, is passed in its present form. We have already unanimously stated our opposition to passage of the proposed Federal surface-mining legislation in resolution dated March 7, 1977.
>
> As you know, virtually all the coal-producing states have enacted strong legislation to regulate surface coal mining and reclamation. Alabama, in particular, has greatly strengthen(ed) its law and is vigorously enforcing it now.
>
> Passage of the proposed Federal surface-mining bill would destroy Alabama's regulatory program and increase the cost of energy for Alabama consumers without a corresponding improvement in environment benefits to its citizens. The proposed Federal surface-mining bill merely creates an unneeded Federal bureaucracy to accomplish what the state is doing for less cost.
>
> Instead of making the state merely an agent for implementing the Federal pro-

gram, we urge you to allow states with existing surface-mining regulatory programs to retain their own programs. However, in order to do so, the state's regulatory authority must adopt the "Environmental Protection Performance Standards" of Sections 415 and 416 within 24 months after enactment of the Federal legislation. We have enclosed a copy of an amendment which would accomplish this objective.

Mr. President, the resolution referred to above was passed by the public service commission in March, before the present bill was reported to the Senate for action, but it reflects the concern of the commission for restrictive surface mining legislation and I ask unanimous consent that the text of the resolution appear in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLEN. The foregoing comments came from the "public" side of the aisle in Alabama. I am also pleased to report that the "private" side has been in active support of the amendment I have been speaking on, specifically, the Alabama Surface Mining Reclamation Council. The council, composed of all the major surface mining firms in Alabama, has taken the lead in coordinating efforts to modify the pending Federal bill so that it will not have an adverse economic impact on the State and the employment that is connected with surface mining in Alabama.

The council compiled a chart dealing with some of the costs to Alabama of the passage of S. 7 and, keeping in mind that these are only estimates, one must be extremely concerned about the future of energy costs in our State alone if these figures prove accurate. Overall, the council estimates that passage could cause a 40 percent loss or 5.4 million tons of coal. Last year, according to the council, Alabama, the eighth largest coal producing State in the Nation produced 13,670,750 tons of coal.

Finally, Mr. President, the president of District 20 of the United Mine Workers of America, testified in opposition to H.R. 2 before the House Interior and Insular Affairs Committee early in the year, and spoke to the issue of the efficacy of a single law for the Nation dealing with surface mining. Mr. Lloyd Baker made the following comments about the "job impact" of the pending bill which, I suspect, could be model for the impact on other surface miners in other States:

> Passage of H.R. 2 as it is presently written would not only eliminate much District 20 coal, but would create a cost disadvantage for the remaining production.
>
> That is why the membership of District 20 favors state regulation of the coal fields within each individual state. We feel that the state legislators know well the conditions and problems of their own states and with this knowledge have enacted workable surface mining laws in each of the coal mining states.

And later, Mr. Baker says:

> Our membership is also concerned that enactment of H.R. 2 will endanger their jobs in Alabama. Since the coal seams in our state are thin, averaging only about 24 inches in thickness, most of them can only be surface mined. If it was possible to mine them by underground methods, our job potential would increase, but this is not the case in Alabama. Therefore, since this bill is slanted toward fostering underground mining, we are concerned that its enactment into law will decrease the available mining jobs in Alabama.

Mr. President, I ask unanimous consent that the text of Mr. Baker's statement of February 24, 1977 appear in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. ALLEN. In conclusion, Mr. President, Alabama is willing and prepared to accept new stricter Federal surface mining regulations, but private and public citizens alike believe that the best machinery, and the most effective and efficient machinery for carrying out this task already is in place in our State and there is no reasonable excuse for burdening the State with Federal regulations that are already in place in Alabama. Passage of S. 7 without the perfecting amendment offered by Senator JOHNSTON, myself, and others, could cause large economic disruptions in the State, increase utility costs to an already overburdened population, and cost the American taxpayers untold millions of additional dollars for the creation of a new Federal bureaucracy. Therefore, I urge my colleagues to adopt the "exclusive State regulation" amendment.

What is the difference between State plan approved under S. 7, and State plan approved under amendment?

Under the bill the existing State program will be completely overhauled in every material respect. This would include a complete revision of its procedures, of its citizen suit participation, enforcement, and much of its administrative mechanism. In effect, the State program developed under S. 7 would be a completely designed Federal program in every respect including land use planning, the application requirements, hearing requirements, standing to sue, enforcement including continuing perpetual Federal surveillance of that enforcement with the right vested in the Secretary to take away the program or to step in and enforce the State program. If, even after the Federal Government approves the State's program, the Secretary still has the authority and option to: First, through the rulemaking procedure change the State approved program; second, substitute a Federal program, and/or third, take over the so-called federally State approved program.

Under the amendment the State need only adopt the environmental standards into its current program and, therefore, the State's procedures and enforcement and hearing apparatus will continue as before. However, the Federal Government will have a 4-year limit period within which to evaluate the effective enforcement by the State and only within that period can they substitute a Federal program.

The following Governors are in support of the pending Johnston-Domenici amendment: Montana, Gov. Thomas L. Judge; Nebraska, Gov. James J. Exon; Nevada, Gov. Mike O'Callaghan; New Mexico, Gov. Jerry Apokaca; North Dakota, Gov. Arthur A. Link; South Dakota, Gov. Richard Kneip; Utah, Gov. Scott Matheson; Wyoming, Gov. Ed Herchler; Alabama, Gov. George C. Wallace; Illinois, Gov. James R. Thompson; Louisiana, Gov. Edwin W. Edwards; Oklahoma, Gov. David L. Boren; and Texas, Gov. Dolph Briscoe.

Exhibit 1

Resolution of the Alabama Public Service Commission

At a meeting held in its offices in Montgomery, Alabama, on March 7, 1977, the Alabama Public Service Commission adopted the following Resolution concerning Proposed Federal Legislation, H.R.–2 and S. 7, Surface Mining Control and Reclamation Act of 1977:

Whereas, approximately 80 percent of the electric energy produced for use by the citizens of Alabama served by Alabama Power Company is derived from the energy contained in coal, and

Whereas, approximately 60 percent of the coal used by Alabama Power Company to produce electricity is obtained from surface mines, and

Whereas, it is becoming obvious that our country and the State of Alabama must rely heavily on coal as a major source of energy, and

Whereas, the necessity to maintain and improve our standard of living depends on an adequate supply of energy at the lowest practical cost, and

Whereas, the people of Alabama are finding it more difficult to pay for higher energy costs, and

Whereas, there are serious concerns about protecting the environment, and

Whereas, there is legislation presently before the Federal Congress entitled "The Surface Mining Control and Reclamation Act of 1977," (H.R.–2 and S. 7) that would, if enacted, substantially increase the cost of coal and thereby increase the cost of electricity, and

Whereas, there is in Alabama, as well as in other states, state regulatory bodies responsible for ensuring that coal is properly mined from surface mines, and that proper reclamation is performed, consistent with the unique characteristics of the terrain of each state and region, in ways that will protect the environment, ensure the highest and best use of the reclaimed mined lands, and minimize the costs, which ultimately must be borne by the consumer, and

Whereas, there are thousands of persons employed in the Alabama mining industry whose jobs could be put in jeopardy if, because of the unique characteristics of the thin Alabama coal seams, Alabama coal became uneconomical to mine because of unreasonable reclamation requirements, and

Whereas, any legislative actions which increase the cost of Alabama coal, or reduce the production of Alabama coal, would have the effect of increasing energy costs and imposing severe economic hardships on the citizens of Alabama,

Now, therefore, be it resolved that the Alabama Public Service Commission urges you to oppose the present form of "The Surface Mining Control and Reclamation Act of 1977 (H.R.–2 and S. 7)" because of provisions that would impose severe economic hardships on the citizens of Alabama, without accomplishing reasonable protection of the environment, and without protecting the rights of the citizens of Alabama.

Exhibit 2

Statement of Lloyd Baker

Mr. Chairman and Members of the Committee:

My name is Lloyd Baker and I appear before you today as President of District 20 of the United Mine Workers of America. District 20 includes that part of the Appalachian coal field which extends into Alabama, Mississippi and Georgia.

I appreciate this opportunity to appear before you to express the concern of the Alabama coal miners regarding H.R. 2 titled as the Surface Mining Control and Reclamation Act of 1977. Alabama's union miners concur with the resolution of the U.M.W.A. Executive Board of February 11, 1977, in which they called for the regulation of surface coal mining to remain in the hands of the individual States rather than be subject to control by the Federal Government.

We understand that under certain conditions there are provisions in H.R. 2 for the state to enforce and administer surface mining regulations if that bill becomes law. But we also understand that H.R. 2 has no provision to allow for the difference in the mining conditions encountered in the different states.

We do not feel that *one* law with a rigid set of uniform regulations can be workable throughout the country—the western regions of the United States have extremely thick, low quality coal seams; those in Alabama are thin but of high quality; western coal fields are dry, arid places getting only six inches or less of rain per year; in Alabama we normally have ten times that amount; in the Midwest the topsoil is measured in feet, whereas in Alabama it is measured in inches.

These are only a few of the God-created differences encountered throughout the coal fields of the United States. It would be nearly impossible to write any single law which would be flexible enough to cover the many, many differences found without creating financial inequities. Passage of H.R. 2 as it is presently written would not only eliminate much District 20 coal, but would create a cost disadvantage for the remaining production.

That is why the membership of District 20 favors state regulation of the coal fields within each individual state. We feel that the state legislators know well the conditions and problems of their own states and with this knowledge have enacted workable surface mining laws in each of the coal mining states. The states have shown their continuing interest in surface mining by regularly revising and upgrading their law governing the industry.

Our membership is also concerned that enactment of H.R. 2 will endanger their jobs in Alabama. Since the coal seams in our state are thin, averaging only about 24 inches in thickness, most of them can only be surface mined. If it was possible to mine them by underground methods, our job potential would increase, but this is not the case in Alabama. Therefore, since this bill is slanted toward fostering underground mining, we are concerned that its enactment into law will decrease the available mining jobs in Alabama.

Our concern for our jobs is not unfounded. The original draft of the I.C.F. Incorporated report dated January 24, 1977, showed this to be true. That report indicated that enactment of H.R. 2 would result in the loss of 22 million tons of production and 1,400 jobs in the Appalachian coal fields alone, and the two states that would bear most of this loss would be Virginia and District 20's Alabama. The reason given for the tonnage and job losses was the terrain and the thin coal seams in those two states.

It is easy to understand that when per acre reclamation costs are more or less standardized, the area having the thinnest coal and the least tonnage per acre of production is bound to have the highest cost. H.R. 2 would put District 20 coal at a competitive disadvantage and cost us jobs.

From a safety standpoint, we know that there are four times as many fatalities from mining equal tonnage by underground methods rather than by surface mining. Safety has long been one of the foremost concerns of the United Mine Workers and in District 20 lives are still important.

Our country needs to have a healthy underground coal mining industry and we should work toward bettering its safety record. But why should we lose lives to make a point; why should we pass over much of our surface mineable coal. I repeat—in District 20 lives are still important.

We are also concerned by the many built-in delays in H.R. 2. The bill calls for many public hearings, appeals from the hearing results, and makes provision for lawsuits. The resulting delays will make the opening of new mines and even the continuation and expansion of present mines slow and costly. These delays are expensive for the mine operator and will discourage the start of new projects. For a small operator, the cost of the delays alone will make him afraid to undertake any expansion and, we believe, he will be forced out of production—and with him will go District 20 jobs.

Every step of the process of obtaining a mining permit and obtaining approval of a mining plan calls for public participation through hearings. We are not opposed to public hearings—they can have good results. However, we recognize public hearings only bring out opponents to a project. Those in favor or who have no objections stay at home or are silent. A few out-spoken opponents generally monopolize public hearings and have more influence than their numbers warrant. Participation in the hearings called for concerning permitting and mining plans should be limited to property owners in the area concerned.

The procedures outlined in Section 522 titled "Designating Areas Unsuitable for Surface Coal Mining" are typical of those throughout the bill which concern us. How can any businessman seriously consider a project which the regulating agency has up to twelve months to decide is unsuitable?

Coal miners have living expenses just as you do—food and groceries to buy, rent to pay, and children to raise. Delays in mine extensions and cancelled mine openings will mean lost paydays and an uncertain future.

If H.R. 2 has to be the law of the land, our sincere hope is that it will be completely rewritten so that it controls surface mining as its title states, but does not prohibit surface mining and our surface mining jobs.

Thank you, Mr. Chairman.

The PRESIDING OFFICER. All time has expired. The yeas and nays have been ordered. The question is on agreeing to the amendment of the Senator from Wyoming (Mr. Wallop), No. 254. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. Cannon), the Senator from California (Mr. Cranston), the Senator from Arkansas (Mr. McClellan), and the Senator from South Dakota (Mr. McGovern) are necessarily absent.

Mr. BAKER. I announce that the Senator from Nebraska (Mr. Curtis), the Senator from Michigan (Mr. Griffin), the Senator from Oregon (Mr. Hatfield), the Senator from Nevada (Mr. Laxalt), the Senator from Oregon (Mr. Packwood), and the Senator from Alaska (Mr. Stevens) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. Stevens) would vote "nay."

The result was announced—yeas 22, nays 68, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—22

Baker
Brooke
Case
Chafee
Church
Clark
Culver
DeConcini
Durkin
Glenn
Hansen
Hathaway
Heinz
Javits
Mathias
McIntyre
Muskie
Nelson
Proxmire
Steverson
Wallop
Zorinsky

NAYS—68

Abourezk
Allen
Anderson
Bartlett
Bayh
Bellmon
Bentsen
Biden
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C
Chiles
Danforth
Dole
Domenici
Eagleton
Eastland
Ford
Garn
Goldwater
Gravel
Hart
Haskell
Hatch
Hayakawa
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Johnston
Kennedy
Leahy
Long
Lugar
Magnuson
Matsunaga
McClure
Melcher
Metcalf
Metzenbaum
Morgan
Moynihan
Nunn
Pearson
Pell
Percy
Randolph
Ribicoff
Riegle
Roth
Sarbanes
Sasser
Schmitt
Schweiker
Scott
Sparkman
Stafford
Stennis
Stone
Talmadge
Thurmond
Tower
Weicker
Williams
Young

NOT VOTING—10

Cannon
Cranston
Curtis
Griffin
Hatfield
Laxalt
McClellan
McGovern
Packwood
Stevens

So, Mr. Wallop's amendment was rejected.

Mr. METCALF. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 277, as modified, of the Senator from Louisiana (Mr. Johnston). This will be a 10-minute vote. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. ROBERT C. BYRD. Mr. President, this will be the last rollcall vote tonight. However, debate will be in order if other Senators wish to call up amendments and discuss them this evening to their hearts' content. There will be no further rollcall votes tonight, but tomorrow morning at 9 o'clock a.m. the Senate will resume consideration of this measure.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, may we have order? May we have order, Mr. President, please?

The PRESIDING OFFICER. The Senate will be in order. The clerk may proceed.

The call of the roll was resumed and concluded.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. Cannon), the Senator from California (Mr.

CRANSTON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from South Dakota (Mr. MCGOVERN), are necessarily absent.

Mr. BAKER. I announce that the Senator from Nebraska (Mr. CURTIS), the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. HATFIELD), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Alaska (Mr. STEVENS), are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. STEVENS) would vote "yea."

The result was announced—yeas 39, nays 51, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—39

Allen
Bartlett
Bellmon
Bentsen
Burdick
Byrd,
  Harry F., Jr.
Chiles
Danforth
DeConcini
Dole
Domenici
Eastland
Ford
Garn
Goldwater
Gravel
Hatch
Hayakawa
Helms
Huddleston
Johnston
Laxalt
Long
Lugar
McClure
Morgan
Nunn
Pearson
Roth
Schmitt
Schweiker
Scott
Sparkman
Stennis
Talmadge
Thurmond
Tower
Young
Zorinsky

NAYS—51

Abourezk
Anderson
Baker
Bayh
Biden
Brooke
Bumpers
Byrd, Robert C.
Case
Chafee
Church
Clark
Culver
Durkin
Eagleton
Glenn
Hansen
Hart
Haskell
Hathaway
Heinz
Humphrey
Inouye
Jackson
Javits
Kennedy
Leahy
Magnuson
Mathias
Matsunaga
McIntyre
Melcher
Metcalf
Metzenbaum
Moynihan
Muskie
Nelson
Pell
Percy
Proxmire
Randolph
Ribicoff
Riegle
Sarbanes
Sasser
Stafford
Stevenson
Stone
Wallop
Weicker
Williams

NOT VOTING—10

Cannon
Cranston
Curtis
Griffin
Hatfield
Hollings
McClellan
McGovern
Packwood
Stevens

So Mr. JOHNSTON's amendment (No. 277), as modified, was rejected.

Mr. METCALF. I move to reconsider the vote by which the amendment was rejected, Mr. President.

Mr. HANSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. METCALF. Mr. President, I understand there are not going to be any more amendments requiring rollcall votes this evening, but we can run on a little while and take up amendments and discuss amendments, if someone wants to be recognized.

Mr. HANSEN. Will the distinguished floor leader of the bill yield?

Mr. METCALF. I yield.

Mr. HANSEN. It would be my hope, Mr. President, that we might be able to adjourn by 6:15. I would have no objection at all to amendments being laid down. As Senators know, many of us on this side of the aisle, and that is not all that many, do have another obligation this evening. If we were able to adjourn by around 6:15, I would consider it a great personal favor.

Mr. METCALF. I defer to the distinguished majority leader.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. MATSUNAGA). The Senator from Montana has the floor.

Mr. METCALF. I yield to anyone who wants to offer an amendment, Mr. President.

Several Senators addressed the Chair.

Mr. METCALF. Mr. President, I yield to my friend who is going to offer an amendment that I will agree to, the Senator from Pennsylvania.

Mr. ABOUREZK. Mr. President, I was seeking recognition.

The PRESIDING OFFICER. At the time the Senator was seeking recognition, the Senator from Montana had the floor.

Mr. DECONCINI. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. HEINZ. Mr. President, I believe the Senator from Montana has yielded to me.

The PRESIDING OFFICER. Will the Senator yield for a unanimous-consent request?

Mr. HEINZ. I will be happy to yield for a unanimous-consent request without losing my right to the floor.

Mr. DECONCINI. Mr. President, I ask unanimous consent that a member of my staff, Jim Magner, be granted the privilege of the floor during the consideration of the pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, if the Senator will yield further, I ask unanimous consent that Charles Warren, of my staff, be granted the privilege of the floor during the consideration of the pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 289

Mr. HEINZ. Mr. President, I ask unanimous consent that it be in order to call up my printed amendment No. 289 and to ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Pennsylvania (Mr. HEINZ), for himself and Mr. RANDOLPH, proposes Amendment No. 289.

Mr. HEINZ. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

After section 515 ending on page 305, line 24, insert the following new title:

TITLE VI—STATE COAL MINING AND COAL RESOURCES AND RESEARCH INSTITUTES

AUTHORIZATION OF STATE ALLOTMENTS TO INSTITUTES

SEC. 601. (a) There are authorized to be appropriated to the Secretary of the Interior sums adequate to provide for each participating State $200,000 for fiscal year 1978, $300,000 for fiscal year 1979, and $400,000 for each fiscal year thereafter for five years, to assist the States in carrying on the work of a competent and qualified coal mining and coal resources and research institute, or center (hereinafter referred to as "institute") at one public college or university in the State which has in existence at the time of enactment of this title a school of mines, or division, or department conducting a program of substantial instruction and research in coal mining and coal preparation and related research, or which establishes such a school of mines, or division, or department subsequent to the enactment of this title and which school of mines, or division or department shall have been in existence for at least two years. The Advisory Committee on Coal Mining and Coal Resources and Research, as created by this title, shall determine a college or university to have an eligible school of mines, or division, or department conducting a program of substantial instruction and research in coal mining, coal preparation and related research wherein education and research in these engineering fields are being carried out and wherein at least four full-time permanent faculty members are employed: *Provided*, That—

(1) such moneys when appropriated shall be made available to match, on a dollar-for-dollar basis, non-Federal funds which shall be at least equal to the Federal share to support the institute;

(2) if there is more than one such eligible college or university in a State, funds under this title shall, in the absence of a designation to the contrary by act of the legislature of the State, be paid to one such college or university designated by the Governor of the State;

(3) where a State does not have a public college or university with an eligible school of mines, or division, or department conducting a program of substantial instruction and research in coal mining, coal preparation and related areas, said advisory committee may allocate the State's allotment to one private college or university which it determines to have an eligible school of mines, or division, or department as provided herein.

(b) It shall be the duty of each such institute to plan and conduct and/or arrange for a component or components of the college or university with which it is affiliated to conduct competent research, investigations, demonstrations, and experiments of either a basic or practical nature, or both, in relation to coal mining, coal preparation (including anthracite), and to provide for the training of engineers and scientists through such research, investigations, demonstrations, and experiments. Such research, investigations, demonstrations, experiments, and training may include, without being limited to: exploration; the extraction; processing; development; production of coal resources; coal mining and preparation technology; supply and demand for coal; conservation and best use of available supplies of coal; the economic, legal, social, engineering, recreational, biological, geographic, ecological, health and safety, and other aspects of coal mining, coal preparation, and mineral reclamation from coals, having due regard to the interrelation on the natural environment, the varying conditions and needs of the respective States, to coal mining and coal preparation research projects being conducted by agencies of the Federal and State governments, and other institutes.

RESEARCH FUNDS TO INSTITUTES

SEC. 602. (a) There is authorized to be appropriated annually for seven years to the Secretary of the Interior the sum of $15,000,000 in fiscal year 1978, said sum increased by $2,000,000 each fiscal year thereafter for six years, which shall remain available until expended. Such moneys when appropriated shall be made available to institutes to meet the necessary expenses for purposes of:

(1) specific coal mining, coal preparation and related research and demonstration projects of industry-wide application, which could not otherwise be undertaken, including the expenses of planning and coordinating regional coal mining, coal preparation and related research projects by two or more institutes, and

(2) research into any aspects of coal mining, coal preparation and related problems related to the mission of the Department of the Interior, which may be deemed desirable and are not otherwise being studied.

(b) Each application for a grant pursuant to subsection (a) of this section shall, among other things, state the nature of the project to be undertaken, the period during which it will be pursued, the qualifications of the personnel who will direct and conduct it, the estimated costs, the importance of the project to the Nation, region, or State concerned, and its relation to other known research projects theretofore pursued or being pursued, and the extent to which it will provide opportunity for the training of coal mining, coal preparation engineers and scientists, and the extent of participation by nongovernmental sources in the project.

(c) The Secretary shall, insofar as it is practicable, utilize the facilities of institutes designated in section 301 of this title to perform such special research, authorized by this section, and shall select the institutes for the performance of such special research on the basis of the qualifications without regard to race or sex of the personnel who will conduct and direct it, and on the basis of the facilities available in relation to the particular needs of the research project, special geographic, geologic, or climatic conditions within the immediate vicinity of the institute in relation to any special requirements of the research project, and the extent to which it will provide opportunity for training individuals as mining engineers and scientists. The Secretary may designate and utilize such portions of the funds authorized to be appropriated by this section as he deems appropriate for the purpose of providing scholarships, graduate fellowships, and postdoctoral fellowships.

(d) No grant shall be made under subsection (a) of this section except for a project approved by the Secretary of the Interior and all grants shall be made upon the basis of merit of the project, the need for the knowledge which it is expected to produce when completed, and the opportunity it provides for the training of individuals as mining engineers and scientists.

(e) No portion of any grant under this section shall be applied to the acquisition by purchase or lease of any land or interests therein or the rental, purchase, construction, preservation, or repair of any building.

FUNDING CRITERIA

SEC. 603. (a) Sums available to institutes under the terms of sections 301 and 302 of this title shall be paid at such times and in such amounts during each fiscal year as determined by the Secretary, and upon vouchers approved by him. Each institute shall set forth its plan to provide for the training of individuals as mining engineers and scientists under a curriculum appropriate to the field of coal mining, and cool preparation engineering and related fields; set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available for purposes of this title, and in no case supplant such funds; have an officer appointed by its governing authority who shall receive and account for all funds paid under the provisions of this title and shall make an annual report to the Secretary on or before the first day of September of each year, on work accomplished and the status of projects underway, together with a detailed statement of the amounts received under any provisions of this title during the preceding fiscal year, and of its disbursements on schedules prescribed by the Secretary. If any of the moneys received by the authorized receiving officer of any institute under the provisions of this title shall by any action or contingency be found by the Secretary to have been improperly diminished, lost, or misapplied, it shall be replaced by the State concerned and until so replaced no subsequent appropriation shall be allotted or paid to any institute of such State.

(b) Moneys appropriated pursuant to this title shall be available for expenses for research, investigations, experiments, and training conducted under authority of this title. The institutes are hereby authorized and encouraged to plan and conduct programs under this title in cooperation with each other and with such other agencies and individuals as may contribute to the solution of the coal mining, coal preparation and related problems involved, and moneys appropriated pursuant to this title shall be available for paying the necessary expenses of planning, coordinating, and conducting such cooperative research.

DUTIES OF THE SECRETARY

SEC. 604. (a) The Secretary of the Interior is hereby charged with the responsibility for the proper administration of this title and, after full consultation with other interested Federal agencies, shall prescribe such rules and regulations as may be necessary to carry out its provisions. The Secretary shall furnish such advice and assistance as will best promote the purposes of this title, participate in coordinating research initiated under this title by the institutes, indicate to them such lines of inquiry as to him seem most important, and encourage and assist in the establishment and maintenance of cooperation by and between the institutes and between them and other research organizations, the United States Department of the Interior, and other Federal establishments.

(b) On or before the 1st day of July in each year after the passage of this title, the Secretary shall ascertain whether the requirements of section 303(a) have been met as to each institute and State.

(c) The Secretary shall make an annual report to the Congress of the receipts, expenditures, and work of the institutes in all States under the provisions of this title. The Secretary's report shall indicate whether any portion of an appropriation available for allotment to any State has been withheld and, if so, the reasons therefor.

AUTONOMY

SEC. 605. Nothing in this title shall be construed to impair or modify the legal relationship existing between any of the colleges or universities under whose direction an institute is established and the government of the State in which it is located, and nothing in this title shall in any way be construed to authorize Federal control or direction of education at any college or university.

MISCELLANEOUS PROVISIONS

SEC. 606. (a) The Secretary of the Interior shall obtain the continuing advice and cooperation of all agencies of the Federal Government concerned with coal mining and coal resources and related research of State and local governments, and of private institutions and individuals to assure that the programs authorized in this title will supplement and not duplicate established coal mining, coal preparation and related research programs, to stimulate research in otherwise neglected areas, and to contribute to a comprehensive nationwide program of coal mining, coal preparation and related research, having due regard for the protection and conservation of the environment. The Secretary shall make generally available information and reports or projects completed, in progress, or planned under the provisions of this title, in addition to any direct publication of information by the institutes themselves.

(b) Nothing in this title is intended to give or shall be construed as giving the Secretary of the Interior any authority over coal mining, coal preparation and related research conducted by any other agency of the Federal Government, or as repealing, superseding, or diminishing existing authorities or responsibilities of any agency of the Federal Government to plan and conduct, contract for, or assist in research in its area of responsibility and concern with coal mining, coal preparation and related research.

(c) Contracts or other arrangements for coal mining, coal preparation and related research work authorized under this title with an institute, educational institution, or nonprofit organization may be undertaken without regard to the provisions of section 3684 of the Revised Statutes (31 U.S.C. 529) when, in the judgment of the Secretary of the Interior, advance payments of initial expense are necessary to facilitate such work: *Provided,* That authority to make payments under this subsection shall be effective only to such extent or in such amounts as are provided in advance by appropriation Acts.

(d) No research, demonstration, or experiment shall be carried out under this Act by an institute financed by grants under this Act, unless all uses, products, processes, patents, and other developments resulting therefrom, with such exception or limitation, if any, as the Secretary may find necessary in the public interest, be available promptly to the general public. Nothing contained in this section shall deprive the owner of any background patent relating to any such activities of any rights which that owner may have under that patent. There are authorized to be appropriated such sums as are necessary for the printing and publishing of the results of activities carried out by institutes under the provisions of this Act and for administrative planning and direction, but such appropriations shall not exceed $1,000,000 in any fiscal year: *Provided,* That no new budget authority is authorized to be appropriated for fiscal year 1977.

CENTER FOR CATALOGING

SEC. 607. The Secretary shall establish a center for cataloging current and projected scientific research in all fields of coal mining and coal preparation. Each Federal agency doing coal mining, coal preparation, and related research shall cooperate by providing the cataloging center with information on work underway or scheduled by it. The cataloging center shall classify and maintain for public use a catalog of coal mining, coal preparation, and related research and investigation projects in progress or scheduled by all Federal agencies and by such non-Federal agencies of Government, colleges, universities, private institutions, firms, and individuals as may make such information available.

INTERAGENCY COOPERATION

SEC. 608. The President shall, by such means as he deems appropriate, clarify agency responsibility for Federal coal mining and coal preparation and related research and provide for interagency coordination of such research, including the research authorized by this title. Such coordination shall include—

(a) continuing review of the adequacy of the Government-wide program in coal mining, coal preparation, and related research;

(b) identification and elimination of duplication and overlap between two or more agency programs;

(c) identification of technical needs in various coal mining, coal preparation, and related research categories;

(d) recommendations with respect to allocation of technical effort among Federal agencies;

(e) review of technical manpower needs and findings concerning management policies to improve the quality of the Government-wide research effort; and

(f) actions to facilitate interagency communication at management levels.

ADVISORY COMMITTEE

SEC. 609. (a) The Secretary of the Interior shall appoint an Advisory Committee on Coal Mining and Coal Resources and Research composed of—

(1) the Director, Bureau of Mines, or his delegate, with his consent;

(2) the Director of the National Science Foundation, or his delegate, with his consent;

(3) the President, National Academy of Sciences, or his delegate, with his consent;

(4) the President, National Academy of Engineering, or his delegate, with his consent;

(5) the Director, United States Geological Survey, or his delegate, with his consent; and

(6) not more than four other persons who are knowledgeable in the fields of coal mining, coal preparation and related research, at least one of who shall be a representative of working coal miners.

(b) The Secretary shall designate the Chairman of the Advisory Committee. The Advisory Committee shall consult with, and make recommendations to, the Secretary of the Interior on all matters involving or relating to coal mining, coal preparation and related research and such determinations as provided in this title. The Secretary of the Interior shall consult with, and consider recommendations of, such Committee in the conduct of coal mining, coal preparation and related research and the making of any grant under this title.

(c) Advisory Committee members, other than officers or employees of Federal, State, or local governments, shall be, for each day (including traveltime) during which they are performing committee business, entitled to receive compensation at a rate fixed by the Secretary, but not in excess of the maximum rate of pay for grade GS–18 as provided in the General Schedule under section 5332 of title 5 of the United States Code, and shall, notwithstanding the limitations of sections 5703 and 5704 of title 5, United States Code, be fully reimbursed for travel, subsistence, and related expenses.

Mr. HEINZ. Mr. President, I am pleased to propose an amendment to S. 7 that would establish at a college or university in each qualified State, a Coal Mining and Coal Resources and Research Institute. I offer this amendment for myself, Mr. RANDOPH, Mr. MCCLURE, and Mr. ALLEN.

Mr. President, H.R. 2 in the House, and last year's Surface Mining Act, included a nearly identical title except that research in these bills would be conducted on all minerals, not just coal. But since we are debating a coal bill, I am restricting my amendment to research on coal and coal resources.

One needs only to look at the daily headlines to know why we must expand coal research. Coal is not only our most important energy resource, it is also a resource for chemical components of fabrics, plastics, and medicine. Continuing research is needed to put coal to use for the benefit of society.

Coal is potentially the greatest polluter and its mining the greatest desecrater of our land. Furthermore, coal mining is the most hazardous occupation of which I am aware. Mining is dangerous not only because of accidential death and injury, but black lung disease debilitates strong men in the prime of their lives. Gentlemen, we pay a billion dollars a year in black lung benefits—and relatively speaking—hardly a dime in research to prevent black lung, or to cure it.

My amendment is designed to provide for research in coal comparable to agricultural research particularly in our great land-grant colleges. It is because of our historical support of agricultural research that we can feed ourselves and a good portion of the rest or the world. We must provide the same support for coal research.

The use of coal, at once, despoils our land and pollutes our air. It is our most precious and our most dangerous mineral. But coal varies in composition in each State—and the problems of mining and processing coal differ from State to State. I think that this amendment is a worthy component of a bill that will halt the pillage of our land. Let me take this opportunity to develop some legislative history for this amendment.

THE NEED FOR INSTITUTES

The legislation establishes an allotment program for coal mining, coal resources and research institutes. These institutes are intended to develop technology and manpower to meet pressing coal research and coal industry needs of our country. As mined land reclamation is the major issue addressed by S. 7, so reclamation will be an important concern for institutes in affected States. There are several problems that my amendment aims at:

First, passage of the Surface Mining Act will call, at once, for the solution of technical problems relating to land reclamation as well as surface and underground water pollution. The nature and scope of these problems will vary from region to region, depending upon the character of the coal being mined, the topography of the area, the geologic nature of the overburden, the thickness of the deposit, and the problems encountered in removal of the coal and the intermediate placement and replacement of overburden during the mining process.

Second, reclamation costs in States that currently have surface mining legislation average $4,000 per acre. The impact of new reclamation procedures on the price of coal, with the passage of Federal legislation, may be heavy.

Third, coal production in 1976 increased by only 2.5 percent over 1975 despite mounting energy problems. A 2.5-percent increase is less than half the rate needed to double production by 1985. Yet industry will encomber additional engineering problems upon passage of the Surface Mining Act. Prospects for increasing the rate of coal production are slim.

Fourth, the coal industry demand for trained engineers has depleted our manpower reserves. Metallic and nonmetallic industries have been unable to compete for mining engineering graduates.

BACKGROUND

This amendment has a considerable legislative history. Legislation that would have established State mining and mineral resources and research institutes has been enacted by the Congress three times since 1972. Each time the bill was vetoed—once when Congress passed the law on its own merits, and twice as part of comprehensive legislation that would regulate surface mining. In each instance, the legislation failed to become law. The legislation under consideration reduces the scope of the authorized research activities to coal.

SUSTAINING GRANTS

This amendment provides sustaining grants for qualified schools of mines and departments of mining engineering, among others. Funds authorized by this legislation would provide a stable funding base for research and education about coal and coal resources much as the Hatch Act of 1877 provides for our renewable resources—agriculture. This base would enable a viable research program to be sustained through periods of widely fluctuating support from grants and contracts and to assure that institutions would not drop such programs due to pressure to respond to more limited, short-term institutional needs.

THE NEED FOR STATE COAL MINING AND COAL RESOURCES AND RESEARCH INSTITUTES

The need for State Coal Mining and Coal Resources and Research Institutes has been documented in congressional hearings repeatedly since 1970. The broader, desirable national goals emerging from these hearings include the needs:

First, to support and stimulate research and education in mining, mined land reclamation, fuel, energy economics, and related environmental research. The support of a qualified research and education institute in the States will insure a continuing, long-range research effort and an adequate supply of scientists, engineers, and technicians.

Second, to reduce our dependence on foreign energy sources through the development of our own coal resources and improvement in the efficiency of utilization.

Third, to provide scientists and engineers to improve coal production, preparation and related techniques needed to prevent environmental damage and to reclaim mined land under the diverse geological and climatic conditions in the States affected. A continual flow of trained manpower into Government and industry will assure that we can handle our energy problems. If personnel are not available, it may take years to develop them. The result may be an economy in disarray because of the inability to cope with an emergency.

Fourth, to support research reducing death, disease and injury caused by mining accidents and coal dust.

CRITERIA FOR ELIGIBILITY

To be eligible for a designation as a State Coal Mining and Coal Resources and Research Institute, a college or university must meet the following criteria:

First. It must have an eligible school of mines or division or department conducting a program of substantial instruction and research in coal mining and preparation and related research.

Second. It must have existed for 2 years.

Third. The division or department must employ at least four full-time faculty members.

Fourth. The institution must be able to match the Federal contribution. If there is more than one eligible college in the State, the Governor may designate the college to receive the Federal support.

COST TO THE FEDERAL GOVERNMENT

In the event that each of the 50 States became eligible for Federal support—an event which is unlikely, indeed—and in the event Congress appropriates all of the money authorized in the project grant section, the program would cost $25,000,000 in fiscal year 1978—$10 million for sustaining grants and $15 million for research grants.

Total authorized expenditures follow:

1978	$25, 000, 000
1979	32, 000, 000
1980	39, 000, 000
1981	41, 000, 000
1982	43, 000, 000
1983	44, 000, 000
1984	45, 000, 000

RESEARCH GRANTS

The research grant component of this amendment is particularly important. Such grants are not necessarily restricted to existing schools of mines and will have wide participation.

Let me specify some of the very real and pressing issues that need to be addressed and researched effectively so we may make the progress we need to come anywhere near meeting President Carter's announced goal of nearly doubling our Nation's coal production. To identify just a few:

With prevailing technology, the regulation of surface mining, as authorized by S. 7, is counter to the national goal for increased utilization of coal in meeting future energy needs.

A whole new surface mining technology must be developed, which is both cost and energy efficient, if coal production is to be increased beyond the meager 2.5 percent experienced this past year.

Because of regional variations in topography and geologic character of coal deposits, no single technology will be adaptable in all regions. A diversity of R. & D. efforts must be stimulated and encouraged in industry, Government, and the academic community, if appropriate technologies are to become available on a timely basis.

The academic community's potential contribution has been seriously impaired by the nationwide decline in academic programs in mining engineering and related sciences over the last quarter century; 10 of 28 accredited programs have been discontinued in this time period.

The involvement of the academic community is essential and of twofold consequence. First, there is a critical lack of manpower in industry and Government, as well as education, to launch the needed R. & D. effort. Second, the compliance with the surface mining regulations will require a significant increase in the level of engineering activity required to produce a ton of coal, and the coal industry's present demand for mining engineers outstrips the supply by a factor variously estimated to range from three to four.

With present technology, coal preparation required to precondition coal to meet "new source" SO_2 emission standards leads to the loss of up to 30 percent of the mined coal in many instances, and still requires electric utilities and other consumers of coal in direct coal-fired boilers and furnaces to resort to flue gas scrubbers which, even when oversized, are ineffective and inefficient in terms of energy, materials, and cost.

To permit coal to be used as a primary energy source in an environmentally satisfactory mode, a new coal preparation technology must be developed, and in some regions that technology can be directly dependent upon the surface mining practices required for reclamation compliance. Again, the manpower required for the development of this technology, as well as applying that technology, does not exist.

Previous Congresses recognized the important need for revitalizing these educational and academic research programs, as contributors to fulfill the technology and manpower needs that attend improved reclamation practices. In light of our present goals for increased coal production, this Congress must exercise equal wisdom.

This is by no means an all inclusive list, but I think it serves to illustrate the point that our research needs are far beyond our current capacity.

Mr. President, there are numerous questions that have been asked about this legislation. To assist my colleagues I would like to enumerate these questions and my responses:

Q. Do private universities qualify (for example, Columbia and Stanford)?

A. The legislation provides that if there is no qualified public institution in a state a private institution may be designated.

Q. The legislation requires that the institution match Federal funds. Not many schools can come up with $200,000 or more each year.

A. It is the intention of the legislation that the schools match Federal funds with on-going programs of instruction and research into coal mining and coal resources. All of the criteria for eligibility are designed to ensure that the Federal funds will build on a substantial base.

Q. Will a particular school qualify?

A. The criteria for designation as an institute are designed to ensure that Federal funds are well spent on existing substantial programs of coal research. Your school will qualify if it has an existing program of coal research, if it has existed for two years, if it has at least four full-time faculty and if it can match Federal funds with university funds that support existing research and teaching programs.

Q. Will Penn State, for example, get more money than the University of Missouri?

A. Each school will receive the same amount of money . . . unless, of course one is unable to match the Federal contribution. In which case I presume its funds would be ratably reduced.

Q. Why do we need so many institutes?

A. Coal not only differs from state to state, it differs from seam to seam. Mining techniques differ depending on terrain, annual precipitation, and other variables. State mining laws will affect methods of extraction, preparation and the transportation of coal. Further, mining engineers and scientists at each school are a limited national treasure. It is in the interest of our nation to nurture them carefully in whichever state they may be found.

Q. Why limit the bill to coal when other minerals are equally important?

A. S. 7 regulates surface mining of coal. Those regulations together with other problems of coal mining and coal preparation, makes coal our first priority. I acknowledge that other minerals: copper, bauxite, and potash, to name only a few, are also critical but we have to get started. And, today coal is the most critical.

Q. Your amendment provides for annual grants to each institute and also research grants. What is the purpose of both programs?

A. The annual grants are sustaining grants. They are designed to do for coal what agricultural experiment stations do for agriculture. The universities will have to account for the use of Federal funds. but they will not be required to produce specific research results. The sustaining grants will establish a faculty base of the dimensions we have in our colleges of agriculture. That faculty base will enable each school to undertake expanded programs of research and development.

The research grants will be available to all colleges and universities. They will be distributed on the basis of competitive proposals. It is hoped that their availability will enable states, that do not qualify today, to become qualified for the institute designation as their programs are developed.

Q. My State has two qualified schools. Will they both be designated as institutes?

A. Only one per State! If two schools are qualified according to criteria in the legislation, the Governor of the State makes the final designation. (Criteria include an existing program of coal research, matching funds, 2 years old and four (4) faculty).

Q. What about research to eliminate accidents and black lung disease?

A. My amendment specifically includes both of those research areas. I am shocked to learn that we spend more than a billion dollars a year on black lung benefits and almost nothing on prevention and treatment of the disease.

Q. Shouldn't the responsible agency be the new Department of Energy?

A. My amendment deals with what is. I leave that issue to the wisdom of my colleagues and the Executive Branch once the new Department is authorized.

Q. What about Bureau of Mines and ERDA Labs; won't there be overlap?

A. Sec. 608(b) provides that the President shall, by such means as he deems appropriate, for identification and elimination of duplication and overlap between programs. Furthermore, since the character of coal and surface mining conditions vary from region to region, the Coal Mining Institute in a given state will logically address those problems and needs which are typical of the coal reserves in that state.

Q. Isn't there plenty of contract coal research out of the Bureau of Mines and ERDA?

A. The Bureau of Mines contract coal mining research is limited to that applicable to health and safety, generally in underground mining, which must be sustained. Funds herein authorized are to stimulate and encourage coal mining, preparation and other research to minimize the impact of the surface mine regulations upon coal production, recognizing that the character of such research will vary from region to region and coal seam to coal seam.

ERDA's grant and contract coal research is largely related to coal utilization in energy systems, which is a most vital phase and one step beyond the mining and preparation phases.

Q. What about coal conversion, gasification and liquification?

A. Where such research is peculiar to the coals of concern to the Institutes and other universities and does not duplicate or overlap that within or sponsored by ERDA such research would be appropriate and should be encouraged.

Q. Does the schools' matching share have to be new money?

A. No. However, each school must at least maintain its present funding effort. It is not my intent that any portion of the State allotments be used to replace or refund any current or ongoing commitments at these schools.

Mr. President, I hope this discussion has been helpful to my colleagues. Equally, I hope my colleagues will carefully weigh the strong case in favor of this amendment, and I ask for their support in at least ensuring that this commitment to coal research be enacted.

I do not mean to take a lot of my colleagues' time. This is an amendment which is not a new one to this body. It is an amendment to establish coal mining and coal resources institutes in every State in the United States. It is clear to all of us, I believe, just how important it is that we do coal research on the tremendous variety and kinds of coals, the kinds of seams of coal that we have in the United States.

There are many kinds of bituminous coal, anthracite coal in the State of Arizona, tremendous amounts of coal shale, not to mention many kinds of bituminous coal in and of themselves.

The purpose of this amendment is to authorize the Secretary of the Interior to assist the operating universities, particularly State universities, in setting up research institutes.

I have discussed this amendment with both the distinguished chairman of the committee, the Senator from Montana (Mr. Metcalf), and the distinguished ranking member of the committee (Mr. Hansen). I understand they have no objection to the amendment.

Indeed, I think it should be said that the Senator from Montana has done a great deal in leading the way in this direction. Without the work he has done over the years, I do not think this amendment would be possible.

I understand, Mr. President, that the chairman does not wish this amendment to come up for consideration and a vote right now. Therefore, I think it would be appropriate, if the Senator agrees, to bring it up tomorrow morning as one of the items of business.

Mr. METCALF. Mr. President, unless someone has an objection, I am perfectly willing to accept the amendment. I believe my friend from Wyoming is also willing to accept the amendment.

Mr. HANSEN. I am.

Mr. METCALF. Perhaps we can handle it in that way.

Mr. HEINZ. If there is no objection, Mr. President, I ask for the yeas and nays on this amendment.

Mr. METCALF. Can we do it by a voice vote?

Mr. HEINZ. I would ask for a voice vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HEINZ. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HANSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ABOUREZK addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Louisiana is recognized to call up another of his amendments.

AMENDMENT NO. 275

Mr. JOHNSTON. Mr. President, I call up my amendment No. 275 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Mr. Johnston) proposes amendment No. 275.

The amendment is as follows:

On page 207, strike all of lines 1 through 21 and insert in lieu thereof the following:

"(5) the proposed surface coal mining operation, if located west of the one hundredth meridian west longitude, would not interrupt, discontinue or prevent farming on alluvial valley floors unless—

"(a) throughout the surface mining operation, upstream and downstream ground and surface water flows in these alluvial valley floors are maintained so as not to impair existing rights of other water users;

"(b) during and after the reclamation process, the essential hydrologic functions of the area is preserved without materially damaging the quantity and quality of surface and ground water systems that supply these valley floors; and

"(c) the total value of the coal mined by the surface mining operation would exceed, by a ratio of 100 to 1, the total value of the farming or ranching products that would be produced from said acreage while out of production as a result of the mining activity.

"(6) Paragraph (5) shall not affect those surface coal mining operations located within or adjacent to alluvial valley floors which in the year preceding the enactment of this Act were engaged in the commercial production of coal, or which had obtained prior to January 4, 1977, specific permit approval by the State regulatory authority to conduct surface coal mining operations within said alluvial valley floors, or for which substantial financial and legal commitment had been made.".

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. JOHNSTON. Mr. President, I yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I wonder if the Senator from Louisiana will yield to me for a unanimous-consent request which will only take, I am sure, a very brief time, provided he will not lose his right to the floor.

Mr. JOHNSTON. I yield.

TRIBUTE TO CHARLES A. LINDBERGH

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of a resolution which I send to the desk, which honors Charles A. Lindbergh on the occasion of the 50th anniversary of his solo nonstop flight from New York to Paris in the Spirit of St. Louis.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 177) honoring Charles A. Lindbergh on the occasion of the 50th anniversary of his solo, non-stop flight from New York to Paris in the "Spirit of St. Louis".

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. HUMPHREY. Mr. President, this resolution has been cleared on both sides of the aisle, with the members of the appropriate committee. I have introduced this resolution for myself and my distinguished colleague from Minnesota (Mr. Anderson).

Precisely at 7:52 a.m. on May 20, 1927, the Spirit of St. Louis left the ground at Roosevelt Field in New York for a 33½ hour flight to Le Bourget Field, Paris, France, that would capture the imagination of America and the world. It expressed the pioneering spirit of America and the coming of the age of international air transportation.

Lindbergh symbolized the youthful adventurous spirit of America. He was one of the best-loved American heroes, yet he was a quiet and humble man. We in Minnesota, the State of his birth and his childhood and youth, feel a special relationship with this great American. We are very proud to claim him as our native son.

I believe Congress should provide for an appropriate commemoration of Charles Lindbergh's lifetime of service to this Nation.

Therefore, I propose this resolution to honor Charles A. Lindbergh for a lifetime of service to the United States of America.

Mr. President, I ask unanimous consent that a series of articles in the Minneapolis Tribune of May 15, 1977, and articles on the life of Charles Lindbergh appearing in the May 8, 1977, issue of the New York Times Magazine be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

"Lindbergh Spans Atlantic," Papers Said, and the World Went Nuts

Fifty years ago this week the United States was afflicted with the biggest case of hero worship in its history.

Charles A. Lindbergh, Jr., took off from New York's Roosevelt Field in his single-engine airplane called the "Spirit of St. Louis" on May 20, 1927. About 33½ hours later he landed at Le Bourget Field outside Paris.

The thousands of people who toppled the fences at the French airport that night and peeled souvenir pieces from his plane—much to his horror—were only the first of millions to line airfields and streets all over the world to catch a glimpse of the first person to fly the Atlantic nonstop.

Editors brought out their biggest type:

"Lindbergh Does it! Cheering French Carry Him Off Field." "Lindbergh Safely in Paris 2½ Hours Ahead of Time." "Great Ovation Greets Air Hero." "Delirious Paris Acclaims Lindbergh."

When Lindbergh returned to the United States, he began a tour of the 48 states to promote the development of commercial aviation. (Airplanes were being used to fly a little mail and to perform stunts; loop-the-loops and walking on the wings were the big crowd pleasers.) Indeed, Lindbergh's flight did stimulate the growth of the fledgling aviation industry.

But most people who turned out to see Lindbergh were more interested in the man than the mission.

They gave him poems and songs and needlepoint pillows and airplanes carved from jade and soap. They even bought "Lucky Lindy" perfume bottles. His face was everywhere.

The poems especially reeked of adulation. A national poetry contest promised a $500 prize for the best poem about Lindbergh. This one didn't win, but it's fairly representative:

Did you feel our hands on your hands as you
guided
The lone bird over the sea?
Blonde young Viking, we were with you
Bearing you company.

But it was you who chose the danger,
You who took the chance,
You who tossed your life like a coin, lad,
To bind your land to France.

You have made your mother our well-loved
mother,
You have made your smile our smile;
You have joined the nations brother to
brother,
You have brought back peace for a while.

Blonde young Viking, flying, flying,
Like a sword that breaks the blue,
While the world remembers the men who
made it,
It shall remember you.

(From "The Spirit of St. Louis: 100 Poems," published 1927 by George H. Doran.)

A popular song of 1929 was "We Know You'll Take Good Care of Our Lindy" and was addressed to Anne Morrow, the woman Lindbergh had announced he would marry. The chorus ran like this:

We know you'll take good care of Lindy
Little girl of his dreams
We know you'll always love our Lindy
Little girl of his dreams.
You're part of his heart that's mighty true
And anyone that he loves, we love too
We know you'll take good care of Lindy,
And he'll take care of you.

(Copyright 1929, renewed by Shapiro, Bernstein & Co., New York.)

Another song was performed for Lindbergh at a dinner in Butte, Mont. It called his airplane a gondola. Part of it goes:

"When at last in Paris Lindy lit—
Toothbrush and a razor in his kit—
He told 'em he was hungry,
But said he wasn't dry,
And, just before they fainted,
Those Frenchmen heard him cry,
They heard him cry:
"In my gondola,
No raviola,
But just a hole-a
Inside o' me!
I chawed a sandwich
To beat the band-itch
And reached the land which
I longed to see.
I brought no ales or wines, and—listen
here—
The Spirit of St. Louis isn't beer—
There's no Mazola
Or whiskey-ola
Or Coca-Cola
In my gondola, la la!"

(Written for the Treasure State Quartet by C. W. Towne)

(To set the record straight, he didn't carry a toothbrush or razor. As he was nearing Paris, he was thinking he would have to buy a set of clothes and a half-dozen odds and ends. He hadn't even carried an extra shirt; he wanted as much weight as possible to be gasoline. And for nourishment he had only a couple of sandwiches and water.)

Schlock art also capitalized on the Lindbergh theme. One piece of sculpture showed a winged god soaring over the earth toward a tiny Eiffel Tower. The nude god vaguely resembled Lindbergh and wore an aviator's helmet. The genitals, of course, was discreetly covered by a cloud.

Lindbergh didn't ask for the acclaim. In fact, the outpouring of public affection was often distasteful to the modest young man, only 25 at the time of the flight. He objected to the legends—usually little related to fact—that grew up around him and his exploit.

Particularly irksome to him was the idea that he was in love with his airplane. Captions under pictures of him and the "Spirit of St. Louis" said such things as "Charlie and his only sweetheart—unless it was his mother." Reporters incorrectly quoted him as saying, "My airplane is my only girl."

In the Minnesota Historical Society's copy of "We," the story of his flight to Paris, Lindbergh noted, "The title of 'We' was selected by the publisher. I had used the term 'we' in referring not to any plane but to the men who were my partners in the Spirit of St. Louis organization. The application of 'we' to any plane and myself was a newspaper concoction."

His name was stolen by thousands who thought they could profit from it. He didn't endorse products, but ads in newspapers across the country implied that he did. The Minneapolis Tribune, for example, announced "Lone Eagle Week" at the Woodward Furniture Co.; "Lindbergh Celebration Special of Hudson Seal Coats"; his use of Waterman's pens, with which he supposedly kept his flight log; his love of milk pronounced by Ewald Bros. Sanitary Dairy ("He could have had anything he wanted to eat or drink in Paris and he asked for a glass of milk." Not true.)

Loads of Lindberghs in America and Sweden changed their names to Lindbergh. B by boys were named after the flyer, with Charles Lindbergh Erickson in Massachusetts proclaimed the first such namesake.

The whole thing astounded Lindbergh. He supposedly said, "I wonder if I really deserve all this." But he and perhaps a handful of other people were the only ones who wondered that. The public took him as their super hero.

A few months after his famous flight, Charles A. Lindbergh returned to St. Louis and flew over what was then all of the metropolitan area. Almost all the school children in the area were marched out of their classrooms and into school yards to watch the Little Falls native fly over.

Those children have reached their full maturity now, but when they tell about it, it's clear the day has not lost its wonder for them, even after 50 years.

It may be difficult for subsequent generations to understand the fuss: Lindbergh, who was one of the best and youngest of America's pilots in 1927, flew the Atlantic from New York to Paris in 33 hours and 30 minutes; anyone, for the right price, can now fly the same route in about one-tenth the time in a Concorde.

But in 1927 supersonic flight was about as realistic as exceeding the speed of light. The ocean was the great hurdle between the Old World and the New, and in 1919 a New York restaurateur, Raymond Orteig, offered $25,000 to the first crew to fly between Paris and New York non-stop.

The challenge was soon taken up by a number of well-financed and well-known pilots—even Commander Richard E. Byrd was getting together a crew. The preparations grew more and more intense and more complicated—one French air crew consisted of four people, one of whom was designated cook.

Meanwhile, the man who would actually succeed was flying U.S. mail and trying to fight off a bum rap: Lindbergh had had a few accidents while carrying the mail, losing a couple of planes after bailing out. He got involved in the Atlantic flight, he said later, to establish his reputation as a good pilot once and for all.

He had been flying for only five years. At 20, he left Little Falls with some money borrowed from his father. He learned to fly, and when he later got his own plane, the first thing he did was to fly back to Little Falls.

The plane did what he hoped it would—awe the neighbors. He took his mother for a flight and dropped leaflets for his father's political campaigns.

He joined the Army Air Service to get better training as a pilot and a chance to get a legitimate job in the fledgling aircraft industry. To earn money for his training, he barnstormed in small towns, giving people rides for five dollars a time.

After his army training was over, Lindbergh got the job carrying mail where he gained two reputations, one for his crashes and one for going out in weather that grounded older, more experienced pilots.

All of which made Lindbergh a good pilot, but not one to be considered a serious threat to those planning to conquer the Atlantic.

I wasn't until September 1926 that Lindbergh even considered it, and he realized at once his major problem: In order to have a chance at success, as he saw it, he needed to control the entire operation, from selecting and supervising the construction of the plane to flying it—alone.

But Lindbergh had taught a number of wealthy men in St. Louis to fly, and their interest in aviation and positive publicity for the city suggested to Lindbergh that they might back his flight. After a few setbacks Lindbergh got his money and a name for the plane—the "Spirit of St. Louis."

He also got complete control of the development of the plane. He was the only pilot challenging the Atlantic who planned to make the attempt alone, and he was the only one to have the last say on every detail of the plane and the flight.

Still, he was the least known of the challengers, and there were fears that his plane would not be ready before someone else succeeded—and Lindberg's plane, even when it was ready, would be in San Diego as far from New York as Paris is.

While others were trying and failing—a French crew crashed on take-off, killing two—under the close scrutiny of the press, Lindbergh was working quietly in San Diego.

But when he took the "Spirit of St. Louis" to New York, Lindbergh also managed to shatter the old record for a transcontinental flight. The press was all over him. He was never free from their questions again. After the flight from San Diego, Lindbergh got his first public nickname, "The Flyin' Kid."

Before he left for Paris, he would pick up more nicknames, and his mother would get so nervous reading press accounts that she would make a visit to her son's plane to be reassured.

The flight itself went off almost perfectly. The plane performed as planned, and Lindbergh's reckoning was perfect. The most annoying moment came off the coast of Ireland, when he flew low to ask some fishermen where he was, but the men wouldn't even acknowledge his presence.

When he reached Paris, at 10:22 p.m. on May 21, 1927, Lindbergh took one triumphant swing around the Eiffel Tower and headed for Le Bourget field.

For a moment, the field was empty. Then crowds surged into the lights. Lindbergh killed the engine, afraid the crowd would run into the propeller.

The New York Times called the crowd "150,000 pairs of eyes going insane with joy." The crowd swarmed over the plane, and the pilot had to be saved from his own admirers by French police. A piece or two of the plane and Lindbergh's log book were lost in the rush and were never returned.

The situation was the same in London, where Lindbergh again worried about killing someone with the plane's propeller.

What Lindbergh had done was to conquer his time's biggest frontier, and he not only did it under closer public scrutiny than any other conquerer, he did it alone. Six months before, he had been a mail pilot with a reputation for cracking up too many planes. By the time he returned to St. Louis, he was the hero of his age.

Consequences of the Fame He Did Not Want

There is no indication that Charles A. Lindbergh had any idea of the kind of attention he would get from the press if he succeeded in crossing the Atlantic. Had he known, he might have ditched the Spirit of St. Louis off the coast of Newfoundland and quietly swum back into obscurity.

Lindbergh already was disgusted with the press before the flight, but the real outcome of that attention wasn't clear until later. The realization began when he was returning to the United States on a Navy vessel.

Since Lindbergh was an officer in the Army Air Service, a new uniform had been tailored and sent to the ship for him. In the end, however, he didn't wear it because his new notoriety demanded that his public be satisfied.

"Look, dumbbell," Lindbergh's friend Dick Blythe told him in trying to get the flyer to wear civilian clothes. "Up to now you weren't an Army man or a Navy man, but a plain civilian with a job.... Nobody could claim you and nobody could be against you."

For the next 13 years—when Lindbergh's popularity and attention from the press were at their highest—Blythe was wrong, for everyone claimed Lindbergh. After that, there were quite a few people—including the president of the United States—who were against him.

The above quote from Blythe is taken from Walter S. Ross's biography of Lindbergh, The Last Hero (Harper & Row, 1964). But, if Lindbergh was the last hero, he was also the first superstar—and through great personal triumph and tragedy the press used him as a commodity.

The attention drew Lindbergh and his wife, Anne Morrow, thousands of letters yearly. Some of the people who were attracted to Lindbergh were also a little disturbed: Threatening letters, though not the norm were not uncommon.

So, when Lindbergh was asked on the night of March 1, 1932, if his 20-month-old son, Charles Jr., was with him, he knew enough to be worried. Neither the nursemaid nor his wife had the child, who was not in his crib.

Lindbergh took one look at the empty crib and turned to his wife.

"Anne," he said, "they have stolen our baby."

Newspaper sales went up 20 percent in the next two months. On May 12, 1932, a truck driver stumbled on the child's body, which ended at least two major hoaxes for which Lindbergh had fallen in hopes of finding his boy.

In the meantime, the press had camped on the roads leading to the Lindbergh home in Hopewell, N.J. It wasn't until September 1934 that the chief suspect in the case, a German immigrant named Bruno Hauptmann, was arrested.

Hauptmann's trial was one of the most sensational in history, with vendors selling pictures of the kidnaped child and "Baby Charles Soup" outside the courthouse. Hauptmann was convicted and electrocuted, though recently some of the evidence against him has been challenged.

What had been mere annoyance with the press before the kidnaping became for Lindbergh an absolute obsession.

One day in 1935, Lindbergh's second son, Jon, was being brought home from school when a black sedan pulled alongside the car he was in. His teacher screamed as men jumped out of the sedan and onto the running board of the Lindbergh car.

The men were not kidnapers—they were reporters. Later that year, the Lindberghs left the United States for Europe, disillusioned and looking for peace—somewhere else.

Lindbergh's fame caused the kidnaping, and it made a difficult situation worse. When five years later, Lindbergh sought to make use of that fame for the first time, he chose the wrong issue and the wrong time.

The climate in 1927 was anti-military enough for Blythe to suggest that Lindbergh not wear his uniform. By the late '30s, it was worse. The First World War, according to popular thinking, was a waste—a European bloodletting that took American boys and accomplished nothing.

With the rise of Hitler and Mussolini, there were increased grumblings that another European war was near. The general American reaction was to avoid getting involved in it at all costs.

From 1939 to 1941, Lindbergh spoke against U.S. involvement in the war. He had visited Germany often and had been extremely impressed with its war preparations. He had also visited France and England and was not at all impressed with theirs.

The debate over entering the war raged until Dec. 7, 1941, when the Japanese attacked Pearl Harbor. Never has a political argument been ended so abruptly and so overwhelmingly in favor of one point of view.

Lindbergh had been making radio speeches and traveling around the country on behalf of the American First organization. He had even taken on President Franklin Roosevelt, and Roosevelt hadn't liked it (he asked that Lindbergh's taxes be audited; there were no discrepancies).

When the war began, Lindbergh changed course and asked to rejoin the Army Air Force. Roosevelt would not allow it, and Lindbergh spent World War II as an adviser to aircraft firms. Nonetheless, he flew unauthorized combat missions in the Pacific.

After the war, Lindbergh got the measure of privacy he craved. He had been wrong about the war, and heroes aren't supposed to be wrong.

In the years after the war, he was busy working for the Air Force and Pan American Airlines and writing.

The last time he used his name and reputation to help a cause was in the '70s, when he came out against the development of the supersonic transport plane.

In August 1974, he found out that the cancer he had could not be cured. He asked to leave New York and spend the rest of his life on the Hawaiian island of Maui, saying he'd "rather live one day on Maui than a month in New York."

He died on Aug. 26, 1974, and was buried three hours later in a churchyard overlooking the ocean.

He chose this epitaph: ". . . If I take the wings of morning, and dwell in the uttermost parts of the sea."

Remembering Lindbergh

Charles Lindbergh's hometown of Little Falls, Minn., is full of people who remember him or who remember the way the town went crazy about his flight to Paris. Here are a few:

Pete Wielinski, 76. "The talk around town was that he was just likely to make it over the ocean. I had a hunch he would. He was a studious fellow. Like he studied up on weather until he knew a lot about it. He'd had lots of experience, flying the mail and barnstorming.

"I was operating a chick hatchery and feed store then. I remember the news came in about 3 o'clock on that Sunday afternoon that he landed in Paris. The newspaper got word first, and the word spread fast. The town went wild. Guys went over to the Lindbergh farm. They couldn't get his old 1916 Saxon started so they put ropes on it and pulled it to town.

"People came from all over. They picked up stones at the Lindbergh house for souvenirs. Some of them pulled pieces of siding off the house. Some Yellow Cab driver in Minneapolis got so excited he drove right to Little Falls without telling his boss he was going.

"The first time I saw Lindbergh, he was about 4 years old and I was 6. His father was electioneering in Congress, and they came over to the house on a motorcycle. Charles was in the sidecar."

Wilmer Olsen, 69. "Lindbergh came back to Little Falls a few months after the flight (arriving Aug. 25, 1927). People came here like crazy—must have been 50,000 of them. Everything stopped that day. Everything was closed. I was 19, and I took the day off from the tire business. Bands came from all over the country. Even the fire hydrants—they put faucets on them so people could get a drink. Smart people set up hamburger stands and made lots of money off the tourists. It was a big day here, gosh all fishhooks."

Cyril Stodolka, 84. "I quit flying (he was a pilot himself) by the time Lindbergh started. I wanted to get married, and no girl would marry a pilot. It was too dangerous Do you know the average life of a pilot in the First World War was 35 days? I flew some in France during the war, but I was lucky and lived.

"Lindbergh used to hang around all the time when I was working on my plane. I didn't even know who he was at first, but then I found out he was the congressman's son. I had a Curtiss Standard. Never got into a crash, but I knocked off a few fence posts, and Lindbergh did, too."

Kerma Deering, 56. "I was only 6 years old the day Lindbergh came back to town, so mostly I rememebr the parade. I guess I didn't understand the reason for all the excitement. My aunt took my sister and me downtown. We walked, and it must have been a good mile. My aunt told us Charles A. Lindbergh flew the Atlantic, but I didn't even know what the Atlantic was.

"Later on, we used to go to the Lindbergh house to swim in the river and run through the house. It stood empty from about 1920 to '31, when the state took it over. Now I'm a tour guide at the Lindbergh house, and I see a lot of people come back to look for their initials that they carved in the house.

"People damaged it a lot, but the historical society put it back together real well. Even Mr. Lindbergh told us that."

A Life Marked by Continued Growth

(By Russell W. Fridley, Director, Minnesota Historical Society)

Would he do it again? Charles A. Lindbergh was asked during a 1973 visit to Minnesota. Would he fly the Atlantic Ocean again if he had to?

"In 1927, yes," he replied, "in 1973, no!"

The answer revealed his light-hearted side but also showed how far his interests and achievements had grown beyond his epoch-making flight.

As we commemorate the 50th anniversary of the event that carried him into history, we miss much of the man, his life and his work if we focus too narrowly on the "Spirit of St. Louis."

The solo crossing of the Atlantic on May 20–21, 1927, was the pivotal event in a remarkable career, but it became the prologue rather than the singular achievement in a life marked by continued growth and major contributions to many fields—aviation, medical technology, rocketry, anthropology, literature and conservation. Aviation opened the way to a life style and achievements that Lindbergh pursued quietly but on a global scale, with vigor and creativity until his only serious and final illness.

Lindbergh characteristically downplayed his unique role in aviation history. "It is true," he wrote, "that I made the first solo trans-Atlantic flight. However, I think that flying alone was of secondary significance to the fact that it was the first non-stop airplane flight between the continents of North America and Europe." (But in the popular mind he was the man and the machine.)

Among the most enduring achievements of Charles Lindbergh are his writings. They are marked by a concern for basic human values in a technological age, clarity of thought, unconventional ideas and fine literary craftsmanship.

Lindbergh encouraged people interested in research and writing about his father or his own career if he was convinced they had a serious purpose.

He devoted much time and hundreds of long letters in the interest of keeping the historical record accurate. A good example is the distinction he drew between a "crash," a "crack-up" and a "washout."

During the last decade of his life, Charles Lindbergh championed the cause of conservation. Aviation again provided the window that gave him a global perspective on the problem. Flying over the earth he became alarmed at what man was doing to its surface. Prairies were plowed up, forests, jungles and deserts disappeared, fence lines sprang up, suburbs spilled over mountain tops, and smog became the pilot's unwanted companion.

Central to his writings on the environment is the interdependence of men and nature. Man must preserve the ecocosm of which he is a part or disaster lies ahead. "Let us never forget," he wrote, "that wildness has developed life, including the human species. By comparison, our own accomplishments are trivial." Wildness for him was a lens to the past, present and future.

His environmental interest and travels caused him to assist the conservation cause around the world. He labored to preserve vanishing species of wildlife, among them whales, especially the blue whale, the Javan rhinoceros, the Philippine monkey-eating eagle and the tamarau, the North American timber wolf and the polar bear.

His love of the waters and forests of Minnesota found him supporting the creation of Voyageur's National Park in his native state after he was enlisted in the cause by former governor Elmer L. Anderson. Lindbergh made a special trip in 1969 to view the area by boat and airplane. His enthusiasm for the nation's newest national park was relayed in a letter after that visit:

"I cannot overemphasize how much I enjoyed the days . . . in Minnesota—particularly the seaplane flights over the projected Voyageurs National Park . . . The area is so beautiful and extraordinary that it seems to me it would be a tragedy to miss the (probably-never-to-return) opportunity of establishing it as a national park."

On his next trip to Minnesota, in 1971, he came out publicly against the further development of the supersonic transport (SST): "For me, aviation has value only to the extent that it contributes to the quality of the human life it serves. Research in fields of supersonic flight is, obviously, of great importance and should continue, but my personal conclusion is that the regular operation of SSTs in their present state of development will be disadvantageous both to aviation and to the peoples of the world. I believe we should prohibit their schedule operation on or above United States territory as long as their effect on our over-all environment remains unsatisfactory."

"From a technical standpoint," he wrote, "I must again emphasize the difference . . . a crashed plane was, at best, difficult to repair—often a wash-out (unrepairable). A crack-up seldom involved injury, and the plane was fairly easily repairable. I was never in an airplane crash on the basis of this terminology. However, I jumped from four planes that crashed on striking the ground—complete washouts. I was in several crack-ups."

During the last decade of his life, Lindbergh made several trips to this state to assist the Minnesota Historical Society in authentically restoring his boyhood home. The Historical Society, however, was never successful in getting him to record his reminiscences. He thought the human memory unreliable and much preferred the written record. When asked if he would tape an interview, he discouraged the idea by asking, "What if I want to change my memory?"

Lindbergh never tired of returning to his boyhood home. His love of the outdoors and keen sense of nature are rooted in his formative years on the upper Mississippi.

In his Wartime Journals, published in 1970, he compared his fondness for the family farm to his feeling for the Isle of Illec off the coast of Brittany, to which he and Anne moved in 1938, and where they lived before the fall of France in 1940. "The old farm at Little Falls," wrote Lindbergh, "is the only other place I have loved as much."

Among the more recent items he contributed to the Lindbergh home was his Volkswagen he left there in 1970. He had been on a trip to Montana but was interrupted by an important meeting with Pan American Airlines. Donating the car in 1972, he wrote:

"In signing the paper of transfer of the Volkswagen, I am surprised at the nostalgia I encounter. (I have had this with automobiles and airplanes before but seldom to such a degree). I have had some wonderful and extraordinary experiences in this Volkswagen.

"I bought it in Paris, in 1959, and operated it under a French tourist license for a number of years. I drove it considerably through most western European countries, and Anne and I used it as a family car while we were living in Switzerland. I once drove it around the eastern Mediterranean, leaving it for several months in Istanbul while I carried on airline and other activities, and for another several months in Beirut. My son Scott joined me at Beirut, and in Egypt we drove together up the Nile to the Valley of the Kings.

"On the trip around the Mediterranean, and also driving in Europe, I often slept in the car. I suppose that, over the years, I have spent more than a hundred nights in it. I found that I could take the right front seat out, take its back off, reverse its position in the slide grooves, and with the use of an air mattress—make a comfortable full-length bed."

He perceived the energy crisis early and urged the developed countries to reduce their material standards of living. Less dependence on creature comforts and gadgets, he believed, would yield a happier, more beneficial life style.

Among his other interests was the welfare of primitive peoples. He devoted time working with Panamin, an organization in the Philippines devoted to protecting tribal people from development and exploitation. "I've never had more enjoyable times," said Lindbergh, "than with some tribal peoples who have, of course, almost no wealth by our standards."

Adventure was never far from Charles Lindbergh. During a trip to visit a settlement of Ubo tribesmen in 1970, a group of armed men confronted his party. "There was no shooting during the Philippine 'ambush,'" he wrote, "but there was a pretty tense about-one-minute with gun bolts rattling all around. Both sides were well armed, but we were heavily outnumbered and in a badly exposed position. I had a submachinegun, and for a few moments it looked as though I would have to use it."

In 1972, he went on another trip to the Philippines, an expedition that discovered the Tasaday tribe—a group of cave dwellers—in a rain forest. Lindbergh was elated by the knowledge to be gained about this isolated people. Yet he lamented the misfortunes that would inevitably be visited on them once the Tasaday were in contact with modern man.

The life of Charles A. Lindberg is punctuated with contrasts. Reared on a farm on the upper Mississippi, the flier loved being close to land and water. Genial and thoughtful, he enjoyed people but in small groups—much of the time he preferred to be and work alone.

His career spanned the half-century during which man was still "looking forward to the conquest of the air" to the present time when air technology threatens human values. His famous flight heralded a new era, shrank the globe, and brought people closer together in a physical sense. Yet increasingly his attention turned from technological progress to the preservation of wildlife, wilderness and human values.

He, more than anyone else, symbolized the spectacular growth of aviation. Yet he felt the challenge had gone out of flying and advised his children to seek vocations in which they could be creative—such as "oceanography, ranching or anthropology."

A strong believer in individual initiative, he nevertheless thought it inevitable that we come to government control of natural resources.

He shared with his father a belief in "survival of the fittest" as the means of keeping the human species strong and questioned whether medical science was weakening the genetic pool. Yet he made a notable contribution to medical technology that helped lengthen human life.

He moved about the world on a global scale as few persons have. Yet he found moments of insight in isolated and sheltered places in remote areas with tribal peoples.

In his last public address, at the dedication of the new interpretive center at the Lindbergh Home at Little Falls, on Sept. 30, 1973, on a glorious autumn day overlooking the Mississippi along which he had swum, hunted and hiked as a boy, he summed up his world view:

"As our civilization advances, if our follies permit it to advance, I feel sure we will realize that progress can be measured only by the quality of life—all life, not human life alone. The accumulation of knowledge, our ideals, our art, our social structures, all the achievements of mankind have value only to the extent that they preserve and improve the quality of life."

How Would Lindbergh Feel?

How would Charles Lindbergh have celebrated the 50th anniversary of his famous flight?

On a visit to Minnesota last fall, his wife, Anne Morrow Lindbergh, and two of the couple's children, Land Lindbergh and Reeve Lindbergh Brown, talked about that. Here is some of what they told the Minnesota Historical Society.

Mrs. Lindbergh:

He was not very sympathetic to anniversaries. He had his eye . . . on the future. He didn't rest on his laurels, and certainly the example of the flight looked to the future. So that if one wants to celebrate it, one would not look back to it, one would look forward to the things that he was thinking about at the end of his life. And these were much more in the areas of trying to find a balance between technology and natural environment—an environment that would bring out the quality of man.

Reeve Lindbergh Brown: I think what Mother said is true. He would be looking forward. And he would be reflecting upon it. I think he would be the last person to celebrate that event. He would be relating it to progress, history and evolution of the quality of life. He would see it in an "I'd rather have birds than airplanes" context. But without degrading what he had done. He would see it in terms of the balance between technological and natural values.

Land Lindbergh: I suspect he would be spending his anniversary with the Tasaday (a primitive tribe in the Philippines), if he had a choice. But I think this would only be viewed by him as leading on to something new, to learn something new, to learn something from the past so as to use it to gain more wisdom in the balance which you speak of, between technology and science and the quality of life. He was very concerned that we really were losing touch with the quality of life.

And how did the family feel about a celebration?

Mrs. Lindbergh replied: My thoughts about it are that the flight should be celebrated. It was a point, a beginning. In every era there are certain acts which are very symbolic of that era, and I think the flight was symbolic of the whole era . . . It was an era of new communication, transportation and linking people together. This was typical of the early aviation people who, of course, thought of aviation as a cause. Well, that cause—it has been won. It doesn't have to be promoted any longer.

It was a cause, and this he also felt internationally. Aviation would bring nations together. It would help peace in the world. I don't know that that came about. But these were his dreams.

Books

Most of the books written about Charles Lindbergh, his flight and his family contain gross inaccuracies, according to Minnesota Historical Society researchers. One of the better balanced biographies is Walter S. Ross' "Last Hero: Charles A. Lindbergh."

The best-written and most accurate books are by the Lindberghs themselves. Especially good is Lindbergh's "Spirit of St. Louis," the story of the New York to Paris flight with flashbacks to his childhood in Minnesota and his early flying experiences.

Written in 1953, it won the Pulitzer Prize the following year. Lindbergh's "We" also is about the flight, but he wrote it hurriedly in 1927 to clear up misinformation disseminated by the press.

His "Boyhood on the Upper Mississippi," published by the Minnesota Historical Society, is a reminiscent letter about his life at Little Falls.

Anne Morrow Lindbergh's many books include "North to the Orient," "Listen! The Wind," "Gift from the Sea," "Bring Me a Unicorn" and "Hour of Gold, Hour of Lead."

A booklet by Nancy Eubank of the Minnesota Historical Society, "The Lindberghs: Three Generations," is a good introduction.

The Price of Fame: Anne Morrow Lindbergh Reminisces About Life With Lindy

(By Alden Whitman)

Only two Americans in the last three-quarters of a century achieved overnight fame and became instant heroes. One was Adm. George Dewey, victor in the Battle of Manila Bay (May 1, 1898). When he returned to the United States in 1899, the admiral, resplendent in Navy whites, was hysterically feted in New York, Washington and elsewhere. Yet the hurrahs for the man who had said, "You may fire when ready, Gridley," subsided within a year.

The other instant hero was Charles L. Lindbergh. The 25-year-old airmail pilot was a household name to millions on May 21, 1927, and he became the paramount American hero of this century. Although he was an antihero to many in the years just before Pearl Harbor, his fame endured beyond his death in 1974. Perversely, it was a fame he did not seek, was never at ease with and spent vast amounts of ingenuity dodging.

Precisely at 7:52 A.M., May 20, 1927, the wheels of Lindbergh's overladen monoplane, The Spirit of St. Louis, left the ground at Roosevelt Field—now a shopping mall in Nassau County—and headed shakily northeast. Some 14 hours later, the excitement and suspense of the journey were palpable across the United States. At that hour, NX 211, with the speed of about 100 miles an hour generated by a 220-horsepower engine, was somewhere over the Atlantic. At Yankee Stadium, a crowd of 40,000 had assembled to see two fighters, Jim Maloney and Jack Sharkey, cuff each other. "Joe Humphrey, a little announcer with a bow tie and voice of brass, arose in the pool of light in the center of the darkness and called for silence and prayer," John Lardner, the sportswriter, recalled. The entire place went quiet as everybody stood with bowed heads. All across the country, people prayed for the man alone in the fragile, silver-colored plane with its inadequate compass, somewhere over the hazardous Atlantic.

When, 33½ hours after he had left New York, Lindbergh landed in Paris, fame threw her cloak about him. Newspapers printed millions of hyperbolic words—a good many of them farfetched—about the flight, about Lindbergh's reception in Paris and about him. Within days, honors, medals and receptions were pressed upon him. Crowned heads vied to receive him, including George V of Britain, who wanted most to know how the flier had relieved his bladder on the long trip. It was just the sort of common-sensical question Lindbergh liked, so he explained in some detail how his relief tube worked.

Meanwhile, President Calvin Coolidge arranged to bring Lindbergh back to the United States in triumph on the cruiser Memphis. There were speeches in Washington, the presentation of the Medal of Honor, the bestowal of a colonelcy in the Air Force Reserve. In New York, he was greeted with paroxysms of jubilation. In fact, the first 16 pages of this newspaper on June 14, 1927, were devoted entirely to coverage of Lucky Lindy's return. Then Lindbergh took The Spirit of St. Louis on tour to each of the (then) 48 states.

Everywhere he went, thousands thronged to look upon him with awe and admiration, to yell friendly remarks at him, to be near him, to touch him, if possible. Copies of "We," his hastily written book about the flight, sold as fast as they could be printed. To the speeches, orations and laudations lavished upon him, he seemed almost indifferent. He smiled, he waved, he made short remarks of becoming thanks and gratitude, and sat down. If anything, his reticence fueled the hero worship.

What was it that made Lindbergh an American hero of such gigantic proportions? He had undertaken a flight that had been meticulously planned. He was a professional aviator, one of the country's best, with 2,000 air hours in his logs. He had designed The Spirit of St. Louis with an eye to the flight: He worked into the plane a slight instability, to lessen his chances of succumbing to drowsiness over the ocean; he had installed an engine with proved reliability; he had laid out his course in 100-mile sectors. He had, in brief, eliminated every calculable possibility of failure; and, of himself, he was totally and supremely confident.

Lindbergh professed puzzlement as to why he was proclaimed a hero. "I was never a dragon-slayer," he once told me. "I don't think of myself as a hero. Apart from the sleep problem over the Atlantic, there was no element of chance. It went just as I'd planned it. There was no luck, one of the reasons I hate the 'Lucky Lindy' nickname."

The Lindbergh-as-hero phenomenon has beguiled a number of sociologists, including Dr. Robert K. Merton of Columbia University. "Lindbergh above all was a symbol," he observed recently. "In exalting him as a hero, Americans exalted and celebrated themselves, for he seemed at the time, in 1927, to be the personification of the esteemed qualities that Americans saw in themselves.

"Lindbergh bespoke youth, handsomeness, daring, outward modesty, mastery over machinery. Tall, lean, he was a small-town boy from the Midwest, with an accent to match; he was single; he appeared to love his mother. He was also Anglo-Saxon.

"He had, moreover, performed a 'first,' and as such he was seen as a pathbreaker, symbolic of the onward and upward ethos of the times. His daring, which was transformed into courage, exemplified the American self-image. Indeed, all his qualities—unspoiled youth, good looks, mother love a seeming simplicity—were virtues that Americans viewed as typically American.

"Added to this was the element or success in attaining a chosen objective *by his own efforts*. This is the essence of the American dream of 50 years ago."

As the living testimony to the realization of American values, Dr. Merton believes, Lindbergh was endowed with the gift of special grace, with charisma, which accounts for the insatiable public appetite for knowledge about the private aspects of his life. It also accounts for attempts to bestow wisdom in all matters upon him. He was often expected to be an oracle, to be the one man whose endorsement could assure the success of this or that important project.

That Lindbergh remained a hero most of his postflight life was a reflection of his continued representation of deep-seated American values. His pre-World War II associations with the America First Committee, and with those of Nazi-tainted views, deheroized him only momentarily. Misgivings faded in the 1950's and 1960's as he emerged as a spokesman for conservation and environmental causes. Whereas another man might not have fared so well, Lindbergh's "lapse" as a noninterventionist was generally forgiven him on account of his war record as a test pilot in the Pacific, and his subsequent exemplary behavior. "He benefited from valuational inertia," Dr. Merton said, "and from the fact that the 1927 flight was relieved for millions through his book 'The Spirit of St. Louis' in 1953—and the subsequent film starring the popular and personable Jimmy Stewart."

Right after soloing to Paris, Lindbergh actually enjoyed some aspects of being a hero: He liked being addressed as Colonel Lindbergh; he liked the men of wealth and power who took him under their wing; he liked the sense of being listened to (quite unsolicited, in 1928, he sent a telegram of endorsement to Herbert Hoover as Presidential candidate); he liked his freedom to fly, and to talk about civilian aviation; he even liked the crowds who flocked to greet him.

Early on, however, Lindbergh began to draw the line. He didn't mind being looked at from a distance, but he came to detest being followed into what he considered his private domain. He resented reporters' personal questions. He took to wearing disguises, to using fake names, to living in isolation.

He was only partly successful, even in his later years. I was with him in Anchorage, Alaska, in 1970, when word leaked out that he was taking a certain plane to Seattle. A discernible crowd gathered in the airport lounge to gaze at him, to seek autographs, to see a myth in the flesh, Lindbergh was polite—he was invariably polite—but the second the gate opened, he fled onto the plane and hunched down so as to be out of sight. He pulled a hat over his eyes, and pretended to sleep.

Struggle as he might, Lindbergh spent most of his adult life as a prisoner of fame. Exalted as a hero, he was never comfortable in its garb. It would have been out of character for him to have chosen villainy, but completely in character for him to say, "I never asked to be a hero. I don't want to be a hero; and, what's more, I never was a hero."

FAME

(By Alden Whitman)

Fame is a kind of death; it separates you from people. . . .

Certain doors were opened to Charles because of his fame; so in many ways it gave him a life he might not otherwise have had.—ANNE MORROW LINDBERGH.

For almost a half-century, Anne Morrow Lindbergh has been the intimate companion of fame—first as the wife of the aviator who was canonized a hero after he was the first to fly nonstop and solo from New York to Paris, and now as his widow, who is the living symbol of that epic flight. She is the guardian of the Lindbergh legend, and the inevitable center of attention for elaborate celebration ceremonies in the United States and France on May 20 and 21.

"I have seen fame at work in Charles' life and in my life and, of course, in our life," Mrs. Lindbergh said recently in a rare interview. "There were penalties and prices that fame exacted, which were not of our choosing. But there were benefits, too—opportunities, really—that gave Charles a role in areonautics and conservation * * * her interview with me—arose from a new burst of Lindbergh fame occasioned by the 50th anniversary of his flight. This has included, in the last several months, three books—Leonard Mosley's "Lindbergh: A Biography," Walter S. Ross' s revised "The Last Hero" and Brendan Gill's recapitulation of the flight in "Lindbergh Alone." There will be a special commemorative postage stamp; the Library of Congress is arranging a Lindbergh luncheon and exhibit, and more than a score of other activities are hinged to the anniversary.

These events have engendered a sizable media buildup. "This is Charles's year," Mrs. Lindbergh said, in an allusion to the attention her husband is receiving three years after his death.

The spotlight on Lindbergh's accomplishment has also renewed public interest in the darker moments of his career—the kidnapping and murder of his first-born son in 1932, and, in the years before Pearl Harbor, his still-enigmatic role as a noninterventionist, with its undertones of alleged pro-Nazism. A recent book by Anthony Scaduto has suggested that Bruno Richard Hauptmann, who was executed in 1936 for the 1932 crime, was railroaded to testimony. The Mosley biography, for its part, raised anew vexing questions about Lindbergh's associations with Nazi leaders from 1936 to 1939.

These aspects of her husband's life are not in the forefront of Mrs. Lindbergh's mind these days, for she is eager to see him portrayed in a positive fashion. Thus, even though she initially had some serious reservations about the flight-celebration hoopla—yet another toll of her husband's fame—she has decided to be gracious and polite about the whole thing, for she is, after all, the conservator of the Lindbergh reputation.

"It seems to me that I've spent the last six months answering requests from enthusiastic people who want me to take part in an anniversary ceremony," she told me with a certain weariness late last winter as she prepared to leave her Connecticut home for the more inaccessible island of Maui, in Hawaii. "Of course, I'm touched by the outpouring of feeling for Charles, but it would be impossible for me to attend all these occasions."

Although she doesn't like making public speeches, she wants to thank her husband's friends, who have organized dinners around the country for the Charles A. Lindbergh Memorial Fund. "So I've agreed to speak at the New York dinner, and I've asked three of my children—Jon, Land and Reeve—to speak at other dinners. We are really grateful for what they are doing to carry on Charles's interests in science and conservation."

Mrs. Lindbergh is not much over five feet tall; she's lithe and vibrant. Her hair is dark brown and curly; her eyes are blue. With a visitor to her Connecticut house, she likes to sit in the southwest corner of the large, oblong living room, with its two big windows that catch the sun. The room is comfortable, lived-in, unsqueaky—like an old shoe. It bespeaks the presence of Mrs. Lindbergh and Berwick, her friendly, gregarious Cairn. Just outside are a flagstone terrace and several birdfeeders for chickadees, finches and sparrows. Inside, the furnishings are plain—a window seat and couches in a worn and faded blue-patterned material. On the sills are a dozen or so pots of begonias; on one wall a small Vlaminck flower painting; on another wall, over a wood-burning fireplace, a larger Vlaminck. At the far end, facing a north window, is a large, flat-topped desk with many drawers ("It belonged to my father," Dwight Morrow, who was Ambassador to Mexico in the late 1920's). On the desk at the right is a bust of a younger Mrs. Lindbergh, sculptured by Charles Despiau, which her husband commissioned in Paris in the late 1930's.

To an outsider, one of the most apparent consequences of her husband's persistent celebrity is Mrs. Lindbergh's life style. She has three homes—an oceanside house in Maui, a chalet in Switzerland and a modest-sized house on the Connecticut shore of Long Island Sound. Her residences have one common characteristic, which is that they are concealed from a curious, and sometimes prying, public. The Connecticut house, for example, is inconspicuous, hidden by trees and foliage, and lies off a narrow road in a private preserve. There is no name on the mailbox; the telephone is unlisted.

By temperament and by occupation, Mrs. Lindbergh has made a virtue out of what some might consider constrained living. Save with friends and very small groups, she is (and always has been) shy and reserved. Because her husband traveled so frequently in the last 25 years of his life, either as a consultant for Pan American World Airways or as a conservation enthusiast, she has become comfortable with her own company. Moreover, she is a writer, practicing a lonely craft at best, and she finds a work-in-progress to be a stimulating companion.

Mrs. Lindbergh does have a small circle of old friends, and also five children and a dozen grandchildren, to whom she is known as "Grannymouse." Nearing 71—her birthday is in June—she has very few idle moments. "I certainly don't feel alone, or as if I were a prisoner of fame," she said. "What with family visits and seeing my friends, I don't feel confined in solitude at all. And you must remember I like being self-sufficient.

"By the time I met Charles, he was already aware that being famous made privacy very difficult," she says of the price of fame. "Every time he took off from an airport there were crowds and there were reporters, and they all wanted to know where he was going; and when he landed, of course, there was another crowd. And when he went to a hotel there were people running out and asking him for autographs.

"He felt very imprisoned. He had always been extrordinarily free. Not even his father or mother had ever stopped him from doing anything.

"Our courtship had to be conducted very much out of the public eye. I remember him cautioning me about letters—never to write him anything I wouldn't want to see on the front page of the newspapers. So our correspondence was restrained. After our marriage in 1929, life was terribly difficult because of the intense publicity. In fact, all the normal things people do we could not do. We couldn't shop, or go to restaurants; we couldn't go to the movies or the theater. We were recognized; we stopped traffic walking down the street.

"And when we went out in the car we were often followed. Once, when we were followed, Charles went up a private driveway and right over the lawn and down the other side over an embankment. The people sitting on the porch were rather startled.

"On another occasion, when we went out to dinner and the theater, Charles wore a fake mustache and I put on a platinum wig. Once, I remember, he tried to alter his appearance by wearing Harold Lloyd glasses—empty tortoise-shell frames. But dependence on disguise was not a normal way to live.

"So, in order to be alone, we had to fly. It wasn't a settled life. We didn't settle much. We just lived in the plane, really, at the beginning. Almost immediately after we were married, we started out going across the country. Those were the first survey flights for T.A.T.—Transcontinental Air Transport—which later became T.W.A.

"On those flights the pressure was not as high, especially in the little places. He could land in a place like Kingman, Ariz., and there would be a crowd, but it was never the same thing as in a larger city.

"Aviation gave Charles freedom. And the trips through the north, which I have described in 'North to the Orient,' these were also freedom.

"What publicity takes away from you is really life itself—direct contact with life. Charles used to say it was like the Midas touch. I said, 'No, I don't think it's the Midas touch. I think it's a Medusa's head.' People freeze when you come into a room. You would go into a group and everybody would be unnatural, especially at the beginning.

"For someone who loved life, it was very uncomfortable, very deadly. But you experienced life again whenever you went on these long trips, because people in small communities aren't like that. Maybe they stared when we first arrived, but after the first 15 minutes we were all on common ground. You could be yourself.

"Of course, in the context of Charles's fame you have to mention the kidnapping, which I think grew out of the intense publicity that continued to surround us when we built our home in New Jersey. I don't think the kidnapping would have happened without the enormous spotlight on us. That was very terrible and led to many changes. That was the great break in our lives. We moved to England after the birth of our second son and after the conclusion of the Hauptmann trial in 1935."

The kidnapping and its associated trial, in which Mrs. Lindbergh was a witness, are obviously painful subjects. The trauma from the loss of her child is still not far below the surface, for she wrote about it in a book published four years ago—"Hour of Gold, Hour of Lead"—that drew upon her diaries and letters of that period.

In talking about it these days, she is economical of phrase. It is "the kidnapping." (By contrast her husband was accustomed to call it "that New Jersey business.") She also mentions two men who claim to be the

Lindbergh son, and who have been pesky about her husband's estate, but she does not speculate on the Hauptmann trial nor on the recent book and the news stories that have raised doubts about the fairness of that trial. Indeed, she has not—and will not—read them.

"We were very happy in England and France," said Mrs. Lindbergh of the years after the Hauptmann trial. "It was so marvelous to be able to go out in public without being mobbed, to have our privacy.

"When we returned to the United States in 1939 we managed to live very quietly and obscurely in small communities. Our neighbors proved friendly and very protective of us. Charles was away during much of the war. Then and afterward he was careful to avoid press and television photographs, so we could do many of the things that ordinary people do without attracting attention."

Although the Lindberghs' personal life in the prewar period was secluded, his public life was a swirl of controversy. Pressing an appeal to Americans to stay out of the war against Hitlerism, he spoke on the radio and at a number of public gatherings, some under the auspices of the America First Committee.

His noninterventionist views, and the fact that he had accepted a German medal from Hermann Goering on Oct. 8, 1938, rankled many Americans. Some charged that he was an anti-Semite and a pro-Nazi, accusations, he steadfastly denied. Others said that, whatever his subjective attitudes may have been, objectively he acted to neutralize American opinion on the war, a step that could only be helpful to Germany. The racialist charges were based largely on a speech he made in Des Moines, Iowa, in 1941, in which he contended that "the Jewish race" in the United States was promoting entry into the war. Lindbergh later said that he was not displaying anti-Semitism, but was merely being factual.

In her most recent book, "The Flower and the Nettle: Diaries and Letters, 1936–39," Mrs. Lindbergh defended her husband's conduct, and denied that it had racial overtones. Conceding that Lindbergh had been "used" by the Nazis, Mrs. Lindbergh argued that he "was astonished and impressed by the rapid growth of German air power, but he also saw its danger." She maintained that his warnings to the British, French and American Governments went largely unheeded. "His viewpoint was primarily technical," she wrote. "He was interested in the facts and saw them clearly."

The public phase of Lindbergh's anti-war activity, which terminated with Pearl Harbor in 1941, did not obtrude into his family's privacy, the search for which had been a goal since 1927. Recalling this, Mrs. Lindbergh told me: "Very early after the flight, Charles told me later, he . . . spent the night in the desert. He thought hard that night about where his life was going, and he decided he must keep some privacy. He had to have his privacy and some solitude, which nature gave him. He had to keep in touch with his inner self.

"His very strong reaction to excess publicity began then. He was rather sane about it, though. He said, 'You can't change things all at once, but you can set a trend.' "

The sun had shifted, and the light put Mrs. Lindbergh in profile. She has what used to be called "a strong face." "Some people think my mother, all 90 pounds of her, is a fragile woman," one of her daughters told me. "They don't know my mother. She's about as fragile as a bar of steel."

"It really doesn't do any good to rake over these old matters," Mrs. Lindbergh said. "They've happened, and I think that Charles had the character to survive them and to not let his head be turned by fame. It didn't twist his nature, didn't make him a different person. He never lived on fame, you know. He resisted it."

It was now after lunch. Mrs. Lindbergh had dined on soup and crackers and yogurt mixed with freshly stewed dried apricots. "Let's talk about what opportunities the flight gave Charles for personal growth, what doors were opened to him because of the flight," she said briskly. "To put Charles into perspective," she began, "I think it should be stressed that he was not an uncouth, inexperienced farmboy, as some accounts suggest. He had a good head start even before the flight. His parents were both college graduates. His father was a lawyer and a Congressman. His mother was a chemistry teacher. His grandfather Land was a dentist and an inventor of porcelain dentistry.

"As a boy, Charles had traveled from Little Falls, Minn., to Detroit, to Washington, to Florida and to California. It is true that his education was interrupted. However, once he got into the Army flying school in Texas, he compiled an outstanding record, and easily got a good position as a mail pilot in St. Louis. Like many other early fliers, he would have, even without the flight, gone to the top in civil or military aviation.

"Nevertheless, certain doors were opened to him more quickly because of his fame. One, for example, was travel. He saw the world; before he reached the age of 27 he had visited every state in the Union, and more foreign countries than most people, even now, visit in a lifetime. Travel gave Charles the chance to observe; he was always a good observer, and he preferred observing to participating.

"Secondly, fame gave him the opportunity to push forward in aviation and aeronautics. At the outset he saw aviation as beneficient for mankind. One of the things I wanted to tell you about I found the other day in my diary. Charles spoke about his idea of aviation at the time of our marriage. He said: 'The thing that interests me is breaking up the prejudices between nations, linking them up through aviation.' I put it down in my diary because I was impressed with his early idealism. In the end, I think, beginning with the war, he became concerned with the damage aviation could cause.

"He could see not only the horror of the war, but also the danger of an overdevelopment of technology. Both commercially and militarily he felt the danger of technology, not only in aviation. But when he was young and idealistic, I think aviation meant chiefly something constructive for mankind.

"In aviation as in other matters, Charles was not one to look back. He was far more interested in what might lie ahead. Very early on, he thought the next step in air travel might lie in rockets. Just after we were married, we went down to Wilmington to see the Du Pont Company experts. Charles wanted to ask them, as the most experienced people in explosives, how jet rocket propulsion could be used in airplanes for emergencies, to give an extra thrust if one had engine failure in takeoff.

"The Du Pont people listened very politely—Charles's fame got him in the door, of course—and said it would be very difficult, you wouldn't be able to carry enough explosive, it would be too heavy. They were very nice, but not interested.

"Very shortly after that, Charles read in the newspapers about Robert H. Goddard, who was teaching at Clark University in Worcester, Mass. Townspeople, the story said, were getting worried because he was experimenting with rockets in a field. That was in 1929. Charles was so excited he telephoned the professor and immediately went up there to see him. He was terribly impressed with Goddard, and wanted to get support for him.

"Fame helped here, too. When Charles was preparing to take off for Paris in 1927, he met Harry Guggenheim, a naval aviator in World War I. 'Look me up when you get back,' Harry had told Charles casually.

"Charles recalled the invitation when he did return, when he needed privacy to write 'We,' his first book about the flight.

"Through Harry, Charles was introduced to America's men of stature and influence and, of course, to Harry's father, Daniel, who had established the Daniel Guggenheim Fund for Promotion of Aeronautics. In seeking help for Goddard, Charles turned to Daniel Guggenheim, who, on Charles's assurance that rockets had a real future, gave Goddard $100,000 over four years.

"Charles's fame also helped him after the war, when he was concerned with conservation. When he was on the International Whaling Commission and was eager to halt the killing of whales off Peru, he was able to get to see the President of Peru; when he was concerned with the one-horned rhinoceros in Java, he was able to make a field trip to its habitat, and when he was interested in the timarau, and the monkey-eating eagle, as endangered species, he was able to do something about them in the Philippines.

"But I think it important to say that although fame did open doors to Charles, what kept them open was the cogency and consistency of the ideas he advanced. In other words, fame gave him the opportunity to state his ideas; it gave him an audience, but no more than that.

"One illustration of this that has always amused me concerns Alexis Carrel, the Nobel Prize winner in medicine and physiology. Carrel was a person who rarely kept up with current events except in his own field. Some time after Charles had been working with him in the development of a tissue perfusion pump, Carrel, impressed with his scientific inventiveness, told two old friends—Boris Bakhmeteff and Frederick Coudert—'The world will hear from this young man some day!'

"One other event traces to Charles's fame, and that was his introduction to me. Because of the flight and Charles's celebrity, my father, who was then Ambassador to Mexico, invited him down on a good-will trip. I didn't see him arrive because I was in college. I came down two or three days later, and that's how we met.

"Looking back now, I was probably impressed by the glamour of it all at the beginning. But once I got to know Charles, awe at his glamour was the least of my feelings about him. I am grateful that fame gave us the chance to meet and to fall in love.

"Over all, I would like to say that I believe that fame altered Charles's life not so much by what it opened up to him, as by how much it disillusioned him. He outgrew the aims of his youth more quickly than most people. By attaining success so early and so swiftly, he realized sooner than many other successful men how superficial were the rewards of fame, and how high was the price one had to pay for them.

"His disillusionment with material rewards propelled him in other directions. His search deepened and broadened into inner directions of exploration, study and thought. At the end of his life, he was thinking in terms of simplicity of living, of the basic qualities of life on earth, of the essential character of man himself, of the individual and his environment—not of man's machines, inventions, accomplishments and exploits.

"He had been all through that and, though he didn't toss it aside as irrelevant, he believed other fields needed our attention more.

"I also think—or guess—that the continuing interest in Charles is not due to his 'hero image,' but due more to the fact that he continually broke out of the various images the public had of him. He continually surprised people by assuming a new role—and he will, I believe, continue to surprise them as his own 'Autobiography of Values,' [the next Lindbergh book] and papers and various other books about him come out.

"He was, in a sense, a protean figure, impossible to simplify into a stereotyped picture, or to place into a limited framework.

"I don't think Charles was, or ever wanted to be, a leader, in the sense of attracting followers, influence, popularity and a movement behind him. Charles never really wanted or went after any of these things. He had causes he advanced, but usually he advanced them alone."

GROWING UP A LINDBERGH

Reeve Lindbergh Brown, the youngest Lindbergh child, was born in 1945. Radcliffe-educated, she lives with her husband, Richard Brown, in Vermont, where she is teaching school and raising two daughters. In her spare time, she writes short stories; a collection will be published by Doubleday. Like her brothers and sisters—Jon, Land, Anne and Scott—Reeve Brown prefers to live unostentatiously and inconspicuously. Recently, she answered Alden Whitman's questions one day while visiting her mother's house in Connecticut.

When did you become aware that you were the child of a famous father?

I suppose very early, but in a vague way. My earliest memory is of telling someone in nursery school that my father was famous, and not quite knowing why.

When did you first comprehend your father's celebrity?

It took several years before I realized to what extent my father was really separate from what other people's fathers were. Our kind of eccentricity was due more to our way of life, though, than to fame. We didn't belong to country clubs or go to church or anything.

I always sneaked around to friend's houses to watch TV. And we didn't eat Wonder Bread—accordion bread, we called it. So I felt we were different. I think we grew up more like the children of musicians or artists, people like that, who are a little wacky. I don't think, though, that the family was celebrity-conscious. I think they protected us incredibly well.

When did you learn about the flight?

I was in elementary school, I remember, and the teachers were all sort of shocked that I wasn't acquainted with the details. Later, I asked my father to tell me about it and he said, "It's all there in 'The Spirit of St. Louis,' and if you want to know about the flight, just read the book." Eventually, I did.

When you were young, did your father seem larger than life to you?

When I was little, he was sort of a stern, scary figure who was also very exciting. You'd love it when he came home and then, after a while, you'd kind of wish he'd leave again because he was very, very exacting in what he wanted us to do. But he was also very exciting; he was always taking us for trips in the plane.

You mentioned your father's protectiveness.

Yes, I think there was some lingering fear, perhaps from the kidnapping. I was told not to identify myself on the telephone unless I was certain who the caller was. I was also told to mumble my surname in introductions.

How did your contemporaries treat you?

In high school, they would ask, "Are you related?" Sometimes they'd say, "How does it feel to be Lindbergh's daughter?" And I'd say it was interesting, or ask, "How does it feel to be you?" Mostly, though, my contemporaries were not impressed with me as a Lindbergh unless their parents were impressed, or had been, by my father. On the whole, my peers were very cool about it all.

When I was in Radcliffe, some of my collegemates were curious about my father's noninterventionist role just before World War II, and some asked me if he were anti-Semitic. I answered no to the second question and said, quite truthfully, that I really didn't know much about the prelude to the war. In college generally, I was not singled out as the daughter of a famous man. A number of my friends, in fact, were more impressed with my mother—I think, because she is a writer.

In retrospect, Reeve, do you think that fame made your father?

That flight meant something amazing to the American public, but I don't think it meant all that much to my father. I wonder where he would have been if he hadn't made the flight. Where would he have been? I don't know.

LINDBERGH SPEAKS OUT

. . . The three most important groups who have been pressing this country toward war are the British, the Jewish, and the Roosevelt Administration. [Applause.]

Behind these groups, but of lesser importance, are a number of capitalists, Anglophiles, and intellectuals who believe that their future and the future of mankind depends upon the domination of the British Empire. Add these to the Communistic groups who were opposed to intervention until a few weeks ago, and I believe I have named the major war agitators in this country. . . .

The second major group I mentioned is the Jewish. It is not difficult to understand why Jewish people desire the overthrow of Nazi Germany. The persecution they suffered in Germany would be sufficient to make bitter enemies of any race. No person with a sense of dignity of mankind can condone the persecution the Jew race suffered in Germany. But no person of honesty and vision can look upon their prowar policy here today without seeing the dangers involved in such a policy both for us and for them. . . .

A few foresighted Jewish people realize this and stand opposed to intervention, but the majority still do not. Their greatest danger to this country lies in their large ownership and influence in our motion pictures, our press, our radio and our Government.

I am not attacking either the Jewish or the British people. Both races I admire. But I am saying that the leaders of both the British and the Jewish races, for reasons which are as understandable from their viewpoints as they are inadvisable from ours, for reasons which are not American, wish to involve us in the war.—Speech at an America First rally in Des Moines, Iowa, Sept. 11, 1941.

Lying under an acacia tree with the sounds of the dawn around me, I realized more clearly facts that man should never overlook: that the construction of an airplane, for instance, is simple when compared to the evolutionary achievement of a bird; that airplanes depend on an advanced civilization, and that where civilization is most advanced, few birds exist.

I realized that if I had to choose, I would rather have birds than airplanes.—From an interview with Alden Whitman, 1969.

LINDBERGH ON HIS FLIGHT

Shaking my body and stamping my feet no longer has effect. It's more fatiguing than arousing. I'll have to try something else. I push the stick forward and dive down into a high ridge of cloud, pulling up sharply after I clip through its summit. That wakes me a little, but tricks don't help for long. . . . My eyes close, and open, and close again. But I'm beginning to understand vaguely a new factor which has come to my assistance. It seems I'm made up of three personalities, three elements. . . . There's my body, which knows definitely that what it wants most in the world is sleep. There's my mind, constantly making decisions that my body refuses to comply with, but which itself is weakening in resolution. And there's something else, which seems to become stronger instead of weaker with fatigue, an element of spirit, a directive force that has stepped out from the background and taken control over both mind and body. It seems to guard them as a wise father guards his children; letting them venture to the point of danger, then calling them back, guiding with a firm but tolerant hand. . . .

I'll break this spider web of sleep!. . . . The instrument board is vague—like evening twilight—My brain swims. . . . I lean to the side of the cockpit, grip the sill, push my head dizzily out of the window. . . . Consciousness is leaving—I'm passing out—Maybe it's carbon monoxide from the exhaust—I've been afraid of that—The fresh blast of the slipstream washes over my face, rushes into my mouth and nostrils, forces my eyelids open, fills my lungs with breath. Can I hold on to consciousness? . . .

I fly over the next boat bobbing up and down on the swells. Its deck is empty, too. But as I drop my wing to circle, a man's head appears, thrust out through a cabin porthole, motionless, staring up at me. . . .

I glide down within 50 feet of the cabin, close the throttle, and shout as loudly as I can:

"Which way is Ireland?" . . . .

Within the hour I'll land, and strangely enough I'm in no hurry to have it pass. I haven't the slightest desire to sleep. My eyes are no longer salted stones. There's not an ache in my body. The night is cool and safe. I want to sit quietly in this cockpit and let the realization of my completed flight sink in. . . . It's like struggling up a mountain after a rare flower, and then, when you have it within arm's reach, realizing that satisfaction and happiness lies more in the finding than the plucking. Plucking and withering are inseparable. . . . I almost wish Paris were a few more hours away. It's a shame to land with the night so clear and so much fuel in my tanks. . . .

I circle. Yes, it's definitely an airport. . . . But is it Le Bourget? Well, at least it's a Paris airport. . . . If I land on the wrong field, it won't be too serious an error—as long as I land safely. . . .

I've never landed The Spirit of St. Louis at night before. . . . I push the stick over to a steeper slip, leaving the nose well down—Below the hangar roofs now—straighten out—A short burst of the engine—Over the lighted area—Sod coming up to meet me—The wheels touch gently. . . . The Spirit of St. Louis swings around and stops rolling, resting on the solidness of earth, in the center of Le Bourget.

I start to taxi back toward the floodlights and hangars—But the entire field ahead is covered with running figures!—*Descriptions of the 1927 flight in "The Spirit of St. Louis."*

The **PRESIDING OFFICER**. The question is on agreeing to the resolution.

The resolution (S. Res. 177) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas Charles A. Lindbergh was a distinguished pioneer in aviation;

Whereas he captured the imagination of America and the world with his 1927 solo, transatlantic flight to Paris in the "Spirit of St. Louis";

Whereas he made a major contribution in the field of aviation and in the evolution of international air transportation;

Whereas he foresaw an energy shortage and was an early spokesman for energy conservation measures;

Whereas he recognized early that scarce natural resources must be utilized wisely and conserved by industrial countries;

Whereas he labored to preserve vanishing species of wildlife and to protect the cultures of primitive tribes;

Whereas it is appropriate that a lifetime of service to the United States of America by Charles A. Lindbergh be commemorated: Now, therefore, be it

Resolved, That the Senate of the United States honors the contributions of this distinguished American Citizen for his service to our country in peace and war.

Be it further resolved that the Senate expresses deep appreciation for his leadership and advocacy in the conservation of natural resources.

Be it further resolved that our Nation is ever indebted to Charles A. Lindbergh for his daring and courageous contributions to the field of aviation and aeronautical science.

Mr. HUMPHREY. I thank the Senator from Louisiana for his customary courtesy.

Mr. JOHNSTON. I am glad to accommodate my friend from Minnesota.

SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977

The Senate continued with the consideration of the bill (S. 7) to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes.

AMENDMENT NO. 275

Mr. JOHNSTON. Mr. President, there will not be a vote on this amendment tonight. There will be in the morning. I am sorry that I did not have a chance to get this matter considered by committee. I brought up this amendment in committee, presented it and discussed it, and was asked to put the matter over to be studied by the staff.

It was, in fact, studied by the staff and I was advised on a preliminary basis that it would be accepted. Later, I was told that it would not be accepted.

I state that, not because I am saying that anyone has broken a promise to me, but simply to show that this amendment could have been presented in committee and brought to a vote there, where I think it would have passed. At least, I thought it would; I think it should have passed. It was almost good enough to pass muster with the Senator from Montana.

Quite frankly, Mr. President, I recognize when there is a trend and, with the last two amendments, as good as those two amendments were and as clear in my view, I recognize that we are not going to pass this, because it has the appearance that the committees have considered this and it has gone down the drain. Nevertheless. I wish to discuss it.

I would like to get a little clarification because I believe that, of all the pieces of legislation I have seen come through the Senate, I have never seen one more ambiguous than that provision that relates to alluvial valley floors. An alluvial valley floor is, as defined in the bill, an unconsolidated stream-laid deposit, which is irrigated or subirrigated, and on which farming can be performed. I believe that is the way it is phrased. That is not so ambiguous as that part of the amendment which says that the proposed coal surface mining operation would not have a substantial adverse effect on the alluvial valley floor.

Now, nobody knows what "substantial adverse effect on the alluvial valley floor" means, or another provision that says, "where such valley floors are significant to the practice of farming."

So, finding this to be so ambiguous and feeling that there are certain values in the alluvial valley floors that ought to be protected, my amendment does this: First, it protects the water. It protects the water during the mining operation and after the mining operation, and provides that all of the essential hydrologic functions must be preserved without any material damage to quantity and quality of the surface ground water.

So if the water is what we are concerned about, and I think it is, my amendment protects the water much better than the bill does. I think that will be admitted.

As far as farming is concerned, my amendment says that, in addition to protecting the water, coal cannot be mined unless the value of the coal exceeds the value of the farming products by 100 to 1. One hundred to one, I thought, was a reasonable tradeoff.

What my amendment does is protect the water, and it balances the value of the farming; but it takes out this horrendous language that I have never had explained to me as to what it means.

So, recognizing that it is going up against the committee, and when you have considered something and rejected it, you usually lose on an apple pie issue like strip mining, I would like to do the best I can to clear this matter up, as to what it means.

Will the Senator from Montana submit to a number of questions?

Mr. METCALF. Certainly.

Mr. President, I want to say that the Senator from Louisiana is absolutely correct. When this amendment was pending in committee and there was urgency to get the legislation out so that we could move on to some other of the President's energy programs, we did say that the Senator from Louisiana would have an opportunity on the floor without having to go through the committee. So there has not been a committee vote on this amendment. The Senator is absolutely correct that he was assured that there would be an opportunity for him to present it without prejudice.

Mr. JOHNSTON. The amendment refers to a substantial adverse effect on alluvial valley floors. If it has a substantial adverse effect on alluvial valley floors, then strip mining may not take place. Is it really referring to a substantial adverse effect on the valley floor, or on the farming?

Mr. METCALF. On the valley floor. The whole concept of this alluvial valley amendment is to protect the hydrology of the area and to protect that entire alluvial valley. As the Senator from Louisiana knows, most of the coal seams are in the aquifers for water in those areas and cutting those aquifers—either upstream or downstream from a farmer—may not have a direct effect on that farmer, but would have a direct effect on agricultural operations in the alluvial valley.

Mr. JOHNSTON. Very well. Are we talking about permanent harm or temporary harm to the valley floor?

Mr. METCALF. I would say that we are talking about potential permanent harm. But that is something the Secretary would have to decide.

Any mining operation is going to have some temporary impact or effect.

Mr. JOHNSTON. That would have been my next question. If the Senator said it is temporary harm, I was going to ask how you can possibly surface-mine an alluvial valley floor without doing harm to that valley floor. You dig it up and, whatever water there is, is cut. So we are really talking about a permanent harm to the alluvial valley floor.

Mr. METCALF. I do not think we know enough about the hydrology, really, to go in there; so we are taking chances, even with the language that is in the bill.

Mr. JOHNSTON. The Senator does recognize that my amendment thoroughly protected the water and it is free from any ambiguity, is it not?

Mr. METCALF. On that 100 to 1 ratio, I suppose if you are betting on Seattle Slew, that 100 is something to reckon with.

But otherwise, I would say that the very strictures that the Senator is putting in removes from the consideration of the Secretary many of the flexibilities that he has in enforcing this provision on alluvial valley floors.

Mr. JOHNSTON. That is what I am getting at. I am wondering what right he has and what he does not have.

We are talking about harm, permanent harm to the valley floor. Not talking about harm to the farming, are we?

Mr. METCALF. No. In alluvial valley floors, as the Senator from Louisiana very well knows, what we are concerned about is harm to these larger areas. It may be one farm, a dozen farms, or have permanent harm to small hydrology downstream where it emerges in springs or water courses for watering livestock.

Mr. JOHNSTON. My amendment protects against those.

Mr. METCALF. I am not sure.

We are going to leave it in the bill and we are discussing it here. I will give the Senator as clear an answer as I can tomorrow when we have further consideration.

I am not going to agree to accept the amendment tonight .

Mr. JOHNSTON. I understand that. Quite frankly, I have got to leave tomorrow. I was advised that my amendments would be considered and voted on today. Based on that, I made commitments to leave on the early flight tomorrow. That is why all my discussion is tonight.

Senator DOMENICI will bring it up for a vote tomorrow. I, frankly, do not expect, with the opposition of the committee, that we will pass it because I see the drift of this bill.

Mr. METCALF. The Senator from Louisiana has been very cooperative. He permitted a couple of other amendments to come in when he had an order to bring this amendment up and he consented to a unanimous-consent agreement to vote on the last amendment.

But in spite of the cooperation of the Senator from Louisiana, I am not going to agree tonight to vote on an amendment as important as this.

Mr. JOHNSTON. I understand that and I am not asking to bring it up for a vote. I hope the Senator will think about it during the evening hours and before tomorrow and perhaps accept it. I sincerely hope he will.

In the meantime, in the event he does not and the law passes as it is presently written, I would really like to get it interpreted because I am perfectly sincere when I say I have no idea what it means other than the explanation I have just been given.

But, as I understand, we are not talking about farming, farming only, in these words of the bill where it says:

> Where such valley floors are significant to the practice of farming or ranching operations, including potential farming and ranching operations.

All that does is modify the kind of alluvial valley floors we are talking about. Harm to that farming is not a part of the consideration of whether we can strip mine or not.

Is that correct?

Mr. METCALF. Harm to the farmer or the farmer's actual agricultural operation is covered in some other provisions in the bill, especially in the provision the Senator from Louisiana and I were discussing in the last amendment he proposed.

But there are two principal amendments, as I see, in this legislation that will come up on prime agricultural land and this amendment on alluvial valley floors that protects the entire environment of an area.

I would like to be a little more precise than I am in colloquy such as we are having here and come in tomorrow and give the Senator a written answer to my interpretation and my construction of the language.

Mr. JOHNSTON. Very well.

Can the Senator tell me what the phrase "where such valley floors are significant to the practice of farming" means?

Does that mean significant on a statewide basis, a local basis, or the farmer?

Mr. METCALF. Significant for the whole entire area.

As we have already mentioned, some of these big coal seams, 90 feet thick, 100 feet thick, 150 feet thick, are the purest aquifers for the transfer of underground water in an entire area, and if it is significant for farming maybe several miles downstream and there was a significant adverse impact, the Secretary should not permit such mining.

Mr. JOHNSTON. Neither would it under my amendment. It would be explicitly prohibited because we spell out the protection for the water. I think water should be spelled out.

My problem with this amendment is that it is not clear. If Senator HAYAKAWA were here, he would tell us that the syntax and the words are twisted around.

Mr. METCALF. I would be delighted if Senator HAYAKAWA would try to sit with me and give a precise explanation.

Mr. JOHNSTON. What I am concerned about is ambiguity. Ambiguity of the kind that can prevent my State from getting the coal so we can switch off natural gas.

We regard this matter as being quite serious. The companies that would burn coal down there say, "Well, what does alluvial valley floor mean?" And nobody knows.

If it is to protect farming, then it does not say that. But it uses some words about farming and potential farming.

Are we talking about a significant amount of harm in farm products, in the Powder River Basin, or in the State of Wyoming, or a potential part of the single farmer's operation?

Does the Senator see what I mean about the ambiguity of this matter?

Mr. METCALF. I say to the Senator from Louisiana that I have frequently been exposed to alleged ambiguity. I found out the courts are well equipped to interpret and give a construction to some of the most loose language the Senate has ever written into legislation. I believe there are probably cases as long as our arm and a lot of cases that define some of the language such as this.

I doubt if there is any ambiguity that cannot be interpreted either by secretarial regulations or by an appeal by an appropriate court.

Mr. JOHNSTON. Part of my problem is the courts where we have citizen suits. We do not have a final determination here, as I understand it. So that we set the scene for suits that are going to be tying up the leasing of this coal, probably the Powder River Basin, for a long period of time.

How long was the Alaska pipeline held up? I can say it was long enough for the price to go up from $1 billion to about $7 billion.

I do not think the Senator has any misgivings about the intent of some environmental groups to hold up leasing for strip mining in the West. That is pretty plain, is it not?

Mr. METCALF. I am pretty sure that environmental groups are going to challenge several of the provisions in this statute as they challenged many others. I think they should have a right to do so.

Mr. JOHNSTON. I think they ought to have a right to do so, too. But not because we intentionally put in language which is, believe me, so vague that I do not believe it can be interpreted.

Mr. METCALF. I cannot agree with the Senator that it is so vague that it cannot be interpreted by regulations and by the construction given to it.

Mr. JOHNSTON. I think the court can interpret it, but it is the basis for a lawsuit.

In other words, if we took this language about significant to the practice of farming and leave that to a court to interpret what "significant" does mean. The reason I put in a ratio 100 to 1, the value of the coal to farming, is so we can get some gauge to see at what level this value of farming outweighs the value of coal.

If 100 to 1 is the wrong ratio, then maybe 1,000 to 1 is the ratio. But to say significant to the practice of farming——

Mr. METCALF. I say to the Senator that sometimes it might be significant in a small area where the ratio was not 100 to 1, or was more than 100 to 1.

I mean, it seems to me that each case has to be decided on a case-by-case basis under regulations promulgated by the Secretary of the Interior and issued and enforced by the Secretary.

It may well be that in a small farming operation, we have a wholly different situation from that in a large area that comprises an alluvial valley floor.

Mr. JOHNSTON. Do we consider, then, a substantial adverse effect on farming to be a substantial adverse effect on an individual farmer if he happens to be small or large?

Mr. METCALF. No. I did not say that. I say on an area, and it may be that a couple of small farmers are involved, or it may be a huge ranching operation, or it may be several ranching operations.

Mr. JOHNSTON. It is not the value of the agricultural product we are talking about, I would think.

Mr. METCALF. Not specifically, but it is the value of the farming operation.

Mr. JOHNSTON. It is not the value of the agricultural product, and it is not the number of farmers involved.

Mr. METCALF. It may well be. It may be only one farmer involved. There may be a dozen or there may be a whole agricultural area. Whether it is one farmer in a small alluvial valley or one of the larger valleys in the Potter River Basin, for example, these things have to be decided by regulations promulgated by the Secretary, enforced by the Secretary, and carried out under the general language of the legislation.

Mr. JOHNSTON. I wonder whether the Senator from Montana would entertain a compromise along these lines:

First of all, drop the ratio. Sections (a) and (b) protect the water. The Senator has trouble with that ratio, and I was simply searching for a method to find a balance.

I would be willing to strike the ratio and add a provision that nothing in this section shall supersede or replace the requirements of sections 415 and 416 of the act. Section 415, of course, deals with the environmental protection performance standard, and section 416 deals with the surface effects of underground mining operation.

So that we would make it perfectly clear that what we are trying to do here is to preserve the water during the mining operation, the water permanently, both as to quantity and quality. Sections (a) and (b) make that clear.

We also state that nothing in this section shall supersede or replace the requirements of sections 415 and 416 of the act. That further protects water.

Mr. METCALF. I would like to accommodate the Senator. I am just not sure that in a matter of this kind we should write a significant provision in this legislation tonight, on the Senate floor.

Mr. President, the Committee on Energy and Natural Resources did not consider this amendment at the time it modified the provision in S. 7 for consideration of the special problems relating to alluvial valley floors protection; although Senator JOHNSTON's language was read and discussed briefly, there was no action taken on it.

I believe that the language in the bill as reported by the committee adequately protects the alluvial valley floor areas of the West. It is well known that these valleys contain the most important agricultural areas. The bill would require the regulatory authority to give due consideration to any substantial adverse effect which surface mining operations might have on such valleys if located west of the 100th meridian, and if such valleys are significant to the practice of farming or ranching operations.

Since the primary land use of alluvial valley floors is agricultural, it is important that the agricultural productivity of these valleys should become a primary guideline for determining whether or not a permit should be issued. It is important to understand that the language in S. 7 is in no way a ban on mining in alluvial valley floors, but rather requires a case-by-case consideration of each mining plan and each permit application by the regulatory authority.

In addition, the grandfather clause would insure that those surface mining operations which were producing coal in commercial quantities, if located within or adjacent to alluvial valley floors, or if they had obtained specific permit approval by the State regulatory authority, or if they had undertaken substantial financial and legal commitments prior to January 1, 1977, would be exempted. The Secretary, through his regulations, would make the determination in each case as the applicability of the substantial financial and legal commitments clause.

Mr. President, I believe that Senator JOHNSTON's amendment would go too far in mandating that the regulatory authority must consider the value of the coal relative to the value of the agricultural production of the land. I believe this would tend to encourage more mining on alluvial valley floors than might be wise. In addition, I am concerned that hydrologic standards contained in other portions of the bill; namely, section 415 (b)(10)(F) might be weakened as applying to alluvial valley floor operations.

The provisions of S. 7 as reported by the committee are adequate for striking a balance between the need to allow surface mining of coal where it will not adversely affect agricultural operations, and the need to preclude such operations where this protection is not forthcoming.

Mr. President, I urge the defeat of this amendment.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. HANSEN. It seems to me, Mr. President, that the Senator from Louisiana has proposed a possible way out of the dilemma that I suspect we may be in now. This might very well mark an appropriate time to adjourn and to give us an opportunity, each of us, to examine this offer which I understand the Senator from Louisiana to have made, to see how this checks out with the concerns we have.

I think that before we take any action one way or the other, we should give the Senator the benefit and accord him that right, and we could look into it.

Mr. JOHNSTON. Very well. Do we need to discuss this any more? Is it fully understood?

Mr. METCALF. As I understand it, the Senator from Colorado has an amendment along the same line. No matter what happens, that will have to be considered tomorrow, too.

Mr. HART addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Louisiana yield?

Mr. JOHNSTON. I yield to the Senator from Colorado.

Mr. HART. Mr. President, I am going to offer my amendment as a substitute, and I do not know whether I need recognition in my own right or not. If the Senator yields for that purpose, I will go ahead and do that.

Mr. JOHNSTON. I do not believe we could do that at this point. I would like to modify my amendment, and then if the Senator offers a substitute tomorrow, that would be——

Mr. METCALF. The Senator could modify his amendment. However, I am in accord with the Senator from Wyoming and do not want tonight——

The PRESIDING OFFICER. The Chair advises that the Senator does have a right to modify his amendment at this point.

Mr. METCALF. Yes. But I am not going to agree to the amendment as modified at this point, this evening, and that is what I am saying to the Senator.

Mr. MELCHER. Mr. President, will the Senator from Louisiana yield?

Mr. JOHNSTON. I yield.

Mr. MELCHER. Mr. President, since we are all laying down what we are going to do tomorrow, let me also say that I have an interest in this particular section of the bill.

The Senator from Louisiana has pointed out some of the ambiguities in this section of S. 7, has offered more language, would modify it to make it more ambiguous by referring to two sections of the bill, and would not help to clarify exactly what we are trying to do.

Since it involves only those areas of strip mining which are west of the 100th meridian, we have narrowed it down to irrigated valley floors.

Frankly, I do not believe that modifying the Senator's amendment to make references to those two sections is going to clarify the ambiguity that exists in S. 7 as we have it now.

The Senator from Colorado (Mr. HART) has an amendment to be offered that is very straightforward and very clear. You just will not mine in the valley floor if it is any kind of an alluvial valley floor. That certainly removes a lot of ambiguity, and it is going to remove a lot of mining, too, because then the whole issue will be resolved on what is the definition of "alluvial valley floor."

I will at the right time, if neither the amendment of the Senator from Louisiana nor the amendment of the Senator from Colorado is accepted, offer a clarifying amendment to S. 7 that was agreed upon by the representatives of the environmental groups last summer, representatives of labor—the United Mine Workers and the AFL-CIO—and was endorsed on February 4 by Secretary Andrus in his letter to the committee.

Mr. METCALF. Mr. President, I am not prepared to accept any amendment, because I want to protect the rights of all my colleagues, including the Senator from Colorado and the Senator from Montana and others, to offer these amendments.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. METCALF. If the amendment of the Senator from Louisiana is accepted, will it foreclose the right of the Senator from Colorado or the Senator from Montana to offer an amendment on the same subject matter?

The PRESIDING OFFICER. At that particular point in the bill. However, since there is no rule for consistency, language which could disagree with the language of the Senator from Louisiana could be offered at another point in the bill.

Mr. HART. Mr. President, will the Senator yield?

Mr. JOHNSTON. Yes.

First let me say I modify my amendment by striking subsection (c) on page 2 in its entirety.

The PRESIDING OFFICER. Will the Senator send up a copy of his modification to the clerk's desk.

Mr. JOHNSTON. Let me read it also. In lieu of subsection (c) add the following:

> Nothing in this section shall supersede or replace the requirements of sections 415 and 416 of this act.

I send up the modification.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

The amendment, as modified, is as follows:

> On page 207, strike all of lines 1 through 21 and insert in lieu thereof the following:
>
> "(5) the proposed surface coal mining operation, if located west of the one hundredth meridian west longitude, would not interrupt, discontinue or prevent farming on alluvial valley floors unless—
>
> "(a) throughout the surface mining operation, upstream and downstream ground and surface water flows in these alluvial valley floors are maintained so as not to impair existing rights of other water users;
>
> "(b) during and after the reclamation process, the essential hydrologic functions of the area is preserved without materially damaging the quantity and quality of surface and ground water systems that supply these valley floors; and
>
> (c) nothing in this section shall supersede or replace the requirements of sections 415 and 416 of this Act.
>
> "(6) Paragraph (5) shall not affect those

surface coal mining operations located within or adjacent to alluvial valley floors which in the year preceding the enactment of this Act were engaged in the commercial production of coal, or which had obtained prior to January 4, 1977, specific permit approval by the State regulatory authority to conduct surface coal mining operations within said alluvial valley floors, or for which substantial financial and legal commitment had been made.".

Mr. JOHNSTON. Now I will yield to the Senator from Colorado.

Mr. HART. Let me clarify what I want to do here. My purpose here this evening was to move to substitute my printed amendment No. 282 at the desk, for the pending amendment of the Senator from Louisiana and to try to reach some agreement about time in the morning for the consideration of my substitute, making it the pending business, and have a vote on it at a certain time in the morning. And, then, if my substitute fails we would turn to consideration of the Senator's amendment.

Mr. JOHNSTON. I would want the Senator to get a vote, but the understanding was we would have no record votes tonight, and I would want a record vote and, therefore, I would want to go ahead and try to get a vote tomorrow, and I would hope that the Senator could bring his amendment up after mine, for a vote after mine.

Mr. HART. I am sure that is what the Senator hopes. (Laughter.) But I wish to accommodate the Senator. I will wait until the Senator has finished debating.

Mr. JOHNSTON. What kind of amendment was it? Did Senator MELCHER correctly describe it?

Mr. HART. Well, he partially described it. I do not want to go into debate on it this evening, frankly, because there is no attendance, and I do not think we would serve any purpose by discussing it. The amendment has been widely circulated, and the Senators can look it over tonight. I do not think it is timely to debate it this evening, because I prefer to have some attendance for the debate. But it is an alluvial valley amendment of the sort described by the Senator from Montana.

Mr. JOHNSTON. It provides that if there is farming on the valley floor that you cannot mine?

Mr. HART. It would prohibit new surface mining on alluvial valley floors, just as the House bill would.

Mr. ABOUREZK. Mr. President, will the Senator yield? I had a couple of amendments that had been accepted by the committee and I just wonder if I might sneak in for a couple of minutes just to offer them. I do not know how much longer the debate is going to go on. It is very interesting, I have to say, but I do have another commitment I have to take care of.

Mr. JOHNSTON. Are they going to be accepted by the committee?

Mr. ABOUREZK. Yes.

Mr. JOHNSTON. Will it take just a minute? I am just about through.

Mr. ABOUREZK. It will not take me very long.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that we temporarily lay this amendment aside for a short period of time to allow the Senator from South Dakota to bring up two uncontested amendments, after which my amendment would become the pending business.

Mr. MELCHER. Reserving the right to object, Mr. President——

The **PRESIDING OFFICER.** The Senator from Montana reserves the right to object.

Mr. MELCHER. May I ask the Senator from South Dakota, are they printed amendments?

Mr. ABOUREZK. Two of them are printed, one is not yet printed.

Mr. MELCHER. Will the Senator advise me what they involve?

Mr. ABOUREZK. I would be happy to if the Senator will let me offer them. If there is a vote to be called for I will just put them off until tomorrow.

The **PRESIDING OFFICER.** Is there objection? Hearing none, it is so ordered.

AMENDMENT NO. 279

Mr. ABOUREZK. Mr. President, I call up my amendment No. 279.

The **PRESIDING OFFICER.** The clerk will report the amendment.

Mr. ABOUREZK. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with, and I will describe it.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

On page 297, beginning with line 4, strike out all through line 9 on page 299, and renumber succeeding sections accordingly.

At the end of the bill, add the following new title:

"TITLE VI—INDIAN LANDS

"INDIAN LANDS PROGRAM

"SEC. 601. Any Indian tribe on whose lands there are or may be conducted surface coal mining operations may elect, in such manner as the Secretary may prescribe pursuant to section 603, to (1) assume exclusive jurisdiction over the regulation of such coal mining operations and reclamation operations pursuant to an approved Indian lands program, (2) have any such Indian lands program administered by the Secretary, or (3) participate in the Indian lands study authorized by section 611 of this title. In no case, however, shall any election under clause (1) or (2) be construed as precluding that tribe's participation in such study pursuant to section 611.

"GRANTS TO TRIBES

"SEC. 602. (a) The Secretary is authorized to make annual grants directly to any Indian tribe for the purpose of (1) assisting such tribe in developing, administering, and enforcing an Indian lands program under this title, and (2) enabling such tribe to realize benefits from the development of its coal resources while protecting the cultural values of the tribe and the physical environment of the reservation including land, timber, agricultural activities, surface and ground waters, and air quality.

"(b) Any Indian lands program developed by any Indian tribe shall meet all provisions of this Act and where any provision of any tribal code, ordinance, or regulation in effect upon the date of enactment of this Act, or which may become effective thereafter, provides for environmental controls and regulations of surface coal mining and reclamation operations which are more stringent than the provisions of this Act or any regulations issued pursuant thereto, such tribal code, ordinance, or regulation shall not be construed to be inconsistent with this Act.

"INDIAN LANDS ENVIRONMENTAL PROTECTION STANDARDS

"SEC. 603. On or before the expiration of the one hundred and eighty day period following the date of enactment of this Act, the Secretary shall promulgate and publish in the Federal Register regulations covering a permanent regulatory procedure for surface coal mining and reclamation operations on Indian lands setting mining and reclamation performance standards based on and incorporating the provisions of title IV of this Act, and establishing procedures and requirements for preparation, submission, and approval of Indian lands programs. Such regulations shall be promulgated and published under the guidelines of section 401 of this Act.

"APPROVAL OF PROGRAM

"SEC. 604. (a) Each Indian tribe, on whose lands there are or may be surface coal mining operations, which wishes to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations, except as provided in title III of this Act, shall submit to the Secretary, on or before the expiration of the eighteen-month period following the date of the enactment of this Act, an Indian lands program which demonstrates that such tribe has the capability of carrying out the provisions of this Act and meeting its purposes.

"(b) The Secretary shall approve or disapprove an Indian lands program, in whole or in part, within six full calendar months after the date such program was submitted to him, except as provided in section 506.

"(c) If the Secretary disapproves an Indian lands program, in whole or in part, he shall notify the tribe in writing of his decision and set forth in detail the reasons therefor. The tribe shall have sixty days in which to resubmit a revised Indian lands program, or portion thereof. The Secretary shall approve or disapprove the resubmitted program or portion thereof within sixty days from the date of resubmission.

"(d) For the purpose of this title, and section 606 of this Act, the inability of an Indian tribe to take any action, the purpose of which is to prepare, submit, or enforce an Indian lands program, or any portion thereof, because the action is enjoined by the issuance of an injunction by any court of competent jurisdiction shall not result in a loss of eligibility for financial assistance under this Act, or in the imposition of a Federal program. Regulations of the surface coal mining and reclamation operations covered or to be covered by the Indian lands program subject to the injunction shall be conducted by the Indian tribe pursuant to section 605 of this Act, until such time as the injunction terminates or for one year, whichever is shorter, at which time the requirements of this section and section 606 again shall be fully applicable.

"(e) The Secretary shall not approve an Indian lands program submitted under this section until he has—

"(1) obtained the written concurrence of the Administrator of the Environmental Protection Agency with respect to those aspects of an Indian lands program which relate to air or water quality standards promulgated under the authority of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151–1175), and the Clean Air Act, as amended (42 U.S.C. 1857);

"(2) held at least one public hearing on the Indian lands program for the enrolled members of the tribe on its reservation;

"(3) found that the Indian tribe has the legal authority, the qualified personnel, and sufficient funding necessary for the enforcement of the environmental protection standards; and

"(4) found that the Indian tribe has established a process for the designation of areas as unsuitable for surface coal mining comparable to section 422 of this Act.

"INITIAL REGULATORY PROCEDURES

"SEC. 605. (a) No person shall open or develop any new or previously mined or abandoned site for surface coal mining and reclamation operations on Indian lands after the date of enactment of this Act unless such person is in compliance with existing Federal regulations governing surface coal mining on Indian lands.

"(b) Within six months after the date of enactment of this Act, the Secretary shall implement a Federal enforcement program which shall remain in effect on those Indian lands on which there are surface coal mining operations required to comply with the provisions of this Act, until an Indian lands program has been approved pursuant to this Act or until a Federal program has been implemented pursuant to this Act. The enforcement program shall be carried out pursuant to the provisions of section 402(e) of this Act.

"(c) All surface coal mining operations on Indian lands on which such operations are regulated by existing Federal regulations which commence operations pursuant to a permit issued on or after the date of enactment of this Act shall comply, and such permits shall contain terms requiring compliance with, the provisions of subsections 415(b)(2), 415(b)(3), 415(b)(5), 415(b)(10), 415(b)(13), 415(b)(19), and 415(e) of this Act.

"(d) On and after one hundred and thirty-five days from the date of enactment of this Act, all surface coal mining operations on lands on which such operations are regulated by existing Federal regulations which are in operation pursuant to a permit issued before the date of enactment of this Act shall comply with the provisions of subsections 415(b)(2), 415(b)(3), 415(b)(5), 415(b)(10), 415(b)(13), 415(b)(19), and 415(e) of this Act, with respect to lands from which overburden and the coal seam being mined have not been removed.

"(e) Following the final disapproval of an Indian land program, and prior to the formulation of a Federal program pursuant to this Act, including judicial review of such a program, existing surface coal mining operations may continue pursuant to the provisions of this section.

"FEDERAL PROGRAM

"SEC. 606. (a)(1) The Secretary shall prepare and, subject to the provisions of this section, promulgate and implement a Federal program for an Indian tribe which has received grants pursuant to section 602 of this Act, if such tribe—

"(A) fails to submit an Indian lands program covering surface coal mining and reclamation operations by the end of the eighteen-month period beginning on the date of enactment of this Act;

"(B) fails to resubmit an acceptable Indian lands program within sixty days of disapproval of a proposed Indian lands program: *Provided*, That the Secretary shall not implement a Federal program prior to the expiration of the initial period allowed for submission of an Indian lands program as provided for in clause (A) of this subsection; or

"(C) fails to implement, enforce, or maintain its approved Indian lands program as provided for in this Act.

"(2) If tribal compliance with section 604 requires action on the part of the tribal council or tribal legislature, the Secretary may extend the period for submission of an Indian lands program up to an additional six months. Promulgation and implementation of a Federal program vests the Secretary with exclusive jurisdiction for the regulation and control of surface coal mining and reclamation operations taking place on lands within any tribal reservation or upon tribal lands not in compliance with this Act. After promulgation and implementation of a Federal program the Secretary shall be the regulatory authority. In promulgating and implementing a Federal program for a particular tribe, the Secretary shall take into consideration the nature of that Indian tribal reservation's terrain, climate, biological, chemical, and other relevant physical conditions.

"(b) At any time prior to the approval of an Indian lands program so submitted, or the approval of a resubmitted program, an Indian tribe may elect to abandon its efforts to develop and administer its Indian lands program. Such tribe shall immediately notify the Secretary of such a decision and return the unused portion of the moneys granted it pursuant to section 602 of this Act. Upon notification of such intent, the Secretary shall immediately assume exclusive jurisdiction for the regulation and control of surface coal mining and reclamation operations taking place on lands within the tribe's reservation pursuant to subsections (c) and (d) of section 605 of this Act.

"(c) In the event that an Indian tribe has an Indian lands program for surface coal mining, and is not enforcing any part of such program, the Secretary may provide for the Federal enforcement, in a manner comparable to the provisions of section 421, of that part of the Indian lands program not being enforced by such tribe.

"(d) In any case in which an Indian lands program is replaced by a Federal program, permits issued pursuant to such approved Indian lands program shall be valid but shall be reviewable under such Federal program. Immediately following the promulgation of a Federal program, the Secretary shall undertake to review such permits to determine that the requirements of this Act are not being violated. If the Secretary determines that any permit has been granted contrary to the requirements of this Act he shall so advise the permittee and provide him a reasonable time to conform ongoing surface coal mining and reclamation operations to the requirements of the Federal program.

"(e) An Indian tribe, which has elected to have an approved Indian lands program, or has received funds pursuant to section 602, and which has failed to obtain the approval of an Indian lands program prior to the implementation of a Federal program in accordance with this title, may submit an Indian lands program, at any time after such implementation, pursuant to section 604 of this Act. Until an Indian lands program is approved as provided under this section, the Federal program shall remain in effect and all actions taken by the Secretary pursuant to such Federal program, including the terms and conditions of any permit issued thereunder, shall remain in effect: *Provided*, That surface coal mining operations upon lands of a tribe which has elected to abandon its efforts to develop and administer a program in accordance with subsection (b) of this section, shall be regulated pursuant to subsections (c) and (d) of section 605.

"(f) In any case in which a Federal program is replaced by an approved Indian lands program, permits issued pursuant to the Federal program shall be valid but reviewable under the approved Indian lands program: *Provided*, That the Federal permittee shall have the right to apply for an Indian lands program permit to supersede his Federal permit. The tribal regulatory authority may review such permits to determine that the requirements of this Act and the approved Indian lands program are not violated. If the tribal regulatory authority determines any permit to have been granted contrary to the requirements of this Act, or the approved Indian lands program, he shall so advise the permittee and provide him a reasonable opportunity for submission of a new application and reasonable time to conform ongoing surface mining and reclamation operations to the requirements of this Act or approved Indian lands program.

"ADMINISTRATION BY THE SECRETARY

"SEC. 607. At any time, a tribe may select to have its program administered by the Secretary. Upon such a request by a tribe, the Secretary shall immediately assume the responsibility for administering the tribe's Indian lands program for that reservation.

"PERSONNEL

"SEC. 608. (a) Indian tribes are authorized to use the funds provided pursuant to section 602 of this Act for the hiring of professional and technical personnel and, where appropriate, to allocate funds to legitimately recognized organizations of the tribe that are pursuing the objectives of this title, as well as hire special consultants, groups, or firms from the public and private sector, for the purposes of developing, establishing, or implementing an Indian lands program.

"AUTHORIZATION PRIORITY

"SEC. 609. Of the funds made available under section 511(a) of this Act, first priority on $3,000,000 for each of the fiscal years shall be for the purposes of this title.

"REPORTS TO THE SECRETARY

"SEC. 610. Any Indian tribe which is receiving or has received a grant pursuant to section 602 of this Act shall report at the end of each fiscal year to the Secretary, in a manner prescribed by him, on activities undertaken by the tribe pursuant to or under this title.

"INDIAN LANDS STUDY

"SEC. 611. (a) The Secretary is directed to assist the Indian tribes in a study of the regulation of surface coal mining on Indian lands which will achieve the purposes of this Act and recognize the special jurisdictional status of these lands. In carrying out this study, the Secretary shall give grants to the Indian tribes whereby such tribes may contract qualified institutions, agencies, organizations, and persons to assist in completing the study. The study report shall include recommended changes, if any, in the provisions of the Indian lands program set forth in this Act which, if enacted, would further achieve the purposes of this Act. Any Indian tribe on whose lands there are or may be conducted surface coal mining operations, and any tribe that has received financial or technical assistance to develop, administer, or enforce an Indian lands program pursuant to this title, may participate in this study, receive grants pursuant to this section, and incorporate into an existing Indian lands program, approved by the Secretary, any recommendations resulting from such study.

"(b) The study report required by subsection (a) of this section, together with drafts of proposed legislation and the view of each Indian tribe which would be affected, shall be submitted to the Congress as soon as possible but not later than January 1, 1979.

"(c) On and after thirty months from the date of enactment of this Act, all surface coal mining operations on Indian lands shall comply with requirements at least as stringent as those imposed by sections 407, 408, 409, 410, 412, 413, 414, 415, 417, 418, 419, 421, and 422 of this Act, and the Secretary shall incorporate the requirements of such provisions in all existing and new leases issued for coal on Indian lands.

"(d) With respect to leases issued after the date of enactment of this Act, the Secretary shall include and enforce, in such leases, such terms and conditions, in addition to those required by section 605 (c) and (d) and subsection (c) of this section, as may be requested by the Indian tribe.

"(e) Any change required by section 605 (c) and (d) and subsection (c) of this section in the terms and conditions of any coal lease on Indian lands existing on the date of enactment of this Act, shall require the approval of the Secretary.

"(f) The Secretary shall provide for adequate participation by the various Indian tribes affected in the study authorized in this section and not more than $700,000 of the funds made available for such study shall be reserved for such purpose.".

On page 301, line 22, strike out "508" and insert in lieu thereof "611".

Mr. ABOUREZK. This amendment provides Indian tribes with three options in the bill for the regulation of surface mining. They can either choose to act as States and submit their own reclamation plan, they can have a program administered by the Secretary of the Interior, or they can choose to participate in the Indian lands study already provided for in the bill.

Now, S. 7 as written only allows the third option.

The approach that is in this amendment has the support of the tribes, and I believe provides flexibility necessary to deal with a very complex situation presented by the number of varying sizes of Indian tribes.

I have discussed this with the manager of the bill and the ranking Member, and they have agreed to accept it, with a modification.

Mr. METCALF. Mr. President, as I understand it, this amendment would give an Indian tribe the same status in appearing before the Secretary to enforce the provisions of S. 7 as we give to the various State governments.

Mr. ABOUREZK. That is one of the options.

Mr. METCALF. The Indian tribes do have a legislative body, the tribal council?

Mr. ABOUREZK. Yes.

Mr. METCALF. They have an executive body, so they are, in many senses, analogous to a State government.

Under the amendment of the Senator then the Indian tribe could go in and provide for reclamation and restoration and bonding privileges, and so forth, and if those various decisions complied with the minimum requirements of S. 7 then Indian tribes could be delegated authority to carry out the provisions of the legislation for coal within the external boundaries of the Indian reservation?

Mr. ABOUREZK. Yes; if they chose that particular option; that is correct.

Mr. METCALF. This has been a matter of some concern to both of us, as the Senator from South Dakota knows. We have a hiatus in this bill where we have not handled Indian tribes in the administration of reclamation on Indian lands. It would seem to me that in view of the fact that we have in many other pieces of legislation given the Indians this same permission to have their tribal council pass regulations and participate in various Federal programs, that the Senator is offering an amendment that would be most helpful in carrying out a provision where we failed to legislate on.

Unless my friend from Wyoming has some objection, I know of no objections from anybody to this amendment.

Mr. HANSEN. There are no objections that I am aware of on this side, and I would be willing to accept the amendment. I hope we might accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota.

The amendment was agreed to.

Mr. ABOUREZK. I move to reconsider the vote by which the amendment was agreed to.

Mr. METCALF. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 281

Mr. ABOUREZK. I call up amendment No. 281. I ask unanimous consent that the reading be dispensed with, and I will explain it.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 305, delete lines 19 through 21 and insert a new section 515(f) to read: "This section shall not apply to Indian lands.".

Mr. ABOUREZK. Mr. President, this amendment would remove Indian tribes from the surface owner consent provisions of the bill.

This language is identical to that which has been accepted by the House. The surface owners would be covered by applicable local laws.

The language would assure to the tribes that they would not lose access to the coal which they were granted by the Federal Government in permanent trust.

There is serious question whether the bill as written without this amendment would be upheld in the courts for that reason and I move the adoption of that.

This has been discussed as well with the manager and the ranking member, and they have agreed to accept the amendment.

The PRESIDING OFFICER. Without objection——

Mr. METCALF. Wait a minute, Mr. President, my colleague from Montana has a comment to make.

Mr. MELCHER. Mr. President, this amendment may be more far reaching than the few words that are written here on it. It exempts section 515(f) or it modifies section 515(f), so that the section would not apply to Indian lands.

Would the Senator from South Dakota yield?

Mr. ABOUREZK. Yes.

Mr. MELCHER. What does this mean in terms of lands on an Indian reservation where the surface is owned by an allottee but the subsurface, the coal, and the rest of the minerals are owned by the tribe?

Mr. ABOUREZK. It would give the same meaning as if it were off the reservation and the land was not trust land.

Mr. MELCHER. Might I ask what the Senator means by that?

Mr. ABOUREZK. What I mean by that is if a tribe owns the mineral rights granted to them by the Federal Government and held in trust by the Federal Government that the tribe would not need the surface owner's consent in order to exploit the resource that they own.

Mr. MELCHER. If the Senator will yield further, is it the intent to mean that the surface owner could not say no to strip mining?

Mr. ABOUREZK. That is correct, yes, if the conditions were as indicated, that is, if the land were held in trust by the Government for the Indian tribes. There is an exception. If the State law allows that to happen, the State law would be applicable.

Mr. MELCHER. I wonder if the managers of the bill, both my colleague, Senator METCALF, and Senator HANSEN, will explain to me if it is the intent of the bill as it is presented to the Senate to be consistent in surface owners' rights, if it is a question of an Indian allottee owning the surface but not owning the mineral underneath, to allow that allottee as a landowner to refuse to have his land strip mined?

Mr. METCALF. I must confess that I have, as this colloquy develops, some misgivings about it. I do not know what the effect is of an Indian allottee on the reservation, as, for example, the Tongue River Reservation of the Northern Cheyenne and an allottee outside the external boundaries of the reservation. Maybe there would be a difference there, too.

Mr. MELCHER. I have another problem.

Mr. METCALF. I have a problem with the questions that the Senator raised.

Mr. ABOUREZK. If the Senator will yield, I do not see what the problem is because it simply says if it is held in trust for an individual allottee, then that allottee, incidentally, would own the mineral rights to it and not only the surface rights.

If it is allotted land to an allottee the tribe cannot hold any mineral rights to that land. There would be no way in the world the tribe could do that. It is on trust land that the tribe itself might own.

Mr. MELCHER. The Senator from South Dakota has stated that the previous amendment was agreed to by the tribes. I accepted that. But I wonder about this amendment because we are getting, it seems to me, into individual rights of ownership. I do not know how the amendment applies to the Indian allottee that owns the surface but the tribe has control over the subsurface. I do not know what the application would be on those reservations where portions of the surface have been sold either to other Indians or to non-Indians, but the ownership of the mineral was retained at the time of those sales.

There are a number of questions that come up with this amendment, and I would hope that we would not rush to a vote on it until we can see what the answers to these questions are.

I wish to know the application of the recent case, Hollow Breast against the Northern Cheyenne, whether it has a bearing on this particular section of the bill. Does the Senator from South Dakota care to enlighten me on that?

Mr. ABOUREZK. I do not know about the case the Senator is referring to.

May I try to explain on the allotted land that the Senator is talking about. First of all, this amendment presumes that when the Government sold, when it alienated Indian land, or when it alienates its own land it should be able to do so by giving away the mineral rights or retaining them as it sees fit. But it would be improper for the Government to give away the mineral rights or some mineral access to the land if they are holding that in trust for the Indian tribe. There is no way they should be allowed to do that. That is actually what this amendment is getting at. So far as the individual Indian allottee is concerned, if the land has been allotted to the Indian there are only two situations which can prevail. One is that the mineral rights were transferred with the land to the allottee or the Federal Government kept the mineral rights, in which case this amendment does not apply.

I do not know of any other situation that would apply on allotted lands.

Mr. MELCHER. One further point that comes up that needs to be clarified is the definition of "Indian lands" and will the definition of Indian lands cover the ceded strip of the Crow tribes on which there is a mine operating on the Sarpy Basin, Westmoreland, yet the coal was retained when the tribe ceded the land?

Mr. ABOUREZK. Ceded to whom?

Mr. MELCHER. Ceded to the United States.

Mr. ABOUREZK. Within the external boundaries of the reservation or outside?

Mr. MELCHER. No, it is not within the exterior boundaries.

Mr. ABOUREZK. Then it does not cover because this was within the exterior boundaries of the reservation.

Mr. MELCHER. Nothing in the Senator's amendment refers to the exterior boundaries of a reservation. It says "Indian lands."

Mr. METCALF. Will the Senator yield?

Mr. MELCHER. Yes.

Mr. METCALF. On page 287 Indian lands are defined—and if the Senator will remember the Governor of the State of Montana is the one who raised the question—where we say that it means all lands within the exterior boundaries of the reservation. Governor Judge raised that question with respect to the Northern Cheyenne lands.

Mr. MELCHER. By definition the Indian lands exclude the ceded strip on Sarpy Basin.

Mr. METCALF. Yes, as I understand it, and that is what Governor Judge tried to exclude when he submitted this, and we offered that amendment.

Mr. MELCHER. Mr. President, I think there are two unanswered questions in regard to this.

The first is the question of an Indian allottee who owns the surface, but the coal is retained for the tribe.

What is the Indian allottee's rights, and will the acceptance of this amendment be consistent with surface owner's rights if he were not an Indian allottee?

The second question is, how does this affect the landowner who is not an Indian allottee? He may be an Indian or he may be a non-Indian but he owns a surface that was sold to him within the exterior boundaries of a reservation which does qualify under the definition of "Indian lands." And how would his rights be protected? I hope we do not have to rush to a vote on this until we have those questions answered.

Mr. ABOUREZK. I already answered the first part of that question. The second part, so far as what would happen if the tribe owns the mineral rights to land within the reservation, to lands sold to a non-Indian—is that the question?

Mr. MELCHER. That could be an Indian or a non-Indian but the Indian is not an allottee in this case. He owns the lands by virtue of having purchased it.

Mr. ABOUREZK. Then this amendment would cover that particular mineral resource if it is within the exterior boundaries of the reservation. That should answer both questions.

Mr. MELCHER. I think what the Senator has said, then, is that if it were a purchaser of the land of the surface within the reservation, whether it is an Indian or a non-Indian, in that case this amendment would say that he would not have the protection of a surface owner's rights; therefore, if this amendment is accepted for those people described, the Indian allottee and the purchaser of the land within a reservation would be excluded from the protection of surface owners rights. I think that would be inconsistent with what we have done for the surface owner rights of other surface owners. So I hope we do not accept the amendment.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. ABOUREZK. I yield.

Mr. JOHNSTON. I do not want to call a point of order on my good friend. But I did think I was yielding 5 minutes on an uncontested amendment. So I wonder if we could put this back. I have only a few parting comments, and I am not going to have a vote on my amendment.

Mr. METCALF. I wonder if the Senator from South Dakota will take this over until tomorrow.

Mr. ABOUREZK. Yes.

I ask unanimous consent, Mr. President, that this amendment be brought up immediately upon the disposition of Senator JOHNSTON's pending amendment and substitute to it.

The PRESIDING OFFICER. Is there objection?

Mr. MELCHER. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The junior Senator from Montana reserves the right to object.

Mr. MELCHER. Does the Senator prefer to have it immediately after the disposition of those two amendments despite the fact that I may offer an amendment? If both of those are defeated I might offer an amendment on the same subject. I am just inquiring.

Mr. ABOUREZK. Well, yes.

Mr. MELCHER. That is all right. I agree to it; it is all right with me.

The PRESIDING OFFICER. Is there objection?

Mr. METCALF. Mr. President, we have some other agreements.

The PRESIDING OFFICER. The Senator is correct. Under previous orders, the Senate has made other arrangements. But this would supersede those, if the Senate by unanimous consent arranged to do it.

Mr. METCALF. But the people who have been given those other agreements are not here on the floor. They have gone. I think they left with the understanding that they would be protected. I would want to protect them.

I would suggest that we put the amendment of the Senator from South Dakota in line with the other agreements, and give them the priority that they are entitled to.

The PRESIDING OFFICER. Does the Senator object to the unanimous-consent request?

Mr. METCALF. I am objecting to the unanimous-consent request that the amendment of the Senator from South Dakota be taken up immediately after the amendment on alluvial valley floors, if there is a conflict with previously entered agreements.

The PRESIDING OFFICER. There is only one unanimous-consent agreement pending.

Mr. METCALF. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ABOUREZK. Mr. President, what is the other agreement I am interfering with?

The PRESIDING OFFICER. Under previous order, there are other amendments now in line to follow those amendments now being offered by the Senator from Louisiana.

Mr. ABOUREZK. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ABOUREZK. How many are there?

The PRESIDING OFFICER. The last Senator who is on order to offer an amendment is the Senator from Kentucky (Mr. FORD).

Mr. ABOUREZK. Well, then I ask unanimous consent that this amendment be brought up immediately after the disposition of Senator's FORD's amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HART. Mr. President, reserving the right to object, what, then, is the posture of the Johnston amendment tomorrow morning?

The PRESIDING OFFICER. The Johnston amendment will be the first amendment pending.

Mr. FORD. So the Johnston amendment and any substitute to it, then the Ford amendment, and then the Abourezk amendment?

The PRESIDING OFFICER. No, there are other amendments at the desk.

Mr. HART. I thought the Chair said just one.

The PRESIDING OFFICER. Oh, yes. The Chair has been corrected, that there is only one other amendment following the amendments of the Senator from Louisiana, and that is Senator FORD's amendment.

Mr. ABOUREZK. Mr. President, I modify my request. I actually have two amendments. One is the one we have been discussing, and the other one I shall submit for printing tonight, and I would like both of those to be considered in order tomorrow at the appropriate time I have already requested.

The PRESIDING OFFICER. Is there objection?

Mr. MELCHER. Mr. President, further reserving the right to object, will the Chair restate the unanimous-consent request?

The PRESIDING OFFICER. The unanimous-consent request is that the Senator from South Dakota be permitted to offer two amendments following that amendment which will be offered by the Senator from Kentucky (Mr. Ford). Is there objection? Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I shall speak for about 5 minutes, and then I shall be done for the day.

The other amendment which I had an order under unanimous consent to call up is that which relates to the coal slurry pipeline. I shall not call it up for a vote tomorrow, Mr. President. I have been assured by the distinguished Senator from Montana that we can have hearings on that amendment.

Mr. President, I am not crying crocodile tears, in my view, when I say that the Senate has done very, very little for the energy crisis except make it more difficult to get coal. We have not done anything for the transportation of that coal. We have not really done anything to make it easier to burn that coal. Yet people in my part of the country are being told they must spend billions of dollars to convert to coal, which there is no assurance of getting.

We have surveyed the rail beds in our State, and find that they need a great deal of maintenance. We know there are a great many environmental questions in connection with mile-and-a-quarter-long unit trains going through towns, spewing out tons of coal dust, not to mention the noise and the traffic tie-ups. In order to get from one side of a town to the other with unit trains going through it, it is going to be like trying to cross the Great Wall of China.

I have an amendment pending to provide for the right of eminent domain to build a coal slurry pipeline. Right now there is no right to cross, for example, railroad tracks or other Government lands. Why do we want it? The cost is half that of railroads, and it is inflation proof, because all your cost is at the front end, and thereafter there is no labor connected with it. The tariff for getting the coal in its early years will be half that of the railroads, and in later years even less.

Second, it provides competition; and without that competing source, the cost of shipping coal, the freight rates, will go through the roof.

Finally, it is more environmentally sound. First of all, you cannot build one without the water. That will be acquired under State law, under rules and regulations required by State law. In the case of the pipeline, it would come from Wyoming to Arkansas, the one that we are particularly interested in.

It involves the Madison formation, which has 1½ million acre-feet of water in the formation. That water, I might add, is saline in content, and at the depth from which it would be withdrawn—that is, something below 3,000 feet—it is unusable anyway for agricultural purposes. But anyway, there are 1½ million acre-feet of water in that formation. It recharges at the rate of 150,000 acre-feet per year, and this slurry pipeline would propose to use only one-tenth of the annual recharge, or some 15,000 acre-feet a year—one-tenth of that annual recharge of water that is below the depth that could be used by farmers, below 3,000 feet, and water of a quality that cannot be used by farmers.

On the down end of the pipeline, the water presents no problem. It can either be used in the coolers of the generating plant, or redischarged into the Mississippi River, which lies close by.

There is a long history of coal slurry pipelines in this country. They have been successful. They have been studied. We are going to have to have coal slurry pipelines sooner or later. The question is, how much later, because there is a 4½-year leadtime. Are we going to fritter away more months and more years in the Senate, while we wait to face up to a problem?

Mr. President, it gets frustrating in the Senate, on questions of energy, to try to get something done in what I regard as a constructive way to get more energy, whether it be drilling on the Outer Continental Shelf, or whatever it be, faced with constant roadblocks in the way of supplying the energy, and, when it comes through, facing roadblocks in the way of farming, or alluvial valley floors, or giving the surface owner the right to block the mining of the Government's coal.

That is easy to do. It passes in this body by overwhelming numbers. Perhaps that is not relevant to the question of a coal slurry pipeline, but I think it is relevant to the problem that this country faces, and that is mining the coal and getting the coal there.

We have a very serious problem with natural gas in our part of the country. We burn a lot of it, and we are being told we have to cut that natural gas off. Is it going to be the kind of answer, when we ask, "Yes, but what are we going to burn in its place," that they say, "You can eat cake, you can burn coal, but you cannot get it, you cannot transport it, you cannot mine it, and you cannot use it because it violates the Clean Air Act, but go ahead and burn coal"?

That kind of answer is amusing, in a way. People say, "The Government could not be so silly as to do that." But I think that is what we have been doing. I think there is just no real planning in it.

I am not going to bring coal slurry pipeline up for a vote, Mr. President. For one thing, the administration advises me they will back the measure. I talked to Secretary Andrus this morning. He advises me they will come out to back the measure. I think with further studies in the House, I am advised by some of my friends on the House committee, it will clear the House committee and then it will, in fact, have to come to this body.

I understand the concern with water. In the West, water is the staff of life in more ways than one. I understand that. We should not allow a pipeline that would deplete that resource. But I am for a transportation that we can afford and that is environmentally sound.

When the implications of unit trains as the sole and only mode of coal transportation becomes apparent to people, and people in the West where they are going to have converging of all these lines, I think we will have the greatest move toward coal slurry pipelines we have ever seen.

I just hope there is not too much of a delay.

I yield, and I thank the distinguished Senator from Montana.

Mr. METCALF. The Senator has my assurance that as soon as we clear the pending legislation, we will hold hearings on coal slurry pipelines, on the water implications of areas such as Montana and Wyoming where there is a great scarcity of water, on the environmental impacts, on all of these things the Senator has suggested.

The Senator from Colorado has an eloquent letter. I wish he would place that into the Record at this time. It shows some of the problems involved.

Both Senator Hansen and I are agreed that we will have early hearings in regard to this urgent matter.

Mr. JOHNSTON. I thank the Senator.

Mr. HART. Mr. President, I ask unanimous consent that I may have printed in the Record at this time a copy of the letter concerning the issue which the Senator from Louisiana just addressed.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., May 18, 1977.

Dear Colleague: Amendment No. 278 is expected to be called up during debate on S. 7, the Surface Mining Control and Reclamation Act of 1977. The amendment would add a new title VI to the bill, identical to the Coal Pipeline Act of 1977 (S. 707). Powers of eminent domain would be granted by the proposal to the firms seeking to construct coal slurry pipelines. This would result in the immediate and extensive development of coal slurry pipelines throughout the nation.

We urge you to oppose this amendment because it is premature.

As you know, several coal slurry pipelines have been proposed to date. Crushed coal mixed with an equal amount by weight of water would be pumped through the pipelines. The coal would be separated from the slurry mixture at its destination, and the high sulfur content water would be disposed.

Legislation similar or identical to S. 707 and Amendment No. 278 has been considered by previous Congresses. Over the years, several major consequences of coal slurry pipeline developments have been identified. Additionally, the appropriateness and precise effect of legislation such as S. 707 have been seriously questioned.

The Chairman of the Senate and House Committees and several other Senators and Representatives requested the Congressional Office of Technology Assessment last year to analyze several important questions which must be answered before coal slurry pipeline legislation should be considered. OTA's final report is expected within only six or seven months.

The OTA assessment will prove to be an

invaluable Congressional tool for dealing with proposals to encourage coal slurry pipeline development deliberately and expeditiously, with all the facts at hand. Until now, most coal pipeline studies have been conducted under the auspices of one or the other opposing concerned interest groups. The OTA assessment, combined with due consideration of the issue by the appropriate committees of Congress, will enable us to devise the best possible legislation to encourage development of coal pipelines in a manner advantageous, rather than deleterious, to the interests of the nation and the states. The report will analyze a number of critical questions.

Water. Coal slurry pipelines require tremendous quantities of water, which would be obtained from the arid mining areas of the West and shipped with the coal to water-plentiful regions. A proposed pipeline from Wyoming to Arkansas alone would consume about 6.25 billion gallons of water every year.

The proponents of Amendment #278 maintain that states' water rights will be left intact by their amendment. This is by no means certain. A July 11, 1975, memorandum by Jerome C. Muyse, of the Washington law firm of Debevoise and Liberman, concludes that the language of Amendment #278 would "not empower a state to 'veto' (a coal slurry pipeline) project by denying it a water right or other requisite authority under state law."

Further, according to Mr. Muyse, "It is quite conceivable that, in certain circumstances, a coal pipeline project might be able to acquire its water supply from a federal reserved right. Such acquisition would be contrary to the apparent intent of the proposed legislation."

These conclusions were subsequently adopted by the Federation of Rocky Mountain States, an association of the Governors of Colorado, Montana, New Mexico, Utah and Wyoming.

Eminent domain. Another question raised by the amendment is the appropriateness of granting coal pipeline company rights of eminent domain. Through-put contracts will enable pipeline firms to operate, in reality, as private carriers—technical designations to the contrary will have little real meaning. Is it appropriate to grant private carriers rights to cross private lands at will?

Railroads. Two-thirds of all U.S. coal moves by rail, accounting for about 13% of all rail revenues. At the same time we are attempting to save railroads from extinction, the concept of encouraging a transportation mode which might skim off their most lucrative business would not be appropriate without full knowledge of the consequences.

Environment. What environmental consequences would be caused by pipeline breakage? Or if, for a number of reasons, hundreds of thousands of tons of slurry mixture were purged into dumping ponds spaced every few miles along the pipeline?

Because of these unresolved questions, we urge you to oppose Amendment No. 278 when it is offered. We can easily afford to consider this issue in depth in six or seven months' time.

Sincerely,

James Abourezk, George McGovern, Lee Metcalf, Quentin Burdick, Gary Hart, Warren G. Magnuson, and Birch Bayh,
U.S. Senators.

Mr. HART. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HART. Is the pending business before the Senate amendment No. 275 by the Senator from Louisiana?

The PRESIDING OFFICER. Yes, as modified.

AMENDMENT NO. 282

Mr. HART. Mr. President, in lieu of the language proposed to be inserted by the Senator from Louisiana by his amendment, I offer the language contained in my printed amendment No. 282 which is at the desk. I offer that as a substitute to the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Colorado (Mr. Hart) proposes an amendment in the nature of a substitute to amendment No. 275, as modified, as contained in his amendment No. 282.

Mr. HART. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all of section 410(b)(5), page 207, lines 1 through 21 and insert in lieu thereof:

"(5) the proposed surface coal mining operation if located west of the one hundredth meridian west longitude, would—

"(A) not be located within an alluvial valley floor, or

"(B) not materially damage the quantity or quality of water in surface or underground water systems that supply these valley floors referred to in (A) of subsection (B) (5):

Provided, That this paragraph (5) shall not apply to those surface coal mining operations located within or adjacent to alluvial valley floors which in the year preceding the enactment of this Act were engaged in the commercial production of coal or which had obtained prior to January 4, 1977, specific permit approval by the State regulatory authority to conduct surface coal mining operations within said alluvial floors."

Mr. HART. Mr. President, the amendment which I offer as a substitute to the amendment by the Senator from Louisiana is strongly supported by the administration. The statements by the administration outlining their views are contained in a letter from the Secretary of the Interior, Mr. Andrus. I ask unanimous consent that the text of that letter be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of the Interior,
Washington, D.C., May 19, 1977.

Hon. Gary W. Hart,
U.S. Senate,
Washington, D.C.

Dear Senator Hart: The alluvial valley protection amendment which you are offering to S. 7, the Surface Coal Mining Reclamation and Enforcement Act, has my strongest support.

Alluvial valley floors will require strong protection if these important areas of the water-short west are to maintain their hydrological integrity and usefulness for farming and range use. In view of this, we believe the reported bill should be revised so as not to exempt "undeveloped range lands" and areas not "significant to the practice of farming or ranching operations, including potential farming or ranching operation if such operations are significant and economically feasible." Because information about the effects of mining in alluvial valley floors is relatively embryonic and the administrative determination of where these exemptions would apply may be particularly difficult, it appears preferable to exclude mining from the alluvial valley floor without land use exception. Eliminating these exceptions will both strengthen the water resource and environmental protection of the bill and simplify its application. We also favor a provision such as your amendment contains which would allow a case-by-case review of the effect on water systems of mining off the valley floor.

The Administration supports "grandfathering" only those mines which were producing coal commercially in the year preceding enactment or which have already obtained a State permit. The reported bill also would allow persons who have made "substantial financial and legal commitments" as of January 1, 1977, to qualify for grandfather treatment and to undertake mining through alluvial valleys. A grandfather clause of this breadth holds real danger of environmental harm and would be particularly difficult to administer. In any event, there appears to be no justification for the open-ended possibility of new mining in these fragile areas provided by the reported bill, particularly under such an uncertain test as "substantial financial and legal commitments."

This Nation has abundant supplies of coal and we can afford to be particular about where and how we mine it. Alluvial valleys can be defined geologically and are critical to the water systems on which many of our citizens depend. Determination of effects of mining in alluvial valleys is, however, particularly uncertain and the possibility of serious harm is substantial. It is essential therefore, that adequate protection be provided.

Your amendment will do this and I urge the Senate to adopt it.

Sincerely,

Cecil D. Andrus,
Secretary.

Mr. HART. Mr. President, I would prefer to discuss this issue as the first order of business in the morning. It is my understanding, according to the unanimous-consent agreement offered by the Senator from South Dakota, that will be the case.

The PRESIDING OFFICER. The Senator is correct.

Mr. METCALF. Can the Senator from Colorado place some material in the Record so our colleagues will be prepared to discuss this in the morning?

Mr. HART. Yes. I have offered the administrations' letter.

Mr. METCALF. As I understand it, if I may just have a moment, this is the same amendment that my colleague in the House, Congressman Baucus, offered and which was adopted by the House of Representatives.

Mr. HART. The distinguished floor manager is correct. It is identical language to that contained in the House bill.

Mr. METCALF. I thank the Senator. I will look forward to seeing what the Senator says about this amendment in the morning.

Mr. HART. I thank the Senator.

Mr. TOWER. Mr. President, I would hope that the Senate is not so weary of legislating, or so anxious to impose further regulation upon the economy, that my colleagues are unwilling to focus on the measure before us which in my own opinion will render ineffective our efforts to meet the energy needs of our Nation.

I noted with great disappointment the feeling among some of my colleagues that this bill, S. 7, is inevitable, and that it represents the last chapter in Congress' book on surface mining regulation.

I regret very much if this is the case, because I do not see any greater urgency, or greater need, for this legislation now than in years past when this bill was rejected. The assumptions on which the bill is based are less accurate than in the past, and despite the continuing desire for passage among the bill's supporters, time has brought us to the point that the legislation is even less desirable than the first time it was presented to the Senate.

The committee has been unable to explain satisfactorily why this country needs a bill to restrict and prevent energy source development at a time when this country needs every ton of coal it can produce. Likewise, the bill's proponents cannot adequately explain why a standard for reclamation, if adopted by the States, would not suffice instead of this present proposal to create yet another Washington bureaucracy.

Finally, the supporters of S. 7 in its present form do not address the argument that State programs—38 in all—will not do the job, when they are unable to present one iota of evidence to show that they do not.

Regrettably, there seems to be no time for such discussion. They have the votes and do not need any facts. It is a shame, really, that this body rushes headlong into enacting legislation for which the Nation will pay dearly, simply because those who years ago felt a compulsion to enact this sort of bill, now see the opportunity to get that bill passed regardless of its necessity or justification.

But that is the way the Senate seems to be operating, and neither I nor my colleagues who question the merits of this bill seem to be able to stop the steamroller. It will be too late when the American people realize they are in the path of that steamroller.

Mr. President, S. 7 is a harmful bill because it will, without any doubt, reduce this Nation's ability to provide energy which we desperately need.

We have been chastened for our profligate use of energy; we have been called on to renew our efforts to find new energy sources. The President has called us from the wilderness of oil into the promised land of coal, and what has been the Senate's response?

With the President's blessing, they have brought to the floor of the Senate a bill which promises continued wandering dependence on Arab oil. We are called upon by those who wrote S. 7 to deny to ourselves and the Nation the "promised land" of American coal.

We are told that we can have it both ways. We can have all the coal this Nation needs, and we are told that the coal can be obtained under overly strict environmental regulations. I am tempted to say that anyone who believes this also must believe in the tooth fairy.

Let me just say that there is a time in all our lives to believe in the tooth fairy, but this is no time right now to delude ourselves into believing that we can have what we cannot get. And that, Mr. President, is exactly what this bill's sponsors would have us believe.

I will assert, and leave to the bill's proponents the opportunity to prove me wrong, that this bill will prevent a sound energy program.

It will diminish the ability to recover through surface mining that coal which is most easily obtained at prices Americans can afford.

It will impact adversely on the western regions of this country, which is as close to a land of opportunity as yet exists in this country.

It will eliminate the vast experience which has been developed in the various States with adequate regulatory laws and policies regarding surface mining, so that some Federal bureaucrat can reinvent the wheel in a superior shape. More than likely it will be square, given our experience with the Federal bureacracy in the past.

How little we learn from experience! How little we are willing to learn from those outside of Washington! Why is it that we assume that the wisdom of mankind is domiciled under this roof, when we should know from experience that those in the States have often already solved the problems which we consider so pressing?

Mr. President, I do not speak of some hypothetical circumstance, but from the experience of my own State, which in 1975, enacted a stringent but reasonable surface mining law, a law praised by both utility companies and environmental interest groups, by producers and consumers of coal.

That law has worked well, and yet this body seems bent on scrapping it and 37 other State laws which are doing the job of producing energy and protecting the environment right now.

Often when Congress enacts a statute which supplants State law, there are reams of testimony of how the States have failed, about how State laws were written to pander to special interest groups, about how they are not enforced, and about how the States have abdicated their responsibility.

But that is not the case with this bill. Not once did the committee hear from a witness of evidence that the environment is being despoiled by rapacious mining companies under lenient surface mining legislation. Not once, Mr. President.

Of course, that does not matter to a group of Senators who want to get a few headlines and justify the adulation of those who would like to see all energy development halted so that we could end the industrial age.

That does not matter to a President who is trying to fill so many campaign promises that are inconsistent and mutually exclusive, who is intent on repaying the debts he owes to environmentalists who supported his election.

In the end, it seems not to matter to a great many people who should be telling the truth about this bill and who will not in order to further their own purposes, be they political or personal.

In the end, the arguments that are invoked by opponents of this bill do not matter except to those of us who still have some modesty about our abilities to solve all the Nation's problems, and who maintain a modicum of respect for the institutions of State and local government.

As an optimist, I would hope that these arguments someday will prevail, if not today, then at some point in the future when a majority of this body quits believing in the tooth fairy.

In the meantime, Mr. President, I shall oppose this bill, supporting only those amendments which would return to our States their ability to regulate the matters which are rightfully within their jurisdictions.

And I would hope, too, in the meantime, that someone more might say something that will convince the undecided that this is one law the United States does not need.

Mr. BARTLETT. Mr. President, the strip mining bill which we have before us today would, if enacted in its present form, have a serious adverse effect on the energy posture of this Nation. As the past winter has shown, we are seriously short of readily marketable supplies of natural gas. We depend on foreign sources for half our supply of oil, and we are paying more and more for these supplies of energy each day.

In light of these indisputable facts, one would expect the Congress to pass legislation to help expand our domestic energy supplies. Instead, this bill reduces the available supply of coal, and increases the prices of coal and electricity to consumers. Is this how Congress proposes to protect the consumer?

Of course, such legislation might be justified if there were an overriding Federal problem requiring a Federal solution; however, no Federal problem has been identified. The States regulate surface mining of coal. While it is true that in the distant past some States have failed to impose adequate standards, the States have revised their laws in recent years and are doing a creditable job. In all the hearings we have had on this bill in the Committee on Energy and Natural Resources, not a single witness has come foward to identify a State which is not adequately regulating the surface mining of coal, and in which Federal controls are needed. I should note that none of my colleagues has offered this information either.

Land use has been traditionally a local issue. The local people must live with land use decisions so it makes sense to let them regulate these issues themselves. This bill will prevent that. While there is lipservice paid to allowing the States to regulate surface mining, regulation will be under Federal standards and the States will simply be acting as Federal agents at their own expense.

It is difficult to find any benefits of Federal regulation, but there are many adverse consequences that can be predicted if this bill is enacted.

First. Coal production will be reduced. Prohibition of the surface mining of coal in the very areas where it is most economically practical will undeniably restrict the near-term availability of badly needed increased supplies.

Second. Coal development will be delayed. This bill imposes an extreme burden of redtape on the producer. The number of reports and the length of applications necessitated by this act will preclude timely action by the administrator. In addition, lengthy delays from citizen suits are inevitable under the citizen suit provisions of this bill.

Third. Coal mining will become more expensive. We will force the major portion of our coal to come from underground mines and the cost will be much greater, both in terms of money and the lives of the miners who produce it.

Fourth. We will force small companies out of business. The initial expense of obtaining a mining permit, as estimated in the hearings, would be at least $40,000, and the hiring of the expensive expertise required to gather data of doubtful necessity will put mining out of reach of all but the large corporate producers.

Fifth. There will be an increased burden on the Federal budget. The bureaucracy necessary to enforce this bill will be quite significant. While some of the expenses will be borne by the producer in the application process, a greater portion of the expense will come in inspecting and monitoring State programs.

Sixth. We will extend the morass of environmental impact statements to essentially private decisions on private lands. A decision on mining on private lands has always been a private question. Now, because a Federal permit will be required, it certainly must be considered to be a major Federal action, substantially affecting the environment.

Seven. Last, but not least, we will become increasingly dependent on foreign sources of energy. If we limit development of our most abundant source of energy, we will certainly increase our reliance on the whim of the OPEC cartel. We all know the ramifications to the economy, to our balance of payments, to our national security, to more and better jobs, and to our national welfare that go with such dependence.

By passage of this bill, we as a nation will be taking a giant step backward in our energy posture. At a time when we must shift our emphasis toward the greater utilization of coal in this country, we cannot afford to throw such a roadblock as this in the way of expanded coal production.

The specific problems of this legislation are too lengthy to enumerate in a short statement. I can only urge you to abandon this bill and rethink the necessity for this type of legislation at the Federal level.

Mr. MELCHER. Mr. President, yesterday I submitted an amendment to S. 7, the pending measure, which has been printed as amendment No. 292. I ask unanimous consent that it be printed in the Record at this point.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 292

On page 207, beginning with line 1, strike out all through line 21 and insert in lieu thereof the following:

(5) the proposed surface coal mining operation, if located west of the one hundredth meridian west longitude, would—

(A) not interrupt, discontinue, or prevent farming on alluvial valley floors that are irrigated or naturally subirrigated, but, excluding undeveloped range lands which are not significant to farming on said alluvial valley floors and those lands that the regulatory authority finds that if the farming that will be interrupted, discontinued, or prevented is of such small acreage as to be of negligible impact on the farm's agricultural production, or

(B) not adversely affect the quantity or quality of water in surface or underground water systems that supply these valley floors in (A) of subsection (b) (5):

Provided, That this paragraph (5) shall not affect those surface coal mining operations which in the year preceding the enactment of this Act (1) produced coal in commercial quantities, and (2) were located within or adjacent to alluvial valley floors or had obtained specific permit approval by the State regulatory authority to conduct surface coal mining operations within said alluvial valley floors.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, has there been any morning business today?

The PRESIDING OFFICER. There has not been any morning business today.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a brief period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees; and the withdrawal of the nomination of Richard N. Cooper, of Connecticut, to be U.S. Alternate Governor of the International Bank for Reconstruction and Development for a term of 5 years; U.S. Alternate Governor of the Inter-American Development Bank for a term of 5 years; U.S. Governor of the Asian Development Bank and U.S. Governor of the African Development Fund, vice William D. Rogers, resigned.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:37 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its clerks, announced that:

The House has passed without amendment the following bill:

S. 853. An act to extend the Defense Production Act of 1950, as amended.

The House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 1406. An act for the relief of Lilia Araujo;

H.R. 1420. An act for the relief of Umberto Ruffolo;

H.R. 1427. An act for the relief of Marie Grant;

H.R. 1428. An act for the relief of Mrs. Angelita Short;

H.R. 1432. An act for the relief of Mrs. Desolina Sciulli;

H.R. 1437. An act for the relief of Soo Jin Lee;

H.R. 1750. An act for the relief of Anthony Rogers;

H.R. 1936. An act for the relief of Lee So Ryung;

H.R. 1940. An act for the relief of Dimitrios Panoutsopoulos, Angeliki Panoutsopoulos, and Georgios Panoutsopoulos;

H.R. 2253. An act for the relief of Ruben P. Din;

H.R. 2501. An act to provide for the amendment of the public survey records to eliminate a conflict between the official cadastral survey and a private survey of the so-called Wold Tract within the Medicine Bow National Forest, Wyo.

H.R. 2553. An act for the relief of Young Gun Kim;

H.R. 3215. An act for the relief of Mrs. Olive M. V. T. Davies and her children, Samira D. K. Davies, Ola-Tomi K. Davies, Ola-Yinka K. Davies, Ilesha E. K. Davies, and Baba-Tunji K. Davies;

H.R. 3217. An act for the relief of Meeja Sa Foster;

H.R. 3313. An act for the relief of Mark Charles Mieir and Liane Maria Mieir;

H.R. 3460. An act for the relief of William J. Elder and the estate of Stephen M. Owens, deceased;

H.R. 3722. An act to amend the Securities Exchange Act of 1934 to authorize appropriations for the Securities and Exchange Commission for fiscal year 1978;

H.R. 4246. An act for the relief of Hee Kyung Yoo;

H.R. 4533. An act for the relief of Gary Daves and Marc Cayer;

H.R. 4746. An act to extend certain authorities of the Secretary of the Interior with respect to water resources research and saline water conversion programs, and for other purposes;

H.R. 4992. An act to amend the Indian Financing Act of 1974 by revising the appropriations authorization for the Indian business development program;

H.R. 5742. An act to amend the Controlled Substances Act to extend for 3 fiscal years the authorization of appropriations under the act for the expenses of the Department of Justice in carrying out that act;

H.R. 6010. An act to amend title XIII of the Federal Aviation Act of 1958 to expand the types of risks which the Secretary of Transportation may insure or reinsure, and for other purposes;

H.R. 6138. An act to provide employment and training opportunities for youth;

H.R. 6197. An act to amend the Disaster Relief Act of 1974 to provide for authorization of appropriations thereunder through fiscal year 1978;

H.R. 6401. An act to authorize appropriations for the administration of the Deepwater Port Act of 1974; and

H.R. 6752. An act to amend the Water Resources Planning Act (79 Stat. 244) as amended.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The Speaker has signed the following enrolled bills and joint resolution:

S. 1279. An act to provide temporary authorities to the Secretary of Commerce to facilitate emergency actions to mitigate the impacts of the 1976–77 drought and promote water conservation.

H.R. 5562. An act to authorize the establishment of the Eleanor Roosevelt National Historic Site in the State of New York, and for other purposes.

H.R. 6205. An act to authorize appropriations for fiscal years 1978, 1979, and 1980 to carry out the Atlantic Tunas Convention Act of 1975.

H.J. Res. 424. Joint resolution to authorize the Administrator of General Services to accept land, buildings, and equipment, without reimbursement, for the John Fitzgerald Kennedy Library, and for other purposes.

The enrolled bills and joint resolution were subsequently signed by the Deputy President pro tempore.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDING OFFICER laid before the Senate the following communications which were referred as indicated:

EC-1359. A letter from the Deputy Comptroller General of the United States transmitting, pursuant to law, a report on one new deferral of Department of the Treasury funds totaling $6.0 million and a revision to a previously transmitted Department of Commerce deferral; jointly, pursuant to the order of January 30, 1975, to the Committees on Appropriations, the Budget, Finance, and Commerce, Science, and Transportation, and ordered to be printed.

EC-1360. A letter from the Acting Secretary of Agriculture transmitting a draft of proposed legislation to provide for two additional Assistant Secretaries of Agriculture, and for other purposes (with accompanying papers); to the Committee on Agriculture, Nutrition, and Forestry.

EC-1361. A letter from the Chairman of the U.S. Consumer Product Safety Commission transmitting, pursuant to law, a copy of a letter to the Director of the Office of Management and Budget regarding H.R. 936, the Beverage Container Reuse and Recycling Act of 1976 (with accompanying papers); to the Committee on Commerce, Science, and Transportation.

EC-1362. A letter from the Secretary of Health, Education, and Welfare transmitting a draft of proposed legislation to amend title II of the Social Security Act, the Internal Revenue Code of 1954, as amended, and the Railroad Retirement Act of 1974 to permit combined reporting of wages by employers for old-age, survivors, disability, and health insurance and income tax withholding purposes on an annual basis, and for other purposes (with accompanying papers); to the Committee on Finance.

EC-1363. A letter from the Assistant Secretary for Congressional Relations of the Department of State transmitting, pursuant to law, a draft of proposed legislation to amend legislation regarding the International Boundary and Water Commission—the United States and Mexico (with accompanying papers); to the Committee on Foreign Relations.

EC-1364. A letter from the Secretary of Health, Education, and Welfare transmitting a draft of proposed legislation to amend the Higher Education Act of 1965 to permit basic educational opportunity grants to be awarded in amounts exceeding the schedule of reductions, to eliminate certain funding restrictions and for other purposes (with accompanying papers); to the Committee on Human Resources.

EC-1365. A letter from the Attorney General of the United States transmitting a draft of proposed legislation to require a judicial warrant for all electronic surveillance within the United States conducted for foreign intelligence purposes (with accompanying papers); to the Select Committee on Intelligence.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DeConcini, from the Committee on the Judiciary:

Without amendment:

S. 195. A bill to amend title 28, United States Code, to provide that Bottineau, McHenry, Pierce, Sheridan, and Wells Counties, N. Dak., shall be included in the northwestern division of the judicial district of North Dakota (Rept. No. 95-221).

By Mr. Sparkman, from the Committee on Foreign Relations:

Without amendment:

S. Res. 175. A resolution expressing the sense of the Senate wtih respect to the recent deaths in Uganda (Rept. No. 95-222).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Foreign Reltaions:

George S. Vest, of Maryland, to be an Assistant Secretary of State.

Charles William Bray III, of Maryland, to be Deputy Director of the U.S. Information Agency.

Sander Martin Levin, of Michigan, to be an Assistant Administrator of the Agency for International Development.

John H. Sullivan, of Virginia, to be an Assistant Administrator of the Agency for International Development.

William H. Sullivan, of Rhode Island, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Iran.

Rozanne L. Ridgway, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Finland.

L. Douglas Heck, of Oregon, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Nepal.

Harry W. Shlaudeman, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Peru.

Robert H. Miller, of Washington, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia.

James Gordon Lowenstein, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Luxembourg.

Lawrence S. Eagleburger, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Socialist Federal Republic of Yugoslavia.

Donald Clayton Bergus, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of the Sudan.

The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

Political Contributions Statement

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: William H. Sullivan.

Post, Ambassador to Iran.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses names, Anne, John (spouse Marie), Mark, Margaret, none.
4. Parents names, deceased.
5. Grandparents names, deceased.
6. Brothers and spouses names, John H. Sullivan, none.
7. Sisters and spouses names, not applicaable.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

William H. Sullivan.

Political Contributions Statement

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Rozanne L. Ridgway.

Post, Finland.

Contributions, amount, date, and donee.

1. Self, none.
2. Spouse, N/A.
3. Children and spouses names, N/A.
4. Parents names, Ethel R. Ridgway, H. Clay Ridgway, none, deceased.
5. Grandparents names, all deceased.
6. Brothers and spouses names, Robert E. Ridgway—brother, none.

Mrs. Arthur C. Ridgway—sister-in-law, none.

7. Sisters and spouses names.

Brother deceased.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Political Contributions Statement

Contributions are to be reported for the period begining on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: L. Douglas Heck.

Post, Kathmandu, Nepal.

Nominated, agreement pending.

Contributions, amount, date, and donee.

1. Self—L. Douglas Heck, $1.00 yearly each 1973, 1974, 1975, 1976. Presidential Election Campaign Fund submitted with income tax return.
2. Spouse—Ernestine S. Heck, $1.00 yearly, 1973, 1974, 1975, 1976, Presidential Election Campaign Fund submitted with income tax return.

$25.00 (joint), 1975, Morris Udall.

3. Children and spouses names, Judith Heck, none.

Elizabeth Heck, none.

4. Parents names, Mrs. Lewis Heck, $15.00 yearly, 1973, 1974, 1975, 1976, Republican Party.

Lewis Heck, deceased.

5. Grandparents names, deceased.
6. Brothers and spouses names, none.
7. Sisters and spouses names, Dorothy T. Heath, $15.00 1973, Democratic Party.

1.00 yearly, 1974, 1975, and 1976, Presidential Election Campaign Fund submitted with income tax return.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Political Contributions Statement

Nominee, Harry W. Shlaudeman.

Post, Peru.

Contributions, amount, date, and donee.

1. Self, none.
2. Spouse, none.
3. Children and spouses names, Karl, Katherine, Harry, none.
4. Parents names, deceased.
5. Grandparents names, deceased.
6. Brothers and spouses names, Marcia A. Jepson, None.
7. Sisters and spouses names.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Political Contributions Statement

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee Robert H. Miller.

Post, Malaysia.

Contributions, amount, date, and donee.

1. Self, none.
2. Spouse, Catherine R. Miller, none.
3. Children and spouses names, George K. Miller, $25.00, March 1976, Morris Udall.

   Margaret H. Miller, none.
4. Parents names, H. Keith Miller, none.

   Margaret Miller, none.
5. Grandparents names, deceased.
6. Brothers and spouses names, Keith H. and Diana Miller, none.

   Arthur H. and Elizabeth Miller, none.

   Donald H. Miller, none.
7. Sisters and spouses names, none.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Political Contributions Statement

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: James G. Lowenstein.

Post, Ambassador to Luxembourg.

Contributions, amount, date and donee.

1. Self, none.
2. Spouse, legally separated.
3. Children and spouses names, none.
4. Parents names, none.
5. Grandparents names, deceased.
6. Brothers and spouses names, Peter D. Lowenstein, $100, August 1975, Committee to Reelect Senator Kennedy.
7. Sisters and spouses names, none.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Political Contribution Statement

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Post, Ambassador to Yugoslavia.

Nominee, Lawrence S. Eagleburger.

Contributions, amount, date, and donee.

1. Self. $25, 1976, Rep. Party of Va.; $25, 1976, Pres. Ford Comm.; $25, 1976, Pres. Ford Comm.; $50, 1975, Rep. Party (Nat. Com.); $50, 1974, Rep. Party (Nat. Com.); $70, 1973, Rep. Party (Nat. Com.).
2. Spouse, none.
3. Children and spouses names, none.
4. Parents names, none.
5. Grandparents names, none.
6. Brothers and spouses names, none.
7. Sisters and spouses names, none.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

POLITICAL CONTRIBUTIONS STATEMENT

Nominee, Donald Clayton Bergus.

Post, American Ambassador to the Sudan.

Contributions, amount, date, and donee.

1. Self, none.
2. Spouse, Elizabeth Ravdin Bergus, none.
3. Children and spouses, names, Elizabeth Grace, George Ravdin, and Priscilla May Bergus (all unmarried), none.
4. Parents, names, Grace V. Bergus, widow, none.
5. Grandparents, names, none living.
6. Brothers and spouses, names, Mr. and Mrs. George E. Bergus, Houston, Texas, none.
7. Sisters and spouses, names, Mr. and Mrs. E. C. Bray, Arcadia, California, none.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, May 19, 1977, he presented to the President of the United States the following enrolled bill:

S. 1279. An act to provide temporary authorities to the Secrteary of Commerce to facilitate emergency actions to mitigate the impacts of the 1976–77 drought and promote water conservation.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated:

H.R. 1406. An act for the relief of Lilia Araujo; to the Committee on the Judiciary.

H.R. 1420. An act for the relief of Umberto Ruffolo; to the Committee on the Judiciary.

H.R. 1427. An act for the relief of Marie Grant; to the Committee on the Judiciary.

H.R. 1428. An act for the relief of Mrs. Angelita Short; to the Committee on the Judiciary.

H.R. 1432. An act for the relief of Mrs. Desolina Sciulli; to the Committee on the Judiciary.

H.R. 1437. An act for the relief of Soo Jin Lee; to the Committee on the Judiciary.

H.R. 1750. An act for the relief of Anthony Rogers; to the Committee on the Judiciary.

H.R. 1936. An act for the relief of Lee So Ryung; to the Committee on the Judiciary.

H.R. 1940. An act for the relief of Dimitrios Panoutsopoulos, Angeliki Panoutsopoulos, Georgios Panoutsopoulos; to the Committee on the Judiciary.

H.R. 2253. An act for the relief of Ruben P. Din; to the Committee on the Judiciary.

H.R. 2501. An act to provide for the amendment of the public survey records to eliminate a conflict between the official cadastral survey and a public survey of the so-called Wold Tract within the Medicine Bow National Forest, Wyoming; to the Committee on Energy and Natural Resources.

H.R. 2553. An act for the relief of Young Gun Kim; to the Committee on the Judiciary.

H.R. 3215. An act for the relief of Mrs. Olive M. V. T. Davies and her children, Samira D. K. Davies, Ola-Tomi K. Davies, Ola-Yinka K. Davies, Ilesha E. K. Davies, and Baba-Tunji K. Davies; to the Committee on the Judiciary.

H.R. 3217. An act for the relief of Meeja Sa Foster; to the Committee on the Judiciary.

H.R. 3313. An act for the relief of Mark Charles Mieir and Liane Maria Mieir; to the Committee on the Judiciary.

H.R. 3460. An act for the relief of William J. Elder and the estate of Stephen M. Owens, deceased; to the Committee on the Judiciary.

H.R. 3722. An act to amend the Securities Exchange Act of 1934 to authorize appropriations for the Securities and Exchange Commission for fiscal year 1978; placed on the Calendar.

H.R. 4246. An act for the relief of Hee Kyung Yoo; to the Committee on the Judiciary.

H.R. 4533. An act for the relief of Gary Daves and Marc Cayer; to the Committee on the Judiciary.

H.R. 4746. An act to extend certain authorities of the Secretary of the Interior with respect to water resources research and saline water conversion programs, and for other purposes; placed on the Calendar.

H.R. 4992. An act to amend the Indian Financing Act of 1974 by revising the appropriations authorization for the Indian business development program; to the Select Committee on Indian Affairs.

H.R. 5742. An act to amend the Controlled Substances Act to extend for three fiscal years the authorization of appropriations under that Act for the expenses of the Department of Justice in carrying out that Act; to the Committee on the Judiciary.

H.R. 6010. An act to amend title XIII of the Federal Aviation Act of 1958 to expand the types of risks which the Secertary of Transporation may insure or reinsure, and for other purposes; placed on the calendar.

H.R. 6138. An act to provide employment and training opportunities for youth; placed on the Calendar.

H.R. 6197. An act to amend the Disaster Relief Act of 1974 to provide for authorization of appropriations thereunder through fiscal year 1978; placed on the Calendar.

H.R. 6752. An act to amend the Water Resources Planning Act (79 Stat. 244) as amended; placed on the Calendar.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HELMS:

S. 1567. A bill to provide legislative guidance in the execution of desegregation plans for public schools during national energy emergencies, and for other purposes; to the Committee on Human Resources.

By Mr. JACKSON (for himself and Mr. MAGNUSON):

S. 1563. A bill to name the lake located behind Lower Monumental Lock and Dam, Washington, Lake Herbert G. West, Sr.; to the Committee on Environment and Public Works.

By Mr. HUMPHREY:

S. 1569. A bill to amend the Higher Education Act of 1965 to establish a student internship program to offer students practical involvement with elected officials on local and State levels and with Members of Congress; to the Committee on Human Resources.

By Mr. MOYNIHAN:

S. 1570. A bill to amend the Internal Revenue Code of 1954 to allow a credit against tax for amounts paid by an individual as elementary or secondary school tuition for the education of his dependent children; to the Committee on Finance.

By Mr. McINTYRE (for himself, Mr. Griffin, Mr. Domenici, Mr. Humphrey, Mr. Muskie, Mr. Cranston, Mr. Durkin, Mr. Stafford, Mr. Magnuson, Mr. Williams, Mr. Jackson, Mr. Anderson, Mr. Stevens, and Mr. Inouye):

S. 1571. A bill to incorporate the National Ski Patrol System, Incorporated; to the Committee on the Judiciary.

By Mr. ALLEN:

S. 1572. A bill to prohibit aliens from employment in the Federal competitive service; to the Committee on Governmental Affairs.

S. 1573. A bill to amend the Immigration and Nationality Act of 1952; to the Committee on the Judiciary.

S. 1574. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JACKSON (for himself and Mr. Magnuson):

S. 1568. A bill to name the lake located behind Lower Monumental lock and dam, Washington, Lake Herbert G. West, Sr.; to the Committee on Environment and Public Works.

Mr. JACKSON. Mr. President, the late Herbert G. West, Sr. was for 32 years, from 1934 to 1967, executive vice president of the Inland Empire Waterways Association, a citizen organization dedicated to water resource development in Washington, Oregon, Idaho, and Montana. Under his inspirational leadership the organization played a major role in bringing about the public understanding and support which helped to make possible the system of Federal locks and dams on the Columbia and Snake Rivers.

Mr. West was a locally, regionally, and nationally known leader. He served on the boards of several national water resource organizations, was Mayor of Walla Walla, Wash., and was a leader in many other fields of activity before his death on June 8, 1974.

The proposal to rename the Lower Monumental Reservoir in Mr. West's honor has been endorsed by a wide variety of organizations in the Northwest, including boards of county commissioners, chambers of commerce, major ports and industries, as well as by many private citizens who knew and worked with Mr. West.

The U.S. Board of Geographical Names, the Washington State Board of Geographical Names, and the U.S. Army Corps of Engineers have examined the proposal for naming the lake in Mr. West's honor. They found no objection but were unable to act since the present name—"Lower Monumental Lake"—was established by Congress in authorizing and funding Lower Monumental Dam. I ask that Congress support this proposal and rename the lake, "Lake Herbert G. West, Sr."

By Mr. HUMPHREY:

S. 1569. A bill to amend the Higher Education Act of 1965 to establish a student internship program to offer students practical involvement with elected officials on local and State levels and with Members of Congress; to the Committee on Human Resources.

POLITICAL LEADERSHIP INTERN PROGRAM ACT OF 1977

Mr. HUMPHREY. Mr. President, I am today introducing the Political Leadership Intern Program Act of 1977, which would add a new title XII under the Higher Education Act of 1965.

My bill would authorize the Commissioner of Education to make grants to institutions of higher education which establish internship programs under which students will be provided practical involvement with elected officials in local and State government and with Members of Congress in the performance of their duties.

Under the proposed program, it is expected that students will be assigned to jobs of solid responsibility, whether in researching important national, State, and local issues or in providing the day-to-day services that are requested by constituents or in helping to draft legislation.

This important work experience would be coordinated with the student's educational program, and he or she would receive course credit as well as a limited stipend.

A primary feature of such programs would be the initiation of direct, ongoing interchanges between public service officials and educators. Students, professors of political science and other disciplines, and those serving in elected office would share experiences and insights in guidance consultations and group seminars. I believe this procedure will be of incalculable benefit, both in challenging public officials to reflect upon new opportunities and directions required in representing and assisting our people, and in increasing understanding and stimulating insight among educators and students about the demands and challenges of public office.

A nationwide intern program would bring a significant number of young people closer to government, and there can be a resultant improvement in the confidence our young people have in our political system.

On the other side of the coin, college interns can provide an important pool of assistance to our understaffed and overworked Federal, State, and local governments. And these governments would have an opportunity to review and recruit some very talented young people for eventual full-time employment.

Mr. President, there is a great value in educating students through internships. There is perhaps no better way to learn than to apply theory to problems in the real world and then to examine and evaluate the consequences. The accumulation of these experiences through off-campus internships is an excellent means of gaining new knowledge. The Political Leadership Intern Program Act of 1977 would encourage the development of this type of learning experience for college students throughout the United States.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1569

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Political Leadership Intern Program Act of 1977."

Sec. 2. The Higher Education Act of 1965 is amended by redesignating title XII and all references thereto as title XIII and sections 1201 through 1206 and all references thereto as 1301 through 1306 and by inserting immediately after title XI the following new title:

"TITLE XII—POLITICAL LEADERSHIP INTERN PROGRAM

"PROGRAM AUTHORIZED

"Sec. 1201. The Commissioner is authorized to make grants, in accordance with the provisions of this title, to institutions of higher education for the planning, development, administration, and operation of an internship program under which students will be provided practical political involvement with elected officials in the performance of their duties at the local and State levels of government and Members of Congress through internships in their offices. Such internship program shall be carried out through arrangements administered by institutions of higher education, and with the cooperation of State and local governments and Members of Congress. Under such program the interns, who are students at any institution of higher education which is a grant recipient, will be assigned duties in offices of State and local elected officials and Members of Congress, which will give them an insight into the problems and operations of the different levels of government, as well as an opportunity for research and for involvement in the policymaking process. Arrangements for such grants shall provide for coordination between the on-campus educational programs of the persons selected and their activities as interns, with commensurate academic credit given for their work and achievement as interns.

"SELECTION OF STUDENTS FOR PARTICIPATION AND DISTRIBUTION OF GRANTS

"Sec. 1202. (a) The students who are to participate in the internship program provided for in this title shall be selected by the institutions of higher education receiving grants under this title.

"(b) The Commissioner shall assure that grants under this title are distributed among the States in the same ratio, to the extent practicable, as the number of Members of Congress of a State bears to the total number of Members of Congress in all States.

"(c)(1) In order to assist the Commissioner to select institutions of higher education within a State to receive grants under this title, he shall appoint a National Advisory Council for Political Leadership Interns. Such Council shall be composed of twelve members appointed from among individuals especially qualified to serve on the Council.

"(2) The Council shall advise the Commissioner with respect to the distribution of grants under this title within each State and with respect to such other matters of policy as may be appropriate in carrying out the objectives of this program as authorized under this title.

"(3) The Commissioner shall make available to the Council such staff, information, and other assistance as it may require to carry out its duties under this title.

"(4) The provisions of part D of the General Educations Provisions Act shall apply to any Council established under this title.

"(d) Whenever the Commissioner determines in the third quarter in any fiscal year that grant funds will not be needed in any State he may redistribute such funds to institutions of higher education in other States which he determines have a need for them.

"FEDERAL SHARE

"SEC. 1203. (a) The Federal share of the cost of student stipends under this title shall not exceed 50 per centum.

"(b) The Federal share of the cost of planning, developing, and administering any program under this title shall not exceed 20 per centum of such cost.

"ADMINISTRATION

"SEC. 1204. The Commissioner shall by regulation prescribe the stipends to be paid by institutions of higher education to the interns participating in the program assisted under this title and the duration and other terms and conditions of such internships.

"DEFINITIONS

"SEC. 1205. For the purpose of this title—

"(1) the term 'Members of Congress' includes the Resident Commissioner for the Commonwealth of Puerto Rico and the delegate for the District of Columbia; and

"(2) the term 'State' means the fifty States, the Commonwealth of Puerto Rico, and the District of Columbia.

"APPROPRIATIONS AUTHORIZED

"SEC. 1206. There are authorized to be appropriated to carry out this title the sum of $5,000,000 for the fiscal year 1978, and $5,000,000 in each of the two succeeding fiscal years. Funds appropriated pursuant to this section shall remain available for the succeeding fiscal year after the fiscal year for which they were appropriated.".

By Mr. MOYNIHAN:

S. 1570. A bill to amend the Internal Revenue Code of 1954 to allow a credit against tax for amounts paid by an individual as elementary or secondary school tuition for the education of his dependent children; to the Committee on Finance.

Mr. MOYNIHAN. Mr. President, the platforms of both the Democratic and Republican Parties for 1976 urge that a constitutionally acceptable method be found of aiding parents of children in nonpublic schools. This is a position I have urged publicly since joining the Federal Government in 1961, and one which I continue to believe to be a public policy issue of first importance.

Today I am introducing a bill which would provide tax credits of up to $250 per child to parents of children in nonpublic elementary and secondary schools. The credit would be refundable, to assist low-income families with low tax liabilities, and would begin to be phased out when family income exceeds $18,000.

I had an opportunity to explain my views on this issue in some detail last Saturday, May 14, 1977, when I had the honor to give the commencement address at LeMoyne College in Syracuse, N.Y. I ask unanimous consent that the text of the bill and the address be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1570

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Allowance of Credit.—

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by inserting immediately before section 45 the following new section:

"SEC. 44c. Elementary and secondary school tuition.—

"(a) GENERAL RULE.—There is allowed to an individual, as a credit against the tax imposed by this chapter for the taxable year, an amount equal to 50 percent of the tuition paid by the taxpayer during the taxable year to one or more eligible educational institutions for any of his dependents (as defined in section 152).

"(b) LIMITATIONS.—

"(1) AMOUNT PER DEPENDENT.—The credit allowable under subsection (a) with respect to tuition paid for any dependent of the taxpayer shall not exceed $250 per year per dependent.

"(2) LIMITATION BASED ON ADJUSTED GROSS INCOME.—The amount of the credit allowable under subsection (a) (after the application of paragraph (1)) shall be reduced by an amount equal to 5 percent of the amount by which the adjusted gross income of the taxpayer for the taxable year exceeds $18,000.

"(c) DEFINITIONS.—For purposes of this section.—

"(1) TUITION.—The term 'tuition' means tuition and fees required for the enrollment or attendance of a student at an eligible educational institution but does not include any amount paid, directly or indirectly, for meals, lodging, or similar personal, living, or family expenses. In the event an amount paid for tuition or fees includes an amount for meals, lodging, or similar expenses which is not separately stated, the portion of such amount which is attributable to meals, lodging, or similar expenses shall be determined under regulations prescribed by the Secretary.

"(2) ELIGIBLE EDUCATIONAL INSTITUTION.—The term 'eligible educational institution' means an elementary or secondary school organized and operated by or as an organization described in section 501(c)(3) which is exempt from taxation under section 501 (a).".

(b) REFUND OF EXCESS CREDIT.—

(1) Subsection (b) of section 6401 of such Code (relating to amounts treated as overpayments) is amended—

(A) by striking out "and 43 (relating to earned income credit)," and inserting in lieu thereof the following: "43 (relating to earned income credit), and 44C (relating to elementary and secondary school tuition)", and

(B) by striking out "sections 31, 39, and 43" and inserting in lieu thereof the following: "sections 31, 39, 43, and 44C".

(2) Paragraph (4) of section 6201(a) (relating to erroneous credit under section 39 or 43) is amended—

(A) by striking out "section 39 or 43" in the caption and inserting in lieu thereof the following: "section 39, 43, or 44C", and

(B) by striking out "or section 43 (relating to earned income)," and inserting in lieu thereof the following: "section 43 (relating to earned income), or section 44C (relating to elementary and secondary school tuition),".

(c) CLERICAL AND CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 6096 of such Code (relating to designation of income tax payments to Presidential Election Campaign Fund) is amended by striking out "and 44B" and inserting in lieu thereof "44B, and 44C".

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting immediately after the item relating to section 44B the following new item:

"SEC. 44C. Elementary and secondary school tuition.".

Sec. 2. Effective date.—

The amendments made by this Act shall apply with respect to taxable years beginning after the date of enactment of this Act.

ADDRESS BY SENATOR DANIEL PATRICK MOYNIHAN

It is just sixteen years now since I left Syracuse to join the Administration of President Kennedy. It was a path taken, and one not taken, and it has indeed "made all the difference."

And yet some things persist. Returning today I would like also to return to a subject with which I was quite preoccupied in the months before I left. This is the subject of public assistance to private education, which I hasten to state signifies, in the main, Catholic education, it being the case that three quarters of private elementary and secondary school students attend Roman Catholic schools.

In 1961, I had just completed my collaboration with Nathan Glazer in a study of the persistence of ethnicity in America, which we were to publish as *Beyond the Melting Pot.* In the main my contribution to the effort consisted of organizing into somewhat coherent theses things I already knew by virtue of having been raised on the streets of Manhattan and having subsequently been engaged in Democratic politics. The one exception had to do with my researches into the history of the parochial school system in New York. (As I did much of this work here in the Le Moyne College Library, I hope you will forgive this perhaps overgenerous term for what mostly consisted of reading public documents of the first half of the 19th Century.) My finds were wholly accessible, but nonetheless surprising—to me at all events.

Education was largely a church function in the early days of New York, as elsewhere in the nation. In 1805, however, a Free School Society was formed "for the education of such poor children as do not belong to any religious society." The Society's address to the public proclaimed that "It will be a primary object, without observing the peculiar forms of any religious society, to inculcate the sublime truths of religion and morality contained in the Holy Scriptures." That year the legislature established a fund for the support of common schools throughout the State which in New York City was distributed to the trustees of the Free School Society "and of such incorporated religious societies in said city as supported or should establish charity schools who might apply for the same." Under this system Catholic schools, along with Baptist, Methodist, Episcopal, Dutch Reformed, German Lutheran, and Scotch Presbyterian, to mention only some, received state aid.

Assorted serpents entered this denominational Eden, principally the too familiar one of fiscal irregularity. I put it to you: payrolls were padded, teachers kicked back portions of their salaries. Then came the familiar remedy of centralization. The Free School Society, renamed the Public School Society, would get all the money. Protestants did not protest, for the Society was pronouncedly of that persuasion. Catholics did, and by the 1830s the pattern of a dual school system that persists to this day commenced to take form.

In his message to the legislature of 1840, Governor Seward, an upstate Episcopalian if it must be known, averred that this arrangement was patently unfair. He proposed that the Catholic schools should get state aid as well:

"I do not hesitate . . . to recommend the establishment of schools in which they [the children of immigrants] may be instructed by teachers speaking the same language with themselves and professing the same faith."

The next year, Seward's Secretary of State, John C. Spencer, issued a report on the controversy. Spencer, ex-officio Superintendent of Schools, was an authority on the laws of

New York State (as well as de Tocqueville's American editor). He began by assuming the essential justice of the Catholic position. "It can scarcely be necessary to say that the founders of these schools, and those who wish to establish others, have absolute rights to the benefits of a common burthen; and that any system which deprives them of their just share in the application of a common and public fund must be justified, if at all, by a necessity which demands the sacrifice of individual rights, for the accomplishment of a social benefit of paramount importance. It is presumed no such necessity can be urged in the present instance."

To those who feared the use of public funds for sectarian purposes, Spencer replied that all instruction must in some way be sectarian: "No books can be found, no reading lessons can be selected, which do not contain more or less of some principles of religious faith, either directly avowed, or indirectly assumed." As for avoiding sectarianism by abolishing religious instruction altogether, "On the contrary, it would be in itself sectarian; because it would be consonant to the views of a peculiar class, and opposed to the opinions of other classes."

Spencer hoped for a system of local option. It was not to be. Faced with that or wholly secular schools, Protestant opinion chose the latter, and now finally our present arrangements were fixed.

The next real challenge to these arrangements came more than a century later, to wit in the Spring of 1961 after a Catholic had been elected President on a platform which called, inter alia, for federal aid to elementary and secondary education. The Catholic Bishops of the nation responded that they could support such legislation only if private schools were included, and so the stage was set for the first legislative stalemate of President Kennedy's term.

May I say that this could be foreseen. Just as I left for Washington I published in The Reporter magazine (May 25, 1961) an article entitled "How Catholics Feel About Federal School Aid," in which I recounted the New York background of the existing arrangements and asked that this whole history be understood by those who would make the decisions.

For it seemed to me that Americans at that time, and to this day, know only the history of this issue as it developed in the second half of the 19th Century.

This is a history of religious bigotry. Beginning at mid century with the Know Nothing Party anti-Catholicism became what can only be described as a political movement. In 1875, thinking of running for a third term and looking for an issue, President Grant raised the specter of Catholic schools getting public monies and proposed a constitutional amendment to forbid it. His party's platform for 1876 states:

"The public school system of the several states is the bulwark of the American republic; and, with a view to its security and permanence, we recommend an *amendment to the constitution of the United States*, forbidding the application of any public funds or property for the benefit of any school or institution under sectarian control." (emphasis added)

Would not a fair-minded person conclude from this statement that even those against Catholic school aid in 1876 were disposed to believe that it was constitutional? Would it not be reasonable to judge that precisely because such persons felt that it was, and saw the growth of the political influence of those who might support it, that they proposed a constitutional amendment to forbid it? In my Reporter article I noted that at the time of the drafting of the Constitution, and the First Amendment, nine of the thirteen states had established churches. Was it not evident, I asked, that the prohibition of Congress' establishing a religion was intended to protect the religions already established in the various states? Was it not the case, I concluded, that "it is only because most Americans no longer have the foggiest idea what an established religion is that they can be persuaded that the words of the First Amendment mean more than they say."

Years have passed and I have become, perhaps professionally, forgiving of the public. But with the greatest respect, it is difficult to be so generous with the Supreme Court.

The Court's first modern ruling on this subject came in the case of *Everson* v. *Board of Education* in 1947. Since then there has been a series of decisions of which the kindest thing to say is that they are unpersuasive. The unkind thing to say is that the Court has been given the thankless task of providing Constitutional legitimacy for the religious bigotry of the 19th Century, and that the quality of its decisions suggests the misgivings with which the deed has been done.

Before I go further let me state my genuine respect for the standards of evidence and scholarship which the Supreme Court in our time has brought to its process of decision. A work of mine was once cited in a footnote of a Supreme Court decision and I can imagine no greater distinction. It is precisely because these qualities seem so absent from the series of decisions on the First Amendment and private school aid that I am so troubled. I hold with Mr. Justice White, who with Mr. Justice Rehnquist, and Chief Justice Burger, has vigorously dissented from a number of these decisions: "I am quite unreconciled. . . ."

Justice White so declared in his dissent on *Committee for Public Education and Religious Liberty* v. *Nyquist*, decided in 1973, which is the leading case in this area, and which, by a curious symmetry, concerned a New York State law providing tax reductions to parents of parochial school children. The decision was based, as the majority opinion put it, on the "now well-defined three-part test" to determine constitutionality under the Establishment Clause. "Taken together," Justice Powell wrote for the Court, the Court's decisions "dictate that to pass muster under the Establishment Clause the law in question, first, must reflect a clearly secular legislative purpose . . ., second, must have a primary effect that neither advances nor inhibits religion . . ., and, third, must avoid excessive government entanglement with religion."

Of these three tests only the second provides any serious difficulty, and I will suggest that this difficulty is quite surmountable.

The "secular purpose" test has been applied to state legislation, and the Court has accepted that aid to parochial schools is founded in the desire to aid the students and their parents, rather than the religion in which they believe.

The "excessive entanglement" test emerges, in part, from the Court's worry about the "potentially divisive political effect" of annual appropriations battles in state legislatures. This is a prudential judgment, and it is not for me to suggest that the Court is overly concerned, but in any event an intelligently conceived program will avoid "excessive entanglement". It is scarcely beyond the limits of political science or legislative wisdom.

The nub of the Court's concern has been the "primary effect" test, and it is here that the quality of the reasoning simply does not, in my view, bear scrutiny. Thus in *Meek v. Pittenger*, decided in 1975, Justice Stewart announced that "we agree with appellants that the direct loan of instructional material and equipment has the unconstitutional primary effect of advancing religion because of the predominantly religious character of the schools benefiting from the Act" which was being challenged, a Pennsylvania statute.

Observe. The Court asks itself an *empirical* question. What is "the primary effect" of this Act? It then gives an *a priori* answer! The primary effect is to advance religion "because of the predominantly religious character of the schools benefiting from the Act."

That is not a proof. It is an assertion. Where are the facts that support the assertion?

Does not this point come with special force in view of the widely noted use of social science findings by the Court in "education" cases concerning school desegregation and school funding, and generally in the greater use of data by the Court in answering empirical questions?

If the test of "advancing religion" is in fact an appropriate test—and must we concede that it is?—it just happens that for more than a decade we have had, thanks in the first instance to the pioneering work of Andrew M. Greeley and Peter Rossi, an increasing store of social science findings on the effect of Catholic schools on the advancement of Catholicism. I have assumed that these findings have given but little comfort to the Bishops. Would it be presumptuous to express some wonder then that they have not attracted the favorable notice of the Justices?

Briefly, and in the round, the present state of the evidence is that Catholic schooling as such has at most a weak relation to adult religious practice and belief. Save for the fact that Greeley and Rossi were the first to establish this in a large scale study, there is nothing notable in their findings. The same weak-to-nonexistent relationship has since turned up with respect to the effect of all manner of schooling on all manner of performance of all manner of students.

In this academic setting, let me be precise. The *Beta* of Catholic education with subsequent regular attendance at mass is .05. The *Beta* of Catholic education with subsequent desire for a son to become a priest is .12. Translated, these correlation coefficients mean that the number of years of Catholic schooling explain one fourth of one percent of the variance in attendance at mass among Catholics, and one point four percent of preference for having a son enter the priesthood.

At the risk of excessive entanglement, one may say "Amen" to the passage in Chief Justice Burger's dissent in the *Nyquist* case in which he said that: "I fear that the Court has in reality followed the unsupportable approach of measuring the 'effect' of a law by the percentage of the recipients who chose to use the money for religious, rather than secular, education."

If, as I believe, the Chief Justice is correct, the question is: Where does this leave us? Some may differ, but I would respectfully suggest that it leaves us considerably more advanced in this matter than we were sixteen years ago when, after examining the views of those who were for and those who were against Federal aid to nonpublic schools, I concluded my *Reporter* article by stating:

"Before any discussion of compromise can take place . . . it is necessary to dispose of the constitutional 'issue.' "

To the contrary, I would argue today that we should continue to discuss compromise and see which one will finally be in accord with what I fully expect will one day be a revised judgment of the Court. For we are under no obligation to agree with the Court, only to obey it. We have the perfect right to press our views. We have more than once seen minorities on the Court become majorities.

In this regard, the position of the national parties is not without relevance. After all, the view to which the Court now adheres first appeared in a party platform.

In the interests of what lawyers term full disclosure, let me acknowledge that I have been involved here. In 1964 I drafted an education "plank" in the Democratic Platform which stated:

"The demands on the already inadequate sources of state and local revenues place a serious limitation on education. New methods of financial aid must be explored, including the channeling of federally collected revenues to all levels of education, and, to the extent permitted by the Constitution, to *all* schools." (emphasis added)

It will be recalled that President Kennedy's proposal for Federal school aid had failed owing to opposition from those who felt nonpublic schools should be included. In effect it was up to the Administration to change its mind. The National Catholic Welfare Conference * said that if the Platform were to include the term "all schools", such opposition as they had mounted to a school aid bill would be withdrawn. They were as good as their word, and the result was the Elementary and Secondary Education Act of 1965.

This legislation was not without consequence. The U.S. Office of Education now, for example, has within it a subdivision of "Nonpublic Educational Services". This office reports that there are eleven ongoing education aid programs of the Federal government which provide some funds to nonpublic schools. Perhaps 4.5 percent of the expenditure under Title I of the Elementary and Secondary Education Act goes for such purposes.

Still, it is not really possible to state that the agreement of 1964 has been kept. At most we might say it has not been disowned. I was again involved with the Democratic Platform in 1976, and again drafted a plank on this issue:

"The Party reaffirms its support of public school education. The Party also renews its commitment to the support of a constitutionally acceptable method of providing tax aid for the education of all pupils in non-segregated schools in order to insure parental freedom in choosing the best education for their children. Specifically, the Party will continue to advocate constitutionally permissible federal education legislation which provides for the equitable participation in federal programs of all low and moderate income pupils attending all the nation's schools."

In 1976 the Republican Party Platform spoke to the same issue.

"We favor consideration of tax credits for parents making elementary and secondary school tuition payments."

And so the case can be made that a measure of political consensus has emerged in this area. The task, as I see it, is to use that consensus to give the Supreme Court a chance to reconsider, and hopefully to change its recent position. To that end there is no more direct object than for the Congress to enact and the President to sign legislation that provides what we believe to be Constitutionally acceptable forms of aid. In an ecumenical spirit, let us describe one such form as "tax credits for parents making elementary and secondary school tuition payments."

I shall accordingly, in the coming week, introduce legislation in the United States Senate that will provide a tax credit equal to half the tuition paid, per child, to a nonpublic elementary or secondary school. The maximum allowable credit would be $250 per child. A qualifying school would have to be fully in compliance with our Civil Rights statutes and similar regulations. The median income of families having children in private schools was under $15,000 in 1974, which suggests a standard income distribution, but in the spirit of these things, I believe any tax credit should begin to phase out after family income passes $18,000. The credit will be refundable, meaning that if the parents are entitled to a credit greater than the amount of their tax liability, the difference will be refunded to them in cash.

This cannot be an inexpensive proposal. It may cost a billion dollars a year in what we now call tax expenditures. On the other hand, it may be said that this is less than one twentieth the annual growth of uncommitted Federal revenues. It is by no means a massive sum. More to the point, it is a small sum if we think of it in the light of the long history of denial, and in the view of some at least, of injustice which such a measure would commence to make up for. I might cite the words of the Chief Justice in his dissent in *Nyquist:*

"It is beyond dispute that the parents of public school children . . . presently receive the "benefit" of having their children educated totally at state expense; the statutes . . . at issue here merely attempt to equalize that "benefit" by giving to parents of private school children, in the form of dollars or tax deductions, what the parents of public school children receive in kind. It is no more than simple equity to grant partial relief to parents who support the public schools they do not use."

Why, we may ask, does it matter?

I would suggest a dual answer—first narrow, then broad—that follows naturally from the dual beneficiaries of such a plan. *Cui bono?* First, the youngsters who attend private and parochial schools, and the parents whose tax burdens would be somewhat lightened. Second, children who attend public schools, and their parents, which is to say, the rest of the society.

For I take pluralism to be a valuable characteristic of education, as of much else in our society. In *Beyond the Melting Pot,* Glazer and I wrote of the persistence of pluralism in American life, and of its values. We are many peoples and our social arrangements reflect this disinclination to submerge our inherited distinctiveness in a homogeneous whole.

At the college and university level, we take for granted that diversity is a good thing, that estimable educational institutions such as Le Moyne College and Syracuse should coexist with the massive public universities as a valuable source of education with qualities that no public institution can supply. New York is in the vanguard of states that have begun to recognize this value—and the dull and costly fate that would befall us if we failed to assist such institutions to survive—and has developed an imaginative and creative set of measures to provide public resources to private colleges and their students. Federal policy is beginning to recognize—again at the level of higher education—the distinctive needs and contributions of private colleges and universities, and to tailor its programs to them as well as to their public sector counterparts. I look forward to playing a part in future such efforts.

Precisely the same values inhere in our private elementary and secondary schools, although public policy has been less ready to embrace them. They provide diversity to the society, choices to students and their parents, and a rich array of distinctive educational offerings that even the finest of public institutions find difficult to supply, not least because they are *public,* and must embody generalized values. Having noted the uncertainty which attends any effort by educational institutions to inculcate values and beliefs, advocates of plural education systems ought to take care lest they seem to suggest that such a system produces students wedded to pluralism. But still there is the plain plural *fact* which a diverse school system constitutes, and this may be said to be a good thing by such as deem such things to be good.

I might add that many of our parochial schools have demonstrated a laudable efficiency in their use of resources. That is not without its cost, is at least possible but it is notable that parents who choose to send their children to private schools can expect that educational value for money. This is perhaps the more important to them as they simultaneously pay their full share of the support of the public schools their children do not attend.

Diversity. Pluralism. Variety. These are values, too, and perhaps nowhere more valuable than in the experiences that our children have in their early years, when their values and attitudes are formed, their minds awakened, and their friendships formed. I cherish these values, and I do not believe it excessive to ask that they be embodied in our national polices for the betterment of American education.

Nor yet do I believe it impossible that this cause of diversity, and this aspect of that cause, will come in time to be seen as the liberal cause in American life. A generation ago Schumpeter warned us that the end of liberal society would not come about through Marxian convulsion but rather by what he described as the slow but steady "conquest of the private sector by the public sector." There is not an aspect of American life in which this steady encroachment is not to be seen. For a period in the 1960s, with the decline of parochial school enrollment, it looked as if the private sector in education might collapse as well. But this decline has been arrested. A strong and vital nonpublic sector continues in education, and perhaps especially in New York. It is a thing of great value, and should be presesrved.

By Mr. McINTYRE (for himself, Mr. Griffin, Mr. Domenici, Mr. Humphrey, Mr. Muskie, Mr. Cranston, Mr. Durkin, Mr. Stafford, Mr. Magnuson, Mr. Williams, Mr. Jackson, Mr. Anderson, Mr. Stevens, and Mr. Inouye):

S. 1571. A bill to incorporate the National Ski Patrol System, Incorporated; to the Committee on the Judiciary.

Mr. McINTYRE. Mr. President, today I am introducing legislation to grant the National Ski Patrol System a Federal corporate charter.

Since 1938, this national volunteer service organization has provided aid and services to skiers. These services have included skilled first aid and toboggan rescue to injured skiers, search and rescue operations during hazardous weather emergencies, avalanche control, and nationwide programs to promote safety and reduce accidents in skiing. All these programs have been offered as a free public service to Americans.

With the increasing complexity of State incorporation and registration requirements, it is becoming increasingly difficult, and nearly impossible for this nonprofit national service organization to satisfy these redtape requirements. As a corporation incorporated in New York, the National Ski Patrol must meet foreign corporation registration requirements in all other States where it operates. As a volunteer organization, it has limited resources and staff assistance to meet these burdensome State requirements. Unless a solution is found, these important benefits given to the American people by the Ski Patrol will either have to be drastically reduced, or eliminated as the NSPS is unable to meet the demands of the different incorporation laws of the individual States.

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* National Catholic Welfare Conference is now the U.S. Catholic Conference.

The solution is to provide a Federal corporate charter to the National Ski Patrol System. Congressional enactment of such a charter will substantially reduce the redtape, and insure the continued provision of these important services to the public. Considering that many of the services the NSPS provides might otherwise have to be paid for through tax dollars and that the granting of a Federal charter does not provide Federal funding subsidies to the Ski Patrol, it is clear that congressional passage of a Federal charter to the NSPS is a worthwhile contribution to assure these free services will continue.

When a clear national need has been shown, the Congress has in the past granted Federal charters, as it did for the American Red Cross. The activities of the National Ski Patrol System are responsive to, and fulfill, a clear national need. Congress must act to make sure that the Ski Patrol is able to continue to provide these services.

I ask unanimous consent that the legislation and a brief authored by the National Ski Patrol in support of a Federal charter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1571

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following persons: Ron Ricketts, Fairbanks, Alaska; Robert S. Morley, Saginaw, Michigan; Charles Haskins, Sacramento, California; Walter A. Gregg, Whitmore Lake, Michigan; Donald Page, East Greenbush, New York; Dave Patterson, Danville, California; Dale Williamsen, Idaho Falls, Idaho; Howard C. Bronsdon, Casper, Wyoming; Marlen Guell, Spokane, Washington; Larry Morris, Wheatridge, Colorado; Keith Argow, Blacksburg, Virginia; William Bozack, Moretown, Vermont; Donald C. Williams, Birmingham, Michigan; Thomas Jones, Unadilla, New York; Joe Darby, Chicago, Illinois; Robert D. Hall, Old Forge, New York; Joel Rindal, Bellevue, Washington; Tod Elston, Lombard, Illinois; Tyler Davis, Uniontown, Pennsylvania; James O. Hubbard, Carson City, Nevada; Orbell Apperson, Mount Shasta, California; John Crim, Boise, Idaho; Lou Livingston, Boulder, Colorado; and their successors, are created and declared to be a body corporate by the name of the "National Ski Patrol System, Incorporated" (hereafter in this Act referred to as the "corporation"), and by such name shall be known and have perpetual succession, and the powers, limitations, and restrictions herein contained.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in the first section of this Act are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of bylaws, not inconsistent with this Act, and the doing of such other acts as may be necessary to carry out the provisions of this Act.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The purposes of this corporation shall be to promote, in any and all ways, public safety in skiing, including, without limiting the generality of the foregoing, the dissemination of information with respect thereto and the formation of volunteer local patrols, consisting of competent skiers trained in the administration of first aid, for the purpose of preventing accidents and rendering speedy assistance to persons sustaining accidents; to solicit contributions of money, services, and other property for, and generally to encourage and assist in carrying out, the foregoing purposes in every way.

CORPORATE POWERS

SEC. 4. (a) In furtherance of the corporate objects and purposes, the corporation shall have power—

(1) to sue and be sued, complain and defend in any court of competent jurisdiction;

(2) to adopt, alter, and use a corporate seal;

(3) to appoint and fix the compensation of such officers and employees as its business may require and define their authority and duties;

(4) to adopt and amend bylaws, not inconsistent with this Act or any other law of the United States or any State in which it is to operate, for the management of its property and the regulation of its affairs;

(5) to make and carry out contracts;

(6) to charge and collect membership dues, subscription fees, and receive contributions or grants of money or property to be devoted to the carrying out of its purposes;

(7) to acquire by purchase, lease, or otherwise, such real or personal property, or any interest therein, wherever situated, necessary or appropriate for carrying out its objects and purposes and subject to the provisions of law of the State in which such property is situated (A) governing the amount or kind of real or personal property which similar corporations chartered and operated in such State may hold, or (B) otherwise limiting or controlling the ownership of real or personal property by such corporations;

(8) to transfer, lease, and convey real or personal property;

(9) to borrow money for its corporate purposes, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject to all applicable provisions of Federal or State law; and

(10) to do any other acts necessary and proper to carry out its objects and purposes.

(b) For the purpose of this section, the term "State" includes the District of Columbia.

PRINCIPAL OFFICE; SCOPE OF ACTIVITIES; DISTRICT OF COLUMBIA AGENT

SEC. 5. (a) The principal office of the corporation shall be located in Denver, Colorado, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place, but may be conducted throughout the United States.

(b) The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the corporation. Service upon, or notice mailed to the business address of, such agent, shall be deemed notice to or service upon the corporation.

MEMBERSHIP

SEC. 6. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be as set forth in the bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 7. (a) Upon the date of enactment of this Act the membership of the initial board of directors of the corporation shall consist of the following named persons: Ron Ricketts, Fairbanks, Alaska; Robert S. Morley, Saginaw, Michigan; Charles Haskins, Sacramento, California; Walter A. Gregg, Whitmore Lake, Michigan; Donald Page, East Greenbush, New York; Dave Patterson, Danville, California; Dale Williamsen, Idaho Falls, Idaho; Howard C. Bronsdon, Casper, Wyoming; Marlen Guell, Spokane, Washington; Larry Morris, Wheatridge, Colorado; Keith Argow, Blacksburg, Virginia; William Bozack, Moretown, Vermont; Donald C. Williams, Birmingham, Michigan; Thomas Jones, Unadilla, New York; Joe Darby, Chicago, Illinois; Robert D. Hall, Old Forge, New York; Joel Rindal, Bellevue, Washington; Tod Elston, Lombard, Illinois; Tyler Davis, Uniontown, Pennsylvania; James O. Hubbard, Carson City, Nevada; Orbell Apperson, Mount Shasta, California; John Crim, Boise, Idaho; Lou Livingston, Boulder, Colorado.

(b) The initial board of directors shall hold office until the first election of a board of directors. The number, manner of selection (including filling of vacancies), term of office, and powers and duties of the directors shall be set forth in the bylaws of the corporation. The bylaws shall also provide for the selection of a chairman and his term of office.

(c) The board of directors shall be the governing board of the corporation, and a quorum thereof shall be responsible for the general policies and programs of the corporation and for the control of all funds of the corporation. The board of directors may appoint committees to exercise such powers as may be prescribed in the bylaws or by resolution of the board of directors.

OFFICERS; ELECTION OF OFFICERS

SEC. 8. The officers of the corporation shall be those provided in the bylaws. Such officers shall be elected in such manner, for such terms, and with such duties, as may be prescribed in the bylaws of the corporation.

USE OF INCOME; LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director or be distributable to any such person during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the corporation's board of directors.

(b) The corporation shall not make loans to its members, officers, directors, or employees. Any director who votes for or assents to the making of such a loan, and any officer who participates in the making of such a loan, shall be jointly and severally liable to the corporation for the amount of such a loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 10. The corporation and its officers and directors as such shall not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 12. The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 13. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having authority under the board of directors, and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 14. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101) is amended by adding at the end thereof the following:

"(49) National Ski Patrol System, Incorporated".

USE OF ASSETS ON DISSOLUTION OR LIQUIDATION

SEC. 15. Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with this Act, the bylaws of the corporation, and all other Federal and State laws applicable thereto.

EXCLUSIVE RIGHT TO NAME

SEC. 16. The corporation shall have the sole and exclusive right to use the name "National Ski Patrol System, Incorporated". Nothing in this section shall be construed to interfere or conflict with established or vested rights.

ANNUAL REPORT

SEC. 17. The corporation shall report annually to the Congress concerning its proceedings and activities for the preceding calendar year. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 18. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

BRIEF IN SUPPORT OF A FEDERAL CHARTER FOR THE NATIONAL SKI PATROL SYSTEM

I. INTRODUCTION

Substantial reasons support the National Ski Patrol System's application and request for a Federal charter. This brief will demonstrate not only the purpose and need, but the fulfillment of more than the minimal qualification for such an act of Congress.

It is important to note the September 10, 1965, veto message of President Johnson on the subject of Federal charters as set forth in the Library of Congress publication, "Corporations Chartered by Act of Congress," compiled by Robert D. Poling, Legislative Attorney to the American Law Division, dated January 3, 1973. In this same publication there also appears a Committee print of "Standards for Granting of Federal Charters to Non-Profit Corporations." Reference to these documents will be made in this brief.

A Federal charter would provide the necessary legal basis for this national volunteer training and service organization which has been providing skilled first aid and toboggan rescue for injured skiers, winter and mountain search and rescue operations during hazardous weather emergencies, avalanche control to prevent catastrophies in public ski areas, and nation-wide programs to promote safety and reduce accidents in skiing and other winter sports as a free public service to Americans who have been enjoying winter sports in ever increasing numbers and greater safety since 1938. National Ski Patrollers, trained to the Advanced First Aid standards of the American Red Cross supplemented with Emergency Winter First Aid and Rescue training on a nationally supervised basis are men and women from all walks of American life, who give freely of their recreational time to carry out the purposes of the National Ski Patrol.

Without a Federal charter a considerable portion of volunteer time must be devoted to paperwork to meet the many varying registration and reporting procedures governing non-profit corporation activities in each of the many winter sports states.

With a corporate charter granted by the United States Congress, the National Ski Patrol System (NSPS) could continue its service as a Federally chartered corporate entity. Compliance would be with Federal rules on a standard, uniform basis through the NSPS central national office. Although the proposed Federal charter would not provide any Federal funding subsidies, nor are such subsidies being sought, it would make the National Ski Patrol System eligible for donations of surplus government equipment (e.g. used first aid and rescue equipment) to supplement that which is currently purchased with the individual volunteer patrollers' own money and public donations.

II. QUALIFICATIONS

Standards for the granting of Federal charters for non-profit corporations have been adopted by committees of Congress. The following information is furnished to substantiate the claim that the National Ski Patrol System, Inc. has more than met the minimum standards required by Congress to obtain a corporate charter. The minimum standards are hereinafter reprinted as copied from the government documents setting forth such standards and the qualification or justification will then follow the individual standards as printed.

The Congressional standards for granting of Federal charters states:

"In considering proposals for granting of Federal charters, the following minimum standards will be applied: any private organization petitioning Congress for the purpose of obtaining the status of a Federal corporation shall be required to demonstrate to the satisfaction of Congress that it is an organization which is—

(1) "Operating under a charter granted by a state or the District of Columbia and that it has so operated for a sufficient length of time to demonstrate its performance and that its activities are clearly in the public interest."

Qualification and Justification.—The National Ski Patrol System, Inc. is a New York not-for-profit corporation. This corporation has operated continuously since the date of incorporation in 1948 up to and including the date of this brief.

(2) "Of such unique character that chartering by Congress as a Federal corporation is the only appropriate form of incorporation."

Qualification and Justification.—The National Ski Patrol System, Inc. is a corporation operating not only within the United States of America but also in several foreign countries where U.S. military forces are stationed. It is a non-profit organization supported almost entirely by the dues and contributions of its own membership. With the exception of a very few full and part-time employees (nine in number) almost all of the 24,000 to 25,000 members of the organization furnish their services in varying capacities on a strictly voluntary basis. As will hereinafter appear, the voluntary nature of the NSPS membership has a very direct relationship to its absolute need for a Federal charter. (More on this point will be said in section III of this brief.) The organization consists of ten divisions. The divisions are geographical in nature. Each division within the United States encompasses one or more states for its area of activity.

In addition, there is a division entitled the "International Division." The International Division originally existed because members of the United States Armed Forces using the slopes of European countries for skiing required the services of the National Ski Patrol System. Subsequently, and at the present time, it has been serving American tourists skiing in Europe. Each division within the NSPS consists of two or more regions. The regions are broken down into two or more sections and the sections are likewise broken down into two or more patrols. Each patrol consists of numerous patrollers. Accordingly, it is necessary that the area of activity of the patrol be carried on in various states. Due to the necessity of registering a corporation, which is incorporated in one state as a foreign corporation doing business within another state, it becomes very burdensome and almost impossible to comply with all such registration and reporting laws by an organization almost wholly dependent on volunteers. More will be said on this point in section III of this brief.

(3) "Organized and operated solely for charitable, literary, educational, scientific, patriotic or civic improvement purposes."

Qualification and Justification.—The National Ski Patrol Systems, Inc. as indicated in (2) above is a New York not-for-profit corporation. The Internal Revenue Service has granted a 501(c) (3) tax exempt status to the National Ski Patrol System and has, furthermore, granted group exemption status to many of the divisions within the system and additionally has determined that the National Ski Patrol System, Inc. is not a Foundation. Documents from the Federal Internal Revenue Service substantiating all of the foregoing actions by it are contained within our files and available on request.

(4) "Organized and operated as a nonpartisan and non-profit organization."

Qualification and Justification.—The National Ski Patrol System, Inc. has no role in partisan politics and is a not-for-profit corporation that is evidenced by the certificates issued by the State of New York, Department of State, and which certificate is a part of its permanent files and available on request.

(5) "Organized and operated for the primary purpose of conducting activities which are of national scope and responsive to a national need which need cannot be met except upon the issuance of a Federal charter."

Qualification and Justification.—As indicated in the preceding paragraphs, the activities of the National Ski Patrol System, Inc. are not only national in scope but are international in scope and it is virtually impossible, as will hereinafter be explained in greater detail, for the organization to carry on the activities of the organization in compliance with laws prevailing in most of the states in which this organization operates and with the laws of the various foreign countries in which the organization operates.

To further illustrate the uniqueness, our national and international scope of activities and our responsiveness to national and international needs, we think it important to point out the following. The United States Forest Service, with whom the National Ski Patrol System, Inc. is affiliated, has found it necessary to discontinue avalanche control programs which it formerly took responsibility for in many parts of the country. Although the Forest Service is continuing in the field of training and education for avalanche control, it is no longer active in the control aspect of avalanches.

Accordingly, the National Ski Patrol System, Inc. is the only organization presently engaged in avalanche control and is the only organization which, in the foreseeable future, will be involved in such work. It is obvious that without avalanche control work being done many of the ski areas in the western portion of the United States, most of which are on Forest Service property, would not be able to operate due to the lurking dangers of avalanches. Additionally, much of the cross-country ski touring activity would likewise be curtailed were it not for the National Ski Patrol System avalanche control work.

Furthermore, members of the National Ski Patrol System serve in many search and rescue operations working hand-in-hand with other rescue organizations including, but not limited to, local law enforcement agencies, the American Red Cross, and others. For these and many other reasons, it is felt that the scope of activities of this organization are truly national and international in scope and are responsive to the national and international needs of the citizenry of the United States and therefore, the activities of this organization are beneficial to the general welfare of the American public in the winter sports fields.

III. NEED

President Johnson's veto message did, of course, discourage the practice of passing out Federal charters on a wholesale basis without ample consideration of the underlying need or reasons for doing so. No one can conscientiously argue with this concept. This application must prevail or fail in the light of President Johnson's message under the proposition as stated in the final sentence of the third paragraph of that message wherein he says: "It seems obvious that Federal charters should be granted, if at all, only on a selective basis and that they should meet some national interest standard." Since President Johnson's veto message there have only been six Federal charters issued by Congress, the last of which was the 345th such charter and was issued August 11, 1971, and issued to the Paralyzed Veterans of America (see Congressional Research Service, Corporations Charter by Act of Congress, page 71). It has been stated that a Congressional charter ought not be issued simply for the purpose of building the prestige of the organization to which such a charter is issued. While it is true that the holding of such a charter would be prestigious, nevertheless this is not one of the reasons for seeking such a charter. If it were, the effort, time and expense of NSPS membership invested in this endeavor (all of which is on a voluntary basis as aforesaid) would not be justified.

The overriding and major consideration supporting this application for a Federal charter can best be stated as follows: Over the years since our original incorporation in New York State there have emerged, in most states, laws requiring registration of foreign corporations doing business within the various states. Inasmuch as the National Ski Patrol System, Inc. is a corporation chartered in the State of New York it is, of course, foreign as to all the other 49 states. It is not claimed that the National Ski Patrol System, Inc. operates in all of the other 49 states, but it is true that the National Ski Patrol System operates in a majority of the other 49 states.

Additionally, the National Ski Patrol System, as hereinbefore indicated, likewise operates in several European countries. Most of the states in addition to the registration of the foreign corporation laws, have additional laws requiring annual reporting of activities not only to the corporate divisions of those states but to other regulatory offices within those states such as, in some instances, to the Attorney General's office. Now, it is not asserted that these laws are unreasonable or without justification.

However, in the case of the National Ski Patrol System and in further response to the fifth standard of the Congressional Standards for Granting of Federal Charters (stating that there must be a need which cannot be met except upon the issuance of a Federal charter) and while keeping paramount in mind that this is a totally volunteer organization with the exception of a small handful of administrative employees in our National Office, it is utterly impossible to comply with all these various registration and annual accounting procedures as required by the various states and foreign countries. Such a burden might not be intolerable if a foreign corporation such as this were doing business in only one or two states or if it were a large corporation doing business for a profit, as for example, one of the giant automobile manufacturers which can afford to hire a full-time staff of lawyers and accountants to annually follow up on such matters. But for an organization such as this, it is next to impossible. To attempt to sustain such a burden is indeed foolhardy.

It is at the present time, of course, operating in the various states and foreign countries and being unable to comply with the various reporting requirements imposed on us by law in these jurisdictions. It is, with three or four exceptions, carrying on such activities without compliance with these requirements. It is believed that those jurisdictions which are aware of the activities and have not as yet "come down on the NSPS" are allowing an opportunity to get its house in order.

Some state officials queried on this point have stated that if a Federal charter is issued the NSPS would then be in a position to operate within those states in the same manner in which the American Red Cross operates, i.e., as a Federally chartered organization, and thus exempt from that State's registration and annual reporting procedures. It is doubtful that these states will tolerate continued activities in the absence of such registration and annual reporting if a Federal charter is not granted. If the situation does arise whereby these states will no longer tolerate continued existence in the absence of such registration and reporting on an annual basis the NSPS will then have no alternative but to cease to exist.

Budgetary considerations make it impossible to hire the talent necessary to comply with all such requirements and there is a maximum limit on the amount of time and effort an organization may expect of its volunteer membership. It must be kept in mind that there is, of course, as with any volunteer organization, a limited number of individuals within the organization having the resources to deal with such registration and reporting procedures. Therefore, it would seem self-evident that the national need this organization is satisfying can only continue to be served if given the necessary cloak of a Federal charter.

IV. SUMMARY

Other aspects of NSPS operation which may be of interest to those considering this application for a Federal charter are as follows: It is affiliated with and/or deals with many governmental bureaus and departments as well as other large private non-profit corporations, oriented in the field of service and education: for example, the United States military; FCC; U.S. Forest Service; American Red Cross; Search and Rescue Groups; state and local law enforcement agencies; and others. The NSPS has complicated and sophisticated far-reaching communications programs; avalance programs; its patrol activities, now with the advent of the nordic patrols (aiding cross-country skiers), takes it even deeper into lands controlled by the United States Parks Service and the United States Forest Service, and as a consequence, it will have ever increasing contact with these governmental bureaus, commissions, and departments. Additionally, it should be noted that this organization does not now receive, nor has it ever received any subsidy or fee of any kind from tax dollars at a Federal, state, or local level. Nevertheless, as previously indicated, this organization does carry the burden which previously had been carried by the United States Park Service in the control of avalanches.

It has been stated that there is a reluctance on the part of some to speak in favor of a Congressional charter for a non-profit and private organization for the reason that there is not a requirement of accountability by the organization thereafter. While this assertion is certainly made in good faith, it does not apply here. The NSPS books and records are open at all times to any governmental agency or department seeking information which has a proper purpose to serve in seeking the information. This organization has its national records audited annually by an outside firm of Certified Public Accountants. Should the Congress of the United States, as a condition to granting a Federal charter, require annual submission of a copy of this audit together with other appropriate documents such as a copy of the annual budget or other related matters to any governmental agency or bureau, the NSPS would certainly be most willing to comply with such a condition. In addition, the NSPS files appropriate non-profit corporate income tax returns with the IRS annually, and the IRS has conducted a full audit in the past.

The service provided to the American public by the NSPS is of national scope and is responsive to a clear national need. This service, in order to be fully effective, requires the issuance of a national Federal charter. It is hoped that the Congress will aid the NSPS in its endeavor to continue its service to the American people.

Respectfully submitted,
WALTER GREGG,
National Legal Counsel,
National Ski Patrol System.

By Mr. ALLEN:

S. 1572. A bill to prohibit aliens from employment in the Federal competitive service; to the Committee on Governmental Affairs.

EMPLOYMENT FOR CITIZENS

Mr. ALLEN. Mr. President, on June 1, 1976, the Supreme Court issued its opinion in the case of Hampton against Mow Sun Wong, docket No. 73-1596. The Court held, as Senators know, that the U.S. Civil Service Commission regulation barring aliens from employment in the Federal competitive civil service was unconstitutional. As a result of the decision, aliens will be permitted to fill Federal civil service jobs which would otherwise be reserved for citizens of the United States.

Mr. President, I believe there are compelling reasons for Congress to act to remedy the anomalous situation created by the Court's decision in which citizens remain unemployed in the millions while aliens are permitted to hold jobs in our Government and receive pay from our Treasury.

Mr. President, I doubt that there is a single job in the Federal civil service which could not be held successfully by a qualified citizen of the United States, and I, therefore, can see no valid reason to fill a position in the Federal civil service with an alien and thereby to deprive a citizen of this country of employment.

Although the Court's decision was based on the constitutional ground that the Commission's regulation denied due process under the fifth amendment of the Constitution, the Court took care to point out that Congress or the President would be free to make a determination that employment of aliens by the Federal civil service was not desirable in sensitive positions and thereafter for practical reasons to bar such employment entirely. In such case, the Court indicated there would be no violation of the Constitution. Mr. Justice Stevens writing for the majority said in this connection:

> (T)he need for undivided loyalty in certain sensitive positions clearly justifies a citizenship requirement in at least some parts of the federal service, and . . . (a) broad exclusion serves the valid administrative purpose of avoiding the trouble and expense of classifying those positions which properly belong in executive or sensitive categories.
>
> We may assume with the petitioners that if the Congress or the President had expressly imposed the citizenship requirement, it would be justified by the national interest in providing an incentive for aliens to become naturalized, or possibly even as providing the President with an expendable token for treaty negotiating purposes; but we are not willing to presume that the Chairman of the Civil Service Commission, or any of the other original defendants, was deliberately fostering an interest so far removed from his normal responsibilities.

Mr. President, the Court's holding was thus based on only the relatively narrow ground that the Commission itself was incapable of making the constitutionally required determination which is necessary to support a Commission regulation barring alien employment. Congress and the President are left free to act.

Mr. President, since the Court has, in effect, thrust the decision on Congress and taken the decision out of the hands of the Civil Service Commission, Congress ought to accept responsibility and act promptly to bar alien employment in the civil service. The bill I am introducing would accomplish that objective.

Mr. President, civil service jobs at least under Hampton against Mow Sun Wong will be available only to aliens whose resident status in the United States is lawful. An even greater problem is posed by aliens living in the United States illegally. At a time in which every available job in the country should be filled where possible by an American citizen, we nevertheless see ever-increasing numbers of illegal aliens filling jobs which properly should belong to citizens of this country. Although frankly no one appears to know the exact number of aliens residing illegally in this country, estimates go well into the millions and New York City alone is believed to have 1 million persons who have entered the United States contrary to our laws.

I certainly hope that my colleagues on the Committee on the Judiciary, and in particular the chairman of the Subcommittee on Immigration, will carefully examine the measure I have introduced and will hold hearings on it at an early date. I can see no good reason for withholding action on this measure inasmuch as it is obviously in the best interest of our country.

By Mr. ALLEN:

S. 1573. A bill to amend the Immigration and Nationality Act of 1952; to the Committee on the Judiciary.

CLOSING IMMIGRATION LOOPHOLES

Mr. ALLEN. Mr. President, there is an obvious and much-used loophole in the Immigration and Nationality Act which should be immediately shut.

Vast numbers of students enter this country from foreign countries each year ostensibly to secure the advantages of American education. While a majority come solely for that purpose, many abuse their status as a student and enter the country primarily for the purpose of obtaining work. Many enter the country legally as students, obtain employment illegally, and thereafter with the assistance of their employer have their status adjusted so that they are deemed lawfully admitted for permanent residence, thereby effectively circumventing the quotas established by the act.

This loophole is being used to great advantage by a very large number of students from the Indian subcontinent. Many of these students no doubt ultimately make exemplary citizens; however, I believe it is a poor start to citizenship to violate the immigration laws by working illegally and by circumventing the quotas under which immigration from particular countries is controlled.

Mr. President, the bill I have introduced would close the student loophole by prohibiting any adjustment of the status of those who enter the United States as nonimmigrants solely for the purpose of attending American schools. This would accord with a similar prohibition on adjustment in status which applies to alien crewmen who, like students, are theoretically only present in this country for a relatively short period of time.

Mr. President, in a time of extremely high unemployment, I believe it is the duty of this Congress to close immediately the loopholes I have described, which unnecessarily permit aliens to obtain illegally jobs which would otherwise go to our own hard-pressed citizens.

By Mr. ALLEN:

S. 1574. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

EXPEDITING DEPORTATION

Mr. ALLEN. Mr. President, I suppose out of a natural American sense of fairness, Congress has seen fit to provide a very orderly procedure which guarantees great care on the part of immigration authorities in the expulsion of an illegal alien. Unfortunately, our laws in this area have been exploited to an extent that an illegal alien may succeed in remaining in the United States for several years during deportation proceedings.

The principal deficiency in the law as it is presently written is contained in section 244 of the Immigration and Nationality Act—8 United States Code, section 1254. Subparagraph E of that section contains a provision for the granting of voluntary departure to an alien who is the subject of a deportation proceeding. Regulations implementing this section are set forth at 8 Code of Federal Regulations section 244. The regulations state simply that a special inquiry officer considering a deportation case may authorize voluntary departure if an alien establishes that he is willing and has the immediate means to depart. The regulations also authorize a district director to grant voluntary departure.

Senators may ask what is the actual effect of the law and regulations I have described. In practice an alien subject to deportation will request a series of voluntary departures and thereby forestall actual deportation.

Let me for a moment give Senators a typical example of a case that will show why a change in this law is very necessary.

An alien is located working illegally; he is granted voluntary departure by the district director, usually 30 days. When the 30 days are up, the alien or his employer comes in with a request for an additional 30 days, on grounds that they are attempting to obtain a labor certification. Thirty days later certification has been denied, and the alien still has not departed. An order to show cause is issued calling on the alien to show cause why he should not be deported in a deportation hearing scheduled about 30 days later. The alien appears and either requests a postponement to obtain counsel or appears with counsel, who requests a postponement because he has allegedly just been retained.

In either case another 30-day delay is granted. Thirty days later a hearing is held; voluntary departure is requested and granted, usually for 60 days, never less than 30. The alien thus gets to remain in the United States and continue his employment for 6 months and sometimes for a much longer period notwithstanding the fact that he is displacing a U.S. citizen. This loophole should be eliminated.

ADDITIONAL COSPONSORS

S. 514

At the request of Mr. RIBICOFF, the Senator from Kansas (Mr. DOLE) and the Senator from Montana (Mr. METCALF) were added as cosponsors of S. 514, to amend title XVIII of the Social Security Act.

S. 602

At the request of Mr. PELL, the Senator from Minnesota (Mr. HUMPHREY), the Senator from Nevada (Mr. CANNON), and the Senator from New Hampshire (Mr. DURKIN) were added as cosponsors of S. 602, the Library Services and Construction Act Amendments of 1977.

S. 1219

At the request of Mr. HUMPHREY, the Senator from Ohio (Mr. METZENBAUM) was added as a cosponsor of S. 1219, the Domestic and International Food Security Act of 1977.

S. 1310

At the request of Mr. DOLE, the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1310, providing the installation of a teletypewriter in the Capitol.

S. 1442

At the request of Mr. HATHAWAY, the Senator from Wisconsin (Mr. NELSON), the Senator from Colorado (Mr. HASKELL), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Iowa (Mr. CULVER), and the Senator from Alaska (Mr. Stevens) were added as cosponsors of S. 1442, to amend the Small Business Act.

S. 1554

At the request of Mr. Kennedy, the Senator from Vermont (Mr. Leahy) was added as a cosponsor of S. 1554, the Rail Rehabilitation Act.

S. 1566

At the request of Mr. Kennedy, the Senator from Kentucky (Mr. Huddleston) and the Senator from Utah (Mr. Garn) were added as cosponsors of S. 1566, the Foreign Intelligence Surveillance Act.

AMENDMENT NO. 291

At the request of Mr. Culver, the Senator from Illinois (Mr. Stevenson), the Senator from Colorado (Mr. Hart), and the Senator from Nebraska (Mr. Zorinsky) were added as cosponsors of amendment No. 291, intended to be proposed to S. 7, the surface mining control bill.

AMENDMENT NO. 294

At the request of Mr. BAKER, the Senator from Kentucky (Mr. Huddleston) was added as a cosponsor of amendment No. 294, intended to be proposed to S. 7, supra.

SENATE RESOLUTION 175—SUBMISSION OF A RESOLUTION RELATING TO RECENT DEATHS IN UGANDA

(Referred to the Committee on Foreign Relations.)

Mr. CASE (for himself, Mr. Humphrey, Mr. Clark, Mr. Javits, Mr. Stone, Mr. Bayh, Mr. Pell, and Mr. Pearson) submitted the following resolution:

S. Res. 175

Whereas there has been a history of murders in Uganda by officials of the government of President Idi Amin;

Whereas the Uganda Government has condoned a series of violations of human rights of its citizens and residents;

Whereas the Anglican Archbishop, Janani Luwum, and two government officials were reported killed under suspicious circumstances February 16 after having been arrested by Uganda authorities; and

Whereas such incidents have been of such frequency as to affront the sensibilities of the world; Now, therefore, be it

Resolved, That

(1) It is the sense of the Senate that the actions of the current regime in Uganda deserve condemnation by the world community, by the Organization of African Unity, and that the Senate urges those nations supplying lethal arms to Uganda to halt all such deliveries of weapons; and

(2) That the United States Ambassador to the United Nations should request that the situation be investigated by an appropriate agency of the United Nations.

SENATE RESOLUTION 176—SUBMISSION OF A RESOLUTION DISAPPROVING PROPOSED DEFERRAL OF CERTAIN BUDGET AUTHORITY

(Referred jointly to the Committee on the Budget and the Committee on Appropriations, pursuant to the order of January 30, 1975).

Mr. SASSER (for himself and Mr. Baker) submitted the following resolution:

S. Res. 176

Resolved, That the Senate disapproves the proposed deferral of budget authority (deferral numbered D 77-58) for operating expenses for the Clinch River Breeder Reactor Plant Project of the Energy Research and Development Administration set forth in the special message transmitted by the President to the Congress on May 18, 1977, under section 1013 of the Impoundment Control Act of 1974.

Mr. SASSER. Mr. President, I want to call to the attention of the Senate a deferral message submitted by the President to the Congress yesterday.

In that message, the administration seeks to defer $31.8 million of remaining funds which were appropriated for the breeder reactor development program of the Energy Research and Development Administration.

It is well known that the Carter administration continues to oppose the continued development of the liquid metal fast breeder reactor. The President created a special panel to review the program and report to him. That panel recommended that the LMFBR program be continued and the Clinch River demonstration plant be built. But the President and his energy advisers have sought to shelve the orderly development of this program.

I have opposed the discontinuation of this research and development. I feel that failure to develop the breeder is to condemn this technology without a fair trial. I feel that the demonstration plant which is to be built in Oak Ridge, Tenn., especially should be built. For only through a demonstration plant can we adequately determine if the breeder can be a viable and environmentally acceptable energy option.

The President apparently feels that remaining fiscal year 1977 funds should be withheld and impounded although the Congress has not yet acted on his substantive proposals to discontinue this research and development program in fiscal year 1978.

Today, we do not know if the Congress will agree with the President and stop the project. The votes are not in. The Congress has not acted. It appears that the House authorizing committee is going to restore breeder funds to the fiscal year 1978 authorization bill. The Senate committee will not mark up for a few weeks. The Appropriations Committees have not yet reported a bill.

In other words, the Congress just has not decided the breeder issue. And I am hopeful that the legislative branch of this Government will vote to continue the research and development for this vital energy program.

In view of the fact that the Congress has not had ample opportunity to determine the fate of the program, I feel that it is premature to stop any funding for this program. Therefore, I am today submitting a resolution which would disapprove the President's proposed deferral of budget authority for the fiscal year 1977 breeder program.

I urge my colleagues to support this resolution. The resolution simply says that the Clinch River breeder reactor program should be continued in the current year until the Congress has the opportunity to vote on the President's proposal to cancel the project in fiscal year 1978. If the Congress decides that the program should be discontinued then the President should at that time send forward a deferral or a rescission. But until the Congress acts on this important issue we should not permit this program to be canceled by deferral message—the appropriated funds should be spent as the Congress intended.

Mr. BAKER. Mr. President, the administration's efforts to defer funds for the Clinch River breeder reactor is an extremely shortsighted action which could eventually result in heavy dependence of the United States on foreign supplies of uranium.

I am, therefore, joining my distinguished colleague, Senator Sasser, in sponsoring a resolution disapproving of deferral D77-58.

The liquid metal fast breeder reactor represents the only proven technology which is capable of providing virtually limitless amounts of electrical energy. Continuation of the Clinch River demonstration project would not commit us to a breeder industry, it would only assure that the technology will be there if we need it.

France, West Germany, Italy, Japan, and the Soviet Union all recognize the potential of the breeder reactor and are constructing their own demonstration and prototype plants. America is relinquishing her role as the world leader in nuclear technology through the failure to develop the breeder. This is putting the health of our entire nuclear industry in jeopardy. Jobs are at stake.

The justification for not developing the breeder option is based upon highly speculative estimates of America's uranium reserves which are much higher than the estimates that were carefully arrived at by ERDA and the National Academy of Sciences.

The motivation for this mistaken energy policy is the questionable argument that the rest of the world will forgo the breeder option if the United States does. To the contrary, many experts believe that the increased demands on the world's uranium reserves that will result from the U.S. failure to use the breeder will force other countries to depend on the breeder.

The relationship between the breeder reactor, plutonium reprocessing, and nuclear weapons proliferation has been exaggerated. Not one of the six nuclear weapons states has obtained its weapons material from reprocessing of commercial reactor fuel. Instead, they have chosen the easier routes of uranium enrichment or use of a reactor that is designed specifically to produce weapons material.

Mr. President, I urge the distinguished chairmen of the Senate Budget and Appropriations Committees to expedite consideration of our resolution. I further urge my colleagues to join with me and restore full funding to the Clinch River breeder reactor.

AMENDMENTS SUBMITTED FOR PRINTING

EXTENSION OF THE EDUCATION OF THE HANDICAPPED ACT—S. 725

AMENDMENT NO. 293

(Ordered to be printed and to lie on the table.)

Mr. JAVITS (for himself, Mr. KENNEDY, Mr. HUMPHREY, Mr. BROOKE, Mr. CHAFEE, Mr. HAYAKAWA, and Mr. HATCH) submitted an amendment intended to be proposed by them jointly to the bill (S. 725) to extend certain programs under the Education of the Handicapped Act.

SURFACE MINING CONTROL AND RECLAMATION ACT—S. 7

AMENDMENTS NOS. 294, 295, AND 296

(Ordered to be printed and to lie on the table.)

Mr. BAKER submitted three amendments intended to be proposed by him to the bill (S. 7) to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes.

AMENDMENTS NOS. 298 AND 299

(Ordered to be printed and to lie on the table.)

Mr. DANFORTH submitted two amendments intended to be proposed by him to the bill (S. 7), supra.

AMENDMENTS NOS. 305 THROUGH 308

(Ordered to be printed and to lie on the table.)

Mr. SCHWEIKER submitted four amendments intended to be proposed by him to the bill (S. 7), supra.

AMENDMENT NO. 309

(Ordered to be printed and to lie on the table.)

Mr. BARTLETT submitted an amendment intended to be proposed by him to the bill (S. 7), supra.

AMENDMENT NO. 310

(Ordered to be printed and to lie on the table.)

Mr. ABOUREZK submitted an amendment intended to be proposed by him to the bill (S. 7), supra.

OMNIBUS MULTILATERAL DEVELOPMENT INSTITUTIONS ACT—H.R. 5262

AMENDMENT NO. 300

(Ordered to be printed and to lie on the table.)

Mr. DOLE. Mr. President, I am today submitting an amendment to H.R. 5262, the Omnibus Multilateral Development Institutions Act of 1977, so that it may be printed in advance of consideration of that bill. I intend to call up my amendment at the time that H.R. 5262 reaches the Senate floor for discussion.

The purpose of my amendment is twofold. First, it would instruct U.S. representatives to the World Bank, Asian Development Bank, and other international financial institutions to vote against any requests for economic assistance by the Governments of Vietnam, Cambodia, or Laos. I would point out that all three of these governments are currently members of the World Bank and Asian Development Bank, and that Vietnam has active financial aid requests pending before those institutions.

Second, my amendment provides for a reduction in the U.S. contribution to any of those international institutions which agrees to provide financial assistance to Vietnam, Cambodia, or Laos. Our contribution would be reduced by an amount equal to the amount of aid given those countries.

I believe this amendment reflects prudent restraints on the use of American taxpayers' dollars for financing international lending institutions, and it is in accord with our foreign policy aim of encouraging the international observance of basic human rights.

Mr. President, I ask unanimous consent that the text of my amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 300

On page 18, between lines 5 and 6, insert the following new sections:

SEC. 703. Notwithstanding any other provision of this Act or of any other law, the President shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Asian Development Bank, the Asian Development Fund, and the Executive Director representing the United States at the African Development Fund to vote against any loan, credit, or other utilization of the funds of such Bank, Association, Corporation, or Fund for the benefit of the Socialist Republic of Vietnam, the People's Democratic Republic of Laos, or Democratic Kampuchea (Cambodia).

SEC. 704. (a) Notwithstanding any other provision of this Act, an agreement on behalf of the United States to pay funds under this Act to any international financial institution named herein shall be conditioned on such funds being reduced by an amount equal to the amount of any extension, on or after the date of enactment of this Act, by such institution of assistance for the benefit of the Socialist Republic of Vietnam, the People's Republic of Laos, or Democratic Kampuchea (Cambodia).

(b) Notwithstanding any other provision of this Act, any contribution by the United States to such institution pursuant to such agreement to pay shall be reduced by an amount equal to the amount of any extension, on or after the date of enactment of this Act, by such institution of assistance for the benefit of the Socialist Republic of Vietnam, the People's Republic of Laos, or Democratic Kampuchea (Cambodia).

CLEAN AIR ACT AMENDMENTS—S. 252

AMENDMENTS NOS. 301 THROUGH 304

(Ordered to be printed and to lie on the table.)

Mr. GARN submitted four amendments intended to be proposed by him to the bill (S. 252) to amend the Clean Air Act, as amended.

PORTS AND WATERWAYS SAFETY ACT AMENDMENTS—S. 682

AMENDMENTS NO. 297

(Ordered to be printed and to lie on the table.)

Mr. HOLLING submitted an amendment intended to be proposed by him to the bill (S. 682) to amend the Ports and Waterways Safety Act of 1972; to increase the use of vessels of the United States to carry imported oil; and for other purposes.

NOTICES OF HEARINGS

ENERGY CONSERVATION LEGISLATION

Mr. JOHNSTON. Mr. President, the Subcommittee on Energy Conservation and Regulation of the Senate Committee on Energy and Natural Resources will hold 2 days of hearings on energy conservation provisions of President Carter's energy plan on June 21 and 22, 1977. These hearings will consider testimony on the proposals embodied in parts A, B, C and G of S. 1469 as introduced by request by Senator JACKSON on May 5.

Each hearing will commence at 9 a.m. in room 3110 of the Dirksen Senate Office Building. Testimony will be received from Government and selected private witnesses. Questions concerning these hearings should be directed to James T. Bruce or Benjamin S. Cooper of the committee staff at 224–0611.

DEALER FRANCHISE LEGISLATION

Mr. JOHNSTON. Mr. President, the hearing on the various legislative proposals—S. 743, S. 19 and H.R. 130—addressing the problems of independent businessmen engaged in the marketing of refined petroleum products scheduled for Wednesday, May 25, 1977, will commence at 10 a.m. instead of 9 a.m. as previously announced, in room 3110 Dirksen Senate Office Building. Questions concerning this hearing should be directed to James T. Bruce at 224–9894 or Benjamin S. Cooper at 224–0611.

AMENDED NOTICE OF HEARING

Mr. PROXMIRE. Mr. President, on May 12, I announced that the Committee on Banking, Housing, and Urban Development would hold a 1-day hearing, on June 7, 1977, on S. 1397, a bill to amend the Federal National Mortgage Association Charter Act to increase the size of the board of directors, and for other purposes.

I would like to amend the May 12 announcement to announce that the hearing will be expanded to 2 days—June 7 and 8, 1977.

The hearing will be held in room 5302, Dirksen Senate Office Building, and will begin at 10 o'clock each morning.

Persons wishing to present testimony on S. 1397 should contact Mrs. Jo Ann Barefoot, room 5228, Dirksen Senate Office Building—telephone 224–9210.

ADDITIONAL STATEMENTS

UNIVERSITY OF TENNESSEE BREAKTHROUGH IN MAGNETOHYDRODYNAMICS RESEARCH

Mr. SASSER. Mr. President, Dr. John Dicks and the team of scientists at the University of Tennessee continue to be at the forefront of research on magnetohydrodynamics.

Just last Friday, Dr. Dicks was able to achieve a significant breakthrough in this research. Tests have proven that the world's only coal-fired MHD plant at the University of Tennessee Space Institute in Tullahoma, Tenn., can burn high sulfur coal almost pollution-free.

I have been a long-time supporter of the MHD research at the University of Tennessee. I believe that MHD offers great potential for helping to solve the Nation's energy crisis.

However, Federal funding for this research in past years has been minimal. It is my hope that the Congress will increase funding for this program in the fiscal year 1978 budget for the Energy Research and Development Administration.

Because of the interest of my colleagues in this important matter, I am inserting in the RECORD a copy of a recent article which appeared in the Jackson Sun.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UT SCIENTISTS CLAIM CLEAN COAL DISCOVERY

TULLAHOMA, TENN.—Scientists at the University of Tennessee's Space Institute say they've achieved a breakthrough in energy technology, burning high sulfur coal to produce pollution-free electricity.

Dr. John Dicks said tests run Friday showed the world's only coal-fired magnetohydrodynamics (MHD) plant can operate on plentiful high-sulfur coal, catching 95 per cent or more of the sulfur without using a costly scrubber.

Dicks said an MHD plant could produce 50 per cent more power from a ton of coal than a conventional plant. And he said the process could be commercially available by 1985 or 1990.

"This could run everything else out of the midterm power production picture," said the director of UTSI's energy conversion division.

UTSI researchers will report their findings at a scientific convention next week at the University of Pittsburgh.

Magnetohydrodynamics is a process discovered by Michael Faraday in 1831. It has not been considered feasible until recently because of formidible engineering obstacles—like containing combustion temperatures up to 5,000 degrees.

"This is much simpler and more efficient than the conventional plant that burns coal, produces heat, boils water, creates steam and uses it to drive a turbine," said Dicks.

Instead, crushed coal treated with potassium flows into a combustion chamber and burns at high temperatures. The expanding gas, ionized by the potassium, is forced at the speed of a bullet down a pipe and through a magnetic field.

That creates electricity, and conducting tubes pluck it from the flowing gas. Then the steam flows into a conventional turbine.

"This plant operates at about 55 per cent efficiency with a theoretical upper limit of about 75 per cent, although that could take years to achieve," Dicks said. "By comparison, a normal coal-fired power plant with scrubbers operates at about 35 per cent efficiency."

Pollution is handled as the potassium combines with sulfur and coats the fly ash. The whole mess can easily be caught in another device using centrifugal force, and the potassium can be recycled.

"Nature has been very kind to us," said Dicks. "It was strictly an accident that the potassium we dumped in to make coal gas an electric conductor also served to knock out practically all the sulfur."

Meanwhile, the Energy Research and Development Administration announced this month that the Soviets have operated an MHD plant fueled by natural gas for 250 consecutive hours.

That plant—based on the UTSI model in a joint program between the two countries—produced 10 million watts of electricity. A huge commercial model is expected to fuel Moscow by 1985.

"Our calculations show that by 1985, we will begin running out of everything: oil, natural gas, and uranium," said Dicks. "About all we'll have left is coal."

Coal industry figures show the United States has nearly 13.2 billion tons of high-sulfur coal reserves, almost all of it in the Eastern half of the country where 83 per cent of the population lives.

WHAT THE GENOCIDE CONVENTION DOES NOT DO

Mr. PROXMIRE. Mr. President, I want today to again emphasize what the Genocide Convention does not purport to do. This subject was discussed in a Foreign Relations Committee report submitted by Senator HUMPHREY in April of last year. That report reiterated, "at the risk of being repetitious," that the convention:

Does not alter the rules of warfare, or the obligations of parties to the Geneva conventions on the treatment of prisoners of war and protection of civilian persons in time of war.

It does not apply to civil wars as such.

It does not apply to persecutions such as the Soviet treatment of Jews.

It does not apply to discrimination, racial slurs, insults, and the like.

It does not apply to voluntary population control measures.

It does not apply to the past.

The Genocide Convention is not a sweeping statement designed to cover broad categories of violations of human rights. It has even been criticized for not covering more areas. But the narrow focus of the convention is intentional. The document, together with the understandings offered by the Committee on Foreign Relations, avoids ambiguities. The convention cannot be misconstrued to include harassment of minority groups. Mistreatment directed at a few individuals within an ethnic or religious group cannot be considered as genocide. Through its specificity, the convention changes "genocide" from a rhetorical device, loosely bandied about, to a functional label.

The convention limits its scope to genocide and defines what groups must be affected and what types of action taken to constitute genocide. The definition is restrained in scope, and therefore, omits crimes which should be condemned. But the definition is precise in order to attack one salient and intolerable crime against humanity.

The Genocide Convention is a first step toward defending human rights. It is time for us to take that step.

S. 790—WHO REALLY IS SUBSIDIZED?

Mr. STAFFORD. Mr. President, during the hearings and discussions of S. 790, we have heard a great deal of talk about the level of subsidies for the inland waterways and other modes of transportation.

The Congressional Budget Office has prepared an evaluation of the user-charge issue, which should be read in conjunction with its earlier study on locks and dam 26. The user-charge study concludes that barge subsidies are about 20 times greater than those provided to other modes, when calculated as a percentage of industry revenues. I ask unanimous consent that a table from the information provided by CBO study be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

	Fiscal year 1974 [1]	Fiscal year 1975 [2]	Fiscal year 1976 [3]
Air carriers	1	1	1
Highway transportation	--	--	1
Railroad freight	1	2	3
Inland barges	47	44	41

[1] Fiscal year 1974 subsidy as a percentage of expenditures by users in 1974.

[2] Fiscal year 1975 subsidy as a percentage of expenditures by users in 1975.

[3] Fiscal year 1976 subsidy as a percentage of expenditures by users in 1976.

SMALL BUSINESSMEN ARE CORNERSTONE OF SYSTEM

Mr. METZENBAUM. Mr. President, small businessmen are the cornerstone of our free enterprise system. This week, one of my constituents, Joseph G. Bellian of Geauga County, is being honored as the Ohio Small Businessman of the Year by the U.S. Small Business Administration.

Eight years ago, Mr. Bellian formed a small firm to manufacture nuclear radiation detectors. Starting with only $50,000 in capital, the firm has grown to the point where its annual sales now total $4 million.

Mr. Bellian's story proves once again that this is still the land of opportunity and demonstrates that perseverance and hard work are still the major factors in success.

An article in the Cleveland Plain Dealer on May 16, 1977, gives further documentation of Mr. Bellian's achievements and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AREA FIRM PRESIDENT IS SMALL BUSINESSMAN OF YEAR

(By Michael Kelly)

Joseph G. Bellian, 39, president of Bicron Corp., Geauga County, has been named Ohio Small Businessman of the Year by the U.S. Small Business Administration.

He will receive the award from SBA officials here Thursday afternoon.

The company, which makes nuclear radiation detectors, was formed in 1969 with $50,000 in capital. Its sales currently are about $4 million annualy, Bellian said.

Bicron employs 55 persons at its plant in Newbury Township. A 15,000-square-foot addition, which will double manufacturing space, is being built.

"We wouldn't have been able to grow the way we have without the SBA," Bellian said. "They have given us a lot of help and loan guarantees."

Bicron received $870,000 in SBA loan guarantees and has repaid all of them, he said.

Most of Bicron's radiation detectors are used in medical diagnosis work. Most doctors are sold to medical equipment firms including Ohio Nuclear division of Technicare Corp., Picker X-Ray Corp. and G. D. Searle & Co.

"Medical technology now uses a variety of products to help with the diagnosis," Bellian said. "Nearly all types of this equipment use some form of gamma ray detectors. It's a fast growing field, and we still see a lot of growth opportunities there."

Bicron also makes devices for checking oil wells and nuclear reactors.

"Our basic product is still the detector which uses crystals of sodium iodide," Bellian said. "But we are looking around for other markets and other applications. And we hope to have at least four new products on the market within a year."

Bicron grows its own crystal ingots from melted salts in large electric furnaces and refines chemicals needed in the process.

Bellian said the detectors range in price from $100 to more than $30,000 with the average detector costing $1,000.

Bicron's major competitor is Harshaw Chemical Co., also in Cleveland.

Several of Bicron's founders worked for Harshaw before establishing their own company.

"We're the only two American firms making this type of product," said Bellian, who joined Bicron five years ago. "And we're both in Cleveland. That's good for the area."

Bellian became president last year after being in charge of marketing. He is a graduate of John Carroll University with a degree in physics and has done graduate work at John Carroll and Case Western Reserve University.

Before joining Bicron, Bellian was manager of national and international nuclear product sales for Victoreen Instrument Co.

He and his wife, Joan, live in Chester Township. They have six children.

OSHA

Mr. ANDERSON. Mr. President for those of us strongly committed to protecting the American worker from hazardous and unhealthy working conditions, the performance of the Occupational Safety and Health Administration—OSHA—has sometimes been an embarrassment since its inception. Complicated, often meaningless regulations, combined with inadequate resources and hostility from the previous administrations, have made some of us wonder whether the goals that moved Congress to enact OSHA would ever be reached.

During my years as Governor of Minnesota, I supported the continuation of a State OSHA program because I believe that we could do a better job for workers and for the businessmen who had to comply with occupational health and safety regulations.

The coming of the Carter administration, however, did lead me to think that perhaps the Federal OSHA program might be turned around quickly and made to work more effectively.

A report from the Thursday, May 19, Wall Street Journal indicates that perhaps our hopes were not unrealistic. Secretary of Labor Marshall and Assistant Secretary Eula Bingham have forced changes in the OSHA program, all of which are documented in the Journal article. The Department of Labor under new management has made an excellent beginning. I support these efforts and hope they will continue.

I recommend the article to my colleagues and request unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SAFETY AGENCY WILL TIGHTEN REGULATIONS ON HEALTH HAZARDS, DROP TRIVIAL RULES

(By Walter S. Mossberg)

WASHINGTON.—Ever since its establishment in 1970, the Occupational Safety and Health Administration has been criticized for doing too many of the wrong things and not enough of the right things.

The agency (widely known by its acronym, OSHA), is supposed to protect the health and safety of workers. But hardly anyone believes it does that well.

Businessmen see OSHA as a conglomeration to impractical Washington bureaucrats harassing business with inane but costly rules about such things as the need for coat hooks on the doors of toilet stalls. Labor unions say the agency is too timid to challenge business for failing to curb serious health hazards, such as cancer-causing chemicals.

Now the Carter administration has concluded that OSHA must drastically change course. If it doesn't, officials believe Congress will put the agency out of existence. "It's crucial to our survival that we change," says Eula Bingham, assistant secretary of Labor in charge of OSHA.

At a news conference today, the Labor Department will announce that it has decided to "redirect" the agency. OSHA soon will begin dropping dozens of regulations that employers regard as nit-picking, such as 35 pages of rules on the design of "exit" signs. It also will reduce inspection of generally nonhazardous businesses.

But the agency will get tougher in other ways. It plans to issue more rules regarding severe health hazards and to make more use of an emergency power (hardly ever used in the past) to restrict use of dangerous substances. OSHA also will focus much of its attention on four major industries—construction, heavy manufacturing, transportation and petrochemicals—that are considered especially hazardous. And it will keep the pressure on some other industries, large and small, that it considers potentially dangerous; these include auto repair, building materials and dry cleaning.

"GET ON WITH THE REAL JOB"

"We have to admit where the failures and mistakes are and get on with the real job of saving lives," Assistant Secretary Bingham says. The agency "has been enforcing rules that have caused us to come under ridicule and attack and have undermined the whole climate for OSHA's work."

Eliminating trivial rules and increasing the emphasis on severe health problems have been proposed before by OSHA officials in previous administrations. A few useless safety rules have been dropped occasionally, and President Ford's last OSHA chief had begun trying to focus more of the agency's work on health problems.

But current OSHA officials say the previous efforts lacked strong support from the White House. This time, Assistant Secretary Bingham says, "the President is as committed as I am."

Labor unions also are lining up behind the plan, even though it may mean the elimination of some safety rules that they favor. "They don't want to see the agency go down the drain," the new OSHA boss says. "Besides, our trouble isn't just with employers. If a worker thinks our standards are ridiculous, he or she isn't going to support us, either."

Some of organized labor's safety activists appear delighted by the proposed policy changes. Saye Frank Wallick, a United Auto Workers official and author of a book on job safety: "The stuff they're cutting out is trivial. They've had the idea in the past that, if everybody wears safety shoes, they'll be safe—even though they're breathing in chemicals that cause cancer."

OTHER PEOPLE'S RULES

Last week, the General Accounting Office chided OSHA for having issued fewer than 20 health standards since its inception. The GAO recommended, among other things, that OSHA—which has had four bosses and four reorganizations in its brief past—improve its management practices.

Criticism of the slow pace of standards-writing highlights an ironic situation that underlies the agency's problems: Most of the thousands of regulations that OSHA enforces were drawn up by private safety groups, predecessor agencies or industry itself. Congress ordered OSHA to adopt most of them as federal regulations, and it did so in 1971.

This body of rules never drafted by OSHA has provided critics with a litany of horror stories about silly, unreasonable regulations. For instance, in plants where aisles for walking have been marked on the floor with white paint, the rules require that they be repainted yellow. The rules also specify that fire extinguishers weighing less than 40 pounds be mounted five feet up on walls.

When such rules were voluntary, "companies knew they could ignore the ones that didn't make sense," says Assistant Secretary Bingham. But now that they have the force of federal regulations, they're tough to obey and tough to enforce as well. "OSHA compliance officers who are really concerned with health and safety," she says, "don't want to spend their time on these small items either."

Some of the rules seem contradictory. For instance, companies have complained that OSHA requires them to install "rest" platforms every 30 feet on tall, permanent caged-in ladders attached to high towers. But the same rules allow them to use 75-foot portable aluminum ladders, without guard cages or rest stops, leaning up against the same towers.

PLANS FOR REVISING RULES

The agency's reputation for nit-picking has also spawned inaccurate but damaging stories. Last month, for example, Business Week magazine reported that, at Dow Chemical Co., "it cost $60,000 per plant to lower all railings from 42 inches to the OSHA-required 30 inches to 34 inches, although Dow studies found the higher level was safer." In fact, Dow Chemical didn't lower any railings, and didn't spend any money on railings, and wasn't ordered by OSHA to change any railings.

To solve the problem, the agency plans to revise hundreds of standards—a process that is already under way. But that job is time-consuming, because formal legal procedures must be followed. One major revision—covering platforms, ladders and other working surfaces—was proposed in 1973 but still hasn't been made final. Assistant Secretary Bingham says major revisions will be made within six months.

In the meantime, however, she has ordered OSHA employes to begin producing administrative revisions of the standards—a process that doesn't require legal proceedings. The effect of these administrative changes is to retain the rules but to order OSHA inspectors to stop enforcing them or to allow employers greater leeway in complying with them.

"We'd like to get rid of rules like the ones requiring split toilet seats," she says, "and we'd like to say that, as long as a fire extinguisher can be reached, we're not going to cite people because it's not the required height."

In the past, regulations that were widely criticized as ludicrous have sometimes been quietly abandoned by OSHA. In 1974, the agency told inspectors that platform guard rails didn't really have to be exactly 42 inches high, as the rule specified. And, in 1973, the agency exempted small firms from a widely criticized rule requiring separate restrooms for male and female employes, even in tiny shops.

However, the new OSHA chief says that such revisions "were put on the back burner before" and that she intends to speed up their issuance. "It upsets me greatly," she says, "that we're saddled with all these nitpicking rules, for which we often have no justification, but we still don't have a tunneling standard—even though 14 people have died putting in the Washington subway."

While expanding its work in certain large and hazardous industries, OSHA plans to reduce the number of routine, scheduled inspections at generally safe work places. "There's going to be a very, very significant decrease in inspections of nonhazardous sectors, such as service industries, insurance agencies and the like," says Frank Greer, a Bingham aide.

In the past, OSHA has sometimes set out to increase inspections in certain hazardous industries, but these efforts have foundered because OSHA's limited manpower has been stretched thin by incoming complaints. The law requires that complaints be investigated, and the agency has been especially fearful of ignoring them ever since it missed discovering the dangerous effects of the chemical kepone, in Virginia, because it failed to follow up a worker's complaint.

But the new OSHA leadership plans to impose, for the first time, a priority ranking for complaints. All complaints will be checked, but those involving the least hazardous situations will be acted on last. In that way, OSHA hopes to reduce the time it spends inspecting such sites as the gasoline station owned by President Carter's brother Billy that the agency checked last month after receiving a complaint.

OSHA also wants to spend more money underwriting state programs of penalty-free consultation with small-business men to help them comply with complicated federal safety rules. OSHA hopes that the change will prompt states to increase this service and will set more small businesses to use it. To do that, it wants the annual consultation budget raised to $10.4 million from $6 million.

In addition, the agency plans to seek extra funds to expand a program to educate workers and employers about occupational safety. A new, simply written guide for small-business men has already been produced in limited numbers, and OSHA officials say one formerly critical Republican Senator was so impressed with an advance copy that he asked for several thousand to mail to constituents.

ALLOCATION OF PROGRAMS

Mr. TALMADGE. Mr. President, in compliance with section 302(b) of the Congressional Budget and Impoundment Control Act of 1974 the Senate Committee on Agriculture, Nutrition, and Forestry is herewith submitting to the Senate its allocation of programs under its jurisdiction as included in the First Concurrent Resolution on the Budget (S. Con. Res. 19). This information is contained in the attached tables I and II, and I ask unanimous consent that these tables be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE I.—DIRECT SPENDING JURISDICTION

[In millions of dollars]

Function	Program	Subcommittee	Amount	
			Budget authority	Outlays
300	Forest service and soil conservation.	Environment Soil Conservation and Forestry.	85	80
350	Commodity programs	Agricultural Production, Marketing, and Stabilization of Prices.	59	2,830
	Research and services	Agricultural Research and General Legislation.	6	6
850	Forest service permanent appropriations.	Environment, Soil Conservation, and Forestry.	191	191
	Total		341	3,107

TABLE II.—ENTITLEMENTS REQUIRING APPROPRIATIONS ACTION

[In millions of dollars]

Function	Program	Subcommittee	Amount	
			Budget authority	Outlays
350	Dairy and beekeeping indemnity.	Agricultural Production, Marketing, and Stabilization of Prices.	4	4
600	Food stamps	Nutrition	5,354	5,358
	Women, infants and children (WIN).	do	250	346
	Child nutrition programs	do	1,466	2,810
	Total		7,075	8,517

SOLAR ENERGY FOR EVERYONE

Mr. HUMPHREY. Mr. President, my colleagues are well aware of my strong commitment to the development of solar energy, particularly now when problems with conventional energy sources are becoming more severe. Our domestic oil supplies in the United States will be depleted in about 30 years, and the world oil supply may run out shortly thereafter. Coal can replace some uses of oil but creates mining and environmental problems. A third energy source, nuclear power, is not favored by a sizable portion of the public. In this context, our concern is not whether solar energy should be developed but when and how fast should development take place.

In a series of articles during last April, the Christian Science Monitor reviewed various dimensions of solar energy progress, covering the financial aspects, types of solar energy equipment and legislation regarding solar technology.

ERDA estimates that sunshine could provide 1 percent of U.S. energy by 1985, 7 percent by 2000 and 25 percent by 2020. However, despite the recent expansion of solar energy programs, there continue to be problems in implementing proven solar technologies—problems that have not been adequately addressed by a sustained commitment to solar energy. Evidence of this is reflected in ERDA's budget, where the percentage of Federal money spent on solar energy will decrease from 10 percent to 8 percent of ERDA's total budget in fiscal year 1978, until Congress intervenes.

At present, the Sun can heat a home in many areas of the country for about 30 percent of the cost of electric heat. However, solar heat still costs as much as 3 times the price of fuel oil and 6 times as much as natural gas. Thus, making solar energy economically competitive with other energy sources is a major concern of the Federal programs. The Monitor reported that in a recent Gallup poll, 69 percent of the population feel the Government should increase its support of solar energy.

The Solar Heating and Cooling Demonstration Act reflects the Government strategy for solar programs. The act subsidizes solar installations in order to stimulate the demand for solar equipment, thereby encouraging mass production and the resulting lower prices for solar hardware. The solar installations will also demonstrate to the public that solar technologies are economically feasible, reliable, and available for widespread use. So far, 1,797 residential and 88 commercial subsidies have been granted.

In addition, ERDA and HUD are setting into motion a $10 million program to subsidize the installation of solar hot water heaters in homes, hotels, and motels. This program is also intended to stimulate the solar equipment market.

Other incentives considered by Congress to build up the solar energy market are low-interest rate loans, income tax credits, and direct subsidies for purchasers of solar equipment. One such initiative is a House bill with 83 cosponsors, which allows a home tax deduction of 40 percent for the first $1,500 spent on solar installations and 25 percent for amounts over that, up to $2,500. Similar proposals, including one in President Carter's national energy bill, would provide for larger or smaller tax credits.

Aside from the financial aspects of solar installation, the "would-be" consumer must be aware of the types of systems available. Although no official consumer report has been issued regarding the quality of the various solar systems, the Government has established a National Solar Heating and Cooling Information Center which makes available the Government's test results used in determining a solar unit's reliability.

Thus, as the short life of petroleum fuels begins to dwindle, it becomes apparent that a more intensive effort to implement solar technologies is necessary. In the final analysis, mass production and installation of solar equipment must become a high priority for a rational energy policy.

I ask unanimous consent, Mr. President, that the Christian Science Monitor series entitled "Solar Energy for Everyone"—April 20, 21, 22, 27, 1977—be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From The Christian Science Monitor, Apr. 20, 1977]

SOLAR ENERGY FOR EVERYONE

(By David F. Salisbury)

(NOTE.—Mankind will require as much energy in the next 25 years as has been consumed in all of recorded history. As conventional fuels dwindle, solar energy presents itself as a virtually unlimited power source.

In a series of four articles beginning today a Monitor correspondent examines the ways man could harness the sun.)

LOS ANGELES.—Solar energy's star is rising in these, the twilight hours of the petroleum age.

A few years ago, the energy establishment dismissed solar devices as backyard gadgets or laboratory curiosities. Now the Energy Research and Development Administration (ERDA) estimates that sunshine could provide 1 percent of United States energy by 1985, 7 percent by 2000, and 25 percent by 2020.

In the past, some advocates have touted solar power as an alternative to the atom. Now it is sought in its own right. "Even if nuclear power eventually becomes technically successful, economically attractive, and accepted by society . . . solar energy will be needed for supplying a significant fraction of the nation's total energy requirements in the future," says an ERDA-sponsored study, "Solar Energy in America's Future."

Solar power looks increasingly attractive as problems with conventional energy sources loom large. Most estimates grant the United States about 30 more years of oil. World supplies should last slightly longer, but will be subjected to increasingly fierce competition. The estimate of George C. Szego, founder of Intertechnology Corporation, is typical—over the next 25 years, mankind will consume as much energy as it has since the dawn of recorded history.

While the United States has abundant coal resources to offset the loss of oil, they are difficult to mine and are dirty as an energy supply. The other major option, nuclear energy, is in trouble with the public. And, as the ERDA study notes, even with heavy reliance on coal and the atom, solar energy still will be needed.

Thus it is that the major question regarding sun power no longer asks "Should it be developed?," but "How fast can it be developed?"

The main problems solar engineers face are economic. Solar energy is expensive in virtually every form in which it is likely to be used.

At the present time in many locations, the sun can heat a home at roughly 90 percent of what it costs to do the job with electricity. But solar heat costs some three times as much as oil and six times as much as gas. Solar-generated process steam, the most likely initial large-scale industrial use of solar energy, would cost about twice as much as steam raised by low-sulfur coal.

Costs of wind power, another form of solar energy, are hard to estimate now because they depend on average wind conditions at each site. In the 1980s, giant windmills set up at favorable sites may be able to produce electricity for somewhere between 2 and 6 cents a kilowatt-hour. That would be about twice today's cost of electricity at the generating plant.

Energy plantations that grow trees or other plants for fuel theoretically could produce electricity and fuel for heating at similar prices. But no one has yet established such a plantation and operated it long enough to verify this.

Then there are solar cells that turn sunshine directly into electricity. The price of that electricity, while slowly dropping, remains astronomical. Currently, it runs some ten times the cost of power from most local utilities.

SUBSIDIES POINTED OUT

Many analysts think the economics of solar energy are artificially and unfairly distorted. As ERDA pointed out in a recent study of solar energy incentives: "Other energy sources have received a wide range of subsidies throughout the production and distribution systems, and the prices charged for these sources of energy are by no means laissez-faire free market prices."

This train of thought is carried further in the study "Solar Energy In America's Future," which states: "If solar is to be competitive the federal government must move away from policies which hold down the price of existing resources."

The noncompetitive policies which this report lists include: depletion allowances for oil and coal; price ceilings on oil; price ceilings on natural gas; subsidies for nuclear power including federal insurance, low-cost uranium enrichment, and low-cost waste disposal; low cost federal power from TVA, Bonneville, REA and the like; tax exemptions for bonds that finance public utility systems.

Discriminatory economic policies such as those listed above are only part of the picture. Solar energy advocates point out that the other energy alternatives also have social and environmental costs that are not fairly represented in their price.

Coal is the prime example. For every $20 ton of coal that is mined, the government pays out $1.50 to miners judged to be incapacitated by black lung disease. For every million tons mined in 1976 there were 20 disabling accidents. In addition, there is the degradation of air, water, and land quality by strip mining and pollution for which it is hard to assign a monetary cost.

HARD LESSONS LEARNED

Finally, this winter demonstrated that more than cost is involved. The phones of solar energy manufacturers have been ringing with inquiries from the Eastern United States where energy shortages caused factory closings. "People are finally realizing that it is not just a question of cost, it is a question of supply," says Robert Mawhinney of Acurex, a company that has begun making solar collectors.

Elaborating on this theme, Martin Glesk of Arthur D. Little, Inc., who is heavily involved in solar energy studies, comments, "This winter came almost with God-sent timing." He feels it helped convince President Carter that immediate steps must be taken to speed up solar energy development.

The single greatest economic stimulus for solar energy, the ERDA incentives study concludes, would be the deregulation of the price of fossil fuels. But, it adds, such a strategy would have pronounced inflationary effects and would hit those in the lower income brackets the hardest.

A tax on fossil or polluting fuels would equally encourage solar energy, it adds. And in this case it would be possible to use the tax revenues gained to soften the effects of higher prices on those with low income.

Congress is considering a number of other financial incentives to build up the solar energy market. These include low interest loans, income tax credits, and direct subsidies for the purchasers of solar energy equipment. According to the ERDA study, the tax credit would have the greatest effect for its administrative cost.

DEVELOPMENT ENCOURAGED

The government's current strategy for encouraging solar energy is embodied in the Solar Heating and Cooling Demonstration Act. By subsidizing a large number of solar installations, the government hopes to give builders and manufacturers the information and experience they need to produce reliable solar systems and at the same time increase public awareness of the availability of solar hardware.

So far, 1,797 residential and 88 commercial awards have been made. Some solar energy workers criticize the program because of cases where expensive and experimental hardware has been installed. Others feel that the problems which the demonstration units have had—leaks, poor efficiency, noise—are not discussed frankly enough. But, by and large, the people involved feel the program has been successful.

"There wasn't nearly the red tape that I expected," says Sam Primack, a Denver builder who built a $100,000 demonstration home and, as a result, now is opening an entire subdivision of moderately-priced "Sunsation" homes.

"Let me put it this way," says Gordon Tully, a Massachusetts architect who was one of the first in his profession to take solar energy seriously. "As an architect, I have seen fads come and go. A year ago I wasn't sure solar energy was here to stay. Now I am."

According to Federal Energy Administration (FEA) statistics, the market for "flat-plate" solar collectors—the type that generally is used on houses—is doubling every 6 months. In 1976, more than 1.5 million square feet were sold across the nation.

Despite this furious growth, solar energy still represents only a few thousandths of a percent of the total energy consumed in the nation for residential and commercial space heating. If the burgeoning industry continues to grow at the present rate, by 1985 it could be providing 1 percent of the total space heating.

$10 MILLION PROGRAM

This month ERDA announced the first major solar incentive program. They are putting up $10 million to stimulate the market for solar hot water heaters. The government will pay a part of the cost of solar water heaters for up to 10,000 householders and a number of hotel and motel owners. But hot water heating represents a rather limited market.

So the FEA and a coalition of 83 congressmen are advocating solar retrofit for federal buildings. There are 400,000 such buildings. If Congress can be persuaded to fund a retrofit program, this could have a significant impact in spurring on the solar heating industry. There may be enough buildings suitable for retrofit to generate a demand for some 20 billion square feet of solar collectors by 183.

However, the debate over across-the-board financial incentives without action, may be dampening solar development. "I know of several companies that are holding back in marketing campaigns waiting for Congress to act," says Tony Adler of Solar Investor Associates in New York. Several congressional staff members have said informally that they expect some form of solar energy incentive legislation to pass this session. But they had expressed similar confidence last year only to be disappointed. "I'll believe it when I see it," quips Mr. Adler.

The continuing debate on the merits and disadvantages of solar energy touches deeper issues than economics, technology, and energy. These topics have become instruments in a struggle between different views of the future. One extreme position might best be labeled "pro-growth" while the other can be described as "post-industrial."

The basic tenet of the "pro-growth" side—which has been instrumental in forming U.S. energy policy thus far—is the assumption that policies which have worked well in the past are the best bet for the future. The basic problem is one of supply, not of demand. A technological approach is necessary to assure continued growth. The primary criterion for decisionmaking is economics.

THE LINES ARE DRAWN

Pro-growth people tend to be skeptical of solar energy. They cannot see how it will provide the amounts of energy demanded by continued growth. And they are most interested in large-scale, centralized applications.

On the other hand, the "post-industrialists" see a major reordering of social values as being imperative. Human development rather than economic growth should be the basis of decisionmaking, they think. The social and environmental costs of continuing material and technological growth are intolerably high. And decentralization of control, technology, and population is necessary. Thus, they support small-scale solar development.

These two groups have realized that there is more at stake in the policies now being set than just energy supply. As Dr. Joel Snow of the Office of Science and Technology Policy puts it, "This is a turning point, a major event in human affairs."

Although only a few people have thought specifically about the social consequences of this historic energy transition, many have sensed the powerful symbolism of solar energy as a truly democratic resource, one that falls on everyone rich and poor alike. A recent Gallup poll has found that 69 percent of the population feels government support for solar energy should be increased.

In fact, the current enthusiasm is so ebullient it prompts Joseph H. Zettel, vice-president for research and development at Johns-Manville, to warn that "solar energy must not be oversold to the point that we abandon development of other energy sources."

SUGGESTED READING

"Direct Use of the Sun's Energy," by Farrington Daniels, Ballantine Books ($1.95 softback). Overview, emphasis on global applications.

"Solar Energy Utilization for Heating and Cooling," by John I. Yellot, available from National Technical Information Service (NTIS), U.S. Department of Commerce, Springfield, VA 22151, document number PB-245 592, $4.00. Brief descriptions and short analyses of solar radiation, collectors, cooling by night radiation and evaporation, solar heating and cooling systems.

"Solar Heating and Cooling—Engineering, Practical Design, and Economics," by Jan F. Kreider and Frank Kreith, McGraw-Hill ($22.50). Most widely used book dealing with advanced solar energy theory and engineering applications.

"Other Homes and Garbage—Designs for Self-Sufficient Living," by Jim Leckie et al., Sierra Club Books, ($9.95). Practical introduction to energy-conserving design at home-scale. Includes wind energy, solar heating, waste-handling, water supply and acquaculture.

"Solar Homes and Sun Heating," by George Daniels, Harper & Row ($8.95) How-to-to-it book for home handyman.

"Low-Cost Energy-Efficient Shelter for the Owner and Builder," by Eugene Eccli, Rodale Press ($5.95). Emphasis on cutting the cost of energy saving. How to integrate south-wall greenhouse into home.

For the most complete mail-order listing of solar energy books, send for the "Solar Energy/Energy Conservation" catalog of The International Compendium, 10762 Tucker Street, Beltsville Maryland 20705.

[From the Christian Science Monitor, Apr. 21, 1977]

SOLAR ENERGY FOR EVERYONE—II

(By David F. Salisbury)

BOSTON.—Last January Marian Thornton found a puzzled oilman outside her Concord, Massachusetts, home. He said there must be something wrong with the oil tank for he could only pump in 50 gallons. She laughingly explained that the solar heated house uses a tiny fraction of the fuel an ordinary heating system consumes.

Her husband, Richard, designed the unit. An engineering professor who teaches solar energy courses at the Massachusetts Institute of Technology (MIT), he estimated in March that "we have burned 160 gallons of oil so far this winter. If we had a regular heating system, we would have used about 1,200 gallons."

After two winters, the Thorntons say they are getting almost 90 percent of their heat from the sun. This is exceptional. Most "solarized" homes run from 40 to 70 percent. Nevertheless, it does show what a well-engineered, well-built, and well-operated solar heating system, even in the cold, but sunny, New England winter, can provide.

The Thorntons' system cost between $8,000 and $10,000, not including Dr. Thornton's own time. So he estimates it will pay for itself in 14 years, at current oil prices. Compared with electric resistance heat, however, the payback is closer to 6 years.

Many people today are asking themselves whether solar heat is practical for their home or whether they must be an MIT professor to benefit from one of these systems. The accompanying map can help you get a rough idea of how much solar heating might be worthwhile for you.

Find the part of the country where you live. The computer-drawn lines show the savings in dollars per square foot of collector (at a collector cost of $15 per square foot) which solar hot water and space heating can accrue over 25 years when compared with electric heat. These estimates take into account not only variations in sunlight, but also differing electricity rates.

WATER HEATING THE BEST

Solar hot water heating makes economic sense almost everywhere in the United States, federal analyses have shown, while solar air conditioning is still in the experimental stage.

George Löf, a Colorado State University professor, puts this situation in perspective: "Suppose an oil dealer comes to you with an offer. He says he will guarantee you a supply of oil for the rest of your life for 80 cents a gallon. I don't know about you, but I would be tempted." At first you would pay more than the going rate. But as the price of oil rose, you would ultimately begin to save money. And, provided the oil company were sound, you would not have to worry about running out of energy."

This is similar to the "deal" a person makes when he buys a new, solar-equipped home, says Dr. Löf.

A square foot of a good collector annually supplies about the amount of heat available from between 1 and 2 gallons of fuel oil. To get this energy, however, you must pay about $20 for that square foot, including purchase and installation costs. The installed cost is usually double the cost of the hardware alone. If you borrow this money at 8 percent interest for 20 years, you end up paying $2 per square foot per year.

This compares with fuel costs for the same amount of energy as follows: 30 cents for natural gas; 70 cents to 75 cents for oil; and $2.25 and up for electric heat.

THE ECONOMICS ARE COMPLEX

Thus, the economics of solar energy depend on a number of assumptions about the future, including the lifetime and maintenance of the system and the speed at which conventional fuel costs will rise.

"Solarizing" an existing home—when possible at all—adds 35 percent or more to the cost of the system. Also home improvement loans tend to be shorter term and at higher interest than regular mortgage loans. However, the State of Massachusetts has enabled homeowners to get low interest second mortgages for this purpose. Other states may follow suit.

Those considering solar heat should also take into account its effects on their property and income taxes. The added interest from the loan is deductible for federal income tax purposes. But if, as has happened in many cases, your property valuation is likely to be increased to reflect the improvement, this could cancel out fuel savings, says Dr. Roger Bezdeck of the Energy Research and Development Administration.

To improve the economics of solar energy, Congress and the administration are considering a number of different financial incentives for those who install solar equipment.

In the House, for instance, one bill with 83 co-sponsors would allow the homeowner an income tax deduction of 40 percent of the first $1,500 spent and 25 percent for amounts over this, with a maximum credit of $2,500 per taxpayer. However, the credit is scaled so that it is less for people with higher incomes.

A low interest loan bill has also been proposed. This would provide government subsidized loans covering 75 percent of the cost and installation of solar hardware, up to loans of $10,000.

Together, these measures would shorten the payback time of solar systems considerably and would have an effect similar to the automobile company's rebate strategy if enacted for a limited time.

Economics is only the first hurdle that the would-be solar owner must negotiate. Another is choosing a reliable system.

Although the quality of solar equipment is steadily improving, the buyer still must beware, say government experts. The industry has not yet adopted rating standards, so it is difficult for the consumer to choose wisely.

However, a careful program of self-instruction can minimize this difficulty. And the government is making the results of its testing program available at a National Solar Heating and Cooling Information Center. This can be reached by dialing: 800-523-2929; or, in Pennsylvania, 800-462-2983.

Besides the wide variation in quality, solar hardware also varies considerably in cost and efficiency.

The "bottom line" in solar energy is not physical efficiency, but the heat delivered per dollar. This involves not just the collectors, but also the heat load, piping or venting, and the heat storage system. Thus it is generally advisable to go to companies that offer entire systems, unless you are an ambitious do-it-yourselfer.

AIR VERSUS WATER

The solar energy shopper also must sort through the pros and cons of air versus water systems. In the former, air is blown through the collector and picks up heat directly. An insulated bin of pebbles is generally used to store the heat. In the latter, water is used to carry the heat from the collector, and the storage is a hot water tank.

The general characteristics and problems of the two systems are as follows.

Air systems:

Tend to be less efficient;

Are susceptible to air leaks that interfere with effectiveness and are difficult to detect.

Use pebble bed storage that is compact and inexpensive.

Are less expensive overall.

Require large vents which take up considerable space in the house.

Water systems:

Are more efficient, but some use exotic materials whose lifetime is not well established;

Can damage house or furnishings with water leaks or humidity from improperly sealed tank or

Use storage tanks which are expensive. If an undersized tank is used, hot water entering the collector reduces its efficiency;

Use plumbing that is more compact and can be run from an outbuilding without undue heat loss if properly insulated;

Are more expensive.

Because of the newness of solar equipment, even reputable companies seldom give warranties. So the purchaser must be prepared for some tinkering and maintenance.

Another knotty question which the solar home owner faces is "sun rights." What can he do if his neighbor plants an evergreen tree that shades his collector or a developer starts erecting a high-rise building next door?

Denver builder Sam Primack has solved this problem in his subdivision by putting a covenant on the land. This guarantees each house owner sunlight on his solar collector. An innovative building code in Davis, California, achieves this same end by considering a three dimensional envelope around each building which takes sun rights into account. But in most parts of the country this remains a problem.

For the new house buyer who finds the current price of solar collectors too steep or the uncertainties too great but is convinced that this form of energy has a promising future, there is a middle ground. It is possible to build in the plumbing so solar collectors can be installed at a later date. Mr. Primack's Denver houses come equipped with an 800-gallon storage tank in the basement and are completely plumbed for solar heat. The purchaser can either have the solar collectors hooked up when he buys or wait until the price is right.

Flat-plate collectors are expected to drop in price as the market grows. For instance, Lennox, a heating equipment manufacturer which is beginning to make and market Honeywell-designed collectors, intends to reduce their price from $12 per square foot to no more than $6. But because collectors are only a third of the total cost of a system, this will not have a dramatic effect on the overall price, warn several experts. The cost of some solar systems is actually increasing.

All the solar systems considered above fall into one category. They are "active" systems. They have moving parts, fans, and pumps.

"PASSIVE" SYSTEMS POSSIBLE

Another approach employs solar collectors which work without moving parts. The south-facing window is the simplest example of such a "passive" solar system.

This second philosophy carries a certain counterculture appeal and has found many advocates among those searching for alternative life-styles.

Advocates of the passive and active approaches have often been at odds. Engineers distrust passive methods because it is difficult to measure their efficiency. Passive system promoters scoff at the "high technology" active approach and the fixation with making increasingly efficient but more expensive collectors.

But the polarization between these two approaches is fading rapidly. As both groups gain more appreciation for the overall problem, they have come to realize that a combination of passive and active systems gives the solar home considerable flexibility and the greatest possible impact on national energy consumption. Fifteen or more percent of all the energy used in the United States could ultimately come from solar space and water heating.

The Thorntons' home is an example of this rapprochement. It has a large bank of south-facing, double-glazed windows (the simplest form of passive system). A greenhouse, which can be sealed off on cloudy days, adds more heat.

"Actually we get more energy from our 'passive' system than from our 'active' one," says Dr. Thorton. On sunny winter days, the solar collector stores heat in a 3,500-gallon tank and is not used for heating the house until 2:00 or 3:00 in the afternoon, he says.

The way his house is insulated and naturally heated—heavy insulation is essential in solar heated homes—Dr. Thornton doubts it is possible for the house to freeze inside, even during a severe New England winter.

REDISCOVERING GOOD DESIGN

The ability to design buildings which take maximum advantage of climatic conditions is a skill which is being rediscovered. An analysis of the Pueblo Bonito in New Mexico, built around the year 1000, has revealed that it is dimensioned so that more of its surfaces are exposed to solar radiation in the winter than in summer. New England "salt-box" houses were oriented with most of the windows to the south and the low, sloping roof toward the cold winter north winds. In the Southern states, houses were often ingeniously designed to maximize natural ventilation.

The main drawback to the strictly passive approach is that the homeowner gives up some degree of control. There is no thermostat to adjust to vary the temperature.

"It's a matter of how much control you are willing to give up," sasy Dr. Thorton. "We let the temperature range from 60 to 75 degrees. We like it, because it lets us feel more in contact with the out-of-doors. But any more than that would be uncomfortable."

When he made this statement, it was snowing outside. The house was cool but not cold. When a person feels like really warming up, they light a fire in the wood stove in the "winter" living room, he says.

Across the country in Winter, California, is a much different sort of solar-heated house. It is the residence of architect/designer John Hammond.

The Hammond house is cottage-sized. An array of oil drums painted yellow and black are stacked on a concrete slab floor in front of south-facing windows. A skylight fills the living room with dancing motes of light.

The only source of heat, besides sunlight, is a small wood stove. Summer cooling is achieved by natural convection and shading the house with trees and grape arbor.

The drums in the window are filled with water. They absorb heat during the day, and release it gradually after sundown. The skylight is unshuttered during winter days and closed at night. During the summer, it is closed during the day and opened at night. Glass exposed to the night sky radiates heat and so cools the interior of the house.

"HAVE YOUR CAKE AND EAT IT"

"I know you can have your cake and eat it, too," says Mr. Hammond.

He was one of the originators of the "performance-related" building code which has been in effect in the nearby town of Davis for over a year. This code forces builders to take climatic factors into account.

"There are millions of windows in this country. If most of them were facing south, it would make a tremendous difference," says the architect.

The Davis code limits the amount of window area lit by the sun on Aug. 21 to reduce the summer air-conditioning load. It mandates large amounts of south-facing windows, provided they are shaded from the sun. Insulation and the capacity of walls and floors to store heat—an important consideration is passive systems—are also specified.

Although this code was originally opposed by the local builders, some recently testified in favor of similar legislation for the entire state.

". . . south-facing windows receiving full winter sun provide the only form of direct solar space heating that can compete favorably at this time with natural gas," emphasizes "A Strategy for Energy Conservation," the report which first proposed the Davis Code.

Thus, the new home buyer should insist on a home well insulated and designed to make use of passive solar heat. Bearing in mind the outlook for steadily increasing fossil-fuel costs, plumbing which would allow a home to be easily outfitted with solar collectors in the future should be carefully considered. And for those with discretionary incomes, and a touch of pioneering spirit, the time is ripe for a solar-heated home in many parts of the country.

[From The Christian Science Monitor, Apr. 22, 1977]

Solar Energy for Everyone—III

HOW MUCH SOLAR DEVELOPMENT WILL FIT IN A BALANCED BUDGET?

(By David F. Salisbury)

In pursuing his avowed goal of speeding solar energy development, President Carter may find himself at odds with his commitment to reduce the size of the federal bureaucracy and balance the budget.

Despite the rapid growth rate of the solar program over the last few years, it is the consensus of the nation's solar energy community that the U.S. has yet to make a national commitment equal to the potential of this alternate energy source. The priority that America places on solar energy is reflected in the proportionately small budget of the Energy Research and Development Administration (ERDA) solar effort with its small, overworked staff, as well as in the failure to determine and adopt economic incentives to spur solar energy utilization.

This conflict is illustrated in the 1978 budget which President Carter inherited from Mr. Ford. The previous administration gave the solar program a 5 percent "cost of living" increase from $290 to $305 million. Although the Carter staff juggled money within the program, it did not increase the overall amount. Thus, the percentage of federal money being spent on solar energy will drop from 10 percent of ERDA's total budget this year to 8 percent in 1978, unless Congress intervenes.

Balanced against this modest funding, is ERDA's own conclusion that solar is one of the three energy sources which must ultimately replace petroleum. The official estimate is that solar energy can supply one percent of the U.S. energy demand by 1985, 7 percent by the year 2000, and 25 percent in 2020. Other projections for solar's contribution range from 6 to 13 percent by the end of the century.

ERDA problems cited

Besides the amount of money the federal government is spending on solar energy, the way the program is managed is an important factor in its effectiveness. A large number of the contractors in the solar program feel that there are major problems.

Many complaints stem from understaffing of the program at ERDA headquarters. On the basis of manpower, the 86-person solar division makes up less than one percent of the energy agency. On the average, each professional manages $6.5 million worth of the ERDA program.

The situation today, then, is substantially worse than it was last year, when the Office of Technology Assessment reviewed the program. At that time, OTA considered it "substantially understaffed" when each professional was managing $3.5 million.

Even at this level, the OTA report concluded, this "makes it difficult to develop an efficient program in this rapidly expanding technology."

One solar energy branch chief remarked wryly, ["There are more people auditing the solar program than running it."]

Money poorly distributed

According to workers in the field, the result of the pressure of managing such large programs has been a tendency to distribute money in big chunks on a small number of concepts rather than spreading it about more finely. The problem with this approach, as Henry Kelly of OTA puts it, is that "for every problem there are 10 ideas, and probably, 4 will work."

However because they do not have the time to adequately assess the large number of "unsolicited proposals" which they receive, the ERDA managers tend to concentrate their effort on conventional rather than innovative approaches.

In order to cope with its growing budget, the solar division has turned increasingly to the national laboratories to manage its programs. Although this takes considerable pressure off the headquarters personnel, it has certain inherent dangers.

One problem, pointed out by the solar energy manager of a large corporation, is the fact that many of the scientists and engineers at the laboratories do not understand the point of view of private industry. As a result, they give directions which make it more difficult for the businesses involved to come up with practical products.

Federal policies conflict

However, the problem with "commercialization" of solar technology transcends ERDA. The federal government maintains a number of energy policies which work against the economic competitiveness of solar energy. These include depletion allowances, price regulation of natural gas and oil, and similar policies.

"If it were only a 'free market,' solar energy would be competitive today," remarks market analyst Al Wendt of Sheldahl Corporation.

Because the sudden restoration of a free energy market would have pronounced inflationary effects, solar advocates argue instead for a set of off-setting federal incentives. Tax credits, direct subsidies, low interest loans, the equipping of large numbers of federal buildings with solar energy systems, are among the steps which have been suggested.

All these measures would be expensive, however, at least in the short-term, which is the period within which Mr. Carter hopes to balance the budget.

[From the Christian Science Monitor, Apr. 27, 1977]

Solar Energy for Everyone—IV

(By David F. Salisbury)

CHEAP SILICON MAY UNLOCK SUN'S BOUNTY

WASHINGTON.—A yellow extension cord "plugged" into the sun runs in looping arcs along the wall at the Maryland headquarters of the Solarex Corporation. The electrons which surge through its wires receive their power as directly as is possible from the sun.

On the roof, where the cord begins, is a bank of solar cells—thin silicon wafers with silver filigree—which convert visible light into electricity—without noise, heat, pollution, or waste.

Its advocates claim that, one day, the solar cell may totally revolutionize the world's energy supply.

The elegant silicon solar cell is a close cousin to the transistor. For some years, it was used principally in space satellites, where reliability and light weight of electric supply was all-important.

Since 1975, however, more solar cells are being used on earth than in space. But because of their high cost, they have been restricted to remote applications. Solarex is one of a dozen or so companies which have sprung up to tailor solar-cell technology to earthly use.

Why price is high

Overcoming this price barrier is one of the major elements of the federal solar program.

Today electricity from solar cells costs about 10 times the cost of power from the most expensive utility. It would take a $30,000 array of cells to provide the electrical power used by a typical American household.

This high cost comes not from exotic materials. Silicon is the second most abundant material in the earth's crust. But the processes required to convert this common element into nearly perfect crystals, slice these into thin wafers, attach silver contacts, and package them in arrays are extremely costly.

Fortunately "there are no fundamental limitations to reducing the cost of silicon cells," says Bob McGinnis of Motorola, who heads a solar cell research program. He considers this the "classic American problem, akin to the transistor radio, digital watch, and pocket calculator. It is a task of reducing prices by sophisticated research and mass-production engineering. This is what the federal government is attempting to stimulate.

"We have an interim goal of reducing prices from the present cost of $25,000 per kilowatt to $500 per kilowatt by the year 1986," explains Robert Forney of the Jet Propulsion Laboratory, one of the federal program managers.

If this goal is achieved "you may seriously consider putting photovoltaics (solar cells) on your house instead of hooking up to the utilities," says Joseph Lindmayer, the founder of Solarex.

The government's ultimate aim is to cut the price of solar cell power to cents per watt. With substantial cost reductions like this, photovoltaics would become a feasible way to provide rural electrification in the developing nations, suggests Gerald Heim of the NASA-Lewis Research Center in Cleveland.

But to meet even the interim goal requires substantial cost cutting. The price of high-grade silicon must be reduced six-fold. The cost of growing and slicing crystals must be slashed by 97 percent. And the expense of packing the cells into panels needs to be pared to one-twenty-fifth of today's costs.

One of the methods for achieving this type of cost reduction involves growing solar cells in ribbons instead of as cylindrical crystals which must be cut into round wafers. Less material is lost in cutting and the ribbons can be compactly packaged into arrays.

The Mobil Tyco Solar Energy Corporation in Waltham, Massachusetts, has pioneered the silicon ribbon process. Here they have successfully pulled two-inch-wide ribbons from quartz crucibles containing molten silicon. They have also pulled three ribbons from a single melt and proved that each can be produced independently of the others, reports Dr. Eddie Mlavsky, head of the laboratory.

A number of other approaches are being

taken in the effort to reduce solar cell costs. Researchers at Honeywell in Minneapolis are trying to perfect a method for coating ceramic plates with high-quality silicon. And at Motorola, polycrystalline silicon ribbons are being melted with the deft stroke of a laser. In this way, they get the silicon to solidify in the large crystals essential for the photovoltaic effect.

Higher efficiency sought

The biggest problem with all these cost-cutting methods, at the moment, is the low conversion efficiency of the cells being produced. Efficiency is the percentage of the sunlight which they convert into electricity. In high cost solar cells, this runs to from 12 to 18 percent.

Although, Dr. Mlavsky says that they "have seen in the last few months significant increases in efficiency" still their average cell is only about 8 percent efficient. Morton Prince, head of the ERDA photovoltaic program, says he had hoped their ribbons would have reached the 10 to 12 percent range by now.

Low efficiency would not be so bad, except that an ERDA study has concluded silicon cells must be more than 10 percent efficient or they cannot produce enough energy to pay even for a system's packaging, installation, and storage costs in most parts of the country.

Dr. Mlavsky believes the present low efficiencies are a passing problem. "I feel we have gained a theoretical understanding of the inevitable consequences of this form of solidification," he says. "And on the basis of this, I feel we will eventually be able to equal the efficiencies of conventional cells."

Even with this high performance, Dr. Mlavsky does not see ribbon technology taking silicon cells below $100 per kilowatt, still 10 times the ultimate goal. But this great a cost reduction may not be necessary to greatly increase the economic applications of photovoltaics.

Concentration might help

Another way to reduce the cost of solar electricity is to incorporate them in a sunshine-focusing system. The more light that is shined on a solar cell the more electricity it puts out. Thus if the concentrators are a fraction of the cost of solar cells, they can decrease the price of the electricity produced.

Concentrating solar cell systems also make possible a total energy approach. By cooling the cells with water, it is possible to get heat as well as electricity. This is being experimented with at Sandia Laboratories in New Mexico.

"You get three to five times as much heat as electricity from such a system," says Dr. Mlavsky enthusiastically. "And this is in the same ratio that many homes use these two types of energy."

When the cost of solar cells drops by another factor of two and inexpensive concentrators are developed, then Dr. Mlavsky feels this approach will become economically competitive.

Despite their almost astronomical present-day cost, solar cells are finding an ever-increasing number of terrestrial applications.

They are powering railroad crossings, highway signs, weather stations, microwave relay towers, and sailboat radios: They are being used in a number of military applications as well.

Because they can produce power more cheaply than primary batteries, they are finding their way onto flashlights, calculators, and electric watches.

"Unlike some of the other solar technologies, photovoltaics can grow gracefully," says Dr. Lindmayer.

Nevertheless the small companies currently in the business are nervous. They are concerned about the big companies which are beginning to take an interest in the photovoltaic market.

"The 'big guys' are beginning to gnash their teeth," says Dr. Henry Marvin, head of the EDA solar division with a satisfied smile.

Whether the large semi-conductor companies decide to jump into the solar cell business or the small companies grow as the market expands, it now appears that solar cells will gradually become more common.

"Even with only 1 percent of the nation's electricity, it would be a multi-billion dollar market," says Dr. Lindmayer.

MAN'S OLDEST FUEL COMES OUT OF THE WOODS

WARRENTON, VA.—Since mankind first discovered fire, people have been using wood as a source of heat. Yet plants have rarely been cultivated in the United States on a large scale specifically for their energy. Soon, this may no longer be true.

Martin Scholl and Robert Inman of Mitre Corporation have just completed a study in which they estimate the United States has 270 million acres of land suitable for energy plantations, land not now used for farming or recreation. If only a tenth of this land were used to grow plants for fuel, they figure it could supply from 4 to 7 percent of the total projected United States energy demand for 1985.

Mitre believes that the cost of such fuel would be competitive with oil prices. In this the study agrees with an earlier estimate made by Intertechnology Corporation, which claims to have originated the energy farm concept, that such plantations could provide "clean, perpetually renewable fuel at costs that already compete successfully with oil."

Such is the promise of "biomass"—organic material used mainly for fuel. Already, the forestry industry uses biomass energy when it burns some of its wood wastes for heat. And in Oregon, the Eugene Water and Electricity Board, together with the Weyerhauser Corporation, is building a 51 megawatt power plant that will run on wood waste.

Together with farming, where energy-rich wastes also are collected as part of the normal production process, forestry offers a biomass resource equivalent to two-thirds the country's present coal production, according to economist John A. Alich Jr., of Stanford Research Institute.

However, there are few such areas of the economy where burnable biomass is routinely collected and ready for the taking. Hence the concept of the energy plantation. In this, trees would be planted less than four feet apart. They would be harvested by machines similar to those used to gather sorghum.

HOW MANY ACRES?

It would take a 235,000 acre plantation to supply the fuel for a 500 megawatt power plant, says Malcolm Fraser of Intertechnology. That is about as much land as is required to support a 1,000 ton-a-day pulp mill, he says. If the studies are right, a generator fueled by the plantation would product electricity at 2 to 3 cents per kilowatt hour.

The smallest area that would be practical for such an energy farm would be 30,000 acres, Dr. Fraser calculates. Other experts have suggested that a number of smaller farms, working together, would be more practical.

If an energy plantation were started today, says Robert Jamison of Weyerhauser, the return on investment would be only 5 percent, too low to interest investors. However, he adds, with genetic research and improvements in harvesting methods this might be increased to 8 percent.

Electricity is only one energy product which such a plantation could provide and, in the long term, it might not be the most important. The Mitre study concludes that ammonia, ethanol, and methanol could be produced at near-market prices. Ammonia is the primary ingredient in fertilizer. Methanol and ethanol are fuels which can be used to replace gasoline.

Besides tree farms, other types of energy plantations are possible and are being considered.

GRASSES A POSSIBILITY

Intertechnology also investigated the growing of warm-season grasses such as the Bermuda grass that many homeowners battle. The analysis concluded that, along the Gulf coast, these grasses grow fast enough so that they could be cultivated for their energy value.

Meanwhile, a number of different groups are searching for energy crops which grow in marshy areas or even in the water. Cattails in the north and water hyacinths in the south are specific species being considered.

The water hyacinth has an added virtue. It can be used to clean up polluted waste water as a part of a living sewage treatment system, according to experiments conducted by the National Aeronuatics and Space Administration.

This points up an added use for energy plantations in general. Sewage can be used to fertilize energy plants without the possibility of contamination which accompanies its application on food crops.

The NASA water hyacinth experiments have also pioneered methods for using bacteria to convert "non-woody" plants into methane, the main ingredient of natural gas. A National Academy of Sciences report released in February considers this an "effort of great significance."

ECONOMICS COMPARED

This method of making methane appears to be an economically favorable way of getting a gaseous fuel when compared to using electricity to produce hydrogen from water or producing methane from coal, argue Alan D. Poole, a biologist at the Institute for Energy Analysis in Tennessee and Robert H. Williams, a Princeton physicist.

The American Gas Association (AGA) this year is sinking $700,000 into the development of floating kelp plantations in the hopes that cultivating these fast-growing plants will ultimately "produce 10 trillion cubic feet of methane per year. . . ." Due to the enthusiasm of the AGA, this project is aimed at demonstrating the practicality of a 100,000-acre kelp farm, capable of producing 160,000 cubic feet of methane per acre per year.

To grow offshore, kelp must be attached to a special raft and supplied with nutrient-rich water from hundreds of feet below the surface. One of the biggest uncertainties with kelp-farming is the amount of phosphorous fertilizer which will be needed, says Dr. North. Even if the amounts of fertilizer needed are relatively small, it is clear that mariculture on this scale will require large amounts of capital.

Still, as the costs of other forms of energy continue to rise, kelp and the other varieties of plant power will become more and more appealing.

SOLAR ENERGY

Mr. ANDERSON. Mr. President, all across the country hundreds of imaginative citizens are doing what the Federal Government should have been encouraging for the last 25 years—they are installing solar energy heating systems in their homes.

Jerome and Ruth Peltier are among Minnesota's solar energy pioneers, and I believe their efforts deserve recognition. With a more aggressive Federal policy on solar energy, thousands of other Minnesotans would undoubtedly join Mr. and Mrs. Peltier in the solar energy revolution.

Some years ago The Country Echo in Pequot Lakes, Minn., did a feature story on the Peltiers of Nisswa, Minn. I would very much like to share this excellent story with my colleagues. It is a case history of what solar energy can do and an example of the fact that solar heating can work for the average American family.

Mr. President, I ask unanimous consent that the following article from the November 11, 1976 issue of The Country Echo be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOLAR ENERGY HEATS NISSWA HOME

It started with a trip to the doctor's office.

Jerome (Jerry) and Ruth Peltier wanted to adopt and to do so they needed to have physicals. While at the doctor's office waiting for the physical Jerry picked up a magazine with plans for a solar energy heating system.

"It went from there," Jerry stated. "I was fascinated by the plans, wanted to try them, so I spent the $10 to find out what they looked like. I guess I've always been interested in solar energy but the magazine article was the clincher."

Sending for the plans started a two-year process that is just now coming to a semi-conclusion.

"We started digging the hole for the addition a year ago May," Jerry said as he looked over the final piece of equipment necessary to make the system operational. "One of the reasons for going into the solar energy bit was that we needed an addition on the house and so it was easy to decide to work that around a plan for solar heating. We simply put an additional basement under the addition to hold the tanks for the solar heating storage."

THE SYSTEM

The heating system is circular in nature in the sense of going from roof, down through the house, into the basement, and back up to the roof.

"In simplified terms the water comes out of a pipe at the top of the roof, flows down the roof by gravity force across corrugated aluminum painted black, into drain pipe that brings the water immediately to two 1350 gallon tanks in the basement, air flows around the tanks (which are surrounded by field stone) cooling the water again, which when it reaches a temperature 15° below the temperature of the roof is pumped back up to the roof again."

"The system operates on 20 lbs. of pressure," Jerry stated, "and takes about 2 to 3 minutes from the time the pump kicks in until the water reaches the basement again. I figure from what experience I have had handling the system manually that it takes about a minute of pumping to cool the heating panels in the roof down one degree. In other words it takes about 10 minutes to drop the temperature on the roof from 80 to 70°."

The system has only been operable manually because at this point the thermostat which checks the differential temperature between roof and heat storage area is not hooked up.

"When the sensing element is in, the system will pump as soon as the second tank cools those fifteen degrees."

HEAT STORAGE

The heat storage area in the basement consists of a floor of cement blocks laid so that air can flow through the holes in them. These are connected to the cold air return of the houses furnace so that cool air comes back into the floor of the basement and is dissipated through the blocks.

Resting on the blocks are two 1350 gallon tanks hooked in series and surrounded by field stones. The warm water from the roof comes down into the first tank, cools as it moves into the second tank, and is taken from the second tank back up to the roof.

The rocks around the tanks are designed to absorb the heat from the tanks and hold that heat as the water cools.

"The designer of the system, whose plans called for 1600 gallons of water storage but who had the advantage of living in a warmer and sunnier climate, states that his storage system could store this heat or at least a portion of it for three to four days," Jerry said. "With the amount of sun that we get here in winter I don't expect quite that good a performance but when the system is in I expect to have it handle from 20 to 40 percent of my heat needs."

Once the air comes from the basement floor up through the rocks and is warmed it is then taken into the cold air return of the furnace again. Thus the solar energy system is used as a pre-warming system in conjunction with the regular system.

HEAT COLLECTIONS

Utilizing normal plumbing apparatus, the water from the coolest storage tank is piped to an outlet on the roof. This outlet dissipates the water across a series of corrugated aluminum panels which have been painted black to absorb as much heat as possible. These panels are backed with foam and have an air space in front of them to maximize the heat gathering capacity. Corrugated fiberglass covers the panels to keep out any extraneous debris. As the water runs down the grooves of the corrugated aluminum it is heated and returns to the basement through insulated pipes.

"I have encountered one problem with my panels," admits Jerry, "but I think I have that solved too. In the early fall the temperatures on the roof were upwards of 140° on warm afternoons and some of my foam melted."

"You helped me solve the problem," he chuckled, "when I got some of your newspaper plates and placed them where they would reflect some of the sun in the hottest spots at the top of the roof! In fact your bicentennial cartoon is in the center of my roof."

USAGE

"As I said earlier, we are in the wrong zone to make this a system for 100 percent of my heating needs but it will be a helpful supplement when the bugs are all out."

"Aside from the foam melting though the only other problem has been when I first turned the system on and had to find the leaks," he said.

COST

"Because of having to add the extra basement the system will cost me between 3 and 4 thousand dollars," the landscape instructor for Brainerd Vo-Tech said, "but in the process I am gaining a master bedroom, a design room, and a couple of extra rooms so the cost fluctuates according to what I apply it to."

"Then too what I currently have in is simply a heating unit but by reversing the polarity on the thermostat and making a couple of changes I can turn it into an air-conditioner in summer if I wish. If I did that the system would operate at night when the roof temperature would be cool and the heat storage area warmer. Then it would kick in whenever the roof became 15 degrees cooler than the water."

"I'm utilizing about 360 square feet of heat collectors for my system," he said. "But it is all open so there is no need for anti-freeze or anything. It will just supplement my normal heating whenever the sun is out warming the roof."

"The federal government has supplemented some of the solar energy research going on in the U.S.," related the Fawn Lake resident as he anxiously awaited the completion of the project, "but most of these grants have gone to contractors working on large projects and it hasn't done much for me. Of course this isn't the best area for long periods of sunshine so one can't expect much more." And they say they had so many private individuals applying for grants that they didn't know how to choose!"

This week the final sensing element is to be installed, almost two years after the start of the project.

"But you know, we still haven't seen the completion of what we started out to do when we went to that doctor's office in the first place. Ruth and I will be very happy to have this whole thing completed," Jerry said, "but the addition and the heating system haven't stopped us a bit from pursuing an adoption—just kept us busy as we seek our more important goal."

DEPARTMENT OF ENERGY

Mr. HATCH. Mr. President, I would like to explain my vote against creation of a Department of Energy after previously expressing publicly my support for the concept embodied in S. 826.

The bill was reported by the committee last week and rushed to passage last night with far too little time for careful inspection and too little debate and analysis. Only a short time before the final vote, it came to the attention of several Senators that title VII, particularly section 704 of the bill, contained language that would have created the mechanism and structure to formulate and carry out widespread national economic planning. That authority was not limited to the energy field, but encompassed any area of activity. When asked what the purpose of this section was, members of the Governmental Affairs Committee were unsure and inexact. Fortunately, amendments have deleted the most objectionable sections of title VII, but I am alarmed that the committee members I contacted did not have a clear grasp of the provisions of this bill. I think we have passed legislation containing too many vague grants of authority which will prove in operation to be something different than what the Senate intended to create.

One specific defect, among many in the legislation which disturb me, is the granting to the Department of Energy power to set production goals for energy resource development on Federal lands with no accompanying authority over public lands development and leasing. With this action Congress appears to have created a serious jurisdictional conflict at the outset between the new Energy Department and the Department of the Interior.

The Interior Department views its mandate to include the advancement of environmental and wilderness values. With this policy approach, the Bureau of Land Management has greatly retarded development of coal and mineral resources on vast acreages of Federal land. The new Department of Energy, with its mandate to reach natural resource development goals will be in constant conflict, it seems to me, with Interior restrictions to development.

Additionally, the legislation fails to conform the so often raised obstructive controls over natural resource development and perpetuates the framework under which the regulations were formulated. As a result I see this legislation as a hindrance rather than a help to the development of our energy resources. Accordingly I felt compelled to vote against S. 826.

PROPOSED ARMS SALES

Mr. SPARKMAN. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is immediately available to the full Senate, I ask unanimous consent to have printed in the RECORD the notification I have just received. A portion of the notification, which is classified information, has been deleted for publication, but is available to Senators in the office of the Foreign Relations Committee, room S–116 in the Capitol.

There being no objection, the notification was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY ASSISTANCE AGENCY AND DEPUTY ASSISTANT SECRETARY (SECURITY ASSISTANCE), OASD/ST,
Washington, D.C., May 17, 1977.

Hon. JOHN J. SPARKMAN,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding under separate cover, Transmittal No. 77–40, concerning the Department of the Air Force's proposed Letter of Offer to Morocco for major defense equipment, as defined in the International Traffic in Arms Regulations (ITAR), estimated to cost $8.0 million and support costs of $1.0 million for a total estimated cost of $9.0 million.

Sincerely,

H. M. FISH,
Lieutenant General, USAF.

TRANSMITTAL No. 77–40

(Noticed of proposed issuance of letter of offer pursuant to section 36(b) of the Arms Export Control Act.)

(i) Prospective Purchaser: Morocco.

(ii) Total Estimated Values:

(1) Major defense equipment	$8
(2) Others	1
(3) Total	9

(iii) Description of Articles or Services Offered: [deleted] AIM–9J–1 Sidewinder missiles.

(iv) Military Department: Air Force.

(v) Sales Commission, Fee, etc. Paid, Offered or Agreed to be Paid: None.

(vi) Date Report Delivered to Congress: May 17, 1977.

THE SENATE SELECT COMMITTEE ON INTELLIGENCE

Mr. GOLDWATER. Mr. President, in recent days there have been several stories appear in various newspapers concerning the activities of the Senate Select Committee on Intelligence. Just the other day, this committee, of which I am the vice chairman, released its annual report as well as the first, overall intelligence authorization bill. Prior to and following the release of these reports, there has been a lot of speculation and jumping to conclusions about what our committee intends to do. While anyone is free to infer whatever they like, make any satements they want and to reach any conclusion, that in itself does not make it an absolute fact about what we will ultimately do in the committee.

Unfortunately, the newspaper articles, speeches and statements now making the rounds only add to the confusion. For instance, one of the major speculations to appear in print is that the committee is about to legislate into existence some sort of "Intelligence Czar."

Despite whatever has been said, our committee has, in no way, made any decision or had any full committee discussions on the structure or content of legislative charters for the intelligence community. Granted, there has been a lot of staff work put into this area as well as that of several Senators but, to try to say that any one concept has the backing of the committee is misleading in intent and erroneous in fact.

Wholesale publicity and self-serving statements are the last thing we need if we are ever to reach a well-reasoned and mature judgment of these problems. The Intelligence Committee, by the very nature of the subject it is dealing with, cannot operate in the "sunshine" and because of this we are constantly taken to task as either being excessively secretive or that we have become a captive of the intelligence agencies.

Since the ground rules of the intelligence game prevent us from answering these charges in any detail, the natural inclination is to try to add into public statements that we do make, a lot more than is or was intended. Up until now, the Intelligence Committee has been run in a highly professional way under the guidance of its present chairman. We have been able to avoid the leaks and sensationalism which have characterized other groups involved in this field.

Another thing that continues to plague us is the steady drumbeat of alleged abuses by the intelligence community. What these critics forget, or conveniently overlook, is the fact that for every one error in judgment, there have been thousands of other cases where dedicated men and women have performed valuable work in the intelligence services of our country. For too long now, we have dwelled on the mistakes of the past which has diverted the committee's attention from the larger issues facing us.

From my own viewpoint, I would hate to see all of the good work which has been done so far go down the drain of conjecture, misinformation and recrimination. If we allow ourselves to fall into this trap, we will have failed in our duty to the Senate, the intelligence community and to the American people. Unfortunately, the Intelligence Committee is being caught in the squeeze that affects every other committee on Capitol Hill.

The problem is that some of the news media and a small minority of other people over the past 30 or 40 years have tried to convince the American people, and this includes all of us elected officials, that quality is a direct reflection of quantity. In other words, we have become caught up in a "publish or perish" attitude. Generally, the pressures which feed and nourish this attitude come in little nibbles rather than big gulps. "Tell us a little more," the outsiders say, "so that we may make a more informed opinion." After a while, the pressures to disclose more information build up to the publishing of the two reports that I have mentioned.

While these two documents, in themselves, are relatively harmless, the natural tendencies—and I will bet on it—will be to read into them more than was written, and bring increased demands for more disclosure. I can assure my colleagues, and the American public, that this approach is one of the surest ways of disarming and dismantling our intelligence capabilities. In light of the great threats to our very existence, I wonder if this is a prudent course of action?

MRS. ANNE JOHNSON ENESTVEDT

Mr. ANDERSON. Mr. President, on Monday, May 23, 1977, Mrs. Anne Johnson Enestvedt of Willmar, Minn., will celebrate her 100th birthday. Mrs. Enestvedt has lived in the State of Minnesota for all of her 100 years. She was born in New Richland, in Waseca County, and at the age of 2 traveled by covered wagon to Redwood County in southwestern Minnesota. She now resides in Willmar. Mr. President, Mrs. Enestvedt is a true pioneer of the North Star State and I know my colleagues join Senator HUMPHREY and I in extending our best wishes to Mrs. Enestvedt on her centennial birthday.

ECONOMIC RELIEF FOR BORDER AREAS SUFFERING FROM MEXICAN PESO DEVALUATION

Mr. BENTSEN. Mr. President, during the 8 months since the Government of Mexico decided to float its currency, the value of the Mexican peso has decreased by almost 50 percent in relation to the dollar.

One consequence of this devaluation has been severe economic distress in Texas border communities from Brownsville to El Paso, communities that have traditionally counted Mexican nationals among their good friends and customers.

On this side of the border, those who stand to suffer most from a devaluation over which they had no control are the small businessmen engaged in retail trade: The haberdashers, pharmacists, used car dealers, and other merchants who have always served a Mexican, as well as American clientele.

With the peso worth only half of what it was a few months ago, Mexican citizens simply do not have the same amount of money available to spend, and business along the border has suffered accordingly. Many area merchants report that their sales are down by 50 percent to 60 percent.

In an effort to help relieve this situation, I introduced legislation, S. 676, earlier this year to permit the Small Business Administration to grant loans to businesses that have suffered economic injury as a result of the floating of the peso.

I am pleased to see that S. 1305, as sponsored by the Senator from Colorado and reported by the Small Business Committee, accomplishes essentially the same purposes as S. 676. Indeed, the committee report makes specific reference to the situation along the Mexican border as one example of the extraordinary economic dislocation that might fall under the purview of this legislation.

Under the provisions of S. 1305, the Governor of Texas could certify to the Small Business Administration that the border area has suffered economic injury from the floating of the peso. If this certification is accepted by the Administrator of the SBA, the area would become eligible for small business loans without a declaration of economic disaster. I think we can all agree that a declaration of economic disaster has serious consequences and far-reaching implications for the future of any community. It should not stand as a prerequisite for the type of loan envisioned in this legislation.

I would like to commend the Small Business Committee for its prompt and effective handling of S. 1305, a bill that should bring a welcome measure of relief to many areas of the country suffering economic injury as a result of extraordinary, severe, and temporary economic dislocation or natural condition.

INDEX TO SENATE COMMITTEE SYSTEM

Mr. **CANNON**. Mr. President, I am submitting for printing in the Congressional Record an index to the proceedings of the Senate during the consideration of the resolution reorganizing the Senate committee system. This index includes the printed proceedings found in the Congressional Record from January 4 through February 4, 1977, the days during which the Senate debated Senate Resolution 4, reorganizing the committee system of the Senate, and for other purposes.

This index was prepared by the staff of the Temporary Select Committee to Study the Senate Committee System.

The purpose of printing this material in the Record is to make readily available any information concerning the intent of the Senate in defining the respective jurisdictions of its committees, its purpose in establishing any changes in the committee system, as well as certain other aspects of Senate procedure when it considered and agreed to Senate Resolution 4, as amended. This index should be helpful to Senators and Senate staff in determining the will of the Senate.

After examining the estimated cost of printing the material as a Senate document as contrasted with the cost of putting it in the Congressional Record, where it will be available to everyone, it was concluded to print it in the Record since it is much less expensive. I ask unanimous consent that the material be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

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PROPOSED ARMS SALES

Mr. SPARKMAN. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is immediately available to the full Senate, I ask unanimous consent to have printed in the RECORD the notification I have just received.

There being no objection, the notification was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C. May 17, 1977.

Hon. JOHN J. SPARKMAN,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 77–39, concerning the Department of the Navy's proposed Letter of Offer to Spain for major defense equipment, as defined in the International Traffic in Arms Regulations (ITAR), estimated to cost $22.1 million and support costs of $11.8 million for a total estimated cost of $33.9 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

H. M. FISH,
Lieutenant General, USAF, Director, Defense Security Assistance Agency, and Deputy Assistant Secretary (ISA), Security Assistance.

TRANSMITTAL No. 77–39

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(2) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective Purchaser: Spain.

(ii) Total Estimated Value:

(1) Major Defense equip.,* $22.1 million.

(2) Others, $11.8 million.

(3) Total, $33.9 million.

(iii) Description of Articles or Services Offered: Two hundred and seventy (270) AIM-7E-2 missiles (SPARROW), modification kits, spare parts and depot support.

(iv) Military Department: Navy.

(v) Sales Commission, Fee, etc. Paid, Offered or Agreed to be Paid: None.

(vi) Date Report Delivered to Congress: May 17, 1977.

MINNESOTA BUSINESSMEN IN CUBA

Mr. ANDERSON. Mr. President, last month a group of Minnesota businessmen traveled to Cuba to explore trade possibilities between the United States and Cuba, if relations between our two countries were to be normalized. The Minnesotans on the trip returned very encouraged about the prospects for American exports to Cuba, particularly of agricultural commodities.

Mr. President, I ask unanimous consent that an article that appeared in the Sanborn, Minn., weekly newspaper describing the impressions of one Minnesota delegation member, Mr. Russell Schwandt, of the trade mission in Cuba be printed in the RECORD. Mr. Schwandt is president of the Minnesota Agri-Growth Council and a leader in the Minnesota agricultural community.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SCHWANDT: MINNESOTA HAS WHAT CUBA NEEDS

Minnesota is a net exporter of virtually every agricultural product that Cuba needs to import except rice, and is in an excellent position to benefit from a resumption of trade relations with that country, according to Russel Schwandt who returned Friday from a five-day trade mission. Schwandt, who is the president of the Minnesota Agri-Growth Council and the head of Sanborn Farm Chemicals, was one of 52 Minnesota businessmen and 25 reporters who made the trip to Cuba April 18–22. The trip was sponsored by the Greater Minneapolis Chamber of Commerce.

"We have what they need," said Schwandt. "They're short of dairy products and meat, and that's because they're so short of feed grains and proteins. They need wheat, corn, soybeans and soybean products, meat products—processed turkey hams and so forth and dairy products, especially butter and powdered milk. Not only that but we're so much closer than their present suppliers—Argentina, Russia, or whoever they're buying from—that by buying from us they could save fifty cents a hundred weight on freight.

"Being the first trade delegation from the United States puts us in a good position as far as the Cubans are concerned. With 52 Minnesota businessmen making the trip, national press coverage, it's a natural time for Carter to move for an end to the embargo. The embargo doesn't make sense any longer, if it ever did. We do business with Russia and Red China right now, why not with Cuba? By not dealing with Cuba we open the door wider for Russia." Schwandt expects to see the embargo lifted within 30 to 60 days "as far as food, drugs, medicine and fertilizer is concerned." There are, however, some political obstacles to an immediate raising of the embargo. "Cuba confiscated some American property after Castro took over, and some negotiations are necessary."

Political questions were not raised during the trip. "No politicians went along," said Schwandt. "If there had been politicians they would have wanted to make political statements and that would have gotten in the way of the work we had to do."

The work that was done was conducted in seven-hour sessions last Tuesday through Thursday. "Everything was done through interpreters. We all wore headphones, and the Spanish was translated into English as fast as it was spoken," Schwandt said.

"I was impressed with Castro. I told him that he could be proud of the people who run his government. They're polished, sharp, and could hold their own with the leadership of any country. They will be sharp, tough traders. Whatever they were like when they came out of the hills in 1959, they don't resemble it now. Fidel still wears his army fatigues, but he's the only one. He's also the only Cuban who is allowed to wear a beard they told us."

At one time Cuba was heavily dominated by influences from the United States. Much of the development was controlled by American capital, and 69% of all trade was with this country. After sixteen years of embargo that's all changed. "The people are very friendly," reported Schwandt, "but it's very difficult to communicate with them. They have had zero exposure to English over the past sixteen years." Once a tourist haven, with gambling casinos and luxury hotels, Cuba today has little appeal to tourists. "The Cuban government sees tourism as one of its best resources—it has beautiful beaches, but they haven't been kept up as they should. There are pine trees growing up right next to the beaches in some places, and the sand is filled with pine needles. There is no night life and no effort is made to create one. Cuba is what you might call a puritanical society—

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*As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

unescorted women are not allowed to enter a bar, for example. There are no golf courses to speak of, and when one fellow in our group finally found a tennis court, it had no net and no fences.

"There appears to be a storage of consumer goods as well. One member of the delegation was from Tonka Toys, and he said that $100 would have bought out the toy department at the biggest department store he could find.

"We were treated very well the whole time. The hotel we stayed at was excellent and the food was good. When we left, Castro gave us a box of cigars, three bottles of rum and some records of Cuban music."

Schwandt noted that although the island is fairly densely populated, he almost never saw large crowds of people on the street. "There was a good crowd at a baseball game we went to, though. The stadium was about half full; there were about 25,000 people there. There are no professional sports in Cuba, we were told. The people got in to see the game free, and the players received no pay. There were a couple of players that we should have taken back for the Twins, they were exceptionally good."

Schwandt noted that while an end to the trade embargo could have important economic consequences for Minnesota agriculture, trade would not start overnight. "We cut off trade with them sixteen years ago. If we want them back as trading partners, we will have to work at it. They have ongoing trading ties with other partners, and it's going to take time to replace those ties. But there is a lot of potential trade there for us. They currently buy 300,000 tons of corn and 100,000 tons of beans from other sources—it could just as well be from us. They want to trade tobacco, rum, seafood—a real growth industry for Cuba, it increased over ten times to 50 million pounds exported last year from 5 million in 1950. They also export nickel and sugar, although with sugar prices as depressed as they are in this country, there is probably little that we can do with them in that area. But it doesn't make sense to not trade with them when you see American cars driving the streets of Havana—cars built by subsidiaries of American companies in Argentina. Those cars could just as well have been built in Detroit."

Schwandt said he had invited the Cubans to Sanborn when they send a trade mission to this country. And when the trade embargo is lifted: "I'd like to go back."

HEALTH COSTS

Mr. METZENBAUM. Mr. President, we are all concerned with the tremendous increases in hospital costs. In the last several years double-digit increases have been the rule. Currently we are experiencing annual increases of about 15 percent. The Congress has before it several important measures to bring about a reduction in these tremendous rises. As we address these issues, it is encouraging to realize that many within the hospital community recognize the problem and are joining with us in an attempt to resolve it. One such hospital is the New London Hospital in New London, Ohio. This is a small rural hospital of 25 beds. I have just received a telegram from the New London Hospital. They have voluntarily reduced their charges for private and semiprivate rooms by $5 a day. This dramatic action will save their patients over $38,000 a year. I believe that we should commend New London Hospital for this action. I hope that their example will encourage other hospitals to take voluntary action to reduce charges. I ask unanimous consent that their telegram be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

U.S. Senator HOWARD METZENBAUM: Pursuant to President Carter's call upon the hospitals of our country to make all efforts possible to maintain and reduce if possible costs for medical services, please be advised that the Board of Trustees of New London Hospital have reduced all private and semi-private room rates by $5.00 per day. We at New London Hospital as a small rural health care institution are doing our part to contribute to the control of inflation and offer ourselves as examples that what you have asked of the American people "can be done." As we are part of your constituency we are proud to inform you of our successful efforts.

Sincerely,

GEORGE CROSS,
Chairman of the Board.
JAMES P. BENDER,
Administrator.

CLEAN AIR ACT—NO GOOD FOR ENERGY

Mr. GARN. Mr. President, the President certainly deserves a lot of credit for focussing the Nation's attention on the energy issue. Of all issues of domestic policy, energy must be considered No. 1, and I wish him well in his attempts to solve the problem. I am not at all hopeful, however, given the potential conflicts between energy goals and the environmental goals announced 2 days earlier.

For instance, it is impossible to reconcile the stated goal of coal conversion with the stated position of the administration on clean air. Neither the current law nor the 1977 amendments now waiting on the calendar will permit the kind of coal use the President asked for. Second generation emission control technology, used on converted boilers burning coal, will produce more sulfur dioxide and particulates than those same boilers now using natural gas and oil. Therefore, under the present law, or under the proposals, the owners of the plants will have to find "offsets" before they will be allowed to convert. Since it is quite likely that many plants in a given area will have to convert, it is easy to predict a shortage of offsets. In some areas, where background pollution is already above primary and secondary standards for ambient air, no offsets would be available in any case. In those areas, no conversions could take place.

Under these circumstances, the conversions the President asked for will simply not take place. It is true that the President's energy plan makes some provision for exceptions for economic and environmental reasons, but we simply do not know how this exception provision will work. We can anticipate that there will be numerous requests for the exceptions as offsets become scarcer. In areas designated as nondeterioration, of course, conversions will be virtually impossible, if allowable increments are not to be violated.

It will not do, Mr. President, to ignore these facts, which the administration has so far done. Something is going to have to give, and the Clean Air Act Amendments will provide an ideal opportunity to do something. Either the push to coal conversion will have to be eased, with a resulting increase in dependence on foreign energy, or there will have to be some relaxation of the nonattainment provisions of the 1970 Clean Air Act.

There are other conflicts between the two goals, Mr. President: for instance, the present and proposed requirement that new and converted plants utilize the best available control technology. For one thing, even the best scrubbers at the present state of the art will not yield 100 percent elimination of pollutants. Current emission standards will therefore eliminate many converted plants, even if they could find the offsets to use.

Then too, the requirement for best available control technology, which in practice means scrubbers on coal-burning boilers, is highly energy consumptive. Estimates are that the use of scrubbers will increase the consumption of energy in the average industrial plant by as much as 10 percent. The amount of energy lost by a nationwide mandatory coal conversion program can easily be imagined.

One alternative, of course, is the use of tall stack technology, instead of scrubbers. But that is frowned on by the Environmental Protection Agency and by the proposed amendments to the Clean Air Act. EPA indicates, that while it is true that tall stacks could get the job done, scrubbers will work just fine, if we are careful about plant siting. What that means in practice, Mr. President, is that plants will have to be located in remote areas, because of restrictions on construction in nonattainment areas, and in nondeterioration areas. In turn, that means that expensive and environmentally damaging transmission facilities will have to be built, including slurry lines, powerlines, and pipelines. In such cases there is always an energy loss and we can ill afford it under the present circumstances. Some of these transmission forms require water, as does conversion of coal to energy at remote sites, which in the West are often arid. Water is not available, and I cannot resist noting that it will never be, if the administration recommendations on water projects are carried out.

One startling figure is that the cost of conversion to coal will cost the consumer $45 billion. That is an enormous cost. Nor is it clear whether that includes the actual costs of the hardware, the scrubbers themselves. In fact, the cost of the scrubbers for the electricity industry alone are estimated to be about $12 billion, so in fact the figure of $45 billion may be grossly understated.

Another impediment to the attainment of energy goals is the present status of development in nonattainment areas. As the Senators from Texas can testify, that State is already facing terrific problems allowing the construction of additional refining capacity, because of nonattainment problems. Obviously, if more oil cannot be refined in Texas, it is not going to be easy to increase oil production in the United States. The specific problem in Texas is the failure of the EPA policy, and the proposed policy in the 1977 amendments, to take into account natural levels of background pollution in coastal areas of the country.

In similar developments, the State of Utah has delayed issuing more than 15 construction permits, even though overall pollution would be reduced, because of an inability to fit the offsets involved into EPA's policies.

Consider further the oil shale industry, slowly developing in eastern Utah and western Colorado. Already all but two companies have abandoned their efforts to develop tracts of land under lease because modeling indicates that hydrocarbons produced by natural vegetation are at such high levels that the ambient air quality standards are violated, and no further construction can take place. Even the two remaining companies have had to suspend action toward production of this vital energy source.

In some respects, the two positions of the administration are virtually incomprehensible. The higher fuel taxes are already burdensome enough on the people of the country. In my view it is unfair to burden them with the costs involved in the collision between air and energy policies. In particular, we are cutting ourselves off from millions of tons of coal by the overly restrictive provisions relating to nondeterioration and strip mining legislation. The coal we can mine will be higher in cost, higher in sulfur, and just generally burdensome to the American people. I am convinced that the American people want the environment protected, but that they understand better than the politicians the tradeoffs involved. It can be done without unreasonable restrictions.

It is widely thought that the Clean Air Act Amendments of 1977 affect only Utah in a burdensome way. I assure you that that is not the case. Every State has nonattainment problems; every State has nondeterioration problems. We do need a bill to settle the autos problems one way or another immediately. I continue to think that we would all be better off to pass the autos bill now, and give our States and local authorities time to evaluate the impact on the States, and wait until the costs of the Carter energy proposals become clearer.

RESTAURATEUR OF THE YEAR

Mr. JAVITS. Mr. President, one of life's most rewarding experiences must be to have your lifelong friends, business associates, and even your competitors in business join to honor you for your contributions to your industry or profession. Such salutes to our leaders in every walk of life are far too rare. Too often, the praise for women and men of exceptional character and ability is saved for the sad occasion of their passing, rather than a joyous occasion which can be shared by the honored person and his friends and associates.

It gives me great pride and pleasure to note that the board of directors of the National Restaurant Association have selected H. Jerome "Jerry" Berns, a New York restaurateur, and a long time personal friend, as the Restaurateur of the Year. Jerry Berns has been vice president-secretary of the world renowned "21" Club since 1945. "21" has been one of New York City's treasured institutions for many years. But for all its fame and well deserved reputation as a great restaurant, Jerry Berns and "21" have never lost sight of their obligations to the industry. A large number of outstanding restaurateurs from many restaurants across the country have been trained in the arts of their profession at "21."

Jerry Berns took a somewhat circuitous route to fame as a restaurateur. After graduation from the University of Cincinnati, he became a journalist and was drama critic and editor of the Cincinnati Enquirer. His friends believe his critical judgment, formed during this period, has served him well in operating "21."

It is altogether fitting that Jerry Berns' associates in the industry should honor him as Restaurateur of the Year, for in addition to his achievements as a restaurateur, he has always shown the sense of community responsibility that has marked most of our distinguished citizens. Jerry Berns has served the New York Convention and Visitors Bureau as vice president and treasurer; the University of Cincinnati Alumni Association as regional vice president; the University of Cincinnati Foundation as a trustee; the New York State Restaurant Association in various capacities over many years; and he serves as a trustee of local No. 1 of the Waiters Union pension fund. The University of Cincinnati has honored Jerry Berns with a doctorate in commercial science and with the William Howard Taft Medal.

Mr. President, I am pleased to join with Jerry Berns' colleagues and friends in the restaurant industry in saluting him as Restaurateur of the Year.

VOCATIONAL EDUCATION PROGRAMS

Mr. PELL. Mr. President, the distinguished and able chairman of the Senate Committee on Human Resources, HARRISON A. WILLIAMS, Jr., has long been one of our Nation's leading advocates for programs which address our citizens' human needs. Not only is he a strong advocate, but he is a recognized expert in the human resource area. I have learned to rely on his guidance and expert knowledge in serving under him as chariman of the Senate Subcommittee on Education, Arts, and Humanities.

It should come as no surprise that Senator WILLIAMS is a strong supporter of vocational education programs. He recognizes that ours is a rapidly changing technological society, and that the skills of today may not be appropriate or useful in the world of tomorrow. During the past Congress Senator WILLIAMS was intimately involved in shaping the vocational education legislation which finally was adopted by Congress. His interest in vocational education has not diminished over the years. Recently, Senator WILLIAMS was asked to address a meeting of the National State Advisory Councils on Vocational Education. His remarks at that meeting covered the issue of vocational education astutely, and he ably described the intent and meaning of the 1976 vocational education legislation. For any Senator interested in understanding that legislation, I commend Senator WILLIAMS' address for their reading. Mr. President, I ask unanimous consent that the text of Senator WILLIAMS' address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY THE HONORABLE HARRISON A. WILLIAMS, JR.

I am very pleased to join you this morning to discuss my perspectives on the new amendments to the Vocational Education Act—and to review the new role of the State advisory councils.

At the outset, let me say that I believe these amendments are a giant step forward for vocational and technical education.

They will have, in my opinion, a dramatic effect on the quality and coordination of occupational learning.

And I believe that they will assist state and local administrators in assuring that their students receive an education which meshes with the changing job market and one which makes efficient use of our increasingly strained financial resources.

I think it is helpful in understanding this new law if we review briefly some of the facts that led to this legislation.

Our Committee's review of the vocational education program posed serious questions about the direction and emphasis of this program, despite increasing growth in public support, state and local expenditures, and student enrollments.

For example, expenditures for post-secondary vocational education—despite the need for more complex technical training—has remained at a stationary 23 percent.

Funding for the disadvantaged and for handicapped youth hovered at amounts only minimally above the statutorily mandated minimums.

And while State and local matching for most other programs increased, the matching shares for these special populations fell from 77 percent in 1969 to 61 percent in 1973 which resulted in an outright decrease in total expenditure.

The GAO review of the program harshly criticized the states for using Federal money solely to maintain existing, often outdated programs.

The Committee's review showed little if any, long range planning and a failure in most states to include all aspects of vocational and technical training in future plans.

Information required to be submitted in return for Federal money was useless to State and local administrators as planning or decisionmaking documents, and totally inadequate to Federal officials who required them for grant approval.

Most disturbing of all were indications that programs were not geared to the changing job market and that the program dealt badly with minority, women, and other disadvantaged students most in need.

For example, in 1972 women students made up more than half of the enrollees in vocational education.

But only 8 percent were being trained for high-paying occupations, and more than 50 percent were enrolled in homemaking or other non-employment oriented courses.

Indeed, one HEW study showed that handicapped students were often provided no choice in course offerings.

And that fewer high quality programs and services often existed for poorer and minority students.

Against the background of the most serious economic slowdown in our Nation's history, with well-trained adults out of work at enormous rates and youth unemployment continuing to soar, this description of the vocational education program was a very serious cause for concern.

The legislation our Committee developed as a result, was geared to meet the complex needs of our society.

This new law mandates broad participation in the planning process—including State manpower agencies, community colleges, technical schools, and the advisory councils—for program development and planning and for fund distribution.

While no one agency or group of agencies can overrule the final decision of the State board of vocational education on the plan, the law requires the final plan to include all recommendations which were rejected and to state the reasons for the rejection.

And the law provides an appeal procedure to the Commissioner to act as a final check on the State board and its plan and to assure agencies and the advisory council that their views can be heard and have an impact on the plan.

The State advisory council, the state manpower agency, and post-secondary representatives are required by law to be involved in the development of both a 5-year long-range plan and an annual progress plan.

How, then, should you look now at the role of the advisory councils?

The councils are specifically included as one of the agencies to be involved in the planning process and as one of the agencies whose views and recommendations, if rejected, must be included in the plan submitted to Washington.

Your role is expanded to include responsibility for setting up the selection and operating procedures for the local advisory boards and for providing them with technical assistance to perform a parallel role to yours at the local level.

You are given the responsibility of identifying the manpower as well as the vocational needs of the state and to assist you in this effort, the CETA legislation was amended to require a representative of the State advisory council to sit on the State manpower council.

And you are then charged with commenting on the reports of the State manpower council.

Your resources are expanded to a minimum grant of $75,000 and a maximum grant of $200,000.

Membership also is expanded and educators cannot be in a majority.

And, the Councils' independence from the State board is emphasized, providing them with contracting and hiring authority and requiring that their activities be programmatically and administratively independent.

All of this demonstrates most emphatically the Congressional intent that the councils are to be strong, indeed, within the planning system.

This law structures your authority in a way that gives you the ability to create a statewide advocacy system for assuring the adequacy of occupational training for our youth.

I believe you are charged with becoming the watchdog of the vocational education system—an independent body with adequate data to make a substantial impact on the overall plan.

You can carry your recommendations to the public and to U.S. Commissioner of Education and even appeal to the Commissioner if the State has totally avoided its own responsibilities for planning.

There could be no better time than the present for you to take on this role.

For the educational system, and particularly the technical educational system, will face major challenges over the next decade.

Much of the technical work in this country is becoming highly complex, requiring rigorous and sophisticated training.

We have a major responsibility to open access to students who are not well represented at this time: women, minorities, disabled students, and the poor.

We know that 50 percent of all women over 16 work or want to work.

Disabled students, heretofore, almost unrepresented in the labor force, must be provided opportunities similar to those of other students and must be served by programs designed to meet their needs.

And we know that we are faced with enormous problems in youth unemployment among high school drop-outs and urban and minority youth in particular.

More than 3.4 million young people between the ages of 16 and 24 are anxious to work but cannot find a job.

In March, the teenage unemployment rate was 18.8 percent and the official rate for black teenagers was an astounding 40.1 percent.

An incredible 14 percent of persons between the ages of 16 and 24 were high school drop-outs, and these drop-outs had an unemployment rate of 25 percent.

The Committee on Human Resources, which I chair, is considering and will report before the 15th of this month, a youth employment and training bill.

It was jointly developed by the Carter Administration and those of us in the Senate.

On its face, it is more a youth jobs bill than anything else.

It includes a National Youth Adult Conservation Corps to provide employment in State national parks and forests.

It provides for a Youth Community Conservation and a Community Projects program to employ young people at the local level.

And finally, it includes a Comprehensive Youth Employment and Training Program, under which skill training, counseling, and other services will be joined with work.

In the last component, the bill proposes that half of the funds be distributed to CETA prime sponsors for local initiatives.

The other half would be used by the Secretary of Labor to develop innovative approaches and demonstration projects for dealing with the difficult problems of the transition from school to work.

Clearly, the primary thrust of this bill is to reduce the rampant joblessness among young people.

I am under no delusions that this legislation is the final answer to our problems.

Therefore, I have insisted that its programs be authorized for only one year.

As a result, Congress and the Administration will have to act again within a few months.

But that affords us the time we need to bring together more effectively the resources of employment services, CETA prime sponsors, community-based organizations, and the education community.

It affords you the time to position yourselves for a maximum input into the formulation of a great national blueprint for helping young Americans find a meaningful place in our nation's workforce.

It provides you with the time to begin to grapple with the problems affecting your own States.

And to examine methods of changing our vocational education system so that it can more sensitively deal with the long-term problem of training and educating all young people who have special needs.

There is probably no single group of people as knowledgeable and with as varied experience in this field as the people sitting in this room today.

As a result of the new Vocational Education Amendments, there is probably no one as well-situated as the members of the State advisory councils to help us with our two-pronged problems of young unemployment, training and education, and the assurance of equal opportunity and open access to our technical training programs.

Your help is indispensible if we are to find long-term solutions to these problems.

I look forward to working with you during the months ahead.

Thank you.

A CONCURRENT RESOLUTION ADOPTED BY THE SOUTH CAROLINA GENERAL ASSEMBLY

Mr. THURMOND. Mr. President, on May 10, 1977, the South Carolina General Assembly passed a concurrent resolution memorializing the Congress of the United States to amend the Clean Air Act.

On behalf of the junior Senator from South Carolina (Mr. HOLLINGS) and myself, I ask unanimous consent that this resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

"A CONCURRENT RESOLUTION

"Whereas, the Clean Air Act Amendments of 1970 required the United States Environmental Protection Agency (EPA) to establish National Primary and Secondary Ambient Air Quality Standards for certain pollutants to protect the public health and welfare based on the latest scientific knowledge; and

"Whereas, states are charged with the primary responsibilities for developing and enforcing implementation plans to provide for attainment of the primary national standards no later than May 31, 1977; and

"Whereas, the State Development Board is concerned that national air quality goals set by the Clean Air Act, as administered by the EPA, are in fact unattainable and represent "zero-risk" air quality goals which will result in increasingly restrictive and cost-ineffective regulations; and

"Whereas, South Carolina's growth rate in the past decade has been among one of the highest in the nation and has brought economic progress and prosperity to the citizens of the Palmetto State; and

"Whereas, South Carolina's continued economic growth and prosperity will depend upon a steady increase in industrial activity, expansion and new plant location in the State to provide the jobs necessary to improve the quality of life for citizens of the State; and

"Whereas, the "nonattainment" and "nondegradation" provisions of the present Clean Air Act and proposed amendments to the act would sharply limit or curtail industrial growth in the State and would result in a loss of jobs and paychecks by the people of South Carolina; and

"Whereas, the national automobile industry has been unable to develop the required vehicle emission control technology to meet the deadline for air quality requirements set by the act; and

"Whereas, the Congress of the United States directed in the Clean Air Act Amendments of 1970 that EPA review and, as appropriate, revise air quality criteria and standards in light of new scientific, technical and medical information; and

"Whereas, the efforts of State and local air control agencies during the past six years, as well as those of EPA, have yielded a wealth of new information about air pollutants and regulatory experience with the present national ambient air quality standards; and

"Whereas, the health of South Carolina's citizens is of primary importance so there must be a reasonable balance between industrial development and achievement of air quality goals to ensure protection of our environment and also encourage a healthy State economy. Now, therefore,

"Be it resolved by the Senate, the House of Representatives concurring:

"That the General Assembly of South Carolina by this resolution hereby urges and requests the Congress of the United States to amend the Clean Air Act by adding sections that would:

"(1) Extend 1977 emission standards for automobiles for at least two years.

"(2) Authorize a National Commission on Air Quality to conduct a two-year study of the act covering (a) new and expanded facilities in nonattainment areas, (b) nondegradation and (c) the current conceptual basis for national primary and secondary air quality standards as set forth in the act.

"(3) Prohibit enactment of a nonattainment or nondegradation policy in any form, pending completion of a study of the act.

"(4) Eliminate section 110 deadline for attainment of national primary ambient air quality standards and the prohibition against new or expanded sources in nonattainment areas.

"Be it further resolved that copies of this resolution be forwarded to the presiding officers of the Senate and the House of Representatives of the United States Congress and to each member of the South Carolina Congressional Delegation."

CARTER ADMINISTRATION CONCERNED ABOUT SOCIAL SECURITY RECIPIENTS FAIRNESS ACT

Mr. PELL. Mr. President, as many of my colleagues know, I have expressed deep concern and personal interest throughout the past two Congresses with the bureaucratic and redtape administrative problems that individuals—often the elderly and the poor—have with the immense Social Security Administration. I have introduced legislation three times, each time in what I believe was an improved version, called the Social Security Recipients Fairness Act, in an effort to bring the attention of Congress and the administration to the severe personal problems which social security administrative failures were causing hundreds of thousands of Americans each year.

Last year, I am happy to note, 42 of my colleagues cosponsored S. 985 in the Senate, and many House Members joined my colleague, Congressman ED BEARD, in cosponsoring an identical bill in the House.

This legislation proposed to correct three long-standing problems which hundreds of thousands of social security recipients face each year: the tardy replacement of lost, stolen, or delayed social security benefit checks; the unbelievably long delay, averaging up to a year, involved in appealing a disability insurance determination, and the long wait for SSI determinations; and the problem of how a very low-income person can pay back benefits owed to the Government because of accidental benefit overpayments.

The common thread running through each of these problems is that in every case, one person, a beneficiary or applicant for benefits, often poor, often elderly, often disabled, must go back and back again to the enormous and impersonal bureaucracy, oftentimes waiting for month after month, to hear what SSA is doing to process a claim, or replace a check which was lost or stolen, or correct a computer or clerial error, or expedite an appeal when a worker is disabled and has been without income for a year. In each case, this legislation seeks to impose simple performance standards upon a bureaucracy and to require that services to beneficiaries be performed in a reasonable, stated time period.

Unfortunately, the previous administrations were not concerned with serious reform of administrative procedures or with improving the actual service which social security beneficiaries or claimants received, and strongly opposed the concepts of administrative due process, and just plain efficient service, which were embodied in the Social Security Recipients Fairness Act.

However, I am delighted to report today that the Carter administration and Health, Education, and Welfare Secretary Califano have a much more positive and sensitive attitude toward the entire problem of helping an individual get somewhere when faced by a bureaucracy. Secretary Califano has voiced complete sympathy with the goals of the Social Security Recipients Fairness Act, and substantive agreement with many of its particular suggestions for remedy of the problems it addresses.

When I first spoke with Secretary Califano after he had been nominated to the position of Secretary of Health, Education, and Welfare, I urged him to thoroughly review the problems which my legislation addressed, and he agreed to study the problems and my proposed legislative remedy for them and share his thoughts on these with me.

I recently received Secretary Califano's positive and very constructive letter and am pleased to share it with my colleagues because I know of their continuing interests in resolving the problems highlighted by the Fairness Act's provisions.

In this letter, the administration noted its agreement with the objects of two major titles of my bill. The first title pertains to the speedy replacement of lost, stolen, or delayed social security or supplemental security income benefit checks, and required that, once a check was 3 days late, a recipient could apply at a local social security office for a replacement check, and then pick that check up at that office the next day. The administration has proposed, and has already implemented through administrative procedures, an equally rapid replacement system to be tested first with SSI checks, and indicates that if this system proves successful, it would be prepared to move to extend this system to SSA retirement and disability benefit checks as well.

The second area of major agreement lies in the matter of recoupment of accidental overpayments. Many Rhode Islanders have written to me that, after months or years of small accidental overpayments in their benefit checks, a computer had recognized the error and they were facing the repayment of hundreds of dollars, which they could hardly afford, all at once, because the Social Security Administration would hold back as many of their next checks as necessary to recoup the loss.

I believe that, in cases such as this, no more than 25 percent of each check should be withheld, until the overpayment is corrected; and Secretary Califano has agreed that the Department of Health, Education, and Welfare will initiate, by administrative means, a change in the policy to limit recoupment to 25 percent of the check at a time, except where the recipient wishes to implement a faster repayment rate or has other means of repayment. I welcome this helpfull and practical move in the right direction.

One section of the original bill was suggested to me by Senator SCHWEIKER and had to do with time limits for claims adjudication under the old black lung benefits program. Since that program has been taken out of the Department of Health, Education, and Welfare, and transferred to the Department of Labor, the remaining HEW claims have been largely resolved, and this problem, which was addressed in title III of S. 985 is now resolved for those particular recipients.

The only substantial area of remaining disagreement lies in my proposal to impose time limits upon disability appeal cases and upon SSI applications for initial benefits determinations. Briefly, Secretary Califano has expressed his concern that a guaranteed nonrefundable payment would lead to many more frivolous claims being appealed, and I will give that concern every attention in reviewing how to solve the continuing problem of unconscionable administrative delays in this system.

Mr. President, I ask unanimous consent that Secretary Califano's letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
May 2, 1977.

Hon. CLAIBORNE PELL,
U.S. Senate,
Washington, D.C.

DEAR CLAI: This is in response to your request for our views on a bill you introduced in the last Congress, S. 985, to establish procedures to expedite payment of social security benefits in lost or delayed check cases, to expedite hearings on certain benefit claims, and to limit monthly benefit reductions of social security checks taken on account of previous overpayments.

In summary, we support the objectives of title I and IV of the bill, and expect substantially to achieve them by administrative action. Furthermore, we share your apparent concern that delays in processing social security and black lung benefit claims, however difficult they have been for us to avoid, often create hardships for claimants who may well need the benefits to cover necessary living expenses. The problem has always been to balance the need for speedy determinations with the need for accurate determinations. With respect to the titles II and III, we are afraid that the time periods specified may simply not be feasible because they would likely result in overpayments and payments to ineligible individuals, which could not later be recouped. However, we would appreciate the opportunity to work with you, and the other Senators who share your concerns, to develop new procedures, either administratively or through legislation, which would achieve greater efficiency in claims determinations.

Following is a short summary of features of the bill:

Title I of the bill would require the Secretary to certify and initiate payment to any person within one day after the person submits a statement alleging he has not received monthly social security or supplemental security income (SSI) benefit payments and that such payments are at least 72 hours overdue, or that he has not received them in the correct amount.

Title II of the bill would require the Secretary to establish procedures to assure that, after a hearing is requested concerning benefits or eligibility under titles I (social security benefits), XVI (SSI), or XVIII (Medicare) of the Social Security Act, a final decision would be rendered within 110 days on disability claims and within 90 days on all other claims. If a decision was not reached within the time limit, payments would be made as if a final determination favorable to the claimant had been made, until a final decision was rendered. Such payments would remain the property of the claimant and could not be recovered if the final decision was unfavorable to the claimant.

Title III of the bill would make the provisions of title I and II of the bill generally applicable to the black lung benefits program.

Title IV of the bill would provide that, when a social security benefit overpayment is made to an individual who is unable to refund the overpayment, any future monthly benefit payable to such individual would not be reduced by more than 25 percent.

Title I of the bill addresses the problem of rapid replacement of monthly social security and SSI checks which the beneficiary reports have not been received through the mails. On April 18, in collaboration with the Treasury Department, we instituted a new procedure to replace SSI checks which will come close to producing the results contemplated under title I. If an SSI payment is at least two days overdue, within twenty-four hours of notification by the beneficiary HEW will request that the Treasury Department reissue the check and Treasury will do so. Assuming two days mail time for the replacement check to reach the beneficiary, the total elapsed time between nonreceipt of the regular check and receipt of the replacement check will be five days—as compared to four days under title I of the bill.

If this procedure works, we are prepared to seek the concurrence of the Treasury Department to extend it to regular social security checks. Assuming Treasury approval, this would essentially fulfill the objective of title I of the bill. If the procedure does not work properly or cannot be put into place for regular social security checks, we are prepared to work with the Treasury Department to do whatever else may be needed to speed up check replacement, and to recommend adoption of whatever legislation might be needed to accomplish this objective. Until then, we ask that congressional consideration of title I be deferred.

In addition to the procedures specified in the law, and the forthcoming rapid check replacement procedure, the Social Security Administration has attempted, administratively, to make improvements in procedures for processing checks. Some recently implemented systems which we hope will reduce the incidence of interrupted benefit payments are (1) an on-line query system that permits the status of a claim to be known to the social security office within minutes instead of days; (2) the use of computers to identify the action needed and to direct the request to the appropriate place; and (3) the increased capacity of field offices to directly correct errors in program center records and to take direct action to reinstate benefit payments.

We must also express concern regarding title II of the bill. We agree with the objective of reducing the delays that are incurred when a claim is forced to go to a hearing.

It is unfortunate that inherent in the adjudication system, which includes an opportunity to obtain all available evidence, protection of the rights of the parties involved, and the certainty of a correct verdict, are delays which impose additional burdens upon those whose rights are dependent upon the outcome. I am sure you are aware of examples of numerous problems of delay in many areas other than social security. We would like to work with you to see how we can alleviate the problem as it exists in programs administered by the Social Security Administration. However, we fear that, requiring non-recoupable payments in cases where a determination of eligibility could not be made within a statutorily prescribed period, as would be the case under your bill, would mean that payments would undoubtedly have to be made to individuals who we would eventually find did not meet the prescribed eligibility requirements.

Furthermore, the more frequently this would occur, the greater be the incentive to appeal for individuals who had been rightfully denied benefits, in the hopes that eventual delays would result in the temporary receipt of benefits. The result would be a cycle of escalating demands on the administrative capabilities of the Social Security Administration.

The same theory would, of course, apply to title III of the bill, which would extend the procedures to the black lung program.

We agree that title IV of the bill would alleviate a problem sometimes encountered by individuals who receive an overpayment of benefits through no fault of their own and without being aware that they are being overpaid. Such individuals are currently given an opportunity to request (1) a reconsideration of the determination that there was an overpayment; (2) a waiver of the obligation to repay the excess payment; and (3) a partial rather than full withholding of future benefits until the overpayment is recouped. However, there are probably times when an individual is unable to avail himself of one of these alternatives and therefore faces a substantial and unforeseen reduction in his benefits. Title IV, by restricting the amount of a monthly reduction to no more than 25 percent of the benefits otherwise payable, would assure all beneficiaries that they will not suffer a dramatic reduction in benefits as a result of a prior overpayment.

However, the title has a corresponding disadvantage. Our current policy has been to adjust recovery to the individual's capacity to repay, both in social security and SSI. Where the beneficiary has identifiable income and resources other than the social security check and therefore *prefers* to refund the entire overpayment through substantial reductions in his check, title IV would make this impermissible.

We therefore propose, by administrative action in lieu of title IV, to limit our recovery to 25 percent of the current monthly benefit amount (both with respect to social security checks, which the bill would cover, and SSI checks, which it would not), except in cases in which the beneficiary has other resources which would permit more rapid repayment or requests the opportunity to repay an overpayment through reduction of his check by a larger percentage. Therefore, we believe this course would make title IV unnecssary.

We are advised by the Office of Management and Budget that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

JOSEPH A. CALIFANO, Jr.

Mr. PELL. Mr. President, in the very near future, I will submit a new draft of the Social Security Recipients Fairness Act to take into account the remedies already initiated by the administration and to propose some language for resolving the areas in which there is still some disagreement about particular procedures, but in which I believe there is a unanimity of continuing concern.

In particular, I will continue to review the enduring problem of delays in the disability appeals process, and how best to bring this process' average determination time down to a decent level.

I am convinced that the Congress and the Carter administration can, by working together, bring the social security system, its immense workload, and thousands of skilled and deeply committed employees up to a level of efficiency of which everyone can be proud. More important, we can, by working together, make sure that every beneficiary or applicant gets the benefits he or she deserves on time. When people pay into a system for years and years, they deserve decent and responsive treatment from that program when they turn to it for their deserved benefits.

KENT BENSON

Mr LUGAR. Mr. President, tonight in his hometown of New Castle, Ind., public honor is being paid to Kent Benson, a two-time all-America basketball player for Indiana University and one of the greatest athletes ever to participate in Hoosier sports.

In Kent's 4-year career at IU, he started in 111 of the 114 games in which he played. He helped earn the Hoosiers three Big 10 championships and one NCAA title. And he scored an amazing 1,740 points. The only reason he did not play on our country's Olympic basketball team last year is that he was recuperating from surgery.

Kent Benson is a giant of a man—he is 6 feet 11 inches tall and weighs 245 pounds. But Kent is a giant in ways more important than stature. For instance, in a recent interview he summed up his feelings about his stellar college career by saying:

> I hope in some way I've been a good Christian example for my peers—an example for younger boys and girls and also for adults.

Bob Knight, the Indiana University basketball coach, recently said of Kent:

> He stands out so much in an age when we see professional athletes forgetting everything and everyone else in pursuit of money. Here's a kid who turned down a million-

dollar contract to play another year of college basketball.

Mr. President, in my opinion Kent Benson is the epitome of what a college athlete should strive to be: A hard worker and serious player, and a humble man with full recognition of the role that others play in his success. Not long ago, Kent told a newspaper reporter:

> I've enjoyed Indiana University. It provided me with an education and a social life. I can't say enough about my friends, the student body, the faculty, the fans, and all of those in the IU basketball program. I just thank God for the opportunity of being a part of Indiana University.

These sentiments underscore the quality of man that Kent Benson is. And I am pleased to join friends in New Castle in paying tribute to this "gentle giant."

DEPARTMENT OF ENERGY BILL—S. 826

Mr. WALLOP. Mr. President, yesterday I cast a reluctant vote for energy reorganization. It is not that I take lightly the need to do something better, but we may have gone too far. Although I supported the bulk of the reorganization, two aspects of the bill still trouble me.

First, all the major energy research in the Federal Government has been consolidated in one department. I feel that an underemphasis of long range research may result by the elimination of the independent Energy Research and Development Administration. My fears are founded on the fact that the new DOE is burdened with relieving the Nation of the present energy crisis. If the majority of the efforts are focused on the short run problems of pricing, conservation, transportation, production and distribution, the important effort of long range research could fall by the wayside. As the research effort is twisted to meet immediate problems one cannot underestimate the value of independent long-range research. One has only to look at the administration's orders to destroy the previous work product such as public information pamphlets.

We have consolidated tremendous power in one department headed by one man. It will take great care to see that this Nation does not become captive to short-term considerations, and that it seeks answers to questions and not questions for predetermined answers. The Congress must not toss this aside as a completed task. True oversight alone will avoid the very obvious dangers inherent in such a restructuring. Since ERDA will not be retained I recommend that the Assistant Secretary for Research and Development be chosen for skill and impartiality. Future generations must not be sacrificed to a greedy present.

Second, I also have reservations about the merging of the authorities in the Energy Department and the Interior Department with regard to current leasing policies. There must be a clear distinction showing whether or not the Secretary of the Interior will be functioning to his greatest capacity or that the Secretary of Energy will have sole power to make regulations and veto individual leases.

To sum up, although I did support the bill, I did so with reservations.

AN EFFORT TO SET THE RECORD STRAIGHT

Mr. PERCY. Mr. President, last night I inserted into the Record a statement regarding the need for basic research. My intent was to coordinate this statement with the debate on S. 826, so as to emphasize the importance of a broad range of energy research in the new Department of Energy. To achieve this purpose, the statement quoted Dr. George Pake, who appeared as a witness on S. 826, and a recent Newsweek column written by Jonathan Kellerman.

On rereading the statement in the Record this morning, I realized that I may have mistakenly criticized the distinguished senior Senator from Wisconsin. In the statement I intended to clearly emphasize that in agreeing with Kellerman on the need for basic research I meant no criticism of Senator Proxmire. I did not realize that the column quoted was in other passages sharply written. The inclusion of the Kellerman column was quite frankly an error.

Further, I also wish to apologize for erroneously identifying Senator Proxmire with a study he did not, in fact, attack. This passage, regarding a study on the boll weevil, came from an unsubstantiated part of the Kellerman article which should have been double-checked. I expect Senator Proxmire to reply to this article and if he does I will insert his factual comment in the Record.

As I stated in the Record, I have long applauded Senator Proxmire's unique and effective efforts to eliminate waste in Government by calling attention to frivolous expenditures of tax dollars. I have personally apologized to Senator Proxmire, but I wish to repeat for the record that I sincerely regret any apparent criticism of Senator Proxmire's work which may have resulted from my statement intended for an entirely different purpose.

(This concludes additional statements submitted today.)

ORDER FOR RECESS UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9 a.m. tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO RESUME CONSIDERATION OF S. 7 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that immediately after the prayer tomorrow morning the Senate resume consideration of the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEQUENTIAL REFERRAL OF H.R. 5638

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Sparkman, I ask unanimous consent that when H.R. 5638 is reported from the Committee on Commerce, it be referred to the Committee on Foreign Relations. This request has been cleared by the minority leadership and by the chairman and ranking minority member of the Committee on Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, a Reciprocal Fisheries Agreement between the Government of the United States and the Government of Canada was signed in Washington, February 24, 1977.

This Agreement, which is for 1977 only, satisfies important United States interests both in U.S. fisheries off Canada and in overall cooperative relations between the United States and Canada. The Administration does not consider this Agreement a Governing International Fisheries Agreement within the terms of the Fishery Conservation and Management Act. However, various provisions of the Agreement are inconsistent with that Act. Therefore, the Administration is requesting Congressional approval of the Agreement.

On April 25, 1977, the House passed a bill, H.R. 5368, approving the Reciprocal Agreement. When this legislation was transmitted from the House on April 26, 1977, the bill was mistakenly referred only to the Committee on Commerce, Science and Transportation. The Committee on Foreign Relations should have received either a joint or sequential referral.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeed to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, which have all been cleared all the way around.

There being no objection, the Senate proceeded to the consideration of executive business.

U.S. AIR FORCE—U.S. NAVY

The PRESIDING OFFICER. The nominations will be stated.

The assistant legislative clerk proceeded to read nominations in the Air Force and the Navy.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations confirmed today are as follows:

In the Air Force

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10 of the United States Code:

Lt. Gen. Robert E. Hails, 424–12–8069FR (major general, Regular Air Force), U.S. Air Force—Lieutenant general.

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10 of the United States Code:

Lt. Gen. Winton W. Marshall, 545–14–4500 FR (major general, Regular Air Force), U.S. Air Force—Lieutenant general.

In the Navy

Vice Adm. Robert E. Adamson, Jr., U.S. Navy, for appointment to the grade indicated on the retired list pursuant to the provisions of title 10, United States Code, section 5233—Vice admiral.

Adm. John P Weinel, U.S. Navy, for appointment to the grade indicated on the retired list pursuant to the provisions of title 10, United States Code, section 5233—Admiral.

Vice Adm. John J. Shanahan, Jr., U.S. Navy, for appointment to the grade indicated on the retired list pursuant to the provisions of title 10, United States Code, section 5233—Vice admiral.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

H.R. 6010—ORDERED PLACED ON CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a House bill, H.R. 6010, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEEPWATER PORT ACT OF 1974 AUTHORIZATIONS

Mr. ROBERT C. BYRD. Mr. President, in connection with the authorization of appropriations for the administration of the Deepwater Port Act of 1974, the Senate has passed a bill, S. 891; the House has passed a companion bill, H.R. 6401. They may pass each other in the rotunda, since each was passed Tuesday. I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 6401.

The PRESIDING OFFICER (Mr. MATSUNAGA) laid before the Senate H.R. 6401, an act to authorize appropriations for the administration of the Deepwater Port Act of 1974.

Mr. ROBERT C. BYRD. Mr. President, inasmuch as the House and Senate amounts are the same, I ask unanimous consent that the bill be considered as having been read the first and second times, advanced to third reading, passed, and the motion to reconsider laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 9 o'clock tomorrow morning. Immediately following the prayer, the Senate will resume consideration of the pending bill.

What is the amendment that will be pending at that time, Mr. President?

The PRESIDING OFFICER. The pending amendment is the Hart substitute for the Johnston amendment No. 275, as modified.

Mr. ROBERT C. BYRD. I thank the Chair. Have the yeas and nays been ordered on that amendment?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. ROBERT C. BYRD. Is there any time agreement on that amendment?

The PRESIDING OFFICER. No.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr President, we shall have a long day tomorrow, if necessary, to complete the bill. Rollcall votes will occur throughout the day. I hope they will begin reasonably early. Senators should be on notice that rollcall votes can occur at any time after 9 o'clock. It might be necessary to have a rollcall vote on a motion to get Senators into the Senate. I hope that will not be necessary. Inasmuch as it is Thursday and the leadership is attempting to complete the bill on tomorrow, Senators should be here at 9 o'clock, or shortly thereafter, and be prepared to vote.

If the Senate does not complete action on this bill tomorrow, the Senate will be in on Saturday. If the Senate does not complete action on it on Saturday, the Senate will continue action on it on Monday. I hope that the Senate will complete action on it tomorrow, which will mean that the Senate will go over until Monday.

RECESS UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 9 o'clock tomorrow morning.

The motion was agreed to and at 7:28 p.m., the Senate recessed until tomorrow, Friday, May 20, 1977, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate May 19, 1977:

Department of State

Patrick J. Lucey, of Wisconsin, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico.

Frederick Irving, of Rhode Island, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Jamaica.

Marvin Weissman, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Costa Rica.

Robert Harry Nooter, of Missouri, to be Deputy Administrator, Agency for International Development, vice John E. Murphy, resigned.

Jean Price Lewis, of Virginia, to be an Assistant Administrator of the Agency for International Development, vice Denis M. Neill, resigned.

Abelardo Lopez Valdez, of Texas, to be an Assistant Administrator of the Agency for International Development, vice Eugene N. S. Girard II, resigned.

The Judiciary

Finis E. Cowan, of Texas, to be U.S. district judge for the southern district of Texas vice James L. Noel, Jr., retired.

Civil Aeronautics Board

Alfred Edward Kahn, of New York, to be a member of the Civil Aeronautics Board for the term of 6 years expiring December 31, 1982, vice R. Tenney Johnson, term expired.

Department of Defense

Robert L. Nelson, of the District of Columbia, to be an Assistant Secretary of the Army, vice Donald G. Brotzman.

International Bank Posts

Richard N. Cooper, of Connecticut, to be U.S. Alternate Governor of the International Bank for Reconstruction and Development for a term of 5 years; U.S. Alternate Governor of the Inter-American Development Bank for a term of 5 years; U.S. Alternate Governor of the Asian Development Bank and U.S. Alternate Governor of the African Development Fund, vice William D. Rogers, resigned.

In the Air Force

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10 of the United States Code:

To be lieutenant general

Lt. Gen. Martin G. Colladay, 513–14–5329FR (major general, Regular Air Force), U.S. Air Force.

In the Army

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designed by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Volney Frank Warner, 504–18–6947, Army of the United States (brigadier general, U.S. Army).

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designed by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Arthur James Gregg, 227–20–0740, Army of the United States (brigadier general, U.S. Army).

In the Navy

The following-named Air Force Cadets to be permanent ensigns in the line of the U.S. Navy, subject to the qualifications therefor as provided by law:

Douglas E. Atkins
James Z. LaPlante

The following-named (Naval Reserve Officers Training Corps candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to the qualifications therefor as provided by law:

Julian M. Brown
Christoper J. Buehrig
Carol J. Chou
Gregory A. Cox
Bruce M. Helart
Steven T. Huffman
Roger E. Petty
Kurt D. Schulze
Mariano G. Slaviero
Wesley P. Warren
Alan L. Washington
Edward E. Weintraub

The following-named Navy enlisted scientific education program candidates to be permanent ensigns in the line of staff corps of the Navy, subject to the qualifications therefor as provided by law:

*Kerry A. Canby
*Kirk R. DeBerry
*Patrick R. Norton
David B. Smith

The following-named (Naval Reserve Officers) to be appointed permanent commanders in the Medical Corps of the U.S. Navy, subject to the qualifications therefor as provided by law:

*CDR Victor C. Heath, MC, USNR
*CDR Ludwig A. Rossillo, MC, USNR
*CDR Joseph W. Weaver, MC, USNR

The following-named (Naval Reserve officers) to be appointed permanent lieutenant commanders in the Medical Corps of the U.S. Navy, subject to the qualifications therefor as provided by law:

*Cdr Latimer T. Albert, MC, USNR
*Lcdr James C. Baggett, Jr., MC, USNR
*Lcdr Louis A. Bernhardi, II, MC, USNR
*Lcdr James A. Bloys, MC, USNR
*CDR Robert D. Chaney, MC, USNR
*Lcdr Jesus E. Fajardo, MC, USNR
*Lcdr James F. Mayhew, MC, USNR
*Cdr Philip S. Metz, MC, USNR
*LCDR John T. O'Brian, MC, USNR
*LCDR Bolar R. Rao, MC, USNR
*CDR Hugh P. Scott, MC, USNR
*LCDR Robert D. Shipworth, MC USNR
*LCDR James L. Staiger, MC, USNR
*CDR Ronnie D. Thomas, MC, USNR
*LCDR Augusto C. Velasquez, MC, USNR
*CDR Margarita V. Velasquez, MC, USNR
*LCDR John A. Yauch, MC, USNR

The following-named (Naval Reserve officer) to be appointed a permanent lieutenant commander in the Dental Corps of the U.S. Navy, subject to the qualifications therefor as provided by law:

LCDR John C. Schroer, DC, USNR

The following-named temporary chief warrant officers to be appointed permanent chief warrant officers, in the U.S. Navy, subject to the qualifications therefor as provided by law:

*John E. Bonnette
*William D. Brown, Jr.
*James W. Clark
*Ronald W. Curtis
*Patricio P. Dungca
*Richard C. Dowden
*Eldon P. Henry, Jr.
*Danny D. Koch
*Darrell L. Kulhanek
*James D. Lauerman
*Philip E. Lutz
*Charles H. Mulligan
*Frankie L. Phillips
*Lee R. Ploeg
*Melville W. Volbrecht, Jr.

The following-named (Naval Reserve officers) to be appointed temporary commanders in the Medical Corps of the U.S. Navy, subject to the qualifications therefor as provided by law:

*CDR Latimer T. Albert, MC, USNR
*CDR Robert D. Chaney, MC, USNR
*CDR Philip S. Metz, MC, USNR
*CDR Hugh P. Scott, MC, USNR
*CDR Ronnie D. Thomas, MC, USNR
*CDR Margaita V. Velasquez, MC, USNR

The following-named temporary Chief Warrant Officers to be appointed lieutenants (junior grade) in the U.S. Navy, for limited duty, for temporary service, in the classification indicated, subject to the qualifications therefor as provided by law:

*Mark D. Berner, Administration.

*John E. Bonnette, Avionics.

*Patricio P. Dungca, Engineering/Repair (Surface).

The following-named enlisted candidates to be appointed temporary chief warrant officers, W-2, in the U.S. Navy, in the classification indicated, subject to the qualifications therefor as provided by law:

*Ronald M. Decker, Explosive Ordnance Disposal Technician.

*Tommy L. Kirchner, Electronics Technician (Surface).

The following-named (U.S. Navy officer) to be appointed a temporary commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law:

CDR David A. John, MC, USN

WITHDRAWAL

Executive nomination withdrawn from the Senate May 19, 1977:

INTERNATIONAL BANK POSTS

Richard N. Cooper, of Connecticut, to be U.S. Alternate Governor of the International Bank for Reconstruction and Development for a term of 5 years; U.S. Alternate Governor of the Inter-American Development Bank for a term of 5 years; U.S. Governor of the Asian Development Bank, and U.S. Governor of the African Development Fund, vice William D. Rogers, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 19, 1977:

IN THE AIR FORCE

The following officer to be placed on the Retired List in the grade indicated under the provisions of Section 8962, Title 10 of the United States Code:

To be lieutenant general

Lieutenant General Robert E. Hails, 424-12-8069FR (Major General, Regular Air Force), United States Air Force.

The following officer to be placed on the Retired List in the grade indicated under the provisions of Section 8962, Title 10 of the United States Code:

To be lieutenant general

Lieutenant General Winton W. Marshall, 545-14-4500FR (Major General, Regular Air Force), United States Air Force.

IN THE NAVY

Vice Admiral Robert E. Adamson, Jr., U.S. Navy, for appointment to the grade of vice admiral on the retired list pursuant to the provisions of Title 10, United States Code, Section 5233.

Admiral John P. Weinel, U.S. Navy, for appointment to the grade of admiral on the retired list pursuant to the provisions of Title 10, United States Code, Section 5233.

Vice Admiral John J. Shanahan, Jr., U.S. Navy, for appointment to the grade of vice admiral on the retired list pursuant to the provisions of Title 10, United States Code, Section 5233.

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* Appointment sent out Ad Interim (During the recess of the Senate)

EXTENSIONS OF REMARKS

LIMITED BAN ON SACCHARIN

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. BONKER. Mr. Speaker. FDA's recent decision to impose a limited ban on saccharin has stirred much comment, and most of it has been adverse. As a result, a number of bills have been introduced and hearings are scheduled to determine whether the ban is justified and necessary.

Like many of my colleagues in the House. I have received hundreds of letters from constituents who are upset with the FDA's ruling. One such letter comes from Dr. William J. Steenrod, Jr., who has made a persuasive case against the Government's decision on saccharin. Dr. Steenrod, a professional who deals with these matters on a day-to-day basis, raises some troubling questions that should be of concern to every Member of the House.

The letter follows:

THE MASON CINIC,
Seattle, Wash., March 19, 1977.

Hon. DON BONKER,
House Office Building,
Washington, D.C.

DEAR MR. BONKER: As a physician who, for the last quarter century or more, has devoted most of his life to the treatment of diabetic patients, I feel it incumbent upon me to write to you and other members of the Congress in regard to the recent ban on the use of saccharin in the United States. I have waited several days to write in the hopes that my temper would cool sufficiently and I might be able to put forth a reasoned opinion and argument.

Properly applied, who can argue with a law which attempts to prevent human consumption of materials in foods which are known to cause cancer in animals? The answer obviously is no one as long as the law is reasonably applied. However, in the case of both the cyclamates and saccharin a sort of adversary approach has been used. If one has a competitor who makes a competing foodstuff, all one has to do is find an animal which will develop some form of cancer when fed the foodstuff regardless of whether amounts are reasonable or even possible on the human scale and one can then run his competitor out of business, all the while appearing as a protector of humanity whose only aim is to prevent cancer.

To go to the case of saccharin, it apparently is true that in certain strains of mice or rats bladder cancers apparently had developed in a proportion of these animals when they are exposed to extremely high concentrations of the particular foodstuffs. If the newspaper article I read is correct, to apply these doses to human scale it would mean drinking something like 37 or 38 gallons of saccharin flavored pop per day for life to run a modest chance of developing bladder cancer. Except in the largest adults, the imbibing of 37 gallons of liquid per day would in itself be fatal. Similar logistics apply in the case of the cyclamate ban of a few years ago.

Perhaps the part which raises my ire the most is that the perpetuators of this debacle callously disregard the comfort of a few million diabetics who cannot, in good health, tolerate sugar in order to thwart the millions of dieters who can eat sugar, if no other sweeteners are available. It must be obvious that saccharin and cyclamates as well would not have been "proven poisonous" had they not presented a significant competition to the sale of sugar.

On behalf of the hundreds and hundreds of diabetics with whom I deal all the time, I hope you will do all in your power to change this law, so that such needless sanctions will not be applied to a group of people who already have enough troubles of their own.

Very truly yours,

WILLIAM J. STEENROD, Jr., M.D.

THE PUBLIC SUPPORTS THE AGENCY FOR CONSUMER PROTECTION

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. ROSENTHAL. Mr. Speaker, I want to bring to the attention of our colleagues a recent Louis Harris poll showing strong support throughout the country for establishment of a Federal Agency for Consumer Protection, and showing mistrust of the business community.

Opponents of the Consumer Agency are engaged in a massive campaign to convince the Congress and the media that: First, the public opposes creation of the Agency, and that second, the consumer advocates who strongly urge its creation are out of step with the public. The results of the recent Harris poll—commissioned and paid for by the Sentry Insurance Co.—demonstrate the falsity of these statements.

I am appending two news reports of the poll results. Some of the highlights of the poll that are relevant to the consumer agency discussion follow:

Fifty-two percent of the total public favor the creation of a Federal consumer protection agency. Thirty-four percent oppose its creation;

Fifty-nine percent of the total public said they believed that "the leaders and spokesmen of the consumer movement reflect consumer feelings". Only 22 percent said the consumer leaders "are out of touch with consumers";

Sixty-one percent of the total public said they believed that "the leaders of the consumer movement are reasonable in their criticisms and demands". Only 14 percent said they were "unreasonable";

Fifty percent of the public said that compared with 10 years ago, "consumers get a worse deal in the marketplace". Only 27 percent said they get a better deal;

Seventy-seven percent of the public said that "the consumer movement has kept industry and business on their toes". Only 8 percent disagreed.

Sixty-nine percent of the public agreed that "the consumer movement has helped a great deal to improve the quality and standards of products and services". Ten percent disagreed;

Fifty-two percent of the public said that while the demands of the consumer movement have resulted in higher prices, those higher prices "were generally worth the extra cost". Only 29 percent did not believe they were worth the extra cost;

Eighty-three percent of the public said they believed that "people active in the consumer movement have done a great deal of good or some good". Only 4 percent thought they had done some harm or a great deal of harm;

The public identified "food manufacturers," the "oil industry," "car" and "drug" manufacturers as among the industries they would most like the consumer movement to devote its attention to in the future;

Sixty-one percent of the total public said that there should be the "same amount" of or "more" government regulation of business.

I believe that the results of this comprehensive and business-sponsored poll demonstrate that the harmful, but powerful, business opponents of the consumer agency legislation are both out of step and out of favor with our consumer constituents. A majority of the American people apparently believe that the proposed Agency for Consumer Protection will make the existing regulatory agencies operate more efficiently, effectively, and fairly.

[From the New York Times, May 17, 1977]

SURVEY SHOWS DISTRUST OF BUSINESS AND SUPPORT FOR CONSUMER AGENCY

(By Frances Cerra)

A national public opinion survey reported that the American public has a higher priority on the solution of consumer buying problems than on air and water pollution or restoring integrity to government.

The survey, conducted by the Louis Harris and Associates polling on behalf of Sentry Insurance, also found that the public had great confidence in consumer leaders and endorsed, by 52 to 34 percent, with the rest undecided, the creation of a Federal consumer protection agency.

The results of the survey were released yesterday at a Washington news conference held by Esther Peterson, President Carter's consumer adviser. Mrs. Peterson said the results proved that "the public is fed up with our current marketplace system—they blame business for shoddy products and warranties."

WARNING TO BUSINESS

She used the opportunity to push for creation of a Federal consumer protection agency, which is supported by the Carter Administration. A bill to create such an agency narrowly passed the House Government Operations Committee last week after intensive lobbying by business interests.

Louis Harris, who also appeared at the conference, said the poll showed that "the cellars of America are cluttered full with products consumers bought and couldn't use" because of "woefully inadequate postsale services and shoddy workmanship."

A spokesman for Sentry Insurance said that the insurance carrier has sponsored the poll because John Joanis, the board chairman, believes that the business community needed to understand the depth of consumer unhappiness in order to respond to it.

The survey was compiled from 2,032 interviews with a representative national group of adults that was conducted late last year. In addition, six groups of opinion leaders, among them consumer activists and senior business executives, were also polled to see how well their attitudes corresponded with those of the general public.

When handed a list of issues facing the nation and asked to choose which two or three were of "the highest concern and priority for the next Administration," 18 selected "helping consumers to get a fair deal when shopping," which placed it below inflation, unemployment, Federal spending, welfare reform and Federal taxes, but above establishing a national energy policy, restoring integrity to Governments, controlling air and water pollution and national health insurance, among other things.

Fifty-nine percent of those questioned agreed with the statement that "most companies are so concerned about making a profit they don't care about quality," and 65 percent agreed that people with problems or complaints about purchases often found it "very difficult" to get them corrected. Paradoxically, however, 52 percent thought that "most companies do a good job of providing reasonable products at fair prices."

ADS CALLED MISLEADING

In answer to questions about advertising, 46 percent said they thought most or all of television advertising was seriously misleading while 28 percent held the same view about print advertising.

The survey also found that none of the groups of opinion leaders accurately mirrored the concerns of the public. But the consumer activists differed mainly in that they considered the problems to be more serious than did the general public, while the business executive held generally opposite views to the public attitudes.

The survey summary described this attitude difference as a "gulf" which should be "a cause of real concern to the more thoughtful managers who are anxious to improve the public standing of business."

CONSUMER UNREST STAGGERING

(By Marian Burros)

Pollster Louis Harris yesterday said an opinion research survey conducted by his firm shows broad public support for the consumer movement accompanied by a deep disenchantment with the business community's response to consumer needs.

Harris called the study a "landmark," documenting the phenomenal growth of the consumer movement which he said is "staggeringly" larger than similar ones of the past such as the populist, labor or equal-rights-for-blacks movements.

"The consumer constituency dwarfs all of them," Harris told an audience of congessmen, business executives and consumer affairs specialists on Capitol Hill.

He also said consumers are disgusted with a whole range of problems they blame on business: soaring prices, products of questionable safety, false advertising claims, "woefully inadequate" service, warranties and guarantees that don't mean anything, lack of redress and "extreme difficulties in receiving common justice in the marketplace."

More than 2,000 persons were interviewed for the survey, commissioned by Sentry Insurance; a cross section of 1,510 Americans and 522 persons from leadership groups made up of consumer activists, senior business managers, business and government consumer affairs specialists, and insurance and non-insurance regulators.

According to the survey, the business leaders were less in touch with the public's wants and needs than any of the other groups. The consumer activists were more extreme in their criticisms and demands on business than was the public, but the survey says people turn to them for helo because they do not believe business will reform itself or that big government can regulate it. Instead, the public wants the regulatory process opened up for citizen participation by individuals and by consumer activists.

The public does not lay all of the blame for its problems on business and government. It is critical of its own ability to shop properly: Sixty-five per cent said most consumers do not make proper use of product information already available.

But even though 72 per cent of them think they are better shoppers than they were a decade ago, 50 per cent feel that overall they get a worse deal in the marketplace today than they did 10 years ago with few exceptions: Seventy per cent feel that product labeling is better and 60 per cent say that products are safer.

The majority are generally optimistic about the future but feel that the problems which have worsened in the last 10 years will continue to deteriorate in the next 10: Fifty-five per cent believe the life of products will get shorter and that it will be more difficult to get things repaired; 46 per cent believe the difference between manufacturers' claims and product performance will increase.

Harris says such answers are "a clear early warning to business . . . for far-reaching changes in management and regulation of business."

Some of the same areas of business about which people gripe the most now such as car mechanics and garages are those which will bear watching in the future, but leading everyone's list of targets for consumer action are the food industry, hospitals and the medical profession.

Another area in which the public and the leadership groups agree is on the impact of the consumer movement. To a greater or lesser degree all say that it has given consumers a better deal, that it has kept business on its toes and that it is here to stay.

At the same time, the value of the consumer movement in the eyes of business is "in stark contrast to all other groups sampled." While 59 per cent of the public believes the consumer movement reflects consumers' feelings, only 29 per cent of the business managers do; 67 per cent of the public does not think consumer activists are trouble makers, but only 32 per cent of the business community feels that way. And only 5 per cent of them think consumer activists take the cost of their demands into account, while 43 per cent of the public does.

At the same time that the majority of the public acknowledges that consumer activists' demands have increased the cost of some products, they say they are willing to pay these costs.

At yesterday's briefing, Harris said this ought to make business realize that "if you deliver value for money, people will pay for it."

And in order to get better and safer products and services, the public is willing to try new techniques, which is not surprising because they do not think the old techniques are working.

They support creation of an agency for consumer protection—which is the subject of very heated debate in Congress right now—by 52 to 34 per cent. There also is considerable interest in compulsory consumer education in school; creation of an independent laboratory to test product safety; complaint bureaus in each city; consumer affairs specialists as senior officers in large companies; and consumer representatives on the boards of directors of these companies.

According to the survey, "There is no question" that the business community is "in real trouble with the American people on the consumer issue."

The survey concludes that if business performance in the next 10 years "cannot match the public's expectations, then the ground swell of dissatisfaction, already so strong, will become more strident and more hostile."

U.S. ARMS SALES POLICY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues a speech I recently delivered to the Industrial College of the Armed Forces of the National Defense University located at Fort McNair here in Washington on April 19, 1977.

The speech follows:

ARMS SALES: A CONGRESSIONAL PERSPECTIVE

I. INTRODUCTION

The United States has the dubious distinction of being the world's largest arms salesman. This country, indeed, sells over 50% of the arms sold worldwide.

During the Presidential campaign, Jimmy Carter said: "We cannot be both the world's leading champion of peace and the world's leading supplier of weapons of war."

President Carter was right. Yet, he also recognized the complexities and intricacies of elaborating an arms sales policy that is appropriate for a nation that is the most powerful militarily and economically, and that should be setting an example for all nations to follow.

Since 1970, United States arms sales agreements have increased ten-fold. An estimated $32 billion worth of American military equipment and services are in the pipeline for various states around the world. The President considers the high level of our arms sales so alarming that he has personally reviewed all the major arms agreements presented since his Administration took office.

While it is difficult and probably unwise to end all arms sales or even significantly reduce them it is imperative that we critically examine our arms sales policy or lack of policy. In recent years, we have helped to promote both horizontal and vertical arms proliferation—horizontal in that more and more states are purchasing equipment, and vertical, in that more numerous and sophisticated arms are being sold.

I acknowledge that arms sales, even large arms sales, may be necessary in today's world, particularly in light of the evolution in American foreign policy away from direct military assistance to and direct U.S. involvement in countries throughout the world. Arms sales are an important part of American defense efforts and a vital tool in conducting present U.S. foreign policy. Yet, they should not become primordial elements of that policy.

The problem with arms sales is not just the lack of restraint in sales of military equipment and services, but that arms sales have become a major instrument of American foreign policy, *without* proper management of them, *without* adequate rationale for them, *without* adequate consultation with or scrutiny by Congress, and *without* sufficient explanation to the American people.

In instance after instance over the past half decade, arms sales have represented a disproportionate part of our total foreign policy effort, to the deteriment of our economic developmental, political and diplomatic efforts. Our arm sales policy has been fragmented and shaped by the differing, and sometimes contradictory, desires of the State Department, the Defense Department, arms manufacturers, and Congress, or by the whims of a President or Secretary of State.

Although there are hopeful signs that the great emphasis U.S. policymakers place on arms sales will soon diminish, appraisals of how the U.S. handles this problem continue to be heard today.

We hear constant pronouncements of restraint from the government. Yet arms sales continue at high rates. The name of the game still appears to be sell, sell, sell.

We hear elaborate statements of the criteria used to approve sales. Yet these criteria do not seem to significantly affect the sophistication or reduce the number of weapons we sell abroad. The rationales for many sales remain unclear.

We hear that the various agencies of our government have coordinated positions on how to treat sales issues. Yet we can see that the lack of a clean arms sales policy is largely due to the fragmentation and differences of views that exist in the government.

We hear that our government has effective control over all people involved in this country's security policy, including arms sales. Yet in some countries, our own Defense Department does not even have authority and control over all American defense personnel in those countries. One sees private American defense contractors, pursuing their activities without restraint, in places like the Persian Gulf, talking to leaders, often without government approval.

We hear that Congress has an effective oversight over the process by virtue of its legislative veto over major arms sales. Yet, Congress has not disapproved any sale to date and cannot be reasonably expected to stop sales, because it sees prospective sales so late in the sales negotiation process, that any disapproval by Congress is deemed to cause considerable bilateral diplomatic and political problems for the United States.

The Carter administration is currently preparing a comprehensive study on U.S. arms sales policy. This study, inspired by the President's personal interest in reducing arms sales, will set the tone for U.S. policy in the area of arms sales over the next few years. I believe it will address many of the concerns that those of us the Congress and the country at large have over this issue.

As the new administration seeks to define and rationalize U.S. arms sales policies, I would like to review with you some of the issues that are frequently brought up with respect to arms sales. They include the criteria used by the U.S. government to approve or deny sales; the pros and cons of arms sales; and some Congressional views on present problems and future needs in this policy area.

II. GOVERNMENT CRITERIA FOR JUDGING ARMS SALES

The criteria used by the various agencies of the executive branch of our government to permit or disallow arms sales are several, and have been advanced frequently in Congressional hearings before the Committee on International Relations on which I serve. There may be other criteria but the following appear to be the most common:

First, are weapons offensive or defensive?

Although there is probably no such thing as a "defensive" weapon, nevertheless, certain weapons are inherently more suitable to defensive roles, while others can be assigned primarily offensive capabilities. Weapons deemed to be defensive are more easily approved, although other factors, such as existing capabilities of a given country or those of potential enemies, are simultaneously taken into account. For example, the State Department claims that analysis of a proposal to sell tanks normally is more rigorous than a proposal to sell anti-tank missiles.

Second, what is the political and strategic impact of the proposed sale?

The mere acquisition of a weapons system by a state, however justifiable in terms of legitimate defense needs and intentions, may arouse the fears of neighboring states, and have a destabilizing effect on the region involved, contrary to the stabilizing one intended.

Third, what are the financial and economic implications of the sale?

The capacity of the purchasing state to finance military imports, given its overall economic situation and requirements, must be taken into account. This criterion is particularly important for nations that have heavy demands on limited financial resources and economic assistance funds. Furthermore, what sales mean for the U.S. economy and the U.S. balance of payments must also be considered. In times of recession and general economic downturn, this criterion acquires a special importance. One billion dollars in sales means 37,000 American jobs. On the other hand, we must be careful that such "bread-and-butter" considerations do not override more crucial American security interests.

Fourth, what is the absorptive capacity of the recipient state?

The ability of the purchasing state to use proposed military imports effectively within its overall defense structure is an additional factor to be reviewed. This situation applies especially to newly-rich oil-producing states which have access to huge amounts of financial resources, yet often overestimate their military needs or purchase arms largely for reasons of prestige.

Fifth, what are the intended uses of a weapon to be purchased?

Given the domestic character and foreign policy goals of the purchasing state, the U.S. government weighs a state's intentions in requesting the weapons. This consideration also involves a judgment with respect to the intention and ability of the recipient nation to transfer U.S.-made weapons to third countries without U.S. approval.

Sixth, what are the security responsibilities of the state?

Some states in an area bear regional security burdens, and their requests are considered in light of these responsibilities. This criterion has applied particularly to certain states in the Middle East (Israel, Iran, Saudi Arabia) which have difficult positions in a region or ascribe themselves special roles in the area.

Seventh, what are the alternative sources of arms?

The possibility of non-American sources of military weapons being sought is a significant consideration. The State Department does not like to say it is a matter of competing with the British or the French, or the Swedes, or even communist countries, for exports, or for the benefits of the political influence and presence that military exports afford, that it approves arms sales. But the fact remains that the argument—"If we don't sell, others will—is frequently invoked by the proponents of a sale, especially if the "others" are communist suppliers.

Eight, what is the impact of sales on American productive capacity?

To the extent that increased volume of production resulting from the sale of U.S. weapons abroad lengthens production lines and lowers the per unit cost of weapons purchased by U.S. military services, our own military needs are better served. In some cases, particularly for highly sophisticated weapons such as fighter planes, this has been a crucial factor. Our limited productive capacity often places constraints on our ability to respond to foreign military requests in a time-frame acceptable to recipient governments, because of the need to give priority to our defense needs.

Ninth, will the sale escalate the arms race in an area of the world?

Our government maintains that we want to prevent or discourage an arms race by potentially adversary nations in an area.

Tenth, what is effect on overall U.S. interests?

The political impact of a refusal on our part to export military equipment or services must be weighed in terms of our total relationship with the country concerned, and our broader interests in the area.

This list of criteria is impressive and extensive. However, one wonders how carefully these criteria are actually applied. If these criteria have been applied thus far, they have not been applied forcefully enough, and they certainly have not had a restraining effect. For these reasons alone, these stated criteria perhaps should be viewed with some skepticism.

These criteria need to be re-examined in terms of their thrust and their application, and the utility of eliminating some and adding new ones. The emphasis in these criteria is in the wrong place. Sales should be made less on the perceived needs of a foreign country and more on the basis of what we believe is in our own national interest. The tendency to equate our interests with those of most of the states with which we have arms sales relationships must be resisted. We must be willing to recognize that we often have divergent interests with states to which we have provided large amounts of weapons.

A series of important economic and military issues are addressed by the questions raised and the criteria mentioned. But in most cases, persuasive positive answers can be prepared to support almost any sale. Therefore, it is the rigorous application of these criteria that most needs scrutiny.

For example, although one criterion relates to the adsorptive capacity of a country, very little attention has been given to determining at what point recipients of large-scale arms sales can no longer absorb and operate the modern weapons they are receiving. Iran is a case-in-point.

To take another example, there are few critical evaluations of the threat to a country or to the U.S. of the expected performance of that country's military organizations.

Third, many states, especially in the Third World, simply do not have military establishments that can effectively utilize the weapons sold them. This fact requires the institution of training programs run by American personnel. This is a problem whose implications are just beginning to emerge.

As a practical matter, for many foreign states which receive weapons from us or other arms-producing nations, there are few restraints on arms purchases. Some states have surplus cash; others have governments which have few qualms in giving priorities to military preparedness; many states can point to a perceived external or internal leftist or communist threat.

Lack of restraint, therefore, seems to exist on both sides, and if solutions are to be found for the world arms sales problem, the requirements of both suppliers and recipient states will have to be considered carefully.

As an initial step, the existing criteria for our own arms sales, as I have just outlined, will have to be applied more forcefully, and altered if necessary.

III. ARGUMENTS USED FOR MAKING SALES

In order to frame my Congressional view of our arms sales policy, I would like to examine some of the arguments for making sales, and then outline what arguments exist against arms sales, at least in the nature and amount we are witnessing currently.

What really tends to lock the government into a pro-sales policy is the combination of the criteria used for making sales and the broad rationales used most often in justifying sales. The rationales heard from administration officials who testify on Capitol Hill are primarily economic, political, and strategic.

First, a crucial argument today is the question of jobs. One billion dollars in arms sales annually means over 37,000 jobs here in the United States. For every $12 we earn from exports, $1 comes from the arms trade, providing jobs for 400,000 Americans who work directly or indirectly for the weapons manufacturers.

Second, arms sales have become crucial for the balance of payments of Western nations, which have deteriorated significantly because of the five-fold increase in oil prices of recent years. Sales are used to help offset the increased costs of oil imports.

Third, arms sales also help us maintain our military preparedness and our defense production by lowering per unit costs of items in our inventory.

Fourth, political and strategic arguments have maintained their importance for arms sales proponents. The most familiar argument is that "if we do not sell, others will," and those "others" might be nations of the communist bloc, something which would be contrary to our interest.

Fifth, arms sales are increasingly perceived by other governments to be an integral and vital aspect of their relations with the United States and as a key symbol of American support. It is said that arms sales must be seen as a part of the total relationship we have with another government and not as an isolated aspect of it. In a time when we are reducing, and even eliminating, most of our military assistance programs, this argument has acquired a new force.

Sixth, the sale of equipment is seen as a means by which the United States can achieve a measure of influence over the recipients, and at the same time deny influence to other potential suppliers. This influence is reinforced by the fact that the United States must also supply spare parts and ammunition as well as training. This new type of dependency on the United States by nations with which we have arms relationships permits us to influence developments in a nation or area and vindicate some of our own security interests. Indeed, U.S. arms sales often take the place of a U.S. military presence. This was an important element of the Nixon Doctrine.

Seventh, the State Department uses arms sales to create or maintain a balance of power so that the danger of actual conflict is minimized. Therefore, in most cases, an additional rationale for approving a sale is that it achieves an arms balance and military stability in an area. This has been the overriding rationale for our sales to the Middle East and Persian Gulf, where over 80% of our sales go.

Eighth, states must feel secure. Our arms are intended to provide that feeling of security. In many cases, also, the request for a sale by another government is in response to an arms acquisition by a neighboring power from another source, which may frequently be a communist power. The Soviet Union supplies over a third of the world's arms.

IV. ARGUMENTS USED AGAINST MAKING SALES

Such arguments for making sales can be counterbalanced by arguments against sales. Some of the themes expressed most often by critics of our arms sales policy directly address the issues as outlined by arms sales proponents.

First, the economic argument in favor of arms sales must be examined carefully. Many industries are more labor-intensive than the arms industry is. Moreover, even the most ardent critics of arms sales would not argue for a total elimination of arms sales, so that a realistic diminution of U.S. arms sales would not have the dire unemployment consequences predicted by the defense establishment.

Furthermore, we should ask ourselves if our defense industry should be so heavily dependent on export markets or be in the position of swaying our foreign policy; if armaments are the most socially useful output for U.S. industries or the most productive allocation of limited resources in developing nations; and if arms exports compromise the readiness of U.S. forces.

Ultimately, we should determine if short-run economic considerations should dominate our foreign policy and national security.

The U.S. defense industry should be efficient enough to depend on domestic markets, not foreign sales. Foreign sales should not be the basis for keeping defense industries alive, if that industry has no substantial domestic market. The argument, that "if we do not sell, others will" is a non-starter. It reflects not a policy, but a lack of policy. There is an element of futility about it. A viable arms sales policy must be based on what is in our national interest, not on what others might or might not do. There will be instances when it is our national interest for others to sell and where our involvement in particular situations needs to be minimized.

Over the long-run, other considerations will acquire greater importance. And the United States must be aware of them and be prepared and willing to confront them.

Third, the United States takes certain risks in providing arms, particularly to those countries which have either current or potential domestic instabilities. The introduction of new weapons systems into a dangerous situation may increase the likelihood of violence. Military stability through arms balance is extremely difficult to secure. New weapons, whether or not they increase the probability of conflict, do expand the potential destructiveness of warfare.

In most, if not all, military conflicts since the end of World War II, imported arms were used almost exclusively. Can the suppliers of those arms disclaim all responsibility for their use and the death and destruction they cause?

Fourth, it is a high-risk game to move substantial quantities of sophisticated weapons into regions of the world which have a history of unstable governments. Governments can change abruptly. Today's enlightened leader can be tomorrow's despot.

President Carter has made morality an essential element of his foreign policy. In that light, moral considerations should be given a greater place in our arm sales policy, since it has become an important element of our overall foreign policy. Most Americans are simply not comfortable with an image as the chief arms supplier to the world. This image is harmful to American ideals and to the promotion of an effective and moral American role on the international scene.

Fifth, arms sales divert scarce resources from economic development efforts that many countries should undertake. By catering to demands for arms, the U.S. incurs a moral responsibility for wasting resources and for escalating regional arms races.

Sixth, another consequence which is only beginning to emerge as a result of the United States' willingness to sell arms to certain countries is the related involvement caused by the continuing supply and support responsibilities which bring the United States into situations where it should not be a participant. Arms sales have led to the influx of thousands of Americans where they should not be. In addition, the United States in selling modern and sophisticated equipment, runs a risk of transferring high technology items.

Seventh, provisions of arms to repressive regimes is both counterproductive in the long run and unacceptable to our belief in free and democratic societies. U.S. military training can, in some instances, enhance the power of governments that act contrary to American ideals and principles. Particularly in areas of tension and in those situations in which the United States may be supplying both adversaries, we are fueling arms races which cannot help but lead to conflict and destruction. It is difficult to see how such a situation can be in our interest or based on a moral commitment to peace.

Finally, arms sales do not necessarily provide influence, contrary to what we are so frequently told. Arms sales are meant to give the United States influence and leverage with recipient states. Yet we find that this so-called leverage is rarely, if ever, used. Political influence gained through arms transfers may be illusory, temporary, or ineffective. I have not been presented with any concrete instance in recent years where the U.S. government effectively used the influence we are meant to have acquired through sales.

V. CONGRESSIONAL VIEWS

These criteria and rationales have been scrutinized in Congress, where the pros and cons of arms sales continue to be debated. The emerging Congressional consensus on the issue includes the following elements:

The U.S. must exercise restraint. Given the dominant U.S. position in the arms trade, greater U.S. restraint is a prerequisite for the development of effective arms control measures worldwide. On balance, a strong sentiment exists in Congress for reducing arms sales significantly in the abstract. However, in specific cases, only a minority seeks to block proposed sales. Yet, in part because Congress has undertaken legislative initiatives to oversee and control arms sales, I think it is fair to say that most Congressmen are uneasy with the magnitude of our arms sales.

Arms control and limitation alternatives must be given a higher priority than they had in the past. A better way must be found to bring major arm suppliers to control sales. Four countries—the U.S., the U.S.S.R., France, and Great Britain—make over 90 percent of the major weapons transfers to the developing world. Multilateral restraints are essential.

There is an overriding feeling in Congress that this country needs a coherent comprehensive arms sales policy. We need a framework in which foreign requests to buy arms can be judged, a set of strict standards for defining the American interest in foreign military sales. American arms sales have been, in the view of many in Congress, more a reaction to events abroad than a reflection of our national interests and an effective foreign policy.

The United States needs to articulate, not only a clear arms sales policy, but a policy which enables us to say *"no"* to a country, to let others sell in our place, and to cut supplies if necessary. Economic motivations should be subordinated to foreign policy, national security and arms control considerations in determining U.S. arms export policies.

In attempting to define, or help the executive branch define, a coherent and adequate foreign military sales policy, Congress has expressed itself on a number of issues relating to arms sales. Congress recognizes the need to keep our European allies supplied with the best American weaponry. The needs of our NATO allies should receive the highest priority.

The main problem, in the Congressional view, has been in sales to the developing nations. Congress has mandated that grant military assistance should be phased out quickly. Many of its members have become concerned over the lack of control over the activities of private defense contractors overseas. It has indicated that commercial sales of military equipment should be phased out.

Congress has legislated various mechanisms to try and control and oversee arms sales. However, although such Congressional oversight of arms sales, through provisions in the law which allow for review of prospective sales, is useful, the review comes so late in the process of discussions and negotiations over a sale between the U.S. and the recipient that full public scrutiny of sales is still difficult and Congressional input ineffective and detrimental.

Ways should be explored for involving Congress in the arms sales process earlier, so that Congressional objections can play a role in determining decisions without appearing to harm bilateral relations through public debate late in or after sales negotiations.

Additional mechanisms which have been suggested in Congress and which illustrate the continuing Congressional concern in this area have been: instituting ceilings on the sale of sophisticated weaponry to Third World countries; and seeking clearer explanations of the reasons for specific sales. These explanations should not be the vague catch-all, repetitive, somewhat careless reasons often used. Congress should be told precisely why specific sales are made.

Finally, I see increasing pressure in the Congress for serious and sustained diplomatic efforts to convene an arms suppliers' conference to consider the ways and means of restraint.

Congressional involvement in the arms sales process has had both its pluses and minuses, however. On the positive side, Congress has forced a rethinking of U.S. arms sales policy within the government. On occasion, it has forced the reduction, delay, or denial of a prospective sale (missiles to Saudi Arabia, planes to Pakistan). It has demanded clearer public explanations of policy. It has started a broader public debate and scrutiny of sales programs. Basically, it has insured that there is some check in the system on the use of this instrument of foreign policy.

On the other hand, there have also been some negative aspects to Congressional involvement. For example, we have not been consistent in opposing certain types of sales to certain states. The process has focussed too much on prospective sales to Israel's potential adversaries. Congres often becomes involved so late in the sale that it tends to complicate bilateral relations and to play a counter-productive role, so much so that we may damage important national interests of the United States.

We can also, through our unpredictable actions, severely disrupt the United States' ability to maintain confidence in this country among friends overseas.

VI. POSSIBLE ISSUES FOR THE FUTURE

The debate on arms sales will surely continue within the United States. The role of Congress and its risks and benefits will also be contested. But I think it is clear that Congress is in the arms sales and control process to stay, and that Congress is likely to refine, and in some areas broaden, its role in the process.

In conclusion, I would like to sketch for you what I see as the issues coming before Congress in the next few months, in addition to some sales agreements it might have to consider.

First, Congress will consider new approaches to get involved in the sales process earlier, so as to affect policy formulation before it is presented with a *fait accompli.* This may involve a Congression role before Defense Department surveys of foreign military establishments are made, as these surveys often tend to lead to sales.

Second, Congress is getting weary of rhetoric from the Executive branch that our policy is one of restraint. We hear of restraint, but see only further sales. If this situation continues, Congress may move to enact legislative measures that would force some sort of restraint in our arms sales. Last year, I offered an amendment to impose a $9 billion ceiling on our arms sales. It was taken out during the conference committee on the Security Assistance bill in which it was contained. The amendment had the support of then private citizen Cyrus Vance who said: "Though the setting of a ceiling may seem somewhat arbitrary, there is a need to define an overall limit to the growing arms sales program. . . . The ceiling would compel United States policymakers to clarify their priorities in foreign arms sales."

Another mechanism for legislating restraint might be some type of moratorium either on sales of some types of weapons or on all sales to a given region.

Congressional oversight is a further way in which Congress can keep an eye on the evolution of arms sales policy. Congress may try to expand Congressional oversight of co-production agreements, which are increasing in number. Congress may want to make subject to stringent review procedures.

An increased scrutiny of sales made in connection with nuclear agreements and base rights is also needed. There are indications that in some cases, arm sales might be used as leverage to prevent non-nuclear nations from acquiring nuclear capabilities or nuclear reprocessing facilities. Pakistan and Brazil are examples of nations on which this leverage might be exercised.

Arms sales have also become a factor in recent agreements with certain states to obtain or preserve, base rights. Spain is a case. Turkey, Greece and the Philippines may follow.

We need to be cautious in making such linkages. I see potential problems in precedents here. Such trade-offs may not always be in our interest.

Congress needs to give careful attention to the role and performance of private defense contractors overseas. Laws may need to be strengthened to control when, after what approval, and under what conditions, private contractors can discuss and promote sales.

Overall, we can see a pattern emerging with regard to arms sales around the world, how they are initiated, occur, and lead to continuing relationships between the United States and recipient nations.

Defense Department surveys of foreign military establishments lead to sales requests. Requests lead to agreements. Agreements lead to extensive training, software construction programs, and then hardware deliveries. Deliveries lead to add-on service and maintenance contracts and software programs to integrate systems.

This pattern tends to increase sales and American involvement. As you go through the pattern, the American presence increases.

With more Americans present in a particular nation to service arms sales contracts, there is a greater commitment. A commitment which is open-ended, and one which has foreign policy implications we are not always aware of at the outset.

What this means is that Congress and the American people need to realize that the sale of a weapon itself is only the beginning of U.S. involvement, and that what is on the other side of arms deliveries is still an open question.

Congress needs to be vigilant to insure that at the end of the pattern the national interest is preserved and not distorted, and that our commitments, if any, arise from a careful and conscious choice by policymakers.

"PERSONAL DATA"

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. FRENZEL. Mr. Speaker, per my custom, there follows a list of honoraria earned last year, and a list of foreign trips, and of domestic trips paid for by others than the House or myself.

The list follows:

1976 HONORARIA

March, Brookings Institute, $150.
June 25, Macalester College, $200.
September 27, Brookings Institute, $150.
October 18, Nat'l Assn. Small Systems Users, $100.
October 19, Fairview-Southdale Hospital, $200.
Total: $800.

1976 TRAVEL PAID BY OTHER THAN HOUSE OF REPRESENTATIVES

Destination and Reimbursements

January 4–9, Israel (trade, Soviet Jews), Ways and Means Committee.
January 30–31, Dearborn, MI (Midwest Republican Conference), Michigan GOP; $100.73.
February 27–29, Manitowoc (Lincoln day address on way to District), Manitowoc GOP; $46.10.
May 5–7, District/St. Cloud (speak to MPIRF St. Cloud conf.), MPIRF; $228.
June 3–13, Paris/Poland/Vienna/Brussels/London—trade, Department of Commerce; all.
May 14–15, Duluth (address political mtg), Frenzel Volunteer Committee; $278.14.
June 24–27, District (Macalester Taft Inst.), Macalester College; $182.
September 17–20, Davenport, IA (fund raiser for Jim Leach on way to district), Leach for Congress; $41.00.

TRIBUTE TO MAYOR CHARLES C. DAVIS OF FAIRMOUNT HEIGHTS, MD.

HON. GLADYS NOON SPELLMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mrs. SPELLMAN. Mr. Speaker, this past Friday, May 13, a distinguished colleague of ours in local government, Mayor Charles C. Davis of Fairmount Heights, Md., served his last day in office. After 6 years as mayor, Mr. Davis chose to retire rather than seek another term. And, though the citizens of Fairmount Heights wish him all the best, this decision was met with almost universal regret among the people he has served so well. Indeed, everyone familiar with the mayor's record in office regrets losing from public service this most dedicated official.

In this small space it would not be possible to chronicle Mayor Davis' list of achievements while in office. The record is important, of course, but even more important, I feel, is the attitude which he brought to the mayoralty, for, unquestionably, the hallmark of Mayor Davis' term was his willingness to place the welfare of his constituents before his own. Mayor Davis concerned himself not only with the welfare of the entire community, but also with the welfare of each individual and he always found the time to work with and to attempt to persuade those whose positions enabled them to help his constituents and his town. More than anything else, it is this perception of his responsibilities that will be remembered.

If our system of government is to function well, if it is to be sensitive to the needs of its people, it is essential that we have capable officials on all levels. Mayor Davis was a most capable official and I can tell you, my collegues in this legislative body, that we and our colleagues on the State and local levels throughout this country, have lost from our ranks a public servant whose contributions will be deeply missed.

I am sure the Members of this Congress will join me in extending to Mayor Charles C. Davis our deepest thanks for his efforts on behalf of his constituency and, in a broader sense, our constituency, and to wish him all the best in the years ahead.

RESPONSE TO 1977 QUESTIONNAIRE

HON. THAD COCHRAN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. COCHRAN of Mississippi. Mr. Speaker, every year I send to all residents of the Fourth Congressional District a questionnaire inviting them to advise me of their views on some of the issues confronting the Congress.

In my opinion a Representative has a strong responsibility to reflect, through his votes on legislation, the views, interests and needs of the people of his district. It is through him that the citizens should have a voice in their Government.

This year's questionnaire featured eight specific questions on the issues of the All Volunteer Army, minimum wage, retirement benefits, deregulation of newly discovered oil and natural gas, unemployment, tax benefits for small businesses, public utility rates, and the electoral college.

I think the results of that poll were interesting, and I would like to share them with my colleagues.

When constituents were asked if they favored an All Volunteer Army, only 27.9 percent said they favored the concept. Forty-six percent said every able-bodied man should be required to serve 1 year of national military or civilian service. The remainder of those responding to the poll, 26.1 percent, favored return to the military draft by lottery.

On the question regarding legislation which would abolish the electoral college and provide for direct election of the President, 79.9 percent favored it.

My survey revealed that 71.3 percent of the respondents were against the Federal Government taking an active role in regulating utility rates which are currently controlled by State and local governments.

I also found that a vast majority, 92.4 percent, supported legislation raising the limit on the amount of income a retired person can earn without jeopardizing his or her full social security benefits.

Deregulation of newly discovered oil and natural gas was favored by 62.1 percent of the respondents.

On the issue of minimum wage, 36.6 percent believed that it should be increased to $3 per hour, while 63.4 percent did not favor this increase.

When asked about unemployment, 52.5 percent said they think the Federal Government is doing enough to cope with the problem of unemployment, while 47.5 percent said it should do more.

Strong support was registered on the question dealing with a program of tax benefits to smaller businesses and corporations in order to encourage growth and expansion as a means of providing jobs. Seventy-seven percent of the respondents favored this program.

THE FOREIGN MILITARY SALES POLICY FIASCO

HON. DALE MILFORD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. MILFORD. Mr. Speaker, I would like to end all wars. If I thought that abolishing all the weapons of war would abolish war, I would write that legislation today.

Of course, it might be some time before I got agreement from England, France, and Germany, let alone the Soviet Union and China, but it would be worth the effort.

If this method for ending war sounds unrealistic, perhaps I can suggest another—abolishing the sale of all weapons of war to another country. Of course, this too would require universal agreement—once again a laudable, if unrealistic, goal.

Barring universal agreement, perhaps the United States could at least make a unilateral effort to control weapon sales. Now this is another worthy objective—but one fraught with pitfalls. We have to realize at the outset that other countries, including our allies, will continue to buy and sell arms as they see fit.

Thus, such a unilateral step by the United States has little effect in insuring world peace.

On the other hand, it has major implications for the U.S. economy.

Weapons of war are generally technology-intensive, requiring a solid base of research and development. Likewise, modern American society is equally technology-intensive, requiring that same strong base of research and development.

It is not a coincidence, for example, that this R. & D. base nurtured both the world's best commercial aircraft and finest military fighter planes.

Because they are the best, foreign countries have continuously sought to purchase them. It is difficult now to discern which product—the civilian or the military—paved the way for the other. We only know that most of our allies now depend on U.S. companies for most of their aviation needs—ranging from air traffic control systems to sophisticated jet fighters.

Such a development has resulted in a very favorable balance of trade for the United States, and the attendant benefits of increased employment and high standard of living.

But make no mistake about it—there are many countries just a step, or even half a step behind us, who are more than ready to take advantage of any opportunity afforded by the United States.

Increasing our control of foreign military sales has given them this opportunity. We should not be so naive to believe that such an action by the United States will be a deterrent to war, or even make an iota of difference in international relations as long as others are willing to fill the gap left by the United States.

However, we should be extremely certain of the economic implications of such an action. Mr. Speaker, I have long feared that the Congress was not thoroughly aware of these implications when it passed the Arms Export Control Act of 1976.

I was afraid that perhaps we were a bit too optimistic, a bit too overzealous, and grossly too uninformed. I feared that someday this act would come back to haunt us—that it would gradually and unnecessarily erode the R. & D. base that has helped make this country so strong.

Unfortunately, I think my fears have come true. Some Government offices, responsible for implementing the act, have gone much farther than I think we intended. In their zeal to respond to the general concern of Congress over the export of lethal weapons, they have placed major constraints on the normal sales activities of U.S. companies.

Let me illustrate.

The State Department has proposed an amendment to the international traffic in arms regulations—ITAR—that would require, and I quote:

> The prior approval of the Department of State for proposals to sell significant combat equipment, or to enter into technical assistance or manufacturing license agreements concerning such equipment.

This proposed amendment was announced in Munitions Control Newsletter No. 26, dated December 1976.

The effect of this proposed amendment is counterproductive to the interests of both the U.S. Government and U.S. industry. Under current rules, U.S. firms are encouraged to consult with the State Department prior to military export sales activities, but the Department does not have to render a premature public decision. Under the proposed rules, the Department would be forced to make an enormous number of foreign policy decisions before they are actually required, creating a quagmire of our international relations.

The proposed amendment is equally counterproductive in its effect on U.S. industry. If all of the U.S. companies involved in selling equipment to the scores of overseas customers are required to get State Department approval before making sales contact, they simply are being denied the right to run their business. If the State Department presumes to control the sales activities of U.S. companies, the Department must accept the concomitant responsibility of planning and maintaining the production lines—scheduling the flow of material, hiring and firing the skilled workers, and all of the other essentials in running an orderly business. Let us remind ourselves that every company must have a reliable sales forecast if it is to run its business effectively. No company can stand idly by, waiting for orders to come in on the initiative of customers, and no company can operate if it is not free to sell its products. Now, I am not talking about the responsibility of the Government to control the issuance of export licenses; we had that control before the Arms Export Control Act of 1976, and we must keep it.

I am talking about the proposed restrictions on sales effort by U.S. firms that do business overseas. And I submit that, if the U.S. Government prohibits sales effort by U.S. industry we are in effect nationalizing the industry. The Government cannot stop with control of sales effort; that is just where it begins. The Government must also prepare the sales forecast, filling in the voids between customers it selects to serve, ordering the material and sizing the work force, and meeting the payroll. I cannot believe that this is the will of Congress.

With regard to categorizing equipment for certain controls in the Arms Export Control Act, I find that some nonlethal equipment has been categorized as "significant combat equipment." For example, in the Department of State Munitions Control Newsletter No. 21, dated October 1976, the C-130 cargo transport aircraft is classified as "significant combat equipment," even though the airplane is a propeller-driven 20-year-old transport that has no guns or bombs like a fighter or bomber aircraft.

If we are going to ban the sale of C-130's, we might as well ban the sale of Mack trucks overseas, because the C-130 is no more than a flying truck.

In fact, a 747 could easily be converted into a military transport but no one would think of preventing its sale because of that potentiality.

Instead, we prevent the sale of a common transport aircraft, jeopardize its further production, and guarantee continued erosion of our aviation industry.

And a further irony is that the U.S. Government has been trying to keep Lockheed afloat financially. It is difficult to keep someone afloat when you hand him an anvil.

It is even more difficult to understand how Congress let this situation come to pass. It does not appear that this was the original intent of the Congress.

Let me just quote the remarks of a few of my colleagues during the consideration of the sale of six C-130's to Egypt:

Chairman FASCEL stated:

> . . . I do want to indicate that in my judgment there was not too much concern about these six C-130 transport aircraft having any substantial military applicability . . .

Congressman HAMILTON was of the opinion that the sale would not offset "one iota" the military balance in the Middle East; he preferred to refer to the plane as "paramilitary support."

Congressman ROSENTHAL also voiced the opinion that the sale would not affect the balance of power in the area.

Congressman COTTER endorsed the view that the sale would not offset the balance of power between Israel and Egypt, and added that C-130's were mainly "symbolic items."

Congressman SOLARZ, who expressed great concern during the hearings over the military balance in the area, described in C-130 as "nonoffensive or defense equipment."

In addition, President Carter has indicated similar positions on the C-130, both before and after he took office.

On March 31, 1976, when asked for his position on the sale of six C-130's and other weaponry to Egypt, Mr. Carter replied:

> . . . As far as the C-130's are concerned, they don't cause me any concern, and I don't think they cause Israeli leaders any concern . . .

On April 13, 1976, in announcing that the United States was sending "nonlethal" military equipment to Zaire, the State Department revealed that a C-130 transport plane was included in that "nonlethal" aid.

But, now, the sale of C-130's is being barred on the grounds that it is significant combat equipment.

As further proof of how convoluted this whole area of foreign military sales has gotten—the State Department list of "significant combat equipment," which includes C-130's, does include napalm.

Now, I think napalm would be significantly more harmful than a C-130, unless it crashed right on top of you.

I think that this illustrates the need for reevaluation of the direction of our foreign military sales policy.

It is at best unrealistic, and, at worst, extremely harmful to our economy and R. & D. base.

YOUTH UNEMPLOYMENT ACT

HON. W. HENSON MOORE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. MOORE. Mr. Speaker, the central issue regarding unemployed youth and incentives to complete their high school education as well as undertake further educational and skills training is whether money should be channeled to a few students at higher prevailing wage rates or whether more unemployed youth should be aided under the minimum wage. The severity of youth unemployment and the need for training incentives find the present case for hiring more unemployed youth at minimum wage rates to be the best alternative available. Minimum wage rates now prevail under college work study programs, the vocational education work experience program, the summer youth employment program, and related existing employment programs for our youth that have received my support in the past. This marked departure from these precedents causes me to vote against the Youth Employment and Projects Act of 1977, H.R. 6138.

Had H.R. 6138 recognized that the minimum wage should be observed throughout the bill, I would vote for it in keeping with my March 29 support for Community Employment and Training Act extension for the next fiscal year and previous votes on the CETA program. Absent this recognized means to provide jobs for the largest amount of unemployed youth, the bill should be rejected.

This problem should be resolved on the floor by the amendment process, but the limited debate, and suspension prohibition of amendments deprives us of that opportunity.

NO WAY AMBASSADOR YOUNG CAN HURT THE U.N.—IT IS BEYOND REDEMPTION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. ASHBROOK. Mr. Speaker, my good friend Bill Rusher puts the Andy Young problem in proper perspective. With all of the recent U.N. antics and U.N. actions which for the most part are antics, too, what better place to send someone who clearly does not speak for a majority of Americans. The U.N. does not either.

The Rusher column appeared in the Cincinnati Inquirer and I urge the Members to read it:

YOUNG IS HURTING ONLY THE U.N. WITH HIS UNDIPLOMATIC ANTICS

(By William A. Rusher)

NEW YORK.—On mature reflection I have about concluded that President Carter did exactly the right thing in making Andy Young America's ambassador to the United Nations. After all, what better envoy to a circus than a clown?

I stop just short of suggesting that Mr. Carter planned it that way. In Georgia politics, where Messrs. Carter and Young came to know and like each other, the young black preacher had risen to the dignity of congressman at the relatively early age of 40, and when Mr. Carter was elected President it was assumed that something really special would be reserved for Andy Young. Sophisticated observers were nonetheless a little surprised when Mr. Carter offered Young the UN ambassadorship, for to be frank it is regarded by most politicians as a gaudy but insubstantial sinecure—the political equivalent of cotton candy.

Still, the job has its consolations—most notably the posh "embassy" in Manhattan's Waldorf Towers, which (if you haven't seen it personally) must, I assure you, be a refreshing change from the storefront black churches where Andy Young used to ply his trade.

In any case he plunged into his new assignment with zest, and soon revealed a truly formidable aptitude for shooting off his mouth. As the Carter administration nears the end of its first hundred days, Ambassador Young has already declared the government of South Africa "illegitimate," described Great Britain as "chicken" on racial matters, defended Cuba's military presence in Angola as producing "a certain stability and order" there, and pooh-poohed American concern about Communist designs in Africa as "paranoid." Space considerations prevent me from extending the list, but those are a few of the highlights.

Naturally Young's behavior has delighted the Communist and Third World powers that dominate the UN, as well as those domestic forces that share their outlook. Young's colleagues in the Carter administration were at first taken aback, but they have now recovered their voices and, under Vice President Mondale's leadership, have adopted a common refrain. Young, we are told, is not to be understood as expressing American policy in these off-the-cuff remarks, but his "candor" is nonetheless considered "refreshing."

"Refreshing," for your information, is the code word politicians use to describe statements they don't care to endorse but would prefer not to repudiate. We New Yorkers have become tediously familiar with it in recent years, since Bella Abzug got to Congress from a freaked-out West Side district by making an ass out of herself on every possible public occasion. She has tried to reform of late, but the malady lingers on.

Every Democratic politician in the Empire State, when cornered on the subject of Bella, takes refuge in "Ha, ha, ha, isn't she refreshing?"

Okay, so Andy Young is "refreshing." But that still leaves quite a few Americans—e.g., the State Department officials who have to clean up after him, and ordinary citizens who care about their country's reputation among thoughtful people everywhere—concerned at the harm he may be doing to serious interests.

I suggest that they stop worrying. Andy Young is not hurting the United States, whose reputation will easily survive his conduct; he is hurting only the UN and himself. By careening around Turtle Bay like a noisy mechanical duck out of control, he is imitating—even parodying—with intuitive skill the very behavior that has typified the UN since 1960 and brought it to its present pitifully low estate. As matters stand, the zanier he and it look, the less damage they can do.

FIRST CONCURRENT RESOLUTION ON THE BUDGET

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. WHITEHURST. Mr. Speaker, yesterday the House passed the conference report on the first concurrent resolution on the budget. Having voted against it twice in the House when we considered it, I had strong reservations about voting for it in its final form.

The incredible budget deficit reflected in the resolution arouses my worst fears for our continued financial integrity. Nevertheless, I am even more concerned about having sufficient funds to protect our national security. I was in strong disagreement with the initial position of the House Budget Committee in cutting $4 billion from President Carter's defense budget; I am not entirely satisfied with the $118.5 billion finally agreed to in conference with the Senate. But as a Member of the House Armed Services Committee which labored long and diligently on a defense authorization measure, I felt it necessary to accept the total budget in order to protect the agreement reached with the Senate on that portion allotted for defense.

Hopefully, Mr. Speaker, this Congress will begin to exercise some fiscal restraint and review a host of programs which are being funded and which need serious reexamination. Hopefully, too, the arms budget will not always have to be so high. That, of course, is dependent upon a diminishing of the growing military threat from abroad. Until that time, I will continue to meet my responsibility as a Member of the Armed Services Committee in working to help keep this Nation strong in its defenses.

BACK TO THE SOLAR DRAWING BOARDS

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. UDALL. Mr. Speaker, as oil and gas become more expensive and more scarce, Arizonans are turning—or rather returning—to an old interest: solar power.

One of the country's foremost authorities on the subject, Dr. John I. Yellott, has traced some of the State's past and current solar efforts in an article in the May issue of Arizona Business/Industry magazine. I wanted to share this with my colleagues:

SOLAR POWER IN ARIZONA

(By John I. Yellott)

Solar energy utilization has had a long history in Arizona, beginning with its use by the ancient Indians who built Montezuma's Castle in 700 A.D.

The builders of this remarkable structure chose an ideal location, since it receives full sunshine in winter and is completely shaded from the intense summer solar radiation by an overhanging cliff.

Today we would call this a "passive" system, since it operates simply by allowing the sun to heat the exterior surface of the multistory apartment house. The adobe bricks and stone serve to store the sun's heat and then to transmit it indoors at night when it is needed.

Located only a few miles from Camp Verde, just off the highway to Flagstaff, it was inhabited until after 1300 A.D. and then its occupants departed, for reasons known only to them.

They must have left in haste, because they abandoned food which had been laboriously gathered and tools which must have required many hours of patient labor. They left no forwarding address!

The most widespread use of solar energy in Arizona is one in which, until very recently, man let nature carry on agriculture in her own way. For more than 2,000 years, the diligent and industrious Hohokam made wide use of gravity irrigation in the valleys of the rivers which we call the Gila, the Salt, and the Verde.

Then, as now, rainfall in these fertile valleys was inadequate to support the relatively large populations which migrated to these sun-rich lands, and hand-dug irrigation channels were employed which were nearly as extensive as those in use today.

Our hardy predecessors in the Valley of the Sun had neither pumps nor permanent dams, yet they managed to maintain a population here which was not exceeded until long after World War I.

Intentional and planned use of solar energy waited for the arrival of the Anglos who began to migrate into the Salt River Valley early in the 1870's and there are reports by some of our senior citizens that their parents used blackened barrels mounted on their roof-tops to provide enough hot water for an occasional shower bath.

There is no record of the first user of the "thermosyphon water heater", but this must have come shortly after the turn of the century.

This simple and foolproof device consists of a flat-plate collector, usually made by soldering copper tubes to a flat copper sheet, and coating this combination with black paint.

A wooden box was built to contain the collector and to hold both the insulation which was located behind the plate and the cover glass which was located between the plate and the sun.

Glass serves as a heat-trap by admitting the sun's radiant energy but reducing the loss of the collected heat to the wind and the sky. A tank (located above the collector, was connected to a convenient supply of cold water, with a hot water pipe coming out of the top of the tank.

A downcomer pipe led from the bottom of the tank to the bottom of the collector, which faced the south, tilted at an angle of 30 to 45 degrees.

A riser pipe connected the outlet of the collector to an inlet located near the top of the tank. As soon as the sun began to shine through the collector cover glass, it warmed the water in the tubing and the warmed water began to circulate upward into the tank.

The action continued all day, as long as the sun was shining on the collector, and by nightfall a tank-full of hot water was waiting to be used.

No one now remembers when the first of these very useful devices was used in Arizona, but many of the older houses in Phoenix and Tucson still have traces of them on roof-tops or patios and hundreds of them were in use in the 1930's.

Shower baths in Phoenix' first municipal swimming pool were heated by a very large collector of this type, and Peoria's first high school used one to provide hot water for its dusty athletes.

When natural gas and low-cost electricity made their appearance in Arizona, solar water heaters were soon discarded, because gas, kerosene, and electric heaters were both convenient and inexpensive, and they gave plenty of hot water even on cold and cloudy days.

Now history is reversing itself, as natural gas is no longer available for new housing, kerosene has virtually disappeared from the market because gasoline commands a much higher price, and electricity is rapidly increasing in cost.

The factors which eliminated the solar water heater a generation ago are in turn bringing it back again, because, for new dwellings, solar water heaters of modern design can produce most of our needs for this essential amenity at lower life-cycle cost than electric heaters.

Auxiliary heat will still be needed to take care of the infrequent periods when we have several cloudy days in succession and this will probably cause some problems for the electrical utiltlies when thousands of solar water heaters are in use. However, this may prove to be a useful load because it will come in the winter, rather than in the summer, when Arizona utilities now experience their peak loads.

One of the first publicized uses of solar energy in Arizona came in the early 1920's when the late Dr. Charles Greeley Abbott, for many years Director of Washington's famed Smithsonian Institution, established a solar observatory in the Harqua-Hala Mountains, west of Phoenix.

He erected a small building to house his solar apparatus and he did his cooking and his hot water heating with simple solar devices of his own design.

It is interesting to note that Dr. Abbott returned to Pohenix to participate in the 1955 World Solar Energy Symposium and in 1957 he set up and tested a solar boiler at the University of Arizona with the assistance of Professor Ralph Yappel of the Department of Mechanical Engineering.

The first residence in Arizona, and perhaps in the entire world, to receive all of its heating and cooling requirements from the sun and from night sky radiation was a small house located on the Desert Grassland Experiment Station, near Amado, south of Tucson.

This was occupied during the years between 1954 and 1958 by Mr. and Mrs. Raymond Bliss and their family, and their heat was provided by a simple solar collector using a number of black cloth screens which were exposed to the sun and covered by the traditional glass plates.

Air was drawn through the sun-heated screens, warmed, and then blown through a rockpile which served as the heat storage means. At night, dampers were shifted so that the fan circulated air from the house through the rock pile to pick up the heat which had been collected during the day.

For summer cooling, the firm of Donavan and Bliss (Mr. and Mrs. Bliss!) used a very simple cooling device which consisted again of porous black cloth, arranged over the rock bed so that the cloth was cooled by radiation to the night sky and outdoor air was drawn through the cooled cloth and into the rock pile. The chilled rocks then were available to act as very simple coolers for the house air during summer days.

Their plans were to add water sprays to provide additional cooling of the rocks, but their lease on the residence expired before this could be accomplished. This concept was later put to use in Australia with very good results, and it is about to be reintroduced into Arizona by the A. S. U. College of Architecture.

Mr. and Mrs. Bliss subsequently moved to Tucson, where they were instrumental in designing and constructing the University of Arizona's first solar laboratory, located where the University's Medical School now stands.

The U. of A. laboratory used a unique solar-assisted heat pump system with heat collection in winter and heat rejection in summer accomplished by a "Tube-in-Strip" copper roof, manufactured at that time by Revere Copper and Brass Corp.

The ceiling of the laboratory was also made of the same material to provide radiant heating and cooling by means of warm water in winter and cool water in summer.

One of the most important results of this work was the publication by Mr. Bliss of the definitive paper on the subject of cooling by means of radiation to the night sky.

Unfortunately, the need of the University for space on which to build its Medical School resulted in the demolition of the Laboratory before it had completed all of the work which could have been accomplished there on the solar-assisted heat pump and cooling by the use of night sky radiation.

Phoenix has been the site of at least three unique solar buildings, of which the first was an "active" system which was designed to use solar radiation for its winter heating and a heat pump, powered by an electric motor, to provide both summer cooling and auxiliary heating in winter.

The house was a joint effort of the Phoenix Association of Home Builders and the Association for Applied Solar Energy (now the International Solar Energy Society) and the design of the residence resulted from a worldwide architectural competition which was won by a student in the School of Architecture at the University of Minnesota.

The house was erected in the spring of 1958 with land and funds provided by a Scottsdale philanthropist, but when the house was ready to be put on public display, the neighbors invoked a clause in the deed restrictions which stated that all homes in that development were required to be of "conventional southwestern architecture."

The solar system was never put into operation and the house has operated continuously with the heat pumps which were intended to provide only a few hours of supplementary heat each year.

The effort was not entirely futile, however, because the solar-assisted heat pump is now recognized as being the most cost-effective method of providing both heating and cooling and the system is in wide use in regions which are too cold to permit the use of ordinary air-to-air heat pumps.

Two other solar structures have been built and tested in Phoenix with far more satisfactory and significant results. The first was the prototype of the "Skytherm" system, invented by Harold Hay of Los Angeles.

This building, erected at minimal cost and very carefully instrumented by the Yellott Solar Energy Laboratory, proved conclusively during eighteen months of operation in 1967 and 1968 that it could be kept warm in winter by the sun's radiation and cooled in summer by radiation and evaporation to the night sky.

The unique feature of "Skytherm" is its metal roof deck which serves as the ceiling of the room below and as the means of support for plastic-enclosed "Thermoponds."

These are simply water-filled bags, with black surfaces in contact with the roof deck and clear sun-resistant transparent plastic films on the upper surface of the water.

Above the "Thermoponds" are panels of water-proof aluminium-clad urethane insulation, so arranged that they can be moved horizontally to expose the water to the sun's rays during the winter days and to cover the ponds at night and thus retain the solar heat collected during the day.

In the summer the operation is reversed with the panels remaining closed during the day to reflect the unwanted solar radiation back to the sky.

The panels are opened at night, to allow the "Thermoponds" to dissipate to the sky the heat which the house accumulates during the day.

When additional cooling is needed, the ponds are flooded with an inch of uncovered water to provide a surface from which evaporation can take place.

The Phoenix prototype was monitored carefully throughout a year and a half of operation and it demonstrated that it could remain cool in summer and warm in winter despite the temperature extremes (115 F in summer and 25 F in winter) which characterize the central Arizona climate.

The first full-scale "Skytherm" residence was built at Atascadero, California, and it also has operated successfully as a completely "passive" system, which required no electrical energy aside from that used by lights and kitchen appliances.

The climate of Phoenix has also inspired the invention of another system which uses the roof as both the source of heat in winter and the means of dissipating heat in summer.

This system, called "Energy Roof" by its inventor, A. Lincoln Pittinger of Scottsdale, moves the water instead of the insulation and, during its first year of testing by the College of Architecture of Arizona State University, it has demonstrated its ability to heat in winter and to cool in summer without the uses of furnace or compressor.

The "Energy Roof" is made of corrugated steel, with water flowing through the troughs whenever the thermostat within the building calls for heating or cooling.

The main storage of energy is a six-inch deep pond of water on which floats an insulating panel of foil-clad urethane foam. A water distribution pipe runs across the upper surface of the floating panel and a small pump (1/10 horsepower) transfers water from the storage pond to the roof whenever a simple sun-activated control device tells the pump that conditions are suitable for collecting solar heat.

The roof surface is not black, because it has been found that the water alone, flowing between a thin film of Tedlar (a transparent plastic which prevents evaporation) and the slightly oxidized aluminum skin of the insulation panel, will absorb all of the solar radiation that the system requires during a winter day.

When the climate changes from winter to summer, the thermostat is switched over to the cooling mode and water is allowed to flow over the roof at night, loosing heat by contact with the cool night air and by radiation to the sky.

When additional cooling is needed, water sprays are used to wet down the roof, thus enabling evaporation to add its very potent cooling action.

It was shown a dozen years ago at the Yellott Solar Energy Laboratory, then operating in Sunnyslope, that roofs kept damp by intermittent water spraying could be kept cool on the hottest summer day, and now tests being conducted at night on the A.S.U. "Energy Roof" building are showing that evaporation of water from the upper surface of the roof can cool the water which is pumped up from the storage pond and allowed to flow back by gravity.

The total amount of power required by the two small pumps is only 2/10 hp when they are both running, and this rarely occurs. Complete details on the first year's operating experience will be published widely as soon as the "Energy Roof" celebrates its first birthday late this summer.

The energy crisis of 1973 and the subsequent rise of fuel and electricity costs have provided a renewed incentive to Arizona builders to investigate the possibilities of solar heating and cooling.

Some of these attempts will be successful and some will not, but, by 1980, when natural gas use will be severely curtailed for even those homes which are presently supplied with this precious fuel, solar heated and cooled structures of all kinds will be commonplace in all parts of Arizona.

A high school in Tempe, a car-wash in Mesa, a Forest Service building in Williams, residences in Sedona and Flagstaff, and a very large demonstration home in Tucson will be only a few of the many solar heated and cooled structures in Arizona.

All three of the State Universities are actively engaged in research and development, with Schools of Architecture and Engineering working in close cooperation to test both active and passive systems.

Active systems are those which use air or water to carry away the collected solar radiation, rock beds or tanks of water to store the heat or coolness, and pumps or fans to distribute the air or water to the points where it is needed.

The University of Arizona, in addition to the world-renowned work on controlled environment agriculture which has evolved from Carl Hodges' solar distillation work at Rocky Point, is developing a very simple passive system, in which a black-and-white Venetian blind is used to admit solar heat to an experimental residence in winter by turning the black sides of the slats towards the sun. The summer sun is reflected back to the sky by rotating the horizontal slats so that their reflective sides face outward.

At Arizona State University, vertical Venetian blinds with thick, insulating louvers are being tested to determine their ability to serve three functions: (a) heat absorption on winter days, (b) insulation on winter nights and (c) heat rejection on summer days.

The rock-bed indirect evaporative cooling system, pioneered in Australia, is also under test at A.S.U. as a joint project of Architecture and Engineering.

The objective of most of A.S.U.'s work is to find ways to keep Arizonans comfortable the entire year without use of natural gas and with minimum demand for electricity.

It is becoming apparent that Arizona's supply of natural gas is rapidly diminishing and that most users of gas will have to turn to electricity to meet all of their domestic energy needs.

This will put a tremendous burden upon the state's electric utilities, and it is fortunate that a substantial part of the load now being carried by gas in space heating and provision of domestic hot water can be done by solar energy.

The federal government has rejected Arizona's offers to provide ideal locations for both the Solar Energy Research Institute, which has been awarded to Golden, Colorado, and the 10,000 kilowatt solar-electric generating station, which will be built at Barstow, California.

It is high time that Arizona realizes that it must rely upon its own resources in its search for economical ways to use our only endless energy resource, the sun's radiation.

After all, it shines here just about 90 per cent of its possible sunny hours!

CARTER'S SALT PACKAGE STILL LEAVES UNITED STATES VULNERABLE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. KEMP. Mr. Speaker, although some time has elapsed since Secretary Vance has returned from his mission to Moscow after the rejection of President Carter's SALT proposals by the Soviet Union, there seems to be little evidence that there has been any progress toward reaching a strategic arms limitation agreement which will provide for equal security for both the United States and the Soviet Union. Both the recent Soviet proposals to reduce the maximum number of strategic delivery vehicles from 2,400 to 2,100 or 2,200 and President Carter's comprehensive proposal will provide the Soviet Union with long term—perhaps permanent—nuclear superiority over the United States.

A recent essay published in the Washington weekly, Human Events, took the trouble to interview a number of the leading participants in the first round SALT agreements including Mr. Paul Nitze, a former Deputy Secretary of Defense under Robert McNamara in the Kennedy-Johnson administrations, and Elmo R. Zumwalt, a former Democratic candidate for the U.S. Senate in Virginia and a retired Chief of Naval Operations. The conclusion of the Human Events essay is simple: President Carter's SALT proposal would leave the Soviet Union with a dangerous margin of nuclear superiority if the proposal were agreed to by both the United States and the Soviet Union. I insert the text of the article to be published at the conclusion of my remarks in the RECORD:

Carter's SALT Package Still Leaves United States Vulnerable

Hard-headed arms control experts met last week in Los Alamos, N.M.—home of America's underground nuclear testing program—to formally discuss the current art of tactical nuclear weaponry. But in private conversations, many of these experts also discussed the details of the controversial Carter SALT package turned down coldly by Soviet leaders. Their conclusion: though improved over anything President Ford and Henry Kissinger ever concocted, the Carter offering will still leave the U.S. vulnerable to a Soviet first strike by the early 1980s.

In two distinct areas, the Carter proposal is considered a major advance over that of the previous Administration: in requiring the Soviets to halve their monster SS–9 and SS–18 missiles—each capable of carrying eight to 10 warheads—and in restricting their land-based MIRVed (multiple warhead) missiles to 550.

Yet even if the Soviets finally accept the terms of the radical Carter package, they point out, the Russians will still have a strategic land-based missile force with three and one-half to four times the throw weight—i.e., the destructive payload—of the U.S. land-based missile force.

Because of their size, moreover, the Soviet MIRVed missiles will be capable of hurling four times as many warheads at the U.S. as our MIRVed missiles will be able to toss back at the Russians. Put still another way, the Soviet land-based missiles could overwhelm our undersized Minuteman force—a major key to America's deterrent—with 10-million-plus pounds of destructive power, whereas our strategic land-based missiles will be equipped with just a fourth of the Soviet payload.

While the Carter package reduces the throw weight disparity by a million or so pounds in our favor, it is not enough, in the view of these experts, to ensure the survivability of our Minuteman force.

Defense expert William Van Cleave, who worked on the SALT I accords of 1972 and was extremely unhappy with the outcome, says that the Carter package was correct in placing its emphasis on reducing the enormous throw weight differences that now exist between the United States and the Soviet Union. "Bringing down the throw weight disparity," he says, "is of the highest priority."

But he believes that under the Carter package we are still "denying ourselves the survivability options" that are necessary. Banning mobile ICBMs and the U.S. cruise missiles beyond a certain range but still permitting Soviet development of the Backfire bomber, he says, amounts to "giving much too much in the way of concessions."

Paul Nitze, one of our chief SALT negotiators during the Nixon years, is gravely concerned that the proposal would still allow the Soviets such a gross advantage in throw weight. In Nitze's opinion, the success of the Carter package really hinges on the virtual abandonment by the Soviets of technological improvements and testing, a goal he feels has no chance of being achieved.

Adm. Elmo Zumwalt, former chief of naval operations, told us: "The proposal is somewhat of an improvement over previous SALT proposals, but it still leaves the U.S. vulnerable to a first strike." Zumwalt adds that this may have been the best plan the President could come up with "in view of the bad hand he inherited," and warned that we should not accept anything softer. If this agreement is ratified, he said, we should start to reduce the Soviet throw weight advantage even further—"begin to progress toward parity"—in any follow-on negotiations.

Despite this assessment from sober military and disarmament specialists, what has been astonishing has been some of the dovish reaction—sometimes bordering on the hysterical—to the Carter proposal. "Columnist Joseph Kraft almost had kittens in the pages of the [Washington] *Post*," snapped one caustic observer (though the *Post* editorially, if not through its news columns, backed up the President).

The doves, in effect, were virtually siding with Soviet Foreign Minister Andrei Gromyko, who managed to portray a proposal handing him a 4-to-1 advantage in nuclear throw weight as a U.S. demand for unconditional surrender.

More disturbing than the normal claque of hand-wringers, however, was the reaction of some top Republican leaders, including former President Ford and Senate Minority Leader Howard Baker. Clearly influenced by former Secretary of State Henry Kissinger, who opened up a major line of attack against Carter last week in his Georgetown University address, both men were actually pressuring Carter to make *dovish* concessions to the Soviets.

Kissinger, in effect, denounced Carter for failing to cozy up to the Soviets with "nonconfrontational' rhetoric and for trying to "set aside" his own "negotiations conducted over a period of years. . . ." Speaking in Ann Arbor, Mich., Ford echoed the same line, tut-tutting the Administration for its "possible miscalculation."

In tones worthy of Sen. George McGovern, Ford opined: "I hope the Administration has not put themselves in a position where they cannot reach agreement. I hope they aren't frozen into a position. Their over-optimism, their rhetoric and possible miscalculation might have serious repercussions in relations between the Soviet Union and the United States. I hope this isn't true."

On the "Face the Nation" CBS–TV interview program, Sen. Baker also floated out an appeasement line, stressing: "My guess is that had President Ford been re-elected, and Secretary Kissinger had been doing the negotiating, we would have had an agreement."

What this trio seemed to be saying was that Carter should be sharply criticized for trying to obtain an agreement with the Soviets that would actually be somewhat *less* dangerous to U.S. security than one that Ford and Kissinger would gladly have negotiated. Thus two top-ranking party leaders plus a former secretary of state for the Republicans were undermining Carter last week from a leftish perspective.

What is tremendously disconcerting about all this is that the Carter package desperately needs to be criticized, but from a sound, defense-oriented position. Indeed, the President would be far less likely to cave in to the Soviets—in fact, he might move more decisively to the right—if the Republicans demanded an even tougher posture than the one Carter has been advocating.

Whereas top Republican leaders could be expected in past years to point out solid flaws in Democratic defense and foreign policy positions, and thus inhibit the Demos from making even more concessions to the Communists, this no longer seems to be the case so long as the Democratic posture is a touch tougher than that of Henry Kissinger.

What Ford, Baker and many other Republicans are saying, then, does not seem designed to strengthen America's defense posture, but to improve the image of their onetime secretary of state. Some folks might call this playing politics with defense. Whatever it's called, it is severely detrimental to the security interests of the United States.

DID GOVERNMENT FIGURE COSTS VERSUS BENEFITS

HON. J. KENNETH ROBINSON

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. ROBINSON. Mr. Speaker, the May 16 issue of the Washington Post contains an article about the closure of a small hog slaughtering firm near my congressional district, the J. Lynn Cornwell Co. of Purcellville, Va., which employed some of my constituents. The owners attribute the closure of their company to vertical integration in the food industry and to costly Government regulations, which required them to expend in the neighborhood of half a million dollars for Federal compliance over the last 4 years.

As the quoted comments of the owners make plain, at least some of the requirements imposed by the Government were of questionable value, despite the fact that these requirements have now helped to put 100 people out of work.

This sad story again emphasizes the need for a more careful, realistic determination of what standards are really necessary to assure conditions of health and safety for workers and consumers before imposing upon conscientious small businessmen punitive conditions that can only result in their eventual bankruptcy, along with concomitant reduced competition in the marketplace and higher unemployment.

I request that the full text of the Post article by Wilson Morris be inserted in the Congressional Record at this point, for the particular benefit of Federal regulators:

Small Slaughtering Firm Forced To Close Its Doors

(By Wilson Morris)

Purcellville, Va.—After 50 years of slaughtering, the scalding pit at the J. Lynn Cornwell Company is cold and the refrigeration rooms are warm. The Cornwell family business, Purcellville's largest employer, has butchered its last hog.

The business was big enough to have employed 100 people, but too small to compete with corporate giants as the food industry becomes more concentrated and government regulations more costly.

Cornwell, this town's largest employer until last March, is a family corporation started in 1927 by J. Lynn Cornwell and run since his death in 1959 by his sons J. Lynn Jr., 52, and Brewster, 51.

Slaughtering is, Lynn Cornwell said, "a cut-throat business" for both pigs and people. "Ten or 15 companies have gone bankrupt in the past few years. We chose to close before we went bankrupt," he said.

It is also a complex business. A commodity news ticker gives minute-by-minute changes in meat prices in Brewster's office and the end products range from carcasses and chitterlings to insulin and heparin, an anticoagulant. The Cornwell company has its own water supply, its own sewage treatment plant, its own fleet of refrigerated trailers and an annual payroll over $1 million.

Yet it was "a mom and pop store in the meat business," according to Lynn, a tall, elegant graduate of the Virginia Military Institute.

Lynn and Brewster, a William and Mary graduate who is also well over six feet, spent their mornings studying orders and prices and buying live hogs over the telephone mostly from the Midwest.

The hogs, as many as 2,200 of them a day, generally started arriving by truck after midnight and into the dawn. By the next dawn their carcasses were on the way to Boston, New York or other destinations.

In between, the hogs were first lowered into a carbon dioxide pit where they lost consciousness, then hoisted by their hind legs and stuck in the throat. After bleeding, they were scalded and scorched to remove hair, and their heads were cut off, and split open as they move along a conveyor where three federal government inspectors stood checking the carcass, viscera, and glands of the animal.

The hog's pancreas was saved for the manufacturer of insulin, the lining of the small intestine for heparin, blood and edible grease for cattle feed, inedible greases for soap, and other parts for soul food and sausage.

The carcasses were chilled in lockers and loaded into Cornwell's 14 refrigerator trailers for shipment.

That was until last March 21. Then Cornwell's biggest customer called and gave three days' notice that it would take no more carcasses. On the 25th, with 60 per cent of the business gone, the plant shut down. Seventy-five workers were laid off, and the Cornwell brothers began an unsuccessful search for new customers. Two weeks ago they decided to shut down permanently.

Cornwell had had its best year in 1970, but profits had declined steadily since. The brothers refused to reveal their business's finances but said that three years ago the company went into the red and never came out.

"The small family-owned business just can't compete," said Lynn. "We're seeing the centralization of the food chain into larger, more capitalized hands with bigger clout."

"Small companies with limited resources just can't meet the high cost of strict federal standards, given the very small margin the food industry works on," Lynn said.

Brewster cited a huge Midwest slaughterhouse that had $285 million in annual sales and a profit under $500,000. "If General Motors had done that they would have fired every executive they had," Brewster said.

"Over the last four years we spent $400,000 or $500,000 on federal compliance. That's a lot of money for a little company," Lynn said. "When we absorb those sorts of costs our unit costs rise out of proportion."

We have a $25,000 ceiling on our main floor, a porcelain coated asbestos sheet. We had to shut down twice and take all the moving rails down. There were solid wood beams, but the government is afraid of overhead contamination. The sheet is better, but the danger of contamination was negligible," Lynn said.

The brothers don't deny that the steps required by the government have beneficial effects. They do question the cost of the benefits.

Twenty-five to 40 percent of the companies in this industry have gone out of business in recent years," Lynn said, and at least three were customers of Cornwell who went bankrupt, leaving behind unpaid bills of several hundred thousand.

Product liability insurance jumped from several hundred dollars a year to $9,000; labor costs have risen steadily; and property taxes have gone up more than 50 percent in two years; energy costs have risen dramatically since the 1973 oil embargo; gasoline prices have increased transport costs; the sale of wheat to the Russians raised feed and livestock prices and eventually led last year to the lowest pork production in the United States in 40 years, they said.

"It seems like the ones surviving are in all phases of the business—they take the raw product and market the final product to the consumer," Lynn said. "We considered that, but it takes massive capital and expertise we don't have."

Summer is a dead season for pork sales and Cornwell shut down for four months a year ago, then reopened last August.

"We had more than we could do last fall—2,000 to 2,200 head a day, but we were still in the red," Lynn said.

So, after 30 years in the hog business, the brothers decided to shut down.

"I think we'd like to sell or lease the building to someone who could bring in employment. Or start an unrelated business," Lynn said.

"The trend seems to be toward vertical integration," he said. The big get bigger and the small get out."

PENSION SPLIT FOR FEDERAL EMPLOYEES

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mrs. SCHROEDER. Mr. Speaker, the Subcommittee on Compensation and Employee Benefits, chaired by Representative GLADYS SPELLMAN, has held 3 days of hearings on H.R. 3951, my bill to provide a pro-rata share of benefits to former spouses of Federal employees.

The witness before the subcommittee today was Prof. Henry H. Foster, Jr., chairman of the Family Law Section of the American Bar Association and professor at the New York University School of Law.

I request that his testimony be printed in the RECORD for the interest of my colleagues.

The testimony follows:

NEW YORK UNIVERSITY,
New York, N.Y., May 12, 1977.

To: Subcommittee on Compensation and Employee Benefits

From: Prof. Henry H. Foster, Jr., New York University

For nearly thirty years I have been researching, lecturing, and writing in the area of Family Law and have published numerous articles and books, and have been the official reporter or consultant for divorce law reform in several states. Currently, I am Chairman of the Family Law Section of the American Bar Association. I might add that I have had almost 43 years of practical experience with marriage and have been spared the splitting headache of divorce. The following remarks are made in my individual capacity and do not represent the official views of my employer, the American Bar Association, or my wife.

From the standpoint of a theorist who occasionally is exposed to the practical problems of matrimonial litigation it is evident that there is much wrong with our statutory and decisional law pertaining to marriage and divorce. We have reached the point where all but three states (Illinois, Pennsylvania, and South Dakota) have some form of so-called "no-fault" divorce. The new law for the District of Columbia which permits divorce upon mutual consent after six months separation and after a year's separation upon unilateral demand, is fairly typical of recent legislation in the United States. The important thing to note about "no-fault" divorce is that there are no meaningful defenses and divorce may be obtained upon unilateral demand.

Before the tidal wave of "no-fault" divorce, the main characteristic of traditional American divorce law was that if both parties desired divorce and the case was uncontested, as was true over 90% of the time, the marital bond could be legally severed. However, if one party opposed divorce, he or she had bargaining leverage to exact more favorable terms from the other party. No-fault divorce eliminates that leverage, and unlike the situation in Canada and England, hardship, economic or otherwise, is not a basis for postponing or denying a divorce.

Elsewhere we have written an article entitled "Divorce Reform: Brakes on Breakdown?" [13 J. Fam. Law 443 (1973–74)]. Our conclusion was that although breakdown of the marriage is a sound and reasonable ground for dissolution, it required special safeguards and protections including: (1) some check on impetuous divorce and some specification of how breakdown is determined; (2) provisions for alimony and distribution of property which are fair and equitable; and (3) recognition that welfare of children, if any, must be furthered and protected. It is the second safeguard stated above that we are here concerned with and which I will discuss.

The reform of divorce law and the dramatic increase in the incidence of divorce have brought about a serious quantitative if not qualitative difference in the divorce process and the problems it engenders. It is imperative that the economic incidents of divorce be resolved in a fair and equitable fashion. This means that modern marriage should be viewed as a partnership of co-equals and that upon distribution of the marriage there should be an equitable dissolution of "family assets" produced by either partner during the marriage and that alimony or maintenance should be ordered where there is economic need and ability to pay.

It follows from the partnership concept of marriage that upon dissolution the economic emphasis will be upon an equitable distribution of marital property, and that alimony or maintenance, based upon actual need and ability to pay, will play a subordinate role. In many instances no alimony whatsoever will be awarded, in other cases it will be granted for an interim period, and in the case of senior citizens it will be for an indeterminant period. The economic plight of the wife who is divorced after thirty or more years of marriage should deserve special consideration.

First of all, although the divorce rate for persons married thirty years or more is not as high as that for shorter marriages, nonetheless it has at least doubled in the past ten years. If the parties have accumulated little property, or if divorce occurs in a state which does not provide for equitable distribution (viz., Florida, Georgia, Mississippi, New York, Pennsylvania, Rhode Island, South Carolina, Virginia, and West Virginia), the divorced wife may be entirely dependent upon alimony for survival. If the former husband dies the week following the divorce decree, the wife of many years standing ordinarily loses her sole or main means of support.

It seems obvious, at least to me, that in order to accomplish economic justice, there must be an expanded definition of "marital property" or the "kitty" which is subject to distribution by the divorce court. Alimony or maintenance is too uncertain; often is difficult if not impossible to collect; and in any event the partnership of marriage calls for a fair division of the economic assets produced by the marital partnership. Unilateral divorce upon demand is acceptable only if such fairness is achieved.

In the nine states listed above "marital property" consists only of those family assets which are held jointly. Separate property of each partner remains such upon divorce. In the nine community property jurisdictions, however, the community is subject to distribution upon divorce. In the remaining thirty-seven common law property states which by statute or decision permit equitable distribution, separate as well as jointly owned property is subject to distribution upon divorce, although there is disagreement over whether separate property acquired before marriage, or by gift or bequest, is subject to distribution. Moreover, the community property states differ as to whether there may be an equitable distribution of the community, or as in California and Washington an approximately equal division.

The practical problem for equitable distribution is to make sure that all spousal assets are in the "kitty" and that neither partner is allowed to insulate assets of value because of legal definitions or fictions which were devised for other situations and purposes. In determining what constitutes "property" or a family asset, the partnership concept of marriage and a fair division of the product of the marriage should be kept in mind. Thus, the "good will" of a profession or business should be included in the "kitty," and pension or retirement benefits, whether "vested" or accrued, or not, should be regarded as subject to a spousal interest. Otherwise, the beneficiary will be permitted to insulate what may be the largest thing of value produced by the marital partnership.

I am aware of past court decisions which have sustained under the Supremacy Clause the doctrine of federal pre-emption by statutes which were held to supersede inconsistent state law regarding marital or family property. Decisions such as *Wissner* v. *Wissner* [338 U.S. 655 (1949)], *Free* v. *Hand* [369 U.S. 663 (1962)], and *Yiatchos* v. *Yiatchos* [376 U.S. 306 (1964)], however, involved such significant federal policies as the exemption accorded under the National Service Life Insurance Act, the survivorship provision in the federal law as to United States savings bonds, and the designation of the beneficiary of federal savings bonds. The federal policies involved were held to be legitimate and important. But all of these decisions were handed down before the current wave of divorce reform and the change in the relationship of alimony and division of marital property. Today, obviously the state and individual interest in a fair and equitable distribution of marital assets is far greater than formerly. The federal power to pre-empt may still exist, but it should not be exercised regardless of cost to human lives.

In practical terms, the issue is whether or not at a time when divorce is readily obtainable upon unilateral demand and a pension or retirement benefit may be a significant portion of the assets accumulated during marriage, the federal policy should be to contract rather than to expand the marital property subject to equitable distribution upon divorce. The most recent expression of Congressional policy in an analogous situation is that set forth in Public Law 93-647, approved January 4, 1975, which added section 459 to the Social Security Act, and permits the garnishment of Civil Service retirement monies to enforce obligations to provide child support or alimony. Admittedly, the new statute makes no reference to the enforcement, as such, of marital property settlement agreements.

There are several things to be noted, however, regarding the limited application of Public Law 93-647. The first is that it now has become public policy to subject federal retirement monies to garnishment in order to enforce marital obligations, including alimony. Secondly, it is possible that Congress was unaware of the recent developments regarding the economic incidents of divorce which we have discussed in these remarks. Thirdly, there may have been no awareness that the distinction between property settlements and alimony is most tenuous and inexact, and that it may be more appropriate to lump them both into the larger category of the economic incidents of divorce. Whether a particular financial claim comes to be described as "property" or "alimony" may depend upon such matters as convenience, liquidity of assets, current cash flow, etc. What is called "lump sum" alimony is especially difficult to distinguish from a property settlement.

Professor Max Rheinstein, a world-renowned scholar in the field, has pointed out that "The distinction between alimony as a means of support, and the unscrambling of the parties' property, can easily be lost in such a process." [Rheinstein, "Marital Property Division," 12 Willamette L.J. 413, 424 (1976)]. Professor Rheinstein also comments favorably on the trend to emphasize the equitable distribution of marital property and to limit alimony to instances of actual need and ability to pay, and notes that such emphasis would ease the burden of post-divorce litigation over the enforcement or modification of alimony claims.

It is fair to assume that the formulation of Congressional policy should have regard for the practical consequences of particular legislation and that bad situations should not be worsened. Although traditionally alimony law has been discriminatory against men in that it might be awarded only to wives or ex-wives, that supposed advantage was more than offset by breakdowns in collection and enforcement. The sorry record in this country is that support and alimony orders more often than not are disobeyed, that is, payment is not made at all or is not made on time. I know of no comparable area where defiance of court orders is so prevalent and so successful. Moreover, resolution of the practical problems that the process entails is extremely difficult. Congress, however, in Public Law 93-647, provided some amelioration of the problem by removing the exemption of federal income or moneys from state garnishment proceedings to collect support or alimony. The same considerations which led to that declaration of federal policy also support H.R. 3951 because increasingly the distribution of family assets, including spousal rights in pension or retirement benefits, is serving the same purpose as alimony.

In urging the enactment of H.R. 3951, I wish to add that I agree with the position taken by others who have made statements before your esteemed Committee, such as Ms. Pauline H. Menes, and Patricia J. Barry, who endorsed the bill but suggested that the 20-year marriage requirement be deleted. I also favor that deletion and likewise would eliminate the 20 years of marriage requirement in the Social Security Act. Unless the 20-year requirement is abolished grave injustice will be unnecessarily inflicted on many wives whose marriages were of shorter duration. Any claimed administrative convenience does not justify an arbitrary withholding of entitlements or a discriminatory infliction of financial hardship on some wives.

I hope that in some measure I may have convinced you that modern marriage should be viewed as a partnership of co-equals and that such is the reasonable expectation of the parties. Neither federal nor state law should provide havens or exemptions for those who would evade or avoid marital obligations and public policy should be to batten down the hatches so that divorce court orders are enforceable. Such a policy is of tremendous social importance because with the possible exception of the traffic court, the American citizen is more apt to be exposed to the judicial system in a divorce or family law matter than in any other type of legal proceeding. The public's reaction to the administration of justice and general respect for law and the legal process depends in no small measure upon how the divorce process functions and whether or not it is fair and equitable.

Increasingly, it has been the judgment of state legislatures and state courts that fairness and equity require that family assets be divided upon divorce and that the "kitty" to be divided should encompass all assets. The community property states, especially California, Texas and Washington, were the first to classify pension and retirement benefits as part of the community, but recently such common law property states as Colorado, Missouri, New Jersey, and Wisconsin, have regarded such benefits as marital property subject to equitable distribution upon divorce. California has even rejected the requirement that the pension or retirement rights be "vested." [See *Brown* v. *Brown*, 126 Cal. Rptr. 633, 544 P.2d 561 (1976); *In re Marriage of Freiberf*, 127 Cal. Rptr. 792 (Ct. App. 4th Dist. 1976); and *In re Marriage of Ames*, 57 Cal. App. 3d 912, 129 Cal. Rptr. 334 (Ct. App. 2d Dist. 1976)] Although an argument may be made that a divorce court's lump sum division of federal or military retirement pay conflicts with federal statutes, so far that possibility has not prevented treatment of such benefits as family assets. [See *Ramsey* v. *Ramsey*, 96 Idaho 672, 535 P.2d 53 (1975), and Bowman, "Lump-Sum Division of Military Retired Pay: A Dissenting View," 3 Community Property Journal 135 (1976)]. It also is arguable that the Employee Retirement Income Security Act of 1974 (ERISA) (Public Law 93-406) has pre-empted the field so as to preclude community or marital property claims to any pension plan coming within the ambit of ERISA. [See Johnson and Jones, "How Community Property Laws Affect Employee Benefit Plans," 3 Community Property Journal 3 (1976)].

Whatever the merits of these arguments regarding federal pre-emption insofar as constitutional power is concerned, it is clear that supremacy should not be exercised in a manner to perpetuate or to engender discrimination and hardship. For many years it has been conceded that marriage and divorce law is a subject within the special competence of states and that the federal government should intrude only where necessary to accomplish an important national purpose. [See *Spindel* v. *Spindel*, 283 F. Supp. 797 (E.D.N.Y. 1968)]. Surely, the insulation or exemption of a significant family asset so that it may not be considered along with other forms of property serves no useful federal purpose and undermines important and socially significant state policy as to economic fairness between parties to divorce.

Finally, it may be realistic to note that even a misguided federal policy of exemption cannot ultimately prevail since state courts remain free to consider pension or retirement benefits in computing the amount of alimony to be awarded and thus form will triumph over substance.

APPENDIX: STATES HOLDING THAT PENSIONS OR RETIREMENT BENEFITS ARE COMMUNITY OR MARTIAL PROPERTY

Community Property States

California: Cases include the following: *Brown* v *Brown*, 126 Cal. Rptr. 633, 544 p. 2d 561 (1976); *In re Marriage of Freiberg*, 127 Cal. Rptr. 792 (Ct. App. 4th Dist. 1976); *In re Marriage of Ames*, 57 Cal. App. 3d 912, 129 Cal. Rptr. 344 (Ct. App. 4th Dist. 1976); *In re Marriage of Maunder*, 127 Cal. Rptr. 707 (Ct. App. 4th Dist. 1976); *In re Marriage of Fithian*, 10 Cal. 3d 851, 592, 111 Cal. Rptr. 369 (1974); *In re Marriage of Wilson*, 10 Cal. 3d 851, 112 Cal. Rptr. 405 (1974); *Smith* v. *Lewis*, 118 Cal. Rptr. 521, 530 P. 2d 589 (1975); *In re Martin's Marriage*, 50 Cal. App. 3d 581, 123 Cal. Rptr. 234 (1975); *In re Brugh's Mar-*

riage, 120 Cal. Rptr. 597 (1975); *Bensing* v. *Bensing*, 25 Cal. App. 3d 889, 102 Cal. Rptr. 255 (1972).

Idaho: Cases include *Ramsey* v. *Ramsey*, 96 Idaho 672, 535 P. 2d. 53 (1975).

Louisiana: Cases include *Swope* v. *Mitchell*, 324 So. 2d 461 (La. App. 1975).

New Mexico: Cases include: *LeClert* v. *LeClert*, 80 N.M. 235, 453 P. 2d 755 (1969); and *Otto* v. *Otto*, 80 N.M. 331, 455 P. 2d 642 (1969).

Texas: *Angott* v. *Angott*, 462 S.W. 2d 73 (Tex. Civ. App. 1970); *Mora* v. *Mora*, 429 S.W. 2d 660 (Tex. Civ. App. 1968); *Dominey* v. *Dominey*, 481 S.W. 2d 473 (Tex. Civ. App. 1972); *Webster* v. *Webster*, 442 SW. 2d 786 (Tex. Civ. App. 1969); *Busby* v. *Busby*, 457 S.W. 2d 551 (1970).

Washington: Cases include: *In re McKinney*, 2 Fam. Law Reporter 2370 (Wash. Ct. App. March 19, 1976); *Wilder* v. *Wilder*, 85 Wash. 2d 364, 534 P. 2d 1355 (1975); *Payne* v. *Payne*, 82 Wash, 2d 573, 512 P. 2d 736 (1973); *Morris* v. *Morris*, 419 P. 2d 129 (Wash. Sup. Ct. 1966); *DeRevere* v. *DeRevere*, 488 P. 2d 763 (Wash. App. 1971).

Equitable Distribution States

Colorado: *In re Ellis' Marriage*, 538 P. 2d 1347 (Colo. App. 1975) (husband's military pension and future retirement pay although not marital property may be considered in setting alimony).

Missouri: *In re Marriage of Powers*, 527 S.W. 2d 949 (Mo. App. 1975) (husband's interest in private company's profit sharing plan is marital property).

New Jersey: *Callahan* v. *Callahan*, 2 Fam. Law Reporter 2585 (N.J. Super. Ct. June 16, 1976); *Kruger* v. *Kruger*, 139 N.J. Super. 413, 354 A. 2d 340 (1976); *Blitt* v. *Blitt*, 139 N.J. Super. 213, 253 A. 2d (1976); *White* v. *White*, 136 N.J. Super. 552 (App. Div. 1975); *Hughes* v. *Hughes*, 132 N.J. Super. 559, 334 A. 2d 379 (1975) (unliquidated workman's compensation benefits); *Scherzer* v. *Scherzer*, 2 Fam. Law Reporter 2061 (N.J. Super. Oct. 10, 1976); *Tucker* v. *Tucker*, 121 N.J. Super. 539 (1972); *Pellegrino* v. *Pellegrino*, 134 N.J. Super. 512 (App. 1975).

Wisconsin: *Pinkowski* v. *Pinkowski*, 67 Wis. 2d 176, 226 N.W. 2d 518 (1975), and prior cases there cited.

VETERANS BURIAL REIMBURSEMENT BILL

HON. EDWARD P. BEARD

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. BEARD of Rhode Island. Mr. Speaker, I am introducing a bill today that reflects the sentiment of many veterans, veterans organizations, members of the House Committee on Veterans' Affairs and indeed, many Members of this House. My bill would authorize the Veterans' Administration to pay a $150 allowance to any State or any agency or political subdivision of a State in reimbursement for expenses incurred in the burial of each veteran in any cemetery owned by such State, if the cemetery or section thereof is used solely for the interment of veterans.

This House has seen fit to favorably legislate in the past, a similar provision regarding cemeteries maintained by the States solely for the purpose of veteran burial. The Rhode Island Veterans Cemetery is one such facility. My bill being introduced today would extend that reimbursement provision to those cemeteries which have areas set aside for the specific purpose of accommodating the remains of our veterans of the armed services.

NEW YORK—THE EMPIRE STATE

HON. LEO C. ZEFERETTI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. ZEFERETTI. Mr. Speaker, I take special pride in honoring the 200th anniversary of the signing of the New York State Constitution. As a New Yorker, I share the feelings of satisfaction of the people of our State that we have contributed so greatly to our Nation throughout the past 200 years and offered our accomplishments to the entire world. Certainly, we have all witnessed hard times in the recent past, when the future of the city and State of New York seemed dim. We had not only begun to struggle against financial difficulties, but against social despair. Yet, we have survived. New York City and State are strong and our spirit is intact. It is this vitality and spirit intertwined with our history that I am so very pleased to share with you today.

An official New York State Guide in 1940 offered these words about our young State:

> The Empire State—it would gratify the people of New York if they could discover who first dared that spacious adjective . . . for in the early years of independence, there was nothing imperial about the State. It was seventh in population. Its port-town at the mouth of the Hudson, about two-thirds the size of Philadelphia, had been partially burnt during the Revolution and when its Whig inhabitants returned to claim it from the British army and the Tories, they found little to cheer their hope.

What inauspicious beginnings. And how far we have come since that time. As a State that was once seventh in population, we now rank second. From that small port-town sprang the great city of New York, the largest city in the Nation and the third in the world. And, if those same inhabitants returned today, they would be greeted by the majestic view of the Statue of Liberty which greeted countless numbers of immigrants entering before them, and be overwhelmed by the physical, towering strength of our city which, despite the claims of certain prophets of doom, still remains the social, cultural, and commercial capital of the world.

From the shaky beginnings 200 years ago rose a State which has played a large role in shaping the course of American history. Our State was in the forefront of the Revolutionary War, the War of Independence, having been the scene of approximately one-third of all the battles fought by the Americans. New York City was the first capital of the country under our new Constitution and was, in addition, the city where George Washington was sworn in as the first President of the United States.

New York State continued to influence the course of events, with the introduction of the first successful steamboat which traveled from New York City to Albany in 1807. The Erie Canal, linking the Hudson River with the Great Lakes, opened the Midwest in 1825 and was responsible for the early patterns of westward migration from the East, the westward flow of pioneers and settlers which became a symbol of America throughout the 19th century.

Many illustrious politicians began their political careers in New York, such as Theodore Roosevelt and Franklin D. Roosevelt who contributed their talents as Governors and then altered our country's history as Presidents of the United States. As Americans, we take pride in these men and as New Yorkers, we honor them as fellow statesmen whose presence is still felt today.

The 1970's have certainly tested the strength and vitality of our State. We have begun to feel the effects of years of immigration, rising social and financial demands, and the outward migration of residents from urban to more rural areas. However, our State and city officials have worked together to meet the test.

Each new era in our 200-year history has brought with it new and increasingly complex difficulties. However, New York always came through with flying colors, presenting a model to the Nation and the world. I am pleased, therefore, to acknowledge this history and list of accomplishments, and honored to join with the Governor and members of the New York State Legislature in commemorating the signing of the State's constitution 200 years ago, as well as our strength, vitality, and spirit for which New York will ever be known.

TIME TO SWITCH TO DIRECT ELECTION

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. MURPHY of Illinois. Mr. Speaker, on March 22, President Carter called for the abolition of the electoral college. After carefully examining the issue, I have concluded that it is time to switch to direct election.

Fundamentally, there are three important reasons why the direct election method should be adopted:

First. Every citizen's vote would count equally.

Second. The possibility that the popular-vote loser could still win the Presidency would be eliminated.

Third. Direct popular election would put into operation a system most Americans believe operates anyway.

I would like to bring to the attention of my colleagues an article I have written on the subject, which appeared in the Daily Calumet on May 4, 1977:

> ELIMINATE ELECTORAL COLLEGE
>
> You may think you voted for either Jimmy Carter or Gerald Ford in the last election. But you didn't. You voted for Presidential electors who cast their votes on your behalf.

This body of electors is known by the quaint name of "the electoral college."

According to the unusual method we use to elect our presidents, the shift of a few thousand votes in Hawaii and Ohio last November would have denied Jimmy Carter the Presidency, even though he had won a majority of the popular vote.

The electoral college is the official body which meets every four years to elect our President. This system of indirect election was adopted as a compromise in 1787 by the Constitutional Convention, after it failed to agree on other methods to elect the President.

The Founding Fathers rejected direct election because they did not believe the people could be trusted to judge the character and qualifications of Presidential candidates. Solution: let the people elect prominent citizens who would cast wise and independent votes on behalf of the less enlightened electorate.

On March 22, President Carter called for the abolition of the electoral college. There can be no doubt that Carter's proposal is supported by the vast majority of Americans. The most recent Gallup opinion poll, published Feb. 10, shows that 75 per cent of the public supports the direct election of the President.

Nevertheless, as someone has said, American history is "littered with the wrecks of previous attempts" to change our current system. So the electoral college survives. Why?

Those who favor keeping some form of the electoral college usually argue the following: First: it works. The Electoral College has nearly always elected as President the man who won the most popular votes. Second, it discourages single-issue third parties from forming, since they rarely are able to translate popular votes into electoral votes. Third, it guarantees states' rights by giving each state a voice in electing the President. It also gives smaller states greater influence in deciding the outcome of a Presidential election. Fourth, it gives more power to minority groups voting as a block, since they can tip all of a state's electoral votes to one candidate. Fifth, it minimizes nasty recount problems.

But these reasons are at best doubtful arguments for retaining the present system.

First, it cannot really be said that the electoral college "works." It is more accurate to say that the present system has not done its full potential for damage.

At a time of mass communication and widespread skepticism about government, no popular-vote loser could hope to govern effectively following his assumption of the Presidency. It is far better that we anticipate and avoid this crisis than be forced to change the system afer the damage has been done.

Second, the claim that the electoral college sustains the two-party system is contradicted by a recent election. In 1976, Eugene McCarthy's strength was not his ability to win popular votes, but his power to draw votes away from Carter and tip some states' electoral votes to Ford. Similarly, George Wallace's threat in 1968 was his potential to win enough electoral votes to throw the election into the House of Representatives. There he could have made an unsavory deal with Humphery or Nixon as the price for his electoral votes.

Third, the direct election method does not violate states' rights. The President and vice-president are our only nationally-elected officials. Do states have a "right" to deny the popular-vote winner the Presidency? And do smaller states have the "right" to their extra influence under the present system? The Supreme Court has upheld the principle of "one-man, one-vote." States should not have the right to violate this principle.

Fourth, the power of minority groups' block voting would basically remain intact under the direct election method. "Dilution" of minority group voting strength is threatened not by the direct election plan, but by the possibility that a minority group may not vote as a block.

Fifth, it would not be necessary to have a nationwide recount if vote fraud occurred under the direct election system. As under the present system, only votes cast in states where fraud allegedly occurred would have to be recounted.

Interestingly, the electoral college puts a premium on fraud because the difference of a single vote can tip all of a state's electoral votes to one candidate.

Fundamentally, there are three important reasons why the direct election method should be adopted:

—Every citizen's vote would count equally.

—The possibility that the popular-vote loser could still win the Presidency would be eliminated.

—Direct popular election would put into operation a system most Americans believe operates anyway. Why not put it into practice?

A TRIBUTE TO LUDWIG ERHARD, A CLASSICAL LIBERAL WHOSE IDEAS AND LEADERSHIP HELPED CREATE A MODERN-DAY MIRACLE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. KEMP. Mr. Speaker, on May 5, the world lost one of its great statesmen, Ludwig Erhard, former Chancellor of West Germany.

As the economic adviser to the American and British occupation zones in Germany following World War II, Erhard was instrumental in masterminding the German economic "miracle." The basis for this miracle was a dismantling of the economic controls—which had been retained by the Allies—and a restoration of the free market, lower taxes, and a sound currency. These principles still form the base for German prosperity today.

At this point I would like to insert into the RECORD an editorial from the Wall Street Journal, May 10, 1977, and an article from the New York Times by Wolfgang Saxon, May 6, 1977, regarding the career and accomplishments of Ludwig Erhard: It clearly shows the power of ideas. For it was Erhard who strongly influenced President Kennedy to reduce tax rates in the early 1960's and which led to such high growth and low inflation for the United States from 1962 to 1967.

The editorial follows:

[From the Wall Street Journal, May 10, 1977]

PRESCRIPTION FOR PROSPERITY

The death last week of Ludwig Erhard marks the end of an important post-war era that began in September 1949, as the Berlin airlift was nearing its conclusion. At that time, while Germany was still trying to dig out of poverty and destruction, Konrad Adenauer was elected first chancellor of the Federal Republic of Germany by a razor-thin margin in the Bonn parliament and Mr. Erhard became minister of economic affairs.

Dr. Adenauer, who had been dismissed as mayor of Cologne by Hitler in 1933, set about to install in Germany a democratic government based on a free social order. His first policy speech in parliament called for an end to the ancient hostilities between Germany and France. He preached European economic integration, later reflected in the Common Market. He counseled military alliance with the U.S., which culminated in Germany's admission to NATO. He pledged restitution to victims of Nazi brutality, with the result that Germany paid several billion dollars to the world Jewish community.

None of this could begin to erase the sins and horror of Nazism. But it helped reassure a skeptical world that Nazism was a thing of the past in West Germany (in contrast to East Germany, where totalitarianism lives on under a Communist label).

Ludwig Erhard, who had also been purged by the Nazis, faced a different but no less difficult challenge. He later recalled that in the immediate post-war period economic planners were predicting generations of hardship and privation for the German people. The planners, he said, "had absolutely no conception that if a people were allowed once more to become aware of the value and worth of freedom, dynamic forces would be released."

Those dynamic forces were nothing more than the energies and abilities of an industrious people, allowed to pursue their rehabilitation with a minimum of governmental control. While many governments opted for some form of collectivist economic model, Dr. Erhard realized this was a sure way of proving the pessimistic planners right. In 1948, while he was director of economic affairs in the U.S. and British occupation zones, he displeased the Allies and his German colleagues by decreeing an end to most rationing and economic controls. "Turn the people and the money loose," he said, "and they will make the country strong."

The Socialists, of course, trotted out the usual complaint that his policies benefitted the affluent at the expense of the masses. Yet one of his first official acts upon assuming his ministerial position was to affirm a free economic order and rejection of socialism. He removed rent controls and other impediments that distort the market, then watched with quiet satisfaction as the German economy took off with a whoosh. Before long the German masses were enjoying prosperity beyond their wildest dreams.

Together Adenauer and Erhard showed how classical liberalism was not outmoded but exactly the right prescription for achieving economic prosperity and political freedom. The wonder is not that West Germany did so well by following that prescription, but that so few other governments learned from the German example.

[From the New York Times. May 6, 1977]

A SYMBOL OF PROSPERITY

(By Wolfgang Saxon)

If any single man deserved credit for West Germany's astounding economic rise from the ashes of World War II, it was Prof. Ludwig Erhard, the rotund, pink-cheeked, cigar-smoking incarnation of prosperity, who disregarded the outcries of his countrymen and their conquerors and put his economic vision to work.

The remedy he prescribed was a free market economy with a social conscience—a formula his critics deemed a ludicrous answer to the problems of a shattered, truncated country where hunger and shortages abounded and Lucky Strikes were the coin of the realm.

To get his policies across, Dr. Erhard at first moved with stealth, after which he sermonized, coaxed and at times bullied labor and industry as he busily opened a valve here and tightened one there to get up more economic steam. Thus he built the tools with which the Government of Konrad Adenauer, West Germany's first Chancellor, could gain respectability abroad, and give the Germans back their self-respect.

APPROACHED BY AMERICANS

The economic mission began for Dr. Erhard, a trained economist without a Nazi past, when an American major one day in the early summer of 1945 drove up in a jeep at his home in Fürth, Bavaria. At a time when most German cities lay in ruin, he had been picked from a list of "good Germans" to help figure out ways in which to get factories back into operation in his native region.

Dr. Erhard was driven to the imposing American occupation headquarters in Frankfurt and went to work nearby in an office in bomb-scarred barracks. Later that year he became minister for economic affairs in the Bavarian state government, a post he held for little over a year, after which he returned to teaching.

In 1947 he was appointed chairman of a group of German and American financial experts who, working in secrecy in a guarded villa near Frankfurt, prepared to wipe out 400 billion inflation-bound Reichsmarks. But then the war-ruined economy had come to work largely on "cigarette currency," with six to 10 Reichsmarks fetching one Camel or Lucky Strike and little else, because people resorted more and more to barter and black markets.

DIRECTED CURRENCY REFORM

Dr. Erhard was director of economic affairs in "bizonia"—the sardonic German appellation for the combined American and British occupation zones—when the currency reform was inaugurated in the summer of 1948. Henceforth he became known as "the father of the Deutsche mark," one of the more affectionate nicknames he picked up in his public career.

Long rows of ragged people lined up at the banks that summer to exchange nominal sums of worthless Reichmarks one-to-one for the newly printed Deutsche mark, with the rest of their money holdings to be redeemed later, at 10 to 1.

As it turned out, it was almost the last time West Germans had to line up for anything. Hoarded goods suddenly reappeared on the shelves and queues disappeared as if by magic as industry geared up and farmers sold their produce in the market for the new money, today one of the world's most solid currencies.

Dr. Erhard, convinced that currency reform alone was not enough, sprang an additional surprise of his own. Acting on a Sunday when neither his German colleagues nor the military government could interfere, he announced in a broadcast that he had decreed the end of nearly all rationing and economic controls, including price controls. "Turn the people and the money loose," he declared, "and they will make the country strong."

His move angered the Allies. "Herr Erhard," remonstrated the then American Military Governor, Gen. Lucius D. Clay, "my advisers tell me this is a terrible thing."

"Don't worry," Dr. Erhard replied. "My advisers tell me the same thing."

He stuck to his guns also in the face of a public outcry when prices rose after his action. Signs saying "Erhard to the Gallows" were waved in the streets, and the Social Democrats assailed him because the removal of controls seemed to benefit the affluent rather than the impoverished masses, at least initially.

Dr. Erhard remained confident that the removal of controls would soon overcome such difficulties and inequities. "Prices will drop in the spring," he promised on Christmas Eve. And they did.

Trained in a heritage of 19th-century economic liberalism and modern social responsibility, Dr. Erhard preached hard work and productivity as the keys to success, along with generous incentives for enterprise.

In that fashion, removal of rent controls and space allotments for individual families stimulated the building industry, and added capacity, which in turn buoyed the steelmakers and other suppliers.

Thus directed; the forces of the market soon made West Germany outproduce the prewar economy of the much larger German Reich and within years overtake most other industrial powers, sending forth Volkswagens, locomotives and all manner of goods to the ends of the earth.

Full employment and busy factories earned Dr. Erhard another nickname before long. He was "Mr. Prosperity" and looked the part with his amble girth and a rich black cigar protruding from his round face. He was criticized at times by Socialists who found his market economy not socially oriented enough, and by industrialists who disliked his trust-busting fervor in defense of free competition. But by and large Dr. Erhard enjoyed enormous popularity until his sudden fall from grace during his brief tenure as Chancellor and successor to Dr. Adenauer.

ECONOMICS MINISTER IN 1949

The two men had met in Bonn during the drafting of the West German Constitution. When the Federal Republic of Germany was founded in 1949, Dr. Erhard having been elected to the Bundestag, became minister of economics. He held the post until October 1963.

Dr. Adenauer made him Vice Chancellor, in addition to his economic post, after the 1957 elections. But their relationship grew difficult after Dr. Erhard showed political ambitions of his own.

In 1959 Dr. Adenauer decided to resign and run for election as President, a largely ceremonial office he may have wished to reshape in the Gaullist image. But he changed his mind when his Christian Democratic Party favored Dr. Erhard as his successor rather than his own hand-picked favorite.

It was known that the aging Dr. Adenauer, who had spent most of his active life in politics, had little regard for Dr. Erhard's competence to govern and to survive in the rough and tumble of practical politics. In fact, it was said that Dr. Adenauer himself originated yet another nickname that would haunt Dr. Erhard in the frustrating years ahead: "Rubber Lion."

A party caucus forced Dr. Adenauer to resign in the fall of 1963, and against his counsel the party picked Dr. Erhard as its vote-getting "people's chancellor" who would bring new faces and new directions to the Bonn government.

The new Chancellor promptly set off for a pilgrimage to Texas, where he established a personal relationship with President Lyndon B. Johnson, reflecting his conviction that West Germany's very existence depended on the benevolent protection of the United States.

But as if to prove Dr. Adenauer right, Dr. Erhard unwittingly appointed a former Nazi judge to his cabinet and had to dismiss him after East Germans disclosed the man's embarrassing past.

Always looking for a middle ground and reluctant to whip dissidents into line, Dr. Erhard soon got into trouble with unruly members of Parliament from his own party, among them Gaullists led by Dr. Adenauer who disliked their country's "subservience" to Washington.

With increasing restiveness, the dissidents demanded new initiatives in foreign policy particularly a start toward normalization of relations with Communist Eastern Europe. Editorial writers started referring to the "do-nothing Erhard era."

Dr. Erhard's economic miracle stalled in mid-1966, when a recession struck West Germany and creeping inflation caused concern about the mighty mark. A failure to anticipate and cope with the big Federal deficit was the final blow that brought down his government.

The Christian Democrats were forced into a "grand coalition" with the Social Democrats, replacing Dr. Erhard with Kurt Georg Kiesinger on Dec. 1, 1966.

Dr. Erhard was born in Furth on Feb. 4, 1897, the son of a dry-goods merchant. He was seriously wounded while serving as a cannoneer in World War I, making him physically unable to take over his father's shop. Instead, he studied management and economics and received a doctorate the year he married Luise Lotter, a fellow economics student.

He joined a market-survey institute in 1928 and became its director, but he lost that post in 1942 after some harassment over his divergence from Nazi ideology and economics.

AWARD TO HENRY T. SEGERSTROM

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. BADHAM. Mr. Speaker, I would like to call the attention of my colleagues to the second annual award by the Mardan Center of Educational Therapy, to be given Saturday, May 21, 1977, to Henry T. Segerstrom, for his outstanding achievements and service to the citizens of Orange County.

Mr. Segerstrom, who earned the Purple Heart on the battlefields of Europe during World War II, is a native of Orange County, Calif., where he was born in Santa Ana. He is a member of a pioneer farming family, one of the few owners who did not acquire their land through Spanish land grants.

As Orange County developed during the last 30 years into a major urban area of California, the Segerstrom family branched out into many industrial, commercial, and residential development activities, while still farming vast tracts of the family property.

Henry Segerstrom, however, along with other members of the Segerstrom family, has contributed land for a park in Costa Mesa, a Girl Scout headquarters to serve the entire county, and property for a new South Coast Repertory Theater.

In the meantime, Henry Segerstrom has found time to make important personal contributions to the well-being and improvement of his community.

He has served in a number of capacities with farmers organizations of Orange County and California, has been a member of the U.S. Agriculture Stabilization Committee and its Orange County chairman, has been active in the Orange County Chamber of Commerce; the Santa Ana Chamber of Commerce; the Santa Ana Rotary Club, and a trustee and founding member of the World Affairs Council of Orange County. For the past 20 years he has been a director of the Orange County Water District, which he also served as president for a 6-year period.

As further evidence of the selfless activities of Henry Segerstrom, I would like the Members of this honorable body to note that the man being honored by the Mardan Center was chairman of the Citizens Committee in 1970 for the Orange County Transit District, was finance chairman of a school bond program in Santa Ana in 1972; was finance chairman of the Action in Transit Committee in 1974, and is currently a director of the Newport Irvine Waste Management Planning Agency.

Furthermore, Mr. Segerstrom has served for the past 3 years as a member of the Board of Overseers of the Huntington Library, a director for 3 years of the Equitable Savings & Loan Association and for the past 4 years as a director of the Southern California Edison Co.

These extensive activities have been carried on by Henry Segerstrom despite a heavy workload in the family businesses which include Orange County's first major zoned industrial park; a major shopping center, and other commercial properties.

Mr. Segerstrom is a graduate of Stanford University, a member of the Stanford Faculty Club, Stanford Associations, Newport Harbor Yacht Club, Santa Ana First Presbyterian Church, Hoag Memorial Hospital 552 Club, and director of the Newport Harbor Art Museum.

It is with honor that I rise to pay tribute today to Henry T. Segerstrom and the Mardan Center which is honoring him, because without men like him and organizations like the Mardan Center, the lives of all of us in Orange County would be poorer indeed.

GENERAL ACCOUNTING OFFICE ACCESS TO FBI RECORDS

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. PREYER. Mr. Speaker, nearly 1 year ago, the Comptroller General, Mr. Staats, and the Director of the FBI, Mr. Kelley, reached an agreement spelling out the ground rules for access of the General Accounting Office to FBI records.

This agreement was an improvement over the previous situation in which GAO was consistently blocked from examining materials necessary to its auditing functions.

But although the FBI is apparently living up to the terms of this limited agreement, the fact remains that GAO still is not getting access to some of the material it needs to see in order to properly evaluate FBI operations.

As a result, I think the time has come for the Congress to make clear by statute that GAO has access to FBI records. The FBI has legitimate concerns for the security of some of its records, particularly the names of informants and its intelligence and investigative files. But the purpose of GAO access is not to spread these materials about. The purpose is to enable the Congress to see if the FBI is performing its job as Congress intends, and to help suggest improvements where they may be needed.

Let me give you an example from the work of my Government Operations Subcommittee on Government Information and Individual Rights. This subcommittee's jurisdiction includes the Freedom of Information Act and the Privacy Act, as well as general oversight for the Department of Justice, including the FBI.

One study the GAO is undertaking for the subcommittee and several members involves FBI compliance with requests for information under the Freedom of Information Act. As part of its audit, the GAO examines FBI materials and compares them with what has been given to the individual making the Freedom of Information Act request. The difficulty is that the materials given to the GAO are not the original data on which the FBI makes its decisions, but summaries or copies of that data with certain portions excised. Without knowing what has been excised, it is more difficult and in some respects impossible for GAO to determine whether the FBI is complying with Freedom of Information Act requirements.

The FBI developed a huge backlog of FOI requests and is now about to bring in hundreds of special agents from around the country to try to work off that backlog. Part of the GAO's study is aimed at determining just what goes into servicing an FOI request so that the Congress can judge costs and such questions as whether the Freedom of Information workforce should be composed primarily of special agents. But GAO auditors cannot sit next to agents and analyze their processing of requests because the agents are examining original data, and the GAO is not allowed to look at this data. I think it will be good for the Bureau if the GAO can go in there and look at some programs and find, based on full examination of the records, that the Bureau is performing as the law dictates. Or, if it is not, the Congress certainly ought to know that.

The GAO does not need to copy or disseminate investigative data. I think adequate arrangements could be made to assure the security of this material while at the same time giving GAO the ultimate access it needs to properly perform its function. Auditors could examine material at the FBI in the presence of an agent. The GAO also does not examine every document relating to whatever program it is evaluating; as is common in most auditing, it would examine only a random sampling of its choosing.

I am convinced the GAO already possesses the authority in law to look at such material, but the attorney general has in the past challenged this interpretation, so clarifying legislation is needed. Therefore, I am introducing today a simple bill which would amend the Budgeting and Accounting Act of 1921 to make it clear that the authority given GAO to obtain books and records extends to management as well as financial audits.

I urge my colleagues to join in support of this measure so that the Congress can better gauge the record of our law enforcement agencies and also so that a fully-informed General Accounting Office can help the FBI rebuild its credibility through independent verification of its activities.

The text of the bill follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 313 of the Budgeting and Accounting Act, 1921 (31 U.S.C. 54), is amended by inserting at the end thereof the following new sentence: "With respect to the Department of Justice, and any offices, bureaus, or other divisions or units thereof, the authority contained in this section shall be applicable to audits under section 117 of the Accounting and Auditing Act of 1950 and to reviews and evaluations under section 204 of the Legislative Reorganization Act of 1970, and shall not be restricted to only those books, documents, papers and records pertaining to the receipt, disbursement, or application of public funds, but shall extend to all books, documents, papers, or records within the possession or control of the Department or any office, bureau, or other division or unit thereof."

FDA SHOULD DROP SACCHARIN BAN

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. MOLLOHAN. Mr. Speaker, today the Food and Drug Administration begins public hearings here in Washington on proposed regulations it published in the Federal Register of April 15, 1977, to ban the use of saccharin, except, perhaps, as a tabletop sweetener which FDA might allow to be sold as an over-the-counter—OTC—drug.

Next month, FDA is scheduled to publish final regulations outlining how saccharin may be used, if at all.

Saccharin has been the subject of extensive discussion, both in the Congress and among the American people, since FDA first announced its intention to ban the artificial sweetener earlier this year.

I have studied very carefully the documentation FDA has put forward as a justification for its decision. I have come to the conclusion that the evidence FDA has used is inconclusive and that the Agency should drop any plans to ban the substances on the grounds that it does not have adequate reason to take this action.

We all know that cancer is a dread disease that afflicts hundreds of thousands of Americans each year. It is an insidious affliction that causes great suffering and anguish, and if we can find a way to eliminate cancer, it would be one of man's great triumphs over the complex and often ill-understood mysteries of life.

Because we all fear this disease, it is not difficult to cause public panic by asserting that a particular substance may be a cancer-causing agent. But unless we have strong evidence before making such assertions, we run the risk of crying "wolf" too often.

In the 1950's during the infamous Mc-

Carthy campaign against communism, we became almost a paranoid society. For awhile, we saw "red" behind every tree. Uneasiness and fear swept through America. But as McCarthy pressed ahead harder and cried "wolf" time and time again, the American public began to question the validity of McCarthy's allegations. In the end, he cried "wolf" too often and was discredited.

A similar paranoia is sweeping the land in the 1970's, this time engendered by repeated assertions that an ever-growing list of substances may be cancer-causing agents.

On Saturday, May 14, The Washington Post addressed this point in a very instructive and informative article entitled "Boycotting Carcinogens Is Difficult."

The article was about a Fairfax County, Va., couple who have strived to avoid buying any product that may be carcinogenic. They are about at wit's end, because the list keeps growing and they are not sure what to believe anymore.

The article continued:

> In 1976 alone, The Washington Post carried stories linking cancer-causing agents to various drugs, sex hormones, beef, chicken, swine and turkey fattened with a certain chemical, over-the-counter medications, cough syrup, toothpaste, food packages, sleepwear, snuff, quarries, X-rays, herbicides, pesticides, decaffeinated coffee, bacon, red dye No. 2, various workplaces and air and drinking water.

The story then quoted Dr. Ruth Beiler-White, identified as the person in charge of FDA's consumer inquiry staff, who said that people should not be overly concerned about these reports. She told the Post:

> They should be worrying about malnutrition and food-borne (bacteria). People just don't have perspective.

I find her statement almost incredulous. Who is crying "wolf" the loudest but the agency she represents?

We should never relent in our effort to determine what causes cancer or in our endeavor to find cures for this disease, but we should also refrain from crying "wolf" until there is legitimate reason to do so.

In my view, FDA has not properly justified its decision to cry "wolf" about saccharin.

Furthermore, if FDA does ban all use of saccharin, what is the alternative? Currently there are no approved non-caloric artificial sweeteners available to the public. This means sugar would have to be used exclusively as a sweetener by everyone. And the interesting thing about this is that no one has demonstrating yet that sugar does not cause cancer!

FDA will accept written testimony until June 14 on its proposed regulations. I urge my colleagues to review these regulations very carefully and to submit their views to FDA.

I have this week submitted a detailed statement to the Food and Drug Administration and would like to share the contents of it with my colleagues. The statement follows:

MAY 16, 1977.

FOOD AND DRUG ADMINISTRATION,
Rockville, Md.

SIRS: This statement constitutes formal comment on the Food and Drug Administration's proposed regulations as published in the Federal Register of April 15, 1977, regarding the future use of saccharin.

After thorough examination of the rationale presented by the Agency to justify this action, I have come to the unequivocal conclusion that the proposed restriction on the use of saccharin as a food additive, drug ingredient, table-top sweetener and as a component in certain cosmetics is unjustified, unwarranted and unnecessary.

OBSERVATIONS

In reviewing research techniques used by the scientific community to determine the carcinogenicity of any element, FDA has stated in the preamble of its proposed regulations:

"Even with the best test system, it must be recognized that a positive result only labels a substance as a suspect human carcinogen; at the same time, a negative result does not necessarily exclude the possibility that the substance is carcinogenic for man. Furthermore, it should be remembered that absolute demonstration of noncarcinogenicity, even in the species test, is impossible."

Translated into everyday English, what the FDA is telling Congress and the American people is that it is impossible, through testing, to say, without equivocation, that any substance will not cause cancer. We are left to assume, therefore, that even the most natural and unadulterated element or substance conceivable could cause cancer because we can't prove that it does not.

In discussing the use of rats or other animals as test subjects, FDA has, in its proposed regulations, made the following statement:

"Experimental assays are conducted under controlled dietary and environmental conditions with animals of homogeneous genetic background, while humans live under diverse conditions and are genetically heterogeneous, and are therefore likely to include subpopulations of unusual susceptibility."

What this would appear to tell us is that by running tests on rats of the same genetic characteristics and then extrapolating the results to assess the impact on human beings with widely divergent genetic background, we are mixing apples and oranges.

In further discussing the use of test animals as a means of determining the susceptibility of humans to potential carcinogens, FDA states:

"One must assume that one lifetime in the test animal is equal to a lifetime in man and that the test animal and humans are equally sensitive to the carcinogen. These assumptions are clearly open to debate, but in the absence of data to the contrary, the opinion of most experts is to assume that they are applicable."

This statement contains faulty logic in two respects: (1) As stated earlier, FDA has already pointed out that testing is commonly done on animals possessing the same genetic characteristics while humans have a divergent genetic background. Thus, it would seem to be contradictory to "assume" that "the test animal and humans are equally sensitive to the carcinogen"; and (2) it would appear highly arbitrary to equate the lifetime of a test animal to that of a human being merely because we cannot prove that this assumption is or is not correct.

After setting forth its highly questionable scientific methodology, FDA proceeds to outline the possible increase in bladder cancer that could result from continued human ingestion of saccharin. The FDA states that the National Cancer Institute (NCI) estimates that the rate of incidence of cancer of the bladder in the United States is 30,000 cases annually. The FDA statement continues:

"If everyone in the United States ingested 150 milligrams of saccharin per day (e.g., from one large diet drink) over a lifetime, and if the other assumptions are correct, there could be approximately an additional 1,200 cases per year (or an increase in risk of four percent over the basal risk.) If only half the population ingested 150 milligrams of saccharin per day over a lifetime, an additional 600 cases per year could occur (or an increase in risk of two percent over the basal risk.)"

Yet, while saccharin has been in general use for 70 years, FDA notes that "the estimated increased risk from this moderate use of saccharin cannot be detected in human epidemiological studies. Such studies usually can only detect increased risks of 200 to 300 percent (i.e., two to three times the baseline rate) or greater. Even the best feasible epidemiologic study is not likely to detect an increased risk of only two to four percent over background incidence."

What this tells us, then, is that the possible increased risk of continued human ingestion of saccharin is so small and so statistically insignificant that it cannot be detected in normal scientific studies conducted to detect the incidence of certain diseases in man.

Adding a final indignity to the incredulity of the case presented by FDA for restricting use of saccharin, the proposed regulations state:

"Although the risk from consumption of saccharin is small compared to that of other health hazards, e.g., cigarette smoking, saccharin is only one of a potentially large number of hazards present in our environment. The Commissioner believes that reduction of prolonged, general exposure to a number of weakly carcinogenic substances in our environment as they are discovered may be essential to reduce the total incidence of cancer."

There are several observations to be made in analyzing that statement:

(1) FDA admits that the potential risk from continued human consumption of saccharin is small and, based on earlier described statements) the risk itself is not convincingly documented.

(2) If FDA believes there is even a hint (proved or otherwise) that any substance or element may increase the incidence of cancer, the best thing to do is ban it. In other words, let's ban it since we can't prove it doesn't cause cancer, even though we're not sure that it does, although we suspect it might. Joseph Heller would be proud to include that logic in any revision of his famous novel Catch-22.

In explaining the legalistic process by which FDA plans to restrict the use of saccharin, the proposed regulations state: "The Commissioner emphasizes . . . (that this action) . . . should not be taken as an implied prediction that FDA will soon approve another artificial sweetener as a replacement for saccharin."

In other words, FDA is telling Congress and the American people: "We're banning saccharin and don't expect us to approve any other non-caloric sweetener in the near future."

That's an incredible position to take in view of the fact (which, to my knowledge, FDA has not challenged) that there are, according to the industry-sponsored Calorie Control Council, "no substitutes that could fill saccharin's role in providing a calorie-free sweetener for the user of diabetics and people concerned about obesity."

FDA has left the consumer with one ray of hope in these proposed regulations: it may permit the sale of saccharin as an over-the counter (OTC) drug.

But even this small concession to public need, if fully approved, appears to be fraught with potential pitfalls. A primary concern is that FDA may permit manufacturers to sell saccharin to retailers for a short interim period after the final regulations are published. But during that interim period, each manufacturer would have to apply for a drug application in order to continue making and selling saccharin.

This proposal fails to address several pertinent questions:

1. It is generally agreed that up to 80 percent of the saccharin now manufactured goes into soft drinks or other items. Only about 20 percent is used by consumers as a so-called "tabletop sweetener." Thus, by losing 80 percent of its market under the proposed regulations, the manufacturers will not be in a position to produce saccharin in volume, as they do now. It therefore follows that limited production will drive up manufacturing costs. So, if this regulation is adopted, how much will an individual packet or tablet of saccharin cost the consumer? At the moment, a box of 100 individual packets of Sweet 'N Low can be purchased for about $1.00, or one cent per packet. How much will one packet cost if saccharin is available only as an over-the-counter drug? Two cents, three cents, four cents?

2. By requiring that manufacturers obtain a drug license to produce saccharin, how much will that add to retail costs of this product?

3. If FDA decides finally to permit the OTC sale of saccharin, will the regulation permit the substance to be sold in supermarkets and grocery stores as well as pharmacies?

These questions, with considerable economic significance, should be addressed by FDA prior to promulgation and implementation of any regulation outlining the terms under which saccharin can be sold as an OTC drug.

CONCLUSIONS

A thorough analysis of the case presented in the proposed FDA regulations leads to the following conclusions:

1. FDA has not demonstrated—either conclusively or convincingly—that saccharin poses a serious health threat to the American people.

2. FDA is biased against saccharin, and when the results of a series of studies over a 20-year period on saccharin's potential as a carcinogen proved inconclusive, the Agency shopped around until it found a study it could, by stretching credibility to the ultimate degree, latch onto and proclaim saccharin a dangerous substance. The Canadian study referred to in the proposed regulations seems to have fit FDA's shopping list, although it is by no means a conclusive study, as the Agency has admitted in page after page of qualifying explanations. It is not difficult for one to conclude that FDA has long had a predetermined view toward saccharin and has only been awaiting a vehicle to legitimize this unproved bias.

3. On the basis of the information provided in the proposed guidelines, it is apparent, even to the layman, that FDA's proposed regulations are unnecessary, unwarranted and preposterous. They should not be published in final form, and FDA should not take further regulatory action against saccharin until more conclusive (and credible) evidence is gathered and verified in the scientific community to prove what FDA only now has the highly questionable ability to suspect—that saccharin is a carcinogen.

RECOMMENDATIONS

1. The regulations should not be published for effect when the comment period closes on June 14, 1977.

2. Freedom of choice should allow Americans to make their own decision on using saccharin until more credible evidence against it is developed (if ever). Thus, FDA should continue to permit the use of saccharin in all products in which it is now used, including diet drinks. To assure heightened awareness of FDA's as yet unsubstantiated suspicions, consideration should be given to requiring the following label on any substance in which saccharin is an ingredient:

Warning: This product contains saccharin, which the government believes, but has not proved, may increase your chances of developing bladder cancer.

3. If continued use of saccharin, either as an OTC drug or additive, is not permissible under the language of the Delaney Clause, the FDA should immediately propose to Congress that it legislatively exempt saccharin from the provisions of that law on the basis that there is insufficient evidence to conclude that saccharin poses a serious health threat to the American people

4. FDA should spearhead an effort to resolve the question of whether or not saccharin is a carcinogen by involving the leading experts in cancer research. Such research should include both experimentation with animals and more extensive epidemiologic studies.

5. Working with other appropriate Federal agencies and private industry, FDA should encourage a crash program for the development of other non-caloric artificial sweeteners. Substances developed as a result of this research should be tested as thoroughly as current techniques will permit to assure that these susbtances are not potentially carcinogenic.

There are nearly 10 million diabetics in America and countless other millions of Americans who suffer from obesity, heart disease and other ailments. All of them, however, share one thing in common with most other human beings: they have a natural craving for sweets. A safe, inexpensive non-caloric sweetner is, therefore, more than a luxury for them—it is a necessity, needed to satisfy their desire for sweets while not endangering their health.

While FDA claims that it does not have the authority to make judgments in balancing the potential harm of a substance against its potential benefits, the Agency, in its proposed regulations, has certainly not hesitated to make a judgment, based on questionable evidence, that saccharin is carcinogenic.

The Food and Drug Administration, from the commissioner right on down to the lowest grade civil servant in its employ, must keep in mind one thing: its purpose, as is that of any Government agency, is to serve the public. Thus, it is irresponsible for FDA to toss off the legitimate issue of balancing potential harm against potential benefit in evaluating any substance.

It is this kind of attitude that gives Government the kind of "holier-than-thou" and "the-public-be-damned" reputation that undermines the faith of the American people in the institutions they support with their tax dollars and in which they have every right to expect and receive fair and equitable consideration on human terms.

Sincerely,

ROBERT H. MOLLOHAN,
Member of Congress.

CHALLENGE TO BLACK LEADERSHIP

HON. JOHN L. BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. JOHN L. BURTON. Mr. Speaker, I would like to share the following comments with my colleagues:

The Challenge to Black Leadership in the 114th Post-Lincoln Emancipation Year—The Role of National Black Organizations

(By Carlton B. Goodlett)

Again, the Presidents of the 100 largest national Black organizations have the opportunity to meet, for the second year, as guests of the Convention Bureau, Washington, D.C., the city officials of the nation's capital, the Shoreham-Americana Hotel, member of the Americana Hotel chain, and the American Airlines.

Last year it was my pleasure to direct our collective thinking toward the permanent organization of a Round-table of Presidents of National Black Organizations, which would pool their organizational strength, their collective membership rolls numbering in excess of 11 million persons, in a combined effort to correlate our activities so that the Black masses, representing 75 percent of the 25 million Black Americans—an aggregation of Blacks more numerous than the individual populations of more than 157 other nations in the world, could be assimilated into the American Dream.

We meet this weekend in the capital of the United States of America, the seat of USA national and international political and economic power. If we are introspective, Black leaders are aware that 114 years after our emancipation Black Americans are still second-class citizens, victims of covert and overt racism practiced both institutionally and individually by the White majority. While the upper middle class of Black USA suffer from the neurosis that they are slowly and hopefully making it in White America, the Black masses are poorer and more wretched than ever before.

I hope to use the few short minutes allotted to comment on the blighted plight of Black youth—our hope for tomorrow—living in a nation which, according to the Kerner Report is dividel into two segments, one White and one Black, separate and unequal. Now, nine years after the Kerner Report, statistics show that the Black and White divisions which comprise the USA have become more separate, and more unequal.

RACISM

White racism has many bitter fruits:

Economic deprivation—the continuing exclusion of the Black masses from the benefits of free enterprise, through discrimination in employment and education, and their unforced confinement in segregated housing and schools.

Black ghettos—the teeming racial corrals where segregation and poverty have intersected to destroy opportunity and hope, and perpetuate failure, producing men and women without jobs, families without men, and schools where children are processed instead of educated, until they return to the street, to crime, to narcotics, to dependency on welfare, and to bitterness and resentment against society in general, and white society in particular.

The Plight of Back Youth—An Endangered Species is racism's bitterest fruit. Have we forgotten that one precious thread is woven throughout the fabric of the Black experience: the fact that Black people have and belong to each other?

On many occasions we have described 25 million Black Americans as larger in population than 55 nations of Africa, or 156 other nations in the world. Moreover, at this moment in history American Blacks are the most highly educated and professionally trained Black people in the world. However, while 650,000-odd of our young people are in institutions of higher learning there are 500,000 to 600,000 of our teenagers who are jobless, without education, many with police records, in America's 25 largest cities. While Blacks comprise 33.8 percent of the population of the nation's 25 largest cities, 20 percent of the nation's unemployed teenagers are Black. More dramatically, 40.5 percent of Black teenagers find themselves out of school, unemployed, with 38 percent of these unfortunate youngsters lost irretrievably in the narcotics traffic.

Francis Ward cryptically addresses the subject, "Black Youth—An Endangered Species," in *First World Magazine:* to quote him:

"The category 'endangered species' is usually reserved for animals or plants whose very survival on Earth is threatened by nature or man; it is used most by environmentalists in reference to wildlife whose existence they want to protect. A careful survey of social and political trends now developing in America, however, should make thoughtful Blacks consider whether our youth—just like the Bison buffalo or Bald eagle—are now threatened with extinction. This might sound like exaggerated scare talk to many . . . but it would not to Native ('Indian') Americans."

Even though 600,000 Black youths in college is an impressive figure, these numbers must be counterbalanced by the fact that probably two to three times that number of Black youth are not attending any school anywhere—not subject to any discipline or authority, and lacking the skills, education, or psychological maturity to become "productive citizens"—a description by the capitalist society of those who produce goods and services. Many of these jobless Black adolescents are still seeking nonexistent jobs, but many, who are at the end of the hope rainbow, have simply given up.

To translate statistics: While the actual size is difficult to determine, it has been estimated that from 500,000 to 600,000 Black youths aged 16 to 19 are continually out of work. If we include the under-class, ranging from 8 to 16 years, while too young to work they must be counted because far too many of them are committing violent crimes and using narcotics. A conservative estimate of these endangered Black youngsters would be about one million, living in the 25 largest U.S. cities!

These youngsters live on the edge of civilized society. Their most immediate option is crime, first and foremost against other Blacks. The Commander of the Homicide Division of the Chicago Police Department recently stated in an interview that the average person found guilty of murder is "male, Black, 18 and under." In Louisiana there are more young Blacks incarcerated in prison than attending college.

Many Black adults, particularly women, are organizing into groups, like the Concerned Women in the War Against Crime in Chicago, to which the White establishment media give a tremendous play. These women are encouraging Blacks to cooperate more closely with the police. Seldom do they attempt to look for or address themselves to a solution of the deeper root causes of crime, which are poverty, miseducation, poor housing, all compounded elements of racism in the American society. The White establishment and increasing numbers of Black-organized anti-crime organizations are rapidly becoming the adversaries of these Black under-class youth who in India would be called "the untouchables." This contradiction of Blacks joining the establishment in pursuit of the wrong solution to the problem of Black crime against property and person is a glaring example of the cruel, vicious contradictions in White capitalist America. First, Samuel Yette in "The Choice: Black Survival-USA," and now Ward in his article "Black Youth—an Endangered Species," warn us that an entire generation of Black youth are becoming useless, expendable, non-functional, non-productive human waste material, because the system refuses to educate them or provide for them or their parents.

These young expendables have become the nation's number one social liability; the same system of racism and exploitation which created their despicable lot apparently is readying the machinary for their disposal.

We do not condone Black crime by any spectrum of the age cycle. Obviously, the fear of crime in the Black ghettos is warranted. However, just as Blacks exposed the chicanery and the diabolical nature of Moynihan's description of the Black Family, so must Blacks vigorously reject the White analysis of the Black crime problem, which consistently leaves out the first culprit and villain—America itself—and instead places the blame on young Blacks for not "bootstrapping" themselves out of their poverty. This is a classic American conundrum: the victim of racism, Black youth, is again made the scapegoat for his own victimization!

While the nation applauded the courageous efforts of South African Black teenagers in their summer of '76 rebellion against apartheid, how many of us recognize in the present violence of Black teenagers what is probably Black American youth's response to the hopelessness they face, in a society which placidly accepts a 40.5% Black adolescent unemployment, without any demonstrable concern for programs to relieve the economic racism which causes Black teenagers to rebel? If these Black teenagers-USA approach the final decision: If Black Americans are barred from leading creative, fulfilling lives by an oppressive White majority, Black youth are prepared even at the price of life itself to deny the American Dream to their White oppressors.

AGGRESSIVE USE OF ECONOMIC POWER

Despite the economic disparity between White and Black America, Black America is still the ninth wealthiest nation in the non-socialist world, with a residuum of economic power which can be used for internal growth and development. We must use our economic power to rescue our Black masses!

Three examples come to us from the Jewish experience by which Blacks might use our economic power to combat racism:

(1) The Jews, early in the life of their progeny, as soon as a child develops the capacity to understand concept, identify for their progeny who they are and what they are: Jews are Semites; and the child is told of the great history of the Jewish people. Shortly after developing self-identity, the young Jew must be taught a lesson never to be forgotten: who the enemy is—the anti-Semite, and no means must be spared to destroy anti-Semitism. Blacks, similarly, at the age of conceptual development, must identify for young Blacks who they are. The importance of Alex Haley's "Roots" cannot be over-estimated. Its psychological impact involving a dramatic appreciation by Blacks of their origins and a discussion of the mythology of docile acceptance of slavery was accompanied by a deep sense of psychological awakening on the part of whites, who previously had lived with the myth that Blacks, even in slavery, were the White Man's Burden. Our Black progeny must be acquainted with the beauty of blackness, and the history of the Black man's contribution to world civilization and progress must be vividly painted—for example, the history of the mighty kingdoms of Africa, with its great universities and societies of culture; the domestication of animals, the mining and smelting of precious metals are the contributions of Blacks to civilization. Next, our Black young must be taught that the eternal enemy of the Black experience is racism, and no means must be spared to destroy it.

(2) Jews have always recognized and accepted their responsibility to use their resources to take care of their own. The National Jewish Welfare Appeal is a most important instrument with internal needs of the national Jewish community are met; the needs of the international Jewish community are responded to in the Bonds for Israel drives. Blacks in 1976 earned $77.1 billion, while they spent $70 billion—more than any other identifiable group in the nation in terms of the expenditure of its gross annual income for goods and services. Blacks are the 9th wealthiest nation of the non-socialist word; as the Jews, we must use our economic resources in the development of a National Black Community Fund, so that blacks can undergird through self-help and financial support, the intra-group needs of Black America, not only giving aid and assistance to the needy of 25 million Black Americans but also providing leadership in the assistance and development of trade and commerce, and relief to the nations in Africa and other third world peoples.

(3) Jews use their economic resources and their political power in forging opportunities for Jews as well as using political and economic means to punish their enemies. Similarly, 25 million Blacks, two-third of whom live in Americas' fifty largest cities, with a 1976 annual income of $77.1 billion, must use Black economic power and political power as instruments in developing intra-group opportunities for Blacks, on the one hand, and using this political and economic power, on the other hand, to punish the racists who thwart Black progress.

The profits of national and multinational corporations range between 9 and 14% of the gross income before taxes. The 25 largest cities contain more than 100,000 Blacks each, or 33.8% of their population; the 50 largest cities contain 22.7%. No national or multinational corporation could withstand the economic boycott of the urbanized Blacks of America. The departure of national merchandisers such as Penney's, Montgomery Ward and Sears from the Black core cities must be stopped. If Blacks withdraw their total patronage from Montgomery Ward's for three months, while buying from Sears or Penney's, the corporate officers of Montgomery Ward's would come to terms with core city Blacks who demand the return of Montgomery Ward outlets, with their jobs and other merchandising advantages to the Black core cities.

Blacks in America must develop new techniques in our continuing struggle against racism, both institutional and individual. We must no longer bemoan our political and economic difficulties and plead for justice, but through our masses and our economic strength we must use political and economic sagacity against all enemies who practice overt and covert racism against us.

For too long, federal and state governments have been subsidizing the large corporate and agricultural interests, while those who desperately need help to escape from the slums, to get a job, to educate their children and to obtain decent medical care, are condemned for violating the "work ethic," while glorifying the "Welfare ethic." Blacks must expose once and for all the myths about poor people and welfare: that some people do not wish to work, that most welfare recipients are Blacks who have moved to urban areas just to draw Welfare, that all Welfare mothers do is have illegitimate children, that Welfare is the good life—color TV's and Cadillacs, that most Welfare recipients are cheaters, and that most of the tax revenues go to Welfare. These are all lies! The Welfare system is a cruel hoax that perpetuates the misery of the poor and guarantees that the children forced to rely on it will never be able to escape the Welfare cycle and be given a fair chance to enjoy the promising, fruitful life, except vicariously on ther TV sets.

Blacks must aggressively use the power of the people, the prestige of the Congress, and the refuge of the federal judiciary to protect the nation from any concerted effort to use the instruments of government to serve the expanding greed of the upper classes rather than the expanding needs of the masses.

Two heroic and magnificent efforts to ameliorate the wretchedness of the Black experience have been created recently, which deserve our wholehearted support:

(1) *Morehouse Medical School:* We must rally to the support of the Medical School at Morehouse College. Prior to the Abraham Flexner Report on medical education in the nation, 1912, there were seven Black medical schools. Meharry and Howard University Medical School are the sole survivors for the past 65 years. The first Black college organized in the 20th century is reaching out, pleading for Black America, a nation earning $77.1 billion in 1976, to share its substance with the effort to increase the number of Black medical and paramedical professionals.

The threat to Black youth seeking nursing training at City College, San Francisco, and the impending Supreme Court decision in the Bakke vs. Davis U.S. Medical School controversy, are attacks from many quarters on the affirmative action programs for racial minority medical and paramedical school students, saying that "it is a form of reverse racial discrimination;" we know that a third, a fourth, and a fifth Black medical school are desperately needed. Nationally, it is estimated that Blacks require a total of 25,000 physicians for a comparable physician-patient ratio to that existing in White America. At present, Black physicians number less than 7,500. Moreover, 8,000 to 10,000 additional nurses are needed to provide minimum health care for Black Americans.

The Medical School at Morehouse College, under the leadership of Dean Louis Sullivan, M.D., distinguished hematologist, will be starting a national funding campaign, seeking a minimum of $12 million in support from the coffers of Black America. This amount would be a pittance, if Blacks decreased their tendency *"to beg"* for the things we need while squandering our economic resources on frivolities to satisfy our appetites.

(2) *National Black United Fund:* Growing out of the Jewish experience, with the National Jewish Welfare Appeal, the National Black United Fund is organizing local affiliates throughout the nation. NBUF is asking Black America to fund Black charitable needs. Millions of dollars of private funds are needed to deal with the problems of racism in our decaying urban centers.

For a decade we have been clamoring for "Freedom Now!" without being prepared collectively to assume not only the right of a free people but also the responsibilities of a free people—to give of their abundance for the care and succor of the less fortunate among us. With juvenile delinquency and suicide rates rapidly increasing; with the abomination of alcoholism destroying the fiber of the lower economic and poverty class families; with 60 to 75 percent of the drug abuse in the nation found in the Black community; with that awesome killer of Black Americans, hypertension, stalking the land—Blacks cannot depend upon government to be the sole economic resource for dealing with these problems, which haunt and threaten our people.

As President of the National Black United Fund, I am appealing publicly at this time, and shall be corresponding with you over the next few months, asking Black leaders of national organizations to augent the Board of Directors, locally and nationally, of the National Black United Fund and your respective local Black Community Funds. The experience of our individual organizations in amassing large sums of money to contribute to the Black church, the NAACP, the Urban League et al, demonstrates that we can build a mighty economic fortress to say to those less fortunate brothers and sisters, invalids, adolescents, middle-aged and senior citizens, that we care, and we care desperately, about them, and that help, springing from the economic bowels of Black America, is being utilized for their deliverance.

The materials on these two projects, the Medical School at Morehouse and the National Black United Fund, will be passed out at the end of this breakfast. We urge your prayerful, individual and organizational acceptance of this challenge to organizationally demonstrate the maturity which Blacks have achieved in this, the 201st anniversary of the Republic and the 114th year of our freedom.

SEARCH FOR A BLACK IDEOLOGY

The challenges of our future are as awesome as the challenges which faced the newly freed slave in 1863. Black leadership and Black organizations must marshal their intellectual genius, their leadership capacities and their economic resources against the inequities which are ingrained in the fiber and substance of the American political and economic system. Our 100 National Black Organizations, with a combined membership of more than 11 million, must call together the intellectual leaders in the arts and sciences into a think tank, 25 million Blacks and their millions of allies must become the vanguard of the new political process of this nation, putting their resources,, their expertise and their zeal into a collective forum out of which a dynamic new domestic and foreign policy may be forged.

National Black organizations, led by their leadership constituency, must be a spearhead of the people's revolt, to blunt the efforts of the nation's military-industrial-political complex and the multinational corporations, which apparently are bent on leading us into a nuclear-showdown holocaust with the USSR. Can it be that those who rule Fortress America are determined, even at the price of their own destruction, to either rule America or destroy her?

(Parenthetically, within the next two weeks Congressman Parren J. Mitchell of Maryland is introducing a bill in the House which will call for the transfer of $13.6 billion from the astronomically high ($120 billion) U.S. military budget, to be used for our cities. All possible support must be mustered for this vital Transfer Amendment Bill.)

Dr. W. E. B. Du Bois, on his 90th birthday when asked, "What then can we Blacks do?" had this to say:

"If we aim to be Americans and do only what America does, think what she thinks and say what she says, we are a stupid people; if on the other hand we are determined to reach the highest standards of the world, and broaden and lift those standards by developing the best part of our Negro culture, erased from our souls by blood and slavery, by poverty and insults, we may, led by Africa, yet save the world. On the other hand, if we are bribed by high salaries to our gifted while our masses starve, by privilege to our rich while our millions crawl, by publicity for our fools while our leaders and our youth rot in jail, we are lost. This nation, by its mad plunge into lying, stealing and murder, will drag us as a part of it down to an age . . . of eternal night."

Blacks must answer the call of tens of thousands of the Black masses who cry for help, the "endangered species" hopelessly enmired in the national racist quagmire.

On June 10th, when we celebrate the 114th anniversary of Lincoln's Emancipation Proclamation, let us not forget: Of each ten Black male youths born in and after 1960, today the following startling results have obtained: One of these ten Black males has been convicted of murder, and one of these ten Black youths has been the victim of murder!

PUBLIC WORKS—EDA'S ROLE IN ROUND II

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. LAFALCE. Mr. Speaker, I would like to bring to my colleagues' attention the "General Overview of the Distribution of Local Public Works Funds" as written by the Economic Development Administration and made available for the public on May 16, 1977.

The Local Public Works Act of 1976, now known as round I, caused much consternation to all of our constituents. I am inserting in the RECORD a copy of this "general overview" so that my colleagues can be aware of EDA's thoughts on what its role should be in administering round II of this program before the final regulations are written:

GENERAL OVERVIEW OF THE DISTRIBUTION OF LOCAL PUBLIC WORKS FUNDS

U.S. Department of Commerce, Economic Development Administration

I. INTRODUCTION

This paper presents a general overview of the planned procedure for distributing Local Public Works funds under the second round of the program. Highlighted are the overall policy objectives to be achieved; general considerations in the design of the funding distribution system; the basic elements of the procedures; a summary of the methodology; and the planned timetable for implementing the program.

The approach to be used to distribute the LPW funds is based upon

the final legislation,

further analyses of the existing application file, and

discussions with representatives of local governments.

II. OVERALL POLICY OBJECTIVES

Targeting, to the greatest degree possible, the projects to those areas of greatest unemployment.

Reducing the previous funding inequities among different areas and governmental units.

Placing maximum emphasis on local decision-making in establishing priorities and the selection of projects.

Increasing the program's efficiency while reducing administrative workload.

Simplifying the process and procedures so that the program participants and general public more readily can assess the program.

III. GENERAL CONSIDERATIONS

Compensation for Round I: The distribution of the two billion dollars under Round I should be taken into consideration in the four billion Round II funding. For purposes of equity, the LPW program should be treated as an integral six billion dollar program and not as two separate funding efforts. Recognition of an area's previous funding level, or the lack thereof, must be made in order to achieve an overall equitable distribution of funds.

Limited New Applications: To the extent possible, the existing file on non-funded applications should be used in Round II in order to speed up the implementation of the program as well as reduce administrative costs on the part of both applicants and EDA. The initial set of applications is generally reflective of local needs and demands. However, some new applications should be allowed in order to address application shortfall in some instances.

Competing Applicants for the Same Jurisdiction: The multiplicity of claimants upon the LPW funds must be recognized. Several governmental entities—States, counties, cities, school districts, special purpose units of government and Indian Tribes are competing for the same funds. These entities often have overlapping geographical jurisdictions. Therefore, while attempting to geographically distribute the funds to areas of greatest unemployment problems, the needs and interests of different governmental entities must also be met. Except for Indian Tribes, the legislation provides no specific direction for choosing among these different types of eligible applicants.

Local Identification of Needs and Priorities: The selection among projects from the same applicant and/or area created many difficulties in Round I. It is difficult given the large number of applications, the administrative time constraints and the generic nature of a countercyclical program for the Agency to make detailed project analyses and comparisons. Therefore, to the extent feasible, project selection will be delegated to the sponsoring governmental units who are in a better position to identify local needs and set priorities for the resources that are made available.

Differences Among States: Governmental entities, particularly counties, vary among States in terms of the degree of services and functions which they perform. Some recognition of this inter-state differential is appropriate in determining funding level planning targets.

Administrative Efficiency: The further development and processing of the existing application file, some 20,000 plus projects, is a substantial task. An indication of the 4,000 to 6,000 fundable projects would greatly reduce the administrative burdens.

Predictability: The uncertainties surrounding the amount of funds that might go to entities and jurisdictions led to false expectations and disappointments in the first Round of LPW. These uncertainties prevented local priority setting and made it virtually impossible for applicants to assess their positions.

No Problem-Free System: Given the large number of unfunded applications remaining from Round I, the diversity of the governmental entities requesting funds and the unevenness of the unemployment situation across the country, it is not possible to design and implement a "problem free" Round II program. Regardless of the system developed, $6 billion will only fund approximately 25% of the applications originally submitted.

Need to Expedite: There is an overriding need to expedite the funding of Round II in order to achieve its countercyclical economic stimulus and employment creation potential. Therefore, the degree to which Round II can be simplified and project selection expedited, these goals will be better achieved.

IV. BASIC ELEMENTS OF PROCEDURE

There are four basic elements in the distribution procedure which are designed to further extend and implement the objectives described above. These basic elements are:

At the outset of the program establish planning targets for all eligible areas—urban areas, balance of counties and counties without cities, and for different applicant types within these areas—State governments, county governments and city/school districts.

Allow new applications to the extent that there are insufficient applications already on file to use up the planning targets of a State government, county government or city/township.

Each applicant will prioritize its own projects within the amount of funds available under its planning target.

The amount of the respective sub-state planning targets for eligible areas will be determined taking into account the following factors:

(1) Severity of unemployment, in terms of both numbers and rate.

(2) Funds received in the first round.

V. GENERAL METHODOLOGY SUMMARY

A. Allocation of Funds

Set-Asides: Before establishing the specific planning targets which will be established for different governmental units and areas, three set-asides will be determined and deducted from the funds to be allocated to the planning targets. Nationally, an Indian set-aside and a procedural error set-aside will be deducted from the amount of funds to be allocated to the States. In addition a "pocket of poverty" set-aside will be deducted from each applicable State.

Statewide Planning Target: A State's overall Round II planning target then will be determined by the formula in the legislation which allocates 65% of the funds among all States in proportion to each one's share of the total number of unemployed in all States and 35% of the funds among those States with unemployment rates above 6.5% on the basis of each State's relative severity of unemployment.

Sub-State Area Planning Targets: Sub-State planning targets then will be established for each eligible "area" within a State, those with an unemployment rate equal to or above 6.5 percent or the State average, whichever is lower. Three kinds of "areas" will be included in this allocation of a State's funds:

(1) primary cities (population of 50,000 or more);

(2) balance-of-counties (exclusive of any primary cities); and

(3) counties with no primary cities.

The planning targets for each of these areas will be determined by the 65/35 formula of the amended legislation which considers both the number of unemployed and the unemployment rate.

Applicant Planning Targets: Planning targets also will be established for certain types of applicants within a State, as follows:

(1) *State Governments* will be given a planning target which will be a percentage of the total State allocation. The amount of these planning targets will be established based on the approximate proportion of State applications to the total applications on file. Therefore, 8 percent of a State's total funds will be reserved for the State government use.

(2) *County Governments* will be given planning targets which will be a percentage of each county-wide planning target. This percentage will differ among States since the level of county government activities is different in each State. For example, in a State where 10% is the county government participation rate, this percentage of the county-wide planning target will be for the county government's use. The county-wide planning target will reflect the planning targets of all eligible areas within the county, i.e., primary city and balance-of-county.

(3) *Primary City Governments/School Districts:* The planning target of the primary city will be available for the projects of the city government and any school district which can apply for LPW funds independently from the city government for school projects to be located in the city. In such cases it will be up to the Mayor and the School Board to jointly prioritize their projects in order to expend the city's planning target.

This policy recognizes that both city governments and school districts have responsibilities for vital city services. It also recognizes that while these two entities are separate applicants in many cities, by working together they can best identify and meet the immediate needs of the city. In cases where the Mayor and/or School Board prefer to have EDA choose among their projects, the Agency would make decisions based on such factors as labor intensity, long-term benefits and energy conservation.

(4) *Non-Primary City Governments/School Districts:* The planning target for a balance-of-county or county with no primary cities will be distributed to the cities and townships located within it which submitted applications. This suballocation will be based on each place's unemployment data (calculated by EDA according to the "census share" method) using the 65/35 formula. The cities and townships receiving planning targets will be ranked accordingly.

The individual planning target for each of these non-primary cities will then be available for the projects of either the city government or any school district which can apply independently from the city government for school projects to serve the city. Again, the Mayor and School Board should jointly agree on the use of the city's planning target; otherwise, EDA will select among the eligible projects.

Determining Planning Target Available for Round II: For each of the above areas and applicants, proportionate funding for the total LPW program will be achieved by determining $6 billion level planning targets and subtracting any previous approved project to determine the amount of money remaining for Round II.

Exceptions: In certain cases, some eligible areas/applicants within a State will not receive a planning target. These cases are as follows:

(1) The amount of approved projects under Round I of the program was disproportionately high for the area and already exceeded its total $6 billion planning target.

(2) The State's funds may be exhausted by previous disproportionate funding before reaching all eligible areas. In such cases, those eligible areas with the least distress would not receive a planning target.

B. *Project Selection*

Guided by the above described set-asides and planning targets, projects will be selected as follows:

Meeting Planning Targets: Any applicant which has insufficient projects pending to meet its individual planning target can

(1) submit new applications up to the amount of its planning target, or

(2) endorse the projects of another applicant and use all or part of its planning target on such projects.

Adherence to Planning Targets: In order to ensure that all areas and applicants have the opportunity to receive their planning target, no projects will be funded which exceed a planning target. An applicant whose pending projects do not fit within its planning target has five options. It can

(1) find other sources of funding the amount of the project which exceeds the planning target;

(2) reduce the scope of the project;

(3) substitute a smaller project;

(4) use its funds to endorse the project of another applicant, or

(5) not spend its planning target. (In this case, the Assistant Secretary would administratively reallocate the funds elsewhere in the area, if feasible.)

Endorsements of Other Applicants' Projects: Any applicant can choose to use all or part of its planning target for the project(s) of another applicant, whether or not it has projects of its own pending. In addition, several applicants could jointly endorse and contribute to the same project. In this way special purpose authority projects will be funded as well as extra State, county or local projects. Endorsed projects must be in eligible areas but do not count against the recipients planning target.

Special Procedures:

(1) *Indian set-aside*—Each Indian reservation or tribal land would have planning targets established based on the population of the reservation. No minimum level planning target will apply to Indian Tribes.

(2) *Procedural error set-aside*—All error projects which either are from areas not eligible under Round II or would not be reached under Round II would be funded out of the $70 million error set-aside. Projects from eligible areas would be funded out of regular Round II funds, but only if the applicants choose them as priority projects. If selected, the projects would be counted against the appropriate planning targets. If an error project exceeds an area's Round II planning target, the project need not be reduced. Instead the portion exceeding the planning target will come out of the $70 million set-aside.

(3) *Pockets of poverty set-aside*—Using a sliding scale, a certain percentage of each applicable State's funds will be reserved for pockets of poverty. Projects eligible to compete for this set-aside would be those which are in cities which otherwise would be ineligible for Round II. New and revised applications will be considered for any pocket of poverty with an unemployment rate of at least 8.5%. Projects would be selected for a State's pocket of poverty set-aside through a ranking system based on each pocket's unemployment data.

VI. PLANNED TIMETABLE FOR ROUND II

Legislation Signed, May 13.

Announcement of State Allocations, May 16.

Oversight Hearings, May 17–19.

Publication of Regulations, May 27.

Announceemnt of Sub-State Planning Targets, June 3.

Distribution of Resubmission and Application Forms, June 3–10.

Acceptancee of Resubmitted and New Projects, June 10–July 8.

Processing, Approval, and Mailing of Grant Offers, June 15–August 15.

Construction Starts on Approved Projects, July 1–November 15.

CORRECTION, PLEASE, ON LAETRILE

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. McDONALD. Mr. Speaker, it is apparent to me now that several States have legalized the use of laetrile and the matter is pending in many States legislatures that the FDA and others representing the orthodox approach to cancer treatment are becoming a little bit hysterical in their efforts to prevent laetrile being judged in an objective manner. Symptomatic of this was a recent item in the Review of the News for May 18, 1977, which reports a statement made to the Boston Globe by the AMA relative to the drive to legalize laetrile in the State of Massachusetts and comments on that statement. The item follows:

[From the Boston Globe, May 5, 1977]

CORRECTION, PLEASE!

(Dr. James H. Sammons of Chicago, executive vice president of the American Medical Association, said it would be tragic if Massachusetts, famed throughout the nation for its leadership in medicine, should legalize laetrile, which, he said, has never been proved effective in treating cancer.)

CORRECTION: Proved effective by whom? The problem with laetrile is that there is evidence that in a number of cases it has produced recovery from cancer despite the best effort of the A.M.A. to suppress its use.

The Spring 1977 issue of the *Harvard Political Review* published a devastating article about the vested interests attacking laetrile. We quote: "Is laetrile really quackery? A large number of Americans say, 'No,' and many distinguished citizens around the world concur. In Hanover, West Germany, Dr. Hans Nieper has treated many Americans who ran from 'clinical centers.' He says, 'After twenty years of such specialized work (such as the development of cobalt therapy) I have found the nontoxic nitrilosides—that is laetrile—far superior to any known cancer treatment or preventative. In my opinion it is the only existing possibility for the ultimate control of cancer.' "

The article contains similar statements from Dr. N. R. Bouzaine of Montreal, Canada; Dr. Manuel Navarro of Santo Tomas, Philippines; Dr. Ernesto Contreras of Tijuana, Mexico; and Dr. Shigeaki Sakai of Tokyo, Japan. Which comes as no surprise, really, since laetrile is being used legally by medical practitioners in more than 20 countries as part of their cancer therapy.

Dr. Albert Schatz is a world renowned biochemist, best known perhaps for his discovery of the antibiotic streptomycin. An article by him appears in Volume 10, Number 6, of *Cancer News Journal*, where he makes this very interesting comment on medical politics:

"Ever since U.S. dentistry 'created' fluoridation, it has been forced to defend it in the face of increasing world-wide opposition from many responsible dentists, physicians, physiologists, biochemists and others. As a result, the reputation of U.S. dentistry has become irrevocably bound to the fate of fluoridation. The stage has now been reached where the rejection of fluoridation will irreparably discredit the American Dental Association, the National Institute of Dental Research in the U.S. Public Health Service, and many other agencies which have stubbornly supported fluoridation.

"We see a somewhat analagous situation with the non-toxic nutritional therapy of cancer. The FDA, the American Cancer Society, the American Medical Association, the National Cancer Institute, and other members of the U.S 'cancer cartel' have staked their reputation on their oft-repeated claims that the non-toxic, nutritional therapy of cancer is ineffective; and is, for all practical purposes, quackery. But more and more people, who were diagnosed as terminal cancer patients, have discovered that what the U.S. 'cancer-cartel' calls quackery has saved their lives.

"The time therefore will surely come when the efficacy of non-toxic, nutritional therapy will be officially acknowledged here in the U.S., as it already has been in many other countries. When this happens, the members of the U.S. 'cancer cartel,' who have been opposing non-toxic nutritional therapy, will . . . be recognized as the real quacks."

That is strong talk, but it is hardly new to the cancer controversy. Twenty-four years ago Benedict Fitzgerald, a Justice Department attorney, conducted a study for the Senate Interstate and Foreign Commerce Committee of the possible suppression of useful anti-cancer agents. A portion of Fitzgerald's eight-page Report, dated August 11, 1953, appears in the previously mentioned issue of the *Harvard Political Review*. Consider:

"If radium, x-ray or surgery or either [*sic*] of them is the complete answer, then the greatest hoax is being perpetrated upon the people by the continued appeal for funds for further research. If neither x-ray, radium, or surgery is the complete answer to this dreaded disease, and I submit that it is not, then what is the plain duty of society? Should we stand still? Should we sit idly by and count the number of physicians, surgeons, and cancerologists who are not only divided but who, because of fear or favor, are forced to line up with the so-called accepted view of the American Medical Association; or should this Committee make a full-scale investigation of the organized effort to hinder, suppress, and restrict the free flow of drugs which allegedly have proven successful in cases where clinical records, case history, pathological reports, and x-ray photographic proof, together with the alleged cured patients, are still available?

"Accordingly, we should determine whether existing agencies . . . have pursued a policy of harassment, ridicule, slander, and libelous attacks on others sincerely engaged in stamping out this curse of mankind. Have medical association, through their officers, agents, servants, and employees, engaged in this practice? My investigation to date should convince this Committee that a conspiracy does exist to stop the free flow and use of drugs in interstate commerce which allegedly have solid therapeutic value."

The real tragedy here is the continuing conspiracy to deny even "terminal" cancer victims access to a therapeutic agent used by medical doctors in more than 20 countries around the world.

FARM BUREAU OPPOSES AGENCY FOR CONSUMER PROTECTION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. ASHBROOK. Mr. Speaker, I recently had the privilege of speaking before the Labor Study Committee of the American Farm Bureau Federation. The members of this committee are either presidents or chief administrative officers of various State Farm Bureaus from all sections of the country.

The Labor Study Committee is taking an indepth look at the political and economic influence of organized labor. It is interested in the overall influence of union power, how it affects the policies of the political parties, how it influences the passage or defeat of legislation in the Congress and its broad effect on our entire society. These are important questions and I was pleased that I was asked to share my thoughts with the members of this committee.

I was also pleased to learn that the Farm Bureau remains strongly opposed to the creation of an Agency for Consumer Protection. It believes there is no need or justification for creation of such an agency.

I strongly agree with the Farm Bureau on this issue. At this point in the RECORD I would like to include a portion of the testimony of the Farm Bureau in opposition to an Agency for Consumer Protection:

FARM BUREAU OPPOSES AGENCY FOR CONSUMER PROTECTION

In the past our organization has opposed the creation of a so-called Consumer Protection Agency on the basis that it is wrong in concept and wrong in principle. We will not

take time today to elaborate upon these two points, but we reaffirm them.

We need not now repeat the arguments well made in the past that the "consumer" is not in truth and fact an identifiable group. This is a flaw in the concept of a government agency to represent consumers. Those who have not grasped this essential fact will not be convinced in the few minutes we shall take here today.

The proposed ACP Act is a design for government agency chaos. It creates a mislabeled cloak of alleged "consumer interest," and vests the total decision in such matters in the hands of an administrator who is to decide where and when he will appear in other agency proceedings and in court. The Administration is empowered to undertake to represent whatever interest he may call a "consumer interest." These are enormous powers. They are circumscribed only slightly by a certain obeisance to Administrative Law regarding petitions for rehearing, etc. None of these would limit in any true sense the awesome legal and practical power of the Administrator.

This bill proposes agency vs. agency confrontations with final resolution of differences to be made in the Federal Courts, if need be.

Necessarily, we look with keenest interest upon the impact such legislation would have on the agency with which agriculture has the most dealings, the U.S.D.A. This Department has long administered the programs, regulations, practices, and government corporations that affect American agriculture. It is here that we meet the exemptions of the U.S.D.A. from the provisions of the bill, H.R. 6118, in Section 18 thereof.

As we have said before: "We did not ask for or participate in the drafting of that exemption nor do we support it. Exemptions granted by one Congress can easily be withdrawn by another."

From all that has been said in the past, and all that we can perceive in today's economic circumstances, prices would likely be the first target of any ACP created by the Congress. Let us take just a moment to look at the nature of agricultural prices which remain outside the realm of the exemption in Section 18 of this bill.

The American farmer produces only when and what he perceives will return him his costs and a profit. Overhang his markets with artificial imponderables affecting prices and his problems are compounded. The ability and judgement of those to whom he sells to move their products, the semi-processed or processed products of the farmers, are the measure of the farmer's market. From these influences there is no possible exemption. So long as there remains a vestige of a free market, prices will be established by supply and demand and known economic forces. But if artificialities are created by an approach to market intervention such as is foreseeable in ACP, then the producer's price risk is tied identically to the risk of the processor, wholesaler, and retailer and arbitrary government interference can warp the market.

During the last hearing on the ACP Proposal the supporters of this bill said, in effect, that, given the job of the Administrator, the first thing they would undertake to do would be to shut off the exports of grains. This we know as an "embargo." In the agricultural areas "embargo" has become a "trigger word." Parenthetically it is a trigger word in other quarters. The local morning paper found in the announcement of these bills in the House and Senate powers for the ACP Director to "lobby for or against grain sales."

In agriculture we have had three experiences with embargoes in the last several years. One was the Nixon Embargo of soybeans to Japan. The so-called "shock" of this to our Japanese customers was wholly destructive. It has made the Japanese and others, less certain that the United States is by contract or otherwise a reliable supplier. It has led, in fact, to Japan's undertaking to become self-sufficient by financing and creating soybean contractors, and financing their production in Latin America. And this was a customer to whom the United States supplies more than 90 percent of their requirements.

This bill is in truth nothing but the product of a small, but relentless, group who see in a CPA a mechanism to lend force to the advocacy of their viewpoints. There is in truth little broad public support for this kind of a bill.

What is clearly perceived, by those committed to the "consumerist" idea and by those who oppose the bill, is that such an agency, once in being, can be used to wield enormous influence. It will be made powerful in all sorts of markets, industries, businesses, and professions through the attention the media will give it. This could result in such things as forcing the Secretary of Agriculture to open up CCC stocks to bring down market prices.

It is not difficult to imagine the effects upon the future market were the ACP Administrator to call a press conference merely to announce that he was growing concerned about the situation and that he felt quite certain that the Administration would be doing something very soon.

Mr. Chairman, we can see in this proposal a really monstrous instrument for jawboning, institutionalized in the government and available to self-appointed representatives of the public, representatives who need not represent a substantial body of option but need only an agreement from one man, the ACP Administrator. Then it can proceed into the fray with the media observing and reporting, as it should. The public and political impact would be enormous. In fact, a willful ACP can be this process bring other agencies into great disrepute, if not outright ruin.

Let us apply all that we have just said to a current situation, and see how this might work.

Last year the U.S. exported $22 billion worth of agricultural products. We have to believe that Mr. Blumenthal at Treasury looks upon this figure as one of the strong timbers in his balance of payments structure. Agricultural exports generate much of the exchange used to pay for our enormous oil imports.

Thus the question arises. Who is the consumer? Is it those who clamor for lower prices (though it is only the farmer's price which would be reduced if exports are curbed). Or is it the oil-consuming public which lives, works, and exists by an oil-fueled economy.

To repeat, then who is the consumer indeed—the one who seeks lower cost food—all of us—or the one who lives by imported petroleums—also all of U.S. and, Mr. Chairman, all the impact upon ours, and all the other markets, in our economy, affected by the Government or not, are just this vulnerable to an ACP.

To reiterate, it is perhaps less what is in the bill than the mechanism it creates with a great potential power which can be wielded far outside the structure, the intent, or the design of the bill that causes such grave concern.

KEEPING A POLISH HERITAGE ALIVE

HON. JOHN G. FARY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. FARY. Mr. Speaker, Mr. Alvin C. Sajewski is keeping a heritage alive in Chicago and throughout the United States. He has breathed life into the spirit of enthusiasm that surrounds Polish music by publishing Polish folk and polka songs, many of which have passed from generation to generation but have never been published, and he has encouraged young polka artists, giving them assistance and introducing them to recording companies.

His father, Wladyslaw Sajewski, was the first to begin collecting the Polish folk songs and publishing them. He founded the Sajewski Music Store and Sajewski Music and Publishing Co. in Chicago in 1897. Today Alvin Sajewski carries on as the esteemed proprietor and as America's foremost Polish music enthusiast. This year he celebrates the 80th anniversary of the store and publishing company.

Alvin Sajewski's friends and business associates will hold a testimonial dinner in his honor at "Przybylo's House of the White Eagle" in Niles, Ill. on Wednesday evening, May 18. Joeseph "Pat" Paterek and his International Polka Stars will perform at the dinner. Many of the Polish folk and polka musicians that Alvin Sajewski has assisted will also be present including his sister, Jania Sajewski Terley, who is an excellent vocalist. The invocation will be presented by Father Edward Przybski.

Alderman George Kwak will present a citation from the city of Chicago, and Senator LeRoy Lemke will present a citation from the State of Illinois. Miss Greta Swenson will speak on folklore. Father M. Madaj, executive secretary of the Polish American Historical Association, will speak on the subject of "Ethnic Music In America." Father Madaj has a doctorate of philosophy in history and is the archivist of the archdiocese. Sitting at the head table will be Seymour Schwartz, representative of musical instrument manufacturers; Anthony Galgano, of Galgano Record Distributing Co.: Salvatore Candilora, from the S.E.S.A.C. Corp.—distributor of ethnic music; Phillip Holdman, representative of London Recording; Darl Siegel, the vice president of M.G.M. Realty Co., Jack Rogin, of Admiral Construction Co; Edward Bistain, vice president of Manufacturers Bank, and his assistants, Gavin Kennedy, Casimir Weglarz, and Fred Skowronski. Serving as master of ceremonies will be Chet Gulinski and the closing benediction will be given by Father Walter Szczypula.

Last January Alvin Sajewski was honored here in Washington, D.C. He was a guest panelist at the Library of Congress Conference on Ethnic Recordings in America: "A Neglected Heritage." He amazed the audiences and other panelists with his precise knowledge and his enthusiasm over past performances of the Polish record industry.

He has often worked closely with the recording industry giving various companies advice on Polish folk and polka music. He has promoted young talent by introducing them to such prestigious companies as RCA Victor, Columbia, Capitol, Decca, Dana, Harmonia, Rondo and others.

Through the efforts of Alvin Sajewski Polish folk and polka music is becoming increasingly popular. He works hard to supply his updated music publications to all instrumentalists, vocalists, orchestras and schools. He has personally donated over 400 copies of rare 78 RPM recordings to the Library of Congress. His contributions helped to lay the foundation on which to build an authentic chronological library of recorded Polish folk and polka music.

Alvin Sajewski was born in Chicago on March 1, 1905. He became involved in his father's Polish music store when he was 8, in his words, "When I was old enough to reach the counter." He attended Holy Trinity Elementary School, and then H.T. High School. He concluded his formal education at Columbia Business College. He managed the music store through the years of the depression when business was scarce. He married Genevieve Galla in 1934. They have a son, Spencer Sajewski, and a daughter Sandra, who is married to Norbert Zych. His family is still growing with a grandson, Mark, and a granddaughter Melissa and another grandchild on its way.

His music business is also growing. A large number of people are becoming interested in their heritage and are calling on Alvin Sajewski for the traditional Polish music. College students from various universities are discovering their Polish heritage and in searching through traditional music have found the snappy tempo of polka music refreshing.

Without Alvin Sajewski much of this Polish folk and polka music would be lost along with a strong heritage—the kind of heritage that led to men of insight like Aylvin Sajewski.

SALUTE TO JOHN YOUNGER AND 4-H

HON. LARRY PRESSLER

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. PRESSLER. Mr. Speaker, one of the great men of South Dakota is retiring. As a 4-H member a few years ago, I was inspired by John F. Younger's leadership of our State 4-H clubs. I might say humorously that I was also scolded, sometimes teased, sometimes cajoled, but always treated fairly and encouraged by the patience, dedication and goodness of John Younger—and of his wife Beryl.

Thousands of young people in South Dakota have reaped rewards from being a member of a 4-H Club. Oftentimes the club leaders and the county extension agents who work closely with these young people are the ones best known to them. One such person—a great American and a dear friend of mine—is John Younger, the State 4-H Club leader of South Dakota, who is retiring on June 30, 1977.

After more than 32 years with the 4-H department—24 of those years as State 4-H leader—John Younger has left a legacy that South Dakota can be proud of. On a personal note, let me say that John Younger has been one of the most inspirational leaders that I have ever met. I have known him since I was 12 years old and he assisted me immensely in my 4-H career. As have thousands of South Dakota 4-H'ers, I came to know and respect John Younger at State fairs and on various trips to National 4-H Clubs to Congress and to Washington, D.C. but, more importantly, to know him as a warm human being. John Younger has an especially good sense of humor and an especially great sense for young people's problems and hopes. I gained a great deal from my years in 4-H in personal development—and I owe a great debt of gratitude to John Younger.

But on a broader, statewide basis, John Younger has also made immense contributions. He was instrumental in starting the 4-H Foundation and during his administration the Livestock Industry 4-H Trust Fund was established for South Dakota 4-H programs and activities. He also supervised the building program at the two State 4-H camps.

In 1938 he married Beryl Colburn and in 1940 moved to Brookings, S. Dak., where he attended South Dakota State College and received his B.S. degree in Agricultural Education. Both he and his wife taught in South Dakota's public schools for a number of years. Their two children, Kent and Sharilyn Younger Amiot, are also teachers.

In 1961 John was selected for "Who's Who" in South Dakota. The YMW—Young Men and Women—Alumni group erected a Bell Tower in recognition of his leadership at one of the 4-H camps in South Dakota. He was also elected to honorary membership by the International Club at South Dakota State University for his services to that club.

Mr. Speaker, I salute a great public citizen and a dear personal friend; a man who has worked selflessly and with great ability for so many years. I am happy to bring the services and leadership of this remarkable man to the attention of my colleagues. I am sure his wife, Beryl, and his children, Kent and Sharilyn, are as proud of him as those of us who have witnessed his many accomplishments.

SACRIFICES BY WHOM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. RANGEL. Mr. Speaker, conventional wisdom in America is beginning to come around to the reality that an energy crisis exists. The crisis however is not over energy resources, but rather over our addiction to the use of petroleum. Repeatedly, the point has been made that America has vast coal reserves and we could greatly expand our supply of energy if we were to develop such potentially environmentally sound energy sources as solar, geothermal, ocean thermal gradient, and wind.

While the President should be commended for his emphasis on conservation, his pricing actions especially on oil portend grave questions for our economy and for poor and low-income Americans. Many people have raised serious questions as to whether the President's pricing policies will not cause severe job dislocation as well as significant inflation for consumer goods and food.

Whether a $15 per capita rebate during the first year of the oil equalization tax will come close to addressing the inflationary impact for poor and low-income people is seriously in doubt. To claim, as the President does, in his explanation of his energy proposals "the National Energy Plan" that "Protection for low-income people from the long-term increase in energy prices lies in a reformed welfare system, on which the administration is hard at work" is ludicrous in view of the Presidents' oft repeated comment that fiscal relief will not come until 1981.

Vernon E. Jordan, Jr., in a May 13, 1977, article published in the New York Voice, entitled "Energy Program May Hurt the Poor" succinctly airs the fears of many that as so often has occurred in the past when sacrifices are asked to be made it means that sacrifices are to be made by the poor. Increased prices without an adequate rebate for poor and low-income people will mean less consumption for those people because they have little elasticity in their budgets by which to absorb increased prices. The text of Mr. Jordan's article follows:

[From the New York Voice, May 13, 1977]

ENERGY PROGRAM MAY HURT POOR

(By Vernon E. Jordan, Jr.)

President Carter's energy program represents the first serious attempt to deal with a situation long labeled a crisis, yet largely ignored by previous leaders. By making energy a major national issue and by putting forth a set of hard-nosed proposals to deal with energy needs, the President performs an important service and demonstrates leadership.

The energy plan is a long, complicated proposal with something for just about everyone, with the exception of one major group. That's right, once again the interests of the poor people have been largely ignored.

The poor haven't been completely neglected. There's a section of the Administration's explanation of the effects of its proposal that deals with low-income families. But in contrast to the detailed nature of the rest of the plan, that section is vague and sketchy, perhaps because the net result of the energy proposals may be to make the poor poorer.

Despite rosy Administration predictions of minimal inflation and some job-creation, most independent economists estimate that the impact of the plan will be to add to the inflation rate and slow the growth rate.

There is no question about the need to make sacrifices and reduce reliance on high-priced, scarce energy resources. But the real question is: who will make the sacrifices? The proposed package of taxes and price hikes may mean that the sacrifices will be squeezed out of the poor. That's the group that always is asked to make sacrifices for the national good. If inflation is high, unemployment is artificially induced to dampen it. If government spending is too high, welfare and medical aid is cut.

So when I hear about the need for sacrifices I immediately begin to get suspicious about just who will be the sacrificial lamb. And as I read the prospects, it looks like the poor will get it in the neck this time, too.

Price allocation of gasoline and energy is an inherently inequitable means of distributing scarce resources. After all, the more affluent families that currently use—and waste—disproportionate amounts of energy resources won't change their habits drastically, but the poor will be priced completely out of the market for essentials.

As it now stands, there's nothing in the Administration's plan to protect poor people who must use their cars to get to work.

The energy plan makes no provision for protecting renters against fuel-price based rent hikes. It doesn't even include provision for a fuel stamp program for low-income families.

While it does include plans to expand the subsidy aid for weatherization of the homes of low-income families, regulations presently in effect are so restrictive that many won't be helped.

Also, the energy package is really a package—a set of separate proposals, each of which needs some executive action or legislation to bring to life. That means special interests can carve up the pieces of the program in such a way that they're not hurt by it. Once the dust settles from the political dealing, I doubt that the sacrifices demanded will be shared equally.

In that vague section on assistance to low-income people, the plan suggests that long-run protection from increased energy costs will wait until reform of the welfare system. That's a slim reed on which to hang hopes. In effect, it says we're going to raise your cost of living right now, but don't worry, someday there may be welfare reform and that might help. And of course, that doesn't begin to deal with the terrible problems facing people who earn too much to get welfare assistance but not enough to live decently.

Last week the Labor Department released figures that an urban family of four needs over $10,000 just to survive on what it calls "an austere budget"—basic living costs and no frills. It takes over $16,000 to maintain a "moderate" living standard. What happens to people earning less than those figures once gas, rent, food and other energy-based prices increase?

The generous rebate system promised to blunt the effects of tax and price hikes may not help much. Congress may dilute the rebates, but even if they're raised, they're a once-a-year lump sum that doesn't help cope with daily price rises.

We've got to stop being a nation of energy junkies; other countries maintain a comparable standard of living on half the energy. But any sacrifices will have to be evenly spread, major assistance to poor families will have to be built into the energy program, and the plan must not worsen our economic and urban problems.

"YONKERS SPORTS HALL OF FAME"

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. OTTINGER. Mr. Speaker, recently, I had the pleasure of attending ceremonies for the induction of Westchester County legislators James J. McPoland and Arnold Uhrlass into the Yonkers Sports Hall of Fame. I know that Westchester residents are proud of these men. Jim McPoland has been one of the outstanding political and work leaders of our county as well as a record-breaking athlete. At this time I would like to share the highlights of their careers with my colleagues:

JAMES J. MCPOLAND

James J. McPoland was born in Catskill, New York on March 22, 1915. His athletic career began at P.S. 189 in New York City where he won the 60 yard dash in the Public School Athletic League Championships. At George Washington High School he won more varsity sports letters than any student in the history of the school—in track, football, baseball, swimming, handball, soccer and golf.

In 1934 he captained the football team and was selected as the quarterback on the New York City All Scholastic Football Team. He also captained the track team and was lead-off runner on the half mile and mile relay teams. The mile relay team won the Class A and B Championships of America at the Penn Relays two years in succession—1934 and 1935. The same team also set an indoor scholastic world record that remained for 35 years. A book written about George Washington High School devotes an entire chapter to "Jim McPoland—The Perfect All Round Athlete." Upon graduation, he received 18 college scholarship offers, several for football.

Jim McPoland entered Georgetown University where he competed as a freshman in many invitation races at Madison Square Garden and was anchorman on the undefeated mile relay team which won the championship of the United States at the Penn Relays. As a sophomore he anchored the undefeated varsity mile relay team to AAU and intercollegiate Championships, setting records en route.

He transferred to New York University to pursue a teaching degree, and here he won the championship in swimming and the 155 pound titles in wrestling and boxing in intramural competition. In 1939 he became the lead-off man on the famous one mile relay team that was undefeated for two years, winning the AAU National and Intercollegiate Championships, both indoors and outdoors. In 1940 he was elected captain of the NYU track team that won the Intercollegiate Championship and was lead-off man on both the half mile and mile relay teams that were undefeated and set world indoor records in both events. He was also lead-off man on the 1600 meter relay team that set a world's indoor record and in 1940 was chosen the "Outstanding All Round Athlete" at New York University.

McPoland also represented the New York Athletic Club for nine years and as an individual competitor won several Junior and Senior Metropolitan AAU Championships in the 100, 220 and 440 yard events. In 1935 he anchored the Club's 1000 meter "Swedish" Relay (100, 200, 300 and 400 meters) to a new world's indoor record, a record that stood for 40 years. He also won the 300 yard dash in an International Invitational Meet held at Randall's Island against the fastest runners in the world. During his illustrious career, he won more than 500 medals, trophies and awards.

He enlisted as a private in the Marine Corps during World War II, where he earned the coveted Navy Cross for extraordinary heroism in action against the enemy forces on Iwo Jima, a battle in which he was wounded three times and for which he received three Purple Hearts. He was honorably discharged from the Marine Corps as a Major.

In 1945, Jim McPoland established his home in Yonkers and immediately became involved with the youth of his community. He coached and directed youngsters in many athletic pursuits. He was one of the first Directors of the Yonkers Little League and the first president of the East Yonkers Little League. He obtained the first charter for and established the original Babe Ruth baseball League for Yonkers.

ARNOLD UHRLASS

Arnold Uhrlass was born in Yonkers October 19, 1931 where he attended School 17, Longfellow Jr. High School and Saunders Trades and Technical High School. His father and uncles were speed skaters and introduced him to the sport at Redmond Field (Cook Field). At the age of 10 he competed in the New York Daily News Silver Skates at Madison Square Garden; in 1947 he won the Junior title and in 1949 brought home the intermediate Championship. At the age of 16, while at Saunders, he turned to running and when the Yonker Knights of Columbus Roard Race. In 1949 he was undefeated in cross country and in the one mile competition. He also played on the school basketball team which won the city championship in 1949.

His prowess in long distance running attracted the attention of the Grand Street Boys Club in New York City and racing under their colors he won the Poughkeepsie 10 mile road race, prepping for it on the hills of Yonkers. He also represented the Grand Street organization on the ice and won the Senior Crown of the New York Daily News Silver Skates in 1954, lapping the entire field. He repeated in 1955, 1957, and 1960, a record never equalled.

From 1955 to 1966 he was recognized as the premier ice skater in the East, winning dozens of championships. He won the prestigious Donaghue Three Mile Memorial Race an unparalleled five times and in 1960 was a member of the U.S. Olympic Team, skating the 5,000 and 10,000 meter race in Lake Placid. In 1951 he won the North American Championships in Squaw Valley, California and in 1963 represented the United States in Japan in the World Speed Skating Championships. He qualified for the 1964 U.S. Olympic Speed Skating Team but financial responsibilities negated his opportunity to represent his country.

To build up his speed skating he started cycling and from 1955 through 1966 he was recognized as one of the leading cyclists on the Eastern seaboard. In 1957 he won the 50 mile National Championship at Sommerville, New Jersey; set a record for the 100 mile Eastern States race; copped the New York State Cycling Championships several times, and placed fourth in the International Tour Du St. Laurent in Canada. In 1964 he participated as a member of the U.S. four man pursuit cycling team in the Olympic Games in Tokyo, Japan. He was named "Yonkers Sports Personality of the Year," an honor bestowed on him by local sportsmen.

In 1968, while competing in an ice skating event, he fell and suffered a severe fracture of leg and knee. For six months he was in a cast and after its removal was unable to bend his knee. He was determined to renew his athletic career and at the age of 39 began cycling and skating again. Although he was able to compete once again, he has devoted most of his time and energies to the instruction of youngsters.

PRODUCTIVITY AS A KEY TO PROSPERITY

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. LaFALCE. Mr. Speaker, in our continuing fight against inflation, one resource which is often overlooked is the productivity of the American worker. In the past it has been that productivity which has enabled us to enjoy the high standard of living to which we have become accustomed.

Recently, though, productivity in the United States has slowed, creating an increasing demand on limited resources. The reduced gains in productivity make the impact of the inflation spiral felt even more strongly by the average American. It reduces the ability of our producers to compete in the world market.

The National Center for Productivity and the Quality of Working Life has been trying to combat the downward trend of productivity, and bring greater stability to the labor-management field through exchange of information and experience among companies and communities. I have introduced legislation during this Congress, H.R. 5283, a bill to increase the productivity and quality of working life of small enterprises and local governments throughout the Nation, to more fully utilize the expertise and resources of the national center. We dare not waste the excellent resource which we have in the center by ignoring its successes and future possibilities for achievement.

I was very pleased, therefore, to receive a copy of the commencement address delivered by Aruthr F. Burns, Chairman of the Board of Governors of the Federal Reserve System, to the graduating class of the University of South Carolina. The remarks he made were particularly pertinent to our current economic situation, and I was especially gratified to read that he passed the challenge of increasing productivity on to the young people, for certainly much of the productivity which we experienced as a nation in the past resulted from the creativity of youth.

The text of the address follows:

The Significance of Our Productivity Lag

It is a pleasure for me to join this Commencement assemblage in paying tribute to the graduating class of the University of South Carolina.

Those of you graduating today are part of a great tradition. The first graduate went forth from Carolina's classrooms when Thomas Jefferson was President of the United States. And many of the students who have followed since then—some of whose names commemorate the buildings in which you have lived and studied—have made notable contributions both to this region and to the country at large. I trust that in the years ahead—in whatever careers you pursue—you will never cease to draw inspiration from the achievements of those in whose footsteps you follow.

In considering what I might appropriately say to you today, I found my thoughts turning repeatedly to the remarkable transformation that our Nation's economy has undergone since the time this institution was founded. The broad outlines of that transformation—from simple agrarianism to the complexities of our modern industrial state—are well known to all. So, too, is the remarkable record of material gain that has flowed to our people in the process.

What may perhaps be less fully appreciated is that the material progress we have made as a Nation—and which has long been the marvel of the world—was by no means an inevitable occurrence, despite our endowment of natural resources. Nor is it something whose extension we dare take for granted. I believe, rather, that the bounty that is ours came about chiefly because we have had the wisdom throughout most of our history to foster an environment in which the latent energies of our people had generous scope for realization. Ours has been a society in which men and women, no matter what the circumstances of their birth, have known that there were ultimately no boundaries to what might be achieved with effort and ingenuity. That faith—and the spirit of independence and drive it has fostered—has been the essential dynamic force in the economic life of our Nation.

In the language economists are prone to use in describing material gains, what we have had in America is an astonishing record of productivity achievement. Our environment of enterprise and the rewards it has offered have prodded us to great effort. Historically, we have been an industrious and an inventive people. We have striven for self-improvement and the betterment of our families; and we have been willing, both individually and collectively, to sacrifice and scrimp when investment opportunities beckoned. We have, moreover, been imaginative and persistent in devising better ways of doing things and in applying new technologies in the organization of our productive activities.

The consequences of all this in terms of the efficiency of performance of the individual American worker have been striking. It is, indeed, our impressive historical record of upward climb in output per hour worked that is the foundation of our economic strength. To be sure, the aggregate income and wealth of our Nation have grown with the passage of time partly because our workforce has grown in size. But that has been far less important as a source of output gain than some of you may realize. Overwhelmingly, what has been critical—to the extent of accounting for about two-thirds of the rise in national output over the span of our history—has been the advance in labor productivity, the simple fact that an hour of labor progressively has yielded more and more output.

I focus on this today because I think it is important for you to have an awareness that our country's productivity growth has exhibited a slowing in recent years, both absolutely and relative to that of other countries. You should recognize this as a matter of great concern to you personally and to the future of the Nation. Indeed, largely because of the slowing of the underlying rate of productivity growth—to a pace a third less rapid in the last ten years than in the 1950's and early 1960's—we can no longer boast of having the highest per capita standard of living in the world.

Far more is at stake, of course, than the issue of international prestige. As a Nation, we can consume no more than we produce, so that unless productivity growth reaccelerates, our citizens inevitably will enjoy less rapid gains in living standards in the future than has been customary historically. It requires little imagination to foresee that troublesome tensions could arise from that situation as competing groups in our society endeavor to secure a larger share for themselves of production gains that are disappointing in the aggregate. Also of great significance is the fact that without a reacceleration of productivity growth we shall find ourselves increasingly cramped in our public life in channelling resources to the solution of domestic and international problems.

These are powerful reasons for trying to understand the causes of the productivity weakening that has recently occurred. A good deal of scholarly effort has in fact been devoted precisely to that end. However, we still cannot be sure how much of the slowdown in productivity growth reflects transitory as distinct from more basic causes.

One cause of slower productivity growth in recent years that is presumably of a temporary nature has been an increase in the proportion of relatively inexperienced workers in our labor force. This reflects several influences: first, a greatly enlarged stream of young people entering labor markets in the late 1960's and early 1970's as a delayed consequence of the very high fertility rates that followed World War II; second, the increasing tendency for adult women—many lacking recent work experience—to seek employment; and third, the prevailing trend toward early retirement. As the younger workers and adult women gain in job experience, however, the depressant effect on productivity growth of the shift in the age and sex composition of the labor force will no longer be operative. Indeed, a reversal may already be in progress.

A more complicated issue to assess—but one that likewise involves the potential for a favorable turn—concerns the way in which our Nation's capital stock grows in relation to the labor force. In recent years, the exceptionally rapid rate of labor-force growth has not been matched by a corresponding acceleration in capital formation. In fact, even apart from the slump in capital investment during the recent recession and the disappointing recovery in capital spending since then, the growth of this country's stock of capital has tended to be slower for some time than in the earlier postwar period. This combination of circumstances—rapid labor force increase and a slowing in the pace of capital formation—has meant that progress in equipping our workforce with increasing amounts of capital equipment has proceeded much less rapidly than in the 1950's and the 1960's. That unquestionably has been detrimental to the maintenance of productivity gains at their historical pace. Demographic influences, however, are gradually becoming somewhat less awesome. Within the next few years, the growth rate of the labor force is likely to decline appreciably, reflecting the lower fertility rates that followed the earlier postwar bulge. In that situation, the challenge of achieving an accelerated pace of capital formation relative to labor supply will become less formidable—provided, of course, that we are successful in maintaining a climate of enterprise that is conducive to capital spending by business firms.

Despite these two potentially favorable influences—that is, the trend emerging toward restoration of a more experienced work force and the definite possibility that faster growth may resume in the capital stock per worker—complacency about future productivity developments is by no means warranted.

I say this because the productivity slump which we have been experiencing is only partially explained in terms of the changing experience in our labor force and the amount of capital our workers have been equipped with. Careful study of those two factors still leaves a substantial part of the recent productivity slowing unexplained. Other adverse influences apparently have been at work as well.

My own judgment is that we have been undergoing a change in our societal values and attitudes that has contributed significantly to poorer job performance in recent years. I advance that as a hypothesis only, not as an established fact. It is a hypothesis, however, for which there is regrettably a considerable body of supportive evidence.

Testimony to a lessened sense of industriousness on the part of our workforce is certainly present, it seems to me, in this country's record of job absenteeism. The number of people who simply do not show up for work on any given day, especially before and after weekends, has been rising in recent years and has assumed worrisome proportions. In a typical week last year, almost five million workers had unscheduled absences from their jobs for a day or more either because of reported illness or for other personal reasons. Last year's absenteesm involved the loss of more than 100 milion hours of working time per week, giving rise, one can be sure, to a great deal of unnecessary cost and inefficiency in the operations of our businesses—ranging from disruption of production schedules to overstaffing by employers as a defensive measure. No one would deny, of course, that many unscheduled absences are justified by illness or personal or family emergencies. But there is evidence that absenteeism has risen faster in recent years than the number of employed individuals, and this suggests that decided changes have been under way in our country in the basic work attitudes of employees.

The high and rising incidence of absenteeism would be easier to understand if workers in this country enjoyed less paid time off than they do. Significantly, however, the average factory worker now gets 9 paid holidays each year and many workers get more. There has been an impressive liberalization throughout the postwar period, moreover, in the amount of time employees can take as paid vacation. Indicative of the trend is the fact that more than two-thirds of factory workers with 25 years service now get a full month's vacation, whereas fifteen years ago only about one in five enjoyed such generous vacations.

Employers, in short, are increasingly remunerating workers for time during which no work is performed. At present about 7% of total payroll costs incurred by the average employer in this country goes to pay for time that employees are not explicitly on the job. And the full costs of paying for nonworking time would be much larger if there were any meaningful way of measuring the extraordinary number of hours spent on coffee breaks, wash-up time, retirement parties, and other social rites that have increasingly become a part of our working lives. Against this background, is there really any wonder that many of our producers find it difficult to compete internationally and that so many of the products in our homes and garages bear foreign names?

These developments relating to work attitudes and the amount of leisure time we are opting for as a society are a relatively neglected aspect, I believe, of scholarly investigation into the causes of the slowing in our productivity growth. I think they must be brought into sharper focus to facilitate wider public understanding of what is at stake. It is not at all clear that people actually perceive that lessened work effort inevitably must be reflected in the material benefits we as a people can enjoy. That linkage was inescapably evident earlier in our history—when, to a much greater degree than is now the case, men and women could literally see what their individual effort yielded in consumable products; but the linkage has been blurred as our productive and distributive mechanisms have grown in complexity.

I trust it is clear that these matters are by no means of remote concern to young people such as you who are now embarking on careers. Indeed, I would call your attention to the fact that during your lifetimes the degree of productivity growth achieved by the workforce, will, if anything, be more important than it is now, simply because of the changing ratio of the working to the nonworking portions of our population. Reflective of the longer lifespan people are enjoying and the trend toward lower birth rates, we are now experiencing a rapid expansion in the elderly portion of our population. A relatively heavy burden will thus fall on the employed portion of the population to produce goods and services not just for themselves, but also for the swelling numbers of people who will be beyond retirement age. That prospect emphatically underscores the importance of reachieving and maintaining strong productivity growth.

I urge you to think about the implications of that challenge and to consider carefully the interest you have in helping to foster a renewed spirit of industriousness in this Nation. The future is yours to do with it what you will. I hope you will choose wisely.

HOW HIGH TAX RATES HAVE IMPOVERISHED NEW YORK STATE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1977

Mr. KEMP. Mr. Speaker, regional disparities in per capita gross income have provided a major justification for channeling Federal tax dollars from the relatively wealthy States in the Northeast and Midwest to the apparently poorer residents of the Southern States. When the statistics are adjusted for regional differences in living costs and taxes, however, the residents of supposedly affluent Northern States are often left with lower real after-tax incomes than their Southern neighbors. Since there is so much debate lately about the sunbelt versus the snowbelt, I think that this fact has important implications for Government policy—both on the State and Federal level. Consequently, I hope my colleagues will take the time to read the following important article by Alan Reynolds which examines taxes and regional incomes from the First Chicago World Report. It proves that high taxes and inflation have Britianized New York State citizens:

IS ALABAMA RICHER THAN NEW YORK?

A decade ago, federal revenue sharing was widely advocated as a means of narrowing the enormous gap in per capita income between affluent northern states, like New York, and poorer states which were mainly located in the South. The subsequent fiscal troubles of several older urban centers have raised some doubts that income alone is an adequate criterion for such regional transfers. However, even if income is accorded a major place in decisions about how to distribute federal benefits and tax burdens, statistics on per capita income give a misleading impression of the actual differences in economic conditions in the various states.

Table I provides some broad measures of economic well-being in the Sunbelt and Snowbelt states. The second column shows 1975 per capita income adjusted for cost-of-living and federal taxes. States in which the cost-of-living is above or below the national average have had their per capita income figures inflated or deflated accordingly. Although unadjusted per capita income was nearly a thousand dollars higher in New York than in Texas, for example, the higher cost-of-living in New York absorbed the entire difference. In addition, New Yorkers paid $496 more per person in federal taxes.

Going one step further, the third column of Table I shows per capita state and local taxes which are subtracted from adjusted disposable income to arrive at "net adjusted disposable income per capita" in the last column—that is, net of state, local and federal taxes. On this basis, New York slips to the sixth poorest state in his list of 30 states behind even Alabama and South Carolina (see Table 2), while Texas rises to the third most affluent, behind only Delaware and Illinois. New England fares even worse than New York, in terms of real spendable income, with New Hampshire, Maine, Massachusetts and Vermont falling below every state except Mississippi. Net adjusted disposable income averaged $3,859 for the Sunbelt states as a group, compared with $3,705 for the Snowbelt. Six of the ten most affluent states are located in the South while six of the ten poorest states are in the North.

As Table 2 indicates, federal, state and local taxes in 1975 amounted to 42.4 percent of per capita income (unadjusted for taxes or cost-of-living) in New York, 38.4 percent in Massachusetts, and 35.9 percent in Illinois. By contrast, taxes took only 28.4 percent of income in Arkansas, 31 percent in Alabama, 31.7 percent in Oklahoma, and 32.2 percent in South Carolina.

It is, of course, possible that the high-tax states like New York and Massachusetts are rich in government services, though poor in private incomes. But those who receive government benefits are not always the same people who pay for them, so that high taxes generally make it difficult to attract and retain productive individuals and enterprises. In any case, the ability to purchase privately marketed goods and services, is what most people have in mind when they discuss incomes.

The problem of high state and local taxes is compounded by the federal tax system. Federal income taxes are levied on nominal income, not real income. As a result, taxpayers in states with a high cost-of-living are in a higher federal tax brackets than taxpayers whose lower nominal incomes will buy just as much in other states. Federal taxes amount to 26.8 percent of unadjusted per capita income in New York, 25.1 percent in Masachusetts and Illinois. Federal taxes amounted to only 19.6 percent of income in Arkansas, 22.1 percent in Alabama, 22.5 percent in Oklahoma, and 22.5 percent in South Carolina—states with higher net adjusted disposable income per capita than either New York or Massachusetts.

When federal revenue sharing was first conceived, it was explicitly advocated as a means of equalizing incomes between states.

TABLE 1.—DISPOSABLE PER CAPITA INCOME BY STATE, 1975

[Adjusted for cost-of-living and taxes]

	Per capita			
	Unadjusted income	Adjusted disposable income [1]	State and local taxes [2]	Net adjusted disposable income [3]
SNOW BELT STATES				
Connecticut	$6,973	$4,951	$697	$4,254
Massachusetts	6,114	3,980	814	3,166
Rhode Island	5,841	4,180	645	3,535
Maine	4,786	3,755	511	3,244
New Hampshire	5,315	3,818	525	3,293
Vermont	4,960	3,831	699	3,132
New York	6,564	4,518	1,025	3,493
New Jersey	6,722	4,787	725	4,062
Pennsylvania	5,943	4,506	635	3,870
Ohio	5,810	4,507	534	3,973
Illinois	6,789	5,134	730	4,404
Indiana	5,653	4,414	580	3,834
Michigan	6,173	4,627	782	3,945
Wisconsin	5,669	4,389	719	3,670
SUN BELT STATES				
Florida	5,638	4,643	521	4,122
Georgia	5,086	4,303	508	3,795
North Carolina	4,952	4,223	485	3,738
South Carolina	4,618	3,976	446	3,530
Virginia	5,785	4,668	563	4,105
West Virginia	4,918	4,281	533	3,748
Delaware	6,748	5,483	727	4,756
Maryland	6,474	4,872	728	4,144
Kentucky	4,871	4,189	497	3,692
Tennessee	4,895	4,155	451	3,704
Alabama	4,643	3,981	415	3,566
Mississippi	4,052	3,555	446	3,109
Arkansas	4,620	4,150	405	3,745
Louisiana	4,904	4,229	566	3,663
Oklahoma	5,250	4,497	482	4,015
Texas	5,631	4,828	515	4,313

[1] Adjusted for differences in cost-of-living (U.S. average for 1975=100) and per capita Federal taxes. The cost-of-living index used was the annual budget for an intermediate standard of living for a 4-person family. From C. J. Jusenius & L. C, Ledebur, "The Northern Tier and the Sun Belt." Challenge. March-April 1977.

[2] Tax Foundation, Inc.

[3] Column 2 minus column 3.

TABLE 2.—STATE INCOME AND TAXATION, 1975

	Net adjusted disposable income per capita[1]	Taxes as a percent of unadjusted per capita income[2]	
		Total	Federal
Delaware	$4,756	36.6	25.8
Illinois	4,404	35.9	25.1
Texas	4,313	31.6	22.4
Connecticut	4,254	35.8	25.8
Maryland	4,144	36.2	24.9
Florida	4,122	33.7	24.4
Virginia	4,105	33.2	23.4
New Jersey	4,062	35.1	24.3
Oklahoma	4,015	31.7	22.5
Ohio	3,973	34.0	24.8
Michigan	3,945	36.0	24.9
Pennsylvania	3,870	34.7	24.0
Indiana	3,834	35.2	25.0
Georgia	3,795	33.9	23.9
West Virginia	3,748	33.0	22.2
Arkansas	3,945	28.4	19.6
North Carolina	3,738	32.9	23.1
Tennessee	3,704	32.6	23.4
Kentucky	3,692	32.8	22.6
Wisconsin	3,670	36.2	23.5
Louisiana	3,663	33.2	21.7
Alabama	3,566	31.0	22.1
Rhode Island	3,535	36.0	24.9
South Carolina	3,530	32.2	22.5
New York	3,493	42.4	26.8
New Hampshire	3,293	36.2	26.3
Maine	3,244	33.1	22.5
Massachusetts	3,166	38.4	25.1
Vermont	3,132	37.6	23.5
Mississippi	3,109	33.4	22.4

[1] From col. 4, table 1.

[2] Federal per capita taxes from Jusenius & Ledebur, op. cit. State and local per capita taxes and unadjusted per capita income from cols. 3 and 1, table 1.

In 1967, Walter Heller, former head of the Council on Economic Advisers and a principal architect of revenue sharing, said that two major purposes of revenue sharing were to "reduce economic inequalities and fiscal disparities among the states" and "to stimulate state and local tax efforts." As late as 1973, Professor Heller still urged that "The disparities are almost unbelievable. Start with ability: The per capita income of New York and Connecticut is still almost double that of Mississippi, Arkansas, and Alabama."

These objectives were set in concrete with the legislation establishing the revenue sharing allocation formula. States receive revenue sharing funds in relation to their per capita income, population and state and local tax efforts. Northern states that are losing population also lose revenue sharing funds; if they cut state and local taxes to retain workers and employers they are penalized by a reduction in revenue sharing; and federal tax rates are higher and revenue sharing lower for those states with high per capita income—even though such income is often enormously diluted by higher inflation rates and taxes.

A decade ago, states like New York and Massachusetts may indeed have had a relatively greater ability to pay federal taxes without receiving corresponding benefits. But this is no longer true. Our calculations indicate that real, after-tax incomes are now significantly lower in New York and Massachusetts than in, say, Arkansas and Alabama. The combination of higher inflation rates in the Northeast and progressive federal tax rates applied to such inflated incomes has had a particularly depressing effect on real after-tax incomes in that region.

To the extent that income differentials reflect differences in productivity, federal efforts to equalize incomes between states have promoted a misallocation of resources and lower economic growth. To the extent that income differentials are unreal, reflecting differences in living costs, attempts to equalize such nominal incomes must be considered inequitable as well as inefficient.

Ideally, revenue sharing formulas should be reset from time to time to reflect changing economic conditions among the cities and states. But any allocation of federal tax monies must give birth to entrenched political forces which will endeavor to maintain the prevailing distribution. Regions that lose ground economically will also tend to lose ground politically, so that the required flexibility of the system may not be politically feasible. In such a case, the most practical policy would be to abandon the whole divisive idea of using the federal government as a mechanism for transferring income between regions.

SUPPRESSION OF JEWS IN RUSSIA

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1977

Mr. MIKVA. Mr. Speaker, 4 years ago, Felix Kamov-Kandel applied for an exit permit from the Soviet Union. Since that time, not only has he been denied permission to leave Russia, but he has been cut off from the ordinary privileges of life. Although he is a well-known playwright and scriptwriter, as well as the creator of an internationally renowned cartoon, the Soviet Union will not allow his work to be credited to him. In addition he has been isolated from his associates in the film industry, and from his literary colleagues in the Soviet Union and elsewhere.

Four years is far too long to wait to leave the Soviet Union, especially under these circumstances. However, now there is additional urgency to Kandel's desire to emigrate. Kandel's son will soon be reaching draft age. If he is inducted into the army, then the young man will be unable to leave until after he is relased from military service—7 to 10 additional years.

I am particularly interested in Felix Kamov-Kandel because he and his family have been "adopted" by the Niles Township Jewish congregation of my district. However, I am also deeply concerned about the many other cases of suppression of Jews in Russia. Therefore, I am joining my fellow Members of Congress in their vigil in behalf of Soviet Jews.

The pain of Soviet repression for all those denied the right to emigrate or live in peace has been beautifully expressed by Mr. Kandel in his poem "Kaddish." I urge my colleagues to consider it.

"Who was it, then, who said I have been
refused? Crudely, without reason, for
already the fourth year?
Their refusal brought me a permit.
A permit to think, speak, act and see.
A permit to make a step closer to oneself. To
my children.
And for that, among others, you must pay.
For this privilege you must pay well,
and here and now I pay my debt.

* * * * *

This is our fate today.
We are paying our debt.
The strong—with joy. The weak—with
desperation.
No people can be deprived of its right to
live among his own.
Where there is guilt there is punishment.
There are no errors without regrets.
No delusions without losing sight . . ."

CONFEDERATE MEMORIAL DAY, ATLANTA LADIES MEMORIAL ASSOCIATION

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Thursday, May 19, 1977

Mr. TALMADGE. Mr. President, at traditional services in Atlanta, Confederate Memorial Day was observed on April 26. Mr. Charles D. Read, Jr., an Atlanta attorney and former U.S. district attorney, delivered the memorial address.

I ask unanimous consent that Mr. Read's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

CONFEDERATE MEMORIAL DAY, ATLANTA LADIES MEMORIAL ASSOCIATION, APRIL 26, 1977

Mrs. Stanley; officers and ladies of the Atlanta Ladies Memorial Association; friends:

Thank you, Admiral Howell, for your warm and kind introduction. Hugh Howell has been a true friend for many years. I first knew him in school before World War II. In addition to other things, it is a true and unusual honor for a mere Lt. Colonel to be introduced by a Rear Admiral. Admiral Howell has always stood in my mind as a man personifying the best traits of the old South, as well as the new South, and I am proud to consider him as a friend.

We are here today on the 26th day of April, 1977, 112 years after that day April 26th, 1865 when General Joseph E. Johnston surrendered his tattered and battered Confederate army to Sherman near Raleigh, North Carolina, to commemorate and pay homage to the bravery, valor, fortitude, endurance and suffering of the gallant men of the Confederacy. This also is the 111th year that this annual service has been held in honor of the brave men who gave their lives.

We honor today not only the dauntless men but also the strong and courageous women of the Confederacy. It is doubtful that those men could have endured the disease ridden and agonizing years of war without the knowledge that their loved ones were at home waiting, suffering and fighting for survival just as they were. These women were superior in the role they had been cast to play in the great tragedy of war with husbands, sons, and sweethearts dying or maimed, but always with soft voices and compassionate, understanding words, bolstering the spirits of our men who fought for the Confederacy.

Memorials should be erected all over the South, hewn in marble, and dedicated to the women of the Confederacy, for they were the unsung heroines in so many ways, ministering to our wounded and soothing the last hours of those who died far from the objects of their tenderest love. They kept the graves of loved ones sweet with flowers. They loved their land and nurtured it when their men were gone. Sorrow and calamity was their lot in life: but they never wilted in this ordeal of fire. I feel personally very strongly about the women of the Confederacy, for in 1861 my great grandmother had her husband ride off to war, leaving her at the age of 23 to alone care for a newborn baby, a one year old, a two year old, and a four year old.

In order to appropriately pay tribute to our brave and intrepid forebears in the 1860s it may well be appropriate to recount briefly some of the history of those years, as well as the years before and after. So much has been said and written over the years about the late great conflict in hundreds and hundreds of books that it would be impossible in this short period of time to outline in any detail the history of that engagement. We all know that history: but it bears repeating.

We have much to be proud of. The South was a vastly more varied land than the North. It was the South's geography which was both the first and final arbiter in welding the South into a unit and moulding the minds of its equally diverse peoples into more nearly a single mind than was ever elsewhere displayed in America.

The South had provided leadership of the country for many of the first years of its existence. The earlier issues between the sections had been primarily economic—the struggle for economic dominance of the Nation. Gradually the struggle had been transformed into a political one as men grew to realize more that the Government was a powerful economic force. It has been said that to a considerable degree the South's extreme conservatism was a product of its extreme ruralism. In the country and small towns, most southerners were thrown largely on their own for ways and means to relieve their lonely isolation. Among those few organizations that functioned in their rural environs, the church and political gatherings were rightly embraced with special ardor. Church attendance was a great event and a social event.

There is little wonder that politics attracted so many of the best talents of the South. Here was a rare field of real competition. Home and family became the focal points of the southerners life.

During the 72 years between the inauguration of Washington and that of Lincoln, southern men had filled the Presidency for almost 50. Southern Chief Justices had presided over the Supreme Court all but 12 years and almost two-thirds of the Justices had been selected from the South. Almost half of all the members of the several Cabinets, more than half of the Speakers of the House of Representatives—more than half of the diplomats representing the Nation in capitals of the major powers had been southerners.

In this southerners took a great and justifiable pride. Southerners had conducted their governmental affairs, in the antebellum era, on a higher plane and with more integrity than had (or has since seldom been) observed on the American scene. From these things, the pride of Southerners had long been well fed—so well fed, in fact, that "proud" became the most common adjective used to describe not only the southern leaders and statesmen but also the ordinary Confederate soldier and all time yeoman farmer.

Statesmanship was a quality on which the South had always prided itself. Its political thinkers played a leading role in framing the Constitution. Throughout most of those years of economic conflict before 1861 the political power of the South had succeeded in placing roadblocks in the way of the North's effort to use the National Government to enhance its economic interests, and in return had reaped a bountiful measure of ill will from the North. By that time losing their political control, southerners had overwhelmingly concluded that they should abandon the Government that was being prostituted to the economic interests of a preferred part of its realm. Most of them hoped and thought they could leave it peacefully.

Despite the fact that the first overt act of the armed phase of the conflict was committed by the South, there are few historians who fail to regard the North fully as the aggressor in the conflict. While technically the southern States moved out of the existing government, their movement out was simply the machinery by which they elected to stand in loyal support of the form of government that was established by their forefathers.

In the early years of the mid-century economic conflict, the North adopted its aggressive attitude towards the conservative South which precipitated the war between the sections.

The Souths'main strength lay in its esprit: In modern terms, its superior morale, and the conviction of its people and their leaders that they were right. The superior morale of the South enabled the confederacy almost miraculously to stave off its inevitable defeat for more than 4 years in the face of the overwhelming total economic advantages enjoyed by the North.

The staggering loss of life and limb which resulted in loss of a high percentage of its available manpower engaged in actual combat seared the souls of its people. Not only then but for generations to come. All of these things rendered the whole South a war casualty. Most crippling of all was the cost in human life.

For most Confederates, including such leaders as Lee and Stonewall Jackson the war was for southern independence. It is a marvel that our ancestors fought through 4 years of a merciless war and particularly through the last year of the war, for the South was brought to the point of actual destitution.

The indomitable bravery and utter self sacrifice with which the South defended its cause both at home and in the field must always arouse our admiration. By 1863 a Confederate soldier was lucky if he drew as his entire daily ration half a pound of corn meal. General Early relates of how thousands of southern soldiers lay down to rest without having a mouthful of food all day and after the second victory at Manassas as a brigadier he was very content to make his supper on two small ears of grain corn which he roasted in the ashes.

Our men were so scantily supplied with food and clothing that a pair of shoes were a luxury and full rations would have astonished the stomachs of our brave warriors. Many have expressed surprise that these ragged barefooted half starved men would or could fight at all.

Our men fought heroically for long and agonizing years; heroically enough to exist against the fiercest efforts of the Union Army and honorably enough to linger on in legend for more than 100 years.

For General Lee history holds him high as a model soldier without flaw, as the paragon of all the virtues the South could claim. No human weakness breaks his character. Rarely did emotion disquiet his serenity. But he had a power to those who knew him; those who could not quite love, admired. Foreign emissaries came to his camp to note and study. It is noteworthy that when the war loomed, Lee was offered the command of the entire United States Forces. Lee turned down the offer to remain loyal to our people and our beliefs—it was a decision that ran in the blood.

Gallantry counted in the confederacy even in the darkest hours. It runs through most southern music and lends bravado to bad meter; it shines out from countless old picture frames and sometimes makes bad paintings bearable; it runs throughout southern verse, occasionally rising off key; gallantry was the essence of southern war and hence was frequently the core of southern art.

A legend would arise. One of honor and duty and sacrifice against great odds. A legend that would pit gallantry against impersonal force. The graphic courage and abilities of the Johnny Rebs aroused the admiration of their foes.

In southern battles so magnificent was the fighting of the southern troops against great odds that the Federal leader was not only repulsed, but was more than once even impressed with the idea that Lee had more men than himself. These men well knew the odds against which they had fought and ever after it was felt that, though their enemy might be somewhat too strong for them to drive, they could hold their ground against a force however great that might attack them.

General Clement A. Evans speaks of a great national enterprise which had no lack of justice in its designs or executions; which was maintained with high intelligence by statesmen who had no superior; which was made pathetic by the sufferings of a great people and an unsurpassed soldiery which lacked only an element of success to win the laudation of the world. Its failure was due to superiority of resources—money—numbers and international sympathy.

The history of the great conflict inspires Southerners with proper pride in their southern land, reverence for their gallant ancestors and with the wise purpose of head to make the Union worthy of such a South and their beloved South worthy of the Federal Union.

But skill and valor cannot always supply the lack of numbers and resources and even victories won at the cost of men who could never be replaced.

In the great Lee's farewell address to his men, he told them this:

"You will take with you the satisfaction that proceeds from the consciousness of duty faithfully performed; and I earnestly pray that a merciful God will extend to you his blessing and protection.

"With an unceasing admiration of your constancy and devotion to your country and a grateful remembrance of your kind and generous consideration for myself, I bid you all an affectionate farewell."

Our bone tired, hungry and tattered survivor came wearily home to find complete chaos. The home he left so prosperous and beautiful he finds in ruins—his farms devastated, his stock killed, his barns empty, his comrades slain and the burdens of others heavy on his shoulders.

It was the lasting damage to the mind, spirit and culture of the South, that made it so devastating. Reconstruction broke the South's spirit, planted hampering prejudices and frustrating hates, that took many years to heal. Yet, for the fortitude of its people and leaders it would have paralyzed its will to move forward with the Nation and the world.

We all know about the horrors of the reconstruction years, with the coercion of occupying military forces.

To quote from Henry Grady, the great apostle of peace:

"What does he do—this hero in gray with a heart of gold? Does he sit down in a sullenness and despair? Not for a day. Surely God, who had stripped him of his prosperity, inspired him in his adversity. As ruin was never before so overwhelming, never was restoration swifter. The soldier stepped from the trenches into the furrow; horses that had charged Federal guns marched before the plow, and fields that ran red with human blood in April were green with the harvest in June."

In the South there had been a long lasting sense of obligation to public service, as a duty rather than as a means to personal power, profit, or ambition. It remained for the south itself, with that background, through the slow process of time, to change itself and gradually rejoin the changed union it had been forced to leave.

By the early 1880's the old leaders combined with the new, all men of hope and vision, and were energetically bending their efforts to start the stalled economic, political and social wheels rolling again, each in the direction where he thought he saw a semblance of a dawn of a better day. At that time that very hopefulness was about the only thing new in the new South.

Regarded as a whole, despite the colonialization and exploitation of its farmers and most of its industries, the economic picture of the New South finally became one of definite progress. But it was not until 1947 that one of the last vestiges of colonialization, discriminatory freight rates, were removed through the efforts of the Georgia Attorney General by the Supreme Court of the United States.

During World War I and World War II, as always, southerners displayed more patriotism and love of country than those of other sections. We furnished more leaders and more southerners joined up voluntarily in greater numbers. At any time that the flag of the United States was committed, including Korea and South Vietnam, the South has provided more of its share of men and women who because of their patriotism were willing and anxious to fight for the land that they loved so deeply.

Our forefather never believed he was fighting to destroy the Government of the United States. He fought only for home and loved ones and the liberty of the South. Surely no real American could deny the quest for political liberty. No truer partiots have ever mustered for battle than those who marched under the starry cross of the Confederacy.

This is the heritage of pride, challenge, and honor to live up to.

Despite their beliefs in state's rights, southerners nevertheless now have to recognize much of the activity of the Nation has been taken over by the Federal Government. Federal authorities have been given and have taken area after area of States prerogatives.

Today we are confronted with more complex problems than at any other time of our history. With the example of the abilities, indomitable spirit, faith and steadfastness and reliance upon principle and integrity, along with the patriotism which are the facts of our southern heritage, the South will continue to support our country and the freedom it stands for. Thus we will honor and strive to deserve the sacrifices, hardships and fight for principle of the men in gray and their wonderful women of the 1860's.

In paying tribute 112 years after the end of the conflict to the greatness, valor, courage and pride of our forebears we hope and pray that the 20th century will not fail to understand and appreciate the courage, integrity of heart, great principle, and sacrifice of the Confederates who were willing to give their lives for their beliefs.

The prayer of every true patriot North and South is God bless our whole country and make ours a union of hearts and hands.

CLEAN AIR ACT AMENDMENT GETS SUPPORT FROM UAW

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1977

Mr. DINGELL. Mr. Speaker, major support for the Dingell-Brovhill substitute amendment to title II of H.R. 6161, Clean Air Act Amendments of 1977, has been sent to Members of the House from the United Auto Workers.

I welcome their support for the amendment Representative James T. Broyhill and I will offer on the floor of the House when the bill is scheduled the week of May 23. I am pleased to provide my colleagues with a copy of the concise arguments for the Dingell-Broyhill amendment as announced by the UAW and insert at this point in the Congressional Record a copy of their May 17, 1977 letter:

UAW,
Washington, D.C., May 17, 1977.

Dear Representative: The House will likely consider the Clean Air Act Amendments, H.R. 6161, next week and Representatives Dingell and Broyhill will be offering a substitute amendment for Title II, the Mobile Source title, of the bill.

The United Auto Workers supports strongly the Dingell-Broyhill Amendment, which incorporates the UAW recommendations on auto emissions standards, and urges you to vote for the Dingell-Broyhill Title II Amendment to H.R. 6161.

The auto emission provisions of the Dingell-Broyhill Amendment are designed to ensure that the public health is protected and that the principles of the 1970 Clean Air Act are achieved, while taking into due consideration important, related questions of auto fuel efficiency. In this regard, I would remind you thaat the UAW, in recognition of the severity of the national energy problem, and to achieve the goal of energy conservation, did support the enactment of mandatory mileage standards which take effect in the 1978 model year.

Permit me to set out for you in summary fashion the basis for our recommendations on auto emissions:

A) The emissions standards now in effect for the 1977 model year would remain in effect for the 1978 and 1979 model years because of the long lead time associated with auto production, certification to Federal standards for emissions and mileage, and conversion to meet new standards. The standards now in effect are: Hydrocarbons (HC), 1.5 grams per mile; Carbon Monoxide (CO), 15 grams per mile; and Oxides of Nitrogen (NO_x), 2 grams per mile.

B) Regarding hydrocarbons, the Dingell-Broyhill Amendment proposes to reduce HC emissions to .41 grams per mile in the 1980 model year. This is the original goal of the Clean Air Act and, because of the clear health danger associated with HC emissions which are strongly implicated in smog formation, we oppose any relaxation of the original goal in this regard.

C) Regarding carbon monoxide, the Dingell-Broyhill Amendment sets a standard of 9 grams per mile in the 1980 and subsequent model years. This is totally consistent with the need for air quality, although it is slightly higher than the original goal of 3.4 grams per mile. There are four reasons why we have come to the 9 gram standard:

1) According to EPA, every city in the country will meet air quality standards for CO by 1990 with the 9 gram standard.

2) While a 3.4 gram standard will reduce CO contaminants, based on a worst case example from the early 1970's, by 83 percent by 1990, the 9 gram standard will reduce those contaminants by 80 percent, a statistically negligible difference. This is based on a Transportation Department report.

3) The California Air Resources Board has set a 9 gram standard for CO and is unlikely to set a lower standard because of its finding that the standard is appropriate for protecting the public health.

4) With the foregoing evidence that the 9 gram standard is consistent with the public health, it then becomes highly desirable since it will facilitate the movement to smaller, more energy efficient engines which find it far more difficult to meet the 3.4 standard.

D) Regarding oxides of nitrogen, this is in many respects the most difficult problem because there is less evidence on the health consequences of NO_x standards, yet the strongest correlation between emission standards and mileage goals. Under our proposal the standard would be reduced to 1 gram per mile in the 1982 model year with authority for the EPA Administrator to raise the standard to no higher than 2 grams per mile if it is found to be consistent with public health needs and if the higher standard will permit substantial improvements in auto efficiency or the application of advanced or innovative technology. For example, diesel engines hold great promise for achieving our national goals of energy conservation, yet they cannot now meet a 1 gram per mile standard for NO_x. In no event could EPA raise the standard above the 1 gram goal unless it was first shown that an increase would be consistent with public health requirements.

As I noted, the provisions of the Dingell-Broyhill Amendment are designed to protect fully the public health while avoiding the significant fuel penalties that would result from the adoption of unnecessarily stringent standards. The additional views signed by almost a score of the Members of the Commerce Committee point out, on the basis of government analyses, that the emissions schedule reported by the Commerce Committee would entail additional imports of 140,000 barrels of oil every day for seven years. Clearly this runs directly counter to the need for energy conservation, and does so without any real gain in air quality.

As you probably know, Representatives Dingell and Broyhill offered a similar amendment in Committee where it received a 21 to 21 tie vote. They have now strengthened their amendment for floor consideration, carrying forward the auto emissions provisions outlined above, and a change in the performance warranty for emissions systems. I might note that the House last year overwhelmingly approved this change in the performance warranty, to set it at 18,000 miles or 18 months, because it protects the consumer's right of choice in having his car serviced and avoids the anticompetitive character of a longer warranty. The warranty provided in the Dingell-Broyhill Amendment is consistent with the unanimous recommendation of the House Small Business Committee that the warranty period be reduced to promote competition, especially since the warranty change would not impede progress toward cleaner air.

One thing that *is* crucial toward achieving the goals of the Clean Air Act is periodic inspection and maintenance of all vehicles on the road. The Dingell-Broyhill Amendment does contain a section requiring annual inspection and maintenance of all vehicles.

Title II of H.R. 6161, as reported by the Commerce Committee, contains 22 sections. The Dingell-Broyhill Amendment keeps 15 of those sections intact, as well as keeping other sections with wording changes. The main differences between Title II as reported by the Committee and the Dingell-Broyhill Amendment are in the emissions and warranty sections described above. I encourage you to review the excellent additional views filed on H.R. 6161 by Representatives Dingell, Broyhill and others for a fuller explanation of the issues involved in the amendment.

Finally, I want to reiterate the complete and emphatic support of the United Auto Workers for the Dingell-Broyhill Amendment and again urge you to support this amendment when it comes before the House.

Thank you.

Sincerely yours,

Howard G. Paster,
Legislative Director.

GOV. DOLPH BRISCOE OF TEXAS SPEAKS ON ENERGY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1977

Mr. TEAGUE. Mr. Speaker, Gov. Dolph Briscoe of the State of Texas appeared recently before the Subcommittee on Energy and Power of the Committee on Interstate and Foreign Commerce to speak on energy. I commend to all of my colleagues Governor Briscoe's worthwhile remarks:

STATEMENT OF DOLPH BRISCOE, GOVERNOR OF TEXAS

I appreciate the opportunity to meet once again with this distinguished Committee of Congress.

The rapid rise in oil imports has endangered the independence of our foreign policy, distorted our balance of payments, and threatens the prosperity of our economy as a whole.

I agree with President Carter that in facing our energy crisis we face the moral equivalent of war.

I agree that the minimum targets for energy production are at least those set out in the proposed National Energy Plan. I have attached those targets to this statement. But it should be pointed out that those minimum energy production requirements are one-third greater than the production achieved last year. Those minimum requirements must be met in face of the current overall decline in domestic energy production.

The pricing policy outlined in the National Energy Plan will not achieve its production target. It will provide, instead, for continued shortfalls of critical fuels which this country has the capability to produce.

The principal point I want to make is that the proposed National Energy Plan's pricing provisions will not allow the country to develop the energy resources which the plan acknowledges are necessary.

I speak on this point as Governor of the State which has produced nearly one-third of all the energy this nation has ever produced, and which will bear heavy responsibility in the attempt to meet the high production targets called for in President Carter's proposal to Congress.

As you know, natural gas reserves in the United States have been declining since 1967. Natural gas production has been declining since 1972 and the annual rate of decline is now running four to five percent a year.

The National Energy Plan calls for us to turn that falling curve upward and to achieve again by 1985 nearly the same level of natural gas production we now enjoy. That will call for a drilling rate of approximately double the footage drilled last year. You can see what is involved by looking at the attached chart. We know from careful analyses that the amount of development and exploratory drilling increases as the average price of oil and gas increases. The pricing policy established for oil and gas in the National Energy Plan is simply not consistent with the amount of drilling required to achieve the production targets of the Plan. In calculations we have made, we conclude that under the pricing policy of the National Energy Plan, the present rate of decline in gas production will slow somewhat but that the production level by 1985 will be short of the gas production target of the plan by the equivalent of approximately two million barrels of oil per day. The shortfall in oil production measured against oil production requirements of the Plan will be even greater.

I do not believe in price regulation. History clearly proves that price regulation of any commodity has never worked for the long term benefit of the American consumer. The natural gas shortages of this past winter in the interstate market dramatically illustrate the inevitable results of 23 years of federal regulation of the natural gas industry.

But, if because of short range political considerations, price controls are extended, it makes no sense to set the price of natural gas in relation to the average price of crude oil. While natural gas is the nation's cleanest, most desirable fuel, crude oil is not a fuel. It must undergo an expensive refining process before it can be used. Natural gas should obviously be allowed a price equal to or greater than replacement fuels in order to encourage the change to other fuels. This principle is clearly stated in the text of the National Energy Plan, "the pricing of oil and natural gas should reflect the fact that the true value of a depleting resource is the cost of replacing it." But the pricing proposals for gas flatly violate the principle. The correct proposal to implement that principle would be to deregulate the price of new gas.

There has been some concern expressed about the effect of deregulation on the intrastate market in Texas. I urge you to put that concern aside. If deregulation on a national basis should pose problems in Texas they are our problems and we will deal with them.

A free market price for new natural gas such as we have in Texas would bring about the exploration and drilling effort required to meet the production levels of President Carter's National Energy Plan. It would effectively serve as an inducement to industries and utilities to convert to alternate sources of energy such as coal. This is now occurring in Texas without penalty taxes, special rebates, or federal government involvement. Only by allowing natural gas to reflect its true value in the market place can we simultaneously give producers the incentive to produce, users the incentive to conserve, and industries the incentive to convert to alternate fuels.

As all of you well know, during the last twenty years two separate and distinct natural gas markets have developed—the unregulated intrastate market, and the unrealistically regulated interstate market. One effect this difference in regulation has had is that for the past few years Texas consumers have paid up to four times as much for natural gas as have interstate consumers.

The higher price for natural gas has stimulated development of intrastate gas reserves, but perhaps more important to the attraction of risk capital even than price incentives has been freedom from ever-changing regulatory proceedings and never-ending litigation which has accompanied federal price controls.

It has been a most painful experience but we have developed, in most instances, a dependable supply of natural gas.

The invasion of the intrastate market by federal control with the authority to allocate intrastate gas would be most unfair to those consumers who have through higher prices paid for the new supply of natural gas. It will amount to nothing less than allowing consumers in other states who have for years reaped the benefits of unrealistically low prices to now reap the benefits of an extensive drilling program which has been financed entirely by Texas consumers.

Taking oil and gas together we estimate the National Energy Plan will fall short of its production targets by the equivalent of more than four million barrels of oil per day. And that assumes the Plan's conservation and substantial production targets for other fuels, such as coal, will be met. A shortfall of four million barrels would be a disaster for our foreign policy and our balance of payments. Under the most optimistic assumptions it would mean oil imports in 1985 would not be the 7.6 million barrels per day called for by the plan, but 12 million barrels per day.

Let me point out another meaning of an American import dependence of 12 million barrels. Western Europe and Japan are counting on us to reduce our oil imports. They do not have available the reserve energy resources that we command. If we fail to reduce our imports the total demand for OPEC oil will, by 1985, begin to press against the limits of OPEC production capabilities. This is a key point made by President Carter in his presentation to the Congress on April 20th. That pressure would, almost certainly, lead to a sharp rise in the OPEC oil price which would wreck the hopes for the future, developed at the most recent meeting of chiefs of government in London.

In my opinion, good planning in a democracy like ours requires a maximum use of a free price system and the minimum use of direct bureaucratic administration of the economy. That hard earned lesson is not respected in the proposed National Energy Plan. I hope the Congress measures carefully the scale, the cost, and the stultifying effects of the bureaucratic giant now envisioned. Many people think of the proposed National Energy Plan as primarily a plan to save energy, install solar energy units, and to expand coal production. But if you study the balance sheet you will see that it is a two front war with a conservation front and a production front.

You are all aware that we in the present energy producing States are disturbed by some of the attitudes of those in potential energy producing States. Those attitudes suggest that we must continue to produce to the limit and deplete our reserves while environmental considerations should be overriding in other States. But my point today is different. I am convinced that nothing less than a full development effort by all States in coal, atomic energy, oil and gas will see us through to achieve the production and balance of payment targets of the National Energy Plan. In a truly national effort the Congress should zero in on a hard and disturbing fact. The Federal Government owns about fifty percent of our known fossil fuel resources but last year contributed less than ten percent of our production and most of this production was off the coast of Louisiana and Texas. The largest withholder of energy supply in the nation is the federal government itself. To make any national energy plan work we must begin immediately a full production effort directed at all our domestic energy resources.

I urge you to direct your attention to the production targets of the proposed National Energy Plan and the tremendous challenge they represent. Unless they are met the Plan will fail and the impact on our nation will be devastating. Without radical changes in the Plan it is my considered judgment the Plan will fail. As a nation we are fortunate. We command a substantial energy resource base. An essential part of the job must be to reconcile the considerable disparity between the National Energy Plan's pricing policy and its clearly stated and necessary production goals.

In the matter of natural gas I strongly urge you to make available to the interstate consumer of natural gas the only mechanism which has a proven record of balancing supply and demand for this critical commodity, reliance on private enterprise functioning in a marketplace free of government price regulations. I urge you not to allocate the shortages and perpetuate the nation's problem but to provide instead an opportunity for our American free enterprise system, through utilization of the mechanism of the marketplace to develop the long range supply President Carter's balance sheet calls for.

NEP balance sheet

[Millions of barrels of oil equivalent per day]

	1976	1985	Change from 1976 (percent)
Imports	7.8	7.6	−3
Production			
Coal	7.9	14.5	+84
Natural gas	9.5	8.8	−7
Oil	9.7	10.6	+9
Nuclear	1.0	3.8	+380
Other (hydro, geothermal, etc.)	1.5	1.7	+13
Refinery gain	.4	.6	+50
Total	37.8	47.6	
Coal export	.8	1.2	
Total	37.0	46.4	25

SOURCE.—The National Energy Plan, Executive Office of the President, Energy Policy and Planning, April 29, 1977, p. 96.

TRANSPORTATION PLAN FOR GATEWAY NATIONAL PARK

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1977

Ms. HOLTZMAN. Mr. Speaker, there is a clear need for a carefully drawn transportation plan for the Gateway National Recreation Area. But the draft plan circulated by the National Park Service was so ill-conceived and unworkable as to constitute no plan at all.

According to the draft, 1,875 buses daily will cross the Marine Parkway Bridge within a 5-hour period. That averages out to 375 buses an hour.

Where will these buses be coming from? Since the Marine Parkway Bridge lies at the foot of Flatbush Avenue, and since the Belt Parkway is closed to bus traffic, it is entirely possible that 375 buses an hour will roll down Flatbush Avenue. This would increase bus traffic by 15 times on an already jammed street.

Not one street in the entire Nation carries even half as many buses hourly. If those buses run down streets other than Flatbush Avenue—streets that are primarily residential—there will be an even more serious impact on the neighborhoods.

In view of this massive intrusion on the Flatbush Avenue community, it is incredible that the Park Service made no effort to determine the impact of 1,875 buses daily on air pollution and life in the surrounding neighborhoods.

No wonder Marine Park, Flatlands, and other nearby communities are up in arms at the Park Service plan. No wonder they have stopped seeing the promise of Gateway and see only an endless parade of buses past their homes.

Fortunately, as a result of my insistence on community consultation, the Park Service transportation proposal is not final, only a "discussion draft." That means it can be completely revised. The Service has now agreed to "go back to the drawing boards" and come up with a new plan.

The park planners must get out into the community. They must find out what the people want, what the neighborhoods and streets surrounding Gateway are like, in order to design a workable transportation plan that realizes the appropriate potential of the park. They must evaluate the impact of any plan on the environment and advise the public of their findings.

Gateway Park can offer much to our city in terms of recreation, education, and job opportunities. But these benefits will be realized only if the park has a transportation plan designed by people who know that the streets of Brooklyn are not just lines on a map.

RESCIND SUGAR SUPPORT ACTIONS

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1977

Mr. MADIGAN. Mr. Speaker, I would like to bring to the attention of my colleagues the following article from Farmweek magazine which addresses the controversy of Federal subsidies of the domestic sugar industry.

RESCIND SUGAR SUPPORT ACTIONS

Illinois Farm Bureau President Harold Steele Friday urged President Carter to rescind the Administration's actions aimed at protecting the domestic sugar industry. Such actions are directly counter to the Administration's announced policy of maintaining a market-oriented agriculture, Steele said in a telegram to the President.

Steele sent the following telegram to President Carter with a copy to Secretary of Agriculture Bob Bergland:

"The action taken in setting up subsidies for sugar processors and producers is exactly counter to your administration's announced policy of maintaining a market-oriented agriculture. In Illinois, a substantial quantity of corn is processed into various sweeteners. The up to two cents per pound of sugar subsidy will result in unfair competition in the sweetener market and could result in a reduction in the total market for corn.

"We respectfully request that you rescind the action taken and reduce the global sugar import quota. The removal of sugar from the list of items eligible for duty-free imports from certain countries would also help reduce the supply and, thus, improve prices for domestic producers."

While Illinois produces little beet sugar commercially, the sweeteners produced from corn have growing economic importance to the Number One corn-producing state, Steele said.

"We estimate that 25 percent of the corn sold off Illinois farms, about 200 million bushels, goes into wet milled corn industry which is the base for the rapidly developing sweetener industry. Our information indicates that more than 25 percent of the current sweetener market comes from corn.

"The new subsidy for sugar growers and processors will tend to give the sugar beet and sugar cane producers and processors a competitive advantage over those producing sweeteners from corn. Such a subsidy tends to stifle the growing market for a significant part of our corn crop."

The office of the Special Trade Representative in Washington, D.C., announced May 4 that subject to eventual implementation of "a workable International Sugar Agreement", the Agriculture Department would "institute an income support program which would provide supplemental compensation to growers of up to 2 cents a pound for sales at market prices below 13.5 cents per pound." The President's trade office said 13.5 cents is the estimated break-even price for domestic sugar growers.

TELEVISING CONGRESS

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1977

Mr. MURPHY of Illinois. Mr. Speaker, although most Americans depend on television and radio for their news, Congress has not adapted itself to this reality. Bills to allow television and radio coverage of congressional floor debates have languished for decades.

As a cosponsor of House Resolution 75, I strongly believe that the time for televising Congress has come. I would like to bring to the attention of my colleagues an article I have written on this important subject. The article appeared in the Southtown Economist on May 1, 1977.

GETTING TV CAMERAS INTO CONGRESS

(By Rep. MORGAN F. MURPHY (D-2nd))

We live in the electronic age, a time when most citizens depend on television and radio for most of their information. Congress, however, has not come to grips with this reality.

Today, neither television nor radio coverage of Congressional floor debates is permitted. The first bill to allow television coverage was introduced 33 years ago. The first bill to allow radio coverage was introduced 53 years ago. The best that can be said is that Congress hasn't acted in haste on the issue.

Why has Congress resisted broadcasting of its floor proceedings? Publicly, some congressmen say that the presence of microphones and television cameras would encourage individuals to "play to the crowds," or would give Joe McCarthy-types the chance to make false claims or promises in order to gain power.

Privately, some congressmen are just plain worried that their appearance or voice won't come across well over the screen. Others are afraid that the cameras would scan empty seats in the chamber, suggesting that those not participating in the debate aren't working. And there are fears that cameras would "zoom in" on congressmen who had dozed off.

For the most part, these fears are unfounded. Even so, the benefits of broadcasting far outweigh these considerations, whether valid or not.

Consider the experience of 44 state legislatures which now permit radio and television coverage of their proceedings. According to a recent article, most television coverage of state legislatures has produced a change for the better. According to the article:

(1) Television coverage has made voters aware of the issues being debated by their

state representatives. One Nebraskan confessed that he was as addicted to watching the legislature in action as some people are to soap operas.

(2) Far from hurting the image of legislators (as some congressmen fear), television coverage has tended to increase public confidence in the competence of their elected representatives. This reaction is similar to the public's positive response to members of the House Judiciary committee during the impeachment hearings of 1974. Of course, the purpose of television coverage is not to enhance the reputation of incumbents. But at least this should dispel the fear that legislators must look like Robert Redford or sound like Richard Burton to come across well on the television camera.

(3) Television coverage has improved decorum and the style of debate in state legislatures. In Florida, legislators dress better and don't gobble sandwiches during debate anymore. A Southern state senator observed that representatives had "put their best foot forward by removing them from the desks."

(4) The substance of legislation has improved because of the presence of the electronic eye. In Connecticut, bills are debated more thoughtfully because members prepare themselves better for floor debate. Far from encouraging "grandstanding" and demagoguery, the presence of microphones and television cameras have created an atmosphere of serious deliberation.

Currently, the House is conducting an experiment of live television coverage of its floor debates. The coverage is being transmitted on a closed circuit hookup to Congressional offices in the Capitol and a television room in the Sam Rayburn office building. As a sponsor of a bill calling for regular broadcasting coverage of House floor debates, I hope this experiment will be successful. It is time for Congress to set aside its foolish fears and adapt itself to the needs and realities of the electronic age.

EXPLANATION OF VOTES ON AMENDMENTS TO H.R. 10

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1977

Mr. STUDDS. Mr. Speaker, late last night, during the consideration of H.R. 10, the Federal Employees' Political Activities Act of 1977, the House, sitting as the Committee of the Whole House on the State of the Union, found itself in what I consider to be an unconscionable legislative situation. With several major amendments still to be offered, the Committee adopted, over my opposition, a motion to cut off all debate on the bill and all amendments thereto as of 10 p.m. This put Members in the extraordinary situation—a situation which, regrettably we have found ourselves in on several occasions in recent years—in which we were required to vote on complex, substantive amendments with absolutely no time for debate or even explanation. I do not believe that responsible legislating can be conducted under these circumstances. There was no way in which I or most Members could responsibly analyze—or even superficially comprehend—the questions upon which we were being asked to vote. I, therefore, voted "present" on rollcalls Nos. 265 and 266, the two amendments considered under these conditions before the Committee finally realized the futility and irresponsibility of the situation and suspended further consideration of the bill. While this was the first time in my years in Congress that I have voted "present" on a matter of substance, under the circumstances I believe it was the only responsible vote I could cast. I fervently hope that the House will not allow this kind of legislative chaos to occur again.

MIXED BLESSINGS OF DEREGULATION

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1977

Mr. ABDNOR. Mr. Speaker, those of us who want to get the Government out of the business of interfering with business as much as possible, readily admit we are between a rock and a hard place when it comes to deregulation of the airlines—particularly if we come from rural States. We acknowledge there may be some rate cuts for the larger air markets, but we fear these might be at the expense of losing all service to smaller markets.

Concerns of South Dakota communities were recently expressed in this editorial published May 9, 1977, in the Watertown, S. Dak., Public Opinion:

DEREGULATION AS AIR FARE REDUCER CALLED HOAX

Watertown's City Council took a praiseworthy step when it joined the chorus opposing deregulation of the nation's airlines by adopting a resolution urging that two deregulation bills now in the Senate be defeated. Coincidentally, Huron's City Commission expressed the same viewpoint the same evening.

From South Dakota's standpoint deregulation appears to hold promise of diminished, deteriorated service. There are a relative few who support it but the great bulk of informed, authoritative views and opinion is that it would result in a cutthroat competitive situation for the airlines and would leave vast rural areas with only a vestige of their present service . . . if that.

One of deregulation's loudest talking points is that it would reduce fares. In reply, it has been pointed out time and again that, although some fare reduction might come about at the outset, it could not last because airlines would be faced with inordinate revenue demands as competition demanded increasingly more complex schedules and service.

One such lower-fare report came recently from the General Accounting Office in a report entitled, "Lower Airline Costs Per Passenger are Possible in the United States and Could Result in Lower Fares."

However, the Air Line Pilots magazine in an editorial entitled, "The cruel hoax of deregulation," points out that 1. the report is not a report "in the usual GAO sense" but actually an analysis of a 1972 study by a university economics study, and 2. it was requested by Sen. Edward M. Kennedy, D-Mass., author of one of the bills embodying deregulation.

The Air Line Pilot editorial points out that the GAO itself hedged the report by saying ". . . but this report does not answer a number of questions about what might happen if the form of airline regulation were changed or if regulation were abandoned completely."

The editorial adds:

"Before those who make the laws go off and legislate a vital industry out of existence perhaps it would be wise for them to read the GAO report in its entirety. The GAO actually supports the airlines in what is already known to be necessary to restore earnings in the industry. It does not support deregulation as many contend."

Above all, adds the Air Line Pilot, Congress "should not dismantle an industry under the guise of promising lower fares. This is a cruel hoax which should not be perpetuated any further."

WARREN McELENEY OF CLINTON, IOWA, GIVEN TIME MAGAZINE QUALITY DEALER AWARD

HON. MICHAEL T. BLOUIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1977

Mr. BLOUIN. Mr. Speaker, the National Automobile Dealers Association and Time Magazine are today honoring one of my constituents who has been chosen as one of two national representatives of the Time Magazine Quality Dealer Award program.

Mr. Warren McEleney, who owns and operates an automobile dealership in Clinton, Iowa, was one of two national representatives chosen recently by judges at the University of Michigan Business School. The program, which honors individuals who are outstanding leaders in both the auto industry and their communities, is jointly sponsored by Time and the National Automobile Dealers Association.

A native of Clinton, Mr. McEleney joined his family's dealership in 1946 as parts manager. He was named sales manager in 1949, and became the dealer-operator in 1951.

The dealership, which was founded in 1914, obtained the Oldmobile franchise in 1926, Cadillac in 1958, Chevrolet in 1964, Toyota and Volvo in 1975. Mr. McEleney has led his dealership to many factory honors, including a 1974 and 1975 Oldmobile Award of Merit for Outstanding Service and two General Motors Parts Division Market Builders Awards.

He has been chairman of Chevrolet's National Dealer Council twice, chairman of Oldsmobile's National Dealer Council, and a member of Cadillac's National Dealer Council. He has served on General Motors President's Advisory Council, is a trustee of the Iowa Automobile Dealers Association's insurance trust and a past president of the Clinton Automobile Dealers Association.

An honorary director of the NADA, he was president of the association in 1971. He served on the NADA President's Advisory Committee in 1976, and in 1972 was elected to represent the NADA at the International Organization for Motor Traders and Repairers, of which he was vice president.

In community affairs, Mr. McEleney is vice president of St. Joseph's Mercy Hospital's Lay Advisory Board, and a past president of the Clinton Chamber of Commerce, the Lion's Club, and the Clinton Area Development Co. He is a director of the First National Bank, and has been a member of the city of Clinton Planning Commission since 1956.

Mr. McEleney is cochairman of the YMCA Building Fund drive, and has served as chairman of the Clinton County American Red Cross Fund campaign, as director of the Clinton Community Chest campaign, and as an executive committee member of St. Mary's High School athletic building campaign.

In educational affairs, he serves on the lay advisory boards of Mt. St. Clare College in Clinton and St. Ambrose College in Davenport, Iowa and on the parents advisory board of St. Mary's College in Notre Dame, Ind.

He was named "man of the year" in 1951 by radio station KROS, "outstanding young man of the year" in 1952 by the Junior Chamber of Commerce, and "boss of the year" in 1972 again by the Junior Chamber of Commerce.

McEleney and his wife, Ellen, who live in Clinton, have five sons and one daughter. Three of their children are employed at the dealership; Thomas is sales manager of import cars, John is new car sales manager, and Anne is a salesperson.

I am honored to join NADA and the Time Magazine Dealers Award program in recognizing Mr. McEleney's outstanding leadership and success.

A CONSTITUENT'S LETTER ON SUPPORT FOR PRESIDENT CARTER'S NATIONAL ENERGY POLICY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1977

Mr. ADDABBO. Mr. Speaker, I have received an articulate and well-reasoned letter regarding President Carter's national energy policy proposals which I believe Members of the House ought to see.

The letter comes from the Reverend Robert Williams Busch of the St. James-St. Matthews Cooperative Lutheran Church of Ozone Park which is located in my congressional district.

I think Reverend Busch can best speak for himself on these matters. Accordingly, I insert the text of his letter into the CONGRESSIONAL RECORD at this point:

ST. JAMES-ST. MATTHEW'S
CO-OPERATIVE LUTHERAN PARISH,
Ozone Park, N.Y., April 29, 1977.

Congressman JOSEPH P. ADDABBO
House of Representatives
Washington, D.C.

DEAR CONGRESSMAN ADDABBO: I wish you to know that I strongly support President Carter's national energy policy as outlined in his speeches during the week of April 21st (as recorded in local newspapers). One exception to this general support is in the area of increased reliance upon any form of nuclear power. With modification regarding the area of nuclear energy, I sincerely hope the President's proposals will be passed by the Congress and implemented and to that end I urge you to support the ratification of those proposals in any way possible to you.

I particularly favor Mr. Carter's proposals for penalizing people who drive large automobiles and/or those small cars which also consume large amounts of fuel. It would be beneficial in general for our society, particularly in crowded urban areas, as well as beneficial in terms of energy to force the removal of all cars larger than a Maverick or a Mustang and replace them with vehicles such as Hondas which consume far less space and fuel. With such small cars it might be possible to return all those "One-Way" streets in New York City to the "Two-Way" streets of ten or twenty years ago.

I would like to see state and city leaders across our nation go beyond the President's proposals with regard to vehicles such as motorcycles, mopeds and bicycles. Why not raise the tolls on bridges, tunnels and highways with regard to larger automobiles, or automobiles in general, and lower them for people who use the more fuel efficient two wheeled vehicles. Free passages mights be granted to those using bicycles and thereby consuming no fuel. I would like to see legislation to that effect and also for the establishment of special lanes of traffic for the mopeds and bicycles. At the present time most of the bridges and tunnels in and around New York City (and most other cities I presume) are closed to such traffic. Laws are needed to change this condition to stimulate people to use these more fuel efficient methods of transportation for commuting or travel.

Far more money needs to be allocated and spent on improving existing, and creating new, forms of mass transportation. Instead of money for new highways, give us money for mass transit and enforce its use.

We also need improved guidelines for "Electrical cogeneration" by factories where currently wasted heat produced through the normal operation of furnaces and machinery would generate electricity for in-factory use and for sale to utility companies. The practice is already extensively used in West Germany. Detroit must be forced to produce more efficient automobile engines. They already have the know-how. Gradual decontrol of most energy prices to bring supply and demand back into balance must be considered, but an excess profits tax must be placed on the energy providers to prevent them from exploiting the situation.

In the change from one source of energy to another, whatever the source, extreme conservation measures must always be enforced. This applies particularly to responsible strip mining of coal and to all forms of nuclear fission and fusion. If our much vaunted technology cannot prevent the massive pollution of the environment by a "run-a-way" oil well in the North Sea off Europe it certainly cannot effectively solve the even potentially more dangerous problems of nuclear safety and nuclear waste disposal. Conservation must always take first place in our considerations.

The budget of the Energy Research and Development Administration must contain far more money for research in all types of solar, wind, geothermal and wave power. Money for energy conservation research and research on small unit solar heating and cooling must not be reduced (as is planned in 1978 Federal Fiscal Budget) but greatly increased.

New no-nonsense solid-waste recycling programs need to be enacted at all levels of government to conserve production energy and raw materials and cut down on rubbish. Money must be allocated for the construction of facilities burning such rubbish to generate electricity and steam and for the composting of sewage sludge and garbage for the production of organic fertilizers. Also we need the progressive elimination of those other energy guzzlers, the centrally overheated, overcooled, hermetically air-conditioned office and apartment buildings with their artificially lighted and ventilated underground parking. The development of policies on land use and industrial plant size and location that are geared to reducing daily and weekend commuting in favor of stable communities. A revision of the mass-production, mass-distribution industrial structure to reduce the one-way dumping of containers and cross-hauling of raw materials and products is needed, as is a shift from petroleum based plastics and synthetics, requiring high production energy, to products made from natural and/or reuseable substances. An end to our "throw-away" way of life is mandated by our situation.

Rapidly shifting to solar wind and geothermal energy is necessary. Even the use of hydrogen produced from water by hydrolysis using solar or wind energy should be considered together with an orderly but rapid retreat from dependence upon nuclear fission and nuclear fusion.

Many, many more possibilities are available, and must be considered, than just those outlined in the President's proposals, but his are at least a beginning. As a citizen of this great nation I urge you, as a leader of the people, to resist the expected defensive pressures from industry and the "profit motive thinking" of others, and do everything you can to implement these stringent but necessary laws for our survival. You must view your role as one of good stewardship of God's total creation. It is far better that we take the money allocated for the new B–1 bomber and put it towards the ideas I have mentioned in this letter.

Respectfully,

ROBERT WM. BUSCH.

POLITICAL PRISON IN CHILE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1977

Mr. KILDEE. Mr. Speaker, the former bishop of the Evangelical Lutheran Church in Chile, the Reverend Helmut Frenz, has asked that churches and individuals set aside time this Sunday, May 22, to remember the political prisoners in Chile.

The litany of the Pinochet government's systematic violation of basic human rights is long. In a country which was once a showplace of democracy in Latin America, the military junta has prohibited all political parties including moderate groups such as the Christian Democrats. There is no longer freedom of the press in Chile. Freedom of speech and even freedom of thought have been severely curtailed. By far the most distressing element in this repression, however, has been the arbitrary arrest and torture of literally thousands of innocent people.

I would like to join Bishop Frenz in urging all Americans to set aside time to pray for and remember the victims in Chile. As a religious nation, we have a special responsibility to demonstrate our concern for those who are oppressed throughout the world.

With this in mind, I ask that concerned people read Bishop Frenz's letter which follows:

To: Christian Churches, Congregations and Associations of the U.S.A.

Dear Sisters, Dear Brethren: Amnesty International is preparing a humanitarian campaign for the rescue and protection of 1500 missing and hidden political prisoners in Chile. After thorough investigations, we know that there are still over 1500 political prisoners missing in Chile. These are without exception innocent people who were arbitrarily arrested and taken to secret detention centers without a warrant by the Chilean secret police DINA. The Pinochet regime in Santiago denies that it arrested any of these people and disclaims any responsibility for them. This results in an extreme threat to the lives of those people who have been affected by these measures. As a result of many eyewitness reports, we have reached the sad conclusion that most of these people have suffered brutal and inhumane tortures. It must even be feared that some of them have already been murdered.

The last investigative report of the ad hoc Human Rights Commission of the United Nations, dated October 8, 1976, proves these facts unambiguously. In light of this overwhelming proof, we Christians ought not to be silent about the inhumanities in Chile. In the gospel, Jesus Christ demands that we be active on behalf of suffering humanity throughout the world.

You may know that I have lived for many years in Chile where I served as the Bishop of the Evangelical Lutheran Church. Until I was expelled in October 1975, I founded and headed the Committee for the Defence of Human Rights (Committee for Cooperation and Peace). Because of my experiences in defense of human rights in Latin America, I have decided to continue my work in this area. Amnesty International, an independent and humanitarian institution, offers me an effective medium to continue the work for human rights and dignity which I began in Chile.

I would like to request that you support our campaign in every possible way.

With brotherly love and cordial wishes,

Yours,

Helmut Frenz.

PHYSICIAN SAYS LAETRILE HELPING HIS PATIENT

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1977

Mr. McDONALD. Mr. Speaker, as the proponents of orthodox treatment of cancer by cutting, burning, poisoning continue to man the ramparts, the evidence, and the desire on the part of the American public for an alternative continues to swell as does the evidence in favor of laetrile. In this connection, I call to the attention of my colleagues a story that appeared in The Washington Star on Wednesday, May 18, 1977. The news item follows:

Physician Says Laetrile Helping His Patient

The doctor who last month received court permission to import the controversial substance Laetrile has told a federal judge in New York that the cancer patient to whom he administered it has shown remarkable improvement.

Dr. Baldassare B. Cumella filed a report yesterday with federal Judge Mark A. Costantino stating that the patient, Josseph Rizzo, 69, has shown considerable improvement since the substance was first administered April 16.

According to the doctor, Rizzo is no longer in pain from his cancer of the pancreas, for which he had previously received pain-killing drugs three times a day.

Itching and swelling has disappeared and Rizzo's strength has returned to the point he now takes short walks in his neighborhood, Cumella said.

Last month the court gave attorneys for Rizzo, a retired carpenter, approval to import Laetrile from Mexico, but stipulated that the cancer victim's doctor had to file monthly reports on dosages and condition of patient.

At the time of the court hearing, Cumella testified he thought Rizzo had three to five months to live. Yesterday the doctor said Rizzo's longevity may have been improved a few months, but even if that's not the case "he will die more comfortably."

Laetrile, which is derived from apricot pits, peach pits and bitter almonds, is legally used in 26 countries. However, the interstate sale of the drug is banned by the Food and Drug Administration on grounds no evidence has shown that it can cure cancer.

Recently, several court decisions have allowed certain individuals to import Laetrile for their personal use but no court has overturned the general ban.

Alaska, Florida and Indiana have authorized the use of laetrile and Indiana also permits the manufacture of laetrile. And Delaware took a step yesterday toward legalizing it as the State House of Representatives passed a bill which would legalize manufacture, sale and distribution.

In Illinois, the House overwhelmingly approved and sent to the state Senate a measure to allow doctors and hospitals to administer the substance.

"RESCUING SOCIAL SECURITY": AN EDITORIAL FROM THE MONTEREY PENINSULA HERALD

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1977

Mr. PANETTA. Mr. Speaker, one of the great challenges facing this Congress and the Nation at the present time is the protection of the social security system. This is an extremely complex and crucial matter affecting millions of Americans, and yet it is one of the least understood.

In a recent editorial in the Monterey Peninsula Herald, this issue of "Rescuing Social Security" was addressed in a clear and concise manner. I believe it would benefit Members of the House as well as the public in general to read this outstanding editorial.

Rescuing Social Security

President Carter's recommendation that $14.1 billion in general revenue be shifted to Social Security puts the whole question in a proper perspective. For recent statements about the draining away of the trust funds have frightened people unnecessarily.

The Social Security program is not going to go broke. Under the present formula the system is spending more than it takes in. But Social Security laws have been changed in the past and they will be changed in the future, as President Carter now proposes.

After all, these laws are means by which this country helps shield its families against poverty in the event of early death and disability, and its people in old age. The program will be what the people want it to be; it will be whatever they are willing to pay for.

The question increasingly has become a matter of whether the people want a government program of retirement insurance or an outright pension plan in which benefits are not necessarily commensurate with their contributions over the years.

Maybe they want it to be a combination of both. With the increasing emphasis on continually raising the base from which the maximum is collected—an integral part of the President's proposal—Social Security takes on clear aspects of an income-transfer plan.

There is nothing wrong about making the plan more progressive, and that has been accepted in this country for a long time. Generally speaking, those who are able to earn more expect to pay more.

But from its inception, Social Security has been advertised and sold as a government insurance system, in which contributions are expected to be somewhat commensurate with benefits. If, instead, it becomes a means of transferring income from the haves to the havenots, then it becomes a new welfare plan and no longer is an insurance policy.

In the long run, one of the most beneficial results of paying for a share of Social Security out of general revenues is that it would be competing with other government programs for a slice of the budget. And don't think that Social Security wouldn't be tough competition. That may be the only way some of the more entrenched budget-devouring agencies can be nudged away from the public trough.

Social Security is a good plan that can be expanded and changed. It should be expected to evolve with needs, and it should be changed to meet those needs. It comes down simply to a matter of how taxes are spent and how they are collected. But in the meantime no purpose is served in scary talk of bankruptcy.

VIRGINIA HARAHUS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1977

Mr. LONG of Maryland. Mr. Speaker, the Baltimore area and especially the Essex and Middle River communities lost one of the most charming, most active, and most-loved women in the community when an auto accident on May 2, 1977 claimed the life of Virginia Harahus, a 35-year resident of the Victory Villa area.

It is difficult for me to believe that this lady will no longer be among us, attending meetings, encouraging citizen action, teaching, communicating and above all caring. Her energy, her good spirits, and her unceasing interest in all aspects of community life will be sorely missed.

I bring the death of Virginia Harahus to my colleagues' attention not ony because of the tragic loss to the community and my loss of her friendship, but because her life—65 short years—is and will continue to be a shining example of what is best about "being an American." It is noteworthy that the news of her death was carried not as a routine obituary but as a page one story by both community newspapers—the Essex Times and the Essex Avenue. These news reports well sum up how much we who knew her shall miss Ginny Harahus, and how much she was a part of her community:

[From the Essex Avenue, May 5, 1977]

AVENUE'S GINNY DIES IN AUTO TRAGEDY

A tragic car accident Monday afternoon claimed the life of Avenue columnist Ginny Harahus.

She and her long-time girl-friend, Margaret Smith of Gyro Drive, were traveling eastbound on Essex Avenue with a green light when a car going south on North Marlyn Avenue driven by Clarinda Price of Foxcroft Lane struck them broadside in the intersection.

The car in which Mrs. Harahus was riding then overturned and traveled 35 feet on its roof. Mrs. Price's car came to rest approximately 15 feet south of the point of impact.

Police officers at the scene attribute the accident to the Price woman's failure to obey a traffic signal.

Mrs. Smith, the driver of the first car, received head injuries and was taken to Franklin Square Hospital. The operator of the second vehicle sustained possible leg injury.

Ginny, age 65 and a resident of Victory Falls since 1942, joined The Avenue staff last August. Her popular social column "Chit Chat" was read and enjoyed by hundreds each week.

She was the beloved wife of John Harahus for 40 years and devoted mother of Marcia and John M. Harahus and Helen Wheatley.

For many years Ginny had been quite active in community affairs. She was a member of the Middle River Democratic Club, Back River Chapter 2262 of the American Association of Retired People, Orems Methodist Church, and the Retired Senior Volunteer Program.

In the past she was manager of The Aero Theatre and a secretary for the Middle River Democratic Club. Mrs. Harahus taught music for 15 years in Aero Acres at Middle River Kindergarten.

For nearly 14 years she wrote for The Essex Times, formerly The Eastern Beacon before she became associated with The Avenue. Kimbel Oelke, publisher of The Dundalk Eagle, said of Ginny, "She was an asset to the community, a women really dedicated to her people."

Ginny received many merit awards from various organizations in the community—from the Middle River Optomist Club, The Salvation Army Boys' Club of Middle River, and the Disabled American Veterans, Free State Chapter 16. Recently she was awarded a Citizen Citation by Baltimore County Executive Ted Venetoulis.

Mrs. Harahus was born in Merigold, Mississippi in 1911. She was educated at the St. Agnes Academy for Girls, the St. Agnes College for Women, and the Memphis Conservatory of Music in Tennessee. She taught English literature for several years in Tennessee.

The newspaper staff deeply mourns Ginny's sudden death. Memorial services for her will be held on Sunday, May 15 at Orems Methodist Church at 7 pm. In lieu of flowers contributions may be made to the American Cancer Society.

[From the Essex Times, May 12, 1977]

WROTE "UNBOUND CHATTER": GINNY HARAHUS, FORMER TIMES COLUMNIST, DIES IN CAR CRASH

While driving to a shopping center on Monday afternoon, May 2, 1977, Virginia Harahus, 65, long-time Essex area news reporter, was killed when the car she was riding in was struck by another vehicle at the intersection of Essex and N. Marlyn Avenues.

The automobile Mrs. Harahus was riding in traveled about 35 feet and then overturned before ending up on its roof in a yard nearby. Police attributed the accident to another car, which was traveling south on N. Marlyn Avenue, for failure to obey the traffic signal. Driving the car which carried Mrs. Harahus was Margaret Smith who sustained head injuries and was transported to Franklin Square Hospital. She received 21 stitches and her ribs were broken, police said. The driver of the other car, Clarinda Price, also was injured in the accident and reported possible leg injuries. Mrs. Harahus was reportedly thrown from the vehicle and died of internal injuries after being taken to Franklin Square Hospital.

A resident of the Victory Villa area since 1942, Mrs. Harahus had donated her body to science. For 14 years she wrote the column, "Unbound Chatter" for the *The Essex Times* before joining the *The Essex Avenue* last August where she wrote a column entitled "Chit Chat by Virginia."

Mrs. Harahus was also an active member of the Middle River Democratic Club, Back River Chapter 2262 American Association of Retired People, Retired Senior Volunteer Program and the Orems Methodist Church.

She received many merit awards, including a citizen's citation by Baltimore County Executive Theodore G. Venetoulis. Other awards were from the Middle River Optimist Club, The Salvation Army Boys Club of Middle River and the Disabled American Veterans, Free Chapter 16.

When she was manager of the Aero Theatre many people took their news articles to her. During her busy lifetime she also found time to teach music for 15 years at Aero Acres-Middle River kindergarten.

Born in Merigold, Miss. in 1911 she was educated at St. Agnes Academy for Girls, the St. Agnes College for Women and the Memphis Conservatory of Music in Tennessee. She taught English literature for several years in Tennessee.

In earlier years she was a world traveler but ended her remaining years as a wife, mother, grandmother in Victory Villa.

She was the wife of John Harahus, to whom she was married for 41 years, and is survived by daughters, Marcia Harahus and Helen Wheatley; son, John M. Harahus; 8 grandchildren and two great-grandchildren.

U.S. UMBILICAL CORD

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1977

Mr. RUSSO, Mr. Speaker, today I am inserting the second article from Haynes Johnson's series on the problems in the Social Security Administration. The focus today is upon the computers that make the system possible on such a large scale and the people who bring humanity to the bureaucracy.

Computers have made our Social Security System possible, but these machines have also created many problems for the System. When the supplemental security income—SSI—program was started in 1974, the computers were misprogramed, resulting in overpayments approximately $2 billion. Even now, experts admit that an error rate of around 8 percent is about the best possible under the circumstances.

The employees also express exasperation with the bureaucracy. As the reader will note, Government procurement policies frustrate supervisors more often than provide needed equipment. Will the Government learn to conduct its operations more like a business or will we continue to run the world's largest business out of a shoebox? The answer to this question may determine the future of the Government.

The article follows:

[From the Washington Post, Mar. 26, 1977]

SOCIAL SECURITY: U.S. UMBILICAL CORD

(By Haynes Johnson)

Down a long corridor, behind doors marked "secured" and "alarmed," stands the center of the real world of government today. Quite clean, uncluttered, unharried, not at all the picture of the bloated bureaucracy so pressed on the public mind of late. Certainly not a world that George Orwell ever envisioned when he conjured up his nightmarish specter of an obtrusive, omnipresent government structure where Big Brother was always watching. Not many people there in fact: just a faint humming sound emanating from banks of machines in gray casings.

That is the part of government that never stops, that continues moving on its own momentum, that grows and changes no matter who sits in the White House or occupies the Cabinet officer's chair or wins a seat in Congress. It is impersonal, inanimate, faceless—and indispensable.

We are all linked to those machines, and to that system. It is, in a way, the umbilical cord of our society, the line that reaches out and directly affects our lives.

"Every night we pass every personal record we have in our master file through the system," a government employee explains. "It's constantly changing, and all the records are kept current and active."

That means the records of 330 million Americans who have received Social Security numbers since 1936. Death will not keep your basic life's story from stopping. Long after you yourself have gone, your records will continue actively whirring through the Social Security system's computers.

With a Social Security number we can tell your name, your father's name, your mother's name and her maiden name," the employee says. "We can tell your date of birth, your place of birth, where your Social Security card was issued, your address at the time your card was issued, your phone number at that time, your race and your sex. If you never do anything else, we'll have that information on you.

"If you go to work we'll know when and for whom you worked. We'll know when you changed jobs and what the address of your employer was, and how much money you're making. It's all on magnetic tape, all your earnings records. We've got it. We can tell if you're married, divorced and have children under 18. If you go on Medicare, we can tell what drugs you're taking and what your medical bills are. We can also tell your doctor's name and his address.

"The file will show evidence of when you died, and how you died, and from what, and where you're buried. We have better, more complete records than IRS. And today we have a better record on who your employers are than IRS—who the corporate officers are, who stockholders are.

"Where you're standing now comprises the largest computer operation in the free world. That excludes our intelligence agencies—and the Russians. Now you can see why we don't let people in here. It needs to be kept confidential."

This story is not about the potential abuses of that information system, but a small aside is in order.

I had walked into a New York Social Security office and found the person in charge exceedingly edgy. The FBI was there, interviewing one of his employees. It turned out the employee had been running a racket. He was selling Social Security cards to illegal aliens and others who wanted a new identity. Because he had access to the computer system, and knew how to use it, he would summon up names and numbers of people who had died.

Then he would type those names and numbers on Social Security cards—stolen from the office—and sell them at the highest price on the underground market. By the end of the day, the employee had confessed. Case closed. "But it shows you," the office manager said, "that the opportunity is much greater now for someone who knows the computer system, and who can use it, to abuse it."

The problem with Social Security is not corruption, although public and press focus more extensively on that aspect of government than any other. Its problems are far more complex and critical.

Simply put, the basic question is: will Social Security, the agency that most directly touches the lives of most Americans, continue to perform its mission well? That is no longer clear. Other questions flow quickly from that. Can Social Security effectively manage its complex machinery and its people, given the rapid changes affecting them both—complex changes in technological requirements and in attitudes of government employees about their jobs? Neither is clear.

Has the agency been asked to do too much? Has government been trying to do too much? Has anyone a real solution to the present self-defeating process by which government chokes on government-inspired red tape and regulations?

These are not esoteric questions. They go to the core of any look at government and the bureaucracy today. And they raise again the harder question—does a change in national leadership make any real difference? Social Security provides a case study of how increasing pressures can adversely affect one of the most vital and best-established government agencies.

Let it be said that Social Security employees, from the highest executives down, are remarkably candid and open in conceding their mistakes and discussing their problems. That is a tribute both to the quality of the employees and to their agency's long tradition of excellence in public service.

Almost without exception they will tell you that public confidence in the agency has eroded significantly—and that they have lost confidence in how effectively they perform their jobs.

"Most of this decline occurred in the three years that I've been there," ruefully says Bruce Cardwell, the commissioner of Social Security. "In the last three years the agency has kind of been beaten down. It's had some outright failures, failures it can't alibi. And they were probably the first failures in its experience. When you fail at something, particularly when you've always been successful and you're proud of your record, it hurts. It hurt me."

By that, he refers specifically to Social Security analysts' failure to anticipate the true long-term cost of their system. It now appears that without huge increases in payroll tax rates in the future, possibly as high as 50 to 75 per cent, Social Security won't be able to pay promised benefits. That has led to headlines about Social Security going broke, and citizen fears about an impending crisis threatening retirement and other benefits.

The second notable failure, examined in yesterday's article, was Social Security's experience with administering a new federal welfare program for the nation's aged, blind and disabled.

In its first two years of operation, starting in 1974, Social Security overpayments in the Supplemental Security Income (SSI) program were totaling about $2 billion. In addition, difficulties in dealing with welfare case loads for the first time caused serious morale problems in Social Security offices across the country.

"We're still in the backwash of that shock," Cardwell says. "The error rates are going down a little bit, the program's coming under control. But I have to tell Congress it's about as low as it's going to get. In a program like this you have to face up to the fact that at any one time at least 15 per cent of the payments are going to have something wrong with them. And the Congress, at this stage, won't accept that."

Beyond these agency failures, Social Security faces more general problems that afflict virtually every government agency today. Bureaucratic tangles arising from new laws creating new and increasingly complex programs, changes in attitudes about work itself among employees, the rapidity with which new tasks are given to the agency by Congress, which in turn is reacting to ever-rising public demands for more government action for more and more groups—all these are among them.

Social Security is typical in another sense. It has grown and grown and grown. Not so dramatically in its number of employees, although 84,000 now work for it, but in the space required to do the job. That's what government is all about, too. Overall, federal government growth has been more in buildings and dollars than in people: the federal civilian work force has remained almost constant for a generation while the money it spends and the space it occupies have multiplied beyond reckoning.

Twenty-four years ago the Social Security Administration moved its national headquarters from downtown Baltimore to the suburbs. You can chart its great changes since and see how government has grown by merely looking at the Social Security complex in suburban Woodlawn. The agency now occupies 19 buildings there, eight of which the government owns, the others leased. Some 20,000 employees work in that self-contained government city. They are ants in the U.S. factory.

Now a 20th building is going up at Woodlawn. It will be the biggest of them all. When completed, it will contain 350,000 square feet of space. It will become the first building ever designed and constructed solely for computers.

When Social Security was being created back in the New Deal days, some of its early leaders studied the way the English civil service maintained its records. The most they were able to keep track of, the British advised the Americans, was 3.5 million individual records. The Americans' experiment with Social Security could never succeed: it was too large an undertaking to maintain on paper. For years, all of Social Security's records were written on paper and kept on bamboo strips. Huge tubs, filled with bamboo strips, were everywhere. Then came the computer.

With typical American confidence in technology, our God of the Good Life, the computer held the key to the future. Oh, yes, the world of the computer wasn't perfect: every day tapes of records get misplaced in Baltimore, and sometimes lost. But a master set is kept, under tightest security, in a limestone cave in Pennsylvania. And, it was recognized, computers came with other built-in liabilities: they contributed to citizens feeling increasingly removed from their government. Orwell's Big Brother now seems more than a distant fictional phantom.

But Social Security could not function on its present scale if the government didn't rely very heavily on computers. Inevitably, that dependence will be greater in the future. Fine and well. But now another kind of shock is setting in at Social Security. To quote Cardwell again:

"You hear people say they fear computers will start talking to each other and do terrible things to us all. It is spooky, and it's very complex. I think managers most everywhere today do not have full control over computers. Just as you don't have full control over your automobile. You can start it and stop it, steer it and drive it, and that's about it. You'd have a hard time converting its load-carrying capacity, and you'd have a helluva time repairing it when it broke down.

"Managers now are in the same position vis-a-vis the computers. They don't know enough about them to make them do what they want, so they have to rely on someone who says he does. That's like your reliance on the automobile mechanic. You're learning more and more he probably doesn't know how to do it. The same thing is showing up in the computer business."

The most vivid recent example of computers going awry—or, to put it another way, of those operating them misusing the machinery—came in Social Security's traumatic experience over its SSI welfare program. Computers were spewing out erroneous information resulting in massive over- and under-payments. That led, in turn, to what became at times violent reactions from a public caught in the maw of the machines.

It still takes more than machines to run the U.S. government—and the Social Security system. There, the complaints are clear. People who work for the agency express frustration with their jobs, weariness with bureaucratic idiocies, anger at being asked to take on more tasks than are reasonable or possible. It isn't that they are incompetent or uncaring. It's the depth of their feeling and their essential belief that give special weight to their words.

A top-level administrator, a soft-spoken person with years of distinguished government service, voices a common emotion:

"I can really understand a federal official ignoring poor performance instead of facing up to it and trying to do something about it. While it's possible, it's not highly likely that he's going to be successful, and even if he is successful it's going to consume hundreds of hours of staff time. I've seen the most piddling cases around here that have consumed—well, in my opinion, just scandalous amounts of staff time.

"For example, we have appraisal forms which I think are just atrocious. A person is rated on ability and productivity and oral communications. I just ignore them by never making any out."

The middle-level bureaucrat, who worked his way from the bottom in Social Security and always felt great pride in its mission, tells of going to a conference of agency office managers from around the country. He was supposed to explain the latest way to compute widows' benefits. "They all laughed at me," he said. "It just cries out for a need to simplify the Social Security laws. It's enough to make you go bananas."

The manager, a lawyer by training, reflects on the changes in the manuals given to workers dealing directly with the public: "When I think of a GS-9 or GS-11 responding to questions from the public about these programs, I say to myself, 'My God, I couldn't even answer them myself and I've been working as a lawyer for many years.' "

The veteran administrator, who looks out at the bureaucracy of which he is a part, says:

"One of the things I see about the bureaucracy is its capacity to accept mediocrity.

Maybe all institutions do this. The average manager in the government at the upper-management levels is today, and has been for a long time, dissatisfied with the system for hiring, for placing workers. Most of them think it's terrible. You'd find very few who would compliment it.

"'Take that same group of people and ask them how the government procures and utilizes office space and they'd all just scream, 'It's terrible, terrible. It's excessively complicated, excessively expensive, excessively slow. It's wasteful.' There's a whole host of criticisms. Ten years ago if you asked them that you'd have gotten the same answer as today. They believe that 10 years from now they'll still give the same answer. They don't see themselves as having any responsibility or any opportunity to do anything about it.

"In fact, what they're doing is to condition themselves to survive those shortcomings. They're constantly patching and repairing."

These are among the reasons why Cardwell will reflect on his agency's problems and say:

"Where it comes out is this: everybody's got to hold onto that ledge just a little longer. It's 20 stories below and you're dead if you fall. So you just hang on as long as you can."

CARDWELL: VIEW FROM THE TOP

As commissioner of the Social Security Administration, Bruce Cardwell oversees 84,000 federal employees working across the country. Their jobs more directly affect the lives of more Americans than those of any other federal agency. In this segment of a conversation with Haynes Johnson, Cardwell gives an appraisal of his agency today:

No other agency has enjoyed a better reputation for general efficiency of operation, sensitivity to the public interest, than Social Security. The image always has been it was an agency that had a considerable esprit, a good feeling about itself, a healthy self-respect. I don't think that's any longer true. I don't want to be pessimistic about it, but I doubt that it's healthy today.

I think what is occurring is the result of a multiplicity of very complex developments in and around the agency. One of them is Watergate, and the general public disillusionment with and cynicism toward government in general. Others involve such things as the rapidity with which new assignments have been given Social Security; the complexity of those assignments, the failure to appreciate the complexity of those assignments by the agency itself and by the people who made those assignments in the legislative and executive branches.

But also there's the theoretical—and to me, it's not theoretical, it's real—change in the attitude of the American work force toward what they want out of and from work.

The concentration of so much of the agency's work in urban areas—and I've got to be careful how I say this because it could seem offensive to a lot of people—but it's highly probable that these urban areas no longer produce through their educational systems workers who are really qualified to do the work required. Yet they're the only workers you have. And those workers have now been mixed in with the original workers. Today, they're probably dominant. They just behave differently about their work . . .

Then the federal classified system—how you pay people, what you call them, how you title them—which was devised many years ago and reached its peak in the 1940s and 1950s—hasn't changed. It hasn't kept pace with these demands. Agencies like Social Security have a problem because that outside system determines what salaries they can pay, whom they can pay, what titles they can apply. The general working conditions under which they work have not kept pace with the changing fabric of the American work force.

Just take the union movement. The government doesn't know anything about government-management relations. It'd made one mistake after another. Today a supervisor of 100 people doing repetitive work should know something about management-labor relations. He should know something about how to motivate people, why people behave as they do, know something about the process for dealing with disciplinary problems. It's very complex. He isn't up to his job. And he isn't up to his job because the people you can hire for those salaries haven't been prepared for those jobs.

I'm not trying to indict anybody but I really think it's a very serious problem. And it's a problem we're really going to pay for downstream.

HOSPITAL COST CONTROLS: THE WRONG MEDICINE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1977

Mr. CRANE. Mr. Speaker, last week the Health Subcommittee of the Ways and Means Committee and the Health and Environment Subcommittee of the Interstate and Foreign Commerce Committee held 3 days of joint hearings on H.R. 6575, President Carter's proposal to place a 9 percent cap on hospital costs. During these hearings we heard testimony from more than 50 individuals and organizations on the reasons behind escalating hospital costs and the effects H.R. 6575 would have on the delivery of health care.

I am deeply concerned that by fixing ceilings on hospital revenues and capital expenditures, this proposal would lead to a rationing of health care and a decline in quality. With a population that is growing older, acquiring greater health insurance coverage, and demanding the best care and latest technology available, it is inevitable that greater demands will be made on our health care system each year. A plan which sets a limit on total expenditures for hospital care, without taking into account such variables as uncontrollable costs for supplies and services or changing utilization patterns, cannot help but adversely affect the ability of hospitals to meet consumer demands for medical services.

By cutting yearly capital expenditures by the Nation's hospitals in half, H.R. 6575 will prohibit much-needed renovation in our older hospitals and expansion in our growing suburban hospitals. The acquisition of lifesaving equipment such as coronary care and burn treatment units, CAT scanners, and other new devices will be severely restricted if this proposal is adopted. While there may be some areas of the country with more than enough hospital beds and the latest in medical technology, there are many areas where large capital expenditures must be made to maintain standards of medical quality, not to mention improvements required to meet Federal, State, and local regulations.

Because H.R. 6575 attempts to impose strict controls on an industry not subject to the usual market forces of supply and demand, it will cause far more problems than it could ever hope to solve. Simply limiting the number of treatments a hospital can perform in order to live within a fixed budget will not limit the number of people who have heart attacks or develop cancer within the fiscal year. While some of the surgeries and other treatments performed in the hospital setting can be considered elective, one cannot ignore the fact that emergencies and nonelective surgical cases comprise a far larger proportion of the hospitals caseloads. If H.R. 6575 is enacted, hospitals may be forced to ration the number of elective surgeries they can accommodate in any fiscal year. The long waiting lists for nonemergency procedures, such as the implantation of heart pacemakers—a fact of life in England and other countries which practice socialized medicine—will become a reality here.

Aside from the effects that such legislation will have on hospital care, H.R. 6575 is an unworkable bill because it places controls on the total costs of the product without controlling the prices paid for the supplies and services which go into that product. In a statement I made here 2 weeks ago, I enumerated the factors which affect hospital costs, many of which are beyond the control of the hospitals themselves. These include the costs of drugs, food, taxes, utilities, malpractice premiums, and salaries for hospital employees—costs which can increase more rapidly than the CPI.

In the last decade the Congress has enacted legislation that has been responsible for increased utilization of hospitals—medicare and medicaid; promoted hospital construction—Hill-Burton; and created an actual surplus of medical personnel—health manpower training programs.

Congress has also created an alphabet soup of regulatory bodies in the health care field such as URO's, PSRO's, and HSA's, with frequently overlapping jurisdictions and responsibilities. By now it should be apparent that Government involvement only increases the costs of medical care without providing any benefits which could not be realized without such paternalism.

Rather than adopt piecemeal legislation to increase Federal control and expenditures, which I regard as nothing but an attempt to enact national health insurance through the back door, we should make a thorough examination of the value of the legislation already on the books. We cannot hope to learn from our mistakes by compounding them.

In an editorial from the Wall Street Journal of May 18, some of the reasons why H.R. 6575 is doomed to failure are outlined. For the benefit of my colleagues, I include this editorial in the RECORD:

BAD FOR OUR HEALTH

President Carter's proposals for controlling hospital costs probably aren't going far in Congress and that is just as well; they're the wrong medicine.

The President proposes to put an 8.3% limit, of sorts, on the annual rise in revenues of acute care hospitals and also limit capital outlays above $100,000. In that way he would hope to bring government's sharply rising Medicare and Medicaid costs under better control.

At the present rate of growth, these two programs will cost the federal government $30 billion in fiscal 1978, a rise of 13% from the current year. Hospital costs, rising at 15% a year, are a major reason. About 45% of all hospital bills are paid by government.

But the Carter proposals fail to address the underlying cause of rising hospital costs—they are rising so rapidly largely because there is insufficient restraint on demand. About 92% of all hospital bills are paid by some third party, either the government or private insurers. The incentive for the patient and his doctor is not to economize on hospital usage but to make the most of the fact that insurance will pick up most of his bill.

No one in particular is to blame for this, although it is not overly harsh to say that past administrations and Congresses should have given more thought to designing health care policies that would have been less inflationary. Not only did the sharp rises in demand under Medicaid and Medicare raise prices but the government also has encouraged, through its tax policies, the present broad coverage of private insurance. Economist Martin Feldstein of Harvard estimates that tax deductions for health insurance premiums lower the cost of such insurance some 30% from what it otherwise would be.

The answer to the cost inflation problem is not as complicated as many people would like to make it sound. Hospitalization is different from other services in that treatment is often a matter of life and death. But it is not radically different in economic terms. Mr. Feldstein, one of the most persuasive experts on the subject, makes a convincing case that with patients paying a substantial portion of their bills out of pocket—up to, say, 10% of their annual income—and insurance picking up only the rest, medical costs would soon come under the rigorous control of supply and demand.

Any politician, however, can see political liabilities in this. Politicians have been promising the nation "free" medical care for so long that there is a pervasive belief that such a thing exists—that doctors and nurses presumably can be made to work for nothing and that X-ray machines can be had for a song. Rather than control costs by resort to co-insurance by the patient, government is willing to try almost anything else.

Unfortunately, innovative attempts to avoid reality have come a cropper. President Nixon established federal subsidies to promote Health Maintenance Organizations, which he hoped would hold down health costs by competing with existing forms of health care delivery. But liberals in Congress loaded the HMOs up with so many federal requirements that they have had difficulties achieving their supposedly inherent efficiencies. Congress established Professional Standards Review Organizations, which were supposed to enlist doctors to review the performance of their peers in spending federal money. But doctors don't much like that line of work, so that only about half the proposed number of PSROs have been formed. It is doubtful whether even those exert much effective control on hospital utilization by doctors.

Now Mr. Carter is falling back on that last resort of failing government policies, direct controls. But there are all sorts of flaws, real and potential, in the ceilings. For one thing, they would permit non-supervisory wage increases to be passed through. The idea of controlling capital expenditures already is being employed by federally sponsored Health Systems Agencies in a number of states; the main effect seems to be to embroil the HSAs in litigation and controversy with hospitals and doctors. And in some states, where the main focus has been to try to control Medicaid costs, arbitrary controls and ceilings have contributed to nursing home bankruptcies, a dubious contribution to the efficacy of American health care.

Direct controls simply will not work. And since they won't work, neither will "national health" in the sense that it has been envisioned by Senator Kennedy and others, as a blank check for unlimited care—that is, unless Congress is willing to face up to a federal budget deficit of $150 billion or so.

So the choice is open. Congress can go along with something like the Feldstein proposal and bring costs under realistic control at some political price. It can adopt the Carter proposal and plunge deeper into the morass. Or it can continue to let matters drift. We suspect it will choose the latter. It should be obvious that it could do a lot worse.

TEXANS WILL PREVAIL AGAIN IN CHILI WAR

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1977

Mr. PICKLE. Mr. Speaker, in what has been labeled as one of the remotest spots in the United States, this Saturday Texans will again prove their ability to prepare a better bowl of red than anyone else. On this occasion, at the Lower Canyon area of the Rio Grande, the Texas chili-heads will annihilate the challenge from some Ohioans who claim, believe it or not, that chili began in the Buckeye State. And even more preposterous, these midwesterners put butterbeans in their chili.

In all modesty, I am an acknowledged "gourmand de chili" as my recent first-place ranking in the congressional chili contest will attest and I am truly sorry that I will be unable to attend the momentous event. I am enclosing a couple of objective articles by well-seasoned observers of the chili wars, Nat Henderson of the Austin American and the Caliente Chili Co., owned and operated by the late Wick Fowler's family:

TEXANS ARE HUNGRY FOR CHILI REVENGE

(By Nat Henderson)

A turncoat Texan residing in Ohio will send an emissary deep into Boquillas Canyon in Big Bend National Park May 21 to answer a cookoff challenge for the most remote pot of chili in the world.

The provocateur of the never-before-equaled cookoff is Arnold Solomon Rosenfeld, former *Houston Post* newsman who defected to the *Detroit Free Press* before becoming editor of the *Dayton (Ohio) Daily News.*

Rosenfeld, who wrote an April 8 "Guest Viewpoint" column in *The Austin American-Statesman* alleging that chili originated in Ohio instead of its authenticated birthplace in Texas, personally will not do the dastardly deed of disturbing the international tranquility of the desolate canyon.

He is dispatching one of his reporters, Mike Kessler, as the chef who will sabotage the official state dish of Texas by tossing butter beans into a pot of what otherwise might approximate real chili.

Numerous Texas chili buffs were so incensed by Rosenfeld's allegations in the column that he was challenged to cook the most remote pot of chili in the world, and somehow attempt to make it better than the pot the true Texans will cook along side it.

Boquillas Canyon was picked as the site, since it is one of the three most inaccessible areas in the nation, the others being the Snake River Canyon and the Grand Canyon.

The adventurous, dashing, debonair, former Marine challenger of the 44-year-old Dayton editor is Gordon Fowler, son of the late Austin chili tycoon Wick Fowler.

Rosenfeld, whose paper is a member of the Cox Newspapers group that also owns the American-Statesman, reportedly is sending Kessler as a stand-in because he is wary of floating down the Rio Grande with its deadly rapids and sheer canyon walls that might be lined with angry Texans seeking revenge for the column.

Once the canyon is entered at the small town of Boquillas, there is no way out until the Rio Grande has cut its way through the Sierra del Carmen escarpment.

The Rio Grande (or Rio Bravo del Norte, to Mexicans) cuts through three major canyons in Big Bend National Park. Santa Elena Canyon and Mariscal Canyon are upstream from Boquillas, which means "little mouths" in Spanish.

The river seems to flow into a little mouth in the majestic cliff of the Carmen Mountains. The Rio Grande then rages down a narrow slit with vertical, 1,650-foot walls on both banks until it exits two days later on the other side of the escarpment.

Rosenfeld was born in New York City, but he moved to Texas. He attended the University of Houston and was a reporter for the Houston Post from 1953–67. Thus Fowler feels Rosenfeld actually knew the truth about the true chili when he betrayed his Texas heritage by calling a strange concoction in Ohio by the name of chili.

An expedition of 30 persons will enter Boquillas Canyon on rafts May 20 for the daring trip. The chili cookoff will occur halfway through the canyon. It will be dedicated to the late chiliheads Wick Fowler, Hondo Crouch, H. Allen Smith, all of Texas, and Wino Woody DeSilva of California. Texas Land Commissioner Bob Armstrong will be among the judges.

The winner of the cookoff will be relayed by carrier pigeon to press headquarters in Boquillas, Mex.

LOWER CANYON CHILI WAR SET

AUSTIN, TEX., April 21, 1977.—A statement made by a newspaper editor in Dayton, Ohio, that appeared in the Austin American-Statesman, about the origin of chili has prompted a Texas-Ohio challenge to settle the question. The remark was written by Arnold Rosenfeld, editor of the Dayton Daily News. He said that "Chili originated in Ohio, and throughout this great land is associated almost exclusively with Ohio."

The statement has drawn sharp criticism from Gordon Fowler, President of the Caliente Chili Company, headquartered in Austin.

Fowler insists that chili originated in Texas and that Texans know how to cook it better than anyone, anywhere.

He has challenged Rosenfeld to a chili cookoff in the Lower Canyon area of the Rio Grande on May 21. The contest will produce the most remote pots of chili ever cooked.

Billed as the "Lower Canyon Chili War," the event will be held in honor of the departed Texas chiliheads such as Wick Fowler, Hondo Crouch, H. Allen Smith (the original Yankee), and Wino Woody DeSilva. Judges will include Texas Land Commissioner Bob Armstrong, Bill Neale of Point Communications in Dallas, Richard West, senior editor of Texas Monthly, Larry Mahan, and Xavier Tolbert. Frank X. Tolbert of the Dallas Morning News, and Dick Hitt of the Dallas Times Herald are scheduled press attendees. Gary Cartwright, noted Texas author, will also be on hand.

A number of celebrities are being invited as well, including Farrah Fawcett-Majors, Walter Cronkite, Darrell Royal, Ann-Margaret, Elizabeth Taylor, Dan Rather, John Chancellor, Harry Reasoner, Hughes Rudd, Nat Henderson, and Richard Nixon.

Fowler noted that the cookoff marks the tenth year since the Texas vs. the Rest-of-the-World chili wars started in Terlingua. He remarked, "Seems like every ten years we have to set some Yankee straight on this matter."

The location for the cookoff is one of the three most inaccessible areas in the United States. The others are the Snake River and the Colorado River. It can only be reached by means of a two-day raft trip from Boquillas, Mexico.

The actual cookoff spot is so difficult to reach that the press headquarters will be established at Boquillas for those members of the press corps who are afraid to make the trip to the site. News of the event will be sent out by carrier chicken at intervals during the contest.

Captaining the Texas team will be Gordon Fowler and his sister Ann Fowler.

More news about the Chili War will be forthcoming.

KUDOS FOR SCHOOL LUNCH SPECIALIST

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1977

Mr. BUCHANAN. Mr. Speaker, yesterday this distinguished body passed H.R. 1139, the National School Lunch Act and Child Nutrition Amendments of 1977.

It is my hope that these amendments will significantly improve nutrition for children. During consideration of this bill many examples were cited of abuses in the program, widespread plate waste, unimaginative menus, and other problems. There is, however, another side to the story.

It is my pleasure to bring to the attention of my colleagues an article appearing in the Jefferson County, Ala., Board of Education Focus. It commends Mrs. Therecia Roy on her innovative lunchroom programs at McAdory Elementary School. No matter how well legislation is drafted in Washington, no program can be successful without dedicated administrators like Mrs. Roy.

The article follows:

The food is great and they serve anything under the sun. The service? Well you just can't find folks with bigger, friendlier smiles who are more courteous. But best yet, the prices are the lowest in town.

Interested? Well this place doesn't advertise and they are very exclusive. Not just anyone is allowed to eat there.

As a matter of fact unless you're a student at McAdory you can forget it.

McAdory students in grades one through 12, enjoy one of the finest lunch programs in the JefCoEd system. Just recently they were served steak. That's right, steak. T-bones too, not hamburger. Shrimp, beef roast, ham and many other dishes normally not associated with school lunches are frequent visitors on McAdory lunch trays.

The lady who runs the show at McAdory, and has for the last seven years, is Therecia Roy, an "almost 60" grandmother who has been a lunchroom manager for 27 years.

Recently over 1,400 McAdory students got a steak for regular lunch price and that is the biggest bargain in town. Mrs. Roy did it by watching her program wisely, and the reward for her shrewd managing was giving her "customers," as she calls them, steak. It was the second time she served steak, the first time was also at McAdory, two years ago.

"The students used to kid me and ask when we were going to have steak. So we did," Mrs. Roy says.

"We've had everything that we can cook here. When we get in a rut we try to have something different. The steaks really brought us out of it."

Her secret? Just caring about kids.

"I enjoy my job and get a lot out of it . . . so do my employees. Their enthusiasm is the real secret. They want the last plate they serve to look just as good as the first one. Public relations helps us too. I'm buddies with the ball teams and all the clubs. My finger is in every pie and we're all friends. The youngest students are the ones to make friends with because they'll be here the longest.

"We try to sell ourselves every day. A crust of dry bread served with a smile is more delicious than a good meal served with a growl. I stress to my ladies that a smile can be returned instantly, but a frown will be remembered for six weeks, and may never be forgotten," she says.

Mrs. Roy set a goal for herself when she first came to McAdory of doubling the existing lunchroom participation and she has seen that goal reached, going from 750 to 1,650, including the 200 students who eat breakfast there.

The lunchroom has been expanded by a third. There are new tables and chairs, and she "doesn't have room for any more equipment," but Mrs. Roy gives a lot back. While some lunchrooms sit idle after lunch periods, hers is active with club meetings and rarely empty.

Nutrition is important, but what good is it if the food is thrown in the trash can? Because of that Mrs. Roy is an avid trash can watcher, in order to guard against waste. "I never use to make pizzas or Mexican food, but if the kids eat it, that's what I'll cook. If a dish isn't eaten I won't serve it again.

"We've all dressed up in clown suits, had candy apples and popcorn, worn football jerseys during spirit week, and have even dressed up fifties style," she says.

"You know, you can throw more out the back door than your husband can bring in the front. I've applied that here. It's just careful management. If we have any baked potatoes left over, we'll have hash browns for breakfast. Or if we have left over peaches I'll make preserves out of them for biscuits. I never buy white meat. I use the trimmings off other meat to season my beans."

Mrs. Roy speaks of the McAdory students as her customers, which really they are. She tries to please them, just like she was running a restaurant, which she is. "We've made a profit here and I think you should give that back to the customer," she declares.

Therecia Roy is giving a lot back and most of it is much nicer than steak. Steaks go quickly, but smiles linger behind.

A SOLEMN COMMITMENT

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1977

Mr. FORD of Tennessee. Mr. Speaker, I rise today to bring to the attention of my colleagues the frustrating problem of guaranteeing that handicapped individuals are given the right to be educated as are all Americans. I regret that our laws on this subject have not been carried out. In 1972 in my own State of Tennessee we enacted a law requiring that handicapped children be given the opportunities for education which may be called for by their particular disabilities. I regret to say that the law has not been fully funded, and its good intentions have yet to be realized. In fact, it took a suit filed by legal services of Memphis to get compliance with this law.

I would like to share with my colleagues an editorial from the Memphis Commercial Appeal explaining the problem in the hope that it will bring to the attention of the House of Representatives a situation which I am afraid exists throughout our Nation in general.

The editorial follows:

A SOLEMN COMMITMENT

Education of handicapped children in Tennessee apparently will receive an added $5 million in state funds and $4 million in federal funds next year. The legislature has provided for the increase in the big appropriations bill, which awaits joint-committee action after passage by both houses. But even though this is what the administration had requested, the issue of financing education for the handicapped is far from resolved.

In 1972 the legislature enacted a law requiring that all handicapped children receive the kinds of educational services called for by their particular disabilities. The law, however, wasn't fully funded. On Nov. 3, 1973, Legal Services of Memphis filed a suit to force the state to carry out the law's mandate.

Early this year, Chancellor Ben Cantrell ruled in Nashville that the state was guilty of discriminating against "a helpless minority" by not providing all the funds the law needed. He said about 6,000 handicapped children across the state either weren't getting any public education or weren't being offered the services they should have. He ordered the state to comply with the law by July 1.

In response, the state filed a plan of compliance with the court on March 1. The plan proposed the additional spending levels later approved by the legislature in the appropriations bill. The chancellor has yet to rule whether the plan satisfies his order.

Some educators and legislators don't believe that $9 million more will finance all the required services. At one point, the state Department of Education estimated that it could take as much as $20 million more to fully fund the law.

The issue is complicated by the very nature of the problems the law is supposed to deal with. As methods of educational and psychological testing and measurement improve, increasing numbers of children are identified as having some kind of learning disability or exceptional need. State Sen. Leonard Dunavant (R-Millington) recalls that, during a hearing on the law, he asked an official of the Department of Education whether a child who was reading on the fifth grade level but doing only second grade math would be considered handicapped. The answer, he says, was a rather anguished "yes."

This complexity led to efforts during the current session of the legislature to redefine the term "handicapped" so the state would be able to focus better on those children who might be considered most in need of special-education services. It was proposed, for instance, to exclude gifted children from the law. They're included now on the basis of having special needs that aren't met in the regular classroom. Some legislators feel the state will have to make such a change in the law if it ever hopes to keep spending on special education within reasonable limits.

The question is certain to come up again next year. And, just as certainly, those who propose a new definition of "handicapped" will be met with an intense, highly emotional protest. Regardless of the motive, any attempt to narrow the range of eligible children will be viewed by many parents as further discrimination against "a helpless minority."

Another difficulty arises in some small school systems that lack adequate resources and teaching staff to offer all the special services. Legal changes may be necessary to permit such systems to pool their resources for special education, with one educational center serving more than one system.

The federal government also has been under considerable pressure to extend services to the handicapped. In the Rehabilitation Act of 1972, Congress authorized regulations to prohibit discrimination against the handicapped in employment, education and health care. The government's failure to put the legislation into effect resulted in staged demonstrations last month at the Department of Health, Education and Welfare in Washington and at regional HEW offices around the country. Protestors occupied HEW's San Francisco office for more than a week.

Joseph Califano, the new HEW secretary, finally signed regulations April 28. The major impact reportedly will be on higher education and federally-funded public buildings, which will have to be renovated to provide access to the handicapped. Public elementary and secondary schools also will be required to educate all handicapped children in as normal a setting as possible. Califano said he would ask Congress for more money to help local school systems.

As far as federal regulations are concerned, Tennessee officials don't expect the state's public schools to be affected very much. Tennessee's law and Department of Education policies on special education are among the most advanced in the country. The state has 11 institutions with accredited programs for the training of special-education teachers.

But full funding and enforcement of the state law isn't going to be easy. There will always be a need for more services. Some children always will be receiving less special attention than they should have. The law may have to be adjusted.

When any changes are made, however, the emphasis must squarely fall on making sure that those children with physical and mental handicaps receive the fullest range of services possible. Too many children suffering from retardation or such disabilities as loss of sight or hearing haven't gotten the help they need to realize their full potential. They should not be further deprived while educational specialists debate every new academic definition of what does or does not constitute a learning problem. Tennessee has made a solemn commitment to these children that must be honored.

GOVERNMENT-MANDATED ENERGY SHORTAGES

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1977

Mr. McDONALD. Mr. Speaker, it has been widely observed that President Carter's energy plan talks of dwindling resources and proposes coercive conservation measures, while making no allowance for production. The rationale for this is that we are running out of fossil fuels and must conserve, not produce.

But in fact we are not running out of natural resources, we are merely blocking access to them. It is the Government intervention over the last few decades, in the form of controls and taxes, which has prevented producers from continuing to supply us with abundant energy. Then, after the Government creates the shortage, it declares a shortage and orders conservation.

An excellent example of just how this process works is provided by the Martin Exploration Co. in a letter announcing suspension of its plans for $31,000,000 worth of oil and gas drilling. The plans were initially made on the basis of the President's promise of essentially a free market in future gas production. But with the price rollbacks and other controls proposed by the President's new energy plan, Martin Exploration had no choice but to cancel its plans and become inactive. A Government guaranteed loss is an order not to produce.

It is important to note that these further cutbacks in production are already taking place, even before the President's program is enacted. The sooner Congress rejects the President's proposal to restrict energy production and removes existing controls, the sooner producers can go back to providing us with energy. The alternative is a truly catastrophic depression.

The letter follows:

MARTIN EXPLORATION CO.,
Metairie, La., May 13, 1977.

Hon. R. D. SUTTON,
Chairman, Department of Conservation, State of Louisiana, Baton Rouge, La.

DEAR MR. SUTTON: Martin Exploration Company, one of the State's most active and aggressive oil and gas producers, hereby requests that you cancel the 11 drilling permits that your office has previously granted us, effective immediately. These permits involve drilling costs of $10,000,000 and 130,000 feet of hole and represent 11 wells which were to be drilled during the next few months, possibly in time to impact on our coming winter energy needs.

In addition, Martin Exploration is suspending its plans for 23 other wells, together representing additional drilling costs of $21,000,000 and an additional 268,000 feet of hole. These wells, essentially all of which are potential gas wells, were budgeted for year-end.

Martin Exploration believes that it has no alternative but to take such action in view of the extremely naive and tragically ill-conceived Carter energy plan which, if enacted, will reduce incentives for producers to an uneconomic level.

In Martin's case, every single well it is cancelling was planned and the leases acquired on the presumption that President Carter's free market promise for undedicated gas would be kept and we could expect a price equal to at least the risk discounted replacement cost (approximately $2.25/MCF with 15%/year escalation) for such gas. President Carter's proposal rolls back our anticipated price to $1.42/MCF (which is itself subject to a further rollback to $0.52/MCF) for wells drilled either within 2½ miles of or less than 1000 feet deeper than another producing well. Not only do all of Martin's wells fall into this category, but so do more than 95% of all wells drilled in the onshore and State owned offshore areas of south Louisiana, our country's most prolific gas producing area. The Carter policy thereby writes this area off completely, and in effect withholds from the consumer major gas reserves needed now.

If the producer is freed from the rigors of controls and if he could expect free market wellhead prices that justified his risk and expense, our current oil and gas shortage would be substantially relieved as producer activity and efficiency would sharply increase. By virtue of having such essential incentives, we could then reasonably expect recoverable domestic oil and gas supplies to last well into the next century at prices cheaper than available from our alternate energy sources, thereby solving our current enegy problem and effecting a smooth transition from the oil and gas age to the next.

Our once bold and magnificent oil and gas industry is today emacsulated and in complete chaos. Producers are scared. It is impossible to plan. We are afraid to drill because our production might be confiscated through taxation, price rollbacks or contract intervention. Today's grand plans are tomorrow's wastebasket trash as new rules and regulations control, delay, inhibit and destroy.

When the seemingly extinction-proof turtle senses danger, it withdraws to the security of its shell and does nothing. Out of unmitigated fear of the President's egalitarian ideas, of his disregard for the importance and viability of our industry and of his failure to understand the energy problem, Martin Exploration likewise withdraws to do nothing. Through our hopefully temporary inaction, together with that of others who might choose to join us, we leave President Carter the fruits of said inactivity (100% of nothing) to divide up and spread to the wind.

Yours very truly,
KEN G. MARTIN,
President.

THE RENEGOTIATION REFORM ACT

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1977

Mr. MINISH. Mr. Speaker, it is my understanding that an article entitled "The Renegotiation Board: Is 'Hairbreach Harry' About to Fold?" from the current issue of the publication Government Executive was placed in the CONGRESSIONAL RECORD yesterday.

This unsigned article is so replete with distortions, misrepresentations, and outright falsehoods regarding the Renegotiation Reform Act that it is virtually impossible to deal with them all at this point. Let me just point out to the Members what this publication is and who it represents. The same issue of Government Executive contains full page ads from the following corporations—ads which comprise well over 90 percent of the total advertising in the magazine: Boeing, LTV, TRW, Rockwell, General Electric, Sperry, IBM, 3M, and McDonnell Douglas.

Since I believe the Members would appreciate a more professional opinion on the merits of H.R. 5959, the Renegotiation Reform Act, I am including at this point in the RECORD excerpts of testimony from the GAO on this bill:

MARCH 31, 1977.

STATEMENT OF RICHARD W. GUTMAN, DIRECTOR, PROCUREMENT AND SYSTEMS ACQUISITION DIVISION BEFORE THE SUBCOMMITTEE ON GENERAL OVERSIGHT AND RENEGOTIATION OF THE BANKING, FINANCE AND URBAN AFFAIRS COMMITTEE

Mr. Chairman and members of the Subcommittee:

We are here today at the request of your

Subcommittee to present our views on the proposed legislation to revise and extend the Renegotiation Act of 1951. As you know, the General Accounting Office has maintained an interest in the renegotiation process through its continuing audits and varied assistance to the Subcommittee.

In testimony before this Subcommittee in June 1975 we outlined and discussed the findings and recommendations of our study of the operations and activities of the Renegotiation Board. Several of our recommendations have been considered by the Subcommittee for inclusion in your proposed legislation on renegotiation.

We have reviewed H.R. 4082 [now H.R. 5959] and, as before, want to express our strong support for this legislation. We believe it is constructive and should lead to major improvements in the renegotiation process. We welcome the opportunity to provide our views on the major issues in the current bill.

METHOD OF REPORTING CONTRACTS

We support the provision in Section 4 that the percentage of completion method of accounting no longer be used for contracts which are subject to renegotiation. One of the problems we see with the percentage of completion method of accounting is the lack of a precise method of estimating percentage of completion. Engineering estimates are frequently involved that are largely subjective. There are opportunities for such estimates to be manipulated to improperly minimize the possibility of an excess profits determination. However, we do not know whether such manipulation has actually taken place. We believe that elimination of the use of the percentage of completion method of accounting and the required use of a "units delivered" or "completed contract" method of accounting for renegotiation purposes would add necessary objectivity to the process. We recognize that for projects of long duration with a single unit to be delivered, costs and related revenues will need to be excluded from renegotiation until the project is completed.

The principal advantage of the completed contract method is that it is based on results as finally determined, rather than on estimates of cost to be incurred on uncompleted work. In our opinion, excessive profits can be determined with reasonable certainty only when units are delivered or at contract completion.

PRODUCT LINE RENEGOTIATION

Section 4 of the bill also requires contractors to report renegotiable business on the basis of division and product line. We believe this is a much needed reform in the Renegotiation Act. The current method of renegotiation appears to favor large diversified corporations because they can offset the results of high profit activities against the results of low profit or loss activities. We believe this constitutes an advantage over smaller single product line firms. Use of a product line approach would be more effective in minimizing the number of firms that are now escaping renegotiation and place both large and small firms on a more equal footing.

We do not believe that the requirement for division and product line reporting will create an administrative burden. Most contractors maintain their accounting records on a divisional basis and the incidence of multiple product lines within divisions is generally not high. We believe that reporting procedures could be worked out by the Renegotiation Board with the contractors that would minimize or prevent any additional administrative or reporting burden for contractors. We believe that provision should be made to give the Board the necessary flexibility to work out these procedures.

WILLIAM J. RUSHTON MAN OF THE SOUTH FOR 1976

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1977

Mr. BUCHANAN. Mr. Speaker, Mr. Hubert F. Lee, editor of Dixie Business, each year invites subscribers to vote for "Man of the South" and enter the "South's Hall of Fame for the Living." An outstanding business and civic leader of my congressional district, Col. William J. Rushton, was chosen for this honor in 1976. I am pleased to call to the attention of my colleagues the following article from a recently published edition of Dixie Business about this well deserved honor:

MAN OF THE SOUTH FOR 1976

Colonel William J. Rushton, Chairman Emeritus and a director of Protective Life Insurance, Company, has been honored as the Man of the South 1976.

Colonel Rushton was named from the 200 Living Leaders on the South's Hall of Fame for the Living honor group, which included Jimmy Carter who was named the "A Great American."

The editors of Dixie Business seek to honor notable men who have contributed to the South during their lifetime, so they personally derive some satisfaction in knowing their work has been appreciated by their contemporaries.

Colonel Rushton was presented the Man of the South award at the Birmingham Rotary Club by Rotarian Hubert F. Lee on November 24, 1976.

It was fitting that Colonel Rushton should be honored at the Birmingham Rotary Club.

His father, the late J. Frank Rushton, was president in 1916–1917.

His brother, the late Allen Rushton, was president in 1962–1963.

His nephew, Allen D. Rushton, was president in 1973–1974.

Colonel Rushton was president in 1952–1953.

And his son, William J. Rushton, III, is a member of the club.

Colonel Rushton is the sixth member of the Birmingham Rotary Club to be named Man of the South since Thomas W. Martin was named in 1946.

The six:
Thomas W. Martin, 1946,
Donald Comer, 1947,
Frank P. Sanford, 1958,
J. Craig Smith, 1970,
Robert Jemison, Jr., 1971,
Col. Wm. J. Rushton, 1976.

Mayor David Vann issued a proclamation declaring November 24, 1977 as Colonel William J. Rushton Day in Birmingham calling on all citizens to honor him for his half century of Distinguished Public Service.

Charley Clayton, retired president, and Robert L. Stewart, president of Liberty National Life Insurance Company, were my guests at the luncheon and Charley came by the Kaler Plaza Hotel, drove to the Liberty National Life building to visit with old friends and then on to Rotary.

When Charley Clayton was a boy Scout, Colonel Rushton told him he would buy Charley a dinner if he became an Eagle Scout. Charley Clayton and Gerald Ford are two of the nation's top Eagle Scouts today, he is a member of the Boy Scouts National Executive Board.

Charley wrote, "I would like to second the nomination of William J. Rushton . . . he has been connected with almost everything that has been good in our community."

On the dais were J. Craig Smith, Man of the South for 1970, who on November 11, 1977 received the first Free Enterprise Award from the Agricultural Appreciation Day in Huntsville, Ala. the latest of many.

Also John A. Hand, Chairman Emeritus of the First National Bank of Birmingham and a great civic leader for many years, who has been named to the South's Hall of Fame for the Living honor group. After the luncheon, John showed Colonel Rushton and I through the new bank building.

Bishop Carl J. Sanders delivered a stirring Thanksgiving message, after Colonel Rushton received the Man of the South Award.

Crawford Johnson III, president of the club and a grandson-in-law of the late Robert Jemison, Jr., and president of the Birmingham Coca-Cola Bottling Company, introduced me.

Roy Hickman and Frank Spain, both past presidents of Rotary International and members of the South's Hall of Fame honor group, were there.

I was the guest of Frank Spain at the Birmingham Rotary Club the day after the late Frank P. Samford was presented the Man of the South for 1959 at the Birmingham Country Club.

Before Colonel Rushton was named Man of the South, Frank Samford, Jr., said that naming Colonel Rushton was a terrific idea and that the past Man of the South honorees would be honored to have Colonel Rushton added to the list.

Clyde Porter, Secretary of Alabama By-Products Corp., was at Rotary.

On June 2, 1959, Clyde wrote, "I would like to propose Colonel William J. Rushton for consideration next year. Bill is president of Protective Life, a long time head of the Army Ordnance District, a hard worker for Southern Research, a trustee of Southwestern and a fellow elder in the First Presbyterian Church . . ."

I was guest of Clyde Porter's at the Birmingham Kiwanis Club many years ago when Thomas D. Russell was the speaker. His father, the late Benjamin Russell was the first President of the Alabama Chamber of Commerce in 1937.

My friend, the late Allen Rushton, then president of the Birmingham Ice and Cold Storage Company, under date of November 9, 1959, wrote:

"I am also pleased to note that you have written my brother, Bill Rushton, as I believe he richly deserves to be included in the Honor Group list.

"He, too, has performed a great many unselfish tasks and has made a very fine name for himself throughout this entire area. . . ."

Donald Comer, Jr., Chairman of Avondale Mills, whose father was Man of the South for 1947, wrote: "Colonel Rushton is one of my favorite people."

Emory Cunningham, who received the Publisher of the Year Award for outstanding achievements in publishing Southern Living and Progressive Farmer, wrote: "Bill Rushton is an effective, dedicated business leader. I know of no one who has a more genuine interest in helping the South move forward. . . ."

Alexander Nunn, a founding managing editor of Southern Living, who recruited thousands of Lone Scouts through Progressive Farmer after the merger with the Boy Scouts in 1924, said, "I don't think you could have done better. . . ."

Dr. J. McDowell Richards, the Man of the South for 1967 and president emeritus of Columbia Theological Seminary, said, "I think Colonel Rushton is worthy of the honor. . . ."

Jack W. Warner, chairman of Gulf States Paper, who was Master of Ceremonies on Sept. 14, 1976 when Harry Mell Ayers, John Cecil Persons, Frank Maxwell Moody and Joseph Linyer Bedsole were inducted into the Alabama Business Hall of Fame at the University of Alabama, said: "I very much approve of Colonel Rushton's selection. . . ."

Joseph A. Farley, president of Alabama Power Company, who succeeded Thomas W. Martin to the honor group, wrote: "Certainly there is no finer person or businessman in our area than Colonel Rushton. . . ."

John A. Hand, chairman emeritus of the First National Bank of Birmingham and an Academy of Honor honoree, wrote on July 30, 1976:

"I write you to nominate Colonel William J. Rushton for Man of the South for 1976. I have never known a man that did more for the City of Birmingham than Colonel Rushton. . . ."

John sent a copy of the Alabama News Magazine for July 1976 that had the Colonel's picture on the front cover and many clippings about his retirement on June 30, 1976, etc. John wanted to give the Colonel a big dinner but the Colonel was too modest to want one.

Leslie S. Wright, president of Samford University, said: "Colonel Rushton is truly a man of the South." Wright was giving his wife a birthday party at the Club the evening of Nov. 23, 1976 when Colonel Rushton took me up the 1,300 feet of Red Mountain for dinner.

Like Birmingham's The Green, and the Liberty National Green, the Club is one of the world's show places. I dined at the Club years ago with the late Mark Hodo, my good friend and associate editor for 40 years.

Irving Beiman, "Dean of Business News Editors", was at Rotary. His 3-column report was encored in the last issue of Dixie Business.

COMMUNITY CHEST HONOR

When Colonel Rushton was made the FIRST Honorary member of the Birmingham Community Chest on January 24, 1958, Thomas W. Martin the Man of the South for 1946 made the presentation.

Mr. Martin said:

Of the Community-mindness and social concern, as well as of the zeal and ability, which have qualified Colonel Rushton for this recognition it may be said with the Bible. "We can but speak the things which we have seen and heard." (Acts 4:20)

His works have been inspired in him not only by the scene and environs of his own active, successful life but in unceasing awareness of generations nobly in service before him, a father and mother, a pioneering grandfather—God loving, family-loving—country loving all.

They were great citizens of the community—made so by the causes they sponsored and carried to fruition, and by the high light of their personal lives.

The grandfather whose name he bears established a tradition of business success, civic concern, cultural appreciation, social awareness and a helping hand to those buffeted by life.

As is said of his grandfather, he is a man of keen literary taste, he is a scholar fit to mingle and to hold his own with erudite.

In manner he is the most courtly of gentlemen.

In these recognitions the Community Chest cites William J. Rushton good citizen, good businessman, good Samaritan.

The great Protective Life stands as a monument to Colonel Rushton's acumen and business genus.

J. Craig Smith, Alabama Newcomen Chairman, in introducing William J. Rushton III, at the Newcomen dinner on September 29, 1976, said:

Nineteen years ago, the distinguished father of our speaker addressed the Newcomen Society. His subject was the Governor's Company's First 50 years. Many of us feel that The Colonel's Company would have been a more accurate description.

Protective Life was founded by Governor William D. Jenks in 1907, who wanted to keep the insurance money in the South.

His board of directors included: Craig Smith (father of the Man of the South for 1790), E. W. Cabaniss, Dr. W. D. Harrison, Robert Jemison, father of the Man of the South for 1971, and George Malone of Dothan, grandfather of Wallace Malone, Jr., president of Southern Bancorpation.

Protective Life survived the panic of 1907, and in 1915 moved from a one story location to a two story building at 2112 First Avenue, North, and the next year, 1916 paid its first dividend.

In 1928, a 14 story building was built on 1st Avenue and 21st Street at a cost of $900,000 which John Temple Graves termed a cathedral of business, A. Thomas Bradbury, Atlanta famed architect for the Governor's Mansion and other notable buildings then a young architect with Warren Knight and Davis, helped on the building.

Colonel Rushton was head of his family's Birmingham Ice and Coal Storage Company when he was called to become president of Protective Life in 1937.

Colonel Rushton was leading ice man in the nation then, having served as head of National Association Refrigerated Ice Warehouses and American Warehousemen's Association.

As his son told the Newcomen Society on September 29, 1976, the Colonel believed that Protective Life is not only the best in the world, but it is almost the only Company in the world.

When Colonel Rushton moved up to Chairman and CEO in 1967, I wrote in my column in Dixie Business:

"After 30 years as president of Protective Life, our good friend Colonel William J. Rushton has advanced to Chairman and CEO.

"And in a Like Father-Like Son promotion, his son, William J. Rushton III, was elected president at the 60th annual meeting.

"Present assets exceeded $150 million while life insurance in force is over $1,750,000,000."

On June 30, 1976, when Colonel Rushton retired and became Chairman-Emeritus and director, assets exceeded $300 million and life insurance in force exceeded $4.7 billion with offices in 34 states and the District of Columbia.

Directors today include William J. Rushton. J. Craig Smith, R. A. Monagham, Richard J. Comer, William J. Rushton III, Alvin W. Vogtle, Jr., Henry C. Goodrish, John S. Shaw, Jr., Hall W. Thompson, John W. Woods, Crawford T. Johnson, III, Alen T. Drennen, Jr., William J. Cabaniss, Jr., Emil Hess.

DISTINGUISHED MILITARY CAREER

Colonel Ruston's distinguished military career began when at 17 he enlisted in the U.S. Army infantry.

He was discharged at the end of the war as a Sergeant.

He enlisted in the U.S. Army Reserves, where he earned a commission as Second Lieutenant. He was promoted to Captain and then Major, ranked to Captain and then Major, the rank he held when called to active duty in 1940.

He was assigned to the staff of Major General Hershey, director of Selective Service.

He was transferred to the Army Ordnance Corps in 1942, and in time was promoted to Lt. Colonel, and then Colonel, becoming Commanding Officer of the Birmingham Ordnance District, which directed all ordnance procurement activity in eight Southern States during World War II.

At the close of the war, he was awarded the Legion of Merit and several citations from the Chief of Ordnance and Secretary of the Army for his outstanding military services.

Colonel Rushton, in the Spring of 1946 (the year Thomas W. Martin was named the first Man of the South) was persuaded to take the post of Civilian Chief of the Birmingham Ordnance District, which he held until he resigned in August 1955.

Colonel Rushton's distinguished career spanned three wars—World War 1, 2 and the Korean War—covering himself with glory in each.

Colonel Rushton has had a life of three careers—military, Birmingham Ice and Cold Storage and building the great Protective Life Insurance Company.

In addition he has contributed vastly to scouting, his church, Community Chest, and many other civic activities.

ELDER EMERITUS

Colonel Rushton was honored by the congregation and the session of the First Presbyterian Church on December 31, 1972 as Elder Emeritus.

At that time his pastor, the late Dr. Edward C. May, said:

Ruling Elder William James Rushton, on October 29, 1972, this congregation honored you and itself by electing you to the office of Elder Emeritus, and today we give formal recognition to your entrance upon that new relationship.

Even before you were born your heritage in this church was established by your parents and your grandparents. Here you were presented for baptism as an infant, here you were nurtured in the Christian faith; here you professed your faith in Christ and entered communicant membership on January 1, 1911: here you were ordained to the office of Deacon on January 30, 1927, and to the office of Ruling Elder on October 13, 1935, and here you have served across the span of your whole lifetime, giving generously of your time, your substance, and your considerable talents, responding to your church's call to serve in a variety of roles from church school teacher, to Scout Master, to building committee chairman. Moreover you have also served your demonination by taking responsibilities in the Presbytery, the Synod and the General Assembly.

Every task you have done for the church has been marked by your thoroughness, your knowledgeableness, and your insistence that nothing but excellence should be offered for God's service.

In all things you have shown yourself to be a churchman of the first order, devoted to the accomplishment of that which you perceive to be the best interest of the Lord Jesus Christ.

PROCLAMATION

City of Birmingham, Alabama, Proclamation:

Whereas, Colonel William J. Rushton, a leader of Birmingham for more than half a century, has been named the 'Man of the South' for 1976, and

Whereas, Colonel Rushton is to be presented the Man of the South for 1976 today at Birmingham Rotary Club by Colonel Hubert F. Lee, editor of Dixie Business since 1929 and founder of the South's Hall of Fame for the Living and a Rotarian, and

Whereas, Colonel Rushton was inducted into the Alabama Academy of Honor and,

Whereas, Colonel Rushton has honored Birmingham, his church, his scout troop, his Rotary Club and other organizations by his life of civic service above the call of duty, and is the fourth member of his family to serve as President of the Birmingham Rotary Club, and

Whereas, Colonel Rushton was named to the South's Hall of Fame for the Living, the honor group limited to two hundred Living Leaders, from which he was named the 31st Man of the South

> Now therefor, I, David Vann, Mayor of the City of Birmingham, Alabama, do hereby Proclaim November 24, 1976 as Colonel William J. Rushton Day, and urge all Citizens of this City to honor Colonel Will'am J. Rushton for his service for half a century.

CHARLES A. LINDBERGH

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1977

Mr. TEAGUE. Mr. Speaker, a few days ago Anne Morrow Lindbergh was asked if she thought her husband—the famed "Lone Eagle" who made history's first transoceanic, nonstop flight 50 years ago on May 21—would be celebrating the occasion if he were here today.

Mrs. Lindbergh responded:

> I think he would not be celebrating the past but (contemplating) where the past has led us.

Charles A. Lindbergh, whose father represented the Sixth District of Minnesota in this House from 1907 to 1917, did many things quietly and privately for which he neither sought nor received credit.

For example, as a civilian he helped train American pilots in the Pacific in World War II, flying P–38's and P–51's and taking part in 50 combat missions. At the time, he was a consultant in engine development and performance for United Aircraft Co.

He was among the first to wage a campaign to preserve the environment and especially to protect animal life in all its forms from extinction.

He made some of the Nation's first experiments in biomedical engineering and helped pioneer that concept.

He served as a member of the highly regarded National Advisory Committee on Aeronautics, which eventually became the nucleus around which the National Aeronautics and Space Administration was formed in 1958.

Mr. Speaker, General Lindbergh also served the Congress in a way that only a few people have known about—because this was his way; he did not want it known. From 1964 to 1970 Lindbergh was a quiet, unpaid friend and consultant to the House Science and Technology Committee's Subcommittee on Science, Research, and Development, now the Subcommittee on Science, Research, and Technology.

During these years the subcommittee's chairman was Emilio Q. Daddario of Connecticut, who now is director of the Office of Technology Assessment and president of the Nation's largest professional science organization, the American Association for the Advancement of Science. Lindbergh and Daddario and several others met together on a number of occasions during this period. Thus it may well be that some expression of Lindbergh's philosophies have found their way into such important, contemporary endeavors as technology assessment, the international biological program, the House-Senate white paper on environment in 1968, and the evolution of a concept for national science policy.

Mr. Speaker, when the Subcommittee on Science, Research, and Development first began its formal inquiry into science policy more than 8 years ago, General Lindbergh wrote a letter from the Philippines to Congressman Daddario in which he commented on the issues at hand. Those observations which, with Lindbergh's permission, served as a preface to the hearings, seem as applicable now as they were then.

I believe it appropriate, on this 50th anniversary of one of the great achievements of the century, that the major part of Charles Lindbergh's letter, expressing the concerns which so occupied him in later years, be placed in the RECORD:

> Let me say first that I am both honored and delighted to feel that I may have made some contribution to the extremely important work you are doing. Without doubt the very survival of our civilization, if not that of mankind, depends on our ability to foresee and control the fantastic forces of the various technologies our scientific knowledge has released.
>
> I think an objective viewpoint of the world situation today indicates the alarming probability that our western civilization has already entered its period of breakdown, following, in its own and divergent way, the pattern of all civilizations of the past. While I consider this as possible, I am not willing to accept it as inevitable, and I do not believe we have passed the point of no return.
>
> But I think it is only by realizing the titanic magnitude of the problems we face that we have some chance of solving them without falling back on the instinctual and calamitous solution previous civilizations have resorted to—a complete breakdown. This is why I am so greatly impressed by the efforts of your committee, and especially by your own understanding of the dangers as well as of the assets of science and technology. On the one hand, technology is essential to us; on the other, it can easily destroy us.
>
> I write at this length in order to give you some understanding of why I am hesitant to take active part in a program that I think is of such fundamentally great importance, and that enters fields in which I have such great interest.
>
> But important as National Science Policy is and will become, it seems to me it must be based on even deeper fundamentals of national policy.
>
> After all, it is the quality of man we are concerned with, and this is inseparable from his environment. I think that to be effective we must start with our environment—all of it; even major parts are not enough. We need a policy and plan that covers our entire planet and extends to the utmost of human capability into space and time.
>
> I think we should establish our policy on the obvious fact that no system of government, warfare, economics, education, or religion can be satisfying or successful unless it eventually improves the quality of man.
>
> Starting from this position, I think we should consider what we want our environment to be. Here, modern science and technonogy will be not only helpful but essential. But when we reach what will inevitably be preliminary conclusions, and form what will just as inevitably be a preliminary plan, we will be faced by the seriously disturbing question of whether the systems of life we have developed are adequate for implementation.
>
> Let me use an example here: As I watch and study the exponentially expanding destruction, pollution, and commercially-encouraged waste that is taking place in our country today, it seems to me that it can be stopped only through governmental supervision based on the principle that no individual or generation has a right to misuse mankind's natural resources.
>
> It seems to me essential that our overall environment be protected by government just as certain smaller areas are protected through zoning and various regulations. Much as I believe in the utmost practical freedom and independence for man, I do not see how his essential environment can be maintained in this technological era through commercial organizations acting independently. Contemporary pressure lobbies together with the often ruthless exploitation and spoliation of our country stand witness to the need for quick and firm governmental action.
>
> In this connection, I believe your National Science Policy program may assume even greater importance than was originally contemplated; for the studies you are carrying on are bound to emphasize, more and more, the necessity of protecting our overall environment. Here. I believe, is the fundamental value—at least potentially, of our science and technology.
>
> In fact, I think that the survival or the breakdown of our western civilization is likely to depend on how intelligently we apply its science and technology to our human environment within the next decade. If we can cope with the problems our unprecedented knowledge has created, we can do so only by properly using the tools of that knowledge. No previous civilization has had either our knowledge or our tools. It seems to me that in this fact we have remaining some hope that we can avoid following the path of breakdown that history suggests is inevitable for every civilization.

SOVIET JEWS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1977

Mr. FLORIO. Mr. Speaker, I am saddened today that I must address the Members of Congress with the recognition of a breach of promise which affects the lives of hundreds, if not thousands, of peace-loving people. Almost 1 year ago, a promise was made and ratified by 35 signatories that declared a mutual respect for human rights and freedoms. The Helsinki agreement has not been adhered to, and the promise that was made to reunite Soviet Jews with their families outside the Soviet Union remains unfulfilled. It was Leonid Brezhnev along with other Soviet authorities who pledged that "the law of international life was not to be breached by anyone." It is Leonid Brezhnev and other Soviet authorities who today stand in the way of fulfilling their promise of promoting basic human rights.

The Helsinki promise states that fundamental human rights will be respected without regard to race, sex, language or religion. The accords stress that emigration will be allowed from the Soviet Union for the reunification of families. They emphasize that travel should be allowed and broadened. As a signatory of these accords the Soviet Union continues to negate the commitment they once made to thousands of Jews and others who have spoken out for what principles they believe in. These people are captive in prisons, they vegetate in mental hospitals, they are directed to camps—under a system of government which allows the folly of indiscriminate punishment for what we label in this country as "free expression."

Examples of this senseless enslavement of human rights are too numerous to count. They pervade the Soviet society. But, let me bring to your attention a case in point. Young Joseph Schraiber, age 24, has been separated from his parents for 3 years. His entire family—grandparents, uncles, and aunts as well, have left the Soviet Union to reside in Israel. His last relative to emigrate from Russia was his uncle in November of 1974. Joseph was promised permission to join them in 1974, but the permission was revoked. As a result, Joseph was isolated in Jaratov, a small city 300 miles from Moscow, where relatively few Jews have applied for exit visas.

Joseph and his family are very religious people. This fact compounds his problems. In Russia, where application for exit visas are viewed unfavorably, those of the Jewish faith are considered "marked" and afforded little, if not any, chance of reuniting with their loved ones in Israel or elsewhere. The story of Joseph can be told over and over again for thousands of other Jews.

Joseph has since then joined a group of religiously oriented young men who are also separated from their families and awaiting exit visas. The young men in this Moscow-based group call themselves the "Orphans of Aliyah." They study their Jewish heritage and gain strength in their camaraderie. Together they wait.

It is indeed a tragedy that Joseph Schraiber and other Soviet Jews must surpress their desire to be reunited with loved ones. It is more of a tragedy that these people must surrender the basic "human rights" afforded them by the Helsinki agreement. It is essential that Congress continue to raise its collective voice and protest such violations of human need. It is time for the Soviet Union to honor its promise that today stands unfulfilled.

SENATE—*Friday, May 20, 1977*

(Legislative day of Wednesday, May 18, 1977)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by Hon. WENDELL R. ANDERSON, a Senator from the State of Minnesota.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray.

Thy name be praised O Lord, for the strength and wisdom Thou hast given us throughout this week. Now add Thy blessing to this day's labor in this place. Keep us true to Thee in thought and word and deed.

Save us from the hasty and easy action even though it is dramatic or spectacular. Make us willing and ready for hard thinking and thorough craftsmanship, though its appearance be less spectacular. Make us patient and humble, pure in heart and speech, cheerful and self-forgetful, temperate and just. And bring us to that kingdom above all earthly kingdoms, through Him who walked before us the perfect way of service. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, D.C., May 20, 1977.*
>
> *To the Senate:*
>
> Being temporarily absent from the Senate on official duties, I appoint Hon. WENDELL R. ANDERSON, a Senator from the State of Minnesota, to perform the duties of the Chair during my absence.
>
> JAMES O. EASTLAND,
> *President pro tempore.*

Mr. ANDERSON thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of yesterday, Thursday, May 19, 1977, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I yield back my time under the order.

Mr. BAKER. Mr. President, I yield back my time under the standing order.

SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 7, which the clerk will state by title.

The assistant legislative clerk read as follows:

> A bill (S. 7) to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes.

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. The pending amendment is the Hart substitute for the Johnston amendment No. 275, as modified.

The Senator from New Mexico.

Mr. SCHMITT. Mr. President, I ask unanimous consent that Dick Burdette and Jim Hinish, of my staff, be granted privilege of the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCHMITT. Mr. President, as we seem to not have debate on the pending business ready to start, I wonder if the distinguished Senator from Wyoming would be willing to answer a couple of questions pertaining to S. 7.

Mr. HANSEN. I observe to my friend from New Mexico that Senator HART is in the Chamber, Senator MELCHER is here, and Senator METCALF is also here. So I imagine we would follow right on.

Mr. SCHMITT. I thank the Senator.

AMENDMENT NO. 282, AS MODIFIED

Mr. HART. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. HART. What is the pending business?

The ACTING PRESIDENT pro tempore. The clerk will state the pending business.

The assistant legislative clerk read as follows:

> Amendment No. 282, as modified, the Hart substitute for the Johnston amendment No. 275, as modified.

The amendment (No. 282, as modified) is as follows:

> In lieu of the language proposed to be inserted by the Senator from Louisiana, insert the following:
>
> "(5) the proposed surface coal mining operation if located west of the one hundredth meridian west longitude, would—
>
> "(A) not be located within an alluvial valley floor, or
>
> "(B) not materially damage the quantity or quality of water in surface or underground water systems that supply these valley floors referred to in (A) of subsection (B)(5): *Provided*, That this paragraph (5) shall not apply to those surface coal mining operations located within or adjacent to alluvial valley floors which in the year preceding the enactment of this Act were engaged in the commercial production of coal or which had obtained prior to January 4, 1977, specific permit approval by the State regulatory authority to conduct surface coal mining operations within said alluvial floors.".

Mr. HART. Mr. President, the amendment I am proposing today with my colleague from South Dakota (Mr. ABOUREZK) as a substitute for the Johnston amendment regarding the subject of strip mining on alluvial valley floors is identical to the language contained in the House version of this bill, H.R. 2, which was passed on April 29, 1977, and which would strengthen the bill's provisions dealing with surface mining on alluvial valley floors.

This amendment is strongly supported by the administration, and a copy of a letter from the Secretary of the Interior, Cecil Andrus, strongly affirming the administration's position, has been placed on each Senator's desk.

In addition, this amendment is supported by a wide range of agricultural and environmental and conservation organizations.

Mr. President, alluvial valley floors are critical to the arid and semiarid Western States, especially in periods of drought such as the one we are now experiencing. These valley floors contain unconsolidated aquifers and streambeds, and are important for natural irrigation and subirrigation of crops and grazing lands in periods of low rainfall.

Mr. President, I ask for the yeas and nays on this substitute amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HART. I thank the Chair.

Mr. President, the reason for my concern with surface mining in these areas is that, to date, there is little information to show that these areas can be reclaimed adequately to protect the underground water table.

My amendment would change the committee language by prohibiting new surface mining operations from taking place in these important areas, including undeveloped range lands.

Mr. President, while I commend the members of the Energy Committee for the attention they have given this subject, I believe the committee language is too weak in a number of areas.

First, by "grandfathering" those surface mining operations where "substantial legal and financial commitments" have been made, the committee has opened up the possibility of endless litigation and a legal nightmare for the State and Federal enforcement agencies as they attempt to define just what this language means.

Second, and more importantly, the committee's exemption of undeveloped rangelands from the surface mining prohibition ignores the complex nature of the underground hydrologic network. Surface mining of these areas could conceivably result in the permanent disruption of this hydrologic network and the permanent loss of productive lands in an area far larger than just the minesite itself. According to a National Academy of Sciences report, the offsite consequences of surface mining on alluvial valley floors could be far greater than the effects on the mined lands.

My amendment would, therefore, include these undeveloped rangelands in the bill's prohibition against new surface mining in alluvial valley floors, and it would also provide the authority to make case-by-case determinations on whether proposed surface mining on lands adjacent to alluvial valley floors could substantially harm the quantity or quality of the alluvial valley water aquifer.

Mr. President, many of my colleagues may be concerned that my amendment to tighten the ban on alluvial valley floor strip mining might effectively keep much of the coal in Western States from being developed. I want to reassure them that this is simply not so. Recent studies indicate that only 2½ to 3 percent of the coal in the West is found in these areas.

At issue, Mr. President, is a critical and unique water supply which we cannot afford to endanger. The Western States do not have much water in good years, and this year the problem is nearing disaster. What the West does have is an abundance of coal, which is found in many areas less critical than these alluvial valleys. What my amendment would do is lock up a small amount of the West's huge coal reserves so that important agricultural activities can continue unthreatened by the increased salinity or loss of water that strip mining could cause. As we begin to develop information on how to reclaim these areas adequately and safely, we in Congress can always reverse our decision on this subject. But until then, Mr. President, I think we can and should produce our coal elsewhere.

In closing, I should like to read briefly from Secretary Andrus' letter to me on this amendment:

> This Nation has abundant supplies of coal and we can afford to be particular about where and how we mine it. Alluvial valleys can be defined geologically and are critical to the water systems on which many of our citizens depend. Determination of effects of mining in alluvial valleys is, however, particularly uncertain and the possibility of serious harm is substantial. It is essential therefore that adequate protection be provided.
>
> Your amendment will do this and I urge the Senate to adopt it.

Mr. HANSEN. Mr. President, I appreciate the concern of the Senator from Colorado.

This certainly is an issue that has been discussed many, many times. It is my considered judgment that the language contained in the bill as reported by the Energy and Natural Resources Committee strikes the most reasonable balance and makes the best sense.

Obviously, no one wants to take an action which would be damaging and irreversible. I think the language contained in the bill provides those assurances and insures that we can proceed in a manner conforming with the language in the bill and achieve the goals that the Senator from Colorado has in mind.

I shall read what those provisions are:

> The proposed surface coal mining operation, if located west of the one hundredth meridian west longitude, would not have a substantial adverse effect on alluvial valley floors underlain by unconsolidated stream laid deposits where farming can be practiced in the form of irrigated, flood irrigated, or naturally subirrigated hay meadows or other crop lands (excluding undeveloped range lands), where such valley floors are significant to the practice of farming or ranching operations, including potential farming or ranching operations if such operations are significant and economically feasible: *Provided*, That this subparagraph (5) shall not affect those surface coal mining operations which in the year preceding the enactment of this Act (1) produced coal in commercial quantities, and (2) were located within or adjacent to alluvial valley floors or had obtained specific permit approval by the State regulatory authority to conduct surface coal mining operations within said alluvial valley floors or for which substantial financial and legal commitments, as determined by the Secretary, had been made prior to January 1, 1977.

Mr. President, later, I shall offer an amendment for consideration by the Senate which I think does address one possible shortcoming in this section.

However, my point is that we labored long and hard, trying to understand, first, what the concerns are of all persons interested in these lands; second, to try to come up with a solution which would deal fairly with everyone, first insuring that there would not be permanent damage to alluvial valley floors. I think that with the language that has been gone over a number of times, and to which attention has been given by all the experts we could call upon, we have come up with a pretty good answer.

I hope the Senate will reject the amendment proposed by the Senator from Colorado.

Mr. HART. Mr. President, I should like to respond briefly to the Senator from Wyoming.

First, with respect to the provisions contained in the committee bill, I note that the National Farmers Union, the Grange, the National Farmers Organization, the Rocky Mountain Farmers Union, and a variety of other agricultural interests are strongly in support of the substitute amendment I have offered, which I think indicates the breadth and depth of the concern on the part of those engaged in agriculture, particularly in the Western part of this country, about the damage which the committee language would do to their operations and to the water upon which they are dependent, if the bill is enacted.

I think the same concern was evidenced by the House in its adoption of the language which I am proposing. This language, if it were adopted, would conform the Senate bill to the provisions passed by the House.

I also note, Mr. President, in response to the suggestion—not made by the Senator from Wyoming but by others—that this would do substantial harm to our efforts to mine more coal, particularly in the Western States, that not only is Secretary Andrus strongly in favor of this language, but also, I am informed, the President's energy adviser, Dr. Schlesinger, supported the same language as offered by Representative BAUCUS in the House and supports the language contained in my amendment as a substitute.

With regard to the committee provisions, although I am sure the Senator from Wyoming is correct in his suggestion that the committee made every effort to reach a balance and to take into consideration all the interests, the language in the bill as it now stands grandfathers in those operations having made substantial legal and financial commitments to mining. Secretary Andrus says the following with respect to this provision in his letter of May 19 to me, a copy of which is on the desk of each Senator:

> A grandfather clause of this breadth holds real danger of environmental harm and would be particularly difficut to administer. In any event, there appears to be no justification for the open-ended possibility of new mining in these fragile areas provided by the reported bill, particularly under such an uncertain test as "substantial financial and legal commitments."

Obviously, this language would leave open the possibility of those who have been speculating in coal lands in the past to make a real killing here, on the ground that, last year or in some prior years, they had made a "substantial financial and legal commitment."

In addition, with regard to the committee language, by allowing mining on undeveloped rangelands and areas not significant to farming or ranching operations at the present time, the committee provision opens a loophole that could be extremely far-reaching in effect.

Secretary Andrus complains in the same letter to which I have referred that it would be extremely difficult to determine administratively what "undeveloped rangeland" or "significant" farming and ranching are.

More important, this language neglects the extremely intricate interrelationship of the various surface and subsurface water networks in the arid and semiarid West. As with the grandfather clause on which I have commented, this language leaves open a real administrative and legal nightmare for the people who have the obligation of administering this law.

Also, the committee language does not recognize the potentially damaging effects of mining adjacent to alluvial valley floors which may have the same effect as the actual mining operation on the valley floor itself.

So I think that in a number of very important respects, which Secretary Andrus has outlined in his letter, the committee language is deficient.

For some of the reasons I already have indicated and some which I will indicate later, I think the amendment offered by the Senator from Louisiana (Mr. JOHNSTON), to which my amendment is offered as a substitute, does not cure defects in the committee bill but, rather, exacerbates a number of them.

It is extremely important, in connection with these interests, to tighten up this bill and to provide some more particular definition of what we are talking about here than the bill which the committee has offered to the Senate or the amendment of the Senator from Louisiana.

Mr. MELCHER. I thank the Senator for yielding.

On February 4, in a rather detailed letter to the committee, Secretary Andrus addressed this very particular and critical point of alluvial valley floor treatment in the bill. He advocated the language we developed last year, which was in H.R. 13950, and now the Senator tells us that Secretary Andrus is very much enthused and enthralled with the language he is presenting today.

Does he elaborate; were there public hearings held by the Department of the Interior that led to this change of position? Was there clear exposure to all of the people, public bodies, that are involved? How about all of the environmental groups that have had an opportunity in this bill, all of the companies that might be involved in mining? What is the background of the proposed amendment?

Mr. HART. Well, the Senator's questions, I think, would better be directed to the administration and Secretary Andrus himself because I am not privy to any reasoning that may have gone on. The Secretary, on behalf of the President and the administration, would have to explain to the Senator from Montana whether his support for my amendment reflects any yielding to pressure from any organizations. That I do not know and I cannot account for. But I do know the Secretary in his letter to me, and for distribution to the Senate, has indicated very strongly present approval and support on behalf of the administration for the language which we have proposed here as a substitute.

Mr. SCHMITT. Mr. President, will the Senator yield for a question?

Mr. HART. I yield.

Mr. SCHMITT. The Senator from Colorado has put his finger on a very important problem, and I also must compliment the committee for having struggled with this and reached some form of compromise. I think the debate will determine just how adequate that compromise has been.

Would the Senator from Colorado define for me and our colleagues what he conceives an alluvial valley floor to consist of, and what other kinds of materials might be included in that and other kinds of services?

Mr. HART. Well, the best approach I can make is an attempt as a layman's—and I underline layman's—definition of what this geological phenomenon is.

These floors consist of unconsolidated deposits of gravel and porous rock and silt, and they consist of either surface or underground aquifers under them, depending on the topography of the area and the time of year.

They are usually, in our part of the country, as the Senator from New Mexico knows, lowland areas, where crops or hay are grown.

In the bill itself there is the definition, I think, on page 290 where alluvial valley floors are defined as meaning the unconsolidated stream laid deposits holding streams where water availability is sufficient for subirrigation or flood irrigation agricultural activities. That is the committee's definition of the formation we are talking about.

Mr. SCHMITT. Well, the definition on page 290 is somewhat imprecise.

I would ask the Senator would he conceive of the alluvial land, very often lying between a mountain range and a flood plain of a stream, as being included in this definition of alluvial valley floors? The Senator is aware of what I am speaking in these very broad unconsolidated gravels and sands that come out of the mouths of streams that issue from mountain ranges at the edges of agriculturally productive valleys.

One can conceive of alluvial plains, and in some cases they are plains where agricultural water may be dumped from these same deep aquifers that are fed from the valley itself.

Would the Senator include those as part of his definition?

Mr. HART. Well, I think to the degree they conform with the other narrow aspects as outlined by the committee, the answer is, yes.

I do note that in the letter which Secretary Andrus wrote, the letter of May 19, directed to me by him that he is of the belief, I think in the last paragraph of that letter, that alluvial valleys can be defined geologically and are critical to water systems.

The other observation I would make is that any deficiencies in the definition of the areas we are talking about, alluvial valley floors, would probably be best addressed to the committee and to the bill language itself, and I would be more than willing to cooperate with the Senator from New Mexico, who has a great deal more expertise in geological areas than I and, perhaps, anyone on the committee, with the purpose of clarifying that definition and, perhaps, even broadening it.

But, specifically on the areas which the Senator has mentioned, to the degree they conform to all of the aspects of the definition which I have suggested, particularly consisting of surface waters or ground waters, aquifer formations where agricultural activities are taking place or could take place, I think the answer to his question is probably yes.

Mr. SCHMITT. So the Senator would see the possibility in a test of this particular definition in the courts, in the absence of a geological definition in law, that we might see a very broad application of the general definition of alluvial valley floor as on page 290. That is, it could conceivably be extended to include all materials between mountain ranges, any area where a gravel or unconsolidated material overlays coal with water availability coming from aquifers associated with an alluvial valley or the main flood plain itself.

Mr. HART. I think to a degree the Senator has identified the problem. The problem is whether this body accepts the bill as the committee proposes, accepts the Johnston amendment, accepts my substitute amendment or accepts any other attempt to outline what strip mining will be permitted in an alluvial valley floor, that is to say, if there is a problem with respect to specificity of definition, it prevails in all the approaches to that problem. I would be more than willing to have the representatives of the committee, majority or minority, address themselves to whether the definition is specific enough or is too vague.

All I am saying is that to the degree the Senator from New Mexico has identified the problem, the problem pervades all these discussions.

Mr. SCHMITT. I concur with the Senator that it is a problem in both cases.

The Senator's amendment, however, would exacerbate the problem; that is, it would certainly tighten up the overall area of the mining of alluvial valleys. Therefore, a very precise definition of what we mean by alluvial valley floor is even more critical if the Senator's amendment were to be accepted by the committee.

I also wonder if members of the committee would like to enter into this colloquy and to discuss whether the definition of alluvial valley floor is precise enough.

Mr. METCALF. Whoever has the floor, will he yield to me?

Mr. SCHMITT. The Senator from Colorado has the floor.

Mr. HART. I yield to the distinguished floor manager of the bill.

Mr. METCALF. The Senator from Wyoming has already expressed the opinion of the committee. This matter was thoroughly discussed. The technical amendments that were proposed, that are being proposed by the Senator from Colorado, and the rather technical definitions, were considered in the committee.

Counsel for the committee and members of the committee felt that such things as substantial, legal problems would give greater flexibility to the Secretary in making his orders with respect to the alluvial valley floors.

In the course of my discussion with the Senator from Louisiana yesterday, I expressed some of my views and I think I expressed the committee's views on this bill. I join with the Senator from Wyoming in urging that we adopt the view, the language, and the concept that is in the committee bill, so that we do have some not too precise, not too specific suggestions, but something that the Secretary can write some regulations around and that will give some guidance to the court in interpretation of the law.

The language of the Senator's amendment is in the House bill, and inevitably no matter what we agree to we are going to have to go to the House of Representatives and again thrash this proposition out. I am not for the Johnston amendment. I am supporting the committee bill. I think that we are sufficiently precise, that the Secretary can write the necessary regulations. I think we are sufficiently precise that a competent court can interpret it in the event of an appeal. I would hope that, unless there is a special thing that the Senators want to bring up, we do not try to take away from the Secretary of the Interior the flexibility that we tried to give him on the committee.

Mr. SCHMITT. Mr. President, will the Senator yield?

Mr. HART. I yield, but I shall first make this observation:

I appreciate the remarks of the distinguished floor manager, but the Secretary of the Interior indicated he does not want the kind of authority that the committee is trying to force on him. He has already indicated to us that he thinks the committee provision is much too broad to write the kind of regulations necessary to implement this act. He has indicated to us that he hopes we will take away that vagueness and take away that potential for arbitrariness and give him a specific law that he can implement. So I think the best argument against the committee position here is the Secretary's own words that he does not want the authority which the committee is trying to give him.

Mr. METCALF. The Secretary of the Interior probably does not want a whole lot of obligations that sometimes we delegate to him by an act of Congress, but I have great confidence in the Secretary of the Interior. If he gets this delegation I am sure he will do a good job of it.

Mr. HART. I yield to the Senator from New Mexico.

Mr. SCHMITT. I hope that the distinguished floor manager of this bill understands that my question about the definition of "alluvial valley floor" is not to indicate that I prefer the Hart amendment over the committee language. I am not completely happy with the committee language, but I must say I prefer it over any tightening of that language. My concern about definition is simply to illustrate that without a more precise definition we will, in fact, potentially remove even more coal from available production, particularly coal on private lands, by the adoption of the Hart amendment.

I am almost as equally concerned about the language that the committee proposes for the same reason. There is considerable impreciseness in that definition which the Senator, I believe, sees as an advantage but I see as a disadvantage because of how far and how sweeping the interpretation that they be made either by the Department of the Interior, the Secretary of the Interior or by the courts.

And as a matter of fact, this is another question that I was going to ask the Senator from Colorado. Does he have any views concerning the amount of federally and privately owned coal in alluvial valleys defined either very precisely as only the flood plain or imprecisely as the entire area, say, between mountain ranges and in basins that as underlain by consolidated gravel?

Mr. HART. Let me respond again. I think it is a very important point. My amendment does not make this language any more vague. My amendment does not tamper with the committee's definition of what alluvial valley floor is at all. If anything, my amendment would prevent the kind of latitude which the Senator is concerned about in that it tightens up what activities can and cannot be carried out in these areas and removes from the Administrator's discretion what kinds of commitments qualify for an exemption from the act.

So if the Senator is concerned about arbitrariness or vagueness, he would be well advised, I think, to support an amendment which more narrowly and carefully defines the activities, if not the areas concerned, to prevent an administrator or bureaucrat, or someone, from getting into a hornet's nest from which they cannot get themselves extracted.

I shall simply try to specifically respond on the question of how much coal we are talking about, citing the following information. It is my understanding there have been three studies which address themselves to the question of the alluvial valley floors and their relation to the strip mining of coal. And the following information is taken from those studies, one by Mr. Malde and Mr. Boyles, in 1976, who mapped alluvial valley floors and strippable coal in a number of counties in Montana for the U.S. Geological Survey. They found that, of the surface area within the study area underlain by strippable coal, only 2.67 percent of the land surface studied overlay surface minable coal which falls within the figure which I have already indicated in my opening remarks of some 2.5 or 3 percent of strip minable coal which is in the area which we are talking about here.

Also, an EPA study in 1977 on the same subject found that, of land presently leased for coal mining in eight Western States, meeting the alluvial valley floor criteria contained in this bill, 2.88 percent of the area of the leased lands was in alluvial valley floors.

Then I noticed the third study is attributed to Jack Schmitt, 1977, EPA from Denver, Colo.

Mr. SCHMITT. If the Senator will yield, I do not believe he is any kin of mine.

Mr. HART. I hope we can clarify that for the record.

Of the alluvial valley floor areas studied in east central Montana, including all coal deposits in that area, 2.8 percent of the strippable reserves in that area was in what are defined as alluvial valley floors. So we are talking, I think, under the three studies and the literature that we have, about 2.5 to 3 percent of all of the known deposits of coal available.

Mr. MELCHER. Mr. President, will the Senator yield?

Mr. HART. I yield to the Senator from Montana.

Mr. MELCHER. I think it should be borne in mind that this is an old issue and that the studies that the Senator from Colorado referred to were in the concept of what was intended to be excluded as alluvial valley floors. It was not intended to just go on the definition that is contained here on page 290 and which has been mentioned earlier today, which is a very limited definition. It does not say anything about farming. It really does not get into the question of whether the irrigation water that is available eiher surface or subsurface is adequate for farming.

So what we have presented now is a different situation because the Senator from Colonado, Senator HART, is presenting an amendment that says there will not be any coal mining on any of the areas that are unconsolidated stream laid deposits holding streams where water availability is sufficient for subirrigation or flood irrigation agricultural activities.

Mr. HART. Except for the grandfather provision.

Mr. MELCHER. There is no question but that definition, if that is all that is going to guide the courts, will probably invite litigation on every mining plan that is proposed in the West.

We have gone over the ground so often; what are we trying to protect in alluvial valley floors?

Mr. HART. Again let me say if the Senator is unhappy with the definition, I will be more than happy to work with him and the committee in improving it.

I did not arrive at this definition; it is one the committee itself came up with after months and years of deliberation. If it is faulty, and it may be, I do not think that should be laid at the doorstep of the amendment I am offering.

I think a strong argument can be made, and has been made, that in fact my amendment will produce less litigation than the committee's bill, which suggests that if you make any what they call substantial legal or financial commitment, you are entitled to an exception, which invites speculators to attempt to qualify under that vague definition, which gives the Secretary a discretion he does not even want.

My amendment tightens up the language of the committee bill, but I do not want to assume responsibility for any vagueness of geological definitions contained in the bill.

Mr. BURDICK and Mr. SCHMITT addressed the Chair.

Mr. HART. I yield first to the Senator from North Dakota.

Mr. BURDICK. Mr. President, does this amendment apply to private as well as public lands?

Mr. HART. It applies to all the lands the bill affects.

Mr. BURDICK. The alluvial valley floor provisions apply equally to both under the Senator's amendment?

Mr. HART. And in the bill itself, yes.

Mr. BURDICK. To what extent does it take care of rights already vested?

Mr. HART. There are two provisions in my amendment pertaining to so-called grandfather provisions. For areas where a State permit was granted prior to January 4, 1977, or where they were producing in commercial quantities in 1976, those two types of operations would be permitted to continue.

Mr. BURDICK. Suppose I am in the position of a valid leaseholder from a private party, and I have not gotten a mining permit, but I have had a lease for several years. I will not be able to use that lease, will I?

Mr. HART. Not if you were not producing prior to 1976. But I think you will also have the same problem with the committee bill.

Mr. BURDICK. I am talking about both measures.

Mr. HART. Yes.

Mr. BURDICK. What provision does the Senator have to take care of that vested right? Does he just lose it?

Mr. HART. Well, first of all, he would be given——

Mr. BURDICK. He has paid money for this mineral lease, you understand.

Mr. HART. I think that the Senator from New Mexico and the Senator from North Dakota are identifying a problem that will prevail whether my amendment passes or not, in that the same difficulties will apply to a person if the committee bill passes.

Mr. BURDICK. I would like to have the difficulty removed. What are we going to do about that? Is there not a constitutional question involved?

Mr. HART. I think the floor manager may be in the best position to address himself to that. The committee, as I understand, considered constitutional issues.

Mr. BURDICK. May I have the attention of the manager? What did the committee do about this vested right question?

Mr. METCALF. As the Senator from North Dakota knows, this was one of the problems extensively debated in last year's bill. When the bill was introduced in the Senate, we had substantially the language that was in last year's bill. As I understand it, my colleague from Montana is supporting substantially that same language.

In the course of the debate this year, we changed the language somewhat, as has been pointed out by the Senator from Colorado.

I wish to say to the Senator from New Mexico and the Senator from Colorado that if I were writing the bill all by myself, sitting down and doing it, we might have different legislation. A committee wrote this bill, a committee that was knowledgeable and concerned about the various mining operations on alluvial valley floors, cognizant and aware of the debate we had last year, aware of Secretary Andrus' letter, and aware of what happened in the House of Representatives.

I think that we have a definition which has some flexibility. As my colleague from Montana suggests, we might have some lawsuits about this, but we are within the confines of constitutional zoning and constitutional prohibitions, and I believe that we can defend this position before the Secretary and before the courts.

Mr. BURDICK. All right; let me ask the question again. I have no problem with the prospective application of the amendment or the bill itself, but where I have acquired, as a lease, a right either by lease or by a mineral interest that existed prior to January 1——

Mr. METCALF. We put a grandfather clause in.

Mr. BURDICK. Well, the grandfather clause begins, as I understand, under the Hart amendment, on January 1, 1977.

Mr. METCALF. And the committee bill as well.

Mr. BURDICK. Yes. So I have a valid lease or a valid interest in that land.

Mr. METCALF. How much of a valid lease? I do not know, and neither does the Senator.

Mr. BURDICK. Well, somebody has given me the lease.

Mr. METCALF. The Senator says a valid lease, and I will accept that. Let us go on from there.

Mr. BURDICK. All right. Mr. A, the owner of the land, has given me the lease 5 years ago, and I own it. I do not have a permit from the State. Now the Senator is saying I cannot use that any more?

Mr. METCALF. That is correct.

Mr. BURDICK. And that is not taking property without compensation?

Mr. METCALF. No, it is not. The Senator, who is an extremely able lawyer, is well aware of the various zoning provisions that we have in the statutes, the various public interest provisions that we have in the statutes.

The whole concept of this bill, I will say to the Senator from North Dakota, is based on the proposition that certain areas cannot be mined. Certain areas can only be mined where they can be reclaimed; other areas that cannot be reclaimed because of either aquifers, historic sites, or something, no matter how much coal you own under that land you cannot mine it.

Mr. BURDICK. My good friend from Montana knows that under the zoning ordinances you are limited in your use of property, but if you have a lease to mine coal, you have no other use for it.

Mr. METCALF. You can mine it underground.

Mr. BURDICK. That disturbs the surface, too, does it not, in some degree?

Mr. METCALF. No, this is a surface mining, strip-mining bill, intended to protect the surface of the land of the United States.

We are not saying you cannot mine coal by any other method. In some areas perhaps you cannot find any other way. That is part of the risk of the lease.

Mr. BURDICK. Do we not have a provision in this bill that takes care of, in some way, somehow, rights that are are vested in this manner?

Mr. METCALF. If a person has gone to the State and secured a permit, made an environmental impact statement, and invested in the various exploratory activities required by this legislation, expended substantial sums—and that is relative; a sum invested by Exxon Oil Co. would be negligible, as compared to a sum invested by a small coalminer—if he has done those various things, he can go forward and mine. But if he has not done those various things, and he has, as the Senator said in his hypothetical example, purchased leasable coal as a subsurface right, and comes under the provisions of this bill, he cannot mine that coal except by underground methods.

Mr. BURDICK. And does the Senator think that has met the test of the Constitution?

Mr. METCALF. I certainly do. If that

does not meet the provisions of the Constitution, then the whole concept upon which this bill is based, which says we can protect the surface of the land of the United States of America, is not constitutional.

Mr. BURDICK. I do not quarrel with the Senator's objectives.

Mr. METCALF. I understand that.

Mr. BURDICK. I am asking legal questions about what we may face in the future. That is all.

Mr. METCALF. There is the concept we have had for years and years and years, that we do have the right to protect our land from exploitation and deprivation that are unnecessary, and to preserve the public interest in that land.

Mr. BURDICK. And the man who has the vested right loses without recourse to anybody?

Mr. METCALF. Yes. People lose vested rights all the time without recourse to anybody, if it is in the public interest.

Mr. BURDICK. I thank the Senator.

Mr. HART. It is my understanding that Secretary Andrus, the Secretary of the Interior, has been interested in some possibility of land exchanges or leasing sites, something of that sort.

Mr. BURDICK. If this could be exchanged for land of equal value, I think the constitutional test might be met. My friend from Montana is an excellent lawyer, but I still have doubts.

Mr. HART. Voting against my amendment would not solve those doubts, because the committee bill still has that problem.

Mr. SCHMITT. If the Senator will yield, the problem of the constitutionality is a problem which will continue relative to the bill, particularly since one of the purposes of the bill as stated on page 151 is:

> Wherever necessary, exercise the full reach of Federal constitutional powers to insure the protection of the public interest through effective control of surface coal mining operations.

If we are really looking to exercise the full reach, we must consider whether we have reached too far in some cases.

At this moment, I want to be certain that my concern about the Hart amendment is clear. Given a very loose definition of an alluvial valley floor, the Hart amendment, if adopted, would have a great potential of withdrawing all lands in the western United States which are underlain by unconsolidated gravel and which could be irrigated using water associated with a particular floodplain area.

I believe we not only must look to add some precision to the definition of alluvial valley floors, but we must recognize that if we enact the Hart amendment we will be eliminating, or potentially eliminating, from coal production vast areas of the West, in my State of New Mexico as well as almost all other Western States.

Mr. HART. I take issue with what the Senator has said based upon the studies I have already cited. Again, my amendment should not be confused with any vagueness the Senator feels about the definition of the language.

Mr. SCHMITT. I do not attribute the vagueness of the definition to the Senator's amendment.

Mr. HART. My amendment would not remove vast amounts of land otherwise available. The studies I cited are the best evidence we have, and they say 2.5 to 3 percent.

Mr. SCHMITT. But with the looseness in the definition of alluvial valley floor, that could be extended to include all those materials I have just described, areas of coal overlain by unconsolidated gravel.

Mr. HART. Not according to the experts who conducted the study, who assumed the definition contained in the bill.

Mr. SCHMITT. But that definiton is very imprecise. They may have just included the flood plains which are relatively level and are presently available for agricultural use. As the Senator well knows, vast parts of this State as well as mine are underlain by unconsolidated gravel at the edges of the flood plain and they could conceivably, and very possibly would, fall under this definition of alluvial valley floor.

Mr. METCALF. Will the Senator from Colorado yield?

Mr. HART. I yield.

Mr. METCALF. I feel compelled to insist that the estimate of the amount of land affected by these alluvial valley floor proposes, whether it is Senator JOHNSTON'S amendment, the Senator's amendment, the committee proposition, or the amendment which may be offered by my colleague from Montana, is not more than 3 percent of the land. Every study we have had made, utilizing the definitions we have in this bill, under the definitions we have under the Senator's amendment, and other definitions, say that the alluvial valley floor impact of this type of legislation is 2.5 to 3 or maybe a little more than 3 percent, but not over 3.5 percent.

Mr. SCHMITT. If the Senator will yield, as a geologist, I do not know how I would draw a line on a map defining alluvial valley floor according to the definition in the committee print. That is what I am concerned about.

Mr. METCALF. People have done mapping for us in the Soil Conservation Service and in the special service organizations that have made these studies.

Mr. SCHMITT. Then they have done it with a definition that is much more narrow than what could come from the interpretation of the committee's definition of alluvial valley floor. I would hope that maybe we could find out how these studies defined the line within which they included only 2 to 3 percent of the available coal lands. That is an extremely small number. It does not relate at all to the amount of area in the western United States underlain by unconsolidated gravel that would come under this definition. That is my concern.

If the committee staff would be willing to work with my staff to try to find out just now that line was defined, maybe at a later time today or tomorrow we can come to grips with that definition.

Mr. METCALF. I would be delighted to have the committee staff work with the Senator, his staff, or anyone else. As I understand it, the Senator from Colorado is going to ask unanimous consent to put this vote off until 11:15. I hope the debate on this amendment will not run until 11:15 because there are other matters under consideration to be taken care of. In the interval I would be delighted to have anybody on my staff discuss this matter with the Senator.

Mr. SCHMITT. If the Senator from Montana will yield further, I am concerned about the definition of alluvial valley floor with respect to the committee print as well. I am particularly concerned about it with respect to the amendment of the Senator from Colorado.

Mr. METCALF. The Senator from Montana has no illusions about the concern of the Senator from New Mexico under the committee amendment or the amendment of the Senator from Colorado.

Mr. SCHMITT. The point is that the impact of that looseness of definition is much more severe in the Hart amendment than in the committee amendment. I will, in fact, support the committee in opposing the Hart amendment for that reason.

Mr. HART. Mr. President, I do not intend to carry the discussion of this amendment too much further since there are a large number of amendments and the leadership does want to try to get this bill passed today. I am more than happy to answer any questions. Questions of definition can be worked out. They are technical in nature. Those are concerns between the Senator from New Mexico and the floor manager.

I ask unanimous consent, Mr. President, that a vote on this amendment in the nature of a substitute occur at 11:15, with the understanding that the Senator from Montana may be heard further on the amendment, and that other amendments may be taken up and debated in the meantime.

Mr. HANSEN. Reserving the right to object, and I shall not object, I quite agree with the Senator from Colorado that it would be helpful to Senators to be able to leave here for other important engagements armed with the assurance there shall be no votes occurring until then. I gather this is what the Senator is saying, his being the first amendment to be voted upon, and the unanimous-consent request being that the vote would not occur earlier than 11:15.

Mr. HART. That is my request.

Mr. HANSEN. I do not object.

Mr. ALLEN. And that will be the first vote.

Mr. HANSEN. That is correct.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Montana is recognized.

Mr. CULVER. Will the Senator yield for a unanimous-consent request?

Mr. MELCHER. Who has recognition, Mr. President?

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. MELCHER. I yield.

Mr. CULVER. Mr. President, I ask unanimous consent that George Gilbert, of my staff, be granted the privilege of the floor throughout the debate and votes on the pending legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MELCHER. Mr. President, the concern that has been expressed by the Senator from New Mexico as to what is an unconsolidated stream-laid deposit holding streams where water availability is sufficient for subirrigation or flood irrigation agricultural activities is a concern that will involve almost every mining plan submitted to a State regulatory authority or to the Secretary of the Interior for approval before strip mining can be done. If we are just to look at those four lines in the bill and say that the mining plan had to conform to that, without any interpretation of another section of the bill, I think there is a question of how much strip mining would be done in the West.

I would ask Secretary Andrus and all the other backers of this amendment if they want to prohibit strip mining on some dry creeks.

Who has made a survey of the dry creeks in Montana or Wyoming to find out whether or not they have unconsolidated stream laid deposit holding streams where water availability is sufficient for subirrigation or flood irrigation agricultural activities? Certainly not the studies that have been referred to, because they have looked at the concept of what the committee and what Congress intended in those bills by "alluvial valley floors". They did not look at all of the geology that might be involved on these dry gulches, on these dry streams that may flow some years when there is snow to be melted off, or heavy rains of sufficient quantity to let them run. They have not looked at it from the concept of all of those dry streams and, surely, the committees that have worked on this bill, in this Congress as well as in previous Congresses, was not referring to all the dry streams or all the dry gulches in West.

What we sought to do was protect such valleys as the Yellowstone Valley, where there is irrigation, where there is farming. We sought to protect the integrity of that valley and the Tongue River Valley, the Powder River Valley, the Rosebud Creek Valley, and many others, where there was farming—that was being farmed because of either surface irrigation or subsurface irrigation. That is what we were trying to do, because those thin ribbons of irrigated land, surface or subirrigated, are extremely important to the miles upon miles and millions and millions of acres of western land that flow out from either side of those narrow stream beds.

So we had the question of this definition of alluvial valley floors. There has always been some question in my mind whether we should seek to use that definition. We were really talking about valley floors where you can farm, and where there is irrigation water, either on the surface or subsurface, that helps that farming. That is what we are talking about. Yet we keep having to rely on this geologic definition of what we are talking about.

Well, I have not quarreled with striking the geologic definition. What I have quarreled about is what we are trying to protect in saying to the Secretary of the Interior or to the regulatory authority of each State, "When are you going to say no to strip mining if it involves farmland where it is irrigated or subirrigated?"

So we get to this other section of the bill, which is on page 207 of S. 7.

I am not really fond of, and I join with the Senator from Colorado in not really liking that section of the bill. I join with the Senator from New Mexico in saying, just what is this referring to? How loose is this? I think it is pretty loose in the bill. I think it is pretty loose.

I think when we are talking about laying on this added definition on line 4, page 207, "have a substantial adverse effect on alluvial valley floors underlain by unconsolidated stream laid deposits where farming can be practiced"—now we put in another element. We start out with a definition on page 290 of what an alluvial valley floor is. Then we get to this key section where we are going to ban strip mining on those alluvial valley floors.

Then we lay on this language, which seems to me to compound ambiguity.

Perhaps, if we were pushed far enough and we had a Secretary of the Interior who wanted to mine on the valley floors, or a regulatory authority in a State such as Montana or Wyoming that wanted to mine on the valley floors, we might make an endangered species out of the Yellowstone Valley, the Tongue River Valley, or the Powder River or the Rosebud, if there were loose construction of this section, coupled with the definition.

The Senator from Colorado tried to get around that. I think what his definition does is just about ban strip mining in the West if somebody wants to press the issue on what are all the areas where there are unconsolidated stream laid deposits because, where there is a question, what about "where water availability is sufficient for subirrigation or flood irrigation agricultural activities?"

Is that to mean every time a dry stream runs some water, after a good snowfall in the winter or a good snow pack or a heavy rain in the spring, which could be captured and used for irrigation, even though that irrigation would be for a farming operation that is as intermittent as just starting up now, with the idea that this was to prevent strip mining in that area? I do not know. I do not think the Secretary of the Interior, Mr. Andrus, knows.

On February 4, he wrote a very detailed letter saying to the committee that the alluvial valley floor section was most important in the bill and that those fragile lands—talking, I think, about the Yellowstone Valley and the Tongue River Valley and the Powder River and Rosebud Creek—where there was farming dependent upon irrigation, should be protected. Then he opted for and recommended the specific language, word for word, that we had agreed upon last summer.

What has happened between February 4 and now? Have there been any hearings on this language? No; neither committee has held hearings on this particular language.

Has the Secretary gone out and held hearings on this particular language? No; he has not.

What has been the origin of this amendment? He does not advise us. His letter to Senator HART, dated, I think, May 19, does not explain why he changed his view, what input he had to guide him to change his mind from February 4. No; he just says, let us have this amendment.

I think it goes too far. I do want to protect these stream beds where there is farming. I do want to do that. But we have, long ago, decided that we are not trying to ban strip mining on the dry creeks where there is not any farming. We use such words as "undeveloped rangeland" so there will not be any doubt, by a Secretary or a regulatory authority of a State or by the courts.

(At this point, Mr. CULVER assumed the Chair.)

Mr. MELCHER. We said in the section of the bill dealing with this that it had to be farm. They had to depend on irrigation water, either on the surface or subirrigated, and that those were the areas we were trying to protect.

Now, I have a printed amendment, it is No. 292.

The situation we are in right now is that Senator HART's amendment is a substitute for Senator JOHNSTON's amendment. The vote will occur first on the substitute, Senator HART's amendment. I think his amendment goes too far, with all due consideration to the Secretary of the Interior, and to his leadership of a department I think is going to be more dynamic than it has been in the past.

It does seem odd that on February 4, he can take a very explicit, a very definite view, go word for word over language we have developed over a year ago that has had a hundred or perhaps a thousand attorneys examine it, involved in the Department of the Interior, coal company attorneys, attorneys from various States, the States where mining would be done and practiced in the area we are talking about, in that area, and then come up on the floor of the House a week or two ago with a recommended amendment that is accepted on the floor, then approach Senator HART and say, "Let's have the same amendment in the Senate."

Mr. HART. Will the Senator yield?

Mr. MELCHER. And then he should give us an explanation of why this has been.

I am delighted to yield.

Mr. HART. First of all, I do not, as I indicated before, presume to speak for the Secretary of the Interior. Those questions are best addressed to him.

I would only note that February 4 was some 2 weeks after the President of the United States took office. I think that is not a very long period of time to take a position on an issue of this sort.

The other thing that has transpired since then is the passage of the House bill and the passage of a great deal of time.

As the Senator from Montana well knows, the Secretary of the Interior took a position on certain water projects at one point and has since, together with the President of the United States, changed his position on that somewhat.

So I think any administration coming into authority, particularly within the first few days, may tend to take positions it later wants to change.

The Secretary of the Interior can, of course, explain why he did that. I suspect a lot had to do with the debate and discussion of this bill and these provisions in the House and Senate committees and in the House of Representatives and the ferment that accompanied this discussion.

Mr. MELCHER. I think those observations by my friend from Colorado are nice observations, but Secretary Andrus was the Governor of Idaho. We have been discussing the strip mining bill here in the Congress I think for the past 5 years.

The Governor of Idaho, like other Western Governors, has examined the strip mine bill over all that time. While he was only the Secretary of the Interior for a few weeks on February 4, I can assure the Senator that Secretary Andrus was well exposed to the issue involved here.

But the parliamentary situation we are in now is to vote first on Senator HART's amendment, which I think goes much too far, and I hope it is defeated. Then I hope that the amendment of the Senator from Louisiana (Mr. JOHNSTON) is also defeated because it does not improve what is in the committee bill.

If the votes take place and both amendments are defeated, I hope to offer amendment No. 292 at an appropriate time because it is a midde ground on this issue for the valley floor protections.

If we had the Hart amendment adopted, the Senate would go to conference with the House locked into a position on this most sensitive issue.

If it is defeated, we then, of course, have the option of accepting the Johnston amendment or my amendment or other amendments.

Mr. METCALF. If the Senator will yield, or the committee bill.

Mr. MELCHER. Or the committee bill, and, of course, the committee section as it now exists in the bill.

Mr. METCALF. Yes.

Mr. MELCHER. I will not seek to prolong this discussion this morning, but I think that we really want to narrow the scope of understanding of what the Congress is trying to do in protection of alluvial valley floors.

We could do very well with accepting the language we worked out last year and now is before us at the appropriate time in amendment No. 292, which I will offer.

Mr. SCHMITT. Will the Senator yield?

Mr. MELCHER. I am delighted to.

Mr. SCHMITT. Is it the Senator's feeling, and I direct this also to the manager of the bill, that the legislative intent that alluvial valley floors apply to types of similar examples such as the Senator described so eloquently, Yellowstone, Rosebud, and so on. Is that the intent of the language of the bill?

Mr. MELCHER. Is the Senator asking me?

Mr. SCHMITT. I will ask the Senator if he believes that is the intent and then I would ask the committee if they concur.

Mr. MELCHER. I believe the intent of the previous bills, and I think the intent of the committee bill that we have before us, is to limit strip mining on valley floors where there is farming done, either by surface irrigation or sub-irrigation, and that, indeed, if that is a limitation and the effect of this bill is carried out as intended, that it would be about 2.5 percent of the area in the West.

Now, I think the Hart amendment would extend that considerably, depending upon the interpretation of the regulatory authorities and the courts.

Mr. SCHMITT. I concur with the Senator from Montana.

I think he has stated the intent and the intent which I can support. I suspect that is the generalized definition of alluvial valley floors that was used to get, say, 3 percent, the number 3 percent of the area affected.

I ask the committee, should that be the legislative history, roughly or maybe even precisely, as described by the Senator from Montana?

Mr. METCALF. Will the Senator yield?

Mr. MELCHER. I am glad to yield to the Senator.

Mr. METCALF. In the last Congress the bill was extensively discussed in probably one of the longest conferences we ever had. We have the conference report and it says that "alluvial valley floors do not include upland areas which are generally underlain by a thick veneer of colluvial deposits composed chiefly of debris from sheet erosion, deposits by unconcentrated runoff or slope wash, together with talus, other mass movement accummulation and wind blown deposits."

That kind of language is discussed specifically and was specifically adopted by the Senator from Montana who was on the conference committee at the conference of this legislation last year when we had the extensive discussion on alluvial valley floors which appears in the House report.

So, substantially, we in the Senate have adopted the definition in the concept that was written into H.R. 25, the conference report, in the last year's bill.

The bill was vetoed by the President except for adding the grandfather clause which was added at the end of the committee hearings, providing for a special protection for those people who were grandfathered in. So with respect to the Yellowstone and the Tongue and the Rosebud and those other wonderful names for rivers in southeastern Montana, in the opinion of experts who talked about alluvial valley floors and the kind of doubletalk I have just read to the Senator and in the opinion of the Members of the Senate who have asked us to put that in layman's language, we have taken care of the problem that my distinguished colleague from Montana raises. It is the same problem he raised in conference last year, and we agreed to it.

Mr. SCHMITT. Will the manager of the bill consider attempting to find a definition of "alluvial valley floor" that incorporates the gist of what he just referred to as doubletalk, which made perfect sense to me?

Mr. METCALF. I would be delighted to put in that language. I really did not mean it as doubletalk. It is professional soil conservation language, rather than the kind of talk we farmers use—gravel and soil composition.

I think it was our intent to have that language as a part of this bill. It is part of our discussion.

Mr. Harvey, of my staff, will meet with anybody, and we will specifically put that in the statute as a definition.

Mr. SCHMITT. If we could leave this matter at this point and if my staff and the Senator's staff could work together, perhaps we could find a way to make that definition of alluvial valley floor correspond to the well-stated intent of both Senators from Montana. I think that would relieve a great deal of concern I have about this fairly open-ended definition at the present time.

Mr. METCALF. The distinguished junior Senator from Montana, who was a Member of the House of Representatives when this bill, H.R. 25, was taken up, worked very long and hard in conference on this subject. It was the opinion of the senior Senator from Montana that we had accommodated his concepts and his ideas in the committee bill.

However, if we can work out something more precise and at the same time carry out the intent of Congress, I will be very pleased and privileged to work with the Senator from New Mexico.

Mr. SCHMITT. Let us attempt to do that and defer this matter to later in the day.

Mr. HANSEN. Mr. President, who has the floor?

Mr. MELCHER. Mr. President, I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I appreciate the observations made by the distinguished junior Senator from Montana. I think this debate has been helpful in trying to clarify and help each of us better understand what is contained in the bill.

Earlier this morning, the distinguished Senator from North Dakota raised some issues with the floor manager of the bill, and I should like to follow up on that and make some observations.

Section 422 of the bill contains language which deals with the designation of areas unsuitable for surface coal mining. On page 93 of the report is found this language:

> As a condition of having a State program approved by the Secretary of Interior, subsection (a) requires States to establish a planning process enabling decisions on the unsuitability of lands for all or any type of surface coal mining but not for exploration.
>
> Lands must be so designated if reclamation as required by this Act is not economically or physically possible.
>
> Lands may be so designated if: (1) Surface coal mining would be incompatible with existing State land use plans; (2) the area is a fragile or historic land area; (3) the area is in "renewable resource lands"—those lands where uncontrolled or incompatible development could result in loss or reduction of long-range productivity, and could include watershed lands, aquifer recharge areas, significant agricultural or grazing areas; (4) the area is in "natural hazard lands"—those lands

> where development could endanger life and property, such as unstable geological areas.
>
> Each study for designation is made only on a case by case basis upon specific petition. In addition, S. 7 contains specific requirements for petition.

The point I wish to make is that the committee was sensitive to the particular kinds of hazardous or the possibilities that could result from surface mining in these areas. I think most of us will agree that, insofar as Federal lands are concerned, where the coal is owned by the Federal Government and the surface is owned by the Federal Government, Congress certainly would have far wider latitude in bringing about zoning or any other kind of restriction, even a prohibition, if, in its wisdom, it chose to make such a prohibition.

However, having in mind the questions raised by the distinguished Senator from North Dakota, I say this: Where fee lands have been patented and where there was no mineral reservation made by the Federal Government, then I think we have to look at the ability of a developer who proposes to extract those minerals and to ask ourselves, as seems to me to be inherent in this language, can these lands that would be designated as "unsuitable" be reclaimed, and is the sort of reclamation that would be required economically or physically possible?

If the answer is, "No," that it is not physically possible or economically possible to reclaim it, then I assume that we are viewing a situation in which we say that if the coal is recovered by surface mining and it is not physically or economically possible to reclaim the lands, this would be a situation where permanent, irreparable damage could be done.

The reason why I am concerned about this is that, while people who may own those fee lands and may own the coal would like to have the lands developed—I think we will find that there are people in this category who live in an alluvial valley floor and who have a ranch or farm operation that has been going on for a long time—they may choose, if they were given the option, to say that they want to have that coal developed.

However, we say in this language, it seems to me, that unless it can be demonstrated that it is both economically and physically possible to reclaim, we may say no anyway. There may be a man downstream who depends upon the water, whether it is a surface flowing stream or an underground aquifer; and if the removal of the coal would do damage downstream to somebody else, then I think it is entirely proper and appropriate that unless the person who proposes to develop the coal can assure his downstream neighbor or others that irreparable damage will not be done, we should not permit that kind of coal removal.

On the other hand, if the operator or the owner of the fee lands is able to demonstrate to the satisfaction of either the State agency or the Secretary that there can be full restoration or there will be no permanent damage left, then it narrows the issue down to what may be the damages that would occur to a downstream landowner during the mining operation, and in that instance, while I am no lawyer, it would seem as though a person who might be temporarily damaged or inconvenienced for a short period of time certainly would be entitled to damages, but he should not be permitted, in my judgment, to say, "You cannot cause me any inconvenience at all."

I should think he would be entitled to damages, that is, the downstream man, but he should not be able to prevent the fee simple owner of the surface and all the minerals under that surface from exercising his property rights.

Undoubtedly this situation can result in court cases. I would make that sort of prediction, and I would say we ought not to be able cavalierly to say to a fee simple owner, "You cannot do certain things that normally would go with the exercise of the ownership of property that you have," without some sort of compensation.

I have to believe, as I think the Senator from North Dakota indicated, that that would be a taking.

Now, again, I do not know where to draw these boundary lines, but I think there can be actions taken and, indeed, in past times there have been, when a taking does occur. Zoning is an example.

There is a whole body of law, case law, that has been written on individual cases, where a subdivision of Government, either a city or a county or the State has said, "We want to achieve certain social objectives." Maybe we want to have open space, or whatever, and you can find all sorts of cases where if, in the opinion of the court a taking has occurred, it has been generally held in favor of the owner of private property. If a subdivision of Government has said, "There are certain things that you cannot do because we think they are socially not desirable or esthetically desirable and you will be entitled to damages," and I do not make the point that the Government has the exclusive right to protect the health and safety of individuals, and I am not raising that issue, but I am raising the broader issue of where it may be in the interest of a community or of a county or of a city to say, "We do not want certain things to occur," and that is the sort of situation I think which has resulted in cases going to court where a judge or a jury listens to the evidence and makes a determination that in the eyes of the court fairly reflects the interests of the various individuals who are affected.

I wanted to make that observation because I think that was part of the concern expressed by the Senator from North Dakota when he raised the issue of how far can we go. We do not try to make that sort of determination in this bill.

I think what we have done here is to look at the broader issues and to come down as fairly and as unequivocally as we could in setting forth guidelines that I believe will be helpful.

It seems to me that these are the sorts of issues that ought to be determined on a case-by-case basis.

I know full well the concern that the junior Senator from Montana has. I think he, along with all the rest of us who live in the West, appreciates the beauty and the natural characteristics of these important valley areas. But I agree with him that the amendment offered by the distinguished Senator from Colorado, I believe goes too far in just plain, flat out saying, "You cannot mine there." I do not think we should go that far, and I hope that particular amendment would not be adopted by the Senate because, as was pointed out by the distinguished senior Senator from Montana, we are assured that a ban will be before the conference anyway. It is in the House bill.

I think the wiser course for the Senate to take is to adopt the language in the Senate bill in order that we will have the full opportunity to consider all of the ramifications of this issue, to consider the interests of the public as well as of individuals, and to then be given the sort of latitude that is afforded by the Senate bill in making the kind of determination that will, first, protect the public interest and insure, second, the protection of the private personal interest. There is language in the bill on page 267, section 422, which deals specifically with the designation of areas unsuitable for surface coal mining.

If Senators will read pages 267, 268 and 269 they will see the requirements that are imposed upon the State. On page 269, as an example, is found this language:

> To comply with this section a State must demonstrate—

As it draws up its land use plan, and so forth—

> it has developed or is developing a process which includes—
>
> (A) a State agency responsible for surface mining lands review;
>
> (B) a data base and an inventory system which will permit proper evaluation of the capacity of different land areas of the State to support and permit reclamation of surface coal mining operations;

That language, and earlier language, I think, is intended to insure that there will be adequate consideration given to these issues, and that a State, even a State, may not arbitrarily take an action if it can be demonstrated to the satisfaction of the Secretary that the laudable objectives of reclamation can insure a restoration of lands so as not to impair either the quality or the quantity of water and will not, at the same time, undermine or deprive a fee simple owner of the right to do those things which, absent this language, he would be permitted to do.

Mr. HART. Mr. President, will the Senator yield?

Mr. HANSEN. I would be happy to.

Mr. HART. The Senator talked about preserving the beauty of these areas. That is not the principal purpose of my amendment. The principal purpose of my amendment is to preserve agricultural lands in the West, which are scarce as it is, and the water necessary to develop those agricultural lands.

It is not accidental that most major farm organizations I know of are in support of this amendment. They supported it in the House, and the administration supports it.

This is not a preservation-of-beauty

amendment; this is a preservation of western water and agricultural lands.

Mr. HANSEN. Well, I would say to my friend from Colorado that on page 268, at line 17—maybe I should start a little earlier and read this section beginning on line 7:

> (3) Upon petition pursuant to subsection (c) of this section, a surface area may be designated unsuitable for certain types of surface coal mining operations if such operations will—
>
> (A) be incompatible with existing State land use plans or programs; or

And I would assume that that deals more with the esthetics—

> (B) affect fragile or historic lands in which such operations could result in significant damage to important historic, cultural, scientific, and esthetic values and natural systems; or
>
> (C) affect renewable resource lands in which such operations could result in a substantial loss or reduction of long-range productivity of water supply or of food or fiber products, and such lands to include aquifers and aquifer recharge areas; or

I think that that deals specifically with the agricultural concern, if I understand what my friend from Colorado said.

Mr. HART. I appreciate the Senator's citation of that paragraph. But unfortunately, it does not deal with the problem, or the amendment would not have been offered in the first place or would not have been adopted in the House of Representatives and would not have the support of the national farm organizations. I think the farmers of the West and people who grow crops and graze their cattle on these lands are extremely concerned about the vagueness of that language. That is why there is more specific language in the House bill and why they are supporting the language which I have offered as a substitute.

Mr. HANSEN. I am not sure exactly how many farm organizations have endorsed the language to which the Senator refers. I happen to belong to a couple of them, and I do not think I have been polled.

Mr. HART. The National Farmers Organization, the Grange, the Farmers Union, a number of others.

Mr. HANSEN. What about Farm Bureau? What about the Stock Growers Association and National Cattlemen's Association?

Mr. HART. I will check on the cattlemen's support of it.

Mr. HANSEN. I would be interested in the result.

Mr. HART. My amendment.

Mr. MELCHER. Mr. President, I inject in this colloquy at this point because the Senator from Colorado has made reference to farmland, making it clear that his amendment dealing with restrictions on mining on alluvial valley floors strips from the bill the reference to farmlands and to croplands. His amendment strips that language referring to farming. I wonder if I could have the attention of the Senator from Colorado.

I wonder if I could have the attention of the Senator from Colorado.

The Senator's amendment strips from the section all reference to farming and to croplands and just says that there will be no mining located within an alluvial valley floor. It does not refer to farming or to cropland and does strip from the section of the bill all reference to farming or cropland.

Mr. HART. It does create a presumption that in these valleys with their ground water supplies or surface water supplies in almost all cases there is agricultural activity of some kind or even grazing. There is with regard to areas adjacent to alluvial valley floors a presumption that those should also not be strip mined, but it does give the Secretary discretion where it can be demonstrated that mining would not materially affect the quality or quantity of the water in the alluvial valley floors to permit strip mining activities there. The reason even that could be prohibited is because of the interconnected hydrology of the water systems in the West of which the Senator from Montana is well aware.

But there is very definitely a presumption here in favor of either existing or potential agricultural activities in these areas. But again, we are only talking about 2½ to 3 percent of the strippable coal.

Mr. MELCHER. Mr. President, I think we have come full circle on this. We have continuous reference on this particular amendment by the Senator from Colorado as to how it is going to protect farming and cropland by stripping from the bill the reference to protecting farming and croplands.

We have a question of how we are going to protect the underground water, which is handled in a different section of the bill and which I think needs reference to in this particular protection. We have clearly demonstrated all morning how we want to protect farming operations where it is irrigated or subirrigated but what we run up against is how best do we do that. I think that the Senator from Colorado tries to oversimplify the problem and that his language fails to identify the problem completely enough to guide the Secretary of the Interior, the State regulatory authority, or the courts to protect the vital valleys that I have mentioned like the Yellowstone, Powder River, the Tongue, the Rosebud, and the Sparpy so they cannot continue to farm and use irrigation, either surface or subsurface, in those areas.

So I hope we can defeat this amendment. get onto the Johnston amendment, defeat it, and see whether we want to refine the commitee treatment of this.

I yield to my distinguished colleague, the senior Senator from Montana.

Mr. SCHMITT. Will the senior Senator from Montana yield for a question on the definition of "alluvial valley floor"?

On page 290, S. 7 as amended now reads in part:

> "alluvial valley floors" means the unconsolidated stream laid deposits holding streams where water availability is sufficient for subirrigation or flood irrigation agricultural activities.

Is it the intent of the legislation that the water available for irrigation come only from the streams and aquifers within the alluvial valley in question?

Mr. METCALF. Yes.

Mr. President, are we through with the debate on this amendment? The vote on this amendment will take place at 11:15. So, we can call up some other amendments.

Mr. HART. Mr. President, with permission of the distinguished floor leader, I wish to preserve 3 minutes prior to the vote for summary argument, if possible. But I have no further arguments on this amendment.

Mr. METCALF. Mr. President, I ask unanimous consent that we have 5 minutes of debate at 11:10 a.m. The Senator from Montana has 2 minutes and the Senator from Colorado has 3 minutes. And we vote at 11:15 a.m.

Mr. MELCHER. It certainly is very agreeable.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. With the floor leader's permission, I also wish to correct the statement I made earlier to the Senator from Wyoming. The Cattlemen's Association has taken no position on this.

I thank the Chair.

Mr. METCALF. The Senator from Pennsylvania had an amendment that I was prepared to accept.

Mr. HANSEN. Mr. President, I, also, am prepared to accept it. I think very briefly what the Senator from Pennsylvania was saying was—he is here now.

For the benefit of the Senator from Pennsylvania, may I observe that the floor manager of the bill has just indicated his willingness to accept the Senator's amendment.

Mr. METCALF. Mr. President, I ask unanimous consent, despite the previous unanimous-consent order for Senator FORD to bring up his amendment, we be permitted to recognize the Senator from Pennsylvania.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINZ. I thank the distinguished chairman.

UP AMENDMENT NO. 255

Mr. President, I call up my amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> The Senator from Pennsylvania (Mr. HEINZ) proposes unprinted amendment No. 255.

Mr. HEINZ. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 226, between lines 15 and 16, insert the following new subparagraph (D):
>
> "(D) provide that upon the request of a resident or owner of a man-made dwelling or structure within one-half mile of any portion of the permitted area the applicant or permittee shall conduct a pre-blasting survey of such structures and submit the survey to the regulatory authority and a copy to the resident or owner making the request. The area of the survey shall be decided by the regulatory authority and shall include such provisions as the Secretary shall promulgate."

Mr. HEINZ. Mr. President, I offer an amendment that would require a preblast survey be conducted, only upon the request of a resident or property owner, within one-half mile of any portion of the permitted surface mining operation area. Surface mine blasting has inflicted numerous hardships on citizens in Pennsylvania, Ohio, West Virginia, Kentucky, Indiana, Illinois, Tennessee, Virginia, and many other States. An estimated 75,000 people have suffered damages during the last 10 years.

This amendment will not only protect homeowners and residents, but also protects surface mine operators from fraudulent claims since the results of the preblast survey will be on record with the regulatory authority.

Mr. President. this amendment is consistent with the House position and would make S. 7 a better bill. I urge the support of my colleagues.

Mr. President, I discussed the amendment with the distinguished chairman of the committee and ranking minority member. I understand they have no objection to it.

The amendment is identical to section 515 of the House bill. It amends paragraph (15), and it simply adds to that paragraph which has to do with blasting that a property owner who might be affected by such a blast within a radius of one-half mile would have a right to ask for preblast survey of his structures. I understand, further, that this is something that both the owners and operators and, also, the people who might be affected wish to have, because it protects both the operator as well as the resident, or the owner, of the structure.

Mr. METCALF. I have heard absolutely no objections from anyone on the amendment the Senator offers, and as the ranking minority member, the Senator from Wyoming, has indicated he is willing to accept the amendment, and unless there is objection, Mr. President, I have nothing further.

Mr. ALLEN. Mr. President, I am pleased to be a cosponsor of the amendment offered by our distinguished colleagues, Senator Heinz of Pennsylvania and Senator Randolph of West Virginia, which would address a great and growing need to develop the technology and manpower to meet pressing coal research and coal industry needs throughout our country.

Mr. President, legislation that would have established similar institutes has been enacted by the Congress three times since 1972. Each time the bill was vetoed; once when the Congress passed the law on its own merits, and twice as part of comprehensive legislation that would regulate surface mining. In each instance, the legislation failed to become law.

The amendment now being offered reduces the scope of the previous suggestions and focuses entirely on research activities related to coal.

Naturally, the State of Alabama has a particular interest in the amendment, because we have the ability to qualify for such an institute in the great University of Alabama system. In order for a State to be eligible to have a State coal mine and coal resources and research institute, a college or university must meet the following criteria:

First. It must "have an eligible school of mines or division or department conducting a program of substantial instruction and research in coal mining and preparation and related research."

Second. It must have existed for 2 years.

Third. The division or department must employ at least four full-time faculty members.

Fourth. The institution must be able to match the Federal contribution.

Mr. President, in the event that each of the 50 States became eligible for Federal support—an event which is unlikely—and in the event Congress appropriates all of the money authorized in the project grant section, the program would cost $25 million in fiscal year 1978—$10 million for sustaining grants and $15 million for research grants. Total authorized expenditures for 1978, would be in the amount of $25 million. That would rise to $45 million in 1984.

Mr. President, in light of the crisis facing our Nation regarding future energy supplies, and in light of the President's heavy emphasis on coal taking up the slack to meet future energy needs, it appears to me that the price of providing for new technology and new coal-related manpower expertise, is modest indeed and I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. METCALF. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HEINZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. METCALF. Mr. President, as I understand it, the next order of business is for the amendments of the Senator from Kentucky to be called up.

The PRESIDING OFFICER. The Senator from Kentucky is recognized. The Senate will be in order.

Mr. FORD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FORD. When my amendment is called up, I believe we have unanimous consent to vote at 11:15 on a previous amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. FORD. Then the debate on my amendment would cease at that time, and would continue after the 15-minute rollcall?

The PRESIDING OFFICER. It would be suspended from 11:15 until the completion of Johnston amendment No. 275.

Mr. FORD. And will that complete, then, all of the Johnston amendments?

The PRESIDING OFFICER. It would represent the disposition of one of the pending Johnston amendments.

Mr. FORD. Well, then——

The PRESIDING OFFICER. The Chair would like to complete his statement. It would result in the completion of one of the two pending Johnston amendments, amendment 275. The Senator from Louisiana has indicated that he might not call up the second amendment.

(At this point Mr. Ford called up his amendment No. 280 and addressed the Senate thereon. Pursuant to the following unanimous-consent order, these proceedings on Mr. Ford's amendment No. 280 are printed in the Record following the rollcall vote No. 152.)

Mr. ABOUREZK. Will the Senator yield? I have a unanimous-consent order which was entered last night to offer two amendments, which have been agreed to by the committee, to follow the Senator's amendment. Since they will be accepted, I wonder if I might, before the deadline of 11:10, offer those two amendments now.

Mr. FORD. That will be perfectly all right, Mr. President, if it is all right with the chairman of the committee. I have no problem with that.

I just ask unanimous consent that the acceptance of the two amendments and the colloquy that may occur will not interrupt debate on my amendment No. 280, and that it be placed at an appropriate position in the Record.

Mr. METCALF. Mr. President, I ask unanimous consent that the amendment of the Senator from Kentucky and our discussion follow the rollcall vote.

The PRESIDING OFFICER (Mr. Sarbanes). Without objection, it is so ordered.

Is there objection to the unanimous-consent request of the Senator from South Dakota? Without objection, it is so ordered.

AMENDMENT NO. 281

Mr. ABOUREZK. On amendment 281, which was laid before the Senate last night and on which there was some discussion, we have straightened out a problem with that amendment. I understand everyone involved is satisfied in that respect. I would like to ask for a vote, if the manager of the bill is ready.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

> The Senator from South Dakota (Mr. Abourezk) proposes an amendment No. 281.

The amendment is as follows:

> On page 305, delete lines 19 through 21 and insert a new section 515(f) to read: "This section shall not apply to Indian lands.".

Mr. METCALF. The Senator from South Dakota offered this amendment. My distinguished colleague from Montana had some questions about it, as to its impact and as to the language which was changed. Our staffs have been working on the amendment.

As I understand it, and perhaps my colleague will correct me if I am in error, we have met all of the questions he posed last night.

Mr. MELCHER. Will the Senator yield?

Mr. ABOUREZK. I yield.

Mr. MELCHER. Yes. We have had the opportunity since last evening to go over what the effect of the amendment is. I have been reassured by the author of the amendment and by the committee staff that the amendment is right to the point of an agreement that we had previously in this bill in the last Congress. It is effectively a restatement of the same position arrived at in H.R. 25, the bill in the last Congress. I am satisfied with it.

Mr. METCALF. The Senator from Wyoming and I have discussed it. We have discussed it with the minority committee staff and our staff. Unless there is objection, I am prepared to agree to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ABOUREZK. I move to reconsider the vote by which the amendment was agreed to.

Mr. METCALF. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 310

Mr. ABOUREZK. Mr. President, I call up my amendment No. 310 and ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from South Dakota (Mr. ABOUREZK) proposes an amendment No. 301.

The PRESIDING OFFICER. Without objection, the unanimous-consent request is agreed to.

The amendment is as follows:

> On page 230, line 19, strike "and".
>
> On page 230, line 23, delete the period and insert in lieu thereof the following: "; and",
>
> On page 230 between lines 23 and 24, insert the following new subsection:
>
> "(23) to the extent possible using the best available technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values, and achieve enhancement of such resources where practicable."

Mr. ABOUREZK. Mr. President, there appears to be an inconsistency in this bill. In section 416, which deals with the surface effects of underground mining, section 10 states reclamation should—

> to the extent possible using the best available technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values, and achieve enhancement of such resources where practicable;

The language does not appear in section 415 with regard to surface mining. When we have it for underground mining, I believe it ought to be included so far as surface mining is concerned. It has already been accepted by the committee. I have discussed this with both the majority and minority managers of the bill.

Mr. HANSEN. Yes.

Mr. METCALF. Our staffs and the Senator's staff have gone over this since it was offered last night. It is acceptable to the committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ABOUREZK. I move to reconsider the vote by which the amendment was agreed to.

Mr. METCALF. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METCALF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 282

The PRESIDING OFFICER. The time of 11:10 having arrived, the question recurs on amendment No. 282 as modified.

The Senator from Montana has 2 minutes of debate time. The Senator from Colorado has 3 minutes of debate time.

Mr. FORD. Will the Senator yield at this time for a unanimous-consent request?

The PRESIDING OFFICER. Who yields time?

Mr. MELCHER. I yield time.

Mr. FORD. Without his losing any time, I ask unanimous consent that Tim Dudgeon of Senator HUDDLESTON's staff be allowed the privilege of the floor during consideration and vote on S. 7.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MELCHER. Mr. President, the Senator from Colorado is offering an amendment that seeks to correct some of the language in S. 7, the committee bill. He does it on behalf of the Secretary of the Interior and points out that the House has adopted the same language.

While I agree with the Senator from Colorado and others that this section of the bill, to protect farming on irrigated valley floors, could be improved and should be improved, I think the Senator from Colorado goes much too far. I think that the Secretary of the Interior is entitled to change his mind on language he wants in a bill that he will have a great deal of authority in administering. But on February 4 of this year, the Secretary wrote a letter, and he discussed at length, in public hearing, this section of the bill and opted for language that is, word for word, amendment 292, the amendment that I am sponsoring.

If the amendment of the Senator from Colorado goes too far, as I think it does, and would ban some strip mining in land that has nothing to do in the West with farming, and if the committee version needs improving and it is the will of the Senate to do so, then we shall have that option in my amendment 292.

I hope that we defeat Senator HART's amendment and get on with the question, then, of whether or not the Senate wishes to refine the language in the current bill, S. 7, or whether or not we want more clearly to demonstrate our intent to protect the farming operations on the valley floors that are so significant to us in Western States.

Mr. HART. Mr. President, the language of the amendment presently before the Senate is identical in nature to that contained in the House strip-mining bill. It has the support of the administration, as evidenced by a letter which Senators have from the Secretary of the Interior, indicating strong support across the board by the administration for this language. It also has the support of the President's energy adviser, Dr. Schlesinger, and indicates that the administration does not feel that the adoption of this amendment will in any way jeopardize, even in a minor way, the efforts of this country to meet its energy obligation.

This is an amendment directed at the western part of this country. It is an amendment directed at protecting agricultural interests and water necessary to promote those agricultural interests. That, I think, is the primary reason that a large number of the farm organizations across this country have supported this language. This language in this amendment clarifies what kind of mining activities can and cannot take place on alluvial valley floors. If the definition of what an alluvial valley is unclear to some Senators, that, I think, is a charge laid at the bill itself, rather than at this amendment, since this amendment is premised upon the existing definition contained in the bill.

This language which this amendment contains would prevent arbitrariness on the part of administrators of this legislation in terms of applying it. It tightens the language up instead of making it looser. I think it would make the bill much more certain. It would, as I have indicated, conform the Senate's version of this bill with that of the House. It does have the support of both the energy and resource sides of the administration.

Therefore, Mr. President, I urge my colleagues to give this amendment serious consideration. I think it will substantially help solve a serious problem for agriculture and water resource administration in the western part of this country.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MUSKIE. Mr. President, on this vote I have a a live pair with the distinguished Senator from Louisiana (Mr. JOHNSTON). If he were present and voting, he would vote "nay." If I were permitted to vote I would vote "yea." I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Iowa (Mr. CLARK), the Senator from California (Mr. CRANSTON), the Senator from New Hampshire (Mr. DURKIN), the Senator from Missouri (Mr. EAGLETON), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Arkansas (Mr. McCLELLAN), the Senator from South Dakota (Mr. McGOVERN), the Senator from Rhode Island (Mr. Pell), and the Senator from Michigan (Mr. Riegle) are necessarily absent.

I further announce that the Senator from Tennessee (Mr. Sasser) is absent on official business.

I also announce that the Senator from Arizona (Mr. DeConcini) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Michigan (Mr. Riegle), the Senator from Iowa (Mr. Clark), and the Senator from Rhode Island (Mr. Pell) would vote "yea."

Mr. BAKER. I announce that the Senator from Kansas (Mr. Dole), the Senator from Oregon (Mr. Hatfield), the Senator from California (Mr. Hayakawa), and the Senator from Texas (Mr. Tower) are necessarily absent.

I also announce that the Senator from Alaska (Mr. Stevens) is absent on official business.

I further announce that, if present and voting, the Senator from Oregon (Mr. Hatfield) and the Senator from Alaska (Mr. Stevens) would each vote "nay."

The result was announced—yeas 37, nays 45, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—37

Abourezk
Anderson
Bayh
Biden
Brooke
Bumpers
Case
Chafee
Chiles
Church
Culver
Gravel
Hart
Haskell
Hathaway
Humphrey
Javits
Kennedy
Leahy
Mathias
McIntyre
Morgan
Moynihan
Nelson
Nunn
Packwood
Percy
Proxmire
Ribicoff
Roth
Sarbanes
Stafford
Stevenson
Stone
Weicker
Williams
Zorinsky

NAYS—45

Allen
Baker
Bartlett
Bellmon
Bentsen
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Curtis
Danforth
Domenici
Eastland
Ford
Garn
Glenn
Goldwater
Griffin
Hansen
Hatch
Heinz
Helms
Hollings
Huddleston
Jackson
Laxalt
Long
Lugar
Magnuson
Matsunaga
McClure
Melcher
Metcalf
Metzenbaum
Pearson
Randolph
Schmitt
Schweiker
Scott
Sparkman
Stennis
Talmadge
Thurmond
Wallop
Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Muskie, for.

NOT VOTING—17

Clark
Cranston
DeConcini
Dole
Durkin
Eagleton
Hatfield
Hayakawa
Inouye
Johnston
McClellan
McGovern
Pell
Riegle
Sasser
Stevens
Tower

So Mr. Hart's amendment (No. 282), as modified, was rejected.

Mr. METCALF. The vote now recurs on to reconsider the vote by which the amendment was rejected.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. Zorinsky). The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I ask unanimous consent that Judy Hefner, of my staff, have the privilege of the floor throughout the consideration of the strip mining bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that Martha Rogers, a member of my staff, have the privilege of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAVEL. Mr. President, I make the same request with respect to Deming Cowles, a member of my staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METCALF. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. METCALF. The vote now recurs on the Johnston amendment?

The PRESIDING OFFICER. As modified—No. 275.

Mr. METCALF. May we have a vote?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

The question is on agreeing to the amendment.

The amendment was rejected.

Mr. METCALF. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HANSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HANSEN. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

UP AMENDMENT NO. 256

Mr. METCALF. Mr. President, I have an amendment to the committee language with respect to "alluvial valley floors." This language was worked out while we were talking to the Senator from Montana (Mr. Melcher), the Senator from Pennsylvania (Mr. Heinz), and the Senator from New Mexico (Mr. Schmitt). I send the amendment to the desk.

The PRESIDING OFFICER. Unanimous consent is required to set aside the Ford amendment.

Mr. FORD. Mr. President, reserving the right to object, what is the situation?

Mr. METCALF. I understand that Senator Schmitt wants to offer the amendment.

Mr. FORD. I will be glad to do anything the chairman wishes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. Metcalf), for himself and others, proposes an unprinted amendment numbered 256.

Mr. METCALF. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 290, line 17, strike the semicolon and insert: "but does not include upland areas which are generally overlain by a thin veneer of colluvial deposits composed chiefly of debris from sheet erosion, deposits by unconcentrated runoff or slope wash, together with talus, other mass movement accumulation and windblown deposits."

Mr. METCALF. Mr. President, this amendment was prepared in response to the inquiries that were directed to the committee and to the various people who were participating in the debate, including the Senator from Colorado and the Senator from Montana, with respect to the definition of alluvial valley floors.

I understand that the Senator from New Mexico wanted to offer the amendment. I apologize for offering it.

Mr. President, I ask unanimous consent that the name of the Senator from New Mexico (Mr. Schmitt) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHMITT. Mr. President, will the Senator yield?

Mr. METCALF. I yield.

Mr. SCHMITT. The language we have agreed to is basically language previously agreed to in other discussions. It fits directly into the colloquy we had earlier this morning. I believe it adds greatly to the specificity of the definition of "alluvial valley floor" and should relieve many of the difficulties that others, including myself, had with respect to the very general definition that was contained in the committee print.

I thank the distinguished manager of the bill for his cooperation in working out this language, and I recommend that it be accepted by the Senate.

Mr. METCALF. The Senator from New Mexico has made a genuine contribution here, not only with respect to this amendment but also in the course of the debate on the bill.

Mr. CURTIS. Mr. President, will the Senator yield for a question?

Mr. METCALF. I yield.

Mr. CURTIS. Does this amendment cover the same proposition or similar proposition as the amendment just voted upon, offered by the distinguished Senator from Colorado (Mr. Hart)?

Mr. METCALF. Directed to the same subject matter—that is, alluvial valley floors.

However, this is the language, or substantially the same language, adopted last year in the H.R. 25 conference report, rather than to go——

Mr. CURTIS. It is in the nature of a definition?

Mr. METCALF. Yes. It is a definition that was worked out last year.

Mr. CURTIS. Does it contain the element that was in the Hart amendment, in the nature of a prohibition?

Mr. METCALF. Yes. It is in the nature of a prohibition against mining on alluvial valley floors as defined here. As we discussed the matter, we came to the conclusion that the Hart amendment may have had more of a prohibition against mining on alluvial valley floors than either this definition or the Johnston definition. But they are directed at the same subject matter and prohibit mining on alluvial valley floors as defined by the amendment.

Mr. CURTIS. What is the difference between the two? What is the practical difference?

Mr. HANSEN. Mr. President, will the Senator yield? If I could respond, I think what this does is to exclude by definition areas that otherwise might be interpreted to have been included.

I should think, if I could be so presumptuous as to say this, that the Senator from Nebraska, I believe, knowing his feelings and conviction in this area would find this amendment to his liking and would want to support it.

Mr. SCHMITT. Let me assure the Senator that the definition as worked out would not in any way subvert the intent as we discussed it earlier today. As so eloquently described by the junior Senator from Montana, the intent is that areas of present or potential farmland along the valley floors of various river and stream systems in the West would be contained in the definition of alluvial valley floors and, therefore, be subject to the provisions of this bill.

The portions excluded are those on the margins of valleys between, say, mountain ranges and the valley floors that are unconsolidated gravel and debris that have no agricultural purpose other than potential grazing purposes.

Mr. CURTIS. I will state my question another way: What did the amendment do that was just rejected that the Senator's amendment does not do?

Mr. SCHMITT. The amendment just rejected was directed toward the regulations that would apply to alluvial valley floors. This amendment merely defines alluvial valley floors in a more precise manner so that through regulation or through court action we will not have open or a very, very broad and general definition of alluvial valley floors. Specifically, the present amendment does not relate directly to the amendment we have just rejected.

Mr. CURTIS. In other words, the amendment we just considered contained the ban on strip mining which the Senator's amendment does not; is that right?

Mr. SCHMITT. My amendment does not. It is merely a definition of the term "alluvial valley floors."

Mr. CURTIS. I thank the Senator.

The PRESIDING OFFICER (Mr. ZORINSKY). The Senator from Montana is recognized.

Mr. METCALF. I yield to the Senator from Oklahoma.

Mr. BARTLETT. Mr. President, will the Senator from New Mexico yield?

Mr. SCHMITT. I yield.

Mr. BARTLETT. I notice in the definition that this does not deal with upland areas. Does this mean then that the alluvial valleys that are not upland, that any part of the valley area between the mountains that is not upland, would be part of the alluvial valley?

Mr. SCHMITT. I think not, and I will let the distinguished senior Senator from Montana comment on this question also.

The definition still includes the material that is presently on page 290 of the committee print in which it says that "alluvial valley floors means the unconsolidated stream laid deposits holding streams where water availability is sufficient for subirrigation or flood irrigation agricultural activities."

Then the amendment takes off but does not include these items that are listed in the amendment, alluvial deposits and other things.

Mr. BARTLETT. So the Senator's interpretation of the definition is that the areas excluded would be areas in addition to upland areas?

Mr. SCHMITT. In addition to upland areas that would in no way meet the existing definition of alluvial valley floors, which is based primarily on irrigation. In a sense, that is an additional exclusion. It is a geologic exclusion in addition to the exclusion that is implicit in the standing definition of alluvial valley floors.

Mr. BARTLETT. In other words, the Senator is including as a part of the definition of "alluvial valley" certain ground water conditions, and if those are not met by other lands in the valley they would not be alluvial valleys even though they were not upland.

Mr. SCHMITT. I think that is absolutely correct, but we would have to get the committee to agree to that interpretation.

Could the manager of the bill reply to that question? There has been a question asked, and I would ask the distinguished Senator from Oklahoma to repeat his question for the manager of the bill.

Mr. BARTLETT. I would say to the Senator from Montana that it has been stated by the Senator from New Mexico that there are in the definition of alluvial valley floors certain conditions of subterranean water. If those conditions are not met by lands that would not be considered upland, but that would be considered on pretty much the same level as the alluvial valley land where the water conditions were met, then my question is, would these areas where the subterranean water conditions are not met but yet would be in the valley, be included or are they excluded?

Mr. METCALF. In the modification that was submitted, that was agreed to, in conference last year we said it does not include upland areas.

But that would mean that the marginal areas as described by the Senator from New Mexico would be excluded. However, also excluded are the areas that were raised by the Senator from Montana, the dried creeks, the areas that do not have regular water courses on alluvial valley floors themselves.

Mr. BARTLETT. But as the Senator from New Mexico said in the dialog we had, there is a geological definition of alluvial valley which consists of certain subterranean water conditions on that land.

Mr. SCHMITT. Mr. President, if the Senator from Oklahoma will yield for a clarification on that, there are two new components of the definition of alluvial valley floors: One, specifically, which is now in the committee print, relating to flood irrigation and agricultural activities, and in that context the dry water courses, without subirrigation capability, would be excluded from the definition of alluvial valley floors.

The other definition has to do with the geological definition of areas of sufficient deposits that are also excluded, and those are the ones treated in the amendment before the Senate at this time.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. BARTLETT. Yes.

Mr. McCLURE. First of all, I think the definition being suggested by the Senator from New Mexico would not affect the problem you are concerned with unless those who are construing the statute would assume that our attempt to further define was intended to include within the definition those things which are not specifically excluded. I think that is your concern.

My answer would be that the definition which is contained in the bill, together with the exclusion as defined in the bill, will still be subject to the interpretation of those sections, and the amendment being offered by the Senator from Montana and the Senator from New Mexico is only intended to increase the definition of areas excluded. It should not be read then to include areas not specifically excluded under this other language of the bill.

Mr. SCHMITT. I would agree with that statement.

Mr. BARTLETT. I would hope the Senator from Idaho——

Mr. MELCHER. Mr. President, will the Senator from New Mexico yield?

Mr. SCHMITT. The Senator from Oklahoma has the floor.

Mr. BARTLETT. I was saying to the Senator from Idaho I think that the amendment puts certain emphasis on upland areas, and my concern is that those areas that are definitely not upland areas would still be excluded if they did qualify for exclusion for reasons of water, subterranean water, and so forth, as outlined in other places in the bill.

Mr. McCLURE. I think the Senator from Oklahoma is correct, they would be excluded under the other definition of the bill.

Mr. SCHMITT. I would agree with that statement, and I will defer to the senior Senator from Montana.

Mr. METCALF. I concur.

Mr. MELCHER. Mr. President, will the Senator from Oklahoma yield?

Mr. BARTLETT. I yield.

Mr. MELCHER. I think that statement is correct. I think the inclusion of this language or the origin of this language was to clearly identify a certain mining operation in Montana. It was to demonstrate that the definition of alluvial valley floor was not to cover that operation or similar ones. The one I am referring to is the Westmoreland mine in the Sarpy Basin, Treasure County, Mont., where the mining operation is out of the Sarpy Valley upland from the valley but what is identified geographically as the Sarpy Basin. The language offered by Senator METCALF and Senator SCHMITT is to say that the alluvial valley floor definition simply does not apply to those upland areas and, therefore, the exclusion that is contained in the different section of the bill therefore would not apply to any.

Mr. METCALF. Mr. President, let us have the vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SCHMITT. Mr. President, I move to consider the vote by which the amendment was agreed to.

Mr. METCALF. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(The following proceedings which occurred earlier in the day are printed in the RECORD at this point by unanimous consent.)

AMENDMENT NO. 280

Mr. FORD. Mr. President, I call up my amendment No. 280, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kentucky (Mr. FORD) proposes amendment numbered 280.

Mr. FORD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 235, between lines 3 and 4, insert the following:

"(d)(1) Each State program may and each Federal program shall include procedures pursuant to which the regulatory authority may permit variances for the purposes set forth in paragraph (3) of this subsection.

"(2) Where an applicant meets the requirements of paragraphs (3) and (4) of this subsection a variance from the requirement to restore to approximate original contour set forth in subsection 415(b)(3) or 415(c)(2) of this section may be granted for the surface mining of coal where the owner of the surface requests in writing, as a part of the permit application, that such a variance be granted so as to render the land, after reclamation, suitable for an agricultural, industrial, commercial, residential, or public use (including recreational facilities) in accord with the further provisions of (3) and (4) of this subsection.

"(3)(A) After consultation with the appropriate land use planning agencies, if any, the potential use of the affected land is deemed to constitute an equal or better economic or public use, and (B) designed by a registered professional engineer in conformance with professional standards established to assure the stability, drainage, and configuration necessary for the intended use of the site.

"(4) In granting a variance pursuant to this subsection the regulatory authority shall require that all other requirements of this Act will be met.

"(5) The regulatory authority shall promulgate specific regulations to govern the granting of variances in accord with the provisions of this subsection, and may impose such additional requirements as he deems to be necessary.

"(6) All exceptions granted under the provisions of this subsection shall be reviewed not more than three years from the date of issuance of the permit, unless the permittee affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the approved schedule and reclamation plan.".

On page 235, line 4, by renumbering "(d)" as "(e)".

Mr. FORD. Mr. President, I ask unanimous consent that the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), and the Senator from Alaska (Mr. GRAVEL) be added as cosponsors of this amendment.

The PRESIDING OFFICER. Will the Senator suspend? The Senate is not in order. The Senator will not proceed until order has been restored, and the Senate remains in order.

The Senate will be in order. Staff members will either suspend their conversations or leave the Chamber.

The Senator from Kentucky may proceed.

Mr. FORD. I ask unanimous consent that Mr. HUDDLESTON, Mr. HARRY F. BYRD, JR., and Mr. GRAVEL be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, S. 7, the Surface Mining Control and Reclamation Act of 1977, has almost completed its journey through the 95th Congress. While the Congress has gone about its business in Washington, another experiment in Government has been unfolding in the small Appalachian community of Jenkins, Ky. I would like to tell the Senate about this project.

The Appalachian Regional Commission has contributed approximately $500,000 to make possible a residential development located at the eastern Kentucky community of Jenkins. This is a cooperative venture involving the ARC, Beth Elkhorn Coal Co., and Kentucky Mountain Homes, Inc., a nonprofit corporation.

Sixty-five single family residential lots and others are to be developed for multiple family dwellings. Altogether, there will be modern housing provided for 200 low- to moderate-income families, most of whom—by necessity—now live in substandard housing in locations within the flood plain of a stream. What makes this project interesting and exciting is the fact that this entire housing project is to be constructed on the flat and level benches left from previous strip mining. Altogether, the project represents the best in enlightened community and regional planning. When finally completed, the housing will represent a higher land use that will have been achieved in combination with the extraction of coal by the surface mining method.

In Hazard, Ky., a nursing home has been constructed on the solid bench left from a surface mine. In other areas of eastern Kentucky, there are current surface mining projects which have been planned and conducted so as to result in post mining land use which encompass school, airport and industrial site construction—all of which will be flood free or construction which will occur out of the flood plain.

The committees of Congress have heard testimony about new projects which have been completed, or are underway, in Kentucky, West Virginia, and Virginia.

Good post mining land use planning has been all too rare in the Central Appalachia area. It is difficult to bring together the proper combination of topography, proximity to an existing community, utility service, proper economics and a surface mining operation. Whenever we have the opportunity to combine surface mining with a planned post mining land use of higher purpose such as a residential, commercial, industrial, or public facility use, should the Congress not do all within its power to encourage such development? You know we should.

S. 7, as written, will forever preclude good post mining land use planning. The legislation's unyielding and inflexible adherence to the concept of "return to approximate original contour" will forever bar the original development, or relocation, of residential, commercial or industrial building sites on the level, flood-free benches which could result from contour mining in Central Appalachia.

I do not argue that all of the miles of level benches left from previous contour mining have value. Of course they do not—but some do. Neither do I argue that all would have value in the future. Of course they would not—but some would.

Why should the Congress enact legislation that would prevent one single worthwhile flood-free development project whenever that project could result from good land use planning in conjunction with surface mining?

I offer an amendment to S. 7 which would provide for a variance from the normal requirement to restore surface mined land to its approximate original contour.

This amendment requires strict procedures to be developed by State regulatory authorities in accordance with the provisions of this amendment. Basically, the variance procedure would permit the surface owner to request a variance from the requirement to restore to approximate original contour so as to allow the land, after suitable reclamation, to be used for a specific agricultural, industrial, commercial, residential, or other desirable public use.

As a control mechanism, the request for variance will be subject to certain standards of preparation and review. Specifically, the project must be designed by a registered engineer and reviewed by appropriate land use planning agencies so as to determine that the potential post mining land use of the affected area would constitute an equal or better economic or public use. The regulatory authority would be required to promulgate regulations governing the granting of variances and follow-up evaluation in accordance with the provisions of this amendment and other requirements of this bill.

In summation, I do not argue that all flat land resulting from contour mining benches will be useful or desirable. But, I am saying that, in some cases, modification of the original contour has a desirable end product that should not be denied by the inflexible provision presently contained in this legislation.

I share your concern on the subject of control. We must guard against a flexible provision that would allow abuses. Obviously, we do not wish to encourage a situation that would allow variances to become the rule.

I ask Senators to consider this amendment as a simple application of commonsense. Even though restoration to approximate original contour may be desirable in most cases, it is only logical to conclude that this could not possibly be true in 100 percent of the cases. Therefore, we must allow for appropriate departure from the general rule wherever such a variance is desirable and in the public interest.

Mr. President, we have heard a great deal about the great State of West Virginia and the new law signed by their dynamic leader, Governor Rockefeller.

I want to quote from that legislation. I have a copy of the bill as it was passed and signed by that Governor:

> (2) Backfill, compact (where advisable to insure stability or to prevent leaching of toxic materials) and grade to restore the approximate original contour of the disturbed land with all highwalls, spoil piles and depressions eliminated (unless small depressions are needed in order to retain moisture to assist revegetation or as otherwise authorized pursuant to this article); and

And listen to this:

> This subdivision shall not be construed so as to abrogate or limit in any way the authority of the director to modify reclamation requirements to bring about more desirable land uses or watershed control, including, but not limited to, mountain top removal and valley fill techniques.

These are variances in the West Virginia law, the newest law in the country.

I am saying that even in that great State, which has a very stringent law—some saying it is more stringent than the Federal legislation we are considering today—they grant variances.

I might also say, Mr. President, that we have granted a variance in this piece of legislation to the Western States. We have not granted a variance to the Eastern States. If we have granted a variance in this legislation about returning to the approximate original contour in those Western States, why should we exclude those States east of the Mississippi River from the possibility of improving life in the future?

(This concludes the proceedings which occurred earlier.)

Mr. METCALF. Mr. President, may I be recognized to respond to the Senator from Kentucky on the Ford amendment?

Mr. FORD. Point of information, Mr. President.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> The Senator from Kentucky (Mr. Ford), for himself and others, proposes amendment No. 280.

Mr. METCALF. Mr. President, I ask unanimous consent to yield to my friend from Indiana.

Mr. BAYH. Mr. President, I ask unanimous consent that Eve Lubalin be accorded the privilege of the floor during the debate and discussion on this matter presently before us.

And I thank my colleague's courtesy in yielding.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METCALF. Mr. President, the Senator from Kentucky has made a distinct contribution to this legislation. The Senator from Kentucky participated in the hearings where we were talking about high walls, we were talking about restoration to the original contour, restoration of mountaintop removals, and all these areas, many of which are new and different and significant technologies that we did not know about or did not quite understand about the last time this bill was considered.

Many of the amendments that the Senator from Kentucky offered are incorporated in this legislation, and we are taking care of some of the provisions to which the Governor of Kentucky, Governor Carroll and Governor Rockefeller of West Virginia came in and testified before the committee.

It is with a great deal of misgivings that I have to rise to oppose this final amendment of the Senator from Kentucky. This is the high wall amendment we voted down before. Senator Nelson is the author of the amendment that was in the bill last year on original contours, and this is not even supported by mining people in the area from which it comes.

I shall read from a resolution of the Interstate Mining Compact Commission.

The Interstate Mining Compact Commission consists of representatives of the following 12 States: Alabama, Illinois, Indiana, Kentucky, Maryland, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and West Virginia.

That is essentially a group of Eastern coal mining States. They represent the area where most of the coal in the United States is mined. They represent the great mining areas of the East, including Kentucky, Pennsylvania, and others.

I am delighted to be in the Chamber for a few minutes talking about amendments that do not pertain to that special situation we have out West, but talking instead about the amendments that we know about in Eastern mining fields.

So when the Interstate Mining Compact Commission, consisting of representatives of those 12 States, met, there was a resolution introduced to provide that we amend, in accordance with the suggestion of the Senator from Kentucky, the section requiring return to the original contour in such a way that the operator could leave a partial highwall. That amendment was offered by Mr. Commissioner John Witt, of Kentucky, who is Kentucky's representative to that commission. That amendment failed for a lack of a second. No other member of that very influential and knowledgeable commission would even second the Kentucky proposal.

The resolution of the Interstate Mining Compact Commission states that—

> The Interstate Mining Compact Commission does declare its intention to work with the Congress and the executive agencies of the Federal Government to assure that the legislation on surface mining presently under consideration will conform to the state needs in the area of reclamation and environmental control while at the same time allowing for the development of the vital coal resources of this Nation.

Nevertheless, that decision was from the area that is directly affected by this highwall legislation, from those men who were representative of the Interstate Mining Compact Commission who almost unanimously rejected the amendment that is offered by the Senator from Kentucky.

As I say, the Senator from Kentucky has brought to the attention of the committee and now has brought to the attention of the Senate many of the new technologies and procedures that have been agreed to and adopted as part of this legislation. But his amendment would allow—in the minds of many of us, soil erosion—there is a history of improper soil stabilization, of dumping of spoil over the outslope, especially on steep slopes.

I am talking about something, only going on the evidence that has been given. I am not an expert in regard to this eastern mining. But these men from the Interstate Compact Commission are experts. The people who testified from the State of Kentucky and West Virginia are experts and they are almost unanimously against this procedure. I urge that, with all due deference to the Senator from Kentucky, we reject this amendment.

Mr. HUDDLESTON. Mr. President, I rise in support of the amendment to S. 7 that has been offered by my colleague from Kentucky (Mr. Ford).

The Commonwealth of Kentucky—including its regulatory authority, the department for natural resources and environmental protection—supports Federal legislation to control the surface mining of coal. I have supported strong surface mining legislation, both on a State and a national level, since I have been in public office. We are also concerned, as all States are, with meeting our Nation's energy objectives while at the same time not sacrificing our environmental objectives. The balance between these two objectives, as has already been pointed out many times today, is extremely difficult to maintain. However, it can and must be maintained to preserve the quality of life in America.

S. 7 as now written contains an element of imbalance. Senator Ford's amendment restores that balance by encouraging the analysis of post mining uses for land disturbed by surface mining.

Each State has its own geographical characteristics. No doubt it is safe to say that surface mining conditions vary from State to State, especially in regard to the steepness of slope and soil conditions prevailing where contour surface mining methods are employed. We must realize, however, that living conditions in our various States also vary greatly. For example, in my home State of Kentucky, the heart of Central Appalachia, there is practically no flat land available for housing, commercial, recreational or industrial use.

Unfortunately, much of the flatland now available lies in a flood plain. This disturbing situation was glaringly pointed out by the recent floods which ravaged the eastern Kentucky area.

I might point out here, Mr. President, that just yesterday a group of officials from counties and cities which were affected by the recent extreme flooding in eastern Kentucky were here in Washington, appearing before an appropriations subcommittee of which I am a member, outlining the difficulties that they are facing right now as they try to recover from the record flooding just 6 weeks ago.

One of the prime difficulties is that they are unable to place temporary housing for more than 5,000 families in Kentucky who lost their homes because of the flood, because of the requirement that those temporary houses be placed out of the flood plain.

Well, there is no flat land out of the flood plain in eastern Kentucky on which they can place even a mobile home, virtually none at all. One case was cited in which it required over 18 hours of hard work in order to get a trailer up on the side of a hill so that it would in fact be out of the flood plain. Flat land on which a home can be placed, or a place of business or recreational facility, is in extreme short supply in this area of the State of Kentucky, which also happens to be our prime coal producing area.

Realizing that mining conditions and living conditions vary as they do across the Nation, we must also realize that Congress, in its wisdom, should not legislate uniformity regarding the possible uses of land after it has been strip mined. S. 7 as presently written does precisely that. As Senator Ford has indicated, we must guard against inflexible provisions in the law that might run counter to the public interest, and we must guard against flexibility and vagueness in our laws that might encourage abuses.

I feel that Senator Ford's amendment recognizes the individual needs of the States that make up our great Nation and the need for control mechanisms that would allow post mining land use in the public interest. The variance procedure provided in the amendment is a limited one and by no means will it open the door wide for wanton destruction of the majestic beauty of the mountains of Appalachia.

Mr. President, I deem it critically important that before voting on this amendment, the Senate hear the comments offered by Mr. Donald Whitehead, Federal cochairman of the Appalachian Regional Commission, an independent Federal agency which, since its inception in 1965, has poured more than $5 billion into that region. At March 3, 1977 hearings of the Senate Appropriations Committee, Mr. Whitehead stated that several Appalachian communities were utilizing strip mined land for community development purposes.

I wish to quote from a letter sent to me by Mr. Whitehead dated May 17, 1977. I ask unanimous consent that his entire letter be printed in the Record.

The PRESIDING OFFICER (Mr. Metzenbaum). Without objection it is so ordered.

There being no objection, the letter was ordered to be printed in the Record, as follows:

THE APPALACHIAN REGIONAL COMMISSION,
Washington, D.C., May 17, 1977.

Hon. Walter D. Huddleston,
U.S. Senate,
Washington, D.C.

Dear Senator Huddleston: During the Senate Appropriation hearings of March 3, 1977, on the budget of the Appalachian Regional Commission for FY 1978, I had a discussion with you concerning the potential utilization of strip-mined land in Appalachia. At that time, you noted that the Interior Committee was considering strip mine legislation and asked if I would object to my statement being forwarded to that committee for their consideration, and I indicated no objections.

At our March 3 hearings, I stated to you that several Appalachian communities were utilizing strip-mined land for community development purposes. I believe I indicated that these included a school in Norton, Virginia, which was built on strip-mined land reclaimed by ARC funds; Moraine State Park in western Pennsylvania, which included strip-mined land reclaimed in part by the use of ARC funds; and outside of Jenkins, Kentucky, a project currently underway which will include a housing development on a former strip-mined bench. Using these examples, I stated my belief that while federal regulations were necessary, we should be careful that the opportunities to gain developable land would not be denied by a policy which would require a return to original contour. To state it another way, it may not always be desirable to return the land to original contour, for there may be instances where a former strip-mined bench or a truncated mountain top could provide a community with a new development opportunity that was previously not available to them.

While the full Commission has not taken a position on pending strip mine legislation, Governors Carroll of Kentucky and Rockefeller of West Virginia have, as you know, testified before the Interior Committee. The Commission has taken two recent actions of which you should be advised: first, at a meeting in Annapolis on March 21, 1977, the Commission adopted an energy resolution which touches upon surface mining; and most recently, on May 10, 1977, approved the initiation of plans to assist in long range redevelopment of Central Appalachian flood ravaged areas.

The energy resolution, copy of which is attached, specifically urged the Congress to enact federal surface-mining legislation which:

". . . includes a general requirement for returning land to original contour but permits variances and includes an exception for acceptable mining practices;

"Recognizes that modern mountain top mining technology makes mountain top removal suitable for inclusion among acceptable mining practices; and

"Provides that a general exception to 'return-to-contour' requirements could be made for mountain top removal in cases where the State determines that the land will be placed in equal or higher use and it would be supportive of the States developmental and environmental objectives to permit the exception."

The second action described the Commission's willingness to fund multistate planning for long range development following floods, including consideration of relocations from affected flood plains to more stable areas which might include benches from strip-mined areas or truncated mountain tops.

I trust this information will be of use to you and to any committees to which you may wish to make it available.

Sincerely,

DONALD W. WHITEHEAD,
Federal Cochairman.

Mr. HUDDLESTON. Mr. Whitehead said:

I believe I indicated that these included a school in Norton, Virginia, which was built on strip-mined land reclaimed by ARC funds; Moraine State Park in western Pennsylvania, which included strip-mined land reclaimed in part by the use of ARC funds; and outside of Jenkins, Kentucky, a project currently underway which will include a housing development on a former strip-mined bench. Using these examples, I stated my belief that while federal regulations were necessary, we should be careful that the opportunities to gain developable land would not be denied by a policy which would require a return to original contour. To state it another way, it may not always be desirable to return the land to original contour, for there may be instances where a former strip-mined bench or a truncated mountain top could provide a community with a new development opportunity that was previously not available to them.

Mr. President, there are still some questions being raised regarding the entire concept of returning surface mined land on steep slopes to the approximate original contour. Here I would like to read from a Kentucky Department of Natural Resources position paper on approximate original contour. I quote from pages 7 and 8:

In general, the Kentucky Division of Reclamation sees no insurmountable problem in restoration of approximate original contour in non-steep slope areas or those slopes twenty degrees or less. However, we still do not believe this will always be the most desirable practice. Even in some slopes exceeding twenty degrees—say up to twenty-five degrees—it may be possible and engineeringly feasible to recontruct to approximate original contour *provided* appropriate principles of soil mechanics are followed. However, again we believe it is *not* always desirable to completely eliminate highwalls and reconstruct to approximate original contour and especially where original slopes range above twenty-five degrees. We believe the recent works of recognized national authorities support our contentions.

Continuing with the report from the Kentucky Department of Natural Resources:

Sedimentation in streams from a mining operation generally derives from long, uninterrupted slopes with a less than adequate vegetative cover.

The staff of both the Senate and House Committees considering this legislation have in their possession initial draft copies of a consultant study prepared by ICF, Inc. for the Council on Environmental Quality and the Environmental Protection Agency. Considerable attention has been given those portions of this study which tend to support H.R. 2 and S. 7. However, in our opinion, sections of this study seem to clearly challenge the conceptual basis of return to approximate original contour in steep slope areas:

"Unfortunately, vegetative establishment on surface-mined land often is a long-term process. During the first year, perennial cover crops may not provide very efficient control, yet the first year is most critical on surface-mined areas. Furthermore, surface-mining may be completed at a particular time of year when rapid establishment of vegetation is impossible. Thus some form of mechanical stabilization, such as terraces, becomes necessary."

"Thus it appears that while approximate original contour generally provides a good level of environmental protection, it does not always achieve the best level of protection when mining on steep slopes."

"It has also been argued that approximate original contour regrading could preclude some desirable post-mining land-uses. In many areas of Appalachia, there is a shortage of relatively flat, flood-free land available for development. On many steep slopes, the approximate original contour has limited land-use value. In such areas, previous contour mining operations have created new land-use opportunities."

One U.S. E.P.A. publication points out some specific reasons for not returning the contour mined area to its original slope.

"If highwalls are not reduced and the benches are properly reclaimed, they can provide land conducive for:

1. Pasture development,

2. Access roads or trails that can be used as:

a. Forest-fire breaks,

b. Entrance to remote areas for forest fire control crews,

c. Logging activities,

d. Recreation such as horseback riding, hiking, camping, hunting and fishing.

3. Openings for wildlife (including food, cover and water),

4. Housing and industrial sites."

Thus, Mr. President, in light of the great need for usable level land in Appalachia and the continuing controversy surrounding the conceptual basis of the call for return to approximate original contour, I urge my colleagues to support the amendment before us.

Let me say finally that it is somewhat difficult for me to understand why all this obsession with a high wall or a bench on the side of a mountain. Because nature has made more high walls than strip mining will ever make. Some of them are among the scenic wonders of the world; and it does not seem to me that we should be so concerned about whether or not there is a high wall. If that high wall can remain stable, if the bench that results is a usable, functional piece of land that provides opportunities that an area never had before for housing, or for economic development, or for whatever reasonable use can be made of it, I think there ought to be enough flexibility so that where a use can be defined and it can be demonstrated that it is a better use than was previously available, it ought to be permitted, in my judgment, in this kind of legislation. It need not in any way detract from the environmental objectives of the legislation we are considering today.

I hope the Senate will take into consideration the unique characteristics of some sections of the country, particularly our State of Kentucky, the Nation's leading coal-producing State at the present time, and will help extend to this section and to the people who live there the opportunity to develop economically in a way they have not had in the past. This is one way it can be accomplished, by giving them a chance to use the land for a better use than had previously been available to them. I urge the adoption of the amendment of the distinguished Senator from Kentucky.

Mr. ALLEN. Mr. President, I commend the distinguished Senator from Kentucky (Mr. Ford) for proposing this amendment. I believe it is a very fine amendment which would protect the public interest, which would protect the environment, and still, in many cases, would permit the surface mining of coal.

In its present form the bill assumes that the best possible reclamation of the land after surface mining is a return to the original contour.

I submit, Mr. President, that a return to the original contour may not be the most efficient and productive use of the land. This amendment provides that the Office of Surface Mining, Reclamation, and Enforcement will not be placed in a straitjacket, requiring it to insist that the reclamation which takes place after the surface mining shall be to return the land to its original contour.

What the amendment does is to give the Office of Surface Mining, Reclamation, and Enforcement the right, in the exercise of its discretion, to permit the land to be returned to a better use, and it might well be a better use.

Upon completion of surface mining, if the land is returned to its original contour much of it might be absolutely worthless as far as the land being put to any productive use at all. All the amendment does is to say that if the applicant, which would be the coal operator, joined by the owner of the surface—and it does take both—makes application "to render the land, after reclamation," in the wording of the amendment, "suitable for an agricultural, industrial, commercial, residential or public use (including recreational facilities)" it can allow the land to be returned to those uses and those purposes.

What is wrong with that?

If the Surface Mining, Reclamation and Enforcement Office in the exercise of its discretion feels that is a better use to put the land to than to return it to the original contour, why should not the Office have that authority? It does not say that they must do it. It says this variance may be granted.

What good are hills and high walls? What good would it be in its original state if a better use can be found for it? If the operator and the surface owner join in the application, what reason is there for not allowing this variance?

But this amendments goes further. This does not end the discretion that the Office has.

"(3) (A) After consultation with the appropriate land use planning agencies, if any, the potential use of the affected land is deemed to constitute an equal or better economic or public use, and (B) designed by a registered professional engineer in conformance with professional standards established to assure the stability, drainage, and configuration necessary for the intended use of the site.

Why should the owner be deprived of the opportunity and the ability to return the land, if the Enforcement Office sees fit, to agricultural use, to industrial use, to commercial use, to residential use, or to public use, including recreation.

What is wrong with those uses if the environment is protected, if it constitutes an equal or better economic or public use? Why should not the owner have the right to return his land to a better state, to a more useful state?

The amendment retains all the powers in the Enforcement Office. It does not take one single bit of power away from the Enforcement Office. But it does vest in the Enforcement Office some modest discretion. That is all it does. The Office can allow this variance if, after taking into consideration all the factors involved, it is best for all concerned.

In short, that is what the amendment does. I do not see why anyone would not want to see an owner of property return his land to a more productive use, provided all of the environmental factors are still present. That is all the amendment does.

It gives the Office of Surface Mining, Reclamation, and Enforcement modest discretion.

I can envision the possibility of leveling existing high walls and returning the land to farmland, to subdivision purposes, to industrial use, to commercial use, all of which uses would not be possible if the Enforcement Office is not given some discretion.

All the amendment does is to vest discretion in the Office to see this land, if the mine operator and the owner of the surface make proper petition. It seems to me that the public, the environmentalists, and the taxpayers all stand to benefit by the amendment. For the life of me, I cannot see why this discretion should not be vested in the Office set up by this bill.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, I associate myself with the remarks just made by the able Senator from Alabama. I commend, too, the Senator from Kentucky (Mr. Ford) for introducing this amendment. I was much impressed with the excellent speech made by the distinguished senior Senator from Kentucky (Mr. Huddleston) a few moments ago. I think Senator Ford, Senator Huddleston, and Senator Allen have shown just how reasonable this amendment is.

Not only is it reasonable, Mr. President, but I think it is vitally important to certain areas of our Nation. I cannot speak for Alabama, because I do not know enough about it, but certain parts of the State of Kentucky and the State of Virginia, the southwestern part of my State, have very similar conditions in the coal mining areas. This amendment is extremely important to the well-being of all of the people of areas of that type.

The amendment of the distinguished Senator from Kentucky is a sound and reasonable one. It will allow the development of many beneficial land uses on reclaimed land, which would not be possible if the so-called approximate original contour requirement is enforced rigidly in every case.

My State of Virginia has an excellent

reclamation law, which has resulted in many fine land uses. At this point, I want to read into the Record a statement given to me this morning by the Honorable Earl J. Shiflet, secretary of commerce and resources for the State of Virginia.

> On behalf of the Commonwealth of Virginia, I strongly endorse Amendment No. 280 to S. 7 by Senator Ford of Kentucky.
>
> Virginia has a strict and active reclamation program, which has resulted in many beneficial land uses on reclaimed land. Many of these uses would not have been possible under a rigid requirement for return of mined land, in all cases, to the approximate original contour.

Some of the postmining land uses mentioned by Secretary Shiflet have been of great benefit to their communities. Here are a few of them: Cattle grazing operations in Buchanan, Dickenson, and Wise Counties, Va. I might say that Buchanan, Dickenson, and Wise Counties are the three most important coal-mining counties in Virginia. Dickenson and Buchanan are almost entirely dependent on coal mining, and Wise, while it is not as dependent on coal as the other two, is the major coal-producing county of our State. So it is important, I think, that the economic base of these areas be broadened wherever it is reasonable and proper to do so. It has been possible to develop some cattle grazing operations in these counties.

The Wise County Airport, near Wise, Va., was made possible by the reclaimed land, as was the Pine Hills low-income housing development at Norton, Va.; the high school football field at Clintwood, Va., in Dickenson County; an elementary school at Norton, Va., in Wise County; the airport at Grundy, Va., in Buchanan County; I dedicated, several days ago, a library in Grundy, in Buchanan County, which would not have been possible had the pending legislation been enacted in the form in which it has been reported by the committee; an industrial development park at Esserville, Va., a hospital and shopping center at Norton, Va.

I believe that from this list my colleagues can see that the technology of reclamation has come a long way. If the law is framed wisely and reasonably—without rigid contour requirements—there is no reason why further beneficial land uses cannot be carried out on reclaimed land.

As the able Senator from Kentucky (Mr. Huddleston) pointed out earlier, there is a great need in many of the areas of Appalachia for additional usable land.

It must be borne in mind that protection of environmental values does not in every instance require return to an original contour.

Studies carried out for the Environmental Protection Agency and the Council on Environmental Quality reached the conclusion that there should be considerable flexibility allowed in the design of the slope of reclaimed land.

The Ford amendment not only allows for a wide variety of beneficial land use and maintains protection of environmental values—it also protects in every way the rights of the surface owner.

This amendment will make a major improvement in S. 7, and I urge the Senate to support it.

It is very important, Mr. President, that this amendment be approved if many areas of Appalachia are to be helped and to have their economic base broadened.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. METCALF. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 257

Mr. FORD. Mr. President, I send a modification of my amendment 280 to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will state the modification.

The legislative clerk proceeded to read as follows:

> The Senator from Kentucky (Mr. Ford) proposes unprinted amendment 257, a modification to his amendment No. 280.

Mr. FORD. Mr. President, I ask unanimous consent that further reading of the modification be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification is as follows:

> "*Provided*, That when sound engineering technology indicates that the highwall can be completely eliminated, the highwall shall be completely eliminated by backfilling with spoil material which will maintain stability following mining and reclamation and, provided further, that when sound engineering technology indicates that the highwall cannot be completely eliminated, the highwall shall be reduced to the maximum extent consistent with sound engineering technology and when the highwall is not completely eliminated a vegetation plan shall be required which is reasonably calculated to screen the remaining portion of the highwall within five years after seeding or planting."

Mr. FORD. Mr. President, there has been a great deal of work done to bring this amendment to the floor.

The PRESIDING OFFICER. The Senator from Kentucky will suspend for a moment for the Chair to ask if there is objection to having the amendment be so modified.

Without objection, the amendment (No. 280) is so modified.

Mr. FORD. Mr. President, the distinguished Senator from West Virginia (Mr. Randolph) has been working diligently with us to come up with an amendment which I think will be acceptable to all of those in the coal mining States east of the Mississippi.

We worked very hard with the patient and distinguished chairman of this committee, who, in my opinion, should get the Job award for patience as we have deliberated this bill.

Mr. President, what we have done is modify page 2, line 7, by adding, after the word "subsection," the following:

> Provided that when sound engineering technology indicates that the highwall can be completely eliminated, the highwall shall be completely eliminated by backfilling with spoil material which will maintain stability following mining and reclamation and, provided further, that when sound engineering technology indicates that the highwall cannot be completely eliminated, the highwall shall be reduced to the maximum extent—

And I want these words to be understood—

> consistent with sound engineering technology and when the highwall is not completely eliminated a vegetation plan shall be required which is reasonably calculated to screen the remaining portion of the highwall within five years after seeding or planting.

Mr. President, what we have done here is take a piece of legislation, we have removed the strictness of this legislation to give us an opportunity on that rare occasion when we can bring all facets together to improve the life of our constituents without damaging the environment.

I think the modification of my amendment will improve the legislation. It will not be a rule under these circumstances. It really will be a variance.

Mr. President, we have given a variance for the Western States. I congratulate the State of West Virginia in its new law, and it grants a variance for those procedures.

Mr. President, I think this is consistent with good reclamation practices, and sound engineering procedures. I sincerely hope the Senate will accept this amendment.

Mr. RANDOLPH. Mr. President, the able Senator from Kentucky (Mr. Ford) and his colleague, the able Senator from Kentucky (Mr. Huddleston), and the able majority leader, Mr. Robert C. Byrd, and I have continued over a period of weeks to hopefully work out this problem that is most difficult. It is complex.

I think, for the record, if I were just inclined to have some credit come to me, I could wait and offer the amendment that we have been working on. The Senator from Kentucky has knowledge of my amendment.

But if the modification of the original amendment of the Senator from Kentucky is acceptable to the managers of this legislation, Senator Metcalf and Senator Hansen, then it shall be my desire to join in the amendment.

It is very important that we ask no preferential treatment for any group or category of operations. We must attempt—as we do in West Virginia—to continue the exactness of our law. Yes, even the stringency of the law in West Virginia.

We are not in a clash here between Western and Eastern States as to surface mining procedures. We are trying to think in terms of those variances which do not in any wise—I use the word advisedly—desecrate. The Members of the Senate, regardless of this amendment or other amendments, must act to stop the desecration of the land.

There is no need for a continuing fight that polarizes those that may be called environmentalists and those who would adopt surface mining procedures that would do a violence to the good Earth itself.

In the past, we have recognized in the State of West Virginia, in Pennsylvania, and in other States in the East, that, frankly, we did do violence to the land. At the State level, West Virginia and the Commonwealth of Pennsylvania have passed very acceptable and fair approachs to variance procedures.

If the amendment of Senator Ford had been opposed even with the modification by those in charge of the bill, I would have voted against it. But if the managers of the bill believe that this is an approach which is sounded and practical—and I understand they do feel this way—I ask for the privilege of being a cosponsor of the amendment that has been offered.

I reiterate, this has been a very difficult matter. The understanding and the expertise of the staff of the committee who have tried to work with us in this problem has been an example of an attempt not to continue to polarize, but to come to a consensus which will make this surface mining bill an equitable and strong measure. It is not an operator's bill in any sense of the word. It is not an environmentalists bill. It is a bill which can give to us in the years ahead that production of coal by surface mining, which will continue to make increasing contributions to the solving of the energy shortages which we now face.

I did not intend to speak this long. I have a feeling that Senator Robert C. Byrd, with whom I have not yet had an opportunity to confer, would later want to join, perhaps also a cosponsor of the amendment as it has been modified, since the managers of the bill find it acceptable.

Mr. President, as I indicated we have worked constantly with the staff of the committee and environmental organizations over a period of many days in an effort to develop a reasonable and sound variance to the return of approximate original contour provision. I had intended to offer an amendment had the proposal by Senator Ford not been accepted. I ask unanimous consent that my remarks and the amendment be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks by Senator Randolph

This amendment will permit the granting of a variance under certain stringent conditions to the approximate original contour requirement contained in Section 415, Environmental Protection Performance Standards. This proposal has been carefully drawn in cooperation with the Committee on Energy and Natural Resources, industry representatives and environmental organizations. It is acceptable to the able manager of the bill, Senator Metcalf and the Environmental Policy Center with whom my staff has worked closely in developing the language of the amendment.

Under my proposal, each State program and each Federal program may permit variances to the requirements to return the land to its approximate original contour in the reclamation process when the land can be made, after reclamation, suitable for an agricultural, industrial, commercial, residential, or public use, including recreation purposes. Thus, Mr. President, the objective of this amendment is to allow a variance procedure for the creation of useable land in a completely environmentally sound manner in connection with the reclamation of a surface mine area.

As I indicated, there are certain conditions attached to the use of this variance. The operator must demonstrate that this procedure will improve the watershed control of the area and must accomplish complete backfilling with spoil material to cover completely the highwall, insuring that such material will maintain stability following mining and reclamation.

Further, the owner of the surface rights must knowingly request in writing that such a variance be granted and this request must be made a part of the permit application. The variance procedures specifies that the potential use of the affected land must be deemed to constitute an equal or better economic or public use; the project area must be designed and certified by a qualified registered professional engineer to assure stability, drainage, and configuration necessary for the intended use of the site; and the watershed improvement aspects must be approved by the appropriate state environmental agencies.

In addition, Mr. President, in the reclamation all spoil material must remain above the bench or mining cut immediately above the seam of coal being mined and all other requirements of the Act must be met.

The regulatory authority is required to promulgate specific regulations to govern the granting of variances and all . exceptions granted under the provisions of this amendment shall be reviewed not more than three years from the date of issuance of the permit, unless the permittee affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the reclamation plan.

This proposal is generally designed for use in non-steep slope regions.

Mr. President, it is my belief that this proposed variance merits the approval of the Senate. It adheres to very strict standards; it is environmentally sound; it does not lessen the objectives of this measure in achieving strong surface mining and reclamation practices. The amendment does, however, allow for a necessary variance to effect better use of reclaimed lands.

In the development of this proposal, I have given close attention to our West Virginia law on surface mining.

West Virginia is regarded by the environmentalists as one of the states with the most progressive reclamation programs in the country. West Virginia adopted in April the new Surface Mine Law which establishes the concept of "approximate original contour." However, it clearly recognizes that in certain cases improved watershed control may result in reclamation procedures other than approximate original contour. The law states that a coal operator shall . . . "Backfill, compact (where advisable to insure stability or to prevent leaching of toxic materials) and grade to restore the approximate original contour of the disturbed land with all highwalls, spoil piles and depressions eliminated (unless small depressions are needed in order to retain moisture to assist revegetation or as otherwise authorized pursuant to this article).

"This subdivision shall not be construed so as to abrogate or limit in any way the authority of the director to modify reclamation requirements to bring about more desirable land uses or watershed control, including, but not limited to, mountain top removal and valley fill techniques: *Provided*, That the use of any such technique shall be subject to prior written approval of the director."

West Virginia, in adopting a variance procedure in its new law, recognizes that where watershed control can be improved, the Director of Natural Resources should have the flexibility to grant a variance which prevents soil erosion and improves the watershed control of the surrounding areas.

For example, they believe that the creation of benches in central West Virginia has increased usable farmland and lessened soil erosion. The benches have significantly contributed to the watershed control and the alleviation of flooding in central West Virginia.

Finally, Mr. President, I note that the Appalachian Regional Commission which has had extensive projects in surface mine reclamation has recommended that in certain instances it is better not to return the land to approximate original contour.

As a result of its experience in reclamation, Donald W. Whitehead, Federal Co-chairman of the Appalachian Regional Commission met with a member of the staff of the Committee on Energy and Natural Resources. Mr. Whitehead stated in that meeting that in several instances better reclamation could be accomplished than through "approximate original contour."

I ask unanimous consent that a letter on this subject to Senator Huddleston by Federal Co-chairman Whitehead be printed in the Record.

May 17, 1977.

Hon. Walter D. Huddleston,
U.S. Senate,
Washington, D.C.

Dear Senator Huddleston: During the Senate Appropriation hearings of March 3, 1977, on the budget of the Appalachian Regional Commission for FY 1978, I had a discussion with you concerning the potential utilization of strip-mined land in Appalachia. At that time, you noted that the Interior Committee was considering strip mine legislation and asked if I would object to my statement being forwarded to that committee for their consideration, and I indicated no objections.

At our March 3 hearings, I stated to you that several Appalachian communities were utilizing strip-mined land for community development purposes. I believe I indicated that these included a school in Norton, Virginia, which was built on strip-mined land reclaimed by ARC funds; Moraine State Park in western Pennsylvania, which included strip-mined land reclaimed in part by the use of ARC funds; and outside of Jenkins, Kentucky, a project currently underway which will include a housing development on a former strip-mined bench. Using these examples, I stated my belief that while federal regulations were necessary, we should be careful that the opportunities to gain developable land would not be denied by a policy which would require a return to original contour. To state it another way, it may not always be desirable to return the land to original contour, for there may be instances where a former strip-mined bench or a truncated mountain top could provide a community with a new development opportunity that was previously not available to them.

While the full Commission has not taken a position on pending strip mine legislation, Governors Carroll of Kentucky and Rockefeller of West Virginia have, as you know, testified before the Interior Committee. The Commission has taken two recent actions of which you should be advised: first, at a meeting in Annapolis on March 21, 1977, the Commission adopted an energy resolution; which touches upon surface mining: and most recently, on May 10, 1977, aoproved the initiation of plans to assist in long range redevelopment of Central Appalachian flood ravaged areas.

The energy resolution, copy of which is attached, svecifically urged the Congress to enact federal surface-mining legislation which:

". . . includes a general requirement for returning land to original contour but permits variances and includes an exception for acceptable mining practices;

Recognizes that modern mountain top mining technology makes mountain top removal suitable for inclusion among acceptable mining practices; and

Provides that a general exception to 're-turn-to-contour' requirements could be made for mountain top removal in cases where the State determines that the land will be placed in equal or higher use and it would be supportive of the States developmental and environmental objectives to permit the exception."

The second action described the Commission's willingness to fund multistate planning for long range development following floods, including consideration of relocations from affected flood plains to more stable areas which might include benches from strip-mined areas or truncated mountain tops.

I trust this information will be of use to you and to any committees to which you may wish to make it available.

Sincerely,

DONALD W. WHITEHEAD,
Federal Cochairman.

415(e)(1) Each State program may and each Federal program shall include procedures pursuant to which the regulatory authority may permit variances for the purposes set forth in paragraph (3) of this subsection, provided that the watershed control of the area is improved; and further provided complete backfilling with spoil material shall be required to cover completely the highwall which material will maintain stability following mining and reclamation.

(2) Where an applicant meets the requirements of paragraphs (3) and (4) of this subsection a variance from the requirement to restore to approximate original contour set forth in subsection 415(b)(3) or 415 (c)(2) of this section may be granted for the surface mining of coal where the owner of the surface knowingly requests in writing, as a part of the permit application that such a variance be granted so as to render the land, after reclamation, suitable for an agricultural, industrial, commercial, residential, or public use (including recreational facilities) in accord with the further provisions of (3) and (4) of this subsection.

(3)(A) after consultation with the appropriate land use planning agencies, if any, the potential use of the affected land is deemed to constitute an equal or better economic or public use, and

(B) designed and certified by a qualified registered professional engineer in conformance with professional standards established to assure the stability, drainage, and configuration necessary for the intended use of the site.

(C) after approval of the appropriate state environmental agencies, the watershed of the affected land is deemed to be improved.

(4) In granting a variance pursuant to this subsection the regulatory authority shall require that in the reclamation all spoil material shall remain above the bench or mining cut immediately above the seam of coal being mined and provide that all other requirements of the Act shall be met.

(5) The regulatory authority shall promulgate specific regulations to govern the granting of variances in accord with the provisions of this subsection, and may impose such additional requirements as he deems to be necessary.

(6) All variances granted under the provisions of this subsection shall be reviewed not more than three years from the date of issuance of the permit, unless the permittee affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the reclamation plan.

Mr. FORD addressed the Chair.

Mr. METCALF. Mr. President, would the Senator yield?

Mr. FORD. I yield to the Senator from Montana.

Mr. METCALF. As the Senator from Kentucky knows, this amendment was opposed in committee. I opposed the amendment as originally propounded in the committee, because I did not believe that we did have the technology to take care of stabilizing this area under the language of the Senator's amendment.

The modification, as I understand it, has come in so that we still have the same proposition that is in the basic bill except that there can be a variance where a justification is made to the regulatory authority.

This is a judgment question that we are turning over to the regulatory authority. We are saying to him, "We still stay by the performance standards of the legislation. We still insist on elimination of the high wall, no dumping over the downslope, and so forth. In a few exceptional cases where there is engineering technology sufficient to insure the public safety and guarantee stabilization of the area" then the regulatory authority can issue a variance.

Mr. FORD. May I respond to the Senator from Montana to say that there is only one variance, and that is the approximate contour—in those cases, and only in those cases, where first we have the surface owner's request and where we have complied with everything we are supposed to do. Then a judgment is made by those people who are empowered to regulate.

I believe that there is some language that I used that probably comes close to saying it.

It is difficult to bring together the proper combination of topography, the proximity to an existing community, utility service, proper economics, and a surface mining operation.

I do not think we are going to find that as a rule. It is the exception, and we are not closing our legislation to that possibility.

Mr. METCALF. I want to make sure that we are adopting these various rather stringent provisions for complete elimination of the high wall, except for a judgment decree that the regulatory authority will have to make after a finding with justification for the variance.

Mr. FORD. That is correct.

The chairman will recall that in every case I have accepted that no overburden will be put over the slope down into the valley. We have been very particular about that—even in the French drains and the compacted dirt in the hollow fill. We have been very careful and very meticulous to minimize environmental damage.

Mr. METCALF. I am pursuaded by the modification of the Senator's amendment, and I am prepared at least to take it to conference and defend our conference position with the House. It is somewhat of a new concept, and I want to go along with the Senator.

Mr. FORD. I appreciate that. The chairman has been very gracious, and I thank him.

Mr. METCALF. What does my colleague say?

Mr. HANSEN. Mr. President, I join the distinguished floor manager of the bill in expressing my willingness to support the amendment as modified.

Mr. FORD. I thank the Senator from Wyoming.

Mr. President, I ask unanimous consent that the names of the distinguished Senators from West Virginia (Mr. RANDOLPH and Mr. ROBERT C. BYRD) be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. RANDOLPH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Does the Senator from Kentucky intend at this time to call up his additional amendment?

Mr. METCALF. He is quitting while he is ahead. [Laughter.]

AMENDMENT NO. 291, AS MODIFIED

Mr. CULVER. Mr. President, I send a modified amendment, No. 291, to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Iowa (Mr. CULVER) proposes an amendment numbered 291, as modified.

Mr. CULVER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 208, between lines 21 and 22, insert the following:

"(d)(1) Except to the extent otherwise provided for in paragraphs (2) and (3) of this subsection, upon enactment of this Act no application for a permit or revision or renewals thereof shall be approved pursuant to this section unless the applicant demonstrates to the appropriate regulatory authority that prime farmland does not comprise more than 10 per centum of the surface area to be disturbed pursuant to such applicant's mining plan. Such demonstration shall be based upon soil maps and data verified for accuracy by the Secretary of Agriculture.

"(2) Nothing in this subsection shall apply to any permit issued prior to the date of enactment of this Act, or to any revisions or renewals thereof, or to any existing surface mining operations for which a permit was issued prior to the date of enactment of this Act.

"(3) The appropriate regulatory authority may, after consultation with the Secretary of Agriculture, and pursuant to regulations issued hereunder by the Secretary of the Interior with the concurrence of the Secretary of Agriculture, grant a variance from paragraph (1) of this subsection if the operator demonstrates and the regulatory authority finds, on the basis of data relating to prime farmlands comparable to those covered by the permit application, that the applicant can restore the land affected to a condition at least fully capable of supporting the uses which it was capable of supporting prior to any mining.

"(4) As soon as is practicable following the date of the enactment of this Act, but in no event later than twelve months following such date, the Secretary of Agriculture shall commence such research, experimentation, and studies as are necessary to determine the impact of surface mining operations on agricultural production including the impact on agricultural lands both directly and indirectly affected by such mining and the most effective and efficient procedures for restoring the productive capacity of prime farmlands subsequent to any mining and based thereon, make appropriate recommendations to the Congress and the President within four years after the date of enactment of this Act.".

On page 291, line 3, strike out the period and insert in lieu thereof a semicolon.

On page 291, between lines 3 and 4, insert the following:

"(30) the term 'prime farmland' shall have the same meaning as that previously prescribed, or hereafter modified, by the Secretary of Agriculture on the basis of such factors as moisture availability, temperature regime, chemical balance, permeability, surface layer composition, susceptibility to flooding, and erosion characteristics, and as published in the Federal Register.".

Mr. CULVER. Mr. President, this amendment is intended to strengthen the protection afforded prime farmlands potentially subject to surface mining operations. I am offering it on behalf of myself and Senators PERCY, ABOUREZK, LEAHY, HUMPHREY, BUMPERS, ANDERSON, HART, ZORINSKY, and STEVENSON.

Essentially, the amendment provides that an applicant for a new permit to conduct surface mining on prime farmland must demonstrate to the State regulatory authority that he can restore the land to its full premining agricultural potential. In addition the amendment directs the Secretary of Agriculture to conduct studies on the general impact of surface mining on agriculture and on developing more effective methods of reclaiming farmland subsequent to mining.

This amendment is premised upon our belief that prime farmland is a critically important natural resource. Its value is long term and renewable—if it is properly safeguarded, we can benefit from its bounty almost indefinitely. That renewable quality makes it almost unique, other resources once exploited, are gone forever. As a Senator from the State of Iowa which has so long exemplified the immense capacity of American Agriculture, I may display a certain bias but I believe firmly that next to our people, our fertile soil is our Nation's most valuable resource.

It is precisely because this soil is so vital that if it is to be used for additional or alternate purposes, its primary usefulness as farmland must be guaranteed. Its permanent loss would severely undermine our future food production potential and place greater pressure on our remaining agricultural resources. As Secretary of Agriculture Bergland has stated:

> Any loss of prime farmland, no matter how small, is a loss that cuts at the very heart of long-term American productivity and strength.

I believe that our amendment provides the needed guarantee of continued productivity in a manner that is both practical and fair to the nonagricultural potential of farmland.

The amendment does not prohibit surface mining on prime agricultural land, it merely requires that mined land be restored to its original capacity.

The amendment uses existing, proven criteria for the definition of farmland. These criteria have been employed for a considerable time by the Soil Conservation Service. They are comprehensive and precise.

The amendment does not threaten the need for increased coal production. According to OMB, at most 1.3 percent of the 1978 forecast for such production would be affected.

This amendment does not place unfair burdens on mining operations. The coal companies maintain that reclamation is technologically feasible. That verdict is confirmed by the independent judgment of the Iowa coal project and the Iowa Department of Soil Conservation.

The amendment protects a significant amount of valuable farmland. OMB calculates that a minimum of 12 million acres of prime farmland contain coal subject to surface mining.

Finally, I think it is important to recognize that a broad range of public officials with responsibility for different national priorities agree on the need to provide special protection for prime agricultural land. These include Secretary Bergland of the Department of Agriculture, Secretary Andrus of Interior, and James Schlesinger who is President Carter's choice to head the new Department of Energy on which this body put its stamp of approval only 2 days ago.

Mr. President, I urge the adoption of this amendment in the belief that it will serve to protect our most valuable agricultural lands while enabling us to meet our critical energy needs.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. HANSEN. Mr. President, I think the distinguished Senator from Iowa has expressed an interest and a concern which a great many of us share.

I would say that in opposing the amendment, as I feel obliged to do, first, I express my appreciation for his interest and for the industry that he and others have shown. I note that Senator PERCY, a cosponsor of the amendment, is also in the Chamber.

I think everyone agrees that the purposes sought to be achieved in this amendment are laudable.

I would point out, in my judgment, that language contained presently in the bill before us pretty well insures that these objectives will be achieved.

Basically, the concept is that land shall not be strip mined unless it can be reclaimed. I am concerned about the definitions; and it occurs to me that we are layering yet another set of definitions on top of those presently contained in the bill for which I question the need.

We bring in yet another set of criteria that would be implemented and, conceivably, could delay or could add to the problem of trying to get on with the job of providing coal for this country.

The State of Illinois does, indeed, produce a great amount of coal, and I know the Senator from Illinois has been outspoken in his concern that those lands should be and must indeed be reclaimed and I quite agree with him.

My point is that I believe we do not need this amendment to assure the kind of reclamation effort, to assure the close examination that ought to be undertaken before coal is removed by strip-mining methods. I think these guarantees are already in the bill. So I would feel obliged to oppose the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. PERCY. I appreciate the careful consideration my distinguished colleague has given to this amendment. As I have said to him, it is an amendment that means a tremendous amount to farmers, and it seeks to reconcile their interests with those of the surface mining companies in those cases of possible conflict.

Farmers in this country see the constant encroachment on agricultural land as our cities blossom out, and they see that over a period of years urbanization takes millions of acres of fine agricultural land out of production.

I would just ask my distinguished colleague where this country would be today if we did not have our agricultural exports? I would say we would be in a very bad way. We cannot constantly take prime agricultural land out of production year after year without someday paying a price.

There are only six countries on the face of the Earth that are exporting food. One hundred forty-four countries import food. We are one of the exporters, and we export more than all the others put together. Last year $22 billion came into this country as a result of our exports.

If we did not have that we would not have the raw materials to keep our factories going. We would not have energy to keep our automobiles moving. So it is for that reason that we are taking a look at this problem now to say, "Shouldn't we give special consideration to prime agricultural land?"

I have joined with Senator CULVER as a principal cosponsor of the prime farmland amendment, because both of us come from States richly endowed with prime farmland. This amendment is extremely important to the people of Illinois and many other States. These are the States which have a large amount of prime farmland underlaid with coal reserves that can be mined by surface mining techniques.

According to an OMB study made earlier this year there are about 12 million acres of such prime lands with strippable coal reserves in 14 States.

Mr. President, I ask unanimous consent that a table listing all of the States in the Union that have such land, together with the percentage figures that we give, be printed in the RECORD at the close of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PERCY. About half of this acreage, about 6 million acres, is actually located in the State of Illinois.

We do not seek to impose a moratorium on surface mining of all farmlands, but we must make certain that two important national interests are adequately reconciled. These interests are the preservation of our prime farmlands from undue encroachment, and the increase in production of coal to meet our energy needs.

These interests are only marginally in conflict. There is an enormous amount of lower grade land underlaid with strippable coal, and there are enormous reserves of deep-mine coal, as well.

Moreover, the most serious encroachment on prime farmlands is urbanization, not strip mining. However, our amendment will allow strip mining in prime farmlands if the mining company demonstrates to the State regulatory authority that it can and will return the land to its former level of agricultural productivity.

(At this point Mr. MORGAN assumed the chair.)

Mr. PERCY. The mining companies argue very persuasively—and I would certainly say in this regard that I have discussed it privately with my distinguished colleague, Senator HANSEN, and I would like to reaffirm that in discussions with the coal companies—that they do have the technology and the know-how to do exactly what our amendment provides. I am much inclined to believe they have this know-how and, thus, I believe we are are not imposing any undue burden on them to require that they simply demonstrate to the State permit-granting authority that they can and will restore the land.

Several coal companies that I have talked to in recent days have reaffirmed to me and to my staff that—while they would object strongly to a moratorium on surface-mining of prime farmland—they can live with the kind of case-by-case review procedure provided in this amendment.

If our amendment becomes law, the impact on coal production will either be nil or very small indeed. If each application for a permit is approved on a case-by-base basis, the impact on total production will be zero. If some applications are disapproved, but the coal companies simply go to other sites on less good land, the loss of production can easily be compensated. Even if all applications for stripping prime lands are rejected, and there is no offsetting increase in production on marginal land, the total loss of production would be only 1.3 percent of the national total, according to the OMB study I cited earlier.

In short, Mr. President, I believe this amendment reconciles the major concerns of those who seek to protect our prime farmlands and those who seek to raise coal production.

In this regard I feel that it offers a sensible compromise, rational and reasonable. According to the coal mining operators with whom I have consulted, the procedures we have laid down are not onerous. To farmers it would mean extremely welcome relief. For the first time, the Federal Government would be taking into account that these prime agricultural lands are an invaluable resource to us, and we cannot simply pave over them, we cannot simply urbanize them all—and we simply cannot strip mine them, unless we assure ourselves that all prime lands that are mined will be returned to their original use and their original level of productivity.

It does us no good in Illinois to take prime agricultural land on which we grow row crops, soybeans and corn, that are invaluable as a national asset—and absolutely desperately needed to maintain our balance of trade position—if we take that land out of production and return it to grazing. That simply does not help the national interest. Our need for those coal reserves is not that great.

For that reason, I commend my distinguished colleague from Iowa, Senator CULVER, and the five other Members of the Senate who have cosponsored this amendment. I really urge that we give careful consideration to it. I hope the managers of the bill will agree with us that we have reached a compromise position which best serves the interest of all concerned. From the standpoint of having any adverse effect upon coal production in this country, it will be so small one could hardly even measure it. Because in a case-by-case analysis we think most of those cases can be adequately handled.

EXHIBIT 1

STRIPPABLE COAL AND PRIME FARMLAND

	Strippable coal counties			Other available coal reserves	
	Total acres of prime farmland [1] (thousands)	Percent prime farmland [1] (average)	Prime farmlands potentially impacted by stripping [1] (thousands of acres)	Strip coal on Nonprime land [1] [2] (millions of tons)	Deep-mine coal reserves [3] (millions of tons)
Alabama (10 counties)	1, 700	27	459. 0	129	1, 798
Indiana (16 counties)	1, 600	46	736. 0	937	8, 948
Illinois (43 counties)	9, 400	63	922. 0	4, 838	53, 441
Kentucky (38 counties)	1, 100	23	253. 0	5, 741	18, 185
Maryland (1 county)	50	13	6. 0	86	901
Ohio (24 counties)	1, 000	15	150. 0	3, 057	17, 423
Pennsylvania (22 counties)	1, 500	17	255. 0	854	22, 788
Tennessee (17 counties)	500	11	55. 0	282	667
Virginia (4 counties)	20	2	. 4	755	2, 833
West Virginia (37 counties)	500	5	25. 0	1, 575	34, 377
Missouri (13 counties)	2, 000	37	740. 0	1, 733	6, 073
North Dakota (20 counties)	7, 700	43	3, 311. 0	10, 328	NA
Montana (5 counties) [4]	700	7	49. 0	34, 668	65, 834
Wyoming (7 counties) [4]	200	2	4. 0	22, 030	29, 490

[1] Data derived from "Report of the Interagency Task Force on the Issue of a Moratorium or a Ban on Mining in Prime Agricultural Lands," prepared by the Office of Management and Budget, Soil Conservation Service, Bureau of Mines, Federal Energy Administration, and the Environmental Protection Agency, February 1977.

[2] "Impact Of Proposed Moratorium on Surface Coal Production," R. Neil Sampson, Soil Conservation Service, Apr. 26, 1977.

[3] U.S. Bureau of Mines.

[4] Prime lands in these States coincide largely with alluvial valley floors.

Mr. PERCY. Mr. President, I ask unanimous consent to include in the RECORD an outstanding statement of Robert L. Masterson, Knox County zoning adminstrator, on behalf of and with the authority of the county board, Knox County, Ill., before the Subcommittee on Minerals, Materials, and Fuels of the Senate Energy and Natural Resources Committee, on March 3, 1977. I ask that this statement be printed in the RECORD at this point to reinforce the case that I have made today.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF ROBERT L. MASTERSON

I am Robert L. Masterson. I reside in Galesburg, Illinois. I have been employed by the County of Knox since early 1967 as Zoning administrator, plat officer and de facto director of planning. I appear here today on behalf of, and with the authority of, the County Board of Knox County, Illinois. The County Board expresses its appreciation to you, Mr. Chairman, and the subcommittee for this opportunity to present a statement of its concern for and support of the strip mining legislation presently being considered by both the U.S. Senate (S 7) and the House of Representatives (HR 2).

The County Board wishes to make clear that its primary concern is to protect and preserve the prime agricultural land of Knox County and to assure a continued, healthy agricultural economy for the county. My appearance here today is not intended as an indictment, by the County Board, against any particular coal company or the industry in general. On the other hand, the Board does not wish to minimize the serious and, it feels, fatal effects that continued strip mining will have, not only on Knox County, but, on a good segment of Illinois and the agricultural heartland of the country—the Midwest.

My presentation will consist of a prepared statement and a slide presentation. I would like to present our statement completely and then follow with the slide presentation.

It appears to the County Board and others in Illinois, who have followed the history of efforts to pass federal strip mine legislation, that most of the concern and attention has been directed toward the adverse effects of surface mining on areas in the eastern states, Appalachian states, and the far west with little, or no, attention to the midwestern states where the major strippable bituminous coal reserves are located under some of the most fertile, agriculturally productive and irreplaceable farmland in the country, indeed in the world. Without minimizing the devastating effects of strip mining in these other parts of the country, the Board wishes to call attention to the impact that strip mining is having, and will continue to have, in Illinois and Knox County.

ILLINOIS

Illinois contains some of the richest agricultural land in the world, with some 29,100,000 acres, or 82% of its total land surface, devoted to farming. In 1975 over 22.8 million acres, 78% of all farmland in Illinois, were in crop production, while 3.3 million acres, approximately 10%, were devoted to pasture for livestock production. Between 1970 and 1975, cropland harvested in Illinois increased from 20.1 million acres to 22.3 million acres.

In spite of the tremendous increases in crop land harvested in Illinois, the state has been losing farmland at an alarming rate of 80,000 to 100,000 acres per year to other uses. This apparent contradiction is explained, in part, in the U.S.D.A., publication, "Farmland: Will There Be Enough?", as being attributable to the evolving "free market policy" of the U.S. Department of Agriculture which has resulted in abandonment of the food reserves system, the end of the federal crop acreage set-aside program, and a tough international commodity transactions stance. It is also partially the result of expanded irrigation, clearing of marginal lands and development of dry land farming techniques.

In past years it has been possible to offset production losses, due to a reduction in the agricultural land base, by increased yields from less land using more and improved fertilizers, herbicides, pesticides and improved farming techniques and management. However, the energy crisis and resulting fertilizer and fuel shortages will continue to hamper, if not prevent, the farmer from consistently producing more on less land. Also, regulations on the use of some argicultural chemicals will contribute to this slowdown.

Coal reserves

In addition to its vast riches in prime farmland, Illinois is also endowed with the greatest amount of bituminous coal reserves of any state in the nation. The Illinois State Geological Survey estimates these reserves to be 161.6 billion tons which underlie 65% of the state. Ninety-seven billion tons are contained in seams of at least 42 inches thick. In 1975, Illinois ranked fourth among all major coal producing states in the nation.

Of the estimated coal reserves in Illinois, only 12.1%, or 19.5 billion tons, is strip mineable; the remainder of the 161 billion tons is recoverable only by the deep mining method.

Prime agricultural land

Prime agricultural land, as used in this presentation, is the highest quality or most productive land in terms of specific crops of significant economic value raised in Illinois. The major cash grain crops in Illinois are corn, soybeans, wheat and oats. Prime agricultural land, therefore, is the land which produces the greatest yields of these four cash grain crops.

The productivity of Illinois soils for these four crops has been studied for many years in Illinois and a soil productivity index has been developed to measure the relative response to management and facilitate comparisons between groups of crops and soil productivity.

The development of the productivity index, to determine quality of soil, is the work of Dr. J. B. Fehrenbacher, professor of Pedology; B. W. Ray, associate professor of Pedology; and T. S. Harris, research assistant; all in the Department of Agronomy, University of Illinois, Urbana; and E. E. Voss, Soil Conservation Service state soil scientist for Illinois.

Productivity indexes for a high level of management, plus corn yields, were used to further define three grades of prime farm land in Illinois: Grade A, excellent: Grade B, very good; and Grade C, good. The productivity indexes and corn yields for the three grades, based on recently revised values (1976), are:

	Productivity indexes (P.I.)	*Corn yield bu/acre*
Grade A	141–160	140–161
Grade B	126–140	123–139
Grade C	106–125	101–122

(Source: Soil Association of Knox County, Illinois, J. B. Fehrenbacher, et al; Corrected Printer's Galley proofs, February 1977.)

KNOX COUNTY, ILLINOIS

Location and area

Knox County is one of the 51 counties in Illinois underlain with strippable coal reserves. It is a grain and livestock producing county of 720 square miles, more or less, or 461,216 acres, located in west-central Illinois midway between the Mississippi and Illinois Rivers. It is equidistant from Chicago and St. Louis.

The soils

Knox County soils are some of the most agriculturally productive soils in Illinois and the world, containing soil characteristics which, when combined with the very favorable climatic conditions of the area, provide for the most ideal farming and crop producing situation.

Based on a general soils survey of Knox County, conducted by Dr. J. B. Fehrenbacher et al during 1975 and completed in early 1976, 71.3 per cent or 324,664 acres, of Knox County's soils was determined to be prime agricultural soil with 190,736 acres, 41.4% of the county and 58.7% of the prime agricultural land, classified as grade "A" or excellent; 129,939 acres, 28% of the county and 40.0% of the prime land, classified as grade "B" or very good; and the remaining prime land, 3992 acres, graded as "C", good.

The Soil Conservation Service, U.S.D.A., classifies 360,711 acres, or 78%, of Knox County soils as being in capability classes I, II E, III W and III E.

The main factors affecting the quality of the present Knox County soils are: soil parent materials, climate, native vegetation, topography, drainage and soil development time span.

Parent materials

The most extensive and desirable parent material in the County is loess, a silty soil parent material found extensively on the nearly level (0 to 2 per cent slopes) uneroded uplands with thicknesses varying from 7 feet in the southern part of the county to 12 or 15 feet in the northern part. This loess was deposited during the Wisconsin glacial stage and is considered to have formed over approximately 11,000 to 12,000 years.

Alluvium deposited on stream flood plains in Knox County is also an important soil parent material which has generally developed into agriculturally productive soils.

The major soil associations developed from these parent materials and which make up about 70 percent of the county soils are:

3A. Ipava-Sable Association, distributed throughout the county and comprising 19 per cent of the county land surface. This association is found on the uplands on slopes of 0–2 per cent. They are dark-colored soils developed from the silty (loess) parent material under tall prairie grasses with poor to somewhat poor drainage. However, almost all these soils have been tiled to aid drainage.

This soil association is used predominantly for intensive corn and soybean production and the soils are well suited for this row crop use. It is graded "A" with a high management productivity index of 141 to 160 and a corn yield, under a high level of management, of between 109 and 158 bushels, and an average soybean yield of 50 bushels per acre.

3B. Ipava-Tama Soil Association, comprises 22 per cent of the total county area. The soils in this association were developed from the silty (loess) parent material and consist of dark-colored soils developed under tall prairie grasses. These soils are found on slopes of between 2 and 5 per cent along the drainage divides. They occur commonly on shoulder slopes, upper side-slopes and narrow ridge tops around the edges of extensive upland flats.

Again, these soils are well suited for intensive row crop, corn and soybean, production if properly managed. They are rated as excellent for row crop production with a productivity index of 141–160 and average corn yields of between 140 and 161 bushels per acre and soybean yields of between 36 and 49 bushels per acre.

3C. Tama-Elkhart-Downs Soil Association of soils is commonly found on sloping areas of the uplands on slopes ranging from 5 to 10 per cent and are distributed throughout the county. This soils association constitutes about 7 per cent of the total county land area. This association consists of soil developed under grass and exhibits a moderately dark color. They, again, are formed from the silty (loess) parent material and are well to moderately well drained.

The soils in this association are best suited for row crop production (corn and soybeans mainly) on a rotation basis. Erosion is the most important hazard on these lands and close-growing crops are recommended, along with terracing and conservation tillage, to check erosion.

This soils association is graded "B", very good, and has a P.I. of between 126 and 140 and a corn yield of 123 to 139 bushels per acre and a soybean yield of 31 to 38 bushels per acre.

26 AB. Keomah-Clinton-Clarksdale Association soils are found on nearly level to gently sloping ridgetops of 0 to 5 per cent slopes and make up 12% of the county soils. They are characteristically light to moderately dark soils developed under forest or mixed forest-grass vegetation. Drainage is from poor to good. The soils in this association developed in loess deposits of more than five feet thick and occur widely throughout the county.

The soils in this association are used intensively for cultivated crops such as corn and soybeans. Small grain and hay pastures are also found in this association. This soil association is graded "B", very good, with a P.I. of 123–139, a corn yield of up to 139 bushels per acre and a soybean yield of up to 42 bushels per acre.

40 B. St. Charles-Batavia Association, 40 C. St. Charles-Camden Association and 43 B. Worthen-Littleton-Raddle Association are all prime lands graded "B", "C" and "A" respectively and comprising 0.6, 0.5 and 0.4 per cent, respectively, of the total county land area and are of such small area that a detailed discussion is omitted here.

69 A. Lawson-Huntsville-Orion Association soils occur on the flood plain areas of Knox County and comprise about 9 per cent of the total county area. These soils have slopes of between 0 and 2 per cent. They have surface soils which are dark grayish-brown or black silt loam and range in thickness from 20 to 40 inches. These soils are very productive and have been intensively cropped to corn and soybeans. These soils are graded "B", very good, with a P.I. of 126–140 and corn yields of between 123 and 139 bushels per acre and soybean yields of between 40 and 46 bushels per acre.

Climate

Climate is a very critical factor in original development of the soils in Knox County since it controlled the moisture and temperature conditions of the soil and the native vegetation which grew on the land during the soil development. It is concluded by Dr. J. B. Fehrenbacher et al. ("Soil Associations of Knox County, Illinois," corrected galley proof, 1977) that the climatic conditions existing at the time of the last glaciation, "except for a warmer and drier period some 4,000 to 6,000 years ago," were the same as those which now prevail. The current mean annual temperature of Knox County is 51° F., with cold winters and hot summers. Precipitation averages about 34 inches per year and there is a growing season of approximately 175 days, all favorable and vital to a viable and highly productive agricultural area. Knox County has never experienced a complete crop failure due to drought or wash out.

Native vegetation

Fifty-seven per cent of the county was in prairie grasses while 33 per cent was forest vegetation during the soil formulation period. Soils developed under the prairie grasses have thick, dark-colored surfaces while the forest developed soils have dark or moderately dark surface soils of 4 to 5 inches thick.

Soil texture and moisture availability

Soil texture is an important factor in the productive capacity of soil. Texture is the relative proportion of said, silt and clay in the soil, both surface and subsurface layers. Texture will determine a soil's ability to retain moisture for crop production and depth permissible for root penetration of crops.

Knox County soils are mostly silt loam surfaces and silty clay loam subsoils. On surfaces which are moderately to severely eroded, the surface silt loams have disappeared, exposing the subsurface silty clay loams.

Silt loams are easy to work and have good moisture retention capacity but are erosive and subject to frost heave and crusting. Most of the silty clay loam subsoils have good structural development, retain moisture and allow good root penetration for row crops grown in the county.

Strip mining in Knox County, as elsewhere, has completely disturbed these soil relationships and according to Dr. Fehrenbacher et al, strip mined land, approximately 21,000 acres in Knox County, "represents areas of extreme variability in materials and slopes where the natural soil has been greatly disturbed." These materials are composed of layers or random mixtures of loess, glacial till, and bedrock (mainly shale) with slopes ranging from very steep to very gently rolling on the more recently mined areas. Rock content on these spoiled and "reclaimed" areas ranges in size, depth and amount from area to area and makes cultivation difficult to impossible in most spoiled areas of the county.

Value of crop production

Illinois Cooperative Crop Reporting Service, 1976 Annual Summary, reports that in 1975, Illinois ranked second of states in the nation in agricultural cash receipts for crops, and seventh for livestock with $3.5 billion and $1.9 billion respectively, and fourth in the nation for total agricultural cash receipts—$5.4 billion.

The Galesburg Register Mail on July 21, quoted John E. Corbally, President of the University of Illinois, as saying that Illinois led the United States in agricultural exports in 1975 which amounted to $1.67 billion. The state ranked first in soybean exports with $699 million, second in corn with $723 million and second in meat products exported, $28.6 million.

Illinois Cooperative Crop Reporting Service, 1976 Annual Summary, reports that Knox County produced, in 1975, 20,965,000 bushels of corn on 165,000 acres with a farm production value of $52.6 million, and 2,660,900 bushels of soybeans on 65,000 acres with a farm production value of $12.5 million. Wheat and oats took up a combined 16,000 acres with a farm production value of $1.48 million, a grand total of the four major cash crops of $66.55 million. This represented an increase of $6.56 million over 1974. Total acreage in the four crops amounted to 391,000 acres, 84% of the total county land area and a rather high utilization of the agricultural productivity of the county. All factors being favorable, this experience can be duplicated on an annual basis.

STRIPPABLE COAL RESERVES IN KNOX COUNTY

Strippable coal reserves

One of the major threats to the continued productivity of the Knox County soils and a healthy agricultural economy locally is the result of another abundant and valuable resource—coal.

Knox County, according to the Illinois State Geological Survey, Circular 348, 1963, Class I coal reserves (reasonably accurate) amount to 1.25 billion tons and when Class II (based on projection of geologic information) coal reserves are added, an estimated 1.58 billion tons of strippable coal underlie Knox County soils.

284,646 acres, or 61.0%, of Knox County is underlain with strippable coal (figure 1), the vast majority of which, obviously, is under the most productive agricultural soils of the county.

As of February 1977, County records (Recorder of Deeds and Supervisor of Assessments) show approximately 39,000 acres owned or controlled by coal companies in Knox County. Of this total, however, approximately 21,000 acres have already been strip mined at least once (a second vein of coal exists under much previously stripped land). Most of the remaining 18,000 acres are located in three of the most productive townships in the county: Victoria, Copley and Sparta. Land purchases continue and the county is presently being surveyed by a second major coal producer with hopes of opening mines.

RECLAMATION

History

In Knox County generally, reclamation has been directly tied to what the law required. In many cases it may be questioned whether the final results met the legal requirements.

The first state land reclamation act in Illinois was adopted in 1962 and since then there have been two major revisions, the Surface Mined Land Conservation and Reclamation Act of 1971 and the 1975 comprehensive amendments to the 1971 Act.

Prior to 1961, 12,110 acres of agricultural land were strip mined in Knox County with almost all being left in spoil banks and no concerted effort to put this land to any productive use. Of course, during these earlier years, little concern was expressed by the public, and the full impact of strip mining on the land was not realized. The full impact is not yet understood, generally. Much of this land (8,063 acres) was and is utilized for pasture, possibly because it is only traversable by livestock and considered substandard at best. 1,151 acres is put to no observable use; organized recreation utilizes 1,066 acres of stripped land and 192 acres of strip mine created water areas. Agricultural uses, aside from pasture, were observed on 375 acres, 352 in hay and 23 in tilled crops. The remainder was used for a variety of other uses such as an airport, 20 acres; water consumption, 576 acres; public highways, 33 acres, to name a few.

Under the 1968 amendments to the Surface Mined Land Reclamation Act, most land was reclaimed to "strike-off" pasture. This involved striking off, or grading, the spoil peaks to an 18 foot width to allow easy movement of farm machinery and other necessary equipment. The Act also established seeding requirements. The Act also allowed graded pasture, land graded to gently rolling topography and seeded to pasture. The easiest and least costly method of "strike-off" was the predominant reclamation. Again, this pasture was decidedly substandard and the land nowhere approached pre-mining productivity.

The most severe reclamation standards were incorporated into the 1971 Surface Mined Land Conservation and Reclamation Act by comprehensive amendment in 1975. These standards allow the Director of Mines and Minerals, under rule 1104 of the Act, to require row crop reclamation if he should decide that the land affected (stripped) is: (1) capable of being reclaimed for row crop agricultural purposes based on United States Soil Conservation Service soil survey classifications of the affected land prior to mining, and (2) when the Director determines that the optimum future use of the land is for row crop agricultural purposes. Row crop reclamation under the act involves grading to a topography comparable to pre-stripping, replacement, up to 18 inches if available, of the original surface soil and providing four feet of suitable root medium subsoil with prescribed texture. This row crop provision is currently being applied in Knox County with the first such "top soil" replacement now taking place.

In spite of these seemingly strict and severe requirements of grading and soil replacement, no one is able to guarantee that the end product will be a soil capable of the pre-mining productivity or, for that matter, if it will be productive at all or for how long. The Director of the Illinois Department of Mines and Minerals, Russell Dawe, who is responsible for administering and enforcing the reclamation regulations, admits that "it is not known if lands can be restored to their original productivity. . ."[1]

Knox County's legal efforts

Knox County has, on two separate occasions, attempted, under the zoning powers granted by the state legislature, to regulate locally the strip mining of prime agricultural lands and the subsequent reclamation of those lands. Both attempts were frustrated by the Illinois Supreme Court, once in 1954 and again in 1974.

In the 1954 case, Knox County attempted to ban strip mining on certain areas of the county. The Supreme Court eventually ruled against the county noting, however, that the county could under certain circumstances (not elaborated) possibly ban strip mining.

The 1974 Supreme Court ruling against the county resulted from the county's efforts, again under its zoning regulations (a new zoning resolution was adopted in 1967), to establish minimum reclamation conditions in the granting of a "Conditional Use Permit" to strip mine. The Court ruled that the county had no authority to set reclamation standards because the Illinois Surface Mined Land Conservation and Reclamation Act pre-empted County Zoning.

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[1] Letter from Russell Dawe to Mike Schechtman, Illinois South Project, April 19, 1976.

The county is again in court over whether or not it can, again under zoning, attach any conditions to strip mining. The current case involves conditions set on use of blasting and the filing of impact statements with the county covering the effects of mining and blasting on the hydrology of the surrounding and adjoining properties. While this case is pending, the operator has secured a court injunction keeping the county from enforcing its regulations and allowing strip mining as usual. How soon this case will be settled is no longer a matter of urgency for the operator with a mining permit good until June of 1979.

Every effort by the county to locally regulate mining and reclamation and to protect its soils has been successfully frustrated legally.

Knox County has also been very active on the state legislative level to effect amendments to the reclamation act to tighten up the reclamation standards.

ASSESSED VALUE AND TAXES

Another critical area of concern to the County Board is the effects of strip mining on assesed valuation of affected land. The industry has been quick to assure the county, and critics, that they have not sought an adjustment in the assessed valuation of these stripped lands for taxing purposes, nor do they intend to do so. They further point out that the property remains on the tax books at the same assessed value as prior to being stripped. Both contentions are true, to a point. The coal companies do not request an adjustment and the assessed value for taxing is not reduced on the land at that point. All improvements present on the land are removed during stripping and this does lower the assessed value.

The Knox County Zoning Department conducted a study of the effects on assessed valuation and tax dollars returned per acre on stripped and unstripped land in four townships which have experienced extensive strip mining. The study covered a period from 1940 to 1971 and included a random selection of sites, both stripped and unstripped. An effort was made to compare lands of comparable soil conditions prior to stripping and which were in close proximity to each other. All values were adjusted to 1940 dollars to offset the effects of inflation.

The four townships included Salem (6.762 acres stripped), Maquon (1,865 acres stripped), Victoria (5,528 acres stripped) and Copley (3,459 acres stripped). There were 53 stripped and 92 unstripped parcels analyzed.

The countywide average of per cent of change of equalized [2] assessed value per acre and tax dollars per acre for the 31 year period were:

[In percent]

	Stripped land	Unstripped land	Difference
Assessed value (equalized)	−4.8	+43.8	48.6
Tax dollars per acre	+3.3	+69.0	65.7

In discussing the results with the County Supervisor of Assessments, it was learned that the County, in 1958 and 1959, had a general re-evaluation of all lands in the county. Lands affected by strip mining, particularly spoil banks, were drastically reduced since the original productivity of the land, the basis of farm land assessed valuation, no longer existed. So, even though the land owner may not request an adjustment, the threat of lower assessed values and tax dollars per acre on stripped land is ever present and real. The county is currently considering another general re-evaluation of assessments in 1978 or 1979, and, according to the Supervisor of Assessments, productivity of the soil will again be a basis for establishing assessed values on rural farm land, with a resulting lowering of assessed values of lands strip mined since the last general re-evaluation.

SUMMARY AND CONCLUSION

Illinois and Knox County were blessed with some of the richest, most fertile and irreplaceable agricultural soils in the world, with over 71 percent of Knox County's soils rated prime. These soils, which have developed over a period of 12,000 years, are vital to the agricultural economy of Knox County, Illinois and our country. The prime agricultural lands of this area have been farmed for over 150 years and will continue to be if properly conserved and protected. We do not have lands reserves.

Strippable coal reserves underlie approximately 61 percent of Knox County and threaten to destroy upwards of 284,000 acres of its farmland. Past reclamation practices have not returned stripped land to its premined productivity, and no one knows whether or not surface mined land can ever be fully restored to pre-mining agricultural productivity.

Since property assessed valuation for taxing purposes is based on soil productivity in the rural areas, loss of soil productivity eventually results in loss of valuation, placing an increased burden on those lands undisturbed.

With only 12 per cent of Illinois' abundant coal reserves strip mineable; with an ever increasing demand for energy, both coal and food, throughout the world; and with both resources, coal and soil, being irreplaceable, they should be developed with prudence with the soil being our real long-term energy resource.

In conclusion, the Knox County Board expresses its support, generally, for the proposed "Surface Mining Control and Reclamation Act of 1977" and wishes to offer the following considerations for possible amendments to H.R. 2 and S. 7:

1. That all prime agricultural land be placed off limits to strip mining until the reclamation of prime agricultural lands can fully restore them to pre-mining productive capability.

2. That Section 506 (H.R. 2) and 406 (S 7) "Permits" provide that the applicant prove that no prime agricultural land is included within an area to be strip mined.

3. That Section 513 (H.R. 2) and 413 (S 7) "Public Notice and Public Hearings" be amended to provide local governments between forty-five (45) and sixty (60) days to respond to the official notification of the regulatory agency of an application for surface mining. Many County Boards only meet once a month and it is possible that the thirty days, as proposed in the present bill, could fall between meetings.

4. That Section 522 (H.R. 2) and 422 (S 7) be amended to automatically designate all prime agricultural land as unsuitable for surface mining. Prime agricultural land shall be defined or determined by the State Department of Agriculture and the United States Department of Agriculture, Soil Conservation Service. "Valid existing right" should be defined and limited. Ownership of the land should not be sufficient to establish a "vested" right to surface mine.

5. That definition 17, "person", in Section 701 (H.R. 2) and Section 501 (S 7) be expanded to include "appropriate local units of government."

In closing, the County Board calls attention to an apt inscription on the former Agronomy building on the campus of the University of Illinois, Urbana, Illinois: "The wealth of Illinois is in its soil—its strength lies in its intelligent development."

Mr. LEAHY. I wish to commend the statements of Senators CULVER and PERCY and associate myself with them.

Prime agricultural land is one of our Nation's greatest natural resources. The permanent loss of this highly productive land severely undermines our future food production potential and places greater pressures on our remaining agricultural resources. The rapid increases in the prices of land, equipment, and fertilizer in recent years give us some indication of what that increased pressure means in real terms.

The purpose of the amendment we offer here today is to assure that reclamation plans for surface mining on prime farmlands are designed to restore those lands to their full agricultural capability prior to mining.

Briefly, the amendment requires that an applicant for a new permit to carry out surface mining on prime farmland must demonstrate, to the satisfaction of the regulatory authority in the State, that he can restore the land to its full premining potential in agricultural production.

This amendment should not adversely affect our coal production potential. Studies have indicated that the reclamation of prime farmland is technically feasible, and clearly, from the attached table, there are sufficient coal reserves in nonprime lands to avoid any depressing effect on coal production as reclamation techniques are perfected and incorporated into overall mining procedures.

The need to protect prime farmland is generally recognized. The President's energy chief, James Schlesinger, Secretary of Agriculture Bob Bergland, Secretary of the Interior Cecil Andrus, the National Farmer's Union, the National Corn Growers Association, and environmental organizations have all indicated their support for a provision in this bill that provides greater protection for prime farmlands. I hope the Senate will be able to support us in this effort.

Mr. HANSEN. Mr. President, on page 3 of the amendment beginning on line 10 is found this language:

> The term "prime farmland" shall have the same meaning as that previously described or hereafter modified, by the Secretary of Agriculture on the basis of such factors as moisture availability, temperature regime, chemical balance, permeability, surface layer composition, susceptibility to flooding, and erosion characteristics, and as published in the Federal Register.

I ask my friend from Iowa where in the bill or in this is the term "prime farmland" defined?

Mr. CULVER. I appreciate the Senator's inquiry. I think it is a most appropriate one.

It certainly is a legitimate inquiry to determine how "prime farmland" is to be defined and whether or not this constitutes a workable definition for the purposes of implementing this amendment.

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[2] Equalized assesed value is determined by the County Board of Tax Adjustment and is the figure used to determine taxes.

The amendment adopts the definition that has been in use for some time by the U.S. Department of Agriculture Soil Conservation Service. This definition is very detailed and technical, and a copy of it was printed in the RECORD on Wednesday of this week. I also have a copy here with me.

Mr. HANSEN. Does the Senator wish to read the definition, or is it a very lengthy one?

Mr. CULVER. It is quite lengthy. It is two pages of extremely technical data and information.

But I ask unanimous consent to have it printed in the RECORD at this point.

Mr. HANSEN. I have no objection to it being printed in the RECORD.

There being no objection, the definition was ordered to be printed in the RECORD, as follows:

DEFINITION

Prime farmland meets the following criteria:

1. The soils have an adequate moisture supply. Included are:

a. Soils having aquic or udic moisture regimes. These soils commonly are in humid or subhumid climates that have well distributed rainfall or have enough rain in summer that the amount of stored moisture plus rainfall is approximately equal to or exceeds the amount of potential evapotranspiration. Water moves through the soil at some time in most years.

b. Soils having xeric or ustic moisture regimes and in which the available water capacity is great enough to provide adequate moisture for the commonly grown crops in 7 or more years out of 10.

c. Soils having aridic or torric moisture regimes and the area has a developed irrigation water supply that is dependable and of adequate quality. Also included are soils having xeric or ustic moisture regimes in which the available water capacity is limited but the area has a developed irrigation water supply that is dependable and of adequate quality. Counties in which there are soils having these moisture regimes need to be surveyed to determine the areas in which a dependable water supply of adequate quality has been developed.

d. Soils having sufficient available water capacity within a depth of 40 inches (1 meter), or in the root zone if the root zone is less than 40 inches deep, to produce the commonly grown crops in 7 or more years out of 10.

A dependable water supply is one in which enough water is available for irrigation in 8 out of 10 years for the crops commonly grown.

2. The soils have a soil temperature regime that is frigid, mesic, thermic, or hyperthermic (pergelic and cryic regimes are excluded). These are soils that, at a depth of 20 inches (50 cm), have a mean annual temperature higher than 32° F (0° C). In addition, the mean summer temperature at this depth in soils with an 0 horizon is higher than 47° F (8° C); in soils that have no 0 horizon the mean summer temperature is higher than 59° F (15° C).

3. The soils have a pH between 4.5 and 8.4 in all horizons within a depth of 40 inches (1 meter) or in the root zone if the root zone is less than 40 inches deep. This range of pH is favorable for growing a wide variety of crops without adding large amounts of amendments.

4. The soils have no water table or a water table that is maintained at a sufficient depth during the cropping season to allow food, feed, fiber, forage, oilseed crops common to the area to be grown.

5. The soils can be managed so that, in all horizons within a depth of 40 inches (1 meter) or in the root zone if the root zone is less than 40 inches deep, during part of each year the conductivity of saturation extract is less than 4 mmhos/cm and the exchangeable sodium percentage (ESP) is less than 15.

6. The soils are not flooded frequently during the growing season (less often than once in 2 years).

7. The soils have a product of K (erodibility factor) x percent slope of less than 2.0 and a product of I (soil erodibility) x C (climatic factor) not exceeding 60. That is, prime farmland does not include soils having a serious erosion hazard.

8. The soils have a permeability rate of at least 0.06 inches (0.15 cm) per hour in the upper 20 inches (50 cm) and the mean annual soil temperature at a depth of 20 inches (50 cm) is less than 57° F (14° C); permeability rate is not a limiting factor if the mean annual soil temperature is 57° F (14° C) or higher.

9. Less than 10 percent of the surface layer in these soils consists of rock fragments coarser than 3 inches (7.6 cm). These soils present no particular difficulty in cultivating with large equipment.

Mr. CULVER. The Department of Agriculture has also verified by telephone that this is the definition they are using, and I would like to point out to the Senator from Wyoming that the amendment also requires that the definition be published in the Federal Register and be subject to regular rulemaking procedures under the Administrative Practices Act.

Mr. HANSEN. I think I do have a copy. In order to illustrate some of the concern I have in order that Senators may know, and I am certain I will not be able to pronounce some of these words because they are indeed, I suspect, technical, words not familiar or in common usage by most of us, I will try to read and where I cannot pronounce I will attempt to spell these words in order to illustrate what it seems to me this amendment may do.

As used in this subsection, the term "prime farmland" means farmland which meets the following criteria:

(a) The soils have an adequate moisture supply.

Mr. CULVER. Excuse me. I think that is "aquic."

Mr. HANSEN. What?

Mr. CULVER. I think it is "aquic."

Mr. HANSEN. It says a-d-e-q-u-a-t-e in the copy I have. Is that a misspelling?

Mr. CULVER. I see the Senator is starting up above. I am sorry. I thought he was reading from subsection 1(a).

Mr. HANSEN. No.

Then I repeat:

The soils have an adequate moisture supply including (1) soils having aquic or udic moisture regimes.

And then in parentheses:

(These soils commonly are in humid or subhumid climates that have well distributed rainfall or have enough rain in summer that the amount of stored moisture plus rainfall is approximately equal to or exceeds the amount of potential evapotranspiration. Water moves through the soil at some time in most years.

(2) soils having xeric—

How do we pronounce that word?

Mr. CULVER. Where was that again?

Mr. HANSEN. Under small subparagraph (ii) soils having x-e-r-i-c would be xeric? Is the Senator familiar with that word?

Mr. CULVER. I am not familiar with the Senator's reference he is pointing out. I see paragraph (2). Is the Senator in paragraph (2) or is it a subsection of paragraph (1)?

Mr. HANSEN. I am under subsection (a), subsection (ii), or maybe if I could, I am looking at the amendment that I think was probably offered yesterday—I will read it, Mr. President.

Soils having x-e-r-i-c—

However that is pronounced, I would suspect xeric—

or ustic moisture regimes and in which the available water capacity is great enough to provide adequate moisture for the commonly grown crops in 7 or more years out of 10.

(iii) Soils having aridic or torric moisture regimes and the area has a developed irrigation water supply that is dependable and of adequate quality. Also included are soils having xeric or ustic moisture regimes. . . .

Mr. CULVER. Will the Senator yield?

Mr. HANSEN. I am happy to yield.

Mr. CULVER. I think I am aware of the thrust of the Senator's concern about the relative technical nature of how we define "prime agricultural land." It is, in fact, a technical subject. But I think the important thing to keep in mind is that not every layman is required to possess a technical competence on making such definition in this area of statute or proposed law any more than he is in any other.

We have the U.S. Soil Conservation Service Offices in every county—I know in my own State of Iowa, they already have soil surveys of virtually all the agricultural land and for the ones that they do not possess they certainly, within 24 hours, can go out to the site and take a sample and make the designation.

Mr. HANSEN. I ask the Senator, has he ever done that?

Mr. CULVER. No, I have not personally done it.

Mr. HANSEN. I have done that. I happen to be a very poor graduate of the agricultural college of the University of Wyoming, and I do not think it is quite that simple or quite that easily done. In the first place, if I understand, a number of samples may be required and to gather the samples on the one hand and then to make all the determinations and classifications, including the type of soil and water permeability, and those other issues that I suspect would be relevant to such a determination, I would think might very well take more than 24 hours. But I realize that it was some time ago that I graduated and it could very well be that that process has been expedited. But if soil samples have to be sent in which I would think is the case to——

Mr. CULVER. What is the Senator getting at here? Is this unworkable? What is the Senator's concern?

Mr. HANSEN. I think I can illustrate my concern by saying that we passed an OSHA law here a few years ago. I was not one who voted against that bill. I think some three persons did vote against it, Mr. President, and it was not until the Federal Government started trying to enforce that law that we realized what a nightmare we had forced on people.

The Senator from Nebraska (Mr. CURTIS) and I offered, unsuccessfully, amendments to change some of the parts of that law. Do you know what we ran into?

Senator CURTIS tried to get the applicable printed law so we could bring it to the floor to illustrate what the problem was; and we found that there was no printed law that contained all of the OSHA regulations.

So he went to the Library of Congress and asked the Library of Congress to furnish him all of the printed law and all of the pertinent and relevant regulations which would apply on OSHA.

They said, "Senator CURTIS, we cannot comply with your request. We can give you much of it, but not all of it, and the reason why we cannot give you all of it is that by reference, codes and regulations have been made part of this law; there simply is a reference to a fire code, a building code, an electrical code, or a sanitary code; and some of these materials are in such short supply that we cannot let them be taken from the Library of Congress."

So even though a Member of the U.S. Senate asked for permission to bring all the material here, that request could not be granted by the Library of Congress.

So the average person was not able to be warned ahead of time; and I noticed in yesterday's paper that the OSHA Administrator is saying they are going to stop all that nitpicking, they are going to stop insisting that a toilet stall in a washroom have a split seat, or that there be a coat hanger on the door, that there be a couch—Mr. President, you could not believe, unless you have examined the list, and I expect most Senators have examined it—all of the things that are in the OSHA regulations.

I make the point because it would seem to me that if such a bill as this is going to be defended, I wanted to be able to tell my Wyoming ranchers what we are talking about.

I note, according to some information I have before me, that there are 200,000 acres of prime farmland in the State of Wyoming, and that the percentage of farmland to the overall picture is about 2 percent. I want to be able at least to tell my constituents what we have done here. And it would seem to me rather difficult to try to explain what I started to read; if it had not been for my good friend from Iowa I would not even have been able to pronounce a lot of the words, because they are certainly words with which I am not familiar. I just do not want to get into an operation or be a part of an action that will require me to say to my farmers and ranchers, "We have put some special restrictions on prime farmland, but I cannot tell you what they are nor what parts of the State they may be found in."

Mr. CULVER. Mr. President, will the Senator yield?

Mr. HANSEN. "Because I do not understand all of this complicated scientific jargon that is used in trying to explain, as the Department of Agriculture has, what is prime farmland."

Mr. CULVER. Will the Senator yield?

Mr. HANSEN. Happy to.

Mr. CULVER. Mr. President, we live in a complicated world, and——

Mr. HANSEN. I do not want further to complicate it.

Mr. CULVER. Well, I am not anxious to do that; but I think unfortunately the definition of what constitutes prime farmland is not really, like beauty, in the eye of the beholder, based on a subjective determination. Unfortunately, that just is not the case, and it never will be the case unless we want to live in a dream world rather than the real world.

We cannot let someone go out on the north 40 and say, "This is prime farmland and it costs $3,000 an acre, because I think it is prime farmland." In the absence of that kind of anarchy, we have to address responsibly the very real crisis in American agriculture today—soil erosion. We are facing the disappearance of our most important national asset—with the exception of our people—our prime agricultural land. I come from a State which has one-tenth of it, and it is the only reason that we are economically strong in America today, because without that export market, we could not afford the imports of energy to keep us from going over the brink economically.

There are many of us, and it is not a parochial view, who believe that we must stop this reckless, irresponsible diversion of this, our richest asset, with the exception of our people.

If we, in this generation, do not evidence and demonstrate some responsible stewardship over this land on Spaceship Earth in a complicated time in world history, then we have no business standing in this Chamber.

Now, we have to decide what prime farmland is. Obviously we can open it up. We can say that any time anyone has thrown some grain on the ground, we will call it agricultural land, and we will put a moratorium or a ban on mining it.

I would remind the Senator from Wyoming of the position of Mr. Schlesinger, Secretary Bergland, and Secretary Andrus, all three of them, coming at this problem from three different perspectives and different senses of national priorities.

They were in unanimous accord when they said that it is desperately important to our national economic viability and strength that we make adequate provision for and protection of, this incalculably valuable national resource.

That is what they said. Now, what this amendment does is not a moratorium. On the other hand, we are not buying the irresponsible notion that we can continue to dissipate this precious resource and not suffer economically as a nation. If we have any conscience in terms of the generational consequences of an arrogant, cynical disregard of environmental quality of life on this Earth while we are here, we must manage it as stewards and as trustees.

That is what this amendment talks about.

As far as whether or not Wyoming ranchers or Iowa farmers can figure it out, I cannot speak for your ranchers, but my farmers want this. They want it because they are the true conservationists in this country. They go out on that soil and that land every day, and they want that farm to go to their son or their daughter.

I know Iowans would say, "Don't let this strip mining thing get out of hand, so that we see the diversion of this precious resource to other than prime agricultural uses for ourselves and for posterity."

That is what they would say. They are not worried about whether they are smart enough—we have one of the highest literacy rates in this country in Iowa—to figure out what prime agricultural land is. Iowans can figure it out, and the way they figure it out is with the competent technical help of the soil conservation department, professionally qualified, which has been operating for years.

This amendment requires that the definition of prime agricultural land, by the Soil Conservation Service of the Department of Agriculture—which they have worked with for years, and which is the current definition—has to be published in the Federal Register and must comply with the rulemaking procedures under the Administrative Practices Act.

If anyone has problems with it, he can come in regular order, with due process, with public notice, and address the particular aspects of this technical definition until we reach a responsible, informed, publicly determined notion of the appropriate definition. He can propose what modifications, modern science, or other considerations should be applied to a more informed and proper judgment.

Second, subsection 3 of this amendment requires that the Secretary of the Interior publish rules and regulations governing the entire variance procedures.

Mr. MELCHER. Will the Senator yield?

Mr. HANSEN. I will be happy to yield.

Mr. MELCHER. What the amendment does is to add, as my former colleague in the House, the esteemed MOE UDALL, said, another layer of bureaucracy in getting a permit.

Also, what the amendment does is to do what we have always said we are going to do in a strip mine bill. We have said that before any mining permit was granted, the applicant would have to affirmatively demonstrate in his application, to the satisfaction of the regulatory authority, that after the land was mined, the reclamation would succeed to the extent of at least returning the land to as good a condition and productivity as it was prior to mining.

Mr. BURDICK. Will the Senator yield?

Mr. MELCHER. I will yield in a moment.

If we mean what we say, that we are going to protect the agricultural productivity of the land, then what the amendment does is to carry out what we have always said we wanted to do in the bill. I will grant it does lay on that layer of bureaucracy. The regulatory authority, if it is in my State of Montana, or in any other State, provides itself with the proper statutes to run the reclamation program which will be required under this act.

Our regulatory authority, in reviewing the applicant for a mining permit, would have to come up with the answer, "Yes, reclamation will succeed, and the land will be returned to at least the productivity it was before mining."

On that basis, there is nothing wrong with the amendment. It carries out what we have always said we wanted to do.

I am delighted to yield to my friend from North Dakota, who has a high percentage of prime land in the set of figures developed by the executive agency.

Mr. BURDICK. Mr. President, the able Senator from Montana mentioned a former colleague of ours, Mr. UDALL. I understand that the House acted upon an amendment that is almost identical to the one we are acting upon now. Is that correct?

Mr. MELCHER. That is correct.

Mr. BURDICK. I thought I would read what Mr. UDALL said in the House on a similar amendment so I will know where we are going.

> Mr. UDALL. I thank the gentleman for yielding.
>
> Mr. Chairman, let me say I like what we have worked out, what the gentleman from Michigan and I have worked out. The gentleman from Massachusetts (Mr. TSONGAS) was the original author of good solid agricultural farmland in the amendment. I like it in the bill. I am now perfectly content with the way it is now. I have not had such full court press as we have had in the last few days from the administration on this prime-land business. The reason I accept it is I have read it carefully, and I do not think it makes any difference.
>
> Mr. BAUMAN. Mr. Chairman, if I can reclaim my time, if it makes no difference, why would not the gentleman oppose it?
>
> Mr. UDALL. If the gentleman will yield further, apparently the authors of the amendment and some people in the administration who want to say they have a strong bill are using this as some kind of symbol as to whether or not we are going to have strong protection of prime agricultural land. It says in the amendment one can get a variance. What does one have to do to get a variance? One has to do what we have already provided in the bill. I do not think there is any great deal of difference whether it is in or not. The reason I do not like it is it adds another level of bureaucracy.

My question is: Does this add anything we do not already have in the bill?

Mr. MELCHER. I think it clear that it offers another safeguard. It is requiring the Secretary of Agriculture to be consulted by the regulatory authority to see whether or not the land involved is prime farmland and, if so, if the reclamation plans are adequate to carry out successful reclamation to make sure it is retained to at least as good a condition as it was prior to mining. By being in as good a condition, I mean the same level of productivity or better.

Mr. BURDICK. But those requirements are in the bill now.

Mr. MELCHER. I think the requirements have been inherent in the bill all through the discussion and all through the years that we have had the strip mine bill before us. But I do not think it hurts a bill to reiterate them again, to make sure that the Secretary of Agriculture can act as an umpire, and have a further safeguard to make sure they are carried out.

Mr. CULVER. Will the Senator yield?

Mr. MELCHER. I yield.

Mr. CULVER. I thank the floor manager of the bill for his support of this amendment.

I would like to address the question raised by the Senator from North Dakota as to the need for this particular amendment or lack of need, or what its implications might be.

First of all, let me say that this amendment is, in fact, different from that which was the focus of the general House debate, and, secondly, from what was ultimately adopted in the bill by the other body on this same point.

Why is there a need for this particular amendment in this bill?

Under the current bill the language states that an applicant for a new permit to strip mine must demonstrate that he can restore the land affected to a condition at least fully capable of supporting the uses which it was capable of supporting prior to any mining, or higher or better uses.

It is true, as the floor manager of the bill suggests, that implicit in this is that a reasonable person may interpret it, and so construe it, that a restoration to prime agricultural land use wouud be a minimal essentiality under that language. But that caveat of a higher or better use is the hooker. That is the loophole you can drive a truck through. I shall tell why.

The effect of this amendment is to set a standard for reclamation of prime farm lands. Without this amendment, someone in the short term can determine that a better use is a recreational use; a better use is a residential use; a higher use is an industrial use. We are giving all that discretionary authority to some bureaucrat.

I do not want to do that, if we are worried about bureaucrats. I want to tell them what to do. We tell them loud and clear here, and we address a very, very vulnerable aspect of this legislation.

We are not talking about mood music in this legislative history. The debate is replete with all these assurances that we are going to do generally beneficial things. That is not good enough. We have to nail it down. We see an opening here which can really be nothing but a pipeline for soil erosion and the destruction of the fundamental base of prime agricultural land in America. That is what we want to guard against.

Mr. BURDICK. What did the Senator say is the difference between this and the Udall bill?

Mr. CULVER. First of all, I do not know what the Udall bill does.

Mr. BURDICK. As I read the text, they are very similar.

Mr. CULVER. What the House actually addressed—

Mr. BURDICK. Here it is. Page 12679 of the RECORD of April 28, 1977.

Mr. CULVER. The House bill, with respect to land use, provided, really, three things. One, it assumed restoration of agricultural farmland. Secondly, it provided that you could borrow the black earth from your neighbor to bring about that reclamation that was called for. Third, there was a low minimum bond provision. There is a much higher bond provision in this bill than the $10,000 bond figure that is in the House bill. So this is really a tougher amendment. I think it will better accomplish the objective that the National Farmers Union and others feel so strongly about.

Mr. BURDICK. I am not opposing the Senator, necessarily. I just want to know what this adds.

Mr. CULVER. I guess for the last half hour, I have been laboring under some misapprehensions.

Mr. BURDICK. I just want to know what this adds to the present bill. That is my only question.

Mr. CULVER. I hope I have advised the Senator.

Mr. BURDICK. I am not sure the Senator has.

Mr. CULVER. This Senator has done his best, I assure the Senator from North Dakota, of that.

Mr. BURDICK. I thank the Senator.

Mr. HANSEN. Mr. President, I do not think that there is really much more to be said. I make two points: No one would disagree with my friend from Iowa that if the terrible things that he describes so eloquently were to come about because of the absence of this amendment, we would certainly all have to be for it. I would be for it. I am certain that every other person within the sound of his voice would be for it.

I must say, though, that, as was pointed out by the Senator from North Dakota, I have worked on this bill. We have been pretty diligent in holding hearings and attending markups, and I think I know some of the provisions that the bill contains. I am of the opinion that, outside of adding another layer of bureaucracy charged with implementing another layer of definitions and regulations, there is not anything more that will be achieved by the adoption of this amendment, insofar as reclamation goes, insofar as concern for agricultural productivity goes, than is already in the bill.

Mr. PERCY. Mr. President, will the Senator yield at an appropriate point for a question?

Mr. HANSEN. I am happy to yield.

Mr. PERCY. Senator CULVER began his colloquy on the question of whether or not we can define what prime farmland is. I just wonder whether the Senator from Wyoming can now go back to his constituents and feel properly equipped to define and explain what primary farmland is.

Mr. HANSEN. The Senator uses the word "primary" as I understood him. He means "prime," does he not?

Mr. PERCY. That is correct, prime farmland.

Mr. HANSEN. A very simple answer to the Senator's question is, no, I could not.

Mr. PERCY. May this Senator put it in very simple terms, then, so my distinguished colleague could go back to his

State and explain it? It is soils having aquic or udic moisture regimes; or soils having xeric or ustic moisture regimes.

If the farmer does not understand that, we could say soils having aridic or torric moisture regimes. If we want to be more specific, we could say soils having a soil temperature regime that is frigid, mesic, thermic, or hyperthermic—that is, pergelic or cryic regimes are excluded; or, soils with zero horizon which is higher than 47° Fahrenheit or 8° Centigrade.

If the farmer wants to have further explanation, I would go on to tell him then, as an expert in the field, that soils having a pH between 4.5 and 8.4 in all horizons within a depth of 40 inches would qualify, or that have the conductivity of saturation extract that is less than 4 mmhos/cm and the exchangeable sodium percentage—that is, ESP—is less than 15.

I anticipate that the Senator may ask me to explain one or two of those terms. Very well, I would say if it is selling at the prices most of our farmland is in Illinois is selling, it is prime land! If they are planting corn row to row on it, the Senator can be pretty sure it is prime farmland!

To return to another point raised by Senator HANSEN, the Senator said we are adding a layer of bureaucracy. We really are not. All we are saying is that the State agency is to be used.

All our 132,000 farmowners and farm families know whether they are on prime land or not. All they ask is, before a surface permit is granted, the operators must show that they are going to be able to put it back in the same condition that it was in before.

I have had county commissioners, I have had tax assessors come in and talk to me about this. If the Senator from Wyoming is in doubt about what to do, I can say that what we must do is reassure the 132,000 farm families in Illinois that we really care. In other words, we give a damn about the land that they live on and work on, the land that is producing $22 billion of export sales to countries abroad, land that is feeding the world, land that makes us only one of six nations on Earth, out of 150 nations, that are able to export food.

That is what prime farmland is. We are just saying stop, look, and listen before we pave over everything, before we urbanize everything, before we put shopping centers everywhere. That is just all part of the law of supply and demand, I suppose. But strip mining is something that really digs at the emotions. We can all fly over and see the ravages that we have cast upon our land, whether in West Virginia or Virginia or Kentucky or Illinois. We are simply saying, as we now begin to convert back in many instances from oil to coal, "Let us just be certain, in this perfectly legitimate quest for coal, that we do not rip up all the land that is feeding us." That is all we are saying.

Mr. President, our amendment provides a mechanism to accomplish this. And the coal companies in Illinois tell me that, those who have called on me, that they can live with this, it makes sense, and it is better than a moratorium—they do not want a moratorium. This is not a moratorium, as Senator CULVER has pointed out.

I really hope that we can see fit to give this reassurance to farmers that we care about the land they live on. That is all we are asking. If the Senator from Wyoming would like any further explanation as to what prime farmland is, I shall be glad to get into more technical detail.

Mr. HANSEN. Mr. President, I appreciate the always generous impulses of my good friend from Illinois.

Mr. President, at one time we had a rather well-known author named Owen Wister who spent some time in Wyoming in the southern part of the State, in the Medicine Bow country and later on he came to Jackson Hole, and the Park Service, if I am not mistaken, attaches some importance to the Wister cabin which was occupied by this distinguished author for some time.

In one of his stories entitled "The Virginian" he relates how a little trouble erupts and one person calls another a name that is not oftentimes used, whereupon the person to whom the name has been applied said: "When you call me that, smile."

I have to say that I do not propose to go out into Wyoming and respond to a question of what is prime farmland using some of this language. I am afraid I might get socked in the nose. They might misunderstand what I am trying to say when I use the words the Senator pronounces so easily and which I am afraid I would stumble over. They might even think I am calling them a bad name.

So I suspect I will have to say to my good friend from Illinois that probably the average farmer can determine what is prime farmland on the basis of what a willing buyer and a willing seller will agree commands a certain price.

Having said that, Mr. President, let me observe that I think there is adequate language in the bill to accomplish these worthwhile objectives so articulately and forcefully enunciated by my friend from Illinois and my friend from Iowa, that there is no further need to add duplication to what we have in the bill already.

But certainly, I do not disagree at all as to the importance of farmland.

I did not think there was anything in this bill that dealt with or addressed the subject of extension of airports, of paved areas of urban sprawl, supermarkets, and that sort of thing, and I gather that the Senator from Illinois did not mean to suggest that this amendment, if it were adopted, would address those issues.

On the other hand, I say simply what has been said by my good friend from North Dakota. I think we have already gotten it in here. I suspect that our colleague in the other side of the Capitol (Mr. UDALL) thought it was pretty well in here, too.

With that, I have nothing further to say. If we want to vote on it, I am ready.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I want to vote on it, too. I say to my good friend from Wyoming that it is really too bad we feel the necessity to vote immediately because I have a powerful speech already in hand, but I think I will save it for another day.

Not only that, my good friend and colleague from Iowa, has stated the case not only brilliantly, but he has stated it emphatically. My friend from Illinois has given us enough technical data here to convince anyone.

I say in all candor, if we want to find out what prime land is, there is the soil conservation service.

Most of us from rural areas know the land in our States has already been surveyed. There are soil maps that tells us the condition of that soil, its chemistry, its moisture, its texture, the whole thing.

So prime farm land, agricultural land, is no big secret any more than the prime rate on interest is a secret. All we need to do is go to a banker and he can tell us, and if he cannot, we go to the Federal Reserve Board.

It has been said here that we can go to the proper State regulatory agency or to the Soil Conservation Service and we will get the information.

I support this amendment. I think we are indebted to the distinguished Senator from Iowa for his leadership.

As has been said, the bill is supposed to have adequate protections. Let me say that this gives a little extra protection, and it gives protection to the most valuable resource we have in this country, even more than the coal that may be under it; namely, the topsoil, the productive soil on America's agricultural lands.

I think it is an amendment that is needed.

THE IMPORTANCE OF PRIME FARMLANDS

Mr. President, any loss of prime farmland, no matter how small, is a loss that cuts at the very heart of long-term American productivity and strength.

Those concerned with the removal of prime agricultural lands from production see a weakening of the agricultural economy in a region or the entire country, creation of upward pressures on food and fiber prices, and dislocation of individual farmers and ranchers.

At a time when one million acres of prime farmland each year are lost to all land use shifts and developments, it is imperative that we adopt a definite policy toward the preservation of this invaluable natural resource.

I am convinced that there is a need for leadership with a commitment to the concept of agricultural preservation. Such a commitment demands that we discourage the surface mining of our best farmlands.

For this reason, I have joined with several other Senators in sponsoring an amendment to S. 7, the Surface Mining Control and Reclamation Act of 1977, which will strengthen the protection afforded prime farmlands potentially subject to surface mining operations. It provides for a special permit procedure whenever a mining plan includes more than 10 percent prime farmland. In this situation, the operator would have to demonstrate, to the satisfaction of the regulatory authority in the State, that he can restore the land to its full premining potential in agricultural production.

In addition, it requires that the Secretary of Agriculture begin a study of special reclamation practices and conduct soil reconstruction programs for prime farmland mining operations to determine whether prime farmland should be made available for further surface mining.

Basically, the purpose of this amendment is to divert new strip mining starts to nonprime areas until it is determined whether strip mining should proceed on prime farmland.

The continued loss of lands well-suited to the production of food, forage, fiber, and timber is a matter which is of growing concern to the Nation. I believe that this amendment reflects this concern and demonstrates our determination to protect our best farmlands. I urge the Senate to adopt this amendment.

Mr. President, I am ready to vote and I think we are going to find the good sense of the Senate in agreeing to it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. METCALF. Mr. President, I have been persuaded by the Senator from Iowa and the Senator from Minnesota and others, but I have been especially persuaded by the Senator from North Dakota that this is just another "pancake," this is just the addition of another bureaucratic layer, and we brought the Secretary of Agriculture into enforcement of some of the provisions on the Federal lands.

I am prepared to vote for the amendment, if we can accept the amendment. I am prepared, if we have a rollcall vote, to vote against the amendment.

I ask my colleague on the other side: Why do we not accept the amendment? I think it is covered by the bill. I think it is completely covered by other provisions in the legislation. Why do we not accept this?

Mr. HANSEN. I am willing to.

Mr. METCALF. And get along with passage of this legislation.

ADDITIONAL STATEMENT SUBMITTED ON AMENDMENT 291 AS MODIFIED

Mr. STEVENSON. Mr. President, I am pleased to cosponsor the amendment and to urge its adoption. It will strengthen the bill's protection of prime farmlands and signal our determination to preserve one of our greatest resources, the land that feeds our own people and much of the world's population.

The amendment does not bar strip mining; it is not a moratorium. It simply says that no one may strip prime farmland unless and until he can guarantee its return to prime condition. The mining companies have assured us that full restoration is possible and that they will achieve it. Indeed, some of them are working toward that end now. They are raising crops on treated land and are helping to finance university research on land rehabilitation. I do not yet share their confidence, but I would not deny them the chance to show that full restoration is possible. The amendment gives them that opportunity.

My State has a profound interest in the amendment. We are told that 160 billion tons of coal lie under Illinois. Eighty-eight percent of this coal can be extracted only by deep mining. Only 12 percent, or about 19.5 billion tons, can be stripped, but about half of our current production comes from strip mines. The deep-mine coal is concentrated in the south-central region of the State. The strippable coal is found in 51 counties scattered throughout the State.

Illinois' coal reserves are immense, but our greatest resource is our prime farmland. Over 80 percent of our total land surface is devoted to farming, and three-fourths of this land is in row crop production. In a recent year Illinois ranked second among the States in cash receipts for crops, and we led the Nation in agricultural exports. Our corn and soybeans are helping to feed the world. They have been a major offset to the payments imbalances caused by the rising costs of Middle Eastern oil.

A Federal interagency task force recently reported that 14 States have strippable coal lying under prime farmland. Illinois led the list, with 43 affected counties. Sixty-three percent of our 9.4 million acres of prime farmland could be affected by strip mining. This amendment will not save it all. It will not affect any permit issued before April 1, 1977. We are already losing five or six thousand acres a year to strip mining, and the Illinois Department of Mines and Minerals reports that a 3-year permit covering 17,235 acres has been issued to Illinois coal operators. The department estimates that 75 percent of this acreage may be classified as prime.

Our State has one of the best regulatory statutes, but it is not adequate with respect to prime farmlands. It gives the director of the department of mines and minerals the discretion to decide whether row crop agriculture is the optimum future use of land to be mined, but it gives him no guidelines for making the decision or for deciding what other uses might be deemed superior. Moreover, local governments have little power to prevent the spread of strip mining over prime lands in their own communities. Their plight was graphically described by Mr. Robert L. Masterson, zoning administrator of Knox County, Ill., in recent testimony before the Senate Committee on Energy and Natural Resources.

Mr. Masterson reviewed the county's efforts to regulate strip mining and require proper reclamation through use of the county's zoning powers. In 1954 the county lost by decision of the Illinois Supreme Court. In 1974, the State supreme court again ruled against the county, holding that the State's Surface Mined Land Conservation and Reclamation Act preempted county zoning ordinances. The county is again in court seeking a ruling on whether it has the right to attach any conditions at all, such as a requirement that impact statements be filed on the effects of blasting and mining on the hydrology of neighboring properties. In the meanwhile, the mine operator has obtained an injunction against enforcement of the county's regulations and is continuing to strip mine.

Mayor Terry Dolan of Catlin in Vermilion County, Ill., testified before the House Subcommittee on Energy and Environment. He pleaded for stringent protection of prime agricultural lands. There is no strip mining activity at the moment in Catlin Township, but a large coal company has announced plans to strip mine 6,000 acres in the township. Much of this acreage is among the world's most productive cropland. The people of Catlin have good reason to be apprehensive. The countryside around them bears the scars of old strip mines. Moreover, no one has been able to show them an example of complete restoration of any similar highly productive land.

Mr. President, no one doubts the necessity for increasing the production of coal. Adoption of this amendment will not block that goal. It may limit production in some areas, but it should not affect total production. Abundant reserves of coal are available in areas that do not include prime farmlands. We are not forced to choose between coal and crop production. But if we fail to act now, as the demand for coal intensifies, we will sacrifice much of our prime land and forgo essential food production far into the future.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment (No. 291) as modified, was agreed to.

UP AMENDMENT NO. 258

Mr. DOMENICI. Mr. President, I send to the desk an unprinted amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from New Mexico (Mr. DOMENICI) for himself and Mr. MELCHER and Mr. HANSEN proposes unprinted amendment No. 258:
>
> On page 159, line 8, after "title" insert the following: "or, after the objectives of the fund set forth in Sections 302 and 306 of this Act have been achieved, for programs for the construction of public facilities in communities impacted by coal development".

The PRESIDING OFFICER. The Senator will suspend until the Senate is in order. May we have order? Will Senators conversing in the aisles kindly go to the cloakroom?

Mr. METCALF. Will the Senator yield?

Mr. DOMENICI. I am pleased to.

Mr. METCALF. Mr. President, all of us have been concerned with this expenditure of the funds for the reclamation of orphaned lands. Some of the funds go to the State where the coal mining takes place, half to the States where we have other orphaned lands.

When the Senator from New Mexico presented this amendment, I objected.

I felt that it would be an opportunity to give the State, or any other State, an opportunity to expend these Federal funds for any outside activity before they expended it for orphaned lands.

The amendment that is offered by the Senator from New Mexico takes care of that and makes it specific that we have to take care of all the orphaned lands, all the abandoned coal lands, all the other qualifying lands, before we can have additional expenditure of funds.

After consultation and work with the Senator, I am prepared to agree to his amendment.

Mr. DOMENICI. I thank the Senator from Montana.

Mr. President, I ask unanimous consent that the junior Senator from Montana (Mr. MELCHER) and the senior Senator from Wyoming (Mr. HANSEN) be added as original cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, the senior Senator from Montana has just described this amendment and I want to ask him just one clarifying question.

The Senator is absolutely correct. There is no intention by this amendment to let States use their allocated funds in any way other than that they must first take care of abandoned, unreclaimed mines as defined in this bill. There is no change in that. They must first do that.

Then the Senator said that when they have finished that, this amendment will permit the alternate use. We do mean each State. We mean that the Senator's State will first do all its abandoned reclamation, my State will, and any others, with their allocated funds, after which, at some point in history, they can use it for the alternate purpose stated.

Mr. METCALF. I am delighted that the Senator from New Mexico has clarified that.

Each State has to exhaust its reclamation of abandoned mines before it can use these funds for other purposes.

Mr. HANSEN. Mr. President, if the Senator will yield, I should like to engage in a short colloquy with the distinguished floor manager of the bill, in order that I might make doubly clear what the intention of this legislation is.

I ask the Senator from Montana if he construes this provision to mean that in areas like Rock Springs, where homes, businesses, and public property have been damaged by subsidence, Wyoming's share of funds from the reclamation fund could be used to repair such property, or in the event of damage beyond repair, to compensate citizens suffering losses as a result of subsidence?

Mr. METCALF. Mr. President, the Senator from Wyoming knows that I am familiar with the Rock Springs area. I have flown over Rock Springs with him when we had a light snowfall and there was a tremendous and brilliant indication of some of the subsidence. I understand the concern of my colleague from Wyoming and share his interest in helping people like those in Rock Springs who have been harmed as a result of past mining.

In answer to his question, I would say that the section in the bill referred to by the Senator from Wyoming would, indeed, permit the use of money from the abandoned mine reclamation fund to repair and rehabilitate housing damaged by subsidence or other situations related to past mining. I believe the provision is sufficiently broad as to permit the use of the money to address most any kind of problem associated with past mining, including damage to property, both public and private.

Mr. HANSEN. Would the Senator agree with me that the provision would permit compensation to persons already damaged or harmed by subsidence which has been occurring over a period of several years? An example that comes to mind is the situation of a retired citizen in Rock Springs who had to abandon his home a few years ago because it was damaged beyond repair by subsidence. He received no compensation for his home. It was a total loss. Could such people who already have suffered losses as a result of subsidence or other problems associated with past mining be helped by this provision?

Mr. METCALF. I believe the provision would help such people and would apply in situations of damage because of subsidence from past mining. The whole purpose of title III and of setting up the fund is to address problems associated with past mining.

Mr. HANSEN. I thank my colleague. I appreciate his support of the amendment offered by the Senator from New Mexico.

I think that when we have done these things, with the funds that are reserved to the States, we have taken a major step forward in addressing the problems of orphaned lands and of subsidence with money that we agree should be and can be made available under this bill. I thank him for his clarification.

Mr. METCALF. I want to make sure—and I think the Senator from New Mexico underscored this—that we have to do these things before we can embark upon some of the other provisions that the Senator from New Mexico wants to have accomplished.

Mr. DOMENICI. As I understand the dialog that the Senator from Wyoming and the Senator from Montana have just engaged in, it covers items that are properly within the abandoned fund, even without my amendment.

Mr. METCALF. Yes. It would be taken care of before the Senator's amendment would be applied.

Mr. DOMENICI. I thank the chairman of the committee and the ranking member for their understanding of this problem and for thir willingness to work to help States that see problems in the future as to where the resources are going to go when they have in fact cleared up the abandoned, unreclaimed mines they have in their States.

Mr. METZENBAUM. Mr. President, will the Senator yield?

Mr. DOMENICI. I yield to the Senator from Ohio.

Mr. METZENBAUM. I ask the Senator from New Mexico whether, in effect, if this amendment is adopted, that truly will not withdraw from the reclamation funds otherwise available to restore strip-mined areas a substantial amount of dollars which will be used in the future only to provide for community facilities in areas impacted by coal developers, but that it actually will result in a deprivation of a substantial number of billions of dollars by the entire concept of the orphaned lands needed to be reclaimed.

I question whether the amendment can be considered actually to be in the best interests of those of us who have a concern about the ravaged lands that exist throughout the breadth of this Nation at the present time by reason of the damages done over a period of years.

Although I do not question the concern of using dollars for communities that have been impacted by coal development, I truly question whether or not this is the proper source from which to gain these funds.

Mr. DOMENICI. I will answer the Senator from Ohio this way: I will not deny that it is possible that what the Senator has described could happen. However, from the standpoint of my State, if the estimates of the Geological Survey are correct, they would figure that in New Mexico there is about $230 million needed to clean up the unreclaimed, abandoned mines.

All I am saying to the Senator from Ohio is that if that takes 20 years—and it might—before we get that done, perhaps Ohio might first finish all its reclaim work, and it appears to me to be fair that at some point in time when we have done all that work, all that money is coming in, when we have done all that work, all the money is coming out of our States for the mining of coal there, it should not come back to the Secretary of the Interior to make up this national pool which is already there.

Fifty percent of this money is not allocated; only half of what is collected is going back. The other half is used under this bill for all the various purposes that are defined, including funding the Senator's State and my State for its reclamation administration; and a great deal of flexibility is given the Secretary as to what he does with his own 50 percent. I am only speaking of the 50 percent to go sent back.

I submit to the Senator that most of the States that have problems now are going to be mining right along here for the next hundred years. They are going to get their share of the 50 percent as it comes back to their States, and they can use it for both purposes, but not until they have cleaned up and cleared up the reclamation, the abandoned, reclamation projects.

I think the Senator from Ohio is familiar with the very exciting article by the Governor of Colorado which appeared recently in the Washington Post, in which he talks about the enormous impacts that are going to occur as we develop our coal reserves in the Senator's State and in mine. I know that is going to be a problem, and I do not want to divert this money to the economic impact problems until we have cleared up in each State the abandoned reclamation, with their moneys, moneys from their taxes, taxes on their coal.

Mr. METZENBAUM. But is it not a fact that the assumption is that there will be some surplusage before and that in some of the Western States there will be millions of dollars; that there is no place to use those funds which otherwise would be used for reclamation purposes in Kentucky, West Virginia, Ohio, Pennsylvania, Tennessee, and other Eastern States?

(At this point Mr. DURKIN assumed the chair.)

Mr. METZENBAUM. By adopting this amendment what the Senator is saying is that those additional funds, surplusage funds, will remain in the State to be used for purposes other than restoration of strip-mined land; is that not the fact?

Mr. DOMENICI. Put in that way, I answer again that that is possible. I actually believe most of the Western States, from the reports I have been given, had huge reclamation that is needed because, as the Senator knows, this bill does not only prescribe that this abandoned fund is used for coal, abandoned coal reclamation, but rather for any kind of mining reclamation that remains undone today. So we have the gold of the past, the copper of the past, the silver, and we have got to do all that in our States.

To answer the Senator's question specifically, it is possible.

Mr. METZENBAUM. That is the only reason, as a matter of fact, for the proposing of this amendment.

Mr. DOMENICI. I did not hear the Senator.

Mr. METZENBAUM. That is to assume there will be additional funds, surplus funds.

What the Senator is asking to do is to use the strip-mining funds to provide for community facilities not for restoration of the land, not to protect the land that has been stripped, but to go downtown and take care of a new office building or city building or a local sewer facility.

The reason I questioned the Senator from New Mexico is I do not think there is anything wrong about providing funds for those community facilities, but what I do find is that there will be a shortage of funds available to reclaim the lands that have been devastated and desecrated over a period of years by strip mining.

What this amendment will do will be to reduce the total number of dollars available for that purpose and make it available for the erection of office buildings and other types of structures.

Mr. METCALF. Mr. President, will the Senator from New Mexico yield for a moment?

Mr. DOMENICI. I would be pleased to yield.

Mr. METCALF. The Senator from Ohio comes from an area where there are substantial damages which have been done as a result of strip mining operations.

But when the Senator suggests that this is a particularly Western bill and that we are going to build office buildings, and so forth, I say to my friend that the State of Montana has had depredations from gold dredges and hydraulic mining, and all of those will take, I anticipate, a lot longer than it will in the State of Ohio to restore our orphaned lands and abandoned mines.

There are many areas in the United States that are going to get a 50 percent share of the money which have very few mines. What are they going to do with funds their consumers are participating in paying for? After they have reclaimed all the orphaned mines in their States, as the Senator from New Mexico has said, and after they have taken care of their abandoned mines, they are then going to go into the kind of public service program that the Senator suggested.

Each coal producing State gets a share of half of the funds proportionate to its coal production, the other 50 percent goes to areas of greatest need. The Senator from New Mexico wants to say, after we have reclaimed our orphaned lands—whether they are in the West, the East, the South, or the North—we want to spend money left over for something else rather than have it revert to the common fund.

Mr. METZENBAUM. My question is—and the Senator from Montana knows the respect I have for him and the leadership he has given in this area—that the problem we are facing in our country has to do with strip mining and what the strip miners have done to the land.

This amendment, if you had a pot of $100 million, under the present law if there were $50 million that was returned to the States, and the other $50 million would be available for the Secretary of the Interior to distribute as needed for reclamation projects, of the $50 million to be distributed to the States, it is true that even with this amendment first there will have to be reclamation to the extent needed. The whole basic premise of this amendment, however, is that there will be surplusage funds, and that is the concern that I have.

If there are to be no surplusage funds then you do not need the amendment because you do not need to have a basis or an amendment for making it possible to spend the money for community facilities. If you had done all the reclamation in a State, then what would happen, absent this amendment, is that those funds would be available to restore other stripped land to be part of the Secretary of the Interior's 50 percent, and that is the way I believe it ought to be because I think all of us would like to see the stripped land of this country, whether in Montana or New Mexico or Ohio or Pennsylvania or Kentucky, we would like to see those lands restored.

That is the reason why I think since this amendment is based on an assumption there will be a surplus, I think the amendment should not be adopted, and I think it will not serve the best interests of the objective of the bill.

Mr. DOMENICI. Mr. President, will the Senator from Ohio yield?

Mr. METZENBAUM. I yield.

Mr. DOMENICI. Let me first say to the Senator that I commend him for the concern he has here.

Let me see if I can explain it a bit differently than his understanding here on the floor.

First, I say to my good friend from Ohio, in a State that is producing coal, that is mining coal, we began to levy the per ton tax. We have to understand that, first of all, 100 percent of that goes to the Secretary of the Interior under this bill—100 percent.

Now, I say to my good friend 50 percent is returned to the States; 50 percent of that which it got from the State is returned to the State to be used under the section of the bill to which we are referring. The other 50 percent stays with the Secretary of the Interior for the purposes described under this bill, and is not returned to the State from whence it came. It is used to administer this bill and for reclamation purposes as defined in this bill.

So there is an excess from producing States in that fund if the Secretary, in his broad discretion, locates that fund around the country, and some goes to the Senator's State because it has very serious problems.

What the Senator is asking us to do is to make that 50 percent that is flexible, that was obtained from our States, the Senator wants to make it 100 percent because he is saying when we run out of abandoned reclamation work even the 50 percent, half of what comes from our production, that half ought to go back and become surplusage.

We do not think that is fair. We think we are accomplishing the goals of this bill by collecting 100 percent, sending 50 percent back to the States, and those that have bad problems from the past are going to get their own 50 percent of their production taxes, and the national fund that the Secretary has for the other 50.

The Senator would ask us to give the other 50, when it becomes surplusage—borrowing the Senator's term "surplusage"—because we do not have all those problems for 100 percent of abuse, but we have got some other enormous problems. We have got problems directly related to producing our coal almost exclusively through strip mining, and we are just saying at that point in time, perhaps 10 years, perhaps 20 years, from now your States have all been getting their own 50 and part of the national kitty, that is 50, and we are saying at least guarantee us that 50 percent of what comes from our States' production, their growth, and the problems generated with it, and we do not think it is inconsistent at all.

Mr. FORD. Mr. President, will the Senator yield?

Mr. DOMENICI. I am delighted to yield.

Mr. FORD. Is the Senator saying he wants 100 percent of the money returned from strip mining and deep mining in the State?

Mr. DOMENICI. No, absolutely not. I am saying 50 percent.

Mr. FORD. Well, the Senator is getting 50 percent under the bill, and the balance of it is at the discretion of the Secretary; is that correct?

Mr. DOMENICI. That is all we are talking about, the first 50 percent the Senator referred to.

Mr. FORD. Do you not get all of it back?

Mr. DOMENICI. We are saying if in 10, 15 years we do not have any abandoned reclamation work to be done, we can use it for other things.

Mr. FORD. I would say to the Senator if he is talking about 15, 20 years from now, the Senator has taken care of all his problems. Either he or I would be on the Senate floor, hopefully both of us maybe, but 15 or 20 years from now we are going to have new technology; 15 or 20 years from now we may have different problems. Does the Senator want the money to go on forever?

So why make a statement today or offer an amendment today that may take money away from what the intent of this bill—to do something 15 or 20 years from now? Hopefully, someone will be around here smart enough to make the judgment to put that money into good use. I do not see any need for the amendment. I do not see any need to take the money away and redirect it on the basis of what we are trying to do.

Mr. MELCHER. Mr. President, will the Senator yield?

Mr. DOMENICI. I am pleased to yield.

Mr. MELCHER. We do have problems that are run into or we have to absorb simply because in the West strip mining is expanding. We have social impact problems. There are problems of whether or not you can get a road built that is safe to a mine. There are problems concerning whether or not you can have housing, whether or not you can have water and sewer for the workers in those particular mines.

So in the Western States where there is 50 percent being collected it is 17½ cents per ton of every ton strip mined.

What the Senator from New Mexico and I are attempting to do in this amendment is to make it clear that in that portion, that 17½ cents, the State can decide to use it for the purposes of social impact that occur with ongoing mining now after the orphan abandoned mining lands are reclaimed in our State. It is a tradeoff, but it is a sensible one.

If we are truly going to expand strip mining of coal in the West, we should be able to meet some of the social impacts head on at the time of the rapid expansion.

I think it is an eminently fair presentation, and it is not new. It is what we have envisioned in the bill for at least 4 years. It is something that we want to make clear as the Senate adopts this section of the bill. I think the amendment does that, and I hope our colleagues will accept it.

Mr. METZENBAUM. Mr. President, let me make it clear there is no objection to any State getting back its 50 percent provided it uses that 50 percent for the purpose of reclaiming the land that has been stripped. What we are talking about here has nothing to do with that issue. What we are talking about here is whether or not we are going to take moneys that have been proposed as strip mining tax to restore the strip mined lands of this country and use it as a community facilities provision. That is what this amendment is about.

This is a community facilities amendment, and every community in the country probably needs more help with respect to its community facilities. But that covers a broad gamut of interests. That is what we need to do, and we are going to have an unbelieveable shortage of dollars available to the Secretary of the Interior for the purpose of reclaiming strip mined lands throughout the breadth of this Nation.

I am very impressed with the argument of my good friend from New Mexico that it is only fair that we get back that which we give, and I wish we could add an amendment to this bill providing that for every dollar of taxes that Ohio pays into the Federal Treasury we get back a dollar. Now we get back 70 cents.

But we do not run this country that way. We do not say you get back that which you give and that which you pay. Sometimes it is necessary by reason of wheat problems on the Western Plains to pass legislation in the Chamber to help the farmer, and those of us who live in urban communities do not object to that; sometimes it is necessary that we pass legislation to help urban areas, and those in farm communities do not object to that.

But we have no concept that we take all the cigarette tax money that comes out of Ohio, New Mexico, or Montana and send it back to those States on a per-dollar basis. Nor as to hardly any other tax do we send back that which we get.

I suggest that this amendment will do violence to the objectives of this particular piece of legislation. It is true that in the Appalachian area there is the greatest amount of devastation, and that is what concerned me. We know there will not be enough dollars available from this strip-mined tax to reclaim all those lands in Appalachia. But the fact is that if there are surplus dollars let us use them; let us use them for the purposes of this legislation, not for some other worthy purpose.

I urge the Senator to withdraw the amendment. It is not fair to the remainder of the Nation that needs the funds for strip mining to reclaim the strip-mined lands.

Mr. DOMENICI. Mr. President, I have no purpose in delaying this matter. I wish to make only a few remarks, then I am prepared to vote. I once again thank the chairman of the full committee, Senator METCALF, and Senator HANSEN, for their understanding and support.

I just briefly again summarize, so there will be no misunderstanding of what I am trying to do. There is nothing magical, Mr. President, about this fund, and there is nothing magical about saying every bit of it should be used for the next 50 or 100 years to reclaim abandoned mines in this country. One of the prime purposes of the bill is that, and I repeat, only 50 percent of the taxes are at issue. Fifty percent go to the National Government. That is a surplusage in the sense that he uses his best discretion as to where it is needed most. I am speaking only of the 50 percent that is returned to the individual State from whence it came, not 100, but that 50 percent. And I merely am providing for an optional use of that money by that State when it has done all of its reclamation work as prescribed by this law.

I do not believe it is fair to say that there is anything sacred about the full 100 percent going to abandoned mines in this country for as long as the fund exists. I do not think that is necessarily the intent of the bill. So, repeating, I am only talking about 50 percent that goes to the States from whence it came. I am trying to protect that 50 percent, first to be used for reclamation, thereafter for impact. I think that is fair when we consider that it is only 50 percent to begin with.

Mr. FORD. Will the Senator from New Mexico accept maybe an amendment or modification of his amendment? Will he say that no portion of this amendment shall be effective for 20 years?

Mr. METZENBAUM. That would be agreeable.

Mr. DOMENICI. No, of course not.

Mr. FORD. The Senator said he would not use it for 15 or 20 years and he wants to get it in being so the money could be used. I suggest the Senator could get his amendment passed if he said 1997.

Mr. DOMENICI. I do not question the Senator's suggestion. I understand what point he is trying to make. But he knows that I used that number of years in explaining that it varies from State to State as to how long it is going to take them to get their abandoned mine work done. But I do mean, in all sincerity, that we are not talking about this being used for impact purposes in the very near future. I could not stand here in fairness to the States that have this particular problem and agree with it being 5 years, 10 years, or 20 years. I use it to explain the purpose that that 50 percent, not the 100 percent, but the 50 percent must first be used to get rid of the abandoned mine problem. It may take long in some States. It may not take so long in others.

Mr. FORD. Mr. President, if he cannot accept my modification I have to be opposed to his amendment.

Mr. DOMENICI. I understood that from the beginning, I say to my good friend.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. METZENBAUM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. RIEGLE). The Senate is not in order. The Senate will be in order. Conversations in the well will please stop until the rollcall is completed.

The clerk may proceed.

The rollcall was resumed and concluded.

Mr. DOMENICI. Regular order, Mr. President.

Mr. ROBERT C. BYRD. I announce that the Senator from Iowa (Mr. CLARK), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PELL), the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I also announce that the Senator from Arizona (Mr. DECONCINI) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK) would vote "nay."

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL) would vote "yea."

Mr. BAKER. I announce that the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Hatfield), the Senator from California (Mr. Hayakawa), and the Senator from Texas (Mr. Tower) are necessarily absent.

I also announce that the Senator from Alaska (Mr. Stevens) is absent on official business.

I further announce that, if present and voting, the Senator from Oregon (Mr. Hatfield), and the Senator from Alaska (Mr. Stevens) would each vote "yea."

The result was announced—yeas 45, nays 41, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—45

Allen
Bartlett
Bellmon
Bentsen
Bumpers
Burdick
Cannon
Chafee
Chiles
Church
Curtis
Dole
Domenici
Eastland
Garn
Gravel
Hansen
Hart
Haskell
Hatch
Helms
Humphrey
Inouye
Jackson
Laxalt
Leahy
Lugar
Magnuson
Mathias
Matsunaga
Melcher
Metcalf
Moynihan
Packwood
Pearson
Roth
Schmitt
Sparkman
Stafford
Stevenson
Stone
Thurmond
Wallop
Young
Zorinsky

NAYS—41

Abourezk
Anderson
Baker
Bayh
Biden
Brooke
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Culver
Danforth
Durkin
Ford
Glenn
Griffin
Hathaway
Heinz
Hollings
Huddleston
Javits
Kennedy
Long
McClure
McIntyre
Metzenbaum
Morgan
Muskie
Nelson
Nunn
Percy
Proxmire
Randolph
Ribicoff
Riegle
Sarbanes
Sasser
Schweiker
Scott
Talmadge
Weicker
Williams

NOT VOTING—14

Clark
Cranston
DeConcini
Eagleton
Goldwater
Hatfield
Hayakawa
Johnston
McClellan
McGovern
Pell
Stennis
Stevens
Tower

So Mr. Domenici's amendment was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CURTIS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT 259

Mr. METZENBAUM. Mr. President, I call up an amendment that I have at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

> The Senator from Ohio (Mr. Metzenbaum) proposes unprinted amendment No. 259 on page 175, line 16, after word "removed", delete the colon (:), and insert a period (.). Strike the remainder of line 16 and strike lines 17 through 23.

Mr. METZENBAUM. Mr. President, The "small miner" exemption presently in the bill will enable mine operators who produce less than 200,000 tons of coal per year to escape all but one of the interim reclamation standards provided for in the bill for a period of 30 months. This is a radical departure from all previous strip mining bills passed by either House. Its sponsors argue that such an exemption is necessary on the ground that many small miners cannot financially afford to comply with these standards within the 9 months already allowed. They argue that the additional 21 months are necessary to enable these operators to pay off outstanding loans and debts made to finance their equipment.

While it is undoubtedly true that there are some "small miners" who will not be able to maintain their present modus operandi, I share the opinion of the administration, the environmental community, the Ohio Mining and Reclamation Association, and the State of Ohio's Division of Reclamation that the current provision: First, encompasses far more than "small miners," and second, does not deal with the financial problem of the small miners. Let me amplify briefly on each of these two points.

First. In the Appalachian States, the region which would be most affected by this amendment, production of less than 200,000 tons per year is not small. On the contrary, my own State of Ohio provides a good example of the exemption's impact. There are a total of 190 strip mine operators. One hundred and sixty-six operators, or 87 percent, would be exempt under the present language; or put another way, one-third of our State's total production would be exempt from the environmental safeguards provided in this bill.

Another striking example is the State of Pennsylvania, where, according to the 1975 Statistical Report of the Department of Environmental Resources, 462 companies out of a total of 503 surface mine operators, or 91 percent, would be exempt from the Federal standards for 30 months. Fifty-three percent of the total production in Pennsylvania would be exempt.

It is a fact that my own State of Ohio and our neighbor, Pennsylvania, have State strip mining laws which are reputed to be the best in the Nation. But that is not the answer. The ruination of our land by strippers is a national problem. It is a national disgrace. Yesterday, we rejected the so-called States rights amendment by a vote of 51 to 39. Today, we must not permit a gaping hole in the legislation, as it emerged from the committee, to permit continued massive degradation of our national heritage.

The major purpose of this bill is to protect the quality of life in those States which have been unable or unwilling to adopt a minimum level of environmental safeguards. On a national level, the legislation before us—and I direct the Senate's attention to this figure would exempt 93 percent of the strip mines in this country, or 33 percent of our total production in 1975, the last year for which any figures are available.

My resource for that is the Mineral Industry Surveys of the U.S. Department of Labor, just recently published by the Department of the Interior. In one State, only 2 of 332 mines would be covered, in another, only 2 out of 75 would be covered. Clearly these figures document how misleading the term "small miners" is when defined by 200,000 tons or more per year, and the environmental destruction which could continue for 30 months in those States which have failed to adopt acceptable minimum standards.

I point out to the Members of the Senate that when this bill came over from the House, it had no exemption in it for the small miner.

Second. Most observers concede that compliance with the minimum standard in S. 7 may be more burdensome for the small operator who has been operating under less stringent State standards. The bill passed by the House dealt with this question directly by authorizing $10 million from the reclamation fund to be set aside for the small operator, defined as operations under 100,000 tons. In the House bill, it was provided that that would be used to pay the costs of core samplings and hydrological studies required by this bill. In addition, the 30-month time exemption is much longer than is needed for small miners in particular. It is precisely those operators who move rapidly from one small tract to another, and by reason of this fact, some States require new permits every 6 months.

Neither I nor the strip miners in my State, represented by the Ohio Mining and Reclamation Association, can see any justification or necessity for an exemption from reclamation standards. The issue of financial assistance is already covered in the House bill, and I assume it will be retained in conference.

When an amendment, similar to the committee provision, was offered on the House floor, Chairman Udall stated:

> Of all the amendments that have been considered in this debate, this provides the biggest loophole. It is the biggest granddaddy of them all.

That is the amendment that is in the committee draft.

Subsequently, the amendment failed to attract enough support to even warrant a recorded vote.

I hope the Members of the Senate will give careful consideration to eliminating this provision from the bill. My amendment to strike it has the full support of the administration and the environmental community. I believe that if we are to make this a truly meaningful piece of legislation, it deserves the support of the entire Senate.

Mr. FORD. Mr. President, there are a lot of things that amaze me about this great deliberative body. One thing is the direction that we take on many occasions. You know, Mr. President, we are taking over now. The Federal Government is taking over strip mining operations in this country and, every time the Federal Government takes over, the big get bigger and the small go out of business.

Here we are, today, trying to say to those small business people, "You have been operating legitimately; you have been operating under your State law, and you have been conforming to your legislators' intent for surface mining in your State."

So what do we do? We ask to give them a little time—21 extra months is all. Let me give an example of what these small operators do.

They sign noncancellable contracts for equipment and machinery. One such operator signed a contract for a half million dollars, put down $150,000, and 2 years later it was delivered, and that was last February. He went to the bank, borrowed $240,000, and he is making an effort to pay that off.

His wife keeps the books. He is an honest, legitimate operator. And now we are saying to him, "You have to have your hydrologist, you have to have your engineers, and Big Brother is going to tell you, Little Fellow, how to operate."

I think it is about time we stopped and gave some thought to what we are doing.

If this amendment is agreed to, the big fellow is going to buy out the little fellow at 35 cents or 40 cents on a dollar. The little fellow buys from the businessman in the community. They call it TBA—tires, batteries, and accessories.

But the big fellow has a big warehouse full of big tires, batteries, everything. He does not have to worry about it. He does not buy from the small businessman. He buys direct.

That is what we are trying to do here today.

There is a real problem for small operators who are operating pursuant to valid State permits to bring themselves into compliance in any standards the Secretary might place upon them.

I have letter after letter from good financial institutions in small Appalachian communities that have been leaders in financing these small operators.

I have an amendment to be considered later on today, I hope, because there is that shadow they keep talking about back in the back that never came out.

Yet, the big operators are going to split up and they will be able to do anything they want to.

The Senator from Ohio remembers in committee that I accepted his amendment to this exclusion that said that no overburden would go over the side. That is what he wanted. But now, here we come, we are going to take another run at it.

When it works in here to talk about Congressman UDALL, that is fine, and when it does not work, we do not use his name.

Then we read from the House language. I understand what they are trying to do.

But one time—one time—why do we not think about that small businessman out there who is operating legitimately, morally, and doing a good job.

I do not see any reason, if we are going to limit those companies in business on May 2, not going to add any new ones, we just give him a little more time to comply, at least get out of debt and pay off the bank.

Yet here come people that want to crush the little folks.

I am very hopeful that the Members of this body say that now is not the time for us to put little people out of business.

Mr. President, I hope the Members of this body see it in their good judgment to defeat this amendment.

Mr. METCALF addressed the Chair.

The PRESIDING OFFICER (Mr. STONE). The Senator from Montana.

Mr. METCALF. Mr. President, the Senator from Ohio has presented some very startling statistics. Ninety-three percent of the people, the strip miners in some States, 90 percent of strip miners in the Nation or something of that sort. A tremendously high percentage will come under this qualification of 200,000 tons.

I am inclined to concur with him that a man who mines 200,000 tons in a year is not a little operator.

When we exempt from all interim strip mine standards people who are mining 200,000 tons, we are considering exactly the same thing that the Senator from Ohio pointed out we were considering yesterday, when we considered and rejected the so-called State's rights amendment.

When an operator mining 200,000 tons in a strip mine and dumping it over the slope, a lot of spoil can go down a slope in 21 or 30 months and a lot of damage and a lot of depredation can happen.

Mr. FORD. Will the Senator yield?

Mr. METCALF. I am delighted to yield to the Senator.

Mr. FORD. But, Mr. President, the amendment was accepted in committee.

Mr. METCALF. Yes.

Mr. FORD. That would not allow the spoil to go over the bank and the Senator from Ohio submitted that modification to Senator JOHNSTON's and my amendment to the bill.

Now, that is prohibited even during this extension.

Mr. METCALF. But nothing goes into effect for 21 to 30 months.

Mr. FORD. I think if the Senator will look at the language, and the Senator from Ohio will have to agree, that when we exempted them for the 30 months, that spoil would not go over the bank.

Mr. METCALF. The Senator from Kentucky is correct.

Mr. FORD. Because I am not trying to be irresponsible. I am trying to be responsible and I accepted that.

Mr. METCALF. Regarding the one-half million dollars, Mr. President, which the Senator from Kentucky has pointed out a person needs to buy himself a drag line, a buldozer, whatever: That is not small business. That is not a little operator. That is not the small person that we are trying to take care of in this amendment.

If I may ask a couple of questions of the Senator from Ohio, what would happen if we shifted to 100,000 tons?

Now, that figure is in the House bill.

Mr. METZENBAUM. Let me make it clear that what is in the House bill is exactly that which would be in the Senate bill if we adopted my amendment as is.

What is in the House bill with respect to the 100,000 tons and the definition of the small operator applies to the question of being in a position to apply for the $10 million fund.

The Senator has asked, what would happen if we had 100,000 as distinguished from 200,000?

Today, on a national basis, 33 percent of the total production is exempted and 93 percent of the operators in the country are exempted.

Mr. METCALF. On the basis of 100,000 tons?

Mr. METZENBAUM. Two hundred thousand.

Mr. METCALF. Yes.

Mr. METZENBAUM. If we dropped it to 100,000, 23 percent of the production would be exempted and 86 percent of the mines would be exempted.

Have I answered it?

Mr. METCALF. Yes.

Now, is that what would happen in the Senator's own State of Ohio, or is that national?

Mr. METZENBAUM. That is national. Those are national figures.

Mr. METCALF. What would happen in the Senator's own State of Ohio, for example?

Mr. METZENBAUM. I am sorry that I cannot answer that. I do not have that figure.

I want to point out to the Senator from Montana that my State, across the board in Ohio, supports this legislation without any exemption in spite of the fact that we have a strong law in Ohio.

I cannot give the answer for Ohio, as such.

Mr. METCALF. Mr. President, I suggest the absence of a quorum.

Mr. JACKSON. Will the Senator yield first?

Mr. METCALF. Yes.

Mr. JACKSON. Mr. President, I must say that I am not unmindful of the problems that our friends face in these key deep mining States, as well as the States that are involved in Appalachia in strip mining.

I think the real issue before the Senate is whether we are going to have a truly meaningful strip mining bill that makes some sense, because as I read this amendment with the 200,000-ton exemption, both in terms of the number of operators that are exempted, which is very high, and in terms of production, which is very high, it affects the credibility of a strip mining law.

With the 100,000-ton exemption—and I think we ought to have more data on that—I notice that in West Virginia, for example, the number of mines exempted is 85 percent and total production exempt is 51 percent.

In Kentucky, it is 92 percent of the operators that are exempt and production is 36 percent—over a third that are exempt from the basic provisions of the act.

I would only observe, Mr. President, that it would seem to me that the 100,000-ton figure is a sensible one as offered by the Senator from Ohio.

Mr. METCALF. He did not offer it. I was asking questions about it.

Mr. JACKSON. I am sorry.

Mr. METCALF. I say to the chairman that I was going to suggest that we have a quorum call and see what the Senator from Kentucky would agree to. Earlier, the Senator from Washington said that the Senator from Kentucky would not agree to 100,000 tons. I cannot agree to 200,000 tons, as the Senator knows, in view of the statistics submitted by the Senator from Ohio.

Mr. JACKSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METCALF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Ohio.

Mr. FORD. Mr. President, I ask unanimous consent that the pending amendment be set aside until such time as we can have a conference and it be brought up at a later time today.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. DANFORTH. Mr. President, it is my intention to call up two amendments. I ask unanimous consent for the following procedure to deal with them:

I shall debate and discuss amendments No. 298 and No. 299 together. I will then ask for the yeas and nays on amendment No. 298. We will have a vote on that. That vote will be followed by no more than 5 minutes of debate to be evenly divided on amendment No. 299. Whether or not I will ask for the yeas and nays on amendment No. 299 will depend on how I do on amendment No. 298. But that would be the suggested procedure—so that we would have back-to-back votes, if we are going to have a second rollcall vote, with no more than 10 minutes to vote on the second amendment.

The PRESIDING OFFICER. Is there objection?

Mr. METCALF. Mr. President, reserving my right to object, are we all clear on the unanimous-consent request? I shall have no objection at all. I express my appreciation to the Senator from Missouri for working out this sort of a procedure. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 298

Mr. DANFORTH. Mr. President, I call up amendment No. 298.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Missouri (Mr. DANFORTH) proposes an amendment numbered 298.

Mr. DANFORTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 217, beginning with line 3, strike out all through line 6 and insert in lieu thereof the following:
>
> "(2) restore the land affected to a condition capable of supporting a use or uses which satisfy any land use requirements of affected State and local governments or agencies thereof which would have to initiate, implement, approve, or authorize the proposed use or uses of the land following reclamation, so".

Mr. DANFORTH. Mr. President, these two amendments make essentially the same point. The point is that, whereas there is a Federal interest in regulating matters of health, safety, water pollution, and water diminution, matters of appearance, and land use alone—insofar as they do not impinge on other environmental, health, or safety concerns—should be left to State and local governments.

The thrust of amendment No. 298 is that matters of land use not touching on water pollution and not touching on health and safety should be matters for State or local governments to decide—not for the Federal Government to decide. That is the whole point of this amendment.

I will concede that one can argue that anything done within the country with respect to water pollution has an interstate effect and is a matter of national concern. Arguably, if a drop of sewage is spilled on land in the State of Missouri, it will eventually enter the water supply for the whole country, and that is a matter of national concern.

Strip mining, which produces acid flowing into the streams of America, is a matter which Congress can and should regulate. But when we go beyond matters of water pollution and water supply, when we go beyond matters of mine safety—which the Federal Government has addressed itself to previously—when we go beyond the question of slides and the like, and get further into the question of land use and the uses to which land should be restored after strip mining occurs, then, if those questions have nothing to do with health and safety and nothing to do with water supply, I say they are appropriate matters for the State or local government to decide.

The second amendment has to do purely with matters of esthetics. That is to say, amendment No. 299 concedes that health and safety are matters for the Federal Government to regulate, but states that when we get beyond that and go purely to the way the land looks, then the Congress of the United States should have no basis and no monopoly to make a decision on how, for example, land should appear in Henry County, Mo. The amendment says that the State legislature of our State should be able to address itself to matters of contour, as long as the contour question does not go further and get into a question of water runoff, water pollution, or safety. That is the whole thrust of the amendment.

The problem with this bill as it is now written, Mr. President, is the problem that we have now in government so generally: That we in Congress have concluded that there is a serious matter that we should address; namely, strip mining, and that the way we see to solve the strip mining problem is for Congress to get into the act. We pass a statute, we set up a new agency, and the agency promulgates regulations and, above all, creates forms for people to fill out.

When the issue is presented to us, it is presented on the basis of: Are you for strip mining or against strip mining, for strip mining control or against strip mining control?

I would like to say, Mr. President, that my whole career in public life has been the career of an environmentalist. During the 8 years that I was attorney general of Missouri, my office was responsible for drafting or participating in the drafting of every significant piece of environmental legislation passed by our State legislature, including our Missouri strip mining reclamation law, which was passed in 1971, and which provides for the establishment of a board, which provides for licensing, which provides for bonding, which provides for requirements for revegetation and the like.

I believe in that. But somehow we have to come to grips in Congress with the notion that there is such a thing as big government and there is such a thing as local governments, and that they have to be given some powers of decision.

I think the senior Senator from Wyoming, who is the ranking minority member of the committee that reported this bill, put it very well in his additional views printed in the committee report when he said:

> Proponents of this bill will point out the sections of this bill that allow state control. These sections are ineffective if state control is their purpose. State administration of this Act will require state enforcement of federally mandated standards under cumbersome federally mandated procedures. Nowhere does this bill provide a mechanism for the local governments to make any policy decisions.

Mr. President, that is exactly the point. We are so anxious to solve every problem at the Federal level that we have steadily transformed State and local governments to no more than administrative extensions of the Federal Government, to implement Federal programs, to spend Federal money, and to participate in no sense in the decisionmaking process.

So the point of these amendments, Mr. President, is simply to carve out some areas in which State governments and local governments can act—not in matters of health or safety, although certainly from a legal standpoint matters of health and safety were once considered to be within the so-called police powers of the States. We concede here that the States should not act alone in matters of health and safety, nor in matters concerning water pollution and runoff or poisoning of the water supply, nor in matters of large environmental concern involving danger to the environment. But I believe very strongly that States should act alone on matters of land use and contours insofar as they pertain to esthetic appearance itself.

So, Mr. President, the first amendment, No. 298, is a land use amendment. Those are the key words, and those in fact are the words in the bill as well as the words in the amendment.

What we are saying in the amendment, very simply, is that when land use goes beyond water pollution and water supply questions, health questions, and safety questions, to questions involving land use insofar as whether it is for agricultural or conservation purposes, or construction on the land, those questions of land use are matters which should be left for the State government and the local government to decide.

In my judgment these two amendments could be incorporated into this bill and not detract at all from the rest of the concerns of the bill, which are very valid concerns of the Federal Government.

Mr. President, I call for the yeas and nays on amendment No. 298.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. METCALF. Mr. President, I shall be very brief.

We have argued extensively an amendment for prime agricultural lands. This wipes it out.

We have argued for environmental control. This amendment wipes it out.

We have said that we will turn over to the States administrative authority if the States pass the necessary legislation. The distinguished Senator from Missouri merely wants to shrug that off and just say we are giving the States the authority to handle these matters, without any decision on the part of their legislatures as to these important managerial questions.

For a long, long time, Mr. President, the people of America have been concerned about the impact and the effect of surface mining on the land, the water, the forests, the streams, and the environment of the people of America. For a long, long time we in Congress have been concerned about our congressional and constitutional responsibility to handle the Federal lands so as to comply with the highest and best use for the people of the United States. This bill does both of those things.

It carries out our congressional responsibility, insofar as Federal lands are concerned, and tries to meld that responsibility into the various States involved, as far as the environment and land use is concerned.

We have tried to give the States as much administrative authority as possible. Indeed, we have said that if the States will do something about the problem, along with the provisions of this legislation, they will be delegated our authority, the authority of the Congress, to administer the Federal lands so there will be uniform and consistent administration.

This amendment is an attack on all of the purposes of the legislation which are set forth in pages 149 through 151.

We have debated and discussed such things as the prime agricultural land, alluvial valley floors, all the longtime amendments that have been proposed, discussed, and debated.

This is no time, at this late time in the afternoon, to turn completely around and say we are going back over this legislation and just pass health and safety standards, and other provisions the distinguished Senator from Missouri has enumerated.

Mr. DANFORTH. Mr. President, this amendment would do absolutely nothing to change the law with respect to Federal lands. This amendment would do absolutely nothing with respect to changing the law on matters of environmental protection.

This amendment is addressed exclusively to the very narrow problem of land use, of what is to be done in the use of the land insofar as that use has no effect on health, on safety, on water supply or water pollution.

It is purely the question of whether Federal law should determine whether the topography of the land is of one sort or another, whether one kind of a building is put on it, or whether agricultural purposes are pursued. These kinds of land use considerations should be matters for State and local concern. That is the whole point. It is not the gutting of the bill. It is simply an attempt to carve out something State and local governments should do.

I can say, after having spent 8 years in State government—hardly a reactionary, hardly somebody standing in the schoolhouse door, but I believe I was a progressive force in the State government in Missouri—increasingly what State officials are doing is simply administering Federal programs, as this bill would have the State of Missouri do.

The only decisionmaking that is left to the State is no decisionmaking.

If the State of Missouri is willing to comply with extremely lengthy Federal requirements, it can do what the Federal Government wants in the way the Federal Government wants something done.

The State is converted by this bill, as it now exists, into nothing more than an administrator—a subservient administrator—of Federal law.

It seems to me we have been so anxious in the Congress to accomplish broad policy ends that we have spent no time paying attention to how those ends are reached. All we do is vest more authority in Washington and less authority in the people of this country.

Let us ask ourselves why so many people in America are now turned off about government and feel that it is so large, so distant and so obtrusive. Why do they feel that way? The reason, I would suggest, is that we are so pretentious here in Washington. We have reached the point where we tell the people of Henry County, Mo., what their land should look like and what kind of farming should be done on it.

This, to me, is the issue. If Montana, Missouri, or New Mexico cannot have some responsibility—not unlimited responsibility, but some responsibility—to determine how their own real estate is used, then I say we have gone overboard in taking from State and local governments any decisionmaking responsibility.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. DANFORTH. I yield.

Mr. DOMENICI. Before I ask the question, I want to say to the Senator it does not matter to this Senator how late it is in the consideration of this bill. The thought the Senator has expressed here today, coming fresh out of 8 years as a progressive attorney general in a great State, is needed by this institution. I commend the Senator for it.

Let me ask this question: Somewhere in the last 5 minutes of the Senator's discussion, he said in his experience his State had been turned into an administrator for the Federal Government. We passed the laws or the regulations and the Senator's office in his sovereign State was trying to do what we pretentiously, as the Senator said, dictated should be done.

Would the Senator tell us a little bit about those things that we dictated to him by administrative fiat, our carrots, our partial categorical grants? Tell us how good were those particular programs once the Senator had to put them in place in the field for the problems and the people of his State? Would the Senator comment on that?

Mr. DANFORTH. I would say it was a mixed kind of a situation. For example, on the question of the 55-mile speed limit, I agree with the 55-mile speed limit. As a matter of end result that was a step forward. It used to be that the State legislature determined speed limits on highways, not Washington. We were told by the Congress, "No, that is not something to be decided by State legislatures any more. That is to be decided by the Congress."

I believe it is important to note that even if we agree with the end results—and I do agree with the end results of this bill—the question is how do we get to those results?

That was the question upon which the Founders of this country focused. They went into the whole decisionmaking process at great length in the Federalist Papers as to how decisions were to be made in a free society. Does somebody here or in a distant place simply decide the best thing is for the country to do such and such a thing and then have it carried out? Or do we allow the decisionmaking responsibility to be diffused throughout a pluralistic society?

What I am concerned about is that we are taking decisionmaking from State and local governments. That is exactly what this bill is doing. I believe Senator HANSEN pointed it out very clearly in his additional comments.

Mr. RANDOLPH. Will my able colleague yield?

Mr. DANFORTH. Yes.

Mr. RANDOLPH. Reference has been made to the national speed limit law of 55 miles per hour. I disagree, of course, with my colleague as to whether that should have waited for possible action within the States.

Mr. DANFORTH. If the Senator will yield, I do not intend to take up the 55-mile speed limit. I agree with it. It was just the first example which came into my mind. I would hope that we would not rehash that. The law is there and I believe it should stay.

Mr. RANDOLPH. I do not desire to rehash it. I only wanted to comment because there had been comment made about it.

Since we are talking about a speed limit on the highways of America, I do think there are many illustrations where it was absolutely neecssary for the Federal Government, not so much to move in—I am not for that—but to take care of conditions and situations as they arose.

We would never have had the interstate highway system, which is in Indiana as in West Virginia, and in Wyoming and New Mexico and Missouri—all over this country—had we not written into law the interstate highway system in 1956.

I appreciate the yielding of my friend from Missouri.

Mr. DANFORTH. I say to the Senator from West Virginia, I have no doubt that the Federal Government has done some wonderful things for the people of this country. I am not a reactionary. I hope my record is clear in that respect. I do not think we are dealing here with a black and white kind of situation.

One of our colleagues, when I told him that I was going to get into this, asked, "Are you going to be prepared to be consistent on every vote in the Senate on a States' rights basis?". The answer is, of course not.

I hope I am not an ideological purist, somebody who always has to say, here is a philosophical position that has to be superimposed on this issue and everything should follow from that.

The fact of the matter is that I think we have spent almost no time discussing the philosophical question of where decisions are to be made. I think that we have been so anxious to solve ad hoc problems as they arise that the quickest way to solve those problems is always to pass a Federal law, create another Federal program, establish another Federal agency, and devise more forms and more regulations that people have to comply with.

Now, the people of our country are beginning to say, "What have you done in Washington, and whom do we write to get something corrected?" And we cannot tell them whom to write.

I am just saying that, with respect to the land, land is not in interstate commerce. Runoff might be. My amendment would provide that Federal law would govern the pollution question.

Safety is, arguably, an interstate question. My amendment would provide that safety would be governed by this law.

When we get to the question of the land itself—this clod of granite under our feet—then the question is, esthetically, how does it look and how is it used and how is it zoned? My view is that that, at least, is the bottomline in State and local determination. That is the whole point of these amendments.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Iowa (Mr. CLARK), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PELL), the Senator from Mississippi (Mr. STENNIS), the Senator from Georgia (Mr. TALMADGE), the Senator from Vermont (Mr. LEAHY), the Senator from Minnesota (Mr. ANDERSON) are necessarily absent.

I also announce that the Senator from Arizona (Mr. DECONCINI) is absent because of death in the family.

I further announce that, if present and voting, the Senate from Minnesota (Mr. ANDERSON), the Senator from Iowa (Mr. CLARK), and the Senator from Rhode Island (Mr. PELL) would each vote "nay."

Mr. BAKER. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. HAYAKAWA), the Senator from Vermont (Mr. STAFFORD), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I also announce that the Senator from Alaska (Mr. STEVENS) is absent on official business.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) and the Senator from Alaska (Mr. STEVENS) would each vote "yea."

The result was announced—yeas 36, nays 46, as follows:

[Rollcall Vote No. 154 Leg.]

YEAS—36

Allen
Bartlett
Bellmon
Bentsen
Byrd,
 Harry F., Jr.
Chafee
Curtis
Danforth
Dole
Domenici
Eastland
Ford
Garn
Gravel
Griffin
Hansen
Hatch
Helms
Huddleston
Laxalt
Long
Lugar
McClure
McIntyre
Morgan
Moynihan
Nunn
Packwood
Roth
Schmitt
Scott
Sparkman
Thurmond
Wallop
Young
Zorinsky

NAYS—46

Abourezk
Baker
Bayh
Biden
Brooke
Bumpers
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Culver
Durkin
Glenn
Hart
Haskell
Hathaway
Heinz
Hollings
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mathias
Matsunaga
Melcher
Metcalf
Metzenbaum
Muskie
Nelson
Pearson
Percy
Proxmire
Randolph
Ribicoff
Riegle
Sarbanes
Sasser
Schweiker
Stevenson
Stone
Weicker
Williams

NOT VOTING—18

Anderson
Clark
Cranston
DeConcini
Eagleton
Goldwater
Hatfield
Hayakawa
Johnston
Leahy
McClellan
McGovern
Pell
Stafford
Stennis
Stevens
Talmadge
Tower

So Mr. DANFORTH's amendment was rejected.

Mr. METCALF. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

AMENDMENT NO. 299

The PRESIDING OFFICER (Mr. MATSUNAGA). The Senator from Missouri (Mr. DANFORTH) is recognized to call up his second amendment.

Mr. DANFORTH. Mr. President, I call up amendment No. 299.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Missouri (Mr. DANFORTH) proposes an amendment numbered 299.

Mr. DANFORTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 217, beginning with line 17, strike out all through line 21 on page 219 and insert in lieu thereof the following:

"(3) with respect to all surface coal mining operations backfill, compact (where advisable to insure stability or to prevent leaching of toxic materials), and grade in order to—

"(A) satisfy any requirements of State and local governments or relevant agencies thereof with respect to the contours and physical appearance of the land, and

"(B) satisfy any requirements of this Act or other Federal law or regulations with respect to public health, safety, water diminution, or pollution.".

On page 234, strike lines 13 through 16 and insert in lieu thereof the following:

"(2) Complete backfilling with spoil material shall be required in a manner in which such material will maintain stability following mining and reclamation, in order to—

"(A) satisfy any requirements of State and local governments or relevant agencies thereof with respect to the contours and physical appearance of the land, and

"(B) satisfy any requirements of this Act or other Federal law or regulations with respect to public health, safety, water diminution, or pollution.".

The PRESIDING OFFICER. The Senator is reminded that there is a 5-minute limitation on debate on this amendment.

Mr. DANFORTH. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DANFORTH. Mr. President, amendment No. 299, which I will explain in 2 minutes or less, is very simple. It provides that with respect to reclamation of the land, the land must be restored to the conditions which are necessary to satisfy Federal law and Federal regulations with respect to public health, safety, water diminution, and pollution. With respect to purely esthetic conditions, insofar as they have no effect at all on pollution or on safety or on health, States or local governments have exclusive jurisdiction.

My position on this amendment is that if the States do not have responsibility at least to decide how their land looks to the eye, if it has no effect other than esthetics, then the States, if they do not have that responsibility, do not have any responsibility or discretion at all.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. METCALF. Mr. President, this amendment is very simple, and it would do the same things as the amendment the Senator from Missouri offered earlier. It would wipe out the prime farmlands amendment that we adopted on this floor. It would wipe out the State's authority over alluvial valley floors. It would prevent environmental or esthetic operations in the restoration of land that has been strip-mined. It would eliminate half of the legislation we have considered and passed on the floor of the Senate yesterday and today.

Mr. DANFORTH. Mr. President, I will take 15 seconds to say, with all due respect, that I disagree with that characterization of the amendment.

The only thing this amendment provides is that visual esthetics and contours, insofar as they have nothing to do with the environment, water pollution, and so on, just the visual esthetics, are a matter for State and local governments to decide.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. METCALF. I yield back the remainder of my time.

Mr. DANFORTH. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Missouri. On this question the yeas and nays have been order, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Minnesota (Mr. Anderson), the Senator from Iowa (Mr. Clark), the Senator from Delaware (Mr. Cranston), the Senator from Missouri (Mr. Eagleton), the Senator from Louisiana (Mr. Johnston), the Senator from Vermont (Mr. Leahy), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from Rhode Island (Mr. Pell), the Senator from Mississippi (Mr. Stennis), and the Senator from Georgia (Mr. Talmadge) are necessarily absent.

I also announce that the Senator from Arizona (Mr. DeConcini) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Iowa (Mr. Clark), the Senator from Minnesota (Mr Anderson), and the Senator from Rhode Island (Mr. Pell) would each vote "nay."

Mr. BAKER. I announce that the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Hatfield), the Senator from California (Mr. Hayakawa), the Senator from Vermont (Mr. Stafford), the Senator from Texas (Mr. Tower), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

I also announce that the Senator from Alaska (Mr. Stevens) is absent on official business.

I further announce that, if present and voting, the Senator from Oregon (Mr. Hatfield) and the Senator from Alaska (Mr. Stevens) would each vote "yea."

The result was announced—yeas 35, nays 46, as follows:

[Rollcall Vote No. 155 Leg.]

YEAS—35

Allen
Bartlett
Bellmon
Bentsen
Byrd,
Harry F., Jr.
Chafee
Curtis
Danforth
Dole
Domenici
Eastland
Ford
Garn
Gravel
Griffin
Hatch
Helms
Huddleston
Laxalt
Long
Lugar
McClure
McIntyre
Morgan
Moynihan
Nunn
Packwood
Roth
Schmitt
Scott
Sparkman
Thurmond
Wallop
Young
Zorinsky

NAYS—46

Abourezk
Baker
Bayh
Biden
Brooke
Bumpers
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Culver
Durkin
Glenn
Hansen
Hart
Haskell
Hathaway
Heinz
Hollings
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mathias
Matsunaga
Melcher
Metcalf
Metzenbaum
Muskie
Nelson
Pearson
Percy
Proxmire
Randolph
Ribicoff
Riegle
Sarbanes
Sasser
Schweiker
Stevenson
Stone
Williams

NOT VOTING—19

Anderson
Clark
Cranston
DeConcini
Eagleton
Goldwater
Hatfield
Hayakawa
Johnston
Leahy
McClellan
McGovern
Pell
Stafford
Stennis
Stevens
Talmadge
Tower
Weicker

So Mr. Danforth's amendment (No. 299) was rejected.

The PRESIDING OFFICER. Is there a motion to reconsider?

Mr. METCALF. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BROOKE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. METCALF. Mr. President, I ask unanimous consent that two members of the staff of Senator Thurmond, Robert Lyon and Michael Mishoe, be given privileges of the floor during debate and vote on this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 259

The question now recurs on the amendment offered by the junior Senator from Ohio.

Mr. METZENBAUM. Mr. President, is the Senator from Kentucky on the floor? I would like to offer a modification of my amendment, but I am not certain that the Senator from Kentucky is satisfied with the language of the modification which, I believe, is agreeable to him.

The PRESIDING OFFICER. The Senator from Kentucky is not on the floor. Does the Senator yield?

Mr. METZENBAUM. Mr. President, I yield for 10 minutes.

The PRESIDING OFFICER. Without objection——

Mr. METZENBAUM. The Senator from Kentucky has arrived.

Is the Senator from Kentucky satisfied with the language of the amendment, as drafted?

Mr. FORD. Mr. President, I might say to the Senator from Ohio I feel a little bit trampled on, but I am willing to accept the modification.

Mr. METZENBAUM. Since the feeling is mutual——

Mr. BUMPERS. Mr. President, will the Senator yield the floor before this mutual admiration society gets out of hand—I would like to ask if 93 percent of the operators of this country mine less than 200,000 tons a year?

Mr. FORD. There are varying percentages, but that is right. This amendment takes it down to 100,000.

Mr. BUMPERS. What percentage of the operators mine less than 100,000 tons a year?

Mr. FORD. The Senator from Ohio has the figures.

Mr. METZENBAUM. Eighty-six percent of the mines are exempt.

Mr. FORD. I want to make the point that these are small mines.

Mr. METZENBAUM. I make the answer in just that manner.

Mr. BUMPERS. If the proponent of the amendment could answer this question: What percentage of the coal is mined by operators who mine less than 100,000 tons a year?

Mr. METZENBAUM. Seventy-seven percent is mined by operators who mine less than—let me put it this way.

Mr. FORD. Twenty-three percent of the coal production in this country is mined by those firms mining under 100,000 tons a year.

Mr. BUMPERS. Why are we exempting 23 percent for 3 years?

Mr. FORD. Nine months under the original bill, 24 months under this modification.

Mr. BUMPERS. Why are we exempting that many operators and that much coal from a bill that is designed to reclaim the coal land for this country?

Mr. METZENBAUM. I think the Senator from Arkansas asks a very appropriate question. The original amendment pending at the desk provided that we would eliminate entirely the exemption in the bill as provided in the committee report. There are those who have argued, as has the distinguished Senator from Kentucky, that it would place an undue burden on the small operator if he were required to comply with the terms of this legislation immediately.

In an effort to resolve the matter we have compromised the issue by reducing the number of months for the exemption in the bill from 30 months to 24 months, and reducing the size of the mines exempted or the size of the operators exempted from 200,000 tons a year to 100,000 tons a year.

I share with the Senator from Arkansas his feeling that we probably ought to try to cover all of the mines, but the fact is that sometimes half a loaf of bread is better than none at all, and I am concerned that were that not the case it is possible that the exemption would be an even broader one than that which is provided for under this compromise as a resolution of the matter.

Mr. BUMPERS. What does the House bill contain?

Mr. METZENBAUM. The House bill contains no exemption whatsoever. That is the language of the amendment that I originally submitted to the Senate.

Mr. FORD. I might say to the Senator from Arkansas that the House does have language to provide funds to various hydrologists and other professional needs for those operators of 100,000 tons or less. We have incorporated that language in the amendment, so the question might not be mooted when we go to conference.

Mr. BUMPERS. Will those operators be exempt from paying the fees?

Mr. FORD. No.

Mr. BUMPERS. They will continue to pay the fees.

Mr. FORD. Yes, they continue to pay all the fees; they are not exempt.

Mr. BUMPERS. But they are not required to reclaim the land?

Mr. FORD. Oh, yes. One of the amendments the Senator from Ohio, and I worked out in the committee, if you will recall, prevented spoil from being placed over the mountainside.

Mr. HART. Mr. President, may we have order in the Senate? There is no order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

Mr. FORD. We provided that no waste will be pushed over the mountainside. That would not be exempted. They could not do that. That was one of the main concerns of the Senator from Ohio, so it was incorporated in this part of the amendment. That exception is gone. That requirement starts now. They are not exempt from this provision of the bill. They have to comply with State law plus the provision that we put in this amendment as it relates to overburden.

Mr. BUMPERS. What are they being exempted from by the bill if they have to pay the fees and reclaim the land?

Mr. FORD. They reclaim it. The bill gives them the opportunity to continue under the present operation, under the present State laws, plus the added provision that no overburden be allowed over the side of the mountain. We give them a few more months to comply because they are small and do not have the ability to hire hydrologists and do the other things that the major companies can do. It gives them an opportunity to get in position to comply or go out of business.

Mr. BUMPERS. I want both Senators to understand my concern. My home county is one of the major producers in my State, which is not very significant by Wyoming or Kentucky standards, but it is about 100,000 tons a year, and if Members of this body can see how much devastation is wreaked in that county in a year's time they could understand my apprehensions about this amendment because they are mining 80 feet deep to get to a 14-inch seam of coal.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the amendment at the desk be substituted for the amendment that was previously at the desk and that it be called up for immediate consideration.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

1. On page 175, line 18, insert after the word "Act" the following:

", issued to a person as defined in section 501 (17) in existence prior to May 2, 1977"

2. On page 175, line 20, strike "two" and insert "one".

3. On page 175, line 23, strike "thirty" and insert "twenty-four".

4. On page 157, line 23, change the period to a colon and insert:

Provided, That an amount not to exceed 10 per centum of such reclamation fees collected for any calendar quarter shall be reserved beginning in the first calendar year in which the fee is imposed and continuing for the remainder of that fiscal year and for the period in which such fee is imposed by law, for the purpose of section 407(f), subject to appropriation pursuant to authorization under section 511: *Provided further*, That not more than $10,000,000 shall be available for such purposes.

5. On page 199, after line 10, insert the following new subsection:

(f) If the regulatory authority finds that the probable total annual production at all locations of any coal surface mining operator will not exceed 100,000 tons, the determination of probable hydrologic consequences required by subsection (b) (11) and the statement of the result of test borings or core samplings required by subsection (b) (15) of this section shall, upon the written request of the operator be performed by a qualified public or private laboratory designated by the regulatory authority and the cost of the preparation of such determination and statement shall be assumed by the regulatory authority.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment, as modified, was agreed to.

Mr. SCHMITT. I move to reconsider the vote by which the amendment was agreed to.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 261

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Arkansas (Mr. BUMPERS), for himself, Mr. JACKSON, and Mr. NELSON, proposes unprinted amendment No. 261.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. HANSEN. Mr. President, reserving the right to object and I do not intend to object——

The PRESIDING OFFICER. The Senator from Wyoming reserves the right to object.

Mr. HANSEN. Are there copies of the amendment that Senators may read? I am not familiar with the amendment.

Mr. BUMPERS. There are not. But let me make this point: This amendment tracks the amendment that was offered yesterday dealing with surface-owner consent, with three or four major exceptions which I will explain.

Mr. HANSEN. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. HANSEN. Are we bringing up for reconsideration a matter that has already been disposed of?

The PRESIDING OFFICER. If the amendment is substantively different from that previously offered, it is in order.

Mr. HANSEN. I have not read the amendment. A further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HANSEN. Will the Chair examine the amendment and make such a determination for the Senator from Wyoming?

The PRESIDING OFFICER. The Chair will examine the amendment to see whether there is a point of order to be made.

Is there objection to the reading of the amendment?

Mr. HANSEN. No. I thought the unanimous-consent request was that it not be read.

The PRESIDING OFFICER. Is there objection to dispensing with the reading?

Mr. HANSEN. Since the amendment is not printed and since I have not had a chance to read it, I do object to it not being read.

The PRESIDING OFFICER. Objection is heard.

The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. METCALF. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and we hear an explanation from the Senator from Arkansas.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

The amendment is as follows:

On page 303, line 21, strike all of section 515 and insert in lieu thereof a new section 515 as follows:

Sec. 515. (a) The provisions and procedures specified in this section shall apply where coal owned by the United States under land the surface rights to which are owned by a surface owner as defined in this section is to be mined by methods other than underground mining techniques.

(b) Any coal deposits subject to this section shall be offered for lease pursuant to section 2(a) of the Mineral Leasing Act of 1920 (30 U.S.C. 201a), except that no award shall be made by any method other than competitive bidding.

(c) Prior to placing any deposit subject to this section in a leasing tract, the Secretary shall give to any surface owner whose land is to be included in the proposed leasing tract actual written notice of his intention to place deposits under such land in a leasing tract.

(d) The Secretary shall not approve any mining plan pursuant to this Act until the appraised value of the surface owner's interest has been tendered in accordance with the provisions of subsection (e). Upon such tender and upon approval of the mining plan, the lessee may enter and commence mining operations whether or not the determination of value of the surface owner's interest is subject to judicial review as provided in this section.

(e) Tender of the appraised value of the surface owner's interest shall occur when—

(1) the lessee and the surface owner agree on an amount and method of compensation for the surface owner's interest, whether or not the amount of compensation is fixed in accordance with the provisions of subsection (f), and the surface owner has given the Secretary written consent for the lessee to enter and commence surface mining operations; or

(2) the lessee has deposited the appraised value of the surface owner's interest in the United States district court for the locality in which the leasing tract is located. At any time after the appraised value of the surface owner's interest is deposited in the court and upon execution by the surface owner and the lessee of a final settlement of their rights under this section, the surface owner shall be entitled to withdraw from the registry of the court the full amount of the deposit.

(f) For purposes of this section, the term "appraised value of the surface owner's interest" means the value of the surface owner's interest fixed by the Secretary based on appraisals made by three appraisers. One such appraiser shall be appointed by the Secretary, one appointed by the surface owner concerned, and one appointed jointly by the appraisers named by the Secretary and such surface owner. In computing the value of the surface owner's interest, the appraisers shall fix and determine—

(1) twice the difference between the fair market value of the surface estate, computed without reference to the value of the underlying coal, immediately before mining is to commence, and what said fair market value is reasonably expected to be immediately after mining and associated activities have been completed;

(2) the net income the surface owner can be expected to lose as a result of the surface mining operation during the two years immediately following approval of the mining plan: *Provided, however,* That if mining and associated activities are reasonably expected to be completed within a shorter period of time, then said net income shall be computed only for that shorter period of time;

(3) the cost to the surface owner for relocation or dislocation during the mining and reclamation process; and

(4) any other damage to the surface caused or reasonably anticipated to be caused by the surface mining and reclamation operations.

(g) For the purpose of this section the term "surface owner" means the natural person or persons (or corporation, the majority stock of which is held by a person or persons who meet the other requirements of this section) who—

(1) hold legal or equitable title to the land surface; and

(2) have their principal place of residence on the land; or personally conduct farming or ranching operations upon a farm or ranch unit to be affected by surface coal mining operations; or receive directly a significant portion of their income, if any, from such farming or ranching operations;

(3) have met the conditions of paragraphs (1) and (2) for a period of at least three years prior to the receipt of written notice from the Secretary provided for in this section. In computing the three-year period the Secretary may include periods during which title was owned by a relative or such person by blood or marriage during which period such relative would have met the requirements of this subsection.

(h) The United States district court for the locality in which the leasing tract is located shall have exclusive jurisdiction to review the determination of the value of the surface owner's interest made pursuant to this section.

(i) This section shall not apply to Indian lands.

Mr. BUMPERS. Mr. President, if I may have the attention of colleagues for a few moments, number one, this amendment is offered on behalf of Senator JACKSON, chairman of the Energy Committee, Senator NELSON, and myself.

I am not going to repeat all the arguments I made yesterday, because it would be redundant. But I hope that some Senators who are present who did not hear the arguments made yesterday will remain for at least a few moments, so that I can explain at least the difference between the amendment that was offered yesterday and the amendment today.

First, the bill now provides that a landowner must reside on the land 3 years prior to the enactment of this bill; is that correct?

Mr. HANSEN. Yes.

Mr. BUMPERS. We have changed that to provide that he only needs to live on the land 3 years prior to the time the Secretary of the Interior advises him of his plan to include that land in a lease.

Second, we have changed the amendment from yesterday to be similar to the bill. The surface owner only needs to receive a significant part of his income from this land.

But the most significant change, Mr. President, is that this amendment as it is now written entitles the surface owner to twice the difference between the value of the land before it is mined and the value after it is mined, plus 2 years' loss of profits, plus all relocation costs, plus any other costs or expenses that he can conjure up and verify.

Finally, the surface owner gets the land regraded back to its approximate original contour with its original production and returned to him.

In the interest of absolute fairness to the surface owners and those people out there who want to farm and ranch, we are going as far as I think it is possible to go—more generously and more charitably than any other statute that I know of in any State statute or in the Federal Code.

This amendment provides that he will receive twice the difference between the fair market value before the mining and the value immediately after the mining.

That may seem strange to a lot of people, that the United States Government, in all of its largess, would want to pay somebody twice the value, plus the relocation costs, plus 2 years' loss of profits, plus all other expenses, plus the land back in a comparable condition to what it was before the Government mined it.

But, Mr. President, that is not as charitable as it seems. Because I think the Government can do that and still save the people of the United States billions of dollars. But I do not know how we could be more charitable, more compassionate, or more considerate of those surface owners.

I have made a lot of speeches in my lifetime about the vision of certain people of this country. For example, whoever decided to reserve Central Park in New York City was certainly a visionary. Whoever gave the Common to Boston, and whoever took the time to preserve it in its present form, deserves the praise of everyone in Boston and everyone in the United States. One could go on and on. The people who sat in this body and at the other end of this building and had the vision to reserve the minerals under all of that Western land deserve the praise, not just of Members of Congress today, but of all the people of the United States, because it was on their behalf and in their interest that that mineral reservation was made.

I daresay there are a lot of people in this Chamber right now, and Senators who are not here right now, who own mineral interests in land. In the States of Wyoming, Montana, North Dakota, and all of the Western States, the United States was visionary enough to reserve the minerals, or reserve the coal only, or the oil and gas only, because they knew there would be a time when the United States would need and want it, and it was saved for that very simple reason.

Now that whole vision is being thwarted by this bill. When we say whoever bought those surface rights—and, you know, they did not really buy them; they were virtually given to them under the patents they perfected. You got those surface rights for $1 or $2 an acre.

I am not quarreling with that. But when they got them, those mineral reservations were there like a red flag for everyone to see.

I have a Northern Great Plains Resource Report which says you cannot put together an economically minable package unless you put together a lot of contiguous land. I am going to come to this map back here in a minute, and point out the problems of finding land in contiguous ownership patterns. The obvious reason is that you cannot gerrymander a coalmine around various tracts of land owned by the surface owner only. You have to have roads. You have to have railroads. You have to have utility lines. You have to have access to all of those things. If you try to lease a hundred-acre tract of land, interspaced with various 40-acre tracts where the surface is owned by someone other than the United States, it is impossible to put it together. The Secretary cannot do it.

Would it not be an interesting anomaly if the Burlington Railroad, for example, which owns all kinds of coal and mineral interests in the West, could walk in and mine their coal because they reserved the minerals? Everyone knows how the U.S. Government gave away all that land to the railroads out there. When they sold off the surface, they reserved the coal. They can go in there today and mine it, and pay the surface owner the fair market value. However, on the tract next to it where the minerals are owned by the U.S. Government, nothing could be mined without the surface owner's consent.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. BUMPERS. I am happy to yield to the Senator from Washington.

Mr. JACKSON. I wonder if we cannot sum up this problem in a few sentences.

Farmer A owns a thousand acres, and qualifies under this provision that requires residence on it so long. He is a rancher; he has a thousand acres; he owns the surface rights. The Federal Government owns the subsurface rights, the coal.

Farmer B, adjoining him, owns the surface rights, but a private company owns the subsurface rights to the coal.

As I understand the legislation—so that everyone in this body will understand, because there is an issue here, in my view, of unjust enrichment; that is what is involved—in the case of farmer A, where the Federal Government owns the subsurface property, the coal, in that case the owner of the surface rights must give consent; he can demand any price as a payoff. Farmer B, right beside him, is in the situation where he has no rights except as applied by common law and under the laws of that State, because the subsurface rights are owned by a private company, and the property rights are protected under the Constitution.

What we are doing here, I will say to my colleagues, so that everyone knows, is giving away Federal property. It is that simple.

There it is. I think that is what the Senator was alluding to. It is not complicated at all. Because you get into these very unjust situations: Ranchers living by ranchers who are having the advantage of applying the giveaway provisions in this bill, whereas the other one is not given that protection, because his coal is owned by a large company with the full protection of the law. But we are saying Uncle Sam will not be effectively protected; is that not what it is?

Mr. BUMPERS. That is exactly what it boils down to.

Mr. JACKSON. How else can anyone explain it?

Mr. BUMPERS. Mr. President, if I may pursue that point, I invite the attention of everyone in this Chamber to the map behind me. The colored portion of the map covers the Powder River Basin in Wyoming. That is probably the biggest, richest deposit of coal in the world. It is the deposit on which the United States is depending to solve this great moral war the President has declared.

I want to call your attention to the colored portion of the map. Everything colored in gray on the map of the Powder River Basin indicates that the United States owns the coal, but someone else owns the surface.

Everything on the map shaded in purple designates the area where the United States owns all the minerals, and somebody else owns the surface.

That part of the map colored in blue is where the United States owns the oil and gas, and somebody else owns the surface.

That part of the map colored in red, which constitutes no more than 35 to 40 percent of the map, designates where the United States owns the minerals and the surface.

After looking at the map, a Senator can say, as the Senator from Wyoming undoubtedly will in a moment, that there is plenty of coal under the red part alone to keep this country rich in coal for the foreseeable future. There would be some merit to that argument, except for this one small flaw: There cannot be a lease in the red area when there are small dots of purple interspersed. If all the red was in a contiguous position, it could be leased, and the Government would lease it, and I probably would not be standing here. It will be virtually impossible to lease the coal where we own the surface and the minerals because interspersed throughout are these small tracts and some fairly large tracts where someone else owns the surface.

It is an outright prohibition.

If this bill passes, there will be nothing on which to go to conference because the Senate bill tracks the House bill. If we pass the bill in its present form, there is nothing for debate with the House, and we have locked the gate. I can say that we have virtually turned our back on people of this country, and the visionaries of this body who preserved the coal in the 1870's and 1880's for the public interest. The coal will not only be mined, but in some instances it will produce more billionaires than this country ever dreamed of. It will make the Tidelands Oil case look like peanuts.

Finally, Mr. President, I talked to the Secretary of Interior less than 3 hours ago. He said, "I cannot believe that that surface owner consent requirement is still in the bill."

I said, "It is in the bill, Mr. Secretary, and I do not see how you are going to develop a leasing program."

The Secretary said, "You can quote me as saying there will be no leasing program. We cannot develop a leasing program with the situation in that status."

Mr. President, I could talk on and on, and I could repeat all the arguments I made yesterday. I have said all I know to say. One of the reasons I brought this up again today is to double the compensation to which the surface owner is entitled. That will give him roughly three times the compensation any other surface owner in the United States will ever get through eminent domain proceedings by a State or the United States.

In my State, as well as the other 49 States, utility companies can take land and give the owner the fair market value, and that is all. But here we are placing ourselves as third-class citizens and saying to all the people we are not going to mine this coal which belongs to them.

The surface owners have leverage which will cost this country billions and billions of dollars. When the consumers of this country write to us complaining about their utility bills, I want Senators to be able to tell them that they helped raise their utility bills and helped raise the price of coal to an unconscionable price. That is exactly what we are doing.

The second reason I brought this amendment up again today, Mr. President, is because I want the Members of this body to vote with knowledge of the problem created by the bill in its present form.

I am not denigrating my colleagues as we are all guilty when we come in to vote and do not understand the issues. However, I want everybody to know what they are doing when they vote for this bill in its present form. I want everyone to look at this map and see if I have exaggerated my arguments.

Mr. McCLURE. Will the Senator yield for a question?

Mr. BUMPERS. I yield.

Mr. McCLURE. I just want to ask this brief question: Can the Senator from Arkansas tell us how much of the map, which is designated as being the surface owned by a private owner and the minerals owned by the Federal Government, is owned by someone who wants to mine the coal?

Mr. BUMPERS. I am not sure I follow the Senator's question. Is the Senator asking how many farmers want their coal mined?

Mr. McCLURE. In a number of cases, a mining company may have bought up minerals.

Mr. BUMPERS. I am sure that is true.

Mr. McCLURE. They can deal with the question of mining the Federal coal without having to deal with the surface owner. I just wonder if the Senator can tell us how much of that map is represented by lands in that classification which are not separately colored as such.

Mr. BUMPERS. I do not know. I cannot answer that question because that information is not provided.

I will give an answer to an unasked question. There is another type of ownership situation in which the United States owns the surface and somebody else owns the minerals. So far as I know, and someone can correct me, the mineral owner of that land can go in and mine it any time they want to and pay the United States either what is provided under this proposal or the normal before-and-after value which our laws provide for now. In other words, the United States right now will not get as good a break as the surface owners will under this bill.

Mr. McCLURE. I do not know of any very large tracts of land in the West in which the Federal Government would own the surface.

Mr. BUMPERS. There are very few, I admit that. But there are some there.

Mr. McCLURE. I submit that that is almost totally negligible. I know of only a little land that has been acquired by the Federal Government in the Eastern United States subject to that kind of rule. I know of almost none, if any at all, in the Western United States.

The second question is this: Is there any way for us to know today how many of those lands in which there is a non-Federal surface owner and the Federal reservation of mineral rights in which the surface owner is very willing to make a deal with regard to allowing the mining company to remove the Federal coal?

Mr. BUMPERS. Of course, I have no way of knowing who is willing to sell and who is not.

Mr. McCLURE. The best we can say about that map, then, would be that that is the worst possible case.

Mr. BUMPERS. But it is one that, in my opinion, is an absolute certainty. One of the problems that I confront here, and I am reluctant to bring this up. The environmentalists do not favor this amendment. I think everyone ought to know that.

Mr. HANSEN. Will the Senator yield on that point?

Mr. BUMPERS. Yes.

Mr. HANSEN. It happens that the Senator from Arkansas is exactly wrong. Katherine Fletcher, who is on the White House staff, has assured me within the last 30 minutes that the administration is perfectly happy—and maybe Secretary Andrus might be interested in this statement of fact—and satisfied with the language contained in the House bill and which, at this moment, subject to the actions of this body yesterday, is now contained in the Senate bill. The White House is perfectly happy with that situation. I challenge anyone——

Mr. BUMPERS. I was talking about environmentalists. Environmentalists and the White House are not synonymous.

Mr. HANSEN. I did want to make that point.

Mr. BUMPERS. Let me reiterate that the Secretary of the Interior told me less than 3 hours ago that there was no way to develop a leasing plan under this bill. He was under the impression that the old language put in 2 years ago, giving the surface owner the difference between the before and after market value, plus $100 an acre, was still in the bill.

Secondly, the point I was about to make is that the environmentalists do not favor this amendment. My environmental credentials are probably as good as any other Senator's. But I think environmentalists are dead wrong on this issue because I believe they oppose it with the thought that it will keep the coal from being mined. Nothing could be further from the truth.

The coal will be mined. We are talking about the cost of the coal. The cost of the coal, over the next several years, is going to be billions and billions of dollars more than it would be if the surface owners were treated as generously as I am proposing to treat them in this amendment.

Mr. NELSON. I wonder if the Senator from Arkansas will yield for a couple of questions?

Mr. BUMPERS. Yes.

Mr. NELSON. I was not asking for the floor in my own right. I was asking the Senator from Arkansas to yield for a couple of questions for the Record.

In the debate yesterday, as I read it today, the Senator from Louisiana (Mr. Johnston) and the Senator from Arkansas (Mr. Bumpers) discussed the Rocky Mount Mineral Law Institute paper. I was interested to read the Record this morning about some examples that were developed in the Record.

From looking at the Record, I see that the Rocky Mountain Mineral Law Institute said that in a typical area, one section of land, 640 acres, at 50 cents royalty per ton, would yield from that one section of land, a typical section, $16 million in royalties, or about $25,000 per acre.

Using the figures from the Rocky Mountain Mineral Law Institute—first, may I ask, is that understanding correct?

Mr. BUMPERS. The Senator is precisely correct.

Mr. NELSON. Using those figures, and quickly rounding out the numbers, I assume, then—or, rather, I extrapolated from that—that in the "typical area," if one owned 4,000 acres, at that price, at that 50-cent royalty per ton, that would produce royalties of a little over $100 million. Four thousand acres is not a huge holding in the West. We even have a few people in my own State who own that much, though it is quite unusual there. If my multiplication is correct, that means that one 4,000-acre holding would cost the public, in royalties, for their own coal—they own the coal—it would cost every single American citizen, all 200 million, 50 cents each.

I think we ought to know what we are doing here. Senator Jackson mentions unjust enrichment; that is the understatement of the year. I commend the Senator from Arkansas and the Senator from Louisiana for their contribution to the debate yesterday. But I am not going to be the one who is going back to my State and answer to my constituents when the first case shows up on the front page of somebody owning 4,000 acres and getting $100 million paid by the taxpayers of this country, in order to extract the coal that the public owns from the land that was given on patent, with a specific reservation at the time that was understood by everybody. I think that is unconscionable.

Teapot Dome was mentioned in yesterday's debate. Why, in terms of dollars, that would be compared in size with a little tiny kid's lemonade stand on the corner. It is absolutely preposterous that we would leave in this kind of provision for this kind of unjust enrichment. I want to see the Member who will stand up on the floor, or stand up in any forum in his own State, and say to the taxpayers, "I think that is fair enough."

That is a ripoff that we should not endorse. And if it remains in the bill, I shall vote against it.

I might say that I have been involved in debates on this issue in the Interior Committee for about 13 years. I sat through all the hearings and the markup of two bills vetoed by the President, and have listened to this argument, time after time. I have not heard a single meritorious argument, from the environmentalists or anybody else, that justifies this incredible, unjust ripoff of the taxpayer. They know it is wrong. You know it. I know it.

I argued this issue at great length with representatives of several environmental groups. It was their position that anything that could conceivably be done that would make it impossible efficiently to mine the coal the public owns was good public policy. That is all there is to it.

It is a perfectly valid position to say, "I am opposed to all strip mining." In fact I do not like it myself. That is why I introduced legislation 13 or 14 years ago to control strip mining. But it is going to happen in any event. Therefore, we need good legislation to control it. But to use this kind of devious tactic which results in unconscionable enrichment which is indefensible. If this provision remains in the bill, I cannot, in good conscience, vote for the bill, much as we need this strip mining legislation.

I hope that when the President looks at it and sees us giving away this kind of money, he will veto it and send it back to the House and Senate.

As the Senator pointed out, even the public utilities in this have the right of condemnation. And when it is all over and they put in their power lines and take the farmer's land, wherever they may have gone and the farmer is only entitled to the market value of the land, no more.

This provision gives them much more than that. But if we leave it as it is in the bill, I do not see how anybody can live with it. And if the President takes the time to look, he cannot live with it, either, and this bill will be back here for our consideration again.

Mr. MELCHER. Will the Senator yield, Mr. President?

Mr. HASKELL. Will the Senator yield for a question?

Mr. BUMPERS. I yield to the Senator from Colorado.

Mr. HASKELL. I congratulate the Senator from Arkansas. We are creating the windfall profits that the Senator from Wisconsin has just referred to. The Senator from Washington, the distinguished Chairman of the Committee on Energy, has given a very clear example of what could happen. I wish to ask the Senator from Arkansas, if I may have his attention—specifically, I want to call his attention to the hit-and-miss people that may get this windfall.

It is not every surface—I am reading now from pages 305 of the bill, line 6—various folks, but it is a sort of lottery as to who gets this windfall, which I think makes it even more absurd.

First, if you have your principal place of residence on the land. You could be H. L. Hunt and if you have your principal place of residence on the land, you can participate in this windfall. That is one example.

Another one, you do not have to live on the land, but if you conduct farming or ranching operations on the land. You can live in New York City and, presumably, supervise a farm and ranching operation.

Then there is a third category, separate and apart from the residence, separate and apart from conducting a ranching operation: if you happen to derive a significant portion of your income from it.

It is not all three of those. It is each separate category, and if, in the lottery, you happen to fall within one of those three categories, you get the windfall that the Senator from Washington, the Senator from Arkansas, and the Senator from Wisconsin have spoken of.

Would I be correct, I ask the Senator from Arkansas?

Mr. BUMPERS. The Senator is absolutely correct. That is a point that was not made either yesterday or today. It is well made by the Senator.

Mr. HASKELL. I feel the way the Senators from Wisconsin and Arkansas and Washington do. I think this is a very unfortunate thing to have in a strip mining bill. I do not think it was ever our intent to create instant millionaires, certainly not on a hit and miss basis. I congratulate the Senator.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER (Mr. ABOUREZK). Does the Senator from Arkansas yield the floor?

Mr. BUMPERS. Yes.

Mr. MELCHER. Mr. President, I think we ought to put this in the perspective of the world we are in today and respond to the rather dramatic presentation about the millions and millions of dollars that might be involved for a surface owner, and just say what the facts are.

I do not know how we acquired land in the United States, whether we got it from the King or got it from the Government. Now, we are in the Louisiana Purchase in eastern Montana, this Powder River Basin, and that was purchased by the Government. If one was the Burlington Northern, which used to be the NP, if one was the Northern Pacific and got the land grant, he got the surface and the minerals and the Government gave that to him.

I think, perhaps if the Senator from Arkansas would listen to me and the Senator from Wisconsin, that the land and the subsurface derived from the Government in their States.

At what point did the surface become separated from the subsurface? I do not know.

But in this case in the early 1900's Congress said that the coal would be reserved in those lands that were being taken up for homestead in North Dakota and in Montana and in Wyoming, which is the Powder River Basin.

So it was in the early 1900's that Congress said that we will reserve the coal to the United States and prior to that time anyone who got the surface also got the subsurface and the coal.

It is true that some of the mineral reservations other than coal at various times were reserved by the United States prior to the amendments to the Homestead Act in the early 1900's which specifically reserved the coal.

Now, the homesteaders went out there. It was not easy, as was intimated by the Senator from Arkansas, to prove up on that land. But they went out there with a firm understanding that they would get the surface if they compiled with the requirements of the law and also with the firm understanding that they did not own the coal underneath it. The coal was reserved for the United States.

The Congress said in amending the law regarding this, the colloquy demonstrates it, if one cares to look in the past RECORD, the colloquy was to the effect that those homesteaders would not be jeopardized their surface except to the extent it was necessary for a road, a railroad track, a shaft, or a tipple to get at the coal, deep mining, shaft mining. There was no thought, no thought at all, of strip mining the land away to get at that coal.

The homesteaders went out there, proved up their homesteads and then had their surface as theirs, subject only to the coal reservation on the basis, as Congress demonstrated in the colloquy and the passage of the act, that they would lose a portion of their surface, an insignificant portion of their surface if the coal were to be extracted because it would be extracted by shaft mining, deep mining, and they would retain 95 percent of their land and only use that 5 percent or 3 percent, whatever was necessary, for shaft mining.

The statement was made that if it were Burlington Northern in the State of Montana that owns the subsurface, the coal, because they sold the surface to a private party, but retained the coal, that the Burlington Northern would be in great shape to exercise eminent domain to remove that surface owner from the land.

Well, it does not work that way. It simply does not work that way because when we remove for purposes of strip mining, we remove all of the surface and the landowner loses all of that surface. Eminent domain is not used by the Burlington Northern for strip mining of coal in Montana. But if it were, the remedy would lie with the State legislature of that State, as it lies with the State legislature of every State to give a remedy in equity to the landowner.

But in this case, the equity must involve Congress. We are the ones that mentioned this situation. And looking back at the history of the Homestead Act and the modifications of it when coal was reserved and recognizing that when that law was enacted by Congress we said to the landowner, "The surface is yours when you have proved up on it and all that goes with it, you will only be jeopardized on that coal reserved to the United States to the extent it is necessary to have a railroad track, a road, tipple, shaft, whatever, a very small portion of your land."

Equity demands now, today, as it has demanded the last 4 years when we have considered this issue on the strip mining bill, that, for those Western landowners, they be given the right of other landowners to say, "No, you can't strip my land, you can't take away my home, you can't take away my fields, until I have given you consent."

But what has giving the consent amounted to in terms of dollars? It is not that the map of the Powder River Basin or the portion of the Powder River Basin that is in northern Wyoming demonstrates who has gotten consent for mining the surface, who has gotten consent from the surface owner. That map does not show it. It cannot show it because in many instances coal companies have already dealt with the surface owner.

And what is the price? I know of no deal in the main. I do know, as the Senator from Wyoming knows, of some examples where the surface was valued at $1,000 an acre, and $1,000 an acre for rangeland in Montana or Wyoming is a big price. But it is not the ripoff as has been described here earlier. It is not the millions or the billions.

And what does it amount to the consumer? When we had this 4 years ago in the House and utility companies were touting a similar amendment as has been introduced here and we are now debating, the utility companies cried the same lament, "It will cost millions of dollars for consumers."

So we projected that figure. If the surface in the Powder River Valley overlying Federal coal was settled for on the basis of $1,000 an acre—and we think that is a big price, that is far above the market because it is only the rare exception where it is $1,000 an acre for the surface consent—but if it were $1,000 an acre and we are talking about 55,000 tons of coal per acre, which is kind of a middling figure for coal production in the Powder River Basin, it would come to two-thirds of a cent per month for the utility company consumers, if they were using all of that coal purchased out of the Powder River Basin, having settled the surface owners' rights at $1,000 an acre.

All those who feel $1,000 an acre is an excessive price for rangeland in Montana or Wyoming should vote for the amendment offered by the Senator from Arkansas. But for those of us who believe that ownership is a property right that is not shrugged aside, where ownership of land and our home and livelihood is something we have some determination over, then he should vote "no," against the amendment.

You will not be sacrificing anything for the U.S. Government. There is nothing in the Mineral Leasing Act or in this bill that would ever suggest that a royalty on the Federal coal would be paid to the landowner. What the bill does say is that before the coal is mined, the landowner has a right to say no. If he does not want to accept what I consider a very high price for the land, at somewhere between, say, $100 and $1,000 an acre, he has that right as a property owner, and that is equity. It is an equity that can be given only by Congress, the State of Kentucky, the State of Arkansas, the State of Ohio. They can address what is equity for surface owners' rights where the mineral is separated from ownership of the surface owner.

However, only Congress can say what is equitable for those landowners who have gotten their land through this practice of homesteading, yet with the coal reserved, but got it on the basis that it would not be stripped, that it would not be deep shaft mined.

So I think Congress should repeat what we have twice repeated in the previous vetoed bills and say that the right of ownership comes first. You must get the written consent. That is the issue.

Mr. METZENBAUM. Mr. President, will the Senator yield?

Mr. MELCHER. I yield.

Mr. METZENBAUM. Will the Senator from Montana be good enough to explain where he gets the figure of $100 to $1,000 an acre? Is that not the real issue of the proposed amendment: that it may be $1,000 or $5,000 or $20,000 or $100,000, and if the owner does not want to accept, there is no standard in the legislation and therefore the owner can sit on the land and the coal as well?

Mr. MELCHER. The place where the $100, the $500, the $1,000 comes from is the marketplace. The marketplace has been long established.

We have been 4 years debating the bill in Congress, debating this issue in Congress. Prior to that time and all during those 4 years, there have been acquisitions of surface owners' rights over Federal coal. It has gone on. That is exactly what the marketplace has established.

Frankly, I think that $1,000 an acre for rangeland is quite high in Montana or Wyoming. But I remember that what we are concerned about here, in Congress, is what is equity and does that surface owner have the right to determine, "It's my land. I don't care to mine it. I'm going to hang onto it." That right, I think, should come first.

Mr. FORD. Mr. President, will the Senator yield?

Mr. MELCHER. I yield to the Senator from Kentucky.

Mr. FORD. The Senator from Montana made the statement that the surface owner was not entitled to a royalty. Will he repeat that and give me the reason why the surface owner would not be entitled to any royalty on the land?

Mr. MELCHER. There is nothing in the Mineral Leasing Act and nothing in this bill that would intimate that a surface owner was in any way entitled to a royalty on the Federal coal.

Mr. FORD. If he has the privilege of denying or accepting the severance of the coal, would he not then have the right to say, "In lieu of so much per acre, I want 25 cents per ton royalty on the coal mined," or, "I want 50 cents per ton royalty"? Would he not have that privilege?

Mr. MELCHER. I say, in answer to the question, that the bill does not preclude it; but the bill does not suggest it, nor does the Mineral Leasing Act, under which these leases are let, suggest it.

I might add that it would be contrary to the public interest; and I am certain that the Secretary, under no circumstances, would favor it and, if he knew about it, would disallow it.

However, if the Senator from Kentucky or any other Senator cares to stipulate in the bill that no surface owner may be recompensed on the basis of royalty, I would be delighted to support the amendment. It simply is not the practice and it is not done, nor was it envisioned to be done. But I have no objection to prohibiting it by an outright ban.

Mr. FORD. The junior Senator from Kentucky is not a lawyer, but I would be hard pressed to think that the Secretary could disallow the agreement between the surface owner and mining company—if we are saying that he has the right of turndown or acceptance. Would the Secretary have the right to disallow the arrangement whereby they could sever the coal based on a 25-cent or 50-cent per ton royalty?

Mr. MELCHER. I think the marketplace has determined otherwise. It simply is not done. The Secretary, in allowing the lease to a coal company, is going to look, first of all, at whether there is written consent. If he wishes to look into the circumstances as to how that written consent is arrived at, he certainly may—and in the public interest, probably would.

As to whether or not the administration views written consent as being essential, I refer to page 109 of the committee report and to the April 5 letter addressed to Representative UDALL, the chairman of the Interior Committee in the House, where it is stated:

> The administration supports strong protection for surface owners. Surface owners' consent should be required for the entire area covered by a permit application. For Federal lands, this consent should be written and given before leasing.

Mr. FORD. It is a little strange to me, when the distinguished Senator from Wyoming uses a reference quite often to a print on representing the landowner in a mineral or surface lease or sales transaction. I do not know whether the Senator has it, but on page 461 it reads:

> If the coal company will pay a surface owner royalty at the rate of five cents a ton on the coal leased by the coal miner from the United States, the landowner would receive $2,500 an acre or $1,632,000 a section.

So here is the legal advice that the people who are espousing this amendment are opposing, the amendment by the Senator from Arkansas. This is their bible, to which they referred us all the time. It lays out how they shall get the royalty. It tells them how to make a deal by ownership of the surface.

So I say to the Senator from Montana that we are placing ourselves in a position that I do not quite understand.

Can the Senator from Arkansas help us a little? He is a lawyer, and the Senator from Montana and I are not.

Mr. BUMPERS. That is open to debate.

Mr. FORD. The Senator from Arkansas is the best one I am talking to because the Senator from Montana (Mr. MELCHER) is not a lawyer, and I am just a country boy, but we are saying in this piece of legislation that the surface owner must give consent before the coal can be extracted.

On the other hand—and this is coal owned by the U.S. Government—the surface land was homesteaded, and everything was set out at the time the arrangement was made, and we are also saying under this piece of legislation we are not going to surface mine in the national forest; is that not correct?

Here is a Senator who was very much opposed to surface mining in a national forest.

Mr. METCALF. We have passed a bill in the last session about surface mining in the national parks.

Mr. FORD. Forests, not parks. If I said parks I apologize. But in our State I do not want to have a deed or any individual—contract that denies individuals rights—when the bill is passed gives, the surface owner out West had the right to reject. In Kentucky the Federal Government bought land at $2.50 and $3 an acre to make and encompass an area for a national forest. But in that deed—and some of them are as long as 75 and 100 pages, I understand—they go into very minute detail that even though the U.S. Government owns the land, the previous owner reserves the right—and they spell out how the coal shall be extracted, how the timber shall be severed. I do not want those rights abrogated.

What happens to that individual when we say there is no surface mining in the national forest. We have a private owner who owns the mineral under the land owned by the Federal Government. What kind of position are we in? Is there a valid legal right to strip mine this coal?

Mr. BUMPERS. I am not sure I track the question. Is the Senator talking about a contractual right where the method of extraction has been set out in a mineral reservation?

Mr. FORD. Yes.

Mr. BUMPERS. That is a contractual right, that is not something we are legislating here.

Mr. FORD. But we are saying that the land that was purchased and then turned into a national forest, cannot be surface mined in a national forest under this bill.

Mr. BUMPERS. That is right.

Mr. FORD. Are we overriding the contract originally signed by that private citizen?

Mr. BUMPERS. Yes, the Senator is correct. That would override whatever reservation was there.

Mr. FORD. So, on the one hand, we are giving the citizen the right over coal owned by the U.S. Government.

Mr. METCALF. Mr. President, will the Senator from Kentucky yield?

Mr. FORD. Yes.

Mr. METCALF. We do not say that there shall be no surface mining in the national forests. There are already areas of the national forest in Ohio, in Pennsylvania, in some other areas, where there is surface mining. Now, those are inholdings. We say there shall be no surface mining on the Federal land, and I understand the Senator is saying, "Well, they sold this land to the Federal Government $1 or $2 an acre."

But I still want to call the attention of the Senator from Kentucky to a very recent case in his own State on a fairly narrow issue. It is called Commerce Union Bank against Kinkade in the Supreme Court of the State of Kentucky where the U.S. Supreme Court denied certiorari.

Mr. FORD. What does that mean? I am not a lawyer.

Mr. METCALF. Well, Supreme Court denied review of the case, so the decision of the lower court stands.

In that case, the lower court ruled that because strip mining was not a common practice when the rights under this broad-form deed—such as the Senator is suggesting—were sold, there could be no strip mining conducted against the wishes of the landowners.

Mr. FORD. Is this the broad-form deed I am talking about? I thought this was just a deed. The Senator is Uncle Sam and I am a private owner.

Mr. METCALF. I am talking about the broad-form deed you have in Kentucky.

Mr. FORD. No, I am not talking about the broad-form deed.

Mr. METCALF. Which the Senator was suggesting was longer than from over here to the map there.

The only point I am making, I want to say to my friend from Kentucky, is that there is serious question around the United States, even in the Senator's own State of Kentucky, whether or not strip mining was anticipated when these mineral rights were reserved.

Mr. FORD. But I say to the good Senator, who is very knowledgeable in the law——

Mr. METCALF. Thanks. When I retire I will quote the Senator.

Mr. FORD. I will come to the Senator for help. [Laughter.]

But what I am saying is that this is a recent contract. This is not one made back before strip mining was common practice. The one I am talking about, is not the broad-form deed. I am talking about a deed by you and me—you as the United States and I as a private citizen—made it in recent years. The broad-form deeds are in the 1800's.

I am talking about a deed made with the United States where the United States bought the surface, and we spelled out surface mining rights.

Mr. METCALF. The Senator from Kentucky knows that surface mining is an ongoing operation east of the 100th meridian. It is west of the 100th meridian that we have allowed some limited mining in the national forests except in the Custer National Forest, and Alaska national forests.

Mr. FORD. Is the Senator saying to me then if a private citizen has a contract whereby he retains the mineral rights with the Federal Government in a national forest he can go ahead and surface mine?

Mr. METCALF. In Kentucky or Ohio or Pennsylvania.

Mr. FORD. And it is not prohibited?

Mr. METCALF. Only on Federal lands.

Mr. FORD. In a national forest if you have a valid contract or deed?

Mr. METCALF. Yes.

Mr. FORD. That contract document sets out specifically what the owners should do in Kentucky, in West Virginia, in Ohio, in Pennsylvania, in Virginia. In those States, the national forest can be surface mined?

Mr. METCALF. Yes, and there is surface mining.

Mr. FORD. The Senator has answered my question, and I am sorry I delayed the junior Senator from Montana.

Mr. BUMPERS. Mr. President, will the Senator allow me to make one other observation?

Mr. FORD. Yes.

Mr. BUMPERS. This bill does indeed prohibit surface mining within the national forests, but there are certain exemptions to that.

Mr. FORD. West of the 100th meridian.

Mr. BUMPERS. First of all, the bill exempts those forests west of the 100th meridian, and I will read it to the Senator to clarify the point. It says that "surface mining will not take place on any Federal lands within the boundaries of any national forest; provided, however, that surface coal mining operations may be permitted on such lands which do not have significant forest cover within those national forests west of the 100th meridian, if the Secretary finds that there are no significant recreational, timber, economic or other values which may be incompatible with the surface," and et cetera.

It says that you may not mine the national forests east of the 100th meridian; you may mine west of the 100th meridian, if the Secretary finds that that particular national forest does not have any significant recreational, timber, et cetera, value.

Mr. FORD. In the deed I am referring to——

Mr. METCALF. The Senator is only referring, however, to Federal lands.

Mr. BUMPERS. That is correct.

Mr. METCALF. In the national forest.

Mr. BUMPERS. That is true.

Mr. METCALF. East of the 100th meridian.

Mr. BUMPERS. Let me say one other thing. Those inholdings, which the distinguished Senator from Montana mentioned a few moments ago, are not affected. Some of those holdings are within the national forest, but this would not prohibit surface mining on those lands, as I understand it.

Mr. METCALF. And they are being currently mined at the present time.

Mr. BUMPERS. So maybe that is the answer to the Senator's question.

Mr. FORD. Yes, to answer the calls I have been receiving, and I am pleased to have had the colloquy and I am delighted to have it resolve the question.

The PRESIDING OFFICER (Mr. Ribicoff). The Senator from Ohio.

Mr. METZENBAUM. I do not think we ought to get ourselves lost on what the real issue is in this amendment because the issue does not actually pertain to the question of strip mining in the national forests. The issue comes down to exactly that which the Senator from Montana, the junior Senator from Montana, stated it was, and that is the question of whether ownership of land is a property right that should not be sacrificed. Only the question is not a question of the individual's rights; it is a question of the property right of the United States Government, and if you had this property owned by, the mineral rights reserved by, a private individual there would be no question whatsoever as to what the law is.

But what we are saying under this law is that we want to change it. We want to say because the Federal Government owns it that we are not going to allow you to exercise the right to take the minerals from that land. I understand the distinguished senior Senator from Montana points out there may be a legal question as to whether it was ever contemplated that there would be a reservation of the right to mine on the surface. That is a legal question.

But the moral question that is before the Senate has to do with how should we treat those individuals who own the land but the Federal Government has reserved unto itself the mineral rights. Under the present proposal of this legislation that individual's rights are absolutely superior to any other rights and if he says no, and he wants $10 million or $1 million, or $1,000, or $100, he has to be paid it or else you cannot mine that land even though the Federal Government has reserved that right specifically.

The junior Senator from Louisiana, who is not present today, and he is unavoidably absent because of a prior commitment of the need to be in Louisiana, was concerned about this very subject while the measure was in the committee. So we worked together not to just take the land and say the Federal Government will take the minerals and do nothing more under its legal right. But there was provided in the amendment that the title remain with the surface owner, pay the surface owner the difference between the market value before and after on a basis of an appraisal, give the surface owner the net income of the property that would be lost during the 2 years immediately following approval of the mining plan, in other words, the projected income, the future income, give the owner the cost of relocating or dislocating during the mining and reclamation process and, in addition to that, give the owner any other damage to the surface caused or reasonably anticipated to be caused by surface mining and reclamation.

What could be more fair?

The surface owner holds onto his property after the mining is completed, he is given the difference in the appraisal value, the relocation cost, the damage cost, and future earnings for the next 2 years, but the Senate did not accept that amendment.

Now the Senator from Arkansas comes forward with an amendment that is even more generous because he says give the surface owner twice the difference between the appraised value before and after the mining takes place. And the real issue is how much more should be done for the surface owner, who in many instances bought this land for a dollar or $2 an acre, certainly not much more than that. Now he is going to be paid twice the appraised value. He is going to be paid relocation costs, damages, the income that he could expect for the next 2 years, and be given back the land when it is all over.

I think the amendment actually is overgenerous. I share with the Senator from Wisconsin his concern about whether it does not go too far. Certainly it moves in the right direction. If anything, it is much better than that which is in the legislation as it hits the floor of the Senate and is presented to this body today. I think we ought to support the proposal of the Senator from Arkansas.

Mr. BUMPERS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. METCALF. Mr. President, in 1974, I supported an amendment that was known as the Mansfield amendment.

And the Mansfield amendment said that when there is this divided ownership between the Federal Government and private citizens we will not mine the land; we will use it for conservation purposes, set it aside and not mine it at all.

I have had so many people trotting into my office, parading back and forth, saying, "Well, we own the land, and the Mansfield amendment will take our surface rights as well as our subsurface rights. We have bought the land. We have bought it for mining purposes. We will give it back to anybody when we are through with it."

I still would have supported the Mansfield amendment in this Congress, but again we have this proposition that, as the Senator from Wyoming has suggested, we are going to close off mining in many areas where people have bought the surface rights for mining purposes. That map in the rear of the Chamber is not an accurate representation of where the ownership of the surface rights are concerned. It may have been an accurate representation 4 years ago before we put the Mansfield amendment in. But since then and in the years that have elapsed all sorts of mining companies and mining operators have gone out and purchased the surface rights of those lands. So there is not going to be the substantial ripoff that the Senator from Arkansas has suggested.

I talked about this in 1974. I recited to the people of the Senate that one of the great conservation victories at the turn of the century was the fact that President Theodore Roosevelt and his Cabinet took away from individuals who were sending out mining homesteaders to get oil and mining claims and saying, "Well, instead of that we will give you 320 acres instead of 160."

I probably did not talk as loudly, vehemently, or as forcefully as the Senator from Arkansas. But in the interim that has occurred since that period, a large percentage of this land has already been alienated, and some of the things that I and the Senator from Arkansas were concerned about have already been alleviated.

So when Secretary Andrus came up and testified before our committee at the beginning of our hearings on S. 7, he recommended that we protect the surface owner by a consent provision such as was contained in the House bill. That is exactly the provision we put in.

I suggest that hours and hours of conference have gone into argument and discussion on this, and hours and hours of discussion on the whole proposition have gone in. I hope that after last night's debate and after the debate and many weeks of discussion we will solve this issue tonight.

Mr. BUMPERS. Vote.

The PRESIDING OFFICER (Mr. ABOUREZK). The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METCALF. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The clerk will suspend until there is order in the Chamber. Will the Senators visiting down the middle aisle here kindly stop? The clerk will not proceed until order is restored. The clerk may proceed.

The call of the roll was resumed and concluded.

Mr. ROBERT C. BYRD. I announce that the Senator from Minnesota (Mr. ANDERSON), the Senator from Delaware (Mr. BIDEN), the Senator from Iowa (Mr. CLARK), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PELL), the Senator from Michigan (Mr. RIEGLE), the Senator from Mississippi (Mr. STENNIS), the Senator from Florida (Mr. STONE), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I also announce that the Senator from Arizona (Mr. DECONCINI) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Minnesota (Mr. ANDERSON) would vote "yea."

Mr. BAKER. I announce that the Senator from Arizona (Mr. GOLDWATER), the the Senator from California (Mr. HAYAKAWA), the Senator from Vermont (Mr. STAFFORD), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I also announce that the Senator from Alaska (Mr. STEVENS) is absent on official business.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) and the Senator from Alaska (Mr. STEVENS) would each vote "nay."

The result was announced—yeas 44, nays 32, as follows:

[Rollcall Vote No. 156 Leg.]

YEAS—44

Abourezk
Allen
Bartlett
Bayh
Bellmon
Bentsen
Bumpers
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Culver
Curtis
Durkin
Griffin
Haskell
Hathaway
Heinz
Hollings
Humphrey
Inouye
Jackson
Javits
Long
Magnuson
Mathias
McIntyre
Metzenbaum
Morgan
Moynihan
Muskie
Nelson
Nunn
Pearson
Proxmire
Randolph
Ribicoff
Roth
Sarbanes
Sasser
Sparkman
Stevenson
Williams

NAYS—32

Baker
Brooke
Byrd,
Harry F., Jr.
Chafee
Church
Danforth
Dole
Domenici
Eastland
Ford
Garn
Glenn
Hansen
Hart
Hatch
Helms
Huddleston
Laxalt
Lugar
Matsunaga
McClure
Melcher
Metcalf
Packwood
Percy
Schmitt
Schweiker
Scott
Thurmond
Wallop
Young
Zorinsky

NOT VOTING—24

Anderson
Biden
Clark
Cranston
DeConcini
Eagleton
Goldwater
Gravel
Hatfield
Hayakawa
Johnston
Kennedy
Leahy
McClellan
McGovern
Pell
Riegle
Stafford
Stennis
Stevens
Talmadge
Talmadge
Tower
Weicker

So Mr. BUMPERS' amendment was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JACKSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I ask unanimous consent that I may yield to the distinguished leader without losing my right to the floor.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). May we have order?

TIME-LIMITATION AGREEMENT ON SPECIFIED AMENDMENTS

Mr. ROBERT C. BYRD. Mr. President, Mr. BAKER has three amendments. I understand he is agreeable to accepting a time limitation of 10 minutes to be equally divided on the three amendments, which will be accepted, probably. I ask unanimous consent that there be a time limitation of 10 minutes on the three Baker amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, Mr. DOLE has two amendments. I understand he is agreeable to a 30-minute time limitation on each of them. I ask unanimous consent that there be a time limitation for each of the two amendments by Mr. DOLE of 30 minutes each, to be divided in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, Mr. WALLOP has one amendment. I ask unanimous consent that there be a time limitation thereon of 30 minutes, to be equally divided in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, Mr. SCHMITT has one amendment. I ask unanimous consent that there be a time limitation thereon of 1 hour, and that the time be equally divided in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a time limitation on the amendment of Mr. BAYH of 5 minutes, to be equally divided in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I hope that the time that is set forth in the agreements on amendments will not all be taken because it is the intention of the leadership to finish the bill tonight, unless Senators want to come in tomorrow. I stated the day before yesterday that the bill would be finished today or the next day, if it were to be finished tomorrow. I stated the same thing yesterday. The message went out on the hotlines to both cloakrooms. The same thing has been stated today and the message went to both cloakrooms. Senators will govern themselves accordingly.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. Does the Senator from Wyoming yield the floor?

Mr. HANSEN. No, Mr. President.

The PRESIDING OFFICER. The Senator from Wyoming has the floor. The Chair was in error in recognizing the Senator from Indiana.

Mr. HANSEN. Mr. President, I want to make an observation that might be helpful in putting the record into proper perspective.

Mr. President, the Committee on Energy and Natural Resources met April 27, 1977. I have a copy of the proceedings. It might be instructive to read what took place at that hearing in order to give some idea of the sort of pressure I suspect may have been generated to result in the turnaround that characterized the vote we have just concluded after what was done yesterday.

I refer to page 31 of that transcript of proceedings and read what Senator JOHNSTON had to say:

> Senator JOHNSTON. The Powder River Basin where the Southwestern Electric Power Company generates electricity for my home town, they sensed they were running out of gas some time ago; they went out to Wyoming and made a deal to get some coal out of the Powder River Basin, subject to this kind of thing—they can't go off somewhere else and say we are going to lock up 50 or 60 per cent, so we will go someplace else they can't do that.
>
> What you do in this amendment is to say you go buy that government coal from that surface owner out there. That is all this means. Let's don't kid ourselves. You have got seams out there 100 feet thick that are worth thousands an acre, a million dollars an acre, they tell me.
>
> Cliff, you probably know about that. So you go to a surfaceowner on which he runs one cow for every 60 acres. It is pretty land. Maybe it is worth $150 an acre, the surface. You are going to give him the right to sell that coal that is worth a million dollars an acre. So he is generous. He says, well, I will sell it for $50,000 an acre.

Those are the words as recorded by the person charged with that responsibility at the hearing before the Energy and Public Resources Committee on April 27.

What we have just done is say to a lot of people in the West that, whether they want to sell or not, it is not a question of the availability of coal. There is absolutely no substance in fact at all to the contention that has been made here this afternoon that we have to have this coal and that if this surface owner consent provision had stayed in the bill, the Government would not have its coal.

That is pure bunk. There is enough coal under lease, as my colleague from Wyoming can point out—I wish to yield to him just to have him supply that part of the information for the RECORD at this point.

I ask unanimous consent that he be permitted to do that without my losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. I thank my colleague the senior Senator from Wyoming.

I think it is clear. I did not think the Senate would act so foolishly. I thought there were reasonable minds in here and did not bring this up, but I regret it now. There are 91 Federal leases in Wyoming today with landowners' consent that was given, because our State has that provision, despite what was said. Two-hundred thousand acres of Federal coal, 117,218 acres of private land that have been amalgamated into that. That is because of the inability to get a leasing plan with that.

Nine billion tons of coal; 40 years of production is out there, leased right now, permitted and leased—22½ percent of the President's call for 1.1 billion tons annually for 40 years, all done with the landowners' consent as given.

I ask you, really, if this body acted wisely in suggesting that the people were going to lock it up.

The map was a fraud, the map contained deep coal as well as surface coal. It just misrepresented the whole thing.

I regret what has happened, but I yield back to my colleague from Wyoming.

Mr. HANSEN. I thank my colleague.

I point out, Mr. President, that not every rancher in the West has a price on his ranch. It just happens that there are a few people that have a very deep affection and strong sentimental ties to land. Some of those ranches have been in family ownerships that go back four or five generations.

When my colleague came to the Senate. I think he told me, if I recall correctly, that before his present term is concluded, his family will have owned the ranch on which he now lives for 100 years.

I think we have taken a very serious, a major step in condemning property rights, in putting people off the land without any regard to answering the basic question, "Do we need the coal?"

We do not need all of the coal right now and we will not be ready to use all of the coal for another 40 years. There is no question about that. But because—I suspect that the key may have been disclosed in the statement of my good friend from Louisiana, money talks.

It seems strange, indeed, to me that there would be as much interest in surface owner consent and alluvial valley floors as I have witnessed on this floor today by people far removed from the West.

I asked Senators if they might have stopped to think why it is that the push would have come from the sections of the country that it has come from. We have all kinds of people in the West. We have environmentalists.

I mentioned earlier this afternoon, and I stand on this statement, that the White House is perfectly happy with the language contained in the House bill. The language that we worked long and hard on, and which was eventually incorporated into the Senate bill until we reversed the whole action this afternoon, coincided, word for word, with the language in the House bill.

Now, it is a pretty easy thing to say that the Government owns the coal and are we going to let a few greedy, ranchers take it? That language sells awfully good. It would be interesting to know who is behind some of the people who are saying these things. If we could understand what strings are being pulled, it might be rather interesting to know.

I can assure the Senate of one thing, that I do not know of one single instance in my State of Wyoming when the landowner has sold the whole outfit, fee simple title, to everything he owned, in some cases owning the coal as well as the surface—I do not know of one instance where more than $1,000 an acre has been paid; $500 an acre is pretty big money. And there are plenty of places out there that can be bought for that.

So it is not a case of the Government being unable to get its coal. I hope Senators thought about this as they switched around here this afternoon, reversing positions that they took only yesterday, because some arm twisting went on. I think it is going to be pretty interesting for them to reflect back and try to understand the deep sentiment that exists in the West.

There are lots of people, and as one rancher, I can tell you, for whom these have not been easy times. The average per capita farm income in the State of Wyoming, net income for the year, dropped for all farms and ranches in the State from about $17,500 per operator, per ranch, in 1973, down to about $1,750 in 1975. That is what it went down to.

But we do not find those people trying to sell out. A lot of them are being foreclosed. A lot of them cannot pay their bills. But those who can, those who love the land, as I love the land and as MALCOLM WALLOP loves the land, and as JOHN MELCHER loves the land, and a lot of other people, do not feel very kindly about the action the Senate has taken this afternoon, in saying, in effect, "To hell with you; we don't care if that land means something to you, if that home means something to you. Maybe your parents or your grandparents are buried on the ranches"—and that is not an uncommon situation, either.

If I am a little vehement, it is because I feel so deeply and I resent so strongly the action that has taken place this afternoon, here, when we, in effect, told those people out there, "While the facts are that we do not need the coal right now, we are going to see that the interests that we represent roll over you, and say to hell with you; we will take these lands and we will pay you our price."

This amendment that was offered here this afternoon and that prevailed, in effect, does that. It says that they take an appraisal of the land now and figure what it is going to be worth at the end of the mining operation.

That was pretty beguiling, too. It is pretty beguiling until you stop to understand that it may be 40 years before they got through ripping up the last acre of land you have.

And I suspect some lawyer might write in an inflationary factor and say, "Well, we don't owe you anything, the land is going to have appreciated so much in value at the end of the operation that you won't have anything coming over what it is worth right now."

Now, these are some of the issues that I feel deeply about. I think I know something about ranchers. At one time I was president of the Wyoming Stock Growers Association, an association I have a deep regard and a deep respect for. I know how those people feel and they are not going to be very happy about having the Government of the United States say to them, "We don't care what this range means to you."

It sure makes great headlines for those who want to force people off their land—their homes—to say, "We won't make millionaires out of any Wyoming ranchers."

I can say, there are not many out there. The coal is there. The ranchers are there. There has been nothing to prevent the developers from buying those lands. As Senator WALLOP knows, they have bought a lot of land. There is no question about the availability of land.

I will conclude by saying that I think this is a sorry spectacle. I think a lot of people should have in their consciences a little concern and should meet face to face the people that they do not know who are going to be told, "Get off your land, get off your land."

That is what we have said to them. We have told them that it is not left up to them to decide whether they want to sell or not. We have said to them, "You are going to have to sell," and here are going to be the terms that we have offered to them.

That is exactly what has happened here this afternoon. Make no mistake about it. When we go home tonight and settle down into our nice beds and think that it is comfortable to own our home, I hope we might think a little bit about some people who just happen to like the way of life they have lived out there and who happen to think they would like to be able to pass that same privilege on along to their kids, and who, if the action we have taken here this afternoon prevails, had better make some other plans because they are not going to have that right.

I yield to my friend from Montana.

Mr. MELCHER. I thank the Senator for yielding.

Mr. President, I think the overdramatization of what the landowner might receive for his written consent has completely led the Senate away from the basic issue of property rights.

It should be a right of the property owner to say, "I choose to live here, it is my home, it is my livelihood."

It may not be much of a livelihood if a person is 50 or 60 years old and has a very tiny operation, but it ought to be his chance to say, "I like it this way."

If it is only a person's home and 100 acres where he lives, and makes his livelihood somewhere else, as a property owner it still ought to be his right to say, "This is my home and I like this yard, and I like this area, and I like these trees, and I want to keep it that way."

If there were a public purpose to be served by saying, "Well, we are so destitute for coal we have to grasp it wherever it is," that would be a different situation. But that is not the case at all. There are hundreds of millions of tons of western coal already where the written consent has been agreed to, where the surface owner has been satisfied in the marketplace with what has been offered for his rights.

The vote reversal this afternoon is extremely discouraging to most of us who have lived with this bill and fought for this bill for 4 years and longer. It darn near caused the defeat of the bill, in conference, not last Congress, but the Congress before that, because we stuck on this issue, Is it equitable to grant the property right to that owner? And we said "yes," it was equitable and only Congress could do so; only Congress could make it equitable.

So we went through a provision that said the owner could say, "Yes," or "No," to the strip miner. If he said "No," that was the end of it. If he said "Yes," we set up a system for payments.

What the Senator from Arkansas has done in his amendment, which the Senate has adopted, has set up a system for payments, but has removed the basic property right of an individual to say, "No, it is my home and my lifetime, I am not selling anything, I want to live here, I want to use it for myself as land."

I think the Senate has been sold a bill of goods on western coal to be mined. There is plenty of it to be mined where this is not an issue. But now what we have done by adopting the amendment, we have taken away the right of a property owner no matter where he is. If it is Federal coal underneath him, and the Senator allows a lease, that property owner has no more rights except under the formula for the payment, but he has no right to maintain his home and his land as his own. That is the real issue.

There is no public purpose to be served to get coal signed up in huge quantities. We have already got it signed up in huge quantities. We have already got opportunity for Federal coal in the West where there is further surface owner's consent given.

But for those individuals who choose to keep their home, keep their land during their lifetime and live there on it as they want to, we are denying that opportunity, because if the lease is given under existing law and the Senator's amendment, there will be no right to make that determination as a property owner once the lease is given. The property owner can resign himself to losing the land, the use of the land. It makes no difference if the amendment says, "Well, it can be returned to him after mining." If they live 40, 50, 60 years more, they will not be around to get the land back.

And would it be the same after 40 or 50 years?

If one were a young man, would he want to take it back when he was 60 or 70? If he was in his thirties, would he want to take it back when he was 70 or 80?

It is a preposterous situation of taking it back once he has lost the right to say "yes" or "no" to agreeing to the strip mining.

We only have the mechanics of arriving at value. For those who want to live on the land, that is not what they are after. They were after the privilege of land ownership, of determining their own fate on their own land.

I think that is a serious issue. I think it is a basic issue of property rights.

I wish the amendment was not agreed to. I hope it is not agreed to in conference. I suspect it will mean a long conference if the Senate would hold out for this provision. I suspect it would be a difficult thing, adopting the conference report on the House floor or on the Senate floor, if that amendment remains in the final version.

Who resists this amendment? People who live there, who have an interest in their land, environmental groups. All of the environmental groups that have looked at the issue for the past 4 years have said that the equity lies with the protection of the land owner's rights first.

Who opposes this amendment? The administration says, having reviewed it over the course of the years, that there is a basic issue involved and that written consent of the property owner should be recognized by the Government.

In the past, who opposed the amendment? Well, mining companies, some of them. Utility companies, some of them, not all of them, because they created the feeling or the fear that there would not be enough coal.

So we looked at it, and we have had 4 years to look at it and to demonstrate clearly that there are sufficient quantities of coal for this generation and the next generation already waiting in line, with the surface owner's consent given. We do not have that to worry about.

To some extent, the coal companies and the utility companies in the past 2 or 3 years have backed off from this issue and no longer make it a big issue, because they see the availability of coal.

If at any time the situation evolved to where some exorbitant profits were made by a reluctant landowner and the coal was seriously needed, Congress could then again readdress the problem. But in our generation and in the next generation, the issue is not and will not be the availability of western coal.

The equitable solution to this problem should be as the House has done and as we have done in previous bills passed by Congress and sent to the President but vetoed—to let the landowner say yes or no to strip mining. Let him or her have the opportunity to say, "My land is the way I like it. I am not interested in a $500 or a $1,000 an acre sale for my surface rights, even though that is a great price. What I am interested in is living on the land and living my lifetime here."

I hope that before the final version of this bill is adopted and sent to the President, we will have corrected the inequity of the amendment just adopted.

UP AMENDMENT NO. 262

Mr. BAYH. Mr. President, I ask that the clerk reread the amendment.

The PRESIDING OFFICER. The amendment will be stated.

Mr. BAYH. Mr. President, I ask my colleagues to listen to the reading of the amendment. I have 5 minutes, and I think the reading of the amendment will explain it without further necessity of my doing so.

The legislative clerk read as follows:

Mr. BAYH proposes an unprinted amendment numbered 262:

On page 199, after line 10, add the following new subsection:

(G.) Each applicant for a surface coal mining and reclamation permit shall submit to the regulatory authority as part of the permit application a blasting plan which shall outline the procedures and standards by which the operator will meet the provisions of section 415(b)(15)."

Mr. BAYH. Mr. President, strip mine blasting practices have become a major problem for people living near Appalachian and Midwestern coalfields. It is estimated that strip mine blasting caused damages of over $200 million in these regions in 1975 alone.

In my own State of Indiana, blasting has caused serious difficulties for those who live near mining operations, particularly in Warrick County. A survey conducted by Jack Barnes, professor of geology at Indiana State University, indicated that there was structural damage caused by blasting to 89 percent of the buildings within a 2½ mile radius of the Ayrshire mine in that county. In other areas, blasting has caused serious harm to health, property and the environment in the form of dust and fly rock.

Certainly, Mr. President, we cannot ask neighboring residents to bear substantial risk to life and property for the sake of strip mining operations, and one of the most important features of S. 7 is that it will require strip miners to conduct their blasting operations in such a manner that there will not be damage outside of the permitted area. Nonetheless, S. 7 does not presently require the strip miner to set out his plans for blasting in his application, and I offer this amendment to add such a requirement.

The reasons that such a plan is necessary as part of the application are similar to the reasons for requiring a reclamation plan as part of the application. The regulatory authority needs to have this type of information at hand in order to insure that there is adequate protection of health, property, and the environment. Only with such information can potential problems be nipped in the bud.

Further, a blasting plan will enable the public to gain a fuller understanding of the mining operation at the outset. Without question, the citizens who will be most affected by mining operations deserve the right to know exactly what those operations will entail.

Mr. President, we cannot turn our backs on those who have suffered from strip mine blasting. This amendment will give them the protection they need, and I urge its passage.

Mr. President, in 60 seconds, I will say that this points to a very critical problem we have in some areas, one being in southern Indiana, where, within a 2.5-mile radius of a particular mine we have had about 89 percent of the homes damaged by blasting. We suggest that at the time the application for the permit is made, a plan specifying how blasting is to be handled to prohibit this kind of damage should be submitted, together with the application.

Mr. METCALF. Mr. President, out in the western areas that have been widely discussed for the last few minutes, this coal is picked up by dragline shovel, and we do not have the blasting process about which the Senator from Indiana is concerned. Nevertheless, he has a genuine concern. I can understand such a concern. The amendment he has suggested is beneficial, and I think we should put it into the bill.

I have talked to the Senator from Wyoming, and we have no objection to the amendment.

I yield back the remainder of my time.

Mr. BAYH. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DOLE. Mr. President, under the unanimous-consent agreement, the distinguished Senator from Tennessee is next in line, but I am wondering whether he might permit the Senator from Kansas to offer an amendment to the bill at this time.

The PRESIDING OFFICER. There is no order for a series of amendments.

Mr. BAKER. Mr. President, if the Senator will yield to me, I am aware of the Senator's amendment, and I think it would expedite the consideration of title 3 if the Senator from Kansas did go first.

UP AMENDMENT NO. 263

Mr. DOLE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an unprinted amendment numbered 263.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 163, line 12, after the period, add the following: "Provided, however, the Secretary of Agriculture may allow for land use and conservation treatment on such lands occupied by any such owner in excess of such one hundred and twenty acre limitation up to three hundred twenty acres, but in such event the amount of the grant to such landowner to carry out such reclamation on such lands shall be reduced proportionately.

The PRESIDING OFFICER. There is a time limitation of 30 minutes on this amendment, to be equally divided.

Mr. DOLE. I say to my colleagues that this may take 30 seconds, not 30 minutes, because it has been discussed with both the minority and majority floor leaders.

Mr. President, the purpose of this amendment is to give the Secretary the authority to enter into a reclamation agreement with a landowner on an amount of land greater than specified in the bill presently, up to 320 acres, but at a cost-share less than specified.

As stated in section 304, reclamation of rural lands, the Secretary may presently enter into a reclamation agreement with landowners on not more than 120 acres of land. He can provide funds to landowners on a cost-share basis up to 80 percent of the reclamation cost.

Our problem is very simple. We have a large amount of land where reclamation is needed. It is generally owned in tracts greater than 120 acres. At the same time, the reclamation cost is lower.

In recent demonstration projects, the cost-share basis in projects in Missouri and Kansas were on the average about 30 or 31 percent. In these cases, the cost-share basis could be less because the overall cost was lower than we would expect in other States and the expectation or returning the land to productivity after reclamation was greater.

The purpose of this amendment is to give the Secretary greater flexibility in making this program workable. Yet it retains an element of equity so that a landowner who receives help on a greater number of acres does not receive the same cost-share basis that an owner receiving help on fewer acres gets.

The amendment is not controversial, and I have cleared it with both the majority and the minority.

Mr. President, I ask unanimous consent to have three tables in connection with this matter printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1.—LAND STRIP MINED FOR COAL PRIOR TO STATE RECLAMATION LAWS: KANSAS, MISSOURI, AND OKLAHOMA

	Acres			Percentage distribution	
County	Total	Land	Water	Land	Water
Kansas:					
Crawford	21,950	20,666	1,284	94	5
Cherokee	19,200	17,572	1,628	91	9
Bourbon	2,942	2,898	76	94	0
Labette	829	793	36	96	4
Total	44,921	41,927	3,024	93	3
Missouri:[1]					
Barton	10,725	9,916	809	92	8
Bates	7,494	6,661	833	89	11
Cedar	36	36.	1	97	3
Henry	16,404	14,423	1,981	88	12
St. Clair	2,514	2,224	290	99	12
Vernon	3,196	2,841	355	89	11
Total	40,369	36,100	4,269	89	11
Oklahoma:[2]					
Atoka	95				
Coal	596				
Craig	3,991	3,828	163	96	4
Haskell	5,476	4,624	852	84	18
Latimer	850				
Leflore	2,705	2,290	415	85	15
Mayes	112				
McIntosh	702	618	94	88	12
Muskogee	903	789	114	87	13
Nowata	505				
Okmulgee	1,293				
Pittsburg	321				
Rogers	8,662	8,093	559	93	7
Sequoyah	1,434	1,166	268	81	19
Tulsa	1,443	1,339	104	93	7
Wagoner	2,836	2,642	193	93	7
Total	28,151	25,389	2,762	90	10
Total	31,922				

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[1] Missouri data from William J. Kovacic, Project Reuse, Final Report, Clinton, Mo., Kaysinger Basin Regional Planning Commission, December 1973.

[2] Data from Atoka, Coal, Latimer, Mayes, Nowata, Okmulgee, and Pittsburg Counties. Oklahoma from Kenneth S. Jackson, "Maps and Description of Disturbed and Reclaimed Surface-Mined Coal Lands in Eastern Oklahoma." Norman, University of Oklahoma, 1973, table 7.

TABLE 2.—RECLAMATION COSTS PER ACRE

1973 GRASSLAND DEMONSTRATION SITES: MISSOURI

			Cost per acre						
Name	Acres	Seeding data	Grading	Lime	Fertilizer	Seedbed preparation	Seeding	Total	Cost share, percent of total cost
Barton:									
Anderson	43	Spring 1973	$115.00	$22.68	$10.48	$11.58	$3.47	$163.22	28
Jones	23	Fall 1973	180.00	18.82	11.42	26.36	12.25	249.85	28
Marti Bros	27	do	225.00	45.89	27.13	41.04	12.35	351.41	21
Mills	54	do	135.00	17.89	8.47	14.03	13.67	189.16	20
Peterson	21		160.00						
Rose	27	Fall 1973	177.23	30.51	15.54	24.37	14.59	282.24	28
Barton County	195		184.39	25.00	22.20	20.31	10.20	227.38	28
Bates:									
Davis	8		200.00						
Droz	2		248.00						
Hosper	16		200.00						
Jennings	10	Fall 1973	160.00	11.35	13.17	17.47	14.12	216.06	35
Wheatley Bros	27	do	151.00	39.04	10.99	8.96	16.81	226.80	33
Yarick	17	Spring 1974	165.00	0	14.20	3.66	3.89	186.74	40
Bates County	35		175.25	23.72	12.38	8.29	11.72	232.16	38
Cedar: Hama	17		150.00						
Henry:									
Batschelett	27	Spring 1973	167.52	10.37	15.03	9.04	11.11	213.07	35
Braun	27	Fall 1973	214.27	7.01	9.53	5.53	7.85	244.34	30
Dody	28	do	175.00	0	9.85	33.21	6.57	226.63	32
Dunning	23	do	225.00	0	8.10	8.48	13.56	266.19	29
Hendrich	27	Spring 1973	149.67	0	8.26	24.07	10.74	192.74	38
Licher	26	Fall 1973	165.00	0	6.65	5.42	4.91	181.98	38
Wilson	18	do	155.48	0	0	4.89	11.63	172.01	38
Henry County	176		175.87	2.65	8.63	13.58	3.82	213.48	34
St. Clair:									
Crowder	20	Fall 1973	150.00	8.42	16.88	23.00	9.85	208.25	36
McEwan	23	do	160.00	0	9.86	17.44	21.06	208.46	36
Munsenman	35	do	200.00	8.00	8.44	34.28	15.29	267.01	21
St. Clair County	70		175.48	5.76	11.88	38.42	15.82	234.71	20
Vernon:									
Irwin	18	Fall 1973	150.00	18.29	30.87	16.11	14.89	230.06	33
Wilson	8	do	157.89	45.84	20.13	17.37	12.87	254.20	30
Vernon County	24		182.24	26.50	27.35	16.46	14.15	232.23	32
Missouri	572		182.92	14.22	12.04	17.13	11.48	232.45	30

TABLE 3.—RECLAMATION COSTS PER ACRE

ALL GRASSLAND DEMONSTRATION SITES: KANSAS

Name	Acres	Seeding data	Cost per acre						Cost share, percent of total cost
			Grading	Lime	Fertilizer	Seedbed preparation	Seeding	Total	
Cherokee:									
Barnes, J.:									
1	22	Fall 1972	$125.00	$18.15	$9.60	$12.16	$5.88	$170.88	34
2	[1] 53	Fall 1973	150.00	0	15.65	12.00	14.01	191.68	22
Barnes, M	27	Fall 1972	125.00	18.14	9.31	12.02	11.04	175.51	28
Bower:									
1	22	do	325.93	17.38	6.74	8.52	8.23	388.78	19
2	[1] 53	Fall 1973	235.11	5.23	4.35	16.00	9.96	270.65	16
3									
Cassidy	21	Fall 1971	125.00	41.75	5.37	3.50	8.13	183.75	42
Christiansen, C	16	Fall 1972	125.00	0	15.43	18.07	13.37	171.87	40
Christiansen, T	19		124.68						
Emerson	9	Fall 1971	123.00	11.80	20.45	16.77	16.55	188.57	31
Epler:									
1	40	do	130.00	0	11.88	26.39	11.00	178.77	43
2	28	Fall 1972	161.90	0	4.45	15.05	4.40	191.04	25
Fowler:									
1	67	do	125.00	0	9.27	13.00	10.47	106.49	17
2	[1] 22	Fall 1973	150.00	0	15.66	12.04	13.99	191.57	25
Gaither	30	Fall 1972	121.61	34.99	14.17	25.92	8.30	206.00	24
Galena	[2] 24		125.00	0	0	0	0	125.77	42
Green	18	Fall 1972	125.00	12.51	10.18	4.78	8.85	161.33	47
Jones	10	do	125.00	12.72	13.32	4.42	8.53	163.59	46
Mullens	20	Spring 1972	155.00	9.60	8.03	3.55	8.60	182.78	42
Musse	40	Fall 1971	140.00	26.01	12.55	8.30	'.70	196.56	43
O'Malley	11	Spring 1974	125.11	13.30	13.23	5.13	12.23	173.00	43
Parsons	10	Spring 1973	237.26						
Potusek	24	Spring 1972	130.00	17.29	8.65	8.97	9.19	174.11	36
Poznick	12	Fall 1972	130.00	18.15	12.38	28.38	11.15	200.02	34
Rasta	65	Spring 1974	150.00	0	16.00	13.18	13.38	192.54	22
Resta	25	Fall 1973	175.00	0	20.53	17.34	12.17	225.04	23
Shindler	8	do	120.00	0	11.65	14.95	18.39	164.98	36
Smith	9	Fall 1971	125.00	17.44	17.17	17.22	8.17	185.00	41
Stafford	7	Fall 1973	142.52	0	12.40	3.24	8.83	166.90	36
Vandament:									
1	21	Fall 1972	130.00	0	6.46	4.76	8.31	149.53	44
2	20	Fall 1973	150.00	0	26.58	7.45	11.28	194.31	30
Wilkinson, C	20	Fall 1972	140.00	0	13.42	6.23	9.34	168.99	40
Wilkinson, W	21	do	125.00	21.29	11.48	9.09	26.03	431.97	16
Cherokee County [3]	747		150.50	8.53	66.67	12.00	17.59	999.99	99
Labette:									
Bradley	12	Fall 1971	162.50	12.18	10.78	8.78	4.26	199.00	33
Columbia	27	Spring 1972	179.59	11.80	21.09	13.33	10.75	235.04	31
Davis	16	Fall 1971	165.00	2.40	15.79	28.14	10.16	221.49	32
Farris	5	Fall 1972	125.00	0	8.93	20.88	8.08	162.87	43
Monroe	14		120.00						
Labette County [3]	68		156.63	8.21	14.90	17.43	8.62	216.32	34
Kansas [3]	1,868		157.24	2.25	12.01	14.38	12.93	206.28	31

[1] Acres seeded differed from acres graded so weighted averages cannot be computed directly from the data in this table. All averages were weighted by the acres affected.

[2] Excluded from total and averages because site was nonagricultural.

[3] Total costs are not equal to the sum of the parts.

Mr. METCALF. Mr. President, as the Senator from Kansas has pointed out, this is a national bill. There are areas where there should be greater flexibility and greater opportunity for the regulatory agency to make additional decisions above and beyond what is incorporated in the bill. The Senator from Kansas knows his area. We happen to know ours. I feel that he has made a contribution in suggesting that we give the regulatory authority greater opportunity to carry out the provisions of this abandoned land program. I thank him for offering the amendment.

Mr. DOLE. Mr. President, I yield back the remainder of my time.

Mr. METCALF. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question is on agreeing to the amendment.

The amendment was agreed to.

AMENDMENT NO. 306, AS MODIFIED

Mr. SCHWEIKER. Mr. President, I call up my amendment No. 306, as modified.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> The Senator from Pennsylvania (Mr. SCHWEIKER) proposes an amendment numbered 306, as modified.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 264, line 25, after the word "occurs" insert: ": *Provided*, That any notice or order issued pursuant to this section which requires cessation of mining by the operator shall expire within thirty days of actual notice to the operator unless a public hearing is held at the site or within such reasonable proximity to the site that any viewings of the site can be conducted during the course of the hearing".

Mr. SCHWEIKER. Mr. President, my proposed amendment No. 306 as modified is a simple one and a logical one. It insures that coal operators ordered to cease operations are entitled to the minimum due process protection of a hearing within 30 days to test the validity of the cessation order.

A cessation order is a very serious remedy with serious consequences for the operator as well as for vitally necessary coal production. Under the bill the cessation order is issued without any advance notice to the operator or opportunity for hearing, and the order can be based on the judgment of one mine inspector.

If the order is unnecessary or unsupported, this can be promptly determined by a hearing within 30 days at or near the site. If the order is necessary to protect safety or environmental interests, the order will and should be sustained. The required hearing, necessary to satisfy minimum standards of due process and fundamental fairness, will not diminish the powers of the Secretary to act promptly to protect safety or environmental needs.

The bill as drafted does not provide a guaranteed right to a hearing on such an order. Thus, an improper order could be issued resulting in the financial ruin of an operator and unnecessary curtailment of vital coal production.

I urge Senators to support this amendment so that S. 7 will meet minimum standards of due process of law and fundamental fairness, while still protecting the environment against violations. I stress that, under the House bill, a hearing must be held within 10 days. My amendment calls for a hearing within 30 days. I consider this absolutely fair and reasonable, and I urge its acceptance.

Mr. METCALF. Mr. President, the Senator from Pennsylvania has demonstrated that a person who has an ongoing operation might have his mine closed down for a considerable period without a hearing, without any opportunity for recourse, and it would perhaps bankrupt some of these smaller operators.

His amendment provides for a hearing within a reasonable time when a person has closed down the mine, and certain evidence is available to justify the mine closure, and I think he has provided for a reasonable time and a reasonable requirement.

I talked this amendment over with the minority manager, and we are prepared to accept the amendment.

Mr. SCHWEIKER. I thank the Senator very much.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment was agreed to.

Mr. CHAFEE. Mr. President, I ask unanimous consent that Mr. Lee Verstandig be granted the privileges of the floor during the debate and votes on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 294, AS MODIFIED
AMENDMENT NO. 295, AS MODIFIED
AMENDMENT NO. 296

Mr. BAKER. Mr. President, I might say, for the benefit of my colleagues, that I have a 10-minute time limitation, with the time equally divided, on three amendments, so I will not take very long. I call up amendments Nos. 294, as modified; 295, as modified; and 296.

The PRESIDING OFFICER. Does the Senator from Tennessee wish them to be considered en bloc?

Mr. BAKER. Mr. President, I ask unanimous consent that the amendments be considered en bloc, and I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

Delete all of title III, from page 157, line 8, through page 172, line 16, and insert a new title III as follows:

TITLE III—ABANDONED MINE RECLAMATION

DECLARATION OF PUBLIC POLICY

Sec. 301. (a) It is hereby declared as a matter of public policy that—

(1) reclamation, restoration, and development of land and water resources in the United States, which have been adversely affected by past coal mining practices, are fundamental to the public health, safety, and general welfare;

(2) a fund should be created to reclaim, restore, and develop land and water resources in the United States which have been adversely affected by past coal mining practices; and

(3) the United States of America, the individual States, their political subdivisions, the mining industry, and individual property owners must cooperate and act to reclaim, restore, and develop land and water resources adversely affected by past coal mining practices.

Sec. 302. (a) Not later than the end of the one hundred and eighty-day period immediately following the date of enactment of this Act, the Secretary shall promulgate and publish in the Federal Register regulations covering implementation of an abandoned mine reclamation program incorporating the provisions of title III and establishing procedures and requirements for preparation, submission, and approval of State programs and development and implementation of Federal programs under this title.

(b) The Secretary shall not approve, fund, or continue to fund a State abandoned mine reclamation program unless that State either has an approved State regulatory program pursuant to section 403 of this Act or is diligently preparing its program plan for submittal to the Secretary for approval.

(c) If the Secretary determines that a State has developed a program for reclamation of abandoned mines and has the ability and necessary State legislation to implement the provisions of this title, sections 304 and 309 excepted, the Secretary shall approve such State program and shall grant to the State exclusive responsibility and authority to implement the provisions of this title: *Provided,* That the Secretary shall withdraw such approval and authorization if he determines upon the basis of information provided under subsection (d) of this section that the State program is not in compliance with the procedures, guidelines, and requirements established under subsection 302(a).

(d) The Secretary shall grant to each qualified State, moneys from the fund to be used for the purposes of this title upon an annual application for grants by the State which shall provide the following information:

(1) a general description of the State's program for that year;

(2) a priority evaluation of each element of such State program;

(3) a statement of the estimated benefits in terms of acres restored, miles of stream improved, acres of surface protected from subsidence and population protected from air pollution and safety hazards of mine and coal refuse disposal area fires;

(4) an estimate of the cost for each element of such State program;

(5) in the case of proposed research and demonstration projects, a description of the specific techniques to be evaluated or objective to be attained; and

(6) a statement of any land to be acquired in conformity with section 307 and the estimated cost of such land;

(7) in each year after the first in which an application is filed under this title, an inventor of each project funded under the previous year's grant; which inventory shall include details of financial expenditures on such projects together with a brief description of each such project, including project location, landowner's name, acreage, type of reclamation performed.

(e) The cost for each proposed program under this section shall include actual construction costs and actual operation and maintenance costs of permanent facilities. Planning and engineering costs, construction inspection costs, and other administrative expenses shall be included in the costs for each proposed project.

(f) Grants shall be made annually to the qualifying States on approval by the Secretary of the applications, or portions thereof, according to the priorities established in subsection (g) of section 303 and subject to the requirements of subsection (f) of section 303.

(g) The Secretary, through his designated agents, will monitor the progress and quality of the program. The States shall not be required at the start of any project to submit complete copies of plans and specifications.

Sec. 303. (a) There is created on the books of the Treasury of the United States a trust fund to be known as the Federal Abandoned Mine Reclamation Fund (hereinafter referred to as the "fund") which shall be administered by the Secretary of the Interior. State abandoned mine reclamation funds (State funds) generated by grants from this title shall be established by each State pursuant to an approved State program.

(b) The fund shall consist of amounts deposited in the fund, from time to time derived from—

(1) the reclamation fees levied under section 304 of this Act: *Provided,* That an amount not to exceed 10 per centum of such reclamation fees collected for any calendar quarter shall be reserved beginning in the first calendar year in which the fee is imposed and continuing for the remainder of that fiscal year and for the period in which such fee is imposed by law, for the purpose of section 407(f), subject to appropriation pursuant to authorization under section 511: *Provided further,* That not more than $10,000,000 shall be available for such purposes.

(2) the sale, lease rental, or user charge for land acquired pursuant to this title;

(3) donations by persons, corporations, associations, and foundations for the purposes of this title; and

(4) recovered moneys as provided for in this title.

(c) Moneys in the fund may be used for the following purposes:

(1) reclamation and restoration of land and water resources adversely affected by past coal mining, including but not limited to reclamation and restoration of abandoned surface mine areas, abandoned coal processing areas, and abandoned coal refuse disposal areas; sealing and filling abandoned deep mine entries and voids; planting of land adversely affected by past coal mining to prevent erosion and sedimentation; prevention, abatement, treatment, and control of water pollution created by coal mine drainage including restoration of stream beds, and construction and operation of water treatment plants; prevention, abatement, and control of burning coal refuse disposal areas and burning coal in situ; and prevention, abatement, and coal mine subsidence;

(2) acquisition of land as provided for in section 307;

(3) development of land acquired as provided for in subsection (d) of section 307;

(4) enforcement and collection of the reclamation fee provided for in section 304 of this Act;

(5) studies by the Department of the Interior by contract to such extent or in such amounts as are provided in advance in appropriation Acts with public and private organizations to provide information, advice, and technical assistance, including research and demonstration projects, conducted for the purposes of this title;

(6) restoration, reclamation, abatement, control, or prevention of adverse effects of coal mining whenever created which constitutes an emergency as provided for in section 308 of this title;

(7) grants to the States to accomplish the purposes of this title;

(8) administrative expenses of the United States and each State to accomplish the purposes of this title; and

(9) all other necessary expenses to accomplish the purposes of this title.

(d) An amount not to exceed 20 per centum of the moneys deposited in the fund during the first calendar year this title is in force shall be reserved for the purposes specified in section 309 of this Act. As moneys are used for these purposes, this reserve shall be replenished by such portion of the quarterly deposits into the fund as shall be necessary.

(e) Moneys from the fund shall be available for the purposes of this title, only when appropriated therefor, and such appropriations shall be made without fiscal year limitations: *Provided*, That moneys from the fund reserve provided in subsection (d) of this section shall be immediately available without regard to appropriations, upon authority of the Secretary for the purposes provided for in section 308 of this title.

(f) The geographic allocation of expenditures from the fund shall reflect both the area from which the revenue was derived as well as the program needs for the funds. Fifty per centum of the funds collected annually in any State or Indian reservation shall be expended in that State or Indian reservation by the Secretary or State regulatory authority pursuant to any approved State abandoned mine reclamation program to accomplish the purposes of this title or, after the objectives of the fund set forth in sections 303 and 310 of this Act have been achieved, for programs for the construction of public facilities in communities impacted by coal development after receiving and considering the recommendations of the Governor of that State or the head of the governing body of that tribe having jurisdiction over that reservation, as the case may be: *Provided, however,* That if such funds have not been expended within three years after being paid into the fund, they shall be available for expenditure in any area. The balance of funds collected on an annual basis may be expended in any State at the discretion of the Secretary in order to meet the purposes of this title.

(g) Expenditure of moneys from the fund for the purposes of this title shall reflect the following priorities in the order stated:

(1) the protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices;

(2) the protection of public health, safety, and general welfare from adverse effects of past coal mining practices;

(3) the restoration of land and water resources and the environment previously degraded by adverse effects of past coal mining practices including measures for the conservation and development of soil, water (excluding channelization), woodland, fish and wildlife, recreation resources, and agricultural productivity;

(4) research and demonstration projects relating to the development of surface mining reclamation and water quality control program methods and techniques;

(5) the protection, repair, replacement, construction, or enhancement of public facilities such as utilities, roads, recreation, and conservation facilities adversely affected by coal mining practices;

(6) the development of publicly owned land adversely affected by past coal mining practices including land acquired as provided in this title for recreation and historic purposes, conservation, and reclamation purposes and open space benefits.

RECLAMATION FEE

Sec. 304. (a) All operators of coal mining operations subject to the provisions of this Act shall pay to the Secretary of the Interior, for deposit in the fund, a reclamation fee of 35 cents per ton of coal produced by surface coal mining and 15 cents per ton of coal produced by underground mining or 10 per centum of the value of the coal at the mine, as determined by the Secretary, whichever is less, except that there shall be no reclamation fee for lignite coal.

(b) Such fee shall be paid no later than thirty days after the end of each calendar quarter beginning with the first calendar quarter occurring after January 1, 1978, and ending fifteen years after the date of enactment of this Act unless extended by an Act of Congress.

(c) Together with such reclamation fee, all operators of coal mine operations shall submit a statement of the amount of coal produced during the calendar quarter, the method of coal removal and the type of coal, the accuracy of which shall be sworn to by the operator and notarized.

(d) Any person, corporate officer, agent, or director, on behalf of a coal mine operator, who knowingly makes any false statement, representation, or certification required in this section shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than one year, or both.

(e) Any portion of the reclamation fee not properly or promptly paid pursuant to this section shall be recoverable, with statutory interest and reasonable attorney's fees, from coal mine operators, in any court of competent jurisdiction in any action at law to compel payment of debts.

(f) All Federal and State agencies shall fully cooperate with the Secretary of the Interior in the enforcement of this section.

ELIGIBLE AREAS

Sec. 305. (a) The only lands eligible for expenditures under this title are those which were mined for coal or which were abandoned and unreclaimed or unrestored prior to the date of enactment of this Act: *Provided, however,* That any lands adversely affected by coal mining which constitutes an extreme danger to the public health, safety, and general welfare shall be eligible for expenditures from the fund as provided for in section 309.

(b) Any water resources adversely affected by past coal mining practices shall be eligible for expenditures from the fund for reclamation and restoration purposes.

RECLAMATION OF RURAL LANDS

Sec. 306. (a) In order to provide for the control and prevention of erosion and sediment damages from unreclaimed mined lands, and to promote the conservation and development of soil and water resources of unreclaimed mined lands and lands affected by mining, the Secretary of Agriculture is authorized to enter into agreements of not more than ten years with landowners (including owners of water rights), residents, and tenants, and individually or collectively, determined by him to have control for the period of the agreement of lands in question therein, providing for land stabilization, erosion, and sediment control, and reclamation through conservation treatment, including measures for the conservation and development of soil, water (excluding stream channelization), woodland, wildlife, and recreation resources, and agricultural productivity of such lands. Such agreements shall be made by the Secretary with the owners, including owners of water rights, residents, or tenants (collectively or individually) of the lands in question.

(b) The landowner, including the owner of water rights, resident, or tenant shall furnish to the Secretary of Agriculture a conservation and development plan setting forth the proposed land uses and conservation treatment which shall be mutually agreed by the Secretary of Agriculture and the landowner, including owner of water rights, resident, or tenant to be needed on the lands for which the plan was prepared. In those instances where it is determined that the water rights or water supply of a tenant, landowner, including owner of water rights, residents, or tenant have been adversely affected by a surface or underground coal mine operation which has removed or disturbed a stratum so as to significantly affect the hydrologic balance, such plan may include proposed measures to enhance water quality or quantity by means of joint action with other affected landowners, including owner of water rights, residents, or tenants in consultation with appropriate State and Federal agencies.

(c) Such plan shall be incorporated in an agreement under which the landowner, including owner of water rights, resident, or tenant shall agree with the Secretary of Agriculture to effect the land uses and conservation treatment provided for in such plan on the lands described in the agreement in accordance with the terms and conditions thereof.

(d) In return for such agreement by the landowner, including owner of water rights, resident, or tenant the Secretary of Agriculture is authorized to furnish financial and other assistance to such landowner, including owner of water rights, resident, or tenant in such amounts and subject to such conditions as the Secretary of Agriculture determines are appropriate in the public interest for carrying out the land use and conservation treatment set forth in the agreement. Grants made under this section, depending on the income-producing potential of the land after reclaiming, shall provide up to 80 per centum of the cost of carrying out such land uses and conservation treatment on not more than one hundred and twenty acres of land occupied by such owner including water rights owners, resident, or tenant, or on not more than one hundred and twenty acres of land which has been purchased jointly by such landowners including water rights owners, residents, or tenants under an agreement for the enhancement of water quality or quantity or on land which has been acquired by an appropriate State or local agency for the purpose of implementing such agreement; except the Secretary may reduce the matching cost share where he determines that (1) the main benefits to be derived from the project are related to improving offsite water quality, offsite esthetic values, or other offsite benefits, and (2) the matching share requirement would place a burden on the landowner which would probably prevent him from participating in the program: *Provided, however,* the Secretary of Agriculture may allow for land use and conservation treatment on such lands occupied by any such owner in excess of such one hundred and twenty acre limitation up to three hundred and twenty acres, but in such event the amount of the grant to such landowner to carry out such reclamation on such lands shall be reduced proportionately.

(e) The Secretary of Agriculture may terminate any agreement with a landowner including water rights owners, operator, or occupier by mutual agreement if the Secretary of Agriculture determines that such termination would be in the public interest, and may agree to such modification of agreements previously entered into hereunder as he deems desirable to carry out the purposes of this section or to facilitate the practical administration of the program authorized herein.

(f) Notwithstanding any other provision of law, the Secretary of Agriculture, to the extent he deems it desirable to carry out the purposes of this section, may provide in any agreement hereunder for (1) preservation for a period not to exceed the period covered by the agreement and an equal period thereafter of the cropland, crop acreage, and allotment history applicable to land covered by the agreement for the purpose of any Federal program under which such history is used as a basis for an allotment or other limitation on the production of such crop; or (2) surrender of any such history and allotments.

(g) The Secretary of Agriculture shall be authorized to issue such rules and regulations as he determines are necessary to carry out the provisions of this section.

(h) In carrying out the provisions of this section, the Secretary of Agriculture shall utilize the services of the Soil Conservation Service.

(i) Funds shall be made available to the Secretary of Agriculture for the purposes of this section.

ENTRY ON OR ACQUISITION OF LAND ADVERSELY AFFECTED BY PAST COAL MINING PRACTICES

SEC. 307. (a) In the absence of an approved State program pursuant to section 302, if the Secretary makes a finding of fact that—

(1) land or water resources have been adversely affected by past coal mining practices; and

(2) the adverse effects are at a stage where, in the public interest, action to restore, reclaim, abate, control, or prevent should be taken; and

(3) the owners of the land or water resources where entry must be made to restore, reclaim, abate, control, or prevent the adverse effects of past coal mining practices are not known, or readily available; or

(4) the owners will not give permission for the United States, the States, political subdivisions, their agents, employees, or contractors to enter upon such property to restore, reclaim, abate, control, or prevent the adverse effects of past coal mining practices. Then, upon giving notice by mail to the owners if known or if not known by posting notice upon the premises and advertising once in a newspaper of general circulation in the municipality in which the land lies, the Secretary, his agents, employees, or contractors, shall have the right to enter upon the property adversely affected by past coal mining practices and any other property to have access to such property to do all things necessary or expedient to restore, reclaim, abate, control, or prevent the adverse effects. Such entry shall be construed as an exercise of the police power for the protection of public health, safety, and general welfare and shall not be construed as an act of condemnation of property nor of trespass thereon. The moneys expended for such work and the benefits accruing to any such premises so entered upon shall be chargeable against such land and shall mitigate or offset any claim in or any action brought by any owner of any interest in such premises for any alleged damages by virtue of such entry: *Provided, however,* That this provision is not intended to create new rights of action or eliminate existing immunities.

(b) The Secretary, his agents, employees, or contractors shall have the right to enter upon any property for the purpose of conducting studies or exploratory work to determine the existence of adverse effects of past coal mining practices and to determine the feasibility of restoration, reclamation, abatement, control, or prevention of such adverse effects. Such entry shall be construed as an exercise of the police power for the protection of public health, safety, and general welfare and shall not be construed as an act of condemnation of property nor trespass thereon.

(c) The Secretary may acquire any land, by purchase, donation, or condemnation, which is adversely affected by past coal mining practices if the Secretary determines that acquisition of such land is necessary to successful reclamation and that—

(1) the acquired land, after restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices, will serve recreation and historic purposes, conservation and reclamation purposes or provide open space benefits; or

(2) permanent facilities such as a treatment plant or a relocated stream channel will be constructed on the land for the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices; or

(3) acquisition of coal refuse disposal sites and all coal refuse thereon will serve the purpose of this title or that public ownership is desirable to meet emergency situations and prevent recurrences of the adverse effects of past coal mining practices.

(d) Title to all lands acquired pursuant to this section shall be in the name of the United States or, if acquired by a State pursuant to an approved program, title shall be in the name of the State. The price paid for land acquired under this section shall reflect the market value of the land as adversely affected by past coal mining practices.

(e) The Secretary, in formulating regulations for making grants to the States to acquire land pursuant to this section, shall specify that acquired land meet the criteria provided for in subsections (c) and (d) of this section. The Secretary may provide by regulation that money derived from the lease, rental, or user charges of such acquired land and facilities thereon will be deposited in the fund.

(f)(1) Where land acquired pursuant to this section is deemed to be suitable for industrial, commercial, residential, or recreational development, the Secretary may sell or authorize the States to sell such land by public sale under a system of competitive bidding, at not less than fair market value and under such other regulations promulgated to insure that such lands are put to proper use consistent with local and State land use plans, if any, as determined by the Secretary.

(2) The Secretary when requested after appropriate public notice shall hold a public hearing, with the appropriate notice, in the county or counties or the appropriate subdivisions of the State in which lands acquired pursuant to this section are located. The hearings shall be held at a time which shall afford local citizens and governments the maximum opportunity to participate in the decision concerning the use of disposition of the lands after restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices.

(g) In addition to the authority to acquire land under subsection (d) of this section the Secretary is authorized to use money in the fund to acquire land by purchase, donation, or condemnation, and to reclaim, develop, and transfer acquired land to any State or to a political subdivision thereof, or to any person, firm, association, or corporation if he determines that such is an integral and necessary element of an economically feasible plan for the project to construct or rehabilitate housing for persons disabled as the result of employment in the mines or work incidental thereto, persons displaced by acquisition of land pursuant to this section, or persons dislocated as the result of adverse effects of coal mining practices which constitute an emergency as provided in section 309 or persons dislocated as the result of natural disasters or catastrophic failures from any cause. Such activities shall be accomplished under such terms and conditions as the Secretary shall require, which may include transfers of land with or without monetary consideration: *Provided,* That, to the extent that the consideration is below the fair market value of the land transferred, no portion of the difference between the fair market value and the consideration shall accrue as a profit to such persons, firm, association, or corporation. Land development may include the construction of public facilities or other improvements including reasonable site work and offsite improvements such as sewer and water extensions which the Secretary determines necessary or appropriate to the economic feasibility of a project. No part of the funds provided under this title may be used to pay the actual construction costs of housing.

(h) The Secretary may carry out the purposes of this section directly or he may make grants and commitments for grants, and may advance money under such terms and conditions as he may require to any State, or any department, agency, or instrumentality of a State, or any public body or nonprofit organization designated by a State.

LIENS

SEC. 308. (a) In absence of an approved plan pursuant to section 302 the provisions of this section shall be applicable.

(b) Within six months after the completion of projects to restore, reclaim, abate, control, or prevent adverse effects of past coal mining practices on privately owned land, the Secretary shall itemize the moneys so expended and may file a statement thereof in the office of the county in which the land lies which has the responsibility under local law for the recording of judgments against land, together with a notarized appraisal by an independent appraiser of the value of the land before the restoration, reclamation, abatement, control, or prevention of adverse effects of past coal mining practices if the moneys so expended shall result in a significant increase in property value. Such statement shall constitute a lien upon the said land. The lien shall not exceed the amount determined by the appraisal to be the increase in the market value of the land as a result of the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices. No lien shall be filed against the property of any person, in accordance with this subsection, who neither participated in nor exercised control over the mining operation which necessitated the reclamation performed hereunder.

(c) The landowner may proceed as provided by local law to petition within sixty days of the filing of the lien, to determine the increase in the market value of the land as a result of the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices. The amount reported to be the increase in value of the premises shall constitute the amount of the lien and shall be recorded with the statement herein provided. Any party aggrieved by the decision may appeal as provided by local law.

(d) The lien provided in this section shall be entered in the county office in which the land lies which has responsibility under local law for the recording of judgments against land.

EMERGENCY POWERS

SEC. 309. (a) The provisions of this section shall be applicable only in the absence of an approved State program pursuant to section 302.

(b) The Secretary is authorized to expend moneys from the fund without specific legislative appropriation for the emergency restoration, reclamation, abatement, control, or prevention of adverse effects of coal mining practices, without regard to when the practices occurred, if the Secretary makes a finding of fact that—

(1) an emergency exists constituting a danger to the public health, safety, or general welfare; and

(2) no other person or agency will act expeditiously to restore, reclaim, abate, control, or prevent the adverse effects of coal mining practices.

(c) The Secretary, his agents, employees, and contractors shall have the right to enter upon any land where the emergency exists and any other land to have access to the land where the emergency exists to restore, reclaim, abate, control, or prevent the adverse effects of coal mining practices and to do all things necessary or expedient to protect the public health, safety, or general welfare. Such entry shall be construed as an exercise of the police power and shall not be construed as an act of condemnation of property nor of trespass thereon. The moneys expended for such work and the benefits accruing to any such premises so entered upon shall be chargeable against such land and shall mitigate or offset any claim in or any action brought by any owner of any interest in such premises for any alleged damages by virtue of such entry: *Provided, however,* That this provision is not intended to create new rights of action or eliminate existing immunities.

(d) All moneys expended under this section may be recovered in full from the landowner, or any other person, company, corporation, or organization if they were liable under law for restoring, reclaiming, abating, controlling, or preventing the adverse effects resulting in the emergency.

FILLING VOIDS AND SEALING TUNNELS

SEC. 310. (a) The Congress declares that voids, and open and abandoned tunnels, shafts, and entryways resulting from any previous mining operation, constitute a hazard to the public health or safety and that surface impacts of any underground or surface mining operation may degrade the environment. The Secretary, at the request of the Governor of any State, or the chairman of any tribe, is authorized to fill such voids, seal such abandoned tunnels, shafts, and entryways, and reclaim surface impacts of underground or surface mines which the Secretary determines could endanger life and property, constitute a hazard to the public health and safety, or degrade the environment. State regulatory authorities are authorized to carry out such work pursuant to an approved abandoned mine reclamation program.

(b) Funds available for use in carrying out the purpose of this section shall be limited to those funds which must be expended in the respective States or Indian reservations under the provisions of section 303.

(c) The Secretary may make expenditures and carry out the purposes of this section without regard to provisions of section 305 in such States or Indian reservations where requests are made by the Governor or tribal chairman and only after all reclamation with respect to abandoned coal lands or coal development impacts have been met, except for those reclamation projects relating to the protection of the public health or safety.

(d) In those instances where mine waste piles are being reworked for conservation purposes, the incremental costs of disposing of the wastes from such operations by filling voids and sealing tunnels may be eligible for funding providing that the disposal of these wastes meets the purposes of this section.

(e) The Secretary may acquire by purchase, donation, easement, or otherwise such interest in land as he determines necessary to carry out the provisions of this section.

MISCELLANEOUS POWERS

SEC. 311. (a) In the absence of an approved State program pursuant to section 302.

(b) The Secretary shall have the power and authority, if not granted it otherwise, to engage in any work and to do all things necessary or expedient to implement and administer the provisions of this title.

(c) The Secretary shall have the power and authority to engage in cooperative projects under this title with any other agency of the United States of America, any State and their governmental agencies.

(d) The Secretary may request the Attorney General, who is hereby authorized to initiate, in addition to any other remedies provided for in this title, in any court of competent jurisdiction, an action in equity for an injunction to restrain any interference with the exercise of the right to enter land or to conduct of any work provided in this title.

(e) The Secretary shall have the power and authority to construct and operate a plant or plants for the control and treatment of water pollution resulting from mine drainage. The extent of this control and treatment may be dependent upon the ultimate use of the water: *Provided*, That the above provisions of this paragraph shall not be deemed in any way to repeal or supersede any portion of the Federal Water Pollution Control Act (33 U.S.C. 1151, et seq. as amended) and no control or treatment under this subsection shall in any way be less than that required under the Federal Water Pollution Control Act. The construction of a plant or plants may include major interceptors and other facilities appurtenant to the plant.

INTERAGENCY COOPERATION

SEC. 312. (a) All departments, boards, commissioners, and agencies of the United States of America shall cooperate with the Secretary by providing technical expertise, personnel, equipment, materials, and supplies to implement and administer the provisions of this title.

(b) The Secretary in development of guidelines and regulations under this title shall consult with appropriate Federal agencies including Department of Agriculture, Soil Conservation Service, Environmental Protection Administration, and the Tennessee Valley Authority.

FUND REPORT

SEC. 313. Not later than January 1, 1978, and annually thereafter, the Secretary shall report to the Congress on operations under the fund together with his recommendations as to future uses of the fund.

TRANSFER OF FUNDS

SEC. 314. The Secretary of the Interior may transfer funds to other appropriate Federal agencies, in order to carry out the reclamation activities authorized by this title.

CONTINUING LIABILITY

SEC. 315. Nothing in this title shall be construed as a waiver, release, or limitation of any liability of any person, created by any law, for the adverse effects of coal mining practices.

On page 287 delete the semicolon in line 2, and add the following: ": *Provided*, That for the purposes of this Act lands or mineral interests east of the 100th Meridian West longitude owned by the United States and entrusted to or managed by the Tennessee Valley Authority shall not constitute Federal lands, and such lands or mineral interests shall not be subject to section 515 (Surface Owner Protection) and 512 (Federal Lessee Protection) of this Act.".

On page 222 in line 1 after "(9)" insert: "conducting any augering operation associated with surface mining in a manner to maximize recoverability of mineral reserves remaining after the operation and reclamation are complete; and".

On page 222, line 6, delete the semicolon and add: ": *Provided*, That the permitting authority may prohibit augering if necessary to maximize the utilization, recoverability or conservation of the solid fuel resources or to protect against adverse water quality impacts.".

Mr. BAKER. Mr. President, I might say I am hopeful that all three of these amendments will be adopted, but before I proceed to briefly describe them, I would like to say that this a gratifying time to the Senator from Tennessee to see the Congress coming to the conclusion, I believe, of the long effort to obtain passage of a significant piece of surface mine control legislation.

The **PRESIDING OFFICER.** Will the Senator from Tennessee delay until we have order in the Chamber?

The Senator from Tennessee may proceed.

Mr. BAKER. Mr. President, I was about to say I introduced the Surface Mine Control Act of 1971, and the only cosponsor I had then was former Senator John Sherman Cooper of Kentucky. That was S. 3000. Many of the concepts in that bill are incorporated in this act, including the provision for the restoration to the original contour.

So I would like to take this brief opportunity to pay my respects to the distinguished managers of this bill on behalf of the majority and minority for their good work in this respect, and to say I will support it with enthusiasm.

Mr. President, my three amendments deal, first, with public lands related to the Tennessee Valley Authority.

S. 7 now provides for certain restrictions on the utilization of Federal lands.

The Tennessee Valley Authority owned certain lands, and while TVA is a corporation, title to that land is held in the United States of America for the use of and in trust for the Tennessee Valley Authority, so technically, I suppose, Federal lands would include that land which has been purchased by TVA out of power revenues for the recovery of coal.

Amendment No. 295, as modified, Mr. President, simply provides that several of the provisions of S. 7 governing public lands shall not apply, to these lands located east of the 100th meridian.

This bill contains authority for the Secretary of the Interior to establish a program for control of mining activities on the extensive holdings of the Federal Government in the West. Additionally, it provides protections for surface owners where the Federal Government holds the patent to the minerals underlying his property and for Federal lessees holding agricultural or grazing leases overlying Federal mineral estates.

The Tennessee Valley Authority has over the past several years acquired a few tracts of land and the mineral interest underlying other tracts in the East as a part of its power operation. These properties were acquired with proceeds from the sale of power. But because of the statutory structure of the Tennessee Valley Authority, the interests are held by the United States and entrusted to the use of TVA.

Thus technically these properties constitute "Federal lands" as defined in section 501 of S. 7.

I believe this to be an oversight and would hope that the managers of the bill would accept this amendment as a clarification of the Federal lands provision of S. 7.

The amendment in no way diminishes the application of the reclamation, permit, bonding or critical area designation requirements of the bill to the TVA.

Mr. METCALF. Would this affect in any way the application of the reclamation bonding or permit requirements of the act to TVA?

Mr. BAKER. The amendment in no way impairs the application of section 424 of the bill to TVA. This section assures that TVA is fully subject to the reclamation requirements of the bill including the requirement for obtaining a permit from the regulatory authority, either Department of Interior or the State, for mining on such lands.

Mr. METCALF. Would this exclude TVA from the provisions of section 422 (e), which deals with the designation of lands unsuitable for mining, where TVA owned minerals underlying lands owned by the Forest Service?

Mr. BAKER. It would not. The term "Federal lands" in section 422(e)(2) refers, I believe, to lands owned by the U.S. Forest Service. The fact that TVA owned mineral interests underlying such lands would in no way affect the applicability of that subsection.

Mr. President, the next amendment, No. 294, as modified, is the Interstate Mining Compact Commission's proposal regarding abandoned mine reclamation, which I offer as a substitute for title III of S. 7.

The Interstate Mining Compact Commission is an association of 12 States which coordinates and provides information regarding State mining and reclamation programs.

The amendment retains the provisions of title II of S. 7 specifying the establishment of the abandoned mine reclamation fund including the administration of such fund by the Secretary of the Interior, the amounts of the fees on coal which supply the fund, the formula for allotment of the fund to the States and the general purposes for which the fund may be used.

The amendment provides a mechanism through which the Secretary can approve State programs for abandoned mine reclamation and delegate the program to the States.

Additionally and most importantly the amendment provides more flexibility in the choice of reclamation techniques which the Secretary and the States can employ to repair the over 1 million acres of abandoned mines across the Nation.

Under S. 7 the emphasis in reclamation is on acquisition, reclamation, and resale of mined lands. The reclamation authority under the pressure of the resale requirement will, in my opinion, utilize reclamation techniques which restore the site to an equal or greater utility than before mining in order to facilitate resale.

While such restoration is a laudable goal, it is expensive and will result in a substantial investment of the abandoned mine reclamation effort in a relatively small proportion of the total problem.

The magnitude and nature of the abandoned mine problem must be understood in order to access properly the priorities for undertaking extensive reclamation. There are an estimated 600,000 to 1.5 million acres of abandoned mines needing reclamation, depending upon whose inventory is used. Almost two-thirds of these are in the Appalachian region.

These lands are contributing millions of tons of siltation in over 11,500 miles of streams, and they pose an esthetic problem which is most serious in the mountains.

In my opinion the priority in our reclamation effort should be addressing these problems.

A demonstration program begun in 1975 by the Tennessee Valley Authority has reclaimed abandoned lands through a program of "minimum disturbance reclamation" which consists of soil treatment, construction, and reconstruction of drainage through the site, and revegetation at a cost of about $300 per acre.

If the reclamation technique addresses the problem of regrading to reconstruct original contour the costs per acre would increase to appoximately $2,000 to $3,000 per acre. And a demonstration by the Appalachian Regional Commission several years ago indicated that extensive site restoration could cost $5,000 to $8,000 an acre.

While reestablishment of the contour or utility of abandoned lands is a desirable goal, the expense of such a program would result in long delays before any substantial portion of the lands needing reclamation were affected.

It is the purpose of my amendment to allow the States rather to choose a mix of reclamation techniques including "minimum disturbance reclamation," which will affect the largest number of acres and most quickly address the problems of water quality and esthetics.

Mr. RANDOLPH. Mr. President, it is my understanding that the Senator from Montana (Mr. METCALF) and the Senator from Wyoming (Mr. HANSEN) have agreed to accept the title III abandoned mine reclamation substitute being offered by the Senator from Tennessee (Mr. BAKER).

I commend the Senators for their diligent cooperative efforts in working out this matter.

I am pleased that the Senator from Tennessee (Mr. BAKER) has accepted two modifications to his amendment which we suggested. Both of these modifications are designed to help people who have been impacted by natural disasters or catastrophic failures of any type. The Senator's amendment gives the Secretary of the Interior authority in certain cases to use money from the reclamation fund to acquire, reclaim, and develop land if he determines that such action is necessary for a project to construct or rehabilitate housing for several categories of persons, including persons disabled as a result of employment in the mines and persons dislocated as a result of adverse effects of coal mining. The modification agreed to by the Senator at my urging adds to the above categories "persons dislocated as a result of natural disasters and catastrophic failure from any cause." This authority is essential in my judgment. It will enable the Secretary to aid citizens suffering from disasters. In two tragic instances in recent years in our State of West Virginia this authority could have been used—the 1972 Buffalo Creek disaster and the April 1977 floods. Both of these disasters occurred in coal mining areas where replacement housing has been an almost insurmountable problem due to the lack of suitable housing sites. This authority, Mr. President, will help alleviate such problems.

Secondly, Senator BAKER's amendment contains a provision allowing the Secretary more flexibility in the acquisition of land under section 307 and in carrying out the direction by title III to protect the public health and safety. This provision gives the Secretary authority to make grants and commitments for grants, and advance money under such terms and conditions as he may require to any State, or any department, agency, or instrumentality of a State, or any public body or nonprofit organization designated by a State to carry out this section.

Mr. President, both of these provisions in title III are critical in our effort to aid people in coal-mining areas and I believe that the Senate should insist on their retention in conference with the House.

Mr. METCALF. I assure the Senator from West Virginia that every effort will be made to retain the provisions he has described.

Mr. BAKER. The third amendment has to do with amendment No. 296, which is——

Mr. DOMENICI. Mr. President, will the Senator yield before he goes to the third amendment?

Mr. BAKER. I yield.

Mr. DOMENICI. Might I ask a question on the previous amendment. Did that have to do with the abandoned mine reclamation fund?

Mr. BAKER. Yes, it did, title III of the bill.

Mr. DOMENICI. Just one question: I ask my good friend from Tennessee, his amendment in no way seeks to alter the Domenici amendment agreed to earlier this afternoon?

Mr. BAKER. Mr. President, it does not. I might say amendment No. 294 at the desk now is modified to reflect the provisions of the Domenici amendment.

Mr. DOMENICI. I thank the Senator from Tennessee.

Mr. BAKER. Mr. President, the third amendment is the so-called augering amendment.

As some of my colleagues may know, further protection for the remaining reserves by denying permits for augering in certain cases where adequate provisions can not be made for the recovery of the balance of the coal.

Augering is practiced as part of steep contour mining. It involves the use of boring equipment to extract coal below the contour highwall. It is a low-overhead but inefficient method of mining, recovering only about 30 percent of the coal seam it affects. In the process it fractures the strata in which the coal is found making it impossible to deep mine remaining reserves.

Where remaining reserves are not suitable for deep-mining and where contour mining or mountaintop mining for such reserves is uneconomic or infeasible, augering may maximize mineral recovery and should be allowed. But where remaining minerals might be more efficiently recovered, the regulatory authority should assure that the mining plan retains access to such mineral and where necessary should disallow augering in order to maximize coal recovery.

The amendment additionally clarifies statutory authority to prohibit augering where the practice would result in acid drainage adversely affecting water quality.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Montana.

Mr. METCALF. Mr. President, I have discussed these amendments with the Senator from Tennessee. The Senator from Tennessee is a cosponsor of this legislation. He has consistently followed this legislation, even though he is not a member of the committee, and has made appearances, provided statements, and so forth, on various provisions.

His statement about States' rights I have already mentioned as one of the outstanding explanations of our position.

His amendment No. 294 on the abandoned mine reclamation was considered in the committee. In the course of the consideration certain provisions were adopted relative to liens and relative to fish and wildlife provisions, and so forth. In the course of the adoption of the amendment we did consider some of the provisions of the Interstate Mining Compact Commission suggestion which is composed of the mining States from his area.

He has now incorporated in his amendment many of the things that were included in the committee report. At the same time, he has provided for the Interstate Compact Commission, and adopted the suggestions that they made which, I believe, clean up the procedure involved and give us a little better understanding of the series of amendments which were handled separately.

The other amendment on TVA is one he frequently offered and frequently was accepted; and augering is an amendment in the highest traditions of conservation to try to recover just as much coal as possible.

I am very proud to associate myself with the Senator from Tennessee in his amendments and I hope we will accept them.

Mr. BAKER. I thank the Senator.

Mr. METCALF. I think my colleague from Wyoming has already expressed himself to that effect, and I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing en bloc to the amendments of the Senator from Tennessee.

The amendments were agreed to en bloc.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendments were adopted.

Mr. METCALF. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. HANSEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. METCALF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 264

Mr. METCALF. Mr. President, while we are in this temporary period, unless there is objection, I send to the desk a series of technical amendments that have arisen as a result of some of the amendments that we have submitted and some of the amendments that were adopted, and ask that they be considered en bloc.

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk read as follows:

The Senator from Montana (Mr. METCALF) proposes unprinted amendment No. 264 containing certain technical amendments.

Mr. METCALF. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment are as follows:

Page 159, line 13–14: Strike the words "after being paid into the fund" and insert "after their allocation".

Page 167, line 25: Change "402" to "302".

Page 179, line 16: After the word "421" insert "and 423". (Federal lands).

Page 189, line 9: Strike the words "and shall be non-transferable".

Page 279, line 22: After "415" insert "416,".

Page 302, line 3: Strike "For" and insert after "(b)", the words "For the implementation and funding of section 505 and for,"

Page 207, line 15: Strike "(2)" and on line 16 after the words "valley floors or" insert "(2)" and on line 19 after the word "or" insert "(3)".

Page 247, line 11: After the semicolon, insert "except for considerations of public safety whether immediate repair of the violation was prevented by conditions beyond the control of the operator including weather and soil conditions;"

Page 202, line 2: In paragraph (12) after the comma, insert: "or other equivalent information and data in a form satisfactory to the regulatory authority,"

Page 229, line 4: Strike the words "and where necessarv" and insert "or where necessary to the reclamation process; and"

Mr. METCALF. I ask unanimous consent that all the amendments be considered en bloc and agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to en bloc.

Mr. METCALF. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. HANSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 265

Mr. SCHMITT. Mr. President, I have an unprinted amendment at the desk that I call up at this time.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. SCHMITT) proposes unprinted amendment No. 265.

Mr. SCHMITT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

SEC. 516. (a) Any operator, permittee, or any fee owner, lessor, or lessee of coal deposits is authorized to institute such actions, including actions for declaratory judgment or injunctive relief, as may be appropriate to construe any provisions of this Act.

(b) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether a person asserting rights under provisions of this subsection shall have exhausted any administrative or other remedies that may be provided at law. Such proceedings shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

The PRESIDING OFFICER. The Chair states on this amendment there is a 1-hour time limitation to be equally divided.

Mr. SCHMITT. Mr. President, I presume it will not take the full extent of that time; however, the issue might be enjoined in debate and I feel it necessary to have that much leeway.

There has been much very eloquent discussion by numerous Members of this body, including the distinguished Senators from Wyoming, my distinguished colleague from New Mexico, the junior Senator from Montana, and others, that center around some very fundamental rights, at least what previously had been considered fundamental rights in this great country of ours, commonly referred to or thought to be constitutional rights. These rights have in the past been assumed to prohibit the usurpation of a person's property without due process or a State's rights to manage the affairs of the State within its boundaries.

It seems strange that the bill before us, S. 7, would include as its final purpose paragraph (k) on page 151, the following statement:

> Wherever necessary, exercise the full reach of Federal constitutional powers to insure the protection of the public interest through effective control of surface coal mining operations.

It almost seems as if that purpose was added as an afterthought when it was realized by the drafters of the legislation that they were possibly treading on soft constitutional grounds in some areas of this bill.

I do believe that it is the case with respect to the rights of individuals to manage their property and the rights of States to the jurisdictions and activities within their boundaries.

Mr. President, the amendment which is under consideration is designed principally to ease the process by which any operator, permittee or fee owner, lessor or lessee of coal deposits can institute actions for declaratory judgment or injunctive relief as appropriate to any provisions of the act.

The amendment would allow those persons to accomplish this without regard to whether or not all administrative or other legal remedies may have been exhausted prior to the time of seeking such relief.

In addition, it would state that it is the duty of the Federal judges hearing the case to do so at the earliest practicable date.

It think it is very important that we simplify the procedures by which the American people, in groups or as individuals, can, if they so desire, test the basic constitutionality of provisions of the bill that we are considering. This is a very fundamental and important piece of legislation. It may be one of the most fundamental we shall consider in this Congress insofar as it may reflect changes in the trends of individual and States' rights within this country.

Mr. President, I strongly recommend this amendment be adopted. It does not change the intent of scope of the act. It merely simplifies procedures by which the act can be tested in the courts.

I reserve the remainder of my time.

Mr. METCALF. Mr. President, it is with a great deal of regret that I feel I must resist the amendment offered by the Senator from New Mexico.

Mr. President, this substantially changes some of our rules of jurisdiction of courts, some of our rules for the urgency of hearing the courts' jurisdiction and directs the courts to provide for a three-judge Federal court and an immediate appeal to the U.S. Supreme Court.

I will certainly concede to the Senator from New Mexico that we have a clogged-up court system and we are trying to get some additional judges both at the district and circuit court level so we can hear these cases. But one of the reasons for the fact that we do not have prompt and orderly hearings is that every time anything comes up Congress says that the court has to give urgent hearings and put this ahead of a criminal action or maybe some other actions that we have said in the past are urgent.

I feel that an amendment as far-reaching as the amendment that the Senator from New Mexico is proposing should go to the Judiciary Committee for discussion, hearings, and determination as to what is going to be the impact on our court system and how it is going to fit in with the other jurisdictional propositions concerned.

As far as I remember, we have a whole body of law to determine the constitutionality of these various propositions. We have the three-judge courts that have been suggested by the Senator from New Mexico. We have hearings in the district court proposed. But I feel this so gravely affects the constitutionality of the whole jurisdictional proceeding that I think we should not put that on this bill, but we should carefully analyze it in the Judiciary Committee and, therefore, I must resist the amendment.

Mr. SCHMITT. Would the Senator from Montana acknowledge that there will probably be some constitutional tests of the act that is now under consideration?

Mr. METCALF. Certainly there will be constitutional tests. I am certain that those tests will be conducted under the orderly procedure by which we conduct constitutional tests on all sorts of statutes everywhere in the body of the law, and have done so for many, many years.

I do not think that in order to get a constitutional test such as the Senator from New Mexico is suggesting, we have to have a special procedure or a special jurisdictional statute.

Mr. SCHMITT. The procedure proposed is merely one to accelerate the process. I am much in sympathy with what the Senator has said about the backlog in the courts, some reasons for that backlog being the actions by this body.

However, I think it is important, when we take such very fundamental steps in new directions affecting individual and State's rights, certainly extraordinary actions, to make sure that those steps are correct ones.

One action we can take is to provide that the individuals most affected have immediate recourse to the courts and obtain constitutional judgments as rapidly as possible.

Mr. METCALF. Every time we have legislation on this floor, we have questions involving the constitutionality, and every time someone thinks those questions should be accelerated. Sometimes we legislate accelerating such questions, without taking into consideration the impact on many other such questions that are also pending.

Again, rather than the floor of the Senate, it would seem that the appropriate place is not to write this kind of legislation relative to longstanding jurisdiction of the courts on constitutional matters, but to refer the question to the Judiciary Committee.

Mr. SCHMITT. Mr. President, will the Senator answer a question for the Senator from New Mexico? What was the rationale in the committee for including paragraph (k) which I referred to, on page 151? Was there a concern within the committee that they may have overreached the constitutional grounds and, therefore, there needed to be justification for the apparent infringement of personal and States rights that are contained within this act?

Mr. METCALF. No. The reason for that is to be sure that we have ordinary, reasonable judicial review of these matters, in accordance with established constitutional provisions.

Mr. SCHMITT. What was the reason for including a statement of purpose, agreeing, wherever necessary, to exercise the full reach of Federal constitutional powers?

Mr. METCALF. That is established boilerplate language for judicial review of all these cases, to insure that established procedures for review of the constitutionality of those provisions of the statutes may be had in an orderly fashion, and in accordance with established procedures.

Mr. SCHMITT. Mr. President, I fully realize that all the precedents and ramifications of previous actions by this Congress throughout almost 200 years are not known to me.

However, I think in the actions we are now taking in this particular piece of legislation, as already well articulated earlier, particularly and most recently by the senior Senator from Wyoming, actions that go directly to this fundamental issue of property rights and States rights, that we should acknowledge that there will be constitutional tests, and that those tests ought to proceed in as orderly and as rapid a manner as possible, so that these issues can be tested and decided before this bill has far-reaching effects on the society of this country, and particularly in the Western States.

I want very much that the Senate have an opportunity to express itself on this particular subject, so I request the yeas and nays on this amendment.

The PRESIDING OFFICER (Mr. HUDDLESTON). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. METCALF. May I say to the Senator from New Mexico that whether he wins on the yeas and nays or not, I feel that we can work out something in the language in which the final report is written to suggest that these are grave issues, that there are serious questions as to constitutional provisions and there are serious questions as to the interpretation of some of the statutory provisions that have been raised, and we would urge that the ordinary procedures be instituted as soon as possible.

Someone is going to bring a lawsuit. The Senator from New Mexico knows that as well as I. I would hope that the lawyers who have that lawsuit would have the same sense of urgency that the Senator from New Mexico has, and bring it to the attention of the courts as fast as possible.

But I urge my friend not to seek to change the jurisdictional procedures, to change the judicial system that has grown up by case after case on the floor of the U.S. Senate, at this late hour in the afternoon.

Mr. SCHMITT. I appreciate the suggestion by the senior Senator from Montana that we might, in the legislative history, simply establish that this is a critical matter. The concern I have is that the normal administrative and judicial procedures can take so long for the average individual in the Powder River basin or in San Juan County or somewhere else in this country of ours to test the constitutionality of this law that they would have no recourse but to give up. Under normal judicial procedures I think it is necessary that the full administrative or legal remedies have been exhausted, and that can take a great deal of time, in fact, often many years.

That is the thing that concerns me. We are going to enact this legislation affecting the lives and rights of many, many individuals and groups in this country without giving them what only seems to be fair—timely and speedy recourse to the courts.

Mr. METCALF. Mr. President, if I have any time I am willing to yield it back at this time.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. SCHMITT. Mr. President, in more general terms, I shall, for a variety of reasons, vote against the bill as it stands, not only because it goes contrary to national goals for increased coal production and for solving our basic, longer term energy crisis, but, as I have indicated in offering this amendment, it goes directly, I believe, against some very fundamental constitutional issues relative to States' rights and individual property rights.

I know many of my colleagues share some of these views. I hope they will consider very carefully before they enact this measure into law at this time. I think it is extremely important that through the actions of the States, through the actions of individuals, and, where necessary, through the actions of the Federal Government, we have a strong, effective national policy that protects the environment while promoting energy production and assures the restoration and reclamation of lands associated with coal mining and other appropriate, reasonable, related activities. However, I do not think we accomplish these ends in this measure.

I yield back the remainder of my time.

Mr. METCALF. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from New Mexico. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Minnesota (Mr. ANDERSON), the Senator from Delaware (Mr. BIDEN), the Senator from Iowa (Mr. CLARK), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PELL), the Senator from Mississippi (Mr. STENNIS), the Senator from Florida (Mr. STONE), the Senator from Georgia (Mr. TALMADGE), the Senator from Mississippi (Mr. EASTLAND), the Senator from South Dakota (Mr. ABOUREZK), and the Senator from Iowa (Mr. CULVER) are necessarily absent.

I also announce that the Senator from Arizona (Mr. DECONCINI) is absent because of a death in the family.

I further announce that, if present, and voting, the Senator from Minnesota (Mr. ANDERSON), and the Senators from Iowa (Mr. CLARK and Mr. CULVER) would each vote "nay."

Mr. BAKER. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. HAYAKAWA), the Senator from Kansas (Mr. PEARSON), the Senator from Vermont (Mr. STAFFORD), the Senator from Texas (Mr. TOWER), the Senator from Connecticut (Mr. WEICKER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

I also announce that the Senator from Alaska (Mr. STEVENS) is absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. STEVENS) would vote "yea."

The result was announced—yeas 23, nays 46, as follows:

[Rollcall Vote No. 157 Leg.]

YEAS—23

Allen
Baker
Bartlett
Bellmon
Byrd, Harry F., Jr.
Curtis
Danforth
Domenici
Garn
Hatch
Helms
Javits
Laxalt
Lugar
Mathias
McClure
Packwood
Roth
Schmitt
Scott
Sparkman
Thurmond
Wallop

NAYS—46

Bayh
Bentsen
Bumpers
Burdick
Byrd, Robert C.
Cannon
Case
Chafee
Chiles
Church
Durkin
Ford
Glenn
Griffin
Hart
Haskell
Hathaway
Heinz
Hollings
Huddleston
Humphrey
Inouye
Jackson
Long
Magnuson
Matsunaga
McIntyre
Melcher
Metcalf
Metzenbaum
Morgan
Moynihan
Muskie
Nelson
Nunn
Percy
Proxmire
Randolph
Ribicoff
Riegle
Sarbanes
Sasser
Schweiker
Stevenson
Williams
Zorinsky

NOT VOTING—31

Abourezk
Anderson
Biden
Brooke
Clark
Cranston
Culver
DeConcini
Dole
Eagleton
Eastland
Goldwater
Gravel
Hansen
Hatfield
Hayakawa
Johnston
Kennedy
Leahy
McClellan
McGovern
Pearson
Pell
Stafford
Stennis
Stevens
Stone
Talmadge
Tower
Weicker
Young

So the amendment was rejected.

The question is on agreeing to the motion to table.

Mr. METCALF. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DURKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT 292 AS MODIFIED

Mr. MELCHER. Mr. President, I call up my amendment No. 292 as modified.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read as follows:

The Senator from Montana (Mr. MELCHER) proposes amendment No. 292 as modified.

Mr. MELCHER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 207, beginning with line 1, strike out all through line 21 and insert in lieu thereof the following:

(5) the proposed surface coal mining operations, if located west of the one hundredth meridian west longitude, would—

(A) not interrupt, discontinue, or prevent farming on alluvial valley floors that are irrigated or naturally subirrigated, but, excluding undeveloped range lands which are not significant to farming on said alluvial valley floors and those lands that the regulatory authority finds that if the farming that will be interrupted, discontinued, or prevented is of such small acreage as to be of negligible impact on the farm's agricultural production, or

(B) not adversely affect the quantity or quality of water in surface or underground water systems that supply these valley floors in (A) of subsection (b)(5):

Provided, That this paragraph (5) shall not affect those surface coal mining operations which in the year preceding the enactment of this Act (1) produced coal in commercial quantities, and were located within or adjacent to alluvial valley floors or (2) had obtained specific permit approval by the State regulatory authority to conduct surface coal mining operations within said alluvial valley floors.

Mr. MELCHER. Mr. President, earlier this afternoon we had a vote on the alluvial valley floor section of the bill. That was Senator HART's amendment. I did not support it because I thought it went too far. Now we are confronted with what is in the bill which he tried to correct.

The bill has a couple of pitfalls in it, in this section. What we have sought to do all through these years is protect those valleys, like the Yellowstone and the Powder River and the Tongue and the Rosebud and Sarpy, where there was farming done that depended on irrigation. We sought to protect them.

The language in the committee's bill gets quite involved because it lays on, in that language, several qualifications for when you can or when you cannot strip mine for coal in a valley floor.

It has that defect. It would invite litigation. It would delay those mining plans any portion of which were on a valley floor. So I think it needs correction.

Furthermore, the committee bill grandfathers in any proposal for mining on a valley floor if there were a financial or legal commitment prior to the first of this year.

Were there any hearings to find out what financial or legal commitment there might have been prior to the first of the year on the Tongue River valley or the Yellowstone, or of the other valley floors? No; there were not.

Does the language in the bill say what is involved here on valley floors in this grandfathering clause? No; it does not.

There may be untold numbers of financial commitments or legal commitments involving the valley floors where farming can only be practiced if the water is there and available.

So there is a better course to follow, and that is the amendment I offer. It is not an amendment that was drafted in the last week or two. It is an amendment that was drafted last summer with the help of counsel from the Department of the Interior who at that time vigorously opposed the previous section on alluvial valley floors in the vetoed bills.

We drafted this amendment with the help of environmental groups, with labor groups such as the United Mine Workers, the AFL-CIO, and we came up with what we believe is a balanced yet direct statement of where we want to deny any mining because it is on a valley floor that depends on irrigation.

But, in addition, we felt it wise to include some discretion to the regulatory authority, whether it is a State regulatory authority or the Secretary of the Interior, to say in a mining plan, for instance, that is a thousand acres, but a portion of it—let us use a figure of 60 acres—goes onto the valley floor. Should that entire mining plan be stricken? We say there should be some discretion. The regulatory authority should have that discretion to determine that the mining that would occur in that mining plan would not sufficiently damage the farming operation involved to make it necessary in the public interest to deny the permit application.

We took that balanced and reasoned position—and, mind, this is the portion worked out with the Environmental Policy Center, at that time endorsed it, the Northern Plains Resources Council in Montana endorsed it, and the labor groups involved in the mining of the coal endorsed it.

It is a language that has had the advantage of being before attorneys for the Department, attorneys for coal companies, attorneys for various individuals who owned their land on valley floors, and also before State regulatory authorities.

It has the advantage of having run the route, of having been examined, each word, and it has been accepted. It is far superior to the language that is before us in the committee bill and, in my judgment, is far superior to the amendment offered by Senator Hart and which is also in the House-passed bill.

It is a middle ground, I will grant, because it does retain the restrictions on keeping the alluvial valley floor farming operations intact. But it allows enough discretion through the regulatory authority to allow in those instances where the mining operation would not violently disturb a farming operation on a valley floor that was irrigated that the mining plan could be approved and could go forward.

It is the exact language that was advocated by Secretary Andrus when he appeared before the Senate committee in discussing S. 7. He recommended this exact language.

What prompted the Secretary to shift his view and opt for the language that was offered earlier this afternoon by Senator Hart, I do not know. But in light of the defeat of that amendment, the Secretary has sent this letter to all of us, also addressed each of us as Members of the Senate, but specifically addressed to Senator Metcalf and Senator Jackson, and I will read the Secretary's letter:

> It is my understanding that you will introduce an amendment to S. 7, the Surface Coal Mining Reclamation and Enforcement Act, which would protect farm lands on the alluvial valley floors by exempting them from mining, but which would also offer discretion to the regulatory authority by allowing some mining on the valley floors provided that such mining would not do damage to other operators or remove a substantial amount of land from farming. Also, I understand that your amendment would grandfather mines commercially producing coal and mines with state permits.
>
> While we would have preferred adoption of the amendment offered by Senator Hart on behalf of the Administration, we believe your compromise is a reasonable and balanced approach. We are also aware that you have spent much time with citizens of the West, various environmental groups, unions, and private industry constructing this approach. For these reasons, I would like to offer my encouragement and support on behalf of your amendment.
>
> I am providing similar letters to Senators Jackson and Metcalf.
>
> Sincerely,
>
> Cecil D. Andrus,
> *Secretary.*

I hope that we can resurrect in this particular section a balanced approach to a sensitive environmental question involved in the bill.

I suppose that of the unresolved issues we have had before the Senate concerning this bill, the two environmentally sensitive issues, or the most sensitive issues, were surface owner's rights and this one, the alluvial valley floor.

But I do not offer an amendment in this section that is only backed by environmental groups. I offer an amendment that has been looked at, examined thoroughly, and meets a test of what we are trying to do to protect these valleys that I have mentioned, such as the Tongue and Yellowstone, and also to permit the prudent mining of the coal in the area.

I ask that we consider that we are not grandfathering simply on behalf of talking to your attorney or having talked to a banking institution, the opportunity to have a mining permit simply because of the grandfather clause that is contained in this particular section. I think that goes too far in grandfathering.

I realize the time of the evening. I realize the sensitivities of the Senators in continually hearing technical discussions on various sections of this bill. But I hope Senators will consider favorably this amendment, because it will bring to this issue in the Senate bill a parity that is essential and a solution to a problem that is balanced and reasonable, one which has broad backing and which now includes the administration.

Mr. METCALF. Mr. President, we have talked about alluvial valley floors by the hour. We have discussed alluvial valley floors in committee by the hour. We discussed it in conference, hour after hour. The Senator from Montana had his amendment in the bill. It was rejected by the committee. It was rejected after hearings. It was turned down by the Secretary of the Interior, Mr. Andrus. He takes a strange and ambivalent approach to this amendment. He says that he was for the Hart amendment, which the Senator from Montana vehemently opposed, but that now he is in favor of the amendment of the Senator from Montana.

We have said that we are opposed to mining on the alluvial valley floors. The hearings say we are opposed to mining. Yet, the Senator from Montana comes in and says, "Well, there should be a little mining. We should be a little bit pregnant here. We should not be completely inflexible, and the Secretary should have an opportunity to allow some of the mining and some of the cutting of the aquifers and some of the cutting of the water courses."

The fair and the moderate amendment is the amendment that was adopted after long debate, long discussion, and long hearings in the committee. Then, after the Senator from New Mexico and the Senator from Montana had an extensive colloquy, we added to the definitions this morning, so that it would comply with the definition that the Senator from Montana agreed to when he was a member of the House of Representatives conference committee last year.

I say to my colleague that we have discussed this subject up and down and back and forth. The committee amendment is fair; it is moderate; it is an amendment that will take care of the proposal that the Senator from Montana wants and that the Senator from Colorado wanted, and it will take care of what the Secretary of the Interior testified about before the committee.

I urge Senators to pass this bill, send it forward to conference, and let us not discuss this matter up and down and back and forth even one more time.

I reserve the remainder of my time.

Mr. MELCHER. Mr. President, I hasten to say to my distinguished colleague, the senior Senator from Montana and the floor manager of this bill, that in no way am I advocating the opportunity to cut the aquifers in mining on valley floors. Indeed, my language in the amendment is explicit, because we make a reference in (B) to complying with the quality and quantity of water and surface, underground water systems that supply these valley floors, referred to in (a) of subsection (B).

This, in effect, reinforces what we have determined to do to prohibit the cutting of aquifers that would damage the irrigation potential, the irrigation possibility, of downstream users of water on the valley floor. It is a significant point in the amendment and is explicit in the amendment that I propose, and I feel it is much more explicit than the committee version of the proposal on valley floors.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, I ask this of the junior Senator from Montana in connection with his amendment: I note that a number of Senators on our side were here today and discussed this matter. I ask the distinguished chairman of the subcommittee: I believe there was an amendment with reference to this, was there not?

Mr. METCALF. Yes, there was an amendment that was suggested to clarify the definition of alluvial valley floors, which was offered at the suggestion of the Senator's colleague from New Mexico. It was a definition that was arrived at in the conference report, and the Senator from Montana was a part of the conference, as a Member of the House of Representatives, last year. So we have the definition of alluvial valley floors.

Then we had a soil conservation sort of definition and an additional amendment that was entered at the request of the Senator from New Mexico, who was debating the bill along with the Senator from Montana.

Mr. DOMENICI. My question, in their absence, is this: Does this in any way significantly change the provisions in the amendment that was adopted earlier today with reference to this alluvial valley floor problem?

Mr. MELCHER. Mr. President, will the Senator yield?

Mr. DOMENICI. I yield.

Mr. MELCHER. No, it does not change what was accepted by the amendment offered by Senator SCHMITT. He offered an amendment on the definition of alluvial valley floors in that section of the bill that deals with definition.

My amendment then carries out the limitation on those valley floors that should be exercised under the terms of the bill. In one way, we are more explicit. In my amendment, which amends a different section of the bill, we are more explicit in saying that you cannot damage the aquifers; you cannot damage the conditions of those valley floors. But we also recognize that in some mining plans there are going to be small areas that will meet the same criteria as in the definition on alluvial valley floors.

We grant to the regulatory authority some discretion in saying, "Yes, we can approve this mining plan because the portion of valley floors that is involved in it is not significant in the farming operation of that particular farmer, and we will therefore approve the permit."

Mr. METCALF. Mr. President, will the Senator yield?

Mr. DOMENICI. I am in no way questioning the response of the junior Senator from Montana. I just am not sufficiently informed to pass judgment on this. Shortly, I am going to suggest the absence of a quorum and try to find my colleague. It should not take more than 5 minutes. I would like him to look at the amendment. Since he worked on this specific section, I think it wold be only fair.

Mr. METCALF. I have no objection.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ZORINSKY). Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Montana (Mr. MELCHER).

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Minnesota (Mr. ANDERSON), the Senator from Delaware (Mr. BIDEN), the Senator from Iowa (Mr. CLARK), the Senator from California (Mr. CRANSTON), the Senator from Iowa (Mr. CULVER), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PELL), the Senator from Mississippi (Mr. STENNIS), the Senator from Florida (Mr. STONE), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I also announce that the Senator from Arizona (Mr. DECONCINI) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Minnesota (Mr. ANDERSON), the Senator from Iowa (Mr. CLARK), and the Senator from Iowa (Mr. CULVER) would vote "yea."

Mr. BAKER. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. HAYAKAWA), the Senator from Kansas (Mr. PEARSON), the Senator from Vermont (Mr. STAFFORD), the Senator from Texas (Mr. TOWER), the Senator from Connecticut (Mr. WEICKER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

I also announce that the Senator from Alaska (Mr. STEVENS) is absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. STEVENS) would vote "yea."

The result was announced—yeas 58, nays 13, as follows:

[Rollcall Vote No. 158 Leg.]

YEAS—58

Allen
Baker
Bartlett
Bayh
Bellmon
Bumpers
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chafee
Chiles
Church
Danforth
Domenici
Durkin
Eastland
Ford
Garn
Griffin
Hansen
Hart
Hatch
Hathaway
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Javits
Laxalt
Long
Lugar
Mathias
Matsunaga
McClure
McIntyre
Melcher
Metzenbaum
Morgan
Muskie
Nelson
Nunn
Packwood
Percy
Proxmire
Riegle
Sarbanes
Sasser
Schmitt
Schweiker
Sparkman
Stevenson
Thurmond
Wallop
Williams
Zorinsky

NAYS—13

Bentsen
Burdick
Curtis
Glenn
Haskell
Jackson
Magnuson
Metcalf
Moynihan
Randolph
Ribicoff
Roth
Scott

NOT VOTING—29

Abourezk
Anderson
Biden
Brooke
Clark
Cranston
Culver
DeConcini
Dole
Eagleton
Goldwater
Gravel
Hatfield
Hayakawa
Johnston
Kennedy
Leahy
McClellan
McGovern
Pearson
Pell
Stafford
Stennis
Stevens
Stone
Talmadge
Tower
Weicker
Young

So Mr. MELCHER's amendment was agreed to.

Mr. LONG. Mr. President, I am rather concerned about——

Mr. CURTIS. Mr. President, may we have order?

Mr. SCHMITT. Mr. President, will the Senator yield?

Mr. LONG. I yield for a question.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SCHMITT. Oh, let it go.

Mr. LONG. Mr. President, I ask unanimous consent that, without prejudice to my right to the floor, I may yield to the Senator from Montana.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MELCHER. Mr. President, I move to reconsider the vote by which the last amendment was agreed to.

Mr. DURKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LONG. Mr. President, after this bill was called up for consideration in the Senate, it came to my attention that title III, which commences on page 157, levies a so-called fee, which, from my point of view, is completely indistinguishable from a severance tax on a natural resource.

I ask that the Senator from Washington (Mr. JACKSON) be notified that we are discussing this matter.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. LONG. Mr. President, a tax does not fail to be a tax just because you call it a fee or a premium, or call it something else. Under the Constitution, revenue bills must originate in the House of Representatives. Furthermore, under the Senate rules revenue bills fall within the jurisdiction of the Committee on Finance.

It concerns me, Mr. President, that this fee, which is clearly a revenue measure, in my judgment—it is the same thing we in Louisiana call a severance tax—works out to be a billion dollar tax. While I find no great quarrel with this matter on the merits, as a matter of jurisdiction it seems to me that the committee which has responsibility with regard to a tax measure should have been consulted. It would seem to me that the bill should have been referred to the Committee on Finance to pass judgment on title III.

I can fully appreciate the attitude of some of those on the committee that we have an expensive program and the program ought to be financed, but I would like to ask the distinguished chairman of the committee if he would agree that this bill has revenue aspects to it, and that this fee levied in the bill would amount to about $1 billion in revenue to the Government.

Mr. JACKSON. Mr. President, I do not think there is any question that the 35-cent tax, which goes into the reclamation fund, is a tax, and that it is a matter that should be considered by the Committee on Finance. I do not think there is any question about that aspect of the bill.

I am prepared to have it rereferred.

We have, of course, worked long and hard on this bill, as the Senator knows, and this is the result of many years' effort, with the obvious hope of being able, at long last, to tell the industry that we are going to be in a position to have a clear-cut policy on surface mining control.

Mr. LONG. Mr. President, I feel that this measure should have been referred to the Committee on Finance, as the distinguished chairman has said. But the Senate has worked on this bill for several days now, and in view of that fact, I would be inclined to waive jurisdiction of the matter so that the Senate, in this case, could go ahead and act on the measure.

I yield to the distinguished Senator from Montana.

Mr. METCALF. Mr. President, the distinguished chairman of the Finance Committee knows, of course, that several members of his committee who also serve on the Energy Committee raised that question, and we are all in accord that if the Senator should insist, it would be referred. But members on both sides of the Finance Committee did participate in this discussion, and the only way to get this money is to put it in this kind of legislation.

Mr. LONG. I suspect that if the bill were referred to the Finance Committee, we would recommend the same financing provision.

I yield to the Senator from Nebraska.

Mr. CURTIS. Mr. President, I commend the distinguished chairman of the Finance Committee for raising this issue. A tax is a tax, whether it is called a fee or something else. The Government can compel its collection, and Congress has provided what would happen with the proceeds.

I am not unaware that the legislation we are working on has had a lot of attention for a long time, and there is anxiety on the part of many to finish it up now.

Therefore, it seems to me if we could have a clear understanding that it was a matter belonging to the jurisdiction of the Finance Committee, I would be willing to waive that jurisdiction, provided, of course, that we are making the record, as we are, so that we would not be parties to having the permanent jurisdiction of the Finance Committee eroded away.

I commend the approval of the procedure that the distinguished chairman has suggested.

Mr. DOMENICI. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. DOMENICI. Mr. President, I rise to make this statement: It is this Senator's opinion, and if the distinguished chairman of the Finance Committee desires I will ask for a parliamentary ruling, but it is this Senator's opinion that the Finance Committee did not have jurisdiction over this bill, and from my standpoint we can talk all we want about who is waiving what in terms of an individual Senator here on the floor saying that he is waiving some committee's jurisdiction.

It is my understanding this bill was referred to the Committee on Energy and Natural Resources under a rule of this Senate which says that this bill is predominantly not a tax bill. Therefore, it was referred to the Committee on Energy and Natural Resources.

If no one wants to object to the request that it be referred, which has been waived by a chairman of the committee, this Senator is not going to get into that argument. But I certainly do not want the legislative history here to indicate that this institution, the Senate, has, by motion or action of the institution, ruled that this 35 cent levy on coal indeed renders this entire bill subject to the jurisdiction of the Finance Committee.

Mr. LONG. Let me ask a simple parliamentary inquiry. Look at page 157, title III, and look particularly at subparagraph C:

> (c) All operators of coal mining operations subject to the provisions of this Act shall pay to the Secretary of the Interior, for deposit in the fund, a reclamation fee of 35 cents per ton of coal produced from mines.

That is $1 billion a year.

I would like to ask a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LONG. Is that a revenue measure or not? There is $1 billion in taxes. Is that a revenue measure or not?

The PRESIDING OFFICER. The Chair would first state that the whole title has been amended by the Senator from Tennessee so it is all new language.

Mr. LONG. Is 35 cents a ton still there?

The PRESIDING OFFICER. The Chair is studying the issue.

The 35-cent-a-ton fee is still in the bill.

Mr. LONG. Does that make it a revenue bill or not?

The PRESIDING OFFICER. In light of the fact that there is a series of Supreme Court cases differentiating fees and tolls from taxes, the Chair, without further study of those cases as well as the precedents of the Senate, would not want to pass judgment. Of course, if a point of order were raised that this measure must originate in the House, the chair under the precedents would have to submit the question to the Senate for its decision ab initio.

Mr. LONG. So it is $1 billion in revenue to the Government. If it is not called a revenue bill, I do not know what it would be called.

The PRESIDING OFFICER. The Supreme Court has held such cases as not revenue——

Mr. LONG. The Supreme Court has held in certain cases that when such a thing as a fee to join a bar association is on a law regulating a bar association, that is one thing. But when we talk about $1 billion in taxes just calling that a fee, that does not keep it from being a tax.

Mr. President, whatever was said about that in that respect, there is no doubt about it. If we send a $1 billion tax bill initiated by the Senate to the House, the House is not going to consider the bill for the simple reason: They will send us back that bill with a blue slip on it to say this is a revenue bill, in their opinion, that should originate in the House of Representatives. Only one House Member needs to make the point of order and back comes the bill.

In this case the plan is, as I understand it, to substitute this bill for a House bill, so that when the bill goes back it would be substituted for a House bill that had a similar tax in it. But as the bill stands here it is a bill that the House would not accept and they would send it back with the blue slip.

Mr. President, as to the proposal of the Senator from New Mexico about his tax on waterways, I am perfectly prepared to state my side of the argument when we meet that issue. The point I have in mind here is that I just do not want to be waiving the right of the Finance Committee with regard to revenue matters, when we are with regard acting on a matter that to me is not the subject of controversy. I do not oppose this particular act, but I would like to make it clear to the Senator from New Mexico that when he brings up his tax I expect to oppose it.

What I think is not important. What the Senator thinks is not important. But what the Senate thinks is important, and what the Congress thinks is important. The Senate will have its opportunity to decide what it wants to do.

I am not asking for an advantage one way or another. I just do not want to be prejudiced. I want the Senator to understand that. As far as this particular bill is concerned, I am willing to waive jurisdiction on this matter even though the manager of the bill feels we do have a right to claim jurisdiction of this matter insofar as the tax applies.

We have had this same type of thing occur in the Commerce Committee, of which I am proud to be a member.

We will consider a measure for airway safety in the Commerce Committee. That committee will pass on the aspects of it which deal with safety and with airports. Then the Commerce Committee will refer the bill to the Finance Committee with regard to the financing provisions. It all works very well. I think that type of mutual respect for jurisdiction should be Senate procedure.

I want to assure the Senator that insofar as his proposal of tolls on the waterways is concerned, he will have the opportunity to offer it. If he cannot find the right opportunity, I will show him some opportunities to present his proposal for tolls on the waterways. He will have that chance.

All I want to make clear is that when a revenue measure involving $1 billion comes before the Senate, we on the Finance Committee feel that we have jurisdiction of that matter. In this case, as far as I am concerned, I will not insist on the bill being referred to the committee because I have no objection to this matter. I would be willing to waive jurisdiction. But if the Senator wants to make a big issue of it, then we can have a vote on it.

Mr. DOMENICI. I will say to the good

Senator from Louisiana that I do not want to make a big issue of it. He was here wanting, as he indicated, to protect his position. I think I would be remiss in not protecting mine. I also would thank the Senator for his offer to help me get a vote on my user fees on commercial users of the inland waterways.

If I cannot find a way to get a vote on it, I will come and ask the good Senator how to do that.

On the other hand, I think I would be remiss in not saying that, from what I can read, the amount collected by a toll or user charge is not the entire test as to whether or not it is a tax.

Having said that, I thank the Senator for stating his position. If I understand it correctly, it has nothing whatsoever to do with the Senator's position whatever it will be when he takes it on Senate bill 790 or any user fees sought to be imposed upon the commercial users of the inland waterways. I thank him for his generosity.

UP AMENDMENT NO. 266

Mr. WALLOP. Mr. President, I call up an unprinted amendment and ask to have it considered.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read as follows:

The Senator from Wyoming (Mr. WALLOP) proposed unprinted amendment No. 266.

Mr. WALLOP. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 207, add the following before line 22:

"With respect to such surface mining operations which would have been within the purview of the foregoing proviso but for the fact that no coal was so produced in commercial quantities and no such specific permit approval was so received, the Secretary, if he determines that such substantial financial and legal commitments were made by an operation prior to January 1, 1977, in connection with any such operation, is authorized, in accordance with such regulations as the Secretary may prescribe, to enter into an agreement with that operator pursuant to which the Secretary may, notwithstanding any other provision of law, lease other Federal coal deposits to such operator in exchange for the relinquishment by such operator of his Federal lease covering coal deposits involving such mining operations, or convey to the fee holder of any such coal deposits involving such mining operations the fee title to other available Federal coal deposits in exchange for the fee title to such deposits so involving such mining operations. The interests so leased or conveyed in fee by the Secretary shall be of comparable value to those received by the Secretary in return therefor.".

Mr. WALLOP. Mr. President, what this does is add to the end of the language that was successfully inserted by Senator MELCHER a provision that I think will take care of some lawsuits. It will take care of the concerns that were expressed by Senator BURDICK this morning, that, in effect, the Government is saying "You cannot mine in alluvial valley floors, even though that is mostly the fee coal in the West"—those were the first settled and the first patented areas. It would empower the Secretary to say, "You cannot mine here, but we will take title to your coal, your fee coal, and provide you with coal outside the boundaries of the alluvial valley in exchange."

All it does is go one step further from the very good protections of the alluvial valleys that we have now gotten completely entrenched in this bill. It takes care of the private interests of those people who do, in fact, have a property which they will never be able to develop under the terms of this bill.

The Government itself will take title to that coal in the course of time because of the grandfather provisions that are in the bill. We do find that we can, in fact, mine in alluvial valleys without harming them, without harming the riparian communities; the Government has the coal and it has not gone anywhere; and rights of private citizens have been protected by this.

In the river that runs down from our State into the State of Montana, the Tongue River, there are approximately 57 miles of fee coal lands which have the provided-for substantial legal or financial commitments. They have been bought, they have been leased by companies, or people have entered into arrangements. There are 57 miles of that. Almost without exception, that is all fee coal. This amendment will do nothing more than say to those people who own that—

Your Government is not taking it from you without providing you something in return for what it is taking.

It is the reverse of the argument on the landowners' consent. In this case, it is the Government itself which is giving consent to those people to a property right which they long ago were afforded by this Government, which it now seeks to take away.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. METCALF. Do I have time on this amendment?

The PRESIDING OFFICER. There are 15 minutes to a side.

Mr. METCALF. This is an amendment to the Melcher amendment. I opposed the Melcher amendment. I do not know—I am willing to take it to conference.

Mr. WALLOP. I did not understand the Senator.

Mr. METCALF. I said I do not know how that affects the Melcher amendment. I opposed the Melcher amendment. I have not seen the amendment of the Senator from Wyoming. I am certainly willing to take it to conference.

Mr. WALLOP. It is the same amendment we were talking about earlier.

Mr. METCALF. I do not know how it affects the Melcher amendment, which the Senator said it is an amendment to. However, I think it will be a part of the consideration that we have of this whole alluvial valley floor.

I was delighted to be able to participate in a colloquy with the Senator from North Dakota on the exchange of land and the constitutionality. Perhaps the Senator from Wyoming has come up with a proposal that would be more equitable and more just to the people there than mere taking of the land under a land-use program.

Mr. ALLEN. Will the Senator yield?

Mr. METCALF. Surely.

Mr. ALLEN. I wonder if the Senator would mind requesting a short quorum call, inasmuch as this does affect the Melcher amendment. Senator MELCHER has stepped out of the Chamber.

Mr. METCALF. I was waiting for Senator MELCHER to come up and respond.

Do I have time for a quorum call, Mr. President?

The PRESIDING OFFICER. The Senator does have time for a quorum call.

Mr. METCALF. I see Mr. MELCHER is present.

Mr. ALLEN. Could the Senator suggest the absence of a quorum for a moment?

Mr. METCALF. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may proceed for 2 minutes without the time being charged to anyone on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT CALENDAR

Mr. ROBERT C. BYRD. Mr. President, there are two measures on the Unanimous Consent Calendar that have been cleared for action, they are Calendar Orders 118 and 179. I ask unanimous consent that the Senate proceed to the consideration of those two measures.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIBRARY SERVICES AND CONSTRUCTION ACT AMENDMENTS OF 1977

The Senate proceeded to consider the bill (S. 602) to extend and revise the Library Services and Construction Act, and for other purposes, which had been reported from the Committee on Human Resources with an amendment to strike all after the enacting clause and insert the following:

That this Act may be cited as the "Library Services and Construction Act Amendments of 1977".

SEC. 2. (a) Section 4(a)(1) of the Library Services and Construction Act is amended by striking out "and" and by inserting before the period a comma and the following: "and $150,000,000 for the fiscal year 1978 and for each succeeding fiscal year ending prior to October 1, 1982".

(b) Section 4(a)(2) of such Act is amended by inserting before the period a comma and the following: "and for the fiscal year 1978 and for each succeeding fiscal year ending prior to October 1, 1982".

(c) Section 4(a)(3) of such Act is amended by striking out the word "and", and by inserting before the period a comma and the following "and $20,000,000 for the fiscal year 1978 and for each succeeding fiscal year ending prior to October 1, 1982".

(d) Section 4(a)(4) of such Act is amended by striking out "and", and by inserting before the period a comma and the following: "and for the fiscal year 1978 and for each succeeding fiscal year ending prior to October 1, 1982".

SEC. 3. (a) Section 2(a) of the Library Services and Construction Act is amended by striking out "and in promoting" and by inserting in lieu thereof "in promoting" and by adding before the period at the end thereof a comma and the following: "and in strengthening major urban resource libraries".

(b) Section 3 of such Act is amended by adding at the end thereof the following:

"(14) 'Major urban resource library' means any public library which serves a major portion of the residents of a city having a population of one hundred thousand or more individuals, as determined pursuant to regulations of the Commissioner.

"(15) 'Designated urban area' means any city in which a major urban resource library is located, or in a State which has no such city, a city designated in accordance with section 6(b)(4) of this Act.".

(c) Section 101 of such Act is amended by striking out "and" the third time it appears in such section, and by inserting before the period a comma and the following: "and in strengthening major urban resource libraries".

(d)(1) Section 5(a)(2) of such Act is amended by striking out "From" and inserting in lieu thereof "Except as provided in subsection (c) and section 102(c), from".

(2) Section 5 of such Act is amended by adding at the end thereof the following:

"(c) From allotments available under this section for title I, no State shall receive in any fiscal year an amount less than the amount received in fiscal year 1977. In the event that funds available are insufficient to pay all the allotments required by the preceding sentence, the allotments shall be ratably reduced.".

(e) Section 6(b) of such Act is amended by striking out "and" at the end of clause (3), redesignating clause (4), and all references thereto, as clause (5), and by inserting after clause (3) the following new clause:

"(4) in the case of any State in which there is no major urban resource library, designates a city for the purpose of section 102(a)(3)(B); and".

(f) Section 102(a) of such Act is amended—

(1) by inserting "and subsection (c) of this section" after "5(a)" in the matter preceding clause (1) of such section;

(2) by striking out "and" at the end of clause (1),

(3) by striking out the period at the end of clause (2) and inserting in lieu thereof a semicolon and the word "and",

(4) by adding at the end thereof the following new clause:

"(3) for (A) supporting and expanding library services of major urban resource libraries which, because of the value of the collections of such libraries to individual users and to other libraries, need special assistance to furnish services at a level required to meet the demands made for such services, and (B) supporting and expanding library services for a public library in a city designated in accordance with section 6(b)(4) in any State in which there is no major urban resource library.", and

(5) by adding at the end thereof the following new sentence: "No grant may be made under clause (3) of this subsection unless the major urban resource library or the public library designated under clause (3)(B) provides services to users throughout the regional area in which such library is located.".

(g) Section 102 of such Act is amended by inserting at the end thereof the following new subsection:

"(c) Subject to such criteria as the Commissioner shall establish by regulation, in any fiscal year in which sums appropriated pursuant to paragraph (1) of section 4(a) exceed $60,000,000—

"(1) 50 per centum of the amount in excess of $60,000,000 for that year shall be allotted by the Commissioner to each State in an amount which bears the same ratio to such 50 per centum as the population of all designated urban areas in that State bears to the population of all such designated urban areas in all States; and

"(2) 50 per centum of the amount in excess of $60,000,000 for that fiscal year shall be allotted in accordance with section 5 of this Act.

For the purpose of allotments made under this subsection the designated urban area having the largest population in each State shall be deemed to have a population of 250,000 individuals or the actual number of individuals, as determined pursuant to most recent satisfactory data available to the Commissioner, whichever is greater. For the purpose of clause (1) of the first sentence of this subsection, the term "State" shall not include American Samoa, Guam, the Virgin Islands, or the Trust Territory of the Pacific Islands.".

(h)(1) Section 103(1) of such Act is amended by inserting ", subject to clause (2) of this section," after "program" the first time it appears in such section.

(2) Section 103 of such Act is amended by redesignating clauses (2), (3), and (4) of such section as clauses (3), (4), and (5), respectively, and by inserting after clause (1) the following new clause:

"(2) set forth a program for the year submitted under which the amount allotted to the State under clause (1) of section 102(c) will be used for the purposes set forth in clause (3) of section 102(a);".

(3) Section 103 of such Act is further amended by adding at the end thereof the following new sentence: "No State shall, in carrying out the provisions of clause (2) of this section, reduce the amount paid to an urban resource library or a public library designated under subclause (B) of section 102(a)(3) below the amount that such library received in the year preceding the year for which the determination is made under such clause (2).".

SEC. 4. Section 103(3) of the Library Services and Construction Act (as redesignated by this Act) is amended by striking out "the fiscal year ending June 30, 1971" and inserting in lieu thereof the following: "the second fiscal year preceding the fiscal year for which the determination is made".

SEC. 5. The second sentence of section 202 of the Library Services and Construction Act is amended by inserting after "libraries" a comma and the following: "for the remodeling of public libraries necessary to meet standards adopted pursuant to the Act of August 12, 1968, commonly known as the Architectural Barriers Act of 1968, and for remodeling designed to conserve energy in the operation of public libraries".

SEC. 6. The Library Services and Construction Act is amended by adding at the end thereof the following new title:

"TITLE V—URBAN LIBRARY DEVELOPMENT PROGRAM

"GRANTS TO STATES TO IMPROVE URBAN LIBRARY PROGRAMS

"SEC. 501. The Commissioner is authorized to carry out a program of making grants to States which have an approved plan under section 6, and an application approved under section 503 which is consistent with the long-range program and the annual plan submitted under this Act, to enable such States to improve the capability of public libraries in urban areas to undertake innovative, demonstration, and special development projects.

"USES OF FEDERAL FUNDS

"SEC. 502. Funds appropriated pursuant to section 504 shall be available for grants to States having applications approved by the Commission under section 503. Such grants shall be used—

"(1) for special programs of a pilot and demonstration nature designed to improve the quality, availability, accessibility, visibility, and understanding of library services in urban areas; and

"(2) for assessment, evaluation, and measurement of the impacts and consequences of such programs, including implication for the coordination of urban libraries with other institutions crucial to the functioning of urban areas.

"APPLICATION

"SEC. 503. (a) Any State desiring to receive a grant under this title for any fiscal year shall submit an application at such time, in such manner, and containing or accompanied by such information as the Commissioner may reasonably require. Each such application shall—

"(1) be developed and submitted by the State library administrative agency;

"(2) set forth a program for the year submitted under which funds paid to the State will be used, consistent with the long-range program of the State, for the purposes set forth in section 502, and set forth a detailed description of the projects for which assistance under this title is sought; and

"(3) set forth assurances that an opportunity will be provided to public libraries throughout the State to be heard in the development of the application.

"(b) The Commissioner shall approve applications which meet the requirements of subsection (a) and the following criteria:

"(1) The projects described in the applications shall serve public libraries in high density population areas.

"(2) The State developing and submitting the application is either relatively densely or relatively sparsely populated.

"(3) The projects described in the application will aid the State library administrative agency in developing, implementing, and evaluating new urban-focused library services programs.

"(4) The findings of, and the experience under, projects described in the application when disseminated will aid all State library administrative agencies in the country in developing, implementing, and evaluating new urban-focused library services programs.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 504. For the purpose of making grants to States for the improvement of urban library programs under this title, there are authorized to be appropriated $20,000,000 for the fiscal year 1978, $25,000,000 for the fiscal year 1979, and for each succeeding fiscal year ending prior to October 1, 1982.".

Mr. PELL. Mr. President, on May 12 the Committee on Human Resources reported the Library Services and Construction Act Amendments of 1977. This bill, S. 602, extends and revises a statute that has well served the Nation's public library systems for 20 years.

The purpose of this support to our libraries has been twofold. First, and originally, the act was enacted in order to help States sponsor programs to extend library services throughout the land. This is the law that started the bookmobile program. The program, then, was especially aimed at the rural areas of our Nation which did not enjoy library services. Since the enactment of this program, then, the States have done an excellent job of extending those facilities to almost every county and person in the Nation. In 1956, 40 out of the 158 million citizens had no access to public library services. That was 43 percent of the population. Today, 96 percent of the population has access to library services. That leaves only 9 million Americans unserved though our population has grown to 210 million persons.

Another example of the spread of library services is in the number of counties in the country covered. In 1956 that number was 940. Today, only 297 counties have no coverage at all.

We are constantly and greatly changing the picture for the better. Moreover, in the years ahead we will go until every citizen in every county is served. This is a certainty which I could go on to document with figures on the number of bookmobiles put into service and the number of special need users, such as the elderly and the handicapped, served. That is not necessary, though, because everywhere we look there is unanimous support for the work done and a solid record of accomplishment.

For these reasons then I will not raise any more justifications of the need for the Library Act or of the good work that is being done. Our revision of the act then left three of the existing four titles basically untouched. That was done because we agreed that the law worked well. What we do that is noteworthy is to add a major new provision to title I, dealing with library services, and add a new title entirely, title V.

These new provisions focus program funds on major resource libraries which provide the bulk of library interloan services offered by the State, regional, and national library networks now established. Moreover, these resource libraries also provide the bulk of services now offered to special needs groups such as the blind, the handicapped, and the elderly. In those two ways, then, central libraries are being called upon to bear most of the new burdens being put upon modern library systems.

It is also important to note that States are increasingly relying upon library networks, headed by central urban libraries, to extend library services to the few areas remaining where those services are not provided now. This is crucial not only because it is too expensive to open new branch libraries in every locality, but because the explosion in materials has created a body of knowledge that is growing so fast that individual institutions cannot keep pace with it. Cooperative action is the best way to meet this challenge.

In summary then, the trend toward cooperative action, and thus the trend toward the increased use of the resources of major urban libraries, is caused by six developments: First, the increased cost of acquiring library materials and organizing them for use; second, the difficulty of recruiting and compensating skilled personnel for these tasks; third, the growth of knowledge, with the consequent demands, particularly on academic libraries, for a wide range of specialized materials; fourth, the varying levels of resources and funding abilities in different areas; fifth, the cost of storing infrequently used materials that accumulate when libraries try to be self-sufficient; and sixth, the requirements newly placed that libraries serve special constituencies which are not now being served.

This is a litany that is repeated over and over again in the reports issued by librarians and library associations. This is, also, what S. 602 is designed to overcome.

The report on S. 602. Report No. 94–143, has a number of statistics supporting my argument and I will leave it to my colleagues to look there if they are interested in the complete facts of the case. It is amply documented.

For now I will just say that this trend is the strongest development in the library field today and, conditions being as they are, only through this type of cooperation will we succeed in reaching our ultimate goal, bringing full library service to every person in the Nation. This is a statement I make based upon the testimony given before my Subcommittee on Education, Arts, and Humanities by a wide selection of librarians, upon the annual report of the National Commission on Libraries and Information Science; and upon the letters, reports, and personal contacts I have exchanged with the leaders of the various national library professional associations.

If any Senators wish an example of the type of work we are contemplating then I will recommend the library networks already in place. California, Illinois, Iowa, Maryland, Minnesota, New Jersey, New York, Ohio, Washington, and Wisconsin have systems in operation. Many others are planned. As well, besides the nationwide services offered by the Library of Congress there are several large interstate systems working now. I will mention the New England Library Network, NELINET; the Southwest Library Interstate Cooperative Endeavor, SLICE; the Southeastern Library Network, SOLINET; the Ohio University system, OCLC; the Stanford University system, BALLOTS; and the University of Chicago system, MIDLNET. Together, these systems have over a thousand affiliates and have an online data base of over 2 million titles.

Small libraries have been cooperating with each other as well. In 1967 a total of 8,154 libraries were participating in interlibrary activities. Title III of the Library Services and Construction Act was enacted in 1970 and since that date the number of libraries participating in interlibrary activities has more than doubled. In 1976, there were 20,908 libraries in cooperative programs. That makes an increase of 156 percent in 9 years.

For all the examples and statistics we have, then, we can clearly see that this is the way of the future for libraries. I fully intend to support that development and, once again, that is the way S. 602 is drafted.

The importance of this emphasis is that we are taking an entirely new direction in the field. Up to the present Federal library support has been extended to rural libraries exclusively. The focus of the bill was on small libraries and on new systems to meet rural demands. Now we are finding that the States and librarians themselves have been turning to the major urban libraries to provide total coverage, and for that reason we have moved to change part of the focus of the Act from rural to urban libraries. This is not being done to force librarians to provide aid to their big collections; on the contrary they are already doing so. This is not being done to force States to rely upon their major resource libraries because that is already being done. Most importantly, this is not being done to deny services to rural readers because we have found that the urban libraries are already providing most of the services to rural readers. What we are doing is following the natural development of library science, and through that new emphasis or through that new perspective we will continue to work at the goal of providing universal library access.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95–143), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPTS

BACKGROUND OF THE COMMITTEE BILL

During the 95th Congress, the Committee on Human Resources, between March 9, and March 19, 1977, held three days of hearings on S. 602.

On March 9, representatives of national library asosciations testified on the broad aspects of library science, the needs of urban libraries, and recent important developments in the field. On March 18, the Subcommittee on Education, Arts, and Humanities heard testimony from library officials and trustees, community leaders, and library users in the New York City area on the pressing needs of major urban libraries. Finally on March 19, the Subcommittee heard testimony from Rhode Island and New England area librarians on special library programs, the need of small libraries, and the role of interlibrary cooperative networks.

Subcommittee deliberation on the measure covered more than a 2-month period at the end of which, on April 19, the bill as amended was unanimously reported to the full committee.

Deliberation by the Committee on Human Resources on S. 602 covered a period of one month. After executive session, on May 5th, the bill was ordered reported with additional amendments.

BRIEF SUMMARY AND PURPOSE OF THE COMMITTEE BILL

Title I—Library Services

One of the two major changes the Committee has made in this bill concerns title I, dealing with library services.

The committee retained the present use and allocation of funds, but a trigger provision is added which will redirect the use and allocation of funds after an appropriation level of $60 million is reached. The current funding level is $56,900,000.

At that point, all funds will be divide

in two equal parts. Half then will be allocated and used according to the present title I formula and guidelines. The other half will be allocated on the basis of urban population and used for projects based in urban resource libraries. This is a new emphasis. An urban resource library is defined as any public library in an incorporated area with a population of 100,000 persons. Furthermore, urban population is considered to be that population in each State which resides in incorporations of over 100,000 persons. There are some States, however, which do not have any incorporations of 100,000 persons and for the purposes of the allocation count each State is deemed to have one location which will be considered to have 250,000 persons.

This does not mean that each State will be considered to have 250,000 persons in addition to that proportion of its population which resides in incorporations of 100,000 persons or over. Rather, it means that every State will be considered to have at least 250,000 people in an urban area for the purposes of this allocation count.

The committee considers this step necessary because libraries are increasingly dependent upon heavily centralized services and material sharing operations from major libraries. There is already in operation a large range of services offered nationwide by the Library of Congress. These services range from cataloging to bibliographic information to contracts with foreign publishers. On a smaller scale major urban libraries provide the same services to large regions in their proper States. An example is needed to illustrate this point. In 1974 the Library of Congress estimated that there were 334 libraries in incorporations of over 100,000 persons. That is out of a total of 8.307 public libraries in the United States. However, these 334 urban libraries, on interlibrary loan, provided 412,410,657 items out of a total of 892,854,268 loaned for the entire year. In other words these few urban libraries, 4 percent of the national total, provided almost 50 percent of the total interlibrary services provided in the country.

Most importantly, concerning the Committee amendments, half of the services provided by major urban libraries are provided to rural libraries. Thus, the urban libraries which represent only 1 out of 25 libraries in the United States provide, beyond their own use, a fourth of all interlibrary services in the country and that fourth is directed specifically to rural libraries.

In return for this service, a service which is being increasingly relied upon, urban libraries receive only 12 percent of title I funds. This is not equitable. Moreover, the Committee finds that librarians themselves support an increased reliance upon cooperative practices, and for that reason we must direct more funds to those few libraries which are relied upon to provide the services of which we speak.

The Committee seriously considered and reviewed proposals for special emphasis on urban libraries. In testimony before the Subcommittee on Education, Arts and Humanities, Clara Jones, President of the American Library Association, made the following statements in support of this concept:

"The American Library Association supports a new Title V to help urban public libraries. The text of such a title, developed by the Urban Libraries Council, and endorsed by the American Library Association, is attached to my statement. We believe that a new Title V focused on the special needs of the center city libraries in metropolitan areas of over 100,000 population would help significantly to reverse a disastrous trend of deterioration that has developed in recent years. Some of our Nation's greatest city libraries are facing severe crisis today, not only in the well publicized New York City area, but in other urban areas as well—San Francisco and Los Angeles, Chicago, and Detroit, to name just a few. Employees are being discharged and vacancies not filled. Acquisitions budgets are pared to the bone, hours of service curtailed.

"A new Library Services and Construction Act Title V is urgently needed to help the great city libraries in this time of crisis."

At the same hearing, Wyman Jones, Librarian of the Los Angeles City Public Library, testified as to difficulties in libraries in Los Angeles, San Francisco, Buffalo, Portland, Chicago, San Diego, Detroit, Brooklyn, Denver, and Los Angeles. Elaborating on these problems, Mr. Jones stated:

"It is now generally understood that many of America's larger cities are in or approaching a state of financial crisis wherein the cost of local government is increasing at a rate greater than the growth of the tax base. What is not generally understood is that this series of crises is exerting a dramatically corrosive effect on our urban public libraries.

"In the last several months I have been in contact with administrative representatives of most of our major city libraries. They have little to say in the way of good news.

"San Francisco's book budget has been slashed from $850,000 to $650,000 and service hours have been reduced. Buffalo has lost 42 percent of its work force, with the result that branches are open only two or three days a week. Thirty positions were cut from the Portland budget. The bookmobiles in Chicago are sitting unused in a storage garage. In San Diego service hours have been trimmed because of a loss of 24 staff. The Detroit system is failing hard in a situation so bad that this year there are no city funds in the library budget. Brooklyn has suffered broad curtailment and is expecting more. Denver is cutting book purchases and eliminating staff positions, their funding having been "reduced by 5 to 7 percent." Seattle services were watered down by a 6 percent loss in professional staff. Los Angeles has lost more than forty staff members in the budget crunch. And the plight of the New York Public Library exceeds that of its parent government. Although widely available, no further examples need be given.

"Book budgets, the foundation of library, service, are drying up. Unless there has been some late-breaking good news, no major city has a book budget which has increased in the last several years at a rate equal to the increase in book costs.

"New library buildings are needed throughout the country, in rural as well as metropolitan areas. In addition, many public libraries should be remodeled to make them accessible to the handicapped. LSCA title II could provide the funds necessary to do the job.

"With only a few exceptions, public library facilities are inadequate in our large cities. Characteristically, the innercity branches, most of which were built decades ago, are deteriorating and inadequate by any standard.

"Every bit as troubling is the condition of many of our downtown central libraries. Skipping along the west coast, for example, San Francisco and Los Angeles and San Diego all have outmoded central libraries that long ago ran out of space for books and readers; the result of this is that vast and valuable collections are stored in warehouses and behind the scenes where the public has poor access to them. Because local monies for library construction projects are especially hard to come by in lean times, we see little prospect for meeting our facilities needs.

"Further aggravating these general conditions is a combination of the recession, gas price hikes and population growth that have resulted in growing public library usage. At a time when we have the least financial support, the public is calling on us increasingly for additional service.

"And even further compounding the problem is the expense of delivering library service in our large cities, where minority populations sometimes necessitate the purchase of books and library materials in languages other than English. In Los Angeles, for example, we routinely purchase books in many languages because of popular and not scholarly demand. Books printed in foreign languages typically cost nearly three times as much as books in English. This means that the big city budgets do not have the effective purchasing power of those in the relatively affluent suburbs.

At the same time, the monied suburbs are in part living off the resources of the major city central libraries. Depending on the city, anywhere from 15 to 25 percent of the persons using a particular central library are persons living beyond the municipal boundaries. Recognizing that a major central library costs at least several million annually to operate, it can be seen that the large cities are in no small measure subsidizing library service to the suburbs and nearby rural areas.

"With the collective weight of these observations in mind, we respectfully request that you give earnest consideration to extending the Library Services and Construction Act, to restoring funds to title II of that Act, in order to stimulate and encourage public library building construction; and to add the proposed title V, supported by the American Library Association and the Urban Libraries Council, which would offer assistance to our large city libraries."

A third witness on needs of urban libraries, Ralph G. Newman, is the Chairman of the Urban Libraries Council and the President of the Board of Directors of the Chicago Public Library. Mr. Newman testified:

"The Urban Libraries Council was born in crisis six years ago when the trustees and the librarians of the large urban public libraries of this country become aware that the severe erosion of the financial strength of these institutions was having a harmful impact on its operations, to a degree greater than upon other municipal services. The principal aim and objectives of the Council is to bring this problem to the attention of the officials at the federal, state and local levels of government that are responsible for the funding of public libraries. The membership of the Council consists of more than 70 large urban public libraries which serve a population of over 38,000,000 persons.

"The problem facing public libraries can be summarized in the following terms:

"1. Local tax support for urban public libraries is declining relative to expenditures for other city services.

"2. In many cities public library support is less today than it was in 1970.

"3. The ability of most, if not all, public libraries to deliver services has declined owing to inflation which has outplaced any budget increases.

"All of these things have been occurring at a time when the output of information is expanding, when the numbers of separate publications are increasing, when the total population is shifting dramatically to include ever larger numbers of people not in school or college and therefore more dependent upon the public library for information.

"To compound the difficulty, the Federal Government itself is creating more information than ever while cutting back on the free distribution of its documents, inadvertently shifting a significant cost burden back to city libraries, most of which maintain deposits of federal documents.

"In total book acquisitions for all public libraries, the picture is very bleak. In fiscal 1973–4 public libraries acquired 31.9 million books. In 1975–6 the number fell to 29.7 and the prediction for this year is 28.4—a decline of 11 percent in three years. Between 1973–4 and 1978–9 it is predicted that the acquisition of government publications, Federal, state and local, will fall from 1.52 million to 1.25 million—a decline of 18 percent.

"As city library budgets falter, the proportion of use of city central libraries by residents from suburbs and even more distant points tends to rise. Older studies, not since kept current, show that central libraries of major cities served a clientele from outside city borders that ranged in extreme cases as high as 70 percent of the total use, with 40 percent to 50 percent an average range. In a highly mobile society with suburban dwellers working in the inner city, this pattern is inescapable, and local mechanisms for redressing the financial inequities are not effective.

"In general, it is the thinking of the Urban Libraries Council that the federal government is the appropriate instrumentality for accomplishing at least three major objectives:

"1. To maintain a basic informational bank throughout the nation through public libraries.

"2. To try to reduce regional inequities in informational flow and library service arising from unequal local tax effort or deficiencies of local wealth.

"3. To strengthen the core city libraries which, taken together, form a priceless national asset.

"To help meet the critical problems facing large urban public libraries, the Urban Libraries Council initiated a proposal to add a new Title V to the Library Services and Construction Act which provides for a program of grants to large urban public libraries serving a population of over 100,000 for the purpose of purchasing books and other library materials."

On the basis of this expert testimony, the committee concluded that it was necessary to add to the bill a new emphasis to meet these unique and pressing needs of urban libraries. Because the Committee did not wish to impair or limit the present successful operations under the Act, it determined that only additional funds made available through the appropriations process should be used to meet these needs of urban libraries. Thus, the committee bill incorporates the suggestions of American Library Association and other expert witnesses into title I.

The authorization for title I was raised from $137,150,000 to $150,000,000.

Title II—Public library construction

The committee found that little change was needed in the provisions of title II.

The title has not been funded for 5 years and most of the appropriations were deferred in the years preceding that date. There is, however, a great need to renovate and build new library facilities. This is necessary not only to counter the deteriorating state of many library structures, but to handle increased collections, the need for new space to handle special services for persons such as the handicapped, and to make architectural adjustments in accordance with current public policy.

The changes the committee made were to authorize two new types of construction or renovation activity. The first is to allow title II allocations to fund projects involved with the removal of architectural barriers. The second change is to allow title II allocations to fund projects designed to make library structures and operations more energy efficient.

The current authorization, $97,000,000, was retained.

Title III—Interlibrary activity

The committee strongly supports this title and will urge that it receive a major increase in funding.

The strongest trend in library service today is the increasing use of interlibrary networks to enable libraries to handle the needs of special users such as the blind, the shut in, or the handicapped; to cope with the ever increasing number of titles and publications issued each year; and to extend library services, full scale, over wider areas. This is the same reason that we have taken steps elsewhere in the bill to provide aid to the central libraries which must be the centers of these networks, and which are increasingly called upon to provide services to other libraries.

An example of the growth in these programs is necessary to show how strong the trend we refer to has been. In 1967 a total of 8,154 libraries of all types were involved in interlibrary programs. In 1976, 20,908 libraries were in similar programs. This is only a start though. Up to now this program has concentrated on public libraries entirely. Public libraries are only a small percentage, less than 10 percent, of the total number of libraries in the United States and as the number and size of cooperative networks grows we will see these other types of libraries (i.e., business, school, private, academic, and special collections) participate in much larger numbers than they have to date. That will mean an increased demand upon the public system and the Committee has acted to meet that need.

The current authorization of $18,200,000 is raised to $20,000,000.

Title IV—Services to older readers

The Committee has reauthorized title IV without amendment.

We wish to emphasize how necessary this special title is. The percentage of the population of the United States over 65 is steadily increasing. Between 1960 and 1970 the population 65 and older increased by 20 percent while the population as a whole increased by only 13 percent. In 1975 22 million Americans were over 65. That group represented 10.5 percent of the total population. Within the next fifty years that percentage will grow until 17 percent of the total population will be over 65; that translates into roughly 40 million persons.

This growing population demands particular care and attention because of the many special needs of this group. More directly, the trend in this field of library activity is growing strongly. In 1976, 7,500,000 elderly readers received Library Services and Construction Act related services. An additional 48,000 elderly handicapped or blind also received aid. The numbers of these readers is expected to increase and the Committee feels that funds should be appropriated to serve these people.

The current "such sums" authorization is retained.

Title V—Urban Library Development Program

The Committee has added a new title to the Library Services and Construction Act which provides special aid to urban libraries and which is the second major change made in the Act.

The Committee intends this program to focus on two population groups. First, projects will be responsive to States which contain extremely dense populations, but which may not have many cities large enough to attract proportionately required Federal assistance. Second, projects carried out pursuant to this new title would be responsive to States experiencing focal concentrations of urban population even though their Statewide densities may be relatively low.

An example of the first type of activity would be aid to older, stable metropolitan or urbanized areas. The second emphasis would provide for newer urbanizations in States which are experiencing rapid growth in their major cities. The new title, then, provides a flexible, discretionary yet urban-focused authority to enable the Commissioner to make grants to areas which, for particular demographic reasons, may not receive the aid in titles I through IV, which meets their particular needs; and to support innovative, demonstration, or special development projects contributing to the design, delivery, and evaluation of library services in urban areas.

COST ESTIMATES ON S. 602 SUBMITTED TO THE COMMITTEE ON HUMAN RESOURCES BY THE CONGRESSIONAL BUDGET OFFICE

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, D.C., May 11, 1977.

Hon. HARRISON A. WILLIAMS, Jr.,
Chairman, Committee on Human Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for S. 602, a bill to extend and revise the Library Services and Constructional Act.

Should the Committee so desire, we would be pleased to provide further details on the attached cost estimate.

Sincerely,

ALICE M. RIVLIN,
Director.

Attachment.

CONGRESSIONAL BUDGET OFFICE

Cost estimate

1. Bill number: S. 602.

2. Bill title: To extend and revise the Library Services and Construction Act.

3. Purpose of bill: This bill extends through fiscal year 1982 the authorization of appropriations for grants for library services, library construction, interlibrary cooperation, and library services for older persons. In addition, the bill established title V for the support of major urban resource libraries. Actual funding is subject to subsequent appropriations action.

4. Cost estimate:

[In millions of dollars; fiscal years]

	1978	1979	1980	1981	1982
Authorization levels:					
Library service grants (title I)	150	150	150	150	150
Library construction grants (title II)	97	97	97	97	97
Interlibrary cooperative grants (title III)	20	20	20	20	20
Library services for older persons grants (title IV)	*	*	*	*	---
Urban reserve libraries (title V)	20	25	25	25	25
Total	287	292	292	292	292
Projected total outlays: [1]					
Library service grants (title I)	45	128	148	150	150
Library construction grants (title II)	19	49	78	87	97
Interlibrary cooperative grants (title III)	6	17	20	20	20
Library services for older persons grants (title IV)	*	*	*	*	*
Urban resource libraries (title V)	6	19	24	25	25
Total	76	213	270	282	292

*Such sums as may be necessary.

[1] Outlays assume full program funding.

5. Basis for estimate: This estimate is based on the authorization levels stated in S. 602. No funding levels were assumed for Library Services for Older Persons because specific funding levels were not established in the bill and funds for these grants have never been appropriated. The outlay impact reflects full appropriation funding for all years. The spendout levels reflect the HEW spendout rates for Library Resources.

6. Estimate comparison: Not applicable.

7. Previous CBO estimate: A cost estimate for H.R. 3712 was transmitted on March 10, 1977. That bill assumed different authorizing levels for titles I–III and only extended the authorization through fiscal year 1981. The House bill did not include title V, the authorization for urban resource libraries.

8. Estimate prepared by: Deborah Kalcevic (225–7766).

9. Estimate approved by:

James L. Blum,
Assistant Director for Budget Analysis.

IV. REGULATORY IMPACT

In accordance with paragraph V of rule XXIX of the Standing Rules of the Senate, the following statement of the regulatory impact of the bill is made.

The basic purpose of the bill is to continue in effect the existing program of aid to libraries.

This program authorizes aid to 8,307 public libraries, being the total number of such libraries in the United States. In addition, title III of the bill, which deals with interlibrary cooperation, does include nonpublic libraries. In 1976, title III programs involved the participation of 11,759 school libraries, 1,824 academic libraries, and 1,788 special libraries; a total of 15,371 additional institutions.

Currently, funds appropriated pursuant to the Act are allocated to the States which then spend those funds on the basis of an annual plan which is approved by the Commissioner of Education. The amendments in this bill do not change that procedure. However, the amendments do stress programs in central libraries and those institutions, numbering 334, will have to justify their requests to the States for additional funding. Two small amendments also allow the existing format to be used to fund special programs. This would only require a slight change in the existing procedure.

Since all paperwork proposed by this bill is merely in revision of existing procedures the economic impact of the bill is minimal. Furthermore, since the new paperwork required is related to the receipt of funds, according to the State plan, the drain on local finances would be largely compensated.

No personal information of any kind is required in the paperwork or regulatory provisions of this bill. Therefore, this bill has no impact on the personal privacy of any individuals involved with these projects.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INTERIM REGULATORY REFORM ACT—INTERSTATE COMMERCE COMMISSION

The bill (S. 1534) to amend the Interstate Commerce Act to authorize appropriations for the Interstate Commerce Commission, to require the Commission to recodify its rules, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Interim Regulatory Reform Act—Interstate Commerce Commission".

RULES RECODIFICATION

Sec. 2. (a) Section 12 of the Interstate Commerce Act (49 U.S.C. 12) is amended by adding at the end thereof the following new paragraph:

"(8)(a) Within 480 days after the date of enactment of this paragraph, the Chairman of the Commission shall develop, prepare, and submit to the Congress an initial proposal setting forth a recodification of all of the rules which the Commission has issued and which are in effect or proposed, as of the date of such submission. Each such recodification proposed shall, to the extent practicable and appropriate—

"(1) recommend the transfer, consolidation, modification, and deletion of particular rules and portions thereof, including reasons therefor;

"(2) recommend changes and modifications in the organization of such rules and in the technical presentation and structure thereof;

"(3) be designed to coordinate, to make more understandable, and to modernize such rules in order to facilitate effective and fair administration thereof; and

"(4) include a comprehensive index to the rules in the recodification, cross-referenced by subject matter.

Each such recodification proposal shall include the text of such rules, proposed to be recodified, in their entirety, and a comparative text of the proposed changes in existing rules.

"(b) Within 660 days after the date of enactment of this paragraph, the Chairman of the Commission shall develop, prepare, and submit to the Congress, in accordance with the requirements described in subdivision (a), a final proposal setting forth a recodification of all of the rules which the Commission has issued and which are in effect or proposed, as of the date of such submission. Such submission shall reflect (1) evaluation of the recommendations and comments received from any source; and (2) the results of additional study and review by the Commission and its employees and consultants. Such rules shall take effect 180 days after the date of submission of such final proposal.

"(c) To the extent practicable and appropriate, the Chairman of the Commission shall submit along with each recodification proposal submitted to the Congress under this paragraph—

"(1) an economic impact analysis which takes into account, for each rule proposed to be recodified in such proposal (including any alternatives considered), the cost impact on and benefits to consumers, wage earners, businesses, markets, and Federal, State, and local governments, and the effects on productivity, competition, supplies of important manufactured products or services, employment, and energy resource supply and demand;

"(2) a paperwork impact analysis, for each rule proposed to be recodified in such proposal (including any alternatives considered), containing an estimate of the numbers of, and a description of the classes of, persons that would be required to file reports, maintain records, and fulfill any of the information gathering requirements under each such rule; the nature and amount of the information required to be filed in such reports, and the frequency of such reports; the nature and number of records that would have to be kept by such persons, and the man-hours and costs required or incurred to keep such records and make such reports; and steps being taken by the Commission to insure that there is no unnecessary duplication in recordkeeping and report filing resulting from the issuance of each such rule;

"(3) a judicial impact analysis showing the probable consequences of each rule proposed to be recodified in such proposal (including any alternatives considered) on the operation, workload, and efficiency of the Federal courts, including an analysis of the cost impact on and benefits to court administration, changes in judicial procedure effect on jurisdiction, and demands on court personnel; and

"(4) such other explanatory and supporting statements and materials as the Commission determines necessary and appropriate for congressional considertaion of each such recodification proposal.

The material submitted to the Congress under this subdivision shall not be considered a part of the rulemaking process instituted by the Commission under this paragraph, and the sufficiency of such material shall be subject to congressional review only. In the event the Commission finds that it is impractical or inappropriate to submit the informtaion required under subparagraphs (1) through (3) of this subdivision, the Commission shall submit a statement as to why it cannot so comply.

"(d) Each appropriate authorizing committee of the Congress shall, in the exercise of its oversight responsibility, examine, study, and take other appropriate action with respect to each initial and final recodification proposal submitted to Congress under this paragraph and referred to such committee.

"(e) The text of each initial recodification proposal submitted under subdivision (a), and of each final recodification proposal submitted under subdivision (c), shall be published in the Federal Register pursuant to section 553 of title 5, United States Code, and written comments thereon shall be invited. Any rule issued by the Commission which is not included in the recodified rules which take effect pursuant to subdivision (c), by the time required, shall be of no force and effect after such date. The provisions of chapter 7 of title 5, United States Code, shall apply to rules repromulgated under this paragraph.

"(f) As used in this paragraph, the term 'rule' includes the whole or any part of a statement of general applicability which is issued or promulgated by the Commission for future effect and which is designed to—

"(1) implement, interpret, or prescribe law or policy (including any rule for the approval or prescription of rates);

"(2) describe the central and field organization of the Commission, and the established places at which, and the employees from whom, and the method whereby, the public may obtain information, make submittals or requests, or obtain decisions;

"(3) describe the general course and method by which the functions of the Commission are channeled and determined, including the nature and requirements of all formal and informal procedures available;

"(4) describe any rules of procedure, forms available or the places where forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations; and

"(5) contain and describe all statements of general policy or interpretations of general applicability formulated and adopted by the Commission.

This term does not include any order, as such term is defined in section 551(6) of title 5, United States Code, except to the extent that any order includes a statement of policy, or an interpretation of a policy or substantive law or rule, of general applicability future effect.".

TECHNICAL AMENDMENT

Sec. 3. Section 13(6) of the Interstate Commerce Act (49 U.S.C. 13(6)) is amended (1) in subdivision (a) thereof by striking out in the first sentence thereof "relating to common carriers by railroads"; and (2) in subdivision (e) thereof by striking out "relating to common carriers by railroad".

CONGRESSIONAL ACCESS TO INFORMATION

SEC. 4. Section 17(15) of the Interstate Commerce Act (49 U.S.C. 17(15)) is amended to read as follows:

"(15)(a) Whenever the Commission submits any budget estimate, request, or information to the President or the Office of Management and Budget, it shall concurrently transmit a copy of such budget estimate, request, or information to the Congress.

"(b) Whenever the Commission submits any legislative recommendation, testimony, or comments on legislation to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress. No officer or agency of the United States shall have any authority to require the Commission to submit any legislative recommendations, testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review prior to the submission of such recommendations, testimony, or comments to the Congress.

"(c) Whenever a duly authorized committee of the Congress which has responsibility for the authorization of appropriations for the Commission makes a written request for documents in the possession or subject to the control of the Commission, the Commission shall, within 10 days after the date of receipt of such request, submit such documents (or copies thereof) to such committee. If the Commission does not have such requested documents in its possession or subject to its control, or if the Commission cannot make the requested documents available within the 10-day period, it shall so notify such committee within such 10-day period. Any such notice shall state the anticipated date by which such documents will be obtained and submitted to such committee, or a statement of the reasons why such documents are not in the possession of the Commission, and information as to where the documents are located. This subdivision shall not be deemed to restrict any other authority of either House of Congress, or any committee or subcommittee thereof, to obtain documents from any Federal agency, department, or entity. For the purposes of this paragraph, the term 'document' means any book, paper, correspondence, memorandum, or other record, including any copy of the foregoing.

"(d) Transmission of any information, record, or other document to the Congress under the provisions of this paragraph shall not constitute an offense under section 1905 of title 18, United States Code. The provisions of such section 1905 shall apply, however, to the transmission of any such information, report, or other document by any employee or officer of the Congress (other than a Member of Congress), or of any member or committee of the Congress, to any person other than another such employee or officer, a Member of Congress, or the Commission.".

REPRESENTATION IN CIVIL ACTION

SEC. 5. (a) Section 16 of the Interstate Commerce Act (49 U.S.C. 16) is amended by adding at the end thereof the following new paragraph:

"(14) (a) Except as otherwise provided in subdivision (b) or (c), if—

"(i) before commencing, defending, or intervening in, any civil action involving this Act (including an action to collect a civil penalty) which the Commission, or the Attorney General on behalf of the Commission, is authorized to commence, defend, or intervene in, the Commission gives written notification and undertakes to consult with the Attorney General with respect to such action; and

"(ii) the Attorney General fails within 45 days after receipt of such notification to commence, defend, or intervene in, such action;

the Commission may commence, defend, or intervene in, and supervise the litigation of, such action (and any appeal of such action) in its own name by any of its attorneys designated by it for such purpose.

"(b) Except as otherwise provided in subdivision (c), in any civil action (i) relating to injunctive relief; (ii) relating to any consumer redress; (iii) to obtain judicial review of a rule, regulation, or order issued by the Commission; (iv) relating to enforcement of a subpena pursuant to, or relating to compliance with, an order under this Act; or (v) brought pursuant to section 222(b)(1) of this Act; the Commission shall have exclusive authority to commence or defend, and to supervise the litigation of, such action (and any appeal of such action) in its own name by any of its attorneys designated by it for such purpose, unless the Commission authorizes the Attorney General to do so. The Commission shall inform the Attorney General of the exercise of such authority. The exercise of such authority shall not preclude the Attorney General from intervening, to the extent authorized by other law, in such an action (or in any appeal of such an action) on behalf of the United States.

"(c) (i) If the Commission makes a written request to the Attorney General, within the 30-day period which begins on the date of the entry of the judgment in any civil action in which the Commission represented itself pursuant to subdivision (a) or (b), to represent itself before the Supreme Court in such action (through any of its attorneys designated by it for such purpose), it may do so, if—

"(A) the Attorney General concurs with such request; or

"(B) the Attorney General, within the 60-day period which begins on the date of the entry of such judgment, refuses to appeal or file a petition for a writ of certiorari, with respect to such civil action, or fails to take any action with respect to the Commission's request. If the Attorney General so refuses to appeal or file, he shall notify the Commission in writing of the refusal and of the reasons for such refusal, within such 60-day period.

"(ii) Whenever the Attorney General represents the Commission before the Supreme Court in any civil action in which the Commission represented itself pursuant to subdivision (a) or (b), the Attorney General may not agree to any settlement, compromise, or dismissal of such action, or confess error in the Supreme Court with respect to such action, unless the Commission concurs.

"(iii) For purposes of this paragraph (with respect to representation before the Supreme Court), the term 'Attorney General' includes the Solicitor General.

"(d) If, prior to the expiration of the 45-day period specified in subdivision (a) or the 60-day period specified in subdivision (c), any applicable right of the Commission may be extinguished, due to any procedural requirement of any court with respect to the time within which any pleadings, notice of appeal, or other pertinent acts must be completed, the Attorney General shall have one-half of the time prescribed in such subdivisions to comply with any such procedural requirement of such court (including any extension of such time granted by such court) (i) for the purpose of commencing, defending, or intervening in a civil action, pursuant to subdivision (a), or (ii) for the purpose of refusing to appeal or file a petition for a writ of certiorari with written notification or of failing to take any action, pursuant to subdivision (c)(i)(II).

"(e) The provisions of this paragraph shall apply notwithstanding chapter 31 of title 28, United States Code, or any other provision of law.

"(f) Whenever the Commission has reason to believe that any person is liable for a criminal penalty under this Act, the Commission shall certify the facts to the Attorney General, whose duty it shall be to cause appropriate criminal proceedings to be brought.

"(g) The provisions of this paragraph shall not apply to any civil action commenced before the date of enactment of this paragraph, or to any action in which the Commission, as a defendant, is defending final action taken by the Commission in any matter.".

(b) Section 2321 of title 28, United States Code, is amended in the first paragraph thereof by striking out the period at the end thereof and inserting in lieu thereof the following: ", except as otherwise provided in section 16(14) of the Interstate Commerce Act (49 U.S.C. 16(14)).".

(c) Section 2323 of title 28, United States Code, is amended (1) by striking out, in the second paragraph thereof, 'The Interstate Commerce Commission and any" and inserting in lieu thereof "Any"; (2) by inserting "Interstate Commerce" immediately before "Commission, in which" in the second paragraph thereof; and (3) by striking out the first and fourth paragraphs thereof and designating the remaining two paragraphs as subsections (a) and (b), respectively.

COMPOSITION AND APPOINTMENT OF COMMISSION

SEC. 6. (a) Section 11 of the Interstate Commerce Act (49 U.S.C. 11) is amended to read as follows:

"SEC. 11. (a) The Interstate Commerce Commission shall be composed of seven members, who shall be appointed by the President, by and with the advice and consent of the Senate. Except as provided in section 6(b) of the Interim Regulatory Reform Act of 1977—Interstate Commerce Commission, each member of the Commission shall be appointed for a term of 7 years with any person appointed to fill a vacancy being appointed to serve only for the unexpired term of the member whom he shall succeed. A member may be reappointed as a member. Upon the expiration of his term of office, a member shall continue to serve until his successor is appointed and shall have qualified.

"(b) Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Not more than four of the members shall be appointed from the same political party. No person in the employ of or holding any official relation to any common carrier subject to the provisions of this Act, or owning stocks or bonds thereof, or who is in any manner pecuniarily interested therein, shall enter upon the duties of or hold such office. No vacancy in the Commission shall impair the right of the remaining members to exercise all the powers of the Commission.

'(c) The President shall appoint one of the members of the Commission as Chairman of the Commission, by and with the advice and consent of the Senate. The Chairman shall serve as Chairman at the pleasure of the President. An individual may be appointed as a member at the same time he is appointed as Chairman.

"(d) No member of the Commission shall engage in any other business, vocation, profession, or employment while serving as a member of the Commission. No member of the Commission, appointed after the effective date of this subsection, and no employee of the Commission classified as a GS-15 or higher and employed in a policymaking position, as determined by the Chairman of the Commission, shall, for a period of two years beginning on the last date of service as each member or employee, represent any other person in a professional capacity in any matter coming before the Commission.".

(b) Except as provided in subsection (c), the amendment made by subsection (a) shall be effective on and after January 1, 1979. Each member of the Commission serving as such a member on January 1, 1979, may continue to serve the unexpired portion of the term to which he was appointed. Beginning in calendar year 1979, the President shall make appointments to the Interstate Commerce Commission in the following manner:

(A) On or after January 1, 1979, two members of the Commission shall be appointed, one to serve a 7-year term and one to serve a 6-year term, as determined by the President. Such terms will be deemed to begin on January 1, 1979.

(B) To fill the vacancies which will occur upon the expiration of the terms of two members of the Commission on December 31, 1979, the President shall appoint two members, one to serve a 7-year term and one to serve a 4-year term, as determined by the President. Such terms shall begin on January 1, 1980.

(C) To fill the vacancies which will occur upon the expiration of the terms of two members of the Commission on December 31, 1980, the President shall appoint two members, one to serve a 7-year term and one to serve a 2-year term, as determined by the President. Such terms shall begin on January 1, 1981.

(D) To fill the vacancy which will occur upon the expiration of the term of one member of the Commission on December 31, 1981, the President shall appoint one member to serve a 7-year term. Such term shall begin on January 1, 1982.

Thereafter the President shall make appointments to the Commission according to the provisions of section 11 of the Interstate Commerce Act.

(c) The amendment made by subdivision (a) shall apply to the employees of the Commission specified in the amendment on and after the first day of the 13th month occuring immediately after the date of enactment of this Act.

AUTHORIZATION OF APPROPRIATION

Sec. 7. (a) Section 17 of the Interstate Commerce Act (49 U.S.C. 18) is amended by adding at the end thereof the following new subsection.

"(16) Amounts appropriated to carry out the functions, powers, and duties of the Commission shall not exceed $71,216,000 for the fiscal year ending September 30, 1978, $80,474,000 for the fiscal year ending September 30, 1979, 890,935,000 for the fiscal year ending September 30, 1980, and $102,755,000 for the fiscal year ending September 30, 1981.".

(b) Section 24 of the Interstate Commerce Act is repealed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 95–205), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

It is the purpose of this bill to provide for regulatory reform with respect to the Interstate Commerce Commission, an agency subject to the jurisdiction and oversight responsibility of the Committee on Commerce, Science, and Transportation. The bill would require the agency to review and recodify systematically all of the rules and regulations which it has promulgated and which are still in effect. Additionally, the bill would apply to the agency certain provisions of law which have been previously reported by the Committee, passed by the Senate, and enacted into law with respect to one or more of the independent regulatory agencies, and which have been applied by such agencies and found to be both useful and practicable; viz, (A) timely consideration of petitions; (B) Congressional access to information; (C) avoidance of conflict of interest; (D) appointment of the chairman by the President, by and with the advice and consent of the Senate; (E) Congressional oversight through the process of an authorization of appropriations not to exceed 4 years.

BACKGROUND AND NEED

During the past 7 years, the Committee has conducted many oversight hearings and other oversight activities with respect to the independent regulatory agencies subject to its jurisdiction. Subsequent to these oversight hearings, the Committee has made a number of legislative recommendations which have been enacted into law, with respect to one or another of the independent regulatory agencies. In particular, during consideration of the Railroad Revitalization and Regulatory Reform Act (Public Law 94–210) the Committee determined that it was necessary for the Interstate Commerce Act, which had originally been enacted in 1887, and subsequently amended on many occasions, to be revised in order to have the statute conform with current needs, case law, and circumstances.

In April 1976, Senator Pearson introduced S. 3308 which would have required each of the independent regulatory agencies to prepare and submit to the Congress comprehensive materials relating to the rules and regulations which they had promulgated pursuant to their statutory authority and reorganization plans which they administer and which define their authority. In considering this legislation in the 94th Congress, the Committee determined that there were a number of additional specific provisions which should also be applied to each of the independent regulatory agencies to improve their performance, effectiveness, and so forth. For purposes of such interim legislation, the Committee also determined that a number of other measures which had been approved and established as practicable, should also be applied to other agencies. As a result in May 1976, the Committee ordered S. 3308 reported with an amendment in the nature of a substitute, which was somewhat broader than the proposal as originally introduced by Senator Pearson. Upon Senate passage, S. 3308 was referred to four committees in the House of Representatives. Because of the brief time remaining in the 94th Congress, and the complexity of the referral, there was no consideration in the House of Representatives of the bill.

In January 1977, Senators Pearson and Magnuson introduced S. 263, which was a refined version of S. 3308, containing virtually identical provisions to S. 3308. The Committee on Commerce, Science, and Transportation held hearings on S. 263 on April 4, 1977, at which time testimony was received from the Chairman (or his desginated representative) of each of the independent regulatory agencies. Additionally, comments were received from the hearing record from other interested individuals.

Subsequently, the Committee on Commerce, Science, and Transportation met in open executive session on May 10, 1977, and ordered S. 263 as amended, reported favorably. The Committee determined that in order to expedite consideration of the measure in the House of Representatives, the bill should be reported as several original bills, each of which would be subject to a more limited referral in the House of Representatives.

COST ESTIMATE

The bill provides authorization for appropriations for the Commission in the following amounts: $71,216,000 for fiscal year 1978, $80,474,000 for fiscal year 1979, $90,935,000 for fiscal year 1980, and $102,755,000 for fiscal year 1981.

Pursuant to section 403 of the Congressional Budget Act of 1974, the Committee requested the Congressional Budget Office to submit its estimate of the cost of the legislation. As of the date of reporting, however, no such estimate has been received.

REGULATORY IMPACT STATEMENT

Implementation of the bill, as reported, will not result in any increased Federal regulation. The majority of the substantive changes contained in this bill affect the agency internally. The sole provision, which could have an effect on a regulated community, timely consideration of petitions, may result in lessened regulation as the Commission will be required to respond to petitions for the issuance, amendment, or repeal of a rule within a set time frame. This will enhance the ability of persons subject to Commission rules to facilitate the modifications of rules which is not currently the case under existing procedure.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to move to reconsider en bloc the votes by which the bills were passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I so move.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977

The Senate continued with the consideration of the bill (S. 7) to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes.

Mr. METCALF. Mr. President, I believe we are ready to handle the amendment offered by the Senator from Wyoming. I talked to my colleague, the senior Senator from Wyoming, and I think the Senator from Montana has examined it.

Has the Senator from Wyoming asked for a modification?

Mr. WALLOP. Mr. President, I ask unanimous consent that the modification offered by the senior Senator from Montana, which I have put on the amendment at the desk, be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment as modified is as follows:

With respect to such surface mining operations which would have been within the purview of the foregoing proviso but for the fact that no coal was so produced in commercial quantities and no such specific permit approval was so received, the Secretary, if he determines that substantial financial and legal commitments were made by an operator prior to January 1, 1977, in connection with any such operation, is authorized, in accordance with such regulations as the Secretary may prescribe, to enter into an agreement with that operator pursuant to which the Secretary may, notwithstanding any other provision of law, lease other Federal coal deposits to such operator in exchange for the relinquishment by such operator of his Federal lease covering coal deposits involving such mining operations, or pursuant to sec. 206 of Federal Land Policy and Management Act of 1976 convey to the fee holder of any such coal deposits involving such mining operations the fee title to other available Federal coal deposits in exchange for the fee title to such deposits so involving such mining operations.

Mr. METCALF. Mr. President, unless there is opposition, both Senator HANSEN and I will accept the amendment as modified.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. Is all time yielded back?

Mr. WALLOP. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming.

The amendment, as modified, was agreed to.

Mr. HANSEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. METCALF. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

SEVERAL SENATORS. Third reading.

Mr. HANSEN. Mr. President, I do have an amendment.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the action of the Senate just now be vitiated because Mr. HANSEN wanted to be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HANSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 267

Mr. HANSEN. Mr. President, I have an unprinted amendment at the desk. I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislatvie clerk read as follows:

The Senator from Wyoming (Mr. HANSEN) proposes an unprinted amendment numbered 267.

Mr. HANSEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On Page 305, after line 24 insert the following:

SEC. 516. Notwithstanding any other provisions of this Act, unless the President finds that the national need for coal cannot be satisfied except under the provisions of section 515, the following shall apply:

(a) The provisions of this section shall apply where coal owned by the United States under land the surface rights to which are owned by a surface owner as defined in this section is to be mined by methods other than underground mining techniques.

(b) Any coal deposits subject to this section shall be offered for lease pursuant to section 2(a) of the Mineral Lands Leasing Act of 1920, as amended.

(c) The Secretary shall not enter into any lease of Federal coal deposits until the surface owner has given written consent to enter and commence surface mining operations and the Secretary has obtained evidence of such consent. Valid written consent given by any surface owner prior to the enactment of this Act shall be deemed sufficient for the purposes of complying with this section.

(d) In order to minimize disturbance to surface owners from surface coal mining of Federal coal deposits and to assist in the preparation of comprehensive land-use plans required by section 2(a) of the Mineral Lands Leasing Act of 1920, as amended, the Secretary shall consult with any surface owner whose land is proposed to be included in a leasing tract and shall ask the surface owner to state his preference for or against the offering of the deposit under his land for lease. The Secretary shall, in his discretion but to the maximum extent practicable, refrain from leasing coal deposits for development by methods other than underground mining techniques in those areas where a significant number of surface owners have stated a preference against the offering of the deposits for lease.

(e) For the purpose of this section the term "surface owner" means the natural person or persons (or corporation, the majority stock of which is held by a person or persons who meet the other requirements of this section) who—

(1) hold legal or equitable title to the land surface;

(2) have their principal place of residence on the land; or personally conduct farming or ranching operations upon a farm or ranch unit to be affected by surface coal mining operations; or receive directly a significant portion of their income, if any, from such farming or ranching operations; and

(3) have met the conditions of paragraphs (1) and (2) for a period of at least three years prior to the granting of the consent. In computing the three-year period the Secretary may include periods during which title was owned by a relative of such person by blood or marriage during which period such relative would have met the requirements of this subsection.

(f) This section shall not apply where the surface owner is an Indian tribe or title to the land surface is held in trust for or by an Indian tribe.

(g) Nothing in this section shall be construed as increasing or diminishing any property rights by the United States or by any other landowner.

Mr. HANSEN. Mr. President, for the last hour and a half we have been working as diligently as we could, trying to arrive at a compromise which I think addresses the concerns that were expressed on the floor earlier this afternoon.

Though we are not able to agree upon final language with the distinguished Senator from Arkansas—and I presume the Senator from Wisconsin—I think we have arrived at language which accords with the Secretary of the Interior, Mr. Andrus, and which I think merits the support of Senators this evening.

Essentially, what we propose is to add at the end of the bill a new section 516, which would be prefaced with this language:

Notwithstanding any other provisions of this act, unless the President finds that the national need for coal cannot be satisfied except under the provisions of section 515, the following shall apply:

For the information of Senators, I observe that section 515 is the new language, the Bumpers amendment, which was adopted. That will stay in the bill.

Then we provide that that section of the bill would become the law of the land and would operate only when, upon a Presidential finding, there was not sufficient coal available to meet the energy demands of the Nation.

What we are trying to do is to accommodate the interests of landowners, particularly in the West, where the public lands are found and where the coal underlies a surface that would be in private ownership but the coal would be in Federal ownership.

I think we have accomplished that with this language, which would precede that section of the bill which was stricken by the Bumpers amendment.

Following the language I have read would be included the surface owner consent language that we have talked about so much this afternoon.

So, in effect, this is what would result with the adoption of this amendment: We would provide that the language which was agreed upon by the committee, the language which is contained in the House bill, would be the law of the land, unless—and this is an important "unless"—the President of the United States were to determine that, operating under that sort of law, insufficient coal would be available, in which case, upon a Presidential finding, immediately the provisions contained in the Bumpers amendment would be triggered; and the ability of the United States to move in and to take over ranches and farms and to remove the coal under the surface of those farms and ranches could not be contested. All it would take would be a word from the President of the United States that the coal was needed and that insufficient coal was available under the old section of the bill; and in that case, the Bumpers-Nelson-Jackson amendment would come into play.

I think this is a reasonable compromise. It will enable the landowners of the West, be they farmowners or ranchers, to say that the farms and ranches they own may be mined, the coal under them may be removed, or they will have the right to say, "No, don't mine my land."

It is my contention, and I think it is supported by fact, that within the State of Wyoming are more than 200,000 acres of land already under lease. We are not running out of coal. There are coal seams out there averaging in thickness perhaps 30 feet to as much as 200 feet.

We can provide all of the coal, if we have the mechanical means to remove it, that the Nation would need for a long, long time to come just from the State of Wyoming.

Actually, of course, this bill encourages underground mining and it encourages mining everywhere, and I think this is a reasonable compromise. It would achieve the goals that those of us who believe there should be some sanctity to the ownership of private property have in mind and, at the same time, it would have the backup guarantee that coal that is owned by the Federal Government, if need be, can be removed by direction of the President of the United States and the Secretary of the Interior.

I hope that Members of the Senate might see fit to support this compromise.

SEVERAL SENATORS. Vote! Vote!

Mr. BUMPERS. Mr. President, I am not sure that we are not confusing or maybe obfuscating the issue here ever so slightly.

As I understand the Senator from Wyoming's amendment, which reads as follows:

> Notwithstanding any other provisions of this act, unless the President finds that the national need for coal cannot be satisfied except under the provisions of section 515, the following shall apply:

The following is land owner consent. Would the Senator from Wyoming agree with that?

Mr. HANSEN. That is correct.

Mr. BUMPERS. That is what we just got through negating by a vote of 44 to 32 less than 3 hours ago.

I talked with the distinguished Senator, and I thought for a moment we had a workable compromise. But let me explain the difference between what he is offering and what I will shortly offer as a substitute. He is saying that the landowner still must consent to the sale of this land, and it is that consent provision which I have objected to all along because of the leverage it gives the landowner against the U.S. Department of the Interior and, indeed, the U.S. Treasury.

I will accept, and momentarily send to the desk as a substitute, an amendment which would state that the Secretary will not enter into any leases on Federal coal lands where the United States does not own the surface of that land, unless he finds that it is necessary in the national interest.

It occurs to me that that certainly is the best of all worlds. No. 1, the land can be leased at such time as the Secretary deems it necessary in the national interest; the Secretary can lease the lands.

Second, at such time as he deems it necessary to lease the lands in the national interest then all of those very generous, charitable compensatory provisions of the act which were embodied in the amendment we approved this afternoon will come into play.

Now, I agree with all of the people who have resisted the amendment this afternoon that for the foreseeable future we are not going to be taking many ranchers' lands. I do not think it is going to be necessary to massively mine that coal right away for all kinds of reasons, and there is no point in belaboring the argument here tonight.

But I do think, and I have to reiterate this again and again and again, because I feel so strongly about it, that this coal which was reserved to the United States belongs to the 213 million people in this country, and they should not have to pay for it again and again and again.

The Secretary of the Interior has said that he does not think any landowner out there ought to be unjustly enriched; that if they are going to sell the land then some fixed method of compensation should be in the bill.

To my colleagues I say that is precisely what we did when we adopted this amendment that was offered by Senator NELSON, Senator JACKSON, and myself this afternoon. We set up exactly two to three times more compensation for the owners of the surface rights of western coal than any State in the Union gives, the United States gives or, so far as I know, anybody has ever given.

I do not want to repeat and belabor all of those arguments we made this afternoon. But I simply want everybody to be cognizant of the fact that it is not a property right we are trying to destroy here, as has been suggested.

(At this point Mr. GLENN assumed the chair.)

Mr. BUMPERS. On the contrary, we are trying to keep one of the grossest aberrations of property rights from occurring because every place in this country where the minerals are owned by one party he always has the right to go in and take those minerals whether it is oil, gas or coal or whatever, provided he compensates the landowner.

Why should the United States be treated differently? Everybody else takes his mineral rights. Every law in the United States provides that you can do it, and yet we are proposing to thwart what some visionaries in the U.S. Congress provided for the future interests of this country 100 years ago.

Mr. NELSON. Mr. President, will the Senator yield for a question?

Mr. BUMPERS. I would be happy to.

Mr. NELSON. This issue, as everyone here knows, has been debated off and on for half a dozen years. I think I sat in two conferences with the distinguished Senator from Wyoming on two bills that we passed that were vetoed and in which this issue was debated and discussed at great length.

As I look at the proposed amendment of the Senator from Arkansas, do I have it correctly that the compromise he would propose as an amendment to the amendment of the Senator from Wyoming is that none of the land in which the Government owns the mineral rights and the private citizen owns the surface land would be taken for the production of coal without his consent unless it was declared by the Secretary to be in the national interest? Is that the heart of it?

Mr. BUMPERS. That is precisely it.

Mr. NELSON. So far as I am concerned that would be a good compromise.

UP AMENDMENT NO. 268

Mr. BUMPERS. Now, since this is the only copy I have I would like to read it and then send it to the desk because I would like to read it and comment on it.

Here is the way the substitute that I intend to offer reads. It says very simply:

> No such lease shall be entered into by the Secretary unless he finds and certifies that it is necessary in the national interest that the coal covered by such lease be surface-mined in accordance with the provisions of such lease.

Now, I want to say, number one, I do not think in the foreseeable future that land is going to be leased unless we own both the surface and the minerals.

But we are not passing a bill for the foreseeable future; we are passing a bill for all time to come.

Those of you who attended the debate this afternoon and saw that checkerboard map of the Powder River Basin saw a graphic demonstration that the Secretary of the Interior will virtually find it impossible to enter into a leasing arrangement on the biggest coal deposit in the world which belongs to the citizens of the United States.

Mr. WALLOP. Mr. President, will the Senator yield?

Mr. BUMPERS. Now, Mr. President, I would like to send this amendment to the desk and offer it in the form of a substitute.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Arkansas (Mr. BUMPERS) proposes unprinted amendment No. 268.

Mr. BUMPERS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> In lieu of the language to be inserted at the end of the bill proposed by the Hansen amendment, add the following new section:
>
> SEC. 515(j). No such lease shall be entered into by the Secretary unless he finds and certifies that it is necessary in the national interest that the coal covered by such lease be surface mined in accordance with the provisions of such lease.

Mr. WALLOP. Mr. President, will the Senator yield at that point? I think he misrepresented something and I would like to clear it up.

Mr. BUMPERS. I will yield for an observation and a question.

Mr. WALLOP. The observation I want to make is regarding the map and the figures it cited this afternoon. The map that was displayed included all the coal in the Powder River Basin down to 6,000 feet, including deep coal.

The other thing that the Senator suggested was taking place was the impossibility of the secretary to enter into a leasing program, and it simply has not been so.

We have in Wyoming right now 200,000 acres of Federal coal leased of which 117,000, more than half are leased on private surface land where the estates are severed. Those lands have been leased with the surface owners' consent because our State law—and I do not know how many times I have to repeat it, because our State law—provides for surface owners' consent, and the companies have come there with that in mind.

And they have been operating, getting leases, and putting together merchantable minable tracts—economic mining units as they are referred to—with no problem at all. We are in a position in Wyoming today to provide 25 percent of the President's call for 1.1 billion tons annual production of coal for the next 40 years and all of this has been done with landowners' consent. Now the effect of the amendment of the Senator from Arkansas is just this: Far from stopping the so-called windfall profits, this Government cannot order a man to live on his property and to own it. They cannot order him to own it. He can sell his property at any time. So Senator Bumpers amendment is going to have the effect of surface owners' consent because the surface owner will sell his property rather than live with the complications that are included in the amendment as was adopted this afternoon. So what is the effect of that? The huge coal companies of America will also become the huge agricultural companies of America. That is exactly what will happen under the Bumpers amendment.

We are driving small agricultural holders off their land. There is no other alternative because those ranchers are not going to sit there and submit to the kind of harassment that is involved with the amendment that was adopted this afternoon.

We are driving small American agriculture off of the land and giving it to the huge multinational energy companies. If that is what Senators want to do, by all means adopt the amendment that is proposed as a substitute, but if not let us reject Senator Bumper's substitute amendment and accept the equity expressed by the Senator from Montana.

Mr. BARTLETT. Mr. President, will the Senator yield for a question?

Mr. BUMPERS. I yield.

Could we have order, Mr. President?

The PRESIDING OFFICER. Those conversing will stop conversing or take their conversations to the cloakroom and be seated, please.

Mr. BARTLETT. Do I understand the amendment?

The PRESIDING OFFICER. The Senator will suspend.

Those who are talking, please retire to the cloakroom.

The Senator will proceed.

Mr. BARTLETT. Do I understand the Senator's amendment correctly that in the case where the Federal Government owns the coal, owns the minerals, and an individual owns the surface, there would be no leasing at all unless the Secretary of the Interior found that it was in the best interest of the United States that leasing take place?

Mr. BUMPERS. The Senator is precisely correct.

Mr. BARTLETT. To further get at that same point, if the Senator will yield further, if I were a rancher and I wanted my particular tract to be put up for leasing, then, unless the Secretary of the Interior happened to make the ruling that it was in the best interest of the United States that there be leasing, I could have this tract put up for leasing, is that correct?

Mr. BUMPERS. Frankly, the amendment is not entirely clear on that point, but I would certainly assume that if any surface owner advises the Secretary that he wished his land included in a tract and if the Secretary were going to lease land in the area, he would include such land, if possible, without making such a finding.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. BARTLETT. If the Senator will yield further, would he agree that if his amendment were interpreted that if a land owner did want his land to be offered for lease that it would be offered for lease?

Mr. BUMPERS. I certainly think that a Secretary in drafting leasing plans would take into consideration a number of things of which that would certainly be one. I think the need for the coal, the depth of the thickness of the vein, the proximity to railroads, and all the other things that he would normally consider in drafting leasing plans, would play a part. However, that probably would not be the dominant thing in his thinking.

Mr. BARTLETT. If the Senator will yield further, he would see a consideration given by the Secretary in deciding what lands would be put up for leasing if he found that there were a need for the United States that this be done. Let me rephrase it.

The Senator is saying it would be a consideration by the Secretary in determining which tracts would be put up for leasing that an individual landowner desired to have his tract put up for bidding for leasing.

Mr. BUMPERS. I am not sure I am tracking the question. Would the Senator rephrase it, please?

Mr. BARTLETT. Am I correct that consideration would be given by the Secretary in deciding what tracts would be put up for bidding that an individual landowner asked that his particular tract or tracts be put up for leasing?

Mr. BUMPERS. I would think so. I would think that would be a consideration, certainly.

Mr. BARTLETT. I thank the Senator.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. BUMPERS. I am happy to yield.

Mr. McCLURE. I do not think we are far apart in the intent. I think, because of the manner in which we arrived at this point, it is difficult to express the agreement we are close to. I am afraid that is where we are right now because, as I read the substitute of the Senator from Arkansas, though he does not intend it, even if a coal company had bought the surface and desired to mine that coal that is owned by the Federal Government—the coal company buys the surface and they have tens of thousands of acres of land underlain by Federal coal, in the expectation that the Federal Government will put that coal up for bid—the Secretary could not lease that coal to that coal company that owned the surface. I am sure that is not the intention of the Senator from Arkansas.

Mr. NELSON. If the Senator will yield, I think that is a lawyer's point.

Mr. McCLURE. I thank the Senator very much.

Mr. NELSON. Could that not easily be resolved, however, by colloquy on the floor or by committee report because certainly there is no intent with a willing lessor to bar the mining of his land by the provision.

Mr. McCLURE. I suppose it is possible to change the language, but I do not think it possible to change the effect of the language without changing the language itself in this instance.

Let me, if I may, very briefly address myself to the amendment the Senator from Wyoming has introduced.

My understanding of the objection to the surface owner consent is it lay in two parts. One, that it would prevent us from being able to get the coal that was necessary in the national interest. The amendment of the Senator from Wyoming obviates that by a simple finding by the President that they cannot get it that way. Therefore, they would have to get it under the Nelson-Bumpers-Jackson amendment. And if the President made that finding, the surface owner consent is no longer required.

And the second was that, if there were surface owner consent and no way to avoid it, then the surface owner might use that consent as leverage to get unjustified enrichment. Certainly, if the President can make the certification that the coal is not available under the consent provision, then they do not have very much leverage left to extract an unjust payment from the coal operators.

So I think, in spite of the route by which we got here, the amendment of the Senator from Wyoming satisfied the very just concerns of the Senator from Wisconsin as well as that of the Senators from Arkansas and from Washington.

But I am afraid that the substitute offered by the Senator from Arkansas unwittingly goes far beyond that because it does not just simply allow the Secretary to make a finding and thereby waive the consent. It says he cannot do it, and that is not the intention.

Second, although again I think it is unfortunate we are trying to legislate in this manner at this hour, trying to refine language where I think we are really very close to the same point, I hope that the substitute of the Senator from Arkansas is not adopted and we could adopt the compromise offered by the Senator from Wyoming.

Mr. BUMPERS. In order to avoid a misunderstanding, I call the Senate's attention to this map, which I pointed out this afternoon.

This colored portion of this map is the Powder River Basin in Wyoming, which, as I said earlier, is the biggest deposit of coal in the world. The coal is owned almost exclusively by the United States. I know you cannot see all the color codings from where you are sitting. But just to give you an illustration, everything on the map colored in gray, the United States owns the coal only. Everything on the map in purple—the eastern part of that deposit—is land in which the United States owns all of the minerals and somebody else owns the surface.

There are some blue spots along here, which means the United States owns the oil and gas, but someone else owns the surface.

The part that is red means that the United States owns both the minerals and the surface.

The substitute for the amendment of the Senator from Wyoming is designed to do this: Everyone is concerned that the farmers and ranchers are going to be run off their lands. That is one way of phrasing it. The truth of the matter is that the Secretary is not going to enter into leases which cover the whole Powder River Basin at one time. We are talking about, probably, 100 billion tons of coal, or roughly 20 percent of all the reserves of coal in the United States.

He would find those areas where he could lease the United States interest in coal where it owns the surface, and no surface owner would be disturbed.

There are going to be some isolated cases, of course, where at this area, for example, he cannot lease the land because in order to lease the land you have to put a tract together, and the United States simply does not own a big enough tract of surface and minerals to make it feasible and economically acceptable to any bidder.

The argument I was making this afternoon is that when you look at all this area, it is impossible to lease any of this area, about 60 percent of it, without the surface owner's consent, the way the bill was drafted.

Under my amendment this afternoon, the Secretary could indeed lease lands here, and pay compensation which, as I pointed out earlier, is more generous than anything any State of the United States has ever done before. But here he is also restricted.

If the United States ownership of surface and minerals was all contiguous, as it is here in this little area, I might not be so concerned about this, but it is not. Because these small purple areas that intersperse this whole area here in the southwestern part of this deposit mean that one or two or three surface owners can literally thwart the leasing of any of that land down there, because it cannot be put into a minable tract of land without their consent.

So it is the consent provisions to which I have objected so strenuously. What I am saying tonight is that under the substitute amendment, the Secretary will not enter into a lease of any of these lands, which well could not be anything you see in gray, purple, or blue, without making a finding that it is in the national interest to do so. Once he makes that finding, and once any surface owner is disturbed, that is when the compensatory provisions of this act come into play, and I think everyone here will admit the generosity and the largesse of the amendment this afternoon, which provides that the surface owner will get twice the value of the difference between the before and after value. That is the most generous thing I have ever heard of.

Second, he will be paid for 2 years' loss of profits. Third, he will receive all of his relocation expenses, or any other expenses connected with his being discommoded. Fourth, any other damages that he can conjure up and reasonably verify. And finally, in the final analysis, and that is what this bill is all about, the land will be reclaimed, put back to its approximate original contour and the highest productive position, and handed back to him.

Now, I am not insensitive to the fact that these people own that land and may have farmed it for generations. But I am also not insensitive to the fact that there are many owners out there who own thousands of acres, who can hold the Secretary's feet to the fire and become instant millionaires. I know you are tired of hearing it, but it just happens to be the truth.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. BUMPERS. I yield.

Mr. McCLURE. First of all, I wonder if it might not be well to have a brief quorum call and get our heads together on language, because I really believe we are not far apart.

Mr. BUMPERS. I would be happy to do that.

Mr. McCLURE. But secondly, that map just does not show what it purports to show, because well over half of what is shown on that map is already under lease, or owned by people who own the surface for the purpose of mining the coal underneath it. But that does not show. None of that shows. There are thousands and thousands of acres on that map which are already under lease, or in which the surface is owned by non-Federal owners over Federal coal, in which the whole purpose in owning it is to mine the coal. They are all ready to go.

Mr. BUMPERS. Mr. President, if I may respond to that——

Mr. McCLURE. Of course.

Mr. BUMPERS. Would that not also be an argument for saying the Secretary is not going to go in and arbitrarily start pushing them off their land, when there are already thousands of acres available for mining?

Mr. McCLURE. Let me say it is the history of mankind that, when they have given arbitrary authority to governments, the governments tend to abuse that authority.

Mr. BUMPERS. I suggest the absence of a quorum.

Mr. HANSEN. Mr. President, if the Senator will withhold that——

Mr. BUMPERS. I withdraw it.

Mr. HANSEN. Let me make one observation. I agree with Senator McClure and Senator Bumpers that we can probably get this resolved very quickly, but let me make one point that I think needs to be understood.

This amendment offered by the Senator from Arkansas—let me read it:

> No such lease shall be entered into by the Secretary unless he finds and certifies that it is necessary in the national interest that the surface mining of the coal covered by such lease be surface mined in accordance with the provisions of such lease.

The point I want to make, Mr. President, is simply this: It does not matter, with this language, if the surface owners are agreeable to having the land mined. It does not matter what else takes place, it still cannot be mined. It is a flat ban, so long as the coal is Federally owned and the surface is priavtely owned.

That is the reason why the Secretary came down against the Mansfield amendment. He said, "It is a flat out ban; you cannot mine anything."

There is, of course, this one provision: He can move in, but he has got to determine first that there is in effect a national situation arising. So the Senator from Alabama, I think, has offered some language that I would think could be attached to the Senator's amendment to the amendment of the Senator from Arkansas, if he would just permit the addition:

> No such lease shall be entered into by the Secretary without the consent of the surface owner, unless he finds and certifies that it is necessary in the national interest that the surface mining of the coal covered by such lease be surface mined in accordance with the provisions of such lease.

If the Senator will agree to that, that will be agreeable as far as I am concerned.

Mr. BUMPERS. I discussed that with the distinguished Senator from Alabama a moment ago. Frankly, I thought I understood the intent of it, but I did not think the language of the proposed amendment did what he wanted it to do. That is the reason I more or less rejected it. I will be happy to talk to the Senator. I do want to make one point before we put in a quorum call.

Mr. METCALF. Will the Senator withhold his quorum call?

Mr. BUMPERS. I will.

I want to make this point. When the Senator read the substitute, he read four words that had been stricken.

> No such lease shall be entered into by the Secretary unless he finds and certifies that it is necessary in the national interest that the coal—

I struck "surface mining of the"—

> covered by such lease be surface mined in accordance with the provisions of such lease.

That gives a slightly different meaning than would attach the way the Senator read it.

I will withhold the quorum call for the distinguished Senator from Montana.

Mr. METCALF. I thank the Senator from Arkansas.

UP AMENDMENT NO. 269

Mr. METCALF. Mr. President, I have another technical amendment that I send to the desk. I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Montana (Mr. Metcalf) proposes a technical amendment, unprinted amendment 269.

The amendment is as follows:

> Page 151, lines 24 and 25, strike the words "who shall report directly to the Secretary and"

The PRESIDING OFFICER. Without objection, the amendment is in order.

Mr. METCALF. This amendment strikes the words "who shall report directly to the Secretary."

The office shall appoint a Director and the Secretary of the Interior is concerned about that requirement to report directly to him. He would prefer to have just the office of Director appointed and have him report to an Assistant Secretary of Defense.

The PRESIDING OFFICER. Will the Senator suspend for a moment? There are many conversations going on without a quorum call being in process. If the Senators wish to converse, please go to the cloakrooms.

Mr. METCALF. The only point is that the Secretary of the Interior is concerned about that provision that the report from the Director has to be directly to the Secretary. We are putting the language in that is in many other pieces of legislation, that the appointment of the Director will be made and the report can be made to an Assistant Secretary or some other person.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 270

Mr. BUMPERS. Mr. President, I ask unanimous consent that the amendment in the nature of a substitute, which was previously offered by me, be withdrawn and that I be allowed to offer another substitute in its place, which I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator has the right to exchange amendments.

The first amendment is withdrawn.

UP amendment 268 was withdrawn.

The PRESIDING OFFICER. The second amendment is substituted. The clerk will state that amendment.

The legislative clerk proceeded to read as follows:

> The Senator from Arkansas (Mr. BUMPERS) proposes unprinted amendment 270.

Mr. BUMPERS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> In lieu of the language proposed to be inserted by the amendment (UP-267) of the Senator from Wyoming insert the following:
>
> At the end of the bill add the following new section: 515(j). No such lease shall be entered into by the Secretary without the consent of the surface owner unless he finds and certifies that it is necessary in the national interest that the coal covered by such lease be surface mined in accordance with the provisions of such lease.

Mr. BUMPERS. Mr. President, we have conferred with all cosponsors of my amendment which was adopted this afternoon, plus those antagonists to that amendment. We have worked out language which is embodied in the substitute which I have just sent to the desk. I wish to explain it to my colleagues. I also would like to engage in a colloquy with my friend from Wyoming, so that we will have a record of everybody's intention on the meaning of the language.

The PRESIDING OFFICER. May we give the Senator from Arkansas our undivided attention? Will conversations please cease on the floor?

Mr. BUMPERS. Mr. President, I can understand; I have had so much attention from my colleagues today that they are not interested in continuing to give it.

Let me explain the substitute as briefly as I can. It simply provides, in substance, that the Secretary will not lease lands in which the United States does not own the surface unless the surface owner consents to the lease; in which event the Secretary can still lease it if he finds that it is in the national interest.

It is my intention, and I want this perfectly clear, to coin a phase that the Secretary has discretion in making this determination.

Does my colleague from Wyoming agree with that?

Mr. HANSEN. I agree with that.

Mr. NELSON. May I ask a question at that point?

Mr. BUMPERS. Yes.

Mr. NELSON. The Senator has said the Secretary has the discretion. If the landowner says, "No, I would rather not lease," and the Secretary makes a determination that it is in the national interest that that land shall be mined, does the final decision, arbitrary or otherwise, rest with the Secretary?

Mr. BUMPERS. It is my understanding that—arbitrary may be too strong a term—it is discretionary with the Secretary as to whether that land will be leased or not.

Mr. NELSON. Does the Secretary have to make any findings to prove that is in the national interest, or is it his option simply to declare that it is in the national interest, and that declaration is not challengeable by the owner of the surface land?

Mr. BUMPERS. It is my understanding that the Secretary would have that discretionary authority.

Mr. NELSON. Does the Senator from Wyoming agree with that?

Mr. HANSEN. Yes. The language reads, "unless he finds"—referring to the Secretary—

> * * * and certifies that it is necessary in the national interest that coal covered by such lease be surface mined in accordance with the provisions of such lease.

Mr. NELSON. May I ask a question, just so we are certain it is clear?

Mr. BUMPERS. Yes.

Mr. NELSON. When we say, unless the Secretary finds and certifies, that is a decision solely within the jurisdiction and responsibility of the Secretary?

Mr. HANSEN. That is my understanding.

Mr. NELSON. And that he may not be required, under any challenge or any lawsuit, to make specific findings of some kind based upon some fact situation that proves in court that, in fact, it is in the national interest?

Mr. HANSEN. The language seems to me to be quite clear. It simply says that no such lease "shall be entered into by the Secretary without the consent of the surface owner unless he finds"—that is, the Secretary—"and certifies that it is necessary in the national interest."

I think that language is clear, unequivocal, not subject to misinterpretation.

It seems to me that it says that the Secretary shall find and he shall certify that it is in the national interest, and I see nothing in there to incline this Senator to believe that that sort of decision and conclusion reached by the Secretary would be subject to review.

Mr. NELSON. So it is within his sole determination as to whether or not it is in the national interest, without any factual findings or anything else by the Secretary?

Mr. HANSEN. Well, I think it is implicit in this language that the Secretary will examine the situation. He will determine what the facts are and he will examine the facts.

I would not want to say that he is going to get up in the morning and feel a little grouchy and say, "It is in the national interest that we lease all the coal." I think he is going to look at the record; he is going to see what coal is available, what the national needs are, and, having examined these sorts of evidence, would make the conclusion that I say is one for him alone to make.

Mr. NELSON. I would agree that the Secretary, of course, based upon the language, would look at all of the surrounding circumstances. I am trying to get at the question that I am sure the Senator understands; that if he looks at the situation and makes his own mind up that it is in the national interest, that finding or determination by the Secretary is not subject to challenge by somebody saying, "Well, I do not agree that that is in the national interest." That is the question I would like to see answered.

Mr. HANSEN. That would be my interpretation of this language.

Mr. ALLEN. Will the Senator yield?

Mr. HANSEN. I am happy to yield to the Senator.

Mr. ALLEN. As I understand the amendment, there are two situations, one where the surface owner is agreeable to the leasing. In other words, he makes his trade with the mine operator. In that event, no finding by the Secretary is necessary.

Mr. HANSEN. That is right.

Mr. ALLEN. And it is only in the cases where the surface owner is not agreeable to having the coal mined by surface mining that the second provision of the amendment comes into play.

If he refuses to agree to the leasing, then the Secretary on making a finding and certifying that the surface mining of that coal is necessary in the national interest, then the Secretary can lease the mining of the coal and then the provisions of the Bumpers-Nelson, and others, amendment would come into play setting up the damages and the benefits that the surface owner would get as a result of the surface mining taking place.

Is that correct?

Mr. HANSEN. That is my understanding.

Mr. BUMPERS. I thank the Senator from Alabama for those very cogent remarks.

It simply condenses that the surface owner can say, "yes," but he cannot say, "no."

Mr. BELLMON. Will the Senator yield?

Mr. BUMPERS. Yes.

Mr. BELLMON. In the event the surface owner does not wish to see the coal mined and the Secretary finds it is in the national interest for the mining to proceed, is this ruling subject to court interpretation?

Mr. BUMPERS. No. That is the point we just made. The Senator from Wisconsin just asked that specific question of the Senator from Wyoming.

We all agreed that in all probability he will certainly make the decision based on certain evidence and facts that would be available to him.

But his decision is discretionary and not subject to challenge. That should be made very clear here tonight.

Mr. BELLMON. Does the amendment so state?

Mr. BUMPERS. No. But that is the reason for this colloquy. We do not want any misunderstanding about that.

Mr. WALLOP. Will the Senator yield?

Mr. BUMPERS. Yes.

Mr. WALLOP. It would seem to me that the national interest ought to relate to the energy situation and not to some arbitrary finding that was specious of nature.

Would that be correct?

Mr. BUMPERS. I do not know how we could state it any more explicitly than we already have.

Mr. WALLOP. All I am trying to establish here is that the national interest relationship to the surface mining of coal would be directed toward the national energy situation and not just a finding that it was in the national interest because the coal was a little cheaper or a little better.

Mr. BUMPERS. Certainly, this whole thing is related to two things. One is land reclamation and the other is meeting the country's energy needs.

As I say, I would assume that the Secretary would not make the decision unless he found it was in the national interest.

But I do hate to be pinned down saying energy is the only consideration he could use on making that determination.

Mr. WALLOP. I was not suggesting it would be the only consideration.

It would seem to me if other Federal coal were still available, coal to be leased, then that would be one of the considerations.

Would that be correct?

Mr. NELSON. May I say, if that were the consideration now, I do not think we have got any provision at all, because there will never be a circumstance in which an owner of surface land cannot stand up and say, "Look, there are 5,000 acres over there, 50 miles away, and 1,000 here."

So I certainly, personally, could not agree with that.

If the Secretary makes a determination it is in the national interest and the surface landowner can challenge it on a dozen different grounds, we do not have any effective provision at all.

Mr. WALLOP. I would suggest such a finding might be entirely arbitrary depending on the particular Secretary. The national interest encompasses a very broad spectrum. It seems to me it at least should be related to the energy situation and the needs of the country, not just arbitrary findings of the Secretary of the Interior, whoever he happened to be.

Mr. BUMPERS. I must say that was not the intent of the substitute. I do not think the language states that, and the purpose of the colloquy between the Senator from Wisconsin and the Senator from Wyoming was to lay that issue to rest.

Mr. WALLOP. I feared that was the purpose of the colloquy.

I just wanted to bring up there is an arbitrary finding we are laying on it. It seems to me it really ought to relate to the Nation's energy needs, not the Nation's arbitrary needs.

Mr. BUMPERS. Let me say for the record, that was not the intention and that is not my understanding, nor is it the understanding of the Senator from Wisconsin or the senior Senator from Wyoming.

Mr. SCOTT. Will the Senator yield?

Mr. BUMPERS. Yes.

Mr. SCOTT. Mr. President, I hope we are going to be able to go forward shortly. But I must say that I do not believe that the Congress can deny due process of law.

If the Secretary acts arbitrarily and capriciously, I believe that any determination that he makes is subject to judicial review, regardless of what agreement is reached by the parties here.

I think if we ask any lawyer in this Chamber, he will tell us the same thing.

Now, we can explain, have as much legislative history as we want, and I do not believe that the proponents of the amendment on either side want to deny due process of law to anyone.

If they do so, I believe the law that we would enact would be contrary to the Constitution and would be a nullity.

Mr. BELLMON. Will the Senator yield?

Mr. BUMPERS. May I say to the Senator from Virginia, first of all, of course, we do not have the authority to suspend the due process clause of the Constitution, nor do we have the right to preclude anybody from bringing action based on capricious or arbitrary actions on the part of the Secretary.

I yield to the Senator from Oklahoma.

Mr. BELLMON. I thank the Senator for yielding.

I want to comment on the colloquy of the Senator from Wyoming.

Do I understand the only basis for challenging the findings by the Secretary of the Interior will be on the basis that finding was arbitrary and capricious and not on whether or not his ruling was based on what is best for the national interest?

Mr. HANSEN. I did not catch all of the Senator's question.

Mr. BELLMON. Let us assume that the surface owner objects to the mining of the coal under the land and the Secretary finds it is in the national interest that that coal be mined. Will that finding by the Secretary be subject to court action?

Mr. HANSEN. Well, I should think, having in mind the point just made by the Senator from Arkansas, we are not doing anything here, it seems to me, it is not our intention to do anything here to set aside other statutes that apply and govern, control, regulate and circumscribe any government official, so that on due process, the absence of arbitrary and capricious actions are always implicit in anything we say here.

Having said that, what we are trying to say is that if the Secretary determines that there is not sufficient coal available, operating under the language that was contained in the bill prior to the adoption of the Bumpers amendment, then he can make a finding that it is in the national interest that this coal be leased anyway, despite the fact that the surface owner objects to it.

It is this sort of situation that we are trying to address.

Mr. BELLMON. If the opponents of the Secretary's action were able to prove that there were hundreds of thousands of acres of coal under lease, would that negate the Secretary's finding?

Mr. HANSEN. As I have tried to qualify what I think would naturally limit and circumscribe the actions of the Secretary, my answer would be that if it is the finding and the certification by the Secretary that it is necessary in the national interest to have that coal mined, then I would say that the Secretary has the right to lease the coal.

Mr. BELLMON. Regardless of how many other acres of coal?

Mr. HANSEN. Yes.

Mr. BELLMON. So this is not likely to result in interminable lawsuits and stop the mining of coal by a whole series of court actions?

Mr. HANSEN. If I were to predict on that, I would suspect that we will find that this law will work so well that the Secretary never will need to trigger and to bring into action this Bumpers amendment. I think that the average landowner under whose land is contained Federal coal will be persuaded and will be aware of what the situation is, so as to understand full well that he has to be reasonable and that others have to be reasonable or the situation will arise that will trigger the authority of the Secretary to lease it, anyway.

Mr. BELLMON. Mr. President, I understand the difficulty both sides of this question—those who are interested in preserving the rights of surface owners, and I think those surface owners do have rights that should be protected, and those who are interested in seeing that the owners of the minerals are not inhibited.

I congratulate the sponsors of this amendment for the compromise, and I will support it.

Mr. ROBERT C. BYRD. Mr. President, I congratulate all the participants for working out a very difficult and complex amendment. I also congratulate them on the legislative history they have made.

I hope we are now ready to vote.

Mr. BUMPERS. Mr. President, I should like to make two quick observations for the record, in addition to what already has been said.

No. 1, if the Secretary draws up the plans for leasing a tract of land, I want everybody to understand that he may draft a township, a half township, a thousand acres, or something less; and regardless of how many surface owners may be in there, if he finds that that tract should be mined in the national interest, his findings shall go to that tract, and it will not be necessary for him to make a finding as to each surface owner and the rights of each surface owner.

Does the Senator from Wyoming agree with that?

Mr. HANSEN. I agree with that.

SEVERAL SENATORS. Vote! Vote!

Mr. BUMPERS. Mr. President, I am willing to forego a rollcall vote if everybody here understands that the vote will be virtually unanimous, so that we can tell the conference that it was a unanimous vote.

Mr. MELCHER. Mr. President, will the Senator yield?

Mr. BUMPERS. I yield.

Mr. MELCHER. I hope the Senator does not mean what he said about half a township. We do have restrictions on how much land there can be in a Federal lease, and I would not want our legislative history to show such huge quantities of acreage.

The PRESIDING OFFICER. The question is on agreeing to the amendment by the Senator from Arkansas to the amendment by the Senator from Wyoming.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment by the Senator from Wyoming, as amended.

The amendment, as amended, was agreed to.

ADDITIONAL STATEMENTS SUBMITTED ON S. 7—STEEP SLOPE STRIP MINING PROHIBITION

Mr. MATHIAS. Mr. President, I have an amendment to S. 7, the Surface Mining Control and Reclamation Act of 1977, which would phase out surface mining on steep slopes. These are defined in my amendment as slopes over 20 degrees. It provides for a ban on new permits for strip mining on slopes greater than 20 degrees, but does not affect steep slope mining presently in operation on 20 degree slopes or greater.

In seeking to amend this most comprehensive piece of legislation, I do not intend to imply dissatisfaction with the overall product. I extend my congratulations to the members of the Energy and Natural Resources Committee and the committee's chairman, Senator METCALF. This has been not only a difficult technical undertaking, but also difficult from the legislative point of view. I am very pleased that the end is in sight politically, and even more pleased that the end-product is a workable, but tough regulatory framework for the strip mine industry.

S. 7 very nearly became law in the 94th Congress. When it was considered by the Senate, I offered an amendment, which would have accomplished much the same purpose as my amendment today.

Let me read you the recommendations of our State department of natural resources as they testified on a similar steep slope bill before the Maryland Legislature which is now State law:

> The Department of Natural Resources strongly urges adoption of this bill. As of 1973, there were approximately 27 million tons of coal in Maryland that were strippable; an amount equivalent to one-tenth of the annual national strip mining total. Consequently, Maryland does not have an abundance of strippable coal, and a concerted effort should be be made to make the most effective use of it.
>
> At the present time, the greatest preponderance of strip mining in Maryland is accomplished on slopes having a slope more gentle than 20 degrees. Mining has been permitted in areas where slopes are greater than 20 degrees and have been subject to—State—regulation.
>
> The Department has adopted these very strenuous precautions in order to insure that during the strip mining operation, disturbed areas would be restricted to an absolute minimum. These measures are non-foolproof, and during any storm and various other episodes, both sediment and mining drainage can reach and damage an area of State interest. In weighing the benefits to be gained against the loss of restricting strip mining to a very limited area, we believe the preservation of our limited natural and scenic resources far outweigh our economic losses. Since very limited mining now occurs on slopes of greater than 20 degrees horizontal, the Department believes that (the bill before the State legislature) will result in minimal economic repercussions, while at the same time making substantial achievements in the protection of our resources.
>
> Additionally, this bill would direct strip mining into areas of more gradual slopes, having the effect of preserving coal reserves on steeper grades. It may therefore result in less costly methods of reclamation, concentrating strip mining into areas of easier access and possibly the initiation of more deep mining in the State of Maryland.

Frankly, in proposing a phase-out on the steep slope, I am guided by two concerns. First, we must care for the deep mining industry. Our Nation relies on the vitality of that industry and will continue to do so long after strip mining has exhausted that which is strippable. Second, when we talk of coal on the steep slopes, beyond the angle of repose, we refer to a very small part of our resources. So we are not dealing so much with a facet of the energy crisis, but rather with a question of land use. Lost production from a phase-out of steep slope mining can be made up by a minimal increase of production in the deep mines.

It is proper at this point to detail what my amendment would prevent so that Senators can properly consider the benefits and costs. From an environmental standpoint, mountain strip mining is by far the most damaging form of strip mining. Mountain strip mining brings with it severe problems of sedimentation, land slides, water pollution, acid drainage, and disruption of soil and subsurface waters. All of these problems pose very serious threats to the homes and lives of people living in the densely populated mountain valleys below where the strip mining has occurred.

Every bit of evidence reinforces the concept that certain strip mining practices cannot be regulated satisfactorily, and in these instances, the best answer is to prohibit those specific activities. Consider for a moment the 1973 Senate study, "Factors Affecting the Use of Coal in Present and Future Energy Markets," which clearly points to the serious continuing problem of land slides on steep slopes and repeated violations of State regulations—

> For all types of mountain strip mining, more than one-third of inspections revealed major violations including: exceeding bench width, operating off the permit area, dumping excessive material over the outflow, and lack of drainage control.

The results of that Senate study are reinforced by a second study, "Design of Surface Mining Systems in Eastern Kentucky," which was the work of Mathematica, Inc., for the Appalachian Regional Commission.

Discussing problems of sedimentation, land slides, or water pollution only tells part of the story. We also have to look closely to see how this very serious, long-lasting, environmental damage will impact upon the economies of the various States. There is no question that mountain strip mining has a decidedly detrimental effect on timber production, tourism, and industrial development. The Appalachian region is one of the world's finest hardwood timber areas. This is a commodity in extremely short supply. Strip mining, even after reclamation, leaves the land in a state unsuitable for timber growth. This is not the case with deep mining. Let me draw an example from my own State of Maryland. Quite clearly, the highest and best use of western Maryland land is to support tourism and light industry. Coal mining per se does not necessarily threaten those two industries, but coal mining on steep slopes does.

Mr. President, I believe the engineering facts, the laws of gravity, and the bill itself with its special provisions for restoration of steep slopes recognize the precarious balance between costs and benefits on slopes greater than 20 degrees. I have been convinced that the benefits of steep slope mining do not outweigh the potential costs of landslides which threaten human life downhill or of foregone revenues of a tourist industry which no longer has a majestic mountain in which to stand in awe.

I hope my colleagues here will see steep slope mining, as I do, as a "no win" situation.

Mr. President, I ask unanimous consent that the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

> On page 175, line 2, beginning with "415 (b)(13)" strike out all through the period on line 3 and insert in lieu thereof "415(b) (13), and 415(b)(19) of this Act. No such permit shall be issued on or after such date of enactment for surface coal mining operations on any slope above twenty degrees or such lesser slope as may be defined by the regulatory authority after consideration of soil, climate, and other characteristics of a region or State, or on any mountain, ridge, hill, or other geographical configuration which contains a steep slope."
>
> On page 206, between lines 14 and 15, insert the following:
>
> "(4) the proposed surface coal mining op-

eration does not include mining on any slope above twenty degrees or such lesser slope as may be defined by the regulatory authority after consideration of soil, climate, and other characteristics of a region or State or on any mountain, ridge, hill, or other geographical configuration which contains such a steep slope."

Mr. HATCH. Mr. President, S. 7 is virtually the same measure which President Ford twice vetoed. This is essentially a land use bill. For example, section 422, page 110, mandates a selection process that will result in precluding surface mining on designated lands within a State. This process is called designating areas unsuitable for surface coal mining. The potential number of areas that can fall within this category is so vast that there is no certainty or predictability of its application. "Areas unsuitable for surface mining" is a tool borrowed from S. 425, the land use bill of 1973–74. "Areas of critical environmental concern" is the land use procedure which prevents development.

In addition to this land use ban, surface mining is also banned in five major land areas. The disturbing fact about these and other bans in the bill is that they have absolutely nothing to do with whether the land could be reclaimed. If you start from the premise that mining should be done only where the land can be reclaimed to an equal or higher standard than the premining condition, then the wisdom of these additional bans is questioned. These are lands that are being set aside from mining, not because reclamation could not be achieved, but because some other land use has been given priority. The fact is this entire bill is drafted to exclude surface mining in as many areas as possible.

Now if a particular piece of coal leasing land is not in a ban area, is not in an area designated unsuitable for surface mining, is not incompatible with local land use plans, is not going to be open pit mined, and is not in an alluvial valley, then the Federal regulators will consider allowing the mining if the hundreds of absolute reclamation standards are met.

These standards are so drafted as to fix in legislative concrete requirements that deny the regulator any authority to adjust to the peculiar characteristics of the land, which vary often from coal seam to coal seam. Such rigidity will preclude some of those lands which made it through the sieve.

Those advocating banning strip mining adhered to the ban philosophy in S. 7, but they have obfuscated their objectives by cloaking their true intentions in language such as "alluvial valleys," "hydrologic balance," "lands unsuitable for surface mining," et cetera.

Surface mining in the West is in its infancy. Before the passage of the Clean Air Act there was no market for low-sulfur, low-Btu western coal, yet 57 percent of all U.S. coal reserves are in the West. In addition, there was no transportation system—railroad lines or coal slurry pipelines—that could get the coal to market. The Federal Government owns 80 percent of all the coal in the West, and yet in 1974 Federal coal production—that from Federal leases—was only 23 million tons, or 3.8 percent of our annual production of 600 million tons. Those advocating a ban on strip mining have focused on methods of preventing growth in western coal production. Drafted into S. 7 are provisions such as the "alluvial valley floor ban". Section 410(b)(5), page 59, is the permit approval or denial section, which prohibits surface mining on "alluvial valleys" west of the 100th meridian if such mining would adversely affect existing or potential farming or ranching operations. This again is a land use decision setting a priority for present or future farming or ranching opposed to being surface mined. This decision is made regardless of whether the land can be reclaimed.

It is essential to note that the bulk of all strippable coal reserves in the West which are economic to mine today are located in alluvial valleys. This is why the ban proponents selected the alluvial valley technique to accomplish their purpose.

The bill also bans surface mining, regardless of whether the land can be reclaimed, in all areas set out in section 422(e), page 114. Those are the lands within the National Park System, the National Wildlife Refuge System, the National System of Trails, the Wilderness Areas, the Wild and Scenic Rivers, the national recreation areas, and finally, the lands within national forests. It also bans surface mining on any lands included in the National Register of Historic Sites or lands within 100 feet of any public road, dwelling, public school, church, community, institutional building, public park, or even cemeteries. These are some of the major reasons President Ford vetoed this strip mining bill.

The Democrats, President Carter included, have urged a doubling of coal production by 1985—to 1.2 billion tons. Yet they have demanded this national strip mining bill. You cannot have increased coal production with this Federal law. This is the essential difference between the Republican approach, which would continue to allow State law to regulate surface mining. This Democratic initiative would penalize the 32 States which have surface mining laws by supplanting State codes which meet peculiar and specific climatic, geologic conditions. This bill is really prompted by past crimes committed in the 1930's, 1940's, and 1950's by the coal companies. There was little environmental ethic then, but those circumstances are now gone. Coal companies know the public will no longer stand those earlier outrages and the companies spend the money necessary to reclaim.

Even without this bill there is a predicament which must be overcome if Federal lands are going to produce more coal. Since 1971 there have been a moratorium on leasing Federal coal. Leasing is the necessary first step to increasing production. In 1976 the Secretary of Interior finally lifted the 5-year leasing ban and adopted stringent new reclamation standards for Federal surface mining. Now the new administration refuses to go forward with any leasing.

Approval of Federal strip mining necessitates the preparation of environmental impact statements under the National Environmental Policy Act. These impact statements have taken years to prepare and have taken years to resolve the lawsuits brought to challenge the adequacy of the statements. If S. 7 becomes law, then the National Environmental Policy Act will require hundreds and perhaps thousands of new impact statements to be written on private and State lands heretofore not required. Section 420, page 101 of S. 7, encourages citizen suits to be brought challenging the regulatory authorities' decisions to grant mining permits. This provision will further exacerbate increased coal production by dragging into the courts even those mining permits that were granted after all hurdles had been successfully overcome by meeting all the provisions of the bill.

One could not conjure a more disastrous mechanism to frustrate coal production, unless it were to adopt a total ban on all strip mining.

Mr. GARN. Mr. President, strip mining is once again with us, and I take this opportunity to outline my own position on this legislation. Although the vast majority of the coal reserves in Utah are not strippable, this legislation has significant impacts on mining operations in my State. Perhaps as much as anything, that fact is an indication of the utter failure of this bill.

A few weeks ago I wrote a weekly column for a number of smaller newspapers in Utah in which I withheld judgment on the strip mining bill, in the hopes that the committee would report and the Congress pass an act which was targeted on real problems, and which proposed realistic solutions. S. 7 has not met those hopes, and I will be constrained to vote against it.

Going still farther back, some years ago the State of Utah passed its own law regulating strip mining. The legislature of the State considered at some length the problems peculiar to the State of Utah, and fashioned a bill to meet those problems. I do not believe that the Congress of the United States, with all its wisdom, could improve on that bill. If it is not perfect, and no doubt it is not, it cannot be improved by anything we do here.

Thirty-seven other States are in the same boat. Why do we presume to stand here and tell those States that their laws are unacceptable, that they will not protect the environment? What do I know of Kentucky? What does Senator FORD know of Utah?

Recognizing the action taken by the States, and incidentally, the 38 States with laws on the books are the States where most of the strip mining takes place, Senators DOMENICI and JOHNSTON introduced an amendment which would require all States to adopt the strict reclamation standards of this bill, and then to leave their own regulatory procedures in place.

Why are we unable to take this reasonable course? There has to be some explanation other than just a desire to assure reclamation of stripped land, because that would be accomplished by the

Domenici-Johnston amendment, which I was pleased to cosponsor. The conclusion which I have been forced to is that there are people in this country who do not want coal strip mined, no matter how well it can be done.

Now no one actually comes out and says he does not want coal stripped. He just works for a law that produces the desired result. To be honest, I think the goal is even deeper. I think that these people not only do not want coal stripped, they do not want it mined, and they do not want any other form of energy produced either. These are essentially no-growth people.

I know very well, Mr. President, that some of the Senators who are going to vote for this bill and who voted against the Domenici-Johnston amendment are not antigrowth. But the pressure for this bill, the agitation against the Domenici-Johnston amendment has come very largely from antigrowth people, from so-called consumerists and environmentalists, whose narrow, elitist position will make attainment of our Nation's energy goals impossible.

The fact is that the National Government is just too susceptible to that kind of pressure, and that is as good a reason as any for keeping control over these matters at the local level.

Let me explain to the Senate how this kind of lobbying works. We have seen it on the water projects, and we see it at work here on strip mining.

Some States have strippable coal, and some do not. In the States where there is strippable coal, the local citizens and governmental officials write to their Congressman and Senators and explain the situation: "Yes," they say, "stripping coal is a problem, but we can work it out; we can reclaim the land, and avoid any long-term damage."

That takes care of the local Congressman, because he knows the local engineers, and the mining people, and the State environmental agencies, and if they tell him that the problem can be handled, he knows it can. In short, he has a constituency.

Now look at what happens in the State where there is no strippable coal, or no water projects. In that State, the local Congressman or Senator has no local constituency to inform him. He has no defenses against the environmentalist lobby.

Every Congressman and Senator will receive mail opposing strip mining, mail generated by the environmentalists. The Audubon Society, the Wilderness Society, the Friends of the Earth, the Fund for Animals, the Sierra Club. Every one of them will send out a newsletter, with a biased description of the problems and the solutions, and the mail will roll in. You all know that. You have all been the recipients of this kind of mail.

Well the Senator or Congressman with a local constituency, he will get on the phone and call his State environmentalist agency, or local citizens who are themselves environmentalists, but who know the local situation, and he will get some perspective. The poor guy who has no constituency is at the mercy of the lobby. And he votes for the bill. That is how bad legislation like this gets enacted.

As I said earlier, Utah does not have a great deal of strippable coal. Nevertheless, I will vote against this onerous bill, a bill that may even make Utah's deep-mined coal more competitive, because I recognize that we have to resist the no-nothing lobby wherever it appears. I will be back from time to time asking for help against this lobby on bills that affect the State of Utah more closely than this one does, and I can only hope that Senators will recognize it for what it is, understand why it is as powerful as it is, and as unanswered in some cases, and reject its arguments, which in the final analysis boil down to an "I've got mine" point of view.

Mr. President, I hope the Senate will reject the strip mining bill in its entirety.

SECTION 503(a)

Mr. METZENBAUM. Mr. President, I wonder if the distinguished gentleman from Montana would answer a question about the scope of protected employee activity under section 503(a). My understanding is that section 503(a) prohibits discrimination against employees for having participated in any way in the enforcement of the act.

Mr. METCALF. The gentleman from Ohio is correct. The provision is modeled on section 110(b)(2) of the Federal Coal Mine Health and Safety Act of 1969. Employees will be silent if they fear retaliation. We want to afford the broadest possible protection against discrimination to employees under the act. This includes discrimination against any person who has filed a proceeding or testified under the provisions of the act, as well as discrimination against anyone who has notified the Secretary or his authorized representative of any alleged violation or danger.

Mr. BARTLETT. Mr. President, for some 4 years now I have been seriously concerned about the impacts of the Surface Mining and Reclamation Acts which the Congress has been acting upon. In 1975, when the Interior Committee reported S. 7 of the 94th Congress, Senator FANNIN and I asked the question: Why does the Congress feel this need to preempt State laws governing the reclamation of strip mined lands when 32 States already have State laws and 25 have updated or enacted new laws since 1970? Through the thousands of hours of the hearing process I never received a satisfactory response.

The bald truth of the matter is that there are those who do not want to have any surface mining at all. Never mind that we are in energy crisis that could alter our very existence. Never mind that coal represents the greatest domestic fossil fuel resource. Never mind the fact that this bill preferentially encourages underground mining which will cost human lives and diseased lungs.

I find it appalling that we, the elected representatives of the people, could be so hoodwinked to believe that the passage of this bill would not affect coal production and not affect the pocketbook of the American consumers. On May 20, 1975 President Ford in his veto message of the strip mining bill, which is virtually parallel to this one, stated that the loss of 40 to 162 million tons of coal would result. This would mean 6 percent to 24 percent of the expected coal production for the year 1977. Those figures have not been refuted to this date. The President said that this country would be forced to import an additional 2.5 million barrels of oil a year at a cost of $2.3 billion for every 50 million tons of coal not mined. I could not have been so irresponsible as to vote for this bill which makes us more dependent on imported foreign oil.

There is no rhyme or reason in 1977 to place this country in a straitjacket of bureaucratic redtape which this bill requires. Along the path that this bill lays out there are more corners where suits and anticoal developers can work their will to prevent greater coal production.

Nobody, and I underscore this, nobody will tolerate in 1977 the strip mining abuses which occurred in the thirties and forties. Those abuses have not occurred in the last 10 years and the companies that mine coal realize full well that effective reclamation must be achieved. The surface must be restored to as good or better condition than found.

The Congress has created this "remedial" bill to take care of imaginary evils, but in the process it is being overzealous, irrational, and impractical in the environmental constraints created.

This bill is the First National Land Use Planning Act ever enacted into law. The lands unsuitable section of this bill, section 522, and the mandated land use decisions required under this act, show unequivocally that this is a land use bill. Not only does it ban surface mining in five broad categories such as the national forests, within 300 feet of roads, parks, and buildings, but it allows the ban designation if mining will be: First, incompatible with existing land use plans or programs; or, second, affect fragile or historic lands; or, third, affect renewable resource lands; or, fourth, affect natural hazard lands. These terms require a subjective determination without any definitive determination that would allow the affected public to know that any particular land is definitely outside the scope of these bans.

These land use considerations have absolutely nothing to do with whether the land can be fully reclaimed. These lands will not be mined because another purpose has been given priority, even if that purpose could be fully realized after the coal has been mined. There is little land within any State that could not fall into one of these broad categories. Add to these bans the amendments to ban surface mining on prime farmlands and the ban on alluvial valleys in the West. "Prime Farmlands" is a catchall because you and I know that the only lands which potentially could be surface mined are not lands in a city or in a suburb, they are undeveloped lands not already dedicated to nonagricultural uses.

If you were going to conjure up a

method of preventing surface mining in as many areas as possible, how would you go about it? You know that the Congress will not vote for a total, all-out ban, so you devise a technique—a subterfuge if you will—which would accomplish the same purpose without saying there will be an absolute ban. You offer a land use tool that will allow the precluding of surface mining in the areas that you know have the greatest potential for being surface mined. You create a land use tool called a moratorium on "prime farm lands." You create another land use tool called a moratorium on mining in "alluvial valleys." Then, just to make sure that all lands are potentially within a ban, you create a category called "lands unsuitable for suface mining," which will catch most of the lands which could not fall within the prime farm lands or alluvial valley. The anti-surface-mining advocates have been very clever and have masked these provisions and scattered them throughout the bill. Anti-surface-mining advocates are not satisfied with establishing national reclamation standards. This is the reason they bitterly opposed the exclusive State regulation amendment offered by Senators DOMENICI, JOHNSTON, and myself.

These are the reasons I voted against this bill, and these are the reasons why the Congress should have rejected this measure.

Mr. HELMS. Mr. President, I must cast my vote against passage of S. 7.

This bill, if enacted into law, will remove from the jurisdiction of the States yet another area of governmental activity that best can be handled at the State level.

This is true in spite of lofty language in the title of the bill that would, and I quote, "provide for cooperation between the Secretary of the Interior and the States" with respect to the regulation of surface mining operations, and other purposes.

The so-called cooperation is little more than a sham. States may "cooperate" by adhering to Federal standards, standards that may not be particularly suited to the locality, backed up by Federal rules and regulations thought up and administered by some Federal bureaucrat far away from the local scene.

Mr. President, this is not cooperation; this is Federal coercion. States which avail themselves of sections of the bill allowing so-called State control become little else but agents of one branch of the Federal Government.

This bill deals with control of the use of large amounts of land in a number of States. How much better it is to allow the States and localities to deal with their own land-use problems. After all, land-use control matters are essentially local political issues that should be handled by local people familiar with all of the ramifications of a particular decision.

Scarcely anywhere in this bill is there any effective provision allowing the States to make meaningful policy decisions; rather, States will end up doing little more than enforcing federally mandated standards under very cumbersome federally mandated procedures.

Mr. President, the time is long past due for the Federal Government to get its nose out of State matters. No matter how praiseworthy we might believe a particular piece of legislation to be, there is just no way that the Congress of the United States can determine each and every action that can or cannot be taken at the State and local level.

SURFACE MINING, ENERGY POLICY, AND ENVIRONMENTAL PROTECTION NEEDS

Mr. MATHIAS. Mr. President, this surface mining bill with its amendments strikes a delicate balance between our Nation's need for energy sources and our need to protect our environment. I believe we are well on our way to developing a coal policy in this legislation which will permit and encourage the search for and the surface mining of coal while guarding against a wholesale rape of the landscape.

On Wednesday in this body we approved the creation of a Department of Energy as a first step in coalescing the elements of a comprehensive and coherent energy policy.

We, as a people, have become much more sophisticated in recognizing the tradeoffs which are inherent as our energy needs confront the environment where we all exist. We have had to meet and resolve so many difficult questions in these areas over the last few years that public awareness is greater now than it has ever been.

One thing we have very definitely learned is that you cannot separate energy development from environmental quality. In short, you cannot say, let us have all the energy development that this Nation can ever need, and leave those areas of the Nation that are unsuitable for energy development as "environmental areas." The relationship between our supplies of clean air, pure water, soil, and minerals is simply too complex for such a view.

Coal, once referred to as "the homeliest hydrocarbon," is enjoying a rebirth as a potential solution to this Nation's energy problems. Coal constituted 70 percent of the Nation's energy consumption in 1900. By the fall of 1973, however, coal's share was down to 18 percent. But the recent limitations on natural gas hookups, and the whopping increase in foreign oil prices has redirected the spotlight to coal.

The demise of the deep mining industry is proceeding at an ever-increasing pace. Since 1966, over 2,400 deep mines have shut down and production has fallen by more than 84 million tons in Appalachia alone. At the same time, strip mining operations have increased by well over 700 and production by 59 million tons. But everyone in this Chamber knows, or should know, that strip mined coal is a finite resource. We only have 45 billion tons of strippable coal left. As we shoot for coal production of over a billion tons a year, and 2 to 3 billion in the years ahead, as we get into coal gasification and liquefaction, it is easy to see that by the end of this century, all strippable coal may be exhausted.

The Department of the Interior study entitled, "Energy Research Program," predicted that Western strippable coal will all be gone by 1996 and most of the Eastern strippable coal will be exhausted as well. But while we have 45 billion tons of strippable coal, we have 30 times that much deep minable coal. Even taking the most conservative statistics supplied by the U.S. Bureau of Mines, we find 356 billion tons of deep minable coal as against the 45 billion tons I mentioned earlier. Now that is an extremely conservative analysis of the amount of underground coal this Nation possesses. But even using those most conservative figures, we see a ratio of 8 to 1.

Given these statistics, what would be a rational coal policy? Would you encourage stripping wherever you can physically get the coal out? Would you encourage strip mining on steep slopes where you know that the final result will include environmental degradation and a possible threat to the safety of the people who live in the valleys below? Would you, in essence, encourage strip mining to grow by leaps and bounds, and thereby guarantee the mass exodus of deep miners from the mines and the closing of those deep mines? Would you do all this when you know by looking at statistics—the very ones I have quoted; the most conservative statistics available—that massive strip mining is a short-term operation and that eventually the deep mines must be opened and expanded and the deep mine labor force rebuilt and expanded? Since 1966 there has been a loss of 19,000 jobs in the mines. In the final analysis when we look at all the figures, we have to recognize the need to guarantee the continued existence of deep mining in Appalachia. The Nation desperately needs the 67.6 billion-ton reserve of deep minable coal in Appalachia, but the recovery of those vast reserves is seriously jeopardized by a rush headlong to strip mining of that region of the country. Not only is it going to spell the economic death of the deep mine industry, but the blasting and other activities on the surface will make deep coal seams technically impossible to mine.

I have briefly alluded to the exodus of deep miners to other types of employment, but this bears some further analysis. I am convinced that unless we halt this steady exodus of skilled labor, other Senators will meet in this Chamber years hence to discuss ways of retraining a massive labor force to meet this Nation's by then urgent requirement for coal. That retraining will be a very expensive undertaking, but if we act today to ensure a continuing stimulus to deep mining operations, the expense will be avoided.

In the final analysis, I would hope that one lesson would be learned as a result of the current energy shortage: We must plan for the future in our handling of energy. To some the future is tomorrow. To others, it is measured in years. But with regard to energy, the public interest requires that it be measured in decades. We must start with this bill to establish a policy for coal which will respect the land, the air, and the water—the elements which sustain us—a policy which will safeguard the deep mine coal industry so that when the strip mines are exhausted, there will be a viable industry to serve this country.

Because coal has once again become a competitive energy source, its price is bound to go up. Already this upward trend in price is apparent. And, of course, the profits to be realized by the coal extraction industry are increasing substantially.

The regulation of surface mining proposed by this surface mining bill will not be, in my opinion, overly burdensome on the surface mining industry. Reclamation costs can easily be internalized in the price of coal with minimal effect on the price of electricity. Even a relatively high reclamation cost of $1 to $3 a ton, would raise a typical residential electricity bill by only 2 or 3 percent.

As far as enforcement of these land reclamation provisions, we have the technology at hand. The NASA-developed Landsat satellite has the capability of monitoring reclamation to ensure that the proper depth and contour is restored to stripped lands. Indeed, it conducted successful studies of this sort in western Maryland in 1975.

The benefits to the surface mining companies come in the form of reduced citizen resistance to stripping when they are guaranteed a restored landscape with untainted water supplies and crop production at the original quality and volume prior to stripping.

We must remember in our search for energy independence and self-sufficiency that coal is but one of the elements and that it is a finite resource. It should not be viewed as a panacea for our energy crisis.

And in the long-range perspective we must remember some other equally important goals: to improve the air we breathe; to tread gently on our mountains, valleys, streams, and forests; to protect our marine animals and wildlife.

These things together form our world and our view of it. To despoil our environment in a race to find energy sources is to desecrate a God-given gift as well as to do violence to our psyches. We must guard against this happening.

We must pursue all avenues which hold potential for new energy sources: solar; wind; geothermal; the oceans. And we must pursue them with a view toward costs and benefits, weighing carefully those tradeoffs I mentioned earlier between energy independence and environmental—and human—protection.

Mr. HATCH. Mr. President, I appear before you today as a new Member of this distinguished body. As a layman, however, I had followed deliberations of both the House and the Senate with respect to the surface mining control legislation for several years.

I had read with dismay over the past 2 years allegations that the estimates by the previous administration of the production and economic losses which would result if the prior bill were to be enacted were deficient. I even recall allegations having been made that those estimates, and the assumptions upon which they were based, were arbitrary, and may have been changed for policy reasons after they had been prepared by experts in various Government bureaus. Though I never saw any contrary estimate or any specific examples of how this might have occurred, I shared as a layman what I think might have been the concern of many Americans that even the possibility of such action could exist.

Now, however, in my first months as a Member of the Senate, I have discovered that such a situation can in fact occur. It may indeed be true that an expert analysis, prepared at the request of agencies and officers within the executive branch and designed to provide them with an independent, objective review of the predecessor bill to the legislation now before the Senate, may have been changed for policy, not analytic or scientific reasons.

In view of the past history of this question, I am surprised to learn that just such questionable conduct as had previously been suggested might have taken place on the part of the opponents of this bill may in fact have occurred on behalf of its supporters. I refer to drastic and inexplicable changes that appear to have been made by the staff of either the President's Council on Environmental Quality or the Environmental Protection Agency in a report prepared, at their own request, by ICF, Inc. The ICF study was made under contract to the CEQ and the EPA, and, upon first blush appears to be a thoughtful but shallow analysis of H.R. 13950, the last version of the surface mining legislation introduced in the 94th Congress. That bill is basically the same bill as both H.R. 25, which President Ford vetoed in May of 1975. The analysis developed in this report is applicable to the bill before this body today, S. 7. It would be even more important today than it was 2 years ago.

I know that the Senate will share my view that any interference or tampering with such an objective analysis would be extremely serious and should be reviewed in detail.

I am submitting for the RECORD a comparison between a January 24, 1977, version of ICF's draft final report as submitted to CEQ and EPA, and a later version of the same which was published after their editing on February 1, 1977. You will note immediately that a significant number of changes were made in the executive summary, and that the pattern of such changes is an obvious design to soften ICF's criticism of the bill.

To choose one example, I call your attention to the change on page 3, in the second indented paragraph, in which the language "the imprecise wording of other provisions (of the bill) present potentially significant impacts" has been changed, without explanation, to "some key provisions may be interpreted differently."

As another example, on the same page, in the third such paragraph, the January 24 version's language "however, the actual wording could result in unnecessary restrictions, administrative inflexibility, and/or additional litigation" has been eliminated completely.

Changes such as this are disturbing, Mr. President, but even more disturbing are some other changes which simply and arbitrarily reduce the numbers developed by the experts of ICF as estimates of reserve and production losses. In the fourth indented paragraph of the same page of the January 24 version, the reserve impact of the bill is set forth as ranging between 8.4 and 28.3 billion tons, or between 2 and 6.5 percent of total reserves. The February 1 version, however, sets forth those impacts as ranging between 8.1 and 20 billion tons, or 1.9 to 5.5 percent of total reserves. In terms of the total amount of the Nation's strippable reserves, the difference between these estimates is the difference between a range of 6.2 to 20.7 percent and a range of 5.9 to 17.6. And so, Mr. President, at the high range we are talking about a difference of more than 8 billion tons of coal, being banned or not banned from production, by the stroke of an unknown editor's pen changing his own expert's work.

With respect to the very controversial alluvial valley floor loss estimates, the situation is even more drastic. On page 13, table D, certain such estimates were originally designated as "worst case" estimates, and ranged from 35 million tons of lost production in 1977 to 211 million tons in 1985. In the later version, however, these estimates are identified as "high" impact estimates, and they range from 17 million tons in 1977 to 104 million tons in 1985.

Now let me make something clear. H.R. 13950, upon which this analysis was based, contained language in the alluvial valley floor section designed to grandfather five specific mines, mines in operation producing a significant amount of coal. So the analysis assumed that the grandfathering problem would have been taken care of, that five significant mines currently in operation would continue to produce coal. The loss estimates developed ranged from 103 million tons "high impact" to 211 million tons "worst case" impact by 1985, production losses from operations that would be prevented from starting up by the alluvial valley floor provisions, and the provisions in this bill before us today, S. 7, are essentially the same as the provisions analyzed in the ICF report. Now President Carter has called for an increase of 400 million tons of production by 1985.

So if you accept the January 24 first final edition of the ICF report, then the alluvial valley provisions could prevent production of over 50 percent of the amount of increased coal damage needed to achieve the President's energy objectives.

If you accept the altered February 1 edition of the final draft, then the alluvial valley floor provisions would prevent development of over 25 percent of the increased coal tonnage needed to achieve the President's goal. The loss from the alluvial valley floor provisions in S. 7 will wipe out 25 to 50 percent of the increased coal production needed to meet the President's stated energy objective for 1985.

But let me say that I believe we could expect the worst case impact of 211 million tons per year production loss by 1985 to be a very likely occurrence. Keep in mind that the basis for highlighting the "worst case" possibility in the January 24 original version of the final draft resulted specifically from the finding that, and I quote: "The imprecise wording of other provision do present potentially significant impacts."

How many times in the last few years have we seen poorly or loosely drafted legislation result in court rulings and agency regulations that varied widely from the intent of Congress? Given the antiproduction environmentalist bias that exists in much of the courts and in the agency that will be administering the act—a newly created division within the Department of the Interior—I think that worst case interpretations are likely to be very realistic.

I have been told by ICF that the editing we are talking about is standard practice, within the authority of every agency that contracts for outside research. But if that is the case, why go through the motions of outside analysis at all? Where an independent analysis produces uncomfortable results, are we and the American public not entitled to know this, too? How much else is there that we are not to know about this bill, and from where are we to get it? Finally, while I might be able to understand an agency's reluctance to underwrite policy conclusions with which it might disagree, and to exercise editorial control over purely subjective judgments, what possible excuse can there be for changes in the numbers involved?

I have also been told that the ICF report is only a draft, and that interim changes are inevitable in any preliminary draft as it is developed. But this January 24 report is called a "final" draft, and was more than a year in preparation. On the other hand, I have here a document entitled "Interim Report." It is dated September 9, 1976, and I am informed it was widely circulated by CEQ for review on September 20, 1976. This document, clearly, is just such a preliminary draft report as I have just described.

But even this document specifically discusses the methodology to be followed in preparing the ICF report, the source materials to be used, and the sequence of review. It contains much of the data later relied on. Although it notes that some data was not yet available, it identifies the source from which such data is anticipated, that is, EPA's "study of mines located in alluvial valley floors"—page 19. It sets forth all of the basic assumptions, and much of the actual data, contained in the January 24 draft "third Report."

In short, it is authentically an "interim" report, from which any defects in methodology, approach or analytic procedures could be readily inferred. The only thing missing from the analysis are the later data, and the conclusions.

And this is my concern. This "interim" report was circulated in September, and I infer from the fact that its methodology and approaches are followed in the final report that no reviewers had significant problems with the matter in which ICF was proceeding. But now it is suggested that ICF's analysis was in fact deficient, and needed correcting and editing, in the 1 week between January 24 and February 1 by the very reviewers who had circulated the September 20, 1976, draft months before.

I submit that the only aspects of ICF's work that required and got, such corrections were its conclusions. But the conclusions were based on methodologies and data either previously reviewed by CEQ and EPA, or to be prepared, as in the alluvial valley floor study, by EPA itself. It is precisely as if the reviewers were accountants, who nodded wisely as each individual entry was made, but who now object strenuously after the "total" button has been pushed at the very end of a long column of addition.

I feel that this example could serve as the very definition of nonobjectivity, as a striking example of precisely the kind of abuse of independent analysis of which I spoke earlier. If ICF's approach was wrong, why was it not corrected in September? If it was that later data such as EPA's own alluvial valley floor study which caused what are considered to be unacceptable results, upon whom are we, or ICF, to rely?

The ICF report of January 24 is either right or wrong; it either reflected ICF's best judgment or it did not. I simply cannot believe that the experts of ICF can be placed at the assault upon their competence or objectivity that is represented by the February 1 changes in their language, conclusions, and numbers. I would like to know more about their position on this point.

I do not know what real or inferred problems with the January 24 ICF draft caused the rewriting, by CEQ or EPA, in only 1 week, of such important parts of the report. I would like to know more about CEQ and EPA's position on this point.

The integrity and objectivity of the Government's scientists and independent analysts should be of paramount concern to us all. It is always subject to the threat of interference by policymakers, but we must not let this happen.

Even I, as a lay reader of last year's press, realize that if members of the Ford administration had arbitrarily doubled the loss estimates developed by their own staff, much less independent contractors, Members of this body and of the entire Congress with jurisdiction in this area would be in full pursuit of the responsible parties. We would be leaving no stone unturned in finding out who changed the numbers, and we would be deploring the arrogance and immorality of such arbitrary actions by policy staff. And we would be right in doing so.

What has changed? Do we now have an environmental double standard being applied? Are we now saying an environmental end justifies a questionable means? Any legitimate reason why these alterations were made might reflect inadequacies in the ICF analysis that in turn could affect the validity of the entire report, and all of its other conclusions. Do we not have an obligation to determine if this is the case? I hope the subcommittee will vigorously pursue these questions.

On the same question, I have seen a copy of another report dealing with the same general subject matter. It is entitled "Third Report, Case Studies on Coal Regulations: Cost/Benefit Analysis." The copy I have is dated December 8, 1976. It was prepared by Energy and Environmental Analysis, Inc., of Arlington, Va., under contract with the Office of Minerals Policy Development of the Department of the Interior, and is stamped on the cover "Draft."

The conclusion of this report, as now drafted, raises serious questions about the desirability and cost-benefit balance of important mining practices that would be required or prohibited by S. 7, including return to approximate original contour and very high levels of control of sediment and runoff. It appears to be a competent and thorough analysis of an area not previously considered in such detail, but I have been informed that congressional staff members have contacted Secretary Andrus to complain of its conclusions.

I hope that any such interference by congressional staff would be held by the Senate in as low regard, an viewed with as high suspicion, as the editing of the ICF report so rightly deserves.

These are only two examples of an issue that should be of increasing concern to us all: the validity of the data bases upon which we are called to make important legislative judgments, and the degree of candor with which the executive branch may be relied upon to inform us in such matters. But what of the reports, analysis, and conclusions which we never even know about? I read in a recognized trade newsletter that Secretary Kreps of the Commerce Department has "on her desk" a report that is described as assessing the economic impacts of enactment of this legislation. As described in the press, the conclusion of that report is that impacts would be severe indeed. Where is that report? Will we receive it, or be permitted to review its conclusions?

In raising these questions I realize I am really speaking of several problems. I fully appreciate the importance of thorough review and quality control of research data and information, and I certainly do not intend to suggest that mere rumors of the existence of factual information should be a basis for congressional concern. But where we have physical evidence in the form of the text of the ICF and EEA reports, or detailed descriptions in the responsible press of such documents as the Commerce study reported to be "on the Secretary's desk," do we in the Congress not have the right to inquire, and the duty to insure, that we receive the best and most complete information we can from the executive branch? I think so.

There is another aspect of the ICF question that should be developed. In February, Secretary of the Interior Cecil Andrus and Mr. Jack O'Leary, head of FEA, appeared before what was then still the Senate Interior Committee to testify in support of S. 7. Mr. O'Leary, in response to a question concerning the validity of President Ford's vetoes of prior strip mining bills, produced a copy of the February 1, 1977 ICF final draft. I produced the original final draft dated January 24, 1977 and neither Mr. O'Leary nor Mr. Andrus had seen the original.

In the responses to my inquiries about the reasons for the alterations, not one response refuted the validity of President Ford's veto message. I think it is worth reviewing the President's reasons, and then relating them to the original January 24 ICF analysis. In brief President Ford stated that he vetoed H.R. 25 because:

> (1) Ambiguous, vague, and complex provisions . . . would lead to years of regulatory delays, litigation, and uncertainty; (2) Passage would result in a loss of as many as 36,000 jobs; (3) Passage . . . would result in . . . an increase in electric utility rates of 10 to 16%; (4) The expected production loss of 40 to 162 million tons of coal in 1977; (5) . . . The bill would "lock up," or eliminate, from 11 to 72 billion tons of strippable coal reserves in this country, up to 52½ of all our strippable reserves.

Compare this to the original ICF final draft which states:

> (1) There are numerous provisions not directly related to costs which could create major difficulties: (a) substantial impacts from possible interpretations of alluvial valley floors; (b) delays in permitting; (c) extensive litigation resulting from ambiguous and undefined terms; (d) losses to the coal reserve base (e) mismatches between apparent intent and actual wording (f) the possible interpretations of alluvial valley floors: (a) a moderate interpretation would lead to a production loss of 12 million tons by 1978, (b) a worst case interpretation could impact up to 51 million tons of western production by 1978 and 211 million tons by 1985.
>
> (2) In addition there are several other non-cost provisions in H.R. 13950 in which the wording of provisions could have effects quite different from the apparent Congressional intent . . . however, the actual wording could result in unnecessary restricting administrative inflexibility, and/or additional litigation. (3) The reserve impacts could range between 8.5 and 28.3 billion tons, or between 2.0 and 6.5% of total reserves.

Now keep in mind that the ICF analysis related to a bill that was supposed to have been substantially improved over the bill the President vetoed. This fact is that the administration has never refuted the facts in President Ford's veto message or the findings of the original ICF final draft report of January 24, 1977. In an oversight hearing on the ICF alterations in which I participated last week, one of the principals from ICF involved in the study conceded that he had never read President Ford's veto message.

I suggest that President Carter, Secretary Andrus, Dr. Schlesinger, and Mr. O'Leary have failed to read the report because there has been no substantive response to it.

At this point let me quote from an article in the Washington Post of May 16 by Dr. Hans H. Landsberg, an economist and senior research fellow at Resources for the Future:

> While one would expect the administration's plan to boost coal production, the plan content itself with the statement that coal production is principally demand limited . . .

In other words, there is an assumption that since we will need and demand increased coal production that we will automatically get it. But actually, nothing could be further from the truth. If you limit production of oil and gas and then place obstacles like this strip mining bill in the path of coal production you guarantee a significant shortfall in energy by the 1980's even with the best conservation program.

In conclusion, I think that the record should show that the coal industry on its own has made plans to increase yearly production by 390,000,000 tons by 1985. In fact 70 percent of that is already contracted for.

So the President has created a goal in his elaborate energy proposal that the private sector has already made plans to fulfill. What is needed is sensible Federal policies that will allow that production to take place.

I ask unanimous consent to have printed in the RECORD a letter from Mr. Carl E. Bagge, president of the National Coal Association, to President Carter, dated May 12, 1977. This letter outlines how the industry plans to meet the Nation's needs for increased coal production. It also sets forth in persuasive fashion a detailed account of how Federal standards will prevent achievement of those goals if they are not modified. One section calls on the President to—

> Assure the public and potential coal users that the surface mining legislation that reaches your desk for signature will not prevent the production of coal needed to achieve your goal and to supply planned new utility and industrial plant . . . and urge the Congress to delay action on new legislation which might prevent meeting your goal until the above facts are determined, presented and evaluated.

I think the evidence clearly shows that there is a very strong possibility that this legislation, S. 7, will have substantial production impacts, impacts that will prevent us from achieving the President's goals. The only studies carried out have strongly suggested this likelihood. There has been no evidence from the administration to challenge these studies, or to suggest that they are wrong. The studies could be wrong, but why has the administration been silent?

I suggest that the prudent thing for this Congress to do would be to delay passage of this legislation until an in-depth assessment of its impact on coal production can be made.

There being no objection, the letter and attachment was ordered to be printed in the RECORD, as follows:

NATIONAL COAL ASSOCIATION,
Washington, D.C., May 12, 1977.

THE PRESIDENT,
The White House.

DEAR MR. PRESIDENT: In your recent energy address you announced a goal of increasing the nation's coal production and use by at least 400 million tons by 1985. We believe that:

The goal is a relatively modest one, particularly because (a) electric utilities alone have reported to the Federal Power Commission (FPC) plans for constructing 250 new electric generating units which would require about 390 million tons of coal in 1985, and (b) additional demand is expected from voluntary decisions by industrial users to switch from oil and gas to coal.

Whether the goal can be met will depend almost entirely on government-imposed constraints which affect both coal production and coal use.

Since April 20, we and many others have expressed concerns about the constraints and the feasibility of meeting all our energy and environmental objectives at the same time. However, we recognize that your advisers believe that your goal can be met even with existing and proposed environmental requirements.

This letter is to request that you take several steps to determine whether or not government-imposed constraints will prevent meeting your goal and to estimate the costs involved, so that there will be a better basis for public understanding.

Our specific recommendations and the basis for them are provided in detail in enclosure one. Briefly, we ask that you:

Direct your advisers to review the list of 250 planned electric generating units and the associated facilities that will be required and provide assurance that the plants can be sited and constructed within existing Federal and state air quality requirements and the tightened requirements that you have recommended and the Congress is considering.

Provide information directly to the consumers served by the proposed new plants (and to others in the area) on the cost to them, the energy implications, and the environmental benefits that would result from your proposal to require "scrubbers" on all new coal-fired plants.

Assure the public and potential coal users that the surface mining legislation that reaches your desk for signature will not prevent the production of coal needed to achieve your goal and to supply planned new utility and industrial plants.

Urge the Congress to delay action on new legislation which might prevent meeting your goal until the above facts are determined, presented and evaluated.

Delay the adoption of new coal mine safety requirements under existing law until it is demonstrated that they will in fact improve safety; and join the coal industry in urging thorough Congressional hearings on the entire implementation of the Coal Mine Health and Safety Act.

Urge state utility commissions to allow the full costs of construction work in progress in rate bases so that their rules do not continue encouraging use of expensive fuels (including foreign oil) and discouraging construction of new coal-related facilities.

Enclosure one also lists reasons why the industry is confident that coal production can be increased if government-imposed constraints are reduced. It lists other elements of a national coal policy and program which would contribute to the objective of providing an adequate and secure energy supply at reasonable prices—and reduce dependence on foreign oil.

Each 100 million tons of coal that can be used in lieu of foreign oil would reduce imports by more than 400 million barrels of oil and reduce the outflow of U.S. dollars by more than $5 billion. This means a stronger economy and more jobs.

We believe the steps recommended would contribute valuable information and insight useful in the public and congressional debate on the role of coal in satisfying the nation's energy needs. We urge you to take those steps.

Sincerely,

CARL E. BAGGE.

ACHIEVING THE PRESIDENT'S GOAL FOR INCREASED COAL PRODUCTION AND USE

This paper:

Summarizes information that suggests the goal of increasing coal production and use by 400 million tons by 1985 is quite modest—if government-imposed constraints are avoided. (Page 1)

Identifies reasons for concern that existing and proposed government constraints may prevent meeting the 400 million ton goal, will be costly to consumers, and may delay introduction of new and improved technology. (Page 3)

Outlines steps to determine whether constraints are consistent with the goal, to determine the costs and other implications of the constraints, and to make the information public. (Page 4)

Explains why there is confidence that coal can be produced to meet and exceed the goal if unnecessary restrictions and obstacles are avoided. (Page 6)

Outlines additional elements of a national coal policy and program which would contribute to reaching and exceeding the 400 million ton goal. (Page 6)

WHY THE GOAL IS MODEST

The goal of increasing coal production and use by 400 million tons by 1985 is quite modest—if government constraints are reduced or avoided—because:

Utilities have already reported to the Federal Power Commission (FPC) their plans for bringing on line 250 new coal-fired electric generating units during the period of 1977–1985.

A January 1977 FPC report (based on data available in October 1976) indicates that 211 of these 250 units will require about 335 million tons of coal in 1985. The other 39 units, not covered in the FPC study, should require 50–55 million additional tons—for a total of about 385 to 390 million tons of coal.

The FPC indicates that nearly 68 percent of the coal required in 1985 for the 211 units is already under contract, so plans for production and use are well along.

Relatively little coal demand will be lost by the phase-out of existing coal-fired plants and some existing plants are voluntarily converting from oil or gas to coal where this is feasible and desirable.

Substantial additional coal will be required as a result of a strong voluntary trend in industry to increase the use of coal instead of oil and natural gas.

A massive voluntary switch from oil and natural gas to coal and nuclear energy for new electric generating facilities is already underway:

FPC data (summary attached on pages 8–9) shows that during the period from 1977 to 1985, utilities have reported plans to bring on line:

250 new coal-fired units providing 123 thousand megawatts of capacity.

125 new nuclear units providing 136 thousand megawatts.

26 new oil-fired units providing 14 thousand megawatts—but none after 1982.

9 new gas-fired units (8 in 1977; 1 in 1979) providing 1.5 thousand megawatts—but none after 1979.

Recent data from the National Electric Reliability Council (NERC) show, for example, that Texas utilities will depend upon natural gas for only 15% of its electric generation in 1985—compared to 88% in 1975, with the share from coal jumping from 10% in 1975 to 52% in 1985.

Chapter IX of the National Energy Plan released by the President on April 29, 1977, shows a potentially larger role for coal by 1985 than suggested by the 400 million figure. It shows (on pages 95–96) that coal use can increase from a 1976 amount equivalent to 7.9 million barrels of oil per day (mbd):

By 54% to the equivalent of 12.2 mbd in 1985 without the President's Plan; and,

By 83% to the equivalent of 14.5 mbd in 1985 with the President's Plan.

This part of the Plan appears to suggest coal production in 1985 at about:

1,050 million tons without the Plan.

1,250 million tons with the Plan.

Concerns that Government Constraints will Prevent Achieving the Goal, will be Costly, and will Delay New and Improved Technology.

There are a number of specific concerns that existing or proposed new government-imposed constraints will prevent meeting coal production and utilization goals, involve high costs for consumers that are not justified, and delay introduction of new and improved technology. Concerns are in the areas of air and water quality, surface mining, safety and forced conversion or existing plants. Among the specific concerns are that:

Locating and constructing coal production and utilization facilities would be prevented or substantially delayed by existing and proposed environmental requirements:

Facilities that would be affected include:

New coal-fired electric generating plants.

New coal-fired industrial facilities.

Coal mines and associated coal preparation plants.

Conversion of existing facilities to the use of coal.

New plants utilizing new technologies to clean coal or convert coal to a liquid or gas.

Existing Federal or state requirements and requirements proposed by the Administration or being considered by the Congress that are of concern include:

Existing state-imposed air quality requirements which are tighter than necessary to meet Federal health standards.

EPA's regulations which affect construction of new facilities in areas that meet Federal standards (non-significant deterioration areas) or do not yet meet Federal standards (non-attainment areas).

Environmental proposals announced by the President on April 20.

Clean Air Act amendments now being considered in the House and Senate which are even more rigorous than existing requirements.

The proposal to require "best available control technology" (i.e., flue gas "scrubbers") on all new coal-fired plants even when low-sulfur coal is used would have the effect of:

Substantially increasing the cost of electricity to consumers even when scrubbers are not needed to meet Federal health standards. The cost impact would be particularly heavy on customers served by the specific plants involved.

Requiring substantial additional capital investment by utilities ($10–15 billion by 1985—in 1977 dollars), hitting some utilities particularly hard, and delaying some new coal-fired plants.

Requiring electric customers and utilities to spend billions on first generation "scrubbers" which:

May not meet additional requirements and standards now being considered by EPA.

May delay the adoption by utilities of either newer and improved scrubbers, or newer technologies such as solvent refined coal or fluidized bed combustion.

Unnecessary requirements or prohibitions in pending surface mining legislation may prevent production of substantial amounts of coal. The most graphic example is the Administration's alluvial valley floor mining prohibition adopted on the floor of the House which could prohibit mining of more than 200 millions tons of the coal planned for 1985—according to an independent study prepared for CEQ and EPA.

Additional requirements being considered by the Interior Department would reduce coal mine productivity without increasing safety. Productivity in underground mines has already declined from 15.6 tons per man per day in 1969 to 8.5 tons in 1976.

The proposal to continue and expand the FEA regulatory program to force increased use of coal is not necessary and may be counterproductive. The small additional coal use, if any—compared to the voluntary efforts already underway to use more coal—does not justify the cost and burdens of a regulatory program. Further, efforts to force conversion of existing plants may divert capital and manpower from the construction of new plants that are larger, more efficient, and used more often—and thus can contribute more to the goal of increased coal use.

Steps that can be taken to resolve uncertainties and to determine whether constraints with the goal and the implications for consumer costs and new technologies.

Several steps are needed to resolve uncertainties and assess alleged conflicts between coal production and use, environmental requirements, consumer prices and other objectives. Steps that the President could take include:

Direct energy and environmental advisers to:

Review the list of 250 planned coal-fired electric generating units (listed in enclosure two), facilities planned for voluntary conversion to coal, and the associated coal production and handling facilities that will be required.

Provide facts to indicate whether the plants and facilities can be sited and constructed within existing and proposed Federal and state air or water quality requirements, including those proposed by this Administration and others under consideration in the Congress. This should include identifying:

Facilities that could or could not meet requirements and which would or would not be delayed.

Federal, state or local existing or proposed requirements which would prevent, delay or discourage locating and constructing new facilities or using coal in existing facilities.

Compile and make available to utilities and other firms affected, to their customers and to the general public, good estimates of the implications of the proposal to require "best availabile control technologies" (i.e, flue gas scrubbers) on new coal-fired plants—even when such controls are not needed to meet Federal standards. The real question here is whether it is in the national interest—and the interest of the people in the areas involved—to have such a requirement. Facts presented should include:

Costs that wil be borne by the customers served by the plants affected.

The benefits to human health and the environment.

The additional energy required to run scrubbers (generally estimated to be 5 to 7% or higher).

The impacts on electric service reliability.

The environmental side effects.

Provide facts that will assure the public and potential coal users that Federal surface mining legislation will not prevent the production of coal needed to achieve the Administration goal and to supply planned new utility and industrial plants. Obtain changes in the bills before they are allowed to become law if assurances cannot be given.

Urge the Congress to delay action on new legislation which might prevent meeting the goal for increased coal production and use until all the above facts are determined, presented and evaluated.

Delay the adoption of new coal mine safety requirements (being considered by the Interior Department) under existing law until it is demonstrated that they will in fact improve safety. Join in urging thorough Congressional oversight hearings on the entire implementation of the Coal Mine Health and Safety Act.

Urge state utility commissions to allow the full costs of construction work in progress in rate bases and change other rules so that utilities are not encouraged to use expensive fuels (including foreign oil) and discourage from constructing new coal-related facilities.

Reasons for Confidence in the Ability to Produce Coal—if Unnecessary Government Constraints are avoided.

If unnecessary constraints and obstacles impeding coal production and use are avoided, the coal industry is confident that coal can be produced to meet and exceed the Administration's goal. This confidence is based on several factors including:

Coal production has, for years, been demand-limited. In 1976 the coal industry could have added a minimum of 50–60 million tons to the 665 million produced.

Studies of planned new mines and major expansions completed in August 1976 showed cumulative additions planned by 1986 of more than 500 million tons.

The FPC study cited earlier indicates that nearly 68 percent of the tonnage required in 1985 for new plants is already under contract.

Other Elements of a Coal Policy and Program which would Contribute to Increased Coal Production and Use.

Other elements of a total program for increasing the production and utilization of a coal include:

Resuming the program for leasing Federal lands for coal development.

Continuing opposition to divestiture legislation, which legislation could unnecessarily disrupt coal production by diversion of capital and manpower now being invested.

Increasing the 1978 request for the Bureau of Mines' program to advance coal mining technology from $55 million to $70 million—reversing the cut from the 1977 appropriations of $57.8 million that was requested in the 1978 budget.

Providing incentives to encourage construction of new coal-related facilities, such as outlined in the April 20 message.

Continue aggressive support for coal utilization research, development and demonstration programs being carried out by ERDA and EPA.

Remove Federal allocation and price controls from petroleum and new natural gas supplies—which controls have distorted markets, reduced competition, and urged wasteful uses of oil and natural gas.

Discontinue efforts to extend and expand the mandatory coal program and allow voluntary conversions to continue.

Support legislation for providing the right of eminent domain for the construction of coal slurry pipelines.

Direct agencies to speed up preparation of Environmental Impact Statements needed for actions relating to coal production and use.

Increase support for the Federal share of costs of improving rail and water transport facilities needed to move coal.

Provide roll-in pricing (rather than incremental pricing) for gas produced from coal; and assistance for industry to build commercial scale synthetic fuel plants.

Provide Federal encouragement for new uses of coal (such as a chemical and fertilizer feedstock), an accelerated program for miner training, and mining engineering schools.

Provide a focus for coal-related activities in the new Department of Energy.

The labor situation in the coal industry presents special problems, as illustrated by the fact that wildcat strikes have increased rapidly in recent years—growing from about 529,000 lost man days in 1973 to 2,007,000 lost days in 1976. This is a problem that must—in the national interest—be solved by labor and management in the coal industry.

The PRESIDING OFFICER. If there are no further amendments, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. METCALF. Mr. President, I ask unanimous consent that the Chair lay before the Senate H.R. 2.

Without objection, the Chair laid before the Senate H.R. 2, an act to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface coal mining operations, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the rollcall vote on the Senate bill be vitiated, and I ask for the yeas and nays on the House bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. METCALF. Mr. President, I move to strike all after the enacting clause of H.R. 2 and to substitute therefor the text of S. 7, as reported and as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

Mr. BUMPERS. Mr. President, I may have misunderstood the Chair a moment ago. The Chair said the Hansen amendment as modified. The amendment that was adopted was a substitute to the Hansen amendment. Is the Chair cognizant of that?

The PRESIDING OFFICER. The Chair was correct. The amendment of the Senator from Wyoming was amended by the amendment of the Senator from Arkansas, which happened to be in the nature of a substitute.

Mr. ROBERT C. BYRD. Mr. President, the Senate will meet at 10 a.m. on Monday, and the business will be the farm bill.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. GRIFFIN (when his name was called). Mr. President, I have a live pair with the Senator from Texas (Mr. TOWER). If he were present he would vote "nay," and if I were permitted to vote I would vote "yea," and I therefore withhold my vote.

(See RECORD of May 25, 1977, for statement by Senator JOHNSTON explaining his absence and stating that due to a change of circumstances he would have voted "yea" had he been present.)

Mr. ROBERT C. BYRD. I announce that the Senator from Minnesota (Mr. ANDERSON), the Senator from Delaware (Mr. BIDEN), the Senator from Iowa (Mr. CLARK), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PELL), the Senator from Mississippi (Mr. STENNIS), the Senator from Florida (Mr. STONE), the Senator from Georgia (Mr. TALMADGE), the Senator from South Dakota (Mr. ABOUREZK), the Senator from Iowa (Mr. CULVER), the Senator from Mississippi (Mr. EASTLAND), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I also announce that the Senator from Arizona (Mr. DECONCINI) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY), the Senator from Arizona (Mr. DECONCINI), the Senator from Minnesota (Mr. ANDERSON), the Senator from Iowa (Mr. CLARK), and the Senator from Iowa (Mr. CULVER), and the Senator from Louisiana (Mr. JOHNSTON) would each vote "yea."

Mr. BAKER. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Kansas (Mr. DOLE), the Senator from Utah (Mr. GARN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. HAYAKAWA), the Senator from Kansas (Mr. PEARSON), the Senator from Vermont (Mr. STAFFORD), the Senator from Texas (Mr. TOWER), the Senator from Connecticut (Mr. WEICKER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

I also announce that the Senator from Alaska (Mr. STEVENS) is absent on official business.

I further announce that, if present and voting, the Senator from Vermont (Mr. STAFFORD), would vote "yea."

On this vote, the Senator from Alaska (Mr. STEVENS) is paired with the Senator from Arizona (Mr. GOLDWATER). If present and voting, the Senator from Alaska would vote "yea" and the Senator from Arizona would vote "nay."

On this vote, the Senator from Connecticut (Mr. WEICKER) is paired with the Senator from North Dakota (Mr. YOUNG). If present and voting, the Senator from Connecticut would vote "yea" and the Senator from North Dakota would vote "nay."

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from Utah (Mr. GARN). If present and voting, the Senator from Oregon would vote "yea" and the Senator from Utah would vote "nay."

The result was announced—yeas 58, nays 8, as follows:

[Rollcall Vote No. 159 Leg.]

YEAS—58

Allen
Baker
Bayh
Bellmon
Bentsen
Bumpers
Burdick
Byrd, Robert C.
Cannon
Case
Chafee
Chiles
Church
Danforth
Domenici
Durkin
Ford
Glenn
Hansen
Hart
Haskell
Hathaway
Heinz
Huddleston
Humphrey
Inouye
Jackson
Javits
Long
Lugar
Magnuson
Mathias
Matsunaga
McClure
McIntyre
Melcher
Metcalf
Metzenbaum
Morgan
Moynihan
Muskie
Nelson
Nunn
Packwood
Percy
Proxmire
Randolph
Ribicoff
Riegle
Roth
Sarbanes
Sasser
Schweiker
Stevenson
Thurmond
Wallop
Williams
Zorinsky

NAYS—8

Bartlett
Byrd,
  Harry F., Jr.
Curtis
Hatch
Helms
Laxalt
Schmitt
Scott

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Griffin, for.

NOT VOTING—33

Abourezk
Anderson
Biden
Brooke
Clark
Cranston
Culver
DeConcini
Dole
Eagleton
Eastland
Garn
Goldwater
Gravel
Hatfield
Hayakawa
Hollings
Johnston
Kennedy
Leahy
McClellan
McGovern
Pearson
Pell
Sparkman
Stafford
Stennis
Stevens
Stone
Talmadge
Tower
Weicker
Young

So the bill (H.R. 2), as amended, was passed as follows:

That this Act may be cited as the "Surface Mining Control and Reclamation Act of 1977".

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TITLE I—STATEMENT OF FINDINGS AND POLICY

FINDINGS

SEC. 101. The Congress finds and declares that—

(a) extraction of coal and other minerals from the earth can be accomplished by various methods of mining, including surface mining;

(b) coal mining operations presently contribute significantly to the Nation's energy requirements; surface coal mining constitutes one method of extraction of the resource; the overwhelming percentage of the Nation's coal reserves can only be extracted by underground mining methods, and it is, therefore, essential to the national interest to insure the existence of an expanding and economically healthy underground coal mining industry;

(c) many surface mining operations result in disturbances of surface areas that burden and adversely affect commerce and the public welfare by destroying or diminishing the utility of land for commercial, industrial, residential, recreational, agricultural, and forestry purposes, by causing erosion and landslides, by contributing to floods, by polluting the water, by destroying fish and wildlife habitats, by impairing natural beauty, by damaging the property of citizens, by creating hazards dangerous to life and property, by degrading the quality of life in local communities, and by counteracting governmental programs and efforts to conserve soil, water, and other natural resources;

(d) surface mining and reclamation technology are now developed so that effective and reasonable regulation of surface coal mining operations by the States and by the Federal Government in accordance with the requirements of this Act is an appropriate and necessary means to minimize so far as practicable the adverse social, economic, and environmental effects of such mining operations;

(e) because of the diversity in terrain, climate, biologic, chemical, and other physical conditions in areas subject to mining operations, the primary governmental responsibility for developing, authorizing, issuing, and enforcing regulations for surface mining and reclamation operations subject to this Act should rest with the States;

(f) there are a substantial number of acres of land throughout major regions of the United States disturbed by surface and underground coal mining, on which little or no reclamation was conducted, and the impacts from these unreclaimed lands impose social and economic costs on residents in nearby and adjoining areas as well as continuing to impair environmental quality;

(g) while there is a need to regulate surface mining operations for minerals other than coal, more data and analyses are needed to serve as a basis for effective and reasonable regulation for such operations;

(h) surface and underground coal mining operations affect interstate commerce, contribute to the economic well-being, security, and general welfare of the Nation and should be conducted in an environmentally sound manner; and

(i) the cooperative effort established by this Act is necessary to prevent or mitigate adverse environmental effects of present and future surface coal mining operations.

PURPOSES

SEC. 102. It is the purpose of this Act to—

(a) establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations;

(b) assure that the rights of surface landowners and other persons with a legal interest in the land or appurtenances thereto are fully protected from such operations;

(c) assure that surface mining operations are not conducted where reclamation as required by this Act is not feasible;

(d) assure that surface coal mining operations are so conducted as to protect the environment;

(e) assure that adequate procedures are undertaken to reclaim surface areas as contemporaneously as possible with the surface coal mining operations;

(f) assure that the coal supply essential to the Nation's energy requirements, and to its economic and social well-being is provided and strike a balance between protection of the environment and agricultural productivity and the Nation's need for coal as an essential source of energy;

(g) assist the States in developing and implementing a program to achieve the purposes of this Act;

(h) promote the reclamation of mined areas left without adequate reclamation prior to the enactment of this Act and which continue, in their unreclaimed condition, to substantially degrade the quality of the environment, prevent or damage the beneficial use of land or water resources, or endanger the health or safety of the public;

(i) assure that appropriate procedures are provided for the public participation in the development, revision, and enforcement of regulations, standards, reclamation plans, or programs established by the Secretary or any State under this Act;

(j) provide a means for development of the data and analyses necessary to establish effective and reasonable regulation of surface mining operations for other minerals; and

(k) wherever necessary, exercise the full reach of Federal constitutional powers to insure the protection of the public interest through effective control of surface coal mining operations.

TITLE II—OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

CREATION OF THE OFFICE

SEC. 201. (a) There is established in the Department of the Interior, the Office of Surface Mining Reclamation and Enforcement (hereinafter referred to as the "Office").

(b) The Office shall have a Director who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5 of the United States Code, and such other employees as may be required. The Director shall have the responsibilities provided under subsection (c) of this section and those duties and responsibilities relating to the functions of the office which the Secretary may assign, consistent with this Act. Employees of the Office shall be recruited on the basis of their professional competence and capacity to administer the provisions of this Act. No legal authority, program, or function in any Federal agency which has as its purpose promoting the development or use of coal or other mineral resources or regulating the health and safety of miners under provisions of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742), shall be transferred to the Office.

(c) The Secretary, acting through the Office, shall—

(1) administer the programs for controlling surface coal mining operations which are required by this Act; review and approve or disapprove State programs for controlling surface coal mining operations and reclaiming abandoned mined lands; make those investigations and inspections necessary to insure compliance with this Act; conduct hearings, administer oaths, issue subpenas, and compel the attendance of witnesses and production of written or printed material as provided for in this Act; issue cease-and-desist orders; review and vacate or modify or approve orders and decisions; and order the suspension, revocation, or withholding of any permit for failure to comply with any of the provisions of this Act or any rules and regulations adopted pursuant thereto;

(2) publish and promulgate such rules and regulations as may be necessary to carry out the purposes and provisions of this Act;

(3) administer the State grant-in-aid program for the development of State programs for surface coal mining and reclamation operations provided for in title V of this Act;

(4) administer in lieu of an approved State program the program for the purchase and reclamation of abandoned and unreclaimed mined areas pursuant to title III of this Act;

(5) administer the surface mining and reclamation research and demonstration project authority provided for in this Act;

(6) consult with other agencies of the Federal Government having expertise in the control and reclamation of surface mining operations and assist States, local governments, and other eligible agencies in the coordination of such programs;

(7) maintain a continuing study of surface mining and reclamation operations in the United States;

(8) develop and maintain an Information and Data Center on Surface Coal Mining, Reclamation, and Surface Impacts of Underground Mining, which will make such data available to the public and the Federal, regional, State, and local agencies conducting or concerned with land use planning and agencies concerned with surface and underground mining and reclamation operations;

(9) assist the States in the development of State programs for surface coal mining and reclamation operations which meet the requirements of the Act and, at the same time, reflect local requirements and local environmental and agricultural conditions;

(10) assist the States in developing objective criteria and appropriate procedures and institutions for determining those areas of a State to be designated unsuitable for all or certain types of surface coal mining pursuant to section 422;

(11) monitor all Federal and State research programs dealing with coal extraction and use and recommend to Congress the research and demonstration projects and necessary changes in public policy which are designated to (A) improve feasibility of underground coal mining, and (B) improve surface mining and reclamation techniques directed at eliminating adverse environmental and social impacts;

(12) cooperate with other Federal agencies and State regulatory authorities to minimize duplication of inspections, enforcement and administration of this Act; and

(13) perform such other duties as may be provided by law and relate to the purposes of this Act.

(d) The Director shall not use either permanently or temporarily any person charged with responsibility of inspecting coal mines under the Federal Coal Mine Health and Safety Act of 1969, unless he finds and publishes such finding in the Federal Register, that such activities would not interfere with such inspections under the 1969 Act.

(e) The Office shall be considered an independent Federal regulatory agency for the purposes of sections 3502 and 3512 of title 44 of the United States Code.

(f) No employee of the Office or any other Federal employee performing any function or duty under this Act shall have a direct or indirect financial interest in underground or surface coal mining operations. Whoever knowingly violates the provisions of the above sentence shall, upon conviction, be punished by a fine of not more than $2,500, or by imprisonment for not more than one year, or both. The Director shall (1) within sixty days after enactment of this Act publish regulations, in accordance with section 553 of title 5, United States Code, to establish the methods by which the provisions of this subsection will be monitored and enforced, including appropriate provisions for the filing by such employees and the review of statements and supplements thereto concerning their financial interests which may be affected by this subsection, and (2) report to the Congress as part of the annual report (section 506) on the actions taken and not taken during the preceding calendar year under this subsection.

(g)(1) After the Secretary has adopted the regulations required by section 401 of this Act, any person may petition the Director to initiate a proceeding for the issuance, amendment, or repeal of a rule under this Act.

(2) Such petitions shall be filed in the principal office of the Director and shall set forth the facts which it is claimed establish that it is necessary to issue, amend, or repeal a rule under this Act.

(3) The Director may hold a public hearing or may conduct such investigation or proceeding as the Director deems appropriate in order to determine whether or not such petition should be granted.

(4) Within 90 days after filing of a petition described in paragraph (1), the Director shall either grant or deny the petition. If the Director grants such petition, the Director shall promptly commence an appropriate proceeding in accordance with the provisions of this Act. If the Director denies such petition, the Director shall so notify the petitioner in writing setting forth the reasons for such denial.

TITLE III—ABANDONED MINE RECLAMATION

DECLARATION OF PUBLIC POLICY

SEC. 301 (a) It is hereby declared as a matter of public policy that—

(1) reclamation, restoration, and development of land and water resources in the United tSates, which have been adversely affected by past coal mining practices, are fundamental to the public health, safety, and general welfare;

(2) a fund should be created to reclaim, restore, and develop land and water resources in the United States which have been adversely affected by past coal mining practices; and

(3) the United States of America, the individual States, their political subdivisions, the mining industry, and individual property owners must cooperate and act to reclaim, restore, and develop land and water resources adversely affected by past coal mining practices.

SEC. 302. (a) Not later than the end of the hundred and eighty-day period immediately following the date of enactment of this Act, the Secretary shall promulgate and publish in the Federal Register regulations covering implementation of an abandoned mine reclamation program incorporating the provisions of title III and establishing procedures and requirements for preparation, submission, and approval of State programs and development and implementation of Federal programs under this title.

(b) The Secretary shall not approve, fund, or continue to fund a State abandoned mine reclamation program unless that State either has an approved State regulatory program pursuant to section 403 of this Act or is diligently preparing its program plan for submittal to the Secretary for approval.

(c) If the Secretary determines that a State has developed a program for reclamation of abandoned mines and has the ability and necessary State legislation to implement the provisions of this title, sections 304 and 309 excepted, the Secretary shall approve such State program and shall grant to the State exclusive responsibility and authority to implement the provisions of this title: *Provided*, That the Secretary shall withdraw such approval and authorization if he determines upon the basis of information provided under subsection (d) of this section that the State program is not in compliance with the procedures, guidelines, and requirements established under subsection 302(a).

(d) The Secretary shall grant to each qualified State, moneys from the fund to be used for the purposes of this title upon an annual application for grants by the State which shall provide the following information:

(1) a general description of the State's program for that year;

(2) a priority evaluation of each element of such State program;

(3) a statement of the estimated benefits in terms of acres restored, miles of stream improved, acres of surface protected from subsidence and population protected from air pollution and safety hazards of mine and coal refuse disposal area fires;

(4) an estimate of the cost for each element of such State program;

(5) in the case of proposed research and demonstration projects, a description of the specific techniques to be evaluated or objective to be attained; and

(6) a statement of any land to be acquired in conformity with section 307 and the estimated cost of such land;

(7) in each year after the first in which an application is filed under this title, an inventor of each project funded under the previous year's grant; which inventory shall include details of financial expenditures on such project together with a brief description of each such project, including project location, landowner's name, acreage, type of reclamation performed.

(e) The costs for each proposed program under this section shall include actual construction costs and actual operation and maintenance costs of permanent facilities. Planning and engineering costs, construction inspection costs, and other administrative expenses shall be included in the costs for each proposed project.

(f) Grants shall be made annually to the qualifying States on approval by the Secretary of the applications, or portions thereof, according to the priorities established in subsection (g) of section 303 and subject to the requirements of subsection (f) of section 303.

(g) The Secretary, through his designated agents, will monitor the progress and quality of the program. The States shall not be required at the start of any project to submit complete copies of plans and specifications.

Sec. 303. (a) There is created on the books of the Treasury of the United States a trust fund to be known as the Federal Abandoned Mine Reclamation Fund (hereinafter referred to as the "fund") which shall be administered by the Secretary of the Interior. State abandoned mine reclamation funds (State funds) generated by grants from this title shall be established by each State pursuant to an approved State program.

(b) The fund shall consist of amounts deposited in the fund, from time to time derived from—

(1) the reclamation fees levied under section 304 of this Act: *Provided*, That an amount not to exceed 10 per centum of such reclamation fees collected for any calendar quarter shall be reserved beginning in the first calendar year in which the fee is imposed and continuing for the remainder of that fiscal year and for the period in which such fee is imposed by law, for the purpose of section 407(f), subject to appropriation pursuant to authorization under section 511: *Provided further*, That not more than $10,000,000 shall be available for such purposes.

(2) the sale, lease rental, or user charge for land acquired pursuant to this title;

(3) donations by persons, corporations, associations, and foundations for the purposes of this title; and

(4) recovered moneys as provided for in this title.

(c) Moneys in the fund may be used for the following purposes:

(1) reclamation and restoration of land and water resources adversely affected by past coal mining, including but not limited to reclamation and restoration of abandoned surface mine areas, abandoned coal processing areas, and abandoned coal refuse disposal areas; sealing and filling abandoned deep mine entries and voids; planting of land adversely affected by past coal mining to prevent erosion and sedimentation; prevention, abatement, treatment, and control of water pollution created by coal mine drainage including restoration of stream beds, and construction and operation of water treatment plants; prevention, abatement, and control of burning coal refuse disposal areas and burning coal in situ; and prevention, abatement, and control of coal mine subsidence;

(2) acquisition of land as provided for in section 307;

(3) development of land acquired as provided for in subsection (d) of section 307;

(4) enforcement and collection of the reclamation fee provided for in section 304 of this Act;

(5) studies by the Department of the Interior by contract to such extent or in such amounts as are provided in advance in appropriation Acts with public and private organizations to provide information, advice, and technical assistance, including research and demonstration projects, conducted for the purposes of this title;

(6) restoration, reclamation, abatement, control, or prevention of adverse affects of coal mining whenever created which constitutes an emergency as provided for in section 308 of this title;

(7) grants to the States to accomplish the purposes of this title;

(8) administrative expenses of the United States and each State to accomplish the purposes of this title; and

(9) all other necessary expenses to accomplish the purposes of this title.

(d) An amount not to exceed 20 per centum of the moneys deposited in the fund during the first calendar year this title is in force shall be reserved for the purposes specified in section 309 of this Act. As moneys are used for these purposes, this reserve shall be replenished by such portion of the quarterly deposits into the fund as shall be necessary.

(e) Moneys from the fund shall be available for the purposes of this title, only when appropriated therefor, and such appropriations shall be made without fiscal year limitations: *Provided*, That moneys from the fund reserve provided in subsection (d) of this section shall be immediately available without regard to appropriations, upon authority of the Secretary for the purposes provided for in section 308 of this title.

(f) The geographic allocation of expenditures from the fund shall reflect both the area from which the revenue was derived as well as the program needs for the funds. Fifty per centum of the funds collected annually in any State or Indian reservation shall be expended in that State or Indian reservation by the Secretary or State regulatory authority pursuant to any approved State abandoned mine reclamation program to accomplish the purposes of this title or, after the objectives of the fund set forth in section 303 and 310 of this Act have been achieved, for programs for the construction of public facilities in communities impacted by coal development after receiving and considering the recommendations of the Governor of that State or the head of the governing body of that tribe having jurisdiction over that reservation, as the case may be: *Provided, however*, That if such funds have not been expended within three years after being paid into the fund, they shall be available for expenditure in any area. The balance of funds collected on an annual basis may be expended in any State at the discretion of the Secretary in order to meet the purposes of this title.

(g) Expenditure of moneys from the fund for the purposes of this title shall reflect the following priorities in the order stated:

(1) the protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices;

(2) the protection of public health, safety, and general welfare from adverse effects of past coal mining practices;

(3) the restoration of land and water resources and the environment previously degraded by adverse effects of past coal mining practices including measures for the conservation and development of soil, water (excluding channelization), woodland, fish and wildlife, recreation resources, and agricultural productivity;

(4) research and demonstration projects relating to the development of surface mining reclamation and water quality control program methods and techniques;

(5) the protection, repair, replacement, construction, or enhancement of public facilities such as utilities, roads, recreation, and conservation facilities adversely affected by coal mining practices;

(6) the development of publicly owned land adversely affected by past coal mining practices including land acquired as provided in this title for recreation and historic purposes, conservation, and reclamation purposes and open space benefits.

RECLAMATION FEE

Sec. 304. (a) All operators of coal mining operations subject to the provisions of this Act shall pay to the Secretary of the Interior, for deposit in the fund, a reclamation fee of 35 cents per ton of coal produced by surface coal mining and 15 cents per ton of coal produced by underground mining or 10 per centum of the value of the coal at the mine, as determined by the Secretary, whichever is less, except that there shall be no reclamation fee for lignite coal.

(b) Such fee shall be paid no later than thirty days after the end of each calendar quarter beginning with the first calendar quarter occurring after January 1, 1978, and ending fifteen years after the date of enactment of this Act unless extended by an Act of Congress.

(c) Together with such reclamation fee, all operators of coal mine operations shall submit a statement of the amount of coal produced during the calendar quarter, the method of coal removal and the type of coal. the accuracy of which shall be sworn to by the operator and notarized.

(d) Any person, corporate officer, agent, or director, on behalf of a coal mine operator, who knowingly makes any false statement, representation, or certification required in this section shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than one year, or both.

(e) Any portion of the reclamation fee not properly or promptly paid pursuant to this section shall be recoverable, with statutory interest and reasonable attorney's fees, from coal mine operators, in any court of competent jurisdiction in any action at law to compel payments of debts.

(f) All Federal and State agencies shall fully cooperate with the Secretary of the Interior in the enforcement of this section.

ELIGIBLE AREAS

SEC. 305. (a) The only lands eligible for expenditures under this title are those which were mined for coal or which were abandoned and unreclaimed or unrestored prior to the date of enactment of this Act: *Provided, however,* That any lands adversely affected by coal mining which constitutes an extreme danger to the public health, safety, and general welfare shall be eligible for expenditures from the fund as provided for in section 309.

(b) Any water resources adversely affected by past coal mining practices shall be eligible for expenditures from the fund for reclamation and restoration purposes.

RECLAMATION OF RURAL LANDS

SEC. 306. (a) In order to provide for the control and prevention of erosion and sediment damages from unreclaimed mined lands, and to promote the conservation and development of soil and water resources of unreclaimed mined lands and lands affected by mining, the Secretary of Agriculture is authorized to enter into agreements of not more than ten years with landowners (including owners of water rights), residents, and tenants, and individually or collectively, determined by him to have control for the period of the agreement of lands in question therein, providing for land stabilization, erosion, and sediment control, and reclamation through conservation treatment, including measures for the conservation and development of soil, water (excluding stream channelization), woodland, wildlife, and recreation resources, and agricultural productivity of such lands. Such agreements shall be made by the Secretary with the owners, including owners of water rights, residents, or tenants (collectively or individually) of the lands in question.

(b) The landowner, including the owner of water rights, resident, or tenant shall furnish to the Secretary of Agriculture a conservation and development plan setting forth the proposed land uses and conservation treatment which shall be mutually agreed by the Secretary of Agriculture and the landowner, including owner of water rights, resident, or tenant to be needed on the lands for which the plan was prepared. In those instances where it is determined that the water rights or water supply of a tenant, landowner, including owner of water rights, residents, or tenant have been adversely affected by a surface or underground coal mine operation which has removed or disturbed a stratum so as to significantly affect the hydrologic balance, such plan may include proposed measures to enhance water quality or quantity by means of joint action with other affected landowners, including owner of water rights, residents, or tenants in consultation with appropriate State and Federal agencies.

(c) Such plan shall be incorporated in an agreement under which the landowner, including owner of water rights, resident, or tenant shall agree with the Secretary of Agriculture to effect the land uses and conservation treatment provided for in such plan on the lands described in the agreement in accordance with the terms and conditions thereof.

(d) In return for such agreement by the landowner, including owner of water rights, resident, or tenant the Secretary of Agriculture is authorized to furnish financial and other assistance to such landowner, including owner of water rights, resident, or tenant in such amounts and subject to such conditions as the Secretary of Agriculture determines are appropriate in the public interest for carrying out the land use and conservation treatment set forth in the agreement. Grants made under this section, depending on the income-producing potential of the land after reclaiming, shall provide up to 80 per centum of the cost of carrying out such land uses and conservation treatment on not more than one hundred and twenty acres of land occupied by such owner including water rights owners, resident, or tenant, or on not more than one hundred and twenty acres of land which has been purchased jointly by such landowners including water rights owners, residents, or tenants under an agreement for the enhancement of water quality or quantity or on land which has been acquired by an appropriate State or local agency for the purpose of implementing such agreement; except the Secretary may reduce the matching cost share where he determines that (1) the main benefits to be derived from the project are related to improving offsite water quality, offsite esthetic values, or other offsite benefits, and (2) the matching share requirement would place a burden on the landowner which would probably prevent him from participating in the program: *Provided, however,* That the Secretary of Agriculture may allow for land use and conservation treatment on such lands occupied by any such owner in excess of such one hundred and twenty acre limitation up to three hundred and twenty acres, but in such event the amount of the grant to such landowner to carry out such reclamation on such lands shall be reduced proportionately.

(e) The Secretary of Agriculture may terminate any agreement with a landowner including water rights owners, operator, or occupier by mutual agreement if the Secretary of Agriculture determines that such termination would be in the public interest, and may agree to such modification of agreements previously entered into hereunder as he deems desirable to carry out the purposes of this section or to facilitate the practical administration of the program authorized herein.

(f) Notwithstanding any other provision of law, the Secretary of Agriculture, to the extent he deems it desirable to carry out the purposes of this section, may provide in any agreement hereunder for (1) preservation for a period not to exceed the period covered by the agreement and an equal period thereafter of the cropland, crop acreage, and allotment history applicable to land covered by the agreement for the purpose of any Federal program under which such history is used as a basis for an allotment or other limitation on the production of such crop; or (2) surrender of any such history and allotments.

(g) The Secretary of Agriculture shall be authorized to issue such rules and regulations as he determines are necessary to carry out the provisions of this section.

(h) In carrying out the provisions of this section, the Secretary of Agriculture shall utilize the services of the Soil Conservation Service.

(i) Funds shall be made available to the Secretary of Agriculture for the purposes of this section, as provided in section .

ENTRY ON OR ACQUISITION OF LAND ADVERSELY AFFECTED BY PAST COAL MINING PRACTICES

SEC. 307. (a) In the absence of an approved State program pursuant to section 302, if the Secretary makes a finding of fact that—

(1) land or water resources have been adversely affected by past coal mining practices; and

(2) the adverse effects are at a stage where, in the public interest, action to restore, reclaim, abate, control, or prevent should be taken; and

(3) the owners of the land or water resources where entry must be made to restore, reclaim, abate, control, or prevent the adverse effects of past coal mining practices are not known, or readily available; or

(4) the owners will not give permission for the United States, the States, political subdivisions, their agents, employees, or contractors to enter upon such property to restore, reclaim, abate, control, or prevent the adverse effects of past coal mining practices.

Then, upon giving notice by mail to the owners if known or if not known by posting notice upon the premises and advertising once in a newspaper of general circulation in the municipality in which the land lies, the Secretary, his agents, employees, or contractors, shall have the right to enter upon the property adversely affected by past coal mining practices and any other property to have access to such property to do all things necessary or expedient to restore, reclaim, abate, control, or prevent the adverse effects. Such entry shall be construed as an exercise of the police power for the protection of public health, safety, and general welfare and shall not be construed as an act of condemnation of property nor of trespass thereon. The moneys expended for such work and the benefits accruing to any such premises so entered upon shall be chargeable against such land and shall mitigate or offset any claim in or any action brought by any owner of any interest in such premises for any alleged damages by virtue of such entry: *Provided, however,* That this provision is not intended to create new rights of action or eliminate existing immunities.

(b) The Secretary, his agents, employees, or contractors shall have the right to enter upon any property for the purpose of conducting studies or exploratory work to determine the existence of adverse effects of past coal mining practices and to determine the feasibility of restoration, reclamation, abatement, control, or prevention of such adverse effects. Such entry shall be construed as an exercise of the police power for the protection of public health, safety, and general welfare and shall not be construed as an act of condemnation of property nor trespass thereon.

(c) The Secretary may acquire any land, by purchase, donation, or condemnation, which is adversely affected by past coal mining practices if the Secretary determines that acquisition of such land is necessary to successful reclamation and that—

(1) the acquired land, after restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices, will serve recreation and historic purposes, conservation and reclamation purposes or provide open space benefits; or

(2) permanent facilities such as a treatment plant or a relocated stream channel will be constructed on the land for the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices; or

(3) acquisition of coal refuse disposal sites and all coal refuse thereon will serve the purposes of this title or that public ownership is desirable to meet emergency situations and prevent recurrences of the adverse effects of past coal mining practices.

(d) Title to all lands acquired pursuant to this section shall be in the name of the United States or, if acquired by a State pursuant to an approved program, title shall be in the name of the State. The price paid for land acquired under this section shall reflect the market value of the land as adversely affected by past coal mining practices.

(e) The Secretary, in formulating regulations for making grants to the States to acquire land pursuant to this section, shall specify that acquired land meet the criteria provided for in subsections (c) and (d) of this section. The Secretary may provide by regulation that money derived from the lease, rental, or user charges of such acquired land and facilities thereon will be deposited in the fund.

(f) (1) Where land acquired pursuant to this section is deemed to be suitable for industrial, commercial, residential, or recreational development, the Secretary may sell or authorize the States to sell such land by public sale under a system of competitive bidding, at not less than fair market value and under such other regulations promulgated to insure that such lands are put to proper use consistent with local and State land use plans, if any, as determined by the Secretary.

(2) The Secretary when requested after appropriate public notice shall hold a public hearing, with the appropriate notice, in the county or counties or the appropriate subdivisions of the State in which lands acquired pursuant to this section are located. The hearings shall be held at a time which shall afford local citizens and governments the maximum opportunity to participate in the decision concerning the use of disposition of the lands after restoration, reclamation, abatement, control, or prevention of the adverse affects of past coal mining practices.

(g) In addition to the authority to acquire land under subsection (d) of this section the Secretary is authorized to use money in the fund to acquire land by purchase, donation, or condemnation, and to reclaim, develop, and transfer acquired land to any State or to a political subdivision thereof, or to any person, firm, association, or corporation if he determines that such is an integral and necessary element of an economically feasible plan for the project to construct or rehabilitate housing for persons disabled as the result of employment in the mines or work incidental thereto, persons displaced by acquisition of land pursuant to this section, or persons dislocated as the result of adverse effects of coal mining practices which constitute an emergency as provided in section 309 or persons dislocated as the result of natural disasters or catastrophic failures from any cause. Such activities shall be accomplished under such terms and conditions as the Secretary shall require, which may include transfers of land with or without monetary consideration: *Provided*, That, to the extent that the consideration is below the fair market value of the land transferred, no portion of the difference between the fair market value and the consideration shall accrue as a profit to such persons, firm, association, or corporation. Land development may include the construction of public facilities or other improvements including reasonable site work and offsite improvements such as sewer and water extensions which the Secretary determines necessary or appropriate to the economic feasibility of a project. No part of the funds provided under this title may be used to pay the actual construction costs of housing.

The Secretary may carry out the purposes of this subsection directly or he may make grants and commitments for grants and may advance money under such terms and conditions as he may require to any State, or any department, agency, or instrumentality of a State, or any public body or nonprofit organization designated by a State.

LIENS

SEC. 308. (a) In absence of an approved plan pursuant to section 302 the provisions of this section shall be applicable.

(b) Within six months after the completion of projects to restore, reclaim, abate, control, or prevent adverse effects of past coal mining practices on privately owned land, the Secretary shall itemize the moneys so expended and may file a statement thereof in the office of the county in which the land lies which has the responsibility under local law for the recording of judgments against land, together with a notarized appraisal by an independent appraiser of the value of the land before the restoration, reclamation, abatement, control, or prevention of adverse effects of past coal mining practices if the moneys so expended shall result in a significant increase in property value. Such statement shall constitute a lien upon the said land. The lien shall not exceeed the amount determined by the appraisal to be the increase in the market value of the land as a result of the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices. No lien shall be filed against the property of any person, in accordance with this subsection, who neither participated in nor exercised control over the mining operation which necessitated the reclamation performed hereunder.

(c) The landowner may proceed as provided by local law to petition within sixty days of the filing of the lien, to determine the increase in the market value of the land as a result of the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices. The amount reported to be the increase in value of the premises shall constitute the amount of the lien and shall be recorded with the statement herein provided. Any party aggrieved by the decision may appeal as provided by local law.

(d) The lien provided in this section shall be entered in the county office in which the land lies which has responsibility under local law for the recording of judgments against land.

EMERGENCY POWERS

SEC. 309. (a) The provisions of this section shall be applicable only in the absence of an approved State program pursuant to section 302.

(b) The Secretary is authorized to expend moneys from the fund without specific legislative appropriation for the emergency restoration, reclamation, abatement, control, or prevention of adverse effects of coal mining practices, without regard to when the practices occurred, if the Secretary makes a finding of fact that—

(1) an emergency exists constituting a danger to the public health, safety, or general welfare; and

(2) no other person or agency will act expeditiously to restore, reclaim, abate, control, or prevent the adverse effects of coal mining practices.

(c) The Secretary, his agents, employees, and contractors shall have the right to enter upon any land where the emergency exists and any other land to have access to the land where the emergency exists to restore, reclaim, abate, control, or prevent the adverse effects of coal mining practices and to do all things necessary or expedient to protect the public health, safety, or general welfare. Such entry shall be construed as an exercise of the police power and shall not be construed as an act of condemnation of property nor of trespass thereon. The moneys expended for such work and the benefits accruing to any such premises so entered upon shall be chargeable against such land and shall mitigate or offset any claim in or any action brought by any owner of any interest in such premises for any alleged damages by virtue of such entry: *Provided, however*, That this provision is not intended to create new rights of action or eliminate existing immunities.

(d) All moneys expended under this section may be recovered in full from the landowner, or any other person, company, corporation, or organization if they were liable under law for restoring, reclaiming, abating, controlling, or preventing the adverse effects resulting in the emergency.

FILLING VOIDS AND SEALING TUNNELS

SEC. 310. (a) The Congress declares that voids, and open and abandoned tunnels, shafts, and entryways resulting from any previous mining operation, constitute a hazard to the public health or safety and that surface impacts of any underground or surface mining operation may degrade the environment. The Secretary, at the request of the Governor of any State, or the chairman of any tribe, is authorized to fill such voids, seal such abandoned tunnels, shafts, and entryways, and reclaim surface impacts of underground or surface mines which the Secretary determines could endanger life and property, constitute a hazard to the public health and safety, or degrade the environment. State regulatory authorities are authorized to carry out such work pursuant to an approved abandoned mine reclamation program.

(b) Funds available for use in carrying out the purpose of this section shall be limited to those funds which must be expended in the respective States or Indian reservations under the provisions of section 303(   ).

(c) The Secretary may make expenditures and carry out the purposes of this section without regard to provisions of section 305 in such States or Indian reservations where requests are made by the Governor or tribal chairman and only after all reclamation with respect to abandoned coal lands or coal development impacts have been met, except for those reclamation projects relating to the protection of the public health or safety.

(d) In those instances where mine waste piles are being reworked for conversation purposes, the incremental costs of disposing of the wastes from such operations by filling voids and sealing tunnels may be eligible for funding providing that the disposal of these wastes meets the purposes of this section.

(e) The Secretary may acquire by purchase, donation, easement, or otherwise such interest in land as he determines necessary to carry out the provisions of this section.

MISCELLANEOUS POWERS

SEC. 311. (a) In the absence of an approved State program pursuant to section 302.

(b) The Secretary shall have the power and authority, if not granted it otherwise, to engage in any work and to do all things necessary or expedient to implement and administer the provisions of this title.

(c) The Secretary shall have the power and authority to engage in cooperative projects under this title with any other agency of the United States of America, any State and their governmental agencies.

(d) The Secretary may request the Attorney General, who is hereby authorized to initiate, in addition to any other remedies provided for in this title, in any court of competent jurisdiction, an action in equity for an injunction to restrain any interference with the exercise of the right to enter land or to conduct of any work provided in this title.

(e) The Secretary shall have the power and authority to construct and operate a plant or plants for the control and treatment of water pollution resulting from mine drainage. The extent of this control and treatment may be dependent upon the ultimate use of the water: *Provided*, That the above provisions of this paragraph shall not be deemed in any way to repeal or supersede any portion of the Federal Water Pollution Control Act (33 U.S.C.A. 1151, et seq. as amended) and no control or treatment under this subsection shall in any way be less than that required under the Federal Water Pollution Control Act. The construction of a plant or plants may include major interceptors and other facilities appurtenant to the plant.

INTERAGENCY COOPERATION

SEC. 312. (a) All departments, boards, commissioners, and agencies of the United States of America shall cooperate with the Secretary by providing technical expertise, personnel equipment, materials, and supplies to implement and administer the provisions of this title.

(b) The Secretary in development of guidelines and regulations under this title shall consult with appropriate Federal agencies including Department of Agriculture, Soil Conservation Service, Environmental Protection Administration, and the Tennessee Valley Authority.

FUND REPORT

SEC. 313. Not later than January 1, 1978, and annually thereafter, the Secretary shall report to the Congress on operations under the fund together with his recommendations as to future uses of the fund.

TRANSFER OF FUNDS

SEC. 314. The Secretary of the Interior may transfer funds to other appropriate Federal agencies, in order to carry out the reclamation activities authorized by this title.

CONTINUING LIABILITY

SEC. 315. Nothing in this title shall be construed as a waiver, release, or limitation of any liability of any person, created by any law, for the adverse effects of coal mining practices.

SECRETARY'S AUTHORITY

SEC. 316. The Secretary shall have the power and authority to establish rules and regulations to implement and administer the provisions of this title.

TITLE IV—CONTROL OF THE ENVIRONMENTAL IMPACTS OF SURFACE COAL MINING

ENVIRONMENTAL PROTECTION STANDARDS

SEC. 401. (a) Not later than the end of the ninety-day period immediately following the date of enactment of this Act, the Secretary shall promulgate and publish in the Federal Register regulations covering an interim regulatory procedure for surface coal mining and reclamation operations setting mining and reclamation performance standards based on and incorporating the provisions of subsections 415(b)(2), 415(b)(3), 415(b)(5), 415(b)(10), 415(b)(13), 415(b)(15), 415(b)(19), and 415(d) of this Act. The issuance of the interim regulations shall be deemed not to be a major Federal action within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969. (42 U.S.C. 4332). Such regulations shall not be promulgated and published by the Secretary until he has—

(A) published proposed regulations in the Federal Register and afforded interested persons and State and local governments a period of not less than forty-five days after such publication to submit written comments thereon;

(B) obtain the written concurrence of the Administrator of the Environmental Protection Agency with respect to those regulations promulgated under this section which relate to air or water quality standards promulgated under the authority of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151–1175), and the Clean Air Act, as amended (42 U.S.C. 1857 et seq.); and

(C) held at least one public hearing on the proposed regulations.

The date, time, and place of any hearing held on the proposed regulations shall be set out in the publication of the proposed regulations. The Secretary shall consider all comments and relevant data presented at such hearing before full promulgation and publication of the regulations.

(b) Not later than one year after the enactment of this Act, the Secretary shall promulgate and publish in the Federal Register regulations covering a permanent regulatory procedure for surface coal mining and reclamation operations performance standards based on and incorporating the provisions of title IV and establishing procedures and requirements for preparation, submission, and approval of State programs, and development and implementation of Federal programs under the title. The Secretary shall promulgate these regulations in accordance with the procedures in section 401(a).

INITIAL REGULATORY PROCEDURES

SEC. 402. (a) No person shall open or develop any new or previously mined or abandoned site for surface coal mining operations on lands on which such operations are regulated by a State unless such person has obtained a permit from the State's regulatory authority.

(b) All surface coal mining operations on lands on which such operations are regulated by a State which commence operations pursuant to a permit issued after six months from the date of enactment of this Act shall comply, and such permits shall contain terms requiring compliance with, the provisions of subsections 415(b)(2), 415(b)(3), 415(b)(5), 415(b)(10), 415(b)(13), 415(b)(19), and 415(c) of this Act. Prior to final disapproval of a State program or prior to promulgation of a Federal program or a Federal lands program pursuant to this Act, a State may issue such permits.

(c) On or after nine months from the date of enactment of this Act, all surface coal mining operations on lands on which such operations are regulated by a State which are in operation pursuant to a permit issued before or within six months after the date of enactment of this Act shall comply with the provisions of subsections 415(b)(2), 415(b)(3), 415(b)(5), 415(b)(10), 415(b)(13), 415(b)(19), and 415(c) of this Act, with respect to lands from which overburden and the coal seam being mined have not been removed: *Provided, however,* That surface coal mining operations in operation pursuant to a permit issued by a State before the date of enactment of this Act, issued to a person as defined in section 501(17) in existence prior to May 2, 1977, and operated by a person whose annual production of coal from surface coal mining operations does not exceed one hundred thousand tons shall not be subject to the provisions of this subsection except with reference to the provision of subsection 415(c)(1) until twenty-four months from the date of enactment of this Act.

(d) Not later than two months following the approval of a State program pursuant to section 403 or the implementation of a Federal program pursuant to section 404, regardless of litigation contesting that approval or implementation, all operators of surface coal mines who expect to operate such mines after the expiration of eight months from the approval of a State program or the implementation of a Federal program, shall file an application for a permit with the regulatory authority. Such application shall cover those lands to be mined after the expiration of eight months from the approval of a State program or the implementation of a Federal program. The regulatory authority shall process such applications and grant or deny a permit within eight months after the date of approval of the State program or the implementation of the Federal program unless specially enjoined by a court of competent jurisdiction, but in no case later than forty-two months from the date of enactment of this Act.

(e) Within six months after the date of enactment of this Act, the Secretary shall implement a Federal enforcement program which shall remain in effect in each State in which there is surface coal mining until the State program has been approved pursuant to this Act or until a Federal program has been implemented pursuant to this Act. The enforcement program shall—

(1) include inspections of surface coal mine sites which shall be made on a random basis (but at least one inspection for every three months), without advance notice to the mine operator and for the purpose of ascertaining compliance with the standards of subsections (b) and (c) above. The Secretary shall order any necessary enforcement action to be implemented pursuant to the Federal enforcement provision of this title to correct violations identified at the inspections;

(2) provide that upon receipt of inspection reports indicating that any surface coal mining operation has been found in violation of subsections (b) and (c) above, during not less than two consecutive State inspections or upon receipt by the Secretary of information which would give rise to reasonable belief that such standards are being violated by any surface coal mining operation, the Secretary shall order the immediate inspection of such operation by Federal inspectors and the necessary enforcement actions, if any, to be implemented pursuant to the Federal enforcement provisions of this title. When the Federal inspection results from information provided to the Secretary by any person, the Secretary shall notify such person when the Federal inspection is proposed to be carried out and such person shall be allowed to accompany the inspector during the inspection;

(3) for purposes of this section, the term "Federal inspector" means personnel of the Office of Surface Mining Reclamation and Enforcement and such additional personnel of the United States Geological Survey, Bureau of Land Management, or of the Mining Enforcement and Safety Administration so designated by the Secretary, or such other personnel of the Forest Service, Soil Conservation Service, or the Agricultural Stabilization and Conservation Service as arranged by appropriate agreement with the Secretary on a reimbursable or other basis;

(4) provide that the State regulatory agency file with the Secretary and with a designated Federal office centrally located in the county or area in which the inspected surface coal mine is located copies of inspection reports made;

(5) provide that moneys authorized by section 511 shall be available to the Secretary prior to the approval of a State program pursuant to this Act to reimburse the States for conducting those inspections in which the standards of this Act are enforced and for the administration of this section.

(f) Following the final disapproval of a State program, and prior to promulgation of a Federal program or a Federal lands program pursuant to this Act, including judicial review of such a program, existing surface coal mining operations may continue surface mining operations pursuant to the provisions of section 402 of this Act. During such period no new permits shall be issued by the State whose program has been disapproved. Permits which lapse during such period may continue in full force and effect until promulgation of a Federal program or a Federal lands program.

STATE PROGRAMS

SEC. 403. (a) Each State in which there are or may be conducted on lands within such State surface coal mining operations, and which wishes to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations on such lands, except as provided in sections 421 and 423 and title III of this Act, shall submit to the Secretary, by the end of the eighteen-month period beginning on the date of enactment of this Act, a State program which demonstrates that such State has the capability of carrying out the provisions of this Act and meeting its purposes through—

(1) a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of this Act;

(2) a State law which provides sanctions for violations of State laws, regulations, or conditions of permits concerning surface coal mining and reclamation operations, which sanctions shall meet the minimum requirements of this Act, including civil and criminal actions, forfeiture of bonds, suspensions, revocations, and withholding of permits, and the issuance of cease-and-desist orders by the State regulatory authority or its inspectors;

(3) a State regulatory authority with suf-

ficient administrative and technical personnel, and sufficient funding to enable the State to regulate surface coal mining and reclamation operations in accordance with the requirements of this Act;

(4) a State law which provides for the effective implementation, maintenance, and enforcement of a permit system, meeting the requirements of this title for the regulation of surface coal mining and reclamation operations for coal on lands within the State;

(5) establishment of a process for the designation of areas as unsuitable for surface coal mining in accordance with section 422;

(6) establishment for the purposes of avoiding duplication, of a process for coordinating the review and issuance of permits for surface coal mining and reclamation operations with any other Federal or State permit process applicable to the proposed operations; and

(7) rules and regulations consistent with this Act.

(b) The Secretary shall not approve any State program submitted under this section until he has—

(1) solicited and publicly disclosed the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies concerned with or having special expertise pertinent to the proposed State program;

(2) obtained the written concurrence of the Administrator of the Environmental Protection Agency with respect to those aspects of a State program which relate to air or water quality standards promulgated under the authority of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151–1175), and the Clean Air Act, as amended (42 U.S.C. 1857 et seq.);

(3) held at least one public hearing on the State program within the State; and

(4) found that the State has the legal authority and qualified personnel necessary for the enforcement of the environmental protection standards.

The Secretary shall approve or disapprove a State program, in whole or in part, within six full calendar months after the date of such State program was submitted to him.

(c) If the Secretary disapproves any proposed State program in whole or in part, he shall notify the State in writing of his decision and set forth in detail the reasons therefor. The State shall have sixty days in which to resubmit a revised State program, or portion thereof. The Secretary shall approve or disapprove the resubmitted State program or portion thereof within sixty days from the date of resubmission.

(d) For the purposes of this section and section 404, the inability of a State to take any action the purpose of which is to prepare, submit, or enforce a State program, or any portion thereof, because the action is enjoined by the issuance of an injunction by any court of competent jurisdiction shall not result in a loss of eligibility for financial assistance under titles III and V of this Act or in the imposition of a Federal program. Regulation of the surface coal mining and reclamation operations covered or to be covered by the State program subject to the injunction shall be conducted by the State pursuant to section 402 of this Act, until such time as the injunction terminates or for one year, whichever is shorter, at which time the requirements of sections 403 and 404 shall again be fully applicable.

FEDERAL PROGRAMS

SEC. 404. (a) The Secretary shall prepare and, subject to the provisions of this section, promulgate and implement a Federal program for a State no later than thirty months after the date of enactment of this Act if such State—

(1) fails to submit a State program covering surface and coal mining and reclamation operations by the end of the eighteen-month period beginning on the date of enactment of this Act;

(2) fails to resubmit an acceptable State program within sixty days of disapproval of a proposed State program: *Provided*, That the Secretary shall not implement a Federal program prior to the expiration of the initial period allowed for submission of a State program as provided for in clause (1) of this subsection; or

(3) fails to implement, enforce, or maintain its approved State program as provided for in this Act.

If State compliance with clause (1) of this subsection requires an act of the State legislature, the Secretary may extend the period of submission of a State program up to an additional six months. Promulgation and implementation of a Federal program vests the Secretary with exclusive jurisdiction for the regulation and control of surface coal mining and reclamation operations taking place on lands within any State not in compliance with this Act. After promulgation and implementation of a Federal program the Secretary shall be the regulatory authority. If a Federal program is implemented for a State, subsections 422(a), (c), and (d) shall not apply for a period of one year following the date of such implementations. In promulgating and implementing a Federal program for a particular State the Secretary shall take into consideration the nature of that State's terrain, climate, biological, chemical, and other relevant physical conditions.

(b) In the event that a State has a State program for surface coal mining, and is not enforcing any part of such program, the Secretary may provide for the Federal enforcement, under the provisions of section 421, of that part of the State program not being enforced by such State.

(c) Prior to promulgation and implementation of any proposed Federal program, the Secretary shall give adequate public notice and hold a public hearing in the affected State.

(d) Permits issued pursuant to an approved State program shall be valid but reviewable under a Federal program. Immediately following promulgation of a Federal program, the Secretary shall undertake to review such permits to determine that the requirements of this Act are not violated. If the Secretary determines any permit to have been granted contrary to the requirements of this Act, he shall so advise the permittee and provide him an opportunity for hearing and a reasonable opportunity for submission of a new application and reasonable time, within a time limit prescribed in regulations promulgated pursuant to section 401, to conform ongoing surface mining and reclamation operations to the requirements of the Federal program.

(e) A State which has failed to obtain the approval of a State program prior to implementation of a Federal program may submit a State program at any time after such implementation. Upon the submission of such a program, the Secretary shall follow the procedures set forth in section 403(b) and shall approve or disapprove the State program within six months after its submittal. Approval of a State program shall be based on the determination that the State has the capability of carrying out the provisions of this Act and meeting its purposes through the criteria set forth in section 403 (a) (1) through (6). Until a State program is approved as provided under this section, the Federal program shall remain in effect and all actions taken by the Secretary pursuant to such Federal program, including the terms and conditions of any permit issued thereunder shall remain in effect.

(f) Permits issued pursuant to the Federal program shall be valid under any superseding State program: *Provided*, That the Federal permittee shall have the right to apply for a State permit to supersede his Federal permit. The State regulatory authority may review such permits to determine that the requirements of this Act and the approved State program are not violated. Should the State program contain additional requirements not contained in the Federal program, the permittee will be provided opportunity for hearing and a reasonable time, within a time limit prescribed in regulations promulgated pursuant to section 401, to conform ongoing surface mining and reclamation operations to the additional State requirements.

(g) Whenever a Federal program is promulgated for a State pursuant to this Act, any statutes or regulations of such State which are in effect to regulate surface mining and reclamation operations subject to this Act shall be preempted and superseded by the Federal program. The Secretary shall set forth in rules and regulations any State law or regulation which is preempted and superseded by the Federal program.

(h) Any Federal program shall include a process for coordinating the review and issuance of permits for surface mining and reclamation operations with any other Federal or State permit process applicable to the proposed operation.

STATE LAWS

SEC. 405. (a) No State law or regulation in effect on the date of enactment of this Act, or which may become effective thereafter, shall be superseded by any provision of this Act or any regulation issued pursuant thereto, except insofar as such State law or regulation is inconsistent with the provisions of this Act.

(b) Any provision of any State law or regulation in effect upon the date of enactment of this Act, or which may become effective thereafter, which provides for more stringent land use and environmental controls and regulations of surface coal mining and reclamation operations than do the provisions of this Act or any regulation issued pursuant thereto shall not be construed to be inconsistent with this Act. The Secretary shall set forth in the rules and regulations any State law or regulation which is construed to be inconsistent with this Act. Any provision of any State law or regulation in effect on the date of enactment of this Act, or which may become effective thereafter, which provides for the control and regulation of surface mining and reclamation operations for which no provision is contained in this Act shall not be construed to be inconsistent with this Act.

PERMITS

SEC. 406. (a) On and after eight months from the date on which a State program is approved by the Secretary, pursuant to section 403 of this Act, or on and after eight months the date on which the Secretary has promulgated a Federal program for a State not having a State program pursuant to section 404 of this Act, no person shall engage in or carry out on lands within a State any surface coal mining operations unless such person has first obtained a permit issued by such State pursuant to an approved State program or by the Secretary pursuant to a Federal program; except a person conducting surface coal mining operations under a permit from the State regulatory authority, issued in accordance with the provisions of section 402 of this Act, may conduct such operations beyond such period if an application for a permit has been filed in accordance with the provisions of this Act, but the initial administrative decision has not been rendered.

(b) All permits issued pursuant to the requirements of this Act shall be issued for a term not to exceed five years: *Provided*, That a successor in interest to a permittee who applies for a new permit within thirty days of succeeding to such interest and who is able to obtain the bond coverage of the original permittee may continue surface coal mining and reclamation operations according to the approved mining and reclamation plan of the original permittee until such successor's application is granted or denied.

(c) A permit shall terminate if the permittee has not commenced the surface coal mining and reclamation operations covered by such permit within three years of the issuance of the permit: *Provided*, That with respect to coal to be mined for use in a synthetic fuel facility, the permittee shall be deemed to have commenced surface mining operations at such time as the construction of the synthetic fuel facility is initiated.

(d)(1) Any valid permit issued pursuant to this Act shall carry with it the right of successive renewal upon expiration with respect to areas within the boundaries of the existing permit. The holder of the permit may apply for renewal and such renewal shall be issued, subsequent to public hearing, if requested, unless the regulatory authority finds in writing that—

(A) the terms and conditions of the existing permit are not being satisfactorily met; or

(B) the present surface coal mining and reclamation operation is not in full compliance with the environmental protection standards of this Act and the approved State plan or Federal program pursuant to this Act; or

(C) the renewal requested jeopardizes the operator's continuing responsibility on existing permit areas; or

(D) the operator has not provided evidence that the performance bond in effect for said operation will continue in full force and effect for any renewal requested in such application as well as any additional bond the regulatory authority might require pursuant to section 409; or

(E) any additional revised or updated information required by the regulatory authority has not been provided. Prior to the approval of any renewal of permit the regulatory authority shall provide notice to the appropriate public authorities.

(2) If an application for renewal of a valid permit includes a proposal to extend the mining operation beyond the boundaries authorized in the existing permit, the portion of the application for revision of a valid permit which addresses any new land areas shall be subject to the full standards applicable to new applications under this Act.

(3) Any permit renewal shall be for a term not to exceed the period of the original permit established by this Act. Application for permit renewal shall be made at least one hundred and twenty days prior to the expiration of the valid permit.

APPLICATION REQUIREMENTS

Sec. 407. (a) Each application for a surface coal mining and reclamation permit pursuant to an approved State program or a Federal program under the provisions of this Act shall be accompanied by a fee as determined by the regulatory authority. Such fee may be less than but shall not exceed the actual or anticipated cost of receiving, administering and enforcing such permit issued pursuant to a State or Federal program. The regulatory authority may develop procedures so as to enable the cost of the fee to be paid over the term of the permit.

(b) The permit application shall be submitted in a manner satisfactory to the regulatory authority and shall contain, among other things—

(1) the names and addresses of (A) the permit applicant; (B) every legal owner of the property (surface and mineral), to be mined; (C) the holders of any leasehold interest in the property; (D) any purchaser of record of the property under a real estate contract; (E) the operator if he is a person different from the applicant; and (F) if any of these are business entities other than a single proprietor, the names and addresses of the principals, officers, and resident agent;

(2) the names and addresses of the owners of record of all surface and subsurface areas within five hundred feet of any part of the permit area;

(3) a statement of any current or previous surface coal mining permits in the United States held by the applicant and the permit identification;

(4) if the applicant is a partnership, corporation, association or other business entity, the following where applicable: the names and addresses of every officer, partner, director, or person performing a function similar to a director, of the applicant, together with the name and address of any person owning, of record or beneficially either alone or with associates, 10 per centum or more of any class of stock of the applicant and a list of all names under which the applicant, partner, or principal shareholder previously operated a surface mining operation within the United States;

(5) a statement of whether the applicant, any subsidiary, affiliate, or persons controlled by or under common control with the applicant, has ever held a Federal or State mining permit which subsequent to 1960 has been suspended or revoked or has had a mining bond or similar security deposited in lieu of bond forfeited and, if so, a brief explanation of the facts involved;

(6) a copy of the applicant's advertisement to be published in a newspaper of general circulation in the locality of the proposed site at least once a week for four successive weeks and which includes the ownership, a description of the exact location and boundaries of the proposed site sufficient so that the proposed operation is readily locatable by local residents, and the location of where the application is available for public inspection;

(7) a description of the type and method of coal mining operation that exists or is proposed, the engineering techniques proposed or used, and the equipment used or proposed to be used;

(8) the anticipated or actual starting and termination dates of each phase of the mining operation and number of acres of land to be affected;

(9) a statement of those documents upon which the applicant bases his legal right to enter and commence surface mining operations on the area affected, and whether that right is the subject of pending court litigation: *Provided*, That nothing in this Act shall be construed as vesting in the regulatory authority the jurisdiction to adjudicate property title disputes.

(10) the name of the watershed and location of the surface stream or tributary into which surface and pit drainage will be discharged;

(11) a determination of the hydrologic consequences of the mining and reclamation operations, both on and off the mine site, with respect to the hydrologic regime, quantity and quality of water in surface and ground water systems including the dissolved and suspended solids under seasonal flow conditions and the collection of sufficient data for the mine site and surrounding areas so that an assessment can be made by the regulatory authority of the probable cumulative impacts of all anticipated mining in the area upon the hydrology of the area and particularly upon water availability: *Provided, however*, That this determination shall not be required until such time as hydrologic information on the general area prior to mining is made available from an appropriate Federal or State agency;

(12) when requested by the regulatory authority, the climatological factors that are peculiar to the locality of the land to be affected, including the average seasonal precipitation, the average direction and velocity of prevailing winds, and the seasonal temperature ranges;

(13) an accurate map or plan to an appropriate scale clearly showing (A) the land to be affected as of the date of application and (B) all types of information set forth on topographical maps of the United States Geological Survey of a scale of 1:24000 or larger, including all manmade features and significant known archeological sites existing on the date of application. Such a map or plan shall, among other things specified by the regulatory authority, show all boundaries of the land to be affected, the boundary lines and names of present owners of record of all surface areas abutting the permit area, and the location of all buildings within one thousand feet of the permit area;

(14) cross-section maps or plans of the land to be affected including the actual area to be mined, prepared by or under the direction of and certified by a qualified registered professional engineer, with assistance from experts in related fields such as land surveying, landscape architecture, and geology, showing pertinent elevation and location of test borings or core samplings and depicting the following information: the nature and depth of the various strata of overburden; the location of subsurface water, if encountered, and its quality; the nature and thickness of any coal or rider seam above the coal seam to be mined; the nature of the stratum immediately beneath the coal seam to be mined; all mineral crop lines and the strike and dip of the coal to be mined within the area of land to be affected; existing or previous surface mining limits; the location and extent of known workings of any underground mines, including mine openings to the surface; the location of "acquifers;" the estimated elevation of the water table; the location of spoil, waste, or refuse areas and topsoil preservation areas; the location of all impoundments for waste or erosion control; any settling or water treatment facility; constructed or natural drainways and the location of any discharges to any surface body of water on the area of land to be affected or adjacent thereto; and profiles at appropriate cross sections of the anticipated final surface configuration that will be achieved pursuant to the operator's proposed reclamation plan;

(15) a statement of the result of test borings or core samplings from the permit area, including logs of the drill holes; the thickness of the coal seam found, an analysis of the chemical properties of such coal; the sulfur content of any coal seam; chemical analysis of potentially acid or toxic forming sections of the overburden; and chemical analysis of the stratum lying immediately underneath the coal to be mined; and

(16) information pertaining to coal seams, test borings, or core samplings as required by this section shall be made available to any person with an interest which is or may be adversely affected: *Provided*, That information which pertains only to the analysis of the chemical and physical properties of the coal (excepting information regarding such mineral or elemental content which is potentially toxic in the environment) shall be kept confidential and not made a matter of public record.

(c) Each applicant for a permit shall be required to submit to the regulatory authority as part of the permit application a certificate issued by an insurance company authorized to do business in the United States certifying that the applicant has a public liability insurance policy in force for the surface mining and reclamation operations for which such permit is sought, or evidence that the applicant has satisfied other State or Federal self-insurance requirements. Such policy shall provide for personal injury and property damage protection in an amount adequate to compensate any persons damaged as a result of surface coal mining and reclamation operations including use of explosives and entitled to compensation under the applicable provisions of State law. Such policy shall be maintained in full force and effect during the terms of the permit or any renewal, including the length of all reclamation operations.

(d) Each applicant for a permit shall be required to submit to the regulatory authority as part of the permit application a reclamation plan which shall meet the requirements of this Act.

(e) Each applicant for a surface coal mining and reclamation permit shall file a copy of his application for public inspection with the recorder at the courthouse of the county or an appropriate public office approved by the regulatory authority where the mining is proposed to occur, except for that information pertaining to the coal seam itself.

(f) If the regulatory authority finds that the probable total annual production at all locations of any coal surface mining operator will not exceed 100,000 tons, the determination of probable hydrologic consequences required by subsection (b)(11) and the statement of the result of test borings or core samplings required by subsection (b)(15) of this section shall, upon the written request of the operator be performed by a qualified public or private laboratory designated by the regulatory authority and the cost of the preparation of such determination and statement shall be assumed by the regulatory authority.

(g) Each applicant for a surface coal mining and reclamation permit shall submit to the regulatory authority as part of the permit application a blasting plan which shall outline the procedures and standards by which the operator will meet the provisions of section 415(b)(15).

RECLAMATION PLAN REQUIREMENTS

SEC. 408. (a) Each reclamation plan submitted as part of a permit application pursuant to any approved State program or a Federal program under the provisions of this Act shall include, in the degree of detail necessary to demonstrate that reclamation required by the State or Federal program can be accomplished, a statement of:

(1) the identification of the lands subject to surface coal mining operations over the estimated life of those operations and the size, sequence, and timing of the subareas for which it is anticipated that individual permits for mining will be sought;

(2) the condition of the land to be covered by the permit prior to any mining including:

(A) the uses existing at the time of the application, and if the land has a history of previous mining, the uses which preceded any mining; and

(B) the capability of the land prior to any mining to support a variety of uses giving consideration to soil and foundation characteristics, topography, and vegetative cover;

(3) the use which is proposed to be made of the land following reclamation, including a discussion of the utility and capacity of the reclaimed land to support a variety of alternative uses and the relationship of such use to existing land use policies and plans, and the comments of any owner of the surface, State and local governments or agencies thereof which would have to initiate, implement, approve or authorize the proposed use of the land following reclamation;

(4) a detailed description of how the proposed post-mining land use is to be achieved and the necessary support activities which may be needed to achieve the proposed land use;

(5) the engineering techniques proposed to be used in mining and reclamation and a description of the major equipment; a plan for the control of surface water drainage and of water accumulation; a plan, where appropriate, for backfilling, soil stabilization, and compacting, grading, and appropriate revegetation; an estimate of the cost per acre of the reclamation, including a statement as to how the permittee plans to comply with each of the requirements set out in section 415;

(6) the steps to be taken to comply with applicable air and water quality laws and regulations and any applicable health and safety standards;

(7) the consideration which has been given to developing the reclamation plan in a manner consistent with local, physical environmental, and climatological conditions and current mining and reclamation technologies;

(8) the consideration which has been given to insuring the maximum economically practicable recovery of the mineral resource;

(9) a detailed estimated timetable for the accomplishment of each major step in the reclamation plan;

(10) the consideration which has been given to making the surface mining and reclamation operations consistent with surface owner plans, and applicable State and local land use plans and programs;

(11) all lands, interests in lands, or options on such interests held by the applicant or pending bids on interests in lands by the applicant, which lands are contiguous to the area to be covered by the permit;

(12) the results of test borings which the applicant has made at the area to be covered by the permit, or other equivalent information and data in a form satisfactory to the regulatory authority, including the location of subsurface water, and an analysis of the chemical properties including acid-forming properties of the mineral and overburden: *Provided*, That information about the mineral shall be withheld by the regulatory authority if the applicant so requests;

(13) a detailed description of the measures to be taken during the mining and reclamation process to assure the protection of:

(A) the quality of surface and ground water systems, both on- and off-site, from adverse effects of the mining and reclamation process;

(B) the rights of present users to such water; and

(C) the quantity of surface and ground water systems, both on- and off-site, from adverse effects of the mining and reclamation process or to provide alternative sources of water where such protection of quantity cannot be assured;

(14) such other requirements as the regulatory authority shall prescribe by regulation.

(b) Any information required by this section which is not on public file pursuant to State law shall be held in confidence by the regulatory authority.

PERFORMANCE BONDS

SEC. 409. (a) After a surface coal mining and reclamation permit application has been approved but before such a permit is issued, the applicant shall file with the regulatory authority, on a form prescribed and furnished by the regulatory authority, a bond for performance payable, as appropriate, to the United States or to the State, and conditional upon faithful performance of all the requirements of this Act and the permit. The bond shall cover that area of land within the permit area upon which the operator will initiate and conduct surface coal mining and reclamation operations within the initial term of the permit. As succeeding increments of surface coal mining and reclamation operations are to be initiated and conducted with the permit area, the permittee shall file with the regulatory authority an additional bond or bonds to cover such increments in accordance with this section. The amount of the bond required for each bonded area shall depend upon the reclamation requirements of the approved permit and shall be determined by the regulatory authority. The amount of the bond shall be sufficient to assure the completion of the reclamation plan if the work had to be performed by the regulatory authority in the event of forfeiture and in no case shall the bond for the entire area under one permit be less than $10,000.

(b) Liability under the bond shall be for the duration of the surface coal mining and reclamation operation and for a period coincident with operator's responsibility for vegetation requirements in section 415.

The bond shall be executed by the operator and a corporate surety licensed to do business in the State where such operation is located, except that the operator may elect to deposit cash, negotiable bonds of the United States Government or such State, or negotiable certificates of deposit of any bank organized or transacting business in the United States. The cash deposit or market value of such securities shall be equal to or greater than the amount of the bond required for the bonded area.

(c) The regulatory authority may accept the bond of the applicant itself without separate surety when the applicant demonstrates to the satisfaction of the regulatory authority the existence of a suitable agent to receive service of process and a history of financial solvency and continuous operation sufficient for authorization to self-insure or bond such amount.

(d) Cash or securities so deposited shall be deposited upon the same terms as the terms upon which surety bonds may be deposited. Such securities shall be security for the repayment of such negotiable certificate of deposit.

(e) The amount of the bond or deposit required and the terms of each acceptance of the applicant's bond shall be adjusted by the regulatory authority from time to time as affected land acreages are increased or decreased or where the cost of future reclamation changes.

PERMIT APPROVAL OR DENIAL

SEC. 410. (a) Upon the basis of a complete mining application and reclamation plan or a revision or renewal thereof, as required by this Act and pursuant to an approved State program or Federal program under the provisions of this Act, including public notification and an opportunity for a public hearing as required by section 413, the regulatory authority shall grant or deny the application for a permit and notify the applicant in writing no later than six months after submission of the complete mining and reclamation plan. Within ten days after the granting of a permit, the regulatory authority shall notify the local official who has the duty of collecting real estate taxes in the local political subdivision in which the area of land to be affected is located that a permit has been issued and shall describe the location of the land.

(b) No permit or revision application shall be approved unless the application affirmatively demonstrates and the regulatory authority finds in writing on the basis of the information set forth in the application or from information otherwise available which will be documented in the approval, and made available to the applicant, that—

(1) all the requirements of this Act and the State or Federal program have been complied with;

(2) the applicant has demonstrated that reclamation as required by this Act and the State or Federal program can be accom-

plished under the reclamation plan contained in the permit application;

(3) the assessment of the probable cumulative impact of all anticipated mining in the area on the hydrologic balance specified in section 407(b) has been made by the regulatory authority and the proposed operation thereof has been designed to prevent significant irreparable offsite damage to hydrologic balance;

(4) the area proposed to be mined is not included within an area designated unsuitable for surface coal mining pursuant to section 422 of this Act or is not within an area under study for such designation in an administrative proceeding commenced pursuant to section 422(a)(4)(D) or section 422(c) (unless in such an area as to which an administrative proceeding has commenced pursuant to such sections, the operator making the permit application demonstrates that, prior to the date of enactment of this Act, he has made substantial legal and financial commitments in relation to the operation for which he is applying for a permit); and

(5) the proposed surface coal mining operations, if located west of the one hundredth meridian west longitude, would—

(A) not interrupt, discontinue, or prevent farming on alluvial valley floors that are irrigated or naturally subirrigated, but, excluding undeveloped range lands which are not significant to farming on said alluvial valley floors and those lands that the regulatory authority finds that if the farming that will be interrupted, discontinued, or prevented is of such small acreage as to be of negligible impact on the farm's agricultural production, or

(B) not adversely affect the quantity or quality of water in surface or underground water systems that supply these valley floors in (A) of subsection (b)(5):

Provided, That this paragraph (5) shall not affect those surface coal mining operations which in the year preceding the enactment of this Act (I) produced coal in commercial quantities, and were located within or adjacent to alluvial valley floors or (II) had obtained specific permit approval by the State regulatory authority to conduct surface coal mining operations within said alluvial valley floors.

With respect to such surface mining operations which would have been within the purview of the foregoing proviso but for the fact that no coal was so produced in commercial quantities and no such specific permit approval was so received, the Secretary, if he determines that substantial financial and legal commitments were made by an operator prior to January 1, 1977, in connection with any such operation, is authorized, in accordance with such regulations as the Secretary may prescribe, to enter into an agreement with that operator pursuant to which the Secretary may, notwithstanding any other provision of law, lease other Federal coal deposits to such operator in exchange for the relinquishment by such operator of his Federal lease covering coal deposits involving such mining operations, or pursuant to section 206 of Federal Land Policy and Management Act of 1976, convey to the fee holder of any such coal deposits involving such mining operations the fee title to other available Federal coal deposits in exchange for the fee title to such deposits so involving such mining operations.

(c) The applicant shall file with his permit application a schedule listing any and all notices of violations of this Act and any law, rule, or regulation of the United States or of any department or agency in the United States pertaining to air or water environmental protection incurred by the applicant in connection with any surface coal mining operation during the one-year period prior to the date of application. The schedule shall also indicate the final resolution of any such notice of violation. Where the schedule or other information available to the regulatory authority indicates that any surface coal mining operation owned or controlled by the applicant is currently in violation of this Act or such other laws referred to in this subsection, the permit shall not be issued until the applicant submits proof that such violation has been corrected or is in the process of being corrected to the satisfaction of the regulatory authority, department, or agency which has jurisdiction over such violation, and no permit shall be issued to an applicant after a finding by the regulatory authority, after opportunity for hearing, that the applicant, or the operator specified in the application, controls or has controlled mining operations with a demonstrated pattern or willful violations of this Act of such nature and duration with such resulting irreparable damage to the environment as to indicate an intent not to comply with the provisions of this Act.

(d)(1) Except to the extent otherwise provided for in paragraphs (2) and (3) of this subsection, upon enactment of this Act no application for a permit or revision or renewal thereof shall be approved pursuant to this section unless the applicant demonstrates to the appropriate regulatory authority that prime farmland does not comprise more than 10 per centum of the surface area to be disturbed pursuant to such applicant's mining plan. Such demonstration shall be based upon soil maps and data certified for accuracy by the Secretary of Agriculture.

(2) Nothing in this subsection shall apply to any permit issued prior to the date of enactment of this Act, or to any revisions or renewals thereof, or to any existing surface mining operations for which a permit was issued prior to the date of enactment of this Act.

(3) The appropriate regulatory authority may, after consultation with the Secretary of Agriculture, and pursuant to regulations issued hereunder by the Secretary of the Interior with the concurrence of the Secretary of Agriculture, grant a variance from paragraph (1) of this subsection if the operator demonstrates and the regulatory authority finds, on the basis of data relating to prime farmlands comparable to those covered by the permit application, that the applicant can restore the land affected to a condition at least fully capable of supporting the uses which it was capable of supporting prior to any mining.

(4) As soon as is practicable following the date of the enactment of this Act, but in no event later than twelve months following such date, the Secretary of Agriculture shall commence such research, experimentation, and studies as are necessary to determine the impact of surface mining operations on agricultural production including the impact on agricultural lands both directly and indirectly affected by such mining and the most effective and efficient procedures for restoring the productive capacity of prime farmlands subsequent to any mining and based thereon, make appropriate recommendations to the Congress and the President within four years after the date of enactment of this Act.

REVISION OF PERMITS

SEC. 411. (a)(1) During the term of the permit the permittee may submit an application, together with a revised reclamation plan, to the regulatory authority for a revision of the permit.

(2) An application for a revision of a permit shall not be approved unless the regulatory authority finds that reclamation as required by this Act and the State or Federal program can be accomplished under the revised Reclamation Plan. The revision shall be approved or disapproved within a period of time established by the State or Federal program. The regulatory authority shall establish guidelines for a determination of the scale or extent of a revision request for which all permit application information requirements and procedures, including notice and hearings, shall apply: *Provided*, That any revisions which propose a substantial change in the intended future use of the land or significant alterations in the Reclamation Plan shall, at a minimum be subject to notice and hearing requirements.

(3) Any extensions to the area covered by the permit except incidental boundary revisions must be made by application for another permit.

(b) No transfer, assignment, or sale of the rights granted under any permit issued pursuant to this Act shall be made without the written approval of the regulatory authority.

(c) The regulatory authority shall within a time limit prescribed in regulations promulgated by the regulatory authority, review outstanding permits and may require reasonable revision or modification of the permit provisions during the term of such permit: *Provided*, That such revision or modification shall be based upon a written finding and subject to notice and hearing requirements established by the State or Federal program.

COAL EXPLORATION PERMITS

SEC. 412. (a) Each State or Federal program for a State shall include a requirement that coal exploration operations which substantially disturb the natural land surface be conducted in accordance with exploration regulations issued by the regulatory authority. Such regulations shall include, at a minimum, (1) the requirement that prior to conducting any exploration under this section, any person must file with the regulatory authority notice of intention to explore and such notice shall include a description of the exploration area and the period of supposed exploration and (2) provisions for reclamation in accordance with the performance standards in section 415 of this Act of all lands disturbed in exploration, including excavations, roads, drill holes, and the removal of necessary facilities and equipment.

(b) Information submitted to the regulatory authority pursuant to this subsection as confidential concerning trade secrets or privileged commercial or financial information which relates to the competitive rights of the person or entity intended to explore the described area shall not be available for public examination.

(c) Any person who conducts any coal exploration activities which substantially disturb the natural land surface in violation of this section or regulations issued pursuant thereto shall be subject to the provisions of section 418.

(d) Coal exploration on Federal lands shall be governed by section 4 of the Federal Coal Leasing Amendments Act of 1975 (90 Stat. 1085).

PUBLIC NOTICE AND PUBLIC HEARINGS

SEC. 413. (a) At the time of submission of an application for a surface coal mining and reclamation permit, or revision of an existing permit, pursuant to the provisions of this Act or an approved State program, the applicant shall submit to the regulatory authority a copy of his proposed advertisement of the ownership, precise location, and boundaries of the land to be affected. At the time of submission such approved advertisement shall be placed by the applicant in a local newspaper of general circulation in the locality of the proposed surface mine at least once a week for four consecutive weeks. At the time of submission the regulatory authority shall notify various local governmental bodies, planning agencies, and sewage and water treatment authorities, or water companies in the locality in which the proposed surface mining will take place, notifying them of the operator's intention to surface mine a particularly described tract of land and indicating the application's permit number and where a copy of the proposed mining and reclamation plan may be inspected. These local bodies, agencies, authorities, or companies have obligation to submit written comments within thirty days of receipt of notification on the mining applications with respect to the effect of the proposed operation on the environment which are within their area of responsibility. Such comments shall be made available to the public at the same locations as are the mining applications.

(b) Any person with a valid legal interest or the officer or head of any Federal, State, or local governmental agency or authority shall have the right file written objections to the proposed initial or revised application for a permit for surface coal mining and reclamation operation with the regulatory authority within thirty days after the first publication of the above notice. The regulatory authority shall provide the applicant with copies of all objections and the applicant shall have thirty days thereafter to file written response with the regulatory authority if he so desires. If written objections are filed and not considered frivolous by the regulatory authority and a hearing requested, the regulatory authority shall then hold a public hearing in the locality of the proposed mining or at the option of the objector at the State capital within thirty days of the receipt of such objections: *Provided*, That approval or denial of the applications shall be accomplished pursuant to section 410(a). The regulatory authority may arrange with the applicant upon request by any party to the administrative proceeding access to the proposed mining area for the purpose of gathering information relevant to the proceeding. At this public hearing, the applicant for a permit shall have the burden of establishing that his application is in compliance with the applicable State and Federal laws. Not less than ten days prior to any proposed hearing, the regulatory authority shall respond to the written objections in writing. Such response shall include the regulatory authority's preliminary proposals as to the terms and conditions, and amount of bond of a possible permit for the area in question and answers to material factual questions presented in the written objections. The regulatory authority's responsibility under this subsection shall in any event be to make publicly available its estimate as to any other conditions of mining or reclamation which may be required or contained in the preliminary proposal. In the event all parties requesting the hearing stipulate agreement prior to the requested hearings, and withdraw their request, such hearings need not be held.

(c) Without prejudice to the rights of the objectors or responsibilities of the regulatory authority pursuant to this section, the regulatory authority may establish an informal conference procedure to resolve such written objection in lieu of holding a formal transcribed procedure.

(d) The procedures for conduct of hearings under the Act shall be established by the regulated authority. The Secretary shall not prescribe such procedures as a condition for approval of a State program.

(e) For the purpose of such hearing, the regulatory authority may administer oaths, subpena witnesses, or written or printed materials, compel attendance of the witnesses, or production of the materials, and take evidence including but not limited to site inspections of the land to be affected and other surface coal mining operations carried on by the applicant in the general vicinity of the proposed operation. A verbatim record of each public hearing required by this Act shall be made, and a transcript made available on the motion of any party or by order of the regulatory authority.

(f) Where the lands included in an application for a permit are the subject of a Federal coal lease in connection with which hearings were held and determinations were made under sections 2(a)(3)(A), (B) and (C) of the Mineral Lands Leasing Act, as amended (30 U.S.C. 201a)(3)(A), (B) and (C), such hearings shall be deemed as to the matters covered to satisfy the requirements of this section and such determinations shall be deemed to be a part of the record and conclusive for purposes of section 410 and of this section.

DECISIONS OF REGULATORY AUTHORITY AND APPEALS

SEC. 414. (a) If a public hearing has been held pursuant to section 413(b), the regulatory authority shall issue and furnish the applicant for a permit and persons who are parties to the administrative proceedings with the written finding of the regulatory authority, granting or denying the permit in whole or in part and stating the reasons therefor, within thirty days of said hearings.

(b) If there has been no public hearing held pursuant to section 413(b), the regulatory authority shall notify the applicant for a permit no later than six months after the date on which a complete application was filed, whether the application has been approved or disapproved. If the application is approved, the permit shall be issued. If the application is disapproved, specific reasons therefor must be set forth in the notification. Within thirty days after the applicant is notified that the permit or any portion thereof has been denied, the applicant may request a hearing on the reasons for the said disapproval. The regulatory authority shall hold a hearing within thirty days of such request and provide notification to all interested parties at the time that the applicant is so notified. Within thirty days after the hearing the regulatory authority shall issue and furnish the applicant, and all persons who participated in the hearing pursuant to section 413(b) with the written decision of the regulatory authority granting or denying the permit in whole or in part and stating the reasons therefor.

(c) Any applicant, or any other party to the administrative proceeding who filed written objections and participated in the hearing if one was held, and who is aggrieved by the decision or by the failure of the regulatory authority to act within the time limits specified in this section and in section 413 of this Act, shall have the right of appeal in accordance with section 426 of this Act.

ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS

SEC. 415. (a) Any permit issued under any approved State or Federal program pursuant to this Act to conduct surface coal mining operations shall require that such surface coal mining operations will meet all applicable performance standards of this Act, and such other requirements as the regulatory authority shall promulgate.

(b) General performance standards shall be applicable to all surface coal mining and reclamation operations and shall require the operator as a minimum to—

(1) conduct surface coal mining operations so as to maximize the utilization and conservation of the solid fuel resource being recovered by using the best technology currently available so that reaffecting the land in the future through surface coal mining can be minimized;

(2) restore the land affected to a condition at least fully capable of supporting the uses which it was capable of supporting prior to any mining, or higher or better uses of which there is a reasonable likelihood, so long as such use or uses do not present any actual or probable hazard to public health or safety or pose any actual or probable threat of water diminution or degradation below water quality standards established pursuant to applicable Federal and State law and the permit applicants' declared proposed land use following reclamation is not deemed to be (i) impractical or unreasonable, (ii) inconsistent with applicable land use policies and plans, (iii) involving unreasonable delay in implementation, or (iv) violative of Federal, State, or local law;

(3) with respect to all surface coal mining operations backfill, compact (where advisable to insure stability or to prevent leaching of toxic materials), and grade in order to restore the approximate original contour of the land with all highwalls, spoil piles and depressions eliminated (unless small depressions are needed in order to retain moisture to assist revegetation or as otherwise authorized pursuant to this Act): *Provided, however*, That in surface coal mining which is carried out at the same location over a substantial period of time where the operation transects the coal deopsit, and the thickness of the coal deposits relative to the volume of the overburden is large and where the operator demonstrates that the overburden and other spoil and waste materials at a particular point in the permit area or otherwise available from the entire permit area is insufficient, giving due consideration to volumetric expansion, to restore the approximate original contour, the operator, at a minimum, shall backfill, grade, and compact (where advisable) using all available overburden and other spoil and waste materials to attain the lowest practicable grade but not more than the angle of repose, to provide adequate drainage and to cover all acid-forming and other toxic materials, in order to achieve an ecologically sound land use compatible with the surrounding region: *And provided further*, That in surface coal mining where the volume of overburden is large relative to the thickness of the coal deposit and where the operator demonstrates that due to volumetric expansion the amount of overburden and other spoil and waste materials removed in the course of the mining operation is more than sufficient to restore the approximate original contour, the operator shall after restoring the approximate contour, backfill, grade, and compact (where advisable) the excess overburden and other spoil and waste materials to attain the lowest grade but not more than the angle of repose, and to cover all acid-forming and other toxic materials, in order to achieve an ecologically sound land use compatible with the surrounding region and that such overburden or spoil shall be shaped and graded in such way as to prevent slides, erosion, and water pollution and is revegetated in accordance with the requirements of this Act: *And provided further*, That in surface coal mining where the mining operation will remove an entire coal seam or seams running through the upper section of a mountain, ridge or hill by removing all of the overburden and creating a level plateau or a gently rolling contour with no high walls remaining, and capable of supporting postmining agricultural, industrial, commercial, residential, or public facility uses, the requirements of this section with respect to restoration to approximate original contour with all high walls, spoil piles and depressions eliminated shall not be applicable.

(4) stabilize and protect all surface areas including spoil piles affected by the surface coal mining and reclamation operation to effectively control erosion and attendant air and water pollution;

(5) remove the topsoil from the land in a separate layer, replace it on the backfill area, or if not utilized immediately, segregate it in a separate pile from other spoil and when the topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the topsoil, maintain a successful

cover by quick growing plant or other means thereafter so that the topsoil is preserved from wind and water erosion, remains free of any contamination by other acid or toxic material, and is in a usable condition for sustaining vegetation when restored during reclamation, except if topsoil is of insufficient quantity or of poor quality for sustaining vegetation, or if other strata can be shown to be more suitable for vegetation requirements, then the operator shall remove, segregate, and preserve in a like manner such other strata which is best able to support vegetation;

(6) restore the topsoil or the best available subsoil which is best able to support vegetation;

(7) protect offsite areas from slides or damage occurring during the surface coal mining and reclamation operations, and not deposit spoil material or locate any part of the operations or waste accumulations outside the permit area;

(8) create, if authorized in the approved mining and reclamation plan and permit, permanent impoundments of water on mining sites as part of reclamation activities only when it is adequately demonstrated that—

(A) the size of the impoundment is adequate for its intended purposes;

(B) the impoundment dam construction will be so designed as to achieve necessary stability with an adequate margin of safety compatible with that of structures constructed under Public Law 83-566 (16 U.S.C. 1006);

(C) the quality of impounded water will be suitable on a permanent basis for its intended use and that discharges from the impoundment will not degrade the water quality below water quality standards essential pursuant to applicable Federal and State law in the receiving stream;

(D) the level of water will be reasonably stable;

(E) final grading will provide adequate safety and access for proposed water users; and

(F) such water impoundments will not result in the diminution of the quality or quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses;

(9) conducting any augering operation associated with surface mining in a manner to maximize recoverability of mineral reserves remaining after the operation and reclamation are complete; and seal all auger holes with an impervious and noncombustible material in order to prevent drainage except where the regulatory authority determines that the resulting impoundment of water in such auger holes may create a hazard to the environment or the public health or safety: *Provided*, That the permitting authority may prohibit augering if necessary to maximize the utilization, recoverability or conservation of the solid fuel resources or to protect against adverse water quality impacts;

(10) minimize the disturbances to the prevailing hydrologic balance at the mine-site and in associated offsite areas and to the quality and quantity of water in surface and ground water systems both during and after surface coal mining operations and during reclamation by—

(A) avoiding acid or other toxic mine drainage by such measures as, but not limited to—

(i) preventing or removing water from contact with toxic producing deposits;

(ii) treating drainage to reduce toxic content which adversely affects downstream water upon being released to water courses;

(iii) casing, sealing, or otherwise managing boreholes, shafts, and wells and keep acid or other toxic drainage from entering ground and surface waters;

(B)(i) conducting surface coal mining operations so as to prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow or runoff outside the permit area above natural levels under seasonal flow conditions as measured prior to any mining, and avoiding channel deepening or enlargement in operations requiring the discharge of water from mines;

(ii) constructing any siltation structures pursuant to subparagraph (B)(i) of this subsection prior to commencement of surface coal mining operations, such structures to be certified by a qualified registered engineer to be constructed as designed and as approved in the reclamation plan;

(C) removing temporary or large siltation structures from drainways after disturbed areas are revegetated and stabilized;

(D) restoring recharge capacity of the mined area to approximate premining conditions;

(E) replacing the water supply of an owner of interest in real property who obtains all or part of his supply of water for domestic, agricultural, industrial, or other legitimate use from an underground or surface source where such supply has been affected by contamination, diminution or interruption proximately resulting from mining;

(F) preserving throughout the mining and reclamation process the essential hydrologic functions of alluvial valley floors in the arid and semiarid areas of the country; and

(G) such other actions as the regulatory authority may prescribe;

(11) with respect to surface disposal of mine wastes, tailings, coal processing wastes, and other wastes in areas other than the mine working or excavations, stabilize all waste piles in designated areas through construction in compacted layers including the use of incombustible and impervious materials if necessary and assure the final contour of the waste pile will be compatible with natural surroundings and that the site can and will be stabilized and revegetated according to the provisions of this Act;

(12) refrain from surface coal mining within five hundred feet from active and abandoned underground mines in order to prevent breakthroughs and to protect health or safety of miners: *Provided*, That the regulatory authority shall permit an operator to mine closer to an abandoned underground mine: *Provided*, That this does not create hazards to the health and safety of miners; or shall permit an operator to mine near, through or partially through an abandoned underground mine working where such mining through will achieve improved resource recovery, abatement of water pollution or elimination of public hazards and such mining shall be consistent with the provisions of the Act;

(13) design, locate, construct, operate, maintain, enlarge, modify, and remove, or abandon, in accordance with the standards and criteria developed pursuant to subsection (e) of this section, all existing and new coal mine waste piles consisting of mine wastes, tailings, coal processing wastes, or other liquid and solid wastes and used either temporarily or permanently as dams or embankments;

(14) insure that all debris, acid forming materials, toxic materials, or materials constituting a fire hazard are buried and compacted or otherwise disposed of in a manner designed to prevent contamination of ground or surface waters and that contingency plans are developed to prevent sustained combustion;

(15) insure that explosives are used only in accordance with existing State and Federal law and the regulations promulgated by the regulatory authority, which shall include provisions to—

(A) provide adequate advance written notice by publication and/or posting of the planned blasting schedule to designated units of local governments and to residents who might be affected by the use of such explosives and maintain for a period of at least two years a log of the magnitudes and times of blasts which shall be available to the public; and

(B) limit the type of explosives and detonating equipment, the size, the timing and frequency of blasts based upon the physical conditions of the site so as to prevent (i) injury to persons, (ii) damage to public and private property outside the permit area, (iii) adverse impacts on any underground mine, and (iv) change in the course, channel, or availability of ground or surface water outside the permit area;

(C) require that all blasting operations be conducted by trained and competent persons as certified by the regulatory authority;

(D) provide that upon the request of a resident or owner of a man-made dwelling or structure within one-half mile of any portion of the permitted area the applicant or permittee shall conduct a preblasting survey to the regulatory authority and a copy to the resident or owner making the request. The area of the survey shall be decided by the regulatory authority and shall include such provisions as the Secretary shall promulgate.

(16) insure that all reclamation efforts proceed in an environmentally sound manner and as contemporaneously as practicable with the surface coal mining operations: *Provided, however*, That where the applicant proposes to combine surface mining operations with underground mining operations to assure maximum practical recovery of the mineral resources, that regulatory authority may grant a variance for specific areas within the reclamation plan from the requirement that reclamation efforts proceed as contemporaneously as practicable to permit underground mining operations prior to reclamation:

(A) if the regulatory authority finds in writing that:

(i) the applicant has presented, as part of the permit application, specific, feasible plans for the proposed underground mining operations;

(ii) the proposed underground mining operations are necessary or desirable to assure maximum practical recovery of the mineral resource and will avoid multiple disturbance of the surface;

(iii) the applicant has satisfactorily demonstrated that the plan for the underground mining operations conforms to requirements for underground mining in the jurisdiction and that permits necessary for the underground mining operations have been issued by the appropriate authority;

(iv) the areas proposed for the variance have been shown by the applicant to be necessary for the implementing of the proposed underground mining operations;

(v) no substantial adverse environmental damage, either on-site or off-site, will result from the delay in completion of reclamation as required by this Act;

(vi) provisions for the off-site storage of spoil will comply with section 415(d)(1);

(B) if the Secretary has promulgated specific regulations to govern the granting of such variances in accordance with the provisions of this subsection and section 401, and has imposed such additional requirements as he deems necessary;

(C) if variances granted under the provisions of this subsection are to be reviewed by the regulatory authority not more than three years from the date of issuance of the permit; and

(D) if liability under the bond filed by the applicant with the regulatory authority pursuant to section 409(b) shall be for the duration of the underground mining operations and until the requirements of sections 415(b) and 419 have been fully complied with.

(17) insure that the construction, maintenance, and postmining conditions of access roads into and across the site of operations

will control or prevent erosion and siltation, pollution of water, damage to fish or wildlife or their habitat, or public or private property to the extent that the operator retains legal control of the access roads in question: Provided, That the regulatory authority may permit the retention after mining of certain access roads where consistent with State and local land use plans and programs or where necessary to the reclamation process; and may permit a limited exception to the restoration of approximate original contour for that purpose;

(18) refrain from the construction of roads or other access ways up a stream bed or drainage channel or in such proximity to such channel so as to seriously alter the normal flow of water;

(19) establish on the regraded areas, and all other lands affected, a diverse, effective, and permanent vegetative cover native to the area of land to be affected and capable of self-regeneration and plant succession at least equal in extent of cover to the natural vegetation of the area; except that introduced species may be used in the revegetation process where desirable and necessary to achieve the approved postmining land use plan;

(20) assume the responsibility for successful revegetation, as required by paragraph (19) above, for a period of five full years after the last year of augmented seeding, fertilizing, irrigation, or other work in order to assure compliance with paragraph (19) above, except in those areas or regions of the country where the annual average precipitation is twenty-six inches or less, then the operator's assumption of responsibility and liability will extend for a period of ten full years after the last year of augmented seeding, fertilizing, irrigation, or other work: Provided, That when the regulatory authority approves a long-term intensive agricultural postmining land use, the applicable five- or ten-year period of responsibility for revegetation shall commence at the date of initial planting for such long-term intensive agricultural postmining land use: Provided further, That when the regulatory authority issues a written finding approving a long-term, intensive, agricultural postmining land use as part of the mining and reclamation plan, the authority may grant exception to the provisions of paragraph (19) above;

(21) provide for an undisturbed natural barrier beginning at the elevation of the lowest coal seam to be mined and extending from the outslope for such distance as the regulatory authority shall determine shall be retained in place as a barrier to slides and erosion;

(22) meet such other criteria as are necessary to achieve reclamation in accordance with the purposes of this Act, taking into consideration the physical, climatological, and other characteristics of the site: and

(23) to the extent possible using the best available technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values, and achieve enhancement of such resources where practicable.

(c) The following performance standards shall be applicable to steep-slope surface coal mining and shall be in addition to those general performance standards required by this section: Provided, however, That the provisions of this subsection (d) shall not apply to those situations in which an operator is mining on flat or gently rolling terrain, on which an occasional steep slope is encountered through which the mining operation is to proceed, leaving a plain or predominantly flat area or, except for provisions of subparagraph (1) of this subsection, to those situations where the mining operation will remove an entire coal seam or seams running through the upper section of a mountain, ridge or hill by removing all of the overburden and creating a level plateau or a gently rolling contour with no highwalls remaining, and in granting a permit for such a mining operation the regulatory authority shall require that—

(A) the toe of the lowest coal seam mined and the overburden associated with it are retained in place as a barrier to slides and erosion;

(B) the reclaimed area is stable;

(C) the resulting plateau of rolling contour drains inward from the outslopes except at specified points;

(D) no drainage will be done to natural water courses;

(E) all excess spoil material not retained on the mountaintop be placed in a valley fill utilizing french rock drains constructed through the complete height of the fill to insure maximum drainage control unless the operator demonstrates that more advanced techniques achieving an equal or higher level of drainage control are feasible;

(F) all other requirements of this Act will be met; and

(G) the regulatory authority shall promulgate specific regulations to govern the granting of permits and may impose such additional requirements as he deems to be necessary.

(1) Inure that when performing surface coal mining on steep slopes, no debris, abandoned or disabled equipment, spoil material, or waste mineral matter be placed on the downslope below the bench or mining cut, except that where necessary soil or spoil material from the initial block or short linear cut of earth necessary to obtain initial access to the coal seam in a new surface coal mining operation can be placed on a limited and specified area of the downslope below the initial cut if the permittee demonstrates that such soil or spoil material will not slide and that the other requirements of this subsection can still be met: Provided, That spoil material in excess of that required for the reconstruction of the approximate original contour under the provisions of paragraph 415(b)(3) or 415(c)(2) or excess spoil from a surface coal mining operation granted a permit under subsection 415(c) may be permanently stored at such offsite spoil storage areas in such a manner as to assure that—

(A) spoil is transported and placed in a controlled manner in position for concurrent compaction and in such a way to assure mass stability and to prevent mass movement;

(B) the areas of disposal are within the bonded permit areas and all organic matter shall be removed immediately prior to spoil placement;

(C) appropriate surface and internal drainage systems and diversion ditches are used so as to prevent spoil erosion and movement;

(D) the disposal area does not contain springs, natural water courses or wet weather seeps unless lateral drains are constructed from the wet areas to the main underdrains in such a manner that filtration of the water into the spoil pile will be prevented;

(E) if placed on a slope, the spoil is placed upon the most moderate slope among those upon which, in the judgment of the regulatory authority, the spoil could be placed in compliance with all the requirements of this Act, and shall be placed, where possible, upon, or above, a natural terrace, bench, or berm, if such placement provides additional stability and prevents mass movement;

(F) where the toe of the spoil rests on a downslope, a rock toe buttress, of sufficient size to prevent mass movement, is constructed;

(G) the final configuration is compatible with the natural drainage pattern and surroundings and suitable for intended uses;

(H) design of the spoil disposal area is certified by a qualified registered professional engineer in conformance with professional standards; and

(I) all other provisions of this Act are met.

(2) Complete backfilling with spoil material shall be required to cover completely the highwall and return the site to the approximate original contour, which material will maintain stability following mining and reclamation.

(3) The operator may not disturb land above the top of the highwall unless the regulatory authority finds that such disturbance will facilitate compliance with the environmental protection standards of this section: *Provided, however*, That the land disturbed above the highwall shall be limited to that amount necessary to facilitate said compliance.

(4) For the purposes of this section, the term "steep slope" is any slope above twenty degrees or such lesser slope as may be defined by the regulatory authority after consideration of soil, climate, and other characteristics of a region or State.

"(d)(1) Each State program may and each Federal program shall include procedures pursuant to which the regulatory authority may permit variances for the purposes set forth in paragraph (3) of this subsection.

"(2) Where an applicant meets the requirements of paragraphs (3) and (4) of this subsection a variance from the requirement to restore to approximate original contour set forth in subsection 415(b)(3) or 415(c)(2) of this section may be granted for the surface mining of coal where the owner of the surface requests in writing, as a part of the permit application, that such a variance be granted so as to render the land, after reclamation, suitable for an agricultural, industrial, commercial, residential, or public use (including recreational facilities) in accord with the further provisions of (3) and (4) of this subsection.

Provided that when sound engineering technology indicates that the highwall can be completely eliminated the highwall shall be completely eliminated by backfilling with spoil material which will maintain stability following mining and reclamation and, provided further, that when sound engineering technology indicates that the highwall cannot be completely eliminated the highwall shall be reduced to the maximum extent consistent with sound engineering technology and when the highwall is not completely eliminated a vegetation plan shall be required which is reasonably calculated to screen the remaining portion of the highwall within five years after seeding or planting.

"(3)(A) After consultation with the appropriate land use planning agencies, if any, the potential use of the affected land is deemed to constitute an equal or better economic or public use, and (B) designed by a registered professional engineer in conformance with professional standards established to assure the stability, drainage, and configuration necessary for the intended use of the site.

"(4) In granting a variance pursuant to this subsection the regulatory authority shall require that all other requirements of this Act will be met.

"(5) The regulatory authority shall promulgate specific regulations to govern the granting of variances in accord with the provisions of this subsection, and may impose such additional requirements as he deems to be necessary.

"(6) All exceptions granted under the provisions of this subsection shall be reviewed not more than three years from the date of issuance of the permit, unless the permittee affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the approved schedule and reclamation plan.".

(e) The Secretary, with the written concurrence of the Chief of Engineers, shall establish within one hundred and thirty-five days from the date of enactment, standards and criteria regulating the design, location, construction, operation, maintenance, enlargement, modification, removal, and abandonment of new and existing coal mine waste piles referred to in section 415(b)(13) and section 415(b)(5). Such standards and criteria shall conform to the standards and criteria used by the Chief of Engineers to insure that flood control structures are safe and effectively perform their intended function. In addition to engineering and other technical specifications the standards and criteria developed pursuant to this subsection must include provisions for: review and approval of plans and specifications prior to construction, enlargement, modification, removal, or abandonment; performance of periodic inspections during construction; issuance of certificates of approval upon completion of construction; performance of periodic safety inspections; and issuance of notices for required remedial or maintenance work.

SURFACE EFFECTS OF UNDERGROUND COAL MINING OPERATIONS

SEC. 416. (a) The Secretary shall promulgate rules and regulations directed toward the surface effects of underground coal mining operations, embodying the following requirements and in accordance with the procedures established under section 401 of this Act: *Provided, however*, That in adopting any rules and regulations the Secretary shall consider the distinct difference between surface coal mining and underground coal mining. Such rules and regulations shall not conflict with nor supercede any provision of the Federal Coal Mine Health and Safety Act of 1969 nor any regulation issued pursuant thereto, and shall not be promulgated until the Secretary has obtained the written concurrence of the head of the department which administers such Act.

(b) Each permit issued under any approved State or Federal program pursuant to this Act and relating to underground coal mining shall require the operator to—

(1) adopt measures consistent with known technology in order to prevent subsidence to the extent technologically and economically feasible, maximize mine stability, and maintain the value and use of such surface lands, except in those instances where the mining technology used requires planned subsidence in a predictable and controlled manner: *Provided*, That nothing in this subsection shall be construed to prohibit the standard method of room and pillar continuous or conventional mining;

(2) seal all portals, entryways, drifts, shafts, or other openings between the surface and underground mine working when no longer needed for the conduct of the mining operations;

(3) fill or seal exploratory holes no longer necessary for mining, maximizing to the extent technologically and economically feasible return of mine and processing waste, tailings, and any other waste incident to the mining operation, to the mine workings or excavations;

(4) with respect to surface disposal of mine wastes, tailings, coal processing wastes, and other wastes in areas other than the mine workings or excavations, stabilize all waste piles created by the permittee from current operations through construction in compacted layers including the use of incombustible and impervious materials if necessary and assure that the leachate will not degrade below water quality standards established pursuant to applicable Federal and State law surface or ground waters and that the final contour of the waste accumulation will be compatible with natural surroundings and that the site is stabilized and revegetated according to the provisions of this section;

(5) design, locate, construct, operate, maintain, enlarge, modify, and remove, or abandon, in accordance with the standards and criteria developed pursuant to section 415(e), all existing and new coal mine waste piles consisting of mine wastes, tailings, coal processing wastes, or other liquid and solid wastes and used either temporarily or permanently as dams or embankments;

(6) establish on regraded areas and all other lands affected, a diverse and permanent vegetative cover capable of self-regeneration and plant succession and at least equal in extent of cover to the natural vegetation of the area;

(7) protect offsite areas from damages which may result from such mining operations;

(8) eliminate fire hazards and otherwise eliminate conditions which constitute a hazard to health and safety of the public;

(9) minimize the disturbances of the prevailing hydrologic balance at the minesite and in associated offsite areas and to the quantity of water in surface ground water systems both during and after coal mining operations and during reclamation by—

(A) avoiding acid or other toxic mine drainage by such measures as, but not limited to—

(i) preventing or removing water from contact with toxic producing deposits;

(ii) treating drainage to reduce toxic content which adversely affects downstream water upon being released to water courses;

(iii) casing, sealing, or otherwise managing boreholes, shafts, and wells to keep acid or other toxic drainage from entering ground and surface waters; and

(B) conducting surface coal mining operations so as to prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow or runoff outside the permit area above natural levels under seasonal flow conditions as measured prior to any mining, and avoiding channel deepening or enlargement in operations requiring the discharge of water from mines;

(10) to the extent possible using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values, and achieve enhancement of such resources where practicable;

(11) with respect to other surface impacts not specified in this subsection including the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and for haulage, repair areas, storage areas, processing areas, shipping areas, and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incident to such activities, operate in accordance with the standards established under section 415 of this title for such effects which result from surface coal mining operations: *Provided*, That the Secretary shall make such modifications in the requirements imposed by this subparagraph as are necessary to accommodate the distinct difference between surface and underground coal mining;

(12) locate openings for all new drift mines working acid-producing or iron-producing coal seams in such a manner as to prevent a gravity discharge of water from the mine.

(c) In order to protect the stability of the land, the regulatory authority shall suspend underground coal mining under urbanized areas, cities, towns, and communities and adjacent to industrial or commercial buildings, major impoundments, or permanent streams if he finds imminent danger to inhabitants of the urbanized areas, cities, towns, and communities.

(d) The provisions of title IV of this Act relating to State and Federal programs, permits, bonds, inspections and enforcement, public review, and administrative and judicial review shall be applicable to surface operations and surface impacts incident to an underground coal mine with such modifications to the permits application requirements, permit approval or denial procedures, and bond requirements as are necessary to accommodate the distinct difference between surface and underground coal mining. The Secretary shall promulgate such modifications in accordance with the rulemaking procedure established in section 401 of this Act.

INSPECTIONS AND MONITORING

SEC. 417. (a) The Secretary shall cause to be made such inspections of any surface coal mining and reclamation operations as are necessary to evaluate the administration of approved State programs, or to develop or enforce any Federal program, and for such purposes authorized representatives of the Secretary shall have a right of entry to, upon, or through any surface coal mining and reclamation operations.

(b) For the purpose of developing or assisting in the development, administration, and enforcement of any approved State or Federal program under this Act or in the administration and enforcement of any permit under this Act, or of determining whether any person is in violation of any requirement of any such State or Federal program or any other requirement of this Act—

(1) the regulatory authority shall require any permittee to (A) establish and maintain appropriate records, (B) make monthly reports to the regulatory authority, (C) install, use, and maintain any necessary monitoring equipment or methods, (D) evaluate results in accordance with such methods, at such locations, intervals, and in such manner as a regulatory authority shall prescribe, and (E) provide such other information relative to surface coal mining and reclamation operations as the regulatory authority deems reasonable and necessary;

(2) for those surface coal mining and reclamation operations which remove or disturb strata that serve as aquifers which significantly insure the hydrologic balance of water use either on or off the mining site, the regulatory authority shall specify those—

(A) monitoring sites to record the quantity and quality of surface drainage above and below the minesite as well as in the potential zone of influence;

(B) monitoring sites to record level, amount, and samples of ground water and acquifers potentially affected by the mining and also directly below the lowermost (deepest) coal seam to be mined;

(C) records of well logs and borehole data to be maintained; and

(D) monitoring sites to record precipitation.

The monitoring data collection, and analysis required by this section shall be conducted according to standards and procedures set forth by the regulatory authority in order to assure their reliability and validity; and

(3) the authorized representatives of the regulatory authority, with or without advance notice and upon presentation of appropriate credentials (A) shall have the right of entry to, upon, or through any surface coal mining and reclamation operations or any premises in which any records required to be maintained under paragraph (1) of this subsection are located; and (B) may at reasonable times, and without delay, have access to and copy any records, inspect any monitoring equipment or method of operation required under this Act.

(c) The inspections by the regulatory authority shall (1) occur on an irregular basis averaging not less than one inspection per month for the surface coal mining and reclamation operations covered by each permit; (2) occur without prior notice to the permittee or his agents or employees except for necessary onsite meetings with the permittee; and (3) include the filing of inspection reports adequate to enforce the requirements of and to carry out the terms and purposes of this Act and the regulatory authority shall make copies of such inspection reports immediately and freely available to the public at a central location in the pertinent geographic area of mining. The Secretary or regulatory authority shall establish a system of continual rotation of inspectors so that the same inspector does not consistently visit the same operations.

(d) Each permittee shall conspicuously maintain at the entrances to the surface coal mining and reclamation operations a clearly visible sign which sets forth the name, business address, and phone number of the permittee and the permit number of the surface coal mining and reclamation operations.

(e) Each inspector, upon detection of each violation of any requirement of any State or Federal program or of this Act, shall forthwith inform the operator in writing, and shall report in writing any such violation to the regulatory authority.

(f) Copies of any records, reports, inspection materials, or information obtained under this title by the regulatory authority shall be made immediately available to the public at central and sufficient locations in the county, multicounty, and State area of mining so that they are conveniently available to residents in the areas of mining.

(g) No employee of the State regulatory authority performing any function or duty under this Act shall have a direct or indirect financial interest in any underground or surface coal mining operation. Whoever knowingly violates the provisions of this subsection shall, upon conviction, be punished by a fine of not more than $2,500, or by imprisonment of not more than one year, or by both. The Secretary shall (1) within sixty days after enactment of this Act, publish in the Federal Register, in accordance with section 553 of title 5, United States Code, regulations to establish methods by which the provisions of this subsection will be monitored and enforced by the Secretary and such State regulatory authority, including appropriate provisions for the filing by such employees and the review of statements and supplements thereto concerning any financial interest which may be affected by this subsection, and (2) report to the Congress as part of the Annual Report (section 506) on actions taken and not taken during the preceding year under this subsection.

(h)(1) Any person who is or may be adversely affected by a surface mining operation may notify the Secretary or any representative of the Secretary responsible for conducting the inspection, in writing, of any violation of this Act which he has reason to believe exists at the surface mining site. The Secretary shall, by regulation, establish procedures for informal review of any refusal by a representative of the Secretary to issue a citation with respect to any such alleged violation. The Secretary shall furnish such persons requesting the review a written statement of the reasons for the Secretary's final disposition of the case.

(2) The Secretary shall also, by regulation, establish procedures to insure that adequate and complete inspections are made. Any such person may notify the Secretary of any failure to make such inspections, after which the Secretary shall determine whether adequate and complete inspections have been made. The Secretary shall furnish such persons a written statement of the reasons for the Secretary's determination that adequate and complete inspections have or have not been conducted.

PENALTIES

SEC. 418. (a) In the enforcement of a Federal program or Federal lands program, or during Federal enforcement pursuant to section 402 or during Federal enforcement of a State program pursuant to section 421 of this Act, any permittee who violates any permit condition or who violates any other provision of this title, may be assessed a civil penalty by the Secretary, except that if such violation leads to the issuance of a cessation order under section 421, the civil penalty shall be assessed. Such penalty shall not exceed $5,000 for each violation. Each day of a continuing violation may be deemed a separate violation for purposes of penalty assessments. In determining the amount of the penalty, consideration shall be given to the permittee's history of previous violations at the particular surface coal mining operation; the seriousness of the violation, including any irreparable harm to the environment and any hazard to the health or safety of the public; except for considerations of public safety whether immediate repair of the violation was prevented by conditions beyond the control of the operator including weather and soil conditions; whether the permittee was negligent; and the demonstrated good faith of the permittee charged in attempting to achieve rapid compliance after notification of the violation.

(b)(1) A civil penalty shall be assessed by the Secretary only after the person charged with a violation described under subsection (a) of this section has been given an opportunity for a public hearing. Where such a public hearing has been held, the Secretary shall make findings of fact, and he shall issue a written decision as to the occurrence of the violation and the amount of the penalty which is warranted, incorporating, when appropriate, an order therein requiring that the penalty be paid. When appropriate, the Secretary shall consolidate such hearings with other proceedings under section 42 of this Act. Any hearing under this section shall be of record and shall be subject to section 554 of title 5 of the United States Code. Where the person charged with such a violation fails to avail himself of the opportunity for a public hearing, a civil penalty shall be assessed by the Secretary after the Secretary has determined that a violation did occur, and the amount of the penalty which is warranted, and has issued an order requiring that the penalty be paid.

(2) Any person who requested a hearing respecting the assessment of a civil penalty or who is aggrieved by an order assessing a civil penalty may file a petition for judicial review of such order with the United States Court of Appeals for any circuit in which the surface coal mining operation is located. Such a petition may only be filed within the thirty-day period beginning on the date the order making such assessment was issued.

(c) If no complaint, as provided in this section, is filed within thirty days from the date of the final order or decision issued by the Secretary under subsection (b) of this section, such order and decision shall be conclusive.

(d) Upon the issuance of a notice or order charging that a violation of the Act has occurred, the Secretary shall inform the operator within thirty days of the proposed amount of said penalty. The person charged with the penalty shall then have thirty days to pay the proposed penalty in full or, if the person wishes to contest either the amount of the penalty or the fact of the violation, forward the proposed amount to the Secretary for placement in an escrow account. If through administrative or judicial review of the proposed penalty, it is determined that no violation occurred, or that the amount of the penalty should be reduced, the Secretary shall within thirty days remit the appropriate amount to the person, with interest at the rate of 6 per cent, or at the prevailing Department of the Treasury rate, whichever is greater. Failure to forward the money to the Secretary within thirty days shall result in a waiver of all legal rights to contest the violation or the amount of the penalty.

(e) Civil penalties owed under this Act, either pursuant to subsection (c) of this section or pursuant to enforcement order entered under section 421 of this Act, may be recovered in a civil action brought by the Attorney General at the request of the Secretary in any appropriate district court of the United States or by the State regulatory authority in a court of competent jurisdiction.

(f) Any person who willfully and knowingly violates a condition of a permit issued pursuant to a Federal program, a Federal lands program, or Federal enforcement pursuant to section 402 or during Federal enforcement of a State program pursuant to section 421 of this Act or fails or refuses to comply with any order issued under section 425 or section 426 of this Act, or any order incorporated in a final decision issued by the Secretary under this Act, except an order incorporated in a decision issued under subsection (b) of this section or section 504 of this Act, shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than one year or both.

(g) Whenever a corporate permittee violates a condition of a permit issued pursuant to a Federal program, a Federal lands programs or Federal enforcement pursuant to section 402 or Federal enforcement of a State program pursuant to section 421 of this Act or fails or refuses to comply with any order issued under section 421 of this Act, or any order incorporated in a final decision issued by the Secretary under this Act except an order incorporated in a decision issued under subsection (b) of this section or section 504 of this Act, any director, officer, or agent of such corporation who willfully and knowingly authorized, ordered, or carried out such violation, failure, or refusal shall be subject to the same civil penalties, fines, and imprisonment that may be imposed upon a person under subsections (a) and (f) of this section.

(h) Whoever knowingly makes any false statement, representation, or certification, or knowingly fails to make any statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to a Federal program or a Federal lands program or any order or decision issued by the Secretary under this Act, shall, upon conviction be punished by a fine of not more than $10,000, or by imprisonment for not more than one year or both.

(i) Any operator who fails to correct a violation for which a citation has been issued under section 421(a) within the period permitted for its correction (which period shall not end until the entry of a final order by the Secretary, in the case of any review proceedings under section 425 initiated by the operator wherein the Secretary orders, after an expedited hearing, the suspension of the abatement requirements of the citation after determining that the operator will suffer irreparable loss or damage from the application of those requirements, or until the entry of an order of the court, in the case of any review proceedings under section 426 initiated by the operator wherein the court orders the suspension of the abatement requirements of the citation), shall be assessed a civil penalty of not less than $750 for each day during which such failure or violation continues.

(j) As a condition of approval of any State program submitted pursuant to section 403 of this Act, the civil and criminal penalty provisions thereof shall, at a minimum, incorporate penalties no less stringent than those set forth in this section, and shall contain the same or similar procedural requirements relating thereto. Nothing herein shall be construed so as to eliminate any additional enforcement right or procedures which are available under State law to a State regulatory authority but which are not specifically enumerated herein.

RELEASE OF PERFORMANCE BONDS OR DEPOSITS

Sec. 419. (a) The permittee may file a request with the regulatory authority for the release of all or part of a performance bond or deposit. Within thirty days after any application for bond or deposit release has been filed with the regulatory authority, the operator shall submit a copy of an advertisement placed at least once a week for four successive weeks in a newspaper of general circulation in the locality of the surface coal mining operation. Such advertisement shall be considered part of any bond release application and shall contain a notification of the precise location of the land affected, the number of acres, the permit number and the date approved, the amount of the bond filed and the portion sought to be released, and the type and the approximate dates of reclamation work performed, and a description of the results achieved as they relate to the operator's approved reclamation plan. In addition, as part of any bond release application, the applicant shall submit copies of letters which he has sent to adjoining property owners, local governmental bodies, planning agencies, and sewage and water treatment authorities, or water companies in the locality in which the surface coal mining and reclamation activities took place, notifying them of his intention to seek release from the bond.

(b) Upon receipt of the notification and request, the regulatory authority shall within thirty days conduct an inspection and evaluation of the reclamation work involved. Such evaluation shall consider, among other things, the degree of difficulty to complete any remaining reclamation, whether pollution of surface and subsurface water is occurring, the probability of continuance of future occurrence of such pollution, and the estimated cost of abating such pollution. The regulatory authority shall notify the permittee in writing of its decision to release or not to release all or part of the performance bond or deposit within sixty days from the filing of the request, if no public hearing is held pursuant to section 419(f), and if there has been a public hearing held pursuant to section 419(f), within thirty days thereafter.

(c) The regulatory authority may release in whole or in part said bond or deposit if the authority is satisfied that reclamation covered by the bond or deposit or portion thereof has been accomplished as required by this Act according to the following schedule:

(1) When the operator completes the backfilling, regrading, and drainage control of a bonded area in accordance with his approved reclamation plan, the release of 60 per centum of the bond or collateral for the applicable permit area;

(2) After revegetation has been established on the regraded mined lands in accordance with the approved reclamation plan. When determining the amount of bond to be released after successful revegetation has been established, the regulatory authority shall retain that amount of bond for the revegetated area which would be sufficient for a third party to cover the cost of reestablishing revegetation and for the period specified for operator responsibility in section 415 of reestablishing revegetation. No part of the bond or deposit shall be released under this paragraph so long as the lands to which the release would be applicable are contributing suspended solids to streamflow or runoff outside the permit area above natural levels under seasonal flow conditions as measured prior to any mining and as set forth in the permit. Where a silt dam is to be retained as a permanent impoundment pursuant to section 415(b)(8), the bond may be released under this paragraph so long as provisions for sound future maintenance by the operator or the landowner have been made with the regulatory authority.

(3) When the operator has completed successfully all surface coal mining and reclamation activities, but not before the expiration of the period specified for operator responsibility in section 415:

Provided, however, That no bond shall be fully released until all reclamation requirements of this Act are fully met.

(d) If the regulatory authority disapproves the application for release of the bond or portion thereof, the authority shall notify the permittee, in writing, stating the reasons for disapproval and recommending corrective actions necessary to secure said release and allowing opportunity for a public hearing.

(e) With any application for total or partial bond release filed with the regulatory authority, the regulatory authority shall notify the municipality in which a surface coal mining operation is located by certified mail at least thirty days prior to the release of all or a portion of the bond.

(f) Any person with a valid legal interest which might be adversely affected by release of the bond or the responsible officer or head of any Federal, State, or local governmental agency which has jurisdiction by law or special expertise with respect to any environmental, social, or economic impact involved in the operation, or is authorized to develop and enforce environmental standards with respect to such operations shall have the right to file written objections to the proposed release from bond to the regulatory authority within thirty days after the last publication of the above notice. If written objections are filed, and a hearing requested, the regulatory authority shall inform all the parties, of the time and place of the hearing, and hold a public hearing in the locality of the surface coal mining operation proposed for bond release or at the State capital at the option of the objector, within thirty days of the request for such hearing.

(g) Without prejudice to the rights of the objectors and applicant or the responsibilities of the regulatory authority pursuant to this paragraph, the regulatory authority may establish an informal conference procedure to resolve such written objections in lieu of holding a formal transcribed hearing.

(h) For the purpose of such hearing the regulatory authority shall have the authority and is hereby empowered to administer oaths, subpena witnesses, or written or printed materials, compel the attendance of witnesses, or production of the materials, and take evidence including but not limited to inspections of the land affected and other surface coal mining operations carried on by the applicant in the general vicinity. A verbatim record of each public hearing required by this Act shall be made, and a transcript made available on the motion of any party or by order of the regulatory authority.

CITIZEN SUITS

Sec. 420. (a) Except as provided in subsection (b) of this section, any person having a valid legal interest which is or may be adversely affected may commence a civil action on his own behalf to compel compliance with this Act—

(1) against—

(A) the United States,

(B) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution who is alleged to be in violation of the provisions of this Act or the regulations promulgated thereunder, or order issued by the regulatory authority; or

(C) any other person who is alleged to be in violation of any rule, regulation, order, or permit issued pursuant to this Act; or

(2) against the Secretary or the appropriate State regulatory authority to the extent permitted by the eleventh amendment to the Constitution where there is alleged a failure of the Secretary or the appropriate State regulatory authority to perform any act or duty under this Act which is not discretionary with the Secretary or with the appropriate State regulatory authority.

(b) No action may be commenced—

(1) under subsection (a)(1) of this section—

(A) prior to sixty days after the plaintiff has given notice in writing under oath of the violation (i) to the Secretary, (ii) to the State in which the violation occurs, and (iii) to any alleged violator; or

(B) if the Secretary or his authorized representative or the State regulatory authority has issued a notice or order with respect to such alleged violation in accordance with section 421 or an approved State program, or has commenced and is diligently prosecuting a civil action in a court of the United States or a State to require compliance with the provisions of this Act, or any rule, regulation, order, or permit issued pursuant to this Act, but in any such action in a court of the United States any person having a legal interest which is or may be adversely affected may intervene as a matter of right; or

(2) under subsection (a)(2) of this section prior to sixty days after the plaintiff has given notice in writing under oath of such action to the Secretary, in such manner as the Secretary shall by regulation prescribe, or to the appropriate State regulatory authority, except that such action may be brought immediately after such notification in the case where the violation or order complained of constitutes an imminent threat to the health or safety of the plaintiff or would immediately affect a legal interest of the plaintiff.

(c)(1) Any action pursuant to this section may be brought only in the judicial district in which the surface coal mining operation complained of is located.

(2) In such action under this section, the Secretary, or the State regulatory authority, if not a party, may intervene as a matter of right.

(d) The court, in issuing any final order in any action brought pursuant to subsection (a) of this section may award costs of litigation, including reasonable attorney and expert witness fees to any party, whenever the court determines such award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in sufficient amount to compensate for any losses or damages suffered in accordance with the Federal Rules of Civil Procedure.

(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any of the provisions of this Act and the regulations thereunder, or to seek any other relief (including relief against the Secretary or the appropriate State regulatory authority).

(f) Any resident of the United States who is injured in any manner through the failure of any operator to comply with any rule, regulation, order, or permit issued pursuant to this Act may bring an action for damages (including reasonable attorney and expert witness fees) only in the judicial district in which the surface coal mining operation complained of is located.

ENFORCEMENT

SEC. 421. (a) (1) Whenever, on the basis of any information available to him, including receipt of information from any person, the Secretary has reason to believe that any person is in violation of any requirement of this Act or any permit condition required by this Act, the Secretary shall notify the State regulatory authority, if one exists, in the State in which such violation exists. If no such State authority exists or the State regulatory authority fails within ten days after notification to take appropriate action to cause said violation to be corrected or to show good cause for such failure and transmit notification of its action to the Secretary, the Secretary shall immediately order Federal inspection of the surface coal mining operation at which the alleged violation is occurring unless the information available to the Secretary is a result of a previous Federal inspection of such surface coal mining operation. The ten-day notification period shall be waived when the person informing the Secretary provides adequate proof that an imminent danger or significant environmental harm exists and that the State has failed to take appropriate action. When the Federal inspection results from information provided to the Secretary by any person, the Secretary shall notify such person when the Federal inspection is proposed to be carried out and such person shall be allowed to accompany the inspector during the inspection.

(2) When, on the basis of any Federal inspection, the Secretary or his authorized representative determines that any condition or practices exist, or that any permittee is in violation of any requirement of this Act or any permit condition required by this Act, which condition, practice, or violation also creates an imminent danger to the health or safety of the public, or is causing, or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources, the Secretary or his authorized representative shall immediately order a cessation of surface coal mining and reclamation operations or the portion thereof relevant to the condition, practice, or violation. Such cessation order shall remain in effect until the Secretary or his authorized representative determines that the condition, practice, or violation has been abated, or until modified, vacated, or terminated by the Secretary or his authorized representative pursuant to subparagraph (a) (5) of this section. Where the Secretary finds that the ordered cessation of surface coal mining and reclamation operations, or any portion thereof, will not completely abate the imminent danger to health or safety of the public or the significant imminent environmental harm to land, air, or water resources, the Secretary shall, in addition to the cessation order, impose affirmative obligations on the operator requiring him to take whatever steps the Secretary deems necessary to abate the imminent danger or the significant environmental harm.

(3) When, on the basis of a Federal inspection which is carried out during the enforcement of a Federal program or a Federal lands program, Federal inspection pursuant to section 402, or section 404(b) or during Federal enforcement of a State program in accordance with subsection (b) of this section, the Secretary or his authorized representative determines that any permittee is in violation of any requirement of this Act or any permit condition required by this Act, but such violation does not create an imminent danger to the health or safety of the public, or can be reasonably expected to cause significant, imminent environmental harm to land, air, or water resources, the Secretary or authorized representative shall issue a notice to the permittee or his agent fixing a reasonable time but not more than ninety days for the abatement of the violation and providing opportunity for public hearing.

If, upon expiration of the period of time as originally fixed or subsequently extended, for good cause shown and upon the written finding of the Secretary or his authorized representative, the Secretary or his authorized representative finds that the violation has not been abated, he shall immediately order a cessation of surface coal mining and reclamation operaitons or the portion thereof relevant to the violation. Such cessation order shall remain in effect until the Secretary or his authorized representative determines that the violation has been abated, or until modified, vacated, or terminated by the Secretary or his authorized representative pursuant to subparagraph (a) (5) of this section.

(4) When, on the basis of a Federal inspection which is carried out during the enforcement of a Federal program or a Federal lands program, Federal inspection pursuant to section 402 or section 404(b) or during Federal enforcement of a State program in accordance with subsection (b) of this section, the Secretary or his authorized representative determines that a pattern of violations of any requirements of this Act or any permit conditions required by this Act exists or has existed, and if the Secretary or his authorized representative also find that such violations are caused by the unwarranted failure of the permittee to comply with any requirements of this Act or any permit conditions, or that such violations are willfully caused by the permittee, the Secretary or his authorized representative shall forthwith issue an order to the permittee to show cause as to why the permit should not be suspended or revoked and shall provide opportunity for a public hearing. If a hearing is requested the Secretary shall inform all interested parties of the time and place of the hearing. Upon the permittee's failure to show cause as to why the permit should not be suspended or revoked, the Secretary or his authorized representative shall forthwith suspend or revoke the permit.

(5) Notices and orders issued pursuant to this section shall set forth with reasonable specificity the nature of the violation and the remedial action required, the period of time established for abatement, and a reasonable description of the portion of the surface coal mining and reclamation operation which the notice or order applies. Each notice or order issued under this section shall be given promptly to the permittee or his agent by the Secretary or his authorized representative who issues such notice or order, and all such notices and orders shall be in writing and shall be signed by such authorized representatives. Any notice or order issued pursuant to this section may be modified, vacated, or terminated by the Secretary or his authorized representative. A copy of any such order or notice shall be sent to the State regulatory authority in the State in which the violation occurs: *Provided*, That any notice or order issued pursuant to this section which requires cessation of mining by the operator shall expire within thirty days of actual notice to the operator unless a public hearing is held at the site or within such reasonable proximity to the site that any viewings of the site can be conducted during the course of the hearing.

(b) Whenever on the basis of information available to him, the Secretary has reason to believe that violations of all or any part of an approved State program result from a failure of the State to enforce such State program or any part thereof effectively, he shall after public notice and notice to the State, hold a hearing thereon in the State within thirty days of such notice. If as a result of said hearing the Secretary finds that there are violations and such violations result from a failure of the State to enforce all or part of the State program effectively, and if he further finds that the State has not adequately demonstrated its capability and intent to enforce such State program, he shall give public notice of such finding. During the period beginning with such public notice and ending when such State satisfies the Secretary that it will enforce this Act, the Secretary shall enforce, in the manner provided by this Act, any permit condition required under this Act, shall issue new or revised permits in accordance with requirements of this Act, and may issue such notices and orders as are necessary for compliance therewith: *Provided*, That in the case of a State permittee who has met his obligations under such permit and who did not willfully secure the issuance of such permit through fraud or collusion, the Secretary shall give the permittee a reasonable time to conform ongoing surface mining and reclamation to the requirements of this Act before suspending or revoking the State permit.

(c) The Secretary may request the Attorney General to institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the surface coal mining and reclamation operation is located or in which the permittee thereof has his principal office, whenever such permittee or his agent (A) violates or fails or refuses to comply with any order or decision issued by the Secretary under this Act, or (B) interferes with, hinders, or delays the Secretary or his authorized representatives in carrying out the provisions of this Act, or (C) refuses to admit such authorized representative to the mine, or (D) refuses to permit inspection of the mine by such authorized representative, or (E) refuses to furnish any information or report requested by the Secretary in furtherance of the provisions of this Act, or (F) refuses to permit access to, and copying of, such records as the Secretary determines necessary in carrying out the provisions of this Act. Such court shall have jurisdiction to provide such relief as may be appropriate. Temporary restraining orders shall be issued in accordance with rule 65 of the Federal Rules of Civil Procedure, as amended. Any relief granted by the court to enforce an order under clause (A) of this section shall continue in effect until the completion or final termination of all proceedings for review of such order under this title, unless, prior thereto, the district court granting such relief sets it aside or modifies it.

(d) As a condition of approval of any State program submitted pursuant to section 403 of this Act, the enforcement provisions thereof shall, at a minimum, incorporate sanctions no less stringent than those set forth in this section, and shall contain the same or similar procedural requirements relating thereto. Nothing herein shall be construed so as to eliminate any additional enforcement rights or procedures which are available under State law to a State regulatory authority but which are not specifically enumerated herein.

DESIGNATING AREAS UNSUITABLE FOR SURFACE COAL MINING

SEC. 422. (a) (1) To be eligible to assume primary regulatory authority pursuant to section 403, each State shall establish a planning process enabling objective decisions based upon competent and scientifically sound data and information as to which, if any, land areas of a State are unsuitable for all or certain types of surface coal mining operations pursuant to the standards set forth in paragraphs (2) and (3) of this subsection but such designation shall not prevent the mineral exploration pursuant to the Act of any areas so designated.

(2) Upon petition pursuant to subsection (c) of this section, the State regulatory authority shall designate an area as unsuitable for all or certain types of surface coal mining operations if the State regulatory authority determines that reclamation pursuant to the requirements of this Act is not technologically and economically feasible.

(3) Upon petition pursuant to subsection (c) of this section, a surface area may be designated unsuitable for certain types of surface coal mining operations if such operations will—

(A) be incompatible with existing State land use plans or programs; or

(B) affect fragile or historic lands in which such operations could result in significant damage to important historic, cultural, scientific, and esthetic values and natural systems; or

(C) affect renewable resource lands in which such operations could result in a substantial loss or reduction of long-range productivity of water supply or of food or fiber products, and such lands to include aquifers and aquifer recharge areas; or

(D) affect natural hazard lands in which such operations could substantially endanger life and property, such lands to include areas subject to frequent flooding and areas of unstable geology.

(4) To comply with this section, a State must demonstrate it has developed or is developing a process which includes—

(A) a State agency responsible for surface mining lands review;

(B) a data base and an inventory system which will permit proper evaluation of the capacity of different land areas of the State to support and permit reclamation of surface coal mining operations;

(C) a method or methods for implementing land use planning decisions concerning surface coal mining operations; and

(D) proper notice, opportunities for public participation, including a public hearing prior to making any designation or redesignation, pursuant to this section.

(5) Determinations of the unsuitability of land for surface coal mining, as provided for in this section, shall be integrated as closely as possible with present and future land use planning and regulation processes at the Federal, State, and local levels.

(6) The requirements of this section shall not apply to lands on which surface coal mining operations are being conducted on the date of enactment of this Act or under a permit issued pursuant to this Act, or where substantial legal and financial commitments in such operations are in existence prior to the date of the enactment of this Act.

(b) The Secretary shall conduct a review of the Federal lands to determine, pursuant to the standards set forth in paragraphs (2) and (3) of subsection (a) of this section, whether there are areas on Federal lands which are unsuitable for all or certain types of surface coal mining operations: *Provided, however,* That the Secretary may permit surface coal mining on Federal lands prior to the completion of this review. Subject to valid existing rights, when the Secretary determines an area on Federal lands to be unsuitable for all or certain types of surface coal mining operations he shall withdraw such area or condition any mineral leasing or mineral entries in a manner so as to limit surface coal mining operations on such area. Where a Federal program has been implemented in a State pursuant to section 404, the Secretary shall implement a process for designation of areas unsuitable for surface coal mining for non-Federal lands within such State and such process shall incorporate the standards and procedures of this section.

(c) Any person having an interest which is or may be adversely affected shall have the right to petition the regulatory authority to have an area designated as unsuitable for surface coal mining operations, or to have such a designation terminated. Such a petition shall contain allegations of facts with supporting evidence which would tend to establish the allegations. Within ten months after receipt of the petition the regulatory authority shall hold a public hearing in the locality of the affected area, after appropriate notice and publication of the date, time, and location of such hearing. After a person having an interest which is or may be adversely affected has filed a petition and before the hearing, as required by this subsection, any person may intervene by filing allegations of facts with supporting evidence which would tend to establish the allegations. Within sixty days after such hearing, the regulatory authority shall issue and furnish to the petitioner and any other party to the hearing, a written decision regarding the petition, and the reasons therefor. In the event that all the petitioners stipulate agreement prior to the requested hearing, and withdraw their request, such hearing need not be held.

(d) Prior to designating pursuant to this section any land areas as unsuitable for surface coal mining operations, the regulatory authority shall prepare a detailed statement on (i) the potential coal resource of the area, (ii) the demand for coal resources, and (iii) the impact of such designation on the environment, the economy, and the supply of coal.

(e) Subject to valid existing rights no surface coal mining operations except those which exist on the date of enactment of this Act shall be permitted—

(1) on any lands within the boundaries of units of the National Park System, the National Wildlife Refuge Systems, the National System of Trails, the National Wilderness Preservation System, the Wild and Scenic Rivers System, including study rivers designated under section 5(a) of the Wild and Scenic Rivers Act and National Recreation Areas designated by Act of Congress;

(2) on any Federal lands within the boundaries of any National Forest: Provided, however, That surface coal mining operations may be permitted on such lands which do not have significant forest cover within those National Forests west of the one hundredth meridian if the Secretary of Agriculture finds that there are no significant recreational, timber, economic, or other values which may be incompatible with such surface mining operations and where the Secretary of Agriculture determines that surface mining is in compliance with the Multiple-Use Sustained-Yield Act of 1960, and the National Forest Management Act of 1976, and the Secretary determines that such mining is consistent with the Federal Coal Leasing Amendment Act of 1975 and the provisions of this Act; And provided further, That no surface coal mining operations may be permitted within the boundaries of (1) the Custer National Forest, and (2) any national forest in Alaska;

(3) which will adversely affect any publicly owned park or places included in the National Register of Historic Sites unless approved jointly by the regulatory authority and the Federal, State, or local agency with jurisdiction over the park or the historic site;

(4) within one hundred feet of the outside right-of-way line of any public road, except where mine access roads or haulage roads join such right-of-way line and except that the regulatory authority may permit such roads to be relocated or the area affected to lie within one hundred feet of such road, if after public notice and opportunity for public hearing in the locality a written finding is made that the interests of the public and the landowners affected thereby will be protected; or

(5) within three hundred feet from any occupied dwelling, unless waived by the owner thereof, nor within three hundred feet of any public building, school, church, community, or institutional building, public park, or within one hundred feet of a cemetery.

FEDERAL LANDS

Sec. 423. (a) No later than one year after the date of enactment of this Act, the Secretary shall promulgate and implement a Federal lands program which shall be applicable to all surface coal mining and reclamation operations taking place pursuant to any Federal law on any Federal lands: *Provided,* That except as provided in section 508 the provisions of this Act shall not be applicable to Indian lands. The Federal lands program shall, at a minimum, incorporate all of the requirements of this Act and shall take into consideration the diverse physical, climatological, and other unique characteristics of the Federal lands in question. Where Federal lands in a State with an approved State program are involved, the Federal lands program shall, at a minimum, include the requirements of the approved State program: *Provided,* That the Secretary shall retain his duties under sections 2(a), (2)(B) and 2(a)(3) of the Federal Mineral Leasing Act, as amended, and shall continue to be responsible for designation of Federal lands as unsuitable for mining in accordance with section 422(b) of this title.

(b) The requirements of this Act and the Federal lands program or the approved State program, whichever is applicable, shall be incorporated by reference or otherwise in any Federal mineral lease, permit, or contract issued by the Secretary which may involve surface coal mining and reclamation operations. Incorporation of such requirements shall not, however, limit in any way the authority of the Secretary to subsequently issue new regualtions, revise the Federal lands program to deal with changing conditions or changed technology, and to require any surface mining and reclamation operations to conform with the requirements of this Act and the regulations issued pursuant to this Act.

(c) Any State with an approved State program may elect to enter into a cooperative agreement with the Secretary to provide for State regulation of surface coal mining and reclamation operations on Federal lands within the State: *Provided*, That the Secretary determines in writing that such State has the necessary personnel and funding to fully implement such a cooperative agreement in accordance with the provisions of this Act. States with cooperative agreements existing on the date of enactment of this Act, may elect to continue regulation on Federal lands within the State, prior to approval by the Secretary of the State program, or imposition of a Federal program: *Provided*, That such an existing cooperative agreement is modified to fully comply with the initial regulatory procedures set forth in section 402 of this Act. Nothing in this subsection shall be construed as authorizing the Secretary to delegate to the States his duty to approve mining plans on Federal lands, to designate certain Federal lands as unsuitable for surface coal mining pursuant to section 422 of this Act, or to regulate other activities taking place on Federal lands.

PUBLIC AGENCIES, PUBLIC UTILITIES, AND PUBLIC CORPORATIONS

Sec. 424. Any agency, unit, or instrumentality of Federal, State, or local government, including any publicly owned utility or publicly owned corporation of Federal, State, or local government, which proposes to engage in surface coal mining operations which are subject to the requirements of this Act shall comply with the provisions of title IV.

REVIEW BY SECRETARY

Sec. 425. (a) (1) A permittee issued a notice or order by the Secretary pursuant to the provisions of subparagraphs (a) (2) or (a) (3) of section 421 of this title, or pursuant to a Federal program or the Federal lands program or any person having an interest which is or may be adversely affected by such notice or order or by any modification, vacation, or termination of such notice or order, may apply to the Secretary for review of the notice or order within thirty days of receipt thereof or within thirty days of its modification, vacation, or termination. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing, at the request of the applicant or the person having an interest which is or may be adversely affected, to enable the applicant or such person to present information relating to the issuance and continuance of such notice or order or the modification, vacation, or termination thereof. The filing of an application for review under this subsection shall not operate as a stay of any order or notice.

(2) The permittee and other interested persons shall be given written notice of the time and place of the hearing at least five days prior thereto. Any such hearing shall be held within thirty days after requested and shall be of record and shall be subject to section 554 of title 5 of the United States Code.

(b) Upon receiving the report of such investigation and hearings, the Secretary shall make findings of fact, and shall issue a written decision, incorporating therein an order vacating, affirming, modifying, or terminating the notice or order, or the modification, vacation, or termination of such notice or order complained of and incorporate his findings therein. Where the application for review concerns an order for cessation of surface coal mining and reclamation operations issued pursuant to the provisions of subparagraph (a) (2) or (a) (3) of section 421 of this title, the Secretary shall issue the written decision within thirty days of the receipt of the application for review, unless temporary relief has been granted by the Secretary pursuant to subparagraph (c) of this section or by the court pursuant to subparagraph (c) of section 426 of this title.

(c) Pending completion of the investigation and hearing required by this section, the applicant may file with the Secretary a written request that the Secretary grant temporary relief from any notice or order issued under section 421 of this title, a Federal program or the Federal lands program together with a detailed statement giving reasons for granting such relief. The Secretary shall issue an order or decision granting or denying such relief expeditiously: *Provided*, That where the applicant requests relief from an order for cessation of coal mining and reclamation operations issued pursuant to subparagraph (a) (2) or (a) (3) of section 421 of this title, the order or decision on such a request shall be issued within five days of its receipt. The Secretary may grant such relief, under such conditions as he may prescribe, if—

(1) a hearing has been held in the locality of the permit area on the request for temporary relief in which all parties were given an opportunity to be heard;

(2) the applicant shows that there is substantial likelihood that the findings of the Secretary will be favorable to him; and

(3) such relief will not adversely affect the health or safety of the public or cause significant, imminent environmental harm to land, air, or water resources.

(d) Following the issuance of an order to show cause as to why a permit should not be suspended or revoked pursuant to section 421, the Secretary shall hold a public hearing after giving written notice of the time, place, and date thereof. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Within sixty days following the public hearing, the Secretary shall issue and furnish to the permittee and all other parties to the hearing a written decision, and the reasons therefor, concerning suspension or revocation of the permit. If the Secretary revokes the permit, the permittee shall immediately cease surface coal mining operations on the permit area and shall complete reclamation within a period specified by the Secretary, or the Secretary shall declare as forfeited the performance bonds for the operation.

JUDICIAL REVIEW

Sec. 426. (a) (1) Any action of the Secretary to approve or disapprove a State program or to prepare or promulgate a Federal program pursuant to this Act shall be subject to judicial review only by the United States Court of Appeals for the circuit which contains the State whose program is at issue. Any action by the Secretary promulgating standards pursuant to sections 401, 415, 416, and 423 shall be subject to judicial review only in the United States Court of Appeals for the District of Columbia. All other orders or decisions issued by the Secretary shall be subject to judicial review only by the United States Court of Appeals for the circuit in which the surface coal mine operation is located. A petition for review of such action shall be filed in the appropriate court of appeals within sixty days from the date of such action, or after such date if the petition is based solely on grounds arising after the sixtieth day. Any such application may be made by any person who participated in the administrative proceedings and who is aggrieved by the action of the Secretary.

(2) In the case of a proceeding to review an order or decision issued by the Secretary under the penalty section of this Act, the court shall have jurisdiction to enter an order requiring payment of any civil penalty assessment enforced by its judgment. The availability of review established in this subsection shall not be construed to limit the operation of the rights established in section 420 except as provided therein.

(b) The court shall hear such petition or complaint solely on the record made before the Secretary. The findings of the Secretary if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or modify any order or decision or may remand the proceedings to the Secretary for such further action as it may direct.

(c) In the case of a proceeding to review any order or decision issued by the Secretary under this Act, including an order or decision issued pursuant to subparagraph (c) or (d) of section 425 of this title pertaining to any order issued under subparagraph (a) (2), (a) (3), or (a) (4) of section 421 of this title for cessation of coal mining and reclamation opertions, the court may, under such conditions as it may prescribe, grant such temporary relief as it deems appropriate pending final determination of the proceedings if—

(1) all parties to the proceedings have been notified and given an opportunity to be heard on a request for temporary relief;

(2) the person requesting such relief shows that there is a substantial likelihood that he will prevail on the merits of the final determination of the proceeding; and

(3) such relief will not adversely affect the public health or safety or cause significant imminent environmental harm to land, air, or water resources.

(d) The commencement of a proceeding under this section shall not, unless specifically ordered by the court, operate as a stay of the action, order, or decision of the Secretary.

(e) Action of the State regulatory authority pursuant to an approved State program shall be subject to judicial review by a court of competent jurisdiction in accordance with State law, but the availability of such review shall not be construed to limit the operation of the rights established in section 420 except as provided therein.

SPECIAL BITUMINOUS COAL MINES

Sec. 427. The regulatory authority is authorized to and shall issue separate regulations for those special bituminous coal surface mines located west of the one hundredth meridian west longitude which meet the following criteria:

(a) the excavation of the specific mine pit takes place on the same relatively limited site for an extended period of time;

(b) the excavation of the specific mine pit follows a coal seam having an inclination of fifteen degrees or more from the horizontal, and continues in the same area proceeding downward with lateral expansion of the pit necessary to maintain stability or as necessary to accommodate the orderly expansion of the total mining operation;

(c) the excavation of the specific mine pit involves the mining of more than one coal seam and mining has been initiated on the deepest coal seam contemplated to be mined in the current operation;

(d) the amount of material removed is large in proportion to the surface area disturbed;

(e) there is no practicable alternative method of mining the coal involved;

(f) there is no practicable method to reclaim the land in the manner required by this Act; and

(g) the specific mine pit has been actually producing coal since January 1, 1972, in such manner as to meet the criteria set forth in this section, and, because of past duration of mining, is substantially committed to a mode of operation which warrants exceptions to some provisions of this title.

Such alternative regulations shall pertain only to the standards governing onsite handling of spoils, elimination of depressions capable of collecting water, creation of impoundments, and regrading to the approximate original contour and shall specify that remaining highwalls are stable. All other performance standards in this title shall apply to such mines.

SURFACE MINING OPERATIONS NOT SUBJECT TO THIS ACT

Sec. 428. The provisions of this Act shall not apply to any of the following activities:

(1) the extraction of coal by a landowner for his own noncommercial use from land owned or leased by him;

(2) the extraction of coal for commercial purposes where the surface mining operation affects two acres or less; and

(3) the extraction of coal when done solely in the process of Federal and State highway construction, and such other construction under regulations established by the regulatory authority.

TITLE V—UNIVERSITY COAL RESEARCH LABORATORIES

ESTABLISHMENT OF UNIVERSITY COAL RESEARCH LABORATORIES

Sec. 501. (a) The Director of the National Science Foundation, after consultation with the National Academy of Engineering, is authorized and directed to designate ten insitutions of higher education at which university coal research laboratories will be established and operated.

(b) In making designations under this section, the Director shall consider the following criteria:

(1) The institution of higher education

shall be located in a State with abundant coal reserves.

(2) The institution of higher education shall have experience in coal research, expertise in several areas of coal research, and potential or currently active, outstanding programs in coal research.

(3) The institution of higher education has the capacity to establish and operate the coal laboratories to be assisted under this title.

(c) Not more than one coal laboratory established pursuant to this title shall be located in a single State and at least one coal laboratory shall be established within each of the major coal provinces recognized by the Bureau of Mines, including Alaska.

(d) The Director shall establish a period, not in excess of ninety days after the date of enactment of this Act, for the submission of applications for designation under this section. Any institution of higher education desiring to be designated under this title shall submit an application to the Director in such form, at such time, and containing or accompanied by such information as the Director may reasonably require. Each applicant shall—

(1) describe the facilities to be established for coal energy resources and conversion research and research on related environmental problems including facilities for interdisciplinary academic research projects by the combined efforts of specialists such as mining engineers, mineral engineers, geochemists, mineralogists, mineral economists, fuel scientists, combustion engineers, mineral preparation engineers, coal petrographers, geologists, chemical engineers, civil engineers, mechanical engineers, and ecologists;

(2) set forth a program for the establishment of a test laboratory for coal characterization which, in addition, may be used as a site for the exchange of coal research activities by representatives of private industry engaged in coal research and characterization;

(3) set forth a program for providing research and development activities for students engaged in advanced study in any discipline which is related to the development of adequate energy supplies in the United States. The research laboratory shall be associated with an ongoing educational and research program on extraction and utilization of coal.

(e) The Director shall designate the ten institutions of higher education under this section not later than ninety days after the date on which such applications are to be submitted.

FINANCIAL ASSISTANCE

SEC. 502. (a) The Director is authorized to make grants to any institution of higher education designated under section 501 to pay the Federal share of the cost of establishing (including the construction of such facilities as may be necessary) and maintaining a coal laboratory.

(b) Each institution of higher education designated pursuant to section 501 shall submit an application to the Director. Each such application shall—

(1) set forth the program to be conducted at the coal laboratory which includes the purposes set forth in section 501(d);

(2) provide assurances that the university will pay from non-Federal sources the remaining costs of carrying out the program set forth;

(3) provide such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for Federal funds received under this title;

(4) provide for making an annual report which shall include a description of the activities conducted at the coal laboratory and an evaluation of the success of such activities, and such other necessary reports in such form and containing such information as the Director may require, and for keeping such records and affording such access thereto as may be necessary to assure the correctness and verification of such reports; and

(5) set forth such policies and procedures as will insure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available for the purposes of the activities described in section 501 (d) (1), (2), and (3), and in no case supplant such funds.

LIMITATION ON PAYMENTS

SEC. 503. (a) No institution of higher eduation may receive more than $4,000,000 for the construction of its coal research laboratory, including initially installed fixed equipment, nor may it receive more than $1,500,000 for initially installed movable equipment, nor may it receive more than $500,000 for new program startup expenses.

(b) No institution of higher education may receive more than $1,500,000 per year from the Federal Government for operating expenses.

PAYMENTS

SEC. 504. (a) From the amounts appropriated pursuant to section 506, the Director shall pay to each institution of higher education having an application approved under this title an amount equal to the Federal share of the cost of carrying out that application. Such payments may be in installments, by way of reimbursement, or by way of advance with necessary adjustments on account of underpayments or overpayments.

(b) The Federal share of operating expenses for any fiscal year shall not exceed 50 per centum of the cost of the operation of a coal research laboratory.

ADVISORY COUNCIL ON COAL RESEARCH

SEC. 505. (a) There is established an Advisory Council on Coal Research which shall be composed of—

(1) the Director of the National Science Foundation, who shall be Chairman;

(2) the Director of the Bureau of Mines of the Department of the Interior;

(3) the President of the National Academy of Sciences;

(4) the President of the National Academy of Engineering;

(5) the Director of the United States Geological Survey; and

(6) six members appointed by the Director from among individuals who, by virtue of experience or training, are knowledgeable in the field of coal research and mining, and who are representatives of institutions of higher education, industrial users of coal and coal-derived fuels, the coal industry, mine workers, nonindustrial consumer groups, and institutions concerned with the preservation of the environment.

(b) The Advisory Council shall advise the Director with respect to the general administration of this title, and furnish such additional advice as he may request.

(c) The Advisory Council shall make an annual report of its findings and recommendations (including recommendations for changes in the provisions of this title) to the President not later than December 31 of each calendar year. The President shall transmit each such report to the Congress.

(d)(1) Members of the Council who are not regular officers or employees of the United States Government shall, while serving on business of the Council, be entitled to receive compensation at rates fixed by the Director, but not exceeding the daily rate prescribed for GS–18 of the General Schedule under section 5332 of title 5, United States Code, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(2) Members of the Council who are officers or employees of the Government shall be reimbursed for travel subsistence, and other necessary expenses incurred by them in carrying out their duties on the Council.

(e) Whenever a member of the Council appointed under clauses (1) through (5) is unable to attend a meeting, that member shall appoint an appropriate alternate to represent him for that meeting.

AUTHORIZATION OF APPROPRIATIONS

SEC. 506. There are authorized to be appropriated not to exceed $30,000,000 for the fiscal year ending September 30, 1979 (including the cost of construction, equipment, and startup expenses) and $7,500,000 beginning with the fiscal year 1980 each fiscal year thereafter through the fiscal year ending June 30, 1983, to carry out the provisions of this title.

TITLE VI—ENERGY RESOURCE GRADUATE FELLOWSHIPS

PROGRAM AUTHORIZED

SEC. 601. (a) The Director is authorized to award under the provisions of this title not to exceed one thousand fellowships for the fiscal year ending September 30, 1979, and each of the five succeeding fiscal years. Fellowships shall be awarded under the provisions of this title for graduate study and research in those areas of applied science and engineering that are related to the production, conservation, and utilization of fuels and energy. Fellowships shall be awarded to students in programs leading to master's degrees. Such fellowships may be awarded for graduate study and research at any institution of higher education, library, archive, or any other research center approved by the Director after consultation with the Commissioner of Education.

(b) Such fellowships shall be awarded for such periods as the Director may determine, but not to exceed two years.

(c) In addition to the number of fellowships authorized to be awarded by subsection (a) of this section, the Commissioner is authorized to award fellowships equal to the number previously awarded during any fiscal year under this title but vacated prior to the end of the period for which they were awarded; except that each fellowship awarded under this subsection shall be for such period of graduate work or research, not in excess of the remainder of the period for which the fellowship which it replaces was awarded as the Commissioner may determine.

AWARDING OF FELLOWSHIPS

SEC. 602. Recipients of fellowships under this title shall be—

(a) persons who have been accepted by an institution of higher education for graduate study leading to an advanced degree or for a professional degree, and

(b) persons who plan a career in the field of energy resources, production, or utilization.

DISTRIBUTION OF FELLOWSHIPS

SEC. 603. In awarding fellowships under the provisions of this title, the Director shall endeavor to provide equitable distribution of such fellowships throughout the Nation, except that the Director shall give special attention of institutions of higher education, libraries, archives, or other research centers which have a demonstrated capacity to offer courses of study or research in the field of energy resources and conservation and conversion and related disciplines. In carrying out his responsibilities under this section, the Director shall take into consideration the projected need for highly trained engineers and scientists in the field of energy sources.

STIPENDS AND INSTITUTIONS OF HIGHER EDUCATION ALLOWANCES

SEC. 604. (a) Each person awarded a fellowship under this title shall receive a stipend of $10,000 for each academic year of study. An additional amount of $500 for each such calendar year of study shall be paid to such person on account of each of his dependents.

(b) In addition to the amount paid to person pursuant to subsection (a) there shall be paid to the institution of higher education at which each such person in pursuing his course of study, 100 per centum of the amount paid to such person less the amount paid on account of such person's dependents, to such person less any amount charged such person for tuition.

LIMITATION

SEC. 605. No fellowship shall be awarded under this title for study at a school or department of divinity. For the purpose of this section, the term "school or department of divinity" means an institution or department or branch of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects.

FELLOWSHIP CONDITIONS

SEC. 606. (a) A person awarded a fellowship under the provisions of this title shall continue to receive the payments provided in section 604(a) only during such periods as the Director finds that he is maintaining satisfactory proficiency in, and devoting essentially full time to, study or research in the field in which such fellowship was awarded, in an institution of higher education, and is not engaging in gainful employment other than part-time employment in teaching research, or similar activities, approved by the Director.

(b) The Director shall require reports containing such information in such forms and to be filed at such times as he determines necessary from each person awarded a fellowship under the provisions of this title. Such reports shall be accompanied by a certificate from an appropriate official at the institution of higher education, library, archive, or other research center approved by the Director, stating that such person is making satisfactory progress in, and is devoting essentially full time to, the research for which the fellowship was awarded.

APPROPRIATIONS AUTHORIZED

SEC. 607. There are authorized to be appropriated $11,000,000 for the fiscal year ending September 30, 1979, and for each of the five succeeding fiscal years. For payments for the initial awarding of fellowships awarded under this title, there are authorized to be appropriated for the fiscal year ending September 30, 1979, and for each of the five succeeding fiscal years, such sums as may be necessary in order that fellowships already awarded might be completed.

RESEARCH AND DEMONSTRATION PROJECTS OF ALTERNATIVE COAL MINING TECHNOLOGIES

SEC. 608. (a) The Secretary is authorized to conduct and promote the coordination and acceleration of, research, studies, surveys, experiments, demonstration projects, and training relating to—

(1) the development and application of coal mining technologies which provide alternatives to surface disturbance and which maximize the recovery of available coal resources, including the improvement of present underground mining methods, methods for the return of underground mining wastes to the mine void, methods for the underground mining of thick coal seams and very deep seams; and

(2) safety and health in the application of such technologies, methods, and means.

(b) In conducting the activities authorized by this section, the Secretary may enter into contracts with and make grants to qualified institutions, agencies, organizations, and persons.

(c) There are authorized to be appropriated to the Secretary, to carry out the purposes of this section, $35,000,000 for each fiscal year beginning with the fiscal year 1979, and for each year thereafter for the next four years.

(d) At least sixty days before any funds are obligated for any research studies, surveys, experiments or demonstration projects to be conducted or financed under this Act in any fiscal year, the Secretary in consultation with the Administrator of the Energy Research and Development Administration and the heads of other Federal agencies having the authority to conduct or finance such projects, shall determine and publish such determinations in the Federal Register that such projects are not being conducted or financed by any other Federal agency. On December 31 of each calendar year, the Secretary shall report to the Congress on the research studies, surveys, experiments or demonstration projects, conducted or financed under this Act, including, but not limited to, a statement of the nature and purpose of each project, the Federal cost thereof, the identity and affiliation of the persons engaged in such projects, the expected completion date of the projects and the relationship of the projects to other such projects of a similar nature.

(e) Subject to the patent provisions of section 806(d) of this Act, all information and data resulting from any research studies, surveys, experiments, or demonstration projects conducted or financed under this Act shall be promptly made available to the public.

TITLE VII—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

DEFINITIONS

SEC. 701. For the purposes of this Act—

(1) "Secretary" means the Secretary of the Interior, except where otherwise described;

(2) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam;

(3) "Office" means the Office of Surface Mining, Reclamation, and Enforcement established pursuant to title II;

(4) "commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States, or between a State and any other place outside thereof, or between points in the same State which directly or indirectly affect interstate commerce:

(5) "surface coal mining operations" means—

(A) activities conducted on the surface of lands in connection with a surface coal mine or, subject to the requirements of section 416, surface operations and surface impacts incident to an underground coal mine, the products of which enter commerce or the operations of which directly or indirectly affect interstate commerce. Such activities include excavation for the purposes of obtaining coal including such common methods as contour, strip, auger, mountaintop removal, box cut, open pit, and area mining, and in situ distillation or retorting, leaching or other chemical or physical processing, and the cleaning, concentrating, or other processing or preparation, loading of coal for interstate commerce at or near the mine site: *Provided, however*, That such activities do not include the extraction of coal incidental to the extraction of other minerals where coal does not exceed 16⅔ per centum of the tonnage of minerals removed for purposes of commercial use or sale or coal explorations subject to section 412 of this Act; and

(B) the areas upon which such activities occur or where such activities disturb the natural land surface. Such areas shall also include any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and for haulage, and excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas, and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incident to such activities;

(6) "surface coal mining and reclamation operations" means surface mining operations and all activities necessary and incident to the reclamation of such operations after date of enactment of this Act;

(7) "lands within any State" or "lands within such State" means all lands within a State other than Federal lands and Indian lands;

(8) "Federal lands" means any land, including mineral interests, owned by the United States without regard to how the United States acquired ownership of the land and without regard to the agency having responsibility for management thereof, except Indian lands: *Provided*, That for the purposes of this Act lands or mineral interests east of the 100th meridian west longitude owned by the United States and entrusted to or managed by the Tennessee Valley Authority shall not constitute Federal lands, and such lands or mineral interests shall not be subject to sections 715 (Surface Owner Protection) and 712 (Federal Lessee Protection) of this Act.

(9) "Indian lands" means all lands, including mineral interests, within the exterior boundaries of any Federal Indian reservation, notwithstanding the issuance of any patent, and including rights-of-way, and all lands including mineral interests held in trust for or supervised by any Indian tribe;

(10) "Indian tribe" means any Indian tribe, band, group, or community having a governing body recognized by the Secretary;

(11) "State program" means a program established by a State pursuant to section 403 to regulate surface coal mining and reclamation operations, on lands within such State in accord with the requirements of this Act and regulations issued by the Secretary pursuant to this Act;

(12) "Federal program" means a program established by the Secretary pursuant to section 404 to regulate surface coal mining and reclamation operations on lands within a State in accordance with the requirements of this Act;

(13) "Federal lands program" means a program established by the Secretary pursuant to section 423 to regulate surface coal mining and reclamation operations on Federal lands;

(14) "reclamation plan" means a plan submitted by an applicant for a permit under a State program or Federal program which sets forth a plan for reclamation of the proposed surface coal mining operations pursuant to section 408;

(15) "State regulatory authority" means the department or agency in each State which has primary responsibility at the State level for administering this Act;

(16) "regulatory authority" means the State regulatory authority where the State

is administering this Act under an approved State program or the Secretary where the Secretary is administering this Act under a Federal program;

(17) "person" means an individual, partnership, association, society, joint stock company, firm, company, corporation, or other business organization;

(18) "permit" means a permit to conduct surface coal mining and reclamation operations issued by the State regulatory authority pursuant to a State program or by the Secretary pursuant to a Federal program;

(19) "permit applicant" or "applicant" means a person applying for a permit;

(20) "permittee" means a person holding a permit;

(21) "fund" means the Abandoned Mine Reclamation Fund established pursuant to section 301;

(22) "other minerals" means clay, stone, sand, gravel, metalliferous and nonmetalliferous ores, and any other solid material or substances of commercial value excavated in solid form from natural deposits on or in the earth, exclusive of coal and those minerals which occur naturally in liquid or gaseous form;

(23) "approximate original contour" means that surface configuration achieved by backfilling and grading of the mined area so that it closely resembles the surface configuration of the land prior to mining and blends into and complements the drainage pattern of the surrounding terrain, with all highwalls, spoil piles, and depressions eliminated except that water impoundments may be permitted where the regulatory authority determines that they are in compliance with section 415(b)(8) of this Act;

(24) "operator" means any person, partnership, or corporation engaged in coal mining who removes or intends to remove more than two hundred and fifty tons of coal from the earth by coal mining within twelve consecutive calendar months in any one location;

(25) "permit area" means the area of land indicated on the approved map submitted by the operator with his application, which area of land shall be covered by the operator's bond as required by section 409 of this Act and shall be readily identifiable by appropriate markers on the site;

(26) "unwarranted failure to comply" means the failure of a permittee to prevent the occurrence of any violation of his permit or any requirement of this Act due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation of such permit or the Act due to indifference, lack of diligence, or lack of reasonable care;

(27) "alluvial valley floors" means the unconsolidated stream laid deposits holding streams where water availability is sufficient for subirrigation or flood irrigation agricultural activities but does not include upland areas which are generally overlain by a thin veneer of colluvial deposits composed chiefly of debris from sheet erosion, deposits by unconcentrated runoff or slope wash, together with talus, other mass movement accumulation and windblown deposits;

(28) "imminent danger to the health or safety of the public" means the existence of any condition or practice, or any violation of a permit or other requirement of this Act in a surface coal mining and reclamation operation, which condition, practice, or violation could reasonably be expected to cause substantial physical harm to persons outside the permit area before condition, practice, or violation can be abated;

(29) "lignite coal" means consolidated lignitic coal having less than 8,300 British thermal units per pound, moist and mineral matter free;

(30) "coal laboratory" means a university coal research laboratory established and operated pursuant to a designation made under section 501 of this Act;

(31) "institution of higher learning" means any such institution as defined by section 1201(a) of the Higher Education Act of 1968;

(32) "Director" means Director of the National Science Foundation; and

(33) the term "prime farmland" shall have the same meaning as that previously prescribed, or hereafter modified, by the Secretary of Agriculture on the basis of such factors as moisture availability, temperature regime, chemical balance, permeability, surface layer composition, susceptibility to flooding, and erosion characteristics, and as published in the Federal Register."

OTHER FEDERAL LAWS

SEC. 702. (a) Nothing in this Act shall be construed as superseding, amending, modifying, or repealing the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a), the National Environmental Policy Act of 1969 (42 U.S.C. 4321–47), or any of the following Acts or with any rule or regulation promulgated thereunder, including, but not limited to—

(1) The Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721–740).

(2) The Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742).

(3) The Federal Water Pollution Control Act (79 Stat. 903), as amended (33 U.S.C. 1151–1175) the State laws enacted pursuant thereto, or other Federal laws relating to preservation of water quality.

(4) The Clean Air Act, as amended (42 U.S.C. 1857 et seq.).

(5) The Solid Waste Disposal Act (42 U.S.C. 3251–3259).

(6) The Refuse Act of 1899 (33 U.S.C. 407).

(7) The Fish and Wildlife Coordination Act of 1934 (16 U.S.C. 661–666c).

(8) The Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 et seq.).

(b) Nothing in this Act shall affect in any way the authority of the Secretary or the heads of other Federal agencies under other provisions of law to include in any lease, license, permit, contract, or other instrument such conditions as may be appropriate to regulate surface coal mining and reclamation operations on land under their jurisdiction.

(c) To the greatest extent practicable each Federal agency shall cooperate with the Secretary and the States in carrying out the provisions of this Act.

(d) Approval of the State programs, pursuant to section 403(b), promulgation of Federal programs, pursuant to section 404, and implementation of the Federal lands programs, pursuant to section 423 of this Act, shall not constitute a major action within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). Adoption of regulations under section 401(b) shall constitute a major action within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

EMPLOYEE PROTECTION

SEC. 703. (a) No person shall discharge, or in any other way discriminate against, or cause to be fired or discrminated against, any employee or any authorized representative of employees by reason of the fact that such employee or representative has filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

(b) Any employee or a representative of employees who believes that he had been fired or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such alleged violation occurs, apply to the Secretary for a review of such firing or alleged discrimination. A copy of the application shall be sent to the person or operator who will be the respondent. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to such review to enable the parties to present information relating to the alleged violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 555 of title 5 of the United States Code. Upon receiving the report of such investigation, the Secretary shall make findings of fact. If he finds that a violation did occur, he shall issue a decision incorporating therein and his findings in an order requiring the party committing the violation to take such affirmative action to abate the violation as the Secretary deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no violation he shall issue a finding. Orders issued by the Secretary under this subsection shall be subject to judicial review in the same manner as orders and decisions of the Secretary are subject to judicial review under this Act.

(c) Whenever an order is issued under this section to abate any violation, at the request of the applicant a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the persons committing the violation.

PROTECTION OF GOVERNMENT EMPLOYEES

SEC. 704. Section 1114 of title 18, United States Code, is hereby amended by adding the words "or of the Department of the Interior" after the words "Department of Labor" contained in that section. Any person who shall willfully resist, prevent, impede, or interfere with the Secretary or any of his agents in the performance of duties pursuant to this Act shall be punished by a fine of not more than $5,000 or by imprisonment for not more than one year, or both.

GRANTS TO THE STATES

SEC. 705. (a) The Secretary is authorized to make annual grants to any State for the purpose of assisting such State in developing, administering, and enforcing State programs under this Act. Except as provided in subsection (c) of this section, such grants shall not exceed 80 per centum of the total costs incurred during the first year, 60 per centum of total costs incurred during the second year, and 50 per centum of the total costs incurred during each year thereafter.

(b) The Secretary is authorized to cooperate with and provide assistance to any State for the purpose of assisting it in the development, administration, and enforcement of its State programs. Such cooperation and assistance shall include—

(1) technical assistance and training including provision of necessary curricular and instruction materials, in the development, administration, and enforcement of the State programs; and

(2) assistance in preparing and maintaining a continuing inventory of information on surface coal mining and reclamation operations for each State for the purposes of evaluating the effectiveness of the State programs. Such assistance shall include all Federal departments and agencies making available data relevant to surface coal mining and reclamation operations and to the development, administration, and enforcement of State programs concerning such operations.

(c) If, in accordance with section 423(d) of this Act, a State elects to regulate surface coal mining and reclamation operations on Federal lands, the Secretary may increase the amount of the annual grants under subsection (a) of this section by an amount which he determines is approximately equal to the amount the Federal Government would have expended for such regulation if the State had not made such election.

ANNUAL REPORT

SEC. 706. The Secretary shall submit annually to the President and the Congress a report concerning activities conducted by him, the Federal Government, and the States pursuant to this Act. Among other matters, the Secretary shall include in such report recommendations for additional administrative or legislative action as he deems necessary and desirable to accomplish the purposes of this Act.

SEVERABILITY

SEC. 707. If any provision of this Act or the applicability thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

STUDY OF RECLAMATION STANDARDS FOR SURFACE MINING OF OTHER MINERALS

SEC. 708. (a) The Chairman of the Council on Environmental Quality is directed to contract with the National Academy of Sciences-National Academy of Engineering, other Government agencies or private groups as appropriate, for an in-depth study of current and developing technology for surface and open pit mining and reclamation for minerals other than coal designed to assist in the establishment of effective and reasonable regulation of surface and open pit mining and reclamation for minerals other than coal. The study shall—

(1) assess the degree to which the requirements of this Act can be met by such technology and the costs involved;

(2) identify areas where the requirements of this Act cannot be met by current and developing technology;

(3) in those instances described requirements most comparable to those of this Act which could be met, the costs involved, and the differences in reclamation results between these requirements and those of this Act; and

(4) discuss alternative regulatory mechanisms designed to insure the achievement of the most beneficial postmining land use for areas affected by surface and open pit mining.

(b) The study together with specific legislative recommendations shall be submitted to the President and the Congress no later than eighteen months after the date of enactment of this Act: *Provided*, That, with respect to surface or open pit mining for sand and gravel the study shall be submitted no later than twelve months after the date of enactment of this Act: *Provided further*, That with respect to mining for oil shale and tar sands that a preliminary report shall be submitted no later than twelve months after the date of enactment of this Act.

(c) There are hereby authorized to be appropriated for the purpose of this section $500,000.

EXPERIMENTAL PRACTICES

SEC. 709. In order to encourage advances in mining and reclamation practices, the regulatory authority may authorize departures in individual cases on an experimental basis from the environmental protection performance standards promulgated under sections 415 and 416 of this Act. Such departures may be authorized if (i) the experimental practices are potentially more or at least as environmentally protective, during and after mining operations, as those required by promulgated standards; (ii) the mining operation is no larger than necessary to determine the effectiveness and economic feasibility of the experimental practices; and (iii) the experimental practices do not reduce the protection afforded public health and safety below that provided by promulgated standards.

AUTHORIZATION OF APPROPRIATIONS

SEC. 710. There is authorized to be appropriated to the Secretary for the purposes of this Act the following sums; and all such funds appropriated shall remain available until expended:

(a) The Secretary is authorized to enter into contracts implementing sections 402, 423, 305(b)(3), and 811 in such amounts as are provided in appropriations Acts, but not to exceed $10,000,000 per annum in each of the three fiscal years 1977, 1978, and 1979.

(b) For the implementation and funding of section 705 and for administrative and other purposes of this Act, except as otherwise provided for in this Act, authorization is provided for the sum of $10,000,000 for the fiscal year ending June 30, 1978, for each of the two succeeding fiscal years the sums of $20,000,000 and $30,000,000 for each fiscal year therafter.

FEDERAL LESSEE PROTECTION

SEC. 711. In those instances where the coal proposed to be mined by surface coal mining operations is owned by the Federal Government and the surface is subject to a lease or a permit issued by the Federal Government, the application for a permit shall include either:

(1) the written consent of the permittee or lessee of the surface lands involved to enter and commence surface coal mining operations on such land, or in lieu thereof;

(2) evidence of the execution of a bond or undertaking to the United States or the State, whichever is applicable, for the use and benefit of the permittee or lessee of the surface lands involved to secure payment of any damages to the surface estate which the operations will cause to the crops, or to the tangible improvements of the permittee or lessee of the surface lands as may be determined by the parties involved, or as determined and fixed in an action brought against the operator or upon the bond in a court of competent jurisdiction. This bond is in addition to the performance bond required for reclamation under this Act.

ALASKA COAL

SEC. 712. Nothing in this Act shall be construed as increasing or diminishing the rights of any owner of coal in Alaska to conduct or authorize surface coal mining operations for coal which has been or is hereafter conveyed out of Federal ownership to the State of Alaska or pursuant to the Alaska Native Claims Settlement Act: *Provided*, That such surface coal mining operations meet the requirements of the Act.

WATER RIGHTS

SEC. 713. Nothing in this Act shall be construed as affecting in any way the right of any person to enforce or protect, under applicable law, his interest in water resources affected by a surface coal mining operation.

SURFACE OWNER PROTECTION

SEC. 714. (a) The provisions and procedures specified in this section shall apply where coal owned by the United States under land the surface rights to which are owned by a surface owner as defined in this section is to be mined by methods other than underground mining techniques.

(b) Any coal deposits subject to this section shall be offered for lease pursuant to section 2(a) of the Mineral Leasing Act of 1920 (30 U.S.C. 201a), except that no award shall be made by any method other than competitive bidding.

(c) Prior to placing any deposit subject to this section in a leasing tract, the Secretary shall give to any surface owner whose land is to be included in the proposed leasing tract actual written notice of his intention to place such deposits under such land in a leasing tract.

(d) The Secretary shall not approve any mining plan pursuant to this Act until the appraised value of the surface owner's interest has been tendered in accordance with the provisions of subsection (e). Upon such tender and upon approval of the mining plan, the lessee may enter and commence mining operations whether or not the determination of value of the surface owner's interest is subject to judicial review as provided in this section.

(e) Tender of the appraised value of the surface owner's interest shall occur when—

(1) the lessee and the surface owner agree on an amount and method of compensation for the surface owner's interest, whether or not the amount of compensation is fixed in accordance with the provisions of subsection (f), and the surface owner has given the Secretary written consent for the lessee to enter and commence surface mining operations; or

(2) the lessee has deposited the appraised value of the surface owner's interest in the United States district court for the locality in which the leasing tract is located. At any time after the appraised value of the surface owner's interest is deposited in the court and upon execution by the surface owner and the lessee of a final settlement of their rights under this section, the surface owner shall be entitled to withdraw from the registry of the court the full amount of the deposit.

(f) For purposes of this section, the term "appraised value of the surface owner's interest" means the value of the surface owner's interest fixed by the Secretary based on appraisals made by three appraisers. One such appraiser shall be appointed by the Secretary, one appointed by the surface owner concerned, and one appointed jointly by the appraisers named by the Secretary and such surface owner. In computing the value of the surface owner's interest, the appraisers shall fix and determine—

(1) twice the difference between the fair market value of the surface estate, computed without reference to the value of the underlying coal, immediately before mining is to commence, and what said fair market value is reasonably expected to be immediately after mining and associated activities have been completed;

(2) the net income the surface owner can be expected to lose as a result of the surface mining operation during the two years immediately following approval of the mining plan: *Provided, however*, That if mining and associated activities are reasonably expected to be completed within a shorter period of time, then said net income shall be computed only for that shorter period of time;

(3) the cost to the surface owner for relocation or dislocation during the mining and reclamation process; and

(4) any other damage to the surface caused or reasonably anticipated to be caused by the surface mining and reclamation operations.

(g) For the purpose of this section the term "surface owner" means the natural person or persons (or corporation, the majority stock of which is held by a person or persons who meet the other requirements of this section) who—

(1) hold legal or equitable title to the land surface; and

(2) have their principal place of residence on the land; or personally conduct farming or ranching operations upon a farm or ranch unit to be affected by surface coal mining operations; or receive directly a significant portion of their income, if any, from such farming or ranching operations;

(3) have met the conditions of paragraphs (1) and (2) for a period of at least three years prior to the receipt of written notice from the Secretary provided for in this section. In computing the three-year period the

Secretary may include periods during which title was owned by a relative or such person by blood or marriage during which period such relative would have met the requirements of this subsection.

(h) The United States district court for the locality in which the leasing tract is located shall have exclusive jurisdiction to review the determination of the value of the surface owner's interest made pursuant to this section.

(i) This section shall not apply to Indian lands.

(j) No such lease shall be entered into by the Secretary without the consent of the surface owner unless he finds and certifies that it is necessary in the national interest that the coal covered by such lease be surface mined in accordance with the provisions of such lease.

COORDINATION OF REGULATORY AND INSPECTION ACTIVITIES

SEC. 715. (a) The President shall, to the extent appropriate, and in keeping with the particular enforcement requirements of each Act referred to herein, insure the coordination of regulatory and inspection activities among the departments, agencies, and instrumentalities to which such activities are assigned by this Act, by the Clean Air Act, by the Water Pollution Control Act, by the Department of Energy Organization Act, and by existing or subsequently enacted Federal mine safety and health laws, except that no such coordination shall be required with respect to mine safety and health inspections, advance notice of which is or may be prohibited by existing or subsequently enacted Federal mine safety and health laws.

(b) The President may execute the coordination required by this section by means of an Executive order, or by any other mechanism he determines to be appropriate.

ALASKAN SURFACE COAL MINING CONDITIONS, STUDY OF

SEC. 716. (a) The Secretary is directed to contract with the National Academy of Sciences-National Academy of Engineering for an in-depth study of surface coal mining conditions in the State of Alaska in order to determine which, if any, of the provisions of this Act should be modified with respect to surface coal mining operations in Alaska.

(b) The Secretary shall report on the findings of the study to the President and Congress no later than two years after the date of enactment of this Act.

(c) The Secretary shall include in his report a draft of legislation to implement any changes recommended to this Act.

(d) Until one year after the Secretary has made this report to the President and Congress, or three years after the date of enactment of this Act, whichever comes first, the Secretary is authorized to modify the applicability of any environmental protection provision of this Act, or any regulation issued pursuant thereto, to any surface coal mining operation in Alaska from which coal has been mined during the year preceding enactment of this Act if he determines that it is necessary to insure the continued operation of such surface coal mining operation. The Secretary may exercise this authority only after he has (1) published notice of proposed modification in the Federal Register and in a newspaper of general circulation in the area of Alaska in which the affected surface coal mining operation is located, and (2) held a public hearing on the proposed modification in Alaska.

(e) In order to allow new mines in Alaska to continue orderly development, the Secretary is authorized to issue interim regulations pursuant to section 401(b) including those modifications to the environmental standards as required based on the special physical, hydrological and climatic conditions in Alaska but with the purpose of protecting the environment to an extent equivalent to those standards for the other coal regions.

(f) There is hereby authorized to be appropriated for the purpose of this section $250,000.

TITLE VIII—INDIAN LANDS

INDIAN LANDS PROGRAM

SEC. 801. Any Indian tribe on whose lands there are or may be conducted surface coal mining operations may elect, in such manner as the Secretary may prescribe pursuant to section 803, to (1) assume exclusive jurisdiction over the regulation of such coal mining operations and reclamation operations pursuant to an approved Indian lands program, (2) have any such Indian lands program administered by the Secretary, or (3) participate in the Indian lands study authorized by section 811 of this title. In no case, however, shall any election under clause (1) or (2) be construed as precluding that tribe's participation in such study pursuant to section 811.

GRANTS TO TRIBES

SEC. 802. (a) The Secretary is authorized to make annual grants directly to any Indian tribe for the purpose of (1) assisting such tribe in developing, administering, and enforcing an Indian land program under this title, and (2) enabling such tribute to realize benefits from the development of its coal resources while protecting the cultural values of the tribe and the physical environment of the reservation, including land, timber, agricultural activities, surface and ground waters, and air quality.

(b) Any Indian lands program developed by any Indian tribe shall meet all provisions of this Act and where any provision of any tribal code, ordinance, or regulation in effect upon the date of enactment of this Act, or which may become effective thereafter, provides for environmental controls and regulations of surface coal mining and reclamation operations which are more stringent than the provisions of this Act or any regulations issued pursuant thereto, such tribal code, ordinance, or regulation shall not be construed to be inconsistent with this Act.

INDIAN LANDS ENVIRONMENTAL PROTECTION STANDARDS

SEC. 803. On or before the expiration of the forcing an Indian lands program under this one hundred and eighty day period following the date of enactment of this Act, the Secretary shall promulgate and publish in the Federal Register regulations covering a permanent regulatory procedure for surface coal mining and reclamation operations on Indian lands setting mining and reclamation performance standards based on and incorporating the provisions of title IV of this Act, and establishing procedures and requirements for preparation, submission, and approval of Indian lands programs. Such regulations shall be promulgated and published under the guidelines of section 401 of this Act.

APPROVAL OF PROGRAM

SEC. 804. (a) Each Indian tribe, on whose lands there are or may be surface coal mining operations, which wishes to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations, except as provided in title III of this Act, shall submit to the Secretary, on or before the expiration of the eighteen-month period following the date of the enactment of this Act, an Indian lands program which demonstrates that such tribe has the capability of carrying out the provisions of this Act and meeting its purposes.

(b) The Secretary shall approve or disapprove an Indian lands program, in whole or in part, within six full calendar months after the date such program was submitted to him, except as provided in section 706.

"(c) If the Secretary disapproves an Indian lands program, in whole or in part, he shall notify the tribe in writing of his decision and set forth in detail the reasons therefor. The tribe shall have sixty days in which to resubmit a revised Indian lands program, or portion thereof. The Secretary shall approve or disapprove the resubmitted program or portion thereof within sixty days from the date of resubmission.

(d) For the purpose of this title, and section 806 of this Act, the inability of an Indian tribe to take any action, the purpose of which is to prepare, submit, or enforce an Indian lands program, or any portion thereof, because the action is enjoined by the issuance of an injunction by any court of competent jurisdiction shall not result in a loss of eligibility for financial assistance under this Act, or in the imposition of a Federal program. Regulations of the surface coal mining and reclamation operations covered or to be covered by the Indian lands program subject to the injunction shall be conducted by the Indian tribe pursuant to section 805 of this Act, until such time as the injunction terminates or for one year, whichever is shorter, at which time the requirements of this section and section 806 again shall be fully applicable.

(e) The Secretary shall not approve an Indian lands program submitted under this section until he has—

(1) obtained the written concurrence of the Administrator of the Environmental Protection Agency with respect to those aspects of an Indian lands program which relate to air or water quality standards promulgated under the authority of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151–1175), and the Clean Air Act, as amended (42 U.S.C. 1857);

(2) held at least one public hearing on the Indian lands program for the enrolled members of the tribe on its reservation;

(3) found that the Indian tribe has the legal authority, the qualified personnel, and sufficient funding necessary for the enforcement of the environmental protection standards; and

(4) found that the Indian tribe has established a process for the designation of areas as unsuitable for surface coal mining comparable to section 422 of this Act.

INITIAL REGULATORY PROCEDURES

SEC. 605. (a) No person shall open or develop any new or previously mined or abandoned site for surface coal mining and reclamation operations on Indian lands after the date of enactment of this Act unless such person is in compliance with existing Federal regulations governing surface coal mining on Indian lands.

(b) Within six months after the date of enactment of this Act, the Secretary shall implement a Federal enforcement program which shall remain in effect on those Indian lands on which there are surface coal mining operations required to comply with the provisions of this Act, until an Indian lands program has been approved pursuant to this Act or until a Federal program has been implemented pursuant to this Act. The enforcement program shall be carried out pursuant to the provisions of section 402(e) of this Act.

(c) All surface coal mining operations on Indian lands on which such operations are regulated by existing Federal regulations which commence operations pursuant to a permit issued on or after the date of enactment of this Act shall comply, and such permits shall contain terms requiring compliance with, the provisions of subsections 415 (b)(2), 415(b)(3), 415(b)(5), 415(b)(10), 415(b)(13), 415(b)(19), and 415(e) of this Act.

(d) On and after one hundred and thirty-five days from the date of enactment of this Act, all surface coal mining operations on lands on which such operations are regulated by existing Federal regulations which are in operation pursuant to a permit issued before the date of enactment of this Act shall comply with the provisions of subsections 415 (b)(2), 415(b)(3), 415(b)(5), 415(b)(10), 415(b)(13), 415(b)(19), and 415(e) of this Act, with respect to lands from which overburden and the coal seam being mined have not been removed.

(e) Following the final disapproval of an Indian lands program, and prior to the formulation of a Federal program pursuant to this Act, including judicial review of such a program, existing surface coal mining operations may continue pursuant to the provisions of this section.

FEDERAL PROGRAM

SEC. 806. (a)(1) The Secretary shall prepare and, subject to the provisions of this section, promulgate and implement a Federal program for an Indian tribe which has received grants pursuant to section 802 of this Act, if such tribe—

(A) fails to submit an Indian lands program covering surface coal mining and reclamation operations by the end of the eighteen-month period beginning on the date of enactment of this Act;

(B) fails to resubmit an acceptable Indian lands program within sixty days of disapproval of a proposed Indian lands program: Provided, That the Secretary shall not implement a Federal program prior to the expiration of the initial period allowed for submission of an Indian lands program as provided for in clause (A) of this subsection; or

(C) fails to implement, enforce, or maintain its approved Indian lands program as provided for in this Act.

(2) If tribal compliance with section 804 requires action on the part of the tribal council or tribal legislature, the Secretary may extend the period for submission of an Indian lands program up to an additional six months. Promulgation and implementation of a Federal program vests the Secretary with exclusive jurisdiction for the regulation and control of surface mining and reclamation operations taking place on lands within tribal reservation or upon tribal lands not in compliance with this Act. After promulgation and implementation of a Federal program the Secretary shall be the regulatory authority. In promulgating and implementing a Federal program for a particular tribe, the Secretary shall take into consideration the nature of that Indian tribal reservation's terrain, climate, biological, chemical, and other relevant physical conditions.

(b) At any time prior to the approval of an Indian lands program so submitted, or the approval of a resubmitted program, an Indian tribe may elect to abandon its efforts to develop and administer its Indian lands program. Such tribe shall immediately notify the Secretary of such a decision and return the unused portion of the moneys granted it pursuant to section 802 of this Act. Upon notification of such intent, the Secretary shall immediately assume exclusive jurisdiction for the regulation and control of surface coal mining and reclamation operations taking place on lands within the tribe's reservation pursuant to subsections (c) and (d) of section 805 of this Act.

(c) In the event that an Indian tribe has an Indian lands program for surface coal mining, and is not enforcing any part of such program, the Secretary may provide for the Federal enforcement, in a manner comparable to the provisions of section 421, of that part of the Indian lands program not being enforced by such tribe.

(d) In any case in which an Indian lands program is replaced by a Federal program, permits issued pursuant to such approved Indian lands program shall be valid but shall be reviewable under such Federal program. Immediately following the promulgation of a Federal program, the Secretary shall undertake to review such permits to determine that the requirements of this Act are not being violated. If the Secretary determines that any permit has been granted contrary to the requirements of this Act he shall so advise the permittee and provide him a reasonable time to conform ongoing surface coal mining and reclamation operations to the requirements of the Federal program.

(e) An Indian tribe, which has elected to have an approved Indian lands program, or has received funds pursuant to section 802, and which has failed to obtain the approval of an Indian lands program prior to the implementation of a Federal program in accordance with this title, may submit an Indian lands program, at any time after such implementation, pursuant to section 804 of this Act. Until an Indian lands program is approved as provided under this section, the Federal program shall remain in effect and all actions taken by the Secretary pursuant to such Federal program, including the terms and conditions of any permit issued thereunder, shall remain in effect: *Provided,* That surface coal mining operations upon lands of a tribe which has elected to abandon its efforts to develop and administer a program in accordance with subsection (b) of this section, shall be regulated pursuant to subsections (c) and (d) of section 805.

(f) In any case in which a Federal program is replaced by an approved Indian lands program, permits issued pursuant to the Federal program shall be valid but reviewable under the approved Indian lands program: *Provided,* That the Federal permittee shall have the right to apply for an Indian lands program permit to supersede his Federal permit. The tribal regulatory authority may review such permits to determine that the requirements of this Act and the approved Indian lands program are not violated. If the tribal regulatory authority determines any permit to have been granted contrary to the requirements of this Act, or the approved Indian lands program, he shall so advise the permittee and provide him a reasonable opportunity for submission of a new application and reasonable time to conform ongoing surface mining and reclamation operations to the requirements of this Act or approved Indian lands program.

ADMINISTRATION BY THE SECRETARY

SEC. 807. At any time, a tribe may select to have its program administered by the Secretary. Upon such a request by a tribe, the Secretary shall immediately assume the responsibility for administering the tribe's Indian lands program for that reservation.

PERSONNEL

SEC. 808. (a) Indian tribes are authorized to use the funds provided pursuant to section 802 of this Act for the hiring of professional and technical personnel and, where appropriate, to allocate funds to legitimately recognized organizations of the tribe that are pursuing the objectives of this title, as well as hire special consultants, groups, or firms from the public and private sector, for the purposes of developing, establishing, or implementing an Indian lands program.

AUTHORIZATION PRIORITY

SEC. 809. Of the funds made available under section 711(a) of this Act, first priority on $3,000,000 for each of the fiscal years shall be for the purposes of this title.

REPORTS TO THE SECRETARY

SEC. 810. Any Indian tribe which is receiving or has received a grant pursuant to section 802 of this Act shall report at the end of each fiscal year to the Secretary, in a manner prescribed by him, on activities undertaken by the tribe pursuant to or under this title.

INDIAN LANDS STUDY

SEC. 811. (a) The Secretary is directed to assist the Indian tribes in a study of the regulation of surface coal mining on Indian lands which will achieve the purposes of this Act and recognize the special jurisdictional status of these lands. In carrying out this study, the Secretary shall give grants to the Indian tribes whereby such tribes may contract qualified institutions, agencies, organizations, and persons to assist in completing the study The study report shall include recommended changes, if any, in the provisions of the Indian lands program set forth in this Act which, if enacted, would further achieve the purposes of this Act. Any Indian tribe on whose lands there are or may be conducted surface coal mining operations, and any tribe that has received financial or technical assistance to develop, administer, or enforce an Indian lands program pursuant to this title, may participate in this study, receive grants pursuant to this section, and incorporate into an existing Indian lands program, approved by the Secretary, any recommendations resulting from such study.

(b) The study report required by subsection (a) of this section, together with drafts of proposed legislation and the view of each Indian tribe which would be affected, shall be submitted to the Congress as soon as possible but not later than January 1, 1979.

(c) On and after thirty months from the date of enactment of this Act, all surface coal mining operations on Indian lands shall comply with requirements at least as stringent as those imposed by sections 407, 408, 409, 410, 412, 413, 414, 415, 417, 418, 419, 421, and 422 of this Act, and the Secretary shall incorporate the requirements of such provisions in all existing and new leases issued for coal on Indian lands.

(d) With respect to leases issued after the date of enactment of this Act, the Secretary shall include and enforce, in such leases, such terms and conditions, in addition to those required by section 805 (c) and (d) and subsection (c) of this section, as may be requested by the Indian tribe.

(e) Any change required by section 805 (c) and (d) and subsection (c) of this section in the terms and conditions of any coal lease on Indian lands existing on the date of enactment of this Act, shall require the approval of the Secretary.

(f) The Secretary shall provide for adequate participation by the various Indian tribes affected in the study authorized in this section and not more than $700,000 of the funds made available for such study shall be reserved for such purpose.

TITLE XI—STATE COAL MINING AND COAL RESOURCES AND RESEARCH INSTITUTES

AUTHORIZATION OF STATE ALLOTMENTS TO INSTITUTES

SEC. 901. (a) There are authorized to be appropriated to the Secretary of the Interior sums adequate to provide for each participating State $200,000 for fiscal year 1978, $300,000 for fiscal year 1979, and $400,000 for each fiscal year thereafter for five years, to assist the States in carrying on the work of a competent and qualified coal mining and coal resources and research institute, or center (hereinafter referred to as "institute") at one public college or university in the State which has in existence at the time of enactment of this title a school of mines, or division, or department conducting a program of substantial instruction and research in coal mining and coal preparation and related research, or which establishes such a school of mines, or division, or department subsequent to the enactment of this title and which school of mines, or division or department shall have been in existence for at least two years. The Advisory Committee on Coal Mining and Coal Resources and Research, as created by this title, shall determine a college or university to have an eligible school of mines, or division, or department conducting a program of substantial instruction and research in coal mining, coal preparation and related research wherein education and research in these engineering fields are being carried out and wherein at least four full-time permanent faculty members are employed: *Provided*, That—

(1) such moneys when appropriated shall be made available to match, on a dollar-for-dollar basis, non-Federal funds which shall be at least equal to the Federal share to support the institute;

(2) if there is more than one such eligible college or university in a State, funds under this title shall, in the absence of a designation to the contrary by act of the legislature of the State, be paid to one such college or university designated by the Governor of the State;

(3) where a State does not have a public college or university with an eligible school of mines, or division, or department conducting a program of substantial instruction and research in coal mining, coal preparation and related areas, said advisory committee may allocate the State's allotment to one private college or university which it determines to have an eligible school of mines, or division, or department as provided herein.

(b) It shall be the duty of each such institute to plan and conduct and/or arrange for a component or components of the college or university with which it is affiliated to conduct competent research, investigations, demonstrations, and experiments of either a basic or practical nature, or both, in relation to coal mining, coal preparation (including anthracite), and to provide for the training of engineers and scientists through such research, investigations, demonstrations, and experiments. Such research, investigations, demonstrations, experiments, and training many include, without being limited to: exploration; the extraction; processing; development; production of coal resources; coal mining and preparation technology; and best use of available supplies of coal; the economic, legal, social, engineering, recreational, biological, geographic, ecological, health and safety, and other aspects of coal mining, coal preparation, and mineral reclamation from coals, having due regard to the interrelation on the natural environment, the varying conditions and needs of the respective States, to coal mining and coal preparation research projects being conducted by agencies of the Federal and State governments, and other institutes.

RESEARCH FUNDS TO INSTITUTES

SEC. 902. (a) There is authorized to be appropriated annually for seven years to the Secretary of the Interior the sum of $15,000,000 in fiscal year 1978, said sum increased by $2,000,000 each fiscal year thereafter for six years, which shall remain available until expended. Such moneys when appropriated shall be made available to institutes to meet the necessary expenses for purposes of:

(1) specific coal mining, coal preparation and related research and demonstration projects of industrywide application, which could not otherwise be undertaken, including the expenses of planning and coordinating regional coal mining, coal preparation and related research projects by two or more institutes, and

(2) research into any aspects of coal mining, coal preparation and related problems related to the mission of the Department of the Interior, which may be deemed desirable and are not otherwise being studied.

(b) Each application for a grant pursuant to subsection (a) of this section shall, among other things, state the nature of the project to be undertaken, the period during which it will be pursued, the qualifications of the personnel who will direct and conduct it, the estimated costs, the importance of the project to the Nation, region, or State concerned, and its relation to other known research projects theretofore pursued or being pursued, and the extent to which it will provide opportunity for the training of coal mining, coal preparation engineers and scientists, and the extent of participation by nongovernmental sources in the project.

(c) The Secretary shall, insofar as it is practicable, utilize the facilities of institutes designated in section 901 of this title to perform such special research, authorized by this section, and shall select the institutes for the performance of such special research on the basis of the qualifications without regard to race or sex of the personnel who will conduct and direct it, and on the basis of the facilities available in relation to the particular needs of the research project, special geographic, geologic, or climate conditions within the immediate vicinity of the institute in relation to any special requirements of the research project, and the extent to which it will provide opportunity for training individuals as mining engineers and scientists. The Secretary may designate and utilize such portions of the funds authorized to be appropriated by this section as he deems appropriate for the purpose of providing scholarships, graduate fellowships, and postdoctoral fellowships.

(d) No grant shall be made under subsection (a) of this section except for a project approved by the Secretary of the Interior and all grants shall be made upon the basis of merit of the project, the need for the knowledge which it is expected to produce when completed, and the opportunity it provides for the training of individuals as mining engineers and scientists.

(e) No portion of any grant under this section shall be applied to the acquisition by purchase or lease of any land or interests therein or the rental, purchase, construction, preservation, or repair of any building.

FUNDING CRITERIA

SEC. 903. (a) Sums available to institutes under the terms of sections 901 and 902 of this title shall be paid at such times and in such amounts during each fiscal year as determined by the Secretary, and upon vouchers approved by him. Each institute shall set forth its plan to provide for the training of individuals as mining engineers and scientists under a curriculum appropriate to the field of coal mining, and coal preparation engineering and related fields; set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available for purposes of this title, and in no case supplant such funds; have an officer appointed by its governing authority who shall receive and account for all funds paid under the provisions of this title and shall make an annual report to the Secretary on or before the first day of September of each year, on work accomplished and the status of projects underway, together with a detailed statement of the amounts received under any provisions of this title during the preceding fiscal year, and of its disbursements on schedules prescribed by the Secretary. If any of the moneys received by the authorized receiving officer of any institute under the provisions of this title shall by any action or contingency be found by the Secretary to have been improperly diminished, lost, or misapplied, it shall be replaced by the State concerned and until so replaced no subsequent appropriation shall be allotted or paid to any institute of such State.

(b) Moneys appropriated pursuant to this title shall be available for expenses for research, investigations, experiments, and training conducted under authority of this title. The institutes are hereby authorized and encouraged to plan and conduct programs under this title in cooperation with each other and with such other agencies and individuals as may contribute to the solution of the coal mining, coal preparation and related problems involved, and moneys appropriated pursuant to this title shall be available for paying the necessary expenses of planning, coordinating, and conducting such cooperative research.

DUTIES OF THE SECRETARY

SEC. 904. (a) The Secretary of the Interior is hereby charged with the responsibility for the proper administration of this title and, after full consultation with other interested Federal agencies, shall prescribe such rules and regulations as may be necessary to carry out its provisions. The Secretary shall furnish such advice and assistance as will best promote the purposes of this title, participate in coordinating research initiated under this title by the institutes, indicate to them such lines of inquiry as to him seem most important, and encourage and assist in the establishment and maintenance of cooperation by and between the institutes and between them and other research organizations, the United States Department of the Interior, and other Federal establishments.

(b) On or before the 1st day of July in each year after the passage of this title, the Secretary shall ascertain whether the requirements of section 903(a) have been met as to each institute and State.

(c) The Secretary shall make an annual report to the Congress of the receipts, expenditures, and work of the institutes in all States under the provisions of this title. The Secretary's report shall indicate whether any portion of an appropriation available for allotment to any State has been withheld and, if so, the reasons therefor.

AUTONOMY

SEC. 905. Nothing in this title shall be construed to impair or modify the legal relationship existing between any of the colleges or universities under whose direction an institute is established and the government of the State in which it is located, and nothing in this title shall in any way be construed to authorize Federal control or direction of education at any college or university.

MISCELLANEOUS PROVISIONS

SEC. 906. (a) The Secretary of the Interior shall obtain the continuing advice and cooperation of all agencies of the Federal Government concerned with coal mining and coal resources and related research of State and local governments, and of private institutions and individuals to assure that the programs authorized in this title will supplement and not duplicate established coal mining, coal preparation and related research programs, to stimulate research in otherwise neglected areas, and to contribute to a comprehensive nationwide program of coal mining, coal preparation and related research, having due regard for the protection and conservation of the environment. The Secretary shall make generally available information and reports or projects completed, in progress, or planned under the provisions of this title, in addition to any direct publication of information by the institutes themselves.

(b) Nothing in this title is intended to give or shall be construed as giving the Secretary of the Interior any authority over coal mining, coal preparation and related research conducted by any other agency of the Federal Government, or as repealing, superseding, or diminishing existing authorities or responsibilities of any agency of the Federal Government to plan and conduct, contract for, or assist in research in its area of responsibility and concern with coal mining, coal preparation and related research

(c) Contracts or other arrangements for coal mining, coal preparation and related research work authorized under this title with an institute, educational institution, or non-profit organization may be undertaken without regard to the provisions of section 3684 of the Revised Statutes (31 U.S.C. 529) when, in the judgment of the Secretary of the Interior, advance payments of initial expense are necessary to facilitate such work: *Provided*, That authority to make payments under this subsection shall be effective only to such extent or in such amounts as are provided in advance by appropriation Acts.

(d) No research, demonstration, or experiment shall be carried out under this Act by an institute financed by grants under this Act, unless all uses, products, processes, patents, and other developments resulting therefrom, with such exception or limitation, if any, as the Secretary may find necessary in the public interest, be available promptly to the general public. Nothing contained in this section shall deprive the owner of any background patent relating to any such activities of any rights which that owner may have under that patent. There are authorized to be appropriated such sums as are necessary for the printing and publishing of the results of activities carried out by institutes under the provisions of this Act and for administrative planning and direction, but such appropriations shall not exceed $1,000,000 in any fiscal year: *Provided*, That no new budget authority is authorized to be appropriated for fiscal year 1977.

CENTER FOR CATALOGING

SEC. 907. The Secretary shall establish a center for cataloging current and projected scientific research in all fields of coal mining and coal preparation. Each Federal agency doing coal mining, coal preparation, and related research shall cooperate by providing the cataloging center with information on work underway or scheduled by it. The cataloging center shall classify and maintain for public use a catalog of coal mining, coal preparation, and related research and investigation projects in progress or scheduled by all Federal agencies and by such non-Federal agencies of Government, colleges, universities, private institutions, firms, and individuals as may make such information available.

INTERAGENCY COOPERATION

SEC. 908. The President shall, by such means as he deems appropriate, clarify agency responsibility for Federal coal mining and coal preparation and related research and provide for interagency coordination of such research, including the research authorized by this title. Such coordination shall include—

(a) continuing review of the adequacy of the Government-wide program in coal mining, coal preparation, and related research;

(b) identification and elimination of duplication and overlap between two or more agency programs;

(c) identification of technical needs in various coal mining, coal preparation, and related research categories;

(d) recommendations with respect to allocation of technical effort among Federal agencies;

(e) review of technical manpower needs and findings concerning management policies to improve the quality of the Government-wide research effort; and

(f) actions to facilitate interagency communication at management levels.

ADVISORY COMMITTEE

SEC. 909. (a) The Secretary of the Interior shall appoint an Advisory Committee on Coal Mining and Coal Resources and Research composed of—

(1) the Director, Bureau of Mines, or his delegate with his consent;

(2) the Director of the National Science Foundation, or his delegate, with his consent;

(3) the President, National Academy of Sciences, or his delegate, with his consent;

(4) the President, National Academy of Engineering, or his delegate, with his consent;

(5) the Director, United States Geological Survey, or his delegate, with his consent; and

(6) not more than four other persons who are knowledgeable in the fields of coal mining, coal preparation and related research, at least one of whom shall be a representative of working coal miners.

(b) The Secretary shall designate the Chairman of the Advisory Committee. The Advisory Committee shall consult with, and make recommendations to, the Secretary of the Interior on all matters involving or relating to coal mining, coal preparation and related research and such determinations as provided in this title. The Secretary of the Interior shall consult with, and consider recommendations of such Committee in the conduct of coal mining, coal preparation and related research and the making of any grant under this title.

(c) Advisory Committee members, other than officers or employees of Federal, State, or local governments, shall be, for each day (including traveltime) during which they are performing committee business, entitled to receive compensation at a rate fixed by the Secretary, but not in excess of the maximum rate of pay for grade GS-18 as provided in the General Schedule under section 5332 of title 5 of the United States Code, and shall, notwithstanding the limitations of sections 5703 and 5704 of title 5, United States Code, be fully reimbursed for travel, subsistence, and related expenses.

Mr. METCALF. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. METCALF. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendment to H.R. 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METCALF. Mr. President, I ask unanimous consent that S. 7 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

LINDBERGH'S STORY: "LUCK ISN'T ENOUGH"

Mr. HARRY F. BYRD, JR. Mr. President, one of the most fascinating stories ever read is published in today's New York Times. It is a reprint of Col. Charles A. Lindbergh's own account of his flight across the Atlantic 50 years ago. It was written by Captain Lindbergh on the day he landed in Paris. I ask unanimous consent that this story of the Lindbergh flight be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LINDBERGH'S STORY: "LUCK ISN'T ENOUGH"

(By Captain Charles A. Lindbergh)

PARIS, May 22.—Well, here I am in the hands of American Ambassador Herrick. From what I have seen of it, I am sure I am going to like Paris.

It isn't part of my plans to fly my plane back to the United States, although that doesn't mean I have finished my flying career. If I thought that was going to be the result of my flight across the Atlantic, you may be sure I would never have undertaken it. Indeed, I hope that I will be able to do some flying over here in Europe—that is, if the souvenir hunters left enough of my plane last night.

Incidentally, that reception I got was the most dangerous part of the whole flight. If wind and storm had handled me as vigorously as that Reception Committee of Fifty Thousand I would never have reached Paris and wouldn't be eating a 3-o'clock-in-the-afternoon breakfast here in Uncle Sam's Embassy.

There's one thing I wish to get straight about this flight. They call me "Lucky," but luck isn't enough. As a matter of fact I had what I regarded and still regard as the best existing plane to make the flight from New York to Paris. I had what I regard as the best engine, and I was equipped with what were in the circumstances the best possible instruments for making such efforts. I hope I made good use of what I had.

That I landed with considerable gasoline left means that I had recalled the fact that so many flights had failed because of lack of fuel, and that was one mistake I tried to avoid.

WEATHER ALMOST MADE HIM TURN BACK

All in all, I couldn't complain of the weather. It wasn't what was predicted. It was worse in some places and better in others. In fact, it was so bad once that for a moment there came over me the temptation to turn back. But then I figured it was probably just as bad behind me as in front of me, so I kept on toward Paris.

As you know, we (that's my ship and I) took off rather suddenly. We had a report somewhere around 4 o'clock in the afternoon before that the weather would be fine, so we thought we would try it.

We had been told we might expect good weather mostly during the whole of the way. But we struck fog and rain over the coast not far from the start. Actually, it was comparatively easy to get to Newfoundland, but real bad weather began just about dark, after leaving Newfoundland, and continued until about four hours after daybreak. We hadn't expected that at all, and it sort of took us by surprise, morally and physically. That was when I begin to think about turning back.

Then sleet began, and, as all aviators know, in a sleet storm one may be forced down in a very few minutes. It got worse and worse. There, above and below me, and on both sides, was that driving storm. I made several detours trying to get out of it, but in vain. I flew as low as ten feet above the water and then mounted up to ten thousand feet. Along toward morning the storm eased off, and I came down to a comparatively low level.

I had seen one ship just before losing sight of Newfoundland, and I saw the glow of several others afterward through the mist and storm. During the day I saw no ships until near Ireland.

I had, as I said, no trouble before I hit the storm I referred to. We had taken off at 7:55 in the morning. The field was slightly damp and soft, so the take-off was longer than it would have been otherwise. I had no trouble getting over the houses and trees. I kept out of the way of every obstacle and was careful not to take any unnecessary chances. As soon as I cleared everything, the motor was throttled down to three-fourths and kept there during the whole flight, except when I tried to climb over the storm.

Soon after starting I was out of sight of land for 300 miles, from Cape Cod over the sea to Nova Scotia. The motor was acting perfectly and was carrying well the huge load of 451 gallons of gasoline and 20 gallons of oil, which gave my ship the greatest cruising radius of any plane of its type.

I passed over St. John's, N.F., purposely going out of my way a few miles to check up. I went right through the narrow pass, going down so low that it could be definitely established where I was at that hour. That was the last place I saw before taking to the open sea.

I had made preparations before I started for a forced landing if it became necessary, but after I started I never thought much about the possibility of such a landing. I was ready for it, but I saw no use thinking about it, inasmuch as one place would have been about as good or as bad as another.

Despite the talk about my periscope, I had no trouble in regard to visibility. The view I had on both sides was quite good enough for navigating the ocean, and the purpose of the periscope was only to enable me to see any obstacle directly in front of me. The periscope was useful in starting from New York and landing in Paris. Other than that I used it very little. I kept a map in front of me and an instrument showing practically where I was all of the time.

Shortly after leaving Newfoundland I began to see icebergs. There was a low fog and even through it I could make out bergs clearly. It began to get very cold, but I was well prepared for cold. I had on ordinary flying clothing, but I was down in the cockpit, which protected me, and I never suffered from the weather.

Within an hour after leaving the coast it became dark. Then I struck clouds and decided to try to get over them. For a while I succeeded, at a height of 10,000 feet, I flew at this height until early morning. The engine was working beautifully and I was not sleepy at all. I felt just as if I was driving a motorcar over a smooth road, only it was easier.

Then it began to get light and the clouds got higher. I went under some and over others. There was sleet in all of those clouds and the sleet began to cling to the plane. That worried me a great deal and I debated whether I should keep on or go back. I decided I must not think any more about going back. I realized that it was henceforth only a question of getting there. It was too far to turn back.

THOUGHT OF THE AIR MAIL FLIERS BACK HOME

The engine was working perfectly and that cheered me. I was going along a hundred miles an hour and I knew that if the motor kept on turning I would get there. After that I thought only about navigating, and then I thought that I wasn't so badly off after all.

It was true that the flight was thirty-four hours long, and that at almost any moment in it a forced landing might be what you might call "rather interesting," but I remembered that the flying boys I knew back home spent some hours almost every week in bad flying when a forced landing would have been just as bad for them as a forced landing would have been for me. Those boys don't get credit for it, that's all, and without doubt in a few years many people will be taking just as many chances as I took.

The only real danger I had was at night. In the daytime I knew where I was going, but in the evening and at night it was largely a matter of guesswork. However, my instruments were so good that I never could get more than 200 miles off my course, and that was easy to correct, and I had enough extra gasoline to take care of a number of such deviations. All in all, the trip over the Atlantic, especially the latter half, was much better than I expected.

Laymen have made a great deal of the fact that I sailed without a navigator and without the ordinary stock of navigation instruments, but my real director was my earth inductor compass. I also had a magnetic compass, but it was the inductor compass which guided me so faithfully that I hit the Irish coast only three miles from the theoretic point that I might have hit if I had had a navigator. I replaced a navigator's weight by the inductor compass. This compass behaved so admirably that I am ashamed to hear any one talk about my luck. Maybe I am lucky, but all the same I knew at every moment where I was going.

The inductor compass is based on the principle of the relation between the earth's magnetic field and the magnetic field generated in the airplane. When the course has been set so that the needle registered zero on this compass, any deviation, from any cause would cause the needle to swing away from zero in the direction of the error. By flying the plane with the needle at an equal distance on the other side of zero and for about the same time the error had been committed, the plane would be back on her course again. This inductor compass was so accurate that I really needed no other guide.

"AM I ON THE RIGHT ROAD TO IRELAND?"

Fairly early in the afternoon I saw a fleet of fishing boats. On some of them I could see no one, but on one of them I saw some men and flew down, almost touching the craft and yelled at them, asking if I was on the right road to Ireland.

They just stared. Maybe they didn't hear me. Or maybe they thought I was just a crazy fool

An hour later I saw land. I have forgotten just what time it was. It must have been shortly before 4 o'clock. It was rocky land and all my study told me it was Ireland. And it was Ireland!

I slowed down and flew low enough to study the land and be sure of where I was and, believe me, it was a beautiful sight. It was the most wonderful looking piece of natural scenery I have ever beheld.

After I had made up my mind that it was Ireland, the right place for me to strike rather than Spain or some other country, the rest was child's play. I had my course all marked out carefully from approximately the place where I hit the coast, and you know it is quite easy to fly over strange territory if you have good maps and your course prepared.

FLEW LOW OVER IRELAND SO HE COULD BE SEEN

I flew quite low enough over Ireland to be seen, but apparently no great attention was paid to me. I also flew low over England, mounted a little over the Channel and then came down close to land when I passed a little west of Cherbourg. From Cherbourg I headed for the Seine and followed it upstream.

I noticed it gets dark much later over here than in New York and I was thankful for that. What especially pleased me was the ease with which I followed my course after hitting the coast of Ireland.

When I was about half an hour away from Paris I began to see rockets and very bright lights sent up from the air field, and I knew I was all right.

EIFFEL TOWER LIGHTS COME INTO VIEW

I saw an immense vertical electric sign, which I made out to be the Eiffel Tower. I circled Paris once and immediately saw Le Bourget (the aviation field), although I didn't know at first what it was. I saw a lot of lights, but in the dark I couldn't make out any hangars. I sent Morse signals as I flew over the field, but no one appears to have seen them. The only mistake in all my calculations was that I thought Le Bourget was northeast rather than east of Paris.

Fearing for a moment that the field I had seen—remember I couldn't see the crowd—was some other airfield than Le Bourget, I flew back over Paris to the northwest, looking for Le Bourget. I was slightly confused by the fact that whereas in America when a ship is to land, beacons are put out when floodlights are turned on, at Le Bourget both beacons and floodlights were going at the same time.

I was anxious to land where I was being awaited. So when I didn't find another airfield, I flew back toward the first lights I had seen, and flying low I saw the lights of numberless automobiles. I decided that was the right place, and I landed.

RECEPTION THE MOST DANGEROUS PART OF TRIP

I appreciated the reception which had been prepared for me, and had intended taxiing up to the front of the hangars, but no sooner had my plane touched ground than a human sea swept toward it. I saw there was danger of killing people with my propeller, and I quickly came to a stop.

The reception was the most dangerous part of the trip. Never in my life have I seen anything like that human sea. It isn't clear to me yet just what happened. Before I knew it I had been hoisted out of the cockpit, and one moment was on the shoulders of some men and the next moment on the ground.

It seemed to be even more dangerous for my plane than for me. I saw one man tear away the switch and another took something out of the cockpit. Then, when they started cutting pieces of cloth from the wings, I struggled to get back to the plane, but it was impossible.

CLUBBED BY A GOOD SAMARITAN

A brave man with good intentions tried to clear a way for me with a club. Swinging the club back, he caught me on the back of the head.

It isn't true that I was exhausted. I was tired, but I wasn't exhausted.

Several French officers asked me to come away with them and I went casting anxious glances at my ship. I haven't seen it since but I am afraid it suffered. I would regret that very much because I want to use it again.

But I must remember that crowd did welcome me. Good Lord! There must have been a million of them. Other men will fly the Atlantic as I did, but I think it safe to guess that none of them will get any warmer reception than I got.

Finally I got here to Ambassador Herrick's house and I have certainly been all right since then.

HE DOES WANT TO DO A LITTLE FLYING!

I don't know how long I will stay in Paris. It looks like a good place. I have been asked if I intend to fly back to New York. I don't think I shall try that. But I certainly hope to get to do a little flying over here. Flying is my job and because I did this job successfully it doesn't mean I'm through.

I look forward to the day when transatlantic flying will be a regular thing. It is a question largely of money. If people can be found willing to spend enough to make proper preparations, there is no reason why it can't be made very practical. Of course, there are many things to be studied, one of the important points being whether the single-motor or multimotor ship is best. I understand there is soon to be a transatlantic flight made with a tri-motor plane. [This is evidently a reference to Commander Byrd's projected flight in the America.]

I didn't bring any extra clothes with me. I am wearing a borrowed suit now. It was a case of clothes or gasoline, and I took the gasoline. I have a check on a Paris bank and am going to cash it tomorrow morning, buy shirts, socks, and other things. I expect to have a good time in Paris.

But I do want to do a little flying over here.

COLOR TELEVISION ORDERLY MARKETING AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, the orderly marketing agreement on color television receivers accepted this morning by the President does not deal with the serious objections about the Japanese approach to our marketplace which have been raised by American labor and industry. That approach includes, as I pointed out 2 weeks ago, the possible use of predatory pricing practices by Japanese firms in order to undersell American manufacturers.

Such use of unfair trading practices by Japanese firms could undermine any limited assistance provided the United States color television industry by the newly negotiated orderly marketing agreement.

At my urging and the urging of other Senators I am informed that the Attorney General has initiated an investigation into possible antitrust violations by Japanese color television firms. The Department's findings on this matter will be carefully reviewed by Congress.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. BAYH. Mr. President, I shall take one or two moments to compliment the leader on bringing this matter to the attention of the country a couple weeks ago as well as to the Senate right now.

I was one of those who brought this matter to the attention of the Attorney General. Frankly, I am concerned that the agreement reached would permit too many sets into the country, but that does not go to the question of the kind of techniques and tactics that are being used by the Japanese conglomerates in pricing and limiting the market availability of the sets they do bring into the country. I think when the Attorney General looks at this we will find out that they are selling sets in this country at a cheaper cost than they are selling them in their own country. They are dumping these sets in here. They are in restraint of trade.

I compliment the leader. We lost a lot of jobs and are going to lose a lot more if we do not see that our people who are producing these sets compete on the same basis as the workers in Japan. I compliment the leader.

Mr. ROBERT C. BYRD. Mr. President, I thank the Senator.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 86–240, appoints the Senator from Utah (Mr. GARN) to the Mexico-United States Interparliamentary Conference, to be held in Guaymas, Mexico, May 27–31, 1977.

The Chair, on behalf of the Vice President, pursuant to Public Law 86–42, appoints the Senator from Iowa (Mr. CULVER) to the Canada-United States Interparliamentary Conference, to be held in Victoria, British Columbia, May 27–31, 1977.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, in order that Senators may insert statements, petitions, memorials, resolutions, bills, and so forth, into the RECORD, I ask unanimous consent that there now be a period for the transaction of routine morning business not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:05 a.m., a message from the House of Representatives delivered by Mr. Berry, one of its clerks, announced that the House has passed the bill (H.R. 4301) to authorize appropriartions for the National Sea Grant Program Act during fiscal year 1978, and for other purposes, in which it requests the concurrence of the Senate.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDING OFFICER laid before the Senate the following communications which were referred as indicated:

EC–1366. A letter from the Secretary of Commerce transmitting a draft of proposed legislation to authorize an additional Assistant Secretary of Commerce (with accompanying papers); to the Committee on Governmental Affairs.

PETITIONS

The PRESIDING OFFICER laid before the Senate the following petitions which were referred as indicated:

POM–178. Senate Resolution adopted by the Senate of the State of Alabama memorializing the United States Congress to require by legislation that all beef be labeled as to origin; to the Committee on Agriculture, Nutrition, and Forestry:

"RESOLUTION NO. 178

"Whereas, the Legislature of Alabama, in its knowledge that billions of pounds of beef are imported annually into the United States for domestic consumption, feels strongly that such beef imports are compounding the problems that are facing this country's beef producers, with such competition forcing many cattlemen out of the beef business; and

"Whereas, we are aware further that presently, the American Consumer has no way of knowing whether beef being sold is domestic or imported beef and thus is being denied basic information to which the consumer is entitled; and

"Whereas, we believe that legislation requiring the labeling of beef as either "domestic beef" or "imported beef" would serve to alleviate somewhat the overall financial problems now facing the beef producers of this country; now therefore,

"Be it resolved by the Legislature of Alabama, both Houses thereof concurring, That we hereby memorialize the Congress of the United States to take action immediately toward introducing and enacting the legislation necessary to require that all beef be labeled as either "domestic beef" or "imported beef."

"Be it further resolved, That copies of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of the Alabama Congressional Delegation."

POM–179. House Joint Resolution No. 29 adopted by the Legislature of the State of Montana requesting the Congress of the United States and the Secretary of Defense to provide for the conduct of political campaigns on the grounds of Malmstrom Air Force Base; to the Committee on Armed Services:

"HOUSE JOINT RESOLUTION NO. 29

"Whereas, voting precinct 28A in Cascade County, Montana, is predominantly composed of Malmstrom Air Force Base; and

"Whereas, the Commander of Malmstrom Air Force Base has forbidden the conduct of political campaigns by candidates and their supporters on the base grounds; and

"Whereas, this ban on political campaigns deprives the residents and workers of Malmstrom Air Force Base of a significant opportunity to participate in the very democratic process they are constantly defending; and

"Whereas, the Legislature of Montana desires that all of its citizens be afforded an opportunity to participate equally in elections.

"Now, therefore, be it resolved by the Senate and the House of Representatives of the State of Montana: That the Senate and the House of Representatives request the Congress of the United States and the Secretary of Defense to exercise their lawful authority and provide for the conduct of political campaigns on Malmstrom Air Force Base by candidates for public office.

"Be it further resolved that the Secretary of State of Montana shall send a copy of this resolution to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Montana Congressional Delegation, the Secretary of Defense, the Commander of Malmstrom Air Force Base, and the County Commissioners of Cascade County."

POM–180. Senate Joint Resolution No. 32 adopted by the Legislature of the State of Utah memorializing the Congress of the United States in investigating telephone competition and interconnection; to the Committee on Commerce, Science, and Transportation:

"SENATE JOINT RESOLUTION NO. 32

"Whereas, increased competition within the telecommunications industry and its effect on basic residential telephone rates is a mater of great public concern; and

"Whereas, much discussion has been generated regarding the possible benefits of such competition to the large users of telephone communications services and to the manufacturers of customer-provided devices; and

"Whereas, these discussions have indicated that the widespread use of private transmission services and customer-provided devices may cause increased costs for residual telephone service, with the result that much if not all the increased costs will, of necessity, be paid by the utilities' small business and residential customers, including persons in lower income groups and those on fixed incomes; and

"Whereas, it is the duty of every public utility servicing Utah customers to furnish such adequate, efficient, just and reasonable service, instrumentalities, equipment and facilities as are necessary to promote the safety, health, comfort and convenience of its patrons; and

"Whereas, it has come to the attention of the members of this legislature that the United States Congress has had under its consideration legislation concerning possible limitations on competition in the telecommunications industry.

"Now, therefore, be it resolved, that the 42nd Legislature of the State of Utah does hereby express its interest and concern regarding the Congressional investigation into telephone competition and interconnection.

"Be it further resolved, that Congress is requested to include in its deliberations a full inquiry into the possible economic impact of any action it may contemplate, with the view of providing complete assurance that its action will not have an adverse effect on telephone rates applicable to the general public, and particularly to low-income individuals and small businesses, so that the public interest will be served.

"Be it further resolved, that the Federal Communication Commission is requested to delay full implementation of its policies fostering competition until Congress has had the opportunity to complete its investigation and to develop national policy.

"Be it further resolved, that copies of this resolution be forwarded to the President and Vice-President of the United States, to the President of the Senate, to the Speaker of the House of Representatives, to each member of Utah's Congressional Delegation, to the Chairman of the Federal Communications Commission, and to the Governor of the State of Utah."

POM-181. House Resolution No. 269 adopted by the General Assembly of the Commonwealth of Pennsylvania memorializing Congress to reaffirm the stated national communications policy of "Universal service," the provision of high-quality, low-cost telephone service to the maximum number of people; to the Committee on Commerce, Science, and Transportation:

House Resolution No. 269

"Whereas, The objective of the Federal Communications Act of 1934 is to assure the widest possible availability of basic telephone service at the lowest practicable cost to the consumer; and

"Whereas, The near-universality of telephone service in the United States attests to the wisdom of this national policy of promoting an integrated switched communications network with end-to-end service responsibility; and

"Whereas, In recent years the Federal Communications Commission, which was created by the 1934 act, made several decisions which have upset the traditional service responsibility of the telephone industry; and

"Whereas, The Federal Communications Commission policy may permit the direct connection of nonutility-provided telephone instruments, PBX's, and other types of terminal equipment to the telephone network; and

"Whereas, The Federal Communications Commission also permits "specialized common carriers" to provide intercity private-line telephone service over selected routes carrying extremely heavy traffic which is highly profitable; and

"Whereas, These decisions were adopted without analyzing the long term economic effect of such "competition" on the telephone industry; and

"Whereas, These policies have begun to erode the revenues of telephone companies and an acceleration of this process will force the companies to seek new rates, causing residential and small business customers to pay higher rates or do without telephone service; and

"Whereas, The net effect of the Federal Communications Commission policies reduces the subsidies provided to basic telephone service by revenues from long distance calling, business communications service and various optional services; and

"Whereas, These subsidies have kept the rates for basic telephone service lower than they otherwise would be, reflecting the stated objectives of the Federal Communications Act of 1934 to assure the widest possible availability of basic telephone services; and

"Whereas, A recent research study sponsored by the United States Independent Telephone Association indicates that the two types of so-called "competition" authorized by the Federal Communications Commission would result in rate increases of as much as 60% to residential customers and 56% to business users of basic telephone service within 10 years, exclusive of inflation; therefore be it

"Resolved (the Senate concurring), That the General Assembly of the Commonwealth of Pennsylvania memorialize Congress of the United States to reaffirm the stated national communictions policy of "universal service," the provision of high-quality, low-cost telephone service to the maximum number of people; and be it further

"Resolved, That Congress is requested to reaffirm the authority of the State Public Utilities Commissions to regulate the interconnection to the communications network of non-utility provided equipment utilized in local telephone service; and be it further

"Resolved, That copies of this resolution be transmitted to the presiding officers of each House of the Congress of the United States and to each Senator and Representative from Pennsylvania in the Congress of the United States."

POM-182. A concurrent resolution adopted by the Legislature of the State of South Carolina memorializing Congress to enact such legislation as will encourage research and development of alternate sources of energy; to the Committee on Energy and Natural Resources:

Concurrent Resolution No. 182

"Whereas, the winter of 1976–77 has been one of the worst winters in the history of the United States; and

"Whereas, because of this harsh winter, severe shortages of energy have developed in many parts of the country; and

"Whereas, parts of the northeast, midwest and south have in particular experienced severe shortages of natural gas; and

"Whereas, this shortage has put thousands of people temporarily out of work and has threatened the health and safety of huge segments of our population; and

"Whereas, even if more natural gas and other available energy supplies can be located and provided to consumers, it will be necessary in the long run to develop alternate sources of energy if a recurrence of the current energy crisis is to be prevented. Now, therefore, be it

"Resolved by the House of Representatives, the Senate concurring: That the Congress of the United States be memorialized to enact such legislation as will encourage research and development of alternate sources of energy for the purpose of insuring that sufficient supplies of energy will be available in the future in all parts of the United States regardless of season. Be it further

"Resolved that a copy of this resolution be forwarded to the President of the United States, to each United States Senator from South Carolina, each member of the House of Representatives of Congress from South Carolina, the Senate of the United States and the House of Representatives of the United States."

POM-183. Resolution No. 281 adopted by the Legislature of the State of Alabama memorializing Congress to allow regulation of surface mining of coal to remain in the hands of the States; to the Committee on Energy and Natural Resources:

"Resolution 281

"Whereas, coal is our nation's most abundant fossil fuel; and

"Whereas, our nation faces an energy crisis of potentially devastating proportions, with coal being the only reliable and proven energy source available to meet our needs for the foreseeable future; and

"Whereas, over one-half of our total coal production now comes from surface mines; and

"Whereas, recognizing the necessity to properly control surface mining and reclamation operations, Alabama and thirty-seven other states, including all major coal-producing states, now have surface mining laws; and

"Whereas, these laws are based on the desires and judgments of the citizens of the respective states, taking into account differences in climate, terrain, coal quality and quantity, transportation facilities, and other unique considerations; and

"Whereas, there is overwhelming evidence that House Resolution 2 and similar bills before the Congress would result in reduced coal production, greater dependence upon foreign oil, increased unemployment in the coal-producing counties of Alabama and other states, and unnecessary economic disruptions throughout our nation; and

"Whereas, the United Mine Workers of America voted overwhelmingly on September twenty-nine, nineteen hundred seventy-six, at their Cincinnati, Ohio, convention to withdraw their previous support of federal coal and surface mining legislation; now, therefore, be it

"Resolved by the Legislature of Alabama, both Houses thereof concurring, That regulation of coal surface mining and reclamation should remain the exclusive responsibility of the several states, and that Congress should refrain from forcing federal intrusion into this area which is, and ought to remain, a matter properly under the control of those citizens directly affected; and, be it

"Resolved further, That the Secretary of the Senate is hereby instructed to send copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, the Secretary of the Interior, and the members of the Alabama delegation to the United States Congress as an expression of the sense of this body."

POM-184. Legislative Resolution 79 adopted by the Legislature of the State of Nebraska expressing support for the proposal by Alaskan Arctic Gas Pipeline Company and its companion projects to construct and operate a pipeline to transport arctic natural gas reserves; to the Committee on Energy and Resources:

"Legislative Resolution 79

"Whereas, natural gas supplies nearly one-third of the nation's total energy requirements, representing more than forty per cent of the energy produced domestically, and constitutes over one half of all the fuel used by industry; and

"Whereas, the natural gas shortage is critical and proven reserves of natural gas have fallen twenty-three per cent in just six years and production from these reserves is falling severely; and

"Whereas, the Arctic Gas Pipeline Company proposal for a 2,600-mile large diameter pipeline to transport the very large volumes of natural gas from reserves from the Alaskan Prudhoe Bay and Canadian Mackenzie River

Delta areas offers the American consumer the most gas at the cheapest cost, and conserves the most gas through a more efficient transportation system which uses less gas in transportation than any alternative method; and

"Whereas, the Arctic Gas proposal and its companion systems—Northern Border Pipeline on the eastern leg and Pacific Gas Transmission Company Pipeline and Interstate Transmission Associates (Arctic) Pipeline on the western leg—offer not only the availability of more gas but also maximum benefits to local, state and federal governments, as well as more work opportunities in constructing the Arctic Gas and companion pipelines.

"Now, therefore, be it resolved by the members of the Eighty-fifth Legislature of Nebraska, first session:

"1. That the Legislature of the State of Nebraska by this Resolution, expresses its support for the proposal by Alaskan Arctic Gas Pipeline Company and its companion projects, to construct and operate a pipeline to transport arctic natural gas reserves.

"2. That the Legislature of the State of Nebraska by this Resolution, urges the Congress of the United States, the President of the United States, the Secretary of the Interior and the Federal Power Commission to use all lawful and feasible procedures to grant appropriate governmental approvals to the applications of Alaskan Arctic Gas and its United States companion projects, on as prompt a schedule as is possible, and preferably in 1977.

"3. That the Clerk of the Legislature is hereby directed to forthwith transmit a copy of this Resolution to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives of the United States, the President Pro Tempore of the Senate of the United States, the United States Senator and Representatives from the State of Nebraska, the Secretary of the Interior of the United States and the Secretary and each member of the Federal Power Commission."

POM-185. Resolution No. 173 adopted by the City Council of Philadelphia, Pennsylvania urging the Carter Administration to authorize U.S. trade negotiators to renew the Multifiber Textile Arrangement (MFA) for another five years: to the Committee on Finance.

POM-186. Senate Resolution No. 1977-33 adopted by the Senate of the State of Washington urging that there be no relinquishment or surrender of any essential national interest of the United States or any essential right, power, authority, or property, tangible or intangible in respect to the Panama Canal; to the Committee on Foreign Relations:

"SENATE RESOLUTION 1977-33

"Whereas, United States diplomatic representatives are presently engaged in negotiations with representatives of the government of Panama, under a declared purpose of establishing a new treaty relationship between the United States and Panama; and

"Whereas, The United States since 1903 has continuously occupied and exercised control over the Zone, constructed the Canal, and since 1914, for a period of sixty years, operated the Canal in a highly efficient manner without interruption, under the terms of the Hay-Pauncefote Treaty of 1901, the Hay-Bunau-Varilla Treaty of 1903, and the Thomson-Urrutia Treaty of April 6, 1914, making a total investment in the Canal, including defense, at a cost to the taxpayers of the United States of over $5,695,745,000; and

"Whereas, The United States House of Representatives, 86th Congress, on February 2, 1960, adopted House Concurrent Resolution 459, reaffirming the authority of the United States over the Zone territory by the overwhelming vote of 382 to 12, thus demonstrating the firm determination of our people that the United States maintain its jurisdiction over the Canal and the Zone; and

"Whereas, The Panama Canal is essential to the defense and national security of the United States, and is of vital importance to the economy and interoceanic commerce of the United States with the remainder of the free world;

"Now, therefore, be it resolved, By the Senate, that there be no relinquishment or surrender of any essential national interest of the United States or any essential right, power, authority, or property, tangible or intangible; and

"Be it further resolved, That the elements of essential United States national interest shall be: (1) The right to defend the Canal and to intervene unilaterally to accomplish this before or after the termination of any treaty; (2) the right to expand capacity on such Canal or build a sea-level canal when necessary; (3) the right to use the Canal on an unrestricted basis before or after termination of the treaty; and (4) the right to operate the Canal for the duration of the treaty;

"And be it further resolved, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Honorable Jimmy Carter, President of the United States; Mr. Cyrus R. Vance, United States Secretary of State; the President of the United States Senate; the Speaker of the House of Representatives; and each member of Congress from the State of Washington."

POM-187, Senate Joint Resolution No. 9 adopted by the Legislature of the State of California memorializing Congress to designate, and the President to proclaim, the second Sunday in April of each year as Grandparents' Day; to the Committee on the Judiciary:

"SENATE JOINT RESOLUTION NO. 9

"Whereas, At the present, the nation observes Mother's Day and Father's Day, in May and June of each year, respectively; and

"Whereas, To be a parent or a grandparent is to come very near the heart of life itself and to share with one's own children and grandchildren a unique personal relationship; and

"Whereas, The importance of family units have been well recognized since time immemorial and the American citizens have given a public expression of reverence to mothers and fathers; and

"Whereas, Our identity in name and nature, our roots in home and family, and the important contributions of grandparents should be recognized in this country as a part of a very vital role in the shaping of close knit family units; and

"Whereas, Such contributions are deserving of the highest commendation and recognition by designating the second day in April of each year as Grandparents' Day; now therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to designate, and the President of the United States to proclaim, the second Sunday in April of each year as Grandparents' Day; and be it further

"*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-188. A resolution adopted by the General Assembly of the State of Rhode Island making application to the Congress of the United States by the State of Rhode Island and Providence Plantations for the calling of a convention for proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary:

"RESOLUTION

"Resolved, That the general assembly of the state of Rhode Island and Providence Plantations pursuant to Article V of the Constitution of the United States hereby makes application to the Congress of the United States for the calling of a convention for the sole and exclusive purpose of proposing an amendment to the Constitution of the United States which shall provide:

"(a) With respect to the right to life guaranteed in the United States Constitution, that every human being subject to the jurisdiction of the United States or any state shall be deemed from the moment of fertilization to be a person and entitled to the right to life.

"(b) That Congress and the several states shall have concurrent powers to enforce such an amendment by appropriate legislation, and be it further

"*Resolved,* That this application shall constitute a continuing application for such convention pursuant to Article V until the legislatures of two-thirds of the states shall have made like applications and such convention shall have been called by the congress of the United States unless previously rescinded by this general assembly; and be it further

"*Resolved,* That certified copies of this resolution be presented forthwith to the president of the senate and the speaker of the house of representatives of the United States and to the legislatures of each of the several states attesting the adoption of this resolution by the general assembly of the state of Rhode Island."

POM-189 House Joint Resolution Number 2 adopted by the Legislature of the State of Arkansas making an application to the Congress of the United States for the calling of a convention for proposing an amendment to the Constitution of the United States to provide that every human subject to the jurisdiction of the United States be entitled to the right to life guaranteed in the United States Constitution; to the Committee on the Judiciary:

"Whereas, the Constitution of the United States guarantees the right to life, and this right to life should be proclaimed to exist from the moment of conception or fertilization; and

"Whereas, the Constitution of the United States provides that upon application of the legislatures of two-thirds of the states, the U.S. Congress shall call a consitutional convention for proposing constitutional amendments.

"Now therefore, be it resolved by the House of Representatives of the seventy-first general assembly of the State of Arkansas, and by the Senate, a majority of the members of each House agreeing thereto:

"SECTION 1. The State of Arkansas hereby applies to the Congress of the United States of America, under the authority granted in Article V of the United States Constitution, to call a convention for the purpose of proposing an amendment to the United States Constitution and to do the following:

"(a) With respect to the right to life guaranteed in the United States Constitution, to provide that every human being subject to the jurisdiction of the United States or any State shall be deemed from the moment of fertilization to be a person and entitled to the right to life.

"(b) To provide that Congress and the several States shall have concurrent powers to enforce such an amendment by appropriate legislation.

"SECTION. 2. The constitutional convention applied for herein shall be held for the sole purpose of considering a constitutional amendment described in Section 1 hereof.

"Section 3. Copies of this Resolution shall be sent to the legislatures of all the States, to the clerk of the United States House of Representatives and the Secretary of the Senate in Washington, D.C., requesting the several States to also pass an identical application to the United States Congress so as to meet the constitutional requirements for application for such a convention by two-thirds of the States."

POM-190. A resolution adopted by the General Assembly of the State of Rhode Island making an application to the Congress of the United States for the calling of a convention for the sole and exclusive purpose of proposing an amendment to the Constitution of United States with respect to the right to life; to the Committee on the Judiciary:

"RESOLUTION

"Resolved, That the general assembly of the state of Rhode Island and Providence Plantations pursuant to Article V of the Constitution of the United States hereby makes application to the Congress of the United States for the calling of a convention for the sole and exclusive purpose of proposing an amendment to the Constitution of the United States which shall provide:

"(a) With respect to the right to life guaranteed in the United States Constitution, that every human being subject to the jurisdiction of the United States or any state shall be deemed from the moment of fertilization to be a person and entitled to the right to life.

"(b) That Congress and the several states shall have concurrent powers to enforce such an amendment by appropriate legislation, and be it further

"Resolved, That this application shall constitute a continuing application for such convention pursuant to Article V until the legislatures of two-thirds of the states shall have made like applications and such convention shall have been called by the Congress of the United States unless previously rescinded by this general assembly; and be it further.

"Resolved, That certified copies of this resolution be presented forthwith to the president of the Senate and the Speaker of the House of Representatives of the United States and to the legislatures of each of the several states attesting the adoption of this resolution by the general assembly of the state of Rhode Island."

POM-191. Resolution No. 11 adopted by the Legislature of the Territory of Guam relative to congratulating and commending the Honorable Hiram Leong Fong, United States Senator for his distinguished service in the Senate and his efforts on behalf of the people of Guam; ordered to lie on the table:

"RESOLUTION No. 11

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, Honorable Hiram L. Fong, U.S. Senator from the State of Hawaii, has decided to retire after 18 years of dedicated service in the U.S. Senate; and

"Whereas, during the period of his tenure, Senator Fong has often represented Guam's best interests in the United States Senate, supporting favorable programs for the people of Guam and consistently showing a keen interest in their welfare; and

"Whereas, the University of Guam on behalf of itself and the people of Guam evidenced the people's appreciation of Senator Fong's efforts on their behalf by presenting him an Honorary Doctorate Degree; and

"Whereas, the support of Senator Fong was the key factor in Senate approval of Presidential appointments of Governor Carlos G. Camacho, the last appointed Governor of Guam, Kurt S. Moylan, Secretary of Guam, Cristobal C. Duenas, United States Federal District Judge, U.S. Marshals, John T. San Agustin and Juan C. San Agustin, and Selective Service Directors, Antonio Q. Sablan and Lorenzo C. Aflague; and

"Whereas, the support of Senator Fong was a significant factor in deferring attempts by the Navy to reduce SRF Guam to caretaker status; and

"Whereas, the Honorable Hiram Fong will be sorely missed as a dedicated public servant by the people of Hawaii, his colleagues in the Senate and the people of Guam; now, therefore, be it

"Resolved, that the Fourteenth Guam Legislature does hereby on behalf of the people of Guam commend and congratulate the Honorable Hiram L. Fong for his long and distinguished service in the Senate and his efforts on behalf of the people of Guam; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Honorable Hiram Leong Fong; the President of the U.S. Senate; the Governor of the State of Hawaii; the Legislature of the State of Hawaii; the Speaker, U.S. House of Representatives; the Honorable Antonio B. Won Pat; Chairman of the Board of Regents, University of Guam and to the Governor of Guam."

POM-192. Senate Joint Resolution No. 12 adopted by the Legislature of the State of Nevada urging the United States Department of Defense to discontinue consideration of Nevada as a site for project Seafarer or any successor project; to the Committee on Armed Services:

"Senate Joint Resolution No. 12

"Whereas, The Defense Appropriations Bill of 1975, Report No. 93-1255, indicates that the Congress of the United States intends to have the Seafarer antenna system of the United States Navy installed in a state only upon the concurrence of that state and its affected local governments; and

"Whereas, Various studies and environmental impact statements related to project Seafarer make it clear that emplacement of such an antenna system in the State of Nevada would have potentially severe economic, environmental and health impacts on this state; and

"Whereas, The governor of Nevada has on two occasions informed the United States Department of Defense that Nevada does not concur with plans for location of such a system within the state; and

"Whereas, The United States Department of the Navy has continued to develop plans for emplacement of the Seafarer antenna system in Nevada in spite of repeated objections by the people of this state; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of Nevada, jointly*, That the legislature of the State of Nevada urges that neither the Seafarer antenna system nor any successor antenna system be emplaced on any land within the State of Nevada and that the Department of Defense discontinue consideration of Nevada as a site for project; and be it further

"*Resolved*, That a copy of this resolution be prepared and transmitted by the legislative counsel to the President of the United States, the Secretary of Defense, the Vice President as presiding officer of the Senate, the Speaker of the House of Representatives, and all members of the Nevada congressional delegation; and be it further

"*Resolved*, That this resolution shall become effective upon passage and approval."

POM-193. Senate Joint Resolution No. 18 adopted by the Legislature of the State of Nevada memorializing the President of the United States to appoint a mineral affairs adviser to the White House Staff; to the Committee on Energy and Natural Resources:

"SENATE JOINT RESOLUTION No. 18

"Whereas, One-half of the earth's natural resources are minerals; and

"Whereas, This nation's high standard of living, based almost entirely upon a sophisticated industrial and technological foundation, is dependent upon mineral resources; and

"Whereas, The national defense and economic security and well-being of this country depend upon an adequate and assured supply of minerals; and

"Whereas, Problems surrounding mineral resources and supplies are distinct from those which relate to other aspects of this nation's economy; and

"Whereas, This country needs a national and comprehensive mineral resources policy; and

"Whereas, The President of the United States should have access to a knowledgeable mineral affairs adviser; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of Nevada, jointly*, That the legislature hereby respectfully memorializes the President of the United States to recognize the value and critical importance of mineral resources and to appoint a mineral affairs adviser to the White House staff; and be it further

"*Resolved*, That copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the President of the United States, the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, the chairmen of the Interior Committees of Congress and to all members of the Nevada congressional delegation; and be it further

"*Resolved*, That this resolution shall become effective upon passage and approval.

POM-194. Senate Joint Resolution No. 26 adopted by the Legislature of the State of Nevada memorializing the Congress of the United States to direct certain federal agencies to contract with Nevada for the administration of certain federal lands; to the Committee on Energy and Natural Resources:

"SENATE JOINT RESOLUTION No. 26

"Whereas, The Federal Government possesses over 60 million acres or 87 percent of the land in the State of Nevada, the seventh largest state in the Union, and only 11 percent of this land is dedicated to and used for national purposes; and

"Whereas, The United States Department of the Interior manages over 48 million acres or 69 percent of the land in the State of Nevada through the Bureau of Land Management, and none of this land is dedicated to or used for national purposes; and

"Whereas, The United States Department of Agriculture manages over 5 million acres or 7.2 percent of the land in the State of Nevada through the U.S. Forest Service, and this activity is only tenuously related to any national purpose; and

"Whereas, The sound political theory of the founding fathers of this Union was that the Federal Government should manage national affairs and the several States should manage local affairs, and that this theory was to be effectuated through the Constitution of the United States; and

"Whereas, James Madison explained these intentions of the founding fathers in The Federalist No. 45, in which he wrote, "The powers reserved to the several States will extend to all the objects, which, in the ordinary course of affairs, concern the lives, liberties and properties of the people; and the internal order, improvement and prosperity of the state"; and

"Whereas, The massive presence of the Bureau of Land Management and the Forest Service in the State of Nevada is a presence without a purpose, which has contributed very little to the internal order, improvement or prosperity of this state; and

"Whereas, This presence without purpose has been and continues to be a source of constant friction and animosity between the people of the State of Nevada and their Federal Government; and

"Whereas, The Congress of the United States has recently taken a new approach to increasing internal order within the public land states, by permitting the Secretary of the Interior, pursuant to the BLM Organic Act, 43 U.S.C. § 1733(c), to contract with state and local governmental law enforcement agencies for the enforcement of federal laws on the public lands; and

"Whereas, The Congress has recently taken a new approach to improving the usefulness of federal projects in the public land states, by permitting the Secretary of the Interior, pursuant to 16 U.S.C. § 4601–12 et seq., to contract with state and local governmental agencies for the management of programs to enhance fish and wildlife and to provide outdoor recreation on Bureau of Reclamation projects, as was done in the contract of March 12, 1976, with the Nevada state park system to manage recreational facilities at the Lahontan Reservoir; and

"Whereas, The Congress has recently taken a new approach to increasing the prosperity of the public land states, by permitting the Secretary of the Interior, pursuant to the BLM Organic Act, 43 U.S.C. § 1737, to enter into contracts and cooperative agreements for the management of the public lands, as was done in the recent agreement with the State of Wyoming to manage surface coal mining operations both on federal lands and on private lands in which the Federal Government has retained mineral rights; and

"Whereas, The Nevada legislature believes that the new congressional approach of state management of federal lands will not only minimize that federal presence which is without national purpose, but will also contribute significantly to the internal order, improvement and prosperity of the public land states, the very objective which James Madison and the founding fathers intended to be achieved by the Constitution; now, therefore, be it

"Resolved, by the Senate and Assembly of the State of Nevada, jointly, That the legislature, without abrogating Nevada's claims to title of the public lands in this state, hereby memorializes the Congress of the United States to continue expanding its new approach to the management of federal lands, by enacting legislation which directs the Secretary of the Interior and the Secretary of Agriculture to contract with the State of Nevada and the other public land states for management by those states of grazing lands, forest lands and any other of the federal lands which the Congress determines can be effectively managed by the states; and be it further

"Resolved, That the states which do manage federal lands should enforce federal laws, or state laws which are at least as stringent as federal laws, for the preservation, protection and use of the lands; that the states which manage federal lands should be reimbursed for their costs of administration; and that the multiple-use concept should continue to be the principal policy of federal land management; and be it further

"Resolved, That copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, the Chairman of the Energy and Natural Resources Committee of the Senate, the Chairman of the Interior and Insular Affairs Committee of the House of Representatives, and each member of the Nevada congressional delegation; and be it further

"Resolved, That this resolution shall become effective upon passage and approval.

POM–195. Assembly Joint Resolution No. 43 adopted by the Legislature of the State of Nevada memoralizing the Congress promptly to enact legislation to protect cacti and yucca on Federal land; to the Committee on Energy and Natural Resources:

"ASSEMBLY JOINT RESOLUTION No. 43

"Whereas, Hundreds of thousands of cacti and yucca annually are being ripped from deserts in many southwestern states by greedy profiteers; and

"Whereas, Concerned state legislators have enacted statutes to control the removal of cacti and yucca from private lands but states such as Nevada, over 86 percent of whose territory is federally owned land, have large areas which remain unprotected; and

"Whereas, The continued bootlegging of precious and rare cacti and yucca—many species of which grow only 1 or 2 inches a year—will permanently strip southwestern deserts; now, therefore, be it

"Resolved by the Assembly and Senate of the State of Nevada, jointly, That this body respectfully but urgently memoralizes the Congress of the United States to enact legislation to protect cacti and yucca on federal land; and be it further.

"Resolved, That copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the Vice President as presiding officer of the Senate, to the Speaker of the House of Representatives and to all members of the Nevada congressional delegation; and be it further

"Resolved, That this resolution shall become effective upon passage and approval."

POM–196. Assembly Joint Resolution No. 47 adopted by the Legislature of the State of Nevada urging the Congress of the United States to ratify the California-Nevada Interstate Compact; to the Committee on the Judiciary:

"ASSEMBLY JOINT RESOLUTION No. 47

"Whereas, After many years of negotiation, the states of California and Nevada reached final agreement in 1971 on the California-Nevada Interstate Compact; and

"Whereas, Under section 10 of Article I of the Constitution of the United States, and as provided in article 22 of the compact, ratification by the Congress of the United States is required before the compact may become effective; and

"Whereas, Valuable natural resources would be conserved and important agricultural interests would be benefited by congressional ratification; now, therefore, be it

"Resolved by the Assembly and Senate of the State of Nevada, jointly, That the legislature hereby urges the Congress of the United States to ratify the California-Nevada Interstate Compact; and be it further

"Resolved, That copies of this resolution be prepared and transmitted forthwith bv the legislative counsel to the Vice President of the United States as presiding officer of the Senate, to the Speaker of the House of Representatives, and to all members of the Nevada congressional delegation; and be it further

"Resolved, That this resolution shall become effective upon passage and approval."

POM–197. Assembly Joint Resolution No. 59 adopted by the Legislature of the State of Nevada petitioning the Congress of the United States to restrain federally protected free-roaming horses and burros or pay for the damages caused by such animals; to the Committee on Environment and Public Works:

"ASSEMBLY JOINT RESOLUTION No. 59

"Whereas, Approximately 36,000 free-roaming horses and burros have overrun the open range in the State of Nevada; and

"Whereas, The Congress of the United States, in the Wild Free-Roaming Horses and Burros Act of 1971, 16 U.S.C. §§ 1331 et seq., has declared that these non-native horses and burros are wild animals; and

"Whereas, This Act has not changed the nature of these horses and burros, and they continue to behave as livestock or estrays, as the common law and state law regarded them; and

"Whereas, These free-roaming horses and burros have entered and continue to enter private lands, where they trample and destroy private crops, eat privately owned feed intended for domestic livestock, drink water appropriated for the use of livestock and for irrigation, and mingle with and annoy the livestock, and sometimes mate with domestic horses; and

"Whereas, The behavior of these so-called wild horses and burros is similar to that of any privately owned horses which trespass on neighboring property causing substantial damage, for which the owner should be held liable; and

"Whereas, By virtue of the Wild Free-Roaming Horses and Burros Act, these animals have caused and continue to cause substantial damage to ranches and farms in Nevada, for which no one can presently be held liable; and

"Whereas, A rancher or farmer who desires to protect his land from these free-roaming horses and burros must capture and maintain them at his own expense until they are retrieved by the Federal Government; and

"Whereas, The legislature of the State of Nevada believes that it is unfair to the rangers and farmers of this state for the Congress arbitrarily to classify these horses and burros as wild animals and consequently burden the ranchers and farmers with the damage and expense they cause; now, thereore, be it

"Resolved by the Assembly and Senate of the State of Nevada, jointly, That the legislature hereby petitions the Congress of the United States to limit the number of these free-roaming horses and burros and restrain them by erecting fences or to appropriate sufficient money to provide compensation for the damage they cause and provide an agistor's fee to any rancher or farmer who must capture and maintain these animals pending their removal by federal agents; and be it further

"Resolved, That copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House or Representatives, the Chairman of the Energy and Natural Resources Committee of the Senate, the Chairman of the Interior and Insular Affairs Committee of the House of Representatives, and each member of the Nevada congressional delegation; and be it further

"Resolved, That this resolution shall become effective upon passage and approval."

POM–198. A petition from Dorothy W. Goodwin, Kensington, Maryland urging the President and Congress of the United States to stop the surrender of the Panama Canal by the United States of America; to the Committee on Foreign Relations.

POM–199. A petition from Salvatore Pollara, Brooklyn, New York, urging the President and Congress of the United States to stop the surrender of the Panama Canal by the United States of America; to the Committee on Foreign Relations.

POM–200. Senate Joint Resolution No. 23 adopted by the Legislature of the State of Nevada urging the United States Bureau of Land Management and the United States Department of the Interior to take prompt action to reduce the number of wild horses and burros on public lands; to the Committee on Environment and Public Works.

"SENATE JOINT RESOLUTION No. 23

"Whereas, It is estimated that approximately 36,000 head of wild horses and burros run on the open range in Nevada; and

"Whereas, These animals are very heavily concentrated in some areas and are seriously overgrazing the land dominating the limited water supplies; and

"Whereas, These animals are adversely affecting the forage and water available for wildlife and domestic livestock; and

"Whereas, Private lands that are unfenced are suffering severe damage in some areas from overgrazing by wild horses or burros; and

"Whereas, Private water appropriated under state law and improved by drilling wells, installing pipelines or developing spring and seeps, is being used by wild horses and burros; and

"Whereas, Wild horses and burros are reproducing at an ever increasing rate; and

"Whereas, Seven thousand to 10,000 head would have to be removed each year in order to control herd growth, and many more would have to be removed to reduce the herds to the level which existed in 1971; and

"Whereas, Only a few hundred head have been removed in the past year; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of Nevada, jointly,* That the legislature strongly urges the director of the Bureau of Land Management and the Secretary of the Interior to take immediate action to provide for horse and burro gatherings to reduce the number of horses and burros to the level which existed in 1971; and be it further

"*Resolved,* That the provisions of Public Law 94–579 relating to the use of helicopters and motor vehicles for gathering and transporting of horses and burros be carried out immediately; and be it further

"*Resolved,* That the Congress amend Public Law 92–195 to allow transfer of title to persons accepting surplus horses or burros from public lands; and be it further

"*Resolved,* That copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, all members of the Nevada congressional delegation, the Secretary of the Interior and the director of the Bureau of Land Management; and be it further

"*Resolved,* That this resolution shall become effective upon passage and approval."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAYH, from the Committee on the Judiciary:

S. Res. 178. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1231, a bill to raise the limitation on appropriations for the United States Commission on Civil Rights. Referred to the Committee on the Budget.

With an amendment:

S. 1231. A bill to raise the limitation on appropriations for the U.S. Commission on Civil Rights (Rept. No. 95–223).

BILL PLACED ON THE CALENDAR

The bill (H.R. 4301) to authorize appropriations for the National Sea Grant Program Act during fiscal year 1978, and for other purposes, was read twice by its title and placed on the Calendar.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HUDDLESTON:

S. 1575. A bill to establish a voluntary program to provide farmers protection against loss of farm production when natural or uncontrollable conditions adversely affect such production; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ABOUREZK (for himself and Mr. BARTLETT):

S. 1576. A bill to amend the Indian Financing Act of 1974 by revising the appropriations authorization for the Indian business development program; to the Select Committee on Indian Affairs; and

S. 1577. A bill to authorize appropriations for the Indian Claims Commission for fiscal year 1978; to facilitate the transfer of cases from the Indian Claims Commission to the U.S. Court of Claims; and for other purposes; to the Select Committee on Indian Affairs.

By Mr. BENTSEN:

S. 1578. A bill to protect the confidentiality of the identities of certain employees of the Central Intelligence Agency; to the Committee on the Judiciary.

By Mr. HATHAWAY:

S. 1579. A bill to authorize the President to establish a standby gasoline rationing plan; to the Committee on Energy and Natural Resources.

By Mr. MATSUNAGA:

S. 1580. A bill to permit the vessel *Scuba King* to be documented for use in the fisheries and coastwise trade of the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. MATHIAS (for himself and Mr. ABOUREZK):

S. 1581. A bill relating to the protection, management, and control of wild free-roaming horses and burros on Federal lands; to the Committee on Environment and Public Works.

By Mr. HUMPHREY:

S.J. Res. 56. A joint resolution providing that residential subscriber interests, especially those of citizens in rural areas, be protected as competition is permitted in the telecommunications industry; to the Committee on Commerce, Science, and Transportation.

By Mr. MATSUNAGA:

S.J. Res. 57. A joint resolution to provide that June 14, 1977, shall be a legal public holiday, and to authorize and request the President to issue a proclamation designating the period of June 13, 1977, through June 19, 1977, as "Flag Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUDDLESTON:

S. 1575. A bill to establish a voluntary program to provide farmers protection against loss of farm production when natural or uncontrollable conditions adversely affect such production; to the Committee on Agriculture, Nutrition, and Forestry.

FEDERAL FARM PRODUCTION PROTECTION ACT

Mr. HUDDLESTON. Mr. President, I rise today to introduce S. 1575, the Farm Production Protection Act of 1977. This legislation revamps the Federal Crop Insurance Corporation to provide for a crop insurance program that may better meet the needs of the American farmer.

The initial objectives of the Farm Production Protection Act are to extend a program of economic stability to producers of wheat, cotton, corn, barley, grain sorghum, and rice on a national basis upon enactment of the enabling legislation. The next objective is to expand this protection to producers of other major farm products, including livestock, as rapidly as the Secretary of Agriculture and Board of Directors of the Farm Production Protection Corporation develop an appropriate actuarial structure.

The primary purpose of any crop insurance proposal is to assist in assuring an annual national supply of food and fiber of sufficient volume to meet domestic consumption and export demands and to permit a viable balance of agricultural products for trade.

Further, it will assure a strong and substantial rural and urban financial structure at all levels to maintain a healthy agricultural economy. This economic protection will virtually guarantee the consumer of agriculture products in the marketplace of a plentiful supply of food and fiber.

It is the intent of this bill to provide a vehicle to forge a united disaster assistance program, at a minimal cost, which will permit immediate Federal action to alleviate farm financial problems caused by natural disasters.

Accomplishment of these objectives will be through the formation of the Farm Production Protection Corporation which will be managed by a Board of Directors appointed by the Secretary of Agriculture and composed of active farm producers, a private insurance representative and officials of the Department of Agriculture in order to properly represent all interested parties, including the consumer.

Financing under this legislation, during ordinary or nondisaster conditions, will be by subscription of $300 million capital stock, premiums paid by participating farmers, and appropriated funds for operating expenses.

Previous experience under the Federal Crop Insurance Act has fully demonstrated the feasibility of this financing concept since premiums paid by farmers from 1948 through 1976 have been equal to indemnities incurred for losses.

In the event of catastrophic and disaster-type loss situations, such as have occurred in areas stricken by drought in 1976, and other recent years, the Secretary of Agriculture is empowered to expend whatever funds necessary to meet the needs of the immediate situation in a timely manner.

These expenditures will not be permitted to increase the premium costs or reduce the protection guarantees to participating farmers. This will prevent making the program cost prohibitive to participants and assure a continuation of the economic stability and protection needed in disaster areas.

Mr. President, I am not suggesting that this bill is the ultimate solution to the crop insurance enigma. As far as I am concerned, not one word of it is cast in concrete. It is merely another proposal in a long list of proposals. In fact, I am working on another crop insurance proposal which I hope to have ready for introduction before the Memorial Day recess.

As chairman of the Senate Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices, I intend to hold hearings beginning this summer on all of these crop insurance proposals. I have an open mind on the subject and am willing to work with persons or groups interested in improving the current programs to better meet the needs of the American farmer.

Mr. President, I ask unanimous consent that S. 1575 and the section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1575

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Farm Production Protection Act of 1977".

DECLARATION OF PURPOSE

SEC. 2. It is the purpose of this Act to improve the economic stability of agriculture through a system of protecting farmers against loss of farm production when natural or uncontrollable conditions adversely affect such production and providing the means for research and experience helpful in devising and establishing such protection.

DEFINITIONS

SEC. 3. When used in this Act, except where the context requires otherwise—

(a) the term "Department of Agriculture" means the United States Department of Agriculture;

(b) the term "Secretary" means the Secretary of Agriculture of the United States;

(c) the term "Corporation" means the Farm Production Protection Corporation;

(d) the term "Board" means the Board of Directors of the Farm Production Protection Corporation;

(e) the term "agricultural products" means wheat, cotton, flax, corn, dry beans, oats, barley, rye, tobacco, rice, peanuts, soybeans, sugar beets, sugar cane, timber and forests, nursery stocks, potatoes and other vegetables, citrus and other fruits, tame hay, livestock and poultry commercially produced for food or fiber, and any other agricultural product, and any aquacultural product, as determined by the Board, or any one or more of such products, as the context indicates;

(f) the term "normal production loss" means loss of production by a person protected under this Act during a time period in which the overall production in the area or county in which such person is located does not fall below normal production levels for such area or country, as determined by the Board by appying sound actuarial principles;

(g) the term "catastrophic production loss" means loss of production by a person protected under this Act during a time period in which the overall production in the area or county in which such person is located falls below normal production levels for such area or county, due to drought, flood, or other natural disaster or condition beyond the control of producers, as determined by the Board by applying sound actuarial principles; and

(h) the term "production costs" means the costs to a producer of producing an agricultural product, as determined by the Board by applying sound actuarial principles, and may include, but is not limited to, the following specific costs—

(1) direct or variable costs such as labor, power, seed, fertilizer, and chemicals, custom services, irrigation, crop drying, interest on operating capital, other materials, and machine ownership costs such as charges for replacement of machinery, and interest, insurance, and taxes on machinery;

(2) charges for overhead costs such as personal property taxes, electricity, sales taxes, insurance, farm auto costs, and other such costs not directly related to the production of a specific agricultural product;

(3) a charge for management; and

(4) land charges such as share rent, cash rent, and acquisition costs.

CREATION OF FARM PRODUCTION PROTECTION CORPORATION

SEC. 4. To carry out the purposes of this Act, there is hereby created a body corporate with the name "Farm Production Protection Corporation" which shall be an agency and instrumentality of the United States within the Department of Agriculture. The Corporation shall be subject to the general supervision and direction of the Secretary. The principal office of the Corporation shall be located in the District of Columbia, but there may be established agencies or branch offices elsewhere in the United States under rules and regulations prescribed by the Board.

CAPITAL STOCK

SEC. 5. (a) The Corporation shall have a capital stock of $300,000,000 subscribed by the United States of America, payment for which shall, with the approval of the Secretary, be subject to call in whole or in part by the Board.

(b) There is hereby authorized to be appropriated such sums as are necessary for the purpose of subscribing to the capital stock of the Corporation.

(c) Receipts for payment by the United States of America for or on account of such stock shall be issued by the Corporation to the Secretary of the Treasury and shall be evidence of the stock ownership by the United States of America.

MANAGEMENT OF THE CORPORATION

SEC. 6. (a) The management of the Corporation shall be vested in a Board of Directors subject to the general direction and supervision of the Secretary. The Board shall consist of the manager of the Corporation, two other persons employed by the Department of Agriculture (including a person whose duties include providing services to consumers), one person experienced in the insurance business who is not otherwise employed by the Federal Government, and three active farmers who are not otherwise employed by the Federal Government. The Board shall be appointed by, and hold office at the pleasure of, the Secretary. The Secretary shall not be a member of the Board.

(b) Vacancies in the Board so long as there shall be four members in office shall not impair the powers of the Board to execute the functions of the Corporation, and four of the members in office shall constitute a quorum for the transaction of the business of the Board.

(c) The Directors of the Corporation who are employed in the Department of Agriculture shall receive no additional compensation for their services as such Directors, but may be allowed necessary traveling and subsistence expenses when engaged in the business of the Corporation away from their duty stations. The Directors of the Corporation who are not employed by the Federal Government shall be paid such compensation for their services as directors as the Secretary shall determine but such compensation shall not exceed the daily equivalent of the rate prescribed for grade GS-18 in section 5332 of title 5 of the United States Code per day when actually employed, and actual necessary traveling and subsistence expenses or a per diem allowance in lieu of subsistence expenses, as authorized by section 5703 of title 5 of the United States Code for persons in Government service employed intermittently, when on business of the Corporation away from their homes or regular places of business.

(d) The manager of the Corporation shall be its chief executive officer, with such power and authority as may be conferred on the manager by the Board. He shall be appointed by, and hold office at the pleasure of the Secretary.

GENERAL POWERS OF THE CORPORATION

SEC. 7. The Corporation—

(a) shall have succession in its corporate name;

(b) may adopt, alter, and use a corporate seal, which may be judicially noted;

(c) may make contracts and purchase or lease and hold such real and personal property as it deems necessary or convenient in the transaction of its business, and may dispose of such property held by it upon such terms as it deems appropriate;

(d) subject to the provisions of section 9(d) of this Act, may sue or be sued in any district court of the United States, including any district court of the District of Columbia or of any territory or possession, and exclusive original jurisdiction is hereby conferred on such district courts to determine such controversies without regard to the amount in controversy, except that no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Corporation or its property. Any suit against the Corporation shall be brought in the District of Columbia, or in the district in which the plaintiff resides or is engaged in business. The Corporation may, in addition, intervene in any other court in any suit, action, or proceeding in which it has an interest.

(e) may adopt, amend, and repeal bylaws, rules, and regulations governing the manner in which its business may be conducted and the powers vested in it by law may be exercised;

(f) shall be entitled to use the United States mails in the same manner as the other executive agencies of the Federal Government;

(g) with the consent of any board, commission, independent establishment, or executive department of the Federal Government, including any field service thereof, may avail itself of the use of information, services, facilities, officials, and employees thereof in carrying out the provisions of this Act;

(h) may conduct researches, surveys, and investigations relating to protection of farmers against loss of production and shall assemble data for the purpose of establishing actuarial bases for such protection;

(i) shall determine the character and necessity for its expenditures under this Act and the manner in which they shall be incurred, allowed, and paid, without regard to the provisions of any other laws governing the expenditure of public funds, and such determinations shall be final and conclusive upon all other officers of the Government; and

(j) shall have such powers as may be necessary or appropriate for the exercise of the powers herein specifically conferred on the Corporation and all such incidental powers as are customary in corporations generally.

PERSONNEL

SEC. 8. (a) The Secretary shall appoint such officers and employees as may be necessary for the transaction of the business of the Corporation pursuant to civil service laws and regulations, fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5 of the United States Code, define authority and duties, delegate to them such of the powers vested in the Corporation as the Secretary may determine, require bond of such of them as the Secretary may designate, and fix the penalties and pay the premiums of such bonds, except that the Secretary is authorized to appoint county representatives and personnel paid by the hour, day, or month when actually employed, and fix the compensation of such county representatives and personnel without regard to civil service laws and regulations or chapter 51 or subchapter III of chapter 53 of title 5 of the United States Code.

(b) Insofar as applicable, the benefits of chapter 81 of title 5 of the United States Code shall extend to persons given employment under the provisions of this Act.

(c) The Secretary may allot to bureaus and offices of the Department of Agriculture or transfer to such other agencies of the State and Federal governments as the Secretary may request to assist in carrying out this Act any funds made available pursuant to the provisions of section 17 of this Act, except that employees or agencies responsible for administering this Act in each county shall be selected and designated by the Corporation and shall be responsible directly to the Corporation without the intervention of any intermediate office or agency.

(d) In carrying out the provisions of this Act, the Board may, in its discretion, utilize producer-owned and producer-controlled cooperative associations.

FARM PRODUCTION PROTECTION

SEC. 9. To carry out the purpose of this Act, the Corporation is authorized and empowered—

(a) Commencing with farm production initiated in calendar year 1979 and if sufficient actuarial data are available as determined by the Board, to provide producers of agricultural products with protection against loss of production, under any plan or plans of protection determined by the Board to be adapted to any such agricultural products, subject to the limitations herein. Such protection shall be against loss of production due to unavoidable natural causes, including, but not limited to, drought, flood, hail, wind, frost, winterkill, lightening, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, animal disease, plant disease, and such other unavoidable natural causes as may be determined by the Board. Any protection offered against loss of production shall not cover in excess of production costs for the producer for the production that was lost. Protection provided under this subsection shall not cover loss of production due to the neglect or malfeasance of the producer, or to the failure of the producer to follow established good farming practices and appropriate conservation practices. In determining the agricultural products on which such protection against loss of production is to be offered, the Board shall take into consideration the demand of farmers of such protection and the extent to which such protection is commercially available to producers. The Board may refuse protection against loss of production as authorized by this subsection with respect to an agricultural product in any county or area or on any farm not suited to the production of such agricultural product and may limit or refuse such protection in any county with respect to which it is administratively impractical to establish a county program, except that such protection may be offered to producers on farms situated in a local producing area bordering on a county in which a program has been established. The Corporation shall report annually to Congress the results of its operations as to each agricultural product for which protection under this subsection is provided.

(b) To fix adequate premiums for protection against loss of production, at such rates as the Board deems sufficient to cover claims for normal production losses. Catastrophic production losses shall not be included in experience data used in rating risks and fixing premium rates. Such premiums shall be collected at such time or times, or shall be secured in such manner, as the Board may determine.

(c) With the advice and consent of the Secretary, to charge the Agricultural Disaster Relief Fund provided for in section 17 (b) of this Act for the purposes of covering that part of claims in excess of premium income whenever such claims involve catastrophic production losses in a county or area and for the purpose of reimbursing the Corporation for administrative and operating expenses, interest, and the direct cost of loss adjustments incurred in paying claims for catastrophic production losses.

(d) To adjust and pay claims for losses, including both normal production losses and catastrophic production losses, under rules prescribed by the Board. In the event that any claim for losses under the provisions of this Act is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of section 7(d) of this Act, except that no suit on such claim shall be allowed under this section unless the suit is brought within one year after the date when notice of denial of the claim is mailed to and received by the claimant.

(e) To issue contracts and regulations relating thereto, the terms and provisions of which shall be binding on the contractual parties.

(f) To compromise claims brought by or against the Corporation.

(g) To collect and receive premiums and expend such premiums for payment of loss claims and for such other purposes consistent with the Act, as determined by the Board.

(h) Notwithstanding any other provision of the Act, is hereby authorized, under such terms and conditions as it deems consistent with sound reinsurance principles, to provide reinsurance on any crop or plantation insurance provided in Puerto Rico by a duly authorized agency of the Commonwealth of Puerto Rico, except that no application for reinsurance authorized herein shall be approved unless the Corporation shall have determined that the reinsurance deemed necessary is not available from recognized private sources at reasonable cost.

(i) Notwithstanding any other provision of law, is authorized to provide reinsurance on any crop insurance provided by private insurance companies, in not to exceed 20 counties and under such terms and conditions as it deems consistent with sound reinsurance principles.

INDEMNITIES EXEMPT FROM LEVY

SEC. 10. Claims for indemnities under this Act shall not be liable to attachment, levy, garnishment, or any other legal process before payment to the person protected under this Act or to deduction on account of the indebtedness of the person or such person's estate to the United States except claims of the United States or the Corporation arising under this Act.

DEPOSIT OF FUNDS

SEC. 11. All money of the Corporation not otherwise employed may be deposited with the Treasurer of the United States or in any bank approved by the Secretary of the Treasury, subject to withdrawal by the Corporation at any time, or, with the approval of the Secretary of the Treasury, may be invested in obligations of the United States or in obligations guaranteed as to principal and interest by the United States. Subject to the approval of the Secretary of the Treasury, the Federal Reserve banks are hereby authorized and directed to act as depositories, custodians, and fiscal agents for the Corporation in the performance of its powers conferred by this Act.

TAX EXEMPTION

SEC. 12. The Corporation, including its franchise, its capital, reserves, and surplus, and its income and property, shall be exempt from all taxation now or hereafter imposed by the United States or by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority.

FISCAL AGENT OF THE GOVERNMENT

SEC. 13. When designated for that purpose by the Secretary of the Treasury, the Corporation shall be a depository of public money, except receipts from customs, under such regulations that may be prescribed by the Secretary of the Treasury, and it may also be employed as a financial agent of the Federal Government; and it shall perform all such reasonable duties as a depository of public money and financial agent of the Federal Government as may be required of it.

ACCOUNTING BY THE CORPORATION

SEC. 14. The Corporation shall at all times maintain complete and accurate books of account and shall file annually with the Secretary a complete report as to the business of the Corporation. The financial transactions of the Corporation shall be audited at least once each year by the General Accounting Office for the sole purpose of making a report to Congress, together with such recommendations as the Comptroller General of the United States may deem advisable, except that such report shall not be made until the Corporation shall have had reasonable opportunity to examine the exceptions and criticisms of the Comptroller General or the General Accounting Office, to point out errors therein, explain or answer the same, and to file a statement which shall be submitted by the Comptroller General with the Comptroller General's report.

CRIMES AND OFFENSES

SEC. 15. (a) All the general penal statutes relating to crimes and offenses against the United States shall apply with respect to the Corporation, its property, money, contracts and agreements, employees, and operations, except that the provisions of section 22 of title 41 of the United States Code shall not apply to any agreements made under this Act.

(b) Chapter 645 of the Act of June 25, 1948 (62 Stat. 729, as amended; 18 U.S.C. 657, 658, 1006, 1014, and 1903) is amended by—

(1) striking out "Federal Crop Insurance Corporation" wherever it appears therein and inserting in lieu thereof "Farm Production Protection Corporation"; and

(2) striking out "crop insurance" and inserting in lieu thereof "farm production protection".

(c) If at any time a person who has been provided farm production protection under a contract or agreement with the Corporation issued pursuant to this Act misrepresents or intentionally conceals any material fact or commits any fraud relating to such contract or agreement, the Corporation is authorized to avoid such contract or agreement without affecting the liability of such person for premiums or waiving any right to collect any unpaid premium. Such voidance shall become effective at the beginning of the production period for the product with respect to which any such misrepresentation, concealment, or fraud occurred.

(d) No individual, association, partnership, corporation, or other person shall use the term "Farm Production Protection Corporation", or any combination of the same, or the term "Federal Crop Insurance Corporation", or any combination of the same, as the name or a part thereof under which such individual, association, partnership, corporation, or person does, or purports to do, business. Any individual, association, partnership, corporation, or other person who violates this prohibition shall be guilty of a misdemeanor and shall, on conviction thereof, be subject to imprisonment for not more than one year, a fine of not more than $1,000, or both such imprisonment and fine.

ADVISORY COMMITTEES

Sec. 16. (a) The Secretary is authorized to appoint from time to time advisory committees, consisting of members experienced in agricultural pursuits and appointed with due consideration to their geographical distribution, to advise the Corporation with respect to carrying out the purposes of this Act.

(b) Advisory committees established pursuant to the provisions of this section shall, in all respects, be subject to the provisions of the Federal Advisory Committee Act.

(c) The compensation of the members of such advisory committees shall be determined by the Board but shall not exceed the daily equivalent of the rate prescribed for grade GS–18 in section 5332 of title 5 of the United States Code per day while actually employed, and actual necessary traveling and subsistence expenses or a per diem allowance in lieu of subsistence expenses, as authorized by section 5703 of title 5 of the United States Code for persons in Government service employed intermittently, when on the business of such advisory committees away from their homes or regular places of business.

(d) The Secretary shall, within six months after the date of enactment of this Act, establish an advisory committee to make feasibility studies and report to the secretary within 2 years thereafter with respect to (1) providing against production loss due to prevention of planting or other initiation of production, and (2) individual risk underwriting. Such report shall be transmitted by the Secretary to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry.

APPROPRIATIONS AND AGRICULTURAL DISASTER RELIEF FUND

Sec. 17. (a) There are hereby authorized to be appropriated annually such sums as may be necessary to cover the operating and administrative costs of the Corporation, including direct costs of loss adjustment and agent commissions, which shall be allotted to the Corporation in such amounts and at such times as the Secretary may determine.

(b) There is hereby established in the Treasury of the United States a fund to be known as the "Agricultural Disaster Relief Fund". The Secretary is hereby authorized to borrow funds from the Treasury on behalf of the Corporation for deposit in the Agricultural Disaster Relief Fund. The Corporation is hereby authorized to expend moneys from the Agricultural Disaster Relief Fund, with the advice and consent of the Secretary for the purposes set out in section 3(c) of this Act. There are hereby authorized to be appropriated such sums as may be necessary to repay principal and interest on amounts borrowed from the Treasury of the United States under this subsection. Such appropriated funds shall be allotted to the Corporation in such amounts and at such times as the Secretary may determine.

(c) If at any time because of unanticipated temporary increases in the workload of the Corporation the funds appropriated under subsection (a) of this section are not sufficient to enable the Corporation to properly discharge its responsibilities under this Act. the Corporation is authorized to use capital stock funds for payment of direct costs of loss adjustment and agents' commission. There is hereby authorized to be restored by appropriations those amounts of funds derived from subscription to capital stock used for payment of direct costs of loss adjustment and agents' commissions.

RECIPIENTS OF PAYMENTS

Sec. 18. In case any person who is entitled to any payment under this Act dies, becomes incompetent, or disappears before receiving such payment, or is succeeded by another who renders or completes the required performance, the payment shall, without regard to any other provision of law, be made as the Corporation may, under applicable regulations, determine to be fair and reasonable considering all the circumstances.

APPLICATION TO OTHER PROGRAMS

Sec. 19. Notwithstanding any other provision of law, no person shall be eligible to receive disaster payments for production losses with respect to an agricultural product under any program of the Department of Agriculture other than the production protection program authorized by this Act in any county of any State in which production protection under this Act is offered for such agricultural product.

INDEMNITIES EXEMPT FROM INTEREST

Sec. 20. Notwithstanding any other provision of this Act, the Corporation shall not be liable or obligated to pay interest on claims for losses authorized under this Act.

PERSONS UNDER TWENTY-ONE YEARS OF AGE

Sec. 21. Notwithstanding any other provision of law, no person shall be denied protection under this Act solely on the ground that he or she is under twenty-one years of age if he or she (a) has a bona fide protectable interest in an agricultural product as an owner-operator, landlord, tenant, or sharecropper, and (b) has an acceptable co-signer for the protection contract. Any such person who enters into a farm production protection contract shall be subject to the same legal liabilities and have the same legal rights with respect to such contract as any person over the age of twenty-one years.

TRANSFERS OF ASSETS AND LEGAL RIGHTS AND LIABILITIES OF FEDERAL CROP INSURANCE CORPORATION

Sec. 22. (a) The assets, funds, property, records, and policy holders of the Federal Crop Insurance Corporation are hereby transferred to the Corporation. The rights, privileges, and powers, and the duties and liabilities of the Federal Crop Insurance Corporation, in respect to any contract, agreement, loan, account, or other obligation shall become the rights, privileges, and powers, and the duties and liabilities, respectively of the Corporation. The enforceable claims of or against the Federal Crop Insurance Corporation shall become the claims of or against, and may be enforced by or against, the Corporation, except that nothing in this Act shall limit or extend any period of limitation otherwise applicable to such claims of the Corporation.

(b) All orders, determinations, rules, regulations, contracts, certificates, and privileges which—

(1) have been issued, made, granted, or allowed to become effective in the exercise of any functions transferred by this Act, and

(2) are in effect at the time this Act takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Corporation, by any court of competent jurisdiction, or by operation of law.

DISSOLUTION OF FEDERAL CROP INSURANCE CORPORATION

Sec. 23. (a) The Secretary, representing the United States as sole owner of the capital stock of the Federal Crop Insurance Corporation, is hereby authorized and directed to institute or cause to be instituted such proceedings as are required for the dissolution of the Federal Crop Insurance Corporation under United States law. The costs of such dissolution of the Federal Crop Insurance Corporation shall be borne by the Corporation.

(b)(1) Except as provided in paragraph (2) of this subsection, the provisions of subsection (a) of this section shall not affect suits or other proceedings commenced by or against the Federal Crop Insurance Corporation prior to the effective date of this Act.

(2) All such suits or other proceedings pending on the date of the dissolution of the Federal Crop Insurance Corporation shall be continued after such date by or against the Corporation. In any litigation pending on the effective date of this Act, the court may, at any time, on its own motion or that of any party, enter such order as the court determines necessary to give effect to the provisions of this subsection.

REPEAL OF FEDERAL CROP INSURANCE ACT

Sec. 24. Title V of the Agricultural Adjustment Act of 1938 (52 Stat. 72–76; 7 U.S.C. 1501–1520), known as the "Federal Crop Insurance Act", is hereby repealed.

REGULATIONS

Sec. 25. The Secretary and the Corporation, respectively, are authorized to issue such regulations as may be necessary to carry out the provisions of this Act.

SEPARABILITY

Sec. 26. The sections of this Act and the subdivisions of such sections are hereby declared to be separable; and in the event that any one or more of such sections or subdivisions of sections or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such sections or subdivisions of sections to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

Sec. 27. This Act shall become effective October 1, 1978.

Section-by-Section Analysis

SHORT TITLE

Section 1 cites the short title as the "Farm Production Protection Act of 1977".

DECLARATION OF PURPOSE

Section 2 declares it to be the purpose of the bill to improve the economic stability of agriculture through a system of protecting farmers against loss of farm production when natural or uncontrollable conditions adversely affect such production and providing the means for research and experience helpful in devising and establishing such protection.

DEFINITIONS

Section 3 provides for the definition of terms used in the bill.

CREATION OF FARM PRODUCTION PROTECTION CORPORATION

Section 4 creates the Farm Production Protection Corporation as a corporate body under the general supervision and direction of the Secretary of Agriculture, to carry out the purposes of the bill as expressed in section 2. It also provides for establishing the principal office of the Corporation in the District of Columbia. Branch offices could be established at other locations in the United States.

CAPITAL STOCK

Section 5 provides for capitalizing the Corporation with $300,000,000 in stock to be subscribed by the United States of America. The stock would be subscribed when needed, as determined by the Board of Directors of the Corporation. Appropriations as necessary for the purpose of subscribing to the capital stock of the Corporation would be authorized. Receipts for payment when stock was subscribed would be issued to the Secretary of Treasury. The receipts would serve as evidence of ownership of the stock by the United States.

MANAGEMENT OF THE CORPORATION

Section 6 vests the Corporation management responsibility in a Board of Directors. The Board would be subject to the general direction and supervision of the Secretary.

The Board would consist of 7 members appointed by the Secretary, who himself could not be a member of the Board. The composition of the Board would be as follows—

(1) the manager of the Corporation;

(2) two other persons employed by the Department of Agriculture (including one person whose duties include providing services to consumers);

(3) a person experienced in the insurance business who is not a Federal employee; and

(4) three active farmers who are not Federal employees. The Directors would hold office at the pleasure of the Secretary.

This section also provides that the Board can continue to execute the functions of the Corporation so long as four members are in office. Likewise, four members of the Board would constitute a quorum for the transaction of business.

With respect to compensation for members of the Board, this section provides that—

(1) directors employed by the Federal Government would receive no additional compensation for their work for the Corporation, but would be allowed necessary traveling and subsistence expenses.

(2) directors not employed by the Federal Government would receive compensation for their services, on a day-by-day basis when actually performing services as directors, at a rate not to exceed the GS–18 pay level, and for travel and subsistence expenses.

This section also provides that the manager of the Corporation would be the chief executive officer. The manager's specific powers and authorities would be determined by the Board. The manager would be appointed by, and hold office at the pleasure of, the Secretary.

GENERAL POWERS OF THE CORPORATION

Section 7 confers the following general powers on the Corporation: succession in its corporate name; the authority for a corporate seal; the power to make contracts and transfer property; the right to adjudicate disputes in Federal district courts; the authority to adopt bylaws, rules, and regulations; the use of the franking privilege; the use of the resources of other Federal departments and agencies in carrying out the provisions of this bill; the authority to conduct research into protection of farmers against loss of production and the establishment of actuarial bases for such protection; the power to expend funds; and such other powers as needed for the exercise of the powers specifically conferred by this section and such incidental powers as are customary in corporations generally.

PERSONNEL

Section 8 requires the Secretary to appoint and fix the compensation for personnel necessary for the transaction of the business of the Corporation, pursuant to civil service laws and regulations. He would also be required to: define the authority and duties of such personnel, delegate such of the Corporation's powers to such personnel as he may determine, see that applicable personnel are bonded, and fix the penalties and pay the premiums of such bonds. The Secretary would be authorized, however, to waive the civil service personnel requirements with respect to the appointment and compensation of part-time personnel paid by the hour, day, or month when actually employed, and county representatives.

This section also provides for the compensation of Corporation employees for injuries suffered on the job under the statutes providing such compensation to employees of the United States.

The Secretary would be authorized under this section to allot funds appropriated under this bill to other bureaus and agencies of the Department of Agriculture or transfer such funds to other State or Federal Government agencies for their assistance in carrying out the provisions of this bill. Employees or agencies given the responsibility of administering the production protection program under this bill in each county would be selected and designated by the Corporation and would be responsible directly to the Corporation without the intervention of an intermediate office or agency.

The Board would be given the authority, in carrying out the provisions of this bill, to utilize producer-owned and producer-controlled cooperative associations.

FARM PRODUCTION PROTECTION

Section 9 authorizes a voluntary farm production protection program for American farmers.

Subsection (a) authorizes the Board, commencing with farm production initiated in 1979, to provide producers of agricultural products with protection against loss of production. The term "agricultural products" is defined in section 3(e) of the bill to include: grains, fruits and vegetables, several other horticultural products, timber and forests, nursery stocks, livestock and poultry, and any other agricultural product as determined by the Board. The farmer could be covered against production losses up to the full extent of production costs. The losses covered would include only those due to unavoidable natural causes, such as drought, flooding, freeze, insects, diseases, and so on. Losses due to neglect or malfeasance on the part of the producer or failure of the producer to follow established good farming practices and appropriate conservation practices would be excluded.

Subsection (a) also provides that the Board shall consider the demand for protection and the extent of protection available commercially in determining the agricultural products for which the Corporation would offer protection. Protection could be refused on an agricultural product in an area not suited to its production or where the establishment of a county protection program is unfeasible. However, provision would be made for farmers in counties without a program. They could obtain protection under a program in a county located in the same area.

The Corporation would be required to report to Congress annually on its operations under this subsection.

Subsection (b) authorizes the Corporation to fix adequate premiums to be used to cover claims for normal production losses, that is, losses that occur during a time period in which the area-wide or country-wide production has not as a whole fallen below normal production levels, as determined by the Board, using sound actuarial principles. Premiums would not include charges for the operating and administrative costs of the Corporation.

Catastrophic production losses charged against the Agricultural Disaster Relief Fund provided in section 17(b) would not be included in the experience data used to rate risks and fix premiums.

The Board would have the authority to set the time when premiums would be due and how premiums were secured.

Subsection (c) authorizes the Corporation, after consulting with and obtaining the consent of the Secretary, to charge the Agricultural Disaster Relief Fund to cover that part of claims in excess of premium income whenever such losses involve catastrophic production losses, that is, claims in an area or county in which overall production for the country or area has fallen below normal production levels due to drought, flood, or other natural disaster or condition beyond the control of the producers, as determined by the Board using sound actuarial principles. Further, the Corporation would also be authorized to draw on the Agricultural Disaster Relief Fund to cover operating and administrative expenses, interest, and direct costs of loss adjustment incurred in paying claims for catastrophic loss.

Subsection (d) authorizes the Corporation to pay claims for losses filed by participants in the program, including both normal production losses and catastrophic production losses. Claimants would be given the right to sue the Corporation if their claims are denied. However, they would have to file suit within one year after the denial of claim is mailed to and received by the claimant.

Subsection (e) authorizes the Corporation to issue contracts and regulations relating to contracts.

Subsection (f) authorizes the Corporation to compromise claims brought by or against the Corporation.

Subsection (g) authorizes the Corporation to collect and receive premiums and to expend premium funds for indemnity payments.

Subsection (h) extends present law authorizing a Federal reinsurance program in Puerto Rico.

Subsection (i) authorizes the Corporation to provide reinsurance on crop insurance offered by private insurers under terms and conditions it deems consistent with sound reinsurance principles. However, this reinsurance program would be limited to 20 counties.

INDEMNITIES EXEMPT FROM LEVY

Section 10 provides that the indemnity claims of persons protected under the Act will not be liable to attachment, levy, garnishment, or other legal processes prior to payment on the claim.

DEPOSIT OF FUNDS

Section 11 provides that Corporation funds not otherwise employed may be deposited with the Treasurer of the United States or any bank approved by the Secretary of the Treasury, or, with the approval of the Secretary of the Treasury, invested in obligations of the United States or obligations guaranteed by the United States. The Federal Reserve banks would be authorized and directed to be the depositories, custodians, and fiscal agents for the Corporation.

TAX EXEMPTION

Section 12 provides that the Corporation shall be exempt from all Federal, State, and local taxes.

FISCAL AGENT OF THE GOVERNMENT

Section 13 provides that, when designated for that purpose by the Secretary of the Treasury, the Corporation shall be a depository of public money, not including customs receipts, under such regulations as the Secretary of the Treasury may prescribe.

This section also authorizes the Corporation to act as a financial agent of the Federal Government.

The Corporation would be obligated to perform all reasonable duties required of it as a depository of public funds and financial agent of the Government.

ACCOUNTING BY THE CORPORATION

Section 14 requires the Corporation to keep complete and accurate records and to file an annual report of its business activities to the

Secretary of Agriculture. This section also would require the General Accounting Office to audit the Corporation at least once a year and report its findings to Congress.

CRIMES AND OFFENSES

Section 15—

(a) makes all the general penal statutes relating to crimes and offenses against the United States applicable to the Corporation, except for section 22 of title 41 of the United States Code which prohibits Members of Congress from sharing in or benefitting from contracts entered into by the United States;

(b) substitutes the name "Federal Production Protection Corporation" for "Federal Crop Insurance Corporation", and the term "farm production protection" for "crop insurance" in the sections of the penal statutes relating to thefts, frauds, misrepresentation against certain Federal corporations, and speculation in agricultural commodities by employees and officials of the Federal Crop Insurance Corporation;

(c) authorizes the Corporation to void contracts whenever the person protected under the contract commits a fraud or misrepresents or intentionally conceals facts concerning the contract; and

(d) prohibits the use by anyone of the terms "Farm Production Protection Corporation" and "Federal Crop Insurance Corporation". The violation of this prohibition would be a misdemeanor crime punishable by up to one year in prison, or a fine of $1,000, or both.

ADVISORY COMMITTEES

Section 16 authorizes the Secretary of Agriculture to establish advisory committees to advise the Corporation with respect to carrying out the purposes of the Act. Such committees would be subject to the provisions of the Federal Advisory Committee Act. The Corporation would be authorized to compensate members of such committees for work done for the Committee and for travel and subsistence expenses incurred while on the business of the committees.

This section also specifically requires the Secretary to establish, within 6 months after the bill is passed, an advisory committee to make feasibility studies with respect to (1) providing protection against production loss due to prevented planting, and (2) individual risk underwriting. This committee would be required to report its findings to the Secretary and the Agriculture Committees of Congress within 2 years after being established.

APPROPRIATIONS AND AGRICULTURAL DISASTER RELIEF FUND

Section 17 provides, in subsection (a), for continuing appropriations to cover the operating and administrative costs of the Corporation, including the direct costs of loss adjustments and commissions to agents who market farm protection policies under this Act to farmers. Funds appropriated under this authorization would be allotted to the Corporation by the Secretary of Agriculture in amounts and at times determined by the Secretary.

Subsection (b) of this section creates a special fund in the Treasury of the United States for the purpose of this Act and authorizes the appropriation of monies for this fund.

The fund would be known as the "Agricultural Disaster Relief Fund"; and the Secretary of Agriculture would be authorized to borrow funds from the Treasury on behalf of the Corporation for deposit in this fund. The Corporation would be authorized to draw on the fund to pay that part of claims in excess of premiums for catastrophic production losses. (Premiums collected under this Act would be intended to cover only normal production loss situations.)

This subsection also authorizes the appropriation of monies to repay the Treasury on principal and interest owed on amounts borrowed for deposit in the fund. The funds so appropriated would be allotted to the Corporation at times and in amounts set by the Secretary.

Subsection (c) authorizes the Corporation to use capital stock funds for payment of direct costs of loss adjustment and agents commissions in certain situations. Such use would be authorized whenever, because of unanticipated increases in the workload of the Corporation (which might occur in years in which there are widespread disaster conditions and an extraordinarily large number of claims to be processed), funds appropriated to the Corporation for operating and administrative expenses are insufficient to enable the Corporation to properly discharge its responsibilities under this bill. This subsection also authorizes the restoration of the capital stock by appropriations whenever the capital stock is used for this purpose.

RECIPIENTS OF PAYMENTS

Section 18 provides that, whenever a farmer protected under this bill dies or is unavailable for payment by the Corporation, the power to decide who may then receive the payment shall reside with the Corporation.

APPLICATION TO OTHER PROGRAMS

Section 19 provides that in counties in which protection under this bill is available, producers will not be eligible to receive any disaster payments for production losses other than those under this program. This section would avoid the possibility of duplicative payments, under both this program and the disaster payment program of the Agricultural Stabilization and Conservation Service, to a producer for a single loss.

INDEMNITIES EXEMPT FROM INTEREST

Section 20 provides that the Corporation shall not be liable to pay interest on claims for losses under this bill.

PERSONS UNDER TWENTY-ONE YEARS OF AGE

Section 21 provides that any person under the age of 21 may participate in the protection program under this bill if such person has a bona fide interest in an agricultural product, as an owner-operator, landlord, tenant, or sharecropper, and has an acceptable co-signer. Minors who enter into farm production protection contracts would have the same legal liabilities and rights as persons over 21.

TRANSFERS OF ASSETS AND LEGAL RIGHTS AND LIABILITIES OF FEDERAL CROP INSURANCE CORPORATION

As this bill is intended to replace existing Federal crop insurance with an expanded Federal farmer production protection program, this bill would close out the present crop insurance program. Pursuant to this intent, Section 22(a) provides for the transfer to the Farm Production Protection Corporation of the property, records, and policyholders of the Federal Crop Insurance Corporation on the effective date of this bill. In addition, the Farm Production Protection Corporation would receive the legal rights and liabilities of the Federal Crop Insurance Corporation.

Subsection (b) of section 22 provides that all orders, determinations, rules, regulations, contracts, certificates, and privileges of the Federal Crop Insurance Corporation in effect on the effective date of this bill shall continue in effect until modified, terminated, superseded, set aside, or repealed by the Farm Production Protection Corporation, or by the courts, or by operation of law.

DISSOLUTION OF FEDERAL CROP INSURANCE CORPORATION

Section 23 instructs the Secretary of Agriculture, the sole stockholder in the Federal Crop Insurance Corporation, to take steps to dissolve that Corporation.

This section also provides that any court actions involving the Federal Crop Insurance Corporation pending on the date such Corporation is dissolved shall continue after its dissolution. However, the new Farm Production Protection Corporation would stand in the stead of the Federal Crop Insurance Corporation in such suits after the dissolution date.

REPEAL OF FEDERAL CROP INSURANCE ACT

Section 24 provides for the repeal of the Federal Crop Insurance Act, which is the legislative authority of the existing Federal crop insurance program provided by the Federal Crop Insurance Corporation.

REGULATIONS

Section 25 authorizes the Secretary and the Corporation respectively to issue necessary regulations to carry out this bill.

SEPARABILITY

Section 26 provides that the sections and subdivisions of sections of this bill are separable and that the invalidation of any such section or subdivision of a section shall not affect the validity of other provisions of the Act.

EFFECTIVE DATE

Section 27 provides that this bill shall become effective on October 1, 1978.

By Mr. BENTSEN:

S. 1578. A bill to protect the confidentiality of the identities of certain employees of the Central Intelligence Agency; to the Committee on the Judiciary.

Mr. BENTSEN. Mr. President, today I reintroduce legislation to provide criminal penalties for unauthorized disclosure of the identity of CIA agents requiring special protection. Besides including punishment for such disclosure, my bill provides channels for exposure of wrongdoing.

The need for this legislation was demonstrated in 1975 when Richard Welch, a CIA station chief in Athens, was assassinated shortly after having been identified as an agent, in the Athens Daily News. This morning it was reported that a former CIA employee, Philip Agee, has claimed in an interview that eight Americans now in Australia are CIA agents.

Mr. President, I do not know whether Mr. Agee's statements are correct. I do know that exposure of the identities of agents poses an unjustifiable risk to their security and could harm our ability to maintain a strong intelligence capability. I believe that unauthorized exposure of an agent's identity should be subject to criminal penalties.

My bill simply provides protection for individuals serving the CIA in sensitive positions. Disclosure by former CIA employees of agent's identities would be punishable by up to 10 years in prison. This proposal to insure that evidence of wrongdoing by intelligence agents can be presented to the appropriate oversight congressional committees; to prosecutors designated by the Attorney General pursuant to a judicial determination that an investigation is warranted; or pursuant to a court order determining that the information is needed for a trial being conducted.

There is considerable precedent for my proposals. Employees of the Internal Revenue Service are presently subject to criminal penalties for the disclosure of confidential tax information, Government employees dealing with atomic energy matters are likewise subject to penalties for the dislosure of restricted data. Similar laws apply to employees of the Departments of Agriculture, Commerce, Health, Education, and Welfare, and the Civil Service Commission, among other Federal agencies.

It is ironic that in the intelligence field, where disclosure can literally mean the difference between life and death, between an effective and an ineffective intelligence capability, the current laws and regulations safeguarding agents' confidentiality are so unenforceable as to be virtually nonexistent.

My bill, while providing the needed protection, provides effective channels for ferreting out wrongdoing. It recognizes that our free society should not tolerate official lawlessness any more than it should permit the reckless disclosure of agent's identities. The bill avoids the question of the responsibility of any news organization which received or printed the information, by rejecting criminal liability for a news organization on first amendment grounds.

Mr. President, my proposal is necessary to help prevent the kind of disclosure that can jeopardize the lives of agents who may already be working under the most dangerous conditions. It will strengthen our intelligence forces while insuring that lawless activity will not be tolerated. It recognizes the need for an effective intelligence agency and will provide increased protection for key personnel. I urge swift congressional action on this proposal.

By Mr. HATHAWAY:

S. 1579. A bill to authorize the President to establish a standby gasoline rationing plan; to the Committee on Energy and Natural Resources.

Mr. HATHAWAY. Mr. President, I am introducing a bill to establish authority for a standby gasoline rationing plan which could be quickly implemented should gasoline consumption levels not meet reduced target levels of consumption.

In his April 20 energy message, President Carter called for a reduction in the consumption of gasoline of 10 percent over the next 10 years, establishing annual national target levels which he proposed be met. If these target levels are exceeded by more than one full percentage point, then a tax of 5 cents per gallon of gas is to become effective as a disincentive to consumption. The tax is to be no more than 5 cents per gallon per year, and can increase up to a maximum of 50 cents in a 10-year period. The tax can also decrease up to 5 cents per year, and the proposal calls for rebating of the proceeds of the tax on a per capita basis.

I have outlined this proposal in some detail because my bill would offer standby rationing as an alternative to the imposition of a tax, should target consumption levels be exceeded by a full percentage point in any 1 year.

There is little doubt that there is ample opportunity for energy conservation in America's love affair with the automobile. For example, transportation accounts for approximately 26 percent of our overall energy consumption, and one-half of this is attributable to the automobile. The automobile consumes about 5 million barrels of oil per day, or at present rates, approximately 60 percent of our daily import needs.

More efficient automobiles are a necessary part of reducing our gasoline consumption, as are other measures such as development of transportation alternatives, incentives for carpooling and strict enforcement of the 55-miles-per-hour speed limit.

The administration's energy program provides for such programs and few, I think, would disagree with these ideas. I do, however, strongly disagree with the means by which the administration would enforce a 10-percent reduction in gasoline consumption—that is, through the proposed standby gasoline tax.

With the revelation of a new MIT study which finds our energy resource situation even more negative than the earlier CIA report, it is apparent that we must be serious about energy conserva-help but be inequitable, and is intended tion. Yet this gasoline tax, like a sales tax, is regressive in nature. It cannot not as a conservation tool in and of itself, but as a means of trying to enforce other conservation measures in the area of gasoline consumption. Those who do make the effort to conserve gasoline, perhaps even to the point of making substantial changes in their lifestyles, will be penalized equally with those who may be undeterred by various conservation efforts, or by the prospect of even a substantial gasoline tax.

All will be penalized regardless of the availability of transportation or lifestyle alternatives, and of the ability to pay the increases. Nonurban low- an middle-income people will be penalized the most heavily. These are the people least likely to be able to buy a new fuel-efficient car, even with rebates, least likely to have alternative transportation available to them, least able to make changes in jobs or living patterns which could reduce their gasoline dependency. The gas tax in 5 cent increments will indeed, be a penalty to these people; and seems to me is unlikely to deter overall consumption even at higher levels.

A gas tax penalty system in a nation as diversified as ours in its regional needs and in its transportation system is to me too broad a measure to be responsive to differing circumstances.

With ever more pessimistic predictions as to the future availability of oil resources, it is necessary that we have in place a realistic and equitable means of meeting consumption goals in the area of gasoline usage.

A feasible alternative to the gasoline tax is, I feel, a standby gasoline rationing program.

A standby rationing system which could be quickly and flexibly implemented would meet the requirements of both insuring compliance with consumption goals, and treating individuals in an equitable and fair manner.

The bill I am introducing today would provide for enactment of such authority on a standby basis, and incorporates many of the provisions applicable to the contingency rationing planning process set up in 1975 under the Energy Policy and Conservation Act.

The bill provides flexibility in submission of rationing alternatives, and does not require that rationing be a direct coupon or entitlement plan. In addition, a rationing plan could provide for implementation in steps or gradual phases, depending upon the impact upon consumption of any given rationing device.

Various alternatives should be carefully studied to develop a rationing program which could be implemented quickly and easily to bring down consumption of gasoline. Standby rationing plans as an alternative to a standby gasoline tax will result in more equitable treatment of individuals, and be more than a penalty provision only by controlling the actual consumption of gasoline should target levels be exceeded.

At this time, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1579

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Standby Gasoline Rationing Act of 1977".

Sec. 2. The Congress finds and declares that—

(1) Control of the growth in the consumption of gasoline and diesel fuel in motor vehicles is an integral part of a national energy program.

(2) The unnecessary and excessive use of gasoline and diesel fuel in motor vehicles should be discouraged in a manner which is equitable to all end-users, taking into account their individual circumstances to the extent possible.

(3) Increasing gasoline taxes as a conservation measure is unlikely to control consumption effectively and does not take differing needs and circumstances into account in its applicability.

(4) Reduction in the growth in the consumption of gasoline and diesel fuel in motor vehicles will assist in controlling our dependency upon foreign supplies of petroleum supplies and is in the best interest of the citizens of the United States.

(5) A standby gasoline and diesel fuel rationing plan can best serve both to discourage unnecessary consumption and most equitably to distribute the burden of any mandatory reduction in gasoline consumption.

Sec. 3. The President shall prescribe, by rule in accordance with section 523 (a) of the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), a standby motor vehicle gasoline and diesel fuel rationing plan, hereafter referred to as the "gasoline rationing plan".

Sec. 4. The plan submitted under section 3 shall include—

(1) Target gasoline consumption levels for the years 1978 through 1985, and the basis upon which these targets were established.

(2) A specific statement explaining the rationale and the operation of such plan, and the circumstances under which it would be submitted to Congress for approval to take effect.

(3) To the extent practicable, an evaluation of the potential economic impacts of such plan should it become effective, including an analysis of—

(A) any effects of such plan on—

(i) vital industrial sectors of the economy;

(ii) employment (on a national and regional level);

(iii) the economic vitality of States and regional areas;

(iv) the availability and price of consumer goods and services; and

(v) the gross national product; and

(B) any potential anticompetitive effects of such plan.

(4) The establishment of a program for the ordering of priorities among classes of end-users of gasoline and diesel fuel used in motor vehicles so that essential needs of classes of end-users may be met.

(5) (A) The consideration of the mobility needs of handicapped persons and their convenience in obtaining the end-user's rights in clause (4) above.

(B) For purposes of this Act, the term "handicapped person" means any individual who, by reason of disease, injury, age, congenital malfunction or other permanent incapacity or disability, is unable without special facilities, planning or design to utilize mass transportation vehicles, facilities, and services and who has a substantial, permanent impediment to mobility.

(6) Alternative mandatory steps which might be taken short of direct rationing through the issuance of entitlements to a specified supply of gasoline and diesel fuel in the event target levels are not met in any year.

(7) To the extent practicable, the gasoline rationing plan prescribed by this Act shall incorporate the provisions of any rationing contingency plan prescribed under section 203 of the Energy Policy and Conservation Act (42 U.S.C. 6263).

SEC. 5. (a) In the event gasoline and diesel fuel consumption levels, during and after calendar year 1978, exceed by more than one full percentage point the target level established in section 4(1) for the preceding year, the President may submit to the Congress, in whole or in part, the standby gasoline rationing plan prescribed under section 3 above.

(b) Such gasoline rationing plan shall become effective, if at all, under the expedited procedures for Congressional consideration of certain authorities of section 552 of the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.).

(c) Such a gasoline rationing plan shall be effective for a period specified in the plan, but not for more than 12 months, unless earlier rescinded by the President.

(d) An amendment to any gasoline rationing plan shall take effect if the President transmits such amendment to the Congress in accordance with section 551(b) of the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.) and neither House of Congress disapproves (or both Houses approve) such amendment in accordance with the procedures specified in section 551 of such Act.

(e) The President may prescribe technical of clerical amendments to the gasoline rationing plan in accordance with the procedures specified in section 523 of the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.).

SEC. 6. Any gasoline rationing plan prescribed under this Act shall not—

(a) impose any tax or tariff;

(b) contain any provision respecting the price of petroleum products;

(c) provide for a credit or deduction in computing any tax; or

(d) impose any user fee, except to the extent necessary to defray the cost of administering any rationing plan which might be put into effect.

SEC. 7. The President may delegate all or any portion of the authority granted to him under this Act to such officers, departments, or agencies of the United States as he deems appropriate.

By Mr. MATHIAS (for himself and Mr. ABOUREZK):

S. 1581. A bill relating to the protection, management, and control of wild free-roaming horses and burros on Federal lands; to the Committee on Environment and Public Works.

Mr. MATHIAS. Mr. President, today I am introducing the Wild Free-Roaming Horses and Burros Amendments of 1977, a bill which will require the protection, management, and control of wild horses and burros on the public lands of the National Park Service.

In the Wild Free-Roaming Horses and Burros Act, approved on December 15, 1971, Congress recognized wild free-roaming horses and burros as living symbols of the historic and pioneer spirit of the West which contribute to the diversity of life forms within the Nation and enrich the lives of the American people. They are a national esthetic resource, Congress legislated the policy that wild horses and burros shall be protected: to that end they are to be considered as an integral part of the natural system of the public lands on which they roam.

The burro worked faithfully in the service of man in opening and developing the West. Together, pioneer American and beast of burden explored the mines and packed out the ore, built railroads, and raised towns. Today, wild burros symbolize the rugged independence and tireless drive of our national heritage. Their struggle for life and freedom typifies our national spirit. Belonging to no individual, they belong to all Americans.

In his book, "The Burro," Frank Brookshier indicates that burros came to the Grand Canyon with the Spanish conquerors. Today, visitors from across America and around the world have the opportunity to see the Grand Canyon burros making their way through that magnificent setting. And who can fail to imagine the scene as we hear the rhythm of the hoofbeat in "On the Trail," the most popular movement in Ferde Grofe's "Grand Canyon Suite?"

In 1967, the National Park Service sanctioned a life-sized, bronze monument to Brighty, a legendary burro, at the Canyon's South Rim Visitors Center. Brighty and her real-life counterparts are part of the lore of the Canyon.

But in 1976, the Park Service issued a burro management plan and environment assessment which proposed to annihilate the wild burros in Grand Canyon National Park. These symbols of our national heritage were to be massacred by shooting. The product of three centuries of struggles against adversity were to be wiped out in 5 years.

The burros are accused of causing unacceptable damage to the park's habitat. Competition for forage, water and living space between burros and bighorn sheep in the Canyon is a particular concern. The bighorn population is allegedly declining as a consequence of the presence of the burros. It is reasoned that the burros are alien to the ecosystem and must go, but surely after 300 years in the Grand Canyon, they must now be deemed part of that system.

The assessment cites human use of the park's habitat as an important factor in the depopulation of the bighorns, and cattle grazing in the park are acknowledged to further compound the problem. Disease is not recognized as causing the bighorn's decline; yet, Colorado's bighorn population experienced a sharp reversal of decline when disease problems were identified and treated.

The management plan rejects alternative, more humane solutions to the perceived problem of too many burros. In fact, the proposed burro elimination would nullify a project to investigate competition between the burro and the bighorn, as well as other factors which might limit the bighorns.

Wild burros in our national parks clearly need and deserve to be defended from death and harassment as a result of arbitrary and pernicious decisions. This bill will authorize and direct the Secretary of the Interior to provide that shelter. The Secretary would consult with the nine nongovernment authorities on the advisory board and the Secretary of Agriculture in discharging the responsibility.

Under my bill, wild horses and burros in our national parks would be managed in keeping with the multiple-use concept on public lands. Their numbers would be controlled to achieve and maintain a thriving ecological balance of all wildlife inhabiting the national parks. Adjustments in forage allocations on such lands would consider the needs of other wildlife, particularly endangered species.

Where an area is found to be overpopulated, the Secretary, after consulting with the Advisory Board, might order old, sick or lame animals to be destroyed in the most humane manner possible. He could further cause additional excess wild horses and burros to be captured and removed for private maintenance under humane conditions and care.

The bill provides that the Secretary could order wild horses and burros to be destroyed in the most humane manner possible as an act of mercy or, after careful study, to preserve and maintain the habitat. No wild horse or burro could be destroyed simply because of overpopulation unless the Secretary determines that such action is the only practical way to remove excess animals.

The Secretary would be authorized and directed to undertake studies of wild horses and burros and their park habitats in order to carry out the provisions of the act. Every second year, the Secretary would be required to report to Congress on the administration of the act, including a summary of enforcement and other actions, costs, and recommendations for appropriate legislation or other actions.

Mr. President, I invite my colleagues in the Congress to join me in safeguarding the future of the park burros—living symbols of our pioneer heritage and a vital part of the Grand Canyon's ecosystem—by supporting this bill.

Mr. President, I ask unanimous consent that the text of the "Wild Free-

Roaming Horses and Burros Amendments Act of 1977" be printed in the RECORD, together with a statement supporting the bill by the Humane Society of the United States.

There being no objection, the bill and statement were ordered to be printed in the RECORD, as follows:

S. 1581

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Wild Free-Roaming Horses and Burros Amendments Act of 1977".

(b) The Congress finds and declares that—

(1) the Act entitled "An Act to require the protection, management, and control of wild free-roaming horses and burros on public lands", approved December 15, 1971 (85 Stat. 649), recognizes wild, free-roaming horses and burros as living symbols of the historic pioneer spirit of the West;

(2) such animals contribute to the diversity of life forms within the Nation and enrich the lives of the American people, and that such animals are a national esthetic resource, belonging to all Americans; and

(3) such animals, while on lands comprising any unit of the national park system, should have the same protection as that afforded them on the public lands by such Act of December 15, 1971.

SEC. 2. (a) Section 2(a) of the Act entitled "An Act to require the protection, management, and control of wild free-roaming horses and burros on public lands", approved December 15, 1971 (85 Stat. 649), is amended to read as follows:

"(a) 'Secretary' means (1) the Secretary of the Interior when used in connection with public lands administered by him through the Bureau of Land Management or through the National Park Service, and (2) the Secretary of Agriculture in connection with public lands administered by him through the Forest Service;".

(b) Section 2(e) of such Act is amended to read as follows:

"(e) 'public lands' means any lands administered by the Secretary of the Interior through the Bureau of Land Management or the National Park Service, or by the Secretary of Agriculture through the Forest Service.".

SEC. 3. Section 3 of the Act of August 25, 1916, as amended (16 U.S.C. 3), is amended by adding at the end thereof the following new sentence: "Nothing in this section or in any other law, shall be construed as conflicting or limiting the responsibilities and authority of the Secretary set forth in the Act entitled 'An Act to require the protection, management, and control of wild free-roaming horses and burros on public lands', approved December 15, 1971, as amended (16 U.S.C. 1331 et seq.)".

SEC. 4. The Secretary of the Interior and the Secretary of Agriculture shall, within the nine month period following the date of the enactment of this Act, each promulgate such regulations as may be necessary to enable him to carry out the amendments made by this Act.

STATEMENT OF THE HUMANE SOCIETY OF THE UNITED STATES IN SUPPORT OF S. 1581, THE WILD, FREE-ROAMING HORSES AND BURROS ACT AMENDMENTS OF 1977

In 1971, Congress passed the Wild, Free-Roaming Horses and Burros Act which found and declared that wild burros, along with wild horses,

> . . . are living symbols of the historic and pioneer spirit of the West; that they contribute to the diversity of life forms within the Nation and enrich the lives of the American people; and that these horses and burros are fast disappearing from the American scene. It is the policy of Congress that wild, free-roaming horses and burros shall be protected from capture, branding, harassment, or death; . . . [16 U.S.C. § 1331].

Wild burros have rich historical associations to many Americans. The role of the burro in the settlement of the West is well known. These animals developed mines, built railroads, made towns, and were the vehicles of success to thousands of pioneers; they are strongly identified with our Western and pioneer heritage.

The National Park Service claims jurisdiction over approximately 30% of the feral burro population in the United States.[*] These animals are identical to those protected under the Wild, Free-Roaming Horses and Burros Act of 1971 on Bureau of Land Management and Forest Service land. Yet these burros residing in National Parks and Monuments are outside of the Act and unprotected.

The limited wisdom of leaving the management of feral burros on National Park Service lands to the unbridled discretion of the National Park Service was recently illustrated by that agency's almost successful attempt to exterminate 2,000–3,000 feral burros, the entire resident burro population of the Grand Canyon National Park, upon largely unsubstantiated grounds of habitat damage and displacement of the bighorn sheep population. Only after a massed public outcry reinforced by a lawsuit brought by the Humane Society of the United States, the American Horse Protection Association, and the Committee to Save the Grand Canyon Burros did the Park Service reconsider its position and commission the needed research on burro impacts in the Grand Canyon, research which is now on-going.

The National Park Service is a historically-oriented agency, and as such is charged with preserving animals of importance to our heritage as well as scenery or archeological ruins. The Park Service's evident insensitivity to the importance of the burro as a national cultural resource and as a biological resource to and within the Grand Canyon ecosystem is disturbing. A second program of mass elimination of burros, involving both shooting and adoption, is being planned for Death Valley National Monument.

Bringing burros in the National Parks and Monuments within the purview of the Act will by no means tie the hands of the Park Service in dealing with any problems which might arise from the burro's presence. The Act gives the Secretary of the Interior authority to reduce horse or burro populations for good cause, including overpopulation, disease, and maintenance of habitat condition. However, the Act confines management activities to the minimal feasible level, assures humane treatment of the animals when removal operations are necessary, and mandates the most prudent and informed exercise of managerial discretion by requiring that adequate studies be undertaken to determine the degree of population reduction necessary. These are precisely the aspects of feral burro management for which the National Park Service has not shown great sensitivity, left to its own resources.

S. 1581, then, would simply ensure that feral burro management on National Park Service lands will be conducted rationally by providing that management activities be made commensurate with proven needs and problems, and would instill a protective attitude into the Park Service with regard to the feral burros entrusted to it.

The Humane Society of the United States, therefore, fully supports S. 1581. The work begun by the passage of the Wild Free-Roaming Horses and Burros Act of 1971 should now be completed.

Respectfully submitted,

ROGER A. KINDLER,
Associate Counsel.

By Mr. HUMPHREY:

S. J. Res. 56. A joint resolution providing that residential subscriber interests, especially those of citizens in rural areas, be protected as competition is permitted in the telecommunications industry; to the Committee on Commerce, Science, and Transporattion.

RURAL TELECOMMUNICATIONS POLICY

Mr. HUMPHREY. Mr. President, last month I met with members of the Association of Minnesota Telephone Utilities, who explained their concerns about several items of pending legislation.

These companies are represented nationally by the National Telephone Cooperative Association (NTCA). The association has prepared a very explicit list of legislative goals that deserve the most serious consideration by Congress.

I remind my colleagues, as I have so often in the past, that we are one nation. Every issue cannot be decided by numbers alone. If thinly populated rural areas are slighted, we shall undermine the very foundation of our society and its values, and damage an economy which depends directly on the unmatched productivity of American farmers.

Rural Electrification Administration loans have enabled 858 telephone systems to serve over 3 million telephone subscribers in 46 States. The REA telephone program was instrumental in boosting telephone service from 38.2 percent of the Nation's farms in 1950 to a current 86 percent.

The communication provided to isolated rural residents and communities has been a vital stimulus to development, commercial opportunities and employment.

In addition to improving the business climate generally, NTCA members frequently help organize local development projects. Since mid-1961, REA-financed systems have helped to establish or expand more than 7,000 community and industrial facilities in rural areas, creating more than 450,000 new jobs.

As Congress considers the impact of current telecommunications regulatory policy on competition, service, and the wide availability of emerging technologies, a primary concern must be the continued viability of the Nation's rural telephone cooperatives and locally owned, REA-financed commercial telephone systems.

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[*] In 1975, the National Advisory Board for Wild, Free-Roaming Horses and Burros estimated a total population of 8,000 to 10,000 feral Burros on all lands under the jurisdiction of the Bureau of Land Management and U.S. Forest Service. The National Park Service claims that the Grand Canyon National Park alone contains 2,000 to 3,000 of the animals and that Death Valley National Monument holds another 1,600 burros.

I am today introducing a Senate joint resolution proposing certain principles of telecommunications policy with respect to the needs of rural residents.

I encourage the Senate Committees on Commerce, Science, and Transportation, and on Agriculture, Nutrition, and Forestry, as well as all Members of the Senate to give detailed attention to the data and testimony presented by rural telephone cooperatives concerning practical means to achieve and maintain equitable national and long-distance rate schedules and services.

Mr. President, I ask unanimous consent that the text of my resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 56

Whereas, it has been the historic intent of the Congress of the United States to assure that rural America receives modern, efficient telephone service comparable in quality and cost to that available in urban areas, and

Whereas, such intent of Congress has been repeatedly demonstrated through support for the rural telephone loan program administered by the Rural Electrification Administration, and

Whereas, Congress is currently considering issues which will affect the terms and conditions under which rural independent telephone systems will be able to serve their subscribers.

Now, therefore, be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that the policy of the United States include, as mandatory considerations of the Federal Communications Commission in interpreting or implementing policy governing the nationwide telecommunications network, the following:

1. That a nationwide average rate schedule be maintained to assure that rural subscribers may continue to receive telecommunications services on a par with urban areas;

2. That economic arrangements within the telecommunications industry provide appropriate support to local exchange service from long distance revenues;

3. That rural telephone systems be given full opportunity to provide facilities for all telecommunication services within their service territories;

4. That the Federal Communications Commission establish effective safeguards for the direct connection of subscriber-owned equipment to the network;

5. That rural telephone systems be assured access to the widest available technology in provision of equipment for their subscribers;

6. That as changes result from the entrance of competition into the telecommunications system industry, fair and equitable industry settlements procedures assure the extension of modern telecommunications service at reasonable cost to all segments of the nation.

Be it further resolved, that Congress initiate objective studies to determine the potential economic impact of competition in the telecommunications industry and the terms and conditions under which the new entrants and existing common carriers should be allowed to compete, and

Be it further resolved, that under the conditions described above, Congress establish a national telecommunications policy which permits the demonstrable benefits of competition to operate in the telecommunications industry and assures that residents of less densely populated rural areas continue to receive telecommunications services on a par with urban areas.

By Mr. MATSUNAGA:

S.J. Res. 57. A joint resolution to provide that June 14, 1977, shall be a legal public holiday, and to authorize and request the President to issue a proclamation designating the period of June 13, 1977 through June 19, 1977 as "Flag Week"; to the Committee on the Judiciary.

Mr. MATSUNAGA. Mr. President, June 14, 1977 marks the bicentennial anniversary of the adoption of the most visible symbol of our commitment to Democracy—the American flag. I am today introducing a bill which will give us the opportunity to celebrate and to reflect upon that symbol of endurance and strength.

Two hundred years ago, on June 14, 1977, a resolution was introduced in the Continental Congress requesting that a national flag be created. It was then resolved that the "flag of the United States be made of 13 stripes, alternate red and white" and "that the union be 13 stars, white in a blue field." Reportedly, the first flag was hand made by Betsy Ross, a staunch patriot and advocate of American independence.

The new national flag helped unite the original 13 colonies in their common cause—the War for Independence. Today, it still unites Americans in their support of the democratic principles embodied in our Constitution and Bill of Rights.

The first foreign salute to our flag was given by France in 1778, when John Paul Jones raised the Stars and Stripes atop the sloop which he commanded and sailed to France to notify our Paris representatives that the British had surrendered at Saratoga. When the Admiral of the French Fleet, La Motte-Picquet, answered Jones' 13-gun salute, American independence was acknowledged for the first time by a foreign power.

The Second Flag Act, passed in January 1794, provided for the addition of two new stripes and two more stars to the flag, for two new States, Vermont and Kentucky. However, no provision was made for other States which were sure to be formed and admitted to the Union. It was not until 1818 that Congress passed an act calling for the addition of one star for each new State. The most recent star, added in 1959, stands for my own State of Hawaii, the 50th. Upon looking at it, I am reminded that the people of Hawaii hoped, planned, and worked for nearly 50 years to achieve statehood, and that they, too, dared to dream the American dream which inspired our forefathers in 1777.

It is ironic that Francis Scott Key was being detained aboard a British ship during the attack on Fort McHenry in the War of 1812, when, through "the rockets' red glare" and the "bombs bursting in air," his apprehension for the Stars and Stripes still flying above the fort inspired him to begin writing our national anthem. Through the years, the Star Spangled Banner has been a symbol of hope where democracy was threatened—at Verdun, at Iwo Jima, at Inchon.

The first national observance of Flag Day was in 1877, celebrating the 100th anniversary of the adoption of the original Flag Resolution. However, it was not until 1949 that June 14 was officially designated Flag Day, by President Harry S Truman. Since then, each succeeding President has, by proclamation, designated June 14 as Flag Day, urging all Americans to display the flag and participate in suitable ceremonies in honor of the flag.

Because this year marks the 200th anniversary of our flag, it would be fitting for the 95th Congress to authorize a special celebration in honor of the occasion. I am, therefore, introducing a joint resolution which would make June 14, 1977 a legal holiday, and would authorize President Carter to designate the week of June 13 through June 19, 1977 as "Flag Week." I request that the text of my resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 57

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That June 14, 1977, Flag Day, shall be a legal holiday in celebration of the 200th anniversary of the adoption by the Continental Congress of the Stars and Stripes as the official flag of the United States of America.

Sec. 2. The President is authorized and requested to designate the period of June 13, 1977, through June 19, 1977, as "Flag Week."

ADDITIONAL COSPONSORS

S. 76

At the request of Mr. Stone, the Senator from New Hampshire (Mr. Durkin) was added as a cosponsor of S. 76, a bill to amend title XVIII of the Social Security Act to authorize a payment under the medicare program for certain services performed by chiropractors.

S. 104

At the request of Mr. Inouye, the Senator from Maryland (Mr. Sarbanes) was added as a cosponsor of S. 104, to amend the Social Security Act.

S. 123

At the request of Mr. Inouye, the Senator from South Carolina (Mr. Thurmond) was added as a cosponsor of S. 123, to amend the Social Security Act.

S. 233

At the request of Mr. Inouye, the Senator from Maryland (Mr. Sarbanes) was added as cosponsor of S. 233, relating to the medicare and medicaid programs.

S. 256

At the request of Mr. Pearson, the Senator from Alaska (Mr. Stevens) was added as a cosponsor of S. 256, to regulate commerce to assure increased supplies of natural gas at reasonable prices for consumers.

S. 1184

At the request of Mr. Baker, the Senator from Oregon (Mr. Packwood) was added as a cosponsor of S. 1184, to amend the Fishermen's Protection Act of 1967.

S. 1250

At the request of Mr. Baker, the Senator from Oregon (Mr. Packwood) was added as a cosponsor of S. 1250, to authorize appropriations for the Coast Guard for fiscal years 1978 and 1979.

S. 1350

At the request of Mr. Baker, the Senator from Oregon (Mr. Packwood) was added as a cosponsor of S. 1350, to amend the National Sea Grant Program Act.

S. 1375

At the request of Mr. Inouye, the Senator from Hawaii (Mr. Matsunaga) was added as a cosponsor of S. 1375, relating to the Barber's Point Deepdraft Harbor project.

S. 1385

At the request of Mr. Helms, the Senator from South Carolina (Mr. Thurmond) was added as a cosponsor of S. 1385, to amend title XVIII of the Social Security Act.

S. 1424

At the request of Mr. Burdick, the Senator from South Dakota (Mr. Abourezk) was added as a cosponsor of S. 1424, to amend the Internal Revenue Code.

S. 1522

At the request of Mr. Baker, the Senator from Oregon (Mr. Packwood) was added as a cosponsor of S. 1522, a bill to increase the appropriations authorized to carry out the Marine Mammal Protection Act of 1972.

SENATE JOINT RESOLUTION 35

At the request of Mr. Inouye, the Senator from Rhode Island (Mr. Chafee) was added as a cosponsor of Senate Joint Resolution 35, to designate Municipal Clerks' Week.

SENATE JOINT RESOLUTION 39

At the request of Mr. Biden, the Senator from Tennessee (Mr. Sasser) was added as a cosponsor of Senate Joint Resolution 39, relating to the proposed ban on saccharin.

SENATE RESOLUTION 178—ORIGINAL RESOLUTION REPORTED RELATING TO THE CONSIDERATION OF S. 1231

(Referred to the Committee on the Budget.)

Mr. BAYH, from the Committee on the Judiciary, reported the following original resolution:

S. Res. 178

Resolved, That, pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 1231, a bill to authorize appropriations for Fiscal Year 1978 in the amount of $10,420,023 and such additional amounts as may be necessary for increases in salary, pay, retirement and other employee benefits authorized by law. Such waiver is necessary in order to ensure that the Commission on Civil Rights will be able to carry out its statutory duties during the fiscal year 1978, on the last day of which its final report is due. The authorization involved is sufficiently small that its consideration will not significantly affect the Congressional budget. Because the Committee on the Judiciary was engaged in substantial efforts to reorganize itself during the first three months of this session of the Congress, the Committee was prevented from giving timely attention to the authorization of appropriations for the Commission on Civil Rights.

AMENDMENTS SUBMITTED FOR PRINTING

FOOD AND AGRICULTURE ACT OF 1977—S. 275

AMENDMENT NO. 311

(Ordered to be printed and to lie on the table.)

FAMILY FARM AMENDMENT

Mr. PEARSON. Mr. President, from the Revolutionary period to the present we have sought in this Nation to promote, protect, and maintain a family farm system of agriculture. By the early 1800's our forefathers had made the commitment that the vast public domain—all the agricultural land that came to constitute the territorial United States—would be turned over to private ownership in family size units. It was a conscious and deliberate decision to form an owner-operated type agriculture over large scale, estate and plantation type agriculture. The decision was based in part on the belief that the family farmer was best suited for subduing the frontier and producing the necessary food and fiber. But equally important, the decision was based on the conviction that for social and political reasons small scale, family farming was preferable to large scale estate farming. Indeed, men like Thomas Jefferson believed that democracy could survive only if the bulk of the citizens was made up of family farmers and independent village artisans. In any case, the agrarian ethic and the early land policies culminating in the Homestead Act of 1862 had a profound effect in shaping the economic, social, and political character of the Nation.

We have never deviated from that national commitment forged during the Revolutionary period and refined during the first half of the 19th century. It is true we never sought to dismantle the large estates and plantations but we never sought to consciously promote their growth. It is true also that we have not been altogether successful in promoting and protecting the family farm system, but our intent to do so has always formed the base of our agricultural policy deliberation. In short, our agricultural policies have been intended as family farm policies, and today despite many shortcomings and many failures we have the finest agricultural system—both in its economic and social aspects—in the world.

The amendment which I submit does not establish any new program. It does, however, require the Secretary of Agriculture to provide the Congress with annual reports containing current information on trends in family farm operations and data on large-scale corporate or nonfamily type of agricultural operations. In these reports, the Secretary will also provide the Congress with an analysis of how these existing programs are being administered on behalf of family farm agriculture and also how other Federal programs either by design or default may be serving to encourage the growth of nonfamily farm type of operations.

These reports will provide Congress with the information needed to improve our operational definition of family farms and to better judge in the organizational structure of agriculture and as a consequence how we may improve upon existing programs and better shape future Federal farm programs.

Mr. President, today the family farm is rather firmly entrenched and clearly the dominant production unit in agriculture. But we are entering an uncertain period. New forces are at work which may bring a new threat to the competitive position of the family farm.

Therefore, it seems to me that the time is appropriate for us to make explicit what has always been implicit in our agricultural policy deliberations. To this end, I introduce an amendment to S. 275 specifying that Congress affirms its longstanding commitment to protecting, preserving, and strengthening the family farm system of American agriculture.

Mr. President, I believe this is a noncontroversial amendment, but at the same time an extremely important and useful one, and I ask unanimous consent that it be printed in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 311

At Sec. 101(b) in the bill insert a new section as follows:

Sec. 101(c). (a) The Congress hereby specifically reaffirms the historical policy of the United States to foster and encourage the family farm system of agriculture in this country. The Congress firmly believes that the maintenance of the family-owned farm system is essential to the social well-being of the Nation and the competitive production of adequate supplies of food and fiber. The Congress further believes that any significant expansion of non-family-owned large scale corporate farming enterprises will be detrimental to the national welfare. It is not the policy or the intent of Congress that agricultural and agricultural-related programs be administered exclusively for family farm operations, but it is the policy and the express intent of the Congress that no such program be administered in a manner that will place the family farm operation at an unfair economic disadvantage.

(b) In order that the Congress may be better informed regarding the status of the family farm system in the United States, the

Secretary of Agriculture shall submit to the Congress, not later than July 1 each year, a written report containing current information on trends in family farm operations and comprehensive national and state by state data on non-family farm agricultural operations in the United States. The Secretary shall also include in each such report (1) information on how existing agriculture and agriculture-related programs are being administered to enhance and strengthen the family farm system of agriculture in the United States, (2) an assessment of how Federal laws may be serving to encourage the growth of non-family farm operations, and (3) such other information as the Secretary deems appropriate or determines would aid the Congress in protecting, preserving, and strengthening the family farm system of agriculture in the United States.

AMENDMENTS NOS. 318 AND 319

(Ordered to be printed and to lie on the table.)

Mr. **DOLE** submitted two amendments intended to be proposed by him to the bill (S. 275), supra.

AMENDMENTS NOS. 320 AND 321

(Ordered to be printed and to lie on the table.)

Mr. **CLARK** submitted two amendments intended to be proposed by him to the bill (S. 275), supra.

AMENDMENT NO. 322

(Ordered to be printed and to lie on the table.)

Mr. **HASKELL** submitted an amendment intended to be proposed by him to the bill (S. 275), supra.

HOUSING AND COMMUNITY DEVELOPMENT ACT—S. 1523

AMENDMENT NO. 312

(Ordered to be printed and to lie on the table.)

Mr. **GRAVEL** (for himself, Mr. Bayh, and Mr. Humphrey) submitted an amendment intended to be proposed by them to the bill (S. 1523) to amend the Housing and Community Development Act of 1974; to extend certain housing assistance and mortgage insurance programs; and for other purposes.

AMENDMENT NO. 313

(Ordered to be printed and to lie on the table.)

Mr. **GRAVEL** submitted an amendment intended to be proposed by him to the bill (S. 1523), supra.

AMENDMENT NO. 314

(Ordered to be printed and to lie on the table.)

Mr. **MORGAN.** Mr. President, today I am submitting an amendment for printing to delete title IV of the housing omnibus bill S. 1523. As I have stated in my earlier floor remarks, I feel that this bill is unnecessary and burdensome and will have a detrimental effect on funneling financial resources into our inner cities.

Under the bill, the financial supervisory agencies will have to assess whether or not a financial institution is meeting the credit needs of its primary savings deposit area. Although the intent of the bill is to insure credit in inner-city areas, it is my opinion and that of many witnesses at our hearings, that title IV will have exactly the opposite effect and will in fact discourage financial institutions from opening or maintaining branches in inner-city areas. I feel that the proponents of this bill have a basic misunderstanding of the savings industry when they argue that inner-city deposits are being funneled into the suburbs. The truth of the matter is that residents of these deteriorating neighborhoods cannot provide the needed funds to maintain savings institutions in their areas and in fact a great deal of the deposits in urban areas come from suburban residents who work within the city and deposit their savings in institutions near their place of employment.

If this bill becomes law, and I certainly hope my colleagues will join me in deleting this section, I am afraid that inner city branches will vanish if these institutions are required to reinvest a certain percentage of their savings deposits within their primary savings deposit area. Experience shows that the majority of savings deposits come from the more affluent areas of town and thus the more affluent savings institutions would have an excuse not to make loans in the inner city as they could claim that this would not be meeting the credit needs of their primary savings area. Statistics show that in areas where the money should be funneled, there may be little or no savings deposit activity.

This bill is a significant step in the direction of credit allocation and I say to my colleagues that credit allocation is not the answer to the problems of our inner city areas. In fact, as stated previously, credit allocation would most probably have the effect of drying up all credit availability in the more depressed areas of our cities.

Joining me in cosponsoring this amendment which would delete a very unwise piece of legislation are Senators Sparkman, Tower, Garn, Lugar, and Schmitt. Mr. President, I submit my amendment to delete the Community Reinvestment Act from the housing bill.

I ask unanimous consent to have printed in the Record a letter which I have just received from the Federal Home Loan Bank Board outlining their very strenuous objections to this legislation.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Federal Home Loan Bank Board,
Washington, D.C., May 18, 1977.

Hon. Robert Morgan,
U.S. Senate,
Washington, D.C.

Dear Senator: This is in response to your request of May 12, 1977 for the Board's views on the wisdom of enactment of the Community Reinvestment Act. You have also asked for our comment on the nature of regulations which we might propose as a result of enactment, an estimation of the cost of promulgating and enforcing such regulations and the potential cost to the financial institutions subject to the Board's regulation.

As the Board testified on S. 406 as originally proposed, the Board strongly favors the objective of having depositary institutions meet the credit needs of communities. In fact, the Board does review an institution's proposed plans for meeting community credit and savings needs in connection with all deposit facility, permission to organize and insurance of account applications. Nevertheless, the Board had a number of difficulties with the proposed legislative approach of S. 406 and continues to have difficulties with the revised S. 406 as adopted by the Senate Banking Committee. This is because although the language of the bill has been considerably altered, it is the Board's view that it is substantively very similar to the original bill.

Let me comment on this point briefly. The Board testified in opposition to the specifics of S. 406 in part because the Board did not believe that the objectives of the bill were well defined. We were unclear as to exactly what the Committee meant by the term "communities needs". For example, were these the needs of inner city blighted or deteriorating neighborhoods or were these the needs of certain members of society experiencing discrimination in obtaining housing credit? In the case of an affluent suburban community, does meeting community needs indicate that channeling funds into the inner city of the central city would be looked upon adversely? The present version of S. 406 does not cure any of these difficulties, and we continue to be unclear as to how to direct examiners to assess an institution's record of service to community credit "needs".

Secondly, and related to the question of which "needs" of the community are to be served, is the problem of defining the community or market area that an institution is supposed to be serving. As we testified on S. 406, the Board finds the definition of the primary savings service area in the bill wholly unworkable. This is because the area as defined is likely to be so small that it would not encompass a reasonable lending area, particularly for downtown branches of associations. As indicated in our testimony, this limited definition of a primary savings service area exacerbates the problem of the mis-match of savings areas and lending areas. In addition, there is a great deal of subjectivity in delineating the primary savings service area, and a large number of alternative areas could be used. Since the amended version of S. 406 contains the original definition of primary savings service area and keys the operative section of the bill to meeting the needs of that area, the Board must reiterate its objection to this feature of S. 406.

Thirdly, a major objection the Board expressed to the original S. 406, which has not been cured in the amended version, is its primary application only to Federally chartered savings and loan associations. Since State chartered savings and loan associations are not required to come to the Board for branch approvals, the impact of the bill would not be felt by such associations. We recognize that State chartered banks are required to receive branch approval from the FDIC and the Fed. However, it is the Board's understanding that a significant purpose of the bill it to serve housing credit needs—as opposed to other "credit needs", such as consumer loans.

Therefore, the failure to reach over half of the savings and loan industry, the major housing credit suppliers, is in the Board's view a serious shortcoming. In addition, if enacted, the Board is concerned that Federal institutions may convert to State charter to avoid coverage under the bill. The Board must oppose such a potential erosion to the dual system.

For these reasons, the Board is seriously concerned about implementation of the bill, if enacted. The Board's staff has made an initial analysis of the bill, as amended, from an implementation point of view. As a technical matter, it reflects its rapid drafting. Key terms, for example, are left undefined. The bill as drafted makes application of the provisions to chartering and granting of insurance of accounts to new institutions difficult, if not impossible. As alluded to above, the Board would be given no standard as to how to interpret the "community needs" requirement. The Board would be hard put to provide guidelines to examiners with respect to judging S&Ls on the basis of this criterion. Any guidelines would require that examiners become familiar with housing needs in a community or primary savings area. This requires the skills of a local housing market analyst. Our preliminary analysis of the bill indicates that if the Board were to fashion a definition of the "community" or primary savings service area for each institution, and its various offices it would have to require additional recordkeeping by institutions, probably a register of loan applications. Beyond that, the Board would have to establish a "norm" for each institution, possibly by region, market area, or "community," in order to provide examiners with guidelines as to how to assess each institution in terms of meeting credit needs. This is quite a substantial additional workload for examiners and one for which they are ill-prepared by training. Examiners would have to assess to what extent lending outside of the primary savings areas represents a legitimate lack of "need" for funds in the primary savings area.

In conclusion I would like to remind you of the proposal the Board made in its S. 406 testimony. The Board proposed that each institution's compliance with the fair lending and equal opportunity credit laws be reviewed in connection with each deposit facility application. (As with the whole bill, this proposal has the limitation of having its greatest impact on Federal associations). In the Board's view this proposal is a reasonable alternative to S. 406, as originally proposed and as amended. The alternative has the virtue of being administratively feasible and would certainly insure that a community's needs are being served to the extent protected by the fair lending and equal credit opportunity laws.

Without question S. 406 treats of a very important subject—making mortgage and other credit available to communities. However, the bill's possible goals are many and ill-defined and it constructs an enforcement mechanism which is unfair, as respects only Federal associations to the exclusion of State chartered associations, may well be unworkable as an administrative matter, and reflects a basic misunderstanding as respects the sources of savings and the areas in need of mortgage credit.

Sincerely,

GARTH MARSTON.

CLEAN AIR ACT AMENDMENTS OF 1977—S. 252

AMENDMENTS NOS. 315, 316, AND 317

(Ordered to be printed and to lie on the table.)

Mr. GARN submitted three amendments intended to be proposed by him to the bill (S. 252) to amend the Clean Air Act, as amended.

NOTICES OF HEARINGS

COST OF REGULATIONS UPON SMALLER BUILDERS

Mr. NELSON. Mr. President, I wish to announce that the Select Committee on Small Business will hold the second in a series of public hearings on the impact of regulatory costs on smaller builders. The hearings are scheduled for Madison, Wis., on June 1, 1977, in room 421–S of the State Capitol Building.

The initial public hearing in this inquiry was conducted on February 16 in Atlanta, Ga., as a joint session of the Small Business Committee, together with the Subcommittee on Housing and Insurance of the Senate Veterans' Affairs Committee and the Subcommittee on Small Business of the Senate Banking, Housing and Urban Affairs Committee.

A further hearing is planned in Washington, D.C., later in the year to enable the Federal agencies concerned to address the issues presented by the business witnesses.

Additional information on the hearings can be obtained from the committee office, 424 Russell Office Building, telephone: 244–5175.

CIVIL SERVICE COMMISSION NOMINATION HEARINGS

Mr. RIBICOFF. Mr. President, I wish to announce that the Committee on Governmental Affairs will hold hearings on the nominations of Ersa H. Poston of New York and Jule M. Sugarman of Georgia to be Civil Service Commissioners. The hearings will be held at 10 a.m., Friday, May 27, in room 3302 of the Dirksen Senate Office Building.

ENERGY CONSERVATION LEGISLATION SUBMITTED BY PRESIDENT CARTER

Mr. METCALF. Mr. President, on behalf of the Senator from Louisiana (Mr. JOHNSTON), I announce that the Subcommittee on Energy Conservation and Regulation of the Senate Committee on Energy and Natural Resources will hold 2 days of hearings on energy conservation provisions of President Carter's energy plan on June 21 and 22, 1977. These hearings will consider testimony on the proposals embodied in parts A, B, C, and G of S. 1469 as introduced by request by Senator JACKSON on May 5.

Each hearing will commence at 9 a.m. in room 3110 of the Dirksen Senate Office Building. Testimony will be received from Government and selected private witnesses. Questions concerning these hearings should be directed to James T. Bruce or Benjamin S. Cooper of the committee staff at 224–0611.

ADMINISTRATION, REPORTING AND INVESTMENT POLICIES UNDER ERISA AND S. 285 AND S. 901

Mr. NELSON. Mr. President, I wish to announce that the Select Committee on Small Business and the Private Pension Plans Subcommittee of the Senate Finance Committee will hold additional hearings on the administration, reporting and investment policies under ERISA, as well as two bills introduced by Senator BENTSEN, S. 285 and S. 901.

These hearings are scheduled to begin at 10 a.m. each day, May 24 and May 25, in room 2221, Dirksen Senate Office Building, and will be open to the public.

Among the witnesses to testify is Bruce G. Fielding, CPA, representing the National Federation of Independent Business and who is also a member of the Commission on Federal Paperwork.

Further information on the hearings can be obtained from the offices of the Senate Small Business Committee or the Senate Finance Committee.

CRIMINAL CODE REFORM ACT OF 1977

Mr. McCLELLAN. Mr. President, I wish to announce that the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary will hold open hearings on S. 1937, the "Criminal Code Reform Act of 1977" and on the following bills: S. 31, S. 45, S. 181, S. 204, S. 260, S. 888, S. 979, and S. 1221. It is our intention during this series of hearings to ask for testimony concerning the sentencing provisions of S. 1437 and the other bills.

The hearings will begin each day at 10 a.m. in room 2228, Dirksen Senate Office Building.

Additional information on the hearings is available from the staff in room 2204–DSOB, telephone AC 202–224–3281.

NUCLEAR PROLIFERATION LEGISLATION

Mr. GLENN. Mr. President, Senator PELL, who is presently in his home State of Rhode Island, has asked me to make the following announcement on his behalf: The Subcommittee on Arms Control, Oceans and International Environment of the Committee on Foreign Relations will begin hearings on Monday, May 23, on the critically important nuclear proliferation problem. These hearings are being held in connection with subcommittee consideration of two bills dealing with U.S. nuclear transfer policy, S. 897 and S. 1432.

The witnesses on Monday will be Dr. Joseph Nye, Deputy Undersecretary of State for Security Assistance, Science and Technology; the Honorable Robert Fri, Acting Director of the Energy Research and Development Administration; and, the Honorable Marcus Rowden, Chairman of the Nuclear Regulatory Commission.

Witnesses from outside the Government will be heard at hearings scheduled on June 8 and June 15.

As chairman of the Subcommittee on Armed Control, Oceans and International Environment, I have followed closely a number of arms control issues. It is clear to me that there is no longer threat to world peace and our own vital national security interests than nuclear proliferation.

It is unlikely that nuclear proliferation can be stopped. However, it may be possible to delay the spread of nuclear weapons capability while we and other nations find better means to assure the benefits of the peaceful atom while diminishing the threat of nuclear conflict.

ADDITIONAL STATEMENTS

UNIVERSAL VOTER REGISTRATION ACT OF 1977

Mr. HOLLINGS. Mr. President, recently a number of State officials have been asked to express their views on the Universal Voter Registration Act of 1977. These exchanges were initiated by the distinguished senior Senator from Nevada, Mr. CANNON, and I commend him for soliciting a diversity of opinions on this most important subject.

Senator CANNON's letter to South Carolina was answered by Mr. James B. Ellisor, executive director of the State election commission. It is a considered and thoughtful response, and because of its originality and its incisiveness, I am bringing it to the attention of the Senate.

Speaking for the State election commission, Mr. Ellisor goes on record in opposition to election day registration of voters. His primary reason for doing so is his belief that it is not inconvenience of registration that keeps people from voting. Rather the factors involved include a large number of people who are so turned off by government, so alienated, that they do not bother to vote because of their belief that a vote can make no difference; there are those who will not take the time and trouble to register and vote because in so doing they lose time on the job; finally, there are many who will not register because they do not wish to be called for jury duty. Mr. Ellisor puts particular emphasis on this latter point, and I think he has hit upon a very real reason why some people just will not register.

Mr. Ellisor makes a real contribution to public debate on universal voter registration. No matter which side we are on, the points he raises merit serious consideration. I commend him for this letter and for the fine work he and the State election commission have done in developing a simple and accessible voter registration program for the citizens of South Carolina.

Mr. President, I ask unanimous consent that the text of the Ellisor letter be printed in the RECORD.

There being no objection, the text of the letter was ordered to be printed in the RECORD, as follows:

ELECTION COMMISSION,
STATE OF SOUTH CAROLINA,
Columbia, S.C., April 26, 1977.

Re: S. 1072 ("Universal Voter Registration Act of 1977").

HON. HOWARD W. CANNON,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

DEAR SENATOR CANNON: Your letter dated March 25, 1977 addressed to the Secretary of State of South Carolina, in which you invited the views of those persons in South Carolina with expertise in the area of voter registration and election turn-out, has been referred to the State Election Commission of South Carolina. This commission is composed of five members and has general supervision from the state level over the centralized computer voter registration system in South Carolina. Also, the commission compiles and maintains statistics on votor turn-out in elections in South Carolina.

First, I should like to thank you and your committee for giving the states an opportunity to be heard on this most important matter through those persons who deal directly with it on a continuing basis. The members of the State Election Commission of South Carolina and its executive director have considered S. 1072 very seriously and wish to go on record as being opposed to election day registration of voters in federal elections in South Carolina. We feel that such a procedure is not needed, that it is not in the best interest of the people of this State and that it would do considerable harm to the election system if adopted. The reasons for this opinion are numerous and well-founded in both fact and experience. With your indulgence, I should like to set out below some of the reasons why we reached this conclusion and would respectfully request that they be accorded thoughtful consideration by your committee before S. 1072 is voted upon.

It is our desire to see every qualified man and woman of voting age registered to vote in South Carolina who wishes to do so. Also, we wish the registration procedure to be simple and easily accessible to everyone. We have made tremendous progress toward this goal in South Carolina in the past ten years under the centralized computer voter registration system. Our system was the first of its kind on a statewide basis in the United States and has served as a model for other states and jurisdictions. We have willingly shared with others, including the Federal Election Commission, what we have learned.

Senator Cannon, I can only speak for South Carolina, and in all due respect to those persons who compiled the statistical report on voter registration that was read into the Congressional Record on March 22, 1977, when S. 1072 was introduced, the figures simply are not accurate and do not paint a true picture at all of voter registration and voter participation in South Carolina. This report reflects that South Carolina had 1,113,361 persons registered to vote at the time of the Presidential Election in 1966. This figure only includes the persons registered who had participated in an election in South Carolina during the past two years immediately preceding that general election. Between 1971 and 1976, we had placed in an inactive status another 340,550 registered voters who had not voted in any election in their State within two to four years after they registered. These 340,550 voters are still permitted to vote on election day in all elections—federal, state and local—without the necessity of re-registration. All they have to do is show up on election day and they are still permitted to vote. Sir, herein lies the problem. It is not that people do not vote because they are not registered; it is for other reasons, and I will give you some of these hereinafter that are true in South Carolina.

Therefore, in 1976 South Carolina had 1,451,416 voters registered who were entitled to vote in the Presidential Election, not 1,113,361 as printed in the Congressional Record. This alone increases the percentage of voting age population (VAP) registered to 75 percent based upon the figure of 1,924,000 VAP for South Carolina estimated by the United States Bureau of Census and cited in the Congressional Record. But, here again, this figure of VAP is not entirely accurate and is misleading when you consider who actually is qualified to vote in South Carolina under State law. The census figure includes everyone present in the State who is not clearly a visitor. It includes military personnel, aliens, persons in public prisons and persons in mental institutions. Of course, under South Carolina law, and the law of most other states as well, those persons who are not bona fide residents of the State or are otherwise disqualified cannot vote. The number of such persons in South Carolina should be deducted from the estimated VAP for our State. According to current figures at the Department of Defense, there are 143,411 military personnel and dependents stationed on installations in South Carolina. Presently, there are 7,261 inmates incarcerated in the state penal system institutions in South Carolina. This does not include those in city and county jails. Although, admittedly not a great number, there are aliens in South Carolina and persons confined in mental institutions. Conservatively, we should reduce the VAP estimate of the Census Bureau by 100,000 persons. This would reflect a more realistic estimated figure for qualified VAP in South Carolina as 1,824,000. Based upon these more accurate statistics, South Carolina has 80 percent of the VAP registered.

Why are there 20 percent of the VAP in South Carolina unregistered? Is it because they do not have an easy opportunity to register or for some other reasons(s)? There are three (3) major reasons of which we are certain based upon personal knowledge and experience. It simply is not true in South Carolina that citizens are not registered to vote because it is difficult for them to do so in person. (This will be explained further below.) People do not register purposefully. To some, this may sound incredible; but nevertheless, it is true. I know this, not because of something I've read, but from personal conversations with numerous citizens in my State. There are those who take no interest due to a feeling of dissatisfaction in general with government or a feeling of futility that it will not make any difference how they vote. There are numerous persons who do not take the time to register or vote because they will lose time on the job, which means loss of money. These are the self-employed artisans, i.e., brick masons, carpenters, plumbers, etc. And, finally, there are those persons (possibly the largest percentage) who do not register intentionally because they do not wish to be called for jury service. In South Carolina, which may also be true in other states, the registered voter rolls are the sole source used for jury selection. There is real evidence here in South Carolina that many women, due to fear of the unknown, younger women with no one to keep their children, and working people who know their boss prefers them on the job rather than sitting all week in a courtroom, choose not to register. These three reasons account for the twenty (20) percent not registered. No manner of persuasion, special election day facilitation or vast expenditure of money by the government will change their minds. You cannot force someone to do something that he does not wish to do.

In order to get more people to vote (including those already registered), government must prove it is responsive to people's needs—that it does care. A voter must be won over to the feeling that his vote does make a difference. The single most effective step that can be taken to get the non-registered voters registered in South Carolina would be to change the source for selecting jurors. This is presently being studied by our State General Assembly.

Election day registration in South Carolina would be a waste of both time and money and would create a dual system of voter registration and a separate process of voting for those few only qualified to vote the federal ballot. It would further confuse an already confused electorate. It would slow down the voting on election day and permit persons not qualified to vote. Some areas of our State, especially the rural communities, do not have the actual physical locations available to accommodate registration and voting at the same time without causing everyone to stand in the same line for unreasonably long periods of time.

Registration is easy and accessible in South Carolina and has now been made permanent by State law. Each county has a board of voter registration that is now open everyday during normal courthouse hours. In addition, deputy registrars are appointed as needed in almost every county. Each county board periodically goes throughout the county on registration drives. They go to churches, shopping centers, sports events, factories, schools, etc. Some counties have branch or sub-offices throughout the county. One county has a mobile unit. Maybe other counties could utilize mobile units from time to time. Wherever and whenever there is a need for registration, the county boards go to register voters. If there were those still unregistered in this State who wanted to register but had no opportunity, there would be a hue and cry that would be heard all the way to the Halls of Congress.

Those who sincerely want to register and vote in South Carolina can now do so prior to election day. Most all people nowadays do just about whatever they want to do whenever they want to do it. They go to church, to school, to movies, to ball games, to concerts, to the beach, to work, to get their car license tags (every year and they do not complain), to eat out, to shop, to sign up or pick up unemployment, welfare and elderly citizen benefits; they go many, many places. On one of these many trips, surely they might find the few minutes to stop by and register to vote.

Senator Cannon, in conclusion, election day registration is not the solution to poor voter turnout in South Carolina or America. I believe we have set out above some of the real reasons for poor voting turnout, which I sincerely hope will be both enlightening and beneficial to your committee.

There are other technical problems with the proposed plan as it would affect South Carolina in particular with our computerized system of registration, but I will not discuss these at this time. Should you or your committee wish further clarification on this point, I shall be happy to provide it to you.

Also, you will please note that I only briefly mentioned the potential for unqualified persons to vote if election day registration were adopted. This, of course, is a real danger; however, I know that view will have many advocates and I choose to leave that point for them to make.

If you have any questions concerning the position of the State Election Commission of South Carolina on S. 1072, please feel free to contact me (803-758-2571) or our commission chairman, Mr. G. P. Callison, (803-223-8111).

Sincerely,

James B. Ellisor,
Executive Director.

CASTRO IN AFRICA

Mr. GARN. Mr. President, our colleague from South Dakota has returned from a visit to Castro's Cuba, with a glowing picture of life there, and a renewed determination to convince the American people that Castro is really just one of us. The administration is doing its part, by hinting that some of the preconditions which have always been placed on a resumption of formal relations may now be dispensed with. In the past, we have insisted on such minor points as a cessation of subversion and terrorism, the release of American citizens in Cuban prisons, the withdrawal of Cuban troops from foreign countries, and similar actions, indicating that Cuba is ready to rejoin the community of civilized nations.

Before we succumb to the sales campaign, Mr. President, I would like to raise a caution. Specifically, I will confine my remarks to the activities of Cuban soldiers in Africa. These activities get precious little attention from our watchdog press, so it is possible that Senators may not be aware of them. I offer these remarks so that none can claim ignorance.

Angola: Despite promises by Castro that Cuban troops would be removed from Angola, there are still more than 12,000 Cuban soldiers in that country. It is true that that represents a reduction from a year ago, but the 3,000 regulars which have been brought home have been replaced by 3,000 civilian advisers and technicians. That hardly represents a commitment to reduce Cuban presence. The Cuban troops are fighting directly against the Unita guerrillas in southern Angola, and are reported to be in action against Cabindan rebels in the North. In addition to training the Angolan Army, the Cubans train the troops of terrorist organizations for raids into Southwest Africa. There are indications that the Cubans trained and supplied the invaders in Zaire's Shaba province.

Congo People's Republic: Cubans first came to this country on their way to Angola, in support of the Agostinho Neto forces. While there they assisted in the transshipment of Soviet material being sent to Angola. Three hundred of them remain.

Guinea, Guinea-Bissau, Equatorial Guinea: Quinea was the site of the first Cubans sent to Africa. They came in support of the rebels against the Portuguese in neighboring Guinea-Bissau. More than 100 remain in Guinea-Bissau as advisers and instructors, 300 are still in Guinea, training Sekou Toure's army, and guarding his person—against other Guineans, I suppose. Equatorial Guinea, a former Spainsh colony, also has its allotment of 3,000 to 4,000 Cuban troops.

Mozambique: The 500 Cubans in Mozambique are training the army of that country, and also the guerrillas terrorizing Rhodesia from bases within Mozambique.

Tanzania: There have been persistent reports that Cubans are also training the black Rhodesian guerrillas operating out of Tanzania.

Somalia: The presence of Cubans in Somalia is certain; their most likely task is the training of guerrillas for operations against the Ethiopian Government. Apparently the regular Somalian Army is trained by Soviet regulars.

Ethiopia: Reports are starting to appear that there are Cuban troops in Ethiopia. As Ethiopia's ties to the West weaken, and are replaced by cooperation with the Soviet Union, the Soviets will use Cubans to orchestrate the switch, rather than doing it directly.

Unconfirmed reports continue that Cubans are in Libya, bolstering the Qaddafi regime—and protecting his person from other Libyans—and that they are training and assisting the Polisario guerrillas fighting in the western Sahara and in Mauritania.

Whether these last reports are accurate or not, Mr. President, we do not have a picture of a peace-loving, unambitious member of the family of nations. It is inconceivable to me that we could consider the reestablishment of relations with this harsh, repressive, autocratic regime, which is systematically destabilizing governments all over the world. I urge the Senate to resist the Madison Avenue rehabilitation of Castro, and to see him as he is.

NO VICTORS IN ISRAEL

Mr. BIDEN. Mr. President, speculation is running high on the meaning of Monday's parliamentary election in Israel. The possible coalition of labor's major opposition party, the Likud, with the National Religious Party has given rise to the direst of predictions for the possibilities of a Middle East peace settlement. Only one fact thus far is clear however; the first change of government since Israel's independence in 1948 is a strengthening of the young country's democratic institutions.

There is nothing to indicate that a new government could not succeed where the old one failed. As the New York Times editorial points out, "a government led by hawks may bid dramatically for a bold peace." In a parliamentary democracy, as everyone knows, the party may vary widely from the policy of that same party once in power. It is too soon for alarmist predictions of doom. We wish the new government well as it reassesses Israel's present position. More important, we trust that its new leaders will be more successful in reaching a satisfactory and permanent peace settlement than the defeated leadership.

For a balanced view of the new situation, I recommend to my colleagues an editorial from the New York Times which appeared in yesterday's editions, and I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

No Victors in Israel

As luck and Israeli democracy would have it, the politics of the Middle East are now dangerously out of synch. Just as the Arab governments were at least listening to the proposition that the return of their occupied territories would require their genuine acceptance of Israel, the first try at forming a new Israeli Government has fallen to Menahem Begin, the leader of a right-wing coalition whose dominant faction would not surrender the West Bank even for total peace. When asked about the occupied lands yesterday, Mr. Begin insisted that they were not occupied but liberated. That is a formula for disaster, for Israel and Israel's relations with the United States.

With that uppermost in everyone's mind, it becomes especially important now to sort out what did and did not happen in the Israeli election. Mr. Begin's Likud coalition did not win a resounding mandate and did not really win the election. It gained a handful more seats than in 1973 and emerged the leading party only because Labor, which has ruled the nation since its formation in 1948, suffered a humiliating defeat. The scandal-ridden Labor Party lost most to a brand new party, led by Yigael Yadin, whose foreign policy leans toward the dovish side of recent Israeli leaders. His strength will now be the parliamentary equal of the hawkish religious parties which broke up the ruling coalition with Labor to force the election.

So there is in this result no clear mandate for any single group or line of policy. There is also abundant evidence that the Israeli voters were moved more by domestic than foreign affairs.

Mr. Begin or anyone else will have to fashion a strange and strained coalition to obtain a governing majority in the Knesset. Most of the difficult policy choices, especially in foreign affairs, are likely to be bartered away in its creation. Thus even if Israel manages to retain a relatively moderate government in the months ahead, it will be a weak government as long as yesterday's election determines its shape. And it may not last long. It is always possible, of course, that a government led by hawks may bid dramatically for a bold peace, de Gaulle style; or that an unambiguous drive for territorial annexation would soon be discredited and repudiated in another election. Possible, but not likely. There is trouble ahead not only for President Carter's imaginative effort at Middle East peacemaking but for all those who believe that Israel's safety requires, first, a government strong enough to run some risks to test the Arabs' interest in a settlement and, second, a government capable of coordinating diplomacy with the United States so as to retain unqualified American support for Israel's defense.

The first Arab reaction to Mr. Begin's emergence has been absurdly alarmist. To threaten war before an Israeli Government has been formed or heard from will not frighten the Israelis and may even enhance the stature of their hawks. To reject, out of hand, any negotiation with Mr. Begin—because he once led the Irgun terrorists in the struggle for independence and refuses to recognize the Palestinians—comes with ill grace from regimes that have been shielding terrorists, sponsoring them diplomatically and refusing to recognize Israel for a generation.

But we are being reminded again that the enmities of the Middle East are never far from the surface. If the next Israeli Government were to sanction more settlements on the West Bank in the cause of annexation, the risks of early war would be great. The United States has wisely promised all the Middle East parties that it would not impose peace terms on them even if it could, but that restraint would not long survive a unilateral Israeli enlargement of the territory to which American defense support is pledged.

The brutal truth is that Israel cannot go it alone militarily. Therefore it cannot go it alone diplomatically without sooner or later undermining other American interests in the Middle East. A generation of warfare has brought Israel a nearly universal consensus that its permanent borders should be drawn somewhere near the lines of 1967. These would not be comfortable lines without a genuine peace in the area and without additional military guarantees and protections. There now exists an American Administration that wishes to trade Israeli withdrawal for a comprehensive peace and there has been at least a hope that Egypt, Syria, Jordan and Saudi Arabia were prepared to contemplate such a deal.

If the Arabs' interest is genuine, then Israel's political paralysis or retreat from compromise would be tragic indeed. In case the Arabs are not sincere, what a tragedy—and irony—if the blame for failure, even in American eyes, fell upon the Israelis.

AMERICAN FOREIGN POLICIES—A REASSESSMENT BY ALF M. LANDON

Mr. PEARSON. Mr. President, on April 22 the Honorable Alf M. Landon, delivered a lecture to the Executives Club of Chicago entitled "American Foreign Policies—A Reassessment." I have read Mr. Landon's statement. It is an extremely perceptive analysis of recent trends in the Soviet Union and Eastern Europe and what these may mean for U.S. foreign policy. Mr. President, this is an important statement by one of the great deans of American politics and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD as follows:

AMERICAN FOREIGN POLICIES—A REASSESSMENT

(By Alf M. Landon)

Perhaps at no time since the early years after the Bolshevik Revolution has there been such a meeting of factors and forces working for a genuine advance of human rights in the closed Communist states as there is at the present time. Yet, the very same forces pose serious new dangers.

The international equation is never simple. This is especially true in dealing with the Soviet Union and its colonies, at a time of accelerated change. This change calls forward at least three crucial questions demanding exploration:

1. What new foreign policy opportunities, if any, might the Communist leaders see at this time, especially in light of a change in U.S. leadership?

2. What explanations are there for the recent military build-up in that part of the world?

3. What is behind the new ferment among the dissidents in Eastern Europe and the U.S.S.R.?

In my view, the answers to these questions rest upon two fundamental assumptions. First, by both word and deed the Soviet leaders have underscored that they believe the whole world is destined to become Communist—"Marxist Socialism" they artfully label it.

Beyond repeated pronouncements by leaders from Lenin to Brezhnev, their deeds have made this sober reality most clear—including the capture of Eastern Europe after World War II and supportive action in Cuba, Vietnam and Angola in recent years.

Second, there is some reason to believe that—having suffered enormously in two major wars in this century and having looked down the long gun barrel of nuclear conflagration, including the probability that there has been at least one major accident in the U.S.S.R. in testing nuclear weapons—the leaders intend to avoid nuclear conflict if at all possible.

Keeping these assumptions in mind then, let us examine the foreign policy that the Soviet leaders find.

1. The Soviet leaders see the new U.S. administration as offering an opportunity for a test of will. They could mistake the liberal isolationism currently in the Democrat Congress as meaning that the new leadershp in Washington will have less resolve and will be more willing to make concessions in future negotiations, especially in the SALT discussions. And possibly the Soviet is not the only government that is wondering about that.

2. Western Europe's continuing political and especially economic problems may well offer opportunities for new Soviet inroads. A recent case in point is the leftward thrust of the March French local elections.

3. The rapidly changing picture in the southern part of Africa has not gone unnoticed by the Soviets. Indeed, the possibility of major fighting in Rhodesia offers a situation ideal for Soviet exploitation, with little risk involved. If Black nationalist leaders in the area are contemplating major military action, undoubtedly they already have informed the Soviets of their plans. Success will demand material support, particularly weapons.

Rhodesia and Zaire today—South Africa tomorrow—offer just the kind of inviting waters in which the Soviets like to fish. Beyond local forces, Cuban troops still remain in Angola supported by Russia and ready for use in Zaire or other African countries on orders by the Soviet.

Kremlin plans could include encouragement, material and weapons support and, possibly, military advisors on the ground. Past actions on their part probably rule out any actual deployment of Soviet troops.

One would be foolhardy to rule out totally direct Soviet military intervention if the Soviets could be confident that nuclear weapons would not be used. However, the time does not seem ripe at this juncture. They are dedicated to their cause, but they are also very patient. Further, their own troubles have been mounting. Nevertheless, the signs of early 1977 suggest that the Kremlin's leaders may well believe that new opportunities are at hand for both significant gains in Africa and concessions by the West in Europe made more likely by disrupted economic conditions.

The Soviets did achieve major success in Angola, made possible by Cuban troops—modern mercenaries largely paid for by Moscow's continued subsidy of Havana. That triumph in the field was followed by what seemed to be an equal victory at the negotiating table at Helsinki.

The Kremlin was annoyed and bothered by the Western failure to recognize the new imperial boundaries established in Eastern Europe by Soviet tanks after World War II. That change was given at least de facto recognition at Helsinki. Much more important was the promise of increases in hard currency credits and a greater infusion of Western technology, which is the second part of the package.

Moscow is seriously concerned over a decline in economic growth and the lagging effort to catch up with and surpass the U.S. in economic and military might.

However serious the Soviet leadership may be about wanting both to avoid the enormous burden of an accelerated arms race, and to defuse the possibility of a nuclear conflict, these laudable goals are only part of a larger picture.

Avoiding major conflict is a vital necessity for both the U.S. and the U.S.S.R. Western leaders must now recognize that the Soviet leaders see detente not only as a way to avoid a catastrophic war but as a powerful tactical weapon which they are determined to use as a key lever in their long-run drive to achieve world domination.

To the Kremlin, Helsinki, therefore, must have been seen as a major victory for detente—Soviet style. The West promised not to challenge the new Polish and German boundaries, while agreeing to step up cooperation in exchanges, primarily of technical aid and credits. In turn, the Soviets conceded a promise to soften its authority in the human rights realm. An abbreviated Bill of Rights—American style—was signed by 35 governments. Reporters were to receive multiple entry visas, citizens would be free to travel, and there would be a new respect for "the fundamental freedoms including the freedom of thought, conscience, religion or belief."

As Clayton Kirkpatrick pointed out in February as he accepted the William Allen White Foundation's national citation at the University of Kansas, the kind of spirit represented by the Helsinki agreement was powerfully evident in the UNESCO conference in Nairobi, Kenya, late last year. In that conference, the press of the world presented a united front for the first time and was successful in preventing the adoption of a Russian inspired declaration aimed at impeding distribution of news across national boundaries and access to news in foreign countries. Mr. Kirkpatrick, the distinguished editor of the Chicago Tribune, went on to say:

"In foreign countries the evidence was clear that newspapers and the men and women who produced them were leaders in the battle for independence, freedom, and self-determination. Even though many of those attending the conference lived under systems that are restrictive, they keep the spirit of freedom alive in clandestine ways. A calling that inspires such spiritual zeal cannot lack vitality."

Human values were preached by the old prophets on the hills of Judea. Lost at one time, they are revived—only to be lost again. Yet always they have lived through the innate longing by mankind for recognized individual rights. Today—in the Helsinki Accord—they are binding for the first time in all history on powerful signatory governments on a multilateral base.

Let us now turn to an attempt to answer the last two questions that I posed at the beginning—what the explanations are for the Soviet military build-up and the new ferment among dissidents.

While, at the time, Helsinki did seem to yield a new Soviet triumph, events since the signing of that Accord on August 1, 1975, find the Soviet leaders fearing that, on their way to a new crisis, they may have tripped—seriously injuring their Achilles Heel. Since the 35 nations put their signatures on the Helsinki document, all has been far from quiet on the Soviet Western front.

President Carter took immediate action after his inauguration to strengthen NATO by sending Vice President Mondale, followed by Secretary of State Vance, on healing missions among the allies.

President Carter is wasting no time in trying to pull NATO together. That is a bipartisan policy. NATO was organized by President Truman to prevent Russia from becoming dominant in Europe. It was strengthened by President Eisenhower.

There is strong evidence that forces for fragmentation have been at work in the Soviet orbit—in Europe, in the Near East and in the Far East.

Dissent rooted largely in a combination of failures to fulfill promises to improve living standards—especially to provide more and better food—and, most importantly, to observe basic human rights—has festered in the Soviet Union and Eastern Europe for years.

The Helsinki Accord is slated for review in Belgrade in June. The chances now seem considerable that the Soviets face new decisions before that date.

There are other very important pieces to the puzzle. The domestic food crops per annum fail to meet the demands of the rising standard of living. Even in the best of crop years, Russia imports some food crops from the United States. In a bad year, its requirements are quite large.

These facts cannot but have helped to support mounting concerns in Moscow, Warsaw and Prague. Other events seem best explained by such a growing awareness.

Early in the year, western observers reported that there had been a significant build-up of forces in the northwest on the Kola Peninsula near Murmansk that goes beyond just beefing up the major air force installations in that region. Additionally, large numbers of ground forces, including tanks, have been moved into the area. All of this, of course, to the consternation of the Red Chinese government, thereby prompting more cordial and closer relations with the United States.

Russia clearly lost ground in Asia as a result of the recent elections in India. Indiria Ghandi, who had cultivated close ties with the Soviet Union, was repudiated and replaced by a leadership demonstrably more cordial to the United States and less than enthusiastic over the Communist system.

Nowhere have the Soviets suffered a greater set-back than in Egypt which up until three years ago was the chief cornerstone of their policy in the Middle East. Today, Egypt has expelled the Russians and enthusiastically embraced the United States. Portugal has demonstrated that a successful liberation movement does not inevitably lead to Communism. Spain may be on her way to proving the same principle.

We know that early in February, at least in Poland, large numbers of reserves were called into uniform—this along with new arrests in dissidents held without public charges, by this time including such major figures as Orlov, Rodinko and Ginsburg.

Increasing unrest in the European Communist states is growing. Drastic reponse has been called forth, including a significant military build-up in the western regions and a call-up of some reserves.

Despite the failure of the Soviets to build up harmonious interest in Communism, the relative military strength of Russia and the U.S. is a very serious question. Those in position to know the facts have a wide difference of opinion. I do not believe that is irreconcilable.

If the Strategic Arms Limitation Treaty talks fail to reach a definitive agreement, the President said he will move toward building up our military strength.

No matter what their propagandists may say, the Soviet party leaders are facing pressure to reduce arms and to reduce the enormous economic burden of arms manufacture. Also the tremendous cost of maintaining subsidies to worldwide Communist activities directed by the Soviets.

They must realize they have lost ground the world over. The only place left where they have an advantageous position is Africa. Yet there is not one stable strong government there they can depend on.

In closing, let us turn to the new term, "linkage." The Soviets' own actions at Helsinki helped create a direct link between the human rights issue and both increased technical assistance and western recognition of the Eastern European boundary changes. One of the oldest, most basic principles of international law is the same as the rule universally applied to human agreements. If one party to a compact fails to live up to his part of the bargain, the other party is automatically released from his commitments.

As I have outlined, there is strong indication that more momentous events will evolve between now and the Belgrade review of Helsinki in June. One must hope that between now and then the Soviets will recognize the validity of their written agreements. If not, however, I urge that one of the major considerations in our planning for Belgrade will be the dependability of Russia's written agreements. Certainly, the U.S.S.R. and its Eastern European colonies have not kept their side of a highly important bargain.

What is America's major military weakness? Obviously it is manpower. Bolstering that with increasing research and development of our technology is imperative. As President Carter has underlined, currently the reserves are significantly undermanned. That alarming threat to world peace must be corrected promptly by President Carter and the Congress jointly—thereby signaling to the U.S.S.R. that the United States has the will and the strength to meet aggressive action on its part.

In contrast, the systematic denial of "basic human rights" is the Achilles Heel of Communist governments. Failure to call them to account for refusing to honor their signatures on both the Helsinki Accord and the Charter of the United Nations will serve to dampen confidence in U.S. leadership economically, politically and militarily. Now is the time to make Helsinki a shining beacon of western policies instead of a new capitulation to tyranny.

That is also a bi-partisan policy, for President Ford was largely credited or criticized for the Helsinki Accord.

I endorse President Carter's firm stand on keeping the Helsinki Accord—and his prompt action in pulling together NATO. A president of the United States must realize in keeping sensitive political discussions at a lofty level that "every word he utters weighs a ton."

Now the Soviet Union is hesitating on how to deal with mounting opposition in its own orbit as well as mounting failures in Europe—the Middle East—and the Far East.

Their moves on the diplomatic chess board at Moscow were not surprising. The Soviet leaders needed time to think over the U.S. surprising and sweeping proposals on arms limitation. They also wanted time to size up the new American president—his strength at home and with the governments of the world.

They got a prompt answer in the President's well-thought-out statement. He would wait a reasonable time to consider increasing American military strength. They also got their answer in the strong bi-partisan support the President is receiving at home as well as in the widespread strengthening of alignments with the U.S.

That should be a sign to the Soviet leaders to decide it is to their interest to keep their contractual agreements in the Helsinki Accord made and entered into and signed by 35 nations—and to reach a SALT agreement. General Secretary Brezhnev is of course very able and well informed. I feel SALT is beginning in earnest.

The Soviet Union should be realizing that the Helsinki Agreement and the Charter of the United Nations which it signed have changed human rights from a political philosophy to a hard realistic political fact in life's affairs that may sway the destiny of humanity. Therefore, they cannot be defined cordially one day and wiped out the next. The sooner that is realized and adjusted to by all the world's governments, the better it will be.

Basic human rights is the seedbed for civil rights. Civil rights is the base of the democratic process. I need not point out that democratic processes mean the end of autocratic government.

Facing up to these crucial decisions confronts the Soviets today.

SRI LANKA INDEPENDENCE DAY
MAY 22, 1977

Mr. STONE. Mr. President, Sunday, May 22 marks the fifth anniversary of the day Sri Lanka, formerly known as Ceylon, adopted a republican constitution. I would like to congratulate the people of Sri Lanka on this occasion for the fine example of democratic government which they are setting in South Asia.

I have not yet had the pleasure of visiting Sri Lanka, which is said to be a very beautiful country, but as chairman of the Foreign Relations Subcommittee on Near Eastern and South Asian Affairs, I have had the opportunity to learn more about it. This small island in the Indian Ocean, with a population of 13 million people, has been a parliamentary democracy since 1948 when, like our own country, it won its independence from Great Britain. Since that time, the government has changed hands peaceably five times through general elections, and this September the people of Sri Lanka will be going to the polls once again. Among the achievements of this nation's political system can be counted the right of all adult citizens to vote, a literacy rate of nearly 90 percent, and an outstanding judicial system.

As a developing country, Sri Lanka has been focusing its efforts on redistributing income and strengthening its economy. To this end, the government has encouraged private foreign investment, begun a land ownership reform program, and launched a major project to harness the Mahaweli River for electrical generation and irrigation. The United States has demonstrated its support for these efforts through increased trade and assistance under the food for peace program.

In addition to striving to improve living conditions for its own people, Sri Lanka is beginning to assert a leading role in the world community. Last August, it hosted the fifth Summit Conference of the Nonaligned Nations. Its government also has taken the lead on a topic of great importance—the declaration of the Indian Ocean as a zone of peace. In recent days, the Carter administration has announced its intention to curb the arms race that has been escalating in the Indian Ocean since the late 1960's. I am confident that, in working together to maintain peace in that corner of the world, the United States and Sri Lanka will continue to demonstrate the friendship and mutual respect that has grown between our two democracies.

CARTER ENERGY PROPOSAL FALLACIES

Mr. McCLURE. Mr. President, at the Joint Economic Committee hearings on the macroeconomic impact of the administration's national energy plan, several leading economists gave testimony that pointed up the weaknesses of the President's energy proposal.

Their main criticisms were the fact that the administration's program failed to consider measures that would develop domestic energy supplies; would add more Government regulation over the American economy; reduce the standard of living; and would strengthen the OPEC oil cartel.

I would like to include excerpts of the statements for the RECORD.

Arthur M. Okun, senior fellow, Brookings Institution:

> A major—but correctable—deficiency of the administration's program is its lack of attention to energy supplies. It emphasizes energy conservation . . . with no parallel stress on production . . . the omissions from the program are glaring: the stimulus to coal operates by increasing coal demand with no special measures to help expand supply; there is no promotion of shale development . . .

Otto Eckstein, president, Data Resources, Inc. and Paul M. Warburg, professor of economics, Harvard University:

> The President's program substantially increases the amount of regulation imposed on the economy, and much of that increase is based on an illusory view of the ability of the government to actually carry out such regulations in meaningful form.

In addition, Economist Arthur B. Laffer, stated that the President's proposal "would tend to strengthen the OPEC oil cartel."

It was also predicted by Lester C. Thurow, economics professor at MIT, that the average American standard of living will decline as a result of President Carter's energy proposal.

THE CREDIT CRUNCH: THE PERSONAL VIEW OF AN IDAHO CATTLEMAN

Mr. CHURCH. Mr. President, I recently received a letter from Mr. Dale Randall, of Rigby, Idaho. Mr. Randall is a cattleman and, judging from the facts and figures contained in his letter, a pretty darn good one.

Yet as efficient and hard-working as he is, Dale Randall is having real problems. The market conditions which have afflicted the industry in recent years and the current weather situation have resulted in net losses for Mr. Randall for the last 4 years. As a result, Mr. Randall has found himself having to borrow more and more money to remain in business.

He has been forced to remortgage after he worked long and hard to repay the debt. With today's higher interest rates, Mr. Randall and others like him, justifiably feel like they climb out of one hole only to fall into a deeper one.

I need not go on at length about this situation. Mr. Randall's letter graphically presents the bleak picture that confronts cattlemen everywhere. I ask unanimous consent that Mr. Randall's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

IDAHO FALLS, IDAHO, *April 5, 1977.*

Hon. Senator FRANK CHURCH,
Russell Office Building,
Washington, D.C.

DEAR SENATOR CHURCH: I realize how busy you are with all the problems your position must create. Before going any further with my problem, we here in Idaho want to commend you and our other Senator and Representatives for the fabulous job you are doing to represent us in Washington. It's comforting to know that we are being looked out for to the best of your ability in a government that has so many irregularities and problems.

Senator, I am in the cattle ranching business here north of Idaho Falls where I live, and all my summer range is 20 miles northwest of Dubois, Idaho in Clark County. You may not recall my name but I have met and talked with you personally on two different occasions. We discussed the implorable cost-price squeeze that we in the cattle business are going through. We are going into the fourth year of losing money on our cattle. I am in the cow-calf business and have been producing about 225 calves a year. In our area the P.C.A., N.F.O., Farm Bureau and the local banks have conducted cost-of-production surveys and all the figures indicate we are losing from $100 to $150 per cow in a year. This figure depends on the area and how much winter feeding of hay each rancher has to feed.

Senator, I don't want to sound like I am bragging because I am not, but I am proud of the fact that the figures nationally show the percentage of calf crops saved in the nation runs from 75 percent to 85 percent. My calving percentage has consistently run 95 percent or above in all the last 21 years except two. These were years of severe scour epidemics.

One year, 1963, we got a set of twins and never lost one calf right through weaning time. Senator, I bring this fact out to emphasize that no matter how efficient we are or how many hours of labor we put in to save these baby calves, it is all in vain to make a profit or even stay even. From 1973 to 1975 my operation lost $60,000. I had to remortgage my land to stay in business. Now, I find I am in the same position again. I have fed my calves through the winter hoping to receive some increase in price to help pay my bank notes. I now find I have lost $2,100 on 220 head of calves over and above what they would have brought when we weaned them off the cows the 10th day of November. My obligations at the bank are due now. I have an operating loan of $45,000; the settlement on all my calf crop is less than $30,000. This means I will have a $15,000 carry over on my loan. The first day of May I have real estate payments due of $17,000 on my operation. This means that even if the bank would go with me one more year, there is no way to meet this obligation come fall.

The problem boils down to this: I went to the F.H.A. office to see if I could receive funds at 5% to try to see us through this emergency. I was told that I was not eligible for a loan as long as I could remortgage or get more money from other sources. Senator, this is the very thing that is literally killing us today. When I remortgaged in 1975, my present loan was at 6½% on $60,000. In order to get the $65,000 I needed, I had to bring all of my interest to 9%. Therefore, where my payments were $5,200 on $60,000 my present payment on $125,000 is $12,200. That is an increase of $1,800 on just a little over twice the principal. It's not the actual loss itself that is breaking us but the interest on the loss.

There is only one way to save me and hundreds of other ranchers from complete and final bankruptcy and that is to get some kind of disaster assistance to see us through this crisis. Senator, I know of instances in some F.H.A. offices where some ranchers have gotten help whose situations are no worse than mine, but my regional office where I must apply for help tells me I am not eligible.

Senator, I can tell you without a doubt

that come fall we will see foreclosures and bankruptcies like you have never seen before. Also, this drought has compounded the situation tenfold. If we have to reduce numbers of livestock to meet grazing permits, our market will be even worse than it is now by far. What I am requesting is that you see what you can do to get us some low-cost interest loans under the disaster plan to see if we can survive.

I have four children, one of whom is married, but there is no way I can help them through college the way things are now. I have a 31 year old nephew who has been working for me for the past eight years. I was hoping to be able to take him into the business along with my son who is now 14 so that I could start to slow down a little myself. I am 48 years of age and thought I was quite old but the U.S.D.A. figures state the average age of the farmer and rancher today is 57. If we don't put some incentive in this business soon, by 1985 there won't be anyone to even produce our food. There are many ranchers who are letting their help go because they cannot pay them. Most of these people are young men who have grown up on ranches and know no other trade. They have no alternative but to go to the city to look for work, thus making jobs for city people even harder to find. This certainly isn't helping an economy that is already in bad shape.

I hope you will excuse the length of this letter but I felt I had to present enough facts to show how serious our situation really is. Hoping to hear from you as soon as time permits. Wishing to thank you again for your support.

Sincerely,

Dale Randall.

THINKING SENSIBLY ABOUT CONSUMER RISKS AND BENEFITS

Mr. DANFORTH. Mr. President, Government regulation has had a drastic effect on the lives of individuals and on the vitality of the private sector. A constituent of mine recently addressed the problem of balancing consumer risks and benefits with respect to Government regulation, and I believe his remarks are worthy of our careful consideration. At this time, Mr. President, I ask unanimous consent that the remarks of John W. Hanley, president and chairman of the Monsanto Co. in St. Louis, be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Thinking Sensibly About Consumer Risks and Benefits

Twenty-six years ago, I landed at Midway one night as the first step in moving my family from Richfield, Minn., to Chicago. While I'd been selling soap in such far-distant places as Sleepy Eye, Minnesota, Musselshell, Montana and Turtle Lake, North Dakota, I didn't picture myself as a small-town boy. I didn't stare out of the cab windows at the tall buildings going downtown to the Stevens—principally because it was dark!

I do remember early in the ride asking the cabbie, "What's that funny smell?" "Money" he replied! (Later I discovered it was the stockyards.) But he was right—it was money! This is the Big League and I learned a whole lot—mostly the hard way.

I've always believed that the tough experiences I gained here had a lot to do with the opportunities that later came to me in corporate life, first at Procter & Gamble and now at Monsanto. So I retain pleasant memories of Chicago and the business community that is represented by The Executives' Club.

I'm flattered to have been asked to speak to this club and to represent Monsanto before one of the Nation's top leadership groups. The ideas generated here are studied and talked about throughout the country. So one approaches your podium with an appropriate respect for this forum's national stature.

It's in that spirit that I selected the topic, "Thinking Sensibly About Consumer Risks and Benefits." You might at first wonder if the nature of Monsanto's business doesn't insulate us from the controversy that today surrounds the issue of risk and benefit in the consumer marketplace. We are, after all, essentially a supplier of intermediates and raw materials for industry and agriculture.

Let me assure you that no industry in today's environment can be completely isolated from that controversy, least of all the chemical industry.

The consumer firestorm ignited by the proposed ban on saccharin by the Food and Drug Administration followed by only a few days the suspension of Monsanto's innovative plastic beverage bottle. We and Coca-Cola had successfully introduced what we call our Cycle-Safe bottle in a number of major Midwestern and Eastern markets—and it was going to glory!

That regulatory action against us—termed "arbitrary and capricious" in a stay subsequently issued by a Federal Appeals Court—was based on the same kind of studies that brought about the threatened saccharin ban. In both cases, rats were fed doses of substances under examination at rates that are remote from human experience.

Not surprisingly, consumers have sharply protested what they see as an unreasonable application of Government authority to force accepted products—like saccharin and others—from the marketplace, without due consideration of benefits as well as risks.

Had risk-benefit analysis of the Cycle-Safe situation been made by the FDA beforehand, it would have revealed that in the Chicago area, for instance, Monsanto would be forced to close down our new Park Forest South bottle-making operation with the consequent loss of almost 1,000 jobs here and at other Monsanto locations.

But I want to speak to you today not as some embattled or embittered manufacturer crying "foul" in defense of narrow economic interests. Rather, I speak as a concerned citizen who sees a growing tendency for irrationality to be substituted for reason in discussions of, and action relating to, consumer safety and acceptable risk.

So let's examine some of the more serious consequences, including the long-term effect upon innovation and creativity. Then I hope to offer a more realistic perspective against which we can evaluate risk and safety. And, finally, to propose what we at Monsanto believe is a positive contribution to enhancing scientific understanding and the eventual resolution of these important matters as they affect human health.

At the outset, let me underscore the fact that we at Monsanto defer to no individual or group in our concern for the quality and safety of our products. There is too much at stake—morally, ethically, financially—to defend unsafe products. But, I contend, the process of safeguarding human health—and, in the specific case I cite today, our food supply—can and should be a rational one.

Where did it all begin? The first signal of an evolving climate may well have been the Cranberry Crisis of 1959. Remember that? Few of us could recite the specific details of that incident—which dealt with the suspected contamination of cranberry shipments in two western states—but most of us recall that consumers all over the country were thoroughly confused at Thanksgiving time. (And the Government didn't help much when it proposed sauerkraut as a cranberry substitute.)

Then came the ban on cyclamates, the only other synthetic sweetener besides saccharin—an action vigorously debated within the scientific community, worldwide, to this day.

I could go on and on with examples that seem to haunt the marketplace: The interlock seat-belt controversy—a public safety-consumer risk question of the first magnitude where the public loudly and firmly expressed its view. Then there is the synthetic food coloring controversy and questions about aerosol sprays and the ozone layer. And more—and more—and more!

The net effect is confusion and a growing disruption of creativity and innovation—that typically American life-giving process which painstakingly brings products from the idea stage to commercialization. The *total* process involves careful commitments of human and financial resources to develop new products in a fashion that will best serve consumer needs while providing a realistic return to investors, inventors and others involved in the cycle.

One does not have to look far afield to gauge the impact that regulatory force has had upon the innovation process. In the pharmaceutical industry, to use a prominent example, the costs of discovering and developing a new ethical product have soared eighteenfold, with about half the increment attributable to FDA regulation. The average number of new drugs approved by FDA declined by roughly 70% between the 1957–61 period and the 1972–75 span.

I cite these pharmaceutical industry examples to underline the divergent as well as critical impact this bridle on innovation has upon American life. Within Monsanto's own direct experience, the suspension of our new plastic beverage container is a vivid example of stifling creativity—in ways that are not fully known to the American consumer.

Let me explain what I mean in some detail, because our experience may spell valued lessons for your organization—as it has for mine.

The controversial action centers on a chemical substance known as acrylonitrile, or "AN" as we call it. This substance has been used in a variety of food-contact applications for more than 30 years and is an ingredient in our plastic bottle.

Long before the bottle reached the marketplace, academics, public interest group representatives and outside scientific testing agencies were given extensive data with which to make their own evaluation of the environmental consequences of this new container—the plastic from which it was fashioned, its energy consumption, convenience, safety, recyclability and so forth.

During the product's long gestation period, we organized a scientific symposium which brought together those who opposed as well as those who favored the bottle. At that time we said, "It is Monsanto's belief that when industry anticipates any action that can have large-scale effects, it is desirable that the scientific basis for this action should be subjected to scientific peer review and criticism."

And so it was. These experts, and others inside and outside government, concluded that Monsanto had carefully tested and was continuing to test all the impacts of the bottle, including possible migration of AN from the wall of the bottle into the beverage.

Following FDA approval of the bottle as a container for carbonated beverages in

February 1975, we and Coca-Cola committed considerable resources and effort to the introduction of this wholly new packaging concept. Consumer tests quickly demonstrated that the lightweight, shatter-resistant plastic bottle was overwhelmingly preferred by shoppers. At the same time, it represented contemporary contributions to those interested in easier distribution, recyclability and energy savings as compared with glass bottles.

In mid-January of this year, the Manufacturing Chemists Association presented FDA with an interim report from an industry-sponsored chronic feeding study of AN. It showed that some rats, fed three different levels of AN in their drinking water, did develop tumors. But to ingest an amount of AN equivalent to even the lowest level fed to the test animals, a child would have to drink more than 3,000 quarts of beverage every day for one year from Cycle-Safe bottles.

We pointed out to the FDA that we were concerned by the findings—but that they were preliminary and inconclusive . . . that they were at variance with other tests on acrylonitrile . . . and that Monsanto would immediately begin with further AN feeding studies at levels that would provide more realistic evaluation. Our plans drew a favorable response from the FDA.

But a month later, the agency announced its intention to suspend approval of carbonated beverage bottles made from AN.

Ironically, the same week that the FDA acted on our bottle, the Canadian government approved acrylonitrile for use in plastic soft drink containers.

But where innovation has suffered a double blow in this instance is that Monsanto and Coca-Cola were poised to introduce a refillable plastic beverage container—a bottle that both the FDA and EPA had said publicly was the most environmentally desirable method of packaging soft drinks yet conceived—perhaps as a meaningful answer to some of our Nation's litter problems. Obviously, we cannot move ahead with this unique answer to the "throwaway" question now that the fate of the container business has been jeopardized by the FDA order.

It is at junctures such as these that all of us—consumers and concerned citizens—must ask if reason and common sense are being brought to bear on decisions that not only concern human safety but also affect jobs and the commitment of vast resources.

To challenge, as I most certainly do, the advisability of product bans based on evidence that is subject to widely different interpretation within the scientific community, is not to challenge the government's right and obligation to protect and safeguard public health where facts so justify.

It is appropriate then, to raise the questions, "What is safe?" and "How great is the risk?"

Not for a moment would I suggest that these are simple questions. Or that those who may disagree with our viewpoint are motivated by malice or ignorance. These are enormously complex issues on which men of good sense and good will can and often do differ. But what is missing from the current dialogue, in my judgment, is a rational perspective on consumer risk.

Just to illustrate—and not to make light of concerns for toxins in our food supply—scientists tell us that four pounds of raw cauliflower, eaten at one sitting, contain enough toxins to produce serious, if not fatal, effects in humans. Doesn't it seem as unreasonable to assume that anyone is going to drink thousands of quarts of a beverage every day for a year as it is to assume that anyone will eat four pounds of raw cauliflower at one sitting?

Even when a toxic chemical does migrate from a container to the contents, it doesn't necessarily mean that a human health hazard exists. Fine crystal glassware, which has been used safely for centuries, is about one-third lead. Lead has been found to cause cancer in animals and, in excessive amounts, is toxic to humans as well. But it migrates from glass only in the most minuscule amounts, so FDA has quite properly felt there was no problem to be concerned about.

What has happened, in part, is that our ability to measure and interpret the effect these substances have on human health has outstripped the laws that regulate their use.

It was two decades ago that the so-called Delaney Amendment to the Food, Drug and Cosmetic Act became law—the clause which prohibits the use of chemicals in foods if cancer can be induced in test animals at any feeding level no matter how massive. At that time, our scientific understanding of trace quantities and their effect upon human health was, by today's standards, unsophisticated.

In the intervening years, we have introduced such tools and methods of detection as the electron microscope, mass spectroscopy and neutron activation analysis which can pinpoint trace quantities as small as one part per trillion. That's one bad apple in two billion barrels of apples.

Our nation's scientific genius has become, in effect, a double-edged sword. Just as we now have the technology to identify infinitesimal trace quantities, we also know infinitely more about how human systems cope with toxic substances. But the issue becomes magnified and beclouded when we lose perspective on what these quantities mean when translated into human terms.

For instance, the rationale for the recent ban on saccharin, as in the case of the plastic bottle, was the discovery of tumors in rats—rats that had been fed the synthetic sweetener in amounts that would exceed a consumer drinking 800 twelve-ounce diet sodas daily for a lifetime.

Is that a "risk" worth taking? I suggest that a fully informed American people should, at the very least, have a right to choose. In the words of a New York Times editorial which recently called for replacement of the Delaney Amendment, "The unqualified nature of the Delaney clause prohibits rational decision-making. In effect, it says that if any risk of cancer can be demonstrated, then that is that. There is no room for weighing the benefits," the Times went on, "against its costs. Yet such cost-benefit analysis is basic to any sensible judgment."

The Times concluded by stating that the Delaney clause "has long needed replacement by a more balanced effort to protect the public against carcinogens." With this, most reasonable citizens would agree.

So what can the public, business and government do to bring a more clear-minded perspective to this growing national debate?

I suggest these five steps:

First, the Delaney Amendment must be reconsidered and updated in light of modern technology and our understanding of the effect trace quantities of chemicals and other substances have and do not have on human health.

Second, we must put an end to regulatory policy established in an ad hoc fashion—whereby the conditions of acceptability literally change overnight without full debate among the parties directly affected.

Third, risk-benefit analysis must be brought to the decision-making process. The costs throughout industry of the punitive measures I've described range into the hundreds of millions of dollars. In human terms—jobs and economic dislocation—the costs are often immeasurable.

Fourth, all of us must come to understand that these decisions cannot be reached by scientist battling scientist over interpretations of test data—even within the concept of a Science Court which would permit a formalized forum for scientific debate, and which I think has merit. Ultimately, these are public decisions which should be made after deliberative consideration of benefit versus risk. Importantly, the consumer must be heard in this process.

And finally, industry and government, public interest groups and the scientific community, must lay before the American people all the evidence, relating to questions of product safety and human health, in an open and forthright manner.

It is to advance such scientific fact-finding that Monsanto has just approved a half-million dollar grant to increase our nation's understanding of the effect our products have upon human health.

We intend to do this by supporting at the graduate and post-doctoral levels the training of toxicologists—those specialists who deal with the origin, nature and properties of harmful materials.

We are, of course, fully aware that toxicologists, by themselves, will not solve all the problems I have alluded to today. This will take bio-chemists and specialists in a wide range of disciplines. But toxicologists can be an important factor in accumulating data that will be helpful in judging risks and benefits.

With society's ever-increasing attention to questions of human safety, as well as the passage of the industry-supported Toxic Substances Act, our nation is faced with a critical shortage of qualified personnel to carry out the careful scientific studies associated with toxic substances and human health and safety.

To cite a few examples that point up the critical nature of the situation:

The latest annual report of the Society of Toxicology placement bureau shows that in 1974, roughly half of the advertised openings for toxicologists were filled. In 1976, only one-fourth of the openings were filled. The entire Society of Toxicology, incidentally, includes only 850 members—about half the enrollment of societies in comparable disciplines.

In some special areas of toxicology, the disparity between supply and demand is even more acute. Another professional placement service recently listed 100 openings for inhalation toxicologists—with no applicants at all.

Through Monsanto's philanthropic foundation—the Monsanto Fund—grants will be made to selected universities on an unrestricted basis. We will have no vested interest in graduates of the programs we help finance. Recipients of funds will be able to pursue whatever careers may interest them most—in government, academia or industry. The need is equally critical in all areas.

The grants will go to those universities that are already doing a commendable job in the field of toxicology, and have demonstrated the capacity of doing still better.

This grant program is designed to encourage other companies to contribute in like manner. Indeed, so great are the dimensions of the problem that only a broadly-based effort can cope with it successfully.

As this effort moves forward, we must confront the question of consumer risk in a manner free from the old suspicion and irrationality that too often have characterized the debate over the proper interest of industry, government and the consumer.

I believe Monsanto has demonstrated, and is demonstrating forcefully with its program of support for education, that the question of consumer risk can be addressed in a responsible and constructive fashion.

I hope government, the public interest groups and the citizenry will join us in this same spirit so that we can answer many of the questions and resolve many of the doubts that currently cloud our ability to find a reasonable approach to the issue of acceptable consumer risks and benefits.

BANKS CAN, IF THEY WILL, REBUILD THE CITIES

Mr. PROXMIRE. Mr. President, the New York State Banking Department recently published the most comprehensive study to date of urban disinvestment by banks and savings institutions. The New York State study documents in great detail that banks often make gross judgments about the credit-worthiness of entire sections of cities. Generally "bombed out" areas and solid blue collar communities are tarred with the same broad brush, and credit is often impossible to obtain. In Brooklyn, for example, an astounding 89 percent of local deposits were exported elsewhere, even though Brooklyn contains hundreds of thousands of owner occupied homes. Those loans that were made were concentrated in the affluent southern tip of Brooklyn, even though there are solid, well-maintained lower middle-income neighborhoods with low default rates in other parts of Brooklyn. Another recent study by the Massachusetts State Banking Department points to the same conclusion. The older, lower income neighborhoods have great difficulty getting mortgage money from banks and savings institutions, but their actual default rates are not significantly different from the more affluent areas, despite the bankers' mythology about greater risk.

It has been almost a year since the first national data on redlining was published, as required by the Home Mortgage Disclosure Act, which I sponsored. At that time, we had allegations about redlining, but no clear proof. We now have that proof. Irrational neighborhood disinvestment by lending institutions has been documented over and over again. We know redlining is a pervasive problem. We know that it accelerates the urban decline the bankers say they fear.

TIME FOR NATIONAL POLICY

It is now time for a national policy to promote reinvestment by the private sector in America's city neighborhoods. Obviously, Government can not do it all, and according to many of the neighborhood spokesmen who have testified before the Senate Banking Committee many Government programs have hurt neighborhoods more than they helped. It is clear from some of the innovative programs by the private sector, such as the Philadelphia Mortgage Plan and the Neighborhood Housing Services, that affirmative reinvestment by banks and savings institutions can make an enormous difference to the health of neighborhoods. But Government does have a role to play, too. We need specific policies to encourage banks to reinvest in their communities, and regulators who will carry out those policies.

KEY CARTER APPOINTMENTS

President Carter is about to make two key appointments to bank regulatory agencies—the Comptroller of the Currency and the Chairman of the Federal Home Loan Bank Board. Under the previous administration, these agencies were in effect extensions of bankers' trade associations. The top appointees reflected the revolving door between the industry and the regulatory agency. The agencies initially opposed the Home Mortgage Disclosure Act, mild as that legislation is. They took the industry line that redlining was not a problem. It took two oversight hearings and a landmark lawsuit by every major civil rights organization before the agencies even began to enforce the 1968 Fair Housing Act, 8 years after that act became law. The agencies still lack a serious antiredlining program.

I hope that the President will appoint individuals who have demonstrated a sensitivity to urban reinvestment needs, and an independence of the regulated industries.

CRUCIAL CONGRESSIONAL ACTION

We now have a disclosure law on the books, and it documents massive disinvestment. The Congress should take the next obvious step and pass legislation making clear that regulated lending institutions have an affirmative responsibility to look first to the credit needs of their local areas. The Senate Banking Committee has included such a measure, the Community Reinvestment Act, in the 1977 Housing and Community Development Act, S. 1523.

Title IV of that act would provide that federally chartered and insured lending institutions have a continuing and affirmative obligation to serve the convenience and needs of their communities, and that this includes credit needs. It would direct the supervisory agencies to adopt policies to encourage lenders to help meet those needs. Specifically, it would require bank examinations to include an assessment of how effectively the bank is serving its community, and would have the agency take that assessment into consideration in deciding whether to grant a bank new branches.

This is a modest response to a serious national problem. It involves no new public expenditures or programs, no new reporting burdens on the private sector, but it does make clear that banks are chartered not just to maximize their earnings, but also to serve their communities.

I look forward to congressional enactment and administration support of this important measure. I am also eagerly awaiting President Carter's appointments to the Comptroller of the Currency and the Federal Home Loan Bank Board.

I am enclosing copies of articles from the New York Times of May 11, and May 17, and an editorial of the Times from May 20. I ask unanimous consent that they be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

State Drafts Program to Increase Mortgage Lending in Inner Cities

(By Glenn Fowler)

Albany, May 10.—State banking authorities, making public today the results of a year-long study detailing the extent of redlining by mortgage lenders, said they were drafting a broad program to increase the flow of funds into new and existing housing in the inner cities.

Because the report is the first acknowledgement by the State Banking Department that there is redlining—the deliberate withholding of mortgage funds from deteriorating neighborhoods—it seems certain to anger the banking industry. At the same time, it is expected to hearten community-based organizations that have been clamoring for state action to eliminate the practice.

The Banking Department program will use a "carrot-and-stick" approach, providing incentives for lending institutions to channel more money into areas now redlined and penalizing banks that continue to refrain from doing so.

OTHER REPORTS CONFIRMED

"Too much of the savings of New Yorkers is being sent out of the cities to finance suburban development or out of the state to finance building elsewhere," Leonard Lapidus, the Acting Superintendent of Banks, said as he presented a preliminary report on the study of the elusive problem of redlining—or "disinvestment," as the banking industry prefers to label its lack of enthusiasm for housing loans in deteriorating or racially changing areas.

The 325-page report confirmed in large part what had been disclosed in other studies. For example, while the 10 major savings banks based in Brooklyn get three-fourths of their deposits from the borough, only 11 percent of those deposits are invested in residential mortgages there.

Moreover, nearly 85 percent of the mortgages held by the Brookyn savings banks are in parts of the borough with almost all-white populations.

Only 1 percent of the banks' mortgages are in neighborhoods with heavily nonwhite populations.

Mr. Lapidus and his aides were careful to point out that their study—its final conclusions will not be available until this summer at the earliest—was not aimed at assessing blame. Rather, it was focused on documenting the dearth of mortgage money in poor neighborhoods so that constructive remedies could be proposed.

Although Mr. Lapidus declined to detail the remedies, it was learned from sources in the department that specific elements of the program would be presented to the Legislature next week, as follows:

A co-insurance fund to protect lenders from losses on mortgages for rehabilitation of multifamily housing in locally designated preservation areas. In light of the state's present fiscal condition, the fund would probably involve a minimal commitment of public funds, to be augmented by fees contributed by the banking industry.

A neighborhood loan program, aimed primarily at financing the purchase of one-to-four-family houses, backed by "Sunny May"—the New York State counterpart of the Federal National Mortgage Association, which buys loans from banks so that they can reinvest the cash in new mortgages. The banks would be expected to buy Sunny May bonds to qualify for having existing mortgages taken off their hands.

An outright ban on redlining that would penalize lenders who systematically refuse to make mortgage loans in geographical areas without regard to the credit-worthiness of individual borrowers.

A new attempt to obtain enactment of a flexible usury ceiling, in place of the 8½ percent limit on the annual interest rate that may be charged on home mortgages—a limit that the Legislature extended two weeks ago. The Banking Department wants the power to set a higher maximum as an incentive to banks, but would stipulate a return to 8½ percent if lenders failed to invest adequately within the state.

A requirement for fuller disclosure by lenders of the terms of mortgage loans, including for the first time data on the number of applications received from each geographic area.

Regulatory power over mortgage companies and mortgage bankers. Only commericial banks, savings banks and savings and loan associations are now under Banking Department supervision. The department believes other lenders are avoiding ghetto areas.

Authority to require banks that seek new branches to present plans for dealing with the credit needs of the neighborhood to be served.

A voluntary effort by banks to increase mortgage lending in low-income areas. This would be patterned on a program in Philadelphia, where a group of banks has actively sought mortgage applications from the ghetto.

The 10 Brooklyn-based banks in the study, which account for three-fourths of all savings-bank deposits in the borough, are the Anchor, Dime of New York, Dime of Williamsburg, East New York, Greater New York, Green Point, Independence, Metropolitan, Roosevelt and Williamsburgh.

Last year, of 81 sales in the district, only four were financed by Brooklyn savings banks, he said, even though the banks suffered no foreclosures there in the last five years.

Aside from Brooklyn, the study probed conditions in Rochester, where it was concluded that banks did not discriminate against inner-city borrowers, nonwhites or purchasers of old houses.

Statewide, the ratio of savingss-bank mortgages to local deposits was highest in Nassau and Suffolk Counties, 62 percent, and lowest in New York City, 15 percent.

Plan Suggests Help by Banks on Housing

(By Glenn Fowler)

ALBANY, May 16.—Banks in New York State would be required to contribute to funds for rehabilitation of housing and for loans to homebuyers in marginal neighborhoods under a program proposed today by state banking and housing authorities.

The program includes an outright ban on "redlining," the practice of refusing to grant mortgages on a property solely because it is in a high risk area—usually a deteriorating, changing or minority neighborhood.

The latest proposal, intended to improve the flow of mortgage money to high-risk areas, was developed by the Banking Department and the Division of Housing and Community Renewal as a response to a state study that found disproportionate amounts of deposits in lending institutions being invested outside the inner cities and, indeed, outside the state.

Leonard Lapidus, the Acting Superintendent of Banks, said the proposals, many of which require legislative sanction, "will provide incentives to lenders to keep money in the state and to make loans in areas of higher risk."

OTHER FEATURES OF THE PROGRAM

Other major features of the program include:

A co-insurance fund built up by a tax of 25 cents paid by the lender on each $100 of mortgage recordings, that would be used to rehabilitate houses in marginal areas designated by local authorities.

A $250 million neighborhood loan program in which the State of New York Mortgage Agency would buy existing mortgages to enable banks to make new loans. The money would be raised by the sale to the banks of tax-exempt securities, backed by federally guaranteed mortgages.

Licensing of mortgage bankers, the source of much mortgage credit in low-income areas. Commercial and savings banks and savings-and-loan associations are already under regulations.

A flexible usury ceiling, instead of the 8.5 percent limit approved two weeks ago by the Legislature.

Coupled with this proposal—which, like most other aspects of the program, would require legislative approval—the state would set up a commission that could clamp on a lower ceiling if banks did not invest more of their deposits within the state.

Other legislative activities today included the following:

P.S.C. REFUNDS

The Assembly passed a bill mandating refunds by utilities to consumers when temporary rate increases are eventually cut back. Under present law the Public Service Commission orders refunds only when consumers apply for them.

LAYAWAY PLANS

Another Assembly-passed bill would subject retailers to civil penalties of up to $350 for failure to disclose full details of layaway plans, under which merchandise is held for future delivery.

DECEPTIVE ADVERTISING

The Assembly also approved a bill that would tighten restrictions on deceptive advertising, directed principally toward misleading claims of reduced prices.

HOSPITAL DISCLOSURE

In an effort to hold private hospitals accountable for their financial condition, the Assembly passed a bill requiring all hospitals to disclose large salaries and expenditures. The bill would require hospitals to report to the Department of Health the name and address of each salaried employee who receives more than $20,000.

Where Banks Borrow, But Don't Lend

New York appears to be subjecting itself to a perverse kind of economic imperialism. According to a recent report of the State Banking Department, mutual savings banks, which take in billions in this state, invest startling amounts in other states. In 1975, 73 percent of the assets of these New York banks were invested in mortgages on out-of-state property. For New York City banks, the outflow was even worse—85 percent. For Brooklyn alone, it was still worse: 89 percent of local deposits ended up outside Brooklyn—and even the 11 percent invested there was concentrated on the southern fringe.

The clear conclusion is that much good housing in stable neighborhoods is excluded—"redlined"—from the mortgage market because of bankers' stereotyped notions about neighborhood viability. Since the banks themselves seem unable to make the sophisticated calculations to increase the flow of mortgage money to the city—as some Philadelphia banks are doing voluntarily—there is a strong case to be made for the Banking Department's proposed program of compulsion and incentive.

The savings banks plead for understanding. The "capital export" figures, they say, can be explained. They note, for example, that rent control discourages mortgages to many multi-family dwellings; operating costs in such buildings have risen much faster than permitted rents. The bankers note also that assessment and tax policies are taking properties off the market while population changes steadily erode the quality of housing stock.

Granted. But there is still much to be said for the Banking Department's findings and for the reforms it proposes. Often the bankers attempt to minimize the impact of the capital export figures by arguing that the risks are too high and the demand too small in the areas where no loans are made. This conjures up crumbling tenements in minority neighborhoods. It is true that loans are not made in those neighborhoods—and the Banking Department is not pushing bankers to take unacceptable risks. But it is also true that in Brooklyn, for example, loans do not flow easily to such brownstone revival areas as Park Slope; or to changing, but solid middle-income communities like Flatbush and East Flatbush; or to the Stuyvesant Historic District where the foreclosure rate has been extremely low.

The Banking Department calls for a number of compulsory correctives to redlining, notably an outright ban on the rejection of mortgages because of location alone and fuller disclosure by lenders of the terms of loans and of data on applications received from each geographic area. In addition, the Banking Department proposes a co-insurance program for up to 20 percent of mortgages in preservation areas and up to 90 percent of mortgages in rehabilitation areas. That seems a sensible response to the bankers' understandable concern about increased risk.

These are not all of the Banking Department's proposals nor all of the remedies suggested by interested community groups. And it is not clear which proposals should constitute the final legislative package. What is clear is that the redlining issue can no longer be hidden behind the often false stereotypes of inner-city decay. Bankers, fully as much as government and community groups, must accept and act on their responsibilities to help preserve urban stability.

MORE ENERGY SCARE TACTICS

Mr. McCLURE. Mr. President, the American people are being misled by deliberate distortions of the facts concerning our Nation's energy problems. First, we had the Ford Foundation—MITRE Corp. "study" of nuclear power, which ignored logic and scientific judgment. Then came the convenient CIA report which just happened to support the Carter energy position. Now we have another self-serving propaganda piece, released by the so-called Workshop on Alternative Energy Strategies, and called "Energy: Global Prospects 1985–2000."

Just who exactly is responsible for this latest forecast of doom? Reading the foreword, we find that Dr. Carroll L. Wilson of MIT takes the credit. In his own words, "WAES was born of my belief . . ." and "I selected energy as the study topic because I believe. . . ." He further states, "To achieve such a set of goals required a number of decisions for which I alone am responsible."

So, who is Dr. Wilson? Who's Who in

America provides some answers. He has been a Member of the World Peace Foundation of Boston, the Trilateral Commission, the Commission on Critical Choices for Americans, and the Club of Rome. He also served as senior advisor to the U.N. Conference on Human Environment. In other words, Dr. Carroll's background may qualify him to publish reports on the environment and the desire by many for increased Government authority to control growth, but he should not be adding to the catalog of scare literature on energy.

President Carter's energy program is a "give up" program. He has decided that we cannot improve our energy supply situation and must accommodate to perpetual shortages and threats of unreliable supplies. It is unfortunate that so many so-called scientists have decided to support him by ignoring scientific logic and facts. I hope that their efforts to confuse and discourage the American people are rejected, and that we can begin the hard job of rebuilding our weakened energy supply system. Surrender to the energy crisis is not an American answer.

NOMINATION OF ROBERT MENDELSOHN

Mr. JACKSON. Mr. President, the Committee on Energy and Natural Resources held a hearing today on the nomination of Robert Mendelsohn as Assistant Secretary of the Interior for Policy, Budget and Administration. The Office of Assitant Secretary for Policy, Budget and Administration replaces and combines the functions of two secretaries—Assistant Secretary for Program Development and Budget and Assistant Secretary for Administration and Management. I ask unanimous consent that his statement together with that of Secretary Andrus be printed in the RECORD at this point.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF CECIL D. ANDRUS

Mr. Chairman, Distinguished Members of the Committee:

It is my pleasure to introduce an outstanding young man nominated by the President to be Assistant Secretary for Policy, Budget and Administration in the Department of the Interior—Mr. Robert Mendelsohn.

Let me begin by explaining that this position represents a consolidation of duties previously performed by two assistant secretaries. We are unifying the controllership and the administrative functions of the Department under one individual.

Objectives of this consolidation are:

1. To simplify lines of authority and channels of communication throughout the Department.
2. To expedite the decision-making process within the Department.
3. To make our Agency more responsive to the requirements of the Executive Branch, the Congress and the American public.

So this is a key position, and it requires a person of the highest ability, dedication and energy. Bob Mendelsohn has these qualities.

Mr. Mendelsohn will have responsibility for program policy and budget development, the formulation of environmental impact statements pertaining to the Department's programs, organization and general management improvement, personnel management, procurement and property management, audit and investigation, and many other significant administrative functions.

As his biographical sketch demonstrates, Bob Mendelsohn is extremely well qualified by an outstanding career in municipal government, business and education.

His record as a public administrator clearly indicates a commitment to maintain the delicate balance between development and preservation of our precious natural resources.

My discussions with Bob Mendelsohn have further convinced me that he is dedicated to careful stewardship of America's natural resources and that he will conscientiously carry out the trust responsibilities of the Department.

And from what I have observed of him, I know that Bob Mendelsohn will provide the able and energetic leadership required in this key post on my management team at Interior.

Mr. Chairman, I commend the Committee on its diligent efforts and objective inquiries in reaching its conclusions on the confirmation of the other members of my management team. I appreciate your efforts in assuring that the best possible candidate was confirmed in each instance. Consistent with this effort, I am pleased to present the nominee for Assistant Secretary for Policy, Budget and Administration, Robert Mendelsohn.

STATEMENT OF ROBERT H. MENDELSOHN

Mr. Chairman and distinguished members of the Committee. It is an honor for me to appear before you today. I wish to first thank Secretary Andrus for his kind words, and to express my appreciation for the generous message sent by Senator Cranston.

As Secretary Andrus stated in his own confirmation hearings, the Department of the Interior must be, above all else, the steward of our nation's resource heritage. If I am confirmed as Assistant Secretary for Policy, Budget and Administration, I intend to help insure that that stewardship is carried out responsibly and effectively. I welcome the challenge and the opportunity to participate in the effort to protect our environment, while at the same time insuring that important resources are utilized for the benefit of all. On the question of balancing environmental and economic concerns, government functions most effectively by identifying and negotiating as early as possible the major issues and points of contention; then marking out clearly an understood course of action, including clear and unmistakable rules of the game so that all players have the same expectations. I am convinced that a mutually acceptable middle ground can usually be hammered out.

My background in local and state government, particularly as Chairman of the Finance Committee of the San Francisco Board of Supervisors and as a member of the California Coastal Zone Conservation Commission, has provided me with experience that I look forward to bringing to federal service. I believe that experience has provided me with a valuable perspective on the delicate and complex relationship which exists between urban, suburban and rural natural resource problems, and which dictates that solutions in one area are often inextricably tied to actions in another.

I am also dedicated to the President's and the Secretary's goals for streamlining operations and securing economies within the Department. By tying policy and budget tightly together, through the use of management and performance audits, the cost effectiveness and utility of programs can be determined, particularly when zero-based budgeting techniques are employed.

With your permission, Mr. Chairman, I would like to take this opportunity to comment briefly on an issue that has been raised regarding my appointment. In the course of a Statewide campaign in California in 1974, I incurred a sizeable deficit. Over a two-year period, through various fundraising functions, my committee was able to cut the deficit in half. Upon informing me of my tentative selection as Assistant Secretary, Secretary Andrus suggested that I make every effort to retire the deficit before my official nomination by the President. I agreed and I feel this was necessary to avoid even the appearance of a potential conflict-of-interest. A fundraiser was held in April at which some new contributions were received and at which many of the creditors agreed to settle their loans. In order to be absolutely certain that contributors did not do business with the Department of the Interior, directly or indirectly, the Solicitor of the Department checked each contribution extremely carefully. I am in the process of taking out a personal bank loan to pay off the remainder of the deficit, which has been substantially reduced. Copies of all appropriate materials relating to this situation are, as you know, on file with your Committee, and I stand ready to answer any further questions on the matter.

I very much appreciate the opportunity I've had to meet the Members of this Committee and their staffs, and to provide you with information relating to my confirmation. I hope to be able to confer with you and other Members of the Congress on a regular basis. As one who has served as a legislator for the past nine years, I know how vital it is for the executive and legislative branches of government to work in close harmony. An open line of communication between us will not necessarily guarantee agreement on every issue, but should guarantee our mutual consideration of each others views. I look forward to working with you and your staff to develop sound public policy.

Mr. Chairman, I am genuinely excited at the prospect of working as a member of the Carter Administration and the excellent team that Secretary Andrus has assembled at the Department of the Interior. If confirmed by your Committee and by the United States Senate, I pledge to do my very best to help accomplish the mission of the Department.

Mr. JACKSON. Mr. President, in accordance with the committee's rules, the nominee has submitted a sworn financial statement to the committee and I ask unanimous consent that this statement also be printed in the RECORD.

There being no objection, the financial statement was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON INTERIOR
AND INSULAR AFFAIRS,
Dirksen Building, Washington, D.C.

INFORMATION—REQUESTED OF PRESIDENTIAL NOMINEES

Rule 9 of the Rules of the U.S. Senate Committee on Interior and Insular Affairs requires that each Presidential nominee considered by the Committee shall submit a financial statement sworn to by the nominee as to its completeness and accuracy. Under the rule all such statements must be made public by the Committee unless the Committee in executive session determines that special circumstances necessitate a full or partial exception to this requirement. Rule 9 also provides that any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any member, any other witness shall be under oath.

In order to assist the Committee in its consideration of nominations, each nominee is requested to complete the attached Financial Statement and Statement For Completion By Presidential Nominees.

The original and twenty (20) copies of the requested information should be made available to Honorable Henry M. Jackson, Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C. 20510 (Attn: Staff Director) as soon as possible.

FINANCIAL STATEMENT

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) and all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

Assets

Cash on hand and in banks, $20,000.

Listed securities—add schedule, $1,400.

Real estate interests, including mortgages—add schedule, $150,000.

Personal property, $21,400.

Total assets, $192,800.

Liabilities

Notes payable to banks—secured, 17,000.

Notes payable to banks—unsecured, 36,900.*

Accounts payable, $1,500.

Real estate mortgages payable—add schedule, $71,500.

Total liabilities, $115,900.

Noted here for your information and also reported on my campaign spending statements are outstanding campaign obligations which are in the process of being paid, settled or forgiven. Approximately $127,000 in loans have been settled or forgiven; and $8,000 in loans are likely to be settled or forgiven, with negotiations pending. Bills outstanding total $17,000 and are in the process of being settled for approximately $6,100.

In order to pay off the balance. I have already assumed $38,00 in campaign loans and anticipate assuming approximately $30,000 additionally. The Democratic Party in the State of California has indicated a willingness to help to repay a substantial part of this amount. I have arranged a bank loan, pledging the refinancing of my home as security, to repay the balance. Once the refinancing is completed, the deficit will be completely paid off.

SCHEDULE

Listed securities

Research Equity/Applied Financial Systems (mutual fund).

Real estate interests

Half interest in 2545–2547 Lyon Street, San Francisco, Calif.

Real estate mortgages payable: on 2545–2547 Lyon Street, San Francisco, Calif.

Are you currently a party to any legal action?

No, with the following exception: The Board of Supervisors of the City and County of San Francisco has often been the subject of legal complaint insofar as when an individual sues the City and County, he/she usually files suit against the Board. Likewise, the California State Coastal Zone Conservation Commission, of which I was a member, has often been the subject of litigation. I would assume several suits are pending, however I am not party to them as an individual, but as a member of these bodies. In all cases, it is the full body that is the subject of the complaint.

Have you ever declared bankruptcy? No.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Mendelsohn, Robert Harlan.

Position to which nominated: Assistant Secretary for Policy, Budget and Administration, Department of the Interior.

Date of birth: 11/1/1938.

Place of birth: Iowa City, Iowa.

Marital status: Married.

Full name of spouse: Ingrid Levin Mendelsohn.

Name and ages of children: Scott Mendelsohn, 19.

Education: Western High School, 9/52–6/55, received diploma, 6/55; University of California, Berkeley, Berkeley, Calif., 9/55–6/59, degree BA cum laude, 6/59; University of California, Berkeley, San Francisco, Calif., 9/59–12/59; CORO Internship in Public Affairs, 9/60–6/61.

Honors and awards: Undergraduate and graduate scholarships; appointment to CORO Internship in Public Affairs.

Memberships held in professional, fraternal, business, scholarly, civic, charitable and other organizations:

Bay Conservation and Development Commission; 30 Van Ness Avenue, San Francisco, Calif., type, governmental; during term on Board of Supervisors 1/68-present.

League of California Cities; 1108 "O" Street, Sacramento, Calif. 95814; type, governmental; During term on Board of Supervisors 1/68-present.

Association of Bay Area Governments; Hotel Claremont, Berkeley, Calif.; type, governmental; during term on Board of Supervisors 1/68-present.

National Council on Alcoholism; 2131 Union Street, San Francisco, Calif.; during term on Board of Supervisors 1/68-present.

San Francisco Senior Center; 890 Beach Street, San Francisco, Calif.; during term on Board of Supervisors 1/68-present

Project ABLE; 641 Golden Gate Avenue, San Francisco, Calif.; during term on Board of Supervisors 1/68-present.

Multi-Culture Institute; 1900 Pierce, San Francisco, Calif.; during term on Board of Supervisors 1/68-present.

Council for Civic Unity; 582 Market Street, San Francisco, Calif.; during term on Board of Supervisors 1/68-present.

Health Service Board; 450 McAllister, San Francisco, Calif.; during term on Board of Supervisors 1/68-present.

California League for the Handicapped; 1299 Bush Street, San Francisco, Calif.; during term on Board of Supervisors 1/68-present.

South of Market Boys; Box 712, San Francisco, Calif. 94101; during term on Board of Supervisors 1/68-present.

Project Concern, San Francisco Chapter; San Francisco, Calif.; during term on Board of Supervisors 1/68-present.

Employment record: positions held since college, including the title and description of job, name of employer, location, and dates:

Police Athletic League; 2475 Greenwich, San Franciso, Calif.; During term on Board of Supervisors 1/68-present.

Hunters Point Community Youth Park Foundation; 24 California, San Francisco, Calif.; During term on Board of Supervisors 1/68-present.

San Francisco Alliance for Health Care; San Francisco, Calif.; During term on Board of Supervisors 1/68-present.

Community Shelter Planning Program; San Francisco, Calif.; During term on Board of Supervisors 1/68-present.

San Francisco Economic Opportunity Council; 730 Polk Street, San Francisco, Calif.; During term on Board of Supervisors 1/68-present.

WAY Professional Corps.; c/o 10 Banneker Way No. A, San Francisco, Calif.; During term on Board of Supervisors 1/68-present.

Junior Chamber of Commerce; 24 California, San Francisco, Calif.; During term on Board of Supervisors 1/68-present.

American Federation of Teachers; 655 14th Street, San Francisco, Calif.; During term on Board of Supervisors 1/68-present.

Union of State Employees; 240 Golden Gate. San Francisco, Calif.; During term on Board of Supervisors 1/68-present.

Sickle Cell Anemia Research and Education; 2201 Steiner, San Francisco, Calif.; During term on Board of Supervisors 1/68-present.

Joint Committee for Revision of the Election Code; c/o Assemblyman Jim Keysor, State Capitol, Room 2196, Sacramento, California 95814; During term on Board of Supervisors 1/68-present.

San Francisco Consortium; 111 New Montgomery, San Francisco, Calif.; During term on Board of Supervisors 1/68-present.

San Francisco Educational Services; 660 York Street, San Francisco, Calif.; During term on Board of Supervisors 1/68-present.

North Central Coast Regional Commission; 1050 Northgate, San Rafael, Calif.; During term on Board of Supervisors 1/68-present.

California Coastal Zone Conservation Commission; 1540 Market, San Francisco, Calif.; During term on Board of Supervisors 1/68-present.

Bay Area Sewage Services; Hotel Claremont, Berkeley, Calif.; During term on Board of Supervisors 1/68-present.

Positions held

From 1/68 to Present, San Francisco City and County Board of Supervisors, City Hall, Legislative.

From 12/74 to 2/77, Terranomics Corp. (For Western Real Estate Development and Larkspur Real Estate Partnership I)—Merritt Sher, 280 Battery, San Francisco, Calif., Real estate consultant.

From 12/76 to Present, Commercial Bank of San Francisco, William Sarsfield, 333 Pine Street, San Francisco, Calif., Banking business development.

From 5/76 to 2/77, Hapsmith Company, Fred Nicholas, 9454 Wilshire, Beverly Hills, Calif., Real estate consultant, project completed.

From 2/73 to 12/76, Bay Area Sewage Service Assn., Mary Lee, Hotel Claremont, Berkeley, Calif., Board Member, end of agency.

From 6/70 to 12/72, Lawrence Halprin & Associates, Lawrence Halprin, 1620 Montgomery, San Francisco, Calif., Project Administrator, time constraints.

From 9/67 to 6/70, San Francisco State College, John Bunzel and Sandy Powell, 1600 Holloway, San Francisco, Calif., Lecturer & Assistant Professor, time constraints.

From 2/64 to 8/67, Office of Senator J. Eugene McAteer, Senator J. Eugene McAteer, State Capitol, Sacramento, Calif., Administrative Assistant, death of Senator McAteer.

From 6/61 to 1/64, San Francisco Redevelopment, Julia Smith, 939 Ellis Street, San Francisco, Calif., Community Relations Specialist, offered another job.

From 9/60 to 6/61, CORO, John Robinson, 145 9th Street, San Francisco, Calif., Internship in Public Affairs, End of Program.

From 9/59 to 6/60, Kensington Community Center, Sue Capron, 59 Arlington, Kensington, Calif., Recreation Director, Time Constraints.

From 9/58 to 5/60, Richmond Rec. Dept., John Toffoli, 27th and Barrett, Richmond, Calif., Playground Director, Time Constraints.

Concurrent independent consultant work

From 2/76 to 8/76, Golden Gate University, Randy Hamilton, 536 Mission, San Francisco, Calif., Instructor in Public Administration, Time Constraints.

From 6/75 to 12/75, Commercial Real Estate Service Corp., Jack Anderson, 351 California, San Francisco, Calif., Real Estate Consultation, Project completed.

From 5/75 to 8/75, Daman-Nelson Travel, Barry Ramer, 115 Mission, San Francisco, Calif., Conference Convenor, Conference completed.

From 3/75 to 9/75, The Konamanium Corporation, Wally Ostman, 1777 Al Moana, Honolulu, Hawaii, Business Development, Project completed.

From 1/74 to 7/74, Dinner Levison, Richard Dinner, 220 Bush Street, San Francisco, Calif.,

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*This amount is campaign-related and also reported in my campaign spending statements.

Insurance-Business Development, Project completed.

From 1973 (exact dates not available), Danial Yankelovich, Inc., John Queeney, 322 Main Street, Stamford, Conn., Surveying and Research, Project completed.

From 1973 (Exact dates not available), Environmental Impact Planning, Hans Feibusch, 319 11th Street, San Francisco, Calif., Governmeental Relations Consultant, Project completed.

From May 1973, and September 1973, Arthur Young & Company, Mel Croner, One Post Street, San Francisco, Calif., Consultant on Governmental Relations, Project completed.

From August 1972, American Broadcasting Company, 4151 Prospect, Hollywood, Calif., Television Appearance, Single Show.

From January 1970 to June 1970, City College of San Francisco, 50 Phelan Avenue, San Francisco, Calif., Political Science Instructor, Time Constraints.

From 1969 (Exact date not available), Westinghouse Broadcasting, 9 Park Avenue, New York, N.Y., Television Appearance, Single Show—Filled in for absent host.

From April 1969 to June 1969. University of California—Berkeley; Dr. Milton Chernin, University of Calif., Berkeley, Calif., Instructor, School of Social Welfare, Time Constraints.

From September 1967 to May 1969, National Council of Jewish Women, San Francisco Section—Lorraine Blockley, 1825 Divisadero, San Francisco, Calif., Lecturer, Time Constraints.

From December 1967 to February 1969, Century Press/Leswing Communications—Ellie Leswing, 1750 Adrian Way, San Rafael, Calif., Business Development, Time Constraints.

Government experience: Experience in or direct association with Federal, State, or local governments, including any advisory, consultative, honorary or other part-time service or positions:

Member, San Francisco City and County Board of Supervisors;

Member, Bay Area Sewage Services Agency Board (former);

Member, California State Coastal Zone Conservation Commission (former);

Administrative Assistant to Senator J. Eugene McAteer;

Member, San Francisco Bay Conservation and Development Commission (former);

Community Relations Specialist, San Francisco Redevelopment Agency (former).

Published writings: Titles, publishers and dates of any books, articles, or reports you have written:

Voices of the People, Century Press, 1968;

Various unpublished reports in my capacity as a member of the San Francisco Board of Supervisors.

Qualifications to serve in the position to which you have been named:

In my opinion, the Assistant Secretary for Policy, Budget and Administration for the Department of the Interior should have demonstrated budgetary management skills and the ability to assist in Interior's major function: To assume an active role in wisely managing and planning for the conservation and careful use of the huge chunk of America's natural resources and energy sources under its control.

I have been extensively involved in effective land-use planning on a number of levels since 1966, both legislatively and administratively. I have been a major participant from the beginning in land-use planning in California, first drafting the legislation which created the San Francisco Bay Conservation and Development Commission as Administrative Assistant to the late State Senator J. Eugene McAteer and later serving on this Commission. I then went on to serve on the California Coastal Zone Conservation Commission. BCDC and the Coastal Commission are considered two of the most important, far-reaching planning and development control programs in the country.

In addition, I have been involved in land-use planning efforts first as a staff member for the San Francisco Redevelopment Agency, and for the last nine years as a member of the San Francisco Board of Supervisors. I believe that these experiences give me the opportunity to bring to the Department of the Interior specific knowledge in the ways in which the central city relates to its surrounding urban region, and the ways in which that urban region relate to the surrounding suburban and rural areas.

My private professional experience has also been in the field of resource and land-use planning, most notably as project administrator for several years with Lawrence Halprin and Associates. My work with this firm included administration of major planning programs in the Northwest (e.g., Everett, Washington; Seattle, Washington; and the Willamette Valley in Oregon) and the Southwest (e.g., Fort Worth, Texas).

My budgetary management work has been accomplished primarily on the San Francisco Board of Supervisors. The Board is the legislative body for both the City and County and has complete control over the annual budget which this year approaches $1 billion.

Budgetary actions are carried out by the Finance Committee of the Board. For six of the nine years I have been a member of the Board, I have served on the Finance Committee. Four of those years I was Chairman of the Committee and two those years I was Chairman of the Board's "super budget" Committee, the Budget and Governmental Efficiency Committee.

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate. Yes.

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization. I have no plans in this regard.

3. Has anybody made you a commitment to a job after you leave government? No.

4. Do you expect to serve the full term for which you have been appointed? Yes.

Potential conflict of interest:

1. Describe any financial arrangements or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated. None.

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated. None.

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated. None. It should be noted that a project on which I worked with the Terranomics Corporation required a permit from the Army Corps of Engineers because it is located next to a stream which, although not used, is within the definition of "navigable waterways".

4. List and describe any lobbying activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation at the national level of government or for the purpose of affecting the administration and execution of national law or public policy. As a member of the San Francisco Board of Supervisors State Coastal Commission and BASSA, I have directly and indirectly influenced local, state and federal legislation and public policy. The same is true of my position of Administrative Assistant to the late Senator J. Eugene McAteer of San Francisco.

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to the above items. I would sever any relationship involved.

I believe I have a reputation as being knowledgeable and tough-minded in budget matters, knowing how to cut spending while maintaining necessary programs and developing revenue sources. Under my Chairmanship, the Committee began management audits of city departments, program budgeting, and hiring a budget analyst for the Board. The latter has saved the city millions of dollars over the years.

Additionally, as Assistant to the late State Senator J. Eugene McAteer, I worked closely with the Senator on his Revenue and Taxation Committee, with his prime responsibility in the area of revenue production for a budget which totaled $5 billion.

Both in working with McAteer and in my own legislative programs, my approach has been to fashion legislation that can pass and that can be implemented. In this way, I have started city projects, seen that they are funded, and then followed-up to ensure the city departments carry out the intent of the legislation.

ROBERT H. MENDELSOHN, 2547 Lyon Street, San Francisco, Calif. 94123; B. January 11, 1938; 39 years.

Education: 1959, A.B., Political Science University of California at Berkeley; 1961, Coro Foundation (San Francisco), Internship in Public Affairs.

Military: 1956–62, United States Marine Corps Reserve, Honorable Discharge.

Experience:

1976–present, Banking Business Development Consultant, Commercial Bank of San Francisco, San Francisco, Calif.;

1974–present, Real Estate Consultant, Terranomics Corporation, San Francisco, Calif.;

1968–present, Member, Board of Supervisors, City and County of San Francisco. First elected in November 1967; Re-elected in 1971 and 1975;

1976–77, Real Estate Consultant, Hapsmith Company, Beverly Hills, Calif.;

1976, Instructor, Public Administration, Golden Gate University, San Francisco, Calif.

1973–76, Board Member, Bay Area Sewage Service Association, Berkeley, Calif.;

1975, Real Estate Consultant, Commercial Real Estate Corporation, San Francisco, Calif.;

1974–75, Business Development Consultant, The Konaminium Corporation, Honolulu, Hawaii;

1974, Insurance Business Development, Dinner Levison, San Francisco, Calif.;

1973, Surveying and Research, Daniel Yankelovich, Inc., Stamford, Conn.

1973, Government Relations Consultant, Environmental Impact Planning, San Francisco, Calif.;

1973, Governmental Relations Consultant, Arthur Young and Company, San Francisco, Calif.;

1970–72, Project Administrator, Lawrence Halprin and Associates, San Francisco, Calif.;

1970, Instructor, Political Science, San Francisco City College, San Francisco, Calif.;

1967–70, Lecturer and Assistant Professor, San Francisco State College, San Francisco, Calif.;

1969, Instructor, School of Social Welfare, University of California at Berkeley;

1967–69, Lecturer, National Council of Jewish Women, San Francisco, Calif.;

1967–69, Business Development Consultant, Century Press/Leswing Communications, San Rafael, Calif.;

1964–67, Administrative Assistant, Office of Senator J. Eugene McAteer, Sacramento, Calif.;

1961–64, Community Relations Specialist, San Francisco Redevelopment Agency, San Francisco, Calif.;

1959–60, Recreation Director, Kensington Community Center, Kensington, Calif.;

Publications: Co-author of *Voices of the People,* a fourth grade textbook on the United States Constitution (1969).

Organizations:

League of California Cities, Peninsula Division;

Board of Directors, National Council on Alcoholism, Bay Area;

Member, Health Services Board;

Community Shelter Planning Program;

San Francisco Economic Opportunity Council;

Joint Committee for the Revision of the Elections Code; and

Board of Directors, San Francisco Educational Services.

Honors and Awards: Graduated *cum laude* from University of California at Berkeley (1959).

Personal: Married to the former Ingrid Levin. One son, Scott, age 19.

GOOD NEWS

Mr. DOMENICI. Mr. President, I share with colleagues an article that I recently read that appeared in the National Observer. This article by Mr. Lawrence Mosher, states that there is evidence that many of our serious social ills will diminish naturally. Elected representatives are often characterized as the bearers of bad news and dire predictions. If the predictions in this article are accurate, we will finally see some good and welcome news.

Obviously, even if all the predictions in the artcile are accurate we will not see a complete and total panacea. Clearly, each of us must continue to search for and work toward legislative and other solutions to many of our country's serious problems. Notwithstanding, I commend the Observer article to colleagues as a ray of sunshine in our often dark gloomy days. Accordingly, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARE WE "OUTGROWING" CRIME?

(By Lawrence Mosher)

"I'm pregnant now, and this was done with great consideration about the future," says Chris Wells, 28, who was born in the post-World War II baby boom. "The babies being born now will be lucky. Life will be easier for them all the way through."

Mrs. Wells has solid reasons for saying that. As a demographer at the Urban Institute here, she is one of a few social predicters around the country who see a bright side to the years ahead. While the nation still faces some immense problems, these demographers insist that other social ills are going to diminish, not worsen. And the brightest news of all is their prediction that the improvements will happen without exorbitant Federal spending or individual sacrifice. In fact, they say, some of our social ailments are going to recede without us doctoring them at all.

The reason is simple: Over the next few years the country's youthful population will shrink dramatically—and that group is responsible for a disproportionate share of the nation's violent crime, unemployment, accidents and illegitimate children.

By 1990, these demographers say, the group of Americans aged 14 through 24 will drop by 6.4 million, to 38.1 million, or 14 per cent smaller than it was in 1975. As this happens, violent crime should drop significantly. Unemployment should ease. The number of traffic accidents should drop. So should unwanted adolescent pregnancies. Salaries should improve in proportion to the cost of living for those just beginning their job carers. Even the incidence of venereal disease could decrease.

Persons born in the baby boom that peaked in 1957 are now in or entering adulthood, and the generation following won't be nearly as imposing. By 1990, says the Census Bureau, the 14-through-24 age group, which formed 20.9 per cent of the population in 1975, will shrink to 15.5 per cent.

Charles Westoff, director of Princeton University's Office of Population Research, calls the projected decreases in crime and other social problems "more than off-the-wall possibilities. If you talk about the rate of unemployment or the rate of juvenile delinquency and crime, and you assume these rates remain constant, then when you apply these rates to a smaller number of people you are going to get less crime and less unemployment. That's the arithmetic of it. We can speculate about whether these rates will instrinsically go up or down, but that's another matter."

Westoff, however, concedes there is a paucity of research about the positive effects of the nation's demographic shift. Indeed, most of the demographic inquiry has focused on problems that are expected to get worse, not better. The anticipated huge cost of caring for the growing numbers of older Americans is but one example.

Scratch a social scientist these days, and what you're likely to get is a somewhat joyfully delivered dollup of bad news. "We have the largest cohort [age group] in history coming of age, getting married, entering the job market—and what prospects do they have?" broods Robert Parke, a demographer at the Social Science Research Council here.

One of the few researchers to examine the implications of the "baby bust" is James Alan Fox, assistant professor of criminal justice at Boston's Northeastern University. In his recent doctoral-thesis, Fox concludes that the worst crime wave in U.S. history is now waning.

"The crime of the 1960s was the worst we ever had and probably ever will have," says Fox, "unless we have another baby boom. The baby boom generated a lot of children over a relatively short time span. One generation later there will be another bunch of kids, but it will be spread out more. Eventually the impulse created by the first baby boom will disappear, barring another war . . . or something else that creates a perturbation in the fertility rate."

The basis for this prediction is the high proportion of the nation's crime committed by youth. The FBI's annual Uniform Crime Reports show that in 1975 those 14 through 24 accounted for 51 per cent of all criminal arrests. They accounted for 76 per cent of all arrests for auto theft, 72 per cent of all burglaries, 71 per cent of all robberies, 56 per cent of all forcible rapes, and 44 per cent of all murders. This from a group that made up only 20.9 per cent of the population.

THE ECONOMIC FACTOR

If these arrest statistics are examined by specific age, the picture is even more provocative. The peak age for auto thieves and burglars is 16; for rapists and robbers, 18; and for murderers, 20.

By 1990 the nation's population will have swelled to 245 million, up 31.6 million from 1975. But the shrinkage of the "criminogenic" 14-through-24 age group should reduce crime by an estimated 26 per cent if other factors affecting crime don't change dramatically.

One of the most important of these factors is the economy. To refine his predictions, Fox applied to the consumer price index of past periods to determine a correlation with crime, and then projected his correlation forward. His prediction: Crimes of violence will begin to decrease after 1980 but will rise again after 1990. Property crime will level by 1980 but will begin to climb again after 1990. Runaway inflation, of course, would cause more robberies and property crimes.

The consumer price index is a summary measure I use to provide a notion of the haves versus the have nots," explains Fox. "There is a lag between low incomes and the index." (Wages for menial labor and other low-paying jobs historically do not rise as fast as the index does.) "So the rise in cost of living affects most those groups that are prone to committing robbery, larceny, and burglary. Property crime is much more a product of the consumer price index than is violent crime."

IMPACT ON EDUCATION

Fox's prediction is borne out by the FBI's preliminary 1976 Uniform Crime Reports, announced March 30. Reported violent crime decreased 5 per cent from 1975, but property crimes increased 1 per cent. Murder and robbery were both down 10 per cent. Forcible rape showed no change.

Wolfgang, who directs the Center for Studies in Criminology and Criminal Law at the University of Pennsylvania, says Fox's research further substantiates the view that demorgraphic change offers the major explanation for how the nation's crime rate varies. "The weight of empirical evidence," he says, "indicates that no current preventative, deterrent, or rehabilitative intervention scheme has the desired effect of reducing crime."

The clearest demographic impact has been on the nation's public schools. The baby boom's big wave has already moved past the high schools and well into the colleges and universities. Many elementary schools are now half empty; some have closed.

College enrollments have decreased from their peak of a few years ago, but some observers think the worst is over. "I'm not sure this recent decline represents a long-term trend," says Hal Winsborough of the University of Wisconsin's Center for Demography and Ecology. "This may be a readjustment in the way people time their college attendance, as well as a response to the recession."

Unlike the crowded school-empty school phenomenon, however, unemployment may not ease so fast. "The job problem is not nearly so cut and dried," says Census Bureau demographer Campbell Gibson. "It's not a question of someone aged 18 getting a job or not. If he doesn't get a job this year, he's still around next year, looking. The unemployment problem associated with the baby boom could spread itself out over a period of years, unlike the school-space problem. This makes it harder to predict just what will happen to unemployment because of the drop in the population's youth group."

In attempting to predict the demographic impact on future crime and unemployment, however, the racial factor also must be considered. Young blacks' share of both unemployment and crime is disproportionately large, amply demonstrating the linkage between the two social ills.

The unemployment rate for black teenagers is 36.1 per cent, reports the Bureau of Labor Statistics, compared with 18.1 per cent for white teen-agers. But the National Urban League says the rate for blacks is closer to 60 per cent if part-time workers looking for full-time jobs and those who have stopped looking actively for work are counted. Labor Department figures omit these two categories.

In a study of criminal homicide in Philadelphia several years ago, the University of Pennsylvania's Marvin Wolfgang found that race was the most important factor. Although the highest rate of killing involved the 20-through-24 group, the group's rate was 11 times higher among black males than among white males and 10 times higher among black than among white females.

Interracial killings have at least doubled in recent years, says Wolfgang. "This is not an unexpected phenomenon. There's much greater exposure between blacks and whites today. In fact, I've argued that it's an index of integration. As soon as embezzlement and other white-collar crime goes up among blacks, you will know there's progress!"

Does the racial factor change the crime predictions for 1990? Wolfgang says this is a statistical question that the computer cannot answer.

Perhaps the one unblemished good prediction concerns auto accidents. Under-25 drivers were involved in 35 per cent of those accidents in 1975, according to the American Mutual Insurance Alliance. The alliance's study predicts 9 per cent fewer auto accidents by 1990 because there'll be fewer youthful drivers. Robert Hackett of the Insurance Services Office in New York City says, "This could effect a lowering of insurance rates *if* we have a static inflationary period."

UNEMPLOYMENT SHOULD DECREASE

Winsborough predicts that if the fertility rate doesn't rise again, the proportion of high-school graduates going on to college could increase. As the average family size drops, he explains, fewer parents will be faced with trying to send two or more youngsters to college at the same time. The result, says Winsborough, could be "less strain on the family budget, and perhaps more kids going off to college who might not otherwise go."

The baby bust is bound to ease unemployment because nearly half the nation's current 7.8 million jobless people are 24 or younger. "To the extent that fewer new workers enter the labor force," reasons the Urban Institute's Chris Wells, "most people are predicting lower unemployment. Upward mobility will be faster for the new job entrants, and starting wages should be higher because these new entrants will be scarcer."

FEWER TEENAGE MOTHERS

Undesired adolescent pregnancies also should drop. "We're had a reduction of the fertility rate among teen-agers" reports Chris Wells. "But in recent years the absolute number of adolescent births has remained stable because of the growing number of teen-agers." As the number of teen-agers decreases, so should the number of unwanted pregnancies. Wells adds, "barring such events as the removal of all birth-control pills from the market, or abortion becoming illegal again."

This should in turn reduce Aid to Families with Dependent Children welfare costs. But the Urban Institute's Jeffrey Koshkel argues that such savings "will be easily offset by the increases in the Supplemental Security Income program for the elderly."

The expectation of a similar decline in venereal disease is less certain. The 15-through-24 age group contributed to 67 per cent of the reported gonorrhea cases in 1974, reports William Darrow of the Government's Center for Disease Control in Atlanta. But Darrow says the annual rate of increase is now slowing. However, Wells notes that the rate of sexual activity among teen-agers is increasing, which "suggests a rise in venereal disease" that could offset the decrease Darrow mentioned.

While the shrinking of America's youthful population will only lessen some of the nation's problems, not solve them, Wells finds cause for optimism there too. "You can always argue," she says, "that the problems will be less severe than they would be with *more* young people around."

OLDER AMERICANS MONTH

Mr. CHURCH. Mr. President, America is a young nation, but also an aging nation.

Two hundred years ago there were about 50,000 persons aged 65 or older, or 2 percent of the total colonial population.

Life expectancy at birth was probably 38 or 39 years.

By 1900 the 65-plus population numbered 3 million, comprising 4 percent of our population.

Today there are about 23.4 million older Americans, or almost 1 out of every 9 Americans.

Every day nearly 5,000 persons celebrate their 65th birthday; every day approximately 3,600 aged persons die. The net increase is about 1,400 a day or 500,000 a year.

By the turn of the century, most experts predict that there will be 30 million to 35 million older Americans.

Quite clearly, older Americans represent a national resource. Much of the progress we now enjoy is because of their earlier labors.

The historian, Arnold Toynbee, said that one of the tests of a great civilization is the compassion and respect shown to its senior citizens.

In recent years our Nation has made important advances in enabling more older Americans to live in dignity and self-respect. But there is much more that remains to be done.

It is appropriate that in May—which is Older Americans Month—our Nation take stock of the accomplishments and failures in responding to the challenges and problems of our elderly citizens.

As chairman of the Senate Committee on Aging, I wish to call attention to President Carter's proclamation designating May as Older Americans Month.

Mr. President, I ask unanimous consent that this proclamation be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION 4497 — OLDER AMERICANS MONTH, 1977

(By the President of the United States of America)

A PROCLAMATION

Nearly 33 million Americans are at least 60 years old, and the number is growing by 500,000 a year.

Older Americans can provide our youngsters with an awareness of their heritage, and with a sense of family continuity.

And older Americans can pass on to our children not only the knowledge and wisdom that come with age, but also the values that guided our forebears in building a great republic.

We must find ways to assure that older citizens will continue to lead useful and productive lives. And we must find ways to use their experience, judgment and ability.

Now, therefore, I, Jimmy Carter, President of the United States of America, do hereby designate the month of May, 1977, as Older Americans Month.

I call upon all Federal, State and community agencies, educators, the communications media, the clergy, and concerned organizations and individuals to do all that lies within their power to help assure that our older citizens have an adequate personal income, access to housing facilities responsive to their needs, adequate services such as health care and transportation, fair employment opportunities, and opportunities for continued involvement in our Nation's activities. Let each of us resolve to do all that is possible to guarantee to these Americans that their later years will be rich, secure and filled with the dignity that is, and ought to be, the birthright of all Americans.

In witness whereof, I have hereunto set my hand this eleventh day of April, in the year of our Lord nineteen hundred seventy-seven, and of the Independence of the United States of America the two hundred and first.

JIMMY CARTER.

DEPARTMENT OF ENERGY—S. 826

Mr. DOLE. Mr. President, the Senator from Kansas wishes to comment specifically on two provisions in S. 826.

First, there is the provision that requires the Administrator of the Rural Electrification Administration to consider the guidelines set forth by the Secretary of Energy when granting loans or loan guarantees. This is to insure the coordination of electric generation and transmission financing with national energy policy. I support this provision.

This provision is much more desirable than the previous wording in this bill that gave the Secretary of Energy veto power over REA loans. There is already a great deal of consideration that must be given before a loan can be made. It already takes a great deal of effort, and giving the Secretary veto power would have only created another obstacle. The existing provision is much more appropriate in view of the importance of getting electrical service into our rural areas.

The second provision of interest to me requires that the Office of the Administrator of the Southwestern Power Administration must be located in the region served. There was concern that with the Administration being placed under the Department of Energy, the Office of the Administrator might be moved to Washington, D.C. because of the hundreds of contracts that exist with the Southwestern Power Administration, it would cause a great deal of difficulty. The wording of the bill resolves that concern.

The Senator from Kansas hopes these provisions can be retained in the bill through the conference committee.

A BILL OF RIGHTS

Mr. BIDEN. Mr. President, last week I had the pleasure of a visit from the students of St. Peter's Cathedral School in New Castle, Del. They presented me with the following petition which I ask unanimous consent to have printed in the RECORD.

There being no objection, the petition was ordered to be printed in the Record, as follows:

We, the junior high students of Saint Peter's Cathedral School present to you the rights we feel are important to us. This bill of rights has been discussed, argued over and voted on by each of us. These rights are our rights, as citizens of the United States, residents of Wilmington, Delaware, and as people.

I. We have the right to learn and the responsibility to listen and try the best we can.

II. We have the right to live a good life and the responsibility to help others to also have a good life.

III. We have the right to have the rights promised to us and the responsibility to use these rights.

IV. We have the right to choose the school we go to and the responsibility to go to the school that will give us the best education.

V. We have the right to choose our religion and the responsibility to choose and follow the religious beliefs we hold.

VI. We have the right to choose our friends and the responsibility to choose the friends we can trust and be ourselves with them.

VII. We have the right to stand up for what we believe is right and the responsibility to stand up for what is right.

VIII. We have the right to live in any neighborhood and the responsibility to choose what we can afford and keep up our neighborhood.

IX. We have the right to have responsibilities and the responsibility to follow through on each responsibility we accept.

X. We have the right to privacy and the responsibility to respect other people's privacy.

XI. We recognize that not everyone can be a leader, but we do have the right to submit our ideas to a group and its leader and the responsibility to share our ideas with different groups.

XII. We have the right to be a citizen of our country and we have the responsibility to participate in our government and to share our ideas so that we have a better country.

We respectfully submit these to our Senators, Senator Biden and Senator Roth and we ask that these be shared with our leaders.

The voice of your citizens in Delaware: Teresa Johnson, Heavenly Howell, Jennifer Neal, Robin Staples, Patrick Wojciechowski, Mike Doyle, Sharnell Brice, Francis Mary Callahan, Sr. Grace Jurgens, Valerie Johnson, Miguel E. Barrios, Kimberly Sober, Carla Weston, Steve Graebner, Tom Modan, Kevin Reilly, Joseph Morris, David Briar, Heidi Stewart, Connie Armstrong, Kim Arington, Kita Williams, Sheila Collier, Susan Young, Olga Otero, Nelda Burgos, Tammy Harrison, Dan Morgans, Sister Jane Graves, Brenda Collier, Robyn Norwood, Chandra Saunders, Karen Reeves, Elida Barrios, LaVerne Green, Robin Brown, Maura Walsh, Sharon Neal, Laura Reilly, Dawn Lewis, Kevin Cooper, Michael Dombrowski, Chris Krowczyk, Jackie Cooper, Gerald Knott, Francis Cershey, Michael Alexander, Brian Latimer.

THE ALLIANCE TO SAVE ENERGY

Mr. HUMPHREY. Mr. President, the Senator from Illinois (Mr. Percy) and I joined in forming the Alliance To Save Energy last February. This private, nonprofit organization seeks to reduce energy waste in every sector of our society—such as housing, transportation, and industry. We believe that this is essential to achieving our goals of a high level of economic growth with full employment and low inflation. The energy we save by reducing waste comprises the largest, cheapest, and cleanest reservoir of new energy which we can draw upon for economic growth.

The Alliance To Save Energy (ASE) will promote positive incentives, such as the tax credit for home insulation. It will seek to eliminate institutional barriers, where they exist, in the form of obsolete building codes and mortgage lending regulations and the like.

The Senator from Illinois recently published an article describing the goals of ASE in the University of Colorado Journal of Energy and Development. Mr. President, I ask unanimous consent that Senator Percy's article, entitled "Energy for National Resiliance," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Energy for National Resilience

(By Charles H. Percy) *

For years we did our best to ignore the need for a national energy policy. Some wondered if the costs and benefits of a comprehensive program could be fairly distributed throughout our society. Few people realized that we were squandering enormous amounts of energy. And many assumed that conservation meant slower economic growth.

The winter of 1977 brought record cold and widespread suffering. People in all parts of the country were awakened to an urgent need for action. A new Administration, a new Congress, and leaders in every sector of society are at last beginning to realize that we cannot achieve our basic goals as a nation without facing up to the energy problem.

THE FIRST PRIORITY: SAVING ENERGY

In order to achieve steady economic growth with full employment and low inflation, our first priority should be *saving energy*. Nearly half of all energy we consume ends up heating or cooling the outdoors—pure waste. Therefore, the largest and cheapest source of new energy for economic growth in America is "conservation energy"—the energy we "produce" by cutting waste in all sectors of our society.

In November 1976, in a speech at the National Press Club, I called upon the new Administration to set a target of zero growth in primary energy consumption over the next decade. I repeat that call today. We do not know just how rapidly this country or this planet may be running out of fossil fuels. But we do know for certain that it is becoming more and more difficult to pay the costs—the total costs—of meeting huge increases in demand for new energy.

The three main questions most people ask about energy conservation are:

1. How much difference will it make if we institute a comprehensive program of curtailing waste and using the energy we have more efficiently?

2. How can we begin this huge task of replacing wasteful attitudes and practices with ones that support the idea of conserving primary energy?

3. What advantages can we as a nation—and as individuals—expect to gain by leveling off our demand for new primary energy?

CURTAILING WASTE: WHAT DO WE GAIN?

In the decade ending 1974, demand for new energy led to an investment cost of somewhat more than $300 billion. For the decade ending 1985, the Federal Energy Administration now estimates that demand will rise less rapidly, mainly because of higher energy prices. Nevertheless, it is still the conventional wisdom that demand in this period *will increase* by as much as 2 to 3 percent a year.[1]

This would mean a rise in energy consumption from the present level of 75 "Quads" (quadrillion British thermal units) to about 90 Quads. The investment cost of meeting this demand with new electric power plants and other facilities has been estimated in the range of $650 billion to $1 trillion, that is, from a half to two-thirds of all the capital we are likely to have available in that period.[2]

This alone should tell us that something is very wrong with our planning. Putting that much money into producing new energy would mean starving other key sectors of the economy that compete for scarce capital, e.g., health, education, housing, and transportation. And by using up indigenous energy sources at head-long rates, we will exhaust raw materials needed for nonenergy uses in the future. This process has been mockingly called "strength through exhaustion."

A well-planned conservation program will have as one of its prime goals the creation of more jobs. In almost every sector of our society, using less energy or using it more efficiently means putting people back to work.[3] And plainly, conservation will also help limit the environmental damage that results from oil spills, strip-mining, and disposing of large quantities of nuclear waste.

Increasing employment while encouraging energy thrift will also help curb the rate of inflation. But the more we draw on reserves of nonrenewable fuels, the more difficult it will be to prevent fuel prices from rising. If free market conditions set the prices, the scarcity or inaccessibility of reserves will tend to drive prices up. If producer or distributor cartels set prices, they will often find it in their interest to charge more. Even if the United States government were to exercise control over the prices of all the energy we consume, it might be in our national interest to raise prices in order to reflect their real value.[4]

Catering to a 2 or 3 percent annual growth in demand will also increase our dependence on foreign sources. In January 1977, for the first time in history, we imported more than half of the oil we consumed. The Federal Energy Administration's Draft 1977 National Energy Outlook projects an increase in our dependence on foreign oil over the next nine years from 7.2 to 7.6 million barrels per day. An obvious way to cut our dependence on OPEC oil is to reduce our total demand for oil.

Many Americans now realize that protecting our access to foreign energy supplies is becoming one of the central aims of our foreign policy. This severely limits our political and military choices in a growing number of situations. Nothing, I believe, would strengthen our world position more than to reduce our dependence on imported oil. Nothing would improve our relations more, with both rich and poor nations, than correcting our extraordinary habits of waste. With only 6 percent of the world's population, we consume 30 percent of its resources. There is a growing awareness in many nations that we are taking more than our share of the world's patrimony—hastening the end of the age of fossil fuels before other energy sources can meet world needs.

I believe that by catering to endless demands for energy here at home, we risk destroying the essential *resilience* of our social and economic system. Resilience is the quality that allows a people to recover rapidly from economic setbacks by correcting past errors and by taking advantage of new technology.

Many of us take for granted the resilience of our economy, including the energy-producing sector. We grumble about higher fuel

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Footnotes at end of article.

bills, but we still tend to think of America as a leading producer of energy with virtually limitless reserves. If shortages occur, as during the past winter, we tend to believe it is exclusively because a few big producers are holding back supplies. (Some might, and that is contemptible but it is not the root of the problem.) Even the Arab oil embargo, the gas lines, and the power failures and brownouts in some of our cities failed to put across the message.

So let us say it loud and clear. We do not have the resilience we need when our response to the Arab embargo has been to steadily *increase* our dependence on foreign oil. We do not have the resilience we need when cold weather means factories must close for lack of oil or natural gas. We do not have the resilience we need when we lock ourselves into highly expensive, centralized, and inflexible power systems that take a decade or more to build.

Moreover, raising the number of on-line nuclear power plants from 64 to 174 over the next decade (as forecast by the Atomic Industrial Forum) will not increase our resilience as a nation. The need for all this new capacity, a 1,000 megawatts per reactor, is questionable, as I have already indicated. And we are still a long way from having solved the basic problems of radioactive waste disposal and preventing nuclear accidents, sabotage, and proliferation.

Our long-range planning has been based too much on past trends. Planning may result in forecasting future problems and requirements. We have concentrated on building large and complex systems that are vulnerable to a wide range of unforeseen circumstances. The individual businessman or residential consumer finds himself paying more and more for less reliable service; he is at the mercy of vast regulatory bureaucracies that have little awareness of his needs. Replacing this rigidity with resilience and self-reliance is one of the greatest needs at every level of our society—from the nation down to the individual citizen.

ALLIANCE TO SAVE ENERGY: A BEGINNING

The need is so compelling for a concerted, national effort to save energy and the task is so great that in Febraury 1977 a private, nonprofit, nonpartisan Alliance to Save Energy (ASE) was organized. Its purpose is to develop a broadly based constituency—and to set quantitative goals—for energy conservation in every sector of our society, including building construction, transportation, electrical power generation, and industrial processes.

A number of groups and institutions are already working in the area of energy conservation, but ASE is the first organization created solely for this purpose. It will not compete with existing groups, but will rather seek to supplement and strengthen their efforts.

In a February 10 press release, President Carter welcomed the creation of the Alliance and announced that former President Gerald Ford and Vice President Walter Mondale would serve as honorary chairmen.[5]

Alliance activities will be determined by a Board of Directors in consultation with an Advisory Board made up of individuals from all sectors of American life. ASE will generally operate by consensus, with all directors, advisors, and members reserving the right to dissent from the organization's position and to express individual opinions.[6] The Alliance will be funded by contributions from diverse sectors.[7] The kinds of activities it can most usefully engage in is suggested by the following data:

The American Institute of Architects estimates that a national commitment to upgrading the energy efficiency of buildings would save the equivalent of 12.5 million barrels of oil per day by 1990.

By adopting technologies now widely employed in other countries, the steel industry can reduce its huge fuel demands by about 50 percent by 1995, according to a 1974 Ford Foundation study.

Recycled scrap aluminum requires only 5 percent as much energy as aluminum refined from virgin ore.

Eric Hirst, a research engineer at the Oak Ridge National Laboratory, reported in the December 1976 issue of *Science* magazine that a vigorous conservation program in the residential sector could reduce energy use growth to almost zero through the year 2000—with no change in life-style and no increased use of solar energy.

Some 45 percent of all industrial fuel (or about 20 percent of this country's fuel consumption) is used to generate process steam. If this steam were first used to generate electricity and then used as process steam, more electricity would be produced than the entire industrial sector now purchases from utilities. This process, known as "cogeneration," is a much cheaper way to produce electricity than centralized power plants.

Former Secretary of Transportation Coleman recently concluded that, although the transportation sector is expanding, conservation could actually *reduce* its total requirement for energy over the next decade.

Conservation is plainly crucial to achieving our broad economic goals as a nation. "Conservation energy" is the cheapest, cleanest, and most abundant source of new energy for economic growth. As such, it is anti-inflationary. And investing in conservation creates far more jobs than investing in new energy-producing capacity. The whole thrust of saving energy is toward returning to more labor-intensive forms of production.

The appeal of conservation is clearly nonpartisan and nonidealogical. Conservatives and liberals are equally attracted by the prospect of a stronger, more independent and resilient America—a society that offers more scope for individual growth and self-reliance. By the same token, few are attracted by the prospect of having our foreign policy mortgaged to the quest for foreign energy and our domestic life more and more controlled by vast regulatory bureaucracies.

The concept of conservation is not revolutionary. It makes no radical or unfair demands on any sector of our society. Much less is it a prescription for a "no-growth" economy; conservation means doing better, not doing without.

FOOTNOTES

[*] The Honorable Charles H. Percy is the senior Senator from Illinois to the United States Senate and is the founder and Chairman of the Alliance to Save Energy. Among the author's current assignments are his ranking Republican membership on the Government Affairs Committee and his many years of service on the Foreign Relations Committee.

[1] The Federal Energy Administration (FEA), in its *National Energy Outlook* (March 4, 1976) estimated that, through 1985, demand for new energy would increase 2.8 percent annually. The FEA's *Draft 1977 National Energy Outlook* (January 15, 1977) projected a 2.5 percent annual increase in demand in the same period, explaining that "consumption estimates are lower because of legislated conservation programs and higher energy prices."

[2] The FEA *Draft 1977 National Energy Outlook* estimates that $650 billion (in terms of 1975 dollars) will be invested in new energy systems between 1977 and 1985. For details of the $1 trillion estimate, see M. Carasso et al., *The Energy Supply Planning Model* (Springfield, Virginia: National Technical Information Service, August 1975) PB-245 382 and PB-245 383, a Bechtel Corporation report to the National Science Foundation.

[3] See Bruce Hannon, "Energy and Labor Demand in the Conserver Society," Energy Research Group, University of Illinois, July 1976 for one method of estimating the impact on employment.

[4] The FEAs *Draft 1977 National Energy Outlook* projects a 2.4 percent annual increase (in constant dollars) in the price of energy to the residential consumer between now and 1985. This FEA estimate appears to be based on the assumption that the price of imported oil will *not* increase in that period and that the price of domestic natural gas will remain subject to United States government control.

[5] In addition, Dr. James Schlesinger will serve as Honorary Advisor and Dr. Henry Kissinger will serve as Chairman of the Advisory Board. Honorary Vice-Chairpersons will be Secretary Patricia Harris for housing, Secretary Juanita Kreps for commerce and industry, Secretary Ray Marshall for labor, and Secretary Brock Adams for transportation. The Chairman and Cochairman of the Board of Directors are Senator Charles Percy and Senator Hubert Humphrey. Mrs. Carla Hills will be cochairperson for operations.

[6] Application has been made for federal tax-exempt status, under which donations will be tax deductible. In accordance with the laws governing tax-exempt bodies, legislative activities will be kept at a level less than 20 percent of the total ASE budget. State level Alliances to Save Energy will identify and promote projects of specific value to their own states.

[7] As a complementary measure, I have also introduced in the Senate a bill to reorganize and consolidate federal agencies which have jurisdiction over energy policy. A major purpose of this bill is to give *conservation* activities the attention and funding they deserve by separating them from those federal energy programs which are designed to *augment supplies* of energy. The latter programs command hundreds of billions of dollars of private capital and billions of dollars in federal funding Conservation commands only $100 million or so in federal funding and a paltry amount of private capital. My bill would transfer conservation programs in FEA and the Energy Research and Development Administration for each end-use sector (e.g., housing and transportation) to the department most closely associated with that sector.

CUTTING OUR ECONOMIC BURDENS

Mr. SCHMITT. Mr. President, as a new member of the Committee on Banking, Housing, and Urban Affairs, it has been necessary for me to take a close look at the Nation's economy and at the nature of the forces which make that economy work or not work. The activities of the Banking Committee related to financial institutions, housing, urban and rural development, consumer affairs, and international finance are closely influenced by the health of this economy.

The twin economic problems of inflation and unemployment still plague New Mexico and the country. Let me draw attention to some of the fundamental economic conditions that create the problems addressed by the Banking Committee and the general means available to remove those conditions. Of particular interest to us and all other Americans are the burdens of inflation, taxes and unemployment and what can be done to reduce these burdens.

CUTTING INFLATION

There appears to be one major factor which is producing the ever present inflation of prices that has discouraged Americans for almost a decade. This factor is the rate of increase in the total national supply of money with which we buy goods and services from each other. The rate of increase in this "money supply" has been and still is more rapid than the rate of increase in the goods and services we produce to sell or buy. The more money there is in the country to spend, the higher the demand, but without increased production, the prices will go higher.

The reasons for the money supply increasing more rapidly than production are complex. Basically, the increase is triggered by the high deficits of the Federal Government just as most of our constituents have suspected for years. It goes like this, every dollar the Government spends in excess of tax collected must be borrowed from our private banks, savings institutions, and other financial enterprises. This massive borrowing in recent years, $65.5 billion last year, causes interest rates to rise and, is the trigger that can cause inflation.

Now enter on stage, the Federal Reserve System. To lower interest rates, the Federal Reserve System—the Fed—has the power to create "new money" to buy back the notes the Government owes. If the Fed does this, and it generally has been doing so, the money supply climbs. In recent years the money supply has been climbing at a rate of about 6 to 10 percent, more than the 3.5 percent average growth in our gross national product—GNP—and this 6 to 10 percent has been the inflation rate.

This is not to say that a one-shot increase in the money supply does not stimulate the economy in the short run. Modern studies have shown that such increases in the money supply show up in increases in the GNP approximately 9 months after this increase. However, approximately 2 years after the increase in the money supply, additional inflation develops and the increase in GNP dies away. Continuously increasing the money supply in excess of the long run growth potential for GNP causes continuous inflation.

There are other contributing factors to inflation. A particularly important factor has been a decline in productivity. This decline has been caused by inadequate modernization of industries due to capital shortages, the low productivity of public sector jobs relative to private sector jobs, an increase in the demand by Americans for more leisure time, and, maybe most seriously, a loss of the desire to work due to abuses in the welfare systems and a decrease in the quality of preschool, elementary, and secondary schooling.

It has become clear to modern economists that to cut inflation our long-term goal must be to gradually reduce the rate of growth in the money supply until it equals the long-run rate of growth of the GNP—about 3.5 percent. This will not be easily done, because too rapid a decrease could cause another recession and more unemployment. However, a decrease to 3.5 percent over a 10-year period probably could be tolerated, provided we maintain the progress made by the Fed since 1975.

The gradual reductions in the size of our annual Federal deficits also will help reduce pressures to increase the rate of growth of the money supply and thus reduce inflation. Since it is borrowing to finance the deficits that perpetuates the need for more new money to hold interest rates down, the balancing of the budget can be a critical part of the solution. This also will not be easily done, because of the still too common tendency to try to solve national problems with money rather than commonsense. However, a great deal can be done by increases in governmental efficiency and the adoption of policies which will solve problems rather than just continue to treat their symptoms.

CUTTING TAXES AND UNEMPLOYMENT

The cutting of taxes and the cutting of unemployment are very closely related goals in our national economy. Cutting personal income taxes will cut unemployment rates in the short-term through stimulating private demand and savings which are the cornerstones of economic growth. If coupled with comparable reductions in Federal spending a tax cut will not be inflationary.

With the increase in the long-term purchasing power of the American consumer that comes from a tax cut, we will get a rapid increase in demand for goods and services and an increase in the demand for workers to produce these goods and services. The return of spending power to the individual through cuts in personal taxes promotes economic growth in two ways. First, by allowing the individual to keep a larger portion of each paycheck, everyone who works will have an incentive to work harder and to plan to invest more time and more money in America. Second, by allowing the individual to keep more money to spend, buying of goods and services occurs in a steady, direct and efficient manner. Basically, it comes down to Americans being able to spend the money that they earn more efficiently than Government can spend that same money.

We must not forget that the strength of our Nation lies also in the amount of investment money available. Investment of that money on the past made our workers among the most productive in the world. By providing an incentive to invest in increasing and modernizing industrial equipment, we can insure that America gets back at the top of the productivity list.

The productivity of labor depends on the technology and energy available to the worker as well as the worker's own education and training. Any complete tax reduction package would need to provide for an incentive for business to increase energy supplies and modernize their plants, thus leading to more productivity, less cost, more sales, and higher wages for workers.

CONCLUSIONS

It seems clear that there is too great a tax on our people for every dollar they earn and spend. It is both a direct tax collected by the Internal Revenue Service and an indirect tax collected by inflation as inflation reduces the value of the dollar or moves us into higher tax brackets. The Federal Government is no different than the private household in this respect; for every dollar spent, there must be a dollar of income either from taxation or borrowing. A household cannot borrow forever. Neither can a government. Even though our Government can increase the money supply, it does so with inflation as an inevitable consequence. Most citizens now recognize this similarity between their own finances and those of the Federal Government, and they oppose deficit spending.

Control and reduction of Federal spending is the key to eliminating the inflation and the high rates which plague our people and depress our growth. However, rather than pay attention to the quality of the spending programs and other public laws now in effect, the Congress invests its energies trying to find new ways to spend. Many existing programs either have no impact on the problems which they address or they have the opposite result of making the problem worse, usually at the taxpayers' further expense. We must reduce unnecessary programs and manage others more efficiently. We must begin to solve problems rather than passing them on for generation after generation. If we do these things, inflation, high taxes, and unemployment can become merely unpleasant memories of our second century as a nation.

THE SINGLAUB AFFAIR

Mr. CHURCH. Mr. President, yesterday, President Carter summoned back to Washington Maj. Gen. John K. Singlaub for publicly disagreeing with the President's policy of withdrawing American troops from South Korea.

I strongly support the President's action.

When I was in the Army, it was made clear to me that the unpardonable offense was insubordination. If this holds true for enlisted men and junior officers, even more must it bind the generals.

We maintain an army, not to make national policy, but to uphold and enforce it. When a general on active duty, in command abroad, publicly criticizes or contradicts Presidential policy, then he should be disciplined or dismissed.

It is the responsibility of the President and the Congress—those officials who are elected by the people—to conduct the foreign policy of the United States, including the deployment of our Armed Forces in other lands. If we left it to the generals to decide when the Army should leave Korea, it would stay there forever.

SOLAR ENERGY EXHIBITION AND DISCUSSION

Mr. HUMPHREY. Mr. President, in conjunction with Senator ANDERSON and Representative FRASER, I sponsored a solar energy exhibition and discussion last Saturday in Minneapolis. Attendance exceeded our greatest expectation; in fact, almost 2,000 persons attended the all-day session—far above the 1,000 earlier projected.

This turnout demonstrates in a more convincing fashion than any other way the great interest, even fascination with solar energy. Polls have consistently shown that this interest exists, but it is one thing to read about it, yet another to actually see such interest. In fact, my colleagues will be interested to know that 30 percent of respondents in a recent Harris poll—March 23, 1971—viewed solar energy as their major source of energy 25 years from today; only 20 percent viewed nuclear power as their major source.

The sessions featured a variety of speakers including Dr. Henry Marvin, Director of ERDA's Solar Division, and Mr. David Moore, program manager for HUD's solar heating and cooling demonstration project. In addition, some 15 solar energy exhibits were assembled from across the Nation—and generated much interest.

Mr. President, I had the honor of presenting the keynote address to the morning session. I ask unanimous consent that my speech before the Solar Energy Conference, held at the University of Minnesota's West Bank Auditorium, be printed in the Record, along with the agenda of this conference.

There being no objection, the material was ordered to be printed in the Record, as follows:

Speech of Senator Hubert Humphrey

I am delighted to be speaking here in Minnesota about solar energy. As many of you know, I long have been an active proponent of the rapid development of solar energy.

It's been a long road and for many years, a lonely one as well. Beginning in 1953, Senator Bible of Nevada and I were responsible for placing and then keeping solar energy research funding in the Federal budget. During the 1960's, in the Senate and then as Vice President, I continued to nurture solar application Research and Development—R&D which resulted in the development of solar cells which still power NASA's space satellites.

I was especially gratified when Congress enacted my Solar Energy Research, Development and Demonstration Act three years ago.

This effort finally has begun to pay dividends—in part due to the energy crisis and the resulting abrupt realization that fossil fuels are in limited supply. In fact, the switch of emphasis in Washington toward solar energy has been breathtaking.

In 1973, we spent $5 million on solar energy. This year, we're spending $290 million. And next year we'll see perhaps more than half-a-billion dollars devoted to solar R&D.

Three or four years ago, there was no discussion of the role solar energy could play in meeting our future energy needs. It was assumed that solar energy was still a gimmick, an expensive NASA technology which worked, but was unnecessary to meet our future energy requirements.

Now, of course, official Federal projections show solar energy providing up to seven percent of our total energy supply in the year 2000, and 20 percent of our power needs in the year 2025. In fact, every time we turn around, the role expected to be played by solar energy increases.

It is even more amazing to be speaking of solar energy here in Minnesota. In Washington, when people think of solar energy, they think of sunny Arizona, New Mexico or California.

Yet, it is states like Minnesota—states in the the north with high heating loads and good sunshine—which will be using more solar energy sooner than states in the southwest.

The reason is simple: Solar energy is especially effective now for space and water heating. And northern states receive almost as much sun as states in southern latitudes, yet they have much higher heating demands.

A recent Congressional Joint Economic Committee study by the University of New Mexico said that solar space heating would become economical—across the board—in Minnesota by 1980—long before it generally would pay to use it in the South or Southwest.

The establishment here in Minnesota of a regional facility for the Solar Energy Research Institute also would indicate the great potential for solar energy here.

Where does solar energy stand today?

It still is relatively expensive, due in large part to the cottage-industry nature of its manufacturing processes. Yet some solar applications are economical and should be adopted immediately. For example, solar water heaters—widely used until World War II in the South—are economical anywhere in the U.S.

Many solar conversion systems for agricultural purposes, such as crop drying and food processing, now are competitive as well, and can replace dwindling natural gas supplies.

But perhaps the most intriguing solar energy prospect is solar cells—used to produce electricity directly from sunlight.

We have used such cells for 20 years in our NASA space program. In fact, solar cells provide almost all the power used by our satellites.

They are expensive now, just like transistors used to be.

They are expensive because each cell is handled over 40 times in production. The secret to reducing their cost is mass production—the use of machines to produce hundreds of cells for the same money it now costs to make a dozen by hand.

Studies have shown that mass production techniques can reduce solar cell costs to 25¢ or 30¢ per peak watt—less than one-quarter the current cost of electricity produced by a nuclear powerplant. So why don't we go all out and use solar cells instead of coal or nuclear powerplants?

Because producers cannot afford to automate production without a large-scale market. But a large scale market won't develop without sizable cost reductions.

How can we solve this "Catch-22" problem?

The answer is simple: Let the Federal Government buy and use a sizable number of solar cells—say 150 megawatts over five years.

Such a program is called for in the Solar Energy Government Buildings Act, which I have introduced in this Congress. Twenty-nine Senators have joined in sponsoring it.

This bill would launch a program that would create a sufficiently large market to bring costs down. Within 10 years, electricity could be produced more cheaply from the sun than from coal or uranium burned at a powerplant. And it would be cheaper, even if a large storage capability is included.

Finally, this program to require Government purchases of solar cells actually would save the Government money. The savings would be enormous, according to the Federal Energy Agency, with $3 in reduced fuel bills being saved for every one dollar invested in solar cells.

There are many other applications of new solar technologies like this one that are just being reviewed now. And, despite the impatience I feel at times toward the slow pace of solar energy development projected by President Carter, there is no doubt that he shares my enthusiasm for it.

The President has proposed, for example, that tax incentives be created for the use of solar energy devices or equipment in homes and plants. And I have introduced other legislation to implement that proposal.

The President also has called for a $100 million program to put solar energy systems in Federal buildings. He has called upon states to exempt solar installations from property taxes. He wants 2.5 million homes to be equipped with solar energy over the next decade.

And, looking ahead, the President has called for legislation to guarantee our sun rights—our access to the sun—and to prevent utilities from charging high rates to customers using solar energy. I hope Congress and the states act quickly on these initiatives.

These are important steps. But they are long overdue steps, as well. Because we have no other energy source which compares with the sun in terms of environmental impact or supply, it makes sense to utilize solar energy.

And, as energy prices are pushed up by OPEC and technological improvements reduce the cost of solar power, solar energy will become even more economically attractive than it is today.

It is our job in Washington to make sure that solar energy is developed as rapidly as possible. That means we prod the Administration occasionally. But we do this because you and I know that solar energy offers our best solution to the energy crisis.

And make no mistake, we have no choice but to find a solution, and find it quickly!

We cannot continue to rely on foreign nations for 45 or 50 percent of our oil needs. It restricts our foreign policy in a dangerous fashion. And it forces the President and Congress to devote hour upon hour to energy issues while urgent issues like the SALT talks or world hunger receive insufficient attention.

In the final analysis, however, it is those of you here today who will determine the speed at which solar energy is developed.

If citizens respond to the call for less reliance on fossil fuels and greater use of solar energy, then our solar energy programs will be successful. Costs will fall sharply and we will move toward energy self sufficiency—even energy abundance.

The choice is yours. I hope you will join me in making the correct choice—for the rapid utilization of solar energy before all our oil and natural gas reserves are gone.

A New Energy From the Sun for Minnesota

A public forum on solar energy sponsored by Rep. Donald M. Fraser, Sen. Wendell Anderson, Sen. Hubert Humphrey, Saturday, May 14, West Bank Auditorium, Minneapolis Campus, University of Minnesota.

9:30 a.m.—

Introductions: Senator Wendell Anderson.

Remarks: Representative Donald M. Fraser.

Keynote Address: Senator Hubert Humphrey.

10:30 a.m.—"Solar Energy: A Federal Overview," H. H. Marvin, Director, Solar Division, U.S. Energy Research and Development Administration.

11:00 a.m.—"Industrial, Commercial, Agricultural Applications: Where are We Headed in Minnesota?"

Moderator: John Milhone, Director, Minnesota Energy Agency.

Participants: Lee Jamison, Manager, Advanced Products Division, Sheldahl Company.

Neil Sher, Director, Energy Resources Center, Honeywell, Inc.

James Ramsey, Associate Professor of Mechanical Engineering, University of Minnesota.

Donald Geesaman, Associate Director, School of Public Affairs, University of Minnesota.

Noon—Audience Discussion.

1:00 p.m.—Lunch Break.

2:00 p.m.—"New Developments in Housing."

Speaker: David Moore, Program Manager, Solar Heating and Cooling Demonstration Project, U.S. Department of Housing and Urban Development.

2:30 p.m.—"Residential Applications: A Consumer Perspective."

Moderator: Rep. Donald Fraser.

Participants: Dennis Holloway, Associate Professor of Architecture, University of Minnesota.

Barbara Weinschenker, Coordinator, Center for Local Self Reliance.

Darryl Thayer, Solar Engineer, Center for Local Self Reliance.

G. Richard Slade, President, Northwestern National Bank of St. Paul.

Don Marier, Editor, Alternative Sources of Energy Magazine.

3:45 p.m.—Audience Discussion.

S. 790—WHAT THE ECONOMISTS SAY

Mr. DOMENICI. Mr. President, while there may not be unanimity in the Senate concerning the need for a reasonable waterway user charge, one group of experts appears virtually unanimous in its support for user charges. These experts are the economists. It is virtually impossible to find an economist who does not support—and support strongly—the immediate imposition of waterway user charges, in the interest of a better allocation of national resources and expansion of national wealth.

Several independent economists came to Washington to support user charges in oral testimony before the Committee on Environment and Public Works. In addition a number of economists have taken the time to write to me, expressing their views of S. 790 and waterway user charges. In an effort to share these views with colleagues, I ask unanimous consent that excerpts from these letters be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS

The desirability of user charges on the inland rivers has achieved something as close to unanimity among academic economists as is to be expected in a free society. The absence of user charges has precisely the consequences one would expect. Notably, nothing provides the usual function of a price in encouraging economization of the existing supply of the resource. Operators make their calculations between towboats, barges, labor and various variable inputs, but treat the river, dams and locks as if they were a free good, something which may be used to absolute satiation. The consequence is an endless escalation of the power of towboats and the expanse of barge tows, coupled with an equally endless political effort to expand the size of locks, depth of channel, and navigational facilities more generally. Nothing provides the function of a price in indicating the demand for additional investment. . . .

Apart from the waste of capital involved the secondary consequences are thoroughly undesirable. The subsidy misallocates industry geographically, causing industries which ship or receive large amounts of bulk cargo to congregate along the rivers. . . . Similarly, the subsidy misallocates freight among the major modes of transport. The excessive use of the rivers accelerates their biological degradation.—George W. Hilton, Professor, Department of Economics, University of California, Los Angeles.

The economics of this question is clear and unambiguous. In the absence of pricing, there is no mechanism which provides any assurance that investments in inland waterways yield a return that approaches the returns available elsewhere. The Federal budget faces many needs and is limited in its resources. Where a routine commercial value is delivered by a public service, there is no reason why the revenues to defray the costs of that service should not be collected from the beneficiaries, leaving the money raised from the taxpayer for purposes that cannot be financed out of their own benefits, including defense and the social programs. . . .

The lack of charges on the inland waterways also leads to an irrational allocation of traffic among the competing transportation media. The "freebie" inland waterway system is one of the coffin nails on our railroads, which the Federal Government is now forced to rescue through subsidies and nationalization. There are bulk commodities that should move by water, and these can stand user charges. But other traffic moves by barge only because the taxpayer picks up so much of the total cost.

. . . The groups that benefit from these subsidies of the nation's taxpayers have no interest in sound economic analysis, and there is no way to force them to use it. User charges are a much superior approach to assure economic rationality because they mean that the beneficiaries do have to be willing to pay. . . .

. . . User charges that also include operation and maintenance would further improve resource allocation in the transportation industry.—Otto Eckstein, Professor of Economics, Harvard University.

Your bill S. 790 is excellent in conception and, if enacted, would do much to restore a balance in the nation's transportation system. You have made a crucial step forward in going from a fuel tax to a lockage fee; this system is much more viable.—Lester P. Lave, Professor and Head, Department of Economics, Carnegie-Mellon University.

What I believe might follow from user charges is benefit to the waterways carriers themselves. At the present time the Locks are used on the principle of First In, First Out (FIFO). If a system of user charges were instituted and those charges were made to reflect the peak load demands, the most valuable uses might well be willing to pay more than other users. Overall, the scarce resource they represent would be more effectively allocated to the alternative users. One possible result of such an allocation would be that the commercial carriers themselves were made the better off by the imposition of a user charge. I am sure that any one of the carriers who is giving testimony would view this as heresy by there are very good reasons for believing that the user charge would improve the social welfare as well as the individual welfare of those involved in commercial carriage.—Leon N. Moses, Director, Transportation Center, Professor of Economics, Northwestern University.

The most important argument in favor of user fees is, in my opinion, that they would reduce the enormous income redistribution to the regions in which waterway projects are constructed and to the shipping industry. This should reduce the political pressure for such projects regardless of their real economic merit and on the Corps to use incorrect evaluation procedures which exaggerate benefits.—Allen V. Kneese, Professor of Economics, University of New Mexico.

In my opinion, we should move ultimately to the gradual recovery of all navigation-connected waterway operation and maintenance costs as well as the capital costs of newly constructed or rehabilitated navigation facilities. S. 790 moves a substantial distance toward this goal and has the important merit of incorporating a gradual approach to cost recovery which will facilitate adjustment by the transportation and shipper interests concerned as well as permitting continuing assessments of the results of the program.—Robert W. Harbeson, Professor of Economics Emeritus, University of Illinois at Urbana-Champaign.

A frequently heard argument is that beneficiaries of low-cost water transportation are consumers of final goods. Federal waterway improvement programs resulting in lower transport costs, it is claimed, will be passed along as lower prices for fossil fuels, food stuffs, construction materials, and any other product that moves by water. . . . The symmetrical argument would state that trucks and airlines should pay no charge for using the roads and airports; that the government should build and maintain the track-bed of the railroads free of charge. This argument has superficial appeal, but note that, while all consumers benefit, they do not all benefit equally. Consumers located in areas served by waterways and users of products shipped by water reap a substantially larger benefit. A more reasonable equity argument is that the consumers of products shipped by water do receive benefits and, as such, they should be willing to pay the cost of achieving these benefits. . . .

For example, a computer model of wheat transportation we have just completed shows that recovery of $145 million annually through a tax of fuel would result in only a minimal diversion of the wheat traffic from the inland waterway system. In short, it seems likely that a user fee policy could be designed which would recover a large part of public costs, and not have a discernable impact on the barge industry's share of intercity freight traffic. . . .

Thus, it appears that a user fee policy could achieve three desirable goals: (1) recovery by the public treasury of the costs of operating the waterways: (2) promote an equitable distribution of the burden of payment, such that beneficiaries pay for the use of services consumed; and (3) promote economic efficiency in the use of water resources and the production of transportation services. Of particular importance, these goals can be achieved without significant dislocations caused in the nation's transportation system. In this context, adoption of a user fee policy would be in the best interests of the nation.—Leonard A. Shabman, Assistant Professor, Agricultural Economics, Virginia Polytechnic Institute.

The return on net investment by railroads in 1975 was .08 per cent, by motor carriers 13.27 per cent, by water carriers 15.79 per cent, and by pipelines 7.66 per cent.

. . . The pipelines carry their share completely. In 1975 the railroads had an outlay of $2.4 billion or 14.6 per cent, on a freight bill of $16.4 billion for maintenance way and structures alone. This was 17 per cent of their operating expenses. . . . At the other extreme were the water carriers which made no contribution to the provision of the infrastructure facilities, nor to the maintenance or operation of them.

. . . if transport is to be cheap (and that means economical) the allocation of economic resources to it must be in keeping with the efficiency principle. Cheap transport for the individual may actually be very expensive for the country. Cheap transport to the country and cheap transport to individual shippers are too frequently regarded as being the same thing.

The most effective device that has yet been developed for rationing is the pricing system. If no price is charged to the user of resources, and he is permitted to use any amount he wishes, he does not have to economize on them. This means that to him they are free goods. There is no incentive to him to economize on the use of them nor to avoid waste. It is not surprising to learn that a prominent waterway operator has said that tonnage will soon exceed capacity on Locks 26. What is surprising is that this has not been the situation before now in view of the absence of charges for use. . . .

If goods or services are provided to the user free of charge, they are free goods to him and he does not have to economize on their use. Failure to economize on the utilization of economic goods is waste. The contention that water transport is cheaper than the other modes is fallacious unless all of the costs entailed in providing the facilities for it are included in the comparisons that are made with the other modes. . . .

The levying of charges on the commercial users of our national waterway facilities will not increase the freight costs of the country, will not increase freight costs to the consumer, and will not add to inflationary pressures. On the contrary, the result will be precisely the reverse. Total freight bills will be less because of: a more efficient allocation of economic resources to transportation; a more efficient allocation of freight traffic among the modes; a reduction in the total costs of the infrastructure of freight transport facilities; a reduction in the federal tax burden on taxpayers; and a reduction in total federal spending with a consequent reduction in the pressure on inflation.—Dudley F. Pegrum, Professor of Economics Emeritus, University of California, Los Angeles.

ANNOUNCEMENT OF POSITION ON VOTE—H.R. 4876

Mr. BIDEN. Mr. President, I was unable to be present for the rollcall vote on final passage of H.R. 4876, the economic stimulus appropriation bill. I do support the bill and would like the permanent RECORD to reflect the fact that, had I been present, I would have voted "yea" on final passage.

THE SIGNIFICANCE OF OUR PRODUCTIVITY LAG

Mr. HOLLINGS. Mr. President, Mr. Arthur Burns, Chairman of the Board of Governors of the Federal Reserve System, was the commencement speaker at the University of South Carolina recently.

Mr. Burns, who is well known to every Member of the Senate, has been described as being second in influence only to the President in the economic affairs of the Nation. Without question, he has had a major impact on the economic policies of the United States and, by extension, the economic and political activities of the free world.

When Mr. Burns speaks, people listen, and I certainly hope they were listening to his commencement remarks of May 14 in Columbia, S.C., because Mr. Burns addressed a trend in this country—a lessening of productivity—that could have the most serious consequences if not reversed.

Because of the timeliness of Mr. Burns' remarks and the succinct and concise manner in which they were delivered to the graduates of the University of South Carolina, I ask unanimous consent that they be printed in the RECORD, and I recommend them to colleagues.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE SIGNIFICANCE OF OUR PRODUCTIVITY LAG

It is a pleasure for me to join this Commencement assemblage in paying tribute to the graduating class of the University of South Carolina.

Those of you graduating today are part of a great tradition. The first graduate went forth from Carolina's classrooms when Thomas Jefferson was President of the United States. And many of the students who have followed since then—some of whose names commemorate the buildings in which you have lived and studied—have made notable contributions both to this region and to the country at large. I trust that in the years ahead—in whatever careers you pursue—you will never cease to draw inspiration from the achievements of those in whose footsteps you follow.

In considering what I might appropriately say to you today, I found my thoughts turning repeatedly to the remarkable transformation that our Nation's economy has undergone since the time this institution was founded. The broad outlines of that transformation—from simple agrarianism to the complexities of our modern industrial state—are well known to all. So, too, is the remarkable record of material gain that has flowed to our people in the process.

What may perhaps be less fully appreciated is that the material progress we have made as a Nation—and which has long been the marvel of the world—was by no means an inevitable occurrence, despite our endowment of natural resources. Nor is it something whose extension we dare take for granted. I believe, rather, that the bounty that is ours came about chiefly because we have had the wisdom throughout most of our history to foster an environment in which the latent energies of our people had generous scope for realization. Ours has been a society in which men and women, no matter what the circumstances of their birth, have known that there were ultimately no boundaries to what might be achieved with effort and ingenuity. That faith—and the spirit of independence and drive it has fostered—has been the essential dynamic force in the economic life of our Nation.

In the language economists are prone to use in describing material gains, what we have had in America is an astonishing record of productivity achievement. Our environment of enterprise and the rewards it has offered have prodded us to great effort. Historically, we have been an industrious and an inventive people. We have striven for self-improvement and the betterment of our families; and we have been willing, both individually and collectively, to sacrifice and scrimp when investment opportunities beckoned. We have, moreover, been imaginative and persistent in devising better ways of doing things and in applying new technologies in the organization of our productive activities.

The consequences of all this in terms of the efficiency of performance of the individual American worker have been striking. It is, indeed, our impressive historical record of upward climb in output per hour worked that is the foundation of our economic strength. To be sure, the aggregate income and wealth of our Nation have grown with the passage of time partly because our workforce has grown in size. But that has been far less important as a source of output gain than some of you may realize. Overwhelmingly, what has been critical—to the extent of accounting for about two-thirds of the rise in national output over the span of our history—has been the advance in labor productivity, the simple fact that an hour of labor progressively has yielded more and more output.

I focus on this today because I think it is important for you to have an awareness that our country's productivity growth has exhibited a slowing in recent years, both absolutely and relative to that of other countries. You should recognize this as a matter of great concern to you personally and to the future of the Nation. Indeed largely because of the slowing of the underlying rate of productivity growth—to a pace a third less rapid in the last ten years than in the 1950's and early 1960's—we can no longer boast of having the highest per capita standard of living in the world.

Far more is at stake, of course, than the issue of international prestige. As a Nation, we can consume no more than we produce, so that unless productivity growth reaccelerates, our citizens inevitably will enjoy less rapid gains in living standards in the future than has been customary historically. It requires little imagination to foresee that troublesome tensions could arise from that situation as competing groups in our society endeavor to secure a larger share for themselves of production gains that are disappointing in the aggregate. Also of great significance is the fact that without a reacceleration of productivity growth we shall find ourselves increasingly cramped in our public life in channelling resources to the solution of domestic and international problems.

These are powerful reasons for trying to understand the causes of the productivity weakening that has recently occurred. A good deal of scholarly effort has in fact been devoted precisely to that end. However, we still cannot be sure how much of the slowdown in productivity growth reflects transitory as distinct from more basic causes.

One cause of slower productivity growth in recent years that is presumably of a temporary nature has been an increase in the proportion of relatively inexperienced workers in our labor force. This reflects several influences: first, a greatly enlarged stream of young people entering labor markets in the late 1960's and early 1970's as a delayed consequence of the very high fertility rates that followed World War II; second, the increasing tendency for adult women—many lacking recent work experience—to seek employment; and third, the prevailing trend toward early retirement. As the younger workers and adult women gain in job experience, however, the depressant effect on productivity growth of the shift in the age and sex composition of the labor force will no longer be operative. Indeed, a reversal may already be in progress.

A more complicated issue to assess—but one that likewise involves the potential for a favorable turn—concerns the way in which our Nation's capital stock grows in relation to the labor force. In recent years, the exceptionally rapid rate of labor-force growth has not been matched by a corresponding acceleration in capital formation. In fact, even apart from the slump in capital investment during the recent recession and the disappointing recovery in capital spending since then, the growth of this country's stock of capital has tended to be slower for some time than in the earlier postwar period. This combination of circumstances—rapid labor force increase and a slowing in the pace of capital formation—has meant that progress in equipping our workforce with increasing amounts of capital equipment has proceeded much less rapidly than in the 1950's and the 1960's. That unquestionably has been detrimental to the maintenance of productivity gains at their historical pace. Demographic influences, however, are gradually becoming somewhat less awesome. Within the next few years, the growth rate of the labor force is likely to decline appreciably, reflecting the lower fertility rates that followed the earlier postwar bulge. In that situation, the challenge of achieving an accelerated pace of capital formation relative to labor supply will become less formidable—provided, of course that we are successful in maintaining a climate of enterprise that is conducive to capital spending by business firms.

Despite these two potentially favorable influences—that is, the trend emerging toward restoration of a more experienced work force and the definite possibility that faster growth may resume in the capital stock per worker—complacency about future productivity developments is by no means warranted.

I say this because the productivity slump which we have been experiencing is only partially explained in terms of the changing experience of our labor force and the amount of capital our workers have been equipped with. Careful study of those two factors still leaves a substantial part of the recent productivity slowing unexplained. Other adverse influences apparently have been at work as well.

My own judgment is that we have been undergoing a change in our societal values and attitudes that has contributed significantly to poorer job performance in recent years. I advance that as a hypothesis only, not as an established fact. It is a hypothesis, however, for which there is regrettably a considerable body of supportive evidence.

Testimony to a lessened sense of industriousness on the part of our workforce is certainly present, it seems to me, in this country's record of job absenteeism. The number of people who simply do not show up for work on any given day, especially before and after weekends, has been rising in recent years and has assumed worrisome proportions. In a typical week last year, almost five million workers had unscheduled absences from their jobs for a day or more either because of reported illness or for other personal reasons. Last year's absenteeism involved the loss of more than 100 million hours of working time per week, giving rise, one can be sure, to a great deal of unnecessary cost and inefficiency in the operations of our businesses—ranging from disruption of production schedules to overstaffing by employers as a defensive measure. No one would deny, of course, that many unscheduled absences are justified by illness or personal or family emergencies. But there is evidence that absenteeism has risen faster in recent years than the number of employed individuals, and this suggests that decided changes have been under way in our country in the basic work attitudes of employees.

The high and rising incidence of absenteeism would be easier to understand if workers in this country enjoyed less paid time off than they do. Significantly, however, the average factory worker now gets 9 paid holidays each year and many workers get more. There has been an impressive liberalization throughout the postwar period, moreover, in the amount of time employees can take as paid vacation. Indicative of the trend is the fact that more than two-thirds of factory workers with 25 years service now get a full month's vacation, whereas fifteen years ago only about one in five enjoyed such generous vacations.

Employers, in short, are increasingly remunerating workers for time during which no work is performed. At present about 7% of total payroll costs incurred by the average employer in this country goes to pay for time that employees are not explicitly on the job. And the full costs of paying for nonworking time would be much larger if there were any meaningful way of measuring the extraordinary number of hours spent on coffee breaks, wash-up time, retirement parties, and other social rites that have increasingly become a part of our working lives. Against this background, is there really any wonder that many of our producers find it difficult to compete internationally and that so many of the products in our homes and garages bear foreign names?

These developments relating to work attitudes and the amount of leisure time we are opting for as a society are a relatively neglected aspect, I believe, of scholarly investigation into the causes of the slowing in our productivity growth. I think they must be brought into sharper focus to facilitate wider public understanding of what is at stake. It is not at all clear that people actually perceive that lessened work effort inevitably must be reflected in the material benefits we as people can enjoy. That linkage was inescapably evident earlier in our history—when, to a much greater degree than is now the case, men and women could literally see what their individual effort yielded in consumable products; but the linkage has been blurred as our productive and distributive mechanisms have grown in complexity.

I trust it is clear that these matters are by no means of remote concern to young people such as you who are now embarking on careers. Indeed, I would call your attention to the fact that during your lifetimes the degree of productivity growth achieved by the workforce, will, if anything, be more important than it is now, simply because of the changing ratio of the working to the nonworking portions of our population. Reflective of the longer lifespan people are enjoying and the trend toward lower birth rates, we are now experiencing a rapid expansion in the elderly portion of our population. A relatively heavy burden will thus fall on the employed portion of the population to produce goods and services not just for themselves, but also for the swelling numbers of people who will be beyond retirement age. That prospect emphatically underscores the importance of reachieving and maintaining strong productivity growth.

I urge you to think about the implications of that challenge and to consider carefully the interest you have in helping to foster a renewed spirit of industriousness in this Nation. The future is yours to do with it what you will. I hope yon will choose wisely.

NUCLEAR MADNESS

Mr. CHURCH. Mr. President, on March 24, 1977, Robert M. Hammes wrote an editorial in the St. Maries, Idaho, Gazette Record, entitled "Our Logical Attitude Towards Armament." I submit this interesting article for the Record, because it accurately reviews the history of events which have brought us to the brink of nuclear disaster. Examining this unhappy history of man against the bomb, Mr. Hammes writes— with understandable frustration—that "the only possible conclusion one can come to is that we are all crazy."

Today, most people would accept the principle of parity as the necessary basis for arms limitation agreements with the Soviet Union. The debate always turns on whether parity has been achieved, or whether, in fact, the agreement somehow gives an advantage to the Russians. The differences in our weapons mix always makes the proposition arguable, even though it is hard to perceive just what an "advantage" could mean when both sides possess such massive overkill capability.

Arms negotiations do not take place in a vacuum; and perhaps it is only now, in the last few years, that the nuclear stalemate has become sufficiently apparent, and the political climate sufficiently improved, to make a meaningful agreement on nuclear arms limitation possible.

Mr. President, I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Our Logical Attitude Toward Armament

Paul Warnke has been confirmed as President Carter's nominee to head our arms negotiations team with the Russians. During the fight over his confirmation, there was considerable disagreement about whether Warnke was "tough enough" to negotiate with the Russians. Since the subject of the talks with the Russians is to be the reduction of armaments and a lessening of the threat of a nuclear holocaust, this was of great concern.

To see where we might be going, let's take a look at where we've come from. After the United States first came up with the atomic bomb during World War II, it made a magnanimous offer. The country said it would place the atomic bomb and its "secrets" under international control, provided other nations in the world would agree to an inspection plan which would assure that international control. Russia, then dominated by Joseph Stalin, refused—and the race was on.

By 1963, there were four nuclear powers in the world—the U.S., Russia, England and France. Three of these (France disagreed) declared that they wanted to end "the armament race and eliminate the incentive to the production and testing of all kinds of weapons, including nuclear weapons." At least that is what they said in the preamble to the Nuclear Test Ban Treaty of 1963.

Five years later, these same three powers proclaimed their awareness of "the devastation that would be visited upon all mankind by a nuclear war." That was the preamble to the Treaty on the Non-Proliferation of Nuclear Weapons of 1968. Eighty-six other nations joined in that declaration. But by that time, the atomic club had been increased by at least two nations, China and India, with the possibility of a "closet atomic power", Israel.

In 1971 and 1972, the U.S. and Russia agreed on "the devastating consequence that nuclear war would have for all mankind". They said that the world's powers should know that "the prevention of a nuclear arms race on the seabed and the ocean floor serves the interest of maintaining world peace" and that all should agree "not to emplant . . . on the ocean floor . . . any nuclear weapons."

These declarations go on and on, with both the U.S. and Russia solemnly declaring the necessity of curbing arms.

But what's the performance?

Almost exactly the opposite.

Under the Vladivostok Understandings, the United States will have 18,660 nuclear warheads by 1985. Each will have more power than the bombs which destroyed Hiroshima and Nagasaki. The Russians will have 9,420 nuclear warheads of even greater power (since they have bigger rockets) and can lift heavier warheads. Put together, the two countries will have armed and at the ready, enough nuclear power to destroy about 25,000 cities. But there aren't that many targets in the two countries big enough to call for a nuclear weapon—so some of the targets will have to be destroyed twice, or even three times!!!

By best estimates, 25 per cent of the world's scientific talent is not used to advance the interests of mankind—but to make a bigger and better boom.

Expenditures for armaments will reach $300 billion this year. In much of the world, it's more than is being spent for food. The progress of the so-called "developing" nations has been seriously restricted because they spend over $40 billion a year for armaments, or at a rate twice as fast as their economic growth.

The only possible conclusion one can come to is that we are all crazy.

CONGRESSMAN FRASER'S OUTSTANDING RECORD ON HUMAN RIGHTS

Mr. HUMPHREY. Mr. President, human rights issues have assumed critical importance in the congressional oversight role of U.S. foreign policy. In the absence of strong positive leadership on the part of the executive branch, the Congress in the past few years took the initiative in seeking to insure that human rights considerations were factored into decisions relating to security and development assistance. In this connection, section 502(b) of the Arms Export Control Act, and section 116 of the International Development and Food Assistance Act of 1975, are legislative initiatives which reflect the spirit and intent of the Congress in the area of human rights.

In my judgment, the Carter administration has taken strong positive steps toward restoring human rights as an important factor in determining U.S. foreign policy. A renewed awareness of human rights can only strengthen our country's position in world affairs; it is an outgrowth of our own history that derives from adherence to fundamental democratic principles.

In this effort to bring human rights issues to the forefront, we are all indebted to men like my colleague from Minnesota, Congressman Don Fraser. He has been speaking out on this vitally important issue for many years, in addition to playing a key role in shaping and drafting important legislation on this subject. To Don Fraser we owe much.

I would like to call to the attention of my colleagues a recent article in Foreign Policy magazine entitled "Freedom and Foreign Policy," written by Don Fraser. It contains one of the most articulate and objective analyses of the human rights issue that I have ever read and it should be required reading not only for Members of Congress but for the executive branch as well.

I ask unanimous consent that Congressman Fraser's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Freedom and Foreign Policy

(By Donald M. Fraser)

Jimmy Carter took office with a commitment to infuse American foreign policy with a deeper concern for human rights. As often happens with campaign promises, however, the fulfillment of this commitment may prove difficult.

Some of the difficulty will be created by the practitioners of realpolitik who see a tough, threatening world that must be dealt with in kind and for whom a concern about human rights is at best misguided idealism, and at worst a return to Wilsonian preaching about democracy.

Others will make the oft-heard argument that the poor, developing nations face such severe problems that they cannot afford the luxury of Western-style democracy. Still others will point to the overriding American interest in security issues as incompatible with a high priority for human rights. Finally, there will be the traditional State Department outlook, concentrating on maintaining good relations with other countries. For these traditionalists, encumbering diplomatic intercourse with human rights issues is not only abrasive and unwelcome, but an unwarranted intrusion upon the affairs of other nations.

Despite these difficulties, I believe that Carter can not only make good on his commitment, but that American interests will be advanced by doing so.

There is a worldwide growing abuse of human rights, with violations of international standards so widespread that we are, indeed, facing a global human rights crisis. The causes are not hard to find. Communist governments based on mass, highly ideological movements pay lip service to human rights, but maintain tight control. In the newly independent nations of Africa, single-party dominance has been accompanied by constraints on the political activities of other parties and organizations. In Latin America, increasing polarization between the right and the left has led to higher levels of violence, with rightist governments sanctioning torture and killing. In some countries, regression in the observance of human rights is occurring as rulers seek to perpetuate their power. In other countries, tensions arising from racial, religious, or linguistic differences often lead to increasing repression on the part of the government.

Nonetheless, societies cannot long be governed peacefully in the absence of mutual respect among citizens and between citizens and their government. Just as the golden rule expresses a basic code of behavior found in varying forms in most societies of the world (and in most religions), the principles embraced in the Universal Declaration of Human Rights are widely shared throughout the world as the rules that should govern relations between governments and the governed. Rarely is it argued that the deprivation of such rights is a desirable goal, even though such deprivation may be accepted as a means to an end.

SERVING U.S. INTERESTS

Thus an American foreign policy that seeks a gradual evolution toward a peaceful international system must stress the importance of the protection of human rights as a foundation for such a system. Such an emphasis also makes us credible and consistent with our own principles.

The doubters will concede this, but will argue that we can do little to influence what happens in other countries and that we may risk other important U.S. interests. This line of thought has dominated U.S. policy for the past decade, but overlays a deeper concern—that because democracy is too fragile and unstable in most developing societies, and since the militant forces of the far left get assistance from the Soviet Union, Cuba, or China, unless we provide aid to the alternative governments, which are usually of the right, we lose by default in the world-wide struggle for power and influence. This view was implicit in the remark by former Treasury Secretary Simon in an interview broadcast on radio, in which he said flatly that the Pinochet regime in Chile was a big improvement over the Allende regime. It apparently mattered little to him that a long tradition of constitutional government was destroyed when the coup came, and that Chile has been one of the most consistent violators of basic human rights ever since.

The problem with this view is that the policies it has spawned are not working very well, and U.S. interests are not being served.

During the last decade the number of democratic governments has been declining. In a few cases the United States bears some responsibility, and in many more the United States has been in the background, ready to continue aid to governments that have seized power illegally. Caught in the middle of the increasing polarization between the far left and the authoritarian right are the large number of people who want to live in a democratically run nation. They find themselves without support anywhere, and often are drawn to struggles initiated by the far left, which cloaks its ideology in democratic rhetoric, because joining forces with them may seem to be the only choice open to those who oppose rightist regimes. It is important to remember that the far left often strives to produce a heavy-handed rightist regime as the first step in building a mass movement upon which they hope one day to seize power.

Rightist regimes are not likely to be durable, since they cannot often build and retain the mass support needed to stay in power. In the meantime, the United States finds itself identified with these regimes and their abuses. The cost to the United States is a loss of respect among democratic forces abroad, and the growing disillusionment of the American public.

An important question is whether or not we should permit the Communist countries to write the agenda for action by the United States. It is increasingly doubtful that the competition for influence in other nations (via involvement in their internal struggles) is as important as it once seemed to be. We have increasing evidence that nations chart their own courses, regardless of past support or friendship, although common ideology often generates common perspectives. Even these give way to nationalistic concerns, however.

It would be far better for the United States to write its own agenda. We should actively support democratic regimes, and deny close support for coercive or authoritarian regimes either of the left or the right, absent compelling considerations to the contrary. Within our limited capacity to do so, we should encourage increased observance of human rights in all societies. This would enable us to chart a new foreign policy consistent with our values.

Yet we need to avoid moralistic impulses impelling us into direct involvement in the affairs of other societies, as this may be destructive both of their welfare and ours. I would place Vietnam in such a category. Although the justification for intervention there was broader than the simple defense of freedom or democracy, those moral impulses did play an important role in justifying and sustaining our early intervention in Indochina.

We must also take care that we do not impose U.S. values in raising the issues of human rights. We need to work with international standards for human rights, which have a broad base of support. The document that stands first among the many international conventions and declarations dealing with human rights is the Universal Declaration of Human Rights adopted a quarter of a century ago in the General Assembly of the United Nations. There were no votes in opposition, although some nations abstained. As a declaration it did not require ratification by member nations, but it has had such wide acceptance that some legal experts give it the force of international law.

The Universal Declaration of Human

Rights covers many kinds of rights, social as well as political. Some are more widely accepted than others. Others are far less likely to be achieved in the short term. Still others may require governmental action quite beyond the means of a particular government.

So we must narrow our focus to what is achievable. We should begin with a more active defense of those rights that enjoy the widest international support.

GRIEVOUS VIOLATIONS

Two kinds of human rights violations especially merit our concern. The most grievous violations are those that violate the integrity of the person—the use of torture, arbitrary killing, and the practice of arresting and detaining persons for extended periods of time without charges or a trial. Few countries will admit to these violations and none will defend them. The second category covers a much wider range of rights, and refers to any retreat from a more advanced stage of human rights observance to a lesser one. Any such backsliding should be of concern to the world community. Positive trends, such as in Portugal, deserve encouragement, and disappointing reversals deserve more than a polite expression of regret. Moreover, turning back the clock on broader human rights is often a precursor to the renewed violation of the more fundamental rights involving the integrity of the person.

When confronted by grievous human rights violations in another country, our first step should be to dissociate ourselves from any appearance of support for the offending government by cutting off military aid. Military aid adds to the power and stature of a recipient government, but seldom improves the lives of the people.

Carter has before him military aid requests for fiscal year 1978. In evaluating these requests he should give careful attention to the status of human rights in the nations requesting military aid. Section 502B of the Foreign Assistance Act prohibits military aid to governments engaged in a consistent pattern of gross violations of human rights unless there are extraordinary circumstances justifying such assistance.

During the first months of the new administration, the State Department should inform these governments committing particularly serious violations that the level of military aid for fiscal year 1978 is likely to be adversely affected unless there are some significant and fundamental improvements in the observance of human rights. Simply releasing some political prisoners, for instance, while maintaining the same laws and practices that provide the basis for new detentions would not suffice. If military aid is reduced, the governments affected should be informed of the reasons for the reductions and the likelihood of complete elimination of military assistance should such violations continue.

A continuous review of the human rights situation in countries receiving military aid should be made; if the situation deteriorates in a particular country or a consistent pattern of gross violations continues, the State Department should consider reducing the amount of funds to be obligated to that country.

The use of Section 502B should not be confined to cutting military aid. I also believe that it should be viewed as requiring the United States to avoid giving assistance that could be used to maintain internal security in countries with serious human rights violations.

The United States should pay special attention to the fate accorded requests by international and nongovernmental organizations to obtain information about the status of human rights in a particular country as well as to the response of governments to the findings of such organizations. Refusal by a government to grant an international organization permission to make a field visit should establish a prima facie case in favor of terminating security assistance.

Whether or not economic aid ought to be terminated because of human rights violations is a far more complicated issue. Some aid is clearly humanitarian and reaches the people who need it. Other economic aid may be directly supportive of a repressive government and only indirectly benefit the people. There is a difference, too, between finishing a partially completed project and starting a new one. With the limited amount of economic aid we have to dispense, governments with a poor track record on human rights should expect that record to weigh importantly in the allocation of new aid commitments.

Food aid deserves a special comment. Frequently, concessional loans to another country to buy food does little more than give direct support to that government's foreign exchange position. Careful judgment should be exercised before granting such loans to oppressive governments. Donations of food for humanitarian purposes stands on a different footing and ordinarily should continue.

A particular problem is created when a reasonably legitimate government is illegally displaced by another, accompanied by increased violations of human rights. Because of the violence such coups do to the principle of constitutionalism and the rule of law, and because of the need to encourage orderly, peaceful transfers of power, the United States should adopt a flat policy of withholding supportive economic and military aid from such governments for a period of time.

Military alliances add another dimension to the problem. Some military alliances are more important to our security than others. Some provide bases for U.S. forces. Some involve the maintenance of sizable U.S. forces on the soil of the ally.

No single prescription can be written to give force to a policy of deeper concern for human rights. But certain observations can be made about the choices open to the United States. The most obvious option is to let the offending country know that human rights violations will cost them something in their relationship with the United States. It may be a reduction in aid for a period, protests channeled through international institutions, a narrowing of access by U.S. business enterprises, removal of some forces, or a combination of these. Where feasible, the steps taken by the United States should apply steadily increasing pressure until the message about human rights gets through to the other government.

The U.S. response in the past has been modest and largely ineffective. Quiet diplomatic representations have been accompanied by continued military assistance, thus clearly letting the offending nation know that they can safely overlook our protests. These representations have often been expressed with the warning that continued violations will cause an adverse reaction by the Congress; they are rarely expressed as based on the views of the executive branch itself.

HARD QUESTIONS

Ultimately, however, the hard questions must be faced. How well and for how long are U.S. interests served by military alliances with governments that are guilty of a continued pattern of gross violations of human rights? We are faced with this issue today in both Korea and the Philippines.

The United States, under a mutual security treaty, maintains over 40,000 troops in South Korea. The justification for these U.S. troops is twofold. First, it is urged that Korea is essential for the defense of Japan. Japan is very important to the United States. It has been thought that a shift in political control over the southern half of the Korean peninsula could significantly increase the military danger to Japan. Upon closer examination, however, an invasion of Japan from a Korea controlled by the Communist North appears unlikely. Also, Japan faces military forces in mainland China and the Soviet Union much larger than those of North Korea.

The second argument is that we are defending a bit of freedom; that South Korea is part of the "free world" and its loss would represent a retreat on the part of the West. However, we are not defending freedom when we help to preserve a South Korean government that has, over the last four years, systematically abrogated the basic freedoms of the South Korean people.

Meanwhile, we continue to run an inordinate risk that trouble may break out on the Korean peninsula under circumstances that will make U.S. public support for active U.S. involvement doubtful. The steady erosion of human rights in Korea may well undermine the solidarity of the people of South Korea against the Communist government of North Korea. This is a real danger as the younger people who didn't personally experience the North Korean invasion measure the system that oppresses them against the inexperienced Communist menace. An incident in the South might be seized upon by the North Koreans as a pretext to move South. If we withdraw at that time, because of public disgust in the United States at the thought of another war involving a dictator with whom we are unfortunately entangled, the result would be shattering to the Japanese. They would see this as evidence that U.S. defense commitments are no longer dependable.

I believe that if the South Korean government persists in its present course, the United States must be prepared to disengage from South Korea carefully and in full consultation with Japan on a step-by-step basis. President Park's argument, that the present restrictions on the rights of the Korean people are necessary in fact of the threats from the North, lacks credibility. The threat from the North was far greater during the 1960's, when greater freedom was enjoyed by the South Korean people. If we are forced to depart because the South Korean government continues to severely restrict human rights, we should give South Korea enough additional arms so that it can defend itself, and offer Japan additional U.S. forces. On the other hand, if a major shift occurs in South Korea toward a fuller observance of human rights, the maintenance of U.S. forces in South Korea would be thoroughly compatible with a policy of aiding democratic governments facing direct threats to their security.

The Philippines is another important case. The present government rules under martial law. While often characterized as a less harsh distatorship than most, recent evidence points to widespread torture. Political opponents have been jailed, and a free press no longer exists.

The United States has two major bases in the Philippines, Clark Air Force Base and the Naval Base at Subic Bay. The Ford administration argued that both of these bases were essential, and negotiations for continuing U.S. rights to the bases are already underway. If the United States is to continue to use these bases, despite the conditions in the Philippines, a more businesslike rental arrangement might enable the United States to dissocate itself from the violation of human rights. The need for these bases, however, should be studied, because a reasoned argument can be made that they are not important to U.S. security. Moreover, the continued presence of U.S. bases in the Philippines may not be consistent with the desire of the nations of that area to move toward a nonaligned posture.

Clearly, the issue of human rights cannot be isolated from the issues of security, development, access to goods, and other considerations. The upgrading of the human rights factor in our foreign policy inevitably draws us into a discussion of the broader objectives of our policies, including the thoroughly legitimate question of how much we can expect to accomplish by taking action in response to serious human rights violations.

In some cases it may well turn out that we will have to swallow our concern and maintain existing policies because other considerations are so compelling. Or we may well conclude that no matter what we do our actions will have little or no impact on the offending government's conduct.

Influencing the behavior of Communist countries, at least in the short run, is difficult. Nevertheless, sometimes U.S. policies have some effect. Congressional and executive branch pressure succeeded in temporarily expanding emigration for Soviet Jews. But enacting the Jackson-Vanik amendment with its strictures both on most-favored nation treatment and on access to U.S. credits contributed to the Soviet government's decision to tighten restrictions on emigration.

The continued utilization of Radio Liberty and Radio Free Europe to introduce feedback into the Warsaw Pact nations may be of only modest value in the short run, but in the long run they may encourage leavening of those societies. The use of cultural exchanges pursued on a realistic basis can aid in the leavening process. The recent Final Act of the Helsinki Conference has committed the Eastern European countries to observe certain human rights set forth in the "third basket." Their full observance should be pressed by the Western nations.

In implementing the Helsinki act, we must also look at our own performance, particularly in relation to our visa policy. Under the McCarran Act, the United States has often refused entry for visits into the United States to persons who are members of the Communist party of their country.[1] Such a policy is inconsistent with the spirit of the Final Act of the Helsinki Conference and often is harmful to our interests. The executive branch and Congress should work together to amend this law.

We should also be reasonably consistent in our policies. Nothing undermines the credibility of concern about human rights more quickly than the double standard often found in the positions of both the left and the right. A selective concern about human rights moves us backward. It is seen merely as ammunition to fight ideological battles rather than as a commitment to basic decency.

The oft-used phrase "the free world" contains such a selective concern. When the free world includes nations that are engaged in massive, continuing violations of basic human rights, the phrase can only be seen as an ideological weapon.

A new administration committed to a higher priority for human rights can weave into the strands of policy a persistent concern about how people are treated by governments. It can do so in a way that will gradually win us the respect of people throughout the world. The administration can work with Congress to maximize diplomatic effectiveness. With a judicious understanding of what we are capable of achieving, we can nudge governments along the path to ever wider observance of human rights.

We should always acknowledge that other societies will be governed in a manner that they work out for themselves. Nevertheless we must insist on our right to refrain from *special supportive relations* as distinguished from diplomatic and trade relations.

Once we have withdrawn our support from a government, we should approach the human rights issue with caution. Most human rights violations are not capricious, but are the consequences of what a government perceives to be necessary to maintain power or to govern. In some cases, the governments may be correct in their assessment that a fuller enjoyment of human rights would destroy valid social objectives, including civil order.

THE INTERNATIONAL MACHINERY

Another avenue open to the United States is the international machinery that exists for the protection of human rights. This includes the U.N. Commission on Human Rights, the Subcommittee on Prevention of Discrimination and Protection of Minorities, and the Inter-American Commission on Human Rights of the Organization of American States (OAS). The Council of Europe (which does not include the United States) has the most advanced machinery of all, including a Court on Human Rights with authority to adjudicate human rights issues brought by individual citizens against their governments. The Inter-American Commission on Human Rights has done excellent work, but governments can and do ignore its requests for information and access to their countries, and its recommendations. Until recently the OAS General Assembly gave perfunctory attention to the commission's reports.

The U.N. Commission on Human Rights has the poorest track record of all, caused at first by its refusal to accept individual complaints and its reliance instead on governments to file complaints. Of course they rarely did. In recent years the U.N. Commission has begun to accept complaints from individuals, but its procedures are so slow, and the unwillingness of governments to point the finger at one another so great, that thus far it has had little impact. A no-table exception was the creation of a special committee to study and report on conditions in Chile. Its respected members produced a detailed report that had a noticeable impact on the willingness of other governments to censure Chile.

The United Nations has had more success in dealing with human rights issues in Southern Africa because of the worldwide dislike for minority white regimes. Even here, however, lack of enthusiasm for affirmative action by Western countries has hindered the United Nations in addressing these issues.

A major objective of a renewed interest in human rights by the United States should be the strengthening of this international machinery for the protection of human rights. The concerting of international opinion in defense of human rights is one of the most effective, noncoercive means open to induce useful responses from offending governments. Leadership by the United States in this field will be accepted only gradually by other nations because of their attitudes toward past U.S. policy.

We also have an obligation, as a member of the international community and party to the international conventions on refugees, to grant asylum to political dissidents.

Although the United States has granted asylum to refugees from oppressive regimes, the administration of this program has been uneven and unpredictable. In many cases, the United States has taken far fewer refugees than have other, smaller Western countries. We need to develop a consistent, more evenhanded policy of granting asylum to refugees from countries with oppressive governments of both the left and the right.

Recent legislation now compels the U.S. representative to the Inter-American Development Bank and the African Development Bank to vote against loans to governments that are engaged in serious human rights violations unless the aid is directly benefiting needy people. The executive branch has been able to comply with this requirement and still make certain that loans were approved with the votes of other representatives. This legislation did not succeed in producing a commitment by the executive branch to actively lobby against loans that the U.S. representative is required to oppose.

The role of the international banks must also be examined with care. Despite the assertion by the executive branch that only economic questions, not political issues, shape loan policies, politics have entered heavily into the actions of these banks. Loan patterns appear to reflect the U.S. preference for certain regimes, some of which have been involved in massive violations of human rights. It is especially troublesome to Congress that international bank loans are used to counteract congressional actions aimed at limiting U.S. aid.

SPECIFIC STEPS

In addition to giving more active support for human rights in general, some specific steps should be taken:

The president should consider delivering a major foreign policy speech in which he places the human rights issues in their proper perspective, to educate both the public and the federal bureaucracy. He should point to the obligation of the United States, under the Charter of the United Nations, to promote the observance of human rights, and identify the means by which he proposes that we discharge that obligation.

In the White House, a commission on international human rights should be created, with a small membership of five or six persons, to make recommendations on ways that the United States can strengthen its efforts on behalf of human rights. In formulating its recommendations it should ascertain the overseas image of the United States on human rights issues, examine the quality of human rights reporting from the field, and review the impact of our aid programs on the observance of human rights. The commission should give special attention to coordinating human rights-foreign policy issues among the many federal agencies that are engaged in international activities. Aside from the Department of State, the Departments of Defense, Treasury, Commerce, Agriculture, and others have international responsibilities. The commission is not envisaged as a permanent agency; it is hoped that within a matter of months its work would be completed and the commission disbanded.

Within the State Department, it is vitally important that the senior level positions be filled with persons committed to the principle that human rights deserves priority consideration in the making of U.S. foreign policy. If this is done, human rights will be given far more favorable consideration at the lower levels. It is important, however, to strengthen the existing human rights bureaucracy. The position of human rights officers in each of the regional bureaus should be made a full-time position. Additional positions, to handle human rights questions, in the legal adviser's office should be considered. The coordinator for human rights and humanitarian affairs, a position recently established by Congress, should be filled by someone who is a vigorous and effective advocate of human rights.

Congress should proceed with the repeal of the Byrd Amendment if no progress is made in the talks on Rhodesia, and the Senate should ratify the Genocide Convention and then begin immediate study, with a view toward ratification, of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights.

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[1] *See Richard Holbrooke, "A Little Visa Problem,"* Foreign Policy 21.

The initiative taken by the Agency for International Development in the past year, to identify and undertake programs to assist the human rights effort, should be continued and strengthened. The aid legislation, with its current priorities on rural development, health, and education, should be amended to include a fourth category: training, in the United States, in building the institutions of government.

We should urge stronger U.N. programs to bring young graduates and government people to study in leading universities or for training with government agencies.

The role of nongovernmental organizations is so important in the human rights field that steps should be taken to maximize their potential without destroying their independence and autonomy. A national commission should be created to administer a modest amount of public funds in support of programs that strengthen the role of the private sector working in the human rights field. Such funding might provide for conferences on the subject of human rights, fellowships for human rights studies abroad, and studies of special human rights problems. It would function in a manner similar to the National Commission on the Arts and Humanities. One conference which should be funded either through this source of through the government directly is a U.N. seminar on human rights. Such seminars have been regularly held around the world, but the United States has thus far declined to serve as host for one.

The Carter administration has the opportunity to shift U.S. foreign policy significantly toward a more active concern for human rights. This opportunity comes at a time when the American public is openly disturbed about past U.S. policies and Congress has asserted a strong interest in human rights issues.

Human rights will, of course, be advanced by action on a number of fronts. We should increase our economic aid efforts overseas, since sheer poverty will often drown the human rights issue. We must also work actively to achieve a greater degree of equity in our economic relations with the Third World nations. A strong public commitment to the advancement of human rights will also be very important.

A new emphasis on human rights will open up many diplomatic opportunities. In recent years, Congress has struggled with a recalcitrant executive branch over this issue. When the executive branch failed to implement the legislative mandates on human rights the only recourse open to Congress was to act on specific situations. Congress will welcome a clear declaration of intent by the executive branch to stress human rights in its foreign policies, and will be ready to accept quiet diplomacy as the most effective way to give expression to the deep-seated desire of the American people that their government be devoted to furthering decency in the conduct of human affairs.

THE GENOCIDE CONVENTION AND STATES RIGHTS

Mr. PROXMIRE. Mr. President, I wish to address myself to those who have speculated that U.S. ratification of the Genocide Convention would result in the surrender of certain States rights. Some critics of the treaty have even taken this so far as to wonder aloud whether "our system of government" would be threatened by ratification.

Most reservations on these grounds stem from article VI of the Constitution, which makes ratified treaties, along with the Constitution and other acts of Congress, "the supreme law of the land." This objection is, in fact, purely hypothetical: Not a single actual instance of a conflict between the provisions of the Genocide Convention and State laws over which it would be "supreme" can be given. True, States would be bound by the provisions of the convention. True, also, that States are bound by the provisions of any treaty enacted and in force in this Nation. Yet we do not hear all treaties so vehemently objected to on these grounds.

The States will not suffer any loss of their constitutional rights if the United States ratifies this treaty. This is because the treatymaking authority is, as it necessarily must be, under the domain of Congress. It is Congress that possesses the constitutional mandate in dealing with international matters. Only Congress is invested with the power to prescribe penalties for offenses against the law of nations. It is impossible, therefore, to deprive the States of any constitutional rights through ratification of the Genocide Convention. This treaty, as with any other treaty, simply does not affect them. It is impossible to deprive the States of jurisdiction which was never theirs.

Mr. President, the Genocide Convention is written proof of the U.S. eternal commitment to human rights. I ask the Senate to delay no longer in ratifying a document so vital.

AMBASSADOR ZAHEDI AT WESTMINSTER COLLEGE

Mr. RIBICOFF. Mr. President, Ardeshir Zahedi, the Ambassador of Iran to the United States, delivered a lecture on May 7, 1977, at Westminster College in Fulton, Mo. His remarks are most perceptive. I am sure that my colleagues will be interested in reading this speech, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF HIS EXCELLENCY ARDESHIR ZAHEDI

I am deeply moved by the warmth of your reception. I have often said over the years that America is my second home. I have spent so much time here, first as a student and now as an Ambassador. Your kindness today further strengthens this relationship.

I am especially pleased to come again to the home state of an American whom I admire so much, Harry Truman, who brought a special kind of leadership and integrity to this remarkable democracy. I feel greatly honoured by your invitation to speak in this most distinguished lecture series. And I am quite humbled to stand here where so many important speeches have been given by world leaders. I know I cannot match the style and eloquence of a Winston Churchill or a President Truman but I will try to follow the high standards of sincerity and truth which these men showed.

My message today will be quite different. Our world in the last three decades has undergone some dramatic changes. Since World War II, we have known the continual threat of even great disaster in another conflict, and we seem unable to reduce this threat.

But there is also another war we must fight. Poverty, starvation, ignorance and injustice must also be eliminated, if we as a world want to have a future at all.

There can be no real interdependence as long as nations are divided by wealth and poverty. Our world must not be divided. Humanity recognizes no borders. After all, one half of the world cannot be happy or secure, while the other half is miserable and poor.

No one can really question the great contribution of the western countries, especially the United States, to the betterment of human conditions. I recall, for example, the great hope inspired by President Truman's announcement of Point IV in 1949, a program which I was privileged to initiate and help to direct in Iran. Today, however, the dimensions of these problems are such that we can only solve them together.

Consequently, this is not a time for iron curtains or gun-boat diplomacy or cold wars. This is a time for cooperation. Our world today is a family of nations. If one fails, the others will suffer. Therefore, each nation must be able to help itself, before it can contribute to this total effort.

Today, I will if I may, take advantage of the opportunity you have given me, to describe the goals we, as a nation, have set for ourselves and the steps we have taken, to achieve them.

Iran may seem very far from Fulton, Missouri, and what happens in my country may appear remote to your present and future interests. However, our two nations have much in common for, I submit, that the Iranian experience of the last few decades is an outstanding example of modern economic and social development. It is an example of what can be achieved in the Third World in a short time. It is a source of pride for us, for we have begun to build a prosperous and safe Iran.

But it should also be a source of hope for you in the long run.

Iran, the cradle of civilization, is a land of Aryans. We have a population of 34 million. And our country is about one-fifth the size of the United States. This might surprise you, that after China, we have the second longest border, 1,300 miles, with the Soviet Union. In the old days, we used to serve as a bridge between east and west being part of the silk route between China and Europe. During the Tehran Conference in 1944, Iran was described as the "Bridge of Victory" by President Roosevelt, Stalin and Churchill. And we must remember that, traditionally, Persia has been a center of scholarship, science and culture, scholars as Avicina and Birooni are well known to the west.

I will have to focus your attention on what we call our "Shah and People's Revolution." I know that few among you would think of Iran as a country in the midst of a revolution. We all too often think of a revolution as a violent uprising, a brutal and total upset of the whole society. I am willing to concede that history sometimes has shown us the necessity of such a revolution. We had ours and you had yours. But whatever the benefits, the costs in human terms were enormous. Nowadays, we must think of revolution in terms of the most effective and humane utilization of all the means at our disposal to ensure the welfare of our countries in a just and peaceful manner. We must recognize above all the purpose of the revolution. And no one has defined the purpose of our revolution better than my beloved sovereign.

This is what he wrote in 1963, and I quote, "I looked at Iranian society, recognizing its weaknesses, needs, and potentialities. I studied the structure of other societies, and saw how they had progressed. The realization came to me that Iran needed a deep and fundamental revolution, which could, at the same time, put an end to all factors that caused injustice, tyranny and exploitation and to all aspects of reaction, which impeded progress, and kept our society backward."

Our basic aim and concern has been, and remains, human dignity and social justice. The concept of human rights is not new to Iran. As a matter of fact, as we know from the Bible, more than 2,500 years ago, Cyrus, the great Persian King, freed Daniel and decreed that those who threw Jews into the mouths of lions shall be thrown back into the mouths of lions. He established once and for all, the freedom of religion and worship in Iran. Our constitution provides for that same essential freedom of religion.

Both at home and abroad we have tried to practice what we preach. At home, we know that the welfare and dignity of our people depend, above all, on education and its availability to the masses. We have therefore declared war on ignorance.

We have created the Literacy Corps, consisting of men and women of military draft age. They have been chosen to serve their country in this constructive manner, and to bring their knowledge and dedication to all who need it. This program has been so effective that the rate of illiteracy has decreased from 90 percent in 1950, to 50 percent last year. We expect illiteracy to be wiped out in the next decade. For a campaign against illiteracy, His Majesty urged, at the UNESCO meeting in Tehran in 1964, that countries contribute the equivalent of one day's military expenditure. Unfortunately, this was the first time that the big powers agreed to disagree and so nothing was done. Iran however did fulfill its promise.

Furthermore, in June 1968, in a speech at Harvard University, His Majesty called for the creation of a universal welfare legion, in which individuals of any country, class, race, or religion, would devote a part of their lives to the service of mankind.

We have established the right of every Iranian to a free education through the elementary level and are even providing free lunches for every student. To make this a reality, we have invested large sums of money. In 1950, we had only one major university. Today, we have 21 universities, and 142 colleges, and institutions of higher learning, with a total enrollment of 164,000 students. In 1950, we had 800 students abroad 390 of whom were studying in the United States. Today that number has increased to 58 thousand, out of whom 23,600 are studying in the United States. Perhaps even more impressive is the fact that in 1950, there were only 350 thousand students in Iran.

This past fall, however, when the school bell rang, over eight million and five hundred thousand students took their places, across the nation. That constitutes nearly one fourth of our entire population.

In recent years, we have completely changed the role of women in our society. In the 1950s, they did not even have the right to vote. Today, in contrast, they not only have this right, but they also hold prominent places in Parliament and the Cabinet.

In the field of agriculture, we have carried out an extensive land reform program. We have done away with the feudal system of ownership. Peasants have now become landowners. Although the standard of living has greatly increased, the rate of agricultural production has not kept up with the other areas of our economy. Therefore, we have given priority to investment in agriculture and related research.

In the industrial field, the Shah has introduced a far reaching profit sharing law. The factory workers have the first right to buy 49 per cent of the shares in privately owned companies. Furthermore, the workers are entitled to 20 per cent of net corporate earnings. In the public sector, the workers are allowed to purchase 99 per cent of the government owned industries by 1978, with the assistance of government loans, at very low rates. This transfer of property will be achieved to ensure Iranian workers full participation in their national development.

These domestic programs which I have described are all designed to give the Iranian people a fair and equal opportunity to develop themselves to the very best of their potential. All this of course depends upon the growth and expansion of our economy. In 1953, our per capita GNP was less than 100 dollars. By the end of this year, I am happy to tell you that it will be close to 2,000 dollars. The projected figure for GNP in the year 2000 is 441 billion dollars. The impressive growth of the Iranian economy is so well known that I do not have to quote any further facts or figures. However, I am going to say a few words about oil because it is so obviously a subject of world wide interest today.

His Imperial Majesty has said repeatedly that oil, with its 70,000 odd by-products is too precious to be used as fuel. Actually, he called it a "noble commodity." And he made the decision to replace this finite resource as a fuel long before the 1973 oil price increases. During 1973 and 1974, Iran took the lead among the oil producing countries in developing alternative sources of energy such as nuclear, geo-thermal and solar. For example, by 1993, nuclear energy will provide over fifty per cent of Iran's total capacity of 66,000 megawatts. The oil and gas saved from the use of such alternatives, plus an increasing amount of our oil and gas production, will be used in the production of petrochemicals. We must think of our children and the future when we burn this precious resource which took millions of years to create.

It is important, particularly in a free enterprise society such as yours, that every effort be made to develop alternative sources of energy. You have the means and the resources to do so. And you, the largest consumer of oil in the world, have the important responsibility not to allow oil to be used unnecessarily as a fuel, when there are other possible sources. I am happy to note that the United States is finally coming to realize the importance of conserving oil. Your country is a great nation. You are the most powerful nation in the world, economically, militarily, and politically. You have responsibilities not only to yourselves but to your allies and friends as well. This is why you should become self sufficient in the field of energy, in order to maintain your strength.

As a major producer and exporter of oil, it is a matter of Iran's national policy never to use oil as a political weapon. As my sovereign has said, oil, like water and bread, is indispensable and no one should be denied its use. Not only did we not participate in the oil embargoes of 1967 and 1973 but we were against them. We have never participated in any embargo in the past and we will never, under any circumstances whatsoever, participate in one in the future.

Even more important than oil is food. We can always adjust to the heat or cold by a few degrees but we cannot adjust to starvation. Approximately 1.2 billion people in the world suffer from hunger, disease and the effects of drought.

This gap is growing larger every day. We should be deeply concerned about the injustice and inequality of society. We should also recognize, even if only from selfish self interest, that unless we answer these important questions, there is certain to come a serious explosion and perhaps even war among the rich and the poor.

The foreign policy of Iran can be stated quite simply. We believe in an independent national foreign policy which permits us to deal with any nation, no matter what its ideology, as long as there is true respect for the rights and sovereignty of other nations. The cornerstone of our policy is the desire for peace and stability which will permit us to achieve our national goals. In this spirit, we have contributed to the maintenance of international peace and stability, in the world in general and in the Middle East in particular. We have settled various disputes, some of them age-old, that have burned between us and our neighbors. Indeed, we have had to expand and strengthen our military forces in the last few years for several reasons.

First, history has taught us that because of our strategic location and resources, we can become targets of aggression. At times of military weakness, as even in World War II, neutral Iran was invaded. Second, Iran is not only situated in a turbulent region of the world, but in an area of the largest oil concentration. If it had not been for our leadership, and our concern for security and stability in the Persian Gulf, the security of this vital area would be in jeopardy. Third, we must be constantly aware of our long border with the Soviet Union and the danger of infiltration of our weaker nations by communist inspired elements. Fourth, let me explain the strategic importance of the Straits of Hormuz. More than twenty million barrels of oil pass daily through this narrow waterway, providing 90 per cent of Japan's oil requirements, 70 per cent of Western Europe's and 20 per cent of your country's. Any drastic change in this area might close this lifeline.

As in every sovereign state, I am sure you will understand that we would be remiss in our duty to our people if we were not concerned with their well-being and safety. At the same time, I must stress that we would welcome the day when we would not have to spend a penny on defense but until that day comes, we must safeguard our well-being.

At the same time, we are doing all possible to help build a new world, based on justice and fairness. Peace and prosperity for all is not just a cliche or resounding slogan. It is our only alternative and to this end, Iran has taken many initiatives.

We have signed and ratified the treaty for non-proliferation of nuclear weapons. For seven years, my beloved sovereign has proposed that the Middle East and the Indian Ocean be declared, in terms of armaments, nuclear free zone.

In regard to the Arab-Israeli conflict, we believe this conflict can be brought to a peaceful resolution by the implementation of the United Nations Security Council's resolutions 242 and 338. We recognize the right of Israel to exist, but condemn the occupation of other nations' territory through force. Let me be frank and state that if we are not able to solve the problem of Palestine there will never be peace in the Middle East.

At the close of World War II, and through the 50s, Iran was almost totally dependent upon foreign aid. Throughout the 60s, Iran was able to lessen its economic dependence through borrowing from international institutions. We are grateful for the assistance that the United States gave to Iran, when we needed it most. And your generosity has not been forgotten.

Now, I am proud to say, that we have, over the last few years, extended direct financial aid and long-term loans to many developing countries. In 1975, West Germany, the most industrialized country in Europe, provided only 0.4 per cent of its GNP for foreign aid. In the same year, Sweden allocated 0.82 per cent, and Switzerland 0.18 per cent of their GNP for foreign aid. I hope you will understand when I point out, simply as a matter of information, and in full recognition of your long history of generosity to others, that American foreign aid still remains about 0.3 per cent of its GNP. I think you probably do not know that in this same time period, Iran's foreign aid represented more than 6 per cent of its GNP, a figure unmatched in the industrialized world.

In line with our commitment to foreign aid, we have embarked on massive programs, of both bilateral and multilateral assistance.

In 1974, His Majesty proposed the creation of a neutral development fund, involving the 12 oil producers, 12 industrial countries, and 12 less developed countries, to which oil producers and industrial countries would each donate 150 million dollars. The Shah suggested the creation of a special fund of 5 billion dollars for five years, supported by contributions from OPEC members of 10 cents per barrel of oil, and designated to make outright grants to needy countries.

We are participating in a special OPEC fund of 800 million dollars, of which our share is 232 million dollars, with a special grant of 400 million dollars, to an international fund for agricultural development. During the last OPEC Conference in Doha, the decision was made to add another 800 million dollars to this special OPEC fund.

Finally, we have also set aside one billion dollars for the International Monetary Fund and the World Bank. So, in a number of ways, we have tried to use our resources, with which we have been blessed, to help our less fortunate Fourth World neighbours.

Again, as a friend let me say to you that you can contribute so much in know-how and technology, which is most important to the development of those countries which have few or no resources of their own. In this way, perhaps, we can help resolve the question of international justice and fairness, by assisting the more than 1.2 billion people who are struggling for survival.

In a political world that often views statecraft as the art of the possible and peace as the maintenance of the status quo, we have chosen vision and the courage to dare, for we know that each stone unturned may well be a step backwards. Both at home and abroad, we are actively carrying out a revolution of our thoughts and of our age-old ways, a fundamental change that we hope will bring men closer together in the common knowledge of a common destiny.

And we should understand that we should not worry if we do not pray to the same God, believe in the same tenets, share the same traditions, or speak the same language, for it is in this very variety that lie our hope and our strength.

An essential characteristic of your great nation has been its unusual ability to blend into a creative and exciting whole—ideas, experiences and traditions from all areas of the globe.

These different elements in American society did not have to give up their cultural identity or foresake their originality to become a viable part of the whole. We can do the same in the world at large, and frankly, I see no reason why, if we show the same determination allied with the same wisdom, we cannot be as successful internationally in this regard as you have been nationally.

All this brings me back to my original theme—the absolute necessity of interdependence and cooperation if our world is to survive. I can leave no more important message with you today than this. We cannot continue to live in a society where a few are rich and the rest are poor. Surely, we can leave no more brilliant heritage than the knowledge that we saw the need of our fellow man and worked to save him from disease, poverty and starvation.

Saadi, the great Persian poet said, "To serve humanity is an ultimate goal of worship." Like the human organism, if one part of mankind is in want, or diseased, all of humanity is affected and thereby suffers. If I can leave this thought with you, I will have achieved my mission.

A great opportuntiy and a great challenge faces us all. As your friend and ally, let me say the challenge particularly faces you. It is you who have the experience, the capacity, the know-how, and I believe, the will to lead us in this war against want. You have demonstrated your good will in the past, and I see no reason why you cannot do it now. We, in the rest of the world, can help, but we cannot do it without you. With you, I feel that the world will succeed. Again, as your friend and your admirer, let me say, "You have done so much for the world, be proud of it: lead us again."

Certainly, there is no more appropriate setting to begin a new effort than here, in the tradition of this honoured place. A great American lady, Eleanor Roosevelt, once inspired my generation and indeed the world when she said: "It is better to light one little candle than to stumble about in darkness." Let us together light that candle today.

Thank you very much.

PRESIDENT CARTER'S ARMS TRANSFER POLICY

Mr. CULVER. Mr. President, the dangerous consequences of large-scale transfers of modern weapons have long been recognized by the Congress, and we have sought to develop more careful review procedures and more precise criteria for evaluating such transfers.

During his campaign, Jimmy Carter pledged a policy of restraint. Now President Carter has announced a comprehensive policy, following a full review.

While the new guidelines apply only to the United States, the President recognizes that any lasting solution requires the cooperation of all major arms-producing nations.

I commend President Carter for his actions, and I am sure that the Congress will support the principles which he has laid down.

Mr. President, I ask unanimous consent that the text of President Carter's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE PRESIDENT, CONVENTIONAL ARMS TRANSFER POLICY

The virtually unrestrained spread of conventional weaponry threatens stability in every region of the world. Total arms sales in recent years have risen to over $20 billion, and the United States accounts for more than one half of this amount. Each year, the weapons transferred are not only more numerous, but also more sophisticated and deadly. Because of the threat to world peace embodied in this spiralling arms traffic, and because of the special responsibilities we bear as the largest arms seller, I believe that the United States must take steps to restrain its arms transfer.

Therefore, shortly after my Inauguration, I directed a comprehensive review of U.S. conventional arms transfer policy, including all military, political, and economic factors. After reviewing the results of this study, and discussing those results with members of Congress and foreign leaders, I have concluded that the United States will henceforth view arms transfers as an exceptional foreign policy implement, to be used only in instances where it can be clearly demonstrated that the transfer contributes to our national security interests. We will continue to utilize arms transfers to promote our security and the security of our close friends. But, in the future, the burden of persuasion will be on those who favor a particular arms sale, rather than those who oppose it.

To implement a policy of arms restraint, I am establishing the following set of controls, applicable to all transfers except those to countries with which we have major defense treaties (NATO, Japan, Australia, and New Zealand). We will remain faithful to our treaty obligations, and will honor our historic responsibilities to assure the security of the state of Israel. These controls will be binding unless extraordinary circumstances necessitate a Presidential exception, or where I determine that countries friendly to the United States must depend on advanced weaponry to offset quantitative and other disadvantages in order to maintain a regional balance.

1. The dollar volume (in constant FY 1976 dollars) of new commitments under the Foreign Military Sales and Military Assistance Programs for weapons and weapons-related items in FY 1978 will be reduced from the FY 1977 total. Transfers which can clearly be classified as services are not covered, nor are commercial sales, which the U.S. Government monitors through the issuance of export licenses. Commercial sales are already significantly restrained by existing legislation and Executive Branch policy.

2. The United States will not be the first supplier to introduce into a region newly-developed, advanced weapons systems which would create a new or significantly higher combat capability. Also, any commitment for sale or coproduction of such weapons is prohibited until they are operationally deployed with U.S. forces, thus removing the incentive to promote foreign sales in an effort to lower unit costs for Defense Department procurement.

3. Development or significant modification of advanced weapons systems solely for export will not be permitted.

4. Coproduction agreements for significant weapons, equipment, and major components (beyond assembly of subcomponents and the fabrication of high-turnover spare parts) are prohibited. A limited class of items will be considered for coproduction arrangements, but with restrictions on third-country exports, since these arrangements are intended primarily for the coproducer's requirements.

5. In addition to existing requirements of the law, the United States, as a condition of sale for certain weapons, equipment, or major components, may stipulate that we will not entertain any requests for retransfers. By establishing at the outset that the United States will not entertain such requests, we can avoid unnecessary bilateral friction caused by later denials.

6. An amendment to the International Traffic in Arms Regulations will be issued, requiring policy level authorization by the Department of State for actions by agents of the United States or private manufacturers which might promote the sale of arms abroad. In addition, embassies and military representatives abroad will not promote the sale of arms and the Secretary of Defense will continue his review of government procedures, particularly procurement regulations, which may provide incentives for foreign sales.

In formulating security assistance programs consistent with these controls, we will continue our efforts to promote and advance respect for human rights in recipient countries. Also, we will assess the economic impact of arms transfers to those less-developed countries receiving U.S. economic assistance.

I am initiating this policy of restraint in the full understanding that actual reductions in the worldwide traffic in arms will require multilateral cooperation. Because we dominate the world market to such a degree, I believe that the United States can, and should, take the first step. However, in the immediate future, the United States will meet with other arms suppliers, including the Soviet Union, to begin discussions of possible measures for multilateral action. In addition, we will do whatever we can to encourage regional agreements among purchasers to limit arms imports.

FORMULA FOR A RENAISSANCE IN BUSINESS: THE FULL EMPLOYMENT AND BALANCED GROWTH ACT OF 1977

Mr. HUMPHREY. Mr. President, more than anything else, the Full Employment and Balanced Growth Act of 1977 is a private sector jobs bill.

The success with which the employment and anti-inflation goals of the bill are met largely depends on the performance of U.S. commerce and industry—all of it, small, medium and large companies.

Accordingly, the first priority of the bill requires the administration and Congress to establish and sustain an economic climate that will promote utilization of full capacity by business, thereby providing the bulk of the job opportunities necessary to reach and hold a stable, full employment economy.

To this end the administration and Congress are directed to plan and implement tax, spending and monetary policies and programs designed to encourage maximum activity throughout the Nation's business community. The directive carries with it requirements to improve competition in the marketplace, increase antitrust enforcement and check inflationary pressures.

PRIVATE SECTOR INTERFERENCE PROHIBITED

To safeguard the interests of the private sector, the legislation categorically states that "no provisions of the act are intended nor shall be used—to provide for Government control of production or employment or allocations of resources, except to the extent authorized under other legislation."

FULL EMPLOYMENT GOALS

The Full Employment and Balanced Growth Act would establish the goal of 3-percent unemployment for workers 20 years old and older within 4 years following enactment. This translates into an effective unemployment rate of about 4 percent when teenagers are counted in the labor force, a goal which was exceeded during the decade of the 1960's. Unemployment among teenagers would be reduced to the level of adult joblessness as soon as possible. The rate of inflation could not be allowed to exceed that which existed at the time of enactment nor the rate of any preceding year following enactment. Thus a numerical anti-inflation as well as an employment goal are made integral parts of the legislation.

BUSINESS-LIKE PLANNING

To achieve and sustain these goals, the measure sets up the procedures and the framework with which the administration and Congress would be required to determine the present state of the economy, where it should go and how it should get there. These determinations would be made on a comprehensive and coordinated basis, much in the same way that business itself determines its present status, establishes goals and develops the methods to reach them.

TARGETING PROGRAMS

Aside from comprehensive fiscal and monetary policies and programs employed to guide the economy as a whole, the legislation recognizes the urgent need to employ targeted tax, grant, loan and other fiscal and monetary tools to provide job opportunities through business investment in chronically depressed inner city and rural areas. In this connection, the legislation calls for establishment of a domestic development bank to provide long-term loans at interest rates no higher than the average rate on long-term Treasury borrowings. Provision is also made for the purchase of stocks and bonds by State and local governments and similar types of financial assistance from the Federal Government.

In addition, the bill contains prohibitions aimed at preventing discrimination from emerging as an obstacle to employment within programs or activities which are utilized to fulfill the purposes of the legislation.

ENDING THE PATCHWORK APPROACH

The legislation would end the ineffective, nearsighted, enormously costly "emergency programs" patchwork that now characterize Government's approach to economic problems. The bill says that from the date of enactment the administration and Congress must examine the economy on both a long and short range basis and utilize the fiscal and monetary tools they have always had to reach and hold a stable, prosperous economy as measured by the employment and anti-inflation goals of the measure.

Under these circumstances American business, as well as the people of the Nation, would know where the Government and our economy are headed and would, for the first time, be equipped to plan their future with far greater certainty than is now the case.

REVIEW OF ALL FEDERAL PROGRAMS

The bill sets forth requirements for the review of all Federal policies, regulations and programs at least once every 5 years. Those which no longer serve the purposes for which they were established would be eliminated. Others would be modified or expanded to meet changing needs. Regulatory and tax policies which interfere with the conduct of business without providing substantial and necessary public benefits would be systematically overhauled.

Primary reliance on the creation of private sector jobs to meet the employment goals of the bill is further emphasized by a provision in the bill which declares that trends in the ratio of private employment to public employment established since 1947 shall be maintained. This means a numerical growth in private employment at least several times larger than any expansion of public employment levels.

TEMPORARY FEDERAL PROGRAMS

Federally funded job training, job placement, public works and facilities projects and public employment programs are included in the bill as supplements to help meet private sector labor needs when appropriate and to temporarily provide jobs to fill the gap between private sector performance and the employment goals of the legislation.

All federally funded programs must provide useful productive employment opportunities serving to meet the most pressing social priority needs of the Federal, State, and local governments. Moreover, most of the public works and facilities projects which could be funded in this way would be performed under contracts with private companies. Thus a large part of the Federal funding made available for this purpose would expand private sector profits as well as employment on the part of primary contractors and the vast number of suppliers on which they depend.

Conventional federally funded jobs—public works and facilities and public employment—created under provisions of the bill, regardless of whether they are in the private or public sector, would have to pay no more than the wage paid other employees to perform the same work. But in no event will these new jobs pay less than the minimum wage.

"LAST RESORT" JOBS

To assure meeting the employment goals of the measure under the most adverse economic conditions, the legislation authorizes the establishment of reservoirs of federally funded "last resort" job opportunities. These positions would be temporary, confined to the lower levels of skill and pay, be subject to careful screening to prevent crossover from private employers, and could not be utilized for at least 2 years following enactment. Even then the President would be required to find that the creation of such jobs is necessary to fulfill the purposes of the act and formally report such a finding to Congress before implementation can occur.

To the extent it is reasonably possible to do so, people would be required to move off the lists of welfare and unemployment compensation programs as job opportunities become available through expansion of the Nation's labor markets. Reduction in the cost of these "transfer" programs would be a significant addition to the overall benefits achieved as the economy moves toward full employment. Those who could not find private sector employment would at least have useful, productive jobs in the public sector by which to earn income they would otherwise receive for doing nothing.

OTHER MAJOR PROVISIONS OF THE FULL EMPLOYMENT AND BALANCED GROWTH ACT

The bill requires that not later than January 20 of each year the President must submit a full employment and balanced growth proposal as part of his annual economic report to Congress. That report will set forth his findings on the state of the economy, and will present his proposed long- and short-range fiscal and monetary policies and programs, together with employment, production, and purchasing power goals. All of these elements will be designed to reduce the unemployment rate to 3 percent for workers 20 years of age and older with 4 years following enactment while maintaining adequate safeguards against inflation. The bill requires that unemployment among teenagers 16 years and older be reduced to the same level as soon as possible, but does not set a time frame for this accomplishment.

EFFECTIVE ANTI-INFLATION SAFEGUARDS

Effective anti-inflation features that the bill requires be made a part of the full employment and balanced growth plan include: Establishment of an early warning information system in order to detect and analyze inflationary trends; proposals to increase the supply of goods, services, labor, and capital in tight markets, with particular emphasis on the supply of food and energy; stockpiling reserves of food and other critical materials to meet emergencies and maintain price stability and adequate farm income; encouragement of labor and management to voluntarily increase productivity; recommendations to strengthen and enforce antitrust laws and improve competition.

COORDINATING FISCAL AND MONETARY POLICIES

To help coordinate monetary and fiscal policies and programs to achieve the purposes of the legislation, the Federal Reserve Board is required to set forth its planned monetary policies for the year ahead and indicate the extent to which these plans support the full employment and balanced growth goals. This in no way means that the Federal Reserve must conform its policies to those of the administration. If the President determines that the Federal Reserve Board's policies are not consistent with the full employment goals, he must make recommendations to the Board and Congress to achieve closer voluntary coordination.

In addition, the bill requires that the President's full employment and balanced growth plan identify and address areas of social and economic priority. These include assuring the availability of labor and capital, income parity for farmers and farm families, and meeting health, child care, and housing needs in both urban and rural America.

Copies of the proposed full employment and balanced growth plan will be presented to State Governors and other appropriate officials for their comments and recommendations to Congress. In this connection, the Governors are required to hold public hearings so that all interested persons may have the opportunity to respond to the plan and make their views known.

To give broad-based advice and assistance to the President and the Council of Economic Advisers in drafting full employment and balanced growth plans, the bill would establish a 12-member advisory committee. Its members would represent industry, agriculture, labor, consumers, and the public at large.

REACHING THE EMPLOYMENT GOAL

Any gap between the performance of the private sector and the employment goal of the bill would be closed through countercyclical policies and temporary federally funded employment programs. Such policies and programs would be proposed by the President and submitted to Congress and would include: public service employment, accelerated public works on both an immediate and standby basis, grants to State and local governments to alleviate funding pressures, job training, youth employment, and community development.

These emergency programs would be primarily confined to those regions, communities, and people most in need of assistance. As a result the greatest benefit and the least inflationary impact can be achieved through expenditure of Federal funds. For example, priority attention would be given to chronically depressed urban and rural areas, groups subject to discrimination such as women and minority workers, and unskilled youth. The bill requires that these programs not only provide useful and productive work but that their application be balanced between the private and public sectors of the economy. In this way much of the available funding will be channeled to public works and facilities constructed by private contractors and those who supply them with goods and services.

TOWARD PEACE IN NORTHERN IRELAND

Mr. KENNEDY. Mr. President, earlier this week, at the annual dinner of The Ireland Fund in New York City on May 18, Mr. John Hume, one of the leaders of the Social Democratic and Labor Party in Northern Ireland, delivered an important address on the current situation there.

In his eloquent address, Mr. Hume emphasizes that the route to peace in Northern Ireland lies through brotherhood and partnership between the Catholic and Protestant communities. He recalls the allegiance given to the ideal of unity in diversity in both Ireland and America at the time of the founding of our Nation. He notes that the United States has prospered by adherence to this ideal, but that the tragedy for Ireland today is that this same ideal has not been handed down in Northern Ireland.

Mr. Hume's address also contains a more hopeful note. He sees in the events of recent weeks a possible first step on the long road toward the partnership that must be achieved between the two communities if a peaceful settlement of the current conflict is to be reached. As he states, the road to peace will be a long and difficult one, but there must be a beginning. I and all of us who desire peace and an end to the violence in Northern Ireland share this hope that the beginning is underway at last.

Mr. President, I believe that John Hume's address will be of interest to all of us concerned about the situation in Northern Ireland, and I ask unanimous consent that it may be printed in the RECORD. In addition, I ask unanimous consent that my remarks at the Ireland Fund dinner may also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADDRESS BY MR. JOHN HUME, DEPUTY LEADER OF THE SOCIAL DEMOCRATIC AND LABOUR PARTY OF NOTHERN IRELAND

I was honoured to receive the invitation of The Ireland Fund to be present here tonight. While your organisation is new you have already shown that you are dedicated to helping Ireland in a practical manner and particularly to helping in a completely nonsectarian manner those of my countrymen and women and the children of Ireland—who carry the greatest social, mental or physical handicaps.

Your charity and dedication are in line with the traditions of concern and generosity which the people of America and the Irish in America have always shown for the Irish people at home right from the very foundation of the United States of America.

In showing this concern Americans are giving expression in an Irish context to those propositions which stand at the heart of their own country.

It is now almost two hundred years since the United Irishmen—that Society to which Ireland owes its Republican tradition—made the following statement in the year 1797:

"This Society (The Society of United Irishmen) is constituted for the purpose of forwarding a brotherhood of affection, a community of rights, and a union of power among Irishmen of every religious persuasion; and thereby to obtain a complete reform in the legislature, founded on the principles of civil, political, and religious liberty."

In making this statement the United Irishmen, many of them Presbyterians from the northern part of Ireland, were expressing for Ireland ideals which already had their close counterpart inscribed in the American Declaration of Independence: "that all Men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Government. . . ."

And in the Constitution:

"We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution. . . ."

The similarity and congruence of the words of the United Irishmen in Ireland and the American Founding Fathers should not surprise us. Not only were "American ideas" in the air in Ireland, in Dublin and in Belfast, but Irishmen, mostly Northern Presbyterians, were closely and actively associated with the deliberations that led to the American Declaration and Constitution—men like Thomas McKean, George Taylor and John Dunlap.

It is in keeping with these great American charters that the United States of America today forms a unity in diversity, a land whose richness is that it encompasses many traditions and excludes no person on the grounds of sex, religion or racial origin. No tradition has the exclusive right to the definition of American, no section dominates. Instead all are woven together, without loss of distinctiveness, and your land is richer because of its differences.

In Ireland too the ideas of Life, Liberty and the Pursuit of Happiness, the ideals of the United Irishmen of forwarding a brotherhood of affection, a community of rights and a union of power among Irishmen of every religious persuasion, these ideals were to inspire our finest civil traditions. The flag of Ireland became the tricolour of Green, White and Orange—White symbolising the United Irishmen's ideal of a brotherhood of affection between Irishmen of the older, mostly Catholic and Gaelic, Green tradition and the newer Irishmen, Protestant and often Presbyterian by tradition, whose symbol is the colour Orange.

The tragedy for Ireland today is that this self-same ideal—unity in diversity—which has such relevance to a solution to the Irish problem today and which was so clearly enunciative of Northern Irishmen in America, has not been handed down in the land from which they sprung.

For in Ireland something has gone very wrong. In the North of Ireland especially something today is very seriously wrong indeed: in an area almost the size of Connecticut over 5,000 bombs have exploded in the past seven years; almost 18,000 people have been injured; over 1,700 people have been killed,—mostly civilians, men, women and children endowed by their Creator with the right to Life, Liberty and the Pursuit of Happiness; death and maiming, a strange way to forward a brotherhood of affection between Irishmen of every religious persuasion

It is not my purpose to apportion blame There have been faults on both sides of the Community where Catholic Irishman is separated from Protestant Irishman by corrugated iron fences, by barbed wire, and lines of British soldiers. Ireland's Protestant tradition—a long and proud tradition in the history of Ireland—has tragically fallen in Northern Ireland in many cases into the hands of a negative and sterile leadership that hides behind negative and sterile slogans such as "no surrender—not an inch—what we have we hold", a negative and sterile attitude that is headed towards long-term failure, confrontation and death, because it refuses to recognise the existence of another tradition in the community. It is an attitude which may be summed up in the words "ourselves alone".

In recent weeks there have been happenings that have given hope to some that the Protestant tradition in Ireland will again discover its true heritage and its adherence to the concept of civil and religious liberty. Leadership has been given, not by the leaders but by the led, as ordinary men and women courageously and on some occasions with their lives, rejected a blatant attempt at creating outright sectarian domination. One hopes that this will be the first step in a new concept of leadership that will emphasize togetherness rather than separation as the basis of a stable and lasting peace.

On the other hand the Irish Nationalist tradition—a tradition with which the majority of Irish people and most Irish-Americans would identify—appears in its more extreme instances to have lost its way; to have forgotten that its flag demands equality and brotherhood between Irishmen of every religious persuasion and ethnic background; to have become slogan minded and anti-people as if to say (as used to be said more widely attitude of mind that believes it is even right that people do not matter, that it is patriotic to unite a piece of earth irrespective of what the people on that piece of earth think; the attitude of mind that believes it is even right to do so by force; that it is right to die for it and that it is right to kill for it and to daily murder the concept of brotherhood in Ireland. This is also an exclusive attitude.

Both these exclusivist attitudes—the attitude of exclusive Protestant domination and the exclusivist romantic nativist attitude—are bent on destroying one another, on destroying their own traditions and the very concept of the United Irishman. Both these exclusivist attitudes are only too ready to invoke the Divine sanction while denying to their fellow countryman his Divinely endowed rights to Life, Liberty, and the Pursuit of Happiness.

I am glad of the opportunity to say here in New York, unequivocally and clearly that when Senator Kennedy and Governor Carey spoke out recently against the use of violence in Ireland and against the organizations who perpetrate it they were speaking for the vast mass of the people of Ireland and their words were widely applauded. It is somewhat ironic that those who criticize them in the U.S. do so in the name of Human Rights in Ireland when in fact what Governor Carey and Senator Kennedy are doing is taking a strong stand in defence of the most fundamental human right of all—the right to life—and in condemnation of those organisations in Ireland who would deny that right. When the right to life itself is threatened in any society that society itself becomes brutalised and all human rights are threatened.

Senator Kennedy and Governor Carey, along with their colleagues, Senator Moynihan and Speaker O'Neill, are in the finest traditions of the United States of America in upholding the right to Life. Liberty and the pursuit of happiness.

They have also underlined the fact that all men, whatever their ethnic origin or religious allegiance, are created equal and that Governments must derive their just powers from the Consent of the Governed. This is particularly relevant to the North of Ireland today and it is because of these facts—the necessity of equality, the necessity of consent—that the brotherhood which the United Irishmen have made explicit in the words "Equal, full and adequate representation" can now be prompted only by a partnership between the two Irish traditions. The road towards that partnership will be long and hard; it will take long and patient years; it will require long and unspectacular thought and labour.

But there must be a beginning, a first step in what may well be a journey of a thousand leagues, for there are no longer any instant answers.

There are no longer any instant answers because legislation condemning discrimination in employment will always be difficult to apply and easy to evade, at least in the private sector, while there are still not enough jobs to go around and those who have jobs are unwilling to lose them for themselves or their families. There are no instant answers because two mutually suspicious and antagonistic orthodoxies, each possessed of its own self righteousness, will each require patient and difficult periods of self-reflection, if their adherents are to develop the moral courage to overcome their divisiveness. There are no instant answers because without the development of an economic and spirtual climate the poor will lack hope, and poor men—and poor children—in either camp will the more easily be stirred by demagogues to wreak their mutual destruction.

There is often a thrill about such bloodshed, a thrill of excitement or a thrill of horror, and there is little about which to wax romantic in the spilling of sweat; but it is a far greater test of character to unite our wills to build and not to destroy.

We may, however, take heart in this struggle from the fact that it was such qualities of character that led the American Founding Fathers, with Irishmen among them, to persevere and form a more perfect union. It was such moral courage that led the United Irishmen to pledge themselves "in the awful presence of God" to persevere in endeavouring to form a brotherhood among Irishmen. Their work is unfinished and we, despite ourselves, are called to the same awesome and painful labour of giving meaning to our flag of Green, White and Orange and of working to build among Irishmen of every religious persuasion the noble edifice of peace, of equity and of brotherhood.

Remarks of Senator Edward M. Kennedy, Ireland Fund Dinner, New York City, May 18, 1977

It is a great pleasure to be here this evening in New York City with so many distinguished Irish Americans and other friends at this annual gathering of The Ireland Fund.

I am proud to be here with your Chairman, Tony O'Reilly, one of the great rugby players of all time, whose skill on the playing field is matched by his success in business and by the great warmth of his personality. I commend him for his outstanding leadership in guiding the work of The Ireland Fund, for the success of the Fund in recent years, and for the assistance it has provided to the people of Ireland through its good works in the cause of peace, culture and charity.

I also commend the distinguished recipient of your annual award this year, William Shea. Through his leadership in the public and private life of this city, he has helped to carry on the tradition of Irish Americans concerned about our country and its future, and I am proud to be here as we honor him this evening.

In addition, I pay tribute to one of the finest and most creative political leaders of our generation, a man of extraordinary courage and wisdom and understanding, the eloquent spokesman for the Catholic community in Northern Ireland and the creator of the concept of power-sharing, John Hume of Derry. It is a special honor for me to join him on this occasion, and to praise his leadership and that of the S.D.L.P. in the long and agonizing search for peace in Northern Ireland.

I came here tonight as an Irishman, proud of my Irish ancestry. I also take great pride that it is an Irish family from New England that holds the distinction of having more brothers in high public office at one time than any other family. I refer, of course, to the famous Sullivans of New Hampshire, four brothers, who were Governor of Massachusetts, Governor of New Hampshire, Attorney General, and State Supreme Court Judge, respectively.

I also recall Judge Killen of Nashville, Tennessee, who struck his own annual blow for Irish freedom in the early years of this century. It was his custom to free the Irish prisoners from his city jail on each St. Patrick's Day. Once, sixty years ago, there were 19 inmates, including two black prisoners. None of them denied their Irish heritage, and all of them were freed.

Whether we go back sixty years or six hundred years, the tradition is the same. The Irish have loved their freedom in the past and they love their freedom now. They have fought oppression in all the ways in which history bears witness. Selfless and unselfish, Ireland has sent her sons and daughters, her physicians and priests, her songs and soldiers, her saints and scholars—and her sinners—to countless other nations around the world. And everywhere they went, they took their cause of freedom with them.

Some, to avoid the suffering and hardship, left their native land and crossed the ocean to the West. They came to Boston and New York and to other major American cities. They sought a newer world. They found a place of hope and opportunity for their children and themselves.

Today, the Irish yield to none in their role in the making of America. The waves of Irish immigrants who reached our shores began one of the great movements in history. Fleeing famine and oppression, they found food and opportunity. Landing in Massachusetts and New York, they built the mills that launched the industrial revolution. Migrating to the West, they spanned our continent and changed the course of history.

They say that Irish blood now flows in the veins of one American in every seven. There are more Irish in the United States now than in the Ireland they left behind.

And they have left their mark in every facet of American life. Wherever we look, in business and the labor movement, in literature and music and sports, in science and religion, in public service at every level of government, we find citizens of Irish descent who built our nation and helped to make it strong.

To this day, their monuments endure. On a plaque amid the ruins of the Alamo, you can read the names of the brave men who fought and died for Texas freedom. Side by side with Bowie and Crockett, we read that O'Shaughnessy and Bailey also died. They were wild geese, far from home, farther still from their native island. But they were closer to the ideal of hope and freedom they cherished—the same ideal that has kindled the spirit of sons and daughters of Ireland in every generation of our history.

On the battlefields of the Civil War, you also find memorials to Irish Americans—free men willing to fight for others whose freedom was denied. Ireland rid herself of slavery seven hundred years before. No slave ship ever sailed from an Irish port.

But they could feel the shame of slavery in their adopted land. When Abraham Lincoln called, the sons of Ireland were among the first to answer. They formed the legendary Irish Brigade and marched to save the Union.

Historians write of their desperate assault on Mary's Hill at Fredericksburg in 1862. The charge was hopeless, but still they charged. They advanced with green banners flying in the breeze, with shamrocks on their sleeves—and, it is said, with canteens full of liquors.

They did not know the meaning of retreat. And after the battle, after the terrible defeat and crippling casualties, a chaplain told one of the few survivors: "It must have been a great consolation to you, in your hour of danger, to have known that you were supported by divine providence."

Said the survivor, "We were supported by the Irish Brigade, and that was consolation enough."

But there is little consolation now. There is little consolation for Ireland or for any who believe in the cause of peace and justice.

Alan Paton, the great South African writer, wrote eloquently about the heritage of fear that is the shameful birthright of young men and women in another land, South Africa, where oppression also rules.

His words are appropriate for the peoples of Northern Ireland and oppressed peoples everywhere:

"Cry, the beloved country," he said, "for the unborn child that is the inheritor of our fear. Let him not love the earth too deeply. Let him not laugh too gladly when the water runs through his fingers, nor stand too silent when the setting sun makes red the land with fire. Let him not be too moved when the birds of his land are singing, nor give too much of his heart to a mountain or a valley. For fear will rob him of all if he gives too much."

Men and women have not known that depth of fear on American soil for more than a hundred years. But they know it today in Northern Ireland.

They know the bombings and the killings. They know the sectarian murders on both sides whose senselessness is exceeded only by their viciousness. They know the myriad ugly faces of hatred and discrimination. They know them well, because these are the conditions under which they live—conditions under which no civilized people should have to live.

Yet, they are the conditions of daily life in Derry and Belfast and almost every other community in Northern Ireland. They are the conditions under which an entire generation of Irish children is being raised and schooled.

The fear of death by random bullet, the terror of a father or mother slaughtered before their children, the indiscriminate cruelty and brutality of a bomb in a crowded shopping center—nowhere else on earth is life so full of horror and destruction as it is today in Northern Ireland.

Even without the close-knit bonds of Irish blood and Irish history, the deepening tragedy of Northern Ireland would demand that voices of concerned Americans be raised against the killing and the violence. But because the killing and the violence go on in a land we deeply love, there is a special urgency to the call for our involvement.

As Americans, we cannot turn aside our eyes when Ireland weeps. We cannot stand silent in the face of their ordeal. We have a solemn obligation to work for peace, to speak against the violence and destruction on both sides.

A few weeks ago on St. Patrick's day, four of us who share this view joined together in a statement urging those engaged in violence in Northern Ireland to halt their campaigns of death and destruction and return to the path of peace. We also called on our fellow Americans to avoid any support or encouragement, by dollars or by deed, for those engaged in violence.

We addressed our plea to the violence of both sides, Protestant as well as Catholic, UDA as well as IRA. I repeat that plea tonight and I shall continue to repeat it. While the killing in Northern Ireland goes on, let no American have it on his conscience that his efforts or his dollars helped to make the violence worse.

And the violence does go on. Two instances in recent weeks reveal the horror.

The first concerns little Stephen Harrison, who is ten months old. On April 4, his mother, aged 20, took him in his baby carriage to the center of Belfast. She joined a friend in a cafe on Rosemary Street in a downtown area of the city. She took a seat beside a window, where her child could see the view. Moments later, the bomb exploded. Mrs. Harrison suffered a broken arm, but many others did not fare as well. Stephen Harrison was blown from his carriage. They found him gashed and bruised, covered with rubble, burned on his face and hands, silent, not even sobbing, but alive. Later, the provisional IRA claimed responsibility for the bomb. Mrs. Harrison said that when the bomb was planted, they must have seen her child.

Incredible as it may seem, that was Stephen Harrison's second brush with death. Last June, barely four days old, he had to be evacuated from his Belfast maternity ward, to escape a bomb on a nearby railway line.

The second instance concerns Mr. Harry Bradshaw, aged 46, who lived in Newtownabbey outside Belfast. For five years, he had driven a bus in Belfast to make his living. But in Harry Bradshaw's own Protestant community, they decreed a general strike, to bring Northern Ireland to its knees and promote their extremist view. The vast majority of workers, including Harry Bradshaw, had the courage to defy the strike and continue on their jobs. But on May 10, barely a week ago, a Protestant gunman turned to murder in his desperation to enforce the strike. At the stop at Queensland Street and Crumlin Road, the gunman stepped aboard Harry Bradshaw's bus and shot him dead at point blank range. His wife, two sons and three daughters now must find a way to carry on alone.

Tragedies like these could be multiplied a thousand or ten thousand fold in describing the killing and the wounding of the past eight years. What possible justification can there be for such wanton random murder and destruction? What possible justification can there be for any American action that would contribute in any way to this brutal and senseless violence?

There is a brighter side, however. Two far-reaching developments in recent months give room for modest hope that a turning point is being reached, that the downward spiral into chaos may be broken, and that a new opportunity may be near at hand for moderate leaders on both sides to try again to end the violence and achieve a peaceful resolution of the conflict.

The first development is the remarkable success of the Women's Peace Movement. It began in the summer of 1976, as a cry from the hearts of two courageous Catholic housewives against the appalling daily violence in their lives. At the beginning, the movement grew enormously, drawing massive support from both Protestants and Catholics in Northern Ireland and from many other lands. The spontaneous growth of the movement was a dramatic sympton of the massive grass-roots sentiment for peace that lies waiting to be tapped. Because of the peace movement, political leaders in Northern Ireland, the governments in London and Dublin, and people throughout the world are now more sensitive to the fundamental desire of ordinary citizens of the North for peace and an end to the years of violence.

The second important development is the failure in recent days of the Loyalist general strike. The strike collapsed because of the overwhelming resistance from Protestant workers like Harry Bradshaw who refused to join the strike. It also failed because of the resolute stand by Secretary Roy Mason and the British Government, which firmly opposed the strike and which refused to permit a recurrence of the disastrous experience of 1974, when a similar general strike brought down the Sunningdale coalition government.

We do not yet know the full ramifications of the strike and its collapse. It is difficult enough to forecast events from the ground in Northern Ireland, let alone from the distance of the United States.

It seems clear, however, that the Loyalist extremists have suffered a significant reverse. There is reason for hope that moderates in the Unionist community can now move forward more prominently to fill the vacuum. In any such effort, they are likely to find a more receptive reponse in both the Protestant and Catholic communities as a whole.

And so I appeal again to the hardliners and extremists on both sides. Put away the guns and bombs. Give peace a chance. Let talks occur. Let all factions refrain from new provocations, while peaceful men and women on both sides explore the ground together and seek a reasonable compromise acceptable to all the people.

As a central part of any new peace initiative, I hope there will be a new commitment of leadership by both the Dublin and London governments. I do not mean leadership that seeks to impose a solution by fiat from outside. Nor do I mean leadership that abdicates its responsibility and leaves the parties to negotiate on their own in futile isolation. What I mean is leadership that actively encourages the parties to come together, and that creates a framework for the resolution of basic differences in an atmosphere of cooperation and reconciliation.

There is a contribution to be made by America as well. Perhaps our most important effort as Irish Americans at this stage is to open frank lines of communication to both communities. We must try to allay the fears and sensitivities of the majority that impair the search for peace, while also reaffirming our strong commitment to the interests and basic human rights of the minority.

Governor Hugh Carey of New York put it

well a month ago. Speaking in Dublin and addressing both communities, he said:

"The people of the North—both Protestant and Catholic—should know that the vast majority of the Irish American community have no desire to intrude upon any future form of government democratically arrived at."

Our message to each community should be clear. To the Protestants in Northern Ireland, I say that the overwhelming number of Irish-Americans and others in the United States wish them well as they embark on the common search for peace. The government and the people of America stand ready to provide whatever assistance may be appropriate or requested to facilitate a peaceful settlement.

We seek no unfair advantage at the Unionists' expense. We have no desire or intention to impose a solution that is arbitrary or unreasonable to their interests. We shall continue to be quick to condemn the violence and the killing and intransigence by the terrorists and extremists on their side. But we shall be equally quick to embrace initiatives for peace.

Earlier, I spoke of the well-known Irish role in the founding and building of America. We know that Protestants from Northern Ireland are a part of America's Irish roots. They have contributed greatly to the strength and heritage of our country. Some were signers of our Declaration of Independence. We have a President, Jimmy Carter, who is descended from the Protestant stock of Northern Ireland. Andrew Jackson and nine other American Presidents are also descended from that stock. The past and present greatness of America is reflected in the twin pillars of our Irish heritage, both Catholic and Protestant.

Our land has prospered under the diversity of our traditions, and so can Northern Ireland. As Irish Americans today, we believe that each side deserves to live in peace, free to preserve and nourish the best in its own tradition. Each side deserves to control its destiny and to fulfill its aspirations in harmony with the other side and with respect for the rights of all.

We offer our encouragement and assistance for any responsible Protestant effort to reach these goals, whatever form of government or political arrangement the communities may choose together. That is my message of peace to the Protestants, and I hope that it will be heard and heeded in the generous spirit in which it is offered.

To the Catholics in Northern Ireland, I renew my continuing commitment to speak out for a peaceful settlement that fulfills their basic human rights, that protects them against discrimination in all its ugly forms, and that offers them a voice and role in shaping the society in which they live.

I also praise the Catholic community for its overwhelming rejection of violence and its enduring support for the political process in Northern Ireland during these difficult years of hardship and duress. Their courage and the leadership of men like John Hume have been an inspiration to Irish Americans and to people throughout the world. In the face of years of shameful political, economic, and social discrimination—in the face of violence, repression and gross violations in critical areas like jobs and housing and voting and other basic civil rights—they have chosen the path of peaceful change.

In other lands, faced with similar provocation, the bullet has often triumphed over the ballot. Political leaders of moderation have been swept aside, deprived of the support of their own community because too much violence for too long has polarized too many of the people.

But this has not been the fate of the Catholic community in Northern Ireland. Throughout the long years of suffering and discrimination, they have demonstrated incredible patience and resilience, a profound faith in the ability of the political process to resolve their grievances.

They understand that violence cannot solve the crisis, that killing only makes the chaos worse. In the face of adversity and oppression, they have set a powerful example of the courage of the human spirit. I give my highest praise to John Hume and so many others whose leadership has helped to make this achievement possible.

Peace will come to Northern Ireland, and it will come in large part because the Catholic community as a whole has firmly rejected the path of violence as the route to reach its goals.

Too often in recent years, we have seen the age-old tragedy of Ireland enacted and reenacted. Our prayer must be that the path can be different now, that persons of good will on both sides will try again to pick the pieces up, that at last a compromise can be found acceptable to each community.

As Americans, we stand ready to do whatever may be of help to end the violence and aid the cause of peace. Let the search go on—in Derry and Belfast, in Dublin and London, in Washington and Boston and New York.

Let us pray for the patience and wisdom and understanding needed to make the search effective. If success is to come at all, it will come by slow and painful steps. There is no quick solution or instant cure for the deep divisions and mistrust that now exist.

As Yeats wrote in one of his best-loved poems:

"I shall have some peace there, for peace
comes dropping slow,

"Dropping from the veils of the morning to
where the crickets sing."

Perhaps, as the developments of recent weeks have hinted, the night is nearly over, and the morning of which the poet spoke is about to reveal its light. Perhaps it is only another of the false dawns we have known so long. But if not now, yet it will come. There will be frustrations and defeats along the way. But if we persevere, we shall end the killing. We shall find the peace. We shall build a new community of hope and freedom and opportunity for all.

Tonight and in the future, let us honor the great traditions that bind us together in Irish friendship across the sea. And in doing so, let us honor the cause of human rights, the cause of freedom, the cause of peace for all in Northern Ireland.

ERDAGATE!

Mr. SCHMITT. Mr. President, on Wednesday this body voted to create a Department of Energy as a part of the President's Cabinet. I voted with the large majority of my colleagues to create this new organization with the hope that some progress might be made in the Nation's effort to regain its freedom from dependence on oil imports and to establish a positive thrust to our national energy policy. We should not forget, however, that a free and competitive market is the best servant of the people in providing sufficient energy as well as just about every other important commodity or service. Moreover, in creating another Government agency, we must remember that it also is a servant of the people and not intended as a device for the perpetuation and growth of the bureaucracy, or the silencing of divergent but qualified opinion.

This potential problem was brought home to me again this morning when I read an editorial from the Wall Street Journal. It points out the danger which already exists and which could be compounded by a larger organization like the one we have just created. By eliminating competition among Government agencies and by eliminating alternative points of view on the direction in which we should be heading, we will have to endure the results that attend the formation of a monopoly, whether private or public.

Mr. President, I ask unanimous consent that the full text of this editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

ERDAGATE!

We were frankly astonished at the reaction to our April 27 editorial, "1,001 Years of Natural Gas": telephone messages from high officials, a deputation from Exxon, an urgent letter from Robert Fri, acting administrator of the Energy Research and Development Administration. Naturally, the attention made us curious.

Having put together most of the pieces, we can now report on the cause of the excitement. Deep in the bowels of ERDA, an outfit called the Market Oriented Program Planning Study (MOPPS) had solved the energy crisis for five days in April. It took that long for the administration, the oil companies and ERDA to snuff out the solution and get the crisis back on the track. They thought they had driven a wooden stake through the heart of the MOPPS solution, but here in our editorial the monster was rising again.

In January, about 70 ERDA people were thrown into a task force to study potential supply and demand. In most resource studies, such a thing as prices never appears. So apparently nobody thought it was necessary to warn the MOPPS people against calculating supply curves, that is, calculating how much gas would be available at different prices in an unregulated environment. In their innocence, they tried to apply a little economics.

The study estimated that at $2.25 per thousand cubic feet (mcf) the nation would be awash in natural gas. From $2.50 to $3 we'd be engulfed with it. MOPPS reckoned that at $2.50 the U.S. would have about 45 years' worth of natural gas at current levels of consumption. The price would have to go higher to tap some of the unconventional sources, like geopressured methane, which conceptually would last us for a thousand years. But why would anyone worry about these exotic sources if we had 45 years' worth of the usual stuff likely to be available at lower prices?

Indeed if that were true how could there be an energy crisis? How could the President go on television with ringing calls for sacrifice? Why should American taxpayers be scared into coughing up billions of dollars—something like 5% of GNP—to cause conservation? How could Exxon recoup its investment in gasification research and coal properties by supplying gas from these sources at $3.75 per mcf?

The innocent scientists and technicians in MOPPS had no idea what vested interests their simple calculations threatened. Even more to the point, bearing this unwanted message to the White House would be a black mark against the ERDA bureaucracy. The Federal Energy Administration would be in a position to gobble up all of the best spots when the two were merged into the new Department of Energy.

Given these realities, there was only one answer to the non-energy-crisis crisis. The ERDA brass recalled the MOPPS study, and threw out all the charts that had been so innocently put together over the months. By April 6, it had a "revised" MOPPS study, with the charts looking much like those from the FEA.

In these five days, the price projections jumped so high that the energy crisis was back in business. Mr. Carter's regulated gas price of $1.75 looked good, because MOPPS II showed that higher prices in an unregulated market won't do much good anyway. And surely it would be prudent to give Exxon and other coal-gasification people a few billion dollars of tax money to spend on their plants.

A higher price can even be given to exotic sources like geopressured methane; Mr. Fri assures us ERDA will do the research on that. Gas sources of two or three generations hence do not threaten anyone. The problem is allowing prices of ordinary gas to rise into the $1.75-$3.00 range, where if MOPPS I is right they would bring on the next generation of gas at threateningly low prices. While promising to do the research, ERDA has disbanded the MOPPS I crew, reassigning its members to study almost anything else but natural gas.

Now we have no idea whether the price figures in MOPPS I are correct. It is certainly possible for other groups in the administration to dispute them in all good faith. And clearly Exxon has made serious investment decisions on the basis of other numbers though perhaps tempered with "political reality." But to us the MOPPS I estimates seem not at all implausible, given the one thing we know for sure about natural gas: Since the Phillips decision in 1954 its price has been held at not only artificially but, in recent years, ridiculously low levels. Most of the gas found has only been a by-product of oil exploration. It stands to reason that if looking for gas suddenly becomes profitable a lot will suddenly be found. But the point is—the point of our original editorial was—that no one will know until the price is deregulated.

MOPPS certainly does show, though, how many vested interests need the energy crisis. The President needs a war to fight. Without an energy crisis the energy bureaucracies cannot grow. The energy companies are turning into a regulated industry, all of which try to dampen innovation. We now hear energy czar James Schlesinger bragging that privately most companies do not favor deregulation. This is not yet true, but in time the proposed policies certainly would reduce the oil companies to the state of the airlines.

With all of this clout behind the energy crisis, it is scarcely surprising that a crude but effective message goes out: By gosh, boys, there has to be an energy crisis, so don't nobody find no energy.

GAS SAVING DEVICE

Mr. ANDERSON. Mr. President, it will take American ingenuity at its best to solve our long-range energy problems. The Federal Government has not been aggressive enough in its effort to find the kind of technological breakthroughs necessary to assist our energy conservation efforts. Many private citizens, however, have been busy and their results point the way for us.

Several Minnesota engineers have developed and tested a device for saving gasoline that appears to be successful even for the biggest gas guzzler. Their efforts are described in a very fine article written by Mr. Carl Griffin of the Minneapolis Tribune on April 18, 1977.

I offer this story for the benefit of colleagues who are anxious to avoid the nightmare President Carter described in his recent energy message.

Mr. President, I request unanimous consent that the following article from the Minneapolis Tribune be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AREA ENGINEERS DEVELOP SYSTEM THAT IMPROVES GASOLINE MILEAGE

(By Carl Griffin)

Two suburban Minneapolis engineers have found a way to triple the gasoline mileage they can get in a conventional-sized car in city driving and to double it in freeway driving.

But unless you're a mechanical or engineering wizard, don't expect to have the energy-saving system installed in your car in the near future. You may find it an expensive venture.

The system initially was developed by Robert F. Rasmussen, an engineering consultant for Tri-Tec Associates, who teamed up with a Honeywell engineer and system designer, John Miller, to refine the system. Also involved in the project are students at the Suburban Hennepin County Vocational Technical Center in Eden Prairie and instructor Ernie Parker.

The system uses a hydraulic energy-storage tank called an accumulator. Students at the vocational school have installed it on a Volkswagen chassis with a Bradley auto body, using a garden tractor engine.

The key to the system, said Miller, is that the engine is linked to the hydraulic accumulator, rather than directly to the wheels of the car. He explained that virtually all American cars produced today have the engines linked directly to the wheels.

"This is a mistake," he said. The greatest amount of horsepower in the conventional American car is used in acceleration and braking, he explained.

"On a full-size car, to get it up to 35 miles per hour, it takes 100 horsepower. To stop a car the brakes must absorb 90 horsepower," Miller said. In other words, he said, stopping and starting a car consumes about half of the energy.

The least amount of horsepower used in the conventionally designed car is at cruising speed. Rasmussen said, only 12 horsepower.

With the method worked out by Rasmussen and Miller, the hydraulic accumulator is used as a supplementary power system. Rather than the engine stopping and starting the car, the hydraulic system does.

"Think of the accumulator as you would a battery," Rasmussen said. You can charge it up from the engine with the hydraulic fluid under pressure. The wheels are stopped by changing the hydraulic motor into a pump. When it becomes a pump, its power is used to pump hydraulic fluid into the accumulator."

In starting the car, Rasmussen said, "the hydraulic accumulator acts as a source of power to run the hydraulic motor and propel the car. The car's conventional engine is used to charge the hydraulic accumulator."

With the hydraulic system, an automobile could travel at high speed without the engine running, Miller said. Through the redesigning method, he said, a car as large as a Cadillac can operate on a gallon of gasoline in the city for 40 miles and for 30 miles on the highway. On smaller cars, such as the one built by Parker and his students, a car could get as much as 70 miles per gallon.

Miller said it would cost as much as $500 to have the system installed in an individual car now. He said it is going to require a change by the way in the auto industry builds cars to make the system economically feasible.

However, he said, installation of the system might be feasible for companies that have large vehicle fleets, such as bus and taxi companies. "It would make sense for a taxi company that normally has its engines overhauled two or three times," he said.

Miller said that, if delivery trucks and taxis were the only vehicles to have the system installed, emissions in a city could be reduced by as much as 60 percent. He said the hydraulic system eliminates pollution from idling and braking against the engine.

There may be a problem with emissions of nitrous oxide with the redesigned system, Miller conceded. However, by narrowing the emission problem to one gas, scientists will only have to concentrate on one gas emission problem, he said.

COMMONSENSE BECOMES OSHA'S NEW PRIORITY

Mr. CHILES. Mr. President, I was more than a little pleased to pick up the Washington Star on Thursday evening and note an article headlined, "Common Sense Becomes OSHA's New Priority." A good dose of commonsense is exactly what this agency has needed for years and I am delighted that Secretary Marshall and Assistant Secretary for Occupational Safety and Health, Eula Bingham, have pledged themselves to a redirection for OSHA.

Since I entered the Senate in 1971, problems the small businessman experiences with OSHA have been a chronic source of concern to people in Florida. It is a concern that I have shared. For years the litany of complaints has continued. The story is all too familiar to my colleagues, of numerous fines for petty and inconsequential violations; of activities on the part of OSHA that have seemed to the businessman to verge on harassment. The end result in my view has been such an atmosphere of suspicion and apprehension that the term "OSHA" has become synonymous in many employers' minds with the worst in government overregulation.

I think this is most regrettable for if the goals of the Occupational Safety and Health Act are to be realized, it is going to take a working partnership between business and the agency. These goals are important to every American and we definitely can improve upon our record of worker safety and health. The agency should work to assist the employer in making his workplace safer as opposed to its current "cops and robbers" posture.

For some time now I and other Members of the Senate have been working for legislation to bring about the turnaround in OSHA operations that is so apparently needed. This is the third Congress in which I have introduced OSHA reform legislation. Other Senators have also put forth reform legislation. And yet we have not seen serious committee consideration of such legislation nor has the full Senate had the opportunity to take up the OSHA issue. What we have seen is the Senate trying to work its will on OSHA reform through temporary measures tacked on the Labor-HEW appropriations bill.

The future outlook for a redirection of OSHA had seemed to me questionable at best. However, upon reading Secretary Marshall's statement I think I see light at the end of the tunnel.

Secretary Marshall has taken a real hard look at OSHA, even working for a day as an OSHA inspector. He has concluded that:

> OSHA did have far too many petty regulations. OSHA had neglected long-term health problems in order to enforce some petty standards not directly affecting safety or health.

As a consequence of this evaluation, the Secretary and Dr. Bingham have announced their commonsense priorities for OSHA. These priorities are aimed at doing two important things. "One is to get the monkey of unnecessary and complex Government regulations off the backs of small business. The other is to focus OSHA's limited resources on the most serious health and safety problems faced by American workers."

Among the components of this new strategy will be:

To stop trying to regulate every detail of life in every office, store, and factory;

To simplify regulations so that everyone can understand them;

To stress preventive consultations with small business, instead of regulating by flat; and

To focus OSHA's efforts on the real health and safety problems which American workers face.

If this strategy can be set in motion, it will indeed be a new beginning for OSHA; one that I think would mean an opportunity for the agency to get on with the task Congress intended with its creation, namely a safe and healthful workplace environment for American workers.

I commend both Secretary Marshall and Dr. Bingham for their efforts and I shall look foward to OSHA's progress toward a new era of commonsense. They will have my full support in striving for that goal.

REFORMING AIRLINE REGULATION: MYTHS THAT WILL NOT FLY

Mr. PERCY. Mr. President, many airline employees have written to me opposing regulatory reform in the airline industry. These writers are sincere, but some are misinformed. There are just so many airline reform myths in circulation that it would be worthwhile to outline them here and compare them to the facts.

Will lessened airline regulation cost jobs? Of course, we cannot be absolutely sure, but the available evidence suggests it will not. In California and Texas, where low-fare intrastate airlines compete with CAB-regulated airlines, overall airline employment is up, even though nationwide airline employment is down. Three intrastate airlines that would never have been permitted to operate by the CAB employ 4,242 persons at an annual payroll of $86.5 million. United in California has twice as many employees now as it did when non-CAB regulated Pacific Southwest Airways—PSA—successfully entered the Los Angeles/San Francisco market.

In Texas, Southwest Airlines plans to hire 275 additional employees before the end of the summer. Texas International, a CAB-regulated carrier, competes plane-for-plane with a low-fare intrastate operation. It has seen a 9-percent increase in employment between 1972 and 1977.

The present regulated system has not led to job security and full employment. There were 10,000 fewer airline industry jobs in 1976 than in 1973. TWA currently has 35,000 employees compared with 38,000 in the late sixties. A significant number of pilots and flight engineers remain furloughed. Some employees have left the industry rather than wait for the callback notice.

A securities analyst who helps finance the industry said that airline earnings will remain depressed, with some possibility of a government take over if the present system is left intact. On the other hand, the same analyst predicts that with less government regulation "passenger load factors could reach 70 percent on the strength of more aggressive efforts to reduce peaking restraints and expanded use of charters and the possibility of part-charter flights."

The characterization that non-CAB regulated airlines are nonunion, low-wage operations is inaccurate. Seventy percent of PSA employees are unionized. PSA B-727 pilots earned an average of $59,278 in 1975 compared with a reported figure of $55,252 for American and $56,661 for Continental. The International Association of Machinists and the Transport Workers Union represent up to half of the employees of another non-CAB carrier, Southwest Airlines.

Would less regulation favor only new airlines? Hardly. Larger, older airlines could add one new major route each year and apply for unused route authority. Major airlines could enter new markets, such as from Ohio to Florida or Illinois to Texas.

Will less regulation help only certain States? Not at all. For example, in Illinois, Midway Airlines—if certified—plans to service up to 14 cities out of Midway Airport with fares up to 53 percent below current fares. Supporting this service will be 150 to 170 pilots, 250 maintenance personnel, 280 flight attendants, 30 to 40 clerks, 40 marketing department personnel, and 75 supervisors. One thousand of the 1,625 employees will be Chicago-based. Total annual payroll will be approximately $25 million. None of these jobs exist today, but could exist with substantially less Federal regulation.

Mr. President, United Airlines has prepared a fact sheet entitled "The Six Great Myths." It provides valuable analysis on this same topic, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the fact sheet was ordered to be printed in the RECORD, as follows:

THE SIX GREAT MYTHS

(Prepared by United Airlines)

Former President Ford and incumbent President Carter, conservative and liberal Senators and Congressmen, economists of all persuasions, and newspapers ranging from The Wall Street Journal to The Washington Post have all called for reform of airline regulation.

United Airlines is alone among the major airlines in supporting reform, greater competition, and more decision-making by the marketplace rather than by governmental decree.

In the midst of the debate about this issue, six great myths have been circulated by opponents of reform.

Here are the myths, and here is the truth:

Myth number one: Bills pending in Congress, and proposals advanced by United Airlines would "deregulate" air transportation.

The truth: No one in Congress or the Administration is proposing total economic deregulation, nor is United Airlines. Every proposal is for reform of the system. The Civil Aeronautics Board would continue to regulate where necessary, but more decisions would be made by the marketplace reflecting the needs and desires of passengers and shippers. More competition would gradually develop, and some flexibility in pricing—downward and upward—would be permitted, in a narrow range without government interference.

The result of reform would be better-tailored service at reasonable prices for the public, and an opportunity for carriers to suit their products to their markets and earn a reasonable return.

Myth number two: United Airlines supports change because it is the biggest airline, it has strong financial reserves and has a large fleet of airplanes.

The truth: United supports change because less regulation will allow the airline industry to have sufficient earnings to replace their aircraft fleets while offering the public continued good service at reasonable prices.

The airline industry has the worst earnings record of the top 30 industrial groups in the United States. Unless it can improve that record it will go the way of the Northeast passenger railroads as equipment and service begin to decay. We are not the way we were. We must plan for tomorrow's needs today if we are to preserve the world's finest transport system. That means change.

While United is big and strong it is also a high cost airline and more vulnerable to competition than most other airlines. But freer competition is preferable to decay under out-of-date and burdensome government regulation.

Myth number three: Regulatory change will result in lowering safety standards.

The truth: This statement is a red herring. The Federal Aviation Administration regulates airline safety. Its powers would not be changed. Furthermore, strict standards of fitness and ability would be part of any new law regulating airline economics. There are simply no grounds for believing that airline safety standards would be lowered.

Myth number four: Regulatory change would result in loss of service at small communities.

The truth: The proposals for change include greater safeguards for continued small community service than exist under present law. There has been considerable abandonment of small communities in recent years by existing airlines. Proposed new laws would insure against the loss of that service, and United Airlines which serves more small communities than any other airline, has testified publicly that it has no plans for wholesale abandonment of small communities.

Myth number five: 300,000 airline jobs would be in jeopardy under regulatory reform.

The truth: This is a fanciful story that simply is not supported by any evidence. United supports gradual change in economic regulation of the airlines with built-in safeguards to protect service to communities presently receiving it. Given that there will not be disruptions in air service, what reason is there to believe there would be any disruptions in airline employment? Answer: None.

In fact, United believes the form of regulatory changes it supports will bring about expansion of the present air transportation system. This will create additional opportunities for advancement for present employees and new job opportunities for potential newcomers to the industry.

Under the present tight regulatory framework, employment in the airline industry has actually declined during the 1970s. In 1975 alone air carriers reduced employment by nearly 10,000.

Not only would more airline jobs open up under regulatory reform, but there would also be more jobs available in the related aerospace and engine manufacturing industries.

Myth number six. Airline fares would increase under regulatory reform.

The truth: Under existing regulation airlines are penalized whenever they offer discount fares to the public. Some fares, such as youth and senior citizen fares, have been outlawed by the CAB. Regulatory reform could open up a full range of those fares, according to the needs of the market. Management and passengers, not government, will decide where and how to offer these fares.

In the long run inflation may drive up the general fare level, whether or not there is reform. But reform will permit new efficiencies to pass through to passengers and shippers, and will also permit the offering of a full—and easily understood—range of discounts.

ECONOMIC STATUS OF CHICAGO'S BLACK COMMUNITY

Mr. PERCY. Mr. President, the Chicago Urban League has recently issued an impressive document entitled "The Current Economic Status of Chicago's Black Community." Prepared by the Chicago League's new research and planning department, it is the first coherent picture of economic conditions in the city's black community since the 1970 census.

Under the direction of its very able executive director, James W. Compton, the Chicago Urban League has made a valuable and lasting contribution to the understanding by the community at large of the dreadful problems facing Chicago minorities. For those familiar with the work of the Chicago Urban League, the report is further evidence of its dedication to solving these problems.

The report pinpoints the major causes and consequences of deteriorating economic conditions and is intended to stimulate discussion on all levels leading to necessary changes. Although the report covers only Chicago, it is a useful barometer of conditions in other large cities across the country. It will be helpful to all who realize that the economic well being of urban minorities plays a crucial role in the revitalization of our cities.

Mr. President, I ask unanimous consent that the statement given by James W. Compton at a press conference announcing the results of the study and summarizing the contents of the report be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement Presented By James W. Compton

Ladies and gentlemen of the press, I am pleased to have the opportunity to share with you this morning the results of a three-month study conducted by the Chicago Urban League. This study is the first in what we expect to be a long series of publications from the league's new research and planning department. This enlarged and strengthened entity was made possible by a grant from the Chicago community trust and was intended to enhance the league's capacity to identify, clarify and begin to move in the direction of resolving those problems which burden Chicago's minority community.

Given this objective, an overview of economic conditions in Chicago's black community is a most appropriate starting point. Clearly no problem is more fundamental or pervasive in its consequences for the quality of black urban living than income and jobs.

More importantly, and as the report makes unequivocally clear, no problem facing the minority community today is more in need of immediate and far-reaching remedial action than economic conditions.

The purpose of this report is threefold. First, is to piece together the only coherent picture of the local black economic condition since the 1970 census by gathering, analyzing, and inferring from the scattered and sparse pertinent data available. Not only have the severe economic contortions experienced since 1970 rendered that image of black Chicago largely useless, but the breadth and depth of the deterioration during the first half of the 1970s, particularly in this city, is far more extensive than is generally realized. Inadequate and distorted information is a major reason for the discrepancy between the economic situation of blacks as it really is, and as it is assumed to be.

Secondly, our purpose is to pinpoint the major causes and consequences of this condition. There remains, in our view, large segments of the community—both black and white—who do not understand the basic reasons behind the economic plight of Chicago's blacks. And finally, we want to stimulate the extensive and intensive dialogue among the general public, the black community, leaders of the region's private sector and government officials that is essential if fundamental changes in the economic conditions of Chicago's blacks are to eventuate.

In assessing the current economic status of black Chicagoans, one must look carefully at the decline in black income. After steadily increasing during the 1960s, the national ratio of black to white median family income fell from .61 in 1969 to .58 in 1974. In constant 1967 dollars, median black family income actually declined by $178 between 1969 and 1974, while median white family income grew by $123.

The proportion of black families with middle incomes, those between five and fifteen thousand dollars, declined nationally in recent years. Those with low and high income levels increased, but the growth in low income black families was greater in percentage terms than for whites, while the growth in high income black families was less.

Our second area of concentration is the labor force. In Chicago, we have more blacks but fewer blacks in the job market. While the black population increased roughly by 82,000 between 1970 and 1975, the city's black labor force decreased by 36,000. This decline existed in spite of substantial white emigration during that period, and labor force participation by black males has shrunk precipitously compared to their white counterparts.

Related to the decline in black participation in the labor force, is the fact that while suburban jobs have grown, Chicago jobs have declined. While overall employment in the Chicago metropolitan area decreased by 1 percent between 1969 and 1975, manufacturing employment—the largest single employer for blacks—declined 16 percent. During roughly the same period, while the city of Chicago lost 21 percent of its manufacturing jobs, the suburbs posted an 8 percent gain in such jobs.

Rising unemployment rates in the city relative to the suburbs reflect the city's loss of job opportunities. In 1970 both the city and the standard metropolitan statistical area (SMSA) had official unemployment rates of 4 percent, well below the national average of 4.9 percent. By 1975, the city's official unemployment rate had risen to 9 pecent exceeding the SMSA's rate of 7.2 percent and the nation's 8.5 percent. In 1976 unemployment declined to 7.7 percent for the Nation, to 6.7 percent for the SMSA, but remained at 9 percent in the city. The city's continuing lag behind the SMSA and the Nation provides evidence of the longer-term problems facing Chicago's residents. These problems are particularly severe for Chicago's blacks, whose unemployment rate relative to white Chicagoans' has been consistently higher than on the national level.

However, the thrust and value of the report, go beyond a profile of Chicago's current black economy. The report carefully analyzes the causes and consequences of that current economic profile. We have found that three distinguishable processes of disinvestment—the exodus of people and economic resources from one area to another—are central to the economic ills of black Chicagoans.

Within the Nation, disinvestment has manifested itself in the movement of population, manufacturing plants, and employment from the industrial belt of the Northeast and Midwest to the Sunbelt of the South and West. The pattern of Federal spending has been a major factor in this movement. For example, in Illinois, the 1975 ratio of Federal spending to taxing was the fourth lowest of all the States and Illinois ranked first in net outflow of dollars.

Within the region, jobs and population, again aided by Federal spending patterns, have flowed out of the city of Chicago and into the suburbs. While a fair amount of attention has been given to these two forms of disinvestment, very little has been said about the third disinvestment process occurring. For many years now, jobs in predominantly black areas have been decreasing while those in predominantly white areas have actually continued to increase. There is even some reason to believe that the dimensions of the job decline in the black community has been far worse in recent years than the figures cited in our report would indicate. We feel it is noteworthy that only the black population of the city must bear the disinvestment burden within all three levels—national, regional and city.

The black community has two other economic problems which are unique to it and which will not respond to an improvement in the business cycle: Poverty among female-headed households and unemployment among teenagers.

Families headed by black females are six times more likely to be in poverty than those headed by black men. In 1970, they accounted for two-thirds of the families with poverty level income in the virtually all-black sections of the city. Nationally, 1975 figures reveal that a greater percentage of black female household heads are either unemployed or hold lower status jobs than their white counterparts.

Nationally, unemployment among black youths has grown steadily since the 1950s to over 40 percent during the summer of 1976, compared to 17 percent for white teenagers. The most recent available local figures—for 1973—show the situation here was even worse despite the fact that the local economy had not bottomed out at that point. Black teenage unemployment was 44.4 percent, compared to 9.8 percent for white; and among black male teenagers, it was an astounding 53 percent.

While these longer term structural problems of disinvestment and key demographic segments of the black community are the ominous aspects of black economic maladies, the disproportionately negative effects of short term recession/inflation trends on Chicago's blacks should not be ignored or minimized. A recessionary period such as that of 1974–75 seems to speed up longer term trends toward industrial abandonment of the central city. When the economy cools, it is the older, less efficient production facilities of the city which are cut back first. When production increases and jobs again expand, they tend to reappear in suburban or sunbelt areas—locations not easily accessible to inner-city black workers.

Recession and inflation also heighten the likelihood of failure for black business. Being tied to the narrow black market and having thin financial reserves, they are particularly sensitive to downturns in the business cycle. Even the Nation's largest black businesses show substantial decline in sales during 1974–75 compared to their nonblack counterparts.

The exceptional high rates of inflation for fuel, gas, food and health have disproportionately affected poor families because these essential items constitute a larger share of their family budgets than of more well-to-do families. Additionally, these costs cannot be offset for black families as readily as they can be in white families by having the female of the family go to work, since married black females are already heavily in the labor force.

We at the Chicago urban league continue to be concerned that decisions having major economic consequences for Chicago's black community are being made with distorted and inadequate information:

The only extensive survey of slum conditions, undertaken in 1966, a year of relative prosperity, indicates that black unemployment was three times the national average rather than twice, as is generally believed.

A mid 1970s report by the urban institute suggests that during recessions blacks are far more likely than whites to drop out of the labor force altogether, and thus also to be dropped from the official unemployment figures. While for every 100 unemployed white males, approximately six drop out of the labor force; for every 100 unemployed black males, 64 get so discouraged in their job seeking efforts that they drop out of the labor force and go uncounted in official unemployment figures.

The Chicago urban league's own estimates of hidden black unemployment tend to corroborate these studies, having consistently averaged roughly 36 per cent during 1975 and the first half of 1976, a period in which official unemployment estimates were being reported at about 12 per cent.

We feel that changes in economic policies and programs clearly are needed now if blacks are to have any chance of significantly improving their current economic conditions. First of all, in terms of cyclical problems, a national commitment to a full-employment policy is basic. Its implementation must center around programs aimed at particular target groups and industries in specific regions, urban areas, and inner-city communities. These specially targeted programs should be automatically initiated and modulated with fluctuations in the economy. More accurate, detailed and timely data for small areas and selected target groups will be essential to such a program. As long as Federal funding formulas are based on data which consistently underestimate the extent of black unemployment and underemployment, they will not be responsive to cyclical problems of the black population.

Secondly, in terms of structural disinvestment, governmental policies in particular need to be altered. Discretionary Federal funds have been supporting regional, metropolitan, and inner-city disinvestment processes, when they should be leveraging their cessation and reversal. Programs such as tax credits and other financial inducements to the private sector, urban investment banks, the use of government investment capital and regulatory influence over major financial institutions and investments sources, could all be focused to substantially alter current trends in the shifting of people and economic resources.

Thirdly, in terms of other structural factors, tighter and extended governmental enforcement of existing non-discrimination laws could substantially alter the economic condition of blacks, particularly if such enforcement was accompanied by job training, placement and supportive services. As with cyclically focused programs, employment programs addressing structural barriers must focus on specific segments of the minority population in smaller geographic locations of high unemployment and for specific industrial and occupational categories.

Finally, strong commercial and industrial bases in local neighborhoods seem essential to viable black inner city communities; and such communities are at least as important as a healthy central business district to the survival of the city. They are important because in ten or fifteen years black communities will dominate the city landscape and because the pattern of spreading urban decay and its concommitant conditions has a profound psychological impact on middle class residents and businesses. Neither the central business district nor the suburbs can long remain healthy with a vanishing tax base, spiraling welfare rolls and other evermounting urban ills. Community economic and social development requiring major Federal outlays will be essential if the cycle of neighborhood degeneration is to be reversed, and the outflow of middle income blacks as well as whites is to be attenuated. Only when government policies reflect a recognition of the cumulative impact of decades of assault on local black community institutions can the degree of public commitment and unique programming required for effective black economic recovery be achieved.

There is a dangerous strategy being advocated in many quarters—namely, generate the most jobs and the most community renewal which can be quickly achieved for the dollars available. This policy position usually means emphasizing jobs for the readily employable and renewal for communities which have only begun to decline. While these needs should not be ignored, we believe it represents a fundamental error largely to turn our collective backs on the least employable and most devastated parts of the city. It is a short sighted perspective which results in gross neglect of the economic needs of Chicago's blacks. The long-term economic vitality of this city and entire metropolitan area is inextricably tied to the plight of inner city blacks. The sooner we fully face this realization, the better are our chances of finding and implementing effective solutions.

Indeed changes are needed. Changes that are imaginative, coherent, well-administered in their implementation and far-reaching in their consequences. It is our hope that this report will help to move us in the direction of achieving those changes.

FEC CHAIRMAN VERNON THOMSON

Mr. GRIFFIN. Mr. President, today marks the end of Vernon W. Thomson's 1-year term as Chairman of the Federal Elections Commission.

This past year has been a critical one for the FEC. While administering this Nation's first experiment in public financing of a Presidential election and implementing several substantial revisions of campaign law, the Commission issued a number of precedent-setting decisions.

Vern Thomson deserves special commendation for the excellent and outstanding service he has rendered in this demanding period. Although his chairmanship has come to an end, we are fortunate indeed that he will be continuing as a Commission member.

MILITARY BUILDUP OF THE SOVIET UNION

Mr. SCOTT. Mr. President, our May newsletter is currently being printed for distribution to the people of Virginia and I ask unanimous consent to print a copy in the RECORD for the information of my colleagues. Let me particularly invite your attention to the portion relating to the military buildup of the Soviet Union and its civil defense facilities.

There being no objection, the newsletter was ordered to be printed in the RECORD, as follows:

YOUR SENATOR BILL SCOTT REPORTS

MILITARY STRENGTH

The Senate recently passed the Military Procurement bill for the fiscal year beginning October 1st. The bill authorized a total expenditure of approximately $36 billion for military weapons, research and development. More than $6 billion of this amount is for naval ships and more than $11 billion for research and development. The measure will now go to a conference committee of the Senate and House of Representatives to resolve the differences between the two bills. While these amounts are considerable and contribute to the deficit between government income and expenditures, there is some question as to whether we have the military strength to meet any possible military threat from the communist world.

At the close of World War II, and for roughly 20 years thereafter, there was no question but that the United States was the world's dominant military power. At the present time the Department of Defense speaks of a rough equivalency existing between the United States and the Soviet Union and of the need to reach an agreement whereby neither nation will materially add to its military strength. Mutual reduction of arms by all nations of the world appears to be highly desirable, and thinking people want to avoid armed conflicts in the future. Yet, statistics indicate that the relative spending and military strength of the United States over the past decade has not increased to the extent of the Soviet Union. Russia has approximately 4.4 million men under arms, Red China about 3.5 million, and our country roughly 2.1 million. While I would not suggest that we attempt to match the communist nations in numbers of military personnel, it does seem that their superiority in manpower necessitates our having more sophisticated weaponry and firepower to offset their manpower superiority.

According to an article published by Major General George J. Keegan, Jr., who recently retired as Chief of Air Force Intelligence and a military veteran of 35 years service, many Americans refuse to accept the thought that Russian could have superior weapons, or that

Russia could develop weapons superior to ours.

After reading General Keegan's article we met for more than an hour to discuss Russian's military strength and the thinking of the Soviet leadership regarding the possibility of atomic warfare. Bearing in mind that this general officer was Chief of Air Force Intelligence for a period of five years and made it a point to delve very deeply into the Russians' military strength and how it might be utilized, I felt that some of his thoughts should be shared with you and also with members of the Senate. Therefore, I spoke in the Senate on the subject and would be glad to make a copy of the statement available to any constituent who would care to have it.

It is alleged, however, that the Soviet Union has constructed extensive underground civilian defense facilities in and around their major cities and defense plants; that according to General Keegan, these structures are made of material that has been blast-hardened—the hardest man-made structures in the world—and he is of the opinion that our country, even with atomic weapons, could not destroy or seriously cripple the underground facilities even with nuclear weapons. He also advises that the silos from which Soviet intercontinental ballistic missiles are fired can be refired and that the Soviet Union has four or five additional missiles near silos for refire purposes. According to the General, our country fires only one missile from each ground facility.

It is difficult to share such alarming facts with constituents and, yet, it does appear timely for all citizens of the country to have the benefit of the thinking of this high-level intelligence officer which is not inconsistent with the thinking of a number of other high level military leaders with whom I have spoken. It has been suggested to the Chairman of our Armed Services Committee that the Committee should hold hearings and look fully into the allegations made to determine whether the facts are as represented and, if so, to take appropriate action to protect our nation from one that might risk nuclear warfare in the belief that their nation could survive such an undertaking.

SACCHARIN BAN

As you no doubt know, the Food and Drug Administration has recently indicated it intended to ban the use of saccharin in foods and beverages. Somewhat later the proposal was amended so that those in need of saccharin for medical purposes could obtain it for their personal use from drug stores. While no one would quarrel with the desire to protect the public health, this regulation apparently is based upon tests made in Canada using laboratory rats, although it is understood that the human equivalent of saccharin fed to rats would approximate the daily consumption of several hundred diet drinks or packets of the sweetener.

Because of the apparent unreasonableness of the agency's decision, some members of both Houses of Congress have introduced legislation to modify the existing law under which the agency proposal was made. My bill would require that the Federal authorities consider the effect upon human health, the amount of the substance that would have to be consumed, its beneficial effect, if any, other scientific data, and the validity of any tests regarding the food additive. A copy of the bill and an accompanying statement are available upon request.

SURFACE MINING

Once again Congress has under consideration a proposal to provide greater Federal control of surface mining, similar to bills twice vetoed by President Ford. Although a majority of the Members of both the House and Senate seem to favor such legislation, it does appear to be inconsistent with President Carter's energy message which advocated greater use of coal, our most abundant fossil fuel. Within recent years Virginia has enacted state laws to regulate surface mining, and it appears unnecessary for the Federal government to intervene in matters of land use control which should be left to local and state governments.

Our office is also advised that 1800 or more persons engaged in surface mining in the western part of Virginia could lose their jobs if the proposed Federal legislation is adopted. Of course we must balance our need for increased energy against a desire to maintain a clean and wholesome environment, but approximately 55 percent of all coal mined in the country is obtained by surface mining, and it would appear that fewer people would contact black lung disease or be killed or injured in surface mining than in deep shaft mining. It would also seem reasonable to rely upon the states to enact necessary legislation as Virginia has done and see that the overburden is replaced as the coal is removed and any other damage to mountainous areas restored. Apparently our reserve of coal is greater than that of any other nation and will last for an indefinite period of time. Therefore it does not appear that during a time of energy shortage such a measure should be enacted.

HATCH ACT

Over the years, there have been various proposals to amend or repeal the Hatch Act which generally prohibits partisan political activity by Federal employees. Recently the House of Representatives considered a bill to restore Federal employees' rights to participate in partisan politics at all levels of government except a few employees in sensitive positions. However, the Senate has not had hearings on the measure.

A number of government union leaders favor the enactment of the legislation but many Federal employees oppose it. They are concerned that they might lose some of the protection afforded them under the Hatch Act or Civil Service regulations. Of course, all Federal employees can vote, can discuss politics privately, but cannot now be candidates for public office on a partisan basis. Solicitation of campaign contributions of or by such employees is also restricted.

It would appear, however, that the law could be amended to permit Federal employees to participate as partisans at the local level. This would be a substitute for the present procedure of having the Civil Service Commission authorize nonpartisan participation in specific localities with a predominance of Federal employees. A bill I introduced would permit full participation either as partisans or nonpartisans at the local level of government only. This position is taken because it might be difficult to permit persons to participate at the state level without in some manner becoming involved in the Federal electoral process. Of course many Virginians are employed by the Federal government, and our office would be interested in their opinions as well as those of non-government workers should you care to write to us.

AMERICAN BUSINESS DAY

Our country has developed under a free enterprise system into an industrial giant providing an enviable standard of living. Much of our progress has been based upon individual initiative and the efforts of citizens to improve their economic conditions. Yet a day has been set aside to honor labor, but not to honor the business community which invests its capital to stimulate new ideas, machines, technology, and provide more goods and services for the people of the country.

A few weeks ago, however, the Senate passed my bill to designate May 13 of each year as American Business Day. It would not be a legal holiday but would authorize and request the President annually to issue a proclamation calling upon the people of the country to observe this day with appropriate ceremonies and activities. The date was selected because on May 13, 1607 the first permanent settlement in North America was founded at Jametown under the sponsorship of the Virginia Company of London. Thus, the settlement at Jamestown might well be considered the first successful private business venture in America.

Similar bills are pending in the House of Representatives. It is hoped that the House will favorably consider the measure. Passage would balance desire to honor both labor and business for their contributions to the success of our economic and governmental systems.

ENERGY PROGRAM

The President has made a number of recommendations to the Congress regarding an energy program for the country. He favors conservation, greater use of coal, heavy taxes on large automobiles, a rebate on the cost of small vehicles, a standby gasoline tax, a tax on aviation and marine fuel, taxes on oil and natural gas, assistance to low income people to meet their energy needs, control of the price of oil and natural gas, an energy management program, and a number of other proposals. The suggested comprehensive bill submitted by the President contained 283 pages.

While I agree with many of the suggestions, including conservation, the program does appear to be a step toward a regimented economy. In my opinion, our efforts should not only be directed toward increasing conservation of energy resources but provide incentives for the exploration and development of more domestic gas, oil and coal, and expanded research and development of nuclear, solar, geothermal and other sources of energy. The standard of living and economic growth of an industrial nation is directly connected with the amount of energy it utilizes. We also know that an economy must continue to expand to remain healthy and that our national security is dependent upon a reliable and adequate source of energy. It would appear that nuclear energy should be utilized to the greatest extent possible to meet our needs, consistent with necessary safety standards, and it would be unwise to take any action to make scarcity, rationing and dependence upon foreign oil a permanent way of life in this country.

MAILING ADDRESSES

The list of those receiving our newsletter is constantly changing, and we would like to have the names and addresses as accurate as possible to avoid duplications. It would be helpful, therefore, if you would let us know of any error or duplication within your household. Perhaps you could return the mailing label from this newsletter with the correction noted thereon.

SOMETHING TO PONDER

Experience should teach us to be most on our guard to protect liberty when the governments purposes are beneficent.—Justice Brandeis.

ECONOMICS I

Mr. HATCH. Mr. President, the so-called experts in the energy field have been dazzling the American people with their footwork.

The fact is, only two reports have supported the President's energy proposals. Many believe the findings of the first, the now famous Central Intelligence Agency study, are suspect for obvious political reasons. An editorial in the May 18 Wall Street Journal points up some fundamental problems with a report done by the Workshop on Alternative Energy

Strategies. I ask unanimous consent that this editorial be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, May 18, 1977]

Economics I

Something called the Workshop on Alternative Energy Strategies has discovered that the world is going to "run out" of oil even sooner than anyone thinks. The project was conceived, managed and explained by Carrol L. Wilson, Mitsui Professor in Problems of Contemporary Technology in the Sloan School of Management at the Massachusetts Institute of Technology. Professor Wilson has been active in The Club of Rome, The Trilateral Commission, the UN study of applications of science and technology to development and the MIT project on the social applications of technology. He holds an undergraduate degree in management, but is not an economist, we learned after some effort.

We went to the trouble because in his introduction, Professor Wilson writes "the demand for petroleum in the non-Communist world will probably overtake supplies around 1985 to 1995," and "petroleum demand could exceed supply as early as 1983."

In Economics I, the professor gets an F. If markets are allowed to operate, they will reach the equilibrium price, where supply and demand are equal. Remember: Economics I. Supply equals demand.

Mr. HATCH. Mr. President, these reports, as do the host of Federal administrators, planners, economists, and politicians, make liberal use of alarming figures, graphs, and statistics. Many of these policymakers have flunked, as the editorial suggests, basic economics. If there is no objection, I would like to submit for the Record a letter I received from W. Cris Lewis of the department of economics at Utah State University. He has outlined a viable, common sense approach to the energy situation.

I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Utah State University,
Logan, Utah, May 9, 1977.

Senator Orrin Hatch,
Senate Office Building,
Washington, D.C.

Dear Senator Hatch: May I take this opportunity to give you my opinion of the Carter Energy Program. Certainly, the last thing we need in this economy is higher taxes on anything. Such a tax would reduce consumption but would provide no incentive for exploration and production. Furthermore, I am convinced most of the problems with the so-called energy shortage are due to government price control. If you want to test this hypothesis, I suggest you put a federal ceiling on the price of peanut butter at say 25 cents below the current price on the pound. That will quickly generate a peanut butter crisis defined as an excess demand for peanut butter at the going price.

Furthermore, I do not think we need another level of government to deal with energy problems. The chances are this would simply increase the amount of regulation and exacerbate the problems we already have. For once in my life I would like to see a government regulator admit that he was the source of some problem and suggest that the solution be less government instead of more.

Although the analysis is somewhat complicated, it is quite likely that the removal of federal price control on natural gas and crude petroleum could actually result in a reduction of prices at the retail level. In a nutshell, if the price of crude oil increased, more production would be stimulated. It is difficult to fathom how that increased production could be sold in the form of retail products without lowering those prices.

Finally, if I have got to take my chances, I would much rather do it with Standard Oil Company, or any one of the other two dozen major companies, than I would with the one huge monopoly we have in this country with the federal government. As I recall, they are the ones that brought me Post Office, Amtrak, and the Social Security System.

Best regards,

W. Cris Lewis.

Mr. HATCH. Mr. President, perhaps the pursuance of basic economic principles by the President and the Congress in formulating answers to energy questions would be a wise course, and one which could be understood by the American citizen who foots the bill.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Robert L. Wright, of Kentucky, to be U.S. marshal for the western district of Kentucky for the term of 4 years vice Jesse W. Grider, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Friday, May 27, 1977, any representations or objections they may wish to present concerning the above nomination with a further statement whether it is their intention to appear at any hearing which may be scheduled.

(This concludes additional statements submitted today.)

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

TRANSFER OF CERTAIN MEASURES TO UNANIMOUS CONSENT CALENDAR

Mr. ROBERT C. BYRD. Mr. President, there are five measures on the General Orders Calendar that have been cleared for action by unanimous consent. I will ask that they be transferred by the clerk to the Unanimous Consent Calendar so that Senators may see them and action may be taken on them during the first of next week. They are as follows: Calendar Orders No. 128, 140, 172, 185, and 197.

The PRESIDING OFFICER. They will be so transferred.

COMMITTEE MEETINGS

Mr. ROBERT C. BYRD. Mr. President, I have a request which has been cleared with the other side of the aisle. I ask unanimous consent that the Subcommittee on Arms Control, Oceans, and International Environment be authorized to meet during the session of the Senate at 2 p.m. on Monday, May 23, 1977.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask that the statement setting forth the particulars about the meeting be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

There will be a meeting of the Subcommittee on Arms Control, Oceans, and International Environment on Monday, May 23, 1977, at 2:00 p.m., to hear the following individuals on S. 897 (introduced by Senator Percy), to strengthen United States policies on non-proliferation and to reorganize certain export functions of the Federal Government to promote more efficient administration of such functions, and S. 1432 (introduced by Senator Glenn), to provide for more efficient and effective control over the proliferation of nuclear explosives by amendments to the Atomic Energy Act of 1954, as amended, and for other purposes:

ORDER FOR RECESS UNTIL 10 A.M. MONDAY, MAY 23, 1977

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 a.m. Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS SCOTT AND BAKER ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, after the two leaders or their designees are recognized on Monday under the standing order, Mr. Scott be recognized for not to exceed 15 minutes and Mr. Baker be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO PROCEED TO THE CONSIDERATION OF S. 275 MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that immediately following the consummation of the special orders entered into for the recognition of Senators on Monday the Senate proceed to the consideration of the farm bill, S. 275.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. There is a time agreement on that bill. There is an understanding that has been entered into heretofore that no rollcall votes will occur on Monday on the farm bill. If any rollcall votes are ordered on Monday on that bill, they will be put over until Tuesday. However, this does not mean that rollcall votes may not occur on Monday on other matters.

There may be other bills that will have been cleared for action on Monday, if we find that the debate on the farm bill or the action on it is dragging, and there may be other measures that have been cleared for action to be called up. Conference reports are privileged matters and, of course, may be called up.

But it is the understanding that no rollcall votes shall occur in relation to the farm bill on Monday.

Mr. BAKER. Mr. President, if the Senator will yield, I have one more matter.

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. Mr. President, I would like to take this opportunity, at this late hour, to pay my respects to the distinguished majority manager of the bill, the Senator from Montana (Mr. METCALF) and the distinguished manager on behalf of the minority, the Senator from Wyoming (Mr. HANSEN), for their diligent work on this bill and their excellent result. I think the passage of this legislation in this form is a landmark measure that the Senate can be proud of. I hope it will survive conference in essentially this shape, and I very much hope that the President of the United States will sign it into law promptly.

Mr. President, I thank my colleagues for their diligent efforts in this respect, and I thank the majority leader for his diligence in bringing this matter to this disposition.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished minority leader for his cooperation and his usual courtesy. I also wish to add to his remarks my own compliments to the distinguished manager of the bill (Mr. METCALF), and also to express my appreciation to and to congratulate the Senator from Wyoming (Mr. HANSEN), the ranking Republican member, who so ably joined with Mr. METCALF in managing this very difficult bill.

I also want to compliment and thank the other members of the committee on both sides of the aisle, and all Senators who participated in the debate and who have lent their support and their talents to the resolution of many of the difficult issues that were involved in this legislation. Similar legislation has passed the Senate, I believe, twice in recent years, and I, too, hope the legislation, which is energy related in a very meaningful way, will be resolved by the conferees on the part of both Houses if there is a conference, and that it will go to the President within a reasonable length of time and become law.

Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order—I stand looking at the distinguished Senator from Hawaii (Mr. MATSUNAGA), who has usually occupied the Chair at this time of day in recent days, but I see that the distinguished Senator from Montana (Mr. MELCHER) presides at this moment over this august Chamber with a very high degree of skill, and I compliment him. I also compliment him on his participation in the strip mining bill, and on the adoption of his amendment dealing with the alluvial valley portion of the bill.

May I say, too, that he sacrificed considerably in coming back from his home State yesterday. He planned to spend the weekend there, and had engagements that he planned to meet there, but today he came back in order to participate in this very important bill, and I thank him for his very kind cooperation, courtesy, and so on.

In closing my remarks, I wish to state that the Senate has had a good week, and I congratulate all of the Members on both sides of the aisle. Among other things, the Senate has passed the military procurement bill, the bill creating the Department of Energy, and the surface mining bill—a very productive week, indeed.

RECESS UNTIL MONDAY AT 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 10 o'clock on Monday morning next.

The motion was agreed to; and at 10:30 p.m. the Senate recessed until Monday, May 23, 1977, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 20, 1977:

DISTRICT OF COLUMBIA COURT OF APPEALS

John Maxwell Ferren, of the District of Columbia, to be an associate judge of the District of Columbia Court of Appeals for the term of 15 years, vice Austin L. Fickling, deceased.

FEDERAL ENERGY ADMINISTRATION

Robert Riggs Nordhaus, of Connecticut, to be an Assistant Administrator of the Federal Energy Administration, vice Gorman C. Smith, resigned.

EXTENSIONS OF REMARKS

THE NIXON LETTER

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1977

Mr. BURKE of Florida. Mr. Speaker, I wish to go on record concerning a historic occasion which bridges the recent past and an uncertain future. Today, through the efforts of my colleague, LESTER WOLFF, the chairman of the Subcommittee on Asian and Pacific Affairs, on which I am the ranking minority member, a document has been released which adds another solid piece of information to the record on our negotiations with the Vietnamese at the close of the war. I refer, of course, to the letter written by President Richard M. Nixon to the Vietnamese Premier, Pham Van Dong, on February 1, 1973, which offered reconstruction aid under appropriate circumstances. While I am not sure, in view of the current tentative talks with the SRV about the timing of this release, I am happy that we can end the unhappy speculation surrounding the "Nixon letter," as it has come to be called.

The Paris Accords and our subsequent orderly withdrawal of combat troops from Vietnam were clearly a masterful diplomatic effort and a triumph of statesmanship. We should remember the former President's contributions in that regard. Perhaps one of the great casualties of Watergate was the fall of the Republic of Vietnam, the sad repercussions of which are now resounding even among those who thought Ho Chi Min the savior of his people. Certainly the accords were workable as long as both sides lived up to them, and they came as close to being a feasible political solution as we could have hoped to attain. However, the agreements were negotiated from a firm American stance and at the first sign of weakness on our part were bound to unravel. The trauma of the passage from power of Richard Nixon put us in precisely the stage of weakness which enables the Vietnamese to seize the moment. In a real sense Watergate ended the Republic of Vietnam.

Mr. Speaker, that unfortunately may be too much the story of Richard Nixon's contributions as a statesman. His contributions have been discarded by the hasty and the disappointed because of his serious mistakes and misbehavior in domestic matters. Vietnam was not a pretty war. It was a tremendously costly, ugly situation. Richard Nixon did not invent the war; neither did he abandon the cause of American credibility and resolve in Asia. Now the daily dull agony and depressing awareness of a nightmare that seemingly would not end, are behind us. Even the scars have begun to heal. Let us recognize the newly released letter, which Mr. Nixon constitutionally need not have provided to us, as being a voluntary contribution to the record of a solid accomplishment by a great statesman.

Mr. Speaker, calm, dispassionate evaluation of the Nixon letter should only add to the awareness of the efforts and lengths then President Nixon would and did go to assure a reasonable end to the Vietnam conflict. Let us also recognize that the events following February 1, 1973 in Vietnam leave nothing intact of the structure negotiated for peace in Indochina. The administration of Gerald Ford agreed with President Nixon that the Paris agreements and associated codicils or promises or whatever are null and void. The current administration certainly does not want to be bound by any promises made under vastly different circumstances. It will have a hard enough task reaching any sort of mutually satisfactory arrangement whereby we can establish diplomatic relations with the SRV.

In short, Mr. Speaker, I strongly believe that the Nixon letter, as it is called, will only strengthen the record of accomplishment and statesmanship on the part of Richard Milhous Nixon. Its release at this time may be somewhat problematic for the current administration. But as for the letter itself, I applaud the further expansion of the record of the diplomatic accomplishments of the Nixon administration.

HUMAN RIGHTS MUST BE RESTORED TO THE UKRAINE IN ACCORDANCE WITH THE HELSINKI AGREEMENTS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1977

Mr. KEMP. Mr. Speaker, I am proud to see that President Carter is giving so much attention to the critical needs for human rights around the world. Nowhere is this attention more needed than in the Soviet-dominated state of the Ukraine.

Here, in this land of peace-loving, simple people, citizens are daily subjected to KGB surveillance, police house searches, secret trials, deportations, persecutions, and arrests, in blatant violation of the Helsinki Agreements signed by Leonid Brezhnev on behalf of the entire Soviet Union.

The Women's Association for the Defense of Four Freedoms for Ukraine is a dedicated organization whose efforts are centered on the restoration of human rights for the Ukrainian people. Mrs. Dash Procyk, a leader in this group in the Buffalo, N.Y. area, recently visited my office to bring the plight of the Ukrainian people to the attention of the Congress. I include into the RECORD this committee's position paper for the benefit of my colleagues as we speak out for human rights all over the world.

The article follows:

MAY 19, 1977.

HONORABLE SIR: Delegates of the Women's Association for the Defense of Four Freedoms for Ukraine, Inc., representing the states of New York, New Jersey, Ohio, Pennsylvania, Virginia, Maryland, Connecticut, Massachusetts, and Michigan arrived in Washington to pay a special visit to the offices of their respective senators and congressmen to express their gratitude to them for their action in the defense of political and human rights of the people in enslaved Ukraine and their continued struggle for independence.

We particularly express our appreciation for their voice on various occasions on the floor of the U.S. Congress in behalf of the Ukrainian political prisoners, both men and women.

In view of the scheduled Belgrade conference of the signators of Helsinki peace agreement which President Carter will attend, we feel obliged to inform you at this time that the "Helsinki Agreement" signed by Mr. Leonid Brezhnev has never been applied to Ukraine. We are aware that after the Helsinki Agreement the police house searches, particularly the houses of political prisoners, secret trials, deportations, persecutions and arrests have increased in number and continue to occur. The most recent arrests are those in February in Kiev of Mykola Rudenko (poet) and Stephen Tychyj, members of the Ukrainian Public Group to Promote the Implementation of the Helsinki Accords.

PUNISHMENT OF THE FAMILY MEMBERS OF POLITICAL PRISONERS

It is a known fact that Ukraine was by force incorporated into the USSR and by force kept there; and it is a known fact that Ukrainian people now and in the past are determined to be free to guide their own destiny in their sovereign Ukrainian State. In their efforts to restore their freedom and sovereignty, Ukraine paid with more than eleven million lives during the time of the Russian occupation. Presently, there is not one family in Ukraine who has not been a victim of Russian persecution. The KGB (secret police) continues to practice terror tactics and punishment to the members of the families of political prisoners, especially their wives and their children. Their mail, telephone conversations, and personal visitors are all under scrutiny of the KGB and they live in fear of being evicted from their living quarters or discharged from their jobs and the children are often expelled from school. They must obtain special permission to ever leave their city for any reason.

PRESENT SITUATIONS

Nina Strocata Karavanska (microbiologist) after serving a 4 year term at a concentration camp for speaking in defense of her husband, Swiatoslaw, who was arrested and sentenced. She is in very poor health and is not allowed to return to Ukraine but is exiled in the Russian Republic far northeast of Moscow in a village without medical care or facilities nor any means of livelihood.

Nadia Switlychna-Shumyk, mother of a six year old son Yarema, who served a four year term in a concentration camp in Mordovia for refusing to denounce her husband Danylo Shumyk who was serving his second ten year term in prison. After her release she was exiled to Russian Republic far northeast of Moscow. She is prohibited to live in Kiev or to be reunited with her son.

Daria Husiak (Ukrainian Red Cross worker) who served twenty-five years in concentration camps and in prison for her Red Cross activities. After her term, she is not permitted to be reunited with her family.

Yurij Shukhevych was arrested in 1948 at the age of 15 and was sentenced to 10 years in a concentration camp at hard labor for categorically refusing to denounce his father, General Roman Shukshevych (Tara Chuprynka) the Commander-in-Chief of the Ukrainian Insurgent Army (UPA) killed in action in 1950. In 1958 at the age of 25 a closed trial, for the same reason, received a second 10 year sentence. In 1972 at the age of 39, he was arrested again and was sentenced to a third term of 10 years of hard labor and 5 years of exile from Ukraine for the same reason. His young wife and two children aged 5½ and 3½ are without support.

Irene Kalynetz, defender of Ukrainian language and opposing Russification and also the wife of Ihor, an arrested political prisoner, was sentenced to 6 years in concentration camps and 5 years in exile.

Political prisoners are tortured and forced to beg for pardon and for this reason Irena Kolynetz was brought to her home town prison in Lviw in April for purpose of being brainwashed and is in fear of being committed to a mental ward of the prison (Psychushka) in Styrj.

We appeal to you, Honorable Sir, to

a. Bring our matter to the attention of President Carter before his departure for the Belgrade Conference where Mr. Brezhnev will represent the USSR. We ask that President Carter put on the Agenda of his conference the situation in Ukraine.

b. Since the Helsinki Accords was made without any representation for Ukraine, and for other enslaved nations, using the precedent of the United Nations Palestinian problem we ask the President to initiate for the next Conference an invitation to the representatives of Ukraine and other enslaved nations to defend their rights where the violation of national and human rights exists.

c. To demand from Mr. Brezhnev the withdrawal of police control over the private and social family lives of the political prisoners and restore to them their constitutional rights.

d. To release from concentration camps Ukrainian political prisoners both men and women, particularly those who are sick, invalids, veterans of UPA (Ukrainian Insurgent Army) and those who have served 25 years in concentration camps. We make a special appeal for the release of Jurij Shuchewych, Valentyn Moroz, Ivan Svitlychny, Swiatoslaw Karavansky, Wasyl Stuc, Vyacheslaw Chornovil, Evhen Swerstiuk, and Alexander Serhijenko.

We also appeal for the release of Ukrainian women political prisoners among whom are Irena Kalynetz and her husband Ihor, Oksana Popovich, Irene Senyk. We beg for their return to Ukraine, to their families and that their citizens rights be restored.

We, American citizens with strong family ties in Ukraine, appeal to you, Sir, to intervene in every way you can to help us realize the successful release of the Ukrainian political prisoners and restore to them their human and constitutional rights.

Respectfully yours,

ULANA CELEWYCH,
President.
MARIA LOZYNSKY,
Secretary.

HOUSE OF REPRESENTATIVES—*Monday, May 23, 1977*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Peace I leave with you, My peace I give unto you. Let not your heart be troubled, neither let it be afraid.—John 14:27.

Eternal God, our Father, who art above all and through all and in all, without whom life has no meaning but with whom there is life in the present, light for the future, and love along the way, we come to Thee seeking strength and wisdom for the living of these hours. As Thou didst lead our fathers in times past, so do Thou lead us through the difficulties of these disturbing days.

Strengthen us that the stress and strain of these times may not slow us down, nor break our spirits, nor dim our hope for better, brighter days ahead. May we stand firm for high principles lest we fall for low prejudices which let us down.

Support us all the day long and at eventide may we have peace in our hearts, peace with others, and peace with Thee. In the spirit of the Prince of Peace we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 6401. An act to authorize appropriations for the administration of the Deepwater Port Act of 1974.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 692. An act to amend the Small Business Act and the Small Business Investment Act of 1958 to increase loan authorization and surety bond guarantee authority; and to improve the disaster assistance, certificate of competency and Small Business setaside programs;

H.R. 5306. An act to amend the Land and Water Conservation Fund Act of 1965, and for other purposes;

H.R. 6206. An act to authorize appropriations for fiscal years 1978, 1979, and 1980 to carry out the Commercial Fisheries Research and Development Act of 1964; and

H.R. 6668. An act to amend the Age Discrimination Act of 1975 to extend the date upon which the U.S. Commission on Civil Rights is required to file its report under such act, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 692) entitled "An act to amend the Small Business Act and the Small Business Investment Act of 1958 to increase loan authorization and surety bond guarantee authority; and to improve the disaster assistance, certificate of competency and Small Business setaside programs," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. NELSON, Mr. MCINTYRE, Mr. NUNN, Mr. HATHAWAY, Mr. HASKELL, Mr. CULVER, Mr. WEICKER, Mr. PACKWOOD, and Mr. BARTLETT to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 393. An act to provide for the study of certain lands to determine their suitability for designation as wilderness in accordance with the Wilderness Act of 1964, and for other purposes;

S. 602. An act to extend and revise the Library Services and Construction Act, and for other purposes;

S. 826. An act to establish a Department of Energy in the executive branch by the reorganization of energy functions within the Federal Government in order to secure effective management to assure a coordinated national energy policy, and for other purposes; and

S. 1534. An act to amend the Interstate Commerce Act to authorize appropriations for the Interstate Commerce Commission, to require the Commission to recodify its rules, and for other purposes.

The message also announced that the Vice President, pursuant to Public Law 86-420, appointed Mr. GARN to attend, on the part of the Senate, the Mexico-United States Interparliamentary Conference, to be held in Guaymas, Mexico, May 27-31, 1977.

And that the Vice President, pursuant to Public Law 86-42, appointed Mr. CULVER to attend, on the part of the Senate, the Canada-United States Interparliamentary Conference, to be held in Victoria, British Columbia, May 27-31, 1977.

HON. JOHN E. CUNNINGHAM

Mr. RHODES. Mr. Speaker, I ask unanimous consent that the gentleman from Washington, Mr. JOHN E. CUNNINGHAM, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest; and no question has been raised with respect to his election.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The SPEAKER. The Chair would appreciate it if the senior Member from the State of Washington or the minority leader would escort the gentleman to the well.

CALL OF THE HOUSE

Mr. BAUMAN. Mr. Speaker, I know under the rules it is not appropriate to interrupt the swearing in of a Member, but I wonder if the Speaker would entertain a call of the House at this point in view of the fact that I think some Members would like to be present.

The SPEAKER. The Chair will entertain such motion.

Mr. BAUMAN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 269]

Akaka
Ambro
Anderson, Calif.
Andrews, N.C.
Applegate
Ashley
Badillo
Baucus
Beard, Tenn.
Biaggi
Bingham
Boggs
Boland
Breckinridge
Brinkley
Brooks
Brown, Mich.
Buchanan
Burton, John
Cavanaugh
Chappell
Chisholm
Collins, Ill.
Corman
Cornwell
Cotter
Dent
Diggs
Dingell
Drinan
Early
Evans, Colo.
Fary
Fish
Florio
Flowers
Flynt
Ford, Mich.
Ford, Tenn.
Forsythe
Fowler
Giaimo
Gibbons
Gilman
Gonzalez
Hanley
Harkin
Harsha
Holland
Holt
Hubbard
Jeffords
Jones, Tenn.
Jordan
Kastenmeier
Krueger
Levitas
Marlenee
McKinney
Metcalfe
Murphy, N.Y.
Neal
Patten
Pike
Poage
Price
Roe
Rousselot
Runnels
Ruppe
Ryan
Scheuer
Sisk
Spellman
Spence
Staggers
Steers
Steiger
Teague
Tucker
Udall
Waxman
Whitten
Wiggins
Wilson, C. H.
Wright
Zeferetti

The SPEAKER. On this rollcall 345 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

HON. JOHN E. CUNNINGHAM

The SPEAKER. Will the Member-elect, the gentleman from Washington (Mr. CUNNINGHAM), please present himself in the well of the House to take the oath of office?

Mr. CUNNINGHAM presented himself at the bar of the House and took the oath of office.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6161, CLEAN AIR ACT AMENDMENTS of 1977

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 95-359) on the resolution (H. Res. 589) providing for consideration of H.R. 6161, to amend the Clean Air Act, and for other purposes, which was referred to the House Calendar and ordered to be printed.

MAJOR GENERAL SINGLAUB WILL TESTIFY WEDNESDAY MORNING BEFORE ARMED SERVICES INVESTIGATIONS SUBCOMMITTEE

(Mr. STRATTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRATTON. Mr. Speaker, I take this time to advise the House that Maj. Gen. John K. Singlaub, U.S. Army, until Saturday Chief of Staff of U.S. Forces in Korea, will appear, in response to my request, to testify on Wednesday morning at 10 a.m. before the Investigations Subcommittee of the Committee on Armed Services in room 2118, Rayburn House Office Building.

Let me make clear, Mr. Speaker, that the subcommittee will not be addressing itself at that time to the question of whether General Singlaub should or should not have spoken out publicly as he did, or whether the President should or should not have removed him from command.

Rather, what we desire to learn from General Singlaub are the reasons for his obviously strong belief that the withdrawal of the 32,000 remaining American ground forces now in Korea would run a very grave risk of war, with a renewed military attack on South Korea by North Korea.

When it comes to foreign and military policy in America, Mr. Speaker, we have learned in recent years that these decisions cannot be made by one man. They must be made by the President and the Congress acting together, and with as much open participation by the American people as possible.

If a course of military action which the President has proposed, and on which the Congress has so far not acted, is believed by senior military officials on the spot to involve grave risks of war—as in the case with Korean withdrawal—then that is a matter of the highest interest to the Congress, and one which deserves to be fully and carefully examined by Congress, to the fullest extent possible in open session.

This is what our subcommittee proposes to do, and we will begin that inquiry on Wednesday with General Singlaub. Members are cordially invited to be on hand.

HEARINGS OF SUBCOMMITTEE ON COMPENSATION, HEALTH, AND SAFETY ON THE FEDERAL EMPLOYEES COMPENSATION ACT

(Mr. GAYDOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GAYDOS. Mr. Speaker, the Subcommittee on Compensation, Health, and Safety, which I have the honor to chair, will hold oversight hearings on the Federal Employees Compensation Act on Thursday, May 26, 1977, in 2261 Rayburn Building; Tuesday, June 7, 1977, in 2257 Rayburn Building; Wednesday, June 8, 1977, in 2257 Rayburn Building; and Monday, June 27, 1977, in 2261 Rayburn Building. All hearings will commence at 9 a.m.

The criticism of the present implementation is twofold; One, there are inordinate delays in processing claims of disabled employees; and two, there are abuses in the system in that nonmeritorious claims are being paid.

The subcommittee intends to conduct a comprehensive review to determine the validity of these criticisms.

Witnesses for the four scheduled hearings will be Members of Congress who have indicated to the subcommittee their desire to testify.

There will be additional hearings scheduled to allow witnesses for Federal employees as well as for the administration to furnish the subcommittee with information on this matter.

Any other individual wishing to testify before the subcommittee should notify the subcommittee, and every effort will be made to accommodate them.

INTRODUCTION OF TELECOMMUNICATIONS PRIVACY ACT

(Mr. KILDEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KILDEE. Mr. Speaker, today I introduce the Telecommunications Privacy Act, an act to amend the Communications Act of 1934, to provide greater judicial security for the interception by any persons of certain communications and to regulate the interception by common carriers of communication. I have introduced the Telecommunications Privacy Act in an attempt to recover and secure rights and liberties which were once considered fundamental to our Nation. Rights which today, unfortunately are neither secure nor in hand. We, as a people have long since reached the threshold of a highly technological society. It is past time to assess our technology for its human dominating characteristics. I believe there is a critical need for public law which insures that individual freedom and personal privacy are not sacrificed for the convenience, efficiency, and exactness of our many and great technological accomplishments in telecommunications. So that sophisticated technology exists in the midst of a proud and free people, I would ask for your consideration and support of this legislation.

CONVERTING HIGHWAY SIGNS TO THE METRIC SYSTEM

(Mr. JONES of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES of Oklahoma. Mr. Speaker, I take this time to bring to the attention of my colleagues the recent announcement by the Department of Transportation that it will require converting all traffic highway signs to the metric system.

I wrote recently to our former colleague, Secretary Adams, asking two questions: First, under what statutory authority is the Department going to proceed with these regulations, and second, what would the cost of this venture be? I also urged that there be an indefinite postponement of these proposed regulations.

I find no congressional authority to mandate such a change in these highway signs. The program providing for a change to the metric system was a voluntary program; there was nothing mandated in the congressional act for this purpose.

As far as costs are concerned, the best estimate we can get is that the cost would be $100 million for this conversion by the Federal Government, plus additional millions of dollars in costs to State and local governments.

Mr. Speaker, I hope that my colleagues will join me in asking the Secretary of Transportation to postpone these regulations. At a time when we are trying to work toward a balanced budget, I see little sense in a nonessential expenditure of this nature.

EXPRESSING PLEASURE AT PRESIDENT CARTER'S SUPPORT OF PRINCIPLES NECESSARY TO A SETTLEMENT IN MIDDLE EAST

(Mr. FINDLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FINDLEY. Mr. Speaker, I would like to join my colleague, the gentleman from Indiana (Mr. BRADEMAS), in speaking with approbation about the awarding of degrees at Notre Dame University.

I also wish to say how pleased I was to read the firm words expressed by the President there in support of principles that must obtain in a general settlement in the Middle East.

He spoke in strong support of U.N. Security Council Resolutions 242 and 338 as principles that must be adhered to regardless of changes in leadership in the Middle East countries.

ISRAEL'S POLITICAL SYSTEM REFLECTS VIEWS OF ITS VOTING CITIZENS

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Speaker, while review and analysis of the results of the Israeli parliamentary election are concentrating on the political parties and the formation of a new government, we should not lose sight of the fact that Israel is the only real democracy in the Middle East and is a model of voter participation in government that I am sure is envied by the populaces of other Middle East countries.

In the long run, democratic governments, with their political parties working together to preserve free institutions, serve their public far better than any dictatorial, autocratic, or oligarchic form of government. Despite the complications facing the formation of a new government in Israel, its political system does reflect the views of its voting citizens.

The only other Middle East country with a history of legitimate parliamentary procedure is Lebanon, but her institutions have suffered because of the civil war in that country.

As the foremost practitioners of the democratic election process, we should accept the fact that the people of Israel have spoken. That is why I am amazed by some of the statements made by Carter administration officials expressing disappointment in the elections.

Mr. Speaker, the continuing tensions in the Middle East remain a major threat to world peace, and it is necessary for the United States to work with whatever coalition government now emerges in Israel. In order for the United States to provide the necessary cooperation to Israel to achieve her long-sought goals of peace, stability, and security, our foreign policy goals and actions must be consistent and realistically adapted to the concerns of the Israeli Government.

COMMUNICATION FROM THE CLERK OF THE HOUSE REGARDING RECEIPT OF H.R. 4297 FROM COMMITTEE ON SCIENCE AND TECHNOLOGY

The **SPEAKER** laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *May 20, 1977.*

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the referral of the House of May 16, 1977, the Clerk received today from the Committee on Science and Technology, the bill H.R. 4297.

With kind regards, I am,

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

The **SPEAKER.** Pursuant to the rule, the report will be referred to the Union Calendar and ordered printed.

PRESIDENT CARTER'S POLICY IN KOREA INVITES WAR

(Mr. KEMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KEMP. Mr. Speaker, the unfolding policy of the Carter administration toward the deployment of American forces in Korea is painfully reminiscent of the declaration of the late Secretary of State Dean Acheson that Korea was "outside of the American defense perimeter" prior to the Soviet-sponsored invasion of South Korea on June 25, 1950. Secretary Acheson's unfortunate statement was offset by the involvement of American troops in the Korean war. Incredible as it seems to many who remember the grim circumstances surrounding the origins of the Korean war, the Carter administration seems determined to repeat the mistakes of the previous generation.

The determination to remove American ground forces from Korea has had its latest manifestation in its zeal to suppress any professional military dissent from passing the lips of those who will be called upon to make up for the President's mistakes. Maj. Gen. John K. Singlaub has been removed from his post in Korea for having the temerity to express the notion that it may be better to deter a war in Korea by retaining the American ground force presence than to throw them against prepared defenses after an American withdrawal has seduced North Korea into renewing the Korean war. The Korean peninsula has been the scene of three wars in this century because it is the linchpin of security in northeast Asia. The Carter policy of withdrawing the American ground force presence will dramatically increase the risk of war in this vital region. It will provide the most powerful incentive for the nations in the region to develop nuclear weapons, and will undermine the stability of all of east Asia, and according to a Congressional Budget Office study, may cost $150 million more to the American taxpayer than retaining those forces in Korea.

The long-term security interests of the United States in Korea are too important to be left at the mercy of implementing a political campaign promise. I strongly urge the President to reverse his policy on Korea.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

Pursuant to the provisions of clause 3(b) of rule XXVII, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

After all motions to suspend the rules have been entertained and debated, and after those motions to be determined by nonrecord votes have been disposed of, the Chair will then put the question on each motion on which the further proceedings were postponed.

EXTENSION OF LIFE OF PRIVACY PROTECTION STUDY COMMISSION

Mr. PREYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6258) to amend the Privacy Act of 1974 to extend the life of the Privacy Protection Study Commission to September 30, 1977.

The Clerk read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.* That section 5(g) of the Privacy Act of 1974 (5 U.S.C. 552a note) is amended by striking out the last sentence thereof and inserting in lieu thereof the following: "The Commission shall cease to exist on September 30, 1977.".

The SPEAKER. Is a second demanded?

Mr. McCLOSKEY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered and ordered.

There was no objection.

The SPEAKER. The gentleman from North Carolina (Mr. PREYER) and the gentleman from California (Mr. McCLOSKEY) are recognized for 20 minutes each.

Mr. PREYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I first want to commend the chairman of the full Government Operations Committee, Chairman JACK BROOKS, for his introduction and sponsorship of this bill.

The bill is very straightforward. It is a housekeeping measure to extend the life of the Privacy Protection Study Commission an additional 2½ months, so that the Commission can plan an orderly demise.

The bill does not provide any additional funding for the Commission. Nor does it change the June 10 date when the Commission's final report is due.

The bill simply allows the Commission to stay in existence long enough for a handful of Commission staff to complete the editing and printing of several planned backup appendices to the Commission's final report.

The Government Operations Committee unanimously reported this bill. An identical bill, S. 1443, was passed by the Senate on May 9.

Mr. Speaker, I reserve the balance of my time.

Mr. McCLOSKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am glad to support H.R. 6258. This will permit a minor expenditure of some $41,000 to extend the staff's services for a 3-month period, the purpose being to add appropriate appendices to the report of the Privacy Commission. The bill is supported by a combination of our two colleagues on the Commission, the gentleman from New York (Mr. KOCH) and the gentleman from California (Mr. GOLDWATER).

I believe the House should have no concern over passing this legislation.

Mr. GOLDWATER. Mr. Speaker, will the gentleman yield?

Mr. McCLOSKEY. I am happy to yield to the gentleman from California.

Mr. GOLDWATER. Mr. Speaker, I rise in support of H.R. 6258, a bill which would extend—without any additional appropriation or allocation of money—the expiration date of the Privacy Protection Study Commission from July 10, 1977, to September 30, 1977.

It is my understanding that the vast majority of federally created commissions not only fail to meet the deadline for the submission of their final reports, but are forced to petition Congress for an additional appropriation of funds as well. Mr. Speaker, I would like to emphasize that the Privacy Commission is an exception to this rule. Let me reiterate that this requested 2½-month extension does not involve the appropriation of any additional subsidies to the Privacy Commission. Moreover, the Privacy Commission will, in all probability, adhere to their planned reporting dates of June 10, 1977.

Section 5(g) of the Privacy Act of 1974 (Public Law 93-579)—a piece of legislation Representative EDWARD KOCH of New York and I were privileged to coauthor—mandates the Privacy Commission to submit its final report, coupled with its legislative recommendations, no later than June 10, 1977. I can assure you the Commission is making a concerted effort to meet this deadline. A summary report totaling approximately 600 pages, covering all 15 principal areas of the Commission's inquiry, is nearing completion, and will be submitted to both the President and Congress within a few weeks.

The Commission would like to utilize this additional 2½ months to complete a set of comprehensive appendix volumes to this summary report. These appendixes will contain indispensable documentation supporting the findings of the Commission. In addition, in the weeks immediately following the release of the Commission's report, interested parties—including members of this body—will undoubtedly have legitimate questions about it. Thus, it becomes important for the Commission to have someone around to answer the telephone. By the beginning of August, it is anticipated that the Commission's employees can easily be reduced to a skeletal staff of between five and eight people.

For the last 2 years, Representative KOCH and I have had the opportunity to serve as members of this distinguished Commission. We think the Privacy Protection Study Commission has done an exhaustive and commendable job investigating a very complex issue.

In closing, Mr. Speaker, I urge my colleagues to support this measure, because the Privacy Commission deserves our support.

Thank you.

Mr. ANNUNZIO. Mr. Speaker, in recent years Americans have become increasingly concerned with the lack of safeguards to assure the confidentiality of records maintained on them by the private sector. Technological advances—in particular, the development of computer data banks—have made it easy to store in a computer large amounts of information about an individual, and it has become even easier for that information to be rapidly "accessed" whenever necessary. Often, as in the case of many retail and credit granting companies, personal information is regularly supplied to governmental agencies without any sort of notification to the individual concerned. Moreover, the number of files maintained on individuals by the private sector is staggering. One concern alone, Sears, Roebuck & Co., has been estimated to have well in excess of 20 million credit accounts. With more and more information being compiled about individual citizens—information over which they have little or no control—it is no wonder that Americans have begun to fear for their traditional right of privacy.

In 1974 Congress passed the Privacy Act which was designed to establish safeguards on the use and accessibility of files on individuals held by the Federal Government. As a result of this act, with certain specified exceptions, files may be disclosed to another governmental agency only when the individual whose file is being requested consents to the disclosure. The act also allows individuals to request access to their own files.

The Privacy Act also established the Privacy Protection Study Commission with a mandate to study the data banks, automated data processing programs, and information systems of governmental, regional, and private organizations. The Commission was also charged with making recommendations to the President and the Congress concerning measures which may need to be taken to protect the privacy of individuals. The Commission was particularly directed toward information activities in the following fields: medical; insurance; education; employment and personnel; credit, banking, and financial institutions; credit bureaus; the commercial reporting industry, cable television, and other telecommunications media; travel, hotel, and entertainment reservations; and electronic check processing.

Mr. Speaker, I am pleased that the Privacy Protection Study Commission will soon be completing its report and I look forward to reading it. It is important that the Commission have sufficient time to prepare the backup material to its report. H.R. 6258 will extend the life of the Commission for several additional weeks in order to provide such time. I hope that the report of the Commission and its supporting information will result in positive legislative steps to protect the increasingly endangered privacy of American citizens.

Mrs. COLLINS of Illinois. Mr. Speaker, I urge my colleagues to join me in supporting the extension of the Privacy Protection Study Commission from July 10 to September 30, 1977, by voting for passage of H.R. 6258, reported by the Government Operations Committee, of which I am a member.

In this age of computerization and vital data storage, it is imperative that the citizens of the United States be assured that the best standards and procedures are being employed in the collection and dissemination of the personal information being processed by data banks, automated data processing programs, and information systems of governmental, regional, and private organizations.

I am most anxious to study the final report of the Commission, and see little controversy over passage of H.R. 6258, since the bill would require no additional authorization of funds.

Mr. McCLOSKEY. Mr. Speaker, I have no further requests for time.

Mr. PREYER. Mr. Speaker, I have no requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina (Mr. PREYER), that the House suspend the rules and pass the bill H.R. 6258.

Mr. MOTTL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 3 of rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the three veterans' bills that will be considered at this time.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

VETERANS' DISABILITY COMPENSATION AND SURVIVOR BENEFITS ACT OF 1977

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1862) to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans; to increase the rates of dependency and indemnity compensation for their survivors; and for other purposes.

The Clerk read as follows:

H.R. 1862

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Disability Compensation and Survivor Benefits Act of 1977".

TITLE I—VETERANS DISABILITY COMPENSATION

SEC. 101. (a) Section 314 of title 38; United States Code, is amended—

(1) by striking out "$38" in subsection (a) and inserting in lieu thereof "$40";

(2) by striking out "$70" in subsection (b) and inserting in lieu thereof "$74";

(3) by striking out "$106" in subsection (c) and inserting in lieu thereof "$112";

(4) by striking out "$145" in subsection (d) and inserting in lieu thereof "$154";

(5) by striking out "$203" in subsection (e) and inserting in lieu thereof "$215";

(6) by striking out "$255" in subsection (f) and inserting in lieu thereof "$270";

(7) by striking out "$302" in subsection (g) and inserting in lieu thereof "$320";

(8) by striking out "$350" in subsection (h) and inserting in lieu thereof "$371";

(9) by striking out "$393" in subsection (i) and inserting in lieu thereof "$417";

(10 by striking out "$707" in subsection (j) and inserting in lieu thereof "$749";

(11) by striking out "$879" and "$1,231" in subsection (k) and inserting in lieu thereof "$932" and "$1,305", respectively;

(12) by striking out "$879" in subsection (l) and inserting in lieu thereof "$932";

(13) by striking out "$968" in subsection (m) and inserting in lieu thereof "$1,026";

(14) by striking out "$1,099" in subsection (n) and inserting in lieu thereof "$1,165";

(15) by striking out "$1,231" in subsection (o) and (p) and inserting in lieu thereof "$1,305";

(16) by striking out "$528" in subsection (r) and inserting in lieu thereof "$560"; and

(17) by striking out "$791" in subsection (s) and inserting in lieu thereof "$838".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 102. Section 315(1) of title 38, United States Code, is amended—

(1) by striking out "$43" in subparagraph (A) and inserting in lieu thereof "$46";

(2) by striking out "$72" in subparagraph (B) and inserting in lieu thereof "$76";

(3) by striking out "$92" in subparagraph (C) and inserting in lieu thereof "$98";

(4) by striking out "$113" and "$21" in subparagraph (D) and inserting in lieu thereof "$120" and '$22", respectively;

(5) by striking out "$28" in subparagraph (E) and inserting in lieu thereof "$30";

(6) by striking out "$49" in subparagraph (F) and inserting in lieu thereof "$52";

(7) by striking out "$72" and "$21" in subparagraph (G) and inserting in lieu thereof "$76" and "$22", respectively;

(8) by striking out "$35" in subparagraph (H) and inserting in lieu thereof "$37";

(9) by striking out "$78" in subparagraph (I) and inserting in lieu thereof "$83"; and

(10) by striking out "$66" in subparagraph (J) and inserting in lieu thereof "$70".

SEC. 103. Section 362 of title 38, United States Code, is amended by striking out "$190" and inserting in lieu thereof "$201".

TITLE II—SURVIVORS DEPENDENCY AND INDEMNITY COMPENSATION

SEC. 201. Section 411 of title 38, United States Code, is amended to read as follows:

"§ 411. Dependency and indemnity compensation to a surviving spouse

"(a) Dependency and indemnity compensation shall be paid to a surviving spouse, based on the pay grade of the person upon whose death entitlement is predicated, at monthly rates set forth in the following table:

"Pay grade:	*Monthly rate*
E-1	$276
E-2	284
E-3	292
E-4	310
E-5	318
E-6	325
E-7	341
E-8	360
E-9	[1]376
W-1	348
W-2	361
W-3	373
W-4	394
O-1	348
O-2	360
O-3	386
O-4	407
O-5	448
O-6	505
O-7	547
O-8	599
O-9	643
O-10	[2]704

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $405.

"[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the

Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $755.

"(b) If there is a surviving spouse with one or more children below the age of eighteen of a deceased veteran, the dependency and indemnity compensation paid monthly to the surviving spouse shall be increased by $33 for each such child.

"(c) The monthly rate of dependency and indemnity compensation payable to a surviving spouse shall be increased by $83 if the spouse is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person.".

Sec. 202. Section 413 of title 38, United States Code, is amended to read as follows: "Whenever there is no surviving spouse of a deceased veteran entitled to dependency and indemnity compensation, dependency and indemnity compensation shall be paid in equal shares to the children of the deceased veteran at the following monthly rates:

"(1) one child, $139;

"(2) two children, $200;

"(3) three children, $258; and

"(4) more than three children, $285 plus $52 for each child in excess of three.".

Sec. 203. Section 414 of title 38, United States Code, is amended—

(1) by striking out "$78" in subsection (a) and inserting in lieu thereof "$83";

(2) by striking out "$131" in subsection (b) and inserting in lieu thereof "$139"; and

(3) by striking out "$67" in subsection (c) and inserting in lieu thereof $71".

TITLE III—EFFECTIVE DATE

Sec. 301. The provisions of this Act shall take effect on October 1, 1977.

The SPEAKER. Is a second demanded?

Mr. WYLIE. Mr. Speaker I demand a second.

Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Mississippi, Mr. Montgomery, and the gentleman from Ohio, Mr. Wylie, will be recognized for 20 minutes each.

The Chair now recognizes the gentleman from Mississippi (Mr. Montgomery).

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on April 19 and 20, 1977, the Subcommittee on Compensation, Pension, and Insurance, which it is my honor to chair, conducted 2 days of hearings reviewing the operations of one of the most important programs administered by the Veterans' Administration.

The Veterans' Administration disability compensation program provides monthly income for 2,242,263 veterans who have service-connected disabilities. Of this number, about 45,471 are disabled World War I veterans; 1,271,523 World War II veterans; 239,390 Korean conflict veterans; and 484,165 Vietnam era veterans. This program provides monthly benefits for service-connected disabled veterans and for the survivors of veterans who have died as a result of causes attributed to their military service. It has long been considered by the Congress that this is one of the primary obligations owed by the Nation to our veterans and to their survivors.

During the hearings, we received testimony on pending legislation which in general would increase the rates of disability compensation paid service-connected disabled veterans and the rates of dependency and indemnity compensation available to widows and children. The increases in this bill would provide approximately 6 percent across the board and the bill would provide as well for a 6-percent increase in the annual clothing allowance for veterans whose service-connected disabilities require the wearing of an orthopedic or prosthetic device which tends to wear or tear the clothing. Increases were last provided for this most deserving group of our beneficiaries October 1, 1976. At that time, Public Law 94-433 provided an 8-percent increase in payment levels as well as an increase from $175 to $190 in the clothing allowance.

The most recent report of the Department of Labor Bureau of Labor Statistics released May 20 showed that through the end of April 1977, a 4-percent increase in the Consumer Price Index had occurred since rates were last increased October 1, 1976. In testimony the Veterans' Administration recommended an increase in compensation rates of 4.9 percent. We had earlier received a report from the Congressional Budget Office containing a similar estimate of the increase that would occur in the period from October 1, 1976, to October 1, 1977. We settled on 6 percent in committee. The committee has subsequently been advised by the administration that they support an increase approximating 6 percent. With inflation existing over a period of years, it has been necessary for this committee to pay careful attention to efforts to maintain the adequacy of rates for benefits provided for veterans and their dependents.

Mr. Speaker, the cost of the bill for fiscal year 1978 is estimated by the Veterans' Administration at $312.5 million and will rise modestly to a level of $314.3 million in fiscal year 1982. The bill is not inflationary since it simply provides a cost-of-living increase no more than necessary to offset inflation since rates were last increased October 1, 1976.

This bill has the strong support of all major service organizations.

Mr. Speaker, I would be remiss at this point if I did not thank our distinguished Chairman, Mr. Roberts, the gentleman from Texas, for his counsel and leadership and the gentleman from Ohio, the distinguished ranking minority member of the subcommittee, Mr. Wylie, for his leadership and assistance in moving this legislation forward and before the House so early in the year. I also must thank the most able ranking minority member of the full committee, my distinguished colleague, Mr. Hammerschmidt, the gentleman from Arkansas. He continues to be a source of ready help when it comes to providing adequately for the welfare of our veterans and their survivors. I must be grateful to all the members of the subcommittee for their interest and support in considering this legislation and to the members of the entire committee for their assistance in providing this substantial benefit for our veterans.

Speaking in the interest of our service-connected disabled veterans and their families, I hope that this bill will receive unanimous approval by the House.

Mr. Speaker, I reserve the remainder of my time.

Mr. WYLIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1862. At the outset I want to express my sincere compliment to the chairman of the subcommittee, the gentleman from Mississippi (Mr. Montgomery) for his most diligent effort in bringing this bill to the floor. I also wish to commend the chairman of the full committee, the gentleman from Texas (Mr. Roberts) for his outstanding work for veterans and for his influence in expeditiously bringing this bill to the floor today. The gentleman from Arkansas (Mr. Hammerschmidt), the ranking minority member of the full committee, deserves praise for his effective support.

This bill provides for a 6-percent increase in the rates payable to veterans receiving compensation for disabilities related to their military service and to their widows and children in those cases where the veterans died in service or of a service-connected disability.

Under existing law, veterans whose service-connected disabilities are of such nature as to cause undue wear and tear on their clothing; for example, those who wear a prosthesis, are entitled to a special annual clothing allowance. This allowance also would be increased by 6 percent.

I agree with Mr. Montgomery that these veterans and dependents who are the recipients of these benefits are the most deserving class of citizen to which our country will always be indebted. The monetary awards that they receive are to compensate them as fully as possible for the loss of earning capacity resulting from the damage to their bodies from military service.

It is obvious, therefore, that if we are to live up to our obligation to these people, we must increase their awards in accord with the ever-increasing costs of living. H.R. 1862 will accomplish this, and I urge you to vote for it.

Mr. Speaker, I yield such time as he may consume to the ranking minority member of the Committee on Veterans' Affairs, the gentleman from Arkansas (Mr. Hammerschmidt).

Mr. HAMMERSCHMIDT. Mr. Speaker, I commend the distingiushed chairman of the Compensation, Pension and Insurance Subcommittee, the gentleman from Mississippi (Mr. Montgomery) as well as our very capable ranking minority member, the gentleman from Ohio (Mr. Wylie). It was my honor and pleasure to work with our very fine leader, the gentleman from Texas (Mr. Roberts), chairman, in helping bring this legislation to the House floor.

Mr. Speaker, I rise in support of H.R. 1862. This bill will provide a 6-percent increase in veterans compensation and in dependency and indemnity compensation rates, for those on the rolls October 1, 1977.

This proposed increase is designed to adjust compensation rates for our service-connected veterans and certain survivors of those who died of service-connected causes. The Congress has periodically reviewed the amounts of compensation to insure that they remain adequate as the cost of living increases. I originally introduced legislation that would provide a 10-percent increase in these rates. The administration proposed a 4.9 percent increase. However, the Congressional Budget Office staff has indicated to our committee that continued increases in the Consumer Price Index should reflect an overall increase of 6 percent from this past October, which was the last time we adjusted for inflation, and October 1977, when this present adjustment is scheduled to take effect. For this reason I support the 6-percent figure, and I urge my colleagues to do likewise.

I would like to add one cautionary note, however. The Bureau of Labor Statistics figures contained in our committee report indicate that, for the 6-month period from October 1976 through March 1977, the Consumer Price Index rose 3.2 percent, which is slightly ahead of the Congressional Budget Office prediction. Should the cost-of-living increase at a more rapid rate than the committee expected, the 10 percent I offered in my own bill may yet become necessary.

At this time, though, I intend to vote for H.R. 1862, and I recommend that my colleagues do likewise.

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the chairman of the Committee on Veterans' Affairs, the gentleman from Texas (Mr. ROBERTS).

Mr. ROBERTS. Mr. Speaker, I want to thank the very able chairman of our Subcommittee on Compensation, Pension, and Insurance, the distinguished gentleman from Mississippi, for his leadership in bringing this bill up for consideration so quickly. I also want to thank the distinguished gentleman from Arkansas, the ranking minority member of the full committee, Mr. HAMMERSCHMIDT, and the distinguished gentleman from Ohio, the ranking minority member of the subcommittee, Mr. WYLIE, for their cooperation in bringing the bill before the House for consideration. I also want to acknowledge the contribution made by all members of the Subcommittee on Compensation, Pension, and Insurance, the gentleman from Texas, "TIGER" TEAGUE; the gentleman from Georgia, Mr. BRINKLEY, the gentleman from North Carolina, Mr. HEFNER; the gentleman from Texas, Mr. HALL; the gentleman from Pennsylvania, Mr. EDGAR; and the gentleman from Ohio, Mr. GUYER. We are grateful for their leadership in the development of new initiatives to meet the changing needs of our deserving service-connected veterans.

Mr. Speaker, I think it is very appropriate that we focus our attention on legislation designed to improve the benefits and services for the service-connected disabled veteran since so much attention and undue consideration is being given to enhancing the status of those who evaded the draft and in those who deserted while serving their country during the Vietnam era.

The record of the House is unmatched in the passage of legislation benefiting our service-connected disabled veterans. The Congress has consistently shown its compassion and concern for those who suffer disabilities as a result of service in our Nation's Armed Forces.

This bill will cost more than $313 million during the first year following enactment. When considering the sacrifices the recipients of these benefits have made in defense of our country, it is, in my opinion, money well spent.

Mr. Speaker, the monthly benefits provided for service-connected disabled veterans and for the survivors of veterans who have died as a result of causes attributed to their active military service have long been considered the primary responsibility owed by the Nation to veterans and their survivors.

Historically, the Congress has periodically reviewed the operation of these programs to assure that they are meeting the needs of the veteran and survivor to whom the Nation owes a special obligation. With the inflation rate being what it is for the past several years it has been necessary to address the adequacy of the rates of the benefit being provided.

The present disability compensation for veterans and dependency and indemnity compensation rates for widows and orphans were last increased effective October 1, 1976, with the enactment of Public Law 94-433. The rates were increased by 8 percent.

These rates are almost unique in that they are not automatically adjusted for increases in the cost of living as are most transfer payments from the Government.

The reported bill (H.R. 1862) would provide a 6-percent increase in compensation and DIC rates for those on the rolls October 1, 1977. During the hearings each witness expressed concern about the continuing rapid rise in the cost of living, and supported the committee in its efforts to assure that the purchasing power of service-connected benefits keeps pace with these rising costs.

Although the administration suggested during the hearings that the amount of increase be limited to 4 9 percent, spokesmen acknowledged that should the Consumer Price Index figures indicate that the cost of living from October 1, 1976, through September 30, 1977, exceed 4.9 percent, the administration would support a change in rates consistent with an updated Consumer Price Index figure.

In addition to the 6-percent increase in those rated 10 percent through 100 percent, the bill provides the same increases in compensation payments for more serious disabilities—anatomical losses—rated (l) through (s) of section 314 of title 38, United States Code. The so-called "k" award of $56 is not increased since this is an "add-on" award, an award in addition to the basic payment according to percentage of disability which is being increased.

Additional amounts for dependents provided by section 315 of title 38, United States Code, in cases of veterans with service-connected disabilities of at least 50 percent would be increased 6 percent. Dependency and indemnity compensation—DIC—for widows and children would also be increased 6 percent.

There follows a brief section-by-section analysis of the reported bill:

Section-by-Section Analysis of H.R. 1862

Section 1: This section provides that the proposed act may be cited as the "Veterans' Disability Compensation and Survivor Benefits Act of 1977."

TITLE I—VETERANS DISABILITY COMPENSATION

Section 101: This section provides for an increase of approximately 6% in the rates of compensation paid veterans who have suffered service-connected injury or disease.

Section 102: Additional allowances for service disabled veterans are provided in behalf of spouses, children and dependent parents in all cases where the veteran is rated 50 percent or more disabled. Under the bill, these rates are increased approximately 6 percent across the board.

Section 103: This section provides an increase from $190 to $201 in the annual clothing allowance paid veterans whose service-connected disabilities require wearing of a prosthetic or orthopedic appliance which tends to wear or tear the clothing.

TITLE II—SURVIVORS DEPENDENCY AND INDEMNITY COMPENSATION

Section 201: This section provides for increases of approximately 6 percent in the rate of dependency and indemnity compensation (DIC) paid widows and children of veterans who die of service-connected causes.

Section 202 and Section 203: These sections would increase children's DIC rates by approximately 6 percent.

TITLE III—EFFECTIVE DATE

Section 301: The provisions of the proposed act shall take effect October 1, 1977.

Finally, Mr. Speaker, this legislation has the strong support of every major veterans' service organization. If enacted, it will increase the benefits for more than 2 million service-connected veterans and thousands of eligible survivors. I hope it will receive the overwhelming support of the House.

Mr. MONTGOMERY. Mr. Speaker, I thank the chairman for those words.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. MOTTL), who is also a member of the Veterans' Affairs Committee.

Mr. MOTTL. Mr. Speaker, I would like to join my colleagues in complimenting the gentleman from Mississippi for his outstanding work on this legislation and also complimenting the chairman of the full committee, the gentleman from Texas (Mr. ROBERTS), as well as the gentleman from Ohio, the ranking minority member on this subcommittee, and the gentleman from Arkansas, the ranking minority member on the full committee, for their outstanding effort.

Mr. Speaker, I associate myself with the remarks of the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. Speaker, I rise in support of H.R. 1862, a bill to increase the rates in disability compensation for service-connected veterans and the dependency and indemnity compensation payments for the survivors of veterans who were killed or died from service-connected causes.

The Congress has always given its highest consideration to the service-connected disabled. There are more than 2.2 million veterans who are presently so disabled from their service in the Armed Forces that they are receiving disability compensation payments from the Veterans' Administration. In addition, there are over 325,000 widows and children of veterans who were killed on the battlefield or died from service-connected causes who receive DIC payments from the Veterans' Administration. H.R. 1862 will provide a cost-of-living increase for these beneficiaries.

I am pleased that our Veterans' Affairs Committee has reported this legislation to the House since the cost of living will have increased by about 6 percent effective October 1, 1977. As we all know, inflation is the cruelest tax of all. It is imperative that the purchasing power of the compensation payments for our service-connected veterans and the survivors be maintained and kept in line with the cost-of-living increases. This legislation would accomplish that goal, and I strongly urge the adoption of this bill.

Mr. ANNUNZIO. Mr. Speaker, our country owes an enormous debt of gratitude to those veterans who made a special sacrifice and have suffered disabilities in defending the Nation during periods of war and hostility. It is their valor and courage which have helped to make this country great. We likewise owe a great debt to the survivors of those who made the supreme sacrifice.

Today, the House of Representatives is scheduled to vote on H.R. 1862, a bill which would authorize a 6-percent increase in the benefits received by disabled veterans and survivors beginning October 1, 1977. With the cost of living constantly on the rise, it is only fair that the amounts of compensation received by these individuals be increased to make up for the decline in the purchasing power of the dollar. I intend to vote in favor of H.R. 1862 and I urge my colleagues to do the same.

Mr. Speaker, the House also has before it today H.R. 6502. This bill will provide an automobile assistance allowance and automotive adaptive equipment to veterans of World War I. Currently these benefits are available only to veterans whose disability was incurred on or after September 16, 1940. It is only fair that these benefits, which are now provided to those who fought after 1940, be made available to World War I veterans who have suffered the same types of disabilities. I also strongly support H.R. 6502.

A third bill dealing with veterans affairs is also under consideration by the House today. H.R. 6501 would increase awards of service-connected compensation to certain veterans who have suffered the loss of their hands or feet, or the loss of the use of their hands or feet. I am also in support of H.R. 6501 and urge my colleagues to vote in favor of it.

Mr. HILLIS. Mr. Speaker, I rise in support of H.R. 1862, the Veterans' Disability Compensation and Survivors' Benefits Act of 1977. The Congress has traditionally reviewed its veterans' programs on an almost yearly basis to insure that those programs, which affect our veterans and their survivors, are doing the job we intended them to do. H.R. 1862 is a bill that has resulted from that review. This legislation provides approximately a 6-percent increase in the rates of compensation paid our veterans with service-connected disabilities and a 6-percent increase in dependency and indemnity compensation to widows and children of veterans who die of service-connected causes. I do not believe I have to elaborate on these provisions. The cost of living is increasing at a much faster rate than any of us want to see.

The problems our service-connected disabled and their survivors must face are staggering. Their case is a special one. They have given so much to our country. I believe that we must do all that we can to assist them in maintaining a suitable lifestyle. I would urge all of my colleagues to join me in my support of this measure and vote for its passage.

Mr. BURKE of Florida. Mr. Speaker, I rise in support of the three bills on the Suspension Calendar today to assist our veterans—H.R. 1862, the Veterans Disability Compensation and Survivor Benefits Act of 1977; H.R. 6501, increased compensation for veterans who have suffered the loss or use of paired extremities; H.R. 6502, to provide automobile assistance allowance and automotive adaptive equipment to veterans of World War I.

Memorial Day happily falls on May 30 this year which is the traditional date, but unusual since the Monday holiday law went into effect. It will be nice to be able to point out something that the 95th Congress has done for veterans since the focus by the Carter administration so far has been in assisting deserters, draft dodgers, and those who received a dishonorable discharge. At a time when those who did nothing to bear the battle are receiving generous treatment at the hands of our Government, it is fitting that we should remember with equal or greater generosity those who did fight for our country.

Although the three bills before us today are far from what I would like to see done to assist our veterans, I know they will be appreciated by veterans throughout our country.

H.R. 1862 is the result of the 5.8-percent increase in the cost of living since 1976. Congress has the responsibility of periodically reviewing: First, disability compensation for veterans with service-connected disabilities; second, the additional amounts for dependents paid to veterans rated 50 percent or more disabled; and third, dependency and indemnity compensation for the families of veterans who die from service-connected disabilities. The review has resulted in this recommendation of 6 percent effective October 1, 1977.

H.R. 6501 extends the entitlement under present law to include veterans with service-connected loss of paired extremities as totally disabled. Heretofore, veterans who lost one eye, one kidney, or hearing in one ear, and later lost the sight of the other eye, the function of the other kidney, or became totally deaf as a result of a non-service-connected cause, were entitled to total disability rating, but not those who lost one arm or leg, and then later lost the other extremity due to a non-service-connected cause were not entitled to total disability. I am happy to have the opportunity to vote to rectify this inequity.

H.R. 6502 extends to qualified World War I veterans the same entitlement to automotive adaptive equipment and automobile assistance allowance grants now available veterans who served on or after September 16, 1940. One of my personal disappointments is the failure of this body to assist the World War I veterans. In my opinion, our neglect of this rapidly diminishing group of citizens—all over 80—is a black mark on the conscience of our society.

Regrettably, nothing has yet been done on other legislation I have introduced to assist our veterans. I hope action will be taken on my bill to establish a pension for World War I veterans, and on my bill to halt the practice of giving with one hand and taking away with the other that causes veterans' pensions to be cut when social security benefits are increased.

It gives me great pleasure to exercise my duty as a Member of Congress and vote for H.R. 1862, H.R. 6501, and H.R. 6502. I only wish there were more bills forthcoming to assist our veterans so that I might have the privilege of voicing my support for them.

Mr. TEAGUE. Mr. Speaker, I join the chairman of the full committee in recognizing the great job being done by the chairman of the subcommittee, the distinguished gentleman from Mississippi (Mr. MONTGOMERY), the distinguished gentleman from Ohio (Mr. WYLIE), the ranking minority member of the subcommittee, and other members of the Subcommittee on Compensation, Pension, and Insurance. They continue to periodically review the compensation and DIC programs, almost on an annual basis, to assure that benefits under these programs are not eroded due to the current rate of inflation.

It should be noted that since 1917, the Consumer Price Index has risen about 359 percent for a veteran drawing compensation for 100-percent disability. During the same period the cumulative increase in compensation benefits is approximately 783.8 percent. I think the Congress has established an excellent record in behalf of our service-connected veterans and their families.

Mr. Speaker, the most recent increase in benefits resulted from the passage of Public Law 94-433 which became effective October 1, 1976. The rate of increase provided by the act for both the disability compensation and the dependency and indemnity compensation program for beneficiaries was approximately 8 percent at all payment levels.

It is estimated that between October 1, 1976, and October 1, 1977, the cost of living will have increased by approximately 6 percent. Therefore, in order to keep pace with the inflation factor, we must again raise the rates by 6 percent. This bill, if enacted, would become effective October 1, 1977. The increases provided for in the bill would cost about $313 million during the next fiscal year, and would provide additional income for some 2,242,263 veterans who have service-connected disabilities.

Mr. Speaker, I support H.R. 1862 and

I am sure it will be unanimously adopted by the House.

Mr. EDWARDS of California. Mr. Speaker, I want to join those who have expressed appreciation to the very able chairman of the Subcommittee on Compensation, Pension, and Insurance, the distinguished gentleman from Mississippi, for his leadership in bringing H.R. 1862 before the House. I want to also express my thanks to the distinguished chairman of the full committee, Mr. ROBERTS, and others who have worked diligently to provide additional benefits for our service-connected disabled veterans.

Mr. Speaker, the record of the House is unmatched in the passage of legislation benefiting our service-connected disabled veterans and their eligible survivors. The Congress has consistently shown its compassion and concern for those who suffer disabilities as a result of service in our Nation's Armed Forces.

The reported bill would provide a 6-percent increase in compensation and DIC rates for eligible veterans and survivors, effective October 1, 1977; thus, under the reported bill, a veteran rated 10 percent disabled would have his compensation increased from $38 to $40 per month; a veteran rated 100 percent disabled would be raised from $707 to $749 per month. In addition to basic compensation rates, higher statutory awards for certain multiple disabilities would also be increased by approximately 6 percent.

Mr. Speaker, more than 2 million veterans who have service-connected disabilities will receive additional monthly income should this bill be enacted into law. According to the Veterans' Administration, the cost would be approximately $313 million in fiscal year 1978; however, the rate increases provided under H.R. 1862 are not inflationary in that it simply provides a cost-of-living increase to offset the current inflation factor.

I strongly support the measure and hope the bill is adopted by the House.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time.

Mr. WYLIE. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. MONTGOMERY) that the House suspend the rules and pass the bill H.R. 1862.

Mr. WYLIE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 3, rule XXVII, and the prior announcement of the Chair, further proceedings on this motion will be postponed.

INCREASED COMPENSATION FOR VETERANS WHO HAVE SUFFERED THE LOSS, OR LOSS OF USE, OF PAIRED EXTREMITIES

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6501) to amend section 360 of title 38, United States Code, to provide increased awards of service-connected compensation to certain veterans who have suffered the loss or loss of use of paired extremities.

The Clerk read as follows:

H.R. 6501

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 360 of title 38, United States Code, is amended to read as follows:

"Where any veteran has suffered (1) blindness in one eye as a result of service-connected disability and has suffered blindness in the other eye as a result of non-service-connected disability not the result of his own willful misconduct, or (2) has suffered the loss or loss of use of one kidney as a result of service-connected disability, and has suffered severe involvement of the other kidney such as to cause total disability, as a result of non-service-connected disability not the result of his own willful misconduct, or (3) has suffered total deafness in one ear as a result of service-connected disability and has suffered total deafness in the other ear as the result of non-service-connected disability not the result of his own willful misconduct, or (4) has suffered the loss or loss of use of one hand or one foot as a result of service-connected disability, and has suffered the loss or loss of use of the other hand or foot as a result of non-service-connected disability not the result of his own willful misconduct, the Administrator shall assign and pay to the veteran concerned the applicable rate of compensation under this chapter as if the blindness in both eyes or such bilateral kidney involvement or such total deafness in both ears or loss of such paired limbs were the result of service-connected disability.".

SEC. 2. This Act shall take effect October 1, 1977.

The SPEAKER pro tempore. Is a second demanded?

Mr. WYLIE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. MONTGOMERY) and the gentleman from Ohio (Mr. WYLIE) are recognized for 20 minutes each.

The Chair recognizes the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6501 would amend section 360 of title 38 of the United States Code to provide that when a veteran has suffered the loss or loss of use of one hand or one foot as a result of service-connected disability and subsequently suffers from, as a result of non-service-connected disability not attributable to his own willful misconduct, the loss or loss of use of the other hand or foot, that veteran shall be paid the applicable rate of compensation applying to service-connected loss of paired limbs.

Currently, section 360 of title 38, United States Code, provides that a veteran who has suffered: One, service-connected blindness in one eye and then suffers blindness in the other eye as a result of non-service-connected disability not due to his own willful misconduct; or two, service-connected loss, or loss of use of one kidney and then suffers such severe involvement of the other kidney as to cause total disability, as the result of a non-service-connected disability not the result of his own willful misconduct; or three, service-connected total deafness in one ear and then suffers total deafness in the other ear as the result of a non-service-connected disability not the result of his own willful misconduct, shall be paid the applicable rate of compensation as if his blindness in both eyes or bilateral kidney involvement or total deafness in both ears were the result of service-connected disability.

The principle of "paired organ" impairment for cases of blindness and severe kidney involvement was established by the Congress through enactment of Public Law 87–610 on August 28, 1962. Prior to that time, a veteran who entered service with blindness of one eye and incurred blindness in the other eye as a result of service was entitled to the statutory rate of compensation payable for service-connected blindness of both eyes. If, however, a veteran entered service with two good eyes, incurred blindness in one eye in service, and then subsequent to such service, suffered blindness of the other eye as the result of a non-service-connected cause, he was entitled to compensation for unilateral blindness only.

A comparable situation also existed in the case of veterans with bilateral kidney involvement. In both instances, Congress decided that the service-connected loss of sight of one eye, or the loss, or loss of use, of one kidney was a direct causative factor in the ultimate resulting total disability. The Congress therefore enacted Public Law 87–610 to compensate both of these types of cases equally.

The established principle of "paired organ" impairment was later extended to total deafness by Public Law 89–311, signed into law October 31, 1965, in recognition of the additional disability attendant on the non-service-connected loss of function of a second paired organ when service connection has been established for the other organ.

The committee has felt that the additional disability attendant on the non-service-connected loss of function of a paired organ in those cases where service connection has been established for the first organ is truly responsible for the total incapacity which results. It is for this reason that the committee has chosen to apply the paired organ principle with equal force in the case of a veteran who has suffered the loss or loss of use of one hand or one foot from service-connected causes and then later loses the paired extremity from non-service-connected causes.

The Veterans' Administration estimates that the cost of the proposed bill would not exceed $1 million in fiscal 1978. Service organizations have uniformly supported enactment of this bill. I would hope that this House would unanimously support the bill in an effort to assist these particularly deserving veterans.

Mr. WYLIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in wholehearted support of this legislation, H.R. 6501. I think this is very significant, very important legislation and that this is an historic moment.

Mr. Speaker, as has been mentioned by the gentleman from Mississippi, there is on the books right now legislation which would provide for extra compensation where a paired organ is lost, such as the loss of a second eye or where total deafness occurs in the second ear or where the loss of a second kidney occurs following the loss of one organ as a result of military service.

I think I should tell the Members of the House that witnesses from the Veterans' Administration came before our subcommittee and testified in opposition to this bill. The reason given in opposition to it was because the loss of a second arm, for example, is not in the same categeory as the loss of a second eye, or the loss of a paired organ. The loss of a paired limb, such as the loss of a leg or arm it was stated can be replaced by an artificial limb or prosthetic device.

We did not take the same view in the subcommittee or the full committee, I am pleased to say; so we have brought this bill here today, which simply stated, would provide that if a veteran has lost an extremity, an arm or a leg, as a result of military service and later loses his other arm or leg then the veteran will be compensated for that. This bill is an extension of the same reasoning with regard to extremities as applies to blindness in one eye, total deafness in one ear or the loss of one kidney.

I think it is the right thing to do. We heard testimony from various veterans' organizations in support which impressed me.

The cost is not all that great, so I would urge Members to vote in favor of this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. HAMMERSCHMIDT).

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of H.R. 6501. This bill would extend the so-called paired organ principle with regard to compensation benefits to persons who have suffered the loss of paired limbs.

Under the paired organ principle, a veteran who suffers the service-connected loss of an eye or kidney or ear, and then suffers a non-service-connected loss of the other organ, receives compensation as if both losses were service-connected. The rationale behind such a principle is that the loss of one organ places a strain on the other, which can be said to accelerate its deterioration.

I believe this rationale holds true for loss or loss of use of paired limbs as well. For example, anyone who has had a leg injury, and had to rely exclusively on the other leg for a period, is familiar with the additional strain. Sitting down and rising wear at the good leg, and most certainly help cause its eventual deterioration. It seems only just to me that such eventual loss, or loss of use, be compensated.

I am not at all impressed by the argument of the administration that the loss of a limb is remediable through a prosthesis, and consequently is a different sort of disability than a paired-organ case. It makes as much sense to me to say that the loss of an eye is remediable through an artificial eye. Surely we should not let the availability of a cosmetic improvement alter the logic of this most sensible piece of legislation.

The cost of this legislation, according to the Congressional Budget Office, would be nominal. The justice would be great. I urge my colleagues to join me in support of H.R. 6501.

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. ROBERTS), the chairman of the Committee on Veterans' Affairs.

Mr. ROBERTS. Mr. Speaker, the reported bill would provide that where a veteran suffered the loss or loss of use of one hand or one foot as the result of a service-connected disability and later suffers the loss or loss of use of the other hand or foot as the result of a nonservice-connected disability, not the result of his own willful misconduct, the veteran would be paid the applicable rate of compensation as if the loss of paired extremities were the result of a service-connected disability.

Under current law a veteran who has suffered service-connected blindness in one eye and later suffers blindness in the other eye as a result of a non-service-connected disability, is paid the applicable rate of compensation as if his blindness in both eyes were the result of a service-connected disability. The so-called paired organ principle also applies to total deafness in both ears or bilateral kidney involvement.

The committee supports the view of most service organizations that the paired extremity principle is a logical and reasonable extension of the law and should apply with equal force. As in the case of paired organ impairment, the resulting total disability is the same in each case.

I strongly support the bill and hope it is approved by unanimous vote.

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. MOTTL).

Mr. MOTTL. Mr. Speaker, I rise in support of H.R. 6501, which proposes to increase the compensation rates for a very small number of seriously disabled veterans. As has been explained, this legislation refers to what is commonly known as the paired organ principle. Since 1962 veterans who have suffered certain service-connected losses of one organ and then following discharge from the Armed Forces suffered a nonservice-connected loss of the other organ, are considered under the law to be entitled to service-connected compensation as if both losses were service-connected incurred. I am referring to blinded veterans, totally deaf veterans, and veterans who suffered a total disability because of a loss of kidney function. Now H.R. 6501 would extend this paired organ principle to veterans who have suffered a service-connected loss or loss of use of one arm or one leg and suffered a subsequent loss or loss of use following discharge of the other extremity.

The Congress has always given the highest priority to our service-connected veterans. This legislation carries out this longstanding principle. I urge the adoption of this meritorious measure.

Mr. TEAGUE. Mr. Speaker, I support the passage of H.R. 6501. This bill will extend the paired organ principle to a veteran who has suffered the loss, or loss of use, of one hand or one foot as a result of a service-connected disability, and subsequently suffers the loss, or loss of use, of the other hand or foot as the result of non-service-connected causes. It is a reasonable extension of current law.

As explained by the distinguished gentleman from Mississippi, the chairman of our Subcommittee on Compensation, Pension, and Insurance, under current law a veteran who has suffered service-connected blindness in one eye and then suffers blindness in the other eye as a result of a non-service-connected disability not due to his own willful misconduct, shall be paid the applicable rate of compensation as if his blindness in both eyes were the result of a service-connected disability. The same applies for the loss or loss of use of both kidneys, or total deafness in both ears.

Mr. Speaker, the committee, in extending the law to include paired extremities, recognizes that in all of these type cases the resulting total disability is the same.

Although the bill, if enacted, is estimated to cost only $1 million during fiscal year 1978, it will provide much needed benefits to a few severely disabled veterans. I support the bill and urge that it be adopted by the House.

Mr. HILLIS. Mr. Speaker, I rise and ask the support of my colleagues for H.R. 6501. This legislation is not of an earth-shaking nature. It does not affect many people, but those it does affect are affected in a very real way. I will not elaborate on the purposes of the bill because the distinguished chairman of the Veterans' Affairs Committee has done so already. However, I do feel that it is imperative that I bring out the fact that the Veterans' Administration presented testimony in opposition to this bill. The VA stated that this extension of entitlement is not consistent with past decisions concerning loss of sight or hearing or renal failure. They stated that the loss of paired extremities is replaceable by prosthetic devices where loss of the aforementioned bodily functions are not. I would agree with this statement in part, but I believe that it is imperative to look at the catastrophic predicaments one is placed in if he loses the use of both arms or both legs. I believe that the committee's action in reporting this bill for consideration unanimously shows our feelings about the question of disability. I would ask for an affirmative vote on this bill.

Mr. EDWARDS of California. Mr. Speaker, I strongly support the bill H.R. 6501, which would amend section 360 of title 38, United States Code, to provide increased awards of service-connected compensation to certain eligible veterans. H.R. 6501 would provide that a veteran who has suffered the loss, or loss of use, of a hand or foot due to service-connected causes and subsequently suffers the loss, or loss of use, of the other hand or foot due to nonservice-connected causes, shall receive disability compensation at the rate applicable as if both losses were service-connected. Under current law, the higher applicable service-connected rate is paid to veterans with blindness in both eyes, or total loss of hearing in both ears, or bilateral kidney involvement.

The reported bill is a logical extension of the current law in that it recognizes the additional disability attendant on the non-service-connected loss, or loss of use, of a paired extremity. In each case the resulting total disability is the same.

This is not a costly measure and it will not affect a large number of veterans; however, for those few who lost paired extremities, the additional benefits provided by this bill will make life much more bearable and meaningful.

I hope the House will unanimously support the bill.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time.

Mr. WYLIE. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore (Mr. Murtha). The question is on the motion offered by the gentleman from Mississippi (Mr. Montgomery) that the House suspend the rules and pass the bill, H.R. 6501.

The question was taken.

Mr. WYLIE. Mr. Speaker, on that I demand the yeas and nays

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING AN AUTOMOBILE ASSISTANCE ALLOWANCE AND AUTOMOTIVE ADAPTIVE EQUIPMENT TO VETERANS OF WORLD WAR I

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6502) to amend title 38 of the United States Code to provide an automobile assistance allowance and to provide automotive adaptive equipment to veterans of World War I.

The Clerk read as follows:

H.R. 6502

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1901(1)(A) of title 38, United States Code, is amended by inserting immediately before "on or after September 16, 1940:" the following: "during World War I or".

SEC. 2. This Act shall take effect October 1, 1977.

The SPEAKER pro tempore. Is a second demanded?

Mr. WYLIE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. Montgomery) and the gentleman from Ohio (Mr. Wylie) will be recognized for 20 minutes each.

The Chair recognizes the gentleman from Mississippi (Mr. Montgomery).

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6502 would provide an automobile allowance, together with special adaptive equipment, to eligible veterans of World War I on the same basis now available to eligible veterans with service after September 16, 1940. The bill on which hearings were held (H.R. 1864), would have provided as well for adaptive equipment for automobiles for any veteran with a service-connected disability rated not less than 30 percent who was found to need special equipment because of his disabilities. In the course of testimony, we heard differing views on the wisdom of the 30-percent disabled portion of the bill but the committee was in total agreement on the equity of extending the automobile allowance together with needed equipment to veterans of World War I who lost a hand or a foot or who are blind as a result of service. After hearing all of the testimony, H.R. 6502 was on May 12 considered by the full committee and unanimously approved and ordered favorably reported.

The only thing this bill does is provide for a one-time automobile grant to veterans of World War I on the same basis such grants are now made to veterans of wartime and peacetime service from September 16, 1940, together with adaptive equipment required by the service-connected loss of an extremity or blindness that supports the grant of the automobile allowance.

Currently, only veterans who served on or after September 16, 1940, the date the first federalized National Guard units entered upon active duty, and those who served during World War II or thereafter are eligible for assistance in providing an automobile or other conveyance.

The program of basic automobile assistance grants was established by the Congress in Public Law 70–663 and enacted on August 8, 1946. Under that law, certain disabled veterans of World War II—with service between December 7, 1941, and December 31, 1946—were provided with, or assisted in the purchase of, an automobile or other conveyance.

Public Law 82–187, enacted on October 20, 1951, extended these benefits to veterans of the Korean conflict—with service between June 27, 1950, and January 31, 1955. Public Law 90–77, effective October 1, 1967, further extended these benefits to any veteran with service after January 31, 1955.

Public Law 91–666, enacted December 31, 1970, and effective on January 11, 1971, increased the maximum amount payable toward the purchase of an automobile or other conveyance from $1,600 to $2,800. For the first time the law also provided for VA payments for necessary adaptive equipment as well as for the maintenance, replacement, and installation thereof.

Public Law 93–583, enacted December 22, 1974, changed the definition of "eligible person" to include any veteran of service after World War II.

Public Law 94–433 extended eligibility for the automobile allowance and automotive adaptive equipment to veterans who served on or after September 16, 1940.

The estimated cost of this bill is approximately $1 million in the first year, increasing in 5 years to approximately $1.7 million. This would offer about 300 cars in the first year. We are told that expenses attendant upon furnishing necessary adaptive equipment would not be considerable.

There is no data available by which to determine how many of those veterans who would be newly eligible for this benefit would actually apply for it. It is reasonable to assume, however, that the number of applicants would be very small since all World War I veterans are now 75 years of age. The average age for these veterans is 81. It is highly unlikely that many veterans in this age bracket who have disabilities which impair their ability to operate a car, will have valid drivers licenses. The Congressional Budget Office, therefore, estimates that the cost of this bill would be $1 million or less. Assuming that all new awards resulting from this measure are made in fiscal year 1978, beneficiaries would be eligible for reinstallation of the adaptive equipment in a new car in 1981, although a second automobile allowance would not be made.

These veterans will, however, be able to enjoy the benefit of the automobile for restored mobility when operated for them by another person.

I urge your unanimous approval of this extended benefit for our World War I veterans.

Mr. WYLIE. Mr. Speaker, I rise in support of H.R. 6502, and I am pleased to be a cosponsor of this bill, also, I think, for the Record, I ought to make note of the fact that the administration is also opposed to this bill. I know that one of the reasons the administration is opposed is because of the retroactive application of this bill in that it applies to veterans who served before September 1, 1940. I mention this because it serves to emphasize my compliment to the gentleman from Mississippi, the chairman of the subcommittee (Mr. Montgomery) and the gentleman from Texas, the chairman of the full committee (Mr. Roberts), that the administration position against this bill is not necessarily binding on them.

Mr. Speaker, I think this is a very fair bill. This bill would extend to veterans who served before September 16, 1940, the same benefits of the automobile allowance and the automotive adaptive equipment to veterans who have served since World War I. As I say, it seems to me only fair that we give some consideration to these veterans of World War I in their declining years so that they will better be able to enjoy themselves.

Mr. Speaker, I certainly hope my colleagues will pass this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. Hammerschmidt).

Mr. HAMMERSCMIDT. Mr. Speaker, I rise in support of H.R. 6502. This is a low-cost, equitable piece of legislation designed to extend to certain World War I veterans the same entitlements for an automobile assistance allowance and automotive adaptive equipment that their counterparts from all later wars are now entitled.

This entitlement grew out of World War II. It was extended to Korean war veterans, then to post-Korean veterans with injuries incurred as a direct result of performance of military duty. Finally, in 1974, all veterans of service after

World War II became eligible. I believe it was nothing more than legislative oversight that caused World War I veterans to be excluded from this expansion of entitlement, and I urge my colleagues to join me in correcting that inequity today.

It has been claimed by the administration that the original purpose of the legislation was rehabilitative, being designed to help disabled veterans become more mobile, thus enhancing their employability. While this may be one purpose of making adapative equipment available, I cannot accept that it is the sole purpose. The veteran who would be covered by this bill is one who lost a limb, or lost the use of a limb, or two limbs, or his sight, as the result of his military service. It should not matter whether such a person needs adaptive equipment for a car in order to work, or simply for his own enjoyment. He needs adaptive equipment because of his service injuries, and it is the duty of the Government that called him into the service to provide it for him.

I invite my colleaguse to join me in favor of H.R. 6502.

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the chairman of the full committee, the gentleman from Texas (Mr. ROBERTS).

Mr. ROBERTS. Mr. Speaker, the reported bill would extend eligibility under the Veterans' Administration's automobile and adaptive equipment program to veterans who served during World War I.

Currently, only veterans who served on or after September 16, 1940, the date the first federalized National Guard units entered upon active duty, and those who served during World War II and thereafter are eligible for this automobile assistance.

The administration is opposed to the bill, arguing that the automobile allowance was established as a rehabilitative benefit, principally as a means of assisting certain disabled veterans in their employment endeavors.

The committee was unwilling to accept this reasoning. Although the automobile allowance was originally intended as a rehabilitative benefit, over the years the law granting such benefit has changed extensively and its provisions have become more encompassing.

Mr. Speaker, considering the provisions of the present law, to continue its restrictions as a rehabilitative benefit for veterans of World War II and thereafter no longer appears to be valid or equitable and I hope the bill is adopted by a unanimous vote of the House.

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. MOTTL).

Mr. MOTTL. Mr. Speaker, I rise in support of H.R. 6502, which proposes to provide automobile assistance and adaptive equipment to certain seriously service-connected disabled veterans of World War I.

Since 1946 veterans who have suffered certain losses or loss of use of extremities or are blind have been provided a grant for the purpose of purchasing an automobile and certain automobile adaptive equipment to help them overcome the losses which were incurred in the service. A review of this program has revealed that the veterans of World War I who are suffering from similar service-connected disabilities were never provided this kind of assistance. Many World War I veterans have brought to my attention that veterans of that war have not been provided comparable assistance that is available to veterans of more recent wars. This is true with respect to automobile assistance for certain seriously service-connected disabled veterans.

I am pleased, therefore, to lend my support and urge adoption of this bill. When the budget resolution for the Veterans' Affairs Committee was approved, extra money was added for assistance to World War I veterans. H.R. 6502 is in keeping with this concern of the Congress for our veterans of World War I whose average age is now 81.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time.

Mr. WYLIE. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. Mr. Speaker, I rise in support of H.R. 6502. This bill affects fewer than 500 of our more elderly veterans. We have seen much support for assistance to our World War I veterans in the past few weeks. This bill, as I said, affects very few veterans, but its total effect will be very important to them. In this day and age, transportation is essential. As we grow older that need increases even more. With age, mobility decreases, as we well know.

This bill will extend the automobile grant to our disabled veterans of World War I. The language provides a grant to go toward the purchase of an automobile and assistance to add special equipment to that vehicle or to their present vehicle to assist them in operating that vehicle safely.

I urge you to support this measure.

Mr. TEAGUE. Mr. Speaker, I strongly support the passage of H.R. 6502. The bill would simply extend eligibility under the VA's automobile and adaptive equipment program to veterans who served during World War I. Under the program, the Administrator of Veterans' Affairs may provide an automobile or other conveyance to each eligible person by paying the total purchase price of the automobile—including all State, local, and other taxes—or $3,300, whichever is the lesser. In addition, he shall provide the adaptive equipment deemed necessary to insure that the eligible person will be able to operate the automobile in a manner consistent with his own safety and the safety of others, and so as to satisfy the applicable standards established by the State of the veteran's residency.

Mr. Speaker, to be eligible for the assistance provided by this bill the veteran must have a service-connected disability resulting in the loss, or permanent loss of use, of one or both hands, or blindness.

Currently, veterans who served on or after September 16, 1940, are eligible to receive the benefits. The only group of wartime veterans not covered is the World War I group.

Mr. Speaker, it is estimated that about 300 World War I veterans will benefit from the passage of this legislation. The Veterans' Administration estimates the cost to be approximately $1 million in fiscal year 1978 with a total 5-year cost between $1.2 and $1.7 million.

Even though World War I veterans are generally of advanced age and many probably will not take advantage of the benefit, the Veterans' Administration estimates that approximately half of those who would be eligible under this bill will avail themselves of the benefit. Although those who will benefit are in their late seventies or early eighties, many can qualify to operate an automobile. If the veteran cannot qualify, however, the Administrator is required to provide, or assist in providing, an automobile to the veteran if the automobile is to be operated for the eligible veteran by another person.

Mr. Speaker, this bill will be meaningful to many eligible World War I veterans, and I urge my colleagues to vote for its passage.

Mr. EDWARDS of California. Mr. Speaker, I rise in strong support of H.R. 6502 which would provide an automobile assistance allowance and, where applicable, automotive adaptive equipment to veterans of World War I. Since the program of basic automotive assistance was first established by Congress in Public Law 79–663 and enacted on August 8, 1946, there have been many amendments extending the benefit to numerous veterans and increasing the automobile allowance rate. Currently, a veteran who served on or after September 16, 1940, and those who served during World War II or thereafter are eligible for assistance. I am very pleased that the committee has taken action to now grant the benefit to eligible World War I veterans.

Veterans' Administration officials opposed the bill when hearings were held in April on the basis that the automobile allowance was established as a rehabilitative benefit, and since veterans who served in World War I are now beyond the normal working age, they are highly unlikely to benefit from the allowance in terms of rehabilitative adjustment and employability. As has been pointed out by the chairman of the subcommittee, the Committee on Veterans' Affairs did not accept this reasoning since over the years the law granting the automobile allowance and adaptive equipment has now become a general benefit rather than a rehabilitative benefit. Therefore, as a matter of equity, I shall support the bill and hope that it is favorably adopted by the House.

Mr. WYLIE. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. MONTGOMERY) that the House suspend the rules and pass the bill H.R. 6502.

The question was taken.

Mr. WYLIE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this vote will be postponed.

CIVIL RIGHTS COMMISSION AUTHORIZATION ACT OF 1977

Mr. EDWARDS of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5645) to raise the limitation on appropriations for the U.S. Commission on Civil Rights.

The Clerk read as follows:

H.R. 5645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Rights Commission Authorization Act of 1977".

SEC. 2. Section 106 of the Civil Rights Act of 1957 (42 U.S.C. 1975e) is amended to read as follows:

"SEC. 106. For the purposes of carrying out this Act, there is hereby authorized to be appropriated for the fiscal year ending September 30, 1978, the sum of $10,540,000 and such additional amounts as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law which arise subsequent to the date of the enactment of the Civil Rights Commission Authorization Act of 1977.".

The SPEAKER pro tempore. Is a second demanded?

Mr. BUTLER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. EDWARDS) will be recognized for 20 minutes, and the gentleman from Virginia (Mr. BUTLER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5645 is a simple bill to raise the limitation on appropriations for the U.S. Commission on Civil Rights for fiscal year 1978.

The Commission is a temporary independent and bipartisan agency established by Congress in 1957 to study issues of significant civil rights impact and to submit reports and recommendations on its findings to the President and Congress.

The legislative life of the Commission has been extended five times, the latest action for 5 years until the end of fiscal year 1978. At that time, a limitation of $7,000,000 was placed on the Agency's appropriations. It has been necessary, therefore, to raise periodically the authorization ceiling for the Commission.

H.R. 5645 would authorize funding for fiscal year 1978 of $10,540,000 which represents an increase of $1,090,000 over the fiscal year 1977 level of this total, however, only $462,000 represents new spending because both Houses of Congress have passed bills containing fiscal year 1977 supplemental appropriations for the Commission amounting to $628,000—$300,000 for pay costs and $328,000 for the age discrimination study. Taking these anticipated 1977 supplemental appropriations into account, the Commission's proposed increase for fiscal year 1978 amounts to less than $500,000, the bulk of which will be allocated to budget changes which cannot be controlled by the Commission such as increases in telephone costs or salaries.

The total authorized level for fiscal year 1978 of $10,540,000 reflects the appropriation request for the Commission and has been approved by the Office of Management and Budget as consistent with the President's program.

The accomplishments of the Commission have been extraordinarily impressive. In fiscal year 1975, the Commission completed and published 12 statutory reports, 26 reports of its State Advisory Committees, and numerous clearinghouse reports. Each of these publications reflected intensive investigation and research, and embodied sound factual analysis.

Among the statutory reports, the Commission's "The Voting Rights Act: Ten Years After" proved to be an invaluable information resource to Congress during the legislative deliberations on Amendments to the Voting Rights Act, and many of the Commission's legislative recommendations were incorporated in the Voting Rights Act Amendments of 1975. Moreover, the information and materials gathered by the Commission staff and its State Advisory Committees on voting practices in uncovered jurisdictions provided Congress with vitally needed information.

The Commission's series of statutory reports entitled "The Federal Civil Rights Enforcement Effort—1974," provided Congress and the American people with detailed evaluations of the manner in which various executive departments and agencies were carrying out their duty to enforce nondiscrimination laws, regulations, and executive orders in such important areas as housing, education, employment, and revenue sharing.

The reports contained numerous practical recommendations to Congress and the President for improving the enforcement of laws designed to guarantee nondiscrimination and equal opportunity. To date, the Commission has published six volumes in this series and expects to publish volume VII on the Civil Rights Enforcement Effort of the Executive in June 1977. The Commission also completed another series of statutory reports which analyzed the Nation's progress in securing equal educational, economic, and housing opportunities for minorities and women in the two decades since the Supreme Court's decision in Brown against Board of Education.

The Commission's concern with desegregation resulted in several reports and consultations during the last fiscal year. The major result of this effort was a report issued in fiscal year 1977, entitled "Fulfilling the Letter and Spirit of the Law: Desegregation of the Nation's Public Schools." It pointed the way the Nation should move if it wants to complete its promise of equal, quality education for all its children. This was not the Commission's first work in this field, however. It was preceded by the much acclaimed in-depth study of desegregation in Prince Georges County, Md. Later in the last fiscal year, an analysis of "metropolitanwide" desegregation plans was published. In all these reports the Commission has provided an independent, unbiased, and dispassionate look at desegregation and associated issues.

With such a complicated matter to deal with, the Congress is fortunate to be able to rely on an agency whose sole purpose is to investigate and study these problems and provide information for their solution.

The research conducted by the Civil Rights Commission's staff has been effectively complemented by the efforts and activities of the Commission's State Advisory Committees. The Commission has chartered and established State advisory committees in each of the 50 States and the District of Columbia. The committees, made up of private citizens who serve without compensation, regularly report to the Commission on the civil rights issues and problems of their respective States.

Last fiscal year, the Commission's 51 State advisory committees were involved in a total of 325 meetings, conferences, and special work assignments. In addition to purely local projects, several advisory committees participated in the Commission's administration of justice in prison project, undocumented aliens field investigation, and the native American State advisory committee project. State advisory committee reports, published by the Commission, covered such topics as equal employment opportunities, the problems of Spanish origin persons in education, employment, and police-community relations, and sex discrimination in textbooks, employment, and housing.

The Commission has undertaken and plans to complete in fiscal year 1978, a number of studies on a range of civil rights issues. They include a study of affirmative action programs; employment opportunities for women and minorities; the civil rights problems of Asian and Pacific peoples and labor unions and equal employment. The Commission also intends to hold hearings on administration of justice with respect to native Americans, as well as hearings on the impact of foreign governments on Americans' civil rights.

Future Civil Rights Commission projects and reports promise to furnish Congress, the President, and the American people new information on vitally important civil rights issues and problems. The Commission plans studies on coerced sterilization—both overt coercion and uninformed consent—the reduction of intergroup conflict, Federal enforcement of title IX, discrimination in the military, the shortcomings of the Federal enforcement of title VI, and the ability of schools to effectively educate minority students. The Commission also plans several consultations on topics such as domestic violence, and alternatives to traditional civil rights programs. Finally, as directed by Congress in Public Law 94-135, the Commission will complete its study of age discrimination in federally assisted programs by early fiscal year 1978.

Mr. Speaker, I reserve the balance of my time.

Mr. BUTLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5645 seeks to amend section 106 of the Civil Rights Act of 1957, to raise the authorization level for the U.S. Commision on Civil Rights for fiscal year 1978 to $10,540,000. Last year, the Congress set the Civil Rights Commission authorization level at $9,540,000 or $1 million less than what the Commission requests this year. Pursuant to that authorization, the Congress appropriated $9,450,000 for fiscal year 1977, but granted an additional $628,000 in the form of supplemental appropriations for pay increases and further support for the high costs of the Commission's age discrimination study.

The Commission contends that it is requesting only an additional $426.000 above last year's total appropriation. However, H.R. 5645 not only establishes a limitation on appropriations at $10.54 million, but provides for such additional amounts as may be necessary for increases in salaries, retirement, and other employee benefits authorized by law. Thus, if Federal employees receive the traditional annual October pay increase, the Commission will return to the Congress seeking a supplementary appropriation to fund the additional costs of increases and supporting benefits. Each year since 1970, the Commission has sought and received from Congress supplemental appropriations.

The Civil Rights Commission was originally established for a 2-year period by the Civil Rights Act of 1957. The legislative life of the Commission has been extended five times, most recently in 1972, for a 5-year period. The Commission is once again scheduled to expire at the end of the upcoming fiscal year.

On March 28, 1977, I joined with my colleague, the gentleman from California (Mr. EDWARDS) in introducing this legislation. I joined as a sponsor of this bill because I believe that the Commission merits bipartisan support. However, I announced at that time, that I was reserving judgment and consequently my vote on this legislation until the Commission testified before the Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary.

Thereafter, the subcommittee received testimony from representatives of the Civil Rights Commission during 2 days of hearings. After I had the opportunity to hear the testimony and review the Commission's recent accomplishments and proposed projects for the upcoming fiscal year, I decided to support H.R. 5645 with some reluctance.

My reluctance to support this increased authorization is a direct result of the astronomical increases in the Commission's operating expenses. For the first 14 years of its existence, the Commission cost the taxpayer no more than $4 million per annum to produce several major studies and reports. In fact, as recently as 1975, this group carried out its task for less than $7 million per year. In just the last 2 years, Congress has authorized funding increases totalling close to 30 percent. At the conclusion of this statement, I plan to place in the RECORD a chart which shows in detail the rapid escalation in Commission expenses.

During its early years, the Commission concentrated primarily on racial discrimination against black Americans. In the past, I have taken issue with some of the conclusions reached and recommendations proposed in Commission reports. The reports and studies, however, have always appeared to represent a factual, professional analysis, prepared as a result of diligent and nonpartisan research.

Many of the civil rights laws enacted over the past 17 years have included Commission recommendations. In fact, the Commission has provided assistance to the Judiciary Committee on such complicated issues as voting rights, discrimination and school desegregation. These concerns are expressly provided for as an appropriate subject area for the Commission to study in the Civil Rights Act of 1957.

Recently, however, the Commission has decided to investigate and report on issues which are, at best, questionable and which, in fact, duplicate the efforts of Federal departments and agencies. Of most concern to the members of the subcommittee were studies scheduled to be initiated during the remainder of fiscal year 1977, and proposed studies for fiscal year 1978. It was the belief of some members of the subcommittee that the Commission was prepared to investigate and report on areas which were highly questionable in light of the Commission's jurisdiction which is clearly stated at 42 United States Code 1975.

This year, for the first time, the Commission is asking the Congress to authorize appropriations over the $10 million mark. This will provide salaries for a full-time staff which is scheduled to be increased to 296 members. The use of consultants and experts, which has likewise proliferated during the last few years, cost the taxpayer close to $100,000 during fiscal year 1976.

Fiscal year 1978 will mark the final year of the Commission's existence under current law. The Commission does many things well and it should be permitted to continue for the 1 year remaining under its charter. Undoubtedly, we will be asked to extend the life of the Commission beyond September 30, 1978. I call on the Members of Congress to watch the Commission carefully and to thoroughly review the results of its upcoming work product. It is my hope that next year, the Congress will undertake an extensive review of the Commission's budget and expenditures based on the principle of zero base budgeting.

As we are all aware, many Federal departments and agencies employ several persons whose sole function is to insure that those departments and their contractors comply fully with the civil rights statutes. It may well be the time for these groups to assume the powers and responsibilities exercised by this Commission.

APPROPRIATION HISTORY—LIST OF CIVIL RIGHTS COMMISSION AUTHORIZATION LIMITATIONS, APPROPRIATIONS, SUPPLEMENTAL APPROPRIATIONS, UNOBLIGATED BALANCES (MONEY RETURNED TO THE FEDERAL TREASURY) AND ACTUAL EXPENDITURES FOR FISCAL YEARS 1959 THROUGH 1977

Year	Authorization limitations	Appropriations	Supplemental appropriations	Unobligated balances	Actual expenditures
1959	(1)	$750,000	$27,000	$52,000	$725,000
1960	(1)	280,000	500,000	25,000	755,000
1961	(1)	850,000	38,000	36,000	852,000
1962	(1)	302,000	586,000	121,000	767,000
1963	(1)	950,000	9,500	(2)	959,500
1964	(1)	985,000	----------	126,000	859,000
1965	(1)	985,000	295,000	81,000	1,199,000
1966	(1)	1,500,000	421,000	5,000	1,916,000
1967	(1)	2,500,000	----------	87,000	2,413,000
1968	$2,650,000	2,650,000	----------	3,000	2,647,000
1969	3,400,000	2,650,000	----------	53,000	2,597,000
1970	3,400,000	2,650,000	61,558	8,000	2,703,558
1971	4,000,000	3,200,000	197,000	1,000	3,396,000
1972	4,000,000	3,400,000	416,000	1,000	3,815,000
1973	6,500,000	4,646,000	302,000	60,000	4,888,000
1974	7,000,000	5,700,000	250,000	1,000	5,949,000
1975	7,000,000	6,850,000	150,000	11,000	6,999,989
1976	7,893,000	7,700,000	347,000	(3)	8,047,000
T.Q.	1,993,000	1,925,000	246,000	$41,000 (4)	2,130,000
1977	9,540,000	9,450,000	628,000	(5)	(5)

[1] No ceiling.
[2] Not available.
[3] See transition quarter (T.Q.).
[4] Including fiscal year 1976.
[5] Not yet known.

Mr. McCLORY. Mr. Speaker, when the Judiciary Subcommittee on Civil and Constitutional Rights, of which I am a member, was asked to consider H.R. 5645, the Civil Rights Commission Authorization Act of 1977, I was anxious to catch up on and review the recent work of the Commission. During my years as a Member of the House, I have been a strong advocate of civil rights and have enthusiastically supported the major civil rights acts which the Judiciary Committee has recommended and the Congress has enacted.

We all know the Commission has a reputation for studious, nonpartisan and thorough research. During the course of the hearings on this legislation, I must admit to my colleagues that I was disappointed. The Commission is proposing to study during fiscal year 1978 issues which seem to me to be tangential and not very relevant to the original mission which the Congress set for this agency. We found duplication and overlap with work which has already been completed or is ongoing in other Federal departments and agencies. We learned that the Commission employs outside consultants and contractors and yet is proposing to increase its full-time staff from 288 to 296 full-time members.

I hope that the subcommittee was able to convince the Commission that its work should emphasize the accomplishments and positive aspects of civil rights advancements which this country has made over the last two decades. Moreover, I plan to remain a friendly critic of this group. I will support this 1-year authorization for $10.54 million.

Next year, we will be called upon to extend the life of the Civil Rights Commission. During fiscal year 1978, I urge the Commission to work diligently and to direct its initiatives to the issues on which it has been so successful and helpful in the past.

Mr. EDWARDS of California. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. EDWARDS) that the House suspend the rules and pass the bill H.R. 5645.

The question was taken.

Mr. BUTLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 3, rule XXVIII, the Chair will now put the question on each motion, on which further proceedings were postponed, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 6258, by the yeas and nays;
H.R. 1862, by the yeas and nays;
H.R. 6501 by the yeas and nays;
H.R. 6502, by the yeas and nays; and
H.R. 5645, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

EXTENSION OF LIFE OF PRIVACY PROTECTION STUDY COMMISSION

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill H.R. 6258.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. PREYER) that the House suspend the rules and pass the bill H.R. 6258, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 387, nays 3, not voting 43, as follows:

[Roll No. 270]

YEAS—387

Abdnor
Addabbo
Akaka
Alexander
Allen
Ambro
Ammerman
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Aspin
AuCoin
Badham
Bafalis
Baldus
Barnard
Bauman
Beard, R.I.
Bedell
Beilenson
Benjamin
Bennett
Bevill
Biaggi
Bingham
Blanchard
Blouin
Boland
Bonior
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton, John
Burton, Phillip
Butler
Byron
Caputo
Carney
Carr
Carter
Cederberg
Chappell
Chisholm
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Cornell
Cornwell
Cotter
Coughlin
Crane
Cunningham
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Davis
de la Garza
Delaney
Dellums
Derrick
Derwinski
Devine
Dickinson
Dicks
Diggs
Dodd
Dornan
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Eilberg
Emery
English
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flippo
Flood
Flowers
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Fraser
Frenzel
Frey
Fuqua
Gammage
Gephardt
Gibbons
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Grassley
Guyer
Hagedorn
Hall
Hamilton
Hammerschmidt
Hannaford
Hansen
Harkin
Harrington
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hollenbeck
Holt
Holtzman
Horton
Howard
Huckaby
Hughes
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Ketchum
Keys
Kildee
Kindness
Koch
Kostmayer
Krebs
LaFalce
Lagomarsino
Latta
Le Fante
Leach
Lederer
Leggett
Lehman
Lent
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
Luken
Lundine
McClory
McCloskey
McCormack
McDade
McEwen
McFall
McHugh
McKay
Madigan
Maguire
Mahon
Mann
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Mattox
Mazzoli
Meeds
Meyner
Michel
Mikulski
Mikva
Milford
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Moss
Mottl
Murphy, Ill.
Murtha
Myers, Gary
Myers, Michael
Myers, Ind.
Natcher
Nedzi
Nix
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pattison
Pease
Pepper
Perkins
Pettis
Pickle
Pike
Pressler
Preyer
Pritchard
Pursell
Quayle
Quie
Quillen
Rahall
Railsback
Rangel
Regula
Reuss
Rhodes
Richmond
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roybal
Rudd
Ruppe
Russo
Ryan
Santini
Sarasin
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shuster
Sikes
Simon
Skelton
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
St Germain
Staggers
Stangeland
Stanton
Stark
Steed
Steiger
Stokes
Studds
Stump
Symms
Teague
Thompson
Thone
Thornton
Traxler
Treen
Trible
Tsongas
Tucker
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Waggonner
Walgren
Walker
Walsh
Wampler
Watkins
Waxman
Weaver
Weiss
Whalen
White
Whitehurst
Whitley
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Young, Tex.
Zablocki

NAYS—3

McDonald
Stratton
Taylor

NOT VOTING—43

Anderson, Calif.
Applegate
Ashley
Badillo
Baucus
Beard, Tenn.
Boggs
Bolling
Brooks
Burlison, Mo.
Cavanaugh
Corman
Dent
Dingell
Evans, Colo.
Florio
Forsythe
Gaydos
Giaimo
Gilman
Gudger
Hanley
Holland
Hubbard
Krueger
Levitas
McKinney
Metcalfe
Murphy, N.Y.
Murphy, Pa.
Neal
Nichols
Poage
Price
Roe
Rousselot
Runnels
Sisk
Spence
Steers
Stockman
Whitten
Zeferetti

The Clerk announced the following pairs:

Mr. Corman with Mr. Ashley.
Mr. Dent with Mr. Gilman.
Mr. Baucus with Mr. Forsythe.
Mr. Applegate wtih Mr. McKinney.
Mr. Sisk with Mr. Rousselot.
Mr. Metcalfe with Mr. Stockman.
Mr. Murphy of New York with Mr. Spence.
Mr. Hanley with Mr. Steers.
Mr. Giaimo with Mr. Murphy of Pennsylvania.
Mr. Gaydos with Mr. Beard of Tennessee.
Mr. Boggs with Mr. Cavanaugh.
Mr. Brooks with Mr. Evans of Colorado.
Mr. Burlison of Missouri with Mr. Neal.
Mr. Roe with Mr. Nichols.
Mr. Runnels with Mr. Price.
Mr. Holland with Mr. Hubbard.
Mr. Krueger wtih Mr. Levitas.
Mr. Gudger with Mr. Dingell.
Mr. Florio with Mr. Evans of Colorado.
Mr. Badillo with Mr. Anderson of California.
Mr. Whitten with Mr. Zeferetti.

Mr. GEPHARDT changed his vote from "no" to "aye."

So (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. PREYER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table a similar Senate bill (S. 1443), to amend the Privacy Act of 1974 to extend the life of the Privacy Protection Study Commission to September 30, 1977, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1443

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(g) of the Privacy Act of 1974 (5 U.S.C. 552a note) is amended by striking out the last sentence thereof and inserting in lieu thereof the following: "The Commission shall cease to exist on September 30, 1977.".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 6258) was laid on the table.

VETERANS' DISABILITY COMPENSATION AND SURVIVOR BENEFITS ACT OF 1977

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill H.R. 1862.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. MONTGOMERY) that the House suspend the rules and pass the bill H.R. 1862, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 393, nays 0, not voting 40, as follows:

[Roll No. 271]

YEAS—393

Abdnor
Addabbo
Akaka
Alexander
Allen
Ambro
Ammerman
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Aspin
AuCoin
Badham
Bafalis
Baldus
Barnard
Bauman
Beard, R.I.
Bedell
Beilenson
Benjamin
Bennett
Bevill
Biaggi
Bingham
Blanchard
Blouin
Boland
Bonior
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Caputo
Carney
Carr
Carter
Cederberg
Chappell
Chisholm
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Cornell
Cornwell
Cotter
Coughlin
Crane
Cunningham
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Davis
de la Garza
Delaney
Dellums
Derrick
Derwinski
Devine
Dickinson
Dicks
Diggs
Dodd
Dornan
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Eilberg
Emery
English
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flippo
Flood
Flowers
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Fraser
Frenzel
Frey
Fuqua
Gammage
Gaydos
Gephardt
Gibbons
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Grassley
Gudger
Guyer
Hagedorn
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Hansen
Harkin
Harrington
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hollenbeck
Holt
Holtzman
Horton
Howard
Huckaby
Hughes
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Ketchum
Keys
Kildee
Kindness
Koch
Kostmayer
Krebs
LaFalce
Lagomarsino
Latta
Le Fante
Leach
Lederer
Leggett
Lehman
Lent
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
Luken
Lundine
McClory
McCloskey
McCormack
McDade
McDonald
McEwen
McFall
McHugh
McKay
Madigan
Maguire
Mahon
Mann
Markey
Marks
Marriott
Martin
Mathis
Mattox
Mazzoli
Meeds
Meyner
Michel
Mikulski
Mikva
Milford
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Moss
Mottl
Murphy, Ill.
Murtha
Myers, Gary
Myers, Michael
Myers, Ind.
Natcher
Nedzi
Nichols
Nix
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pease
Pepper
Perkins
Pettis
Pickle
Pike
Pressler
Preyer
Pritchard
Pursell
Quayle
Quie
Quillen
Rahall
Railsback
Rangel
Regula
Reuss
Rhodes
Richmond
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roybal
Rudd
Ruppe
Russo
Ryan
Santini
Sarasin
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shuster
Sikes
Simon
Skelton
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
St Germain
Staggers
Stangeland
Stanton
Stark
Steed
Steiger
Stokes
Stratton
Studds
Stump
Symms
Taylor
Teague
Thompson
Thone
Thornton
Traxler
Treen
Trible
Tsongas
Tucker
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Waggonner
Walgren
Walker
Walsh
Wampler
Watkins
Waxman
Weaver
Weiss
Whalen
White
Whitehurst
Whitley
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Young, Tex.
Zablocki

NAYS—0

NOT VOTING—40

Anderson, Calif.
Applegate
Ashley
Badillo
Baucus
Beard, Tenn.
Boggs
Bolling
Brooks
Cavanaugh
Corman
Dent
Dingell
Evans, Colo.
Florio
Forsythe
Giaimo
Gilman
Holland
Hubbard
Krueger
Levitas
McKinney
Marlenee
Metcalfe
Murphy, N.Y.
Murphy, Pa.
Neal
Pattison
Poage
Price
Roe
Rousselot
Runnels
Sisk
Spence
Steers
Stockman
Whitten
Zeferetti

The Clerk announced the following pairs:

Mr. Applegate with Mr. Beard of Tennessee.

Mr. Baucus with Mr. Rousselot.

Mr. Brooks with Mr. Steers.

Mr. Murphy of New York with Mr. Stockman.

Mr. Levitas with Mr. Spence.

Mr. Florio with Mr. Marlenee.

Mr. Evans of Colorado with Mr. McKinney.

Mr. Corman with Mr. Gilman.

Mr. Dingell with Mr. Forsythe.

Mr. Ashley with Mr. Anderson of California.

Mr. Holland with Mrs. Boggs.

Mr. Hubbard with Mr. Cavanaugh.

Mr. Krueger with Mr. Metcalfe.

Mr. Giaimo with Mr. Murphy of Pennsylvania.

Mr. Sisk with Mr. Neal.

Mr. Roe with Mr. Pattison.

Mr. Price with Mr. Runnels.

Mr. Zeferetti with Mr. Whitten.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

INCREASED COMPENSATION FOR VETERANS WHO HAVE SUFFERED THE LOSS, OR LOSS OF USE, OF PAIRED EXTREMITIES

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill H.R. 6501.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. MONTGOMERY) that the House suspend the rules and pass the bill H.R. 6501, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 385, nays 7, not voting 41, as follows:

[Roll No. 272]

YEAS—385

Abdnor
Addabbo
Akaka
Alexander
Allen
Ambro
Ammerman
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Aspin
AuCoin
Badham
Bafalis
Baldus
Barnard
Bauman
Beard, R.I.
Bedell
Benjamin
Bennett
Bevill
Biaggi
Bingham
Blanchard
Blouin
Boland
Bonior
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Caputo
Carney
Carr
Carter
Cederberg
Chappell
Chisholm
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Cornell
Cornwell
Cotter
Coughlin
Crane
Cunningham
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Davis
de la Garza
Delaney
Dellums
Derrick
Derwinski
Devine
Dickinson
Dicks
Diggs
Dodd
Dornan
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Eilberg
Emery
English
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flippo
Flood
Flowers
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Fraser
Frenzel
Frey
Fuqua
Gammage
Gaydos
Gibbons
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Grassley
Gudger
Guyer
Hagedorn
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Hansen
Harkin
Harrington
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hollenbeck
Holt
Holtzman

Horton
Howard
Huckaby
Hughes
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Ketchum
Keys
Kildee
Kindness
Koch
Kostmayer
Krebs
LaFalce
Lagomarsino
Latta
Le Fante
Leach
Lederer
Leggett
Lehman
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
Luken
McClory
McCloskey
McCormack
McDade
McDonald
McEwen
McFall
McHugh
McKay
Madigan
Maguire
Mahon
Mann
Markey
Marks
Marriott
Martin
Mathis
Mattox
Mazzoli
Meeds
Meyner
Michel
Mikulski
Milford
Miller, Calif.
Miller, Ohio
Mineta
Minish

Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Moss
Mottl
Murphy, Ill.
Murtha
Myers, Gary
Myers, Michael
Myers, Ind.
Natcher
Nedzi
Nichols
Nix
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pattison
Pepper
Perkins
Pettis
Pickle
Pike
Pressler
Preyer
Pritchard
Pursell
Quayle
Quie
Quillen
Rahall
Railsback
Rangel
Regula
Reuss
Rhodes
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roybal
Rudd
Ruppe
Russo
Ryan
Sarasin
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius

Seiberling
Sharp
Shipley
Shuster
Sikes
Simon
Skelton
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
St Germain
Staggers
Stangeland
Stanton
Steed
Steiger
Stockman
Stokes
Stratton
Studds
Stump
Symms
Taylor
Teague
Thompson
Thone
Thornton
Traxler
Treen
Trible
Tsongas
Tucker
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Waggonner
Walgren
Walker
Walsh
Wampler
Watkins
Waxman
Weaver
Whalen
White
Whitehurst
Whitley
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Young, Tex.
Zablocki

NAYS—7

Beilenson
Gephardt
Lundine
Mikva
Pease
Stark
Weiss

NOT VOTING—41

Anderson, Calif.
Applegate
Ashley
Badillo
Baucus
Beard, Tenn.
Boggs
Bolling
Brooks
Cavanaugh
Corman
Dent
Dingell
Evans, Colo.
Florio
Forsythe
Giaimo
Gilman
Holland
Hubbard
Krueger
Lent
Levitas
McKinney
Marlenee
Metcalfe
Murphy, N.Y.
Murphy, Pa.
Neal
Poage
Price
Richmond
Roe
Rousselot
Runnels
Santini
Sisk
Spence
Steers
Whitten
Zeferetti

The Clerk announced the following pairs:

Mr. Anderson of California with Mr. Spence.

Mr. Florio with Mr. Rousselot.

Mr. Brooks with Mr. Gilman.

Mr. Applegate with Mr. Forsythe.

Mr. Ashley with Mr. Beard of Tennessee.

Mr. Runnels with Mr. Lent.

Mr. Hubbard with Mr. McKinney.

Mr. Murphy of New York with Mr. Steers.

Mr. Levitas with Mr. Sisk.

Mr. Dent with Mr. Dingell.

Mr. Richmond with Mr. Whitten.

Mr. Santini with Mr. Price.

Mr. Neal with Mr. Roe.

Mr. Metcalfe with Mr. Murphy of Pennsylvania.

Mr. Giaimo with Mr. Holland.

Mr. Evans of Colorado with Mr. Krueger.

Mr. Corman with Mr. Cavanaugh.

Mr. Baucus with Mr. Badillo.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING AN AUTOMOBILE ASSISTANCE ALLOWANCE AND AUTOMOTIVE ADAPTIVE EQUIPMENT TO VETERANS OF WORLD WAR I

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 6502.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. MONTGOMERY) that the House suspend the rules and pass the bill, H.R. 6502, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 386, nays 11, not voting 36, as follows:

[Roll No. 273]

YEAS—386

Abdnor
Addabbo
Akaka
Alexander
Allen
Ambro
Ammerman
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Aspin
AuCoin
Badham
Bafalis
Baldus
Barnard
Bauman
Beard, R.I.
Bedell
Bennett
Bevill
Biaggi
Bingham
Blanchard
Blouin
Boland
Bonior
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.

Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Caputo
Carney
Carr
Carter
Cederberg
Chappell
Chisholm
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Cornell
Cornwell
Cotter
Coughlin
Crane
Cunningham
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Davis
de la Garza
Delaney
Dellums
Derrick
Derwinski
Dickinson
Dicks
Diggs
Dornan
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.

Early
Eckhardt
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Eilberg
Emery
English
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flippo
Flood
Flowers
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Fraser
Frenzel
Frey
Fuqua
Gammage
Gaydos
Gibbons
Gilman
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Grassley
Gudger
Guyer
Hagedorn
Hall
Hamilton

Hammerschmidt
Hanley
Hannaford
Hansen
Harkin
Harrington
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hollenbeck
Holt
Holtzman
Horton
Howard
Huckaby
Hughes
Hyde
Ichord
Ireland
Jeffords
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Ketchum
Keys
Kildee
Kindness
Koch
Kostmayer
Krebs
LaFalce
Lagomarsino
Latta
Le Fante
Leach
Lederer
Leggett
Lent
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
Luken
Lundine
McClory
McCloskey
McCormack
McDade
McDonald
McEwen
McFall
McHugh
McKay
Madigan
Maguire
Mahon
Mann
Markey
Marks
Marlenee
Marriott
Martin

Mathis
Mattox
Mazzoli
Meeds
Meyner
Michel
Mikulski
Mikva
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Moss
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Myers, Gary
Myers, Ind.
Natcher
Nedzi
Nichols
Nix
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pattison
Pepper
Perkins
Pettis
Pickle
Pike
Pressler
Preyer
Pritchard
Pursell
Quayle
Quie
Quillen
Rahall
Railsback
Rangel
Regula
Reuss
Rhodes
Richmond
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Rogers
Roncalio
Rooney
Rosenthal
Rostenkowski
Roybal
Rudd
Ruppe
Russo
Ryan
Santini
Sarasin

Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shuster
Sikes
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
St Germain
Staggers
Stangeland
Stanton
Steed
Steiger
Stockman
Stokes
Stratton
Studds
Stump
Symms
Taylor
Teague
Thompson
Thone
Thornton
Traxler
Treen
Trible
Tsongas
Tucker
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Waggonner
Walgren
Walker
Walsh
Wampler
Watkins
Waxman
Weaver
Weiss
Whalen
White
Whitehurst
Whitley
Whitten
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Young, Tex.
Zablocki
Zeferetti

NAYS—11

Beilenson
Benjamin
Devine
Dodd
Edgar
Gephardt
Jacobs
Milford
Pease
Skubitz
Stark

NOT VOTING—36

Anderson, Calif.
Applegate
Ashley
Badillo
Baucus
Beard, Tenn.
Boggs
Bolling
Brooks
Cavanaugh
Corman
Dent
Dingell
Evans, Colo.
Florio
Forsythe
Giaimo
Holland
Hubbard
Krueger
Lehman
Levitas
McKinney
Metcalfe
Murphy, N.Y.
Myers, Michael
Neal
Poage
Price
Roe
Rose
Rousselot
Runnels
Sisk
Spence
Steers

The Clerk announced the following pairs:

Mrs. Boggs with Mr. Beard of Tennessee.
Mr. Ashley with Mr. Rousselot.
Mr. Baucus with Mr. McKinney.
Mr. Levitas with Mr. Spence.
Mr. Krueger with Mr. Forsythe.
Mr. Evans of Colorado with Mr. Steers.
Mr. Sisk with Mr. Rose.
Mr. Murphy of New York with Mr. Runnels.
Mr. Dent with Mr. Michael O. Myers.
Mr. Brooks with Mr. Anderson of California.
Mr. Badillo with Mr. Applegate.
Mr. Corman with Mr. Cavanaugh.
Mr. Dingell with Mr. Giaimo.
Mr. Florio with Mr. Holland.
Mr. Hubbard with Mr. Price.
Mr. Roe with Mr. Neal.
Mr. Lehman with Mr. Metcalfe.

Mr. MAGUIRE changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CIVIL RIGHTS COMMISSION AUTHORIZATION ACT OF 1977

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5645.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. EDWARDS) that the House suspend the rules and pass the bill H.R. 5645, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 365, nays 34, not voting 34, as follows:

[Roll No. 274]

YEAS—365

Abdnor
Addabbo
Akaka
Alexander
Allen
Ambro
Ammerman
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Armstrong
Aspin
AuCoin
Badham
Bafalis
Baldus
Barnard
Beard, R.I.
Bedell
Beilenson
Benjamin
Bevill
Biaggi
Bingham
Blanchard
Blouin
Boggs
Boland
Bonior
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Caputo
Carney
Carr
Cederberg
Chappell
Chisholm
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Coleman
Collins, Ill.
Conable
Conte
Conyers
Corcoran
Cornell
Cornwell
Cotter
Coughlin
Cunningham
D'Amours
Danielson
Davis
de la Garza
Delaney
Dellums
Derrick
Derwinski
Dickinson
Dicks
Diggs
Dodd
Dornan
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Eilberg
Emery
English
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Fary
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flippo
Flood
Flowers
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Fraser
Frenzel
Frey
Fuqua
Gammage
Gaydos
Gephardt
Gibbons
Gilman
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gudger
Guyer
Hamilton
Hammerschmidt
Hanley
Hannaford
Harkin
Harrington
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hollenbeck
Holtzman
Horton
Howard
Huckaby
Hughes
Ireland
Jacobs
Jeffords
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kasten
Kastenmeier
Kazen
Kemp
Ketchum
Keys
Kildee
Koch
Kostmayer
Krebs
Krueger
LaFalce
Lagomarsino
Latta
Le Fante
Leach
Lederer
Leggett
Lehman
Lent
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
Luken
Lundine
McClory
McCloskey
McCormack
McDade
McEwen
McFall
McHugh
McKay
Madigan
Maguire
Mahon
Mann
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Mattox
Mazzoli
Meeds
Meyner
Michel
Mikulski
Mikva
Milford
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Moss
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Myers, Gary
Myers, Michael
Myers, Ind.
Natcher
Nedzi
Nichols
Nix
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pattison
Pease
Pepper
Perkins
Pettis
Pickle
Pressler
Preyer
Pritchard
Pursell
Quayle
Quie
Quillen
Rahall
Railsback
Rangel
Regula
Reuss
Rhodes
Richmond
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Rogers
Roncalio
Rooney
Rosenthal
Rostenkowski
Roybal
Ruppe
Russo
Ryan
Santini
Sarasin
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Sikes
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Solarz
Spellman
St Germain
Staggers
Stanton
Stark
Steed
Steiger
Stockman
Stokes
Stratton
Studds
Thompson
Thone
Thornton
Traxler
Treen
Trible
Tsongas
Tucker
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Walsh
Wampler
Watkins
Waxman
Weaver
Weiss
Whalen
White
Whitehurst
Whitley
Whitten
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Young, Tex.
Zablocki
Zeferetti

NAYS—34

Archer
Ashbrook
Bauman
Bennett
Burleson, Tex.
Clawson, Del
Collins, Tex.
Crane
Daniel, Dan
Daniel, R. W.
Devine
Flynt
Grassley
Hagedorn
Hall
Hansen
Holt
Hyde
Ichord
Kelly
Kindness
McDonald
Pike
Rudd
Satterfield
Shuster
Skubitz
Snyder
Stangeland
Stump
Symms
Taylor
Teague
Waggonner

NOT VOTING—34

Anderson, Calif.
Applegate
Ashley
Badillo
Baucus
Beard, Tenn.
Bolling
Brooks
Carter
Cavanaugh
Corman
Dent
Dingell
Evans, Colo.
Evans, Ind.
Florio
Forsythe
Giaimo
Holland
Hubbard
Levitas
McKinney
Metcalfe
Murphy, N.Y.
Neal
Poage
Price
Roe
Rose
Rousselot
Runnels
Sisk
Spence
Steers

The Clerk announced the following pairs:

Mr. Price with Mr. Spence.
Mr. Florio with Mr. Rousselot.
Mr. Roe with Mr. Beard of Tennessee.
Mr. Sisk with Mr. Carter.
Mr. Giaimo with Mr. McKinney.
Mr. Rose with Mr. Forsythe.
Mr. Applegate with Mr. Steers.
Mr. Anderson of California with Mr. Runnels.
Mr. Neal with Mr. Murphy of New York.
Mr. Holland with Mr. Metcalfe.
Mr. Dingell with Mr. Levitas.
Mr. Corman with Mr. Hubbard.
Mr. Dent with Mr. Cavanaugh.
Mr. Brooks with Mr. Badillo.
Mr. Baucus with Mr. Ashley.
Mr. Evans of Colorado with Mr. Evans of Indiana.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KRUEGER. Mr. Speaker, on rollcall votes 270 through 273, I would have voted "aye" had I been here. My plane was delayed because of a malfunction; else I would have been here and would have voted as I have just indicated.

APPOINTMENT OF CONFEREES ON H.R. 5970, DEPARTMENT OF DEFENSE APPROPRIATION AUTHORIZATION ACT, 1978

Mr. BENNETT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5970) to authorize appropriations during the fiscal year 1978, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Florida? The Chair hears none, and appoints the following conferees: Messrs. PRICE, BENNETT, STRATTON, ICHORD, NEDZI, CHARLES H. WILSON of California, LEGGETT, WHITE, NICHOLS, BOB WILSON, DICKINSON, WHITEHURST, and SPENCE.

MOTION OFFERED BY MR. BENNETT

Mr. BENNETT. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BENNETT moves, pursuant to rule XXVIII 6(a) of the House rules that the conference committee meetings between the House and the Senate on H.R. 5970 the fiscal year 1978 military authorization bill be closed to the public at such times as classified national security information is under consideration.

The SPEAKER. The gentleman from Florida (Mr. Bennett) is recognized for 1 hour.

Mr. BENNETT. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Bob Wilson), the ranking minority member on the committee, pending which I yield myself such time as I may consume; at the conclusion of which I will be happy to yield to any Member who wishes to be heard.

Mr. Speaker, in discussing the military authorization bill in conference, there are times when it is impossible to consider many of the individual items without closing the session because of the security classification which understandably must be attached to many of the items under consideration.

Such a determination must be made in the interest of protecting sensitive defense information, while at the same time allowing the conferees to engage in free and frank discussion where honest differences develop between versions of the authorization bill as passed in the House and in the Senate.

Let me assure my colleagues we have no desire to close our sessions for purposes other than for national security reasons, and certainly I am confident the House conferees will want to adhere to the basic rules of the House and remain in open session during consideration of matters which may be discussed openly without breaching security.

The House Armed Services Committee has found the House rule on that subject to be quite workable and has now labored through three separate annual authorization bills in subcommittee and committee in literally countless open sessions where classified national security information was not a consideration. We want to do the same in conference.

Thus, Mr. Speaker, I urge that my colleagues support us in this motion so that we can protect vital sensitive information, yet allow the conferees to engage in frank conference debate which is so necessary to the reporting of an authorization bill that will accurately reflect defense requirements for the upcoming fiscal year.

Mr. Speaker, we all are hopeful that the gentleman from Illinois (Mr. Price) will be back by the time the conference gets underway, but both the gentlemen from Illinois and I have set personal records in the Congress in trying to have as many open sessions as we can. I do not believe anybody would ever say that we have distorted the rules or taken advantage of having secret meetings. We have tried to have open meetings and did so long before all of the business of the "sunshine" rules came into being on Capitol Hill, and we did so years ago.

So, Mr. Speaker, I believe that with the adoption of the motion which is before us now we will be enabled to have open sessions and yet when a time comes when we feel there are matters of national security involved we would then be able to have a closed session. That is all the motion calls for.

Mr. BOB WILSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I find myself very much in accord with the remarks just made by the gentleman from Florida (Mr. Bennett) the acting chairman of the Committee on Armed Services. We will be going into conference with the Senate soon on some very technical matters involving the procurement of new systems and other items for the military. Many of the hearings on the authorization were conducted in executive session. I believe that this can be understood particularly from the standpoint of research and development where hundreds of new ideas involving the military are involved. It seems to me that the adoption of this motion is very much in order. I would hope that the Members of the House would agree to it.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. BOB WILSON. I am happy to yield to my colleague, the gentleman from Alabama (Mr. Dickinson).

Mr. DICKINSON. Mr. Speaker, I too would like to rise in support of this motion. As the ranking member of the Subcommittee on Research and Development and as a member of the full Committee on Armed Services, we have heard a great deal of information of a sensitive nature on matters that are going to be dealt with in the conference. These are matters that should not be made public, and should not be referred to in the press.

As has been pointed out by our colleague, the gentleman from Florida (Mr. Bennett) the acting chairman of the Committee on Armed Services, we have followed this rule. I believe in doing so we have done it in fairness to all Members as well as in fairness to the public. It is only common sense, Mr. Speaker, that there are certain things that should not be made public in legislation of this nature.

I certainly urge the Members of the House to support the motion now before us so that we will be permitted to go into executive session when the subject matter under consideration dictates that we do so.

Mr. BENNETT. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. Carr).

Mr. CARR. I thank the gentleman for yielding.

Mr. Speaker, I would just like to ask my chairman a few questions on the execution of the motion should it pass and the House delegate to its conferees the authority to go into executive session. First I want to ask the chairman if he shares my understanding of the House Rules that even should the conferees decide to close the conference for national security for the receipt and discussion of national security information, when that meeting is closed for such purpose any Member of the House would still be allowed to sit in as an observer to that closed conference session. Is my understanding of the rules correct?

Mr. BENNETT. Mr. Speaker, will the gentleman yield?

Mr. CARR. I yield to the gentleman from Florida.

Mr. BENNETT. This is a question to be determined by the Speaker, with the advice of the Parliamentarian, and not by the acting chairman of the committee. I do have a note here which is based on parliamentary staff discussion with the Parliamentarian. I have not read it, but I will read it now. It says that the closing would exclude Members who are not members of the conference since they would be considered public—since in the Democratic Caucus prior to this session an amendment to the rules which would admit all Members to a conference was prepared but not placed before the caucus. Thus came the construction that attendance would be limited to members of the conference during a closed session.

I am not the author of the rule and neither am I author of the construction of it. I have no right to construe the rules other than what the Speaker will determine. I have read to the gentleman the expected construction given to me. I emphasize that the final ruling must be made by the Speaker.

Mr. CARR. I would say to my chairman that it was my understanding that at the beginning of this conference we passed a rule which allowed any sitting Members of Congress to attend any official meeting of the Congress, closed or open, or otherwise. In fact, I believe the gentleman from New York (Mr. Downey) was the author of that rule. If that is the interpretation of the rule, and if this motion, should it pass, would exclude sitting Members of Congress from sitting in on the conference session, then I would urge the House to vote down the motion.

On a second matter I would ask my chairman, for example, there is between the House and the Senate a disagreement between the versions of the bill that pertains to a naval project in my own State called Project Seafare. The Senate has I believe in about $21 million, and the House, as my chairman recalls, deleted this in favor of other alternatives. Would the discussion of that difference between the Senate and the House bills be in open session?

Mr. BENNETT. If the gentleman would yield further, if it is not classified, there would not be a problem about it, and I do not think it is classified. I do not think that is a classified project.

I must say to the gentleman I wish I could give him my legislative interpretation of things that would make him feel very much at ease about what is going to happen. But as I already pointed out, I was not the author of the rule which came out. After all, what the Speaker says is what controls, not what we do here by legislative discussion. We cannot make legislative history by discussion to set aside the Speaker's interpretation of the rules.

I can say this to the gentleman: As he knows because he has been on my subcommittee for years, I am very much in favor of open sessions. To the extent that I am, at least in the beginning perhaps, the chairman of the House portion of the conference, I will do the best I can to provide as much openness as possible because that has always been my policy. But I cannot make rule changes and interpret rules by legislative intent because the Speaker controls those issues.

Mr. CARR. But I would certify to my colleagues in the House that my chairman, the gentleman from Florida (Mr. BENNETT), is a very fair and open person, but I have witnessed in our committee and I would observe to my colleagues in the House as well that there have been instances where our committee has thrown the cloak of national security over things which really were not national security. I think all the members of my committee can cite those examples.

I am worried here that under the precedent of this motion, about how it is going to be handled that this conference committee is going to be closed and how it is going to be open. I do not think there is a Member of this House that does not want our conferees to have open, free, and fair discussion of classified data even during our closed sessions, but I think every Member of this House wants to make sure that closed sessions are limited to those sessions and no others. That is why I rise to ask those questions.

Mr. BENNETT. Insofar as I can arrange it, I will be glad to try.

Mr. DOWNEY. Mr. Speaker, will the gentleman yield?

Mr. BENNETT. I yield 2 minutes to the gentleman from New York.

Mr. DOWNEY. Mr. Speaker, what I would like to know is whether or not the conferees and the acting chairman of the conference would have any objection to sitting Members of Congress sitting in on the session. It seems to me that is the crux of the matter.

Mr. BENNETT. I personally would have no objection. I do not know, even though I am acting chairman on the House side, whether I would be acting chairman of the conference. That has not been decided so we do not know who will be the chairman of the conference. But as far as I am concerned I would like to have the conference open and free to Members of Congress.

Mr. DOWNEY. In that case would the gentleman be willing to modify his motion?

Mr. BENNETT. Perhaps I cannot do that because the Parliamentarian has given me the motion I have made as being the proper motion. If the gentleman would like to address the Speaker, he may do so and perhaps thereby he may get an idea of what the parliamentary alternatives may be.

PARLIAMENTARY INQUIRY

Mr. DOWNEY. Mr. Speaker, if I might address the Chair, is it possible for the gentleman from Florida to amend his own motion to incorporate that?

The SPEAKER. Is the gentleman asking a parliamentary question?

Mr. DOWNEY. Yes; I am.

The SPEAKER. The answer is that the motion may be modified by unanimous consent.

Mr. DOWNEY. Mr. Speaker, a further parliamentary inquiry. Must that unanimous-consent request come from the gentleman from Florida or can that come from any Member?

The SPEAKER. If the gentleman yields for that purpose, it can come from any Member. The gentleman from Florida is in control of the time.

Mr. DOWNEY. Mr. Speaker, if the gentleman from Florida would yield further, the language that "any sitting Member of Congress shall have the right to attend any meeting, open or closed, of the conference"—would that be suitable?

Mr. BENNETT. The gentleman wants me to amend the motion to provide that during meetings of the conference committee any sitting Member may have the right to sit in on any open or closed meeting of the conference.

May I address the Chair and ask the Chair if I so amend my motion, is that a proper motion? I had understood that it was not.

The SPEAKER. By unanimous consent the gentleman may so modify his motion.

Mr. BENNETT. Mr. Speaker, then by unanimous consent I ask that the motion I have offered be modified to allow any sitting Member of Congress to have the right to attend any closed or open meeting of the conference.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. STRATTON. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Mr. BOB WILSON. Mr. Speaker, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from California.

Mr. BOB WILSON. Mr. Speaker, I would point out to the gentleman from Florida and to the gentleman from New York also involved in this colloquy that we are talking about a conference with the Senate, and while we may make some rules we may feel are perfect as far as our membership is concerned, we have the problem of dealing with the Senate in that conference, and I think the conference itself should make the decision that the gentleman from New York is asking our chairman to make.

I think if there is going to be a revision in the usual procedure I believe that should be done by the conference as they meet under the chairman, whoever is chosen.

Mr. DOWNEY. Mr. Speaker, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from New York.

Mr. DOWNEY. Mr. Speaker, it seems to me we run a pretty substantial risk if we decide that the Senate may determine whether Members of the House can serve as nonparticipatory members of a conference. What we are interested in, as the gentleman from Michigan, Mr. CARR, is requesting, is to sitting in and observing the conference. Since all members of the conference are cleared as to the information that will be debated in the conference, it seems to me it is proper and fitting for the House to make a decision whether or not its own Members can sit on the conference.

I find it hard to believe that my friend, the gentleman from New York (Mr. STRATTON) objects to Members of Congress doing this.

The SPEAKER. The Chair will respond to an earlier parliamentary inquiry. In view of the fact that the gentleman has a motion pending, in order to modify this motion the gentleman must obtain unanimous consent. The gentleman does have the right in the House, as the gentleman is aware, of withdrawing his motion and offering a completely new motion.

Mr. BENNETT. Mr. Speaker, while I am getting the amended motion, I will yield such time as he may consume to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, I think what we are asking for here is something that is really very simple and something that this House has lived with for some 200 years without any difficulty; that is that when sensitive classified national security information is under discussion, it should not be discussed publicly. It should be discussed in executive session. That is all that the gentleman from Florida is requesting. Having sat through a number of conferences between the House and the Senate dealing with Armed Services Committee legislation, I can assure the House that we do deal with classified matter on a number of occasions.

The gentleman from Florida is not asking that the conference be closed completely and totally at every session, which was what in fact happened last year when the gentleman from Michigan (Mr. CARR) and one of the gentleman's colleagues sat in.

The motion, as I understand it, is that only when we are dealing with classified information will the conference go into executive session, and not otherwise.

There are many times when we are not discussing classified information.

It seems to me a vote against that kind of a motion would be foolish. Here we are trying to build a defense against any potential aggressors, and to suggest that Congress ought to open up all of the military secrets to anybody that wants to walk in from Tass or anywhere else, is absurd.

Now, the second point that is of interest is that the Senate has its own rules and the Senate cannot allow any other Senators into an executive session of the conference, except by vote of the entire conference. We have had that happen on a number of occasions. Senator CULVER was authorized to come in because the Senator had an amendment and the Senator discussed that amendment.

Senator BROOKE was authorized to come in at one time.

But we cannot adopt a rule here, as the gentleman from California (Mr. BOB WILSON) has said, that is going to go against the rules of the Senate. They are a coequal body and we have to take their rules into consideration; so the original motion by the gentleman from Florida, therefore, is the correct motion. I hope that the gentleman will not amend it to try to meet some immediate convenience, because we are simply going to jeopardize the conference if we do that.

Third, Mr. Speaker, the real question that the gentleman from Michigan has in mind is the question of whether, when a conference goes into executive session, a Member of the House is entitled to go into that conference. I submit that that is not something for the Parliamentarian to decide. It is something for the Chair to decide.

PARLIAMENTARY INQUIRY

Mr. STRATTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STRATTON. Mr. Speaker, if the House approves the Bennett motion, as originally moved, does that mean that on those occasions when the conference goes into executive session that a Member of the House under the existing rules would have the opportunity to join that executive session?

The SPEAKER. Under the precedents, all the Members of the House, other than the conferees of the House, would be considered to be part of the public under the language of the motion and not entitled to go into the conferees' closed session.

The changing of clause 6 of rule XXVIII this year does not on its face alter the situation with respect to attendance by Members who are not named as conferees.

Mr. STRATTON. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STRATTON. If the conferees, having gone into executive session, were to agree that certain Members could be admitted to that conference for certain purposes, would that be permitted?

The SPEAKER. The will of the House would bind House conferees. If the House has decided by rollcall that the conference will be a session closed to all persons, then the will of the House would prevail as indicated in rule XXVIII, clause 6. Or a motion could be made to clarify the term "public" so as not to include Members. It could well be that it would be a stalemate and that the Senate would not agree, but as far as House conferees are concerned, they could be instructed, on a motion made by the chairman of the committee that the Members of the House are not considered to be part of the public, but as Members of this body with the right of nonparticipating attendance.

Mr. STRATTON. I thank the Speaker.

Mr. BENNETT. Mr. Speaker, I understand that it is proper for me to offer a substitute motion?

The SPEAKER. Does the gentleman withdraw his previous motion?

Mr. BENNETT. I do, Mr. Speaker.

MOTION OFFERED BY MR. BENNETT

Mr. BENNETT. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BENNETT moves that, pursuant to Rule XXVIII 6(a) of the House Rules, the conference committee meetings between the House and the Senate on H.R. 5970, the fiscal year 1978 military authorization bill, be closed to the public at such times as classified national security information is under consideration, provided however, that any sitting Member of Congress shall have the right to attend any closed or open meeting.

The SPEAKER. The gentleman from Florida is recognized for 1 hour.

Mr. BENNETT. Mr. Speaker, it is not my intent, in offering this motion, to do anything but comply with what I understood the Parliamentarian to feel is the proper motion. In the debate which has occurred, it appears that a more liberal provision can be put into the motion, drawn by those who were concerned about not having enough openness in the conference. I have used their language in the substitute motion, which is entirely agreeable with me.

It may not be agreeable with all of the members of the House Armed Services Committee, but we have no way of polling those members at this point. It is my personal feeling that this should satisfy everyone who wants to have an open conference, and should protect the national defense interests of our country when we have to go into executive session.

Mr. ICHORD. Mr. Speaker, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Missouri.

Mr. ICHORD. Of course, as I heard the motion read, it would permit any sitting Member of Congress to attend the conference committee meeting, even though the conference committee had decided that the conference committee was dealing with classified material and should therefore be closed for security reasons. Is that correct?

Mr. BENNETT. That is correct.

Mr. ICHORD. Well, of course the Senate does not have the rule of the House, and it may well be that if the motion of the gentleman from Florida is adopted, that the Senate conference committee will refuse to agree to permit any such sitting Member in the Congress to attend that conference, and we could very well be back before this body seeking different authority.

Mr. BENNETT. Mr. Speaker, under those circumstances, we would have to come back to the House for further instructions from the House. I must say, however, along the way we might pick up something that I would like to see. I have observed the Senate bringing over strong exponents of particular things or a particular Senator who wants to bring something before the conference. We had that experience last year. People who had particular ideas, who were Senators, who had no connection with the conference at all, and they spoke at length. They had people there to back up their position. So I would say that the worst that could happen, as I see it, would be we would come back here and have to have this revised. The best that could happen would be that maybe we would cut out some of that Senate operation which I felt very unnecessary and improper.

Mr. ICHORD. Mr. Speaker, will the gentleman yield further?

Mr. BENNETT. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Speaker, then perhaps the proper wording of the motion of the gentleman should be that the gentleman should leave that up to the conference committee, both the House and the Senate conferees.

Mr. BENNETT. The House cannot leave that action up to the conferees, I do not think. But I have been quite pliable here. I have already agreed to one amendment.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Missouri (Mr. VOLKMER).

Mr. VOLKMER. I thank the gentleman for yielding.

Mr. Speaker, if the gentleman's motion is adopted, I am sure that the members of the conference committee of the House will then stand up for the position of the House as to the requirement by the House that other Members, including myself, or anyone else who may be interested, would be able to attend the conference, just as I understand that in the past Members of the Senate have been able to bring in other members who were not members of the conference, and I am sure the members will stand up for the House position and not side with some Senators, perhaps, to defeat this motion when we get into conference and then have to come back. I am sure the gentleman will do that. I would like the assurance of the rest of the members of the conference committee that they will stand up for the position of the House on this matter.

Mr. BENNETT. In my memory of the conferences in the past, over many years, they have stood up for the House position, and I would see no possibility that they would not. It would be a record vote. They will vote on it. If the gentelman is asking me, I will do the best I can.

Mr. VOLKMER. I know that. I would like to commend the gentleman for offering the new motion, and I think it is very proper. I think there are many Members who look forward to being able to attend the conferences.

Mr. BOB WILSON. Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

Mr. BENNETT. Mr. Speaker, I was about to make an observation.

The SPEAKER. Does the gentleman from Florida (Mr. BENNETT) yield to the gentleman from California (Mr. BOB WILSON)?

Mr. BENNETT. Mr. Speaker, I have not actually yielded to the gentleman on this motion.

Mr. Speaker, I want to make a statement before I yield to the gentleman.

This matter can be abused by House Members, as well as Senate Members. I do not want to talk personally about it, but I really do not like to see Members of the House or Members of the Senate become so particularized before the conference, Members who are not conferees, as we have had in the past. It has taken place on both sides. It is not a healthy thing to have what amounts to lobbying taking place in the conference. If we really want to have a good conference, we want to select conferees we have confidence in and not turn it over to the people who are not on the conference. This matter has been abused in the past by both House and Senate Members.

Mr. BOB WILSON. Mr. Speaker, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from California (Mr. Bob Wilson).

Mr. BOB WILSON. I thank the gentleman for yielding.

Mr. Speaker, I think the gentleman is making a very good argument against this particular motion.

Mr. BENNETT. I will not try to debate that point with the gentleman.

Mr. BOB WILSON. Mr. Speaker, if the gentleman really wants to have a conference that is workable, I have a suggestion. We should not have all the membership of the House looking over our shoulders as we try to make a decision in a very small room, with the conditions under which these conferences are generally held.

I would suggest that the gentleman's motion is changing that procedure, and this debate does not change the issue very much.

PARLIAMENTARY INQUIRY

Mr. Speaker, if I may, I wish to pose my parliamentary inquiry now.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. BOB WILSON. Mr. Speaker, do I understand that the ruling that the Chair has just made on the previous motion offered by the gentleman from Florida (Mr. Bennett) is to the effect that passage of this motion by the House would bind our conferees or at least would represent the views of the House, but then we would, of course, have to take into consideration the views of the Senate at such time as we have a conference with the Senate? Is my understanding correct?

The SPEAKER. The gentleman is correct. Each House would have one vote at the conference.

Mr. BOB WILSON. Each House would have one vote at the conference. So there could very well be a stalemate if the Senate objected to our changing all at once the procedure that has been followed from time immemorial and changing the way our conferences are held.

Mr. STRATTON. Mr. Speaker, would the gentleman yield?

Mr. BENNETT. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, I hesitate to suggest that the gentleman from Florida (Mr. Bennett) offer a substitute motion, but it would seem to me that the only way we could get a determination of the will of the House would be if we had an opportunity to vote on the gentleman's original motion as a substitute for the gentleman's second motion.

I will advise the gentleman that the Parliamentarian advises me that if the gentleman from Florida (Mr. Bennett) yields for the offering of a substitute motion, he loses the floor, so I do not know whether he would want to do that or not. However, it would seem to me that we ought to have a chance to vote on the clearcut motion that was originally offered.

Mr. BENNETT. Mr. Speaker, let me tell the gentleman how I think it is going to proceed. We will first vote on the motion that is before us. If that is voted down, I assume I will then be recognized by the Speaker, and I will offer the original motion.

Mr. STRATTON. Mr. Speaker, will the gentleman yield further?

Mr. BENNETT. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, what I am afraid of is that we are going to establish a precedent if this is carried, and this precedent may well haunt us for the rest of the year.

As the gentleman from California (Mr. Bob Wilson) has indicated, we may find ourselves in a stalemate with the Senate when we get in conference, and then we will have to come back and have another vote. I cannot believe that a majority of this House would not approve the idea of having a conference go into executive session when we are dealing with classified information and then remain open during all the rest of the time. Actually that is all the gentleman's original motion provided.

Mr. BENNETT. Mr. Speaker, if this motion that is now before us is defeated, and if the Speaker will recognize me, I will after that time offer the original motion. We can accomplish our purpose in that way, and then I will not lose the floor.

Mr. CARR. Mr. Speaker, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Michigan.

Mr. CARR. Mr. Speaker, I thank the gentleman for yielding.

The gentleman from Florida (Mr. Bennett) has demonstrated to the whole House—and this is something we on the committee have always known about—his fairness and his willingness to be as open as possible with the membership.

Mr. Speaker, I urge adoption of the second Bennett motion.

Mr. BENNETT. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. Under the provisions of rule XXVIII, clause 6(a), the yeas and nays are considered as ordered on this motion.

The vote was taken by electronic device, and there were—yeas 273, nays 114, not voting 46, as follows:

[Roll No. 275]

YEAS—273

Abdnor
Addabbo
Akaka
Allen
Ambro
Ammerman
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Ashley
Aspin
AuCoin
Bafalis
Baldus
Barnard
Bauman
Beard, R.I.
Bedell
Beilenson
Benjamin
Bennett
Biaggi
Bingham
Blanchard
Blouin
Boggs
Boland
Bonior
Bonker
Brademas
Breaux
Brinkley
Brodhead
Broomfield
Brown, Calif.
Broyhill
Burke, Calif.
Burton, Phillip
Caputo
Carney
Carr
Carter
Chisholm
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Coleman
Collins, Ill.
Conable
Conte
Conyers
Corcoran
Cornell
Cotter
Coughlin
D'Amours
Davis
de la Garza
Delaney
Dellums
Derrick
Derwinski
Dicks
Diggs
Dodd
Downey
Drinan
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Emery
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Findley
Fish
Fisher
Fithian
Flippo
Flood
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Fraser
Frey
Fuqua
Gammage
Gaydos
Gibbons
Glickman
Gore
Gradison
Gudger
Guyer
Hagedorn
Hamilton
Hanley
Harkin
Harris
Hawkins
Heckler
Hefner
Heftel
Holland
Holtzman
Howard
Huckaby
Hughes
Ireland
Jacobs
Jeffords
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jordan
Kasten
Kastenmeier
Keys
Kildee
Kindness
Koch
Kostmayer
Krebs
LaFalce
Le Fante
Leach
Lederer
Leggett
Lehman
Levitas
Lloyd, Calif.
Long, La.
Luken
Lundine
McCloskey
McCormack
McDade
McFall
McHugh
McKay
Madigan
Maguire
Mahon
Mann
Markey
Marks
Marlenee
Marriott
Martin
Mattox
Mazzoli
Meeds
Meyner
Michel
Mikulski
Mikva
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Moffett
Moore
Moorhead, Pa.
Moss
Murphy, Ill.
Murphy, Pa.
Myers, Gary
Natcher
Neal
Nedzi
Nix
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patterson
Pattison
Pease
Pepper
Perkins
Pickle
Pike
Pressler
Preyer
Pritchard
Quayle
Quie
Rahall
Railsback
Rangel
Regula
Reuss
Rhodes
Richmond
Rinaldo
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roybal
Ruppe
Russo
Sarasin
Sawyer
Scheuer
Schroeder
Seiberling
Sharp
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
St Germain
Stanton
Stark
Steed
Steiger
Stokes
Studds
Thompson
Thone
Traxler
Tsongas
Udall
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Walker
Walsh
Watkins
Waxman
Weaver
Weiss
Whalen
Whitley
Wirth
Wolff
Wright
Wylie
Yates
Yatron
Young, Mo.
Zablocki
Zeferetti

NAYS—114

Alexander
Andrews, N.C.
Badham
Bevill
Bowen
Breckinridge
Brown, Mich.
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Cederberg
Chappell
Clausen, Don H.
Collins, Tex.
Crane
Cunningham
Daniel, Dan
Daniel, R. W.
Danielson
Devine
Dickinson
Dornan
Duncan, Tenn.
Edwards, Ala.
Edwards, Okla.
English
Flowers
Flynt
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grassley
Hall
Hammerschmidt
Hansen
Harrington
Harsha
Hightower
Hillis
Holt
Hyde
Ichord
Jones, Tenn.
Kazen
Kelly
Kemp
Ketchum
Krueger
Lagomarsino
Latta
Lent
Lloyd, Tenn.
Long, Md.
Lott
Lujan
McClory
McDonald
McEwen
Mathis
Milford
Miller, Ohio
Mitchell, N.Y.
Mollohan
Montgomery
Moorhead, Calif.
Mottl
Murtha
Myers, Ind.
Nichols
O'Brien
Patten
Pettis
Quillen
Risenhoover
Roberts
Robinson
Rudd
Santini
Satterfield
Schulze
Sebelius
Shipley
Sikes
Skubitz
Slack
Staggers
Stangeland
Stockman
Stratton
Stump
Symms
Taylor
Thornton
Treen
Trible
Tucker
Vander Jagt
Waggonner
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Winn
Wydler
Young, Alaska
Young, Fla.
Young, Tex.

NOT VOTING—46

Anderson,
  Calif.
Applegate
Badillo
Baucus
Beard, Tenn.
Bolling
Brooks
Brown, Ohio
Buchanan
Burton, John
Cavanaugh
Corman
Cornwell
Dent
Dingell
Evans, Colo.
Fenwick
Florio
Forsythe
Frenzel
Gephardt
Giaimo
Hannaford
Hollenbeck
Horton
Hubbard
McKinney
Metcalfe
Murphy, N.Y.
Myers, Michael
Poage
Price
Pursell
Rodino
Roe
Rousselot
Runnels
Ryan
Sisk
Spellman
Spence
Steers
Teague
Wampler
Wilson, C. H.
Wilson, Tex.

Messrs. ANDERSON of Illinois, STEIGER, MARKS, and DRINAN changed their votes from "nay" to "yea."

Mr. DEVINE changed his vote from "yea" to "nay."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, as a congressional adviser to the Law of the Sea Conference, I attended, on May 23, 1977, the opening day of business of the sixth session of the Law of the Sea Conference at the United Nations in New York City and was unavoidably detained, causing me to miss the votes on the following three suspensions: First, H.R. 6258, extension of Privacy Protection Commission; second, H.R. 1862, Veterans Disability Compensation and Survivor Benefits Act of 1977; and third, H.R. 6501, increased compensation for veterans who have suffered the loss or use of paired extremities.

Had I not been detained, I would have voted "yes" on H.R. 6258, H.R. 1862, and H.R. 6501.

INTERNATIONAL SECURITY ASSISTANCE ACT OF 1977

Mr. ZABLOCKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6884) to amend the Foreign Assistance Act of 1961 to authorize international security assistance programs for fiscal year 1978, to amend the Arms Export Control Act to make certain changes in the authorities of that act, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Wisconsin (Mr. Zablocki).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 6884, with Mr. Fuqua in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Wisconsin (Mr. Zablocki) will be recognized for 30 minutes, and the gentleman from Michigan (Mr. Broomfield) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. Zablocki).

Mr. ZABLOCKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill H.R. 6884, represents another step forward by the Congress toward a more active role in the field of security assistance and military sales.

The committee by the provisions contained in this legislation confirms its belief that the Congress has a legitimate interest, and a duty, to take a more active role in shaping foreign policy in this increasingly important area.

The members of the International Relations Committee worked diligently and effectively on this bill. We feel it provides the necessary funding and the prudent guidance needed to achieve important U.S. national security objectives abroad in fiscal year 1978.

H.R. 6884 is the product of more than 26 separate full committee and subcommittee hearings by the Committee on International Relations. Those hearings began on March 16, 1977, and ended with three markup sessions concluding on May 4, 1977.

The hearings were based on the administration's draft bill, H.R. 5747, which was introduced by request. In accordance with the new rules of the Committee on International Relations, the bill was considered by various regional and functional subcommittees in keeping with their pertinent jurisdictions. Recommendations subsequently submitted by the subcommittees were incorporated into a new draft bill which became the basic document for committee markup. H.R. 6884, introduced as a clean bill, embodies the amendments adopted in committee.

The bill authorizes a total of $3.2 billion for fiscal year 1978 for international security assistance programs. The amount is $46.1 million below the administration request and $214.1 million above the fiscal year 1977 authorization.

The major provisions of H.R. 6884 are as follows:

GRANT MILITARY ASSISTANCE

In the area of grant military assistance, MAP, the bill authorizes to be appropriated $228.9 million. It also continues the policy of phasing out grant military assistance in the following ways:

By reducing from 12 to 8 the number of countries authorized to receive grant military assistance;

By reducing the amount of funding for MAP to $228.9 million, approximately $35.6 million less than that authorized in fiscal year 1977;

By reducing from 34 to 10 the number of countries eligible for military assistance advisory groups and limiting the aggregate number of such personnel to 400, which is 566 fewer than that programed in fiscal year 1978.

GRANT INTERNATIONAL MILITARY EDUCATION AND TRAINING (IMET)

For grant international military education and training, IMET, the bill authorizes to be appropriated $31.4 million, an increase of $1.2 million over fiscal year 1977 but $3.6 million less than the $35 million requested by the executive branch.

Here, too, the bill reaffirms Congress desire to reduce grant training in favor of training furnished "whenever feasible on a reimbursable basis."

FOREIGN MILITARY SALES CREDIT GUARANTIES (FMS)

H.R. 6884 authorizes the appropriation of $675.85 million to finance a foreign military credit sales program of slightly over $2 billion. I might point out here that there has never been a default on any foreign military sale made under the authority of the Arms Export Control Act.

I should also note that the bill provides $1 billion for FMS credits and guaranties for Israel, of which $500 million in the form of direct credit will be forgiven.

SECURITY SUPPORTING ASSISTANCE

In the area of security supporting assistance, SSA, H.R. 6884 authorizes to be appropriated $2,214.7 million.

Security supporting assistance, SSA, is designed to promote political or economic stability in the recipient country. It is not military assistance.

For example, in Egypt the funds will be used for reconstruction and development of the Suez Canal, improvement of total health services, applied science and technology, family planning, and an agricultural development system.

In the case of Israel and Jordan, some of the funds will be used to provide budgetary support. Balance-of-payments consideration are a dominant influence in the economies of these two countries which are dependent upon foreign exchange assistance, most, if not all, of which will be spent in the United States.

In short, security supporting assistance programs are designed to assist recipient countries with their economic problems through efforts consistent with U.S. interest in securing stability and peace.

Encompassed in the $2.2 billion are two basic objectives the bill seeks to achieve:

First. It continues the high levels of security assistance for the Middle East which followed in the wake of the Sinai accords but it does so in the hope of stimulating concrete progress toward peace in the area. To that end, it earmarks for Israel, $785 million; Egypt, $750 million; Jordan, $93 million; and Syria, $90 million.

Second. The bill expands congressional review over the increasing use of large sums of security supporting assistance in sensitive world areas in which the United States has vital security interests. In that connection, H.R. 6884 reprograms the $100 million in funds requested by the executive branch for a Southern Rhodesia development fund into a southern African development fund with explicit directions on the use of these funds.

AFRICA

In further reference to Africa, the bill also expresses support for a negotiated transition to majority rule in Zimbabwe—Southern Rhodesia—and encourages the

President, upon an agreement on majority rule, to take the initiative in mounting an international effort to develop and support a special fund for Zimbabwe—Southern Rhodesia.

The bill also prohibits assistance for purposes of promoting or augmenting military or paramiltary operations in Zaire.

GREECE AND TURKEY

Concerning Greece and Turkey, H.R. 6884 authorizes specific amounts for the various security assistance programs for fiscal year 1978 for the two countries and such sums as may be necessary for implementing the base agreements. However, this is not an openended authorization as the bill put a hold on the funds for the base agreements until Congress passes legislation approving these agreements. The bill continues the security assistance limitation against Turkey contained in section 620(x) of the Foreign Assistance Act but lifts this ban to the extent of allowing $175 million in foreign military sales guarantees and credits for fiscal year 1978. There are no such limitations on security assistance for Greece which is programed for $33 million in grant aid and $140 million in credit assistance, a total of $173 million.

OTHER PROVISIONS

Further, the bill contains provisions on a number of other issues. Among them are the following provisions:

The bill prevents funds appropriated under the Foreign Assistance Act from being used to finance nuclear powerplants;

It directs the President to conduct a comprehensive study on the policies and practices of the United States with respect to the national security and military implications of international transfers of technology;

The legislation prohibits providing military assistance or sales for purposes of aiding repression; and

Expresses the sense of Congress that the President assure that the Republic of Korea cooperates with investigations of the Department of Justice into alleged improper activity in the United States of agents of the Republic of Korea.

BUDGET IMPACT

With respect to the budgetary aspects of H.R. 6884, the bill is in full compliance with the relevant provisions of the Congressional Budget Act;

As an authorization bill, it does not in and of itself provide for any new spending authority;

It was reported by the International Relations Committee before the May 15 deadline;

The overall amounts in H.R. 6884 are under the President's request and the same amount, $46.1 million, under the committee's March 15 recommendations to the Budget Committee; and

The total amount authorized in this bill and other House bills authorizing international affairs programs, if fully approriated, would be well within the budget authority level targeted for this function in the conference agreement on the first budget resolution for fiscal year 1978.

In closing, I call upon all the Members of the House to give their vote and their support to H.R. 6884 as reported out of committee. This bill serves our national security interests abroad, as well as those of our allies. It also enhances congressional oversight over the security assistance and arms transfer programs of the United States.

I hope, therefore, that this bill will enjoy the same overwhelming support by the House as it did in the International Relations Committee.

Mr. Chairman, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I congratulate my distinguished colleague, Chairman ZABLOCKI, for his handling of this bill and fully endorse his comments. The legislation that we have before us today is important to both our national and international security. In particular, this legislation provides for the maintenance of our worldwide security interests while at the same time establishing essential guidelines for the limitation of conventional arms transfers.

Providing for national and international security interests has always required the full cooperation of the administration, the Congress, our friends and allies. In order to implement our security policies, we must continue to cooperate to the fullest extent possible. If conventional arms are ever to be reduced throughout the world, domestic and international cooperation, particularly with our European friends, is of utmost importance.

While there is a great need for our European allies to join the United States in seeking to limit arms sales abroad, there is also a great need for the United States to join the European community in seeking new and better alternatives to collective security.

In each of our permanent interests of American foreign policy—security, economic well-being, peace—Europe continues to play a vital role. In providing for national and international security, our ties with Western Europe must certainly be a cornerstone to that policy. We must continue to recognize the unique closeness of our country to Western Europe and, in particular, to the North Atlantic Treaty Organization. For years NATO has denied Moscow the opportunity to dominate Western Europe and has given our European friends a sense of security and confidence that is essential to economic development.

United States-European interdependence—politically, economically, and militarily—is no longer a high-minded slogan but an act; and, as the Washington Post recently editorialized, the message from the London summit is better recognition of that fact.

In recognizing our European interdependence, as well as the ever-continuing Soviet threat, the United States should remain fully committed and involved in NATO. Since World War II, our commitment to Europe's defense has been unquestionable, although problems in relation to the extent of the Russian threat as well as the degree of interdependence, have sometimes necessitated policy adjustments within the NATO framework.

Recently the President returned from a trip to Europe in which he called for a strengthening of NATO to better meet the Soviet threat which has grown steadily in the last several years. The administration has pledged to make the NATO alliance the "heart of our foreign policy" and to better promote a genuine two-way transatlantic trade in defense equipment. Additionally, the administration has advocated increased standardization of NATO weaponry, which eventually will save money and reduce overlapping within the alliance.

The administration's appeal for a dramatic improvement in NATO comes at a time when the Soviets are rejecting proposals to cut both strategic and conventional weapons as evidenced in recent SALT and MBFR negotiations. Although we must continue to explore all alternatives, we must be very much aware of the assumed Soviet offensive posture in Europe; we simply cannot afford to have our collective deterrence weakened as has been the case in the eastern Mediterranean.

Providing for Mediterranean security can be a major step in the overall improvement of our collective strength. The eastern Mediterranean area is a strategic economic and military crossroads—a gateway to the Black and Aegean Seas. Moreover, this area is an important eastern anchor in the NATO structure.

Mediterranean security assumes timely and strategic importance in light of recent military buildups in neighboring Warsaw Pact countries. If the eastern Mediterranean is to be relied upon as a protector of NATO's southern flank, it is incumbent upon the administration to continue the efforts initiated by the Presidents' special envoy, Clark Clifford, to pursue a peaceful resolution of the differences that divide two of our oldest and closest friends and NATO allies. Moreover, in encouraging the parties to resolve these difficult matters which directly affect the security of NATO and the tragic situation on Cyprus, our Government must exercise moral and political leadership as well as a high order of statesmanship. It is only in this way that we can better maintain a sound regional and national security.

We must also demonstrate a concern for conventional arms restraint. Conventional forces have assumed increasing importance largely because of the parity achieved by the major powers in relation to nuclear capabilities. Because of this parity, we must make sure that the limitation of conventional arms to those parts of the world not directly linked to U.S. security interests becomes a more significant factor in the formulation of our international security policies.

At this time the United States is the world's leading conventional arms merchant, having exported almost as many defense articles and services during the past decade as all other nations combined. Although both the United States and the Soviet Union account for nearly 80 percent of the world's trade in weapons, several other nations, particularly in Western Europe, are continuing to contribute to the worldwide proliferation of arms.

What has become increasingly disturbing is the continued transfer of arms by various nations to the developing world, which exacerbates local tensions. Such has recently been the case in Africa where Soviet-supplied arms have fueled local fighting.

To a large extent, developing countries must also assume some of the blame for proliferation. In the last 15 years, military spending in developing countries has nearly doubled—from $15 billion in 1960 to $39 billion in 1974. Moreover, in the developing world, military expenditures have increased twice as fast as the economic base to support them. A recent study by Ruth Leger Sivard, formerly a chief economist with the Arms Control and Disarmament Agency, has found that governments of developing countries in total devoted as much to military programs as to education and health combined.

I congratulate the administration for its recommendations for stiffer controls for U.S. arms exports in an effort to restrain the worldwide sale of arms. The administration and the Congress must continue to actively seek new and better ways by which we can limit the proliferation of arms. We must also continue to stress the need for international cooperation in this matter, particularly in relation to our Soviet adversaries and our Western European friends.

Although the Congress has already taken some actions to better restrain arms transfers, we must continue to do so in the future. Last year, for example, in approving the International Security Assistance Act, we assumed more control over the sales of American arms to foreign countries. This year's legislation again expresses congressional concern over the proliferation of conventional arms. Section 12 of H.R. 6884 strengthens congressional oversight of the transfers of U.S. defense equipment and services abroad by requiring a 30-calendar day period for congressional review and possible disapproval of proposed third country transfers prior to the granting of Presidential consent.

Overall, the legislation authorizes less money than last year's bill and is $46.1 million less than the administration's request. Moreover, the bill sustains the Congress desire to reduce grant assistance and training where possible.

I have always believed that our security assistance programs should reflect U.S. security interests and not simply that of selling more American military equipment. In many ways, I believe that this year's bill reflects this concern. Although the legislation very positively seeks to strengthen controls on foreign military sales, it also seeks to strengthen our security interests, particularly in relation to NATO, Australia, Japan, and New Zealand.

H.R. 6884 facilitates arms transfers to occur for the purpose of maintenance, repair, or overhaul and in fulfillment of cross-servicing arrangements among NATO members. Moreover, the bill permits the licensing of exports in connection with commercial sales of over $25 million in major defense equipment to Australia, Japan, and New Zealand on the same basis as such sales are made to NATO countries.

In conclusion, I believe that this legislation provides certain initiatives for the maintenance of international security while at the same time providing for the achievement of important national security objectives. In attempting to implement these initiatives, however, let us not forget the need for full cooperation among the Congress and the administration, and among the United States and her friends.

Mr. Chairman, I urge support of this legislation.

Mr. Chairman, I yield 4 minutes to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Chairman, the legislation provides for international security assistance. In considering this legislation, I encourage Members to keep in mind that this bill is not a foreign aid "handout," but that this authorization is essential to our national security.

Security assistance programs are not the usual foreign aid programs. In fact, in recent years the military assistance programs have been phased down and most arms transfers under these programs are now being made through military credit sales. There have been no defaults in the credit sales program.

Our security contributes to the achievement of certain U.S. strategic objectives including the maintenance of our own national security. Through security assistance, the United States provides defense articles, military training, and other defense services to friendly and allied countries. In helping nations to better defend themselves, we serve not only our international security concerns, but also our own national defense.

As our world becomes increasingly interdependent, the United States must rely, to a larger extent, on security interests worldwide, For example, due to diminishing resources, our country is becoming ever more dependent upon strategic raw materials from abroad. In many cases, these materials will have a direct impact upon the security of our Nation. Because of increased interdependence, we must properly rely upon regional security, particularly in Europe, the Near East, and Northeast Asia. This kind of security is a necessary collective deterrent to the growing Soviet threat to the United States and its allies.

To sum up we need to reassure friendly nations that we are concerned about their security which in turn affects our own. We also need to remind ourselves that these programs are simply not "handouts"—they are programs necessary not only to international security but our national security as well.

A vote for this bill is an act of statesmanship.

I would like to point out, however, that although this bill merits our support, I would think it could be improved with a few amendments that will be offered. Frankly, there is a touch of inconsistency in this bill. I think it contains some geographic misconceptions. Then, too, I am not quite so sure—even though the committee emphasizes the point—that the new administration appreciates the fact that the threat to world peace remains the Communist Government of the Soviet Union. The concern of the administration with alleged abuses of human rights in allied countries, but its disregard of the denial of human rights in Vietnam, Cuba, and in the People's Republic of China, is obviously inconsistent.

I think it is also important that we try to face the inconsistency of being very concerned with the human rights of the majority that is suppressed by a minority in Rhodesia and then ignoring the plight of tribesmen in many African countries that are run by an oligarchy or dictatorship in which a majority tribe suppresses all political rights of minority tribes. It seems that the administration is totally indifferent to this problem in the conduct of foreign affairs.

At this time, the new administration is still groping to precisely define its overall foreign policy and in particular, its human rights approaches. For example, the current Ambassador to the United Nations has referred to the stabilizing influence of Communist Cuba's troops in Angola—we wonder if the Ambassador also considers Soviet occupation troops a stabilizing force in Czechoslovakia—and labeled the South African Government "illegitimate." These "diplomatic" pronouncements have prompted a flurry of "clarifying" comments by the new administration, which has no doubt confused both our friends and our enemies, not to mention our own constituents. Maybe at some point, the President's Ambassador will coordinate with the President's Department of State.

Human rights problems in Africa have further highlighted the administration's inconsistencies. Because of the new administration's selective imposition of sanctions upon the white minority Government of Rhodesia, the United States now becomes increasingly dependent upon such supplies as chrome from South Africa, a nation that many feel has also not fully reckoned with human rights. Human rights in Africa, however, is more than simply a black and white issue. What about the human rights of many of the minorities in the dictatorships that now exist throughout most of Africa? Does anyone care about those African tribes who are in the minority in the various African dictatorships?

The committee majority spent some time trying to outshout the President on the issue of human rights. Yet they are silent on administration moves to legitimatize the Governments of Cuba and Vietnam, two great examples of democracy and the application of individual rights.

Notwithstanding these imperfections in the bill, I would suggest support for final passage of the legislation, because military assistance—in this case, security assistance—is essential as a logical followup to our investment in our own defense forces. Basically these funds are necessary to provide our allies with the military equipment to meet their obligations as set forth in various treaties and agreements, and, in addition, to give them the ability and the confidence to withstand pressures from adversaries. That is the very purpose of this bill.

We must keep in mind that the United States no longer wishes to play world policeman. We no longer have armed forces of the size that we once had to patrol the entire world and maintain a pax Americana. Therefore, we must have legislation of this to work with countries with which we have substantial geographic, military, and economic interests.

I would like to point out as has the chairman of the committee, the gentleman from Wisconsin (Mr. ZABLOCKI), that the largest recipient of funds in this bill is the Government of Israel. We know that peace there is as far away as it ever was. As a result, this is a necessary investment in order to give Israel the defense capability to withstand any possible aggression.

Mr. Chairman, may I add that for those who subscribe to that theory it is equally consistent to support the request for our own defense budget funds so that we also have defense superiority.

Mr. ZABLOCKI. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. ROSENTHAL).

Mr. ROSENTHAL. Mr. Chairman, this bill marks the conclusion of the initial involvement of the new administration in the crucial eastern Mediterranean area and its problems. This administration inherited a dangerous impasse in that area which must be resolved.

Without reviewing all of the elements which led to that impasse, it is appropriate now to understand that Cyprus is central both to the problems of the eastern Mediterranean and to their solution. In July 1974, the Greek military dictatorship instigated a coup on Cyprus against that republic's legitimate government. Part of that coup attempt was a plan to kill Archbishop Makarios, the President of the Cyprus Republic. The American Government, which had a long and close association with the Greek dictatorship, failed to respond to this major threat to peace. In this failure to act our Government seemed to be motivated by a desire to preserve our military bases in Greece.

Five days later, Turkey invaded Cyprus, causing the fall of both the illegal Cypriot Government and the Athens junta. One month later, after a ceasefire had taken hold, Turkish forces renewed their military offensive and occupied 40 percent of the island. Nearly 200,000 refugees were created in a country of 600,000. The Turkish Forces were armed, without significant exception, with U.S.-supplied arms.

The Congress watched these developments closely. For 7 years, the opposition to American policy toward the Greek dictatorship had grown. In 1971, for example, Congress suspended military aid to Greece until democracy was restored. Unfortunately, the President used his waiver authority to continue that aid. The Subcommittee on Europe, which I was privileged to chair from 1971 to 1974, held hearings each of those 4 years on American relations with the Greek junta. In February 1974, less than 5 months before the events on Cyprus which I summarized above, a member of our committee, the Honorable DONALD M. FRASER, and the subcommittee staff consultant, visited Greece. Their principal conclusion was that—

> . . . . the present government [in Greece] cannot long endure. Marked by inexperience, its members appear without the requisite talents or skill for extricating the country from its political and economic chaos. The important question is by whom and how this extrication will take place.

Those were prophetic words. The extraction took place on Cyprus and the consequences are still to see. For the fall of the Greek junta coincided with the division of Cyprus, the renewed hostility of Greece and Turkey, and the disruption of NATO defense planning in the eastern Mediterranean.

The Congress, therefore, viewed events on Cyprus in July 1974 with some experience. When congressional leaders asked the administration to protest the August 1974 rupture of the Cyprus cease-fire by Turkey, no response came from the State Department. Instead, we heard once again, as we often had during the Greek dictatorship, that it was a time for "quiet diplomacy." We were told that our military bases in Turkey were too important to risk the antagonism of the Turkish Government, exactly as we had heard for 7 years that our Greek military bases were too important to risk antagonizing the Greek junta.

Finally, Congress acted in desperation by suspending military aid to Turkey until the President could certify that Turkey was in compliance with American laws and with bilateral agreements Turkey had signed. These laws and these agreements forbade Turkey—and every other country which receives our military help—to use that assistance for aggressive purposes. The Congress imposed a second condition: that the President certify that substantial progress had been made toward an agreement on military forces on Cyprus since the Turkish forces on the island were the obvious obstacle to a peaceful solution between the Greek and Turkish Cypriot communities.

The Congress, it must be stressed, did not impose new penalties on Turkey. Nor was this an ex post facto law. The Congress, instead, reaffirmed what had been in law for over 20 years and insisted on its application to Turkey. Neither was this a vindictive or hasty act. After the President twice vetoed legislation containing this aid suspension for Turkey, a compromise was reached which delayed its application for 2 months during which time the President and the Secretary of State promised to seek the cooperation of Turkey in ending its illegal occupation of Cyprus. Two months passed. No cooperation came from Turkey but only threats against the American bases for which our Government was willing to ignore the law. In December 1974, when the 2-month exemption expired, the administration asked for more time. Congress granted a second exemption for almost 2 more months. Still nothing happened. Finally, in February 1975 the suspension of all military aid to Turkey went into effect.

The administration then chose, very unfortunately in my view, to make Congress, not Turkey, the problem. Instead of using the arms suspension as evidence to present to Turkey of the deep and continuing concern of the American people and its representatives about what had happened on Cyprus, the administration—still insistent that military base rights were the highest good—advised Turkey to remain calm while pressure was put on Congress to reverse its actions. In the most intensive lobbying effort I have ever witnessed, the administration tried in the summer of 1975 to reverse the congressional action of enforcing the law.

Turkey cooperated by suspending operations at the American intelligence bases there. Under this pressure, the Congress relaxed the arms suspension on Turkey in October 1975. Under this partial lifting of the arms embargo, Turkey received the arms it had ordered before the embargo started in February 1975. Turkey was also allowed to buy arms on a commercial basis from U.S. manufacturers. Finally, Turkey was authorized to buy arms directly from our Government, effective with the fiscal year 1976 military aid bill which had not yet passed the Congress.

The expectation in October 1975 when this arms ban was partially lifted was that Turkey would respond with concessions on Cyprus sufficient to achieve a fair Cyprus settlement. Instead, as the record clearly indicates, Turkey persisted in its refusal to negotiate. To today, Turkey has refused to present a serious negotiating position. Instead, it insists that the partial arms suspension still in effect be lifted completely, that Cyprus be ignored by the United States and that Turkey will limit its NATO role unless it gets its way.

This is the background of the bill before the Congress today. This is the situation inherited by the Carter administration. I will not review in detail the statements of President Carter and Vice President MONDALE during their recent campaign for office except to note that they presented themselves as critical of the Ford administration's handling of this issue. They promised a different policy. Those of us who followed closely this issue, and the campaign, are still waiting, with hope, to see the differences. For the new administration's draft bill was very close to what the predecessor administration might have proposed.

As presented to the Congress in testimony on April 21, the administration bill would have:

First, authorized $175 million in fiscal year 1978 in foreign military sales—FMS—transactions for Turkey;

Second, authorized an additional $344 million in FMS case transactions to cover costs of 40 new F-4 fighter-bombers which Turkey undertook to purchase last year; and

Third, eased the way for Congress to consider a defense cooperation agreement with Turkey which the previous administration negotiated last year in an effort to bypass the partial arms suspension still in effect regarding Turkey.

After considerable negotiations with the administration, the committee version of the bill was agreed upon in the following form:

First, the $175 million in FMS transactions is authorized;

Second, no additional funds are made available for the F-4 purchase; and

Third, no commitment is made or implied by the Congress in approving this bill to approving or considering the defense cooperation agreement with Turkey.

I support this bill in this form but I must make clear my great disappointment with the new administration's approach to these questions. For in that approach, I detect the same errors which marked the previous administration. I see, for example, the same obsessive concern with foreign military bases to the point where no other values appear of any importance. The second error, related to the first, is assuming that Turkey's defense is more important to us than it is to Turkey. If Turkey decides that the U.S. bases within its borders should be closed rather than make a reasonable compromise on Cyprus, the lesson should be that Turkey is a less than reliable defense partner and that it is better to know this now than in some future emergency. Finally, the new administration seems to want to support the existing government in Turkey during that country's present electoral campaign. The result is that the incumbent government is making the American administration a factor in its campaign while its opponents charge the United States with interference in the Turkish electoral process.

I recognize that the new administration has had but a few months in office, that it cannot solve all problems at once and that some of its officials sincerely want to change the policies which have led to the present impasse over Cyprus. In closing, therefore, I would only offer this advice: the way to cooperate with the legitimate concerns of the Congress is to cooperate. For 2½ years, the Congress faced an administration which promised progress and delivered frustration on this issue. The Congress has shown that it is willing to accommodate when the goal is reasonable. We have been assured, with this bill, that the administration will pursue the goal of justice on Cyprus.

We will support those efforts, but the new administration must recognize that such assurances came regularly from its predecessor also.

Having been disappointed often on this issue in the past, the Congress is both wary and impatient. The issues involved merit the direct and personal attention of the President and his Secretary of State.

Mr. ZABLOCKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. HAMILTON).

Mr. HAMILTON. Mr. Chairman, I rise in support of H.R. 6884, the International Security Assistance Act of 1977.

This legislation supports important foreign policy interests of the United States in several parts of the world, especially in the Middle East and Europe.

This legislation also reinforces crucial reforms enacted into law in the Arms Control Act of 1976 which sought to—

Improve congressional control and oversight over the transfer of U.S. arms overseas;

Phase out grant military assistance and its administrative structure overseas;

Restrain and hopefully reduce the flow of U.S. arms overseas;

Control and curb third country transfers of weaponry; and

Develop greater congressional control over commercial military transactions.

In this year's legislation, the committee seeks to maintain these important trends by insuring a congressional role in the formulation of arms sales policies and in overseeing the continued increase in government-to-government military sales, both cash and credit.

There is no higher priority for the Congress and the Nation at this time than in bringing under control the U.S. role as the largest purveyor of military equipment in the world. This bill insures that Congress can play an effective role if it wants to.

THE MIDDLE EAST

Mr. Chairman, regionally, this bill impacts most significantly on the Middle East. Close to 70 percent of the funds authorized in this bill are for states in the Middle East. These programs, principally in Israel, Egypt, Syria, and Jordan, support important foreign policy interests of the United States. They are designed to help reduce tensions in the Middle East and help promote negotiations toward a peaceful settlement of the Arab-Israeli conflict.

We continue to authorize funds for these large programs in anticipation that they will help achieve progress in this vitally important area. While it is true that the funds authorized and appropriated over the last few years for these states have not achieved substantial progress toward peace, it is significant that tensions in the Middle East are reduced and that the parties to the Arab-Israeli conflict are devoting substantially more time to exploring peace options than war options. This trend should be continued.

It is the hope of many of us that progress can be achieved in the Middle East in the coming months. Without it, the region could easily be again involved in war. Without progress, support here in Congress for substantial aid commitments will erode.

We have made an important investment in peace in the Middle East, but we want and need results.

Besides authorizing key security supporting assistance and military assistance funds for the Middle East, the committee scrutinized each of the programs in the area carefully and made several changes to help insure the better utilization of funds and the greater likelihood that our aid will achieve the intended economic development results. The slow utilization rate of aid funds in Egypt, in particular, was noted. We hope for decided improvements in this program in the coming months.

There can be no strategy for peace in the Middle East if we fail in giving proper direction to our peaceful pursuits.

This legislation also addressed important needs of Israel. By authorizing $1 billion in FMS credits for Israel and $785 million in security supporting assistance, we help insure the continued economic viability and growth of the Israeli economy and preserve existing military relationships in the region. These represent an important national interest of the United States in the Middle East.

EUROPE

Mr. Chairman, in Europe this bill supports important West European and NATO interests of the United States. This legislation provides:

Economic and military assistance for Spain;

The sum of $300 million in balance of payments and long-term economic loans for Portugal;

The sum of $7.5 million in security supporting assistance for Cyprus; and

Military assistance for Greece and Turkey, two NATO allies.

The Iberian peninsula and the Eastern Mediterranean regions, indeed the entire Mediterranean coastline, appear to be at military, political and economic crossroads. The United States has an important stake in preserving good relations with all these states and in providing the help needed for these states to maintain their strength, economic viability and political orientations consistent with our own.

In this regard the Eastern Mediterranean region poses special problems for the United States. Turkey and Greece are important friends of the United States. They themselves remain deeply divided by bilateral disputes, especially in the Aegean Sea area and on the island of Cyprus.

Our assistance to Greece and Turkey will hopefully help create an atmosphere in which progress can be achieved on a Cyprus settlement, leading to the lifting of the arms embargo on Turkey and the restoration of good and close ties among the United States, Turkey, and Greece.

Problems in this area cannot fester: We ignore our problems with Turkey, Greece and Cyprus at our own peril. This legislation supports key military programs in Greece and humanitarian and economic programs in Cyprus. It also permits Turkey to maintain its NATO strength and purchase the F-4 aircraft by the best possible and mutually acceptable means, even though the embargo on military aid to Turkey remains only partially lifted.

With the will of any interested parties to the problems of the Eastern Mediterranean, both in the area and in the United States, this legislation can help us turn the corner and start rebuilding relationships in the Eastern Mediterranean and begin consideration of the defense cooperation agreements with Turkey and Greece which could provide a format for important future military relationships.

Mr. Chairman, Congress has over the last three years instituted important global reforms in this international security assistance legislation. We meet today to reinforce those trends.

We also meet today to give our support to crucial foreign policy goals we have in the Middle East and in Europe.

Without this legislation, our objectives in both Europe and the Middle East cannot be achieved.

With this legislation and with the strong support we can give our President in handling the difficult foreign policy challenges we face in Europe and the Middle East, there is hope for the future and for the millions of friends we seek to support in these areas.

I urge adoption of H.R. 6884.

Mr. ZABLOCKI. Mr. Chairman, I yield myself such time as I may consume in order that I may respond to questions that will be asked by the gentleman from Texas (Mr. Kazen).

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, I understand that the bill provides $20 million for Lebanon. How is that money supposed to be used?

Mr. ZABLOCKI. There is money included for Lebanon. First, perhaps I should review a bit of history connected with this program.

In the request for foreign economic assistance the executive branch programed funds for disaster relief for Lebanon. The committee felt, however, that it would be more realistic if the funds for reconstruction for Lebanon were included in the security assistance program, which will be authorized under the bill we have before us today. Therefore, the authorization for programs in Lebanon was removed from the economic aid bill and put in the bill before us. The money will be used for reconstruction of the war-torn country.

Mr. Chairman, I might say to the gentleman that it is very difficult to give an itemized account of how the $20 million will be spent because there are no projects as yet planned. We do know that Lebanon will need this assistance, and we therefore earmarked $20 million; but the types of programs will have to await the decision of that government and of our Government in determining how the $20 million will be used.

Mr. KAZEN. Mr. Chairman, if the gentleman will yield further, I was not questioning the need for this amount of money in Lebanon. I was questioning the use. Since this is a security assistance bill, I was wondering if there was any limitation on the use of the $20 million by Lebanon or could they use it for development instead of for security assistance or for the various programs under security assistance?

Mr. ZABLOCKI. As I explained in my statement, security supporting assistance is designed to promote economic and political stability. The money will not be used for military purposes. It is not military assistance, if that is what the gentleman is concerned about. It would be used for reconstruction programs in Lebanon.

Mr. KAZEN. This is the reason why I wanted to make this clear, because there is a great need for reconstructing that country.

Mr. ZABLOCKI. There is.

Mr. KAZEN. There is need beyond the $20 million provided in this bill; but as the gentleman points out, apparently not all of the programs have been laid out yet.

I would hope that the committee would keep an open mind next year when they present their bill so that they will inspect and review some of the programs that may be laid out by that country, in the hope that we may be able to furnish quite a bit of greater assistance to the reconstruction of what, of course, we know is the only democracy in the Arab world. They certainly need our help, and it should be forthcoming.

Mr. ZABLOCKI. Mr. Chairman, I can assure the gentleman that as stability develops in Lebanon, the programs will be reviewed. The committee will also give full consideration to whatever additional requests the administration might present to the committee.

Mr. KAZEN. Mr. Chairman, I thank the gentleman.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. Findley).

Mr. FINDLEY. Mr. Chairman, since this bill was reported by committee, an extraordinary and unexpected event has occurred in the State of Israel, the ascendancy of Menachem Begin as leader of the party with the largest representation in the Knesset and most likely to be the next Prime Minister of the State of Israel.

I understand that Mr. Begin has had a setback in health, and I certainly wish him well and wish for his full recovery. However, I also wish that he will reconsider some of the recent pronouncements that he has made, which, I am sure, have caused some concern among all Members of this body, myself included, who consider themselves strong supporters of the State of Israel.

Mr. Chairman, it is timely in connection with this bill, which is more than just a supply bill; this is a policy bill, a policy statement, probably the only statement this Congress will make in regard to recent policy, for us to take up some fundamental questions.

I rejoice that democratic processes prevail in the State of Israel. I think that is a comfort to all of us. Certainly democratic processes are in short supply in most of the areas of the Middle East, so it is gratifying to see that happen.

I also realize, Mr. Chairman, that what a politician or a public official attempts to convey in his public pronouncements and what is reported by the press are often two different things. Therefore, I think we have to make that allowance.

Nevertheless, those Members who watched ABC's "Issues and Answers" or read press reports of what Mr. Begin said must have been troubled, because the press report, that is, the Washington Post report, of the Issues and Answers program stated that Begin "steadfastly rejected Carter's suggestions that Israel return to its pre-1967 borders, ruled out the possible participation of the Palestine Liberation Organization in any new Geneva peace talks on the Middle East, and rejected any suggestion for the creation of a Palestinian State on the West Bank of the Jordan River."

These points, of course, are troublesome to those who view with approbation U.N. Resolutions Nos. 242 and 338, and the statement, over the weekend, of our President at Notre Dame University; if Mr. Begin really means what was attributed to him, it is especially unsettling, because it would seem to mean that he is determined to regard the West Bank as part of Israel's territory and not subject to any negotiations as far as a final settlement.

That area, of course, is broadly regarded internationally as the most likely site for a Palestinian homeland state if and when one is finally established.

In making these comments I am not suggesting that our Congress should intrude into the internal affairs of Israel. That is offensive to any Member, I am sure. Yet we must recognize the very close identification of the United States with the preservation of the State of Israel and the future of the State of Israel.

With this in mind, Mr. Chairman, I would like, if I may, to have the attention of the gentleman from Indiana (Mr. Hamilton), the chairman of the Subcommittee on Europe and the Middle East, in order to raise a couple of questions.

First of all, Mr. Chairman, I would ask the gentleman from Indiana (Mr. Hamilton) whether this AID bill was considered by the committee and reported out of the committee before the Israeli election in which Mr. Begin achieved his advance?

Mr. HAMILTON. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I will be glad to yield to the gentleman from Indiana.

Mr. HAMILTON. Yes, that is correct.

Mr. FINDLEY. Therefore it cannot be said, can it, that the passage of this bill in any way indicates congressional endorsement for the recent statements of

Mr. Begin referring to Israeli occupied territory on the West Bank of the Jordan River and the Gaza Strip as "liberated" and calling them a part of the State of Israel?

Mr. HAMILTON. The answer to the gentleman's question is no, the bill does not indicate, in my view, congressional endorsement for any of the statements by Mr. Begin that the gentleman from Illinois has just referred to.

The assistance provided for Israel in this bill is assistance for that country and it cannot and should not be construed as an endorsement of the statements of any particular politician in that country.

Mr. Begin's statements that he has made recently, are statements that are consistent with his previous statements about the occupied territories, but it seems to me that our vote today on this bill really represents strong support for Israel as a state and not for Mr. Begin's statements or, for that matter, any other leaders of the State of Israel.

Mr. FINDLEY. Mr. Chairman, I would like to ask the gentleman a further question. President Carter this past weekend, and here I quote the President:

> . . . expects Israel and her neighbors to continue to be bound by U.N. resolution 242 and 338, which they have previously accepted. . . .

Since these resolutions are the underpinning of U.S. foreign policy in the Middle East, Congress is not saying anything contrary to them by passing this bill to provide assistance to Israel, would the gentleman agree with me on that point?

Mr. HAMILTON. Yes, I do. The Congress is not saying anything contrary to those resolutions. We are supporting the large aid requests for the states in the Middle East because we support our Government's policies to try to help the parties achieve a lasting Middle East peace. If our aid does not promote an environment in which progress toward peace can be achieved, I think our aid programs will increasingly be questioned here in the Congress. Our aid is for support of the pursuit of peace in the area.

Mr. FINDLEY. May I ask the gentleman one final question. I was much impressed with the statement the President made at Notre Dame, and I quote again:

> We will continue to promote a settlement, which all of us need. Our own policy will not be affected by changes in leadership in any of the countries in the Middle East.

Will the gentleman agree as far as his own opinion goes with that statement by the President?

Mr. HAMILTON. Yes. I have read the statements the President made yesterday in Indiana, and I agree with them.

Mr. FINDLEY. I thank the gentleman.

I am gratified to have the gentleman's statement. I too concur with the President's comments about Mideast policies.

Moreover, I sense some concern—in fact, impatience—among many Members of Congress with the apparent stalemate in the Mideast. They see the need for a more conciliatory attitude by Israel and its neighbors, not for more intractable positions.

The coming year may well be critical, and if substantial progress toward a comprehensive settlement is not achieved in that time, I predict an erosion in Congress of support for funding for Mideast countries at the levels expressed in this bill.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

I see by the "Separate Views" which the gentleman has filed that the embargo against Turkey is continued in this bill. Is this correct?

Mr. FINDLEY. The embargo is in the statute. It is not affected by the language of the bill before us. That is correct.

Mr. KAZEN. I think that is a matter of great concern or should be of concern to all of us. That is a vital part of the world. Our relationship with Turkey is very important to NATO, and I think this is unfortunate.

Mr. FINDLEY. It is indeed very unfortunate. I agree with the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ZABLOCKI. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. STUDDS).

Mr. STUDDS. Mr. Chairman, I take this time very briefly to state why I shall vote against passage of this bill unless it is significantly amended. It seems to me that what we have before us is a fairly characteristic mixture of what is the best and what is the worst in this country.

I must pay tribute to the gentleman from Wisconsin (Mr. ZABLOCKI) and to other senior members of our committee who in past years I think have made enormous progress in the way in which this House deals with foreign assistance legislation. The fact that for the first time in the last Congress we were able to separate our consideration of economic from our consideration of military aid is an important step in the right direction, in my opinion. The progress we have made in writing into the statute our concern for human rights, the progress we have made in asserting congressional authority and genuine congressional oversight over arms transfer policies I think is an enormous step in the right direction.

And, Mr. Chairman, there is much in this bill that I strongly support. I support the assistance for Israel. I support in particular the generous assistance to the new democracy in Portugal. But I deeply resent being asked to cast a vote for those reasons, given what else is in this bill, because what else is in this bill it seems to me flies directly counter to the statutes of this land which we have enacted and clearly counter to the thrust of the very eloquent statements of the President of the United States.

We wrote into the Foreign Assistance Act last year the following language:

> It is further the policy of the United States that, except under circumstances specified in this section, no security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights.

Four days ago the President of the United States said the following:

> The United States will henceforth view arms transfers as an exceptional foreign policy implement, to be used only in instances where it can be clearly demonstrated that the transfer contributes to our national security interests. We will continue to utilize arms transfers to promote our security and the security of our close friends. But, in the future—

The President concluded:

> The burden of persuasion will be on those who favor a particular arms sale rather than those who oppose it.

Mr. Chairman, in several recent conversations with the President himself at the White House he has indicated his very deep concern, upon assuming the office he now holds, to find how many people around this world look not to the United States about their genuine concern for their rights and well-being but look for the most tragic, the most misguided, and most inappropriate reasons to the Soviet Union and the People's Republic of China.

The President has spoken eloquently again and again about his determination to reverse that and to bring this Nation back to its commitments and to restore this Nation in the perception of those around the world to our rightful place.

My concern, Mr. Chairman, is that what the President says is not what his administration has urged on this committee or on this House. I defy any member of this committee to tell me how it is in the security interest, of this Nation to give military assistance or to sell arms or to give military training to any number of the nations that are receiving those things under this bill.

During the reading of the bill under the 5-minute rule I shall offer an amendment to strike cash sales and military training to the country of Argentina as a symbol, clearly it seems to me, of the single most oppressive regime receiving assistance under this bill.

When four Latin American countries, including Argentina, expressed extreme displeasure at the President of the United States for his statements on human rights, what happened? The administration came in and asked us to give them the money for those countries. Somehow it seemed to be temerity for those countries to suggest that they might not want to receive that military assistance.

Our committee, thank heaven, has struck most of that assistance, but not all.

No wonder the peoples of the world and most particularly the people of Argentina and other Latin American dictatorships feel about the United States as they do. No wonder the President of the United States has spoken out on certain policies involved in this legislation.

I hope to remedy these problems, Mr. Chairman. There should be considerable support for striking the military training to one of the most repressive regimes on the Earth and certainly the most repressive regime to be the recipient of our military assistance and certainly a nation that has no business being in this legislation. It is totally contrary to the spirit of what our Nation stands for and what our President has eloquently, and I believe correctly, stated ought to be the policy of the United States.

Mr. BROOMFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, since July of 1975, when the House of Representatives rejected legislation to permit the partial lifting of the U.S. arms embargo against Turkey, U.S. military bases in Turkey have suspended all activities at the request of the Turkish Government.

Several of the U.S. bases in Turkey had been engaged in vital electronic intelligence gathering activities directed at the Soviet weapons development and military force deployment. According to the Defense Department the suspension of our surveillance capabilities on these bases has therefore been extremely harmful to U.S. intelligence efforts—even more harmful in fact than we had originally anticipated.

It is out of a concern for U.S. national security interests that I would like to ask the distinguished chairman of the Subcommittee on Europe and the Middle East of the International Relations Committee, the gentleman from Indiana (Mr. HAMILTON), several questions regarding these bases.

First. Is it the understanding of the gentleman that the United States has suffered a significant and unique loss of electronic intelligence on Soviet activities because of the suspension of activities on these bases?

Second. In what ways has our intelligence suffered?

Third. Could the gentleman estimate, to the best of his knowledge, what it would cost the U.S. Government to replace these facilities with facilities elsewhere? I understand, however, that Turkey's unique geographical location makes some of these facilities irreplaceable.

Fourth. Finally, would my colleague and friend, the gentleman from Indiana, say that it is in our national interests to reopen these facilities as soon as possible?

I yield to the gentleman such time as he may need.

Mr. HAMILTON. Mr. Chairman, I thank the gentleman for yielding.

I might say in response to the gentleman's questions that a detailed review of our basing structure in Turkey is needed. It may be quite possible to reduce significantly the number of bases there. We have 28 bases in Turkey today.

I think it is clear that some of these bases probably are no longer needed. It is also true that some of the bases are very important for intelligence purposes. Since July of 1975 when our bases were closed, the impact on our intelligence on the Soviet Union has been, in the words of our Defense Department, direct, immediate and far larger than was originally anticipated.

Specifically, we have suffered a significant and unique loss of electronic intelligence on Soviet activities; a net loss of 15 percent of the total information available to us on Soviet weapons, and more than a 50-percent loss of our surveillance capability on Soviet military forces and deployment in the southwest part of the Soviet Union.

To replace these facilities, especially the prime four intelligence facilities elsewhere, would take at least 2 years and cost about $100 million, in addition to any rental fees or other payments for the use of land elsewhere.

So it is unquestionably in our national interest to try to reopen these four key installations as soon as possible.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Chairman, I would like to ask the gentleman from Wisconsin if he can enlighten the gentleman from Maryland, again in his usually inimitable fashion, about some language in the bill. The bill creates a southern African fund and refers to proposed recipients of that fund as "majority ruled countries" in that area.

What does "majority ruled countries" mean?

Mr. ZABLOCKI. Mr. Chairman, if the gentleman will yield, the gentleman knows that in southern Africa the governments today are elected by a minority of the population in many countries. It is our hope that when there is a government that is representing the majority of the population, it is a government that is elected by the people of the country. Once a majority government is in power, then we would give assistance to the extent possible.

Mr. BAUMAN. Mr. Chairman, do I understand the answer that a majority ruled country is a country in which all people, regardless of race, creed or color, have a right to vote and elect their leaders, or is it a country in which the dictators are of the same race as the majority of the population of the country? There is a very important distinction between those two definitions.

Mr. ZABLOCKI. Mr. Chairman, if the gentleman will yield further, if a dictator is in power by force or by an election other than a democratic election, it would not be a majority government. He would not be representing a majority government, because he would not be elected by a majority of the people.

Mr. BAUMAN. I am pleased to hear that response. Is the gentleman saying in the case of Rhodesia if it does, as it will I am sure, eventually obtain its independence.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 additional minutes to the gentleman from Maryland.

Mr. BAUMAN. Mr. Chairman, in the case of Rhodesia, when it eventually obtains an independent status, if at that time its new government represents all people regardless of black or white or oriental race, then that government would be qualified under the fund; but if a black dictator takes over, the government would not be qualified for assistance, because it would not be representing a majority of the people; is that correct?

Mr. ZABLOCKI. Mr. Chairman, if the gentleman will yield further, that would be my understanding.

Mr. BAUMAN. Mr. Chairman, would the gentleman be willing to accept an amendment to spell this out, because there is no definition in the bill which says exactly what is meant. I have heard it argued by some, in fact, that "majority ruled country" simply means a nation headed by a member of the majority race in that nation, regardless of whether he is a dictator or not. That I think is wrong.

I would like the opinion of the gentleman from Wisconsin, if the gentleman does believe such an amendment would be acceptable.

Mr. ZABLOCKI. I would first like to see the amendment, rather than giving a commitment without having the wording before me. Surely the gentleman from Maryland understands that I do not want to be hasty and give a commitment that I might have to withdraw; so if an amendment is presented, we will take a close look at it.

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Washington.

Mr. BONKER. I think the gentleman has raised an interesting point. I have long taken issue with the phrase "majority rule" in Africa, because if the standard is one man, one vote, then it cannot be applied anywhere in that continent with the exception of Botswana. So, if we are going to refer to this categorization of majority rule, then we should be referring to it as "black rule," not "majority rule," because it is a phrase not defined in the legislation.

Mr. BAUMAN. So the gentleman feels that it is necessary to define this phrase further in this legislation?

Mr. BONKER. Yes.

Mr. BAUMAN. I thank the gentleman and I agree.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Chairman, I thank the gentleman for yielding to me. I would like to direct a question along the same line we have been discussing to the distinguished gentleman from Wisconsin, and ask the specific question:

Do Zambia, Tanzania, or Mozambique meet, to the satisfaction of the distinguished gentleman, the criteria for majority rule that have been enunciated by the gentleman from Maryland?

Mr. ZABLOCKI. Will the gentleman yield?

Mr. CRANE. Yes indeed.

Mr. ZABLOCKI. As the gentleman knows, the administration has no present plans to provide security assistance to Tanzania, Mozambique, or Angola. As far as the countries the gentleman has mentioned, Mozambique, Tanzania, and Zambia, the one country that the executive branch proposes a program for aid under security supporting assistance would be to Zambia.

As I have stated in my opening remarks, supporting assistance is for the purpose of stabilizing economies and to promote political and economic stability. To answer the question of the gentleman, the assistance to the countries, if there were indications that the countries of Africa that are now under minority rule were moving toward majority rule, assistance could be provided for the purpose of stabilizing the political and economic situation so that majority rule can develop.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BROOMFIELD. I yield 1 additional minute to the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. I would like to pursue this just a little bit further. In essence, what the gentleman is saying is that there is assistance in this bill for countries that do not meet the definition of a majority-ruled country by the definition offered by the gentleman from Maryland, but the assistance is predicated on the assumption that they may be evolving toward majority rule; and that is the rationalization for granting them assistance at this time?

Mr. ZABLOCKI. That is true. If we took any other course of action, we would be writing them off to a possible takeover or leadership change that would be directly or indirectly connected with the Communist movement. I am sure the gentleman will agree that it is preferable for the United States, in our own national security interests, to assist a leader who is in a position to bring about this transition from minority rule to majority rule.

Mr. CRANE. But we have the example already of a country, such as Mozambique, which can only be defined as Marxist and a Soviet satellite.

Mr. BROOMFIELD. Mr. Chairman, I yield the remainder of my time to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Chairman, I think the gentleman from Wisconsin has enunciated a definition of "majority ruled countries" considerably broader than that with which I can agree. It will be my intention to offer at the appropriate time an amendment which reads as follows:

> As used in this section the phrase "majority ruled countries" shall be defined as including only those countries in which there exists an established constitutional or legal system which does in fact and in practice provide for the regular popular election of governing officials by qualified voters who are guaranteed the right to vote without any restrictions because of race, creed or color.

I think that is an adequate definition of "majority ruled countries." I would hope that the committee could support that amendment. The amendment would do much in promoting countries in transition away from dictatorship to majority control, because the amendment would enhance the possibility of these nations obtaining $100 million or portions thereof. The amendment certainly would exclude South Africa or Rhodesia as they are presently constituted, as they should be, or any other countries which have black or white minority governments in the southern Africa area. I would hope the gentleman will embrace language along these lines later this afternoon.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. I thank the gentleman for yielding.

It would be easier if the gentleman asked that I embrace him and not the language. Let me say to the gentleman that I know he is motivated by the highest ideals. Certainly we are trying to develop a policy for Africa. And if indeed we did accept the gentleman's language, as I thought I understood the list of conditions, it would be almost impossible for the United States to have a workable foreign policy in any part of the world, much less in Africa.

Mr. BAUMAN. Mr. Chairman, if I may reclaim my time, what the gentleman from Maryland is saying in his proposed amendment is nothing but the very core guarantee of human rights, the right to vote. Our President constantly talks about such human rights. If we are to have the same standard applied around the world, in Africa as well, it would be proper to adopt this language. It it not good enough to come in here and say, "Well, a little bit of communism or a little bit of dictatorship is acceptable in this or that nation for the time being, and we will give away the American taxpayers' money to finance such countries." That does not wash.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. BAUMAN) has expired.

Mr. ZABLOCKI. Mr. Chairman, I yield 2 additional minutes to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Chairman, I yield further to the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Chairman, I fully share the gentleman from Maryland's deep interest in human rights throughout the world. There are pockets in our own country where human rights are denied. But I think if we adopted the gentleman's suggested amendment, it would be highly counterproductive. In dealing with human rights we must do it from a responsible position and with responsible aims. Certainly one does not do it by legislation alone, but by quiet diplomacy, by negotiating, by bringing about delicate but effective pressures.

So I would hope that the gentleman would not call up this amendment; if he does, I must say to the gentleman that I would have to reluctantly oppose his amendment.

Mr. BAUMAN. Would the gentleman also promise not to embrace the gentleman from Maryland?

Mr. ZABLOCKI. That is a foregone conclusion on the gentleman's part.

Mr. BAUMAN. I thank the gentleman for that guarantee.

Mr. GRASSLEY. Mr. Chairman, when the vote on final passage of the legislation we are now considering (H.R. 6884) is taken, I expect that I will be constrained to vote "nay." Let me briefly explain, at this point, my reasoning.

In the first place, this bill will authorize the spending of approximately 3.2 billion dollars for what are termed security assistance programs for fiscal year 1978. This is a 7.2 percent increase over the 1977 authorization level. The message that the people of the United States have been sending to Washington has been that the Congress should be holding the line on Federal spending. Apparently this message has not yet been received by the committee.

Second, many of the provisions of the International Security Assistance Act for fiscal year 1978 seem to be designed to reward our enemies and punish our friends. Some Members manifest a concern over alleged human rights violations in such places as Argentina, Brazil, or Korea; yet, they would seek to "normalize" relations with Vietnam and Cambodia, neither of which have demonstrated even a minimal concern with basic human rights. Such a world view borders on being schizophrenic.

One thing I would like to make clear is that my expected "nay" vote should not be construed as indicating indifference or antipathy towards the Nation of Israel. We have a commitment which will not and should not be abrogated. We have precious few friends in the world and Israel has been, by and large, a good ally. It is in the best interests of the United States for there to exist in the Middle East a strong and viable democracy. The results of the recent election demonstrate that democracy is working in Israel. We should do what we can to see that the Palestinian situation is resolved in a peaceful and equitable manner. Both sides will have to make concessions in order to win a lasting peace and this will require that Israel be able to negotiate with neighboring nations and groups out of a position of strength.

Mr. WAXMAN. Mr. Chairman, the international security assistance authorization for the coming fiscal year reflects our continued determination to play a constructive and forceful role in world affairs. It reaffirms our commitment to basic human rights by severely limiting the access of repressive regimes to these programs. It broadens congressional participation and review of our arms export policies by providing for a legislative veto of the President's concurrence to a recipient country's desire to transfer arms to a third party. It recognizes, through a host of new programs, our new interest in developments in Africa, and our desire to facilitate the transition to majority rule in the southern portion of that continent.

But most importantly, this legislation again directs most of our assistance to the Middle East. It is a generous and balanced approach which fully reflects the special relationship which exists between the United States and Israel. For Israel there is authorized $785 million in security assistance, $300 million of which is to be used for budget relief, as well as $1 billion in military sales credits, $500 million of which is to be forgiven.

The emphasis on Israel's domestic economic needs is very much warranted. Israel continues to be beset by a soaring inflation rate and protracted economic stagnation. Israel's rate of inflation in 1976 was an astounding 36 percent—six times higher than that in the United States, and one of the highest of any country in the industrialized West. Despite being among the highest taxed people in the world, Israelis can expect inflation to persist at a rate of at least 25 percent for the next year. At the same time, the economy is expected to enjoy only marginal growth—1.2 percent in 1977—marking the fourth year in a row of sluggish growth.

Although Israel has a strong commitment to full employment, there is a substantial risk that the current 3.5 percent unemployment rate will rise to 5 percent before year's end—or more than 60,000 jobless out of a national work force of 1.2 million people. This will place an increased strain on the already overburdened social welfare, commodity subsidy, and immigration support programs.

The Israeli Government has taken effective steps to reduce its balance of payments deficits, achieving a decrease of more than $800 million last year. But current projections show a deficit of $3.3 billion in 1977—an astonishing level for a small country.

What these figures really represent is the human hardship and social deprivation caused by the imperatives of the military and political burden Israel must bear as a result of a generation of conflict with the Arab nations. In order to insure the country's continued existence, Israelis are forced to absorb defense expenditures which total some $4.5 billion—fully a third of the total national budget and 35 percent of the gross national product. By contrast, defense spending in the United States accounts for 8 percent of our GNP.

It is in recognition of these compelling constraints that this legislation extends $1 billion in military credits, half of which is to be forgiven. These credits are essential to Israel's ability to purchase the material necessary to assure a continued favorable military balance in the area.

For nearly 4 years, the United States has been actively guiding the conflicting parties in the Middle East toward the conference table. Many political obstacles—particularly the refusal of the Arab nations to fully recognize Israel's right to exist—remain to be bridged. But by underwriting its diplomatic initiatives with concrete pledges of economic assistance, the United States has made itself indispensable to this process.

The lesson from the Yom Kippur War and the diplomacy which has marked its aftermath is an unequivocal one: Israel cannot negotiate from a position of military or economic insecurity. Nor can Israel be expected to sacrifice its preparedness in the search for the intangibles which constitute peace. Such an unfavorable vantage can only inhibit Israel's determination to conclude a just and lasting peace with its neighbors. This legislation, by recognizing these needs, makes a significant contribution to these efforts.

I urge my colleagues to join me in support of this legislation.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise to address the matter before us, the International Security Assistance Act of 1977, H.R. 6884. Although I have intentions of supporting the bill, I have misgivings about some aspects of it. It is on these misgivings that I comment.

To begin, I wish to warn each of my Democratic colleagues that we should not be so overwhelmed with the reality of having in the White House a President of our party that we fail to diligently exercise our congressional obligation to review carefully all aspects of our foreign policy. The bill before us is critical to the exercise of U.S. foreign policy in that it affords, through expenditures of U.S. tax dollars, substantial military support to countries of the world that are either historical allies, or to nations whose security is identified with our own. However, some of the countries in Latin America, Asia, and other parts of the world that will receive military aid in this bill are shockingly antidemocratic and or pursue ideologies contrary to our own national ideals.

In Latin American, for example, some of the nations receiving either foreign military sales credits, U.S. military training, or grant military assistance are in the throes of outright authoritarianism. Aid to repressive governments anywhere, even while taking into account U.S. security interests, must get absolutely the closest scrutiny. No American citizen can be a disinterested viewer of U.S. foreign activity simply because the rhetoric of human rights is echoed in diplomatic corridors. Every one of us must test each of America's foreign commitments and determine which ones are essential to our national safety and which express the principles to which we subscribe. To keep a less watchful and self-critical posture is to allow our military assistance program to become less of a means to insure our security and that of our allies and friends, and more of a program to be used as a vehicle for arms sales in the entire world.

Specifically, I have concern that this bill perpetuates what many consider to be a myth about an area in a continent for which I have serious interest—Africa.

Our presence in central Africa is, I fear, viewed by our policymakers in the context of global competition with our Soviet adversaries. Real or imaginary, our fears of Soviet influence compel us to maintain a presence in that region regardless of the circumstances of the nation or nations that accommodate this global anxiety. In the case of Zaire, we have elected to help what many Zairians consider to be a questionable government at a time when it is undergoing an internal challenge by forces that are neither anti-western, nor anti-American. By showing strong favor of the Mobutu government, we are weighing one side against the other in this civil strife.

Contrary to popular press opinion, we are very much involved in Zaire, as we have been for some 12 or 13 years. Those in doubt need only to look at the record showing over $450 million in U.S. Government military and economic aid, over $500 million in bank loans, and over $1 billion in U.S. investments received by Zaire. All this speaks to our past and continued involvement with a government that appears to have not shown a capacity and/or willingness to deploy an effective military organization or to mobilize its economic resources on behalf of the poor.

It is also ironic to read the congressional presentation documents on military aid to Zaire. In a statement that borrows a page from a widely reported Defense Department assessment of the Zairian fighting force, the executive document politely suggests that further large scale aid to Zaire may not be useful until their military "infrastructure" is adapted to face a larger burden. Again, American wishing will not change the circumstance, and many sound observers on the subject urge complete American disengagement from the present Zairian government before it collapses from an instability of internal causation.

However, since Zaire has long been one of our loyal allies in Africa I am not advocating such a precipitous withdrawal of our aid. I seek only to remind my colleagues that without careful scrutiny of this matter and all others similar, we of the Congress who are called upon to critique U.S. foreign policy, will be guilty of a grievous error. If we do not investigate the circumstances in the Zairian and other such cases we will never alter our propensity to support the personalities and regimes that hold out a false promise of stability, amidst the fluctuations of history. We live in a period when people in the developing world seek independence, and in so doing desire to begin their national existence with high principles. Our preferences for so-called stable forces is often a preference for men and institutions that impede real independence. In that sense, we are in contradiction to the historic developments in the world. We are doomed to fail in foreign matters when we miss so obvious a lesson of our times.

Although I am supporting this bill with some reservations, there are parts of it that are essential to our security and to the development of new, more humane directions to our foreign policy. For example, the bill provides that insofar as is practicable, security supporting assistance programs in southern Africa should be devoted to development projects that effectively involve the poor. It also provides much needed funds to control the production of and trafficking in narcotics and other dangerous drugs. Debate on the House floor is not the most appropriate place to assess in great detail the issues that I have raised. Yet, in this Chamber we can advise our fellow citizens and colleagues that much serious introspection and policy review is needed and mandatory if we are to ratify and conduct a sane foreign policy.

Mr. WEISS. Mr. Chairman, I offer my strong support in favor of H.R. 6884—the International Security Assistance Act of 1977—with the adoption of the Studds, Harkin, and Simon amendments. The passage of this bill with the adoption of these amendments will lend itself to the strengthening of a growing human rights policy for our country.

If passed with these amendments, H.R. 6884 would represent a major new foreign military aid effort on the part of this country which would take into account the vital and important nature of human rights as an element of our foreign policy. I favor these amendments and the human rights section of H.R. 6884 as a necessary step toward mobilizing and consolidating the moral indignation and humanitarian values of our people concerning the treatment of other human beings all over the world.

Section 19 of H.R. 6884 would offer a needed innovation in the international security assistance program by prohibiting aid to countries which use funds for the purpose of repressing the "legitimate rights of the populations in such countries contrary to the Universal Declaration of Human Rights."

The Studds, Harkin, and Simon amendments strengthen this human rights section in many critical ways.

The amendment offered by the distinguished gentleman from Massachusetts (Mr. STUDDS) specifically attempts to affect the treatment of individuals in Argentina. Under this amendment all foreign military aid to Argentina would be cut off. I believe this action would strongly affect the policies of the Videla regime which presently rules that country. It would deter the inhumane policies of that dictatorship by withdrawing our military aid which is provided under the international security assistance program.

The repressive nature of Videla's government has been widely attested. It was in acknowledgement of this fact that I cosigned a letter to Videla with 30 other Members of Congress requesting the release of the highly regarded Argentine political leader, Senator Hilpolito Solari Irigoyen, who had been arrested without charges in August and released only just recently. The Videla regime has systematically deprived Jews and other citizens who do not agree with Videla's beliefs of their individual rights. The impact of the Studds amendment would be to pressure Videla to drop these terrorizing techniques.

In the amendment offered by Mr. HARKIN, the distinguished gentleman from Iowa, a 5-percent reduction in foreign military aid would be targeted for a number of other countries known to be in specific violation of human rights. This amendment would cut back U.S. military aid to authoritarian regimes in the Philippines, Indonesia, South Korea, and Nicaragua. I strongly support this amendment which demonstrates America's concern with the rights of all nations around the globe—not only those countries popularly regarded as human rights violators—such as the Soviet Union, Uganda, South Africa, and Rhodesia.

The amendment offered by my colleague, Mr. SIMON of Illinois, strengthens this bill in another critically important way. Section 19 already requires that aid to a recipient nation be halted if it has a stated policy which violates human rights. But under the Simon amendment aid would also be cut off if it was likely that the recipient nation would use this aid to violate human rights. Therefore, this amendment would assure all Americans that foreign assistance would be granted on a more than cursory basis. The Simon amendment makes it incumbent on the State Department and our military advisers to make a specific assessment of how the aid provided under this legislation is being put to use.

I strongly embrace the basic tenets of section 19 and these amendments: Enacting a strong American human rights policy. I have a keen personal awareness of the need for this legislation; and I see it as a valuable and important announcement to the world that America will do everything in its power to see that the inherent rights of people of all nationalities are respected.

Time after time I have joined my colleagues in sponsoring resolutions and letters concerning the need for awareness of respect for human rights. The legislation we are considering today represents an important opportunity to take direct action to achieve this kind of respect.

I urge my colleagues to vote in favor of the Studds, Harkin, and Simon amendments in considering their vote on H.R. 6884.

Mr. ZABLOCKI. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "International Security Assistance Act of 1977".

CONTINGENCY FUND

SEC. 2. Section 451(a) of the Foreign Assistance Act of 1961 is amended by striking out "for the fiscal year 1976 not to exceed $5,000,000 and for the fiscal year 1977 not to exceed $5,000,000" and inserting in lieu thereof "for the fiscal year 1978 not to exceed $5,000,000".

INTERNATIONAL NARCOTICS CONTROL

SEC. 3. Section 482 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 482. AUTHORIZATION.—To carry out the purposes of section 481, there are authorized to be appropriated to the President $39,000,000 for the fiscal year 1978. Amounts appropriated under this section are authorized to remain available until expended.".

MILITARY ASSISTANCE

SEC. 4. (a) Section 504(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President to carry out the purposes of this chapter not to exceed $228,900,000 for the fiscal year 1978. Not more than the following amounts of funds available to carry out this chapter may be allocated and made available for assistance to each of the following recipients for the fiscal year 1978:

"Recipient:	*Amount*
Greece	$33, 000, 000
Portugal	25, 000, 000
Spain	15, 000, 000
Turkey	48, 000, 000
Jordan	55, 000, 000
Indonesia	15, 000, 000
Philippines	19, 600, 000
Thailand	8, 000, 000

The amount specified in this paragraph for military assistance to any such recipient for the fiscal year 1978 may be increased by not more than 10 per centum of such amount if the President deems such increase necessary for the purposes of this chapter.

"(2) Except with respect to costs incurred under the authority of section 516(b) or as otherwise specifically authorized by law, none of the funds available for assistance under this chapter may be used to provide assistance to countries or international organizations other than those specified in paragraph (1).

"(3) The authority of section 610(a) and of section 614(a) may not be used to increase any amount specified in paragraph (1), or to waive the limitations of paragraph (2).

"(4) Amounts appropriated under this subsection are authorized to remain available until expended.".

(b) Section 516(b) of the Foreign Assistance Act of 1961 is amended by striking out "paragraphs (2) and (3)" and inserting in lieu thereof "paragraph (2)".

STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

SEC. 5. Section 514(b)(2) of the Foreign Assistance Act of 1961 is amended by striking out "$93,750,000 for the period beginning July 1, 1975, and ending September 30, 1976, and $125,000,000 for the fiscal year 1977" and inserting in lieu thereof "$255,000,000 for the fiscal year 1978".

INTERNATIONAL MILITARY ASSISTANCE AND SALES PROGRAM MANAGEMENT

SEC. 6. (a) Effective October 1, 1977, section 515 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 515. OVERSEAS MANAGEMENT OF ASSISTANCE AND SALES PROGRAMS.—(a) No military assistance advisory group, military mission, or other organization of United States military personnel performing similar military advisory functions under this Act or the Arms Export Control Act may operate in any foreign country unless specifically authorized by the Congress. The prohibition contained in this subsection does not apply to regular units of the Armed Forces of the United States engaged in routine functions designed to bring about the standardization of military operations and procedures between the Armed Forces of the United States and countries which are members of the North Atlantic Treaty Organization or other defense treaty allies of the United States.

"(b)(1) In order to carry out his responsibilities for the management of international security assistance programs conducted under this chapter, under chapter 5 of this part, or under the Arms Export Control Act, the President may assign members of the Armed Forces of the United States to perform necessary functions with respect to such programs in the countries specified in section 504(a)(1) and in the Republic of Korea and Panama, except that the aggregate number of members of the Armed Forces so assigned to all such countries during the fiscal year 1978 may not exceed 400.

"(2) Defense attachés may not perform any functions described in paragraph (1) of this subsection.

"(c)(1) The President may assign not to exceed three members of the Armed Forces to any country not specified in subsection (b)(1) to perform accounting and similar management functions with respect to programs conducted under this chapter and chapter 5 of this part and with respect to sales, credits, guaranties under the Arms Export Control Act, except that not to exceed three additional members of the Armed Forces may be assigned to a country to perform such functions when specifically requested by the Chief of the Diplomatic Mission as necessary to the efficient operation of the Mission, but only if the President determines that the assignment of such additional members is in the national interest of the United States. The President shall report each such determination to the Congress before such additional members are so assigned, together with a statement of the reasons for his determination.

"(2) Defense attachés may not perform any functions decribed in paragraph (1) of this subsection unless the President determines that the performance of such functions by defense attachés in a country to which no members of the Armed Forces are assigned under paragraph (1) of this subsection is in the national interest. The President shall promptly report each such determination to the Speaker of the House of Representatives and to the chairman of the Senate Committee on Foreign Relations and the chairman of the Senate Committee on Armed Services, together with a description of the number of personnel involved and a statement of the reasons for such determination.

"(d) Members of the Armed Forces assigned to a foreign country under subsection (b)(1) or (c)(1) shall serve under the direction and supervision of the Chief of the United States Diplomatic Mission in that country.

"(e) The entire costs (including salaries of United States military personnel) of overseas management of security assistance programs under this section shall be charged to or reimbursed from funds made available to carry out this chapter, including any such costs which are reimbursed from charges for services collected from foreign governments pursuant to sections 21(e) and 43(b) of the Arms Export Control Act. The prohibition contained in subsection (a) of this section shall not apply to personnel performing services on a fully reimbursable basis under the Arms Export Control Act.".

(b) Section 516(a) of the Foreign Assistance Act of 1961 is amended by striking out "515(b)(2)" and inserting in lieu thereof "515".

(c) Section 631(d) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "this Act" and inserting in lieu thereof "part I of this Act"; and

(2) by striking out all that follows after "economic officer of the mission" and inserting a period in lieu thereof.

SECURITY SUPPORTING ASSISTANCE

SEC. 7. (a) Section 531 of the Foreign Assistance Act of 1961 is amended by striking out "The" in the last sentence and inserting in lieu thereof "Except for programs in southern Africa, the".

(b) Such section is further amended—

(1) by inserting "(a)" immediately before "The President" in the first sentence; and

(2) by adding at the end thereof the following new subsection:

"(b) To the extent possible consistent with the primary purposes of this chapter to promote economic and political stability, assistance furnished under this chapter should be used to meet the objectives set forth in sections 102 (c) and (d) and in other sections of chapter 1 of part I. In particular United States bilateral assistance under this chapter should avoid large-scale development projects requiring substantial capital, such as highway building and improving.".

(c) Section 532 of such Act is amended to read as follows:

"SEC. 532. AUTHORIZATION.—(a)(1) There is authorized to be appropriated to the President to carry out the purposes of this chapter for the fiscal year 1978 not to exceed $2,214,700,000.

"(2) Of the amount authorized to be appropriated by paragraph (1) for the fiscal year 1978, not less than $785,000,000 shall be available only for Israel (of which not less than $300,000,000 shall be available only for budgetary support on a grant basis), not less than $750,000,000 shall be available only for Egypt, not less than $93,000,000 shall be available only for Jordan, not less than $90,000,000 shall be available only for Syria, not less than $7,500,000 shall be available only for Cyprus, not less than $20,000,000 shall be available only for Lebanon, and not less than $300,000,000 shall be available only for economic development loans on nonconcessional terms for Portugal. Not less than 60 percent of the assistance furnished to Egypt under this chapter for the fiscal year 1978 shall be provided on a grant basis.

"(3) Assistance furnished under this chapter for Cyprus, Lebanon, and Portugal for the fiscal year 1978 shall not be counted for purposes of the limitation contained in the last sentence of section 531 on the number of countries which may receive assistance under this chapter in any fiscal year.

"(b) Amounts appropriated under this section are authorized to remain available until expended.".

(d) Chapter 4 of part II of such Act is amended by adding at the end thereof the following new sections:

"SEC. 533. SOUTHERN AFRICAN SPECIAL REQUIREMENTS FUND.—(a) Of the funds authorized to be appropriated by section 532 for the fiscal year 1978, $100,000,000 shall be available only for the majority ruled countries of southern Africa to address the problems caused by the economic dislocation resulting from the conflict in that region, and for education and job training assistance for Africans from Nambai and Zimbabwe (Southern Rhodesia). Such funds may be used to provide assistance to African refugees and persons displaced by war and internal strife in southern Africa, to improve transportation links interrupted or jeopardized by regional political conflicts, and to provide trade credits for the purchase of United States products to those countries in the region adversely affected by blocked outlets for their exports and by the overall strains of the world economy.

"(b) To the extent practicable consistent with the purposes specified in subsection (a), assistance under this section should be used to meet the objectives set forth in sections 102 (c) and (d) and in other sections of chapter 1 of part I of this Act.

"(c) Before obligating any funds under this section, the President shall notify the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate with respect to the specific projects and programs for which such funds will be used.

"(d) The Congress supports the President's efforts to bring about a negotiated transition to majority rule in Zimbabwe (Southern Rhodesia) and encourages the President upon the conclusion of a firm agreement on majority rule in Zimbabwe (Southern Rhodesia), to take the initiative in mounting an international effort to develop and support a special fund for Zimbabwe (Southern Rhodesia) to further economic justice and development under the new government.

"SEC. 534. ASSISTANCE FOR PORTUGAL.—Not more than $200,000,000 of the funds made available under section 532 for economic development loans on nonconcessional terms for Portugal for the fiscal year 1978 may be obligated for such purpose unless—

"(1) the President certifies to the Congress that other countries have made a firm commitment to furnish, before January 1, 1980, a total of at least $300,000,000 in economic assistance loans for Portugal; or

"(2) if the certification described in paragraph (1) has not been made by March 31, 1978, the President submits a report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives explaining why funds in excess of $200,000,000 should be obligated for economic development loans for Portugal for the fiscal year 1978 and both such Committees approve the use of such additional funds for such purpose.".

INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 8. Section 542 of the Foreign Assistance Act of 1961 is amended by striking out "$27,000,000 for the fiscal year 1976 and $30,200,000 for the fiscal year 1977" and inserting in lieu thereof "$31,400,000 for the fiscal year 1978".

NUCLEAR POWERPLANTS

SEC. 9. Section 620 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(y) None of the funds made available to carry out this Act may be used to finance the construction of, the operation or maintenance of, or the supply of fuel for, any nuclear powerplant under an agreement for cooperation between the United States and any other country.".

MIDDLE EAST PEACE

SEC. 10. Section 903 of the Foreign Assistance Act of 1961 is amended—

(1) in subsection (a), by striking out "for the fiscal year 1976 not to exceed $50,000,000 and for the fiscal year 1977 not to exceed $35,000,000" and inserting in lieu thereof "for the fiscal year 1978 not to exceed $8,000,000";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking out "and" at the end of clause (B), and

(ii) by inserting immediately before the semicolon at the end thereof ", and (D) the reasons why the President has determined that it is in the national interest to use funds appropriated under this section for such purpose rather than (i) using funds available for such purpose under part I, or (ii) if no funds are available for such purpose under part I, awaiting the enactment of legislation making funds specifically available for such purpose"; and

(B) in paragraph (2), by striking out "provided by clauses (A), (B), and (C) of" and inserting in lieu thereof "required by";

(3) in subsection (c)—

(A) by inserting "or under section 532" immediately after "subsection (a)" in the first sentence; and

(B) by striking out "Such funds" in the second sentence and inserting in lieu thereof "Funds appropriated under subsection (a)"; and

(4) in subsection (e), by striking out "1977" and inserting in lieu thereof "1978".

CONGRESSIONAL DISAPPROVAL OF THIRD COUNTRY TRANSFERS

SEC. 11. Section 3(d) of the Arms Export Control Act is amended—

(1) by striking out ", 30 days prior to giving such consent," in the text preceding paragraph (1);

(2) by redesignating such section as section 3(d)(1) and redesignating paragraphs (1) through (5) thereof as subparagraphs (A) through (E), respectively; and

(3) by adding the following new paragraph at the end thereof:

"(2) Unless the President states in the certification submitted pursuant to this subsection that an emergency exists which requires that consent to the proposed transfer become effective immediately in the national security interests of the United States, such consent shall not become effective until 30 calendar days after the date of such submission and such consent shall become effective then only if the Congress does not adopt, within such 30-day period, a concurrent resolution disapproving the proposed transfer.".

TRANSFERS OF DEFENSE ARTICLES AND DEFENSE SERVICES FOR MAINTENANCE, REPAIR, AND OVERHAUL

Sec. 12. Section 3(d) of the Arms Export Control Act, as amended by section 11 of this Act, is further amended by adding the following new paragraph at the end thereof:

"(3) This subsection shall not apply—

"(A) to transfers of maintenance, repair, or overhaul defense services, or of the repair parts or other defense articles used in furnishing such services, if the transfer will not result in any increase, relative to the original specifications, in the military capability of the defense articles and services to be maintained, repaired, or overhauled;

"(B) to temporary transfers of defense articles for the sole purpose of receiving maintenance, repair, or overhaul; or

"(C) to cooperative cross servicing arrangements among members of the North Atlantic Treaty Organization.".

FOREIGN MILITARY SALES AUTHORIZATION AND AGGREGRATE CEILING

Sec. 13. Section 31 of the Arms Export Control Act is amended—

(1) in subsection (a), by striking out all in the first sentence after "not to exceed" the first time it appears and inserting in lieu thereof "$675,850,000 for the fiscal year 1978.";

(2) in subsection (b), by striking out all after "shall not exceed" the first time it appears and inserting in lieu thereof "$2,093,500,000 for the fiscal year 1978, of which not less than $1,000,000,000 shall be available only for Israel."; and

(3) in subsection (c)—

(A) in the first sentence, by striking out "the fiscal years 1976 and 1977" and inserting in lieu thereof "the fiscal year 1978"; and

(B) in the last sentence, by striking out "each".

LICENSES FOR THE EXPORT OF CERTAIN MAJOR DEFENSE EQUIPMENT

Sec. 14. Section 38(b)(3) of the Arms Export Control Act is amended by adding at the end thereof the following: "The prohibition contained in the first sentence of this paragraph shall not apply to the issuance of licenses under this section for the export of major defense equipment to Australia, Japan, or New Zealand.".

FISCAL YEAR 1977 AUTHORIZATIONS AND LIMITATIONS

Sec. 15. Authorizations of appropriations and limitations of authority applicable to the fiscal year 1977 contained in provisions of law amended by this Act shall not be affected by enactment of this Act.

ASSISTANCE AND SALES TO GREECE AND TURKEY

Sec. 16. (a) In addition to any amounts authorized to be appropriated by any amendment made by this Act which may be available for such purpose, there are authorized to be appropriated such sums as may be necessary for the fiscal year 1978 to carry out international agreements relating to defense cooperation with Greece and Turkey.

(b) No funds appropriated under this section may be obligated or expended to carry out any agreement described in subsection (a) until legislation has been enacted approving such agreement.

(c) Funds appropriated for the fiscal year 1978 may not be obligated for assistance to Turkey under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961, other than in accordance with section 620(x) of such Act.

(d) Section 620(x)(1) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "for the fiscal year 1976, the period beginning July 1, 1976, and ending September 30, 1976, and the fiscal year 1977," and inserting in lieu thereof "for the fiscal year 1978";

(2) by striking out "(A) during the fiscal year 1976 and the period beginning July 1, 1976, and ending September 30, 1976, the total value of defense articles and defense services sold to Turkey under such Act, either for cash or financed by credits and guaranties, shall not exceed $125,000,000, and (B) during the fiscal year 1977," and inserting in lieu thereof "during the fiscal year 1978"; and

(3) by striking out "$125,000,000" the second place it appears and inserting in lieu thereof "$175,000,000".

STUDY OF TECHNOLOGY TRANSFERS

Sec. 17. (a) The President shall conduct a comprerensive study of the policies and practices of the United States Government with respect to the national security and military implications of international transfers of technology in order to determine whether such policies and practices should be changed. Such study shall examine—

(1) the nature of technology transfer;

(2) the effect of technology transfers on United States technological superiority;

(3) the rationale for transfers of technology from the United States to foreign countries;

(4) the benefits and risks of such transfers;

(5) trends in technology transfers by the United States and other countries;

(6) the need for controls on transfers of technology, including controls on the use of transferred technology, the effectiveness of existing end-use controls, and possible unilateral sanctions if end-use restrictions are violated;

(7) the effectiveness of existing organizational arrangements in the Executive branch in regulating technology transfers from the United States;

(8) the adequacy of existing legislation and regulations with respect to transfers of technology from the United States; and

(9) the possibilities for international agreements with respect to transfers of technology.

(b) In conducting the study required by subsection (a), the President shall utilize the resources and expertise of the Arms Control and Disarmament Agency, the Department of State, the Department of Defense, the Department of Commerce, the National Science Foundation, the Office of Science and Technology Policy, and such other entities within the Executive branch as he deems necessary.

(c) Not later than the end of the one-year period beginning on the date of enactment of this section, the President shall submit to the Congress a report setting forth in detail the findings made and conclusions reached as a result of the study conducted pursuant to subsection (a), together with such recommendations for legislation and administration action as the President deems appropriate.

POLICY ON ZAIRE

Sec. 18. No assistance of any kind may be furnished for the fiscal year 1978 for the purpose, or which would have the effect, of promoting or augmenting, directly or indirectly, any military or paramilitary operations in Zaire unless and until the President determines that such assistance should be furnished in the national security interests of the United States and submits to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing—

(1) a detailed description of the assistance proposed to be furnished, including the amounts of such assistance, the categories and specific kinds of assistance proposed, and the purposes for which such assistance will be used; and

(2) a certification that the President has determined that the furnishing of such assistance is important to the national security interests of the United States and a detailed statement, in unclassified form, of the reasons supporting such determination.

PROHIBITION ON ASSISTANCE FOR REPRESSION

Sec. 19. Section 502 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new paragraph:

"No assistance under this chapter and no sales under the Arms Export Control Act shall be made for the purposes of aiding, directly or indirectly, the efforts of foreign governments to repress the legitimate rights of the populations in such countries contrary to the Universal Declaration of Human Rights.".

REPUBLIC OF KOREA

Sec. 20. (a) It is the sense of the Congress that the President should take all effective measures to assure that the Republic of Korea is cooperating fully with the investigation (including any resulting prosecutions) being conducted by the Department of Justice with respect to allegations of improper activity in the United States by agents of the Republic of Korea.

(b) Accordingly, the President is requested to report to the Congress, within ninety days after the date of enactment of this Act and once during each ninety-day period thereafter while such investigation (including any resulting prosecutions) is underway, with respect to the extent to which the Republic of Korea is cooperating with such investigation.

Mr. ZABLOCKI (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. BAUMAN. Mr. Chairman, reserving the right to object, I will ask the chairman of the committee this question:

If this permission is granted, will the distinguished committee chairman guarantee that there will be no undue attempt to cut off debate?

Mr. ZABLOCKI. Of course not. Mr. Chairman, if the gentleman will yield, this gentleman intends to meticulously follow the democratic process.

Mr. BAUMAN. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AMENDMENT OFFERED BY MR. STUDDS

Mr. STUDDS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Studds: Page 21, immediately after line 14, insert the following new section:

PROHIBITION ON ASSISTANCE AND SALES TO ARGENTINA

Sec. 21. Section 620 of the Foreign Assistance Act of 1961, as amended by section 9 of this Act, is further amended by adding at the end thereof the following new subsection:

"(z)(1) No assistance may be furnished to Argentina under chapter 2, 4, or 5 of part II of this Act.

"(2) No sales may be made, no credits (including participation in credits) may be extended, and no loan may be guaranteed under the Arms Export Control Act with respect to Argentina.

"(3) No license may be issued under section 38 of the Arms Export Control Act for

> the export of any defense articles or services to or for the armed forces, police, intelligence, or other internal security forces of Argentina.".

Mr. BINGHAM. Mr. Chairman, I have a point of order.

The CHAIRMAN. Does the gentleman from New York wish to reserve a point of order against the amendment?

Mr. BINGHAM. Yes, Mr. Chairman, I wish to reserve the right to raise a point of order against the amendment.

I have not seen the amendment, but I believe it refers to another act which is not before the House at this time; and if the gentleman wishes to proceed to explain his amendment, I will take this opportunity to examine it.

The CHAIRMAN. Does the gentleman reserve his point of order?

Mr. BINGHAM. Mr. Chairman, I reserve my point of order.

Mr. STUDDS. Mr. Chairman, this amendment would have the effect of eliminating $700,000 in grant military training to Argentina and would prohibit cash sales of military equipment to that country.

The Foreign Assistance Act of 1976 states specifically that it is the policy of the United States not to provide military assistance "to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights."

This was not a position which the Congress took lightly. We have the responsibility today to consider the situation in Argentina carefully and to ask ourselves whether the best interests of the United States are served by supplying military aid to a government which does engage in a consistent pattern of human rights violations, a government which is facing no actual or potential external military threat, and a government which has chosen to renounce foreign military sales credits due to President Carter's statements on the human rights issue.

I do not have time to even begin to list the examples of murder, repression, and torture that have occurred in Argentina since the Videla military government took power in March of 1976.

In its official presentation to the Congress the State Department reports that:

> Right wing terrorism or counter-terrorism has been carried out by vigilante squads operating with apparent impunity. Active duty and retired military and police personnel are reportedly members of such squads.

A November 1976, report issued by Amnesty International concludes that:

> The state of martial law which is currently in force deprives all the citizens in Argentina of their most fundamental civil and political rights, their constitutional guarantees. What it means in practice is that merely on suspicion of subversion, a citizen may be arrested or abducted, held for a long period incommunicado, tortured and perhaps even put to death. He has no legal safeguards against these measures, and, if it happens that he is released, no hope of legal redress . . . many of the decrees of the military junta free the police and the armed forces from any legal liability in the event that persons innocent of any subversive involvement or intention are detained, injured or killed . . . Since the coup, the number of political prisoners has increased . . . there is evidence that many have been maltreated during transfers and that the majority of them have been tortured as a matter of routine. Frequently, torture has been inflicted on people who have not been officially arrested but merely unofficially abducted . . . Amnesty International believes there is overwhelming evidence that many innocent citizens have been imprisoned without trial, have been tortured and have been killed * * *

Mr. Chairman, on May 7, the Assembly of Argentine Bishops issued a statement protesting "the fact that many prisoners have been subjected to tortures which are certainly unacceptable to any Christian, and which degrade not only those who suffer them but those who carry them out."

Incidentally, the U.S. Catholic Conference has written every Member of this House in support of this amendment.

On the anniversary of the Videla coup, Argentine journalist Rodolfo Walsh, who has managed to carve out a 30-year career of first-class investigative reporting in that country, wrote an open letter to the military junta, stating at one point:

> During the first year of your government, the consumption of food dropped by 40 percent, purchases of clothing by more than 50 percent, medicines are practically not used by ordinary people anymore. There are parts of Buenos Aires where infant mortality has reached 30 percent . . . you have reduced the budget for public health to less than a third of the military budget, closing down many of the free hospitals, while hundreds of other doctors join the exodus which is provoked by terror.

The day after Rodolfo Walsh wrote this letter, he was kidnaped from his home, and he has not been seen since.

Mr. Chairman, in the legislation we are considering today the Government of Argentina will be provided with $70,000 in training for 186 members of their military in such things as urban counterinsurgency, military intelligence, interrogation techniques, and jungle operations. The man who is presently the head of the Argentine secret police, every Member of this House ought to be ashamed to learn, was trained by the United States at Fort Leavenworth in Kansas.

Mr. Chairman, there must be a better way for this Congress to spend the taxpayers' money.

Last winter, when President Carter expressed his commitment to U.S. support for human rights around the world, Argentina reacted angrily, claiming U.S. interference in their domestic affairs. Why, then, are we being asked today by this administration to pass a bill authorizing almost $1 million to further train their military and anticipating $30 million in military cash sales for the coming year?

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. STUDDS) has expired.

(By unanimous consent, Mr. STUDDS was allowed to proceed for 2 additional minutes.)

Mr. STUDDS. To continue, Mr. Chairman, 4 days ago, the President of the United States said the following, and I will repeat a quotation which I cited during general debate:

> . . . the United States will henceforth view arms transfers as an exceptional foreign policy implement, to be used only in instances where it can be clearly demonstrated that the transfer contributes to our national security interests. We will continue to utilize arms transfers to promote our security and the security of our close friends. But, in the future, the burden of persuasion will be on those who favor a particular arms sale rather than those who oppose it."

I submit, Mr. Chairman, that this amendment is consistent with the expressed policy of the administration; it is consistent with our own law, which states specifically that our assistance should not go to nations continually violating the human rights of their own people; and it is consistent with the very character and the traditions and the nature of our own Nation and with its own ideals.

Mr. Chairman, I challenge anyone to tell the American people that further training the military of that repressive government promotes the security of the United States in any way, shape, or form, or promotes the interests of the people of our country or the interests of the people of Argentina.

Therefore, Mr. Chairman, I urge the adoption of the amendment.

The CHAIRMAN. Does the gentleman from New York (Mr. BINGHAM) insist on his point of order against the amendment?

Mr. BINGHAM. I do not, Mr. Chairman; I withdraw my reservation of a point of order.

The CHAIRMAN. The gentleman from New York (Mr. BINGHAM) withdraws his reservation of a point of order.

Mr. ZABLOCKI. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Massachusetts (Mr. STUDDS).

Mr. Chairman, it is never easy to speak in opposition to well-motivated efforts, those that spring from good intentions, high ideals, and commitment to important human goals. As I implied in my colloquy with the gentleman from Maryland, we may have high goals and high intentions, and it goes without saying that those are values which we all seek. However, common-sense requires that I must rise in opposition to this amendment and others like it that may be introduced later. So I must register opposition to those amendments to this bill borne of human rights considerations.

Let me say as emphatically as possible that my own commitment to human rights is undeviating. That important human value is the foundation on which this country, our country, was founded. It is the rock bed of everything this country stands for. It is the essence of our Constitution.

While this view has always prevailed in the relations of the United States with foreign countries, President Carter must be commended for giving it renewed and intense application. But I might say to my friend and colleague, the gentleman from Massachusetts (Mr. STUDDS) even President Carter has exercised the commonsense and wisdom that acknowledges that there are limits to how far the

United States can go in promoting human rights without producing undesired results.

There is, in short, a point at which an extreme or excessively rigid commitment to human rights becomes counterproductive. I submit that the gentleman's amendment is just that, it is counterproductive. That is the point to which other amendments like it will take us. As Secretary of State Cyrus Vance noted recently,

> A doctrinaire plan of action would be as damaging as indifference.

What I call for therefore then is not opposition to a firm and effective application of human rights; rather what I urge is a balanced and prudent approach, one that allows for private diplomatic efforts and flexibility.

For my esteemed colleagues who offer these amendments, I have only the highest regard, and I do have high regard for the gentleman from Massachusetts (Mr. STUDDS). I know the high ideals which motivate him. Those are ideals I share fully. In fact, I stand ready to work with him in an unfailing commitment to a just attainment of human rights throughout the world. We differ only in our approach to that mutual goal.

Specifically as to the amendment offered by the gentleman from Massachusetts (Mr. STUDDS) let me say that the committee already cut out all FMS credit sales for Argentina. In addition we considered but defeated an amendment to eliminate the training funds by an overwhelming margin of more than 2 to 1.

The amendment offered by the gentleman from Massachusetts (Mr. STUDDS) like the Chile amendment to last year's bill, would effectively embargo Argentina from receiving any U.S. furnished assistance and sales and prohibit licensing for the commercial export to Argentina of defense articles and services.

Now I must advise the gentleman from Massachusetts—and I am sure the gentleman does not need me to advise him, because I am sure the gentleman does know that the administration is seeking improvement in human rights through quiet diplomatic overtures to the governments concerned, thereby encouraging the institution of reforms and corrective measures without giving rise to public charges and countercharges interpreted as interference in the internal affairs of other states.

Following publication of the human rights reports required by section 502 B of the Foreign Assistance Act, the government of Argentina rejected financing for fiscal year 1978 but did not reject any other element of security assistance.

As part of this effort, the executive branch believes that it is clearly in the interest of the United States to maintain access to and a dialog with the Argentine armed forces.

Mr. Chairman, I recall when it was not very simple to defend our training program to Indonesia some few years back. But I submit if we had not maintained that limited assistance to Indonesia during the time of Sukarno we might not have Indonesia with us today. So not all our training assistance is bad. Not all of the assistance that we may give is counter to what our goals are.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. ZABLOCKI was allowed to proceed for 2 additional minutes.)

Mr. ZABLOCKI. I will say to my colleague, the gentleman from Massachusetts, and my colleagues of the committee if the Congress were to prohibit security assistance to Argentina, including commercial arms sales and military training, then our ability to influence events in Argentina would be seriously diminished. We would close the door; we would write off Argentina. We would leave it free for Castro to walk in. Is this what we want to do?

Let me further state that Argentine officials, the private sector in Argentina, and other opinion leaders in Argentina really believe Argentina is engaged in a struggle for national survival, and they profess not to understand how the United States could consider not supporting them in this critical time in their nation's history. Therefore, I say to the gentleman from Massachusetts (Mr. STUDDS) his amendment could be very damaging to our interests in that part of the world.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. I thank the gentleman for yielding.

Mr. Chairman, I would like to join our chairman in opposition to this amendment. I think the chairman of our committee has very capably indicated the reasons why we should oppose this amendment.

I think it is a very modest amount. The administration feels it would jeopardize our quiet diplomacy in working with Argentina. I think we should all join the chairman in opposing this amendment.

Mr. ZABLOCKI. I thank the gentleman for his contribution.

Mr. Chairman, I yield back the remainder of my time.

Mr. LAGOMARSINO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Massachusetts.

The gentleman argues that we should not offer military training assistance since President Carter has expressed the U.S. commitment for human rights around the world and has already limited the amount of security assistance for Argentina.

He has ignored, however, the fact that the administration opposed the elimination of funds for military training and military security assistance to Argentina.

Regard for human rights cannot be a partisan issue. I believe both parties must give strong support for human rights, and I endorse the administration's efforts. President Carter has spoken out forcefully and effectively for human rights, but he has not done so just to score a few points in the popularity polls. He has followed up his statements with diplomatic discussions with these nations to influence their human rights policies.

The Subcommittee on Inter-American Affairs conducted hearings on security assistance programs to Latin America, in those hearings, Secretary Todman told us:

> The United States for many years has maintained close working ties with the Latin military, both in purely military-to-military terms and in dealing with individual military leaders in their capacity as presidents and ministers of the various governments in the region.
>
> This long association has developed an arms relationship with the Latin American countries that has helped us maintain access to their military establishments, a matter of importance since 15 Latin and Caribbean nations today are governed by or under the aegis of the armed forces.
>
> Security assistance to these governments thus is a political tool that provides us an opportunity to exert some influence on their attitudes and actions. It is, in short, a means for protecting or advancing our interests, which are many and varied.

The administration wants to retain the military training funds for Argentina so that it may have flexibility in pursuing its goals. If we cannot maintain a dialog with Argentina on this issue, we will restrict the possibility of exercising any significant influence on them.

Additionally, it is important to remember the lessons of previous actions of this body in attempting to achieve a particular end. Our actions toward Chile only succeeded in making that government more inflexible in its internal policies than before, and our decision to impose an arms embargo on Turkey did not produce the result Congress intended and caused the closing of valuable NATO bases.

The Government of Argentina has already reacted angrily to the International Relations Committee's action to eliminate military sales. A further move now to eliminate military training assistance could only be counterproductive to the administration's efforts to use quiet diplomacy to achieve success for human rights. An alternative to the current Argentine Government could very easily be another military regime which would be more repressive and less willing to accept American representations for improved respect for human rights.

When the administration is making serious attempts to move ahead in this critical area, I believe it would be extremely unwise for us to undercut its efforts by taking this action.

The gentleman also argues that U.S. assistance helps to glorify the military in Argentina and ties our country to the repressive policies of the Argentine Government in the eyes of its people.

The repressive policies of that Government, as unacceptable as they are, do not occur in a vacuum, but are prompted by serious terrorist activities. Threats to American diplomats and business executives, kidnapings of businessmen and even an American child—which has not been publicized, and destruction of American property are all acts which we should equally deplore. We certainly will not protect American interests by passing legislation in this body which only serves to reduce the administration's leverage and credibility with the Government of Argentina.

Whatever the concerns for improvement of human rights, we must at least be willing to give the administration an opportunity to achieve results according to its assessment of the possibilities for success.

I strongly urge my colleagues to reject this amendment.

Mr. MOFFETT. Mr. Chairman, I rise in support of the amendment and I move to strike the requisite number of words.

Mr. Chairman, 2 years ago when I was a freshman Member of this body, basically the same issue was debated on the floor. I rose to ask some questions of the leadership of the International Relations Committee at that time. I was surprised, if not shocked, at the response when I asked the reason for military assistance to Argentina. At the time, Members may recall, we did not know which way the Government was really going to go. There was chaos and a great deal of uncertainty. We did not know if there would be a military or civilian government. When I asked the reason for the military assistance, the leadership of the committee said that we had always suported Argentina—why not continue to support Argentina.

I did not think that was a good answer. I do not think many Members of the House did. But unfortunately at that time I did not offer an amendment cutting that aid. Today, the gentleman from Massachusetts is doing just that. And today there is an even stronger reason for reviewing our aid. The situation is much clearer today that it was 2 years ago and it is a situation to which we should not be contributing arms. It is as simple as that.

The chairman of the committee this year, for whom I have the greatest respect, mentioned in his remarks that it is an issue of supporting the Argentinians in this critical time in their nation's history. It is a critical time only because a military government has seized power and continues to torture people—and sometimes I am not sure we really understand what that means. It means people being dragged out of their homes in the middle of the night and it means families not knowing the whereabouts of their loved ones. This Argentine Government is relying on torture. It is as simple as that. They are relying on torture as a primary tool to prop up their government.

We cannot be neutral on that. Either we vote them this aid, which I realize has become symbolic, and give them the message we are with them in their military pursuits and put our stamp of approval on their government, or we refuse to do it. There is no in between. But each of those options sends a very, very clear message to the government and to the people.

We are dealing with perceptions, it is true, but those perceptions become a perceptual reality in Latin America and elsewhere.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. MOFFETT. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. I do not quite agree with the gentleman that we are putting our stamp of approval on the administration down there. This is a request for aid.

Mr. MOFFETT. What is it being used for?

Mr. BROOMFIELD. It is being used for military training.

Mr. MOFFETT. Can the gentleman give us any assurance, is he satisfied in his own mind that it will not be used to torture the people?

Mr. BROOMFIELD. I was not the one to offer the $700 million. I would like to say to the gentleman that I want to see the conditions changed there too and I feel the administration can operate better in quiet diplomacy.

If we cut off any amount, does the gentleman feel we would be better off?

Mr. MOFFETT. We are dealing with symbolism and perceptual reality and if we do not believe this is going to be construed as a vote of support for that junta, the gentleman has simply to pick up the New York Times or the Washington Post tomorrow and see what they think. The gentleman knows that.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. MOFFETT. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, I would call the attention of the Members to the fact that the committee already cut $15 million of credits to Argentina.

Mr. MOFFETT. I understand that.

Mr. BINGHAM. The only amount left is for training and education and those programs do not take place in that country. They take place in this country or in some instances in Panama.

Mr. MOFFETT. I understand that.

Those programs do not take place in Argentina. They take place in this country, or in some cases in Panama.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. MOFFETT. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, the gentleman from New York is correct. We cut out that money, but that is money that the Government of Argentina told us what to do with. They told us they did not want it and, almost incredibly, we authorized it anyway.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. MOFFETT. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, I just want to make the point, it is hardly significant of approval of Argentina when the Congress inheriting through its committee when the amount for Argentina has been cut from $15 million to less than $1 million.

Mr. MOFFETT. Mr. Chairman, I think the gentleman from Massachusetts answered that question, and given his fine record on human rights I am surprised that the gentleman from New York is supporting any amount of military assistance to the junta.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. MOFFETT. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, at stake is not only the $700,000 for military training, but second, an authorization for $30 million in cash sales for arms to that Government.

One more thing, there is $54 million in the pipeline already in foreign military sales credit.

Mr. DRINAN. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise in enthusiastic support of the amendment offered by my colleague from Massachusetts (Mr. STUDDS). I visted Argentina on November 6–15, 1976, as part of an official Amnesty International delegation investigating the human rights situation in that nation. After lengthy discussions with government officials, journalists, political leaders, and Argentine citizens, our delegation concluded that the denial of basic human rights in Argentina is pervasive, systematic, and of an officially sanctioned, continuing nature. As the delegation concluded in its report:

> The state of martial law which is currently in force deprives all the citizens in Argentina of the most fundamental civil and political rights, their constitutional guarantees. What it means in practice is that merely on suspicion of subversion, a citizen may be arrested or abducted, held for a long period *incommunicado*, tortured and perhaps even put to death. He has no legal safeguards against these measures, and, if it happens that he is released, no hope of legal redress.
>
> . . . no one can rely on legal protection, and in view of the practice of the security forces, no one is safe from abduction and torture. Amnesty International believes there is overwhelming evidence that many innocent citizens have been imprisoned without trial, have been tortured and have been killed. The actions taken against subversives have therefore been self-defeating: in order to restore security, an atmosphere of terror has been established; in order to counter illegal violence, legal safeguards have been removed and violent illegalities condoned.

As a result of these massive and systematic abuses of human rights, Secretary of State Vance announced on February 24 the administration's decision to reduce Argentina's military sales credits for fiscal 1977 from an authorized level of $36 million to $15 million. Reflecting the seriousness of the Argentine Government's abuses of fundamental liberties, this was by far the largest reduction in miliary aid due to human rights violations. Shortly after Secretary Vance's announcement, the Argentine military junta announced that it would reject the remaining $15 million in military credits based upon a so-called intrusion by the United States into its internal affairs.

It is, of course, absurd to characterize a decision to reduce American military sales an "intrusion" into the affairs of another nation. Such action represents rather the simple and unassailable decision of our Government not to provide the tools of violence and repression to a military dictatorship which denies its citizens their most basic human rights. The amendment offered by Mr. STUDDS carries out that decision in three basic ways. First, it writes into law the de facto situation which exists today: The United States provides no military sales credits to Argentina. Second, it prohibits the future sale or loan of military equipment to

Argentina, until such time as the Congress has determined that improvements in the human rights situation permit resumption. This is essentially the same policy which we have adopted toward Chile, where in many respects human rights violations are less serious than in Argentina. Finally, and of greatest immediate importance, the amendment would terminate the International Military Education and Training Program for Argentina, under which that nation is to receive $700,000 in fiscal 1978 for the training of 186 military officers.

$700,000 is a small sum, but its symbolic significance is considerable. The actions of the Argentine Government have been so outrageous that the United States should go on record as refusing to supply it with any military assistance. The Studds amendment would accomplish this important goal. The military training program has more than symbolic importance. More than 4,000 members of the Argentine Armed Forces have been trained in this program since 1950, more than one-third of them since 1970. Among the graduates is Gen. Carlos Laidlaw, the present head of the notorious Secretariat of State Information, the Argentine Secret Police.

The training program proposed for Argentina in 1978 includes several activities which are directed toward internal security, which in Argentina today often means Government terror campaigns. The proposed training would include: Counterinsurgency; psychological warfare; military counterintelligence; and a mysterious category called "civic action," which presumably deals with the repression of those who protest the actions of the Government.

It is not surprising that so many of the military training programs involve internal security, for Argentina faces no external threat. It is engaged in no disputes with its neighbors; it is threatened by no one. This absence of an external threat and strategic significance makes the amendment before us entirely appropriate and without dangers to either Argentina or the United States.

Based upon my experiences and observations in Argentina and my contacts since then, I can assure my colleagues that the human rights violations perpetrated by the military junta and its allies are truly appalling. Perhaps the most outrageous single action of the Videla regime is its refusal to publish a list of the thousands of individuals who have been imprisoned without charge or trial for political reasons. The families of these individuals have no way of knowing whether their relatives are alive or are among the many who have been abducted and murdered by the Government-sponsored terror squads which operate with impunity. Even among those nations which are universally recognized as violaters of human rights, the refusal of the Argentine authorities to release a comprehensive list of political prisoners is a singularly outrageous action.

Since the release of the Amnesty International report in March, the situation in Argentina has worsened. I have received from Amnesty International a list of 142 individuals who have disappeared since that time. This list does not include those who are known to be imprisoned or assassinated; it includes only individuals whose whereabouts and well-being are a mystery to their families. I shall insert this list in the RECORD at the conclusion of my remarks.

Mr. Speaker, I will not detail the human rights violations of the Argentine Government; to do so would require far too much time. Suffice it to say that the military junta has suspended virtually all civil rights and individual liberties; prohibited all political activity; suspended Parliament; imposed strict censorship upon the press and arrested many of the country's most prominent journalists; authorized arrest and indefinite detention without charge or trial; replaced civilian courts with military tribunals for all crimes pertaining to subversion; permitted widespread torture; and engaged in abductions and assassinations of its citizens.

The leftwing terrorists whose violent acts contributed to the Government's massive human rights violations have, by the admission of President Videla, been almost completely wiped out. Yet the human rights violations continue. In its effort to combat terrorism, the military has, in fact, created a far broader and more violent form of terrorism. It is time for the United States to dissassociate itself unequivocally from this repressive regime, to cease providing it with any weapons, and to terminate the training of its military officers—training which includes internal security programs. The amendment before us would accomplish these goals, and I urge my colleagues to act favorably upon it.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

(On request of Mr. BROOMFIELD and by unanimous consent Mr. DRINAN was allowed to proceed for 1 additional minute.)

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. DRINAN. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. The gentleman referred in his remarks to Amnesty International listing Argentina as a violator of human rights. We all, obviously, are deeply concerned about that.

I wonder if the gentleman would also give us the list in the RECORD of the countries that Amnesty International lists as violators of human rights?

Mr. DRINAN. No single "list" of violators is maintained. Among the nations singled out by Amnesty International for human rights violations is the Soviet Union. Amnesty International has produced the best study on Russians in prison that exists today. Amnesty International is an impartial international group affiliated with the United Nations, and I would be happy to supply for the RECORD a list of those nations where a team for Amnesty International has been admitted, and where the team has come to the conclusion that the nation visited is in violation of internationally guaranteed human rights.

Mr. BROOMFIELD. How many countries?

Mr. DRINAN. I cannot state that figure.

Mr. BROOMFIELD. But the gentleman will put it in the RECORD?

Mr. DRINAN. I will, sir.

Mr. BROOMFIELD. I thank the gentleman very much.

Mr. DRINAN. Mr. Chairman: The Amnesty International list follows:

AMNESTY INTERNATIONAL U.S.A.,
Washington, D.C. May 13, 1977.
Representative ROBERT DRINAN,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DRINAN: I enclose a list of a further 142 cases of disappearances in Argentina since your trip and the publication date of the *Amnesty International Report on a Mission to Argentina: 6–15 November, 1976*. This list does not include any names of persons who were later released, found dead, or acknowledged to be held in official custody.

This is a disturbing indication of a tragic phenomenon which clearly continues to worsen. Perhaps you would be willing to speak to this problem through appropriate means. Inserting the list in the *Congressional Record* might also be an effective way to call attention to an alarming situation which fails to improve.

Please don't hesitate to contact us if we can be of any assistance.

Most sincerely,

FRANCESCA JESSUP.

ARGENTINA: DISAPPEARANCES REPORTED TO AMNESTY INTERNATIONAL SINCE THE PUBLICATION OF THEIR REPORT OF A MISSION TO ARGENTINA: NOVEMBER 6–15, 1976

NAME, DATE OF ABDUCTION, AND OTHER DETAILS

Aguirre, Mario, September 1976, former Secretary General of *La Asociación de Trabajadores del Estado* (ATE), Rosario.

Alvarez Daisson, Graciela, 24 March 1977, aged 28; Uruguayan.

Alvarez Daisson, Sandra, 24 March 1977, aged 21; sister of above. Both detained at Ezeiza airport, Buenos Aires, en route for Sweden where they had been granted political asylum.

Alvarez, Dr. Horacio José, 13 April 1976, medical doctor.

Ampuero Ayaray, Ronaldo, 9 March 1977, Chilean.

Appel de la Cruz, José Luis, 10 January 1977, aged 25, Chilean; medical student.

Aragon, December 1976, trade unionist.

Ariel, Marcel, 9 February 1977, French; married to a Chilean.

Baez, Nestor Carmelo, 9 May 1976, construction worker.

Barenblitt, Valentin, 21 April 1977, dismissed from his post as head of Psychiatric Department of Lanus hospital in April 1976.

Basualdo, Eduardo, 27 November 1976, university professor of Economics, adviser to *Consejo Nacional de Desarrollo y del Instituto Nacional de Tecnologia Industrial.*

Benegas, Marcos, 24 March 1976, car worker.

Bonano, Lic. A., shortly after coup, psychologist, abducted from Pirovana hospital.

Bonzano, Maria Teresa, 26 February 1977, aged 26.

Brzostowski, Miguel Jacobo, 25 October 1976, aged 28, printing worker and member of Buenos Aires Graphic Federation.

Bustos, Father Carlos, 13 April 1977, aged 35; member of Capuchin order.

Bustos, Miguel Angel, after coup, journalist from *El Cronista* Comercial.

Calabrese, Dr. Antonio, after coup, psychiatric doctor.

Calvo de Laborde, Adriana Lelia, 4 Feburary 1977, aged 29; professor of physics at Faculty of Exact Sciences, University of La Plata. Member of National Council of Scientific and Technical Investigations; 8 months pregnant at time of abduction.

Camusso de Rodriguez, Alcira Patricia, 24 February 1977, aged 20; born in France. Kidnapped with husband and son. Husband reported dead and son handed back to grandparents.

Cardenas, June 1976, worker at TENSA factory.

Cassino, Nievas José Alberto, January 1977, aged 23; student of biochemistry. Abducted with wife Garcia de Cassino, Clarissa Adriana, half an hour after returning to La Plata from their honeymoon.

Castellito, June 1976, worker at Tensa factory.

Castro Gavelo, Iris Jacqueline, 2 March 1977, believed to be in retaliation for mother's trade union activities.

Ceretti, Conrado, after coup, freelance journalist.

Cirio, Marcos, after coup, refrigerator worker.

Cnorrzazan, May 1976, worker from Tensa factory.

Condori, after coup, trade unionist.

Congett, Jorge Luis, 20 November 1976, aged 39.

Cosentini, Vicente, December 1976, no details.

Cristi Melero, Roberto, 17 January 1977, aged 26; Chilean, student of economics.

Cristoforo, Eugenio, *habeas corpus* writ, dated 31 October 1976, worker.

Cruz Delard, Victoria de la, January 1977, aged 5 months; abducted with Chilean mother delard Cabezas, Carmen Angelica.

Damboreana, Dardo, 14 February 1977, aged 22; worked at *Banco Aleman Transatantico.*

Defrancesco, Carlos, December 1976, doctor of chemistry; researcher at Faculty of Exact Sciences, University of La Plata.

Delard Cabezas, Carmen Angebica, January 1977, aged 24; Chilean; Medical student abducted with child.

Delard Cabezas, Gloria Ximena, 17 January 1977, aged 24; Chilean. Student of Economics. Husband Christi Melero, Roberto also abducted.

Diez, Diana, 3–4 March 1977.

Diez, Jose Alberto, 3–4 March 1977.

Digon, Roberto, 1 October 1976, leader of Federation of Tobacco Workers.

Dipalostro, Mario, 14 February 1977, aged 22; worked at *Municipalidad de Outlimes* and member of theatre group.

Domergue, Yves Marie Alain, 20 September 1976, French.

Dominquez, Luis Celestino, 17 April 1976, aged 38; construction worker.

Dottori, Horacio, August 1976, aged; dismissed from post of researcher in Astronomy at *Instituto de Matematica, Astronomia y Fisica* at University of Cordoba in April 1976.

Eguren de Cook, Alicia, 26 January 1977, aged 48; widow of former national deputy and university professor.

Enrique, Daniel, 3 June 1976, no details.

Espejo, Julia, March 1977, Teacher; member of *Union de Educadores de la* Provincia de Cordoba.

Esquivel, Daniel, 1 February 1977, aged 33; Paraguyan. Construction worker.

Falicoff, Alberto, December 1976, aged 35; pediatrician.

Fernandez, Hernan, 6 June 1976, graphics worker from CODEX.

Fernandez, Juan José, 18 February 1977, secretary to former leftwing Peronist deputy Muniz Barreto, Diego, who was abducted on the same day and found dead on 7 March 1977.

Ferrari, Silvia, January, 1977, teacher; member of *Sindicato de Educadores Particulares de Córdoba.*

Figueroa, Carlos, after coup, trade unionist.

Flores Ugarte, Nelson, 19 February 1977, Chilean.

Franconetti, Ana María, 17 February 1977, aged 20; office employee.

Franconetti, Eduardo Alvaro, 17 February 1977, student; brother of above.

Fuentes, Raúl, 13 June 1976, psychiatrist.

Fuhr, Alicia Gladys Noemi, 29 April 1976, wife of trade unionist.

Funes, Susana Isabel, 4 March 1977; member of *Luz y Fuerza* trade union.

Garcia de Cassino, Clarissa Adriana, January 1977, aged 20; medical student. Abducted with husband Cassino Nievas, José Alberto.

Gard, Claudio, 19 April 1976, worker from *Frigorifico Carindu.*

Glasman, José, 19 July 1976, worker from Safrar-Peugeot.

Goiburu, Dr. Agustín, 9 February 1977, aged 45; Paraguayan. Medical doctor and leader of Mopoco (Paraguay).

Gomez, Nabar, May 1976, trade unionist from *La Asociación Bancaria de* Córdoba.

Gonzalez, Baldovin Sergio, 21 May 1976, aged 22; student on military service in Córdoba.

Guerrero, Diana, after coup, journalist from *Discusión.*

Hagelin, Dagmar, 27 January 1977, aged 17; dual Swedish/Argentinian nationality.

Hernandez, Dr. Mario, after coup, academic Secretary of Faculty of Legal Sciences at University of Buenos Aires.

Herrera, Mario, after coup, journalist from *Confirmado.*

Israel, Dr. Teresa Alicia, 8 March 1977, lawyer; specialist in criminal law.

Kasemann, Elisabeth, 8 March 1977, German; student of Political Science, Sociology and Economics. Daughter of prominent West German theologian Ernst Kasemann.

Kierszenowicz, Clara, September 1976, aged 25; student of Architecture.

LaBorde, Miguel Angel, 4 February 1977, 29; professor of Chemistry in Faculty of Exact Sciences, University of La Plata. Member of CONICET.

Lenzi, Augusto Maria, 23 November 1976, aged 22; on military service.

Lipnizky, Alfredo Jorge, 2 February 1977, aged 27; factory worker.

Liva, Luis, 9 May 1976, trade union leader.

Llosas, Dr. Eduardo, after coup, psychiatric doctor.

Lopez, Martin Angela, 25 September 1976, Spanish; teacher.

Lopez, Roberto Raúl, July 1976, aged 25.

Lucero, Carmen Inés, 22 February 1977, daughter of former provincial deputy Juan C. Lucero, imprisoned in Coronda for 1 year.

Luden, Federico, November/December 1976, aged 34; professor of Physics at University of La Plata; at time of abduction was working at La Plata Observatory on joint project with state oil company.

Magarinos, Ernesto, 24 January 1977, trade union leader of Buenos Aires Printers' Federation; employee of Kodex publishing company.

Maglier de Heller, Ramona, 29 September 1976, worker.

Manuelle, Ricardo, 6 June 1976, graphics worker.

Marcondes Pintos, María Regina, 10 April 1976, Brazilian; aged 30. Student of Psychology and teacher of Portuguese.

Martinez, Alejandra Cecilia, December 1976, aged 19; bank employee.

Medina, Jorge, 13 July 1976, telecommunications worker.

Medina Cea, Héctor Hernán, 21 February 1977, Chilean.

Mitnik, Dra Rosa, 13 November 1976, Psychiatric doctor.

Monari de Poyastro, Garciela Clarisa, 25 November 1976, aged 27; insurance employee. Abducted with husband Poyastro, Eduardo Guillermo.

Montemayor, Mariano, 2 April 1977, journalist.

Monteiro, Ricardo, 10 December 1976, aged 18.

Mugica, Jose, 30 September 1976, employee of Pharmacists' trade union.

Nimsburg, 20 March 1977, aged 23.

Nimsburg, 20 March 1977, aged 21, brother of above.

Ogando, Emilio Horacio, 13 October 1976, medical student.

Ogando, Estela de, 13 October 1976, lawyer.

Ogando, Jorge Oscar, 13 October 1976, aged 26, bank employee and husband of above.

Oliveira Cezar, Mercedes Julieta de, 20 August 1976, graduate of Philosophy from University of Buenos Aires. Owned small leather goods factory and supported 4 small children.

Orfano, Lucas, 2 December 1976, aged 21.

Paludi, Lucas, April 1976, lawyer.

Pargament, Alberto, 10 November 1976, psychiatrist.

Parral, Dr. Alberto, after coup, psychiatric doctor.

Pastorini, Dr. Alejandro, after coup, Psychiatric doctor.

Patrignani, Carlos, December 1976, lawyer; legal adviser to *Sindicato de Obreros Azucareros del Ingenio.* Ledesma de Jujuy. Detained in 1975 and released in 23 December 1976, after which he disappeared.

Perez, Carlos, after coup, editor of cultural supplement of *El Clarin.*

Perez, Nestor, after coup, no details.

Perez Cea, Eugenio Carlos, 11 September 1976, aged 19.

Pernas, Graciela, November 1976, aged 21; student of Natural Sciences.

Poyastro, Eduardo Guillermo, 25 November 1976, aged 26; abducted with wife Monari de Poyastro, Graciela.

Quintela, Dr. Sylvia Mónica, January 1977, aged 26; medical doctor and member of Peronist Youth Organization; several months pregnant at time of abduction.

Quinteros, Jose Alberto, 18 September 1976, metallurgical worker from Tensa factory.

Rebori, Celia, 1 February 1977, wife of Rebori, Jorge Luis.

Rebori, Jorge Lucio, 1 February 1977, aged 48; professor of law at University of Buenos Aires.

Rechia de Garcia, Beatriz, 12 January 1977, aged 28; teacher.

Restrepo de Mejia, Bertha Lucia, July 1976, Colombian; draughtswoman.

Rodriquez, 24 June 1976, trade unionist from Squibb laboratories.

Rosales, Francisco, 31 March 1976, Fiat worker.

SaJon, Edgardo, 1 April 1977, executive of *La Opinión* and former press secretary to military president Alejandro Lanusse.

Salvo, Laura, 14 July 1976, Uruguayan; children's nurse from Pirovana hospital.

Sanchez, Máximino, 28 March 1976, Renault worker and trade unionist.

Sanchez, Rodofo, 30 March 1976, worker from Palmar Del Oeste.

Santamaria Woods, Guillermina, Elsa Carlota, July 1976, aged 36.

Santucho, Manuela Elmina, 14 July 1976, lawyer; probably reprisal against her family as one of her brothers was leader of ERP. She was allegedly seen in unofficial detention centre in July 1976.

Scarpato, Salvador Miguel, 14 November 1976, aged 34.

Schmuclear, Pablo, 29 January 1977, aged 19; student of Economics in Córdoba.

Sesatelli, Dr. Alberto, after coup, psychiatric doctor.

Smith, Oscar, 10 February 1977, member of *Luz y Fuerza* trade union.

Sosa de Forti, Nélida, 14 February 1977, arrested at Ezeiza airport Buenos Aires, whilst boarding plane with her 5 children to join husband in Venezuela.

Soulier, Julio, July 1976, teacher, member of *Sindicato de Educadores Particulares* de Córdoba.

Stamponi, Luis plus mother, 19 November 1976.

Suarez, Eduardo, after coup, journalist from *Cronista* Comercial.

Troksberg, Carlos Alberto, 27 November 1976, professor of economics at University of Lujan and Buenos Aires.

Veron, Salvador, 23 March 1976, worker.

Villa, Patricia, after coup, journalist from Inter Press Service.

Vilte, Marina, 31 December 1976, trade unionist.

Vives, Hernán, 4 June 1976, member of *Luz y Fuerza* trade union.

Vodovosoff, Hugo Diego, 4 November 1976, sailor.

Walsh, Rodolfo, 25 March 1977, journalist and writer.

Wenner, Tilo, shortly after coup, writer, poet and journalist.

Yornet, Julio Roberto, 23 July 1976, aged 31; government employee and trade unionist.

Mr. MINETA. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment of my colleague from Massachusetts (Mr. STUDDS). I would like to congratulate him on the work he has done in bringing this matter before the full membership of the House. It is long past time that we in the Congress accept more responsibility for our foreign aid programs.

I urge all of my colleagues to support this amendment which seeks to put reason into our aid programs and that will put some force into the new administration's statements which call for a foreign policy in support of human rights.

Mr. Chairman, this is an amendment of only a limited nature—it does not seek to cut off all aid to Argentina, it does not place unreasonable demands on the Argentine Government. The amendment will only delete funds for military training and prohibit the sale of military arms to that country. I am sure that many of my colleagues share my concerns with the type of activity that such aid supports. Please let me share with you my own personal involvement in a nightmare experienced by a constituent of mine, Ms. Olga Talamante, at the hands of the Argentine Government.

Mr. Chairman, Olga Talamante spent 16 months in an Argentine prison, as a result of fabricated charges of "political subversion." She was arrested in a roundup of suspected political activists in November 1974, 4 days after a state of siege had been declared by then-President Isabel Peron. During her first few days in custody, Ms. Talamante was subjected to a lengthy interrogation, which included beatings and torture by means of an electric shock instrument. After complaining about her treatment, she was forced to sign a confession with a gun at her head. Although the Geneva Convention governing foreign prisoners specifies that the embassy representing a foreigner's country be notified of any arrests, the U.S. Embassy was not made aware of Olga's arrest until late November, nearly 3 weeks later.

Nearly a year later, in September 1975, after a quasi-legal process marred by torture, death threats against the judge, and the bombing of the defense attorney's home, Olga and the others were convicted of violating the vague and hastily-enacted antisubversion laws, which defined for the first time as "criminal" a number of activities which previously had been entirely legal. Olga was sentenced to 3 years in prison.

My involvement in this case began even before I took the oath of office to serve in this body. My predecessor had made an inquiry to the State Department in December 1974 and I began corresponding with the State Department on behalf of Ms. Talamante, in order to gain some assurance that her rights were being protected. Over the next 14 months, my office contacted the State Department on a regular basis seeking information on her condition and the status of her case. As a result of deep concern expressed to our State Department by 30 of my colleagues here in Congress who became troubled over the reported beatings and torture, and the suspicious nature of Olga's arrest and conviction, our Government began to voice strong dissatisfaction over the handling of Ms. Talamante's case.

In March 1976, Olga Talamante was released from prison and deported as an undesirable alien. Her release came about unannounced, days after the present military junta ousted President Peron. I am convinced that the primary reason Ms. Talamante was released was because of the pressure applied on the Argentine Government by this country.

Today Olga Talamante is free. But what of the many men and women being detained in prison in Argentina, prisoners guilty only of believing in democratic principles and being critical of those in power. The situation in Argentina has not improved since last year; in fact, reports of torture in Argentine prisons persist, as well as more shocking reports of murder and assassination occurring in Argentina since the military junta took control of the government in March 1976.

A little over 18 months ago I inserted in the CONGRESSIONAL RECORD a statement of concern over the manner in which our Government was responding to the plight of Olga Talamante. At that time I stated:

> Surely a country as great and powerful as ours, Mr. Speaker, should be able to do more.

It is on the basis of my own personal experience that I am compelled to urge all my colleagues to do more. I believe a vote in support of this amendment is doing more.

The fact that military training assistance to Argentina actively supports disregard for human rights forces me to rise in support of the Studds amendment: an amendment which puts action behind President Carter's foreign policy speech delivered only yesterday at the University of Notre Dame. I hope all of my colleagues will join me in voting "yes" on this amendment and go on record in support of President Carter when he says—and I quote,

> I believe we can have a foreign policy that is democratic, that is based on our fundamental values and that uses power and influence for human purposes.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Massachusetts (Mr. STUDDS).

Clearly, there is a need to monitor closely our support for all foreign governments to insure that our assistance is contributing to the protection and not the violation of the human rights in those countries, and I commend the gentleman from Massachusetts for his concern about this issue. However, there has recently been a disturbing trend in the Congress to single out selected countries for legislative reprimand in response to their domestic political situations.

This approach has led to judgments based on one or two aspects of a very complicated situation that demands consideration of all factors involved. No country exists in a vacuum. Inflexible legislative actions do not provide solutions for the people we seek to help and could tie the hands of our diplomats who seek to bring about desired change. We should maintain a dialog and flexible working relationships if we are to exercise any influence in the direction in which we wish to move.

As the ranking minority member on the Subcommittee on Inter-American Affairs, which has oversight responsibilities for all Latin American security assistance programs, I participated in hearings on the bill before us today. During those hearings, the Assistant Secretary of State for Inter-American Affairs, the Honorable Terence Todman, addressed this very problem. At that time he stated—

> We need to be able to pursue our objectives in accordance with the situation that we are facing. If there is legislation that says "you must do this," then you may find yourself in a bind, being obliged to follow a procedure that might not at that moment bring about the results that you are trying to accomplish.
>
> I think, as long as there is a feeling of confidence between the Legislative and Executive Branches, an agreement on the objectives that we are pursuing and acceptance of the fact that we are going to be honest and straightforward in pursuing those objectives, it is better to leave us with flexibility to use the methods at the moment that are best suited to achieving that.

I believe that the executive branch is being candid and straightforward in its pursuit of our human rights objectives. In the case of Argentina, the administration has already demonstrated its disapproval of human rights practices in Argentina. The administration has withheld $36 million in military sales credits from the fiscal year 1977 authorization already approved by Congress. They have made drastic cuts in the fiscal year 1978 authorization which the International Relations Committee has proceeded to eliminate entirely. Finally, munitions control licenses are not being approved for arms with clear applicability to the current internal situation in Argentina or or associated with police functions.

All of these actions have been taken since the beginning of this year. We have had no time to judge their effectiveness in achieving our desired results. The further wholesale elimination of our security assistance programs in Argentina would be inadvisable. Such an abrupt termination of our relationship would only produce widespread resentment and alienation.

Today, the Government of Argentina is faced with real threats from both the right and the left. All indications are that any change in the present leadership would probably result in a more stern, repressive approach by the new leaders. The removal of our modest sales and training programs as called for by the Studds amendment would eliminate the opportunity to work with members of the Argentine Armed Forces in a wide range of issues including human rights.

Such public action against Argentina as proposed by this amendment could result in deterring human rights in that country, and may, paradoxically lead to greater repression and damage to other major U.S. interests. It would be far more advisable to allow the executive branch the leeway needed to work with the military leaders in Argentina and elsewhere in Latin America, to use the tools of a most modest security assistance program to take advantage of whatever opportunities we might have to advance the cause of human rights and our other real interests in the region.

During committee action on this bill, the Subcommittee on Inter-American Affairs considered this issue and rejected such drastic action. The entire Committee on International Relations also debated a similar amendment and defeated it. I believe the full House should now follow suit and reject this amendment.

I urge my colleagues to join with me in opposition to this amendment.

The CHAIRMAN. The time of the gentleman from New York (Mr. Gilman) has expired.

(By unanimous consent, Mr. Gilman was allowed to proceed for 1 additional minute.)

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, is the gentleman prepared to concede that even a Democratic administration is capable of making a mistake once in a while?

Mr. GILMAN. I certainly do concede that point.

Mr. STUDDS. Mr. Chairman, I thank the gentleman.

Mr. EDWARDS of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I wish to offer my strong support for the amendment offered by the gentleman from Massachusetts (Mr. Studds). This would have the effect of eliminating $700,000 in grants for military training in Argentina and prohibit sales of military equipment to that country.

Since the military coup of March 1976, Argentina's regime headed by Gen. Jorge Videla has cracked down on a wide range of citizens supposed to be opponents of the government. Among the victims of repression and torture have been lawyers, scientists, trade unionists, students, businessmen, journalists, and churchmen. This repression has been thoroughly documented by the international press and several international organizations including Amnesty International on whose board of directors I serve.

The U.S. Congress has gone on record as being opposed to the gross violations of human rights which have gone on under the Videla regime. In the Foreign Assistance Act of 1976 it specifically stated that the policy of the United States was to provide no military assistance to any government which engages in consistent violations of internationally recognized human rights. It is our obligation today to carry through on our stated commitment to human rights and invoke this sanction against a most repressive regime.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the trouble with this amendment is that it is not without a good bit of merit. As a matter of fact, the gentleman from Massachusetts (Mr. Studds) points out quite properly that the Government of Argentina has said, in effect, that it does not want U.S. assistance, and the administration is almost forcing it on them.

But it is really not fair to discuss the present-day complications in Argentina and not look back at the tragedy that has faced that country in recent years. One has to look at the entire pattern of events since the early 1950's in order to appreciate the problems that face that country.

In the early 1950's the government of Peron became a dictatorship. Its supporters allowed that it was a benevolent dictatorship; its critics said it was an oppressive dictatorship.

The military sent Peron into exile in 1955, and they ruled the country for approximately 16 years. In that time they had to rehabilitate the economy, they had to bring about enough confidence so that investors would reinvest in Argentina. They went through a period during which they prepared for a reconstitution of parliamentary government.

In 1971 or early 1972 that took place. A parliament was established. Mr. Peron came back, though, and again was put in power.

Then after he passed away, his wife became the president. Meantime, all the forces of anarchy that were there in the country broke loose; and by late 1974, Argentina was again in total chaos.

Then the military, quite reluctantly, took over again.

Mr. Chairman, what they have faced since then has basically been a civil war, and civil wars are never polite. They are brutal, the worst of man's human nature comes out in a civil war. That is what they face.

Mr. Chairman, the trouble with arguing against this amendment, and I say this to those Members who used some material from the State Department, is that the talking points of the material from the State Department against this amendment are typical State Department doubletalk. They speak of preserving relations, keeping contact. They juggle figures about as though they have made necessary compromises, and then they make comments concerning Argentina's productive capacity and their economy.

Mr. Chairman, we can isolate Argentina. We can say to ourselves that this is the only case in the world which deserves such attention.

Those who take that position, Mr. Chairman, should vote for the amendment offered by the gentleman from Massachusetts (Mr. Studds). However, if we appreciate the fact that there are similar problems in 30 or 40 other countries, including countries in different continents, with dictators of different races, creeds, and colors. If we accept this amendment, we might just as well end our foreign relations structure. What we should do in that case, to be perfectly consistent with our revulsion against this kind of operation is that we should withdraw our Ambassador from all countries except those of Western Europe, Australia, New Zealand, Japan, the new India, Israel and a few others, and leave the rest of the world without any American diplomatic contact. Unfortunately in some form or another every abuse that is found in Argentina is found elsewhere. It is found in Asia under a yellow tyrant; it is found in Africa under a black tyrant; it is found in dozens of other countries in Latin America with Hispanic tyrants.

Mr. Chairman, I would suggest that rather than support this amendment, we recognize the difficulty in trying to solve this problem. The only solution to this problem is an eventual restoration of democracy in Argentina.

Mr. Chairman, if their history gives us any clue, at the time when the military feel that another test for democracy could be tried, they will do it. Then if that test fails, I suppose they will have another coup.

That does not sound too encouraging. It is not something I like to see, nor is it anything that anyone likes to hear; but it is the fact of life in Argentina and in most of Latin America.

Mr. Chairman, this is a well meaning amendment, but it actually will not help.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. Studds).

The question was taken; and on a division (demanded by Mr. Studds) there were—ayes 29, noes 26.

RECORDED VOTE

Mr. ZABLOCKI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 187, noes 200, not voting 46, as follows:

[Roll No. 276]

AYES—187

Addabbo
Akaka
Allen
Ambro
Ammerman
Anderson, Ill.
Andrews, N. Dak.
Aspin
AuCoin
Baldus
Beard, R.I.
Bedell
Beilenson
Benjamin
Bennett
Biaggi
Bingham
Blanchard
Blouin
Boland
Bolling
Bonior
Bonker
Brademas
Brodhead
Buchanan
Burke, Calif.
Burton, Phillip
Caputo
Carney
Carr
Chisholm
Clay
Cohen
Collins, Ill.
Conyers
Cornell
Cornwell
D'Amours
Daniel, Dan
Davis
Delaney
Dellums
Downey
Drinan
Early
Eckhardt
Edgar
Edwards, Calif.
Edwards, Okla.

Eilberg
Emery
English
Ertel
Evans, Ind.
Fenwick
Fish
Fisher
Fithian
Ford, Tenn.
Fowler
Fraser
Frenzel
Gaydos
Gephardt
Glickman
Gore
Gradison
Grassley
Hall
Hamilton
Hannaford
Harkin
Harrington
Harris
Harsha
Hawkins
Heckler
Holland
Holtzman
Howard
Hughes
Jacobs
Jeffords
Jenrette
Johnson, Colo.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Keys
Kildee
Kostmayer
Krebs
Le Fante
Leach
Lederer
Leggett
Lehman
Lloyd, Calif.
Long, Md.
Lujan
Luken
Lundine
McCloskey
McCormack
McHugh
Maguire
Markey
Marks
Marlenee
Mattox
Mazzoli
Meeds
Meyner
Mikulski
Mikva
Miller, Calif.
Miller, Ohio
Mineta
Minish
Moakley
Moffett
Moorhead, Pa.
Moss
Mottl
Murphy, Pa.
Myers, Gary
Myers, Michael
Natcher
Neal
Nolan
Nowak
Oakar
Oberstar
Ottinger
Panetta
Pattison
Pike
Pressler
Quie
Rahall
Railsback
Rangel
Reuss
Richmond
Rinaldo
Rogers
Roncalio
Rosenthal
Roybal
Russo
Ryan
Satterfield
Sawyer
Scheuer
Schroeder
Seiberling
Sharp
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Solarz
Staggers
Stark
Studds
Thompson
Thone
Trible
Tsongas
Tucker
Udall
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Whalen
Wirth
Wolff
Yates
Young, Mo.

NOES—200

Abdnor
Alexander
Andrews, N.C.
Annunzio
Archer
Armstrong
Ashbrook
Ashley
Badham
Bafalis
Barnard
Bauman
Boggs
Bowen
Breaux
Breckinridge
Brinkley
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Carter
Cederberg
Chappell
Clawson, Del
Cleveland
Cochran
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Cotter
Coughlin
Crane
Cunningham
Daniel, R. W.
Danielson
de la Garza
Derrick
Derwinski
Devine
Dickinson
Diggs
Dornan
Duncan, Oreg.
Duncan, Tenn.
Edwards, Ala.
Erlenborn
Evans, Del.
Evans, Ga.
Fary
Fascell
Findley
Flippo
Flood
Flowers
Flynt
Fountain
Frey
Fuqua
Gammage
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Gudger
Guyer
Hagedorn
Hammerschmidt
Hanley
Hansen
Hefner
Heftel
Hightower
Hillis
Holt
Horton
Huckaby
Hyde
Ichord
Ireland
Jenkins
Jones, N.C.
Jordan
Kasten
Kazen
Kelly
Kemp
Ketchum
Kindness
Krueger
LaFalce
Lagomarsino
Latta
Lent
Levitas
Lloyd, Tenn.
Long, La.
Lott
McClory
McDade
McDonald
McEwen
McFall
Madigan
Mahon
Mann
Marriott
Martin
Mathis
Milford
Mitchell, N.Y.
Mollohan
Montgomery
Moore
Moorhead, Calif.
Murphy, Ill.
Murtha
Myers, Ind.
Nedzi
Nichols
Nix
O'Brien
Obey
Patten
Patterson
Pease
Pepper
Perkins
Pettis
Pickle
Preyer
Pritchard
Quayle
Quillen
Regula
Rhodes
Risenhoover
Roberts
Robinson
Rooney
Rose
Rostenkowski
Rudd
Ruppe
Santini
Sarasin
Schulze
Sebelius
Shipley
Shuster
Sikes
Skubitz
Snyder
Spellman
St Germain
Stangeland
Stanton
Steed
Steiger
Stockman
Stokes
Stratton
Stump
Symms
Taylor
Thornton
Traxler
Treen
Ullman
Vander Jagt
Waggonner
Walker
Walsh
Wampler
White
Whitehurst
Whitley
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wydler
Wylie
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zeferetti

NOT VOTING—46

Anderson, Calif.
Applegate
Badillo
Baucus
Beard, Tenn.
Bevill
Brooks
Brown, Calif.
Burton, John
Cavanaugh
Clausen, Don H.
Corman
Dent
Dicks
Dingell
Dodd
Evans, Colo.
Florio
Foley
Ford, Mich.
Forsythe
Giaimo
Hollenbeck
Hubbard
Johnson, Calif.
Koch
McKay
McKinney
Metcalfe
Michel
Mitchell, Md.
Murphy, N.Y.
Poage
Price
Pursell
Rodino
Roe
Rousselot
Runnels
Sisk
Spence
Steers
Teague
Whitten
Wright
Young, Alaska

The Clerk announced the following pairs:

On this vote:

Mr. Baucus for, with Mr. Beard of Tennessee against.

Mr. Florio for, with Mr. Michel against.

Mr. Mitchell of Maryland for, with Mr. Rousselot against.

Mr. Koch for, with Mr. Spence against.

Mr. Metcalfe for, with Mr. Young of Alaska against.

Mr. Badillo for, with Mr. Dicks against.

Mr. Brown of California for, with Mr. Wright against.

Mrs. LLOYD of Tennessee, Messrs. WIGGINS, HAGEDORN, and BARNARD changed their vote from "aye" to "no."

Messrs. LE FANTE, BUCHANAN, TUCKER, HOWARD, and MINISH changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BONKER

Mr. BONKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bonker: On page 15, line 18, delete "$675,850,000" and insert in lieu thereof "$660,850,000".

On page 15, line 22, delete "$2,098,500,000". and insert in lieu thereof "$2,083,500,000".

Mr. BONKER. Mr. Chairman, this amendment is very simple. It strikes $15 million in FMS credit sales to Zaire. I approach this issue cautiously because, with the new administration, we are experiencing changing policy in Africa, and because the situation in Zaire today is very complex. But, there are some compelling reasons why we should adopt this amendment.

I authored this amendment for the following reasons: First of all, there is presently in the pipeline $26 million in FMS credit sales to Zaire. That money has accumulated over the last 3 or 4 years, starting in 1975 with an appropriation of $3 million, building gradually until the administration's request this year for FMS credit sales to Zaire of $30.2 million.

The money was originally requested by the administration for the modernization of the Zairean Army, but because of the recent crisis in the Sheba Province of that country, the money that has been asked for in terms of modernizing the country's army has been shelved. Now, it is common knowledge that the Zairean Army today is corrupt, is demoralized, and is an abysmal failure. Yet, the Government of the United States wishes to continue a level of military sales to that country which has no merit and cannot be justified.

Second, the FMS credit sales has never been spelled out. The $30 million requested by the administration has no justification.

Mr. Chairman, the administration has requested $30 million in credit sales to Zaire. The committee has reduced that amount by $15 million, but to date we have not seen from the administration any justification for that money. We have not seen from the administration any detailed outline of how that money is going to spent. It is simply and clearly a blank check to President Mobutu in the amount of $15 million.

I might add that there is already $26 million in the pipeline. There is no conceivable way that this money can be expended during the 1978 fiscal year.

The committee did reduce that amount from $30 million to $15 million, and I might suggest that the same arguments that related to reducing it from $30 million to $15 million also relate to the reduction of the entire $30 million.

The original program in the amount of $38 million was to modernize the Zairean Army. Of that $38 million authorized by this Congress for Zaire, none of it has been used for the purpose it was intended; $12 million has been reprogramed by the administration to help in the current crisis, in nonlethal aid to President Mobutu.

To those who say that by striking this $15 million we will be pulling the rug out from under President Mobutu, I will just say that we have committed ourselves, by passage of this bill, to an additional $10 million in security supported systems, $2.5 million in military aid.

Presently there is $26 million in the pipeline, and we have $15 million already authorized in economic aid. The total of all of the money in public and private funds to Zaire for fiscal year 1978 comes to one-third of a billion dollars. So I do not think that, by this Congress taking action to strike the $15 million, we are going to pull the rug out from under President Mobutu.

The CHAIRMAN. The time of the gentleman from Washington has expired.

(On request of Mr. Johnson of Colorado and by unanimous consent, Mr. Bonker was allowed to proceed for 1 additional minute.)

Mr. JOHNSON of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BONKER. I yield to the gentleman from Colorado (Mr. Johnson).

Mr. JOHNSON of Colorado. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I support the gentleman's amendment. I think it is a worthy amendment. We are not paying much attention to the gentleman's argument, but I think he has made a good argument for his proposition for his amendment.

I would just like to point out that we were told earlier this year we had to send $30 million for military aid to Zaire so they could protect themselves. So they wound up winning their war with Pigmies firing poison arrows. This $30 million was not really justified.

Mr. BONKER. Mr. Chairman, I thank the gentleman from Colorado for his remarks.

Where we require an itemization for justification from domestic agencies, in this case we are authorizing $15 million that has not been programed. It is just throwing a blank check of $15 million to a fairly irresponsible African leader.

Mr. Chairman, I urge the Members to adopt this amendment.

Mr. DERWINSKI. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the problem this afternoon with this bill has just been dramatized by the discussion between the author of the amendment and the gentleman from Colorado. We have one of those unholy alliances. On this side, we have a gentleman who is against spending foreign aid. So he makes an unholy alliance with a Member on that side, who is opposed to continuing aid to a country against which he has developed sort of a personal vendetta. The result of that kind of logic on both sides of the aisle might accidentally produce support for this amendment.

What are the facts of life? The facts of life are that Zaire has been far better off with support of others such as the French and Moroccans. Why? For those Members on the majority side who have an abnormal interest in Africa they have to remember that one of the first rules in the conduct of diplomacy and government relations in Africa is that nobody—nobody—in a position of influence in any government in Africa will support an invasion from one country against another, especially if it is motivated by traditional tribal conflicts. Support for this amendment at a time when Zaire has just finished beating off an invasion which would have produced disintegration of the country as it exists today would be voting against the territorial interests of every black African country. What they want more than anything else is political stability, and they cannot have political stability if tribal warfare is encouraged.

There is not a country in black Africa that does not have tribal conflicts because of the artificial manner in which they were divided, 100 years ago.

The gentleman from Washington is convinced the Government of Zaire is corrupt. I will grant that. But then there are 30 other countries in black Africa which are equally corrupt. They do not have a market on corruption. As a matter of fact, if we had to have a scale from 10 down to 1, Zaire would probably rate about 6.

If you want to find a target, I would suggest the Central African Empire. I would suggest Uganda, Niger, Chad. There are other countries far more corrupt than the Government of Zaire.

They are not Boy Scouts. But of all the countries we should not single out at this time, it is Zaire. That nation has just survived a tribal civil war. They are rich in minerals. They have a pro-Western trade policy. They have Angola, with a Marxist government supported by Cuban troops, on their border. Are we now going to say to them, "Notwithstanding the unanimous vote you have just received from your fellow statesmen in Africa, we are going to give you this slap on the wrist by denying you $15 million"?

We ought to be increasing the figure to the $30 million that the administration wanted. I am tired of coming into the well and defending the administration. When I do, I get in the doghouse with all my dear liberal friends on that side. At this point, though, I am not speaking for the administration; all I am speaking for is commonsense.

Zaire is a stable country, stable to the degree that we can find stability on that continent. That country has just withstood an invasion in which the Soviets and Cubans have provided, if not active participation, logistical support. In the face of that, are we going to say, "You are one of the naughtiest of the naughty, so we are going to spank you by taking away your $15 million"?

Mr. Chairman, that is illogical. And for those Members on this side who are glorified isolationists and sit here and vote against every penny of foreign aid because they think it is wrong, I want them to know that a small investment in the stability of some of these countries is not really so bad. The real trick is to avoid excessive spending.

Fifteen million dollars is not really a big investment. All it does is to give a sign of U.S. support for an emerging country that has come a little bit further than most of its neighbors. It is a country which is also important as a trade partner, and a country which has basically a good voting record in the U.N.

Mr. Chairman, in this case I believe $15 million is a good investment.

Mr. DOWNEY. Mr. Chairman I move to strike the requisite number of words.

Mr. Chairman I am neither abnormally interested in Africa nor am I abnormally parsimonious but what I am interested in is one of the points the gentleman from Illinois (Mr. DERWINSKI) made.

I would like to address an inquiry to the author of the amendment on that point and that is the point that the territorial imperatives of the front-line countries do seem to be matters that are very important to them. It would seem to me that to maintain stability in the area by providing this $15 million as a minor item in this bill even to a corrupt regime such as exists in Zaire might be a good long-term investment. In that way perhaps we can indicate to the other African countries, countries in Southern Africa and the mid-continent that we are interested in seeing those territorial units preserved.

Mr. Chairman would the gentleman address that point that the gentleman from Illinois (Mr. DERWINSKI) made?

Mr. BONKER. I would be happy to, Mr. Chairman, if the gentleman will yield.

Mr. DOWNEY. I yield to the gentleman from Washington.

Mr. BONKER. Mr. Chairman, I do not think my amendment has any relationship to the territorial imperatives of African countries or of Mobuto in Zaire. I base my arguments purely on the justification for the military request at this time.

Originally when this amount was requested by the administration, it was for the purpose of modernizing the Zairean Army. That has not taken place during the last 3 or 4 years. That money remains in the pipeline, and it was reprogramed for the purpose of helping President Mobuto in his crisis.

In fact, President Carter withdrew the M-60 tanks which were earlier programed for Zaire because of his own reluctance to extend support to that regime at this time.

I am not advocating that we withdraw support for Zaire. I think there might be a case for that position, but it is not implicit in my amendment.

Mr. Chairman, I would like to direct an inquiry to the gentleman from Illinois (Mr. DERWISKI), and perhaps by his answer he might cause me to withdraw my amendment, if he can simply tell me how that $15 million is going to be spent.

I wonder if the gentleman can tell me what the administration has requested in terms of $15 million for Zaire at this time. I know the gentleman is a fiscal conservative, and that he would appreciate having full justification for that amount of money.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Chairman, at the risk of upsetting the gentleman from Washington (Mr. BONKER), I want the Members to know that at this point I am speaking for the President.

As the gentleman knows, the $15 million is not going to be spent for any sophisticated weaponry. It is going to be spent basically for nonlegal support, and that may be for anything from food to tents and items of that nature. The French are supplying the necessary armament, and the Moroccans are supplying some manpower. We are merely living up to a practical commitment.

Frankly, Mr. Chairman, I think this type of aid should have the support of the Members.

Mr. BONKER. Mr. Chairman, if the gentleman from New York (Mr. DOWNEY) will yield further, I do not think the gentleman is fully familiar with the request that is before the committee. It does not concern present programs that are needed for Zaire. This is for a long-range modernization program that has not been spelled out by the administration in bringing us its request.

I am a member of the Subcommittee on Africa and of the full committee, and not once has the administration spelled out how that money was to be spent.

Mr. DERWINSKI. If the gentleman will yield further, that is right. What is happening is that they have a long term program, and they need that long term program; but they are not going to be receiving any aid under this amendment that will be directly involved in their immediate military need. The gentleman is speaking about two separate subjects.

If they have that long-term commitment, obviously they will be free from further insurgency.

Mr. BONKER. Mr. Chairman, I remind the gentleman that there is already $26 million in the pipeline to meet that need. If more is necessary next year, we will be happy to act upon that matter then.

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY. I yield to the gentleman from Alabama.

Mr. BUCHANAN. Mr. Chairman, the gentleman raised a good question, one which was studied by the subcommittee, and we have reduced the amount, as the gentleman has said.

However, I have some concern about a further signal from this body. We are not dealing with a lot of money, but it might be a bad signal to send.

Therefore, I must reluctantly oppose the amendment.

Mr. DOWNEY. Mr. Chairman, that was my concern, that if we sent them this signal, we might not be helping them even with respect to some long-term commitment.

Mr. BONKER. Mr. Chairman, I think that when we talk about a signal, we have in this bill $10 million for security supporting assistance; we have $2.5 million in military assistance; and there the support is fully intact.

In terms of signals, the President withdrew the M–60 tank which was supposed to go to Zaire. He refused to give them military assistance when they needed it. Therefore, with respect to the question of any kind of signal, we are past that stage.

Mr. WHALEN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, as was suggested, the administration requested $30 million originally in foreign military credit sales to Zaire.

The Subcommittee on Africa, in considering this request, had several options. We could leave it as is or we could have accepted the amendment of the gentleman from Washington (Mr. BONKER) and cut it out completely.

What we finally did was to set the figure at $15 million. This was supported by the full committee.

This decision was not based on military considerations. Thirty million dollars in foreign military credit sales would not help repel an invader. What this was was a political decision. Indeed, it was our intention to send two signals or two messages.

First of all, there are many countries in Africa, as was expressed by the gentleman from Illinois (Mr. DERWINSKI), who are concerned about any kind of invasion of their territorial boundaries.

In talking with these leaders in a recent visit to Africa, the gentleman from Michigan (Mr. DIGGS), the gentleman from New York (Mr. SOLARZ), and I raised the question about Zaire. These leaders expressed the concern that the United States might, under these circumstances in Zaire, turn its back on a friend.

Rightly or wrongly, for the past number of years we have been providing military assistance to the Mobutu government. The first signal, therefore, that we wanted to convey was that we will continue this assistance and that we will not turn our back on a long-standing friend in times of distress.

Our second concern was this: The administration in past years has asked for approximately $15 million annually in foreign military credit sales. Suddenly, this figure has jumped. We wanted to convey to the administration and to the peoples of Africa that we would not be sucked into what might otherwise be a Vietnam-type involvement, that we would continue our assistance, but that we would not change that assistance, in the light of the internal situation that has developed in Zaire.

Mr. Chairman, these are the two signals we are trying to convey.

As a result of this, we decided on a political figure of $15 million rather than the $30 million originally requested.

Therefore, Mr. Chairman, rather than our honoring the amendment offered by the gentleman from Washington (Mr. BONKER), I would hope that we would stick to the committee view.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. WHALEN. I yield to the gentleman from New York.

Mr. SOLARZ. Mr. Chairman, I want to associate myself with the remarks of the gentleman from Ohio (Mr. WHALEN). I think the gentleman has made a very lucid analysis of the situation.

From a parliamentary point of view, then, I gather that what the gentleman is recommending is that the Committee of the Whole vote "no" on the Derwinski amendment, which would increase it by $15 million, and then vote "no" on the Bonker amendment, which would decrease it from $15 million to zero; is that correct?

Mr. WHALEN. No. The gentleman from Illinois (Mr. DERWINSKI), as wise as he is, has not put in an amendment to the amendment. We have only one amendment before us and that is to cut the $15 million.

Mr. Chairman, I would urge the defeat of the Bonker amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. BONKER).

The amendment was rejected.

AMENDMENT OFFERED BY MR. ICHORD

Mr. ICHORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ICHORD: Page 8, line 17, strike out "$2,214,700,000" and insert in lieu thereof "$2,114,700,000"; on page 9, line 17, strike out "sections" and insert in lieu thereof "section"; strike out line 18 on page 9 and all that follows through line 2 on page 11; and in line 3 on page 11, strike out "534" and insert in lieu thereof "533".

Mr. ICHORD. Mr. Chairman, this amendment strikes out section 533 of the bill.

In recent months the United States of America has been inundated with accounts of the administration's initiatives regarding and our African policy.

Mr. Chairman, cast in terms of human rights, these initiatives have a certain widespread appeal. What is ignored, however, is the fact that for most of black Africa majority rule means one party dictatorship, such as that existing in Uganda under Idi Amin, or some other type of primitive despotism.

Section 533 would have us authorize $100 million for a southern Africa special requirement fund. Section 533 of this bill specifies that these funds are only to be available for the majority ruled countires. I ask this body, Mr. Chairman, who is to determine what constitutes majority rule? Is it black rule? Is it black factional rule? Or is it externally managed and manipulated rule?

Examine section 533. No mention is made of representative rule whatsoever.

My concern, Mr. Chairman, is that the ill conceived provisions of section 533 will be destabilizing to the delicate situation that exists in Zimbabwe today.

I have tried in the past, Mr. Chairman, to convey the delicacy of the situation and the potential consequences to my colleagues. In fact, Mr. Chairman, I have tried for 2 years to have the members of the Committee on International Relations go to Zimbabwe and see what actually exists. To my knowledge, Mr. Chairman, there has been only one member of the Committee on International Relations that has ever been in Zimbabwe, and I think he is absolutely wrong on this. How in the world can one legislate on what is going on in Zimbabwe?

On the 17th of May, Mr. Chairman, I inserted in the record an article entitled "Brother Against Brother in Black Rhodesia." This article by Smith Hempstone, is a clear portrayal, I believe, of the situation in Zimbabwe, or Rhodesia, or Southern Rhodesia, or whatever you want to call that country. If you have taken the time to read that article, and I hope and I pray that my fellow colleagues have, then I am sure you will support this amendment overwhelmingly. If you have read the article I am sure you can appreciate my concern that any further destabilizing act may assure the black and white genocide that I fear is going to happen in Zimbabwe.

The problems of Zimbabwe or Rhodesia or Southern Rhodesia, again, are Zimbabwe's problems. I know for a fact that the Smith government is sensitive to the need for representative government and has made considerable strides in that direction. Before I introduced my amendment to the Byrd amendment repealer, I talked to Ian Smith; I talked to a Dr. Chuvundaka, the right-hand man of Bishop Muzorewa, and both of them informed me that they were pretty close to getting together.

The resolution of the Rhodesian problems rests with Rhodesians or Zimbabweans, both black and white. How can we inflict our alleged self-righteous values on a situation about which we are so ill-informed is beyond my comprehension.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. Ichord was allowed to proceed for 5 additional minutes.)

Mr. ICHORD. It is absolutely beyond my comprehension, when only one Member has ever been to Zimbabwe. The blacks in Zimbabwe are principally a tribal culture, Mr. Chairman. Certainly there are different political organizations or ZAPU. There are ZANU. There are two or three minor organizations. They even have a blanket organization, but it is principally a tribal culture, and the real problem is not black against white; the real problem is the merging of Western civilization with black civilization. Our perception, Mr. Chairman, of majority rule is destined to inflict an oppressive external minority government on the people of Zimbabwe. Are we willing to risk the consequences and have the blood of black and white Rhodesians on our hands, or are we going to act more prudently and leave the resolution of these problems to the Rhodesians without further U.S. interference, or, Mr. Chairman, should I more properly say without more interference by the U.N. which has acted most hypocritically in this dispute, and every Member of this body knows that to be a fact.

I would point out to my colleagues how quickly we criticize the interference of the Soviets and the Cubans, and how we opted for a policy of nonintervention in the case of Angola. How inconsistent can we be? Talk about inconsistency. Members of the committee, read section 18 of this legislation.

My amendment, which deletes the $100 million Southern African Special Requirements Fund and the provisions of section 533, is a move for stability, a move tervention, and makes the bill consistent with section 18 on page 19 of H.R. 6884.

Mr. Chairman, I urge adoption of the amendment.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from New York, the only member of the Committee on International Relations who has ever been to Zimbabwe, and I do not think he saw what he should have seen.

Mr. SOLARZ. As the only member of the Committee on International Relations who has been to Rhodesia, I thank the gentleman for yielding.

Mr. ICHORD. Why has the gentleman not taken more trips? I have tried to take them to Zimbabwe. I have offered to take the gentleman to Zimbabwe.

Mr. SOLARZ. I accepted the gentleman's invitation, and I went.

I simply want to say to our colleagues on the committee, since I understand we are going to be rising at 5:30 p.m., that if they would like to hear what this one member of the Committee on International Relations who went to Rhodesia has to say about the situation in Zimbabwe, I invite them to return tomorrow.

Mr. ICHORD. Mr. Chairman, I refuse to yield further and I hope the gentleman will tell the Members of this body about the tribal culture of Zimbabwe and how Nkomo's Matebele tribe constitutes only about 20 percent of the blacks in Rhodesia, and how my friend Bishop Muzorewa is a member of the Mashona tribe representing about 80 percent.

Why, my friends, the gentleman from Georgia (Mr. McDonald) has a better chance of ruling Rhodesia without black and white genocide than does the gentleman from the Matebele tribe, Nkomo, who the gentleman from New York (Mr. Solarz) supports.

Mr. WHALEN. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Ohio and I hope he has been to Zimbabwe.

Mr. WHALEN. That is the point I wanted to raise with the gentleman.

Mr. ICHORD. Why has the gentleman not been to Zimbabwe?

Mr. WHALEN. If the gentleman will give me an opportunity to explain, I would like to say that another Congressman and I tried to get into Zimbabwe.

Mr. ICHORD. I will get the gentleman into Zimbabwe anytime he wants to go.

Mr. WHALEN. Can the gentleman get the gentleman from Michigan (Mr. Diggs) into Zimbabwe?

Mr. ZABLOCKI. Mr. Chairman, I rise in order to determine how many Members want to speak on this amendment.

Mr. BAUMAN. Mr. Chairman, if the gentleman will yield, the gentleman from Maryland has a perfecting amendment which he would offer to this amendment.

Mr. ZABLOCKI. Mr. Chairman, in view of the perfecting amendment and the fact that there may be a long discussion on that, I will request that the Committee do now rise. But, before asking that the Committee rise, I move to strike the requisite number of words.

Mr. Chairman, I do so in order to keep a promise I made to the gentleman from Iowa (Mr. Bedell) for a colloquy, and therefore I yield to the gentleman from Iowa (Mr. Bedell).

Mr. BEDELL. Mr. Chairman, I thank the chairman of the committee for yielding.

Mr. Chairman, there is increasing concern among the American people and the Government of the United States over the continuing reports of violations of human rights and political freedom by the Marcos regime in the Philippines.

Just last week I met with a group of church organizations which are extremely disturbed over what is happening in the Philippines and are committed to changing this deplorable situation.

Mr. Chairman, I had originally planned to offer an amendment today which would have reduced our military aid to the Philippines. My office has received a number of calls from other members who are equally concerned about what is going on in the Philippines and wanted to support such an amendment. However, for reasons I will get to in a minute, I have decided not to offer the amendment at this time.

I know that many of my colleagues will be disappointed with this decision. But, after a great deal of reflection, I think it would be wiser to give the current administration some time to institute its publically announced policy of concern about human rights before we in the Congress take action. Certainly, President Carter's public statements on human rights are impressive and I believe they reflect the feelings of the American people. However, the administration's stance is radically new and different from that of the past two administrations, and it will take some time to implement. I feel this administration should be given one year in which to attempt to change the situation in the Philippines.

I would want it to be clearly understood, however, that by withholding my amendment, I am not indicating a decrease in concern about the Philippines because this is simply not the case. On the contrary, I think I speak for many Americans who are appalled by what they are reading in the newspapers about the torture and repression of the Marcos regime. Many of us feel that increasing American military aid to regimes like this is particularly inappropriate now, especially in the case of the Philippines where there does not appear to be any external military threat.

Mr. Chairman I could spend a lot of time cataloging the stories of terror and brutality that abound in the Philippines. Such stories could easily fill today's Congressional Record. We all know that at one time, the Philippines had a democratic form of government but that it ended in the fall of 1972. At that time President Marcos, having exhausted the number of terms he was allowed to be President under the Philippine constitution, simply declared martial law, dissolved the Congress and drastically curtailed the liberties of the Filipino people.

Within the past week or so there have been stories in the national press about the examples of this repression. Very recently, for instance, Mrs. Trinidad Herrera, the best known leader of Manila's 1 million slum dwellers was abducted by the military under extremely flimsy charges. She was one of hundreds of random arrests made by the Philippine authorities in an effort to avert a major demonstration in Manila.

During her 2-week detention, she was brutally tortured and subjected to extensive electric shocks to sensitive parts of her body. She came out of this ordeal a virtual vegetable, according to her lawyer, and was only able to sit and stare blankly with tears rolling down her face.

Unfortunately, Mrs. Herrara is not alone. There are hundreds of other similar tragedies. American missionaries have estimated that there have been many more than 53,000 political arrests since 1972 and that as many as 15,000 people may still be held in prisons throughout the Philippines. Other people have simply disappeared and have never been heard from again.

Mr. Chairman, I do not feel that this Congress or the American people should be asked to subsidize such an odious regime with their tax dollars. Although I am not offering an amendment at this time, I want to voice my strongest concern and request the assurance of the chairman of the Committee on International Relations that human rights conditions in the Philippines will be very carefully assessed before we are asked to authorize any more military aid to the Philippines. I would like to have the

Chairman give us an assurance that unless there is material progress in the restoration of human rights and political freedom in the Philippines that there will be no guarantee whatsoever that U.S. military aid there will continue at the present level.

Mr ZABLOCKI. Mr. Chairman, I can assure the gentleman from Iowa that as we have in the past we shall continue to review the programs to all countries and particularly in the case of the Philippines. I can assure the gentleman if there is no progress certainly in the area of human rights the committee will carefully review U.S. military programs before such assistance is authorized.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Chairman, I thank the gentleman for yielding.

I do so to compliment the gentleman from Iowa for bringing to the committee's attention a very important question of foreign policy.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, I join in the gentleman's remarks regarding the level of spending. I think this is a very important issue.

Mrs. MEYNER. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentlewoman from New Jersey.

Mrs. MEYNER. Mr. Chairman, I want to associate myself with the gentleman from Iowa. Having just visited the Philippines and seen the situation there, I can affirm that there is a serious human rights problem in that country. Martial law has been called constitutional authoritarianism, by President Marcos.

I share the gentleman's concern and I congratulate him for raising this issue.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, I congratulate our colleague on the gentleman's remarks. I think they express the feelings of this House.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, can the gentleman from Wisconsin give any assurance to the House as to when this bill will be brought up, if the Committee does rise at this time?

Mr. ZABLOCKI. Mr. Chairman, it is my understanding that when the Committee rises this afternoon, it will be the first order of business tomorrow after the suspensions.

Mr. BROOMFIELD. Mr. Chairman, I thank the gentleman.

Mr. ZABLOCKI. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. FUQUA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6884) to amend the Foreign Assistance Act of 1961 to authorize international security assistance programs for fiscal year 1978, to amend the Arms Export Control Act to make certain changes in the authorities of that act and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the bill (H.R. 6884) under consideration today.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Marks, one of his secretaries, who also informed the House that on May 23, 1977, the President approved and signed a bill of the House of the following title:

H.R. 3477. An act to reduce individual and business income taxes and to provide tax simplification and reform.

COMMUNICATION FROM THE CLERK OF THE HOUSE—SUBPENA DUCES TECUM IN GRAND JURY INVESTIGATION IN U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

The Speaker laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
May 23, 1977.

Hon. THOMAS P. O'NEILL, JR.,
The Speaker, U.S. House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: On May 18, 1977, I was served with the attached subpoena commanding me to appear in the United States District Court for the Western District of Pennsylvania and to bring with me copies of the records described therein. By the attached order of the United States District Judge, such records were determined to be material, necessary and relevant to a grand jury investigation.

Pursuant to the provisions of House Resolution 10, I am hereby transmitting said subpoena and order and the matter is presented for the consideration of the House.

With kind regards, I am,

Sincerely,

EDMUND L. HENSHAW, JR.,
Clerk, House of Representatives.

The SPEAKER. Pursuant to the provisions of House Resolution 10, the subpena duces tecum and court order will be printed at this point in the Record.

The subpena and court order follow:

[In the District Court of the United States, Western District of Pennsylvania]

SUBPENA TICKET

Clerk of the House, United States House of Representatives, Washington, D.C.

By virtue of a subpoena issued out of the District Court of the United States, you are required to be and appear before said Court at U.S. District Court, Western District of Pa., 708 U.S. Post Office and Courthouse, 7th Avenue and Grant Street, Pittsburgh, Pa., at 9:30 o'clock a.m., on the 24th day of May, 1977 then and there to testify on behalf of the grand jury . . . and to bring with you and produce any and all reports or other documents filed with the Clerk of the House of Representatives concerning receipts and expenditures for any political Committee acting on behalf of Frank M. Clark, including but not limited to any "Reports of Receipts and Expenditures for a political committee supporting any candidate for nomination or election to the United States House of Representatives" filed by any committee acting on behalf of Frank M. Clark, for the period January 1, 1971 to January 31, 1976, and not to depart without leave. If you fail to obey such subpoena, you may be fined and imprisoned, as the Court may direct.

GEORGE K. MCKINNEY,
U. S. Marshal.

GRAND JURY SUBPENA, MISCELLANEOUS
No. 6772

ORDER OF COURT

And now, to-wit, this 12th day of May 1977, after an *in camera* hearing was had on a motion of the United States Attorney in the above entitled matter, and after information was received at the *in camera* hearing that would indicate prima facia two violations of the United States Criminal Code, and after consideration of the evidence presented before me, it would seem that the records of the Clerk of the House of Representatives as requested in a subpoena duces tecum for documentary evidence to be presented to the Federal Grand Jury, dated April 28, 1977, issuing from the United States District Court for the Western District of Pennsylvania and addressed to the Clerk of the United States House of Representatives to ascertain the correctness or incorrectness of the ex parte information had before me, is material, necessary and relevant,

It is hereby ordered that these findings by me be submitted to the Clerk of the House of Representatives for the furnishing of documentary evidence or certified copies which are the subject of the subpoena duces tecum for Federal Grand Jury consideration, and that the House of Representatives be informed of the need by the Grand Jury of such evidence as requested in the subpoena duces tecum in accordance with the provisions of Resolution 10 of the House of Representatives dated January 10, 1977.

LOUIS ROSENBERG,
Senior U.S. District Judge.

ANNUAL REPORT ON ACTIVITIES OF ALASKA RAILROAD—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

I transmit herewith the annual report by the Department of Transportation on the operations and activities of the Alaska Railroad, as required by the Alaska Railroad Act of March 12, 1914. The period covered by the report precedes my term of office.

JIMMY CARTER.

THE WHITE HOUSE, *May 23, 1977.*

PRESERVATION OF THE WILDERNESS, WILDLIFE, NATURAL AND HISTORICAL RESOURCES; EFFECTS OF POLLUTION, TOXIC CHEMICALS AND DAMAGE CAUSED BY DEMAND FOR ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 95-160)

The **SPEAKER** laid before the House the following message from the President of the United States; which was read and referred to the Union Calendar and ordered to be printed: and the accompanying papers were referred to the Committee on Interior and Insular Affairs:

To the Congress of the United States:

This message brings together a great variety of programs. It deals not only with ways to preserve the wilderness, wildlife, and natural and historical resources which are a beautiful and valued part of America's national heritage: it deals also with the effects of pollution, toxic chemicals, and the damage caused by the demand for energy. Each of these concerns, in its own way, affects the environment; and together they underscore the importance of environmental protection in all our lives.

Americans long thought that nature could take care of itself—or that if it did not, the consequences were someone else's problem. As we know now, that assumption was wrong: none of us is a stranger to environmental problems.

Industrial workers, for example, are exposed to disproportionate risks from toxic substances in their surroundings. The urban poor, many of whom have never had the chance to canoe a river or hike a mountain trail, must nevertheless endure each day the hazardous effects of lead and other pollutants in the air.

I believe environmental protection is consistent with a sound economy. Previous pollution control laws have generated many more jobs than they have cost. And other environmental measures whose time has come—measures like energy conservation, reclamation of strip-mined lands, and rehabilitation of our cities—will produce still more new jobs, often where they are needed most. In any event, if we ignore the care of our environment, the day will eventually come when our economy suffers for that neglect.

Intelligent stewardship of the environment on behalf of all Americans is a prime responsibility of Government. Congress has in the past carried out its share of this duty well—so well, in fact, that the primary need today is not for new comprehensive statutes but for sensitive administration and energetic enforcement of the ones we have. Environmental protection is no longer just a legislative job, but one that requires—and will now receive—firm and upsparing support from the executive branch.

In this spirit, I am presenting the following program to build upon Congress admirable record:

ACTIONS TO CONTROL POLLUTION AND PROTECT HEALTH

—A coordinated attack on toxic chemicals in the environment

—Effective implementation of the Toxic Substances Control Act

—Accelerated development of occupational health standards to protect workers

—Strong legislation to improve air quality

—A $45 billion, 10-year program to build sewage facilities

—Accelerated study of economic incentives to encourage recycling

ACTIONS TO ASSURE ENVIRONMENTALLY SOUND ENERGY DEVELOPMENT

—Support for amendments to improve the Outer Continental Shelf Lands Act

—Revision of the OCS leasing schedule

—More participation by states in the current OCS program

—Accelerated identification of health and environmental effects of new energy technologies

—A nationwide evaluation of the availability of water for energy development

—Support for strong national strip-mining legislation

—Reform of the federal coal leasing program

ACTIONS TO IMPROVE THE URBAN ENVIRONMENT

—Commitment to neighborhood preservation and conservation

—Use of historic buildings for federal offices where appropriate

—An improved and expanded urban homesteading program

ACTIONS TO PROTECT OUR NATURAL RESOURCES

—A comprehensive review of water resources policy

—Executive Orders to direct federal agencies to refrain from supporting development in floodplains and wetlands

—Support for the program regulating dredge spoil disposal in wetlands

—$50 million over the next five years to purchase wetlands to protect waterfowl habitat

—Development of legislation to replace the anachronistic Mining Law of 1872 with one that establishes a leasing system for hardrock minerals

—A comprehensive review of the Cooperative Forestry Program

—An Executive Order strengthening protection of public lands from the uncontrolled use of off-road vehicles

ACTIONS TO PRESERVE OUR NATIONAL HERITAGE

—An accelerated five-year, $759 million program to develop new and existing parks

—Development of legislation to establish a National Heritage Trust to protect places of cultural, historic, and ecological value

—Support for designating major additions to the Park, Forest, Wildlife Refuge, and Wild and Scenic River Systems in Alaska

—Four new wilderness proposals and enlargement of five others submitted by previous Administrations

—Accelerated preparation of new wilderness proposals for Alaska and the East and initiation of a vigorous new wilderness program on Bureau of Land Management lands

—Eight new Wild and Scenic Rivers and proposals to study 20 others

—Legislation to deauthorize the Cross Florida Barge Canal and to study adding the Oklawaha River to the Wild and Scenic River system

—Three new National Scenic Trails

ACTIONS TO PROTECT WILDLIFE

—A $295 million five-year program to rehabilitate and improve the Wildlife Refuge System

—Improved protection for nongame wildlife

—An accelerated effort to identify habitat critical to the survival and recovery of endangered species.

—An Executive Order restricting the introduction of potentially harmful foreign plants and animals into the United States

ACTIONS WHICH AFFIRM OUR CONCERN FOR THE GLOBAL ENVIRONMENT

—A major interagency study to assess potential global environmental changes and their impact on the United States

—An offer to assist interested nations in dealing with population problems

—Inclusion of environmental considerations in assistance programs of the Agency for International Development

—Support for a number of international environmental agreements

—A prohibition on commercial whaling in the U.S. 200-mile fisheries zone

ACTIONS TO IMPROVE IMPLEMENTATION OF ENVIRONMENTAL LAWS

—An Executive Order directing the Council on Environmental Quality to issue regulations reducing paperwork in the environmental impact statement process

—Development of legislation to create one consolidated environmental grant program

—A review of environmental coordination legislation to reduce operlapping and conflicting requirements.

I. POLLUTION AND HEALTH

At the beginning of this decade, the United States embarked on a long overdue program to reduce pollution and make our environment healthier and more livable. My Administration fully supports the progressive legislation that has been enacted. We are particularly committed to strong measuers to protect our most important resource—human health—from the increasingly apparent problem of hazardous substances in the environment.

—We plan to improve enforcement of our pollution control laws.

—We intend to make increased use of economic incentives to achieve our environmental goals.

—We will seize opportunities to reduce pollution by conserving resources.

—We will work with state and local governments to make sure that the job of controlling pollution is properly planned and does not stop with the promulgation of regulations in Washington.

—We will make every effort to see that regulation of a problem in one medium—such as water—does not create new environmental problems in another medium—such as air.

—And we will squarely face emerging environmental problems so that they can be dealt with effectively without an atmosphere of crisis.

TOXIC CHEMICALS

The presence of toxic chemicals in our environment is one of the grimmest discoveries of the industrial era. Rather than coping with these hazards after they have escaped into our environment, our primary objective must be to prevent them from entering the environment at all.

At least a dozen major federal statutes, implemented by seven different agencies, address this problem in various ways. With the enactment last year of the Toxic Substances Control Act, no further comprehensive federal legislation should be necessary. Now we must inaugurate a coordinated federal effort to exclude these chemicals from our environment.

I am therefore instructing the Council on Environmental Quality to develop an interagency program (1) to eliminate overlaps and fill gaps in the collection of data on toxic chemicals, and (2) to coordinate federal research and regulatory activities affecting them.

The Toxic Substances Control Act enables the federal government, for the first time, to gather the information on chemical substances needed to determine their potential for damaging human health and the environment, and to control them where necessary to protect the public. My FY 1978 budget provides nearly $29 million—a threefold increase over Fiscal 1977—for the Environmental Protection Agency to implement this important Act.

I have instructed the Environmental Protection Agency to give its highest priority to developing 1983-best-available-technology industrial effluent standards which will control toxic pollutants under the Federal Water Pollution Control Act, and to incorporate these standards into discharge permits. My Administration will be seeking amendments to this Act, including revision of Section 307(a), to permit the Environmental Protection Agency to move more decisively against the discharge of chemicals potentially injurious to human health.

Finally, I have instructed the Environmental Protection Agency to set standards under the Safe Drinking Water Act which will limit human exposure to toxic substances in drinking water, beginning with potential carcinogens.

THE WORKPLACE

Each year, environmental hazards in the workplace cause at least 390,000 new cases of disease and perhaps as many as 100,000 deaths. Regulation of toxic chemicals will reduce this toll, but other steps are also necessary to protect worker health and to assure adequate compensation to those who suffer from occupational diseases.

In the past, implementation of the Occupational Safety and Health Act of 1970 has emphasized safety and too often resulted in unnecessary and burdensome regulations. Yet at the same time the federal response to health problems has been unconscionably slow. Under my Administration OSHA will develop and enforce effective standards for occupational health without repeating the excesses of the past. We will continue to work with the Congress to strengthen the Coal Mine Health and Safety Act and the Metallic and Nonmetallic Mine Safety Act, and we are now implementing administrative reforms to improve standard-setting procedures, enforcement, and penalty collection.

In addition, my Administration will explore and develop proposals to supplement federal occupational health regulations, and will examine the full range of reforms that might be undertaken by the appropriate levels of government to assure adequate compensation for occupationally-induced diseases.

AIR POLLUTION

Clean air is essential to the health and welfare of all Americans. Although we have made considerable progress, much remains to be done before we have fully achieved our ambient air quality goals.

My Administration has already submitted to the Congress certain amendments to the Clean Air Act. I support:

—Strong provisions to prevent the deterioration of air quality in already clean areas;

—A program to protect visibility in our national parks and wilderness areas;

—Strong enforcement tools, including economic penalties to eliminate the benefits of delay or noncompliance;

—The use of "best available control" technologies in all new facilities;

—Strict controls on coal-burning plants to insure that they meet air quality standards;

—Emission limitations for automobiles which help meet clean air goals but allow achievement of strict fuel economy standards;

—State implementation of inspection and maintenance programs in seriously polluted areas to ensure that automobiles continue to meet emission control requirements while in use.

In addition, I have instructed the Administrator of the Environmental Protection Agency to review his agency's regulations controlling new industrial growth in areas now violating air quality health standards and to recommend to me and to the Congress a fair and effective policy for meeting these standards in the future. Adoption of new legislative provisions in this area should await the results of this review.

WATER QUALITY

The nation has made considerable progress in cleaning up its waters under the program set forth in the 1972 amendments to the Federal Water Pollution Control Act, but much remains to be done in order to achieve the Act's goal of fishable and swimmable waters. Three areas deserve particular attention:

(1) To help control pollution from municipal sewage systems—an effort that currently involves 10,000 projects in planning or under construction—we need substantial additional funding. I have already asked the Congress to authorize the expenditure of $4.5 billion in each of the next ten years for municipal waste water treatment facilities and to allow a one-year extension in the September 1977 deadline for the obligation of construction grant funds. But at the same time we need to be sure that sewage projects supported by federal money do not create additional environmental problems, and that they are designed to encourage water conservation as well as water treatment. We also must ensure that the systems are operated properly once they have been built; that there is an effective pretreatment program to remove harmful industrial wastes from these systems; and that we are carefully considering alternative solutions, particularly in smaller communities, so that we can be sure of building the projects which are economically and environmentally most effective.

(2) I have already asked the Congress to increase the funds available for the Section 208 Planning Program, which helps place water quality management in the hands of state and local government, where much of the job of prevention and abatement must actually be done. This section of the 1972 amendments provides a means for addressing the increasingly serious problem of pollution caused by runoff from agriculture, mining, forestry, and urban streets. To make it operate effectively, tough State and local plans addressing these problems must be completed and implemented as soon as possible.

(3) Finally, I will be submitting further water quality amendments for your consideration in the current session. They will include provisions to make pollution unprofitable as well as illegal by imposing penalties on firms that have failed to abate their pollution on schedule; provisions to make law enforcement more stringent; and provisions necessary to ensure that actions are taken in accord with water quality management plans.

SOLID WASTE

"Solid wastes" are the discarded leftovers of our advanced consumer society. This growing mountain of garbage and trash represents not only an attitude of indifference toward valuable natural resources, but also a serious economic and public health problem.

The Resource Conservation and Recovery Act, passed in 1976, gave the Environmental Protection Agency the authority it needs to regulate hazardous wastes and to assure the safe disposal of other residues. Now it is important to move beyond the symptoms and address two principal causes of the solid waste problem: excessive packaging and inadequate use of recycled materials.

The Act requires the EPA to undertake, through an Interagency Resource Conservation Committee, a two-year study of ways to encourage waste reduction, recycling, and resource recovery with financial incentives like solid waste disposal charges, refundable deposits on containers, federal procurement of recycled materials, and excise taxes for litter clean-up. I am asking the Committee to accelerate its study and within six months present to me its first recommendations which are to address the use of solid waste disposal charges (levies on materials and products which reflect the costs associated with their ultimate disposal).

In addition, I am taking several actions to encourage resource conservation within the federal government. In the White House itself, recycled paper will be used wherever practicable as soon as present stocks of paper have been exhausted. I am instructing the Administrator of the General Services Administration and the heads of other appropriate federal agencies to institute a waste paper recycling program wherever practicable by the end of this calendar year. I am also instructing the GSA to revise its paper-product specifications to encourage the purchase of more recycled paper.

PEST MANAGEMENT

For several decades, chemical pesticides have been the foundation of agricultural, public health, and residential pest control. Approximately 1400 different chemicals are used in pesticide products, and some of these, as we have begun to discover, impose an unacceptable risk to our health and our environment.

To improve the safety and effectiveness of pest management, I am recommending two measures—one a short-term legislative step, and the other a long-term change in the way we approach this problem.

(1) I am asking the Administrator of the Environmental Protection Agency to work with the Congress in enacting an amendment to the Federal Insecticide, Fungicide, and Rodenticide Act which would allow the EPA to regulate directly these 1400 active chemical ingredients, rather than the 40,000 different commercial products which contain them in varying amounts. This change will help speed the registration of safe and desirable pest control compounds, and it will permit swifter revocation of registration for those which pose unwarranted risks.

(2) I am instructing the Council on Environmental Quality, at the conclusion of its ongoing review of integrated pest management in the United States, to recommend actions which the federal government can take to encourage the development and application of pest management techniques which emphasize the use of natural biological controls like predators, pest-specific diseases, pest-resistant plant varieties, and hormones, relying on chemical agents only as needed.

II. ENERGY AND THE ENVIRONMENT

In countless ways, our environment is affected by the production, distribution, and use of energy. Some of these—for example, the need to control oil tanker pollution and the need to restrict plutonium technology—I have already discussed in specific messages to the Congress. Others are implicit in my energy proposals, since the act of reversing our present wasteful energy practices will itself have many beneficial consequences for the environment. The transition to renewable energy sources, particularly solar energy, must be made. But it will take time. Meanwhile we should satisfy our energy needs from existing sources, both fossil and nuclear, in a safe and environmentally acceptable way. In particular, my Energy Plan outlined a number of steps this Administration will take to deal with domestic nuclear safety and spent fuel storage: an improved inspection program; mandatory reporting of all mishaps and failures; development of improved siting criteria; a review of the entire licensing process; and a review of the Energy Research and Development Administration's radioactive waste management program. The decisions we make about energy in the next few years will influence the environment of our country for generations.

THE OUTER CONTINENTAL SHELF

The oil and gas under federal ownership on the outer continental shelf must be developed in an orderly manner, reconciling the nation's energy needs with the fullest possible protection of the environment.

Amendments to the OCS Lands Act now being considered by the Congress, with provisions proposed by the Administration, will provide important new authority to the Secretary of the Interior. I urge expeditious passage of legislation to regulate the outer continental shelf, and in particular I favor provisions which would:

—Permit full evaluation of the effects of oil production, and cancel leases or terminate operations when harm or damage to the environment outweighs the advantage of continued operations;

—Improve consultation with states and communities to assure that they have a real role in decisions which affect them;

—Require industry to use the best available economically achievable safety and pollution control technology in operations on the outer continental shelf.

In addition to new legislation, certain administrative steps should be taken in this area. The first is to assess the size and scheduling of the OCS program. The Secretary of the Interior has already revised this program through 1978 to reflect reasonable production objectives as well as the various environmental considerations in each OCS region.

As the Secretary now proceeds to reevaluate the longer-term OCS program, I have directed him to work closely with the Governors of affected coastal states to guarantee that proposals for the timing and sequence of offshore lease sales are reasonable, not only in a technological sense but also in economic, social, and environmental respects. Because the Alaskan outer continental shelf is particularly sensitive and controversial, I am directing him to give special emphasis to it. I have also asked him to work closely with the Secretary of Commerce as she identifies potential marine sanctuaries in areas where leasing appears imminent.

To obtain fuller knowledge about the environmental impact of leasing and production, and to increase participation by the states in the process of decision, I have further directed the Secretary of the Interior to:

—Establish an OCS Information Clearinghouse to receive inquiries about federal OCS activity;

—Develop regulations, operating orders, and lease provisions specifying the information required from industry about both the offshore and onshore impacts of prospective development;

—Facilitate cooperative planning among industry, the Interior Department, the Department of Transportation, and the states for lease development, pipeline locations, pipeline standards, and onshore facilities;

—Establish procedures for compliance with the National Environmental Policy Act in connection with development plan approvals.

Because OCS activities should be administered in the most orderly way possible, I am directing the Secretary of the Interior to study carefully the prospect of reorganizing his Department's management of these valuable resources.

He and the Administrator of the Environmental Protection Agency should also coordinate their respective regulatory activities to ensure that exploration and development are not delayed by procedural confusion.

COAL

As our nation increasingly turns to coal as a replacement for our dwindling supplies of oil and gas, we must be sure that we will not fall short of the goals we have established to protect human health and the general environment.

Essential to environmentally sound use of coal is the expeditious passage of strong national strip mine legislation. My Administration has submitted to the Congress amendments by which alluvial valley floors, prime agricultural lands, and the mountains and valleys of Appalachia can be protected. These improvements, together with the comprehensive reclamation, administrative and enforcement provisions of the bill, will allow increased reliance on coal without sacrificing the environment. I urge final approval of this legislation in its strongest form. The Department of Interior has already begun preparations to implement the bill when it becomes law.

In the near term the switch to coal must be accomplished with currently available technology. In my Energy Plan I recognized that pollution control technology for direct combustion of coal is not fully adequate and directed that federal research be increased in certain key areas.

In the longer term, we must be sure that technological advances, such as conversion of coal to synthetic fuels, do not create undue environmental and health risks.

Accordingly, I am directing the Administrators of the Energy Research and Development Administration and the Environmental Protection Agency, and the Secretary of Health, Education, and Welfare to establish a joint program to identify the health and environmental effects of each advanced technology that is the subject of federal research and development.

I am also directing the Administrators of the Energy Research and Development Administration and the Environmental Protection Agency jointly to develop procedures for establishing environmental protection standards for all new energy technologies. These procedures should be agreed upon within one year.

Because extensive use of coal requires huge amounts of water, I am directing the Secretary of the Interior to prepare a nationwide evaluation of the water supply needs and availability for development of various energy resources. He should prepare his report in cooperation with the Water Resources Council, the Administrator of the Energy Research and Development Administration, and other Federal agencies.

The newly enacted Coal Leasing Amendments and the Federal Land Management and Policy Act provide the Secretary of the Interior with the necessary authority to carry out environmentally sound, comprehensive planning for the public lands. His duty now is to implement an affirmative program for managing coal lands and associated resources in a manner that fully protects the public interest and respects the rights of private surface owners.

To accomplish this, I am directing the Secretary of the Interior to manage the coal leasing program to assure that it can respond to reasonable production goals by leasing only those areas where mining is environmentally acceptable and compatible with other land uses. Specifically:

—The Secretary of the Interior, using environmental reviews, coal assessments, and indications of market interest, should determine which lands are appropriate to offer for lease.

—Land use plans should be completed before a decision to offer specific tracts for sale.

—No tract should be leased unless the Secretary is satisfied that the environmental impact of mining would be acceptable and that the federal government will receive a fair market value for the lease.

In response to concern about the large numbers of non-producing federal coal leases in the Western states, I am directing the Secretary of the Interior to scrutinize the existing leases (and applications for preference right leases) to determine whether they show prospects for timely development in an environmentally acceptable manner. He should take whatever steps are necessary to deal with non-producing and environmentally unsatisfactory leases and applications. These may include the following:

—Exchange of environmentally unsatisfactory leases or applications for environmentally acceptable coal lands of equivalent value;

—Reassessment of the basis for granting or denying preference right leases;

—Submission of legislation to authorize the condemnation of outstanding rights upon payment of reasonable compensation, if necessary to prevent environmental damage.

III. THE URBAN ENVIRONMENT

The National Environmental Policy Act speaks of the need to assure every American safe and healthful surroundings in which to live and work. For many of our citizens in urban areas, this goal is still remote.

Many existing environmental protection programs directly benefit the cities, of course, because that is where most of our pollution problems are. For example, controls on the emission of lead from automobile exhaust are of serious concern to inner-city residents. And as water pollution programs make rivers and streams cleaner, there will be more recreational opportunities in urban areas.

City life need not be a discouraging struggle against adversity; it can be an enriching experience. But it will take more than stopping pollution to make our cities the congenial, livable places they ought to be.

To halt the degradation of the urban environment and to conserve and develop its rich historic and physical resources, the place to begin is with the neighborhoods themselves. In the past, wholesale destruction and rebuilding have led to a spurious "renewal" that destroys the sense of human community on which a city's vigor depends. By redirecting the resources of the federal government into neighborhood preservation and conservation, we can begin the work of intelligently restoring our cities. These proposals are part of that program:

—I am directing all federal agencies to assess their programs to ensure that they take advantage of our rich architectural heritage wherever possible, for example by locating federal offices in historic buildings and by supporting projects that are compatible with and contribute to the local cultural and historic environment.

—I have instructed the Secretary of Housing and Urban Development to expand the urban homesteading program by making available more and better-quality houses; by ensuring that adequate rehabilitation assistance is available to participants; and by coordinating the program more closely with other federal, state, and community efforts.

IV. NATURAL RESOURCES

Protection of this country's natural resources depends in large part on the actions, leadership, and example of the federal government. Too often our water, wetlands, minerals, timber, and other resources have been managed imprudently, in disregard of sound environmental principles. Too often, narrow economic interests have enjoyed undue influence over the use of our public domain. As a result the resources which belong to all our citizens have sometimes been carelessly squandered.

My Administration is committed to a policy of effective stewardship of our public lands and natural resources. That policy includes conservation, multiple use of resources, and a reluctance to disrupt natural ecosystems. At a time when it has become apparent that we can no longer afford the waste and misuse of any natural resources, the need for these steps is clear.

WATER RESOURCES POLICY

One of the pressing domestic issues facing this Administration and this Congress is the establishment of a national water resources management policy.

I believe that it is essential to confine the public works efforts of the water development agencies to projects that can meet such defensible criteria as economic efficiency, safety, environmental protection, and fair distribution of project benefits. I have already recommended to the Congress a number of cost-saving adjustments in our water resource programs. Beyond that, we need comprehensive reform of water resources policy, with water conservation as its cornerstone.

I am therefore directing the Office of Management and Budget, the Council on Environmental Quality, and the Water Resources Council to conduct, in consultation with the Congress and with the public, a review of the present federal water resource policy. I have requested them to complete this joint study within six months and to present me with concrete recommendations for policy coordination and reform.

In addition, as a first step in redirecting present practices, I am today issuing an Executive Order designed to minimize the potential loss of human life and property from floods. This Order directs all appropriate federal agencies to refrain from supporting, funding, or issuing permits and licenses to new construction projects located in floodplains unless the agency determines that no practicable alternative location exists.

WETLANDS

The important ecological function of coastal and inland wetlands is well known to natural scientists. The lasting benefits that society derives from these areas often far exceed the immediate advantage their owners might get from draining or filling them. Their destruction shifts economic and environmental costs to other citizens—often in other states—who have had no voice in the decision to alter them.

We are losing wetlands at the rate of some 300,000 acres per year. While many of the individual developments which have caused this loss may once have been appropriate—and some still may be—we must now protect against the cumulative effects of reducing our total wetlands acreage. For these reasons, I am proposing a concerted federal effort to protect our wetlands. This includes the following steps:

(1) The federal government will no longer subsidize the destruction of wetlands. I am today issuing an Executive Order directing all appropriate federal agencies to refrain from giving financial support to proposed developments in wetlands unless the agency determines that no practicable alternative sites exist.

(2) I support implementation of the Federal Water Pollution Control Act program which regulates the filling and disposal of dredged materials in all U.S. waters or associated wetlands. This important program is essential to wetlands protection, but it should be carried out in a way that avoids undue federal regulation. The present program exempts normal farming, ranching, and forestry practices, and it allows for general permits that do not tie up individuals in un-

necessary red tape. These provisions have my support. My forthcoming amendments to the Federal Water Pollution Control Act will include proposals to improve wetlands protection and to authorize the states to assume responsibility for carrying out major portions of this program.

(3) To protect and sustain waterfowl for recreational enjoyment, I am proposing a budget increase of $50 million over the next five years to purchase wetlands, and I have already included in both the FY 1977 and FY 1978 budgets another $10 million for this purpose. I also urge the Congress to enact legislation increasing the price of migratory bird conservation and hunting stamps (the so-called "duck" stamp) so that additional revenue will be available for waterfowl habitat acquisition.

COASTAL BARRIER ISLANDS

Coastal barrier islands are a fragile buffer between the wetlands and the sea. The 189 barrier islands on the Atlantic and Gulf Coasts are an integral part of an ecosystem which helps protect inland areas from flood waves and hurricanes. Many of them are unstable and not suited for development, yet in the past the Federal government has subsidized and insured new construction on them. Eventually, we can expect heavy economic losses from this shortsighted policy.

About 68 coastal barrier islands are still unspoiled. Because I believe these remaining natural islands should be protected from unwise development, I am directing the Secretary of the Interior, in consultation with the Secretary of Commerce, the Council on Environmental Quality, and State and local officials of coastal areas, to develop an effective plan for protecting the islands.

His report should include recommendations for action to achieve this purpose.

MARINE SANCTUARIES

Existing legislation allows the Secretary of Commerce to protect certain estuarine and ocean resources from the ill-effects of development by designating marine sanctuaries. Yet only two sanctuaries have been established since 1972, when the program began.

I am, therefore, instructing the Secretary of Commerce to identify possible sanctuaries in areas where development appears imminent, and to begin collecting the data necessary to designate them as such under the law.

MINING

For more than a century, the development of hardrock minerals on the public lands has been governed by the Mining Law of 1872. This law once served an important purpose: encouraging settlement of the West and rapid development of mineral wealth there. But it is now outdated and inadequate. It fails to set forth clear authority for establishing environmental standards, and in some cases has allowed mining operations to degrade the water, soil, and air. It ignores the need for balanced management of resources and it has permitted the public's mineral resources to be developed without any royalty return to the federal treasury.

Therefore I am today instructing the Secretary of the Interior to prepare, for submission to the Congress, legislation to replace the Mining Law of 1872 with one more suited to contemporary needs. Among its provisions should be these: (1) a leasing system for publicly owned hardrock minerals; (2) explicit Federal discretionary authority over mineral exploration and development on the public lands; (3) strict standards for environmental protection and for reclamation of mined areas; (4) a requirement for approval of operation and reclamation plans before mining can begin; (5) royalties for use of public lands and mineral resources; and (6) the integration of mining into land use plans being developed for the public lands.

FOREST MANAGEMENT

Since the passage in recent years of landmark legislation—the Forest and Rangelands Renewable Resources Planning Act, and the National Forest Management Act—the greatest challenge remaining to American forestry is to improve the condition and production of small private forest holdings. Various Federal programs have, in the past, encouraged better management of these 296 million acres, which account for three-fifths of America's total productive forests. Now it is time to consider whether they are accomplishing their purpose.

Consequently, I am asking the Secretary of Agriculture to undertake a comprehensive study of the cooperative forestry program. This study should consider the need for measures to:

—Assure that forestry programs support national environmental goals;
—Assure that assistance to non-Federal forest owners will emphasize interdisciplinary planning and multiple use management;
—Improve the capability of private forest lands to meet the Nation's need for wood;
—Prevent and control pollution, fires, and insects and diseases that damage forests, using environmentally sound methods, such as biological pest controls;
—Improve and maintain fish and wildlife habitats, particularly those that are critical for threatened and endangered species;
—Strengthen planning and management capabilities of State and local forestry agencies.

The study should also examine the desirability of providing financial assistance to State forestry agencies on the basis of State forestry plans, rather than through the present fragmented approach.

OFF-ROAD VEHICLES

While off-road vehicles provide enjoyment and recreation for many, their indiscriminate use poses a threat to our public lands. Uncontrolled, they have ruined fragile soils, harassed wildlife, and damaged unique archaeological sites.

In 1972, federal agencies began to control the use of such vehicles on the public lands under Executive Order 11644. While these regulations have achieved some measure of protection for the soil, vegetation, and other values of the public lands, environmental damage has continued in certain areas. Accordingly, I am today amending this Executive Order to exclude off-road vehicles from certain portions of the public lands where their use has caused (or seems likely to cause) considerable environmental damage.

V. THE NATIONAL HERITAGE

In its land and its history, a nation finds the things which give it continuity. By preserving places that have special natural, historical, cultural, and scientific value, we can ensure that our children and grandchildren have a chance to know something of the America that we—and our ancestors—simply took for granted.

More than 300 such places have already been set aside in our National Park System. I have already demonstrated my support for the National Park Service by submitting to the Congress an accelerated, five-year, $759 million program to develop new and existing parklands, and to increase the park staff so that these irreplaceable resources can be better protected and seen by more visitors.

This step, though clearly needed, must be supported by a thorough re-examination of existing federal programs dealing with our natural and historic heritage. These have proliferated in a way that serves neither efficiency nor effectiveness, and they have sometimes impeded the preservationist efforts of states and private citizens. I believe we should establish a comprehensive federal program, to be known as the National Heritage Trust, to identify, acquire, and protect these resources; to provide for rapid acquisition of the most significant and endangered areas and examples of natural ecosystems; to protect areas already within federal jurisdiction; and to coordinate federal programs within states and private citizens more effectively. I have directed the Secretary of the Interior to develop a National Heritage Trust proposal within 120 days.

ALASKA

While my National Heritage Trust proposal will focus on small but important areas, the Congress now has an opportunity of historic dimensions to conserve large unspoiled sections of the American wilderness in Alaska. Under the terms of the Alaska Native Claims Act, the Congress is to consider designation of major additions to the National Park, Forest, Wildlife Refuge, and Wild and Scenic River Systems. We can double the size of the Wildlife Refuge and the Park Systems, as well as add to the Forest and Wild and Scenic River Systems, at no acquisition cost. No conservation action the 95th Congress could take would have more lasting value than this. But if Congress fails to act by December 1978, the opportunity will be automatically lost. In the near future, my Administration will submit detailed recommendations for these Alaskan lands.

WILDERNESS

When the Congress passed the Wilderness Act in 1964, it established a landmark of American conservation policy. The National Wilderness Preservation System created by this Act must be expanded promptly, before the most deserving areas of federal lands are opened to other uses and lost to wilderness forever. I endorse, and in some cases am proposing to expand, all of the more than 24 million acres of wilderness proposals submitted to the Congress by previous Administrations.

Among the proposed areas I will recommend to enlarge are the following:

—Idaho and Salmon River Breaks Wilderness, Idaho;
—Guadalupe Escarpment Wilderness, New Mexico and Texas;
—Beartooth-Absaroka Wilderness, Montana and Wyoming;
—Grand Canyon National Park, Arizona;
—Kenai Moose Range, Alaska.

I am submitting new wilderness proposals for:

—Arches National Park, Utah;
—Canyon Lands National Park, Utah;
—Capitol Reef National Park, Utah;
—Buffalo National River, Arkansas.

I will soon submit a proposal to designate as wilderness portions of Gulf Island National Seashore in Mississippi and Florida, and I will give early attention to other wilderness proposals, including portions of the Oregon Dunes National Recreation Area, Oregon, and Aravaipa Canyon, Arizona, which would be the first wilderness area on Bureau of Land Management lands. In addition, I support the objectives of the Endangered Wilderness legislation now pending before Congress. Members of my Administration have recently testified in favor of immediate wilderness designation or protective study designation for all areas in this bill.

I recognize the special need to preserve wilderness east of the Rockies and in Alaska, and I am directing that federal agencies expedite the preparation of wilderness proposals for these areas.

Finally, I have directed the Secretary of the Interior to initiate a vigorous wilderness program for the Bureau of Land Management under the new Federal Land Management and Policy Act of 1976.

WILD AND SCENIC RIVERS

To date only 19 free-flowing rivers, totalling 1,655 miles, have been designated as part of the National Wild and Scenic Rivers System. Another 31 rivers have been identified as worthy of study for designation in the future.

We must identify as quickly as possible the best remaining candidates for inclusion in the Wild and Scenic Rivers System before they are dammed, channelized, or damaged by unwise development along their banks. As a first step, therefore, I am proposing legislation to add segments of eight rivers, totalling 1303 miles, to the system:

—Bruneau River, Idaho;
—Pere Marquette River, Michigan;
—Dolores River, Colorado;
—Rio Grande River, Texas;
—Salmon River, Idaho;
—Skagit River, Washington;
—Upper Delaware River, Pennsylvania and New York;
—Upper Mississippi River, Minnesota.

I further propose to designate twenty river segments for study as potential additions to the National Wild and Scenic Rivers System:

—Gila River, New Mexico;
—Green River, Utah;
—Illinois River, Arkansas;
—North Fork of the Kern River, California;
—Shenandoah River, Virginia and West Virginia;
—Sweetwater River, Wyoming;
—Cacapon River, West Virginia;
—Columbia River, Washington;
—Guadalupe River, Texas;
—John Day River, Oregon;
—Loxahatchee River, Florida;
—Niobrara River, Nebraska;
—Tangipahoa River, Louisiana and Mississippi;
Yellowstone River, Wyoming and Montana;
—Ogeechee River, Georgia;
—Salt River, Arizona;
—Wenatchee River, Washington;
—Gulkana River, Alaska;
—Delta River, Alaska;
—Madison River, Montana.

I am also transmitting to the Congress reports on the Gasconade River in Missouri and the Penobscot River in Maine. After thorough study, both of these rivers have been found to qualify for inclusion in the National System with the recommendation that they be administered by the states. I am pleased at the number of states taking positive action to protect their natural resources and assure them that any proposals to add State-administered rivers to the National System will be sympathetically considered by the Secretary of the Interior.

I am also submitting legislation to the Congress to withdraw authority for future construction of the Cross-Florida Barge Canal, to extend the boundaries of the Ocala National Forest to protect the Oklawaha River, and to authorize study of the Oklawaha River for possible designation as a Wild and Scenic River. Enactment of this legislation will put an end to the long controversy over this ill-advised project. I am also directing the Secretary of Agriculture, the Secretary of the Army, and other appropriate federal agencies, in cooperation with the State of Florida, to recommend ways to dispose of canal lands and structures, as well as ways to restore the Oklawaha River portion of the project area.

NATIONAL TRAILS

In 1968 Congress passed the National Trails System Act, the purpose of which was to designate and preserve a national system of recreational and scenic trails. Nine years later only two have been designated: the Appalachian Trail and the Pacific Coast Trail. Other unprotected trails on public lands have in the meantime become unusable. In some areas almost half the once-available trail mileage has been lost.

To restore and broaden the National Trails System, I am submitting legislation to designate three new Scenic Trails:

—a Continental Divide Scenic Trail of 3,100 miles along the Rocky Mountains crest from Canada to Mexico;
—a North Country Scenic Trail of 3,200 miles from eastern New York to North Dakota; and
—a Potomac Heritage Scenic Trail of 847 miles along the Potomac River from Chesapeake Bay to West Virginia and Pennsylvania.

In the near future I will also submit legislation to amend the National Trails System Act by adding a new category—Historic Trails—and I will give early attention to submitting trails in this new category.

WILDLIFE

When explorers and settlers from Europe first came to America, they were astonished at the richness and variety of wildlife in our lands and waters. Faced with such abundance, for years most Americans have valued only game species of wildlife. Our allocation of federal funds for wildlife research and management still reflects this outdated view. Ninety-seven out of every hundred federal wildlife dollars are devoted to the less than one percent of vertebrate species that are hunted or fished for commerce or sport. To the rest, little attention has been given, even though they are part of the biological system that sustains us. To correct this imbalance, I am directing the Secretary of the Interior (1) to encourage states to apply existing federal-aid funds to the management of all species of wildlife, and (2) to propose other measures to improve the conservation of nongame wildlife.

Our Nation's public lands and waters support a rich wildlife resource which we hold in trust for all Americans, now and in the future. My Administration will assure that this public trust—for all wildlife—is adequately and effectively executed.

The public's interest in wildlife specifically includes predators, which have in the past sometimes been regarded as competitors for livestock or game, leading to their destruction (and in the case of some large predator species, to their extermination). Because we now realize the importance of the role that predators play in various ecosystems, our goal should be not to destroy them but to reduce the occasion for their conflict with livestock. My Administration will continue to support the existing Executive Order which prohibits the routine use of poisons for killing predators on the public lands. If control is necessary, it should focus on the individual predators causing the problem—not the species as a whole.

Many land and water development projects cause extensive damage to fish and wildlife habitat. My Administration will ensure timely implementation of the mitigation features required by the Fish and Wildlife Coordination Act to make up for such losses. Furthermore, to hasten the protection of threatened and endangered species, I am directing the Secretaries of Commerce and Interior to coordinate a government-wide effort, as required by the Endangered Species Act of 1973, to identify all habitat under Federal jurisdiction or control that is critical to the survival and recovery of these species. The purpose of this program is to avoid the possibility that such habitats will be identified too late to affect federal project planning. Major projects now underway that are found to pose a serious threat to endangered species should be reassessed on a case-by-case basis.

In the past 150 years, hundreds of foreign wildlife species, both plant and animal, have been introduced into the natural ecosystems of the United States. Many of these have been highly detrimental to public health, agriculture, and native wildlife.

Consequently, I am today issuing an Executive Order restricting the introduction of exotic animals and plants into the United States and prohibiting their establishment on lands and waters managed by the federal government. In addition, I am directing the Secretaries of Agriculture and the Interior to develop further legislation to deal with the importation of exotic species.

The many laws which have recently been enacted to conserve our Nation's wildlife pose the risk of creating a confusing system of overlapping and conflicting requirements. Therefore, I am directing the Council on Environmental Quality to consult with the states and executive agencies and report to me in six months on the steps that should be taken to simplify, coordinate, and codify the body of law affecting wildlife conservation.

Finally, I have asked the Congress to increase the 1978 Fish and Wildlife Service Budget by $23 million for environmental research, migratory bird protection, and aid to the states for endangered species. Because the maintenance and staffing of our national system of wildlife refuges has been sadly neglected for the past decade, I have also proposed a budget increase of $295 million for rehabilitation, habitat improvement, and development of this system during the next five years.

REDWOOD NATIONAL PARK

Congress created Redwood National Park in 1968 to protect a magnificent stand of the world's tallest trees. Subsequently, however, logging and roadbuilding on adjacent private land have created severe erosion problems in the Redwood Creek Watershed. My Administration has proposed to the Congress that 48,000 carefully chosen acres be added to the Park, allowing us to protect existing parklands and to add to the Park additional stands of redwoods. This proposal would also provide for rehabilitation of the Redwood Creek Watershed.

Recognizing that further expansion of the Park might adversely affect the economies of nearby communities, I have directed the Secretaries of Commerce and Labor to develop a joint program to cushion the effects of temporary unemployment in the Redwood National Park area.

VI. THE GLOBAL ENVIRONMENT

Environmental problems do not stop at national boundaries. In the past decade we and other nations have come to recognize the urgency of international efforts to protect our common environment.

As part of this process, I am directing the Council on Environmental Quality and the Department of State, working in cooperation with the Environmental Protection Agency, the National Science Foundation, the National Oceanic and Atmospheric Administration, and other appropriate agencies, to make a 1-year study of the probable changes in the world's population, natural resources, and environment through the end of the century. This study will serve as the foundation of our longer-term planning. I am also asking the Council on Environmental Quality, with the cooperation of the Department of State, to ensure that we achieve the best possible coordination of the international environmental programs within the Executive Branch.

WORLD POPULATION

Rapid population growth is a major environmental problem of world dimensions. World population increased from three billion to four billion in the last 15 years, substantially cancelling out expansion in world food production and economic growth of the same period.

Without controlling the growth of population, the prospects for enough food, shelter, and other basic needs for all the world's people are dim. Where existence is already poor and precarious, efforts to obtain the necessities of life often degrade the environment for generations to come.

It is, of course, up to each nation to determine its own policies, but we are prepared to respond promptly and fully to all requests for assistance in population and health care programs. At my direction, the Department of State and the Agency for International Development stand ready to cooperate through international organizations, through private voluntary organizations, or through direct contacts with other governments.

ENVIRONMENTAL CONSIDERATIONS IN ECONOMIC DEVELOPMENT ASSISTANCE

Whether to try to prevent or undo environmental damage is a decison each country must make for itself. But I am convinced that in the long run, development programs that are environmentally sound will yield the most economic benefits. To encourage the adoption of such programs, I have taken these steps:

(1) I have instructed the Secretary of State, the Administrator of AID, and other concerned federal agencies to ensure full consideration of the environmental soundness of development projects under review for possible assistance.

(2) I have asked the Administrator of AID to make available to developing countries assistance in environment and natural resources management. Such assistance could help developing countries design environmentally sound projects, regardless of the source of funding for a particular project.

INTERNATIONAL ENVIRONMENTAL AGREEMENTS

A number of federal agencies, under the guidance of the Council on Environmental Quality, are engaged in international conservation activity. I am directing my Administration to expand this effort, giving particular attention to the following areas:

(1) *The Endangered Species Convention* is now in effect. The next step is to implement the treaty effectively. The United States has begun efforts to prohibit trade in endangered species of plants and animals, and will encourage similar steps by other nations.

(2) Pursuant to the *Antarctic Treaty*, I am today submitting legislation to Congress to provide for special protection of the flora and fauna of Antarctica. Because this remote, unpopulated region greatly influences the stability of the entire earth's oceans and atmosphere, its unique environment must be preserved.

(3) *The Convention for Nature Protection and Wildlife Preservation in the Western Hemisphere* was signed by Franklin D. Roosevelt in 1940, but has yet to be carried out fully and systematically. I propose to the countries of the Americas that we now implement this Convention through the offices of the Organization of American States. I urge the development of a Pan-American Migratory Species Treaty, and the convening of an Inter-American Conference on the Management of Western Hemisphere Renewable Natural Resources. The United States has already offered to host the Conference.

(4) I soon will send to the Senate for ratification the *Treaty for the Conservation of Migratory Birds and Their Environment*, which we signed with the Soviet Union last November. This treaty—and the legislation I will submit to implement it—will establish new authority to conserve the habitat necessary to the survival of these birds.

SAVING THE WHALES

Sharing the worldwide public concern about the condition of marine mammals, especially whales, I have directed the Secretary of Commerce, with the foreign policy guidance of the Secretary of State to:

—Prohibit commercial whaling within our 200-mile fishery zone;

—Pursue negotiations within the International Whaling Commission for a stronger international conservation regime for whales and other cetaceans, affording protection for them throughout their range;

—Maintain firm U.S. support for a ten-year worldwide moratorium on the commercial killing of whales; and

—Report to me within 60 days any actions by other countries that have diminished the effectiveness of the International Whaling Commission's conservation program.

VII. IMPROVING GOVERNMENT

The foregoing proposals, along with others which will follow in the coming years, constitute the most far-reaching environmental program ever put forward by any administration. My support for them is resolute, and it is personal. But belief in these goals does not necessarily mean uncritical belief in the federal government's present methods for achieving them. In the past, our environmental policies have not always used the most practical tools, nor the least costly; they have sometimes imposed burdensome bureaucratic regulations where economic incentives could have done the job as well; and they have occasionally ignored the need for different solutions in different areas of our diverse country. There is room for improvement.

1. IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT

This Act is best known for requiring federal agencies to prepare environmental impact statements before taking actions having significant environmental effects. In the seven years since its passage, it has had a dramatic—and beneficial—influence on the way new projects are planned. But to be more useful to decision-makers and the public, environmental impact statements must be concise, readable, and based upon competent professional analysis. They must reflect a concern with quality, not quantity. We do not want impact statements that are measured by the inch or weighed by the pound.

Accordingly, I am today issuing an Executive Order directing the Council on Environmental Quality to issue regulations requiring all federal agencies to meet these criteria and the provisions of Section 102(2) of the National Environmental Policy Act in the impact statements they prepare and to establish a procedure for referring to the Council differences among agencies concerning implementation of the National Environmental Policy Act.

2. COORDINATION WITH THE FEDERAL GOVERNMENT

Various programs within the Environmental Protection Agency provide funds to state and local governments for planning, training, monitoring, enforcement, and research in pollution control. They are presently authorized under different pieces of legislation, funded by different offices within the agency, and entail different procedures for allocation of their funds. In the near future I will submit legislation to the Congress designed to bring these programs together into one comprehensive environmental grant program.

The problem of uncoordinated policy is, unfortunately, not confined to any single federal agency. Today, before any federal agency can construct a new project, or grant funds to local or state governments, or issue a permit to a private party, it must comply with more than a score of different environmental review requirements. I have directed the Council on Environmental Quality to examine the present federal environmental review requirements and to recommend specific measures, including legislation, to clarify and integrate them in a way compatible with my broader proposals for governmental reorganization.

I am also directing the Council on Environmental Quality to establish an interagency task force to review present environmental monitoring and data programs, and to recommend improvements that would make these programs more effective.

3. RELATIONS WITH LOCAL GOVERNMENTS, INDUSTRY AND THE PUBLIC

My Administration will, in a variety of ways, move to simplify the delivery of federal programs and encourage a greater degree of local control. There are almost five hundred separate federal programs, most of which have separate planning requirements, providing tens of billions of dollars in assistance to state and local government. My Administration will support measures to bring these programs under a consistent, comprehensive policy, and to give state and local areas more influence over federal actions which affect them.

My Administration will also promote better cooperation between government and industry to solve some of our serious remaining pollution problems. I have directed the Administrator of the Environmental Protection Agency to meet with representatives of major industrial groups and develop a joint government-industry research program for unsolved pollution problems.

Finally, my Administration will support efforts to lower the barriers, financial and otherwise, against active public involvement in decisions that affect the quality of the environment. The surest way to sustain our environmental laws is to encourage citizens to hold the government accountable for enforcing and obeying them.

JIMMY CARTER.

THE WHITE HOUSE, *May 23, 1977.*

ASHBROOK AMENDMENT TO HATCH ACT AMENDMENTS

(Mr. CLAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLAY. Mr. Speaker, last week in the course of considering H.R. 10, the Federal Employees' Political Activities Act of 1977, the House adopted an amendment offered by the gentleman from Ohio (Mr. ASHBROOK) which prohibited coercion, threats, and intimidation upon employees for political purposes and prohibited the use of dues, fees, and assessments for political purposes. While the first part of the amendment (RECORD, May 18, 1977, page 15424) would appear to strengthen the bill's protections to the public and employees themselves, the second part—prohibiting union dues for political purposes—is overly broad, vague, and could grievously prevent even the most harmless employee newsletter which carried any kind of political information. For example, a newsletter of an employee organization which urged support for a given public issue, or one which reported how a member voted on a given issue would be prohibited under this amendment.

I have no quarrel with that subsection of the amendment which provides that no employee organization shall coerce, threaten, or intimidate employees for political purposes. Certainly no one should be subjected to political "arm twisting" from any source. Other parts of H.R. 10 contain specific provisions which not only prohibit coercion but are also enforceable under the mechanisms established under the bill.

The second part of the Ashbrook amendment would, inadvertently I believe, require radical changes as to how employee organizations may use membership dues, fees, or assessments. Although some Members believed that the amendment was consistent with existing law, it actually went much farther.

* * * * *

By prohibiting the use of dues, fees, and assessments for "any political purpose" the Ashbrook amendment would prohibit the use of dues for newsletters or other communications, if they could arguably be viewed as political, and registration and get-out-the-vote campaigns. The prohibition on the use of dues "by any political education or action committee—for any purpose" could preclude the use of any dues, fees, or assessments in connection with a separate fund to be used for political purposes. None of these activities, which the Ashbrook amendment would prohibit, are prohibited under the Federal Election Campaign Act of 1971, as amended.

I do not believe a bill which relates to restrictions on political activity by Federal employees, is an appropriate vehicle for creating new prohibitions on the use of union funds for political purposes.

At some future time, I will propose language to overcome the adverse effects of the Ashbrook amendment. I hope that my colleagues will give my proposal their active support.

CONGRESSMAN CLIFFORD ALLEN OFFERS BILL TO CONTROL DEPLETION OF OIL RESERVES WITHOUT INCREASE IN TAXES AND WITHOUT RATIONING: "CRUDE OIL ALLOCATION ACT OF 1977"

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, President Carter has alerted all of us to the serious, worldwide decline in oil reserves, and he has called upon us, as a nation, to respond as we would in a time of war.

I agree that we do face very grim prospects, as the President has said, if we do not begin immediately to conserve and slow down on our ever-escalating consumption and waste of energy.

But I do not believe that a tax on crude oil, nor a yearly increase in the tax on gasoline at the service stations, is the way to meet the problem.

As an alternative to the administration plan, I am today introducing a bill to slow down and reverse the upward spiral of crude oil consumption by simply giving the President the power to allocate and fix the maximum amount of crude oil the petroleum companies can refine each year, as supplies and reserves require.

This would do away with the need to add extra taxes on crude oil and gasoline, in an uncertain attempt to discourage excessive use and waste. But it would accomplish the same goal set by President Carter by simply giving him the power to place a definite ceiling on the amount of crude oil that may be refined and used each year.

The bill I am introducing would further guarantee a fair and equitable distribution by the oil companies to their independent service stations and distributors. Thus, if Exxon, Gulf, and other refineries are allotted, say a 3-percent increase in the amount of crude oil they can refine and use next year, they would have to increase the amount of gasoline and other oil products to their independent service stations and distributors by the exact same percentage, without discrimination.

This is a simple and easily enforced plan that will work.

On the other hand, all we know for sure about the proposed tax on domestic crude oil, to bring it up to the price of imported crude oil, is that it would immediately increase the price of gasoline at the service stations by 8 to 9 cents a gallon. Further, such a heavy tax on domestic crude oil would skyrocket the price of fuel oil used for both heating and for manufacturing.

This, in turn, would measurably increase prices of all such manufactured articles, at both the wholesale and retail levels. This would bear hardest on families and individuals on low and modest incomes, and would place an especially cruel burden on the elderly with small and fixed incomes.

Likewise, the proposed tax on gasoline at the service stations, which could go up to 50 cents a gallon, on top of all the Federal, State, and local taxes which are already added into the price of gasoline, would hit hardest those who work for a living who must use their automobiles and trucks, sometimes many miles a day, to go to and from work, and would leave them much less of their net wages and salaries to support themselves and their families. Such an increase in taxes on gasoline and crude oil would further fan the flames of inflation, which is already one of the biggest drags on our economy, and on our efforts to provide full employment.

We can conserve on the use of energy—and we must—as President Carter says, but still avoid the huge bureaucratic monstrosity that would be required to administer the increased taxes and to figure the amount of rebates to which millions of citizens, in varying circumstances, would be entitled, under the bill sponsored by the administration.

There is a viable and workable alternative that is both simple and direct, and that alternative is contained in this bill I am introducing in the House today.

If we have limited oil resources, I say we should allocate fairly what we do have.

My bill will call for the Government to maintain current inventories of all crude oil held by U.S. companies, wherever located, and complete records of all that is imported into the United States, requiring all the petroleum and refinery companies to make sworn monthly reports of this data. The bill calls for an allocation formula so that supplies of petroleum and crude oil to refiners may be increased each year above the amounts used in the preceding year by not more than 5 percent, as determined by the President, and may be decreased if he and his energy office find that available supplies and reserves have dangerously declined. Then, all petroleum and refining companies, as I have said, would be required to make pro rata allocations on the same formula, to all of their independent service stations, wholesalers, and other regular customers, without discrimination.

In order to avoid the utter ridiculousness of this Nation exporting crude oil, gasoline or fuel oil at the same time we are paying extortionate prices to import crude oil and petroleum from foreign countries, the bill I am introducing would prohibit any such exports during any year when we are importing from abroad.

This bill, which would keep prices down and which, at the same time, would control any increase in the use of crude oil, should appeal to all who want a simple and direct plan to conserve energy without stoking the fires of inflation and increasing further the already too-high cost of living for all of our citizens.

ARMED FORCES DAY CELEBRATED BY MILLBROOK, ALA.

(Mr. NICHOLS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, the small town of Millbrook, Ala. celebrates Armed Forces Day in a very big way. Since 1969, when Mr. Norman Ussery founded the Millbrook Festival, this community has organized a patriotic event which surpasses those of cities many times larger than Millbrook.

It has been my privilege to attend this festival for many years now and each occasion, whether it be under the direction of Mr. Norman Ussery or subsequent chairman Mr. Paschal Baxter or Mr. Warren Hall, Jr., have been inspirational and well attended by residents of this central Alabama community.

As in the past, the 1977 Millbrook Festival was dedicated to the U.S. Armed Forces for their efforts in "making and keeping the United States a great nation." To enhance the ceremony's and parade's significance, Maj. Gen. L. Drew Redden; commander of the 121st U.S. Army Reserve Command, rendered a stirring and memorable Armed Forces Day Address. For the record of this body I would like to submit a copy of General Drew's remarks and thank the people of Millbrook for expressing their appreciation to the Armed Forces "for the immeasurable service rendered, the time and tireless effort expended; the unbelievable sacrifices made and the ultimate lives given so that we as a people might enjoy today's freedoms."

The address follows:

ADDRESS BY MAJ. L. DREW REDDEN

LADIES AND GENTLEMEN: I am honored and delighted to have been invited to be your speaker for Armed Forces Day, 1977. It was my privilege to attend this observance in your community last year. I assure you that the Millbrook Armed Forces Day ceremony is well-known throughout the State and region. As a native of Elmore County, I am tremendously proud of you for this significant annual event.

Many of you are aware that, prior to the unification of the Armed Forces in 1947, the Services separately observed Army, Navy, Marine Corps and Air Force Days on four separate dates each year. President Harry S Truman, in August, 1949, proclaimed the third Saturday in May to be Armed Forces Day. The first, therefore, was May 20, 1950. Each succeeding President has proclaimed the third Saturday in May as Armed Forces Day. This day, therefore, is number 28.

Since this day proposes to honor all the military services, and to offer to the civilian community an opportunity to become better acquainted with the military establishment by highly visible observances in the civilian domain, the Armed Forces Day speaker should undertake to represent all the Armed Forces, whatever his personal branch. So, in Army green, I greet you on behalf of the Army, Air Force, Marines and Navy—and on behalf of the active and reserve components of all services, under our total force policy.

The theme of Armed Forces Day 1977 is "Peace Through Readiness," and I wish to walk quickly through a few words about each of the services with you, viewed from our position in the 201st year of American independence.

The Army—proud of its past, the U.S. Army, which existed prior to independence, begins its third century of service with determination to assist in maintaining peace through sustaining and improving the combat readiness of its numerous and various active and reserve component elements. Ongoing measures are especially visible in the areas of recruiting, personnel management, materiel, operations, and training. Not large, with about 785,000 active and 660,000 in reserve components, it must be trained, tough and ready to meet our world-wide commitments.

The Air Force—we now have the leanest Air Force in terms of people, air bases and aircraft, since the beginning of the Korean war, a generation ago. Readiness is the capability and resolve to respond instantly to any crisis. It is how fast, and with what effect, peacetime forces can be used in time of national emergency. The greatest challenge to this vital arm of our defense in the years ahead is maintaining its effectiveness despite fewer resources, budget restraints, and the growing strength of Soviet military forces. The Air Force, nonetheless, must insure that it is mission effective in deterring war across the spectrum of conflict. Deterring nuclear attack remains its primary concern.

The Marine Corps—"A few good men" is what the Marines want. "A few good men" of this vaunted service have stood this Nation in good stead on beachheads throughout the world over many generations. The Corps is a fighting force—America's force-in-readiness. It is committed to peace, and these terms are not contradictory, for it is our view that peace can only be achieved and maintained through readiness.

Navy—We cannot overemphasize the vital importance of a strong Navy to a nation whose very existence depends upon seaborne commerce, and we are becoming increasingly dependent upon raw materials from overseas to sustain an economy which remains the primary factor behind the well-being of the world's free peoples.

The Navy enters its third century acutely aware of its expanding role in supporting the objectives of our maritime nation. U.S. overseas bases have dwindled, but the Navy must remain able to support foreign policy objectives without resorting to force, and to commence combat operations immediately when and where the situation demands. Its broad responsibilities demand that we maintain a balanced naval force capable of flexible use, able to fight and win against a wide range of weaponry in the hands of the enemy, and probably superior force.

I cannot overlook referring to the Coast Guard, which performs a myriad of peacetime duties under the Department of Transportation, but which at all times is a member of the Armed Forces. It meets Navy fleet performance standards in training. Every member is a specialist—in several skills. Few in number, the Coast Guard is vital to "peace through readiness."

Those are the services. We salute them for gallant performances of the past, and we look to them to defend our nation and her allies in the future. "Peace through readiness"—readiness for what? We must mean readiness to meet the most significant, likely military threat in the words of journalism—who, what, when and where?—who—the Soviet Union—what—a massive military machine guided by a political philosophy aiming toward world domination—where—probably Europe—when—who knows?

The point is that "peace through readiness" is possible only if we are, in fact, ready to meet the threat imposed by any likely aggressor. I have been treated to briefings over the past few years which portray an awesome growth of Russian military might in all areas—manpower, firepower, and technology—on land, in the air, on and under the sea. We see no lessening of Soviet resolve to dominate, and must conclude that all that can remain between peace and war is a highly credible military deterrent held by the free nations—primarily held by the United States.

Another point that must be made is that the next battlefield will be the most lethal that the world has ever known. Survival will go only to the well-trained, well-equipped and well-supported. Because of the lethality referred to, and to the rapidity with which an overwhelming force can advance, we are taught that the most important battle of the next war is the first one. If it comes, we need badly to win it. America will not be allowed the luxury of one year, or six months, or even ninety days, to "gear up" what we have called "the arsenal of democracy." "Peace through readiness" means being ready now, tomorrow, and every day after tomorrow. We must evaluate and quantify the threat, and be constantly superior to it.

Then we shall have peace. I am, as I know you are, constantly reassured that we have, from Alabama, Senators and Representatives in the Congress who recognize this. But the message must be clear to all.

Government in this country represents the will of the people—and the level of our will. Readiness to meet the very real threat to our freedom and to our very survival can only come at some cost, and we must be willing to pay the price. John F. Kennedy warned us that we should "ask not what your country can do for you. Rather, ask what you can do for your country."

Dwight D. Eisenhower was somewhat more specific when he said: "We must be ready to dare all for our country. For history does not long entrust the care of freedom to the weak or the timid."

"We must acquire proficiency in defense and display stamina in purpose. We must be willing, individually and as a nation, to accept whatever challenges may be required of us. A people that values its privileges above its principles soon loses both."

So, we must give of ourselves, and give now, to our country. Those eligible for military service should consider it as a career, or, certainly, as a member of the reserve component of one of our services. Reserve duty has never been more important than today, when the reserves of each service are so heavily relied upon under the total force policy. And, as a bonus, although it is valuable national service, it is not all sacrifice. You learn one or more skills, perhaps a lifetime occupation, you receive guidance in ordering your personal life, and you even get paid a good wage for it.

Last week, I completed thirty-five years in active and reserve service, and I know of no other way that I could be satisfied as I am that I have stood, and stand, ready to repay my country, in small part, for the privilege of living in the greatest, freest society the world has ever known.

So, we honor the armed services today. But we must remember that readiness today is the nation's obligation—not just the military's. Each of us, as citizens, must shoulder our burden, give of ourselves, and demand that our government recognize that we require our forces to be adequate and ready. Only then will peace be achieved and, in the long run, sustained.

Thank you.

PRESIDENT CARTER'S ADDRESS ON FOREIGN POLICY AT THE UNIVERSITY OF NOTRE DAME

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I was privileged to be present yesterday, May 22, 1977, in South Bend, Ind., in the district I have the honor to represent, when President Jimmy Carter delivered the principal address at the commencement exercises at the University of Notre Dame.

The President's address, Mr. Speaker, I believe to be one of the most thoughtful and significant foreign policy statements ever made by an American President.

I want warmly to commend the President for his outstanding address and to urge that my colleagues in both the House and Senate read it with great care.

I also call attention, Mr. Speaker, to the fact that this occasion marked the 25th anniversary of the presidency of Notre Dame of Rev. Theodore M. Hesburgh, C.S.C. Father Hesburgh is one of the great leaders of our country and the presence at Notre Dame yesterday of the President of the United States and of other outstanding national and international figures was dramatic recognition of the remarkable service that Father Hesburgh has given to our country and to humankind in a wide variety of ways.

Mr. Speaker, President Carter was yesterday awarded an honorary doctor of laws degree, and I am especially pleased to say, an honorary doctor of laws degree was also awarded to the Honorable THOMAS P. O'NEILL, Jr., the distinguished Speaker of the House of Representatives, in recognition of the great respect he has earned as a leader of our country.

I would also note, Mr. Speaker, that our former colleague in the U.S. Senate, the Honorable Mike Mansfield, who retired recently from that body after having served longer as majority leader than anyone in history, was yesterday awarded the Laetare Medal, given annually by the University of Notre Dame to an outstanding American Catholic layperson.

Mr. Speaker, at this point in the RECORD I insert the text of President Carter's address:

ADDRESS BY THE PRESIDENT AT THE COMMENCEMENT EXERCISES OF THE UNIVERSITY OF NOTRE DAME, SOUTH BEND, IND., MAY 22, 1977

In his 25 years as president of Notre Dame, Father Hesburgh has spoken more consistently and effectively in support of the rights of human beings than any American I know.

His interest in the Notre Dame Center for Civil Rights has never wavered and he played an important role in broadening the scope of the Center's work to include all people—as shown in last month's conference here on human rights and American foreign policy.

That concern has been demonstrated again today by the selection of Bishop Donal Lamont, Paul Cardinal Arns, and Stephen Cardinal Kim to receive honorary degrees. In their fight for human freedoms in Rhodesia, Brazil and South Korea, these three religious leaders typify all that is best in their countries and in their church. I am honored to join you in recognizing their dedication and personal sacrifice.

Last week I spoke in California about the domestic agenda for our nation. Our challenge in the next few years is to provide more efficiently for the needs of our people, to demonstrate—against the dark faith of the times—that our government can be both competent and humane.

I want to speak today about the strands that connect our actions overseas with our essential character as a nation.

I believe we can have a foreign policy that is democratic, that is based on our fundamental values, and that uses power and influence for humane purposes. We can also have a foreign policy that the American people both support—and understand.

I have a quiet confidence in our own political system.

Because we know democracy works, we can reject the arguments of those rulers who deny human rights to their people.

We are confident that democracy's example will be compelling, and so we seek to bring that example closer to those from whom we have been separated and who are not yet convinced.

We are confident that democratic methods are the most effective, and so we are not tempted to employ improper tactics at home—or abroad.

We are confident of our own strength, so we can seek substantial mutual reductions in the nuclear arms race.

We are confident of the good sense of our own people, and so we let them share the process of making foreign policy decisions. We can thus speak with the voices of 215 million. not just of a handful.

Democracy's great recent successses—in India, Portugal, Greece, Spain—show that our confidence is not misplaced.

Being confident of our own future, we are now free of that inordinate fear of communism which once led us to embrace any dictator who joined us in our fear.

For too many years we have been willing to adopt the flawed principles and tactics of our adversaries, sometimes abandoning our values for theirs.

We fought fire with fire, never thinking that fire is better fought with water.

This approach failed—with Vietnam the best example of its intellectual and moral poverty.

But through failure we have found our way back to our own pinciples and values, and we have regained our lost confidence.

NEW FOUNDATIONS OF FOREIGN POLICY

By the measure of history, our Nation's two hundred years are brief; and our rise to world eminence is briefer still. It dates from 1945, when Europe and the old international order both lay in ruins. Before then, America was largely on the periphery of world affairs. Since then, we have inescapably been at the center.

We helped to build solid testaments to our faith and purpose—the United Nations, the North Atlantic Treaty Organization, the World Bank, the International Monetary Fund, and other institutions. This international system has endured and worked well for a quarter of a century.

Our policy during this period was guided by two principles: a belief that Soviet expansion must be contained, and the corresponding belief in the importance of an almost exclusive alliance among non-Communist nations on both sides of the Atlantic.

That system could not last forever unchanged. Historical trends have weakened its foundation. The unifying threat of conflict with the Soviet Union has become less intensive—even though the competition has become more extensive.

The Vietnamese war produced a profound moral crisis, sapping worldwide faith in our policy. The economic strains of the 1970's have weakened public confidence in the capacity of industrial democracy to provide sustained well-being for its citizens, a crisis of confidence made even more grave by the covert pessimism of some of our leaders.

It is a familiar truth that the world today is in the midst of the most profound and rapid transformation in its entire history. In less than a generation the daily lives and the aspirations of most human beings have been transformed. Colonialism has nearly gone; a new sense of national identity exists in almost one hundred new countries; knowledge has become more widespread; aspirations are higher. As more people have been freed from traditional constraints, more have become determined to achieve social justice.

The world is still divided by ideological disputes, dominated by regional conflicts, and threatened by the danger that we will not resolve the differences of race and wealth without violence or without drawing into combat the major military powers. We can no longer separate the traditional issues of war and peace from the new global questions of justice, equity, and huuman rights.

It is a new world—but America should not fear it. It is a new world—and we should help to shape it. It is a new world that calls for a new American foreign policy—a policy based on constant decency in its values, and on optimism in its historical vision.

We can no longer have a policy solely for the industrial nations as the foundation of global stability, but we must respond to the new reality of a politically awakening world.

We can no longer expect that the other 150 nations will follow the dictates of the powerful, but we must continue—confidently—our efforts to inspire, and to persuade, and to lead.

Our policy must reflect our belief that the world can hope for more than simple survival—and our belief that dignity and freedom are man's fundamental spiritual requirements.

Our policy must shape an international system that will last langer than secret deals.

We cannot make this kind of policy by manipulation. Our policy must be open and candid; it must be one of constructive global involvement, resting on these five cardinal premises:

First, our policy should reflect our people's basic commitment to promote the cause of human rights.

Next, our policy should be based on close cooperation among the industrial democracies of the world—because we share the same values and because together we can help to shape a more decent life for all.

Based on a strong defense capability, our policy must also seek to improve relations with the Soviet Union and with China in ways that are both more comprehensive and more reciprocal. Even if we cannot heal ideological divisions, we must reach accommodations that reduce the risk of war.

Also, our policy must reach out to the developing nations to alleviate suffering and to reduce the chasm between the world's rich and poor.

Finally, our policy must encourage all countries to rise above narrow national interests and work together to solve such formidable global problems as the threat of nuclear war, racial hatred, the arms race, environmental damage, hunger and disease.

Since last January we have begun to define and to set in motion a foreign policy based on these premises—and I have tried to make these premises clear to the American people. Let me review what we have been doing and discuss what we intend to do.

ACTION OF PEACE

First, we have reaffirmed America's commitment to human rights as a fundamental tenet of our foreign policy. In ancestry, religion, color, place of origin and cultural background, we Americans are as diverse a nation as the world has ever known. No common mystique of blood or soil unites us. What draws us together, perhaps more than anything else, is a belief in human freedom. We want the world to know that our nation stands for more than financial prosperity.

This does not mean that we can conduct our foreign policy by rigid moral maxims. We live in a world that is imperfect and will always be imperfect—a world that is complex and will always be complex.

I understand fully the limits of moral suasion. I have no illusion that changes will come easily or soon. But I also believe that it is a mistake to undervalue the power of words and of the ideas that words embody. In our own history that power has ranged from Thomas Paine's "Common Sense" to Martin Luther King, Jr.'s "I Have a Dream."

In the life of the human spirit, words are action—much more so than many of us may realize who live in countries where freedom of expression is taken for granted.

The leaders of totalitarian countries understand this very well. The proof is that words are precisely the action for which dissidents in those countries are being persecuted.

Nonetheless, we can already see dramatic worldwide advances in the protection of the individual from the arbitrary power of the state. For us to ignore this trend would be to lose influence and moral authority in the world. To lead it will be to regain the moral stature we once had.

All people will benefit from these advances. From free and open competition comes creative change—in politics, commerce, science, and the arts. From control comes conformity and despair.

The great democracies are not free because they are strong and prosperous. I believe they are strong and prosperous because they are free.

Second, we have moved deliberately to reinforce the bonds among our democracies. In our recent meetings in London we agreed to widen our economic cooperation; to promote free trade; to strengthen the world's monetary system; to seek ways of avoiding nuclear proliferation; we prepared constructive proposals for the forthcoming meetings on North-South problems of poverty, development, and global well-being; and we agreed on joint efforts to reinforce and modernize our common defense.

Even more important, all of us reaffirmed our basic optimism in the future of the democratic system. Our spirit of confidence is spreading. Together, our democracies can help to shape the wider architecture of global cooperation—and the London meeting was a successful step toward this goal.

Third, we have moved to engage the Soviet Union in a joint effort to halt the strategic arms race. That race is not only dangerous, it is morally deplorable. We must put an end to it.

I know it will not be easy to reach agreements. The issues are extraordinarily complex, and American and Soviet interests, perceptions, and aspirations vary. We need to be both patient and prudent.

Our goal is to be fair to both sides, to produce reciprocal stability, parity, and security. We desire a freeze on further modernization and continuing substantial reductions of strategic weapons. We want a comprehensive ban on nuclear testing, a prohibition against chemical warfare, no attack capability against space satellites, and arms limitations in the Indian Ocean.

I hope that we can take joint steps with all nations towards eliminating nuclear weapons completely from our arsenals of death. We will persist.

I believe in detente with the Soviet Union. To me it means progress towards peace. But that progress must be both comprehensive and reciprocal. We cannot have accommodation in one part of the world and the aggravation of conflicts in another.

Nor should the effects of detente be limited to our two countries alone. We hope the Soviet leaders will join us in efforts to stop the spread of nuclear explosives and to reduce sales of conventional arms. We hope to persuade the Soviet Union that one country cannot impose its own social system upon another, either through direct military intervention or through the use of a client state's military force—as with the Cuban intervention in Angola.

Cooperation also implies obligation. We hope that the Soviet Union will join in playing a larger role in aiding the developing world, for common aid efforts will help us build a bridge of mutual confidence.

Fourth, we are taking deliberate steps to improve the chances of lasting peace in the Middle East.

Through wide-ranging consultations with the leaders of the countries involved, we have found some areas of agreement and some movement towards consensus. The negotiations must continue.

Through my public comments, I have also tried to suggest a more flexible framework for the discussion of the three key issues which have so far been intractable: the nature of a comprehensive peace, the relationship between security and borders, and the issue of the Palestinian homeland.

The historic friendship between the United States and Israel is not dependent on domestic politics in either nation; it is derived from our common respect for human freedom and from our common search for permanent peace. We will continue to promote a settlement which all of us need. Our own policy will not be affected by changes in leadership in any of the countries in the Middle East. Therefore, we expect Israel and her neighbors to continue to be bound by UN Resolutions 242 and 338, which they have previously accepted.

This may be the most propitious time for a genuine settlement since the beginning of the Arab-Israeli conflict. To let this opportunity pass could mean disaster, not only for the Middle East, but perhaps for the international political and economic order as well.

Fifth, we are attempting, even at the risk of some friction with our friends, to reduce the danger of nuclear proliferation and the worldwide spread of conventional arms.

At the recent Summit there was general agreement that proliferation of explosives from reprocessed nuclear wastes is a serious issue. We have now set in motion an international effort to determine the best ways of harnessing nuclear energy for peaceful use, while reducing the risks that its products will be diverted to the making of explosives.

We have also completed a comprehensive review of our own policy on arms transfers. Competition in arms sales is inimical to peace and destructive of the economic development of the poorer countries. We will, as a matter of national policy, seek to reduce the annual dollar volume of arms sales, to restrict the transfer of advanced weaponry, and to reduce the extent of our co-production arrangements with foreign states. Just as important, we are trying to get other nations to join us in this effort.

THIRD WORLD COOPERATION

All of this is just the beginning. But it is a beginning aimed toward a clear goal: to create a wider framework of international cooperation suited to the new historical circumstances.

We will cooperate more closely with the newly influential countries in Latin America, Africa, and Asia. We need their friendship and cooperation in a common effort as the structure of world power changes.

More than 100 years ago, Abraham Lincoln said that our Nation could not exist half slave and half free. We know that a peaceful world cannot long exist one-third rich and two-thirds hungry.

Most nations share our faith that, in the long run, expanded and equitable trade will best help developing countries to help themselves. But the immediate problems of hunger, disease, illiteracy and repression are here now.

The Western democracies, the OPEC nations, and the developed communist countries can cooperate through existing international institutions in providing more effective aid. This is an excellent alternatve to war.

We have a special need for cooperation and consultation with other nations in this hemisphere. We do not need another slogan; although these are our close friends and neighbors, our links with them are the same links of equality that we forge with the rest of the world. We will be dealing with them as part of a new worldwide mosaic of global, regional and bilateral relations.

It is important that we make progress toward normalizing relations with the People's Republic of China. We see the American-Chinese relationship as a central element of our global policy, and China as a key force for global peace. We wish to cooperate closely with the creative Chinese people on the problems that confront all mankind. We hope to find a formula which can bridge some of the difficulties that still separate us.

Finally, let me say that we are committed to a peaceful resolution of the crisis in Southern Africa. The time has come for the principle of majority rule to be the basis for political order, recognizing that in a democratic system the rights of the minority must also be protected. To be peaceful, change must come promptly. The United States is determined to work together with our European allies and the concerned African states to shape a congenial international framework for the rapid and progressive transformation of Southern African society and to help protect it from unwarranted outside interference.

Let me conclude:

Our policy is based on an historical vision of America's role;

It is derived from a larger view of global change;

It is rooted in our moral values;

It is reinforced by our material wealth and by our military power;

It is designed to serve mankind;

And it is a policy that I hope will make you proud to be American.

Mr. Speaker, at this point in the RECORD I insert the text of the citation of the honorary degree awarded to President Carter at Notre Dame:

HONORARY DEGREE CITATION TO THE HONORABLE JIMMY CARTER

All scenarios leading to the highest office in our land share in the improbability which attended the birth of the republic itself but some are more improbable than others.

Let us take an Annapolis graduate, a former Naval Officer, a nuclear engineer, a successful farmer and businessman, a former Governor of the largest state east of the Mississippi who, a few years ago began to work toward the Presidency of this nation. It was said he could not be successful. No one from the Deep South had achieved this office since 1849 and, besides, he was an outsider, unknown along the Potomac. He made some people nervous because he said publicly that he prayed privately. To the very day of election, it was said he was more enigmatic than charismatic.

He won and brought a new accent to the White House. At home, he began by offering a generous amnesty to those caught in the misadventure of Vietnam. Abroad, he began to use foreign aid as a leverage to improve conditions of human dignity throughout the world. He has bluntly told his countrymen that they must change a wasteful lifestyle and he has offered the Soviet Union the most comprehensive strategic arms limitation agreement in the history of disarmament negotiations. At work in all these initiatives is his oft-stated wish to bring about "a government as competent and as compassionate as are the American people." That, too, seems improbable, but it is the measure of the man that has taught us to be hopeful about the improbable. On The Honorable Jimmy Carter, Plains, Georgia, and Washington, D.C., the University of Notre Dame confers the Honorary Doctor of Laws Degree.

Mr. Speaker, at this point in the RECORD I insert the text of the citation of the honorary degree awarded at Notre Dame to Speaker O'NEILL:

HONORARY DEGREE CITATION TO THE HONORABLE THOMAS P. O'NEILL, JR.

A public man whose personal integrity and extraordinary practical wisdom have won the hearts and minds of constituents and the respect of colleagues for the past forty years. Born into an Irish-American working class neighborhood in North Cambridge, Massachusetts, he has demonstrated time after time in American politics what wonders the virtues of patience and prudence can work. As a state legislator, school committeeman, Congressman, and now Speaker of the House of Representatives, he has known when to speak, whom to persuade and what to give up in order to carry a legislative program. By nature a problem solver and conciliator, he has acquired a much deserved reputation as a master of the legislative process.

Ever alert to protect the interests of his constituents, he has had the courage to support policies in Washington which were unpopular at home because in conscience he believed them best for the nation. On The Honorable Thomas P. O'Neill, Jr., Cambridge, Massachusetts, and Washington, D.C., the University of Notre Dame confers the Honorary Doctor of Laws Degree.

OTHER HONORARY DEGREES

Mr. Speaker, I here note the award by the university of other honorary degrees to the following persons:

Paul Cardinal Arns, doctor of law. The 55-year-old prelate in 1970 became Archbishop of South America's largest industrial center, Sao Paulo, and has led the fight for social, economic, and political rights of the urban poor.

Arthur F. Burns, head of the Federal Reserve Board, doctor of laws. An expert in the management of business cycles, Burns has had a distinguished 50-year career as a researcher, author, teacher and government monetary adviser.

Catherine B. Cleary, chairman of the board and chief executive officer of the First Wisconsin Trust Company, doctor of laws. A noted businesswoman, Miss Cleary also serves as a director of AT&T; General Motors; Kraft, Inc.; Northwestern Mutual Life Insurance Company, and Kohler Co.

Dr. Robert H. Ebert, dean of the Harvard faculty of medicine, doctor of science. An innovator in medical education and health care delivery, Dr. Ebert pioneered new relationships between Harvard's Medical School and the health needs of the surrounding community while dramatically increasing female and minority admissions into the university's medical education program.

Archbishop Jean Jadot, Apostolic Delegate in the United States, doctor of laws. A Belgian-born priest who previously served in papal diplomatic positions in several African and Asian countries, Archbishop Jadot has been the Vatican's principal representative to American Catholics since 1973.

Reginald H. Jones, chairman of the board and chief executive officer of the General Electric Company, doctor of engineering. Jones is also cochairman of the Business Roundtable, an organization of the chief executive officers of some 150 of the nation's largest corporations, and was recently asked by President Carter to help coordinate labor-management cooperation in restraining inflation.

Stephen Cardinal Kim, doctor of laws. As Archbishop of Seoul, he has been in the forefront of those protesting the curtailment of civil liberties in South Korea which followed the adoption of martial law by the government of President Park Chung Hee in 1972.

Prof. Philip B. Kurland, professor of law at the University of Chicago, doctor of laws. Founder of the Supreme Court Review, devoted to constructive criticism of the nation's highest court, Kurland is an internationally known legal scholar, an experienced courtroom practitioner, and a respected teacher of law.

Bishop Donal Lamont, doctor of laws. Sentenced for failure to report the presence of African nationalist guerrillas in his diocese, tho Irish-born Carmelite prelate was stripped of his citizenship by the country's white minority government and deported last March.

Dr. Percy A. Pierre, dean of Engineering at Howard University, doctor of engineering. The holder of baccalaureate and master's degrees in engineering from Notre Dame, Dr. Pierre assumed his present position in 1971 and has been a consultant to the Sloan Foundation in the implementation of a multimillion dollar program to draw minority students into engineering. He is a trustee of Notre Dame and was recently named assistant secretary of the Army for research and development.

CHARLES A. LINDBERGH: IT WAS ONLY 50 YEARS AGO

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. GOLDWATER) is recognized for 5 minutes.

Mr. GOLDWATER. Mr. Speaker, it was exactly 50 years ago this past weekend that one of the most remarkable events of the 20th century took place—the first successful continent-to-continent transatlantic flight, a feat accomplished by one of the most remarkable people of the 20th century—Charles A. Lindbergh.

It is often said that Lindbergh was our last authentic hero. I do not subscribe to this view. In the past 50 years, America has called upon many of her heroes, and men and women of courage, faith, and discipline, have answered the call.

But Lindbergh caught the imagination of the American people and he definitely caught the imagination of the American press. He was the boy wonder, a 25-year-old stunt and mail pilot with nerves of steel and a sense of his and America's destiny that far exceeded his years.

As a pilot myself, I have often wondered what Lindbergh thought on that morning of May 20, 1927, as he prepared to depart from Roosevelt Field in Long Island for that historic flight to Paris.

Surely he thought of the weather conditions. It rained all night and when takeoff time arrived, water stood in the low areas of the runway. Then too, even during the warm month of May the North Atlantic had weather hostile to any potential flyer. The problem was one that has plagued pilots since the beginning—icing.

Other thoughts must have raced through his brain, including the potential danger of all that gasoline he was carrying on the Ryan monoplane, the *Spirit of St. Louis*. Lindbergh knew something about energy conservation long before current rhetoric about the need to conserve energy, and his plane carried no frills that could cut back on his fuel supply.

But above all, his thoughts must have turned to the aviators before him who had failed to complete the transatlantic flight. Few of the participants survived to even tell the story, and often the outcome was death.

But Lindbergh was an American—an American at a time when people did not apologize or dress in sackcloth and wallow in ashes for being an American. He wanted to be first, and he wanted America to be first. Personal safety and security did not enter the picture when he took off at precisely 7:52 a.m. on one of the three most important flights in history—the others being the Wright Brothers at Kitty Hawk in 1903 and the Apollo moon flight in 1969. All three were American flights with American equipment and American pilots.

In retrospect, Lindbergh's flight was absolutely incredible. Everytime I look at the *Spirit of St. Louis* in the Smithsonian, I cannot help but think, "How did he make it in that thing?" The flight covered about 3,610 miles, and in 1927 before jet engines and supersonic aircraft it must have seemed like 36 million. The entire wing span of the plane is only 46 feet.

But, Lindbergh succeeded where others failed, and America put the world on notice that aviation was here to stay and America would take the lead in aviation development.

Unfortunately, Lindbergh is not around to help us celebrate the 50th anniversary of his flight. But he would have celebrated the anniversary as he celebrated life—quietly, unassumingly, and with a simple faith that always seemed to sustain him. I suppose Jimmy Doolittle said it best when he characterized Lindbergh as "the finest human being I have ever known."

Mr. Speaker, Charles A. Lindbergh left us a great legacy. He was often a misunderstood man. He suffered personal tragedy. He suffered at the hands of misguided politicians who tried to make him a scapegoat in the early days of World War II. But he persevered, and in his own quiet way, made a tremendous contribution to our success in that war.

Before he died, Lindbergh flew the 747. How strange it must have seemed to him at the time. It would be somewhat comparable to Columbus standing on the flight deck of a 60,000-ton aircraft carrier. Lindbergh spanned history. He made history, and he made us proud as a nation. He fulfilled the dreams of every little boy and girl who looked up at the stars and wondered what is there and what is beyond. I hope we do not forget our Lindberghs, because they make our best dreams come true.

New York to Paris. It was only 50 years ago this past weekend. We should pause a few minutes to pay tribute to the memory of Charles A. Lindbergh—a special American.

PRESIDENT CARTER'S ENERGY PROPOSALS WOULD REDUCE ENERGY SUPPLIES, STRENGTHEN THE ARAB OIL CARTEL, AND REDUCE ECONOMIC GROWTH

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, President Carter recently unveiled his plan for coping with the Nation's energy problem. Actually, the only problem is one created by Government itself. Consequently, the entire energy package is ill-conceived and very likely to have the opposite effects from what he intends.

The following analysis of the administration's energy program by Prof. Arthur Laffer of the University of Southern California was presented to the Joint Economic Committee on May 20. It explains why it is likely to reduce energy supplies, strengthen the Arab oil cartel, increase inflation, and reduce economic growth.

STATEMENT PREPARED FOR THE JOINT ECONOMIC COMMITTEE HEARINGS ON THE MACROECONOMIC IMPACT OF THE ADMINISTRATION'S NATIONAL ENERGY PLAN

(By Arthur B. Laffer, May 20, 1977)

Mr. Chairman: It is again an honor to be invited to appear before this Committee. I, too, share the concerns expressed by the Administration, Congress, and the American people about the problems surrounding energy. The problem is serious, and is increasing in severity. The present time, in my opinion, is the correct time to deal with the problem.

The origins of the current crisis result from both natural and manmade sources. The severity of the current crisis, in my opinion, has primarily come about as a result of poorly conceived policies with predictably bad consequences. As often as not, explicit actions taken to rectify perceived problems exacerbate the problem itself, or cause other problems. I believe the National Energy Plan proposed by the Administration is just such a proposed action. Without exaggeration, the Administration's energy package is the wrong policy at the wrong time.

In a highly simplified form, the National Energy Plan will raise enormous revenues through new and expanded taxes. These receipts will then be put back into the economy in the form of rebates, tax incentives, and transfer payments. A number of economists argue that the destimulative aspects of the higher taxes are offset by the stimulative aspects of the rebates and transfers. They conclude that output or GNP will not be much affected. This is clearly the logic put forth by the Administration.

In my opinion, the above view makes no sense whatsoever. If output resulted solely from aggregate demand, one could construe some logic out of the position. Output, however, results from both aggregate demand and aggregate supply. The above analysis totally ignores aggregate supply and, as such, is completely off the mark. An increase in tax receipts matched by an equal increase in rebates and transfer payments will unambiguously reduce output and output growth. The bigger the tax increase cum rebate, the greater will be the fall in both output and employment.

To see this point clearly, imagine an increase in U.S. taxes of over $1 trillion, matched by an equal rebate right up to the point where workers and producers receive nothing for their work effort, and nonworkers and nonproducers receive everything. Output will fall to zero. While the example is extreme in most instances, the point is clear. Taxes matched by spending reduce output. The Administration's energy package, if put into effect, would raise taxes by an enormous amount annually, and would rebate the proceeds. It would result in an enormous loss in incomes in the country and an enormous loss in employment. Surely at this stage in our history this is not what is needed.

Therefore, if the National Energy Plan as proposed were to become law, it would retard the level of output and economic growth. While its effect would be to reduce net imports of both oil and automobiles, the package would simultaneously increase net imports, or reduce net exports, of other products. The program would add substantially to red tape, filing, and information requirements on energy-related firms, while adding little to their domestic production incentives. The major effects of the program will be to discourage energy consumption and production in general.

It is hard to imagine just what groups will benefit from the program. The substantial taxes on gasoline, automobiles, energy production and energy consumption will swamp any benefits conceivable from the rebates. Regionally, Texas, California and other energy producing areas, as well as car producing centers such as Michigan, Ohio, etc., will be the most damaged.

The rebate aspect of the package has recently shown itself to be an unviable political option as the weak support in the House and, later, the lack of support in the Senate demonstrated.

Here are four key economic aspects of President Carter's proposals:

Taxes.—The proposals include a number of significant increases in taxes:

(i) On gasoline alone, standby authority is requested to start taxing an additional 5¢ per gallon as of 1/15/78, and rising to 50¢ per gallon by 1985.

(ii) Automobiles deemed energy-inefficient by their gas mileage will, starting with the 1978 model line, be taxed up to a maximum of $449. This tax will be increased through the 1985 model line, where the maximum tax will be $2,488.

(iii) Domestically produced crude oil will continue indefinitely to be subjected to price ceilings. In addition, three yearly tax increases will be imposed on well-head production until the ceiling price plus tax equals the world price, currently $13.50 per barrel. In the case of old oil, the three-stage tax increase would amount to $8.25 per barrel.

(iv) The ceiling price on natural gas sold in interstate markets would be raised to $1.75 per 1000 cubic feet from the current

$1.45 price. However, intrastate natural gas, which previously was uncontrolled, will now be subject to the price ceiling.

(v) Industrial companies will be taxed at increasing rates on their usage of natural gas. This tax would, under present conditions, start in 1979 at 30c per 1000 cubic feet, and rise to $1.10 by 1985. The utility tax in the use of natural gas would commence in 1983, until by 1988 it equalized the energy cost between natural gas and distillate oil. Industrial users of petroleum would be taxed at 90c per barrel in 1979, and this would rise to $3.00 per barrel by 1985. Utilities that used petroleum would have a flat tax of $1.50 per barrel, beginning in 1983.

(vi) Aviation fuel taxes would be raised 4c per gallon, and the rebate of 2c per gallon on motorboat fuel would be removed. Efficiency targets on appliances would be made mandatory. The U.S. stockpile of oil would be increased 500 million barrels to 1 billion barrels. Detailed accounting requirements on the energy companies would be imposed and antitrust would be more actively pursued.

However one figures it, the program adds up to a massive increase in overall taxes. Estimates of the ultimate revenue from these tax increases range well over $100 billion per year. When one compares these numbers with the total cost of the Viet Nam war, over a six-year period of, say, $100 billion, one obtains the proper perspective of the proposal's magnitude. As such, the discrepancy between market values and the amounts workers and producers receive would increase dramatically. If ever enacted, this would constitute an enormous increase in the wedge and would lead to sharply curtailed production in the market place. Growth rates would be greatly reduced.

While many of us intuitively think of production distortions in terms of factories, machines, or capital equipment, the effect on individual worker's incentives to work could easily be quite consequential. At an additional tax of 50c per gallon, a family that drives 20,000 miles per year in a car that gets 20 miles per gallon, would have an effective reduction in its income of $500. This figure does not even consider the higher price of the car or the plethora of other taxes and their effect on prices. There is a precise equivalence between product taxes and factor taxes. As such, President Carter's program is equivalent to increased income taxes across a broad range of factors from workers, land, on to capital investment itself.

To illustrate the correspondence between product taxes and factor taxes, imagine a person who earns $10,000 gross per year. If he pays a flat 50 percent income tax rate on his earnings, he will be left with $5,000 to spend. If, on the other hand, there is a 50 percent tax on the full sales price of all products, he'll be able to spend $10,000, but the prices of everything will be doubled. In both instances, his after-tax real income is the same. While the exact associations become far more complicated where we include many products and a multitude of factors, the correspondence principle here remains valid.

Transfer Payments—

The Administration's program also includes a substantial increase in either explicit or implicit spending:

(i) All gasoline taxes and crude oil production taxes will be rebated through the tax system (as credits), and to nontaxpayers. These rebates, in part, will be biased toward homeheating oil users.

(ii) Automobiles attaining a specified degree of fuel efficiency will be eligible for rebates up to $573 maximum for 1978 model cars, and increasing over time to $493 for 1985 model cars.

(iii) Firms purchasing equipment to generate electricity would receive a 10 percent tax credit on the purchase price.

(iv) Homeowners would receive a tax credit not to exceed $2,000 for investment in solar equipment. Businesses would receive a 10 percent tax credit on solar equipment.

Virtually all of the revenues from the increased taxes would go toward increased government spending, thus mitigating any chances of offsetting tax reductions or reduced national debt. This part of the Carter program merely consumates the additions to the overall tax wedge. Whereas tax increases in one area, resulting in tax reductions elsewhere, may lead to expanded output, tax increases matched by transfer spending increases will only reduce output and output growth. Overall, the fundamental form of taxation is government spending irrespective of financing technique used.

Tariff and Trade—

In his proposal to tax the purchase price of low-gas efficiency cars and give rebates to high-gas efficiency cars, there was an explicit exclusion of non-American and non-Canadian made cars. The actual treatment of these foreign cars is to be determined by direct negotiation. This differential treatment of foreign versus domestic made cars is equivalent to a tariff on foreign made automobiles. Imports of automobiles will be retarded.

The tax increase and rebate aspects of the energy program will also have two effects that will impact on international trade. First, the tax increases will thwart domestic consumption of energy relative to domestic production. Energy imports should fall. Second, the general increase in taxes and transfers will restrict the overall domestic supply of output. Such a supply shift will tend to increase total imports relative to exports. Therefore, the U.S. trade balance will be adversely impacted by the program.

With a deteriorating trade balance combined with reduced net imports of both energy and automobiles, there should be an increase in the net imports, or a reduction in the net exports of other products. These changes should be more than sufficient to offset any improvements in the energy and automobile accounts.

Tax Incidence and Total Revenue—

While the precise incidence of the President's heightened tax and spending programs are not known, it is clear they do increase the progressivity of the federal government's impact on the economy. The increased taxes on big cars, the numerous business taxes, the specific limitations on tax credits, the overall bias against energy usage (assumed by most economists as a "luxury" good), and the egalitarian tendency of the rebates, unambiguously raises the incidence of the tax structure on upper income groups relative to middle and lower income groups. All groups, nonetheless, will experience an increased tax incidence, albeit greater for upper income groups. Whatever one's perception of the fairness or equity value of such a move, such a redistribution of the tax incidence will lower output even further.

Often it is the case that the incidence of a tax is very different from the burden of a tax. Raising tax rates on upper income and wealthy people may actually have the effect of lowering the after-tax incomes of the poor and working class people. Given the level of spending in New York City, if the City were to tax all incomes over $100,000 per year at a 100 percent tax rate, it is clear that they would get next to nothing in revenues. Those people with incomes in excess of $100,000 per year would either move, or find ways to not report the excess. Given the need to finance the spending taxes, either explicit or implicit, on lower incomes, would have to rise. Therefore, by lowering tax rates on upper income groups, the burden of the tax on lower income groups may actually be reduced. I believe we are well within this range at present. Any increase in the progressive incidence of taxation actually places a heavier burden on the poor and low-income people.

It is not only conceivable but quite possible, that the entire program will, when combined with existing taxes and spending programs, lead to reduced overall revenue and markedly higher spending. Deficits will most likely be increased as a result of the overall program. When one thinks that reductions in output lead to a reduction in other tax receipts, increased spending on such programs as unemployment compensation, Social Security, etc., it is hard to imagine anything other than expanded federal deficits. The increased burden on our State and local governments could be substantial.

Other Considerations—

As a final analytic point on the overall effects of President Carter's energy package, it would tend to strengthen the OPEC oil cartel. A major influence leading to the historical dissolution of cartels has been the market responses to abnormal pricing structures. If a cartel sets its price too high not only will consumption tend to fall, but also producers will invariably face supply prices that are highly profitable on the margin. These production "incentives" entice suppliers to either violate the cartel quantity restrictions or induce new producers to enter production.

The recent energy proposal virtually eliminates the producers' incentives to break down the cartel. As the formulae go, increases in the world price of oil will be matched one for one by increases in the tax on oil production. Thus, in the event of a price increase in world markets, U.S. producers of oil will not receive any higher prices. There will not be any added incentives to produce. This avenue of offset to any OPEC oil price increase will be closed by explicit government policy.

As a final point, I would add that virtually every objective of the Administration's proposal would be better served by the immediate decontrol of energy with a standby excess profits tax authority over a two-year horizon.

A TRIBUTE TO REVEREND DEXTER L. HANLEY

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. McDADE) is recognized for 5 minutes.

Mr. McDADE. Mr. Speaker, all of us in northeastern Pennsylvania have been saddened recently over the passing of one of our leading citizens and one of the Jesuit communities' outstanding leaders, Rev. Dexter L. Hanley. Father Hanley died last Thursday in Scranton, Pa., after a long illness.

Father Hanley's death ended a tremendous struggle against equally tremendous odds. Dexter Hanley was a man who at the age of 57 had lived a life replete with accomplishment for his fellow man and service to God. His death leaves a deep void with all of us who benefited from knowing him. He will be sorely missed.

Mr. Speaker, when Father Dexter Hanley assumed the presidency of the University of Scranton back in 1970, he brought with him some of the most impressive credentials available to lead that fine school. He was an attorney, an expert on labor law, and a man equally skilled in the delicate issues of human rights. He had served his country as delegate to the United Nations where he devoted his energies to housing the needs of the poor all across the world.

He was an educator in the finest traditions of Jesuit education. He taught law at Boston College, Georgetown University, and at Goethe University in Frankfurt, Germany. He served as the director of the Georgetown School of Human Rights and Social Values. He wrote textbooks on labor law and served as a medicator for the U.S. Labor Department. He published four major articles on his specialty, labor law.

He was a spiritual leader as well. Ordained a priest in 1951, he held degrees in philosophy and sacred theology. He came to the university at a time of growth and expansion at the school and he channeled his untiring energies into making the university a dynamic force in Scranton. He held the position of president until 1975, when he knew that his illness would no longer allow him to continue. His love for the school saw him devote his final months to helping the university at every opportunity, even to assisting with its development campaigns.

He was a community leader. In his too brief stay with us he managed to lend his time and talents to the Red Cross, the economic development council, the United Way, and the Scranton industrial development program, among others. If the university became a leader in the community it was because our people saw that leadership in the eyes of its president. He recognized that the resources and the prestige of the university should be used to improve the community around it. And Dexter Hanley devoted his multiple talents to that end.

Mr. Speaker, today as Father Dexter Hanely is laid to rest, thousands of students, colleagues, neighbors, and government leaders everywhere are much richer for having known him. Yet we are much poorer indeed for having lost him at such an early age. His life was bountiful and by knowing him we shared those riches. We know his reward will be eternal peace.

Mr. Speaker, I am attaching two newspaper articles on Father Hanley which appeared in the Scranton Tribune & Times:

FATHER HANLEY SUCCUMBS AT AGE 57

[From the Scranton (Pa.) Times, May 20, 1977]

The Rev. Dexter L. Hanley, SJ, former president of the University of Scranton, noted lawyer and active civic and community leader, died Thursday at Community Medical Center at age 57.

His death at 4:30 p.m. ended Father Hanley's two-year battle against a brain tumor and cut short a 34-year career marked by personal and professional excellence.

The Jesuit lawyer-educator, appointed president of the university in September 1970, had been in residence at the school since his resignation for reasons of health in January 1975.

He stepped down as the school's 11th president about two months after suffering the first of the massive strokes in late 1974.

Medical examination revealed the seizures, which left Father Hanley partially paralyzed, were caused by a tumor on the left front of his brain.

The tumor was surgically removed in late January 1975, and a long program of radiation and chemical therapy helped Father Hanley regain partial use of his right arm and leg and the ability to speak.

During the last months of his life, Father Hanley devoted his time to a personal campaign to raise funds for the university.

He was singularly honored by the university on June 1, 1976, when the board of trustees designated the evening school college as Dexter Hanley College.

Father Hanley, son of a pioneer Army aviator, was a combination priest, teacher, lawyer, administrator and humanitarian.

Before accepting presidency of the U of S, he had served as a professor of law at the Georgetown University Law Center and as director of the Georgetown Institute of Law, Human Rights and Social Values.

His teaching experience included courses in jurisprudence, legal process, philosophy of law, torts, crimes and labor law. An expert in labor law, he prepared a number of texts for student use.

Father Hanley was admitted to practice before the Supreme Court of the United States, the U.S. Court of Appeals for the District of Columbia circuit, the U.S. District Court for the District of Columbia, the Supreme Court of Pennsylvania, Court of Common Pleas of Lackawanna County and the U.S. District Court for the Middle District of Pennsylvania.

Prior to joining the Georgetown faculty in 1959, he served as an instructor at Boston College Law School. He was also dean of the Georgetown University Summer Schools in 1952 and 1953.

In 1967 he was appointed by the State Department to be a U.S. delegate to the Economic and Social Council of the United Nations. In that capacity, he was particularly concerned with the areas of human rights and international housing. In 1968 he was a panelist at the National Conference of Continuing Action for Human Rights, conducted by the State Department in Washington.

While at the law center, he also served as guest professor in law in 1961 at Goethe University, Frankfurt, Germany; as an observer at the World Peace Through Law conference in Athens (1963), and Washington (1966); and as delegate to the International Association of Penal Law, The Hague, 1964.

He served on the National Council of the Federal Bar Association and on advisory councils of the Military Chaplains Association and on Amnesty International of the USA; and was vice-president and program chairman of the American Section of the International Association of Philosophy of Law and Social Philosophy.

Father Hanley's primary work was in the field of labor law. He served as secretary of the Council for the Labor Relations Law Section of ABA, and presented to the section analyses of the labor law cases of the Supreme Court at ABA meetings in Hawaii in 1967 and in New York in 1971. He was cochairman of the Building Trades Committee (1965–66) and of the Ad Hoc Committee on Arbitration Procedures and Practice for the ABA. Substantial reports were submitted by those committees. He was also chairman of the Committee on the Committees for the Council.

In 1968, he was asked to serve as cocounsel at the court martial trial of Capt. Dale Noyd at Clovis Air Force Base, New Mexico. During that case, he presented the legal arguments for admitting selective conscientious objection as grounds under the constitution for exemption from service obligations.

He published four major articles on labor law; two in the Georgetown Law Journal, one in the BNA Labor Relations Yearbook, and one for the 14th annual labor conference of the Southwest Legal Foundation. His article on the constitutionality of the Chaplains Corps was published by the Church State Institute of Villanova in the annual review.

In the summers of 1964–66, he was a consultant to the chaplains in various commands in France, Germany and Italy.

Father Hanley was born in Fort Worth, Tex., in 1919, the son of a pioneer aviator. As a child, he lived in military posts both in the states and abroad. His father, now deceased, retired from the Air Force with the rank of major general.

He received the bachelor of arts degree, summa cum laude, from Georgetown University in 1940, and the bachelor of laws degree from Georgetown University Law Center in 1956. He finished first in his class at both institutions and continued studies at Harvard Law School, where he earned the master degree in law. Father Hanley also held licentiate degrees in philosophy and sacred theology from Woodstock College, Woodstock, Md. While a Georgetown undergraduate he was an officer in the Reserve Officers Training Corps (ROTC) program and was active in numerous other student activities.

Father Hanley was ordained a priest on June 7, 1951. He was a member of the Society of Jesus since September 7, 1940.

The Jesuit labor lawyer was chairman of the Academic Collective Bargaining Information Service, a national information clearinghouse on educational collective issues headquartered in Washington, D.C. The service is funded by the Carnegie Corp. He was also a member of a task force on collective bargaining in higher education, also sponsored by the Carnegie Corp.

Educational groups which Father Hanley served include: Board of trustees and student affairs committee, Xavier University, Cincinnati, Ohio; executive committee, Commission for Independent Colleges and Universities of Pennsylvania; director, Association of Jesuit Colleges and Universities; member Foundation for Independent Colleges, Inc.; member, Northeastern Pennsylvania Independent Colleges, and member, commission on Institutional affairs of the Association of American Colleges.

Father Hanley was also second vice president and executive committee member of the Economic Development Council of Northeastern Pennsylvania; director of Scranton Chapter, American Red Cross; executive committee member and director, United Way of Lackawanna County; incorporator, LIFE; director, Scranton Neighbors; member of U.S. Commission and chairman of the education subcommittee, National Commission for Observance of World Population Year; member, National Council for Energy Conservation; director, Eastern Industrial Development Co. of Northeastern Pennsylvania.

Father Hanley is survived by his mother, Mrs. Thomas J. Hanley Jr., who resides at Air Force Village, San Antonio, Tex.; a brother, Col. Thomas J. Hanley III, (USA Ret.), San Antonio, and a sister, Mrs. William R. McAlpin, Pompano Beach, Fla.; a nephew and two nieces.

The funeral will be Monday with Mass at 11 a.m. in St. Peter's Cathedral.

Viewing will be Sunday from 2 to 4 and 7 to 9 p.m. at the Jesuit residence at the University of Scranton. Internment will be at the Jesuit Noviate in Wernersville, Pa. Arrangements are by the Cusick Funeral Home, 217 Jefferson Ave.

Memorial contributions may be made to the University of Scranton's Dexter Hanley Scholarship Fund.

[From the Scranton (Pa.) Tribune, May 20, 1977]

FATHER HANLEY DIES; EX-UNIVERSITY OF SCRANTON PRESIDENT

Rev. Dexter L. Hanley, S.J., president of the University of Scranton from September

1970 to January 1975, died Thursday at Scranton's Community Medical Center. He was 57.

Father Hanley's death brought to an end a long and courageous struggle with partial paralysis caused by a malignant tumor of the brain.

The first sign of the Jesuit lawyer-educator's illness came in the form of an apparent "stroke," which occurred at a Nov. 27, 1974 meeting of the Finance Committee of the University Board of Trustees. At the meeting, which took place in the Scranton Chamber of Commerce Board Room, Father Hanley suffered what doctors thought to be a "massive stroke" which temporarily affected his speech. He recovered from the effects of the incident and was released from the hospital Dec. 12. Another attack came on Dec. 22, and a more severe one on Jan. 5. An isotope scan on Jan. 6 showed something in his brain which, as said, "should not have been there," and on Jan. 7, because of ill health, Father Hanley resigned the presidency of the University. On Jan. 9 an angiogram uncovered a tumor in the left front part of his brain, which was surgically removed at Johns Hopkins University Hospital on Jan. 20.

A long program of radiation and chemical therapy followed the surgery. During that period, Father Hanley made remarkable progress in regaining the use of his partially paralyzed right arm and leg. He also regained, through therapy, the ability to speak.

When his health permitted, Father Hanley used his last months raising funds for the University of Scranton. During that period, he visited a number of foundations and individuals to ask support for the U of S cause. He had been advised by doctors at Johns Hopkins that his condition was terminal and that he had only a few months to live.

Father Hanley was the 11th president of the University of Scranton.

Prior to his election as president in June 1970, he was a professor of law at Georgetown University Law Center and director of the Georgetown Institute of Law, Human Rights and Social Values. His teaching experience included courses in jurisprudence, legal process, philosophy of law, torts, crimes and labor law; he prepared texts for a course in labor law for student use.

Father Hanley was admitted to practice before the Supreme Court of the United States, the United States Court of Appeals for the District of Columbia Circuit; The United States District Court for the District of Columbia, the Supreme Court for D.C., Supreme Court of Pennsylvania, Court of Common Pleas of Lackawana County, and the U.S. District Court for the Middle District of Pennsylvania. He was admitted to the United States Military Court of Appeals and to the United States Court of Claims.

Father Hanley was active in the American Bar Association and the Federal Bar Association. He was the former secretary to the ABA's Labor Relations Law Section.

Prior to joining the Georgetown faculty in 1959, he served as an instructor at Boston College Law School. He was also dean of the Georgetown University Summer Schools in 1952 and 1953.

In 1967, he was appointed by the State Department to be a U.S. Delegate to the Economic and Social Council of the United Nations. In that capacity, he was in New York during May and June of 1967, particularly concerned with the areas of human rights and international housing. In 1968, he was a panelist at the National Conference of Continuing Action for Human Rights, State Department, Washington, D.C.

While at the law center, he also served as guest professor in law for the summer of 1961 at Goethe University, Frankfurt a/m, Germany; as an observer at the World Peace Through Law Conference in Athens (1963) and Washington (1965); and as delegate to the International Association of Penal law, The Hague, 1964.

He served on the National Council of the Federal Bar Association and on the advisory councils of the Military Chaplains Association and on Amnesty International of the USA; and was vice-president and program chairman of the American Section of the International Association of Philosophy of Law and Social Philosophy.

Father Hanley's primary work was in the field of labor law. He served as secretary of the Council for the Labor Relations Law Section of ABA, and presented to the Section an analysis of the labor law cases of the Supreme Court for the October 1966 term at the ABA meeting in Hawaii in August of 1967 and for the 1970 term in New York in 1971. He was cochairman of the Building Trades Committee (1965–66) and cochairman of the Ad Hoc Committee on Arbitration Procedures and Practice for the ABA. Substantial reports were submitted by those committees. He was also chairman of the Committees for the Council.

In 1968, he was asked to serve as co-counsel at the courtmartial trial of Captain Dale Noyd, at Clovis AFB, New Mexico. During that case, he presented the legal arguments for admitting selective conscientious objection as grounds under the constitution for exemption from service obligations.

He published four major articles on labor law; two in the Georgetown Law Journal, one in the BNA Labor Relations Yearbook, and one for the 14th Annual Labor Conference of the Southwest Legal Foundation. His article on the constitutionality of the Chaplains Corps was published by the Church-State Institute of Villanova in the annual review.

In the summers of 1964–66, he was a consultant to the chaplains in various commands in France, Germany and Italy.

Father Hanley was born in Fort Worth, Texas, in 1919, the son of a pioneer aviator. As a child, he lived on military posts both in the States and abroad. His father, now deceased, retired from the Air Force with the rank of major general.

Father Hanley was educated in the public and parochial schools of Washington, D.C.; Kansas and Texas. He graduated from Immaculata High School, Leavenworth, Kansas.

He received the bachelor of arts degree, summa cum laude, from Georgetown University in 1940. He earned the bachelor of laws degree from Georgetown University Law Center in 1956. He finished first in his class at both institutions and continued studies at Harvard Law School where he earned the master's degree in law. Father Hanley also held licentiate degrees in philosophy and sacred theology from Woodstock College, Woodstock, Maryland. While a Georgetown undergraduate, he was an officer in the Reserve Officers Training Corps Program and numerous other student activities.

Father Hanley was ordained a priest of the Roman Catholic Church, June 17, 1951. He was a member of the Society of Jesus since Sept. 7, 1940.

The Jesuit labor lawyer was chairman of the Academic Collective Bargaining Information Service, a national information clearinghouse on educational collective bargaining issues headquarterd in Washington, D.C. The service is funded by the Carnegie Corporation. He was also a member of a task force on Collective Bargaining in Higher Education also sponsored by the Carnegie Corporation.

Educational groups which Father Hanley served include: board of trustees and student affairs committee, Xavier University, Cincinnati, Ohio; executive committee, Commission for Independent Colleges and Universities of Pennsylvania; directorship, Association of Jesuit Colleges and Universities; membership, Foundation for Independent Colleges, Inc.; membership, Northeastern Pennsylvania Independent Colleges and membership of the commission on institutional affairs of the Association of American Colleges.

Father Hanley was also second vice-president and executive committee member of the Economic Development Council of Northeastern Pennsylvania; director of Scranton Chapter, American Red Cross; executive committee member and director, United Way of Lackawanna County; incorporator, LIFE; director, Scranton Neighbors; member of U.S. Commission and chairman of the Education Subcommittee, National Commission for Observance of World Population Year; member of the council, National Council for Energy Conservation, director, Eastern Industrial Development Company of Northeastern Pennsylvania.

He was also a member of the board of directors of Scranton's Community Medical Center and a consultor of the Maryland Province of the Society of Jesus.

Father Hanley is survived by his mother, Mrs. Thomas J. Hanley Jr., who resides at Air Force Village, San Antonio, Texas; a brother, Col. Thomas J. Hanley III (USA Ret.), San Antonio, and a sister, Mrs. William R. McAlpine, Pompano Beach, Fla. He had one nephew and two nieces; Brian, Julie and Mary McAlpine.

The funeral will be Monday with a mass at 11 a.m. in St. Peter's Cathedral, Scranton. Viewing Sunday from 2–4 and 7–9 p.m. at the Jesuit Residence on the U of S campus. Burial will be at the Jesuit Novitiate in Wernersville, Pa. Arrangements, Cusick Funeral Home, 217 Jefferson Ave.

Memorial contributions may be sent to the University of Scranton Dexter Hanley College Scholarship Fund.

A TRIBUTE TO FORMER CONGRESSMAN FRANK C. OSMERS

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLLENBECK) is recognized for 5 minutes.

Mr. HOLLENBECK. Mr. Speaker, it is with a deep sense of sadness that I note the untimely death of former Representative Frank C. Osmers.

From the day he was first elected to public office at the age of 22, Frank Osmers never ceased to be actively interested in politics and public affairs. His career in public life was one of distinction and integrity at the local, State, and Federal levels.

His service in the House of Representatives spanned four decades. He was first elected to the 76th Congress in 1938 and was reelected in 1940. On the day war was declared against Japan, he walked out of the Capitol and enlisted as a private in the Army. By the time he was discharged 4 years later he had attained the rank of major.

Congressman Osmers was elected to Congress in a special election in 1951 and served until 1965. I had the opportunity to know Frank personally when my father served as his campaign manager, and will never forget the many kindnesses which he always showed me.

Frank Osmers loved the House of Representatives. He was here last week when this body received former Members of Congress to visit with his former colleagues. From those former colleagues I can say that Frank Osmers was respected as a man of great ability and integrity and remembered fondly by those with whom he served.

After his retirement from public life Congressman Osmers remained active in politics. As one who received his advice and assistance during the last election, I can say that his enthusiasm for public service never dimmed.

Those of us who had the privilege to know Frank Osmers will never forget him. His honesty and integrity in both public and private life were exemplary. His quick and sparkling wit was enjoyed, and remembered fondly, by all who came into contact with him.

I know I speak for all my colleagues in extending sympathy to his widow Marguerite and their two children, Frank C. III and Nancy Wysocki.

END THE "TAX ON MARRIAGE"

The SPEAKER. Under a previous order of the House, the gentlewoman from New Jersey (Mrs. FENWICK) is recognized for 5 minutes.

Mrs. FENWICK. Mr. Speaker, President Carter signed the Tax Reduction and Simplification Act earlier today, thus enacting into law a number of substantive changes in our Tax Code. I supported the conference report but I do not feel it goes far enough in correcting a serious tax inequity, the so-called tax on marriage.

The new law sets the standard deduction at $2,200 for single persons and $3,200 for joint returns. Married taxpayers who file separately are each allowed to take a $1.600 deduction and not the more liberal $2,200 deduction they could take if they were single and living together. This change in the standard deduction is a step in the right direction, but it is not a solution. It makes our tax system less unfair for couples, but the basic inequity remains. Previous tax law set the maximum standard deduction at $2.400 for single taxpayers and $2.800 for married couples filing jointly. It is clear that the new deduction is better, but what we should be aiming for—and the new tax law acknowledges that we should be moving in this direction—is a tax system that is based on a person's income rather than his or her marital status.

This is a serious problem which affects millions of married Americans. Tax time each year produces in my home district a great many constituent letters expressing anger over the discovery of this tax penalty in their returns. At a 1976 American Statistical Association meeting, Mr. Peter Sailer of the Internal Revenue Service presented a paper which reveals that 13 million couples paid an average of $149 more in taxes in 1974 than they would have if they were single. Mr. Sailer also found that 5 million couples paid an average of $177 less than they would have were they single. Why this seeming discrepancy? Mr. Sailer points out in his article that—

> A working couple in which one partner earned considerably more than the other, and which had a fair amount of itemized deductions, could still expect to get a tax break out of marriage. However, a working couple in which both partners earned similar amounts of money, or which did not have much in the way of itemized deductions, could expect to pay more taxes than they would have had they been single.

Mr. Speaker, I feel this matter deserves the attention of the Ways and Means Committee and I am today introducing legislation that would permit married, working taxpayers to file returns as if they were single. It is similar to a bill I introduced in the 94th Congress and I hope the committee will give the new bill due consideration in its tax reform hearings later in the 95th Congress.

President Carter spoke of the need for reform of this tax penalty during the campaign and reiterated his pledge as President while speaking on February 16 at the Department of Agriculture. The President observed that—

> The present tax law encourages . . . I started to say extracurricular activities . . . that's a fact. I don't want to publicize it.

The Tax Code does encourage young people to remain unmarried and I was pleased to read that the President that day recommitted himself to the removal of this inequity.

I am still haunted by the memory of a conversation several years ago with a young girl who spoke with me at a political meeting and told me that if she married her boyfriend, it would cost them an additional $648 in taxes because of the "marriage tax penalty."

A bill to amend the Internal Revenue Code of 1954 to provide that a married individual who files a separate return may be taxed on his or her income at the same rate as an unmarried individual.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 1 of the Internal Revenue Code of 1954 (relating to tax imposed) is amended as follows:

(i) In subsection (c), the heading and language of the subsection before the table contained therein are amended to read as follows:

"(c) Individuals (other than heads of households). There is hereby imposed on the taxable income of every individual (other than the head of a household as defined in section 2(b), or a married individual (as defined in section 143) who elects to be taxed under subsection (d) of this section) a tax determined in accordance with the following table, provided, that in the case of any individual who is a married individual (as defined in section 143), in any case where income is community income under community property laws applicable to such income, the amount of such income which is considered the income of a taxpayer for purposes of this subsection shall be the amount of such income which would be the income of that taxpayer if such income did not constitute community property."

(ii) In subsection (d), the heading is amended by deleting "Married" at the beginning thereof and inserting in lieu thereof "Certain married".

(iii) In subsection (d), the language before the table contained therein is amended by inserting after "not" the following: "elect to be taxed under subsection (c) of this section and who does not".

SEC. 2. The amendment made by section 1 of this Act shall apply to taxable years ending after the date of the enactment of this Act.

SALE OF CONTROL DATA CYBER 76 ADVANCED COMPUTER TO THE SOVIET UNION MUST BE STOPPED

The SPEAKER. Under a previous order of the House, the gentleman from Idaho (Mr. SYMMS) is recognized for 15 minutes.

Mr. SYMMS. Mr. Speaker, recently I had reported to me some very astonishing events regarding the proposed sale of a Control Data Cyber 76 computer to the Soviet Union for weather prediction research. It is my understanding, from what I would consider to be a knowledgeable source, that in 1974 a private guest of Soviet Ambassador Anatoly Dobrynin in the United States was identified by our intelligence people as one of the top agents of the KGB. It is also my understanding, Mr. Speaker, that at that time, U.S. counter-intelligence alerted Dr. Henry Kissinger and others as to the true identity of Ambassador Dobrynin's "guest" and revealed that this agent's real purpose for being in the United States was to make arrangements for the purchase by the Soviet Union of advanced computers from Control Data Corp.

In January of this year Control Data reapplied for an export permit for the sale of their advanced Cyber 76 computer to Russia for the purpose of performing research related to global weather prediction. Although it is claimed that the use of this machine in the Soviet Union will be monitored by Control Data personnel and/or others, I am strongly opposed to this proposed technology transfer. It is very difficult to prevent diversion of computer technology to military applications.

I do not know if the Cyber 76 sale proposed this year has any connection with the 1974 incident involving Ambassador Dobrynin's guest—which, by the way, was kept quiet by the U.S. Government so as not to upset detente I am told—but there are several points that should be brought out regarding the strategic military implication of high speed/ high capacity computer capability on the part of the Soviet Union:

Specifically, the Cyber 7600 series computer could significantly increase Soviet air defense capability and could give them significant antiballistic missile—ABM—capability when combined with phased array radars and high-acceleration interceptors now in development. Also, with an effective civil defense program—which the Soviets may have—the ABM problem is dramatically simplified so that a single central computer such as the Cyber 76 could support a high-leverage ABM defense of several major Soviet cities.

With regard to air defense, U.S. bomber penetration capability is predicated on the assumption that the Soviet SAM's—surface-to-air missiles—cannot engage targets outside the field of vision of the SAM site radar. Increased computer capability could allow intercepts to be made at a point outside the field of vision of a particular missile site radar, thereby allowing the Soviets to use missile systems such as the SA–2 which are not now effective against low-flying bombers. One estimation given me is that the Cyber 76 could potentially increase by 100-fold the Soviet bomber defense capability.

The issue appears to be what margin of capability does the Cyber 76 provide that is not provided by the IBM 360's that the Soviets now possess. Cyber 76 is 16 to 64 times faster than the IBM 360 and has twice the word length, which doubles its precision in tracking. The Cyber 76 is basically the same as the CDC 7600 computer used at Kwajalein for the U.S. ballistic missile defense program. In short, the IBM 360 is basically a "business" machine while the Cyber 76 is an advanced high-speed scientific computer.

In view of the potential of the Cyber 76 to improve Soviet air defense effectiveness and possibly to provide some ABM capability in advanced air defense systems, it is crucial that a competent and thorough analysis of this issue be made, preferably by an independent agency, before this sale proceeds any further. Furthermore, it is known that the Cyber 76 system is especially suited for computation in nuclear weapon design problems and in high energy physics research. It is known that the Soviets have aggressive R. & D. efforts underway in these areas that are military related.

Again, it is stated that the Soviets want this machine, the Cyber 76, for weather prediction research programs. But, the question comes to mind as to why such a high-speed machine is needed for weather prediction work. What is it about this machine that cannot be fulfilled by the IBM 360?

In conclusion, I intend to raise these questions to the President and his National Security Advisor and to other appropriate levels of responsibility. I hope to have many of my colleagues in Congress join in this effort.

Mr. Speaker, an article by Miles Costick appeared in the March 25, 1977, issue of the News World, published in New York, which more fully discusses the possible implications of computer sales to the Soviet Union. Mr. Costick's article reads as follows:

[From the News World, Mar. 25, 1977]

COMPUTERS: ROPES TO HANG BY?

(By Miles Costick)

Jimmy Carter's national security advisor, Zbigniew Brzezinski, has said that detente must be reciprocal in order to be enduring, but what remains to be seen is whether the Carter administration will also reassess the Kissinger policy of transferring to the Soviets sophisticated technology with critical, strategic implications.

A test of this would be whether Control Data Corp. is permitted to deliver to the Soviet Union the world's largest strategic computed system, the Cyber 76. Control Data has closed a tentative deal with Moscow, and the application for an export license is pending before the Commerce Department. But Commerce won't give the go-ahead unless the National Security Council—where Brzezinski, as Carter's personal aide, playing a key role—gives a nod of approval.

There are several other applications for sale of military computers to the Communist governments by Control Data, IBM, UNIVAC and Honeywell. None of the computers, however, can match the strategic potential of CDC's Cyber 76 system.

Cyber is a sensitive topic. It is a very high speed, large volume, advanced strategic computer which processes a phenomenal 100 million instructions per second, and has a memory storage capacity at least 15 years ahead of anything that a communist computer maker is able to construct. Typical installations: the Pentagon, U.S. Air Force, the Atomic Energy Commission, NASA, and the top secret National Security Agency.

Last year President Ford vetoed the extension of the Export Administration Act leaving the country without effective controls over export of strategic items to the Communists. This meant that all restrictions on Soviet bloc purchases in the U.S. have lapsed. Mr. Ford, however, had issued an executive order reimposing controls on exports under authority vested in him by the War Powers Act. The executive order placed the National Security Council in a position of authority to permit or decline strategic exports to the Communists.

The select informed few knew what most had missed: For the executive order to become an effective barrier to export of strategic goods, the President would have to designate the recipient country as an "enemy country." Obviously, under Henry Kissinger's detente, the President could hardly declare the Soviet Union or Red China an enemy.

NUMEROUS APPLICATIONS

In the order tube, ready to pop out when the cap was removed on Oct. 1 1976, were numerous applications for export of strategic items of critical military significance. The most important were the applications for export of military computer systems.

On Sept. 30 1976 President Ford and his National Security Council under Kissinger appointee Lt. Gen. Brent Scowcroft, in strict discretion, approved the sale of the Control Data's Cyber 73 computer system to the U.S.S.R. The value of the transaction to CDC was about $6 million and to the Soviets about a 12-year leap in computer technology, plus a new acquired strategic capability.

On Oct. 12, the National Security Council approved the sale of two CDC Cyber 172 computer systems to Red China. The announced value of the transaction was $6 million. Through acquisition of Cyber 172 computers the Chinese communists gained capabilities which they have lacked before, since their computer technology is about 20 years behind that of the United States.

The stated purpose of computer sale to Red China was oil exploration and earthquake detection. An inquiry revealed that the stated purpose of computer sale to the Soviet Union was oil exploration.

However, the Pentagon and the Energy Research and Development Administration (ERDA) objected to the sale of computers on the grounds that both systems—the Cyber 73 and Cyber 172—were suitable for nuclear weapons calculations, for anti-submarine warfare, for large phased-array radar to track enemy ICBM's and for other military applications.

OBJECTIONS OVERRULED

A number of U.S. officials confirmed that Dr. Kissinger and his assistant at the State Department, Winston Lord, prevailed over the opposition of the Pentagon and ERDA. One Commerce Department official commented, "If there were no potential military applications there would have been no reason to take a full year to review the sale . . . of equipment."

Today, the U.S. Defense Department deploys about 9,000 of the so-called general purpose computers for military purposes. The same type of computers could be used in a wide variety of civil applications from research and development in science and industry, to crime control and psychiatry.

Obviously the national security implications of this trade are enormous. Concern in the United States had led the Defense Department's Science Board task force under J. Fred Bucy of Texas Instruments to recommend restrictions on the transfer of strategic technology to the communist superpowers and their satellites.

Six high-technology trade associations, however, through their spokesman, have warned Congress against permitting the Defense Department to control transfer of strategic technology. "In a civilian government such as ours, the control and administration must reside apart from the military," recently demanded Peter F. McCloskey, president of the Computer and Business Equipment Manufacturers' Association.

Control Data's William Norris puts it more bluntly: "Our biggest problem isn't the Soviets, it's the damn Defense Department!"

Big business should remember Lenin's words that when it was time to hang the world's capitalists, they would trip over each other in their eagerness to sell the Communists the necessary ropes.

LABOR DEPARTMENT ANNOUNCES "COMMONSENSE APPROACH TO THE TASK OF PROVIDING SAFE AND HEALTHFUL WORKPLACES"

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 5 minutes.

Mr. GAYDOS. Mr. Speaker, Secretary of Labor, Ray Marshall, and Assistant Secretary of Labor for Occupational Safety and Health, Dr. Eula Bingham, conducted a press conference on Thursday, May 19, 1977, announcing a "commonsense approach to the task of providing a safe, healthful workplace for every American."

According to the remarks of Dr. Bingham, this will involve the following:

One. An all-out effort to combat occupational illnesses and disease.

Two. Refocusing inspection efforts on the most serious health and safety hazards.

Three. Ninety-five percent of inspection efforts to be devoted to the most serious health and safety hazards, with the other 5 percent to be applied to the lower risk sectors of the economy.

Four. The appointment of a Special Assistant for Small Business.

Five. Preparation of a special small business handbook to assist small business in voluntarily complying with the law.

Six. A substantial expansion of the consultation program.

Seven. Major expansion of the agency's educational program.

I believe that this new approach is most commendable, and should go a long way toward carrying out the intent of Congress in providing American workers with safe and healthful working condition.

In the words of Assistant Secretary Bingham:

> Our task is to make life safer for employees, not to make life harder for employees.

The statements of both Secretary Marshall and Assistant Secretary Bingham follow:

STATEMENT BY RAY MARSHALL, SECRETARY OF LABOR

Since its birth in 1970, OSHA has been everyone's favorite whipping boy.

The business community has claimed that OSHA was far too restrictive, bogging them down in a series of nit-picking, petty regulations. Labor has been concerned that OSHA hasn't done enough about health problems, the kind of long-term dangers that threaten the physical well-being of many American workers.

When I became Secretary of Labor, I began an extensive study of OSHA. In order to get some first hand understanding of the program, I spent a day working as an OSHA inspector in a factory outside of Philadelphia. Working closely with Assistant Secretary Eula Bingham, I examined many of the most common criticisms of OSHA. And, I came to the sad conclusion that both business and labor were right. OSHA did have far too many petty regulations. OSHA had neglected long-term health problems in order to enforce some petty standards not directly affecting safety or health.

Today marks an important turning point in the history of OSHA. In announcing our commonsense priorities for OSHA, we are also signaling that this beleaguered agency has entered a new era.

Eula Bingham has been Assistant Secretary for OSHA for just seven weeks. In that short time, OSHA has seen more far-reaching changes than at any time in its history. We have acted vigorously to eliminate the health hazards caused by benzene. We are recruiting a staff who can deal with health hazards, as well as safety problems. And, today, we are announcing our commonsense priorities for OSHA.

It is obvious why OSHA needs to have priorities. OSHA has an enforcement staff of just 1,400 and the responsibility for regulating more than 5 million workplaces. I've calculated that even if these inspectors work overtime, they can visit no more than 2 percent of the workplaces in America. That's why we have to focus our efforts where the hazards are the most likely.

In announcing these new priorities today, we are trying to do two important things. One is to get the monkey of unnecessary and complex government regulations off the backs of small business. And, the other is to focus our limited resources on the most serious health and safety problems faced by American workers.

In short, what we are trying to do is to save lives, protect workers' health and prevent injuries, not print regulations.

Let me outline a few of the major components of this new enforcement strategy:

We are going to stop trying to regulate every detail of life in every office, store and factory. There will be no more petty regulations like those dealing with coat-hooks in bathrooms.

We are going to simplify our regulations so that everyone can understand them. No longer will small businesses have to hire lawyers to interpret OSHA regulations. We're going to stop the absurd practice of printing 15 pages of regulations, in small type, on the safety of ladders.

Instead of regulating by fiat, we're going to stress preventative consultations with small business.

And, last, but most important, we're going to focus our efforts on the real health and safety problems which American workers face. We're going to stop fishing for minnows and start going after the whales.

Now, I'll turn to Dr. Bingham to give you the details of this new OSHA program.

STATEMENT BY DR. EULA BINGHAM, ASSISTANT SECRETARY OF LABOR FOR OCCUPATIONAL SAFETY AND HEALTH

As Secretary Marshall has explained, we are today announcing a program which we hope will institute a common sense approach to the task of providing a safe and healthy workplace for every American.

To begin with, we are launching an all-out effort to combat occupational illnesses and disease.

To accomplish this, we are going to refocus our inspection efforts on the most serious health and safety hazards.

Since some industries—such as construction, manufacturing, transportation, petrochemical—are much more dangerous than others, it makes sense to focus our limited inspection resources in those high-risk industries.

Beginning this year, 95 percent of our inspection efforts will be devoted to the most serious health and safety hazards. The other 5 percent will go to the lower risk sectors of the economy—wholesale and retail trade, finance institutions and service industries. And even within these sectors our attention will be focused on the most hazardous workplaces—auto repair, building materials and dry cleaners—for example.

This action will significantly relieve the burden on businesses in the non-hazardous sectors of our economy.

We are also going to significantly expand the use of "de minimis" notices for violations that have nothing to do with worker health and safety.

In regard to small business, I think it's time we got serious about a program of cooperation. Our task is to make life safer for employees, not to make life harder for employers. I feel certain that most business people want to protect their workers. In most small businesses, employers and employees work together, often side by side. They breathe the same chemicals, they work around the same machines—they're exposed to the same hazards.

In order to implement a real program of cooperation, I am going to appoint a special assistant for small business.

We are also beginning distribution of a special small business handbook with simple checklists and self-help guides designed to assist small business in voluntarily complying with the law.

We are also planning to greatly expand our consultation program to assure that small business people have access to professional help. We are also going to list the possibility of using extension services, universities and private organizations to provide consultation services.

In line with this, we are also planning a major expansion of our education program. I believe it's unconscionable that this agency spends only 7/10ths of 1 percent of our budget on education. That's going to change.

I believe the keystone of a successful health and safety program is knowledgeable workers and employers who can find and solve their own health and safety problems.

On another front, we are going to get rid of unnecessary rules and simplify our regulations.

One of the greatest sources of criticism of OSHA in the past has been the more than 5,000 consensus safety standards. These include many highly technical, overly specific and outdated regulations that have burdened employers without really protecting workers. We are now combing through these standards. We shall eliminate unnecessary regulations and we shall revise and simplify necessary standards that are needlessly detailed, complicated or unclear. And as this process gets underway, we shall immediately end penalties for violations of standards that have nothing to do with worker health or safety by expanding and clarifying the use of "de minimis" notices.

This program is, I believe, a significant step in the right direction. It will not be accomplished overnight. It's going to take time. But we are committed to taking the basic common sense actions that will assure that this agency can get back on the track and fulfill its mission of protecting the health and safety of America's working people.

PERSONAL EXPLANATION

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. CARR) is recognized for 5 minutes.

Mr. CARR. Mr. Speaker, I regret that I was not present on May 19 for rollcall No. 268, H.R. 6111, the juvenile justice and delinquency prevention amendments. I was meeting, at the White House, with the National Security Council staff and was unable to return in time to record my vote on this legislation. Had I been present, I would have voted "yea." Also on the same day I missed the first quorum call. At that time I was at the White House with several other Members meeting with the President.

H.R. 6161—CLEAN AIR ACT AMENDMENTS OF 1977

The SPEAKER. Under a previous order of the House, the gentleman from North Carolina (Mr. PREYER) is recognized for 5 minutes.

Mr. PREYER. Mr. Speaker, the Clean Air Act has as its primary mission protection of public health. The 1977 Clean Air Act amendments, reported by the House Commerce Committee (H.R. 6161), retain and strengthen this primary commitment to public health.

Within that basic commitment, however, the bill is intended to recognize and meet four basic needs. First, the bill recognizes the need to confer greater authority and flexibility on State and local governments. Second, the bill recognizes the need to take energy requirements and impacts into consideration. Third, the bill recognizes the need to assure proper consideration of the costs of cleaning the air. Fourth, the bill recognizes the need to restrict Federal land use authority under existing law.

The following summary contains a point-by-point explanation of how the bill recognizes these four needs:

SUMMARY

A. FINANCE STATE AND LOCAL AUTHORITY AND FLEXIBILITY

The bill provides for enhanced State and local authority and flexibility in the following ways:

(1) Authorizes States to delay air quality standard attainment deadlines until as late as 1987;

(2) Authorizes Governors to revise their States' Clean Air plans to adjust to emergency energy or economic conditions.

(3) Provides express role for local governments in carrying out the "significant deterioration" provision of the bill;

(4) For other improvements in State authority and flexibility on the "significant deterioration" issue, see section (D) below;

(5) By overriding OMB requirements that EPA charge State air pollution control personnel for training;

(6) By establishing a greater role for the Governor in promulgating or revising national emission standards;

(7) By requiring complete Federal facility compliance with all State and local procedural and substantive requirements;

(8) by authorizing waiver of the maintenance-of-effort preconditions for State or local program grants;

(9) By authorizing State variances to permit continued growth in areas which are exceeding national ambient air quality standards;

(10) By restricting Federal authority and preserving and enhancing State powers to require controls on "indirect sources";

(11) By authorizing delay of transportation control measures at the request of the Governor;

(12) By enhancing California's and other State's authority to establish and enforce separate new vehicle emission standards;

(13) By authorizing redesignation of air quality control region boundaries at the Governor's request;

(14) By providing for local government consultation in the plan development process;

(15) By authorizing implementation and enforcement of plans by local government in certain cases;

(16) By providing for procedural safeguards applicable to EPA rulemaking which affects States;

(17) By requiring notice to States prior to Federal inspections; and

(18) By authorizing a more effective interstate pollution abatement system.

B. RECOGNIZING ENERGY NEEDS

The Committee bill recognizes energy needs in the following ways:

(1) By authorizing delays for existing stationary sources, including those which cannot comply due to a shortage of clean fuels or in case of a coal strike or oil embargo;

(2) By authorizing delays to permit existing sources to use new technology which will conserve energy;

(3) By expanding and extending the authority to delay emission requirements for sources converting to coal (compliance requirements could be delayed until as late as 1986);

(4) By authorizing Governors to quickly revise State clean air plans to adjust to energy emergencies such as last winter's natural gas shortage;

(5) By requiring energy impacts to be evaluated in State "significant deterioration" processes;

(6) By permitting sufficient flexibility in the "significant deterioration" provisions to permit building of new energy parks, power plants, gasification or liquifaction plants;

(7) By authorizing Governors not to count increased emissions (caused by natural gas curtailments or coal conversions) for the purpose of the "significant deterioration" provision;

(8) By requiring consideration of energy impacts in prescribing future new source standards of performance;

(9) By permitting variances for new sources to use innovative, energy conserving technology;

(10) By delaying ultimate new car emission standards until 1983;

(11) By allowing delay of heavy-duty vehicle emission standards if excess fuel penalties would result;

(12) By promoting control strategies, such as vehicle inspection and maintenance and vapor recovery, which will conserve energy; and

(13) By permitting adjustments of vehicles located in high altitude areas, such as Denver, to improve fuel economy.

C. PROPER CONSIDERATION OF COSTS AND ECONOMIC IMPACTS

The Committee bill assures proper consideration of costs and economic impacts in the following ways;

(1) By allowing delays of stationary source emission standards where necessary control technology is too costly to be considered adequately demonstrated;

(2) By requiring EPA to prepare an economic impact analysis prior to promulgation of regulations under this Act;

(3) By providing for consideration of costs before EPA may promulgate any stratosphere protection measure;

(4) By requiring evaluation of costs and economic impact by States in the "significant deterioration" provisions;

(5) By authorizing extensions and variances for stationary sources to use innovative, less costly technology;

(6) By easing restrictions on growth in areas exceeding the national primary ambient air quality standards;

(7) By authorizing Governors to quickly revise State clean air plans during economic emergencies;

(8) By restricting Federal authority to regulate "indirect sources" such as shopping centers and parking garages;

(9) By authorizing delay of certain transportation control measures;

(10) By delaying auto emission standards;

(11) By reducing the performance warranty on new cars, so as to reduce its anticompetitive effect on the aftermarket parts and service industry;

(12) By stretching out the time for vapor recovery measures to be implemented;

(13) By reducing emission test requirements on small vehicle manufacturers;

(14) By providing mechanisms and standards to assure maximum opportunity for long-term economic growth; and

(15) By authorizing for up to ten years of delay in emission standards for certain primary non-ferrous smelters.

D. RESTRICTING FEDERAL LAND USE AUTHORITY

The Committee bill restricts Federal land use authority in the following ways:

(1) In the "significant deterioration" provisions, the States alone are responsible for defining area boundaries;

(2) In that provision, except for existing national parks and national wilderness areas, the States have discretion to make air quality classification over all Federal and non-Federal areas;

(3) The Federal land manager veto authority over State classification of air quality over Federal lands that is contained in current EPA regulations is repealed;

(4) The EPA veto authority over State classification of air quality over State and private areas that is contained in current EPA regulations is repealed;

(6) In the "indirect source" provision, the authority of the Administrator to require indirect source reviews is suspended for 38 months and is sharply curtailed thereafter;

(7) In section 201 of the bill, the Administrator's express authority to require States to include "land use" measures in State plans is expressly deleted, in light of the concern raised about whether such broad undefined powers should be available to the Administrator;

(8) In the transportation control section, the Federal authority to require "parking management" measures are also suspended for 38 months and made subject to the same restrictions as "indirect source" measures are; and

(9) In section 301, the bill returns to States the right to redesignate air quality regional boundaries, which was repealed in the 1970 Act.

THE INTERNATIONAL BANKING ACT OF 1977

The SPEAKER. Under a previous order of the House, the gentleman from Rhode Island (Mr. St Germain) is recognized for 15 minutes.

Mr. ST GERMAIN. Mr. Speaker, I am pleased to join today with Hon. Henry Reuss, chairman of the Committee on Banking, Finance and Urban Affairs, and 19 of our colleagues on the Banking Committee in introducing H.R. 7325, the International Banking Act of 1977. This legislation is the same as H.R. 13876 of the 94th Congress, which passed the House on July 29 of last year. The legislation was not considered by the Senate, although a subcommittee of the Senate Banking Committee held hearings on H.R. 13876 in August 1976. H.R. 13876 also had substantial support among members of the House Banking Committee last Congress, and was reported by a vote of 29 to 3.

The record of last year's hearings in both House and Senate committees shows that the bill as passed had the support of the Federal Reserve Board, the Treasury Department, the Federal Deposit Insurance Corporation, domestic bank trade associations, consumer and labor associations, and academics. In view of this widespread support, I am reintroducing this bill without substantive change.

The International Banking Act of 1977 deals with an important area in banking, and necessarily involves some rather complicated issues. This is an area which has increased in importance over the last decade and encompasses a number of institutions and operations which are new to banking. At this time, I do not intend to explain these operations in detail, but rather to summarize the principal policy aspects of the legislation before us. A more detailed explanation of its provisions is provided in the section-by-section analysis below.

This legislation will provide for Federal regulation of an increasingly important segment of the banking system—foreign banks operating in the United States. The assets of foreign banks with offices in the United States have grown from $7 billion in 1965 to more than $76 billion currently. The operations of these offices have a direct impact on U.S. money markets and an important influence on the level of interest rates. Since a sizable amount of funds flow into and out of the United States through these offices, they also have an important effect on the U.S. balance of payments position. The U.S. operations of foreign banks are not now under the direct influence of Federal Reserve monetary policy. This bill will require that they hold reserves with Federal Reserve banks, as do the large U.S. domestic institutions with which they compete.

The bill also provides for equal treatment in chartering and regulating foreign banks. Currently, foreign banks enjoy the competitive advantages of being able to branch in more than one State and to engage in securities activities.

They have these advantages because their branch and agency operations are chartered and regulated by individual States without any form of oversight by Federal regulators.

The International Banking Act of 1977 authorizes Federal charters of branches and agencies, but also provides for Federal regulation of existing State-chartered operations much as State-chartered member banks are regulated. By putting foreign banks into a framework comparable to that which governs their U.S. competitors, the bill would provide for equal treatment for foreign banks establishing new operations in the United States and eliminate any further competitive advantages or disadvantages. The bill would, however, "grandfather" existing multistate branches and, with some restrictions, would "grandfather" nonbanking operations as well.

While this legislation deals with a fairly specialized area in banking, there can be little doubt that the activities of U.S. offices of foreign banks have important effects on both domestic credit policies and the international monetary policy of the United States. The Federal Reserve Board has said on several occasions this year that it views this bill as priority legislation. For these reasons, the committee hopes to expedite passage of the International Banking Act of 1977 in this session.

Mr. Speaker, a section-by-section analysis of the bill follows:

SECTION-BY SECTION ANALYSIS OF THE INTERNATIONAL BANKING ACT OF 1977

Section 1. Short title and definitions:

Section 1(a) provides that the bill may be cited as the "International Banking Act of 1977".

Section 1(b)(1) defines an "agency" as "any office or any place of business of a foreign bank located in any State of the United States at which credit balances are maintained incidental to or arising out of the exercise of banking powers, but at which deposits may not be accepted from citizens or residents of the United States". It is thus distinguished from a "branch", defined in paragraph (3) of this subsection as "any office or any place of business of a foreign bank located in any State of the United States at which deposits are received and checks are paid or money is lent."

Paragraphs (2) and (4) identify "Board" and "Comptroller" as the Board of Governors of the Federal Reserve System and the Comptroller of the Currency, respectively.

Paragraphs (5) and (6) define "Federal agency" and "Federal branch" respectively as an agency or branch of a foreign bank established and operating under section 4, which provides criteria and authority for approval by the Comptroller of the Currency.

Paragraph (7) defines "foreign bank" as—any institution that (1) is organized under the laws of a foreign country, a territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands, and (2) either (A) principally conducts its banking business outside the United States or (B) is a subsidiary, as that term is defined in the Bank Holding Company Act of 1956, of any institution which, on a consolidated basis, principally conducts its banking business outside the United States. For the purposes of this Act, the term "foreign bank" includes, without limitation, foreign commercial banks, foreign merchant banks and other foreign institutions that engage in banking activities usual in connection with the business of banking in the countries where such foreign institutions are organized or operating.

Paragraph (8) defines "foreign country" as "any country other than the United States, (including) any colony, dependency, or possession of any such country."

Paragraph (9) defines "commercial lending company" as "any institution other than a bank or an organization operating under section 25 of the Federal Reserve Act, organized under the laws of any State of the United States or the District of Columbia which maintains credit balances incidental to or arising out of the exercise of banking powers and engages in the business of making commercial loans". This definition is intended to cover so-called "investment companies" which are foreign bank subsidiaries chartered under New York State law. Because the term "investment company" has meanings under Federal tax and securities laws which are different from the meaning defined in paragraph (9), the term commercial lending company was chosen to avoid confusion.

Paragraph (10) definies "States" as any State of the United States or the District of Columbia".

Paragraph (11) provides that—

the terms "bank", "bank holding company", "company", "control", and "subsidiary" as used in this Act shall have the same meanings assigned to those terms in the Bank Holding Company Act of 1956, and the terms "controlled" and "controlling" as used in this Act shall be construed consistently with the term "control" as defined in section 2 of the Bank Holding Company Act of 1956.

Section 2. Establishment of national banks:

The Comptroller of the Currency is authorized to waive the requirement of the National Bank Act that all directors of a national bank be United States citizens and require that only a majority of the directors be United States citizens when the bank is controlled by a foreign bank.

Section 3. Edge Corporations:

Subsection (a) of this section amends the requirement that all of the directors of so-called Edge Act Corporations be United States Citizens. Read literally, the amendment applies to all such corporations, regardless of whether or not there is any foreign bank involvement, but it is expected that the Board will exercise its administrative authority to carry out the intent of the amendment, which is to accommodate the reasonable needs of foreign banking institutions rather than to abandon the long standing policy that Edge Act subsidiaries of American banks be American citizens.

The sixth paragraph of section 25(a) of the Federal Reserve Act (12 U.S.C. 615(a)) prohibits Edge Act Corporations from issuing debentures, bonds, and promissory notes in an aggregate amount exceeding ten times their capital stock and surplus. Section 3(b) of the bill amends this provision to permit this limit to be exceeded with the approval of the Board of Governors of the Federal Reserve System. A similar limitation in the twelfth paragraph of section 25(a) of the Federal Reserve Act (12 U.S.C. 618) is similarly amended by subsection (c) of this bill.

The thirteenth paragraph of section 25(a) of the Federal Reserve Act (12 U.S.C. 619) as presently in effect, requires that a majority of the stock of Edge Act Corporations must at all times be owned by citizens of the United States or by domestic corporations controlled by United States citizens. Section 3(d) of the bill authorizes the Federal Reserve Board to permit a majority of the shares of such corporations to be held by foreign banks or their subsidiaries.

In this section and elsewhere in the bill, references to paragraphs of the Federal Reserve Act refer to such paragraphs as designed in the compilation of the Federal Reserve Act as amended through 1974 compiled under the direction of the Board of Governors of the Federal Reserve System in its legal division.

Section 4. Federal branches and agencies:

Subsection (a) provides that the Comptroller is authorized to approve the establishment of a Federal branch or agency by a foreign bank in a state where it is not already operating a branch or agency under state law and where state law does not prohibit the establishment of a foreign branch or agency. As a practical matter, this subsection, read in conjunction with section 5 of the bill, means that new branches cannot be established outside the "home state" of a foreign bank, but that foreign banks will have the same rights to establish agencies outside their home state as do domestic banks.

Subsection (b) provides that a foreign bank establishing and operating a Federal branch or agency shall be subject to rules and regulations which the Comptroller considers appropriate to carry out the purposes of the section, including the maintenance of branch and agency accounts separate from those of the parent bank. Branch and agency operations shall be subject to the same rights and privileges as a national bank except that a Federal branch or agency need by examined only once in a calendar year, and limitations and restrictions based on capital will refer to the capital of the parent bank. Although branches and agencies are not required to become formal members of the Federal Reserve System or to obtain FDIC insurance, other provisions of the bill provide for the maintenance of reserves against deposits as well as protection for depositors in the form of deposits of cash or securities with other banks approved by the Comptroller or the Federal Reserve Board.

Subsection (c) provides that the criteria for approval of Federal branches and agencies shall include the financial and managerial resources and prospects of the applicant foreign bank and branch, the convenience and needs of the community, and the effects on competition in the domestic and foreign commerce of the United States.

Subsection (d) permits a Federal agency to accept credit balances, but prohibits the acceptance of deposits and the exercise of fiduciary powers by Federal agencies. Such agencies may thus perform functions similar to those of the out-of-state loan production offices maintained by large domestic national banks.

Subsection (e) prohibits the maintenance of both a Federal branch and a Federal agency in the same State.

Subsection (f) permits a branch, agency or commercial lending company operated by a foreign bank in a state pursuant to state law to convert to a Federal branch or agency with the approval of the Comptroller.

Subsection (g) requires that Federal branches and agencies deposit funds or investment securities with a member bank in such an amount as to meet standards applicable to national banks with respect to capital requirements or, at the discretion of the Comptroller, to assure the financial soundness of the institution.

Subsection (h) makes clear that a foreign bank establishing Federal branches and agencies within a state would have the same rights to increase its offices as a national bank in that state.

Subsection (i) permits the Comptroller to revoke a foreign bank's authority to operate a Federal branch or agency after a conservator is appointed for a foreign bank or a similar proceeding is instituted in the foreign bank's country of organization.

Subsection (j) authorizes the Comptroller to appoint a receiver when the authority of the branch or agency to operate has been revoked.

Section 5. Interstate banking operations:

Subsection (a) prohibits interstate branching by foreign banks unless national banks are accorded the same privilege. The foreign banks which compete in the American market are invariably of such great size that, if they were headquartered in the United States, practical considerations would compel them to be members of the Federal Reserve System. If membership were achieved by way of a national bank charter, the National Banking Act would directly prohibit them from establishing branches outside their home state (section 5155 of the Revised Statutes, 12 U.S.C. 36). If they were state-chartered member banks, the third paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 321) would impose upon them the same prohibition against interstate branching as is applicable to national banks. While existing law does technically permit interstate branching by nonmember insured banks if permitted by state law, such banks are not in a competitive class with foreign banks operating in the United States, and the extension of this privilege to huge foreign enterprises while withholding it from their American competitors would clearly be inequitable.

This subsection further provides that agency or commercial lending company operations outside the home state elected by a foreign bank require the approval of the state in which it desires to operate. In states where branches and agencies of foreign banks are prohibited, Federal charters cannot be issued.

Under subsection (b), multistate operations of foreign banks established or approved before May 1, 1976, are permanently grandfathered.

Subsection (c) sets forth the rules for determining the home state of a foreign bank. If it has deposit-taking operations (that is, a branch or a subsidiary bank) in only one state, that state is its home state. If it has deposit-taking operations in more than one state, it may elect its home state, but only from among those states in which it has such operations. If it has no deposit-taking operations, then it may choose as its home state any state in which it has an agency or a commercial lending company subsidiary.

For good cause shown, the Board of Governors of the Federal Reserve System may require or approve a change in the home state of a foreign bank.

Section 6. Acceptance of deposits:

Subsection (a) requires that any foreign branch which accepts deposits of United States citizens, residents, or businesses whose principal place of business is in the United States must maintain with the FDIC a surety bond or pledge of assets in amounts determined by the FDIC for the purpose of protecting such deposits to the same extent and in the same amount that they would be protected in an insured bank.

Subsection (b) exempts from the requirements of subsection (a) banks organized under the laws of Puerto Rico and makes clear that a branch or agency may maintain credit balances for customers related to banking transactions.

Subsection (c) provides that the effective date of this section is January 1, 1978.

Section 7. Authority of the Federal Reserve System:

Subsection (a) authorizes the Federal Reserve Board to make branches and agencies and commercial lending companies controlled by foreign banks subject to reserve requirements and interest rate controls imposed on Federal Reserve member banks. The authorization permits the Federal Reserve Board to impose such requirements in any way which it deems reasonable and appropriate to obtain monetary policy objectives and maintain fair competition. Foreign bank offices are not subject to reserve requirements if the worldwide banking assets of the parent do not exceed $1 billion.

Under subsection (b), the Federal Reserve Board is granted the authority to prescribe rules and regulations permitting access of foreign branches, agencies and commercial lending companies to the clearing, discount and advance facilities of the Federal Reserve system, and limiting access to the discount window in relation to the size of account balances maintained as reserves.

Subsection (c) imposes the same reporting and examination requirements on branches, agencies and commercial lending companies chartered under State law as are imposed on State member banks of the Federal Reserve System.

Subsection (d) authorizes the Federal Reserve Board to impose appropriate regulatory requirements on state-chartered branches, agencies and commercial lending companies consistent with those imposed under the Federal Reserve Act on State member banks, except that limitations and restrictions based on capital will refer to the capital of the parent bank.

Subsection (e) provides that the Federal Reserve Board must approve the establishment of any branch, agency or commercial lending company pursuant to State law, provides a 30-day waiting period for acting on such applications, and establishes the same criteria for approval that are required to be used by the Comptroller of the Currency in approving Federal branches and agencies.

Section 8. Nonbanking activities:

Subsection (a) of this section applies, with the exceptions and qualifications noted below, the restrictions of the Bank Holding Company Act of 1956 to the nonbanking operations in the United States of foreign banks which control branches, agencies, or commercial lending companies in the United States.

Subsection (b) of this section applies to shares and activities acquired or commenced after December 3, 1974, and prior to the date of enactment of the bill. It requires that any foreign bank or other company to which subsection (a) applies must divest itself of, or terminate, such shares or activities not later than December 31, 1985, unless they are permissible under the general provisions of section 4 of the Bank Holding Company Act of 1956.

Subsection (c) applies to those nonbanking shares and activities which were acquired or commenced prior to December 4, 1974. Except as noted below with respect to the securities business, such shares and activities are indefinitely grandfathered, subject to the power of the Federal Reserve Board to terminate the authority to hold such shares or carry on such activities if the Board determines, "having due regard to the purposes of this Act and the Bank Holding Company Act of 1956, that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflict of interest, or unsound banking practices in the United States."

With respect to the securities businesses of foriegn banks and their subsidiaries, section 8(c) of the bill allows them to carry on activities permissible for national banks under paragraph "seventh" of section 5136 of the Revised Statutes (12 U.S.C. 24). Although the bill speaks in terms of their being permitted "to engage in such business in the United States to the extent not prohibited for national banks," such banks are prohibited from engaging in the securities business to the extent not permitted by section 5136, and it is intended that the phrase "to the extent not prohibited" be construed to mean no more and no less than "to the extent permitted".

Subsection (c) permits the grandfatherd companies to—

continue to engage in the United States in the business of underwriting and distributing securities to the extent necessary to participate in customary and usual syndicate activities in the United States by the managing underwriters or other underwriters on behalf of all syndicate members in connection with underwritings of such securities so long as the individual selling and distribution activities of any such foreign bank or company (whether direct or indirect through an affiliate) in connection with any such underwriting are confined to jurisdictions other than the United States.

Subsection (d) of section 8 is a technical provision to reconcile the definitions and usages of the terms "bank" and "banking subsidiary" in a manner to permit the intent of the legislation to be carried out.

Section 9. Guidelines for foreign bank operations:

Subsection (a) of this section makes explicit the legislative intention to assure parity of treatment between domestic and foreign banks, and to establish a pattern for equitable treatment which state authorities may adopt in their regulation of foreign banking institutions.

Subsection (b) requires the Secretary of the Treasury to establish guidelines for foreign owned banking operations in the United States in order to assist Federal and State banking agencies in acting upon their applications under this and other Acts.

Subsection (c) sets forth the general policy objectives which the guidelines issued under subsection (b) should seek to attain. That objective is to—

foster participation by foreign interests in international financial markets in the United States to the maximum extent consistent with maintenance of fair and vigorous competition in such markets, and with international and economic policies of the United States, including policies relating to the balance of trade, the balance of payments, the international payments mechanism, and the negotiation and implementation of reciprocal arrangements with other countries to strengthen international trade.

Subsection (d) requires that the Comptroller of the Currency send to other agencies copies of any applications he receives from foreign interests to establish a subsidiary bank, or a branch or agency. Such copies are to go to the Secretary of State, the Secretary of the Treasury, the Board of Governors of the Federal Reserve System, and the bank supervisory authority of the State where the facility is to be located. Before acting on such application, the Comptroller must allow these agencies 30 days in which to submit their views.

Subsection (e) similarly requires State bank supervisory authorities to send copies of any such applications submitted to them to the Secretary of the Treasury, the Secretary of State, and the Board of Governors of the Federal Reserve System, and to allow those officials 30 days in which to submit their views and recommendations. Finally, subsection (f) requires the transmission to the Secretary of the Treasury and the Secretary of State of copies of applications from foreign companies or groups of foreign companies for approval under section 3 of the Bank Holding Company Act of 1956, sections 25 or 25(a) of the Federal Reserve Act, or section 18(c) of the Federal Deposit Insurance Act. Thirty days are to be allowed for the submission of their views and recommendations.

Subsection (g)(1) requires that all branches, agencies and commercial lending companies controlled by foreign banks conduct operations in the United States in full compliance with provisions of any federal or state laws which apply to national banks or state-chartered banks doing business in the state in which the branch, agency or commercial lending company is located, and which prohibit discrimination against any individual or other person on the basis of the race, color, religion, sex, marital status, age, or national origin of (1) such individual or other person or (ii) any officer, director, employee, or creditor of, or any owner of any interest in, such individual or other person;

Subsection (g)(2) authorizes federal and state banking agencies to approve applications for new branches, agencies and commercial lending companies only if the foreign bank making the application agrees to conduct its operations in the United States in full compliance with the provisions of federal and applicable state laws which prohibit discrimination as outlined above.

Section 10. Representative offices:

This section requires that any offices other than branches or agencies maintained by any foreign bank in any state shall be regestered with the Secretary of the Treasury, and makes clear that the requirement of such registration does not authorize the establishment of any such office in any State in contravention of State law.

Section 11. Cease-and-desist orders:

This section confers the enforcement powers provided in section 8 of the Federal Deposit Insurance Act on the Comptroller of the Currency and the Board of Governors of the Federal Reserve System with respect to Federal branches and agencies and with respect to branches, agencies, and commercial lending company subsidiaries operating pursuant to State law, respectively. It also confers on the Federal Reserve Board enforcement authority with respect to nonbanking subsidiaries.

Section 12. Regulation and enforcement:

This section authorizes the Comptroller, the Federal Reserve Board, and the Secretary of the Treasury to issue rules and regulations to carry out the purposes of the Act, and provides that compliance may be enforced under section 8 of the Federal Deposit Insurance Act.

CUBAN INDEPENDENCE DAY

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 60 minutes.

Mr. PEPPER. Mr. Speaker, May 20, 1902 saw the birth of an independent Republic of Cuba. The Cuban people kept alive the spark of liberty through many years of struggle, oppression, exploitation, and death to eventually realize their dream of social and political freedom. It is fitting that we commemorate this birth of a dream today, as the House did not meet on Friday, the actual anniversary. That grand occasion of 75 years ago was greeted with heartfelt jubilation by the Cuban people. How tragic it is that this achievement has not survived, owing to the villainous treachery of a later revolutionary.

Since the early 1800's aspirations to freedom urged the Cuban people toward independence from Spanish colonial domination. Even though early efforts failed to expel the unjust rulers, the purveyors of Cuban freedom continued to organize support in their homeland as well as in other countries. Cuban freedom fighters gathered in Mexico, Latin America, and in the United States to foment activity for their cause.

Here in the United States, the dedicated, gallant work of Jose Marti was characteristic of these efforts. Forced into exile after the Ten Years' war as a result of his criticisms of the Spanish colonial government, Marti established residence in New York City and became a key figure in the independence movement. His talents as organizer, fundraiser, orator, and coordinator fostered much sympathetic support for Cuban independence, both within Cuban circles and among the American people.

Marti was aware of the great costs of the Ten Years' war; hundreds of thousands of dead and several million dollars worth of destruction. He also knew too well the limited "concessions" which were extracted from the colonial power even after such a prolonged and devastating conflict. Thus, Marti sought a final revolution which would succeed in its aim.

In 1895 Jose Marti returned to Cuba with a small expeditionary force. So fiercely determined was this man to succeed in his cause of liberty, he went to his homeland in hopes of rallying his countrymen to form effective fighting groups. Marti was killed in ambush by Spanish forces before he could begin. Nevertheless, Jose Marti died in his battle for a just and democratic Cuba, exemplifying the will and self-sacrifice that would be necessary for freedom's victory. The dedication of this great man edified the other revolutionaries, lifting their hopes and aspirations toward the ultimate goal.

We in the United States played a far greater role than providers of support to a key Cuban expatriate. We are well aware of America's role in helping secure Cuban independence. Following our victory in the war with Spain, U.S. aid and supervision coupled with Cuban enthusiasm and tireless travail set to the task of reconstruction and of strengthening the island economy. Finally, on May 20, 1902, Gen. Leonard Wood turned over governmental authority to newly elected representatives and to Tomas Estrada Palma who assumed the office of President of the Cuban Republic.

The Cuban people rose to meet the challenge of progress, anxious, enthusiastic, and thankful for their long-awaited political and social freedom. Cuba prospered within itself, improving the welfare of her people, initiating primary education for all citizens, while at the same time developing a closer friendship with the United States. Certainly the good will between our nations stood on strong foundations: The shared aspirations to liberty, the common values of personal freedom and dignity, and the mutually recognized need for individual political expression.

You will notice, Mr. Speaker, that I have spoken of our shared good will using the past tense. It is with great sadness that I do so, for I am sure the people of Cuba still carry this sentiment in their hearts, as we do in ours.

The breach of which I speak is one of ideas and values held, not by the good people of Cuba, but rather by the dictatorial regime headed by Fidel Castro, a regime reeking of oppression and cruelty.

Castro came to power in Cuba through deception and treachery. He falsely extracted aid from the United States for his efforts to free Cuba from the rule of Battista. Why we did not understand Castro's true intentions, why we did not perceive the true political ideology of this man, I do not know. But our assistance to him proved to be a grave error.

He entered the Carribean isle waving the placard of freedom, claiming there would be free elections for the people to elect their government, and hailing his success as the prelude to a better life for the Cuban people. Little did we know Castro's success in revolution would usher in an era of a deceitful turn to communism with its heinous acts and repressive tactics. Castro's promises mashed the terrible truths which he later revealed to the Cuban people, those same people whom he claimed to lead to independence and dignity.

Good citizens of Cuba, leaders in their own right for social improvement, were exiled, imprisoned, tortured, and murdered, solely because they would not embrace the Communist doctrine. Castro marked his enemies within his country and eliminated this opposition. Thousands were forced into work camps or prisons; their lifelong accumulations of articles and property and the security these good people had justly earned were confiscated. The very substance of their lives was destroyed; families were disrupted by death and forced separation. Is this the freedom and personal dignity for which the Cuban people had struggled so valiantly for so many years?

Surely the answer to this question is exhibited in the hundreds of thousands of Cuban emigrants who fled to our country when Castro came to power. Many of these persons now reside in my home State of Florida where they have contributed greatly to our Nation through the social consciousness and hard work, exemplifying in their actions the love of freedom and individual liberty which we mutually share.

Today, Mr. Speaker, we hear proposals to have better relations with Cuba and its Communist dictatorship. "Normalization" is the favored term for this proposed improvement. We are supposed to "normalize" relations, to lessen the tension between our countries.

I have a few simple, direct questions to ask these proposals. Are we in the United States prepared to turn our eyes and ears away from the dastardly, inhuman acts perpetrated by Fidel Castro in the past? Are we to blind ourselves to the present cruelties of political imprisonment, social controls, and forced labor in his country? Will we shrug our shoulders impotently in response to Castro's exporting his Communist doctrine and its accompanying bloodshed and coercion to Third World nations in Africa and Latin America? Should the United States relinquish its rightful claim to some $3 billion of compensation due American citizens who were forced to leave and whose holdings were confiscated? Some would indeed have us forget some or all of these things for the sake of "normalization."

It is my fervent hope that I speak for the House of Representatives and for people everywhere who seek justice and self-determination within their lives when I say this: To normalize relations with the government of Fidel Castro, feigning ignorance of his heinous and deceitful acts of past and present, would be a disgrace to the honor of our great Nation and to the ideals of personal liberty and dignity, of freedom of thought, expression, and choice, to which we are so deeply committed.

We cannot turn our backs on the good people of Cuba. We cannot end our embargo and reengage in diplomatic relations while ignoring the cruel oppression and murder by which Castro controls and has controlled this island. We must resolve the issue of rightful compensation for seized property. Any resumption of trade and relations must require as preconditions the end to these Communist tactics at home, an end to the interference by Castro in other nations' affairs, and the payment of compensation to those persons who lost their lifetime accumulations, their businesses and lands, and who were forced into exile away from their friends and family, only because they sought their natural freedom. Any normalization which does not account for these matters will not only be a mockery of our own fundamental beliefs, but also a triumph for a communist dictator who will gain recognition, through our neglect, of his unjust regime and of the bloody, treacherous means by which he attained power.

Therefore, Mr. Speaker, let our commemoration of initial Cuban independence 75 years ago remind us of the cause for which the Cuban people and we ourselves have fought. Let us not shun our own beliefs in any efforts to alter the present status of relations between the United States and Cuba. We must continuously press for the greatest natural rights of mankind, the right to freely choose his thoughts, words and actions, the right to be free from coercion, and the right to personal dignity.

I commend this day to all those who love freedom as a significant day in the hopes of the people of Cuba, as well as a caution to ourselves to never undermine the cause of liberty by our actions.

WINNIE MANDELA: MARTYR AND SYMBOL OF THE CAUSE OF HUMAN RIGHTS

The **SPEAKER**. Under a previous order of the House, the gentleman from New York (Mr. Koch) is recognized for 15 minutes.

Mr. **KOCH**. Mr. Speaker, the United States has gone far, too far, in pursuing a patient, moderate position on the racism and repression of the white regime in South Africa in hopes that a peaceful transition will be possible to black majority rule and that stability and Western allegiance will thereby be preserved in this strategically located nation. Apparently, the white rulers in South Africa do not share these goals, for they have stepped up their campaign of repression against the black leadership and they seem resolute on preserving the present status quo with increased oppression of the black population.

The recent internal exile or "ban" of Winnie Mandela from her home in Soweto to a remote black village is a significant development in the stream of events which points daily with more certainty toward this increased repression. Ms. Mandela, the wife of the African National Congress leader Nelson Mandela, who is serving a life sentence in South Africa's top security prison for political prisoners, has become a leader and folk hero of the black Soweto community and is, therefore, viewed as a symbol and formidable political opponent of the white regime.

Ms. Mandela's cruel banishment threatens to become a cause célèbre among the black masses in South Africa. She and her 16-year-old son Zindzi were loaded by a squad of policemen into a truck in the middle of the night along with all her household furnishings, driven 200 miles away, and relegated to a tiny house with no electricity, running water, or stove. The authority for this kind of "banning" comes from the country's Internal Security Act. By restricting her to a village remote from the major urban centers where the black political movement is strongest and by limiting her contact with other people, it is obviously hoped that the political danger she poses can be defused.

Just the opposite, however, is likely to be the case. It has been argued that, if one case could be pointed to for our own American Civil War, it would be Harriet Beecher Stowe's "Uncle Tom's Cabin," which provided an emotional focal point for the widespread antislavery sentiment that was stewing in the backs of people's minds. Ms. Mandela's case promises to have the same effect in South Africa, because it gives a vivid human dimension to the racial repression in that country. And, unlike the novel "Uncle Tom's Cabin," this story is true.

The enlightened world, white and black—of every race—must make Winnie Mandela a worldwide symbol of conscience. We must not rest until she is free and the people of South Africa now denied equality are made free. The shackles they wear, though not of iron, debase their enslavers as though they were.

Two articles on this subject follow:

[From the New York Times, May 23, 1977]

MR. VORSTER AND MRS. MANDELA

Few nations remain as patient as the United States with the racism and repression in South Africa. What drives the American conscience, and its current emissaries on South African business—Vice President Mondale and Ambassador Andrew Young—is the hope that peaceful ways can still be found to let whites and blacks share political power and the country's abundant wealth. That hope, though, grows dimmer every day only because the regime of Prime Minister Vorster persists in denying it.

Even while Americans were running diplomatic risks in the cause of moderation, the South African police evicted Winnie Mandela from her Soweto home and exiled her to a remote village. Mrs. Mandela is the wife of the long-imprisoned African leader, Nelson Mandela, and has since emerged as a significant figure in his absence.

Last summer, as the leader of the Soweto Black Parents Association, she conveyed the seething black ghetto's grievances to the regime, making possible discussion if not yet negotiation, as an alternative to further bloody rioting. But even discussion was denied; repression was the reply to her and her people. She was arrested and held for four months. Now she has been formally banished as well as "banned" from most civilized contact. Again, Mrs. Mandela has not been convicted of any crime, while the Vorster regime has not even allowed her the pretense of a trial.

Mrs. Mandela's fate is cause enough for concern. But her treatment justifies alarm. It means the South African regime remains determined to banish, imprison, shoot and otherwise smother all authentic black African political voices. Without such voices, there is no chance at all for peaceful reform.

[From the New York Times, May 19, 1977]

SOUTH AFRICA, AMID UPROAR, EXILES WIFE OF IMPRISONED BLACK LEADER

(By John F. Burns)

JOHANNESBURG, May 19.—The South African Government has provoked a fresh storm over its practice of "banning" political opponents by exiling a black woman, Winnia Mandela, from her modest but comfortable home in the black area of Soweto to a three-room house in a black area 200 miles away where she has no friends or family ties.

Mrs. Mandela is the wife of Nelson Mandela, the leader of the African National Congress, who is serving a life sentence on Robben Island, the Atlantic fortress built for the country's most important political prisoners. That, and the severity of her banishment, have attracted unusual publicity in a country grown accustomed to such cases.

"The ugly thing done to Mrs. Mandela is devastating to her and to South Africa," The Rand Daily Mail, a relentless opponent of apartheid, said in an editorial this morning. An opposition member of Parliament, David Dalling, described it as "brutal" and said it should waken South Africans to the absence of civil liberties here.

The 43-year-old Mrs. Mandela, the mother of three children, was in here home, outside Johannesburg, when a squad of policemen arrived at dawn on Monday. They loaded her furniture and other possessions onto a truck, and took Mrs. Mandela and her youngest child, Zindi, aged 16, to the small town of Brandfort in the Orange Free State.

After washing in the laundry of a white-only hotel, the two were taken to a nearby township that, like Soweta, is restricted to blacks. The region is strange to them, apparently having been chosen for its remoteness from the major urban areas that are the main centers of black political activity.

The Mandelas' house, No. 802, has no electricity, no running water and no stove.

Justice Minister James T. Kruger refused to discuss his reasons for the banishment, other than saying that it had nothing to do with a possible visit to Soweto this week by Andrew Young, the United States representative to the United Nations.

Laws providing for banishment have been in effect here for 50 years, but the practice became common only after the present Government came to power in 1948. Some 150 people are banned at present.

The banning orders, issued under the Internal Security Act, one of dozens of laws controlling dissent, vary. But they always prohibit attendance at gatherings, political or otherwise, and frequently limit the individual to meeting no more than one person outside his family at a time.

The individual's movements are sharply circumscribed, usually to the township where he or she lives, sometimes to the city it adjoins. Banishment to another area of the country is relatively unusual.

Mrs. Mandela's problems with the Government go back to the time of her husband's imprisonment, on sabotage charges, in 1964. In 1969–70, she spent 19 months in jail before being acquitted twice on charges of subversive activities. After her second acquittal, she was banned for five years. The restricting order confined her to the Soweto subdivision where she lived and forbade her to leave her house at nights and on weekends.

Last August she was arrested again and held for four months. On her release, she was banned for another five years, although she was permitted to work, as a $400-a month credit controller in Johannesburg. This week, her employer, Henry Hirsch, said he had no intention of dismissing her, and would continue "to look after her."

LEGISLATION TO ELIMINATE RACKETEERING IN THE SALE AND DISTRIBUTION OF CIGARETTES

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. EILBERG) is recognized for 5 minutes.

Mr. EILBERG. Mr. Speaker, today I am introducing a bill to eliminate interstate racketeering in the sale and distribution of cigarettes. Figures released by the Multi-State Tax Commission indicate that States are losing approximately $300 million a year through cigarette bootlegging.

Because States are facing the escalating costs of welfare, highway construction, and maintenance and education, there is a growing tendency to raise excise taxes on nonessential items such as cigarettes. When non-tobacco-producing States increase cigarette taxes, they widen the disparity in taxes among States, and it becomes more profitable to bring in cigarettes from low tax States. Citizens therefore, must bear a greater tax burden to make up for lost State revenues. Legitimate businesses also suffer.

Since cigarette smuggling is based on tax disparities among States, we cannot ignore the interstate nature of the problem and the fact that the Federal Government must take an active role in developing new approaches toward solving the problem. This legislation is not designed to affect the concurrent jurisdiction of the States to enact and enforce State cigarette tax laws, or to provide for the confiscation of cigarettes in violation of such laws. It is to assist the States in the elimination of cigarette bootlegging.

The need for this legislation is based on certain findings of fact, that:

First, there is widespread traffic in cigarette smuggling in or otherwise affecting interstate or foreign commerce, and that the States are not adequately able to stop the movement into and sale of such cigarettes in violation of their tax laws through the exercise of their police power;

Second, there is a casual relationship between the flow of cigarettes into interstate commerce to be sold in violation of State laws and the rise of racketeering in the United States;

Third, organized crime has realized hundreds of millions of dollars annually in profits from the sale of such cigarettes in violation of State laws, and has channeled such profits into other illicit activities;

Fourth, a sharply expanded Federal role in the fight against cigarette smuggling is essential if there is to be an effective law enforcement effort against cigarette smuggling, since the interstate nature of the crime places individual States at too great a disadvantage to handle these problems effectively; and

Fifth, certain records maintained by dealers in cigarettes will have a high degree of usefulness in criminal, tax and regulatory investigations.

In 1949 the Jenkins Act (18 U.S.C. 375–378) was enacted to prevent residents of low tax States from cashing in on the bootleg cigarette business. It required people who ship cigarettes to other States to notify the tobacco tax administrators of names and addresses of recipients and of quantities, brands, and dates of mailing.

The legislation which I am introducing today would amend and strengthen the Jenkins Act by making it a Federal offense to transport, ship, possess, or receive more than 20,000 cigarettes into a State in violation of that State's cigarette laws. Every cigarette dealer would be required to keep records of all shipments, receipts, sales, or other disposition of cigarettes. Pursuant to this legislation, dealers must make these reports available for inspection at all reasonable times and submit to the Secretary of Treasury reports and information with respect to those records and their contents.

In addition, this legislation makes it a Federal offense to knowingly make any false statement as to required information, or to otherwise violate the statute. Finally it allows for the seizure of contraband cigarettes. Criminal sanctions are imposed against compliance with the above provisions, of a fine of not more than $10,000 or imprisonment for not more than 2 years or both.

Again, Mr. Speaker, it is the intent of the bill to provide a timely solution to the serious problem of the fraudulent transporting of contraband cigarettes across State lines and to provide relief to many States and cities which face cigarette tax revenue shortfalls because of such activity.

Mr. Speaker, I include the complete text of the bill in the RECORD at this point:

H.R. 7381

A bill to amend title 18 of the United States Code to eliminate racketeering in the sale and distribution of cigarettes, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18, United States Code, is amended by inserting immediately after chapter 59 thereof the following new chapter:

"Chapter 60.—CIGARETTE TRAFFIC

"Sec.
"1285. Definitions.
"1286. Unlawful acts.
"1287. Recordkeeping and reporting.
"1288. Penalties.
"1289. Effect on State Law.
"1290. Enforcement and regulations.

"§ 1285. Definitions

"As used in this chapter—

"(1) the term 'cigarette' means—

"(A) any roll of tobacco wrapped in paper or in any substance not containing tobacco, and

"(B) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subparagraph (A);

"(2) the term 'contraband cigarettes' means a quantity in excess of twenty thousand cigarettes, bearing no evidence of the payment of applicable State cigarette taxes in the State where they are found, if such State requires such evidence to be placed on their containers, and which are in the possession of any person other than—

"(A) a person holding a permit issued pursuant to chapter 52 of the Internal Revenue Code of 1954 as a manufacturer of tobacco products or as an export warehouse proprietor, or a person operating a customs bonded warehouse pursuant to section 311 or 555 of the Tariff Act of 1930 (19 U.S.C. 1311 or 1555) or an agent of such person;

"(B) a common or contract carrier, if the cigarettes are designated as such on the bill of lading or freight bill;

"(C) a person licensed or otherwise authorized by the State where the cigarettes are found to deal in cigarettes and to account for and pay applicable cigarette taxes imposed by such State; or

"(D) an officer, employee, or other agent of the United States, or its departments and wholly owned instrumentalities, or of any State or any department, agency, or political subdivision thereof, having possession of cigarettes in connection with the performance of their official duties;

"(3) the term 'common or contract carrier' means a carrier holding a certificate of convenience or necessity or equivalent operating authority from a regulatory agency of the United States or of any State;

"(4) the term 'State' means any State or the District of Columbia;

"(5) the term 'dealer' means any person who sells or distributes in any manner any quantity of cigarettes in excess of 20,000 in a single transaction; and

"(6) the term 'Secretary' means the Secretary of the Treasury or his delegate.

"§ 1286. Unlawful acts

"(a) It shall be unlawful to ship, transport, receive, or possess contraband cigarettes.

"(b) It shall be unlawful to knowingly make any false statement or representation with respect to the information required by this chapter to be kept in the records of a dealer.

"§ 1287. Recordkeeping and reporting

"Each dealer shall maintain such records of shipment, receipt, sale, or other disposition, of cigarettes at such place, for such period, and in such forms as the Secretary may by regulations prescribe. Dealers shall make such records available for inspection at all reasonable times, and shall submit to the Secretary such reports and information with respect to such records and the contents thereof as he shall by regulations prescribe. The Secretary may enter during business hours the premises (including places of storage) of any dealer in cigarettes for the purpose of inspecting or examining—

"(1) any records or documents required to be kept by the dealer, and

"(2) any cigarettes kept or stored by the dealer at such premises.

"§ 1288. Penalties

"(a) Whoever violates any provision of this chapter or regulations promulgated thereunder shall be sentenced to pay a fine of not more than $10,000, or to be imprisoned for not more than two years, or both.

"(b) Any contraband cigarettes involved in any violation of the provisions of this chapter shall be subjest to seizure and forfeiture, and all provisions of the Internal Revenue Code of 1954 relating to the seizure, forfeiture, and disposition of firearms, as defined in section 5845(a) of that Code, shall, so far as applicable, extend to seizures and forfeitures under the provisions of this chapter.

"§ 1289. Effect on State law

"Nothing in this chapter shall be construed to affect the concurrent jurisdiction of a State to enact and enforce State cigarette tax laws, to provide for the confiscation of cigarettes and other property seized in violation of such laws, and to provide penalties for the violation of such laws.

"§ 1290. Enforcement and regulations

"The Secretary shall enforce the provisions of this chapter and may prescribe such rules and regulations as the Secretary deems reasonably necessary to carry out the provisions of this chapter."

SEC. 2. (a) Except as provided in subsection (b), the provisions of chapter 60 of title 18, United States Code, shall take effect on the first day of the first month which begins more than 120 days after the date of the enactment of this Act.

(b) The following sections of chapter 60 of title 18, United States Code, shall take effect on the date of the enactment of this Act: sections 1285, 1286(a), 1288, 1289, and 1290.

SEC. 3. The table of sections for title 18, United States Code, is amended by inserting immediately below the item relating to chapter 59 the following:

"60. Cigarette Traffic................ 1285."

SEC. 4. (a) Section 1(b) of the Act entitled "An Act to provide for the seizure and forfeiture of vessels, vehicles, and aircraft used to transport narcotic drugs, firearms, and counterfeit coins, obligations, securities, and paraphernalia, and for other purposes", approved August 9, 1939 (49 U.S.C. 781(b)), is amended—

(1) by striking out "or" at the end of paragraph (2),

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; or", and

(3) by adding after paragraph 3 the following new paragraph:

"(4) Any cigarettes, with respect to which there has been committed any violation of any provision of chapter 60 of title 18 of the United States Code or any regulation issued pursuant thereto."

(b) Section 7 of such Act (49 U.S.C. 787), is amended—

(1) by striking out "and" at the end of subsection (e),

(2) by striking out the period at the end of subsection (f) and inserting in lieu thereof "; and", and

(3) by adding after subsection (f) the following new subsection:

"(g) The term 'cigarettes' means 'contraband cigarettes' as now or hereafter defined in section 1285(b) of title 18 of the United States Code."

MOTOR VEHICLE USE LIMITATION ACT OF 1977

The SPEAKER. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 20 minutes.

Mr. HAMILTON. Mr. Speaker, there is no denying that we live in an economically troubled period of American history. Unchecked inflation, high unemployment, rising taxes, and the energy crisis have become signs of the times. However, as I read the letters of my constituents and speak with people back in the district. I realize that they are looking to the future with optimism. They are convinced that our economic problems can be solved and the Nation put back on a solid footing if waste can be trimmed and efficiency encouraged. They want the Federal Government to assume a leadership role in such efforts. Failing this, they want the Federal Government at very least to set a good example. Unfortunately, actions in Washington so far have not been such as to inspire confidence. Too many Federal agencies are too wasteful and inefficient in the conduct of their business. Responsibility for waste and inefficiency cannot always be laid at the door of bad policies: more often than not existing laws and regulations intended to promote the effective use of taxpayers' dollars are either distorted or ignored.

The use of passenger motor vehicles by the Federal Government, long a matter of intense interest and controversy, is a case in point. The Administrative Expenses Act of 1946 set certain limitations on the use of such vehicles. It states that, unless specifically authorized by the appropriation concerned or other law, no appropriation shall be expended to purchase or hire passenger motor vehicles for any branch of the Government other than vehicles for the President, the secretaries to the President, and the heads of certain executive departments. It also states that use by these individuals shall be limited to official purposes which do not include transportation between home and work, except for certain medical officers and persons engaged in field work. The aim of the act is as plain as day: passenger motor vehicles are to be available for the limited personal use of a limited number of Federal officers and employees.

These are the policies, but what are the practices? According to figures of the General Services Administration, the Federal Government owned or leased 209 so-called heavy sedans and 25 limousines worldwide last year. In addition to these vehicles, a worldwide fleet of 36,217 standard cars was in operation. There can be no doubt that the Federal Government needs a large number of passenger vehicles in the performance of its day-to-day duties. It is also clear that much of the use of these vehicles is legitimate. However, the abuses are glaring and cannot be chalked up to anything but a callous disregard of the law. Despite some improvement in recent years, no one can claim that sufficient progress has been made.

Early this year my colleague, Senator WILLIAM PROXMIRE, wrote to every department, agency, office, regulatory commission, and court in the Federal Government to ask which officials were driven between home and work. He also asked about the cost of chauffeur service, leasing and maintenance of vehicles, and gas and oil consumed. To put it mildly, the results of his investigation were quite shocking.

The Senator from Wisconsin discovered that 148 Federal officers and employees are routinely treated to chauffeured rides between home and work at taxpayers' expense. Based on average figures of $20,000 per year for chauffeur service and $2,500 per year for vehicle leasing, maintenance, and gas and oil consumed, he estimated that an annual bill of approximately $3.3 million must be footed by taxpayers. Or course, this amount does not include similar service for diplomats and military commanders abroad, officials engaged in field work or individuals receiving Government protection. Nor does it include the costs incurred by those Federal officers and employees who use unchauffeured Government cars for personal purposes such as commuting and running errands. There is no reliable estimate of the number of standard cars in the Federal fleet that are so employed. If the cost of all such practices could be accurately calculated, then the annual bill to taxpayers would be seen to be far in excess of $3.3 million.

Even if such practices were not so costly there would be other reasons to eliminate them. For example, a major problem in the Government today is the elitist attitude of some public servants. Undoubtedly, such an attitude stems in part from a heady lifestyle too far removed from the lot of the ordinary citizen. The exclusive use of a "company car," or, what is worse, the exclusive use of a chauffeured "company car," cannot but make some people feel that they must be very special indeed. There can be no room for such an attitude in a person whose solemn duty it is to serve the public. Such an attitude must interfere with the proper performance of that duty.

Also, and just as important, the unrestricted personal use of Government vehicles and chauffeurs distorts policy priorities. While large sums of money are being spent to maintain the Federal fleet of automobiles crying social needs are not being met for lack of money to fund the necessary programs. Of course, in times of austerity some needs must be made to wait, but they should never be made to wait so that bureaucrats can be ferried about town.

The bill that I am introducing today would provide strict guidelines for the use of passenger motor vehicles and chauffeurs by Federal officers and employees. In brief, it would restrict personal use of passenger motor vehicles owned or leased by the Federal Government to—

The President;

The Vice President;

The Speaker of the House of Representatives:

The President pro tempore of the Senate; and

The Chief Justice.

Also eligible for such use would be Federal officers or employees engaged primarily in—

Outpatient medical service;

Field work in remote areas; and

Investigative, law enforcement, or intelligence duties.

A further exception would be made for Federal officers or employees whose safety was in jeopardy. All those enjoying personal use of passenger motor vehicles could also be assigned chauffeurs, except for those Federal officers or employees engaged primarily in the three varieties of work just mentioned. The limitations of the bill would not apply to car pools, van pools or bus systems, nor would they apply outside the several States and the District of Columbia. Also excluded from their application would be vehicles operated on rails or used primarily for military field training, combat, or tactical purposes.

As I said before, these are hard times for many Americans. President Carter has called upon all of us to make sacrifices and to eliminate conspicuous waste. I agree with the President that sacrifices are necessary, and I share his abhorrence of conspicuous waste. However, we must ask how the ordinary citizen can be obliged to change his habits if the same changes are not demanded of the Government itself. The Government must be out in front, pointing the way to reform—but not in a chauffeured limousine.

Mr. Speaker, it is incumbent upon us Members of Congress to curtail the extravagant practices of which I have spoken today. I urge prompt and positive action on the bill that I am introducing.

PERSONAL EXPLANATION

The SPEAKER. Under a previous order of the House, the gentleman from North Carolina (Mr. Neal) is recognized for 5 minutes.

Mr. NEAL. Mr. Speaker, in the performance of my duties as chairman of the Subcommittee on International Trade, Investment, and Monetary Policy, I met at the noon hour today with John Moore, the new president of the U.S. Export-Import Bank, and other executives of the Eximbank, pursuant to the oversight responsibilities of the subcommittee. Our conference lasted for almost 2 hours. I returned to Capitol Hill about 2:30 p.m. and found that I had missed the following votes, all under suspension of the rules:

H.R. 6258. Extension of Privacy Protection Commission. Had I been present, I would have voted "aye."

H.R. 1862, Veterans Disability Compensation and Survivors Benefits Act. Had I been present, I would have voted "aye."

H.R. 6501, increased compensation for certain disabled veterans. Had I been present, I would have voted "aye."

H.R. 6502. automobile assistance for World War I veterans. Had I been present, I would have voted "aye."

H.R. 5645, Civil Rights Commission Authorization Act. Had I been present, I would have voted "aye."

THE PLIGHT OF ARKADII MAY

The SPEAKER. Under a previous order of the House, the gentleman from Connecticut (Mr. Cotter) is recognized for 5 minutes.

Mr. COTTER. Mr. Speaker, Arkadii May is one of thousands of Soviet Jews who have been denied their right to emigrate to Israel. I would like to invite my colleagues to cosign a letter I am mailing on his behalf to V. S. Obidin, chief of the Soviet emigration service.

The text of the letter follows.

Last Friday, I attempted to reach Mr. May by phone. The call did not go through under circumstances that convinced me the Soviet Government did not want me to speak to him. A text of the statement I gave to the press at that time also follows.

Obidin, V. S.,
Chief of the All-Union OVIR, Ogarev ul, Moscow, R.S.F.S.R., U.S.S.R.

Dear Mr. Obidin: We, as members of the Congress of the United States, are writing on behalf of a Soviet citizen, Arkadii May of Leingradscoye Schosse, Moscow, who applied in March, 1974 for your government's permission to emigrate with his wife, Helen Seidel, and their 15-year-old daughter, Naomi.

His request has been rejected, most recently in 1976, for reasons of state security.

As an army officer during the Great Patriotic War, Mr. May fought on the battlefront against Hitler's fascism. He contracted a respiratory ailment during the conflict and was retired from the army in 1945 with a medical discharge. Mr. May still suffers from bronchial asthma today.

Many of Mr. May's relatives now live in Israel and he understandably wants to join them. We respectfully hope it will be possible to reconsider his application and permit Arkadii May, with his wife and daughter, to emigrate from the Soviet Union.

Thank you for your attention to this matter.

Sincerely,

William R. Cotter,
Member of Congress.

Statement by Congressman William R. Cotter, May 20, 1977

"Human Rights" will always be a pious cliche for us unless we try to understand what it means to live in a repressive society. The outrages committed against human dignity and freedom are commonplace. They occur under dictatorships of both the right and the left, in advanced industrial nations and in the underdeveloped world. We already know this. But when we look at a man like Arkadii May, "Human Rights" becomes an urgent issue.

Arkadii May is a Jew. During World War II, he served as an officer in the Soviet Army and fought bravely against the Nazis. But he ran into trouble with the authorities after the war. As a Soviet student at Moscow University, he wanted to write his dissertation on the Protestant Reformation in Germany. The faculty rejected the subject. It revealed too much interest in religion, they said.

He was graduated in 1949 with a thesis on the British labor movement. To this day, however, he has never been permitted to work in his academic field: political sociology and history. His wife, Helen Seidel, is an expert on American and European literature. She was forced to retire five years ago.

Arkadii, Helen, and their 15-year-old daughter, Naomi, want to emigrate to Israel. They applied in 1974 and were turned down for reasons of "state security." Therefore, they joined the ranks of the "refuseniks," the thousands of Soviet Jews who are virtually prisoners in their own country.

Why do Jews and other ethnic minorities want to leave the Soviet Union? To put it simply, persons who try to preserve their ethnic and religious identity are suspected of treason by the Soviet Government. This is equally true with the ethnic Germans, Poles and Greeks who can't get out of the country. Or the 800,000 Roman Catholics in Lithuania and Latvia, whose religion and culture are threatened by systematic repression. On the two million Soviet Baptists, who can't worship freely. On the 25 million Russian Orthodox, who can't teach religion to their children without running the risk of arrest under laws that prohibit "religious propaganda."

Soviet Jews, in particular, have been marked for special persecution. All centers of Jewish culture have been closed. Jewish printing presses have been dismantled; all Yiddish type faces have been melted down. The teaching of Hebrew and Yiddish is prohibited. Bibles and books on Jewish history have disappeared. Prayer books and religious calendars cannot be found—an important point, because the calendars help point to the religious festivals of Judaism. There is only one rabbi in the Soviet Union, only one rabbi for three million Jews, the third largest Jewish community in the world! Jewish Cemetaries have been desecrated. Historic Jewish gravesites have been bulldozed.

Because recent experience has proven that protests directed to the Soviet Government on behalf of particular individuals can be effective, we will try to convince the Russians to let Arkadii May and his family leave the country in peace.

The Hartford Jewish Federation has "adopted" the May family. Because of their concern, I will ask other Members of Congress next week to cosign a petition to Soviet Party Chief Leonid Brezhnev. The petition will simply ask that the May family be granted the right to emigrate—a right guaranteed by international treaties which the Soviet Union has signed.

We in Connecticut can help, too. I ask you to write to the Soviet Emigration Service on behalf of the May family. The address will be available in my office.

CUBAN INDEPENDENCE DAY

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, since this past weekend marked the 75th anniversary of the independence of Cuba, I would like to pay tribute to the Cuban people who have struggled so long and so hard for their freedom.

This event should receive particular attention in view of recent developments regarding the possibility of a partial relaxation of United States Cuban relations. We must never forget the proud heritage of Cuban independence, which is not marred by the current holding of power by the dictatorial regime of Fidel Castro.

The first day of independence, May 20, 1902, must have lifted high the spirits of the Cuban people, after striving against strong Spanish opposition for so many centuries. Independence was the reward not only of the able leaders—Maximo Gomez, Antonio Maceo, and Jose Marti—but also for the citizens whose perseverance was a source of inspiration to people throughout the world.

The first day of independence was also a day for rejoicing and, despite the tyranny which paralyzes Cuba today, it is still a day of happiness; for today marks the anniversary of an attitude toward other persons that no amount of repression can crush.

Over recent years there has been occasional speculation that United States-Cuban relations would be "normalized." Since the autumn of 1975, any move toward a reconciliation has been severely damaged by such matters as Cuban imperialism in Angola and perhaps other African nations; Cuban activities for the "independence" of Puerto Rico; Cuba's position in the United Nations concerning the passage of a resolution equating Zionism and racism; and other developments including the summary cutoff of the air hijacking agreement.

Ironically, before these Cuban moves, the Organization of American States had ended its 11-year-old trade embargo and diplomatic boycott of Cuba, and the United States removed restrictions from U.S. firms doing business with Cuba. More recently, the two nations did enter into an agreement with respect to fishing rights, that is still pending in Congress.

Regrettably, the Castro regime has continued its policies which are incompatible with the principles of freedom which are observed on Cuban Independence Day. Many thousands of political prisoners are being held in Cuban jails. Free emigration has been blocked. Ecoomic practices have crippled the Cuban economy to the extent that the nation is wholly dependent on external support by the Soviet Union, support which carries a price tag of dictating Cuba's internal and international affairs.

Mr. Speaker, I do not support any basic change in our policy toward Cuba that would call for giving while receiving nothing in return.

Dr. Manolo Reyes, a great spokesman for Cuban freedom, has issued a stirring statement on Cuban independence which I cite for our colleagues in the House:

Cuban Independence—May 20, 1902—May 20, 1977

(By Dr. Manolo Reyes)

Today, May 20, 1977, we commemorate another anniversary of the independence of Cuba. On that glorious date, May 20, 1902, the Cuban flag waved, but free, sovereign and independent, on the Morro Castle, in Havana, capital of Cuba. This was a sight through which you could see the heroism of the Cuban people, who, for over 50 years, fought with inferior forces against the most powerful country in the European Continent: Spain!

In its years of existence, Cuba has the longest independence history of any country in the American continent. Centuries ago, a great Cuban man, General Narciso Lopez, landed in the city of Cardenas, Province of Matanzas, Cuba, with an expedition. This city is not too far from the "Bay of Pigs" ("Bahia de Cochinos"). General Lopez came as a leader to liberate Cuba. With this expedition came an old retired Colonel from West Point, Colonel Crittemdem, with a group of Americans from Kentucky. It was probably then when the United States of America and Cuba became united in the fight for Freedom! This expedition was very successful and for the first time the Cuban flag waved on Cuban soil, after the defeat of the troops of the city of Cardenas; for this reason, the city of Cardenas is called "Flag City" ("Ciudad Bandera").

However, the above victory did not last very long since the General Governor of Spain in Havana sent strong reinforcements which defeated General Lopez and his men; a great number of them died on the battlefield, others, like General Lopez, were executed after being tried by the island's Spanish government, according to their army regulations. This tragedy silenced the people of Cuba for a period of time which did not last too long, since on October 10, 1868, in "La Demajagua" farm in the Province of Oriente, Carlos Manuel de Cespedes, another Cuban patriot fighting against the Spaniards, started another battle which was called "The Cry of Yara". This farm was located in the city of Yara. Cespedes' first victory was in the city of Bayamo, where a large number of Spanish troops were sent to take over the city. However, Cespedes asked the people of Bayamo what should he do, and they answered him "Liberty or Ashes" (Libertad O Cenizas). When the Spaniards arrived, they found only ashes since these glorious patriots burned all their properties, such as houses, stores, etc. which had taken them years of honest labor, to build. The fire burned these years of honest labor, memories and fortunes in just seconds!

"The Cry of Yara" starts the 10-year war in 1878. A peace treaty, however, was signed, because the Cubans were exhausted from the long war. This treaty was called "The Peace of Zanjon" and it was initiated by one of the greatest of Cuban generals, General Antonio Maceo.

An exile started in 1878, when many Cubans came to the United States of America, to well-known cities such as New York, Key West and Tampa. This exile lasted 17 years. It was then when a great man and Cuban patriot, Jose Marti, who lived the greatest part of his life in exile, gathered the Cubans and started a new liberation war in Cuba—it was on February 24, 1895. Unfortunately, when this war started, Jose Marti, the Cuban mastermind, and General Antonio Maceo, the military forceman, were both killed in combat. In 1898, the USS *Maine* blew up in the Havana harbor and the United States government blamed Spain for this; this incident started the Spanish-American war. On April 19, 1898, the United States Congress approved a Joint Resolution for the liberation of Cuba, declaration therein that "Cuba is and has the right to be free and independent.

The famous "rough riders", lead by Theodore Roosevelt, landed in Oriente Province and the battle was fought in the San Juan hill by the Americans and Cubans against the Spaniards. Like it previously happened to General Narciso Lopez, there was a bloodshed, but fortunately, this time the Spanish troops were defeated not only in Cuba, but also in Puerto Rico and the Philippine Islands.

There was a United States intervention in Cuba from 1898 to 1902. It was not until May 20, 1902, that the lonely star flag, the Cuban flag, waived victoriously in Cuba, on the Morro Castle. Today we commemorate the 69th anniversary of the Independence of Cuba, yet . . . today, May 20, 1971, Cuba is suffering more than it ever did in the past. A traitor of the Revolution which began on October 10, 1868, has turned over the Liberty, Sovereignty, and Independence of Cuba, won through the blood of many Americans and Cubans, to the international communism of Moscow-Peking. All of the Cuban people, both in the island and in exile, are against this red tyranny. We see daily the heroism of Cuban patriots, risking and losing their precious lives, fighting for the liberation of their country.

However, as stated in the above mentioned "Joint Resolution" of 1898, Cuba has the right to be free and independent and its liberation will be the tomb of communism in the American continent, even if we have to go back to the history of Bayamo, i.e., "Liberty or Ashes", because the Cuban people were not born to be slaves! ! !

CLEAN AIR ACT AMENDMENTS OF 1977

(Mr. CARTER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CARTER. Mr. Speaker, at this time, I request permission to insert into the Record a series of amendments to the bill, H.R. 6161, the Clean Air Act Amendments of 1977, which I am considering offering when the bill comes to the floor of the House later in the week.

My first amendment will assure that sources which have received 113(a) enforcement orders prior to enactment of the bill will not have to pay a noncompliance penalty so long as the terms of such orders are adhered to.

My second amendment will put nonferrous smelters on the same footing with respect to noncompliance penalties as every other source. That is, they will be given equitable, but not special, treatment.

Because of the technicalities of the drafting of these amendments, the amendment respecting enforcement orders is prepared in two separate ways. The legislative situation will dictate which of the two is offered, but the substance of each is the same.

The amendments are as follows:

Page 269, line 5, after "than" insert "(I)".

Page 269, line 8, after "(3)" insert: "or (II) a source to which an order was issued under section 113(a) permitting a delay in compliance with, or violation of, any such limitation, standard, or schedule".

Page 269, beginning in line 5, strike out "(other than a" and all that follows down through "(3))" in line 8.

Page 269, beginning in line 17, strike out ", or a primary" and all that follows down through "(3)," in line 19.

Page 271, line 2, insert "or 121(b)(3)" after "121(b)(1)".

Page 269, line 10, after "plan" insert "(other than a source to which an order was issued under section 113(a) permitting a delay in compliance with, or violation of, any such limitation, standard, or schedule)".

REINTRODUCING H.R. 5969 WITH 30 COSPONSORS

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, it has been over 3½ years since the covert intervention of the U.S. Government and of American corporations successfully "destabilized" the democratically elected government of Salvadore Allende Gossens in Chile.

Since September 1973, nearly 30,000 people have fled the savage and brutal military dictatorship of Gen. Augusto Pinochet Ugarte. Of these 30,000 refugees, only 1,500 have been able to come to the United States. Meanwhile, we have gladly allowed over 130,000 refugees from Indochina and, since 1961, over 650,000 Cuban refugees to enter the country. Even Canada, a country whose population is but one-tenth of our own, has admitted nearly 2½ times the number of Chilean refugees we have. Our performance is a disgrace to our institutions, and to our most highly held humanitarian ideals.

In 1975, the United States did establish a parole program to assist Chileans in Chile and, in 1976, a similar program to help Chileans in Argentina. The history of these programs would be humorous were it not for the tragic human consequences of their failures. Under this parole program, Chileans in Chile could apply only when they were actually under detention. Chileans were not eligible if they were under threat of arrest, of if they were picked up by the police, tortured, and released. Chileans who managed to flee to Argentina did not fare much better. Upon approaching the U.S. Embassy, Chilean refugees were told to register first with the Office of the United Nations High Commissioner for Refugees—UNHCR.

However, that office has been broken into on no less than two occasions, with the files containing the identity and whereabouts of Chilean refugees being stolen. Several individuals whose files were removed during these breakins soon disappeared. Finally, if a Chilean in Chile or Argentina managed to survive during the initial application period, he still faced an extended waiting period during which his life and the lives of his immediate relatives were endangered.

Under the Chilean parole program, which began in June 1975, not one refugee entered the United States before October 1976 and the last refugees are only now entering the country. The Argentine parole program began in October 1976, and, as of May 1977, not one refugee has been admitted. During this time, while bureaucrats shuffled files across two continents. the refugees live under threat of death. This is no idle threat.

Amnesty International reports that over 1,500 Chileans have disappeared since the September 1973 coup: and another 5,000 have been executed. In Argentina, during the past 2½ years, between 3,000 and 30,000 persons have disappeared. Many of these people were Chileans. The Amnesty report concluded by observing:

> There are about 12.000 Latin American refugees in Argentina registered with the UNHCR and possibly as many as 100,000 in all (mainly unregistered). Many of these people are Chileans who fled from Chile after the coup there in September. 1973, and were then caught up in a similar, if not worse wave of terror and repression in Argentina. Many have been intimidated. abducted, tortured, and even killed . . . Chilean refugees . . . are not only a target for the DINA [Chilean secret police] but also for Argentinian security forces and extreme right wing groups such as the Argentinian Anticommunist Alliance (AAA).

The U.S. Committee for Refugees reported that, at the beginning of 1977, there were approximately 10.000 Chileans in Argentina and approximately 10,000 Chileans in other Latin American countries. In most instances, these people continue to live in fear. Something must be done to help them.

In addition, the Intergovernmental Committee for European Migration—ICEM—reported that. as of April 1, 1977. additional opportunities for 1,000 prisoners and their dependents now in Chile were needed in order to complete their prisoner release program. This would involve the movement of some 6,000 persons from Chile. It is unreasonable to assume that of these Chileans not one would like to come to the United States if a quick, simple application process could be instituted. Yet, this is exactly what spokesmen for the U.S. Department of State, and opponents of this legislation maintain. While it may be true that the thousands of Chileans potentially seeking asylum in the United States may lack money, the status, the connections, and the safety necessary to fight their way through the maze of redtape erected by the Immigration and Naturalization Service—INS—it is highly doubtful that more Chileans would not express interest if they knew how they might apply and that they would live to arrive in the United States.

The Canadian Government continues its program under which representatives of their Ministry of Manpower and Immigration have been dispatched to Chile, to Argentina, to Panama, and to other Latin American countries to search out, to relocate, to retrain, and to find Canadian employment opportunities for Chileans threatened by the present military dictatorship in Chile. How can it be that a Canadian program can generate such interest among Chilean refugees and an American program cannot? The answer must lie with the bureaucrats at INS and at the Department of State; it does not lie with the Chilean refugees.

Finally, why should the United States do anything to help these unfortunate people? Whether we like their politics or not, we, through our governmental and through our corporate institutions, created the situation in which these refugees now find themselves. Our responsibility to Chilean refugees is at least as great as our responsibility was to the Indochinese and to the Cuban refugees. While I wholeheartedly support any meaningful effort to alter immigration regulations in order to deal more effectively with political refugees from all lands, I must offer this "special" legislation to help a very special group of people who find themselves in a special situation of our, and not their own, making. The text of the bill follows:

H.R. 7366

A bill to grant admission to the United States to certain nationals of Chile and the spouses, children, and parents of such nationals, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding section 214 of the Immigration and Nationality Act, any alien who is a national of Chile and is not in the United States shall be issued a nonimmigrant visa and admitted to the United States as a nonimmigrant if the consular officer determines—

(1) that such alien—

(A) if in Chile, is being persecuted or is in danger of persecution on account of his political opinions; or

(B) if not in Chile, would be persecuted or be in danger of persecution on account of his political opinions if he returned to Chile;

(2) that such alien is not excludable from the United States under section 212(a) of the Immigration and Nationality Act without regard to paragraph (26) of such section; and

(3) that such alien has applied for such admission during the one-year period which begins on the day after the date of enactment of this Act.

(b)(1) The admission to the United States of any alien under this Act shall be for the two-year period which begins on the date of such admission. During such period any alien admitted under this Act shall be allowed to accept employment. Not later than the date on which such two-year period expires, the Attorney General shall examine the case of such alien and, if the Attorney General determines—

(A) that such alien has not acquired permanent residence; and

(B) in the case of an alien other than an alien subject to this subsection by reason of section 3(a)(1) of this Act, that such alien would be persecuted or be in danger of persecution on account of his political opinions if he returned to Chile,

such alien shall be placed in the custody of the Immigration and Naturalization Service, and shall thereupon be inspected and examined for admission into the United States, and his case dealt with, in accordance with the provisions of sections 235, 236, and 237 of the Immigration and Nationality Act.

(2) Any such alien who, pursuant to paragraph (1), is found, upon inspection by an immigration officer or after hearing before a special inquiry officer, to have been and to be admissible as an immigrant at the time of his arrival in the United States and at the time of his inspection and examination, except for the fact that he was not and is not in possession of the documents required by section 212(a)(20) of the Immigration and Nationality Act, shall be regarded as lawfully admitted to the United States for permanent residence as of the date of his arrival.

SEC. 2. (a) Notwithstanding section 241 of the Immigration and Nationality Act, any alien who is a national of Chile and is in the United States on the date of the enactment of this Act shall be treated in accordance with subsection (b) if the Attorney General determines—

(1) that such alien would be persecuted or be in danger of persecution on account of his political opinions if he returned to Chile;

(2) that such alien is not excludable from the United States under section 212(a) of the Immigration and Nationality Act without regard to paragraph (20) or (26) of such section;

(3) that such alien has applied for such treatment during the one-year period which begins on the day after the date of enactment of this Act.

(b)(1) An alien subject to this subsection shall be examined by the Attorney General in accordance with paragraph (2) not later than the earlier of—

(A) in the case of an alien holding a valid nonimmigrant visa, the date on which the visa expires;

(B) in the case of an alien paroled into the United States by the Attorney General, the date on which such parole status expires; or

(C) the date two years after the date on which such alien makes application under subsection (a)(3).

(2) The Attorney General shall examine the case of an alien subject to this subsection and, if the Attorney General determines—

(A) that such alien has not acquired permanent residence; and

(B) in the case of an alien other than an alien subject to this subsection by reason of section 3(a)(2) of this Act, that such alien would be persecuted or be in danger of persecution on account of his political opinions if he returned to Chile,

such alien shall be placed in the custody of the Immigration and Naturalization Service, and shall thereupon be inspected and examined for admission into the United States, and his case dealt with, in accordance with the provisions of sections 235, 236, and 237 of the Immigration and Nationality Act.

(3) Any such alien who, pursuant to paragraph (2), is found, upon inspection by an immigration officer or after hearing before a special inquiry officer, to have been and to be admissible as an immigrant at the time of his arrival in the United States and at the time of his inspection and examination, except for the fact that he was not and is not in possession of the documents required by section 212(a)(20) of the Immigration and Nationality Act shall be regarded as lawfully admitted to the United States for permanent residence as of the date of his arrival.

SEC. 3. (a) Notwithstanding section 214 or 241 of the Immigration and Nationality Act—

(1) any alien who satisfies the requirements of subsection (b) and is not in the United States shall be issued a nonimmigrant visa, admitted to the United States as a nonimmigrant, and treated in accordance with subsection (b) of the first section of this Act; and

(2) any alien who satisfies the requirements of subsection (b) and is in the United States shall be treated in accordance with subsection (b) of section 2 of this Act.

(b) An alien satisfies the requirements of this subsection if the Attorney General determines—

(1) that such alien is the spouse, a child, or a parent of a national of Chile who has been admitted to the United States under subsection (a) of the first section of this Act or with respect to whom determinations described in subsection (a) of section 2 of this Act have been made;

(2) that such alien—

(A) is a national of Chile but does not satisfy the requirements for admission under subsection (a) of the first section of this Act or for receiving treatment in accordance with subsection (b) of section 2 of this Act; or

(B) is not a national of Chile; and

(3) such alien has applied for treatment under this section within the one-year period which begins on the day after the date of enactment of this Act.

SEC. 4. Any alien who acquires permanent residence under this Act shall not be chargeable for purposes of the numerical limitations contained in section 201 or 202 of the Immigration and Nationality Act.

SEC. 5. The Attorney General shall take such steps as he deems appropriate to provide that any alien who is a national of Chile or the spouse, a child, or a parent of a national of Chile shall be informed of the treatment for which application may be made under this Act before such alien is otherwise excluded from admission into, or deported from, the United States.

SEC. 6. The definitions contained in sections 101 (a) and (b) of the Immigration and Nationality Act shall apply in the administration of this Act.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CORMAN (at the request of Mr. WRIGHT), for today, on account of official business.

Mr. STEERS (at the request of Mr. RHODES), for an indefinite period, on account of illness.

Mr. SPENCE (at the request of Mr. RHODES), for an indefinite period, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. REUSS, for 60 minutes tomorrow, and to include extraneous matter, after legislative business and other special orders heretofore granted.

(The following Members (at the request of Mr. STANGELAND) to revise and extend their remarks and include extraneous matter:)

Mr. GOLDWATER, for 5 minutes, today.
Mr. KEMP, for 15 minutes, today.
Mr. MCDADE, for 5 minutes, today.
Mr. HOLLENBECK, for 5 minutes, today.
Mrs. FENWICK, for 5 minutes, today.
Mr. SYMMS, for 15 minutes, today.

(The following Members (at the request of Mr. BENJAMIN) and to revise and extend their remarks and include extraneous matter:)

Mr. ANNUNZIO, for 5 minutes, today.
Mr. GAYDOS, for 5 minutes, today.
Mr. CARR, for 5 minutes, today.
Mr. PREYER, for 5 minutes, today.
Mr. ST GERMAIN, for 15 minutes, today.
Mr. PEPPER, for 60 minutes, today.
Mr. VANIK, for 5 minutes, today.
Mr. FORD of Michigan, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. KOCH, for 15 minutes, today.
Mr. EILBERG, for 5 minutes, today.
Mr. HAMILTON, for 20 minutes, today.
Mr. NEAL, for 5 minutes, today.
Mr. COTTER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. STANGELAND) and to include extraneous matter:)

Mr. RUDD.
Mr. DEL CLAWSON in three instances.
Mr. FRENZEL in five instances.
Mr. KEMP in three instances.
Mrs. PETTIS.
Mr. DERWINSKI.
Mr. CRANE in two instances.
Mr. GRADISON in two instances.
Mr. MARKS.
Mr. MARRIOTT.
Mr. LENT.
Mrs. HOLT.
Mr. LAGOMARSINO in two instances.
Mr. GRASSLEY.
Mr. SKUBITZ.
Mr. BROOMFIELD.
Mr. EVANS of Delaware.
Mr. FINDLEY.
Mr. KETCHUM.
Mr. SCHULZE.
Mr. BROYHILL.
Mr. ARCHER.
Mr. BURKE of Florida in two instances.
Mr. MCCLOSKEY.
Mr. QUAYLE.
Mr. MCCLORY.

(The following Members (at the request of Mr. BENJAMIN) and to include extraneous material:)

Mr. MINISH.
Mr. CORRADA.
Mr. MOAKLEY in 10 instances.
Mr. BONIOR.
Mr. HARRIS.
Mr. FORD of Michigan.
Mr. MURTHA.
Mr. RANGEL.
Mr. ROSENTHAL.
Mr. MURPHY of Illinois in two instances.
Mr. RUSSO.
Mr. VOLKMER in two instances.
Mr. LUNDINE in 10 instances.
Mr. KILDEE.
Mr. DINGELL in two instances.
Mrs. BURKE of California in three instances.
Mr. BINGHAM in 10 instances.
Mr. DOWNEY in 10 instances.
Mr. TRAXLER.
Mr. GAYDOS in 10 instances.
Mr. EILBERG in four instances.
Mr. MILLER of California.
Mr. LEDERER in five instances.
Mr. MCDONALD in three instances.
Mr. BAUCUS in two instances.
Mr. EDWARDS of California in three instances.
Mr. MAHON.
Mr. BRECKINRIDGE.
Mr. ANNUNZIO in six instances.
Mr. ANDERSON of California in three instances.
Mr. GONZALEZ in three instances.
Mr. BROWN of California in 10 instances.
Mr. SOLARZ.
Mr. LONG of Maryland.
Mr. AMBRO.
Mr. VANIK in two instances.
Mr. KOCH.
Mr. PEPPER.
Mr. ROGERS in five instances.
Mr. SIMON.
Mrs. COLLINS of Illinois.
Mr. COTTER.
Mr. WAXMAN.
Ms. MIKULSKI in five instances.
Mr. SANTINI.
Mr. MOTTL.
Mr. FORD of Tennessee.
Mr. MAGUIRE.
Mr. RUNNELS.
Mr. MCKAY.
Mr. SCHEUER.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 393. An act to provide for the study of certain lands to determine their suitability for designation as wilderness in accordance with the Wilderness Act of 1964, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1534. An act to amend the Interstate Commerce Act to authorize appropriations for the Interstate Commerce Commission, to require the Commission to recodify its rules, and for other purposes; to the Committees on Interstate and Foreign Commerce and Public Works and Transportation.

ENROLLED BILLS SIGNED

Mr. THOMPSON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3437. An act to make certain technical and miscellaneous amendments to provisions relating to vocational education contained in the Education Amendments of 1976;

H.R. 3662. An act granting the consent of Congress to the Mississippi-Louisiana Bridge construction compact; and

H.R. 6401. An act to authorize appropriations for the administration of the Deepwater Port Act of 1974.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles.

S. 36. An act to authorize appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes; and

S. 853. An act to extend the Defense Production Act of 1950, as amended.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMPSON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and a Joint Resolution of the House of the following titles:

H.R. 5562. An act to authorize the establishment of the Eleanor Roosevelt National Historic Site in the State of New York, and for other purposes;

H.R. 6205. An act to authorize appropriations for fiscal years 1978, 1979, and 1980 to carry out the Atlantic Tunas Convention Act of 1975; and

H.J. Res. 424. Joint resolution to authorize the Administrator of General Services to accept land, buildings, and equipment without reimbursement, for the John Fitzgerald Kennedy Library, and for other purposes.

ADJOURNMENT

Mr. BENJAMIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 24, 1977, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1535. A letter from the President of the United States, transmitting amendments to the request for fiscal year 1978 appropriations (H. Doc. No. 95–161); to the Committee on Appropriations and ordered to be printed.

1536. A letter from the President of the United States, transmitting amendments to the request for fiscal year 1978 appropriations (H. Doc. No. 95–162); to the Committee on Appropriations and ordered to be printed.

1537. A letter from the President of the United States, transmitting a report on the action he is taking with respect to color television receivers covered by the determination of the U.S. International Trade Commission under section 201(d)(1) of the Trade Act of 1974 on March 22, 1977, pursuant to section 203(b)(1) of the act (H. Doc. No. 95–163); to the Committee on Ways and Means and ordered to be printed.

1538. A letter from the Mayor of the District of Columbia, transmitting the first report on alcoholism program and planning, pursuant to section 13(a) of the act of August 4, 1947, as amended (82 Stat. 623); to the Committee on the District of Columbia.

1539. A letter from the Secretary of the Treasury, transmitting a report on antirecession fiscal assistance to State and local governments during the three quarters ended January 5, 1977, pursuant to section 213 of the Public Works Employment Act of 1976; to the Committee on Government Operations.

1540. A letter from the Secretary of the Treasury, transmitting, a report on antirecession fiscal assistance to State and local governments during the quarter ended April 7, 1977, pursuant to section 213 of the Public Works Employment Act of 1976; to the Committee on Government Operations.

1541. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report on actions taken on recommendations contained in the second annual report of the Federal Council on the Aging, dated January 16, 1976, pursuant to section 6(b) of the Federal Advisory Committee Act; to the Committee on Government Operations.

1542. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a report on the Corporation's activities under the Privacy Act during calendar year 1976; to the Committee on Government Operations.

1543. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during April 1977, pursuant to section 234 of the Legislative Reorganization Act of 1970: to the Committee on Government Operations.

1544. A letter from the Assistant Secretary of the Interior, transmitting a copy of an application by the Whitney Irrigation District of Dawes County, Nebr., for a loan under the Small Reclamation Projects Act, as amended, pursuant to section 4(c) of the Act; to the Comimttee on Interior and Insular Affairs.

1545. A letter from the Assistant Secretary of the Interior, transmitting a copy of an application by the Santa Maria Water Control and Improvement District—Cameron County No. 4, Santa Maria, Tex., for a loan under the Small Reclamation Projects Act, as amended, pursuant to section 4(c) of the act; to the Committee on Interior and Insular Affairs.

1546. A letter from the Acting General Counsel, U.S. Arms Control and Disarmament, transmitting a report on political contributions made by Adrian S. Fisher, nominated by the President for the rank of Ambassador while serving as the U.S. Representative to the Conference of the Committee on Disarmament, and his family, pursuant to section 6 of Public Law 93–126; to the Committee on International Relations.

1547. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on International Relations.

1548. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, covering the period May 1–15, 1977, pursuant to section 204(d) of the Immigration and Nationality Act, as amended (79 Stat. 915); to the Committee on the Judiciary.

1549. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Federal Boat Safety Act of 1971 to extend authorization for appropriations for financial assistance to State boating programs; to the Committee on Merchant Marine and Fisheries.

1550. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a Corps of Engineers report on the Nemaha and Little Nemaha Rivers, Nebraska and Kansas, requested by a resolution of the House Committee on Flood Control adopted June 21, 1944; to the Committee on Public Works and Transportation.

1551. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a Corps of Engineers report on the Ogeechee-Altamaha area, Georgia, authorized by section 205 of the Flood Control Act of 1950; to the Committee on Public Works and Transportation.

1552. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a Corps of Engineers report on Fort Hancock and vicinity, Texas, authorized by section 206 of the Flood Control Act of 1958; to the Committee on Public Works and Transportation.

1553. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a Corps of Engineers report on the Ogeechee River Basin, Ga., requested by a resolution of the House Committee on Public Works adopted June 19, 1963; to the Committee on Public Works and Transportation.

1554. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a Corps of Engineers report on Hilton Head Island, S.C., requested by a resolution of the House Committee on Public Works adopted June 24, 1965; to the Committee on Public Works and Transportation.

1555. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a Corps of Engineers report on the Delaware Creek, Tex., requested by a resolution of the House Committee on Public Works adopted October 19, 1967; to the Committee on Public Works and Transportation.

1556. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a Corps of Engineers report on the Narrow River, R.I., requested by a resolution of the House Committee on Public Works adopted December 11, 1969; to the Committee on Public Works and Transportation.

1557. A letter from the Secretary of Health, Education, and Welfare, transmitting a copy of a memorandum from the General Counsel of the Department concerning providing protection from the SSI pass-along for the three-hold-harmless States; to the Committee on Ways and Means.

1558. A letter from the Comptroller General of the United States, transmitting a report on Contractor Pension Plan costs (PSAD–77–100, May 19, 1977); jointly, to the Committees on Government Operations and Armed Services.

1559. A letter from the Comptroller General of the United States, transmitting a report on the nationalization and expropriation of U.S. direct private foreign investment (ID–77–9, May 20, 1977); jointly, to the Committees on Government Operations, International Relations, and Banking, Finance and Urban Affairs.

1560. A letter from the Comptroller General of the United States, transmitting a status report on the Mariner Jupiter/Saturn 1977 Project (PSAD–77–103, May 20, 1977); jointly, to the Committees on Government Operations, and Science and Technology.

1561. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to amend legislation regarding the International Boundary and Water Commission—The United States and Mexico; jointly, to the Committees on International Relations, and Public Works and Transportation.

1562. A letter from the Secretary of Commerce, transmitting drafts of proposed legislation to authorize an additional Assistant Secretary of Commerce; jointly, to the Committees on Interstate and Foreign Commerce and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Submitted May 20, 1977*]

Mr. MURPHY of New York: Committee on Merchant Marine and Fisheries. H.R. 6970. A bill to amend the Marine Mammal Protection Act of 1972 with respect to the taking of marine mammals incidental to the course of commercial fishing operations, and for other purposes; with amendment (Rept. No. 95–355). Referred to the Committee of the Whole House on the State of the Union.

[*Pursuant to the sequential referral on May 16, 1977 the following report was filed on May 20, 1977*]

Mr. TEAGUE: Committee on Science and Technology. H.R. 4297. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize appropriations to carry out the provisions of such act for fiscal year 1978; with an amendment (Rept. No. 95–325, Pt. II). Referred to the Committee of the Whole House on the State of the Union May 23, 1977.

[*Filed May 23, 1977*]

Mr. ROBERTS: Committee on Veterans' Affairs. H.R. 1862. A bill to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans; to increase the rates of dependency and indemnity compensation for their survivors; and for other purposes. (Rept. No. 95–356). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROBERTS: Committee on Veterans' Affairs. H.R. 6501. A bill to amend section 360 of title 38, United States Code, to provide increased awards of service-connected compensation to certain veterans who have suffered the loss or loss of use of paired extremities. (Rept. No. 95–357). Referred to the Committee on the Whole House on the State of the Union.

Mr. ROBERTS: Committee on Veterans Affairs. H.R. 6502. A bill to amend title 38 of the United States Code to provide an automobile assistance allowance and to provide automotive adaptive equipment to veterans of World War I. (Rept. No. 95–358). Referred to the Committee of the Whole House on the State of the Union.

Mr. MEEDS: Committee on Rules. House Resolution 589. Resolution providing for the consideration of H.R. 6161. A bill to amend the Clean Air Act, and for other purposes. (Rept. No. 95–359). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ST GERMAIN (for himself, Mr. Reuss, Mr. Ashley, Mr. Moorhead of Pennsylvania, Mr. Gonzalez, Mr. Minish, Mr. Annunzio, Mr. Hanley, Mr. Mitchell of Maryland, Mr. Neal, Mr. Patterson of California, Mr. Blanchard, Mrs. Spellman, Mr. Derrick, Mr. Hannaford, Mr. Allen, Mr. D'Amours, Mr. Badillo, Mr. Stanton, Mr. Wylie, and Mr. Hyde):

H.R. 7325. A bill to provide for Federal regulation of participation by foreign banks in domestic financial markets; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BROOMFIELD:

H.R. 7326. A bill to amend title XVIII of the Social Security Act to provide for the coverage of certain psychologists' services under the supplementary medical insurance benefits program established by part B of such title; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. CAPUTO (for himself, Mr. Walker, Mr. Ketchum, Mr. Murphy of Pennsylvania, Mr. Eilberg, Mr. Glickman, Mr. Long of Maryland, Mr. Gephardt, Mr. Edwards of Oklahoma, Mr. Stockman, Mr. Ottinger, and Mr. Kildee):

H.R. 7327. A bill to repeal section 108A of the Mutual Educational and Cultural Exchange Act of 1961 which allows participation by Federal employees in certain cultural exchange programs financed by foreign governments; to the Committee on International Relations.

By Mr. FORD of Michigan (for himself, Mr. Buchanan, Mr. Perkins, Mr. Thompson, Mr. Brademas, Mr. Biaggi, Mr. Phillip Burton, Mr. Simon, and Mr. Mottl):

H.R. 7328. A bill to amend title I of the Higher Education Act of 1965 to establish a system of grants for urban universities; to the Committee on Education and Labor.

By Mr. GOLDWATER (for himself and Mr. Hyde):

H.R. 7329. A bill to require the Secretary of Transportation to establish mandatory operating procedures to reduce noise, conserve fuel, and improve the degree of safety in the operation of civil turbojet powered aircraft in the United States, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. EDWARDS of California (for himself, Mr. Butler, Mr. Seiberling, Mr. Drinan, Mr. Volkmer, Mr. Beilenson, and Mr. McClory):

H.R. 7330. A bill to establish a uniform law on the subject of bankruptcies; to the Committee on the Judiciary.

By Mr. DINGELL (for himself and Mr. Ashbrook):

H.R. 7331. A bill to amend the Clean Air Act to establish certain motor vehicle emission standards, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DRINAN (for himself, Mr. Bingham, Mr. Patterson of California, Mr. Rangel, Mr. Roybal, and Mr. Scheuer):

H.R. 7332. A bill to prescribe certain rules for Federal, State, and local agencies regulating electric rates; to the Committee on Interstate and Foreign Commerce.

By Mr. DRINAN (for himself, Mr. Eilberg, Ms. Holtzman, Mr. Ryan, Mr. Solarz, and Mr. Stark):

H.R. 7333. A bill to provide for certain research and demonstration respecting the disposal of sludge, and reclamation of waters damaged by sludge and sewage, assistance to State and local governments for the removal of sludge and other solid waste from waters and shoreline areas, and to provide that grants for waste treatment works shall be made only if such works provide for environmentally sound sludge management; to the Committee on Public Works and Transportation.

By Mr. DRINAN (for himself, Mrs. Fenwick, Ms. Holtzman, Mr. Hughes, and Mr. Solarz):

H.R. 7334. A bill to direct the Administrator of Energy Research and Development to establish a system of research and development of energy-conserving industrial technologies with due regard for the need to operate such a system in a manner which will stimulate depressed sectors of the American economy; to the Committee on Science and Technology.

By Mr. DRINAN (for himself, Mr. Carney, Mr. Eilberg, Ms. Holtzman, Mr. McHugh, and Mr. Pursell):

H.R. 7335. A bill to provide for incentives for the commercial application of solar energy, energy conservation, and renewable resource equipment and devices in homes, neighborhood and community structures, small businesses, and facilities owned or occupied by nonprofit organizations; jointly, to the Committees on Banking, Finance and Urban Affairs, and Small Business.

By Mr. HARRINGTON:

H.R. 7336. A bill to require defense contractors to file annual reports with the Secretary of Defense disclosing certain information with respect to their subcontractors; to the Committee on Armed Services.

H.R. 7337. A bill to amend section 8 of the Clayton Act to prohibit certain corporate management interlocking relationships, and for other purposes; to the Committee on the Judiciary.

By Mr. HARRIS:

H.R. 7338. A bill to amend the Social Security Act to make certain that recipients of supplemental security income benefits, recipients of aid to families with dependent children, recipients of medicaid benefits, and recipients of aid or assistance under the Veterans' benefit programs and certain other Federal and federally assisted programs will not have the amount of such benefits, aid, or assistance reduced because of increases in monthly social security benefits; to the Committee on Ways and Means.

By Mr. HYDE:

H.R. 7339. A bill to discourage the use of leg-hold or steel jaw traps on animals in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Oklahoma (for himself, Mr. Treen, Mr. English, Mr. Waggonner, Mr. Badillo, Mr. Cohen, Mr. Edwards of Oklahoma, Mr. Marlenee, Mr. Walgren, Mr. Mitchell of Maryland, Mr. Ford of Michigan, and Mr. Moffett):

H.R. 7340. A bill providing that the tax treatment of certain transportation expenses between a taxpayer's residence and place of work shall be determined without regard to Revenue Ruling 76–453; to the Committee on Ways and Means.

By Mr. KILDEE:

H.R. 7341. A bill to amend the Communications Act of 1934 to regulate the interception by common carriers of communications, to provide greater judicial scrutiny for the interception by any persons of certain communications, and for other purposes; jointly, to the Committees on Interstate and Foreign Commerce, and the Judiciary.

By Mr. MADIGAN (for himself, Mr. Moore, Mr. Duncan of Tennessee, Mr. Guyer, Mr. Abdnor, Mr. Coleman, Mr. LaFalce, Mr. Butler, Mr. Kindness, Mr. Badillo, Mr. Walker, Mr. Hall, Mr. Ertel, Mr. Lagomarsino, Mr. Cochran of Mississippi, Mr. Andrews of North Dakota, Mr. Jeffords, Mr. Charles Wilson of Texas, Mr. Simon, Mr. Steiger, and Mr. Corcoran of Illinois):

H.R. 7342. A bill to amend the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. MADIGAN (for himself, Mr. Baucus, Mr. Burgener, Mr. Carter, Mr. Grassley, Mr. Krueger, Mr. Hughes, Mr. Frenzel, Mr. Pressler, Mr. Murphy of Pennsylvania, Mr. Pattison of New York, Mr. Glickman, and Mr. McCormack:

To H.R. 7343. A bill to amend the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. MANN:

H.R. 7344. A bill to provide for a study of a proposed Southern Appalachian Slope National Recreation Area on the southern slope of the Appalachian highlands in areas of the States of South Carolina, North Carolina, and Georgia; to the Committee on Interior and Insular Affairs.

By Mr. MONTGOMERY (for himself, Mr. Wylie, Mr. Roberts, Mr. Hammerschmidt, Mr. Teague, Mr. Brinkley, Mr. Hefner, Mr. Hall, Mr. Edgar, Mr. Guyer, and Mr. Mottl):

H.R. 7345. A bill to amend title 38 of the United States Code to increase the rates of disability and death pension and to increase the rates of dependency and indemnity compensation for parents, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. NICHOLS:

H.R. 7346. A bill to amend section 1331(c) of title 10, United States Code, to allow certain otherwise ineligible reservists to become eligible for retired pay, and for other purposes; to the Committee on Armed Services.

By Mr. OTTINGER (for himself, Mr. Badillo, Mr. Bedell, Mr. Bonior, Mr. Brown of California, Mr. John L. Burton, Mr. Conyers, Mr. Downey, Mr. Edgar, Mr. Edwards of California, Mr. Fraser, Mrs. Fenwick, Mr. Harkin, Mr. Harrington, Mr. Kastenmeier, Mr. Koch, Mr. LaFalce, Mr. McCloskey, Mr. McHugh, Ms. Meyner, Ms. Mikulski, Mr. Miller of California, Mr. Mineta, Mr. Mitchell of Maryland, and Mr. Moakley):

H.R. 7347. A bill to grant admission to the United States to certain nationals of Chile and the spouses, children, and parents of such nationals, and for other purposes; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 7348. A bill to provide for a national cemetery in the area of Broward County or Dade County, Fla.; to the Committee on Veterans' Affairs.

By Mr. PREYER:

H.R. 7349. A bill to amend the Budgeting and Accounting Act, 1921, to affirm the authority of the Comptroller General to have access to any books, documents, papers, or records of the Department of Justice for managerial and operational as well as for fiscal reviews and evaluations; to the Committee on Government Operations.

By Mr. RHODES (for himself, Mr. Murphy of Pennsylvania, Mr. Wolff, Mr. Dicks, Mr. Cleveland, Mr. Chappell, Mr. Moffett, Mr. Conte, Mr. Emery, Mr. Eilberg, Mr. Mikva, and Mr. Coughlin):

H.R. 7350. A bill to incorporate the United States Submarine Veterans of World War II; to the Committee on the Judiciary.

By Mr. RICHMOND (for himself, Mr. Patterson of California, and Mr. Rosenthal):

H.R. 7351. A bill to amend the Food Stamp Act of 1964, as amended, by simplifying administration, encouraging participation, and eliminating fraud, and for other purposes; to the Committee on Agriculture.

By Mr. RUSSO:

H.R. 7352. A bill to amend the National Housing Act for the purpose of imposing certain conditions with respect to mortgages insured under title II of such act; to the Committee on Banking, Finance and Urban Affairs.

By Mr. TRAXLER:

H.R. 7353. A bill to amend title 5, United States Code, to provide for the establishment of a special cost-of-living pay schedule containing increased pay rates for Federal employees based on place of employment to offset the increased cost of living, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WEISS (for himself, Mr. Waxman, Mr. Baucus, Mr. Bonior, Mr. Kostmayer, Mr. Neal, Mr. Stark, and Mr. Young of Missouri):

H.R. 7354. A bill to amend the Age Discrimination in Employment Act of 1967 to extend the protection against discrimination in employment to individuals who are 65 years of age or older, and to make unlawful those seniority systems and employee benefit plans which require the retirement of individuals who are 40 years of age or older; to the Committee on Education and Labor.

By Mr. WHITEHURST:

H.R. 7355. A bill to amend section 907 of title 37, United States Code, relating to pay and allowances of enlisted members of the uniform services who are appointed officers, and for other purposes; to the Committee on Armed Services.

By Mr. WHITEHURST (for himself and Mrs. Fenwick):

H.R. 7356. A bill to require the Secretary of the Interior to make a comprehensive study of the wolf for the purpose of developing adequate conservation measures, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. WHITEHURST (for himself, Mr. Coleman, and Mr. Milford):

H.R. 7357. A bill to amend the Congressional Budget Act of 1974 to require the Congressional Budget Office to prepare economic impact statements in connection with legislation reported by congressional committees and in connection with rules and regulations proposed by Federal agencies; to the Committee on Rules.

By Mr. ALLEN:

H.R. 7358. A bill to provide that a married couple must share equally in ownership of all income and assets, from whatever source, in order to qualify for joint income tax rate by amending Internal Revenue Code of 1954, as amended, section 6013 (a); to the Committee on Ways and Means.

H.R. 7359. A bill to avoid the need of adding a tax on crude oil or gasoline, or of increasing the price of crude oil, fuel oil, or other petroleum products in order to conserve and reduce the use and consumption thereof by granting to the President and the Executive Department the power and duty to limit and allocate the maximum amount of crude oil that may be refined and used by petroleum companies and others each year, as the supply and reserves of oil may dictate; to amend title 15, United States Code, Sections 751 et seq., the "Emergency Petroleum Allocation Act of 1973"; and for other purposes; jointly, to the Committees on Interstate and Foreign Commerce, and International Relations.

By Mr. ANDREWS of North Dakota:

H.R. 7360. A bill to amend the Internal Revenue Code of 1954 to exempt certain farm vehicles from the highway use tax; to the Committee on Ways and Means.

By Mr. BURGENER:

H.R. 7361. A bill to amend title XVI of the Social Security Act to permit mentally retarded individuals and other disabled persons to deduct work-related expenses in determining their income for supplemental security income benefit purposes, in the same way as is presently permitted for the blind; to the Committee on Ways and Means.

By Mrs. FENWICK:

H.R. 7362. A bill to amend the Internal Revenue Code of 1954 to provide that a married individual who files a separate return may be taxed on his or her income at the same rate as an unmarried individual; to the Committee on Ways and Means.

By Mr. FISH (for himself, Mr. Drinan, Mr. Simon, and Mr. Steiger):

H.R. 7363. A bill to authorize the creation of a record of admission for permanent residence in the cases of certain refugees from the Republic of Vietnam, Laos, or Cambodia; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.R. 7364. A bill to amend title XVIII of the Social Security Act for the purpose of including community mental health centers among the entities which may be qualified providers of service for medicare purposes; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. MURTHA:

H.R. 7365. A bill to amend the Internal Revenue Code of 1954 to increase to 12 percent the rate of the investment tax credit and to provide tax incentives for the use of coal in certain electric powerplants and major fuel-burning installations, to authorize the Administrator of the Federal Energy Administration to make loans to businesses for the purchase of certain coal-fueled equipment, and for other purposes; jointly to the Committees on Banking, Financial and Urban Affairs, Interstate and Foreign Commerce, and Ways and Means.

By Mr. OTTINGER (for himself, Mr. Moffett, Mr. Patterson of California, Mr. Simon, Mr. Stark, Mr. Waxman, and Mr. Weiss):

H.R. 7366. A bill to grant admission to the United States of certain nationals of Chile and the spouses, children, and parents of such nationals, and for other purposes; to the Committee on the Judiciary.

By Mr. QUILLEN (for himself and Mr. Allen):

H.R. 7367. A bill to provide recognition to the Women's Air Force Service Pilots for their service to their country during World War II by deeming such service to have been active duty in the Armed Forces of the United States for purposes of laws administered by the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. RAILSBACK (for himself, Mr. Kastenmeier, Mr. Ammerman, Mr. Marlenee, Mr. Neal, Mr. Pattison of New York, and Mr. Rosenthal):

H.R. 7368. A bill to regulate lobbying and related activities; to the Committee on the Judiciary.

By Mr. RICHMOND (for himself and Mr. Leach):

H.R. 7369. A bill to establish within the Federal Energy Administration a program of Federal matching grants to assist States and localities in providing solar energy systems for public buildings and facilities; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ROONEY (by request):

H.R. 7370. A bill to amend the Department of Transportation Act and the Regional Rail Reorganization Act of 1973 to extend the eligibility for financial assistance under the rail service assistance programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STOKES:

H.R. 7371. A bill to prohibit psychosurgery in federally connected health care facilities; to the Committee on Interstate and Foreign Commerce and Ways and Means.

By Mr. STOKES (for himself, Mr. Moakley, Mr. Drinan, Ms. Meyner, Mr. Price, Mr. Corrada, Mr. Levitas, Mr. Bingham, Mr. Weiss, Ms. Spellman, Mr. Udall, Mr. Fraser, Mr. Murphy of Illinois, Mr. Richmond, Mr. Stark, and Mr. Flood):

H.R. 7372. A bill to require that any person holding a federally related home mortgage shall provide certain services and follow certain procedures before instituting foreclosure proceedings with respect to such mortgage; to the Committee on Banking, Finance and Urban Affairs.

By Mr. STOKES (for himself, Mr. Rodino, Mr. Metcalfe, Mr. Conyers, Mr. Nix, Mr. Dellums, Mr. Traxler, Mr. Rostenkowski, Mr. Carney, Mr. Mitchell of Maryland, Mrs. Burke of California, Mr. Clay, Mr. Badillo, Mr. Brodhead, Mr. Rangel, Mr. Roybal, Mr. Ford of Tennessee, Mr. Fary, Mr. Seiberling, Mrs. Chisholm, Mr. Hawkins, Mrs. Collins of Illinois, Mr. Diggs, Mr. Corman, and Mr. Solarz):

H.R. 7373. A bill to require that any person holding a federally related home mortgage shall provide certain services and follow certain procedures before instituting foreclosure proceedings with respect to such mortgage; to the Committee on Banking, Finance and Urban Affairs.

By Mr. STOKES (for himself, Mr. Hawkins, Mr. Badillo, Mr. Mitchell of Maryland, Mr. Fraser, Mr. Diggs, Mr. Mazzoli, Ms. Holtzman, Ms. Spellman, Mr. Moffett, Ms. Collins of Illinois, Mr. Nolan, Mr. Downey, and Mr. Beard of Rhode Island):

H.R. 7374. A bill to establish a program providing financial assistance to low- and moderate-income households with regard to utility costs incurred by such households; to the Committee on Interstate and Foreign Commerce.

By Mr. STOKES (for himself, Mr. de Lugo, Mr. Corrada, Mr. Mitchell of Maryland, Mr. Scheuer, Mr. Rose, Mr. Charles Wilson of Texas, Mr. Hawkins, Mr. Nix, Mr. Clay, Mr. Roybal, Mr. Badillo, Mr. Downey, Ms. Holtzman, Mrs. Chisholm, Mr. Moakley, Mr. Roncalio, Mr. Conyers, Mrs. Collins of Illinois, Mr. Diggs, Mr. Fauntroy, Mr. Maguire, Mr. Carney, Mr. Waxman, and Mr. Ottinger):

H.R. 7375. A bill to amend title XVI of the Social Security Act to provide that benefits under the supplemental security income program shall be in amounts equal at least to the poverty level, to allow each spouse in an eligible couple to receive such benefits in his or her own right, to reduce from 65 to 60 the age of eligibility for such benefits, to provide an effective method for replacing lost or stolen benefit checks, and to make various other improvements in the administration of such program; to the Committee on Ways and Means.

By Mr. STOKES (for himself, Mr. Fary, Mr. de Lugo, Mr. Metcalfe, Mr. Fauntroy, Mr. Seiberling, Mr. Rodino, Mr. Mitchell of Maryland, Mr. Badillo, Mr. Charles Wilson of Texas, Mr. Price, Mr. Simon, Mr. Pepper, Mr. Diggs, Mr. Hawkins, Mr. Drinan, Mr. Vento, Mr. Udall, Mr. Ottinger, Mr. Clay, Mr. Nix, Ms. Collins of Illinois, Mr. Leggett, Mr. Rooney, and Ms. Holtzman):

H.R. 7376. A bill to provide a special program for financial assistance to national community-based organizations of demonstrated effectiveness, in order to provide 1 million new jobs and job training opportunities, and for other purposes; jointly, to the Committees on Education and Labor, and Ways and Means.

By Mr. STOKES (for himself, Mr. Rangel, Mr. Brodhead, Mr. Coughlin, Mr. Dent, Mr. Harrington, Mr. Thompson, Mr. Conyers, Mr. Beard of Rhode Island, Ms. Burke of California, Mr. Pattison of New York, Mr. Carr, and Mr. Carney):

H.R. 7377. A bill to provide a special program for financial assistance to national community-based organizations of demonstrated effectiveness, in order to provide 1 million new jobs and job training opportunities, and for other purposes; jointly, to the Committees on Education and Labor, and Ways and Means.

By Mr. STOKES (for himself, Mr. de Lugo, Mr. Corrada, Mr. Mitchell of Maryland, Mr. Scheuer, Mr. Rose, Mr. Charles Wilson of Texas, Mr. Hawkins, Mr. Nix, Mr. Clay, Mr. Roybal, Mr. Badillo, Mr. Downey, Ms. Holtzman, Ms. Chisholm, Mr. Moakley, Mr. Roncalio, Mr. Conyers, Ms. Collins of Illinois, Mr. Diggs, and Mr. Fauntroy):

H.R. 7378. A bill to amend title II of the Social Security Act to remove the present ceiling on the contribution and benefit base with a partial exemption from social security taxes for low-income workers, to increase the minimum benefit, to provide full benefits at a reduced age for members of groups with less than average life expectancy, to repeal the earnings test, to provide mandatory coverage for Federal employees, and to make other improvements in the old-age, survivors, and disability insurance programs; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. VANIK (for himself, Mr. Baldus, Mr. Brodhead, Mr. Clay, Ms. Collins of Illinois, Mr. Fary, Mr. Fascell, Mr. Fauntroy, Mr. Fraser, Mr. Hawkins, Ms. Keys, Mr. Lehman, Ms. Mikulski, Mr. Mikva, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Nix, Ms. Oakar, Mr. Seiberling, Mr. Stark, Mr. Vento, and Mr. Won Pat):

H.R. 7379. A bill to amend titles XVIII, XIX of the Social Security Act to provide for a greater utilization of the professional services of qualified clinical social workers in the medicare and medicaid programs, to include outpatient services, community mental health centers and neighborhood health centers among the entities which may be qualified providers, and to remove the special limitations which are presently imposed on coverage of psychiatric and mental health services under parts A and B of title XVIII and title XIX; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mrs. BURKE of California (for herself, Mr. Badillo, Mr. Brodhead, Mr. Brown of California, Mr. Clay, Mr. Cohen, Mr. Fauntroy, Mrs. Fenwick, Mr. Gilman, Mr. Harrington, Ms. Holtzman, Miss Jordan, Mr. McHugh, Mr. Mazzoli, Mr. Metcalfe, Ms. Mikulski, Mr. Moakley, Mr. Ottinger, Mr. Panetta, Mr. Price, Mr. Roybal, Mr. Simon, Mr. Sisk, Mr. Stokes, and Mr. Waxman):

H.R. 7380. A bill to promote the healthy development of children who would benefit from adoption by facilitating their placement in adoptive homes, and for other purposes; jointly, to the Committees on Education and Labor, and Interstate and Foreign Commerce.

By Mr. EILBERG:

H.R. 7381. A bill to amend title 18 of the United States Code to eliminate racketeering in the sale and distribution of cigarettes, and for other purposes; to the Committee on the Judiciary.

By Mr. PATTERSON of California:

H.R. 7382. A bill to prohibit speculation in the buying and selling of one-to-four family residences; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BONIOR:

H.J. Res. 477. Joint resolution authorizing and requesting the President to issue a proclamation designating the period from October 9, 1977, through October 15, 1977, as "National School Bus Safety Week"; to the Committee on Post Office and Civil Service.

By Mr. EMERY (for himself, Mr. Moakley, Mr. Blouin, Mr. Beilenson, Mr. Lagomarsino, Mr. Downey, Mr. Gilman, Mr. Quillen, Mr. Hannaford, Mr. Lent, Mr. Kostmayer, Mr. Drinan, Mr. Cleveland, Mr. Charles Wilson of Texas, Mr. Badillo, Mr. Simon, Mr. McCloskey, Mr. Pike, Mr. AuCoin, Mr. Hollenbeck, Mr. Grassley, Mr. Moffett, Mr. Young of Alaska, Mr. Edwards of Oklahoma, and Mr. Pursell):

H.J. Res. 478. Joint resolution to encourage formation of an international organization for the conservation of whales; to the Committee on International Relations.

By Mr. EMERY (for himself, Mr. Bonior, Mr. Waxman, Mr. Stark, Mr. Dellums, Mr. Bingham, Mr. Jenrette, and Mr. Badham):

H.J. Res. 479. Joint resolution to encourage formation of an international organization for the conservation of whales; to the Committeee on International Relations.

By Mr. STAGGERS:

H.J. Res. 480. Joint resolution to authorize and request the President to issue annually a proclamation designating the first Sunday of Septmber after Labor Day of each year as "National Grandparents Day"; to the Committee on Post Office and Civil Service.

By Mr. WEAVER:

H.J. Res. 481. Joint resolution requesting the President to proclaim June 1, 1977, as "Linus Pauling Day"; to the Committee on Post Office and Civil Service.

By Mr. WHITEHURST (for himself, Mr. Beard of Rhode Island, Mr. Forsythe, Mr. Jeffords, Mrs. Spellman, Mr. St Germain, and Mr. Thone):

H.J. Res. 482. Joint resolution requesting the President to proclaim the second week of May as "Municipal Clerks' Week"; to the Committee on Post Office and Civil Service.

By Mr. KINDNESS:

H. Con. Res. 227. Concurrent resolution expressing the sense of the Congress with respect to certain regulations of the Environmental Protection Agency concerning air pollution from grain elevators; to the Committee on Interstate and Foreign Commerce.

By Mr. RUDD:

H. Con. Res. 228. Concurrent resolution expressing the sense of Congress that guarantees of human rights and freedom to emigrate for all people under the domination of the Soviet Government should be a prerequisite for any future agreement and trade between the United States of America and the Union of Soviet Socialist Republics; to the Committee on International Relations.

By Mr. BROOMFIELD:

H. Res. 590. Resolution to declare a "state of war" against the dreaded disease, amyotrophic lateral sclerosis; to the Committee on Interstate and Foreign Commerce.

By Mr. DOWNEY (for himself, Mr. Frenzel, Mr. Kostmayer, Mr. Delaney, Mr. Whitehurst, Mr. Young of Missouri, Mr. Guyer, Mr. Beilenson, Mr. Fuqua, Mr. Panetta, Mr. Clay, Mr. Ginn, Mr. Ketchum, Mr. Roe, Mr. Mann, Mr. Stratton, Mr. Rahall, Mr. Burgener, Mr. Hughes, Mr. Lundine, Mr. Dornan, Mr. Boland, Mr. Vento, and Mr. Jones of Tennessee):

H. Res. 591. Resolution requesting a proclamation commemorating the 50th anniversary of Col. Charles A. Lindbergh's historic solo flight from New York to Paris; to the Committee on Post Office and Civil Service.

By Mr. DOWNEY (for himself, Mr. Gephardt, Mr. Milford, and Mr. Duncan of Tennessee):

H. Res. 592. Resolution requesting a proclamation commemorating the 50th anniversary of Colonel Charles A. Lindbergh's historic solo flight from New York to Paris; to the Committee on Post Office and Civil Service.

By Mrs. LLOYD of Tennessee:

H. Res. 593. Resolution disapproving the proposed deferral of budget authority for operating expenses for the Clinch River Breeder Reactor Plant Project of the Energy Research and Development Administration; to the Committee on Appropriations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

153. By the SPEAKER: A memorial of the Legislature of the State of Nevada, relative to project Seafarer; to the Committee on Armed Services.

154. Also, Memorial of the Legislature of the territory of Guam, relative to Federal impact-aid to Guam; to the Committee on Education and Labor.

155. Also, Memorial of the Legislature of the State of Nevada, relative to mineral resources; to the Committee on Interior and Insular Affairs.

156. Also, Memorial of the Legislature of the State of Nevada, relative to the administration of certain Federal lands in the State of Nevada; to the Committee on Interior and Insular Affairs.

157. Also, Memorial of the Legislature of the State of Nevada, relative to protecting cacti and yucca on Federal land; to the Committee on Interior and Insular Affairs.

158. Also, memorial of the Legislature of the State of Nevada relative to the California-Nevada Interstate Compact; to the Committee on Interior and Insular Affairs.

159. Also, Memorial of the Legislature of the State of South Carolina, relative to the application for citizenship of Dr. Kostadin Vakev; to the Committee on the Judiciary.

160. Also, Memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to adequate Federal funding for nuclear, coal, and alternate energy resource development; to the Committee on Science and Technology.

161. Also, Memorial of the Legislature of the State of Alaska, relative to welfare reform; to the Committee on Ways and Means.

162. Also, Memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to voluntary trade restraints; to the Committee on Ways and Means.

163. Also, Memorial of the Legislature of the State of Nevada, relative to reducing the number of wild horses and burros on public lands; jointly, to the Committees on Interior and Insular Affairs, and Merchant Marine and Fisheries.

164. Also, Memorial of the Legislature of the State of Nevada, relative to federally protected free-roaming horses and burros; jointly, to the Committees on Interior and Insular Affairs, and Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRECKINRIDGE:

H.R. 7383. A bill for the relief of certain employees of the Department of Agriculture; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 7384. A bill for the relief of Anatoly Hochstein; to the Committee on the Judiciary.

By Mr. OTTINGER:

H.R. 7385. A bill for the relief of Alicia (Alcozer) Duback; to the Committee on the Judiciary.

By Mr. PATTERSON of California:

H.R. 7386. A bill for the relief of Maurice Allan Malinoff (also known as Maurice Allan Malin); to the Committee on the Judiciary.

By Mr. STOKES:

H.R. 7387. A bill for the relief of Noel Abueg Emde; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

111. By the SPEAKER: Petition of Fred W. Burrows, Executive Vice President, International Apple Institute, Washington, D.C., relative to U.S. Department of Labor proposed regulations covering temporary employment of aliens (20 CFR Part 655); to the Committee on Education and Labor.

112. Also, Petition of the Massachusetts Conference of the United Church of Christ, Framingham, Mass., relative to South Africa; to the Committee on International Relations.

113. Also, Petition of the City Council, Wilmington, Del., relative to the need for construction of nonprofit clinics for the spaying and neutering of dogs and cats; to the Committee on Interstate and Foreign Commerce.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 10

By Mr. CLAY:

(An amendment in the nature of a substitute to the amendment offered by Mr. Volkmer).

Page 30, strike out section 7322(9) of title 5, United States Code, as proposed by the bill, beginning on line 13 and ending on line 3 of page 32 and insert in lieu thereof the following:

"(9) 'restricted position' means any position with respect to which there is in effect a determination by the Commission, by regulation, that—

"(A) the duties and responsibilities of such position require such employee—

"(i) as a substantial part of his official activities, to engage in foreign intelligence activities relating to national security;

"(ii) in the normal course of carrying out such duties and responsibilities, to make decisions binding on employees with respect to whom he is a superior with regard to who shall be the subject of any action which is to be taken by any such employee in connection with the enforcement of any civil or criminal law (including any inspection or audit under any such law); or

"(iii) in the normal course of carrying out such duties and responsibilities—

"(I) to make binding decisions on who shall be awarded contracts which are for the procurement of goods or services for the Government and which have substantial monetary value, or who shall be awarded licenses, grants, subsidies, or other benefits, which involve funds or other interests having a substantial monetary value; or

"(II) to supervise individuals engaged in the awarding, administering, or monitoring of such contracts, licenses, grants subsidies, or benefits; and

"(B) the restrictions on political activity imposed on such employee in such position are justified in order to ensure the integrity of the Government or the public's confidence in the integrity of the Government.

Page 38, line 14, after "public office", insert "or who is in a restricted position".

H.R. 6161

By Mr. BREAUX:

On page 296, strike out lines 4 through 23 and insert in lieu thereof the following:

"(c)(1) Each applicable implementation plan shall contain an area classification plan based on maximum allowable increases in ambient concentrations of, and maximum allowable levels of ambient concentrations of, sulfur dioxide and particulate matter. In the case of increase based on concentrations permitted under national ambient air quality standards for any period of twenty-four hours or less, such regulations shall permit such maximum allowable increases to be exceeded during five percent of such periods per year in Class I and Class II areas. Concentrations of any pollutant for any period of exposure in any Class I area shall not be permitted under the preceding sentence to exceed the maximum allowable concentrations applicable to such pollutant for such period of exposure for Class II areas; and concentrations of any pollutant for any period of exposure in any Class II area shall not be permitted under such sentence to exceed the maximum allowable concentrations applicable to such pollutant for such period of exposure for Class III areas. Such classification plan shall apply to all areas in each State where the national primary and secondary ambient air quality standards for any air pollutant are not being exceeded. Such classification plan shall provide for designation of all such areas as either Class I, Class II, or Class III as to each such pollutant. Until such designation is effective, all such areas shall be deemed to have been designated as Class II, except as may be otherwise provided under paragraph (3)(B).

By Mr. BROYHILL:

Page 378, strike out line 23 and all that follows down through line 18 on page 385 and insert in lieu thereof the following:

LIGHT-DUTY MOTOR VEHICLE EMISSIONS

Sec. 203. (a) Subparagraph (A) of section 202(b)(1) of the Clean Air Act is amended to read as follows:

"(A) The regulations under subsection (a) applicable to emissions of carbon monoxide and hydrocarbons from light-duty vehicles and engines manufactured during model years 1977 through 1979 shall contain standards which provide that such emissions from such vehicles and engines may not exceed 1.5 grams per vehicle mile of hydrocarbons and 15.0 grams per vehicle mile of carbon monoxide. The regulations under subsection (a) applicable to emissions of carbon monoxide from light-duty vehicles and engines manufactured during or after the model year 1980 shall contain standards which provide that such emissions do not exceed 9.0 grams per vehicle mile. The regulations under subsection (a) applicable to emissions of hydrocarbons from light-duty vehicles and engines manufactured during or after model year 1980 shall contain standards which require a reduction of at least 90 per centum from emissions of such pollutant allowable under the standards under this section applicable to light-duty vehicles and engines manufactured in model year 1970.".

(b) Subparagraph (B) of section 202(b)(1) of such Act is amended to read as follows:

"(B) The regulations under subsection (a) applicable to emissions of oxides of nitrogen from light-duty vehicles and engines manufactured during model years 1977 through 1981 shall contain standards which provide that such emissions from such vehicles and engines may not exceed 2.0 grams per mile. The regulations under subsection (a) applicable to emissions of oxides of nitrogen from light-duty vehicles and engines manufactured after the model year 1981 shall contain standards which provide that such emissions from such vehicles and engines may not exceed 1.0 grams per mile except in the case of a revision or waiver by the Administrator under paragraph (5) or (6).".

(c) Section 202(b) of such Act is amended by striking out paragraph (5) thereof and substituting the following:

"(5)(A) Upon the petition of any manufacturer or on his own motion, the Administrator, after notice and opportunity for public hearing, shall revise the standard required under subparagraph (B) of paragraph (1) with respect to light-duty vehicles and engines manufactured during any period of two or more model years beginning after the model year 1981 if he determines that such standard should be revised due to (i) the lack of available, practicable, emission control technology to meet such standard during such period, (ii) the cost of compliance with such standard, and (iii) the impact of such standard on motor vehicle fuel consumption. No such revision may be made if the Administrator determines that such revision would endanger public health.

"(B) A revised standard established under this paragraph shall provide for such reduction of emissions of oxides of nitrogen from light-duty vehicles and engines as the Administrator deems appropriate based on (i) technology which is available and practicable during the period for which such standard applies, (ii) the cost of compliance, (iii) the impact on motor vehicle fuel consumption, and (iv) the need to protect public health. No such standard shall permit emissions of oxides of nitrogen in excess of 2.0 grams per vehicle mile.

"(C) A revised standard promulgated under this paragraph shall apply for a period of not less than two model years.

"(D) A revised standard established under this paragraph shall take effect beginning with the third model year which begins after the model year during which it is promulgated. In the case of a petition submitted by a manufacturer under this paragraph within such period as may be appropriate for purposes of this subparagraph, the Administrator shall promulgate a revision, or refuse to promulgate such a revision, within ninety days after the receipt of such petition.

"(6)(A) Upon the petition of any manufacturer, the Administrator, after notice and opportunity for public hearing, may waive the standard required under subparagraph (B) of paragraph (1) for any class or category of light-duty vehicles and engines manufactured by such manufacturer during any period of four or more model years beginning after the model year 1981 if he determines that such waiver is necessary to permit the use of an innovative power train technology in such class or category which use can produce a substantial energy saving for such class or category as compared to conventional power trains incorporating spark ignited, gasoline, internal combustion engines. No such waiver may be granted if the Administrator determines that such waiver would endanger public health.

"(B) Upon granting a waiver under this paragraph respecting any class or category of vehicles or engines, the Administrator shall promulgate an interim standard applicable to such class or category such as will (i) permit the use of the innovative power train technology on the basis of which such waiver was granted and (ii) take into account the need to protect public health. No such interim standard shall permit emissions of oxides of nitrogen in excess of 2.0 grams per vehicle mile.

"(C) A waiver under this paragraph shall apply for a period of not less than four model years.

"(D) An interim standard promulgated under this paragraph shall take effect beginning with the third model year which begins after the model year during which it is promulgated. In the case of a petition submitted by a manufacturer under this paragraph within such period as may be appropriate for purposes of this subparagraph, the Administrator shall grant a waiver or refuse to grant such a waiver within ninety days after the receipt of such petition.

"(7)(A) Following each model year, the Administrator shall report to the Congress respecting the motor vehicle fuel consumption consequences, if any, of the standards applicable for such model year in relationship to the motor vehicle fuel consumption associated with the standards applicable for the immediately preceding model year.

"(B) The Secretary of Transportation and the Federal Energy Administration shall each submit to Congress, as promptly as practicable following submission by the Administrator of the fuel consumption report referred to in subparagraph (a), separate reports respecting such fuel consumption.".

Page 402, strike out line 6 and all that follows down through line 8 on page 411 and insert in lieu thereof the following:

WARRANTIES

SEC. 209. (a) Section 207(b)(2) of the Clean Air Act is amended by adding the following at the end thereof: "No such warranty shall be invalid on the basis of any part used in the maintenance or repair of a vehicle or engine if such part was certified as provided under subsection (a)(2)."

(b) Section 207(a) of such Act is amended by striking out "(1)" and "(2)" and inserting in lieu thereof "(A)" and "(B)" respectively, by inserting "(1)" after "(a)" and by adding the following new paragraph at the end thereof:

"(2) In the case of a motor vehicle part or motor vehicle engine part, the manufacturer or rebuilder of such part may certify that use of such part will not result in a failure of the vehicle or engine to comply with emission standards promulgated under section 202. Such certification shall be made only under such regulations as may be promulgated by the Administrator to carry out the purposes of subsection (b). The Administrator shall promulgate such regulations no later than two years following the date of the enactment of this paragraph.".

(c) Section 207(b) of such Act is amended by striking out "its useful life (as determined under section 202(d))" in each place it appears and inserting in lieu thereof "a period of eighteen months or eighteen thousand miles (or the equivalent), whichever first occurs".

(d) Section 207(c)(3) of such Act is amended by inserting after the first sentence thereof the following: "The manufacturer shall provide in boldface type on the first page of the written maintenance instructions notice that maintenance, replacement, or repair of the emission control devices and systems may be performed by any automotive repair establishment or individual using any automotive part which has been certified as provided in subsection (a)(2).".

(c) Section 207 of such Act is amended by adding the following new subsection at the end thereof:

"(g) Nothing in this section shall be construed to provide that any labor required to be provided at the cost of the manufacturer pursuant to warranty under regulations under subsection (b)(2) may be performed by any persons other than persons specified by the manufacturer or that any part required to be provided at the cost of the manufacturer under such warranty may be other than a part specified by the manufacturer.".

(f) Section 207(a)(1) of such Act, as designated by subsection (b) of this section, is amended by adding the following at the end thereof: "For purposes of clause (1)(B) of this subsection the term 'defect' means a defect which existed at the time of sale of the new motor vehicle or motor vehicle engine to the ultimate purchaser.".

(g) Section 214 of such Act is amended by adding the following new paragraph at the end thereof:

"(7) The term 'emission control device or system' means, for purposes of section 207, a catalytic converter, thermal reactor, or other component installed on or in a vehicle for the sole or primary purpose of reducing vehicle emissions. Such term shall not include those vehicle components which were in general use prior to model year 1968.".

By Mr. DINGELL:

Page 357, strike out line 13 and all that follows down through line 20 on page 433, and insert in lieu thereof the following:

LIMITATION ON INDIRECT SOURCE REVIEW AUTHORITY

SEC. 201. (a) Title III of the Clean Air Act is amended by adding the following new section at the end thereof:

"INDIRECT SOURCE REVIEW PROGRAM STUDY

"SEC. 318. The Administrator shall conduct a study to determine if, and under what conditions, indirect source review programs (as defined in section 124(g)) contained in, or which could be contained in, State implementation plans are necessary to, and are likely to be effective to reduce, or prevent or minimize any projected increase in, emissions of any mobile source-related air pollutant or otherwise assist in attaining or maintaining any national primary ambient air quality for such pollutant. Not later than one year after the date of enactment of the Clean Air Act Amendments of 1977, the Administrator shall report to the Congress the results and findings of the study conducted under this section. In carrying out this section, the Administrator shall undertake to enter into appropriate arrangements with the National Academy of Sciences for an independent study to be conducted by the Academy. In conducting such study, the Administrator shall consult with other appropriate governmental agencies. In making the report under this section, the Administrator shall consider the study and advice of the Academy and of other appropriate governmental agencies. Of the funds authorized to be appropriated to the Administrator by this Act, such amounts as are required shall be available to carry out such independent study.".

(b) Section 110(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(5) Except as may be otherwise provided under paragraph (2)(I) and section 124—

"(A) no applicable implementation plan, nor any amendment or revision thereof, shall be required under any provision of this Act, as a condition of approval of such plan under paragraph (2), to include, and no plan promulgated by the Administrator shall include, any indirect source review program (as defined in section 124(g)), and

"(B) any State may revise an applicable implementation plan approved under section 110(a) to suspend or revoke any such program included in such plan.

This paragraph shall not prevent the Administrator from approving any such program if it is adopted and submitted by a State as part of an applicable implementation plan.".

(c) Section 110(a)(2) of such Act is amended by striking out the period at the end of section 110(a)(2)(H) and inserting in lieu thereof a semicolon and by adding the following new subparagraph at the end thereof:

"(I) it includes an indirect source review program meeting the requirements of section 124 if the Administrator determines—

"(i) as provided under section 124(a), that such program would be necessary in an air quality control region, or portion thereof, in the State in order to assist in attaining or maintaining a national primary ambient air quality standard, and

"(ii) as provided under section 124(b), that such program is likely to be effective in reducing emissions of a mobile source-related air pollutant, in preventing or minimizing any projected increase in such emissions, or otherwise assisting in attaining or maintaining any national primary ambient air quality standard for such pollutant;".

(d) Title I of the Clean Air Act is further amended by adding at the end thereof the following new section:

"LIMITATIONS ON INDIRECT SOURCE CONTROLS

"SEC. 124. (a) Regulations promulgated by the Administrator under subsection (c) shall not require a State to include in the State implementation plan, as a condition of approval of such plan, an indirect source review program for any air quality control region, or portion thereof, unless, after notice and opportunity for public hearing, he determines, on the basis of the study conducted under section 318 (together with such other information as may be available to the Administrator), that such a program would be necessary to assure attainment of the national primary ambient air quality standards for mobile source-related pollutants by the primary standard attainment date for such pollutant or to assure maintenance of such standards thereafter assuming the following conditions existed—

"(1) Light-duty motor vehicles and engines manufactured during and after model year 1975 had achieved a reduction in emissions of carbon monoxide and hydrocarbons of 90 per centum from the emissions of such pollutants allowable under standards under section 202 applicable to model year 1970, and such vehicles and engines manufactured during and after model year 1976 had achieved a reduction in emissions of oxides of nitrogen of 90 per centum from the emissions of such pollutant allowable under such standards applicable to model year 1971.

"(2) All practicable emission limitations and transportation control measures in the applicable implementation plan had been implemented as provided in such plan.

"(b)(1) Regulations promulgated by the Administrator under subsection (c) shall not require a State to include in the State implementation plan, as a condition of approval of such plan under section 110(a)(2), an indirect source review program for any air quality controls region, or portion thereof, unless, after notice and opportunity for public hearing, he determines, on the basis of the study conducted under section 318 (together with such other information as may be available to the Administrator) that such program is likely to be effective in such State to reduce emissions of a mobile source-related air pollutant, to prevent or minimize any projected increases in such emissions, or otherwise to assist in attaining or maintaining any national primary ambient air quality standard for any such pollutant—

"(A) in general,

"(B) under any specified set of conditions, or

"(C) in any designated air quality control region, or portion thereof.

"(2) If the Administrator makes the determination in paragraph (1)(B) or (C), then any such regulations may apply only in any air quality control region where the conditions specified in paragraph (1)(B) exist or in any region designated in paragraph (1)(C).

"(c)(1)(A) Within three months after the date required for completion of the study conducted under section 318, the Administrator shall publish proposed regulations requiring adequate State indirect source review programs to be included in appropriate State plans, as a condition of approval of such plans, subject to the limitations of subsections (a) and (b). Not later than three months after proposal of such regulations, the Administrator shall promulgate final regulations with appropriate modifications. Regulations promulgated under this section may be revised from time to time.

"(B) Within nine months after the later of (i) promulgation of final regulations under subparagraph (A) or (ii) determinations made under subsections (a) and (b), each State required to include an indirect source review program in the applicable implementation plan as a condition of approval under section 110(a)(2) shall submit to the Administrator a plan revision containing such a program.

"(C) Within eight months from the date required for submission of a plan revision under subparagraph (B), the Administrator shall approve or disappove so much of the implementation plan as provides for the implementation of, enforcement of, or variance from, such indirect source review program. The Administrator shall approve such provisions of such plan if he determines that the plan revision meets the requirements of regulations prescribed under this subsection. The Administrator may not disapprove any indirect source review program which he has previously approved unless he determines that the State in a substantial number of instances, has failed to carry out the requirements of such program in accordance with the provisions of this section. No determination of disapproval under the preceding sentence shall take effect for a period of three months following the date of such determination.

"(2) Regulations (or revisions thereof) published or promulgated under this subsection shall specify each State implementation plan with respect to which a plan revision will be required to comply with such regulations at the time such regulations (or revisions) are promulgated.

"(3) No indirect source (other than a parking facility which the Administrator determines will be used predominantly as part of a park-and-ride portion of a public transportation system which will assist in reducing regional air pollution concentrations) shall commence construction or modification after the date three months after the date required under paragraph (1)(C) for approval or disapproval of a State plan revision submitted under paragraph (1)(B) in any air quality control region for which the State is required to submit such a revision, unless the State's plan revision has been approved by the Administrator and such construction or modification complies with such approved plan.

"(d)(1) Except as provided in paragraph (2), any violation of a term or condition of any indirect source review program contained in an approved State plan (or in a plan promulgated under section 110(c), as permitted under subsection (e)(3)), any violation of a term or condition of any permit or variance under such an indirect source review program, and any violation of subsection (c)(3) of this section shall be treated as a violation of a requirement of an applicable implementation plan for purposes of this Act.

"(2) No person who has received a permit to construct or modify an indirect source from a governmental unit with an approved indirect source review program and who complies with the terms and conditions of such permit shall be deemed to be in violation of an applicable implementation plan under this subsection with respect to such construction or modification and no such permit may be withdrawn or revoked by the Administrator.

"(3) The regulations promulgated under subsection (c) may not require any indirect source which commences construction or modification before the date six months after any revision of an applicable implementation plan required by reason of a revision or amendment of the regulations promulgated under subsection (c) to comply with any requirement of such revised or amended implementation plan.

"(e)(1) Except as provided in paragraph (3) of this subsection, the Administrator shall have no authority to promulgate, implement, or enforce regulations under section 110(c)(1) relating to an indirect source review program for any air quality control region or any portion thereof located in any State.

"(2) In the event an indirect source review program is required for any air quality control region or part thereof in any State and such State fails to adopt a program which meets the requirements of this section, the State's indirect source review program shall be disapproved by the Administrator.

"(3) Paragraph (1) shall not apply to promulgation, implementation, or enforcement of regulations respecting indirect source review programs which apply only to federally assisted highways, airports, and other major federally assisted indirect sources and federally owned or operated indirect sources. Nothing in this section shall be construed to limit the authority of the Administrator to conduct preconstruction or premodification review of a federally assisted highway, airport or other major federally assisted indirect source or federally owned or operated indirect source, which commences construction or modification on or before the date three months after the date required under subsection (c)(1)(C) for approval or disapproval of a State plan revision.

"(f)(1) The regulations promulgated by the Administrator under subsection (c) shall provide that variances may be granted by the Governor of a State with an approved indirect source review program permitting construction (or modification) and operation of an indirect source notwithstanding the requirements of the indirect source review program in any case in which such variance with encourage development of long-term transportation patterns and modes which will—

"(A) improve, in the long term, air quality and protect public health, and

"(B) be energy efficient, or

which will prevent any requirement of the indirect source review program from creating any economic advantage or disadvantage for urban, suburban, or rural areas.

"(2) Except for a variance granted under this section, a plan promulgated under section 110(c) in conformance with subsection (e)(3) of this section, or a plan revision under section 110(a)(3) or 110(a)(5)(B), no variance, extension, compliance order, plan revision, or other action deferring or modifying a requirement of an applicable implementation plan may be taken with respect to any indirect source by the State or by the Administrator.

"(3) Any variance granted under this section shall terminate not later than January 1, 1985. Upon termination of any variance under this section, the indirect source to which such variance was granted shall be subject to all requirements and limitations of the applicable implementation plan.

"(4) A variance may be granted under this subsection only if the Governor determines that—

"(A) emissions from vehicles attracted to the indirect source with respect to which such variance is granted will not cause or contribute to air pollution concentrations in excess of any national primary ambient air quality standard for any mobile source-related pollutant in any part of the air quality control region in which such source is located upon expiration of such variance or thereafter (taking into account all other variances previously granted under this subsection),

"(B) any new indirect source receiving such a variance will be located so as to be (upon expiration of the variance) compatible with, and conveniently and economically served by, public transportation and such location will be compatible with any comprehensive public transportation measures under section 123(b)(5),

"(C) such indirect source will be designed and constructed so as to minimize emissions of mobile source-related pollutants from vehicles attracted to such source and will use the best practicable traffic flow measures, and

"(D) such indirect source as newly constructed or modified will become compatible with transportation control measures provided in the applicable implementation plan. No subsequent variance may be granted under this subsection if the Administrator determines, after notice and opportunity for public hearing, that variances have been granted without regard to the requirements of this paragraph in a substantial number of instances. The prohibition contained in the preceding sentence shall be for such period as the Administrator deems necessary to assure compliance with such requirements.

"(g)(1) For purposes of this section the term 'indirect source review program' means the facility-by-facility review of indirect sources of air pollution, including such measures as are necessary to assure, or assist in assuring, that a new or modified indirect source will not attract mobile sources of air pollution, the emissions from which would cause or contribute to air pollution concentrations—

"(A) exceeding any national primary ambient air quality standard for a mobile source-related air pollutant after the primary standard attainment date, or

"(B) preventing maintenance of any such standard after such date.

"(2) Such term shall include measures which—

"(A) require a prior permit for construction (or modification) of any such indirect source and require operation of such source in the manner approved pursuant to such permit; and

"(B) limit the issuance of any such permit to indirect sources which will not have the effects referred to in subparagraph (A) or (B) of paragraph (1).".

(e) Section 302 of such Act is amended by adding the following new subsections at the end thereof:

"(j) The term 'indirect source' means a facility, building, structure, installation, real property, road, or highway which attracts, or may attract, mobile sources of pollution. Such terms includes parking lots, parking garages, and other facilities subject to any measure for management of parking supply (within the meaning of section 110(c)(2)(D)(ii), including regulation of existing on- and off-street parking). Direct emissions sources or facilities at, within, or associated with, any indirect source shall not be deemed indirect sources for the purpose of this Act.

"(k) The term 'mobile source-related air pollutant' means any air pollutant which is subject to regulation under section 202, 211 (c)(1)(A), or 231 of this Act.".

(f) Section 110(a)(2)(B) of such Act is amended by striking out "land-use and" and by inserting after "transportation controls" the following: ", air quality maintenance plans, and preconstruction review of direct sources of air pollution".

EXTENSION OF TRANSPORTATION CONTROL COMPLIANCE DATES

SEC. 202. Title I of the Clean Air Act is amended by adding at the end thereof the following new section:

"EXTENSION OF TRANSPORTATION CONTROL COMPLIANCE DATES

"SEC. 123. (a)(1) Upon application submitted by the Governor of a State, the Administrator may extend the date required for compliance with any transportation control measure adopted by a State and included in an applicable implementation plan.

"(2) Upon application submitted by the chief executive officer of a general purpose unit of local government which is carrying out responsibility delegated under section 110(c)(3), or on his own motion, the Administrator may extend the date required for compliance with any transportation control measure which was promulgated by the Administrator under section 110(c). In the case of an application submitted by such officer, such extension shall apply only to the extent that such measure applies within the jurisdiction of such unit.

"(b)(1)(A) No extension may be granted under subsection (a) with respect to any transportation control measure unless such measure is applicable in an air quality control region in which the State or unit of local government (or the Administrator, as the case may be) has implemented within such jurisdiction all requirements (except as provided in subparagraph (B)) of the applicable implementation plan which are required to be implemented as of the date of application and are intended to control any mobile source-related pollutant. Such implementation includes initiating and diligently pursuing enforcement actions to bring noncomplying persons into compliance.

"(B) For purposes of subparagraph (A), the State or unit of local government (or Administrator) shall not be required, as of the date on which such extension is granted, to have implemented:

"(i) transportation control measures with respect to which a finding has been made under paragraph (2), and

"(ii) requirements for indirect source review programs (as defined in section 124).

"(2) No extension may be granted under subsection (a) for any transportation control measure unless—

"(A) the Administrator finds that implementation of such measure on the required date would (i) cause, or contribute to, a failure to meet basic transportation needs of the area, (ii) be infeasible, or (iii) otherwise cause seriously disruptive and widespread economic or social effects,

"(B) the Administrator states with reasonable specificity the factual basis of the finding made under subparagraph (A), and

"(C) the applicant has submitted (or the Administrator has prepared, if acting on his own motion)—

"(i) a detailed planning study identifying and quantifying the respect (if any) in which the basic transportation needs of the area could not be met if the applicable measure were not extended, the seriously disruptive and widespread economic or social effects (if any) of not extending such measure, the respects (if any) in which implementation of such measure would be infeasible, and the effects on public health and welfare expected to result from the continued air pollution associated with the extension,

"(ii) an examination of measures (including establishment, improvement, or expansion of public transportation) other than those measures for which an extension is sought, which could be implemented and used to attain and maintain national ambient air quality standards as expeditiously as practicable, and

"(iii) a detailed description of the measures to be undertaken during all such extensions to minimize any risk to public health.

"(3) No extension may be granted under subsection (a) unless there has been prior notice and opportunity for public hearing.

"(4) No finding may be made under paragraph (2)(A)(i) unless the Administrator finds that implementation of public transportation (or other means) which would meet such needs by such required date would be impracticable.

"(5)(A) Except as provided in subparagraph (B) of this paragraph, each transportation control measure for which an extension is granted under subsection (a) shall be required to be implemented (under a compliance schedule containing increments of progress prescribed pursuant to such extension) as expeditiously as practicable but not later than January 1, 1980.

"(B) Such measure shall be required to be implemented as expeditiously as practicable but not later than January 1, 1985, if the applicable implementation plan is revised within the one-year period specified in paragraph (6)—

"(i) to include comprehensive measures (including compliance schedules containing increments of progress) to, as expeditiously as practicable, establish, expand, or improve public transportation to meet basic transportation needs while implementing transportation control measures necessary to attain and maintain national ambient air quality standards, and

"(ii) to meet the requirements of paragraphs (1) and (2) of subsection (d).

"(6) No extension for any transportation control measure under subsection (a) shall remain in effect for more than one year after such extension is granted unless, before such date, the applicable implementation plan is revised to include—

"(A) requirements to use (insofar as necessary), for the purpose of implementing the transportation control measures with respect to which such extension was granted, funds which are reasonably available to the State or local government; and

"(B) in the case of an area which has been granted an extension beyond January 1, 1980, requirements to use (insofar as necessary), for the additional purpose of implementing the comprehensive public transportation measures required under paragraph (5)(B), funds which are reasonably available to the State or local government.

"(c) In the case of any applicable implementation plan containing measures requiring—

"(1) retrofits on other than commercially owned in-use vehicles, or

"(2) gas rationing which the Administrator finds would have seriously disruptive and widespread economic or social effects if implemented before January 1, 1985,

the Administrator may, after notice and opportunity for public hearing, approve elimination of such measures from the plan notwithstanding the requirements of section 110(a). No later than nine months after approval of the elimination of any such measure is granted with respect to any applicable implementation plan, a revised plan must be submitted (as provided in section 110(a)(2)(H)) to meet such requirements.

"(d) Not later than one year after date of enactment of this section, the Administrator shall complete a review of all applicable implementation plans for mobile source-related pollutants to determine whether or not such plans would be adequate as of such date to attain, by the date required under section 110, the national primary ambient air quality standards for such pollutants and maintain them thereafter if no extensions, exemptions, or variances had been granted under sections

111(f), 118, 119, 121, 124, and this section. Unless the Administrator determines that any such plan would be adequate (within the meaning of the preceding sentence) he shall require revision of such plan. The revised plan shall be such as would be adequate (within the meaning of the first sentence of this subsection). The Administrator shall promptly notify the State when any plan revision is required under this subsection and shall require submission of such revised plan on such date (not sooner than sixty days or later than six months after such notice) as he may determine. Such revised plan shall—

"(1) identify and provide for implementation of the remaining emission reductions necessary for the plan to be adequate within the meaning of this subsection with respect to mobile source-related pollutants and the measures to be implemented to accomplish these reductions;

"(2) identify the financial and manpower resources necessary to carry out such measures, and commit the State or local government to provide those resources; and

"(3) include emission limitations, applicable to stationary sources which emit any mobile source-related air pollutant in significant amounts, requiring reduction of such emissions to the maximum extent technologically feasible (for a finding that any such emission limitation not so included is not necessary for the plan to be adequate within the meaning of this subsection and a justification for such finding). If the Administrator determines that a proposed plan revision does not incorporate the most expeditious practicable date for achievement of adequacy within the meaning of this subsection, he shall notify the Governor of the deficiencies in the proposed revision. This notification shall include the Administrator's judgment as to the additional control strategies that should be incorporated, and the most expeditious dates which are practicable for implementing the measures included or to be included in the plan. The notification shall also specify a date for submission of the modified plan revision not more than one hundred and twenty days from the date of notification.

"(e) Except for a compliance date extension issued under this section, a plan revision under section 110(a)(3), or an elimination approved under subsection (c), no extension, compliance order, plan revision, or other action deferring or modifying a requirement of an applicable implementation plan may be taken with respect to any transportation control measure by the State or by the Administrator.

"(f)(1) For purposes of this section and section 110(a)(2)(B), the term 'transportation control measure' does not include any measure for management of parking supply (as defined in section 110(c)(2)(D)(ii) except that such definition shall be applied without regard to whether or not a facility is new) or any indirect source review program (as defined in section 124).

"(2) For purposes of subsection (b)(6), the term 'funds which are reasonably available' means—

"(A) grants which have been made to a State or local government under Federal law,

"(B) funds which have been appropriated under State or local law, or

"(C) any combination of such grants, and funds, which may, consistent with the terms of the legislation providing for such grant or making such appropriation, be used for the purposes referred to in such subsection (b)(6).".

LIGHT-DUTY MOTOR VEHICLE EMISSIONS

SEC. 203. (a) Subparagraph (A) of section 202(b)(1) of the Clean Air Act is amended to read as follows:

"(A) The regulations under subsection (a) applicable to emissions of carbon monoxide and hydrocarbons from light-duty vehicles and engines manufactured during model years 1977 through 1979 shall contain standards which provide that such emissions from such vehicles and engines may not exceed 1.5 grams per vehicle mile of hydrocarbons and 15.0 grams per vehicle mile of carbon monoxide. The regulations under subsection (a) applicable to emissions of carbon monoxide from light-duty vehicles and engines manufactured during or after the model year 1980 shall contain standards which provide that such emissions do not exceed 9.0 grams per vehicle mile. The regulations under subsection (a) applicable to emissions of hydrocarbons from light-duty vehicles and engines manufactured during or after model year 1980 shall contain standards which require a reduction of at least 90 per centum from emissions of such pollutant allowable under the standards under this section applicable to light-duty vehicles and engines manufactured in model year 1970.".

(b) Subparagraph (B) of section 202(b)(1) of such Act is amended to read as follows:

"(B) The regulations under subsection (a) applicable to emissions of oxides of nitrogen from light-duty vehicles and engines manufactured during model years 1977 through 1981 shall contain standards which provide that such emissions from such vehicles and engines may not exceed 2.0 grams per mile. The regulations under subsection (a) applicable to emissions of oxides of nitrogen from light-duty vehicles and engines manufactured after the model year 1981 shall contain standards which provide that such emissions from such vehicles and engines may not exceed 1.0 grams per mile except in the case of a revision or waiver by the Administrator under paragraph (5) or (6).".

(c) Section 202(b) of such Act is amended by striking out paragraph (5) thereof and substituting the following:

"(5)(A) Upon the petition of any manufacturer or on his own motion, the Administrator, after notice and opportunity for public hearing, shall revise the standard required under subparagraph (B) of paragraph (1) with respect to light-duty vehicles and engines manufactured during any period of two or more model years beginning after the model year 1981 if he determines that such standard should be revised due to (i) the lack of available, practicable, emission control technology to meet such standard during such period, (ii) the cost of compliance with such standard, and (iii) the impact of such standard on motor vehicle fuel consumption. No such revision may be made if the Administrator determines that such revision would endanger public health.

"(B) A revised standard established under this paragraph shall provide for such reduction of emissions of oxides of nitrogen from light-duty vehicles and engines as the Administrator deems appropriate based on (i) technology which is available and practicable during the period for which such standard applies, (ii) the cost of compliance, (iii) the impact on motor vehicle fuel consumption, and (iv) the need to protect public health. No such standard shall permit emissions of oxides of nitrogen in excess of 2.0 grams per vehicle mile.

"(C) A revised standard promulgated under this paragraph shall apply for a period of not less than two model years.

"(D) A revised standard established under this paragraph shall take effect beginning with the third model year which begins after the model year during which it is promulgated. In the case of a petition submitted by a manufacturer under this paragraph within such period as may be appropriate for purposes of this subparagraph, the Administrator shall promulgate a revision, or refuse to promulgate such a revision within ninety days after the receipt of such petition.

"(6)(A) Upon the petition of any manufacturer, the Administrator, after notice and opportunity for public hearing, may waive the standard required under subparagraph (B) of paragraph (1) for any class or category of light-duty vehicles and engines manufactured by such manufacturer during any period of four or more model years beginning after the model year 1981 if he determines that such waiver is necessary to permit the use of an innovative power train technology in such class or category which use can produce a substantial energy saving for such class or category as compared to conventional power trains incorporating spark ignited, gasoline, internal combustion engines. No such waiver may be granted if the Administrator determines that such waiver would endanger public health.

"(B) Upon granting a waiver under this paragraph respecting any class or category of vehicles or engines, the Administrator shall promulgate an interim standard applicable to such class or category such as will (i) permit the use of the innovative power train technology on the basis of which such waiver was granted and (ii) take into account the need to protect public health. No such interim standard shall permit emissions of oxides of nitrogen in excess of 2.0 grams per vehicle mile.

"(C) A waiver under this paragraph shall apply for a period of not less than four model years.

"(D) An interim standard promulgated under this paragraph shall take effect beginning with the third model year which begins after the model year during which it is promulgated. In the case of a petition submitted by a manufacturer under this paragraph within such period as may be appropriate for purposes of this subparagraph, the Administrator shall grant a waiver or refuse to grant such a waiver within ninety days after the receipt of such petition.

"(7)(A) Following each model year, the Administrator shall report to the Congress respecting the motor vehicle fuel consumption consequences, if any, of the standards applicable for such model year in relationship to the motor vehicle fuel consumption associated with the standards applicable for the immediately preceding model year.

"(B) The Secretary of Transportation and the Federal Energy Administration shall each submit to Congress, as promptly as practicable following submission by the Administrator of the fuel consumption report referred to in subparagraph (a), separate reports respecting such fuel consumption.".

EMISSION STANDARDS FOR HEAVY-DUTY VEHICLES OR ENGINES AND CERTAIN OTHER VEHICLES OR ENGINES

SEC. 204. (a) Section 202(a) of the Clean Air Act is amended by adding the following new paragraph at the end thereof:

"(3)(A)(i) The Administrator shall prescribe regulations under paragraph (1) of this subsection applicable to emissions of carbon monoxide, hydrocarbons, and oxides of nitrogen from classes or categories of heavy-duty vehicles or engines manufactured during and after model year 1979. Such regulations applicable to such pollutants from such classes or categories of vehicles or engines manufactured during model years 1979 through 1984 shall contain standards which reflect the greatest degree of emission reduction achievable through the application of technology which the Administrator determines will be available for the model year to which such standards apply, giving appropriate consideration to the cost of applying such technology within the period of time available to manufacturers and to noise, energy, and safety factors associated with the application of such technology.

"(ii) Unless a different standard is temporarily promulgated as provided in subparagraph (B) or unless the standard is changed as provided in subparagraph (E), regulations under paragraph (1) of this subsection applicable to emissions from vehicles or engines manufactured during and after model year 1985 shall contain standards which require a reduction of at least 65 percent in the case of oxides of nitrogen and a reduction of at least 90 percent in the case of carbon monoxide and hydrocarbons from the average of the actually measured emissions from heavy-duty gasoline-fueled vehicle weight, horsepower or such other factors as may be manufactured during the baseline model year.

"(iii) In establishing classes or categories of vehicles or engines for purposes of regulations under this subsection, the Administrator may base such classes or categories on gross vehicle weight, horsepower, or such other factors as may be appropriate.

"(iv) For the purpose of this paragraph, the term 'baseline model year' means, with respect to any pollutant emitted from any vehicle or engine, or class or category thereof, the model year immediately preceding the model year in which Federal standards applicable to such vehicle or engine, or class or category thereof, first applied with respect to such pollutant.

"(B) During the period of June 1 through December 31, 1979, and during each period of June 1 through December 31 of each third year after 1979, the Administrator may, after notice and opportunity for a public hearing promulgate regulations revising any standard prescribed as provided in subparagraph (A) (ii) for any class or category of heavy-duty vehicles or engines. Such standard shall apply only for the period of three model years beginning five model years after the model year in which such revised standard is promulgated. In revising any standard under this subparagraph for any such three model year period, the Administrator shall determine the maximum degree of emission reduction which can be achieved by means reasonably expected to be available for production of such period and shall prescribe a revised emission standard in accordance with such determination.

"(C) Action revising any standard for any period may be taken by the Administrator under subparagraph (B) only if—

"(i) he finds that compliance with the emission standards otherwise applicable for such model year cannot be achieved by technology, processes, operating methods, or other alternatives reasonably expected to be available for production for such model year without increasing cost or decreasing fuel economy to an excessive and unreasonable degree; and

"(ii) the National Academy of Sciences has not pursuant to its study and investigation under subsection (c), issued a report substantially contrary to the findings of the Administrator under clause (i).

"(D) A report shall be made to the Congress with respect to any standard revised under subparagraph (B) which shall contain—

"(i) a summary of the health effects found, or believed to be associated with, the pollutant covered by such standard,

"(ii) an analysis of the cost-effectiveness of other strategies for attaining and maintaining national ambient air quality standards and carrying out regulations under section 160 (relating to significant deterioration) in relation to the cost-effectiveness for such purposes of standards which, but for such revision, would apply,

"(iii) a summary of the research and development efforts and progress being made by each manufacturer for purposes of meeting the standards promulgated as provided in subparagraph (A) (ii) or, if applicable, subparagraph (E), and

"(iv) specific findings as to the relative costs of compliance, and relative fuel economy, which may be expected to result from the application for any model year of such revised standard and the application for such model year of the standard, which, but for such revision, would apply.

"(E) (i) The Administrator shall conduct a continuing pollutant-specific study concerning the effects of each air pollutant emitted from heavy-duty vehicles or engines on the public health and welfare. The results of such study shall be published in the Federal Register and reported to the Congress not later than June 1, 1979, and before June 1 of each third year thereafter.

"(ii) On the basis of such study and such other information as is available to him (including the studies under sections 214 and 216), the Administrator may, after notice and opportunity for a public hearing, promulgate regulations under paragraph (1) of this subsection changing any standard prescribed in subparagraph (A) (ii) (or revised under subparagraph (B) or previously changed under this subparagraph). No such changed standard shall apply for any model year before the model year five years after the model year during which regulations containing such changed standard are promulgated.

"(F) For purposes of this paragraph, motorcycles and motorcycle engines shall be treated in the same manner as heavy-duty vehicles and engines unless the Administrator promulgates a rule reclassifying motorcycles as light-duty vehicles within the meaning of this section or unless the Administrator promulgates regulations under subsection (a) applying standards applicable to the emission of air pollutants from motorcycles as a separate class or category.".

(b) Section 202(b) (3) of such Act is amended by adding the following new subparagraph at the end thereof:

"(C) The term 'heavy duty vehicle' means a truck, bus, or other vehicle manufactured primarily for use on the public streets, roads, and highways (not including any vehicle operated exclusively on a rail or rails) which has a gross vehicle weight (as determined under regulations promulgated by the Administrator) in excess of six thousand pounds. Such term includes any such vehicle which has special features enabling off-street or off-highway operation and use.".

(c) Section 312 of such Act is amended by inserting "AND STUDIES OF COST-EFFECTIVENESS ANALYSES" at the end of the heading thereof and by adding the following new subsection at the end thereof:

"(c) Not later than January 1, 1979, the Administrator shall study the possibility of increased use of cost-effectiveness analyses in devising strategies for the control of air pollution and shall report its recommendations to the Congress, including any recommendations for revisions in any provision of this Act. Such study shall also include an analysis and report to Congress concerning whether or not existing air pollution control strategies are adequate to achieve the purposes of this Act.".

(d) Part A of title II of such Act is amended by inserting after section 216 the following new section:

"STUDY OF PARTICULATE EMISSIONS FROM MOTOR VEHICLES

"SEC. 217. (a) (1) The Administrator shall conduct a study concerning the effects on health and welfare of particulate emissions from motor vehicles or motor vehicle engines to which section 202 applies. Such study shall characterize and quantify such emissions and analyze the relationship of such emissions to various fuels and fuel additives.

"(2) The study shall also include an analysis of particulate emissions from mobile sources which are not related to engine emissions (including, but not limited to tire debris, and asbestos from brake lining).

"(b) The Administrator shall report to the Congress the findings and results of the study conducted under subsection (a) not later than two years after the date of the enactment of the Clean Air Act Amendments of 1977. Such report shall also include recommendations for standards or methods to regulate particulate emissions described in paragraph (2) of subsection (a).".

(e) Section 206 of such Act (relating to compliance testing and certification) is amended by adding the following new subsection at the end thereof:

"(f) (1) In the case of any class or category of heavy-duty vehicles or engines or motorcycles to which a standard promulgated under section 202(a) of this Act applies, except as provided in paragraph (2), a certificate of conformity shall be issued under subsection (a) and shall not be suspended or revoked under subsection (b) for such vehicles or engines manufactured by a manufacturer notwithstanding the failure of such vehicles or engines to meet such standard if such manufacturer pays a nonconformance penalty as provided under regulations promulgated by the Administrator after notice and opportunity for public hearing.

"(2) No certificate of conformity may be issued under paragraph (1) with respect to any class or category of vehicle or engine if the degree by which the manufacturer fails to meet any standard promulgated under section 202(a) with respect to such class or category exceeds the percentage determined under regulations promulgated by the Administrator to be practicable. Such regulations shall require such testing of vehicles or engines being produced as may be necessary to determine the percentage of the classes or categories of vehicles or engines which are not in compliance with the regulations with respect to which a certificate of conformity was issued and shall be promulgated not later than one year after the date of enactment of the Clean Air Act Amendments of 1977.

"(3) The regulations promulgated under paragraph (1) shall, not later than one year after the date of enactment of the Clean Air Act Amendments of 1977, provide for nonconformance penalties in amounts determined under a formula established by the Administrator. Such penalties under such formula—

"(A) may vary from pollutant-to-pollutant;

"(B) may vary by class or category or vehicle or engine;

"(C) shall take into account the extent to which actual emissions of any air pollutant exceed allowable emissions under the standards promulgated under section 202;

"(D) shall create incentives for the development of production vehicles or engines which achieve the required degree of emission reduction; and

"(E) shall remove any competitive disadvantage to manufacturers whose engines or vehicles achieve the required degree of emission reduction.".

AIRCRAFT EMISSIONS STANDARDS

SEC. 205. Section 231(c) of the Clean Air Act is amended to read as follows:

"(a) Any regulations in effect under this section on date of enactment of the Clean Air Act Amendments of 1977 or proposed or promulgated thereafter, or amendments thereto, with respect to aircraft shall not apply if disapproved by the Secretary of Transportation, after notice and opportunity for public hearing, on the basis of a finding that any such regulation would create a hazard to aircraft safety. Any such finding shall include a reasonably specific statement of the basis upon which the finding was made.".

ASSURANCE OF PROTECTION OF PUBLIC HEALTH AND SAFETY

SEC. 206. (a) Section 202(a) of the Clean Air Act is amended by inserting "paragraph (1) of" before "this subsection" in paragraph (2) thereof and by adding a new paragraph at the end thereof:

"(4)(A) Effective with respect to vehicles and engines manufactured after model year 1978, no emission control device, system, or element of design shall be used in a new motor vehicle or new motor vehicle engine for purposes of complying with standards prescribed under this subsection if such device, system, or element of design will cause or contribute to an unreasonable risk to public health, welfare, or safety in its operation or function.

"(B) In determining whether an unreasonable risk exists under subparagraph (A), the Administrator shall consider, among other factors, (i) whether and to what extent the use of any device, system, or element of design causes, increases, reduces, or eliminates emissions of any unregulated pollutants; (ii) available methods for reducing or eliminating any risk to public health, welfare, or safety which may be associated with the use of such device, system, or element of design, and (iii) the availability of other devices, systems, or elements of design which may be used to conform to standards prescribed under this subsection without causing or contributing to such unreasonable risk. The Administrator shall include in the consideration required by this paragraph all relevant information developed pursuant to section 214.".

(b) Section 206(a) of such Act is amended by adding at the end thereof the following:

"(3)(A) A certificate of conformity may be issued under this section only if the Administrator determines that the manufacturer (or in the case of a vehicle or engine for import, any person) has established to the satisfaction of the Administrator that any emission control device, system, or element of design installed on, or incorporated in, such vehicle or engine conforms to applicable requirements of section 202(a)(4).

"(B) The Administrator may conduct such tests and may require the manufacturer (or any such person) to conduct such tests and provide such information as is necessary to carry out subparagraph (A) of this paragraph. Such requirements shall include a requirement for prompt reporting of the emission of any unregulated pollutant from a system, device, or element of design if such pollutant was not emitted, or was emitted in significantly lesser amounts, from the vehicle or engine without use of the system, device, or element of design.".

(c)(1) Section 206(b)(2)(A)(i) of such Act is amended by inserting "and with the requirements of section 202(a)(4)" after "conformity was issued".

(2) Section 206(b)(2)(A) of such Act is amended by inserting "and requirements" after "such regulations" in each place it appears.

TEST PROCEDURES FOR MEASURING EVAPORATIVE EMISSIONS

SEC. 207. Section 202(b)(1) of the Clean Air Act is amended by adding a new subparagraph (C) as follows:

"(C) Effective with respect to vehicles and engines manufactured after model year 1978 (or in the case of heavy-duty vehicles or engines, such later model year as the Administrator determines is the earliest feasible model year), the test procedure promulgated under paragraph (2) for measurement of evaporative emissions of hydrocarbons shall require that such emissions be measured from the vehicle or engine as a whole. Regulations to carry out this subparagraph shall be promulgated not later than two hundred and seventy days after date of enactment of this subparagraph.".

VEHICLE INSPECTION AND MAINTENANCE

SEC. 208. (a) Section 110(a)(G) of the Clean Air Act is amended by inserting the following before the semicolon at the end thereof: ", and it complies with applicable provisions of section 215 respecting the annual inspection and maintenance of motor vehicles registered in such State.".

(b) Part A of title II of the Clean Air Act is amended by inserting the following new section after section 214:

"INSPECTION AND MAINTENANCE

"SEC. 215. (a)(1). Each applicable implementation plan which, as in effect on June 30, 1975, contained transportation control measures applicable to any air quality control region in a State, shall provide for the annual inspection and maintenance, and may provide for the testing, of all light-duty vehicles (other than new vehicles) to which this section applies which are registered in such region by any person whose residence or principal place of business (or both) is located in such air quality control region. Such program of inspection, and maintenance (and if applicable, testing) shall be conducted in accordance with regulations of the Administrator which—

"(A) shall require that emission control systems and devices are properly installed and operative,

"(B) may require that the vehicle or engine components which are necessary for the proper operation of such systems and devices are restored to the settings specified by the manufacturer, and

"(C) may require that inoperative or malfunctioning parts which are necessary for the proper operation of such systems and devices are replaced.

Such plan shall, except as permitted under subparagraph (A) or (B) of paragraph (2), prohibit the registration and operation of vehicles (other than new vehicles) subject to such inspection and maintenance (and, if applicable, testing) in such State unless such vehicles comply with such program.

"(2) The regulations of the Administration shall—

"(A) provide for the exemption from the inspection and maintenance (and, if applicable, testing) required under this section of such antique and other vehicles as the Administrator deems appropriate, and

"(B) authorize the operation of vehicles which have not met the requirements of regulations under paragraph (1) for such temporary period as may be appropriate to repair or adjust the vehicle in order to meet such requirements.

"(b) For purposes of complying with the provisions of subsection (a), the plan may require testing for emissions using testing procedures and equipment approved by the Administrator and shall permit the use of existing State motor vehicle inspection and testing facilities and procedures so long as they are consistent with such requirement. The Administrator shall approve testing procedures and equipment for purposes of this paragraph only if he determines that such procedures and equipment comply with such standards respecting calibration, instrumentation, and maintenance as he deems appropriate.

"(c)(1) Each applicable implementation plan required under subsection (a) to prohibit the registration and operation of noncomplying vehicles may permit the registration and operation of any such vehicle if—

"(A) following the inspection and maintenance (and, if applicable, testing) by reason of which such vehicle was determined to be a noncomplying vehicle, any measures required under the regulations promulgated under subsection (a)(1) have been taken with respect to such vehicle.

"(B) with respect to such vehicle, any nonconformity covered by section 207 (a), (b), or (c) has been remedied,

"(C) such vehicle has (for purposes of providing statistical information only) been reinspected and, if testing was originally required, retested under this section following the actions referred to in subparagraphs (A) and (B) of this paragraph. Nothing in the preceding sentence shall be construed to prohibit the Administrator from approving any implementation plan which contains any requirement prohibiting the registration and operation of any noncomplying vehicles.

"(2) The requirements or authority contained in this section shall not be deemed to affect or impair any requirement contained in any other provision of this Act.

"(d) Regulations of the Administrator under this section shall provide for retest of any vehicle which initially was tested and failed to meet applicable requirements of the program.".

(c) Section 210 of such Act is amended by adding the following at the end thereof: "Grants may be made under this section by way of reimbursement in any case in which amounts have been expended by the State before the date on which any such grant was made. Any grant under this section may be reduced or suspended by the Administrator upon his determination, following notice and opportunity for a public hearing, that a State vehicle inspection and maintenance program if not equal to or more stringent than the requirements established pursuant to section 215.".

(d) Not later than six months after the date of enactment of this Act, the Administrator shall notify each State which will be required to revise the applicable implementation plan to include an inspection and maintenance program for purposes of compliance with the amendments made by this section, and each such State shall, within nine months after receiving such notice, submit to the Administrator a revision of such plan. Within three months after the date required for submission of such revision, the Administrator shall approve or disapprove the revision if he determines that it complies with the amendment made by this Act and was adopted after reasonable notice and hearings. The provisions which are required under section 215 to be included in such plan shall be implemented not later than two years after the date of enactment of this Act.

WARRANTIES AND MOTOR VEHICLE PARTS CERTIFICATION

SEC. 209. (a) Section 207(b)(2) of the Clean Air Act is amended by adding the following at the end thereof: "No such warranty shall be invalid on the basis of any part used in the maintenance or repair of a vehicle or engine if such part was certified as provided under subsection (a)(2)."

(b) Section 207(a) of such Act is amended by striking out "(1)" and "(2)" and inserting in lieu thereof "(A)" and "(B)" respectively, by inserting "(1)" after "(a)" and by adding the following new paragraph at the end thereof:

"(2) In the case of a motor vehicle part or motor vehicle engine part, the manufacturer or rebuilder of such part may certify that use of such part will not result in a failure of the vehicle or engine to comply with emission standards promulgated under section 202. Such certification shall be made only under such regulations as may be promulgated by the Administrator to carry out the purposes of subsection (b). The Administrator shall promulgate such regulations no later than two years following the date of the enactment of this paragraph.".

(c) Section 207(b) of such Act is amended by striking out "its useful life (as determined under section 202(d))" in each place it appears and inserting in lieu thereof "a period of eighteen months or eighteen thousand miles (or the equivalent), whichever first occurs".

(d) Section 207(c)(3) of such Act is amended by inserting after the first sentence thereof the following: "The manufacturer shall provide in boldface type on the first page of the written maintenance instructions notice that maintenance, replacement, or repair of the emission control devices and systems may be performed by any automotive repair establishment or individual using any automotve part which has been certified as provided in subsection (a)(2).".

(e) Section 207 of such Act is amended by adding the following new subsection at the end thereof:

"(g) Nothing in this section shall be construed to provide that any labor required to be provided at the cost of the manufacturer pursuant to warranty under regulations under subsection (b)(2) may be performed by any persons other than persons specified by the manufacturer or that any part required to be provided at the cost of the manufacturer under such warranty may be other than a part specified by the manufacturer.".

(f) Section 207(a)(1) of such Act, as designated by subsection (b) of this section, is amended by adding the following at the end thereof: "For purposes of clause (1)(B) of this subsection the term 'defect' means a defect which existed at the time of sale of the new motor vehicle or motor vehicle engine to the ultimate purchaser.".

(g) Section 214 of such Act is amended by adding the following new paragraph at the end thereof:

"(7) The term 'emission control device or system' means, for purposes of section 207, a catalytic converter, thermal reactor, or other component installed on or in a vehicle for the sole or primary purpose of reducing vehicle emissions. Such term shall not include those vehicle components which were in general use prior to model year 1968.".

PARTS STANDARDS; PREEMPTION OF STATE LAW

SEC. 210. Section 209 of the Clean Air Act (relating to State standards) is amended by redesignating subsection (c) as (d) and by inserting after subsection (b) the following new subsection:

"(c) Whenever a regulation with respect to any motor vehicle part or motor vehicle engine part is in effect under section 207(a)(2), no State or political subdivision thereof shall adopt or attempt to enforce any standard or any requirement of certification, inspection, or approval applicable to the same aspect of such part. The preceding sentence shall not apply in the case of a State with respect to which a waiver is in effect under subsection (b).".

PROTECTION OF COMPETITION; ASSURANCE OF CONSUMER FREEDOM OF CHOICE

SEC. 211. (a) Section 207 of the Clean Air Act is amended by adding the following new subsection at the end thereof:

"(g) If, after a review of the manufacturers' practices respecting the discharge of his emission control warranty responsibilities under this Act, the Attorney General finds that such practices are resulting in unfair or anticompetitive conditions, the Attorney General shall submit such finding, together with his reasons therefor, to the Administrator. Upon receipt of such finding and reasons, the Administrator may, after notice and opportunity for a public hearing, promulgate such rules and take such other actions as may be necessary—

"(1) to minimize or eliminate such unfair or anticompetitive conditions; or

"(2) to protect or enhance consumer freedom of choice in the implementation of any requirement of this section.".

(b) Section 203(a)(4) of such Act is amended by inserting the following at the end thereof:

"(D) to fail or refuse to comply with any requirement under section 207(g),

or for any person other than a manufacturer to fail or refuse to comply with any requirement under section 207.".

TAMPERING

SEC. 212. (a) Section 203(a)(3) of the Clean Air Act is amended by inserting "(A)" after "(3)" and by adding the following new subparagraph (B) at the end thereof:

"(B) for any person engaged in the business of repairing, servicing, selling, leasing, or trading motor vehicles or motor vehicle engines, or who operates a fleet of motor vehicles, knowingly to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this title following its sale and delivery to the ultimate purchaser, or.".

(b) Section 203(a) of such Act is amended by adding the following at the end thereof: "Nothing in paragraph (3) shall be construed to require the use of manufacturer parts in maintaining or repairing any motor vehicle or motor vehicle engine. For the purposes of the preceding sentence, the term 'manufacturer parts' means, with respect to a motor vehicle engine, parts produced or sold by the manufacturer of the motor vehicle or motor vehicle engine.".

(c) Section 205 of such Act is amended to read as follows:

"PENALTIES

"SEC. 205. Any person who violates paragraph (1), (2) or (4) of section 203(a) or any person, manufacturer, or dealer who violates paragraph (3)(A) of section 203(a) shall be subject to a civil penalty of not more than $10,000. Any person who violates paragraph (3)(B) of such section 203(a) shall be subject to a civil penalty of not more than $2,500. Any such violation with respect to paragraph (1), (3), or (4) of section 203(a) shall constitute a separate offense with respect to each motor vehicle or motor vehicle engine.".

COST OF VAPOR RECOVERY SYSTEMS TO BE BORNE BY OWNER OF RETAIL OUTLET

SEC. 213. (a) Title III of the Clean Air Act is amended by adding the following new section at the end thereof:

"COST OF EMISSION CONTROL FOR CERTAIN VAPOR RECOVERY TO BE DONE BY OWNER OF RETAIL OUTLET

"SEC. 320. (a) The regulations under this Act applicable to vapor recovery with respect to mobile source fuels at retail outlets of such fuels shall provide that the cost of procurement and installation of such vapor recovery shall be borne by the owner of such outlet (as determined under such regulations). Except as provided in subsection (b), such regulations shall provide that no lease of a retail outlet by the owner thereof which is entered into or renewed after the date of enactment of the Clean Air Act Amendments of 1977 may provide for a payment by the lessee of the cost of procurement and installation of vapor recovery equipment. Such regulations shall also provide that the cost of procurement and installation of vapor recovery equipment may be recovered by the owner of such outlet by means of price increases in the cost of any product sold by such owner, notwithstanding any provision of law.

"(b) The regulations of the Administrator referred to in subsection (a) shall permit a lease of a retail outlet to provide for payment by the lessee of the cost of procurement and installation of vapor recovery equipment over a reasonable period (as determined in accordance with such regulations), if the owner of such outlet does not sell, trade in, or otherwise dispense any product at wholesale or retail at such outlet.".

(b) Section 113(b)(3) of such Act is amended by inserting "or section 320" before the semicolon.

(c) Title III of such Act is amended by adding the following new section at the end thereof:

"VAPOR RECOVERY FOR SMALL BUSINESS MARKETERS OF PETROLEUM PRODUCTS

"SEC. 324. (a) Except as provided in subsection (b) the regulations under this Act applicable to vapor recovery from fueling of motor vehicles at retail outlets of gasoline shall provide, with respect to independent small business marketers of gasoline, for a three-year phase-in period for the installation of such vapor recovery equipment under which such marketers shall have—

"(1) 33 percent of their outlets in compliance at the end of the first year during which such regulations apply to such marketers,

"(2) 66 percent at the end of such second year, and

"(3) 100 percent at the end of the third year.

"(b)(1) The regulations referred to in subsection (a) shall not apply to independent small business maketers of gasoline before the expiration of the period ending two years after the date of enactment of this section or the period ending six months after the date of submission of the report under paragraph (3), whichever is later.

"(2) The Federal Trade Commission shall study, and not later than one year after the date of enactment of this section report to the Administrator on, the effect the application to independent small business marketers of gasoline of the regulations referred to in subsection (a) will have on the ability of such marketers to compete in gasoline marketing. In the course of such study, the Commission shall provide opportunity for a public hearing and for submission of written views, data, and argument and shall request the participation in such hearing of other interested departments and agencies (including the Federal Energy Administration).

"(3) Not later than eighteen months after the date of enactment of this section, the Administrator shall submit a report to the House Interstate and Foreign Commerce Committee and to the Senate Public Works Committee, which analyzes (A) the effect referred to in subsection (b)(2); (B) the need fo such regulations to be applied to independent small business marketers of gasoline to assist in attaining or maintaining national ambient air quality standards or in preventing significant deterioration of air quality; and (C) the availability of means for eliminating or minimizing any effects referred to in subsection (b)(2) which are detrimental. The analysis required under clause (C) shall include a discussion of the measures referred to in subsection 202(a)(5) (pertaining to fill pipe standards) and 202(a)(6) (pertaining to onboard hydrocarbon technology). The Administrator's report under this paragraph shall include his conclusions as to whether, and to what extent, such regulations (or such other regulations relating to vapor recovery from fueling of motor vehicles at retail outlets of gasoline) should apply to independent small business marketers of gasoline.

"(4) The Administrator may, on the basis of the conclusions contained in the report under paragraph (3), promulgate regulations—

"(A) exempting independent small business marketers of gasoline, or any class thereof, from the duty to comply with the regulations referred to in subsection (a);

"(B) deferring or modifying the regulations referred to in subsection (a) in the case of independent small business marketers of gasoline, or any class thereof;

"(C) containing provisions to eliminate or minimize any effects referred to in subsection (b)(2) which are detrimental; or

"(D) taking any combination of the actions referred to in subparagraphs (A) through (C).

Regulations under this paragraph may be promulgated by the Administrator only upon a finding that such regulations are necessary in order to assure that application of the regulations referred to in subsection (a) to independent small business marketers of gasoline will not cause each independent marketer to be unable to compete in gasoline marketing.

"(5) The Administrator and the Federal Trade Commission shall keep confidential the commercial or financial information obtained under this section, except that such information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act.

"(c) For purposes of this section, an independent small business marketer of gasoline is a person engaged in the marketing of gasoline who would be required to pay for procurement and installation of vapor recovery equipment under section 320 of this Act or under regulations of the Administrator, unless such person (1) is a refiner, or (2) controls, is controlled by, or is under common control with, a refiner, or (3) is otherwise directly or indirectly affiliated (as determined under the regulations of the Administrator) with a refiner or with a person who controls, is controlled by, or is under a common control with a refiner (unless the sole affiliation referred to in (3) is by means of a supply contract or an agreement or contract to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner or any such person). For the purpose of this section, the term 'refiner' shall not include any refiner whose total refinery capacity (including the refinery capacity or any person who controls, is controlled by, or is under common control with, such refiner) does not exceed 65,000 barrels per day. For purposes of this section, 'control' of a corporation means ownership of more than 50 percent of its stock.".

HIGH ALTITUDE PERFORMANCE ADJUSTMENTS

SEC. 214. (a) Section 203(a) of the Clean Air Act is amended by adding the following at the end thereof: "No action with respect to any element of design referred to in paragraph (3) (including any adjustment or alteration of such element) shall be treated as a prohibited Act under such paragraph (3) if such action will not adversely affect the emission control performance of the vehicle or engine."

(b) Part A of title II of such Act is amended by inserting the following new section after section 214:

"HIGH ALTITUDE PERFORMANCE ADJUSTMENTS

"SEC. 215. (a)(1) Any action taken with respect to any element of design installed on or in a motor vehicle or motor vehicle engine (manufactured before the 1978 model year) in compliance with regulations under this title (including any alteration or adjustment of such element), shall be treated for purposes of section 203(a) as not adversely affecting the emission control performance of the vehicle or engine if such action is performed in accordance with high altitude adjustment instructions provided by the manufacturer under subsection (b) and approved by the Administrator.

"(2) If the Administrator finds that adjustments or modifications made pursuant to instructions of the manufacturer under paragraph (1) will not insure emission control performance at least equivalent to that which would result if no such adjustments or modifications were made, he shall disapprove such instructions. Such finding shall be based upon minimum engineering evaluations consistent with good engineering practice. In any case in which emissions of one or more pollutants are increased by reason of adjustments or modifications made to reduce emissions of one or more other pollutants, emission control performance may be found by the Administrator to be equivalent for purposes of this subsection if the aggregate effect of emission control performance resulting from such adjustments or modifications will be more protective of health and welfare than the effect of emission control performance if no such adjustments or modifications had been made.

"(b)(1) Instructions respecting each class or category of vehicles or engines to which this title applies providing for such vehicle and engine adjustments and modifications as may be necessary to insure emission control performance at different altitudes shall be submitted to the Administrator pursuant to regulations promulgated by the Administrator. If the Administrator does not disapprove such instructions on or before the sixtieth day following submission to him by the manufacturer, such instructions shall be treated as approved for purposes of this section.

"(2) If any instructions provided by a manufacturer for purposes of this section are disapproved by the Administrator, not later than sixty days after such disapproval, the manufacturer shall revise the instructions (in accordance with such requirements as the Administrator determines necessary for approval) and shall make the revised and approved instructions available to any person upon request.

"(3) Any knowing violation by a manufacturer of requirements of the Administrator under paragraph (1) or (2) shall be treated as a violation by such manufacturer of section 203(a)(3) for purposes of the penalties contained in section 205.

"(c) No instructions under this section respecting adjustments or modifications may require the use of any manufacturer parts (as defined in section 203(a)) unless the manufacturer demonstrates to the satisfaction of the Administrator that the use of such manufacturer parts is necessary to insure emission control performance.".

(c) Section 202 of such Act is amended by adding the following new subsection at the end thereof:

"(f)(1) Section 307(d) of this Act shall apply to any high altitude regulation pertaining to light duty vehicles or engines manufactured during model year 1978 and thereafter and sold to ultimate purchasers for principal use in high altitude areas (as defined by the Administrator), and notwithstanding paragraph (11) thereof, such section 307(d) shall apply whether proposal of such regulation is before or after the date of the enactment of this subsection.

"(2) In promulgating any high altitude regulation referred to in paragraph (1), the Administrator shall consider and make findings with respect to—

"(A) the economic impact upon consumers, individual high altitude dealers, and the automobile industry of any such regulation, including the economic impact which was experienced as a result of the regulation imposed during model year 1977 with respect to high altitude certification requirements;

"(B) the present and future availability of emission control technology capable of meeting the applicable vehicle and engine emission requirements without reducing model availability;

"(C) the likelihood that the adoption of such a high altitude regulation will result in any significant improvement in air quality in any area to which it shall apply.".

FILL PIPE STANDARDS

SEC. 215. Section 202(a) of the Clean Air Act is amended by adding the following new paragraph at the end thereof:

"(5)(A) If the Administrator promulgates final regulations which define the degree of control required and the test procedures by which compliance could be determined for gasoline vapor recovery of uncontrolled emissions from the fueling of motor vehicles, the Administrator shall prescribe, by regulations, fill pipe standards for new motor vehicles in order to insure effective connection between such fill pipe and any vapor recovery system which the Administrator determines may be required to comply with such vapor recovery regulations. In promulgating such standards the Administrator shall take into consideration limits on fill pipe diameter, minimum design criteria for nozzle retainer lips, limits on the location of the unleaded fuel restrictors, a minimum access zone surrounding a fill pipe, a minimum fill pipe or nozzle insertion angle, and such other factors as he deems pertinent.

"(B) Regulations prescribing standards under subparagraph (A) shall not become effective until the introduction of the model year for which it would be feasible to implement such standards, taking into consideration the restraints of an adequate leadtime for design and production.

"(C) Nothing in subparagraph (A) shall (i) prevent the Administrator from specifying different nozzle and fill neck sizes for gasoline with additives and gasoline without additives or (ii) permit the Administrator to require a specific location, configuration, modeling, or styling of the motor vehicle body with respect to the fuel tank fill neck or fill nozzle clearance envelope.

"(D) Any standards promulgated under subparagraph (A) or amendments thereto, may be prescribed only after consultation with the Secretary of Transportation in order to assure appropriate consideration for vehicle safety.

"(E) For the purpose of this paragraph, the term 'fill pipe' shall include the fuel tank fill pipe, fill neck, fill inlet, and closure.".

ONBOARD HYDROCARBON TECHNOLOGY

SEC. 216. Section 202(a) of the Clean Air Act is amended by adding the following new paragraph at the end thereof:

"(6)(A) The Administrator shall determine the feasibility and desirability of requiring new motor vehicles to utilize onboard hydrocarbon control technology which would avoid the necessity of gasoline vapor recovery of uncontrolled emissions emanating from the fueling of motor vehicles. The Administrator shall compare the costs and effectiveness of such technology to that of implementing and maintaining vapor recovery systems (taking into consideration such factors as fuel economy, economic costs of such technology, administrative burdens, and equitable distribution of costs). If the Administrator finds that it is feasible and desirable to employ such technology, he shall prescribe, by regulations, standards which shall not become effective until the introduction to the model year for which it would be feasible to implement such standards, taking into consideration complinace costs and the restraints of an adequate lead time for design and production.

"(B) Any regulations promulgated under subparagraph (A), or amendments thereto, shall not apply if disapproved by the Secretary of Transportation, after notice and opportunity for public hearing, on the basis of a finding that any such regulations would create a hazard to vehicle safety. Any such finding shall include a reasonably specific statement of the basis upon which the finding was made.".

CARBON MONOXIDE INTRUSION INTO SUSTAINED USE VEHICLES

SEC. 217. (a) The Administrator, in conjunction with the Secretary of Transportation, shall study the problem of carbon monoxide intrusion into the passenger area of sustained-use motor vehicles. Such study shall include an analysis of the sources and levels of carbon monoxide in the passenger area of such vehicles and a determination of the effects of carbon monoxide upon the passengers. The study shall also review available methods of monitoring and testing for the presence of carbon monoxide and shall analyze the cost and effect of alternative methods of monitoring and testing. The study shall analyze the cost and effectiveness of alternative strategies for attaining and maintaining acceptable levels of carbon monoxide in the passenger area of such vehicles. Within one year the Administrator shall report to the Congress respecting the results of such study.

(b) For the purpose of this section, the term "sustained-use motor vehicle" means any diesel or gasoline fueled motor vehicle (whether light or heavy duty) which, as determined by the Administrator (in conjunction with the Secretary), is normally used and occupied for a sustained, continuous, or extensive period of time, including buses, taxicabs, and police vehicles.

IMPLEMENTATION OF MOTOR VEHICLE EMISSION WARRANTIES

SEC. 218. Section 203(a)(4) of the Clean Air Act is amended by inserting after subparagraph (c) the following:

"(C) to fail or refuse to comply with the terms and conditions of the warranty under section 207 (a) or (b) with respect to any vehicle or to fail or refuse to comply with any requirement under subsection (b)(5) or (b)(6) of section 207, or".

TESTING OF FUELS AND FUEL ADDITIVES

SEC. 219. Section 211 of the Clean Air Act is amended by inserting a new subsection to read as follows:

"(e)(1) Not later than one year after date of enactment of this subsection and after notice and opportunity for a public hearing, the Administrator shall promulgate regulations which implement the authority under subsection (b)(2) (A) and (B) with respect to each fuel or fuel additive which is registered on the date of promulgation of such regulations and with respect to each fuel or fuel additive for which an application for registration is filed thereafter.

"(2) Regulations under subsection (b) to carry out this subsection shall require that the requisite information be provided to the Administrator by each such manufacturer—

"(A) prior to registration, in the case of any fuel or fuel additive which is not registered on the date of promulgation of such regulations; or

"(B) not later than three years after the date of promulgation of such regulations, in the case of any fuel or fuel additive which is registered on such date.

"(3) In promulgating such regulations, the Administrator may—

"(A) exempt any small business (as defined in such regulations) from or defer or modify the requirements of, such regulations with respect to any such small business;

"(B) provide for cost-sharing with respect to the testing of any fuel or fuel additive which is manufactured or processed by two or more persons or otherwise provide for shared responsibility to meet the requirements of this section without duplication; or

"(C) exempt any person from such regulations with respect to a particular fuel or fuel additive upon a finding that any additional testing of such fuel or fuel additive would be duplicative of adequate existing testing.".

TESTING BY SMALL MANUFACTURERS

SEC. 220. Section 206(a)(1) of the Clean Air Act is amended by adding at the end thereof the following: "In the case of any manufacturer of vehicles or vehicle engines whose projected sales in the United States for any model year (as determined by the Administrator) will not exceed three hundred, the regulations prescribed by the Administrator concerning testing of the manufacturer for purposes of determining compliance with regulations under section 202 for the useful life of the vehicle or engine shall not require operation of any vehicle or engine manufactured during such model year for more than five thousand miles or one hundred and sixty hours, respectively, but the Administrator shall apply such adjustment factors as he deems appropriate to assure that each such vehicle or engine will comply during its useful life with the regulations prescribed under section 202 of this Act.".

CALIFORNIA WAIVER

SEC. 221. Section 209(b) of the Clean Air Act is amended to read as follows:

"(b)(1) The Administrator shall, after notice and opportunity for public hearing, waive application of this section to any State which has adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, if the State determines that the State standards will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standrads. No such waiver shall be granted if the Administrator finds that—

"(A) the determination of the State is arbitrary and capricious,

"(B) such State does not need such State standards to meet compelling and extraordinary conditions, or

"(C) such State standards and accompanying enforcement procedures are not consistent with section 202(a) of this part.

"(2) If each State standard is at least as stringent as the comparable applicable Federal standard, such State standards shall be deemed to be at least as protective of health and welfare as such Federal standards for purposes of paragraph (1).

"(3) In the case of any new motor vehicle or new motor vehicle engine to which State standards apply pursuant to a waiver granted under paragraph (1), compliance with such State standards shall be treated as compliance with applicable Federal Standards for purposes of this title.".

And amend the table of contents accordingly.

Page 378, strike out line 23 and all that follows down through line 18 on page 385 and insert in lieu thereof the following:

LIGHT-DUTY MOTOR VEHICLE EMISSIONS

SEC. 203. (a) Subparagraph (A) of section 202(b)(1) of the Clean Air Act is amended to read as follows:

"(A) The regulations under subsection (a) applicable to emissions of carbon monoxide and hydrocarbons from light-duty vehicles and engines manufactured during model years 1977 through 1979 shall contain standards which provide that such emissions from such vehicles and engines may not exceed 1.5 grams per vehicle mile of hydrocarbons and 15.0 grams per vehicle mile of carbon monoxide. The regulations under subsection (a) applicable to emissions of carbon monoxide from light-duty vehicles and engines manufactured during or after the model year 1980 shall contain standards which provide that such emissions do not exceed 9.0 grams per vehicle mile. The regulations under subsection (a) applicable to emissions of hydrocarbons from light-duty vehicles and engines manufactured during or after model year 1980 shall contain standards which require a reduction of at least 90 per centum from emissions of such pollutant allowable under the standards under this section applicable to light-duty vehicles and engines manufactured in model year 1970.".

(b) Subparagraph (B) of section 202(b)(1) of such Act is amended to read as follows:

"(B) The regulations under subsection (a) applicable to emissions of oxides of nitrogen from light-duty vehicles and engines manufactured during model years 1977 through 1981 shall contain standards which provide that such emissions from such vehicles and engines may not exceed 2.0 grams per mile. The regulations under subsection (a) applicable to emissions of oxides of nitrogen from light-duty vehicles and engines manufactured after the model year 1981 shall contain standards which provide that such emissions from such vehicles and engines may not exceed 1.0 grams per mile except in the case of a revision or waiver by the Administrator under paragraph (5) or (6).".

(c) Section 202(b) of such Act is amended by striking out paragraph (5) thereof and substituting the following:

"(5)(A) Upon the petition of any manufacturer or on his own motion, the Administrator, after notice and opportunity for public hearing, shall revise the standard required under subparagraph (B) of paragraph (1) with respect to light-duty vehicles and engines manufactured during any period of two or more model years beginning after the model year 1981 if he determines that such standard should be revised due to (i) the lack of available, practicable, emission control technology to meet such standard during such period, (ii) the cost of compliance with such standard, and (iii) the impact of such standard on motor vehicle fuel consumption. No such revision may be made if the Administrator determines that such revision would endanger public health.

"(B) A revised standard established under this paragraph shall provide for such reduction of emissions of oxides of nitrogen from light-duty vehicles and engines as the Administrator deems appropriate based on (i) technology which is available and practicable during the period for which such standard applies, (ii) the cost of compliance, (iii) the impact on motor vehicle fuel consumption, and (iv) the need to protect public health. No such standard shall permit emissions of oxides of nitrogen in excess of 2.0 grams per vehicle mile.

"(C) A revised standard promulgated under this paragraph shall apply for a period of not less than two model years.

"(D) A revised standard established under this paragraph shall take effect beginning with the third model year which begins after the model year during which it is promulgated. In the case of a petition submitted by a manufacturer under this paragraph within such period as may be appropriate for purposes of this subparagraph, the Administrator shall promulgate a revision, or refuse to promulgate such a revision, within ninety days after the receipt of such petition.

"(6)(A) Upon the petition of any manufacturer, the Administrator, after notice and opportunity for public hearing, may waive the standard required under subparagraph (B) of paragraph (1) for any class or category of light-duty vehicles and engines manufactured by such manufacturer during any period of four or more model years beginning after the model year 1981 if he determines that such waiver is necessary to permit the use of an innovative power train technology in such class or category which use can produce a substantial energy saving for such class or category as compared to conventional power trains incorporating spark ignited, gasoline, internal combustion engines. No such waiver may be granted if the Administrator determines that such waiver would endanger public health.

"(B) Upon granting a waiver under this paragraph respecting any class or category of vehicles or engines, the Administrator shall promulgate an interim standard applicable to such class or category such as will (i) permit the use of the innovative power train technology on the basis of which such waiver was granted and (ii) take into account the need to protect public health. No such interim standard shall permit emissions of oxides of nitrogen in excess of 2.0 grams per vehicle mile.

"(C) A waiver under this paragraph shall apply for a period of not less than four model years.

"(D) An interim standard promulgated under this paragraph shall take effect beginning with the third model year which begins after the model year during which it is promulgated. In the case of a petition submitted by a manufacturer under this paragraph within such period as may be appropriate for purposes of this subparagraph, the Administrator shall grant a waiver or refuse to grant such a waiver within ninety days after the receipt of such petition.

"(7)(A) Following each model year, the Administrator shall report to the Congress respecting the motor vehicle fuel consumption consequences, if any, of the standards applicable for such model year in relationship to the motor vehicle fuel consumption associated with the standards applicable for the immediately preceding model year.

"(B) The Secretary of Transportation and the Federal Energy Administration shall each submit to Congress, as promptly as practicable following submission by the Administrator of the fuel consumption report referred to in subparagraph (a), separate reports respecting such fuel consumption.".

Page 402, strike out line 6 and all that follows down through line 8 on page 411 and insert in lieu thereof the following:

WARRANTIES

SEC. 209. (a) Section 207(b)(2) of the Clean Air Act is amended by adding the following at the end thereof: "No such warranty shall be invalid on the basis of any part used in the maintenance or repair of a vehicle or engine if such part was certified as provided under subsection (a)(2)."

(b) Section 207(a) of such Act is amended by striking out "(1)" and "(2)" and inserting in lieu thereof "(A)" and "(B)" respectively, by inserting "(1)" after "(a)" and by adding the following new paragraph at the end thereof:

"(2) In the case of a motor vehicle part or motor vehicle engine part, the manufacturer or rebuilder of such part may certify that use of such part will not result in a failure of the vehicle or engine to comply with emission standards promulgated under section 202. Such certification shall be made only under such regulations as may be promulgated by the Administrator to carry out the puroposes of subsection (b). The Administrator shall promulgate such regulations no later than two years following the date of the enactment of this paragraph."

(c) Section 207(b) of such Act is amended by striking out "its useful life (as determined under section 202(d))" in each place it appears and inserting in lieu thereof "a period of eighteen months or eighteen thousand miles (or the equivalent), whichever first occurs".

(d) Section 207(c)(3) of such Act is amended by inserting after the first sentence thereof the following: "The manufacturer shall provide in boldface type on the first page of the written maintenance instructions notice that maintenance, replacement, or repair of the emission control devices and systems may be performed by any automotive repair establishment or individual using any automotive part which has been certified as provided in subsection (a)(2).".

(e) Section 207 of such Act is amended by adding the following new subsection at the end thereof:

"(g) Nothing in this section shall be construed to provide that any labor required to be provided at the cost of the manufacturer pursuant to warranty under regulations under subsection (b)(2) may be performed by any persons other than persons specified by the manufacturer or that any part required to be provided at the cost of the manufacturer under such warranty may be other than a part specified by the manufacturer.".

(f) Section 207(a)(1) of such Act, as designated by subsection (b) of this section, is amended by adding the following at the end thereof: "For purposes of clause (1)(B) of this subsection the term 'defect' means a defect which existed at the time of sale of the new motor vehicle or motor vehicle engine to the ultimate purchaser.".

(g) Section 214 of such Act is amended by adding the following new paragraph at the end thereof:

"(7) The term 'emission control device or system' means, for purposes of section 207, a catalytic converter, thermal reactor, or other component installed on or in a vehicle for the sole or primary purpose of reducing vehicle emissions. Such term shall not include those vehicle components which were in general use prior to model year 1968.".

By Ms. HOLTZMAN:

Page 477, immediately after line 21 insert the following new section:

BRIDGE TOLLS
IMPLEMENTATION PLANS WHICH REQUIRE

SEC. 320. Section 110(c)(2) of such Act is amended by inserting at the end thereof the following new subparagraph:

"(F)(i) Any measure in an applicable implementation plan which requires a toll or other charge for the use of a bridge located entirely within one city shall be void upon the date of enactment of this subparagraph.

"(ii) In the case of any applicable implementation plan with respect to which a measure has been avoided under clause (i), not later than one year after the date of the enactment of this subparagraph, such plan shall be revised to include the provisions which would be required under section 123(b)(5)(B) and (6)(B) if an extension were granted under section 123.

"(iii) Any revision of an implementation plan for purposes of meeting the requirements of clause (ii) shall be submitted in coordination with any plan revision required under section 123(c) or (d)."

Page 477, line 23, strike out "320" and insert in lieu thereof "321".

Amend section 202 by inserting "(a)" after "202", and by inserting at the end of section 202 the following:

(b) Section 110(c)(2) of such Act is amended by inserting at the end thereof the following new subparagraph:

"(F)(i) Any measure in an applicable implementation plan which requires a toll or other charge for the use of a bridge located entirely within one city shall be void upon the date of enactment of this subparagraph.

"(ii) In the case of any applicable implementation plan with respect to which a measure has been voided under clause (i), not later than one year after the date of the enactment of this subparagraph, such plan shall be revised to include the provisions which would be required under section 123(b)(5)(B) and (6)(B) if an extension were granted under section 123.

"(iii) Any revision of an implementation plan for purposes of meeting the requirements of clause (ii) shall be submitted in coordination with any plan revision required under section 123(c) or (d)."

Amend section 202 by inserting "(a)" after "202", and by inserting at the end of section 202 the following:

(b) Section 110(c)(2) of such Act is amended by inserting at the end thereof the following new subparagraph:

"(F)(i) Any measure in an applicable implementation plan which requires a toll or other charge for the use of a bridge located entirely within one city shall be void upon the date of enactment of this subparagraph.

"(ii) In the case of any applicable implementation plan with respect to which a measure has been voided under clause (i), not later than one year after the date of the enactment of this subparagraph, such plan shall be revised to include the provisions which would be required under section 123(b)(5)(B) and (6)(B) if an extension were granted under section 123.

"(iii) Any revision of an implementation plan for purposes of meeting the requirements of clause (ii) shall be submitted in coordination with any plan revision required under section 123(c) or (d)."

By Mr. KINDNESS:

On page 330, after line 14, insert the following new subsection:

(c) Any regulations promulgated by the Administration under this section applicable to grain elevators shall exempt any grain elevator having a total receiving leg capacity of less than 16,000 bushels per hour.

By Mr. McCORMACK:

Page 355, strike out line 4 and all that follows down through line 16.

Page 355, line 17, strike out "(h)" and substitute "(g)".

Page 355, line 24, strike out "(i)" and substitute "(h)".

By Mr. MADIGAN:

Page 254, line 14, strike out "determined" and all that follows down through line 16 and insert in lieu thereof the following: "which the Administrator determines is likely to be adequately demonstrated (within the meaning of section 111(a)(1)) upon expiration of the order,".

Page 330, after line 14, insert:

(c) Section 111 of such Act is amended by adding the following new subsection at the end thereof:

"(k) Any regulations promulgated by the Administrator under this section applicable to grain elevators shall apply only to grain elevators which have a storage capacity in excess of 2.5 million bushels."

By Mr. MOSS:

Page 356, after line 2, insert:

(b) Section 110 of such Act is amended by adding the following new subsection at the end thereof:

"(h)(1) No grant which the Administrator is authorized to make to any applicant for construction of sewage treatment works in any area in any State may be withheld, conditioned, or restricted by the Administrator on the basis of any requirement of this Act except as provided in paragraph (2).

"(2) The Administrator may withhold, condition, or restrict the making of any grant for construction referred to in paragraph (1) only if he determines that—

"(A) such treatment works will not comply with applicable standards under section 111 or 112,

"(B) the State does not have in effect, or is not carrying out, a State implementation plan approved by the Administrator which expressly quantifies and provides for the increase in emissions of each air pollutant (from stationary and mobile sources in any area to which either section 127 or subtitle C applies for such pollutant) which increase may reasonably be anticipated to result directly or indirectly from the new sewage treatment capacity which would be created by such construction.

"(C) the construction of such treatment works would create new sewage treatment capacity which (i) may reasonably be anticipated to cause or contribute to, directly or indirectly, an increase in emissions of any air pollutant in excess of the increase provided for under the provisions referred to in subparagraph (B) for any such area or (ii) would otherwise not be in conformity with the applicable implementation plan, or

"(D) such increase in emissions would interfere with, or be inconsistent with, the applicable implementation plan for any other State.

In the case of construction of a treatment works which would result, directly or indirectly, in an increase in emissions of any air pollutant from stationary and mobile sources in an area to which section 127 applies, the quantification of emissions referred to in subparagraph (B) shall comply with the requirements of section 127(c)(5)(B).

"(3) Nothing in this subsection shall be construed to amend or alter any provision of the National Environmental Policy Act or to affect any determination as to whether or not the requirements of such Act have been met in the case of the construction of any sewage treatment works.".

By Mr. RUNNELS:

Section 214 of the Dingell amendment is amended by adding the following at the end thereof:

(d) Section 202 of such Act is amended by adding the following new subsection at the end thereof:

"(f)(1) The high altitude regulation in effect with respect to model year 1977 motor vehicles shall not apply to the manufacture, distribution, or sale of 1978 and later model year motor vehicles. Any future regulation affecting the sale or distribution of motor vehicles or engines in high altitude areas of the country shall take effect no earlier than model year 1981.

"(2) Any future regulation applicable to high altitude vehicles or engines shall not require a percentage of reduction in the emissions of such vehicles which is greater than the required percentage of reduction in emissions from motor vehicles as set forth in section 202(b). This percentage reduction shall be determined by comparing any proposed high altitude emission standards to high altitude emissions from vehicles manufactured during model year 1970. In no event shall regulations applicable to high altitude vehicles establish a numerical standard which is more stringent than that applicable to vehicles certified under non-high altitude conditions.

"(3) Before promulgating any high altitude regulation referred to in paragraph (2), the Administrator shall consider and make a finding with respect to—

"(A) the economic impact upon consumers, individual high altitude dealers, and the automobile industry of any such regulation, including the economic impact which was experienced as a result of the regulation imposed during model year 1977 with respect to high altitude certification requirements;

"(B) the present and future availability of emission control technology capable of meeting the applicable vehicle and engine emission requirements without reducing model availability; and

"(C) the likelihood that the adoption of such a high altitude regulation will result in any significant improvement in air quality in any area to which it shall apply."

Page 424, after line 25 insert;

(c) Section 202 of such Act is amended by adding the following new subsection at the end thereof:

"(f)(1) The high altitude regulation in effect with respect to model year 1977 motor vehicles shall not apply to the manufacture, distribution, or sale of 1978 and later model year motor vehicles. Any future regulation affecting the sale or distribution of motor vehicles or engines in high altitude areas of the country shall take effect no earlier than model year 1981.

"(2) Any future regulation applicable to high altitude vehicles or engines shall not require a percentage of reduction in the emissions of such vehicles which is greater than the required percentage of reduction in emissions from motor vehicles as set forth in section 202(b). This percentage reduction shall be determined by comparing any proposed high altitude emission standards to high altitude emissions from vehicles manufactured during model year 1970. In no event shall regulations applicable to high altitude vehicles establish a numerical standard which is more stringent than that applicable to vehicles certified under non-high altitude conditions.

"(3) Before promulgating any high altitude regulation referred to in paragraph (2), the Administrator shall consider and make a finding with respect to—

"(A) the economic impact upon consumers, individual high altitude dealers, and the automobile industry of any such regulation, including the economic impact which was experienced as a result of the regulation imposed during model year 1977 with respect to high altitude certification requirements;

"(B) the present and future availability of emission control technology capable of meeting the applicable vehicle and engine emission requirements without reducing model availability; and

"(C) the likelihood that the adoption of such a high altitude regulation will result in any significant improvement in air quality in any area to which it shall apply."

By Mrs. SMITH of Nebraska:

Add the following new subsection to section 220:

"(f)(1) For the purposes of this subsection—

"(A) The terms 'gasoline' and 'refinery' have the meaning provided under regulations of the Administrator promulgated under this section.

"(B) The term 'small refinery' means a refinery producing gasoline which—

"(i) was in operation or under construction on October 1, 1976, and

"(ii) has a crude oil or bona fide feed stock capacity (as determined by the Administrator) of 50,000 barrels per day or less, and

"(iii) is owned or controlled by a refiner with a total combined crude oil or bona fide stock capacity (as determined by the Administrator) of 175,000 barrels per day or less.

"(2) No regulations of the Administrator under this section (or any amendment or revision thereof) respecting the control or prohibition of lead additives in gasoline shall require a small refinery to reduce the average lead content per gallon of gasoline refined at such refinery below the lower of the applicable amount specified in table A or table B below:

TABLE A

If the gasoline production is no greater than 50 per cent of refining capacity and if the refinery capacity in barrels per day is—	The applicable amount (in grams per gallon) is—
2,000 and under	3.0
2,001–4,000	2.9
4,001–6,000	2.8
6,001–8,000	2.7
8,001–10,000	2.6
10,001–12,000	2.5
12,001–14,000	2.4
14,001–16,000	2.3
16,001–18,000	2.2
18,001–20,000	2.1
20,001–22,000	2.0
22,001–24,000	1.9
24,001–26,000	1.8
26,001–28,000	1.7
28,001–30,000	1.6
30,001–32,000	1.5
32,001–34,000	1.4
34,001–36,000	1.3
36,001–38,000	1.2
38,001–40,000	1.1
40,001–42,000	1.0
42,001–44,000	0.9
44,001–46,000	0.8
46,001–48,000	0.7
48,001–50,000	0.6

TABLE B

If the gasoline production is no greater than refining capacity and if the average gasoline production of the refinery (in barrels per day) for the immediate preceding calendar year was—	The applicable amount (in grams per gallon) is—
1,000 or under	3.0
1,001 to 2,000	2.9
2,001 to 3,000	2.8
3,001 to 4,000	2.7
4,001 to 5,000	2.6
5,001 to 6,000	2.5
6,001 to 7,000	2.4
7,001 to 8,000	2.3
8,001 to 9,000	2.2
9,001 to 10,000	2.1
10,001 to 11,000	2.0
11,001 to 12,000	1.9
12,001 to 13,000	1.8
13,001 to 14,000	1.7
14,001 to 15,000	1.6
15,001 to 16,000	1.5
16,001 to 17,000	1.4
17001, to 18,000	1.3
18,001 to 19,000	1.2
19,001 to 20,000	1.1
20,001 to 21,000	1.0
21,001 to 22,000	0.9
22,001 to 23,000	0.8
23,001 to 24,000	0.7
24,001 to 25,000	0.6

"(3) Effective on the date of the enactment of this subsection, the regulations of the Administrator under this section respecting fuel additives (40 C.F.R. Part 80) shall be deemed amended to comply with the requirement contained in paragraph (2)."

By Mr. ULLMAN:

Page 424, line 25, strike out the closing quotation marks and period and insert in lieu thereof the following:

"(e)(1) The Governor of any State which has only a single county to which the Administrator's regulations of March 8, 1976, 41 Fed. Reg. 9878–9 or any amendment thereof (relating to conformity with new motor vehicle emission standards at high altitudes) apply may, after notice and public hearing, exempt such county from the requirements of such regulations upon a finding that—

"(A) the national ambient air quality standards for all mobile-source related pollutants are being attained and maintained, and will continue to be attained and maintained, in such county even with an exemption under this subsection;

"(B) the exemption will not cause, or contribute significantly to, the exceeding of any national ambient air quality standards for any such pollutant in any area outside that county; and

"(C) the exemption will not result in dealers in the exempted county having a significant competitive advantage over dealers in any abutting county in any other State which is subject to such regulations.

"(2) The Administrator may, after notice and opportunity for a public hearing disapprove the exemption under paragraph (1), if he finds that the Governor erred in making any of the findings under that paragraph or that changed circumstances make those findings no longer applicable."

At the end of section 215, strike out the closing quotation marks and period and insert in lieu thereof the following:

"(e)(1) The Governor of any State which has only a single county to which the Administrator's regulations of March 8, 1976, 41 Fed. Reg. 9878–9 or any amendment thereof (relating to conformity with new motor vehicle emission standards at high altitudes) apply may, after notice and public hearing, exempt such county from the requirements of such regulations upon a finding that—

"(A) the national ambient air quality standards for all mobile-source related pollutants are being attained and maintained, and will continue to be attained and maintained, in such county even with an exemption under this subsection;

"(B) the exemption will not cause, or contribute significantly to, the exceeding of any national ambient air quality standards for any such pollutant in any area outside that county; and

"(C) the exemption will not result in dealers in the exempted county having a significant competitive advantage over dealers in any abutting county in any other State which is subject to such regulations.

"(2) The Administrator may, after notice and opportunity for a public hearing disapprove the exemption under paragraph (1), if he finds that the Governor erred in making any of the findings under that paragraph or that changed circumstances make those findings no longer applicable."

H.R. 6884

By Mr BAUMAN:

On page 10, at the end of line 8, add the following sentence: As used in this section the phrase "majority ruled countries" shall be defined as including only those countries in which there exists an established constitutional or legal system which does in fact and in practice provide for the regular popular election of governing officials by qualified voters who are guaranteed the right to vote without any restrictions because of race, creed or color.

By Mr. CRANE:

Page 9, line 19, immediately after "(a)" insert "(1)"; and on page 10, immediately after line 8, insert the following new paragraph:

"(2) No assistance may be furnished under this section to Mozambique, Angola, Tanzania, or Zambia.

Page 21, immediately after line 14, insert the following new section:

PROHIBITION ON ASSISTANCE TO MOZAMBIQUE, ANGOLA, TANZANIA, AND ZAMBIA

SEC. 21. None of the funds appropriated under the amendments made by this Act may be used for assistance to Mozambique, Angola, Tanzania, and Zambia.

By Mr. MILFORD:

Page 21, immediately after line 14, insert the following new section:

REVIEW OF ARMS SALES CONTROLS ON NONLETHAL ITEMS

SEC. 21. The President shall undertake a review of all regulations relating to arms control for the purpose of defining and categorizing lethal and nonlethal products and establishing the appropriate level of control for each category.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following registrations were submitted for the third calendar quarter 1977:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19______ ◄

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◄

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A. Chester L. Harding, Jr., National Association of Manufacturers, 2 Militia Drive, Lexington, Mass. 02173.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. William J. Harrington, 8726 Preston Place, Chevy Chase, Md. 20015.

B. Dactek International, Inc., Suite L-9, 5301 Balboa Boulevard, Encino, Calif. 91316.

A. David G. Hawkins, NRDC, 917 15th Street NW., Washington, D.C. 20005.

B. Natural Resources Defense Council, 917 15th Street NW., Washington, D.C. 20005.

A. Nina L. Heagstedt, 425 13th Street NW., No. 1001, Washington, D.C. 20004.

B. National Organization for Women (NOW), Inc., 425 13th Street No. 1001, Washington, D.C. 20004.

A. Heavy Specialized Carriers Conference, 1155 16th Street NW., Washington, D.C. 20036.

A. Robert A. Hefner III, Suite 300, 2601 Northwest Expressway, Oklahoma City, Okla. 73112.

B. Independent Gas Producers' Committee, Suite 300, 2601 Northwest Expressway, Oklahoma City, Okla. 73112.

A. Daniel R. Helmick, 1625 I Street NW., Room 301, Washington, D.C. 20006.

B. Columbia Gas Distribution Co., 99 North Front Street, Columbus, Ohio 43215.

A. Frederick W. Hickman, One First National Plaza, No. 5200, Chicago, Ill. 60603.

B. Trans Union Corp., 90 Half Day Road, Lincolnshire, Ill. 60015.

A. Joseph Hinson, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Hogan & Hartson, 815 Connecticut Avenue, Washington, D.C. 20006.

B. Motorcycle Industry Council, Inc., 4100 Birch Street, Suite 101, Newport Beach, Calif., 92660.

A. Robert L. Holding, Association of Home Appliance Manufacturers, 2033 K Street NW., Washington, D.C. 20006.

B. Association of Home Appliance Manufacturers, 20 North Wacker Drive, Chicago, Ill.

A. Hospital Association of New York State, 15 Computer Drive West, Albany, N.Y. 12205.

A. Clifford T. Howlett, Jr., Georgia-Pacific Corp., 1735 I Street NW., Washington, D.C. 20006.

B. Georgia-Pacific Corp., 900 Southwest 5th Avenue, Portland, Oreg. 97204.

A. Tony R. Huerta, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

A. Burt H. Hunley, Suite 1204, 1700 K Street NW., Washington, D.C. 20006.

B. Chevron U.S.A. Inc. (a subsidiary of Standard Oil Company of California), Suite 1204, 1700 K Street NW., Washington, D.C. 20006.

A. Acacia Graham Hunt, 2020 K Street NW., Suite 850, Washington, D.C. 20006.

B. American Bakers Association, Suite 850, 2020 K Street NW., Washington, D.C. 20006.

A. Robert Hunt, 1425 K Street NW., Suite 900, Washington, D.C. 20005.

B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Suite 900, Washington, D.C. 20005.

A. Philip A. Hutchinson, Jr., 475 L'Enfant Plaza SW., Suite 2450, Washington, D.C. 20024.

B. Volkswagen Manufacturing Corporation of America, 7111 East 11 Mile Road, Warren, Mich. 48089.

A. Lee M. Hydeman, Hydeman, Mason & Goodell, 1220 19th Street NW., Washington, D.C. 20036.

B. Continental Air Lines, Inc., Los Angeles International Airport, Los Angeles, Calif. 90009.

A. INA Corp., 1600 Arch Street, Philadelphia, Pa. 19101.

A. Independent Gas Producers' Committee, Suite 300, 2601 Northwest Expressway, Oklahoma City, Okla. 73112.

A. William A. Irvine, 1725 K Street NW., Suite 607, Washington, D.C. 20006.

B. Associated Third-Class Mail Users, 1725 K Street NW., Suite 607, Washington, D.C. 20006.

A. Joseph S. Jenckes, 1730 M Street NW., Washington, D.C. 20036.

B. Abbott Laboratories, Abbott Park, Interstate on State Routes 43 and 137, North Chicago, Ill. 60064.

A. Walter W. John, Organization of Professional Employees of the U.S. Department of Agriculture, Room 1247, South Building, Washington, D.C. 20250.

B. Organization of Professional Employees of the U.S. Department of Agriculture, Room 1247, South Building, Washington, D.C. 20250.

A. Bruce O. Jolly, Jr., Independent Bankers Association of America, 1625 Massachusetts Avenue NW., Suite 203, Washington, D.C. 20036.

B. Independent Bankers Association of America, Sauk Centre, Minn. 56378.

A. Jones, Day, Reavis & Pogue, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Pacific Southwest Airlines, 3225 North Harbor Drive, San Diego, Calif. 92101.

A. Jones, Day, Reavis & Pogue, 1100 Connecticut Avenue, NW., Washington, D.C. 20036.

B. Pan American World Airways, Inc., Pan Am Building, New York, N.Y. 10017.

A. Richard T. Kaplar, Motor Vehicle Manufacturers Association of the United States, Inc., 1909 K Street NW., Washington, D.C. 20006.

B. Motor Vehicle Manufacturers Association of the United States, Inc., 320 New Center Building, Detroit, Mich. 58202.

A. Joseph Karth, 475 L'Enfant Plaza, Suite 4400, Washington, D.C. 20024.

B. The American League for International Security Assistance, Inc.

A. Joseph Karth, 3507 Leslie Avenue SE., Temple Hills, Md. 20031.

B. General Electric Corp., 777 14th Street NW, Washington, D.C.

Joseph Karth, 475 L'Enfant Plaza, Suite 4400, Washington, D.C. 20024.

B. Special Committee for Export Trade, 475 L'Enfant Plaza, Suite 4400, Washington, D.C. 20024.

A. Joseph Karth, 3507 Leslie Avenue SE., Temple Hills, Md. 20031.

B. Western Electronics Manufacturing Association, P.O. Box 11036, Palo Alto, Calif. 94306.

A. Robert H. Kellen, 64 Perimeter Center East, Atlanta, Ga. 30346.

B. Robert H. Kellen Co., 64 Perimeter Center East, Atlanta, Ga. 30346 (for Calorie Control Council, 64 Perimeter Center East, Atlanta, Ga 30346).

A. Michael T. Kelley, 1800 M Street NW., Suite 1075 South, Washington, D.C. 20036.

B. Union Camp Corp., 1800 M Street NW., Suite 1075 South, Washington, D.C. 20036.

A. Vytautas Kerbelis, 1426 21st Street NW., Washington, D.C. 20036.

B. ARAS (Another Real Area Science).

A. P. Douglas Kerr, Southern Furniture Manufacturers Association, P.O. Box 2436, High Point, N.C. 27261.

B. Southern Furniture Manufacturers Association, P.O. Box 2436, High Point, N.C. 27261.

A. Richard F. Kibben, 405 Lexington Avenue, New York, N.Y. 10017.

B. Business Roundtable, 405 Lexington Avenue, New York, N.Y. 10017.

A. Colbert I. King, Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, 20068.

B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.

A. John M. Kinn, 2117 E Street NW., No. 604, Washington, D.C. 20037.

B. Institute of Electrical and Electronics Engineers, Inc., 2029 K Street NW., Washington, D.C. 20006.

A. Francis L. Kinney, 76 Pheasant Run, Newington, Conn. 06111.

B. Northeast Utilities Service Co., Selden Street, Berlin, Conn.

A. Jack Arthur Kirby, 1516 County Line Road, Rosemont, Pa. 19010.

B. American Society of Farm Managers and Rural Appraisers, Inc., 210 Clayton Street, P.O. Box 6857, Denver, Colo. 80206.

A. Sally Ann Kirkpatrick, American Insurance Association, 1025 Connecticut Avenue NW., No. 415, Washington, D.C. 20036.

B. American Insurance Association, 1025 Connecticut Avenue NW., No. 415, Washington, D.C. 20036.

A. Louis C. Kramp & Associates, 1819 H Street NW, Suite 420, Washington, D.C.

B. The National Association of Homes for Children, 1500 North Carolina National Bank Building, Charlotte, N.C. 28202.

A. Nelson L. Krueger, 302 Providence Road, Lawrence, Kans. 66044.

B. Air Line Pilots Association, 200 Park Avenue, 56th Floor, New York, N.Y. 10017.

A. M. J. Kuehne, American Plywood Association, 1119 A Street, Tacoma, Wash. 98401.

B. American Plywood Association, 1119 A Street, Tacoma, Wash. 98401.

A. Karl S. Landstrom, 510 North Edison Street, Arlington, Va. 22203.

B. Geothermal Resources International, 5676 Admiralty Way, Marina del Rey, Calif. 90291.

A. Lucille Larkin, 918 16th Street NW., Washington, D.C. 20006.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

A. Dennis Lavallee, American Footwear Industries Association, 1611 North Kent Street, No. 900, Arlington, Va. 22209.

B. American Footwear Industries Association, 1611 North Kent Street, No. 900, Arlington, Va. 22209.

A. James J. Lawlor, 4008 Cimarron, Lee's Summit, Mo. 64063.

B. Air Line Pilots Association, 200 Park Avenue, 56th Floor, New York, N.Y. 10017.

A. Clark Layton, 4414 Island Place No. 43, Annandale, Va. 22003.

B. Intermountain Power Project, P.O. Box BB, Sandy, Utah 84070.

A. Eugene A. Leahy, Twin Towers South, 3000 Farnam Street, Omaha, Nebr. 68131.

B. Putnam & Leahy, Inc., 3000 Farnam Street, Omaha, Nebr. 68131 (for Solar, Inc., Marketing Division, Twin Towers South, 3000 Farnam Street, Omaha, Nebr. 68131).

A. Lloyd Leonard, 1730 M Street NW., Washington, D.C. 20036.

B. The League of Women Voters of the United States, 1730 M Street NW., Washington, D.C, 20036.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Eastern Gas & Fuel Associates, 2900 Prudential Tower, Boston, Mass. 02199.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue, NW., Washington, D.C. 20006.

B. National Beer Wholesalers Association of America, 6310 North Cicero Avenue, Chicago, Ill. 60646.

A. Walter R. Lewis, Jr., National Association of Manufacturers, 1719 Route 10, Parsippany, N.J. 07054.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. Ron M. Linton, 1015 18th Street NW., Suite 200, Washington, D.C.

B. State of Illinois, Department of Transportation, 2300 South Dirksen Parkway, Springfield, Ill. 62764.

A. Pamela Lippe, 620 C Street SE., Washington, D.C. 20003.

B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.

A. Andrew Litsky, 918 16th Street NW., Washington, D.C. 20006.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

A. Frank M. Lobach, 2000 Clearwater Drive, Oak Brook, Ill. 60521.

B. The Reuben H. Donnelley Corp., 2000 Clearwater Drive, Oak Brook, Ill. 60521.

A. John S. Lucas. Jr., National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. William F. Ludlam, Sr., P.O. Box 5282, Virginia Beach, Va. 23455.

B. American Revolution Bicentennial Administration Licensees Association, P.O. Box 10, Cocoa Beach, Fla.

A. Jeff MacDonald, Society of American Florists and Ornamental Horticulturists, 901 North Washington Street, Alexandria, Va. 22314.

B. Society of American Florists and Ornamental Horticulturists, 901 North Washington Street, Alexandria, Va. 22314.

A. Leonard Walter Mall, 1425 K Street NW., Suite 900, Washington, D.C. 20005.

B. Grocery Manufacturers of America, 1425 K Street NW., Suite 900, Washington, D.C. 20005.

A. Harold B. Malmgren, Malmgren, Inc., 1101 16th Street NW., Washington, D.C. 20036.

B. Heterocehmical Corp., 111 East Hawthorne Avenue, Valley Stream, Long Island, N.Y. 11580.

A. Michael J. Manning, 1150 Connecticut Avenue NW., Washington, D.C. 20036.

B. Rainbow Resources, Inc., Casper, Wyo.; Greenbrier Operating Co., Dallas, Tex.; Farmlands International Energy Co., Houston, Tex.; Energy Minerals Corp., Denver, Colo.; Petroleum Resources Co., Cushing, Okla.; Oil & Gas Futures Inc. of Texas.

A. Joanne L. Manthe, National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.

B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.

A. Reynaldo L. Martinez, National Education Association, 1330 Gaylord Street, Suite 707, Denver, Colo. 80206.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

A. Tina Marts, General Electric Co., 777 14th Street NW., Washington, D.C.

B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.

A. Joseph J. Martyak, American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.

B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.

A. James C. May & Associates, The Great Western Building, 321 E. Yakima Avenue, Yakima, Wash. 98901.

B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Suite 900, Washington, D.C. 20005.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20006.

B. Encyclopaedia Britannica, Inc., 425 North Michigan Avenue, Chicago, Ill. 60611.

A. Mayer, Brown & Platt, 888 17th Street NW., Suite 400, Washington, D.C. 20006.

B. The Erisa Industry Committee, Suite 1201, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20006.

B. Nokota Co., Post Office Box 1633, Bismarck, N. Dak. 58501.

A. Mays, Valentine, Davenport & Moore, Barr Building, 910 17th Street NW., Washington, D.C. 20006.

B. Sedco, Inc., 1901 North Akard Street, Dallas, Tex. 75201.

A. Mays, Valentine, Davenport & Moore, Barr Building, 910 17th Street NW., Washington, D.C. 20006.

B. Trans Union Corp., 90 Half Day Road, Lincolnshire, Ill. 60015.

A. McCarty & Noone, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Medical Technologists, 710 Higgins Road, Park Ridge, Ill. 60068.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.

B. Trans Union Corp., 90 Half Day Road, Lincolnshire, Ill. 60015.

A. Jack McDonald Associates, 6845 Elm Street, No. 512, McLean, Va. 22101.

B. Northrop Corp., 1800 Century Park East, Los Angeles, Calif. 90067.

A. James McDonald, 6845 Elm Street, No. 512, McLean, Va. 22101.

B. Jack McDonald Associates, 6845 Elm Street No. 512, McLean, Va. 22101 (for Northrop Corp., 1800 Century Park East, Los Angeles, Calif. 90067).

A. Darryl D. McEwen, Society of American Florists, 901 North Washington Street, Alexandria, Va. 22314.

B. Society of American Florists & Ornamental Horticulturists, 901 North Washington Street, Alexandria, Va. 22314.

A. W. John McGinnis, National Association of Manufacturers, 222 South Prospect Avenue, Park Ridge, Ill. 60068.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. Thomas H. McGannon, Chemtex Fibers, Inc., 850 3d Avenue, New York, N.Y. 10022.

B. Chemtex Fibers, Inc., 850 3d Avenue, New York, N.Y. 10022.

A. John J. McGonagle, Jr., Insurance Company of North America, 1600 Arch Street, Philadelphia, Pa. 19101.

B. INA Corp., 1600 Arch Street, Philadelphia, Pa. 19101.

A. Harry McPherson, Verner, Liipfert, Bernhard & McPherson, 1660 L Street NW., Suite 1000, Washington, D.C.

B. Commonwealth Oil Refining Co., 8626 Tesoro Drive, San Antonio, Tex. 78217.

A. F. Robert Meier, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

A. Ralph Merigliano, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20015.

B. Klineman Associates, Inc., 1345 Avenue of the Americas, New York, N.Y. 10019.

A. Richard F. Merritt, 9400 Wisconsin Avenue, Bethesda, Md. 20014.

A. M. Barry Meyer, Aluminum Association, 1900 M Street NW., Washington, D.C. 20036.

B. Aluminum Association, Inc., 1900 M Street NW., Washington, D.C. 20036; 750 3d Avenue, New York, N.Y. 10017.

A. Miller, Cassidy, Larroca & Lewin, 2555 M Street NW., Suite 500, Washington, D.C. 20037.

B. National Motorsports Committee of ACCUS, Suite 302, 1725 K Street NW., Washington, D.C. 20006.

A. Kathleen Ann Miller, 410 1st Street SE., Washington, D.C. 20003.

B. American Civil Liberties Union, 22 East 40th Street, New York, N.Y. 10016.

A. Wm. R. Miller, Aminoil USA, Inc., a subsidiary of R. J. Reynolds Industries, Inc., 2800 North Loop West, Houston, Tex. 77092.

B. Aminoil USA, Inc., 2800 North Loop West, Houston, Tex. 77092.

A. R. Garrett Mitchell, 1461 Larimer Square, Denver, Colo. 80202.

B. Colorado Ski Country USA, 1461 Larimer Square, Denver, Colo. 80202.

A. Theodore R. Mitchell, Micronesian Legal Services Corp., P.O. Box 826, Saipan, Mariana Islands, 96950.

B. The People of Enewetak, Enewetak Atoll, Marshall Islands, 96960.

A. Richard Mizrack, 270 Madison Avenue, New York, N.Y. 10016.

B. Wolf, Haldenstein, Adler, Freeman & Herz, 270 Madison Avenue, New York, N.Y. 10016, for: Fallek Lankro Corp., Tuscaloosa, Ala.

A. Stacey J. Mobley, 1701 Pennsylvania Avenue NW., Suite 210, Washington, D.C. 20006.

B. E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, Del. 19898.

A. April D. Moore, 1867 California Street NW., Washington, D.C. 20009.

B. National Consumers League, 1785 Massachusetts Avenue NW., Washington, D.C. 20036.

A. D. Michael Murray, 1120 Connecticut Avenue NW., No. 842, Washington, D.C. 20036.

B. LTV Corp., LTV Tower, Post Office Box 5003, Dallas, Tex. 75222.

A. Paul J. Myer, 2409 Red Maple Lane, Reston, Va. 22091.

B. American Broadcasting Co., 1150 17th Street NW., Washington, D.C. 20036.

A. Bernard Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.

B. Computer and Communications Industry Association, 1500 Wilson Boulevard, Suite 512, Arlington, Va. 22209.

A. National Association of Homes for Children, 1500 North Carolina National Bank Building, Charlotte, N.C. 28202.

A. National Association of Railroad Passengers, 417 New Jersey Avenue SE., Washington, D.C. 20003.

A. National Clean Air Coalition, 620 C Street SE., Washington, D.C. 20003.

A. National Committee for Symphony Orchestra Support, P.O. Box 396, Vienna, Va. 22180.

A. National Counsel Associates, Inc., 421 New Jersey Avenue SE., Washington, D.C. 20003.

B. Participating Employers' Trust Administrators, Inc., 5004 Lenker Street, Mechanicsburg, Pa. 17055.

A. National Federation of Licensed Practical Nurses, 250 West 57th Street, New York City, N.Y. 10019.

A. National Insulation Contractors Association, 1120 19th Street NW., Washington, D.C. 20036.

A. Nazario & Ortiz-Daliot, 1028 Connecticut Avenue NW., Suite 520, Washington, D.C. 20036.

B. Municipality of Mayaguez, P.R.

A. J. T. Nelson, Gibson Island, Md. 21056.

B. Household Finance Corp., Prudential Plaza, Chicago, Ill. 60601.

A. Richard A. Nelson, The Reuben H. Donnelley Corp., 2000 Clearwater Drive, Oak Brook, Ill. 60521.

B. The Reuben H. Donnelley Corp., 2000 Clearwater Drive, Oak Brook, Ill. 60521.

A. New Directions, 2021 L Street NW., Washington, D.C. 20036.

A. Harold Frank Newman, 900 17th Street NW., Washington, D.C. 20006.

B. Kaiser Foundation Health Plan, Inc., 900 17th Street NW., Washington, D.C. 20006.

A. Elaine S. Nogay, 1625 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Can Manufacturers Institute, 1625 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Northeast Utilities Service Co., Selden Street, Berlin, Conn.

A. G. H. Ochenrider, Grumman Aerospace Corp., 1600 Wilson Boulevard, Arlington, Va. 22209.

B. Grumman Aerospace Corp., Bethpage, Long Island, N.Y. 11714.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Institute of Certified Public Accountants, 1620 I Street NW., Washington, D.C. 20006.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Exxon Co., U.S.A., a division of Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Suite 600, Washington, D.C. 20006.

B. National Committee on Locks and Dam 26, 1129 20th Street NW., Washington, D.C. 20036.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Securities Industry Association, 490 L'Enfant Plaza East, SW., Washington, D.C. 20024.

A. Ogden Corp., 277 Park Avenue, New York, N.Y. 10017.

A. The Organization for the Management of Alaska's Resources, Inc., 630 West Fourth Avenue, Suite 200, Anchorage, Alaska 99501.

A. Paraplegia Cure Research, 100 Maryland Avenue NE., Washington, D.C. 20002.

A. Joel B. Paris, III, Georgia International Services, Inc., 25 Pine Island Court, Roswell, Ga. 30076.

B. Northrop Corporation, 1701 North Ft. Myer Drive, No. 1208, Arlington, Va.

A. Kimberly C. Parker, 1730 K Street NW., Suite 1101, Washington, D.C. 20006.

B. National Treasury Employee Union, 1730 K Street NW., Suite 1101, Washington, D.C. 20006.

A. Nicholas D. Pasco, Shipbuilders Council of America, 600 New Hampshire Avenue NW., (Suite 420), Washington, D.C. 20037.

B. Shipbuilders Council of America, 600 New Hampshire Avenue NW. (Suite 420), Washington, D.C. 20037.

A. Howard G. Paster, 1125 15th Street NW., Washington, D.C. 20005.

B. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), 800 East Jefferson Avenue, Detroit, Mich. 48214.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. Institute of Electrical & Electronics Engineers, 2029 K Street NW., Washington, D.C. 20036.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. Loop, Inc., 1010 Common Street, 350 Bank of New Orleans Building, New Orleans. La. 70112.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. Wometco Enterprises, Inc., 306 North Miami Avenue, Miami, Fla., 33128.

A. Peabody, Rivlin, Lambert & Myers, 1150 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036.

B. Tuna Research Foundation, 215 Cannery Street, Terminal Island, Calif. 90713.

A. Earl G. Peacock, Sr., Suite 1006, 900 17th Street NW., Washington, D.C. 20006.

B. Henry J. Kaiser Co., Kaiser Center, 300 Lakeside Drive, Oakland, Calif. 94666.

A. Ben F. Peake, American Association of Blood Banks, 1828 L Street NW., No. 7608, Washington, D.C. 20036.

B. American Association of Blood Banks, 1828 L Street NW., No. 608, Washington, D.C. 20036.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Suite 200, Washington, D.C. 20006.

B. Volkswagen Mfg. Corp. of America, 2400 Ardmore Boulevard, Forest Hills, Pa. 15221.

A. John Pesch, 1701 North Fort Myer, Drive, Arlington, Va. 22209.

B. Northrop Corp., 1701 North Fort Myer Drive, Arlington, Va. 22209.

A. Russell W. Peterson, New Directions, 2021 L Street NW., Washington, D.C. 20036.

B. New Directions, 2021 L Street NW., Washington, D.C. 20036.

A. Mari K. Pickett, 1620 I Street NW., No. 603, Washington, D.C. 20006.

B. National BankAmericard, 555 California Street, San Francisco, Calif. 94126.

A. Michael M. Pocost, New York State Petroleum Council, 551 5th Avenue, New York, N.Y. 10017.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Ralph Pomerance. Jr., 620 C Street SE., Washington, D.C. 20003.

B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.

A. Potter International, Inc., 1140 Connecticut Avenue NW., No. 405, Washington, D.C. 20036.

B. American Society of Composers, Authors & Publishers, 1 Lincoln Plaza, New York, N.Y. 10023.

A. Potter International, Inc., 1140 Connecticut Avenue NW., No. 405, Washington, D.C. 20036.

B. Rockwell International, 600 Grant Street, Pittsburgh, Pa. 15219.

A. Potter International. Inc., 1140 Connecticut Avenue NW., No. 405, Washington, D.C. 20036.

B. Rohr Industries, Inc., Post Office Box 23000, San Diego, Calif. 92123.

A. Potter International, Inc., 1140 Connecticut Avenue NW., No. 405, Washington, D.C. 20036.

B. Western Shipbuilding Association, Post Office Box 3976, San Francisco, Calif. 94119.

A. Praesidium Mutual Business Services, 2502 Belair Drive, Bowie, Md. 20715.

A. William Prendergast, Distilled Spirits Council of the United States, Inc., 1300 Pennsylvania Building, Washington, D.C. 20004.

B. Distilled Spirits Council of the United States, Inc., 1300 Pennsylvania Building, Washington, D.C. 20004.

A. Michael W. Press, 1050 17th Street NW., No. 650, Washington, D.C. 20036.

B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.

A. Preston, Thorgrimson, Ellis, Holman & Fletcher, 1776 F Street NW., Suite 201, Washington, D.C. 20006.

B. Tennessee Gas Transmission, P.O. Box 2511, Houston, Tex. 77001.

A. Gerald R. Prout, Burson-Marsteller, 1800 M Street NW., No. 750 South, Washington, D.C. 20036.

B. The American Waterways Operators, Inc., 1600 Wilson Boulevard, No. 1101, Arlington, Va. 22209.

A. Public Timber Purchasers Group, 1214 Oregon Bank Building, Portland, Oreg. 97204.

A. Purcell, Hansen & Valdez, 1819 H Street D.C. 20006.

B. National Agricultural Chemicals Association, Washington, D.C.

A. Purcell, Hansen & Valdez, 1819 H Street NW., Washington, D.C. 20006.

B. Pioneer Corp., Amarillo, Tex. 79101.

A. James P. Putnam, Twin Towers South, 3000 Farnam Street, Omaha, Nebr. 68131.

B. Putnam and Leahy, Inc., Twin Towers South, 3000 Farnam Street, Omaha, Nebr. 68131 (for: Solar, Inc., Marketing Division, Twin Towers South, 3000 Farnam Street, Omaha, Nebr. 68131).

A. Howard Pyle, III, 1150 Connecticut Avenue NW., Washington, D.C. 20036.

B. RJR Industries, Inc., 401 North Main Street, Winston-Salem, N.C. 27102.

A. Ragan & Mason, 900 17th Street NW., NW., Washington, D.C. 20006.

B. American Guaranty Life Insurance Co., 1430 Southwest Broadway, Portland, Oreg.

A. Ragan & Mason; 900 17th Street NW., The Farragut Building, Washington, D.C.

B. American Ship Building Co., Bond Court Building, Room 911, 1300 East Ninth Street, Cleveland, Ohio 44114.

A. Ragan & Mason, 900 17th Street NW., The Farragut Building, Washington, D.C. 20006.

B. First Colony Farms, Route 1, Box 130, Creswell, N.C.

A. Ragan & Mason, 900 17th Street NW., The Farragut Building, Washington, D.C. 20006.

B. Glass Packaging Institute, 1800 K Street NW., Washington, D.C. 20006.

A. Ragan & Mason, 900 17th Street NW., The Farragut Building, Washington, D.C. 20006.

B. Greater Cleveland Growth Association, 690 Union Commerce Building, Cleveland, Ohio 44115.

A. Ragan & Mason, 900 17th Street NW., The Farragut Building, Washington, D.C. 20006.

B. New York Yankees, Flushing Medows, Corona Park, Flushing, N.Y. 11351.

A. Ragan & Mason, 900 17th Street NW., The Farragut Building, Washington, D.C.

B. Ohio Board of Regents, 30 East Broad Street, Columbus, Ohio 43215.

A. Ragan & Mason, 900 17th Street NW., The Farragut Building, Washington, D.C. 20006.

B. Seacoast Products, Inc., Box D, Port Monmouth, N.J.

A. Ragan & Mason, 900 17th Street NW., The Farragut Building, Washington, D.C. 20006.

B. Sunriver Properties, Inc., Sunriver, Oreg.

A. Ragan & Mason, 900 17th Street NW., The Farragut Building, Washington, D.C. 20006.

B. The Harris Corp., 55 Public Square, Cleveland, Ohio 44113.

A. Richard W. Rahn, American Council for Capital Formation, 1425 K Street NW., Suite 1000, Washington, D.C. 20005.

B. American Council for Capital Formation, 1425 K Street NW., Suite 1000, Washington, D.C. 20005.

A. Gretchen P. Ralph, 128 Durston Avenue, Syracuse, N.Y. 13203.

B. National Committee for Symphony Orchestra Support, P.O. Box 396, Vienna, Va. 22180.

A. Calvin L. Rampton, 800 Walker Bank Building, Salt Lake City, Utah.

A. Rawles, Hinkle, Finnegan, Carter & Petersen, 390 West Standley Street, P.O. Box 720, Ukiah, Calif. 95482.

B. Tennessee Gas Transmission, P.O. Box 2511, Houston, Tex. 77001.

A. Gladys Reckley, G. G. Reckley Associates, 2737 Devonshire Place NW., Washington, D.C. 20008.

B. G. G. Reckley Associates, 2737 Devonshire Place NW., Washington, D.C. 20008.

A. Patricia S. Record, Sierra Club, 444 West Main, Madison, Wis. 53703.

B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.

A. Frank D. Register, National Association of Retail Grocers of the United States, Inc., 11800 Sunrise Valley Drive, Reston, Va. 22091.

B. National Association of Retail Grocers of the United States, Inc., 11800 Sunrise Valley Road, Reston, Va. 22091.

A. Mark Reis, 620 C Street SE., Washington, D.C. 20003.

B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.

A. Jamie Replogle, 1101 16th Street, NW., Washington, D.C. 20036.

B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.

A. Nancy C. Reynolds, 1625 I Street NW., Washington, D.C. 20006.

B. Boise Cascade Corp., 1625 I Street NW., Washington, D.C. 20006.

A. William Reynolds, 4400 Lincoln Boulevard, Suite 155, Oklahoma City, Okla. 73105.

B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Krauss-Maffei AG, 8000 Muenchen 50, Federal Republic of Germany).

A. Alan H. Richardson, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.

A. James E. Ritchie, 1776 F Street NW., Washington, D.C. 20006.

B. Nevada Resort Association, 932 East Sahara Avenue, Las Vegas, Nev. 89104.

A. James E. Ritchie, 1776 F Street NW., Washington, D.C. 20006.

B. Gaming Industry Association of Nevada, Suite 1007, One East First Street, Reno Nev. 89501.

A. Rogers & Wells, 1666 K Street NW., Washington, D.C. 20006.

B. Official ARBA Licensees Association, P.O. Box 10, Cocoa Beach, Fla. 32931.

A. Rogers & Wells, 1666 K Street NW., Washington, D.C. 20006.

B. S. Shamash & Sons, Inc., 42 West 39th Street, New York, N.Y. 10018.

A. Richard Rohrbach, 1625 I Street NW., Washington, D.C. 20006.

B. Boise Cascade Corp., 1625 I Street NW., Washington, D.C. 20006.

A. James C. Rosapepe, 101 North Columbus Street, No. 400, Alexandria, Va. 22314.

B. Greer, Rosapepe & Associates, 101 North Columbus Street, No. 400, Alexandria, Va. 22314 (for Interfaith Center on Corporate Responsibility, 475 Riverside Drive, Room 566, New York, N.Y. 10027).

A. Michael T. Rose, 953 Fillmore Street, Denver, Colo. 80206.

A. Donald D. Rounds, South Dakota Petroleum Council, P.O. Box 669, Pierre, S. Dak. 57501.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. J. Patrick Rowland, 1800 K Street NW., Washington, D.C. 20006.

B. Glass Packaging Institute, 1800 K Street NW., Washington, D.C. 20006.

A. Frank P. Sanders, 815 Connecticut Avenue NW., Washington, D.C.

B. Flying Tiger Line, Inc., Los Angeles International Airport, Los Angeles, Calif.

A. Santarelli, Sandground & Good, 1025 Connecticut Avenue NW., Suite 911, Washington, D.C. 20036.

B. Colt Firearms Division, 150 Huyshope Avenue, Hartford, Conn. 06102.

A. George Saunders, 8223 Dr. Craik Court, Alexandria, Va. 22306.

A. Lois M. Schell, National Association of Manufacturers, 222 South Prospect Avenue, Park Ridge, Ill. 60068.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. L. Charles Scherer, Jr., National Association of Manufacturers, 2 Militia Drive, Lexington, Mass. 02173.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. S. Jacob Scherr, 917 15th Street NW., Washington, D.C. 20005.

B. Natural Resources Defense Council, Inc., 917 15th Street NW., Washington, D.C. 20005.

A. Kathy J. Schroeher, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street, Washington, D.C. 20036.

A. Eviatar Schwartz, Fallek-Lankro Corp., P.O. Box H, Tuscaloosa, Ala.

B. Fallek-Lankro Corp., P.O. Box H, Tuscaloosa, Ala.

A. Scribner, Hall, Thornburg & Thompson, 1200 18th Street NW., Suite 502, Washington, D.C. 20036.

B. Roosevelt Raceway, Westbury, N.Y. 11590.

A. 17th Pro-Life Congressional District Action Committee, 192 Hope Avenue, Staten Island, N.Y. 10305.

A. Luther W. Shaw, 1625 I Street, NW., Suite 827, Washington, D.C. 20006.

B. Paluszek & Leslie Associates, 1500 Broadway, New York, N.Y. 10036.

A. Shaw, Pittman, Potts, & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

B. Emerson Electric Co., 8100 Florissant, St. Louis, Mo. 63136.

A. Shearman & Sterling, 53 Wall Street, New York, N.Y. 10005.

B. Citibank, N.A., 399 Park Avenue, New York, N.Y. 10022; White, Weld & Co. Inc., 1 Liberty Plaza, New York, N.Y. 10006.

A. Sidley & Austin, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. The Reuben H. Donnelley Corp., 2000 Clearwater Drive, Oak Brook, Ill., 60521.

A. Ann K. H. Simon, Verner, Liipfert, Bernhard & McPherson, 1660 L Street NW., Suite 1000, Washington, D.C. 20036.

B. Commonwealth Oil Refinery Co., 8626 Tesoro Drive, San Antonio, Tex. 78217.

A. Marcus W. Sisk, Jr., 1775 K Street NW., Suite 220, Washington, D.C. 20006.

B. Tosco Corp., 10100 Santa Monica Boulevard, Los Angeles, Calif. 90067.

A. 6th Pro-Life Congressional District Action Committee No. 2. 2600 Foothills Drive, Birmingham, Ala 35226.

A. Smathers, Symington & Herlong, 1700 K Street NW., Suite 400, Washington, D.C. 20006.

B. American Inland Waterways Committee, 7733 Forsyth Boulevard, Suite 2201, St. Louis, Mo. 63105.

A. Smathers, Symington & Herlong, 1700 K Street NW., Washington, D.C. 20006.

B. United Broadcasting Co. of Florida, Inc., 4733 Bethesda Avenue, Bethesda, Md. 20014.

A. Robert F. Smith, 8316 Arlington Boulevard, No. 600, Fairfax, Va. 22038.

B. National Right to Work Committee, 8316 Arlington Boulevard, No. 600, Fairfax, Va. 22038.

A. Wayne J. Smith, 500 12th Street SW., Washington, D.C. 20024.

B. Wayne Smith Co., 500 12th Street SW., Washington, D.C. 20024.

A. John M. Snyder, 1721 DeSales Street NW., Washington, D.C. 20036.

B. Citizens Committee for the Right to Keep and Bear Arms, 1601 114th SE., Suite 151, Bellevue, Wash. 98004.

A. Rodney K. Spackman, National Association of Manufacturers, 601 North Vermont Avenue, Los Angeles Calif 90004.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. J. Gus Speth, NRDC Environmental Lobby, Inc., 917 15th Street NW., Washington, D.C. 20005.

B. NRDC Environmental Lobby, Inc., 917 15th Street NW., Washington, D.C. 20005.

A. Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. Northern California Power Agency, 1400 Coleman Avenue, Santa Clara, Calif., 95050 et al.

A. Spradling, Stagner, Alpern & Friot, Suite 700, Continental Savings Building, Oklahoma City, Okla. 73102.

B. The Kansas Delaware Tribe of Indians, Inc., 1909 Aladdin, Norman, Okla. 73069.

A. Gloria Starks, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

A. State & Federal Associates, Inc., 1101 15th Street NW., Suite 303, Washington, D.C. 20005.

B. National Association of Convenience Stores, 5205 Leesburg Pike, Suite 505, Falls Church, Va. 22041.

A. State & Federal Associates, Inc., 1101 15th Street NW., Suite 303, Washington, D.C. 20005.

B. Schering-Plough Corp., Galloping Hill Road, Kenilworth, N.J. 07033.

A. Theodore P. Stein, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

A. Susan Steinmetz, 5013 Belt Road NW., Washington, D.C. 20016.

B. Women's Lobby, Inc., 201 Massachusetts Avenue NE., Washington, D.C. 20002.

A. Mrs. Frank R. Stewart, R.F.D. 5, Box 109, Piedmont, Ala. 36272.

A. Stephen A. Stitle, 1030 15th Street NW., Washington, D.C. 20005.

B. Eli Lilly & Co., 307 East McCarthy Street, Indianapolis, Ind. 46206.

A. Sullivan & Cromwell, 48 Wall Street, New York, N.Y. 10005.

B. Financial Accounting Foundation, High Ridge Park, Stamford, Conn. 06905.

A. Susman, Stern, Heifetz, Lurie, Sheehan, Popkin & Chervitz, 7733 Forsyth Boulevard, Suite 2201, St. Louis, Mo. 63105.

B. American Inland Waterways Committee, 7733 Forsyth Boulevard, Suite 2201, St. Louis, Mo. 63105.

A. S. Lynn Sutcliffe, 1220 19th Street NW., Washington, D.C. 20036.

B. Rocky Mountain Park Co., 2817 East Third Avenue, Denver, Colo. 80206.

A. Robert Taft, Jr., 1150 Connecticut Avenue NW., Washington, D.C. 20036.

B. Taft Broadcasting Co., 1906 Highland Avenue, Cincinnati, Ohio.

A. Robert Taft, Jr., 1150 Connecticut Avenue, Washington, D.C. 20036.

B. Taft, Stettinius & Hollister (for Sisters of Charity of Cincinnati, Ohio), 600 Dixie Terminal Building, Cincinnati, Ohio 45202.

A. Robert Taft, Jr., 1150 Connecticut Ave., Washington, D.C. 20036.

B. Taft, Stettinius & Hollister (for Werner Von Clemm, 214 East 17th Street, New York, N.Y. 10003), 600 Dixie Terminal Building, Cincinnati, Ohio 45202.

A. Robert M. Teates, 1016 16th Street NW., Washington, D.C. 20036.

B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

A. Paul M. Tendler, 2020 K Street NW., Suite 360, Washington, D.C. 20006.

B. Paul Tendler Associates, 2020 K Street NW., Suite 360, Washington, D.C. 20006 (For National Federation of Licensed Practical Nurses, 250 West 57th, New York City, N.Y.).

A. Tennessee Gas Transmission, P.O. Box 2511, Houston, Tex. 77001.

A. Earl Wayne Thevenot, 1800 M Street NW., Suite 375, Washington, D.C. 20036.

B. First Investment Annuity Co. of America, No. 7 Valley Forge Executive Mall, P.O. Box 831, Valley Forge, Pa. 19482.

A. 13th Congressional District Action Committee, 22273 Bahl Street, Cupertino, Calif. 95014.

A. Stephen M. Thomas, 100 Maryland Avenue NE., Washington, D.C. 20002.

B. Council for a Livable World, 100 Maryland Avenue NE., Washington, D.C. 20002.

A. Roger G. Thompson, 15th Street and Carter Avenue, Ashland, Ky. 41101.

B. Kentucky Power Co., 15th Street and Carter Avenue, Ashland, Ky. 41101.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.

B. Alaskan Arctic Gas Pipeline Co., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.

B. American Inland Waterways Committee, 7733 Forsyth, Suite 2201, St. Louis, Mo. 63105.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.

B. Baxter Travenol Laboratories, Inc., One Baxter Parkway, Deerfield, Ill. 60015.

A. Theresa Traber, 10387 Green Mountain Circle, Columbia, Md. 21044.

B. Women's Lobby, Inc., 201 Massachusetts Avenue NE., Washington, D.C. 20002.

A. Truck Equipment & Body Distributor Association, 602 Main Street, Cincinnati, Ohio 45202.

A. Margaret D. Tutwiler, National Association of Manufacturers, 1421 Peachtree Street NE., Suite 201, Atlanta, Ga. 30309.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. Lloyd N. Unsell, 1101 16th Street NW., Washington, D.C. 20036.

B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.

A. Van Ness, Curtis, Feldman & Sutcliffe, 1220 19th Street NW., Washington, D.C. 20036.

B. American Institute of Certified Public Accountants, 1620 I Street NW., Washington, D.C. 20006.

A. Van Ness, Curtis, Feldman & Sutcliffe, 1220 19th Street NW., Washington, D.C. 20036.

B. Association of Local Transport Airlines, 1801 K Street NW., Washington, D.C. 20006.

A. Van Ness, Curtis Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.

B. Central & South West Corp., P.O. Box 1631, Wilmington, Del. 19899.

A. Van Ness, Curtis, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.

B. Northern Tier Pipeline Co., 1776 Lincoln Street, Post Office Box 5566, Denver, Colo. 80217.

A. Richard F. Vander Veen, 666 Old Kent Building, Grand Rapids, Mich. 49503.

B. Citibank, National Association, 399 Park Avenue, New York, N.Y. 10022.

A. Linda Vickers, 1735 I Street NW., Washington, D.C. 20006.

B. E. A. Jaenke & Associates, Inc., 1735 I Street NW., Suite 610, Washington, D.C. 20006.

A. Frank A. Vlazny, 2000 Clearwater Drive, Oak Brook, Ill. 60521.

B. The Reuben H. Donnelley Corp., 2000 Clearwater Drive, Oak Brook, Ill. 60521.

A. Volkswagen Manufacturing Corp. of America, 7111 East 11 Mile Road, Warren, Mich. 48089.

A. Volkswagen of America, Inc., 818 Sylvan Avenue, Englewood Cliffs, N.J. 07632.

A. Forrest Neal Wade, Alabama Petroleum Council, 660 Adams Avenue, Suite 188, Montgomery, Ala. 36104.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Jerome R. Waldie, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. Contra Costa County Water Agency, Administration Building, Martinez, Calif. 94553.

A. Jerome R. Waldie, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. National Council of Bureau of Indian Affairs and Indian Health Service Locals, 540 N Street SW., Washington, D.C. 20024.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Magma Power Co., 631 South Witmer Street, Los Angeles, Calif. 90017.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. McCulloch Oil Corp., 10880 Wilshire Boulevard, Los Angeles, Calif. 90024.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Union Oil Co. of California, 461 South Boylston, Los Angeles, Calif. 90017.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. United Air Lines Inc., P.O. Box 66100, Chicago, Ill. 60666.

A. John Walker, Society of American Florists & Ornamental Horticulturists, 901 North Washington Street, Alexandria, Va. 22314.

B. Society of American Florists & Ornamental Horticulturists, 901 North Washington Street, Alexandria, Va. 22314.

A. Charles S. Walsh, Fleischman & Walsh, 1150 Connecticut Avenue NW., Suite 1100, Washington, D.C. 20036.

B. National Cable Television Association, 918 16th Street NW., Washington, D.C. 20006.

A. Bonnie B. Wan, Montgomery Ward & Co., Inc., 1101 15th Street NW., Washington D.C. 20005.

B. Montgomery Ward & Co., Inc., 535 West Chicago Avenue, Chicago, Ill. 60610.

A. James Wanko, Society of American Florists & Ornamental Horticulturists, 901 North Washington Street, Alexandria, Va. 22314.

B. Society of American Florists & Ornamental Horticulturists, 901 North Washington Street, Alexandria, Va. 22314.

A. Weisman, Celler, Spett, Modlin, Wertheimer & Schlesinger, 1025 Connecticut Avenue NW., Suite 910, Washington, D.C. 20036.

B. Beneficial Management Corp., 200 South Street, Morristown, N.J.

A. Maureen Whalen, 2124 I Street NW., Apt. 304, Washington, D.C. 20037.

B. Women's Lobby, Inc., 201 Massachusetts Avenue, Washington, D.C. 20002.

A. John C. Whitaker, 1800 M Street NW., Suite 1075 South, Washington, D.C. 20036.

B. Union Camp Corp., 1800 M Street NW., Suite 1075 South, Washington, D.C. 20036.

A. Evelyn J. White, 2301 Market Street, Philadelphia, Pa. 19101.

B. Philadelphia Electric Co., 2301 Market Street, Philadelphia, Pa. 19101.

A. Gerald M. Wieczorek, Federal Legislative Consultants, Box 829, 1511 K Street NW., Washington, D.C. 20005.

B. Counselors Advocate, Inc., 1300 Market Street, Wilmington, Del. 19801 (for Help Unlimited, P.O. Box 26114, Lansing, Mich. 48909).

A. Sandra L. Willett, 3023 Dumbarton Street NW., Washington, D.C. 20007.

B. National Consumers League, 1785 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.

B. El Paso LNG Co., P.O. Box 2185, Houston, Tex. 77001; El Paso Alaska Co., Pouch 7009, Anchorage, Alaska 99510.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.

B. State of Maine, Office of the Governor, Augusta, Maine 04333.

A. Willking International Corp., 1620 I Street NW., Washington, D.C. 20006.

B. Grafton Coal Co., Box 1836, Clarksburg, W. Va. 26301.

A. Charles D. Wilson, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Winston & Strawn, 1730 Pennsylvania Avenue NW., Suite 1040, Washington, D.C. 20006.

B. Atlanta LaSalle Corp., 150 South Wacker Street, Chicago, Ill. 60600.

A. John H. Witmer, Jr., Sidley & Austin, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. The Reuben H. Donnelley Corp., 2000 Clearwater Drive, Oak Brook, Ill. 60521.

A. Ernest Wittenberg Associates, Inc., Japan Fisheries Information Center, 1616 H Street NW., Washington, D.C. 20006.

B. Japan Fisheries Association, 1616 H Street NW., Washington, D.C. 20006.

A. Christopher Wolf, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

A. Wolf, Haldenstein, Adler, Freeman & Herz, 270 Madison Avenue, New York, N.Y. 10006.

B. Fallek-Lankro Corp., P.O. Box H, Tuscaloosa, Ala.

A. Sidney M. Wolf, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

A. Joyce Wood, New Directions, 2021 L Street NW., No. 405, Washington, D.C. 20036.

B. New Directions, 2021 L Street NW., No. 405, Washington, D.C. 20036.

A. James W. Woodward, The Reuben H. Donnelley Corp., 2000 Clearwater Drive, Oak Park, Ill. 60521.

B. The Reuben H. Donnelley Corp., 2000 Clearwater Drive, Oak Brook, Ill. 60521.

A. World Federalist Political Education Committee, 600 Valley Road, Wayne, N.J. 07470.

A. Franklin L. Wright, Jr., 1709 New York Avenue NW., Suite 200, Washington, D.C. 20006.

B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.

A. Wyman, Bautzer, Rothman & Kuchel, Suite 1140, The Watergate 600, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Bristol Bay Native Corp., P.O. Box 220, Anchorage, Alaska 99501.

A. Donald Yarborough, 100 Maryland Avenue NE., Washington, D.C. 20002.

B. Paraplegia Cure Research, 100 Maryland Avenue NE., Washington, D.C. 20002.

A. Roger H. Zion, Resources Development, Inc., 1155 15th Street NW., Suite 418, Washington, D.C. 20005.

B. Central Coal Co., Grundy, Va. 24614.

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the third calendar quarter 1977:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19....... ◀

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◀

AFFIDAVIT

[Omitted in printing]

PAGE 1◀

COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

NOTE ON ITEM "D."—(*a*) *In General.* The term "contribution" includes *anything of value*. When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(*c*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $--------Dues and assessments
2. $--------Gifts of money or anything of value
3. $--------Printed or duplicated matter received as a gift
4. $--------Receipts from sale of printed or duplicated matter
5. $--------Received for services (e.g., salary, fee, etc.)
6. $--------TOTAL for this Quarter (Add items "1" through "5")
7. $--------Received during previous Quarters of calendar year
8. $--------TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $--------TOTAL now owed to others on account of loans
10. $--------Borrowed from others during this Quarter
11. $--------Repaid to others during this Quarter

12. $--------"Expense money" and Reimbursements received this Quarter

Contributors of $500 or more
(from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ---- ---

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor*
	(*"Period"* from Jan. 1 through ----------------, 19---)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E".—(*a*) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $--------Public relations and advertising services
2. $--------Wages, salaries, fees, commissions (other than item "1")
3. $--------Gifts or contributions made during Quarter
4. $--------Printed or duplicated matter, including distribution cost
5. $--------Office overhead (rent, supplies, utilities, etc.)
6. $--------Telephone and telegraph
7. $--------Travel, food, lodging, and entertainment
8. $--------All other expenditures
9. $--------TOTAL for this Quarter (Add "1" through "8")
10. $--------Expended during previous Quarters of calendar year
11. $--------TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $--------TOTAL now owed to person filing
13. $--------Lent to others during this Quarter
14. $--------Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

PAGE 2

A. Barbara C. Abrams, Georgetown Station, Post Office Box 3554, Washington, D.C. 20007.

B. The National Ecumenical Coalition, Inc., Georgetown Station, Post Office Box 3554, Washington, D.C. 20007.

A. Actors Equity Association, 1500 Broadway, New York, N.Y. 10036.

D. (6) $2,500. E. (9) $2,500.

A. Bruce Adams, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $3,999.99.

A. John J. Adams, Suite 1060, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Ethyl Corp., 330 South Fourth Street, Richmond, Va.

D. (6) $500.

A. John J. Adams, Suite 1060, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Vepco, Seventh and Franklin Streets, Richmond, Va.

D. (6) $150.

A. Aerospace Industries Association of America, Inc., 1725 DeSales Street NW., Washington, D.C. 20036.

D. (6) $11,085.22. E. (9) $11,085.22.

A. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington,. D.C. 20001.

D. (6) $5,100. E. (9) $6,907.18.

A. Donald G. Agger, DGA International, Inc., 1225 19th Street NW., Washington, D.C.

B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036. (For Aerospatiale 31, Boulevard de Montmorency 75016 Paris, France).

A. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.

D. (6) $14,062.65. E. (9) $14,062.65

A. Aircraft Owners & Pilots Association, Post Office Box 5800, Washington, D.C. 20014.

E. (9) $4,605.53.

A. Randolf H. Aires, 1211 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.

B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.

D. (6) $900. E. (9) $168.74.

A. G. Colburn Aker, 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

D. (6) $500.

A. Akin, Gump, Hauer & Feld, 1100 Madison Office Building, 1155 15th Street NW., Washington, D.C. 20005.

B. American Collectors Association, Inc., 4040 West 70th Street, Minneapolis, Minn. 55435.

D. (6) $1,500.

A. Akin, Gump, Hauer & Feld, 1100 Madison Office Building, 1155 15th Street NW., Washington, D.C. 20005.

B. Coastal States Gas Producing Co., 5 Greenway Plaza East, Houston, Tex. 77046.

D. (6) $750.

A. Akin, Gump, Strauss, Hauer & Feld, 1100 Madison Office Building, 1155 15th Street NW., Washington, D.C. 20005.

B. Gibbs Oil Co., 40 Lee Burbank Highway, Revere, Mass. 02151.

D. (6) $3,000.

A. Akin, Gump, Hauer & Feld, 1100 Madison Office Building, 1155 15th Street NW., Washington, D.C. 20005.

B. Haskins & Sells, 1114 Avenue of the Americas, New York, N.Y. 10036.

D. (6) $1,500.

A. Akin, Gump, Strauss, Hauer & Feld, 1155 15th Street NW., 1100 Madison Office Building, Washington, D.C. 20005.

B. Society of Independent Gasoline Marketers of America (Sigma), 230 South Bemiston Street, St. Louis, Mo.

D. (6) $7,500.

A. Alcalde, Henderson, O'Bannon & Kline, 1911 North Fort Myer Drive, No. 1207, Rosslyn,Va. 22209.

B. Association of Local Transport Airlines, 1801 K Street NW., Suite 803, Washington, D.C. 20006.

D. (6) $1,000.

A. Alcalde, Henderson, O'Bannon & Kline, 1911 North Fort Myer Drive, No. 1207, Rosslyn, Va. 22209.

B. Jim Walter Corp., P.O. Box 22601, Tampa, Fla. 33622.

D. (6) $3,000.

A. Alcalde, Henderson, O'Bannon & Kline, 1911 North Fort Myer Drive, No. 1207, Rosslyn, Va. 22209.

B. Tampa Electric Co., P.O. Box 111, Tampa, Fla. 33601.

D. (6) $1,500.

A. Alcalde, Henderson, O'Bannon & Kline, 1911 North Fort Myer Drive, No. 1207, Rosslyn, Va. 22209.

B. Tampa Port Authority, P.O. Box 2192, Tampa, Fla. 33601.

D. (6) $3,600.

A. Alderson, Catherwood, Ondov & Leonard, 105 East Oakland Avenue, Austin, Minn. 55912.

B. The Hormel Foundation, Austin, Minn. 55912.

D. (6) $2,650. E. (9) $45.63.

A. Willis Alexander, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,875. E. (9) $28.

A. Roger D. Allan, 1957 E Street NW., Washington, D.C. 20006.

B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Maxton Allcox, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Maintenance of Way Employes, 12050 Woodward Avenue, Detroit, Mich. 48203.

D. (6) $3,750.

A. Anne Genevieve Allen, B–1 Division, Rockwell International, International Airport, Los Angeles, Calif. 90009.

B. Rockwell International, B–1 Division, International Airport, Los Angeles, Calif. 90009.

D. (6) $102.68. E. (9) $293.79.

A. Webb M. Alspaugh, 1050 17th Street NW., Suite 650, Washington, D.C. 20036.

B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.

D. (6) $250. E. (9) $1,515.

A. Ricardo R. Alvarado, 6108 Fort Hunt Road, Alexandria, Va. 22307.

B. Lockheed Aircraft Corp., P.O. Box 551, Burbank, Calif. 91520.

D. (6) $1,500. E. (9) $563.50.

A. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Amalgamated Transit Union, National Capital Local Division 689, 100 Indiana Avenue NW., No. 403, Washington, D.C. 20001.

A. American Academy of Family Physicians, 1740 West 92d Street, Kansas City, Mo. 64114.

D. (6) $1,544.67. E. (9) $1,544.67.

A. American Association of Meat Processors, 224 East High Street, Elizabethtown, Pa. 17022.

D. (6) $484.88. E. (9) $148.31.

A. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.

A. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

E. (9) $29,368.81.

A. The American College of Radiology, 20 North Wacker Drive, Chicago, Ill. 60606.

D. (6) $1,829.32. E. (9) $1,829.32.

A. American Committee on U.S.-Soviet Relations, 100 Maryland Avenue NE., Washington, D.C. 20002.

D. (6) $14,400. E. (9) $3,894.98.

A. American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

E. (9) $2,380.51.

A. American Dental Association, 211 East Chicago Avenue, Chicago, Ill. 60611.

D. (6) $5,413.60. E. (9) $5,413.60.

A. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068, 425 13th Street NW., Washington, D.C. 20004.

D. (6) $49,636. E. (9) $49,636.

A. American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.

E. (9) $80,030.04.

A. American Feed Manufacturers Association, 1701 North Fort Myer Drive, Arlington, Va. 22209.

D. (6) $300. E. (9) $300.

A. American Frozen Food Institute, 919 18th Street NW., Washington, D.C. 20006.

D. (6) $257,701.25. E. (9) $550.

A. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.

D. (6), $5,681. 91. E. (9) $5,681.91.

A. American Hellenic Institute, Public Affairs Committee, Inc., 1730 K Street NW., Washington, D.C. 20006.

D. (6) $590. E. (9) $162.

A. American Honey Producers Association, Post Office Box 368, Minco, Okla. 73059.

D. (6) $8,484. E. (9) $6,661.66.

A. American Hotel & Motel Association, 888 7th Avenue, New York, N.Y. 10019.

D. (6) $8,204.26. E. (9) $5,841.42.

A. The American Humane Association, Post Office Box 1266, Denver, Colo. 80201.

E. (9) $1,800.

A. American Insurance Association, 85 John Street, New York, N.Y. 10038.

D. (6) $47,475. E. (9) $47,475.

A. American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.

E. (9) $4,355.

A. American Library Association, 50 East Huron Street, Chicago, Ill. 60611.

D. (6) $1,018.05. E. (9) $2,997.58.

A. American Meat Institute, Post Office Box 3556, Washington, D.C. 20007; 1600 Wilson Boulevard, Arlington, Va.

A. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $3,590. E. (9) $28,673.42.

A. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill. 60606.

E. (9) $8,305.

A. American National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80202.

E. (9) $4,021.

A. American Nuclear Energy Council, 1750 K Street, NW., Suite 300, Washington, D.C.

D. (6) $1,909.42. E. (9) $10,831.50.

A. American Nurses' Association, 2420 Pershing Road, Kansas City, Mo. 64108.

D. (6) $2,949.83. E. (9) $2,949.83.

A. American Optometric Association, 120 South Hanover Street, Carlisle, Pa. 17013.

D. (6) $1,830.86. E. (9) $1,830.86.

A. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. American Petroleum Institute, 2101 L Street, NW., Washington, D.C. 20037.

D. (6) $142,431. E. (9) $74,892.

A. American Physical Therapy Association, 1156 15th Street NW., Washington, D.C. 20005.

D. (6) $5,819.80. E. (9) $5,819.80.

A. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C. 20015.

E. (9) $10,122.11.

A. American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.

D. (6) $2,318,480.95. E. (9) $111,428.26.

A. American Public Transit Association, 1100 17th Street NW., Washington, D.C. 20036.

D. (6) $4,435.34. E. (9) $4,435.34.

A. American Pulpwood Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

A. American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $975.77. E. (9) $975.77.

A. American Surveys, Embasssy Square, Suite 901, 2000 N Street NW., Washington, D.C. 20036.

B. National Customs Brokers & Forwarders Association of America, Inc., 1 World Trade Center, Suite 1109, New York, N.Y. 10048.

D. (6) $326.25. E. (9) $164.85.

A. American Textile Machinery Association, 1730 M Street NW., Washington, D.C. 20036.

D. (6) $453.14.

A. American Textile Manufacturers Institute, Inc., Wachovia Center, 400 South Tryon Street, Charlotte, N.C. 28285.

D. (6) $26,907.08. E. (9) $26,907.08.

A. American Trucking Associations, Inc., 1616 P Street NW., Washington. D C. 20036.

D. (6) $10,290.06. E. (9) $52,412.03.

A. American Veterinary Medical Association, 1522 K Street NW., No. 828, Washington, D.C. 20005.

D. (6) $500. E. (9) $50.

A. The American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.

D. (6) $2,853. E. (9) $1,790.

A. Anthony L. Anderson, Sun Co., Inc., Suite 820, 1800 K Street NW., Washington, D.C. 20006.

B. Sun Co., Inc., 100 Matsonford Road, Radnor, Pa. 19087.

D. (6) $5,500. E. (9) $1,250.

A. C. Ann Anderson, Suite 1009, Connecticut Building, 1150 Connecticut Avenue NW., Washington, D.C. 20036.

B. NL Industries, Inc., 1221 Avenue of the Americas, New York, N.Y. 10020.

D. (6) $1,000.

A. John L. Anderson, 400 First Street NW., Washington, D.C. 20001.

B. Time, Inc., Rockefeller Center, New York, N.Y. 10020.

D. (6) $2,250. E. (9) $490.88.

A. Anderson, Pendleton & McMahon, 306 6th Street NW., Washington, D.C. 20001.

B. Embassy of Chile, 1732 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $3,750. E. (9) $47.49.

A. Robert L. Anderson, Deere & Co., John Deere Road, Moline, Ill. 61265.

B. Deere & Co., John Deere Road, Moline, Ill. 61265.

A. Wm. C. Anderson, 1101 16th Street NW., Washington, D.C. 20036.

B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.

E. (9) $16.50.

A. Scott P. Anger, 1025 Connecticut Avenue NW., Suite 1206, Washington, D.C. 20036.

B. Enserch Corp., 301 South Harwood, Dallas, Tex. 75201.

D. (6) $200. E. (9) $76.03.

A C. Stephen Angle, Marathon Oil Co., 1800 M Street NW., Washington, D.C. 20036.

B. Marathon Oil Co., Findlay, Ohio 45840.

E. (9) $22.10.

A. J. Donald Annett, 1050 17th Street, NW., No. 500, Washington, D.C. 20035.

B. Texaco, Inc. 135 East 42d Street, New York, N.Y. 10017.

D. (6) $200.

A. APA Co., 400 First Street NW., Washington, D.C. 20001.

B. University of Health Sciences, The Chicago Medical School, 2020 West Ogden Avenue, Chicago, Ill. 60612.

D. (6) $750.

A. Clarence A. Arata, Mertopolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C. 20036.

B. Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C. 20036.

D. (6) $3,750.

A. Fred Armstrong, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Howard Arnett, Pacific Power & Light Co., 918 16th Street NW., Washington, D.C. 20006.

B. Pacific Power & Light Co., Public Service Building, Portland, Oreg. 97204.

D. (6) $1,200. E. (9) $644.50.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $11,666.68.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Quintana Petroleum Corp., P.O. Box 3331, Houston, Tex. 77001.

D. (6) $625. E. (9) $157.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Quintana Refining Co., P.O. Box 3331, Houston, Tex. 77001.

D. (6) $625. E. (9) $157.

A. Joseph Ashooh, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Associated Employers, Inc., 6009 Rittiman Plaza, San Antonio, Tex. 78218.

A. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Associated Third Class Mail Users, Suite 607, 1725 K Street NW., Washington, D.C. 20006.

D. (6). $200. E. (9) $200.

A. Association of American Publishers, Suite 480, 1707 L Street, NW., Washington, D.C. 20036.

D. (6) $4,934.66. E. (9) $4,934.66.

A. Association of American Railroads, American Railroads Building, Room 211, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $3,373.46. E. (9) $3,373.46.

A. Association of American Veterinary Medical Colleges, 1522 K Street NW., No. 828. Washington, D.C. 20005.

E. (9) $60.

A. Association of Data Processing Service Organizations, Inc. (ADAPSO), 210 Summit Avenue, Montvale, N.J. 07645.

D. (6) $223,941. E. (9) $112.

A. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

A. Association of Media Producers, Inc., Suite 515, 1707 L Street NW., Washington, D.C. 20036.

D. (6) $4,000. (9) $5,025.

A. Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C. 20006.

E. (9) $825.

A. The Association of Trial Lawyers of America, 1050 31st Street NW., Washington, D.C. 20007.

D. (6) $4,983. E. (9) $4,983.

A. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

D. (6) $1,900. E. (9) $1,023.

A. Automotive Parts Rebuilders Association, 6849 Old Dominion Drive, McLean, Va. 22101.

D. (6) $2,900. E. (9) $2,839.42.

A. Richard W. Averill, American Optometric Association, 1730 M Street NW., Washington, D.C. 20036.

B. American Optometric Association, 120 South Hanover Street, Carlisle, Pa. 17013.

D. (6) $920. E. (9) $396.

A. Walter C. Ayers, Virginia Petroleum Industries, 1809 Staples Mill Road, Richmond, Va. 23230.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $280. E. (9) $103.45.

A. Craig H. Baab, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.
B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.
D. (6) $600. E. (9) $100.

A. Donald L. Badders, TRW Credit Data, 5565 Sterrett Place, Suite 527, Columbia, Md. 21044.
B. TRW Credit Data, 100 Oceangate, Suite 800, Long Beach, Calif. 90802.

A. Baer Marks & Upham, 70 Pine Street, New York, N.Y. 10005.
B. Commodity Exchange, Inc., 81 Broad Street, New York, N.Y. 10004.

A. Charles W. Bailey, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.
B. National Right to Work Committee, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.
D. (6) $63. E. (9) $13.

A. George F. Bailey, Jr., P.O. Box 21, Montgomery, Ala. 36101.
B. Alabama Railroad Association, P.O. Box 21, Montgomery, Ala. 36101.

A. William W. Bailey, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Property Association, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $3,000. E. (9) $127.65.

A. David L. Baird, Jr., Suite 1014, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.
E. (9) $229.52.

A. Thomas F. Baker, National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $120.20.

A. Donald Baldwin, Donald Baldwin Associates, Suite 906, 1625 I Street NW., Washington, D.C. 20006.
B. American Electric Power Co., 2 Broadway, New York, N.Y. 10004.

A. Michael Baly III, American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $2,500. E. (9) $200.82.

A. Robert D. Bannister, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005; 430 North Michigan Avenue, Chicago, Ill. 60601.
D. (6) $1,787.50. E. (9) $311.05.

A. Wayne B. Bardsley, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Co. Institute, 1775 K Street NW., Washington, D.C. 20006.

A. Thomas H. Barksdale, Jr., 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $2,200. E. (9) $460.

A. Sydney Baron & Co., 540 Madison Avenue, New York, N.Y. 10022.
B. (9) $4,500.

A. Robert W. Barrie, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.

A. David S. Barrows, 214 Century Building, Portland, Oreg.
B. Association of Oregon & California Land Grant Counties, Douglas County Court House, Roseburg, Oreg. 97470.
D. (6) $1,200.

A. T. Michael Barry, 1771 N Street NW., Washington, D.C. 20036.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.
D. (6) $1,500. E. (9) $335.94.

A. Robert E. Bates, Jr., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,125.

A. William M. Bates, William M. Bates/Public Relations, Inc., 814 Carnegie Building, Atlanta, Ga. 30303.
B. Georgia Farm Bureau Federation, 814 Carnegie Building, Atlanta, Ga. 30303.
D. (6) $9,000. E. (9) $3,469.41.

A. Laurie C. Battle, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $2,906.25.

A. John F. Battles, Massachusetts Petroleum Council of American Petroleum Institute, 11 Beacon Street, Boston, Mass. 02108.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $321. E. (9) $375.77.

A. Batzell, Nunn & Bode, 1523 L Street NW., Washington, D.C. 20005.
B. Independent Terminal Operators Association, 1523 L Street NW., Washington, D.C. 20005.
D. (6) $500.

A. Gary Lee Bauer, Direct Mail/Marketing Association, Inc., 1730 K Street NW., Suite 905, Washington, D.C. 20006.
B. Direct Mail/Marketing Association, Inc., 1730 K Street NW., Suite 905, Washington, D.C. 20006.
D. (6) $2,625. E. (9) $200.

A. Richard H. Bauer, 1025 Connecticut Avenue NW., Suite 1014, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York.
E. (9) $507.72.

A. John N. Bauman, 312 Barr Building, 910 17th Street NW., Washington, D.C. 20006.
B. White Consolidated Industries, Inc., 11770 Berea Road, Cleveland, Ohio 44111.
D. (6) $5,000. E. (9) $601.25.

A. Bruce A. Beam, 40 Franklin Road SW., Roanoke, Va. 24011.
B. Appalachian Power Co., 40 Franklin Road SW., Roanoke, Va. 24011.
D. (6) $266.72. E. (9) $443.50.

A. John E. Bearer, 1001 Broad Street, Johnstown, Pa. 15907.
B. GPU Service Corp., 260 Cherry Hill Road, Parsippany, N.J. 07054.
D. (6) $2,562.25. E. (9) $2,618.61.

A. Christine T. Beatty, 1730 Rhode Island Avenue NW., Suite 911, Washington, D.C. 20036.
B. St. Joe Minerals Corp., 250 Park Avenue, New York, N.Y. 10017.
D. (6) $1,970. E. (9) $61.14.

A. Allison Beck, 113 Fourth Street SE., Washington, D.C. 20003.
B. Energy Action Committee, 1523 L Street NW., Washington, D.C. 20005.
D. (6) $32.57. E.(9)$1.90.

A. Thomas Belford, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $5,600.01.

A. Alexander B. Bell, 9618 Cottrell Terrace, Silver Spring, Md. 20903.
B. United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, 901 Massachusetts Avenue NW., Washington, D.C. 20001.
D. (6) $3,750. E. (9)$55.10

A. C. Thomas Bendorf, 1620 I Street NW., Washington, D.C. 20006.
B. The Association of Trial Lawyers of America, 1050 31st Street NW., Washington, D.C. 20007.
D. (6) $3,000. E. (9) $100.

A. C. Robert Benedict, Suite 602, 1211 Connecticut Avenue NW., Washington, D.C.
B. American Osteopathic Hospital Association, 930 Busse Highway, Park Ridge, Ill. 60068.
D. (6) $300. E. (9) $20.

A. Bruce Benefield, TRW, Inc., 2030 M Street NW., Washington, D.C. 20036.
B. TRW, Inc., Suite 800, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $1,000.

A. Kenneth U. Benjamin, Jr., 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $1,825. E. (9) $365.

A. John C. Bennett, Pouch 7009, Anchorage, Alaska 99510.
B. El Paso LNG Co., P.O. Box 2185, Houston, Tex. 77001; El Paso Alaska Co., Pouch 7009, Anchorage, Alaska 99510.
D. (6) $3,750.

A. Kathleen M. Bennett, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. William C. Bennett, Jr., 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $200. E. (9) $123.

A. Nancy C. Benson, 1625 I Street NW., Suite 401, Washington, D.C. 20006.
B. American Cyanamid Co., Wayne, N.J. 07470.
D. (6) $190. E. (9) $135.40

A. Gene S. Bergoffen, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.
B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.
D. (6) $400. E. (9) $50.

A. Berman & Associates, 1776 K Street NW., Suite 701, Washington, D.C. 20006.
B. Sydney Baron and Co., 540 Madison Avenue, New York, N.Y. 10022.
D. (6) $4,500.

A. Berman & Associates, Suite 701, 1776 K Street NW., Washington. D.C. 20006.
B. Dutcher Industries, 7617 Convoy Court, San Diego, Calif. 92111.

A. Berman & Associates, Suite 701, 1776 K Street NW., Washington. D.C. 20006.

B. Loews Corp., 666 Fifth Avenue, New York, N.Y. 10019.
D. (6) $3,000.

A. Berman & Associates, Suite 701, 1176 K Street NW., Washington, D.C. 20006.
B. Rentar Industries, 160 Central Park South, New York, N.Y. 10019.
D. (6) $3,000.

A. Berman & Associates, 1776 K Street NW., Suite 701, Washington, D.C. 20006.
B. Seagrave Corp., 350 Fifth Avenue, New York, N.Y.
D. (6) $3,000.

A. Berman & Associates, 1776 K Street NW., Suite 701, Washington, D.C. 20006.
B. Warner Communications, Inc., 75 Rockefeller Plaza, New York, N.Y. 10019.
D. (6) $6,000.

A. Berry, Epstein & Sandstrom, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Centre National Interprofessionnel de l'Economie Laitiere (French Dairy Association), 10, Avenue de Messine, 75003 Paris, France.
D. (6) $600.

A. Berry, Epstein & Sandstrom, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. East-West Trade Council, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Berry, Epstein & Sandstrom, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Meat Products Group, American Importers Association, 420 Lexington Avenue, New York, N.Y. 10017.

A. Berry, Epstein & Sandstrom, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. OEHEG, Sudtiroler Platz 8, A-6020 Innsbruck, Austria (Austrian Hard Cheese Association); OEMOLK, P.O. Box 176, A-1013 Vienna, Austria (Austrian Soft Cheese Association).

A. Berry, Epstein & Sandstrom, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Orkin Exterminating Co., Inc., 2170 Piedmont Road NE., Atlanta, Ga. 30324.
E. (9) $114.71.

A. Robert L. Bevan, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $300. E. (9) $27.

A. Beveridge, Fairbanks & Diamond, One Farragut Square South, Washington, D.C. 20006.
B. BlueRay Systems, Inc., 375 North Broadway, Jericho, N.Y. 11753.
D. (6) $35. E. (9) $0.58.

A. Beveridge, Fairbanks & Diamond, One Farragut Square South, Washington, D.C. 20006.
B. Geothermal Kinetics, Inc., 301 West Indian School Road, Phoenix, Ariz. 85013.

A. Beveridge, Fairbanks & Diamond, One Farragut Square South, Washington, D.C. 20006.
B. New England Power Co., 20 Turnpike Road, Westborough, Mass. 01581.
D. (6) $1,800. E. (9) $35.

A. Beveridge, Fairbanks & Diamond, One Farragut Square South, Washington, D.C. 20006.
B. The Society of Plastics Industry, Inc., 1150 17th Street NW., Suite 1000, Washington, D.C. 20036.

A. Beveridge, Fairbanks & Diamond, One Farragut Square South, Washington, D.C. 20006.
B. SoGen Swiss International Corp., 20 Broad Street, New York, N.Y. 10005.
D. (6) $125. E. (9) $25.

A. Walter J. Bierwagen, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Charles L. Binsted, National Congress For Petroleum Retailers, Inc., No. 301, 2021 K Street NW., Washington, D.C. 20006.
B. National Congress of Petroleum Retailers, 2021 K Street NW., No. 301, Washington, D.C. 20006.
D. (6) $1,554. E. (9) $1,575.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., Suite 300, Washington, D.C. 20015.
B. Calista Corp., 516 Denali Street, Anchorage, Alaska 99501.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., Suite 300, Washington, D.C. 20015.
B. Columbia Gas System Service Corp., 20 Montchanin Road, Wilmington, Del. 19807.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., Suite 300, Washington, D.C. 20015.
B. General Teamsters Local No. 959, State of Alaska, 1200 Airport Heights Road, Anchorage, Alaska 99504.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., Suite 300, Washington, D.C. 20015.
B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20008.

A. Robert J. Bird, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. Occidental Life Insurance Co., 12th and Hill, Los Angeles, Calif. 90054.

A. Robert J. Bird, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Paul Revere Corp., Worcester, Mass. 01608.

A. Tracy Bird, National Motorsports Committee of ACCUS, Suite 302, 1725 K Street NW., Washington, D.C. 20006.
B. National Motorsports Committee of ACCUS, Suite 302, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $275.

A. John L. Birkinbine, Jr., 222 South Prospect Avenue, Suite 130, Park Ridge, Ill. 60068.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $225.

A. H. Radford Bishop, 64 Perimeter Center East, Atlanta. Ga. 30346.
B. Robert H. Kellen Co., 64 Perimeter Center East, Atlanta, Ga. 30346 (for Calorie Control Council, 64 Perimeter Center East, Atlanta, Ga. 30346).

A. Susan Engelhart Bistline, 1707 L Street NW. Suite 480, Washington, D.C. 20036.
B. Association of American Publishers, Suite 480, 1707 L Street NW., Washington, D.C.
D. (6) $917. E. (9) $100.

A. Robert B. Bizal, 1000 16th Street NW., No. 500, Washington, D.C. 20036.
B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.
D. (6) $364.13. E. (9) $6.11.

A. Neal R. Bjornson, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $1,875. E. (9) $52.05.

A. Donna C. Blair, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif., 90071.
D. (6) $75. E. (9) $75.

A. Richard W. Blake, 1776 K Street NW., No. 900, Washington, D.C. 20006.
B. American Sugarbeet Growers Association, 1776 K Street NW., No. 900, Washington, D.C. 20006.
D. (6) $125.

A. Helen Blank, American Parents Committee, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Parents Committee, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,500.02.

A. Kenneth T. Blaylock, American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $13,553.40. E. (9) $2,141.65.

A. Richard W. Bliss, 1200 18th Street NW., Washington, D.C. 20036.
B. The Business Roundtable, 1801 K Street NW., Washington, D.C. 20006.
D. (6) $2,700.

A. Jerald Blizin, 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Jack A. Blum, Suite 408, 1015 18th Street NW., Washington, D.C. 20036.
B. Independent Gasoline Marketers Council, Inc., Suite 408, 1015 18th Street NW., Washington, D.C. 20036.
D. (6) $10,000. E. (9) $577.07.

A. Becky Bogard, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electrification Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $186.

A. Patricia Boinski, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif., 90071.
D. (6) $75. E. (9) $25.

A. A. Dewey Bond, American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.
B. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007; 1600 Wilson Boulevard, Arlington, Va.
D. (6) $500.

A. L. H. Bonin, Jr., Suite 700, 1025 Connecticut Avenue, NW., Washington, D.C. 20036.
B. Gulf Oil Corp., Pittsburgh, Pa. 15230.
D. (6) $2,400. E. (9) $350.

A. G. Stewart Boswell, American Textile Manufacturers Institute, Inc., Suite 1001, 1150 17th Street, NW., Washington, D.C. 20036.
B. American Textile Manufacturers Insti-

tute, Inc., Suite 2124, South Tryon Street, Charlotte, N.C. 28285.
D. (6) $4,316.66. E. (9) $427.66.

A. Charles G Botsford, Suite 609, 1730 M Street NW., Washington, D.C. 20036.

A. A. D. Bourland, Suite 804, 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.
D. (6) $3,000. E. (9) $3,028.87.

A. Kenneth J. Bousquet, Suite 709, 2021 K Street NW., Washington, D.C. 20006.
B. General Atomic Co., San Diego, Calif.
D. (6) $1,600. E. (9) $276.

A. Frank J. Bowden, Jr., Associated Petroleum Industries of Pa., P.O. Box 925, Harrisburg, Pa. 17108.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $1,488. E. (9) $769.16.

A. Rodney A. Bower, International Federation of Professional & Technical Engineers, AFL–CIO, 1126 16th Street NW., Washington, D.C. 20036.
B. International Federation of Professional & Technical Engineers, AFL–CIO, 1126 16th Street NW., Washington, D.C. 20036.
D. (6) $625. E. (9) $100.

A. David W. Bowers, Suite 1201, 1801 K Street NW., Washington, D.C. 20006.
B. United States Independent Telephone Association, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
D. (6) $1,000.

A. J. Wiley Bowers, 415 Pioneer Building, Chattanooga, Tenn. 37402.
B. Tennessee Valley Public Power Association, 415 Pioneer Building, Chattanooga, Tenn. 37402.

A. Robert R. Bowers, West Virginia Petroleum Council, Suite 714 Atlas Building, Charleston, W. Va. 25301.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $560. E. (9) $446.

A. Edward L. Bowley, 817 14th Street NW., Washington, D.C. 20005.
B. American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.
D. (6) $9,216.48. E. (9) $2,183.67.

A. Boyden, Kennedy, Romney & Howard, 1000 Kennecott Building, Salt Lake City, Utah 84133.
B. The Zuni Indian Tribe, Zuni, N. Mex.
D. (6) $1,621.86. E. (9) $1,621.86.

A. Robert E. Bradford, 1750 K Street NW., Washington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $1,000.

A. Frank W. Bradley, Chevron USA, Inc., 1700 K Street NW., Washington, D.C. 20006.
B. Chevron USA, Inc. (subsidiary of Standard Oil Co. of California), 1700 K Street NW., Washington, D.C. 20006.
E. (9) $100.

A. Wayne W. Bradley, 535 North Dearborn Streeet, Chicago, Ill. 60610.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $1,000. E. (9) $400.

A. Charles N. Brady, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.

A. Joseph E. Brady, 5018 East Summer Moon Lane, Phoenix, Ariz. 85044.
B. National Coordinating Committee of the Beverage Industry, 5018 East Summer Moon Lane, Phoenix, Ariz. 85044.

A. Charles G. Bragg, P.O. Box 12285, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $1,495.31. E. (9) $220.75.

A. Jacques Bramhall, Jr., 1719 Route 10, Parsippany, N.J. 07054.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $1,250.

A. David C. Branand, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C.
D. (6) $14.72. E. (9) $3.

A. Robert Brandon, Public Citizen's Tax Reform Research Group, 133 C Street SE., Washington, D.C. 20003.
B. Public Citizen's Tax Reform Research Group, 133 C Street SE., Washington, D.C. 20003.
D. (6) $1,000.

A. Bregman, Abell, Solter & Kay, Suite 610, 1900 L Street NW., Washington, D.C. 20036.
B. The Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $825. E. (9) $120.

A. Bregman, Abell, Solter & Kay, Suite 610, 1900 L Street NW., Washington, D.C. 20036.
B. The Washington Psychiatric Society, 1700 18th Street NW., Washington, D.C. 20009.
D. (6) $1,000. E. (9) $75.

A. Jerome J. Breiter, 1800 K Street NW., Washington, D.C. 20006.
B. Hercules, Inc., 910 Market Street, Wilmington, Del. 19899.
D. (6) $1,170. E. (9) $343.38.

A. Jeffrey Bricker, 460 Park Avenue, Seventh Floor, New York, N.Y. 10022.
B. Fallek Chemical Corp., 460 Park Avenue New York, N.Y. 10022.
D. (6) $125.

A. Cyril F. Brickfield, Miller, Singer, Michaelson, Brickfield & Raives, 1909 K Street NW., Washington, D.C. 20006.
B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20006.
D. (6) $3,200. E. (9) $85.

A. Claude S. Brinegar, Sr., 461 South Boylston Street, Los Angeles, Calif. 90017.
B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.
E. (9) $450.

A. Wally Briscoe, 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $912.50.

A. Belva B. Brissett, 1771 N Street NW., Washington, D.C. 20036.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.
D. (6) $1,406.25. E. (9) $362.11.

A. John B. Brock, Quintana Refinery Co., P.O. Box 3331, Houston, Tex. 77001.
B. Quintana Refinery Co., P.O. Box 3331, Houston, Tex. 77001.

A. David A. Brody, Anti-Defamation League of B'nai B'rith, 1640 Rhode Island Avenue NW., Washington, D.C. 20036.
B. Anti-Defamation League of B'nai B'rith, 315 Lexington Avenue, New York, N.Y. 10016.
D. (6) $1,425.

A. Michael D. Bromberg, 1101 17th Street NW., Suite 310, Washington, D.C. 20036.
B. Federation of American Hospitals, 1101 17th Street NW., Suite 310, Washington, D.C. 20036.
D. (6) $4,500.

A. Phillip W. Brooks, Volunteer State Oil Committee, 19th Floor, Third National Bank Building, Nashville, Tenn. 37219.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $425. E. (9) $325.

A. Charles B. Brown, 900 17th Street N.W., Washington, D.C. 20006.
B. Kaiser Aluminum and Chemical Corp., 900 17th Street NW., Washington, D.C. 20006.

A. Donald K. Brown, 3539 Carolina Street, San Pedro, Calif., 90731.
B. Cerrell & Associates, 5967 West Third Street, Suite 302, Los Angeles, Calif. 90036.

A. Donald K. Brown, 1127 11th Street, Suite 544, Sacramento, Calif. 95814.
B. Hughes Air Corp., 3125 Clearview Way, San Mateo, Calif. 94403.

A. Donald K. Brown, 1127 11th Street, Suite 544, Sacramento, Calif. 95814.
B. Summa Corp. P.O. Box 14000, Las Vegas, Nev. 89156.

A. Howard C. Brown, Jr., 9618 Carriage Road, Kensington, Md. 20795.
B. Centar Associates, 369 Passaic Avenue, Fairfield, N.J. 07006.
D. (6) $500. E. (9) $190.

A. Howard C. Brown, Jr., 9618 Carriage Road, Kensington, Md. 20795.
B. National Association of Life Sciences, 9200 Leesburg Turnpike, Vienna Va. 22180.
D. (6) $100.

A. J. D. Brown, 2600 Virginia Avenue N.W., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $250.

A. John J. Brown, 1125 17th Street NW., Washington, D.C. 20036.
B. International Union of Operating Engineers, 1125 17th Street N.W., Washington, D.C., 20036.
D. (6) $3,750. E. (9) $550.

A Michael F. Brown, 919 18th Street NW., Washington, D.C. 20006.
B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C. 20006.
D. (6) $200.

A. Richard A. Brown, 2030 Allen Place NW., Washington, D C. 20009.
B. Full Employment Action Council, 815 15th Street NW., Washington, D.C. 20005.
D. (6) $4,500. E. (9) $275.50.

A. Thomas C. Brown, Suite 322, 3100 Broadway, Kansas City, Mo. 64111
B. Small Producers for Energy Independence, Suite 970, Fourth Financial Center, Wichita, Kans. 67202.

A. Travis T. Brown, 2525 49th Street NW., Washington, D.C.

A. William E. Brown, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Ford Motor Co., Dearborn, Mich.

D. 6() $371.87. E. (9) $164.82.

A. Stanley R. Browne, 1701 Pennsylvania Avenue NW , Washington, D.C. 20006.

B. E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, Del. 19898.

E. (9) $105.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. California Savings & Loan League, 9800 South Sepulveda Boulevard, Los Angeles, Calif. 90045.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.

B. Council of Housing Producers, 9255 Sunset Boulevard, Eighth floor, Los Angeles, Calif. 90069.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Holiday Inns, Inc., 3742 Lamar Avenue, Memphis, Tenn. 38118.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Washington, D C. 20036.

B. International Foodservice Manufacturers Association, One East Wacker Drive, Chicago, Ill. 60601.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. International Franchise Association, 7315 Wisconsin Avenue, Bethesda, Md. 20014.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Morgan Equipment Co., P.O. Box 7802, San Francisco, Calif. 94120.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Suite 900, Washington, D C. 20036.

B. Mortgage Guaranty Insurance Corp., Mortgage Guaranty Insurance Corporation Plaza, Milwaukee, Wis. 53201.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Restaurant Association, Suite 2600, One IBM Plaza, Chicago, Ill. 60611.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.

B. New York State Urban Development Corp., 1345 Avenue of the Americas, New York, N.Y. 10019.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.

B PruLease, Inc., 1255 Boylston Street, Boston, Mass. 02215.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.

B. ServiceMaster Industries, Inc., 2300 Warrenville Road, Downers Grove, Ill. 60515.

A. Jacqueline Brunell, American Nurses' Association, 1030 15th Street NW., Washington, D.C. 20005.

B. American Nurses' Association, 2420 Pershing Road, Kansas City, Mo. 64108.

D. (6) $2,949.83. E. (9) $2,949.83.

A. Fred J. Bruner, 2101 Spy Run Avenue, Fort Wayne, Ind. 46801.

B. Indiana & Michigan Electric Co., 2101 Spy Run Avenue, Fort Wayne, Ind. 46801.

D. (6) $1,243.84. E. (9) $1,595.24.

A. Paul A. Brunkow, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. J. Charles Bruse, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.

B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill. 60062.

A. J. Charles Bruse, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.

B. Allstate Insurance Cos., Allstate Plaza, Northbrook, Ill. 60062.

A. Marguerite E. Bryan, 400 First Street NW., Suite 700, Washington, D.C. 20001.

B. District No. 1—Pacific Coast District, Marine Engineers' Beneficial Association, AFL–CIO, 17 Battery Place, New York, N.Y. 10004.

D. (6) $1,143.44. E. (9) $359.44.

A. Philip N. Buckminster, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Chrysler Corp., 12000 Lynn Townsend Drive, Highland Park, Mich. 48288.

D. (6) $2,000. E. (9) $254.36.

A. Robert D. Buehler, 1800 K Street NW., Suite 929, Washington, D.C. 20006.

B. The B. F. Goodrich Co., Akron, Ohio 44318.

D. (6) $400.

A. David A. Bunn, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. Magazine Publishers Association, 575 Lexington Avenue, New York, N.Y. 10022.

D. (6) $4,000. E. (9) $300.

A. David A. Bunn, Parcel Post Association, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. Parcel Post Association, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,000. E. (9) $700.

A. Norman D. Burch, 1775 K Street NW., Washington, D.C. 20006.

B. College of American Pathologists, 7400 North Skokie Boulevard, Skokie, Ill. 60076.

D. (6) $3,375. E. (9) $229.11.

A. William J. Burhop, Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.

B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.

D. (6) $1,375. E. (9) $102.71.

A. J. J. Burke, Jr., 40 East Broadway, Butte, Mont. 59701.

B. The Montana Power Co., Butte, Mont. 59701.

E. (9) $6.

A. Thomas G. Burke, Association of General Merchandise Chains, Inc., 1625 I Street NW., Washington, D.C. 20006.

B. Association of General Merchandise Chains, Inc., 1625 I Street NW., Washington, D.C. 20006.

D. (6) $1,000.

A. Francis X. Burkhardt, 1750 New York Avenue NW., Washington, D.C. 20006.

B. International Brotherhood of Painters & Allied Trades, 1750 New York Avenue NW., Washington, D.C. 20006.

D. (6) $857.76.

A. Burley and Dark Leaf Tobacco Exporters Association, 1100 17th Street NW., Washington, D.C.

D. (6) $19,280.78. E. (9) $738.04.

A. Phillip C. Burnett, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $937.50.

A. George Burnham IV, United States Steel Corp., 1625 K Street NW., Washington, D.C. 20006.

B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.

D. (6) $189. E. (9) $162.

A. Charles S. Burns, Phelps Dodge Corp., 1620 I Street NW., Washington, D.C. 20006.

B. Phelps Dodge Corp., 300 Park Avenue, New York, N.Y. 10022.

D. (6) $1,200. E. (9) $328.50.

A. Gerrie Bjornson Burns, 1800 K Street NW., Suite 929, Washington, D.C. 20006.

B. B. F. Goodrich Co., Akron, Ohio 44318.

D. (6) $100.

A. David Burpee, Fordhook Farms, Doylestown, Pa. 18901.

E. (9) $92.40.

A. James L. Burridge, 10 Hardwicke Place, Rockville, Md. 20850.

B. FMC Corp., 1625 I Street NW., Suite 520, Washington, D.C. 20006.

D. (6) $1,000. E. (9) $349.

A. Business Executives Move for New National Priorities, 901 North Howard Street, Baltimore, Md. 21201.

D. (6) $6,669.73. E. (9) $1,335.71.

A. James J. Butera, 1709 New York Avenue NW., Suite 200, Washington, D.C. 20006.

B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.

D. (6) $1,937.50. E. (9) $145.25.

A. Harry W. Buzzerd, Jr., 1725 K Street NW., Suite 903, Washington, D.C. 20006.

B. Outdoor Power Equipment Institute, 1725 K Street NW., Suite 903, Washington, D.C. 20006.

D. (6) $250. E. (9) $250.

A. John W. Byrnes, Foley, Lardner, Hollabaugh & Jacobs, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Foley, Lardner, Hollabaugh & Jacobs (for Cabot Corp.), 815 Connecticut Avenue NW., Washington, D.C. 20006.

A. John W. Byrnes, Foley, Lardner, Hollabaugh & Jacobs, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Foley, Lardner, Hollabaugh & Jacobs (for Insurance Association of Connecticut), 815 Connecticut Avenue NW., Washington, D.C. 20006.

A. John W. Byrnes, Foley, Lardner, Hollabaugh & Jacobs, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Foley, Lardner, Hollabaugh & Jacobs (for Jos. Schlitz Brewing Co.), 815 Connecticut Avenue NW., Washington, D.C. 20006.

A. Cable, McDaniel, Bowie & Bond, 915 Blaustein Building, Baltimore, Md. 21201.

B. Crown Central Petroleum Corp., One North Charles Street, P.O. Box 1168, Baltimore, Md. 21203.

A. Cadwalader, Wickersham & Taft, 11 Dupont Circle, Suite 450, Washington, D.C. 20036.

B. New England Fish Co., Pier 89, Seattle, Wash. 98119.

A. Alan Caldwell, 1825 K Street NW., Washington, D.C. 20006.

B. Del Monte Corp., One Market Plaza, San Francisco, Calif. 94119.

D. (6) $1,000. E. (9) $50.

A. C. Richard Calkins, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. John T. Calkins, Cramer, Haber & Becker, 475 L'Enfant Plaza SW., Suite 4100, Washington, D.C. 20024.
B. Norman, Lawrence, Patterson & Farrel, 545 Madison Avenue, New York, N.Y. 10022.
D. (6) $3,000. E (9) $854.

A. F. Patricia Callahan, 1211 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.
B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.
D. (6) $300. E. (9) $57.35.

A. Calorie Control Council, 64 Perimeter Center East, Atlanta, Ga. 30346.
D. (6) $449,591.

A. Victoria R. Calvert, 919 18th Street NW., Washington, D.C. 20006.
B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C. 20006.
D. (6) $50.

A. C. R. Campbell, Jr., Suite 900, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. General Telephone & Electronics Corp., One Stamford Forum, Stamford, Conn. 06904.

A. Carl C. Campbell, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $452.34.

A. Charles Argyll Campbell, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the U.S.A., 1615 H Street NW., Washington, D.C. 20062.
E. (9) $276.

A. Charles O. Campbell, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.

A. Faith Thompson Campbell, 917 15th Street NW., Washington, D.C. 20005.
B. Natural Resources Defense Council, 917 15th Street NW., Washington, D.C. 20005.
D. (6) $892.50.

A. Can Manufacturers Institute, 1625 Massachusetts Avenue NW., Washington, D.C. 20036.
E. (9) $120.

A. David Caney, The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $4,625.

A. W. Dean Cannon, Jr., 9800 South Sepulveda Boulevard, Suite 500, Los Angeles, Calif. 90045.
B. California Savings & Loan League, 9800 South Sepulveda Boulevard, Suite 500, Los Angeles, Calif. 90045.
D. (6) $2,000. E. (9) $2,159.15.

A. David L. Cantor, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
D. (6) $905. E. (9) $60.

A. Marvin H. Caplan, 1815 H Street NW., Washington, D.C. 20006.
B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $4,408.40. E. (9) $109.80.

A. Caplin & Drysdale, 1101 17th Street NW., Washington, D.C. 20036.
B. Council on Foundations, Inc., 888 Seventh Avenue, New York, N.Y. 10019.
E. (9) $15.60.

A. Caplin & Drysdale, 1101 17th Street NW., Washington, D.C. 20036.
B. Salomon Bros., One New York Plaza, New York, N.Y. 10004.
E. (9) $29.63.

A. Ross Capon, National Association of Railroad Passengers, 417 New Jersey Avenue SE., Washington, D.C. 20003.
B. National Association of Railroad Passengers, 417 New Jersey Avenue SE., Washington, D.C. 20003.
D. (6) $3,749.98.

A. Norval E. Carey, 2021 K Street NW., Suite 709, Washington, D.C. 20006.
B. General Atomic Co., San Diego, Calif.
D. (6) $1,000. E. (9) $375.

A. Charles R. Carlisle, 1730 Rhode Island Avenue NW., Suite 911, Washington, D.C. 20036.
B. St. Joe Minerals Corp., 250 Park Avenue, New York, N.Y. 10017 .
D. (6) $7,800. E. (9) $638.97.

A. William Edward Carmichael, Society of American Florists, 901 North Washington Street, Alexandria, Va. 22314.
B. Society of American Florists & Ornamental Horticulturists, 901 North Washington Street, Alexandria, Va. 22314.

A. Chapin Carpenter, Jr., Magazine Publishers Association, Inc., 1629 K Street NW., No. 603, Washington, D.C. 20006.
B. Magazine Publishers Association, Inc., 575 Lexington Avenue, New York, N.Y. 10022.
D. (6) $1,500. E. (9) $313.15.

A. Jack Carpenter, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $538.44. E. (9) $103.27.

A. L. C. Carpenter, Midcontinent Farmers Association, 201 South Seventh Street, Columbia, Mo. 65201.
B. Midcontinent Farmers Association, 201 South Seventh Street, Columbia, Mo. 65201.
D. (6) $5,299.32. (9) $1,345.80.

A. Henry A. Carrington, National Savings and Loan League, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.
B. National Savings and Loan League, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.

A. Charles M. Carroll, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Aerospatiale 37, Boulevard de Montmorency, 75016 Paris, France).

A. Charles T. Carroll, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20003.
D. (6) $1,000.

A. John R. Carson, 20 Chevy Chase Circle, Washington, D.C. 20015.
B. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C. 20015.
D. (6) $3,250.

A. Charles S. Carter, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $58. E. (9) $6.

A. Ann M. Case, Phelps Dodge Corp., 1620 I Street NW., Washington, D.C. 20006.
B. Phelps Dodge Corp., 300 Park Avenue, New York, N.Y. 10022.
D. (6) $300. E. (9) $73.85.

A. John S. Casey, Alabama Railroad Association, P.O. Box 21, Montgomery, Ala. 36101.
B. Alabama Railroad Association, P.O. Box 21, Montgomery, Ala. 36101.

A. Casey, Lane & Mittendorf, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Arctic Gas Study Co., 1730 Pennsylvania Avenue NW., Washington D.C. 20006.
D. (6) $3,191.25. E. (9) $326.77.

A. Casey, Lane & Mittendorf, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Gulf Interstate Co., P.O. Box 1916, Houston, Tex. 77001.
D. (6) $582.50. E. (9) $38.45.

A. Casey, Lane & Mittendorf, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Independent Gas Producers' Committee, Suite 300, 2601 Northwest Expressway, Oklahoma City, Okla. 73112.

A. Casey, Lane & Mittendorf, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Kansas Delaware Tribe of Indians, Inc., 1909 Aladdin, Norman, Okla. 73069.
D. (6) $800. E. (9) $34.10.

A. James B. Cash, Jr., 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $3,000. E. (9) $84.33.

A. Allen R. Caskie, American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Catholics for a Free Choice, 201 Massachusetts Avenue NE., No. 312, Washington, D.C. 20002.
D. (6) $1,380.03. E. (9) $1,974.19.

A. Philip T. Cavanaugh, Chevron U.S.A., Inc., 1700 K Street NW., Washington, D.C. 20006.
B. Chevron U.S.A., Inc., (a subsidiary of Standard Oil Co. of California), 1700 K Street NW., Washington, D.C. 20006.
D. (6) $300. E. (9) $180.

A. Frank R. Cawley, Room 511, Wilson Plaza Building, 2425 Wilson Boulevard, Arlington, Va. 22201.
B. Agricultural Publishers Association, 511 Wilson Plaza Building, 2425 Wilson Boulevard, Arlington, Va. 22201.
D. (6) $75. E. (9) $130.69.

A. Frank R. Cawley, Room 511, 2425 Wilson Boulevard, Arlington, Va. 22201.
B. Media General, Inc., 333 East Grace Street, Richmond, Va. 23219.
D. (6) $100. E. (9) $27.

A. Dorothy D. Cecelski, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street N.W., Washington, D.C. 20036.
D. (6) $2,375.01.

A. Charles E. Chace, Nebraska Petroleum Council, 334 South 13th Street, P.O. Box 95063, Lincoln, Nebr. 68509.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. J. M. Chambers & Co., Inc., 2300 Calvert Street NW., Washington, D.C. 20008.
B. Cordage Institute, 2300 Calvert Street NW., Washington, D.C. 20008.
D. (6) $1,323.09.

A. J. M. Chambers & Co., Inc., 2300 Calvert Street NW., Washington, D.C. 20008.
B. Satra Corp., 475 Park Avenue South, New York, N.Y. 10016.
D. (6) $1,500.

A. J. M. Chambers & Co., Inc., 2300 Calvert Street NW., Washington, D.C. 20008.
B. Swaziland Sugar Association, P.O. Box 445, Mbabane, Swaziland.
D. (6) $7,500. E. (9) $6,968.08.

A. J. W. Chandler, York Division, Borg-Warner Corp., 1101 17th Street NW., Washington, D.C. 20036.
B. York Division, Borg-Warner Corp., South Richland Avenue, York, Pa. 17405.
E. (9) $47.40.

A. Stephen J. Chapman, 325 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. National Taxpayers Union, 325 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $3,000.

A. William C. Chapman, 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,000. E. (9) $3,830.59.

A. John E. Chapoton, 2100 First City National Bank Building, Houston, Tex. 77002.
B. Vinson & Elkins, 2100 First City National Bank Building, Houston, Tex. 77002. (for American General Capital Managament, Inc., 717 Fifth Avenue, New York, N.Y. 10022).
D. (6) $4,275.

A. John E. Chapoton, 2100 First City National Bank Building, Houston, Tex. 77002.
B. Vinson & Elkins, 2100 First City National Bank Building, Houston, Tex. 77002. (for Domestic Wildcatters Association, 900 First City National Bank Building, Houston, Tex. 77002).
E. (9) $347.33.

A. John E. Chapoton, 2100 First City National Bank Building, Houston, Tex. 77002.
B. Vinson & Elkins, 2100 First City National Bank Building, Houston, Tex. 77002. (for Petroleum Equipment Suppliers Association, 1703 First City National Bank Building, Houston, Tex. 77002).
E. (9) $662.25.

A. John E. Chapoton, 2100 First City National Bank Building, Houston, Tex. 7702
B. Vinson & Elkins, 2100 First City National Bank Building, Houston, Tex. 77002. (for Quintana Petroleum Corp., 500 Jefferson Houston, Tex. 77002).
D. (6) $4,137.21. E. (9) 24.50.

A. Leslie Cheek III, American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.
D. (6) $1,500. E. (9) $250.

A. Howard P. Chester, Stone, Glass & Clay Coordinating Committee, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Stone, Glass & Clay Coordinating Committee, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $6,870. E. (9) $532.28.

A. Chevron Employees of Contra Costa, P.O. Box M, Concord, Calif. 94524.
E. (9) $0.75.

A. Phil Chisholm, National Oil Jobbers Council, 1750 New York Avenue NW., Suite 230, Washington, D.C. 20006.
B. National Oil Jobbers Council, 1750 New York Avenue NW., Suite 230, Washington, D.C. 20006.
D. (6) $5,000. E. (9) $140.50.

A. Hal M. Christensen, 1101 17th Street NW., Washington, D.C. 20036.
B. American Dental Association, 1101 17th Street NW., Washington, D.C. 20036.
D. (6) $3,000.

A. James Ciarrocchi, 1025 Connecticut Avenue NW., No. 505, Washington, D.C. 20036.
B. Natural Gas Supply Committee, 1025 Connecticut Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $750.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Ashland Oil, Inc., 1401 Winchester Avenue, Ashland, Ky. 41101.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Crown Central Petroleum Corp., 1 North Charles Street, P.O. Box 1168, Baltimore, Md. 21203.
D. (6) $300. E. (9) $100.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Maryland National Bank, 10 Light Street, Baltimore, Md. 21202.
D. (6) $200. E. (9) $100.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Toyoto Motor Sales, U.S.A. 2055 West 190th Street, Torrance, Calif. 90504.

A. Carlton S. Clark, Baltimore Gas & Electric Co., 1100 Gas & Electric Building, Baltimore, Md. 21203.
B. Baltimore Gas & Electric Co., Gas & Electric Building, Baltimore, Md. 21203.
D. (6) $102.75. E. (9) $13.

A. Earl W. Clark, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. Labor-Management Maritime Committee, 100 Indiana NW., Washington, D.C. 20001.
D. (6) $1,900. E. (9) $14.

A. Kimball Clark, Association of American Railroads, 40 Ivy Street SE., Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20006.
D. (6) $272.71. E. (9) $196.85.

A. Richard W. Clark, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $5,500.02. E. (9) $267.95.

A. Thomas R. Clark, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
D. (6) $372.50.

A. Vernon A. Clark, 1660 L Street NW., Suite 215-216, Washington, D.C. 20036.
B. Outdoor Advertising Association of America, Inc., 1660 L Street NW., 215-216, Washington, D.C. 20036.
D. (6) $550. E. (9) $129.

A. Wade P. Clarke, Jr., Deere & Co., John Deere Road, Moline, Ill. 61265.
B. Deere & Co., John Deere Road, Moline, Ill. 61265.
D. (6) $230. E. (9) $114.

A. Clay Pipe Industry Depletion Committee, P.O. Box 6, Pittsburg, Kans. 66762.

A. Joan Claybrook, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C.
D. (6) $3,000.

A. Jacob Clayman, 815 16th Street NW., Washington, D.C. 20006.
B. Industrial Union Department, AFL-CIO 815 16th Street NW., Washington, D.C. 20006.
D. (6) $1,000.

A. Walter S. Clement, P.O. Box 23652, L'Enfant Plaza Station, Washington, D.C. 20024.
B. Norfolk & Western Railway Co., Eight North Jefferson Street, Roanoke, Va. 24042.
D. (6) $170.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.
D. (6) $100. E. (9) $100.

A. Ronald D. Clements, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
D. (6) $179. E. (9) $28.

A. Clifford, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. American Electric Power Co., Inc., Two Broadway, New York, N.Y. 10004.
D. (6) $750. E. (9) $296.10.

A. Clifford, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Avco Corp., 750 Third Avenue, New York, N.Y. 10017.
E. (9) $3.75.

A. Clifford, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Joint Corporate Committee on Cuban Claims, c/o Lone Star Industries, Inc., P.O. Box 5050, Greenwich, Conn. 06830.
D. (6) $900. E. (9) $191.90.

A. Clifford, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. New York Cocoa Exchange, Inc. and New York Cocoa Clearing Association, Inc., 127 John Street, New York, N.Y.; New York Coffee & Sugar Exchange, Inc., 79 Pine Street, New York, N.Y.; Commodity Exchange, Inc., 81 Broad Street, New York, N.Y.
D. (6) $750. E. (9) $225.

A. Coalition of Concerned Charities, c/o Barbara J. Washburn, 1776 F Street NW., No. 200, Washington, D.C. 20006.
D. (6) $7,447.

A. The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.
E. (9) $2,617.37.

A. John J. Coffey, Suite 638, 2101 L Street NW., Washington, D.C. 20037.
B. Western Oil & Gas Association, 609 South Grand Avenue, Suite 910, Los Angeles, Calif. 90017.
D. (6) $825.

A. David Cohen, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW, Washington, D.C. 20036.
D. (6) $7,875. E. (9) $117.37.

A. Cole Corette & Bradfield, 1200 17th Street NW., Washington, D.C. 20036.
B. The Chase Manhattan Bank, N.A., One Chase Manhattan Plaza, New York, N.Y.. 10015.
D. (6) $2,646.90. E. (9) $45.50.

A. Cole Corette & Bradfield, 1200 17th Street NW., Washington, D.C. 20036.
B. H. H. Robertson Co., Two Gateway Center, Pittsburgh, Pa. 15222.

A. E. William Cole, 461 South Boylston Street, Los Angeles, Calif. 90017.
B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.
E. (9) $300.

A. Eleanor Cole, UBA, Inc., 1800 M Street NW., Suite 460 South, Washington, D.C. 20036.
B. UBA, Inc., 1800 M Street NW., Suite 460 South, Washington, D.C., 20036.
D. (6) $1,000. E. (9) $1,000.

A. Ken W. Cole, 500 Jefferson Building, Houston, Tex. 77002.
B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.

A. R. Michael Cole, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $7,000.02. E. (9) $13.10.

A. Robert E. Cole, 1660 L Street NW., Washington, D.C.
B. General Motors Corp.
D. (6) $2,500. E. (9) $1,334.47.

A. Stacey W. Cole, New Hampshire Petroleum Council, 23 School Street, Concord, N.H. 03301.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $250.82. E. (9) $182.82.

A. Coles & Goertner, 1000 Connecticut Avenue NW., Washington, D.C 20036.
B. Committee of American Tanker Owners, Inc., One Chase Manhattan Plaza, New York, N.Y. 10005.

A. Coles & Goertner, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Crown Central Petroleum Corp., One North Charles Street, Baltimore, Md. 21203.

A. William J. Colley, 1200 17th Street, NW., Washington, D.C. 20036.
B. Cardio-Pulmonary Contractors Association, 1200 17th Street, NW., Washington, D.C. 20036.
D. (6) $6,000.

A. William J. Colley, 1200 17th Street, NW., Washington, D.C. 20036.
B. College of American Pathologists, 7400 North Skokie Boulevard, Skokie, Ill. 60076.

A. William J. Colley, 1200 17th Street, NW., Washington, D.C. 20036.
B. National Pharmaceutical Alliance, P.O. Box 13547, St. Petersburg, Fla. 33733.
D. (6) $7,500.

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow (for American Guild of Authors & Composers), 1200 17th Street NW., Washington, D.C. 20036.

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow (for American Imported Automobile Dealers Association), 1200 17th Street NW., Washington, D.C. 20036.

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow (for American Maritime Association), 1200 17th Street NW., Washington, D.C. 20036.

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow (for American Society of Association Executives), 1200 17th Street NW., Washington, D.C. 20036.

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow (for Association of Trial Lawyers of America), 1200 17th Street NW., Washington, D.C. 20036.

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow (for Boating Industry Association), 1200 17th Street NW., Washington, D.C. 20036.

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow (for Chicago Board Options Exchange), 1200 17th Street NW., Washington, D.C. 20036.

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow (for Council of State Chambers of Commerce), 1200 17th Street NW., Washington, D.C. 20036.

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow (for Energy Advances, Inc.), 1200 17th Street NW., Washington, D.C. 20036.

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow (for Machinery Dealers National Association), 1200 17th Street NW., Washington, D.C. 20036.

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow (for National Association of Fngine & Boat Manufacturers), 1200 17th Street NW., Washington, D.C 20036.

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow (for National Medical Care, Inc.), 1200 17th Street NW., Washington, D.C. 20036.
D. (6) $200.

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow (for Reading Co.), 1200 17th Street NW., Washington, D.C. 20036.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 2007.
B. American Cylinder Manufacturers Committee, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
D. (6) $35.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 2007.
B. American Feed Manufacturers Association, 1701 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $100.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. American Footwear Industries Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.
D. (6) $500. E. (9) $475.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. Bicycle Manufacturers Association of America, Inc., 1101 15th Street NW., Washington, D.C. 20005.
D. (6) $500. E. (9) $100.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. Can Manufacturers Institute, 1625 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. Department of Information, Private Bag X152, Pretoria 0001 Republic of South Africa.
D. (6) $2,368.15. E. (9) $3,373.61.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $500.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., Washingtion, D.C. 20007.
B. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $450.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. Tool & Stainless Steel Industry Committee, 1055 Thomas Jefferson Street, NW., Washington, D.C. 20007.
D. (6) $1,250. E. (9) $525.

A. Paul G. Collins, One Jackson Walkway, Providence, R.I. 02903.
B. New England Commercial Banking Caucus, One Jackson Walkway, Providence, R.I. 02903.
D. (6) $2,400. E. (9) $551.72.

A. Robert B. Collyer, UBA, Inc., 1800 M Street NW., No. 460 South, Washington, D.C. 20036.
B. USA, Inc., 1800 M Street NW., No. 460 South, Washington, D.C. 20036.
D. (6) $1,000. E. (9) $1,000.

A. Colorado Railroad Association, 420 Denver Club Building, Denver, Colo. 80202.
D. (6) $600. E. (9) $1,530.

A. Sharon Comey, Suite 1014, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.
E. (9) $1,132.93.

A. Committee for Do-It-Yourself Household Moving, 1100 17th Street NW., Suite 1000, Washington, D.C. 20036.

A. Committee For Public Advocacy, Suite 931, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $124.26. E. (9) $1,696.45.

A. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $1,591,418.36. E. (9) $288,102.80.

A. Congress Watch, 133 C Street SE, Washington, D.C. 20003.
D. (6) $28,534.58. E. (9) $28,534.58.

A. Raymond F. Conkling, 1050 17th Street NW., Washington, D.C. 20036.
B. Texaco Inc., 135 East 42d Street, New York, N.Y. 10017.

A. Ross Conlin, Chessie System, 840 Washington Building, Washington, D.C. 20005.
B. Chessie System, Terminal Tower, Cleveland, Ohio 44101.
D. (6) $3,000. E. (9) $1,000.

A. Connecticut Bankers Association, 100 Constitution Plaza, Suite 956, Hartford, Conn. 06103.
E. (9) $1,859.31.

A. Robert J. Conner, Jr., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Chrysler Corp., 1200 Lynn Townsend Drive, Highland Park, Mich. 48288.
D. (6) $500. E. (9) $755.32.

A. Albert J. Conners, Air Force Sergeants Association, Inc., 1608 Pittsfield Lane, Bowie, Md. 20715.
B. Air Force Sergeants Association, 4235 28th Avenue, Marlow Heights, Md. 20031.

A. John J. Connolly, American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.
B. American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.
D. (6) $750.

A. Jerry C. Connors, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.

A. Consolidated Natural Gas Service Co., Inc., Four Gateway Center, Pittsburgh, Pa. 15222.
E. (9) $92.80.

A. Container Corp. of America, 1101 15th Street NW., No. 205, Washington, D.C. 20005.
B. Container Corp. of America, 1 First National Plaza, Chicago, Ill. 60607.

A. Contract Carrier Conference of American Trucking Associations, Inc., 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $250. E. (9) $8,093.27.

A. Bernard J. Conway, 211 East Chicago Avenue, Chicago, Ill. 60611.
B. American Dental Association, 211 East Chicago Avenue, Chicago, Ill. 60611.
D. (6) $2,600.

A. Charles F. Cook, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C.
D. (6) $400.38. E. (9) $35.50.

A. Cook & Franke, 660 East Mason Street, Milwaukee, Wis., 53202.
B. M&I Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wis. 53202.
D. (6) $1,000. E (9) $312.68.

A. Frederick N. Cook, Vermont Petroleum Association, P.O. Box 566, Montpelier, Vt. 05602.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $420. E. (9)$216.35.

A. Howard Lee Cook, Jr., 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $1,575. E. (9) $120.

A. Eileen D. Cooke, 110 Maryland Avenue NE., Suite 101, Washington, D.C. 20002.
B. American Library Association, 50 East Huron Street, Chicago, Ill. 60611.
D. (6) $827.

A. Benjamin Y. Cooper, Jr., 3251 Old Lee Highway, Suite 501 Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
E. (9) $29.85.

A. Charles M. Cooper, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $44.

A. Edward Cooper, 1600 I Street NW., Washington, D.C. 20006.
B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C.

A. Janet R. Cooper, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
E. (9) $82.14.

A. Jesse D. Cooper, North Dakota Petroleum Council, P.O. Box 1395, Bismarck, N. Dak. 58501.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Joshua W. Cooper, 626 South Lee Street, Alexandria, Va. 22314.
B. Portsmouth-Kittery Armed Services Committee, Inc., Box 1123, Portsmouth, N.H. 03801.
D. (6) $2,500. E. (9) $577.74.

A. Mitchell J. Cooper, 1001 Connecticut Avenue, Washington, D.C. 20036.
B. Council of Forest Industries, 1055 West Hastings Street, Vancouver 1, Canada.
D. (6) $3,000. E. (9) $200.

A. Mitchell J. Cooper, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Footwear Division, Rubber Manufacturers Association, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $7,500. E. (9) $45.37.

A. Darrell Coover, 1625 I Street NW., No. 1001, Washington, D.C. 20006.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill., 60018.
D. (6) $2,000. E. (9) $238.

A. Corcoran, Youngman & Rowe, 1511 K Street NW., Suite 1100, Washington, D.C. 20005.
B. Arthur Young & Co., 277 Park Avenue, 23d Floor, New York, N.Y. 10017.
D. (6) $5,000. E. (9) $516.24.

A. Richard L. Corrigan, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $806.25. E. (9) $18.20.

A. Allan D. Cors, 1800 K Street NW., Suite 1104, Washington, D.C. 20006.
B. Corning Glass Works, Corning, N.Y. 14830.
D. (6) $250.

A. John E. Cosgrove, Public Employee Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
B. Public Employment Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $8,158.97.

A. David Cosson, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
B. National Telephone Cooperative Association, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
D. (6) $495.

A. Michael E. Costello, 1660 L Street NW., Washington, D.C. 20036.
B. Texas Eastern Transmission Corp., P.O. Box 2521, Houston, Tex. 77001.
E. (9) $165.31.

A. Cotton Warehouse Association of America, 1707 L Street NW., Suite 540, Washington, D.C. 20036.
D. (6) $2,158.93. E. (9) $2,158.93.

A. Council for a Livable World, 100 Maryland Avenue NE., Washington, D.C.
D. (6) $58,128.31. E. (9) $29,955.69.

A. Council for the Preservation of Worldwide Meetings, 1101 16th Street NW., Third Floor, Washington, D.C. 20036.

A. Council of AFL–CIO Unions for Professional Employees, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $1,250. E. (9) $1,250.

A. Council of State Chambers of Commerce, 1028 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,549.50. E. (9) $742.19.

A. Douglas Couttee, Active Ballot Club, Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $7,824.45. E. (9) $1,038.75.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. American Society of Oral Surgeons, 211 East Chicago Avenue, Chicago, Ill. 60611.
D. (6) $2,950. E. (9) $124.10.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Association of American Publishers, Inc., 1707 L Street NW., Washington, D.C. 20036.
D. (6) $13,186.44.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Business Men's Assurance Co. of America, BMA Tower, 1 Penn Valley Park, Kansas City, Mo. 64141.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Financial Accounting Foundation, High Ridge Park, Stamford, Conn. 06905; Financial Accounting Standards Board, High Ridge Park, Stamford, Conn. 06905.
E. (9) $127.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Investment Co Institute, 1775 K Street NW., Washington, D.C. 20006.
E. (9) $11.20.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Irving Trust Co., 1 Wall Street, New York, N.Y. 10015.
D. (6) $4,000. E. (9) $63.88.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. May Department Stores Co., Sixth & Olive Streets, St. Louis, Mo. 63101.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.

B. National Committee for Limited Profit Housing, c/o HRH Construction Corp., 515 Madison Avenue, New York, N.Y. 10022.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.

B. National Federation of Independent Business, 921 Washington Building, Washington, D.C. 20005.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.

B. National Football League, 410 Park Avenue, New York, N.Y. 10022.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.

B. Perdue Inc., P.O. Box 1537, Salisbury, Md. 21801.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.

B. Pineapple Growers Association of Hawaii, 1902 Financial Plaza of the Pacific, Honolulu, Hawaii 96813.

D. (6) $14,925. E. (9) $22.34.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.

B. Pyramid Ventures Group, Inc., P.O. Box 1671, Morgan City, La. 70381.

E. (9) $3.52.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.

B. The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.

D. (6) $29,500. E. (9) $9.17.

A. Eugene S. Cowen, 9024 Willow Valley Drive, Potomac, Md. 20854.

B. American Broadcasting Co., 1150 17th Street NW., Washington, D.C. 20036.

D. (6) $103. E. (9) $103.

A. Carol A. Cowgill, American Academy of Family Physicians, 470 L'Enfant Plaza East SW., Suite 3100, Washington, D.C.. 20024.

B. American Academy of Family Physicians, 470 L'Enfant Plaza East SW., Suite 3100, Washington, D.C. 20024.

D. (6) $574.98. E. (9) $401.08.

A. Cox, Langford & Brown, 21 Dupont Circle NW., Washington, D.C. 20036.

B. The National Collegiate Athletic Association, U.S. Highway 50 and Nall Avenue, P.O. Box 1906, Shawnee Mission, Kans. 66222.

D. (6) $1,242.75. E. (9) $3.30.

A. William J. Cox, 1707 L Street NW., Washington, D.C. 20036.

B. National Committee for a Human Life Amendment, Inc., 1707 L Street NW., Washington, D.C. 20036.

D. (6) $7,287.45. E. (9) $4,216.07.

A. Roger C. Cramton, Cornell Law School, Ithaca, N.Y. 14850.

B. Legal Services Corp., 733 15th Street NW., Washington, D.C. 20005.

D. (6) $290. E. (9) $315.57.

A. Robert W. Crawford, The Association of General Merchandise Chains, Inc., 1625 I Street NW., Washington, D.C. 20006.

B. Association of General Merchandise Chains, Inc., 1625 I Street NW., Washington, D.C. 20006.

D. (6) $175.

A. William D. Crawford, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood Railway Carmen of the U.S. & Canada, 4929 Main Street, Kansas City, Mo. 64112.

D. (6) $1,470.

A. Richard C. Creighton, 1957 E Street NW., Washington, D.C. 20006.

B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

D. (6) $2,060.

A. Joseph M. Cribben, 3104 Valley Lane, Falls Church, Va. 22044.

B. United Association of Journeymen & Apprentices of the Plumbing & Pipe Fitting Industry of the United States and Canada, 901 Massachusetts Avenue NW., Washington, D.C. 20001.

D. (6) $1,750. E. (9) $20.

A. Thomas G. Crikelair, National Association of Railroad Passengers, 417 New Jersey Avenue SE., Washington, D.C. 20003.

B. National Association of Railroad Passengers, 417 New Jersey Avenue SE., Washington, D.C. 20003.

D. (6) $3,000.01.

A. P. H. Croft, American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington, D.C. 20036.

B. American Short Line Railroad Association, 200 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $1,102.50.

A. Donald A. Crosier, Nebraska Petroleum Council, 334 South 13th Street, P.O. Box 95063, Lincoln, Nebr. 68509.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $238.75. E. (9) $408.45.

A. H. C. Crotty, Brotherhood of Maintenance of Way Employes, 12050 Woodward Avenue, Detroit, Mich. 48203.

B. Brotherhood of Maintenance of Way Employes, 12050 Woodward Avenue, Detroit, Mich. 48203.

A. Jack A. Crowder, American Textile Manufacturers Institute, Inc., Suite 1001, 1150 17th Street NW., Washington, D.C. 20036.

B. American Textile Manufacturers Institute, 400 Tryon Street, Suite 2124, Charlotte, N.C. 28285.

D. (6) $1,500. E. (9) $58.50.

A. James M. Cubie, New Directions, 2021 L Street NW., No. 405, Washington, D.C. 20036.

B. New Directions, 2021 L Street NW., No. 405, Washington, D.C. 20036.

D. (6) $6,250. E. (9) $6,250.

A. Barry M. Cullen, 1620 I Street NW., Suite 700, Washington, D.C. 20006.

B. International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.

D. (6) $110. E. (9) $95.

A. Frank Cummings, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

B. The Institute of Electrical & Electronics Engineers, Inc., 345 East 47th Street, New York, N.Y. 10017.

D. (6) $2,900.

A. Cummins Engine Co., Inc., 1000 Fifth Street, Columbus, Ind. 47201.

E. (9) $8,459.

A. Tom B. Cunningham, Sr., Rural Route 5, Darlington, S.C. 29532.

B. National Association of Farmer Elected Committeemen, c/o Tom B. Cunningham, Sr., Rural Route No. 5, Darlington, S.C. 29532.

E. (9) $104.20.

A. John T. Curran, 905 16th Street NW., Washington, D.C. 20006.

B. Laborers' International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C. 20006.

D. (6) $9,979.23. E. (9) $4,102.54.

A. Curtis, Mallet-Prevost, Colt & Mosle, 100 Wall Street, New York, N.Y. 10005.

B. U.S. Trust Co. of New York, 45 Wall Street, New York, N.Y. 10005.

D. (6) $2,312. E. (9) $326.46.

A. Everett E. Cutter, 620 Southwest Fifth Avenue, Building Suite 912, Portland, Oreg. 97204.

B. Oregon Railroad Association, 620 Southwest Fifth Avenue Building, Suite 912 Portland, Oreg. 97207.

A. Cystic Fibrosis Foundation, 3379 Peachtree Road NE., Atlanta, Ga. 30326.

E. (9) $11,123.10.

A. William K. Dabaghi, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,050. E. (9) $152.

A. William Kay Daines, American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.

B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.

D. (6) $800. E. (9) $61.

A. Dairymen, Inc., 604 Portland Building, 200 West Broadway, Louisville, Ky. 40202.

E. (9) $395.04.

A. Thomas A. Daly, National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

D. (6) $35.34.

A. Alice Daniel, 733 15th Street NW., Washington, D.C. 20005.

B. Legal Services Corp., 733 15th Street NW., Washington, D.C. 20005.

D. (6) $559.53.

A. David S. Danielson, American Optometric Association, 1730 M Street NW., Washington, D C. 20036.

B. American Optometric Association, ℅ Alvin Levin, 120 South Hanover Street, Carlisle, Pa. 17013.

D. (6) $146. E. (9) $52.10.

A. Joan E. Dannenbaum, 1707 L Street NW., Suite 515, Washington, D.C. 20036.

B. Association of Media Producers, Inc., 1707 L Street NW., Suite 515, Washington, D.C. 20036.

D. (6) $4,000. E. (9) $250.

A. Fred E. Darling, 110 Maryland Ave. NE., Suite 511, Washington, D.C. 20002.

B. Non-Commissioned Officers Association of the USA (NCOA), P.O. Box 2268, San Antonio, Tex. 78298.

A. John C. Datt, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

D. (6) $5,250. E. (9) $30.

A. Philip J. Daugherty, Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006

D. (6) $4,323.90. E. (9) $68.75.

A. John B. Davenport, Jr., 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $193.76.

A. Daniel Davidson, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. Northern California Power Agency

(cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, Ukiah & association, member Plumas-Sierra Rural Electric Cooperative).

A. Charles W. Davis, One First National Plaza, No. 5200, Chicago, Ill. 60603.

B. Bankers Life & Casualty Co., 4444 Lawrence Avenue, Chicago, Ill. 60630.

A. Charles W. Davis, One First National Plaza, No. 5200, Chicago, Ill. 60603.

B. The First National Bank of Chicago, One First National Plaza, Chicago, Ill. 60670.

A. Charles W. Davis, One First National Plaza, No. 5200, Chicago, Ill. 60603.

B. Inland Steel Co., 30 West Monroe Street, Chicago, Ill. 60603.

D. (6) $250. E. (9) $34.95.

A. Charles W. Davis, One First National Plaza, No. 5200, Chicago, Ill. 60603.

B. The Myron Stratton Home, P.O. Box 1178, Colorado Springs, Colo. 80901.

A. Charles W. Davis, One First National Plaza, No. 5200, Chicago, Ill. 60603.

B. National Association of Independent Insurers, 2300 River Road, Des Plaines, Ill. 60018.

D. (6) $660. E. (9) $493.53.

A. Charles W. Davis, One First National Plaza, No. 5200, Chicago, Ill. 60603.

B. Northwest Industries, Inc., 6300 Sears Tower, Chicago, Ill. 60606.

D. (6) $250. E. (9) $34.95.

A. Charles W. Davis, One First National Plaza, No. 5200, Chicago, Ill. 60603.

B. Peoples Gas Co., 122 South Michigan Avenue, Chicago, Ill. 60603.

D. (6) $300. E. (9) $34.95.

A. Charles W. Davis, One First National Plaza, No. 5200, Chicago, Ill. 60603.

B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.

D. (6) $4,200. E. (9) $34.95.

A. Charles W. Davis, One First National Plaza, No. 5200, Chicago, Ill. 60603.

B. Trans Union Corp., 90 Half Day Road, Lincolnshire, Ill. 60015.

D. (6) $300. E. (9) $634.91.

A. Charles W. Davis, One First National Plaza, No. 5200, Chicago, Ill. 60603.

B. United Insurance Co., One Wacker Drive, Chicago, Ill. 60601.

A. David R. Davis, Indiana Petroleum Council, 714 Harrison Building, Indianapolis, Ind. 46204.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $635.94. E. (9) $409.77.

A. Dennis N. Davis, 1016 16th Street NW., Washington, D.C. 20036.

B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

E. (9) $166.70.

A. George R. Davis, Amalgamated Transit Union, Local Division No. 689, 100 Indiana Avenue NW., No. 403, Washington, D.C. 20001.

B. Amalgamated Transit Union, National Capital Local Division No. 689, 100 Indiana Avenue NW., No. 403, Washington, D.C. 20001.

A. Kenneth E. Davis, 1025 Connecticut Avenue NW., No. 202, Washington, D.C. 20036.

B. Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105.

D. (6) $500. E. (9) $100.

A. Ovid R. Davis, the Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.

B. The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga.

D. (6) $210. E. (9) $570.

A. Davis Polk & Wardwell, One Chase Manhattan Plaza, New York, N.Y. 10005.

B. Salomon Brothers, One New York Plaza, New York, N.Y. 10004.

A. R. Hilton Davis, Chamber of Commerce of U.S.A., 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of U.S.A., 1615 H Street NW., Washington, D.C. 20062.

A. Thomas A. Davis, 1776 F Street NW., No. 108, Washington, D.C. 20006.

B. American Horse Council, 1700 K Street NW., Washington, D.C. 20006.

D. (6) $1,563. E. (9) $203.49.

A. Thomas A. Davis, 1776 F Street NW., No. 108, Washington, D.C. 20006.

B. Chicago Board of Trade, LaSalle at Jackson, Chicago, Ill. 60604.

D. (6) $2,500. E. (9) $34.78.

A. Thomas A. Davis, 1776 F Street NW., No. 108, Washington, D.C. 20006.

B. Florida Power & Light Co., P.O. Box 013100, Miami, Fla. 33101.

D. (6) $142.78. E. (9) $2.80.

A. Walter L. Davis, Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.

B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $750.

A. P. M. Davison, Jr., 418 East Rosser Avenue, P.O. Box 938, Bismarck, N. Dak. 58501.

B. North Dakota Railway Lines, 418 East Rosser Avenue, P.O. Box 938, Bismarck, N. Dak. 58501.

E. (9) $45.88.

A. Charles W. Day, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Ford Motor Co., Dearborn, Mich. 48121.

D. (6) $316.13. E. (9) $204.87.

A. J. Edward Day, 21 Dupont Circle NW., Washington, D.C. 20036.

B. Associated Third Class Mail Users, 1725 K Street NW., Washington, D.C. 20006.

A. J. Edward Day, 21 Dupont Circle NW., Washington, D.C. 20036.

B. Electronic Industries Association, Consumer Electronics Group, 2001 I Street NW., Washington, D.C. 20006.

A. John Russell Deane III, 1128 16th Street NW., Washington, D.C. 20036.

B. Specialty Equipment Manufacturers Association, 11001 East Valley Mall, Suite 204, El Monte, Calif. 91734.

D. (6) $300.

A. Gaston de Bearn, Hoffman-La Roche, Inc., 1775 K Street NW., Suite 300, Washington, D.C. 20006.

B. Hoffman-La Roche, Inc., 340 Kingsland Street, Nutley, N.J. 07110.

A. Tony T. Dechant, The Farmers' Educational & Co-Operative Union of America, P.O. Box 2251, Denver, Colo. 80251.

B. The Farmers' Educational & Co-Operative Union of America National Farmers Union, Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C.

D. (6) $5,000. E. (9) $287.94.

A. Winston M. Decker, 1522 K Street NW., No. 828, Washington, D.C. 20005.

B. American Veterinary Medical Association, 1522 K Street NW., No. 828, Washington, D.C. 20005.

D. (6) $40.

A. W. M. Decker, 1522 K Street, Washington, D.C. 20005.

B. Association of American Veterinary Medical Colleges, 1522 K Street NW., No. 828, Washington, D.C. 20005.

D. (6) $60.

A. DeHart & Broide, Inc., 1505 22d Street NW., Washington, D.C. 20037.

B. Council on Foundations, 888 Seventh Avenue, New York, N.Y. 10019.

D. (6) $640. E. (9) $94.20.

A. DeHart & Broide, Inc., 1505 22d Street NW., Washington, D.C. 20037.

B. Kansas City Southern Industries, Inc., 114 West 11th Street, Kansas City, Mo. 64105.

D. (6) $680. E. (9) $81.05.

A. DeHart & Broide, Inc., 1505 22d Street NW., Washington, D.C. 20037.

B. Recording Industry Association of America, Inc., 1 East 57th Street, New York, N.Y. 10022.

D. (6) $120. E. (9) $31.40.

A. DeLaney & Patrick, 1801 K Street NW., Suite 1104, Washington, D.C.

B. Continental Grain Co., 277 Park Avenue, New York, N.Y. 10017.

D. (6) $1,500. E. (9) $500.

A. John L. Delano, Box 1172, Helena, Mont. 59601.

B. Montana Railroad Association, Box 1172, Helena, Mont. 59601.

A. Richard A. Dell, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $76.34.

A. John H. Denman, Missouri Oil Council, 208 Madison Street, Jefferson City, Mo. 65101.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $335. E. (9) $389.05.

A. Daniel B. Denning, 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.

D. (6) $600. E. (9) $250.

A. William J. Dennis, Jr., National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.

B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.

D. (6) $2,250. E. (9) $247.

A. Wells Denyes, Eastman Chemical Products, Inc., 500 12th Street SW., Washington, D.C. 20024.

B. Eastman Chemical Products, Inc., P.O. Box 431, Kingsport, Tenn. 37662.

D. (6) $100. E. (9) $12.10.

A. Claude J. Desautels, Suite 811, 1725 K Street NW., Washington, D.C. 20006.

B. Flavor & Extract Manufacturers Association of the United States, 900 17th Street NW., Washington, D.C. 20006.

D. (6) $300.

A. Claude J. Desautels, Suite 811, 1725 K Street NW., Washington, D.C. 20006.

B. Merrill Lynch, Pierce, Fenner & Smith, Inc., 1 Liberty Plaza, New York, N.Y. 10006.

D. (6) $500.

A. Claude J. Desautels, Suite 811, 1725 K Street NW., Washington, D.C. 20006.

B. Xerox Corp., Stamford, Conn. 06904.
D. (6) $500.

A. John P. Devers, 1625 I Street NW., Washington, D.C.
B. The Retired Officers Association, 1625 I Street, NW., Washington, D.C.
D. (6) $1,100.

A. R. Daniel Devlin, Trans World Airlines, Inc, 1000 16th Street NW., Washington, D.C. 20036.
B. Trans World Airlines, Inc., 605 Third Avenue, New York, N.Y. 10016.
D. (6) $240.

A. Dewey, Ballantine, Bushby, Palmer & Wood, Suite 620 North, 1800 M Street NW., Washington, D.C. 20036.
B. American Can Co., American Lane, Greenwich, Conn. 06830.
D. (6) $478.50.

A. DGA International, Inc., 1225 19th NW., Washington, D.C. 20036.
B. Krauss-Maffei AG, Krauss-Maffei-Strasse 2, 8000 Muenchen 50 (Allach), Federal Republic of Germany.
D. (6) $2,492. E. (9) $2,322.27.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. Societe Nationale Industrielle Aerospatiale, 37 Boulevard de Montmorency, 75016 Paris, France.
D. (6) $13,045.33. E. (9) $13,045.33.

A. Charles J. DiBona, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. John M. Dickerman, John M. Dickerman & Associates, 1730 Rhode Island Avenue NW., Washington, D.C. 20036
B. National Lumber & Building Material Dealers Association, 1990 M Street NW., Suite 350, Washington, D.C. 20036.
D. (6) $7,150.94 E. (9) $187.10.

A. John R. Dierker, 1150 17th Street NW., Washington, D.C. 20036.
B. McDonnell Douglas Corp., P.O. Box 516, St. Louis, Mo. 63166.
D. (6) $300. E. (9) $203.90.

A. Timothy V. A. Dillon, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. Department of Water Resources, State of California, P.O. Box 388, Sacramento, Calif. 95802.
D. (6) $2,527.40. E. (9) $427.40.

A. Michael F. Dineen, Lumbermens Mutual Casualty Co., Suite 206, 600 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Lumbermens Mutual Casualty Co., Long Grove, Ill. 60049.
D. (6) $1,800.

A. Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $14,127. E. (9) $3,308.50.

A. Harley M. Dirks, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $1,825. E. (9) $593.

A. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring Ky. 41076.
D. (6) $58,897.60. E. (9) $58,897.60.

A. Dennis C. Dix, 1725 K Street NW., Suite 903, Washington, D.C. 20006.
B. Outdoor Power Equipment Institute, 1725 K Street NW., Suite 903, Washington, D.C.

A. Norman L. Dobyns, Cutler-Hammer, Inc., 1660 L Street NW., Suite 912, Washington, D.C. 20036.
B. Cutler-Hammer, Inc., 4201 North 27th Street, Milwaukee, Wis. 53216
E. (9) $500.

A. John D. Doherty, Jr., 900 17th Street NW., Washington, D.C. 20006.
B. The Chase Manhattan Bank, National Association, One Chase Manhattan Plaza, New York, N.Y. 10015.
D. (6) $70.50. E. (9) $17.48.

A. Robert C. Dolan, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
D. (6) $125. E. (9) $35.

A. Hollis M. Dole, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Atlantic-Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $350. E. (9) $250.

A. Dana B. Dolloff, 1620 I Street NW., Suite 700, Washington, D.C. 20006.
B. International Paper Co., 1620 I Street N.W., No. 700, Washington, D.C.
D. (6) $1,000. E. (9) $350.

A. Domestic Wildcatters Association, 900 First City National Bank Building, Houston, Tex. 77002.
D. (6) $54,000. E. (9) $12,277.31.

A. Leo Donahue, 230 Southern Building, Washington, D.C. 20005.
B. American Association of Nurserymen, 230 Southern Building, Washington, D.C. 20005.

A. Richard M. Donaldson, 1700 Guildhall Building, Cleveland, Ohio 44115.
B. The Standard Oil Co. (Ohio), Guildhall Building, Cleveland, Ohio 44115.

A. Gary W. Donnelly, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
E. (9) $28.16.

A. Francis X. Dooley, 525 School Street SW., Washington, D.C. 20024.
B. American Road & Transportation Builders Association, 525 School Street SW., Washington, D.C. 20024.
D. (6) $2,000. E. (9) $28.

A. James A. Dorsch, 1750 K Street NW., Washington, D.C.
B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.; 919 Third Avenue, New York, N.Y.; 332 S. Michigan Avenue, Chicago, Ill.
D. (6) $378. E. (9) $84.88.

A. H. Eugene Douglas, Memorex Corp., 1970 Chain Bridge Road, McLean, Va. 22101.
B. Memorex Corp., San Tomas at Central Expressway, Santa Clara, Calif. 95052.
D. (6) $6,750. E. (9) $275.

A. Dow, Lohnes & Albertson, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. Univest Corp., 647 West Virginia Street, Milwaukee, Wis. 53201.
D. (6) $195. E. (9) $327.88.

A. Richard Morgan Downey, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $2,375.01.

A. Robert H. Doyle, 1120 Connecticut Avenue NW., No. 310, Washington, D.C. 20036.
B. Water Quality Association, 477 East Butterfield Road, Lombard, Ill. 60148.

A. Nancy Drabble, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $2,000.

A. James E. Drake, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,502. E. (9) $660.

A. Andrew Drance, Room 511, 2425 Wilson Boulevard, Arlington, Va. 22201.
B. Media General, Inc., 333 East Grace Street, Richmond, Va. 23219.
D. (6) $124.50. E. (9) $26.15.

A. Thomas E. Drumm, Jr., 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. Macmillan, Inc., 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $400. E. (9) $800.

A. Franklin B. Dryden, 1776 K Street NW., Washington, D.C. 20006.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.
D. (6) $200. E. (9) $300.

A. Lawrence M. Dubin, One First National Plaza, No. 5200, Chicago, Ill. 60603.
B. Peoples Gas Co., 122 South Michigan Avenue, Chicago, Ill. 60603.
D. (6) $300. E. (9) $34.95.

A. Evelyn Dubrow, International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y. 10019.
B. International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y. 10019.
D. (6) $5,385.90. E. (9) $3,568.68.

A. Morgan D. Dubrow, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $125.

A. Michael J. Duff, National Paint & Coatings Association, Inc., 1500 Rhode Island Avenue NW., Washington, D.C. 20005.
B. National Park & Coatings Association, Inc., 1500 Rhode Island Avenue NW., Washington, D.C. 20005.
D. (6) $500.

A. William E. Duke, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $400. E. (9) $300.

A. Robert A. DuLong, 1421 Peachtree Street NE., Suite 201, Atlanta, Ga. 30309.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $1,562.50.

A. M. L. DuMars, 2000 Florida Avenue N.W., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $60.

A. Douglas G. Dunn, Northern Natural Gas Co., 1133 15th Street NW., Room 503, Washington, D.C. 20005.
B. Northern Natural Gas Co., 2223 Dodge Street, Omaha, Neb. 68102.
D. (6) $1,500.

A. John H. Dunne, International Federation of Professional & Technical Engineers, AFL-CIO, 1126 16th Street NW., Washington, DC. 20036.

B. International Federation of Professional & Technical Engineers, AFL-CIO, 1126 16th Street NW., Washington, D.C. 20036.

D. (6) $600. E. (9) $100.

A. David F. Dunning, 64 Perimeter Center East, Atlanta, Ga. 30346.

B. Robert H. Kellen Co., 64 Perimeter Center East, Atlanta, Ga. 30346 (for Calorie Control Council, 64 Perimeter Center East, Atlanta, Ga. 30346).

A. J. D. Durand, Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C. 20006.

B. Association of Oil Pipe Lines, 1725 K Street N.W., Washington, D.C. 20006.

E. (9) $825.

A. Dutcher Industries, 7617 Convoy Court, San Diego, Calif. 92111.

A. L. L. Duxbury, Burlington Northern, Inc., Suite 506, 2000 L Street NW., Washington, D.C. 20036.

B. Burlington Northern, Inc., 176 East Fifth Street, St. Paul, Minn. 55101.

D. (6) $1,900. E. (9) $750.40.

A. Henry I. Dworshak, American Mining Congress, 1100 Ring Building, Washington, D.C.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

A. Jean F. Dye, 12700 Lake Avenue, Lakewood, Ohio 44107.

B. National Congress of Parents & Teachers, 700 North Rush Street, Chicago, Ill. 60611.

E. (9) $2,110.04.

A. Jack D. Early, The Madison Building, Suite 514, 1155 15th Street NW., Washington, D.C. 20005.

B. National Agricultural Chemicals Association, 1155 15th Street NW., Suite 514, Washington, D.C. 20005.

D. (6) $75. E. (9) $18.

A. Roy W. Easley, Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

B. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

A. East West Trade Council, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

E. (9) $50.00.

A. Robert E. Ebel, Enserch Energy, Inc., 1025 Connecticut Avenue NW., Suite 1206, Washington, D.C. 20036.

B. Enserch Corp., 301 South Harwood, Dallas, Tex. 75201.

D. (6) $1,450. E. (9) $1,044.

A. N. Boyd Ecker, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

D. (6) $1,500. E. (9) $41.75.

A. Jack Eckerd Corp., Post Office Box 4689, Clearwater, Fla. 33518.

E. (9) $175.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Safety Belt Council, 271 North Avenue, New Rochelle, N.Y. 10801.

D. (6) $1,500. (E) (9)$99.65.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. EMI Medical, Inc., 3605 Woodhead Drive, Northbrook, Ill. 60062.

D. (6) $4,500.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Suite 460, Washington, D.C. 20006.

B. Manufactured Housing Institute, P.O. Box 201, 14650 Lee Road, Chantilly, Va. 22021.

D. (6) $1,250. E. (9) 4.00.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Suite 460, Washington, D.C. 20006.

B. National Insulation Contractors Association, 1120 19th Street NW., Suite 405, Washington, D.C. 20036.

D. (6) $500. E. (9) $3.00.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Suite 460, Washington D.C. 20006.

B. National Utility Contractors Association, 815 15th Street NW., Suite 838, Washington, D.C. 20005.

D. (6) $500. E. (9) $71.70.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Optical Manufacturers Association, 1901 North Fort Myer Drive, Suite 1104, Arlington, Va. 22209.

D. (6) $750.

A. Edelman International Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Aerospatiale, c/o DGA International, 1225 19th Street NW., Washington, D.C. 20036.

D. (6) $10,850. E. (9) $2,195.33.

A. Edelman International Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Republic of Liberia, Embassy of Liberia, 5303 Colorado Avenue NW., Washington, D.C. 20011.

A. Edelman International Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Republic of Turkey, Embassy of Turkey, 1606 23d Street NW., Washington, D.C. 20008.

D. (6) $24,300. E. (9) $6,309.90.

A. Arthur B. Edgeworth, Jr., 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.

B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.

D. (6) $2,812.50.

A. J. Rodney Edwards, 260 Madison Avenue, New York, N.Y. 10016.

B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Macon T. Edwards, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.

B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn. 38112.

D. (6) $500. E. (9) $16.56.

A. J. C. B. Ehringhaus, Jr., 1600 South Eads Street, Arlington, Va.

B. The Tobacco Institute, 1776 K Street NW., Washington, D.C. 20006.

D. (6) $175.

A. Thomas Ehrlich, 733 15th Street NW., Washington, D.C. 20005.

B. Legal Services Corp., 733 15th Street NW., Washington, D.C. 20005.

D. (6) $889.26.

A. George K. Eliades, Society of American Wood Preservers, Inc., 1401 Wilson Boulevard, Suite 205, Arlington, Va. 22209.

B. Society of American Wood Preservers, Inc., 1401 Wilson Boulevard, Suite 205, Arlington, Va. 22209.

D. (6) $320. E. (9) $520.

A. Charles W. Elliott, Wisconsin Petroleum Council, 25 West Main Street, Room 703, Madison, Wis. 53703.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. John Doyle Elliott, 5500 Quincy Street, Hyattsville, Md. 20784.

A. Ruth Bowdey Elliott, 5500 Quincy Street, Hyattsville, Md. 20784.

D. (6) $834.50. E. (9) $567.30.

A. John Ellis, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C.

A. El Paso Alaska Co., Pouch 7009, Anchorage, Alaska 99510.

E. (9). $30,000.

A. El Paso LNG Co., P.O. Box 2185, Houston, Tex. 77001.

E. (9) $47,574.09.

A. Roy Elson, 1771 N Street NW., Washington, D.C. 20036.

M. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.

D. (6) $4,200. E. (9) $562.50.

A. Law Offices of Northcutt Ely, Watergate 600 Building, Washington, D.C. 20037.

B. Deepsea Ventures, Inc., Gloucester Point, Va. 23062.

D. (6) $6,000.

A. William Emerson, Suite 800, 2030 M Street NW., Washington, D.C. 20036.

B. TRW Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.

D. (6) $1,000.

A. Employers Insurance of Wassau, 2000 Westwood Drive, Wausau, Wis. 54401.

E. (9) $861.50.

A. Lowell J. Endahl, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $235.

A. Energy Action Committee, Inc., 1523 L Street NW., Washington, D.C. 20005.

D. (6) $5,466. E. (9) $4,471.34.

A. Gertrude Engel, 2450 Virginia Avenue NW., Washington, D.C. 20037.

B. Bob Hoffman, York Barbell Co., York, Pa. 17405.

D. (6) $1,800. E. (9) $433.42.

A. M. Dale Ensign, Husky Oil Co., 1800 M Street NW., Suite 295, Washington, D.C. 20036.

B. Husky Oil Co., P.O. Box 380, Cody, Wyo. 82414.

E. (9) $184.74.

A. Grover W. Ensley, National Association of Mutual Savings Banks, 1709 New York Avenue NW., Suite 200, Washington, D.C. 20006.

B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.

D. (6) $1,846.17.

A. Jerry N. Ervin, Quintana Refinery Co., P.O. Box 3331, Houston, Tex. 77001.

B. Quintana Refinery Co., P.O. Box 3331, Houston, Tex. 77001.

A. George T. Esherick, United States Steel Corp., 1625 K Street NW., Washington, D.C. 20006

B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.

D. (6) $70. E. (9) $165.

A. Joseph O. Evans, 1730 North Lynn Street, Suite 400, Arlington, Va. 22209.

A. Robert D. Evans, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.
B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.
D. (6) $400. E. (9) $50.

A. Vernon L. Evans, National Consumer Finance Association, 1000 16th Street NW., Washington, D.C. 20036.
B. National Consumer Finance Association, 1000 16th Street NW., Washington, D.C. 20036.
D. (6) $200.

A. Fawn K. Evenson, 1611 North Kent Street, Arlington, Va. 22209.
B. American Footwear Industries Association, 1611 North Kent Street, Arlington, Va. 22209.
D. (6) $6,875. E. (9) $90.

A. Robert R. Fahs, 1030 15th Street NW., Washington, D.C. 20005.
B. Cargill, Inc., P.O. Box 9300, Minneapolis, Minn. 55440.
D. (6) $2,500, E. (9) $11.25.

A. Thomas B. Farley II, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $1,871. E. (9) $223.50.

A. Farmers' Educational & Co-Operative Union of America, Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C.
D. (6) $138,903.65. E. (9) $39,689.62.

A. R. Roy Fausset, 1800 M Street NW., Washington, D.C. 20036.
B. Freeport Minerals Co., 161 East 42d Street, New York, N.Y. 10017.
D. (6) $150.

A. Federation of American Controlled Shipping, 17 Battery Place North, New York, N.Y. 10004.
D. (6) $2,244.13. E. (9) $2,244.13.

A. Federation of American Hospitals, 1101 17th Street NW., Suite 310, Washington, D.C. 20036.
D. (6) $7,650. E. (9) $7,650.

A. Arthur Fefferman, American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Andrew A. Feinstein, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $2,750.

A. Howard J. Feldman, 1220 19th Street NW., Washington, D.C. 20036.
B. Rocky Mountain Park Co., 2817 East Third Avenue, Denver, Colo. 80206.
D. (6) $320. E. (9) $34.96.

A. Stuart J. Feldman, Suite 931, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
B. Committee for Public Advocacy, Suite 931, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $892.50.

A. Stuart F. Feldstein, 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $1,930.

A. Kenneth E. Feltman, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $400.

A. C. H. Fields, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $3,587. E. (9) $24.

A. Herbert A. Fierst, 607 Ring Building, 1200 18th Street NW., Washington, D.C. 20036.
B. Council of Forest Industries of B.C., 1500/1055 West Hastings Street, Vancouver V6E 2H1, British Columbia, Canada.
D. (6) $9,500.01. E. (9) $410.

A. Francis S. Filbey, American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.
B. American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.
D. (6) $6,957.99.

A. Matthew P. Fink, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Co. Institute, 1775 K Street NW., Washington, D.C. 20006.

A. Frederick Finn, 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006
D. (6) $1,400.

A. Susan Kudla Finn, 1150 Connecticut Avenue NW., Suite 805, Washington, D.C. 20036.
B. RJR Industries, Inc., 401 North Main Street, Winston-Salem, N.C. 27102.
D. (6) $621.43. E. (9) $54.14.

A. Firearms Lobby of America, 325 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $13,071.50. E. (9) $14,968.81.

A. First Class Mailers Association, Inc., 1101 New Hampshire Avenue, NW., Washington, D.C. 20037.
D. (6) $500. E. (9) $25.

A. First Pro Life Congressional District Action Committee, 10 North 77th Avenue, Pensacola, Fla. 32506.
D. (6) $500. E. $240.39.

A. Charles L. Fishman, 633 East Capitol Street SE., Washington, D.C. 20003.
B. Precision Valve, Yonkers, N.Y.
D. (6) $2,500. E. (9) $370.

A. Margaret Fitzgerald-Bare, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $2,124.99.

A. Susan Garber Flack, American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $2,000. E. (9) $75.

A. James J. Flanagan, 20 Turnpike Road, Westborough, Mass. 01581.
B. New England Power Service Co., 20 Turnpike Road, Westborough, Mass. 01581.
D. (6) $373.65. E. (9) $646.05.

A. Charles D. Fleishman, 20 North Wacker Drive, Chicago, Ill. 60606.
B. American Fishing Tackle Manufacturers Association, 20 North Wacker Drive, Chicago, Ill. 60606.
D. (6) $1,725. E. (9) $2,456.33.

A. James J. Fleming, United Egg Producers, 705 National Press Building, Washington, D.C. 20045.
B. United Egg Producers, 3951 Snapfinger Parkway, Suite 580, Decatur, Ga. 30035.
D. (6) $1,200.

A. James F. Flug, 2904 Brandywine Street NW., Washington, D.C. 20008.
B. Energy Action Committee, 1523 L Street NW., Washington, D.C. 20005.
D. (6) $2,062.48.

A. John F. Fochtman, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill 60610.
D. (6) $2,000. E. (9) $556.

A. Foley, Lardner, Hollabaugh & Jacobs, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Cabot Corp. and subsidiaries, 125 High Street, Boston, Mass. 02110.
D. (6) $300.

A. Foley, Lardner, Hollabaugh & Jacobs, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Insurance Association of Connecticut, 60 Washington Street, Hartford, Conn. 06106.
D. (6) $600.

A. Foley, Lardner, Hollabaugh & Jacobs, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Jos. Schlitz Brewing Co., 235 West Galena Street, Milwaukee, Wis. 53201.
D. (6) $600.

A. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $2,500. E. (9) $2,500.

A. Forest Farmers Association, P.O. Box 95385, Atlanta, Ga. 30347.

A. James W. Foristel, American Association of Ophthalmology, 1100 17th Street NW., Washington, D.C. 20036.
B. American Association of Opthalmology, 1100 17th Street NW., Washington, D.C. 20036.
D. (6) $5,000.

A. James W. Foristel, Terry L. Schmidt Associates, Inc., 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American College of Emergency Physicians, 3900 Capitol City Boulevard, Lansing, Mich. 48906.
D. (6) $640.

A. John S. Forsythe, American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $525. E. (9) $130.

A. David H. Foster, 1025 Connecticut Avenue NW., No. 505, Washington, D.C. 20036.
B. Natural Gas Supply Committee, 1025 Connecticut Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $2,475. E. (9) $697.02.

A. Ebert E. Fournace, 301 Cleveland Avenue SW., Canton, Ohio 44702.
B. Ohio Power Co., 301 Cleveland Avenue SW., Canton, Ohio 44702 (a subsidiary of American Electric Power Co., Inc., 2 Broadway, New York, N.Y. 10004).
D. (6) $2,112. E. (9) $963.81.

A. John G. Fox, 2000 L Street NW., Washington, D.C. 20036; 195 Broadway, New York, N.Y. 10007.
B. American Telephone & Telegraph Co., 195 Broadway, New York, N.Y. 10007.

A. Joe H. Foy, Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.
B. Houston Natural Gas Corp., P.O. 1188, Houston, Tex. 77001.

A. Frances E. Francis, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. Northern California Power Agency.

A. Frances E. Francis, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. Richmond Power & Light of the City of Richmond, Ind.

A. Ron Frank, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $10.

A. Walter L. Frankland, Jr., 1717 K Street NW., Washington, D.C. 20006.
B. Silver Users Association, Inc., 1717 K Street NW., Washington, D.C. 20006.
D. (6) $980.96. E. (9) $125.84.

A. Harry L. Freeman, American Express Co., 1700 K Street NW., Washington, D.C. 20006.
B. American Express Co., American Express Plaza, New York, N.Y. 10004.

A. James O. Freeman, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $1,700. E. (9) $77.50.

A. Pamela B. Freer, 1710 Broadway, New York, N.Y. 10019.
B. International Ladies Garment Workers' Union, 1710 Broadway, New York, N.Y. 10019.
D. (6) $3,750.11. E. (9) $369.28.

A. David T. French, 2020 K Street NW., Suite 850, Washington, D.C. 20006.
B. American Bakers Association, Suite 850, 2020 K Street NW., Washington, D.C. 20006.

A. Verrick O. French, National Retail Merchants Association, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.
D. (6) $250. E. (9) $25.

A. George L. Frick, Delaware Oil Men's Association, 437 North DuPont Highway, Dover, Del. 19901.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Susan Fridy, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $925.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Cheyenne River Sioux Tribe, Box 100, Eagle Butte, S. Dak. 57625.
D. (6) $1,688. E. (9) $36.91.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washton, D.C. 20037.
B. The Hualapai Tribe of Arizona, P.O. Box 168, Peach Springs, Ariz.
D. (6) $62.60. E. (9) $9.15.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washton, D.C. 20037.
B. Metlakatla Indian Community, P.O. Box 8, Metlakatla, Alaska. 99926.
D. (6) $249. E. (9) $44.75.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washton, D.C. 20037.
B. The Nez Perce Tribe, Lapwai, Idaho.
D. (6) $225. E. (9) $15.80.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washton, D.C. 20037.
B. Oglala Sioux Tribe of the Pine Ridge Reservation, Pine Ridge, S. Dak. 57770.
E. (9) $60.25.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washton, D.C. 20037.
B. Pueblo of Laguna, Laguna, N. Mex.
D. (6) $508.95. E. (9) $35.05.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washton, D.C. 20037.
B. Rosebud Sioux Tribe, Rosebud, S. Dak.
D. (6) $437. E. (9) $7.15.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Salt River Pima-Maricopa Indian Community, Route 1, Box 120, Scottsdale, Ariz.
D. (6) $175. E. (9) $4.70.

A. Fried, Frank, Harris, Shriver & Kampelman, No. 1000, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Schenley Industries, Inc., 888 Seventh Avenue, New York, N.Y. 10019.
E. (9) $15.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hamsphire Avenue NW., Washington, D.C. 20037.
B. Seneca Nation of Indians, Box 231, Salamanca, N.Y. 14779.
D. (6) $1,501. E. (9) $24.26.

A. Philip P. Friedlander, Jr., 1343 L Street NW., Washington, D.C. 20005.
B. National Tire Dealers & Retreaders Association, 1343 L Street NW., Washington, D.C. 20005.
D. (6) $1,600. E. (9) $20.

A. Gay H. Friedmann, 1025 Connecticut Avenue NW., Suite 1206, Washington, D.C. 20036.
B. Enserch Corp., 301 South Harwood, Dallas, Tex. 75201.
D. (6) $1,000. E. (9) $378.70.

A. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $51,805. E. (9) $10,829.

A. Owen V. Frisby, 900 17th Street NW., Washington, D.C. 20006.
B. The Chase Manhattan Bank, National Association, 1 Chase Manhattan Plaza, New York, N.Y. 10015.
D. (6) $749. E. (9) $3,316.21.

A. Charles H. Fritzel, 1625 I Street NW., No. 1001, Washington, D.C. 20006.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill.
D. (6) $1,500. E. (9) $130.

A. Cornelius F. Froeb, Cities Service Co., 1660 L Street NW., Washington, D.C. 20036.
B. Cities Service Co., 1660 L Street NW., Washington, D.C. 20036.
D. (6) $210.

A. Paul K. Frost II, Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Vicki Love Frost, American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $1,300. E. (9) $13.70.

A. Full Employment Action Council, 815 15th Street NW., Room 516, Washington, D.C. 20005.
D. (6) $12,635. E. (9) $11,730.71.

A. David C. Fullarton, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
B. National Telephone Cooperative Association, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
D. (6) $125.

A. Ronald K. Fuller, 1150 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.
B. San Diego Gas & Electric Co., 101 Ash Street, San Diego, Calif. 92112.
D. (6) $1,800. E. (9) $398.09.

A. Terry Gabrielson, 480 L'Enfant Plaza SW., Washington, D.C. 20024.
B. Transcontinental Gas Pipe Line Corp., 2700 South Post Oak Road, Houston, Tex. 77001.
D. (6) $450.

A. James E. Gaffigan, American Hotel & Motel Association, 777 14th Street NW., Washington, D.C. 20005.
B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $652. E. (9) $217.59.

A. Robert D. Gahagen, Cities Service Co., 1660 L Street NW., Washington, D.C. 20036.
B. Cities Service Co., 1660 L Street NW., Washington, D.C. 20036.

A. Norman S. Gaines, 1150 Connecticut Avenue NW., Suite 805, Washington, D.C. 20036.
B. RJR Industries, Inc., 401 North Main Street, Winston-Salem, N.C. 27102.
D. (6) $2,053.57. E. (9) $729.97.

A. Mark J. Gallagher, 1707 L Street NW., Washington, D.C. 20036.
B. National Committee for a Human Life Amendment, Inc, 1707 L Street NW., Washington, D.C. 20036.
D. (6) $6,352.46. E. (9) $445.10.

A. Nicole Gara, The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $5,000. E. (9) $579.66.

A. M. D. Garber, Jr, Phillips Petroleum Co, 1825 K Street NW., Washington, D.C. 20006.
B. Phillips Petroleum Co., Bartlesville, Okla. 74004.

A. Terry D. Garcia, New Directions, 2021 L Street NW., No. 405, Washington, D.C. 20036.
B. New Directions, 2021 L Street NW., No. 405, Washington, D.C. 20036.
D. (6) $5,000. E. (9) $5,000.

A. William B. Gardiner, Disabled American Veterans, 807 Maine Avenue SW., Washington, D.C. 20024.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky.
D. (6) $11,750. E. (9) $77.95.

A. John W. Gardner, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $4,000.02. E. (9) $1,122.57.

A. Paul Gardner, Jr., Kennedy, Webster & Gardner, 888 17th Street NW., Washington, D.C. 20006.
B. Banque Nationale de Paris, 75450 Paris, France Cedex 09.

A. Edward A. Garmatz, 2210 Lake Avenue, Baltimore, Md. 21213.
B. Baltimore Gas & Electric Co., Gas & Electric Building, Baltimore, Md. 21203.
D. (6) $250.

A. Philip Gasteyer, 1709 New York Ave. NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $1,437.50.

A. Thomas J. Gaye, 1612 K Street NW., Washington, D.C. 20006.
B. The Ferroalloys Association, Suite 800, 1612 K Street NW., Washington, D.C. 20006.
D. (6) $450. E. (9) $750.

A. Margaret Gehres, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $1,000.

A. Robert C. Gelardi, 64 Perimeter Center East, Atlanta, Ga. 30346.
B. Robert H. Kellen Co., 64 Perimeter Center East, Atlanta, Ga. 30346 (for: Calorie Control Council, 64 Perimeter Center East, Atlanta, Ga. 30346).

A. Irving J. Geller, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
E. (9) $78.25.

A. John Gentille, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. George W. Gephart, Baltimore Gas & Electric Co., 1412 Gas and Electric Building, Baltimore, Md. 21203.
B. Baltimore Gas & Electric Co., Gas and Electric Building, Baltimore, Md. 21203.
D. (6) $139.90.

A. Donald H. Gerrish, 2020 K Street NW., Suite 850, Washington, D.C. 20006.
B. American Bakers Association, Suite 850, 2020 K Street NW., Washington, D.C. 20006.

A. Llewellyn H. Gerson, 1019 19th Street NW., Washington, D.C. 20036.
B. United Fresh Fruit & Vegetable Association, 1019 19th Street NW., Washington, D.C. 20036.
D. (6) $5,000. E. (9) $380.21.

A. William T. Gibb III, American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Wayne Gibbens, Mid-Continent Oil & Gas Association, 1800 K Street NW., Washington, D.C. 20006.
B. Mid-Continent Oil & Gas Association, 1111 Thompson Building, Tulso, Okla. 74103.
D. (6) $817.20.

A. Jonathan Gibson, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $1,141.02.

A. Anne Marie Gibbons, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $400.

A. Jonathan Gibson, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $1,141.02.

A. Joseph L. Gibson, Montgomery Ward & Co., Inc., 1101 15th Street NW., No. 205, Washington, D.C.
B. Montgomery Ward & Co., Inc., 353 West Chicago Avenue, Chicago, Ill. 60610.
D. (6) $45. E. (9) $150.

A. William L. Gifford, General Electric Co., 777 14th Street NW., Washington, D.C.
B. General Electric Co., Fairfield, Conn.
D. (6) $80.

A. Norma J. Gilbert, 1776 K Street NW., Suite 200, Washington, D.C. 20006.
B. Motorola, Inc., 1776 K Street NW., Suite 200, Washington, D.C. 20006.
D. (6) $1,200.

A. Mark W. Gillaspie, Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.
B. Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.

A. James T. Gillice, 1776 F Street NW., Washington, D.C. 20006.
B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill. 60606.
E. (9) $1,195.

A. Dave Givens, Tennessee Railroad Association, 916 Nashville Trust Building, Nashville, Tenn. 37201.
B. Class I Railroads in Tennessee.

A. Vernie R. Glasson III, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $3,563. E. (9) $19.

A. George L. Gleason, 1750 K Street NW., Washington, D.C.
B. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.
D. (6) $137.50. E (9) $23.36.

A. Martin J. Gleason, 1625 L Street NW., Washington, D.C. 20036.
B. American Federation of State, County, & Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $8,139. E. (9) $100.

A. Elmer G. Gleske, 1629 K Street NW., Suite 400, Washington, D.C. 20006.
B. Flight Safety International, Inc., Marine Air Terminal, LaGuardia Airport, Flushing, N.Y. 11371.
D. (6) $400. E. (9) $18.

A. Godfrey Associates, Inc., 918 16th Street NW., Suite 500, Washington, D.C., 20006.
E. (9) $47.45.

A. Horace D. Godfrey, 918 16th Street NW., Suite 500, Washington, D.C. 20006.
B. Godfrey Associates, Inc., 918 16th Street NW., Suite 500, Washington, D.C. 20006.
D. (6) $312.50. E. (9) $47.45.

A. Harvey S. Gold, Velsicol Chemical Corp., 910 17th Street NW., Suite 1000, Washington, D.C. 20006.
B. Velsicol Chemical Corp., 341 East Ohio Street, Chicago, Ill. 60611.

A. Howard S. Goldberg, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc. for Aerospatiale, 37 Boulevard de Montmorency, 75016, Paris, France, 1225 19th Street NW., Washington, D.C. 20036.

A. Michael E. Goldman, Suite 1101, 1730 K Street NW., Washington, D.C. 20006.
B. National Treasury Employees Union, Suite 1101, 1730 K Street NW., Washington, D.C. 20006.
D. (6) $3,770. E. (9) $570.04.

A. Jack Golodner, 1140 Connecticut Avenue NW, Washington, D.C. 20036.
B. Actors Equity Association, 1500 Broadway, New York, N.Y. 10036.
D. (6) $2,500. E. (9) $310.

A. Jack Golodner, 815 16th Street NW., Washington, D.C. 20006.
B. Council of AFL–CIO Unions for Professional Employees, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $1,000.

A. Ruth Gonze, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $1,200.

A. Don A. Goodall, 1625 I Street NW., Suite 401, Washington, D.C. 20006.
B. American Cyanamid Co., Wayne, N.J. 07470.
D. (6) $600. E. (9) $379.38.

A. Charles E. Goodell, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc. for Aerospatiale, 37 Boulevard de Montmorency 75016, Paris, France, 1225 19th Street NW., Washington, D.C. 20036.

A. Charles E. Goodell, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Krauss-Maffei AG, Krauss-Maffei-Strasse 2, 8000 Muenchen 50 (Allach), Federal Republic of Germany).
D. (6) $240.

A. Vance V. Goodfellow, 307 Fourth Avenue South, P.O. Box 15047, Minneapolis, Minn. 55415.
B. Crop Quality Council, 307 Fourth Avenue South, P.O. Box 15047, Minneapolis, Minn. 55415.
D. (6) $7,890.

A. Frank D. Gorham III, 1150 Connecticut Avenue NW., Suite No. 805, Washington, D.C. 20036.
B. RJR Industries, Inc., 401 North Main Street, Winston-Salem, N.C. 27102.
D. (6) $964.29. E. (9) $411.65.

A. Frederick D. Goss, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
B. National Telephone Cooperative Association, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
D. (6) $1,720.

A. Edward Gottlieb & Associates, 633 Third Avenue, New York, N.Y. 10017.
B. Florists' Transworld Delivery Association, P.O. Box 2227, Southfield, Mich. 48037.

A. Edward Gottlieb & Associates, 633 Third Avenue, New York, N.Y. 10017.
B. Hecon Corp., Flextime Division, 31 Park Road, Tinton Falls, N.J. 07724.

A. Gould, Reichert & Strauss, 2613 Carew Tower, Cincinnati, Ohio 45202.

B. Francis J. Rorke, Box 1336, Cristobal, C.Z., et al.

E. (9) $1,000.

A. David B. Graham, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $125.

A. Lawrence T. Graham, American Hotel & Motel Association, 777 14th Street NW., Washington, D.C. 20005.

B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.

D. (6) $652. E. (9) $26.40.

A. Allan Grant, American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.

D. (6) $1,325.

A. Wm. W. Grant, Utah International Inc., 1150 Connecticut Avenue NW., Washington, D.C. 20036.

B. Utah International Inc., 550 California Street, San Francisco, Calif. 94104.

E. (9) $710.87.

A. James A. Gray, 7901 Westpark Drive, McLean, Va. 22101.

B. National Machine Tool Builders' Association, 7901 Westpark Drive, McLean, Va. 22101.

D. (6) $942. E. (9) $25.

A. Robert K. Gray, 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Samuel A. Grayson, Union Pacific Railroad, 611 Idaho Building, Boise, Idaho 83702.

B. Union Pacific Railroad, 1416 Dodge Street, Omaha, Nebr. 68179.

E. (9) $1,281.43.

A. Donald R. Greeley, 1101 17th Street NW., Suite 603, Washington, D.C. 20036.

B. Celanese Corp., 1211 Avenue of the Americas, New York, N.Y. 10036.

D. (6) $625. E. (9) $174.07.

A. Margit S. Greenspoon, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.

B. National Telephone Cooperative Association, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.

D. (6) $1,490.

A. William G. Greif, 1155 15th Street NW., Washington, D.C. 20005.

B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10022.

D. (6) $4,000.

A. Lori Gribbin, 1025 Connecticut Avenue NW., No. 202, Washington, D.C. 20036.

B. Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105.

D. (6) $500. E. (9) $100.

A. Wesley E. Gross, 604 Portland Building, 200 West Broadway, Louisville, Ky. 40202.

B. Dairymen, Inc., 604 Portland Building, 200 West Broadway, Louisville, Ky. 40202.

D. (6) $150.

A. Frank N. Grossman, The Atchison, Topeka & Santa Fe Railway Co., Suite 840, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. The Atchison, Topeka & Santa Fe Railway Co., 80 East Jackson Boulevard, Chicago, Ill 60604.

D. (6) $1,500. E. (9) $300.

A. Charles S. Gubser, 8905 Bradley Boulevard, Bethesda, Md. 20034.

B. WEMA, 2600 El Çamino Real, Palo Alto, Calif. 94306.

D. (6) $3,000. E. (9) $116.96.

A. James J. Gudinas, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.

B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.

A. Kenneth J. Guido, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $800.01.

A. Gun Owners of America, Legislative Action Fund, 951 Arden Way, Sacramento, Calif. 95815.

D. (6) $74,291.86. E. (9) $33,123.42.

A. C. James Hackett, American Plywood Association, 1119 A Street, Tacoma, Wash. 98401.

B. American Plywood Association, 1119 A Street, Tacoma, Wash. 98401.

A. Loyd Hackler, American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.

B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.

D. (6) $1,000. E. (9) $95.

A. Haley, Bader & Potts, 1730 M Street NW., Suite 700, Washington, D.C. 20036.

B. Age 60 Injunction Fund, 15801 Royal Meadow Place, Sherman Oaks, Calif. 91403.

D. (6) $100. E. (9) $6.

A. Hall, Estill, Hardwick, Gable, Collingsworth & Nelson, 1701 Pennsylvania Avenue NW., Suite 404, Washington, D.C. 20006.

B. The Williams Cos., 1 Williams Center, Tulsa, Okla. 74103.

A. Paul Hallisay, 905 16th Street NW., Washington, D.C. 20006.

B. Laborers' International Union of N.A., AFL–CIO, 905 16th Street NW., Washington, D.C. 20006.

D. (6) $4,050. E. (9) $1,243.58.

A. Seymour Halpern, 540 Madison Avenue, New York. N.Y. 10022.

B. Sydney S. Baron & Co., Inc., 540 Madison Avenue, New York, N.Y. 10022 (for American Can Co., American Lane, Greenwich, Conn.).

D. (6) $1,000. E. (9) $225.

A. Seymour Halpern, 540 Madison Avenue, New York, N.Y. 10022.

B. Sydney S. Baron & Co., Inc., 540 Madison Avenue, New York, N.Y. 10022 (for Department of Information, Private Bag X152, Pretoria 0001, Republic of South Africa).

D. (6) $1,000. E. (9) $225.

A. Seymour Halpern, 540 Madison Avenue, New York, N.Y. 10022.

B. Sydney S. Baron & Co., Inc., 540 Madison Avenue, New York, N.Y. 10022 (for National Medical Care, Inc., 200 Clarendon Avenue, Boston, Mass. 20116).

D. (6) $1,000. E. (9) $225.

A. Seymour Halpern, 540 Madison Avenue, New York, N.Y. 10022.

B. Sydney S. Baron & Co., Inc., 540 Madison Avenue, New York, N.Y. 10022 (for Republic of China, Embassy of the Republic of China, 2311 Massachusetts Avenue NW., Washington, D.C.).

D. (6) $1,000. E. (9) $225.

A. Melinda Halpert, NCCL, 1028 Connecticut Avenue No. 402. Washington, D.C. 20036.

B. National Citizens Communications Lobby, 1028 Connecticut Avenue No. 402, Washington, D.C. 20036.

D. (6) $600.

A. Jerald Vinson Halvorsen, Allied-General Nuclear Services, 2120 L Street NW., Suite 245, Washington, D.C. 20037.

B. Allied-General Nuclear Services, P.O. Box 847, Barnwell, S.C. 29812.

A. Newman T. Halverson, Jr., 888 16th Street NW., Washington, D.C. 20006.

B. Trustees of the Penn Central Transportation Co., 1700 Market Street, Philadelphia, Pa. 19103.

D. (6) $1,052

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. Belize Sugar Industries, Ltd., Belize City, Belize (Central America).

E. (9) $863.31.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. Business Roundtable, 1801 K Street NW., Washington, D.C. 20006.

D. (6) $300. E. (9) $25.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. Central Bank for Cooperatives and Associated District Banks, P.O. Box 17389, Denver, Colo. 80217.

D. (6) $800. E. (9) $10.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. Government of Republic of Panama, Compania Azucarera La Estrella, S.A. and Azucarera Nacional, S.A., Panama City, Panama.

D. (6) $3,083.29. E. (9) $1,570,66.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah, 84101.

D. (6) $1,000. E. (9) $542.57.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. Sociedad Agricola e Industrial San Carlos, S.A., Compania Azucarera Valdez, S.A., Azucarera Tropical Americana, S.A., Tababuela Industrial Azucarera, C.A., Ecuador.

E. (9) $6.97.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. Sugar Association of the Caribbean, Port of Spain, Trinidad.

D. (6) $8,877.93. E. (9) $2,136.36.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. United Student Aid Funds, Inc., 200 East 42d Street, New York, N.Y. 10017.

A. Philip W. Hamilton, 2000 L Street NW., Washington, D.C. 20036.

B. Wilson E. Hamilton & Associates, Inc., 2000 L Street NW., Washington, D.C. 20036 (for the National Labor-Management Foundation, Louisville, Ky.).

E. (9) $29.80.

A. Theodore J. Hamilton, 2000 L Street NW., Washington, D.C. 20036.

B. Wilson E. Hamilton & Associates, Inc., 2000 L Street NW., Washington, D.C. 20036 (for United States Industrial Council, Nashville, Tenn.).

D. (6) $750. E. (9) $35.90.

A. Thomas A. Hammer, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $3,125. E. (9) $92.

A. Patricia L. Hanahan, 1155 15th Street NW., Washington, D.C. 20005.
B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10022.
D. (6) $200.

A. Christopher G. Hankin, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
E. (9) $30.18.

A. George J. Hanks, Jr., Union Carbide Corp., 1730 Pennsylvania Avenue NW., No. 1250, Washington, D.C. 20006.
B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.

A. Lee C. Hanson, Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.
B. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

A. Arthur Harding, 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $1,100.

A. Robert B. Harding, 1801 K Street NW., No. 1041, Washington, D.C. 20036.
B. Southern California Edison Co., P.O. Box 800, Rosemead, Calif. 91770.
D. (6) $150. E. (9) $75.

A. William E. Hardman, 9300 Livingston Road, Washington, D.C. 20022.
B. National Tool & Die Precision Machining Association, 9300 Livingston Road, Washington, D.C. 20022.

A. Eugene J. Hardy, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $2,500.

A. Andrew E. Hare, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.
B. National Right to Work Committee, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.
D. (6) $1,384. E. (9) $334.

A. Bryce L. Harlow, 1425 K Street NW., Suite 900, Washington, D.C. 20005.
B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Suite 900, Washington, D.C. 20005.
D. (6) $240.

A. Bryce N. Harlow, 1801 K Street NW., Suite 230, Washington, D.C. 20006.
B. Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45302.
D. (6) $212.50. E. (9) $212.50.

A. Donald L. Harlow, Air Force Sergeants Association, Inc., 310 Riley Street, Falls Church, Va. 22046.
B. Air Force Sergeants Association, Inc., 4235 28th Avenue, Marlow Heights, Md. 20031.

A. William B. Harman, Jr., American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $110. E. (9) $419.51.

A. C. Wayne Harmon, 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.
D. (6) $500. E. (9) $250.

A. A. J. Harris II, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. Securities Industry Association, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
D. (6) $823.84. E. (9) $45.33.

A. Godfrey Harris, 9200 Sunset Boulevard, Suite 404, Los Angeles, Calif. 90069.
B. Embassy of the Republic of Panama, 2862 McGill Terrace, Washington, D.C. 20008.

A. Saul J. Harris, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
D. (6) $621. E. (9) $12.

A. William C. Hart, 1625 I Street NW., Washington, D.C. 20006.
B. Columbia Gas System Service Corp., 20 Montchanin Road, Wilmington, Del. 19807.
D. (6) $300. E. (9) $455.

A. Rita M. Hartz, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
E. (9) $403.76.

A. Charles W. Havens III, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Reinsurance Association of America, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $25.

A. Sidney G. Hawkes, The Mead Corp., 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Mead Corp., Mead World Headquarters, Courthouse Plaza NE., Dayton, Ohio.
D. (6) $1,100.

A. David G. Hawkins, 917 15th Street NW., Washington, D.C. 20005.
B. Natural Resources Defense Council, 917 15th Street NW., Washington, D.C. 20005.
D. (6) $529. E. (9) $15.

A. John H. Hawkins, Jr., Alabama Power Co., 600 North 18th Street, Birmingham, Ala. 35291.
B. Alabama Power Co., 600 North 18th Street, Birmingham, Ala. 35291.
D. (6) $2,625. E. (9) $1,792.48.

A Paul M. Hawkins, 1750 K Street NW., Washington, D.C.
B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.; 919 Third Avenue, New York, N.Y.; 332 South Michigan Avenue, Chicago, Ill.
D. (6) $156.75. E. (9) $18.73.

A. Bruce R. Hawley, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $3,188. E. (9) $30.

A. Robert T. Hayden, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.
B. United Steelworkers of America, 5 Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $6,115.42 E. (9) $812.13.

A. Health Insurance Association of America, Inc., 1750 Street NW., Washington, D.C.
D. (6) $10,951.96. E. (9) $10,951.96.

A. Patrick B. Healy, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $450.

A. Richard L. Healy, 1725 DeSales Street NW., Suite 403, Washington, D.C. 20036.
B. American Society for Medical Technology, 1725 DeSales Street NW., Suite 403, Washington, D.C. 20036.
D. (6) $400. E. (9) $100.

A. Heavy Specialized Carriers Conference, 1155 16th Street NW., Washington, D.C. 20036.
E. (9) $250.

A. George J. Hecht, 52 Vanderbilt Avenue, New York, N.Y. 10017.
B. American Parents Committee, Inc., 1346 Connecticut Avenue NW., Washington, D.C. 20036; Child Welfare League of America, 67 Irving Place, New York, N.Y.

A. William H. Hecht, 1776 K Street NW., No. 1200, Washington, D.C. 20006.
B. Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.
D. (6) $1,500. E. (9) $500.

A. John F. Heilman, Disabled American Veterans, 807 Maine Avenue SW., Washington, D.C. 20024.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky.
D. (6) $7,000.

A. Spencer H. Heine, Montgomery Ward & Co., Inc., 1101 15th Street NW., No. 205, Washington, D.C. 20005.
B. Montgomery Ward & Co., Inc., 535 West Chicago Avenue, Chicago, Ill. 60671.
D. (6) $30. E. (9) $150.

A. Ross E. Heller, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
B. National Telephone Cooperative Association, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.

A. John P. Helm, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
E. (9) $33.45.

A. Phil D. Helmig, 410 East College Street, Roswell, N. Mex. 88201
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

A. Richard Dean Henderson, Private Truck Council of America, Inc., 1101 17th Street NW., Washington, D.C. 20036.
B. Private Truck Council of America, Inc., 1101 17th Street NW., No. 1008, Washington, D.C. 20036.

A. Edmund F. Hennelly, 150 East 42d Street, New York, N.Y. 10017.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,500. E. (9) $295.10.

A. George F. Henndrikus, Jr., 1625 I Street NW., Washington, D.C. 20006.
B. The Retired Officers Association, 1625 I Street NW., Washington, D.C. 20006.
D. (6) $3,241.

A. Hercules Inc., 910 Market Street, Wilmington, Del. 19899.
E. (9) $11,011.40.

A. Jack E. Herington, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
B. United States Independent Telephone Association, 1801 K Street NW., Suite 1201. Washington, D.C. 20006.
D. (6)$500.

A. Esther Herst, 510 C Street NE., Washington, D.C. 20002.

B. National Committee Against Repressive Legislation, 1250 Wilshire Boulevard, Los Angeles, Calif. 90017.

D. (6) $2,730. (9) $1,218.23.

A. Elena Hess, 3705 Porter Street NW., Washington, D.C. 20016.

B. Self-Determination for District of Columbia, Room 300, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $2,000. E. (9) $30.

A. William E. Hibbs, The National Ecumenical Coalition, Inc., Georgetown Station, P.O. Box 3554, Washington, D.C. 20007.

B. The National Ecumenical Coalition, Inc., Georgetown Station, P.O. Box 3554, Washington, D.C. 2007.

D. (6) $100. E. (9) $375.

A. Andrew I. Hickey, Jr., 1133 15th Street NW., Washington, D.C. 20005.

B. Federal National Mortgage Association, 1133 15th Street NW., Washington, D.C. 20005.

D. (6) $13,175. E. (9) $1,354.02.

A. Frederic W. Hickman, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.

B. The First National Bank of Chicago, 1 First National Plaza, Chicago, Ill. 60670.

A. Frederic W. Hickman, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.

B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.

D. (6) $660. E. (9) $493.53.

A. Frederic W. Hickman, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.

B. Northwest Industries, Inc., 6300 Sears Tower, Chicago, Ill. 60606.

D. (6) $250. E. (9) $34.95.

A. Frederic W. Hickman, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.

B. Peoples Gas Co., 122 South Michigan Avenue, Chicago, Ill. 60603.

D. (6) $300. E. (9) $34.95.

A. Frederic W. Hickman, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.

B. Trans Union Corp., 90 Half Way Road, Lincolnshire, Ill. 60015.

D. (6) $300. E. (9) $634.91.

A. Paul T. Hicks, Rhode Island Petroleum Association, 154 Francis Street, Providence, R.I. 02909.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $75. E. (9) $320.

A. J. Thomas Higginbotham, Mellon Bank, N.A., Pittsburgh, Pa. 15230.

B. Mellon Bank, N.A. and Mellon National Corps., Mellon Square, Pittsburgh, Pa. 15230

D. (6) $2,000. E. (9) $1,080.53.

A. Gerald "Jerry" Hill, 6 Executive Park Drive, Atlanta, Ga. 30329.

B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.

D. (6) $330. E. (9) $473.40.

A. J. Eldred Hill, Jr., UBA, Inc., 1800 M Street NW., 460 South, Washington, D.C. 20036.

B. UBA, Inc., 1800 M Street NW., 460 South, Washington, D.C. 20036.

D. (6) $2,000. E. (9) $2,000.

A. Kathryn Hilton, 918 16th Street NW., Washington, D.C. 20006.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

D. (6) $1,375.

A. Arthur Hintze, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Robert Hitzhusen, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

D. (6) $3,000. E. (9) $50.

A. Lawrence S. Hobart, 2600 Virginia Avenue N.W., Washington, D.C. 20037.

B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.

D. (6) $600.

A. Claude E. Hobbs, Westinghouse Electric Corp., 1801 K Street NW., 9th Floor, Washington, D.C. 20006.

B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $900. E. (9) $195.

A. Howard E. Hoelter, Illinois Petroleum Council, P.O. Box 5034, Springfield, Ill. 62705.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $744. E. (9) $861.88.

A. Herbert E. Hoffman, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.

B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.

D. (6) $400. E. (9) $50.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Council of European and Japanese National Shipowners' Association, 30/32 St. Mary Ave., London EC3A 8ET, England.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Energy Transportation Systems, Inc., 50 Beale Street, San Francisco, Calif. 94119.

A. Hogan & Hartson, 815 Connecticut Avenue, Washington, D.C. 20006.

B. National Rehabilitation Association, 1522 K Street NW., Washington, D.C.

E. (9) $2.45.

A. Thomas P. Holley, 1625 I Street NW., Washington, D.C. 20006.

B. Boise Cascade Corp., 1625 I Street NW., Washington, D.C. 20006.

D. (6) $1,000. E. (9) $108.95.

A. Henry W. Holing, Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.

B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.

A. Thomas D. Holman, 1776 F Street NW., Washington, D.C. 20006.

B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.

E. (9) $1,160.

A. Eric Holmes, Jr., Petroleum Council of Georgia, 230 Peachtree Street NW., Suite 1500, Atlanta, Ga. 30303.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $260. E. (9) $246.31.

A. Lee B. Holmes, 1709 New York Avenue NW., Washington, D.C. 20006.

B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.

D. (6) $2,006.25.

A. Richard Holmquist, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C.

A. John W. Holton, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D (6) $2,000. E. (9) $18.45.

A. Wayne K. Houriuchi, Japanese American Citizens League, 1730 Rhode Island Avenue NW., Suite 204, Washington, D.C. 20036.

B. Japanese American Citizens League, 1765 Sutter Street, San Francisco, Calif. 94115.

D. (6) $687.

A. The Hormel Foundation, Austin, Minn. 55912.

E. (9) $2,695.63.

A. Michael E. Horrell, 1750 K Street NW., Washington, D.C.

B. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.

D. (6) $600. E. (9) $59.15.

A. Charles A. Horsky, 888 16th Street NW., Washington, D.C. 20006.

B. Trustees of the Penn Central Transportation Co., 1700 Market Street, Philadelphia, Pa. 19103.

D. (6) $2,766.

A. Douglass C. Horstman, 1612 K Street NW., Suite 906, Washington, D.C. 20006.

B. The Maytag Co.; Northern Textile Association.

D. (6) $6,000. E. (9) $2,000.

A. James N. Horwood, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. Northern California Power Agency, 1400 Coleman Avenue, Santa Clara, Calif. 95050.

A. James N. Horwood, Spiegel & McDiarmid, 2600 Viriginia Avenue NW., Washington, D.C. 20037.

B. Richmond Power & Light of the City of Richmond, Ind.

A. Craig Hosmer, 1750 K Street NW., Washington, D.C.

B. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.

D. (6) $1,350. E. (9) $103.49.

A. Thomas B. House, 919 18th Street NW., Washington, D.C. 20006.

B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C. 20006.

D. (6) $750.

A. Mary Greer Houston, 2000 L Street NW., Suite 520, Washington, D.C. 20036.

B. Wilson E. Hamilton & Associates, Inc., 2000 L Street NW., Washington, D.C. 20036 (for Farm Labor Research Committee).

D. (6) $250.

A. Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.

E. (9) $1,800.

A. C. T. Hoversten, 209 West 53d Street, Western Springs, Ill. 60558.

B. National Advertising Co., 6850 South Harlem Avenue, Bedford Park, Ill. 60501.

D. (6) $150.

A. Howell Corp., 800 Houston Natural Gas Building, Houston, Tex. 77002.

A. Joe L. Howell, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.

B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill. 60062.

A. Joe L. Howell, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.

B. Allstate Insurance Cos., Allstate Plaza, Northbrook, Ill. 60062.

A. Paul N. Howell, Howell Corp., 800 Houston Natural Gas Building, Houston, Tex. 77002.

B. Howell Corp., 800 Houston Natural Gas Building, Houston, Tex. 77002.

A. John B. Howerton, ASARCO Inc., 1730 Rhode Island Avenue NW., Suite 206, Washington, D.C. 20036.

B. ASARCO Inc., 120 Broadway, New York, N.Y. 10005.

D. (6) $1,500. E. (9) $860.09.

A. Tony R. Huerta, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $2,748.60.

A. James C. Hughes, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

D. (6) $2,500.

A. Edward L. Hule, Suite 415, Wheaton Plaza North, Wheaton, Md. 20902.

B. National Association of Air Traffic Specialists, Inc., Suite 415, Wheaton Plaza North, Wheaton, Md. 20902.

D. (6) $4,623.48. E. (9) $152.18.

A. David C. Hull, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $1,177.50. E. (9) $9.58.

A. Gregory A. Humphrey, American Federation of Teachers, AFL–CIO, 11 Dupont Circle NW., Washington, D.C. 20036.

B. American Federation of Teachers, AFL–CIO, 11 Dupont Circle NW., Washington, D.C. 20036.

D. (6) $7,725. E. (9) $688.47.

A. James Humphreys, 133 C Street SE., Washington, D.C. 20003.

B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.

D. (6) $2,750.

A. Keith R. Hundley, 1625 I Street NW., Suite 902, Washington, D.C. 20006.

B. Weyerhaeuser Co., Tacoma, Wash. 98401.

D. (6) $100. E. (9) $14.45.

A. Burt H. Hunley, Chevron U.S.A., Inc., 1700 K Street NW., Suite 1204, Washington, D.C. 20006.

B. Chevron U.S.A. Inc., 1700 K Street NW., Suite 1204, Washington, D.C. 20006.

D. (6) $150. E. (9) $75.

A. Richard M. Hunt, Suite 1009, Connecticut Building, 1150 Connecticut Avenue NW., Washington, D.C. 20036.

B. NL Industries, Inc., 1221 Avenue of the Americas, New York, N.Y. 10020.

D. (6) $2,000.

A. Robert C. Hunt, 1425 K Street NW., Suite 900, Washington, D.C. 20005.

B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Suite 900, Washington, D.C. 20005.

D. (6) 12.66.

A. Milton F. Huntington, Maine Petroleum Association, 283 Water Street, Augusta, Maine 04330.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $320. E. (9) $290.67.

A. James L. Huntley, Active Ballot Club Department, Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.

B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $7,824.45. E. (9) $1,007.01.

A. Joan L. Huntley, 955 L'Enfant Plaza North SW., Washington, D.C. 20024.

B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.

D. (6) $363.65. E. (9) $101.97.

A. Hunton & Williams, P.O. Box 1535, Richmond, Va.

B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.

D. (6) $1,500. E. (9) $1,500.

A. John Edward Hurley, 1101 New Hampshire Avenue NW., Suite 107, Washington, D.C. 20037.

E. (9) $185.

A. Raymond D. Hurley, Suite 1010, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. Owens-Corning Fiberglas Corp., Fiberglas Tower, Toledo, Ohio 43659.

A. E. Hamilton Hurst, Nalco Chemical Co., 2901 Butterfield Road, Oak Brook, Ill. 60521.

B. Nalco Chemical Co., 2901 Butterfield Road, Oak Brook, Ill. 60521.

A. Dewey M. Hutchins, Jr., Eastman Kodak Co., 500 12th Street SW., Washington, D.C. 20024.

B. Eastman Kodak Co., 343 State Street, Rochester, N.Y 14650.

D. (6) $230. E. (9) $89.95.

A. Philip A. Hutchinson, Jr., 475 L'Enfant Plaza SW., Suite 2450, Washington, D.C. 20024.

B. Volkswagen Manufacturing Corp. of America, 7111 East 11 Mile Road, Warren, Mich. 48089.

D. (6) $750. E. (9) $200.

A. Philip A. Hutchinson, Jr., 475 L'Enfant Plaza SW., Suite 2450, Washington, D.C. 20024.

B. Volkswagen of America, Inc., 818 Sylvan Avenue, Englewood Cliffs, N.J. 07632.

D. (6) $250. E. (9) $50.

A. Hydeman, Mason & Goodell, 1220 19th Street NW., Suite 700, Washington, D.C. 20036.

B. Atlantic Container Line, GIE, Overlie House, Southampton, England.

D. (6) $1,000. E. (9) 127.82.

A. David C. Hyer, Ohio Petroleum Council, 88 East Broad Street, Columbus, Ohio 43215.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

E. (9) $29.59.

A. Frank N. Ikard, 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $3,375. E. (9) $803.

A. Bernard J. Imming, 1019 19th Street NW., Washington, D.C. 20036.

B. United Fresh Fruit & Vegetable Association, 1019 19th Street NW., Washington, D.C. 20036.

D. (6) $1,175.

A. INA Corp., 1600 Arch Street, Philadelphia, Pa. 19101.

E. (9) $1,328.25

A. Independent Data Communications Manufacturers Association, Inc., 1735 New York Avenue NW., Washington, D.C. 20006.

D. (6) $1,023. E. (9) $1,023.

A. Independent Insurance Agents of America, Inc., 85 John Street, New York, N.Y. 10038.

E. (9) $11,140.69.

A. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $11,033.30. E. (9) $11,033.30.

A. International Association of Machinists & Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.

E. (9) $7,973.01.

A. International Brotherhood of Painters & Allied Trades, 1750 New York Avenue NW., Washington, D.C. 20006.

E. (9) $1,412.60.

A. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.

E. (9) $20,997.72.

A. International Union of Operating Engineers, 1125 17th Street NW., Washington, D.C. 20036.

E. (9) $4,600.

A. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW, 8000 East Jefferson Avenue, Detroit, Mich. 48214.

D. (6) $187,276. E. (9) $187,276.

A. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

A. Iron Ore Lessors Association, Inc., 1500 First National Bank Building, St. Paul, Minn. 55101.

D. (6) $26,235.75. E. (9) $7,554.32.

A. William A. Irvine, 1725 K Street NW., Suite 607, Washington, D.C. 20006.

B. Associated Third Class Mail Users, 1725 K Street NW., Washington, D.C. 20006.

D. (6) $200.

A. Joseph S. Ives, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $125.

A. Robert A. Jablon, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. Fort Pierce Utilities Authority of the City of Fort Pierce, Gainesville, Alachua County Regional Electric, Water and Sewer Utilities, Sebring Utilities Commission, cities of Homestead, Kissimmee, Lakeland, Starke and Tallahassee, Fla.

E. (9) $25.

A. Robert L. James, 1800 K Street NW., Suite 920, Washington, D.C. 20006.

B. BankAmerica Corp., Bank of America Center, San Francisco, Calif.

D. (6). $272.04. E. (9) $256.38.

A. Joseph A. Jeffrey, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C.

D. (6) $128.15.

A. Philip F. Jehle, 1150 Connecticut Avenue NW., Suite 310, Washington, D.C. 20036.

B. SmithKline Corp., 1500 Spring Garden Street, Philadelphia, Pa. 19101

D. (6) $800. E. (9) $853.

A. Joseph S. Jenckes, Abbott Laboratories, 1730 M Street NW., No. 808, Washington, D.C. 20036.

B. Abbott Laboratories, Abbott Park, North Chicago, Ill. 60064.

A. Linda Jenckes, 1730 Pennsylvania Avenue NW., Suite 220, Washington, D.C. 20006.

B. National Association of Blue Shield Plans, 211 East Chicago Avenue, Chicago, Ill. 60611.

E. (9) $10.

A. James Courtney Jennings, 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. W. Pat Jennings, 490 L'Enfant Plaza East SW., Suite 3210, Washington, D.C. 20024.

B. Slurry Transport Association, 490 L'Enfant Plaza East SW., Suite 3210, Washington, D.C. 20024.

D. (6) $2,638. E. (9) $1,987.10.

A. Chris L. Jensen, Florida Petroleum Council, 111 North Gadsden Street, Tallahassee, Fla. 32301.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $777.50. E. (9) $793.31.

A. A. W. Jessup, 1025 Connecticut Avenue NW., No. 1014, Washington, D.C. 20036.

B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y. 10020.

E. (9) $86.97.

A. Charles E. Joeckel, Jr., Disabled American Veterans, 807 Maine Avenue SW., Washington, D.C. 20024.

B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky.

D. (6) $3,750.

A. Walter W. John, Organization of Professional Employees of the USDA, Room 1247–S Building, Washington, D.C. 20250.

B. Organization of Professional Employees of the USDA, Room 1247–S. Building, Washington, D.C. 20250.

D. (6) $300.

A. Ronald P. Johnsen, 1625 I Street NW., Suite 302, Washington, D.C. 20006.

B. Columbia Gas System Service Corp., 20 Montchanin Road, Wilmington, Del. 19807.

D. (6) $175. E. (9) $114.68.

A. Bob Johnson, 918 16th Street NW., Washington, D.C. 20006.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

D. (6) $2,031.25. E. (9) $182.

A. Calvin P. Johnson, 1750 K Street NW., Washington, D.C. 20006.

B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.; 919 Third Avenue, New York, N.Y.; 332 South Michigan Avenue, Chicago, Ill.

A. H. Bradley Johnson, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C.

A. Jess Johnson, Jr., Shell Oil Co., 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Shell Oil Co., One Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.

D. (6) $500.

A. John B. Johnson, Alabama Petroleum Council, 660 Adams Avenue, Suite 188, Montgomery, Ala. 36104.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $893.75. E. (9) $858.14.

A. John Paul Johnson, 1025 Connecticut Avenue NW., No. 505, Washington, D.C. 20036.

B. Natural Gas Supply Committee, 1025 Connecticut Avenue NW., No. 505, Washington, D.C. 20036.

D. (6) $9,343.80. E. (9) $3,515.62.

A. Nicholas Johnson, 1028 Connecticut Avenue NW., No. 402, Washington, D.C. 20036.

B. National Citizens Communications Lobby, P.O. Box 19101, Washington, D.C. 20036.

A. Rady A. Johnson, 1000 16th Street NW., No. 500, Washington, D.C. 20036.

B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.

D. (6) $2,384.60. E.(9) $15.28.

A. Reuben L. Johnson, The Farmers' Educational & Co-Operative Union of America, P.O. Box 2251, Denver, Colo. 80251.

B. The Farmers' Educational & Co-Operative Union of America (National Farmers Union), Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C.

D. (6) $5,907.74. E. (9) $241.43.

A. Spencer A. Johnson, National Home Furnishings Association, 1025 Vermont Avenue NW., Washington, D.C. 20005.

B. National Home Furnishings Association, 405 Merchandise Mart, Chicago, Ill. 60654.

D. (6) $250.

A. Stanley L. Johnson, 1050 17th Street NW., Washington, D.C. 20036.

B. Texaco Inc., 135 East 42d Street, New York, N.Y. 10017.

D. (6) $139.

A. David Johnston, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. James D. Johnston, 1660 L Street NW., Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

D. (6) $3,600. E. (9) $2,322.58.

A. Allan R. Jones, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $6,000. E. (9) $1,592.63.

A. Charlie W. Jones, Man-Made Fiber Producers Association, Inc., 1150 17th Street NW., Washington, D.C. 20036.

B. Man-Made Fiber Producers Association, Inc., 1150 17th Street NW., Suite 310, Washington, D.C. 20036.

D. (6) $340. E. (9) $100.

A. Ernest W. Jones, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. James E. Jones, Jr., 1776 F Street NW., Washington, D.C.

B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill. 60606.

E. (9) $1,640.

A. L. Dan Jones, Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.

B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.

E. (9) $29.13.

A. James V. Jordan III, P.O. Box 2563, Birmingham, Ala. 35202.

B. Southern Natural Gas Co., P.O. Box 2563, Birmingham, Ala. 35202.

D. (6) $219.20. E. (9) $536.66.

A. Robert E. Juliano, Hotel & Restaurant Employees & Bartenders International Union, 1666 K Street NW., Suite 304, Washington, D.C. 20006.

B. Hotel & Restaurant Employees & Bartenders International Union, 120 East Fourth Street, Suite 1300, Cincinnati, Ohio 45202.

D. (6) $7,708.41. E. (9) $6,776.81.

A. H. Richard Kahler, 1030 15th Street NW., Suite 720, Washington, D.C. 20005.

B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.

D. (6) $2,500. (E. (9) $1,597.

A. Mrs. Fritz R. Kahn, 9202 Ponce Place, Fairfax, Va. 22030.

B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.

E. (9) $20.90.

A. Charles W. Karcher, 1780 Guildhall, Cleveland, Ohio 44115.

B. The Standard Oil Co. (an Ohio Corp.), Midland Building, Cleveland, Ohio 44115.

A. Linda Eileen Katz, 2745 29th Street NW., Washington, D.C. 20008.

B. Chicago Rock Island, & Pacific Railroad Co., Chicago, Ill.

D. (6) $4,500. E. (9) $606.13.

A. William J. Keating, 725 15th Street NW., Room 500, Washington, D.C. 20005.

B. National Grain & Feed Association, P.O. Box 28328, Washington, D.C. 20005.

A. Howard B. Keck, 555 South Flower Street, Los Angeles, Calif. 90071.

B. Superior Oil Co., 555 South Flower Street, Los Angeles, Calif. 90071.

E. (9) $300.

A. W. M. Keck, Jr., 1801 Avenue of the Stars, Suite 1110, Los Angeles, Calif. 90067.

E. (9) $275.

A. Patricia Keefer, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street, NW. Washington, D.C. 20036.

D. (6) $5,250.

A. Jefferson D. Keith, National Tire Dealers & Retreaders Association, 1343 L Street NW., Washington. D.C. 20005.

B. National Tire Dealers & Retreaders Association, 1343 L Street NW. Washington, D.C. 20005.

A. Robert H. Kellen, 64 Perimeter Center East, Atlanta. Ga 30346.

B. Robert H. Kellen Co., 64 Perimeter Center East, Atlanta, Ga. 30346 (for Calorie Control Council, 64 Perimeter Center East, Atlanta, Ga. 30346.)

A. John B. Kelley, 1025 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036.

B. Avco Corp., 1275 King Street, Greenwich, Conn. 06830.

D. (6) $1 500. E. (9) $250.

A. Paul J. Kelley, 2727 North Central Avenue, Phoenix, Ariz. 85004.

B. Amerco, Inc., 2727 North Central Avenue, Phoenix, Ariz. 85004.

E. (9) $3,280.

A. Harold V. Kelly, 1101 15th Street NW., Washington, D.C. 20005.

B. Republic Steel Corp., Republic Building, Cleveland, Ohio 44101.

A. John T. Kelly, Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington D.C. 20005.

B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

A. Robert F. Kelly, 1701 Pennsylvania Avenue NW., Suite 210, Washington, D.C. 20006.

B. E. I. du Pont de Nemours & Co, 1007 Market Street, Wilmington, Del. 19898.

A. George Kelm, 1 First National Plaza, Suite 5200, Chicago, Ill. 60603.

B. The Myron Stratton Home, P.O. Box 1178, Colorado Springs, Colo. 80901.

A. Thomas J. Kenan, 1000 Fidelity Plaza, Oklahoma City, Okla. 73102.

B. Coquina Oil Corp., P.O. Drawer 2690, Midland, Tex. 79701.

E. (9) $491.61.

A. Jeremiah J. Kenney, Jr., Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Robert T. Kenney, 1050 17th Street NW., Washington, D.C 20036.

B. Texaco, Inc., 135 East 42d Street New York, N.Y. 10017.

A. John V. Kenny, 1620 I Street NW., Suite 615, Washington, D.C. 20006.

B. Southern Pacific Co., and affiliated companies, 1620 I Street NW., Suite 615, Washington, D.C. 20006.

D. (6) $4,565. E. (9) $926.42.

A. T. Michael Kerr, 1625 L Street NW., Washington, D.C. 20036.

B. American Federation of State, County & Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C. 20036.

D. (6) $5,135. E. (9) $9.75.

A. Carl F. Kettler, Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.

B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.

D. (6) $1,875. E. (9) $407.77.

A. Daniel L. Kiley, 8 North Jefferson Street, Roanoke, Va. 24042.

B. Norfolk & Western Railway Co., 8 North Jefferson Street, Roanoke, Va. 24042.

D. (6) $375. E. (9) $208.44.

A. Kimberly-Clark Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

E. (9) $835.

A. James L. Kimble, American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.

B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.

D. (6) $1,500. E. (9) $250.

A. Charles L. King, American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Council of Life Insurance, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $130.

A. John M. Kinnaird, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $7,500. E. (9) $2,657.48.

A. Kirkland, Ellis & Rowe, 1776 K Street NW., Washington, D.C. 20006.

B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Washington, D.C. 20005.

A. Sally Ann Kirkpatrick, American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.

B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.

D. (6) $750. E. (9) $125.

A. Richard P. Kleeman, Assocation of American Publishers, Inc., 1707 L Street NW., No. 480. Washington, D.C. 20036.

B. Association of American Publishers, Inc., 1707 L Street NW., No. 480, Washington, D.C. 20036.

A. John J. Klocko III, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, Del. 19898.

A. Gary D. Knight, Chamber of Commerce of the United States, 1615 H Street, NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street, NW., Washington, D.C. 20062.

E. (9) $25.

A. Keith R. Knoblock, American Mining Congress, 1100 Ring Building, Washington; D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C.

D. (6) $179.21. E. (9) $98.

A. Philip M. Knox, Jr., 1211 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.

B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.

D. (6) $500.

A. Ruth E. Kobell, The Farmers' Educational & Cooperative Union of America, P.O. Box 2251, Denver, Colo. 80251.

B. The Farmers' Educational & Cooperative Union of America, Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C.

D. (6) $2,630.77 E. (9) $105,03.

A. Bradley R. Koch, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $127.65.

A. George W. Koch, 1425 K Street NW., Washington, D.C. 20005.

B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Washington, D.C. 20005.

D. (6) $110.05.

A. Robert M. Koch, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

E. (9) $18.75.

A. Robert M. Koch, Jr., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

D. (9) $31.10.

A. Robert L. Koob, Koob Associates, 1155 15th Street NW., Suite 311, Washington, D.C. 20005.

B. Morton-Norwich Products, Inc., 110 North Wacker Drive, Chicago, Ill. 60606.

D. (6). $3,750. E. (9) $717.57.

A. Horace R. Kornegay, Suite 1200, 1776 K Street NW., Washington, D.C. 20006.

B. Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.

D. (6) $500. E. (9) $150.

A. Paul A. Korody, Jr., 1750 K Street NW., Washington, D.C. 20006.

B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.

D. (6) $1,000.

A. John T. Korsmo, American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.

B. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007; 1600 Wilson Boulevard, Arlington, Va.

D. (6) $500. E. (9) $118.33.

A. Kenneth S. Kovack, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.

B. United Steelworkers of America, 5 Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $6,115.42. E. (9) $1,187.46.

A. Myllo S. Kraja, National Legislative Commission, 1608 K Street NW., Washington, D.C.

B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.

D. (6) $6,795. E. (9) $1,342.83.

A. Amos Kramer, Kansas Petroleum Council, Eighth and Jackson Streets, Suite 1414, Topeka, Kans. 66612.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $398.75. E. (9) $446.85.

A. Stephen W. Kraus, American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C.

A. Lawrence E. Kreider, Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.

B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.

A. Anthony L. Kucera, The American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.

B. The American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 10, Arlington, Va. 22209.

D. (6) $200.

A. M. J. Kuehne, American Plywood Association, 1119 A Street, Tacoma, Wash. 98401.

B. American Plywood Association, 1119 A Street, Tacoma, Wash., 98401.

A. Lloyd R. Kuhn, Aerospace Industries Association, 1725 De Sales Street NW., Washington, D.C. 20036.

B. Aerospace Industries Association of America, Inc., 1725 De Sales Street NW., Washington, D.C. 20036.

D. (6) $9,720. E. (9) $1,370.80.

A. Thomas R. Kuhn, 1750 K Street NW., Washington, D.C.

B. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.

D. (6) $1,140. E. (9) $81.20.

A. Robert J. Kukla, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $1,000.

A. Daniel M. Kush, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the U.S.A., 1615 H Street NW., Washington, D.C. 20062.

E. (9) $188.75.

A. Labor Bureau of Middle West, 1200 15th Street NW., Washington, D.C. 20005; 11 South LaSalle Street, Chicago, Ill. 60603.

A. Laborers' International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C. 20006.

E. (9) $22,370.65.

A. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. Labor-Management Maritime Committee.

D. (6) $13,022. E. (9) $5,675.

A. Edward J. Lachowicz, Garfield House, Apartment 600, 2844 Wisconsin Avenue NW., Washington, D.C. 20007.

B. International Brotherhood of Electrical Workers, 1125 15th Street NW., Washington, D.C. 20005.

A. Nick L. Laird, 1515 Wilson Boulevard, Arlington, Va. 22209.

B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.

D. (6) $300.

A. Sarah M. Laird, 1730 M Street NW., Washington, D.C. 20036.

B. The League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.

D. (6) $677.

A. A. M. Lampley, United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.

B. United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.

E. (9) $110.

A. Karl S. Landstrom, 510 North Edison Street, Arlington, Va. 22203.

B. Geothermal Resources International, Inc., 4676 Admiralty Way, Suite 503, Marina del Rey, Calif. 90291.

D. (6) $250.

A. James J. LaPenta, Jr., Laborers' International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C. 20006.

B. Laborers' International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C. 20006.

E. (9) $1,120.30.

A. Richard G. Larsen, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

B. Ernst & Ernst (for Ling-Temco-Vought, Inc.), 1225 Connecticut Avenue NW., Washington, D.C. 20036.

A. Reed E. Larson, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.

B. National Right To Work Committee, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.

A. Dennis Lavallee, American Footwear Industries Association, Suite 900, 1611 North Kent Street, Arlington, Va. 22209.

B. American Footwear Industries Association, Suite 900, 1611 North Kent Street, Arlington, Va. 22209.

D. (5) $3,375. E. (9) $500.

A. Rick C. Lavis, 1775 K Street NW., Suite 310, Washington, D.C. 20006.

B. El Paso LNG Co., P.O. Box 2185, Houston, Tex. 77001; El Paso Alaska Co., Pouch 7009, Anchorage, Alaska 99510.

D. (6) $8,841. E. (9) $124.70.

A. George H. Lawrence, American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.

B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.

D. (6) $200.

A. Clark R. Layton, 2413 East Woodland Drive, Ogden, Utah 84403.

B. Intermountain Power Project, P.O. Box BB, Sandy, Utah 84070.

D. (6) $468.75. E. (9) $27.60.

A. John I. Le Berre, 900 17th Street NW., Washington, D.C. 20006.

B. Kaiser Aluminum & Chemical Corp., 900 17th Street NW., Washington, D.C. 20006.

D. (6) $400. E. (9) $300.

A. Robert F. Lederer, 230 Southern Building, Washington, D.C. 20005.

B. American Association of Nurseryman, 230 Southern Biulding, Washington, D.C. 20005.

A. Robert W. Lee, The John Birch Society, 1028 Connecticut Avenue NW., No. 1004, Washington, D.C. 20036.

B. The John Birch Society, Inc., 395 Concord Avenue, Belmont, Mass. 02178.

A. Michael L. Lehrman, 3012 Cortland Place NW., Washington, D.C. 20008.

B. The Plessey Co. Ltd., Ilford, Essex, England.

D. (6) $18,463.39. E. (9) $1,385.

A. Robert J. Leigh, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.

B. National Telephone Cooperative Association, 2626 Pennslyvania Avenue NW., Washington, D.C. 20037.

A. Richard J. Leighton, Leighton & Conklin, 1701 K Street NW., Suite 800, Washington, D.C. 20006.

B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Suite 900, Washington, D.C. 20005.

A. Joseph L. Leitzinger, 900 Fourth Avenue, Seattle, Washington 98164.

B. Simpson Timber Co., 900 Fourth Aveune, Seattle, Washington 98164.

D. (6) $1,750. E. (9) $2,154.23.

A. Nils A. Lennartson, Railway Progress Institute, 801 North Fairfax Street, Alexandria, Va. 22314.

B. Railway Progress Institute, 801 North Fairfax Street, Alexandria, Va. 22314.

D. (6) $863.56.

A. Earl T. Leonard, Jr., The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.

B. Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.

D. (6) $1,350. E. (9) $487.37.

A. Herbert J. Lerner, 1225 Connecticut Avenue, NW., Washington, D.C. 20036.

B. Ernst & Ernst for: Ling-Temco-Vought, Inc., Washington, D.C. 20036.

A. Morris J. Levin, 1620 I Street NW., Washington, D.C. 20006.

B. Association of American Railroads, American Railroad Building, Washington, D.C.

D. (6) $1,000.

A. Harry LeVine, Jr., General Electric Co., 777 14th Street NW., Washington, D.C.

B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.

A. David Lewis, American Optometric Association, 1730 M Street NW., Suite 206, Washington, D.C. 20036.

B. American Optometric Association, 120 South Hanover Street, Carlisle, Pa. 17013.

D. (6) $288. E. (9) $326.85.

A. Robert G. Lewis, the Farmers' Educational & Co-Operative Union of America, P.O. Box 2251, Denver, Colo. 80251.

B. The Farmers' Educational & Co-Operative Union of America, Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C.

D. (6) $1,680. E. (9) $85.06.

A. Ronald L. Leymeister, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $600. E. (9) $147.50.

A. Herbert Liebenson, National Small Business Association, 1225 19th Street NW., Washington, D.C. 20036.

B. National Small Business Association, 1225 19th Street NW., Washington, D.C. 20036.

D. (6) $4,500. E. (9) $1,200.

A. Russell B. Light, 955 L'Enfant Plaza North SW., Washington, D.C. 20024.

B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.

D. (6) $1,019. E. $758.63.

A. Lester W. Lindow, Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

B. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

A. Maureen C. Lindsey, 1016 16th Street NW., Washington, D.C. 20036.

B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

E. (9) $4,070.90.

A. John E. Linster, 2000 Westwood Drive, Wausau, Wis. 54401.

B. Employers Insurance of Wausau, 2000 Westwood Drive, Wausau, Wis. 54401.

D. (6) $500.

A. Ron M. Linton, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. County of Baltimore, 111 West Chesapeake Avenue, Towson, Md. 21204.

D. (6) $1,200. E. (9) $99.20.

A. Ron M. Linton, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Lake Superior District Power Co., 101 West Second Street, Ashland, Wis. 54806.

D. (6) $363.84. E. (9) $39.22.

A. Ron M. Linton, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Madison Gas & Electric Co., 100 North Fairchild Street, Box 1231, Madison, Wis. 53701.

D. (6) $807.30. E. (9) $87.02.

A. Ron M. Linton, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. The Metropolitan Sanitary District of Greater Chicago, 100 East Erie Street, Chicago, Ill. 60611.

D. (6) $9,193.92. E. (9) $1,004.86.

A. Ron M. Linton, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Northern States Power Co., 100 North Barstow Street, Eau Claire, Wis. 54701.

D. (6) $1,091.25. E. (9) $117.63.

A. Ron M. Linton, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. State of Illinois, Department of Transportation, 2300 South Dirksen Parkway, Springfield, Ill. 62764.

D. (6) $12,230. E. (9) $606.84.

A. Ron M. Linton, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Superior Water, Light & Power Co., 1230 Tower Avenue, Superior, Wis. 54880.

D. (6) $218.70. E. (9) $23.57.

A. Ron M. Linton, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Wayne County Board of Commissioners, 706 City County Building, Detroit, Mich. 48226.

D. (6) $7,500. E. (9) $662.86.

A. Ron M. Linton, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Wisconsin Electric Power Co., 231 West Michigan, Milwaukee, Wis. 53201.

D. (6) $3,856.35. E. (9) $493.04.

A. Ron M. Linton, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Wisconsin Michigan Power Co., 231 West Michigan, Milwaukee, Wis.

D. (6) $883.35. E. (9) $95.23.

A. Ron M. Linton, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Wisconsin Power & Light Co., Madison, Wis. 53701.

D. (6) $1,514.94. E. (9) $163.31.

A. Ron M. Linton, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Wisconsin Public Service Corp., P.O. Box 700, Green Bay, Wis. 54305.

D. (6) $1,464.30. E. (9) $157.84.

A. Pamela Lippe, 620 C Street SE., Washington, D.C. 20003.

B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.

D. (6) $1,800.

A. Robert G. Litschert, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $390. E. (9) $179.

A. E. F. Livaudais, Jr., 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

D. (6) $650. E. (9) $150.

A. H. Richard Lloyd, Jr., General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

D. (6) $37.50.

A. Loews Corp., 666 Fifth Avenue, New York, N.Y. 10019.

E. (9) $3,000.

A. Nils Lofgren, Motor Vehicle Manufacturers Association of the United States, Incorporated, 1909 K Street NW., Washington, D.C. 20006.

B. Motor Vehicle Manufacturers Association of the United States, Incorporated, 320 New Center Building, Detroit, Mich. 48202.

D. (6) $400.

A. Robert W. Long, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

D. (6) $1,265.76. E. (9) $176.52.

A. Nellie L. Longsworth, Preservation Action, 2101 L Street NW., Suite 906, Washington, D.C. 20037.

B. Preservation Action, 2101 L Street NW., Suite 906, Washington, D.C. 20037.

D. (6) $5,107. E. (9) $4,520.52.

A. Loomis, Owen, Fellman & Coleman, 2020 K Street NW., Washington, D.C. 20006.

B. Association of Bituminous Contractors, 2020 K Street NW., Washington, D.C. 20006.

A. Loomis, Owen, Fellman & Coleman, 2020 K Street NW., Washington, D.C. 20006.

B. Classroom Periodical Publishers Association, 2020 K Street NW., Washington, D.C. 20036.

A. Loomis, Owen, Fellman & Coleman, 2020 K Street NW., Washington, D.C. 20006.

B. Industrial Diamond Association, 59 East Main Street, Moorestown, N.J. 08057.

A. Loomis, Owen, Fellman & Coleman, 2020 K Street NW., Washington, D.C. 20006.

B. Linen Supply Association of America, 975 Arthur Godfrey Road, Miami Beach, Fla. 33140.

A. Loomis, Owen, Fellman & Coleman, 2020 K Street NW., Washington, D.C. 20006.

B. National Association of Casualty & Surety Agents, 5225 Wisconsin Avenue NW., Washington, D.C. 20015.

A. Loomis, Owen, Fellman & Coleman, 2020 K Street NW., Washington, D.C. 20006.

B. National Glass Dealers Association, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

A. Loomis, Owen, Fellman & Coleman, 2020 K Street NW., Washington, D.C. 20006.

B. Optical Manufacturers Association, 1901 North Fort Myer Drive, Arlington, Va. 22209.

A. Christopher LoPiano, 900 15th Street NW., Washington, D.C. 20005.

B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

D. (6) $930.25. E. (9) $81.25.

A. Edward J. Lord, National Legislative Commission, 1608 K Street NW., Washington, D.C.

B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.

D. (6) $4,242. E. (9) $259.10.

A. Philip J. Loree, 17 Battery Place North, New York, N.Y. 10004.

B. Federation of American Controlled Shipping, 17 Battery Place North, New York, N.Y. 10004.

D. (6) $200. E. (9) $212.06.

A. Herschel C. Loveless, 918 16th Street NW., No. 501, Washington, D.C. 20006.

B. Chromalloy American Corp. 120 South Central Avenue, St. Louis, Mo. 63105.

D. (6) $2,400. E. (9) $396.30.

A. James F. Lovett, 1801 K Street NW., Washington, D.C. 20006.

B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $600. E. (9) $200.

A. James P. Low, American Society of Association Executives, 1101 16th Street NW., Washington, D.C. 20036.

B. American Society of Association Executives, 1101 16th Street NW., Washington, D.C. 20036.

A. Gerald M. Lowrie, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $2,000. E. (9) $1,394.79.

A. John S. Lucas, Jr., National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $300.

A. Lumbermens Mutual Casualty Co., Long Grove, Ill. 60049.

E. (9) $2,750.

A. Milton F. Lunch, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

D. (6) $1,000.

A. Christian J. Lund, 1125 15th Street NW., Washington, D.C. 20005.

B. United Technologies Corp., United Technologies Building, Hartford, Conn. 06101, 1125 15th Street NW., Washington, D.C. 20005.

D. (6) $7,500. E. (9) $473.24.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C.

B. Federation of American Controlled Shipping, 17 Battery Place North, New York, N.Y. 10004.

E. (9) $11.12.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.

B. Pennsylvania Power & Light Co., Two North Ninth Street, Allentown, Pa. 18101.

D. (6) $750. E. (9) $67.17.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.

B. Shanghai Power Co., 100 West 10th Street, Wilmington, Del. 19801.

D. (6) $120.

A. James H. Lynch, Jr., American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington D.C. 20005.

D. (6) $7,072.80. E. (9) $10,033.93.

A. Richard Lyng, American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.

B. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007; 1600 Wilson Boulevard, Arlington, Va.

D. (6) $500.

A. James E. Lyons, International Federation of Professional and Technical Engineers, AFL–CIO, 1126 16th Street NW., Washington, D.C. 20036.

B. International Federation of Professional and Technical Engineers, AFL–CIO, 1126 16th Street NW., Washington, D.C. 20036.

D. (6) $435. E. (9) $200.

A. Timothy MacCarthy, Motor Vehicle Manufacturers Association of the United States, Inc., 1909 K Street NW., Washington, D.C. 20006.

B. Motor Vehicle Manufacturers Association of the United States, Inc., 320 New Center Building, Detroit, Mich. 48202.

D. (6) $400.

A. Jeff MacDonald, Society of American Florists, 901 North Washington Street, Alexandria, Va. 22314.

B. Society of American Florists and Ornamental Horticulturists, 901 North Washington Street, Alexandria, Va. 22314.

A. James E. Mack, National Confectioners Association, 5101 Wisconsin Avenue, Suite 506, Washington, D.C. 20016.

B. National Confectioners Association, 36 South Wabash Avenue, Chicago, Ill. 60603.

D. (6) $13,750. E. (9) $2,501.17.

A. James E. Mack, Peanut Butter Manufacturers & Nut Salters Association, 5101 Wisconsin Avenue, Suite 504, Washington, D.C. 20016.

B. Peanut Butter Manufacturers & Nut

Salters Association, 5101 Wisconsin Avenue, Suite 504, Washington, D.C. 20016.
D. (6) $8,749.98. E. (9) $1,518.33.

A. James H. Mack, 7901 Westpark Drive, McLean, Va. 22101.
B. National Machine Tool Builders' Association, 7901 Westpark Drive, McLean, Va. 22101.
D. (6) $685. E. (9) $500.

A. Duncan H. Mackenzie, 3019 Goat Hill Road, Bel Air, Md. 21014.
D. (6) $250. E. (9) $496.58.

A. John P. Mackey, Ad Hoc Committee in Defense of Life, Inc., 810 National Press Building, Washington, D.C. 20045.
B. Ad Hoc Committee in Defense of Life, Inc., 150 East 35th Street, New York, N.Y. 10016.
D. (6) $4,125. E. (9) $4,892.23.

A. J. Jerome Madden, 1030 15th Street NW., Suite 1200, Washington, D.C. 20005.
B. Eli Lilly & Co., 307 East McCarty Street, Indianapolis, Ind. 46206.
D. (6) $7,000. E. (9) $200.

A. Thomas J. Mader, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $3,500.01. E. (9) $38.70.

A. John F. Mahoney, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,000. E. (9) $896.

A. Robert L. Maier, 900 17th Street NW., Washington, D.C. 20006.
B. Kaiser Aluminum & Chemical Corp., 900 17th Street NW., Washington, D.C.
D. (6) $250. E. (9) $15.

A. Andre Maisonpierre, 1776 F Street NW., Washington, D.C. 20006.
B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.
E. (9) $1,280.

A. J. Wilson Malloy, Jr., Eastman Chemical Products, Inc., 500 12th Street SW., Washington, D.C. 20024.
B. Eastman Chemical Products, Inc., P.O. Box 431, Kingsport, Tenn. 37662.
D. (6) $650. E. (9) $20.25.

A. Harald B. Malmgren, Malmgren, Inc., 1101 16th Street NW., Washington, D.C. 20036.
B. Heterochemical Corp., 111 East Hawthorne Avenue, Valley Stream, Long Island, N.Y. 11580.

A. Ben J. Man, 400 First Street NW., Suite 700, Washington, D.C. 20001.
B. District No. 1, Pacific Coast District, Marine Engineers' Beneficial Association, AFL–CIO, 17 Battery Place, New York, N.Y. 10004.
D. (6) $2,081.08. E. (9) $551.22.

A. Carter Manasco, 5932 Chesterbrook Road, McLean, Va. 22101.
B. National Coal Association, 1130 17th Street NW., Washington, D.C. 20036.
D. (6) $8,195.01. E. (9) $107.95.

A. Mike Manatos, 1801 K Street NW., Suite 230, Washington, D.C. 20006.
B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.

A. Man-Made Fiber Producers Association, Inc., 1150 17th Street NW., Suite No. 310, Washington, D.C. 20036.
E. (9) $440.

A. Forbes Mann, 1155 15th Street NW., No. 1004, Washington, D.C. 20005.
B. The LTV Corp., 1525 Elm Street, Dallas, Tex. 75222.
D. (6) $2,000. E. (9) $550.

A. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C. 20009.
D. (6) $5,000. E. (9) $3,000.

A. March for Life, Inc., P.O. Box 2950, Washington, D.C. 20013.
D. (6) $72,048.74. E. (9) $54,952.50.

A. Carl Marcy, 100 Maryland Avenue NE., Washington, D.C. 20002.
B. American Committee on U.S.-Soviet Relations, 100 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $1,000.

A. Carl Marcy, 100 Maryland Avenue NE., Washington, D.C. 20002.
B. Council for a Livable World, 100 Maryland Avenue NE., Washington, D.C.
D. (6) $3,000.

A. Carl M. Marcy, 100 Maryland Avenue NE., Washington, D.C. 20002.
B. The United Nations University, 3932 Huntington Street NW., Washington, D.C. 20015.

A. Marine Engineers' Beneficial Association, AFL–CIO, District No. 1, Pacific Coast District, 17 Battery Place, New York, N.Y. 10004.
E. (9) $9,822.30.

A. Thomas P Marinis, Jr., 2100 First City National Bank Building, Houston, Tex. 77002.
B. Vinson & Elkins, 2100 First City National Bank Building, Houston, Tex. 77002 (for Waterwood Improvement Association, 4400 East Broadway Boulevard, Box 5626, Tucson, Ariz. 85703).

A. David J. Markey, 1771 N Street NW., Washington, D.C. 20036
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.
D. (6) $800. E. (9) $309.80.

A. Matthew J. Marks, Wender, Murase & White, 1800 M Street NW., Washington, D.C. 20036.
B. Heterochemical Corp., 111 East Hawthorne Avenue, Valley Stream, Long Island, N.Y. 11580.

A. Ralph J. Marlatt, Professional Insurance Agents, 1511 K Street NW., Washington, D.C. 20005.
B. Professional Insurance Agents, 1511 K Street NW., Washington, D.C. 20005.
E. (9) $1,150.

A. Dan V. Maroney, Jr., 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. C. Travis Marshall, 1776 K Street NW., Suite 200, Washington, D.C. 20006.
B. Motorola, Inc., 1776 K Street NW., Suite 200, Washington, D.C. 20006.
D. (6) $500. E. (9) $165.

A. J Paull Marshall, Association of American Railroads, 40 Ivy Street SE., Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $196.34. E. (9) $231.90.

A. M. & I. Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wis. 53202.
D. (6) $1,000. E. (9) $312.68.

A. David O. Martin, Kimberly-Clark Corp., North Lake Street, Neenah, Wis. 54956.
B. Kimberly-Clark Corp., North Lake Street, Neenah, Wis. 54956.
E. (9) $525.

A. Katherine E. Martin, Association of American Railroads, 40 Ivy Street SE., Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $90.04. E. (9) $75.

A. Thomas A. Martin, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $500. E. (9) $200.

A. Maryland Savings-Share Insurance Corp., 901 North Howard Street, Baltimore, Md. 21201.
E. (9) $128.88.

A. Mike M. Masaoka, Suite 520, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.
B. American Japanese Trade Committee, Suite 520, 900 17th Street NW., Washington, D.C. 20006.

A. Mike M. Masaoka, Association on Japanese Textile Imports, Inc., Suite 520, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.
B. Association on Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y. 10017.
D. (6) $250.

A. Mike M. Masaoka, Suite 520, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.
B. Nisei Lobby, Suite 520, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.

A. Mike M. Masaoka, Masaoka-Ishikawa & Associates, Inc., Suite 520, 900 17th Street NW., Washington, D.C. 20006.
B. West Mexico Vegetable Distributors Association, P.O. Box 848, Nogales, Ariz. 85621.
D. (6) $500.

A. Paul J. Mason, American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Cliff Massa III, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $250.

A. David Masselli, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $4,500.

A. Jon G. Massey, P.O. Box 8293, Washington, D.C. 20024.
B. Oil Investment Institute, P.O. Box 8293, Washington, D.C. 20024.

A. Charles D. Matthews, 1100 17th Street NW., No. 410, Washington, D.C. 20036.
B. National Ocean Industries Association, 1100 17th Street NW., No. 410, Washington, D.C. 20036.
D. (6) $2,750. E. (9) $420.98.

A. Robert A. Matthews, Railway Progress Institute, 801 North Fairfax Street, Alexandria, Va. 22314.
B. Railway Progress Institute, 801 North Fairfax Street, Alexandria, Va. 22314.
D. (6) $431.78.

A. Robert R. Mattson, Standard Oil Co. (Indiana), 200 East Randolph Drive, Mail Code 6402, Chicago, Ill. 60601.

B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.

D. (6) $280. E. (9) $291.

A. C. V. & R. V. Maudlin, 1111 E Street NW., Washington, D.C. 20004.

B. Georgia Power Co., 270 Peachtree Street, Atlanta, Ga.

A. C. V. & R. V. Maudlin, 1111 E Street NW., Washington, D.C. 20004.

B. Joint Government Liaison Committee, 1111 E Street NW., Washington, D.C. 20004.

A. Anthony F. Mauriello, New York State Petroleum Council, 551 Fifth Avenue, Room 718, New York, N.Y. 10017.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $528.72. E. (9) $174.34.

A. Thomas H. Maxedon, Kentucky Petroleum Council, 4010 Dupont Circle, Suite 469, Louisville, Ky. 40207.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Albert E. May, American Institute of Merchant Shipping, 1625 K Street NW., Washington, D.C. 20006.

B. American Institute of Merchant Shipping, 1625 K Street NW., Washington, D.C. 20006.

D. (6) $410. E. (9) $9.07.

A. Arnold Mayer, 100 Indiana Avenue NW., Room 502, Washington, D.C. 20001.

B. Amalgamated Meat Cutters & Butcher Workmen of North America (AFL–CIO), 2800 North Sheridan Road, Chicago, Ill. 60657.

D. (6) $8,425. E. (9) $185.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20006.

B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20006.

B. Encyclopaedia Britannica, 425 North Michigan Avenue, Chicago, Ill. 60611.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20006.

B. Encyclopaedia Britannica Educational Corp., 425 North Michigan Avenue, Chicago, Ill. 60611.

A. Mayer, Brown & Platt, 888 17th Street NW., Suite 400, Washington, D.C. 20006.

B. The ERISA Industry Committee, Suite 1201, 1750 Pennsylvania Avenue NW., Washintgon, D.C. 20006.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20006.

B. Nokota Co., P.O. Box 1633, Bismarck. N. Dak. 58501.

E. (9) $15.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20006.

B. Santee River Cypress Lumber Co. & Beidler Owners, Suite 1354, 222 West Adams Street, Chicago, Ill. 60606.

A. William J. McAuliffe, Jr., American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.

B. American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.

D. (6) $1,025.

A. Ann McBride, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $5,250.

A. Michael J. McCabe, Allstate Insurance Co., Allstate Plaza, Northbrook, Ill. 60062.

B. Allstate Insurance Co., Allstate Plaza, Northbrook, Ill. 60062.

A. John A. McCart, Public Employee Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

B. Public Employee Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $2,155.01.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Avon Products, Inc., 9 West 57th Street New York, N.Y. 10019.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Cities Service Co., Box 300, Tulsa, Okla. 74102.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. The Coca-Cola Co., P.O. Box 1734, Atlanta, Ga. 30301.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Gulf + Western Industries, Inc., One Gulf + Western Plaza, New York, N.Y. 10023.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Tidewater Marine Service, Inc., 3308 Tulane Avenue, New Orleans, La. 70110.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. United Artists Corp., 729 Seventh Avenue, New York, N.Y. 10019.

A. James T. McCorkle, 918 16th Street NW., Washington, D.C. 20006.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

D. (6) $692.

A. E. L. McCulloch, Brotherhood of Locomotive Engineers, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Locomotive Engineers, Engineers Building. Cleveland, Ohio 44114.

D. (6) $284.60. E. (9) $81.50.

A. D. McCurrach, 1500 Wilson Boulevard No. 609, Arlington, Va. 22209.

B. National School Supply & Equipment Association, 1500 Wilson Boulevard, No. 609, Arlington, Va. 22209.

A. Albert L. McDermott, American Hotel & Motel Association, 777 14th Street NW., Washington, D.C. 20005.

B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.

D. (6) $1,307. E. (9) $681.14.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.

B. Bankers Life & Casualty Co., 4444 Lawrence Avenue, Chicago, Ill. 60630.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.

B. Big Prairie Farms, Inc., c/o J. J. White, 100 State Street, Beardstown, Ill. 62618.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.

B. The First National Bank of Chicago, One First National Plaza, Chicago, Ill.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.

B. Iowa Beef Processors, Inc., Dakota City, Nebr. 68731.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.

B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.

D. (6) $660. E. (9) $493.53.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.

B. Peoples Gas Co., 122 South Michigan Avenue, Chicago, Ill. 60603.

D. (6) $300. E. (9) $34.95.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.

B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.

D. (6) $4,200. E. (9) $34.95.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.

B. Trans Union Corp., 90 Half Day Road, Lincolnshire, Ill. 60015.

D. (6) $300. E. (9) $634.91.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.

B. Trustees under Will of Warren Wright, c/o The First National Bank of Chicago, One First National Plaza, Chicago, Ill. 60670.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.

B. United Insurance Co., One Wacker Drive, Chicago, Ill. 60601.

A. McDermott, Will & Emery, 111 West Monroe Street, Chicago, Ill. 60603.

D. (6) $414.28.

A. Jack McDonald, 6845 Elm Street, No. 512, McLean, Va. 22101.

B. Jack McDonald Associates, 6845 Elm Street, No. 512, McLean, Va. 22101 (for Lear Siegler, Inc., 3171 South Bundy Drive, Santa Monica, Calif. 90406).

D. (6) $1,500.

A. Jack McDonald Associates, 6845 Elm Street, No. 512, McLean, Va. 22101.

B. Lear Siegler, Inc., 3171 South Bundy Drive, Santa Monica, Calif. 90406.

D. (6) $6,000. E. (9) $3,225.

A. James McDonald, 6845 Elm Street, No. 512, McLean, Va. 22101.

B. Jack McDonald Associates (for Lear Siegler, Inc., 3171 South Bundy Drive, Santa Monica, Calif. 90406.), 6845 Elm Street, No. 512, McLean, Va. 22101.

D. (6) $1,500.

A. Michael D. McDonald, Maryland Petroleum Association, 60 West Street, Annapolis, Md. 21401.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $70. E. (9) $32.

A. Joseph A. McElwain, 40 East Broadway, Butte, Mont. 59701.

B. Montana Power Co., Butte, Mont. 59701.

E. (9) $43.37.

A. Darryl D. McEwen, Society of American Florists, 901 North Washington Street, Alexandria, Va. 22314.

B. Society of American Florists & Ornamental Horticulturists, 901 North Washington Street, Alexandria, Va. 22314.

A. Michael B. McFarland, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Rifle Association of America,

1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $590. E. (9) $22.50.

A. Linda S. McFarlin, National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.
B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.
D. (6) $400.

A. J. Raymond McGlaughlin, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Maintenance of Way Employes, 12050 Woodward Avenue, Detroit, Mich. 48203.
D. (6) $8,983.10.

A. John J. McGonagle, Jr., Insurance Co. of North America, 1600 Arch Street, Philadelphia, Pa. 19101.
B. INA Corp., 1600 Arch Street, Philadelphia, Pa. 19101.
D. (6) $1,175.

A. Peter E. McGuire, National Association of Retired and Veteran Railway Employees, Inc., 400 First Street NW., Washington, D.C. 20001.
B. National Association of Retired and Veteran Railway Employees, Inc., P.O. Box 6060, Kansas City, Kans., 66106; Hotel and Restaurant Employees and Bartenders International Union, 1666 K Street NW., No. 304, Washington, D.C. 20006; International Conference of Police Association, 1239 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $850. E. (9) $850.

A. Lyn McIntosh, 1750 K Street NW., Washington, D.C.
B. American Nuclear Energy Council, 1705 K Street NW., Suite 300, Washington, D.C.
D. (6) $555. E. (9) $82.92.

A. Robert McIntyre-Public Citizen's Tax Reform Research Group, 133 C Street SE., Washington, D.C. 20003.
B. Public Citizen's Tax Reform Research Group, 133 C Street SE., Washington, D.C. 20003.
D. (6) $1,000.

A. James D. McKevitt, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Association of Women's and Children's Apparel Salesmen (NAWCAS) 515 Peachtree, Palasades Building, Atlanta, Ga. 30309.
D. (6) $2,000. E. (9) $49.

A. James D. McKevitt, National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.
B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.
D. (6) $5,500. E. (9) $70.

A. C. A. "Mack" McKinney, 110 Maryland Avenue NE., Washington, D.C. 20002.
B. National Headquarters, Marine Corps League, 933 North Kenmore Street, Suite 321, Arlington, Va. 22202.
E. (9) $64.81.

A. C. A. "Mack" McKinney, 110 Maryland Avenue NE., Suite 511, Washington, D.C. 20002.
B. Non-Commissioned Officers Association of the U.S.A. (NCOA), P.O. Box 2268, San Antonio, Tex. 78298.
D. (6) $4,576.79. E. (9) $5,647.27.

A. John S. McLees, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the U.S.A., 1615 H Street NW., Washington, D.C. 20062.
E. (9) $250.

A. William F. McManus, 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., Easton Turnpike, Fairfield, Conn. 06431.
D. (6) $355. E. (9) $220.

A. Ralph J. McNair, American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Margaret E. McNamara, 100 Maryland Avenue NE., Washington, D.C. 20002.
B. Council for a Livable World, 100 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $2,461.68.

A. McNutt, Dudley, Easterwood & Losch, 910 17th Street NW., Washington, D.C. 20006.
B. American Dredging Co., 12 South 12th Street, Philadelphia, Pa. 19107.
D. (6) $21,000. E. (9) $2,054.34.

A. McNutt, Dudley, Easterwood & Losch, 910 17th Street NW., Washington, D.C. 20006.
B. Republic of Turkey, 1606 23d Street NW., Washington, D.C. 20008.
D. (6) $6,300. E. (9) $179.49.

A. Harry McPherson, Suite 1000, 1660 L Street NW., Washington, D.C. 20036.
B. Small Producers for Energy Independence, Suite 970, Fourth Financial Center, Wichita, Kans. 67202.

A. George G. Mead, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $6,000. E. (9) $580.59.

A. William H. Megonnell, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $293. E. (9) $3.

A. Law Offices of Richard A. Mehler, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. Automotive Parts Rebuilders Association, 6849 Old Dominion Drive, McLean, Va. 22101.
D. (6) $1,615. E. (9) $24.42.

A. Nanine Meiklejohn, 1625 L Street, NW., Washington, D.C. 20036.
B. American Federation of State, County, & Muncipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $5,190. E. (9) $99.50.

A. Robert L. Melbern, Route No. 3, Gatesville, Tex. 76528.
B. National Association of Farmer Elected Committeemen, c/o Tom B. Cunningham, Sr., Rural Route No. 5, Darlington, S.C. 29532.
E. (9) $87.06.

A. R. Otto Meletzke, American Council of Life Insurance, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Council of Life Insurance, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $80. E. (9) $120.

A. Marilee Menard, National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.
B. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $600.

A. Ellis E. Meredith, American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.
B. American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.
E. (9) $61.28.

A. Ralph Merigliano, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $2,855.66.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20515.
B. National Association of Recycling Industries, Inc., 330 Madison Avenue, New York, N.Y. 10017.

A. John A. Merrigan, Suite 1001, 1660 L Street NW., Washington, D.C. 20036.
B. Small Producers for Energy Independence, Suite 970, Fourth Financial Center, Wichita, Kans. 67202.

A. Lawrence C. Merthan, The Carpet & Rug Institute, 1015 15th Street NW., Washington, D.C. 20036.
B. The Carpet & Rug Institute, Dalton, Ga. 30720.
D. (6) $1,000. E. (9) $125.

A. Nancy S. Metler, 1750 K Street NW., Washington, D.C.
B. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.
D. (6) $47.50. E. (9) $3.45.

A. Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C. 20036.

A. George F. Meyer, Jr., 1625 I Street NW., Washington, D.C. 20006.
B. The Retired Officers Association, 1625 I Street NW., Washington, D.C. 20006.
D. (6) $579.

A. Ronald A. Michieli, 425 13th Street NW., Suite 1020, Washington, D.C. 20004.
B. American National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80202.
D. (6) $1,000.

A. Mid-Continent Oil & Gas Association, 1111 Thompson Building, Tulsa, Okla. 74103.
D. (6) $5,991.60. E. (9) $1,508.35.

A. Roy H. Millenson, Association of American Publishers, 1707 L Street NW., Room 480, Washington, D.C. 20036.
B. Association of American Publishers, 1707 L Street NW., Room 480, Washington, D.C. 20036.
D. (6) $1,800. E. (9) $140.

A. A. Stanley Miller, 910 16th Street, Room 302, Washington, D.C. 20006.
B. Federation of American Controlled Shipping, 17 Battery Place North, New York, N.Y. 10004.
D. (6) $100.

A. Miller, Cassidy, Larroca & Lewin, 2555 M Street NW., Suite 500, Washington, D.C. 20037.
B. Alaska Federation of Natives, International, 133 Queen Anne Avenue, North, Seattle, Wash. 98109.

A. Miller, Cassidy, Larroca & Lewin, 2555 M Street NW., Suite 500, Washington, D.C. 20037.
B. American Motors Corp., 14250 Plymouth Road, Detroit, Mich. 48232.

A. Miller, Cassidy, Larroca & Lewin, 2555 M Street NW., Suite 500, Washington, D.C. 20037.
B. National Motorsports Committee of ACCUS. Suite 302, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $2,500.

A. Joe D. Miller, 535 North Dearborn Street, Chicago, Ill. 60610.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $875.

A. Kirk Miller, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

D. (6) $3,125. E. (9) $57.

A. Luman G. Miller, 620 Southwest Fifth Avenue Building, Suite 912, Portland, Oreg. 97204.

B. Oregon Railroad Association, 620 Southwestern Fifth Avenue Building, Suite 912, Portland, Oreg. 97204.

A. Millman & Broder, 1730 M Street NW., Suite 908, Washington, D.C.

B. National Council of Senior Citizens, Inc., 1511 K Street NW., Washington, D.C. 20005.

D. (6) $7,000. E. (9) $1,054.41.

A. John F. Mills, 1776 K Street NW., Washington, D.C. 20006.

B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.

D. (6) $1,100. E. (9) $150.

A. Linda F. Mills, 1629 K Street NW., Suite 403, Washington, D.C. 20006.

B. General Mills, Inc., P.O. Box 1113, Minneapolis, Minn. 55440.

A. Clarence Mitchell, NAACP, 733 15th Street NW., Suite 410, Washington, D.C. 20005.

B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.

D. (6) $4,000.

A. Thomas F. Mitchell, Georgia-Pacific Corp., 1735 I Street NW., Washington, D.C. 20006.

B. Georgia-Pacific Corp., 900 Southwest Fifth Avenue, Portland, Oreg. 97204.

E. (9) $388.

A. Richard Mizrack, 270 Madison Avenue, New York, N.Y. 10016.

B. Wolf, Haldenstein, Adler, Freeman & Herz, 270 Madison Avenue, New York, N.Y. 10016 (for Fallek-Lankro Corp., Tuscaloosa, Ala.).

A. Stacey J. Mobley, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, Del. 19898.

A. Marian E. Moe, 133 C Street SE., Washington, D.C. 20003.

B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.

D. (6) $2,000.

A. Graham T. T. Molitor, 1629 K Street NW., Suite 403, Washington, D.C. 20006.

B. General Mills, Inc., P.O. Box 1113, Minnapolis, Minn. 55440.

A. John S. Monagan, Whitman & Ransom, 1730 Pennsylvania Avenue NW., Suite 1010, Washington, D.C. 20006.

B. Connecticut Bankers Association, 100 Constitution Plaza, Suite 956, Hartford, Conn. 06103.

D. (6) $1,836.20. E. (9) $23.11.

A. John S. Monagan, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Shimano American Corp., 1133 Avenue of the Americas, New York, N.Y. 10036.

D. (6) $1,667.50. E. (9) $26.99.

A. Montgomery Ward & Co., Inc., 1101 15th Street NW., No. 205, Washington, D.C. 20005.

B. Montgomery Ward & Co., Inc., 535 West Chicago Avenue, Chicago, Ill. 60671.

D. (6) $120. E. (9) $450.

A. G. Merrill Moody, Association of American Railroads, 40 Ivy Street SE., Washington, D.C. 20003.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $115.98. E. (9) $123.05.

A. O. William Moody, Jr., Maritime Trades Department, AFL–CIO, 815 16th Street NW., Room 510, Washington, D.C. 20006.

B. Maritime Trades Department, AFL–CIO, 815 16th Street NW., Room 510, Washington, D.C. 20006.

D. (6) $2,500. E. (9) $647.45.

A. Christopher Monek, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Alan J. Moore, The Atchison, Topeka, & Santa Fe Railway Co., Suite 840, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. The Atchison, Topeka, & Santa Fe Railway Co., 80 East Jackson Boulevard, Chicago, Ill. 60604.

D. (6) $1,000. E. (9) $150.

A. Howard Moore, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. E. Joyce Morgan, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

A. Earl J. Morgan, 1150 17th Street NW., Washington, D.C. 20036.

B McDonnell Douglas Corp., P.O. Box 516, St. Louis, Mo. 63166.

D. (6) $400. E. (9) $160.

A. Jo V. Morgan, Jr., 1050 17th Street NW., Washington, D.C. 20036.

B The American Humane Association, P.O. Box 1266, Denver, Colo. 80201.

D. (6) $1,800.

A. Morison, Murphy, Abrams & Haddock, 1776 K Street NW., Suite 900, Washington, D.C 20006.

B. The Sperry & Hutchinson Co., 330 Madison Avenue, New York, N.Y. 10017.

A. Morris Associates, 1346 Connecticut Avenue NW.. Washington, D.C. 20036.

B. National Council of Community Mental Health Centers, 2233 Wisconsin Avenue NW., Washington, D.C. 20007.

D. (6) $14,258.85. E. (9) $16,438.60.

A. James A. Morrissey, American Textile Manufacturers Institute, Inc., Suite 1001, 1150 17th Street NW., Washington, D.C. 20036.

B. American Textile Manufacturers Institute, Suite 2124, South Tryon Street, Charlotte, N.C. 28285.

D. (6) $1,200. E. (9) $103.

A. Sol Mosher, Crown Zellerbach, 1660 L Street NW., Suite 915, Washington, D.C. 20036.

B. Crown Zellerbach, 1 Bush Street, San Francisco, Calif. 94119.

E. (9) $250.

A. Lynn E. Mote, Northern Natural Gas Co., 1133 15th Street NW., Suite 503, Washington, D.C. 20005.

B. Northern Natural Gas Co., 2223 Dodge Street, Omaha, Nebr. 68102.

D. (6) $2,000.

A. Walter L. Mote, Rocky Mountain Oil & Gas Association, 1155 15th Street NW., Suite 314, Washington, D.C. 20005.

B. Rocky Mountain Oil & Gas Association, 950 Petroleum Club Building, Denver, Colo. 80202.

D. (6) $1,800.

A. Roger L. Mozingo, The Tobacco Institute, 1776 K Street NW., Washington, D.C. 20006.

B. The Tobacco Institute, 1776 K Street NW., Washington, D.C. 20006.

D. (6) $110.

A. Robert M. Mulligan, 910 17th Street NW., Washington, D.C. 20006.

B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.

A. Mullin, Connor, & Rhyne, 1000 Connecticut Avenue, Washington, D.C. 20036.

B. Alberto de la Vega-Ripol, 804 Garching, Konigsbergerstr. 2, West Germany.

D. (6) $288.71. E. (9) $56.62.

A. Tracy Mullin, National Retail Merchants Association, 1000 Connecticut Avenue, Washington. D.C. 20036.

B. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.

D. (6) $150. E. (9) $20.

A. Robert J. Mullins, The Farmers' Educational & Co-Operative Union of America, P.O. Box 2251, Denver, Colo. 80251.

B. The Farmers' Educational & Co-Operative Union of America, Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C.

D. (6) $2,353.86. E. (9) $27.66.

A. Daniel J. Mundy, Building & Construction Trade Department, 815 16th Street NW., Suite 603, Washington, D.C. 20006.

B. Building & Construction Trades Department, 815 16th Street NW., Suite 603, Washington, D.C. 20006.

D. (6) $6,576.84. E. (9) $2,169.78.

A. Beverly J Murphy, 919 18th Street NW., Washington, D.C. 20006.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

D. (6) $220.

A. Richard E. Murphy, 2020 K Street NW., Washington, D.C. 20006.

B. Service Employees International Union, AFL–CIO, 2020 K Street NW., Washington, D.C. 20006.

D. (6) $1,000.

A. Richard W. Murphy, 1050 17th Street NW., Suite 1050, Washington, D.C. 20036.

B. Merck & Co., Inc., Rahway, N.J. 07065.

D. (6) $1,000.

A. D. Michael Murray, 1120 Connecticut Avenue, No. 842, Washington, D.C. 20036.

B. Chicago, Milwaukee, St. Paul & Pacific Railroad, 516 West Jackson Boulevard, Chicago, Ill. 60606.

D. (6) $225. E. (9) $159.

A. D. Michael Murray, 1120 Connecticut Avenue, No. 842, Washington, D.C. 20036.

B. The Cleveland-Cliffs Iron Co., 1460 Union Commerce Building, Cleveland, Ohio 44115.

D. (6) $100. E. (9) $53.

A. D. Michael Murray, 1120 Connecticut Avenue, No. 842, Washington, D.C. 20036.

B. Freeport Minerals Co., 161 East 42d Street, New York, N.Y. 10017.

D. (6) $100. E. (9) $37.

A. D. Michael Murray, 1120 Connecticut Avenue, No. 842, Washington, D.C. 20036.

B. Iron Ore Lessors Association, Inc., 1500 First National Bank Building, St. Paul, Minn. 55101.

D. (6) $150.

A. D. Michael Murray, 1120 Connecticut Avenue, No. 842, Washington, D.C. 20036.

B. The LTV Corp., LTV Tower, P.O. Box 5003, Dallas, Tex., 75222.

E. (9) $40.

A. D. Michael Murray, 1120 Connecticut Avenue, No. 842, Washington, D.C. 20036.

B. National Association of Industrial & Office Parks, 1901 North Fort Myer Drive, No. 1100, Arlington, Va.

D. (6) $250. E. (9) $75.

A. D. Michael Murray, 1120 Connecticut Avenue, No. 842, Washington, D.C. 20036.

B. National Council of Coal Lessors, 1130 17th Street NW., Washington, D.C.

D. (6) $100. E. (9) $45.

A. William E. Murray, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $163.

A. Thomas H. Mutchler, 1620 I Street NW., Suite 700, Washington, D.C. 20006.

B. International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.

D. (6) $200. E. (9) $20.

A. Harold D. Muth, 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.

B. The American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.

D. (6) $300. E. (9) $32.

A. Lawrence P. Mutter, 6849 Old Dominion Drive, McLean, Va. 22101.

B. Automotive Parts Rebuilders Association, 6849 Old Dominion Drive, McLean, Va. 22101.

D. (6) $450.

A. Fred J. Mutz, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $3,000. E. (9) $240.60.

A. Paul J. Myer, 2409 Red Maple Lane, Reston, Va. 22091.

B. American Broadcasting Co., 1150 17th Street NW., Washington, D.C. 20036.

A. Gary D. Myers, The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.

B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.

D. (6) $500. E. (9) $209.

A. J. Walter Myers, Jr., Forest Farmers Association, P.O. Box 95385, Atlanta, Ga. 30347.

B. Forest Farmers Association, P.O. Box 95385, Atlanta, Ga. 30347.

A. William T. Nachbaur, 1800 K Street NW., Suite 920, Washington, D.C. 20006.

B. BankAmerica Corp., Bank of America Center, San Francisco, Calif.

D. (6) $128.03. E. (9) $390.02.

A. John J. Nangle, 1625 I Street NW., Suite 1001, Washington, D.C. 20006.

B. National Association of Independent, Insurers, 2600 River Road, Des Plaines, Ill. 60018.

D. (6) $1,250. E. (9) $250.

A. Bernard Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.

B. Computer & Communications Industry Association, 1500 Wilson Boulevard, Suite 512, Arlington, Va. 22209.

E. (9) $8.20.

A. National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C. 20005.

D. (6) $93. E. (9) $93.

A. National Air Carrier Association, 1730 M Street NW. Suite 710, Washington, D.C. 20036.

A. National Association for Free Enterprise, 1101 New Hampshire Avenue NW., Suite 107, Washington, D.C. 20037.

A. National Association for Humane Legislation, Inc., 675 Pinellas Point Drive South, St. Petersburg, Fla. 33705.

D. (6) $237.68. E. (9) $42.88.

A. National Association of Air Traffic Specialists, Inc., Suite 415, Wheaton Plaza North, Wheaton, Md. 20902.

D. (6) $73,292.34. E. (9) $4,775.66.

A. National Association of Electric Cos., 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.

D. (6) $43,374. E. (9) $10,758.

A. National Association of Farmer Elected Committeemen, c/o Tom B. Cunningham, Sr., Rural Route 5, Darlington, S.C. 29532.

D. (6) $1,864.17. E. (9) $1,864.17.

A. National Association of Independent Lumbermen, 1050 17th Street NW., Washington, D.C. 20036.

D. (6) $35,937.94. E. (9) $29,212.

A. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $1,289,676.06. E. (9) $73,014.47.

A. National Association of Manufacturers, 1776 F Street NW., Washington, D.C.

D. (6) $58,170.26. E. (9) $58,170.26.

A. National Association of Mutual Insurance Cos., 2511 East 46th Street, Suite H, Indianapolis, Ind. 46205.

A. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.

D. (6) $7,955.32. E. (9) $7,955.32.

A. National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street NW., Washington, D.C. 20036.

D. (6) $1,611.30. E. (9) $1,611.30.

A. National Association of Railroad Passengers, 417 New Jersey Avenue SE., Washington, D.C. 20003.

D. (6) $25,886.33. E. (9) $23,928.34.

A. National Association of Realtors, 430 North Michigan Avenue, Chicago, Ill. 925 15th Street NW, Washington, D.C.

E. (9) $19,193.23.

A. National Association of Wheat Growers, 1030 15th Street NW., Suite 1030, Washington, D.C. 20005.

D. (6) $11,406.24. E. (9) $7,074.98.

A. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22030.

D. (6) $251,172.71. E. (9) $4,526.82.

A. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.

D. (6) $1,650. E. (9) $1,650.

A. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

D. (6) $12,668.75. E. (9) $12,668.75.

A. National Citizens Communications Lobby, P.O. Box 19101, Washington, D.C. 20036.

D. (6) $132.50. E. (9) $183.79.

A. National Committee Against Repressive Legislation, 1250 Wilshire Boulevard, Los Angeles, Calif., 90017.

D. (6) $411.50. E. (9) $3,729.53.

A. National Committee for a Human Life Amendment, Inc., 1707 L Street NW. No. 400, Washington, D.C. 20036.

D. (6) $179,535.45. E. (9) $7,340.88.

A. National Committee for Research in Neurological & Communicative Disorders, 927 National Press Building, Washington, D.C. 20045.

D. (6) $12,705. E. (9) $7,636.19.

A. National Committee on Locks & Dam 26, 1129 20th Street NW., No. 512, Washington, D.C. 20036.

D. (6) $64,156.17. E. (9) $47,769.20.

A. National Consumer Finance Association, 1000 16th Street NW., Washington, D.C. 20036.

E. (9) $230.

A. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $16,199.95. E. (9) $16,199.95.

A. National Council for a Responsible Firearms Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $511.94. E. (9) $65.

A. National Counsel Associates, Inc., 421 New Jersey Avenue SE., Washington, D.C. 20003.

B. Domestic Wildcatters Association, 900 First National Bank Building, Houston, Tex. 77002.

D. (6) $2,000. E. (9) $2,270.76.

A. National Counsel Associates, Inc., 421 New Jersey Avenue SE., Washington, D.C. 20003.

B. Electronic Memories & Magnetics, 1880 Century Park East, Los Angeles, Calif. 90067.

D. (6) $750. E. (9) $82.58.

A. National Counsel Associates, Inc., 421 New Jersey Avenue SE., Washington, D.C. 20003.

B. Western Railroad Association, 222 South Riverside Plaza, Chicago, Ill. 60606.

D. (6) 5,666,67. E. (9) $1,478.71.

A. The National Ecumenical Coalition, Inc., Georgetown Station, P.O. Box 3554, Washington, D.C. 20007.

E. (9) $225.

A. National Electrical Manufacturers Association, 2101 L Street NW., Washington, D.C. 20037.

A. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

D. (6) $2,437.65. E. (9) $2,437.65.

A. National Grain & Feed Association, 725 15th Street NW., Washington, D.C. 20005.

E. (9) $19.32.

A. National Guard Association of the United States, 1 Massachusetts Avenue NW., Washington, D.C. 20001.

D. (6) $5,625. E. (9) $2,736.06.

A. National Home Furnishings Association, 405 Merchandise Mart, Chicago, Ill. 60654.

E. (9) $250.

A. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

D. (6) $9,971.40 E. (9) $9,971.40.

A. National Livestock Feeders Association, Inc., 309 Livestock Exchange Building, Omaha, Nebr., 68107.

D. (6) $11,308.58. E. (9) $11,,308.58.

A. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

D. (6) $5,367.93. E. (9) $5,367.93.

A. National Motor Sports Committee of ACCUS, Suite 302, 1725 K Street NW., Washington, D.C. 20006.

D. (6) $5,000. E. (9) $2,851.59.

A. National Oil Jobbers Council, 1750 New York Avenue NW., Suite 230, Washington, D.C. 20006.

D. (6) $155,432.45. E. (9) $30,055.63.

A. National Organization for the Reform of Marijuana Laws (NORML), 2317 M Street NW., Washington, D.C. 20037.

D. (6) $64,235. E. (9) $100,772.65.

A. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.

E. (9) $2,120.

A. National Rifle Association of America 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $4,423.61. E. (9) $34,592.27.

A. National Right To Work Committee, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.

D. (6) $5,333. E. (9) $5,333.

A. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

E. (9) $4,040.66.

A. National Savings & Loan League, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.

D. (6) $213,296. E. (9) $1,768.

A. National Security Traders Association, Inc., 55 Broad Street, New York, N.Y. 10004.

E. (9) $1,602.30.

A. National Small Business Association, 1225 19th Street NW., Washington, D.C. 20036.

D. (6) $5,000. E. (9) $2,562.52.

A. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

D. (6) $12,500. E. (9) $11,900.

A. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

E. (9) $5,224.38.

A. National Solid Waste Management Association, 1120 Connecticut Avenue NW., No. 930, Washington, D.C. 20036.

A. National Telephone Cooperative Association, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.

E. (9) $3,830.

A. National Tire Dealers & Retreaders Association, 1343 L Street NW., Washington, D.C. 20005.

D. (6) $1,620. E. (9) $1,620.

A. National Women's Christian Temperance Union, 1730 Chicago Avenue, Evanston, Ill. 60201.

D. (6) $2,026.85. E. (9) $1,634.99.

A. Natural Gas Supply Committee, 1025 Connecticut Avenue NW., No. 505, Washington, D.C. 20036.

D. (6) $195,500. E. (9) $23,272.10.

A. Nazario & Ortiz-Daliot, 1028 Connecticut Avenue NW., Suite 520, Washington, D.C. 20036.

B. Municipality of Mayaguez, P.R., Mayaguez, P.R. 00708.

E. (9) $185.

A. Alexander W. Neale, Jr., Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.

B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.

D. (6) $1,940. E. (9) $8,378.65.

A. Alan M. Nedry, 1801 K Street NW., No. 1041, Washington, D.C. 20006.

B. Southern California Edison Co., P.O. Box 800, Rosmead, Calif. 91770.

D. (6) $250. E. (9) $125.

A. Frances E. Neely, 245 Second Street NE., Washington, D.C.

B. The Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.

D. (6) $2,301.

A. Stanley Nehmer, Suite 800, 1101 17th Street NW., Washington, D.C. 20036.

B. American Footwear Industries Association, 1611 North Kent Street, Arlington, Va. 22209.

D. (6) $750. E. (9) $500.

A. Stanley Nehmer, Suite 800, 1101 17th Street NW., Washington, D.C. 20036.

B. International Leather Goods, Plastics & Novelty Workers' Union, 265 West 14th Street, New York, N.Y. 10011.

D. (6) $250. E. (9) $225.

A. Stanley Nehmer, Suite 800, 1101 17th Street NW., Washington, D.C. 20036.

B. National Handbag Association, 350 Fifth Avenue, New York, N.Y. 10016.

D. (6) $250. E. (9) $225.

A. Connie M. Nelson, 1800 K Street NW., Washington, D.C. 20006.

B. Hercules, Inc., 910 Market Street, Wilmington, Del. 19899.

D. (6) $61.62. E. (9) $28.

A. Louis James Nelson III, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $925.

A. Robert W. Nelson, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $160.

A. Ivan A. Nestingen, 1010 16th Street NW., Suite 700, Washington, D.C. 20036.

B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.

D. (6) $100. E. (9) $6.

A. Network, 224 D Street SE., Washington, D.C. 20003.

D. (6) $21,641.31. E. (9) $3,958.46.

A. W. E. Neumeyer, Suite 900, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. GTE Service Corp., 1 Stamford Forum, Stamford, Conn. 06904.

D. (6) $140. E. (9) $203.39.

A. Robert B. Neville, 1155 15th Street NW., Suite 505, Washington, D.C. 20005.

B. National Restaurant Association, 1155 15th Street NW., Washington, D.C., 1 IBM Plaza, Suite 2600, Chicago, Ill.

D. (6) $2,500. E. (9) $2,559.47.

A. Louis H. Nevins, 1709 New York Avenue NW., Suite 200, Washington, D.C. 20006.

B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.

D. (6) $2,812.50. E. (9) $1,173.20.

A. New Directions, 2021 L Street NW., Washington, D.C. 20036.

D. (6) $135,322.44. E. (9) $18,444.30.

A. Harold Frank Newman, 900 17th Street NW., Washington, D.C. 20006.

B. Kaiser Foundation Health Plan, Inc., 900 17th Street NW., Washington, D.C. 20006.

D (6) $7,509.61. E. (9) $1,500.

A. Charles E. Nichols, 101 Constitution Avenue NW., Washington, D.C. 20001.

B. United Brotherhood of Carpenters & Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.

D. (6) $1,245.47. E. (9) $247.93.

A. F. Clayton Nicholson, Box 15, Route 1, Henryville, Pa. 18332.

B. Northern Helex Co., 2223 Dodge Street, Omaha, Nebr. 68102.

D. (6) $825. E. (9) $278.

A. Edwin J. Nielson, United Airlines, 1825 K Street NW., No. 607, Washington, D.C. 20006.

B. United Airlines, P.O. Box 66100, Chicago, Ill. 60666.

D. (6) $1,500. E. (9) $308.30.

A. Donald R. Niemi, Caterpillar Tractor Co., 100 North Adams Street, Peoria, Ill. 61629.

B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.

D. (6) $936. E. (9) $1,201.72.

A. Patrick J. Nilan, 817 14th Street NW., Washington, D.C. 20005.

B. American Postal Workers Union, AFL-CIO, 817 14th Street NW., Washington, D.C. 20005.

D. (6) $10,773.49. E. (9) $2,058.16.

A. NL Industries, Inc., 1221 Avenue of the Americas, New York, N.Y. 10020.

E. (9) $3,000.

A. Elaine S. Nogay, 1625 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Can Manufacturers Institute, 1625 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $100. E. (9) $20.

A. Charles M. Noone, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Association of Small Business Investment Cos., 512 Washington Building, Washington, D.C. 20005.

D. (6) $1,500. E. (9) $181.50.

A. Andrea K. Nordell, 1730 Rhode Island Avenue NW., Suite 911, Washington, D.C. 20036.

B. St. Joe Minerals Corp., 250 Park Avenue, New York, N.Y. 10017.

D. (6) $875. E. (9) $21.75.

A. Norfolk & Western Railway Co., 8 North Jefferson Street, Roanoke, Va. 24042.
E. (9) $1,499.44.

A. Richard B. Norment IV, 2 Militia Drive, Lexington, Mass. 02173.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $475.

A. Robert H. North, 910 17th Street NW., Washington, D.C. 20006.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.
E. (9) $946.94.

A. Northeast Utilities Service Co., Selden Street, Berlin, Conn. 06037.
E. (9) $759.36.

A. Victor L. Nutt, 600 New Hampshire Avenue NW., Suite 920, Washington, D.C. 20037.
B. Gulf & Western Industries, Inc., 600 New Hampshire Avenue NW., Suite 920, Washington, D.C. 20037.
D. (6) $400.

A. Seward P. Nyman, 20 Chevy Chase Circle, Washington, D.C. 20015.
B. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C. 20015.
D. (6) $650.

A. Mary E. Oakes, 1800 K Street NW., Washington, D.C. 20006.
B. Hercules Inc., 910 Market Street, Wilmington, Del. 19899.
D. (6) $468. E. (9) $292.10

A. Dallin H. Oaks, Brigham Young University, Provo, Utah 84602.
B. Brigham Young University, Provo, Utah 84602.

A. Coleman C. O'Brien, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $2,362.50 E. (9) $56.25.

A. John F. O'Brien, Connecticut Petroleum Council, 410 Asylum Street, Hartford, Conn. 06103.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $300. E. (9) $351.58.

A. Raymond V. O'Brien, International Telephone & Telegraph Corp., 1707 L Street NW., Washington, D.C. 20036.
B. International Telephone & Telegraph Corp., 320 Park Avenue, New York, N.Y. 10022.
D. (6) $86.50. E. (9) $15.

A. W. Brice O'Brien, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $174.48. E. (9) $40.

A. G. H. Ochenrider, Grumman Aerospace Corp., 1600 Wilson Boulevard, Arlington, Va. 22209.
B. Grumman Aerospace Corp., Bethpage, Long Island, N.Y. 11714.
D. (6) $2,500. E. (9) $1,100.

A. William B. O'Connell, 111 East Wacker Drive, Chicago, Ill. 60601.
B. United States League of Savings associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $1,450. E. (9) $1,158.46.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Suite 600, Washington, D.C. 20006.
B. American Clinical Laboratory Association, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $3,750. E. (9) $168.28.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Public Transit Association, 1100 17th Street NW., Washington, D.C. 20036.
D. (6) $3,750. E. (9) $319.23.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Automotive Parts and Accessories Association, Inc., 1025 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $300. E. (9) $13.75.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Condren, Walker & Co., Inc., 9 West 57th Street, New York, N.Y. 10019.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Exxon Co., U.S.A., a Division of Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Hennepin County, 2300 Government Center, Minneapolis, Minn. 55487.
D. (6) $4,290. E. (9) $471.93.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Hospital Financing Study Group, New York, N.Y.
D. (6) $750. E. (9) $142.26.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Investors Diversified Services, Inc., Suite 2900, IDS Tower, Minneapolis, Minn. 55402.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Lehigh Coal & Navigation Co., Minneapolis, Minn.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Minneapolis City Council, 307 City Hall, Minneapolis, Minn. 55415.
D. (6) $4,810. E. (9) $667.25.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Association of Church and Institutional Financing Organizations, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $375. E. (9) $46.05.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Committee on Locks and Dam 26, 1129 20th Street NW., Washington, D.C. 20036.
D. (6) $375. E. (9) $15.

A. O'Connor & Hannann, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.

A. L. L. O'Connor, 20 North Wacker Drive, Chicago, Ill. 60606.
B. Profit Sharing Council of America, 20 North Wacker Drive, Chicago, Ill. 60606.

A. Robert C. Odle, Jr., International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.
B. International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $400. E. (9) $100.

A. John A. O'Donnell, 1001 Connecticut Avenue NW., No. 716, Washington, D.C. 20036.
B. Philippine Sugar Institute.
D. (6) $3,000. E. (9) $3,250.

A. Patrick E. O'Donnell, 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.
D. (6) $300. E. (9) $350.

A. Neil H. Offen, 1730 M Street NW., Washington, D.C. 20036.
B. Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $2,816. E. (9) $492.50.

A. Jane O'Grady, Amalgamated Clothing & Textile Workers Union, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
B. Amalgamated Clothing & Texile Workers Union, AFL–CIO, 15 Union Square, New York, N.Y. 10003.
D. (6) $6,284.92 E. (9)$408.76.

A. Bartley O'Hara, 25 Louisiana Avenue NW., Washington, D.C. 20001.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.
D. (6) $7,500.

A. James G. O'Hara, Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.
D. (6) $781.25. E. (9) $2.

A. Oil Investment Institute, P.O. Box 8293, Washington, D.C. 20024.

A. Robert Spencer O'Leary, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $2,375.01. E. (9) $1,136.89.

A. Alvin E. Oliver, 725 15th Street NW., Room 500, Washington, D.C. 20005.
B. National Grain & Feed Association. P.O. Box 28328, Washington, D.C. 20005.
D. (6) $38.78. E. (9) $2.50.

A. Roy S. Olson, 260 Madison Avenue, New York, N.Y., 10016.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. George C. P. Olsson, 25 Clifford Place, Plymouth, Mass. 02360.
B. Ocean Spray Cranberries, Inc., Hanson, Mass. 02341.
D. (6) $337.50.

A. Samuel Omasta, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
E. (9) $21.52.

A. John F. O'Neal, 600 New Hampshire Avenue NW., No. 952, Washington, D.C. 20037.
B. Wheat and Wheat Foods Foundation, 14 East Jackson Boulevard, No. 1010, Chicago, Ill. 60604.
D. (6) $1,260. E. (9) $107.53.

A. Charles T. O'Neill, Jr., American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,000. E. (9) $315.96.

A. Organization of Professional Employees of the Department of Agriculture (OPEDA), Room 1247–S, Department of Agriculture Building, Washington, D.C. 20250.

D. (6) $1,520.85. E. (9) $1,165.48.

A. John L. Oshinski, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.

B. United Steelworkers of America, 5 Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $6,189.67. E. (9) $617.41.

A. Roland A. Ouellette, 1660 L Street NW., Suite 501, Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

D. (6) $3,600. E. (9) $4,434.11.

A. Raymond S. Page, Jr., Mill Creek Terrace, Gladwyne, Pa. 19035.

B. Campbell Soup Co., Campbell Place, Camden, N.J. 08101.

A. Fred Panzer, 1776 K Street NW., Washington, D.C. 20006.

B. Tobacco Institute, Inc., 1776 K Street NW., No. 1200, Washington, D.C. 20006.

D. (6) $550. E. (9) $230.

A. G. Oliver Papps, New Jersey Petroleum Council, 170 West State Street, Trenton, N.J. 08608.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Lew M. Paramore, Mo-Ark Basins Flood Control & Conservation Association, P.O. Box 1160, Kansas City, Kans. 66117.

B. Mo-Ark Basins Flood Control & Conservation Association, P.O. Box 1160, Kansas City, Kans. 66117.

A. Paraplegia Cure Research, 100 Maryland Avenue NE., Washington, D.C. 20002.

D. (6) $191.25. E. (9) $100.43.

A. Herschell E. Parent, Arkansas Petroleum Council, 302 Commercial National Bank Building, Little Rock, Ark. 72201.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Kimberly C. Parker, 1730 K Street NW., Suite 1101, Washington, D.C. 20006.

B. National Treasury Employees Union, 1730 K Street NW., Suite 1101, Washington, D.C. 20006.

D. (6) $3,197.92. E. (9) $122.10.

A. Michael J. Parker, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $850.

A. Paul Parkhurst, Chevron U.S.A., Inc., 1700 K Street NW., Suite 1204, Washington, D.C. 20006.

B. Chevron U.S.A., Inc., 1700 K Street NW., Suite 1204, Washington, D.C. 20006.

D. (6) $150. E. (9) $75.

A. Robert D. Partridge, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $483.38.

A. Nicholas D. Pasco, 600 New Hampshire Avenue NW., Suite 420, Washington, D.C. 20037.

B. Shipbuilders Council of America, 600 New Hampshire Avenue NW., Suite 420, Washington, D.C. 20037.

D. (6) $400. E. (9) $212.

A. Howard G. Paster, 1125 15th Street NW., Washington, D.C. 20005.

B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 8000 East Jefferson Avenue, Detroit, Mich. 48214.

D. (6) $5,956.59. E. (9) $472.69.

A. Kenton Pattie, 3150 Spring Street, Fairfax, Va. 22030.

B. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22030.

D. (6) $1,993.85.

A. David J. Pattison, 1750 K Street NW., Washington, D.C. 20006.

B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.; 919 Third Avenue, New York.; 332 South Michigan Avenue, Chicago, Ill.

D. (6) $153.75. E. (9) $53.86.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

D. (6) $2,400.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. Ad Hoc Committee of Zonal Electric Heating Manufacturers, 150 Avenue L, Newark, N.J.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. Alyeska Pipeline Service Corp., P.O. Box 576, Bellevue, Wash. 98004.

D. (6) $700.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20336.

B. American Guild of Authors & Composers, 50 West 57th Street, New York, N.Y. 10019.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. American Imported Automobile Dealers Association, 1129 20th Street NW., Washington, D.C. 20036.

D. (6) $400. E. (9) $20.25.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. American Maritime Association, 17 Battery Place, New York, N.Y. 10004.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. American Society of Association Executives, 1101 16th Street NW., Washington, D.C. 20006.

D. (6) $1,400. E. (9) $75.95.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. Armco Steel Corp., General Offices, Middletown, Ohio 45042.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. Association of Oil Pipelines, 1725 K Street NW., Washington, D.C. 20006.

D. (6) $1,447.50.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. Association of Trial Lawyers of America, 20 Garden Street, Cambridge, Mass.

D. (6) $1,400.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. Boating Industry Association, 401 North Michigan Ave., Chicago, Ill. 60601; National Association of Engine and Boat Manufacturers, P.O. Box 5555, Grand Central Station, New York, N.Y. 10017.

D. (6) $558.75.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. Central American Sugar Council, 1200 17th Street NW., Washington, D.C. 20036.

D. (6) $685. E. (9) $72.75.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. Chicago Board Options Exchange, LaSalle at Jackson, Chicago, Ill. 60604.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. Council of State Chambers of Commerce, 1028 Connecticut Avenue NW., Suite 1018, Washington, D.C. 20036.

D. (6) $100.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. Donaldson, Lufkin & Jenrette, Inc., 140 Broadway, New York, N.W. 10005.

D. (6) $280.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. Energy Advances, Inc., 1375 Perry Street, Columbus, Ohio 43201.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. Hobby Industry of America, 200 Fifth Avenue, New York, N.Y. 10010.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. Institute of Scrap Iron & Steel, Inc., 1729 H Street NW., Washington, D.C. 20006.

D. (6) $477.50.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. Landmark Services, Inc., 900 Ohio Drive SW., Washington, D.C. 20024.

D. (6) $280.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. LOOP, Inc., 1010 Common Street, 350 Bank of New Orleans Building, New Orleans, La. 70112.

D. (6) $200.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. Machinery Dealers National Association, 1400 20th Street NW., Washington, D.C. 20036.

D. (6) $540.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. Mail Order Association of America, P.O. Box 7047, Alexandria, Va. 22307.

D. (6) $250.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. National Medical Care, Inc., 560 Sylvan Avenue, Englewood Cliffs, N.J. 07632.

E. (9) $200.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. New Process Co., 220 Hickory Street, Warren, Pa., 17365.

D. (6) $1,000.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. Northwest Pipeline Corp., 315 East 200 South, Salt Lake City, Utah 84111.

D. (6) $12,531.25. E. (9) $800.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. Pyrotechnic Signal Manufacturers Association, Inc., 1730 K Street NW., Suite 1300, Washington, D.C. 20006.

D. (6) $100.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Ralston-Purina Co., Checkerboard Square, St. Louis, Mo. 63188.
D. (6) $140.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Reader's Digest Association, Inc., Pleasantville, N.Y. 10570.
D. (6) $2,000.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Reading Co., Reading Terminal, 12th and Market Streets, Philadelphia, Pa. 19107.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. State of Louisiana, Department of Conservation, P.O. Box 44275, Baton Rouge, La. 70804.
E. (9) $943.97.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Tax Corp. of America, 2441 Honolulu Avenue, Montrose, Calif. 91020.

A. Patton, Boggs and Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Uncle Ben's, Inc., 1300 Westheimer Boulevard, Houston, Tex. 77001.
D. (6) $1,775. E. (9) $500.

A. Patton, Boggs and Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Wometco Enterprises, Inc., 306 North Miami Avenue, Miami, Fla. 33128.
D. (6) $260.

A. Peabody, Rivlin, Lambert & Myers, 1150 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036.
B. Longines-Wittnauer Watch Co., 145 Huguenot Street, New Rochelle, N.Y. 10810.

A. Peabody, Rivlin, Lambert & Myers, 1150 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036.
B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa. 15222.

A. Earl G. Peacock, 900 17th Street NW., Suite 1006, Washington, D.C. 20006.
B. Kaiser Engineers, a Division of Henry J. Kaiser Co., Kaiser Center, 300 Lakeside Drive, Oakland, Calif. 94666.
D. (6) $4,000. E. (9) $825.

A. James M. Peirce, Jr., 1016 16th Street NW., Washington, D.C.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
E. (9) $538.34.

A. Pennsylvania Power and Light Co., 2 North Ninth Street, Allentown, Pa. 18101.
E. (9) $817.17.

A. Pennzoil Co., P.O. Box 2967, Houston, Tex.
E. (9) $7,250.

A. Dominic V. Pensabene, Chevron U.S.A., Inc., 1700 K Street NW., Washington, D.C. 20006.
B. Chevron U.S.A., Inc., a subsidiary of Standard Oil Co. of California, 1700 K Street NW., Washington, D.C. 20006.
D. (6) $50. E. (9) $25.

A. Pepper, Hamilton & Scheetz, 1776 F. Street NW., Suite 200, Washington, D.C. 20006.
B. Volkswagen Manufacturing Corp., of America, 2400 Ardmore Boulevard, Forest Hills, Pa. 15221.
E. (9) $1,259.50.

A. J. Carter Perkins, Shell Oil Co., Suite 200, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Shell Oil Co., One Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.
D. (6) $1,000.

A. Susan Perry, American Public Transit Association, 1100 17th Street NW., Washington, D.C. 20036.
B. American Public Transit Association, 1100 17th Street NW., Washington, D.C. 20036.
D. (6) $2,100. E. (9) $1,090.06.

A. Mary B. Peterson, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,000. E. (9) $1,244.12.

A. Russell W. Peterson, New Directions, 2021 L Street NW., Washington, D.C. 20036.
B. New Directions, 2021 L Street NW., Washington, D.C. 20036.
D. (6) $2,500.

A. Paul F. Petrus, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,200.

A. John Pfileger, Time, Inc., 888 16th NW., Washington, D.C.
B. Time, Inc., Time and Life Building, Rockefeller Center, New York, N.Y. 10020.
D. (6) $1,750. E. (9) $600.

A. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

A. John P. Philbin, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, NY. 10017.
D. (6) $1,500.

A. Scott H. Phillips, Howell Corp., 800 Houston Natural Gas Building, Houston, Tex. 77002.
B. Howell Corp., 800 Houston Natural Gas Building, Houston, Tex. 77002.

A. Sam Pickard, 1101 17th Street NW., Suite 604, Washington, D.C. 20036.
B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.
D. (6) $500. E. (9) $128.66.

A. Mari K. Pickett, 1620 I Street NW., Washington, D.C. 20006.
B. National BankAmericard, Inc., 555 California Street, San Francisco, Calif. 94126.
D. (6) $3,399. E. (9) $3,399.

A. Pierson, Ball & Dowd, 1200 18th Street NW., Washington, D.C. 20036.
B. Satellite Business Systems, 1750 K Street NW., Washington, D.C., 20006.
D. (6) $2,500.

A. Plains Cotton Growers, Inc., P.O. Box 10425, Lubbock, Tex. 79408.
D. (6) $153,392.76. E. (9) $1,350.

A. E. Rogers Pleasants, 1701 Pennsylvania Avenue NW., Suite 210, Washington, D.C. 20006.
B. E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, Del. 19898.
D. (6) $100. E. (9) $15.

A. Michael M. Pocost, New York State Petroleum Council, 551 Fifth Avenue, Room 718, New York, N.Y. 10017.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $413.79. E. (9) $299.38.

A. Harlan Pomeroy, 500 Southern Building, 1425 H Street NW., Washington, D.C. 20005.
B. Baker, Hostetler, Frost & Towers, P.O. Box 197, Wickliffe, Ohio 44092 (for Hall Chemical Co., 500 Southern Building, 15th and H Streets NW., Washington, D.C. 20005).

A. Frederick T. Poole, American Farm Bureau Federation 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $3,212. E. (9) $21.

A. S. J. Poray-Tucholski, P.O. Box 1681, Whittier, Calif. 90609.
B. Bermejo River Project Development Association, 15257, East Cedarsprings Drive, Whittier, Calif. 90609.

A. Everett O. Post, 1511 K Street NW., Washington, D.C. 20005.
B. National Association of Service Contractors, 1511 K Street NW., Washington, D.C. 20005.
D. (6) $250. E. (9) $14.05.

A. Edmond A. Potter, NCR Corp., 2301 Research Boulevard, Rockville, Md. 20850.
B. NCR Corp., 1700 South Patterson Boulevard, Dayton, Ohio 45479.
D. (6) $8,150. E. (9) $1,500.

A. Ramsay D. Potts, Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.
B. Investment Co. Institute, 1775 K Street NW., Washington, D.C. 20006.

A. Robert D. Powell, Suite 401, 734 15th Street NW., Washington, D.C. 20005.
B. National Business Aircraft Association, Inc., 1 Farragut Square South, Washington, D.C. 20006.

A. Carlton H. Power, 1918 North Parkway, Memphis, Tenn. 38112.
B. National Cotton Council of America. P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $849.99. E. (9) $37.07.

A. John J. Power, 101 Constitution Avenue NW., Washington, D.C. 20001.
B. United Brotherhood of Carpenters and Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.
D. (6) $3,798.34. E. (9) $140.

A. William C. Prather, United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.
D. (6) $678. E. (9) $100.

A. William Prendergast, Distilled Spirits Council of the United States, Inc., 1300 Pennsylvania Building, Washington, D.C. 20004.
B. Distilled Spirits Council of the United States, Inc., 1300 Pennsylvania Building, Washington, D.C. 20004.

A. Dan Prescott, Mid-Continent Oil & Gas Association, 1800 K Street NW., Washington, D.C. 20006.
B. Mid-Continent Oil & Gas Association, 1111 Thompson Building, Tulsa, Okla. 74103.
D. (6) $285. E. (9) $180.60.

A. Preservation Action, 2101 L Street NW., Suite 906, Washington, D.C. 20037.
D. (6) $5,107. E. (9) $4,520.52.

A. Lloyd T. Preslar, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc. (for Aerospatiale 37, Boulevard de Montmorency 75016 Paris, France), 1225 19th Street NW., Washington, D.C. 20036.

A. Forrest J. Prettyman, 730 15th Street NW., Washington, D.C. 20005.

B. Association of Bank Holding Cos., 730 15th Street NW., Washington, D.C. 20005.
D. (6) $562.50.

A. Arnold J. Prima, Jr., AIA, The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $1,200.

A. Jerry C. Pritchett, Mechanical Contractors Association of America, 5530 Wisconsin Avenue, Suite 750, Washington, D.C. 20015.
B. Mechanical Contractors Association of America, Inc., 5530 Wisconsin Avenue, Suite 750, Washington, D.C. 20015.

A. Profit Sharing Council of America, 20 North Wacker Drive, Chicago, Ill. 60606.

A. Proprietary Association, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $3,000. E. (9) $127.65.

A. Jerry Z. Pruzan, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $150. E. (9) $100.

A. Public Citizen's Tax Reform Research Group, 133 C Street SE., Washington, D.C. 20003.
D. (6) $2,704.04. E. (9) $2,704.04.

A. Public Employee Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $24,690.54. E. (9) $22,692.90.

A. Philip N. Pulizzi, Jr., 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $400.

A. Donald E. Purcell, 1725 K Street NW., Suite 903, Washington, D.C. 20006.
B. Outdoor Power Equipment Institute, 1725 K Street NW., Suite 903, Washington, D.C. 20006.
D. (6) $435. E. (9) $435.

A. Purcell, Hansen & Valdez, 1819 H Street NW., No. 203, Washington, D.C. 20006.
B. American Rice Growers Cooperative Association, Lake Charles, La. 70601.
D. (6) $500.

A. Purcell, Hansen & Valdez, 1819 H Street NW., No. 203, Washington, D.C. 20006.
B. American Rice, Inc., Houston, Tex. 77001.
D. (6) $1,000.

A. Purcell, Hansen & Valdez, 1819 H Street NW., No. 203, Washington, D.C. 20006.
B. L. T. Barringer and Co., Memphis, Tenn. 38101.
D. (6) $50.

A. Purcell, Hansen & Valdez, 1819 H Street NW., No. 203, Washington, D.C. 20006.
B. The Board of Trade of Kansas City, Mo., Inc., Kansas City, Mo. 64112.
D. (6) $200.

A. Purcell, Hansen & Valdez, 1819 H Street NW., No. 203, Washington, D.C. 20006.
B. National Agricultural Chemicals Association, Washington, D.C.
D. (6) $2,000.

A. Purcell, Hansen & Valdez, 1819 H Street NW., No. 203, Washington, D.C. 20006.
B. Planters Peanuts, Suffolk, Va. 23434.
D. (6) $1,000.

A. Purcell, Hansen & Valdez, 1819 H Street NW., No. 203, Washington, D.C. 20006.
B. United Rice Growers and Millers, Maxwell, Calif. 95955.
D. (6) $750.

A. Earle W. Putnam, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Howard Pyle, III, 1150 Connecticut Avenue NW., Suite 805, Washington, D.C. 20036.
B. RJR Industries, Inc., 401 North Main Street, Winston-Salem, N.C.
D. (6) $928.57. E. (9) $58.80.

A. Quality Management Committee, 1500 SW. Taylor, Portland, Oreg.
E. (9) $8,719.16.

A. William A. Quinlan, 3045 Riva Road, Annapolis, Md. 21401.
B. Associated Retail Bakers of America, 735 West Sheridan Road, Chicago, Ill. 60613.
D. (6) $109. E. (9) $14.17.

A. Quintana Refinery Co., P.O. Box 3331, Houston, Tex. 77001.

A. James H. Rademacher, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $835.14.

A. Alex Radin, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $545.60.

A. Railway Progress Institute, 801 North Fairfax Street, Alexandria, Va. 22314.

A. Donald A. Randall, 1000 Connecticut Avenue NW., Suite 1201, Washington, D.C. 20036.
B. Automotive Service Councils, Inc., Suite 112, 188 Industrial Drive, Elmhurst, Ill. 60126.
D. (6) $4,000. E. (9) $1,847.50.

A. Arthur G. Randol, 1750 K Street NW., Washington, D.C.
B. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.
D. (6) $1,106.25. E. (9) $36.86.

A. Jerry F. Rapp, 1155 15th Street NW., Suite 606, Washington, D.C. 20005.
B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10022.
D (6) $200.

A. D. Michael Rappoport, P.O. Box 1980, Phoenix, Ariz. 85001.
B. Salt River Project, P.O. Box 1980, Phoenix, Ariz. 85001.
D. (6) $2,230.80. E. (9) $1,885.90.

A. Magda Ratajski, P.O. Box 23652, L'Enfant Plaza Station, Washington, D.C. 20024.
B. Norfolk & Western Railway Co., 8 North Jefferson Street, Roanoke, Va. 24042.
D. (6) $546. E. (9)$200.

A. Carol L. Raulston, 1620 I Street NW., No. 700, Washington, D.C. 20006.
B. International Paper Co., 1620 I Street NW., Suite No. 700, Washington, D.C. 20006.
D. (6) $175.

A. G. J. Rauschenbach, Communications Satellite Corp., 950 L'Enfant Plaza SW., Washington, D.C. 20024.
B. Communications Satellite Corp., 950 L'Enfant Plaza SW., Washington, D.C. 20024.
D. (6) $1,500. E. (9) $825.

A. J. Gene Raymond, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
E. (9) $98.30.

A. Sydney C. Reagan, 6815 Prestonshire, Dallas, Tex. 75225.
B. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex. 75225.
D. (6) $150. E. (9) $1,103.73.

A. Susan E. Recce, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue, Washington, D.C. 20036.
D. (6) $337. E. (9) $46.91.

A. Timothy J. Redmon, American Optometric Association, 1730 M Street NW., Washington, D.C. 20036.
B. American Optometric Association, c/o Alvin Levin, O.D., 120 South Hanover Street, Carlisle, Pa. 17013.
D. (6) $1,030. E. (9) $749.11.

A. Campbell L. Reed, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Dwight C. Reed, National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $84.14. E. (9) $3.

A. Jerry Rees, 1030 15th Street NW., Suite 1030, Washington, D.C. 20005.
B. National Association of Wheat Growers. 1030, 15th Street NW., Washington, D.C. 20005.
D. (6) $1,510.80.

A. J. Mitchell Reese, P.O. Box 1166, Pittsburgh, Pa. 15230.
B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.
D. (6) $1,500. E. (9) $300.

A. Robert S. Reese, Jr., American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $6,000. E. (9) $1,077.68.

A. Reid & Priest, 1701 K Street NW., Washington, D.C. 20006.
B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
D. (6) $337.50. E. (9) $61.25.

A. J. E. Reinke, 1030 15th Street NW., Washington, D.C. 20005.
B. Eastern Air Lines, Inc., 1030 15th Street NW., Washington, D.C. 20005.
E. (9) $3,200.

A. Mark Reis, 620 C Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.
D. (6) $1,800.

A. W. W. Renfroe, 69 Fountain Place, Frankfort, Ky. 40601.
B. Kentucky Railroad Association, 69 Fountain Place, Frankfort, Ky. 40601.

A. Diane Rennert, 1707 L Street NW., Washington, D.C. 20036.

B. Association of American Publishers, 1707 L Street NW., Washington, D.C. 20036.
D. (6) $950. E. (9) $430.56.

A. Reproductive Freedom League, P.O. Box 11921, Lexington, Ky. 40511.
D. (6) $261.10. E. (9) $222.74.

A. The Retired Officers Association, 1625 I Street NW., Washington, D.C. 20006.
D. (6) $4,920.

A. Nancy C. Reynolds, 1625 I Street NW., Washington, D.C. 20006.
B. Boise Cascade Corp., 1625 I Street NW., Washington, D.C. 20006.
D. (6) $1,000. E. (9) $233.50.

A. W. A. Reynolds, 4400 Lincoln Boulevard, Suite 155, Oklahoma City, Okla. 73105.
B. Aerospatiale, 1225 19th Street NW., Washington, D.C. 20006.
D. (6) $1,100. E. (9) $1,108.25.

A. William A. Reynolds, 4400 Lincoln Boulevard, Suite 155, Oklahoma City, Okla. 73105.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Krauss-Maffei AG).
D. (6) $3,000. E. (9) $1,667.58.

A. William L. Reynolds, National Savings & Loan League, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.
B. National Savings & Loan League, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.
D. (6) $1,600. E. (9) $168.

A. Austin T. Rhoads, 910 17th Street NW., Washington, D.C. 20006.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.

A. C. Brewster Rhoads, Jr., Bell Telephone Co. of Pennsylvania, 15th floor, 1 Parkway, Philadelphia, Pa. 19102.
B. The Bell Telephone Co. of Pennsylvania, 1 Parkway, Philadelphia, Pa. 19102.
D. (6) $640. E. (9) $1,060.64.

A. Rice Genocide Research, P.O. Box 7307, Washington, D.C. 20044.
E. (9) $50.60.

A. Ronald C. Rice, 801 Northland Towers West, Southfield, Mich. 48075.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $1,500. E. (9) $7.

A. Theron J. Rice, Continental Oil Co., 1130 17th Street NW., No. 400, Washington, D.C. 20036.
B. Continental Oil Co., High Ridge Park, Stamford, Conn. 06904.

A. Maxwell E. Rich, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $625.

A. Alan H. Richardson, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $100.

A. Harry H. Richardson, 335 Austin Street, Bogalusa, La. 70427.
B. Louisiana Railroads, 335 Austin Street, Bogalusa, La.

A. Mark E. Richardson, 1611 North Kent Street, Arlington, Va. 22209.
B. American Footwear Industries Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.
D. (6) $270. E. (9) $250.

A. Warren S. Richardson, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $2,060.

A. Richard Ridgeway, 6730 South Shore Drive, Chicago, Ill. 60649.
E. (9) $108.

A. Peter S. Ridley, Jr., 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $525. E. (9) $25.

A. E. Philip Riggin, National Legislative Commission, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $204.15. E. (9) $204.15.

A. Judith Assmus Riggs, 733 15th Street NW., Washington, D.C. 20005.
B. Legal Services Corp., 733 15th Street NW., Washington, D.C. 20005.
D. (6) $985.15. E. (9) $81.10.

A. Morris A. Riley, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $1,750. E. (9) $176.

A. John S. Rippey, 730 15th Street NW., Washington, D.C. 20005.
B. Association of Bank Holding Companies, 730 15th Street NW., Washington, D.C. 20005.
D. (6) $500. E. (9) $36.90.

A. James E. Ritchie, 1776 F Street NW., Washington, D.C. 20006.
B. Gaming Industry Association of Nevada, Suite 1007, 1 East First Street, Reno, Nev. 89501.
D. (6) $830. E. (9) $440.

A. James E. Ritchie, 1776 F Street NW., Washington, D.C. 20006.
B. Nevada Resort Association, 932 East Sahara Avenue, Las Vegas, Nev. 89104.
D. (6) $1,670. E. (9) $880.

A. Stark Ritchie, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Geo. W. Ritter, 3914 King Arthur Road, Annandale, Va. 22003.
B. Alton Boxboard Co., Alton, Ill. 62002.
D. (6) $6,250. E. (9) $679.

A. RJR Industries, Inc., 401 North Main Street, Winston-Salem, NC. 27101.
E. (9) $5,822.42.

A. William Neale Roach, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $6,000. E. (9) $192.35.

A. Paul H. Robbins, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $1,500.

A. Kenneth Roberson, 193 Stuart Road, Valley Stream, N.Y. 11581.
B. Meat Importers Council of America, Inc., 1 Penn Plaza, New York, N.Y. 10001.

A. William S. Roberts, National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $25.

A. Robert Robertson, 1050 17th NW., Washington, D.C. 20036.
B. National Association of Independent Lumbermen, 1050 17th Street NW., Washington, D.C. 20036.
D. (6) $11,538.42. E. (9) $912.36.

A. Charles A. Robinson, Jr., 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $233.28.

A. James A. Rock, American Mining Congress, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $166.16. E. (9) $26.40.

A. Thomas G. Roderick, 1101 16th Street NW., Washington, D.C. 20036.
B. Consolidated Natural Gas Service Co., Inc., 4 Gateway Center, Pittsburgh, Pa. 15222.
E. (9) $92.80.

A. Mitchell A. Rofsky, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $2,750.

A. Donald L. Rogers, 730 15th Street NW., Washington, D.C. 20005.
B. Association of Bank Holding Co., 730 15th Street NW., Washington, D.C. 20005.
D. (6) $1,062.50.

A. Frank W. Rogers, 2101 L Street NW., Suite 635, Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $880.

A. Frank W. Rogers, 313 Cambridge Road, Alexandria, Va. 22314.
B. VETCO Offshore Industries, Inc., 5808 Telephone Road, Suite 201, Ventura, Calif. 93003.
D. (6) $150.

A. Terrence L. Rogers, American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $3,935.40. E. (9) $81.05.

A. Walter E. Rogers, Interstate Natural Gas Association of America, 1660 L Street NW., Sutite 601, Washington, D.C. 20036.
B. Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
D. (6) $1,000.

A. Rogers & Wells, 1666 K Street NW., Washington, D.C. 20006.

B. S. Shamash & Sons, Inc., 42 West 39 Street, New York, N.Y. 10018.

D. (6) $135.

A. John F. Rolph III, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,000.

A. Kenneth S. Rolston, Jr., 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. American Pulpwood Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Nicholas Roomy, Jr., P.O. Box 1986, Charleston, W. Va. 25327.

B. Appalachian Power Co., P.O. Box 1986, Charleston, W. Va., 25327; subsidiary of American Electric Power Co., Inc., 2 Broadway, New York, N.Y. 10004.

D. (6) $371.53. E. (9) $368.51.

A. James C. Rosapepe, 101 North Columbus Street, No. 400, Alexandria, Va. 22314.

B. Greer, Rosapepe & Associates (for Interfaith Center on Corporate Responsibility, 475 Riverside Drive, Room 566, New York, N.Y. 10027), 101 North Columbus Street, No. 400, Alexandria, Va. 22314.

D. (6) $1,700. E. (9) $140.37.

A. Larry M. Rosenstein, American Council of Life Insurance, Inc., 1730 Pennsylvania NW., Washington, D.C. 20006.

B. American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $100. E. (9) $50.

A. William F. Ross, South Carolina Petroleum Council, 716 Palmetto State Life Building, Columbia, S.C. 29201.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $321. E. (9) $546.02.

A. William C. Rountree, 1050 17th Street NW., Suite 650, Washington D.C. 20036.

B. Standard Oil Co. (an Ohio Corporation), Midland Building, Cleveland, Ohio 44115.

D. (6) $75. E. (9) $72.50.

A. Eugene F. Rowan, J. C. Penney Co., Inc., 1156 15th Street NW., Washington, D.C. 20005.

B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.

D. (6) $102. E. (9) $43.24.

A. John W. Rowland, 5025 Wisconsin Avenue NW., Washington D.C. 20016.

B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Kathryn Coe Royce, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Rifle Association, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $430.34. E. (9) $62.96.

A. Nicholas L. Ruggieri, Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washnigton, D.C. 20005.

B. Pharmaceutical Manufacturers Association, 1155 15th Street NW. Washington, D.C. 20005.

A. Leonard H. Ruppert, New Jersey Petroleum Council, 170 West State Street, Trenton, N.J. 08608.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Perry A. Russ, Society of American Florists and Ornamental Horticulturists, 901 North Washington Street, Alexandria, Va. 22314.

B. Society of American Florists & Ornamental Horticulturists, 901 North Washington Street, Alexandria, Va. 22314.

A. Albert R. Russell, P.O. Box 12285 Memphis, Tenn. 38112.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $4,511.72. E. (9) $325.45.

A. Robert M. Russell, 2170 Piedmont Road NE., Atlanta, Ga. 30324.

B. Orkin Exterminating Co., Inc., 2170 Piedmont Road NE., Atlanta, Ga. 30324.

D. (6) $550.

A. Whitfield A. Russell, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. Northern California Power Agency (cities of Alameda Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, Ukiah, and associate member Plumas-Sierra Rural Electric Cooperative).

A. Wally Rustad, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $200.

A. J. T. Rutherford & Associates, Inc., 1660 L Street NW., No. 514, Washington, D.C. 20036.

B. American Association of Bioanalysts/International Society of Clinical Laboratory Technicians, 800 Ambassador Building, St. Louis, Mo.

D. (6) $300. E. (9) $939.12.

A. J. T. Rutherford & Associates, Inc., 1660 L Street NW., No. 514, Washington, D.C. 20036.

B. American College of Radiology, 20 North Wacker Drive, Chicago, Ill. 60606.

D. (6) $300. E. (9) $1,529.32.

A. J. T. Rutherford & Associates, Inc., 1660 L Street NW., No. 514, Washington, D.C. 20036.

B. American Optometric Association, 1730 M. Street NW., Washington, D.C.

D. (6) $350. E. (9) $1,538.31.

A. Ella Marice Ryan, 1156 15th Street NW., Washington, D.C. 20005.

B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.

D. (6) $100. E. (9) $81.30.

A. John F. Ryan, International Telephone & Telegraph Corp., 1707 L Street NW., Washington, D.C. 20036.

B. International Telephone & Telegraph Corp., 320 Park Avenue, New York, N.Y. 10022.

D. (6) $64.50. E. (9) $8.50.

A. William H. Ryan, 1300 Connecticut Avenue NW., Washington, D.C. 20036.

B. International Association of Machinists & Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $4,125. E. (9) $98.01.

A. Fred J. Sacco, New Jersey Petroleum Council, 170 West State Street, Trenton, N.J. 08608

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $405. E. (9) $127.05.

A. Frank P. Sanders, 815 Connecticut Avenue NW., Washington, D.C.

B. The Flying Tiger Lines, Inc., Los Angeles International Airport, Los Angeles, Calif.

D. (6) $1,200.

A. Frank P. Sanders, 815 Connecticut Avenue NW., Washington, D.C.

B. The Signal Cos., Inc., 9665 Wilshire Boulevard, Beverly Hills, Calif. 90212.

D. (6) $650.

A. Charles E. Sandler, 2101 L Steet NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $1,500.

A. Peter G. Sandlund, Room 400, 919 18th Street NW., Washington, D.C. 20006.

B. Council of European and Japanese National Shipowners Associations, 30–32 St. Mary Axe, London EC3A 8ET, England.

D. (6) $300.

A. Santarelli, Sandground & Good, 1025 Connecticut Avenue NW., Suite 911, Washington, D.C. 20036.

B. Colt Firearms Division, 150 Huyshope Avenue, Hartford, Conn. 06102.

D. (6) $100.

A. Santarelli, Sandground & Good, 1025 Connecticut Avenue NW., Suite 911, Washington, D.C. 20036.

B. Sturm, Ruger & Co. Inc., Southport, Conn. 06490.

D. (6) $100.

A. Thomas H. Saunders, 1800 M Street NW., Suite 700 South Washington D.C. 20036.

B. The Dow Chemical Co., Midland, Mich. 48640.

A. Harold B. Say, 916 Prince Street, Alexandria, Va. 22314.

B. Veterans of World War I of the USA, Inc., 916 Prince Street, Alexandria, Va. 22314.

D. (6) $665.

A. Thomas T. Scambos, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc., (for Krauss-Maffeiag, Krauss-Maffei-Strasse 2, 8000 Muenchen 50, Federal Republic of Germany), 1225 19th Street NW., Washington, D.C. 20036.

D. (6) $259.55. E. (9) $8.50.

A. Henry Schacht, California Canners & Growers, 3100 Ferry Building, San Francisco, Calif. 94106.

B. California Canners & Growers, 3100 Ferry Building, San Francisco, Calif. 94106.

D. (6) $2,850. E. (9) $1,734.76.

A. Jacques T. Schlenger, 1800 Mercantile Bank & Trust Building, Two Hopkins Plaza, Baltimore, Md. 21201.

B. Maryland Savings-Share Insurance Corp., 901 North Howard Street, Baltimore, Md. 21201.

E. (9) $128.88.

A. Stephen I. Schlossberg, Suite 600, 1125 15th Street NW., Washington, D.C. 20005.

B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 8000 East Jefferson Avenue, Detroit, Mich. 48214.

D. (6) $11,357.49. E. (9) $1,128.10.

A. Richard M. Schmidt, Jr., 1920 L Street NW., Suite 700, Washington D.C.

B. Association of American Publishers, Inc., 1707 L Street NW., Suite 480, Washington, D.C. 20036.

D. (6) $500.

A. Robert L. Schmidt, 919 18th Street NW., Washington, D.C. 20006.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

D. (6) $206.00. E. (9) $35.

A. Terry L. Schmidt, Terry L. Schmidt Associates, Inc., 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. The American College of Emergency Physicians, 3900 Capitol City Boulevard, Lansing, Mich. 48906.

D. (6) $800.

A. Terry L. Schmidt, Terry L. Schmidt Associates, Inc., 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Hadley Memorial Hospital, 4601 Martin Luther King Avenue SW., Washington, D.C. 20032.

D. (6) $450.

A. Mahlon C. Schneider, Green Giant Co., Hazeltine Gates, Chaska, Minn. 55318.

B. Green Giant Co., Hazeltine Gates, Chaska, Minn. 55318.

D. (6) $250. E. (9) $392.89.

A. Frank Schneller, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Ronald F. Schrader, National Committee on Locks and Dam 26, 1129 20th Street NW., No. 512, Washington, D.C.

B. National Committee on Locks and Dam 26, 1129 20th Street NW., No. 512, Washington, D.C. 20036.

D. (6) $12,498.

A. N. Donald Schroeder, Maryland Petroleum Association, 60 West Street, Annapolis, Md. 21401.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Kathy J. Schroeher, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $1,196.29.

A. Robert L. Schulz, Iowa Petroleum Council, 1012 Fleming Building, Des Moines, Iowa 50309.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $360. E. (9) $365.96.

A. Donald H. Schwab, National Legislative Service, Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C. 20002.

B. Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington D.C. 20002.

D. (6) $3,125. E. (9) $112.55.

A. Evi Schwartz, P.O. Box H, Tuscaloosa, Ala. 35401.

B. Fallek-Lankro Corp., P.O. Box H, Tuscaloosa, Ala. 35401.

D. (6) $120. E. (9) $166.

A. Sydnee M. Schwartz, 900 15th Street NW., Washington, D.C. 20005.

B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

D. (6) $2,372.99. E. (9) $59.82.

A. Carl F. Schwensen, 1030 15th Street NW., Suite 1030, Washington, D.C. 20005.

B. National Association of Wheat Growers, 1030 15th Street NW., Suite 1030, Washington, D.C. 20005.

D. (6) $1,274.65.

A. Harold B. Scoggins, Jr., 1101 16th Street NW., Washington, D.C. 20036.

B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.

E. (9) $20.53.

A. Seagrave Corp., 350 Fifth Avenue, New York, N.Y.

E. (9) $3,000.

A. Durward Seals, 1019 19th Street NW., Washington, D.C. 20036.

B. United Fresh Fruit & Vegetable Association, 1019 19th Street NW., Washington, D.C. 20036.

D. (6) $400. E. (9) $52.34.

A. Earl W. Sears, P.O. Box 12285, Memphis, Tenn. 38112.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $1,125. E. (9) $68.54.

A. Self-Determination for District of Columbia, Room 300, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $195. E. (9) $2,801.

A. Roger D. Semerad, American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.

B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.

D. (6) $1,000. E. (9) $75.

A. Stanton P. Sender, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.

D. (6) $600. E. (9) $18.

A. J. Richard Sewell, 1701 K Street NW., Suite 503, Washington, D.C. 20006.

B. Florida Power & Light Co., P.O. Box 013100, Miami, Fla. 33101.

D. (6) $1,080. E. (9) $224.43.

A. Leo Seybold, Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.

B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.

D. (6) $1,575. E. (9) $95.51.

A. Robert L. Shafer, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Pfizer, Inc., 235 East 42d St., New York, N.Y. 10017.

D. (6) $450. E. (9) $360.

A. Barbara J. Shailor, 1851 Columbia Road, NW., Washington, D.C. 20009.

B. Energy Action Committee, 1523 L Street NW., Washington, D.C. 20005.

D. (6) $262.50.

A. James M. Shamberger, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Reinsurance Association of America, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

E. (9) $25.

A. Harry D. Shapiro, 1800 Mercantile Bank & Trust Building, Two Hopkins Plaza, Baltimore, Md. 21201.

B. Maryland Savings-Share Insurance Corp. 901 North Howard Street, Baltimore, Md. 21201.

E. (9) $128.88.

A. John J. Sharkey, Room No. 204, 1629 K Street NW., Washington, D.C. 20006.

B. Delta Air Lines, Inc., Hartsfield Atlanta International Airport, Atlanta, Ga. 30320.

D. (6) $909.48. E. (9) $123.92.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

B. Institute of Foreign Bankers, 489 Fifth Avenue, New York, N.Y.

D. (6) $4,666.67. E. (9) $141.79.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

B. National Committee on Locks and Dam 26, 1129 20th Street, NW., Washington, D.C. 20036.

D. (6) $532.50.

A. Shearman & Sterling, 53 Wall Street, New York, N.Y. 10005.

B. Citibank, N.A., 399 Park Avenue, New York, N.Y. 10022.

D. (6) $32,000. E. (9) $2,591.

A. John J. Sheehan, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.

B. United Steelworkers of America, Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $7,998.40. E. (9) $2,264.29.

A. Laurence P. Sherfy, American Mining Congress, 1100 Ring Building, Washington. D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C.

A. Norman R. Sherlock, Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.

B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.

D. (6) $2,708.75. E. (9) $596.35.

A. Shimano American Corp., 1133 Avenue of the Americas, New York, N.Y. 10036.

E. (9) $1,694.49.

A. Morris Shipley, Room No. 204, 1629 K Street NW., Washington, D.C. 20006.

B. Delta Air Lines, Inc., Hartsfield Atlanta International Airport, Atlanta, Ga. 30320.

D. (6) $740. E. (9) $33.

A. Harvey A. Shipman, Suite 700, 2021 K Street NW., Washington, D.C. 20006.

B. Penn Central Transportation Co., 1700 Market Street, Philadelphia, Pa. 19103.

A. Fred B. Shippee, American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.

B. American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.

A. James K. Shiver, 1629 K Street NW., Washington, D.C. 20006.

B. Diamond Shamrock Corp., Cleveland, Ohio.

A. W. Ray Shockley, American Textile Manufacturers Institute, Inc., 1150 17th Street NW., Suite 1001, Washington, D.C. 20036.

B. American Textile Manufacturers Institute, 400 South Tryon Street, No. 2124, Charlotte, N.C. 28285.

D. (6) $2,550. E. (9) $39.19.

A. L. J. Sichel, Abbott Laboratories, 1730 M Street NW., No. 808, Washington, D.C. 20036.

B. Abbott Laboratories, Abbott Park, North Chicago, Ill. 60064.

A. Margaret Siegel, 1625 L Street NW., Washington, D.C. 20036.

B. American Federation of State, County, and Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C. 20036.

D. (6) $5,306. E. (9) $291.32.

A. Bernard H. Sieracki, Illinois Petroleum Council, 200 East Randolph Drive, Suite 5106, Chicago, Ill. 60601.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $315. E. (9) $600.

A. Mark S. Sigurski, 1776 K Street NW., Suite 200, Washington, D.C. 20006.

B. Motorola, Inc., 1776 K Street NW., Suite 200, Washington, D.C.
D. (6) $250. E. (9) $200.

A. Harry G. Silleck, Jr., 20 Broad Street, New York, N.Y. 10008.
B. Trustees of Erie Lackawanna Railway Co., Midland Building, Cleveland, Ohio.

A. David Silver, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Co. Institute, 1775 K Street NW., Washington, D.C. 20006.

A. Silver Users Association, Inc., 1717 K Street NW., Washington, D.C. 20006.
D. (6) $4,727.50. E. (9) $2,606.82.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10002.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. Federal National Mortgage Association, 1133 15th Street NW., Washington, D.C. 20005.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. General American Transportation Co., 120 South Riverside Plaza, Chicago, Ill. 60606.
A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. Music Corp. of America, Inc., 100 Universal City Plaza, Universal City, Calif. 91608.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. National Association of Home Builders, 15th and M Streets NW., Washington, D.C.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. National Savings & Loan League, 1200 17th Street NW., Washington, D.C. 20036.

A. Stanley C. Simon, Simon & Twombly, 2 Turtle Creek Village, Dallas, Tex. 75219.
B. The Southland Corp., 2828 North Haskell Avenue, Dallas, Tex. 75204.
D. (6) $2,490. E. (9) $497.

A. Talmage E. Simpkins, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. AFL-CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
E. (9) $496.29.

A. Talmage E. Simpkins, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001
D. (6) $1,900. E. (9) $22.

A. Jean Head Sisco, American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $500.

A. Roma D. Skeen, Marathon Oil Co., 1800 M Street NW., Suite 975, Washington, D.C. 20036.
B. Marathon Oil Co., Findlay, Ohio 45840.
E. (9) $129.27.

A. Barney J. Skladany, Jr., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,125.
A. Carstens Slack, Phillips Petroleum Co., 1825 K Street NW., Washington, D.C. 20006.
B. Phillips Petroleum Co., Bartlesville, Okla. 74004.

A. William L. Slayton, American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $1500.

A. G. Bernard Siebos, United Airlines, 1825 K Street NW., No. 607, Washington, D.C. 20006.
B. United Airlines, P.O. Box 66100, Chicago, Ill. 60666.
D. (6) $2,000. E. (9) $295.00.

A. Jonathan W. Sloat, 1425 K Street NW., Suite 900, Washington, D.C. 20005.
B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Suite 900, Washington, D.C. 20005.

A. Allan F. Small, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
E. (9) $16.40.

A. Small Producers for Energy Independence, Suite 970, Fourth Financial Center, Wichita, Kans. 67202.
D. (6) $132,500.

A. Smathers, Symington & Herlong, 1700 K Street NW., Washington, D.C. 20006.
B. American Horse Council, Inc., 1700 K Street NW., Washington, D.C. 20006.
D. (6) $5,500. E. (9) $5,876.31.

A. Smathers, Symington & Herlong, 1700 K Street NW., Washington, D.C. 20006.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20006.
D. (6) $6,250. E. (9) $63.42.

A. Smathers, Symington & Herlong, 1700 K Street NW., Washington, D.C. 20006.
B. National Hockey League, Two Pennsylvania Plaza, New York, N.Y. 10001.
D. (6) $8,500. E. (9) $1,132.64.

A. Smathers, Symington & Herlong, 1700 K Street NW., Washington, D.C. 20006.
B. Pennzoil Co., Pennzoil Place, Houston, Tex. 77001.
D. (6) $6,000. E. (9) $28.08.

A. Donald E. Smiley, 1025 Connecticut Avenue NW., Suite 1014, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.
E. (9) $683.82.

A. Arthur J. Smith, Shell Oil Co., 1025 Connecticut Avenue, Suite 200, Washington, D.C. 20036.
B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. Gordon L. Smith, 818 18th Street NW., Washington, D.C. 20006.
B. Edward Gottlieb & Associates (for Florists' Transworld Delivery Association), 633 Third Avenue, New York, N.Y. 10017.

A. Gordon L. Smith, 818 18th Street NW., Washington, D.C. 20006.
B. Edward Gottlieb & Associates (for Hecon Corp., Flextime Division), 633 Third Avenue, New York, N.Y. 10017.

A. J. Kenneth Smith, Sun Co., Inc., Suite 320, 1800 K Street NW., Washington, D.C. 20006.
B. Sun Co., Inc., 100 Matsonford Road, Radnor, Pa. 19087.
D. (6) $5,500. E. (9) $1,250.

A. James R. Smith, 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.
B. The American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.
D. (6) $500. E. (9) $40.

A. Michael P. Smith, New York State Bankers Association, 485 Lexington Avenue, New York, N.Y. 10017.
B. New York State Bankers Association, 485 Lexington Avenue, New York, N.Y. 10017.
D. (6) $969. E. (9) $1,059.

A. Robert Bland Smith, Jr., American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $550. E. (9) $75.

A. Robert W. Smith, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.
D. (6) $1,900. E. (9) $129.80.

A. William H. Smith, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

A. Wayne N. Smithey, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
D. (6) $2,000. E. (9) $869.70.

A. Arthur V. Smyth, 1625 I Street NW., Washington, D.C. 20006.
B. Weyerhaeuser Co., Tacoma, Wash. 98401.
D. (6) $375. E. (9) $59.85.

A. Frank B. Snodgrass, 1100 17th Street NW., Suite 306, Washington, D.C. 20036.
B. Burley & Dark Leaf Tobacco Export Association, 1100 17th Street NW., Suite 306, Washington, D.C. 20036.
D. (6) $738.04.

A. Edward F. Snyder, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $2,487.

A. J. R. Snyder, United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.
B. United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.
E. (9) $150.

A. John M. Snyder, 1721 DeSales Street NW., Washington, D.C. 20036.
B. Citizens Committee for the Right To Keep and Bear Arms, Bellefield Office Park, 1601 114th SE., Suite 151, Bellevue, Wash. 98004.
D. (6) $4,050.

A. Society for Animal Protective Legislation, P.O. Box 3719, Georgetown Station, Washington, D.C. 20007.
D. (6) $6,853.66. E. (9) $5,164.62.

A. Carl A. Soderblom, Nevada Railroad Association, One East First Street, Suite 905, Reno, Nev. 89501.
B. Nevada Railroad Association, One East First Street, Suite 905, Reno, Nev. 89501.

A. S. L. Sommer & Associates, Inc, 1701 North Fort Myer Drive, Arlington, Va. 22209.

B. Northrop Corp., 1701 North Fort Myer Drive, Arlington, Va. 22209.

D. (6) $1,900. E. (9) $9,329.67.

A. Charles B. Sonneborn, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Association of Blue Shield Plans, 211 East Chicago Avenue, Chicago. Ill. 60611.

E. (9) $25.

A. Souther, Spaulding, Kinsey, Williamson & Schwabe, 1200 Standard Plaza, Portland, Oreg. 97204.

B. Quality Management Committee, 1500 Southwest Taylor, Portland, Oreg.

D. (6) $5,000. E. (9) $3,196.

A. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex. 75225.

D. (6) $2,894.98. E. (9) $2,894.98.

A. Charles E. Spahr, 1750 Midland Building, Cleveland, Ohio 44115.

B. The Standard Oil Co. (an Ohio corporation), Midland Building, Cleveland, Ohio. 44115.

D. (6) $190.62.

A. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex. 75225.

D. (6) $2,894.98. E. (9) $2,894.98.

A. Girardeau A. Spann, Public Citizen, Inc., 2000 P Street NW., Suite 700, Washington, D.C. 20036.

B. Public Citizen, Inc., Box 19404, Washington, D.C. 20036.

D. (6) $300. E. (9) $10.

A. Frank J. Specht, Schenley Distillers, Inc., 1725 DeSales Street NW., Washington, D.C. 20036.

B. Schenley Distillers, Inc., 888 Seventh Avenue, New York, N.Y. 10019.

A. John F. Speer, Jr., 1105 Barr Building, Washington, D.C. 20006.

B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 1105 Barr Building, Washington, D.C. 20006.

A. William C. Spence, P.O. Box 683, Houston, Tex. 77001.

B. Columbia Gulf Transmission Co., P.O. Box 683, Houston, Tex. 77001.

D. (6) $200. E. (9) $265.72.

A. George Spiegel, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. Northeast California Power Agency (cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, Ukiah, and associate member Plumas-Sierra Rural Electric Cooperative).

A. Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. Northern California Power Agency, 1400 Coleman Avenue, Santa Clara, Calif. 95050.

E. (9) $1,337.13.

A. Joseph L. Spilman, Jr., 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $483. E. (9) $100.

A. Harold L. Springer, 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Krauss-Maffei Ag Krauss-Maffei, Strasse 2, 8000 Muenchen 50, Federal Republic of Germany).

D. (6) $33.95. E. (9) $3.

A. James M. Sprouse, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Squibb Corp. 40 West 57th Street, New York, N.Y. 10019.

E. (9) $131.

A. John W. Sroka, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Lynn E. Stalbaum, 30 F Street NW., Washington, D.C. 20001.

B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

D. (6) $1,812.50. E. (9) $253.38.

A. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.

E. (9) $2,103.10.

A. Melvin L. Stark, American Insurance Association, Suite 415, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.

D. (6) $3,000. E. (9) $350.

A. Walter M. Starke, P.O. Box 2563, Birmingham, Ala. 35202.

B. Southern Natural Gas Co., P.O. Box 2563, Birmingham, Ala. 35202.

D. (6) $300. E. (9) $154.99.

A. State and Federal Associates, Inc., 1101 15th Street NW., Suite 303, Washington, D.C. 20005.

B. National Association of Convenience Stores, 5205 Leesburg Pike, Suite 305, Falls Church, Va. 22041.

D. (6) $1,000. E. (9) $10.20.

A. State and Federal Associates, Inc., 1101 15th Street NW., Suite 303, Washington, D.C. 20005.

B. Schering-Plough Corp., Galloping Hill Road, Kenilworth, N.J. 07033.

D. (6) $4,999.20. E. (9) $44.86.

A. Leon P. Stavrou, 1730 K Street NW., Washington, D.C. 20006.

B. American Hellenic Institute Public Affairs Committee, Inc., 1730 K Street NW., Suite 903, Washington, D.C. 20006.

D. (6) $12.

A. Eugene H. Stearns, American Petroleum Institute, 200 East Randolph Drive, Chicago, Ill. 60601.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Theodore P. Stein, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $1,858.34.

A. David J. Steinberg, National Council for a Responsible Firearms Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Council for a Responsible Firearms Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $600.

A. Kenneth F. Stinger, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $6,000. E. (9) $391.96.

A. Stephen A. Stitle, 1030 15th Street NW., Washington, D.C. 20005.

B. Eli Lilly and Co., 307 East McCarty Street, Indianapolis, Ind. 46206.

D. (6) $3,000. E. (9) $100.

A. B. R. Stokes, American Public Transit Association, 1100 17th Street NW., Washington, D.C. 20036.

B. American Public Transit Association, 1100 17th Street NW., Washington, D.C. 20036.

D. (6) $750. E. (9) $246.87.

A. William M. Stover, Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C. 20009.

B. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C. 20009.

D. (6) $1,000. E. (9) $100.

A. Sandra J. Strebel, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. The cities of Anaheim and Riverside, Calif.

A. John D. Stringer, 1776 F Street NW., Washington, D.C. 20006.

B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill. 60606.

E. (9) $3,030.

A. Roger J. Stroh, 1019 19th Street NW., Washington, D.C. 20036.

B. United Fresh Fruit & Vegetable Association, 1019 19th Street NW., Washington, D.C. 20036.

D. (6) $284.37. E. (9) $15.63.

A. George W. Strong, Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.

B. Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.

A. R. Keith Stroup, 2317 M Street NW., Washington, D.C. 20037.

B. NORML, 2317 M Street NW., Washington, D.C. 20037.

D. (6) $3,333.

A. Norman Strunk, 111 East Wacker Drive, Chicago, Ill. 60601.

B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.

D. (6) $1,687.50. E. (9) $497.52.

A. Richard L. Studley, Machinery Dealers National Association, 1110 Spring Street, Silver Spring, Md. 20910.

B. Machinery Dealers National Association, 1110 Spring Street, Silver Spring, Md. 20910.

A. Walter B. Stults, 512 Washington Building, Washington, D.C. 20005.

B. National Association of Small Business Investment Cos., 512 Washington Building, Washington, D.C. 20005.

D. (6) $2,400.

A. Eugene F. Sturgeon, 182 Crater Lane, Kensington, Conn.

B. Northeast Utilities Service Co., Selden Street, Berlin, Conn.

E. (9) $759.36.

A. Sullivan, Beauregard, Clarkson, Moss & Brown, 1800 M Street NW., Suite 925, Washington, D.C. 20036.

B. Newport News Shipbuilding & Dry Dock Co., 4101 Washington Avenue, Newport News, Va. 23607.

D. (6) $397.50. E. (9) $6.

A. Sullivan & Cromwell, 48 Wall Street, New York, N.Y. 10005.

B. Financial Accounting Foundation, High Ridge Park, Stamford, Conn. 06905.

E. (9) $158.

A. Roger H. Sullivan, Hawaiian Sugar Planters' Association, 723 Investment Building, Washington, D.C. 20005.
B. Hawaiian Sugar Planters' Association, Aiea, Hawaii.
E. (9) $44.

A. Susman, Stern, Heifetz, Lurie, Sheehan, Popkin & Chervitz, 7733 Forsyth Boulevard, Suite 2201, St Louis, Mo. 63105; 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. American Inland Waterways Committee, 7733 Forsyth Boulevard, Suite 2201, St. Louis, Mo. 63105.
D. (6) $25,000. E. (9) $4,569.56.

A. Susman, Stern, Heifetz, Lurie, Sheehan, Popkin & Chervitz, 7733 Forsyth Boulevard, Suite 2201, St. Louis, Mo. 63105; 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. Midland Enterprises, Inc., 1400 580 Building, Cincinnati, Ohio 45202.
D. (6) $3,750. E. (9) $132.22.

A. Susman, Stern, Heifetz, Lurie, Sheehan, Popkin & Chervitz, 7733 Forsyth Boulevard, Suite 2201, St. Louis, Mo. 63105; 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036
B. The Valley Line Co., 120 South Central, Clayton, Mo. 63105.
D. (6) $3,750. E. (9) $45.22.

A. S. Lynn Sutcliffe, 1220 19th Street NW., Washington, D.C.
B. Rocky Mountain Park Co., 2817 East Third Avenue, Denver, Colo. 80206.
D. (6) $310. E. (9) $4.

A. Sutherland, Asbil & Brennan, 1666 K Street NW., Washington, D.C. 20006; 3100 First National Bank Tower, Atlanta, Ga. 30303.
B. The Coca-Cola Bottlers' Association, 166 16th Street NW., Atlanta, Ga.

A. Glenn A. Swanson, Independent Bankers Association of America, 1625 Massachusetts Ave NW., Suite 203, Washington, D.C. 20036.
B. Independent Bankers Association of America, Sauk Centre, Minn. 56378.
D. (6) $43,465.20. E. (9) $8,206.23.

A. Irving W. Swanson, Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.
B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

A. David A. Sweeney, 25 Louisiana Avenue NW., Washington, D.C. 20001.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.
D. (6) $9,375.

A. John R. Sweeney, Solar Building, 1000 16th Street NW., Washington, D.C. 20036.
B. Bethlehem Steel Corp., Bethlehem, Pa. 18016.
D. (6) $250. E. (9) $125.75.

A. Robert Taft, Jr., 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Taft Broadcasting Co., 1906 Highland Avenue, Cincinnati, Ohio.

A. Robert Taft, Jr., 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, 600 Dixie Terminal Building, Cincinnati, Ohio 45202; Sisters of Charity of Cincinnati, Ohio.

A. Robert Taft, Jr., 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, 600 Dixie Terminal Building, Cincinnati, Ohio 45202; Werner Von Clemm, 214 East 17th Street, New York, N.Y. 10003.
D. (6) $2,500.

A. Norman Wilson Tanner, Jr., 1660 L Street NW., Suite 215-216, Washington, D.C. 20036.
B. Outdoor Advertising Association of America, Inc., 1660 L Street NW., Suite 215-216, Washington, D.C. 20036.
D. (6) $112. E. (9) $17.

A. Task Force Against Nuclear Pollution, Inc., P.O. Box 1817, Washington, D.C. 20013.
D. (6) $10,705.09. E. (9) $6,605.19.

A. Darold W. Taylor, 1130 17th Street NW., Washington, D.C. 20036.
B. National Clay Pipe Institute, P.O. Box 310, 350 West Terra Cotta Avenue, Crystal Lake, Ill. 60014.
D. (6) $150.

A. David K. Taylor, Jr., 1100 Connecticut Avenue NW., No. 1030, Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $375.

A. Frank A. Taylor, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
E. (9) $24.94.

A. Sid Taylor, National Taxpayers Union (NTU), 325 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. National Taxpayers Union, 325 Pennsylvania Avenue SE., Washington, D.C.
D. (6) $900. E. (9) $333.

A. Robert M. Teates, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washintgon, D.C. 20036.
E. (9) $4.91.

A. William K. Tell, Jr., 1050 17th Street NW., Washington, D.C. 20036.
B. Texaco, Inc., 135 East 42d Street, New York, N.Y. 10017.
D. (6) $50. E. (9) $731.02.

A. Paul Tendler, 2020 K Street NW., Suite 320, Washington, D.C. 20006.
B. Paul Tendler Associates, 2020 K. Street NW., Suite 320, Washington, D.C. 20006 (for National Federation of Licensed Practical Nurses, 250 West 57th Street, Suite 323, New York, N.Y. 10019).
D. (6) $1,500. E. (9) $1,955.02.

A. L. D. Tharp, Jr., Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
B. Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
D. (6) $300.

A. Wayne Thevenot, 1800 M. Street NW., Suite 375, Washington, D.C. 20036.
B. Kelso & Co., Inc., 111 Pine Street, San Francisco, Calif. 94111.
D. (6) $4,500.

A. John T. Thielke, Economics Laboratory, Inc., 4 Corporate Park Drive, White Plains, N.Y. 10604.
B. Economics Laboratory, Inc., Osborn Building, St. Paul, Minn. 55102.
D. (6) $2,500. E. (9) $429.72.

A. 13th Congressional District Action Committee, 22273 Bahl Street, Cupertino, Calif. 95014.
D. (6) $405. E. (9) $128.42.

A. Stephen M. Thomas, 100 Maryland Avenue NE,. Washington, D.C. 20002.
B. Council for a Livable World, 100 Maryland Avenue NE., Washington, D.C.
D. (6) $4,853.70.

A. Jerry P. Thompson, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
B. International Association of Machinists & Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $3,750.

A. Kenneth W. Thompson, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
B. Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
D. (6) $300.

A. Roger G. Thompson, 15th Street and Carter Avenue, Ashland, Ky. 41101.
B. Kentucky Power Co., 15th Street and Carter Avenue, Ashland, Ky. 41101.
D. (6) $437.50. E. (9) $1,128.57.

A. William D. Thompson, General Motors Corp., 1660 L Street NW., Suite 804, Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,000. E. (9) $5,851.24.

A. Terence Hastings Thorn, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $525. E. (9) $142.39.

A. Robert T. Thornburg, Minnesota Petroleum Council, 1020 Northern Federal Building, St. Paul, Minn. 55102.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $593.30. E. (9) $756.07.

A. Gil Thurm, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 430 North Michigan Avenue, Chicago, Ill. 60611; 925 15th Street NW., Washington, D.C. 20005.
D. (6) $1,500. E. (9) $225.69.

A. Samuel Thurm, 1725 K Street NW., Washington, D.C. 20006.
B. Association of National Advertisers, 155 East 44th Street New York, N.Y. 10017.

A. Cyrus C. Tichenor III, 815 Connecticut Avenue NW., Suite 1007, Washington, D.C. 20006.
B. A. H. Robins Co., Inc., 1407 Cummings Drive, Richmond, Va. 23220.
D. (6) $6,000. E. (9) $6,310.58.

A. Paul J. Tierney, 1100 17th Street NW., Suite 1107, Washington, D.C. 20036.
B. Transportation Association of America, 1100 17th Street NW., Suite 1107, Washington, D.C. 20036.

A. Wallace Tillman, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $175.25.

A. George Tilton, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
E. (9) $350.70.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. Alaskan Arctic Gas Pipeline Co., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $208.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. American Inland Waterways Committee, 7733 Forsyth Boulevard, Suite 2201, St. Louis, Mo. 63105.
D. (6) $83.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. American Petroleum Institute, 2101 L Street NW., Washintgon, D.C. 20037.
D. (6) $100.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. The Association of Trial Lawyers of America, 1620 I Street NW., Washington, D.C. 20006.
D. (6) $83.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. Baxter Travenol Laboratories, Inc., One Baxter Parkway, Deerfield, Ill. 60015.
D. (6) $83.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. Genesco, Inc., 111 Seventh Avenue, North Nashville, Tenn. 37202.
D. (6) $125.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. Middle South Services, Inc., Box 61000, New Orleans, La. 70161.
D. (6) $100.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. National Rifle Asociation of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $42.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. G. D. Searle & Co., P.O. Box 1045, Skokie, Ill. 60076.
D. (6) $42.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. Standard Oil Co. of Indiana, 1000 16th Street NW., Washington, D.C. 20036.
D. (6) $125.

A. Michael L. Tiner, Active Ballot Club Department, Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $5,127.80. E. (9) $925.73.

A. E. Linwood Tipton, 1105 Barr Building, Washington, D.C. 20006.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 1105 Barr Building, Washington, D.C. 20006.

A. Tobacco Associates, Inc., 1101 17th Street NW., Suite 912, Washington, D.C. 20036.
E. (9) $2,526.

A. Warren D. Toburen, Cities Service Co., 1660 L Street NW., Washington, D.C. 20036.
B. Cities Service Co., 1660 L Street NW., Washington, D.C. 20036.
D. (6) $248.

A. David R. Toll, 1140 Connecticut Avenue NW., No. 1010, Washington, D.C. 20036.
B. National Association of Electric Companies, 1140 Connecticut Avenue NW., No. 1010, Washington, D.C. 20036.
D. (6) $690. E. (9) $30.

A. William D. Toohey, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Discover America Travel Organizations, Inc., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,689. E. (9) $25.

A. John Tope, 1101 15th Street NW., Washington, D.C. 20005.
B. Republic Steel Corp., Republic Building, Cleveland, Ohio 44101.

A. Howard A. Topel, 1000 Connecticut Avenue, Washington, D.C. 20036.
B. Mullin, Connor & Rhyne, 1000 Connecticut Avenue, Washington, D.C. 20036 (for: Alberto de la Vega-Ripol, 804 Garching, Konigsbergerstr. 2, West Germany).
D. (6) $34. E. (9) $3.

A. John M. Torbet, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Rockwell International Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $43.50. E. (9) $133.50.

A. John P. Tracey, Suite 1201, 1801 K Street NW., Washington, D.C. 20006.
B. U.S. Independent Telephone Association, Suite 1201, 1801 K Street NW., Washington, D.C. 20006.
D. (6) $1,000.

A. Transportation Association of America, Suite 1107, 1100 17th Street NW., Washington, D.C. 20036.

A. Glenwood S. Troop, Jr., Suite 801, 1709 New York Avenue NW., Washington, D.C. 20006.
B. U.S. League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $7,875. E. (9) $129.45.

A. George G. Troutman, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.
D. (6) $400.

A. Ronald R. Tullos, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $675. E. (9) $62.50.

A. Bruce H. Turnbull, National Retail Merchants Association, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.
D. (6) $150. E. (9) $25.

A. Richard F. Turney, 1725 K Street NW., Washington, D.C. 20006.
B. Courtney & McCamant, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $300.

A. Shela C. Turpin, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,000. E. (9) $144.73.

A. St. Clair J. Tweedie, Paperboard Packaging Council, Suite 600, 1800 K Street NW., Washington, D.C. 20006.
B. Paperboard Packaging Council, Suite 600, 1800 K Street NW., Washington, D.C. 20006.
D. (6) $700. E. (9) $20.

A. United Brotherhood of Carpenters & Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.
E. (9) $6,853.13.

A. United Egg Producers, 3951 Snapfinger Parkway, Suite 580, Decatur, Ga. 30035.
E. (9) $1,975.

A. United Fresh Fruit & Vegetable Association, 1019 19th Street NW., Washington, D.C. 20036.
D. (6) $4,217.82. E. (9) $4,217.82.

A. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
E. (9) $3,572.31.

A. U.S. Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C. 20036.
E. (9) $38.41.

A. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
E. (9) $75,384.25.

A. J. Joseph Vacca, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $2,577.13.

A. Jack J. Valenti, 1600 I Street NW., Washington, D.C. 20006.
B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C.

A. Ted Van Dyk Associates, Inc., 1156 15th Street NW., Suite No. 912, Washington, D.C. 20005.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22208.

A. Ted Van Dyk Associates, Inc., 1156 15th Street NW., Suite No. 912, Washington, D.C. 20005.
B. Eli Lilly & Co., 307 East McCarty Street, Indianapolis, Ind. 46206.

A. Ted Van Dyk Associates, Inc., 1156 15th Street NW., Suite No. 912, Washington, D.C. 20005.
B. United Airlines, P.O. Box 66100, Chicago, Ill. 60666.

A. Gerald J. Van Heuven, Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.
B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.
D. (6) $525. E. (9) $971.36.

A. Van Ness, Curtis, Feldman & Sutcliffe, 1220 19th Street NW., Washington, D.C. 20036.
B. American Institute of Certified Public Accountants, 1620 I Street NW., Washington, D.C. 20006.
D. (6) $2,210. E. (9) $95.60.

A. Van Ness, Curtis, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Association of Local Transport Airlines, 1801 K Street NW., Washington, D.C. 20006.
D. (6) $1,050. E. (9) $119.98.

A. Lois Van Valkenburgh, 3512 Halcyon Drive, Alexandria, Va. 22305.
B. Citizens Commission for UNICEF, Box 36, 110 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $240. E. (9) $54.62.

A. John A. Vance, 1050 17th Street NW., No. 1180, Washington, D.C. 20036.

B. Pacific Gas & Electric Co., 77 Beale Street, San Francisco, Calif. 94106.
D. (6) $1,350. E. (9) $942.60.

A. Velsicol Chemical Corp., 341 East Ohio Street, Chicago, Ill. 60611.

A. Jerry T. Verkler, 1660 L Street NW., Suite 901, Washington, D.C. 20036.
B. Texas Eastern Transmission Corp., P.O. Box 2521, Houston, Tex. 77001.
E. (9) $15.15.

A. Richard E. Vernor, American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $66. E. (9) $25.

A. R. Eric Vige, Cities Service Co., 1660 L Street NW., Washington, D.C.
B. Cities Service Co., 1660 L Street NW., Washington, D.C. 20036.

A. Andrew Vitali, Jr., 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $1,000. E. (9) $400.

A. Volkswagen Manufacturing Corp. of America, 7111 East 11 Mile Road, Warren, Mich. 48089.
E. (9) $1,060.

A. Volkswagen of America, Inc., 818 Sylvan Avenue, Englewood Cliffs, N.J. 07632.
E. (9) $325.

A. Forrest Neal Wade, Alabama Petroleum Council, 660 Adams Avenue, Suite 188, Montgomery, Ala. 36104.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $706.67. E. (9) $566.91.

A. Robert J. Wager, 2020 K Street NW., Suite 850, Washington, D.C. 20006.
B. American Bakers Association, Suite 850, 2020 K Street NW., Washington, D.C. 20006.
D. (6) $893.75. E. (9) $6.70.

A. Victoria J. Wagner, Georgetown Station, P.O. Box 3554, Washington, D.C. 20007.
B. The National Ecumenical Coalition, Inc., Georgetown Station, P.O. Box 3554, Washington, D.C. 20007.

A. Wald, Harkrader & Ross, 1320 19th Street NW., Washington, D.C. 20036.
B. Chemtex Fibers, Inc., 850 Third Avenue, New York, N.Y. 10022.

A. Jerome R. Waldie, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. Alameda Naval Employees' Association, Alameda Naval Air Station, Alameda, Calif. 94501.
D. (6) $2,034.41. E. (9) $222.77.

A. Jerome R. Waldie, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. American Association of Independent News Distributors, 50 California Street, San Francisco, Calif. 94111.
D. (6) $3,500. E. (9) $572.03.

A. Jerome R. Waldie, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. Contra Costa County Water Agency, Administration Building, Martinez, Calif. 94553.
E. (9) $396.55.

A. Jerome R. Waldie, 100 Indiana Avenue, Washington, D.C. 20001.
B. Friends of Earth, 529 Commercial, San Francisco, Calif.
D. (6) $516. E. (9) $115.

A. Jerome R. Waldie, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $8,690.04. E. (9) $405.21.

A. Jerome R. Waldie, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. National Council of Bureau of Indian Affairs and Indian Health Service Locals, 540 N Street NW., Washington, D.C. 20024.
D. (6) $1,000.

A. Jerome R. Waldie, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. National Franchise Association Coalition, P.O. Box 366, Fox Lake, Ill. 60020.
D. (6) $1,000. E. (9) $363.88.

A. Jerome R. Waldie, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. Task Force One, Federal Employees' Organization, Point Mugu, Calif.
D. (6) $1,000. E. (9) $60.

A. Robert E. Waldron, Associated Petroleum Industries of Michigan, 930 Michigan National Tower, P.O. Box 10070, Lansing, Mich. 48901.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $421.25. E. (9) $987.11.

A. E. F. Waldrop, Jr., Association of American Railroads, 40 Ivy Street SE., Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $316.67.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Allen Products Co., Inc., P.O. Box 2187, R.D. No. 3, Allentown, Pa. 18001.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Aluminum Co. of America, Washington, D.C. 20006.
D. (6) $250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. AMAX, Inc., AMAX Center, Greenwich, Conn. 06830.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Bechtel Corp., 1620 I Street NW., Washington, D.C. 20006.
D. (6) $937.50.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Bethlehem Steel Corp., Bethlehem, Pa. 18016.
D. (6) $250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Dresser Industries, Inc., 1100 Connecticut Avenue NW., Room 310, Washington, D.C. 20036.
D. (6) $937.50.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. E. I. du Pont de Nemours & Co., Wilmington, Del. 19898.
D. (6) $250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B Fluor Engineering & Constructors, Inc., 2500 South Atlantic Boulevard, Los Angeles, Calif. 90040.
D. (6) $937.50.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., The American Road, Dearborn, Mich. 48121.
D. (6) $250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. General Electric Co., Washington, D.C. 20005.
D. (6) $250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Goodyear Tire & Rubber Co., 1800 K Street NW., Washington, D.C. 20006.
D. (6) $250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Magma Power Co., 631 South Witmer Street, Los Angeles, Calif. 90017.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. McCulloch Oil Corp., 10880 Wilshire Boulevard, Los Angeles, Calif. 90024.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Bankers Association, 490 L'Efant Plaza East SW., Washington, D.C. 20024.
D. (6) $125.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Owens-Illinois. Inc., Owens-Illinois Building, P.O. Box 1035, Toledo, Ohio 43666.
D. (6) $250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Proctor & Gamble, Cincinnati, Ohio 45201.
D. (6) $250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pullman-Kellogg, Division of Pullman, Inc., 1300 Three Greenway Plaza East, Houston, Tex. 77046.
D. (6) $937.50.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Trailer Train Co., 300 South Wacker Drive, Chicago, Ill. 60606.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.
D. (6) $250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Union Oil Co. of California, 461 South Boylston, Los Angeles, Calif. 90017.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. United Air Lines, Inc., P.O. Box 66100, Chicago, Ill., 60666.

A. R. Duffy Wall, 1800 M Street NW., Washington, D.C. 20036.
B. Freeport Minerals Co., 161 East 42d Street, New York, N.Y. 10017.
D. (6) $150.

A. Carl S. Wallace, 1800 K Street NW., Suite 614, Washington, D.C. 20006.
B. Purolator, Inc., 255 Old New Brunswick Road, Piscataway, N.J. 08854.
D. (6) $298.88.

A. Donald L. Wallace, Jr., 1707 L Street NW., Suite 540, Washington, D.C. 20036.
B. Cotton Warehouse Association of America, 1707 L Street NW., Suite 540, Washington, D.C. 20036.
D. (6) $1,025. E. (9) $512.29.

A. Raymond C. Wallace, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Lionel L. Wallenrod, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. J. W. Walsh, Brotherhood of Railroad Signalmen, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Railroad Signalmen, 601 West Golf Road, Mount Prospect, Ill. 60056.
D. (6) $350.

A. Bonnie B. Wan, Montgomery Ward & Co., Inc., 1101 15th Street NW., No. 205, Washington, D.C.
B. Montgomery Ward & Co., Inc., 353 West Chicago Avenue, Chicago, Ill. 60610.
D. (6) $45. E. (9) $150.

A. Jack Ware, 2101 L Street NW., Washinton, D.. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $1,980. E. (9) $395.05.

A. Michael O. Ware, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $700. E. (9) $6.

A. Peter F. Warker, TRW, Inc., 2030 M Street NW., Washington, D.C. 20036.
B. TRW, Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.
D. (6) $450. E. (9) $87.

A. George A. Watson, Suite 800, 1612 K Street NW., Washington, D.C.
B. The Ferroalloys Association, 1612 K Street NW., Washington, D.C.
E. (9) $1,500.

A. Michael A. Watson, Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C. 20002.
B. Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $1,500.

A. Ralph J. Watson, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Rockwell International, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $475. E. (9) $110.

A. George B. Watts, National Broiler Council, 1155 15th Street NW , Washington, D.C. 20005.
B. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $600.

A. W. H. Weatherspoon, N.C. Petroleum Council, P.O. Box 167, Raleigh, N.C. 27602.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $250. E. (9) $245.47.

A. Douglas M. Webb, 1025 Connecticut Avenue NW., Suite 1014, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.
E. (9) $89.25.

A. Webster & Chamberlain, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Society of Radiologic Technologists, 500 North Michigan Avenue, Suite 836, Chicago, Ill. 60611.
D. (6) $2,600.

A. Joan Weinstock, American Optometric Association, 1730 M Street NW., Washington, D.C. 20036.
B. American Optometric Association, c/o Alvin Levin, O.D., 120 South Hanover Street, Carlisle, Pa. 17013.
D. (6) $461. E. (9) $306.80.

A. Weisman, Celler, Spett, Modlin, Wertheimer & Schlesinger, 1025 Connecticut Avenue NW., Suite 910, Washington, D.C. 20036.
B. National Football League Players Association, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,000.

A. Morton N. Weiss, 55 Broad Street, New York, N.Y. 10004.
B. National Security Traders Association, Inc., 55 Broad Street, New York, N.Y. 10004.
D. (6) $1,500. E. (9) $102.30.

A. Dennis W. Weissman, American Society for Medical Technology, Suite 403, 1725 DeSales Street NW., Washington, D.C. 20036.
B. American Society for Medical Technology, 1725 DeSales Street NW., Suite 403, Washington, D.C. 20036.
D. (6) $1,350. E. (9) $150.

A. William Weitzen, 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. (for Aerospatiale, 37 Boulevard de Montmorency, 75016 Paris, France).

A. William Weitzen, 6821 Granby Street, Bethesda, Md. 20034.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Krauss-Maffei A.G., Krauss-Maffei Strasse 2, 8000 Muenchen 50, Federal Republic of Germany).

A. William B. Welsh, 1625 L Street NW., Washington, D.C. 20036.
B. American Federation of State, County, and Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $12,074. E. (9) $100.

A. Wenchel, Schulman & Manning, 1625 K Street NW., Washington, D.C. 20006.
B. William H. Sullivan, Jr., 500 Neponset Avenue, Dorchester, Mass. 02122.
E. (9) $20.11.

A. Fred M. Wertheimer, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $9,250.02. E. (9) $33.84.

A. West Mexico Vegetable Distributors Association, P.O. Box 848, Nogales, Ariz. 85621.
E. (9) $500.

A. Harry H. Westbay III, 1625 I Street NW., Suite 805, Washington, D.C. 20006.
B. St. Regis Paper Co., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,000. E. (9) $500.

A. Harvey J. Wexler, Continental Airlines, Inc., 1025 Connecticut Avenue NW., No. 317, Washington, D.C. 20036.
B. Continental Airlines, Inc., International Airport, Los Angeles, Calif. 90009.
D. (6) $2,000. E. (9) $1,088.20.

A. Brian B. Whalen, International Harvester, 401 North Michigan Avenue, Chicago, Ill. 60611.
B. International Harvester, 401 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $1,250. E. (9) $493.78.

A. Clyde A. Wheeler, Jr., 1800 K Street NW., Suite 820, Washington, D.C. 20006.
B. Sun Co., Inc., 100 Matsonford Road, Radnor, Pa. 19087.
D. (6) $12,000. E. (9) $2,175.

A. Edwin M. Wheeler, The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
E. (9) $25.

A. Thomas E. Wheeler, 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $940. E. (9) $25.

A. Wheeler, Van Sickle, Anderson, Norman & Harvey, 25 West Main Street, Madison, Wis. 53703.
B. Marshall & Ilsley Bank, 770 North Water Street, Madison, Wis. 53202.

A. White & Case, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Joseph E. Seagram & Sons, Inc., 375 Park Avenue, New York, N.Y. 10022.
D. (6) $436.50.

A. Donald F. White, American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $1,000. E. (9) $70.

A. John C. White, Private Truck Council of America, Inc., 1101 17th Street NW., Washington, D.C. 20036.
B. Private Truck Council of America, Inc., 1101 17th Street NW., No. 1008, Washington, D.C. 20036.

A. John S. White, Marathon Oil Co., 1800 M Street NW., Suite 975, Washington, D.C. 20036.
B. Marathon Oil Co., Findlay, Ohio 45840.
E. (9) $879.58.

A. Alton W. Whitehouse, Jr., 1750 Midland Building, Cleveland, Ohio 44115.
B. The Standard Oil Co. (an Ohio Corporation), Midland Building, Cleveland, Ohio 44115.

A. Leonard M. Wickliffe, 1620 K Street NW., Suite 615, Washington, D.C. 20006.

B. California Railroad Association, 1127 11th Street, Sacramento, Calif. 95814.
D. (6) $10,300.03. E. (9) $3,292.40.

A. Richard J. Wiechmann, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Patricia B. Wild, Economics Laboratory, Inc., Four Corporate Park Drive, White Plains, N.Y. 10604.
B. Economics Laboratory, Inc., Osborn Building, St. Paul, Minn. 55102.
D. (6) $1,000.

A. Wilkinson, Gragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. American Society of Travel Agents, Inc., 711 Fifth Avenue, New York, N.Y. 10022.
E. (9) $1,167.13.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Arapahoe Tribe of Indians, Fort Washakie, Wyo.
E. (9) $79.68.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Association of Data Processing Service Organizations, Inc., 210 Summit Avenue, Montvale, N.J. 07645.
D. (6) $100. E. (9) $11.50.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Bonneville International Corp., 36 South State Street, Salt Lake City, Utah.
E. (9) $164.29.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Brigham Young University, Provo, Utah.
E. (9) $0.60.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. College Placement Council, Inc., 65 Elizabeth Street, Bethlehem, Pa.
E. (9) $97.46.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont.
E. (9) $178.26.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The Hoopa Valley Tribe, P.O. Box 817, Hoopa, Calif.
E. (9) $36.47.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Independent Data Communications Manufacturers Association, Inc. (IDCMA), 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $450. E. (9) $30.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Independent Insurance Agents of America, 85 John Street, New York, N.Y. 10038.
D. (6) $1,730. E. (9) $26.50.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Nana Regional Corp., Inc., Box 49, Kotzebue, Alaska 99752.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The Three Affiliated Tribes of the Fort Berthold Reservation, New Town, N. Dak.
E. (9) $55.39.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.
B. Arthur Andersen & Co., 1666 K Street NW., Washington, D.C. 20006.
D. (6) $23.75.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.
B. Benenson Realty Co., 380 Madison Avenue, New York, N.Y. 10017.
D. (6) $237.50. E. (9) $19.18.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.
B. The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.
B. El Paso LNG Co., P.O. Box 2185, Houston, Tex. 77001; El Paso Alaska Co., Pouch 7009, Anchorage, Alaska 99510.
D. (6) $47.50. E. (9) $31.20.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.
B. Milos Forman, c/o Gil Shiva, Warner Bros., 75 Rockefeller Plaza, New York, N.Y.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.
B. Pfizer Inc., 235 East 42d Street, New York, N.Y. 10017.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.
B. State of Maine, Office of the Governor, Augusta, Maine 04333.
D. (6) $57.50.

A. Harding deC. Williams, National Savings & Loan League, 1101 15th Street NW., Washington, D.C. 20005.
B. National Savings & Loan League, 1101 15th Street NW., Washington, D.C. 20005.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. American Medicorp, Inc., 111 Presidential Boulevard, Bala Cynwyd, Pa.
E. (9) $25.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. American Physical Therapy Association, 1156 15th Street NW., Washington, D.C. 20005.
D. (6) $150. E. (9) $15.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. Bangor Punta Operations, Inc., 1 Greenwich Plaza, Greenwich, Conn. 06830.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. Brown & Root, Inc., Box 3, Houston, Tex. 77001.
E. (9) $160.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. Estee Lauder, Inc., 767 Fifth Avenue, New York, N.Y. 10022.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. Federal Express Corp., Box 30167, Memphis, Tenn. 38180.
E. (9) $15.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. Matida Grey Trust, P.O. Box 20001, Lake Charles, La. 70601.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. Martin Ryan Haley & Associates, Inc., 40 Central Park South, New York, N.Y. 10019.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. I U International Management Corp., 1500 Walnut Street, Philadelphia, Pa. 19102.
D. (6) $500. E. (9) $50.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. Krause Milling Co., P.O. Box 1156, Milwaukee, Wis. 53201.
D. (6) $250. E. (9) $25.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. Litton Industries, Inc., 360 North Crescent Drive, Beverly Hills, Calif. 90210.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. The Louisiana Land & Exploration Co., P.O. Box 60350, New Orleans, La. 70160.
E. (9) $50.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. Marion Laboratories, Inc., 10236 Bunker Ridge Road, Kansas City, Mo. 64137.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. National Association of Water Cos., Box 387, Washington, D.C. 20044.
D. (6) $50. E. (9) $5.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. SmithKline Corp., 1500 Spring Garden, Philadelphia, Pa. 19130.
D. (6) $900.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. The Superior Oil Co., First City National Bank Building, Houston, Tex. 77002.
D. (6) $200.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. Truck Body & Equipment Association, Inc., Suite 1220, 5330 Wisconsin Avenue NW., Washington, D.C. 20015.
E. (9) $10.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. Vinson, Elkins, Searls, Connally & Smith, 21st Floor, First City National Bank Building, Houston, Tex. 77002.
D. (6) $1,700.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. Ward Industries, Inc., P.O. Box 849, Conway, Ark. 72032.
D. (6) $100. E. (9) $10.

A. Lucinda L. Williams, 1101 17th Street NW., Suite 310, Washington, D.C. 20036.
B. Federation of American Hospitals, 1101 17th Street NW., Suite 310, Washingon, D.C. 20036.
D. (6) $3,150.

A. Robert E. Williams, United Airlines, 1825 K Street NW., No. 607, Washington, D.C. 20006.
B. United Airlines, P.O. Box 66100, Chicago, Ill. 60666.
D. (6) $1,250. E. (9) $547.

A. Samuel M. Williams, Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C. 20009.
B. Manufacturing Chemists Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.
D. (6) $1,000. E. (9) $600.

A. Bertram C. Willis, International Telephone & Telegraph Corp., 1707 L Street NW., Washington, D.C. 20036.
B. International Telephone & Telegraph Corp., 320 Park Avenue, New York, N.Y. 10022.
D. (6) $70. E. (9) $4.50.

A. R. J. Winchester, P.O. Box 2967, Houston, Tex. 77001.
B. Pennzoil Co., P.O. Box 2967, Houston, Tex. 77001.
D. (6) $4,700. E. (9) $2,550.

A. Curtin Winsor, Jr., 900 17th Street NW., Washington, D.C. 20006.
B. The Chase Manhattan Bank, National Association, One Chase Manhattan Plaza, New York, N.Y. 10015.
D. (6) $70. E. (9) 28.32.

A. Winston & Strawn, 1730 Pennsylvania Avenue NW., Suite 1040, Washington, D.C. 20006.
B. Atlanta LaSalle Corp., 150 South Wacker Street, Chicago, Ill. 60600.
E. (9) $5.

A. Winston & Strawn, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Gould Inc., 8550 Bryn Mawr Avenue, Chicago, Ill. 60631.

A. Winston & Strawn, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. International Council of Shopping Centers, 445 Park Avenue, New York, N.Y. 10022.
E. (9) $1,219.10

A. Russell C. Wisor, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $672. E. (9) $81.85.

A. Richard F. Witherall, Colorado Railroad Association, 420 Denver Club Building, Denver, Colo. 80202.
B. Colorado Railroad Association, 420 Denver Club Building, Denver Colo.
D. (6) $600. E. (9) $1,530.

A. Glenn P. Witte, 1105 Barr Building, Washington, D.C. 20006.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 1105 Barr Building, Washington, D.C. 20006.

A. Ernest Wittenberg Association, Inc., d.b.a. Japan Fisheries Information Center, 1616 H Street NW., Washington, D.C. 20006.
B. Japan Fisheries Association, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $1,100. E. (9) $956.27.

A. Christopher Wolf, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
E. (9) $15.07.

A. Wolf, Haldenstein, Adler, Freeman & Herz, 270 Madison Avenue, New York, N.Y. 10016.
B. Fallek-Lankro Corp., Post Office Box H, Tuscaloosa, Ala.

A. James E. Wolf, The Trane Co., 2020 North 14th Street, Arlington, Va. 22201.
B. The Trane Co., 3600 Pammel Creek Road, La Crosse, Wis. 54601.
D. (6) $800. E. (9) $122.96.

A. Don Womack, Suite 1013, 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Texas Utilities Services, Inc., 2001 Bryan Tower, Dallas, Tex. 75201.
D. (6) $562.50. E. (9) $95.10.

A. Joyce Wood, New Directions, 2021 L Street NW., No. 405, Washington, D.C. 20036.
B. New Directions, 2021 L Street NW., No. 405, Washington, D.C. 20036.
D. (6) $6,250.

A. Merle E. Wood, Marion Laboratories, Inc., 10236 Bunker Ridge Road, Kansas City, Mo. 64137.
B. Ewing M. Kauffman, Marion Laboratories, Inc., 10236 Bunker Ridge Road, Kansas City, Mo. 64137.
D. (6) $470. E. (9) $618.65.

A. Merle E. Wood, Marion Laboratories, Inc., 10236 Bunker Ridge Road, Kansas City, Mo. 64137.
B. Marion Laboratories, Inc., 10236 Bunker Ridge Road, Kansas City, Mo. 64137.
D. (6) $560. E. (9) $873.08.

A. Perry W. Woofter, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $3,000. E. (9) $232.30.

A. Ronald L. Wooten, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $98.90. E. (9) $27.40.

A. George M. Worden, 1425 K Street NW., Suite 1000, Washington, D.C. 20005.
B. Hill and Knowlton, Inc., 1425 K Street NW., Suite 1000, Washington, D.C. 20005.

A. Edward E. Wright, 1901 Pennsylvania Avenue NW., Washington, D.C.
B. Rubber Manufacturers Association, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $6,000.

A. Donald Yarborough, Paraplegia Cure Research, 100 Maryland Avenue NE., Washington, D.C. 20002.
B. Paraplegia Cure Research, 100 Maryland Avenue NE., Washington, D.C. 20002.

A. John Yarmola, Seafarers International Union of North America, 815 16th Street NW., Suite 510, Washington, D.C. 20006.
B. Seafarers International Union of North America, 815 16th Street NW., Suite 510, Washington, D.C. 20006.
D. (6) $2,500.

A. Edward R. Yawn, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $3,250. E. (9) $37.

A. John H. Yingling, 1156 15th Street NW., Suite 701, Washington, D.C. 20005.
B. Citibank, N.A., 399 Park Avenue, New York, N.Y. 10022.
D. (6) $1,500. E.(9) $160.12.

A. Reynolds Young, 1120 Connecticut Aveue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,100. E. (9) $305.

A. Eugene A. Yourch, 17 Battery Place North, New York, N.Y. 10004.
B. Federation of American Controlled Shipping, 17 Battery Place North, New York, N.Y. 10004.
D. (6) $100. E. (9) $120.

A. Robert Zacharias, 1957 E Street NW., Washington, D.C.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C.

A. Donald Zahn, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.
B. National Right to Work Committee, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.
D. (6) $1,026. E. (9) $203.

A. Lynn Zakupowsky, 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.
D. (6) $50.

A. John S. Zapp, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,400. E. (9) $565.

A. Donald P. Zeifang, 1771 N Street NW., Washington, D.C. 20036.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.
D. (6) $3,000. E. (9) $237.

A. Roger H. Zion, Resources Development, Inc., 1155 15th Street NW., Suite 418, Washington, D.C. 20005.
B. Public Service Research Council, 8320 Old Court House Road, Suite 430, Vienna, Va. 22180.
D. (6) $500. E. (9) $140.

A. Barry Zorthian, Time Inc., 888 16th Street NW., Washington, D.C.
B. Time, Inc., Time & Life Building, Rockefeller Center, New York, N.Y. 10020.
D. (6) $3,000. E. (9) $950.

A. Charles O. Zuver, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $3,500. E. (9) $107.95.

A. Frances A. Zwenig, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $2,750.

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the second calendar quarter of 1977 were received too late to be included in the published reports for that quarter:

File One Copy With the Secretary of the Senate and File Two Copies With the Clerk of the House of Representatives:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

Place an "X" Below the Appropriate Letter or Figure in the Box at the Right of the "Report" Heading Below:

"Preliminary" Report ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"Quarterly" Report: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19______◀

REPORT
Pursuant to Federal Regulation of Lobbying Act

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Note on Item "A".—(a) In General. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) Separate Reports. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. Organization or Individual Filing:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

Note on Item "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. Employer.—State name, address, and nature of business. If there is no employer, write "None."

Note on Item "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. Legislative Interests, and Publications in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◀

AFFIDAVIT

[Omitted in printing]

PAGE 1◀

A. Albert E. Abrahams, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 430 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $2,550. E. (9) $485.12.

A. Alaskan Arctic Gas Pipeline Co., P.O. Box 979, Alaska Mutual Bank Building, Anchorage, Alaska 99510.
E. (9) $8,425.

A. American Cancer Society, 777 Third Avenue, New York, N.Y. 10017.
E. (9) $13,003.57.

A. American Committee on U.S.-Soviet Relations, 100 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $3,600. E. (9) $4,442.10.

A. American Conservative Union, 422 First Street SE., Washington, D.C. 20003.
D. (6) $77,533. E. (9) $54,711.

A. American Federation of State, County, and Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C.
E. (9) $37,637.

A. American Hospital Associations, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $4,728.66. E. (9) $4,728.66.

A. The American Humane Association, P.O. Box 1266, Denver, Colo. 80201.
E. (9) $1,800.

A. American Israel Public Affairs Committee, 1341 G Street NW., No. 908, Washington, D.C.
D. (6) $25,291.80. E. (9) $27,374.13.

A. American Maritime Association, 17 Battery Place-North Building, New York, N.Y. 10004; 1612 K Street NW., Washington, D.C. 20006.

A. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007; 1600 Wilson Boulevard, Arlington, Va.

A. American Rivers Conservation Council, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $1,200.

A. American Vocational Association, 1510 H Street NW., Washington, D.C. 20005.
D. (6) $2,500. E. (9) $2,070.

A. The American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1101, Arlington, Va., 22209.
D. (6) $1,928. E. (9) $1,466.

A. Morris J. Amitay, 1341 G Street NW., No. 908, Washington, D.C. 20005.
B. American Israel Public Affairs Committee, 1341 G Street NW., No. 908, Washington, D.C. 20005.
D. (6) $5,916.59.

A. M. Kent Anderson, The Trane Co., 2020 North 14th Street, Arlington, Va. 22201.
B. The Trane Co., 3600 Pammel Creek Road, La Crosse, Wis. 54601.
D. (6) $350. E. (9) $75.

A. Anderson, Pendleton & McMahon, 306-6th Street NW., Washington, D.C. 20001.
B. Embassy of Chile, 1732 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $3,750. E. (9) $27.02.

A. Scott G. Anderson, Scott Anderson Productions, Inc., Heron House, Reston, Va. 22090.
B. Burlington Northern, Inc., 176 East Fifth Street, St. Paul, Minn. 55101.
D. (6) $4,500. E. (9) $2,555.26

A. Roy A. Archibald, National Education Association, 1705 Murchison Drive, Burlingame, Calif. 94010.
B. National Education Association, 1201 16th Street, NW., Washington, D.C. 20036.
D. (6) $3,180.90. E. (9) $100.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. Commissioner of Baseball, 15 West 51st Street, New York, N.Y. 10019.
D. (6) $45,300. E. (9) $3,415.

A. Arnold & Porter, 1229 19th Street, NW., Washington, D.C. 20036.
B. Recording Industry Association of America, Inc., One East 57th Street, New York, N.Y. 10022.
D. (6) $54,450. E. (9) $1,890.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. State Farm Mutual Automobile Insurance Co., One State Farm Plaza, Bloomington, Ill. 61701.
D. (6) $1,149. E. (9) $17.

A. Leonard Arrow, Room 731, 1346 Connecticut, Avenue NW., Washington, D.C. 20036.
B. Environmental Action, Inc., Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,134.60.

A. Associated Credit Bureaus, Inc., 6767 Southwest Freeway, Houston, Tex. 77074.
E. (9) $244.68.

A. Association for the Advancement of Invention & Innovation, Suite 301, 1911 Jefferson Davis Highway, Arlington, Va. 22202.
D. (6) $995.85. E. (9) $1,820.

A. Association for the Improvement of the Mississippi River, 10 Broadway, St. Louis, Mo. 63102.

A. Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C. 20006.
E. (9) $460.

A. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $1,025. E. (9) $925.

A. Carl E. Bagge, Coal Building, Washington, D.C. 20036.
B. National Coal Association, Coal Building, Washington, D.C. 20036.
E. (9) $2,262.59.

A. Robert D. Bannister, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 430 North Michigan, Chicago, Ill. 60601.
D. (6) $1,787.50. E. (9) $238.60.

A. James C. Barr, National Association of Federal Credit Unions, 1156 15th Street NW., Suite 315, Washington, D.C. 20005.
B. National Association of Federal Credit Unions, 1156 15th Street NW., Suite 315, Washington, D.C. 20005.
D. (6) $300. E. (9) $80.19.

A. Joseph W. Barron, 1828 L Street NW., Suite 402, Washington, D.C. 20036.
B. The Singer Co., Aerospace and Marine Systems, 30 Rockefeller Plaza, New York, N.Y. 10020.

A. Roger V. Barth, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Association of Clinical Chemists, 1725 K Street NW., Washington, D.C. 20006.

A. Davis M. Batson, 1155 15th Street NW., Suite 611, Washington, D.C. 20005.
B. Ethyl Corp., 1155 15th Street NW., Suite 611, Washington, D.C. 20005.
D. (6) $400.

A. Alexander B. Bell, 9618 Cottrell Terrace, Silver Spring, Md. 10903.
B. United Association of Journeymen & Apprentices of the Plumbing & Pipe Fitting Industry of the United States & Canada, 901 Massachusetts Avenue NW., Washington, D.C. 20001.
D. (6) $3,750. E. (9) $109.55.

A. Robert J. Bird, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. Ad Hoc Coalition for Cemetery Care, 6216 South Stanford Way, Whittier, Calif. 90601.

A. Robert J. Bird, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. Occidental Life Insurance Co., 12th and Hill, Los Angeles, Calif. 90054.

A. Robert J. Bird, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Paul Revere Corp., Worcester, Mass. 01608.

A. Brent Blackwelder, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $2,400.

A. Betty Blouin, the American Dietetic Association, 430 North Michigan Avenue, Chicago, Ill. 60611.
B. The American Dietetic Association, 430 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $2,515. E. (9) $219.30.

A. Dewey Bond, American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.
B. American Meat Institute, P.O. Box 3556. Washington, D.C. 20007; 1600 Wilson Boulevard, Arlington, Va.
D. (6) $500.

A. Rodney A. Bower, 1126 16th Street NW., Washington, D.C. 20036.
B. International Federation of Professional & Technical Engineers, AFL–CIO, 1126 16th Street NW., Washington, D.C. 20036.
D. (6) $625. E. (9) $100.

A. J. Wiley Bowers, 415 Pioneer Building, Chattanooga, Tenn. 37402.
B. Tennessee Valley Public Power Association, 415 Pioneer Building, Chattanooga, Tenn. 37402.

A. Boyden, Kennedy, Romney & Howard, 1000 Kennecott Building, Salt Lake City, Utah 84133.
B. The Zuni Indian Tribe, Zuni, N. Mex.
D. (6) $15,536.22. E. (9) $11,214.91.

A. William W. Brackett, Alaskan Arctic Gas Study Co., 1730 Pennsylvania Avenue NW., Suite 230, Washington, D.C. 20006.
B. Alaskan Arctic Gas Study Co., P.O. Box 979, Alaska Mutual Bank Building, Anchorage, Alaska 99510.
D. (6) $4,500. E. (9) $100.

A. Gene M. Bradley, 955 L'Enfant Plaza North SW., Washington, D.C. 20024.
B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.
D. (6) $760. E. (9) $954.

A. George E. Bradley, Organization of Professional Employees of the U.S. Department of Agriculture (OPEDA), Room 1247 South Building, Department of Agriculture, Washington, D.C. 20250.
B. Organization of Professional Employees of the U.S. Department of Agriculture (OPEDA), Room 1247 South Building, Department of Agriculture, Washington, D.C. 20250.
D. (6) $420. E. (9) $8.50.

A. S. Gail Bramblett, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $3,256.35. E. (9) $117.50.

A. Robert P. Brammer, National Campaign to Stop the B–1 Bomber, 318 Massachusetts Avenue NE., Washington, D.C. 20002.
B. National Campaign to Stop the B–1 Bomber, 318 Massachusetts Avenue NE., Washington, D.C. 20002.
D. (6) $1,750.

A. Bregman, Abell, Solter & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. The Air Transport Association of America, 1709 New York Avernue NW., Washington, D.C. 20006.
E. (9) $80.

A. Bregman, Abell, Solter & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. The Washington Psychiatric Society, 1700 18th Street NW., Washington, D.C. 20009.
D. (6) $1,500. E. (9) $95.

A. Edward J. Brenner, Suite 301, 1911 Jefferson Davis Highway, Arlington, Va. 22202.
B. Association for the Advancement of Invention & Innovation, Suite 301, 1911 Jefferson Davis Highway, Arlington, Va. 22202.

A. Cyril F. Brickfield, Miller, Singer, Michaelson, Brickfield & Raives, 1909 K Street NW., Washington, D.C. 20006.
B. National Retired Teachers Association, American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20006.
D. (6) $870. E. (9) $26.

A Bill Brier, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

A. John B. Brock, Quintana Refinery Co., P.O. Box 3331, Houston, Tex. 77001.
B. Quintana Refinery Co., P.O. Box 3331, Houston, Tex. 77001.

A. Charles S. Broomfield, 25th and McGee, Kansas City, Mo. 64108.
B. National Association of Greeting Card Publishers, Meridian Building, 170 Mason Street, Greenwich, Conn. 06830.

A. Diane V. Brown, 1620 I Street NW., Suite 700, Washington, D.C. 20006.
B. International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $600. E. (9) $290.

A. John J. Brown, 1125 17th Street NW., Washington, D.C. 20036.
B. International Union of Operating Engineers, 1125 17th Street NW., Washington, D.C. 20036.
D. (6) $1,875. E. (9) $250.

A. Thomas C. Brown, Suite 322, 3100 Broadway, Kansas City, Mo. 64111.
B. Small Producers for Energy Independence, Suite 970, Fourth Financial Center, Wichita, Kans. 67202.

A. A. T. Brust, Cromwell Street, Luke, Md. 21540.
B. Westvaco Corp., 299 Park Avenue, New York, N.Y. 10017.

A. David A. Bunn, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. Magazine Publishers Association, 575 Lexington Avenue, New York, N.Y. 10022.

A. David A. Bunn, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. Parcel Post Association, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

A. Duane V. Burke, P.O. Box 1724, Rockville, Md. 20850.
B. National Association of State Lotteries, P.O. Box 1000, Braintree, Mass. 02184.
D. (6) $1.800. E. (9) $726.11.

A. J. J. Burke, Jr., 40 East Broadway, Butte, Mont. 59701.
B. The Montana Power Co., Butte, Mont. 59701.
E. (9) $2.

A. Lowell A. Burkett, American Vocational Association, 1510 H Street NW., Washington, D.C. 20005.
B. American Vocational Association, 1510 H Street NW., Washington, D.C. 20005.
D. (6) $1,200.

A. Francis X. Burkhardt, 1750 New York Avenue NW., Washington, D.C. 20006.
B. International Brotherhood of Painters & Allied Trades, AFL–CIO, 1750 New York Avenue NW., Washington, D.C. 20006.
D. (6) $743.11.

A. David Burpee, Fordhook Farms, Doylestown, Pa. 18901.

A. John P. Buscher, 1730 Rhode Island Avenue NW., Suite 213, Washington, D.C. 20036.
B. Brown & Root, Inc., 4100 Clinton Drive Houston, Tex. 76001.

A. Cable, McDaniel, Bowie & Bond, 915 Blaustein Building, Baltimore, Md. 21201.
B. Crown Central Petroleum Corp., One North Charles Street, P.O. Box 1168, Baltimore, Md. 21203.

A. John E. Campbell, American Hospital Association, One Farragut Square South, Washington, D.C. 20006.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $31.49.

A. Can Manufacturers Institute, 1625 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Ronald A. Capone, Kirlin, Campbell & Keating, 1150 Connecticut Avenue NW., No. 800, Washington, D.C. 20036.
B. Council of European and Japanese National Shipowners' Association. 30/32 St. Mary Axe, London, EC3A, 8ET, England.
D. (6) $7,000. E. (9) $311.43.

A. L. C. Carpenter, Midcontinent Farmers Association, 201 South Seventh Street, Columbia, Mo. 65201.
B. Midcontinent Farmers Association, 201 South Seventh Street, Columbia. Mo. 65201.
D. (6) $5,299.32. E. (9) $1,276.06.

A. Richard M. Carrigan, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $4,953.30. E. (9) $276.16.

A. Robert J. Casey, 330 Madison Avenue, New York, N.Y. 10017.
B. American Stock Exchange, 86 Trinity Place, New York, N.Y. 10006.
D. (6) $5,800.

A. Robert J. Casey, 330 Madison Avenue, New York, N.Y. 10017.
B. Occidental Petroleum Corp., 10889 Wilshire Boulevard, Los Angeles, Calif. 90024.
E. (9) $94.73

A. Robert J. Casey, 330 Madison Avenue, New York, N.Y. 10017.
B. Teleprompter Corp., 50 West 44th Street, New York, N.Y.
D. (6) $2,722.50. E. (9) $380.44.

A. Robert J. Casey, 330 Madison Avenue, New York, N.Y. 10017.
B. Union Pacific Corp., 345 Park Avenue, New York, N.Y. 10022.
D. (6) $4,657.50. E. (9) $1,333.02.

A. Casey, Lane & Mittendorf, 815 Connecticut Avenue NW., Suite 802, Washington, D.C. 20006.
B. Arctic Gas Study Co., 1730 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $2,087.50.

A. Eugene I. Casraiss, Jr., United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 1125 15th Street NW., Washington, D.C. 20005.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. $5,816. E. (9) $275.40.

A. Linda Chavez, American Federation of Teachers, AFL–CIO, 11 Dupont Circle NW., Washington, D.C. 20036.
B. American Federation of Teachers, AFL–CIO, 11 Dupont Circle NW., Washington, D.C. 20036.
D. (6) $6,500.04. E. (9) $169.

A. Citizens Committee for the Right To Keep and Bear Arms, 1601 114th SE., Suite 151, Bellevue, Wash. 98004.
D. (6) $121,599.49. E. (9) $9,055.17.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Ashland Oil, Inc., 1401 Winchester Avenue, Ashland, Ky. 41101.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Crown Central Petroleum Corp., 1 North Charles Street, P.O. Box 1168, Baltimore, Md. 21203.
D. (6) $300. E. (9) $100.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Maryland National Bank, 10 Light Street, Baltimore, Md. 21202.
D. (6) $200. E. (9) $100.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Toyota Motor Sales, U.S.A., 2055 West 190th Street, Torrance, Calif. 90504.

A. Clark Oil & Refining Corp., 8530 West National Avenue, Milwaukee, Wis. 53227.

A. Joan Claybrook, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $3,000.

A. Coalition Against Strip Mining, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $2,450. E. (9) $877.80.

A. Carl A. S. Coan, Jr., 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $9,192.18. E. (9) $715.85.

A. The Coca-Cola Bottlers' Association, 166 16th Street NW., Atlanta, Ga. 30318.
E. (9) $241.43.

A. Jeffery Cohelan, Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 701, Washington, D.C. 20036.
B. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 701, Washington, D.C. 20036.
D. (6) $2,916.

A. Rheal L. Cohen, 10 Greendale Place, Greenbelt, Md. 20770.
B. Sierra Club, 324 C Street SE., Washington, D.C. 20003.
D. (6) $3,375. E. (9) $137.75.

A. Timothy A. Colcord, 1620 I Street NW., Washington, D.C. 20006.
B. National BankAmericard, Inc., 555 California Street, San Francisco, Calif. 94126.
D. (6) $6,875. E. (9) $8,803.04.

A. Marvin K. Collie, 2201 First City National Bank Building, Houston, Tex. 77002.
B. Vinson, Elkins, Searls, Connally & Smith, 2100 First City National Bank Building, Houston, Tex. 77022 (for Brown & Root, Inc., P.O. Box 3, Houston, Tex. 77001).
D. (6) $37,875. E. (9) $2.46

A. Marvin K. Collie, 2201 First City National Bank Building, Houston, Tex. 77002.
B. Vinson, Elkins, Searls, Connally & Smith, 2100 First City National Bank Building, Houston, Tex. 77002 (for Joan Stroud, R.D. No. 2, West Grove, Pa.).
D. (6) $37,500. E. (9) $108.60.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. Department of Information, Private Bag X 152, Pretoria, 0001, Republic of South Africa.
D. (6) $1,067.13. E. (9) $1,537.34.

A. Committee for Humane Legislation, Inc., 201 Massachusetts Avenue NE., Washington, D.C. 20002.
D. (6) $11,989.41. E. (9) $23,208.15.

A. The Committee of Publicly Owned Companies, 22 Thames Street, New York, N.Y. 10006.
D. (6) $305. E. (9) $2,042.

A. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $22,856.52. E. (9) $22,856.52.

A. Conservative Victory Fund, 422 First Street SE., Washington, D.C.
D. (6) $34,033. E. (9) $80,977.

A. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza Station, Washington, D.C. 20024.
E. (9) $14,525.

A. Consumer Action Now, Inc., 49 East 53d Street, New York, N.Y. 10022.
D. (6) 1,446. E. (9) $1,499.

A. John J. Contney, 975 Arthur Godfrey Road, Miami Beach, Fla. 33140.
B. Linen Supply Association of America, 975 Arthur Godfrey Road, Miami Beach, Fla. 33140.

A. Glen S. Corso, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $3,375. E. (9) $205.27.

A. David Cosson, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
B. National Telephone Cooperative Association, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.

A. Council for a Livable World 100 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $19,636.64. E. (9) $14,656.69.

A. John A. Couture, National Forest Products Association, 1619 Massachusetts Avenue NW., D.C. 20036.
B. National Forest Products Association, 1619 Massachusetts Avenue NW., D.C. 20036.
D. (6) $825. E. (9) $157.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. American Can Co., Greenwich, Conn.
E. (9) $628.50.

A. Cox, Langford & Brown, 21 Dupont Circle NW., Washington D.C. 20036.
B. American Society of Anesthesiologists, 515 Busse Highway, Park Ridge, Ill. 60068.
D. (6) $500. E. (9) $650.

A. Joseph M. Cribben, 3104 Valley Lane, Falls Church, Va. 22044.
B. United Association of Journeymen & Apprentices of the Plumbing & Pipe Fitting Industry of the United States and Canada, 901 Massachusetts Avenue NW., Washington, D.C. 20001.
D. (6) $1,750. E. (9) $63.64.

A. Cuba Claims Association, Executive Committee, P.O. Box 014004, Miami, Fla. 33131.
E. (9) $54.26.

A. Frank Cummings, 1140 Connecticut Avenue NW., Suite 501, Washington, D.C. 20036.
B. The Institute of Electrical & Electronic Engineers, Inc., 345 East 47th Street, New York, N.Y. 10017.
D. (6) $8,350.

A. Robert J. Cushman, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $2,350. E. (9) $199.03.

A. Daniels, Houlihan & Palmeter, 1819 H Street NW., Washington, D.C. 20006.
B. American Importers Association, 420 Lexington Avenue, New York, N.Y. 10017.
D. (6) $3,000. E. (9) $125.36.

A. Daniels, Houlihan & Palmeter, 1819 H Street NW., Washington, D.C. 20006.
B. American Importers Association, Textile & Apparel Group, 420 Lexington Avenue, New York, N.Y. 10017.
D. (6) $2,000.

A. Daniels, Houlihan & Palmeter, 1819 H Street NW., Washington D.C. 20006.
B. Committee for 806.30 & 807, 2001 I Street NW., Washington, D.C. 20006.

A. Daniels, Houlihan & Palmeter, 1819 H Street NW., Washington, D.C. 20006.
B. Committee in Support of Existing U.S. Tariff Policy With Respect to Honey, M-50 at Springville, Onsted, Mich. 49265.

A. Daniels, Houlihan & Palmeter, 1819 H Street NW., Washinton, D.C. 20006.
B. Computer Systems of America, Inc., 141 Milk Street NW., Boston, Mass. 02109.
D. (6) $10,000. E. (9) $246.26.

A. Daniels, Houlihan & Palmeter, 1819 H Street NW., Washinton, D.C. 20006.
B. Confederation Europeinne de l'Industrie de la Chaussure (European Confederation of Footwear Industry), Rue du Luxembourg 19–BTE 14, 1040 Bruxelles, Belgium.

A. Daniels, Houlihan & Palmeter, 1819 H Street NW., Washington, D.C. 20006.
B. Micam-Anci, Milano, Italy.

A. Danzansky, Dickey, Tydings, Quint & Gordon, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Richard C. Darling, J. C. Penney Co., Inc., 1156 15th Street NW., Washington, D.C. 20005.
B. J. C. Penny Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $650. E. (9) $302.06.

A. John C. Datt, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $5,000. E. (9) $91.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.
B. Air Transport Association, 1709 New York Avenue NW., Washington, D.C. 20005.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.
B. Beneficial Finance Co., Beneficial Building, Morristown, N.J. 07960.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.
B. C.I.T. Financial Corp., 650 Madison Avenue, New York, N.Y. 10022.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.
B. Consumer Credit Insurance Association, 307 North Michigan Avenue, Chicago, Ill. 60601.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.
B. United States Brewers Association, Inc., 1750 K Street NW., Washington, D.C. 20006.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.
B. Vitex Manufacturing Co. Ltd., and Amity International Corp., St. Croix, V.I.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C. 20005.
B. Opticians Association of America, 1250 Connecticut Avenue NW., Washington, D.C. 20005.

A. Delson & Gordon, 230 Park Avenue, New York, N.Y. 10017.
B. Mrs. Mia Le Comte, Box 113, Great Barrington, Mass. 01252.
E. (9) $8,080.67.

A. William J. Dennis, Jr., National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.
B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.
D. (6) $2,250. E. (9) $254.

A. Pamela Deuel, Environmental Action, Inc., Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
B. Environmental Action, Inc., Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,980.76.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.
B. Federated Investors, Inc., 421 Seventh Avenue, Pittsburgh, Pa. 15219.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.

B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.

B. National Federation of Societies for Clinical Social Work, 698 West End Avenue, New York, N.Y. 10025.

D. (6) $200.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.

B. Tennessee Gas Transmission Co., P.O. Box 2511, Houston, Tex. 77001.

A. District of Columbia Bankers Association, 1709 New York Avenue NW., Washington, D.C. 20036.

D. (6) $12,238. E. (9) $2,307.65.

A. DK Consultants, Inc., 918 16th Street NW., Suite 402, Washington, D.C. 20006.

B. Aberrant Behavior Center, 1250 Dallas Federal Savings Tower, Dallas, Tex. 75225.

D. (6) $553.01. E. (9) $553.01.

A. DK Consultants, Inc., 918 16th Street NW., Suite 402, Washington, D.C. 20006.

B. American Committee for Shaare Zedek Hospital, 6 East 46th Street, New York, N.Y. 10017.

A. DK Consultants, Inc., 918 16th Street NW., Suite 402, Washington, D.C. 20006.

B. Federal Express, 2837 Sprankel, Memphis, Tenn.

A. DK Consultants, Inc., 918 16th Street NW., Suite 402, Washington, D.C. 20006.

B. Helena Vertac Chemical Co., 5100 Poplar Avenue, Memphis, Tenn. 38137.

D. (6) $2,050. E. (9) $2,658.52.

A. DK Consultants, Inc., 918 16th Street NW., Suite 402, Washington, D.C. 20006.

B. Houston Atlas, Inc., 9441 Baythorne Drive, Houston, Tex. 77041.

D. (6) $3,500. E. (9) $3,500.

A. DK Consultants, Inc., 918 16th Street NW., Suite 402, Washington, D.C. 20006.

B. Longfellow Corp., P.O. Box 4605, Midland, Tex. 79701.

A. DK Consultants, Inc., 918 16th Street NW., Suite 402, Washington, D.C. 20006.

B. National Association of Property Owners, 5353 First International Building, Dallas, Tex. 75270.

D. (6) $9,146.32. E. (9) $17,845.75.

A. DK Consultants, Inc., 918 16th Street NW., Suite 402, Washington, D.C. 20006.

B. Norton Manufacturing Co., P.O. Box 9067, Memphis, Tenn. 38109.

A. James F. Doherty, Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 701, Washington, D.C. 20036.

B. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 701, Washington, D.C. 20036.

D. (6) $8,437.50.

A. Dana B. Dolloff, 1620 I Street NW., No. 700, Washington, D.C. 20006.

B. International Paper Co., 1620 I Street NW., No. 700, Washington, D.C. 20006.

D. (6)$ 800. E. (9) $250.

A. Domestic Wildcatters Association, 900 First City National Bank Building, Houston, Tex. 77002.

E. (9) $31,731.98.

A. John C. Doyle, Jr., 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $300. E. (9) $77.65.

A. Louise C. Dunlap, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $1,500. E. (9) $44.32.

A. John H. Dunne, International Federation of Professional & Technical Engineers, AFL–CIO, 1126 16th Street NW., Washington, D.C. 20036.

B. International Federation of Professional & Technical Engineers, AFL–CIO, 1126 16th Street NW., Washington, D.C. 20036.

D. (6) $600. E. (9) $100.

A. J. D. Durand, Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C. 20006.

B. Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C. 20006.

E. (9) $460.

A. A. Blakeman Early, Environmental Action, Inc., Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $2,134.60.

A. Donald R. Ebe, 1800 K Street NW., Suite 800, Washington, D.C. 20006.

B. The Goodyear Tire & Rubber Co., Akron, Ohio 44316.

A. Clifford E. Edwards, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. National Rural Electric Cooperative Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

D. (6) $642. E. (9) $32.

A. El Paso Alaska Co., Pouch 7009, Anchorage, Alaska 99510.

E. (9) $30,000.

A. El Paso LNG Co., P.O. Box 2185, Houston, Tex. 77001.

E. (9) $23,433.52.

A. Roy Elson, 1771 N Street NW., Washington, D.C. 20036.

B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.

D. (6) $4,200. E. (9) $808.25.

A. Law Offices of Northcutt Ely, Watergate 600 Building, Washington, D.C. 20037.

B. Deepsea Ventures, Inc., Gloucester Point, Va. 23062.

D. (6) $6,000.

A. John W. Emeigh, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

A. Emergency Committee for American Trade, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $6,519.68. E. (9) $865.07.

A. Emerson Electric Co., 8100 Florissant, St. Louis, Mo. 63136.

A. Steven L. Engelberg, 1737 DeSales Street NW., Suite 400, Washington, D.C. 20036.

B. American Association of Marriage and Family Counselors, 225 Yale Avenue, Claremont, Calif. 91711.

D. (6) $2,499. E. (9) $114.62.

A. John R. Englehorn, Box 948, Stamford, Conn. 06904.

B. Texasgulf, Inc., 200 Park Avenue, New York, N.Y. 10017.

D. (6) $2,031.26. E. (9) $827.80.

A. Environmental Action, Inc., Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $14,937. E. (9) $14,937.

A. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $49,687.75. E. (9) $42,450.60.

A. Jerry N. Ervin, Quintana Refinery Co., P.O. Box 3331, Houston, Tex. 77001.

B. Quintana Refinery Co., P.O. Box 3331, Houston, Tex.

A. Ethyl Corp., 1155 15th Street NW., Suite 611, Washington, D.C. 20005.

E. (9) $400.

A. Federal Express Corp., AMF Box 30167, 2837 Sprankel, Memphis, Tenn. 38130.

E. (9) $119,075.31.

A. Joseph D. Feeney, 222 South Riverside Plaza, Suite 1200, Chicago, Ill. 60606.

B. Western Railroad Association, 222 South Riverside Plaza, Suite 1200, Chicago, Ill. 60606.

D. (6) $181.

A. Leon Felix, Jr., National Education Association, 1419 Joan Drive, Palatine, Ill. 60067.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $3,180.90. E. (9) $75.

A. Richard C. Fenton, Box 6, Aspen, Colo. 81611.

B. American Committee on United States-Soviet Relations, 122 Maryland Avenue NE., Washington, D.C. 20002.

D. (6) $1,950. E. (9) $268.44.

A. Bernard A. Feuerstein, 65 Brewster Road, Scarsdale, N.Y. 10583.

B. Delson & Gordon, 230 Park Avenue, New York, N.Y. 10017 (for Mrs. Mia Le Comte, Box 113, Great Barrington, Mass. 01252.

D. (6) $8,076.96.

A. C. H. Fields, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill

D. (6) $3,337. E. (9) $123.

A. Robert R. Fitzgerald, 13174 Putnam Circle, Woodbridge, Va. 22191.

B. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.

D. (6) $3,038.76.

A. Esther Safran Foer, John Adams Associates, Inc., 1825 K Street NW., Suite 210, Washington, D.C. 20006.

B. John Adams Associates, Inc., 1825 K Street NW., Suite 210, Washington, D.C. 20006.

D. (6) $750. E. (9) $112.50.

A. James F. Fort, 1101 15th Street NW., Suite 302, Washington, D.C. 20005.

B. United Parcel Service, 1101 15th Street NW., Suite 302, Washington, D.C. 20005.

D. (6) $645. E. (9) $1,310.06.

A. 4th Pro-Life Congressional District Action Committee, Box 38, Rt. 2, Vinemont, Ala. 35179.

D. (6) $2. E. (9) $70.

A. Alice Frandsen, 10311 Folk Street, Silver Spring, Md. 20902.

B. Women's Lobby, Inc., 201 Massachusetts Avenue NE., Washington, D.C. 20002.

E. (9) $26.25.

A. Donald A. Frederick, National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.

A. Greg Friberg, 918 16th Street NW., Suite 402, Washington, D.C. 20006.

B. DK Consultants, Inc., 918 16th Street NW., Suite 402, Washington, D.C. 20006.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Vought Corp., P.O. Box 5907, Dallas, Tex. 75222.

E. (9) $3,855.28.

A. Friends of Eye Research, Rehabilitation & Treatment, 20 Staniford Street, Boston, Mass. 02114.

E. (9) $8,947.07.

A. Jeffrey A. Fritzlen, Clark Oil & Refining Corp., 1150 Connecticut Avenue NW., Suite 1005, Washington, D.C. 20036.

B. Clark Oil & Refining Corp., 8530 West National Avenue, Milwaukee, Wis. 53227.

A. David C. Fullarton, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.

B. National Telephone Cooperative Association, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.

D. (6) $90.

A. Eleanor Garst, 4840 MacArthur Boulevard NW., Washington, D.C. 20007.

B. National Council for a World Peace Tax Fund, 2111 Florida Avenue NW., Washington, D.C. 20008.

D. (6) $550.

A. Leo J. Gehrig, American Hospital Association, 1 Farragut Square South, Washington, D.C. 20006.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $648.71. E. (9) $1,153.32.

A. James M. Gibson, National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.

B. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.

D. (6) $2,183.75.

A. Vernie R. Glasson III, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

D. (6) $3,396. E. (9) $24.

A. Martin J. Gleason, 1625 L Street NW., Washington, D.C. 20036.

B. American Federation of State, County, and Municipal Employees. AFL–CIO, 1625 L Street NW., Washington, D.C. 20036.

D. (6) $7,716. E. (9) $100.

A. Neil B. Goldstein, 50 West 40th Street, New York, N.Y. 10018.

B. Sierra Club, 50 West 40th Street, New York, N.Y. 10018.

D. (6) $4.708.35 E. (9) $3,061.79.

A. Alfonso J. Gonzalez, National Association of Social Workers (NASW), 1425 H Street NW., Suite 600, Washington, D.C. 20005.

B. National Association of Social Workers (NASW), 1425 H Street NW., Suite 600, Washington, D.C. 20005.

D. (6) $6,415. E. (9) $6,815.

A. Frederick D Goss. 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.

B. National Telephone Cooperative Association, 2626 Pennsylvania Avenue, NW., Washington, D.C. 20037.

D. (6) $290.

A. Carl F. Graham, Amway Corp., 7575 East Fulton Road, Ada, Mich.

B. Amway Corp., 7575 East Fulton Road, Ada, Mich.

A. Donald E. Graham, National Council of Farmers Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.

D. (6) $2,180. E. (9) $232.

A. James W. Green, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $5,210.25. E. (9) $473.62.

A. Margit S. Greenspon, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.

B. National Telephone Cooperative Association, 2626 Pennslvania Avenue NW., Washington, D.C. 20037.

D. (6) $300.

A. P. Michael Greenwald, American Hospital Association, 1 Farragut Square South, Washington, D.C. 20006.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $143.24. E. (9) $69.25.

A. Dale Greenwood, 302 Hoge Building, Seattle, Wash. 98104.

B. Washington Railroad Association, 302 Hoge Building, Seattle, Wash. 98104.

A. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 701, Washington, D.C. 20036.

D. (6) $31,718.21. E. (9) $31,718.21.

A. Gun Owners of America, Legislative Action Fund, 951 Arden Way, Sacramento, Calif. 95815.

B. Gun Owners of America, Legislative Action Fund, 951 Arden Way, Sacramento, Calif. 95815.

D. (6) $8,346.44. E. (9) $29,387.

A. Isabelle A. Hallahan, The American Dietetic Association, 430 North Michigan Avenue, Chicago, Ill. 60611.

B. The American Dietetic Association, 430 North Michigan Avenue, Chicago, Ill. 60611.

D. (6) $2,380. E. (9) $436.

A. Melinda Halpert, National Citizens Communications Lobby, 1028 Connecticut Avenue NW., Suite 402, Washington, D.C. 20036.

B. National Citizens Communications Lobby, 1028 Connecticut Avenue NW., Suite 402, Washington, D.C. 20036.

A. Hamel, Park, McCabe & Saunders, 1176 F Street NW., Washington, D.C. 20006.

B. Belize Sugar Industries, Ltd., Belize City, Belize (Central America).

E. (9) $222.82.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. Government of Republic of Panama, Compania Azucarera La Estrella, S.A., and Azucarera Nacional, S.A., Panama City, Panama.

D. (6) $3,000. E. (9) $90.33.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah 84101.

E. (9) $113.31.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. Sociedad Agricola e Industrial San Carlos, S.A., Compania Azucarera Valdez, S.A., Azucarera Tropical Americana, S.A., Tababuela Industrial Azucarera, C.A., Ecuador.

D. (6) $2,219.69. E. (9) $413.57.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. Sugar Association of the Caribbean, Port of Spain, Trinidad.

D. (6) $8,750. E. (9) $253.83.

A. Thomas A. Hammer, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

D. (6) $2917. E. (9) $73.

A. Robert N. Hampton, National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $1,478. E. (9) $50.

A. Donald K. Hanes, National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 Street NW., Washington, D.C.

A. Dave Harbour, Alaskan Arctic Gas Pipeline Co., 1730 Pennsylvania Avenue NW., Suite 230, Washington, D.C. 20006.

B. Alaskan Arctic Gas Study Co., P.O. Box 979, Alaska Mutual Bank Building, Anchorage, Alaska. 99510.

D. (6) $500.

A. Robert E. Harman, National Education Association. 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $3,710.50. E. (9) $75.

A. Walter D. Harris, TRW, Inc., 2030 M Street NW., Suite 800, Washington, D.C. 20036.

B. TRW, Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.

D. (6) $1,000.

A. Michael M. Hash, American Hospital Association, 1 Farragut Square, South, Washington, D.C. 20006.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $114.20. E. (9) $132.68.

A. Bruce R. Hawley, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

D. (6) $2,937. E. (9) $47.

A. Barbara Heller, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

B Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $23.67.

A. Ross E. Heller, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.

B. National Telephone Cooperative Association, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.

A. Douglas F. Henderson, Rocky Mountain Oil & Gas Association, 950 Petroleum Club Building, Denver, Colo. 80202.

B. Rocky Mountain Oil & Gas Association, 950 Petroleum Club Building, Denver, Colo. 80202.

A. Janet Hieber, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $3,000.

A. Hill, Christopher & Phillips, 1900 M Street, NW., Washington, D.C. 20036.

B. Association of Closed-End Investment Co., c/o Malcolm B. Smith, 330 Madison Avenue, New York, N.Y. 10017.

D. (6) $1,157.

A. Hill, Christopher & Phillips, 1900 M Street, NW., Washington, D.C. 20036.

B. Maremont Corp., New England Division, Box 111, Saco, Maine 04072.

D. (6) $6,060. E. (9) $148.16.

A. E. Joseph Hillings, National Airlines Inc., 1025 Connecticut Avenue, NW., Washington, D.C. 20036.

B. National Airlines, Inc., P.O. Box 592055 AMF, Miami, Fla. 33159.

A. James D. Hittle, 3137 South 14th Street, Arlington, Va. 22204.

B. Vought Corp., P.O. Box 5907, Dallas, Tex. 75222.

D. (6) $3,000.

A. Robert Hitzhusen, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

D. (6) $2,750. E. (9) $28.

A. Ralph D. Hodges, Jr., National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

E. (9) $150.

A. Charles L. Hoebel, Carrier Corp., Suite 510, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Carrier Corp., Carrier Tower, Box 1000, Syracuse, N.Y. 13201.

D. (6) $2,601. E. (9) $247.91.

A. Glen D. Hofer, National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20038.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

A. Austin B. Hogan, Jr., American Hospital Association, 1 Farragut Square, South, Washington. D.C. 20006.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $635.03. E. (9) $425.81.

A. Hogan & Hartson, 815 Connecticut Avenue, Washington. D.C 20006.

B. National Rehabilitation Association, 1522 K Street NW., Washington, D.C.

D. (6) $374.20.

A. Holiday Inns, Inc., 3742 Lamar Avenue, Memphis, Tenn. 38118.

A. Charles A. Horsky, 888 16th Street NW., Washington, D.C. 20006.

B. Trustees of the Penn Central Transportation Co., 1700 Market Street, Philadelphia, Pa. 19103.

D. (6) $649. E. (9) $30.

A. Arthur L. Howard, 6801 Industrial Road, Springfield, Va. 22151.

B. Washington Gas Light Co., 1100 H Street NW., Washington, D.C. 20080.

D. (6) $81.28. E. (9) $7.

A. Karl T. Hoyle, Independent Bankers Association of America, 1625 Massachusetts Avenue NW., Suite 203, Washington, D.C. 20036.

B. Independent Bankers Association of America, Sauk Centre, Minn. 56378.

E. (9) $2,800.

A. Nancy R. Huheey, National Federation of Independent Business, 490 L'Enfant Plaza SW., Suite 3206, Washington, D.C. 20024.

B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.

D. (6) $400.

A. Edward L. Hule, 4630 Montgomery Avenue, Suite 200, Washington, D.C. 20014.

B. National Association of Air Traffic Specialists, Inc., Suite 200, 4630 Montgomery Avenue, Washington, D.C. 20014.

D. (6) $5,314.44 E. (9) $197.63.

A. Stanley W Hulett, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Gregory A. Humphrey, American Federation of Teachers, AFL–CIO, 11 Dupont Circle NW., Washington, D.C. 20036.

B. American Federation of Teachers, AFL–CIO, 11 Dupont Circle, NW., Washington, D.C. 20036.

D. (6) $7,500. E. (9) $187.50.

A. David J. Humphreys, Paulson & Humphreys, 5272 River Road, Washington, D.C. 20016.

B. Recreation Vehicle Industry Association, P.O. Box 204, 14650 Lee Road, Chantilly, Va. 22021.

D. (6) $5,267.01.

A. Joan L. Huntley, 955 L'Enfant Plaza North SW., Washington, D.C. 20024.

B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.

A. Gerard F. Hurley, Suite 602, 1129 20th Street NW., Washington, D.C. 20036.

B. National Club Association, Suite 602, 1129 20th Street NW., Washington, D.C. 20036.

D. (6) $750. E. (9) $150.

A. Dewey M. Hutchins, Jr., Eastman Kodak Co., 500 12th Street SW., Washington, D.C. 20024.

B. Eastman Kodak Co., 343 State Street, Rochester, N.Y. 14650.

D. (6) $230. E. (9) $36.75.

A. Deborah Imle, 15th and M Streets NW., Washington, D.C. 20005.

B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.

D. (6) $1,281.25. E. (9) $66.89.

A. INA Corp., 1600 Arch Street, Philadelphia, Pa. 19101.

A. Institute of Foreign Bankers, 489 Fifth Avenue, New York, N.Y.

D. (6) $404.93. E. (9) $3,740.

A. Insurance Economics Society of America, 175 West Jackson Boulevard, Suite A1816, Chicago, Ill. 60604.

D. (6) $12,485.59. E. (9) $740.

A. International Brotherhood of Painters & Allied Trades, 1750 New York Avenue NW., Washington, D.C. 20006.

E. (9) $1,331.71.

A. International Union of Operating Engineers, 1125 17th Street NW., Washington, D.C. 20036.

E. (9) $2,350.

A. Investment Counsel Association of America, Inc., 127 East 59th Street, New York, N.Y. 10022.

A. David L. Ivey, National Parking Association, 1101 17th Street NW., Washington, D.C. 20036.

B. National Parking Association, 1101 17th Street NW., Washington, D.C. 20036.

D. (6) $2,687.50. E. (9) $36.40.

A. Deborah Jacobs, 703 Seventh Street SE., Washington, D.C. 20003.

B. National Abortion Rights Action League, 706 Seventh Street SE., Washington, D.C. 20003.

D. (6) $168.

A. Walter K. Jaenicke, National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $925. E. (9) $320.64.

A. E. A. Jaenke, 1735 I Street NW., Washington, D.C. 20006.

B. E. A. Jaenke & Associates, Inc., 1735 I Street NW., Washington, D.C. 20006.

D. (6) $1,000.

A. E. A. Jaenke & Associates, Inc., 1735 I Street NW., Washington, D.C. 20006.

B. The Cooperative League of the U.S.A., 1828 L Street NW., Washington, D.C. 20036.

D. (6) $1,000.

A. Gary L. Jarmin, 422 First Street SE., Washington, D.C., 20003.

B. American Conservative Union, 422 First Street SE., Washington, D.C. 20003.

D. (6) $3,577.

A. Philip F. Jehle, 300 National Press Building, Washington, D.C. 20004.

B. Smith Kline Corp., 1500 Spring Garden Street, Philadelphia, Pa. 19101.

D. (6) $900. E. (9) $1,890.

A. Nicholas Johnson, 1028 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Citizens Communications Lobby, P.O. Box 19101, Washington, D.C. 20036.

A. Ardon B. Judd, Jr., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Dresser Industries, Inc., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

A. E. Edward Kavanaugh, Cosmetic, Toiletry & Fragrance Association, Inc., 1133 15th Street NW., No. 1200, Washington, D.C. 20005.

B. Cosmetic, Toiletry & Fragrance Association, Inc., 1133 15th Street NW., No. 1200, Washington, D.C. 20005.

D. (6) $1,250. E. (9) $50.

A. T. Michael Kerr, 1625 L Street NW., Washington, D.C. 20036.

B. American Federation of State, County & Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C. 20036.

D. (6) $5,087.

A. Gibson Kingren, 900 17th Street, Suite 1014, Washington, D.C. 20006.

B. Kaiser Foundation Health Plan, Inc.

D. (6) $1,125.

A. John S. Knox, Jr., 166 16th Street NW., Atlanta, Ga. 30318.

B. The Coca–Cola Bottler's Association, 166 16th Street NW., Atlanta, 30318.

D. (6) $75.

A. John T. Korsmo, American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.

B. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007 (1600 Wilson Boulevard, Arlington, Va.)

D. (6) $500.

A. Louis C. Kramp & Associates, 1819 H Street NW., Suite 420, Washington, D.C. 20006.

B. Holiday Inns, Inc., 3742 Lamar Avenue, Memphis, Tenn. 38118.

A. James S. Krzyminski, National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $1,279. E. (9) 168.

A. Joseph A. Kuchler, American Hospital Association, 1 Farragut Square, South, Washington, D.C. 20006.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $82.05.

A. Philip Kugler, American Federation of Teachers, AFL–CIO, 11 Dupont Circle NW., Washington, D.C. 20036.

B. American Federation of Teachers, AFL–CIO, 11 Dupont Circle NW., Washington, D.C. 20036.

D. (6) $7,500. E. (9) $527.75.

A. Dan Kuykendall, 918 16th Street NW., Suite 402, Washington, D.C. 20006.

B. DK Consultants, Inc., 918 16th Street NW., Suite 402, Washington, D.C. 20006.

A. Ralph D. B. Laime, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $3,180.90. E. (9) $75.

A. Clifford LaPlante, 955 L'Enfant Plaza North S.W., Washington, D.C.

The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.

D. (6) $1,200.

A. Robert B. Laurents, 7205 Reservoir Road, Springfield, Va. 22150.

B. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.

D. (6) $3,825.

A. Rick C. Lavis, 1775 K Street NW., Suite 310, Washington, D.C. 20006.

B. El Paso LNG Co., P.O. Box 2185, Houston, Tex. 77001; El Paso Alaska Co., Pouch 7009, Anchorage, Alaska 99510.

D. (6) $2,436.15. E. (9) $71.70.

A. Susannah Lawrence, 317 Pennsylvania Avenue, Washington, D.C. 20003.

B. Consumer Action Now, Inc., 49 East 53d Street, New York, N.Y. 10022.

D. (6) $125. E. (9) $125.

A. John H. Leach II, P.O. Box 11125, Santa Ana, Calif. 92711.

B. Let The People Be Heard Committee, P.O. Box 11125, Santa Ana, Calif. 92711.

D. (6) $2,419. E. (9) 2,419.

A. John I. Le Berre, 900 17th Street NW., Washington, D.C. 20006.

B. Kaiser Aluminum & Chemical Corp., 900 17th Street NW., Washington, D.C. 20006.

D. (6) $400. E. (9) $60.

A. Robert J. Leigh, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.

B. National Telephone Cooperative Association, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.

A. Gilbert LeKander, 1629 K Street NW., Suite 700, Washington, D.C. 20006.

B. Montana Power Co., 40 East Broadway, Butte, Mont. 59701; Washington Water Power Co., Box 3727, Spokane, Wash. 99220.

D. (6) $450.

A. Dale Lestina, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $5,005.35. E. (9) $51.05.

A. Joseph A. Letorney, National Education Association, 112 Union Street, South Weymouth, Mass. 02190.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $3,336.90. E. (9) $75.

A. Samuel R. Levering, 245 Second Street NE., Washington, D.C. 20002.

B. U.S. Committee for the Oceans, 245 Second Street NE., Washington, D.C. 20002.

D. (6) $1,211.39.

A. Morris J. Levin, 1620 I Street NW., Washington, D.C. 20006.

B. Association of American Railroads, American Railroad Building, Washington, D.C. 20036.

D. (6) $1,000.

A. Liberty Lobby, Inc., 130 Third Street SE., Washington, D.C. 20003.

D. (6) $71,983.60. E. (9) $65,906.43.

A. Herbert Liebenson, National Small Business Association, 1225 19th Street NW., Washington, D.C. 20036.

B. National Small Business Association, 1225 19th Street NW., Washington, D.C.

D. (6) $4,500. E. (9) $1,200.

A. Russell B. Light, 955 L'Enfant Plaza North SW., Washington, D.C. 20024.

B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.

D. (6) $2,760. E. (9) $278.98.

A. E. F. Livaudais, Jr., 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

A. J. Patrick Logue, American Hospital Association, 1 Farragut Square South, Washington, D.C. 20006.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $452.31. E. (9) $67.75.

A. Nellie L. Longsworth, Preservation Action, 2101 L Street NW., Suite 906, Washington, D.C. 20037.

B. Preservation Action, 2101 L Street NW., Suite 906, Washington, D.C. 20037.

D. (6) $4,715.43. E. (9) $4,287.21.

A. Herschel C. Loveless, 918 16th Street NW., No. 501, Washington, D.C. 20006.

B. Chromalloy American Corp., 120 South Central Avenue, St. Louis, Mo. 63105.

A. C. Lance Lujan, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

E. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $4,475.85. E. (9) $181.66.

A. Richard Lyng, American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.

B. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007; 1600 Wilson Boulevard, Arlington, Va.

D. (6) $500.

A. James E. Lyons, International Federation of Professional & Technical Engineers, AFL–CIO, 1126 16th Street NW., Washington, D.C. 20036.

B. International Federation of Professional & Technical Engineers, AFL–CIO, 1126 16th Street NW., Washington, D.C. 20036.

D. (6) $435. E. (9) $200.

A. Carl Marcy, 100 Maryland Avenue NE., Washington, D.C. 20002.

B. American Committee on United States-Soviet Relations, 100 Maryland Avenue NE., Washington, D.C. 20002.

A. Cary Marcy, 100 Maryland Avenue NE., Washington, D.C. 20002.

B. Council for a Livable World, 100 Maryland Avenue NE., Washington, D.C. 20002.

D. (6) $3,000. E. (9) $310.47.

A. Edwin E. Marsh, 336 Southern Building, 805 15th Street NW., Washington, D.C. 20005.

B. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah 84101.

D. (6) $5,227.26. E. (9) $1,998.17.

A. Jon G. Massey, P.O. Box 8293, Washington, D.C. 20024.

B. Oil Investment Institute, P.O. Box 8293, Washington, D.C. 20024.

A. Charles H. Mauzy, National Education Association, 3951 Snapfinger Parkway, Decatur, Ga. 30032.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $3,180.90. E. (9) $75.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20006.

B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.

D. (6) $2,213.75.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20006

B. Encyclopaedia Britannica, 425 North Michigan Avenue, Chicago, Ill. 60611.

D. (6) $1,315.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20006.

B. Encyclopaedia Britannica Educational Corp., 425 North Michigan Avenue, Chicago, Ill. 60611.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20006.

B. Santee River Cypress Lumber Co. & Beidler Owners, Suite 1354, 222 West Adams Street, Chicago, Ill. 60606.

A. J. R. McAlpin, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Armco Steel Corp., Suite 419, 815 Connecticut Avenue NW., Washington, D C. 20006.

D. (6) $360. E. (9) $136.

A. F. Stephen McArthur, 1341 G Street Northwest, No. 908, Washington, D.C. 20005.

B. American Israel Public Affairs Committee, 1341 G Street NW., No. 908, Washington, D.C. 20005.

D. (6) $3,750.

A. Robert C. McCandless, 1707 H Street NW., Washington, D.C. 20006.

B. Transamerica Insuranace Corp. of California, Occidental Center, Hill and Olive at 12th Street, Los Angeles, Calif. 90015.

D. (6) $825. E. (9) $152.50.

A. Richard M. M. McConnell, National Association of Federal Credit Unions, 1156 15th Street NW , Suite 315, Washington, D.C. 20005.

B. National Association of Federal Credit Unions, 1156 15th Street NW., Suite 315, Washington, D.C. 20005.

D. (6) $300.

A. Wayne McCormack, Suite 370, 1 Dupont Circle NW., Washington, D.C. 20036.

B. Association of American Law Schools, Suite 370, 1 Dupont Circle NW., Washington, D.C. 20036.

A. Joseph A McElwain, 40 East Broadway, Butte, Mont. 59701.

B. The Montana Power Co., Butte, Mont. 59701.

E. (9) $30.28.

A. Stanley J. McFarland, National Education Association, 1201 16th Street NW., Washington, D.C. 200036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $6,030. E. (9) $586.83.

A. Linda S. McFarlin, National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.

B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.

D. (6) $400.

A. Joseph B. McGrath, National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington D.C. 20036.

D. (6) $7,875. E. (9) $554.94.

A. John J. McHale, Jr., 3146 Q Street, Washington, D.C. 20007.

B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza Station, Washington, D.C. 20024.

D. (6) $1,500.

A. James D. McKevitt, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Association of Women's & Childrens Apparel Salesmen (NAWCAS), 515 Peachtree, Palisades Building, Atlanta Ga. 30309.

D. (6) $2,000. E. (9) $155.

A. James D. McKevitt, National Federation of Independent Business, 490 L'Enfant Plaza East, SW., Suite 3206, Washington, D.C. 20024.

B. National Federation of Independent Business, 490 L'Enfant Plaza East, SW., Suite 3206, Washington, D.C. 20024.

D. (6) $5,500. E. (9) $875.

A. Margaret E. McNamara, 100 Maryland Avenue NE., Washington D.C. 20002.

B. Council for a Livable World, 100 Maryland Avenue NE., Washington, D.C. 20002.

D. (6) $2,231.16. E. (9) $310.47.

A. Nanine Meiklejohn, 1625 L Street NW., Washington, D.C. 20036.

B. American Federation of State, County, & Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C. 20036.

D. (6) $5,142. E. (9) $34.38.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington D.C. 20015.

B. National Association of Recycling Industries, Inc., 330 Madison Avenue, New York, N.Y. 10017.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20015.

B. Riviana Foods, Inc., P.O. Box 2636, Houston, Tex. 77001.

A. John A. Merrigan, Suite 1001, 1660 L Street NW., Washington, D.C. 20036.

B. Small Producers for Energy Independence, Suite 970 Fourth Financial Center, Wichita, Kans. 67202.

A. Ronald Michieli, 425 13th Street NW., Suite 1020, Washington, D.C. 20004.

B. American National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80202.

D. (6) $1,000.

A. Joseph S. Miller, 210 A Street NE., Washington, D.C. 20002.

B. MEBA Political Action Fund, 17 Battery Place, New York, N.Y. 10004.

D. (6) $3,000. E. (9) $1,006.75.

A. Joseph S. Miller, 210 A Street NE., Washington, D.C. 20002.

B. O. & C. Counties Association, Douglas County Court House, Roseburg, Oreg.

A. Joseph S. Miller, 210 A Street NE., Washington, D.C. 20002.

B. Port of Portland, Box 5329, Portland, Oreg. 97208.

D. (6) $600.

A. Joseph S. Miller, 210 A Street NE., Washington, D.C. 20002.

B. Western Forest Industries Association, 1500 Southwest Taylor Street, Portland, Oreg. 97205.

D. (6) $1,500. E. (9) $360.25.

A. Kirk Miller, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Illinois.

D. (6) $3,042. E. (9) $21.00.

A. Lester F. Miller, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue N.W., Washington, D.C.

B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue N.W., Washington, D.C.

D. (6) $642. E. (9) $24.

A. Maya Miller, 1739 N Street NW., Washington, D.C. 20036.

B. Women's Lobby Inc., 201 Massachusetts Avenue NE., Washington, D.C. 20002.

E. (9) $6,505.50.

A. Richard M. Millman, 1730 M Street NW., Suite 908, Washington, D.C. 20036.

B. National Council of Senior Citizens, Inc., 1511 K Street NW., Washington, D.C. 20005.

D. (6) $4,500. E. (9) $238.24.

A. Clarence Mitchell, National Association for the Advancement of Colored People, 733 15th Street NW., Suite 410, Washington, D.C. 20005.

B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.

D. (6) $4,000.

A. John S. Monagan, Suite 1010, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Shimano American Corp., 1133 Avenue of the Americas, New York, N.Y. 10036.

D. (6) $2,344.60. E. (9) $245.42.

A. Michael Monroney, TRW, Inc., 2030 M Street NW., Suite 800, Washington, D.C. 20036.

B. TRW, Inc. 23555 Euclid Avenue, Cleveland, Ohio 44117.

D. (6) $1,000.

A. Jo V. Morgan, Jr., 1050 17th Street NW., Washington, D.C. 20036.

B. The American Humane Association, P.O. Box 1266, Denver, Colo. 80201.

D. (6) $1,800.

A. Morris Associates, Inc., 1346 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Council of Community Mental Health Centers, 2233 Wisconsin Avenue NW., Washington, D.C. 20007.

D. (6) $12,887.50. E. (9) $15,132.35.

A. John J. Motley, National Federation of Independent Business, 490 L'Enfant Plaza East, SW, Suite 3206, Washington, D.C. 20024.

B. National Federation of Independent Business, 490 L'Enfant Plaza East, SW., Suite 3206, Washington, D.C. 20024.

D. (6) $2,250.00. E. (9) $615.

A. Karen Mulhauser, National Abortion Rights Action League, 706 Seventh Street NE., Washington, D.C. 20003.

B. National Abortion Rights Action League, 706 Seventh Street SE., Washington, D.C. 20003.

D. (6) $465.

A. Kenneth D. Naden, National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.

D. (6) $2,438. E. (9) $208.

A. National Abortion Rights Action League, 706 Seventh Street S.E, Washington, D.C. 20003.

D. (6) $81,748. E. (9) $11,476.99.

A. National Air Carrier Association, 1730 M Street NW., Suite 710, Washington, D.C. 20036.

D. (6) $1,330. E. (9) $1,330.

A. National Association for Humane Legislation, Inc., 675 Pinellas Point Drive South, St. Petersburg, Fla. 33705.

D. (6) $494.55. E. (9) $1,539.45.

A. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.

A. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.

D. (6) $58,697.34. E. (9) $19,271.04.

A. National Association of Air Traffic Specialists, Inc., Suite 200, 4630 Montgomery Avenue, Washington, D.C. 20014.

D. (6) $80,767.17. E. (9) $5,332.07.

A. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.

D. (6) $71,229.78. E. (9) $52,753.84.

A. National Association of Home Manufacturers, 1619 Massachusetts Avenue NW., Washington, D.C.

D. (6) $100. E. (9) $100.

A. National Association of Independent Lumbermen, 1050 17th Street NW., 12th Floor, Washington, D.C. 20036.

D. (6) $32,658.10. E. (9) $29,216.36.

A. National Association of Margarine Manufacturers, 1725 K Street NW., Suite 1202, Washington, D.C. 20006.

E. (9) $100.

A. National Association of State Lotteries, P.O. Box 1000, Braintree, Mass. 02184.

D. (6) $2,526.11 E. (9) $2,526.11.

A. National Beer Wholesalers' Association of America, Inc., 6310 North Cicero Avenue, Chicago, Ill. 60646.

D. (6) $45,902. E. (9) $523.29.

A. National Campaign To Stop the B–1 Bomber, 318 Massachusetts Avenue NE., Washington, D.C. 20002.

D. (6) $6,518.20. E. (9) $7,201.17.

A. National Citizens Communications Lobby, P.O. Box 19101, Washington, D.C. 20036.

D. (6) $2,442. E. (9) $177.

A. National Coal Association, Coal Building, Washington, D.C. 20036.
D. (6) $773,143.81. E. (9) $4,475.71.

A. National Committee on Locks & Dam 26, 1129 20th Street NW., No. 512, Washington, D.C. 20036.
D. (6) $35,950. E. (9) $64,388.20.

A. National Council of Agricultural Employers, 237 Southern Building, 1425 H Street NW., Washington, D.C. 20005.
D. (6) $1,070. E. (9) $2,256.

A. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.
D. (6) $83,900. E. (9) $58,796.

A. National Council to Control Handguns, 810 18th Street NW., Washington, D.C. 20006.
D. (6) $62,791.57. E. (9) $52,919.74.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. Belco Petroleum Corp., 1 Dag Hammarskjold Plaza, New York, N.Y.
E. (9) $1,672.17.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. Domestic Wildcatters Association, 900 First National Bank Building, Houston, Tex. 77002.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. Electronic Memories & Magnetics, 1880 Century Park East, Los Angeles, Calif. 90067.
D. (6) $500. E. (9) $66.15.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. North American Telephone Association, 1030 15th Street NW., Suite 360, Washington, D.C. 20036.
D. (6) $11,533.33. E. (9) $11,825.91.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. Western Railroad Association, 222 South Riverside Plaza, Chicago, Ill. 60606.
D. (6) $7,063.33. E. (9) $3,115.70.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. Zimmer, Egge & Sisk, Suite 220, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $4,750. E. (9) $207.14.

A. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $57,565.20. E. (9) $15,009.90.

A. National Federation of Independent Business, 490 L'Enfant Plaza SW., Washington, D.C. 20024.
B. National Federation of Independent Business, 150 West 20th Avenue, San Mateo, Calif. 94403.
D. (6) $35,798.19. E. (9) $35,798.19.

A. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $10,957.58. E. (9) $10,957.58.

A. National Government & Legislative Relations Service, 1625 I Street NW., No. 324–A, Washington, D.C. 20006.
D. (6) $11,842. E. (9) $9,064.

A. The National Leased Housing Association, Suite 400 South, 1800 M Street NW., Washington, D.C. 20036.
D. (6) $450. E. (9) $450.

A. National Parking Association, 1101 17th Street NW., Washington, D.C. 20036.
E. (9) $1,815.59.

A. National Realty Committee, Inc., 230 Park Avenue, New York, N.Y. 10017.
D. (6) $695.75. E. (9) $695.75.

A. National Rehabilitation Association, 1522 K Street NW., Suite 1120, Washington, D.C. 20005.
D. (6) $39,303. E. (9) $1,100.

A. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $34,020. E. (9) $61,139.

A. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $7,587. E. (9) $4,593.

A. National Small Business Association, 1225 19th Street NW., Washington, D.C. 20036.
D. (6) $5,000. E. (9) $2,562.52.

A. National Taxpayers Union, 325 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $44,385. E. (9) $44,358.

A. National Telephone Cooperative Association, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
E. (9) $680.

A. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah 84101.
D. (6) $13,929. E. (9) $21,774.89.

A. Stanley Nehmer, Suite 800, 1101 17th Street NW., Washington, D.C. 20036.
B. American Footwear Industries Association, 1611 North Kent Street, Arlington, Va. 22209.
D. (6) $750. E. (9) $500.

A. Stanley Nehmer, Suite 800, 1101 17th Street NW., Washington, D.C. 20036.
B. International Leather Goods, Plastics & Novelty Workers' Union, 265 West 14th Street, New York, N.Y. 10011.
D (6) $250. E. (9) $225.

A. Stanely Nehmer, Suite 800, 1101 17th Street NW., Washington, D.C. 20036.
B. The National Handbag Association, 350 Fifth Avenue, New York, N.Y. 10016.
D. (6) $250. E. (9) $225.

A. Ivan A. Nestingen, 1010 16th Street NW., Suite 700, Washington, D.C. 20036.
B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $900. E. (9) $225.

A. John A. Nevius, Whiteford, Hart, Carmody & Wilson, 1050 17th Street NW., Washington, D.C. 20036.
B. District of Columbia Bankers Association, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $2,302.50.

A. Frank Newham, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

A. New York Committee of International, Committee of Passenger Lines, 25 Broadway, New York, N.Y. 10004.
D. (6) $34,500. E. (9) $18,075.

A. Rebekah Norton, 422 First Street SE., Washington, D.C. 20003.
B. Conservative Victory Fund, 422 First Street SE., Washington, D.C. 20003.
D. (6) $3,835.

A. Dallin H. Oaks, Brigham Young University, Provo, Utah. 84602.
B. Brigham Young University, Provo, Utah. 84602.

A. Hubert K. O'Bannon, 1318 North George Mason Drive, Arlington, Va. 22205.
B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza Station, Washington, D.C. 20024.
D. (6) $12,200.

A. William B. O'Connell, 111 East Wacker Drive, Chicago, Ill. 60601.
B. U.S. League of Savings Associations, 111 E. Wacker Drive, Chicago, Ill. 60601.
D. (6) $337.50. E. (9) $142.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20003.
B. Alleghany Corp., New York, N.Y.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Automotive Parts & Accessories Association, Inc., 1025 Connecticut Avenue NW., Washington, D.C. 20006.
D. (6) $200. E. (9) $8.50.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Glass-Steagall Act Study Committee, 1200 18th Street NW., Washington, D.C. 20036.
E. (9) $700.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Glass-Steagall Act Study Committee, 1200 18th Street NW., Washington, D.C. 20036.
D. (6) $4,166.67. E. (9) $239.75.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Hospital Financing Study Group, New York, N.Y.
D. (6) $1,250. E. (9) $240.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Investors Diversified Services, Inc., Suite 2900, IDS Tower, Minneapolis, Minn. 55402.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Lehigh Coal & Navigation Co., Minneapolis, Minn.
D. (6) $200. E. (9) $13.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Association of Church & Institutional Financing Organizations, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $375. E. (9) $63.75.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.
D. (6) $969. E. (9) $89.73.

A. John B. O'Day, 175 West Jackson Boulevard, Suite A1816, Chicago, Ill. 60604.
B. Insurance Economics Society of America, 175 West Jackson Boulevard, Suite A1816, Chicago, Ill. 60504.
D. (6) $600.

A. Richard C. O'Hare, 1120 Investment Building, Washington, D.C. 20005.
B. Harness Tracks of America, 333 North Michigan Avenue, Chicago, Ill. 60601.

A. Oil Investment Institute, P.O. Box 8293, Washington, D.C. 20024.

A. Charles J. Orasin, National Council To Control Handguns, 810 18th Street NW., Washington, D.C. 20006.

B. National Council To Control Handguns, 810 18th Street NW., Washington, D.C. 20006.

D. (6) $2,372.93.

A. Organization of Professional Employees of the Department of Agriculture (OPEDA), Room 1247-S, U.S. Department of Agriculture, Washington, D.C. 20250.

D. (6) $3,907.59. E. (9) $2,666.27.

A. J. Denis O'Toole (National Association of Home Builders of the United States), 15th and M Streets NW., Washington, D.C. 20005.

B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.

D. (6) $5,156.24. E. (9) $543.22.

A. Steven C. Pearlman, National Campaign To Stop the B-1 Bomber, 318 Massachusetts Avenue NE., Washington, D.C. 20002.

B. National Campaign To Stop the B-1 Bomber, 318 Massachusetts Avenue NE., Washington, D.C. 20002.

D. (6) $1,750.

A. Elana Pecker, Sierra Club, 50 West 40th Street, New York, N.Y. 10018.

B. Sierra Club, 50 West 40th Street, New York, N.W. 10018.

D. (6) $2,229.50.

A. Richard W. Peterson, Independent Bankers Association of America, 1625 Massachusetts Avenue NW., Suite 203, Washington, D.C. 20036.

B. Independent Bankers Association of America, Sauk Centre, Minn. 56378.

E. (9) $2,800.

A. Grant C. Pinney, 730 North Balsam Street, Ridgecrest, Calif. 93555.

B. Sierra Sands Unified School District, 730 North Balsam Street, Ridgecrest, Calif. 93555.

A. E. Rogers Pleasants, 1701 Pennsylvania Avenue NW., Suite 210, Washington, D.C. 20006.

B. E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, Del. 19898.

D. (6) $40. E. (9) $6.

A. Frederick T. Poole, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

D. (6) $3,046. E. (9) $85.

A. William I. Powell, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C.

D. (6) $55.84. E. (9) $5.70.

A. Prather, Seeger, Doolittle, Farmer & Ewing, 1101 16th Street NW., Washington, D.C. 20036.

B. Bankers' Association for Foreign Trade, 1101 16th Street NW., Washington, D.C. 20036.

D. (6) $1,500.

A. Prather, Seeger, Doolittle, Farmer & Ewing, 1101 16th Street NW., Washington, D.C. 20036.

B. First National Bank of Chicago, 1 First National Plaza, Chicago, Ill. 60670.

D. (6) $1,000.

A. Preservation Action, 2101 L Street NW., Suite 906, Washington, D.C. 20037.

D. (6) $4,715.43. E. (9) $4,287.21.

A. Purcell & Nelson, 1776 F Street NW., Washington, D.C. 20006.

B. The Business Roundtable, 405 Lexington Avenue, New York, N.Y. 10017.

D. (6) $112.50.

A. Quintana Refinery Co., P.O. Box 3331. Houston, Tex. 77001.

A. Ragan & Mason, 900 17th Street NW., the Farragut Building, Washington, D.C.

B. Bermuda Department of Tourism, Hamilton, Bermuda.

D. (6) $1,666.

A. Ragan & Mason, 900 17th Street NW., the Farragut Building, Washington, D.C.

B. Denver Water Department, 144 West Calfax Avenue, Denver, Colo.

D. (6) $8,848.75.

A. Ragan & Mason, 900 17th Street NW., the Farragut Building, Washington, D.C.

B. Fibreboard Corp., 55 Francisco Street, San Francisco, Calif.

A. Ragan & Mason, 900 17th Street NW., the Farragut Building, Washington, D.C.

B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa.

D. (6) $2,000.

A. Ragan & Mason, 900 17th Street NW., the Farragut Building, Washington, D.C.

B. National Bulk Carriers, Inc., 1345 Avenue of the Americas, New York, N.Y.

D. (6) $3,000.

A. Ragan & Mason, 900 17th Street NW., the Farragut Building, Washington, D.C.

B. National Ski Areas Association, 99 Park Avenue, New York, N.Y.

D. (6) $1,500. E. (9) $190.

A. Ragan & Mason, 900 17th Street NW., the Farragut Building, Washington, D.C.

B. Princess Hotels International, 1345 Avenue of the Americas, New York, N.Y.

D. (6) $2,500.

A. Ragan & Mason, 900 17th Street NW., the Farragut Building, Washington, D.C.

B. R. J. Reynolds Industries, Inc., 401 North Main Street, Winston-Salem, N.C.

D. (6) $1,000.

A. Ragan & Mason, 900 17th Street NW., the Farragut Building, Washington, D.C.

B. Sea-Land Service, Inc., P.O. Box 900, Edison, N.J.

D. (6) $900. E. (9) $16.

A. Ragan & Mason, 900 17th Street NW., the Farragut Building, Washington, D.C.

B. Security Pacific National Bank, 333 South Hope Street, Los Angeles, Calif.

D. (6) $225.

A. Ragan & Mason, 900 17th Street NW., the Farragut Building, Washington, D.C.

B. Security Pacific National Leasing, Inc., P.O. Box 7722, San Francisco, Calif.

A. Ragan & Mason 900 17th Street NW., the Farragut Building, Washington, D.C.

B. Stimson Lumber Co. & Miller Redwood Co., 315 Pacific Building, Portland, Oreg.

D. (6) $125.

A. Ragan & Mason, 900 17th Street NW., the Farragut Building, Washington, D.C.

B. Uranium Enrichment Associates, 1620 I Street, Washington, D.C.

D. (6) $38,600.

A. D. Michael Rappoport, P.O. Box 1980, Phoenix, Ariz. 85001.

B. Salt River Project, P.O. Box 1980, Phoenix, Ariz. 85001.

D. (6) $743.09. E. (9) $1,686.84.

A. Sydney C. Reagan, 6815 Prestonshire, Dallas, Tex. 75225.

B. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex. 75225.

D. (6) $150. E. (9) $150.

A. Recreational Vehicle Industry Association, P.O. Box 204, 14650 Lee Road, Chantilly, Va. 22021.

E. (9) $5,267.01.

A. Thomas J. Reese, 1225 Otis Street NE., Washington, D.C. 20017.

B. Taxation With Representation, 2369 North Taylor Street, Arlington, Va. 22207.

D. (6) $396.67. E. (9) $20.45.

A. John T. Reggitts, Jr., R.D. No. 2, Boonton Avenue, Boonton, N.J. 07005.

A. Reid & Priest, 1701 K Street NW., Washington, D.C. 20006.

B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.

D. (6) $1,000. E. (9) $1,000.

A. Pratt Remmel, Jr., 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. American Rivers Conservation Council, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

A. Reproductive Freedom League, P.O. Box 11921, Lexington, Ky. 40511.

D. (6) $272.50. E. (9) $103.52.

A. Research To Prevent Blindness, Inc., 598 Madison Avenue, New York, N.Y. 10022.

E. (9) $2,500.

A. John H. Reurs, 25 Broadway, New York, N.Y. 10004.

B. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y. 10004.

D. (6) $8,250. E. (9) $955.

A. W. A. Reynolds, 4400 Lincoln Boulevard, Suite 155, Oklahoma City, Okla. 73105.

B. Aerospatiale, 1225 19th Street NW., Washington, D.C. 20036.

D. (6) $5,700. E. (9) $2,140.74.

A. Edmund B. Rice, American Hospital Association, 1 Farragut Square South, Washington, D.C. 20006.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $20.51.

A. James W. Riddell, 723 Washington Building, Washington, D.C. 20005.

B. The Kellogg Co., Battle Creek, Mich.

A. James W. Riddell, 723 Washington Building, Washington, D.C. 20005.

B. W. K. Kellogg Foundation, Battle Creek, Mich.

A. James W. Riddell, 723 Washington Building, Washington, D.C. 20005.

B. Pan American World Airways, Inc., 1800 K Street NW., Washington, D.C. 20006.

A. James W. Riddell, 723 Washington Building, Washington, D.C. 20005.

B. Volume Footwear Retailers of America, 51 East 42d Street, New York, N.Y. 10017.

A. S. F. Riepma, 1725 K Street NW., Suite 1202, Washington, D.C. 20006.

B. National Association of Margarine Manufacturers, 1725 K Street NW., Suite 1202, Washington, D.C. 20006.

E. (9) $100.

A. John Riley, National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C.

B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.

D. (6) $787.50.

A. John R. Rivers, American Hospital Association, 1 Farragut Square South, Washington, D.C. 20006.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $189.20. E. (9) $133.02.

A. James C. Roberts, 422 First Street SE., Washington, D.C. 20003.

B. American Conservative Union, 422 First Street SE., Washington, D.C. 20003.

D. (6) $2,500.

A. Robert Robertson, 1050 17th Street NW., 12th Floor, Washington, D.C. 20036.

B. National Association of Independent Lumbermen, 1050 17th Street NW., Washington, D.C. 20036.

D. (6) $13,461.49. E. (9) $3,386.18.

A. Jerome Robinson, 500 Three Islands Boulevard, Hallandale, Fla. 33009.

B. Florida Restaurant Association, 1077 N.E. 125th Street, North Miami, Fla. 33161.

A. Ronn Robinson, National Education Association, P.O. Box 558, Mercer Island, Wash. 98040.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $3,180.90. E. (9) $100.

A. Nathaniel H. Rogg, National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.

B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.

D. (6) $3,718.06. E. (9) $98.95.

A. June A. Rogul, 1341 G Street NW., No. 908, Washington, D.C. 20005.

B. American Israel Public Affairs Committee, 1341 G Street NW., No. 908, Washington, D.C. 20005.

D. (6) $2,750.01.

A. Michael T. Rose, 953 Fillmore Street, Denver, Colo. 80206.

D. (6) $5,000. E. (9) $2,800.

A. Harry N. Rosenfield, 1735 DeSales Street NW., Washington, D.C. 20036.

B. American Chiropractic Association, 2200 Grand Avenue, Des Moines, Iowa 50312.

D. (6) $1,990. E. (9) $197.

A. Christine A. Russell, National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.

B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.

D. (6.) $400.

A. Robert M. Russell, 2170 Piedmont Road NE., Atlanta, Ga. 30324.

B. Orkin Exterminating Co., Inc., 2170 Piedmont Road NE., Atlanta, Ga. 30324.

D. (6) $330. E. (9) $1,284.26.

A. Millard H. Ruud, Suite 370, 1 Dupont Circle NW., Washington, D.C. 20036.

B. Association of American Law Schools, Suite 370, 1 Dupont Circle NW., Washington, D.C. 20036.

A. Ella Marice Ryan, J.C. Penney Co., Inc., 1156 15th Street NW., Washington, D.C. 20005.

B. J.C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.

D. (6) $100. E. (9) $181.73.

A. C. Hill Rylander, 1120 19th Street NW., Suite 503, Washington, D.C. 20036.

B. Independent Insurance Agents of America, Inc., 85 John Street, New York, N.Y. 10038.

E. (9) $4,562.16.

A. Henry Schacht, California Canners & Growers, 3100 Ferry Building, San Francisco, Calif. 94106.

B. California Canners & Growers, 3100 Ferry Building, San Francisco, Calif. 94106.

D. (6) $2,850. E. (9) $712.15.

A. Allan D. Schimmel, 639 South Carolina Avenue SW., Washington, D.C. 20003.

B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza Station, Washington, D.C. 20024.

D. (6) $3,625.

A. Ronald F. Schrader, National Committee on Locks & Dam 26, 1129 20th Street NW., Room 512, Washington, D.C. 20036.

B. National Committee on Locks & Dam 26, 1129 20th Street NW., Room 512, Washington, D.C. 20036.

D. (6) $12,498.

A. William H. Schweitzer, 805 15th Street NW., Suite 500, Washington, D.C. 20005.

B. Baker, Hostetler, Frost & Towers, 805 15th Street NW., Suite 500, Washington, D.C. 20005 (for the Soap & Detergent Association, 475 Park Avenue South at 32d Street, New York, N.Y. 10016).

A. Harold B. Scoggins, Jr., 1101 16th Street NW., Washington, D.C. 20036.

B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.

E. (9) $21.30.

A. Second Pro-Life Congressional District Action Committee, 3244 East Willard, Tucson, Ariz. 85716.

D. (6) $174. E. (9) $174.

A. Yvonne L. Shafer, National Education Association, Classroom Teachers of Dallas, 3816 San Jacinto Street, Dallas, Tex. 75204.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $2,501.30. E. (9) $100.

A. Joseph H. Sharlitt, 1747 Pennsylvania Avenue, NW., Washington, D.C. 20006.

B. National Remodelers Association, 42 East 50th Street, New York City, N.Y. 10017.

D. (6) $3,100. E. (9) $3,100.

A. James R. Sharp, 1108 16th Street NW., Washington, D.C. 20036.

B. American Fur Merchants Association, 224 West 30th Street, New York, N.Y.

D. (6) $1,000. E. (9) $53.98.

A. Nelson T. Shields, National Council To Control Handguns, 810 18th Street NW., Washington, D.C. 20006.

B. National Council to Control Handguns, 810 18th Street NW., Washington, D.C. 20006.

A. Shimano American Corp., 1133 Avenue of Americas, New York, N.Y. 10036.

E. (9) $2.590.02.

A. Harvey A. Shipman, 2021 K Street NW., Suite 700, Washington, D.C. 20006.

B. Penn Central Transportation Co., 1700 Market Street, Philadelphia, Pa. 19103.

D. (6) $400. E. (9) $1,355.

A. Margaret Siegel, 1625 L Street NW., Washington, D.C. 20036.

B. American Federation of State, County, & Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C. 20036

D. (6) $5,268. E. (9) $121.40.

A. Thomas K. Singer, 900 17th Street NW., Washington, D.C. 20006.

B. Kaiser Aluminum & Chemical Corp., 900 17th Street NW., Washington, D.C. 20006.

D. (6) $112.50 E. (9) $25.

A. Robert G. Smerko, G. D. Searle & Co.; Suite 320; 1750 Pennsylvania Avenue, Washington, D.C. 20006.

B. G. D. Searle, Box 1045, Skokie, Ill. 60076.

A. James R. Smith, 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.

B. The American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.

D. (6) $500. E. (9) $55.

A. John M. Snyder, 1721 DeSales Street NW., Washington, D.C. 20036.

B. Citizens Committee for the Right To Keep and Bear Arms, Bellefield Office Park, 1601 114th SE., Suite 151, Bellefield, Wash. 98004.

D. (6) $4,050.

A. Charles B. Sonneborn, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Association of Blue Shield Plans, 211 East Chicago Avenue, Chicago, Ill. 60611.

A. Leland R. Sorteberg, National Rural Letter Carriers Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

D. (6) $642. E. (9) $8.

A. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex. 75225.

D. (6) $150. E. (9) $150.

A. Girardeau A. Spann, Public Citizen, Inc., 2000 P Street NW., Suite 700, Washington, D.C. 20036.

B. Public Citizen, Inc., Box 19404, Washington, D.C. 20036.

D. (6) $300. E. (9) $10.

A. Robert H. Starkey, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

4. (6) $642. E. (9) $5.

A. George E. Steele, Jr., Steele & Utz, 1225 19th Street NW., Suite 700, Washington, D.C. 20036.

B. Zoological Action Committee, Inc., 1225 19th Street NW., Suite 700, Washington, D.C. 20036.

D. (6) $12,750. E. (9) $12,750.

A. Susan Steinmetz, 5013 Belt Road NW., Washington, D.C. 20016.

B. Women's Lobby, Inc., 201 Massachusetts Avenue NE., Washington, D.C. 20002.

D. (6) $1,720.

A. John D. Stringer, 1776 F Street NW., Washington, D.C. 20006.

B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.

E. (9) $2,545.

A. Richard L. Studley, Machinery Dealers National Association, 1110 Spring Street, Silver Spring, Md. 20910.

B. Machinery Dealers National Association, 1110 Spring Street, Silver Spring, Md. 20910.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Anglo-American Clays Corp., P.O. Box 471, Sandersville, Ga. 31082.
D. (6) $200. E. (9) $10.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. American Industrial Clay & Georgia Kaolin, Division of Yara Engineering Corp., 511 Westminster Avenue, Elizabeth, N.J. 07207.
D. (6) $250. E. (9) $10.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Association of Art Museum Directors, P.O. Box 620, Philadelphia, Pa. 10021.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Connecticut Mutual Life Insurance Co., 140 Garden Street, Hartford, Conn. 06115.
D. (6) $500. E. (9) $5.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Engelhard Minerals & Chemicals Corp., 299 Park Avenue, New York, N.Y. 10017.
D. (6) $250. E. (9) $10.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Equifax, Inc., P.O. Box 4081, Atlanta, Ga. 30302.
D. (6) $500. E. (9) $100.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. The Equitable Life Assurance Society of the United States, 1285 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $500. E. (9) $5.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Freeport Kaolin Division of Freeport Minerals Co., 161 East 42d Street, New York, N.Y. 10017.
D. (6) $250. E. (9) $10.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. J. M. Huber Corp., Thornall Street, Edison, N.J. 08817.
D. (6) $250. E. (9) $10.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Massachusetts Mutual Life Insurance Co., 1295 State Street, Springfield, Mass. 01101.
D. (6) $500. E. (9) $5.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. The Mutual Benefit Life Insurance Co., 520 Broad Street, Newark, N.J. 07101.
D. (6) $500. E. (9) $5.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. The Mutual Life Insurance Co. of New York, Broadway at 55th Street, New York, N.Y. 10019.
D. (6) $500. E. (9) $5.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. New England Mutual Life Insurance Co., 501 Boyston Street, Boston, Mass. 02117.
D. (6) $500. E. (9) $5.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. The Northwestern Mutual Life Insurance Co., 720 East Wisconsin Avenue, Milwaukee, Wis. 53202.
D. (6) $500. E. (9) $5.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Thiele Kaolin Co., Kaolin Road, Sandersville, Ga. 31082.
D. (6) $250. E. (9) $10.

A. Glenn A. Swanson, Independent Bankers Association of America, 1625 Massachusetts Avenue NW., Suite 203, Washington, D.C. 20036.
B. Independent Bankers Association of America, Sauk Centre, Minn. 56378.
D. (6) $37,070.31. E. (9) $6,705.64.

A. John L. Sweeney, 13931 Esworthy Road, Germantown, Md. 20767.
B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza Station, Washington, D.C. 20024.
D. (6) $6,000.

A. Fred R. Tammen, 1522 K Street NW., Suite 1120, Washington, D.C. 20005.
B. National Rehabilitation Association, 1522 K Street NW., Suite 1120, Washington, D.C. 20005.
D. (6) $5,500. E. (9) $100.

A. Taxation With Representation, 2369 North Taylor Street, Arlington, Va. 22207.
D. (6) $16,406.16. E. (9) $15,782.69.

A. Fred D. Thompson, Thompson & Crawford, First American Center, Nashville, Tenn. 37238.
B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.
D. (6) $4,530. E. (9) $2,040.22.

A. Drew V. Tidwell, 1725 K Street NW., Washington, D.C.
B. Consumer Bankers Association, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $2,000. E. (9) $2,371.15.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. Natural Gas Supply Committee, 1025 Connecticut Avenue NW., Washington, D.C. 20006.
D. (6) $10.

A. Maurice B. Tobin, American Land Development Association, 1010 16th Street NW., Washington, D.C. 20036.
B. American Land Development Association, 1010 16th Street NW., Washington, D.C. 20036.
D. (6) $25.

A. Maurice B. Tobin, Potlatch Corp., 1010 16th Street NW., Washington, D.C. 20036.
B. Potlatch Corp., Box 3591, San Francisco, Calif. 94119.
D. (6) $25.

A. H. Willis Tobler, 1735 I Street NW., No. 610, Washington, D.C. 20006.
B. E. A. Jaenke & Associates, Inc., 1735 I Street NW., No. 610, Washington, D.C. 20006.
D. (6) $750.

A. Theresa Traber, 10387 Green Mountain Circle, Columbia, Md. 21044.
B. Women's Lobby, Inc., 201 Massachusetts Avenue NE., Washington, D.C. 20002.
E. (9) $151.25.

A. W. M. Trevarrow, 976 National Press Building, Washington, D.C. 20076.
B. American Motors Corp., 27777 Franklin Road, Southfield, Mich. 48076.
D. (6) $2,875. E. (9) $165.50.

A. Jerry R. Tucker, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), 1125 15th Street NW., No. 600, Washington, D.C. 20005.
B. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $5,816. E. (9) $1,211.70.

A. U.S. Committee for the Oceans, 245 Second Street NE., Washington, D.C. 20002.
D. (6) $1,650.26. E. (9) $1,783.36.

A. R. Dick Vander Woude, National Education Association, 648-A Dauphine Court, Elk Grove Village, Ill. 60007.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $3,180.90. E. (9) $75.

A. H. Stewart VanScoyoc, 1701 Pennsylvania Avenue NW., Suite 210, Washington, D.C. 20006.
B. E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, Del. 19898.
D. (6) $250. E. (9) $266.60.

A. Rudolph A. Vignone, 1800 K Street NW., Suite 800, Washington, D.C. 20006.
B. The Goodyear Tire & Rubber Co., Akron, Ohio 44316.

A. David K. Voight, National Federation of Independent Business, Suite 3206, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. National Federation of Independent Business, Suite 3206, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
D. (6) $2,250. E. (9) $860.

A. Abe J. Voron, 6204 White Oak Lane, Tamarac, Fla. 33319.
B. National Radio Broadcasters Association, Suite 1450, 500 Fifth Avenue, New York, N.Y. 10036.
D. (6) $1,250. E. (9) $1,325.

A. Wald, Harkrader & Ross, 1320 19th Street NW., Washington, D.C. 20036.
B. INA Corp., 1600 Arch Street, Philadelphia, Pa. 19101

A. Alan S. Ward, Suite 500, 805 15th Street NW., Washington, D.C. 20005.
B. Baker, Hostetler, Frost & Towers, Suite 500, 805 15th Street NW., Washington, D.C. 20005 for the Soap & Detergent Association, 475 Park Avenue South at 32d Street, New York, N.Y. 10016.

A. Carol Ann Ward, National Federation of Independent Business, Suite 3206, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. National Federation of Independent Business, Suite 3206, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
D. (6) $400.

A. Warner Communications, Inc., 75 Rockefeller Plaza, New York, N.Y. 10019.
E. (9) $6,000.

A. Washington Gas Light Co., 1100 H Street NW., Washington, D.C. 20080.
E. (9) $673.

A. Robert B. Washington, Jr., Danzansky, Dickey, Tydings, Quint & Gordon, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Linzee Weld, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $866.67.

A. Paul S. Weller, Jr., National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.

D. (6) $2,865. E. (9) $195.

A. William B. Welsh, 1625 L Street NW., Washington, D.C. 20036

B. American Federation of State, County & Municipal Employees, AFL-CIO, 1625 L Street NW., Washington, D.C. 20036.

D. (6) $11,401. E. (9) $100.

A. Carol Werner, 706 Seventh Street SE., Washington, D.C. 20003.

B. National Abortion Rights Action League, 706 Seventh Street SE., Washington, D.C. 20003.

D. (6) $4,200.

A. Western Railroad Association, 222 South Riverside Plaza, Room 1200, Chicago, Ill. 60606.

D. (6) $11,221.26. E. (9) $11,221.26.

A. Thomas E. Wheeler, 918 16th Street NW., Washington, D.C. 20006.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

D. (6) $940. E. (9) $117.

A. Gordon A. Whitt, 6801 Industrial Road, Springfield, Va. 22151.

B. Washington Gas Light Co., 1100 H Street NW., Washington, D.C. 20080.

D. (6) $207.29. E. (9) $77.05.

A. John C. Williamson, 1825 K Street NW., Suite 604, Washington, D.C. 20006.

B. Mortgage Insurance Co. of America, 1825 K Street NW., Suite 604, Washington, D.C. 20006.

D. (6) $2,000. E. (9) $345.21.

A. John C. Williamson, 1825 K Street NW., Suite 604, Washington, D.C. 20006.

B. National Apartment Association, Suite 604, 1825 K Street NW., Washington, D.C. 20006.

D. (6) $2,000.

A. Wilner & Scheiner, 2021 L Street NW., Washington, D.C. 20036.

B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C. 20006.

D. (6) $2,940.

A. Winston & Strawn, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Gould, Inc., 8550 Bryn Mawr Avenue, Chicago, Ill. 60631.

A. Winston & Strawn, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. International Council of Shopping Centers, 445 Park Avenue, New York, N.Y. 10022.

D. (6) $187.50.

A. Irwin Wolkstein, American Hospital Association, 1 Farragut Square, South, Washington, D.C. 20006.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $231.90. E. (9) $92.50.

A. Kenneth Wollack, 1341 G Street NW. No. 908, Washington, D.C. 20005.

B. American Israel Public Affairs Committee, 1341 G Street NW., No. 908, Washington, D.C. 20005.

D. (6) $6,249.96.

A. Burton C. Wood, 15th and M Streets NW., Washington, D.C. 20005.

B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.

D. (6) $6,706.83 E. (9) $856.28.

A. William E. Woods, 440 National Press Building, Washington, D.C. 20045.

B. National Association of Retail Druggists, 1 East Wacker Drive, Chicago, Ill. 60601.

D. (6) $750. E. (9) $150.

A. Edward R. Yawn, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

D. (6) $3,167. E. (9) $40.

A. Thomas K. Zaucha, 1725 I Street NW., Washington, D.C. 20006.

B. National Association of Food Chains, 1725 I Street NW., Washington, D.C.

E. (9) $750.

A. Ziontz, Pirtle, Morisset, Ernstoff & Chestnut, 208 Pioneer Building, 600 First Avenue, Seattle, Wash. 98104.

B. Confederated Tribes of the Colville Indian Reservation, P.O. Box 150, Nespelem, Wash. 99155.

A. Ziontz, Pirtle, Morisset, Ernstoff & Chestnut, 208 Pioneer Building, 600 First Avenue, Seattle, Wash. 98104.

B. Lummi Tribe of Indians, 2616 Kwina Road, Bellingham, Wash. 98225.

A. Ziontz, Pirtle, Morisset, Ernstoff & Chestnut, 208 Pioneer Building, 600 First Avenue, Seattle, Wash. 98104.

B. Makah Indian Tribe, P.O. Box 115, Neah Bay, Wash. 98357.

A. Ziontz, Pirtle, Morisset, Ernstoff & Chestnut, 208 Pioneer Building, 600 First Avenue, Seattle, Wash. 98104.

B. Metlakatla Indian Community, P.O. Box 8, Metlakatla, Ark. 99926.

A. Ziontz, Pirtle, Morisset, Ernstoff & Chestnut, 208 Pioneer Building, 600 First Avenue, Seattle, Wash. 98104.

B. Northern Cheyenne Indian Tribe, P.O. Box 128, Lame Deer, Mont. 59043.

A. Ziontz, Pirtle, Morisset, Ernstoff & Chestnut, 208 Pioneer Building, 600 First Avenue, Seattle, Wash. 98104.

B. Suquamish Indian Tribe, P.O. Box 556, Suquamish, Wash. 98392.

A. Zoological Action Committee, Inc., 1225 19th Street NW., Suite 700, Washington, D.C. 20036.

D. (6) $16,353.88. E. (9) $15,258.73.

SENATE—*Monday, May 23, 1977*

(Legislative day of Wednesday, May 18, 1977)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray today in the words of E. R. Wilberforce as contained in the Anglo-Catholic Book of Prayer.

Lord, for tomorrow and its needs,
  I do not pray;
Keep me, my God, from stain of sin
  Just for today.

Let me both diligently work,
  And duly pray.
Let me be kind in word and deed,
  Just for today.

Let me be slow to do my will,
  Prompt to obey;
Help me to sacrifice myself
  Just for today.

And if today my tide of life
  Should ebb away,
Give me Thy Sacraments divine,
  Sweet Lord, today.

So for tomorrow and its needs
  I do not pray,
But keep me, guide me, love me, Lord,
  Just for today.
  Amen.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Friday, May 20, 1977, be approved.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I have nothing further at this time.

ORDER OF BUSINESS

The **PRESIDENT** pro tempore. The minority leader is recognized.

WELCOME HOME ALEX HALEY CELEBRATION

Mr. BAKER. Mr. President, this past Saturday in Memphis, I had the pleasure to participate in Tennessee's Welcome Home Alex Haley celebration.

This 3-day tribute, which began with the dedication Thursday of Mr. Haley's home in Henning, Tenn., as a historical landmark, concluded in Memphis Saturday night. Mr. Haley was presented with an honorary doctorate from Lane College, in Jackson, Tenn., during the day, and was honored by a parade with a great outpouring of Tennesseans lining the streets of Memphis later in the day.

I was privileged to participate in those events and to ride in that parade honoring a distinguished native son of Tennessee.

I might say for the benefit of my colleagues and the Record that that event was an extraordinary event in the life of the city of Memphis. I do not know how many people lined the streets of Memphis, but there were thousands, perhaps tens of thousands, of people.

I am not an expert on parades, but I am competent to observe, I believe, Mr. President, that the spirit, the enthusiasm, the respect, even the adulation of Mr. Haley and what he stands for was clear in the face of the enthusiastic observers of that event.

I think it was an outstanding and unreserved success of a great tribute to a great Tennessean. I do not know when I have seen a public event that was as stirring as that parade on that occasion.

Mr. Haley received the accolades which were justly due him with humility and calm sincerity which I believe characterizes this distinguished man.

The celebration was an opportunity for Tennesseans to express their pride in the man who grew up in our State, and an opportunity to participate in the events celebrating his return to it.

Mr. President, I ask unanimous consent that the text of my remarks on the occasion of the Memphis celebration be printed in the Record at this point.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

"Welcome Home Alex Haley" Celebration, Memphis, Tenn., May 21, 1977

This occasion is one which Tennesseans have been looking forward to for some time. Alex Haley and his magnificent literary accomplishment "Roots" have received honors and accolades from cities and towns across the United States and in Africa. His book, which has sold more than one an a half million copies, has been adapted for television and viewed by over 130 million people. Mr. Haley has received a special Pulitzer Prize for his work. Now it is our turn, as Tennesseans, to welcome him home and to express our pride in his achievements.

Even before he began his research on "Roots," Alex Haley was a distinguished journalist, having been Chief Journalist for the United States Coast Guard, and author of "The Autobiography of Malcom X," and numerous articles published in major American periodicals. Although he could easily have continued to reap the benefits of his successful career as a writer, Mr. Haley chose to pursue, at considerable sacrifice, a twelve-year quest for information to document the history of his family and its African "roots." This undertaking, which was at times both physically and emotionally draining, involved hours of grueling research and thousands of miles of travel, including, I understand, an ocean voyage from Africa to the United States during which Mr. Haley spent nights lying on a board in the ships's hold in an effort to share some of the experiences of his ancestor, Kunta Kinte.

The result of Alex Haley's monumental effort is now familiar to all of us and to many millions of Americans of all races. "Roots" has kindled a new pride among black Americans in their heritage and a greater understanding in whites of all ages of the evils of slavery and the obstacles which have been confronted by blacks in their long struggle for racial equality.

While the ultimate impact of "Roots" upon race relations in the United States will be more accurately assessed by historians, the book's publication and popularity couldn't have come, in my view, at a better time. After the rapid progress made by the Congress, the Courts and the Civil Rights Movement during the 1960's in eliminating statutory barriers to racial equality, we have now reached a point where many black leaders feel that progress is slowing. The remaining barriers to equality of opportunity for minorities in this country are largely economic and cultural—largely the products of many years of mistrust, even hatred, between blacks and whites.

I believe that "Roots," more than any other single event of the 1970's, has helped to break down those barriers for thousands by contributing to better understanding. Its impact will last long into the future and will, I hope, continue to instill in all of us a renewed commitment to the realization of mutual respect and true equality between the races.

It is a great pleasure for me to have this opportunity to thank Alex Haley face-to-face for sharing with us the history of his courageous family, to congratulate him for his achievement, and to honor him as a most distinguished son of Tennessee.

Mr. BAKER. Mr. President, I have no further requirement for my time under the standing order and no request for time. Therefore, I yield back the remainder of my time.

ORDER OF BUSINESS

The **PRESIDENT** pro tempore. Under the previous order the Senator from Virginia (Mr. SCOTT) is recognized for not to exceed 15 minutes.

Under the previous order, the Senator from Tennessee (Mr. BAKER) is recognized for not to exceed 15 minutes.

Mr. BAKER. Mr. President, I suggest the absence of a quorum to be charged against my time.

The **PRESIDENT** pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, there were two special order speeches this morning, one by the distinguished junior Senator from Virginia, and one in my own right. I ask unanimous consent that the order of those special order speeches be reversed so that mine may be first and that the Senator from Virginia will follow after that special order.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum with the time to be charged against my time under the special order.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I yield my time under the special order to the distinguished junior Senator from Virginia (Mr. SCOTT).

The PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. SCOTT. Mr. President, I appreciate the courtesy of the distinguished Republican leader in yielding his time.

SOVIET UNION MILITARY BUILDUP

Mr. SCOTT. Mr. President, I take this time to share a concern with regard to the adequacy of our military strength. This concern has arisen in the minds of many Americans over the past several years because of the buildup of the military strength of the Soviet Union. Questions are often raised as to whether our Nation is more powerful militarily than the Soviet Union. Some say that there is a rough equivalency, or balance of power, between the two and, since each of us has more than sufficient nuclear weaponry to destroy the other, relative strength is not material. Others have expressed concern about the strategic arms limitation talks, about whether the United States has bargained away its superiority, or whether the Soviet Union will actually honor any agreement it makes, and many insist upon an on-site inspection to be sure that agreements are honored by the Soviets. Some fear Soviet efforts to destroy our satellites that can observe their military activities.

Most Americans, in my opinion, would like to see a reduction of military spending and a reduction in armaments. People yearn for the Biblical time when the lion will lie down with the lamb and no one will make war anymore. Yet, we are aware of the potential of military action in the Middle East, in Africa, in various parts of the world.

Many of us have read an article, published some weeks ago in U.S. News & World Report, entitled, "What the Deadlock in Arms Talks Is All About." It contained a pictorial comparison of the strategic weapons of the United States and the Soviet Union. We know that the Senate, only last week, passed a military procurement bill authorizing expenditures approximating $36 billion for weapons, research and development, and most of us would agree that this does constitute a drain upon the resources of the country. Yet, it passed the Senate with only three negative votes. Of course, I supported the military procurement measure but have some reservations as to the sufficiency of our military strength to meet any possible threat that might confront the Nation and its allies.

At the close of World War II, and for roughly 20 years thereafter, there was no question that the United States was the world's dominant military power. The Department of Defense, during both the present and past administrations, has spoken of "rough equivalency" as existing between our country and the Soviet Union. We know that Russia has roughly 4.4 million men under arms, Red China about 3.5 million, and our own country approximately 2.1 million. These figures illustrate the desirability most thinking people share of the need for a mutual reduction of arms by all of the Nations of the world to avoid armed conflicts in the future. Even though we have entered into agreement with the Soviet Union in the past, statistics indicate that the relative spending and military strength of the United States over the past decade has not increased to the extent of that of the Soviet Union. While I would not suggest that we attempt to match the Communist nations in number of military personnel, the fact that they have a vast superiority in manpower would seem to necessitate our having more sophisticated weaponry and firepower to offset their manpower superiority.

We hear many conflicting statements with regard to activities in the Soviet Union. Our society is more open than theirs, and military information regarding the United States is probably more readily available than that of the Soviet Union. I am very much concerned about an article published by Maj. Gen. George J. Keegan, Jr. who recently retired as chief of Air Force Intelligence. General Keegan is a military veteran of 35 years of service, one who served as chief of Air Force Intelligence for a period of 5 years, and who indicates that he has delved very deeply into the question of Russian military strength and the working of the Russian military mind.

General Keegan has expressed the opinion that Americans generally refuse to accept the thought that Russia could have superior weapons, or could develop weapons superior to our own. It is a very fine thing for American citizens to have pride in their country, pride in the accomplishments of our Nation over the years, and the expectation that we can meet any contingency that might arise in the future. Nevertheless, we do not want to be put in a complacent position, one that would ignore any facts bearing on the safety of our country or our capability to defend American territory or American citizens. We do not want to get into the position of Neville Chamberlain after his visit with Hitler prior to World War II, when he felt that he had accomplished peace in our time, or to be as vulnerable as we were on December 7, 1941, when Japanese diplomats were negotiating in Washington at the same time that their bombers were attacking Pearl Harbor.

I do not take the floor of the Senate today, Mr. President, in any effort to frighten the American public. But I do want to share some of the information that has been published and some of the questions that have been raised in my own mind after service on the Senate Committee on Armed Services during a little more than 4 years, conversations with a number of our military leaders and, specifically, the written expressions by General Keegan and the thoughts he shared with me during a rather lengthy conference a few weeks ago.

General Keegan published an article in the March 28, 1977, Aviation Week & Space Technology magazine entitled "Intelligence Analysis" and subtitled "New Assessment Put on Soviet Threat." The general indicated that he was speaking as a private citizen, expressing his own personal views regarding the Soviet threat and the evolving world power balance but indicated "the shocking fact about our intelligence community, with its thousands of able, competent and dedicated people, is that for 25 years it has consistently underestimated. What the press has heard, in contrast, is a vast mythology about overestimating—citing bomber gaps, missile gaps, overkill, with very few people ever devoting any time to addressing the realities."

I ask unanimous consent, Mr. President, that the entire article by General Keegan be printed in the RECORD at the conclusion of my remarks, including a biological sketch of the general.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SCOTT. Mr. President, I should like to touch on some of the highlights, as I see them, of this article.

The general stated that the estimates made on behalf of our Government have been wrong about Soviet purposes in détente. The estimators have been shockingly deficient in their assessments of the risks and the advantages to the United States and the free world of the so-called technology exchange. Referring to his own background, General Keegan said that he had been in and out of the intelligence area for almost 35 years; indicated that it was an imperfect art form, difficult and complex; that it dealt with uncertainty and that there were bound to be differences of opinion and different ranges of judgment but that over the years, in his opinion, the Government has been critical of the wrong sector of intelligence. He expressed the opinion that by and large the United States has accomplished miracles in a very difficult intelligence medium but had failed in the estimating process and cited a few examples.

Referring to superiority, he stated,

> My first concern has to do with the question of superiority, a word that is not very meaningful nor very helpful. I would like to make it clear that I think the Free World

> has an absolutely formidable array of physical power, of psychological strength and economic viability, that no opposing consortium of nations can afford to challenge up to certain of the more dangerous thresholds without entailing some very serious risks. We are a very powerful nation. I want to make that clear.

General Keegan expressed the opinion that the United States is superior in only one major area and that is in its ability to respond quickly and efficiently in a nuclear initiative by the Soviet Union but stated that the Soviets, in his judgment, has evolved a set of force structured to a totally different strategic philosophy than our own; that our strategic forces have been premised on a view that nuclear war was so horrible that it could not be contemplated in any national environment and therefore for 20 years or so our philosophy has been that we must deter. Nuclear war must be avoided at all costs; that our view on what is necessary to deter is based largely on generalizations regarding the logic of city busting but the Soviet "mind-set"—documented, and massively ignored by this country until recently—is based on a different set of considerations.

According to General Keegan, after World War II the Soviet Union had 600 of its top military professionals study the lessons of that war, along with the impact of modern technology and atomic weapons on modern forces; that after 15 years of studies a blueprint emerged with findings that persuaded them "that a nation could survive a nuclear war and emerge successfully. Now that is almost impossible for an American to contemplate." However, the General indicated that the Soviet conclusions were published and made available in hundreds of thousands of pages of some of the most learned and sophisticated strategic literature in modern history. Yet few in this country would pay attention and that is why the General indicated he began to translate the material and to make it available to journalists in this country.

As a result of the Soviets having and taking a different view of strategic balance and war-fighting capability in a nuclear war, General Keegan stated that the Soviets have emerged with an entirely different strategy an entirely different conception. When we talk of superiority in the United States strategically it means one thing: that we do have a superior ability to respond very quickly to a warning that an attack is under way and, if we chose, to launch our retaliatory forces before they are crippled. That is a choice we have, although some would allege we have renounced that as a form of strategic response. He adds that the Soviets on the other hand have spent twice as much as we have estimated on defense, stating that he has personally examined hundreds upon hundreds of massive Soviet military-related facilities which are not "costed" because their function is unknown, that Soviet defense spending is steadily grossly underestimated and that upon investigation we will find that the Soviet budgets for the period beginning in 1969 have to be doubled again.

General Keegan then states this alarming opinion:

> In my considered judgment, the Soviet Union today has a capability to initiative, wage, survive, and emerge from a global conflict with far greater effectiveness than the United States and its allies.

He adds that as Chief of Air Force Intelligence he learned of new data on strategy, weapons, forces, research and development, civil defense measures, chemical warfare, backfire bomber capability, and violation of SALT. However, according to the General, in many instances the Air Force data was ignored, dismissed, or taken under advisement because it did not coincide with the mind-set of an intelligence process that in his opinion had become politicized over the last 20 years. He felt that it had become a judgmental process that tended to reflect the hopes and aspirations of those in diplomatic leadership in this country. And he added somewhat later that since the days of Vannevar Bush the U.S. scientific community has been functionally incapable of recognizing that the peasants in Russia are capable of doing some thing original and originally creative, and beyond the scope of our own technical capacity; that American scientists who know very little of what is going on in the Soviet Union have developed a propensity regarding those people to say "No, they can't do it."

Continuing with the article, General Keegan says that another problem that affects the intelligence community is that of the mirror image, in which we persistently try to view what the Soviets are doing in the light of our own logic, experience, and strategic preconceptions; but that there is no way we can conceivably come to grips with understanding the Soviet Union unless we look at those from the Soviet point of view. He believes that there is such a thing as an "agreed national intelligence" in this country, that our intelligence is "derived by committee" and reflects the least common denominator of the threat without a meaningful reference to the dynamics of competition in terms of new weapons, new forces, and new capabilities; that this process results in estimating against a country that has now reached their own industrial stature but even though it has reached our own level of scientific competence, we continue to think of it as backward in turning out quality hardware and much confusion results from this type of thinking.

According to General Keegan, there is an enormous wealth of unclassified literature available in the Soviet Union that can be found in their newspapers, in photographs, in periodicals and pamphlets supporting his point of view. He adds that very simply:

> The Soviets upon their determination that a nation could be made survivable undertook the greatest war survival/civil defense program in history. Bear in mind this is a country that lost half of its cities in World War II, lost between 20 million and 40 million people killed or wounded, and whose leaders destroyed some 20 million to 40 million of their own people in a succession of purges. These are very tough people.
>
> What they have done over the past 20 years is to place the Soviet Union underground and to remove those strategic, economic, population-industrial command assets that are essential to prevail in war from our ability to cripple.

Than General Keegan adds a very thought-provoking statement:

> The U.S. today lacks the firepower, lacks the accuracy and lacks the yields to overcome the enormous advantage in terms of neutralizing our retaliatory punch which the Soviets have engineered for themselves at great cost. They have removed their military command and control from our ability to destroy or cripple. The nuclear chain of command from the General Staff to the lowest regiment is now beyond the reach of American retaliatory weapons. There is no physical way that we can destroy underground installations which now exist in the tens of thousands, that are now 1,000–2,500 pounds per square inch blast hardened—the hardest man-made structures in the world. They have put their nuclear weapons underground. They have hardened most of their fighting capabilities—particularly in the defense area.
>
> The entire industrial population of the Soviet Union, it would seem from the evidence which we examined, and the human sources we spoke to, are now 100% protected. Every daytime working industrial shift in the Soviet Union has within a few feet a vast underground bunker hardened to 145 psi. Now unless you get a direct hit against one of these, the incumbents or the occupants are going to survive, and that's precisely what the Soviets have done.

Then the general refers to our country neglecting quality research on Soviet defense and developing a mind-set that refuses to take Soviet civil defense seriously but expressed an opinion that it was time for the American people and its leadership to now issue a warning that it was in the public interest to stimulate people and provoke them to the point where they will research the data that has previously been ignored, adding that that is what he has been trying to do.

His analyses, according to the general, have resulted in the judgment that the Soviet Union through its hardening, war survival, and civil defense measures have neutralized the ability of our retaliatory forces to carry out their directed tasks; that while we could burn every Soviet city to the ground through the use of our nuclear resources and he has doubts that the Soviet Union would risk our destruction of their civilian population and he believes it morally repugnant to have abandoned the traditional mission of military men which is to eliminate other military threats and now turn to holding civilian populations in hostage. Yet he later expresses doubt that our country could bring itself to destroy the civilian population of Russia if we knew that could not destroy its war-making ability.

I hope my colleagues will read the entire article by General Keegan because it is somewhat difficult to summarize, but he does say that we have ignored many of the Soviet advantages. For example, he has determined from an examination of various pictures that their intercontinental ballistic missiles can be refired from the same silo. These are his words:

> Now what else is ignored? Refire. Every year for the past 5 years I have dissented in the manner in which the United States has ignored the intercontinental ballistic missile refire capacity of the Soviet Union. To this day I cannot understand the emotional heat that every attempt to consider the advantages on refire has generated.

General Keegan states that evidence was discovered in the early 1960's of the design of silos for refire but that many in the intelligence community indicated, "No, it doesn't make sense." Yet some years later he and other members of the intelligence community acquired hard, incontrovertible evidence that each SS–7 missile on a launch pad had four missiles in nearby hardened storage for refire purposes. They also discovered that every intermediate, every medium-range, and heavy battlefield ballistic missile system had been designed with such a refire point in mind and that the Soviets are deploying four new land-based missile systems.

He suggests that today the Soviets have between 500 and 3,000 additional ICBM's that can be refired which are totally ignored in discussions of the strategic balance in this country's national estimates and in the public and in the congressional testimony. He adds that the Soviet Backfire aircraft has an intercontinental capacity although the Soviet Union had led us to believe that it is not an intercontinental bomber.

Near the conclusion of his remarks the general states that—

> The Soviet war planners in the Warsaw Pact, given the forces, the capability, the combined arms doctrines, the chemical nerve gas, weapons, the communications jam capacities, the hardness and survivability of his forces, the great masses of fleet armor, the development of new armed personnel carrier regiments, supported by the world's most advanced self-propelled guns, and a nuclear arsenal visible to anyone who will walk over there and pry around, that makes us blush by contrast, would have every reason for believing that he could take Europe by force of arms, with a minimum of fighting in 24–36 hours, with or without the use of nuclear weapons. That is the posture that they have been placing themselves in.

General Keegan has indicated that he has indicated that he disagrees totally with those in this country who hold that the Soviet Union is destined to be the world's leading superpower; that they are destined to far outpace the United States as a strategic power, and that there is nothing we can do about it. He expressed the opinion that this type of thinking is odious and foreign doctrine, ignorant of the traditions under which this country was built, ignorant of its creative genius, its great wealth, its industrial know-how, but he concludes by saying that what we have in this country is too precious to be risked by a mind-set which will not admit to the realities that exist in the Soviet Union.

Mr. President, I do not know whether the opinions expressed by Maj. Gen. George J. Keegan, Jr., recently retired as Chief of Air Force Intelligence, are accurate or not. But, the subject is serious enough that I believe the Committee on Armed Services has a responsibility to find out whether they are true. I believe we should even depart from tradition and have our top military leaders appear before our committee and give their personal assessment, as to the extent of the Soviet threat and Soviet preparation for nuclear warfare. Perhaps it would also be well to have some recently retired general and flag officers with a background in intelligence to share their knowledge with the committee. They might feel less restrained to share their true beliefs than active personnel. Only a few days ago, Maj. Gen. John J. Singlaub, Chief of Staff of the U.S. forces in Korea, was called back to Washington to meet with the President and has now been ordered reassigned, because he publicly stated that the President's plan to withdraw our troops from South Korea over a period of several years would lead to war. The President, of course, as Commander in Chief, has authority to recall and reassign any officer. I believe in civilian control of the military. It is the traditional form of government in this country. I also believe in command authority. Yet, we in the Congress, and especially the Senate Committee on Armed Services, have a responsibility to constituents and to the American people to ascertain the facts. Our national security may depend upon knowing the truth. I have spoken briefly and informally with Chairman Stennis in this regard and now formally and publicly request that our committee hold hearings to determine to the satisfaction of the committee whether or not the facts as presented by General Keegan are correct and whether our intelligence community has been intimidated, politicized, or kept from testifying to the essential facts, as they personally understand them to be.

Exhibit 1

Intelligence Analysis—New Assessment Put on Soviet Threat

Today I speak as a private citizen expressing my own personal views regarding the Soviet threat and the evolving world power balance. It is a very difficult thing for a member of the military establishment to serve that establishment for better than 30 years, to work in harness with it to weigh what has transpired on his watch and, upon retirement, render public judgment about the adequacy of the Establishment's perceptions of our most serious national security problems. What has troubled me most has been the wisdom of suggesting to the Free World that its differences are not nearly as effective as might otherwise have been thought.

For in so asserting, one runs the risk of all of the negative, psychological feedback on morale, etc., and invites the risk of rather negative impingements on the foreign security policy arena. I want to assure you that those matters weigh very heavily on my mind.

But in the last five years, in watching anyone labeled "worst-case scenario advocate," who suggested even the most modest real case, I realize that what I have been living as a member of the intelligence community was a part in a Charles Dickens novel. The shocking fact about our intelligence community, with its thousands of able, competent and dedicated people, is that for 25 years, it has consistently underestimated. What the press has heard, in contrast, is a vast mythology about overestimation citing bomber gaps, missile gaps, overkill, with very few people ever devoting any time to addressing the realities.

A little over a year ago, Dr. Albert Wohlstetter made one of the most important contributions to understanding the strategic balance ever published "Legends of the Arms Race," issued as a special report by the United States Strategic Institute. And he undertook what very few before him seem willing to do. He checked the record and documented the past decade's intelligence—projections of future Soviet strategic force strength. And then for each successive year after the estimate had been issued, he most carefully and rigorously researched the available evidence on the forces that the Soviets had developed and deployed. His principal source was the Defense secretary's annual posture statement to the Congress. He found that without a single exception, the United States had consistently underestimated the development and deployment of Soviet strategic forces.

He found, secondly, that in a substantial number of the cases—better than 75%—the actual Soviet deployments had exceeded the high estimates.

Such a condition has, in fact, existed for the past 25 years of my direct participation in the national estimative process. There is no way that I can describe to you, and have you believe me, what has gone on in the business of perceiving the threat, which presumably serves as the basis for U.S. foreign diplomatic security policy.

It has been my unbroken experience that the [intelligence] community has been wrong about assessing Soviet intentions—granted that that is a very elaborate, complex and Byzantine art. The [intelligence] community has consistently been wrong about its judgments to the national leadership on whether the Soviets were pursuing superiority, whether they could afford to do so, or whether they could in fact pursue such superiority.

The estimates have been wrong about Soviet purposes in detente. The estimators have been shockingly deficient in their assessments of the risks and the advantages to the United States and the Free World of the so-called "technology exchange."

It has been my experience that the real problem of national security, as it relates to some of our higher agencies, is not the so-called skullduggery that allegedly goes on in the pursuit of Cold War aims. If there is a Watergate in this country, and there has been, but ignored, it has been in the monumental, incompetent judgmental processes in this government regarding the nature, character and growth of the Soviet threat as it has evolved from year to year.

I think the matter is unconscionable. Why do I bring this subject up at this time? Very simply. For a number of years, almost alone in this government, I have urged that there be a formal postmortem and audit performed by a disinterested, outside agency or group of scholars who have no professional, private or open links to the intelligence community—an audit on every intelligence estimate that this government has produced since the first NIE [National Intelligence Estimate] was developed many, many years ago. The audit would scrupulously record, trace and track where we have been wrong, where we have been right, where we have fallen short of the mark or where we have exaggerated. That has never been performed in this government save by Dr. Albert Wohlstetter. And he only looked at a small fraction. Now every suggestion that has been made to date by myself and others has been resisted in the most resounding, vocal and emotional way. The vast bureaucracy of the intelligence community does not want to be audited on its record.

Intelligence, an area that I have been in and out of for almost 35 years, is a very imperfect art form; difficult and complex, because unlike many other disciplines, it must deal with uncertainty and faces all the hazards that accrue from dealing with uncertainty. Therefore, there are bound to be honest differences of opinion, honestly different ranges of judgments. It's in the nature of the beast. But over the years, in trying to cope with these hazardous and difficult problems, we have been critical of the wrong sector of intelligence.

That sector is the one that must operate in the shadowy, hand-to-hand, difficult, complex, sometimes dangerous business of trying to neutralize the opposition's efforts to penetrate your own society, your institutions and to deceive you and to wage war in those subterranean depths normally relegated to the all-essential clandestine services—without which, no free society can protect itself.

The real problem has not been in that area. We have excelled, possibly overstepped some bounds from time to time. But by and large the United States has accomplished miracles in a very difficult medium. The area where we are failing is in the estimating process. I'm going to give you a few examples of what I mean so that you won't think that I'm deprived of my senses. When I retired, I expressed some judgments that are in need of clarification. First, I would like to set the record straight regarding the strategic judgments I have reached as a result of my exposure to intelligence.

My first concern has to do with the question of "superiority," a word that is not very meaningful nor very helpful. I would like to make it clear that I think the Free World has an absolutely formidable array of physical power, of psychological strength and economic viability, that no opposing consortium of nations can afford to challenge up to certain of the more dangerous thresholds without entailing some very serious risks. We are a very powerful nation. I want to make that clear.

Now as to the unfortunate question of who is No. 1 and who is not, and the unfortunate use of the loose language associated with superiority, I think the United States is superior in only one major area, and that is in its ability to respond quickly and efficiently to a nuclear initiative by the Soviet Union. And that's where it stops.

What the Soviets have evolved today, in my judgment, is a set of forces structured to a totally different strategic philosophy than our own. All U.S. strategic forces, in contrast, have been premised on a view that nuclear war was so horrible that it could not be contemplated in any rational environment and, therefore, for 20 years or so our philosophy has been that we must deter.

Nuclear war must be avoided at all costs. I have no quarrel with that strategy except that I am unaware in 20 years of a serious-minded scholarly, in-depth attempt to determine what it requires to deter. The American view of what is necessary to deter is based largely on rather loose generalizations regarding the logic of city busting. This logic was created in large part by academics and theoreticians for whom the sound of batter was but an abstraction. The Soviet "mind-set"—documented, and massively ignored by this country until recently—is based on a different set of considerations.

After World War 2, the Soviets put over 600 of their top military professionals to studying the lessons of that war along with the impact of modern technology and atomic weapons on modern forces. Fifteen years after their studies were undertaken, they emerged with a "blueprint," and their findings persuaded them that a nation could survive a nuclear war and emerge successfully. Now that is almost impossible for an American to contemplate.

The Soviets published their conclusions and made them available in hundreds of thousands of pages of some of the most learned and sophisticated strategic literature in modern history. Few in this country would pay attention. That is why a few years ago I began to translate these materials and to make them available to many of you journalists.

Thus having decided that they could wage nuclear war and emerge with some margin of advantage—however pyhrric—the Soviets enunciated a strategic policy premised on the view that war at any level of conflict could be waged, could be won, and that they could emerge as a viable, controlled, surviving military entity. And that's what the Penkovsky documents were all about.

Oleg Penkovsky, you will recall, was the Soviet colonel who, in the early 1960's, supplied U.S. intelligence with a remarkable array of top-secret documents of Soviet strategic planning—until he was arrested and shot. Regrettably, those remarkable documents—clearly reflecting Soviet long-term plans—have not yet been published and made available to the American people. I think it is unconscionable.

However, you don't have to have the Penkovsky documents in order to understand Soviet strategic planning. All you have to read is Soviet Marshall V. D. Sokolovsky's book "Military Strategy," now in its third edition. It's all there. But when the first edition appeared, high officials of this government—and I know because I was there—went to considerable extremes to try to obscure the thrust of that book and the thrust of its impact on thinking people for fear that it might hurt the evolving American strategy—as conceived under Mr. McNamara and others in the Kennedy Administration. And I'm not going to make any more comments or answer any questions on that allegation, because I don't want to get into a "names-contest."

But I was there and it happened. And it goes on to this day.

The now famous Foy Kohler University of Miami book on Soviet strategic nuclear policy, the greatest single work of its kind ever to appear in the English language, based entirely on Soviet documents, stimulated at least one high official of this government to suggest that maybe this book ought not be published.

As a result of the Soviets having and taking a different view of strategic balance and war-fighting capability in the nuclear age, the Soviets have emerged with an entirely different strategy, an entirely different conception. When we talk of superiority in the United States, strategically, it means one thing to me: that we do have a superior ability to respond very quickly to a warning that an attack is under way way, if we choose, to launch our retaliatory forces before they are crippled. That's a choice that we have, although some would allege that we have renounced that as a form of strategic response, totally.

The Soviets on the other hand, methodically and at a crushing cost to their population, have spent twice as much as we've estimated on defense. Now how much discussion in the press have you heard about that "rhubarb?" [Gen.] Danny Graham [former director of the Defense Intelligence Agency] and I did more, I think, than any two individuals in this government for the last five years to point out the fallacies of the estimative process which was producing the under-inflated judgments of Soviet defense spending. Now the estimates have been doubled for the period 1969 and beyond.

What I would like to suggest to this group today, on the basis of evidence which I have examined myself, of hundreds upon hundreds of massive Soviet military-related facilities which are not "costed" because their function is unknown, that Soviet defense spending is still grossly underestimated. I'd like to suggest that in another five years from now, when we get through doing all the work that we should have been doing and have not been doing, we will find that the Soviet budgets for the period 1969 and beyond have to be doubled again! I'm not speaking lightly. I have chosen my words very carefully.

Now, what do I believe about relative Soviet fighting capabilities? In my considered judgment, the Soviet Union today has a capability to initiate, wage, survive and emerge from a global conflict with far greater effectiveness than the United States and its allies. That is not to say that if we retaliated in a timely fashion to a Soviet initiative, which I don't anticipate, certainly not now, there is no question that the Soviet cities would be burned to the ground. When you hear the phrase "they would cease functioning as a viable society," I think that is an unstudied recalling of the language of the McNamara era. It is not based on an in-depth examination of the extraordinary changes which have taken place in the Soviet Union during the past decade.

It remained largely for me—as the chief of Air Force Intelligence, and in almost every case—to surface to the attention of the intelligence community significant new data on strategy, weapons, forces, research and development, civil defense measures, chemical warfare, Backfire bomber capabilities and violations of SALT. In many instances, our Air Force data was ignored, dismissed or taken under advisement, because it did not coincide with the mind-set of an intelligence process that in my opinion has become highly politicized in the last 20 years. It has become a judgmental process that tends to reflect the hopes and aspirations of those in diplomatic leadership in this country. It's a strange process of alchemy, but it has occurred and it goes on.

Some years ago, I was the first, not to discover but to suggest, that certain extraordinary weapons development projects in the Soviet Union, far beyond anything ever undertaken in the Free World, might seriously inhibit or neutralize our strategic potential in the next decade. The response in every single case was a reflection of the American scientific mind-set, which is used in our intelligence community. If you have a problem about an unknown new scientific project, you call in some prestigious like-minded scientists and you get their advice. And since the days of Vannevar Bush, my experience with the U.S. scientific community is that in its egocentricity it is functionally incapable of recognizing that the peasants behind the Potemkin facade are capable of doing something original, and originally creative, and beyond the ken and scope of our own technical capability. Persistently over the years, in our intelligence community in its tragic dependence on advice from our scientists, who tend to know very little about what's going on in the Soviet Union, there developed a propensity for these people to say 'no, they can't do it.'

Another problem that afflicts the intelligence community is that of the mirror image, in which we persistently try to view what the Soviets are doing in the light of our own logic, experience and strategic preconceptions. All I can say is that there is no way that you can conceivably come to grips with the Soviet Union and understand what is transpiring unless you do it from the Soviet point of view, and it was to break that unfortunate habit that Air Force intelligence moved to obtain the original Soviet writings, to translate and make them available to the American public.

With regard to the intelligence process, there is an unstated rule in this government that in making our judgments of strategic balance we will use only "agreed national intelligence." And what is "agreed national intelligence?" It is intelligence derived by committee, which reflects the least common denominator of the threat and rarely contains a meaningful reference to the dynamics of competition in terms of new weapons, new forces and new capabilities.

The result is that when you estimate today you estimate against a country that has now reached our own industrial stature, that has now reached our level of scientific competence, but that is thought backward in turning out the quality of hardware.

When people talk about technological superiority in this country they are talking about potential and futures that have not yet been bought and paid for, distributed and manufactured and deployed to our forces.

I think a lot of the confusion comes into this area.

Now what are some of the intelligence judgments that have occasioned my views? One has to do with civil defense. There are some who think that I violated security in calling the nation's attention to information which, in my opinion, has altered the strategic balance in significant if not decisive ways. Almost anyone else can divulge the results of a lifelong study of the Soviet Union with impunity, but a military officer cannot whether he is retired or active. Now what I divulged was not sensitive.

It was widely known, and there was an enormous wealth of neglected unclassified literature to document it. But who would go out to the Soviet Union and travel and buy this literature in their newspapers and the thousands of photographs contained in those newspapers and periodicals and pamphlets which exist in the thousands in the Soviet Union?

What I discussed were the judgments that emerged from this process, protecting sources, protecting methods and, therefore, I don't think that I did anything other than render a service not only to the leaders of this government, who were totally ignorant and still are about the subject, and to the professional staffs, which are still very ignorant about the subject, but to a greater degree the service was rendered to the American public.

Now what are the facts? Very simply, the Soviets upon their determination that a nation could be made survivable undertook the greatest war survival/civil defense program in history. Bear in mind this is a country that lost half of its cities in World War 2, lost between 20 million and 40 million people killed or wounded, and whose leaders destroyed some 20 million to 40 million of their own people in a succession of purges. These are a very tough people.

What they have done over the past 20 years is to place the Soviet Union underground and to remove those strategic, economic, population-industrial command assets that are essential to prevail in war from our ability to cripple. I say and will challenge any military or congressional body of this government to disprove what I am about to say:

The United States today lacks the firepower, lacks the accuracy and lacks the yields to overcome the enormous advantage in terms of neutralizing our retaliatory punch which the Soviets have engineered for themselves at great cost. They have removed their civilian leadership from our ability to cripple it. They have removed their military command and control from our ability to destroy or cripple. The nuclear chain of command from the General Staff to the lowest regiment is now beyond the reach of American retaliatory weapons. There is no physical way that we can destroy underground installations which now exist in the tens of thousands, that are now 1,000–2,500 psi blast hardened—the hardest man-made structures in the world. They have put their nuclear weapons underground. They have hardened most of their fighting capabilities—particularly in the defense area.

The entire industrial population of the Soviet Union, it would seem from the evidence which we examined, and the human sources we spoke to, are now 100% protected. Every daytime working industrial shift in the Soviet Union has within a few feet a vast underground bunker hardened to 145 psi. Now unless you get a direct hit against one of these, the incumbents or the occupants are going to survive, and that's precisely what the Soviets have done.

Finally, much to my chagrin, this country has for many years neglected doing quality research on Soviet civil defense. This country went into civilian defense studies with a mind-set, not believing that it was going on and not taking it seriously. The result was that no one did the research and it was left for us. We've got years more to do. The Soviets realized in the late 1950s that they couldn't hope to evacuate their populations in a meaningful way. What we found, and what triggered our interest, were Soviet regulations published as late as 1960, specifying in detail that every new urban building must have a shelter in the basement built to specifications that protect the population—not from a direct burst, but from a nearby burst and nuclear effects.

The evidence which my small staff has since uncovered leaves little doubt in my mind that they have succeeded in protecting the bulk of their civil population—in place—against all but a direct nuclear hit. While I appreciate that years of additional study will be required by our ostrich-like econometricians to measure every impact, I made a judgment call. The time to warn our people and leaders was now. And I issued such a warning and I think it was in the public interest that I do so. I hope I've stimulated sufficient people. I know I have angered many in this government. I hope that I've provoked them enough to the point where they will dedicate some analysts to research the data which they had ignored. That's all that I'm trying to do.

I say to you now in my judgment, that the Soviets through their hardening, war survival and civil defense measures, have neutralized the ability of our retaliatory forces to carry out their directed tasks. That does not mean that we could not burn every Soviet city to the ground. We could. And I find it hardly likely that the Soviet Union at this time would take that risk, or encourage such an incredible wrath that would be inflicted on its population. I also find it morally repugnant to have abandoned the tradtional mission of military men which is to eliminate other military threats and now turn to holding civil populations in hostage.

Do not for a moment doubt the consequences! In 1969, we premised our arms control negotiations on the one clearly erroneous assumption, that the Soviets would seek no more than parity. And finally, in 1972—based on a totally politicized civil defense study of 1970 (which found no serious evidence of CD)—we concluded an ABM treaty premised on an explicit agreement that neither side would defend its civil populations—thus holding each hostage to the nuclear threat. Yet even a cursory examination of the "hard" intelligence would have confirmed what remained for me to expose.

Secondly, there have been a number of problems in the estimates that have to do with hardware and forces. Remarks were attributed to me about my not knowing of any area where the Soviets did not have a strategic advantage. What I said, and what I meant, and what I say here today is that in every important area that is meaningful to strategic balance in terms of combat kill effectiveness, I know of no single major advantage which the United States retains.

And when people tell me that we have greater accuracy, my response is "yes, we have more accurate weapons. Not much greater in accuracy than do the Soviets, but what have we done with our accuracy? We have imposed self-restraint and have reduced the amount of firepower and yield. And so those weapons, while efficient, don't really do an awful lot more."

Also, the Soviet target base has been doubling almost every 10 years—the most explosive military growth in history. We have not been keeping pace. People say or take comfort in the fact that we have MIRV. What have we done with our MIRVs? Gone to smaller yields and increased the accuracy problem. We have not really tested their operational reliability. What they can do well is to burn cities, and that's where it stops. Meanwhile, we have long since run out of nuclear weapons with which to destroy the bulk of the USSR's ground divisions and reserves.

We have been told that we have a vastly superior bomber payload. For 15 years as a member of this intelligence community, I watched the accountants make some 800 Soviet medium bombers disappear from the strategic equation. Most of these have the same one-way intercontinental capability our medium bombers had and were required to fly. I know. I used to practice one-way missions in them. Same capability, most of them, that our medium bombers had, which I once flew. We were practicing one-way missions and targets.

It is considered worst-case to consider that in anything as horrible as global conflict, the Soviets would not do what is realistic by using all of their forces. Well, the case of the bomber payload question is one of how you do your bookkeeping and what you exclude from it. We have no advantage in bomber payload, let me assure you, when you look at the realities.

Now what else is ignored? Refire. Every year for the last five years I have dissented in the manner in which the United States has ignored the intercontinental ballistic missile refire capability of the Soviet Union. To this day I cannot understand the emotional heat that every attempt to consider the evidence on refire has generated.

We discovered in 1961 or 1962, if not the first certainly the second generation ICBM, the SS–7, was designed for refire. When we introduced this evidence and this subject we were laughed out of court.

"No way. It doesn't make sense."

We were looking at it from our strategic point of view, where we were deterring and avoiding war.

Well, some 3–4 years later, a couple of us acquired some hard, incontrovertible evidence that each SS–7 missile on a launch pad had four missiles in nearby hardened storage for refire purposes. So the community then went to "well maybe they have the capability to refire one and at most two." The fact of the matter was that each ICBM had at least four additional ICBMs for refire capability, which under their nuclear war doctrines make great sense.

Every intermediate, every medium-range and every battlefield ballistic missile system has been designed with such a refire point in mind. Now the Soviets are deploying four new land-based missile systems, three we know of definitely. Two of these have a cold-launch technique which I was the first to report in this country. The community has steadfastly, on emotional grounds in my opinion, refused to treat the refire capability. The Soviets picked up a Boeing design, thanks to Robert Hotz. We didn't want it so Bob published it [in Aviation Week & Space

TECHNOLOGY]. Why not? The Soviets picked it up, proved it, and today there are two types of their silo-based, cold-launch missiles in which the main engine ignition occurs outside the silo and does no damage to the silo. They can lower another missile in a canister in that silo and refire it, if not in minutes, in just a very few hours. Now the silos are too hard for us to destroy, so a great many more are going to survive.

My suggestion is that today the Soviets have somewhere between 500 and 3,000 additional ICBMs that can be refired which are totally ignored in discussions of the strategic balance in this country's national estimates and in the public and in the congressional testimony.

There are a couple of others that are equally serious. One was the Backfire. You all know the rhubarb I've been through on that one so I won't belabor the fact. I did go to Boeing, North American Rockwell, General Dynamics and the [British] Royal Air Force, to everyone in the Free World who had any experience in the design and the construction of heavy strategic bombers. I gave them our intelligence and said you tell me what this bomber is capable of. Every single one of these agreed that the Backfire had an intercontinental capability. You don't have to know anything else. But my word was not good enough. The word of American and British industry was not good enough. Someone had to believe the Soviet statement to us that the Backfire did not have an ability to strike the United States. And so the estimates have "yo-yoed" back and forth. Those closest to detente and those closest to SALT have argued with a polemical fury that I have never experienced in my professional career. I would never have been allowed in the military to survive for one day on such estimates unless they were ground in fact and careful analysis. I'm not going to say anything more about the Backfire, except that it does have an intercontinental capability. How the Soviets use it is another matter. When the proof was so overwhelming the intelligence community did a sudden shift. They said "well the Soviets have no intent to so use it." Yet the Soviets went to great extremes in their second Backfire model, the B-model, to clean it up, to streamline it, to assure that it would have a great deal more range. I suspect there is a third Backfire model which will appear shortly with even greater range. That's part of the problem you have in the intelligence community.

CIA's final super-secret uncoordinated effort, in concert with an innocent fighter manufacturer, to reduce the range of the Backfire bomber, represents one of the most artful contrivances I have ever observed. It is one which I suspect—and as reported in Aviation Week & Space Technology—may have been designed to salvage a SALT II accord.

Now, on force levels, what concerns me most in the tactical area has been the continued assertion that we can defend NATO. I won't go into and belabor the psychological points there. I think I have devoted as much time as any individual in the government of the United States to the study of Soviet literature, in the study of their exercises and in the monitoring of the development and improvement of their Warsaw Pact forces.

That's not a very great claim, incidentally. I find that there was a very distinctive change in Soviet strategy which occurred prior to 1970 in the NATO-Warsaw Pact area. I regrettably had to deduce this by inference, by examining the doctrines, by examining their literature, by studying their exercises and by looking at the new weapon equipment.

Rather than boring you with the details, I'll just simply express my judgment: I think that a Soviet war planner today, in the Warsaw Pact, given the forces, the capabilities, the combined arms doctrines, the chemical nerve gas weapons, the communications jamming capability, the hardness and survivability of his forces, the great masses of fleet armor, the development of the new armored personnel carrier regiments, supported by the world's most advanced self-propelled guns, and a nuclear arsenal visible to anyone who will walk over there and pry around, that makes ours blush by contrast, would have every reason for believing that he could take Europe by force of arms, with a minimum of fighting, in 24–36 hours, with or without the use of nuclear weapons. That's the posture that they have been placing themselves in. But we have a mind-set. We have a diplomacy. We have had a policy that our estimates have tended to lag along in that same mental context. We have deluded ourselves into believing we could hold NATO with conventional forces, while pressing for the removal of the only weapons that have any deterrent value in NATO, which is not to say we could not do the conventional job with adequate resources.

In the projection of power abroad, I think of what we have allowed a small Soviet navy to accomplish, a navy that cannot be compared to ours. I wouldn't trade a U.S. fighter, or a U.S. fighter pilot, or a U.S. ship's captain for half a dozen of his Soviet counterparts. Don't get me wrong. What the Soviets have done is to studiously deploy a defensive force at sea which in a matter of hours, with cruise missiles fired from submarines, surface ships and aircraft, could sink, in my opinion, 75% of the Free World's surface fleets—in a matter of hours, if not days.

What the Soviets have done is to be assured that they could neutralize our ability to project power ashore from the sea. They have second-to-none ability to interfere with the Free World's access to fuel-energy, raw materials and to be able to move and transport goods, services and logistics on the world's high seas. For this country to have allowed the British fleet to be mothballed—a fleet on which we have been absolutely dependent for the naval balance—and to cut our own Navy in half in the face of what is evolving, I think is one of the most unconscionable and blind acts of a government in modern history. I could make a similar speech about what is happening in the field of land warfare but I'm not going to.

Let me conclude with two thoughts. There are a number of perceptional problems that I alluded to earlier. I think today that the problem of our perceiving what is transpiring in the Soviet Union is analogous to what obtained between 1935 and 1939 in the United Kingdom. And if you don't believe me I suggest you take the trouble of reading Norman Gilbert's new volume on Winston Churchill, in which he publishes the documents provided to Churchill by military intelligence. We did not heed. We ignored. We were victims of our hopes. Although conditions have changed, I submit to you that intellectually we are about where the English were in the 1930s.

This country spent, I would guess, in the range of $20–40 billion since World War 2 to develop the most exotic array of warning capability in history. We built a great, a capable and a proud intelligence structure. But in view of what we have done to that structure, we have allowed it to be politicized. We have allowed practices of "compartmentation" in which the left hand does not know what the right is doing. We have interrupted the flow of information to suit policy or to protect policy or for one purpose or another.

When Russia was mobilizing forces to attack China, just a few years ago, and I discovered the fact in my job then as the Pearl Harbor J–2, I was shocked that I could get no correspondence from Washington. I could elicit no reaction from Washington to the really remarkable evidence available. What I didn't know until many years later was that there was an embargo on and that the only men who were allowed to know the full dimensions were a small coterie of men around the secretary of state who, thank God, were doing the right thing. I have no quarrel with what was done. But I quarrel with the concentration and centralization of intelligence vital to the survival of the Free World about which no two reasonable men can agree or disagree. I object to the failure to observe the normal checks and balances, of letting the public know, letting the leaders know, letting the press know and letting the full range of uncertainties be in the open—lest we make the kind of mistakes that have gotten us into every war this country has ever been in.

Secondly, we are well aware of the Soviet anti-satellite efforts which are designed to deny us the use of space for our warning, our surveillance, our communications, our navigation, our precise positioning, and for our command and control. The Soviets on a war-winning philosophy have said, "I've got to neutralize that other man's ability to control, deploy and command his forces," and that's what he's doing. That doesn't surprise me.

In a simple, straightforward way, the Soviets have prepared to deny the U.S. its use of space—without which, it cannot be warned, nor deploy and employ its forces.

Finally, you're aware of something through some newspaper accounts of the last few weeks that I'm really not at liberty to expand upon. But let me lay it out for you. The Soviet Union, irrespective of what any scientist in this country tells you, since I have done more work on this subject than any living official in this country is 20 years ahead of the United States in its development of a technology which they believe will soon neutralize the ballistic missile weapon as a threat to the Soviet Union. It is my firm belief that they are now testing this technology. For five years the intelligence community has said: "No, Keegan, you're wrong. Our scientists say it is not possible." Our scientists never really tried. Our scientists haven't done the basic research. It was left to my little organization to undertake the most advanced basic research, or sponsor it, since the development of the A-bomb, to prove to these people in our community that what the Soviets have been writing about for 15 years they are in fact able to do and are doing. And I submit that the Soviets, on the basis of what I have examined, have every expectation that well before 1980, it they don't blow themselves up—and they may—will perceive that they have technically and scientifically solved the problem of the ballistic missile threat.

Look what they did to neutralize the bomber. Look what they did to deploy the world's greatest defenses. Don't be surprised. They view defense and offense and diplomacy and subversion in one grand context of being able to do it better. Now I have half a dozen more such examples and I'm not going to go into them.

The intelligence community was wrong about parity. The intelligence community has been wrong about virtually every great Soviet scientific, military advance since World War 2. The intelligence community was wrong about the A-bomb. Only the United States Air Force correctly predicted when the Soviets would have an A-bomb.

The intelligence community was wrong about the thermonuclear weapon. The intelligence community was wrong about whether the Soviets would have an ICBM. Now when I say they were wrong, predictions usually have occurred only on the eve of the event. But we can't operate with lead times like that in this environment.

The intelligence community was consistently wrong in its assessment of the development of the broad base of Soviet Science. Today, look at the quality of Soviet weapons being deployed. I have examined more Soviet weapons than most of you will see in your lifetime.

Crude, by our standards, maybe.

Not polished, by our standards, maybe.

Difficult to operate, by our standards, maybe.

But in terms of net lethal killing effectiveness, within the combined arms doctrines of using night, deception, nerve gas, jamming and blitz warfare on a scale never before contemplated by anyone in the Free World, he doesn't have to have our kind of F–15s. He doesn't have to have our kind of costly close air support.

This is the thrust of my concerns: Persistent underestimation; diminution of our retaliatory punch through an unperceived war survival effort of unprecedented scope; anti-satellite weapons to deny our use of space for warning and command; pioneering research in directed energy weapons to kill our retaliatory missiles; an omnipotence on land; an ability to deny our use of the seas and a continuing projection of power into the Third World representing the greatest imperialism in history. Deny the reality if you will. I cannot.

My last word before you throw me out of here is I'd like to caution that we do have great strengths in this country and that we're not on the edge of the abyss. But because of the failure in our perceptions, I think that a global conflict is now in gestation. Sometime in the future such a conflict is more likely than not to occur. I think the Soviets believe that principally because of what they are doing and what we are not doing. Now we don't have to stand this country on its head to avert another mindless and needless holocaust. We are dedicated to preventing that, but we are not doing what we should.

I disagree totally with those who hold that the Soviets are destined to be the world's leading superpower; that they are destined to far outpace the United States as a strategic power, and that there is nothing we can do about it, and that the sooner we resign ourselves to getting the American people to accept that fact of life and adjust to that fact of life through a more enlightened and rational diplomacy in which we—well I'm not going to spell it out for you. I think that is an odious and foreign doctrine ignorant of the traditions under which this country was built, and how its forests were cleared, and its industries set up. This country, its creative genius, its great wealth, its unmatched industrial know-how, but for the cost of a few gallons of gasoline per person per year in this country, can assure that the Soviets will never be tempted (as these new weapons give them a heightened sense of security) to challenge the basic institutions and worth of the Free World.

I think what we have is too precious to put to that risk. I don't want it to be in an area of doubt on a range of uncertainty in a national intelligence estimate process that has not been able for the last 10 years to determine whether the Soviets were seeking parity or not. That would be quite unconscionable!

BIOGRAPHY

Maj. Gen. George J. Keegan, Jr. (USAF, ret.), was the assistant chief of staff, Intelligence, Headquarters USAF, Washington, D.C., from Mar. 1, 1972, to Jan. 1, 1977. General Keegan is now executive vice president of the United States Strategic Institute in Washington, D.C. General Keegan was born on July 4, 1921, in Houlton, Maine. He entered active military service in February, 1943. Upon completion of aviation cadet pilot training he was commissioned as a second lieutenant in February, 1944. He received his operation training as a B–25 pilot at Columbia, S.C. He went to New Guinea in August, 1944, and flew a combat tour of duty with the 405th Bombardment Squadron in the South Pacific area where he earned the Air Medal with two oak leaf clusters. He was released from active military duty in December, 1945. He graduated from Harvard in 1947 and received a masters degree from George Washington University in 1965. In November, 1947, General Keegan returned to active duty and served as a B–29 pilot and combat intelligence staff officer in Guam, Okinawa and Japan. In May, 1950, he was transferred to Langley AFB, Va., where he served with the Ninth Air Force and later was chief of combat intelligence, Headquarters Tactical Air Command.

From April, 1953, to June, 1957, General Keegan was assigned as chief of the Special Studies Group, Directorate of Intelligence, Headquarters USAF. During that period he was the author of several major studies on Soviet science, education and strategy; lectured extensively at all of the nation's war colleges; served as a member of Secretary Stassen's Disarmament Staff in the White House; was Air Force liaison officer for Senator Symington's defense hearings; and later was military aide at the White House. His next duties were with the Strategic Air Command (SAC). He served at Davis-Monthan AFB, Ariz., from June, 1957, to April, 1961, first as a B–47 aircraft commander in the 359th Bombardment Squadron and later as commander of the 360th and 359th Bombardment Squadrons. He was director of operations for the SAC Eielson Task Force in Alaska during 1959–1960. In March, 1960, he moved to the 303rd Bombardment Wing where he served as acting vice commander and in a number of staff and flying positions. General Keegan was assigned to Headquarters Strategic Air Command in April, 1961, as chief of the Air Estimates Div., Directorate of Intelligence. In August, 1964, he entered the National War College, Washington, D.C., and after graduation in July, 1965, was assigned to Headquarters USAF in the office of the Deputy Chief of Staff, Plans and Operations, as deputy assistant for joint matters, assistant for joint and National Security Council matters. In July, 1966, he was transferred to the Organization of the Joint Chiefs of Staff as special assistant for joint matters to the directors, Joint Staff. General Keegan was transferred to Vietnam in December, 1967, and served as deputy chief of staff, Intelligence, Seventh Air Force. In July, 1969, he became deputy chief of staff, Intelligence, for Headquarters Pacific Command in Hawaii. In August, 1970, General Keegan assumed duties as deputy chief of staff, Plans and Operations, Headquarters Air Force Logistics Command, Wright-Patterson AFB, Ohio. General Keegan became assistant chief of staff, Intelligence, Headquarters US AF, in March, 1972. His military decorations and awards include the Distinguished Service Medal, Legion of Merit with three oak leaf clusters, Air Medal with two oak leaf clusters, and Air Force Outstanding Unit Award Ribbon. He is a command pilot with more than 3,400 flying hours in both conventional and jet aircraft. In World War 2, he flew 56 combat missions in B–25 aircraft in six campaigns from New Guinea to Okinawa. He was awarded the Distinguished Service Cross by the Republic of Vietnam for his planning of the defense of Khe Sanh during the Tet offensive in 1968.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

FOOD AND AGRICULTURE ACT OF 1977

The PRESIDENT pro tempore. Under the previous order the Senate will now proceed to the consideration of S. 275, which the clerk will state by title.

The legislative clerk read as follows:

> A bill (S. 275) to provide price and income protection for farmers and assure consumers of an abundance of food and fiber at reasonable prices, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture, Nutrition, and Forestry with an amendment in the nature of a substitute.

The PRESIDENT pro tempore. Time for debate on this bill is limited to 4 hours, to be equally divided and controlled by the Senator from Georgia (Mr. TALMADGE) and the Senator from Kansas (Mr. DOLE), with 1 hour on any amendment, 30 minutes on any amendment to an amendment, debatable motion or appeal, and 20 minutes on any point of order.

Mr. TALMADGE. Mr. President, I yield myself such time as I may take.

Mr. President, I ask unanimous consent that the amendment of the Committee on Agriculture, Nutrition, and Forestry to S. 275 be agreed to and that the bill, as amended, be considered as the original text for the purpose of further amendment.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the following staff members of the Committee on Agriculture, Nutrition, and Forestry be accorded the privilege of the floor during consideration of S. 275, including all rollcall votes there: Michael R. McLeod, Carl P. Rose, Henry J. Casso, Nelson Denlinger, Phil Fraas, Jim Giltmier, Stuart Hardy, Laura Rice, Tom Saylor, Karen Schubeck, Dale Sherwin, Dale Stansbury, Steve Storch, Glenn Tussey, Reider White, and Nancy Whitehead.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, it is a pleasure to present S. 275, the Food and Agriculture Act of 1977 for consideration by the Senate. The important programs authorized by this legislation take us into the 1980's.

I am extremely proud of the hard work and cooperation which has gone into this legislation.

The formal markup sessions, climaxing months of hearings, began on April 19 and continued through May 4.

I wish to compliment the members of the Committee on Agriculture, Nutrition, and Forestry on their diligence in meeting a very tight deadline. Most sessions began at 8 a.m., with a daily quorum present, indicating the strongest interest on the part of the committee members.

Mr. President, I feel I would be derelict in my duty if I did not also commend the members of the staff of the committee, that is, the majority and minority members, who worked diligently and faithfully, long hours, nights, Sundays, and weekends. Our staff works as a unit and they serve not only every member of the committee but they also serve every Member of the Senate. So I commend them.

And finally, I commend the leadership for scheduling consideration of this legislation promptly so that our producers and consumers will know the direction of our food and agricultural policy in the years ahead.

Times have changed in the development of agriculture policy. It used to be that only farmers and the Government were concerned over farm programs. And little national attention was paid when we passed a farm bill.

Today, agriculture touches everyone in America, and its importance is widely recognized. Our people have been reminded that milk does not come from plastic containers and that bread does not originate at the bakery.

The farm programs which are before us today will determine the amount of food that you and I and the world have to eat tomorrow. We cannot expect our producers to continue to work long hours without a reasonable return.

Our farm producers have responded admirably to the world's need during the early 1970's for increased supplies of food and fiber, as crops failed elsewhere and the Earth's population increased by 70 million each year.

In 1974, the world was talking about a food crisis. Today, there is little danger of famine, but our producers are concerned over low prices and inadequate returns on ever-increasing investment requirements.

We will continue to face the struggle over too much or too little with regard to many commodities. Therefore, this legislation is flexible and responsive to changing needs.

The years under which the 1973 Agriculture and Consumer Protection Act operated were extremely volatile, and they represented major changes for American agriculture. Nonetheless, our committee felt that the 1973 act—which provided increased freedom for producers to make decisions—was a major improvement over previous legislation, and it should serve as the starting point for the new legislation.

Congress had attempted to improve on these programs through the emergency farm bill of 1975 and two dairy bills, but these efforts ended in Presidential vetoes. Those bills provided levels approximating the supports in S. 275, and they were passed by heavy margins in both bodies.

Against this background, the committee began to examine food policy and legislative alternatives in the fall of 1976. I instructed the committee staff to develop a bill for introduction which would base target levels at the actual cost of production and with the crop loan levels set at about 80 percent of the target prices.

I introduced S. 275 on January 18, 1977, to set target prices at the cost of production with the loan rates set by the Secretary at not less than 75 percent of the target prices. The bill's main objectives were to:

Extend for 5 years, through 1982, the basic price support programs for cotton, wheat, rice and feed grains;

Extend the food stamp program while making a number of badly needed reforms;

Improve and extend legislative authority for our food-for-peace program for 5 years;

Establish a new charter and clearer direction for the Federal role in agricultural research;

Extend for 3 years the authorization for appropriations of the environmental protection agency to regulate pesticides.

And except for the last item dealing with EPA, the reported bill meets our goals plus many more.

Hearings on the bill began in February and continued during March. In all, the committee held 17 sessions in Washington, with additional subcommittee hearings and field hearings in some 14 places throughout the Nation.

Farm groups were particularly concerned over rising production costs and the need for more adequate supports under the new legislation. In my view, the target prices and loan levels had been set so low in the 1973 act that they were of little benefit to the producers. We wanted to provide reasonable supports, which at the same time would not reduce our competitiveness on the world market.

IMPORTANCE OF EXPORTS

Our agricultural exports are the only bright spot in our balance-of-payments picture—today running at an annual estimated deficit of $20 billion.

In recent years, we have exported agricultural products worth $22 to $23 billion and our net figure has been around $12 billion. We need to foster and encourage our export markets.

A major reason for our increased exports was the entry of the Soviet Union into the American grain markets in 1972, thereby reversing its past policies of cutting down on consumption when faced with crop shortfalls.

From that time onward the Soviet Union has been a major factor in our export markets.

But many other countries—including developing nations which received concessional food aid in earlier years—have become important customers for our food exports. India, for example, has been one of our best wheat customers in recent years, purchasing around three-quarters of a billion dollars in agricultural commodities in 1975 and 1976.

The United States today supplies about 44 percent of world wheat exports, about 55 percent of the coarse grain exports, 75 percent of the soybean exports and a fourth of the world cotton exports.

We also have been the world's main food aid donor, providing as much as 80 percent of total world food aid in earlier years and about 60 percent during the 1970's.

But export markets are very volatile as the world's weather changes and as other competitors enter the field. In the last 2 years, U.S. and world production has increased, so that food stocks have been restored, and producers are now concerned about oversupply and depressed prices.

The sharp increase in exports led to a spurt in net farm income, from $18.7 billion in 1972 to $33.3 billion in 1973. However, increasing production costs and lower commodity prices made sharp cuts in these gains, with net farm income dropping to $26.5 billion in 1974, $25.6 billion in 1975, and $22 billion in 1976. And farm indebtedness went up from $65.4 billion in 1973 to $101.5 billion at the start of 1977.

With their increasing dependence on the world export markets, our producers have rightly become very sensitive to trade restrictions. The soybean embargo of 1973 and the later restriction on grain exports have made it clear to everyone that decisions on exports should not be made lightly or without taking producer concerns into account.

DEVELOPING THE BILL

As work began on the farm bill, the committee called upon a wide variety of agricultural, consumer, and commodity organizations, academicians, and other individuals to provide information and recommendations.

A committee print, "farm and food policy, 1977," was published on September 15, 1976, to help outline the issues before the Congress.

Much of the early discussion focused on how to cut down on the sharp swings in commodity prices. These fluctuations had been of particular concern to the livestock industry, which had been in a depressed state for the last several years.

The commodity support levels were of major concern to farm groups. They testified that their production costs were higher than those developed by either the administration or the committee. The hearings also focused heavily on program costs and how to maintain our competitiveness in the world export market.

I believe that we have developed a sound bill which will help get us off the roller-coaster of up and down prices in recent years. Sharp commodity price fluctuations generally hurt both producer and consumer. Higher commodity prices start a chain reaction of other price increases in the food sector, but the producer rarely receives the top price in a volatile market.

Mr. President, our farm programs have povided a measure of stability and price assurance for producers. They have provided farmers with the encouragement to make investments in technology, land, and equipment, and continually assume the risks of production.

With assurances like these, we might well be faced with archaic technology and a nearly subsistence level of farming. We need to remind ourselves that our agricultural productive capacity is one of the world's marvels today.

It is sometimes charged that these programs are too expensive, that they are a waste of taxpayers' dollars.

Such a view fails to recognize that the expenditure of tax dollars on these programs is, in the strictest sense, an investment in meeting the food and fiber needs of consumers—at home and abroad, now and in the future.

There are few who would say that the farm program has worked perfectly, but there also are many who feel it has done well in meeting its goals. This bill improves on existing programs.

In any event, a program for agriculture must recognize a number of principles. In my view, this bill achieves all of them.

First, it provides basic price and income assurance so that farmers will be willing to maintain production;

Second, the program is devised to allow the maximum market potential for our agricultural commodities;

Third, this bill provides the greatest possible farm-planning flexibility;

Fourth, the interests of consumers and taxpayers are fully protected;

Fifth, the program is designed to help strengthen the Nation's economy; and

Sixth, the program is designed to permit and encourage the family farm to grow and prosper.

The need for a sound agricultural policy is probably greater today than ever. The demands placed on our producers in the last few years are unprecedented. And at the same time, production and marketing costs have risen drastically.

As a Nation, we cannot assume that there will be enough production to fulfill market demands. We must do all we can to assure that this is accomplished.

In this new bill, we are moving to actual cost of production as a basis for target prices. And the loan levels would be related to the cost of production.

There are several reasons for doing this.

First, prices paid by farmers for things they use in producing crops have increased sharply since 1972. However, the formula in the 1973 act for increasing targets did not become effective until 1976; therefore, full farm costs are not reflected in the present target prices.

Second, a strong and viable agriculture must be maintained if our food and fiber needs are to be met both for domestic use and for export.

Third, a truly productive agriculture is essential in any fight against inflation; and

Fourth, many informed agriculturalists, farmers, businessmen, and others feel that the cost of production approach is superior to the existing method or to the old system of tying support prices to parity.

But the cost of production approach presents difficulties also. The discussions began last year among farm groups and others as to what cost of production should include.

While there was agreement that out-of-pocket expenses for such things as seed, fertilizer, chemicals, labor, and so on should be included, land was a problem.

If cost of production included land—at what value? Today's prices or yesterday's prices?

The committee decided that cost of production must include all variable costs, labor costs, overhead expenses, machinery and equipment, a charge for management and finally a composite of land costs. This composite includes share rent, cash rent, and a long-term average of land costs. This method holds land costs at reasonable levels.

Finally, while our cost of production does assure farmers in general that their costs will be covered, it is a national average and does not guarantee every farmer a fair return. But, then no reasonable price assurance, however chosen, will be satisfactory to all farmers.

However, the committee determined that this was the best system to maintain the real strength and vitality of agriculture.

AGRICULTURE AND THE ECONOMY

There are only 2.8 million farms left in the United States and the farm population totals only 8.3 million persons. And yet, about 215 million persons in the United States and many more millions throughout the world depend upon these farms and farm families for much of their food and fiber.

Not only that, but agriculture is also extremely important to the economic well-being of our Nation.

Last year, farmers spent almost $81 billion to produce crops and livestock. This went for equipment, machinery, seed, feed, fertilizer, petroleum, property taxes, and other items which generate economic activity, especially in small towns and rural communities.

Sales of crops and livestock introduced an additional $94.8 billion into our Nation's economy. Transportation, processing, packaging, manufacturing, wholesaling, and retailing all share in the economic activity generated by farming.

Farming and the industries which support it account for about one-fourth of our gross national product. In some areas of our country, the only economic activity is that generated by agriculture.

Agriculture is the Nation's biggest industry. It employs about 4.3 million workers, almost as many as the combined employment of transportation, the steel industry, and the automobile industry.

Estimates show that about one out of every five jobs in private employment is related to agriculture. About 2 million people have jobs providing the supplies farmers use for production. Eight to 10 million people have jobs storing, transporting, processing, and merchandising the products of agriculture.

In 1975, purchases by farmers included: $5.4 billion for new farm tractors and other motor vehicles, machinery, and equipment; $5.6 billion for fuel, lubricants, and maintenance of machinery and motor vehicles; $15.1 billion for feed and seed; and $6.8 billion for fertilizer and lime.

American farm productivity is an example to the Nation. Output per man-hour on farms is over three times higher than 20 years ago. In manufacturing industries, output per man-hour is only 1.7 times as great; thus output per man-hour on farms is increasing nearly twice as fast as in industry and is an unmatched record in efficiency.

In 1952, one person out of seven was living on a farm producing agricultural products. Now, 1 person in 26 lives on a farm. This has released people to produce other wealth and services and is primarily responsible for the unequaled affluence of the Nation.

I find it interesting that some Members of this body have shown such great concern over the cost of this bill which is designed to assure the economic health of agriculture and the continued employment of our farmers.

The signing of the administration's economic stimulus program of $20 billion was recently carried out with great pride and fanfare. This bill included $2.6 billion for employment and training assistance, $6.8 billion for temporary employment assistance under the Comprehensive Employment and Training Act of 1973, and $4 billion for local public works.

I am not questioning the merits of these programs, but it is somewhat puzzling to me that we seem willing to provide $12.4 billion for creating jobs while questioning a small incremental amount to assure continued agricultural employment and productivity.

In my view, agriculture is a national resource which we must maintain at its full potential.

The cost of the bill is a legitimate concern, but we need to keep some perspective.

First of all, the administration's costs estimates are built on the most favorable assumptions regarding the weather. We do not know what the weather, the demand, or the production levels will be for the next 5 years.

Our committee developed cost estimates on the basis of both favorable and variable weather. The annual cost of the commodity support programs—which are the main point of concern—could range from $2 billion up to $3.9 billion.

We do know that the weather in recent years has been erratic, and, if these trends continue and world food requirements are high, the lower cost estimate would apply.

The cost controversy also has neglected the fact that nearly a third of the commodity cost figure consists of crop loans to encourage orderly marketing.

Many of these loans will later be redeemed by the producer and at no cost to the Government. And where the Government takes title to the commodity, a sale will later clear most, if not all, of the initial outlay. In other words, part of the cost figure results from OMB's method of bookkeeping.

Mr. President, our producers need some price protection in order to stay in business. Agriculture should not bear the Nation's fight against inflation alone.

Realistically, let us look at the cost of this program in relation to our total budget outlays. The amount which is now included for the agriculture function in the first concurrent resolution for fiscal year 1978 is only 0.97 percent of the total Federal outlays. The increases in outlays herein proposed in the committee bill would bring the outlays up to 1.08 percent, hardly a monumental increase.

And when one places this program in the context of outlays of $20 billion for natural resources, environment and energy; $44.3 billion for health, and $43 billion for interest on the national debt, what we are requesting appears paltry in comparison.

I might also point out that the outlays figure for defense in 1976 was $90.0 billion, an estimated $98.9 billion for fiscal year 1977, and $111.0 billion for fiscal year 1973 again, these figures make our bill pale in comparison.

We also should keep in mind that the House Agriculture Committee has reported legislation with even lower numbers than are contained in our bill. Thus, although our levels are sound and defensible, the prospect is that we may have to make some compromises when we go to conference.

BILL PROVISIONS

While I have spoken at some length on the commodity aspects of the legislation, I would remind my colleagues that this is an omnibus bill. We cover other diverse subjects, such as dairy, food stamps, food for peace, and agricultural research.

In order to assure the continuation of adequate supplies of dairy products, the committee extended the expiring milk marketing orders for 5 years. The existing authority for donation of dairy products to military services or veterans' hospitals also was extended for 5 years.

We continued the Secretary's authority to set dairy support levels at between 75 and 90 percent of parity, except that between enactment of the new farm legislation and March 31, 1979, the minimum support would be 80 percent of parity.

The committee made a number of major changes on the food stamp program which would:

First. Eliminate the purchase requirement;

Second. Limit participation to households with net income at or below the official Federal poverty levels;

Third. Replace current itemized deductions with the following standardized deductions: a basic standard deduction of $60 per month for all households; a standard deduction of 20 percent of gross earnings, to compensate for taxes, payroll deductions, and work related expenses; a dependent care deduction, not to exceed $85 per month per household; and an excess shelter expenses deduction, not to exceed $75 per month.

Fourth. We would require unemployed participants to engage in job research activities.

Fifth. Allow Indian tribal organizations a choice between food distribution, food stamps, or the concurrent operation of both programs on reservations.

Sixth. Increase incentives for States to pursue program abuse and improve administration, and

Seventh. Establish general authority for pilot projects to improve administration.

The bill also acts to improve the coordination of agricultural research, including nutrition research and animal health research.

The legislation establishes a joint panel of Federal, State, and private research groups and a users' advisory board.

Included in the bill is a program of competitive grants within the Department to initiate high priority research activities. The Secretary also was given authority to make grants to agriculture experiment stations and land-grant universities to support the Federal-State cooperative research program.

Authorization also was approved for research on solar energy as applied to agriculture.

The bill directs the Secretary to develop and implement a discrete national nutrition research and extension program. He also is authorized to assess the feasibility of establishing regional food and nutrition research centers.

The legislation extends the food for peace program for 5 years and makes a number of important improvements.

The committee accepted the World Bank poverty criteria of $520 per capita GNP in deciding on the 75/25 title I requirement.

It also agreed to establish a minimum annual quantity of 1.5 million metric tons of title II commodities. The minimum amount provided voluntary agencies and the world food program would be 1.3 million metric tons per year.

The committee established a new title III to increase food production in developing countries. It was agreed that adequate storage facilities must be available in the recipient country and that the commodities provided by the United States are not to serve as a disincentive to their own domestic production.

IN CONCLUSION

Mr. President, I could spend many more hours outlining the merits of this legislation, but time does not permit.

I would like to point out that this is the first time since the Agricultural Adjustment Act of 1933 that an omnibus farm bill has been developed for enactment in the first year of a new administration.

The reasons this legislation was developed are clear. First, it was the initiative and the leadership of the Committee on Agriculture, Nutrition, and Forestry. Second, it was the complete cooperation and help of a Secretary of Agriculture who is a farmer and who knew how to work with the Congress. Even though we have had policy differences with Secretary Bergland, we could not have asked for better cooperation than we have received from the Secretary and his subordinates.

This bill has widespread support. It was reported out of committee by an 18-to-0 vote.

I hope that this body will act responsibly and approve what I believe to be a sound bill.

It reflects careful consideration and much hard work. I urge its adoption by this body.

Mr. President, I ask unanimous consent that a summary of the major provisions of S. 275 be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF S. 275

TITLES I THROUGH IX—DAIRY AND COMMODITY PROGRAMS

Tites I through IX of S. 275, as amended by the Committee, make important changes in the programs administered by the Secretary of Agriculture relating to milk, wool and mohair, wheat, feed grains, cotton, rice, peanuts and soybeans.

Summary of major provisions

Payment Limitation

(I) Title I of the bill would place a limitation of $50,000 on the total payments which a person may receive annually under one or more of the programs for wheat, feed grains, upland cotton, extra long staple cotton, and rice. Under existing law, a $20,000 annual limitation is applicable to the wheat, feed grain, and upland cotton programs; a separate limitation of $55,000 is applicable to the rice program.

In addition, title I would further restrict (and in some cases prohibit) the making of payments to corporations and certain other entities.

Dairy

(II) Title II of the bill would—

(1) extend for five years (1978–1982) the authorization for inclusion of Class I base plans in milk marketing orders;

(2) extend for five years (1978–1982) the authority for making dairy products available to veterans hospitals and to the military;

(3) extend for five years (1978–1982) the authority for making indemnity payments to dairy farmers and manufacturers who sustain losses as a result of pesticides. A new provision is added which allows indemnity payments to be made for losses as a result of contamination from nuclear radiation or fallout or certain residues of chemicals or toxic substances; and

(4) require that the price of manufacturing milk be supported at not less than 80 percent of parity from the date of enactment of the bill through March 31, 1979. Semiannual adjustments are required to reflect estimated changes in the parity index, and quarterly adjustments may be made to reflect substantial changes in the parity index.

Wool and Mohair

(III) Title III of the bill would—

(1) amend the price support program for wool and mohair for 1977, with a level of support for shorn wool of 85 percent of the support price otherwise applicable; and

(2) extend for five years (1978–1982) the present program for wool and mohair, but with a level of support for shorn wool of 90 percent of the support level otherwise applicable, and with mohair to be supported at comparable rates for 1977–1982.

Wheat

(IV) Title IV of the bill would—

(1) provide that the target price for the 1977 crop of wheat shall be $2.90 per bushel, with loans and purchases on the 1977 crop to be made available to producers at not less than $2.25 per bushel; and

(2) provide a five year program for the 1978 through 1982 crops of wheat under which—

(A) loans and purchases would be made available at not less than 85 percent of the cost of production for the 1978 and subsequent crops (the cost of production for the 1978 crop is $2.91 per bushel; for the 1979 through 1982 crops the cost of production would be determined by the Secretary in accordance with criteria specified in the bill);

(B) deficiency (or "target price") payments would be made to eligible wheat producers if the national weighted average price they receive during the first five months of the marketing year (or the loan level established for the crop, whichever is higher) is less than the established price per bushel (the established price for the 1978 crop is $3.10 per bushel; the established price for the 1979 through 1982 crops would equal the cost of production, as determined by the Secretary but not less than $3.10 per bushel);

(C) the total amount of deficiency payments, if any, would be determined by multiplying the difference between the market price and the established price times the farm program acreage for wheat (but not greater than the acreage of wheat planted for harvest and not less than 90 percent of the wheat planted for harvest) times the payment yield for wheat;

(D) for the 1978 and 1979 crops, prevented planting disaster payments may be made to producers on the smaller of (i) the acreage intended to be planted to wheat or (ii) the acreage planted to wheat for harvest in the preceding year (including any acreage the producer was prevented from planting to wheat or other nonconserving crop in lieu of wheat). Payments would be made at a rate determined by multiplying 75 percent of the program yield times 33⅓ percent of the established price;

(E) for the 1978 and 1979 crops, low yield disaster payments may be made if the total quantity of wheat harvested is less than the result of multiplying 75 percent of the program yield times the acreage planted for harvest. Payments would be made at a rate equal to 33⅓ percent of the established price for the deficiency in production below 75 percent;

(F) if target price payments are required, the Secretary would determine a national program acreage to meet domestic and export needs, a program allocation factor (not less than 90 percent), and individual farm program acreages;

(G) if the Secretary establishes a set-aside of cropland because of excessive supplies of wheat, then as a condition of eligibility for loans, purchases, and payments, producers must set-side and devote to approved uses an acreage of cropland equal to a specified percentage of the cropland planted to wheat in the preceding year; and

(H) the Secretary is authorized to make land diversion payments for the 1978 through 1982 crops in accordance with land division contracts. The amounts payable under the contracts may be determined through a bid procedure, taking into account the extent of the division to be undertaken and the productivity of the acreage diverted.

Feed Grains

(V) Title V of the bill would provide a five year program for the 1978 through 1982 crops of feed grains under which—

(1) loans and purchases would be made available on corn at not less than $2.00 per bushel for the 1978 crop and not less than 85 percent of the cost of production for the 1979 and subsequent crops, and on other feed grains at related levels;

(2) deficiency (or "target price") payments would be made to eligible corn producers if the national weighted average market price they receive during the first five months of the marketing year (or the loan level established for the crop, which ever is higher) is less than the established price per bushel (the established price of corn is equal to the cost of production; for the 1978 crop, the cost of production is $2.28 per bushel; for the 1979 through 1982 crops the cost of production will be determined by the Secretary). The payment rate for grain sorghum and, if designated by the Secretary, barley shall be such rate as the Secretary determines fair and reasonable in relation to the rate at which payments are made for corn;

(3) the total amount of deficency payments, if any, would be determined by multiplying the payment rate times the farm program acreage for feed grains (but not greater than the acreage of feed grains planted for harvest and not less than 90 percent of the feed grains planted for harvest) times the payment yield;

(4) for the 1978 and 1979 crops, prevented planting disaster payments may be made to producers on the smaller of (i) the acreage intended to be planted to feed grains or (ii) the acreage planted to feed grains for harvest in the preceding year (including any acreage the producer was prevented from planting to feed grains or other nonconserving crop in lieu of feed grains). Payments would be made at a rate determined by multiplying 75 percent of the programs yield times 33⅓ percent of the established price;

(5) for the 1978 and 1979 crops, low yield disaster payments may be made if the total quantity of feed grains harvested is less than the result of multiplying 75 percent of the program yield times the acreage planted for harvest. Payments would be made at a rate equal to 33⅓ percent of the established price for the deficiency in production below 75 percent;

(6) if target price payments are required, the Secretary would determine a national program acreage to meet domestic and export needs, a program allocation factor (not less than 90 percent), and individual farm program acreages.

(7) if the Secretary establishes a set-aside of cropland because of excessive supplies of feed grains, then as a condition of eligibility for loans, purchases, and payments, producer must set-aside and devote to approved uses an acreage of cropland equal to a specified percentage of the cropland planted to feed grains in the preceding year; and

(8) the Secretary is authorized to make land diversion payments for the 1978 through 1982 crops in accordance with land diversion contracts. The amounts payable under the contracts may be determined through a bid procedure, taking into account the extent of the diversion to be undertaken and the productivity of the acreage diverted.

Upland Cotton

(VI) Title VI of the bill would provide a five year program for the 1978 through 1982 crops of upland cotton under which—

(1) loans and purchases would be made available at the smaller of 85 percent of the average price during the last four years or 90 percent of the average price during the last two weeks of October preceding the loan level announcement of certain C.I.F. Northern Europe quotations. The loan level announcement is to be made by November 1 each year and not changed thereafter. Loans will be extended for 8 months, unless the average price for the preceding month exceeds 130 percent of the average price for the preceding 36 months, in which case a special import quota shall be proclaimed;

(2) deficiency (or "target price") payments would be made to eligible upland cotton producers if the national weighted average price they receive during the calendar year which includes the first five months of the marketing year (or the loan level established for the crop, whichever is higher) is less than the established price per pound (the established price for the 1978 crop is 51.1 cents per pound; the established price for the 1979 through 1982 crops would equal the cost of production, as determined by the Secretary);

(3) the total amount of deficiency payments, if any, would be determined by multiplying the difference between the market price and the established price times the farm program acreage for upland cotton (but not greater than the acreage of upland cotton planted for harvest and not less than 90 percent of the upland cotton planted for harvest) times the payment yield for upland cotton;

(4) for the 1978 and 1979 crops, prevented planting disaster payments may be made to producers on the smaller of (i) the acreage intended to be planted to upland cotton or (ii) the acreage planted to upland cotton for harvest in the preceding year (including any acreage the producer was prevented from planting to upland cotton or other nonconserving crop in lieu of upland cotton). Payments would be made at a rate determined by multiplying 75 percent of the program yield times 33⅓ percent of the established price;

(5) for the 1978 and 1979 crops, low yield disaster payments may be made if the total quantity of upland cotton harvested is less than the result of multiplying 75 percent of the program yield times the acreage planted for harvest. Payments would be made at a rate equal to 33⅓ percent of the established price for the deficiency in production below 75 percent;

(6) if target price payments are required, the Secretary would determine a national program acreage to meet domestic and export needs, a program allocation factor (not less than 90 percent), and individual farm program acreages;

(7) if the Secretary establishes a set-aside of cropland because of excessive supplies of upland cotton, then as a condition of eligibility for loans, purchases, and payments, producers must set aside and devote to approved uses an acreage of cropland equal to a specified percentage of the cropland planted to upland cotton in the preceding year; and

(8) the Secretary is authorized to make land diversion payments for the 1978 through 1982 crops in accordance with land diversion contracts. The amounts payable under the contracts may be determined through a bid procedure, taking into account the extent of the diversion to be undertaken and the productivity of the acreage diverted.

Rice

(VII) Title VII of the bill extends the current program for rice for five years (1978–1983) with changes effective beginning with the 1978 crops under which—

(1) deficiency (or "target price") payments would only be made with respect to the acreage of rice actually planted for harvest within the farm acreage allotment;

(2) the limitation on the acreage that may be set aside would be deleted and the set-aside provisions conformed (in part) with the set-aside provisions for wheat, feed grains, and upland cotton;

(3) the prevented planting disaster payment provisions would be extended only through the 1978 and 1979 crop years;

(4) the low yield disaster payment provisions would be extended only through the 1978 and 1979 crop years and payments made only if the total rice production on the farm is less than the result of multiplying 75 percent of the yield established for the farm times the acreage (within the allotment) planted for harvest; payment for the deficiency in production below 75 percent would be made at a rate equal to 33⅓ percent of the target price; and

(5) the payment limitation for rice would be $50,000 annually, with all payments under the annual programs for wheat, feed grains, upland cotton, and extra long staple cotton counting against the limitation as provided in title I of the Agricultural Act of 1970, as amended by title I of the bill.

Peanuts

(VIII) Title VII of the bill would—

(1) establish a national acreage allotment of not less than 1,614,000 acres (which includes a minimum State acreage allotment of 9,787 acres for New Mexico);

(2) establish a minimum national poundage quota for each crop of peanuts ranging from 1,680,000 tons for 1978 down to 1,440,000 tons of 1981 and 1982;

(3) establish farm poundage quotas for each year based on farm acreage allotments and yields such that the total of all farm poundage quotas equals the national poundage quota;

(4) set up a two-tier system of peanuts eligible for price support, that is "quota pea-

nuts" not in excess of the farm poundage quota and "additional peanuts" in excess of the farm poundage quota but not in excess of the actual production of the acreage allotment;

(5) provide for transfers of allotments on the basis of farm base production poundage;

(6) increase marketing penalties to 120 percent of the support price for "quota peanuts";

(7) require that the handling and disposition of "additional peanuts" be supervised by agents of the Secretary of Agriculture or area marketing associations, and allow handlers to contract with producers for the purchase of "additional peanuts" for crushing, export, or both;

(8) set up a price support program for peanut producers through loans, purchases, or other operations on "quota" and "additional" peanuts as follows:

(A) the minimum support on "quota peanuts" would be not less than $420 per ton;

(B) in establishing the support level for "quota peanuts" the Secretary would consider the eight factors in section 401(b) and any changes in the index of prices paid by farmers for production items, interest, taxes, and wage rates;

(C) the levels of support would not be reduced for costs of inspection, handling, or storage;

(D) the support levels for "additional peanuts" would be announced not later than the February 15 preceding the marketing year;

(9) require the Secretary to permit the sale, lease, and transfer of peanut acreage allotments within counties; and

(10) preserve the acreage history if for the current year or either of the 2 preceding years an acreage sufficient to produce 75 per centum of the farm poundage quota was actually planted or devoted to peanuts.

Soybeans

(IX) Title IX of the bill requires the Secretary to make price support loans and purchases available to producers on the 1978 through 1982 crops of soybeans at such level, not less than $4 per bushel, as determined appropriate in relation to competing commodities, considering domestic and foreign supply and demand factors.

TITLE X—GRAIN RESERVES

Summary of major provisions

Title X of the bill would—

(1) require the Secretary of Agriculture to formulate a producer storage program by providing added specific authority for original or extended price support loans for wheat at the same support level as provided by the Agricultural Act of 1949, as amended;

(2) make provision for an International Emergency Farm Reserve;

(3) expand the authority of the Secretary to acquire commodities for the domestic disaster reserve; and

(4) make several changes in the farm storage facility loan program.

Producer Storage Program for Wheat

The Secretary is to formulate a producer storage program for wheat for original or extended price support loans for wheat at the same support level as provided by the 1949 Act. Title X provides for loans of not less than three or more than five years; payments to cover the cost of storing wheat under the program; basic interest rates based upon the rates charged Commodity Credit Corporation by the United States Treasury; redemption of the loans regardless of their maturity dates whenever the market price reaches a specified level between 140 and 160 percent of the then current wheat price support level; and terms and conditions assuring repayment when market prices are 200 percent of the then current loan rate. The title limits the total quantity under loan to 300 to 700 million bushels as determined by the Secretary, and permits adjustment of the maximum quantity if the United States enters into an international grain reserve agreement.

International Emergency Food Reserve

Title X authorizes the President to negotiate a system of food reserves for humanitarian food relief and to maintain such a reserve of food commodities as a contribution of the United States to the system. It directs the Secretary, as soon as practicable, to build stocks of food (including processed and blended foods) of two million tons or to levels which may be established under such an international agreement, but not greater than 6 million tons. Stocks of food from the reserve may be utilized for humanitarian relief in any foreign country which suffers a major disaster and for the purpose of assisting developing countries in any year in which there has been a severe shortfall in world food production. Stocks may be added to the reserve from price support programs or by purchase on the open market through facilities of Commodity Credit Corporation.

Disaster Reserve

Title X amends the existing disaster provisions of section 813 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973, to expand the authority of the Secretary to acquire commodities for disposition in the event of national disasters. The title also authorizes payment of transportation and other costs incident to disposition of such commodities.

Direct and Guaranteed Farm Storage Facilities Loans

Title X makes several changes in the farm storage facility loan program. The changes are designed to:

(A) give the Secretary of Agriculture the authority to use loan guarantees, as well as direct loans, as a means of assisting farmers to purchase on-farm storage facilities;

(B) permit the making or guaranteeing of loans for the construction of facilities to store high moisture grain and forage crops, as well as dry grain; and

(C) with respect to direct loans, (a) require that the borrower put up security for the loan, and (b) base the interest rate charged to farmers on the rate charged the Commodity Credit Corporation by the United States Treasury.

TITLE XI—PUBLIC LAW 480

Summary of major provisions

Title XI of S. 275 would extend for 5 years (1978–1982) the authority to carry out programs under the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480) with changes which—

(1) substitute the International Development Association's poverty criterion (currently $520) for the $300 gross national product per capita monetary limit in identifying the countries to which 75 percent of the volume of United States concessional food aid provided under title I of Public Law 480 is required to be allocated in each fiscal year; provide an additional basis for waiving the "75/25" requirement upon a determination that the quantity of food air otherwise required to be allocated to such countries cannot be effectively used to carry out the humanitarian purposes of title I; and authorize the Secretary of Agriculture, rather than the President, to exercise the waiver authority with respect to such requirements;

(2) provide that not less than 5 percent of the value of title I agreements in each fiscal year be made available from sales proceeds and loan repayments to the Secretary of Agriculture to finance facilities to aid in the distribution and consumption abroad of United States agricultural commodities;

(3) add a new Food for Development Program under title III which would further define the "grantback" authority now provided under section 106(b)(2) of the Act whereby certain specified uses by the recipient country of the proceeds from the sale of agricultural commodities furnished under title I are considered as payments to the United States;

(4) increase to 1,500,000 metric tons (from 1,300,000 tons) the minimum quantity of agricultural commodities to be distributed in fiscal year 1978 under title II of Public Law 480, of which not less than 1,300,000 metric tons are to be made available to voluntary agencies and the World Food Program, with such quantities being increased by 50,000 metric tons each subsequent year;

(5) increase to $750 million (from $600 million) the maximum level of assistance under title II of Public Law 480 and make available unused portions of prior year authorizations;

(6) permit payment of transportation costs to points of entry other than the seaports of the recipient country;

(7) repeal the prohibition on the financing of title I sales made by exporters which trade with North Vietnam and the prohibition, unless waived by the President, on title I sales to the United Arab Republic and to countries which trade with Cuba or North Vietnam;

(8) establish restrictions and procedures designed to reduce potential improprieties in the sale and shipment of commodities financed under title I;

(9) restrict title I assistance going to countries which engage in a consistent pattern of violation of human rights and all assistance going to countries which have expropriated U.S. property;

(10) limit the sale of title II commodities in cases other than emergency relief to the generation of funds to improve program effectiveness and to increase the availability of food to the neediest people in recipient countries;

(11) broaden the authority of the Secretary of Agriculture to continue food assistance in periods of limited commodity supplies;

(12) require the Secretary of Agriculture to make a determination that adequate storage facilities are available and that food assistance will not act as a disincentive to food production in a potential recipient country before food shipments may be authorized;

(13) require that commodities acquired under price support programs be valued at the export market price rather than on the basis of costs incurred by the Commodity Credit Corporation; and

(14) make several revisions in the reporting requirements under the Act.

TITLE XII—FOOD STAMPS AND COMMODITY DISTRIBUTION PROGRAMS

Summary of major provisions

Title XII of the bill would—

(1) eliminate the purchase requirement and establish a single benefit reduction rate of 30 percent of net income in place of varying purchase requirements now charged;

(2) limit participation to households with net income at or below the official Federal poverty levels;

(3) replace current itemized deductions with the following standardized deductions:

(a) a basic standard deduction of $60 per month for all households;

(b) a standard deduction of 20 percent of gross earnings, to compensate for taxes, payroll deductions, and work related expenses;

(c) a dependent care deduction, not to exceed $85 per month per household, for the actual dependent care costs necessary to allow a household member to work or to participate in training or education which is preparatory to employment; and

(d) an excess shelter expense deduction, for shelter costs incurred in excess of 50 percent of income after all other applicable deductions have been allowed, not to exceed $75 per month;

(4) require unemployed participants to engage in job search activities;

(5) require a 60-day period of ineligibility for a household whose head voluntarily quits his or her job without good cause;

(6) eliminate the current automatic (categorical) eligibility of welfare recipients;

(7) allow Indian tribal organizations a choice between food distribution, food stamps, or concurrent operation of both programs on reservations;

(8) allow Indian tribal organizations to administer the commodity distribution or food stamp program on reservations, where the Secretary determines that they are capable of effectively administering such a program;

(9) increase incentives for States to root out program abuse and improve administration;

(10) establish general authority for pilot projects to improve administration and directs the operation of several specific projects; and

(11) extend authority to purchase commodities for food distribution programs, and establish the Federal share of administrative costs for the Commodity Supplemental Food Program.

TITLE XIII—FOOD AND AGRICULTURAL RESEARCH AND EXTENSION

Summary of major provisions

The provisions of title XIII are designed to meet the need for expanded support of food and agricultural research programs, improved dissemination of research findings, increased efficiency and coordination of federally funded food and agricultural research and extension efforts, and to provide new initiatives in selected high priority areas.

Title XIII would create three interrelated advisory panels to improve coordination. Specifically, it would—

(1) provide for a standing Subcommittee on Food and Renewable Resources to the Federal Coordinating Council for Science, Engineering, and Technology established under the National Science and Technology Policy, Organization and Priorities Act of 1976. The subcommittee would make recommendations concerning food and agricultural research;

(2) provide for the establishment within the Department of Agriculture of a Joint Council on Food and Agricultural Research and Extension to make recommendations to the Secretary of Agriculture as to unified national, regional, or interstate research and extension programs; and

(3) provide for the establishment of a Users Advisory Board for Food and Agricultural Research and Extension (with 5 working panels) within the Department of Agriculture to submit recommendations to the Secretary of Agriculture on research needs and funding.

Title XIII also provides for new initiatives in the following areas:

Grants—It would amend present law providing for Federal food and agricultural research grants to provide for competitive grants for high priority research needs and to authorize new grants to promote the research partnership between the Department of Agriculture and land-grant colleges and State agricultural experiment stations. Also, annual grants to improve research facilities at veterinary colleges and experiment stations would be mandated.

Human Nutrition—It would direct the Secretary of Agriculture to develop and implement a national human nutrition research and extension program.

Animal Health—It would authorize the Secretary of Agriculture to cooperate with the States in carrying out an animal health research program. Appropriations not to exceed $25 million would be authorized for the award of funds on a formula basis to eligible institutions. In addition, appropriations not to exceed $15 million would be authorized to support research on national or regional animal health research problems.

Small Farmers—It would provide for small farm research and extension programs through an additional funding authorization under the Rural Development Act of 1972, not to exceed $20 million for each fiscal year 1978 and 1979. Such funds would be distributed to States on a formula basis.

1890 Colleges—It would authorize specific funding for the 1890 land grant colleges for agricultural research and extension programs. The funds would be distributed among eligible institutions on a formula basis. The State director of the cooperative extension program and the director of the State agricultural experiment station would work with each 1890 college's administrative heads for extension and for agricultural research to achieve coordinated programs.

Solar Energy—It would authorize and direct the Secretary of Agriculture to conduct and stimulate research and development relating to solar energy for farm purposes. Annual appropriations of $25 million would be authorized to carry out Federal research and development programs. Up to $20 million would be authorized for demonstration farms and projects in each State.

TITLE XIV—USDA ADVISORY COMMITTEES

Summary of major provisions

The major provisions of Title XIV would—

(1) prohibit the establishment of any advisory committee by the Department of Agriculture unless the Secretary of Agriculture made determinations that it serves an essention function, its membership was balanced, its work could not be carried out by an existing committee, the proposed budget reflected its anticipated costs, and it was in the public interest;

(2) direct the Secretary to insure that all advisory committees comply with all provisions of law relating to advisory committees, that they submit their reports in written form, retain responses made by the Department on their recommendations and not exceed their proposed budgets unless approved by the Secretary;

(3) with respect to the membership of such committees, provide a 6 consecutive year limit for service on committees; a limit on simultaneous service on more than one committee; reporting requirements for members as to full name, place of residence, occupation, and sources of income; and a prohibition against more than one official of a business entity serving on the same advisory committee at the same time;

(4) require advisory committees to provide the Secretary specific estimates as to their cost of operation;

(5) require advisory committees to make annual reports to the Secretary and the appropriate committees of Congress detailing their activities and expenditures; and

(6) direct the Secretary to terminate any advisory committee that is not complying with the requirements of the Federal Advisory Committee Act or this bill, that is not performing an essential function, or that is inactive.

TITLE XV—RURAL DEVELOPMENT AND CONSERVATION

Summary of provisions

Title XV amends the authorizations for several existing rural development and conservation programs. Specifically, subtitle A of this title extends the authorization for the Rural Community Fire Protection Program through September 30, 1980, and mandates an annual report to Congress on program operations.

Subtitle B exempts watershed projects which cost the Federal Government less than $1 million from the need to attain prior Congressional approval. The present ceiling on administrative authorizations is $250,000.

Subtitle C exempts resource conservation and development projects not in excess of $500,000 from the need to attain prior Congressional approval. The present ceiling on administrative authorization of project loans is $250,000.

Subtitle D increases from $5 million to $10 million the amount of money a local watershed district may borrow from the Farmers Home Administration to finance the local share of a watershed project.

Subtitle E extends through crop year 1982 the authority of the Secretary to establish multiyear set-aside contracts.

Subtitle F re-directs the Agricultural Conservation Program toward a greater emphasis on enduring conservation measures. It provides for the carry-over of unexpended program funds from one year to the next, removes the $10,000 ceiling which is currently imposed on the amount of payments which may be made to any single participant, and deletes the "small cost-share increase" provision. It further requires that a portion of appropriated funds be designated for long-term agreements.

TITLE XVI—MISCELLANEOUS PROVISIONS

Title XVI contains provisions relating to the inclusion of aquaculture and human nutrition as functions of the United States Department of Agriculture; an extension of the beekeepers indemnity program; loan authority for aquaculture under the Bankhead-Jones Farm Tenant Act; emergency rescue operations on National Forest lands and at the request of local or State authorities; restrictions on the importation of filberts; and making available to the public daily information from daily reports of export sales.

Mr. TALMADGE. Mr. President, I ask unanimous consent that Joe Richardson of the Congressional Research Service be granted the privilege of the floor during consideration of S. 275, including all rollcall votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I yield myself such time as I may consume.

Mr. HELMS. Will the Senator yield for a unanimous-consent request?

Mr. DOLE. I yield.

Mr. HELMS. Mr. President, I ask unanimous consent that Mr. Douglas Jackson and Mr. George Dunlop of my staff be accorded the privilege of the floor during discussion of this measure and any votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I ask unanimous consent that Gary Dickinson of my staff be accorded the privilege of the floor during consideration of S. 275.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BELLMON. Mr. President, I ask unanimous consent that Mr. Ron Earnest of my staff and Mr. Bill Stringer of the Budget Committee staff be granted the privilege of the floor during consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG. I ask unanimous consent that Bob Christman of my staff be granted the privilege of the floor during consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, first, I thank our distinguished chairman (Mr. TALMADGE) for his leadership. As he indicated in discussing the bill, the product we bring to the floor is the result of a great deal of effort and many compromises, but, certainly, of dedication by every member of the Committee on Agriculture, Nutrition, and Forestry and the committee staff. I think that we are not an unusual committee. I think every Senator is dedicated in his committee work but, the members of the Agriculture Committee have been especially dedicated this year in considering the farm bill. Based on my past experience, we have never had a finer session and never produced a finer product. So I praise and applaud the distinguished Senator from Georgia for his leadership.

Mr. TALMADGE. Will the Senator yield?

Mr. DOLE. Yes.

Mr. TALMADGE. I am grateful, indeed, for the generosity of my friend, the ranking minority member on the committee. I can return the compliment.

We had the complete cooperation of every member of the committee, including every member on the minority side. We work together, as the Senator from Kansas knows, in the Senate Committee on Agriculture, Nutrition, and Forestry on a nonpartisan basis. I do not believe that, in the 20 years I have served on that committee, I have seen a straight party line vote.

Mr. DOLE. I thank the distinguished chairman.

Mr. President, as the chairman of the Senate Agriculture Committee pointed out a few moments ago, after careful and lengthy and sometimes heated consideration of certain amendments or provisions in the bill, we reported to the Senate floor a bill that extends essentially the 1973 Farm Act for a period of 5 years. It also touches on the food for peace and food stamp programs and other provisions that will expire this year. The Senator from Kansas believes that we have presented to the Senate a good proposal.

The thrust of the 1973 act, it will be recalled, and the programs authorized under that act, have served agriculture very well. However, some of agriculture presently is in a distressed state, with low prices because of excess production.

There is no doubt about the fact that the maintenance of a strong agricultural production base is essential for supplying our increasing domestic food needs and to produce food for export. Farming has many risks over which the farmer has no control, including weather; and, sometimes when all things work and the farmer has a good growing year, he suffers as a result of low prices because of abundant production. The present low-price levels are endangering our capacity to continue to produce. As businessmen, farmers have had to face the realities of losses, some have filed bankruptcy, and farm dispersal sales are prevalent in many sections of the country. The price of wheat, for example, is presently less than $2 per bushel compared to nearly $5 per bushel just months ago.

The worldwide wheat and feed grain supply is currently very large. New record production levels are being set by most grain producing countries. This period of oversupply has presented many problems to American farmers, who depend on export markets for much of their production. In recent years, producers generally have only needed short-term storage for their crops before movement into foreign or domestic markets. However, this situation has drastically changed and producers are facing the likelihood of holding grain for several years until world demand strengthens.

Wheat is a crop which presents a large portion of the problem. The beginning stocks of wheat for the 1976–77 marketing year were 664 million bushels. American producers harvested another 2.1 billion bushels of wheat for marketing in 1976–77. USDA estimates indicate that we will have 1.1 billion bushels carried into the 1977–78 marketing year. Further, a crop of 1.7–2.0 billion bushels is estimated for 1977–78, giving us a record supply of about 3 billion bushels.

Commercial storage facilities are nearly full and harvest is about to begin. Farmers may be forced to sell wheat at harvest for low prices or pile it on the ground because there is not enough available storage.

I disagree with the method of arriving at program costs under the bill used by the administration. To me it seems absolutely rediculous to assume "abnormally good weather" over the next 5 years as the administration does in an effort to show program costs in the bill above the arbitrary overall $2.2 billion desired by President Carter.

I am surprised at Secretary Bergland for embracing such a concept. After becoming secretary he attacked the previous administration for basing crop production estimates on "normal" weather by citing his own experience as a farmer who had experienced "normal weather" twice in 27 years. Now he is attempting to beat down reasonable price support levels for farmers by application of cost estimates that will never materialize unless we have "abnormally good" weather for 5 years in a row. If 5-year "historic weather" is assumed instead of "5 years of good" weather, then the 5-year average costs in this bill will be within the limits set by President Carter. Therefore, I would urge the more realistic approach to figuring the cost of the program, unless the advocates of the "abnormally good" weather assumption know something that the rest of us do not.

It is difficult for me to believe that President Carter would veto this bill on the premise that we might have 5 sucesive years of good weather—which if by some miracle did occur—may result in average program costs beyond his arbitrary $2.2 billion figure. I do not see in this bill anything that stands out as a sharp departure from promises made to farmers by candidate Carter and candidate Mondale last year.

I quote candidate Mondale in Wichita, Kans., when he complained about the previous administration. For example, he said:

> Raising loan levels which are 50c below the levels established for wheat in the bill that he vetoed. And even those at $2.75 are too low. Production costs, we estimate here in Kansas are at least $3.00, depending on your costs.
>
> STECKLINE: Does that mean you would have gone for about a $3.00 loan rate?
>
> MONDALE: Our position is, that the loan levels ought to be at production levels. Now, you know there is some dispute, and some differences in production costs. But we would work out a generalized figure at production and try to set the loan level at that level and then give the farmer a longer loan period so that he can afford to wait out the market longer and get a better price.

So I cannot believe that there is any serious thought in the mind of the administration of vetoing this farm bill. If they go back and look at some of the statements made in the recent campaign and if they take a realistic look at the weather forecasts for the next 5 years and a realistic look at the production costs of farmers throughout America, they will not veto this bill.

The administration can keep down the costs of this bill by facilitating exports with programs and marketing tools at their disposal. I have offered a bill (S. 1415) which would help in this respect by providing CCC credits to nonmarket countries such as the People's Republic of China for the purchasing of U.S. farm commodities. Assistance to farm exports by the use of CCC credits at commercial interest rates not only in good business for American farmers, but would save the U.S. Government grain storage costs that we incur if we do not export.

During hearings on the farm bill, a number of farmers from wheat growing States testified that with rising production cost and declining wheat prices they were in a difficult cost-price squeeze. A target level of $3.10 per bushel is modest and even less than sufficient, for some farmers, especially some of the younger farmers who have acquired farm land in recent years at very high prices.

The grain inspection bill passed by this body is urgently needed. We are approaching grain harvest and farmers will have to carry the excessive burden of the new inspection costs further reducing the low prices for grain.

In order to expedite getting the grain inspection bill passed, I am prepared to offer it as an amendment to S. 275, because I understand that the House for some reason, does not plan on taking any action on the grain inspection bill previously passed by the Senate.

I believe we have a bill that is fair to consumers, taxpayers and which affords farmers some price protection. I would have liked higher target levels included, however, we do provide for target prices to increase as farmers' cost of production increases. Commodity loans are also essential to give farmers flexibility in marketing and these levels in future years will be adjusted at 85 percent of the cost of production.

So far as this Senator is concerned, every effort was made in the committee to keep the loan levels not low but at a realistic level, so that we will not price ourselves out of the world market. The loan level for 1977 crops will remain at $2.25 a bushel, for example, for wheat. In 1978 and subsequent crops, it will be based on cost of production, but in 1978 it will be $2.47. We believe that these are realistic figures, and we hope the Senate will agree.

I will touch very briefly on some of the specific commodity programs.

DAIRY

The dairy program support level is set at 80 percent of parity adjusted semi-annually but reviewed quarterly. If costs of production increase significantly, an adjustment can be made on a quarterly basis. Dairy indemnity programs are expanded. Class I base plans, seasonal base excess plans, and seasonal takeout-payback plans are extended in this bill.

The Wool Act was also extended and support levels updated to 90 percent of the formula.

WHEAT

The wheat section calls for an increase in the 1977 target prices to $2.90 per bushel.

According to considerable testimony, this figure is still below the cost of production. The Senator from Kansas met with a group of rather irate and frustrated farmers recently. They stated that $2.90 is a ridiculously low figure, that it should be much higher in their view. But I suggest that we believe that $2.90 is realistic. It is responsible and it is a reasonable figure, and we trust that the Senate will stick with us on that, despite some of the budget problems that may crop up later.

The target price for 1978 is $3.10 per bushel and can increase thereafter if the cost of production exceeds that level. The loan level is increased modestly at $2.47 per bushel for 1978 and escalates thereafter at 85 percent of the cost of production. Wheat is the most depressed commodity now and the outlook is discouraging. The support levels in S. 275 give some price protection and yet they are not so high as to encourage increased production. Frankly, there is doubt that many farmers can produce wheat for $2.90 a bushel.

FEEDGRAINS

The feedgrains section sets price support levels for corn at $2.28 per bushel and $2.00 per bushel loan rate with the escalation of target price to reflect the cost of production and the loan rate to reflect 85 percent of the cost of production. Support levels for feedgrains other than corn will be set in relation to corn.

COTTON

The cotton program establishes a target price of 51.1 cents per pound for 1978 to increase in subsequent years according to increases in the cost of production. The loan provisions will be 51 cents per pound for 1978 and fluctuate in the other years at either 85 percent of the average U.S. spot price for the preceding 4 years or 90 percent of world market prices.

Last year, for the first time, the target price mechanism was used, and payments to rice producers under the target price mechanism, which we believe is a sound concept, were approximately $140 million.

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The title I allocation formula—75/25—was modified to give more flexibility to farm exports under the title I program.

The Secretary rather than the President, will have waiver authority, and the poorest country criterion for the 75 percent category was moved up from $300 per capita GNP to $520. This will add some new countries to the category, notably Jordan, Morocco, Ghana, Senegal, and Honduras.

Provisions are made for 5 percent of the funds generated under title I to be used by the Secretary of Agriculture for facilities to aid distribution and consumption of farm commodities. This hopefully will result in construction of grain storage facilities in developing countries.

Other features of the program should result in increased exports of both donated food and concessional sales.

Amendments which I introduced were accepted which would give the Secretary needed tools to clean up certain alleged program abuses. Allegations of wrongdoing involve some Members of Congress, certain rice exporters, and certain shipping agents and are a part of a current Justice Department investigation. Passage of my amendments should help the Secretary of Agriculture clean up the existing program abuses.

GRAIN RESERVES—FACILITY LOANS

Onfarm storage facilities programs are authorized and provisions in S. 275 will:

First, give the Secretary of Agriculture the authority to use guarantees on secured loans, as well as direct loans, as a means of assisting farmers to construct or purchase onfarm facilities;

Second, permit the making or guaranteeing of loans for the construction of facilities to store high moisture grain and forage crops, as well as dry grain; and

Third, with respect to direct loans; require that the borrower put up security for the loan; and base the interest rate charged to farmers on the rate charged the Commodity Credit Corporation by the U.S. Treasury.

An amendment of mine was accepted which would provide loans for the construction of facilities to store high moisture grain and forage crops, as well as dry grain.

Facilities for the storage of high-moisture grain and forage can benefit farmers in several other respects. The ability to handle high moisture feedstuffs gives farmers more versatility in their livestock feeding operations. In many areas of the country with short growing periods, early frost sometimes makes it impossible to harvest dry grain. Also, facilities for the storage and handling of silage enables farmers to harvest and utilize forage crops that otherwise might be lost.

High moisture storage saves a significant amount of energy by eliminating the need to dry grain in order to store it. Drying grain requires the use of scarce energy—usually natural gas or propane. In fact, some estimate that more fuel was used to dry the 1976 corn crop than was used to grow it. Any unnecessary drying of crops is wasteful and contrary to the national interest in fuel conservation. Since grain can be preserved as feed without expending energy if stored properly, more encouragement needs to be given to this method of feed storage. And I might add there were provisions added at the suggestion of the chairman to make certain we had some security if such loans were made.

GRAIN RESERVES—RESEAL PROGRAM

We have a particularly good proposal regarding the holding of grain on the farm until it can be marketed in an orderly manner. The bill requires the Secretary to formulate a producer storage program for wheat by providing additional authority for original or extended price support loans for wheat at the same support level as provided by this act. The bill provides for loans of not less than 3 nor more than 5 years; payments to cover the cost of storing wheat under the program; basic interest rates based upon the rates charged the Commodity Credit Corporation by the U.S. Treasury; redemption of the loans regardless of their maturity dates whenever the market price reaches a specified level between 140 and 160 percent of the then current wheat price support level; and terms and conditions assuring repayment when market prices are 200 percent of the then current low rate. The bill limits the total quantity under loan to 300 to 700 million bushels as determined by the Secretary, and permits adjustment of such quantity if the United States enters into an international grain reserve.

GRAIN RESERVES—INTERNATIONAL EMERGENCY FOOD RESERVE

I believe some of our abundance can be put to good use as a part of the international emergency food reserve provided for in the Talmadge/Dole bill. The bill authorizes the President to negotiate a system of food reserves for humanitarian food relief and to maintain such a reserve as a contribution of the United States to the system. It authorizes the Secretary to build stocks of food—including processed and blended foods—to levels which may be established under such an international agreement. Stocks of food from the reserve may be utilized for humanitarian relief in any foreign country which suffers a major disaster and for the purpose of assisting developing countries in any year in which there has been a severe shortfall in world food production. Stocks may be added to the reserve from price support programs or by purchase on the open market through facilities of Commodity Credit Corporation.

DISASTER RESERVES

All of us are aware of the need to respond to disaster when it strikes our own farmers. The Talmadge/Dole bill will authorize the Secretary to acquire through Commodity Credit Corporation hay or other livestock forages, in addition to wheat, feedgrains and soybeans for disposition in the event of national disasters. The bill also authorizes payment of transportation and other costs incident to disposition of such commodities. Implementation of this provision will more adequately address drought and other disaster situations.

FOOD STAMPS

As each of my colleagues knows, there is hardly any other Federal program which is both criticized and defended so forcefully as the food stamp program.

I supported most of the actions taken by the Senate Agriculture Committee during markup of this bill, and I believe the end result is an improvement over existing law.

We tightened restrictions on higher income families to keep them from participating in the food stamp program. The current itemized deductions were replaced with a modified standard deduction, and we set an income ceiling for the first time in the history of the program. Not only will these changes substantially reduce program abuse by eliminating the food stamp vendor and itemized deductions, but it will also create a program which is more responsive to the needs of the poor.

ELIMINATION OF PURCHASE REQUIREMENT

The most far-reaching proposal adopted by the committee was to eliminate the purchase requirement in doing this, the committee recognized its responsibility to allow greater accessibility of program benefits to those in genuine need of assistance.

Presently, most of those who do not have ready cash are prohibited from participating in the progam. The committee also reduced the net food stamp benefits by 30 percent, which means that although the total benefits have been lowered, no qualifying person will be denied food stamps because of the lack of cash to buy into the program.

The Senator from Kansas knows of no other program that has been so widely criticized or so widely defended as the so-called food stamp program. That was considered by the Senate Committee on Agriculture, Nutrition and Forestry and, of course, the big vote came on whether or not the purchase price should be eliminated. Once that vote was taken the committee was pretty much in agreement with reference to the other sections.

I believe that the food stamp program reported to the Senate floor is a good program. It has been tightened up, and we have tightened up restrictions on higher income families to keep them from participating in the food stamp program.

The current itemized deductions were replaced with a modified standard deduction, and we set an income ceiling for the first time in the history of the program, and I think these changes will reduce the abuse in the program—not all of it. Whenever you have a big Federal program there is going to be some abuse, and some people are going to take advantage of it. But the intent of the committee was to reduce the abuse as much as possible.

We were also going to eliminate the food stamp vendor possibility there of fraud. With the itemized deduction it is going to be a more efficiently operated program from the administrative standpoint and, hopefully, save a great deal of money in that one area.

Of course, the far-reaching proposal added by the committee was to eliminate the purchase requirement. The Senator from Kansas believes since there is so much talk about welfare programs and welfare reform that the food stamp program itself has been the biggest welfare reform measure that has passed this Congress and become law since the Social Security Act.

It just seems to this Senator that with the elimination of the purchase requirement that rather than have some vast overhaul of the welfare system, the administration and others who have an interest in welfare reform might well take a look at what has happened with the food stamp program and how it has—maybe not intended by Congress, but how it has—benefited the working poor and how it has really equalized some of the low AFDC payments across the country. With respect to welfare reform, we do not need a vast comprehensive program. Perhaps we need only to make some changes based on the success of the food stamp program.

I would guess that with the tightening up we have done there is some controversy with reference to the purchase requirement, and I think the committee recognized its responsibility to allow greater accessibility of program benefits to those in genuine need of assistance, and that was the thrust of eliminating the purchase requirement, not to make it a welfare program, although it may have some of the earmarks, but to make certain if we are going to have reform that we reform it at both ends, that we eliminate the people who should not be in the program, but we let other people participate who cannot participate because they do not have the front end money for stamps. That essentially is what it does.

Presently, most of those who do not have ready cash are prohibited from participation in the program. There are some exceptions even under the present law.

The committee also reduced food stamp benefits by 30 percent, which means that although the total benefits have been lowered no qualifying person will be denied food stamps because of lack of cash to buy into the program.

DEDUCTIONS

Other provisions in the committee bill include a $60 standard deduction, modified by a deduction for dependent care expenses up to $85. The deduction for dependent care was an amendment I offered. I strongly believe it provides a work incentive and that without such a provision, some parents would find it financially advantageous not to work.

The Congressional Budget Office estimates the amendment would cost about $30 million.

We are obligated to encourage employment through our Federal assistance program, and this is one provision which does that.

In addition, the committee's bill makes a special allowance for Indians on a reservation to choose between participating in the food stamp or commodity distribution programs. Often, there is no grocery store conveniently located to the reservation, and if there is, goods are oftentimes overpriced.

BETTER RESEARCH EFFORT

Another major provision of this legislation—title XIII—addresses the issue of food and agricultural research. During the hearings on S. 275, the committee received testimony from a number of expert witnesses representing a broad spectrum of the agricultural research and teaching community. The facts and suggestions offered by these witnesses have given the committee a better insight into the special needs of agricultural science and technology.

I believe, and the committee believes, that title XIII constitutes a sound and timely response to these needs.

The record of past successes in agricultural research is impressive. Universities, foundations, private enterprises and the Department of Agriculture have all made important contributions. Investments in research have reaped huge dividends, and today, a single farmer supplies enough food and fiber for 56 people.

But past success has created a mood of complacency. Expenditures on food and agricultural research have not kept pace with inflation in recent years. Our research budget is only 60 percent of what it was then years ago in real dollar terms. In 1940, 38 percent of the Federal Government's total research and development expenditures went to agriculture. In 1977, agricultural research accounted for only 1.8 percent of the total Federal research and development budget.

Beyond the immediate concern of dollar expenditures, however, is the knowledge that available research funds have had to be stretched again and again to cover emerging new needs. Human nutrition, environmental quality, and energy availability are examples of worthy research priorities. At the same time, though, these priorities have forced reductions in production and marketing research.

Furthermore, as we look to the future, it appears that it will not be as easy to turn on the spigot of agricultural production as it has been in the past. We no longer have 60 million acres being held out of production as in the early 1970's. In many areas, chemical fertilizers have reached a point of diminishing returns. Crop yields appear to be nearing a biological ceiling unless there are research breakthroughs. I suggest we are moving in the right direction in that event.

While the evidence strongly suggests that there is a need for upgrading the priority given to agricultural research expenditures in this country, increased coordination of research is also needed. In addition to USDA, many colleges and universities—including the land grant colleges, State agricultural experiment stations, the National Science Foundation, the National Institutes of Health, the Department of Health, Education, and Welfare, the Environmental Protection Agency, and the Energy Research and Development Administration—all carry out some farm-related research.

Such fragmentation greatly hinders our ability to focus the vast research capabilities of this Nation on the research needs of highest priority.

In short, the future production of food and fiber in adequate quantities requires a renewed research effort including increased funding and better coordination. The provisions of title XIII achieve this task.

Specifically, title XIII:

Authorizes an expenditure of funds nearly twice the amount which is now being spent on agricultural research and related activities;

Establishes the Department of Agriculture as the lead agency in food and agricultural research;

Creates a joint panel of Federal, State, and private research groups and a research users advisory board to improve coordination;

Establishes a program of competitive grants to initiate high priority research activities. The Secretary is also given authority to make grants to agriculture experiment stations and land grant universities to support the Federal-State cooperative research program;

Establishes a matching grant program to improve research facilities at State experiment stations;

Establishes research programs on small farm efficiency, on-farm utilization of solar energy, and energy from agricultural products.

ADDITIONAL PROVISIONS

In addition to the many provisions mentioned by the distinguished chairman, S. 275, also, contains a number of miscellaneous provisions which extend the termination date of existing programs in the Department of Agriculture and improve their administration.

In the sphere of soil and water conservation, several sections of S. 275 improve the small watershed development program by streamlining the program's administrative process and by reducing paperwork requirements. Another section of the bill increases the loan limitation presently imposed on local resource conservation and development districts.

S. 275 also improves the effectiveness of the agricultural conservation program by redirecting the program toward a greater emphasis on measures which contribute to enduring conservation solutions, and by authorizing farmers and ranchers to receive cost-share assistance on long-term conservation projects.

In the sphere of rural development, S. 275 extends for 3 additional years the Rural Community Fire Protection Program which provides Federal assistance to establish and improve rural fire departments.

Another section establishes aquaculture and human nutrition as basic functions of the Department of Agriculture by including these purposes in the Organic Act of the Department.

S. 275 also extends for 5 additional years the Beekeeper Indemnity Program which indemnifies beekeepers who suffer losses of honeybees as the result of pesticide poisoning.

Another section requires greater accountability from Department of Agriculture's 96 advisory committees, and assures that no new committees will be established unless they meet a rigorous criteria of need.

Finally, S. 275 requires the Secretary of Agriculture to release daily the export report by the type, class, quantity, shipment period, and destination of all export sales of grain and other commodities.

This again is to protect the producer and help the producer knowing what is about to be sold or what has been sold.

This is a brief summary of provisions of the farm bill, not everything is included that each Senator wanted, but in the view of the Senator from Kansas, it is a good compromise bill that will enable farmers to continue producing for the marketplace, and that is where most farmers want to find the action.

Mr. President, I now yield to the distinguished Senator from North Dakota (Mr. YOUNG) as much time as he may consume.

Mr. YOUNG. Mr. President, first, I commend Senator TALMADGE, the distinguished chairman of the Committee on Agriculture, Nutrition and Forestry for the leadership he provided the committee in writing this bill. He has a keen knowledge of agriculture. He has lived with it, and he knows it.

He did something unusual this year. He called meetings for about a month at 8 a.m. in the morning when the usual time for committees to meet is 10 a.m.

I pay that same respect and commendation to the ranking member, Mr. DOLE. He and the chairman made an excellent team working with an excellent staff.

Mr. President, I will be supporting this farm bill, unless major changes are made. Its price support loan and target price provisions are lower now than I believe they should be. They are much lower than those proposed by candidate Carter in the last campaign. I realize the President has threatened to veto this bill if passed by Congress because of too high costs, but I cannot help but feel that upon reflection he will sign it.

It is the best bill that we can get through Congress and it is in many respects an improvement over existing legislation.

Price support loans and target prices for some commodities are moderately higher.

It has a new, long overdue, more modern up-to-date base acreage allotment provision. Our present wheat acreage allotments are based on the years of 1952–53, which are far out-of-date with present farming practices. The new provision in this bill will make target prices and disaster payments much more meaningful by representing farmers' actual farming practices.

We are advised that the President will veto the new farm bill if it comes to him with the Agriculture Committee recommended target price and price support loan provisions.

I totally disagree with the concept the administration uses in claiming the costs of this program are too high. The administration uses as the costs of the program for any given year, the total amount of outstanding loans on all farm commodities.

Since the target price and price support loans are far below the cost of production, there should be very little loss to the Federal Government.

Mr. President, I ask unanimous consent to print in the RECORD, the Agriculture Committee's estimate of the cost of the program for each year of the 5-year period.

There being no objection, the estimate ordered to be printed in the RECORD, as follows:

SUMMARY TABLE—OUTLAYS

[In millions of dollars]

	Fiscal year 1978		Fiscal year 1979		Fiscal year 1980		Fiscal year 1981		Fiscal year 1982		5-year average	
	Variable	Favorable	Variable	Favorable	Variable	Favorable	Variable	Favorable	Variable	Favorable	Variable	Favorable
COMMODITIES												
Title I: Payment limitation	0	0	0	0	0	0	0	0	0	0	0	0
Title II: Dairy	659	659	453	453	302	302	190	190	50	50	331	331
Title III: Wool	22	22	35	35	42	42	45	45	47	47	38	38
Title IV: Wheat	828	828	808	1, 370	67	1, 205	299	1, 047	1, 294	1, 133	659	1, 117
Title V: Feedgrains	0	0	2, 419	2, 321	1, 852	2, 012	−1, 643	2, 308	141	3, 015	554	1, 931
Title VI: Cotton	0	0	29	53	−37	−50	40	54	180	−51	42	1
Title VII: Rice	0	0	89	90	−47	123	−102	146	8	127	−10	97
Title VIII: Peanuts	123	123	76	76	45	45	18	18	15	15	55	55
Title IX: Soybeans	0	0	40	40	−40	−20	0	−20	0	0	0	0
Disaster payments (all crops)	80	80	416	416	400	400	419	419	446	446	352	352
Commodities subtotal	1, 712	1, 712	4, 365	4, 854	2, 584	4, 059	−734	4, 207	2, 181	4, 782	2, 022	3, 923

	Fiscal year 1978		Fiscal year 1979		Fiscal year 1980		Fiscal year 1981		Fiscal year 1982		5-year average	
	Variable	Favorable	Variable	Favorable	Variable	Favorable	Variable	Favorable	Variable	Favorable	Variable	Favorable
GENERAL PROVISIONS												
Title X: Grain reserves	418	418	216	216	182	182	161	161	148	148	225	225
Title XI: Public Law 480	1, 091	1, 091	1, 041	1, 041	1, 064	1, 064	1, 077	1, 077	1, 117	1, 117	1, 078	1, 078
Title XIII: Research and extension	75	75	75	75	63	63	65	65	68	68	69	69
Title XIV: USDA Advisory Committee	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Title XV: Rural development	6	6	7	7	7	7	1	1	0	0	4	4
Title XVI: Miscellaneous	5	5	5	5	5	5	5	5	5	5	5	5
General provisions subtotal	1, 595	1, 595	1, 344	1, 344	1, 321	1, 321	1, 309	1, 309	1, 338	1, 338	1, 381	1, 381
FOOD STAMPS [2]												
Title XII:												
Food stamps (current law)	5, 354	5, 354	5, 466	5, 466	0	0	0	0	0	0	(2)	(2)
Title XII impact	−8	−8	+271	+271	+225	+225	0	0	0	0	(2)	(2)
Subtotal	5, 346	5, 346	5, 737	5, 737	+225	+225	0	0	0	0	(2)	(2)
Total	8, 653	8, 653	11, 446	11, 935	4, 130	5, 605	575	5, 516	3, 519	6, 120	5, 665	7, 566

[1] $250,000 each year.

[2] Title XII—Food stamps is a 2-yr authorization.

Mr. YOUNG. I think it should be noted that for the calendar year of 1978, the total cost would be approximately $1.7 billion. For the following years the committee estimate of the costs runs from approximately $2.9 billion to $3.9 billion average.

Mr. President, if farm prices are at a reasonable level, there would be practically no cost to the Federal Government. If we had poor crops throughout the world, which again resulted in big purchases of grain from the United States, there would be practically no cost.

Farm commodity prices would have to reach a much lower level than they are now if the costs of the program are to anywhere near approach the cost estimated by the administration. The Federal Government has the mortgage on all these price support loans, which the administration writes off as a total loss in estimating costs of the program.

Most farm commodity prices, and especially wheat, are at a dangerously low level. If this administration permits them to stay at this level, there will be economic chaos in some of the major segments of our agricultural economy. This in turn would have a serious adverse impact upon our entire economy.

Our economy cannot continue to prosper with most farm commodity prices at these low levels.

With agriculture as the single most important segment of our entire economy, the Federal Government will have to do much more than they are thinking about now if they are to avert another economic disaster not unlike the 1930's. In fact, with the huge investments and the astronomical costs of farming operations, we are headed for serious trouble.

Mr. President, I state again that I will be voting against any reductions of price supports or target prices in this bill. They are already too low, and lower than almost every farm organization and almost every farmer believes they should be; and I agree with them.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. FORD). Who yields time?

Mr. DOLE. Mr. President, I yield the Senator from Oklahoma such time as he may require.

Mr. BELLMON. I thank the distinguished ranking minority member of the Agriculture Committee.

Mr. President, I would like to extend my commendation, as others have done, to the dinstinguished Senator from Georgia (Mr. TALMADGE), the chairman, and the distinguished Senator from Kansas (Mr. DOLE), the ranking Republican member of the committee, on the way in which the bill was developed and committee meetings were scheduled and conducted.

I have served by now on many committees of Congress, but have never served on a committee where the members were accorded more courtesy and more opportunity to participate.

It was particularly remarkable this year, when we had a most difficult piece of legislation and when the committee was under pressure to get the bill together in a short time, and yet produced what I consider to be an excellent measure. So I congratulate Senators DOLE and TALMADGE and all the members of the committee for the way in which the bill was developed and the quality of the actual product. This is the first time I have ever served on a committee where we never lacked for a quorum, in spite of the fact that the process went on all morning day after day.

Mr. President, I would like to take a little of my time to talk about the need for this legislation. Others have discussed its content and purpose, but I would like to take a few minutes to inform the Senate about the conditions that led to the development of this bill, and what the future of agriculture may hold as a result of this legislation.

We have to go back to the 1960's and even earlier to see why we have come along as we have on the road to developing S. 275.

Following the end of World War II, this country saw serious surpluses in many commodities build up, and over the years, one by one, the Government ceased commodity support programs, until we were down to the basic commodities.

Of those, wheat is the one that has caused the most problems over the years, for a very special reason. That reason is the fact that in a normal year, much more of the wheat that we grow in this country is exported than is used here. These export markets are highly volatile; we never know from one year to another what the weather is going to be in some of the densely populated countries of the world. We never know what the Government policy in foreign countries will be; and we cannot even be sure of our production legislation here at home. So it is necessary for the American wheat grower to have available a quantity of wheat that is in excess of our normal current demands to meet these exceptional demands from our foreign customers that vary so much from one year to another.

As a result, by July of 1972 this country was holding a wheat carryover of about 870 million bushels. During that year, 1972, there was a sharp dropoff in the Russian crop, and they came here and bought a very large quantity of wheat before the producers in this country knew what had happened. So this large surplus, almost 870 million bushels, was used up very quickly when the Russians came into our market.

Even though this surplus had built up, the U.S. farm programs up to that time had kept about 51 million acres of land out of cultivation. Also, because our commodity loans were sometimes higher than world market prices, we had lost a considerable amount of our wheat market to Canada, Australia, Argentina, and a few other producing countries. This had led to the imposition of the export subsidy, which made it possible for our American grain exporters to compete more equitably in the world market, and it was one of the things that led to the sharp criticism resulting from the Russian grain sales.

Also, no one had anticipated that the Russians would make the decision, in the year when their crop was cut back by adverse conditions, to go ahead and buy grain, because in the past when the Russians' crop had been short, they had normally cut back on their meat production and used the grain available for human consumption. But in 1972, a political decision inside Russia caused them to come into this country and buy up our surplus, in their continued effort to improve the diet of the Russian people. Had our prices been higher, they would likely not have bought this grain, and we would have continued to have the large carryover.

These events were taken into consideration when the 1973 farm bill was written. That farm bill embodied, for the first time, the target price concept, which allows the price of American grain to reach whatever level is required for it to be consumed and guarantees the producer's income by the target prices set in the legislation. Unfortunately, due to the opposition of the then Secretary of Agiriculture, the 1973 act did not include realistic escalation clauses, so that program has, for all practical purposes, been inoperative during the period between 1973 and 1977. Unfortunately, during the same period costs of production have risen rapidly, primarily due to the Arab oil embargo, which brought on higher energy costs and higher costs of fertilizer, and triggered sharp inflationary increases in other inputs that go into producing agricultural commodities.

Mr. President, one of the most unfortunate things that happened during the period between 1973 and 1977 has been the imposition of embargoes on two occasions against the export of American grain to customers abroad. These embargoes have been brought on as a result of political and consumer pressures, probably led by the charges of the milling and baking industries that bread was likely to go to a dollar a loaf unless embargoes were put in place, even though that charge was utterly without foundation.

The embargoes denied producers the access to the export market which they had anticipated, and led to seriously increased carryovers and surpluses in our country.

Second, the decision to open all agricultural land in this country to full production has led to the rapid buildup of our surpluses. This time we are really in worse shape, particularly so far as wheat is concerned, than was the case before the Russian grain sales of 1972. At that time we had about 870 million bushels. As of July 1, 1977, it is estimated that the carryover will be in the neighborhood of 1.1 billion bushels, or about 300 million bushels more than before. This is being added to each year, and our carryover for July 1 of 1978 will likely be right around 1.5 billion bushels, and could reach almost 2 billion bushels.

A part of this comes about because the 1976 world food grain production was at a record level.

Again thinking just about wheat, in 1975 the world produced 12,864,000,000 bushels of wheat, but in 1976 the world's production was up 2.3 billion bushels, to 15,171,000,000 bushels. This has meant that our exports have fallen off rapidly. Grain producers in this country, responding to the Government's urging to plant from fence row to fence row, now are stuck with a loss of world markets and a very rapid buildup and carryover that has produced disastrous breaks in the prices received by farmers.

The result here, Mr. President, is that a very large number of American grain producers are now in serious financial difficulties. A large number of them are facing bankruptcy unless some relief is granted by the legislation which this Senate is now considering.

There is a report, which I do not believe others have referred to, recently published by the U.S. Department of Agriculture, entitled "Special Summary of the Farm Financial Situation."

It shows the results in nine States, Colorado, Kansas, Minnesota, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas.

These are the principal small grain producing States. The report shows that 59,300 farmers in those areas are going to require refinancing or disposal of assets. The report further shows that 13,900 of those farmers cannot repay their bills, even if they do liquidate their assets and go out of business.

What this means, Mr. President, is that this fairly large number of rural families are going to be forced off the land, forced into the cities, and forced onto unemployment rolls or welfare rolls. This will particularly impact upon the young farmers who have not had a chance to build up equity or financial reserves that are required to get them through this present period of difficulty.

Hopefully, the passage of this legislation will change the financial situation of these young people so they will be able to survive and continue in agriculture. They certainly are going to be needed to produce food for the future.

One of the startling statistics about American agriculture is that the average age of American farmers is going up rapidly. In 1945 the average American farmer was 48.5 years old. By 1975 this average age had grown to 52.2 years, an increase of almost 4 years in the period between 1945 and 1975. The total number of American farmers during that period has gone down from 5,600,000 to 2,750,000 in 1977.

The point here, Mr. President, is that we have been rapidly losing young people from agriculture, and we are also very rapidly running out of farmers. It is distinctly in the national interest for us to have a farm bill which will make it possible for young people to stay in agriculture, and also a farm bill which will reverse the trend of the liquidation of the American farm community.

The fact is that until now this country has had the best agricultural enterprise in the world. Our farmers are the most productive. Our consumers are the best fed at the lowest cost as a percentage of their incomes. There is every reason for this Congress to be concerned if this cannot continue into the future. That concern is the purpose of this bill.

There are some other considerations that the committee had in mind. For instance, the United States in recent years has become heavily dependent upon the import of crude oil. We are now bringing in roughly half the crude oil we use in this country, and the costs of these imports have been going up rapidly. When one tries to look into the future, it is impossible to know how much longer this will continue. Coming as I do from an energy-producing State, I believe I can say without any fear of contradiction that it is extremely unlikely that the United States is going to even approach self-sufficiency in energy through the balance of this century. It is extremely likely that the dependency on foreign imports of oil will go up and up, at least for the next decade and perhaps longer.

The figures show that in 1973, before the Arab oil embargo, the United States spent $7.7 billion for petroleum imports, and in that year we exported almost $13 billion worth of agricultural commodities.

In 1974, just 1 year later, after the embargo was put in place and after the crude oil prices escalated by a factor of about 3, the cost of petroleum imports went up to $24.5 billion. Luckily, agricultural imports also increased to $21.2 billion.

In 1975, crude oil imports cost us $25 billion; agriculture earned us $21.5 billion, so there was a rough balance. But in 1976, the cost of our petroleum imports went up to $32.2 billion and agriculture stayed almost level.

So, Mr. President, we very badly need the foreign exchange earned by agriculture to pay for the import of crude oil. This bill will help keep agriculture in a position to compete for the foreign exchange required to keep this country's oil flowing.

Also, Mr. President, there is a need for us to stabilize prices for the benefit of both consumers and producers. It is impossible for a modern farmer or rancher to plan to receive the kind of financing that modern agriculture must have unless there is some idea as to what the income levels will be.

Also, consumers react very badly when prices of food jump rapidly, as has happened sometimes in the past. Since consumers outnumber producers by some 25 to 1, this can only work to the disadvantage of both.

Quickly, this bill extends the farm program for 5 years. It eliminates the present historic crop allotments and goes to a current planted acreage system. It provides for farmer-owned grain reserves that will help build up a supply of grain in this country to be available when extraordinary demand abroad develops, and which will help prevent a negative impact on our food costs, such as occurred after the very large Russian purchases of 1972 and 1973.

The bill provides authority for the Secretary of Agriculture to adjust production, to keep it in line with consumption, and to avoid the very costly development of unmanageable grain surpluses as has been happening in recent years.

The bill contains other adjustments in the present farm program which, if approved, could be in need of amendment, such things as the new peanut program, an increase in the payment limitation, a new approach to agricultural research, and other provisions others have already mentioned.

Mr. President, the key provisions of this bill are the ones which relate to the target price levels and to the loan levels. The purpose of the committee was to try to establish loan levels which would give the producers the income they must have to go ahead and plant new crops to get the funds to pay the costs of fertilizers, fuel, equipment, and other inputs, so they would be able to go ahead and pay those at the time of planting.

The target price concept is intended to give the producer roughly the cost of production so that he can stay in business, at the same time making it possible for our commodities to move in the world markets without losing out as we did before to other countries which, for one reason or another, are able to undersell us.

These levels are to be computed every year to account for changes in the cost of production. In this way, we will avoid the difficulty in our present law where the prices were frozen in 1973 and did not reflect the rapid increases in the cost of fertilizer, fuel, equipment, and other inputs.

There are some serious problems here in that the Senate, the House and the administration are a considerable distance apart in the loan levels and the target prices which we anticipate. The Senate levels for wheat in 1977 are $2.25 loans, $2.90 target, and the administration has been at $2.25 loan and $2.47 target. I understand the administration is now willing to adjust it upward. That is certainly a healthy sign.

Last weekend I was in Oklahoma. I had a chance to check at the local elevator there. I find that wheat is now selling for $2.02 a bushel. Since the costs of production are somewhat over $3 a bushel, Mr. President, this means that wheat growers in my local county are now losing $1 or more on every bushel of wheat they grow.

Also, in checking I find that the price of wheat is down about $1.25 from last year, and it is down to roughly half of what was the market high during that year.

So this bill is important to producers; it is important to consumers; in my judgment, it is in the best interest of both.

There is the problem that President Carter has threatened to veto the bill if it passes at the Senate level, and it may be necessary for some negotiating to take place. It is going to be a great mistake if we wind up trying to save a few dollars, in the levels that we set in this bill, only to cause a very large number of young farmers to leave agriculture and then, in a very short time, be back in the position of trying to increase production in order to meet the increased demands.

The fact is that our present oversupply of food grains is probably a very temporary problem.

We are all fully aware, as the chairman has already said, of the rapid increase in the world's population. I believe he used a figure of 70 million new people every year. If we look back, we discover that it took all the years from the beginning of time up to 1830 for the population of the world to reach the 1 billion level. It then only took 100 years, from 1830 to 1930, to add the second billion. It took just 30 years, from 1930 to 1960, to add the third billion, and only 15 years, to 1975, to add the fourth billion. If we project population growth only into the end of this century, we find that the population of the world, which is now over 4 billion, will go to about 7.2 billion by the year 2000.

Realizing that most of the arable areas of the of the world are already in production, I believe it is easy to see that it is only a few years ahead, perhaps only a few months ahead, until we shall be scrambling for enough food to feed this rapidly growing world population and that we shall not be troubled any more by surpluses, but, rather, by shortages. We shall be taking steps to accelerate production rather than trying to hold it back.

I believe that Norman Borlaug, who is the Nobel Peace Prize winning plant breeder, has probably summed it up best. He says that, each year, the world's human population is now using an amount of grain sufficient to build a highway 55 feet wide and 6 feet deep, reaching around the Earth at the Equator. In other words, a highway 55 feet wide and 6 feet deep and about 24,000 miles long. Because of the increase in the world's population—roughly 70 million a year—in order to feed those people, this highway has to be 625 miles longer next year than it was this year, and it has to be 625 miles longer each year thereafter.

It is easy to see the enormous pressure on agriculture to meet the food demands of the world's population. It is also easy to project that it is not too many years in the future until it will be impossible for agriculture to meet this requirement unless we get some breakthroughs from agricultural research or unless some new food sources are found.

To sum up, Mr. President, the purpose of this bill is to provide an abundant, nutritious, reasonably priced supply of food for American consumers and also for the millions of people abroad who have come to depend upon American farmers for their diet. The bill provides new approaches to research. It provides some new approaches for nutrition education. It should help stabilize both supplies and prices. I believe it is going to utilize the lessons we have learned in the past to help us avoid making similar mistakes in the future.

Mr. President, the food stamp program has already been discussed and I am not going to take much time to talk about it. I simply say that I disagree with the changes that are being made in the food stamp program, particularly the change that eliminates the purchase requirement. I believe this is going to open the way for extensive abuses. I believe it will be a disservice to the participants. Participants are now able to use the income they receive from social security or aid to families with dependent children, or any other source, to buy the food stamps at the beginning of the month and, in this way, know they will have an adequate amount of food for the entire month. Under the new system, they will get food stamps at the beginning of the month. This will not be enough to last them for the whole month. If their other funds are used for other purposes, they will run out of food and be hard put to keep food on the table until another shipment of food stamps arrives.

The change does away with the nutritional approach which we have been taking in the food stamp program and turns it into strictly a welfare program. I believe that this change is going to work to the disadvantage of all concerned.

There is one aspect of the farm program that I would like to address very briefly, since I serve on the Budget Committee. I know how difficult it is to budget for this program. There is simply no way, Mr. President, to know what the farm bill is going to cost. Its outlays are going to depend upon weather conditions or depend upon governmental policies in other countries. They will depend upon how strictly the Secretary of Agriculture applies the authority he has under the set-aside provision of the act. It will depend a great deal upon what happens, so far as weather is concerned, in farms thousands of miles away from this country. Therefore, there is simply no way for the budget calculations that can be made for most Government programs to apply in this case.

Also, a considerable amount of the money that is spent in the farm program is ultimately recovered by the U.S. Treasury, since the commodity loans that will be made under this bill will, in most cases, be paid back.

The Commodity Credit Corporation has borrowing authority of $14.5 billion. This is adequate to carry on this program, and there is no requirement under the law that the Commodity Credit Corporation be made whole at the conclusion of each fiscal year. Therefore, I feel that Congress could instruct the Secretary of Agriculture to use the Commodity Credit's borrowing authority to conduct this program; that the Secretary can use the set aside to hold the ultimate costs at any figure that Congress sets; and that that is a much wiser course than to try to guess what the program is going to cost and set a ceiling in that way that may be totally unsuited, so far as the real costs of the program are concerned.

Mr. President, to conclude, overall, S. 275 is a good bill. I believe that the committee did the very best possible job in writing this legislation; that it is written with the best interests of both consumers and producers in mind; and that it will be a considerable improvement over the present legislation so far as both producers and consumers are concerned. I intend to support the legislation, even though I object to provisions of the food stamp program. I join our chairman and ranking minority member in urging the passage of this legislation as rapidly as possible, because it is important to our producers to know what the rules are going to be before they start planting their next crops.

(At this point Mr. GLENN assumed the Chair).

Mr. TALMADGE. Mr. President, I yield such time as he may desire to a distinguished member of our committee, the senior Senator from Kentucky.

Mr. HUDDLESTON. I thank the Senator.

First, Mr. President, I commend the distinguished chairman of the Committee on Agriculture, Nutrition, and Forestry for the diligent and thorough manner in which he directed the development and refinement of the legislation that we are considering today.

I also commend the ranking minority member of the committee, the distinguished Senator from Kansas (Mr.

DOLE), and the committee staff. During this process, every suggestion made by any member of the committee for changing this legislation was given very careful and very thorough consideration. While we may disagree in some of the particulars of the final product, I think we can say that it does represent the best consensus that can be reached by the committee.

Mr. President,when I came to the Senate in 1973 one of my first involvements in major legislation was with the Agriculture and Consumer Protection Act of 1973, better known as the 1973 farm bill. Before my election to the U.S. Senate, actually while preparing to run, I became interested in American agricultural policy. I looked back at what our agricultural policy had been since the first efforts were made in 1933 to "adjust production and stabilize income."

For 40 years, since 1933, the American farmer had been dominated by Government production controls. Our entire farm policy was built on a foundation of cutback and curtailment—in the name of stability. These programs had been so successful that the farmer was "stabilized" at two-thirds of the income level of his urban neighbors.

During the late 1960's, Government farm program payments averaged almost $3½ billion a year. The cost of operating the Commodity Credit Corporation alone, was more than $3 billion in fiscal year 1969.

I was assigned to the Senate Committee on Agriculture in January 1973 just after coming to the Senate. We began at once to work, under the capable leadership of the chairman, the distinguished Senators from Georgia, on the 1973 farm bill.

At that time, the demand for American farm products was at a high level because of world crop shortfalls and worldwide inflation. The stocks of farm products built up under the previous price support programs had been liquidated.

The Agriculture and Consumer Protection Act of 1973 placed emphasis on production to respond to increasing demand. This legislation was proclaimed as a historic turning point in the philosophy of American farm policy.

We developed a new concept—the target price. This price was only to be used when market prices fell below target levels. Payment rates would be equal to the amount by which market prices fell below target prices. Payments were not to be made as they had been in earlier programs when market prices were high.

In the 1973 act we provided a method whereby target prices would be automatically adjusted. The target prices for the 1979 and 1977 crop years would be the 1975 target prices adjusted by an index of production costs published by the USDA.

In addition to authorization for payments to producers when prices did not reach target levels, the 1973 act provided for nonrecourse loans to producers. This feature provides stability and places a greater reliance on the marketplace.

Mr. President, the farm bill we wrote in 1973 was a substantial departure from traditional agricultural policy legislation. And this departure has been a tremendous success.

The annual cost of Government farm program payments has fallen to under $500 million. The taxpayers are no longer paying to keep 60 million acres of farm land out of production. The taxpayer is no longer paying up to $3 million per day in storage costs to carry huge Government-owned stocks. These commodities are now held in the hands of the private sector—the farmers, millers, elevator operators, warehousemen. This is where these stocks should be held—and, where I believe they should continue to be held.

When we on the Agriculture Committee wrote the 1973 farm bill it was generally thought that the target price for a commodity should equal total cost of production and the loan level should be the variable cost of production. Although this was not spelled out in the 1973 law it was the way the numbers turned out.

The bill we are considering today has specific language that the target price for wheat and feed grains be equal to cost of production. And the bill provides that the loan levels shall be 85 percent of the cost of production, which is approximately equal to variable cost of production.

In my judgment, this will provide the protection necessary for our farmers to continue production levels adequate to meet both domestic and export demand.

The bill before us today, S. 275, is a continuation of the farm policy enacted in 1973. S. 275 extends the basic provisions of the most successful overall farm program ever enacted by Congress. This legislation also extends and provides for a number of badly needed reforms of the Food Stamp Act of 1964. The bill improves and extends the legislative authority of Public Law 480 and establishes a new charter and new goals and directions for the Federal role in the highly important area of agricultural research.

Mr. President, we on the Committee on Agriculture, Nutrition, and Forestry have been working diligently since last October on formulating this legislation. Extensive hearings were held. We heard from many segments of the agriculture industry. We heard from farmers. We heard from consumers. This legislation contains a title which provides for major revisions in the food stamp programs. So we heard testimony from those persons and groups interested in the food stamp program.

We spent 3 weeks marking up this bill. It is a good bill, a sound bill.

We should keep in mind, as has been stated many times, that the agricultural production capability of this Nation is its greatest asset, and it is in the interest of the country and in the interest of consumers of farm products that we in Congress do whatever is necessary to enhance that capability and not take chances that might be to its detriment.

So I urge my colleagues to join me in supporting this measure.

Mr. President, I ask unanimous consent that Bill Seale and Janice Wilson, of my staff, have the privilege of the floor during the discussion and voting on the pending measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FOOD STAMP PROGRAM AND THE FARM BILL

Mr. CURTIS. Mr. President, this is in the nature of a minority report on title XII of the farm bill. If title XII of this bill, as reported out of committee, is enacted into law, it will be the death of the food stamp program as a program to supplement the diet of the poor. And that fatality will be on the hands of those who like to consider themselves the friends of the poor.

The hearing room was jammed with the shock troops of the hunger lobby: From USDA, from key congressional offices, and from the numerous federally funded pressure groups which use public moneys to change and expand their version of this welfare program. Little yellow buttons reading "EPR"—"eliminate the Purchase Requirement"—were in abundance. Snickering laughter rippled through the room when a member of the committee observed that EPR would change the program into an outright giveaway. But it is no exaggeration to say that the decisions reached will not be in the best interests of the working Americans, and in the best interests of the poor.

Born in 1965, the food stamp program had been conceived by those who wanted to be generous with other people's money. The young program grew like Topsy, too fast, in fact. This year, the number of its participants is 3,908 percent of the original enrollment. This year's expenditures are 16,220 percent of the program's original cost. Whatever the program achieved during its 12 years of life, it also made one in four Americans potentially eligible for its handouts.

And it stuck the taxpayers with a whopping bill: $6 billion in fiscal year 1978, give or take a few million in small change. Perhaps the odd millions can be left as a tip to the welfare experts who cooked up this great national leviathan.

The measure as approved by the committee will increase the annual cost at a minimum, by $2.0 billion to $2.5 billion annually.

THE PURCHASE REQUIREMENT

Before anyone deems this language too severe, let them look at the food stamp provisions of this bill. First and foremost, let them consider the inevitable effects of the committee's decision to eliminate the purchase requirement.

When the food stamp program was created, the Congress believed it should supplement what an individual was already spending for food, to make certain that he had a nutritionally adequate diet. To insure this nutritional focus and to provide for, in effect, a maintenance of effort, the purchase requirement was developed. Over the years, liberal legislation has whittled it down so that it no longer represents what the individual formerly spent for food. Nonetheless, a purchase requirement is essential to the nutritional integrity of the program.

Under this bill, food stamps will be free. No longer will a recipient have to put up a portion of his income to get, in return, a much larger amount of stamps. This means the program will become nothing more than an income transfer gimmick, not a nutrition program. A food stamp user will not have to commit part of his income for food. Food stamps will not supplement his own grocery money. They will supplant it. They will merely free up his grocery money to be used in other ways. This is a tremendous victory for anyone who wants to see the children and elderly relatives of the poor go hungry.

But it is a tragic defeat for the American taxpayer. Millions of persons who have not enrolled in the food stamp program because they did not want to commit their own funds for part of their groceries will now be able to walk in and pick up their free stamps, which are as negotiable as currency and worth many times their weight in junk food. What is this going to do to the program's costs? Last year, the Congressional Budget Office estimated that it would increase them by at least $800 million and perhaps as much as $2.5 billion.

GUARANTEED ANNUAL INCOME—THROUGH THE BACK DOOR

That staggering sum can be considered the funeral expenses for the food stamp program. Without the purchase price, it does not have a chance. Tens of millions of Americans will get their monthly handout from USDA, and it will be only a matter of time before the stamps are transformed into cash and the cash is combined with SSI, AFDC, and whatever else to become a guaranteed annual income. As Senator **McGovern** said in testimony before the committee on October 7, 1975:

> We are moving toward the concept of a single flat income maintenance guarantee. Now, very frankly, when you eliminate the purchase price, you are taking a step in that direction, and it is probably a step that is more palatable to the Congress and the American people than talking about a guaranteed income. Nobody is more painfully aware of the hazards on that approach than I am.

This was the real battle over food stamps: whether the program would survive for the nutritional benefit of the poor or would be replaced with a guaranteed annual income for the satisfaction of welfare theorists. We hope no one is surprised to discover, at this late stage of the proceedings, what the controversy was all about. Mark these words: It is ominous that title XII extends the food stamp program for only 2 years, while the many agricultural programs in this bill are generally extended for 5 years. Why? Because in 1979, a year without congressional elections, it will be politically safe to dispose of the food stamp program altogether by cashing out the stamps. By that time, of course, the phenomenal cost of EPR will be apparent; and, in order to hold down costs, the eviscerated food stamp program will be shifted into HEW's welfare kitchen. Always, in order to hold down costs.

INCOME CUTOFF

Remember how the program was going to be simplified, and a lot of money saved, by replacing multiple deductions with a standard deduction? But title XII of this bill allows a monthly deduction of $60 for all households. That is $720 in annual income which we must pretend an applicant does not have. It also allows a monthly deduction equal to 20 percent of earned income. So we have to pretend an applicant earns only 80 percent of his real income. It also allows a monthly deduction of up to $75—that is $900 a year—for excess shelter costs. For anyone unacquainted with the obfuscating jargon of the welfare lobby, "excess shelter costs" means "living beyond your means." In addition, title XII allows a child care deduction of up to $85 a month. That is $1,020 a year. Not a bad break for child care, especially when there is already a whopping tax break for those same expenses.

Let us count up that list of deductions to see how this bill would restrict the food stamp program to the truly needy. The true income eligibility limit for a family of four would be—hold your breath—$10,600—almost double the poverty index.

And that is only part of the total. It does not include any in-kind benefits. It does not include the cash value of a housing subsidy or of school lunches, meals-on-wheels, summer feeding programs, or any of the other items in the Federal grab-bag. Millions of people getting food stamps—and, later on, getting a guaranteed annual income—will be living better than those who get nothing from Washington but higher taxes.

STUDENTS AND STRIKERS

Whatever our disagreements about other issues, the litmus test on food stamp reform is whether we are willing to bar from the program those special interest groups which are elbowing aside the poor and devouring the resources set aside for the needy. This bill does nothing to prohibit strikers from using food stamps to subsidize their strikes. We are not talking about lockouts, where a worker has no choice in the matter. We are talking about people who refuse to work, who sit at home or go on vacation while their union bosses negotiate higher wages.

They are leeching off the food stamp program, and this bill reveals our unwillingness to stop them. It reveals our cowardice in the face of political pressure groups. Most of the folks back home will never realize what this bill is really doing, but the purpose of this minority report is to insure that no Member of Congress will be able to plead ignorance when this bill comes back to haunt us.

For example, how will we justify to the American people our refusal to crack down on use of food stamps by college students. Let no one pretend that this bill will prohibit this abuse. A student will be able to get stamps just by stating that he is not being, or cannot be, claimed as a dependent by persons who are themselves not eligible for food stamps. There will be absolutely no checking mechanism. There will be a fat time on the campuses, and there will be so much less available for the poor.

WORK REQUIREMENTS

It has been alleged that this bill would impose a work requirement on food stamp registrants. Work requirements are popular with the public. Ineffective work requirements are popular with the Congress. And sure enough, the work requirement in title XII offers little improvement over the present operations of the program. Present so-called work requirements, or those as modified by title XII, are nothing more than a paper exercise, filled with loopholes, and everybody seems to know it but the Congress.

One must wonder why this bill exempts, even from work registration, mothers with children between the ages of 6 and 12. How can we justify that to the working, taxpaying mothers with children in that age bracket? Are we telling them that they are foolish to work? Why was that limit not set at age 6, as is the standard in the AFDC program? Let us be candid about this. The welfare lobby wants as many loopholes in this bill as possible, and they have succeeded in making it—to borrow a phrase from our former colleague, Jim Buckley—a motheaten fishnet.

A COPOUT ON FRAUD CONTROL

The fraud control provisions of title XII are virtually meaningless. This bill talks about a pilot project for a photo-ID system, an earnings clearance system, and an application cross-check system. With the customary dispatch of the Food and Nutrition Service, we should have the first preliminary reports on those mini-tests just about the time when the whole food stamp program is being replaced by a guaranteed annual income. It is a safe bet that those pilot projects will prove to be—in the favorite term of the Federal bureaucracy—"inconclusive."

ASSET LIMITATIONS

Everyone pays lip service to the need for asset limitations in the food stamp program. The lack of meaningful limits has allowed many persons to enjoy luxuries at home while subsidizing their groceries with the taxes of their frugal neighbors. And yet, after so many years of controversy about abuses in the program, after so many documented horror stories about affluent persons getting food stamps, this bill does nothing whatsoever to stop them.

In fact, this bill does worse than nothing. Rather than simply avoiding the subject, it pretends to deal with it by directing the Secretary of Agriculture to study means to improve the effectiveness of asset limits, to report to the Congress about them, and to implement his findings no later than June 1, 1978. That gobbledygook may impress some constituents, but everyone in the Congress knows exactly what it means. It means: Asset limits would disqualify a lot of people who now get food stamps, whether or not they really need them. And we could not throw those moochers off the program without upsetting the unions, the national network of church bureaucrats and clerical activists, some campus newspapers, social theoreticians, and others who have a vested interest in swelling the welfare rolls. So we would not stop them from getting food stamps. We will just pretend to do so by leaving it to Secretary Bergland, or whoever may have his job by then, to come up with some cosmetic changes in the program's asset regulations.

CONCLUSION

It is deplorable that title XII was ever made a part of the farm bill, which is vital for the continued prosperity of American agriculture. "If we had world enough and time," as the poet says, I am sure that many Members of Congress would want to take a longer, and much more analytical look under the provisions of rule XXII, at these terrible food stamp provisions.

But as things stand, in our rush to pass the farm bill, we are devoting little time to title XII. The food stamp program is about to die from the ministrations of its most ardent lobbyists. But let this much be noted in the official record: That, when the Congress sets about its misguided work of transforming the food stamp program into a national free-for-all, in which the hungry and the helpless will be elbowed aside by the cunning and the greedy, some persons did protest. And we will continue to protest, on both fiscal and humanitarian grounds, until the Congress lives up to its responsibilities to the taxpayers and to the poor.

UP AMENDMENT NO. 271

Mr. TALMADGE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Georgia (Mr. TALMADGE) proposes an unprinted amendment numbered 271.

Mr. TALMADGE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 170, beginning with line 5, strike out all down through line 18.

On page 170, line 20, strike out "1104" and insert in lieu thereof "1102".

Beginning on page 171, line 9, strike out all down through line 3 on page 177.

On page 177, line 5, strike out "1112" and insert in lieu thereof "1103".

Beginning on page 177, line 15, strike out all down through line 16 on page 183.

On page 183, line 18, strike out "1115" and insert in lieu thereof "1104".

On page 184, beginning with line 1 strike out all down through line 16.

On page 184, line 19, strike out "1117" and insert in lieu thereof "1105".

Beginning on page 185, line 9, strike out all down through line 6 on page 186.

On page 186, line 8, strike out "1119" and insert in lieu thereof "1106".

Mr. TALMADGE. Mr. President, I will explain the purpose of the amendment.

S. 275 contains extensive provisions relating to Public Law 480.

Jurisdiction of Public Law 480 in the House of Representatives is shared by the Committee on International Relations and the Committee on Agriculture. Some of the provisions which we have reported in S. 275 are similar to provisions contained in H.R. 6714, which was reported by the House International Relations Committee and passed by the House of Representatives. Other provisions in S. 275 relating to the domestic operations of Public Law 480 are similar to provisions which were reported by the House Committee on Agriculture in its omnibus farm bill, H.R. 7171.

In order to avoid any jurisdictional problems in the conference with the House, I am today introducing an amendment, on behalf of the Committee on Agriculture, Nutrition, and Forestry, striking from S. 275 the Public Law 480 provisions in that bill coming within the jurisdiction of the House Committee on International Relations. I am also introducing an amendment to add the provisions as a new title to S. 1520, the bilateral foreign economic assistance bill which was recently reported by the Senate Committee on Foreign Relations.

S. 1520 corresponds to subject matter covered by title I of H.R. 6714. The other amendments relating to Public Law 480, which are contained in S. 275, would remain in the farm bill and, assuming passage, would be considered in conference with the House along with the rest of the omnibus bill.

When S. 1520 is considered by the Senate, it is my hope that the manager of the bill will accept our amendments en bloc. We would, of course, expect our Committee to manage that part of S. 1520 relating to Public Law 480.

Mr. President, the Committee on Agriculture, Nutrition, and Forestry has had responsibility and jurisdiction for Public Law 480 since its enactment in 1954. This jurisdictional responsibility was reaffirmed in the recent consideration of Senate Resolution 4, the resolution providing for reorganization of the Senate committee system. The distinguished chairman of the Committee on Foreign Relations has always been very cooperative and helpful when it has been necessary to coordinate their legislative responsibilities for development assistance with our responsibilities for Public Law 480. The distinguished chairman and members of the Committee on Foreign Relations have been very helpful in working out arrangements with the Committee on Agriculture, Nutrition, and Forestry when legislation has come from the House containing, in addition to matters under the jurisdiction of his committee, amendments to Public Law 480.

The Committee on Agriculture, Nutrition, and Forestry greatly appreciates this cooperative spirit. I hope that the distinguished Chairman of the Committee on Foreign Relations would have no objection to this procedure and to the Committee on Agriculture, Nutrition, and Forestry managing the Senate consideration and conference of those portions of S. 1520 relating to Public Law 480.

I would also like to request the cooperation of my colleagues in proposing amendments to Public Law 480, either in the consideration of S. 275 or of S. 1520. It would be greatly appreciated by the Committee on Agriculture, Nutrition, and Forestry if members would limit their amendments to S. 275 relating to Public Law 480 to those aspects of this program which strictly relate to the domestic operations of Public Law 480. I can assure my colleagues that with respect to amendments relating to the international operations of Public Law 480, that there will be sufficient opportunity to propose such amendments during the subsequent consideration of S. 1520.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to the distinguished Senator from Kansas.

Mr. DOLE. The Senator from Kansas discussed this amendment with the distinguished chairman, and it is a necessity because of the jurisdictional question on the House side between the Committee on Agriculture and the Committee on International Affairs. So the minority supports the amendment and, based on the assurances we have had, when the other portions are considered we will have ample opportunity for amendments at that time.

Mr. TALMADGE. I thank my distinguished colleague from Kansas.

Mr. President, I ask unanimous consent that we may have votes on any matter that does not require a recorded vote during the remainder of the day during the consideration of S. 275.

The PRESIDING OFFICER (Mr. GLENN). Is there objection? The Chair hears none, and it is so ordered.

Mr. TALMADGE. I thank my friend from Kansas.

I may say to my distinguished colleague that I discussed this procedure during the leadership conference we had with the committee chairmen and the majority leader, and Senator SPARKMAN, the distinguished chairman of the Committee on Foreign Relations, was present, as was Senator HUMPHREY, who serves not only on our committee but who is also chairman of one of the subcommittees dealing with foreign aid of the Committee on Foreign Relations, and I outlined this procedure, and it was agreeable to all those concerned.

I yield back the remainder of my time, Mr. President.

Mr. DOLE. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT 272

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes unprinted amendment No. 272.

The amendment is as follows:

Insert at the appropriate place in the bill the following: "Section 408 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by adding the following subsection:

"'(d)(1) No later than six months following the date of enactment of this subsection, and at each two-year interval thereafter, the Secretary of Agriculture shall issue revised regulations governing all operations under title I of this Act, including operations relating to purchasing countries, suppliers of commodities or ships, and purchasing or shipping agents. The regulations shall include, but not be limited to, prohibitions against conflicts of interests, as determined by the Secretary, between (A) recipient countries (or other purchasing entitles) and their agents, (B) suppliers of commodities, (C) suppliers of ships, and (D) other shipping interests.

" '(2) The regulations shall be designed to increase the number of exporters participating in the program, especially small business corporations and cooperatives. In this respect, the regulations shall limit—unless wiaved by the Secretary—the financing of any commodity exported during any fiscal year by any individual, cooperative, firm or subsidiary, or affiliate thereof, to no more than 25 per centum by volume of the planned programing of such commodity as reported under subsection (b) of this section.

" '(3) All revised regulations governing operations under title I and title III of this Act shall be transmitted to Congress by the Secretary as soon as practicable after their issuance.".

Mr. DOLE. Mr. President, I offer the amendment at this time because it touches on the section we just amended, and it does apply to the part which will remain as a part of S. 275.

Allegations of wrongdoing in the purchasing and shipping of Public Law 480 commodities, especially rice, are now being investigated by the Justice Department and the House Ethics Committee. Allegations under investigation involve program abuses by certain members of Congress, certain rice exporters and certain shipping agents.

The Department of Agriculture published in the Federal Register on March 8, 1976, a notice of proposed rulemaking which would result in revised Public Law 480 regulations designed to prohibit conflict of interest situations between, first, Public Law 480 recipient countries and their commercial agents, second, suppliers of commodities, third, suppliers of ships, and fourth, other shipping interests. Among other things, the proposed regulations would also further define the Department of Agriculture's role in approving purchasing and shipping agents serving Public Law 480 countries.

A heavy work load in the Office of the General Counsel in the USDA, has prevented finalization and publication of these needed regulations. I am proposing in this amendment some deadline dates for both the revisions which have been in preparation and for updating in subsequent years and for submission of reports to Congress by the Secretary of Agriculture. Perhaps such deadline dates, which require certain other Public Law 480 reports on a timely basis, will result in an allocation of time and sufficient resources by the Department to complete and keep current the regulations covering Public Law 480 operational matters.

In addition, this amendment would require that the regulations be written to increase the number of exporters participating in the program and, because of allegations of abuse by certain exporters in obtaining as much as 75 percent of total exports of some commodities under Public Law 480, the regulations would limit participation by any exporter to no more than 25 percent of the total quantities of such commodity exported during any fiscal year.

It will also open up the possibility for smaller companies and smaller exporters to have an interest.

This amendment has been discussed, I think, with the members of the majority staff, and I do not know of any objection to the amendment.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. ROBERT C. BYRD. Mr. President, the understanding with respect to votes today was this: that there would be no rollcall votes on the farm bill. There was no understanding to the contrary with respect to voice votes, so voice votes may be had, and any rollcall votes may be ordered, but rollcall votes would be put over until tomorrow on the farm bill.

If the debate should lag on this measure today, it would be the intention of the leadership to call up possibly some other measures that have been cleared for action. There is no understanding that there will not be rollcall votes on such other measures.

The PRESIDING OFFICER. The Chair appreciates the majority leader clarifying that. The Journal did show it the other way around, and we thank the majority leader for clarifying that situation.

Mr. TALMADGE. The Senator from Georgia felt that that was the intention of the majority leader when it was pointed out by the Parliamentarian that it was his understanding there would be no votes, period. I took the liberty of securing a unanimous-consent agreement so that we could have a voice vote on a noncontroversial amendment, and we are about to do likewise on another noncontroversial amendment that has been offered by the distinguished Senator from Kansas.

I do not know what other amendments may be called up during the present consideration of S. 275. If there is a delay in the consideration of amendments on S. 275 I will send a message to the majority leader, and he may wish to temporarily lay this bill aside and proceed to other matters.

I yield to the distinguished Senator from Kansas and then to the distinguished Senator from Vermont.

Mr. DOLE. That request that we could have voice votes was concurred in by the minority. We also said we would make certain that everybody who is going to offer noncontroversial amendments today could do so. There may be other votes tomorrow.

Mr. ROBERT C. BYRD. Very good. I thank the distinguished manager of the bill and the distinguished ranking member who is working with Mr. TALMADGE in the passage of this bill.

I read into the RECORD the following statement by me on the program as of last Friday. It appears on page 15861 of the RECORD:

Mr. ROBERT C. BYRD. There is a time agreement on that bill.

Meaning the farm bill—

There is an understanding that has been entered into heretofore that no rollcall votes will occur on Monday on the farm bill. If any rollcall votes are ordered on Monday on that bill, they will be put over until Tuesday. However, this does not mean that rollcall votes may not occur on Monday on other matters.

Mr. TALMADGE. I thank the distinguished majority leader.

I yield now to my distinguished colleague on the committee, the distinguished Senator from Vermont.

Mr. LEAHY. I thank the distinguished chairman. Just for a point of clarification, I understand there may be amendments that may be offered regarding the shelter deduction amendment referred to by the committee as the "Leahy amendment" on the food stamp provisions. My understanding is that such amendments as would be controversial would not be entertained by the manager of the bill.

Mr. TALMADGE. We certainly would not accept such an amendment by a voice vote. The Senator from Vermont will be alerted, and I am sure the Senator from Vermont will want a rollcall vote, as will the Senator from Georgia. The Senator may rest assured that his rights will be protected.

Mr. DOLE. It might be helpful if we could debate the amendment today and then have the vote tomorrow.

Mr. LEAHY. I am perfectly willing to have a relatively short debate on it today. I would look forward with the distinguished ranking minority member in his suggestion that we might just as well do it tomorrow, but I would be perfectly willing to have a relatively short debate timewise.

Mr. TALMADGE. Has the distinguished Senator from Kansas finished presenting his amendment?

As I understand the intent of the Senator from Kansas, it is, first, to request the Secretary of Agriculture to make regulations prohibiting conflicts of interest by the exporters who ship or sell Public Law 480 commodities overseas. That is No. 1.

Mr. DOLE. That is No. 1.

Mr. TALMADGE. No. 2, it is to limit any exporter to a share of not more than 25 percent of the total amount of that product that is exported overseas to all countries.

Mr. DOLE. Yes.

Mr. TALMADGE. And No. 3, what was that?

Mr. DOLE. No. 1 would be to insure there is no conflict of interest and, second, would reduce the maximum from 75 to 25 percent.

Among other things, it would also devise a rule preventing any conflict of interest between suppliers of ships and other shipping interests. It is primarily a conflicts provision because there have been allegations, including certain allegations aimed at certain Members. We just think it would help the General Counsel's office and speed them up a bit.

Mr. TALMADGE. I think it is an excellent amendment. On behalf of the committee, I am willing to accept it and urge the Senate to agree to it.

I yield back the remainder of my time.

Mr. DOLE. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment was agreed to.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I have another noncontroversial amendment.

Mr. LEAHY. Mr. President, will the Senator yield?

Mr. DOLE. I yield to the Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent that Liam Murphy of my staff be accorded the privilege of the floor during consideration today and for the consecutive or following days of consideration of the farm bill and votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I thank the Senator.

UP AMENDMENT NO. 273

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) for himself and Mr. HUMPHREY, Mr. YOUNG, Mr. McGOVERN, and Mr. MELCHER, proposes unprinted amendment No. 273.

On page 318, after line 15, add the following new title:

TITLE XVII—WHEAT AND WHEAT FOODS RESEARCH AND NUTRITION EDUCATION ACT

SHORT TITLE

SEC. 1701. This title may be cited as the "Wheat and Wheat Foods Research and Nutrition Education Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 1702. Wheat is basic to the American diet and the American economy. It is grown by thousands of farmers and consumed, in various forms, by two hundred and fifteen million people in this country.

The size of the American wheat crop and how it is marketed and ultimately consumed determines whether many of our citizens will receive adequate nourishment. Wheat has a strong impact on both the physical and economic health of America. Additional research on the optimal use of wheat products can improve the American diet. Consumer education about the nutritional value and economic use of wheat products can enhance our national welfare.

It has long been recognized that it is in the national public interest to have a regular, adequate, and high quality wheat supply. It would be extremely difficult, without an effective coordinated research and nutrition education effort, to fully accomplish this objective. Such a programed effort of research and nutrition education is of great importance to wheat producers, processors, end product manufacturers and consumers alike.

It is therefore declared to be the policy of the Congress and the purpose of this Act that it is essential in the public interest through the exercise of the powers provided herein, to authorize and enable the creation of an orderly procedure, adequately financed through an assessment for the development and initiation of an effective and continuous coordinated program of research, and dissemination of the result of research through nutrition education, designed to improve and enhance the quality and make the most efficient use of American wheat, processed wheat, and wheat end products to insure an adequate diet for all Americans. The maximum rate of assessment authorized hereunder would represent an infinitesimal proportion of the overall cost of manufacturing wheat end products. Therefore, it is not expected that such assessment would significantly affect the retail prices of those products. Furthermore, any such price effect is expected to be more than offset by the increased efficiency in end product manufacture and increased consumer acceptance, due to nutritional improvements in those products, which may be expected to follow from adoption of a plan under this Act. Nothing in this Act shall be construed to provide for control of production or otherwise limit the right of individual wheat producers to produce wheat.

DEFINITIONS

SEC. 1703. For the purposes of this Act:

(a) The term "wheat" means all classes of wheat grains grown in the United States.

(b) The term "processed wheat" means the wheat-derived content of any substance (such as cake mix or flour) produced for use as an ingredient of an end product by changing wheat grown within the United States in form or character by any mechanical, chemical, or other means.

(c) The term "end product" means any product which contains processed wheat as an ingredient and which is intended, as produced, for consumption as human food notwithstanding any additional incidental preparation which may be necessary by the ultimate consumer.

(d) The term "wheat producer" means any person who grows wheat within the United States for market.

(e) The term "processor" means any person who commercially produces processed wheat within the United States.

(f) The term "end product manufacturer" means any person, who commercially produces an end product containing processed wheat within the United States, but such term shall not include such persons to the extent that they produce end products on the premises where such end products are to be consumed by an ultimate consumer, including, but not limited to, hotels, restaurants, and institutions, nor shall such term include persons who produce end products for their own personal, family, or household use.

(g) The term "research" means any type of research to advance the nutritional quality, marketability, production, or other qualities of wheat, processed wheat, and end products.

(h) The term "nutrition education" means any action to disseminate to the public information resulting from research plans or projects concerning the economic value or nutritional benefits of wheat, processed wheat, and end products.

(i) The term "Council" means the Wheat Industry Council established pursuant to section 1706 of this Act.

(j) The term "Department" means the United States Department of Agriculture.

(k) The term "Secretary" means the Secretary of Agriculture, or any officer or employee of the United States Department of Agriculture who is authorized to exercise the powers and perform the duties of the Secretary.

(l) The term "person" means any individual, partnership, corporation, association, or other entity.

(m) The term "United States" means the several States and the District of Columbia, including any territory or possession.

ISSUANCE OF ORDERS

SEC. 1704. (a) Whenever the Secretary has reason to believe that the issuance of an order will tend to effectuate the declared policy of this Act, he shall give due notice and opportunity for hearing upon a proposed order. Such hearing may be requested and proposal for an order submitted by an organization certified pursuant to section 1714 of this Act, or by any interested person affected by the provisions of this Act, including the Secretary.

(b) After notice and opportunity for hearing as provided in section 1704(a), the Secretary shall issue an order if he finds, and sets forth in such order, upon the evidence introduced at such hearing that the issuance of such order all the terms and conditions thereof will tend to effectuate the declared policy of this Act.

PERMISSIVE TERMS IN ORDERS

SEC. 1705. Orders issued pursuant to this Act shall contain one or more of the following terms and conditions. and, except as provided in section 1706, no others:

(a) Providing for the establishment, issuance, effectuation, and administration of appropriate plans or projects for nutrition education, both within the United States and in international markets with respect to wheat, processed wheat, and end products, and for the disbursement of necessary funds for such purposes: *Provided,* That in carrying out any such plan or project, no reference to a private brand or trade name shall be made if the Secretary determines that such reference will result in undue discrimination against wheat, processed wheat, and end products of other persons: *And provided further,* That no such programs shall make use of unfair or deceptive acts or practices in behalf of wheat, processed wheat, and end products or unfair or deceptive acts or practices with respect to quality, value, or use of any competing product;

(b) Providing for establishing and carrying on research or studies with respect to sale, distribution, marketing, utilization, or production of wheat, processed wheat, and end products and the creation of new products thereof to the end that the marketing and utilization of wheat, processsed wheat, and end products may be encouraged, expanded, improved, or made more acceptable, and for the disbursement of necessary funds for such purposes;

(c) Providing that processors, distributors of processed wheat, and end product manufacturers shall maintain and make available for inspection by the Secretary or the Council such books and records as may be required by any order issued pursuant to this Act and for the filing of reports by such persons at the time, in the manner, and having content prescribed by the order, to the end that information and data shall be made available to the Council and to the Secretary which is appropriate or necessary to the effectuation, administration, or enforcement of the Act, or of any order or regulation issued pursuant to this Act: *Provided,* That all information so obtained shall be kept confidential by all officers and employees of the Department of Agriculture, the Council, and by all officers and employees of contracting agencies having access to such information, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving the order with reference to which the information so to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit (1) the issuance of general statements based upon the reports of the number of persons subject to an order or statistical data collected therefrom, which statements do not identify the information furnished by any person, (2) the publication, by direction of the Secretary, of general statements relating to refunds made by the Council during any specific period, or (3) the publication by direction of the Secretary of the name of any person who has been adjudged to have violated any order, together with a statement of the particular provisions of the order violated by such person. Any such officer or employee of the Department, the Council, or a contracting agency violating the provisions of this subsection shall, upon conviction, be subjected to a fine of not more than $1,000 or to imprisonment for not more than one year, or to both, and if an officer or employee of the Council or Department of Agriculture shall be removed from office;

(d) Providing for exemption of specified end products, or types or categories thereof, from the assessments required to be paid under section 1706 under such conditions and procedures as may be prescribed in the order or rules and regulations issued thereunder.

(e) Terms and conditions incidental to and not inconsistent with the terms and conditions specified in this Act and necessary to effectuate the other provisions of such order.

REQUIRED TERMS IN ORDERS

SEC. 1706. Orders issued pursuant to this Act shall contain such terms and conditions as to provide—

(a) for the establishment and appointment by the Secretary of a Wheat Industry Council which shall consist of not more than twenty members and alternates therefor, and to define its powers and duties which shall include only the powers enumerated in this section, and shall specifically include the powers (1) to administer such order in accordance with its terms and provisions, (2) to make rules and regulations to effectuate the terms and provisions of such order, (3) to receive, investigate, and report to the Secretary complaints of violations of such order, and (4) to recommend to the Secretary amendments to such order. The term of an appointment to the Council shall be for two years with no member serving more than three consecutive terms, except that initial appointments shall be proportionately for two-year and three-year terms;

(b) that the Council and alternates therefor shall be composed of wheat producers or representatives of wheat producers, processors or representatives of processors, end product manufacturers or representatives of end product manufacturers, and consumers or representatives of consumers appointed by the Secretary from nominations submitted by eligible organizations or associations certified pursuant to section 1714, or, if the Secretary determines that a substantial number of wheat producers, processors, end product manufacturers, or consumers are not members of, or their interests are not represented by any such eligible organizations or associations then from nominations made by such wheat producers, processors, end product manufacturers, and consumers in the manner authorized by the Secretary, so that the representation of wheat producers, processors, end product manufacturers, and consumers on the Council shall be equal: *Provided*, That in making such appointments, the Secretary shall take into account, to the extent practicable, the geographical distribution of wheat producers, processors, end product manufacturers, and consumers throughout the United States;

(c) that the Council shall, subject to the provisions of subsection (g) of this section, develop and submit to the Secretary for his approval any research plans or projects and nutrition education plans or projects resulting from research, and that any such plan or project must be approved by the Secretary before becoming effective;

(d) that the Council shall, subject to the provisions of subsection (g) of this section, submit to the Secretary for his approval budgets on a fiscal period basis of its anticipated expenses and disbursements in the administration of the order, including probable costs of research and nutrition education projects;

(e) that, except as provided in sections 1705(d) and 1707, each end product manufacturer shall pay to the Council, pursuant to regulations issued under the order, an assessment based on the number of hundredweights of processed wheat purchased, including intra-company transfers of processed wheat, for use in the manufacture of end products, from processors, distributors, or (in the case of intra-company transfers) related companies or divisions of the same company. Such assessment is to be used for such expenses and expenditures defined above, including provisions for a reasonable reserve, and any referendum and administrative costs incurred by the Secretary and the Council under this Act, as the Secretary finds are reasonable and likely to be incurred under the order during any period specified by him. The circumstances under which such a purchase or intra-company transfer will be deemed to have occurred will be prescribed by the Secretary in the order. Such assessment shall be calculated and set aside on the books and records of the end product manufacturer at the time of each purchase or intra-company transfer of processed wheat, and shall be remitted to the Council in the manner as prescribed by the order. In order to enable end product manufacturers to calculate the amount of processed wheat they have purchased, persons selling or transferring processed wheat in combination with other ingredients to such end product manufacturers for use in the manufacture of end products, shall disclose to such end product manufacturers, as prescribed by the Secretary in the order, the amount or proportion of processed wheat contained in such products. The rate of assessment shall not exceed five cents per hundredweight of processed wheat purchased or transferred. The Secretary may maintain a suit against any person subject to such assessment for the collection of such assessment, and the several district courts of the United States are hereby vested with jurisdiction to entertain such suits regardless of the amount in controversy;

(f) that the Council shall maintain such books and records, which shall be open to the Secretary for inspection and audit, and prepare and submit such reports from time to time, to the Secretary as he may prescribe, and for appropriate accounting by the Council with respect to the receipt and disbursement of all funds entrusted to it;

(g) that the Council, with the approval of the Secretary, may enter into contracts or agreements for development and carrying out of the activities authorized under the order pursuant to section 1705 (a) and (b) and for the payment of the cost thereof with funds collected through the assessments pursuant to the order. Any such contract or agreement shall provide that such contractors shall develop and submit to the Council a plan or project together with a budget or budgets which shall show estimated costs to be incurred for such plan or project, and that any such plan or project shall become effective upon the approval of the Secretary, and further, shall provide that the contracting party shall keep accurate records of all of its transactions and make periodic reports to the Council of activities carried out and an accounting for funds received and expended, and such other reports as the Secretary may require;

(h) that the Council, with the approval of the Secretary, may invest, pending disbursement pursuant to a plan or project, funds collected through assessments authorized under this Act, in and only in, obligations of the United States or any agency thereof, in general obligations of any state or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank which is a member of the Federal Reserve System, or in obligations fully guraranteed as to principal and interest by the United States;

(i) that no funds collected by the Council under the order shall in any manner be used for the purpose of influencing governmental policy or action, except as provided by subsection (a)(4) of this section; and,

(j) that the Council members, and alternates therefor, shall serve without compensation, but shall be reimbursed for their reasonable expenses incurred in performing their duties as members of the Council.

EXEMPTION

SEC. 1707. Any end product manufacturer who does not purchase more than two thousand hundredweight of processed wheat per year for use in the manufacture of end products shall be exempted from specific provisions of this Act under such conditions and procedures as may be prescribed in the order or rules and regulations issued thereunder.

REQUIREMENT OF REFERENDUM

SEC. 1708. The Secretary shall conduct a referendum as soon as practicable among end product manufacturers not exempt hereunder who, during a representative period preceding the date of the referendum, as determined by the Secretary, have been engaged in the manufacture of end products, for the purpose of ascertaining whether the issuance of an order is approved or favored by such manufacturers. Qualified end product manufacturers may register with the Secretary by mail to vote in such referendum during a period ending not less than thirty days prior to the date of the referendum. Within ten days thereafter, the Secretary shall determine which end product manufacturers are eligible to vote in such referendum and cause to be published the list of such eligible voters. The Secretary shall issue ballots to all such persons who have so registered and been declared eligible to vote. No order issued pursuant to this Act shall be effective unless the Secretary determines (1) that votes were cast by at least 50 per centum of such registered end product manufacturers, and (2) that the issuance of such order is approved or favored by not less than two-thirds of the end product manufacturers voting in such referendum or by a majority of the end product manufacturers voting in such referendum if such majority manufactured end products containing not less than two-thirds of the total processed wheat contained in all end products manufactured by those voting in the referendum, during the representative period defined by the Secretary: *Provided*, That at the time of the registration provided under this section each end product manufacturer so registering shall certify to the Secretary the amount of processed wheat contained in the end products manufactured by such end product manufacturer during such representative period. The Secretary shall be reimbursed from assessments collected by the Council for any expenses incurred for the conduct of the referendum. Eligible voter lists and ballots cast in the referendum shall be retained by the Secretary for a period of not less than twelve months after they are cast for audit and recount in the event the results of the referendum are challenged and either the Secretary or the courts determine a recount and retabulation of results is appropriate.

REFUND

SEC. 1709. (a) Subsequent to the approval by the Secretary of the annual budget of the Council or amendments thereto, a summary of such budget or amendments thereto, including a brief general description of the proposed research and nutrition education programs contemplated therein, shall be published in the Federal Register. All end product manufacturers not exempt hereunder shall have sixty days from the date of such publication within which to elect, under such conditions as the Secretary may prescribe, by so indicating to the Council in writing, by registered mail, to reserve the right to seek refunds under subsection (b) of this section. Only those end product manufacturers who make such an election, under the described procedure, shall be eligible for refunds of assessments paid during the one-year period immediately following the expiration of such sixty-day period.

(b) Notwithstanding any other provisions of this Act, any end product manufacturer who has been subject to and has paid an assessment, but who has reserved the right, under subsection (a) of this section, to seek a refund, and who is not in favor of supporting the programs as provided for herein shall have the right to demand and receive from the Council a refund of such assessment: *Provided*, That such demand shall be made by such end product manufacturer in accordance with regulations and on a form and within a time period prescribed by the Council and approved by the Secretary, but in no event more than ninety days after the end of the election period described in subsection (a) of this section or any other period in which the assessments are due and collectable, and upon submission of proof satisfactory to the Council that the end product manufacturer paid the assessment for which refund is sought, and any such refund shall be made within sixty days after demand is received therefor.

PETITION AND REVIEW

SEC. 1710. (a) Any person subject to any order may file a written petition with the Secretary, stating that any such order or any provision of such order or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

(b) The district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling, provided a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the complaint. If the court determine that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to make such further proceedings as, in its opinion, the law requires.

ENFORCEMENT

SEC. 1711. (a) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating any order or regulation made or issued pursuant to this Act. Any civil action authorized to be brought under this Act shall be referred to the Attorney General for appropriate action: *Provided*, That nothing in this Act shall be construed as requiring the Secretary to refer to the Attorney General minor violations of this Act whenever he believes that the administration and enforcement of the program would be adequately served by suitable written notice or warning to any person committing such violation.

(b) Any end product manufacturer or other person who willfully violates any provision of any order issued by the Secretary under this Act, or who willfully fails or refuses to remit any assessment or fee duly required of him thereunder, shall be liable to a penalty of not more than $1,000 for each such offense which shall accrue to the United States and may be recovered in a civil suit brought by the United States: *Provided*, That (a) and (b) of this section shall be in addition to, and not exclusive of, the remedies provided now or hereafter existing at law or in equity.

SUSPENSION AND TERMINATION OF ORDERS

SEC. 1712. (a) The Secretary shall, whenever he finds that any order issued under this Act, or any provisions thereof, obstructs or does not tend to effectuate the declared policy of this Act, terminate or suspend the operation of such order or such provisions thereof.

(b) The Secretary may conduct a referendum at any time, and shall hold a referendum on request of 10 per centum or more of the number of end product manufacturers subject to the order to determine whether such manufacturers favor the termination or suspension of the order, and he shall suspend or terminate such order within six months after he determines that suspension or termination of the order is approved or favored by a majority of the end product manufacturers voting in such referendum who, during a representative period determined by the Secretary, have been engaged in the manufacture of end products, or by end product manufacturers who produced end products containing more than 50 per centum of the total processed wheat contained in all end products manufactured during such period by the end product manufacturers voting in the referendum.

(c) The termination or suspension of any order, or any provision thereof, shall not be considered an order within the meaning of this Act.

INVESTIGATIONS: POWER TO SUBPENA AND TAKE OATHS AND AFFIRMATIONS: AID OF COURTS

SEC. 1713. The Secretary may make such investigations as he deems necessary for the effective carrying out of his responsibilities under this Act or to determine whether any person subject to the provisions of this Act has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provisions of this Act, or of any order, or rule or regulation issued under this Act. For the purpose of such investigation, the Secretary is empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpena to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found.

CERTIFICATION OF ORGANIZATIONS

SEC. 1714. The eligibility of any organization to represent wheat producers, processors, end product manufacturers, or consumers to request the issuance of an order under section 1704(a) and to participate in the making of nominations under section 1706(b), shall be certified by the Secretary. The Secretary shall certify any organization which he finds to be eligible under this section and his determination as to eligibility shall be final. Certification shall be based, in addition to other available information, upon a factual report submitted by the organization which shall contain information deemed relevant and specified by the Secretary for the making of such determination, including, but not limited to, the following:

(a) Geographic territory covered by the organization's active membership.

(b) Nature and size of the organization's active membership, including, in the case of an organization other than a consumer organization, the proportion of the total number of active wheat producers, processors or end product manufacturers represented by the organization.

(c) Evidence of stability and permanency of the organization.

(d) Sources from which the organization's operating funds are derived.

(e) Functions of the organization.

(f) The organization's ability and willingness to further the aims and objectives of this Act: *Provided*, That the primary consideration in determining the eligibility of an organization, other than a consumer organization, shall be whether its membership consists primarily of wheat producers, processors, or end product manufacturers who produce a substantial volume of wheat, processed wheat, or end products, respectively, and whether the organization is based on a primary or overriding interest in the production, processing, or end manufacture of wheat or wheat products, and the nutritional attributes thereof: *And provided further*, That the primary consideration in determining the eligibility of a consumer organization shall be whether (i) a principal purpose of the organization is to promote consumer interests, consumer research, or consumer education, (ii) such organization has a broadly representative constituency of consumers, with active membership participation on a regular basis, and (iii) the organization has demonstrated in such report, to the Secretary's satisfaction, its commitment to the achievement of the objectives of this Act.

EFFECT ON OTHER PROGRAMS

SEC. 1715. Nothing in this Act shall be construed to preempt or interfere with the workings of any other program relating to wheat or wheat foods research or nutrition education organized and operating under the laws of the United States or any State.

REGULATIONS

SEC. 1716. The Secretary is authorized to make such regulations with the force and effect of law, as may be necessary to carry out the provisions of this Act and the powers vested in him by this Act.

PROVISIONS APPLICABLE TO AMENDMENTS

SEC. 1717. The provisions of this Act applicable to orders shall be applicable to amendments to orders.

SEPARABILITY

SEC. 1718. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION

SEC. 1719. Effective October 1, 1977, there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated such funds as are necessary to carry out the provisions of this Act. The funds so appropriated shall not be available for payment of the expenses or expenditures of the Council in administering any provisions of any order issued pursuant to the terms of this Act.

EFFECTIVE DATE

SEC. 1720. The provisions of this title shall become effective October 1, 1977.

Mr. HUMPHREY. Mr. President, what was the amendment?

Mr. DOLE. It was one that the Senator cosponsored. I have proposed it.

Mr. HUMPHREY. Good.

Mr. DOLE. Mr. President, the amendment proposed adds a new title, title XVII, to the Food and Agriculture Act. This title will provide authority to enable producers, processors, end product manufacturers, and consumers of wheat foods to work together to establish, finance on a equitable basis, and administer, a coordinated program of research and education to promote and improve human nutrition through the use of wheat and wheat products.

I am happy to say—if the Senator from Minnesota will pause one moment—this outstanding amendment is cosponsored by the distinguished Senator from Minnesota.

Mr. HUMPHREY. The Senator is right.

Mr. DOLE. And it is cosponsored by the Senator from North Dakota (Mr. YOUNG) and the Senator from South Dakota (Mr. MCGOVERN).

It is one that the Senator had a longtime interest in, wheat nutrition research. It is not going to cost the Government one cent. It is fully funded by end-product users. In fact, they even go so far as to pay for referendum costs incurred by the Department of Agriculture. So there is absolutely no cost to the Government.

It is a program that has been surfacing every year for a number of years. It is now a part of the House bill and as far as I know there is no opposition to it. I think the Department supports it. Is that correct?

Mr. HUMPHREY. That is correct.

Mr. DOLE. Certainly no one can question the value or the need of agricultural research and nutrition education in this era of dwindling resources and burgeoning population. And the need for research specifically aimed at wheat and its products is even more clear. Wheat is one of the most widely used of all foodstuffs, but also one of the most widely misunderstood. Yet industry attempts to set up a wheat research and nutrition education program without the benefit of legislation such as this have, like similar efforts in other commodities, met with failure. This legislation will remedy that situation. It will provide not only for increasing the quality and finding new uses for wheat and its products, but for educating both domestic and foreign users of American wheat and wheat products in the most beneficial uses of this staff of life. This is particularly timely in view of the potentially huge carryover of wheat we are now facing. I believe that this authority aimed specifically at wheat is a necessary adjunct to the general food and agriculture research title already contained in the farm bill, especially since it provides for a voluntary self-help program that will not add a penny to the cost of the bill.

I have long been a proponent of this concept and was a cosponsor of similar legislation in prior Congresses. I am happy to say that now, after years of discussion and consideration by all concerned, this proposal has been refined and improved and attracted the wide bipartisan support I believe it has always deserved.

This broad support includes all facets of the wheat and wheat industry. The National Association of Wheat Growers and the Millers' National Federation have worked tirelessly for this proposal through the Wheat and Wheat Foods Foundation. Even labor and management have joined together to support it. Both the American Bakers Association and the Bakery and Confectionery Workers International Union of the AFL–CIO have testified on its behalf. In expressing its support for this proposal, the National Rural Electric Cooperative Association has recognized its value from both the producer and the consumer standpoint.

Nutritionists and the academic community have also strongly endorsed this amendment.

Secretary Bergland and the administration have expressed their support for this measure, as have many of our colleagues in the House. After extensive hearings on this measure in both the last and the current Congress, the House Agriculture Committee voted by an overwhelming majority to add this same proposal as a separate title to their version of this year's farm bill.

I shall, if I may, dwell for a moment on some of the specific features of this measure.

Its purpose is wheat research and nutrition education—not simply advertising and promotion.

The nutrition education it contemplates can be conducted not only within the United States but also overseas to help bolster our foreign markets for American wheat and wheat products.

The research and education effort will be funded through an assessment paid directly by end-product manufacturers (such as bakers), not by producers. But the program will be voluntary—a referendum among end-product manufacturers will be required to set the program up initially and, even after it is functioning, there is a provision for refunds to be paid to those who do not wish to participate.

Furthermore, small end product manufacturers, who might find the recordkeeping provisions of the program an inconvenience, are exempted from its provisions. This exemption would include the vast majority of America's retail bakers, even though they will be eligible to participate in the management of the research and education program through eligibility to serve on the Council and will, of course, share its benefits.

In view of the concern we all share for limiting the size of the Federal budget, please remember that, as I mentioned, this proposal will not cost the Government 1 red cent. It is entirely an industry self-help operation, and even the USDA's minor costs in conducting the referendum to set up the program, as well as their continuing administrative costs in overseeing the program, will be reimbursed by the Wheat Industry Council, the body that will develop and administer the research and education plans and projects authorized under this measure.

I also feel it is particularly salutary that the Council, for the first time in any program of this type, will give full and equal representation not only to all segments of the industry, producers, processors, and end product manufacturers, but to consumers as well.

Finally, point out that the costs of this research and nutrition education program will be minimal. Even at the maximum authorized assessment of 5 cents per hundredweight of processed wheat purchased, the cost translates to only three one-hundredths of a cent per 1 pound loaf of bread. This is much too small a cost to be passed directly on to consumers and will probably be absorbed by the end product manufacturers who will pay the assessment. Even then it will more than likely be offset by savings to the industry through increased efficiency, new uses of byproducts, and so forth, which can be expected to result from the research conducted. Thus, in no way can this amendment be likened to a "bread tax."

In closing, let me again reaffirm my strong personal commitment to this sound and timely measure and ask that you join me in supporting its inclusion in the farm bill.

Mr. President, I ask unanimous consent that a summary of its principal features be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMMARY OF MAIN FEATURES OF "WHEAT AND WHEAT FOODS RESEARCH AND NUTRITION EDUCATION ACT"

The amendment is drafted as enabling legislation and authorizes a cooperative program of research and nutrition education among wheat producers, processors, end product manufacturers, and consumers. Nutrition education programs will be conducted to disseminate information resulting from research plans or projects (rather than for the purposes of straight advertising), and such nutrition education can be carried out both within the United States and in international markets. Funds for the program will be generated from assessments of up to 5 cents per hundredweight on commercial end product manufacturers at the time they purchase processed wheat (including intracompany transfers of processed wheat between related companies or divisions of the same company) for use in end products. Assessments would be remitted directly to the Council by end product manufacturers, as prescribed by the Secretary. Neither restaurants, hotels, nor institutions will be considered "end product manufacturers" for purposes of the assessment nor will those who produce "end products" for their own personal, family, or household use. Since the assessment is levied on the end product manufacturers, "processed wheat" sold for export would not be assessed.

The concept of the amendment follows that of previous marketing order programs and will be administered by the Secretary of Agriculture and a twenty-man Wheat Industry Council composed equally of producers, processors, end product manufacturers, and consumers appointed by the Secretary from nominations submitted by organizations certified eligible by the Secretary. Producers, processors and consumers will serve on the Council, but have no other obligations under the bill. As in other marketing order programs, a referendum procedure is required prior to the adoption of an order and will be conducted among eligible end product manufacturers. A "voter registration" procedure is required and votes must be cast by at least 50% of the registered end product manufacturers with approval favored by not less than two-thirds of those voting or a majority if such majority represents two-thirds of the processed wheat contained in the end products manufactured by those voting.

Upon approval of the order, the Council would develop plans or projects in accordance with the purposes of the bill and an annual budget, both of which would be submitted to the Secretary for his approval. A summary of the budget, including a general description of proposed research and nutrition education programs, would be published in the Federal Register. End product manufacturers would have 60 days thereafter in which to elect, in writing, to reserve the right to seek refunds for the following year. Refunds of the assessment would only be available to those who made such an election on an annual basis.

Small end product manufacturers (i.e, those who purchase less than 2,000 hundredweight of processed wheat per year for use in end products) are exempted from the provisions of the Act.

All administrative costs of the Secretary in conducting the referendum and in administering the order will be reimbursed from assessments, meaning that the program will be totally self-supporting and be conducted, after approval of the initial referendum, at no cost to the government.

Enforcement of the Act and of the collection of the assessment would be the responsibility of the Secretary. A civil penalty of $1,000 for violating the Act is provided and would be levied through the courts. Delinquent assessments would be collected through civil suits brought by the Justice Department.

The order could be suspended or terminated by the Secretary or upon a referendum approved by a majority of the end product manufacturers subject to the order and voting in the referendum, or by end product manufacturers who produced end products containing more than 50% of the total processed wheat contained in all the end products manufactured by those voting. Otherwise, the order would continue indefinitely.

• Mr. TALMADGE. Mr. President, if the Senator will yield, I have discussed this amendment with the distinguished Senator from Kansas as well as other members of the committee. I have studied the amendment. It is consonant with other agricultural research programs in which a modest deduction is made from the sale of that particular product. I think it is a worthy amendment.

I urge the Senate to agree to it.

Mr. DOLE. Mr. President, I might just add that the assessment is not against the producer. It comes from the end product manufacturer, and then it is entirely voluntary. If they decide they do not want to participate they can have their money refunded. So we believe it satisfies everyone and is supported by Secretary Bergland and others whom Senator HUMPHREY knows.

Mr. HUMPHREY. Mr. President, I appreciate the leadership of the Senator from Kansas, and I am very happy to be a cosponsor of this particular amendment. I am delighted that the chairman has seen fit to accept the amendment on behalf of the committee. I think it will be helpful. As has been said, it is a part of our overall research program in agriculture, and it is this sort of thing that bodes well for the future.

So I hope the Senate will adopt it.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time.

Mr. DOLE. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment was agreed to.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BELLMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 274

Mr. BELLMON. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Oklahoma (Mr. BELLMON) proposes unprinted amendment No. 274.

Mr. BELLMON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 318, between lines 12 and 13, insert a new section as follows:

SEC. 1608. (a) The Secretary of Agriculture (hereinafter in this section referred to as the "Secretary") may provide for payment to any producer in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if such producer agrees to permit access, without other compensation, to all or such portion of the farm as the Secretary may prescribe by the general public, for outdoor recreation, subject to applicable State and Federal regulations. The Secretary after consultation with the Secretary of Interior shall develop guidelines for providing for (1) providing technical assistance for wildlife and habitat improvement practices, (2) reviewing applications of producers for the public land use option and selecting eligible areas based on desirability for outdoor recreation, (3) determining accessibility, (4) evaluating effects on surrounding areas, (5) considering esthetic values, (6) checking compliance by cooperators, and (7) carrying out programs of wildlife stocking and management on the acreage included in the program.

(b) Any agreement may be terminated by mutual agreement with the producer if the Secretary determines that such termination would be in the public interest.

(c) Funds are authorized to be appropriated to the Secretary of the Interior for use in assisting the State wildlife agencies to carry out the provisions of this section and in administering such assistance.

(d) In carrying out the program, the Secretary shall not during any fiscal year (1) enter into agreements with producers which would require payments to producers in any calendar year under such agreements in excess of $10,000,000 plus any amount by which agreements entered into in prior fiscal years require payments in amounts less than authorized for such years, or (2) enter into agreements with States or local agencies which would require payments to such State or local government agencies in any calendar year under such agreements in excess of $10,000,000 plus any amount by which agreements entered into in prior fiscal years require payments in amounts less than authorized for such years. For purposes of applying the foregoing limitations, the annual payment shall be chargeable to the year in which performance is rendered regardless of the year in which it is made.

Mr. BELLMON. Mr. President, in the present farm bill there is a provision which allows the Secretary of Agriculture to enter into contracts with landowners, farmers, or ranchers to open up their lands for public use.

The Secretary is authorized to work with the Secretary of the Interior in developing a system of determining the recreational value of these privately held lands, and provision is made for the Secretary to compensate the landowners who do open up their lands for the benefit of the public receipts.

This program was put into the 1973 Farm Act, and it has been operated now in some 50 counties on a pilot basis. It has proven to be highly popular both with the landowners and with the public who have made use of these lands.

My amendment simply would continue the authority for that program in the new bill.

The problem has been in the past that, particularly in the States east of the 100th meridian, most of the land is in private ownership. West of the 100th meridian a good bit of the land is Government land, and there is no problem there for individuals from the cities finding a place outdoor recreation. But in the States where most of the land is in private ownership, it is difficult sometimes for those who would like to hunt, fish, hike, or engage in other types of outdoor recreation to find a place open to them.

In my own State of Oklahoma, increasingly, private lands are either leased for hunting or fishing or they are posted so that those who wish to enjoy the great outdoors have difficulty finding a place where they are welcome. This program, which has been tried on a pilot basis in Oklahoma, has opened up a considerable amount of land for recreational use, and I believe it deserves to be continued.

In our present budget, there is a provision for spending some $300 million or more for the purchase of lands for recreational use. These lands, once they become Government lands, are no longer productive of commodities, but are used exclusively for recreation. Also, there is involved a high cost of management for such lands, and we have to borrow the money for their purpose and pay a high rate of interest on it.

Mr. President, this is simply a continuation of existing authority in the bill. It has proved to be valuable, and I urge that it be continued in the new act.

Mr. HUDDLESTON. Mr. President, the chairman of the committee, the manager of the bill, and the other members of the committee have reviewed this amendment by the distinguished Senator from Oklahoma. We support it, and urge its passage.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. HUDDLESTON. I yield back the remainder of my time.

Mr. BELLMON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment was agreed to.

Mr. BELLMON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

The HUDDLESTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SPARKMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SASSER). Without objection, it is so ordered.

UP AMENDMENT NO. 275

Mr. DOLE. Mr. President, I send a technical amendment to the desk on behalf of Senator MCGOVERN and myself and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) for himself and Mr. MCGOVERN, proposes unprinted amendment No. 275.

On page 259, line 9, delete "Agricultural Research Service" and insert in lieu thereof "United States Department of Agriculture".

Mr. DOLE. Mr. President, this is in the nature of a technical amendment. I have before me a letter from Secretary Bergland, who indicates that placement of a particular function with one administrative bureau of the department by law is not advisable. This amendment simply removes that objection and returns that function to the United States Department of Agriculture.

As far as the Senator from Kansas knows, there is no opposition to the amendment. It has been discussed with the majority side. I believe it is acceptable.

Mr. HUDDLESTON. The Senator is correct. The chairman of the committee and other members have agreed to this amendment.

Mr. DOLE. I yield back the remainder of my time.

Mr. HUDDLESTON. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 276

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk proceeded to read as follows:

The Senator from Kansas (Mr. DOLE) proposes unprinted amendment No. 276.

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

TITLE XVII

Immediately after insert the following new title XVIII:

TITLE XVIII—FEDERAL GRAIN INSPECTION

RECORDS

SECTION 1801. Section 12(d) of the United States Grain Standards Act (90 Stat. 2882; 7 U.S.C. 87a(d)) is amended by striking out "shall, within the five-year period thereafter, maintain complete and accurate records of purchases, sales, transportation, storage, weighing, handling, treating, cleaning, drying, blending, and other processing, and official inspection and official weighing of grain," and inserting in lieu thereof the following: "shall maintain such complete and accurate records for such period of time as the Administrator may, by regulation, prescribe for the purpose of the administration and enforcement of this Act,".

SUPERVISION FEES

SEC. 1802. (a) Section 7(j) of the United States Grain Standards Act (90 Stat. 2873; 7 U.S.C. 79(j)) is amended to read as follows:

"(j) The Administrator shall, under such regulations as he may prescribe, charge and collect reasonable fees to cover the estimated cost of official inspection except when the official inspection is performed by a designated official agency or by a State under a delegation of authority. The fees authorized by this subsection shall, as nearly as practicable and after taking into consideration any proceeds from the sale of samples, cover the costs of the Service incident to its performance of official inspection services in the United States and on United States grain in Canadian ports, excluding administrative and supervisory costs. Such fees, and the proceeds from the sale of samples obtained for purposes of official inspection which become the property of the United States, shall be deposited into a fund which shall be available without fiscal year limitation for the expenses of the Service incident to providing services under this Act.".

(b) Section 7A(l) of the United States Grain Standards Act (90 Stat. 2877; 7 U.S.C. 79a(l)) is amended to read as follows:

"(l) The Administrator shall, under such regulations as he may prescribe, charge and collect reasonable fees to cover the estimated costs of official weighing and supervision of weighing except when the official weighing or supervision of weighing is performed by a designated official agency or by a State under a delegation of authority. The fees authorized by this subsection shall, as nearly as practicable, cover the costs of the Service incident to its performance of official weighing and supervision of weighing services in the United States and on United States grain in Canadian ports, excluding administrative and supervisory costs. Such fees shall be deposited into a fund which shall be available without fiscal year limitation for the expenses of the Service incident to providing services under this Act.".

(c) Section 21 of the United States Grain Standards Act of 1976 (90 Stat. 2886) is amended by striking out "those Federal administrative and supervisory costs incurred within the Service's Washington office or not directly related to the official inspection or the provision of weighing services for grain" and inserting in lieu thereof the following: "Federal administrative and supervisory costs related to the official inspection or the provision of weighing services for grain".

(d) Section 27 of the United States Grain Standards Act of 1976 (90 Stat. 2889) is amended by striking out ", who pays fees when due, in the same manner as prescribed in section 7 or 7A of the United States Grain Standards Act, as amended by this Act,".

(e) The provisions of this section shall become effective October 1, 1977.

ESTABLISHMENT OF TEMPORARY ADVISORY COMMITTEE

SEC. 1803. (a) In order to assure the normal movement of grain in an orderly and timely manner, the Secretary of Agriculture shall establish a temporary advisory committee to provide advice to the Administrator of the Federal Grain Inspection Service with respect to the implementation of the United States Grain Standards Act of 1976. The advisory committee shall consist of not more than twelve members, appointed by the Secretary, representing the interests of grain producers, consumers, and all segments of the grain industry, including grain inspection and weighing agencies. Members of the advisory committee shall be appointed not later than thirty days after the date of enactment of this Act.

(b) The advisory committee shall be governed by the provisions of the Federal Advisory Committee Act.

(c) The Administrator of the Federal Grain Inspection Service shall provide the advisory committee with necessary clerical assistance and staff personnel.

(d) Members of the advisory committee shall serve without compensation, if not otherwise officers or employees of the United States, except that members shall, while away from their homes or regular places of business in the performance of services under this Act, be allowed travel expenses, including per diem in lieu of subsistence, as authorized under section 5703 of title 5 of the United States Code.

(e) The advisory committee shall terminate eighteen months after the date of enactment of this Act.

(f) There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this section.

TECHNICAL AMENDMENTS

SEC. 1804. The United States Grain Standards Act (39 Stat. 482–485, as amended; 7 U.S.C. 71, 74–79, 79a and 79b, 84–87, and 87a–87h) is amended as follows:

(a) Section 3 is amended by—

(1) striking out "grain sorghum" in subsection (g) and inserting in lieu thereof "sorghum";

(2) amending subsection (m) to read as follows:

"(m) the term 'official agency' means any State or local governmental agency, or any person, designated by the Administrator pursuant to subsection (f) of section 7 of this Act for the conduct of official inspection (other than appeal inspection), or subsection (c) of section 7A of this Act for the conduct of official weighing or supervision of weighing (other than appeal weighing);";

(3) inserting "for" immediately after "under standards provided" in subsection (x); and

(4) amending subsection (y) to read as follows:

"(y) the term 'supervision of weighing' means such supervision of the grain weighing process as is determined by the Administrator to be adequate to reasonably assure the integrity and accuracy of the weighing, such physical inspection of the premises at which the grain weighing is performed as will reasonably assure that all the grains intended to be weighed has been weighed and discharged into the elevator or conveyance, and the certification of the weight of the grain weighed under such supervision, by official inspection personnel;".

(b) Section 4(a) is amended by striking out "grain sorghum" and inserting in lieu thereof "sorghum", and inserting a comma after "equipment calibration and maintenance".

(c) Section 7 is amended by—

(1) designating the third sentence in paragraph (2) of subsection (e) as paragraph (4) of subsection (e) and inserting it at the end of subsection (e);

(2) amending subsection (f) by—

(A) in the first sentence of paragraph (2), inserting "or State delegated authority pursuant to subsection (e)(2) of this section" immediately after "Not more than one official agency", inserting "inspection" immediately before "provisions of this Act", and striking out ", but this paragraph shall not be applicable to prevent any inspection agency from operating in any area in which it was operative on August 15, 1968";

(B) striking out "No" in the second sentence of paragraph (2) and inserting in lieu thereof "Except as authorized by the Administrator, no";

(C) designating the second sentence of paragraph (2) as paragraph (3) of subsection (f); and

(D) designating the third sentence of paragraph (2) as paragraph (4) of subsection (f);

(3) striking out "subsection (e) and (f)" in paragraph (1) of subsection (g) and inserting in lieu thereof "subsection (f)"; and

(4) adding at the end of subsection (l) a new sentence as follows: "All or specified functions of such inspections shall be performed by official inspection personnel employed by the Service or persons operating under a contract with the Service.".

(d) Section 7A is amended by—

(1) inserting "official weighing or" immediately after "The Administrator is authorized to cause" in subsection (b);

(2) amending paragraph (2) of subsection (c) by—

(A) in the first sentence inserting "or supervision of weighing" immediately after "to delegate authority to perform official weighing", inserting "official weighing or" immediately before "supervision of weighing, if such agency or person qualifies", and striking out "number" and inserting in lieu thereof "under";

(B) in clause (A) of the second sentence, striking out "at export elevators", and inserting "or supervision of weighing" immediately after "official weighing"; and

(C) inserting "official weighing or" immediately before "supervision of weighing" wherever this phrase appears in clause (B) of the second sentence;

(3) adding at the end of subsection (d) a new sentence as follows: "All or specified functions of such weighing shall be performed by official inspection personnel employed by the Service or persons operating under a contract with the Service.";

(4) striking out the second sentence of subsection (e);

(5) amending subsection (f) by—

(A) in clause (2), striking out "employ" and inserting in lieu thereof "permit", and inserting "and who are approved by the Administrator" immediately before "to operate the scales"; and

(B) in clause (3), striking out "employees of the facility" and inserting in lieu thereof "persons other than official inspection personnel", and striking out "employees to operate" and inserting in lieu thereof "such persons to operate";

(6) inserting "or supervision of weighing" immediately after "official weighing" in subsection (g);

(7) inserting "or local governmental agency" immediately after "No State" in subsection (i); and

(8) adding at the end of subsection (i) a new sentence as follows: "Not more than one official agency or State delegated authority pursuant to subsection (c)(2) of this section for carrying out the weighing provisions of this Act shall be operative at one time for any geographic area as determined by the Administrator to effectuate the objectives stated in section 2 of this Act.".

(e) Section 7B is amended by—

(1) inserting "for the purpose of official inspection, official weighing, or supervision of weighing" immediately before "of grain located at all grain elevators" in subsection (a); and

(2) inserting "for the purposes of this Act" immediately after "no person shall use" in subsection (c).

(f) Section 8 is amended by—

(1) amending subsection (a) by—

(A) inserting ", other than appeal weighing," immediately after "supervision of weighing" in clause (1);

(B) striking out "of grain" in clause (2) (B) and inserting in lieu thereof "(including appeal weighing) of grain in the United States, or of United States grain in Canadian ports"; and

(C) in clause (3), inserting "or governmental agency" immediately after "(3) to contract with any person", and striking out "specified sampling and laboratory testing" and inserting in lieu thereof "specified sampling, laboratory testing, and similar technical functions"; and

(2) adding at the end of subsection (e) a new sentence as follows: "The Administrator may compensate such personnel at any rate within the appropriate grade of the general schedule as he deems necessary without regard to section 5333 of title 5 of the United States Code.".

(g) Section 11 is amended by—

(1) inserting "official weighing or" immediately before "supervision of weighing" in paragraph (3) of subsection (b);

(2) in the first sentence of paragraph (5) of subsection (b), inserting "official weighing or" immediately before "supervision of weighing except", and inserting "director," immediately before "officer, employee,"; and

(3) inserting "or State agency delegated authority under this Act" immediately after "official agency" in subsection (c).

(h) Section 12 is amended by—

(1) inserting ", every State agency delegated authority under this Act," immediately after "official agency" wherever this phrase appears in subsections (a), (b), and (c); and

(2) striking out "delegate authority of this Act" in subsection (c) and inserting in lieu thereof "delegated authority under this Act".

(i) Section 13(a) is amended by—

(1) inserting ", or that any weighing service under this Act has been performed with respect to grain" immediately before the semicolon at the end of paragraph (6);

(2) striking out in paragraph (11) "5, 6, 7(f) (2), 7A, 7B(c), 8, 11, or 12" and inserting in lieu thereof "5; 6; 7(f) (2), (3), or (4); 7A; 7B(c); 8; 11; 12; or 17A";

(3) striking out "testing" in paragraph (12) and inserting in lieu thereof "weighing"; and

(4) in paragraph (13), striking out "the grain" and inserting in lieu thereof "grain", and inserting "the" immediately after "observing the loading of". (j) Section 16 is amended by—

(1) striking out, in subsection (a), the second sentence and all that follows "or other person;" in the first sentence down through "by the Administrator." and inserting in lieu thereof the following: "and prescribe such rules, regulations, and instructions as the Administrator deems necessary to effectuate the purposes or provisions of this Act. Such regulations may require, as a condition for official inspection or official weighing or supervision of weighing, among other things, (1) that there be installed specified sampling, handing, weighing, and monitoring equipment in grain elevators, warehouses, and other grain storage or handling facilities, (2) that approval of the Administrator be obtained as to the condition of vessels and other carriers or receptacles for the transporting or storing of grain, and (3) that persons have a financial interest in the grain which is to be inspected (or their agents) shall be afforded an opportunity to observe the weighing, loading, and official inspection thereof, under conditions prescribed by the Administrator."; and

(2) striking out "additional" in subsection (f).

(k) Section 17A is amended by striking out "All persons registered" in paragraph (1) of subsection (b) and inserting in lieu thereof "All persons required to register".

(l) Section 17B is amended by inserting "notice of" immediately after "Administrator or the Secretary of" in clause (2) of subsection (b).

(m) Section 21 is amended by striking out "Sec. 21" and inserting in lieu thereof "Sec. 19".

Sec. 1805. (a) Section 8(b)(3) of the United States Grain Standards Act of 1976 (90 Stat. 2874) is amended by inserting "(which may include the application of statistical tolerances for expected variations)" immediately after "error rates of such agencies".

(b) Section 27 of the United States Grain Standards Act of 1976 (90 Stat. 2889) is amended by—

(1) striking out all that follows "Sec. 27." down through "without a designation under the United States Grain Standards Act, as amended by this Act" and inserting in lieu thereof the following: "This Act shall become effective thirty days after enactment hereof; and thereafter no State or other agency or person shall provide official inspection or official weighing or supervision of weighing under the United States Grain Standards Act, as amended by this Act, at an export port location without a delegation of authority or other authorization under such amended Act, and no agency or person shall provide official inspection service or official weighing or supervision of weighing under such amended Act in any other area without designation or other authorization under such amended Act";

(2) inserting "or other authorization under such Act" immediately after "may continue to operate in that area without a delegation or designation"; and

(3) striking out and export elevators located at export port locations" in clause (3).

HARD RED WINTER WHEAT

Sec. 1806. (a) Notwithstanding any other provision of law, no person acting under a license or authorization to perform official functions under the United States Grain Standards Act shall certify or otherwise state in writing, or perform any analysis to determine, (1) the subclass of Hard Red Winter Wheat on the basis of color or on the basis of the dark, hard, and vitreous kernel content, or (2) the percentage of dark, hard, and vitreous kernels in Hard Red Winter wheat.

(b) The provisions of this section shall become effective May 1, 1977, except that a certification of analysis as described in subsection (a) may be performed after May 1, 1977, if pursuant to the requirements of any

written contract for the sale of Hard Red Winter wheat entered into and signed prior to the date of enactment of this Act.

Mr. DOLE. Mr. President, I am offering this amendment on behalf of the distinguished Senator from Kentucky (Mr. HUDDLESTON) and myself. The so-called grain inspection bill was reported by the distinguished Senator from Kentucky (Mr. HUDDLESTON) and myself. The so-called grain inspection bill was reported by the distinguished Senator from Kentucky earlier this year; in fact, on February 21, 1977. It was passed, as I recall, without objection, by the Senate. It does a number of things.

One thing of course, is that it pays for grain inspection from appropriated funds, rather than collecting those fees from producers. It also deals with conflict of interest provisions and certain recordkeeping requirements.

It seems to the Senator from Kansas that, in order to get this to conference, where we can discuss it with the House, or get the House to take a look at it, it is advisable to add it as an amendment to this bill, even though it has passed the Senate. It is the understanding of the Senator from Kansas that the House does not plan an early action on the measure.

As far as the Senator from Kansas knows, there is no objection to this amendment.

Mr. President, on March 30, 1977, the Senate approved by a vote of 93 to 0, a bill to eliminate problems that exist in the Federal Grain Inspection Service. That legislation if enacted, would save American farmers a total of $5.3 million and would save Kansas farmers a total of $.5 million in user fees this year.

This legislation is urgently needed. We are moving into wheat harvest in the Midwest. Wheat prices are at the lowest level they have been for several years. They are well below $2 per bushel compared to over $4 per bushel at the start of the season.

Yet we have a Federal grain inspection system that further reduces the price of wheat received by farmers. The legislation Congress approved last year requires that Federal Grain Inspection supervision expenses be paid by user fees. That means that the total cost of Federal supervision will be passed directly on to farmers. It will result in a lower price for wheat to farmers at a time when prices are already unacceptably low.

In spite of the need for action on this legislation, the other body has taken no action. It is my feeling that we should adopt this legislation as an amendment of the farm bill. This action will allow us to go to conference with the House of Representatives, and hopefully thereby get early approval of this legislation by Congress.

This legislation also addresses a number of other problems that developed in the grain inspection bill we approved last year. It alleviates the recordkeeping requirements imposed on local grain elevators. It provides a mechanism for more realistically addressing the conflict-of-interest questions that the bill last year addressed.

I believe the adoption of this amendment will allow us to get early consideration of the grain inspection bill in the House of Representatives and will allow us to provide relief to farmers and local elevators at an earlier time.

Mr. HUDDLESTON. Mr. President, I concur with the distinguished Senator from Kansas that this seems to be the best parliamentary way to bring about rapid consideration of this much-needed legislation.

I might say that the Senator from Kansas (Mr. DOLE) played a leading role, after the implementation of the Federal Grain Inspection Act, with regard to the difficulties that arose as that act was being implemented.

The Senator from Kansas brought into Washington people from the field who were experiencing these difficulties. This resulted in a full hearing by my subcommittee on the measure. The amendment that he is presenting now, which has already been passed by the Senate as a bill, addresses those immediate problems. It makes the grain inspection system much more workable and still provides for the protection that the 1976 Grain Standards Act was intended to provide, to assist in restoring integrity to our grain inspection system.

I agree that this is an appropriate time to reenact this measure by the Senate and get it before the House in conference.

Mr. DOLE. If the Senator will yield, I thank the distinguished Senator from Kentucky. It is important. We are about ready to go into harvest—in fact, the harvest has started in some areas. In my view, it is timely. If the House considers the farm legislation in mid- or late June, we can still, perhaps, work out something that will at least resolve this one problem that we have as far as grain inspection is concerned.

I yield back the remainder of my time.

Mr. HUDDLESTON. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DOLE. I move to reconsider the vote by which the amendment was agreed to.

Mr. HUDDLESTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I yield to the distinguished Senator from Nebraska. I yield the floor.

Mr. CURTIS. Mr. President, I have an amendment. Before sending it to the desk, I want to give a little background on it.

The PRESIDING OFFICER. Who yields time?

Mr. CURTIS. I have the time on my amendment.

The PRESIDING OFFICER. Not until the amendment is offered.

Mr. DOLE. I yield to the distinguished Senator from Nebraska as much time as he may consume.

Mr. CURTIS. I thank my distinguished friend.

Mr. President, we live in a day of energy crisis. There may be a dispute about what the remedy should be. There are many people who, when they fail to see waiting lines at the filling stations, are inclined to think there is no crisis. But any time that we are buying more than half of our petroleum from abroad and there is a foreign power or group of powers that can idle some of the tractors on our farms, that can interfere with the transportation of the Nation's commerce, or can shut down factories, cause cities to have blackouts, and, more importantly, if these people who control our petroleum products can ground our Air Force and cause our Navy to be tied up at the dock, we indeed have a crisis. We should approach this crisis from every angle that is practicable. One of them is alternative sources of energy.

It has long been known that alcohol can be blended with gasoline and it makes an excellent motor fuel. As a matter of fact, from the pollution standpoint, it is better than gasoline itself.

It is also very important to know that alcohol can be made out of many of the products that we have at hand. We have surplus agricultural products, consisting of grain and other items, that can be turned into alcohol.

Spoiling grain can be used and, in handling great amounts of grain, there is a problem of grain going out of condition. That can be used for the manufacture of alcohol.

Spoiling vegetables can be used. A product like potatoes is perishable. It goes out of condition rather quickly and can be turned into alcohol.

That is only one source for alcohol. Forest products, the waste products of a lumbering operation, sawdust—any of the forest products can be turned into alcohol. There are also byproducts from the stock of cane sugar that have great energy possibilities.

Were we to blend into our gasoline a 10-percent blend of alcohol, it increases the total volume that much. Many foreign countries have done this. Over the years, they have had very expensive gasoline and they have had surpluses of farm products. So they follow this system.

The Committee on Agriculture has taken quite a little testimony on this matter, not only recently, but over a period of time. Some of the States have pioneered in it and may have activity going on there to make this contribution to the solution of our fuel problems. The result was that a bill was proposed to be introduced. It has a distinguished list of cosponsors. I am sure there are many others who wanted to cosponsor, but we could not reach them all. That bill was introduced by myself, and the following members of the Agriculture Committee were cosponsors: Senators ALLEN, DOLE, HELMS, HUMPHREY, LUGAR, MCGOVERN, MELCHER, STONE, TALMADGE, YOUNG, and ZORINSKY.

Since then, Senator THURMOND has become a cosponsor.

It was the original intention to have this proposal considered as a separate bill. That was the plan that the distinguished chairman (Mr. TALMADGE) had in mind. It now appears that an identical bill was introduced in the House. It was attached to the farm bill over there.

After talking about the action of the House with the distinguished chairman of the committee, he was of the opinion we should offer it here and that it should be accepted by the committee.

Mr. President, when the amendment is offered, I will offer it on behalf of all these people who have sponsored the original idea.

The House bill was identical with the Senate bill. They made a few changes that do not in any way change the intent and purport of the amendment. The amendment that I will send to the desk is identical with the House bill.

Mr. President, here is what this amendment provides. It provides that the Secretary of Agriculture, in order to further the market for agricultural products, is authorized to make some grants in research along the lines I suggested and that research is channeled through colleges and universities with a competence for that.

It is a very modest amount. It is $24 million. It is our understanding that that should be spread to as many universities as possible. That would be the only appropriated funds in this.

The other part of the bill authorizes the Rural Development Administration to make guaranteed loans for four pilot plants. These loans are not to be for in excess of $15 million in order that we can get this program going.

So it will be non-Government concerns, perhaps nonprofit corporations or other groups, or whoever might be the applicant.

The Rural Development Administration is authorized to make guaranteed loans. That means they will be participated in by the private sector, to public, private, or cooperative organizations organized for profit, or nonprofit, or to individuals for a term not to exceed 20 years at such a rate of interest agreed upon by the borrower and lender.

Mr. President, the know-how is available. We want to have a program of research, but it is also time that we put this program in operation. That is the reason for the four pilot projects.

The bill itself will guide the Secretary as to where these pilot projects are to be located. It does not name them. It is envisioned, however, that one pilot project should be devoted to forestry projects. It is perhaps advisable to give consideration to a pilot project in the sugar cane area, and not only the sugar stalks but such other type of product as has that possibility of producing alcohol for our motor fuel.

It is hoped that a couple of these would be in the grain belt.

Mr. President, there is some language in the bill that I think calls for a little clarification. That is in (c) under section 509:

> (c) No loan may be guaranteed under this section unless (1) research indicates the total energy content of the products and byproducts to be manufactured by the loan applicant will exceed the total energy input from fossil fuels utilized in the manufacture of such products and by products.

That is the first part of paragraph (c)

Mr. President, it is not intended that that delegates to the Secretary authority to unduly screen and eliminate many applicants. It is merely a guideline laid down that we want to be practical about this and we are not to consume a greater amount of fossil fuels in producing another energy than the energy itself would provide.

It is a general guideline and not to be construed as granting undue or unusual powers to the Secretary in this regard. He is to look at the long-range objective and long-range possibility and proceed on that matter.

Mr. President, the amendment that I am sending to the desk is identical in purpose with the bill introduced. The House of Representatives made a few correcting amendments when they attached their farm bill. I have drawn this language to conform to what the House has done.

I say to my distinguished chairman on the floor that the bill remains basically the same. There is $24 million in it for research to colleges and universities. The rest of it remains a guaranteed loan calling for four pilot plants.

Mr. President, in the Washington Star within the last few days appeared an article by Mr. Thomas Lyles, entitled "Alcohol In The Tank: A Renewable Energy Source." This article discusses some of the aspects in the field we have discussed. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Star, May 1977]

Alcohol in the Tank: A Renewable Energy Source

(By Thomas Lyles)

As the world energy supply reaches potentially crisis levels, the pursuit of alternatives to fossil fuels has taken on an urgency that has overcome many traditional concerns.

Alcohol, for example, a major industrial and social solvent for decades, has come under increased study as an automobile fuel that might compete with or complement gasoline.

The advantages, proponents argue, are clear: availability, cost, effectiveness. The disadvantages, opponents counter, are serious: conversion costs, mechanical side effects, undeveloped technology.

Tests generally show that under some circumstances, alcohol works as well as gasoline and meets the current air quality standards. And, unlike gasoline, alcohol can be made from renewable sources.

Grains, trees, sugar crops, garbage and sewage wastes, coal gasification and various chemical processes could provide tomorrow's alcohol, but a major effort to increase production is necessary before cars could run at affordable prices, the reports show.

Ethyl alcohol (ethanol) prices range from 50 cents to more than $1.20 a gallon depending on the method of extraction and quantities produced. And, although methyl alcohol (methanol) costs only about 40 cents a gallon, it has less energy than ethanol.

Despite that, methanol powers the Indianapolis 500 cars. Engine modifications such as increasing the compression ratio, turbocharging and adjusting the fuel-air mixture increase the Indy cars' performance but passenger cars do not require such extensive adjustments, tests cited by those advocating increased attention to alcohol fuels indicate.

In fact, studies show that few or no engine modifications are necessary for most cars to perform with an ethanol-gasoline blend. Methanol will attack some plastic fuel line parts so quick conversion is not so easy. Test results show alcohol-gasoline mixtures compare favorably with "undiluted" gasoline.

A 1975 report, "Survey of Alcohol Fuel Technology," by the Mitre Corp. of McLean, found that "satisfactory engine operation is possible on current automobiles that are fueled with up to 15 percent methanol-in-gasoline blends and requires no carburetion readjustment."

The report also notes that a modified 1970 Gremlin, powered by pure methanol won the Clean Air Race that year and "was able to meet the original 1975–76 standards on NO_x (oxides of nitrogen) without the use of exhaust gas recycle (Hydrocarbons and carbon monoxide emissions were maintained within limits with a catalytic converter.)"

In Nebraska, where a state-sponsored ethanol fuel program will celebrate its third anniversary this year, about 1.6 million miles of a 2-million mile test have been driven. A blend of 10 percent ethanol and 90 percent unleaded gasoline called Gasohol powers the 20 vehicles used in the study.

The fuel boosts mileage about five percent and exhaust emissions are comparable to those of unleaded gasoline, results show. However, critics say alcohol fuels cause engine wear.

Dr. William Scheller, scientific director of the program and a former research chemist with Standard Oil of California, says engine wear was no greater with the blend than with undiluted gasoline. Scheller has been with the Nebraska program since it was created by the legislature in 1971. However, he said the idea languished until the Arab oil embargo of 1973 began closing the price gap between alcohol and gasoline.

Virginia recently completed an 18-month study in which four vehicles operated with various blends of methanol and unleaded gasoline. Michael Sprinkle, a research engineer with the project, said initial results indicated fuel consumption and car performance were comparable to undiluted gasoline, and engine wear was negligible.

In Maine, it was predicted that methanol can be made for 14 cents a gallon from diseased timber there.

The Maine Office of Energy Resources estimates an acre of timber yields 2,250 gallons of methanol. Maine thus would be able to meet only a small portion of its automotive fuel needs from its timber crop.

Brazil, feeling the strong tug of draining cruzeiros, launched a national attack on oil imports by committing more than $200 million last year to a two-year alcohol program.

Brazilian authorities say that ethanol production from sugar cane, sweet potatoes and other domestic crops will be 2.2 billion liters (about a half-billion gallons) next year, double the expected yield this year.

The West German government underwrote 80 percent of a methanol fuel test conducted by Volkswagen.

The project, which cost $1.5 million involved 45 vehicles burning 15 percent methanol and 85 percent low-lead gasoline. A VW spokesman said the problems they expected when the program began two years ago were "grossly overestimated."

The fuel, according to VW, can be used with existing cars and "all present-day stringent requirements in terms of starting and cold-running performance, fuel economy, exhaust emissions, service life of vehicle components, safety and drivability were met."

Volvo and the Swedish government are

also cooperating on an alcohol program begun. The nation has vast timber reserves and must import all its oil.

But tests by U.S. car manufacturers refute the favorable findings.

A recent GM publication states: "Of the many alternative fuels we've studied as supplements to, or substitutes for gasoline, methanol is at present the easiest to obtain." GM tests indicate that methanol's "drivability" is not as good as gasoline's.

The paper points out, is that methanol attracts water, causing fuel separation. Also, the paper notes methanol can cause vapor lock, resulting in poor combustion.

However, VW experiments show when other chemicals are added to a methanol-gasoline blend, vapor lock is eliminated.

Another complaint about alcohol is its inability to vaporize properly when used full strength, a problem testing shows is overcome by preheating.

One of the major objections to alcohol is its low latent heat content. For example, 91 octane gasoline has 120,000 BTUs (British Thermal Units) per gallon. Ethanol, with only 78,500 BTUs per gallon, however, reaches as high as 98 octane. Methanol has the lowest energy per gallon (63,600 BTUs) of the three but its octane is near 110.

And the attractive octane kick of methanol appeals to racers and makes it (and ethanol) a gasoline additive that boosts octane and eliminates engine knock wtihout the harmful effects of lead and manganese compounds.

But there are other properties that make methanol attractive to a sport where fire is generally feared more than crashes. Because of alcohol's high vaporization, fire are rare. And because alcohol mixes easily with water, fires can be put out with water.

The major obstacle is that alcohol fuels remain in short supply.

Chrysler believes coal gasification, a proposed methanol source, could be put to better use manufacturing gasoline.

And that is where the Nebraska test's Scheller feels he has an answer.

Scheller points out there is invariably spoilage in grain crops, and the bad grain—said to be as much as 20 percent of the total crop—could feed ethanol plants.

Feed, Scheller says, is the key word because plant "tailings" are an excellent animal food and carbon dioxide from fermentation can be sold to soft drink manufacturers.

More important, Scheller argues, the grist for a large-scale Nebraska Gasohol program can come from renewable grain sources that receive their energy from the sun.

Scheller said some Nebraska businessmen hope to break ground soon for an ethanol plant which in two years is projected to satisfy 22 percent of the state's automotive fuel needs—20 million gallons annually. This is twice as much gasoline as President Carter hopes Americans will save annually by 1985.

Several bills that would channel federal money for alcohol research through energy and agricultural programs soon will receive floor attention in Congress, according to committee aides. Action on two is expected by the end of the month.

Because the U.S. imports about 42 percent of its oil, any domestic alcohol program would be a large undertaking.

An estimate that 60 million acres would yield about 30 billion gallons of ethanol is one indication of such a project's scope. But plantings on that scale should create new farm and construction jobs and boost the economy.

Nevertheless the alcohol future remains uncertain as the 119-page Mitre paper notes:

"The growing body of research data indicates that alcohols could become a source of energy in the future. However, before a widespread use of alcohol fuels, either directly or as a blend, can become a reality, much research must be done in cost-competitive production techniques, transportation, storage, and end uses."

"The question," Roger Williams Jr., whose consulting firm is preparing a methanol study, said, "really comes down to who is going to be the first one to jump the first hurdle? Will anyone?"

UP AMENDMENT NO. 277

Mr. CURTIS. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Nebraska (Mr. CURTIS), for himself and others, proposes an unprinted amendment No. 277.

Mr. CURTIS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 298, after line 21, insert the following new Subtitle I:

SUBTITLE I—HYDROCARBON RESEARCH AND DEVELOPMENT

GRANTS FOR RESEARCH ON INDUSTRIAL HYDROCARBONS FROM AGRICULTURAL COMMODITIES AND FOREST PRODUCTS

SEC. 1351. The Secretary of Agriculture shall make grants under this section to colleges and universities with capacity for agricultural research for the purpose of conducting research related to (1) the production and marketing of coal tar for the manufacture of agricultural chemicals and alcohol-blended motor fuel (such agricultural chemicals to include, but not be limited to, fertilizers, herbicides, insecticides, and pesticides), (2) the production and marketing of alcohol made from agricultural commodities and forest products as a substitute for alcohol made from petroleum products, and (3) the production and marketing of other industrial hydrocarbons derived from agricultural commodities and forest products. There is authorized to be appropriated for the purposes of carrying out the provisions of this section, $3,000,000 for the fiscal year ending September 30, 1978, and such sums as may be necessary for the four subsequent fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, except that the total amount of such appropriations shall not exceed $24,000,000 during the five-year period beginning October 1, 1977, and ending September 30, 1982, and not in excess of such sums as may thereafter be authorized by law for any subsequent fiscal year: *Provided*, That not more than a total of $3,000,000 may be awarded to the colleges and universities of any one State.

PILOT PROJECTS FOR THE PRODUCTION AND MARKETING OF INDUSTRIAL HYDROCARBONS FROM AGRICULTURAL COMMODITIES AND FOREST PRODUCTS

SEC. 1352. Title V of the Consolidated Farm and Rural Development Act of 1972 is amended by adding at the end thereof a new section as follows:

SEC. 509. (a) The Secretary of Agriculture is authorized and directed to formulate and carry out a pilot program for the production and marketing of industrial hydrocarbons derived from agricultural commodities and forest products for the purpose of stabilizing and expanding the market for such commodities and products and expanding the Nation's supply of industrial hydrocarbons.

(b) The Secretary of Agriculture shall provide for four pilot projects for the production of industrial hydrocarbons from agricultural commodities and forest products by guaranteeing loans not to exceed $15 million per project to public, private, or cooperative organizations organized for profit, nonprofit, or to individuals for a term not to exceed 20 years at such a rate of interest agreed upon by the borrower and lender.

(c) No loan may be guranteed under this section unless (1) research indicates the total energy content of the products and by-products to be manufactured by the loan applicant will exceed the total energy input from fossil fuels utilized in the manufacture of such products and by-products, or (2) such other conditions as the Secretary deems appropriate to achieve the purposes of this section are met.

(d) In order to assure the recipients of loans made under this section with a dependable supply of agricultural commodities at a stable price for use in the pilot projects provided for under this section, the Secretary is authorized to enter into long-term contracts, not exceeding five years, with the recipients of such loans. Such contracts shall guarantee the recipients of such loans a specified quantity of agricultural commodities annually at mutually agreed upon prices, but in no cases shall any contracts at less than the price support level prescribed for the commodity concerned unless the product is out of condition, unstorable, or sample-grade, or lower, as prescribed in Department of Agriculture standards.

(e) The Secretary of Agriculture shall purchase such quantities of agricultural commodities as may be necessary to comply with the terms of agreements entered into under this section.

(f) The provisions of this section shall be carried out through the Commodity Credit Corporation.

On page 298, line 23, strike out "1351" and insert in lieu thereof "1353".

Mr. CURTIS. Mr. President, if I may have the attention of the distinguished minority member of the committee and the chairman, it is my understanding that they would be wiling to accept this amendment.

Mr. DOLE. Will the Senator yield?

Mr. CURTIS. I am happy to yield.

Mr. DOLE. As a cosponsor, and I think most of the members of the committee are, I think we are willing to accept the amendment.

I think it is a good amendment, particularly since it is part of the House bill. We would be assured of having it in the final version.

I have listened to the distinguished Senator from Nebraska and concur with the statements he has made.

On this side, we are certainly willing to accept the amendment.

Mr. TALMADGE. Will the Senator yield?

Mr. CURTIS. I am happy to.

Mr. TALMADGE. Is this the amendment I discussed with the distinguished Senator from Nebraska and also the one I am a cosponsor of?

Mr. CURTIS. Yes, it is. It has been slightly changed to conform in language. In just a couple of spots we changed some language, but not in what the bill does.

Mr. TALMADGE. As I recall, it is to authorize and direct the Secretary of Agriculture under the new agricultural research with agricultural products to devise suitable alternatives to substitute for petroleum, gasoline, and things of that kind.

Mr. CURTIS. Correct. It is under his power to expand the markets for agricultural products. It limits the authorization of $24 million, but not more than $3 million would be spent in any one institution.

In the second part, it authorizes the Rural Development Administration, which came into being by reason of the distinguished chairman's legislation, to make guaranteed loans to establish four pilot plants.

It is understood that these pilot plants are to deal with forest products as well as agricultural products in the efforts to produce more energy.

Mr. TALMADGE. Will the Senator yield?

Mr. CURTIS. Yes.

Mr. TALMADGE. I was in Japan in 1939 and I saw automobiles in Japan at that time operating on charcoal.

I think there is enormous possibility to utilize forest products, and perhaps grain, to develop alternatives for some of our imported energy.

I think we would be derelict in our duty if we did not try to devise every suitable possibility of developing domestic alternatives to imported energy, which is probably going to cost us in excess of $40 billion this year, and be responsible for a balance of payments deficit in excess of $20 billion.

I urge the Senate to accept the amendment.

Mr. President, I yield back the remainder of my time.

Mr. CURTIS. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CURTIS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. TALMADGE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CURTIS. Mr. President, I thank the distinguished chairman and the distinguished Senator from Kansas.

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 278

Mr. ALLEN. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alabama (Mr. Allen) on behalf of himself and Senator Sparkman, proposes an unprinted amendment numbered 278:

At the end of the bill, insert a new section as follows:

Sec. . The Consolidated Farm and Rural Development Act is amended at section 310(b) (7 U.S.C. 1932(a)) by adding at the end thereof a new sentence as follows: "From the funds appropriated to carry out this title, the Secretary shall retain as a reserve against losses an amount equal to not less than 15 per centum of the full amount of any contractual liability which the Secretary incurs on account of loans guaranteed under this title, rather than the full amount of such liability.".

Mr. ALLEN. Mr. President, this amendment to the Consolidated Farm and Rural Development Act will direct the Secretary of Agriculture, and specifically the Farmers Home Administration, to retain a reserve against losses of not less than 15 percent of the total amount of those loans that the Secretary guarantees but which are actually made by the private financial community.

Presently there is a difference in the reserve requirements of those loans guaranteed by the Farmers Home Administration and loans guaranteed by the Small Business Administration and the Economic Development Administration.

The Office of Management and Budget has interpreted the loan guarantee authorizations for the Farmers Home Administration programs as the total market impact of the guaranteed programs. The interpretation means that when figuring how close the programs are to their authorized ceilings, guaranteed loans are counted at 100 percent of the loan amount. This is not consistent with the way the Small Business Administration or the Economic Development Administration guaranteed loans are counted. Both of these agencies use a percentage of the total loan authority as a reserve against losses.

The Small Business Administration uses 15 percent of the total and the Economic Development Administration uses 20 percent of the total in order to determine the program level. This amendment would place the Farmers Home Administration on a comparable basis by authorizing the Secretary to set up as a reserve not less than 15 percent of the total of the guaranteed loan authority.

The minimum 15 percent reserve against potential default is more than adequate based upon experience gained since the inception of this program. Since these loans were first authorized, in excess of $1 billion has been guaranteed to more than 2,000 borrowers and the default rate to date is less than 2 percent.

This amendment gives the Secretary of Agriculture ample flexibility to maintain a reserve that will be adequate to cover all eventualities.

Under the present law, an appropriation is made to Farmers Home for the purpose of making direct loans and guaranteeing loans. The amount of the guaranteed loan is charged against the appropriation, exactly the same as the amount of direct loans, even though the Treasury is only guaranteeing the loan and there has been no outlay.

In effect, Mr. President, this requires Farmers Home, on guaranteed loans, to set up a 100-percent reserve because the full amount of the loan is charged against the appropriation made to Farmers Home for the purpose of making direct loans and guaranteed loans. SBA has a system under which it sets up a reserve of 15 percent against guaranteed loans, which has been more than adequate.

Actually, the experience of Farmers Home with respect to their guaranteed loans has been a loss of only 2 percent. This amendment does not increase the authorization at all. It requires the setting up, in effect, of a 15-percent reserve on all guaranteed loans, rather than to set up a 100-percent reserve, which does not make sense. With a loss experience of only 2 percent, it is quite obvious that a 15-percent reserve would be more than adequate. This would put Farmers Home on the same basis as the Small Business Administration.

The EDA, which probably makes more risk loans than SBA or Farmers Home, has a 20-percent reserve. This amendment requires a 15-percent reserve for Farmers Home guaranteed loans. Of couse, when they make direct loans, that is a charge directly against the appropriation. This puts Farmers Home on the same basis as SBA.

This has been requested by Farmers Home. It has been approved by the Department of Agriculture. I have talked with the distinguished chairman of the bill, the chairman of the committee and the floor manager of the bill, and the distinguished ranking minority member, Mr. Dole, and they approve of the amendment.

I ask that the amendment be adopted.

Mr. President, I ask unanimous consent to have printed in the Record a report by the Congressional Research Service of the Library of Congress in connection with this matter.

There being no objection, the report was ordered to be printed in the Record, as follows:

Congressional Research Service,
Washington, D.C., April 6, 1977.

To Senate Agriculture and Forestry Committee Attention: Jim Giltmier.

From Economics Division.

Subject Reserve requirements for guarantee programs run by the Farmers Home Administration, the Economic Development Administration, and the Small Business Administration.

The difference in reserve requirements for the Farmers Home Administration (FmHA) industrial development loan program compared to reserve requirements for the Economic Development Administration (EDA) and the Small Business Administration (SBA) programs is the result of the appropriations process for these programs.

Appropriations legislation for the industrial development loan program of FmHA, which is financed out of the Rural Development Insurance Fund, appropriates funds for defaults and other losses incurred in prior years by the fund and also sets the level of loan and loan guarantee activity. In the appropriations act for fiscal 1977 covering FmHA, the Rural Development Insurance Fund received an appropriation of $47,484,000 to cover losses incurred in prior years. The Act also sets the limit on fiscal 1977 obligations for the industrial development loan and loan guarantee program at $350,000,000. The language does not distinguish between direct (i.e. insured) and guaranteed loans. The Office of Management and Budget has interpreted this $350 million limit as the total market impact of the program. This means that when figuring how close the program is to the $350 million ceiling, both direct and guaranteed loans are counted at 100 percent of their value.

The appropriations process works differently for the EDA and SBA programs. EDA appropriations cover estimated obligations which will be incurred during the coming fiscal year. For example, appropriations for all of EDA in fiscal year 1977 were $360 million. Estimated total obligations for fiscal 1977 were also $360 million. In order to cover possible defaults under the loan guarantee program, EDA has to estimate the proportion of loans obligated in fiscal 1977 which will default. Their current estimate is 20 percent. This means that for every $1,000 in loans guaranteed, $200 of the appropriations for fiscal year 1977 are set aside as a reserve to cover defaults. If the funds in reserve are not sufficient to cover the losses, EDA would have to declare a deficiency, and request additional appropriations. No level is set in the appropriations language on the level of loan guarantees. The level set in the budget for fiscal year 1977 for the business development program, which includes both loans and loan guarantees, is $58 million. In theory, if the entire program was devoted only to guarantees, the total amount of guarantees incurred could be $290 million (20 percent of $290 million is $58 million.)

Appropriations for the SBA business loan program work in a slightly different manner. Appropriations are made for the Business Loan and Investment Fund, and are without fiscal year limitation. The level of activity of the SBA programs in the fund are controlled by changing the level of the appropriations. For example, fiscal 1977 appropriations without limit were $601 million, while the request for fiscal year 1978 is $537 million. Aside from this difference, the program is similar to EDA's. At present, SBA takes an amount equal to 15 percent of the amount it makes as guaranteed loans from its appropriations as a reserve. If the amount set aside is not sufficient to cover defaults, additional appropriations would be needed.

JOHN MITRISIN,
Economist in Financial and Fiscal Policy.

Mr. TALMADGE. Mr. President, the Senator from Alabama has made a very persuasive argument for his amendment. I do not see any justification for setting up a 100 percent reserve, when the Farmers Home threshold has been 2 percent. The Senator's amendment would set up a 15 percent reserve, which is comparable to the reserve of EDA and the Small Business Administration.

Mr. ALLEN. For EDA it is 20 percent, and for the Small Business Administration it is 15 percent.

Mr. TALMADGE. For the Small Business it is 15 percent, and for EDA it is 20 percent?

Mr. ALLEN. Yes.

Mr. TALMADGE. Certainly, the Senator has made a very persuasive argument that his amendment be agreed to, and I urge the Senate to agree to it.

Mr. ALLEN. I thank the Senator.

The PRESIDING OFFICER. Is all time yielded back?

Mr. TALMADGE. I yield back the remainder of my time.

Mr. ALLEN. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ALLEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. I yield to one of our distinguished members of our committee, the Senator from Minnesota, such time as he may desire on the bill.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. HUMPHREY. I thank the distinguished chairman.

First of all, let me publicly commend our chairman for the extraordinarily good work that he and the members of the committee staff who are here helping us on this measure did in the processing of it in committee. I commend them for conducting not only very broad and comprehensive hearings but also in bringing to the committee's attention for our action one of the most important pieces of legislation, and yet one of the most complex pieces that will come before this Congress.

Chairman TALMADGE convened our committee every morning at 8 o'clock for the purpose of the markup of the legislation and, as this bill reveals, it represents monumental work by the members of the committee and the most able professional staff that is assigned to that committee.

Mr. President, there are few concerns in public policy that are as complex as our food and agricultural policies. Even though only one of every 25 Americans claims farming as his occupation, what happens on the farm touches the lives of every American. Indeed, what we will do with this bill will touch the lives of people around the world.

I am pleased with the bill that we have before us. It strikes a healthy balance between the interests of both farmers and consumers. This bill is fair. It contains no frills.

To understand the importance of this legislation, one must have some appreciation for modern agriculture. Farming today is significantly different than the agriculture we enjoyed early in this century. Our farmers must have large sums of capital to operate. For example, a contemporary farmer can spend more for a single tractor than what it cost his father to purchase a farm 50 years earlier. Our farmers deal with complicated chemicals in their pesticides, herbicides, and fertilizers. Furthermore, a modern farmer must be a good manager. If not, he will surely fail.

In some respects, though, farming never seems to change. Farming is a task that requires dedication and hard work. A farmer cannot be complacent and survive.

Early in my introduction I alluded to the importance of our agriculture not only here at home, but abroad as well. I need remind few Members of this body how important our agriculture is to our balance-of-payments situation. The past couple of years have seen the Nation earn more than $20 billion annually from the sale of agricultural products abroad. We are—and I trust will continue to be—the leading exporter in the world of wheat, feed grains, and soybeans.

In some respects, the current agricultural outlook is not good. Our wheat farmers are experiencing falling prices and earning revenue which does not meet their expense. Something must be done to reverse this trend. While S. 275 does to some degree ameliorate this problem, it does not heal the basic weakness. What is desperately needed is a strong international agreement that meets the needs of both producers and consumers. I note the current efforts of the administration to achieve such an agreement. I applaud Secretary Bergland and wish him well in this endeavor.

There is a bit of fiction associated with the bill before us today. That fiction lies in the way we assess budget costs. A significant portion of the cost of this bill is associated with price support loans. As members of the Committee on Agriculture, Nutrition and Forestry know, these loans are not really outlays or expenses in the normal sense, because they are eventually paid back.

What this means, of course, is that the actual cost of S. 275 to the taxpayer is far below what is budgeted. I truly hope that this current budget accounting practice will be revised in the near future.

I disgress from my prepared remarks here today to say that the budgeting process on price support loans for agriculture is an outrage, to put it as simply and as timidly as I can. It is as if the loan were made with no collateral. The Commodity Credit Corporation makes these loans and receives the best collateral in the world; namely, the product of the farm. Yet our budget process presumes that every dollar that is loaned is an expense and most likely will never be repaid, despite the fact that history proves that that is not the case, that overall the loans are repaid and, in the main, the Government has lost very little, if anything, on these loan programs.

The same thing can be true of what was said here a moment ago about the Farmers Home Administration. How ridiculous it is to have had, as the present practice is, 100 percent of reserves to guarantee bank loans or Farmers Home Administration loans that are under what we call the guarantee loan provisions. Thank goodness the distinguished Senator from Alabama (Mr. ALLEN) has seen fit to offer an amendment, for which I commend him, and the chairman of the committee has accepted it on behalf of the committee to, hopefully, revise this practice.

A 15-percent reserve, which is provided for in the Allen amendment, is sensible, reasonable, and prudent. A 100-percent reserve is unrealistic and defies all the laws of banking and all the traditions of finance.

Now, another irritant is the manner in which outlays are projected. Any projection is based upon a certain set of assumptions. The primary assumption regarding agriculture has to do with the weather. The costs projected in this bill assume favorable weather. Favorable weather can be translated to mean strong production and significant outlays, because of falling prices.

If we were to take the weather of the past 4 years, the time going back to the 1973 act, then the cost of the commodity loan portion of this bill would drop by 40 percent. I suggest that my colleagues keep this in mind when considering this bill.

But we still have to wage a kind of accounting battle with the Office of Management and Budget. I hope that these budgeters never get into the banking business. They will wreck the economy.

It is ridiculous that Congress put up with this nonsense, but Congress has been putting up with it and, therefore, people in the fourth estate, who write about the cost of the farm bill, assume that every loan is a loser, is a loss; they assume that there is going to be perfect weather, maximum production, and high prices.

Well, that is what you call the alpha and the omega or should I say the best of times and the worst of times.

The loans that are made on crops are not losses, they are loans just exactly like a bank makes a loan upon any property. That is the way banks make money, by making loans. They do not make money by not spending their capital. They make money by lending the capital with collateral to earn interest. That is finance.

The only place that these established principles are not recognized is in the Government of the United States. No wonder we are in trouble. But Congress is at fault, too. We put up with this nonsense. I do not put up with it personally. I disavow the whole thing. It is absolutely ridiculous that we permit this to happen.

Now the projections that are made by the Government are that the Sun is going to shine every day, that the rain is going to come just as you want it.

Why does the Bureau of the Budget do this? Because they say they have to take a look at the worst possible scenario for the purposes of formulating a budget.

Mr. President, if every businessman in America made his investments on the basis of the worst possible scenario, we would not be the modern Nation we are today when you have the Office of Management and Budget. They say "We have to take a look at it and any time the Government makes a loan on a crop you have to assume that it will never be repaid." What an insult to the farmer as to presume that he is not going to pay back his loans even though the rural bankers of America who make these loans know that farmers pay back. The Farmers Home Administration has one of the lowest loss rates of any loaning agency in the United States.

But when it comes to projected outlays, then the executive branch comes to Congress and says:

> Now we have to assume, Senator Humphrey, Senator Talmadge, and Senator Dole, that you are going to get a maximum wheat crop with $5 a bushel, you know, the best possible price if they can fix up the price for us we would run the risk.

All I am saying here is what the public needs to know and this will not. I read and heard about the farm bill this weekend. Is it supposed to cost $4 billion, Mr. President.

The odds are if we get the kind of weather pattern that we see today in America, that if we have this bill passed, that outlay will be not $4 billion; it will be much less.

My colleagues have agreed with me on this, but we have not been able to convince those in the Department of Agriculture and the Office of Management and Budget. I hope the OMB will review my remarks and, if they think I have been unfair, come to my office and we will see just how unfair I can be because, believe me, I have been restrained, and this is not my first year to discuss a farm bill. I have been discussing farm bills in this Chamber since 1949, and I have been on this committee a long time. I think I know a little bit more about agriculture than some of those people down there with their computers taking a look at what they call the outlays. And I know a little something about weather, too, because I do not live all the time in the air-conditioned executive office building. I have seen weather out in the Dakotas and Minnesota fluctuate. I know what the ravages of weather mean. But here when the Office of Management and Budget gives orders to the Department of Agriculture, and they do, those poor souls in the Department of Agriculture come up with their estimates, and they are called on in by the OMB budgeters, those people whose names you do not know. You have never met them. But they come in and say, "Who are you to know what the facts are? We have been working on this theory for years."

They assume that there is good weather. I would like to take them on out home in the middle of winter in Minnesota when it is 35 below zero, dry, no snow, the lakes have gone down 5 to 7 feet. The water table is down 20 feet. But the weather is good; if you do not believe so ask the OMB.

If they can fill up the lakes and the reservoirs out in the west coast, if they can stop all those tornadoes that I keep reading about, if they can see to it that there is no plant disease, why then we will take their projections. Until then I suggest that they just take those projects and kind of whistle by themselves and not bother with the public.

I repeat again that if we were to take the weather of the past 4 years, going back to the 1973 act, the cost of the commodity loan portion of this bill would drop by 40 percent.

There are some other items in this bill, and I would like to discuss some of them. I will begin with the dairy section of the bill. That did not go as far as I would have liked. The first of these changes increases the minimal level of the price support from 75 to 80 percent of the parity.

People that are dairy farmers have high costs. And 80 percent of parity means that they are going to get 20 percent less than they ought to. But they do not have any bargaining power. They are not a strong union. They cannot set interest rates like bankers do.

The only protection dairy farmers have is the Congress of the United States.

We have watched wild swings in the price structure that served neither the farmer interest nor the consumer interest.

There are several items which I would like to discuss in some detail. I will begin with the dairy provisions.

DAIRY

Dairy is the second largest source of income on our Nation's farms. In the legislation we have before us, there are two significant changes in the dairy price support program authorized by the Agriculture Act of 1949.

The first of these changes increases the minimum level of price support from 75 to 80 percent of parity. The second requires the Secretary of Agriculture to adjust the level of price semiannually to compensate for changes in the parity index caused by increased costs.

The purpose of these changes simply is to provide our dairy farmers the needed stability to continue to produce an adequate supply of milk for America. Accepting the dairy provisions of S. 275 will help restore the confidence of dairy farmers in their markets and help overcome the price instability that has plagued consumers and the dairy industry in recent years.

I cannot argue that 80 percent of parity will provide the price levels farmers need and deserve. My original bill, S. 529, called for 90 percent of parity. The current level of price support is 83 percent. The 80 percent is merely a level which will provide a price floor. This figure should be adjusted as conditions merit.

There is much that is unique about dairy farming. First, dairy farming is a long-term proposition. In the State of Minnesota, a modest family-run dairy operation represents an investment of $200,000. Second, the task of returning income on that investment is not easy. Dairying is an occupation that requires dedication and commitment. Running a dairy farm is a 7-day-a-week, 52-week-a-year proposition.

Moreover, dairy farmers are truly at the mercy of their markets. There is no way that a dairy producer can store his "harvest" in the hope of market improvement. Dairy products are highly perishable. Also, the dairy producer has a "new" harvest each day.

Recent years have brought us a series of Government actions which have depressed farm prices for milk through low levels of price supports or through expanded dairy product imports. In the past few years we have seen price swings of over 60 percent in a single marketing year. These wild swings serve neither the farmer or consumer.

What have these price swings done to dairy farmers? Almost 15,400 commercial dairy farmers went out of business in 1974. Less than a quarter, or one in four, of that number left due to retirement or death of the operator. Only 2,000 new operators stepped in to replace those who left.

I would like nothing more than to give our dairy producers 100 percent of parity. Parity means equality, a goal we all want. However, there needs to be a modicum of flexibility so that Government signals to the market can keep some balance between supply and demand. This approach invests trust in the Department of Agriculture. I am confident that Secretary Bergland and President Carter, both of whom are farmers, will continue to manage this Nation's dairy policies in a way that gives our dairy farmers hope of a fair return on their investment.

The second change I have mentioned involves the provision of requiring semiannual adjustment of the dairy price support level. This body has approved such a measure three times since 1974. In each of those instances, we spoke of requiring such an adjustment on a quarterly basis. Today we are considering a requirement that the adjustment be made at midpoint in the marketing year with the directive that quarterly adjustments be considered during periods of rapidly rising production costs.

In past years we have witnessed changes in the price index which influenced others and myself to call for changes in this program. Previously, the Secretary announced the price support on the first day of the marketing year, April 1. As the year advanced, cost increases eroded the price assurance that the program was designed to provide. The new provision we have before us simply will provide the farmer some assurance that the milk he markets at the end of the year will have a measure of price comparability with milk that he marketed at the beginning of the year.

In the past there has been some objection to the quarterly adjustment concept on the grounds that it could disrupt the marketing of dairy products through the adjustment of inventory prices four times a year. To the extent that this argument has merit, the present proposal goes a long way toward meeting this objection.

This section also extends the present authority of the Commodity Credit Corporation to transfer stocks of dairy products it holds to the military and to veterans hospitals. Also, S. 275 extends authority for base plans under Federal milk market orders including class I base plans, seasonal base plans, and the so-called Louisville plans. Present authorities expire at the end of 1977 and these should be extended.

Also, the bill we have before us today strengthens the dairy indemnity program. The indemnity concept has been most important to American agriculture, providing dairy farmers some protection against events beyond their control. The cost of this protection has averaged less than $200,000 per year.

The dairy indemnity program provisions were strengthened by the committee by providing protection for dairy farmers whose production is barred from marketing due to contamination by radioactive fallout or residues of chemicals other than pesticides where there is no recourse available to the farmer. Recent experience with fallout in the Northeast and with PCB's in the Midwest demonstrate the need for the strengthening of the indemnity section.

GRAIN RESERVES

Mr. President, another item in the bill I would like to discuss is "grain reserves." We have been working a long time to develop a program that would simultaneously serve the public's and the producer's interest. We have been trying to figure out how we best could have a grain reserve or, adequate stocks of grain that would give protection to the consumer and, at the same time, not destroy the price to the producer, while making the United States of America a reliable source for exports at any time that there was a customer.

I think we have arrived at a proposal in this legislation that accomplishes all of these objectives.

This is title X, the segment that deals with grain reserves. The events of the past several years should convince us of the need to provide greater stability for the commodity markets. Wildly fluctuating prices help neither the farmer nor consumer. It is easy to demonstrate this.

Record high feed grain prices, while of obvious benefit to feed grain producers, have meant near bankruptcy for dairy and livestock producers. Low prices do not help consumers. If low prices influence decisions that create severe underproduction, then prices will most assuredly rise rapidly, driving consumers out of the marketplace.

The price of wheat is down. It is dangerously low.

The swings in farm prices have caused our producers some severe problems. High farm prices have driven land and implement prices to such a level that young farmers simply cannot expect to realize their aspirations of becoming viable farm producers. Rather than volatile prices which cannot be sustained over the long term, I favor steady and sustainable growth in farm income. It is time that we stopped these wild swings that distort the farm economy. Rather than swings in farm prices which permit all the people along the marketing chain to permanently increase their price structure, I favor greater stability which assures a growing market for our farm products both domestically and abroad. Title X of S. 275 is an important contribution toward these goals.

The proposal under this section provides a program under which producers would be able to extend crop loans for wheat from 3 to 5 years. These stocks could be released at known "trigger points" to stabilize volatile price movements in commodity markets. Title X also provides for loans or loan guarantees to assist producers in the purchase or construction of on-farm storage capacity.

This title would also provide the Secretary of Agriculture the authority to purchase and, if necessary, to store grain, soybeans, silage, or other forage for distribution in case of disaster in the United States such as the recent drought in certain parts of the country.

Finally, title X provides for an international humanitarian food reserve of 2 million tons to assist developing countries in case of disaster or crop shortfalls.

Furthermore, Mr. President, when the farmer takes a whipping in the marketplace with low prices, frequently that is not reflected even in what we call the perishable goods. It takes weeks and months before the lower prices for hogs or beef cattle or poultry is reflected at the supermarkets. There is a gap in time. So the consumer does not get the benefit; the farmer just gets the rap.

What we have tried to do in this bill under title X is provide a way that the farmer can store on his own farm the crop that he produces, that share that he does not wish to market immediately, and be able to market it at a better time, when he can receive a better price and when he can at the same time protect the available supply from big price drops.

Each of these provisions was based in whole or in part from legislation I introduced and subsequently offered to the committee's markup as amendments to S. 275. The producer storage program, facility loan program, and international humanitarian food reserves are very similar to S. 1219 which I introduced earlier this year.

The domestic disaster relief authority was based upon S. 788 which I was privileged to introduce. I am pleased that the committee accepted my proposals and that I had such strong support from my colleagues for each of them. Again, I would like to stress that the thrust of each of the sections under title X is to provide essential elements in achieving greater market stability to both farmers and consumers.

PUBLIC LAW 480

Another section of this bill in which I am pleased is title XI, the segment that deals with Public Law 480, the Food for Peace program. S. 275 contains extensive amendments to Public Law 480. For the past several years we have been exploring ways to strengthen and improve the effectiveness of this program. A number of individuals familiar with Public Law 480, foreign market development, and economic assistance have been working with our committee to develop new approaches and refine present policies.

On the basis of their work I introduced a bill, S. 1654, in May of 1975 which provided for comprehensive changes in the program, including a clarification and reaffirmation of the humanitarian priorities of the program, a strengthened relationship between food aid and economic development and greater continuity of programing, especially for the ongoing programs of title II. Most of these provisions were embodied in one form or another in the International Development and Food Assistance Act of 1975. Since that time I have attempted to build upon the concepts which were approved at that time and proposed additional changes to Public Law 480 in S. 1169 which I introduced earlier this year. Essentially all of these provisions were included in title XI of S. 275.

One new provision which I would like to discuss is a new Food for Development program which is part of title XI. This program would be a new title to Public Law 480 and would replace the "grant-back" authority which was added to the law in the 1975 amendments. Under the proposed food for development program, the President would enter into a multi-year agreement to supply title I financing to an eligible developing country to purchase American farm commodities. The developing country government would use the proceeds it receives from the sale of the commodities in its own markets for agricultural or rural development under a utilization plan which would be developed as part of the agreement. The President would then be permitted to credit such uses against repayment obligations for the title I loans. Such an arrangement could be an important element in a strategy to assist developing countries to increase their food production.

Another amendment which was adopted by the committee would modify the formula which requires a specific portion of title I assistance to be allocated to countries with a $300 per capita GNP or less, to adjust the need criterion to account for inflation and provide greater flexibility to the Secretary of Agriculture to allocate title I assistance on the basis of changing needs and supplies.

Other amendments would increase the minimum quantity which would be distributed through title II grant food aid programs, provide funds to develop handling, storage, and distribution facilities in developing countries and remove restrictions on title I assistance to certain countries.

The only committee amendment to which I take strong exception is that which would extend the prohibition which currently restricts title I assistance to countries which have expropriated U.S. property to title II. I regret that we should penalize needy people who participate in title II programs because of the policies of their government. I will move to strike this provision at the approriate time.

I understand that to simplify consideration of amendments to Public Law 480 the Chairman of the Committee on Agriculture, Nutrition, and Forestry will move to strike those amendments contained in title XI which correspond to the jurisdictional responsibilities of the House International Relations Committee and add them en bloc as a new title to S. 1520, the bill relating to bilateral economic assistance which was recently reported by the Senate Committee on Foreign Relations. I support this action and pledge my cooperation in facilitating consideration of the amendments when S. 1520 comes before the Senate.

FOOD STAMPS

Mr. President, the bill before us also relates to food stamps.

Food stamps constitute one of the most important nutritional programs this country has ever embarked upon. This program has provided, in a very efficient manner, food for millions of Americans who lacked the financial wherewithal to achieve an adequate supply.

The food stamp provisions that we have before us, which include some of the elements of reform many of us have worked on. Again I note the work of Senator DOLE and Senator MCGOVERN, along with the other members of the committee, in trying to improve on the food stamp program. I had introduced some of these same measures in S. 903. Most importantly, the program should be extended for 5 years. President Carter has indicated that he will suggest major changes in welfare programs, including food stamps. It is important the food stamp program have firm footing until we can evaluate the President's proposals.

The most important change that the committee made was the elimination of the purchase requirement. Enacting this provision into law will mean that eligible households will have the opportunity to acquire food stamps without a cash purchase requirement. This will mean that the Nation's poorest citizens will have access to the program, many for the first time in their lives. Also, it will mean a substantial reduction in administrative costs.

Two other provisions should be mentioned here. The first is the inclusion of an excess shelter deduction. I was very pleased to see this proposal adopted by the committee. This will allow an eligible household to deduct shelter costs incurred in excess of 50 percent of income after other deductions have been allowed. The maximum deduction under this section would be $75. The second provision that I would like to mention is a dependent care deduction, in an amount not to exceed $85 per household. This provision will actually save the Government money over the longrun. It is hoped that the existence of such a provision will allow participants within the household to have the opportunity to take advantage of work opportunities. In the past, we have not provided enough incentive for individuals with the burden of dependency. This will help.

SOLAR ENERGY

Finally, on solar energy:

There is no greater source of energy than the Sun. Yet, in a period of tight energy supplies and rising energy costs, we have yet to begin to tap this inexhaustible source of power. I am pleased that the committee has joined me in asserting that now is the time to move ahead to take advantage of this important resource.

The provisions relating to solar energy that we have before us were presented by me in S. 820 and S. 821. Provisions relating to solar energy can be found in title XIII of S. 275. The first provision that I would like to discuss has to do with strengthening solar energy research that is related to agriculture. The second provision establishes demonstration farms to show the potential of solar energy for agriculture and rural America. The purpose of the second provision is to establish a nationwide network of demonstration farms to show the farmers of America, as well as the emerging solar energy industry and other interested parties the utility of this resource while, simultaneously, having the capacity to experiment with new forms of this resource. I am very confident that this investment will pay extremely large dividends in the very near future.

While I am quite pleased with the committee's work regarding solar energy, I will move, at the appropriate time, to offer a few amendments that have been suggested to me to bolster this section.

Mr. President, I have one item that is of particular concern to many farmers in Minnesota.

"FORM G" LOANS

The issue I would like to discuss while the Senate considers farm legislation is an issue which has caused some concern on the part of some of my constituents. The Department of Agriculture recently announced that the arrangement which is currently provided to the producers of rice, cotton, and soybeans to permit commodity loans to be extended through cooperatives would be extended to wheat and feedgrains.

I support this approach which is popularly referred to as "Form G" loans. I feel that it could facilitate greater participation of farmers in direct export marketing and could provide greater flexibility and benefit in the marketing of agricultural commodities generally.

I believe that the concern over this arrangement has arisen out of a certain degree of misunderstanding.

First, it is not a new program. Rice, cotton, and soybean producers have had this option for many years. Second, it would in no way disadvantage or restrict the availability of commodity loans or other farm benefits to farmers who are not members of cooperatives. While I strongly support cooperatives, I certainly would oppose any actions which would force a farmer to join a cooperative to enjoy the benefits of basic farm programs. The "Form G" arrangement is simply an option to assist farm producers who might want to "pool" their production through their cooperative to increase their marketing flexibility.

In closing, I would like to stress that the farm bill comes to the Senate at a very important time. Our world agriculture has snapped back from the doldrums of a few years ago to record levels of productivity. The existence of a strong supply situation should not let us become complacent. We must continue to work to enhance our agriculture, to increase its efficiency, and to generate even higher levels of productivity. We should step ahead to find new markets for our products. Our policies should not be based on a perception of today's situation, but on what we see over the horizon. If we can meet this test, then our Nation will have a food and agricultural policy that will serve both our farmers and consumers effectively, efficiently, and with great foresight.

I thank the Senate for the opportunity to present these views. As I said in the beginning, I applaud the chairman, in fact, every member of the committee. I think it is fair to say that this committee is the least partisan of any committee or surely no more partisan than any committee of the Congress. We do not look upon this as a matter of party politics. We look upon our agricultural programs as how they contribute to the strengthening of, and the enhancing of, the family farm; how we can improve production and distribution; how we can provide a better product for the American consumer, and how the United States of America can become a reliable source of supply in an export market.

The bill before us, S. 275, I believe, meets all of these standards. I commend the chairman and, as I said earlier, the staff has worked so hard on this bill. I am proud to have had a chance to have some participation in its preparation and to have voted for it in committee. I will surely support it here on the floor of the Senate.

(At this point, Senator Muskie assumed the Chair.)

Mr. DOLE. Will the Senator yield?

Mr. HUMPHREY. Yes.

Mr. DOLE. I thank the distinguished Senator from Minnesota for his many contributions to the bill, and particularly for his statements earlier about the budget and income protection for farmers.

This is a nonpartisan committee so I do not suggest this in any other sense, but in 1975 we passed a bill in this Senate by a vote of 57 to 20-some, and we set the target price for wheat, in 1975, at $3.10 a bushel.

President Ford finally vetoed that bill. There were cries of anguish, and I think with some justification. I only say that because for the 1977 wheat crop we now have in the bill before us a target price for wheat of $2.90.

I have just looked at a letter being distributed by Secretary Bergland who opposes the $2.90 target price. I do not want to fuss with Secretary Bergland. He is a fine man and he understands agriculture. But he is getting pressure from OMB.

I share the view expressed so well by the distinguished Senator from Minnesota, who has been arguing farm bills since 1949. We are not seeking to break the bank. Farmers want their money in the marketplace. Right now, wheat is a very distressed commodity. The prices in western Kansas are less than $2 a bushel. That is down about $3 a bushel in the past 24 months.

We are just suggesting that if the cost of production is $3.10, or whatever, in 1977, it is not unreal to say we ought to have a target price of $2.90.

There may come a time when we have to give a little bit, but I do not suggest that time has come yet.

I appreciate the statement of the Senator.

Mr. HUMPHREY. May I say to the Senator the target price in this bill is surely not extreme. The Senator is so correct. I was one of those who supported the higher target prices in the Emergency Farm Act which President Ford vetoed. In the period of time since then, as the Senator has properly noted, the cost of production has gone up and prices have gone down. The price of land on which the farmer has to produce has gone up. His bank loans are up.

If the people will read the financial section of the New York Times this morning they will see what is happening. The large metropolitan banks, as the article says, are loaded with money. They are now lending that money to rural banks. The rural banks are making loans to the farmers.

It is interesting that as the big financial banks of America are literally awash with money, money literally pouring in with no place to go, they want to raise the interest rates.

I am an old fashioned sort of fellow. I always found that when we had excess inventory we cut the price.

I only quote what the papers say, and the Wall Street Journal confirms it, that these big metropolitan banks are awash with money, flush with money. They are looking for places to put it. They are now loaning it to the rural banks. The rural banks in turn, of course, pay an interest rate to the big banks, and the rural banks have to charge an extra interest rate to the farmers in order to sustain the solvency of their banks.

Many banks in my State, have loaned up to 70 percent of their capacity to loan.

We need the target price level of this bill.

Mr. TALMADGE. Will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. TALMADGE. I congratulate my able friend and colleague from Minnesota on his eloquent, articulate, and logical speech. I particularly thank him for the generous personal references to the chairman, the ranking minority member, and the members of the committee.

Mr. HUMPHREY. I thank the Senator.

I know my friend from Oklahoma is here (Mr. Bellmon). I would be remiss if I did not say that of all the men I have known over the years, in my many years in the Senate, who have made a positive and constructive contribution to sound agricultural policy, none can exceed what the Senator from Oklahoma has done and continues to do. He is truly remarkable. I have the greatest admiration for him and respect for his judgment.

I think this once again demonstrates while we have some differences from time to time over an item—and I see my good friend Senator Curtis in the Chamber, and we have had our arguments in committee—by and large when we come out of the committee to this Senate with our farm bills, no matter what our political persuasion may be, we come out with a bill which is one of reasoned judgment, one that basically meets the overall understanding, as we see it, of the needs of the American agricultural economy. I commend my colleagues and the others, of course, who have participated.

Mr. BELLMON. Mr. President, I thank my friend from Minnesota for his kind comments.

Will the Senator yield 2 minutes?

Mr. TALMADGE. I yield 2 minutes.

Mr. BELLMON. The work of the distinguished Senator from Minnesota on the Agriculture, Nutrition, and Forestry Committee is probably as valuable as any other member, or perhaps more so. There is not anyone on the committee who speaks as well for the farmers as does the Senator from Minnesota. Coming, as he does, from a rural background he certainly knows whereof he speaks.

I would like to cite a document that bears out the points the Senator from Minnesota was just making about the condition of farmers and ranchers. It is the document I referred to earlier, published by the USDA. It is a Special Summary on the Farm Financial Situation. I am not sure the Senator from Minnesota has seen this. It shows that in the nine Central States, Colorado, Kansas, Minnesota, Montana, Nebraska, North Dakota, Oklahoma, South Dakota and Texas, there are 59,300 farmers and ranchers who, to paraphrase it, cannot pay their debts. If we do not come to their assistance, that will be the end for 59,300 farm families. It will mean several thousand additional people on the unemployment rolls. This will certainly add to the cost of welfare programs of one kind or another.

While this legislation deals with farmers, it also has great impact on the conditions in our cities. The problems we have in our cities in so many cases have their genesis in the fact that rural economics have been so bad in the past that a lot of people have been forced out of agriculture and into the cities, where a lot of them are now living in poverty with great hardships, causing serious problems for the urban centers.

This bill should not be thought of as just a farm bill but it is a bill of great national significance. I thank my friend for yielding.

Mr. TALMADGE. Mr. President, I yield 2 minutes to the distinguished Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I should like to ask, if I may, a question of the Senator from Minnesota.

First, there are farm problems all over. I read in the National Geographic Magazine that someone asked a farmer in Maine how things were and he said it was the best year he ever had; he is breaking even.

My question of the Senator is: I heard him say in his remarks that, with the elimination of the cash payment in the stamp program, he anticipated there would be substantial savings in administrative cost.

Mr. HUMPHREY. That is correct.

Mr. CHAFEE. I hope so, too. However, with his vast experience in Government, I ask the Senator, I wonder if he thinks it will take place. Will any savings be made?

Yes, we will not be having the administrative problems, but does he think anybody will be eliminated from the Department's payroll?

Mr. HUMPHREY. I say to the Senator that I cannot provide any assurances about that. Most of all, the administration of the food stamps is essentially done at the local level, done out home at the county level.

Mr. CHAFEE. But certainly being paid for.

Mr. HUMPHREY. The Federal Government helps pay on those costs. But it is my judgment, from what we heard in testimony, and that is what I was speaking of, that, at least as far as the administrative costs are concerned, they will be reduced.

As far as other costs are concerned, they may be increased because of increased enrollments.

We have been working on the food stamp program over the past years and I think we have come up with a much better program than we had. It has been a difficult assignment.

There have been a number eliminated from the food stamp program that never should have been in it. The effort has been made to provide the food stamp program for those that are really in need.

Whether or not the administrative costs will be substantially reduced, I say in all candor to the Senator, I think I shall have to wait a year to give an honest answer.

Mr. CHAFEE. I am reminded of when I went over to the Navy Department. My predecessor was Mr. Paul Ignatius. He had what he called Ignatius' law, as far as the purchase of aircraft went. Ignatius' law was: "If you buy more, it costs more; if you buy fewer, it costs more."

If I might subsequently inquire of the Senator a year from now whether the administrative costs have gone down, I should appreciate that prerogative.

Mr. HUMPHREY. I hope that we both can remember this pleasant conversation. I hope that I can give an affirmative answer, but I ask that the Senator not hold me to it.

Mr. CHAFEE. I shall in no way hold the Senator to it nor expect it.

Mr. TALMADGE. Mr. President, I have received a letter from the distinguished Secretary of Agriculture, dated today, making certain observations about the bill pending on the floor. I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 23, 1977.

Hon. HERMAN E. TALMADGE,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Concern has been expressed in the Senate about the potential impact on the budget for Fiscal Year 1978 of three provisions of S. 275, the Food and Agriculture Act of 1977, as reported by the Committee on Agriculture, Nutrition, and Forestry.

The provisions are: (1) the increase of $2.90 (from $2.47 in existing law) in the target price for wheat for the 1977 crop year; (2) creation of a stock of not less than 2 million tons of food for an International Emergency Food Reserve; and (3) authority for the Secretary to acquire up to 75 million bushels of wheat, food grains, and soybeans.

The Department opposes an increase in the established price for 1977 crop wheat as proposed in S. 275.

However, the President is deeply concerned about the financial plight of many wheat producers, and he has authorized me to endorse an increase in the target price for 1977 crop wheat to $2.65 per bushel, but on the condition that the Administration's legislative proposals for wheat and feed grains for the 1978 and subsequent crop years are adopted.

As I have outlined previously, the President has proposed an income support rate (target price) of $2.90 per bushel for wheat in the 1978 crop year, with adjustments in future years to reflect changes in non-land production costs, and minimum market support (loan) rate of $2.25. The President also has proposed an income support rate and market support rate of $2 per bushel for corn in the 1978 crop year, with adjustments in the income support rate in subsequent years to reflect changes in non-land production costs.

The Department estimates the additional cost of deficiency and disaster payments with an income support rate of $2.65 at $408 million; the additional cost of income support rate of $2.90 per bushel, as proposed in S. 275 would be $883 million. An amendment which would reduce the income support rate for wheat to $2.65 would save $475 million from our estimated total cost of S. 275 for the 1977 crop year.

Moreover, using the Department's cost estimates based on favorable weather, the Administration's proposal would save an average of $1.9 billion annually in Fiscal Years 1979 through 1983, compared with the cost of S. 275.

Section 1002 of S. 275 would amend the Agricultural Act of 1949 to authorize the President to negotiate with other nations to create an International Emergency Food Reserve, and to authorize the Secretary to acquire not less than 2 million tons of food for such a reserve, increasing the stockpile to not more than 6 million tons upon completion of an international agreement.

The Department estimates that the cost of acquiring 2 million tons of food grains in Fiscal Year 1978 would be $170 million, with an annual cost of $16 million in subsequent years for storage and maintenance of such a stockpile.

This cost estimate, however, assumes that the Secretary would purchase the full minimum amount authorized in FY 1978, instead of in FY 1977. Making such purchases in the current fiscal year would mean only the $16 million for storage and maintenance would be added to FY 1978 outlays.

Section 1003 of S. 275 gives the Secretary authority to purchase feed grains, wheat, soybeans, hay, or other livestock forages for use in the emergency livestock feed program authorized by the Agriculture and Consumer Protection Act of 1973.

The Department would prefer, as an alternative to acquiring and maintaining stocks for use in alleviating feed grain shortages for livestock producers, an amendment which would authorize the Department to issue to eligible livestock producers in areas affected by drought, vouchers which could be used to obtain feed grain at a rate of not more than 2 cents per pound.

Such a proposal has been advocated by the President as part of his comprehensive drought assistance package, and the Department strongly endorses its inclusion as an amendment to S. 275.

The Department estimates the cost of an emergency livestock feed program at $75 million in Fiscal Year 1978. This year about $86 million is being expended for this purpose. The $75 million will not be an additional outlay since funds for an emergency livestock feed program are already in the budget for the Federal Disaster Assistance Administration. I should point out that the authority in Section 1003 is discretionary with the Secretary, and that adoption of the President's proposed voucher system would make it unnecessary for the Department to incur any costs under Section 1003 in Fiscal Year 1978 or in subsequent years.

Sincerely,

BOB BERGLAND,
Secretary.

Mr. TALMADGE. I yield 3 minutes to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, I thank the Senator. I shall be fairly brief.

First, Mr. President, those of us who have been here during the debates and passage of many farm bills and have seen the operations certainly feel a special debt of gratitude to our chairman and ranking minority member, and all the members of the committee for their long, diligent course of inquiry and development of the facts, searching out and weighing the benefits and burdens and costs of the various aspects of these programs. There is nothing more essential, not just for the farmers as such, but in all of our economy or for our entire people—that is, those who live in the cities, in the countryside, everywhere—than is the farm production, the agricultural production of our great Nation. In the first place, it is the food and fiber that is so essential to basic needs, year after year.

We all are conscious now of energy and energy sources and supplies, very properly so.

On the other hand, every year, there must be a supply of raw materials in the agricultural world. If that production should stop or be greatly hindered or exhausted in any way financially, every man, woman, and child in this Nation would suffer. So this bill is not a relief or a welfare bill, as such, for any special group. This goes to the very basic foundation of the strength of our economy, for the food and fiber and all related matters that go with it.

In addition, there is here some assurance about farm production as the basis for the greatest single part of our foreign trade the so-called balance of payments. The greatest percentage of all is supplied right here through these farm products.

I know we do not get everything we might wish. We do not get our own judgment on every bill on every subject, as vast as this one is, especially.

I know the committee worked long and hard on the food stamp program. I know that there are some aspects that do a lot of good. There are a lot of aspects of it that do a lot of harm, in my opinion. It is too easy to get, too easy to share, too easy to abuse. There must be something done, more done than can possibly be done in 1 year of reform, in rectifying and modifying this vast program. I hope that this bill makes some headway in that direction. I think that it does.

I feel that this is a new approach in some ways, too, with reference to the target price. It is going to be a great assurance to the farm producer without being a runaway program that will create the vast problems that some of its predecessors have created in years past.

Mr. President, the 1977 Farm Bill is one of the most important bills that will receive the attention of the Senate this year. Agriculture is the largest industry in the United States. The productivity of American agriculture is a matter that basically concerns every citizen of the Nation, and further is a key factor in the survival of many of the people who live in the hungry nations of the world where food requirements exceed production.

This bill, S. 275, is brought to the floor in a very prompt and timely way. The distinguished Chairman of the Committee on Agriculture and Forestry (Senator TALMADGE) as I said, is certainly to be commended for his diligence in bringing out a very comprehensive omnibus type farm bill in a relatively short period of time. He introduced S. 275 on January 18 and the bill was ordered reported on May 10. I know that this required an intensive hearing schedule, because of the broad scope of the legislation, and many long committee meetings to resolve the problems encountered. All members of the committee deserve to share credit for the effectiveness of this legislative endeavor.

In a bill of such broad scope, it is inevitable that there are aspects that do not fully satisfy all who are engaged in agriculture or involved in the legislation. Everyone cannot get everything he wants. There are concerns about the changes in the allotment system and about the commodity support levels. There are reservations concerning the Food Stamp program and the Public Law 480 Food for Peace program. Some of these matters are, no doubt, not yet finally resolved, as far as the full Congress is concerned, and there will be changes by the time the bill becomes law. In any case this law is going to result in improved farm programs in comparison with the present ones. I have no doubt about that.

I particularly welcome the fact that target prices are to be set at the cost of production. This does not guarantee a profit to the farmer. It just means that what he harvests he need not sell at a loss.

I suppose no farmer ever harvests as much from his acreage as he hoped he might when he planted it. He is fortunate when he can harvest a reasonable expectation—his average yield over recent years. Too frequently he may get much less than that, because of the vagaries of weather and the onslaughts of insect pests and other hazards. With all these factors working against him it is not too much to ask that what he is able to raise be sold at what it cost him, and not at a loss. For profits he is still going to have to look to his own skill, good luck with weather, and a good world market price.

I say world market price because of the importance of exports in disposing of our agricultural production. Conversely, of course, to much of the rest of the world access to American grain, at least in bad crop years elsewhere, is absolutely essential.

In passing I will add that in my view a world food shortage is sure, if the projected population growths as presently estimated are at all accurate. It is just a question of when it will occur, but it certainly is only a matter of decades. It is as sure, and more so, as it is that the world is going to run out of oil one day. It is a larger problem than the oil program. There are substitutes for oil, but not for food. Acute food shortages may one day become the greatest threat to world peace.

In any case, our export markets are needed to maintain a reasonable balance of trade; they are needed by the farmers so they can continue the present policy of maximum production; and they are needed by American consumers because maximum production means lower unit prices to domestic users. The Public Law 480, food for peace provisions of this bill are an important part of export marketing.

Also important is the provision for establishing farmer held wheat reserves, using extended loans. Given the vagaries of the world climate in recent years, and steady demands of the export market, it is prudent that we establish a reserve. It protects our people, and it protects the farmers against export embargoes that might otherwise be considered if carryover stocks become dangerously low. It goes without saying that when you create reserves, you must also create safeguards against destroying market prices by dumping reserves, which is done in this bill by triggers geared to the loan levels.

I wish to comment favorably on the lengths of the various authorizations provided in this bill. As far as the commodity programs are concerned, they are for 5 years. That is good. Farmers need to know where they stand for a reasonable number of years ahead.

The disaster payment program, with some modifications, is extended for 2 years. This program is acknowledged to need evaluation, and consideration in conjunction with crop insurance. Two years is long enough.

The Food Stamp program is extended for 2 years. That certainly is long enough. There is disquiet in the Nation about this program because of extensive abuses. It was a minor program when it started, and it became open-ended and ran away with itself. This bill endeavors to exercise restraints on those who would be eligible, and greatly simplifies the system by which itemized deductions are made from income to determine eligibility for food stamps. These are steps in the right direction.

The bill does away with the requirement that recipients pay cash for part of their stamp allotment. This change, recommended by the administration, raises grave doubts in my mind, and I note that the committee members were divided in their views on this. Food stamps started out as a means of bringing nutrition to families of limited means. It has now gone full circle to join the welfare system as a payment in lieu of cash. It is just another means of income redistribution, and we might as well recognize it as such.

I am very pleased to see the stress given in this bill to agricultural research. As I have indicated, the world situation with respect to food is going to be as difficult as it is for energy, with the passage of time, and we should not become so preoccupied with energy research that we neglect the agricultural research. It is an essential investment for the future.

Mr. President, one of the difficult things about farm legislation is that it is not well understood by many citizens, particularly those in large urban areas, who are so heavily represented in the other body of the Congress. Good farm legislation is important to every consumer, perhaps more so to him than the farmer himself. I wish all consumers knew that the farmers are their allies, not their adversaries. I wish they all knew that there is nothing in this bill for the beef producers, for example, who are trying to ride out an extremely difficult market cycle, and their degree of success is going to be very important to the public. I am afraid that when this bill becomes law, there will still be many, many people who believe farmers get paid for not growing crops; many people who believe that the high retail price they pay for food is going into the farmers' pockets; and too few people who realize that the farmers' return on investment is much less than in other industries.

Mr. President, this is good farm legislation. It is good for the consumers, for it protects the source of their food supplies. It protects the farmers against catastrophic market conditions, and puts him on his own, like any other businessman, when it comes to making profits. I urge the prompt passage of the farm bill of 1977.

Again, I thank the Senator from Georgia for allotting me this time.

I yield the floor, Mr. President.

UP AMENDMENT NO. 279

Mr. BELLMON. Mr. President, I have an amendment at the desk. I ask that it be considered.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

> The Senator from Oklahoma (Mr. BELLMON) proposes unprinted amendment No. 279.
>
> On page 112, line 2, insert immediately before the period the following: ": *Provided*, That whenever the carryover of wheat at the end of a marketing year exceeds 175 per centum of domestic use for such marketing year, the Secretary shall require a set-aside of cropland for the next succeeding crop of wheat".

Mr. BELLMON. Mr. President, the purpose of this amendment is to strengthen the hand of the Secretary of Agriculture as he attempts to bring production of wheat in line with demand. The use of the set-aside is going to be politically painful. It will not necessarily always be popular with producers; it may not even be popular with consumers.

The purpose of this amendment is to say to the Secretary that Congress will support him if he uses the set-aside any time the supply or the carryover of wheat exceeds 175 percent of domestic use. And

175 percent is almost as much wheat as we use in this country in 2 years. It amounts, under present levels of domestic consumption, to about a billion bushels a year. This will simply mandate a set-aside any time the carryover reaches those levels, and would make certain that we shall not allow our surpluses to get to unmanagebale levels before the set-aside is put into play.

Mr. President, I have discussed this matter with the distinguished chairman of the Committee on Agriculture and with the ranking Republican member. It is also my understanding that the Secretary does not oppose this amendment. I hope that it can be accepted.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. Mr. President, I have discussed this amendment with the distinguished Senator from Oklahoma, as well as with the distinguished ranking minority member.

The simple facts are that we are in an extreme crisis, insofar as wheat is concerned, in this country. At the end of this harvest year, we probably will have in excess of 1 billion bushels. The United States uses, domestically, as I recall, something on the order of 700 million bushels of wheat a year; so we shall have surplus wheat of almost 2 years' supply at the end of this year. Unless we have a tremendous demand internationally for wheat during this year, I think it is going to be almost a certainty that the Secretary of Agriculture will have to put in a set-aside for wheat next year.

I hope that sad situation will not eventuate. But unless we have increased demand for exports for wheat this year, I see no other alternative except to put in a set-aside for wheat, or else build more Government warehouses to store surpluses.

With those conditions, I have no objection to the Senate agreeing to the amendment proposed by the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. Is all time yielded back?

Mr. BELLMON. I yield back the remainder of mv time.

Mr. TALMADGE. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment was agreed to.

Mr. BELLMON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. TALMADGE. I move to lay that motion on the table.

The motion to lay on the table was agreed to .

Mr. TALMADGE. Mr. President, I believe the distinguished Senator from Montana has an amendment and I think the distinguished Senator from Alabama has one.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, may I have 2 minutes?

Mr. TALMADGE. I yield 2 minutes to the distinguished Senator from Montana, who is a valued member of the Committee on Agriculture, Nutrition and Forestry.

Mr. MELCHER. I thank the chairman.

Mr. President, it has already been previously recited here this afternoon in colloquy between Senator HUMPHREY and Senator DOLE, referring to a 1975 act, the Emergency Farm Support Act of 1975, where the target price for wheat was $3.10 per bushel, and President Ford vetoed the bill.

It was a veto that I thought was a mistake, and the wheat farmers across the country thought it was a mistake. But we lived with it, and the cost of production of wheat since 1975 has gone up.

Yet when we approach the floor of the Senate with a bill that will set the target price for wheat at $2.90 per bushel, less than what the Congress approved for target price on wheat in 1975, we have to tolerate the objections of the Secretary of Agriculture speaking on behalf of the Carter administration.

We have the letter dated May 23 from the Secretary of Agriculture, Bob Bergland, just delivered to the Senate today, now entered into the RECORD, where the Secretary says, "We object to a target price of $2.90 for wheat for the 1977 crop."

I can say one thing: that is not what Bob Bergland said in 1975. I do not know what President Carter was saying in 1975 about wheat, but I do not think he was saying anything like that last fall during the campaign in 1976.

We should not be subjected to this kind of browbeating against the just interests of wheat farmers. The cost of production has gone up; $2 is not where it should be. It is much too low as a target price for the 1977 wheat crop. Indeed, rather than lowering it, we will attempt to raise it because it is too low.

The cost of production is much too high to tolerate those kinds of figures.

While the cost of production figures vary, depending on who makes the estimate and where the estimate is made, the consensus is that it costs about $3.25 to $3.50 per bushel to raise wheat now.

So a target price below that is still a price below the cost of production.

Now, we need the wheat. I know we have surplus, but we do need the wheat for the long haul. People in this country are hungry at times. People throughout the world in various areas are hungry at all times.

We need the wheat for sale in order to meet our balance of payments, to help offset the high prices we are spending abroad for oil, just to name one import.

Rather than the admonition of Secretary Bergland for a lower target price for wheat, I believe the Senate should address itself to the very justifiable cause of increasing the target price for wheat in this bill when we act on it tomorrow.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, in response to the distinguished Senator from Montana, because I share the views he expressed, I do have some insight on what candidate Carter said about agriculture last year.

He said in Des Moines, Iowa, on July 12, 1976, that his agricultural bill would combine full production with Federal subsidies to assure farmers' production costs are met in the prices they receive.

He said his agricultural policy as President combines full production with Federal subsidies to assure farmers' production costs—he said that a second time.

He said on August 26, 1976:

> If I am elected we will make sure that our crop support prices are at least equal to the cost of production.

He went on to say, and I share his view:

> That will not guarantee a profit—no real farmer wants that—but it will give the determined farmer a chance to stay in business. . . . We need to guarantee a decent price for the farmer and a reasonable price for the consumer.

With specific reference to the bill President Ford vetoed, the Senate passed a bill that year in March, and the target price for wheat was $3.46 a bushel. The House figure was $3.10, and I think we probably accepted that figure as the target price in 1975.

But in the Christian Science Monitor, September 1, 1976, then-candidate Carter is quoted saying:

> Congress tried to give our rural families, a chance when it passed the Emergency Farm Bill in 1975. But one of the first things President Ford did was to veto that bill.
>
> Congress tried to give them a chance by setting milk support at 85 per cent of parity. But President Ford vetoed that bill.
>
> Congress tried to give them a chance by sharing conservation costs. But President Ford vetoed that bill.

I suggest he was probably on the side of the farmer at that time, and I hope he still is on that same side, but I share the view expressed by the Senator from Montana with reference to the letter of Secretary Bergland. I think I know how he voted in 1975.

I know he has responsibility now, and many pressures from OMB, and a responsibility for the cost of Government. But it does seem to me, based on the statements I just alluded to, and there are many more statements which could be quoted and may be quoted during the course of this debate, that wheat farmers are in a very distressed condition.

Part of that fault lies with the previous administration—I am not suggesting it does not—because of the bad policy of the embargoes. But, on the other hand, we find the farmer in that plight because of planting having been encouraged by the Government.

It is certainly up to this Congress and this administration to give him some income protection.

I share the views expressed so well by the Senator from Montana and others on the committee.

Yes, we have a selfish interest. We come from wheat States. We want our farmers to continue farming for the sake of themselves and the American consumer and the American economy.

So we hope we are not shot down on the Senate floor, not for trying to even get the cost of production, but somewhere near that, in the $2.90 figure for 1977.

So I just wanted to add my comments in support of those comments made by the Senator from Montana.

Mr. MELCHER. Mr. President, will the Senator yield?

Mr. DOLE. I am happy to yield.

Mr. MELCHER. It is a bipartisan committee, and I think that, in a bipartisan way, we can help President Carter to live up to his campaign pledges if we at least address ourselves to improving the target price on wheat and to permit Secretary of Agriculture Bob Bergland to have a figure that he found acceptable and which he worked for diligently in 1975. I think that would be a reasonable and meritorious effort on our part.

Mr. DOLE. I appreciate that.

I think that everyone on our committee—as symbolized by the action of the chairman—is concerned about the budget cost, is concerned about the cost of the farm bill. We want the farmer to make his profit in the marketplace. The farmer does not want a handout.

If we are going to a have target price concept based on the cost of production, then it seems to me that is what we should be discussing.

I do not quarrel with Secretary Bergland's concern about the budget, nor do I quarrel with President Carter's concern about the budget; but I do at least take some issue with their concern about wheat producers right now. Next year, it may be rice producers. They have just come out of a period in which, for the first time, we have paid out $140 million in deficiency payments or target price payments on rice. Next year, it may be cotton producers. After that, it may be feed grain or corn.

It seems to me that it is difficult to estimate the cost of a farm program; because just in the few weeks since the Budget Committee put together their budget resolution—and I do not quarrel with their efforts; I quarrel with the results they want to acheive—the price of wheat has gone down. Every time the price of wheat drops a penny or a nickel, it raises the exposure of the Treasury. That price now is about $1.80 in Kansas, and I assume that the cost will continue to rise—at least the exposure, the outlays.

I still think we have a good farm bill and one that I hope will stay intact.

The PRESIDING OFFICER. Who yields time?

UP AMENDMENT NO. 280

Mr. ALLEN. Mr. President, I send to the desk an amendment on behalf of myself and my distinguished senior colleague, Mr. SPARKMAN.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> The Senator from Alabama (Mr. ALLEN), for himself and Mr. SPARKMAN, proposes an unprinted amendment numbered 280:
>
> On page 280, line 6, delete: "funded by this section"
>
> On page 285, delete: "funded under this section".

Mr. ALLEN. Mr. President, I ask unanimous consent that the two amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, back in 1862, land grant institutions were established in the United States, and they have done a great job in extension and research. In 1890, what are called "1890 institutions" were set up to provide extension and research facilities. The only trouble has been that the 1890 institutions—there are some 16 in the United States, and they are traditionally black colleges—and Tuskegee Institute have been mandated, in effect, to carry on retension work; but until recently they had received little, if any, money in the way of appropriations. In the last few years, some appropriations have been made by the Federal Government, but they have been made on an irregular basis.

Now, the Agriculture Department has approved amendments which would provide for regular funding of 1890 institutions. They approved, and the Senate Agriculture Committee adopted, amendments that were designed to provide that the extension and research work done in the State would be a joint, comprehensive program promulgated by the State director of the extension service and the educational institution or institutions involved, so that there would be only one overall program. That was the amendment that was recommended by the Agriculture Department and approved by the Senate committee.

The way the language came out in the bill in two places, this program is to be worked out between the State director of Cooperative Extension Service and the institution involved with respect to the funding made by this section, which is the funding for the 1890 institutions, the authorization for their funding, but it does not make the comprehensive program. So that under this, you could have two separate extension and research programs doing overlapping work.

The Department is suggesting an amendment which merely strikes out the four words "funded by this section" where they appear in two places in the bill. The effect of that would be that there would be a comprehensive program for all of the extension and research work done in the State by land-grant colleges and 1890 institutions and Tuskegee is not an 1890 institution, but it does that type of work and is included in the term "1890 institution."

All this does is to provide for a comprehensive, overall program. It is the language that was approved by the committee, and it comes out slightly different in the printed bill.

This amendment would restore it to the language requested by the Agriculture Department and as approved by the Senate committee. It would result in an overall, comprehensive program of research and development by federally aided institutions in a State.

Mr. TALMADGE. Mr. President, I have examined the amendment of the distinguished Senator from Alabama. Our committee voted unanimously for what they thought the Senator was offering. However, as I understand it, it develops that the language prepared would result in two competing programs in the State. What the Senator from Alabama would do would be to make it one research program in the Senate.

Mr. ALLEN. All that is involved would be working together to promulgate that program.

Mr. TALMADGE. I hope the Senate will agree to the amendment.

Mr. DOLE. Mr. President, I also have discussed the amendment with the distinguished Senator from Alabama. I thought we had it corrected in the committee. The amendment the Senator is offering now would clarify it, and I support the amendment.

Mr. ALLEN. I thank the Senator from Georgia and the Senator from Kansas.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time.

Mr. ALLEN. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ALLEN. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I ask unanimous consent to have printed in the RECORD a summary of the 1975 Farm Act and the vote thereon.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RECORD VOTE ANALYSIS: VOTE NO. 116

EMERGENCY PRICE SUPPORT

Subject: Agricultural Act of 1949 Amendments (H.R. 4296). Passage.

ACTION: PASSED

Synopsis: The bill as passed by the Senate would establish an emergency program for wheat, corn, upland cotton, soybeans, milk, and tobacco.

Under the program, the target prices and loan levels for wheat, feed grains, and upland cotton would be increased above the prices and levels specified in the Agriculture and Consumer Protection Act of 1973 (see Vote No. 349, 93d Cong., 1st sess.); a loan and purchase program would be made available to soybean producers; the 1975 support price for manufacturing milk would be established at 85 percent of the parity price therefor (with quarterly adjustments); and the 1975 support price for tobacco would be established at 70 percent of the parity price therefor.

I. Under the bill, target prices and loan levels would be adjusted as follows:

A. For 1975, target prices would be increased to—$3.41 per bushel for wheat from $2.05; $2.25 per bushel for corn from $1.38 (with other feed grains at comparable levels); and $0.48 per pound for upland cotton from $0.38.

B. For 1975, loan levels would be increased to—$2.89 per bushel for wheat from $1.37; $1.87 per bushel for corn from $1.10; and $0.40 per pound for upland cotton from $0.34.

C. For 1976, the target prices applicable in 1975 would be adjusted for changes in costs and yields. And for 1977, the applicable target price used as a base for adjustment would be that established for 1976.

D. Loan levels for cotton, corn, and wheat for the 1976 and 1977 crops would bear the same relationship to target prices as existed for the 1975 crops.

E. Target prices, loan levels, and payment rates for grain sorghum and barley would be in relation to corn, as at present.

F. For the period 1975 through 1977, nonrecourse loans would be available for 18 months for cotton and not less than 20 months for wheat, corn, and soybeans.

II. The bill would require that a loan and purchase program be made available to producers of soybeans for the 1975 through 1977 crops at a level reflecting the average relationship of soybean support levels to corn support levels during the immediately preceding 3 years. Under this formula, the 1975 loan level for No. 1 grade soybeans would be $3.94 per bushel.

III. The bill would require—effective between the date of enactment and March 31, 1976—that the support price of manufacturing milk be established at not less than 85 percent of the parity price therefor. In addition, the bill would require that the Secretary of Agriculture—beginning with the second quarter of 1975—thereafter adjust the support price for milk at the beginning of each quarter to reflect prices paid by farmers for production items, interest, taxes, and wage rates. Such estimated support prices would be announced not later than 30 days prior to the beginning of each quarter.

IV. The rate of interest on commodity loans for the 1975 through 1977 crops made by the Commodity Credit Corporation would be established quarterly on the basis of the lowest interest rate paid by the U.S. Treasury.

V. Loans and purchases for the 1975 through 1977 crops of soybeans would be made available at levels reflecting the historical average relationship of corn and soybean support levels.

VI. CCC resales with respect to the 1975 through 1977 crops of wheat, corn, grain sorghum, barley, or upland cotton would not be made at less than 115 percent of the established price and for soybeans at 115 percent of a comparable price level.

VII. Tobacco price supports would be at 70 percent of parity for the 1975 crop.

Amendments agreed to by voice vote included: Abourezk et al. providing a 90-day suspension on beef imports; and Metcalf et al., to raise price supports for wheat to the same levels as other feed grains.

Those favoring passage contended:

Although the Agriculture and Consumer Protection Act of 1973 was signed into law last August (Public Law 93-86), it became apparent just 1 year later that the price and income protection afforded by this legislation was totally inadequate. The bill was necessary to alleviate the uncertainty and fear in the agricultural economy by providing desperately needed price and income protection for the 1975 crop. Without some guarantees of minimum prices, thousands of farmers would be unable to make intelligent plans for planting their 1975 crops. Moreover, many farmers were experiencing great difficulty in obtaining financing to produce certain commodities because of the great uncertainties in agricultural prices.

Inflation made it necessary that the farm program be updated. The bill would instill greater confidence among farmers as they proceeded with plans for their 1975 crops. It would not guarantee them a profit, but it would at least provide them reasonable marketing stability for some of the major agricultural commodities. If farmers were to plant and increase food production, then they should be provided reasonable assurances they would not go broke if market prices happened to plunge.

The bill would not result in huge costs to the Federal Government, as some were predicting. Unless prices of basic farm commodities declined considerably more than they already had, there would be practically no additional cost to the Government. In fact, in 1974, taxpayers benefited by a reduction in the payments into the program from the peak of $4 billion to only $525 million. The cost of every price support Government program had increased sharply in the past 3 years. The farm price support program was the only major program where the cost to the Federal Government actually declined .

When the Federal Government was urging farmers to increase production, prices dropped unreasonably low. With the cost of farm operations having doubled in the last 2 years and still on the rise, farmers needed some protection, such as higher target prices and loan levels.

Those opposing passage contended:

No overall "emergency" existed in the farm sector to justify the bill's excessive increases in price support levels for wheat, feed grain, cotton, soybeans, milk and tobacco. Such increases would have predictable consequences in undermining export trade, or of necessitating export subsidies.

It would deny farmers the incentive to produce commodities needed in the marketplace, causing them, instead, to produce for Government guarantees. It would force cropland out of production and drain the Federal Treasury of billions of dollars in program payments, as well as lead to further increases in farm production costs and eventually higher food prices. To resolve declining demand for products and increasing production costs, the basic causes of these problems—recession and inflation—should be addressed, rather than the bill's inappropriate response.

The bill would reduce the production of food crops, and increase the production of nonfood crops in 1975 as compared to what would otherwise occur. It would induce farmers to grow more cotton (which was already in surplus) and less feed grains and soybeans (which were in short supply) than were planned.

Though grain prices declined in recent months, they were still far above levels of 3 or 4 years ago. Most wheat and feed grain producers had recently experienced high-income years. Cotton growers were unquestionably suffering, but the bill was not a proper solution to their situation.

Enactment of the bill would hurt American consumers. Consumers—at the very least—would pay 8 cents more for a gallon of milk, 20 cents more for a pound of butter, and 10 cents more for a pound of cheese, which would mean an additional $1 billion in grocery costs to consumers. In fact, the administration predicted the cost of the bill to the taxpayer would be nearly $2.5 billion in 1975, would escalate to nearly $10 billion in 1977.

Passage of the Agriculture and Consumer Protection Act of 1973 signaled a move away from the philisophy of Government management of agriculture, and toward the philosophy that the free market system offered the best hope for producers and consumers. The bill would abandon that approach in order to return to the practices and policies of the past, which were unfair to farmers, costly to taxpayers, and inefficient. The bill would not be in the best interests of American agriculture, consumers, or the economy.

Action: The bill was passed.

YEAS (57)

Republicans (15): Baker, Bartlett, Bellmon, Dole, Domenici, Hatfield, Helms, Hruska, Pearson, Schweiker, Scott, Hugh, Stafford, Thurmond, Tower, Young.

Democrats (42): Abourezk, Allen, Bayh, Bentsen, Bumpers, Burdick, Clark, Culver, Eagleton, Eastland, Ford, Glenn, Hart, Gary W., Hart, Philip A., Hartke, Haskell, Hathaway, Hollings, Huddleston, Humphrey, Inouye, Jackson, Johnston, Leahy, Long, Magnuson, Mansfield, McClellan, Metcalf, Montoya, Morgan, Moss, Muskie, Nelson, Nunn, Proxmire, Randolph, Sparkman, Stennis, Stevenson, Stone, Talmadge.

NAYS (25)

Republicans (16): Beall, Brock, Buckley, Case, Fannin, Garn, Goldwater, Griffin, Javits, Laxalt, Mathias, McClure, Percy, Roth, Scott, William L., Weicker.

Democrats (9): Byrd, Harry F., Jr., Byrd, Robert C., Chiles, Cranston, McIntyre, Pastore, Ribicoff, Tunney, Williams.

LIVE PAIRS (4)

Present and Giving: Hansen—PN, Pell—PN, Cannon—PN, Biden—PN.

Receiving: Curtis—PY, Church—PY, Mondale—PY, McGovern—PY.

† NOT VOTING (13)

Republicans (6): Brooke—2, Curtis—2PY, Fong—2, Packwood—2, ‡ Stevens—2AY, Taft—3AN.

Democrats (7): Church—2PY, Gravel—1, Kennedy—1, McGee—2AY, McGovern—1PY, Mondale—2PY, Symington—2AY.

SYMBOLS

AY—Announced Yea.
AN—Announced Nay.
PY—Paired Yea.
PN—Paired Nay.

EXPLANATION OF ABSENCE

1—Official Business.
2—Necessarily Absent.
3—Illness.
4—Other (see temporary Record page No.).

(Written and compiled by the staffs of the Senate Republican Conference and the Senate Republican Policy Committee.)

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without the time being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BELLMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 324—FORMERLY UP AMENDMENT NO. 281

Mr. BELLMON. Mr. President, I have an amendment at the desk and I ask that it be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma (Mr. BELLMON) proposes unprinted amendment numbered 281:

On page 163, strike the lines 14 through 25, and on page 164, strike the lines 1 through 25, and on page 165, strike the lines 1 through 24.

Mr. BELLMON. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BELLMON. Mr. President, I yield to the distinguished majority leader.

Mr. ROBERT C. BYRD. Mr. President, does the distinguished Senator wish to have any debate on his amendment today? It is the understanding that the rollcall vote will not occur until tomorrow.

Mr. BELLMON. Mr. President, I

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† New Hampshire election still undecided.

‡ See Congressional Record of April 23, 1975, p. 11391.

would like to, perhaps, take 2 minutes to explain the amendment. As far as I am concerned, any debate can occur tomorrow.

ORDER FOR RECESS UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE CONSIDERATION OF S. 275 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the prayer tomorrow morning the Senate resume consideration of the farm bill, S. 275.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, shortly the Senate will lay aside the farm bill and will proceed to the consideration of the education for the handicapped bill. So if the distinguished manager of the bill, when he completes discussion of this bill, will kindly put in a quorum call, I would appreciate his doing it. I thank the Senator.

FOOD AND AGRICULTURE ACT OF 1977

The Senate continued with the consideration of the bill (S. 275) to provide price and income protection for farmers and assure consumers of an abundance of food and fiber at reasonable prices, and for other purposes.

Mr. BELLMON. Mr. President, briefly, this amendment would strike the international emergency food reserve that S. 275 creates.

My concern is that under the terms of the bill, S. 275, as it now stands, the Secretary of Agriculture would be authorized to buy somewhere between 2 million tons and 6 million tons of grain.

We had some bitter experiences back in the 1960's when the Secretary of Agriculture at that time owned fairly large quantities of grain, and used those Government-owned reserves as a way of driving down grain prices any time the market seemed to get better. The result was that the Secretary, by simply calling a news conference and announcing that the U.S. Department of Agriculture was about to sell some grain, could manipulate the markets at will.

I am concerned that even though it is not the intent of the committee nor the intent of the Secretary that this happen again, the mere fact that the Secretary would own from between 2 to 4 to 5 million tons of grain would make it possible for the Secretary who desires to misuse or abuse his authority to repeat the performance of the past.

Therefore, I believe we ought to strike this international reserve, and if it is necessary for the Department to buy grain they could certainly do so at the time an international emergency developed. There is no point in buying grain and holding it and in this way be tempted to manipulate the markets.

Mr. TALMADGE. Mr. President, Senator HUMPHREY and Senator CLARK and various Senators on the committee were interested in this bill, and I am sure they will be on the Senate floor tomorrow morning and will debate it adequately before we vote. I understand the leadership expects to come in at 9 a.m. tomorrow, so we will have a vote at a very early hour and, hopefully, complete action on the farm bill tomorrow.

Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without the time charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The following proceedings occurred later in the day and are printed at this point in the RECORD by unanimous consent.)

Mr. RANDOLPH. Mr. President, I have had a request from the able Senator from Maine (Mr. MUSKIE) to make certain important brief remarks at this time. I ask unanimous consent that those remarks be printed in the RECORD at an appropriate place following the legislation we are considering, if that is agreeable to my colleague.

Mr. MUSKIE. Yes, it is. I thank my good friend the chairman of the Public Works Committee for yielding to me for this purpose. I happened to be presiding over the Senate when the farm bill was before the Senate, and I wanted a moment or two to alert the Senate that there are significant budgetary problems connected with the farm bill. I ask unanimous consent that my remarks appear at the conclusion of the consideration of the farm bill earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time used by the Senator from Maine (Mr. MUSKIE) not be charged against either side on the education for the handicapped bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MUSKIE. I thank the distinguished majority leader.

Mr. President, the farm bill (S. 275) which we began considering earlier today and will consider again tomorrow makes major changes in the farm income support programs which greatly increase the budget for fiscal year 1978, as well as future years. President Carter has stated explicitly that he will veto the bill as reported if it passes the Senate in its present form, and there was placed in the RECORD earlier this afternoon by the distinguished floor manager a letter which Senators have received from the Secretary of Agriculture, Mr. Bergland, detailing the administration's problems with the bill.

As chairman of the Budget Committee, I am deeply concerned that the provisions to which the President objects also exceed costs requested by the Agriculture Committee in its March 15 report which outlined its legislative agenda upon which the budget resolution Congress approved 10 days ago was based. As a result, the cost of this bill was not contemplated in the first concurrent resolution and full funding of this bill, as reported, would breach the resolution targets by almost $1 billion. Since much of the cost in this bill involves entitlement programs, there will not be a subsequent opportunity to reduce these costs through an appropriations bill.

The largest single element of this overage results from an increase to $2.90 per bushel from $2.47 in existing law—in the target price for wheat for the 1977 crop year. This provision increases entitlements for the 1977 wheat crop with respect to payments to farmers to make up the difference between the season average price and the target price. While the first concurrent resolution estimated some increase in commodity price support outlays based on best estimates of weather, planting decisions, and world market conditions, the $2.90 figure is excessive, and I will introduce an amendment to reduce that amount to $2.65. The result would be a savings of approximately $0.5 billion which would still allow an increase of $0.18 per bushel over existing law. I understand that President Carter would not veto the measure on this account if the 1977 wheat crop price I support is reduced to this level.

I am also concerned about the international grain reserve, another item in this bill which may have fiscal 1978 implications depending on the manner in which the program is implemented. To avoid this potential source of additional cost, I understand that Senator BELLMON this afternoon offered an amendment to eliminate this item as a fiscal 1978 cost problem, and there will be a rollcall vote on that amendment sometime tomorrow. I will certainly support his effort to bring the farm bill into line with the first concurrent resolution.

Now is not the time to commit the Federal Government to additional spending not contemplated in either the congressional budget or the President's. The budget contains a generous allowance for agricultural programs. The Senate adopted an outlay target of $3.7 billion for agriculture. The conference raised that target toward the House level, to $4.35 billion. Both Houses have now adopted that figure. The deficit for fiscal 1978 is already $64.6 billion. We simply cannot afford to push this figure any higher. We must not abdicate our responsibility to take a fiscally responsible course in our domestic programs.

I urge my fellow Senators to support

the first concurrent budget resolution by supporting the amendments I have described in my comments this afternoon.

With that I yield the floor. I thank my good friend, Mr. RANDOLPH, for his courtesy in giving me this time.

(This concludes the proceedings which occurred later in the day.)

ADDITIONAL STATEMENTS SUBMITTED ON S. 275

ILLINOIS FARMERS' VIEWS ON FOOD AND AGRICULTURAL POLICY ISSUES

Mr. PERCY. Mr. President, this week, the Senate must make major decisions about the basic agricultural legislation which expires at the end of 1977. From the standpoint of potential budget costs, effects on the general economy and the welfare of farmers, these actions will be among the most important to be taken during the 95th Congress.

Since these decisions will affect virtually every American and will particularly affect several thousand farmers in Illinois—this country's leading agricultural State—I recently mailed a survey to 140,000 Illinois farmers on issues dealing with food and agriculture policy at the Federal level.

Mr. President, I ask unanimous consent that the results of my survey be printed in the RECORD for the information of Members of the Senate during deliberations on S. 275, the Food and Agriculture Act of 1977.

There being no objection, the summary was ordered to be printed in the RECORD as follows:

SUMMARY

CONGRESSIONAL ACTION ON FARM LEGISLATION

(1) The Agriculture and Consumer Protection Act of 1973 (Farm Bill) is due to expire at the end of 1977. What do you think Congress should do about future farm legislation in 1977?

	Percent
Keep the present law as it is, extending it for another period of years	18.5
Let the law expire, allowing pre-1973 prices and income support laws to become effective	2.6
Keep the 1973 Act in its present form, but raise target and loan prices closer to costs of production	36.7
Keep the 1973 Act in its present form, but raise target prices equal to costs of production	42.2

The vast majority of farmers preferred keeping the 1973 Act in its present form but favored raising target and loan prices closer or equal to costs of production. A large percentage of Illinois farmers favor raising the target prices as high as the cost of production.

BASIS FOR ESTABLISHING TARGET PRICES

(2) If the target price system is to be kept in new farm legislation in 1977, on what basis should target prices be established?

	Percent
Start with current target prices, adjust each year for changes in the prices farmers must pay for production items, including labor and interest rates	42.4
Use the average cost of production for the major crop producing area, including average land costs	39.3
Use the parity principle of equal purchasing power for farmers calculated from the 1910–1914 base period adjusted for recent changes (current system)	16.6
Other	1.7

Most farmers who responded do not favor using the present "parity principle" as the basis for determining target prices. Instead, they strongly favor basing target prices on a "cost of production" concept.

RECOMMENDED TARGET PRICE LEVELS

(3) The 1973 Agricultural Act set up a system of target (or government) prices for feed grains, wheat and cotton. Listed below are the national target prices for 1977. To the right, list your recommendations for target prices in 1978.

[Per bushel]

	1977	1978 (recommended)
Corn	$1.70	$1.90–$2
Wheat	2.47	2.90– 3

Recommended levels were slightly above 1977 target prices. The 1977 level has been adjusted upward from the initial 1973 level based on a parity formula in the current law. The formula does not, however, take into account the large production cost increases which occurred from 1973 through 1975. These results appear to be consistent with the results obtained in question No. 2 (above) that farmers prefer basing target prices on the "cost of production." The 1976 cost of production for a bushel of corn in Illinois was about $2.01.

RECOMMENDED LOAN RATE LEVEL

(4) Listed below are the national average government loan rates for 1977. At the right, list your recommendations for loan rates on these crops for 1978.

[Per bushel]

	1977	1978 (recommended)
Corn	$1.75	$1.90–$2.00
Wheat	2.25	2.46– 2.55
Soybeans	2.50	4.00

The recommended increase in the loan rate for corn was similar percentage-wise to the increase in the target prices for corn. The recommended increase in the loan rate for wheat was slightly less percentage-wise.

FARMERS' VIEWS ON U.S. EXPORT-IMPORT POLICY

(5) Farm exports have become a key factor in both the national and the agricultural economy. Last year farm exports were at an all-time high bringing in more than $22 billion. Do you believe the government should restrict farm and food product exports under any circumstances?

36.2% Yes. 63.8% No. If yes, under what circumstances? When a shortage of a commodity exists in the U.S.

Do you believe the government should restrict farm and food product imports under any circumstances?

66.3% Yes. 38.7% No. If yes, under what circumstances? When a surplus of a particular commodity exists in the U.S.

Almost two-thirds of the Illinois farmers who responded believe that the U.S. government should not restrict farm and food product exports under any circumstances. Most farmers answering this question in the affirmative advocate restricting exports only when there is a shortage in the U.S. of a particular commodity.

Two-thirds of the farmers believe the government should restrict farm and food product imports under certain circumstances. "When there exists a surplus of a particular product in the U.S.," was the major circumstance cited by those responding in the affirmative.

FARMERS' ATTITUDES TOWARD GRAIN RESERVES

(6) Who should pay for, control and hold grain reserves if a reserve were created?

Check 1	Percent— Hold	Control	Pay for
U.S. farmers	65.4	61.5	3.4
U.S. grain companies	3.8	2.8	2.6
U.S. Government	9.2	12.4	30.7
International reserve pool	7.8	8.3	14.8
Some combination of the above	13.6	15.0	18.5

If and when a grain reserve were created, an overwhelming majority of the farmers want to control and hold the reserves themselves.

The farmers strongly opposed the idea of the U.S. government, or others, holding or controlling any type of grain reserve. However, almost ⅓ of the farmers responding would prefer that the U.S. government pay for the grain reserves.

WORLD PRICE-FIXING AGREEMENT FOR WHEAT

(7) Secretary of Agriculture Bob Bergland has suggested a price-fixing agreement for wheat with Canada. Would you support price-fixing to: "shave off the peaks and the valleys" of fluctuating wheat prices?

34.5% Yes. 65.5% No.

About two-thirds of the farmers responding oppose any price-fixing agreement for wheat with Canada.

USING FARM PRODUCTS AS A BARGAINING TOOL

(8) Do you feel that farm products should be used as a bargaining tool in our Foreign Policy (i.e. embargo threats)?

33.0% Yes. 67.0% No.

Two-thirds of the farmers responding oppose using farm products as a bargaining tool in our foreign policy.

CONCLUSIONS

A vast majority of the farmers who responded appear to be satisfied with the target and loan support programs established in the 1973 Act. Only a very small percentage of farmers desire the elimination of all government price and support programs.

The majority of the farmers would like to see target prices and loan rates raised to assure them a greater degree of protection. Furthermore, they prefer that the raises be tied, in some way, to the "cost of production."

Farmers appear to give weight to the fact that if loan rates are set too high, products may not be as competitive in world markets.

Most farmers strongly resent export controls of any type, but favor import restrictions if a surplus of a particular farm product exists in the U.S.

Most farmers favor the establishment of a grain reserve, however, they oppose U.S. government ownership of the reserves. Farmers prefer to hold and control the reserves themselves.

Most farmers oppose any price-fixing agreement for wheat and they also oppose using farm products as a bargaining tool in our foreign policy.

EDUCATION OF THE HANDICAPPED AMENDMENTS OF 1977

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 103, S. 725.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 725) to extend certain programs under the Education of the Handicapped Act.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Human Resources with an amendment in the nature of a substitute.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NUNN). Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the following staff members have the privileges of the floor during the consideration of S. 725: Patricia Forsythe, Betty Griffin, Lisa Walker, Kathy Roy, Tim Smith, Sherri Kramer, and Marcia McCord.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, just so that the record may be clear at this point, what is the agreement as to time on the bill and on amendments, or time on a specific amendment, if such is contained in the time limitation?

The PRESIDING OFFICER. One hour on the bill, 1 hour on any amendment in the first degree, 30 minutes on any amendment in the second degree, debatable motion or appeal, and ordered further that if, in the judgment of the manager of the bill, once the Senate bill has gone to third reading, it would be desirable to call up the House bill and substitute the language of the Senate bill therefor, such shall be in order without any intervening motion or debate, and the Senate shall then proceed immediately to vote on the House bill as amended by the Senate bill.

Mr. RANDOLPH. I thank the Chair.

Mr. President, beginning tonight in Washington, D.C., the White House Conference on Handicapped Individuals will open its session. These meetings will run for several days. During this time, approximately 2,000 men, women and children who are handicapped in one degree or another will be in attendance at this highly important gathering. We believe it is appropriate; it is timely.

We appreciate the cooperation of the leadership, Senator BYRD and Senator BAKER, and others, the members of the Subcommittee on the Handicapped, regardless of whether they are Democratic or Republican members, because partisanship does not surface in this subcommittee.

Mr. President, this is vitally important legislation. We seek to extend through this bill, the Education of the Handicapped Act. I am most appreciative that joining with me in the Chamber at this time is the Senator from Vermont (Mr. STAFFORD), who is the ranking minority member of the Subcommittee on the Handicapped. He is most knowledgeable on this measure and we will hear from him on this subject.

It is a privilege to present to the Senate S. 725, which will continue programs under the Education of the Handicapped Act for 5 years. This legislation reauthorized urgently needed programs for handicapped children and youth presently being administered by the Bureau of Education for the Handicapped in the U.S. Office of Education. I am pleased that this measure has the unanimous support of the Committee on Human Resources.

For the past 10 years a relatively small investment of Federal funds has caused a ferment which has developed and produced a variety of programs to provide for different educational services for the education of handicapped children. These programs include assistance for training of professional personnel, research funds, instructional media, demonstrations, and exemplary projects to provide education service to handicapped children. The Bureau itself has proven the advantage of having all the legislation related to the education of the handicapped in one administrative unit within the Office of Education. The proof has been the ability to focus efforts on the particular problems of education for these children. The Bureau of Education for the Handicapped makes it possible to coordinate funds for the important components—research, training, service—to be organized under one authority. The savings in administrative costs alone are notable.

The Subcommittee on the Handicapped, which I am privileged to chair, conducted a series of hearings, during the months of February and March, on S. 725 and the review of all programs for the handicapped. More than 30 witnesses came from every segment of our society, including parents; consumers, the handicapped themselves; representatives of major professional and volunteer organizations; students; State directors of special education programs; university and school faculty members. There was unanimity on one important theme from each of these witnesses. All agreed that their experience with the Bureau of Education for the Handicapped had been one that produced important and productive results. These witnesses stressed the significance of the leadership and technical assistance they have been receiving from the Bureau of Education for the Handicapped. This leadership in the administration of the Bureau of Education for the Handicapped has made possible a cooperative and coordinated approach with all Federal, State, local, and private agencies that has been of immeasurable value to handicapped children and youth. The committee, after carefully studing documentation of the cost effectiveness of these programs, as well as the results the services have achieved, is convinced that this is the most economical way to provide Federal support to our handicapped children.

There are four parts to this legislation which authorize the continuation of:

One, grants for centers and services, experimental preschool and early education programs and regional resource centers for handicapped children;

Two, grants to institutions of higher education, junior and community colleges to assist in the recruitment and training of special education personnel as well as physical education personnel;

Three, grants and contracts to support research and demonstration projects related to both special education and physical education; and

Four, authorize National Centers on Educational Media and Materials for the Handicapped, which will serve as centralized agencies to coordinate all programs of instructional media centers and captioned film services.

Public Law 94-142 has mandated that all handicapped children must have available, by September 1, 1980, a free public education. S. 725 provides the discretionary programs which are necessary to undergird the mandate in Public Law 94-142.

The committee, supported by the Department of Health, Education, and Welfare, has eliminated the National Advisory Committee on Handicapped Children. At the time the National Advisory Committee was established, the Bureau of Education for the Handicapped was a new administrative unit, and the Congress felt that the Bureau needed the expertise of a National Advisory Committee. However, the Bureau of Education for the Handicapped is now in its 10th year, and we have had assurance from the administration that the compelling need for an Advisory Committee no longer exists.

Mr. President, how much time have I consumed?

The PRESIDING OFFICER. The Senator has used 11 minutes and has 19 minutes remaining.

Mr. RANDOLPH. I thank the Chair.

It is also clear that the funds for the National Advisory Committee could be more effectively used in providing education services to handicapped children or the purchase of consultant services when needed. I am pleased that this is in keeping with President Carter's recommendation to the new Cabinet members that those advisory committees which have served their purpose should be eliminated.

There was also agreement from the Department of Health, Education, and Welfare that part G—special programs for children with specific learning disabilities—should not be extended. The rationale for ending the special program for children with learning disabilities is that Congress has now included such children in the basic definition of "handicapped" and they are eligible for support under the grants to State and local agency provisions. The general programs which support research and training can also be used to support activities in the area of learning disabilities.

A review of the history of this legislation will confirm that part G, special programs for children with specific learning disabilities, was originally intended to terminate after 3 years from its date of enactment—April 13, 1970. At the time of its enactment, part G was viewed as a vehicle for generating funding to meet an immediate need for services to children with specific learning disabilities. Then the definition of handicapped children did not include children with specific learning disabilities. However, on November 29, 1975, the Education for All Handicapped Children Act, Public Law 94-142, was enacted and does include as part of the definition of handicapped children "children with specific learning disabilities." Children with specific learning disabilities may, therefore be served under the State grant program, part B of the Education of the Handicapped Act, and under the discretionary programs of that act. When the Education of the Handicapped Act was extended in 1974, part G was included in the extension since, at that time, specific learning disabled children were not included in the definition of handicapped children. Now these handicapped children are so included, and the need for a separate authority to meet their needs no longer exists.

Mr. President, the pending measure, S. 725, has been carefully reviewed. It encompasses the essential discretionary programs to continue Federal aid to assist in alleviating the problems of educating handicapped children. I strongly urge approval of this legislation and I hope the vital programs authorized will be fully funded. Our Nation must insure that handicapped children have access to their rightful share of America's opportunities.

Mr. President, the pending measure has had the imprint of the members of our subcommittee. Senator STAFFORD, Senator WILLIAMS, Senator JAVITS—all of these men have had a very genuine concern, not only in recent weeks, but in the months and years which have passed.

We try as far as we can to come to agreement on points, but sometimes we differ. But as we considered S. 725, we reviewed very carefully what has happened in the past.

This bill encompasses the essential discretionary programs to continue the Federal aid to assist in alleviating the many problems of educating our handicapped children.

I, of course, strongly believe in this program. I advocate the passage of the bill. Our Nation, I think, can do a real service to handicapped children and, frankly, to nonhandicapped children and to parents. Handicapped children should have what all children need, and that is a rightful share of America's opportunities as other children have who are not so impaired.

Mr. President, I yield, but I will continue to hold the remainder of my time.

Mr. STAFFORD. Mr. President, I compliment the chairman of the Subcommittee on the Handicapped (Mr. RANDOLPH) on his excellent and detailed explanation of the bill which is pending before the Senate.

In view of his excellent description of the legislation, I will not attempt to repeat it.

I do want the RECORD to reflect the satisfaction and the pleasure that this Senator has derived over the last several years in serving with Senator RANDOLPH, under his distinguished leadership, in improving the lot in this country of people who suffer from handicaps.

It has been a real source of satisfaction to me to serve on this essentially nonpartisan committee in what I consider to be a great cause.

Mr. President, I rise in strong support of S. 725. This legislation, as the chairman has pointed out, would continue the discretionary programs, parts C, D, E, and F of the Education of the Handicapped Act.

These programs provide support services that are vitally needed by the States, especially if they are to reach the goals mandated by law to provide full services to all handicapped children aged 3 through 18 by September 1, 1978, and aged 3 through 21 by September 1, 1980.

Without S. 725, the authorities for these programs would expire on September 30 of this year.

Some persons have expressed concern over the fact that the bill would not continue the part G authorization. This part was enacted to provide special services for children with learning disabilities. It was enacted because such children were not defined legally as among the handicapped by the original act. This was changed with the passage of Public Law 94-142 which expanded the definition of "handicapped" to include LD children and so ended the need for a special category for them.

The administration has assured the Committee on Human Resources that all current LD programs will be funded to completion and that even with the passage of S. 725, applications for other LD programs can be and will be considered under the authority of other parts.

Additionally, the Subcommittee on the Handciapped has scheduled oversight hearings next month on Public Law 94-142 at which time we will be going thoroughly into the question of whether a separate authority is needed for model training centers of all handicapped children.

Mr. President, I heartily urge passage of the legislation which is doing and has done so much good for handicapped children and people in this country.

It would be a fitting way to mark the presence in Washington this week of the first White House Conference on the Handicapped.

Mr. President, I urge the adoption of the bill. At this time, if the distinguished Senator from Utah wishes time—

Mr. JAVITS. Mr. President, I would like to have a little time.

Mr. STAFFORD. I first yield, if I may, to the distinguished Senator from New York.

Mr. JAVITS. I thank my colleague, and I thank my colleague from Utah.

Mr. President, the reason I sought the time is because the presentation made by Senator RANDOLPH, I think, needs to be supplemented by what I am about to say about a particular part of this bill.

I thoroughly agree with the bill, other than with the aspect of it to which I will refer, and I have an amendment to that particular aspect, which is as follows.

The amendment is for myself and Senators KENNEDY, HUMPHREY, CHAFEE, HATCH, BROOKE, HAYAKAWA, and ANDERSON.

This amendment to S. 725 continues a portion of existing part G of the Education of the Handicapped Act, but removes the limitation to learning disability programs. S. 725 as reported, would simply drop authority to fund part G. I feel the approach of my amendment will better assure equitable allocation of discretionary funds among different disability groups, while continuing within the Bureau of Education of the Handicapped the authority to support exemplary model projects to improve the education of handicapped children, including children with learning disabilities.

Mr. President, existing part B authorizes support for three types of programs to improve the education of learning disabled children: First, research; second, training; and third, model centers. On October 1, 1977 "children with specific learning disabilities" is included for the first time in the definition of "handicapped children." This means that proposals for LD children will be able to compete for funding under all of the discretionary authorities of the Education of the Handicapped Act. Continuing an exclusive authority for the learning disabled would permit proposals for learning disabilities a "double dip"—for example, and LD research proposal would be able to compete for funding under part E, research, as well as under the research portion of part G; an LD training proposal could compete under part D, training, as well as under part G, and so forth. Therefore, my amendment would not continue the part G training authority which will be adequately provided under part D, training, or part G research authority which will be adequately provided under Part E, research.

But, the amendment will continue, without the LD limitation, a part G model projects authority not otherwise adequately continued under the other parts. This will continue a flexible model projects authority, available to children of any disability group, while the administration and Congress begin to consider a more comprehensive approach.

In this way, we will better assure that the Bureau of Education for the Handicapped retains the flexibility to continue, or begin, meritworthy model projects during coming years in which the Administration and the Congress consider a comprehensive research, training, information, and model projects consolidation. Further, it will assure that BEH has the ability to continue or begin exemplary model projects, including those for children with learning disabilities, which may not fit the restrictions of part C, severely handicapped, early childhood, and adult programs; or part E, research.

It is most important in the coming months that the Bureau retain all the elements of discretionary authority of present law in view of the recent promulgation of section 504—Rehabilitation Act—regulation to guarantee equal access to education by all handicapped citizens, as well as in view of the full implementation of Public Law 94-142, the Education for All Handicapped Children Act. Dropping part G so precipitously would reduce the flexibility of BEH to support model projects just at the time that these two laws impose upon the States and local education systems the greatest need for the knowledge and assistance provided by such model projects.

The report (No. 95–124) accompanying S. 725 includes on pages 12 and 13 an exchange of letters following up on questions which were raised at the committee executive session May 3, regarding the implications of dropping part G. At the executive session it was my understanding that if Congress dropped part G there would be no reduction in the future of the ability of the Bureau of Education of the Handicapped to fund exemplary programs for children with learning disabilities. However, the written reply of the Deputy Commissioner, Bureau of Education for the Handicapped states:

> If Part G is not continued by the Congress the Bureau will not be able to maintain in the future the same level of support for LD projects.

The implications of this are twofold. First, by dropping part G, the Congress is mandating a reduction in service to children with learning disabilities—an effect I do not believe our Committee or the Congress intends. Second, by dropping part G, we reduce the flexibility of the Bureau of Education for the Handicapped to make decisions based upon the best judgment of professional educators as to the proper utilization of discretionary funds to improve the education of handicapped children. I do not believe this is our intention.

Our amendment will assure that the authority both to make these decisions and to continue support for children with learning disabilities remains with the Bureau of Education for the Handicapped. I would point out that the administration has requested $9 million for part G programs for fiscal year 1978. This amendment would not force the Bureau to fund programs it does not feel best serve the needs of handicapped children. It does assure that the Bureau will continue to have the authority to utilize such funds for programs assisting children of all disability groups, including children with learning disabilities.

Mr. President, the amendment has broad, nonpartisan support. It will help handicapped kids.

We are dropping in this bill part G, under which it was possible to fund to the extent of, roughly, $9 million a year special model projects for children who have learning disabilities. These are, generally speaking, children who have hyperactivity, children who have dyslexia as other behavior misfunctions—and these same children also may be deaf or blind.

There are an estimated 1 million such children. That means one-eighth of the total number of handicapped children come in the special learning disability eligibility class.

The administration, not knowing we were going to drop this part G, asked for $9 million for fiscal year 1978. But if we drop it, that authority will expire as of September 30, 1977. So their request for 1978 becomes academic.

The ground upon which it is being dropped is that it is subsumed in other parts of the bill, to wit, specifically the research part, called part E.

The difficulty, Mr. President, is that the Department does not think so and will not administer it that way.

I presented this amendment to the committee, as it was my duty to do as I am the ranking member of the Human Resources Committee, and I was faced with the same argument by Senator RANDOLPH and by his staff saying, "Well, we'll take care of these projects. They're thoroughly subsumed under part E."

I questioned the representative of the Department who was there and I have the written record of this man and his answers. His name is Mr. Herman of the Department, who was their man sent to us to deal with any questions that arose.

Mr. Herman answered in the way I thought was satisfactory. I will read that to the Senate. But I said, "Put it in writing."

When they put it in writing, it was not the same as his answers.

I withdrew the amendment when he answered the questions I asked him in what I thought gave assurance that this program would be continued.

When I got the letter, it differed from his answers. So I am perforce compelled to introduce the amendment.

The amendment is cosponsored by 5 members of the 15-man committee, and by other Senators as well. My name and seven other sponsors are on the amendment. But of members of the committee; Senator KENNEDY, Senator CHAFEE, Senator HATCH, Senator HAYAKAWA, and I sponsored the amendment.

Let me just acquaint my colleagues with this, and I will yield whatever time anybody wants on the amendment, because I think it is essential to get clear to the Senate just what happened here.

Mr. Herman was asked by me, and this is page 35 of the record:

> Senator JAVITS. I am asking you now if we eliminate G, will you still have authority left to fund those projects for which there are applications?

He told us there were about 200 applications.

> Mr. HERMAN. Yes, sir, continuations, we will have authority.
>
> Senator JAVITS. We are not talking about continuations, we are talking about new projects. You've got 200 applications; will you have the authority left to fund new applications in that 200 group notwithstanding that we have knocked out part G.
>
> Mr. HERMAN. Yes, sir. This fiscal year we have that authority.

I then went on and asked him again at the bottom of page 37 of the record:

> Senator JAVITS. I understand that, but aside from the question of priority, will there be any legal inhibition if we pass this bill so that you will not be able to do it legally because the authority will then have changed?
>
> Mr. HERMAN. The Department General Counsel informs us that there is no legal inhibition on carrying out that program, or, further activities, I would say, projects of that nature.
>
> Senator JAVITS. In other words, you will have the same authority to carry out programs that you have had up to now in Part G, notwithstanding that Part G will be out?
>
> Mr. HERMAN. Under the research and demonstration authority of Part E, we will have authority to issue grant announcements that will make it possible.
>
> Mr. JAVITS. Now, Mr. Chairman, I am perfectly willing to withdraw this amendment, if the Department puts that in writing.

Mr. President, I ask unanimous consent to have printed in the RECORD this interchange from the record, together with my letter of May 4 to the Deputy Commissioner for Education of the Handicapped and his reply to me, dated May 5.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> Mr. HERMAN. Well, sir, the Part E provides wide discretion for us to fund research demonstration projects. All of these Part G projects that are now funded will be able to be continued at the full course as they have been applied for under the announcements this spring, earlier this year. They will be able to continue their full course to 1977, '78 and '79, if moneys are appropriated in full into Part E to permit us to do that kind of thing.
>
> Part E provides a raw discretionary base for us to continue to do specified kinds of activities that are appropriate and necessary and based on priorities which the Bureau has and which were given by the Executive Branch officials who indicated to us the—what the priorities and policies should be.
>
> So we can fund Part E activities in a broad range of activities, including grants for these programs and model projects.
>
> Senator JAVITS. Now, I'd like to ask you a question—stay where you are.
>
> One: you say you can fund old projects? I heard you clearly. Now, about new projects, you say, "if" the money you appropriate is folded into Part E—what's the "if"?
>
> In other words, is it legally possible to fold that money into Part E? Why the "if" if the money is folded?
>
> Mr. HERMAN. Well, the appropriation has not been made under Part E at this time for Fiscal Year 1978, and that will be dependent upon whether Fiscal Year 1978 appropriations are attached or reprogrammed into Part E appropriation authority.
>
> Senator JAVITS. Because of your elimination of G: are you going to recommend that they be reprogrammed for Part E?
>
> Mr. HERMAN. We will recommend—
>
> Senator JAVITS. Is the Bureau going to recommend that?
>
> Mr. HERMAN. —in testimony, we recommend that.
>
> Senator JAVITS. Now, here's another question: are there any applications pending for these projects—you know?
>
> Mr. HERMAN. For Fiscal Year 1977, there are approximately 220 applications.
>
> Senator JAVITS. Pending. Now, are there any of those applications you have to reject? If we pass this bill, because authority will no longer exist for them? Are they all eligible?
>
> Mr. HERMAN. To have authority in Fiscal Year '77 to fund a number of projects that equal the amount of dollars that we have available in Fiscal Year '77 under Part G.
>
> We have an appropriation under Part G, Fiscal Year '77; we haven't made any—
>
> Senator JAVITS. Well, I'm not talking about that. I'm asking you now, if we eliminate G, will you still have authority left to fund these projects for which there are applications?
>
> Mr. HERMAN. Yes, sir, Continuations, we will have authority—
>
> Senator JAVITS. We're not talking about continuations. We are talking about new projects. You've got 200 applications in that 200 group, notwithstanding that we have knocked out Part G?
>
> Mr. HERMAN. Yes, sir. This Fiscal Year we have that authority.

Senator JAVITS. I'm not talking about this fiscal year; I'm talking about—you've got G this fiscal year. I'm talking about the next fiscal year, in which the authority will be contained in this bill.

Mr. HERMAN. Well, this 220 applications, Senator Javits, will not carry over into the next fiscal year. There will have to be a new grant announcement in the next fiscal year, upon which—at which time we will have to make a decision whether or not learning disabilities projects will be of sufficiently high priority for us to go out and make grant announcements for that program in Fiscal Year 1978.

Senator JAVITS. I understand that, but aside from the question of priority, will there be any legal inhibition if we pass this bill so that you will not be able to do it legally because the authority will then have changed?

Mr. HERMAN. The Department General Counsel informs us that there is no legal inhibition on carrying out that program, or, further activities, I should say, projects of that nature.

Senator JAVITS. In other words, you will have the same authority to carry out programs that you have had up to now in part G, notwithstanding that Part G will be out?

Mr. HERMAN. Under the research and demonstration authority of Part E, we will have authority to issue grant announcements that will make it possible.

Mr. JAVITS. Now, Mr. Chairman, I am perfectly willing to withdraw this amendment, if the Department puts that in writing.

Senator RANDOLPH. I think that's a proper request.

Senator JAVITS. If this statement is the authoritative presentation of the Department, I see no particular purpose to be served.

Senator RANDOLPH. It's a perfectly valid request.

Senator JAVITS. And then we could, in the Committee report, include the Department statement, and that would be fine with me. Okay?

Senator RANDOLPH. I'm appreciative of your drawing the matter to our attention.

The CHAIRMAN. It will be withdrawn; the statement will be forthcoming?

Mr. HERMAN. We will request General Counsel to do so.

COMMITTEE ON HUMAN RESOURCES,
Washington, D.C., May 4, 1977.

DR. EDWIN MARTIN,
Deputy Commissioner for Education of the Handicapped, Office of Education, DHEW, Washington, D.C.

DEAR MR. MARTIN: Yesterday, at an Executive session of the Senate Human Resources Committee, Robert B. Herman of your office responded on behalf of the Administration to several concerns I raised with respect to dropping Part G of the Education of the Handicapped Act. Dr. Herman indicated to the Committee that your office would respond to these questions in writing.

I have three questions:

(1) Whether, if Part G is not continued by the Congress, the Bureau will be able to continue all existing Part G projects, including those scheduled for funding in FY 77?

(2) Whether it will be possible, if Part G is not continued by the Congress, for the Bureau in the future to maintain the same level of support for Learning Disability projects once the present cycle of LD projects has been completed?

(3) Whether, if Part G is not continued by the Congress, the Bureau will be able to continue to fully support model projects in learning disabilities, deafness, or any other disability area?

Your response will be included in our Committee Report on S. 725. I would appreciate your immediate response to this matter.

With best wishes,

Sincerely,

JACOB K. JAVITS.

OFFICE OF EDUCATION,
Washington, D.C., May 5, 1977.

Hon JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: Thank you for your letter of May 4 in which you follow up the concerns you raised at the Executive Session of the Senate Human Resources Committee with three specific questions. I appreciate the opportunity to respond to those questions.

Question 1: Yes, we will be able to continue those projects, even if Part G is not continued. The Office of Education intends, with funds available in FY '77, to continue all current Part G projects including those scheduled for funding in '77 which meet performance standards. President's FY '78 budget contains a request for $9 million for Part G which, if appropriated by the Congress, will allow us to continue these projects throughout their scheduled term. We are requesting that these funds be shifted to Part E for FY '78, and we will revise the Part E regulations accordingly, in order to phase this program into Part E. Additional funds, approximately $5 million, will be necessary in FY '79 to complete the government's commitment to carry all awards through their 3-year grant period.

Question 2: If Part G is not continued by the Congress the Bureau will not be able to maintain in the future the same level of support for LD projects. However, we would expect to be able to fund a limited number of demonstration projects in each of the disability areas, e.g., deafness, learning disabilities, etc., under Part E which is a general research and demonstration authority. Under this authority projects for the learning disabled will receive equitable consideration in competition with projects from other disability areas. As we testified before the Subcommittee on the Handicapped a special authority for the learning disabled may no longer be necessary. Because children with learning disabilities are now included in the basic service provisions of P.L. 94–142, a special demonstration program solely for the learning disabled does not seem indicated.

Question 3: As indicated in the answer to question 2, we would expect to be able to fund, under the Part E, a limited number of demonstration projects in the several areas of handicapping conditions. Part E was not basically intended to support large scale demonstrations designed to provide exemplary models of services for children such as those supported under the Early Childhood section of the Act.

Thank you for your continued interest in education of handicapped children.

Sincerely.

EDWIN W. MARTIN,
Deputy Commissioner Bureau of Education for the Handicapped.

Mr. JAVITS. Mr. President, as to the second question, which is the pertinent one, I asked this of the Deputy Commissioner:

(2) Whether it will be possible, if Part G is not continued by the Congress, for the Bureau in the future to maintain the same level of support for Learning Disability projects once the present cycle of LD projects has been completed?

Their answer is as follows:

Question: If Part G is not continued by the Congress the Bureau will not be able to maintain in the future the same level of support for LD projects. However, we would expect to be able to fund a limited number of demonstration projects in each of the disability areas, e.g., deafness, learning disabilities, etc., under Part E which is a general research and demonstration authority.

Mr. President, I do not think the Department can play ducks and drakes with us. They either do or do not have the authority to continue the programs they have now. They asked for the money. They never expected that we would drop part G. Nonetheless, it is being dropped in this bill. The Department's answer, which came after the committee meeting, is completely inconsistent and exactly contrary to what we were assured by its representative.

What I cannot understand is this—and I address this to my colleague who is managing the bill. He and I get along fine. We have had a marvelous relationship for all the years I have been the ranking member of this committee. I cannot understand what is so sticky about this. If the Department says it does not have the authority, and that is very clear to me—I am not an incompetent lawyer in reading a letter—why can we not write something in the bill which will continue the authority?

What is the big objection, and why are we having this fracas about it? I am not married to the particular language of my amendment, to the particular amounts or to the particular year. Let us write into the bill the necessary provision—I will be happy to draft it—which says that they may continue to do what they have been doing to assist children with learning disabilities. That is all I ask. That is the only objection to the bill, and I shall press this objection, because I think it is most unwise to surrender this authority, which is working well, for which the administration asked for money for fiscal year 1978, and for which money is provided up to now, up to September 30, 1977, which involves a million handicapped children.

I do not understand why this particular thing suddenly gets so sticky. That is why I have mentioned it in the direct presentation, rather than waiting until the amendment. Frankly, I do not believe it should be necessary for me to have any difference with the manager of the bill on this question of an amendment.

Mr. STAFFORD. Mr. President, how much time remains to the Senator from Vermont?

The PRESIDING OFFICER. The Senator from Vermont has 16 minutes remaining.

Mr. STAFFORD. I thank the Chair.

I yield 5 minutes to the distinguished Senator from Utah (Mr. HATCH).

Mr. HATCH. Mr. President, this is a meritorious bill, and I wish to express my appreciation to Senator RANDOLPH for his great leadership in this particular area in the Senate. I also support and cosponsor the amendment of Senator JAVITS. I should like to be associated with the remarks of both Senators.

I particularly appreciate the great effort put forth by both Senator Randolph and Senator Stafford in the committee hearings on this matter and their great concern for the handicapped in our society. I believe they have provided leadership that has been very beneficial for this country.

When I was a young attorney, I was instrumental in helping to found the Parents League for Emotional Adjustment, often referred to as PLEA, to aid emotionally disturbed children. I became very interested at that time in doing everything I possibly could to help emotionally disturbed children and other handicapped children throughout our society. I feel it is an honor to serve on the Subcommittee for the Handicapped of the Human Resources Committee.

It is my understanding that S. 725 will extend the programs in the Education of the Handicapped Act for 5 years—fiscal year 1978 through 1982. Should the amendment of Senator Javits be accepted, the model project program for improvements in education of the handicapped would also be extended for 3 years. I urge my colleagues to accept the amendment because I do not think it hurts anything and it certainly might clarify that which may be erroneous and set it straight at this time. Should that be so, I think we would have a good bill and we would all be better off by providing for our handicapped children as we should.

I believe that in this great country, as wealthy and as effective as this country is, we should do everything we can to try to make it easier for our handicapped people. This is just a small effort on the part of all of us to do a little more in this regard, to help live up to the demands of this country to do what is right for its citizens. Considering the billions of dollars we spend unnecessarily, the $20 million involved in this particular case is well spent. I do not know of anything else on which it could be better spent.

I urge my colleagues to vote not only for the bill but also for the Javits amendment which I am pleased to cosponsor.

Mr. STAFFORD. Mr. President, I thank the distinguished Senator from Utah for his remarks.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. RANDOLPH. Mr. President, how much time under general debate do I have?

The PRESIDING OFFICER. The Senator from West Virginia has 14 minutes. The Senator from Vermont has 13 minutes.

Mr. RANDOLPH. Mr. President, it is not simply a pleasantry when I say that I have enjoyed working with the able Senator from New York and will continue to work with him, even though we have a disagreement in this instance.

I do not want to take the time to speak on the amendment, because the amendment has not been offered as yet, and I will speak on the time still remaining on the bill at this time.

I say to my colleague that the term "specific learning disabilities" does not include the deaf. He has indicated that the deaf are included. The deaf are not included. The blind are not included.

We do have the guarantee—I reemphasize this; we have said it before—that the Department of Health, Education, and Welfare leadership in that bureau has guaranteed, and I emphasize these words, that all grants will be funded to completion, the full life of the grant.

Now, the payment schedule—I ask unanimous consent to have printed in the Record this payment schedule at this point.

There being no objection, the payment schedule was ordered to be printed in the Record, as follows:

SPECIAL LEARNING DISABILITIES PHASEIN BUDGET

	Fiscal year—					
	1977 (pt. G)		1978 (pt. E)		1979 (pt. E)	
	Number	Amount	Number	Amount	Number	Amount
New demonstration awards	21	[1] $3, 140, 000				
Continuation	24	3, 860, 000	45	$5, 600, 000	21	$2, 500, 000
Technical assistance	1	500, 000		400, 000		
Research centers	(5)	1, 500, 000		2, 000, 000		2, 000, 000
Total		9, 000, 000		8, 000, 000		4, 500, 000

[1] 21 at $150,000, 1st year award; 21 at $119,000, 2d year award; and 21 at $119,000, 3d year award.

Mr. RANDOLPH. This payment schedule comes from the commissioner. It does not come from anyone but from the commissioner.

The special learning disabilities phasein budget comes from the commissioner. We are not dropping something; we are folding in something. I think it is very necessary that the Senate and Congress do that from time to time in connection with these programs.

The funding is here, of course, for the $9 million for fiscal 1977. That is part G, of course, on which we focus our attention.

And then in fiscal year 1978, in part E, the figure of $8 million will be for new demonstration awards, continuation programs, technical assistance, and research centers.

Then fiscal in 1979, part E would include the various program categories for a total of $4.5 million.

We are saving funds, but we are not in any way lessening our commitment to those persons with specific learning disabilities. We would not do that. Certainly in reporting this bill from the committee, we would not do that.

I think that just for the record, I will ask unanimous consent that this letter from the Association for Children with Learning Disabilities, which contains an endorsement of the bill, as reported from the committee, also be printed in the Record in connection with this subject matter at this time.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Association for Children
With Learning Disabilities,
Pittsburgh, Pa., March 14, 1977.

Senator Jennings Randolph,
Chairman, Subcommittee on the Handicapped, Dirksen Senate Office Building, Washington, D.C.

Dear Senator Randolph: We are enclosing with this letter the Position Paper of the Association For Children With Learning Disabilities (ACLD) and the Division of Children With Learning Disabilities of the Council on Exceptional Children (DCLD) with regard to Senate Bill 725 and authorization of funding for Child Service Demonstration Centers under Part VI–G of the present law.

ACLD and DCLD concur with the Subcommittee's position that the Learning Disabilities Model Centers should not be double funded under both the general authorization and the specific authorization of Part G. However, we feel it is of vital necessity that the continued funding of future Model Centers for Children With Learning Disabilities be specifically assured in the accompanying committee statement which approves the authorization for funding.

The enclosed position paper has been approved by National ACLD and its Professional Advisory Board and DCLD. This establishes the rationale for our position on this matter.

Sincerely,

Alice Scogin,
President ACLD.

Mr. RANDOLPH. I want to say again to my very astute advocate, and he is always that of any position he presents in this body, that the administration has known what we intended to do. They have realized the importance of what we have desired to do, and they have given to us assurances that we are going to have these programs funded. We are going to have these grants fully covered. I think this is highly important, and I stress again that they have known, they have cooperated, they have placed it in the record.

I would not suggest my colleague not offer the amendment, because he has said he will offer it, and I shall understand his offering the amendment. I know Senator Stafford and I will abide by whatever the result is. Certainly we would do that.

But I would like to suggest that, perhaps, he would give us the opportunity in June when we will be holding hearings on this subject matter, on the 21st of June and the 22d of June, that we have the Department of Health, Education, and Welfare there, and we can go into this matter thoroughly at that time. Perhaps the confusion can be clarified and, hopefully, we might all be in accord.

Mr. JAVITS. Mr. President, will the Senator answer a question for me? Would the Senator like me to submit the amendment and we can then have additional time or do we still have time?

Mr. STAFFORD. Mr. President, I would be glad to yield such time as remains on the bill to the Senator from New York.

Mr. JAVITS. Five minutes.

Does the Senator wish me to believe that the Department, in addition to expending whatever resources are required for the special learning disabilities programs which it has already contracted for—I had understood the Senator clearly on that, which we understand, and the payment schedule covers—does the Senator wish me to understand that they are also planning to make new agreements respecting learning disabilities?

Mr. RANDOLPH. They are.

Mr. JAVITS. I know, but for how much? In other words, what are they going to do with this obligating how much? They asked for $9 million for 1978. What are they going to do about obligating, give me a figure they are going to use for learning disabilities within this authority under part E.

Mr. RANDOLPH. I do not think I could give a figure, and I do not think I should be expected to give a figure. That is a matter that will come before the Appropriations Committee.

I would think there might be a development of that program. But I do not have the figure.

Mr. JAVITS. Except the Senator said he is saving money and I am trying to find out how much he is saving.

Mr. RANDOLPH. We know what the authorization is, of course.

Mr. JAVITS. Well, the authorization at full funding would cover the $9 million.

Mr. RANDOLPH. That is exactly right.

Mr. JAVITS. But it would be full funding, and we have never gotten that.

Mr. RANDOLPH. I believe there will be full funding of the program. That is what the HEW people are asking for.

Mr. JAVITS. Mr. President, I am very anxious to see if we can find some way out of this dilemma.

I do not know how this amendment would fare. It does have very good cosponsorship, certainly from very substantial members of the committee.

Mr. RANDOLPH. Jack, let us have them come before us in June and talk with us.

Mr. JAVITS. Well, Mr. President, I have been here a long time, and I have often been seduced by promises of June, [Laughter] but to my sorrow.

I was going to make a suggestion now, and that is if it is appropriate that we take a short break in a quorum, and I will discuss this with the chairman.

So I ask unanimous consent that we may call for the absence of a quorum without the time being charged to either side.

The PRESIDING OFFICER (Mr. Nunn). Is there objection? The Chair hears none, and it is so ordered.

Mr. JAVITS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. DeCONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. JAVITS. Mr. President, reserving the right to object, and I shall not object, this quorum call is under a unanimous-consent agreement that the time not be charged to either side. I want to preserve that.

Mr. DeCONCINI. Certainly. I want to make a request that members of my staff have the privilege of the floor.

The PRESIDING OFFICER (Mr. Moynihan). The Senator from New Mexico has the floor.

Mr. DeCONCINI. What is the ruling of the Chair?

The PRESIDING OFFICER. Is there objection?

Mr. DeCONCINI. I ask unanimous consent that the call of the roll may be interrupted without prejudice to the time situation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DeCONCINI. I ask unanimous consent that the following members of my staff may have the privileges of the floor during the consideration of S. 11: William Westphal, Robert Feidler, and Romano Romani. I also ask unanimous consent that Ken Fienberg of Senator Kennedy's staff be accorded the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DeCONCINI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. JAVITS. I ask unanimous consent that the time for the quorum call not be charged.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, is the bill open to amendment?

The PRESIDING OFFICER. The bill is open to amendment.

UP AMENDMENT NO. 282

Mr. JAVITS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New York (Mr. Javits) proposes an unprinted amendment numbered 282.

On page 5 after line 19, insert the following:

Section 641 of the Education of the Handicapped Act is amended by striking out the period and inserting a comma and the following: "including the development and conduct of model programs designed to meet the special educational needs of such children".

Mr. JAVITS. Mr. President, I yield myself 10 minutes on the amendment.

Mr. President, I would like to ask the Senator a question, but I will first give a state of facts because it is very important that the record be made clear.

We have talked to the department about this. They wanted the word "comprehensive" inserted before "model programs". I am not impressed with any need for that. I do not see that it makes it more or less and, therefore, as the Senator and I had agreed on the language, I just left it as it is.

Mr. RANDOLPH. I join the able Senator in believing that "comprehensive" is not needed.

Mr. JAVITS. It does not make it more and it does not make it less.

Mr. RANDOLPH. One either does it it or does not do it.

Mr. JAVITS. The second thing they worry about is the fact that as this part relates to research funds, their research funds may be "split up" and in asking for money for the learning disability projects it may cost them something in research funds.

We are all here and looking after this thing ourselves. This is the Senate. Such an appropriation would come before us. As I understand it, our purpose and intention in including this additional authority in section 641 is that it should be covered to the extent that it legitimately deserves it, based upon proof before the committee. As we calculate the situation based on estimates which are contained in the committee report, the authorization, which is also contained in the bill before us, which goes to $20 million for 1978, is adequate to take care of what is contemplated for research, and the $9 million contemplated for special educational need programs relating to learning disabilities, if the Appropriations Committee and we decide that that is the way to go.

I am perfectly willing in June, when we consider the matter, to see if later year authorizations are adequate for the purpose. That would be satisfactory to me. How does the Senator feel about it?

Mr. RANDOLPH. I fully agree with my distinguished colleague.

It is the way to proceed. As the Senator has indicated in the June 21 and 22 hearings, Senator Stafford and I, and the Senator, with the other members of the subcommittee, will keep current on this problem. I will say to the Senator, he will help us and we will help him. We will work together. I see no difficulty.

Mr. JAVITS. I thank my colleague.

Mr. President, it will be noted that I have not included as cosponsors of this amendment, because I do not have the necessary authority, the cosponsors of the original amendment which has been printed. But I wish to state their names for the record, as I am sure they will choose to adopt this amendment as their own, Senators KENNEDY, HUMPHREY, BROOKE, HAYAKAWA, CHAFEE, HATCH, ANDERSON, and THURMOND.

Mr. KENNEDY. Mr. President, I am in support of Senator JAVITS' floor amendment to S. 725, Education of the Handicapped Act, which calls for the continuation of part G model projects authority without restriction to learning disabilities. There are several reasons why I have chosen to do this, and I would like to share them with the Senate. The discussion as to the appropriateness of this amendment has been in earnest. I agree that we no longer have a need to continue specific provisions for the learning disabled, as this category is now included in the definition of handicapped. However, the critical need for demonstration projects for all disabilities is, in fact, now heightened as we approach the implementation of Public Law 94-142—the Education of All Handicapped Act of 1975.

This week I met with a group of 15 members of the Massachusetts education policy fellowship program, who were here to share their findings and recommendations on the implementation of chapter 766, the Massachusetts handicap legislation which parallels Public Law 94-142. Their recommendations which are an outgrowth of 2½ years of observation focused on the need for supports from administrators, teachers, parents, and students—many of whom for the first time were faced with a massive and significant legislative mandate to bring children with handicaps out of isolation and into regular education environments. I feel model demonstration centers will be a very necessary aspect of the support system needed as the Nation comes to grip with implementation of Public Law 94-142.

In the May 5 response of Edward Martin, Deputy Commissioner of BEH, to Senator JAVITS, the administration stated it would be able to continue funding current model projects under part G. However, it is quite apparent in regards to future level of support for pending and new demonstration projects, the administration will be limited at best in the funding of projects in each of the disability areas.

I feel the loss of these centers and their resources would be a critical blow to the implementation of Public Law 94-142—the Education for All Handicapped Act of 1975. Thousands of school systems will soon be required to be in compliance with this most significant piece of legislation and in need of the expertise and support of the Child Service Demonstration projects.

Independent evaluations recently contracted by the Bureau of Education for the Handicapped have concluded that the current model projects are excellent and dealing with relevant issues facing educators unable to diagnose or find suitable instructional assistance for helping learning disabled children.

At present the 40 model centers working cooperatively have a unique network, sharing ideas and resources, avoiding duplication, responding to needs in the special education field.

Forty thousand learning disabled children are now being serviced, a number which only scratches the surface of the millions of students, teachers and parents who are and will be in need of assistance as required by the provisions of Public Law 94-142.

The Javits amendment would preserve the model center and network concepts and permit continued direct assistance to local schools as they begin to implement Public Law 94-142.

In Massachusetts there is a project in Brockton, and a national technical assistance program in Merrimac, both of which have been highly successful. It is my understanding that the Boston School Department and five other Massachusetts schools have pending applications which, if approved and funding available, would enable them to better service the handicapped segment of their communities.

Given the totality of programmatic and financial commitment by the Federal Government to education generally, and to special education specifically, the title VI-G program is small. But its impact has been significant, not only on the hundreds of thousands of learning disabled children it has reached and taught, but in terms of its tremendous dissemination efforts—disproportionate to its size—helping educators on all levels understand and constructively assist those—often bright—children who simply have not been able to learn by conventional teaching methods. It is vital that we support this innovative and successful network of model programs that has already done so much to bring light to an otherwise troubled and cloudy educational area affecting the lives of millions of unfortunate American children.

Mr. ANDERSON. Mr. President, I am pleased to join Senators JAVITS and KENNEDY in cosponsoring an amendment to S. 725, the "Education of the Handicapped Amendments of 1975," to extend part G model projects under the bill's provisions. This amendment would expand part G, which formerly applied only to education projects in the area of learning disabilities, to allow support for model education projects for all handicapped children.

The learning disability model centers, which were funded through a 3-year program under part G, have been an invaluable tool in meeting the special educational needs of learning disabled children. By eliminating this part of the law, these productive, innovative approaches would be seriously limited.

This legislation will provide the Bureau of the Education of the Handicapped with the authority to support model education projects for all handicapped children rather than only for children with learning disabilities. The assistance from such model projects to State and local education systems will be extremely important to the effective implementation of Public Law 94-142. It would also insure that part G projects for learning disabled children, which might not otherwise qualify for support under existing authorities in the bill, would have the opportunity for continued support. Restoring part G in this modified form will lend added flexibility to our efforts to provide a free, appropriate public education to all handicapped children.

Mr. JAVITS. Mr. President, I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

ADDITIONAL STATEMENT SUBMITTED ON S. 725

Mr. HUMPHREY. Mr. President, I am privileged to join with Senator RANDOLPH in urging passage of S. 725, the bill to extend discretionary titles of the Education of the Handicapped Act.

This legislation is a vital complement to the part B State grant program which was previously extended and increased by Public Laws 93-380 and 94-142.

Our laws on education for the handicapped have both spurred and responded to growing public and judicial recognition of the inalienable right of every child to a free, appropriate education.

In 1974, Senator MATHIAS and I were able to secure a floor amendment that provided realistic funding to undertake an aggressive effort to educate the handicapped. With this action, the Federal Government became an active partner in State programs.

A series of court cases had established the right of all handicapped children to an education, but States did not have the funds to comply. The floor amendment which we passed to increase authorizations under part B gave a new thrust and expansion to those efforts. The provisional formula then adopted will be superseded this October, fiscal year 1978, by a formula which incorporates a strong incentive, as well as a support, to State efforts. It will base funding on the number of handicapped children served and in no case allow amounts to fall below the 1977 level. Moreover, the formula is tied to the average national expenditure per pupil, and incorporates an automatic increase.

Since we made a national commitment to this Nation's handicapped children, we have made great progress. The programs created now serve one-half of an estimated population of 8 million handicapped children. But almost half still do not receive an adequate education. And for too many—an estimated 1.75 million—remain entirely outside the scope of education programs.

These children need our help. Their access to quality education may well determine their future happiness and independence. An investment in education for handicapped youngsters is morally and economically sound. The alternative may be a lifetime of dependency.

Now that the doors of opportunity are opening to the handicapped, we must be sure that they are prepared by education and training to step through those doors.

The bill before us today makes a substantial and needed increase in funds available to realize goals codified by the Education of the Handicapped Act, as amended.

That act expresses our determination as a nation not to tolerate the neglect of children who already have two strikes against them. And it sets a deadline of September 1980, for States to make available the education they need and deserve. It assigns top priority to education for preschool and severely handicapped children.

The discretionary programs extended by the bill under consideration provide resources to respond to the greatly increased need for trained educators, and specialized teaching materials and methods. Each of these programs provides a useful stimulus, complement, and support for State efforts.

Regional resource centers are an invaluable common pool of effective diagnostic and teaching practices. The technical assistance they provide has a multiplier effect. Their specialized, intensive services to the severely handicapped and to deaf-blind children, and model programs in early education have had a profound effect. Almost all States now have legal authority to provide educational services to handicapped children 5 years old and younger. The results show that a high proportion of the children served by early childhood projects are subsequently absorbed into regular school settings.

Regional programs of vocational, technical, postsecondary, or adult education for the handicapped, such as the St. Paul Technical and Vocational Institute, enable the handicapped to achieve dignity and independence. Equipping the handicapped to live rewarding lives and make a contribution to society through productive labor makes obvious economic sense.

Ultimately, progress depends on the patience, skill, and knowledge of educators. Meeting the congressional mandate of this law requires an estimated additional 250,000 personnel. Teachers must be trained to use new techniques and materials that have been developed to help teach the handicapped if these advances are to move from theory to practical application. The bill now under consideration will be instrumental in preparing the people power required to undertake this tremendous task.

All these efforts are guided, sustained, and refined by research. In many respects, education for the handicapped is a venture into unknown territory. Experiment and innovation play a vital role in developing the most efficient and the most effective means to meet the needs of a very heterogeneous group of children.

Model programs are the laboratories which test the validity of theories and the effectiveness of methods before a costly program is launched.

Also important is the development of curriculum materials and technological advances that facilitate the learning process, and compensate for disabilities. The committee report cites the benefits of closed captioning which opens the world of television to the deaf and hearing impaired. My office witnessed recently an impressive demonstration of the Kurzweil reading machines, which I understand is in limited experimental use under Federal auspices and could be one of the keys to a cultural and educational revolution for the blind.

Of great interest and concern to a number of my constituents was the omission of part G of the Act, as a separate category to be reauthorized under this legislation. This reflects the inclusion of the learning disabled in the definition of handicapped eligible under all provisions of the law. The Child Service Demonstration Centers established under part G have provided a unique combination of research, training, and service for all age levels in the school system. To make sure that these centers fulfill their mission and justify the initial investment, and to make a successful concept more widely available to other types of handicaps, I joined with Senator JAVITS in proposing an amendment to ease the transition in bringing learning-disabled children fully within the law's definition of the handicapped, and to conserve a successful program.

The Education of the Handicapped Amendments of 1977 affirms our commitment to a group of children who need our help and support. Every individual, whatever his particular limitations, is a worthwhile human being who has an important social or spiritual contribution to make. Handicapped children must not be denied their basic right to education by unfair and exclusive criteria or false public spending priorities.

I am proud that our Nation is sufficiently civilized to reflect in its laws an unequivocal commitment to bring to all children the joy of learning, and the sense of worth and belonging that it fosters. Passage of this bill is an expression of that commitment.

Mr. DOLE. The bill which we are considering today, the Education For All Handicapped Children Act, is part of the triumvirate of laws which have major impact on the handicapped. The other two laws, the Rehabilitation Act of 1973 and the Developmental Disabilities Act, are equally important pieces of legislation, and all three work together to address needs of the handicapped American.

The Handicapped Education Act requires States to provide approriate educational services to all children, depending on the nature of their disability. In addition, it stipulated that States, in order to meet the mandates of this act, must conduct an outreach program to locate all handicapped children and to refer them to an educational program best suited to their individual needs. Kansas conducted a thorough, statewide search to locate such children, and found it a worthwhile endeavor.

I think it is important that Congress continue to support the programs funded under this legislation. One of the frequent shortcomings of the Congress is that we create a brand new project and let it get started. Then, when the legislation comes up for renewal, we fail to feed it the continued funding which is needed to operate projects of this magnitude. The obvious answer is that we should be more selective of the programs which we initiate. But, this is legislation which passes the test of selectivity, and which needs to be adequately funded.

Today marks the beginning of the White House Conference on Handicapped Individuals. It will highlight the needs and opportunities which 30 million of our citizens face. But, as in the case of any successful person, education is an integral part of one's success. We owe it to 8 million handicapped American children to provide them with a competitive education that prepares them for gainful employment suitable to their skills. Today's bill is aimed toward that end result.

For these reasons, I lend my support to this legislation, the Education For All Handicapped Children Act, and trust that the current amendments to the act will be adopted.

Mr. RANDOLPH. Mr. President, I yield back the remainder of the time allotted to me.

Mr. STAFFORD. Mr. President, seeing no one else who wants to speak or offer an amendment known to me, I am prepared at this time to yield back the time remaining to the minority.

The PRESIDING OFFICER. All time has been yielded back. If there be no further amendments to be proposed, the question is on agreeing to the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. JAVITS. Mr. President, I ask unanimous consent that Senator THURMOND's name be added to those I have read in respect of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 6692.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 6692) to extend certain programs under the Education of the Handicapped Act.

The PRESIDING OFFICER. Without objection, the Senate will proceed immediately to the consideration of the bill.

Mr. RANDOLPH. Mr. President, I move to strike all after the enacting clause of H.R. 6692 and substitute therefor the text of S. 725, as reported and as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 6692), as amended, was passed, as follows:

That this Act may be cited as the "Education of the Handicapped Amendments of 1977".

CENTERS AND SERVICES

SEC. 2. Section 627 of the Education of the Handicapped Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 627. There are authorized to be appropriated to carry out the provisions of section 621, $19,000,000 for the fiscal year 1978 and the succeeding fiscal year, $21,000,000 for fiscal year 1980, $24,000,000 for fiscal year 1981, and $25,000,000 for fiscal year 1982. There are authorized to be appropriated to carry out the provisions of section 622, $22,000,000 for fiscal year 1978, $24,000,000 for fiscal year 1979, $26,000,000 for fiscal year 1980, $29,000,000 for fiscal 1981, and $32,000,000 for fiscal year 1982. There are authorized to be appropriated to carry out the provisions of section 623, $25,000,000 for fiscal year 1978 and for each of the two succeeding fiscal years, $20,000,000 for fiscal year 1981 and for the succeeding fiscal year. There are authorized to be appropriated to carry out the provisions of section 625, $10,000,000 for the fiscal year 1978, $12,000,000, for the fiscal year 1979, $14,000,000 for the fiscal year 1980, and $16,000,000 for the fiscal year 1981 and for the succeeding fiscal year.".

PERSONNEL TRAINING

SEC. 3. Section 636 of the Education of the Handicapped Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 636. There are authorized to be appropriated for carrying out the provisions of this part (other than section 633) $75,000,000 for the fiscal year 1978, $80,000,000 for the fiscal year 1979, $85,000,000 for the fiscal year 1980, $90,000,000 for the fiscal year 1981, and $95,000,000 for the fiscal year 1982. There are authorized to be appropriated to carry out the provisions of section 633, $2,000,000 for the fiscal year 1978 and the succeeding fiscal year, and $2,500,000 for the fiscal year 1980 and each of the two succeeding fiscal years.".

SPECIAL EDUCATIONAL MODEL PROGRAMS

SEC. 4. Section 641 of the Education of the Handicapped Act is amended by striking out the period and inserting a comma and the following: "including the development and conduct of model programs designed to meet the special educational needs of such children.".

RESEARCH

SEC. 5. Section 644 of the Education of the Handicapped Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 644. For the purposes of carrying out this part, there are authorized to be appropriated $20,000,000 for the fiscal year 1978, $22,000,000 for the fiscal year 1979, $24,000,000 for the fiscal year 1980, $26,000,000 for the fiscal year 1981, and $28,000,000 for the fiscal year 1982.".

INSTRUCTIONAL MEDIA

SEC. 6. Section 654 of the Education of the Handicapped Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 654. For the purpose of carrying out this part there are authorized to be appropriated not to exceed $24,000,000 for the fiscal year 1978, $25,000,000 for the fiscal year 1979, $27,000,000 for the fiscal year 1980, $29,000,000 for the fiscal year 1981 and for each succeeding fiscal year thereafter.".

SEC. 7. The amendments made by sections 2 through 5 shall take effect on October 1, 1977.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. RANDOLPH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RANDOLPH. I think we have a situation of House and Senate bills. I ask unanimous consent that consideration of S. 725 be indefinitely postponed because of the situation that has developed with the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make such clerical and technical corrections as may be necessary in the engrossment of the Senate amendments to H.R. 6692.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, do we have any time? I want to retrieve 1 minute.

The PRESIDING OFFICER. We are not under time.

The Senator from West Virginia is recognized.

Mr. RANDOLPH. I thank the able Presiding Officer.

I want to indicate for the RECORD that the Senate, this afternoon, has undertaken a very important development in the education of the handicapped. The children, the youth, who will benefit, I think, will, in the years to come, become a contributing part of our productive society in a way that these maturing handicapped Americans could not have achieved without what we are doing here this afternoon. We, in a sense, are making an investment, a very real investment, in handicapped children.

I hope that we may avoid a conference with the House in reference to this matter. I think our debate this afternoon, although not lengthy, has been adequate. We have given consideration to and have adopted a suggestion, a recommendation, of Senator JAVITS and other Senators. I do not want to compliment our work; that is not my purpose. But, sometimes, we overlook the fact that a subject matter attracts attention, and very properly so. But usually, in this area of activity, there is not too much attention given to what is done. We do not expect it. We would not ask for it.

What is being done here is very fundamental. It will help us to build a better America in the years ahead. All of us who have had a part in this, those who have worked within the administration and assisted us, the very splendid and, I think, helpful expertise of our staffs—not only of the Subcommittee on the Handicapped but committee staff members and the staffs of the individual members, the members of the subcommittee and the committee—all of these people are to be commended for what they are doing and what they have done.

Whether handicapped or nonhandicapped, people have different attributes; however, if we place the authority and the purpose of the Senate and Congress behind those we need to help, then all persons can have an equal opportunity. That is what we are trying to do with the handicapped children of this country. We are wanting those handicapped children to stand on that same level and have the same opportunities as other children.

I think this is a tribute to a responsive Senate, acting for responsible people.

Mr. THURMOND. Will the Senator yield?

Mr. RANDOLPH. Yes, I yield.

Mr. THURMOND. Mr. President, I commend the able Senator from West Virginia for his fine leadership and interest in programs for education of the handicapped.

Mr. RANDOLPH. I thank my colleague.

Mr. THURMOND. In my State, we have done very fine work in vocational rehabilitation. Under the leadership of Mr. Dill Beckman and Roy Stone, and under others since then, our State has forged ahead. We are very proud of what has been accomplished.

I recall that, when I was Governor of the State of South Carolina, this program was somewhat in its infancy. I encouraged it all I could. I have been very pleased with the fine results that have grown out of these programs for the handicapped.

There is no question in my mind that we have tremendous talent among the handicapped people of this Nation, and I am so pleased that we can develop the opportunities to give these people a better chance in life and enable them to live a fuller life and render more service to humanity.

I thank the able Senator.

Mr. President, if there is no objection, I ask unanimous consent that I be added as a cosponsor of that bill.

Mr. RANDOLPH. We are delighted to have the Senator join in the sponsorship of the measure as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. JAVITS. I wish to associate myself with the remarks of the Senator from West Virginia and the Senator from South Carolina and to commend the magnificent dedication of Senator RANDOLPH, Senator STAFFORD of Vermont, and the staffs, in developing this legislation. I do not wish anything I have said or done about the amendment to detract from the luster which should attach to their names and their reputations for the magnificent effort that has been made.

In the same connection, I think Senator RANDOLPH will join me in expressing a debt of gratitude and appreciation, for the country and for the people of my State, especially the handicapped in my State, to the Secretary of Health, Education, and Welfare, Mr. Califano. He has signed literally a charter of freedom, a bill of rights, in a set of regulations pursuant to a provision of law, of which I had the honor to be one of the authors, section 504 of the Rehabilitation Act respecting the fact that we should not in any way discriminate against the handicapped, but we should also implement that nondiscrimination through effective actions, which can give them equality of opportunity through physical construction, opportunities for learning, employment, and standing in life, which has been so very long denied to them.

I think that, in the same pantheon, we should place the name of Joseph Califano, who has issued these regulations implementing section 504 of the Rehabilitation Act of 1973.

Mr. ROBERT C. BYRD. Mr. President, I express the gratitude of the Senate to the distinguished senior Senator from West Virginia (Mr. Randolph), the distinguished senior Senator from New York (Mr. Javits), and other members of the committee—Mr. Stafford and members of the staff of the committee—for the service they have performed in bringing this bill to the Senate and for their very able management of it today.

OMNIBUS JUDGESHIP BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 96, S. 11.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 11) to provide for the appointment of additional District Court judges and for other purposes.

Without objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment in the nature of a substitute.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. EASTLAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I ask unanimous consent that George Duncworth and Emory Sniedin be granted the privileges of the floor during the consideration of the judgeship bill which will be coming up soon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EASTLAND. Mr. President, I ask unanimous consent that the committee amendments be adopted en bloc and be considered as original text for purposes of further amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UP AMENDMENT NO. 283

Mr. EASTLAND. Mr. President, I move the following technical amendment to the calendar print of the bill to correct clerical errors:

One, in section 1(d) of the bill, in that part of the table on page 10 of the bill after the reference to Oklahoma, strike the words reading "Eastern and Western" and substitute in lieu thereof the words "Northern, Eastern and Western."

The PRESIDING OFFICER. Would the Senator send the amendment to the desk?

Mr. EASTLAND. On page 12, line 3 of the bill, after the reference to "section 4," strike section "(a)."

Mr. President, I make that motion.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi (Mr. Eastland) proposes technical amendments, unprinted amendment numbered 283.

The amendment is as follows:

1. In section 1(d) of the bill, in that part of the table on page 10 of the bill, after the reference to Oklahoma, strike the words reading "Eastern and Western" and substitute in lieu thereof the words "Northern, Eastern and Western".

2. On page 12, line 3 of the bill, after the reference to "Sec. 4" strike "(a)".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi.

The amendment was agreed to.

Mr. EASTLAND. Mr. President, I add one further bit of clarification as it relates to the committee report. This bill embodies subject matter which, in the last Congress, was contained in four separate bills. The committee completed markup on April 21, and a week later a voluminous and comprehensive report was submitted to the Government Printing Office.

In order to clarify any discrepancies that may appear in the report, I will state, one, the bill creates 108 permanent district court judgeships in 63 judicial districts; and, two, the bill also creates three temporary district court judgeships in three districts named in section 2 of the bill.

This makes a total of 111 new district court judgeships. As regards circuit court judgeships, section 4 of the bill creates 24 circuit court judgeships in the 10 circuits—other than the fifth circuit—as named in section 4.

As regards the fifth circuit, it is divided into a new 11 circuit and a new fifth circuit, and six new judges are created for the 11th circuit and five new judges are created for the new fifth circuit.

Thus, S. 11, as amended, creates a total of 111 new district court judgeships and a total of 35 new circuit court judgeships.

Mr. President, since this bill incorporates several distinct subjects relating to our Federal judicial system, I have asked Senator DeConcini to share my time on the bill in explaining this measure to the Senate.

Before proceeding further, Mr. President, I would like to acknowledge, with thanks, the efforts of Senator McClellan, the ranking majority member of the committee, in chairing 5 days of full committee hearings on this legislation. The Senator from Arkansas had to take valuable time away from his duties as chairman of the Appropriations Committee in order to furnish the leadership for the committee's efforts on this bill. We, on the committee, are grateful to him.

UP AMENDMENT NO. 284

Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Mississippi (Mr. Eastland) proposes an unprinted amendment numbered 284:

On page 15, after line 6, after the word "Birmingham," add the word "Jackson".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. EASTLAND. Mr. President, let me now commence this presentation on S. 11 by explaining the problem in the Fifth Circuit Court of Appeals.

Over the years, as the judicial business of the Federal courts has increased, the Congress has eventually responded by creating more judges to meet the burden of the caseload. The district courts are at the base of our pyramid of Federal courts and, therefore, it is relatively easy to provide additional judges, supporting personnel, and courtrooms to handle the increased caseload at the trial level. However, studies show that the number of cases disposed of by district court judges produce an average of approximately 40 appeals per judge. These appeals, together with review of administrative agency actions, then become the workload for the Federal courts of appeals. Thus the ever broadening base of the judicial pyramid presents greater problems for the courts of appeals which are in the center of the pyramid.

Nowhere is the nature of these problems in the appellate courts better illustrated than in the Fifth Circuit Court of Appeals.

In 1961 there were 43 district court judges in the 6 States of the fifth circuit, and there were 7 judges on the court of appeals of the fifth circuit. In 1966, an additional 14 district court judges were created to handle the increased trial work in the 6 States of the fifth circuit, and the size of the Fifth Circuit Court of Appeals had increased to 9 judges. However, the number of appeals filed per judge in the Fifth Circuit Court of Appeals in 1966 was 121 cases per judge which prompted the Congress in 1967 to increase the size of that court to 13 judges. In 1968, the Fifth Circuit Court of Appeals was authorized a total of 15 judges to meet the appellate caseload, which then stood at a total of 1,378 appeals filed in that court for fiscal year 1968. Today the Fifth Circuit Court of Appeals still has only 15 judges, even though the number of appeals has tripled to a total of 3,629 appeals filed in fiscal year 1976. The number of appeals filed per judge last year—1976—was 242 cases per judge, exactly double the caseload back in 1966, just 10 short years ago.

The judges of the Fifth Circuit Court of Appeals over the last 10 years have struggled valiantly to meet their increased caseload. While the 15 judges terminated cases at a rate of 85 per judge in 1968, they have increased their productivity to the point where last year, 1976, they were terminating cases at a rate of 210 per judge. Yet the number of terminations were less than the number of new cases filed and the backlog of cases continued to increase.

In order to achieve this great increase in productivity, the judges of the fifth circuit were forced to adopt many innovations, expediences, and shortcuts. For example, in 1968, the judges started to screen cases in order to separate the simple cases from the more complex cases. The simple cases which involved well-settled principles of law or familiar and repetitive factual issues, were not scheduled for oral argument but were decided by the court on the basis of the written briefs submitted by the opposing counsel. Almost 50 percent of the cases decided by the court fell into this category where the parties were not given the privilege of oral argument. Even those cases which were deemed of sufficient merit to require oral argument, were divided into two categories: the least complex of those orally argued cases were allotted only 15 minutes per side while the most complex cases were allotted 30 minutes per side.

But even this abridgment of the oral argument procedure was not sufficient as a device for conserving time and energy of a court as the caseload continued to increase. In order to achieve further efficiencies the court in 1970 adopted what is kown as rule 21 which set forth a procedure whereby the affirmance—but not the reversal—of a civil or criminal appeal or the enforcement of an order of an administrative agency would be announced by the court without a written opinion, either by per curiam or otherwise. Under rule 21 the court terminated the appeal by the entry of an order simply stating "affirmed" or "enforced," without further explanation of the reasons for the court's decision.

While neither the judges nor the lawyers in the fifth circuit were satisfied with the curtailment of the right to oral argument, or with the absence of a written explanation of the basis of the court's decision, the bench and the bar alike accepted these innovations as an alternative to the greater evil of the court being 3 or 4 years behind in its work.

Under the bill (S. 11) reported by the Committee on the Judiciary, an additional 23 district court judgeships are created in the 6 States comprising the fifth circuit. When these new judges have been nominated, confirmed and appointed, and after they commence their services on the bench, the resulting increased trial activity in the fifth circuit States will result in another 900 additional appeals in the fifth circuit.

Mr. President, the time has now come to divide the Fifth Circuit Court of Appeals because its workload far exceeds the capacity of any one court of appeals, with whatever number of judges, to handle under procedures which are consistent with our normal concepts of due process.

These problems of the fifth circuit have been under study for a long time. In 1964 a special committee of the Judicial Conference recommended a split of the fifth circuit into two separate circuits. This recommendation for various reasons did not result in a solution at that time. In 1972 the 92d Congress (Public Law 92-489) created a Commission on Revision of the Federal Court Appellate System for the purpose of studying not only the problems of the fifth circuit but the problems of the appellate system of the entire Federal court structure. This Commission, under the Chairmanship of our esteemed colleague, Senator ROMAN L. HRUSKA, issued the first of its two reports in December, 1973, in which it recommended that the fifth circuit be split into two circuits.

A similar recommendation was made with respect to the ninth circuit, which had similar, yet different, problems. In the 93d and 94th Congresses, a subcommittee of the Committee on the Judiciary, under the able chairmanship of Senator BURDICK, held 10 days of hearings on legislation which embodied the recommendations of the Commission. As a result, in the last Congress, S. 2752, a bill to divide the fifth circuit, was reported to the floor of the Senate, but was not reached for final action.

S. 11, the bill now under consideration, in sections 5 through 12, contains essentially the same provisions with reference to a division of the fifth circuit as were contained in the bill reported in the last Congress. During the hearings on S. 11, which were chaired by Senator MCCLELLAN, the chief judge of the fifth circuit, accompanied by circuit Judge Ainsworth from Louisiana, appeared before the committee and testified that the 13 active judges of the fifth circuit had resolved, by a vote of 10 to 3, to support and approve the division of the fifth circuit in essentially the form recommended by the committee in the last Congress and in the form set forth in sections 5 through 12 of S. 11.

During the hearings conducted by Senator BURDICK during the 93d and 94th Congresses, the committee received testimony and resolutions from the bar associations of the six States in the fifth circuit. It is significant that all of the bar associations in those six States resolved in favor of splitting the fifth circuit. Five of the bar associations supported the creation of a new circuit, consisting of Texas and Louisiana and a revision of the fifth circuit to include Alabama, Florida, Georgia, Mississippi and the Canal Zone. The sixth bar association, representing the lawyers in the State of Louisiana, had a two part resolution. It first resolved that no changes be made in the geographical structure of the fifth circuit, but the second part of the resolution states that in the event that the fifth circuit was not to be kept intact, that it be divided into a new circuit consisting of the two States of Georgia and Florida, together with the Canal Zone and a new four State circuit consisting of Texas, Louisiana, Mississippi and Alabama.

Because Mississippi and Alabama were created from the old Georgia territory and because their common law and much of their statutory law and legal traditions were derived from the Georgia territory, rather than from the States of Louisiana and Texas, which have civil law backgrounds, the Committee on the Judiciary concluded to adopt the geographical alinement of States, as supported by 5 of the 6 bar associations, rather than that as suggested by the Louisiana Bar Association.

Under sections 5 through 12 of S. 11, the new fifth circuit would consist of the 4 States—Alabama, Florida, Georgia and Mississippi—together with the Canal Zone, which has but a small number of appeals. Since 9 of the present 15 judges of the Fifth Circuit reside in those 4 States, those judges would be assigned to the new fifth circuit and would be supplemented by 5 new judgeships created in this bill providing a court of appeals with 14 judges. The new 11th circuit consisting of Louisiana and Texas, would have a total bench of 12 judges consisting of 6 of the present 15 judges and 6 new judges authorized by this act, for a total bench strength of 12 judges. The number of cases which these courts would have, based on the 1976 statistics, would be approximately equal. The judges in the new fifth circuit would have total filings which would average 140 cases per judge. In the new 11th circuit the total filings would average 139 per judge. Since the caseload per judge in the present fifth circuit is 242 cases per judge, it can readily be seen that the workload of the judges would be drastically reduced, resulting not only in an increased capacity but resulting also in less need for the court to rely on innovations and expediencies in deciding cases.

The bill provides that the new courts shall come into existence effective October 1, 1977, assuming that this legislation would be passed by the Congress and approved by the President prior to July 1. The bill also contains appropriate language allocating the cases pending on September 30, 1977, to the new courts. This language is similar to the language used when the 10th circuit was created out of the 8th circuit back in 1927.

Mr. President, I want to emphasize the seriousness of the situation in the fifth circuit. That court has been overwhelmed with appeals since at least 1968. The situation is getting worse each day. This problem, and its possible solutions, has been studied by the judicial branch, by special commissions and by the Congress for more than 13 years. We cannot delay a decision any longer. The solution recommended by the Judiciary Committee in this bill has the overwhelming support of the bench and the bar in the fifth circuit and was unanimously approved by the committee. It also has the support of the Department of Justice through the Attorney General who was a judge on the Fifth Circuit Court of Appeals for 14 years. I urge its approval by the entire Senate.

Mr. THURMOND. Mr. President, the bill before us now, S. 11, the omnibus judgeship bill, is an urgently needed bill. The last omnibus judgeship bill, which increased the district bench from 340 to 401 judges, was passed in 1970 on the basis of the 1968 Judicial Conference recommendations. The Judicial Conference has completed two surveys since that time. Since the 1972 survey did not result in legislation creating additional judgeships, the 1976 survey, which is the basis for today's bill, deals with judgeship needs which have existed in some districts for as many as 7 years. Also, since another omnibus judgeship bill is unlikely to be enacted before 1980, this bill takes into consideration estimates for additional needs over the next 3 years.

Our judicial system is very important. We should be willing to rise above partisan politics in the matter of Federal judges. We have not added any Federal judges since 1970. It is very evident that we have needed more judges for some time. However, since we had a Republican administration and a Democratic Congress, no judgeship bills have been passed by Congress. We must move forward without delay in passing this bill.

Under a formula used by Senator MCCLELLAN it was determined that 90 district judges would meet the present needs. These were badly needed. I felt this number would be adequate for the present. However, the Judicial Conference recommended 107 and the committee added 4 more. While I preferred the approach of Senator MCCLELLAN, I am prepared to support this bill since it meets anticipated needs in the foreseeable future.

A review of the statistics of the district courts shows that, in the 6 years since 1970, the total civil and criminal workload has increased by nearly 35 percent. There were 127,280 cases filed in 1970 and 171,617 in 1976. This represents an increase from 317 filings per judgeship to 430.

During this same time, the termination rate of the district judges has grown from 345 per judgeship in 1970 to 386 in 1976. Even with this rise in the termination rate, the courts have been unable to keep pace with the incoming workload. As a result, the pending backlog has grown from 285 cases per judgeship at the end of 1970 to 401 at the end of 1976, a 41 percent increase.

In the case of judgeship requirements for the U.S. Courts of Appeals, nearly 9 years have passed since the Congress last enacted legislation to create additional judgeships for these courts. The bill was enacted on June 18, 1968, and included nine additional judgeships in five courts of appeals. The basis for this legislation was a comprehensive study conducted by the Judicial Conference in 1966 and early 1967.

The Judicial Conference has since conducted 2 quadrennial surveys of the judgeship needs in the 10 courts of appeals. Since the last circuit court judgeship bill was passed in 1968, the filings in these courts have more than doubled while the number of authorized judgeships has remained constant at 97.

During this same 9-year period, a number of measures have been taken to improve the productivity of the circuit judges and prevent an astronomical increase in the backlog. These efforts have been successful in increasing the termination.

Since 1968 the disposition rate in the courts of appeal has nearly doubled, rising from 8,264 cases terminated in 1968 to 16,426 in 1976. Even with this increase in terminations, the pending caseload has grown from 6,615 at the end of 1968 to 114,110 at the end of 1976 which is an increase of 113 percent. I believe this increase justifies the 25 additional circuit judgeships.

It has been too long since judges were added. The Federal judiciary is in serious need of more judges. I believe this bill provides enough judges to take care of the heavy caseload. I would like to urge my colleagues to pass this bill as it is. I realize that some Senators would like to have additional judgeships. However, we must try to be reasonable. If we allow another judgeship for one State, the door will be open for more. Careful study has gone into these judgeships which have been approved by the Judiciary Committee. We can justify these judgeships.

In closing, I urge my colleagues to move forward and pass this much-needed bill. However, at the same time, I emphasize the importance of maintaining a reasonable number of judgeships.

DISTRICT COURT JUDGESHIPS

Mr. DE CONCINI. Mr. President, section 1 of S. 11 creates 108 additional permanent district court judgeships in the 64 judicial districts specifically named in this section. In addition, section 2 of the bill creates three temporary judgeships, for a minimum of 5 years, for three judicial districts, namely, Eastern District of Kentucky, Southern District of West Virginia, and the Southern District of Florida. This is a total of 111 new judgeship positions, or three more than recommended by the Judicial Conference of the United States. Let me explain the basis for the committee's recommendation of 111 judgeships.

Since fiscal year 1969, the volume of cases filed in the district courts of the United States has increased greatly, from 112,600 cases in 1969 to 171,600 cases in 1976. Since June 1970, no additional district court judgeships have been created by the Congress.

In 1972, the Judicial Conference of the United States made a quadrennial survey of the requirements of the district courts for new judgeships. At its October 1972 meeting, the Judicial Conference approved, for transmittal to the Congress, a recommendation for the creation of 51 new judgeships in 33 separate judicial districts. While hearings were held on this request in 1973, no bill was reported by the Judiciary Committee in either the Senate or the House because Watergate events preempted committee activities. In the 94th Congress, the Senate passed S. 287, a bill to create 45 additional judgeships on April 1, 1976. However, the bill died on the floor of the House at adjournment.

Since adjournment of the 94th Congress, judicial statistics for fiscal year 1976 became available and disclosed a continued increase in case filings. Also, the Judicial Conference made its 1976 quadrennial survey of judgeship needs. In addition to the 45 judgeships contained in S. 287, the Judicial Conference recommended 62 more district court judgeships for a total of 107 requested new judgeships. Printed Amendment No. 40 to S. 11 contained all 107 of the Judicial Conference's requests.

In making its recommendation of 107 new judgeships, the Judicial Conference itself broke this down by stating that 88 were justified by the current workload and that 19 would be justified by 1980, if case filings continued to increase.

In the 95th Congress, hearings on S. 11, chaired by Senator MCCLELLAN, were conducted by the Committee on the Judiciary. Five days of hearings were held on February 21, 22; March 4, 14; and April 6, 1977. Testimony was received from selected chief judges of some of the judicial districts involved in this bill and from the chief judges of the Fourth, Fifth, Ninth and District of Columbia Circuits. As shown by the hearing record, elaborate statistical exhibits prepared both by the Administrative Office of the U.S. Courts and by subcommittee staff were received and studied. In addition, testimony was received from Judges Butzner and Ainsworth, appearing on behalf of the Judicial Conference, in explanation of the recommendations of the Judicial Conference both as to district and circuit judgeships.

Since the end of World War II for a period of 30 years, our Federal courts have experienced an ever-increasing caseload. The interaction of economic and social forces in a nation with an expanding population has inevitably produced an increase in litigation. The traditional response to increased litigation has been for the judicial branch of Government to request, and for the legislative branch to create, additional judgeships. However, in recent years both the Congress and the judiciary have recognized that the twin problems of congestion and delay in our Federal courts cannot be solved solely by an increase in the number of judges. There has been an increased awareness of the fact that the processing of a large volume of cases requires improvements in our judicial machinery which would increase the efficiency of our judicial process. Recognition of this fact of judicial administration is manifested by several laws recently enacted by Congress.

Public Law 90–578 replaced the U.S. Commissioner with a U.S. magistrate, a judicial officer with authority to handle not only petty offenses and preliminary hearings, but also the authority, when ordered by the district court, to process certain preliminary matters in both criminal and civil cases, including the screening of prisoner petitions. In the 94th Congress, Public Law 94–577 further expanded and clarified the authority of magistrates to the end that district judges would have a maximum of time available for actual trials.

Public Law 91–647 authorized a court administrative officer for each of the 11 judicial circuits in order to relieve the judges of various time-consuming administrative responsibilities. In addition, the judiciary itself has promulgated procedures to increase efficiency in juror utilization, and, by local rules, some courts have experimented with the use of a six-member jury in civil cases.

While much can be gained by modernizing court procedures and by authorizing adequate supporting personnel, the greatest improvement can be achieved through increased efficiency by the judges themselves.

In its effort to evaluate other factors which influence district court workloads, the committee studied those elements given weight by the Judicial Conference's Committee on Court Administration in conducting its latest quadrennial survey.

In recognition of the Senate Judiciary Committee's studies, in the last two Congresses, the Judicial Conference, in 1976, continued to use filings perjudge in excess of 400 as a threshold indicator of the need for additional judicial manpower within a district. It also evaluated terminations per judge for each district, generally viewing those figures in relationship not only to filings, but also in relation to the specific nature of cases brought before a given court. For instance, the Conference Committee recognized that a district terminating a large number of complex cases—those arising in such areas as antitrust or securities, for instance—would be working equally as hard as a district terminating a far larger number of less complex cases. In many instances the rate of terminations also often reflects vacancies in judicial positions arising from retirement or prolonged illness. In other instances it will reflect an unusual number of protracted trials.

Another factor influencing Conference consideration was the need for certain courts to reduce large backlogs of cases arising from vacancies, illness, delays in the appointment process, the lack of judgeships recommended, but not created, in recent years or the complexity of the caseload. In such instances recognition was accorded the reality that an award of additional judgeships solely on the basis of current case filings would do nothing to assist such courts in their efforts to reduce such backlogs.

Also given consideration were the special problems encountered by larger metropolitan courts, such as unusually high numbers of complex cases, more prolonged trials, more extensive motion practices, calendar conflicts with State and local courts within the same expanded urban areas, and difficulties arising from the more complex problems associated with the administration of such larger courts.

Although the conference's committee did not establish a guideline figure for the number of hours the courts' judges should spend on the bench or working in chambers, it did, where it appeared to be necessary, review tabulated records relating to such activity, in order to avoid recommending additional positions for any court whose present complement of judges was terminating fewer cases due to lack of effort. In recognition of the fact that many judges achieve a greater level of efficiency by processing in their chambers work which other judges may more expeditiously process from the bench, the conference committee's evaluation in this area was deliberately subjective rather than objective. Thus, the conference's evaluation did not use set numerical standards based on terminations per judge or bench days per judge.

In 19 instances the Judicial Conference's Court Administration Committee felt justified in employing a statistical method for projecting future caseload burdens upon a court. Although past congressional criticism of earlier projection studies undertaken by the conference's committee was duly recognized by the limited application of such a technique in the last quadrennial survey, projections were nevertheless used in a limited number of cases for two reasons: First, one projection method employed in past years has been proved by subsequent actual caseload experience to have been reasonably accurate; and second, in certain districts which have for some time experienced very rapid caseload growth, due to individual variables impacting those specific districts, the conference concluded that recommendations based on current data alone would be inadequate. In essence, the conference committee concluded that in those special situations some attempt ought to be made to foresee and accommodate the immediate future needs of the court.

Although the Committee on the Judiciary has in the past utilized methods of evaluating judgeship needs quite different from those utilized by the Judicial Conference Committee, the decision to do so was based primarily upon the conference's earlier extensive reliance upon unproven methods of projecting future caseload. In its most recent quadrennial survey, having recognized the validity of many of this committee's earlier criticisms, the conference judiciously refrained from using any projection methodology as a basis for 88 of its recommendations, and in those 19 instances in which it did rely upon projections, it used a methodology which has in large part been proven to be reliable through a comparison of the results of its earlier application to actual subsequent events.

In conducting its own analysis of judgeship needs, in hearings held and studies conducted within recent weeks, a majority of the Committee on the Judiciary found the results of the Conference's latest quadrennial survey to be far more acceptable than results obtained in earlier surveys which we have also evaluated. In the final analysis, our studies have led us to the conclusion that the latest Judicial Conference quadrennial survey has accurately ascertained existing judgeship needs. Accordingly, this committee is recommending Senate approval of those 107 judgeships requested by the Judicial Conference on the basis of its latest quadrennial survey.

In four instances, this committee's studies led it to conclude that judicial positions not recommended bv the Judicial Conference's quadrennial survey were nevertheless needed. The committee's reasons for reaching such conclusions in each such specific situation were as follows:

Kentucky—Eastern District:

During the 94th Congress, the committee noted that black lung cases totaled 845 in this court. In 1976, black lung filings doubled to 1,723 cases. Excluding those cases, all other civil and criminal cases totaled only 805 cases, a caseload sufficient to fully occupy two of the presently authorized judges. The need, therefore, is for sufficient manpower to handle the black lung cases. Previous restriction on use of magistrates on black lung and other cases was removed by Public Law 94-577—October 21, 1976, which will permit this court to get greater assistance from magistrates in this type of case. Nevertheless, help is needed to handle the black lung cases.

The Judicial Conference recommended two judges for this district and the designation of the rover judge to the eastern district only. Because there were 1,769 black lung and social security cases pending in the eastern district as of June 30, 1976, the committee believes that three judges are required. However, because the volume of black lung cases may subside in the future, the committee believes that one of the new judgeships should be temporary. At the time of the 1980 quadrennial survey, the situation can be reviewed both by the Judicial Conference and by the committee.

North Carolina—Western District:

The Judicial Conference did not recommend an additional judgeship. However, this district has 538 weighted case filings per judge which is far in excess of the Judicial Conference's standard of 400 filings. It's terminations per judge and bench time per judge are also well above the national average. Since the filings, terminations, trials and bench time in the Western District are higher than in the Middle District, the committee believes that it should be treated the same as the Middle District. The committee recommends one additional judgeship.

West Virginia—Southern District:

The Judicial Conference has recommended one additional judgeship. This additional judgeship is required since the number of labor cases increased markedly in 1975 and 1976 over prior years. However, in 1976, the number of black lung cases increased from 559 to 1,076, with a resultant increase in the number of pending cases to 1,254 per judge. This pending caseload ranks second in the Nation. The committee believes that a second new judgeship should be created on a temporary basis for the same reasons as expressed with reference to the eastern district of Kentucky.

Utah—Western District:

The Judicial Conference's threshold standard was 400 filings per judge. In Utah, the weighted case filings were 386 per judge in 1976. Due to unusual circumstances in the Utah Court, the U.S. Attorney files certain civil cases in State courts, even though the United States is the partv plaintiff. In addition, these circumstances have prompted the U.S. Attorney to leave in the State courts some cases in which the United States is the party defendant rather than remove them to Federal court. Thus, the committee concludes that the Utah judicial business is, in fact, sufficient to meet the Judicial Conference's standard of 400 filings per judge. It should also be noted that the judges in Utah average 154 days per year on the bench, which is among the highest such activitv in the Nation. Creation of a third judgeship will increase the efficiency of the court and will permit a better use of the U.S. Magistrate positions in that court. Therefore, the committee has recommended an additional judgeship for the district of Utah.

Therefore, Mr. President, I believe that the Senate should approve the 111 judgeships as recommended by the committee.

In addition to the new district court judgeships, the bill, S. 11, in section 3 contains authorization for the Administrative Office of the U.S. Courts to spend another $32,000 per year to upgrade salaries and to reclassify an additional eight employee positions in grades 16, 17, and 18 of the general schedule. This agency has not been authorized any new supergrade positions since 1958 even though its responsibilities have increased greatly. The request seemed reasonable and justified and the cost is certainly minimal.

A last item which needs to be mentioned is section 15 of the bill which amends existing law to require a $10,000 jurisdictional amount on each bill of lading in cases brought in Federal court to recover damages or delay to freight shipments made by rail or motor carriers. This amendment is necessary to prevent an abuse of Federal judicial process, primarily in the U.S. District Court for Massachusetts where 2,000 to 3,000 such claims are filed each year. In hearings held in the 94th Congress, it was demonstrated that these cases, which could be sued is State courts, are commenced in Federal court simply as a means of tolling the statute of limitations while settlement negotiations are undertaken. Most cases involve less than a few hundred dollars and few, if any, are ever tried by the court.

Therefore, Mr. President, I urge my colleagues to support sections 3 and 15 of the bill.

CIRCUIT JUDGESHIPS

Mr. President, section 4 of S. 11 creates 24 additional circuit judgeships which are allocated to 10 of the courts of appeals as follows:

First circuit, one new judgeship; second circuit, two new judgeships; third circuit, one new judgeship; fourth circuit, three new judgeships; sixth circuit, two new judgeships; seventh circuit, one new judgeship; eighth circuit, one new judgeship; ninth circuit, 10 new judgeships; tenth circuit, one new judgeship; and District of Columbia circuit, two new judgeships.

Thus, the bill will give to each of these circuits additional judges in such number as will be sufficient to meet their current needs. The special problems in the fifth circuit have been explained by Senator EASTLAND.

If approved by Congress, these 24 new judgeships represent the first additions to these courts since 1968 (Public Law 90-347). In 1968, the Congress created nine new circuit judgeships, bringing to 97 the total number of authorized judges for the 11 courts of appeals. At that time, the total number of appeals filed in these courts were 7,900 per year. In the last fiscal year—1976, the appeals totaled 18,408 nationwide. This means that the average number of appeals per judge has grown from 90 cases per judge in 1967 to 190 cases per judge in 1976. While the caseload has more than doubled over the past 9 years, there has been no increase in the number of authorized judges on any of these 11 courts.

Nevertheless, our circuit judges, as a whole, have worked hard in an attempt to meet this increased workload. In 1967, the appeals terminated averaged 86 per judge. In 1976, terminations averaged 169 per judge. Even though these appellate judges almost doubled their output, they are unable to keep pace. On June 30, 1976, the number of appeals pending totaled 14,110 cases. Some of these courts are in worse shape than others. In some of the courts, the average time from notice of appeal to the opinion deciding the case is 15 months or more. Because our statutes prescribe that certain types of cases, such as criminal appeals and review of certain agency decisions, are entitled to a priority, an ordinary civil case appeal is delayed 2 to 3 years in some of these courts.

The Judicial Conference of the United States in 1972 recommended to the Congress the creation of 11 new circuit judgeships in selected circuits. Action on this request was delayed pending receipt of a report from the Commission on Revision of the Federal Court Appellate System on the possibility of realigning or reorganizing the several courts of appeals. The Commission, which was chaired by Senator Hruska, in December 1973, recommended reorganization of the fifth and ninth circuits, but also recommended that the other eight circuits be kept intact as far as their geographical composition was concerned.

In March and April of 1974, the Subcommittee on Improvements in Judicial Machinery, under the energetic chairmanship of Senator BURDICK, held 5 days of hearings and received testimony from the chief judges of these courts of appeals on the need for more judgeships. In the 94th Congress, the Senate passed S. 286 creating seven additional circuit judges but the House took no action on the bill.

Mr. President, the 1974 hearings were very complete, going well beyond a mere recital of statistics. They included a thorough examination into the details of how each of these courts operated. Inquiry was made into the number of days each judge sat to hear oral arguments, the number of cases heard each day, the number of cases decided after oral argument as distinguished from cases decided only on submission of the written briefs. Each court had to explain its screening procedures, the use of short per curiam decisions, memorandum decisions, or judgment orders as distinguished from full signed opinions. The number of and use of law clerks for individual judges, staff clerks or staff attorneys, and even the use of secretaries, were the subject of inquiry in these hearings.

As reflected in the committee report on S. 11, the Committee on the Judiciary came to the conclusion that the 97 circuit judges, as a whole, had achieved a maximum degree of productivity. We cannot get more work out of these judges—we must furnish more judges to do the work. This bill, S. 11, provides the necessary manpower.

Mr. President, let me elaborate on some of the reasons why the committee reached this conclusion. I have already mentioned the fact that the circuit judges, as a whole, have doubled the number of appeals decided each year. How was this accomplished? Most of the courts increased the number of days for oral argument. Most courts increased the number of cases set for argument each day. This accounted for only a fraction of the increased productivity. The greatest increase resulted from the use of screening techniques which resulted in many cases being decided without oral argument, but only on the written briefs submitted by the parties.

In the Nation as a whole, in fiscal year 1973, 29.9 percent of the cases were decided without any briefs, 22 percent were decided on the basis of written briefs alone, and only 48.1 percent were decided after the court had heard oral argument from the parties. In three of the courts, as few as 37 percent of the cases were accorded the privilege of oral argument. While one court gave oral argument to 71 percent of the cases, almost half of that number were decided by an oral opinion from the bench, rather than by the traditional written opinion explaining the reasons for the court's decision.

Thus, it is clear that these appellate courts have had to make innovations in their procedure—innovations which in some instances represent departures from the traditional procedures to which the citizens of this country have been accustomed.

Consider, if you would, the fact that in the high schools and colleges of this Nation, the students have been told that our judicial system is one which guarantees not only a fair trial in the trial court, but a right of appeal to an appellate court. This educational process presents an image of an appellate court where judges sit in open court, listen to the oral argument of the lawyers and both sides, and then the judges reach a decision which they announce in a written opinion. In fact, this image of our appellate procedures is accurate in less than half of the cases in our Federal courts of appeals.

The Committee has concluded that many cases in our appellate courts do present simple issues or raise repetitive and familiar factual and legal issues and as such they can properly be decided on written briefs without oral argument. However, the number of cases in which the traditional oral argument can be dispensed should be kept to a reasonable minimum. If we do not give these courts sufficient judgepower and other resources to handle the ever-increasing caseload, these courts will be forced to use more innovations, more expediencies, and to take more short-cuts in the traditional appellate procedures. Were that to occur, I fear that eventually we would run the risk of undermining public acceptance of the judicial process.

Therefore, Mr. President, I submit that the committee has thoroughly studied every facet of the operation of these appellate courts. The need for these 24 new judgeships is amply demonstrated in the committee report which separately analyzes the situation in each of the 10 judicial circuits. I urge all Members of this body to support this bill to create these additional judgeships.

NINTH CIRCUIT

Mr. President, S. 11 creates 10 new judges for the Ninth Circuit Court of Appeals. This court has been a court of 13 judges since 1968. In that year, a total of 1,182 appeals were filed in that court. Today it is still a court of only 13 judges but the number of appeals filed in the latest year—1976—had risen to 2,731. The caseload of the court over the last 8 years has risen more than 230 percent yet the number of judges has remained the same. Filings per judge have increased from 91 per judge in 1968 to 210 per judge in 1976. While terminations per judge have increased from 71 per judge in 1968 to 188 per judge in 1976, the new cases filed have continued to be more than total terminations, and as a result, the number of cases pending at year end now stands at 2,636 cases. Because certain cases are, by statute, given a priority in the courts of appeals, civil case appeals—which are nonpriority cases—take as long as 2 or 3 years to be decided.

Even though this court, like the others, has used screening techniques and decisions without oral argument in an effort to keep pace, the simple fact is that the 13 judges are overwhelmed by the caseload. There is no question about the fact that 10 new judges are needed and are justified.

However, a further problem will remain. The new judges will provide a total of 23 judges on this court. Because of the experience in the fifth circuit conventional thinking has been that no court of appeals should ever exceed 15 judges in number. This, in fact, was the conclusion reached by the Commission on Revision of the Federal Court Appellate System, chaired by Senator Hruska, when it recommended in December of 1973 that the ninth circuit and the fifth circuit be divided.

While this bill now before us does divide the fifth circuit, the problem in the ninth circuit is in one respect quite different. In the ninth circuit, which consists of nine States extending from Hawaii to Montana and from Alaska to Arizona, the great bulk—almost 65 percent—of the appellate caseload originates in the four Federal trail courts in California. Thus, any effort to divide the court's caseload between two separate courts or between divisions of the same court would involve dividing the California cases which are two-thirds of the total.

In 1974 and 1975, the Subcommittee on Improvements in Judicial Machinery, chaired by Senator BURDICK, held 10 days of hearings on the problems of the fifth and ninth circuits. The bill which resulted from these hearings—S. 729—was reported by the Judiciary Committee in September of 1976, but no final action was had. The bill, as reported, was opposed by the California State Bar Association and by some of the judges of the ninth circuit.

The ninth circuit problem is a complex one and requires some detailed explanation. Perhaps the explanation can be shortened if I were to simply describe the several alternative solutions which have been studied or proposed:

First. Divide the 9th circuit into a new 12th circuit and a revised but smaller 9th circuit. This was recommended by the Hruska Commission and would have placed the southern half of California together with Arizona and Nevada in a new 12th circuit and the northern half of California and the other six States into a revised 9th circuit. This not only divided California but also would require the U.S. Supreme Court to resolve any conflicts in Federal law as applied to California activities.

Second. Create two relatively autonomous divisions in the ninth circuit with a joint en banc panel of some of the judges from each division to resolve any conflicts which affected California. The southern division and the northern division would be alined geographically the same as the two new circuits recommended by the Hruska Commission. This would permit the States of Arizona, Nevada, Hawaii, and Idaho to retain a connection with those parts of California with which these States have substantial social, economic, and legal connections. The "division concept" (S. 729) also permitted conflicts in case law to be decided by the joint en banc panel, sitting at San Francisco rather than by the Supreme Court sitting in Washington. The division concept was also opposed by the California State Bar Association and others because it "split" California.

Third. A third alternative solution was proposed by the California State Bar Association whereby the ninth circuit would be kept intact geographically, the number of judges would be increased to 20—now 23—and the en banc function of the court would be handled by only 9 of the 20—now 23—judges. This plan was considered by the Judiciary Committee in its report (S. Rept. 94-1227) on S. 729 in the last Congress and a majority of the committee rejected the "California plan."

The reasons given by the committee for rejecting the California proposal may be summarized as follows: First, a court of 20—now 23—judges would exacerbate problems of logistics, communications, and collegiality which had been experienced by the 15 judge court of appeals in the fifth circuit not only because the number of judges would be far greater but because of the larger area of the nine States comprising the ninth circuit; second, as caseload increased in the future the number of judges would have to expand beyond 20—now 23—further aggravating the problems of logistics; and third, a limited en banc court of only 9 of the 20—now 23—judges has certain disadvantages: Nine are not only less than a majority of the court but the other 11—or 14—judges would be excluded from any participation in deciding the low of the circuit, but nevertheless would be bound to follow the legal precedent; this exclusion of 11 or 14 judges might be devisive; a 5-4 split decision would increase the possibility that 15—or 18—judges would disagree with the majority opinion but would be bound by it; selection of the nine en banc judges becomes a problem, whether the selection is by seniority or by rotation; a change of one or two of the nine judges (whether by rotation or by seniority) would raise the possibility of changing a 5-4 or 6-3 split decision and this would not only promote instability in the law but would encourage appeals to relitigate once decided legal issues. Also, the Hruska Commission which had suggested the possibility of using a "limited en banc" court of only nine judges, cautioned that this was feasible only if the nine were a majority of the entire court.

Fourth. A fourth alternative to the problems of the ninth circuit has been suggested by those—Senators MAGNUSON and JACKSON—who favor creation of a new "northwest circuit" consisting of Oregon, Washington, Montana, Idaho, and Alaska. Since those States originate only 17 percent of the total appellate caseload of the ninth circuit, the other 83 percent would still need a solution.

Fifth. Recently the Chief Justice of the United States proposed yet another alternative—that is to split the ninth circuit into "three administrative divisions." The proposal did not go into any details as to how the three divisions would operate.

Sixth. Yet another alternative solution to operation of a 23-judge court might lie in a proposal made in 1968 in a study by the American Bar Foundation that large courts be divided into panels of 5 or 7 judges, each panel having authority over all cases of a specified subject matter.

In summary, Mr. President, there are complex issues involved in deciding what to do about the ninth circuit. At the hearings this year, Chief Judge Browning urged that the Congress create 10 new judges and give his court an additional period of time to make recommendations for a solution. The Committee on the Judiciary decided to accept this suggestion and section 14 of the bill contains a "report back" provision reading as follows:

> Within one year from the date on which the last of the ten new judges authorized by this Act is appointed to the Court of Appeals for the ninth judicial circuit, the judicial council of the ninth circuit and the Judicial Conference of the United States shall, jointly or severally, submit to the Congress recommendations for such rule making authority or for such statutory amendments as may be necessary to provide for the effective and expeditious administration and disposition of the business of the court.

It should be noted that the 1-year period runs from the date on which the 10th new judge is appointed. This will permit the new judges to have a voice in the recommendations to be made to the Congress. It should also be noted that this is an open-ended provision which does not attempt to express a preference for any of the six possible solutions.

Mr. President, for the reasons I have explained, I urge my colleagues to support the committee's bill.

UP AMENDMENT NO. 285

Mr. MUSKIE. Mr. President, I send an unprinted amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Maine (Mr. MUSKIE), for himself and Mr. HATHAWAY, proposes an unprinted amendment numbered 285.

Mr. MUSKIE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 6, line 20, insert the following: "one additional district judge for the district of Maine," immediately after "Louisiana,".

On page 10, strike out "1" in the item referring to Maine and insert "2".

Mr. MUSKIE. Mr. President, the amendment which I am submitting with Senator HATHAWAY provides an additional Federal district court judge for the district of Maine. Maine is presently one of only three States which is served by one judge. We have been fortunate to have enjoyed the dedicated services of an —outstanding jurist in Judge Ed Gignoux, whose hard work and careful administration have enabled Maine to avoid most of the problems confronting our overworked court system.

But it is clear that the increasing administrative responsibilities imposed on Federal district court judges, the growing complexity of Federal civil and criminal proceedings and the increasing workload in the district of Maine makes continual service by one judge impractical and inefficient.

The need for an additional district court judge can be clearly demonstrated.

The pending civil caseload as of April 30 was 400 cases and projections from the first 4 months of the present calendar year indicates filings in excess of 600 cases can be expected this year—well above, I believe, the Judiciary Committee's standard of need.

Beyond the basic statistics the increasing complexity and resulting time demands of criminal cases and the dramatic increase in the variety of civil cases including environmental enforcement actions, actions related to the 200-mile limit and the Maine "Indian cases," which have been described by the Justice Department as potentially the most complex civil litigation ever brought in Federal court, make effective operation as a one judge district increasingly difficult and impose unnecessary delays on litigation.

The geographic area of Maine makes service to the entire State and particularly the northern division particularly difficult. Recent protracted litigation and the brief hospitalization of Judge Gignoux clearly demonstrated the absolute necessity to provide additional flexibility with an additional judge.

Mr. President, the case for an additional judge was further presented in a letter from Senator HATHAWAY and myself to Senator EASTLAND in support of this amendment and in a letter we recently received from Judge Gignoux. I ask unanimous consent that copies of these letters be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary, Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: The purpose of this letter is to call your attention and the attention of the other members of the Committee to the need for an additional federal district court judgeship for Maine, and to urge the Committee to adopt our amendment creating that judgeship. While we recognize that Maine falls barely short of meeting the statistical criteria set out by the Committee*, we believe there are several unique circumstances in Maine which combine to demonstrate beyond doubt the need for this judgeship.

The circumstances to which we refer include the particular problems experienced in a State with only one district court judge; the unique geography of Maine, which greatly exacerbates those problems; the fact that neighboring courts in the circuit, and particularly Massachusetts, are too overburdened to provide additional support for Maine; and the fact that Maine's docket contains a large number of extremely complex cases, including one recently characterized by the Justice Department as "potentially the most complex litigation ever brought in the federal courts . . ."

In the balance of this letter, we will briefly elaborate on each of these circumstances.

1. The one-judge district court—

Most analysts now agree that the one judge statewide district court is an anachronism that should no longer be tolerated in our federal judiciary. With the increasing administrative burdens of the modern judicial system, we can no longer expect one judge to shoulder those burdens for a statewide court, while at the same time conducting trials and otherwise keeping abreast of the increasingly complex and demanding substance and procedure of federal litigation.

Simply to hold himself or herself constantly available for temporary restraining orders or other emergency litigation on a statewide basis, while conducting all the other business before the court, can tax the endurance of even the finest judge. And when a State's lone judge is ill, takes a vacation, or is otherwise unavailable in the State, it is the quality of justice itself which suffers the greatest harm.

It is ironic that this situation can be made even worse in a State if the quality of its single district judge is high. Such an individual is often called upon to perform tasks and take on responsibilities outside the normal scope of court business, leading to further difficulties providing service within the State. In the case of Maine, Judge Gignoux has had precisely that "problem". His skills are widely recognized outside the State resulting for example, in his participation in the activities of the American Law Institute and other preeminent national legal forums, as well as in his temporary assignment to important cases outside the State, such as the Chicago conspiracy contempt proceeding.

2. The unique geographic problems of Maine—

Even among the few remaining one-judge-states, Maine has unique geographic characteristics that considerably exacerbate the problems of the one-judge court.

To begin with, Maine's one million residents are spread over 33,215 square miles, as compared with 8,257 for Massachusetts, or 9,304 for New Hampshire. Filing, termination and bench day figures become less significant by themselves when you consider that Maine's single judge commutes regularly between Portland and Bangor, a distance of 150 miles. And the litigants can be even more inconvenienced than the judge. When he sits in Portland, for example, suitors from the St. John Valley must travel over 350 miles simply to obtain a temporary restraining order!

3. Overburdened neighboring courts—

In addition to geographic problems within the state, the isolation of Maine vis-a-vis the rest of the country can also add to judicial difficulties, especially when emergencies arise which are beyond the workload capacity of the one available judge (or which might occur during his absence or illness). Maine actually shares a border with only one other American state: New Hampshire. And the courts in New Hampshire and Maine's other reasonably proximate neighbor, Massachusetts, are themselves too overburdened to fill in readily when the Maine court requires assistance.

Indeed, it can be argued that an extra judge in Maine would also be available to sit in other nearby states, whose dockets are expected to continue to be jammed, despite new judgeships created by this bill.

4. Unique caseload in Maine—

Finally, although Maine's docket appears on the surface to be lighter than average, in fact the court is burdened with an unusual number of cases with heavy evidentiary requirements and complicated procedures.

The State's geography is also a causal factor here. Maine is a maritime State, with 3,500 miles of shoreline, and its economy is heavily dependent on its proximity to the sea. The court thus handles a relatively large number of maritime and marine injury cases, which can be extremely burdensome and time consuming.

Maine's 1976 docket contained 11 marine injury cases, for example. It also contained 34 civil rights cases, 15 fraud cases, 9 forgery or civil fraud cases, 9 labor lawsuits, 9 United States contract cases, and 62 cases involving other contracts. All of these matters represent difficult cases not easily disposed of, and the Maine docket is thus far from being as simple as it might appear.

The Maine docket also currently contains one case so unique as to defy comparison in terms of normal district court workload. This is the now-famous Maine Indian lawsuit against the State, in which Indian tribes have claimed huge money damages and millions of acres of Maine real estate. It should rarely be argued that an additional judge is justified solely on the basis of a single case. However, if this suit is not settled by the parties, a convincing argument to that effect could easily be made. Even if the case is ultimately settled, ancillary matters, both procedural and substantive, might easily tie up the court for months, or even years. Suffice it to say that the Justice Department, in a memorandum to the Court, noted—

". . . that this potentially the most complex litigation ever brought in the federal courts, with social and economic impacts without precedent and incredible potential litigation costs to all parties."

For these reasons we strongly urge you, Mr. Chairman, and the members of your committee, to support our amendment to S. 11, and create a second district court judgeship for Maine. We believe that after considering all the nonstatistical arguments in favor of such an action, you can come to no other conclusion but that it is long overdue.

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*Maine's 1976 "record", according to the Judicial Conference, indicates that the court processed 94% of the new filings and 90% of the terminations required under the criteria. And while bench days totaled only 85% of the days thought to be necessary to justify a new judge, extenuating circumstances which are explained in the text of this letter make this an extremely misleading figure

Please enter this letter into your hearing record on S. 11, pursuant to the letter we received fom Senator John McClellan, dated February 22. And please feel free to call upon either of us if you have any further questions about this matter, or any other matter of mutual concern.

With best regards.

Sincerely,

Edmund S. Muskie,
William D. Hathaway,
U.S. Senators.

U.S. District Court,
Portland, Maine, May 11, 1977.

Re: Omnibus Judgeship Bill, S. 11 and Amendments: District of Maine.

Hon. William D. Hathaway,
U.S. Senate,
Washington, D.C.

Dear Bill: In accordance with your request, I am writing to urge the creation by the Congress of an additional district judgeship for the District of Maine. I am aware that, on the basis of past performance (ignoring projections), the caseload in this Court does not meet the criteria adopted by the Senate Judiciary Committee for determining the need for an additional judge. But after extended deliberation, I have come to the conclusion that I would be derelict in my responsibilities if I did not present this request. The fact is that the combined civil and criminal caseload in this Court, plus the administrative burdens which I must carry as the only district judge, have increased to the point where a second district judgeship can be more than justified. I am also of the view that the bar of this State, particularly in the Bangor area, is entitled to the services of a second full-time judge.

Summarily stated, the principal reasons for this request are the following:

(1) As shown on the attached "Statistical Profile" prepared by the Administrative Office of the United States Courts, for fiscal year 1976 a total of 356 cases were filed in this District, of which 273 were civil actions and 83 were criminal actions; the total weighted filings were 367; 341 cases were terminated; and there were 334 cases pending at the end of the period. Although this statistical record does not meet the standard of need adopted by the Senate Judiciary Committee—case filings of 400 or more and terminations in excess of 358 per judge—for the first four months of the present calendar year (January 1–April 30) 191 civil cases and 30 criminal cases have been filed, a total of 221 filings. Projected over a twelve months period, this indicates total filings for the current year in excess of 600. Incidentally, my pending civil caseload as of April 30 is 400 cases.

(2) As you are undoubtedly aware, the bare statistics tell only part of the story:

(a) Largely, I believe, as a result of the Criminal Justice Act, the percentage of guilty pleas in criminal cases has dropped, in line with national experience, from approximately 90% to about 70%. Moreover, the average criminal case now takes about three times longer to terminate than it did ten years ago, whether the termination is by trial or by a plea of guilty. Supreme Court decisions and the amended Rules of Criminal Procedure now require extended interrogation of the defendant before a guilty plea can be accepted, and when a not guilty plea is entered, lengthy preliminary hearings on the admissibility of confessions, the legality of searches and seizures, and the sufficiency of identification procedures, as well as discovery motions.

(b) In the civil category, also, the bare figures tell only part of the story. Over the last ten years there has been a dramatic change in the kinds of cases being filed in the federal courts. Hardly a week passes that some new and complex action is not brought. Civil rights cases, voting cases, welfare cases, environmental cases, securities cases, consumer class actions have become commonplace. In the last several years, for example, I have been asked to review the record of more than 100 state criminal convictions; to direct a complete revision of the rules and regulations of the Maine State Prison relating to inmate mail privileges, press relations, conditions of confinement and disciplinary procedures; to determine whether conditions at our State mental institutions meet minimally humane standards; to rule on the validity of state and local health and welfare regulations relating to categorical aid, general assistance and Medicare-Medicaid programs; to intervene in the operations of the University of Maine and local public school systems; to order the paper companies and other industries to clean up our rivers and coastal waters; and to cope with a current challenge to the licensing procedures in connection with the recent establishment of the 200-mile fisheries zone. Also, presently pending before me are several complex securities law, contract and patent cases, each of which will require an extended trial, and the so-called "Indian cases," which could tie up the Court's docket for years.

(3) Until about 1970, I was able each year to keep my criminal cases current and to close more civil cases than were filed. My pending civil caseload remained at a relatively constant 100 to 120 cases. As shown on the attached Statistical Profile, by 1971 my pending caseload had increased to 287 and as of the end of 1976, it was 334. As of April 30, 1977, it has risen to 400. A significant factor in this increase has been the recently enacted Speedy Trial Act, which, under the Plan adopted by this Court, requires that every criminal defendant be tried within 60 days after arraignment. The result has been that because of the priority which must be given to criminal actions the civil docket remains essentially dormant. With the additional time required for criminal dispositions and the increased complexity of civil cases, it has simply been impossible during the last several years to close out as many cases as have been filed.

(4) As you are aware, Maine is one of only three states with a single federal district judge, the other two states being New Hampshire (which will receive a second judge under the Omnibus Judgeship Bill) and Wyoming. This is also one of a relatively few single-judge districts in the country. The single district judge must serve two courts—one in Portland and one in Bangor—and a population of one million people spread over a geographical area greater than the combined area of the states of Vermont, New Hampshire and Massachusetts. For 20 years I have been apprehensive of the impact upon my calendar of a truly protracted case. For the first time, this winter I was faced with such a reality: the separate trials of three defendants who were indicted as a result of last summer's northern New England bombings. These required 41 days of actual trial time plus at least an equal number of days required for the hearing and disposition of a vast number of pre- and post-trial motions. The time required by these cases, together with some three weeks of time lost by reason of my hospitalization in December (for minor surgery), made it impossible to make any substantial inroad upon the pending civil calendar. I am thoroughly persuaded that the flexibility of a multi-judge court is necessary to meet such emergencies.

(5) Finally, I have become convinced that no state should be limited to a single district judge. The reasons are many. As already noted, a protracted case, or illness of the judge for any extended period, disrupts and delays the court docket. Attendance at meetings of Judicial Conference committees, assignments outside of the district and vacations (limited though they have been) mean that there is no judge available within the state during the absence of the resident judge. Recusals, and frequently retrials, require the designation of another judge from outside the district. And equally important, it has seemed to me unfair that the lawyers are required always to appear before the same federal judge. Undoubtedly, there are some lawyers in this state who feel, rightly or wrongly, that I have not looked kindly upon their efforts, or who have the impression, again rightly or wrongly, that my approach toward a particular type of litigation reflects a particular bias. Assuredly, the bar should have at least a 50 percent chance of appearing before a judge other than Judge Gignoux.

I am well aware that the problems which I have outlined, other than those arising from a single-judge district, are not unique to the District of Maine. I sincerely feel, however, that the need for an additional judge is pressing.

There is a second, but related, matter which I also submit for your consideration. Since the memory of man runneth not, Maine has constituted one judicial district comprising two divisions. *See* 28 U.S.C. § 99. The Southern Division includes the nine southern counties; court for the Southern Division is held at Portland. The Northern Division includes the seven northern counties; court for the Northern Division is held at Bangor. Approximately two-thirds of the civil and criminal cases are filed in the Southern Division, about one-third in the Northern Division. We have presently a single courtroom and set of chambers with limited space in the 70 year old federal building at Portland and a splendid new courtroom and ample set of chambers at Bangor. Since Portland is my official station, and as a result there is no district judge resident at Bangor, I assume that the second judge should be based at Bangor. If so, it would be highly desirable to equalize the caseload between Bangor and Portland. The present rigid divisional structure makes this difficult, and I suggest that flexibility could be obtained if 28 U.S.C. § 99 were amended to provide simply that Maine shall constitute one judicial district, court to be held at Portland and Bangor. 28 U.S.C. §§ 109 and 126 so provide with respect to New Hampshire and Vermont. My research indicates that divisions are anachronisms. If an additional judge is authorized, I would hope that desirable flexibility might be obtained by elimination of the present divisional structure.

I am taking the liberty of forwarding copies of this letter to Senator Muskie, and also to Congressman Cohen in his capacity as a member of the House Judiciary Committee. As you are undoubtedly aware, an additional judgeship for Maine was included in the Omnibus Judgeship Bill which was reported favorably by the House Judiciary Committee last fall.

If there is any further information you desire, please let me know. I appreciate your efforts in our behalf.

Best regards.

Sincerely yours,

Edward T. Gignoux,
U.S. District Judge.

Mr. HATHAWAY. Mr. President, I wish to take this opportunity to congratulate the Judiciary Committee for their fine work on S. 11. The committee worked long and hard on this proposal, and I commend them for their diligence.

I am today, offering an amendment, along with my colleague, Senator Muskie, in an attempt to correct a series of oversights dealing with an additional judgeship for the State of Maine. The history behind these oversights is more than a little confusing. When the studies were being conducted by the Judicial Commission to determine what States needed further district judgeships, they were not advised by the State of Maine that such a judgeship was desired. Whether due to the heavy burdens on our only judge, Judge Gignoux, or simply due to an oversight, no request was submitted. Therefore, when the Commission reported to the Senate Judiciary Committee, they did not include this additional judgeship for Maine.

The Judiciary Committee, in their attempt to be fair, set out a statistical criteria by which their determinations were made. Maine's 1976 "record" fell short of this criteria and the committee, for that reason, did not review the State's needs.

There are, however, several unique circumstances in Maine which combine to demonstrate beyond a doubt the need for this judgeship.

The circumstances to which I refer include the particular problems experienced in a State with only one district court judge; the unique geography of Maine, which greatly exacerbates those problems; the fact that neighboring courts in the circuit are too overburdened to provide additional support for Maine; and the fact that Maine's docket contains a large number of extremely complex cases, including one recently characterized by the Justice Department as "potentially the most complex litigation ever brought in the Federal courts * * *"

Mr. President, I would like to briefly elaborate on each of these circumstances.

THE ONE-JUDGE DISTRICT COURT

Most analysts now agree that the one-judge statewide district court is an anachronism that should no longer be tolerated in our Federal judiciary. With the increasing administrative burdens of the modern judicial system, we can no longer expect one judge to shoulder those burdens for a statewide court, while at the same time conducting trials and otherwise keeping abreast of the increasingly complex demanding substance and procedure of Federal litigation.

Simply to hold himself or herself constantly available for temporary restraining orders or other emergency litigation on a statewide basis, while conducting all the other business before the court, can tax the endurance of even the finest judge. And when a State's lone judge is ill, takes a vacation, or is otherwise unavailable in the State, it is the quality of justice itself which suffers the greatest harm.

It is ironic that this situation can be made even worse in a State if the quality of its single district judge is high. Such an individual is often called upon to perform tasks and take on responsibilties outside the normal scope of court business, leading to further difficulties providing service within the State. In the case of Maine, Judge Gignoux has had precisely that "problem." His skills are widely recognized outside the State, resulting, for example, in his participation in the activities of the American Law Institute and other preeminent national legal forums, as well as in his temporary assignment to important cases outside the State, such as the Chicago conspiracy contempt proceeding.

UNIQUE CASE-LOAD IN MAINE

Second, although Maine's docket appears on the surface to be lighter than average, in fact the court is burdened with an unusual number of cases with heavy evidentiary requirements and complicated procedures.

Maine's 1976 docket contained 11 marine injury cases, for example. It also contained 34 civil rights cases, 15 fraud cases, 9 forgery or civil fraud cases, 9 labor lawsuits, 9 U.S. contract cases, and 62 cases involving other contracts.

The various contract cases alone, create a great deal of diversity and often leads to a series of motions, all of which must be heard by the sitting judge. The civil rights cases heard in Maine have been predominantly cases dealing with job discrimination and equal employment opportunity. Due to the newness of this law, the cases are complex and there is no precedent to fall back on. Also, many of these cases result in actual trials, which, as we all know, result in a great deal of court time, for both the participants and the judge. Maine also has a number of fraud cases, mostly forgery complaints, which also add heavily to court time.

All of these matters represent difficult cases not easily disposed of, and the Maine docket is thus far from being as simple as it might appear.

The Maine docket also currently contains one case so unique as to defy comparison in terms of normal district court workload. This is the now-famous Maine Indian lawsuit against the State, in which Indian tribes have claimed huge money damages and millions of acres of Maine real estate. It should rarely be argued that an additional judge is justified solely on the basis of a single case. However, if this suit is not settled by the parties, a convincing argument to that effect could easily be made. Even if the case is ultimately settled, ancillary matters, both procedural and substantive, might easily tie up the court for months, or even years.

Suffice it to say that the Justice Department, in a memorandum to the court, noted—

> . . . that this is potentially the most complex litigation ever brought in the federal courts, with social and economic impacts without precedent and incredible potential litigation costs to all parties.

UNIQUE GEOGRAPHIC PROBLEMS OF MAINE

To begin with, Maine's 1 million residents are spread over 33,215 square miles, as compared with 8,257 for Massachusetts, or 9,304 for New Hampshire. Filing, termination, and bench day figures become less significant by themselves, when you consider that Maine's single judge commutes regularly between Portland and Bangor, a distance of 150 miles. And the litigants can be even more inconvenienced than the judge. When he sits in Portland, for example, litigants from the St. John Valley must travel over 350 miles simply to obtain a temporary restraining order.

OVERBURDENED NEIGHBORING COURTS

Finally, in addition to the geographic problems within the State, the isolation of Maine vis-a-vis the rest of the country can also add to judicial difficulties, especially when emergencies arise which are beyond the workload capacity of the one available judge—or which might occur during his absence or illness. Maine actually shares a border with only one other American State: New Hampshire. And the courts in New Hampshire are themselves too overburdened to fill in readily when the Maine court requires assistance.

For these reasons, I request that the Senate give favorable consideration to this additional judgeship for Maine. After considering all of the nonstatistical arguments in favor of such an action, I believe that we can come to no other conclusion but that it is long overdue.

Mr. EASTLAND. Mr. President, I am acquainted with the Senator's amendment, and the equities certainly are on his side. I know the conditions in the State of Maine. I am willing to accept the amendment.

Mr. MUSKIE. Mr. President, I appreciate the generosity of my good friend on this question. I know that he and Senator DECONCINI and Senator KENNEDY are well aware of the merits of this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 285) was agreed to.

UP AMENDMENT NO. 286

Mr. EASTLAND. Mr. President, I ask unanimous consent to include an amendment for a temporary district judge for the district of Minnesota, the State of the distinguished Presiding Officer (Mr. ANDERSON).

On page 11, line 4, after the word "Kentucky" add the following: "one additional district judge for the district of Minnesota."

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Mississippi (Mr. EASTLAND) proposes unprinted amendment numbered 286:
>
> On page 11, line 4 after the word "Kentucky", add the following, "one additional district judge for the district of Minnesota".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi.

The amendment was agreed to.

Mr. MATHIAS. Mr. President, I commend the distinguished chairman of the Judiciary Committee for bringing this bill to the floor. Obviously, there is nothing more important in this country than the efficient and honest operation of the courts.

This bill, I think, will promote greater efficiency in the courts, and I have particular reference to the State of Maryland where we have been falling behind not because of any lack of effort on the part of sitting judges but because the business is simply too much for them to handle.

This bill will promote, I think, the administration of justice in the Federal courts in the district of Maryland, and I am grateful that the chairman has taken the lead in bringing this bill to the Senate and I hope it will be promptly enacted.

I ask unanimous consent to supply some supportive material in this respect.

There being no objection, the material was ordered to be printed in the Record, as follows:

Prepared Statement of Hon. Edward S. Northrop, Chief U.S. District Judge, District of Maryland

Mr. Chairman and members of the Committee: I am honored to have been invited to appear before you this morning to testify on S. 11, a bill to provide additional judgeships in the inferior courts of the United States. In particular, I should like to address my remarks to that portion of the bill providing two additional district judgeships for my district, the District of Maryland.

I am especially pleased that you have asked for the views of chief district judges. We are in a unique position to observe, and to relate to you, the conditions prevailing in the district courts. Indeed, as we watch our jurisdiction constantly expand and our caseloads mount, we must compare our predicament to that of a person trying to barricade his premises against the rising waters of a river in flood. He knows that eventually he will run of sandbags, and he is certainly powerless to stem the rising tide.

I know that the Committee has been furnished statistics from the Administrative Office and other sources that attempt to analyze our caseload and work flow on the basis of certain specified criteria. There are two possible fallacies inherent in the statistics before you. First is the general fallability of statistics. Certainly, statistical data are useful in making comparisons across comparable data bases. However, statistics often provide only a poor foundation for drawing conclusions. This result proceeds from the fact that statistics are generally concerned with the effects of averages, means, and medians. Because of this, the individual peculiarities of specific situations are not well portrayed. I am reminded of the humorous definition of a statistician as a person who, if his head were in a hot oven and his feet were in a bucket of ice water, would say that, on the average, he feels fine.

I am informed that the Committee has before it the so-called Butzner report, *i.e.*, the quadrennial survey of district court judgeships. In that report, a trend analysis was performed, based upon FY 1970 through FY 1975 reported case filings, that predicted 2,670 total cases to be filed in our district in FY 1980. As you can see from the 1976 Management Statistics for United States Courts, which, I am informed, you have also been furnished, our total filings in FY 1976 were 3,317 in number. Applying to criminal filings the 20% discount rate for minor offenses utilized in the Butzner report, there were 3,075 filings. Thus, we have already exceeded the FY 1980 projection by 405 (using equivalent statistical assumptions) in FY 1976. I submit that the trend will continue this alarming, and heretofore unanticipated, upward climb.

A further difficulty with the statistics you have before you is their failure, inadvertent as it may be, adequately to portray the nature of the judicial business of our district. In particular, these figures fail to take into account the peculiarities of the complex cases that tend to arise often in large, metropolitan districts like ours.

With this in mind, our court has accumulated data, going back over the past few years, that, we believe, can give the Committee a better perspective on the complex cases that place such a burden on our judicial resources. You will note from the following tables that we have experienced net increases over the years in the number of complex criminal and civil cases filed in this court.

TABLE A.—COMPLEX CRIMINAL CASES

	Fiscal year—				
	1972[1]	1973	1974[2]	1975	1976
Conspiracy	13	27	34	28	35
5 or more defendants			1	16	14
Bank robbery	22	49	37	69	78
Income tax	17	33	16	27	47
Mail fraud	5	15	21	32	26

[1] Fiscal 1972 calculations begin with January through June 30, 1972.

[2] Fiscal 1974 calculations for 5 or more defendants begin with January through June 30, 1974.

TABLE B

PROTRACTED CASES (TRIALS CONSISTING OF 8 DAYS OR MORE)

File No.: Nature of case	Days at trial
Crim. 73-0527Y: Conspiracy—Extortion	42
Crim. 74-011HM: Conspiracy—Gambling	19
Crim. 73-0679Y: Conspiracy—Gambling	14
Civ. 72-660M: Civil rights	13
Civ. 72-1048K: 72-1152K: 73-18K: Marine personal injury; exoneration from limitation of liability; marine contract	19
Civ. 72-1204H: Marine personal injury	10
Civ. 19916B; 20130B: Contract	15
Civ. 72-452M; 72-453M; 72-560M; 73-731M: Violation of air pollution laws	29
Civ. 20518K: Tort	13
Civ. 71-1076HM: Inmates civil rights	11
FISCAL YEAR 1975	
Crim. 74-0336N: Fraudulent statements	11
Crim. 74-07454B: Mail fraud	12
Crim. 74-0784HM Theft from foreign shipment	10
Crim. 74-0750HM: Mail fraud	14
Civ. 73-1055M: Civil rights	10
Civ. 71-1300Y: Civil rights	13
Civ. 73-303H: Antitrust	16
Civ. 70-1396Y; 73-646Y: Contract; antitrust	17
Civ. 71-600K: Antitrust	15
Civ. 72-30HM: Civil rights	11
Civ. 72-1239K: Contract	9

Case No.: Nature of case	Days at trial
FISCAL YEAR 1976	
Crim. B-75-099: Illegal gambling	11
Crim. B-75-0521: Conspiracy—Drugs	11
Crim. K-75-0112: Conspiracy—Extortion	36
Crim. HM-75-0445: Mail fraud	27
Crim. H-75-0165: Mail fraud	16
Crim. Y-76-083: Conspiracy—Drugs	14
Civ. 72-683-H: Patent infringement	11
Civ. 73-766-H: Personal iniury	9
Civ. 70-1223-N; 70-1256-N; 71-882-N: Contract; contract; anti-trust	46
Civ. 74-1350-HM: Personal iniury	47
Civ. 72-250-M: Contract	34
Civ. 73-964-B: Antitrust	30
FISCAL YEAR 197T (JULY 1-OCT. 1, 1976)	
Crim. H-75-0167: Mail fraud	[1]13
Crim. H-75-0670: Failure to report abstraction of National Defense Document	9
Civ. 70-1127-M; M-75-1536: Civil rights	10

[1] Not concluded during this period—case tried an additional 4 days.

As a further footnote to Table A, I might add that I have just received a report from the Baltimore Office of the Federal Bureau of Investigation indicating an 83% increase in bank robberies in our district for the period December 1, 1976 to February 14, 1977 over the comparable period one year earlier, that is, from 24 to 44. It has been our experience that the average bank robbery consumes three days of trial time. Thus, we can look forward to at least 60 additional trial days to be spent on bank robberies over and above what we spent on them last year. Bear in mind that this is only one category of time-consuming case.

There are further burdensome aspects of these complex cases not fully capable of depiction merely by reference to the trial time consumed by them. I would like to highlight a few categories of complex cases. We try many narcotics cases in our district. Most of the narcotics cases we try involve large-scale conspiracies to manufacture, import and/or distribute "hard" drugs. These cases must often be advanced on the trial docket to satisfy the time limitations imposed under the Speedy Trial Act, in that the defendants are frequently held in custody on account of inability to post bond. Another factor inherent in these cases is the trial time required for the presentation of the copious testimony needed to prove the existence of a conspiracy. Also, most of these are multiple-defendant cases, and, of course, each defendant is generally represented by separate counsel. Further problems are presented by the security risks posed by such trials. We have had two such cases recently, one tried by me involving large-scale manufacture of the drug PCP, and one tried by Judge Harvey involving members of the Pagans motorcycle gang. In each case, the court was faced with scheduling and other management problems arising from the need for extraordinary security precautions.

We have also had a number of political corruption cases in our court recently. Most of these have attracted local and regional (and, some, national) media attention. I need not detail for you the management burdens placed upon the trial judge by these cases. They are, of course, protracted cases, but, like an iceberg, their most troublesome aspects lie beneath the surface. The Supreme Court has told us that in these sensational cases, the only way to balance the interests of free press and fair trial is active management by the district judge. See, *Nebraska Press Association* v. *Stuart*, ---- U.S. ----, 44 U.S.L.W. 5149 (1976). This, of course, takes time, both in court and in chambers. Thus, the trial judge must spend inordinate amounts of time managing the security and media aspects of such cases.

Another category of cases common in this district is that of "professional fraud." We have recently had a number of such cases, involving doctors, lawyers, and other professionals who have conspired to defraud the public. These cases are made complex by the simple fact that it is in the interest of the defendants to prolong all stages of the case to the maximum extent possible, thereby delaying professional disciplinary action.

Prisoner cases form another category fraught with difficult management problems. Although it is true that many of these cases are amendable to summary disposition and, in others, the services of our magistrates can be utilized to speed disposition, there are still many prisoner filings that consume large chunks of judge time. In that our district is comprised of the entire state of Maryland, it follows that we receive filings from all Maryland correctional institutions. Many of these cases raise allegations that require thorough judicial inquisitions into the conditions of confinement in state facilities. Over the last few years, our court has been put in the role of managing the Baltimore City Jail and the Patuxent Institution for Defective Delinquents, and we currently have cases pending raising many issues pertaining to overcrowding in the Maryland House of Correction and in the Penitentiary. My suspicion is that we may shortly be actively engaged in the management of the latter two institutions. I need not stress the time-consuming nature of the role in which such activity places the district judge.

Another category of complex case in which we have significant filings is the non-prisoner civil rights action. Far from being a fad, the figures in Table C show that these cases are on the increase and will likely continue that upward trend.

TABLE C.—CIVIL RIGHTS CASES (NONPRISONER)

Fiscal year	Total	Categories [1] 441 (voting)	442 (jobs)	443 (accommodations)	444 (welfare)	440 (other civil rights)
1972, (6-mo period Jan. 1 through June 30, 1972)	31					
1973	136					
1974	168					
1975 (from July 1 to Dec. 31, 1974—68, no breakdown) [1]	146	0	37	5	3	33
1976	264	2	128	16	1	177

[1] Civil Cover Sheet JS-44c not in use until Jan. 1, 1975.

In a personal footnote to the foregoing table, I might add that I have been trying a sex discrimination-employment case for the past several months, and I expect to be trying it for the next several months. These cases are extraordinarily complex on account of the difficulty of proving and defending charges of discrimination. Where there are multiple plaintiffs, of course, the defendant cannot present a blanket defense, but must tailor his defenses to meet each individual claim on its facts.

The net result of the protracted and complex cases is a severe curtailment of the judge time available for employment both in and out of court on other cases. Thus, the backlog of pending cases grows on account of a shortage of court time, and the time available for chambers work needed to hold conferences, to consider motions, to write opinions, and otherwise to manage judicial business constantly shrinks. In this connection, I might point out that our Clerk has calculated that our judges had an average of 162 days in court in FY 76. Subtracted from the 220 working days in the year, this leaves only 58 days per judge that were available in FY 76 for consideration of motions, holding conferences, writing opinions, and other chambers duties.

Lest the Committee think that I am imagining dragons that are not really with us, I should like to quote two excerpts from the Interim Report of Mr. Steven Flanders' District Court Studies Project published under the auspices of the Federal Judicial Center in June, 1976:

"The one district in which criminal cases present real difficulties is the District of Maryland, which has been burdened in recent years by a large number of extremely complex and highly publicized cases. It also is the only district visited in which criminal filings have been as high as 50% of civil filings. Protracted trials in that district reportedly keep the criminal calendar under constant pressure; the civil calendar, accordingly, is under even greater pressure. It is remarkable that Maryland has remained relatively current under these conditions. The difference appears to be in the nature of the cases rather than in procedures. We were unable to identify any basic differences in the procedures used that could account for the high proportion of trial time in that district given over to criminal cases." Flanders, at page 31.

"The central difficulty in measuring the work of a district court is that there is no accepted measure of workload. The starting point, of course, is the number of cases filed per year. Unfortunately, cases differ from one another and no one can claim that all filings are equivalent to one another. The obvious refinement is to use the case categories that are established at filing. Unfortunately, cases *within* a given category (motor vehicle personal injury, private civil anti-trust, and so on) vary almost as much as do all cases, across all categories. More unfortunately yet, cases in a given category vary greatly between districts in the difficulties they present. These differences result from differences in bar practices, court practices, and different substantive problems presented in the cases. None of this would present any difficulty if these differences were sufficiently uniform that they cancelled one another out. Unfortunately, they are not uniform among districts, *as is demonstrated above in the difficulty we have had in explaining the poor workload statistics of the District of Maryland* (see section IV(b)). *We are left with the conviction that there is something in the nature of the cases in the district, something that cuts across case categories, that makes the bases there more demanding on an average than their counterparts elsewhere in the same categories.*" (Emphasis added.) Ibid, at 60–61.

I cannot overstress the importance of an appreciation of the fact that the AO statistics cannot fully convey to you a picture of the judicial business of our district.

While on the subject of the AO statistics, you might notice that our median disposition times for criminal and civil cases have generally decreased over the past few years. This might lend you to believe that our situation is not so desperate as I am depicting it. I admit that the apparent anomaly is easily explained. Median criminal disposition times have decreased simply because of our district's full implementation of the Speedy Trial Act. Median civil time has gone down because of aggressive case management by judges under our individual calendar system. The phenomenon is cyclical; our judges have seen the handwriting on the wall with regard to the Speedy Trial Act and have managed their civil dockets accordingly. However, this trend simply cannot continue. In my opinion, we have bottomed out on civil disposition times, and the statistics for the coming fiscal years will, I am sure, bear out my prediction that civil disposition times will increase, at an alarming rate. Indeed, the figures in the FY 76 Management Statistics show an increase in pending cases per judge from 274 in FY 75 to 344 in FY 76. The ominous portent of this large increase is that median disposition times, especially in civil cases, will increase in FY 77 and on into the foreseeable future.

I cannot see any reason to expect the increase in new filings to level off or decrease, nor can I see any reason to expect our level of complex and protracted cases to do likewise. Indeed, our judges have projected that, in Fiscal 1977, we will have 38 protracted civil cases and 11 protracted criminal cases. Each of these cases is expected to consume at least eight days of trial time; some of them will require months of trial time. Table D is a breakdown of these cases by category.

TABLE D.—*Protracted cases (trials of eight days or more) fiscal year 1977 (10/1/76 through 9/30/77)*

Civil:	*Jury*
54 days	[1] 1
3 weeks	4
20 days	1
15 days	2
2–3 weeks	1
2 weeks	3
13 days	1
1–2 weeks	1
10 days	[1] 7
8 days	3
Total	24
	Nonjury
5 months	1
2 months	2
4–8 weeks	1
2 weeks	1
10 days	[1] 4
9 days	[1] 2
8 days	3
Total	14
Criminal:	*Jury*
2 months	1
8 weeks	1
4–6 weeks	1
1 month	1
4 weeks	1
3–4 weeks	1
3 weeks	1
17 days	1
15 days	1
2 weeks	2
Total	11
Grand total	49

[1] These trials are presently ongoing, and the estimated trial time noted is through February 18, 1977.

Furthermore, Congress has been more than generous in recent years in conferring new jurisdiction upon us. Our last new judges were commissioned in 1971. There follows a sampling, by no means exhaustive, of jurisdiction-expanding legislation enacted since then:

1972 Amendments to Title 7 of the Civil Rights Act of 1964, giving EEOC power to institute civil action.

The Federal Election Campaign Amendments of 1974.

1974 Amendments to the Railroad Retirement Act of 1937.

The Deepwater Port Act of 1974.

The Noxious Weed Act of 1974.

The Transportation Safety Act of 1974.

The Magnuson-Moss Warranty Federal Trade Commission Improvement Act.

The Equal Credit Opportunity Act of 1974.

The Age Discrimination in Employment Act As Amended in 1974.

The Real Estate Settlement Procedures Act of 1974.

The Safe Drinking Water Act of 1974.

The Vietnam Era Veterans' Readjustment Assistance Act of 1974.

The Farm Labor Contractor Regulation Act of 1963, As Amended in 1974.

The Employee Retirement Income Security Act of 1974.

The Egg Research and Consumer Information Act of 1974.

Amendments to the Freedom of Information Act in 1974 stating that FOIA cases take "precedence on the docket over all other cases. . . ."

1975 Amendments to the Public Health Services Act.

The Federal Insecticide, Fungicide and Rodenticide Act as Amended in 1975.

Hart-Scott-Rodino Antitrust Improvements Act of 1976.

Equal Credit Opportunity Act Amendments of 1976.

Federal Land Policy and Management Act of 1976.

Resource Conservation and Recovery Act of 1976.

1976 Amendments to the Higher Education Act of 1965.

Health Professions Educational Assistance Act of 1976.

Alaska Natural Gas Transportation Act of 1976.

Consumer Product Safety Commission Improvements Act of 1976.

Health Maintenance Organization Amendments of 1976.

Horse Protection Act Amendment of 1976.

International Investment Survey Act of 1976.

Natural Gas Pipeline Safety Act Amendments of 1976.

State and Local Fiscal Assistance Amendment of 1976.

Foreign Sovereign Immunities Act of 1976.

An Act Pertaining to Medical Malpractice Suits Against the United States.

Amendment to the Packers and Stockyards Act of 1921 authorizing the Secretary to recover civil penalty through the District Court.

Interstate Land Sales Full Disclosure Act.

Government in the Sunshine Act.

Odometer Requirements Act.

Truth in Lending Act.

The short time available for preparation of my remarks precluded me from updating the aforegoing list, but I think you can get the general drift from the listed pieces of legislation.

Even if Congress should decide to contract our traditional jurisdiction by, for example, abolishing diversity jurisdiction, there is every reason to conclude that the expansion of non-traditional jurisdiction will continue and quickly fill the vacuum. Lawyers are just beginning to learn the boundaries of non-traditional jurisdiction, and, as they become more and more familiar with newly-enacted statutory rights of action, we can expect a corresponding increase in our caseload. Moreover, many of these cases are tremendously complex. For example, litigation under the National Environmental Policy Act (NEPA) often requires the court to review a voluminous amount of data generated by Executive Branch agencies. Such data, in the case of a major federal project like a dam, could literally fill a courtroom. One such suit easily could fill the vacuum left by twenty or more automobile accident diversity cases. Further, such diversity cases are those most prone to pre-trial settlement, so the number filed is highly disproportionate to the number actually reaching trial.

In conclusion, I might state that anyone who thinks the overall business of the courts will decline is either an incurable optimist or has failed to observe the lessons of the past. He certainly has never been a United States District Judge. In particular, I know that our judges are all working day and night, weekday and weekend, merely to keep up, much less to get ahead of the "power curve". As I have demonstrated, the Butzner study projections for FY 1980 have already been surpassed by our FY 1976 experienced caseload. Our cases are not only numerous, but are also highly complex and time-consuming to try.

In the last analysis, I am not here today merely to convey to you the gripes of an overworked district bench. I cannot overlook the fact that the amount of time we have available for scrutiny, reflection, and decision in a particular case varies inversely with the court's caseload. There is a point beyond which the high standard of justice rightly expected by our citizens must begin to suffer. I believe that by dint of Herculean effort, that point has not yet been reached in our district. But, gentlemen, unless two additional judges are approved for our district, the day will surely come where the citizens will reap an undeservedly meager harvest. I and my colleagues implore you to authorize the two additional judgeships we so desparately need.

Thank you for your consideration of my remarks.

Statistics taken from table C–9 of the annual report of the Director of the Administrative Office of the U.S. Courts

Civil and criminal trials requiring 20 or more days of trial Fourth Circuit Courts listed only:

Court:	*Number of cases*
Maryland 1970	2
Maryland 1971	1
W. Virginia S. 1972	1
Maryland 1972	4
Maryland 1973	2
Maryland 1974	2
1975	None
Maryland 1976	6
Total	18

All but one of the above cases in the circuit was from Maryland.

Data for 1971, 1972, 1973 and 1976 was not published but was obtained from the Administrative Office of the U.S. Courts.

Mr. EASTLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EASTLAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EASTLAND. Mr. President, third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on final passage there be a time limit of 30 minutes allotted to Mr. Roth, 30 minutes allotted to Mr. Eastland, and 30 minutes allotted to Mr. Thurmond on final passage.

Is that agreeable?

Mr. EASTLAND. Yes.

Mr. THURMOND. Yes.

Mr. ROBERT C. BYRD. Final passage will not occur today. But with that understanding, Mr. President, I thank the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank the distinguished manager of the bill the Senator from Mississippi (Mr. Eastland) and I thank the distinguished ranking Member, the Senator from South Carolina (Mr. Thurmond) for the splendid work they have done in bringing this bill to the Senate and managing it in such a proficient manner.

Mr. EASTLAND. Also Mr. DeConcini.

Mr. ROBERT C. BYRD. I was going to get to that. I thank the new man, the Senator from Arizona (Mr. DeConcini) for the expertise, skill, and hard work that he has demonstrated in managing this bill in the Chamber today.

Mr. President, I yield the floor.

Mr. MATHIAS. Mr. President, I wonder if the distinguished majority leader can advise us about what hour he proposes to call the bill up for final action.

Mr. ROBERT C. BYRD. I do not know when Mr. Roth will be here to take his time.

Mr. THURMOND. Mr. President, I understand Senator Roth will be here tomorrow morning, and I presume that as soon as he comes the bill could be called up.

Mr. ROBERT C. BYRD. At some point tomorrow, I would hope that we could do that. I think we can be assured that it will be done.

Mr. Talmadge and Mr. Dole will be managing the farm bill, on which action will be resumed tomorrow morning immediately after the prayer at 9 a.m.

But hopefully sometime during the day, may I say to my distinguished friend, the Senator from Maryland (Mr. Mathias), the Senate will be able to dispose of this measure.

Mr. MATHIAS. I am sure it will be a great deal of relief in many places of the country when this bill is finally disposed of. I am reflecting the anxiety that I know exists in other places.

Mr. ROBERT C. BYRD. I am sure the Senator knows whereof he speaks. He always represents his people in the finest way. I can appreciate the interest in this measure, and I can certainly join with him in his expression of concern that we act as quickly as possible on it.

Mr. MATHIAS. I thank the majority leader.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

APPROVAL OF BILL

A message from the President of the United States announced that on May 23, 1977, he approved and signed the enrolled bill (S. 1279) to provide temporary authorities to the Secretary of Commerce to facilitate emergency actions to mitigate the impacts of the 1976–77 drought and promote water conservation.

ACTIVITIES OF THE ALASKA RAILROAD—MESSAGE FROM THE PRESIDENT—PM 82

The Presiding Officer laid before the Senate the following message from the President of the United States, which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

I transmit herewith the annual report by the Department of Transportation on the operations and activities of the Alaska Railroad, as required by the Alaska Railroad Act of March 12, 1914. The period covered by the report precedes my term of office.

JIMMY CARTER.

THE WHITE HOUSE, *May 23, 1977.*

THE GENOCIDE CONVENTION—EX. MESSAGE NO. 1—MESSAGE FROM THE PRESIDENT

The following message from the President of the United States was received today:

To the Senate of the United States:

I am honored to have the privilege of recommending to the Senate that it approve the Convention on the Prevention and Punishment of the Crime of Genocide. This Convention was initially drafted in the wake of the wanton acts committed by some of our enemies during the Second World War. With the strong support of the United States, the Convention was unanimously adopted by the United Nations General Assembly on December 9, 1948.

The Convention, which now has 83 parties, provides that genocide consists of acts intended to destroy a national, ethnic, racial or religious group as such. The parties to the Convention undertake to establish genocide as a criminal behavior under their own legal systems.

The Convention thus protects the most fundamental of all human rights—the right to live—and it creates an essential limit on the actions governments may appropriately take with respect to the people they govern.

The right to life was initially proclaimed for this nation in the Declaration of Independence. The promise of the Declaration was to protect that right by instituting a new and democratic government in America. Today it is important that this nation assist the world community to protect the right to life internationally.

The Genocide Convention has been recommended by a succession of Presidents, with specific endorsement by the Departments of State, Defense and Justice. It also has the support of many of our distinguished citizens and organizations, including the American Bar Association.

I urge the Senate to give its advice and consent to the ratification of the Convention. Ratification would be a significant enhancement of the human rights commitments of this Nation, demonstrating again to the world in concrete fashion our determination to advance and protect human rights.

JIMMY CARTER.

THE WHITE HOUSE, *May 23, 1977.*

MESSAGES FROM THE HOUSE

At 1:24 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its clerks, announced that:

The House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 1139. An Act to amend the National School Lunch Act and the Child Nutrition Act of 1966 to revise and extend the summer food service program for children, to revise the nonfood assistance program, and for other purposes; and

H.R. 6111. An act to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

ENROLLED BILLS SIGNED

The Speaker has signed the following enrolled bills:

S. 36. An act to authorize appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes.

S. 853. An act to extend the Defense Production Act of 1950, as amended.

H.R. 3437. An act to make certain technical and miscellaneous amendments to provisions relating to vocational education contained in the Education Amendments of 1976.

H.R. 3662. An act granting the consent of Congress to the Mississippi-Louisiana Bridge construction compact.

The enrolled bills were subsequently signed by the President pro tempore.

At 4:06 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 5970) to authorize appropriations during the fiscal year 1978, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research and development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize military training student loads, and for other purposes; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. PRICE, Mr. BENNETT, Mr. STRATTON, Mr. ICHORD, Mr. NEDZI, Mr. CHARLES H. WILSON of California, Mr. LEGGETT, Mr. WHITE, Mr. NICHOLS, Mr. BOB WILSON, Mr. DICKINSON, Mr. WHITEHURST, and Mr. SPENCE were appointed managers of the conference on the part of the House.

At 5:25 p.m., a message from the House of Representatives delivered by Mr. Hackney announced that the House has passed without amendment the bill (S. 1443) to amend the Privacy Act of 1974 to extend the life of the Privacy Protection Study Commission to September 30, 1977.

ENROLLED BILL SIGNED

At 6 p.m., a message from the House of Representatives delivered by Mr. Hackney announced that the Speaker has signed the following enrolled bill:

H.R. 6401. An act to authorize appropriations for the administration of the Deepwater Port Act of 1974.

The enrolled bill was subsequently signed by the Deputy President pro tempore.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDING OFFICER laid before the Senate the following communications which were referred as indicated:

EC-1367. A letter from the Secretary of Transportation transmitting a draft of proposed legislation to amend the Federal Boat Safety Act of 1971 to extend authorization for appropriations for financial assistance to State boating programs (with accompanying papers); to the Committee on Commerce, Science, and Transportation.

EC-1368. A communication from the President of the United States transmitting, pursuant to law, a report setting forth the action being taken on color television receivers pursuant to section 203(a) of the Trade Act (with an accompanying report); to the Committee on Finance.

EC-1369. A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Status of the Mariner Jupiter/Saturn 1977 Project" (PSAD–77–103) (with an accompanying report); to the Committee on Governmental Affairs.

EC-1370. A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Contractor Pension Plan Costs: More Control Could Save Department of Defense Millions" (PSAD–77–100) (with an accompanying report); to the Committee on Governmental Affairs.

EC-1371. A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Nationalizations and Expropriations of U.S. Direct Private Foreign Investment: Problems and Issues" (ID–77–9) (with an accompanying report); to the Committee on Governmental Affairs.

PETITIONS

The PRESIDING OFFICER laid before the Senate the following petitions which were referred as indicated:

POM-201. Legislative Resolution 79 adopted by the Legislature of the State of Nebraska urging the use of all lawful and feasible procedures to grant appropriate governmental approvals to the applications of Alaskan Arctic Gas and its U.S. companion projects, on as prompt a schedule as is possible, and preferably in 1977; to the Committee on Energy and Natural Resources:

"Legislative Resolution 79

"Whereas, natural gas supplies nearly one-third of the nation's total energy requirements, representing more than forty per cent of the energy produced domestically, and constitutes over one half of all the fuel used by industry; and

"Whereas, the natural gas shortage is critical and proven reserves of natural gas have fallen twenty-three per cent in just six years and production from these reserves is falling severely; and

"Whereas, the Arctic Gas Pipeline Company proposal for a 2600-mile large diameter pipeline to transport the very large volumes of natural gas from reserves from the Alaskan Prudhoe Bay and Canadian Mackenzie River Delta areas offers the American consumer the most gas at the cheapest cost, and conserves the most gas through a more efficient transportation system which uses less gas in transportation than any alternative method; and

"Whereas, the Arctic Gas proposal and its companion systems—Northern Border Pipeline on the eastern leg and Pacific Gas Transmission Company Pipeline and Interstate Transmission Associates (Arctic) Pipeline on the western leg—offer not only the availability of more gas but also maximum benefits to local, state and federal governments, as well as more work opportunities in constructing the Arctic Gas and companion pipelines.

"Now, therefore, be it resolved by the members of the Eighty-Fifth Legislature of Nebraska, first session:

"1. That the Legislature of the State of Nebraska by this Resolution, expresses its support for the proposal by Alaskan Arctic Gas Pipeline Company and its companion projects, to construct and operate a pipeline to transport arctic natural gas reserves.

"2. That the Legislature of the State of Nebraska by this Resolution, urges the Congress of the United States, the President of the United States, the Secretary of the Interior and the Federal Power Commission to use all lawful and feasible procedures to grant appropriate governmental approvals to the applications of Alaskan Arctic Gas and its United States companion project, on as prompt a schedule as is possible, and preferably in 1977.

"3. That the Clerk of the Legislature is hereby directed to forthwith transmit a copy of this Resolution to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives of the United States, the President Pro Tempore of the Senate of the United States, the United States Senator and Representatives from the State of Nebraska, the Secretary of the Interior of the United States and the Secretary and each member of the Federal Power Commission."

POM—202. Senate Concurrent Resolution No. 450 adopted by the General Assembly of the State of South Carolina memorializing the Congress of the United States to amend the Clean Air Act; to the Committee on Environment and Public Works:

Senate Concurrent Resolution No. 450

"Whereas, the Clean Air Act Amendments of 1970 required the United States Environmental Protection Agency (EPA) to establish National Primary and Secondary Ambient Air Quality Standards for certain pollutants to protect the public health and welfare based on the latest scientific knowledge; and

"Whereas, states are charged with the primary responsibility for developing and enforcing implementation plans to provide for attainment of the primary national standards no later than May 31, 1977; and

"Whereas, the State Development Board is concerned that national air quality goals set by the Clean Air Act, as administered by the EPA, are in fact unattainable and represent 'zero-risk' air quality goals which will result in increasingly restrictive and cost-ineffective regulations; and

"Whereas, South Carolina's industrial growth rate in the past decade has been among one of the highest in the nation and has brought economic progress and prosperity to the citizens of the Palmetto State; and

"Whereas, South Carolina's continued economic growth and prosperity will depend upon a steady increase in industrial activity, expansion and new plant location in the State to provide the jobs necessary to improve the quality of life for citizens of the State; and

"Whereas, the 'nonattainment' and 'nondegradation' provisions of the present Clean Air Act and proposed amendments to the act would sharply limit or curtail industrial growth in the State and would result in a loss of jobs and paychecks by the people of South Carolina; and

"Whereas, the national automobile industry has been unable to develop the required vehicle emission control technology to meet the deadline for air quality requirements set by the act; and

"Whereas, the Congress of the United States directed in the Clean Air Act Amendments of 1970 that EPA review and, as appropriate, revise air quality criteria and standards in light of new scientific, technical and medical information; and

"Whereas, the efforts of State and local air control agencies during the past six years, as well as those of EPA, have yielded a wealth of new information about air pollutants and regulatory experience with the present national ambient air quality standards; and

"Whereas, the health of South Carolina's citizens is of primary importance so there must be a reasonable balance between industrial development and achievement of air quality goals to ensure protection of our environment and also encourage a healthy State economy. Now, therefore,

"Be it resolved by the Senate, the House of Representatives concurring:

"That the General Assembly of South Carolina by this resolution hereby urges and requests the Congress of the United States to amend the Clean Air Act by adding sections that would:

"(1) Extend 1977 emission standards for automobiles for at least two years.

"(2) Authorize a National Commission on Air Quality to conduct a two-year study of the act covering (a) new and expanded facilities in nonattainment areas, (b) nondegradation and (c) the current conceptual basis for national primary and secondary air quality standards as set forth in the act.

"(3) Prohibit enactment of a nonattainment or nondegradation policy in any form, pending completion of a study of the act.

"(4) Eliminate section 110 deadline for attainment of national primary ambient air quality standards and the prohibition against new or expanded sources in nonattainment areas.

"Be it further resolved that copies of this resolution be forwarded to the presiding officers of the Senate and the House of Representatives of the United States Congress and to each member of the South Carolina Congressional Delegation."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EAGLETON, from the Committee on Governmental Affairs:

With an amendment:

S. 1061. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act with respect to the borrowing authority of the District of Columbia, and for other purposes (Rept. No. 95–224).

S. 1062. A bill to amend section 441 of the District of Columbia Self-Government and Governmental Reorganization Act (Rept. No. 95–225).

With amendments:

S. 1060. A bill to amend the act of February 9, 1821, to restate the charter of the George Washington University (title amendment) (Rept. No. 95–226).

S. 1063. A bill to amend Public Law 93–198 (title amendment) (Rept. No. 95–227).

S. 1103. A bill to permit States the reciprocal right to sue in the Superior Court of the District of Columbia to recover taxes due the State (Rept. No. 95–228).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. TALMADGE, from the Committee on Agriculture, Nutrition, and Forestry:

Gordon Cavanaugh, of Maryland, to be Administrator of the Farmers Home Administration.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. EASTLAND, from the Committee on the Judiciary:

John C. Merkel, Jr., of Washington, to be U.S. attorney for the western district of Washington.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that today, May 23, 1977, he presented to the President of the United States the following enrolled bills:

S. 36. An act to authorize appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes.

S. 853. An act to extend the Defense Production Act of 1950, as amended.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated:

H.R. 1139. An act to amend the National School Lunch Act and the Child Nutrition Act of 1966 to revise and extend the summer food service program for children, to revise the nonfood assistance program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 6111. An act to amend the Juvenile

Justice and Delinquency Prevention Act of 1974, and for other purposes; placed on the Calendar.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. DeCONCINI:

S. 1582. A bill relating to the settlement between the United States and the Ak-Chin Indian Community of certain water rights claims of such Community against the United States; to the Select Committee on Indian Affairs.

By Mr. HEINZ:

S. 1583. A bill to amend the Age Discrimination in Employment Act of 1967 to extend the protection against discrimination in employment to individuals who are 65 years of age or older, and to make clear the unlawfulness of those seniority systems and employee benefit plans which require the retirement of individuals who are 40 years of age or older solely on the basis of chronological age; to the Committee on Human Resources.

S. 1584. A bill to amend the Regional Rail Reorganization Act of 1973 to require ConRail to make premium payments under certain medical and life insurance policies, to provide that ConRail shall be entitled to a loan under section 211(b) of such Act in an amount required for such premium payments under certain medical and life insurance policies, to provide that ConRail shall be entitled to a loan under section 211(h) of such Act in an amount required for such premium payments, and to provide that such premium payments shall be deemed to be expenses of administration of the respective railroads in reorganization; to the Committee on Commerce, Science, and Transportation.

By Mr. MATHIAS (for himself and Mr. Culver):

S. 1585. A bill to amend title 18, United States Code, to make unlawful the use of minors engaged in sexually explicit conduct for the purpose of promoting any film, photograph, negative, slide, book or magazine; to the Committee on the Judiciary.

By Mr. JAVITS (for himself, Mr. Abourezk, Mr. Dole, Mr. Domenici, and Mr. Mathias):

S. 1586. A bill to establish an Antitrust Review and Revision Commission; to the Committee on the Judiciary.

By Mr. HUMPHREY:

S.J. Res. 58. A joint resolution relating to the 30th anniversary of the Marshall Plan; to the Committee on Foreign Relations.

By Mr. JOHNSTON (for himself and Mr. Hatfield):

S.J. Res. 59. A joint resolution designating the American rose as the national floral emblem of the United States of America; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DeCONCINI:

S. 1582. A bill relating to the settlement between the United States and the Ak-Chin Indian community of certain water right claims of such community against the United States; to the Select Committee on Indian Affairs.

Mr. DeCONCINI. Mr. President, I am today introducing a bill designed to resolve a critical water crisis faced by the Ak-Chin Indian community in Arizona, and to permit the members of that community to continue their highly successful farming enterprises.

The bill proposes to resolve, without protracted, costly and socially disruptive litigation, the Ak-Chin Indian community's water claims which are based upon the contention that the United States failed to meet its trust responsibility to the Indian people.

Specifically, this would be accomplished by mandating the Secretary of the Interior to pump and deliver at least 70,000 acre-feet of water, but as much as 100,000 acre-feet annually from nearby Federal lands to the Ak-Chin Indian Reservation, where the community is located. Such water would be delivered until a permanent supply of surface water is made available to the community, at which time the community would agree that the obligation to deliver water by this act shall be reduced proportionately as the permanent surface source of water is provided to the end that the water authorized pursuant to this act is no longer required.

The bill further directs the Secretary of the Interior, within 1 year from the date of enactment of this act, to undertake the necessary engineering and hydrological studies to insure that a stable source of groundwater is available in nearby areas, and that such water can be pumped and delivered to the community with minimum adverse effects on present users of that water.

Following completion of the foregoing studies, the Secretary is directed to enter into a contract or appropriate agreement with the Ak-Chin Indian community in which the Secretary would agree, on behalf of the United States, to drill the necessary number of wells to meet the water commitment in this act; and to construct a distribution system to insure delivery of the water from the Federal lands to the lands comprising the Ak-Chin Indian Reservation.

In consideration for the effective delivery of at least 70,000 acre-feet of water annually to the reservation, my bill provides that the Ak-Chin Indian community will agree to waive all claims against the United States based upon the contention that the trustees failed to protect or assert the water rights of the Ak-Chin Indian Reservation, including both groundwater and surface water from time immemorial to the present.

Finally, the proposed measure authorizes the appropriation of such sums as may be necessary to permit the Secretary to carry out the provisions of this act.

It is an established fact that Ak-Chin's groundwater is declining at an alarming rate. There is also no question that the continued viability of farming by the Ak-Chin is limited by usable water available. The position of the community is that the diminution of its groundwater and the failure of the United States to protect the tribal water resources have given rise to five separate causes of action as follows:

First. An action by the community against the United States for past damage to the community resulting from the failure of the United States to protect water resources and to make them available to the community;

Second. An action by the community against the United States for failing to currently provide water to Ak-Chin;

Third. An action by the United States, as trustee on behalf of the community, against individuals pumping groundwater in surrounding areas, including the Maricopa-Stanfield Irrigation District, for past damages resulting from their pumping which caused outflow of water from beneath the reservation. This cause of action is fully reported in the litigation request from the Department of the Interior to the Department of Justice;

Fourth. An action by the United States, as trustee for the community, against individuals pumping groundwater in the aquifer to cause them to stop pumping which affects groundwater beneath the reservation. This cause or action is also included in the litigation report referred to above; and

Fifth. An action by the United States, as trustee for the community, to qualify the water resources to which the community is entitled as a result of the Winters case, Arizona against California, and the Cappaert case.

If this measure is enacted into law, it would preclude action by the United States against non-Indian farmers surrounding the reservation to force them to cease pumping and it would also preclude claims by Ak-Chin against the United States for failing to currently provide water. The delivery of water would obviate the possibility of successfully maintaining either type of litigation. In addition, the legislation specifically releases the United States from any claims which may be asserted by Ak-Chin against the United States for past damages. If the legislation becomes a reality, the subject of quantification of Ak-Chin's water rights will have also been settled. Thus, of the five causes of action, only one remains, that is, litigation by the United States as trustee against non-Indian farmers for past damages. This cause of action is not released by the legislation as presently proposed. The community, however, has stated that in appropriate circumstances and for what it conceives to be adequate consideration, it would agree to an amendment to the bill that would release that claim as well.

The Department of the Interior and the Department of Justice are presently engaged in preparing litigation against surrounding farmers in accordance with the litigation report submitted by Interior to Justice. The statute of limitations for those claims will expire on July 18, 1977. Since it is doubtful that legislation can be enacted prior to tolling of the statute, it is necessary to institute that litigation to preserve the community's legal rights. Institution of such litigation should not be viewed as an irrevocable commitment to any specific course of action by the Ak-Chin community. It has been and presently is the desire of the community to legislatively resolve its water problems with minimal impact on its non-Indian neighbors.

Mr. President, the Federal Government, as trustee for the Indians, has only limited alternatives at its disposal in addressing Ak-Chin's water crisis. They are as follows:

First. Do nothing—the consequences are obvious and would place the United States in the position of justifying such a negative approach that would relegate a small group of economically self-sufficient Indians to a state of debilitating poverty;

Second. Force the issue to litigation—this approach holds the potential for serious social disruption and excessive costs to the Indians; and

Third. A negotiated legislative settlement—this approach presents an opportunity for all parties—Federal Government, Indians and non-Indians—to fashion a solution based on concessions.

In my view, there are persuasive legal and moral arguments to support my decision to opt for the negotiated legislative settlement.

The increasing number of ancient Indian claims relating to land and other natural resources being advanced by the Indian community are creating serious conflicts between Indians and their non-Indian neighbors. Given the Federal Government's role in the area of Federal/Indian relations, the Congress has an obligation to fulfill its responsibility, and where the circumstances warrant, resolve such conflicts through legislative rather than disruptive litigation. I am hopeful the Ak-Chin issue might well serve as a model for others to follow when faced with similar circumstances.

In conclusion, I concede that my bill may not be perfect in all respects, but would look forward to the hearing process at the appropriate time and place to clarify issues and problems and consider corrective amendments.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1582

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress hereby declares that it is the policy of Congress to resolve, without costly and lengthy litigation, the claims of the Ak-Chin Indian Community for water based upon failure or alleged failure of the United States to meet its trust responsibility to the Indian people provided reasonable settlement can be reached.

(b) The Congress hereby finds and declares that —

(1) the Ak-Chin Indian Community relies for its economic sustenance on farming, and that groundwater, necessary thereto, is declining at a rate which will make it uneconomical to farm within the next few years;

(2) at the time of the establishment of the reservation, it was the obligation and intention of the United States to provide water to the Ak-Chin Indian Reservation, and such obligation remains unfulfilled this day;

(3) it is likely that the United States would be held liable for its failure to provide water and for allowing ground water beneath the reservation to be mined by nearby non-Indians;

(4) this Act is proposed to settle the Ak-Chin Indian Community's claim for water by delivering water in exchange for a release of all claims such Community has against the United States for failing to act consistently with its trust responsibility in the protection and delivery of the water resources of the Community;

(5) there exists a critical situation at Ak-Chin in that there is not sufficient economically recoverable ground water beneath the reservation to sustain a farming operation until a permanent source of surface water can be delivered; and

(6) that it is the intention of this Act not to discriminate against any non-Indian landowners or other persons, but to fulfill the historic and legal obligation of the United States toward the Ak-Chin Indian Community.

SEC. 2. The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized and directed to pump and deliver 100,000 acre-feet of ground water from nearby Federal lands to the Ak-Chin Indian Community to enable the Community to farm all its practicably irrigable acreage, except that if the Secretary determines that pumping such an amount will (1) significantly damage other interests, or (2) adversely affect ground water basins, the Secretary may deliver less than such 100,000 acre-feet but in no event less than 70,000 acre-feet. Such water shall be delivered annually until such time as a permanent supply of surface water can be delivered, and as such permanent surface water is delivered, the obligation to deliver ground water by this section shall be reduced by a like amount to the end that the delivery of such ground water shall no longer be required. The Secretary is authorized to receive, consider, and pay any claim received by him arising under this section from water users other than the Ak-Chin Indian Community for compensation for any losses or other expenses incurred by such users by reason of the enactment of this Act.

SEC. 3. To accomplish the pumping and delivery of water, the Secretary is directed to undertake such engineering and hydrological studies as may be necessary to insure a reasonably stable source of ground water which can be taken with minimum adverse effect on the present users of ground water in nearby areas; *provided, however*, that such studies shall be completed within one year from the date of the enactment of this Act.

SEC. 4. Upon completion of the studies authorized in section 3, but not later than one year from the date of enactment of this Act, the Secretary shall enter into a contract or other agreement with the Ak-Chin Indian Community pursuant to which the Secretary shall agree, on behalf of the United States, to take such action as may be necessary to drill, construct, equip, maintain, repair, reconstruct and operate a well field on such Federal lands. In addition to the drilling, construction, equipping, maintenance, repair and reconstruction of such wells, the Secretary shall agree to construct and maintain a distribution system, including canals, pumping stations, and other appurtenant works, sufficient to provide for the distribution of such water from such Federal lands to the lands comprising the Ak-Chin Indian Reservation.

SEC. 5. As consideration for the actions by the Secretary in section 4, the Ak-Chin Indian Community would agree effective upon the delivery of 100,000 acre-feet of water annually or such amounts as the Secretary determines under section 2 to the reservation, to waive any and all claims which it might have against the United States for the alleged failure of the United States to protect or otherwise assert the water rights of the Ak-Chin Indian Reservation, including both ground water and surface water from time immemorial to the present.

SEC. 6. There are hereby authorized to be appropriated such sums as may be necessary to enable the Secretary to carry out the provisions of this Act, and any contract or agreement entered into pursuant to this Act by the Secretary with the Ak-Chin Indian Community.

By Mr. HEINZ:

S. 1583. A bill to amend the Age Discrimination in Employment Act of 1967 to extend the protection against discrimination in employment to individuals who are 65 years of age or older, and to make clear the unlawfulness of those seniority systems and employee benefit plans which require the retirement of individuals who are 40 years of age or older solely on the basis of chronological age; to the Committee on Human Resources.

Mr. HEINZ. Mr. President, 10 years ago Congress began the job of protecting the rights of older workers when it passed the Age Discrimination in Employment Act of 1967. The purpose of the law was clear: to promote employment of older people based on their ability rather than their age. A decade later, this goal remains unfulfilled. The time has come to complete the job that Congress started in 1967, and today I am introducing legislation that seeks finally to put an end to arbitrary age discrimination in employment.

Two major obstacles continue to prevent fair employment practices for older Americans from being firmly established, and this bill attempts to remove these roadblocks. First, the bill would amend current law to reverse a policy that implicitly sanctions arbitrary discrimination against working men and women over the age of 65. Second, this legislation would resolve a problem that has arisen in interpreting current law by making clear the unlawfulness of employee benefit plans and seniority systems that require retirement solely on the basis of age.

In passing the Age Discrimination in Employment Act of 1967, Congress chose to deny the law's protections to people who have reached their 65th birthday. This decision was apparently based on a widespread reluctance to directly confront the question of compulsory retirement. Such reluctance may have been a prudent course 10 years ago, but it is an unconscionable course today.

Mandatory retirement of older workers is a cruel and pernicious practice. It demeans human dignity. It is predicated on the worst form of prejudice. It reduces economic independence and creates economic hardship. It must be abolished.

There are nearly 23 million Americans over the age of 65. Many of these people want to continue working—sometimes for reasons of self-fulfillment, and often for reasons of economic necessity. Federal law now deprives these people—over 10 percent of the American population—of the same guarantees of equal opportunity in employment that other citizens enjoy. They are deprived of this protec-

tion not on the basis of who they are and what they can do, but solely on the basis of their age. This seems to me to be the rankest form of discrimination, and we should not tolerate it in Federal law. Because the law should not make invidious distinctions, the roots of which lie in uniformed prejudice, the legislation I introduce today seeks to truly "prohibit arbitrary age discrimination in employment" by eliminating the 65-year ceiling from the provisions of the 1967 act.

A second problem with which this legislation is intended to deal concerns the use of employee benefit plans and seniority systems to force workers to retire at a certain age. Some courts have interpreted the Age Discrimination in Employment Act to permit this form of mandatory retirement, even for workers under the age of 65. Other courts, notably in the case of *McMann* v. *United Airlines* (542 F. 2d 217), have concluded that this form of mandatory retirement is expressly prohibited under the act. The Supreme Court recently agreed to take the decision of the *McMann* court under review.

I see no reason why the Congress must wait for the Supreme Court to tell us what our own intentions were in passing the Age Discrimination in Employment Act. The varying court interpretations raise a critical question, and I believe that Congress ought to resolve that question itself at the earliest opportunity. I believe we ought to take a clear stand against mandatory retirement and clearly indicate that mandatory retirement will not be tolerated, even in deference to a bona fide employee benefit plan.

In its unanimous decision in *McMann* against *United Airlines*, the Fourth Circuit Court of Appeals articulated the importance of prohibiting pension plans from requiring mandatory retirement. The court properly noted that—

> (t)here are over eleven million employees who are members of retirement plans which require retirement before age 65; there are another several million who are members of plans which permit retirement before age 65.

The court felt it unlikely that "Congress intended to leave the vast loophole in this broad remedial legislation," and my bill simply seeks to confirm the court's confidence in our good judgment.

If tens of millions of American workers can be forced to retire simply by choosing to participate in a pension program or a seniority system—and realistically they often have no choice other than to participate—we effectively have no policy to end arbitrary age discrimination in employment. If doubt about Congress intention's exist—as conflicting court opinions indicate they do—we must resolve those doubts, close the loopholes, and proceed with the business of seeking a fair deal for our Nation's older workers.

Mr. President, I ask unanimous consent that the text of my bill be printed in the Record and I ask unanimous consent that an article entitled "Mandatory Retirement Is Unethical and Inefficient" also be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Age Discrimination in Employment Amendments of 1977".

Sec. 2. Paragraph (2) of section 4(f) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(f)(2)) is amended by inserting immediately after "Act" a comma and the following: "and which does not require the retirement of any employee solely because of the age of such employee".

Sec. 3. Section 12 of such Act (29 U.S.C. 631) is amended by striking out "but less than sixty-five years of age".

Sec. 4. The amendments made by this Act shall apply with respect to any action taken by any employer, employment agency, or labor organization on or after the date of enactment of this Act, and to any discrimination by any employer, employment agency, or labor organization which occurs on or after such date.

Mandatory Retirement Is Unethical and Inefficient

(By Jonathan A. Weiss * and Jay P. Warren†)

Does mandatory retirement violate basic fairness? The constitutional norm of fairness—the Equal Protection and Due Process Clauses—requires the government and individuals to treat each person as any other in the same situation, and to provide an opportunity for that individual to demonstrate whether he or she actually is similarly situated. Women cannot be denied a job that is available to men if they are as capable (are in the same situation) as the men performing that work—and they must be given a fair opportunity to show they are qualified.[1] Mandatory retirement is thus similarly susceptible to attack. Numerous lawsuits have attempted to have the courts apply constitutional norms to these schemes; legal scholarship has noted the impropriety of the discrimination.[2]

Any company which discriminates on the basis of age loses moral stature, both in the community and with its work force. Yet, over half this country's work force faces mandatory retirement, while the vast majority, 88 percent of those polled, do not believe those still capable of doing a good job should be forced to retire.[3] Mandatory retirement creates a widespread grievance against those companies which practice it. Those who are terminated often suffer serious losses, and express their sense of betrayal and hostility to others in the community. The continued use of mandatory retirement is both morally unsupportable and contrary to the economic interests of the company, its employees and the public.

No combination of social security, private pension plan, and savings can match the preretirement income of the average worker; indeed, median benefit incomes are less than half of the median income prior to retirement.[4] When, as is usual, the forcibly retired worker cannot find employment, his mental and physical health may suffer serious deterioration.[5] For this reason the Committee on Aging of the American Medical Association has opposed mandatory retirement.[6] What benefits to the company, or the public interest, could justify management's continued use, and government's tolerance, of mandatory retirement schemes?

IS THE GOVERNMENT AN INTERESTED PARTY?

The government's supporting role—from the initial choice of age 65 in the Social Security Act to the 65-year upper limit in enforcing the Age Discrimination in Employment Act—may arise from its desire to define away a significant part of the unemployment problem. In a full-employment economy there could be no public interest justification for throwing away a more than 3-billion-dollar contribution to the GNP.[7] As the United States moves toward a stable population, the cost of supporting an increasing proportion of the population will increasingly fall on a smaller proportion, the active working force.[8] Younger workers, and their employers, will bear an increasing burden of payroll taxes. If those now forced to retire were working, the overall obligation of the Social Security trust fund would decrease, and the number contributing would increase. At the present time, by its use of an economic test for those receiving Social Security who want to work, and by withholding protection against discrimination for those over 65, the government has shown more concern with relieving pressure on the job market (and itself) than with these long-term considerations.

An individual company, however, can justify a continued use of mandatory retirement only if it is cost-efficient. We use the word *justify* because at first glance there seems to be no economic logic to mandatory retirement. Assuming that the manpower needs of a company are constant over a period of time, each retired worker will have to be replaced. It is unlikely that each replacement will be as productive as each retired person. The person being retired is a known quantity, and likely to have long experience on the job, while the replacement lacks these advantages. If a company is decreasing its work force, the economic logic would require dismissing the least-productive worker; again, it is unlikely that the person turning 65 is in most instances the least-productive worker.

BUSINESS SENSE, OR MISCONCEPTION?

The real choice is always between, on the one hand, a fixed age for retirement, and, on the other, flexible retirement by means of individual choice and individualized determinations of job capacity. In this situation mandatory retirement seems contrary to business sense. Even if the average group of older employees were less productive than an average group of younger employees, some proportion of that older group would be highly productive and very unlikely to be replaced by as good workers.[9] Given a choice between rejecting an entire lot of goods, or selecting those he considers acceptable, the rational businessman would choose to select. The only objection could be that the cost of selecting out the productive from the group is greater than the benefit. It is the contention of this article that the quality of the universe of older workers has been seriously underestimated and the difficulties of selection greatly exaggerated. Mandatory retirement has been able to persist only on the basis of the strength of misconceptions concerning the aging process and unfounded stereotypes concerning the older worker.

Two clear errors underlie the belief in age-related job incapacity. The first is a misapplication of statistical data. Where individual differences within either group are greater than the average differences between groups of younger and old persons, no general principle identified with the age of one group can be fairly applied.[10] There are great variations as to the age at which age-caused biological changes occur in different individuals. Similarly, the degree to which these changes affect individuals varies, as does the individual's ability to compensate for them. The present state of health, the past health history, and the life experience of the in-

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Footnotes at end of article.

dividual influence any biological effects of aging. Chronological age indicates far less about an individual's potential performance than does any real test of functional ability.

Confusing the effects of aging with the effects of diseases occurring among older people is the second error at the source of the stereotype. Ill health is a major cause of leaving jobs, whether people are young, middle-aged, or old. Ill health always comes as an unexpected curse and can never be predicted for individuals on the basis of chronological age. A study of the careers of airline pilots indicates that their age of employment termination is related to the onset of medical problems, not to advancing age.[11] The diseases popularly associated with old age, arteriosclerosis and senile dementia, are not consequences of normal aging.[12] Readiness to leave a job increases with awareness of health problems rather than as a direct function of increasing age.[13]

Management regularly assesses the health status of employees in the context of workmen's compensation, or upon a return to work following short-term disability. The increased likelihood of disability would not be considered sufficient to make group presumptions rather than individual assessments. Just as exposure to hazardous conditions, or the occurrence of an industrial accident, is not sufficient to establish disability, the onset of advancing age should not be sufficient to presume ill health. Even if one could establish that older people are more prone to debilitating diseases than younger people, that still would not be a sufficient basis to discriminate against healthy members of that class. To do so would encourage discrimination. For example, blacks are far more vulnerable than whites to strokes and heart attacks.[14] Would it be reasonable to exclude them from high-risk employment as bus drivers, teamsters, airplane pilots, or police officers? Cigarette smokers are more prone to a broad range of diseases than nonsmokers, but exclusion of all smokers from strenuous employment would be considered arbitrary and capricious. Smoking is voluntary and changeable. Presumptions concerning physical capacity are, when based on an immutable characteristic such as race or age, even more unfair.

The biological process of aging does not produce significant age-specific differences in such basics as cerebral circulation, metabolism, and pulmonary functions.[15] Persons over 65 have been tested as superior in intellectual skills to younger persons.[16] Medical studies support the conclusion that overall mental ability does not decline as a result of increasing age, but rather from cerebral vascular diseases and senile dementia.[17]

Normal aging does result in decreased speed in psychomotor function.[18] This refers less to automatic responses than to situations involving choice is perceptual, psychomotor, or associative functions.[19] Novel or complex situations may present more difficulties, and require more time in which to respond, for older people. The quality of the response, though, is likely to be equal to, or better than, that of younger people.[20] Finally, these complex tasks are capable of being learned by older people to a point where their response time is as fast as younger people.[21]

The available data only partially validate the hypothesis that aging affects behavioral capacity. The process of aging in healthy individuals produces some measurable changes in biological functions. Even this narrow statement must be examined critically. Many functions remain unchanged by age and deteriorate only from disease. Other changes, such as those measured by an EEG, have no known effect on behavior capacity.

SLOWER, BUT PERHAPS BETTER

Even if the functional effects of aging could be established, it would remain to be demonstrated that these effects are crucial to job performance. If an older worker has slower response time of a specific sort, yet is able to compensate for this on the job by greater foresight and concentration, performance may be the same as or even better than that of a younger employee. Clearly, any diminution of ability should be shown to effect total productivity, for the change may be either irrelevant (such as not being able to lift fifty pounds when the job never requires more than twenty-five to be lifted), or compensated for (as is the case for bus drivers).[22]

The absurdity of blanket generalizations is made clear by the people to whom we entrust our lives—politicians, statesmen, judges, doctors, lawyers—who face no age limitation. Others who can directly sell their talents—entrepreneurs, artists, craftsmen, musicians—also are free to work. The accomplishments of people in these and other endeavors not closed off by mandatory retirement form an impressive testament to human capabilities in the later decades of life. The following are only a few of the people who made significant contributions after age seventy: Michelangelo, Le Corbusier, Bernard Baruch, Colonel Sanders, Alfred Hitchcock, Mao Tse-tung, Agatha Christie, Winston Churchill, Oliver Wendell Holmes, Martha Graham, Immanuel Kant, and Sigmund Freud. That stereotypes concerning aging are irrational is also supported in the empirical studies of job-site performance. As a group, older workers, compared with younger workers, have better attendance, less variation in work output, and roughly compatible performance records. Studies of office workers, department-store workers, and bus drivers found that older workers performed *better* than those younger; studies in other industries show older workers' productivity to be roughly similar to, or only slightly decreased from, that of younger workers. [23] This performance record is known to many business people. Employers have rated older workers as equal or superior to those younger, and personnel decision-makers have indicated their belief that older workers were capable of continuing to work.[24] This general relative capability of older workers has been demonstrated in circumstances entirely unresponsive to their particular needs. When job design and training are adjusted to the needs and skills of older workers, they will be an even more effective source of manpower.

THE INDIVIDUAL IS STILL THE KEY

Group performance tells only a small part of the story. As previously indicated, individual variation is far greater than differences between groups. Performance is a product of individual capacities, and can best be predicted from individual, not group, characteristics. The health, mental and physical capacity, work attitudes, and employment history are far more accurate indicators of future work capacity than chronological age is.[25]

Democracy requires recognition of individual rights and responsibilities. This system is socially efficient as well as socially just. Individual rights demand individual assessment. The basic meaning of equal protection is freedom from arbitrary classification. In industry such individualized appraisal leads to a selected, efficient work force. For example, GULHEMP, a method of relating task analysis to medical testing, was developed for a period of 16 years at the deHavilland aircraft plant in Canada. The potential employee is tested to determine his physical capabilities; the job for which he is being considered is analyzed to determine its physical requirements. Capabilities are matched against requirements to determine job eligibility. The system has been tested on a broad scale in Portland, Maine, by the Maine Employment Service. The results may be summarized as follows:

Testing and use of the five physical variables were more precise and reliable than mental and personality variables.[26]

Of workers fifty-five and over, 81 percent were found to have physical capabilities compatible with job requirements; 63 percent were employed.[27]

Those employed after GULHEMP testing used significantly less sick leave than those employed prior to the use of the method, indicating a greater harmony between capability and requirements than was achieved through use of traditional personnel practices—among them, age discrimination.[28]

The demonstrated worth of GULHEMP validates the concept of matching individual capacity to job requirements. Social science research continues to refine its capability to measure accurately both the physical indicators of biological function and the physical requirements of job tasks.[29]

Task analysis has been a continual interest of industrial engineers and personnel managers in the pursuit of greater job efficiency.[30] Although they may not be translated into terms of underlying biological functions, all jobs listed in the Directory of Occupational Titles have been analyzed in terms of basic functional requirements, and most organizations have specific functional criteria for job positions.[31]

The stereotypes concerning the performance of older workers have no scientific validity. The means exist to make accurate determinations of worker capability at any age. What rational justification can there be for an incorrect presumption rather than a precise individual determination as a means for predicting job performance? Three grounds are offered to justify mandatory retirement: it would be too disruptive to make determinations for every employee at retirement; it is too traumatic to make individualized judgements of competence; and it is too costly to maintain older employees because of fringe benefits. The arguments concerning the administrative difficulties of evaluation seem immediately suspect. It is a continuous function of management to evaluate employees, from the initial job interview, through any promotion, to termination for whatever reason. It is difficult to distinguish retirement from these other decisions. Furhermore, individualized retirement evaluations will not be required in all cases.

Self-choice as to retirement is an efficient method, and probably will operate to leave a manageable number of cases to formal, individualized determinations. Only one-quarter of the 54 percent facing mandatory retirement are actually *forced* to retire at the mandated age.[32] This seems consistent with the previously mentioned study that shows that perceived health, rather than chronological age, influences the age of retirement.[33] Indeed, in firms employing fewer than 500 people, self-selection and individualized determinations are the usual methods of retirement.[34] (This fact also suggests invalidity in another justification: that a fixed age eases the psychological trauma of evaluating workers for retirement. If that were true, small firms, which lack the insulating layers of bureaucracy between employer and employee, would be more likely to use mandatory retirement schemes.) In the independent professions, self-selection, informed by client response, is the sole method of retirement. In the history of American business, self-selection is the norm, and mandatory retirement merely a recent, unsuccessful experiment that should be abandoned. The final argument against mandatory retirement is that older workers are more expensive to maintain

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than younger workers. In particular, it is claimed, pension costs will increase, along with insurance and compensation. This contention has been conclusively refuted.[35]

To sum up: No efficiency is served by mandatory retirement. The practice tarnishes a company's image, violates democracy's precepts, injures individuals, and goes counter to business ethics. Its practice should be discontinued.

FOOTNOTES

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* LL.B., Yale Law School. Mr. Weiss, who has wide experience as a consultant in public law, is director, Legal Services for the Elderly Poor, New York City.

† Mr. Warren received a B.A. cum laude from Yale and expects his J.D. from New York University Law School this semester.

[1] *Bowe* v. *Colgate Palmolive Co.*, 416 F.2d 711 (7th Cir. 1969); *Weeks* v. *Southern Bell Tel. & Tel. Co.*, 408 F.2d 228 (5th Cir. 1969).

[2] *Murgia* v. *Massachusetts Board of Retirement*, 49 L.Ed. 2d 520 (1976); *Cannon* v. *Guste*, 96 S. Ct. 257 (1975); *Weisbrod* v. *Lynn*, 420 U.S. 940 (1975); *Mellvaine* v. *Pennsylvania State Police*, 415 U.S. 986 (1974). See, in general, "Age Discrimination and the Over-Sixty-Five Worker," 3 *Cumberland-Samford L. Rev.* 333 (1966); "Age Discrimination in Employment: Correcting a Constitutionally Infirm Legislative Judgment," 47 *So. Cal. L. Rev.* 1311 (1974); "Age Discrimination in Employment: The Problem of the Older Worker," 41 *N.Y.U. L. Rev.* 383 (1966); "Mandatory Retirement: A Vehicle for Age Discrimination," 51 *Chi-Kent L. Rev.* 116 (1974).

[3] Schulz, "The Economics of Mandatory Retirement," 1 *Industrial Gerontology* 1 (Winter 1974).

[4] Reno, "Compulsory Retirement Among Newly Entitled Workers: Survey of New Beneficiaries," V. 35, no. 3, *Social Security Bulletin* 1 at 10–12 (March 1972).

[5] A federal district court in New Jersey awarded the widow of an engineer $250,000 for physical and emotional harm resulting from wrongful forced retirement. *Rogers* v. *Exxon Research & Engineering Co.*, 404 F. Supp. 324 (D.N.J. 1975).

[6] Committee on Aging, American Medical Association, "Retirement—A Medical Philosophy and Approach," 1–3.

[7] Schulz, *supra* at 8.

[8] Butler, *Why Grow Old at 65?*

[9] Walker, "The Job Performance of Federal Mail Sorters by Age," 87 *Monthly Lab. Rev.* 296, 229 (1964).

[10] Schneider, "How Capable Are Older Workers?" in *The Older Workers*, 33–50 (1962).

[11] McFarland, "Medical Fitness for Middle-Aged Pilots," *Some Problems of Aviation and Space Medicine* 45–53 (1967).

[12] Butler, "The Facade of Chronological Age," 119 *Am. J. Psych.* 721, 727–28 (1963).

[13] Jacobson, "Willingness to Retire in Relation to Job Strain," 13 *Industrial Gerontology* 65 (Spring 1972).

[14] Among the population aged 45–64, the prevalence of heart disease and hypertension in blacks is approximately twice that of whites. National Center for Health Statistics, U.S. Dept. of Health, Education and Welfare *Health in the Later Years of Life* (1971) 18–19.

[15] J. Birren (and others, eds.), *Human Aging: A Biological and Behavioral Study* (1971).

[16] *Id.* at 312; Bisdorfer, "The WAIS Performance of the Aged: A Retest Evaluation," in *Normal Aging* 208, 216 (E. Palmore, ed., 1970); "Age. Intelligence and Learning" by Russell F. Green in *Industrial Gerontology*, No. 12, Winter 1972, pp. 29–40; see also Nevil Tronchin-James, *Arbitrary Retirement*, particularly Chapters 7 and 8 (1962).

[17] Birren. "Increment and Decrements in the Intellectual Status of the Aged," *Psychiatric Research Report* 23, at 207, 213 (1968).

[18] *Human Aging, supra*, at 313.

[19] Fozard, J. and Carr, G., "Age Differences and Psychological Estimates of Abilities and Skills," 13 *Industrial Gerontology* 75, 86 ff. (Spring, 1972.)

[20] *Id.* at 94.

[21] *Id.*

[22] Norman, "Professional Drivers and Road Safety," in Proceedings of the Second Congress of the International Association for Accidents and Traffic Medicine (1966).

[23] Bureau of Labor Statistics, Dept. of Labor, Bull. No. 1223, "Comparative Job Performance by Age: Large Plants in the Men's Footwear and Household Furniture Industries" (1957); this study found a slight decrease in productivity among older workers. Bureau of Labor Statistics, Dept. of Labor, Bull. No. 1273, "Comparative Job Performance by Age: Office Workers" (1960); this study reported greater productivity by older workers. Canadian Dept. of Labour, Economics and Research Branch, "Age Performance in Retail Trade" (1959); this study found that older department-store workers were equal to, or better than, those younger, with peak performance at ages 51–55. Clay, "A Study of Performance in Relation to Age at Two Printing Works," 11 *Journal of Gerontology* 417 (1956). This researcher concluded that machine compositors and hand compositors showed a slight decline in productivity after age fifty, while older readers maintained a higher level of performance than younger ones until retirement. Hakkinen, "Traffic Accidents and Driver Characteristics" (1958); this study of Helsinki bus and tram drivers found no correlation between age and accidents. Norman, "Professional Drivers and Road Safety," *supra* note 22. This study of London bus drivers found the safest age range to be 60–64, with no significant decline for those older. Palmer and Brownell, "Influence of Age on Employment Opportunities," 48 *Monthly Labor Rev.* 765 (1939). These researchers found no correlation between age and output in surveying six New England companies. Walker, "The Job Performance of Federal Mail Sorters by Age," 87 *Monthly Labor Rev.* 296 (1964); this study of postal workers found less than a 10 percent decrease in performance after age sixty.

[24] Peterson, "Older Workers and Their Job Effectiveness," in *Gerontology* (C.B. Vedder, ed., 1963). This survey covered more than 3,000 older workers employed at 81 organizations. Louis Harris and Associates, Inc., *The Myth and Reality of Aging in America* (1975). Fifty-two percent of those with responsibility for personnel decisions agreed with this statement: "Most older people continue to perform as well on the job as they did when they were younger." Walker, *supra* note 23.

[25] See, for measurement of functional capacity: J. Dirksen, *Functional Age of Industrial Workers* (1972); Bouruere, "Assessing Biological Age," in *Processes of Aging* (Williams, Tibbits and Donahue eds., 1963); A. Heron and S. Chowan, *Age and Function* (1967). Each of these studies developed and applied a method for testing functional capacity that would be both highly predictive and economically feasible. (Generally, the method used is to test all variables and then find correlations that will be used to choose more easily testable functions.)

[26] See, for analysis of job requirements: N. Nelson, *Technical Training Guide for Physical Demands Analysis* (1973).

[27] U.S. Dept. of Labor, Manpower Administration, *Handbook for Analyzing Jobs* (1972).

[28] Quirk and Skinner, "IHCS: Physical Capacity, Age and Employment," 19 *Industrial Gerontology* 49 (Fall 1973).

[29] In the case of retaining employees rather than hiring new ones, these tests should be less crucial. Furthermore, these variables are more easily tested in relation to specific job situations, rather than for a general population as in the Maine experiment.

[30] Quirk and Skinner, *supra note* 28, at 60, 61.

[31] Thirty-six percent vs. 4.3 percent of work time on sick leave. Levine. "IHCS: Benefits & Costs to Industry," 19 *Industrial Geronotology* 63, 65 (Fall 1973).

[32] Schulz, *supra* note 3, p. 5.

[33] Jacobson, *supra* note 13.

[34] F. Slavick, *Compulsory and Flexible Retirement in the American Economy* 36 (1966).

[35] Slade, "Age Discrimination in Employment," *50 N.Y.C. L. Rev.* 924, 937–38 (October 1975).

By Mr. HEINZ:

S. 1584. A bill to amend the Regional Rail Reorganization Act of 1973 to require ConRail to make premium payments under certain medical and life insurance policies, to provide that ConRail shall be entitled to a loan under section 211(b) of such act in an amount required for such premium payments under certain medical and life insurance policies, to provide that ConRail shall be entitled to a loan under section 211(h) of such act in an amount required for such premium payments, and to provide that such premium payments shall be deemed to be expenses of administration of the respective railroads in reorganization; to the Committee on Commerce, Science, and Transportation.

HEALTH AND LIFE INSURANCE FOR RAILROAD WORKERS

Mr. HEINZ. Mr. President, I am today introducing legislation to amend the Regional Rail Reorganization Act to require ConRail to make premium payments necessary to continue health and life insurance benefits for noncontract employees and retirees of the bankrupt railroad estates.

As you know, the reorganization of the bankrupt railroads in the Northeast has created some inequities that have resulted in hardships for many individual employees of the railroads.

For example, when Congress passed the 4R Act, it inadvertently omitted language protecting the health and life insurance benefits for noncontract employees.

The legislative history shows that it was clearly the intent of Congress to continue to provide these benefits. In October 1976, Congress enacted the Rail Transportation Improvement Act, which added a new category of obligations eligible for loan funding by the U.S. Railroad Association. That section authorizes loans for the amounts required to provide adequate funding for payment of health and life insurance benefits for employees and retirees of the railroads in reorganization prior to conveyance date. The present law, however, requires that the obligations be determined by the appropriate reorganization court to constitute "administrative expenses" of the railroad in reorganization.

The court overseeing the reorganization of the Erie-Lackawanna Railroad has determined that the estate has no legal obligation to continue to pay these premiums and that these premiums do not have status as administration claims. This decision was affirmed by the Court of Appeals for the Sixth Circuit on January 18, 1977. As it now stands, USRA cannot approve loans to fund the payment of health and life insurance premiums for retired employees.

Mr. President, the legislation I introduce today will resolve this unfortunate situation by entitling ConRail to section 211(h) loans required to meet these premium payments.

The House has already completed hearings on this issue and I hope that my colleagues in the Senate will act quickly to eliminate this inequity.

I ask unanimous consent that the text of this bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1584

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (6) of section 303(b) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 743(b)(6)) is amended—

(1) by redesignating such paragraph (6) as paragraph (6)(A), and by redesignating clauses (A) and (B) in the first sentence thereof as clauses (i) and (ii), respectively; and

(2) by adding at the end thereof the following new subparagraph:

"(B) The Corporation shall make such premium payments as are necessary to maintain in effect all insurance policies providing medical or life insurance benefits to persons described in section 211(h)(1)(viii) of this Act, and shall be entitled to a loan pursuant to section 211(h) of this Act in an amount required for such premium payments. For purposes of such section 211(h) and notwithstanding any other provision of Federal or State law, amounts required for such premium payments shall be deemed to be expenses of administration of the respective estates of the railroads in reorganization.".

By Mr. MATHIAS (for himself and Mr. Culver):

S. 1585. A bill to amend title 18, United States Code, to make unlawful the use of minors engaged in sexually explicit conduct for the purpose of promoting any film, photograph, negative, slide, book or magazine; to the Committee on the Judiciary.

Mr. MATHIAS. Mr. President, I am today introducing for myself and Senator Culver the Protection of Children From Sexual Exploitation Act of 1977. This bill would impose severe criminal penalties on anyone using children in the production of pornographic material.

The American people have been understandably shocked by recent startling revelations regarding the use of children ranging in ages from 3–16 in pornographic magazines and films. Across the Nation, newspapers and television stations—in escalating numbers—are reporting on the growth of the child pornography industry.

On May 15, 1977, a nationwide audience was shocked by the vivid, in-depth view of the child pornography business on the west coast presented in a 23-minute segment on the CBS investigative news program "60 Minutes."

Equally disturbing was a series of articles in the Chicago Tribune which, beginning on May 15, described the child pornography industry as a multimillion-dollar racket which preys on juveniles and lures them into prostitution and sexual acts. According to the Tribune:

> There are over 260 child pornography magazines in circulation in the United States, some of which "advise child molesters how to pick up children from playgrounds; tell parents how to have incest with their children; and describe the joys of sexual gratification that comes from beating the young."
>
> A newsletter for the "boy love" trade is published clandestinely in the Chicago area. The newsletter serves as a nationwide conduit through which adults can buy pornographic films featuring children, contact boys, and establish liaison with one another.
>
> In Los Angeles, reportedly the leading center of child pornography and prostitution in America, police estimate as many as 30,000 children are involved, including Mexican youngsters smuggled into the country in specially constructed automobiles. Los Angeles police are investigating the murder of several Mexican children to determine if they might have been brought to the U.S. for the pornographic trade.
>
> Some children are sold into prostitution and pornography by their parents. Los Angeles police recently found a 3-year-old girl, a 5-year-old girl and a 10-year-old boy, all children of prostitutes, whose mothers had sold them into pornography.
>
> Pornographers in at least five states—Michigan, New Jersey, Tennessee, Louisiana, and Florida—have used or have attempted to use federal, state and county funds to establish foster homes and child care camps for their operations, and some have used foster children in pornographic movies. In at least one instance, pornographers obtained a federal income tax exemption for a "church" later identified as a front for their operations.

Mr. President, these reports and others make clear that the child pornography business is a problem of national dimensions. Until very recently, pornographic materials involving children were almost exclusively imported into the States from abroad. But this is no longer true.

Production of such material is now done in the United States. There are estimates that this business grosses over one-half billion dollars annually and involves many thousands of impressionable youngsters—many of whom are penniless runaways from unhappy homes and easy targets for those seeking "performers" for pornographic movies or magazines.

In shaping a national policy against the child pornography trade, we must, above all, be sensitive to the psychological and physical impact of these activities upon the children themselves. A growing body of evidence indicates that engaging in such acts has a permanent effect on the youthful participants. According to a New York psychoanalyst, Herbert Freudenberger:

> Children who pose for pictures begin to see themselves as objects to be sold. They cut off their feelings of affection, finally responding like objects rather than people.

Mr. President, the legislation which we now introduce will be an important tool in our efforts to stamp out child pornography in America. This bill is designed to fill the very serious gap in the Federal law regarding the production of pornographic materials involving children. While there are existing statutes prohibiting the distribution of child pornography, there are no Federal laws specifically addressing the use of children under 16 in the production of pornography. As a result, there does not appear to be any effective means of reaching those who would abuse children by employing them in the production of such materials.

To remedy this, the Protection of Children From Sexual Exploitation Act does the following:

Makes findings that use of children in the production of pornographic materials is harmful to both the children and the Nation as a whole; and

Makes it a crime for any person to use, or permit to be used, any child in the production of such materials and upon conviction a person would be subject to a fine of $10,000 or imprisonment up to 10 years, or both.

I believe that we must act now. If we fail to face up to this very serious problem, many thousands of young people may be irreparably harmed. Do we not already have enough problems with crime, juvenile delinquency, neglected and abused children? Do we want to risk adding the results of this new form of child abuse to the staggering list of problems we already face? I think not.

If we act now to ban production of these materials through the power of Congress to regulate interstate and foreign commerce, we will be taking a very large step forward toward putting an end to this outrageous abuse of our children.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record, along with an article by Ellen Goodman in the Washington Post detailing the seriousness of the problem addressed in this bill.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1585

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Protection of Children Against Sexual Exploitation Act of 1977". Sec. 2(a) The Congress finds that—

(1) the use of children as subjects in the production of pornographic materials is very harmful to both the children involved and to society as a whole;

(2) the production and sale of such pornographic materials represent many millions of dollars in annual revenue and that the sale and distribution of such materials are carried on to a substantial extent through interstate and foreign commerce and through the means and instrumentalities of such commerce; and

(3) existing Federal laws dealing with the interstate distribution of pornographic materials are adequate, but do not protect against the use of children in the production of such materials and that specific legislation in this area is both advisable and needed.

(b) The Congress determines that the provisions of chapter 110 of title 18, United States Code, are necessary and proper for the purpose of carrying out the powers of Congress to regulate commerce and to establish uniform and effective laws on the subject of sexual exploitation of children.

Sec. 3(a) Title 18, United States Code, is amended by adding immediately after Chapter 109 the following:

"Chapter 110—Sexual Exploitation of Children

"Sec.

"2251. Sexual exploitation of children.

"§ 2251. Sexual exploitation of children

"(a) It shall be unlawful for any person knowingly to employ, use, persuade, induce, entice, or coerce any minor to engage in, or to have a minor assist any other person to engage in, any sexually explicit conduct for the purpose of promoting any film, photography, negative, slide, book, magazine or other print or visual medium.

"(b) It shall be unlawful for any parent, legal guardian, or person having custody or control of a minor to knowingly permit the minor to engage in, or to assist any other person to engage in, sexually explicit conduct.

"(c) For the purposes of this section, the term—

"(1) 'minor' means any person under the age of 16 years;

"(2) 'sexually explicit conduct' means actual or simulated—

"(A) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

"(B) beastiality;

"(C) masturbation;

"(D) sado-masochistic abuse, including but not limited to flagellation, torture, or bondage;

"(E) lewd exhibition of the genitals or pubic area of any person; and

"(3) 'promoting' means producing, directing, manufacturing, issuing, publishing, or advertising.

"(d) Any person who violates this section shall be fined not more than $10,000, or imprisoned not more than ten years, or both.".

(b) The table of chapters of Part I of title 18, United States Code, is amended by inserting immediately after the item relating to Chapter 109 the following:

"110. Sexual exploitation of children.. 2251".

"Sexploiting" Kids—An Abuse of Power

(By Ellen Goodman)

Boston.—There is almost a sense of relief in talking about it. At last, a simple matter of right and wrong. There is no "redeeming social value" for "Lollitots" with its sex shots of little girls. There is surely no "community standard" left unviolated by "Moppets" with its children posing in adult fantasies.

No. Finally there is an unequivocal villain. Finally a group we can pursue with a clear sense that "This, we know, is wrong."

After being force-fed the "heroics" of a creep like Larry Flynt, after pondering the defense of an obtuse sexual gymnast like Harry Reems, the question of kidporn is refreshingly uncomplicated.

Our reaction is equally direct: Stop it! Already there are two federal bills and half a dozen pieces of state legislation designed to stop the use of children's bodies as sexual capital.

The speed with which child pornography has become a national concern says a great deal about our gut feelings about pornography in general. Kidporn is just a distillation of the worst of the genre: the perversion of the healthy, the rape of the natural, the sale of people.

But it has been dangerous and difficult to ban the trafficking among "consenting adults"—those who pose and those who peer. The Supreme Court's notion—to determine what is pornographic by "community standards"—is so flexible and flaky that 12 jurors in a remote village could sentence Masters and Johnson to jail.

But the children cut through all of the murkiness. This is not a First Amendment issue. It is not a matter of legislating the sexual fantasies of adults. It's a matter of protecting the real lives of the young models.

We can take kidporn out of the realm of sex and into the realm of power, where it belongs. The children are victims, and kidporn is the exploitation of the powerless by the more powerful.

That exploitation is as common to the history of adult-child relationships as is protection.

Children have always been the dependent subjects of adults. Until recently they were the objects as well. For centuries, parents simply owned them as property, and only gradually has society modified that power.

Now adults are not allowed to abuse their children, at least not badly, and not allowed to send them to work, at least not hard work or long work.

Yet it's estimated that thousands of children are killed every year by their "guardians" and that two million are "abused." In the home, the majority are merely "hit." In the schools, others are administered "corporal punishment." In the fields, thousands are put to work beside desperate migrant-worker parents.

Numerically, there are far, far fewer cases of sexploitation than of other forms of misuse. But now the federal legislation against kidporn will appear under two peculiarly appropriate categories. One has been filed under child abuse, the other under child labor statutes. These are the areas that already legislate restraint.

If we take this issue, and look at it as a matter of the abuse of power rather than of sexual deviance, we may begin to look at adult-child relationships more intently and more generally. We can continue to sort out and deal with our own confused notions of what is the appropriate use of power by adults over children. How should we use it and how should we further limit it?

At least on the kidporn question we are sure. As a Village Voice writer noted: Even Lolita, a teenage "seductress," was finally a powerless child. In the novel, after her mother dies, Lolita goes to the bed of the obsessed Humbert, who explains: "You see. she had absolutely nowhere else to go."

CULVER URGES ATTACK ON PORNOGRAPHERS EXPLOITING CHILDREN

Mr. CULVER. Mr. President, as chairman of the Judiciary Subcommittee To Investigate Juvenile Delinquency, I am pleased to join with Senator Mathias in introducing the Protection of Children Against Sexual Exploitation Act of 1977.

Among the various types of child abuse that shock the Nation, one of the most vicious is the sordid business of inducing children to perform sex acts before a camera for distribution in the pornography industry.

Incredible as it may seem, at the present time, this form of child abuse cannot be effectively prevented or punished by the criminal laws of the United States.

This legislation we are introducing today provides severe criminal penalties for anyone knowingly causing a child to become involved in sexual conduct for purposes of recording that conduct for publication.

Mr. President, the production of publications exhibiting children in sexual roles is a big business in America today, involving millions of dollars and the exploitation of tens of thousands of children, some as young as 3 or 5 years old. Anyone who watched the recent CBS Television Network's "60 Minutes" exposé on child pornography or who has followed the Chicago and New York newspaper accounts of the investigations of this form of child abuse in those cities must recognize the critical urgency of the problem and future danger to our society it poses if strong corrective action is not taken.

Federal legislation now in effect makes criminal the distribution of pornography in interstate commerce. But no section of the Federal code imposes punishment on the child abusers—the unspeakable people who lead children into sexual acts for pornographic profit.

Some States have laws dealing with other aspects of the problem. Iowa, for instance, has enacted legislation to curb the sale of pornography involving children.

But in State laws as well as in the Federal Criminal Code, there is a deplorable gap in the law so far as imposing criminal sanctions against this specific form of child abuse.

We feel, therefore, Mr. President, that there is a compelling need for a reasoned, uniform, nationwide law to penalize severely those who lead children into this depravity.

The Judiciary Subcommittee I chair and of which Senator Mathias is ranking minority member has a long history of concern about the criminal misuse of children. The legislation introduced today deals with one of the worst and most recently uncovered forms of child abuse.

In view of the urgency of the need, our subcommittee will hold hearings on this subject as speedily as possible. Our first hearings will be in Chicago this weekend.

Of course, Mr. President, our concern is not just with the pornographers; we must also endeavor to discover and alleviate the underlying causes of child pornography. For instance, runaways are frequently the victims, but we do not know enough about why they leave home. Also, it has been reported that institutions and foster homes, often supported by Federal funds, are the sites of some of these abuses. The subcommittee will continue to look into these matters.

I am proud to be associated with the distinguished Senator from Maryland in sponsoring this legislation which we hope will be a powerful deterrent to the outrageous practice of exploiting children for pornographic purposes.

Mr. President, I ask unanimous consent that several recent articles from the Chicago Tribune reporting on the investigation of child pornography in that city be printed in the Record following my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Chicago Tribune, May 15, 1977]

Child Pornography: Sickness for Sale

The smiling, no-longer-innocent faces of little children look up from the pages of more than 260 pornographic magazines sold in America—children engaged in almost every known sexual perversion.

The book racks in America's smut shops contain volumes that advise child molesters how to pick up children from school playgrounds; tell parents how to have incest with their children; and describe the joys of sexual gratification that come from beating the young.

For sale also are horror movies such as

Hollywood never conceived. The horror is in the celluloid portrayal of children from 3 to about 15 years old—some smiling, some bewildered—participating in a variety of sexual perversions with adults and each other.

In Chicago and other cities, adult perverts run boy prostitution rings, luring fuzzy-cheeked youths into street-walking, sending them on cross-country trips to serve a network of customers and selling their young flesh at auction to the highest bidder.

Child pornography and child prostitution, once confined to the darker shadows of American life, have blazed into the open in cities across the country in the last 18 months. They have become highly organized, multimillion-dollar industries, operating on a scale that few Americans have begun to comprehend.

These industries involve films made in private apartments, shipped to Europe, and sent back into the United States on the pretext they are European-made; children lured into sexual misconduct by drugs, alcohol, money, and expensive gifts; and adult exploiters who range from the dregs of society to prominent men, including several millionaires and at least one clergyman.

They involve "adult" bookshops, many controlled by organized crime, that openly sell child pornography or, where they have begun to feel the heat from police, keep it under the counter for sale to regular customers.

Dr. Judianne Densen-Gerber of New York, who heads a national movement to prevent child abuse and neglect, believes the use of children in pornography and prostitution is equivalent to murder.

"They are destroyed by these experiences. They are emotionally and spiritually murdered," she said.

No one knows exactly how many children are involved, but authorative estimates range upward from 100,000.

"We are ruining young lives in record numbers," says Kenneth L. Gillis, deputy state's attorney for Cook County, who has been participating in an investigation started by the state's attorney's office earlier this year.

Why haven't the law-enforcement agencies stamped out the rackets?

A three-month, nationwide investigation by The Chicago Tribune has shown that this is not as easy as it might first appear.

The pornographers, operating out of private residences, have used a maze of post office box addresses, clandestine printing operations and elaborate shipping routes to make detection extremely difficult.

The sale of child pornography went on for months before most agencies even became aware of it, and many have been slow to react, only four cities—Chicago, Los Angeles, New Orleans, and Houston—have special police units to deal with it.

The Tribune investigation has established that child sex rackets operate on a national and international scale involving thousands of adult perverts often working with one another and exchanging child victims. Among the findings:

Chicago is the headquarters of a nationwide ring trafficking in young boys—"chickens," in the argot of the streets—and placing them in various "homes" to serve male customers, or "chicken hawks." Although federal law makes it a crime to transport a female under 18 years of age across state lines for immoral purposes, there is no such protection for boys. So extensive are these nationwide dealings that The Tribune was able to obtain a list of 5,000 names and addresses of the ring's clients living in every part of the country.

A newsletter for the "boy love" trade is published clandestinely in the Chicago area by a group of men police say includes an employee of a church-run college. The newsletter serves as a nationwide conduit through which pedophiles—adults whose sexual preference is for children—can buy films, contact boys and establish liaison with one another.

In Los Angeles, the leading center of child pornography and prostitution in America, police estimate as many as 30,000 children are involved, including Mexican youngsters smuggled into the country in specially constructed automobiles. Los Angeles police are investigating the murder of several Mexican children to determine if they might have been among the smuggled cargo.

Some children are sold into prostitution and pornography by their parents. Los Angeles police recently found a 3-year-old girl, a 5-year-old girl and a 10-year-old boy, all children of prostitutes, whose mothers had sold them into pornography.

Police who smashed a pornographic film operation in New York last month and seized 4,000 copies of films involving children 8 to 12 years old, said much of the material was destined for buyers in Chicago.

In New Orleans, police say, a group of adult perverts established a Boy Scout troop in 1974 for the purpose of using boys ranging from 11 to 15 years old for homosexual purposes. Nineteen men have been charged with multiple counts of crimes against nature, which carries a maximum penalty of 15 years on each count. Among them are two Boston-area millionaires and a California millionaire alleged to have flown to New Orleans to have sex with the boys. Police investigation of the case extended into 34 states.

An Episcopal priest in Tennessee, the Rev. Claudius I. (Bud) Vermilye Jr., is awaiting trial on charges he took in runaway and neglected children at his Boys Farm, encouraged them to engage in homosexual orgies, secretly filmed the orgies and allowed adult "sponsors" to abuse the boys.

The Tribune investigation disclosed that a half-dozen Illinois men had bought films from the priest. Vermilye was indicted on 16 charges, including 3 counts of crimes against nature, 6 counts of aiding and abetting crimes against nature, 4 counts of contributing to the delinquency of minors, and 1 count of using minors in the production of pornographic materials.

Pornographers in at least five states—Michigan, New Jersey, Tennessee, Louisiana, and Florida—have used or have attempted to use federal, state and county funds to establish foster home and child care camps for their operations, and some have used foster children in pornographic movies. In at least one instance, pornographers obtained a federal income tax exemption for a "church" later identified as a front for their operations.

Although the various pornography and child prostitution operations extend across the nation, police say there is no single organization running them. But the adults involved maintain contact through newsletters and exchanges of children.

"It seems to be like spider webs strung out all over the nation," said Mason Spong, a New Orleans juvenile division detective involved in the investigation of the Boy Scout operation there.

Child pornography as a big business began with the importation of such material from Europe about 18 months ago. The child magazines and films quickly became big sellers in adult bookshops and American pornographers, alert to a good business opportunity, rushed into the market.

The child victims are typically runaways, who come to a city with only enough money to sustain them for two or three days, or boys from broken homes.

Adult exploiters pick up the runaways at bus stations, hamburger stands, and amusement arcades, and offer them money and gifts in exchange for sexual favors. Frequently they show the children pornography to arouse them sexually, and give them drugs and alcohol to lower their inhibitions.

With small children, Los Angeles police say, dolls and candy are used. And in one Chicago case, "the kids were so young that pizza and Coca-Cola were sufficient," said Gillis, the deputy state's attorney.

According to a Los Angeles police report, "Many suspects are wealthy and financially secure men who can afford to give elaborate gifts, including automobiles and motorcycles, to their victims."

Experts say many of the children are attracted to adult exploiters because they receive from them something else they never had in the broken homes from which they came—approval and affection.

"A lot of these children are told for the first time that they are worthwhile. Unfortunately, they are not complimented because of good grades or because they are good at basketball, but because they have been sodomized," said Frank Osanka, 41, a sociologist at Lewis University in Glen Ellyn.

Osanka teaches the only course in United States on child abuse and neglect, and numbers several law-enforcement officials among his students.

The costs of sexually exploiting children are minimal and the profits enormous. In Los Angeles, where most of the material is produced, police estimate a pornographic publication that retails for $7.50 to $12.50 per copy can be produced for 35 to 50 cents.

A cheap home-movie camera can be used to produce films that sell thousands of copies for $30 to $50 each.

Children can earn up to $150 a day posing for pictures or movies, and in Los Angeles police found one 12-year-old boy who was making up to $1,000 a day as a prostitute.

Often the money winds up in the hands of pimps, police say, but the pimps spend generously on food, clothing and entertainment for the children.

Stephen F. Hutchinson, legal counsel of Dr. Densen-Gerber's Odyssey Institute, said most child poronographic material now on the market is produced to the United States, shipped to Scandinavia, and then shipped back to America to give the impression it was made in Europe.

"We have evidence of companies producing this filth in Arizona and California and one such operation going 24 hours a day, seven days a week, in New York," he said.

Tennessee police said they have evidence that films taken at the Boys Farm orgies were shipped to Europe and back to the United States.

The pornography business has flourished amid a welter of legal confusion and conflict, with obscenity laws being struck down in some states as unconstitutional and prosecutors groping for other means of attack.

It is extremely difficult to catch pornographers in the act of filming children, because this normally is done in private apartments or homes.

In cases where pornographers are apprehened, their child victims often are unwilling to testify against them, out of loyalty for the favors and attention they have received.

If they are willing to testify, judges and juries sometimes will not believe their stories or will consider them too young to be key witnesses in a criminal prosecution.

Prosecuting the sellers of pornography also presents other problems. Obscenity laws cannot be used in Illinois and other states where they have been declared unconstitutional because of vague terminology, although a number of bills aimed at overcoming these objections are pending in the Illinois legislature.

And when obscenity convictions are obtained, they often are successfully challenged on grounds that any prosecution involving printed or film matter infringes on the rights of free expression guaranteed under the 1st Amendment.

Child abuse laws are a weapon, but in some states law-enforcement officials say they do not provide sufficient penalties. In California, the maximum sentence for child abuse is only two years, and in 40 arrest cases in Los Angeles since September authorities have obtained just one conviction.

Sgt. Lloyd Martin, a Los Angeles policeman who heads a special unit dealing with child abuse, doesn't pretend to have the answer, but he rates child pornography as a crime worse than murder.

"A homicide, once committed, is over," he said in an interview. "But a crime against a child is never over, it has ruined a life."

Psychiatrists and socialogists agree that the social cost from this wholesale exploitation of one of America's most previous resources—its children—may be staggering.

Sexually abused children frequently grow up to enter a life of drugs and prositution, they say, because they can find no place in normal society.

The experts say premature sex can leave children with genital damage and even lead to cervical cancer in girls. Psychologically, the victims often became prey to grotesque fears and are unable to experience normal sexual fulfillment as adults.

"Intercourse can become painful for them for the rest of their lives," said Dr. Nahman Greenberg, associate professor of psychiary at the University of Illinois School of Medicine and an expert on child sexual abuse.

Los Angeles police say some sadistic adults torture children who do not follow orders, or threaten to disfigure them.

Robin M. Lloyd, author of "For Money or Love," a study of juvenile male prostitution generally considered the most authoritative work on the subject, suggests that America's children comprise one of the most disadvantaged minorities.

"They are too young to vote; too young to have consumer spending power; too young to have lobbyists speak for them," he said.

What kind of people are the men who exploit them?

"The pedophile is a well-known type," said Dr. Greenberg. "His kind of interest in children is probably extremely narcissistic. He seeks sexual gratification out of a projection of himself.

"He doesn't look for a dirty, scruffy kid. He is usually looking for a very fine, elegant boy, who represents for him the symbol and height of what he would like to have been himself.

"The pedophile believes he is adoring, indulging, gratifying the boy [a theme that runs through "boy love" publications]. He also hates this boy. He envies him, has contempt for him. It's purely jealousy; the boy represents what he would like to have been."

Greenberg said the large market for child pornography does not mean there are more pedophiles today than in past time.

"The market hasn't been present because the law has been more restrictive," he said. "Many people who before were less likely to chance buying it [child pornography] and producing it are now more inclined to.

"It's doing a great disservice. Any civilization to exist has to maintain certain kinds of civilizing behavior and restraint of urges, instinctual trends which may get twisted into areas of perversion."

FATHER, TEACHER: TANGLED LIFE OF CHILD PORNOGRAPHER

(By Michael Sneed)

For all anyone knew, he was a schoolteacher devoted to his family and community in Port Huron, Mich.

An average guy with aspirations. The fellow next door, who liked kids and went to church on Sundays. The father of a young son, A man who held college degrees in youth services and electronics.

The son of a policeman turned elected official. An amateur photographer who learned to use a camera by taking mugshots at the police department.

What they didn't know was that he was of the Midwest's leading child pornographers and the worst kind of pimp. A flesh profiteer who fed off the young, who filmed, processed and sold child pornography film, who sold the sexual services of his young male models.

From his cell in a Michigan prison, where he is serving a 2-to-10-year sentence for molesting a 10-year-old boy, Gerald S. Richards, 36, talked about the child pornography business, a business he likens to a nationwide spiderweb.

While going to college and supporting his family in 1968, Richards started working in one of the first porno shops to open in Port Huron.

"I had no reason to get into the business," he said. "I was curious and I needed the money."

He planned to get out when his son was a year old, but was hooked. "I was making good money on the side reselling porno prints I got at the store," he explained.

So, armed with shop contacts with pornography publishers, distributors and customers, Richards left the store and set up his own mail order business.

His life became a maze of forwarding addresses for his mail order pornographic picture operation; his home and downtown office became his pornography mills; and his contacts grew nationwide. His young "porno" brigade included 20 boy models.

"I led two lives," he said. "My family thought I was teaching physical education in a parochial school. I was but it took very little of my time. My Cadillac was my only sign of wealth. I put a lot of money into better photo equipment. I was careful. They never knew."

Richards was married, but he also became homosexually involved with one of his male models—a 12 year old boy who was his babysitter, next-door neighbor, assistant in his professional magic act, and his solicitor for other young boy models.

"He took care of things and nobody ever squealed. It was procedure to keep a blackmail photo file of each boy to avoid any squealing—but I eventually threw his away. He was a genius."

Recruiting children was not difficult. "It's the easiest thing in the world to get a kid," Richards said.

"What you want is a kid with no moral, religious background, and you have got it made. A kid whose father is absent or doesn't care about him. They don't have a chance. They are brainwashed and left sexually confused. They can end up like the men who entice them."

Behind it all, Richards said, is the BL movement, which stands for "boy love." Promoters of the BL syndrome publish magazines and newsletters which contain their philosophy and carefully coded classified ads.

"It is through these ads that subscribers make their contacts, contacts for films, pictures, sex and with others who feel the same way about the sexual use of children," he related.

Richards subscribed to the BL magazines and advertised in them to build up his "boy hungry" clientele. His magic act was also coded in the BL ads.

He found his business partner through an ad in a California magazine called the Better Life Monthly, America's No. 1 boy love journal.

"I screened his mail for four months. Subscribers are screened through an intricate process. You check the grade of paper, typewriter keys, numbers of letters—weighing sincerity and insistence. Of course, you keep the letters as a security measure."

With the help of his partner, he incorporated as a tax exempt-front known as Brother Paul's Children's Mission. Richards was Brother Paul. His partner is being sought on a fugitive warrant by the Michigan State Police.

Several times, Richards made trips to Chicago with his partner, where contacts for boys were made with porno shop proprietors.

"The names would be furnished either by a porno shop guy or through a hotel clerk," he explained.

He eventually was arrested for molesting one of his models—a model who was in demand because he was very young. He was only 8 years old when he was "tested" on a camping trip to see if he'd fit into the operation.

"It was a bad scene," Richards said. "I was teetering between wrong and right. But the money was too good. I couldn't stop. I just couldn't put that rubber stamp down when I'd see all that mail coming in and thought of the money."

He refuses, however, to estimate just how much money he made from his pornographic career.

"Sometimes I would even use selfhypnosis to figure out ways to make money," he recalled.

Richards was arrested on July 23, 1975, and pled guilty.

"I was guilty. I felt like I had murdered my own son." He has also voluntarily turned over his files and is scheduled to appear before the Michigan State Assembly "to prevent other kids being trapped in this business."

Summing up the results of his porno business career, Richards sighed:

"My wife is now divorcing me, my son is being deprived of a father, my father's public career is ruined, and my assistant probably will be a homosexual."

IT'S EASY TO BUY CHILD PORNOGRAPHY

(By George Bliss)

Buying child pornography in some of Chicago's "adult" bookshops is as easy as shopping for groceries.

Two Tribune reporters recently bought more than $80 worth of films and magazines involving children as young as 5 years old in visits to three shops on South State Street.

At the first shop at 412 S. State, a clerk denied any child pornography was in stock. But a reporter found a copy of Boys' School, a slick color magazine featuring teen-age boys, and bought it for $7.50.

Next door at 414 S. State, a clerk also denied selling child pornography. But a glass display case in front of him contained a variety of 8 mm. child films.

He readily sold two films entitled "Lolita" and "Golden Boys" for $30 each.

Asked if the shop had any copies of Lollilops, the biggest-selling child pornography magazine in America, the clerk said, "No, but we're supposed to get it in next month."

The widest assortment of child pornography was found in a shop at 428 S. State.

Several months ago, 15 members of the New York-based Odyssey Institute, a national organization campaign against child abuse and neglect, picketed outside this shop with signs reading "Save the Children."

A dozen men then emerged from the shop with signs reading "Sex is God" and "I'll Read What I Damn Well Please."

A clerk in the shop obligingly pointed out a large display of films and magazines to the reporters, who purchased three pocket-sized magazines—"Hanna and Her Uncle," "Childrensex 3000," and "Torrid Tots"—for $5 each.

But a reporter, who asked for child pornography at Fran's bookshop at 6234 S. Western Av. met with a different reaction.

"You're sick! You're really sick!" a woman clerk shouted as the reporter retreated out the front door.

A few days earlier, Chicago undercover police had visited the same shop and said they had bought a variety of child pornography magazine openly displayed on the shelves.

Because of the publicity that has been focused recently on child pornogrophy, police said, some Chicago shops have withdrawn these materials from display and have put them under the counter, to be sold only to regular customers.

[From the Chicago Tribune, May 16, 1977]

CHICAGO IS CENTER OF NATIONAL CHILD PORNO RING

A nationwide homosexual ring with headquarters in Chicago, has been trafficking in young boys, sending them across the nation to serve clients willing to pay hundreds of dollars for their services.

Existence of the ring was uncovered by a Chicago Tribune investigation of child pornography and child prostitution throughout the country.

The investigation also has disclosed that a clandestine newsletter is being published in Chicago which serves as a conduit for perverts throughout America to engaging children in pornographic modeling and prostitution and in making contact with one another.

Both operations, the police said, were controlled by separate groups of men working together in an interlocking web of vice.

The ring trafficking in young boys goes under the name Delta Project. According to police in Chicago, Los Angeles, and Dallas, it is masterminded by 49-year-old John D. Norman, a convicted sodomic serving a four-year sentence in the Illinois state prison at Pontiac.

His close associate is Phillip R. Paske, 25, a convicted murderer and thief who police said is now on probation and is carrying on the project in Norman's absence.

The clandestine newsletter is known as Hermes. Police said the principal figure in its publication are Elden Gale (Rudy) Wake, 40, an employe of Trinity College in Lake Forest. Patrick Townson, a Chicago man who operates a citizens band radio information show for homosexuals and is connected with the Gay News and Events newspapers, and David Berta, who along with Towson was involved in Norman's operation.

Berta was arrested Saturday on a charge of contributing to the delinquency of a minor in connection with the filming of a pornographic movie.

But police said they could take no action against the Hermes operation in the absence of an Illinois obscenity law. The law was declared unconstitutional by a federal court last year.

The Cook County state's attorney's office and Chicago police said Norman's Delta Project was born in Cook County Jail last spring while he was awaiting trial on charges of taking indecent literatures with 10 teenage boys.

Unknown to jail officials, they said, Norman used the jail's printing facilities to send out three "newsletters" about the project to homosexual clients throughout the country and to people who answered his advertisements in gay publications.

The newsletters said the aim of the Delta Project was "to provide educational, travel and self-development opportunities for qualified young men of character and integrity."

Norman told his readers that "Delta-Dorms" were being established around the country. "Each is a private residence where one of our sustaining members act as a 'don' for two to four 'cadets'. . . . The nature of the relationship between cadet and sponsor is left entirely to the two of them."

In a prison interview with The Tribune last week, Norman said the Delta Project was a program to provide self-development and training for young men.

"This has nothing to do with sex," he said. "I didn't want to get your kids involved in sex."

But police said Norman's "dons" are pedophiles—adults with a sexual preference for children—and the "cadets" are boy prostitutes recruited for Norman in the Chicago area.

Norman, a tall man with wavy gray hair, acknowledged in the interview that he published his newsletter in Cook County Jail until jail officials stopped the operation, and said he carried on a correspondence with more than 7,000 persons.

"It was quite a project and I would work all day, 16 hours, and I paid another inmate to do the typing and other work during the other eight hours of the day," he said.

Norman said he also plans to go into the business of selling pornographic TV casettes when his prison term is up, but denied that children would be involved.

How many "cadets" have been sent to "dons" on Norman's mailing list is unknown. But police said Paske, out of jail on probation since last July, has kept the project going while Norman is in prison.

The Delta Project operates from P.O. Box 5004 in Chicago.

The Chicago police Area 6 youth division, tipped to the existence of the project last February, began an investigation and determined that the post office box was registered to Paske and Norman.

The probe led police to the discovery that Norman has a long career of sexual abuse of children. Norman, who came to the Chicago area in mid-1973 from Dallas, has a record of 13 arrests for sex offenses going back to 1954.

The Delta Project was only the latest of a series of organizations he set up to supply boy prostitutes to male customers around the country, police said.

Earlier, they said, his operation had gone by such names as the Norman Foundation, Epic International and the Odyssey Foundation. Ironically, Dr. Judianne Densen-Gerber of New York City, heads a national movement to prevent child abuse and neglect, called Odyssey Institute. She is an outspoken foe of child pornography.

Dallas police told Sgt. Ronald Kelly, head of the Area 6 youth division, that they have information associating Norman with the ring that helped transport to Texas the 27 boys murdered in Houston in 1973 in a widely publicized sex and sadism case.

That case involved Dean Corll, a 33-year-old bachelor who police said paid two teenagers to bring other boys to his home where they were sexually assaulted and murdered.

The murders were discovered after one of the teen-agers, Elmer Wayne Henley, shot and killed Corll because, he said, Corll threatened to kill him.

Norman came to suburban Homewood in mid-1973 and lived in the home of one of his Epic International clients. Homewood police said the client later told them that Norman supplied him in the summer of 1973 with a 16-year-old Missouri boy whom he took on a three-week, $4,600 tour of Europe.

Norman, who was then using the alias Steven Gorwell, was arrested in October, 1973, after an anonymous tipster told police he had lured the 10 teenagers into committing sex acts with him by giving them beer.

The police confiscated from Norman a large collection of pornography and a list of 5,000 names and addresses which they say identified clients of the various "foundations." The Tribune subsequently obtained a copy of the list from other sources.

It was not the first that Norman compiled.

Lt. Harold Hancock of the Dallas police arrested Norman in March, 1973, on charges of contributing to juvenile violation of state drug laws. Hancock told The Tribune he confiscated from Norman more than 30,000 index cards listing clients around the country, some of them prominent people and some federal employees in Washington.

"I felt that some federal agency should get the cards and I contacted the State Department through the FBI, I think it was," Hancock said. "All the cards were sent to Washington to the State Department, and that's the last I heard of it."

The State Department confirmed to The Tribune that it had received the cards. Matthew Nimietz, a counselor for the State Department, said officials there determined the cards were not relevant to any trend case concerning a passport" and therefore destroyed them.

Nimetz was unable to explain why the State Department looked at the cards only from the standpoint of possible passport irregularities or why it had not turned them over to the FBI or postal inspectors.

Shortly after Norman published his first newsletter from Cook County Jail last year, someone iin California whom police have not been able to identify provided the $36,000 cash needed for his bail.

Norman went free until December, 1976, when he pleaded guilty to eight counts of indecent liberties with a child and was sentenced to four years in prison.

The police first learned last March of the existence of the Hermes newsletter. An informant in the area of Clark Street and Diversey Parkway, a center of homosexual activities in Chicago, obtained a copy of it and turned it over to police.

Hermes, a bimonthly publication, contains line drawings and photographs of naked boys, articles of "boy love," and advertisements listing coded names that enable subscribers to contact one another and to engage children to pornographic modeling and prostitution.

It is one of three principal "boy love" newsletters in the United States. The others are Better Life Monthly, published in California, and the Broad Street Journal, published in Milliken, Colo.

According to police, Hermes sells more than 5,000 copies nationally every two months and, at $10 a copy, grosses more than $300,000 a year.

Hermes lists its mailing address as P.O. Box 1102, North Chicago.

Police said the box was registered to Wake, who works in the audio-visual department of the Lutheran church-run Trinity College, and to the National Press Business, 1445 11th St., Waukegan.

Trinity College has been cooperating with the Lake County state's attorney's office in the investigation of Wake.

In addition of his job at Trinity, Wake is a salesman for National Press Business, a legitimate printing concern, but his only account is himself, police said. He receives 15 per cent commission on materials sold—materials that police said go into the production of Hermes.

Police have not determined where Hermes is printed.

The Lake County state's attorney's office has identified Wake as an employee of a children's home and two children's camps between 1964 and 1968.

Police said Townson screens prospective subscribers for Hermes and Boris helps with the layouts.

Townson, 30, has a record of arrests over the last 15 years for fraud, sodomv, and escape from a mental hospital. Boris has no previous arrest record.

Police said they believe Wake is the printer of Hermes.

Copies of Hermes have turned up in arrests of pornographers in California, Michigan, and other parts of the country.

CHILD SEX: SQUARE BLOCK IN NEW TOWN TELLS IT ALL

POLICE SPEND LONG NIGHTS WATCHING PARADE PASS BY

(By George Bliss)

At the corner of Clark Street and Diversey Parkway, the teen-age boy prostitutes were making their usual rounds, on the lookout for lone male drivers circling the block.

Police call it Clark and Perversity because of the homosexual activity that goes on in the area.

"You see the cars going 'round and 'round the block all night long," said Officer Joe Bongiorno of the Area 8 youth division as he sat in an unmarked car with engine running at Lehmann Court and Diversey.

"Some of the kids are runaways, but some of them are Chicago boys who come down here just once a month to turn a trick when they need some money. The prices start at $20 and vary, depending on what the boys are asked to do."

The boys hang out at junk food stands on Clark Street and occasionally walk around the block bounded by Clark, Diversey, Lehmann Court and Drummond Place.

The male drivers follow the same circuit, wheeling around the corners one after the other like riders on a carousel.

Bongiorno said most of the youngsters are in the 14 to 19 age group. "When you hit that 19 to 20 mark you're too old," he said.

Night after night for three months, eight men and eight women of the youth division, working in pairs, staked out this square block, gathering evidence for a crackdown on child prostitution.

Chicago Tribune reporters were present during several stages of the police investigation.

This particular night, about a month ago, involved several hours of tedious waiting with Bongiorno in the unmarked car, listening as voices occasionally crackled over the police radio.

"That female impersonator has just shown up at the corner of Lehmann and Drummond."

"Here comes that green Pontiac again. Did somebody get the license number?"

But there were few boys on the street, and no pickups.

Precisely at 10 p.m. however, a 1977 yellow Cadillac with white vinyl top turned into Lehmann Court from Diversey.

A 15-year-old boy, walking along Lehmann in white hat and coat, suddenly gestured toward the car and the driver stopped.

Bongiorno tensed in his seat and began describing the scene to police in other nearby cars over his radio.

"Oh, that damn squad car is coming out of the alley," he groaned, muttering another expletive, as a cruising district police car happened on the scene.

The boy saw the squad car at the same moment and darted away from the Cadillac. The driver of the Cadillac quickly pulled away.

Minutes later, occupants of another police car saw the Cadillac in a nearby parking lot, then saw it move away.

"I can see only one head in the car," the officer radioed.

"That kid is smart. He's probably lying on the floorboard," Sgt. Ronald Kelly, head of the youth division, radioed back.

The police car followed the Cadillac to an apartment building on Fullerton Avenue, took down the license number, and waited.

Fifty minutes later, the Cadillac returned to Clark Street, the boy got out and the car pulled away.

"Chicken" Makes $500 a Week, But at 17 He's Getting too Old

(By Michael Sneed)

In the parlance of the street, they are called "chickens," boys who sell their bodies for prostitution and pornography.

One such boy talked to The Tribune about his street hustling career which began when he was 14 years old. Call him Marty.

Several rings adorn his fingers, and he wears a belt buckle that doubles as a weapon. Dressed in well-worn denim, he has no effeminate characteristics.

He had turned a "trick" for $100 the night before and still had $60 in his pocket.

Marty, who recently became 17, turned to prostitution when he moved to Chicago several years ago. The boy who showed him the ropes, he said was only 13.

"He told me what to say, how to look for 'chicken hawks' [adult men], and where to go, New Town, that's where the action is. Near the pinball machines, the arcades, certain restaurants, and other places along Clark Street.

"You just hang around and watch who's watching you. It's easy, real easy. The hawks are cruisin' everywhere in cars, walkin' the streets, sittin' in restaurants. It's better than workin'.

"I can make all the money I want. Rates depend on what they want. Some things cost more. Some want you to watch porno movies. Or they give you drugs and booze. Some like to take pictures.

"I once thought about being a mechanic, but man, my mom works for a day labor employment office, eight hours a day for $16. That's work, man. I'm not greedy. I make about $500 a week, tax-free. I could make more. I only do two or three tricks a night.

"I like my life. But I'll be too old soon for this business. Most chicken hawks like 'em real young. They always ask what age you are. The youngest kid I saw hustling was about 11 or 12 years old."

Marty said he spends most of his money on drugs. He's been getting high since he was 13. He says:

"Each day is the same for me. I know that may sound boring, but it's the life I dig. I sleep all day, wake up, make some money, party until daylight, and I'm too high on drugs to walk the streets. Then I go to sleep again. I like it.

"I'm pretty healthy, although I caught VD twice."

Life is a little easier for Marty these days. Now that he's 17, he doesn't have to worry about the 10:30 city curfew, when his younger counterparts must be off the street. It is the one law they obey, in order to avoid police hassles.

He hasn't gone to school since he was 13.

"I never liked school much," he said. "My mom was always after me to go, but she had put me in state institutions for being, ah, ungovernable or something. I never met my father. Never met any relative in my life, except an uncle once. My mom tried getting me a Big Brother, but they never would send me one.

"We came to Chicago 'cuz mom was chasing some old boyfriend, who wound up not caring for her anyway. She's got two boyfriends now. I have a one-year-old sister. She's my half-sister, I guess, but I really like her."

Some time ago Marty's mother was told of her son's activities in New Town. He recalled:

"She asked me if it was true that I was hustling and I said, 'Yeah.' You know what she did? She just laughed. She didn't say nothin'."

Hunt 6 Men, 20 Boys in Crackdown

Chicago police said Sunday they were looking for about 20 juvenile boys used as models for pornographic pictures and six men believed to have had sex with boys in the last three months.

Three men and two 14-year-old boys already are under arrest in a crackdown on child pornography and child prostitution that the police began Friday night. Among them are two men accused of having made a pornographic movie with children.

Sgt. Ronald Kelly of the Area 6 youth division said Sunday that an undercover police officer had bought a packet of dozens of pornographic pictures of Chicago boys.

He said one of the children has been identified as an 11-year-old boy from the Andy Home, the Cook County juvenile detention center.

"There are at least 20 juveniles in the pictures, and we are looking for all of them," he said.

Kelly said one of the 14-year-olds arrested Saturday named six men, including a doctor who the boy said had sex with juvenile boys and had taken pictures of some of them in the last three months.

Kelly said the six men are being sought.

The principal figures arrested Saturday were David J. Berta, 32, of 3710 N. Pine Grove Ave., and John Bell, 19, of 506 N. Clark St.

Police said Berta and Bell used two 14-year-old boys to film a pornographic movie in which Bell also participated. Berta and Bell were charged with taking indecent liberties with a child.

Bell told police after his arrest that he had posed for 108 pictures for a group of Chicago pornographers when he was 15, and had been paid $3,400. Police said Bell also told them he had participated in two pornographic films in New York when he was 15, earning $375 for each film.

Officials of the Illinois Department of Children and Family Services said Bell has been in and out of orphanages and foster homes since he was 6.

They said Bell was one of several hundred Chicago children sent to foster homes in Texas between 1962 and 1973 by the department.

A scandal blew up in 1973 when it was reported that some of the children had been stripped, beaten, and kept in solitary confinement for infractions of rules in the homes.

Among other things, Bell was reported to have been chained to a bed when he killed a dog and forced to wear the dog's tail around his neck for two weeks.

Police said Berta and Bell, after making their pornographic movie in Chicago, handed it over to a police undercover agent April 16 when he assured them he had syndicate connections and could get it processed without risk.

Berta and Bell told the undercover operative they planned to sell 2,000 copies of the film at $50 each to customers throughout the country, according to police.

On Friday night police took into custody a 14-year-old foster child they said had participated in the movie, and arrested his foster father, David Welch, 26, of 2616 N. Clark St., on charges of having had sex with the boy.

The boy told police that Berta had promised him $100 to participate in the movie but had never paid him. Police said the boy had been in Welch's care as a ward of the state since May 2.

The boy told police he had had sex with Welch on three occasions, they said.

Welch, who police said denied the accusation, was charged with taking indecent liberties with a child.

Police said they were looking for the other 14-year-old boy involved in the film and for a man believed to have done the filming for Berta and Bell.

[From the Chicago Tribune, May 17, 1977]

Two Seized in Child Sex Ring

BOYS USED IN FILM FOR NATIONAL SALE

(By George Bliss and Michael Sneed)

Chicago police Saturday arrested two men who they said used two 14-year-old boys in a pornographic movie intended for nationwide distribution.

Sgt. Ronald Kelly of the Area 6 youth division said the pornographic movie was the first known to have been filed in Chicago using children.

In other action climaxing a three-month investigation into child pornography and prostitution, police took into custody a 14-

year-old boy who they said took part in the pornographic movie, and arrested his 26-year-old foster father on charges of having had sex with him.

Kelly, who heads the special police unit that directed the investigation, said the movie production was part of a pornography and prostitution racket exploiting runaways and boys from broken homes.

He identified the film producers as David J. Berta, 32, of 3710 N. Pine Grove Av., and John Bell, 19, of 506 N. Clark St. They were charged with taking indecent liberties with a child.

Police said Bell participated in the movie with the two 14-year-olds and Berta had sex with one of the boys on another occasion.

They said Berta and Bell shot four rolls of 8mm film and on April 16 gave them to a police undercover agent after he assured them that he had syndicate connections and could get it processed easily.

Berta and Bell told the undercover operative they planned to sell 2,000 copies of the film at $50 each to customers throughout the country, police said.

Berta was arrested at 1 a.m. Saturday during the filming of a second pornographic movie at a room he rented.

Two youths, 18 and 19-years-old, participated in the filming but were not charged because they are not minors.

Bell was arrested Saturday night in the area of La Salle and Illinois streets. Police said he worked as a go-go dancer at a night club.

In a statement to police after his arrest, Bell said he had previously participated in two pornographic films in the Holiday Inn motel at 4800 N. Marine, New York, when he was 15 and was paid $375 for each film.

He also said that at age 15 he posed for 118 pictures for a group of pornographers in Chicago and was paid $3,400, police said.

The arrest of the 14-year-old boy and his foster father, identified as David Welch, 26, of 2616 N. Clark St., occurred Friday night.

Police said the boy told them he had engaged in sex acts with Welch on three occasions. Welch, who police said denied having sex with the boy, was charged with taking indecent liberties with a child.

The boy had been in Welch's care as a ward of the Illinois Department of Children and Family Services since May 2, police said. Bell also is a ward of the department, they said.

The three-month police investigation directed by Kelly that culminated in the arrests was supervised by Sgt. Robert Becker of the Area 6 youth division and involved Youth Officers Patrick Deady, Joseph Bongiorno, William.De Giulio, and Luis Alvizu.

Sgt. Kelly credited police Supt. James Rochford with a major role in the outcome of the investigation. "Without the manpower he assigned to our unit, this result would not have been possible," he said.

[From the Chicago Tribune, May 18, 1977]

CHILD PORNOGRAPHERS THRIVE ON LEGAL CONFUSION

If a vote were taken on the most despised profession in America, that of child pornographer probably would win hands down. So it should be a simple matter to legislate the business out of existence. Right?

Wrong. Child pornography has flourished in America because the law, or at any rate the use of the law, has not been up to the challenge.

Congress, State legislatures, municipalities, and law enforcement officials at all levels are just beginning to come to grips with the problem.

And many legislators are finding that attempts to write laws in this field are as full of hazards to getting the problem solved as taking candy from a stranger is to a child.

The legal profession, the legislatures, and law-enforcement officials are sharply divided over what approach to take.

The dispute is between those who favor strong obscenity laws and those who would forget the question of obscenity and prosecute child pornographers under child-abuse laws.

The debate is more than philosophical. The central question is which type of legislation would be most effective and also withstand constitutional tests in the courts.

Those who prefer enforcing child-abuse laws ask whether prosecution of published material on grounds of obscenity can be consistent with guarantees of free expression under the First Amendment.

Their critics ask whether anyone can argue that the First Amendment was intended to protect those who ruin the lives of children.

The legal solution may be months or years away, but already a great deal of thought is being given to the problem, and fresh bills are being tossed into legislative hoppers almost every week.

Sidney Baumgarten, legal assistant to New York Mayor Abraham Beame, suggests that child pornography be defined as obscene per se, with police empowered to seize it as contraband, just as they do weapons or drugs.

United States Attorney David Marston of Philadelphia proposes use of a Civil War-era federal law barring involuntary servitude of children.

Illinois legislators proposed eight separate bills to revive the state obscenity law declared unconstitutional last June.

But 70-year-old Elmer Gertz, a nationally known legal authority, who has made a career of defending unpopular causes, argues that new legislation is a mistaken approach.

"Legislators and law-enforcement officials tend to think in terms of new legislation instead of looking at the books to see what is already there," Gertz said in an interview.

"The attitude is: To hell with the old law—let's go for a new one Very often though, the new law is poorly drafted and very ineffective. Also, there's no publicity mileage in using the laws that exist. Prosecutors simply are not conditioned to look at what is on the books. They look for something new."

Gertz is a strong proponent of using child-abuse laws rather than obscenity laws to prosecute child pornographers.

"With an obscenity prosecution, there are all sorts of problems," he said. "You first have to have a seller, who probably had nothing to do with the creation of the material, and there is a constitutional requirement that the prosecution show the seller had knowledge of the contents, which is not always easy to do.

"It is easier to phrase an indictment, easier to try a case, and easier to get convictions if you use the child-abuse laws rather than the obscenity laws.

"You can also use the [federal] interstate commerce laws where child pornography is shipped across state lines," he added.

Gertz, a professor at Chicago's John Marshall Law Center, has more than a passing acquaintance with obscenity prosecutions. In one of his more famous cases, he successfully defended author Henry Miller against charges that his novel "Tropic of Cancer" was obscene.

"There are relatively few obscenity convictions," he said. "Even before the [Illinois] statute was declared unconstitutional how many obscenity prosecutions were there in Chicago? Not many."

Gertz's argument is essentially the same as that presented by New York lawyer Charles Rembar in an article in the April issue of the Atlantic Monthly entitled "Obscenity—Forget It."

Rembar, who won landmark decisions against censorship in the 1960s, suggested that those who induce children to engage in sexual activity, who photograph them doing so, and who publish and sell magazines in which the photographs appear, can be prosecuted more effectively under child-abuse than under obscenity laws.

Kenneth L. Gillis, deputy state's attorney for Cook County and currently involved in the Chicago investigation of child pornography, disagrees.

"I think we had an adequate law before the federal District Court enjoined use of the Illinois obscenity law," he said. "I think we should have another obscenity law, amended so that the court would uphold it."

The U.S. Supreme Court has left room for plenty of argument on both sides of the question.

In 1957, it held that obscenity is not protected by the First Amendment. But it also ruled that to be obscene, a work must cater to prurient interest in sex, must affront contemporary community standards, and must be "utterly without redeeming social importance."

Thus, each publication or film in question must be judged on its own merits, a requirement that complicates the task of the prosecutor in trying to remove such works from sale.

Prosecutions for pornography usually must relate to display or sale because of the difficulties of catching producers in the act. Gertz argues that the sellers can be prosecuted under conspiracy laws.

"Anyone who conspires, aids, abets, and solicits is just as guilty as the one who commits the actual offense," he said.

Maybe so, said Gillis, but "I don't know how you could prove a case like that without first having arrested some of the people involved in producing the pornography."

Child pornography has opened a division in the ranks of the First Amendment Lawyers Association, a national organization of which Gertz is vice president.

Some members have announced they will not defend any obscenity cases involving child pornography. Others argue that every person accused of a crime is entitled to a defense, no matter how repugnant the crime.

"They are torn with questions and doubts, even in the area of pictorial representation," Gertz said.

Gillis believes the federal government has been "lax" in not prosecuting those who ship child pornography in interstate commerce.

He also favors legislation to make it easier to identify the "real owners" of adult bookshops.

"It is difficult to build a case against the owners," he said. "Those listed on the incorporation papers are often people from Skid Row brought forward as shills."

He argues too for tougher penalties for obscenity convictions.

"The old obscenity statute had a $1,000 fine for selling obscene material," he said. "That's obsolete now; it's not enough."

A related problem is child prostitution involving boys. Although the Mann Act makes it a crime to transport a female under 18 across state lines for immoral purposes, there is no such protection for boys.

But Gertz believes such cases can be prosecuted under existing state laws.

"The Illinois criminal code in sex matters is the most permissive in this country. In fact in the Western world," he said. "But if children are involved, even the permissive Illinois code does not protect those involved from prosecution."

Of the eight obscenity bills now before the legislature, the one considered most likely to become law is sponsored by Rep. Robert Mann (D, Chicago) who headed a study by the House Judiciary Committee.

The bill would provide punishment of 1 to 20 years in prison for the most serious offenses, compared with six months under the old law.

Mann who is not related to the proponent of the federal Mann Act, said his bill protects the First Amendment freedoms of adults to read what they wish but also protects adults and minors from having obscene materials forced upon them.

On the municipal level, Chicago Ald. Edward M. Burke [14th] is planning hearings on a proposed obscenity ordinance that would impose a mandatory six-month jail term and a $1,000 fine on anyone dealing in child pornography. The fines for dealing in other types of pornography range from $200 to $500.

In New York, Mayoral aide Baumgarten said current obscenity statutes involve a "tortuous procedure" to get convictions.

"By the time you have gone through judicial review, appeals, and everything else involved, it can take a year or a year and a half to get a conviction," he said.

"If the community feels child pornography is so objectionable, it should give police the power to seize this material as contraband, just as you would a weapon or a quantity of heroin," he said.

"You make it an almost irrebuttable assumption that if a child is under a certain age, say 16, the material is obscene per se and no judicial review is required."

Gillis has doubts about the enforceability of such a law.

"With sex involving a toddler that law might be okay," he said. "But with an older child, how do you prove he's 13 or 14 and not 17 when the only evidence you have is a photograph? I think you would have some problems there."

In California, where authorities say most U.S. child pornography is produced, a bill before the legislature provides 50 years in prison for pornography involving children 7 years of age or younger, 25 years for the use of children 8 to 12 years old, and 10 years for the use of children 13 to 18 years old.

On the Federal level, Rep. John Murphy [D., N.Y.] and Rep. Dale E. Kildee [D., Mich.] are sponsoring legislation that would make it a federal crime to ship child pornography across state lines.

The penalty would be a maximum $50,000 fine or 20 years in prison.

U.S. Attorney Marston in Philadelphia says a federal law on the books for the last 100 years can be used to prosecute child pornographers.

"There's a tremendous prosecution problem with obscenity laws in the area of free speech and First Amendment rights," he said. "I think if you check the record, those prosecutions haven't been very effective."

Marston said the law he has in mind provides five years in jail and a $5,000 fine for persons convicted of wilfully or knowingly holding a child in involuntary servitude.

The law was used in the 1880's to prosecute a case in which Italian children were being forced to act as street musicians in New York.

There are some who go part way with Gertz in arguing that more concerted law enforcement as well as more laws may be the answer to the problem.

Sgt. Lloyd Martin, who heads a Los Angeles police unit dealing with child pornography, calls for greater coordination of efforts by police districts all over the United States "to crack this nationwide disgrace."

Gertz urges more cooperation among the country's prosecutors, saying, "If there were a concerted effort by state's attorneys everywhere, working together, there would be no problem in putting these pornographers out of business."

Familiar Story—A Case That Failed

Many legal experts argue that laws are inadequate for dealing with sexual abuse of children but there's another side to the problem, too.

That is the reluctance of some parents to let child victims testify out of fear that the experience of reliving the crime in a public courtroom will be too traumatic.

Yet without the child's testimony the defendant almost invariably goes free.

But even when children do testify, judges and juries often refuse to believe them, either because they're too young to testify coherently or because they are suspected of confusing facts with fantasies.

This is the story of a child sex-abuse prosecution that failed, a story that is a familiar one in American courts.

It happened last Oct. 6 in Cook County Circuit Court.

Laurence Jacobson, 36, of 1960 N. Lincoln Park West, the owner-director of Camp Pinemere, a summer camp for girls in Minocqua, Wis., and Alan McQuand, 43, of 4425 N. Hazel St., a travel agent, were charged with indecent soliciting and contributing to the delinquency of a minor.

The prosecution charged that on Sept. 10 Jacobson photographed a 9-year-old girl, in the nude in his apartment after he and McQuand picked up the girl and her 6-year-old sister on a Chicago street.

McQuand had a record of three previous arrests—for assault and battery, indecent solicitation of a child, and battery.

Jacobson had no record, but a police search of his apartment turned up 128 photographs of nude little girls.

In this case, the child did testify.

A Chicago police report written at the time of the arrests said: "Juvenile victim very explicit in her interview and cites numerous points which verify or tend to verify the incident."

But once the child took the stand, questions were immediately raised about her competence to testify because she had difficulty understanding Associate Judge Charles Durham's questions about the meaning of testifying under oath.

"What is the meaning of the oath? Why do we swear you to tell the truth?" the judge asked.

"I don't know, I don't understand," the girl replied.

She then went on to give an explicit, detailed account of the alleged incident of Sept. 10. She said she removed her clothes and posed for pictures after McQuand told her. "You either do it or else."

"I was really scared," she said.

At the end of the trial, the two defense lawyers moved for acquittal on these grounds:

The child was incompetent to testify, as demonstrated by her not knowing what the oath meant.

She was not lured into Jacobson's car, as charged, because her younger sister got in the car when asked and then persuaded her sister to join her.

There is nothing lewd or lascivious about taking photographs of a nude child.

No evidence had been submitted to show that Jacobson's intent in taking the pictures—assuming he took them—was to arouse sexual desire to himself.

Judge Durham granted the defense motion for acquittal.

As recently as two weeks ago, Jacobson was still answering inquiries about his Wisconsin camp and identifying himself as owner-director.

His brochure describes the camp as "a special summer experience for girls 7–15."

Wisconsin officials told The Tribune there is no licensing requirement for children's camps in the state and no questions are asked about the character of camp operators.

U.S. Raids Hit Porn Sellers

(By George Bliss and Michael Sneed)

United States Atty. Samuel Skinner said Tuesday that he has opened an investigation of child pornography and federal agents have seized large quantities of such material throughout Chicago.

Skinner said his investigators have been helped by the "voluminous" information published by the Chicago Tribune in its investigation of child pornography.

"I think the Tribune series on child pornography is the most professional series I've seen in a newspaper," the federal prosecutor for northern Illinois said.

"The Tribune series will go a long way in helping us identify the people in the racket. I hope the Tribune's investigation will lead to new laws which will become effective in cracking down on child pornography."

Skinner said FBI agents and postal inspectors have been assigned to the investigation. Federal agents armed with subpenas have gone into so-called "adult" bookstores throughout the city and seized large quantities of pornographic films and magazines exploiting children, he said.

Skinner's action coincided with a Chicago police crackdown on child pornography and child prostitution in which four men have been arrested so far. Three have been accused of making a pornographic movie with children, and the 4th accused of having had sex with his 14-year-old foster son.

Two 14-year-old boys who police said were involved in prostitution also have been taken into custody.

Cook County State's Atty. Bernard Carey announced Monday that he would undertake a grand jury investigation of the child pornography racket. Earlier, U.S. Rept. Peter W. Rodino Jr., [D., N.J.], chairman of the House Judiciary Committee, responded to the Tribune series by ordering his crime subcommittee to begin hearings next Monday.

The House select education subcommittee, headed by Rep. John Brademas [D., Ind.], will hold child abuse hearings on May 27 and 28 in Los Angeles, the leading producer of child pornography in the United States, and May 31 in New York, a spokesman said Tuesday.

Dr. Lloyd William Lange, 42, a Park Ridge dentist, was the latest person arrested in the police investigation. Police charged Monday that he had been the camerman for a pornographic movie involving two 14-year-old boys.

David J. Berta, 32, and John Bell, 19, both of Chicago, were arrested Saturday and accused of producing that film. All three men are charged with taking indecent liberties with a child.

Lange was freed Monday night on a $15,000 bond and Bell was released on a $2,500 bond, reduced from $10,000. Berta remained in jail, his bond set at $10,000.

By Mr. JAVITS (for himself, Mr. Abourezk, Mr. Dole, Mr. Domenici, and Mr. Mathias):

S. 1586. A bill to establish an Antitrust Review and Revision Commission; to the Committee on the Judiciary.

ANTITRUST REVIEW AND REVISION COMMISSION

Mr. JAVITS. Mr. President, this bill would establish an 18-member bipartisan Commission which would be charged with the duties of examining our antitrust laws and making recommendations for revising them. The Commission would be composed of eight Members of Congress, four members of the executive branch, and six experts from the private sector, to be chosen in such a manner as to be broadly representative of the various interests, needs, and concerns which the antitrust laws may affect.

The Commission would specifically be asked to examine the effect of the antitrust laws upon: price levels, product quality and service; employment, productivity, output, investment and profit; concentration of economic power and financial control; foreign trade and international competition; economic growth; cost and effect of exemptions from the antitrust laws including exemptions for the regulated sector of the economy; and cost and effect of State laws that inhibit competition or protect anticompetitive activities.

The bill provides a period of 2 years for this study, in order that fundamental and basic relationships between the antitrust laws and our increasingly complex economy can be thoroughly analyzed and so that proposals for revision of the laws may be given careful and thoughtful review.

Senators **ABOUREZK**, **DOLE**, **DOMENICI**, and **MATHIAS** have joined me in introducing the bill at this time because we believe a review and revision of the antitrust statutes has become an economic necessity for our country due to the following reasons:

First, the market structure of our economy and even the nature of the economy itself have changed radically since the adoption of the Sherman Act in 1890; statutes designed to meet the needs of a 19th century economy cannot be expected to provide direction for economic policies of the 1970's.

Second, the vague language of the existing antitrust statutes and the lack of clarity as to the purposes of those statutes have left the courts, the bar, and the business community with little guidance for deciding cases, predicting results or making business decisions. The result has been confusion, conflict, and uncertainty in the law.

Third, the general language of the law has required that the major antitrust policies be shaped and expressed by the judiciary, which has no significant expertise in the economy. This has led to applications of and developments in the antitrust law, some of which may be said to be anticompetitive and genuinely in conflict with the declared purposes of our antitrust statutes.

Major historical developments affecting the nature and market structure may have rendered obsolete many 19th century conceptions of antitrust and, at the same time, have generated a need for different antitrust rules and weapons.

Perhaps the most important of these historical changes is the evolution of an essentially laissez-faire economy into a mixed business-Government economy, characterized by pervasive Government involvement as a participant and regulator.

Still another important historical change, of great importance today, is the growth of multinational corporations and the development of various international economic institutions which have drastically changed international trade and the business relationships involved in such trade.

Our antitrust laws, as interpreted by the courts, have not kept pace with these changes. Perhaps the courts are not to be blamed for this, for the judicial function is to interpret statutes consistently with their purpose. However, Congress has the responsibility for seeing that laws and their purpose are kept up to date; antitrust policy in changing times should be made by Congress and not the courts.

It is my hope that the commission to be established by my bill would give full consideration to the implications of these historical trends for antitrust policy and suggest to Congress appropriate corrective action.

Our antitrust laws are rife with conflict and uncertainty. Vague statutory terms about restraints of trade and attempts to monopolize have been given substance and content by the courts by imposing often conflicting and contrary mandates. For, it is difficult to reconcile the philosophy of earlier antitrust statutes with the price equivalency of the Robinson-Patman Act, which dampens competition though it may be necessary for other public policy reasons. Confusion has been increased by the overlapping jurisdictions of the Justice Department and the Federal Trade Commission, which should serve separate prosecutorial and regulatory functions; and, by the uncertain relationship between private antitrust suits and antitrust suits brought by the Government.

The problem facing lawyers and businessmen was well summarized by Robert H. Jackson when he was Assistant Attorney General for Antitrust:

> In view of the extreme uncertainty which prevails as a result of these vague and conflicting adjudications, it is impossible for a lawyer to determine what business conduct will be pronounced lawful or unlawful by the courts. This situation is embarrassing to businessmen wishing to obey the law and to government officials attempting to enforce it.

If anything, the situation has become far worse since that statement was made in 1938. The Antitrust Review and Revision Commission could perform a great service by laying a basis for a consistent and predictable antitrust law.

Congress now has the benefit of two Presidential task force reports on the antitrust laws, commissioned by Presidents Johnson and Nixon, although the last of these was issued 6 years ago. These reports made several interesting observations and suggestions. Proposals for legislative action ranged in scope from the breakup of very large firms in highly concentrated industries like oil, to a limitation on the duration of antitrust decrees. I believe two general features of the reports tended to render them ineffectual.

First, in large part the focus of the reports was on the technical improvement of existing laws rather than the clarification and reordering of fundamental antitrust concepts. It may be of course that intensive investigation would support the basic principles of our existing laws, but I believe that it is most important that such an investigation be made. A Commission would have the mandate and the time to do so.

Second, the task forces were not made up of officials in a position to effectuate their policy conclusions; the reports were simply forwarded by experts to officials who had not participated in making the studies and recommendations.

The Commission to be established by our bill would insure the involvement of Senators and Members of Congress and executive officials who would be in a position to help implement the proposals. These are some of the reasons why I believe it is necessary to establish a high-level Commission to study all aspects of our antitrust policy and make appropriate recommendations to Congress for revising the law. Only on the basis of the recommendations of such a Commission is Congress likely to be moved to action. Such a Commission could be a very effective instrument of reform.

I am not suggesting that we scrap our antitrust laws or that competition is an anachronism. Nor am I so naive as to think that the Commission bill resolve all the disparate views about the role of antitrust policy into one broad consensus. However, the time has come when I feel the Commission could make recommendations which would attract broad support in Congress and have a major effect in improving and facilitating our whole enterprise system.

Antitrust laws are today one among many techniques of regulating our economy. The Commission would be expected to examine into the structural issues which are at the core of antitrust policy as well as the relationship between antitrust policy and other forms of regulation. In addition, there are a myriad of special problems in the antitrust area which have occasioned much discussion and litigation in recent years, as to which Congress ought to have some informed judgment available to enable it to consider legislative policy in specific areas.

Thus, the Commission could profitably give its attention to marketing techniques. With the growth of the economy a number of novel marketing techniques have evolved, and with them have come, inevitably, antitrust problems. These problems include resale price maintenance, limitations on competition between distributors; and, a whole panoply of problems connected with franchising.

The Commission could also perform a valuable service by clarifying the relationship between the Justice Department and the FTC in the enforcement scheme. At present, there is a good deal of overlap in their functions, particularly under the Clayton Act. Similarly the relationship between private antitrust actions and Government actions could be clarified.

Another area in which the Commission

clearly could make a most valuable contribution is in the application of our domestic antitrust laws to foreign trade and investment. For many years, experts have been pointing out how the rigid application of the antitrust laws has put our exporters at a serious disadvantage abroad. That is not a matter to be taken lightly in these days of concern with our balance of payments and our trade balance.

No less pressing is the need to encourage the investment of private capital of the United States and other developed countries in the developing countries. Again, it is widely felt that our antitrust laws are an inhibiting factor, particularly to the establishment of consortiums of the United States and other private companies from industrialized countries grouping to invest in less developed countries. In both instances, there is a deep conflict between our antitrust philosophy and other major national policies when there should be coordination and thoughtful accommodation between them.

Many experts have concluded that uncertainty about the enforcement of U.S. antitrust laws extraterritorially is the greatest single inhibitor to increased foreign trade and investment. The report of the ABA Committee on Trade Regulation in 1963, for example, highlights the following specific areas of uncertainty in this field:

First, uncertainty as to the terms under which a U.S. business may enter into a joint venture with a competitor, either American or foreign, to engage in business abroad;

Second, uncertainty as to the extent to which U.S. business may cooperate in association with foreign competitors, even when the association is required or permitted by the laws of the foreign country where the activity takes place;

Third, uncertainty as to the extent to which a U.S. business may include territorial and other limitations in patents, trademarks, and knowhow licenses;

Fourth, uncertainty due to conflicts between antitrust laws of the United States and the equivalent laws of foreign countries and economic communities, such as the European Common Market; and

Fifth, protests by foreign governments due to the effort to apply U.S. antitrust laws extraterritorially to their nationals.

The list of critical cases which the proposed Commission would be charged with studying could be elaborated at much greater length. But these are some of the major areas of concern.

In the last analysis the enormous job of studying, recommending, and enacting the antitrust laws is for the Congress. The tendency has been in recent years for a major part of the antitrust policy to be articulated by the enforcement agencies and the courts. The Commission I propose would enable Congress, if it will, again to establish basic antitrust policy; and such policy is basic to the economic future of the United States at home and abroad and to its leadership in world affairs.

In short, the keystone to more effective operation of the modern American economy may be a revision of the antitrust laws. Our antitrust laws, now over 80 years old, may well have become obsolete. It is high time that Congress take the matter in hand to determine our national policy on U.S. business—marvel of our world and of economic history. We could help enable it to perform its legendary feats for our people and for peace and well-being and justice in the world, if we reviewed the rules under which it operates.

In addition, I believe this bill is to be quite consistent with what I feel the administration believes in in this field, and I hope that the administration may support it.

I hope very much that this proposal to study and revise the antitrust laws will, at long last, have the effective and positive action which it so richly needs and deserves in the interest of the American economy.

In short, Mr. President, as the antitrust laws determine so heavily what will happen in the U.S. economy, they should now be definitively reviewed, and I introduce the bill for that purpose.

I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

PURPOSE OF THE COMMISSION

Sec. 101. There is hereby established an Antitrust Review and Revision Commission (hereinafter referred to as the "Commission"). The Commission shall study the antitrust laws of the United States and related statutes, their applications, their consequences and their interpretation by the Courts and the Federal Trade Commission, and shall report to the President and the Congress the revisions, if any, of said laws which it deems advisable on the basis of such study. The study shall include the effect of said laws and interpretations upon

(a) price levels, product quality, and service;

(b) employment, productivity, output, investment, and profits;

(c) concentration of economic power and financial controls;

(d) foreign trade and international competition;

(e) economic growth;

(f) cost and effect of exemptions from the antitrust laws including exemptions for the regulated sector of the economy; and

(g) cost and effect of State laws that inhibit competition or protect anticompetitive activities.

MEMBERSHIP OF THE COMMISSION

Sec. 102. (a) Number and Appointment.—The Commission shall be composed of eighteen members appointed by the President as follows:

(1) four from the executive branch of the Government;

(2) four from the Senate, upon recommendation of the President of the Senate;

(3) four from the House of Representatives, upon recommendation of the Speaker of the House of Representatives; and

(4) six from private life.

(b) Representation of Varied Interests.—The membership of the Commission shall be selected in such a manner as to be broadly representative of the various interests, needs, and concerns which may be affected by the antitrust laws.

(c) Political Affiliation.—Not more than one-half of the members of each class of members set forth in clauses (2), (3), and (4) of subsection (a) shall be from the same political party.

(d) Vacancies.—Vacancies in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

ORGANIZATION OF THE COMMISSION

Sec. 103. The Commission shall select a Chairman and a Vice Chairman from among its members.

QUORUM

Sec. 104. Ten members of the Commission shall constitute a quorum.

COMPENSATION OF MEMBERS OF THE COMMISSION

Sec. 105. (a) Members of Congress.—Members of Congress, who are members of the Commission, shall serve without compensation in addition to that received for their services as Members of Congress, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) Members From the Executive Branch.—Notwithstanding section 5533 of title 5, United States Code, any member of the Commission who is in the executive branch of the Government shall receive the compensation which he would receive if he were not a member of the Commission, plus such additional compensation, if any, as is necessary to make his aggregate salary not in excess of the highest rate for employees compensated at the rate of GS–18 of the General Schedule under section 5332 of title 5 of the United States Code, and he shall be reimbursed for travel, subsistence, and other necessary expenses incurred by him in the performance of the duties vested in the Commission.

(c) Members From Private Life.—The members from private life shall each receive not exceeding $200 per diem when engaged in the performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

POWERS OF THE COMMISSION

Sec. 106. (a) (1) Hearings.—The Commission or, on the authorization of the Commission, any subcommittee thereof may, for the purpose of carrying out its functions and duties hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee may deem advisable. Subpenas may be issued under the signature of the Chairman or Vice Chairman, or any duly designed member, and may be served by any person designated by the Chairman, the Vice Chairman, or such member.

(2) In case of contumacy or refusal to obey a subpena issued under paragraph (1) of this subsection, any district court of the United States or the United States court of any possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is being carried on or within the jurisdiction of which the person guilty of contumacy or refusal to obey is found or resides or transacts business, upon applications by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before

the Commission or a subcommittee thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry; and any failure to obey such order of the court may be punished by the court as a contempt thereof.

(b) OFFICIAL DATA.—Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this Act.

(c) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an Executive Director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing his appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title, and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $200 a day for individuals.

(d) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

FINAL REPORT

SEC. 107. The Commission shall transmit to the President and to the Congress not later than two years after the first meeting of the Commission a final report containing a detailed statement of the findings and conclusions of the Commission, together with such recommendations as it deems advisable. The Commission may also submit interim reports prior to submission of its final report.

EXPIRATION OF THE COMMISSION

SEC. 108. Sixty days after the submission to Congress of the final report provided for in section 107, the Commission shall cease to exist.

AUTHORIZATION OF APPROPRIATION

SEC. 109. There is hereby authorized to be appropriated such sums as may be necessary to carry out the activities of the Commission.

EFFECTIVE DATE

SEC. 110. The provisions of this bill shall take effect no earlier than October 1, 1977.

Mr. MATHIAS. Mr. President, I am pleased to once again join my distinguished colleague from New York in introducing legislation to create the Antitrust Review and Revision Commission to study the antitrust laws of the United States.

Several times during my congressional service in the other body and in the Senate, I introduced legislation very similar to the bill presently before us. It is time that we create a mechanism for a thorough, thoughtful review by an expert but sufficiently broad-based body to give Congress some real help in evaluating the adequacy of our present statutes and their administration. The composition of the Commission, as set forth in the bill, is certain to insure that the Commission can skillfully undertake a thorough and objective analysis of our existing antitrust laws and their enforcement.

Almost 90 years have passed since the Congress first enacted antitrust legislation. Despite the additional antitrust bills that have become law in the intervening years, the conditions of our basic economy and the world economy in which U.S. businessmen must compete have so changed that some of these laws are out of date.

It is also suggested that because of inherent weaknesses of these laws, and alleged lack of vigorous enforcement, we have failed to prevent increasing concentration of control of U.S. industry and have permitted the development of conditions in a number of so-called oligopoly industries in which competition does not now adequately serve the interests of the consumers, taxpayers, businessmen, or of the Nation as a whole. And it is suggested that they work different results depending upon the form of business to which they are applied. Our system is further being tested in competition with other economic systems with different approaches to control of monopoly. These are matters of great controversy among economists, politicians, and lawyers inside and outside the Government.

The time has come for creating an Antitrust Review and Revision Commission.

The Brownell commission, established by Attorney General Herbert Brownell, one of our great Attorneys General, did significant and important work in codifying our antitrust laws. At the same time, however, the Brownell commission merely accepted the law as it is, or as it then was, and made very little innovative change or creative contribution to what the law ought to be. That, I think, is what the Senator from New York and I perceive as necessary.

Years ago, when I was a member of the other body, and proposed a similar plan to the then president of General Motors, he said:

> Yes, there ought to be changes in the antitrust laws.

And he was all for them, but he said:

> I don't know what kind of changes you fellows in Congress would make.

It seems to me that the way this bill would structure this Commission, to give weight not only to what Members of Congress may feel, but to what people in the private sector feel, is a very constructive approach to one of the most important issues before the country.

I urge the Senate approve this bill.

By Mr. HUMPHREY:

S.J. Res. 58. A joint resolution relating to the 30th anniversary of the Marshall Plan; to the Committee on Foreign Relations.

Mr. HUMPHREY. Mr. President, when the world turns toward the United States, seeking our assistance in the formulation of solutions to outstanding global problems, it does not behoove us to turn away.

Yet, often we do project a desire to withdraw behind our borders rather than join our efforts with those of other nations. Oftentimes this is mistaken as a sign of American isolationism as we feel that again and again we alone must shoulder the burden. Frequently called upon to lead, sometimes we do not find others ready to follow. Indeed, responsibility becomes uniquely ours. Therefore, as others solicit our help to fulfill crucial international obligations, our reluctance derives from our perception that we are no longer part of a vibrantly interconnected free world security structure.

Remedies to this dilemma, however, are not to be found in a periodical renunciation of our world leadership role which U.S. wealth and power force upon us. Rather, our involvement is real. However, it must be linked to that of other nations in constructive and cooperative enterprise. To that end, we have devised international institutions.

Our institutions, built on a framework of shared political perspectives, produce a more equitable sharing of burdens in the international arena. Thus, they mitigate our sense of isolation and generate enthusiasm for collaborative approaches to transnational problems. NATO, the Organization of Economic Cooperation and Development, OECD, and the IMF, to name a few, enable us to confront international economic, political, and security issues in a broad-based and constructive fashion and to seek viable solutions to unemployment, inflation, poverty, and defense needs.

Institutions of the Atlantic Community have their roots in the post-World War II period when the United States sought to energize a Europe weary from war and economically destroyed. The Marshall plan, first publicly enunciated by the Secretary of State in a commencement address at Harvard University on June 5, 1947, initiated a program to restore prosperity to Western Europe. The quick realization that without a sense of security, economic restoration would not materialize, led to the creation of the North Atlantic Treaty Organization to assure our western defense.

The past three decades have witnessed the tremendous success of NATO. Not only has NATO withstood the threat from without, it has minimized the likelihood of conflict within. However, even the most satisfying achievements cannot dispel the need for reassessment and renewal. We are no longer the world of 1947, or 1957, or 1967. Today, the scope of problems is broader, the challenges greater, and the risks more severe. Economic uncertainty and a sudden awareness of vulnerability to worldwide market forces have weakened the self-confidence of the advanced industrialized societies.

Institutions conceived 30 years ago must now meet the requirements of a new era. We cannot leave to chance the resiliency and dynamism that will propel these institutions toward renewed purpose and viable goals. Periodically, therefore, we must undertake with serious resolve a reappraisal of our institutions to assure their survival.

With this in mind, today I am introducing a Senate joint resolution relating to the 30th anniversary of the Marshall plan. This resolution urges such a reappraisal through the mechanism of a conference. This conference, comprised of individuals from the NATO democracies, Japan, Australia, and New Zealand, would produce a study by means by which NATO, the OECD, the IMF and other international institutions might be enhanced in their abilities to deal with our common problems. Our goal is to provide a forum in which free men can reflect upon ways of improving those very institutions which guarantee their well-being.

Any reassessment of such institutions must involve those nations to which we are linked by ideals, needs and goals. This resolution involves these other nations at the inception of such an evaluative process. The interest of these other nations in such a conference was manifested in the resolution unanimously adopted in November 1976, by the North Atlantic Assembly urging the convocation of a conference to assess our NATO relationship. Rather than await a certain unilateral debate of NATO within the United States, the Marshall Plan resolution would channel American concerns into a broader-based consultative effort.

Again, our efforts here in the Congress must be coupled with those of the executive branch. The principal sponsors of this resolution in the House have proceeded in a spirit of full cooperation with the executive branch, giving it every opportunity for input into the formulation of this resolution. President Carter, in an April 28, 1977 letter to myself and the principal sponsors of the resolution in the House, termed this conference a "useful complement to the London summit meetings and our other efforts in working with other nations."

Mr. President, I ask unanimous consent that the text of this joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 58

Whereas 1977 marks the thirtieth year since the Marshall plan was first conceived and proclaimed;

Whereas the Marshall plan uniquely symbolizes the bold and creative promise inherent in the thought of free peoples;

Whereas the Marshall plan made possible new measures of trans-Atlantic cooperation through the North Atlantic Treaty Organization and other institutions;

Whereas these institutional outgrowths have profoundly enhanced the security, freedom, and prosperity of the United States and the Atlantic community generally;

Whereas new challenges have arisen which call into question the adequacy of these institutions and their capacity for continued and productive survival;

Whereas creative thought, comparable to the Marshall plan in sweep and vigor, is now urgently required to assure the preservation and perfection of these institutions; and

Whereas the twenty-second annual meeting of the North Atlantic Assembly in November 1976 unanimously endorsed the idea of a North Atlantic Treaty Organization-wide conference to assess the adequacy of existing institutions as a necessary and fitting commemorative of the Marshall plan: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that the proclamation of the Marshall plan should be commemorated by the naming of a delegation of United States citizens to organize and meet in a conference with similar delegations from the North Atlantic Treaty Organization democracies, Japan, Australia, and New Zealand, for the purpose of making a comprehensive assessment of existing institutions and to formulate recommendations for preserving and perfecting these institutions in order to better protect the general welfare, liberty and sovereignty of the people of the participating countries.

Sec. 2. (a) For purposes of carrying out the first section of this joint resolution, there is established a delegation consisting of nine members appointed as follows:

(1) Three appointed by the Speaker of the House of Representatives, after consultation with the House leadership and the Committee on International Relations.

(2) Three appointed by the President of the Senate, after consultation with the Senate leadership and the Committee on Foreign Relations.

(3) Three appointed by the President.

(b) The delegation shall elect a Chairman and Vice Chairman from among its members.

(c) All members of the delegation shall be free from official instructions and free to speak and vote individually.

(d) Vacancies shall not affect the delegation's powers and shall be filled in the same manner as the original selection.

(e) Members of the delegation, who shall serve without compensation, shall be reimbursed for, or shall be furnished, travel, subsistence, and other necessary expenses incurred by them in the performance of their duties under this joint resolution.

Sec. 3. (a) The delegation may appoint not more than ten temporary professional and clerical staff without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, who may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay in effect for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(b) The delegation may expend not to exceed $200,000 of the funds appropriated to carry out this joint resolution for expenses incurred in conjunction with the meetings described in the first section.

Sec. 4. (a) The delegation shall report to the President and the Congress at least once each six months. Such reports shall include an accounting for all expenditures by the delegation and such other information as the delegation deems appropriate.

(b) The delegation shall submit a final report to the President and the Congress setting forth the results of the assessment described in the first section of this joint resolution and the recommendations called for by such section.

Sec. 5. Effective October 1, 1977, there is authorized to be appropriated not to exceed $500,000 to carry out this joint resolution, payments to be made upon vouchers approved by the Chairman of the delegation.

Sec. 6. The delegation shall cease to exist at the expiration of the three-year period beginning on the date of enactment of this joint resolution.

By Mr. JOHNSTON (for himself and Mr. Hatfield):

S.J. Res. 59. A joint resolution designating the American rose as the national floral emblem of the United States of America; to the Committee on the Judiciary.

Mr. JOHNSTON. Mr. President, today I have the honor of joining with Senator Hatfield in introducing a joint resolution to designate the rose as the national floral emblem of the United States.

The rose has embellished our country with its beauty and perfume for centuries. It has been said that "when love first came to Earth, the spring spread rosebuds to receive him." Although I hesitate to assign a date to that occurrence, I can say that fossilized roses have been found in Colorado and Oregon which date back as far as 40 million years. And more recently, our first President George Washington began a tradition which still flourishes in our country—that of breeding and hybridizing roses. In fact, one of the varieties he developed, the Mary Washington rose, is still enjoyed today in gardens across the Nation. The rose has been selected to decorate the White House and innumerable other American landmarks and memorials, and three First Ladies have roses named in their honor.

No flower has inspired more poetry and music than has the rose, and the rose has been the victor in every survey designed to determine the favorite flower of the American public. I believe it is time to make official the position of honor that the rose has long enjoyed in our culture. I believe it is time to make the rose our national flower.

Mr. President, I ask unanimous consent that my statement and the text of the resolution be printed in the Record.

There being no objection, the will was ordered to be printed in the Record, as follows:

Whereas the study of fossils has shown that the rose has been a native wild flower in America for over 35 million years; and

Whereas the rose is grown today in every State; and

Whereas the rose has long represented love, friendship, peace, and the devotion of the American people to their country; and

Whereas the rose has been cultivated and grown in gardens for over 5000 years and is referred to in both the Old and New Testaments; and

Whereas the rose has for many years been the favorite flower of the American people, has captivated the affection of humankind, and has been reversed and renounced in art, music, and literature; and

Whereas our first President was also our first rose breeder, one of his varieties being named after his mother and still being grown today; and

Whereas the United States is without a national flower; Now, therefore, be it

Resolved by the Senate and House of Representative of the United States of America in Congress assembled, That the flower commonly known as the rose is designated and adopted as the national floral emblem of the United States of America, and the President of the United States is authorized and requested to declare such fact by proclamation.

ADDITIONAL COSPONSORS

S. 1440

At the request of Mr. Johnston, the Senators from Texas (Mr. Bentsen and Mr. Tower) and the Senator from Louisiana (Mr. Long) were added as cosponsors of S. 1440, a bill to amend the Outer Continental Shelf Lands Act of 1953 to expedite the delivery of oil and natural gas from OCS lease sale

No. 40 to U.S. markets, and for other purposes.

AMENDMENTS SUBMITTED FOR PRINTING

FOOD AND AGRICULTURE ACT OF 1977—S. 275

AMENDMENT NO. 323

(Ordered to be printed and to lie on the table.)

Mr. DOLE (for himself, Mr. McGovern, and Mr. Humphrey) submitted an amendment intended to be proposed by them jointly to the bill (S. 275) to provide price and income protection for farmers and assure consumers of an abundance of food and fiber at reasonable prices, and for other purposes.

AMENDMENT NO. 325

(Ordered to be printed and to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill (S. 275), supra.

AMENDMENT NO. 326

(Ordered to be printed and to lie on the table.)

Mr. HELMS (for himself, Mr. Bellmon, Mr. Morgan, Mr. Bartlett, Mr. Tower, Mr. Bentsen, Mr. Schmitt, Mr. Domenici, Mr. Harry F. Byrd, Jr., and Mr. Thurmond) submitted an amendment intended to be proposed by them jointly to the bill (S. 275), supra.

AMENDMENT NO. 327

(Ordered to be printed and to lie on the table.)

Mr. MELCHER submitted an amendment intended to be proposed by him to the bill (S. 275), supra.

AMENDMENT NO. 328

(Ordered to be printed and to lie on the table.)

Mr. THURMOND (for himself, Mr. Goldwater, Mr. Hatch, Mr. Helms, Mr. McClure, Mr. Scott, Mr. Tower, and Mr. Wallop) submitted an amendment intended to be proposed by them jointly to the bill (S. 275), supra.

AMENDMENT NO. 331

(Ordered to be printed and to lie on the table.)

Mr. CHILES. Mr. President, I am offering an amendment to the food stamp title of the farm bill, title XII. My amendment is designed to tighten up the quality control provisions of the bill, to simplify administrative procedures for at least 50 percent of the recipients and to undertake a continuing effort to evaluate the efficiency and effectiveness of the food stamp program.

These are essentially the same amendments which I introduced last year which were accepted by the bill's sponsors and the Senate. The bill reported by the committee includes some of the features of my amendment from last year, but many are in very watered down form.

I think we had general agreement last year that the critical element to restoring broad public credibility for the program was simplifying administrative procedures to the advantage of both recipients and the Government. One key to this was a standard deduction in calculating income eligibility so that it would not be necessary to spend a lot of time sifting through clients' receipts for medical expenses, rent, utilities and so forth. While the committee has kept a standard deduction, it has added in special deductions for shelter and dependents that will maintain a lot of this paperwork. A second key element to achieving simplicity was mandating a single application interview and eligibility determination form for applicants who also receive aid to families with dependent children—AFDC—or supplemental security income—SSI. The committee bill allows but does not require single interviews for SSI, and ignores AFDC altogether. My amendment requires that the Secretaries of the two departments, Agriculture and HEW, get together and develop single interviews and forms to the greatest extent feasible. Over half of food stamp recipients also receive one of these other types of assistance. It does not make sense for workers to spend the time and paper to ask them the same questions twice, nor does it make sense to ask the applicant to answer them twice. The time spent in duplicative interviews could be better spent verifying the accuracy of information about income received.

The second area covered by my amendment is quality control. The food stamp program continues to have a high rate of error in determining eligibility and the amounts of payment. The latest available quality control statistics show 43.9 percent of cases have errors:

> 7.6% of cases have errors in Basic Program Requirements.
>
> 6.3% of cases have errors on Work Registration.
>
> 4.9% of cases have errors on Procedures.
>
> 18.0% of cases have errors resulting in Overissuances of bonus payment.
>
> 7.1% of cases have Underissuance errors.

These result in a total of 24.7 percent of the bonus value overissued or issued to ineligible clients. Even if we leave aside work registration and procedural ineligibility, we find 12.2 percent net overpayments of benefits. If that applied to the entire population of recipients, there would be over $600 million of overpayments.

Mr. President, I recognize that we are dealing with human beings, so there will always be some errors. But the costs are so high and the present situation so bad that it is worth a large investment of effort to straighten it out.

The committee bill requires the Secretary to "establish standards for the efficient and effective administration of the food stamp program by the States," and allows the Secretary full discretion as to penalizing States which fail to meet those standards. The committee bill does not require that those standards include any fixed level of tolerable error rates. My amendment requires separate tolerance levels for each type of error.

I do not believe that the Secretary will be able to obtain compliance without a strict mandate of law. My amendment, therefore, requires the Secretary to withhold 10 percent of administrative cost reimbursement if error rates established for each State and approved by the Secretary are not met.

The Congressional Budget Office cost estimates for this bill reflect no savings whatsoever from quality control. I think we could achieve substantial savings by tightening up the provisions.

Another major lack in food stamps and all of our nutrition programs is a basic effort at nutritional status monitoring and program evaluation. We do not really know where malnutrition occurs, what effects it has and what programs are effective in preventing it. As Secretary Bergland remarked in a recent interview with Science magazine:

> We know more about the nutritional needs of a dairy cow than about the nutritional needs of children.

My amendment addresses this in two ways. For the short term, it requires the Secretary of Agriculture to establish a full evaluation of the food stamp program on a regular basis. He must submit a plan each year so that Congress can appropriate funds, and he must submit a report on the findings of evaluation each year. I think we must be honest with ourselves that this year's reform is not going to be perfect and solve all the problems in a complex $5 billion program. We need a way of monitoring the program each year and testing new methods of administration so that we can keep improving it.

We also have a critical need to pull together a variety of clinical, statistical, and biomedical efforts to really get a comprehensive nutritional status monitoring system underway. My amendment sets out the basic components of such a system and requires the Secretaries of Agriculture and HEW to get together and come back to Congress with a proposal in 90 days. There are already limited efforts underway in different parts of these Departments. Unless they are better coordinated and expanded, they will not tell us, the Congress and the public, what we need to know about nutrition in the United States. The basic components of such a system are:

First. Assessment by periodic surveys and continuous monitoring, to determine the extent of risk of nutrition-related health problems in the United States; which population groups or areas of the country face greatest risk; the likely causes of risk and changes in the above risk factors over time.

Second. A surveillance system to identify nutrition-related health risks in individuals or local areas, in such a manner as to tie detection to direct intervention and treatment.

Third. Program evaluations to determine the adequacy, efficiency effectiveness and side effects of nutrition-related programs in reducing health risks of individuals and populations.

Mr. President, I hope these amendments will be adopted by the Senate. They will add to program efficiency and accessibility and will save far more money than they will cost.

AMENDMENT NO. 329

(Ordered to be printed and to lie on the table.)

Mr. METCALF. Mr. President, it has

come to my attention through a constituent that the current food stamp program is not serving all those who require assistance under that act. Specifically, disabled supplemental security income recipients who are under 60 years of age and who live in elderly housing projects cannot use food stamps to purchase meals served at these facilities. The elderly residents can use their food stamps for this purpose.

My amendment will correct this situation by broadening the definition of "food" to include those persons who receive supplemental security income benefits under title XVI of the Social Security Act as being able to use food stamps for meals in senior citizens' centers, and apartment buildings occupied primarily by such persons and for meals prepared for, and served to, residents of federally subsidized housing for the elderly.

There are not many people who are affected by this small change in the wording of the law, but if the situation exists in even one instance such as this, I think it is a worthwhile revision.

COMMERCIAL OUTDOOR RECREATION FACILITIES ON NATIONAL FOREST LANDS—S. 1338

AMENDMENT NO. 303

(Ordered to be printed and referred to the Committee on Energy and Natural Resources.)

Mr. HASKELL. Mr. President, on April 21, 1977, I introduced S. 1338, a bill to provide for the issuance and administration of permits for commercial outdoor recreation facilities and services on public domain national forest lands. This bill is virtually identical to S. 2125 which passed the Senate last Congress.

Senator Metcalf, chairman of the Public Lands and Resources Subcommittee of the Committee on Energy and Natural Resources, has graciously agreed to hold a hearing on my bill this Thursday, May 26. After the hearing was announced several weeks ago, both Colorado Ski Country, U.S.A. and the Forest Service contacted me concerning the bill. As a result of discussions held either by me or committee staff with representatives of these organizations several amendments to the bill have been drafted. I believe that these amendments do no violence whatsoever to the purpose of the act. Accordingly I fully endorse and sponsor them.

I am, today, introducing these amendments. So that all persons who may wish to testify at Thursday's hearing may know in advance the substance of these amendments, I ask unanimous consent that they be printed in the Record at this point.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 330

(a) On page 9, delete line 12 and insert in lieu thereof the following: "(42 U.S.C. 4321, 4332); *Provided, however,* That an environmental impact statement shall be prepared for the issuance or amendment of any permit pursuant to this Act to (i) the holder of an expired prior permit or a prior permit which the holder has requested to be cancelled pursuant to section 14(a) of this Act, or (ii) a holder of a permit previously issued pursuant to this Act, for facilities and services to which such prior permit or permit issued pursuant to this Act applied only if such issuance or amendment is deemed to be a major Federal action significantly affecting the quality of the human environment pursuant to said section 102(2)(C); and".

(b) On page 11, lines 22 through 25, and page 12, lines 1 through 7, strike subsection (b) in its entirety; on page 12, line 8, strike "(c)" and insert in lieu thereof "(b)"; and on page 12, between lines 13 and 14, insert the following new subsection.

"(c) The Secretary shall conduct a study of the potential for and acceptability by the public of the development and installation of low cost commercial ski facilities and services by the holders of and applicants for permits issued pursuant to this Act for commercial ski facilities and services and the conditioning of the issuance and renewal of any such permit on the provision of such low-cost facilities and services whenever the Secretary determines a capacity of the holder or applicant to provide such low-cost facilities and services and a demand for such low-cost facilities and services among the public which uses or may be expected to use the facilities and services to which the permit would apply. Such study, together with the Secretary's recommendations, shall be submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives no later than one year after the date of enactment of this Act".

(c) On page 13, line 4, strike "under" and insert in lieu thereof "if", and, line 5, strike "not".

(d)(1) On page 14, strike lines 1 through 4 and insert in lieu thereof "(b) Fifty percentum of all moneys received by the United".

(2) On page 15, line 9, strike "unit." and insert in lieu thereof: "unit: *Provided further*, That the Acts of May 23, 1908, and March 1, 1911 (35 Stat. 260 and 36 Stat. 963, as amended; 16 U.S.C. 500) shall not apply to permits issued pursuant to the Act, prior permits, or any other recreation permit.".

(e)(1) On page 16, line 24, strike "shall: (1)" and insert in lieu thereof "shall".

(2) On page 17, line 1, between "providing" and "financial" insert "historical".

(3) On page 17, strike lines 13 through 22 and insert in lieu thereof the following: "area of more than 60 acres. The Secretary shall utilize only public information or information available to the public pursuant to this subsection or other Federal law in rendering any decision to amend or transfer any prior permit which applies to an area of more than 60 acres; to issue, amend, or transfer any permit issued pursuant to this Act, or any other recreation permit, which applies to an area of more than 60 acres; or to allow, modify, or reject a request to increase any charge to the public for use of the principal facilities and services of a holder of any permit issued pursuant to this Act, prior permit, or other recreation permit, which applies to an area of more than 60 acres."

(f) On page 21, line 15, strike "and 9" and insert in lieu thereof "9, and 11".

NOTICES OF HEARINGS

CRIMINAL CODE REFORM ACT OF 1977

Mr. McCLELLAN. I wish to announce that the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary will hold open hearings on S. 1437, the Criminal Code Reform Act of 1977, and on the following bills: S. 31, S. 45, S. 181, S. 204, S. 260, S. 888, S. 979, and S. 1221. It is our intention during this series of hearings to ask for testimony concerning the sentencing provisions of S. 1437 and the other bills.

This series of hearings will be held on June 7, 8, and 9, 1977. The hearing will begin each day at 10 a.m. in room 2228, Dirksen Senate Office Building.

Additional information on the hearings is available from the staff in room 2204, Dirksen Senate Office Building, telephone 202-224-3281.

SENATE SUBCOMMITTEE ON EDUCATION, ARTS AND HUMANITIES AND HOUSE SUBCOMMITTEE ON SELECT EDUCATION

Mr. PELL. Mr. President, on Wednesday of this week at 9:30 a.m. in room 2175 of the Rayburn Building, there is scheduled a joint hearing before the Senate Subcommittee on Education, Arts, and Humanities and the House Subcommittee on Select Education.

I am pleased to make this announcement as chairman of the Senate subcommittee.

The hearing will deal primarily with the report of the panel on arts, education, and Americans, consisting of leaders in the fields of education, the arts and government and chaired by Mr. David Rockefeller, Jr.

The panel has been at work for the past 2 years, and has issued in book form a most significant report entitled "Coming to Our Senses."

It gives particular emphasis to the values of the arts in education and contains almost 100 recommendations for ways in which these values can be made a far more integral part of our educational process in the years ahead.

The following witnesses are slated to testify at Wednesday's hearing:

David Rockefeller, Jr., chairman, the Arts, Education and Americans Panel, Washington, D.C.

Barry Bingham, Sr., editor, Louisville Courier-Journal, Louisville, Ky.

Peggy Cooper, special assistant to the president, Post-Newsweek stations, Washington, D.C..

Edward K. Hamilton, management consultant, former deputy mayor, New York City.

Lorin Hollander, concert pianist.

Norris Houghton, author, producer, director, and teacher.

Elizabeth McCormack, special assistant to the president of the Rockefeller Brothers Fund, New York.

James A. Michener, author, Pulitzer Prize winner.

John Culkin, director media studies, New School of Social Research, New York.

Germane to this important subject are two articles, by Philip M. Kadis on the Washington Star and by Alan M. Kriegsman in the Washington Post, published on Sunday, May 22.

Mr. President, I ask unanimous consent that these articles be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

MAKING SURE THE ARTS SURVIVE IN OUR SCHOOLS

(By Philip M. Kadis)

Conjure up that 1620 landing at Plymouth Rock. Out shoots the gangplank. But instead of a deckful of stern Puritans in basic black, the trans-Atlantic vessel disgorges a band of brilliantly garbed Venetians or Florentines.

Where would America—named after an Italian, anyway—be today?

No one knows, of course. And speculation about the course of history if the Mayflower had been the "Fiore di Maggio" is probably pointless.

Except that a point is made with this example in "Coming to our Senses," a report released today on the significance of the arts for American education that is destined to have a major impact on educators, legislators and public policy in the next few years.

The point is a simple one. If the country had been settled by 17th-century Italians "brought up in the golden glow of the Vatican or of the Medicis and doges who surrounded themselves with the greatest painters, sculptors, and artificers of the day," the arts in America would have had an easier row to hoe.

Whatever the Pilgrims' virtues were, a zest for the arts was not among them. Their stark stamp, given added weight by the rigors of frontier life well into the last century, was deeply embossed on the American character and the nation's institutions, not excluding the schools in which Americans since the Age of Enlightenment have placed an abiding faith.

The arts never found secure lodging in the vast educational edifice built to enshrine a belief in human perfectibility, at least human teachability, enunciated by the Founding Fathers. Puritan prejudices against the arts prevailed, along with the utilitarian preoccupations of Yankee peddlars, pioneers and early industrialists. One might also add (although the report does not) that the heavy burdens placed on the schools of "Americanizing" successive waves of immigrants and of urbanizing rural migrants, white and black, hampered the development of an arts curriculum.

But the times, they are a-changin', in a way that John Adams, among others, saw that they would.

"I must study politics and war," he once wrote to his wife, "so that my sons may have liberty—liberty to study mathematics and philosophy, natural history, naval architecture, navigation, commerce and agriculture; in order to give their children a right to study painting, poetry, music, architecture. . . ."

Adams may have been rushing things a bit. The Rockefellers don't believe they are. They are the primary backers of the research that went into the $300,000, 330-page report, and young David Rockefeller, Jr., a member of the fourth generation of the Rockefeller dynasty, served as chairman of a 26-member *ad hoc* panel of prominent businessmen, scientists, artists and educators that oversaw production of the report.

Rockefeller, son of the chairman of Chase Manhattan Bank, is doing what Adams hoped his grandsons could do, and in a big way.

He has served in several capacities as an arts administrator, and was former chairman of the Associated Councils of the Arts. He performs with a choral group, and appears to have made a life's mission out of what other Rockefellers (Uncle Nelson, for example), see as a fascinating avocation. That mission is to see that the arts become more widely dispersed, accessible to more people.

The thrust of the panel report, the outgrowth of a proposal by the American Council for the Arts in Education, is that the arts be relocated from the periphery to the center of American education, alongside the three R's.

"For the arts to become an integrating force in American life, they must first assume a higher significance in the training of our children," says Rockefeller. "The arts must, in fact, be seen as one of the basics, not merely as a subject distinct from the three R's, but as a tool for teaching the fundamentals and almost anything else we want our children to learn."

There is evidence, says the report, that the arts can help in the acquisition of reading and mathematical skills, that they are helpful in reducing the incidence of juvenile delinquency.

They are essential for insights into the "affective" or feeling and emotional side of life. They enhance sensory experience, the exploration of sensations and the senses; hence, the play on words in the title "Coming to our Senses." The arts—though commonly contrasted with cognition, with knowing the world through intellect and reason—may simply be another, non-verbal of gaining knowledge about the world in the view of some experts.

But whether or not any of this has been conclusively demonstrated by research to date is beside the point, according to the report.

"Perhaps, if some of these basic questions were studied and answered, art would become essential to education, to the individual and to American society. But we cannot afford to wait for these answers," the report says.

Then, in a deafening understatement, it adds:

"We must proceed on the basis of the past history of humanity which indicates that art has always been central to civilization."

Philosophical tidyness may not be the strong suit of the Rockefeller panel. But it does recognize contradictory trends when it sees them. At the same time that arts courses are being whittled down or stricken from the curriculum as the first victims of shrinking budgets, every other indicator shows that the public interest and support for the arts is experiencing the most dramatic growth during any period in the nation's history. Something is out of sync, and it's not the public, according to the panel.

To get the arts where the panel believes they should be in education, a 10-year strategy is proposed, detailed in 98 recommendations to every level of government, to all educational institutions, to arts organizations, educational researchers, foundations, even to parents.

Some of them are extraordinarily broad.

"Making a work of art is a powerful act of learning that should be available to all people," the panel recommends. It decries the distinction often made between appreciation and participation, affirming that "art education is most effective when the student actively engages in both. Only 20 percent of the secondary school population, it was estimated, get any instruction in the arts, let alone participation in them.

There is a recommendation that the U.S. Office of Education be removed from HEW and made a cabinet-level department with a special adviser for arts and education to serve under the new Secretary of Education. (Sen. Abraham Ribicoff has already introduced a bill to create a separate Department of Education). Also a recommendation that the President appoints a Special White House Advisor for the Arts, who would include among his concerns the role of the arts in education.

The panel calls for the formation of a new federal agency called the National Center for the Arts in Education to coordinate federal programs that lead to an intersection between the arts and education.

At the same time, the Federal Council on the Arts and Humanities (a relatively dormant body created by Congress to coordinate the activities of the arts and humanities endowments with nine other federal agencies which support cultural activities) should be delegated the task of developing and implementing the 10-year plan for strengthening arts education, according to the panel.

A National Institute for the Study of Arts, Aesthetics, and Education should be created to conduct badly needed research in such areas as: the role of the arts in child development, the nature of creativity and aesthetic growth, the interplay between effective and cognitive learning, and the relationship of the arts to other areas of learning and to American social and cultural life in general.

Other recommendations include the following:

Expand the arts curriculum beyond music and visual art to include the dance, drama, poetry, design, and the new media (television, radio and film). Encourage courses that cut across several of the arts.

Make available in-service arts education programs for teachers to update and upgrade instructional skills. It was estimated that 80 percent of the teachers who will be teaching 10 years hence are already in the classrooms, because of shrinking enrollments resulting from a change in demographic patterns. There are approximately 1.3 million elementary school teachers alone.

Employ practicing artists more widely in all aspects of education, enlarging the artists-in-the-schools program of the arts endowment. Waive teacher certification requirements for artists in residence.

Exploit intensively the resources of community arts groups and institutions such as museums, theaters, orchestras and dance companies as part of the educational process.

One of the criticisms already voiced by those who have received advance copies of the report is that too few arts educators were involved in the report.

Rockefeller says in the report's introduction that panel members were selected "not for their professional experience in the field of arts education, but for their concern about the arts, their concern about education, and their concern for the way Americans live." Among the panel members were Thomas Bergin, dean of the Center for Continuing Education at Notre Dame and chairman of the arts endowments' artists-in-schools panel; Barry Bingham, Sr., board chairman of the Louisville Courier Journal; Walter G. Davis, director of education for the AFL-CIO; Melissa Hayden, dancer and choreographer; Lorin Hollander, pianist; John J. Iselin, president of the Educational Broadcasting Corp., WNET-TV in New York City; Francis Keppel, former U.S. Commissioner of Education; author James A. Michener; Patsy Mink, former Congresswoman from Hawaii; Glen T. Seaborg, former chairman of the Atomic Energy Commission; A. B. Spellman, chairman of the expansion arts panel of the arts endowment, and Frank Stanton, former president of CBS and current chairman of the Red Cross.

John Mahlmann, executive director of the National Art Education Association, is unperturbed at the paucity of arts educators on the panel.

"I think the report will have greater impact coming from a lay panel of politically prestigious people," said Mahlmann. "Everybody already knows what arts educators would say. But this is like bringing in an outside consultant. Often he doesn't tell the executive board anything different from what you've already told the board 20 times. But the fact that he is an outsider saying it carries more weight."

Mahlmann wasn't keen on the recommendation to waive teaching certification standards for artists brought into the schools.

"One of the reasons for certification is to maintain the quality of instruction. It does not always work. But does it help to eliminate it? What does the recommendation really mean? That artists will be employed as teachers?" he asks.

Another recommendation that is certain to raise a ruckus is the one calling for expansion of the arts endowment's artists-in-schools program. And the report acknowledges that it has been roundly criticized by some educators, and educational researchers although it has been a popular program in part because the endowment maintained a heavy public relations campaign in support of it.

The critics say the program has no proven educational value although it may be diverting for youngsters in the schools. At the same time, the critics say, it encourages school boards to think they can cut costs by dismissing full-time arts teachers and supplanting them with federally funded resident artists who are available for only a fraction of the time that teacher is.

"Basically, it's an income redistribution program for artists," said one educator. "Which is okay, I guess. Except that if you only have a limited number of federal dollars available, they would be better spent on in-service training for arts teachers. If education is what you're really interested in."

There will be searching questions on how to finance the recommendations.

Panel member Keppel observes that a shift has occurred in Washington with respect to educational funding. Appropriations can no longer be justified on the basis of growth or quantity, he says. The watchword now is quality, and this is more difficult to establish.

But the louder the criticism, the more likely it is that the report will have the desired effect of moving the arts closer to center of attention in education.

The Rockefeller connection is already working its magic.

David Jr. has already made some prepublication forays into Washington to meet with selected media representatives and arts educators.

On Tuesday, a morning news conference at the Watergate Hotel complete with audio-visual presentations will be followed by another presentation in the afternoon to some 500 professional and community leaders by members of the panel at the National Academy of Sciences. Joan Mondale, the vice president's wife and the Administration's top spokesman on the arts will also speak to the group. A reception for the panel will be held in the evening at the National Portrait Gallery.

Then on Wednesday, Rockefeller and several members of the panel will appear before a joint hearing of House subcommittee on select education and the Senate subcommittee on education, arts and humanities chaired by Rep. John Brademas, D-Ind., and Sen. Claiborne Pell, D-R.I., respectively.

In addition to three Rockefeller foundations, the report was supported financially by the arts endowment, the Office of Education, and several other foundations including Atlantic Richfield, Disney, Exxon, and Ford.

It will not be ignored.

"Coming to Our Senses"—Is It Time for a Change in National Arts Education?

(By Alan M. Kriegsman)

"The life of the arts, far from being an interruption, a distraction, in the life of a nation, is very close to the center of a nation's purpose—and is a test of the quality of a nation's civilization."

The words are John F. Kennedy's, and they're typical of the kind of lip service Americans in high places are fond of paying to arts. But when we're honest with ourselves, we're forced to admit that we don't do as we say. In the practical life of the nation, the arts are treated as "frills"—pleasurable, perhaps, and even illuminating, but essentially disposable.

We teach our kids readin', writin' and 'rithmetic, and all the pragmentic skills to insure their "getting ahead," and the arts wedge themselves into our educational fare, if at all, as a kind of fancy trimming. They're "electives," i.e., something we may want, but we can well do without.

This week, however, there will appear a manifesto that challenges this national policy, and summons us to a drastic reordering of priorities. Called "Coming to Our Senses: the Significance of the Arts for American Education," it's the report of a panel of eminent citizens chaired by David Rockefeller Jr., and will be published Tuesday by McGraw-Hill as a 330-page softcover book.

"There is clearly a need for a fundamental change in education . . . In the '50s, with a nudge from Sputnik, America recognized the central importance of science education. In the '60s, with a lateral pass from the Kennedy clan, the nation reaffirmed that physical education was essential. Now, in the '70s, it is time to acknowledge the power and urgency of art education."

That's the much reiterated theme. The heart of the book, though, and the culmination of the panel's two years of interviews, site visits, statistical studies, discussions, research and pondering, is a list of 97 "recommendations," designed to give the arts educational parity with such traditional disciplines as mathematics and science.

Among the most ambitious and sweeping proposals are those calling for a Secretary of Education in the nation's Cabinet, along with a Special Adviser for the Arts in Education; the appointment of a Special White House Adviser for the Arts; the drafting of a "10-year national strategy for the arts in education"; a pilot program in three model cities "to make the arts a central concern of the school"; and a national television arts program modeled on "Sesame Street," to be produced by a major commercial network.

Prepared at a cost of $300,000, and funded by 15 sources including the National Endowment for the Arts, the U.S. Office of Education, the Ford and Rockefeller Foundations, and such corporations as Exxon and Atlantic Richfield, the report is undoubtedly the most comprehensive study ever published on the topic of arts and education.

But panel chairman Rockefeller, a 35-year old arts enthusiast and former chairman of the Associated Councils of the Arts, isn't expecting the world to change instantly with the release of the report.

"It certainly won't happen automatically," he commented in an interview last week. "This isn't the sort of report one can adopt like buying a TV set after seeing an ad—it will take a long time to be properly implemented. But what's encouraging is that many things can be done immediately. The decentralization of our educational system is a minus in one way, because no single federal mandate can change the entire structure at once. But it's a plus from another standpoint, since all kinds of gains can be made locally without waiting for the massive federal machinery to move itself.

"There's no way of putting a price tag on this kind of project, or setting a timetable either. But a lot can be done for very little incremental cost—it's really more a matter of changing priorities, than of big spending. I would certainly hope that the report would increase the numbers of committed people, and fortify the position of those, mostly in the minority on local school boards, who are already convinced. In the final analysis, what the report signifies to me, and I hope to everyone who reads it, is that the arts are the great underutilized resource of this country.

Along with businessmen, publishers, broadcasters, educators and public spokesmen, the panelists included such notables of the arts as pianist Lorin Hollander, dancer Melissa Hayden, designer and filmmaker Ray Eames, author James Michener, architect O'Neill Ford, and Washington's Peggy Cooper, founder of the Workshops for Careers in the Arts. Though the recommendations represent a consensus of their views, the panel was far from unanimous on every issue.

Like so many committee reports, this one sometimes conveys the strain of trying to satisfy too many conflicting pressures at once. If the panel's prescriptions were carried out literally, the resulting proliferation of studies, agencies, committees, coalitions and programs would amount to bureaucratic overkill—hardly the original intention.

On the other hand, the report gives voice to a widespread trend of thought about the neglect of the arts in general education. There's nothing much new or startling in the panel's research findings or its survey of the present state of arts education. What is new is the coherent statement of goals, backed by solid argument and a combined weight of opinion from many diverse quarters. The breadth of concern is also impressive. "Coming to Our Senses" is not merely about the way the arts are taught in our schools, but about how our esthetic deprivation may be deeply affecting the "quality of life" for all, in school and out. "Our cities could be monuments to the creative interplay between nature and man, but they have become a gridwork of dismal frontage and automotive clamor. Yet most of us live in cities and all of us go to school. Grayness and tension. Do we accept these as conditions of life? Must our surroundings homogenize our thoughts? Must cultural differences stimulate more suspicion than celebration?"

The arts alone, of course, no matter how well integrated into our upbringing are not going to eradicate the grayness and tension of our blighted environs. But their neglect may well be contributing to our inability to cope successfully with larger civic and social ills. The trouble with the recent "back to basics" movement is not with its emphasis on fundamentals, but in the narrowness of definition of what to count among our educational necessities. This is where "Coming to Our Senses" is especially persuasive. "The arts, properly taught, are basic to individual development since they more than any other subject awaken all the senses—the learning pores. We endorse a curriculum that puts 'basics' first, because the arts are basic, right at the heart of the matter. And we suggest not that reading be replaced by art but that the concept of literacy be expanded beyond word skills. The arts provide unique ways of knowing about the world and should be central to learning for this reason alone."

In a study of innovative arts programs already under way in nearly 100 American communities, the panel finds evidence to show that the arts not only foster "sensory awareness," but may even improve reading abilities. And though present results are far from conclusive, other studies also suggest a link between arts education and a reduction in violent or antisocial behavior.

Disregard for our esthetic environment may well have its roots in the exaggerated emphasis our culture has historically placed on literary and discursive modes of consciousness, as opposed to intuitive or holistic modes. In this respect, "Coming to Our Senses" allies itself with Marshall McLuhan and other critics of our communications systems who see education failing to accommodate to the new, non-linear, "electric" age of TV. "American education exaggerates the importance of words as transmitters of information . . . Verbal and written language is essential," the report continues, "but all our sensory languages need to be developed as well if words are to fulfill their deeper function and deliver both subtle and vivid messages." And it is to the arts that one naturally looks for such development, since they are "ideal vehicles for training our senses, for enriching our emotional selves, and for organizing our environment." By "arts education," moreover, is to be understood not just learning about the arts, but direct, creative participation in the arts.

"Coming to Our Senses" may also prove relevant to the issue of the survival of the arts themselves, in a society increasingly burdened by such implacable dilemmas as joblessness, urban decay, runaway inflation and energy shortages. The surest way to insure the well-being of our creative and performing artists and arts institutions is to make sure they have a healthy and growing constituency. People will only care for the arts to the extent that they care about them, to the degree they feel they matter. The most direct, obvious way to generate such a constituency is through the nation's schools, and by extrapolation, through the whole range of educational experiences available beyond schoolyard walls. It is precisely these channels that the country has, by and large, ignored, and to the harnessing of which "Coming to Our Senses" is primarily addressed.

ADDITIONAL STATEMENTS

HONORING THE NATION'S SMALL BUSINESS

Mr. HEINZ. Mr. President, the week of May 22–28 is National Small Business Week, a time to pay well-deserved tribute to the people who make the country move—our small businessmen and women.

It is easy enough to pay tribute on this occasion, and I hope most of us will do so. It is more of a challenge, though, to take a careful look at the problems of small business today and what needs to be done to solve them.

Appropriately, a group of small business representatives were in Washington last week to do precisely that. They included representatives from the Smaller Manufacturers Council in Pittsburgh SMC; the Small Business Association of New England, Inc., SBANE; the Independent Business Association of Wisconsin, IBAW, the Council of Smaller Enterprises in Cleveland, COSE; and the Small Business Council in Syracuse, SBC. The Smaller Manufacturers Council is an organization I have come to admire and respect for its members' hard work and dedication, both to their own businesses and to furthering the interests of all small businesses, and I have great confidence in any study SMC has been a part of.

These representatives were here for their annual presentation of their recommendations to Congress on small business. Notable among the thoughtful suggestions are three revisions to the Tax Code which deserve careful consideration.

First, they propose a change in the corporate tax rate which includes raising the surtax exemption to $150,000. Thus the rates would be 20 percent on the first $50,000, 22 percent on the next $100,000, and 48 percent on earnings over $150,000. Second, they propose permitting the depreciation of assets in 1 year up to $200,000 in total asset value; and third, they endorse a proposal I introduced last year to permit deferral of capital gains on the sale of small property if the proceeds are reinvested in another small enterprise.

Capital formation is increasingly a topic for discussion in the business community, particularly for small businesses, where there is no doubt as to the seriousness of the problem. Last year I introduced the Small Business Revitalization Act, the intent of which was to deal with some of these capital formation problems. I plan shortly to reintroduce a revised version of the bill, but before that I think we all would benefit from seeing in greater detail the recommendations of the small business groups I referred to earlier.

I ask unanimous consent that the recommendations be printed in the RECORD.

There being no objection, the recommendations were ordered to be printed in the RECORD, as follows:

TASK FORCE RECOMMENDATIONS

What is to be done? The first thing, the SBA Task Force says, is to forget any thoughts of simple solutions. The remedies will need to be as specific and sophisticated as the problems. What the SBA group did was to identify specific remedies for each stage in the capital-formation pipeline. The Task Force further recognized that there are two broad categories of small business: those that are local and probably will never need access to public financing, and those that can develop to the point where public financing will be necessary. Different remedies apply to each category.

Following are specific recommendations made by the SBA Task Force, with elaboration from their findings and from other documents. In general terms, Recommendations 1–11 apply mostly to small companies that aren't seeking access to public financing. They seek to facilitate development of internal capital, to attract institutional capital and to improve the Small Business Administration's role in long-term borrowing.

Recommendations 14–21 concern companies seeking access to public capital. These recommendations seek to make institutional funds more readily available and to improve small business' access to public securities markets.

Recommendations 12 and 13 concern the SBA's role as advocate and the development of University Business Development Centers. The Small Business Coalition believes these two recommendations also deserve consideration.

Concerning tax laws and IRS regulations:

1. Increase the corporate surtax exemption from the present level of $50,000 to $150,000.[1]

During the vital years of research, start-up and early growth, capital must come from internal cash flow and from borrowing. Congress recognized this in principle 39 years ago when it exempted a company's first $25,000 in earnings from the full 48% tax rate. Congress raised the exemption to $50,000 two years ago, when it became clear that 429% of inflation from 1938 to 1975 had made the $25,000 all but irrelevant.

The exemption still isn't adequate for modern needs, especially in view of clogs elsewhere in the capital pipepline. We recommend this schedule:

	Percent
First $50,000	20
$50,000 to $150,000	22
Excess over $150,000	48

Allowing small business to use a larger portion of their first $150,000 of earnings would be the most direct and effective step that can help small business. The benefits would be passed on immediately in the form of new jobs and, before long, additional tax revenues for government and lower welfare and unemployment costs. Small businesses grow by hiring people. Large corporations grow by buying machines and reducing employment.

2. Allow greater flexibility in depreciating the first $200,000 of assets.

Writing off depreciable assets is an important method small business can use to improve cash flow. Several suggestions have been made for increasing flexibility in depreciation. The Treasury Small Business Advisory Committee recommended to the Secretary in December that any amount up to 100 percent of an asset value could be written off in the year of acquisition. This, effect, is a tax deferral and does not effect over the long run the amount of tax paid. The limitation would be $200,000 a year.

3. Permit investors in qualified small businesses to defer the tax on capital gains if the proceeds of the sale on a profitable small business investment are reinvested within a specified time in other qualified small business investments.

There has been a 70 percent to 100 percent increase in capital gains tax rates over the past ten years. Because the capital gains tax at its higher limit approaches the tax on "earned" income, the once lower capital gains tax is "so high that it no longer serves as an incentive to provide long-term investment capital". Allowing investors to defer the tax if they keep recycling their investment would attract many individual investors back to the small business sector. The SBA Task Force pointed out precedents for such deferral in home sales, condemnation proceedings and retirement plan distributions. In terms of tax revenues, the initial cost of deferral would be more than offset by higher tax revenues paid by new and growing companies. "Small business is potentially the most rapidly growing part of the equity investment spectrum," the Task Force says.

4. Liberalize certain limits of Section 1244 of the Internal Revenue Code.

This section was enacted in 1958 to encourage the flow of new funds into small business. It provides that certain losses on small business investments can be treated as ordinary losses, not capital losses, for tax purposes. This larger tax offset makes the high risk of small business investment less of a disincentive. The limits set in 1958 however, have been overtaken by inflation and by sharply increased capital costs. The Task Force recommends that a taxpayer be permitted to deduct $50,000 in Section 1244 tax loss in any one year, up from $25,000. Two key criteria for qualifying under Section 1244 should be doubled, too, thus broadening availability of this investment incentive. The limit of issuer equity capital should be raised to $2 million from $1 million, and the size limit of eligible financing should be doubled to $1 million.

A Library of Congress analyst advised Congress last year that amending Section 1244 in this way "would greatly facilitate" the ability of small businesses to attract equity capital, which is what small businesses need most.

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[1] The Task Force report recommends a surtax exemption of $100,000. However, the Washington Presentation Coalition believes that since the Wholesale Price Index now is 474% higher than it was in 1938, the SBA Task Force's recommendation of the $100,000 exemption would be outdated before it went into effect.

5. Permit underwriters of the securities of small business to deduct a loss reserve against the risks inherent in the underwriting and carrying of such securities.

This change could help reverse the flight of underwriters away from small business offerings. Admittedly, the risks are high in small business securities. Also, the secondary market has been weak since 1969. Consequently, initial offerings aren't attractive, to investors or to underwriters. This recommendation approaches the problem from the underwriter's point of view, by offering a tax incentive for handling small business offerings.

6. Revise methods by which revenue impact of tax changes is estimated to reflect revenue gains from the business use of tax savings and the stimulus to capital formation that tax incentives provide.

The SBA Task Force criticizes the method currently used by the Treasury to forecast the revenue impact of tax legislation. The Treasury only calculates the reduction in tax collections. It fails to consider how a tax measure would spur business activity, and thereby increase taxable income. Nor does the Treasury's method reflect the stimulus to capital formation and economic activity that tax incentives would provide. The Task Force urges the Treasury to review its revenue-impact methods and develop "a more accurate and balanced method."

Concerning the Small Business Administration.

7. Provide that some portion of the guaranteed borrowing available to SBICs take the form of debt with the interest partially subsidized if the funds are used to make equity investments.

Small Business Investment Companies are an important source of long-term debt financing and equity and venture capital for small business. SBICs secure long-term government-guaranteed loans and then invest in small business. Lately, the SBICs have swung away from equity investments and toward debt instruments. This reflects the increased costs at which SBICs obtain their funds. The swing adds to the debt burdens of small businesses, rather than providing badly needed permanent capital.

If the interest on loans made to SBICs were partially subsidized, the SBICs wouldn't be under such cash-flow pressure to recoup the interest costs through high-yield debt investments. Instead, they would be able to make the equity investments that may be lower-yield to the SBIC but are badly needed by small businesses for permanent capital.

8. Permit SBICs a deduction from ordinary income for loss reserves on both the equity and debt portions of their portfolios.

At present, SBICs may establish loss reserves only for investments made in debt securities. The Task Force would broaden that to include loss reserves for equity investments, too. This would encourage more equity investments.

9. Immediately make a substantial increase in the size standards for SBIC investments and also provide for either an annual revision of these standards or index them accordingly to broadly accepted price indicators.

This is simply a matter of keeping up with inflation. Size standards used as criteria for SBIC investments tend to lag behind realities of the marketplace. Some adjustments are needed immediately, and a method for continuing revision needs to be developed. The Task Force suggests either a plan for annual revision or an indexing method that would peg the standards according to inflation-tracking price indices.

10. The SBA should require and encourage commercial banks to assume a larger portion of the risk in SBA loans and change its guarantee fee from a one-time fee of 1% of the amount of the guaranteed debt to an annual fee which more nearly reflects the value and cost of the SBA's guarantee.

The Task Force recognizes a need to strengthen the financing role of the SBA, especially by putting its programs on a more self-sustaining and flexible basis. One laudable move already has been a shift in SBA emphasis from direct loans to the guarantee of bank financing. This has put loan management in the hands of local bankers, who know the customer more intimately and can supervise the loans more carefully. The government guarantee enables the local banks to extend long-term financing to risky ventures and still stay within regulatory requirements.

The recommendations would place SBA loan-guarantee operations on a more business-like basis. The commercial banks would take a larger portion of the risk and would more adequately compensate the SBA for its guarantee. The recommendations might well induce borrowers or lenders to do without the guarantee, thus reducing the cost of the borrowing to the small business.

11. Substantially expand SBA's Secondary Market Program by creation of a "Certificate" system for the sale of SBA-guaranteed loans.

Under the Secondary Market Program, banks making SBA-guaranteed loans can sell them to other investors. This improves the banks' liquidity and also increases the potential pool for small business loans by making government-guaranteed, high-yield loans available to institutions and other investors. The program has worked well so far and should be substantially expanded.

A "Certificate" system would transform the guaranteed portions of SBA loans into freely transferable market securities. This would tap additional sources of capital, remove bankers' reservations about liquidity and ease bank examiners' worries over long-term loans in bank portfolios.

The Task Force urges the SBA to launch a comprehensive public information program to make small businessmen more aware of the Secondary Market Program.

12. The SBA should expand its role as a catalyst and advocate within the government for changes reflecting the concerns of small businesses.

A prime role for the SBA is that of initiator. Rather than putting out brush fires, the agency should get involved in the implementation of new regulations before they're issued. The SBA should analyze the impact changes that government policy will have on small business. Concerns of the small business sector often seem fragmented among several agencies. The SBA should coordinate and act as the small business community's principal voice within government.

13. Support development of University Business Development Centers, S. 972.

These centers coordinate services of several government agencies for the benefit of small business. Potential entrepreneurs can get assistance in analyzing personal skills, evaluating business plans, employing technology, locating capital and obtaining further training. The centers use university facilities and faculty. S. 972 would create 15 Small Business Development Centers at colleges and universities throughout the country. The program is similar to the Agricultural Extension Service for farmers.

Concerning institutional investors, ERISA

14. Amend the Employee Retirement Income Security Act to encourage high-risk investments by pension funds.

Fiduciary standards created by ERISA have locked pension funds into blue-chip investments and fixed-income securities. The pension funds control $200 billion but don't feel free to invest any of it in the high-risk small business sector. That's because fund lawyers so far have naturally and correctly interpreted ERISA regulations conservatively. To avoid liability and protect investors' liquidity, the funds are reluctant to invest in companies without strong earnings records and capitalization of over $100 million.

One key obstacle is ERISA's so-called "prudent man" standard, which establishes normal prudence as a test of fund manager decisions. So far, funds have applied the "prudent man" rule to each individual investment.

Instead, the Task Force wants it expressly stated that the "prudent man" standard applies to the portfolio as a whole. Within the standard, the policy should be to invest in a broad spectrum of companies.

In addition, the Task Force recommends that up to 5 percent of a fund's assets, can be set aside in a special "basket" for higher-risk investments in companies whose net worth is below $25 million or whose securities have limited marketability.

15. The development of professionally managed pools of capital should be encouraged so that pension fund managers, otherwise constrained by time and expertise, may participate in the investment in new ventures and growing small companies.

Because pension fund managers have limited time to analyze potential investments, they tend toward safe, more readily evaluated investments. A specially managed pool would get around this lack of time and experience and enable pension funds to effectively invest in potentially rewarding but admittedly high-risk investments.

The Task Force recommends that the Securities and Exchange Commission exempt these special pools from the "time-consuming and cumbersome requirements of the Investment Company Act of 1940."

16. In cooperation with the SEC and other regulatory bodies, exempt the illiquid securities of small companies from the "market-to-market" or "fair value" accounting treatment.

As portfolio managers now interpret accounting rules, they must frequently value their holdings of unregistered securities and report changes in value, even though no transactions take place. The result is substantial short-term profit and loss impact. But the Task Force views the fluctuations as arbitrary and time consuming. Most institutions avoid the whole matter by sticking to safe investments in large concerns. The Task Force recommends that fair value accounting be waived for investments made within the 5 percent "basket" provision. (See Recommendation 14.)

Concerning securities laws and regulations.

17. Increase the small offering exemption from $500,000 to $3 million.

To keep small ventures from being shut out of the public securities market entirely, the SEC created "Regulation A." It facilitates offerings of less than $500,000 by exempting them from the costly and time consuming process of full registration. The limit of $500,000, however, provides insufficient capital for a growing concern in today's business world. Moreover, most Regulation A offerings need to be underwritten. The SEC calculated that only 35 percent of Regulation A shares offered in 1972–74 actually were sold. Underwriters won't touch an offering of less than $3 million.

For both reasons the SBA Task Force recommends the $500,000 limit on Regulation A be substantially increased to $3 million.

18. Enact the limited offering exemption as proposed in the American Law Institute project to codify securities laws.

Also exempted from costly regulation procedures are certain private offerings. However, recent administrative and court decisions have undercut this useful exemption. The decisions seek to protect investors from fraud, by enabling them to demand return of their money simply because the stock was unregistered. Such protection from fraud already exists under Rule 10b(5).

The chief effect of the decisions has been to subvert the original purpose of the private offering exemption, which was to facilitate very small financings. Congress should restore the full breadth of the private offering exemption.

19. Retain and simplify Rule 146.

The SEC issued Rule 146 in 1974 in an attempt to provide a safe harbor for private offerings that claim the private offering exemption and do not register. The SEC was seeking to clear up difficulties caused by the administrative and court decisions cited in Recommendation 18. Rule 146 specifies criteria for qualifying for the private offering exemption. It requires that the issuer exercise "reasonable care" to insure that buyers have sufficient knowledge and experience to evaluate the offer. And the rule indicates the kind of information that should be provided to potential buyers.

The Task Force would amend the rule so that only material information would need to be provided, rather than the mountain of data that the Rule now seems to require. Also, the Task Force wants it made clear that a buyer who has been properly informed cannot later demand a refund simply because the stock was unregistered.

20. Amend Rule 144 to make volume and time limits less restrictive and thereby facilitate small offerings.

Rule 144 governs the resale of securities purchased by investors in transactions exempt from registration. The Rule seeks to insure that such offerings don't become simply a conduit for sale of unregistered, not-fully-disclosed securities to the public. Thus, a purchaser must hold the securities for at least two years. When he decides to sell, he may sell in any six-month period no more than 1% of the total shares outstanding or an amount equal to average weekly trading volume, whichever is lesser, in the case of an exchange-listed stock. For an over-the-counter security, the limit in six months is 1% of total shares outstanding.

As applied, Rule 144 has proved to be overly restrictive. Venture capitalists say the severe limits impair investors' ability to liquidate investments and thus free up capital for other investments.

The Task Force recommends, as a first step, that the time limit be shortened to three months, rather than six months, and that the limit on volume be set a 1% of outstanding shares or the average weekly volume over a four-week period, whichever is higher instead of whichever is lower.

Eventually, the Task Force would like the quantitative limits eliminated altogether or at least enlarged further. The Task Force applauds the SEC for initiating a re-evaluation of the need and justification for the limits on resale of unregistered securities.

21. Develop procedures under which small companies could develop and promote a good market for their stocks.

Rule 144 currently prohibits solicitation. This works against small-company issues, which need to be promoted in order to attract a sufficient market. The SBA Task Force recommends that, under SEC supervision, small companies be allowed to engage in the active selling necessary to develop a market for their securities.

TAX SIMPLIFICATION—ADDRESS OF IRS COMMISSIONER JEROME KURTZ

Mr. KENNEDY. Mr. President, earlier this month, Mr. Jerome Kurtz, the new Commissioner of Internal Revenue, delivered a major address of the subject of tax simplification.

Speaking to the General Assembly of the Inter-American Center of Tax Administrators, Commissioner Kurtz provided a perceptive analysis of the evolution of the goals and pressures that have produced the current extraordinary complexity of the American tax system. He points out that the goal of equity in the tax laws is often inconsistent with the goal of simplification; the simplicity of the regressive payroll tax stands in sharp contrast to the complexity of the more progressive income tax.

One of the principal sources of complexity has been the search for greater equity in the tax laws. As a case study of the search for equity and the tradeoffs with complexity, Commissioner Kurtz traces the development of the deduction for moving expenses since the issue first arose under the Internal Revenue Code of 1939, and the progressively deeper levels of complexity in which Congress became mired in its attempts to promote greater equity in this relatively obscure provision in the tax laws.

A second and greater source of complexity has been the proliferation of tax subsidies designed to encourage certain types of social or economic activities. In many cases, as Commissioner Kurtz notes, these subsidies—which are called "tax expenditures" because they are analogous to other types of Federal expenditure programs—have undermined the equity of the tax laws by enabling wealthy taxpayers to reduce or eliminate their taxes.

More than 80 separate tax expenditures—totaling $95 billion in 1976—have now been identified in the Internal Revenue Code. Each is a spending program devised by Congress through the tax laws to achieve a specified national goal.

As Mr. Kurtz states, however, as Commissioner of Internal Revenue, he finds himself administering a wide variety of Federal spending programs that overlap those of many other Federal agencies. In effect, the IRS Commissioner also wears the hat of a Secretary of HEW, HUD, DOT, Commerce, and many other agencies. And in many cases, these tax expenditures have not only greatly compounded the complexity of the tax law, but also generated serious inequity.

Too often in the past, Congress has enacted new tax expenditures with little regard for their efficiency or for the resulting inequity and increased complexity in the tax laws. Commissioner Kurtz has provided an excellent analysis of the need for closer scrutiny by both Congress and the administration of existing and proposed new tax expenditures, in accord with the Carter administration's goal of achieving tax reform and greater simplification of our tax laws. I believe that his address will be of interest to all of us concerned with this important goal, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TAX SIMPLIFICATION: SOME OBSERVATIONS FROM A RETROSPECTIVE VIEW OF THE UNITED STATES' EXPERIENCE

Good Afternoon! It is both a pleasure and a personal privilege to be here in Caracas, and to join with you in this 11th General Assembly of the Inter-American Center for Tax Administrators. This is my first opportunity to participate in your deliberations, and I look forward to the exchange of ideas and experiences which make gatherings such as this so valuable.

Upon first reflection, it might seem that a U.S. Commissioner of Internal Revenue would be the least qualified of our fraternity to address the subject of tax simplification, since we clearly have the most complex revenue laws, and consequently, the most complex tax administration process in the Western Hemisphere. However, having reached the complicated state of affairs that we have in the United States, we have acquired a unique perception of the desirability of simplicity in revenue administration. Moreover, simplification of our tax laws has become a major political goal. There seems to be a general desire throughout the nation to return to simpler times.

Perhaps even more important for this group is the fact that we in the United States are able to look back at the long series of steps by which we arrived at our current stage of development, and offer some cautionary observations to those who have not yet come as far down the path that we have taken. Hopefully, others can profit from what we are beginning to perceive to have been our past mistakes.

Since all agree that simplicity is a virtue in tax law and tax administration, it is important to examine how, with good intentions, we have evolved a tax system which some would say will topple from the weight of its complexities unless historic trends are reversed.

I suggest that there are two sets of goals bound up in most tax legislation; goals for which tax complexity has been the principal price.

The first set of goals has been to promote economic equity, an essential and laudable objective. The second set of goals is related to the attractive expediency of using the taxing mechanism to attempt to achieve a broad variety of specific social and economic objectives. In pursuit of these objectives, a number of non-revenue provisions have been engrafted into our tax laws; provisions that have channeled enormous cash flows, or "tax expenditures," into particular sectors of our economy.

The first set of goals represents an aspect of what Arthur Okun was referring to in his recent book, "Equity and Efficiency: The Great Tradeoff." In a tax system, we buy equity at the cost of simplicity. What we are learning in the United States, however, is that complexity, even if arising as a result of a desire for equity, may itself become an inequity. In this context, equity and simplicity are tradeoffs, and the fundamental question becomes, "How much additional complexity are we willing to endure for how much additional equity?"

This problem can be graphically illustrated in our tax system by comparing our individual income tax with our social security tax. In 1976, we raised approximately $80 billion from our social security tax and about 173 billion from our income tax. The former is a very simple tax—it is a levy of 5.85% on gross wages, which is withheld from individual salaries by employers, plus a like amount paid by the employers. In each case, the tax applies only to the first $16,500 of income per year. Self-employed individuals pay a tax of 7.9% of earned income, again subject to the same $16,500 limit. There are no personal exemptions, deductions or credits, and family size is irrelevant, so very few technical problems or disputes arise under this tax. Because the tax rate is flat and applies from the first dollar of income, the timing of income receipt has, for the most part, no bearing upon total liability. In many cases, because the amount of income subject to the tax is limited, exact income computations need not be made. Moreover, because the rate is relatively low, the pressure to resolve issues precisely is generally not great.

However, viewed strictly as a tax (although many do not view it this way), this levy is grossly unfair. Since it applies from the first dollar of income, it weighs most heavily upon the poor. In fact, if we assume that the employers' contributions are borne by the employees, it has been estimated that about two-thirds of our population pay more in social security taxes than they do in income taxes. In 1977, it has further been estimated, $2.5 billion in social security taxes will be paid by persons in families officially classified as living below poverty levels.

In short, because our social security tax rate is flat, without exemptions or deductions, and the inclusion amount is limited, the tax is simple to administer, but regressive in its application. The more total income one has over the ceiling, the lower the effective rate of the tax. The tax applies regardless of the individual's ability to pay, except to the degree that total wages within the ceiling serve as a surrogate for such a determination. Here, then, considerable simplicity has been bought at the price of substantial inequity.

On the other hand, our income tax attempts to achieve a considerably more refined and equitable definition of ability to pay. And each step toward this elusive goal adds complexity. Some loss of simplicity, perhaps quite a bit, is justified in the quest for equity. But we do reach a point where additional refinement may well not be worth the price of additional complexity.

The United States and most other CIAT countries have concluded that ability to pay increases progressively as income increases. Further, we all agree that individuals and households with very low incomes have no ability to pay at all. Therefore, we have established exemptions which vary with family size, and we have instituted progressive rates of taxation. But exemptions raise a myriad of problems concerning the definition of dependents and of marital status. And, progressive rates place great importance upon definitions of annual accounting period and upon distinctions in accounting method. To mitigate the harshness of applying progressive rates on an annual basis to individuals whose incomes fluctuate significantly from year to year, we permit income averaging. Now, I think that most of us would agree that these basic mechanisms for achieving fairness are worth the complexity which they engender. But over the years, we have instituted literally hundreds of such measures, and there is a feeling in the United States today that we may have gone too far in our pursuit of a hypothetically absolute fairness. In fact, our basic tax filing requirements have become so complex that we have recently received some statistical evidence from our Department of Health, Education, and Welfare that they are simply beyond the comprehension of a large portion of our adult population.

As an example of one relatively narrow area in which we have engrafted rule upon rule in order to achieve our intended goal of absolute equity, we might look at our moving expense deduction. To begin with, it is generally accepted that employment-related moving expenses should properly be a factor in the computation of net income for tax purposes. In a large nation such as ours, with many widely dispersed population centers, such moves often involve great distances, and substantial costs. And, since most of our large-scale employers have operations scattered throughout the country, long-distance moving is a common-place experience in the United States, even for those who work for the one firm their entire life.

Now, the 1939 Internal Revenue Code did not even address the issue of moving expenses. But, in auditing individual tax returns over the years, our agents ran into instances where firms had paid their employees cash reimbursements for the costs of moving. Absent any guidance under the law, we were required to treat these payments as taxable income. The unreasonableness of this situation generated extensive comment in the professional journals, and, no doubt, some Congressional mail. So, when the Congress made substantial revisions in the tax law in 1954, they amended the Code to provide that reimbursement to employees for expenses incurred while moving from one job location to another would be, with a few limitations, excluded from the employee's gross income, on the grounds that the expense and the repayment had come about "in the interests of the employer."

At that time, the Congress made a distinction between reimbursements to existing employees, who were moving from one location to another for the same firm, and those who were reimbursed for the costs of relocating from one location to another to begin work with an employer. In the latter case, the reimbursement was *not* excluded from income. In neither case were moving expenses deductible from taxable income.

Ten years later, the tax laws underwent a further, extensive revision, and moving expenses were again the topic of debate. There was general agreement that the 1954 law discriminated both against new employees and those incumbent employees who were relocated with the same firm but were not reimbursed for their moving expenses. The 1964 law provided for the deduction from income of the transportation expenses of an employee and his family, plus the cost of moving their household goods and personal belongings, so long as three basic conditions were met. First, the employee had to have, prior to the move, a contract or other firm commitment of employment at the new location. This provision took care of newly hired employees as well as those who were transferred from one office of an employer to another.

A second proviso of the 1964 law was that the new place of employment had to be at least 20 miles further away from the old residence than the prior place of employment had been. Thus, no deduction would be allowed where an individual might reasonably be expected to commute to his new place of employment from his old residence.

Finally, the 1964 Act stipulated that nonreimbursed moving expenses could be deducted only when the employee had, in fact, a full-time job at the new location for at least 39 weeks, beginning immediately after the move. This provision was aimed at assuring that only employer-mandated moving expenses were deducted.

During the next 5 years, new "inequities" were perceived in the moving expense provisions. A major complaint was that self-employed persons were not permitted to deduct their moving expenses. Moreover, in the competitive labor market of the late 1960's boom economy, many employers reimbursed their personnel for a wide range of expenses associated with relocation; such expenses included broker's fees and other costs related to buying, selling, or leasing a residence, the costs of traveling to the new community to look for a new residence, and the costs of temporary lodging and meals pending the availability of a new home for occupancy. Under the 1964 provisions, such expenses were not deductible, and thus the amounts reimbursed for these costs were counted as taxable income.

In 1969, Congress sought once more to "perfect" the moving expense provision. The "mileage test" for allowable moving expenses was increased from 20 miles to 50 miles. And coverage was extended to cover self-employed individuals, although the 39-week "time test" was doubled for these taxpayers, so that they had to be employed, full-time, for 78 weeks after their relocation in order to claim the deduction. Obviously, a 78-week time period stretches over 2 or 3 tax years; and so the law required that, if a self-employed taxpayer ceased to be employed during the 78-week period, he would either have to file an amended return, dropping the deduction for the year in which he claimed the moving costs, or he would have to add the deducted costs back as income in the year in which he became unemployed. This same arrangement applied to transferred employees who failed to remain employed for 39 weeks following a move.

The other moving expense measures of the 1969 Tax Act were, fortunately, a little more straight-forward than the "time test" provision. They allowed for the deduction of up to $1,000 for the costs of traveling to a new community and looking for a new residence there, and for the costs of lodging and meals in temporary quarters pending occupancy of a permanent home in the new community. The law also permitted the deductibility of broker's fees and other specified costs associated with the sale or acquisition of a residence. There was a total ceiling on these costs of $2,500, less whatever the taxpayer might claim for househunting and temporary living expenses.

At the same time that the Congress extended these additional move-related deductions, it also required employers to keep a record of all benefits accorded to each relocating employee and to withhold the appropriate amount of tax from those payments which were in excess of deductible moving expenses. For the Nation's largest single employer, the U.S. Defense Department, this provision posed some difficulties. Of course, military personnel and their families are constantly being moved, and the Defense Department covers most of these expenses, often by providing the necessary support services directly in the form of military transport and temporary lodging and dining on military bases, as well as extra cash living allowances.

The Defense Department sought to have itself exempted from the record keeping and withholding requirements of the law, arguing that it had no way of compiling such data, and no criteria for assigning a fair market dollar value to many of the services it provided. The Department also argued that military personnel should be exempted from the 50-mile relocation requirement and the 39-week minimum time test, since such restrictions were inappropriate for application to the military and its unique personnel assignment practices.

Such exemptions were subsequently incorporated into the tax laws in 1976, along with a number of other general revisions to the Internal Revenue Code. Among other things, the existing moving expense provisions were modified once more, with the maximum allowance for househunting and temporary living expenses being increased from $1,000 to $1,500, while the maximum deduction for qualified expenses of selling and acquiring a residence was increased from $2,500 to $3,000, less househunting and temporary living expenses. The 50-mile relocation criteria was also adjusted by the 1976 Tax Reform Act, down to 35 miles.

Now, I have spent the last several minutes on the rather mundane details of a relatively minor U.S. tax law provision, in order to illustrate how complexity breeds complexity in the name of equity. Even now, only 6 months after the passage of the 1976 Tax Reform Act, we can look at the present moving expense provisions and easily contemplate several additional refinements which might be made in the name of increased equity. For example, since we have incorporated an exemption into the law for members of our uniformed armed forces, would it be unreasonable to assume that members of other highly-transient professions, such as oil field workers, forest fire fighters, and heavy construction equipment operators, along with their employers, might also seek exemption from the moving expense time and mileage tests, and the reimbursement recording and reporting provisions? Or, one might logically argue that an individual who ceases gainful employment before the expiration of the 39- or 78-week post-move test period should be excused from having to pay the tax due on the amount originally deducted for moving expenses if the industry with which the taxpayer works is experiencing a high level of unemployment.

I am sure that, if we were to take a minute or two, each of us here could come up with at least one more refinement to these provisions which would make them a little more equitable. The question is, at what point do the costs of such refinements, in terms of more complex requirements for taxpayer compliance and government enforcement, exceed the value of the equity achieved? We must all develop a keen awareness of the equity-complexity tradeoff and raise this question each time we are confronted with a new piece of equity-promoting tax legislation.

Now, as I mentioned at the outset of my remarks, the second major source of complexity in our tax laws are those provisions which are unrelated to the measurement of income and irrelevant to an individual's ability to pay tax. These are the "tax expenditure" provisions; tax incentives which have the effect of subsidizing, through the tax system, those who engage in certain activities or who fall into certain subgroups within our society. In either case, the activity or group membership is unrelated to ability to pay, as measured by income. Basically, these provisions have much the same effect as direct governmental expenditure or loan programs.

The tax expenditure measures are the items that have led to the greatest amount of tax complexity, and are clearly the provisions whose elimination would have little or no cost in decreased equity. In fact, a number of these provisions have seriously undermined the equity of our tax system, and have been used by thousands of wealthy individuals in ways never intended by the United States Congress to reduce or completely eliminate their tax liabilities, thereby directly contravening our basic notions of progressivity. Tax expenditures take the form of deductions, credits, exclusions from gross income and preferential tax rates. These measures are designed either to encourage a particular activity deemed desirable for social or economic reasons, or to confer an extra financial benefit upon groups considered needful of such treatment. What these provisions have in common, however, is that their goal or effect is not to measure taxpaying capacity but to implement what is essentially an expenditure program through the mechanism of the tax system.

Our tax law permits a wide range of personal deductions—charitable contributions; interest, primarily on home mortgages; casualty losses; and various state and local taxes, including taxes on owner-occupied homes. We allow extra personal exemptions for the elderly and for the blind. We exclude social security pension payments from taxable income and, as a result, have added a special credit against other retirement income, in an attempt to give a comparable benefit to those with private retirement plans. We also offer a wide range of business benefits, from percentage depletion of minerals to accelerated amortization of pollution control equipment. These are only a few of the more than 80 separate tax expenditures contained in our Internal Revenue Code.

Each of these provisions is, in effect, a non-revenue related expenditure program written into the tax law. Each entails its own special set of issues, definitions and limitations. Each generates controversy and impetus for expansion or construction. Each, in turn, gives rise to pressure from comparably situated groups seeking equivalent treatment. Because of these provisions I find myself, a Commissioner of Internal Revenue, administering programs of many other agencies. If these programs were parceled out to those agencies, the concentration of programs would be diffused and the tax law and administration would be vastly simpler.

Moreover, in addition to the complexity and political controversy they engender, these tax expenditures have seriously and inequitably eroded our tax base. Such erosion is inevitably responsible for higher tax rates, and high tax rates inevitably lead to greater demands for exceptions to those rates—still more tax expenditures—and to increased efforts by taxpayers to plan their affairs to avoid the impact of these rates, an expensive drag on economic productivity.

In addition to the fiscal issues arising from the various tax expenditures, the administrative problems which result from such complexities are formidable. To help taxpayers and officials alike, we must provide an inventory of 368 different forms for public use, along with instructions for each. We also issue 100 or so taxpayer information publications. These publications, forms and instructions must be reviewed and revised annually, due both to changes in the law itself, and to revised interpretations of the law. Distribution of the appropriate forms and publications to each taxpayer is a costly and complex logistic problem, especially in view of the substantial number of taxpayers.

Now, while we have devoted, and will continue to devote, substantial resources to simplifying our forms, instructions and filing requirements, there are serious limits as to how much simplicity can be achieved within the context of the statutory complexities. When a provision is placed into the tax law which applies only to a relatively small segment of the taxpaying population, it nevertheless requires additional instructions and lines on the tax return which is distributed to all taxpayers. Thus, each such narrowly applicable provision increases the filing burden for everyone, both for those to whom the provision does not apply as well as for those to whom it does.

As a result of these complexities, roughly one-half of all U.S. taxpayers seek professional help in preparing their tax returns, at a cost which we have estimated to be about $1 billion a year. I might add that since these fees are deductible from income taxes, a portion of that cost quite properly is borne by the Federal government in reduced revenues.

On yet another level, the existence of so many artificial tax reduction provisions in our law has led to the development of elaborate and often arcane business arrangements designed to promote the use of these benefits by high bracket taxpayers who can, and will pay more for such tax benefits than the individuals to whom those benefits were originally intended to flow.

One such fairly common type of arrangement is referred to as a "tax shelter syndication." These are limited partnerships designed to make the artificial tax benefits granted to certain industries—primarily real estate, farming, mineral extraction and motion picture production and distribution—available to high tax bracket individuals. Extremely sophisticated financing schemes have been developed to multiply such benefits in the hands of wealthy investors, who, in many cases, have little regard for the assets underlying the syndicate, because of the attractiveness of the tax benefits involved.

The complexity and diversity of such schemes have put an enormous burden on our compliance resources. In 1976, our Congress attempted to reduce the abuses in this area while retaining, in some cases, the originally intended tax incentives. The result was an extraordinarily complicated set of statutory provisions. In summary, our efforts to provide specifically targeted tax incentives, coupled with our attempts to prevent the abuse of those incentives, have resulted in tax law provisions of mind-boggling complexity.

The Carter Administration has committed itself to simplifying our tax laws, but this is not an easy task. As one would expect, each of the special provisions conferred by the present code has a substantial block of support, in the form of those who benefit from the provision. So, we can almost guarantee a lively debate over each attempt to remove a complicating provision. Of course, the removal of special provisions or the reduction of their benefits could be accompanied by tax rate reductions, so that in total there would be no revenue effect from these adjustments. Nevertheless, some taxpayers will come out worse and some will come out better. And, if history provides us with an accurate portrait of human nature, those who come out worse through simplification will have a kindlier view of complexity than they may have had in the abstract.

Once a tax benefit has been conferred upon a particular group, it is perceived as an entitlement by its beneficiaries, and these groups are extremely effective within the political process in lobbying to protect those interests. Moreover, in arguing for the removal of almost any one of these provisions, the tax administrator, who is scarcely a beloved public figure to begin with, will generally find himself in conflict with the most positive social and economic interests—the elderly, the sick, the conservationists, the educators, charitable organizations and particular industries who will argue that removal of such incentives will lead to the collapse of the industry, financial loss to investors, and unemployment. It is largely because of this political reality that tax simplification efforts in the U.S. to date have largely been a "no win game." Nevertheless, I believe, and I certainly hope, that we have reached the point in the evolution of our tax laws where there is a genuine yearning for a return to simpler times and perhaps the time is now right to accomplish meaningful simplification.

Today, a number of factors in the United States are beginning to coalesce in such a fashion that I can see some light at the end of the tunnel. One of the most significant factors in this area has been provided by the Congressional Budget Act of 1974, a landmark piece of legislation designed to improve our Congress' ability to legislate and appropriate funds on the basis of sound supporting information. Under this Act, a new Congressional Budget Staff has been created, with overall responsibility for analyzing the entire Federal Budget. And a significant aspect of that responsibility, required by law, is a comprehensive assessment of tax expenditures as an integral element of the annual budget. Today, for the first time, the tax law writers, the tax administrators, the Congress, and the U.S. public at large can see an official calculation of how much revenue is expended, indirectly, through the mechanisms of these policy-biased tax measures which have been added piecemeal to the tax law over the years. And the amount is substantial—an estimated $95 billion for 1976.

Ninety-five billion dollars constitutes approximately 5½% of our gross national product. It also represents a little more than one-fourth of the total direct annual expenditures of the U.S. Federal Government. In one light, it could be said that the compilation of tax expenditure data has generated a new perception of the Federal Government's budget—a perception which sees that budget as being 25% more than we have thought it to be. In another light, that $95 billion is reflective of a 25% shrinkage in the tax base—a shrinkage which by inference has required a commensurate increase in the basic tax rates.

In short, the revelation of our annual tax expenditures has, for the first time, put the whole issue of non-revenue, policy motivated taxation into something approaching a balanced perspective. For the first time there is a sense of the massive economic implications of these measures, and these implications properly raise questions concerning the link between the legislative intent and the socio-economic consequences of these measures. And raising such questions, I believe, is the reasonable first step toward meaningful attempts at tax simplification because, for the first time, there is a sense that we may be paying too much for at least some of the benefits we have sought to achieve. In essence, we are now going to be able to go back and do some good analyses of measures which we instituted 10, 20, or more years ago.

We have, therefore, come almost full circle and I believe that our experience provides a lesson—that simplicity in a tax structure is itself a virtue to be highly prized. And, while we should not hesitate to add some complexities where the reward in improved equity is great, we should carefully balance each new refinement of our tax law against its costs in complexity.

Beyond this, we should diligently resist attempts to use the tax law to achieve social goals, since such measures do not merely complicate the tax system, but may make it, in fact, less equitable, While there may be situations where it is appropriate to institute such measures, the proponent of such a provision should be required to overcome a substantial burden of proof. He should have to show that the goal is one worthy of achievement within some overarching, national context; that it cannot otherwise be as well achieved through some direct program; and that the resulting tax complexities and inequities are worth the goal. I would suggest to you that very few proposals can meet this test.

ECOLOGY, THEOLOGY, AND NUCLEAR POWER

Mr. JAVITS. Mr. President, an excellent editorial on nuclear power appeared in Sunday's New York Times. The remarks made are most perceptive. I am sure that my colleagues will be interested in reading this article, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ECOLOGY, THEOLOGY AND NUCLEAR POWER

On its face, the endless controversy over the proposed nuclear power plant at Seabrook, N.H., seems to typify the rising national tension between energy and environment. The private utility sponsors contend the plant is essential to meet New England's predicted electricity needs. Opponents argue that the plant would seriously alter the coastal environment (perhaps, some think, even attracting sharks). The controversy has already generated five years of hearings and reports. Early this month, 2,000 demonstrators descended on the site and their mass arrests drew national attention. Next Monday, hearings reopen before the Nuclear Regulatory Agency. And any day now, the Environmental Protection Agency will hand down its latest final decision. But no matter how these agencies finally strike the difficult balance between energy needs and environmental protection, there is a more profound question exposed by Seabrook: whether the American public will deal with nuclear power through rational debate and decision—or, driven by an emotional, almost theological zeal, simply denounce it.

The environmental issues at Seabrook are certainly real, even perversely so. The main one turns on how the proposed plant would be cooled. One way is to recycle water through the plant, up into 500-foot cooling towers and back around again. But, as environmentalists note, such towers often exude mist, fog and rain, Worse, at Seabrook, which would use ocean water, this would be a salt rain, jeopardizing plant life. The other method of cooling is to pump in ocean water. But, having absorbed the plant's heat, that water would be 39 degrees hotter when returned to the ocean—creating a zone of near-tropical water temperature and imperiling the area's ecology and economy. Whether this danger can be minimized by tunneling far out to sea for the water pipes is among the questions now pending before the Federal agencies.

Can they achieve a resolution that is regarded as reasonable by Seabrook's opponents? For some, probably yes; they are genuinely concerned about lost fishing jobs or destruction of marine life. But there are others, including many members of the Clamshell Alliance—whose demonstrations led to the mass arrests—for whom the environment and the economy are not the underlying issues but only pretexts.

The uppermost concern of many Seabrook opponents can be gauged from a letter some of them wrote after their arrest at the site: "Radioactivity is a silent and invisible killer. You cannot see it, hear it or taste it. Can we tolerate having such a killer in our midst? Having such a killer strangle our planet? We believe the answer is no." In other words, the Clamshell Alliance—and budding groups elsewhere, like the Abalone Alliance in California—are dead-set against nuclear power, period. Their arguments are merely arguments of convenience; their interest is not in debate but in doctrine.

It is a benign, even appealing doctrine that blends revulsion against wasteful materialism with faith in "soft" energy sources like firewood and windmills. Its adherents trace their lineage to the movements for civil rights, peace in Vietnam and concern for the environment. They offer the willingness to engage in civil disobedience as evidence of their sincerity and their determination. Their motives are irreproachable. Their extremism must be resisted.

America has, thankfully, matured out of the opposite kind of extremism, the sunny belief that nuclear energy offered a panacea, a limitless cornucopia of cheap, safe energy. Nevertheless, nuclear energy is a reality. Some 60 nuclear plants now provide more than 8 percent of national electric capacity; New England already depends on such plants for more than a quarter of its electricity. And the odds are strong that we will need and want more nuclear power in the future. The nation has embarked on a long-range effort to wean itself away from heavy dependence on imported energy; it is far from certain that coal alone can or should pick up the slack. Hence the present test of rational citizenship is not how fervently we trumpet the dangers ("silent killer") of nuclear energy but how sensibly we work to master them.

A first step is to distinguish between the common ("light-water") nuclear power plant, which is relatively safe, and the much riskier installations necessary to recycle spent uranium fuel or to make plutonium. To its great credit, the Carter Administration has recently set its hand against the latter. A second step is to isolate the individual risks that exist for the light-water reactors. One is the amount of low-level radiation they generate—a concern recently addressed by the Environmental Protection Agency when it issued new requirements 20 times more strict. Another concern, to which the President alluded in his energy message, is safe siting of nuclear plants, away from population centers. Yet another is the safe disposal of radioactive wastes.

These will not be easy problems to solve; even if solved, there will always be risks. But there will also be benefits and that is something that the true believers forget. The nuclear lesson they would have us draw from Seabrook is to take no risk at all, ever. The wiser lesson is not to dismiss, not to denounce but, step by step, to decide.

COMMUNIST PERPETRATORS OF GENOCIDE

Mr. PROXMIRE. Mr. President, genocide is a crime which does not distinguish between political regimes. Although right-wing governments in Hitler's Germany and Ottoman Turkey have been responsible for two of the most popularly known cases of genocide, Communist countries have committed and continue to commit this crime.

Before signing the Genocide Convention, the Soviet Union directed a policy of extermination against an entire class in its population. Between 1929 and 1934 the regime of Joseph Stalin deported virtually all the kulaks, or wealthy peasants, to remote regions of the U.S.S.R. Those who were not deported had their land and property confiscated and were arrested. The only "crime" of the kulaks was that they had achieved relative financial success and had become leading members of their communities.

No less horrific than the Soviet treatment of the kulaks are the recent and, for all we know, continuing policies of Communist regimes in Albania, Rumania, and Cambodia. On March 12, 1976, the United Hellenic American Congress accused the Albanian Government of an "unconscionable violation of human rights." The Congress pointed out that Albania's Decree No. 5539 required that "all persons living within its borders whose names do not conform with the ideological standards of the Albanian brand of communism must change their names to names approved by the Albanian Government." The United Hellenic American Congress condemned the decree as a further attempt by the Albanian Government to eradicate the ethno-religious identity of the Greek Orthodox, Roman Catholic, Jewish, and Moslem population of Albania.

The Committee for Human Rights in Rumania, an ad hoc organization claiming support from all major associations of Hungarians in America, continues to decry the oppression by the Rumanian Government of its Hungarian, German, and other minorities. Rumanian policies of cultural genocide have included the elimination of minority educational institutions, the suppression of minority languages, the falsification of historical data and population statistics, the confiscation of cultural archives, the obstruction of contacts with relatives abroad, and the dissolution of ethnic communities. And while Rumania has practiced blatant internal oppression, the Khmer Rouge has slaughtered untold numbers of Cambodians.

Mr. President, the crime of genocide, whether perpetrated by Communists or non-Communists, must be condemned. As a nation committed to the right of all men to life, liberty, and the pursuit of happiness, let us go on record against these outrages by signing the Genocide Convention.

STUDY ON TARDY EXECUTIVE AGREEMENTS

Mr. CASE. Mr. President, a recent study shows a marked failure by the executive branch last year to comply with the 1972 Case-Zablocki Act requiring that executive agreements be transmitted to Congress within 60 days after they enter into force.

The study by the Senate Foreign Relations Committee staff found that in 1976 39 percent—or 171—of the executive agreements were submitted after the 60-day period. The study found that nearly half of these 171 agreements apparently were submitted late either because the State Department had not received them on time from other agencies or because the Department was unaware of notifications from the other countries that the agreements had entered into force.

The delays show the need to tighten up on procedures. Many of these agreements were relatively minor, but the procedures must be followed properly for minor as well as major agreements if Congress and the American people are to be kept informed—as they should be—of agreements with foreign countries.

As part of the effort, the Senate recently approved an amendment requiring that other agencies forward copies of agreements to the State Department within 20 days. Additional, stronger steps, such as declaring an agreement void unless it is submitted within the time period, have been considered but for the time being we will see how the new system works out.

I was referring to the amendment the Senate Foreign Relations Committee added to H.R. 9050, the supplemental State Department authorization bill for fiscal 1977. The Senate approved the bill, with the amendment, by voice vote on May 11. It is now awaiting final congressional approval.

The study by the Senate Foreign Relations Committee showed that in 1976, 440 agreements were transmitted to Congress. Of these, 171, or 39 percent, were late. Thirty-five of these, or 8 percent, were submitted a year late.

Of the late agreements, 45.2 percent related to aid agreements, and 6.3 percent were defense-related.

Mr. President, I ask unanimous consent to place into the RECORD an excerpt from Senate Report 95-99 on the supplemental State Department authorization for fiscal year 1977, the committee staff study, and an excerpt from a 1976 memo by former State Department Legal Advisor Monroe Leigh.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPT FROM SENATE REPORT 95-99

Section 5.—This section amends Public Law 92-403, otherwise known as the Case Act, which requires that the Secretary of State "transmit to the Congress the text of any international agreement, other than a treaty, to which the United States is a party as soon as practicable after such agreement has entered into force with respect to the United States but in no event later than sixty days thereafter." Since enactment of the Case Act in 1972, there have been a number of instances in which the State Department failed to transmit to Congress, within the required period, agreements entered into by other U.S. Government agencies, reportedly because those agencies failed to inform the State Department that agreements had been signed. The purpose of this section is to remedy that problem by adding to the Case Act the requirement that "Any department or agency" of the United States Government which enters into any international agreement on behalf of the United States shall transmit to the Department of State the text of such agreement not later than 20 days after such agreement has been signed."

MEMORANDUM

To: Senator Sparkman and Senator Case.
From: Norvill Jones.
Subject: Compliance with the Case Act; Computer Study.

Attached is a study by the Committee computer staff (Beth Chapman) of the extent of compliance with the 60-day time limit of the Case Act for agreements transmitted during 1976.

As the results indicate, 39 percent of the agreements were submitted late.

STATISTICS ON EXECUTIVE AGREEMENTS TRANSMITTED TO THE SENATE DURING 1976

Total number transmitted: 440.

Number of these which were transmitted late: 171 (or 39%).

Number which were two weeks or less late: 24 (or 5.4% of total).

Number which were over one year late: 35 (or 8% of total).

Of the 171 late agreements: 6.3% were defense-related; 9.1% were atomic energy agreements; 45.2% were development-related; and 39.4% were in other categories.

Of the 171 late agreements:

48.5% were transmitted late because they were received late from other agencies, or the State Department was unaware of either the existence of an agreement or a country's notification bringing it into force.

24% were not previously deemed to be executive agreements within the meaning of the Case Act.

8.2% listed no reason for the delayed transmittal. (Many of these, but not more than one-half, were less than two weeks late.)

6.4% were transmitted late "inadvertently," due to a "mistake" or an "oversight," or because they had been "misplaced" or "misdirected" within the State Department.

5.2% were transmitted to State by the post after the 60-day deadline.

4.7% were held until a suitable copy could be obtained. (The majority of these, "because a hectograph copy cannot be xeroxed satisfactorily.")

2.9% fell into other categories (i.e., processing).

CRITERIA FOR ANALYSIS OF EXECUTIVE AGREEMENTS TRANSMITTED DURING 1976

The analysis takes into account only unclassified agreements, all of which were received by the Senate and whose cover letter of transmittal bore a date falling within calendar year 1976.

It does not take into account background statements or related documents submitted for previously transmitted agreements.

A "late" agreement was defined as one whose cover letter of transmittal bore a date one day or more later than exactly two calendar months after the date of entry into force.

An agreement was not considered "late" if:

The State Dept. had previously transmitted background material for it, indicating that the text of the agreement would be sent as soon as possible. (Or)

There was no entry into force date on the agreement. (This instance occurred only once.)

Many of the agreements were amending agreements, and when the State Dept. received such agreements it became aware of the original agreement and perhaps earlier amendments, and transmitted these as well. In these instances, all agreements and amending agreements were classified "late."

The categorization of agreements into subject areas was not done along rigid lines of definition, and should not be considered as absolute.

In all cases, the State Dept. was given the benefit of the doubt as to whether it had transmitted a given agreement after the 60-day deadline.

MEMO FROM THE LEGAL ADVISER OF DEPARTMENT OF STATE

To Key Department Personnel.
From L—Monroe Leigh.
Subject: Case Act Procedures and Department of State Criteria for Deciding What Constitutes an International Agreement.

On February 20, 1976, the Comptroller General issued a Report on U.S. Agreements with the Republic of Korea which stated that certain agencies of the Government have not been submitting to the State Department or the Congress all agency-level agreements which they have concluded. The Report states that some agencies have apparently interpreted agreements concluded by agency personnel or agreements of a subordinate or implementing character to be outside the reporting requirements of the Case Act (P.L. 92-403, 1 U.S.C. 112b). The Case Act requires that all international agreements other than treaties be submitted by the Department of State to the Congress no later than 60 days after their entry into force.

The GAO Report called for "clarification of the reporting requirements and improved controls over the reporting of agreements." The Report listed 34 Korean agreements concluded after passage of the Case Act but never submitted by the agencies involved to the Department of State for transmittal to the Congress.

This Report by the GAO, in addition to legislative proposals now before the Congress calling for Congressional authority to disapprove executive agreements, has raised the question of how the Department of State Legal Adviser decides what constitutes an international agreement within the meaning of the Case Act and of the law requiring publication of international agreements (1 U.S.C. 112a).

The following discussion should be brought immediately to the attention of all personnel with responsibilities for the negotiation and conclusion of international agreements, whether agency-level arrangements, implementing or operating agreements, or government level agreements.

A. It is essential that all international agreements concluded by any officer or representative of the U.S. Government be transmitted to the Assistant Legal Adviser for Treaty Affairs no later than 20 days after entry into force. Most agreements enter into force upon signature. The 20-day limit must be met if the Department is to meet its obligations to process and transmit the agreements to Congress no later than 60 days after entry into force in accordance with the Case Act.

B. Whenever a question arises whether any document or set of documents, including an exchange of diplomatic notes or of correspondence, constitutes an international agreement within the meaning of the Case Act, the documents must be sent for decision to the Assistant Legal Adviser for Treaty Affairs. See also 11 FAM 723.6 and 723.7.

C. The following statement is designed to provide basic guidance with respect to the criteria applied by the Legal Adviser in deciding what constitutes an international agreement. While difficult judgments will have to be made in many cases, it is hoped that the principles set forth below will permit officers in the field to focus on the right questions, and to know when there is an issue for which further guidance from the Department should be sought.

For purposes of implementing legal requirements with respect to publication of international agreements and transmittal of international agreements to Congress, the Legal Adviser applies the following criteria in deciding what constitutes an international agreement:

1. Intention of the parties to be bound in international law;
2. Significance of the arrangement;
3. Requisite specificity, including objective criteria for determining enforceability;
4. The necessity for two or more parties to the arrangement;
5. Form.

EXPENSE ACCOUNT LIVING—MISUSE OF CORPORATE JETS

Mr. KENNEDY Mr. President, last Thursday, the New York Times carried an article illustrating an important part of the need for tax reform in the area of expense account living.

The article, by Mr. Ralph Blumenthal, is a case study of one aspect of the problem, the potential for misuse of corporate jets. Mr. Blumenthal surveyed the corporate jets using Bush Field in Augusta, Ga., at the time of the Master's Golf Tournament in April. As Mr. Blumenthal notes, the substantial traffic of jets at the airfield during the tournament raises obvious questions as to the business purpose of the trips and whether such excursions can properly be regarded as legitimate business expenses.

Mr. Blumenthal identified jets in Augusta owned by a number of the largest and best known corporations in America. He notes that the round trip commercial air fare from New York to Augusta is $154, whereas the cost of a similar trip by private jet may run into several thousand dollars.

To the extent the cost of these flights is taken as a business tax deduction, the average taxpayer is paying for a large part of such trips. At the marginal corporate tax rate of 48 percent, the corporation pays for half the trip, and the U.S. Treasury—that is, the average taxpayer—pays the other half.

As the article states, both the SEC and the IRS are investigating this problem. The issue is also being raised at annual corporate meetings by stockholders concerned about the misuse of corporate funds.

It is not enough to relegate this issue to such ad hoc enforcement efforts. My hope is that both Congress and the administration will deal with this and other aspects of the expense account living issue as part of our forthcoming approach to comprehensive tax reform. The issues involved are difficult, but we have a responsibility as part of our concern for fairness and equity in the tax laws to eliminate the abuses that exist.

Mr. President, I believe that Mr. Blumenthal's article will be of interest to all of us concerned about this problem, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 19, 1977]

MISUSE OF CORPORATE JETS BY OFFICERS IS DRAWING MORE FIRE

(By Ralph Blumenthal)

In the aftermath of Watergate, the private corporate jet—long taken for granted as a sleek, exclusive, and prestigious executive perquisite—increasingly is under fire.

While other travelers crowd commercial airline counters and press for seats on increasingly cramped scheduled flights, the businessman with access to his company's private fleet still takes off at will and flies in unmatched comfort until he alights at the nearest convenient landing strip to his business rendezvous.

Though almost no one questions that a company plane can serve the legitimate purpose of whisking executives quickly and efficiently from meeting, to meeting, growing numbers of skeptics are asking whether the corporate jets are also being abused for pleasure travel or to ferry an executive's family to distant cities. Pointed questions are being raised by stockholders, by Government regulators and by corporate officials themselves.

"Just as you can't reach into the till and borrow a hundred bucks," says Irving H. Shapiro, chairman of E. I. duPont de Nemours & Company, "so you can't just borrow one of the company's jets." At his recent annual meeting, he outlined the stringent internal controls against misuse of du Pont's dozen jet aircraft.

"Company planes can only be used for business," Mr. Shapiro reiterated. "Even if I want a plane, my secretary has to file a form." Du Pont executives may charter idle corporate aircraft but only by paying going charter rates.

Not all companies have tough controls, however, nor do the controls always work. Apparently, they fail often enough to have thrust the jets into the glare of heightened public concern.

As a result, the Internal Revenue Service is rewriting its audit guidelines and instructing revenue agents to check flight logbooks for signs of non-business—and thus taxable—use of corporate aircraft.

Also, the Securities and Exchange Commission, having brought to light patterns of corporate political contributions and later of commercial bribery on other dubious payments, is now turning to corporate perks—among which the corporate jetliners are probably the most dramatic. As its rationale, the S.E.C. investigates whether the arrangement is properly disclosed in reports to shareholders.

QUESTIONS PRESSED AT MEETING

And shareholders and such spokesman for shareholders as Lewis Gilbert are also pressing questions about the planes at this season's round of annual meetings.

For many businessmen, the matter is extremely touchy, having to do not only with the prerogatives of private enterprise but also with what they see as the realities of making sales and closing transactions—with how important clients are wooed and how business blends into entertainment.

The realities, sensitivities and ambiguities of the company jet controversy were all on display last month when hundreds of sleek corporate aircraft converged on Augusta's Bush Field for the annual Masters classic.

"At an event like this, I wouldn't know how to separate business from recreation," a Travelers Corporation spokesman said of last month's Masters golf tourney—which drew flocks of corporate jets to Augusta, Ga. "If you're hosting an agent and watching the tournament, is that recreation or business?"

"I would say it's business," the spokesman for the insurance company contended—though he conceded it was a pleasant way of doing business.

"Of course it's recreational," a Celanese spokesman disagreed. "They were there to watch the Masters—but that's a normal business practice."

But for government regulators, the problem requires less hairsplitting. "We're not focusing on this plane or that plane." Stanley Sporkin, director of the S.E.C.'s enforcement division, asserted in a recent interview. office. We're not talking about nickels and dimes. We're talking about pervasive patterns."

SUBTLEY 'NOT REAL PROBLEM'

Similarly, according to Theodore Levine, Mr. Sporkin's deputy, subtley "is not real problem. They know when they're misusing their position. They know their family uses it (the company yet) when they use it for trips to the islands."

The regulators' interest was clearly whetted by a finding by the Congressal Joint Committee on Taxation that former President Richard M. Nixon owed the Treasury $33,708.19 for 341 personal flights by his daughters and other family members between 1969 and 1972 on the Presidential jet, Air Force One.

In a corporate case last year, the S.E.C. sued the General Tire Corporation for failing to disclose qestionable practices, including free flights on the company plane for military officers and officials of other concerns engaged in contract dealings with General Tire.

In another recent case that grew out of an I.R.S. inquiry, Jack Lansing, president of the Pacific Power and Light Company in Oregon, abruplty resigned and agreed to reimburse the utility by $15,157 for "improper" use of its plan for private travel.

The sensitivity was evident at Bush Field and at Daniel Field, Augusta's general aviation airport, during the Masters week. Parties of casually-dressed visitors debarking the jets remained tight-lipped in the face of a reporter's questions about their identity and the companies they represented.

"There's some stigma attached to bringing these planes around a recreation area," acknowledged a Lockheed representative who was displaying one of Lockheed's latest jets at the airport.

The large Allis-Chalmers Corporation jet flew in with the Iranian Ambassador. The General Motors jet was there—as were jets from General Electric, Coca-Cola, United Technologies, Owen Corning-Fiberglass, Owen-Illinois, Travelers Insurance, Uniroyal, Olin, the Williams Companies, Celanese, Martha White Foods, Provident Life and Accident Insurance, CBS, Time and the New York Times, among many other companies.

As customary, the corporate planes bore no company names. Only by checking the Federal Aviation Administration "N" number displayed on each aircraft against public F.A.A. records could ownership be ascertained.

FLIGHT CONFIRMED BY IRANIANS

More of the companies, when contacted later, said their corporate jets were in Augusta on proper business. The Travelers Corporation, for instance, said its president, Morrison H. Beach, and other executives flew down in its Gulfstream jet in connection with the Travelers' sponsorship of television coverage. General Motors, another TV sponsor, said it flew its Cadillac division executives there for the same reason.

The three news-gathering organizations—CBS, Time and The Times—said they dispatched their planes to Augusta for coverage of the tournament. Time's passengers were Sports Illustrated, it said, while The Time's Citation carried three executives of the company-owned Golf Digest, a spokesman said.

Some companies declined to comment. Allis-Chalmers, the Milwaukee-based motor and machine manufacturer, chose not to confirm or deny the trip of its British-built BAC–111 jet to August carrying the Iranian Ambassador, Ardeshir Zaheli. The flight was confirmed by the Iranian Embassy in Washington.

Similarly, the General Electric Company declined any comment in the presence of its jet at Augusta. At United Technologies in Hartford, a spokesman confirmed that a company Jet Star "stopped off" in Augusta, but declined to say who was on board.

What makes the matter serious, according to Lewis D. Gilbert, a corporate gadfly who often raises the issue consistently, is the heavy cost of keeping corporate jets. The purchase price may range from $945,000 for a Cessna Citation I and $1.7 million for a Gates Lear-jet to $5.5 million for a Grumman Gulfstream II. Inside, the planes are typically outfitted with swivel seats, comfortable tables, opulent carpeting, a bar, and a galley.

Operating costs, including fuel, depreciation and other charges may run from $1.50 a nautical mile to $6. At a speed of 500 miles an hour, that works out to between $750 and $3,000 an hour, or up to $12,000 for four hours of round-trip flying between New York and Augusta. By contrast, a round-trip ticket on a commercial airline costs $154.

S. 790—THE ADAMS LETTER

Mr. **BAKER**. Mr. President, the distinguished majority leader (Mr. ROBERT C. BYRD) and I have received letters from Transportation Secretary Adams. The letter addressed the concerns of President Carter and the Department of Transportation on issues contained in S. 790—the proposed reconstruction of locks and dam 26 and the proposed establishment of a system of waterway user charges.

Because this letter deals with important issues of interest to each of our colleagues, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., May 20, 1977.

Hon. HOWARD BAKER,
Minority Leader, U.S. Senate,
Washington, D.C.

DEAR SENATOR BAKER: As you are aware, I testified on May 2, 1977, before the Water Resources Subcommittee of the Senate Committee on the Environment and Public Works concerning the position of this Administration on the issues of Lock and Dam 26 and Waterway User Fees. I indicated that the Administration strongly favored the imposition of a user fee system, to be imposed gradually over five years, which would recoup 100 percent of waterway operating and maintenance costs and all or a substantial portion of new construction costs. Federal expenditures on waterways through the Corps of Engineers and the Coast Guard are now approaching $1 billion a year. Commercial waterway users are thus receiving a major benefit from these Federal expenditures, while the full burden of those expenditures falls on the shoulders of the taxpayer. It is simply not equitable, not just, that large, profit-making businesses should have their costs met by the Federal government to this extent.

I further indicated that it was the position of the Administration that before any new lock and dam facilities are authorized at site 26 in Alton, Illinois, an 18-month engineering field testing effort should be undertaken concerning the possibility of rehabilitating the existing lock and dam facility and expanding the lock capacity to 1200 feet. We believe, through new engineering techniques, that rehabilitation is a viable possibility that deserves very serious consideration since it could cost considerably less taxpayer money than construction of a new lock and dam. In view of the fact that Department of Transportation studies indicate that a 1200 foot lock capacity will not be necessary until at least 1990, and the fact that construction will require 8 to 11 years, there is ample time for the rehabilitation possibility to be properly explored. Repairs on the existing lock and dam are now being undertaken that will assure that the facility can function safely until any rehabilitation or construction is completed.

As you know, however, the Senate Environment and Public Works and Commerce Committees has reported a bill (S. 790) at some variance with this position. While the Public Works version contains a user fee provision, it would also authorize a new lock and dam. The Commerce Committee voted in favor of authorizing a new lock and dam and to have DOT study user fees over 18 months.

Because of the importance of this legislation to overall transportation planning and because of its impact on the President's efforts to balance the budget, I feel I should inform you and the Senate of the President's very firm intention to veto any bill authorizing construction of a new Lock and Dam 26 prior to completion of the 18-month field test which does not also contain a provision for the establishment of waterway user charges.

I am hopeful that, working within this constraint, we will be able to enact legislation satisfactory to the various interests involved, and I look forward to working with you in this regard. I would be happy to meet with you at any time to review the basis for the Administration's views on this matter.

Sincerely,

BROCK ADAMS.

ADDRESS BY MARK L. SCHNEIDER ON HUMAN RIGHTS

Mr. **KENNEDY**. Mr. President, earlier this month in Atlanta, Mr. Mark L. Schneider, Deputy Coordinator for Human Rights in the State Department, delivered a significant address on human rights in American foreign policy.

Speaking before the Inter-American Bar Association in Atlanta, Mr. Schneider, who until recently was a member of my staff, emphasized the Carter administration's high priority for human rights. He also cited eight significant steps already initiated or carried out by the administration to implement this new priority and to coordinate the activities of the executive branch in this major area.

Mr. President, the Congress shares the strong commitment of the Carter administration to human rights. I believe that Mr. Schneider's address will be of interest to all of us involved in this worthwhile and unusually important effort, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY MARK L. SCHNEIDER

I am pleased to be here this morning to participate in the seminar on human rights sponsored by the Inter-American Bar Association and the Inter-American Bar Foundation.

I want to express my appreciation to Charles Norberg, Foundation President, and Felipe Casanova, President of the Inter-American Bar Association, for the invitation to attend this session. Patricia Derian, the Human Rights Coordinator, wanted me to express to you her regret at being unable to be present herself.

It is a particular pleasure to be able to join with such distinguished international lawyers as Dr. Maximo Cisneros, our moderator, Dr. Carlos A. Dunshee De Abranches, vice chairman of the Inter-American Human Rights Commission; and with Dr. José Gutierrez, former dean of the law school in San Jose, Costa Rica.

The Inter-American Bar Association has a long and distinguished record of concern for the promotion of law and justice in the Hemisphere. Among your members are outspoken and committed advocates of human rights.

The status of human rights in the Hemisphere is one of continuing concern. In all too many countries, we see these rights violated. It is also clear that members of the Association and your fellow attorneys are becoming ever more frequent victims of repression.

There are not a handful of names on the list of dead, tortured or exiled; there are dozens and dozens. Perhaps we read about the more dramatic. However, there are many others, men and women whose profession places them at risk in their country. All of us have a responsibility to emphasize and demand respect for the professional role that lawyers play, the role that they must play if justice is to be advanced.

The facts seem no longer to be in dispute. The annual report of the Inter-American Commission on Human Rights for 1976, to be presented to the General Assembly of the Organization of American States, asserts the following:

"In this line of thinking, we must mention first of all, the serious limitations on the right to a defense in some countries of our continent. According to information gathered by the Commisison, in some countries the performance of attorneys in defense of human rights is obstructed or prevented by assaults against life, deprivation of freedom, exile or every kind of threat or reprisal against them or their families. The Commission has specific denunciations by attorneys who have been victims of every kind of violence caused only by their active participation in the defense of persons detained for reasons of state security or for alleged violations against the public order.

"In some instances, the bar associations or similar organizations which have fulfilled their duty to defend their members' rights have also been subjected to threats and acts of violence. The Commission has also received denunciations stating that in some instances judges have also been the victims of these abuses and that they are also exposed to delayed promotions or even the loss of their positions if they do not yield to the intentions of the executive authorities."

These conclusions reflect the grave threat which faces your profession and through you the right of individuals to justice before the law.

The Carter Administration is determined that United States foreign policy will include as a high priority the advancement of human rights of peoples throughout the world. That determination begins with the President.

In his inaugural address three months ago, President Carter said, "Because we are free we can never be indifferent to the fate of freedom elsewhere. Our moral sense dictates a clearcut preference for those societies which share with us an abiding respect for individual human rights."

In a host of ways, the President, the Secretary of State and other spokesmen of this Administration have attempted by word and deed to give substance to that concern.

At the United Nations, President Carter reiterated that position in a statement to all nations. Again, before the OAS, he underlined his determination that human rights be accorded high rank in this Administration.

He said, "Our own concern for these values will naturally influence our relations with the countries of this Hemisphere and throughout the world. You will find this country eager to stand beside those nations which respect human rights and promote democratic values."

He spoke to the assembled Ambassadors. But he also spoke to the people of Latin America—to the campesios and the urban workers, to the intellectuals and the labor leaders and, yes, to the military and political prisoners as well.

He was saying that there is a new policy coming forth from the United States. To some it spells hope, to others, dread. It is a policy which is different from the past. It is a policy that is deeply and intensely concerned about human rights violations, regardless of the banner that produces them.

This policy stems in part from the history and heritage of this nation. It reflects our own image of ourselves and how we want to be viewed by others.

Our statements and action conform not only to our own ideals but to responsibilities we bear under international law.

We have signed the Universal Declaration of Human Rights and the American Declaration of the Rights of Man. The Covenant on Civil and Political Rights has come into force and Articles 1, 55 and 56 of the United Nations Charter provide for all members to act so as to achieve "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion."

We are not directed to await joint action but to act both jointly and separately. I find our actions and statements thoroughly in accord with that cause.

Nor is it solely a matter of our responsibility under international law. Section 502B (a)(1) of the Foreign Assistance Act of 1961, as amended, states that "a principal goal of the foreign policy of the United States is to promote the increased observance of internationally recognized human rights by all countries."

We are asserting a new policy: but it is one which is in keeping with our tradition, our international obligations and our laws. It is supported by the American people and it has been pressed forward by many of their elected representatives in the Congress.

While there are competing interests and balancing factors in every foreign policy decision, I think it is clear that we intend that respect for human life will be an ever present priority in that process.

President Carter set forth the guiding principles in his speech to the United Nations. He stated that our policy would be designed:

"To maintain peace and to reduce the arms race;

"To build a better and more cooperative international economic system; and

"To work with potential adversaries as well as our close friends to advance the cause of human rights."

Only a few days ago, Secretary Vance asserted, "the resolve of this Administration to make the advancement of human rights a central part of our foreign policy."

Let me cite briefly some of the steps we have taken in conformity with that pledge:

First, internally we have begun to define the ways each bureau in the Department can promote and implement this policy and ultimately, we would expect to see similar efforts from all agencies in the executive branch so that our policies can be coherent from Foggy Bottom to the Pentagon.

Second, we have strengthened the coordinating office for Human Rights and Humanitarian Affairs to permit us to monitor our performance in sustaining and advancing the direction set forth by the President.

Third, we have ended the long period of delay in submitting for ratification, pending treaties in the human rights field. We are committed, within a few weeks, to send to the Senate for ratification the Covenant on Economic, Social and Cultural Rights and the Covenant on Civil and Political Rights. We are committed to support the ratification of the United Nations Genocide Convention and the Treaty for the Elimination of all Forms of Racial Discrimination. At the OAS, the President announced that he would sign and submit to the Senate for ratification the American Convention on Human Rights.

If we are asking more of others, then we must be ready to give more of ourselves.

Fourth, we are committed to match our performance with our rhetoric in working to broaden our assistance to political refugees, whether they are fleeing repression from regimes of the right or the left. Toward that end, we have testified in favor of changes in the immigration and naturalization laws to conform our refugee definition to that of the United Nations Protocol of 1967. The President stated, "and we will support, in cooperation with international agencies, broadened programs for aiding political refugees."

Fifth, we have begun to undertake changes in our travel policies, removing all restrictions on American travel abroad and liberalizing almost completely travel opportunities to America.

Sixth, we have begun to review our overall security assistance policy, at the same time that we have acted in full and enthusiastic compliance with the direction set forth by the Congress in recent years. For that reason, we have ruled out security assistance to certain nations and have limited the amount destined to others.

We share the view expressed so well by Senator Alan Cranston, "There are many wrongs in the world and the United States cannot right all the world's inhumanities. But American attitudes do make a difference. We cannot forcibly remove totalitarian regimes. But we can help their victims by refusing to allow security assistance to those countries who use the weapons and training to put their own people under the dictatorial boot."

Seventh, we have begun to develop new economic assistance policies that aim both to raise the condition of life to those most needy and to focus greater assistance to those countries who respect and promote human rights and democratic values.

Finally, we have spoken out in the past publicly and privately to other goverments urging respect for human rights and humanitarian relief and compassion to specific individuals. And we will continue to do so.

We are at the beginning of a policy, not the end. We are in the process of defining its framework; yet we cannot expect events to come to a halt while we complete that process.

Individual rights are abused. People are tortured. People disappear. We cannot ask the victims to wait for us to elaborate the last detail of our policy instructions. They cannot wait. And so we must act at the same time that the honing of a policy is taking place.

The Secretary offered a definition of the rights which will deserve our continuing concern.

He said, "First, there is the right to be free from governmental violation of the integrity of the person. Such violations include torture; cruel, inhuman or degrading treatment or punishment; and arbitrary arrest or imprisonment. And they include denial of fair public trial, and invasion of the home.

"Second, there is the right to the fulfillment of such vital needs as food, shelter, health care and education. We recognize that the fulfillment of this right will depend in part, upon the stage of a nation's economic development. But we also know that this right can be violated by a government's action or inaction—for example, through corrupt official processes which divert resources to an elite at the expense of the needy, or through indifference to the plight of the poor.

"Third, there is the right to enjoy civil and political liberties—freedom of thought; of religion, of assembly; freedom of speech; freedom of the press; freedom of movement both within and outside one's own country; freedom to take part in government.

"Our policy is to promote all these rights. They are all recognized in the Universal declaration of Human Rights, a basic document which the United States helped fashion and which the United Nations approved in 1948."

The Secretary also said,

"We may justifiably seek a rapid end to such gross violations as those cited in our law: "torture, or cruel, inhuman or degrading treatment or punishment, or prolonged detention without charges. . . ."

And he added, "The promotion of other human rights is a broader challenge." But it is one that will be met.

We are moving forward. Of that you can be sure. Slowly, we are extending the reach of the policy into other branches of the U.S. Government beyond the Department of State. This policy must be coherent and comprehensive, so that all arms of the U.S. are communicating the same signal around the world, the signal that we will stand closest to those who respect human rights and preserve democratic values.

Senator Dick Clark last October reported in town meetings conducted by State Department representatives around the country on our foreign policy. Time and again, the subject of human rights was raised. Senator Clark said, "The people seem to be saying we know what kind of people we are, but does the Government know?"

I think we do now. I believe as well that this policy, however difficult and unpleasantly imprecise, will be integrated into our foreign policy. I do not expect the results to be immediate nor obvious nor overwhelming. There is little that we can mandate in the internal affairs of other nations. Nor do we seek such power. But we do intend to let all other countries know where we stand. And our relations with them will be affected by where they stand.

This new policy draws the full and abiding support of the American people. It also makes it possible for traditional democratic groups in other countries to identify with our goals and to a degree with our nation. Equally important, it prevents the automatic identification of the United States with repressive regimes, whose victims, once they gain power, are not easily disposed to forget our ties with their tormentors.

Our attraction to other nations and other peoples has never been limited to the power of our military or the bounty of our economy. They have been drawn as well by the sound of liberty. That sound has been one of our great assets in the past. We intend that the sound be heard once more.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Jamie C. Boyd, of Texas, to be U.S. attorney for the western district of Texas for the term of 4 years vice John E. Clark, resigned.

Rodolfo A. Garza, of Texas, to be U.S. marshal for the western district of Texas for the term of 4 years, vice Sam H. Roberts, resigned.

Joseph J. Harvey, of Washington, to be U.S. marshal for the western district of Washington for the term of 4 years, vice Charles E. Robinson, resigning.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Monday, May 30, 1977, any representations or objections they may wish to present concerning the above nominations with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ANTICOMPETITIVE AGREEMENTS IN THE AIRLINE INDUSTRY

Mr. KENNEDY. Mr. President, Steve Aug of the Washington Star wrote a very interesting and enlightening article that I want to share with my colleagues. Mr. Aug described the practice—sanctioned by the Federal Aviation Act of 1958 and the Civil Aeronautics Board—by which major interstate airlines enter into contracts among themselves that serve no important public interest but which carry with them absolute immunity from the operation of the antitrust laws. For example, the airlines have agreed to limit the size of their ads in the yellow pages of the phone book. They have agreed not to provide air-to-ground telephone service except under certain restrictive conditions. Whatever justification there may be to retain some residual regulatory authority to immunize certain collective arrangements from the antitrust laws, agreements such as these underscore the importance of addressing this issue legislatively in the context of regulatory reform of pricing and entry practices in the airline industry. I ask unanimous consent that Mr. Aug's article appear in full in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

With the Blessing of the CAB—How the Airlines Agree To Agree

(By Stephen M. Aug)

Ever wonder why those airline advertisements in the Yellow Pages all look the same—all simple listings rather than the big displays published by other businesses looking for customers?

Or why in an age when people can communicate with spacecraft soaring through the solar system an airline passenger can't make a phone call from an airplane in flight?

Or why, for example, no airline has offered such inducements to customers as free messenger delivery of tickets, or a free direct telephone line to big customers or even travel agents?

Or why handicapped passengers are urged to use expensive first class service rather than the more economical coach?

One big reason, it appears, is that each one of those activities—advertising, public telephone service from airplanes, ticket deliveries, travel agent commissions, accommodating the handicapped and even the size and shape of tickets, the wording of announcements at airports, the spacing between words in computerized reservations messages—is covered by agreements among the airlines.

In effect, under the terms of these agreements, no airline is allowed to do anything different from its competitors—or, at least, it's discouraged from doing anything different. In nearly any other industry, such agreements would be considered conspiracies in restraint of trade and would have a pack of Justice Department antitrust lawyers trying to send the signatories to jail.

In the airline industry, however, they are seen as facilitating the public's use of the airlines and are given the blessing of a beneficent Civil Aeronautics Board.

Although these agreements have existed for years—more than 200 agreements are compiled in the Air Traffic Conference Trade Practice Manual—they have not been generally known outside the trade.

For the most part, they have been routinely approved by the CAB—so routinely, in fact, that board documents from the late '50s and early '60s approving these arrangements simply list them with no explanation of what the agreements do or why the board found it in the public interest to approve them.

CAB approval was necessary, however, because many of these agreements would otherwise violate federal antitrust laws—or at least subject the airlines to the possibility of private antitrust suits. CAB approval immunizes the airlines from antitrust suits involving these agreements.

Only recently have these arrangements begun to attract some attention, and, although it is generally conceded many of them work for the public good, a number of them are being criticized for hindering competition that could benefit the public.

Take, for example, the Yellow Pages advertising agreement. Under this one, airlines have agreed to limit themselves to a simple listing showing their telephone numbers and local offices for reservations. Any airline wishing to do differently—at least east of the Mississippi—must obtain the approval of all the other airlines advertising in the same directory, including the airlines' own competitors.

In any other industry, says Reuben B. Robertson III, a public interest lawyer and frequent critic of the CAB, an agreement such as this "would be an antitrust violation because this is an agreement that restrains competition."

The harm of such an arrangement, Robertson says, is that "you, in a sense, are cutting out the competition of proclaiming your product in a way that may best attract customers for you."

Equally questionable is the agreement involving air-ground telephone service. In 1962 four airlines conducted tests between Chicago and the East Coast involving the possibility of offering telephone service for airline passengers.

The tests went well, but the airlines reported that only 12 channels were available and it was felt that this wasn't sufficient to accommodate the anticipated demand—passengers would get frequent busy signals and blame the telephone company and the airline.

As a result, in 1963 the airlines agreed that nobody would offer air-ground telephone service to the public without getting approval from everybody else.

For some reason, the CAB was considering this agreement 10 years later, because in 1973 the board decided that the joint refusal of the airlines to participate in the development of air-ground telephones was depriving the public of a useful service. It therefore indicated it intended to disapprove the agreement.

In early 1974, however, the board reversed itself. The airlines had changed their agreement to specify that nobody would offer telephone service as long as only 12 channels were available, and member airlines were not prohibited from aiding in technological improvements that might some day lead to telephone service to airplanes.

The CAB's reversal came after Aeronautical Radio Inc.—a company largely owned and controlled by the airlines—told the Federal Communications Commission, which allocates radio channels, that 508 channels would be needed to provide nationwide service, and after American Telephone & Telegraph Co. said 220 channels would be necessary.

However, an AT&T spokesman said the other day that when AT&T asked the FCC to allocate some additional channels for air-ground telephone service in 1974, the airlines did not join in the request. And the FCC, citing the fact that there was no appreciable demand for the service that the airlines weren't providing anyway, turned down the AT&T request.

Why has no airline ever offered such a service? There was, for example, no indication in CAB records that even though the number of channels is limited an airline that wanted to be creative might offer telephone service only to first-class passengers—and charge first-class prices for use of the service.

Sen. Edward M. Kennedy, D-Mass., who directed a massive investigation into how the airlines are regulated, may have one answer: "This looks suspiciously like an agreement among competitors by which no firm will offer to customers a potentially useful service until all firms are capable of doing so."

And why the restriction on Yellow Pages advertising? There the answers seem to vary even among airline officials. Ed Storer, vice president for industry affairs at United Airlines, was asked about the restriction. "I could go further and make it more ridiculous," he said, "it doesn't apply west of the Mississippi."

Storer said one airline may decide it wants to advertise more than just a listing in the Minneapolis directory. "So they can request and get an exemption and then everybody says, 'OK, we'll be exempt, too.' Rather than do that, we simply say 'it doesn't apply in Minneapolis.' "

But he says the purpose of any such restriction is basically cost: "If you take the advertising cost in one edition of the telephone book and multiply it by all the cities in the U.S.A. and you have to match the large amount of advertising which is being done by another carrier, you're adding a tremendous amount of cost which eventually has to be passed along to the consumer."

Not so, says Norman Philion, executive vice president of the Air Transport Association, trade organization of the scheduled airlines. The cost "is a very small, small, part of the airline advertising budget. It's peanuts in terms of the total media advertising budget."

The real reason, says Philion, is that the standard format in the Yellow Pages makes it easier for a potential customer to find what he's looking for. "If you turn to other competitive areas of travel and tourism, there's no consistency," he says.

That, however, was not good enough for Kennedy. Testifying during Senate aviation regulatory reform hearings, he said, "neither the advertising nor the air-telephone resolutions offer public benefits sufficient to justify what would otherwise be illegal conspiracies in restraint of trade."

But what about the other agreements—the hundreds of them that currently exist? ATA President Paul R. Ignatius, in testimony before a Senate Commerce aviation subcommittee recently, cited a statement by the Justice Department's antitrust chief, Donald I. Baker, to the effect that "the overwhelming majority of them are beneficial and not anticompetitive in any sense."

Kennedy, Robertson and others have been urging Congress to take away the CAB's authority to grant immunity from antitrust prosecution for airline agreements on the grounds that the public may be suffering from higher prices and lack of innovative new services.

Donald Flexner, head of the regulated industry section at Justice's antitrust division, says, though, that the department never has had a formal study of all the airline agreements to determine the extent to which they may hamper beneficial competition.

In fact, in the days when the CAB routinely approved many of the agreements, the trust-busters didn't have enough lawyers to take part in such matters at the board. In those days the department barely had enough help to tackle major airline mergers or similar major cases.

What's more, recalls Joseph J. Saunders, chief of the public counsel and legislative section, "you didn't have then as you do now the public interest groups organized to give an additional view to the agency. We did what we could—but we had to pick and choose and try to get in on the most significant cases. And the board just was not getting very much of a sounding from anybody else" besides the airlines.

Nevertheless, in more recent years, some airline agreements have become the subjects of major battles at the CAB. Perhaps the biggest scrap involves travel agent commissions.

The Justice Department generally wants competitive commissions. The airlines want to remain free to set the commission rates—as they now do—so that all travel agents get the same. Travel agencies are in disagreement the American Society of Travel Agents wants an open commission situation, some of its members want fixed commissions.

The argument in favor of open commissions, as summarized by Robertson—who represents Ralph Nader's Aviation Consumer Action Project—is, "if you can't compete by offering various kinds of arrangements to the people who are selling your tickets then it's clear that you have limited very seriously one of the greatest incentives for increasing your sales—or incentives for travel agents to increase your sales."

The industry view generally is that fixed commissions for travel agents will prevent some airlines from paying unusually high commissions to win additional business—and that the high commissions will eventually have to be paid for by consumers.

Nevertheless, many of the agreements among the airlines are widely conceded to benefit the public. They allow the airlines, for example, to make it easier for passengers to travel on several airlines without having to buy more than a single ticket; they ease the use of credit cards; they permit baggage to be transferred quickly from plane to plane at intermediate stops; they permit freight to be sent from airline to airline with a minimum of problems; they make certain that handicapped persons are not sold a ticket by one airline only to be turned away by another.

There is little doubt that many of these agreements would survive even if Congress lifted the CAB's authority to grant blanket immunity from antitrust prosecution for some agreements.

NATIONAL SMALL BUSINESS WEEK: A LOOK AT PROBLEMS AND SOLUTIONS

Mr. HUMPHREY. Mr. President, during the week of May 22 to 28 our Nation pays tribute to the men and women who provide the foundation of our capitalist enterprise system.

I am speaking of the men and women who have the determination, the courage, and the talent to carve out a place for themselves in the American marketplace.

I am speaking of the men and women who have the will to breathe life into their dreams of acieving financial independence through creation of new companies to meet the Nation's growing demand for goods and services.

I am speaking of the men and women who play instrumental roles in the development of most of our new technology and technological innovation that make increased growth and productivity possible.

I am speaking of the men and women who make up the foundation of our economic system and who constantly renew its crucially important elements of competition.

Mr. President, I am speaking of the Nation's small business men and women and of President Carter's designation of May 22 to 28 as National Small Business Week.

Few people realize that the place occupied by small business in our economy is of monumental proportions. Small businesses comprise more than 95 percent of all commercial and industrial entities in the Nation. They employ more than half of the labor force. They produce nearly half of the Nation's goods and services.

Yet despite, or perhaps because of its unrecognized collective size, many small business men and women find themselves engaged in a needless, constant struggle to survive.

Under the best of economic conditions a large number of small businesses are unable to obtain adequate investment capital on reasonable terms. Historically, small business funding needs, if they are met at all, are answered on a residual basis—after the demands of large corporate and public borrowers have been satisfied. This circumstance alone amounts to calling two strikes on small business before it gets a chance at the plate.

What constitutes a characteristically bad situation may grow even worse in the years ahead. Various studies and projections have underscored the possibilities of a serious capital shortage for business during the next 10 years. What this means in effect is that any shortfall in available capital will weigh most shoulders of small business.

Small business has also been victimized by what the Labor Department itself is now calling "nitpicking, Mickey Mouse" regualtions imposed by the Occupational Safety and Health Administration. Such regulations have burdened small businesses to the point where their very existence, in many instances, is jeopardized. The time is long overdue for a thorough weeding of OSHA regulations to rid the program of unneeded and ineffectual requirements while carrying out the essential purposes of the law.

In this connection, it is gratifying to find that Labor Secretary Ray Marshall shares this conviction that reforms must be implemented as quickly as possible and that the program must focus most of its energies on major safety and health problems. I sincerely hope that the changes he advocates will be as extensive as he has indicated.

A similar reform effort is needed to relieve small business of unnecessary and costly reporting and compliance regulations imposed under the Employee Retirement Income Security Act. In effect, this program has produced an avalanche of reporting and recordkeeping requirements which many small businesses are totally unequipped to cope with in terms of expert personnel or financial resources. A house cleaning effort, similar to the one promised by Secretary Marshall of OSHA, is also long overdue for ERISA by the Labor Department and the Internal Revenue Service which administers this program.

These problems painfully demonstrate the need for a new legislative mandate for small business—a need to elevate the requirements of small business to a much higher level within the Federal Government. In point of fact, Congress should approve legislation which would:

First, Establish a national policy on the investment needs of small business to help assure that this vast sector of the economy obtains adequate capital at reasonable cost;

Second. Raise the position of Small Business Administrator to Cabinet level, similar to positions accorded to the Chairman of the Council of Economic Advisers and the Director of the Office of Management and Budget;

Third. Streamline the Small Business Administration so that redtape and delays are cut away and timely and sufficiently professional technical assistance is provided to small business on request.

Mr. President, under my direction and the direction of Senator McIntyre of the Select Committee on Small Business, legislation to achieve these changes is now being developed. It is my hope that the bill will shortly be introduced and that by the time National Small Business Week rolls around next year America's small businesses will have a much improved status.

We can do no less if we wish to sustain a strong and energetic capitalist enterprise system.

SMALL BUSINESS WEEK

Mr. ANDERSON. Mr. President, I am pleased to join my colleagues in reaffirming our support of small businesses during Small Business Week.

Small businesses have been the backbone of our Nation from its beginning. Today small business provides over 50 percent of all private employment, 43 percent of the business output and one-third of the gross national product.

Our small businesses have helped make America the strongest, most productive Nation on Earth, but today they are in trouble. They are being buried by a blizzard of paperwork and increasingly burdened by complicated laws and regulations. Skyrocketing product liability insurance premiums are forcing many small manufacturers to lay off workers or close their doors for good. The impact on small communities is devastating.

This year the Senate wisely decided to retain an independent Select Committee on Small Business because of the vital tasks assigned to it. The Senate also unanimously passed a resolution calling for a White House Conference on Small Business to identify problems and find solutions. There has not been a major administration conference on small business since 1956.

I am confident that the Senate will work diligently to help our small businesses get back to doing their job. An essential first step is to make sure they are heard. Small business people do not have the time or money to come to Washington to present their case. We must make a more determined effort to consider the impact of our decision on small businesses and their employees before enacting the laws.

Each year the Small Business Administration recognizes the achievements of an outstanding small business person in each State. I would like to take this opportunity to honor Minnesota's Small Businessman of the Year—Paul Riedell of Red Wing.

Mr. President, Paul Riedell is the founder and chairman of the board of Riedell Shoes, Inc., manufacturers of quality skating boots, located in Red Wing, Minn. He was born and raised in Winona and as a youngster he developed into one of the outstanding figure skaters of the area. Shortly after his marriage to skating partner Sophia Breza, they moved to Red Wing where Mr. Riedell began his career in shoemaking with a large local manufacturer. He worked 19 years for this company, advancing from machinist to assistant superintendent. Mr. Riedell found that boots to which skates were attached were not of good quality and he started making boots for his own skates. Studying the bone structure of feet, he was able to make a shoe that was best suited for the motions of the skater. Several of Mr. Riedell's fellow skaters tried his boots and found them to be superb. This encouraged him to make boots in his spare time and this became the starting point of the Riedell Shoe Co.

In 1945, the business was formally organized. With a small amount of capital and with eight employees, the firm reached a daily production of 40 pairs of boots in the first year. Because of the excellent quality in his products, sales increased and by 1948 the company moved into a larger plant and was employing 25 experienced shoemakers. Sales continued to rise and in 1959, the company purchased 5 acres of land in the Red Wing Industrial Park and constructed a new 24,000-square-foot building, which is one of the most modern and best equipped factories of its kind in the country. In 1972, 20,000 additional square feet were added and the company was then employing 200 people. Since its beginning in 1945, the company has manufactured 2,500,000 pairs of boots.

Paul Riedell has always shown a concern for people. One of the major contributing factors to the success of the company has been due to the loyalty and support of its employees. Paul Riedell is justifiably proud of his company/employee relationship. The company provides many liberal benefits to its employees, including the profit sharing plan, retirement plan, and bonuses. The company is now, and always has been an equal opportunity employer.

Mr. Riedell has shown a keen and sympathetic understanding to the physically handicapped. During the past 30 years, hundreds of pairs of skateboots have been made and provided for children and adults who have needed special skating boots to help in their therapy, such as those crippled from polio or birth defects.

Paul Riedell's achievements have not gone unnoticed. In 1975, he was installed in the Roller Skating Hall of Fame, and in 1976, the Leather Industries of America presented the "American Designer Award" to him.

Mr. Riedell has been active in many organizations in Red Wing and elsewhere. He has served on the board of trustees and building committee of his church; March of Dimes chairman; Board of Public Works; Isaac Walton League; Red Wing Wildlife League; Red Wing Manufacturers Association; and was one of the charter members who helped organize the Ice Skating Institute of America. He also contributed to and participated as an active member of the Roller Skating Rink Operator's Association.

THE DEATH OF GEN. LEWIS B. HERSHEY

Mr. THURMOND. Mr. President, one of America's greatest soldiers and patriots, Gen. Lewis B. Hershey, passed away in his sleep last Friday, May 20, 1977.

General Hershey retired as Director of the Selective Service System in 1973 at the age of 79, the oldest military man on active duty.

His military career spanned seven decades, his initial duty having begun with service as a private in the Indiana National Guard. From that time onward he served on the Mexican border and in France during World War I.

In 1936 he was called upon to set up a draft system in the event of another war and his recommendations were the basis of the draft law approved by the Congress in 1940.

Assuming the post as Director of the Selective Service System in 1941, he supervised the operation of this system and the drafting of over 14 million Americans during his 29-year tenure.

Mr. President, it was my great pleasure to know General Hershey both in an official and unofficial capacity. His work as chairman of the building fund for the Reserve Officers' Association headquarters on First Street and Constitution Avenue was typical of the energy he put into any undertaking. In 1968 a month after the building was occupied he announced at the dedication ceremonies that the building and property were paid for in full.

A popular guest at the annual midwinter meeting of ROA, General Hershey never failed to invoke a standing ovation when introduced to the guests. He was very active in ROA and also served as head of the American Legion branch of the Army, Navy, and Air Force Veterans of Canada. This group was made up of Americans who entered World War II through the military services of Canada because their commitment preceded our own country's entry into that war.

Another side of General Hershey not generally known was his long and active role as a supporter of the Boy Scouts of America. He led campaigns to raise funds for the Boy Scouts and contributed to that organization in many ways.

A man who treasured his friends, his personal qualities were an inspiration to all who had the privilege of knowing him. A patriot of the highest order, he dedicated his life to his country out of a deep belief in the American way of life, our people, and our Government. He possessed the highest traits of character, and provided an example of integrity, loyalty, and patriotism seldom seen throughout our history.

Mr. President, General Hershey was also a devoted husband and father. He was dedicated to his late wife and his four children, two sons and two daughters. Despite failing health, he insisted upon leaving his sickbed to receive friends at the funeral home when his wife died, and upon attending the funeral services and be at her graveside.

Mr. President, in closing I ask unanimous consent that two articles on his death, the first appearing in the May 20 issue of the Washington Star, and the second, in the May 21 issue of the Washington Post, be printed in the RECORD at the conclusion of my remarks. However, I must take issue with a sentence in the Star account which claimed that General Hershey was "fired" from his post by President Nixon in 1973. Of my own personal knowledge, I know this not to be the case.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Star, May 20, 1977]

HEADED SELECTIVE SERVICE 29 YEARS: GENERAL HERSHEY, 83, DIES IN INDIANA

(By Richard Slusser)

Retired Army Gen. Lewis Blaine Hershey, 83, who supervised the draft of 14.5 million Americans during the 29 years he was director of Selective Service, died today in his home town of Angola, Ind.

Hershey died at a motel where he spent the night, according to Steuben County Sheriff Paul Gordon. He was to have attended graduation exercises scheduled later at his alma mater, Tri-State University, where a memorial to him is being set up.

From 1941 to 1970, six presidents signed the "Greetings" received by every draftee, but it was always Hershey—as director of Selective Service—who sent the letters. Hershey retired in 1973 at age 79, the oldest military man on active duty.

In late February 1977 he was admitted to Walter Reed Army Medical Center for treatment of a stroke he suffered at his home on Lambeth Road in Bethesda. His wife, Ellen Dygert Hershey, died April 1 in Walter Reed at the age of 84.

At the time he was stricken, Mrs. Hershey said of her husband: "While he was working hard, he seemed to be doing all right. It seems when they have to quit the things they have been doing for many years they just fold up."

Hershey's condition worsened on Feb. 24 before he was taken into surgery about 5:30 p.m. that day. Following a four-hour operation for the removal of a blood clot from the brain, Hershey began a recovery that for a man his age was somewhat remarkable. He soon became well enough for travel.

There was little criticism about the way Hershey ran Selective Service until the Vietnam War. He then became the target of people opposing that war for his recommendation that draft boards cancel deferments for college students who participated in antiwar demonstrations. His order that local draft boards induct persons who burned draft cards added to calls that he be replaced.

A senator critical of Hershey once remarked that the general "has a kind of symbolism about him."

That symbolism was, in part, a blind trust of and belief in past wars fought by the United States. However, the trust became not so blind during the U.S. involvement in Vietnam—the third war in which Hershey was the draft czar—and the general became the embodiment of the militarism opposed by millions of dissenting youths and adults.

In 1970, less than a month before Hershey was reassigned from Selective Service by President Richard M. Nixon, the Supreme Court ruled that a draft delinquent may not be deprived of deferments as punishment for anti-war or anti-draft protests, that Congress did not give draft boards authority to "ride herd on the registrants using immediate induction as a disciplinary or vindictive measure." Five years before that decision, Hershey had remarked that card-burners "shouldn't be prosecuted . . . they might learn what it's all about."

Whether the administration was feeling the pressure of calls for Hershey's replacement or whether his manipulation of the draft and draft appeals boards was becoming an embarrassment, Nixon fired Hershey in 1970. The general was reassigned to an office at the Pentagon, where he served as Nixon's adviser on manpower mobilization chief for three more years.

He began his military career 67 years ago with his enlistment as a private in the Indiana National Guard. He was elected second lieutenant by his company six years later. Although no one knew for sure if Hershey ever had been in combat or been drafted, one account had him commanding "battlefield troops in 1917 in a skirmish on the Mexican border with bandit-revolutionary Pancho Villa."

In 1918 he was sent to France but was hospitalized and peace was declared before he saw action.

Hershey returned to the United States two years later, took an examination for the Regular Army and his legendary military career began in earnest.

His rise within the draft hierarchy came after he built a reputation in the late 1930s by preparing the machinery for a Selective Service system. President Franklin D. Roosevelt rewarded Hershey with a promotion to brigadier general. Two months later, and five months before the attack on Pearl Harbor, Roosevelt named him director of Selective Service.

Despite his rise to the top of Selective Service, Hershey never seemed to lose the homespun quality of rural Indiana. He was born in Steuben County, the son of the sheriff of his hometown of Angola where he died.

He attended a one-room elementary school and Fremont (Ind.) High School. After completing a course at Tri-State College he began teaching in Indiana country schools, but continued his college studies and received bachelor of science and bachelor of arts of pedagogy degrees from Tri-State. Later he was a graduate student at Indiana University.

He leaves two daughters, Kathryn H. Layne of the District and Ellen Margaret Barth of Kaneohe, Hawaii; two sons, Gilbert, a retired Marine Corps colonel, of Jacksonville, N.C., and George, of Bremerton, Wash., 13 grandchildren and three great-grandchildren. Funeral arrangements have not been announced.

[From the Washington Post, May 21, 1977]

GENERAL HERSHEY DIES, DRAFT CHIEF IN 3 WARS

(By Jean R. Hailey)

Retired Army Gen. Lewis B. Hershey, 83, one of the nation's most powerful men during three decades as director of the Selective Service System, died yesterday in his sleep at a motel in Angola, Ind.

A trustee of his alma mater, Tri-State College in Angola, he had gone there to attend a board meeting yesterday afternoon. He also was to have attended graduation exercises today at the college, where a memorial to him is being created.

A preliminary autopsy last night disclosed that Gen. H. Hershey died from a heart disease associated with hardening of the arteries. On Feb. 24, he had undergone surgery at Walter Reed Hospital to remove a blood clot from his brain.

He remained hospitalized until April 20. He then was allowed to return to his home in Bethesda, but went back to Walter Reed as an outpatient.

When his wife of 59 years, Ellen Hershey, died of a heart attack on April 1, Gen. Hershey got permission from hospital authorities to attend her burial in Arlington National Cemetery. Despite his incapacities, he insisted on walking from the chapel to the graveside.

Friends said yesterday that her death contributed greatly to his rapidly worsening health. He was accompanied on the trip to Angola by a son, retired Marine Corps Col. Gilbert Hershey.

A controversial figure, who had served under six Presidents and during three wars as well as in peacetime, Gen. Hershey had overseen the drafting of millions of Americans.

In the early part of his career as head of the draft system, Gen. Hershey met with little opposition. Then, during World War II, patriotism, which meant serving the country, was the key word.

He was a celebrity who could ask for and receive radio time almost anytime for nationwide broadcasts on the draft to a country at war.

But in the 1960s, Gen. Hershey ran the full gamut of criticism. He became an open target for war dissenters and those opposed to sending U.S. troops to Vietnam. He seemed almost immune to the barbs.

"I had some temper," he once said, "but as you grow older it doesn't bother you so much because it tires you out to get mad."

Although there were calls for his ouster for years before he finally was eased out of his position, he clung tenaciously to the job.

Finally, in October, 1969, President Nixon announced that Gen. Hershey would step down as Selective Service chief on the following Feb. 16.

He was reassigned as an adviser to the President on manpower mobilization, a position he held until 1973, when he retired from the Army

In an interview in 1970, shortly after he left the Selective Service, he noted:

"It was inevitable. And there's always a question whether you wait the way I did too long. But I would feel I was runing away.

"I haven't allowed myself to regret it. I enjoyed the damn turmoil I went through over there. But I don't think I ever wake up at night and miss it."

Before he became involved in Selective Service planning and administration, Gen. Hershey's military career had been comparatively uneventful.

Born on a farm in Steuben County, Ind., he graduated from high school, briefly attended Tri-State College and became a country school teacher. He later earned several degrees at Tri-State and was a graduate student at the University of Indiana when this country entered World War I.

Gen. Hershey had joined the Indiana National Guard at age 18, and served with it on the Mexican border.

He was sent to France in World War I but saw no combat. After the war, in 1920, he joined the regular Army and saw duty in Texas, where he lost his right eye in a polo accident, and in Kansas and Hawaii.

In 1936, he was assigned as secretary to a Joint Army-Navy Committee set up to determine how a Selective Service System might be established in case the United States again entered a war. Its recommendations were the basis for the draft law passed in 1940.

Gen. Hershey was named executive of the new Selective Service System that year and became its director in July, 1941. By that time, he had begun to view the agency as an instrument to control all the manpower in the United States.

He considered total reliance on the draft as essential not only for military purposes. He felt his agency should decide where the individual could best serve a nation in total war.

But he frequently changed his views. A short while later, he declared the armed forces no longer could share available young men with essential war industries.

Even before the war ended, Gen. Hershey was calling for a postwar system of universal military training. However, with the war's end, the draft system was junked.

President Truman then appointed him chief of the Office of Selective Service Records. When the draft was revived in 1948, Gen. Hershey again became director of the Selective Service System.

Known as a tough, direct, honest and combative man," he continued to run with boundless energy a system that included thousands of local draft boards and appeals boards.

Gen. Hershey favored decentralization of operations to the extent that the draft boards were in the best position to determine who should be required to bear arms. On the other hand, he often issued general instructions to all boards.

Gen. Hershey's greatest problem came in the 1960s during protests against the Vietnam war. Attacks on him reached their high point in 1967 when he directed draft boards to induct immediately antiwar protesters.

That directive was struck down two years later by the U.S. Court of Appeals.

In the meantime, protesters had camped at the doors of Selective Service System offices, speeches by Gen. Hershey had been disrupted on college campuses and elsewhere and demands were being made for his removal.

He remained undaunted. At one point, he even marched in a peace rally in Washington. At times, he seemed to sympathize with angry youths opposing the Vietnam war and the draft, although he was unable to offer an easy solution.

"The youth always have the responsibility of defending the country," he said. "How can they defend it if they don't believe in it (the country's participation in the war)?"

But at other times, he lashed out at protesters and draft-card burners claiming they were publicity seekers who should be prosecuted and/or inducted.

Gen. Hershey had opposed a shift to a lottery draft system in the 1960s, but later changed his stance. He also had opposed the transition to all-volunteer armed forces.

Although he had never been in actual combat, he received the Distinguished Service Medal from President Truman in 1946. He also held the Navy Distinguished Service Medal and American Legion Distinguished Servico Medal.

In addition to Col. Hershey, who lives in Jacksonville, N.C., he is survived by another son, George Hershey, of Bremerton, Wash.; two daughters, Kathryn H. Layne, of Washington, and Ellen Margaret Barth, of Kaneohe, Hawaii; 13 grandchildren and three great-grandchildren.

Funeral arrangements are incomplete. He will be buried in Arlington Cemetery.

(This concludes additional statements submitted today.)

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

FOOD AND AGRICULTURE ACT OF 1977

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now resume the consideration of the farm bill, with no further action thereon today.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 275) to provide price and income protection for farmers and assure consumers of an abundance of food and fiber at reasonable prices, and for other purposes.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate resumed the consideration of the bill.

ORDER FOR RECESS UNTIL 8:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 8:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR RECOGNITION OF SENATOR HUDDLESTON AND SENATOR MATHIAS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that immediately following the prayer tomorrow morning, the distinguished Senator from Kentucky (Mr. Huddleston) be recognized for not to exceed 15 minutes, that he be followed by the equally distinguished Senator from Maryland (Mr. Mathias) for not to exceed 15 minutes, and that the Senate then immediately resume the consideration of the farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR—S. 275

Mr. THURMOND. I ask unanimous consent that Mike Mishal of my staff be accorded the privilege of the floor during the debate and votes on S. 275, the Food and Agriculture Act of 1977.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SEA GRANT PROGRAM AUTHORIZATIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 203, H.R. 4301.

There being no objection, the Senate proceeded to consider the bill (H.R. 4301) to authorize appropriations for the National Sea Grant Program Act during fiscal year 1978, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I move to strike out all after the enacting clause of H.R. 4301 and insert in lieu thereof the language of S. 1350, Calendar Order No. 187, as reported.

The amendment is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 206(c) of the National Sea Grant Program Act (33 U.S.C. 1125), is amended by striking out "1977." and inserting in lieu thereof the following: "1978, and not to exceed $5,000,000 for the fiscal year ending September 30, 1979.".

(b) The first sentence of section 212 of such Act (33 U.S.C. 1131) is amended by striking out "1977." and inserting in lieu thereof "1978, and not to exceed $50,000,000 for the fiscal year ending September 30, 1979.".

Sec. 2. The first sentence of section 3(c) of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a) is amended by striking out "1977." after "September 30,", and inserting in lieu thereof "1978, and not to exceed $3,000,000 for the fiscal year ending September 30, 1979.".

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that S. 1350 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE ACT OF 1977

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar order No. 185, S. 1347.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1347) to create a National Advisory Committee on Oceans and Atmosphere, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation with amendments as follows:

On page 1, line 5, strike "102" and insert "2";

On page 1, line 8, following "(hereinafter" insert "in this Act";

On page 1, line 10, strike "103" and insert "3";

On page 2, line 2, strike "Individuals are eligible for appointment if such individuals" and insert "Members shall be appointed only from among individuals who";

On page 2, line 13, strike "and/or" and insert "or";

On page 3, line 4, following "serve after the" insert "date of the";

On page 3, line 23, strike "104" and insert "4";

On page 4, line 4, strike "and" and insert "or";

On page 4, line 10, strike "comprehensive";

On page 4, line 11, strike "herein" and insert "under subsection (a)";

On page 4, beginning with line 14, strike through and including line 23, and insert in lieu thereof the following:

Sec. 5. Compensation and Travel Expenses.

Members of the Committee shall each be entitled to receive compensation of $100 per day for each day (including traveltime) during which they are engaged in the actual performance of the duties of the Committee. In addition, while away from their homes or regular places of business in the performance of the duties of the Committee, each member of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

On page 5, line 13, strike "106" and insert "6";

On page 5, line 15, strike "Each" and insert "The head of each";

On page 5, line 15, strike "and" and insert "or";

On page 5, line 21, following "from" insert "the head of";

On page 6, line 1, strike "Each" and insert "The head of each";

On page 6, line 12, strike "107" and insert "7";

On page 6, line 13, following "1971" insert "(establishing an advisory committee on oceans and atmosphere)";

On page 6, line 15, strike "857" and insert "857–6";

On page 6, line 20, following "1971" insert "(establishing an advisory committee on oceans and atmosphere)";

On page 7, line 7, strike "108" and insert "8";

On page 7, line 9, strike "$445,000" and insert "$480,000";

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Advisory Committee on Oceans and Atmosphere Act of 1977".

Sec. 2. Establishment.

There is hereby established a committee of 15 members to be known as the National Advisory Committee on Oceans and Atmosphere (hereinafter in this Act referred to as the "Committee").

Sec. 3. Membership, Terms, and Duties.

(a) Membership.—The members of the Committee, who may not be full-time officers or employees of the United States, shall be appointed by the President. Members shall be appointed only from among individuals who are eminently qualified by way of knowledge and expertise in those areas of direct concern to the Committee, including, but not limited to—

(1) one or more of the disciplines and fields included in marine science and technology, marine industry, marine-related State and local governmental functions, coastal zone management, or other fields directly appropriate for consideration of matters of ocean policy; or

(2) one or more of the disciplines and fields included in atmospheric science, atmospheric-related State and local governmental functions, or other fields directly appropriate for consideration of matters of atmospheric policy.

(b) Terms.—(1) The term of office of a member of the Committee shall be 3 years; except that, of the original appointees, 5 shall be appointed for a term of 1 year, 5 shall be appointed for a term of 2 years, and 5 shall be appointed for a term of 3 years.

(2) Any individual appointed to fill a vacancy occurring before the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. No individual may be reappointed to the Committee for more than one additional 3-year term. A member may serve after the date of the expiration of the term of office for which appointed until his or her successor has taken office, or until 90 days after such date, whichever is earlier. The terms of office for members first appointed after the date of enactment of this Act shall begin on July 1, 1977.

(c) Chairman.—The President shall designate one of the members of the Committee as the Chairman and one of the members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.

(d) Duties.—The Committee shall—

(1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; and

(2) advise the Secretary of Commerce with respect to the carrying out of the programs administered by the National Oceanic and Atmospheric Administration.

Sec. 4. Reports.

(a) In General.—The Committee shall submit an annual report to the President and to the Congress setting forth an assessment. on a selective basis, of the status of the Nation's marine and atmospheric activities, and shall submit such other reports as may from time to time be requested by the President or the Congress.

(b) Review by Secretary.—Each annual report shall also be submitted to the Secretary of Commerce, who shall, within 60 days after receipt thereof, transmit his or her comments and recommendations to the President and to the Congress.

(c) Annual Report Submittal.—The annual report requested under subsection (a) shall be submitted on or before June 30 of each year, beginning with June 30, 1978.

Sec. 5. Compensation and Travel Expenses.

Members of the Committee shall each be entitled to receive compensation of $100 per day for each day (including traveltime) during which they are engaged in the actual performance of the duties of the Committee. In addition, while away from their homes or regular places of business in the performance of the duties of the Committee, each member of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

Sec. 6. Interagency Cooperation and Assistance.

(a) Liaison.—The head of each department and or agency of the Federal Government concerned with marine and atmospheric matters shall designate a senior policy official to participate as observer in the work of the Committee and to offer necessary assistance.

(b) Agency Assistance.—The Committee is authorized to request from the head of any department, agency, or independent instrumentality of the Federal Government any information and assistance it deems necessary to carry out the functions assigned under this Act. The head of each such department, agency, or instrumentality is authorized to cooperate with the Committee, and, to the extent permitted by law, to furnish such information and assistance to the Committee upon request made by the Chairman, without reimbursement for such services and assistance.

(c) Administrative Assistance.—The Secretary of Commerce shall make available to the Committee such staff, information, personnel, and administrative services and assistance as may reasonably be required to carry out the provisions of this Act.

Sec. 7. Repeal and Transfer.

(a) Repeal.—The Act of August 16, 1971 (establishing an advisory committee on oceans and atmosphere) (33 U.S.C. 857–6 et seq.) is hereby repealed.

(b) Transfer.—All personnel, positions, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions specified by the Act of August 16, 1971 (establishing an advisory committee on oceans and atmosphere), are hereby transferred to the National Advisory Committee on Oceans and Atmosphere established by this Act. The personnel transferred under this subsection shall be so transferred without reduction in classification or compensation except, that after such transfer, such personnel shall be subject to reductions in classification or compensation in the same manner, to the same extent, and according to the same procedure as other employees of the United States classified and compensated according to the General Schedule in title 5, United States Code.

Sec. 8. Authorization for Appropriations.

There are authorized to be appropriated for purposes of carrying out the provisions of this Act not to exceed $480,000 for the fiscal year ending September 30, 1978. Such sums as may be appropriated under this section shall remain available until expended.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of H.R. 3849, an act to establish qualifications for individuals appointed to the National Advisory Committee on Oceans and Atmosphere, and to authorize appropriations for the committee for fiscal year 1978, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3849) to establish qualifications for individuals appointed to the National Advisory Committee on Oceans and Atmosphere and to authorize appropriations for the committee for fiscal year 1978.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which was considered as having been read twice.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to strike out all after the enacting clause of the House bill and insert the language of S. 1347, as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 3849) was passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that S. 1347 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROPOSED LEGISLATION FOR ENVIRONMENTAL PROTECTION—MESSAGE FROM THE PRESIDENT—PM 83

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States:

To the Congress of the United States:

This message brings together a great variety of programs. It deals not only with ways to preserve the wilderness, wildlife, and natural and historical resources which are a beautiful and valued part of America's national heritage: it deals also with the effects of pollution, toxic chemicals, and the damage caused by the demand for energy. Each of these concerns, in its own way, affects the environment; and together they underscore the importance of environmental protection in all our lives.

Americans long thought that nature could take care of itself—or that if it did not, the consequences were someone else's problem. As we know now, that assumption was wrong: none of us is a stranger to environmental problems.

Industrial workers, for example, are exposed to disproportionate risks from toxic substances in their surroundings. The urban poor, many of whom have never had the chance to canoe a river or hike a mountain trail, must nevertheless endure each day the hazardous effects of lead and other pollutants in the air.

I believe environmental protection is consistent with a sound economy. Previous pollution control laws have generated many more jobs than they have cost. And other environmental measures whose time has come—measures like energy conservation, reclamation of strip-mined lands, and rehabilitation of our cities—will produce still more new jobs, often where they are needed most. In any event, if we ignore the care of our environment, the day will eventually come when our economy suffers for that neglect.

Intelligent stewardship of the environment on behalf of all Americans is a prime responsibility of government. Congress has in the past carried out its share of this duty well—so well, in fact, that the primary need today is not for new comprehensive statutes but for sensitive administration and energetic enforcement of the ones we have. Environmental protection is no longer just a legislative job, but one that requires—and will now receive—firm and unsparing support from the Executive Branch.

In this spirit, I am presenting the following program to build upon Congress' admirable record:

ACTIONS TO CONTROL POLLUTION AND PROTECT HEALTH

—A coordinated attack on toxic chemicals in the environment

—Effective implementation of the Toxic Substances Control Act

—Accelerated development of occupational health standards to protect workers

—Strong legislation to improve air quality

—A $45 billion, 10-year program to build sewage facilities

—Accelerated study of economic incentives to encourage recycling

ACTIONS TO ASSURE ENVIRONMENTALLY SOUND ENERGY DEVELOPMENT

—Support for amendments to improve the Outer Continental Shelf Lands Act

—Revision of the OCS leasing schedule

—More participation by states in the current OCS program

—Accelerated identification of health and environmental effects of new energy technologies

—A nationwide evaluation of the availability of water for energy development

—Support for strong national strip-mining legislation

—Reform of the federal coal leasing program

ACTIONS TO IMPROVE THE URBAN ENVIRONMENT

—Commitment to neighborhood preservation and conservation

—Use of historic buildings for federal offices where appropriate

—An improved and expanded urban homesteading program

ACTIONS TO PROTECT OUR NATURAL RESOURCES

—A comprehensive review of water resources policy

—Executive Orders to direct federal agencies to refrain from supporting development in floodplains and wetlands

—Support for the program regulating dredge spoil disposal in wetlands

—$50 million over the next five years to purchase wetlands to protect waterfowl habitat

—Development of legislation to replace the anachronistic Mining Law of 1872 with one that establishes a leasing system for hardrock minerals

—A comprehensive review of the Cooperative Forestry Program

—An Executive Order strengthening protection of public lands from the uncontrolled use of off-road vehicles

ACTIONS TO PRESERVE OUR NATIONAL HERITAGE

—An accelerated five-year, $759 million program to develop new and existing parks

—Development of legislation to establish a National Heritage Trust to protect places of cultural, historic, and ecological value

—Support for designating major additions to the Park, Forest, Wildlife Refuge, and Wild and Scenic River Systems in Alaska

—Four new wilderness proposals and enlargement of five others submitted by previous Administrations

—Accelerated preparation of new wilderness proposals for Alaska and the East and initiation of a vigorous new wilderness program on Bureau of Land Management lands

—Eight new Wild and Scenic Rivers and proposals to study 20 others

—Legislation to deauthorize the Cross Florida Barge Canal and to study adding the Oklawaha River to the Wild and Scenic River System

—Three new National Scenic Trails

ACTIONS TO PROTECT WILDLIFE

—A $295 million five-year program to rehabilitate and improve the Wildlife Refuge System

—Improved protection for nongame wildlife

An accelerated effort to identify habitat critical to the survival and recovery of endangered species

An Executive Order restricting the introduction of potentially harmful foreign plants and animals into the United States

ACTIONS WHICH AFFIRM OUR CONCERN FOR THE GLOBAL ENVIRONMENT

A major interagency study to assess potential global environmental changes and their impact on the United States

An offer to assist interested nations in dealing with population problems

Inclusion of environmental considerations in assistance programs of the Agency for International Development

Support for a number of international environmental agreements

A prohibition on commercial whaling in the U.S. 200-mile fisheries zone

ACTIONS TO IMPROVE IMPLEMENTATION OF ENVIRONMENTAL LAWS

An Executive Order directing the Council on Environmental Quality to issue regulations reducing paperwork in the environmental impact statement process

Development of legislation to create one consolidated environmental grant program

A review of environmental coordination legislation to reduce overlapping and conflicting requirements.

I. POLLUTION AND HEALTH

At the beginning of this decade, the United States embarked on a long overdue program to reduce pollution and make our environment healthier and more livable. My Administration fully supports the progressive legislation that has been enacted. We are particularly committed to strong measures to protect our most important resources—human health—from the increasingly apparent problem of hazardous substances in the environment.

We plan to improve enforcement of our pollution control laws.

We intend to make increased use of economic incentives to achieve our environmental goals.

We will seize opportunities to reduce pollution by conserving resources.

We will work with state and local governments to make sure that the job of controlling pollution is properly planned and does not stop with the promulgation of regulations in Washington.

We will make every effort to see that regulation of a problem in one medium—such as water—does not create new environmental problems in another medium—such as air.

And we will squarely face emerging environmental problems so that they can be dealt with effectively without an atmosphere of crisis.

TOXIC CHEMICALS

The presence of toxic chemicals in our environment is one of the grimmest discoveries of the industrial era. Rather than coping with these hazards after they have escaped into our environment, our primary objective must be to prevent them from entering the environment at all.

At least a dozen major federal statutes, implemented by seven different agencies, address this problem in various ways. With the enactment last year of the Toxic Substances Control Act, no further comprehensive federal legislation should be necessary. Now we must inaugurate a coordinated federal effort to exclude these chemicals from our environment.

I am therefore instructing the Council on Environmental Quality to develop an interagency program (1) to eliminate overlaps and fill gaps in the collection of data on toxic chemicals, and (2) to coordinate federal research and regulatory activities affecting them.

The Toxic Substances Control Act enables the federal government, for the first time, to gather the information on chemical substances needed to determine their potential for damaging human health and the environment, and to control them where necessary to protect the public. My FY 1978 budget provides nearly $29 million—a threefold increase over Fiscal 1977—for the Environmental Protection Agency to implement this important Act.

I have instructed the Environmental Protection Agency to give its highest priority to developing 1983-best-available-technology industrial effluent standards which will control toxic pollutants under the Federal Water Pollution Control Act, and to incorporate these standards into discharge permits. My Administration will be seeking amendments to this Act, including revision of Section 307(a), to permit the Environmental Protection Agency to move more decisively against the discharge of chemicals potentially injurious to human health.

Finally, I have instructed the Environmental Protection Agency to set standards under the Safe Drinking Water Act which will limit human exposure to toxic substances in drinking water, beginning with potential carcinogens.

THE WORKPLACE

Each year, environmental hazards in the workplace cause at least 390,000 new cases of disease and perhaps as many as 100,000 deaths. Regulation of toxic chemicals will reduce this toll, but other steps are also necessary to protect worker health and to assure adequate compensation to those who suffer from occupational diseases.

In the past, implementation of the Occupational Safety and Health Act of 1970 has emphasized safety and too often resulted in unnecessary and burdensome regulations. Yet at the same time the federal response to health problems has been unconscionably slow. Under my Administration OSHA will develop and enforce effective standards for occupational health without repeating the excesses of the past. We will continue to work with the Congress to strengthen the Coal Mine Health and Safety Act and the Metallic and Nonmetallic Mine Safety Act, and we are now implementing administrative reforms to improve standard-setting procedures, enforcement, and penalty collection.

In addition, my Administration will explore and develop proposals to supplement federal occupational health regulations, and will examine the full range of reforms that might be undertaken by the appropriate levels of government to assure adequate compensation for occupationally-induced diseases.

AIR POLLUTION

Clean air is essential to the health and welfare of all Americans. Although we have made considerable progress, much remains to be done before we have fully achieved our ambient air quality goals.

My administration has already submitted to the Congress certain amendments to the Clean Air Act. I support:

Strong provisions to prevent the deterioration of air quality in already clean areas;

A program to protect visibility in our national parks and wilderness areas;

Strong enforcement tools, including economic penalties to eliminate the benefits of delay or noncompliance;

The use of "best available control" technologies in all new facilities;

Strict controls on coal-burning plants to insure that they meet air quality standards;

Emission limitations for automobiles which help meet clean air goals but allow achievement of strict fuel economy standards;

State implementation of inspection and maintenance programs in seriously polluted areas to ensure that automobiles continue to meet emission control requirements while in use.

In addition, I have instructed the Administrator of the Environmental Protection Agency to review his agency's regulations controlling new industrial growth in areas now violating air quality health standards and to recommend to me and to the Congress a fair and effective policy for meeting these standards in the future. Adoption of new legislative provisions in this area should await the results of this review.

WATER QUALITY

The nation has made considerable progress in cleaning up its waters under the program set forth in the 1972 amendments to the Federal Water Pollution Control Act, but much remains to be done in order to achieve the Act's goal of fishable and swimmable waters. Three areas deserve particular attention:

(1) To help control pollution from municipal sewage systems—an effort that currently involves 10,000 projects in planning or under construction—we need substantial additional funding. I have already asked the Congress to authorize the expenditure of $4.5 billion in each of the next ten years for municipal waste water treatment facilities and to allow a one-year extension in the September 1977 deadline for the obligation of construction grant funds. But at the same time we need to be sure that sewage projects supported by federal money do not create additional environmental problems, and that they are designed to encourage water conservation as well as water treatment. We also must ensure that the systems are operated properly once they have been built; that there is an effective pretreatment program to remove harmful industrial wastes from these systems; and that we are carefully considering alternative solutions, particularly in smaller communities, so that we can be sure of building the projects which are economically and environmentally most effective.

(2) I have already asked the Congress to increase the funds available for the Section 208 Planning Program, which helps place water quality management in the hands of state and local government, where much of the job of prevention and abatement must actually be done. This Section of the 1972 Amendments provides a means for addressing the increasingly serious problem of pollution caused by runoff from agriculture, mining, forestry, and urban streets. To make it operate effectively, tough state and local plans addressing these problems must be completed and implemented as soon as possible.

(3) Finally, I will be submitting further water quality amendments for your consideration in the current session. They will include provisions to make pollution unprofitable as well as illegal by imposing penalties on firms that have failed to abate their pollution on schedule; provisions to make law enforcement more stringent; and provisions necessary to ensure that actions are taken in accord with water quality management plans.

SOLID WASTE

"Solid wastes" are the discarded leftovers of our advanced consumer society. This growing mountain of garbage and trash represents not only an attitude of indifference toward valuable natural resources, but also a serious economic and public health problem.

The Resource Conservation and Recovery Act, passed in 1976, gave the Environmental Protection Agency the authority it needs to regulate hazardous wastes and to assure the safe disposal of other residues. Now it is important to move beyond the symptoms and address two principal causes of the solid waste problem: excessive packaging and inadequate use of recycled materials.

The act requires the EPA to undertake, through an Interagency Resource Conservation Committee, a two-year study of ways to encourage waste reduction, recycling, and disposal charges, refundable deposits on containers, federal procurement of recycled materials, and excise taxes for litter clean-up. I am asking the Committee to accelerate its study and within six months present to me its first recommendations which are to address the use of solid waste disposal charges (levies on materials and products which reflect the costs associated with their ultimate disposal).

In addition, I am taking several actions to encourage resource conservation within the federal government. In the White House itself, recycled paper will be used wherever practicable as soon as present stocks of paper have been exhausted. I am instructing the Administrator of the General Services Administration and the heads of other appropriate federal agencies to institute a waste paper recycling program whenever practicable by the end of this calendar year. I am also instructing the GSA to revise its paper-product specifications to encourage the purchase of more recycled paper.

PEST MANAGEMENT

For several decades, chemical pesticides have been the foundation of agricultural, public health, and residential pest control. Approximately 1,400 different chemicals are used in pesticide products, and some of these, as we have begun to discover, impose an unacceptable risk to our health and our environment.

To improve the safety and effectiveness of pest management, I am recommending two measures—one a short-term legislative step, and the other a long-term change in the way we approach this problem.

(1) I am asking the Administrator of the Environmental Protection Agency to work with the Congress in enacting an amendment to the Federal Insecticide, Fungicide, and Rodenticide Act which would allow the EPA to regulate directly these 1400 active chemical ingredients, rather than the 40,000 different commercial products which contain them in varying amounts. This change will help speed the registration of safe and desirable pest control compounds, and it will permit swifter revocation of registration for those which pose unwarranted risks.

(2) I am instructing the Council on Environmental Quality, at the conclusion of its ongoing review of integrated pest management in the United States, to recommend actions which the federal government can take to encourage the development and application of pest management techniques which emphasize the use of natural biological controls like predators, pest-specific diseases, pest-resistant plant varieties, and hormones, relying on chemical agents only as needed.

II. ENERGY AND THE ENVIRONMENT

In countless ways, our environment is affected by the production, distribution, and use of energy. Some of these—for example, the need to control oil tanker pollution and the need to restrict plutonium technology—I have already discussed in specific messages to the Congress. Others are implicit in my energy proposals, since the act of reversing our present wasteful energy practices will itself have many beneficial consequences for the environment. The transition to renewable energy sources, particularly solar energy, must be made. But it will take time. Meanwhile we should satisfy our energy needs from existing sources, both fossil and nuclear, in a safe and environmentally acceptable way. In particular, my Energy Plan outlined a number of steps this Administration will take to deal with domestic nuclear safety and spent fuel storage: an improved inspection program; mandatory reporting of all mishaps and failures; development of improved siting criteria; a review of the entire licensing process; and a review of the Energy Research and Development Administration's radioactive waste management program. The decisions we make about energy in the next few years will influence the environment of our country for generations.

THE OUTER CONTINENTAL SHELF

The oil and gas under Federal ownership on the outer continental shelf must be developed in an orderly manner, reconciling the Nation's energy needs with the fullest possible protection of the environment.

Amendments to the OCS Lands Act now being considered by the Congress, with provisions proposed by the Administration, will provide important new authority to the Secretary of the Interior. I urge expeditious passage of legislation to regulate the outer continental shelf, and in particular I favor provisions which would:

Permit full evaluation of the effects of oil production, and cancel leases or terminate operations when harm or damage to the environment outweighs the advantage of continued operations;

Improve consultation with states and communities to assure that they have a real role in decisions which affect them;

Require industry to use the best available economically achievable safety and pollution control technology in operations on the outer continental shelf.

In addition to new legislation, certain administrative steps should be taken in this area. The first is to assess the size and scheduling of the OCS program. The Secretary of the Interior has already revised this program through 1978 to reflect reasonable production objectives as well as the various environmental considerations in each OCS region.

As the Secretary now proceeds to reevaluate the longer-term OCS program, I have directed him to work closely with the Governors of affected coastal states to guarantee that proposals for the timing and sequence of offshore lease sales are reasonable, not only in a technological sense but also in economic, social, and environmental respects. Because the Alaskan outer continental shelf is particularly sensitive and controversial, I am directing him to give special emphasis to it. I have also asked him to work closely with the Secretary of Commerce as she identifies potential marine sanctuaries in areas where leasing appears imminent.

To obtain fuller knowledge about the environmental impact of leasing and production, and to increase participation by the states in the process of decision, I have further directed the Secretary of the Interior to:

Establish an OCS Information Clearinghouse to receive inquiries about federal OCS activity;

Develop regulations, operating orders, and lease provisions specifying the information required from industry about both the offshore and onshore impacts of prospective development;

Facilitate cooperative planning among industry, the Interior Department, the Department of Transportation, and the states for lease development, pipeline locations, pipeline standards, and onshore facilities;

Establish procedure for compliance with the National Environmental Policy Act in connection with development plan approvals.

Because OCS activities should be administered in the most orderly way possible, I am directing the Secretary of the Interior to study carefully the prospect of reorganizing his Department's management of these valuable resources.

He and the Administrator of the Environmental Protection Agency should also coordinate their respective regulatory activities to ensure that exploration and development are not delayed by procedural confusion.

COAL

As our nation increasingly turns to coal as a replacement for our dwindling supplies of oil and gas, we must be sure that we will not fall short of the goals we have established to protect human health and the general environment.

Essential to environmentally sound use of coal is the expeditious passage of strong national strip mine legislation. My Administration has submitted to the Congress amendments by which alluvial valley floors, prime agricultural lands, and the mountains and valleys of Appalachia can be protected. These improvements, together with the comprehensive reclamation, administrative and enforcement provisions of the bill, will allow increased reliance on coal without sacrificing the environment. I urge final approval of this legislation in its strongest form. The Department of Interior has already begun preparations to implement the bill when it becomes law.

In the near term the switch to coal must be accomplished with currently available technology. In my Energy Plan I recognized that pollution control technology for direct combustion of coal is not fully adequate and directed that federal research be increased in certain key areas.

In the longer term, we must be sure that technological advances, such as conversion of coal to synthetic fuels, do not create undue environmental and health risks.

Accordingly, I am directing the Administrators of the Energy Research and Development Administration and the Environmental Protection Agency, and the Secretary of Health, Education, and Welfare to establish a joint program to identify the health and environmental effects of each advanced technology that is the subject of Federal research and development.

I am also directing the Administrators of the Energy Research and Development Administration and the Environmental Protection Agency jointly to develop procedures for establishing environmental protection standards for all new energy technologies. These procedures should be agreed upon within one year.

Because extensive use of coal requires huge amounts of water, I am directing the Secretary of the Interior to prepare a nationwide evaluation of the water supply needs and availability for development of various energy resources. He should prepare his report in cooperation with the Water Resources Council, the Administrator of the Energy Research and Development Administration, and other federal agencies.

The newly enacted Coal Leasing Amendments and the Federal Land Management and Policy Act provide the Secretary of the Interior with the necessary authority to carry out environmentally sound, comprehensive planning for the public lands. His duty now is to implement an affirmative program for managing coal lands and associated resources in a manner that fully protects the public interest and respects the rights of private surface owners.

To accomplish this, I am directing the Secretary of the Interior to manage the coal leasing program to assure that it can respond to reasonable production goals by leasing only those areas where mining is environmentally acceptable and compatible with other land uses. Specifically:

The Secretary of the Interior, using environmental reviews, coal assessments, and indications of market interest, should determine which lands are appropriate to offer for lease.

Land use plans should be completed before a decision to offer specific tracts for sale.

No tract should be leased unless the Secretary is satisfied that the environmental impact of mining would be acceptable and that the federal government will receive a fair market value for the lease.

In response to concern about the large numbers of non-producing federal coal leases in the Western states, I am directing the Secretary of the Interior to scrutinize the existing leases (and applications for preference right leases) to determine whether they show prospects for timely development in an environmentally acceptable manner. He should take whatever steps are necessary to deal with non-producing and environmentally unsatisfactory leases and applications. These may include the following:

Exchange of environmentally unsatisfactory leases or applications for environmentally acceptable coal lands of equivalent value;

Reassessment of the basis for granting or denying preference right leases;

Submission of legislation to authorize the condemnation of outstanding rights upon payment of reasonable compensation, if necessary to prevent environmental damage.

III. THE URBAN ENVIRONMENT

The National Environmental Policy Act speaks of the need to assure every American safe and healthful surroundings in which to live and work. For many of our citizens in urban areas, this goal is still remote.

Many existing environmental protection programs directly benefit the cities, of course, because that is where most of our pollution problems are. For example, controls on the emission of lead from automobile exhaust are of serious concern to inner-city residents. And as water pollution programs make rivers and streams cleaner, there will be more recreational opportunities in urban areas.

City life need not be a discouraging struggle against adversity; it can be an enriching experience. But it will take more than stopping pollution to make our cities the congenial, livable places they ought to be.

To halt the degradation of the urban environment and to conserve and develop its rich historic and physical resources, the place to begin is with the neighborhoods themselves. In the past, wholesale destruction and rebuilding have led to a spurious "renewal" that destroys the sense of human community on which a city's vigor depends. By redirecting the resources of the federal government into neighborhood preservation and conservation, we can begin the work of intelligently restoring our cities. These proposals are part of that program:

I am directing all federal agencies to assess their programs to ensure that they take advantage of our rich architectural heritage wherever possible, for example by locating federal offices in historic buildings and by supporting projects that are compatible with and contribute to the local cultural and historic environment.

I have instructed the Secretary of Housing and Urban Development to expand the urban homesteading program by making available more and better-quality houses; by ensuring that adequate rehabilitation assistance is available to participants; and by coordinating the program more closely with other federal, state, and community efforts.

IV. NATURAL RESOURCES

Protection of this country's natural resources depends in large part on the actions, leadership, and example of the federal government. Too often our water, wetlands, minerals, timber, and other resources have been managed imprudently, in disregard of sound environmental principles. Too often, narrow economic interests have enjoyed undue influence over the use of our public domain. As a result the resources which belong to all our citizens have sometimes been carelessly squandered.

My Administration is committed to a policy of effective stewardship of our public lands and natural resources. That policy includes conservation, multiple use of resources, and a reluctance to disrupt natural ecosystems. At a time when it has become apparent that we can no longer afford the waste and misuse of any natural resources, the need for these steps is clear.

WATER RESOURCES POLICY

One of the pressing domestic issues facing this Administration and this Congress is the establishment of a national water resources management policy.

I believe that it is essential to confine the public works efforts of the water development agencies to projects that can meet such defensible criteria as economic efficiency, safety, environmental protection, and fair distribution of project benefits. I have already recommended to the Congress a number of cost-saving adjustments in our water resource programs. Beyond that, we need comprehensive reform of water resources policy, with water conservation as its cornerstone.

I am therefore directing the Office of Management and Budget, the Council on Environmental Quality, and the Water Resources Council to conduct, in consultation with the Congress and with the public, a review of the present federal water resource policy. I have requested them to complete this joint study within six months and to present me with concrete recommendations for policy coordination and reform.

In addition, as a first step in redirecting present practices, I am today issuing an Executive Order designed to minimize the potential loss of human life and property from floods. This Order directs all appropriate federal agencies to refrain from supporting, funding, or issuing permits and licenses to new construction projects located in floodplains unless the agency determines that no practicable alternative location exists.

WETLANDS

The important ecological function of coastal and inland wetlands is well known to natural scientists. The lasting benefits that society derives from these areas often far exceed the immediate advantage their owners might get from draining or filling them. Their destruction shifts economic and environmental costs to other citizens—often in other states—who have had no voice in the decision to alter them.

We are losing wetlands at the rate of some 300,000 acres per year. While many of the individual developments which have caused this loss may once have been appropriate—and some still may be—we must now protect against the cumulative effects of reducing our total wetlands acreage. For these reasons, I am proposing a concerted federal effort to protect our wetlands. This includes the following steps:

(1) The federal government will no longer subsidize the destruction of wetlands. I am today issuing an Executive Order directing all appropriate federal agencies to refrain from giving financial support to proposed developments in wetlands unless the agency determines that no practicable alternative sites exist.

(2) I support implementation of the Federal Water Pollution Control Act program which regulates the filling and disposal of dredged materials in all U.S. waters or associated wetlands. This important program is essential to wetlands protection, but it should be carried out in a way that avoids undue federal regulation. The present program exempts normal farming, ranching, and forestry practices, and it allows for general permits that do not tie up individuals in unnecessary red tape. These provisions have my support. My forthcoming amendments to the Federal Water Pollution Control Act will include proposals to improve wetlands protection and to authorize the states to assume responsibility for carrying out major portions of this program.

(3) To protect and sustain waterfowl for recreational enjoyment, I am proposing a budget increase of $50 million over the next five years to purchase wetlands, and I have already included in both the FY 1977 and FY 1978 budgets another

$10 million for this purpose. I also urge the Congress to enact legislation increasing the price of migratory bird conservation and hunting stamps (the so-called "duck" stamp) so that additional revenue will be available for waterfowl habitat acquisition.

COASTAL BARRIER ISLANDS

Coastal barrier islands are a fragile buffer between the wetlands and the sea. The 189 barrier islands on the Atlantic and Gulf Coasts are an integral part of an ecosystem which helps protect inland areas from flood waves and hurricanes. Many of them are unstable and not suited for development, yet in the past the federal government has subsidized and insured new construction on them. Eventually, we can expect heavy economic losses from this shortsighted policy.

About 68 coastal barrier islands are still unspoiled. Because I believe these remaining natural islands should be protected from unwise development, I am directing the Secretary of the Interior, in consultation with the Secretary of Commerce, the Council on Environmental Quality, and state and local officials of coastal areas, to develop an effective plan for protecting the islands.

His report should include recommendations for action to achieve this purpose.

MARINE SANCTUARIES

Existing legislation allows the Secretary of Commerce to protect certain estuarine and ocean resources from the ill effects of development by designating marine sanctuaries. Yet only two sanctuaries have been established since 1972, when the program began.

I am, therefore, instructing the Secretary of Commerce to identify possible sanctuaries in areas where development appears imminent, and to begin collecting the data necessary to designate them as such under the law.

MINING

For more than a century, the development of hardrock minerals on the public lands has been governed by the Mining Law of 1872. This law once served an important purpose: encouraging settlement of the West and rapid development of mineral wealth there. But it is now outdated and inadequate. It fails to set forth clear authority for establishing environmental standards, and in some cases has allowed mining operations to degrade the water, soil, and air. It ignores the need for balanced management of resources and it has permitted the public's mineral resources to be developed without any royalty return to the federal treasury.

Therefore I am today, instructing the Secretary of the Interior to prepare, for submission to the Congress, legislation to replace the Mining Law of 1872 with one more suited to contemporary needs. Among its provisions should be these: (1) a leasing system for publicly owned hardrock minerals; (2) explicit federal discretionary authority over mineral exploration and development on the public lands; (3) strict standards for environmental protection and for reclamation of mined areas; (4) a requirement for approval of operation and reclamation plans before mining can begin; (5) royalties for use of public lands and mineral resources; and (6) the integration of mining into land use plans being developed for the public lands.

FOREST MANAGEMENT

Since the passage in recent years of landmark legislation—the Forest and Rangelands Renewable Resources Planning Act, and the National Forest Management Act—the greatest challenge remaining to American forestry is to improve the condition and production of small private forest holdings. Various federal programs have, in the past, encouraged better management of these 296 million acres, which account for three-fifths of America's total productive forests. Now it is time to consider whether they are accomplishing their purpose.

Consequently, I am asking the Secretary of Agriculture to undertake a comprehensive study of the Cooperative Forestry Program. This study should consider the need for measures to:

Assure that forestry programs support national environmental goals;

Assure that assistance to non-federal forest owners will emphasize interdisciplinary planning and multiple use management;

Improve the capability of private forest lands to meet the nation's need for wood;

Prevent and control pollution, fires, and insects and diseases that damage forests, using environmentally sound methods, such as biological pest controls;

Improve and maintain fish and wildlife habitats, particularly those that are critical for threatened and endangered species;

Strengthen planning and management capabilities of state and local forestry agencies.

The study should also examine the desirability of providing financial assistance to state forestry agencies on the basis of state forestry plans rather than through the present fragmented approach.

OFF-ROAD VEHICLES

While off-road vehicles provide enjoyment and recreation for many, their indiscriminate use poses a threat to our public lands. Uncontrolled, they have ruined fragile soils, harassed wildlife, and damaged unique archaeological sites.

In 1972, federal agencies began to control the use of such vehicles on the public lands under Executive Order 11644. While these regulations have achieved some measure of protection for the soil, vegetation, and other values of the public lands, environmental damage has continued in certain areas. Accordingly, I am today amending this Executive Order to exclude off-road vehicles from certain portions of the public lands where their use has caused (or seems likely to cause) considerable environmental damage.

V. THE NATIONAL HERITAGE

In its land and its history, a nation finds the things which give it continuity. By preserving places that have special natural, historical, cultural, and scientific value, we can ensure that our children and grandchildren have a chance to know something of the America that we—and our ancestors—simply took for granted.

More than 300 such places have already been set aside in our National Park System. I have already demonstrated my support for the National Park Service by submitting to the Congress an accelerated, five-year, $759 million program to develop new and existing parklands, and to increase the park staff so that these irreplaceable resources can be better protected and seen by more visitors.

This step, though clearly needed, must be supported by a thorough re-examination of existing federal programs dealing with our natural and historic heritage. These have proliferated in a way that serves neither efficiency nor effectiveness, and they have sometimes impeded the preservationist efforts of states and private citizens. I believe we should establish a comprehensive federal program, to be known as the National Heritage Trust, to identify, acquire, and protect these resources; to provide for rapid acquisition of the most significant and endangered areas and examples of natural ecosystems; to protect areas already within federal jurisdiction; and to coordinate federal programs within states and private citizens more effectively. I have directed the Secretary of the Interior to develop a National Heritage Trust proposal within 120 days.

ALASKA

While my National Heritage Trust proposal will focus on small but important areas, the Congress now has an opportunity of historic dimensions to conserve large unspoiled sections of the American wilderness in Alaska. Under the terms of the Alaska Native Claims Act, the Congress is to consider designation of major additions to the National Park, Forest, Wildlife Refuge, and Wild and Scienic River Systems. We can double the size of the Wildlife Refuge and the Park Systems, as well as add to the Forest and Wild and Scenic River Systems, at no acquisition cost. No conservation action the 95th Congress could take would have more lasting value than this. But if Congress fails to act by December 1978, the opportunity will be automatically lost. In the near future, my Administration will submit detailed recommendations for these Alaskan lands.

WILDERNESS

When the Congress passed the Wilderness Act in 1964, it established a landmark of American conservation policy. The National Wilderness Preservation System created by this Act must be expanded promptly, before the most deserving areas of federal lands are opened to other uses and lost to wilderness forever. I endorse, and in some cases in proposing to expand, all of the more than 24 million acres of wilderness proposals submitted to the Congress by previous Administrations.

Among the proposed areas I will recommend to enlarge are the following:

Idaho and Salmon River Breaks Wilderness, Idaho;

Guadalupe Escarpment Wilderness, New Mexico and Texas;

Beartooth-Absaroka Wilderness, Montana and Wyoming;

Grand Canyon National Park, Arizona; and

Kenai Moose Range, Alaska.

I am submitting new wilderness proposals for:

Arches National Park, Utah;

Canyon Lands National Park, Utah;

Capitol Reef National Park, Utah; and

Buffalo National River, Arkansas.

I will soon submit a proposal to designate as wilderness portions of Gulf Island National Seashore in Mississippi and Florida, and I will give early attention to other wilderness proposals, including portions of the Oregon Dunes National Recreation Area, Oregon, and Aravaipa Canyon, Arizona, which would be the first wilderness area on Bureau of Land Management lands. In addition, I support the objectives of the Endangered Wilderness legislation now pending before Congress. Members of my Administration have recently testified in favor of immediate wilderness designation or protective study designation for all areas in this bill.

I recognize the special need to preserve wilderness east of the Rockies and in Alaska, and I am directing that federal agencies expedite the preparation of wilderness proposals for these areas.

Finally, I have directed the Secretary of the Interior to initiate a vigorous wilderness program for the Bureau of Land Management under the new Federal Land Management and Policy Act of 1976.

WILD AND SCENIC RIVERS

To date only 19 free-flowing rivers, totaling 1,655 miles, have been designated as part of the National Wild and Scenic Rivers System. Another 31 rivers have been identified as worthy of study for designation in the future.

We must identify as quickly as possible the best remaining candidates for inclusion in the Wild and Scenic Rivers System before they are dammed, channelized, or damaged by unwise development along their banks. As a first step, therefore, I am proposing legislation to add segments of eight rivers, totaling 1,303 miles, to the system:

Bruneau River, Idaho;

Pere Marquette River, Michigan;

Dolores River, Colorado;

Rio Grande River, Texas;

Salmon River, Idaho;

Skagit River, Washington;

Upper Delaware River, Pennsylvania and New York; and

Upper Mississippi River; Minnesota.

I further propose to designate twenty river segments for study as potential additions to the National Wild and Scenic Rivers System:

Gila River, New Mexico;

Green River, Utah;

Illinois River, Arkansas;

North Fork of the Kern River, California;

Shenandoah River, Virginia and West Virginia;

Sweetwater River, Wyoming;

Cacapon River, West Virginia;

Columbia River, Washington;

Guadalupe River, Texas;

John Day River, Oregon;

Loxahatchee River, Florida;

Niobrara River, Nebraska;

Tangipahoa River, Louisiana and Mississippi;

Yellowstone River, Wyoming and Montana; and

Ogeechee River, Georgia;

Salt River, Arizona;

Wenatchee River, Washington;

Gulkana River, Alaska;

Delta River, Alaska;

Madison River, Montana.

I am also transmitting to the Congress reports on the Gasconade River in Missouri and the Penobscot River in Maine. After thorough study, both of these rivers have been found to qualify for inclusion in the National System with the recommendation that they be administered by the states. I am pleased at the number of states taking positive action to protect their natural resources and assure them that any proposals to add State-administered rivers to the National System will be sympathetically considered by the Secretary of the Interior.

I am also submiting legislation to the Congress to withdraw authority for future construction of the Cross-Florida Barge Canal, to extend the boundaries of the Ocala National Forest to protect the Oklawaha River, and to authorize study of the Oklawaha River for possible designation as a Wild and Scenic River. Enactment of this legislation will put an end to the long controversy over this ill-advised project. I am also directing the Secretary of Agriculture, the Secretary of the Army, and other appropriate federal agencies, in cooperation with the State of Florida, to recommend ways to dispose of canal lands and structures, as well as ways to restore the Oklawaha River portion of the project area.

NATIONAL TRAILS

In 1968 Congress passed the National Trails System Act, the purpose of which was to designate and preserve a national system of recreational and scenic trails. Nine years later only two have been designated: the Appalachian Trail and the Pacific Coast Trail. Other unprotected trails on public lands have in the meantime become unusable. In some areas almost half the once-available trail mileage has been lost.

To restore and broaden the National Trails System, I am submitting legislation to designate three new Scenic Trails:

A Continental Divide Scenic Trail of 3,100 miles along the Rocky Mountains crest from Canada to Mexico;

A North Country Scenic Trail of 3,200 miles from Eastern New York to North Dakota; and

A Potomac Heritage Scenic Trail of 847 miles along the Potomac River from Chesapeake Bay to West Virginia and Pennsylvania.

In the near future I will also submit legislation to amend the National Trails System Act by adding a new category—Historical Trails—and I will give early attention to submitting trails in this new category.

WILDLIFE

When explorers and settlers from Europe first came to America, they were astonished at the richness and variety of wildlife in our lands and waters. Faced with such abundance, for years most Americans have valued only game species of wildlife. Our allocation of federal funds for wildlife research and management still reflects this outdated view. Ninety-seven out of every hundred Federal wildlife dollars are devoted to the less than one percent of vertebrate species that are hunted or fished for commerce or sport. To the rest, little attention has been given, even though they are part of the biological system that sustains us. To correct this imbalance, I am directing the Secretary of the Interior (1) to encourage states to apply existing Federal-aid funds to the management of all species of wildlife, and (2) to propose other measures to improve the conservation of nongame wildlife.

Our Nation's public lands and waters support a rich wildlife resource which we hold in trust for all Americans, now and in the future. My Administration will assure that this public trust—for all wildlife—is adequately and effectively executed.

The public's interest in wildlife specifically includes predators, which have in the past sometimes been regarded as competitors for livestock or game, leading to their destruction (and in the case of some large predator species, to their extermination). Because we now realize the importance of the role that predators play in various ecosystems, our goal should be not to destroy them but to reduce the occasion for their conflict with livestock. My administration will continue to support the existing Executive Order which prohibits the routine use of poison for killing predators on the public lands. If control is necessary, it should focus on the individual predators causing the problem—not the species as a whole.

Many land and water development projects cause extensive damage to fish and wildlife habitat. My Administration will ensure timely implementation of the mitigation features required by the Fish and Wildlife Coordination Act to make up for such losses. Furthermore, to hasten the protection of threatened and endangered species, I am directing the Secretaries of Commerce and Interior to coordinate a government-wide effort, as required by the Endangered Species Act of 1973, to identify all habitat under Federal jurisdiction or control that is critical to the survival and recovery of these species. The purpose of this program is to avoid the possibility that such habitats will be identified too late to affect federal project planning. Major projects now underway that are found to pose a serious threat to endangered species should be reassessed on a case-by-case basis.

In the past 150 years, hundreds of foreign wildlife species, both plant and animal, have been introduced into the natural ecosystems of the United States. Many of these have been highly detrimental to public health, agriculture, and native wildlife.

Consequently, I am today issuing an Executive Order restricting the introduction of exotic animals and plants into the United States and prohibiting their establishment on lands and waters managed by the federal government. In addition, I am directing the Secretaries of Agriculture and the Interior to develop further legislation to deal with the importation of exotic species.

The many laws which have recently been enacted to conserve our Nation's wildlife pose the risk of creating a confusing system of overlapping and conflicting requirements. Therefore, I am directing the Council on Environmental Quality to consult with the states and executive agencies and report to me in six months on the steps that should be taken to simplify, coordinate, and codify the body of law affecting wildlife conservation.

Finally, I have asked the Congress to increase the 1978 Fish and Wildlife Service Budget by $23 million for environmental research, migratory bird protection, and aid to the states for endangered species. Because the maintenance and staffing of our national system of wildlife refuges has been sadly neglected for the past decade, I have also proposed a budget increase of $295 million for rehabilitation, habitat improvement, and development of this system during the next five years.

REDWOOD NATIONAL PARK

Congress created Redwood National Park in 1968 to protect a magnificent stand of the world's tallest trees. Subsequently, however, logging and roadbuilding on adjacent private land have created severe erosion problems in the Redwood Creek Watershed. My Administration has proposed to the Congress that 48,000 carefully chosen acres be added to the Park, allowing us to protect existing parklands and to add to the Park additional stands of redwoods. This proposal would also provide for rehabilitation of the Redwood Creek Watershed.

Recognizing that further expansion of the Park might adversely affect the economies of nearby communities, I have directed the Secretaries of Commerce and Labor to develop a joint program to cushion the effects of temporary unemployment in the Redwood National Park area.

VI. THE GLOBAL ENVIRONMENT

Environmental problems do not stop at national boundaries. In the past decade we and other nations have come to recognize the urgency of international efforts to protect our common environment.

As part of this process, I am directing the Council on Environmental Quality and the Department of State, working in cooperation with the Environmental Protection Agency, the National Science Foundation, the National Oceanic and Atmospheric Administration, and other appropriate agencies, to make a one-year study of the probable changes in the world's population, natural resources, and environment through the end of the century. This study will serve as the foundation of our longer-term planning. I am also asking the Council on Environmental Quality, with the cooperation of the Department of State, to ensure that we achieve the best possible coordination of the international environmental programs within the Executive Branch.

WORLD POPULATION

Rapid population growth is a major environmental problem of world dimensions. World population increased from three to four billion in the last 15 years, substantially cancelling out expansion in world food production and economic growth of the same period.

Without controlling the growth of population, the prospects for enough food, shelter, and other basic needs for all the world's people are dim. Where existence is already poor and precarious, efforts to obtain the necessities of life often degrade the environment for generations to come.

It is, of course, up to each nation to determine its own policies, but we are prepared to respond promptly and fully to all requests for assistance in population and health care programs. At my direction, the Department of State and the Agency for International Development stand ready to cooperate through international organizations, through private voluntary organizations, or through direct contacts with other governments.

ENVIRONMENTAL CONSIDERATIONS IN ECONOMIC DEVELOPMENT ASSISTANCE

Whether to try to prevent or undo environmental damage is a decision each country must make for itself. But I am convinced that in the long run, development programs that are environmentally sound will yield the most economic benefits. To encourage the adoption of such programs, I have taken these steps:

(1) I have instructed the Secretary of State, the Administrator of AID, and other concerned federal agencies to ensure full consideration of the environmental soundness of development projects under review for possible assistance.

(2) I have asked the Administrator of AID to make available to developing countries assistance in environment and natural resources management. Such assistance could help developing countries design environmentally sound projects, regardless of the source of funding for a particular project.

INTERNATIONAL ENVIRONMENTAL AGREEMENTS

A number of federal agencies, under the guidance of the Council on Environmental Quality, are engaged in international conservation activity. I am directing my Administration to expand this effort, giving particular attention to the following areas:

(1) The Endangered Species Convention is now in effect. The next step is to implement the treaty effectively. The United States has begun efforts to prohibit trade in endangered species of plants and animals, and will encourage similar steps by other nations.

(2) Pursuant to the Atlantic Treaty, I am today submitting legislation to Congress to provide for special protection of the flora and fauna of Antarctica. Because this remote, unpopulated region greatly influences the stability of the entire earth's oceans and atmosphere, its unique environment must be preserved.

(3) The Convention for Nature Protection and Wildlife Preservation in the Western Hemisphere was signed by Franklin D. Roosevelt in 1940, but has yet to be carried out fully and systematically. I propose to the countries of the Americas that we now implement this Convention through the offices of the Organization of American States. I urge the development of a Pan-American Migratory Species Treaty, and the convening of an Inter-American Conference on the Management of Western Hemisphere Renewable Natural Resources. The United States has already offered to host the Conference.

(4) I soon will send to the Senate for ratification the Treaty for the Convention of Migratory Birds and Their Environment, which we signed with the Soviet Union last November. This treaty—and the legislation I will submit to implement it—will establish new authority to conserve the habitat necessary to the survival of these birds.

SAVING THE WHALES

Sharing the worldwide public concern about the condition of marine mammals, especially whales, I have directed the Secretary of Commerce, with the foreign policy guidance of the Secretary of States to:

Prohibit commercial whaling within our 200-mile fishery zone;

Pursue negotiations within the International Whaling Commission for a stronger international conservation regime for whales and other cetaceans, affording protection for them throughout their range;

Maintain firm U.S. support for a ten-year worldwide moratorium on the commercial killing of whales; and

Report to me within 60 days any actions by other countries that have diminished the effectiveness of the International Whaling Commission's conservation program.

VII. IMPROVING GOVERNMENT

The foregoing proposals, along with others which will follow in the coming years, constitute the most far-reaching environmental program ever put forward by any administration. My support for them is resolute, and it is personal. But belief in these goals does not necessarily mean uncritical belief in the federal government's present methods for achieving them. In the past, our environmental policies have not always used the most practical tools, nor the least costly; they have sometimes imposed burdensome bureaucratic regulations where economic incentives could have done the job as well; and they have occasionally ignored the need for different solutions in different areas of our diverse country. There is room for improvement.

1. Implementation of the National Environmental Policy Act.

This Act is best known for requiring Federal agencies to prepare environmental impact statements before taking actions having significant environmental effects. In the seven years since its passage, it has had a dramatic—and beneficial—influence on the way new projects are planned. But to be more useful to decision-makers and the public, environmental impact statements must be concise, readable, and based upon competent professional analysis. They must reflect a concern with quality, not quantity. We do not want impact statements that are measured by the inch or weighed by the pound.

Accordingly, I am today issuing an Executive Order directing the Council on Environmental Quality to issue regulations requiring all Federal agencies to meet these criteria and the provisions of Section 102(2) of the National Environmental Policy Act in the impact statements they prepare and to establish a procedure for referring to the Council differences among agencies concerning implementation of the National Environmental Policy Act.

2. Coordination within the Federal Government

Various programs within the Environmental Protection Agency provide funds to state and local government for planning, training, monitoring, enforcement, and research in pollution control. They are presently authorized under different pieces of legislation, funded by different offices within the agency, and entail different procedures for allocation of their funds. In the near future I will submit legislation to the Congress designed to bring these programs together into one comprehensive environmental grant program.

The problem of uncoordinated policy is, unfortunately, not confined to any single federal agency. Today, before any federal agency can construct a new project, or grant funds to local or state governments, or issue a permit to a private party, it must comply with more than a score of different environmental review requirements. I have directed the Council on Environmental Quality to examine the present federal environmental review requirements and to recommend specific measures, including legislation, to clarify and integrate them in a way compatible with my broader proposals for governmental reorganization.

I am also directing the Council on Environmental Quality to establish an interagency task force to review present environmental monitoring and data programs, and to recommend improvements that would make these programs more effective.

3. Relations with Local Governments, Industry and the Public

My Administration will, in a variety of ways, move to simplify the delivery of federal programs and encourage a greater degree of local control. There are almost five hundred separate federal programs, most of which have separate planning requirements, providing tens of billions of dollars in assistance to state and local government. My Administration will support measures to bring these programs under a consistent, comprehensive policy, and to give state and local areas more influence over federal actions which affect them.

My Administration will also promote better cooperation between government and industry to solve some of our serious remaining pollution problems. I have directed the Administrator of the Environmental Protection Agency to meet with representatives of major industrial groups and develop a joint government-industry research program for unsolved pollution problems.

Finally, my Administration will support efforts to lower the barriers, financial and otherwise, against active public involvement in decisions that affect the quality of the environment. The surest way to sustain our environmental laws is to encourage citizens to hold the government accountable for enforcing and obeying them.

JIMMY CARTER.

THE WHITE HOUSE, *May 23, 1977*.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a message from the President, dealing with the environment and related subjects, be referred jointly to the Committees on Environment and Public Works; Energy and Natural Resources; Agriculture, Nutrition, and Forestry; Banking, Housing, and Urban Affairs; Commerce, Science, and Transportation; Foreign Relations; Governmental Affairs; and Human Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. RAILWAY ASSOCIATION AND OFFICE OF RAIL PUBLIC COUNCIL AUTHORIZATIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 172. S. 922.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 922) to amend the Regional Rail Reorganization Act of 1973 to authorize additional appropriations for the United States Railway Association.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill (S. 922) which had been reported from the Committee on Commerce, Science, and Transportation with amendments as follows:

On page 2, line 1, strike $13,000,000" and insert "$15,000,000";

On page 2, beginning with line 4 insert the following:

(b) Section 27(6) of part I of the Interstate Commerce Act (49 U.S.C. 26b(6)) is amended by deleting the word "and" where it appears by deleting the period at the end thereof, and by inserting immediately after "September 30, 1977" the following: ", and not to exceed $2,000,000 for the fiscal year ending September 30, 1978.".

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 214(c) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 724(c)) is amended to read as follows:

"(c) ASSOCIATION.—For the fiscal year ending September 30, 1978, there are authorized to be appropriated to the Association for purposes of carrying out its administrative expenses under this Act such sums as are necessary, not to exceed $15,000,000. Sums appropriated under this subsection are authorized to remain available until expended."

(b) Section 27(6) of part I of the Interstate Commerce Act (49 U.S.C. 26b(6)) is amended by deleting the word "and" where it appears, by deleting the period at the end thereof, and by inserting immediately after "September 30, 1977" the following: ", and not to exceed $2,000,000 for the fiscal year ending September 30, 1978.".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments en bloc.

The committee amendments were agreed to en bloc.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of H.R. 4049, an act to amend the Regional Railways Reorganization Act of 1973, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4049) to amend the Regional Rail Reorganization Act of 1973 to authorize additional appropriations for the United States Railway Association.

The PRESIDING OFFICER. Without objection, the Senate will proceed immediately to the consideration of the bill.

Mr. ROBERT C. BYRD. Mr. President, I move to strike out all after the enacting clause of the House bill and insert the language of S. 922, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 4049) was passed.

UP AMENDMENT NO. 287

Mr. ROBERT C. BYRD. Mr. President, I send to the desk an amendment to the title and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD) proposes an unprinted amendment No. 287.

The amendment is as follows:

Amend the title so as to read:

"An Act to amend the Regional Rail Reorganization Act of 1973 to authorize additional appropriations for the United States Railway Association, and to amend part I of the Interstate Commerce Act to authorize additional appropriations for the Office of Rail Public Counsel.".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that S. 922 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, was a motion to reconsider made on passage of H.R. 3849?

The PRESIDING OFFICER. No.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION AUTHORIZATIONS—MILITARY APPLICATIONS, 1977 AND 1978

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 186.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1339) to authorize appropriations to the Energy Research and Development Administration for national defense programs for the fiscal year 1978, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill (S. 1339) which had been reported from the Committee on Armed Services with an amendment to strike all after the enacting clause and insert the following:

That this act may be cited as the "Energy Research and Development Administration Authorization Act of 1977 and 1978—Military Applications".

TITLE I—NATIONAL DEFENSE PROGRAMS—FISCAL YEAR 1977

AUTHORIZATION OF FUNDS

SEC. 101. Funds are hereby authorized to be appropriated to the Energy Research and Development Administration for operating expenses and plant and capital equipment as follows:

OPERATING EXPENSES

SEC. 102. For operating expenses for the fiscal year beginning October 1, 1976, $1,363,535,000 as follows:

(1) Weapons Activities, $999,500,000.

(2) Special Materials Production, $362,735,000.

(3) Nuclear Explosives Applications, $1,300,000.

PLANT AND CAPITAL EQUIPMENT

SEC. 103. For plant and capital equipment, including construction, acquisition, or modification of facilities, including land acquisition, and acquisition and fabrication of capital equipment not related to construction, $379,401,000 as follows:

(1) Weapons Activities:

(A) Project 77-11-a, safeguards and research and development laboratory facility, Sandia Laboratories, Albuquerque, New Mexico, $8,300,000.

(B) Project 77-11-b, safeguards and site security improvements, various locations, $13,500,000.

(C) Project 77-11-c, 8-inch artillery fired atomic projectile production facilities, various locations, $22,600,000.

(D) Project 77-11-d, tritium confinement system, Savannah River, South Carolina, $3,500,000.

(E) Project 77-12-a, fire and safety project, Lawrence Livermore Laboratory, California, $2,300,000.

(F) Project 77-12-b, life safety corridor modifications, Bendix Plant, Kansas City, Missouri, $3,100,000.

(G) Project 77-12-c, modifications to comply with the Occupational Safety and Health Act, Y-12 Plant, Oak Ridge, Tennessee, $6,400,000.

(H) Project 77-12-d, upgrade reliability of fire protection, Bendix Plant, Kansas City, Missouri, $7,800,000.

(I) Project 77-12-e, sludge disposal facility, Y-12 Plant, Oak Ridge, Tennessee, $3,000,000.

(2) Special Materials Production:

(A) Project 77-13-a, fluorinel dissolution process and fuel receiving improvements, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho (A-E and long-lead procurement), $15,000,000.

(B) Project 77-13-b, improved confinement of radioactive releases, reactor areas, Savannah River, South Carolina, $6,000,000.

(C) Project 77-13-c, seismic protection, reactor areas, Savannah River, South Carolina, $3,000,000.

(D) Project 77-13-d, high level waste storage and waste management facilities, Savannah River, South Carolina, $56,000,000.

(E) Project 77-13-e, high level waste storage and handling facilities, Richland, Washington, $40,000,000.

(F) Project 77-13-f, waste isolation pilot plant, Delaware Basin, Southeast, New Mexico (A-E, land acquisition, and long-lead procurement), $28,000,000.

(G) Project 77-13-g, safeguards and security upgrading, production facilities, multiple sites, $16,400,000.

(H) Project 77-13-h, personnel protection and support facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $10,500,000.

(3) Project 77-14, General Plant Projects, $31,210,000.

(4) Capital Equipment Not Related to Construction, $102,791,000.

AMENDMENTS TO PRIOR YEAR ACTS

SEC. 104. Section 101(b)(1) of Public Law 93-276, as amended, is further amended by striking out "$27,500,000" in the item relating to project 75-1-c, new waste calcining facility, Idaho Chemical Processing Plant, National Reactor Testing Station, Idaho, and inserting in lieu thereof "$65,000,000".

TITLE II—NATIONAL DEFENSE PROGRAMS FISCAL YEAR 1978

AUTHORIZATION OF FUNDS

SEC. 201. Funds are hereby authorized to be appropriated to the Energy Research and Development Administration for operating expenses and plant and capital equipment, as follows:

OPERATING EXPENSES

SEC. 202. For operating expenses for the fiscal year beginning October 1, 1977, $1,578,800,000, as follows:

(1) Weapons Activities, $1,161,400,000.

(2) Special Materials Production, $416,400,000.

()3 Nuclear Explosives Applications, $1,000,000.

PLANT AND CAPITAL EQUIPMENT

SEC. 203. For plant and capital equipment, including planning, construction, acquisition, or modification of facilities, including land acquisition, and for acquisition and fabrication of capital equipment not related to construction, $411,344,000 as follows:

(1) Weapons Activities:

(A) Project 78-16-a, cruise missile production facilities, various locations, $18,100,000.

(B) Project 78-16-b, full fuzing option (FUFO) bomb production facilities, various locations, $43,000,000.

(C) Project 78-16-c, high explosive flash radiography facility, Lawrence Livemore Laboratory, California, $5,000,000.

(D) Project 78-16-d, weapons safeguards, various locations, $28,000,000.

(E) Project 78-16-e, new weapons production installations, various locations, $2,000,000.

(F) Project 78-16-h, Tonopah Test Range upgrade, Sandia Laboratories New Mexico, $4,000,000.

(G) Project 78-17-d, Steam Plant Improvements, Oak Ridge, Tennessee, $2,000,000.

(2) Special Materials Production:

(A) Project 78-18-a, high level waste storage and waste management facilities, Richland, Washington, $27,000,000.

(B) Project 78-18-b, high level waste storage facilities, Savannah River, South Carolina, $42,000,000.

(C) Project 78-18-c, fifth set of calcined solids storage bins, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $12,500,000.

(D) Project 78-18-d, new hydrofacture facility, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $5,400,000.

(E) Project 78-18-e, environmental, safety and security improvements to waste management and materials processing facilities, Richland, Washington, $15,500,000.

(F) Project 78-18-f, powerhouse emission control improvements, Richland, Washington, $6,500,000.

(G) Project 78-18-g, fan house and increased fan capacity, H chemical separations area, Savannah River, South Carolina, $3,400,000.

(H) Project 78-18-h, plantwide fire protection, Savannah River, South Carolina, $6,300,000.

(I) Project 78-18-i, improved emergency coolant supply in reactor areas, Savannah River, South Carolina, $3,500,000.

(J) Project 78-18-j, N-reactor environmental improvements, Richland, Washington, $7,500,000.

(3) Capital Equipment Not Related to Construction, $113,124,000.

(4) Project 78-21, General Plant Projects, $36,000,000.

(5) Capital Improvement Planning Program, $30,520,000.

AMENDMENTS TO PRIOR YEAR ACTS

SEC. 204. (a) Section 101(b)(9) of Public Law 91-273, as amended, is further amended by striking out "$240,000,000" in the item relating to project 71-9, fire, safety, and adequacy of operating conditions projects, various locations, and inserting in lieu thereof "$280,000,000".

TITLE III—GENERAL PROVISIONS

PROJECT COST VARIATION PROVISIONS

SEC. 301. (a) No project authorized in section 103 (1) or (2) or section 203 (1) or (2) may be started if the current estimated cost of such project exceeds by more than 25 per centum the amount authorized by law for such project.

(b) At any time the current estimated cost of any project under construction exceeds by more than 25 per centum the total amount authorized by law for such project, the Administrator of the Energy Research and Development Administration shall (1) promptly notify the appropriate committees of the Congress of such fact and include in the notification an explanation for the increased cost of the project and the revised current estimated cost figures for such project, and (2) not proceed unless and until additional funds for such project are authorized by law.

(c) The provisions of this section shall not apply to any project which has a current estimated cost of less than $5,000,000.

AUTHORITY TO MERGE FUNDS

SEC. 302. Subject to the applicable requirements and limitations of this Act and to the extent specified in appropriations Acts, amounts appropriated to the Energy Research and Development Administration pursuant to this Act for operating expenses or for plant and capital equipment may be merged with any other amounts appropriated for operating expenses or for plant and capital equipment, respectively, pursuant to any other Act authorizing appropriations for the Energy Research and Development Administration.

FUNDS TO REMAIN AVAILABLE UNTIL EXPENDED

SEC. 303. To the extent specified in appropriations Acts, amounts appropriated pursuant to this Act for operating expenses or plant and capital equipment may remain available until expended.

AUTHORIZATION TO PERFORM CONSTRUCTION DESIGN SERVICES

SEC. 304. The Administrator of the Energy Research and Development Administration is authorized to perform construction design services for any construction project of the Energy Research and Development Administration in support of military applications in amounts not in excess of the amount specified in section 203(5).

AUTHORITY TO USE CERTAIN MONEYS AND FEES

SEC. 305. To the extent specified in appropriations Acts, any moneys received by the Energy Research and Development Administration may be retained and used for operating expenses (except sums received from disposal of property under the Atomic Energy Community Act of 1955 (42 U.S.C. 2301) and the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98) and fees received for tests or investigations under the Act of May 16, 1910 (30 U.S.C. 7)), notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), and may remain available until expended.

AUTHORITY TO TRANSFER FUNDS TO OTHER AGENCIES

SEC. 306. To the extent specified in appropriations Acts, funds appropriated to the Energy Research and Development Administration for operating expenses may be transferred to other agencies of the Government for the performance of work for which such funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which transferred.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. STENNIS. Mr. President, I suggest we might have third reading, if desired. There are no further amendments that I know of.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. STENNIS. Mr. President, this is an authorization bill for appropriations for a certain part of ERDA's program, not by any means, all of it, a part which relates to the national defense program.

We took this up in our committee. It has been adequately considered. It was unanimously reported by the committee. There was no opposition to it at all.

These are appropriations, some of which I have been handling for some years on the Appropriations Committee. This work has been done heretofore, a great part of it, by the Joint Committee on Atomic Energy.

There is no opposition to this bill. There is no amendment filed, except the committee amendment.

I thought something should be said about the bill, as it is important. There is nothing to say, except it has been considered and unanimously recommended for passage. I move it be approved.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 1339) was passed.

The title was amended so as to read:

> A bill to authorize appropriations to the Energy Research and Development Administration for national defense programs for the fiscal years 1977 and 1978, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSFER OF MEASURES TO UNANIMOUS CONSENT CALENDAR

Mr. ROBERT C. BYRD. Mr. President, Calendar orders numbered 151, S. 1184; 159, S. 1237; 164, S. 1528; 166, S. 1530; and 200, S. 195 have been cleared for action by unanimous consent. I ask that the clerk transfer those Calendar orders to the Unanimous Consent Calendar.

The PRESIDING OFFICER. They will be so transferred.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOOD AND AGRICULTURE ACT OF 1977

Mr. ROBERT C. BYRD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Food and Agriculture Act of 1977, which the clerk will state by title.

The legislative clerk read as follows:

> A bill (S. 275) to provide price and income protection for farmers and assure consumers of an abundance of food and fiber at reasonable prices, and for other purposes.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, tomorrow the Senate will convene at 8:30 a.m. After the prayer, Mr. HUDDLESTON will be recognized for not to exceed 15 minutes and Mr. MATHIAS will be recognized for not to exceed 15 minutes, after which the Senate will resume consideration of the farm bill. The pending question at that time will be on adoption of the amendment by Mr. BELLMON. There is a time limitation on each amendment of 1 hour. The yeas and nays have already been ordered on the Bellmon amendment, consequently a rollcall vote could occur by 10 o'clock, or earlier.

In addition, hopefully, tomorrow the Senate will continue at some point during the day its consideration of the omnibus judgeship bill, which has already been read the third time. There is a time limitation for further debate thereon, 30 minutes for Mr. ROTH, 30 minutes for Mr. THURMOND, and 30 minutes for Mr. EASTLAND.

I am as sure as I can be sure of anything that all of that time will not be consumed.

Mr. President, rollcall votes are expected tomorrow throughout the day. It could be a long day. Hopefully, the action on the farm bill will be completed.

RECESS TO 8:30 A.M. TOMORROW

MR. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 8:30 a.m. tomorrow.

The motion was agreed to; and at 6:02 p.m., the Senate recessed until tomorrow, Tuesday, May 24, 1977, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 23, 1977:

DEPARTMENT OF STATE

Arthur W. Hummel, Jr., of Maryland, a Foreign Service officer of the class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Pakistan.

John Andrew Linehan, of Maryland, a Foreign Service officer of class 2, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sierra Leone.

INTERNATIONAL MONETARY FUND

Sam Young Cross, Jr., of Virginia, to be U.S. Executive Director of the International Monetary Fund for a term of 2 years (reappointment).

ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT

Herbert Salzman, of the District of Columbia, to be the Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador.

DEPARTMENT OF DEFENSE

Hans Michael Mark, of California, to be Under Secretary of the Air Force, vice James W. Plummer, resigned.

DEPARTMENT OF LABOR

Xavier M. Vela, of the District of Columbia, to be Administrator of the Wage and Hour Division, Department of Labor, vice Ronald J. James.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Robert Alan Frosch, of Massachusetts, to be Administrator of the National Aeronautics and Space Administration, vice James C. Fletcher, resigned.

IN THE AIR FORCE

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. James A. Knight, Jr., 461-24-9717FR (major general, Regular Air Force), U.S. Air Force.

EXTENSIONS OF REMARKS

"INSTANT VOTERS"

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. DEL CLAWSON. Mr. Speaker, the Washington Post of May 20 contains an editorial concerning the election-day voter registration proposals advocated by the administration which I believe pinpoints some of the major deficiencies of the legislation. The editorial also directs appropriate attention to some of the major "foul-ups" which can be expected should the legislation actually be enacted. The editorial entitled "Instant Voters" follows at this point in the RECORD for the attention of my colleagues:

INSTANT VOTERS

It's not clear whom President Carter had in mind when he told the United Auto Workers the other day that "some powerful special interests are trying to kill the electoral reform bill, because they don't want working people to register and to vote." That formulation may serve the President's interest—and perhaps his party's—in bringing about instant, election-day voter registration. But one need not be a "special interest" in order to see grave defects in the bill. To sum up our own view in Mr. Carter's terms, we *do* want working people and others to register and vote—but not necessarily on the same day.

The bill's wrongheadedness starts with its premise that pre-registration is a major barrier to voting. That used to be true. But registration rules and procedures have been greatly eased since 1960—and the percentage of voting-age Americans who turn out in presidential elections has been dropping anyway. The primary causes of the decline are demographic changes, public disenchantment and apathy—forces that can't be countered by a law. While simplifying pre-registration—by using a postcard system, for example—is a good idea in itself, it does not necessarily lead to larger turnouts at the polls. Even abolishing pre-registration may affect the turnout less than the nature of a given campaign. Last November, turnouts were a few percentage points above 1972 levels in the four states with instant registration. But they were also higher in most Southern states where pre-registration is still required.

It's generally assumed that larger turnouts would help the Democrats, which is why partisan lines are drawn so sharply on this bill. The basic question, though, is whether democracy as well as Democrats would be well served by making election-day registration available in every precinct in the land. An impressive array of state and local election officials, among others, say no. They predict widespread fraud if they can no longer obtain signature cards and verify addresses of all potential voters before election day. Requiring voters to show IDs and sign an affidavit at the polling place may deter fraud in Minnesota and other states where elections are generally scandal-free. In areas with more turbulent traditions, though, stronger precautions have proven desirable—as Rhode Island's secretary of state said in Senate testimony excerpted for the Record on this page.

The administration's bill presents other problems, too. It would compel most states to rewrite their election laws in short order, and to train many new precinct workers to process instant registrations. It would trample on the tradition of state governance of state and local elections. States would have to either extend instant registration across the board or suffer the cost and confusion of running elections under two different sets of rules. Finally, the federal grants for administration and "voter outreach" strike us as virtually impossible to police without bureaucratic controls so elaborate that the states will rebel and the Federal Election Commission will collapse.

All in all, the more we study this proposal, the worse it looks. We have no quarrel with instant registration, or no registration, where the integrity of elections is not jeopardized thereby. But the states ought to make that judgment for themselves. We see no current abuses so flagrant, and no potential benefits so great, as to justify the dangers this program would open up and the disruption it would cause. If the Democrats want to get more voters to the polls, they should try to do so in the time-honored way: through good political organization, a sound choice of issues, strong candidates and vigorous campaigns.

A TRIBUTE TO GENERAL HERSHEY

HON. DAN QUAYLE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. QUAYLE. Mr. Speaker, the death of the distinguished American and native Hoosier, Gen. Lewis B. Hershey, is a great loss to the American people. He will be remembered for his contribution to America's security at the time of great crisis.

He began life humbly in 1893 on a small farm in Steuben County, Ind., and went on to distinguish himself as head of the Selective Service for 30 years.

General Hershey's career spanned the terms of six Presidents. He became a hero as Director of the Selective Service during World War II, after serving in France during the First World War, and weathered the unpopularity of the Vietnam war.

Under his leadership the Selective Service System performed without the taint of scandal in the delicate task of deciding who must serve the country in time of war.

This outstanding American continued to play an active role in the course of history until 1973 when he retired as President Nixon's advisor on Manpower Mobilization. At 79, he was the oldest military man on active duty.

The sense of duty he displayed in the military, he also displayed in private life. At the age of 83, he returned to northeastern Indiana on May 20 for commencement exercises at his alma mater, Tri-State College, to fulfill his role as trustee emeritus. It was there that he died peacefully.

I would like to extend my remarks by including an article from the Washington Post—Saturday, May 21, 1977—commemorating him:

GEN. LEWIS HERSHEY, 83, HEADED SELECTIVE SERVICE

(By Jean R. Hailey)

Retired Army Gen. Lewis B. Hershey, 83, one of the nation's most powerful men during three decades as director of the Selective Service System, died yesterday in his sleep at a motel in Angola, Ind.

A trustee of his alma mater, Tri-State College in Angola, he had gone there to attend a board meeting yesterday afternoon. He also was to have attended graduation exercises today at the college, where a memorial to him is being created.

A preliminary autopsy last night disclosed that Gen. H. Hershey died from a heart disease associated with hardening of the arteries. On Feb. 24, he had undergone surgery at Walter Reed Hospital to remove a blood clot from his brain.

He remained hospitalized until April 20. He then was allowed to return to his home in Bethesda, but went back to Walter Reed as an out-patient.

When his wife of 59 years, Ellen Hershey, died of a heart attack on April 11, Gen. Hershey got permission from hospital authorities to attend her burial in Arlington National Cemetery. Despite his incapacities, he insisted on walking from the chapel to the graveside.

Friends said yesterday that her death contributed greatly to his rapidly worsening health. He was accompanied on the trip to Angola by a son, retired Marine Corps Col. Gilbert Hershey.

A controversial figure, who had served under six Presidents and during three wars as well as in peacetime, Gen. Hershey had overseen the drafting of millions of Americans.

In the early part of his career as head of the draft system, Gen. Hershey met with little opposition. Then, during World War II, patriotism, which meant serving the country, was the key word.

He was a celebrity who could ask for and receive radio time almost anytime for nationwide broadcasts on the draft to a country at war.

But in the 1960s, Gen. Hershey ran the full gamut of criticism. He became an open target for war dissenters and those opposed to sending U.S. troops to Vietnam. He seemed almost immune to the barbs.

"I had some temper," he once said, "but as you grow older it doesn't bother you so much because it tires you out to get mad."

Although there were calls for his ouster for years before he finally was eased out of his position, he clung tenaciously to the job.

Finally, in October, 1969, President Nixon announced that General Hershey would step down as Selective Service chief on the following February 16.

He was reassigned as an adviser to the President on manpower mobilization, a position he held until 1973, when he retired from the Army.

In an interview in 1970, shortly after he left the Selective Service, he noted:

"It was inevitable. And there's always a question whether you wait the way I did too long. But I would feel I was running away.

"I haven't allowed myself to regret it. I enjoyed the damn turmoil I went through over there. But I don't think I ever wake up at night and miss it."

Before he became involved in Selective Service planning and administration, General Hershey's military career had been comparatively uneventful.

Born on a farm in Steuben County, Ind., he graduated from high school, briefly attended Tri-State College and became a country school teacher. He later earned several degrees at Tri-State and was a graduate student at the University of Indiana when this country entered World War I.

General Hershey had joined the Indiana National Guard at age 18, and served with it on the Mexican border.

He was sent to France in World War I but saw no combat. After the war, in 1920, he joined the regular Army and saw duty in Texas, where he lost his right eye in a polo accident, and in Kansas and Hawaii.

In 1936, he was assigned as secretary to a Joint Army-Navy Committee set up to determine how a Selective Service System might be established in case the United States again entered a war. Its recommendations were the basis for the draft law passed in 1940.

General Hershey was named executive of the new Selective Service System that year and became its director in July, 1941. By that time, he had begun to view the agency as an instrument to control all the manpower in the United States

He considered total reliance on the draft as essential not only for military purposes. He felt his agency should decide where the individual could best serve a nation in total war.

But he frequently changed his views. A short while later, he declared the armed forces no longer could share available young men with essential war industries.

Even before the war ended, General Hershey was calling for a postwar system of universal military training. However, with the war's end, the draft system was junked.

President Truman then appointed him chief of the Office of Selective Service Records. When the draft was revived in 1948, Gen. Hershey again became director of the Selective Service System.

Known as a tough, honest and combative man, he continued to run with boundless energy a system that included thousands of local draft boards and appeals boards.

Gen. Hershey favored decentralization of operations to the extent that the draft boards were in the best position to determine who should be required to bear arms. On the other hand, he often issued general instructions to all boards.

His sharp tongue and high-handed ways sometimes caused him difficulties. For example, during the Korean conflict, he angered scientists by refusing draft deferrals for young scientists.

Gen. Hersheys greatest problems came in the 1960s during protests against the Vietnam war. Attacks on him reached their high point in 1967 when he directed draft boards to induct immediately antiwar protesters.

That directive was struck down two years later by the U.S. Court of Appeals.

In the meantime, protesters had camped at the doors of Selective Service System offices, speeches by Gen. Hershey had been disrupted on college campuses and elsewhere and demands were being made for his removal.

He remained undaunted. At one point, he even marched in a peace rally in Washington. At times, he seemed to sympathize with angry youths opposing the Vietnam war and the draft, although he was unable to offer an easy solution.

"The youth always have the responsibility of defending the country," he said. "How can they defend it if they don't believe in it (the country's participation in the war)?"

But at other times, he lashed out at protesters and draft-card burners, claiming they were publicity seekers who should be prosecuted and/or inducted.

Gen. Hershey had opposed a shift to a lottery draft system in the 1960s, but later changed his stance. He also had opposed the transition to all-volunteer armed forces.

Although he had never been in actual combat, he received the Distinguished Service Medal from President Truman in 1946. He also held the Navy Distinguished Service Medal and American Legion Distinguished Service Medal.

In addition to Col. Hershey, who lives in Jacksonville, N.C., he is survived by another son, George Hershey, of Bremerton, Wash.; two daughters, Kathryn H. Layne, of Washington, and Ellen Margaret Barth, of Kaneohe, Hawaii; 13 grandchildren and three great-grandchildren.

Funeral arrangements are incomplete. He will be buried in Arlington Cemetery.

COMMUNITY MENTAL HEALTH CENTERS

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. GONZALEZ. Mr. Speaker, I am introducing a bill that would amend the Social Security Act, title XVIII, to improve the opportunities for medicare recipients to receive mental health care through community mental health centers.

The community mental health centers have been overwhelmingly successful in providing mental health services to many of our citizens who otherwise would never have been able to receive this type of medical help. But unfortunately a segment of our population, and one that is certainly not immune from mental health problems—the elderly—is the group least served by CMHC's. And ironically the problem does not lie with the centers but with a gap in the medicare coverage.

According to studies, only CMHC's affiliated with hospitals are participating fully in the program. Freestanding CMHC's, which covers about 85 percent of the centers, cannot qualify as providers. Also, the restrictions under part B of the medicare program for mental health coverage limit the number of reimbursements to between 7 and 10 visits per year. As a result, the elderly are not utilizing the mental health services in their community and this is indeed sad and unfortunate.

The legislation I am offering today would make outpatient services of qualified community mental health centers more accessible to medicare beneficiaries by establishing CMHC's as providers of care. It calls for coordinating Federal policy under the CMHC Act and title XVIII so as to insure that these two programs work together for the benefit of the mentally ill, as well as provide reimbursement for 10 visits to a CMHC and for additional visits—up to a maximum of 60—following utilization review.

Recently passed community mental health center legislation requires each center to establish a specialized program to address the mental health needs of the elderly. With this new mandate the centers will be actively seeking those elderly in need of care and, coupled with the legislation I am proposing, will enable the elderly to take advantage of these services.

My proposal, while strengthening medicare coverage, will also increase the financial independence of the community mental health centers. Under present law CMHC's are to become self-sufficient after 8 years, but alternate sources of funds are not always easy to find. Thus, medicare reimbursement could help make these centers financially viable.

Mr. Speaker, I believe immediate action should be taken in order to offer the much needed mental health services to our elderly and I would hope that the

House Ways and Means Committee and the Committee on Interstate and Foreign Commerce would consider this proposal soon.

THE WORLD POPULATION PROBLEM AND AMERICAN POLICY

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. LONG of Maryland. Mr. Speaker, the dimensions of the world population problem loom in the present and far into the future.

According to United Nations' projections, the population will increase by over 2 billion people by the year 2000, doubling the number of desperately poor during the lifetime of most of us living today. A demographic change of this magnitude must have dire consequences.

One is less room for all of us. Another is increased social and political tensions. A third is drain on natural resources, including energy.

A recent CIA study concluded that the free world oil shortfall by 1985 will be about 20 million barrels per day. It is hard to see how the poor countries can afford to buy enough of this oil at the high future price to meet their development needs.

U.S. policy must deal with this difficult situation. The United States may have to pay much more for foreign military and economic aid. Our defense and intelligence budgets will increase. The dangers of war—both conventional and nuclear—will mount. More governments are likely to become irresponsible and unstable from internal pressures.

Our current policies are not adequate. They do not address the key problem of population control: Motivation of the people of the less developed countries. The current economic and social structure in these countries rewards those who have larger families. Larger families mean more hands to help with the farmwork, or to help care for parents in their old age. American population aid has been aimed at providing birth control devices to these countries, without regard for the people's motivation to use them. It is a cosmetic policy that fails to get the real social and economic problems behind economic expansion.

If we are to stop wasting our money on population strategies that do not work, a thorough reassessment of those policies is in order. At a very minimum our scarce population planning funds should go only to those governments that demonstrate that they are committed to encouraging, rather than discouraging or ignoring, population control. At present we hand money out without regard for results and what we give is spread too thinly to get results.

Our current population policies are a mess and a waste. We must formulate a coherent U.S. policy in this area, one that will produce results. I do not think that we should continue to give money to people to plan the families that they want to have anyway—that is what we are doing now.

MR. WALTER H. GRAVELINE FETED BY BAY CITY, MICH., KNIGHTS OF COLUMBUS

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. TRAXLER. Mr. Speaker, on Saturday, June 11, 1977, the Bay City, Mich., Council 414 of the Knights of Columbus will pay special tribute to a very special citizen of Bay City—Mr. Walter H. Graveline. I rise today to inform you and the Members of the House of many accomplishments of Mr. Graveline and just how much he means to the Bay City community.

Walter H. Graveline, 84 years young, was born and raised in Bay City. Since 1915 he has been a member of Council 414 of the Knights of Columbus. He has held every office in the Bay City Council, each of the top three State offices, and has been a key figure in Boysville since its inception in the 1950's.

For almost 60 years Walter was in the clothing business, always in Bay City and for 30 years in the same location—at the corner of Center Avenue and Saginaw Street.

Throughout his life Walter has been in the important role of civic leader. In addition to his K of C activities, he is a past president of the Retail Merchants Association; he is the oldest active member of the Kiwanis Club; and he is still active with the Goodfellows.

An ardent baseball fan, Walter played and managed local teams in his youth. He is a former member of the board of control of the old Michigan-Ontario Baseball League and was a member of the Bay County Baseball Federation which operated during the depression years. Only recently did he retire from 25 years service with the Bay County Recreation Commission.

An important part of Walter Graveline's local baseball legacy is his part in the purchase, by the Pittsburgh Pirates, of Baseball Hall of Famer Hazen "Ki-Ki" Cuyler, who first reached stardom as an outfielder with the Bay City Wolves of the Michigan-Ontario League.

Walter H. Graveline has been a member of the Bay City Visitation Parish for over 80 years and has held office with each of the parish organizations.

Mr. Speaker, I am proud to join with the Bay City Knights of Columbus and with the entire Bay City community in extending best wishes and congratulations to Walter Graveline for his outstanding achievements and contributions to the people of the Bay City area and the State of Michigan.

MR. EILBERG'S COMMITTEE FACES ISSUE OF ILLEGAL ALIENS

HON. RAYMOND F. LEDERER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. LEDERER. Mr. Speaker, I would like to call to the attention of my colleagues an important article in the Congressional Quarterly of April 30, 1977, regarding illegal aliens in the United States.

As this report indicates, my colleague from Philadelphia (Mr. EILBERG) has taken a leading role in meeting this issue in his position as chairman of the House Subcommittee on Immigration, Citizenship and International Law. The following, I believe, presents a comprehensive picture of this issue, and the work being carried out by Mr. EILBERG and others to solve the problems posed by illegal aliens:

ILLEGAL ALIENS: CARTER PREPARES HIS BILL

The United States has long cherished its image as a refuge for the dispossessed of the world. Yet in a gradual response to its burgeoning population during the past century, the nation has slowly shut the door to immigrants, replacing the symbolic welcome of the Statue of Liberty with the genuine barrier of the border guard.

At present only 290,000 persons are allowed to immigrate into the country each year. No more than 120,000 of those can come from countries in the Western Hemisphere. That compares with the first decade of the century, when a much smaller United States welcomed more than four million immirgants to its shores.

But recent legal quotas bear little relation to the actual number of immigrants. Those quotas simply have not been enforced.

Estimates vary, but everyone agrees that dramatic numbers of individuals are living in the country as illegal, or "undocumented" aliens. The Justice Department's Immigration and Naturalization Service (INS), charged with enforcing immigration laws, claims there are between six and eight million such aliens in the country now. (*Background, 1976 Weekly Report p. 637*)

The problem went largely unnoticed prior to 1971. But since then Congress repeatedly has tried to find solutions.

Those attempts have been unsuccessful. Although it is impossible to find precise figures, the dimensions of the problem have rapidly expanded. In 1976 INS apprehended 875,915 illegal aliens; 765,094 were expelled from the country. In 1961, only 88,823 illegals were apprehended.

It is generally assumed that the growing rate of apprehensions mirrors larger numbers of undetected illegal immigrations into the United States. (*Graph, p. 823*)

Again, the lack of hard statistics makes it difficult to gauge the impact of illegal aliens on the U.S. economy and society, but there is a widespread belief that they compete with U.S. citizens and legal aliens for employment, that they depress wages and worsen working conditions for other U.S. workers, and that in some cases they tax the social welfare services of the nation.

ADMINISTRATION PROPOSAL

The Carter administration is moving briskly to tackle this thorny problem. On April 27, a Cabinet-level task force established by the President-elect in December 1976 sent a proposed legislative package dealing with illegal immigration to the White House for the President's consideration.

Carter and the White House staff are expected to act on the proposal quickly, possibly sending it to Congress as a legislative proposal in May.

While some alterations may be made by the President, the proposal carries the imprimatur of four members of his Cabinet—Secretary of State Cyrus R. Vance, Health, Education and Welfare Secretary Joseph A. Califano Jr., Attorney General Griffin B. Bell and Labor Secretary Ray Marshall, who was knowledgeable about the problem before coming to government. It is considered unlikely that the main contours of the plan will be altered.

The proposal sent to Carter on April 27 is founded on the idea that the flow of illegal immigrants must be stopped. To do so, the proposal attacks what are known among immigration experts as the "push-pull" bases for illegal immigration.

The "push" which prods individuals to seek to enter the United States, legally or otherwise, is the comparatively depressed ecnomic conditions of other nations. The "pull" attraction for these individuals is likewise economic: the propsect of employment in the more vibrant U.S. economy.

The elements of the proposed administration position will not be unfamiliar to Congress—nor will they be uncontroversial. The task force, headed by Bell and Marshall, has drawn heavily on the ideas and approaches of the past congressional efforts to solve the illegal alien problem.

The key elements of the proposed package are:

Civil fines for employers who knowingly hire illegal aliens, coupled with a defense for the employers based on their reliance on a range of employees' personal identification documents;

Amnesty for those individuals who already have been within the United States long enough to build up "substantial equity" in this country;

Tighter enforcement of existing wage-and hour and working condition statutes to minimize the employers' incentives to circumvent the law and hire illegal aliens;

Tougher enforcement of the physical borders and points of entry into the United States, and

Foreign policy initiatives aimed at lessening the pressures which lead individuals to violate U.S. law by entering without official approval.

Central to the proposal is the idea of employer sanctions; employers who hire illegal aliens would risk civil fines as punishment. At present, with some minor exceptions, there is no penalty attached to hiring illegal aliens. Even where the INS moves in to "raid" an employer and deport the illegal aliens working for him, nothing is done to the employer.

LEGISLATION

The idea of such employer sanctions has been a principal element in past legislative attempts to deal with illegal aliens. Its past proponents have been House Judiciary Chairman Peter W. Rodino Jr. (D N.J.) and the chairman of the Judiciary Subcommittee on Immigration, Citizenship, and International Law, Joshua Eilberg (D Pa.). One area of controversy over employer sanctions will be whether civil fines are adequate to ensure compliance by employers or whether criminal penalties might not be necessary to make the statute effective.

Eilberg, the sponsor of H.R. 1663, a bill identical to legislation reported out by the Judiciary Committee during the 94th Congress, warned in an interview that he strongly favors criminal penalties as a necessary deterrent. He claimed that "the fine is likely to be nominal, and it turns out to be a license rather than a disincentive to hire illegal aliens again. It becomes just a cost of doing business to some employers."

Terry Adamson, a special assistant to Attorney General Bell, who worked intensively on the task force proposal, defended the civil penalty formula as "the appropriate way to reduce the 'pull' effect. We don't want to make things criminal, and we don't think it's necessary," he said. "Civil penalties may even lead to better enforcement since juries are reluctant to convict people."

The most effective congressional opponent to stiffer employer sanctions in the past has been Senate Judiciary Chairman James O. Eastland (D., Miss.). Eastland has allowed past bills to die in his Senate Judiciary Subcommittee on Immigration and Naturalization (now Immigration) because employer sanctions were not accompanied by provisions guaranteeing employers access to sufficient seasonal and temporary labor. (1976 Weekly Report, p. 729)

EMPLOYER SANCTIONS

A prime danger for such employer sanctions, as Justice Department and Labor Department aides who worked on the proposal recognize, is that the risk of penalties could make employers shy away from hiring individuals who are potentially illegal aliens. Since most illegal aliens are of Mexican origin, the result could be thinly disguised discrimination against Hispanics in the job market.

The proposal aims to respond to that potential problem by giving employers "an absolute defense." As Adamson explained, "based on his reliance on a combination of [a job applicant's] identification documents, the employer would have an absolute defense to prosecution." Social Security cards, driver's licenses, birth certificates, and other "indicia of citizenship" could be relied on by the employer in deciding that an individual is a legal resident and can be hired.

That question of personal identification documents has been one of the most difficult aspects of finding a solution to the illegal alien situaiton. Civil libertarians and Mexican-American groups have strongly resisted any move which might lead to a national identity card or to a form of "internal passport" by which U.S. citizens' activities and movements might be controlled. Eilberg shares that concern, having been disturbed by the Soviet internal passport system which he witnessed during visits to Moscow. Others more readily make reference to the Nazi abuses of internal passports.

Given those fears, the Cabinet-level proposal has shied away from the creation of any new type of identification card. Rather, the proposal would leave to the Attorney General the task of designating those types of documentation upon which an employer could rely absolutely as a defense to any attempted prosecution under the statute. The hope is that the statute would not result in discrimination, since any individual who could produce any of the range of documents would pose no threat to an employer considering hiring him.

Legal aliens in the United States already are required to carry a card. Thus there should be no discrimination against them if they produce that card in seeking employment. The question of exactly which documents to require of a U.S. citizen seeking employment is the difficult one for the Attorney General in establishing the defenses available to employers.

AMNESTY

The amnesty provision included in the task force proposal also is likely to provoke some controversy. The idea of amnesty springs from the belief, publicly voiced by both Bell and Marshall, that any sort of mass roundup or deportation of illegal aliens would be inhumane.

But here too the formula for fairly granting amnesty is elusive. As the drafters of the proposal are aware, there traditionally has been congressional opposition to proposals which in effect reward the past "lawbreaker" who illegally entered the United States and established himself, without taking into account the plight of the law-abiding foreign citizen who applied for a legal visa, was placed in a years-long waiting line and never has been allowed to enter.

Also, there are difficulties with the choice of criteria for singling out those who should be allowed to stay and legalize their residency. Attorney General Bell frequently has referred to the need to protect those who have built up some "equity" in the United States.

The precise details of the amnesty proposal are not yet known, but Chuck Knapp, the principal aide to Marshall working on the proposal, explained the difficulty in selecting amnesty criteria: "Time here and family considerations are more administratively feasible since they are more easily determined by a magistrate or court," Knapp said. "Anything else also gets more judgmental, such as trying to determine moral character, and that could clog up the administrative machinery."

As other immigration authorities have pointed out, both time in the country and family unification historically have been central considerations in the way U.S. immigration laws have treated individuals who wish to come, to stay, or to become citizens.

EMPLOYMENT LAWS

The final element in the package which attemtps to deal with the economic "pull" factors is a proposal to toughen enforcement of current wage-and-hour and working condition laws.

The thrust of this proposal is to make employment of illegal aliens less attractive, since in many instances they have been hired because they are willing to work for lower wages and under worse conditions than U.S. workers. Knapp explained that the proposal envisions a more aggressive enforcement of the Fair Labor Standards Act (Public Law 75–718).

"Right now, 85 percent of the time spent investigating compliance in this area is spent on complaints, and only 15 percent on the targeting of certain industries," Knapp stated. "We hope to up the inspections that would be done in a targeted manner—here's an industry that appears likely to hire undocumented aliens and that appears likely to be violating the wage-and-hour standards."

It is hoped that such a targeted approach would snuff out the incentive to employers to evade the labor and the immigration laws. A larger budget for the Wage and Hour Administration is included in the proposal.

The question of improved regulation of working conditions also was addressed by the task force. There was some support for involving the Occupational Health and Safety Administration (OSHA) in enforcing adequate working conditions. OSHA already is under attack from a number of business quarters, and this new responsibility could be "too much strain," according to one task force aide. The final disposition of this problem is not yet known.

GUARDING BORDERS

Even if the attraction of easy employment is reduced by these proposed measures, both congressional and administration sources agree that improved physical surveillance of the U.S.-Mexican border and other points of entry must be achieved.

Noting the grim, distasteful aspect to discussions about shutting down the border between two historically friendly countries, one task force aide jested that "we decided against the moat, the alligators, and another Great Wall of China."

The task force did agree that the key was to equip INS to surveil the 2,000-mile border and to respond to the obvious presence of individuals moving across it.

For fiscal year 1977, the INS budget was $234-million, and the total staff level was 9,451. Much to the disappointment of Eilberg, the Carter budget request for FY 1978 was only for $254.4-million, with only 109 added positions.

Eilberg told an appropriations subcommittee April 5 that INS "at the present time is totally incapable of administering and enforcing the provisions of the Immigration and Nationality Act. . . . This alarming situation can only be rectified by providing INS with a substantial infusion of financial resources and manpower over a relatively short period of time."

The Cabinet-level task force contemplates a significant bolstering of the INS budget. Additional helicopters and other equipment needed for day and night patrol of the border will be added. The service currently has only one helicopter.

Finally, the proposal calls for negotiations and consultations with the source countries of illegal aliens, most of which are the developing countries of the world. The precise steps that could be taken would be a result of bilateral negotiations, but increased economic aid is an obvious possibility which has been raised. Over the long term, movement toward greater economic equilibrium between the United States and these developing countries would be the only sure way to reduce the pressures for illegal immigration, as various studies of the problem have indicated.

OUTLOOK

The administration proposal will be welcomed on Capitol Hill by supporters of illegal alien legislation, even where there is some disagreement as to specifics.

Eilberg is optimistic that the time is ripe for action and hopes that the 95th Congress will act. A March Gallup poll confirms that the American public is concerned over the problem: 82 per cent favored employer sanctions against hiring illegals, and a plurality of the public polled favored the reduction of immigration generally.

To Eilberg and his subcommittee, an illegal alien statute is only the first step in the review and development of total U.S. immigration policy. On April 26, he introduced HR 6651, to establish a Select Commission on Immigration and Refugee Policy. Under that bill, a commission would be given three years to review and recommend revision of U.S. immigration policy.

If the administration and Congress actually succeed in controling the flow of immigrants into the United States for the first time in years, the changes in the U.S. way of life could be dramatic. The structure of the economy and the job market, particularly in the seasonal agricultural sector, will be significantly altered.

Despite studies of the potential impact, no one is quite certain what it will be. If some predictions prove accurate, the United States may discover it cannot get along without the alien labor. If so, additional thorny questions of how to allow foreign labor into the country, and how to protect foreign laborers from exploitation while preventing damaging competition with domestic workers will confront the Congress—By Barry M. Hager.

THE LIKUD ELECTION IN ISRAEL IS A VICTORY FOR FREE ENTERPRISE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. KEMP. Mr. Speaker, the recent election in Israel has elicited a great deal of comment about the likely effects on Middle East peace proposals. What has been lost in the shuffle, however, is the significance for Israel's domestic policy. According to the following story in last week's Washington Star, much of the Likud Party's success at the polls was the result of dissatisfaction with the Labor Party's socialist economic policies. The election, therefore, was a repudiation of socialism as much as anything else. I believe that this is significant and I hope my colleagues will note the attempt by the Likud Party to lower taxes, restore incentives for private enterprise, and reduce the bureaucracy. In short, they want to unleash the genius of free enterprise in Israel:

ISRAEL'S GOODBY TO SOCIALISM

(By Andrew Meisels)

TEL AVIV.—The major effect of the conservative Likud's rise to power is likely to be on Israel's internal life, and the changes in the country's economic policies may well be revolutionary.

For all of Israel's life—and for the life of the Zionist settlement which preceded it—the Likud and its predecessors have been proposing an alternative to the Socialist policies of the incumbent Labor party.

In the campaign just past, the Likud called repeatedly for an end to "the system."

Every Israeli knows full well what is meant by "the system," for "the system" permeates every facet of Israeli life. It involves tight government control of the economy, and the direct involvement of the government and/or the labor movement in every major enterprise.

The average Israeli lives in an apartment house built on public land by a building company owned by the Histadrut labor federation and subsidized by the government.

The milk and eggs that the average Israeli has for breakfast are produced by the Histadrut dairy cooperative. He rides to work on a vehicle of the publicly subsidized bus cooperative, and the chances are one in three that his job is publicly financed.

When he gets sick, the average Israeli is treated at a clinic of the Histadrut sick fund, and he recuperates at a Histadrut rest home.

All of this is based on sound socialist principles and is supposed to benefit the workers and the less fortunate segments of society.

Yet an analysis of the election results shows that the Likud enjoyed its greatest support among workers, the young and the underprivileged. The Labor alignment did best among the well-established middle class over the age of 50.

The results are a tipoff as to what went wrong with "the system," which in its early years did wonders for the Israeli economy as a whole: It grew crochety with age.

Over the years, "the system" developed a privileged class of its own—technocrats and managers who could, and did, favors for their friends.

Without the help of such a person—called "protekzia" in Israeli slang—the average Israeli could wait for up to 10 years to get a telephone, and when he tried to get such things as a government mortgage or a publicly subsidized apartment, he would find himself up against the total Israeli bureaucracy.

Yet he was obliged to support this bureaucracy through a bewildering array of taxes ranging from an income tax to a travel tax and including a purchase tax, a property tax, a land betterment tax, a defense tax and a variety of stamp taxes.

"The system" sought to divide up the national pie through a series of wage agreements in every sector of the economy—one linked to the other.

When the inflation rate hit 40 percent, workers began to strike for more money—usually against the wishes of the Histadrut, which by this time was indistinguishable from the government.

Then came a series of scandals, all of them involving Labor officials deeply enmeshed in "the system." The former head of the Histadrut sick fund was sent to jail. The housing minister committed suicide. The prime minister had to resign.

In its election advertisements, the Likud played heavily on the feeling of the average Israeli that he was being denied privileges which the higher-ups were getting. A song featured in Likud TV spots went like this:

"I have no foreign bank account, and no expenses.

"I have no protekzia and no note from the minister.

"All I've got is a feeling in my heart that we're gonna change the government."

Now that the Israelis have, in fact, changed the government, the Likud is promising them a wide range of economic reforms. In this, they will be supported by the Democratic Movement for Change, which ran on an almost identical economic platform.

The Likud and the DMC promise to phase out all taxes except the income tax and the value added tax—both of which are progressive.

They want the Histadrut to return to being a labor union and to give up its industrial holdings.

They promise to cut the government bureaucracy sharply and to funnel the manpower thus made available into productive export industries.

To ease the shocks that will be caused by this, they want to institute an unemployment insurance program—something that, ironically, the socialists opposed.

Above all, they want to cut the Israeli economy loose from the government—something both the Likud and the DMC feel will bring in much needed foreign investment and will give free rein to what one Likud leader called "the Jewish genius for creative free enterprise."

That genius has been singularly lacking in Israel so far.

The election results have been called a revolution, and that is no exaggeration. For the first time since the 1920s, the majority of Israel's elected representatives are not socialists.

PUBLIC VOTES DOWN CARTER'S UNIVERSAL VOTER REGISTRATION PLAN

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. FRENZEL. Mr. Speaker, on May 8, the Gallup poll relayed the results of its survey showing that 55 percent of Americans oppose the President's universal voter registration plan. Only 40 percent favor the plan.

The poll also shows that independents, Republican, and Democrats are all opposed to universal voter registration.

The Gallup poll press release follows:

PUBLIC VOTES DOWN CARTER'S "UNIVERSAL REGISTRATION" PLAN

(By George Gallup)

PRINCETON, N.J.—The public is not ready to accept President Jimmy Carter's proposal to permit any adult to vote in federal elections merely by producing some kind of identification on election day.

A recently completed Gallup Poll shows

that 55 per cent of Americans oppose the President's plan—"universal registration"—which would allow voters to forgo the traditional process of registering well ahead of the actual election. The plan is favored by 40 per cent of the public.

Most interesting of the survey findings is the fact that members of the Democratic party actually vote against the President's plan, by a 53-43 per cent margin.

Surveys conducted since 1936 by the Gallup Poll have shown that any plan which would substantially increase election day turnout would almost invariably help Democratic candidates. An analysis of presidential election data confirms this would have been the case last year.

In the popular vote last year, Carter defeated Gerald Ford by just over two percentage points. However, had everyone 18 years of age and older turned out at the polls, Carter would have won by just over five percentage points—a result that would have given him a landslide victory in the electoral college.

The table below compares the actual election figures with what, according to Gallup Poll data, would have been the result had all adults voted:

1976 ELECTION RETURNS

[Percentage of popular vote]

	Carter	Ford	McCarthy	Others	Carter's margin
Actual election returns	50.1	48.0	0.9	1.0	2.1
All adults	50.7	45.6	2.5	1.2	5.1

Not surprisingly, the Republican National Committee last week went on record as opposing the Carter proposal—a stance shared by the GOP rank-and-file, who vote 67-30 percent against universal registration in the current survey.

Independents are closely divided in their outlook, but lean in opposition to the plan, 49-44 percent.

Although most other population groups oppose the proposed bill, there are pockets of support—among young people, Catholics, and residents of cities with more than a million people. Even among these supporters, though, opinion is closely divided.

Here is the question asked in the survey:

"In order to vote in elections, each person must now be registered. It has been proposed that registration NOT be required in elections for national office if a person can produce proper identification, such as a driver's license, on election day. Would you favor or oppose this plan?"

Here are the national findings as well as the results by key population groups:

Favor or Oppose Universal Registration?

[In percent]

	Favor	Oppose	No opinion
National	40	55	5
Republicans	30	67	3
Democrats	43	53	4
Independents	44	49	7
East	48	46	6
Midwest	40	56	4
South	35	60	5
West	38	58	4
College background	39	58	3
High school	40	56	4
Grade school	45	46	9
Under 30 yr. old	49	46	5
30 to 49 yr. old	35	60	5
50 and older	38	57	5
City size:			
1,000,000 and over	49	43	8
500,000 to 999,999	37	57	6
50,000 to 499,999	42	55	3
2,500 to 49,999	44	52	4
Under 2,500, rural	34	61	5

REASONS PRO AND CON

Although increased participation in the political process is generally a universally accepted goal in the U.S. (Americans have one of the lowest voter-participation records of any free nation), critics of universal registration are not sure this plan is the best way to facilitate voter participation.

Speculation that widespread voter fraud would occur is at the heart of opposition to the plan. Local election officials are also concerned about the expense involved in hiring additional precinct judges and deputies.

Those who favor the plan feel dramatic steps must be taken to halt the steadily declining turnout of America's voters. Post-election Gallup Polls conducted after each of the last three presidential elections have shown, in each instance, that inability to register is the reason cited most often by those who did not vote.

Supporters also point out that, while there has been no evidence of fraud, in the two states which already have a similar registration law—Minnesota and Wisconsin—voter turnout increased two to three percentage points between 1972 and 1976, while the national figure was declining three percentage points.

The findings reported today are based on personal interviews with 1,550 adults, 18 and older, in more than 300 scientifically selected localities during the period March 25-28.

WORLD ORGANIZATION OF JEWS FROM ARAB COUNTRIES

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. SOLARZ. Mr. Speaker, I would like to take this opportunity to address my colleagues concerning a subject of vital importance to the interests of the United States and the ideals of all Americans. Recent events have served to generate new hope and optimism that after many years of perpetual uncertainty, a lasting peace may finally come to the turbulent Middle East.

Any talk of peace inevitably leads to a discussion of the refugee situation. "Arab refugee" is a phrase we are all familiar with because of the emphasis placed on this side of the refugee coin. There is, however, another side—that of Jewish refugees. Over 800,000 Jews from Arab countries have been scattered throughout the world as a result of persecution and humiliation within their countries, both preceding and following the establishment of the State of Israel.

A group known as the World Organization of Jews from Arab Countries was formed in order to assure that all Middle East refugees are placed on an equal footing, and to recognize that the rights of the Jewish refugees from Arab countries are in no way inferior to those of other refugees in the region.

I believe very strongly that the WOJAC expounds a crucial message which is an essential element of any peace settlement in the Middle East. Jews from Arab countries have been subjected to constant discrimination in an almost systematic deprivation of both fundamental legal and human rights. If, in the context of a final peace settlement in this troubled area of the world, Arab refugees are given restitution for properties lost, then, restitution must include compensation to thousands of Jews whose property rights were wrongfully expropriated, seized, confiscated or abandoned under the force of circumstances, as well as reparation for the suffering, humiliation, and persecution endured in the Arab countries. Of more than 850,000 Jews, only a few thousand are now left in Arab countries. Among the latter there are the 5,000 Jews still in Syria, whose plight, while somewhat improved, is all too well known. In Iraq, only 300 souls are left of a once magnificent community of more than 140,000 Jews.

I applaud the persistent efforts of WOJAC to put the Arab-Israeli conflict in its right perspective, by drawing attention to the largest wave of refugees that the Middle East has known, the displacement of Jews from Arab countries. The WOJAC today represents more than 1,750,000 Jews originating from Arab countries as well as their descendants. These Jews are entitled to have their rights recognized in any negotiations with Arab States and the true facts about those rights given due weight. No just and durable peace between the Arabs and Israelis is feasible unless the claims of the Jews from Arab countries are properly considered and acted upon along with reciprocal claims concerning Arab refugees.

Mr. Speaker, I believe it is imperative that the quality of the refugee problem be recognized by all concerned parties as a vital factor in any negotiations toward peace in the Middle East if peaceful coexistence is ever to become a reality.

MR. AND MRS. THOMAS FALCONE CELEBRATE 50TH ANNIVERSARY

HON. RAYMOND F. LEDERER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. LEDERER. Mr. Speaker, I would like to take this opportunity during the business of this House to pay a special tribute to Mr. and Mrs. Thomas Falcone on their 50th wedding anniversary. This anniversary will be celebrated on Sunday, May 22, 1977, in my home city of Philadelphia. The occasion will be marked by a special marriage blessing offered by the Very Reverend John M. Pasitano, a personal friend of Tom and Jimmy Dorsey and a fine musician in his own right.

For the last 50 years, Tom and Mary Falcone have lived and worked in their community while maintaining a strong bond of family unity. They are the proud parents of six children, one of whom is deceased, and the grandparents of 14.

Tom Falcone worked for 23 years as a parole officer and for 10 years as a member of the Roofers' Union. Mr. Falcone also worked with my father for many years in the State revenue service.

This marriage anniversary is especially significant during an age when the true values of family life have somehow been lost. The many years they have spent together is a tribute to the love, faith, and devotion they have for each other. More importantly, their long married life working as a team; raising a large family; fighting adversity; has not impinged upon their individuality.

Tom Falcone has a long and distinguished record as a parole officer. During his career, Mr. Falcone worked with many young people who were or could have been in trouble.

Tom Falcone was using modern methods of criminal rehabilitation over 20 years ago. The essence of these methods is the combination of a lot of understanding tempered by justice and charity. His life as a professional parole officer could have hardly been successful if it were not for the understanding and support his wife, Mary, willingly gave. The long and late hours spent in his job requires the strong support of a loving wife.

It is, therefore, the example of the strength of this union which began 50 years ago and thrives today that I want to pay tribute in the Congress of the United States this morning.

FIFTH ANNIVERSARY OF THE REPUBLIC OF SRI LANKA

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. BURKE of Florida. Mr. Speaker, on May 22, 1972, the island of Ceylon adopted a republican constitution and changed its name to Sri Lanka. As a member of the International Relations Committee and the Interparliamentary Union, I have had the pleasure of visiting this unique and exciting island and I would like to share with you some information about the progress of this country. Although the country has been politically independent of Britain since February 1948, Sri Lanka continues voluntarily to remain a member of the Commonwealth of Nations.

This year will see Sri Lanka having general elections for the National State Assembly for the eighth time in the last 29 years of independent existence. Every Sri Lanka national over the age of 18 will be qualified to register as a voter, and to cast his or her vote in secrecy and free from interference or intimidation by the Government. With a population of 13 million people of different ethnic origins and different religious faiths it is indeed a remarkable achievement that peace and harmony prevail while basic democratic institutions move ahead toward the achievement of social and economic justice for all. In a world where the two major issues facing the smaller and less affluent countries are those of raising the living standards and the quality of life of their peoples and of protecting and enhancing political freedoms and human rights, Sri Lanka has an enviable and creditable record.

Sri Lanka is perhaps the only country in the southern hemisphere that has moved toward a meaningful realization of both improved living standard and greater political freedom for its people in recent years.

The fact that at five of the seven previous general elections the people of Sri Lanka were able to defeat incumbent governments by the exercise of universal adult franchise through the secret ballot is the best proof of the healthy democratic traditions which the country maintains. At the last general election in 1970 no less than 80 percent of the voters exercised their rights in an independent and democratic manner. That is a record our Nation can envy as well as most other nations of the free world.

Sri Lanka is proud of its record of achievement in social justice. It is perhaps in this field that Sri Lanka has been described by many international authorities as almost a model for developing countries. With an education system which provides education free from kindergarten to university, the country has reached a literacy rate of almost 89 percent—higher than in any other single country in the Third World. During the last two decades its infant mortality rate has been halved to 40 per thousand; the life expectancy at birth for a Sri Lankan now stands at 69, compared to 72 in the United States; its rate of increase of population has dropped from 3.3 percent in the 1950's to 1.7 percent in the 1970's; the lowest 40 percent of the income earners have shown the highest increase in per capita income—8.2 percent—the next 40 percent an increase of 6.1 percent and the top 20 percent an increase of 2.4 percent, thereby illustrating a trend toward redistribution of income and a narrowing of the gap between the rich and the poor.

Like all nations on Earth, Sri Lanka has been the victim of worldwide inflation, with catastrophic increases in the price of all imports including—energy, fertilizer, manufactured goods, and other raw materials. At the same time there have been serious fluctuations in the price of exports—tea, rubber, coconut, and other vegetable oils. Nevertheless a viable economic structure has been maintained.

A land reform program has been concluded. The imposition of a ceiling on private ownership of land resulted in redistribution of land. The transference of ownership of the tea plantations to indigenous ownership from foreign monopolies was remarkable in that the compensation negotiations with the British owners and the British Government was an object lesson in the rational dialog that is possible between developed and developing countries.

Another source of pride is the inauguration of a gigantic multipurpose river diversion project under which the country's longest river, the Mahaweli, will be diverted into the arid dry zone of the country to insure continued irrigation for the peasant farmers of that area. The first phase of stage I of this massive multimillion-dollar project has been completed and tangible results have already emerged in the form of enhanced rice yield. The second phase is about to begin.

From the above it is clear that the Government of Sri Lanka is pursuing the objectives of economic development together with greater equality in the distribution of income.

The relations between the United States and Sri Lanka are friendly and linked by the common identity of democratic institutions, concern for human rights, and economic, commercial, and cultural interests.

The United States, under the food-for-peace program, has been expanding aid to this deserving proponent of democracy.

I want to congratulate the people of Sri Lanka on their achievements to date and to commend them for their efforts to make the world a better place in which to live.

HUMAN RIGHTS IN THE BACKYARD

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. EDWARDS of California. Mr. Speaker, I include in the RECORD today an excellent editorial from the May 10, 1977, issue of the Milwaukee Journal on the subject of self-determination for Washington, D.C.

HUMAN RIGHTS IN THE BACKYARD

An organization called Self-Determination for DC is moved by President Carter's international concern for human rights. It points out approvingly that the International Covenants of Human Rights declare "All peoples have the right of self-determination. By virtue of the right they freely determine their political status and cultural development."

Okay. How about Washington, D.C.? More than 700,000 Americans live there, more than live in 10 states—New Hampshire, Idaho, Montana, South Dakota, North Dakota, Delaware, Nevada, Vermont, Wyoming and Alaska.

Yet D.C. citizens aren't allowed to govern themselves. They have no final say in their city's local affairs. They have no voting representative in Congress. Only since 1964 have they been able to vote for president.

In 1973 Congress passed a D.C. Home Rule Charter—but it gives very limited discretion to the district's officials. Congress itself handles all appropriations and budget authority. Last year, for example, the budget proposed by the D.C. Council would have maintained public transit fees at their existing level to encourage commuters to use it. Congress rejected the idea and ordered bus and subway fares raised. The people were not allowed to make their own decision.

Human rights ought to start at home. And the District of Columbia, where Carter and the Congress work, would be a good place to start.

SOVIET JEWRY

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. RUSSO. Mr. Speaker, today I wish to speak in support of House Concurrent Resolution 99, a resolution decrying the treatment of Soviet Jews and other minorities who attempt to obtain emigration visas from the Soviet Government. The plight of Soviet Jewry is not just an issue which concerns Jews. It is a moral issue. It is a human rights issue. It is an issue whose cause has been joined by both Christians and Jews. It is an issue which must be recognized as vitally important as the United States formulates its foreign policy for the coming years.

As we enter this great assembly, we are not harassed for our political differences, not tormented for our individual moral and ethical beliefs, not stifled by the notion that our religious affiliation will symbolize the difference between freedom and captivity. We must remember that Jews and other minorities in the Soviet Union are not afforded the same freedoms of thought, speech, or religious choice which we in this assembly take for granted.

Rather, Jews in the Soviet Union are an oppressed and persecuted minority. Oppressed because they defy government pressure and continue to worship and believe as their ancestors have for some 5,000 years; persecuted because they want to join their bretheren in Israel or the United States, rather than remain isolated in a country which does not respect their right to believe and act as they choose.

We, as legislators and citizens committed to the preservation of a free world, must aid the cause of Soviet Jewry. It has been 60 years since Lenin's revolution, yet the flame of Jewish resistance is alive in Russia. The Czar's pogroms, Stalin's terror and the secret police have all failed to extinguish the Jewish quest for freedom. We must not abandon our struggle either. The message must emanate from here and all across America to those in the Soviet Union who will hear our voices: Let your Jewish citizens live as Jews or leave as Jews. There is no place for human bondage in the modern world. Although world peace depends heavily on our ability to normalize relations with the Soviets, normalizing does not mean that we must acquiesce through our slience to Soviet internal policy. There was much acquiesce in America to German Nazism—people said that it was not our business. The fact is that freedom is our business. If we sell out the freedom of Soviet Jews for our continued success at the bargaining table—then we have sold a part of our freedom as well.

In August of 1975, Gerald Ford went to Helsinki to sign an agreement with Leonid Brezhnev and 35 others from countries throughout the world. The intent of this agreement was to assure that all peoples, be they Soviet, American, or European, live as free individuals.

We must make it our responsibility to see that all who signed this agreement live up to it. We must be sure that the Soviets understand our commitment to Helsinki and the fundamental freedoms it guarantees. In this task we cannot falter—for if we do, it signifies the abolition of any internationally accepted code of human rights and human dignity.

GRADE SCHOOL EDUCATION

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. COLLINS of Texas. Today there is so much emphasis on education. We need to see schools in perspective. Many people today are under the impression that a high school education is essential and a college education is a guarantee of success.

Somewhere along this road we seem to be overlooking some of the other factors that are needed for success. America should talk more about hard work, ability to get along with other people, original and creative thinking, and continued indepth reading. A long list of factors could be prepared on factors that contribute to success. People can have a Ph. D. degree and still be a community failure.

I saw an interesting list that was prepared by John Bloom of the Dallas Times Herald. He prepared a general cross section list of outstanding leaders. He chose 15 famous people who never graduated from grade school.

Bloom had a good idea. It takes more than a college degree to succeed in any field. On the other hand, people who have not had much education can go a long way if they work hard and follow up with driving determination.

Here is an alphabetical list of 15 famous people who never graduated from grade school:

Fifteen Famous People Who Never Graduated From Grade School

1. Andrew Carnegie, U.S. industrialist and philanthropist
2. Charles Chaplin, British actor and film director
3. William "Buffalo Bill" Cody, American scout and showman
4. Noel Coward, British actor, playwright and composer
5. Charles Dickens, British novelist
6. Isadora Duncan, U.S. dancer
7. Thomas Edison, U.S. inventor
8. Samuel Gompers, U.S. labor leader
9. Maksim Gorky, Russian writer
10. Claude Monet, French painter
11. Sean O'Casey, Irish playwright
12. Alfred E. Smith, U.S. politician
13. John Philip Sousa, U.S. bandleader and composer
14. Henry M. Stanley, British explorer
15. Mark Twain, U.S. humorist and writer

DR. NICHOLAS A. PACE ON THE DAMAGE THAT MARIHUANA CAN DO

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. BIAGGI. Mr. Speaker, there is a growing debate over the question of relaxation of our marihuana laws. Several States and localities have already done so. My home State, New York, is considering such action in this session of the State legislature. The President has indicated he is in favor of a Federal law to decriminalize the use and possession of small amounts of marihuana.

All this is being done against a background of information that boils down to the argument that marihuana is less harmful than alcohol and tobacco. Reports and studies that enhance this view are frequently cited by proponents of relaxing the law and are given prominent attention in the news media. Yet many doctors, psychiatrists and other health professionals have argued vociferously against decriminalization of marihuana possession and use. Their arguments are based on sound medical fact that such decriminalization is tantamount to legalization and will result in a situation that will seriously jeopardize the health of our young people.

In the letters to the editor column of the May 16, 1977, edition of the New York Times, Dr. Nicholas A. Pace, president of the New York City Affiliate of the National Council on Alcoholism and a respected medical practitioner in New York, clearly sets forth the counterpoint of view to the marihuana enthusiasts. Since such information rarely makes it into the popular press, I want to include his letter at this point in the Record for the benefit of my colleagues:

About the Damage Marihuana Can Do

To the Editor:

Now that New York State is going to ease the marihuana laws, it is time to tell the public about the drug's harmful medical effects, since many are under the false impression that marihuana is no more harmful than tobacco or alcohol.

Tobacco has no hallucinogenic effect, whereas marihuana does. Marihuana is far more irritating to the respiratory tract than tobacco. It takes 20 years of heavy tobacco smoking to produce the same type of severe sinusitis, pharyngitis, bronchitis and emphysema that one year of daily marihuana smoking produces. Tar from marihuana painted on the backs of animals has caused cancer.

As for alcohol: One can have one or two drinks a day for 20 or 30 years and never suffer ill effects. Alcohol is water soluble. One ounce is completely metabolized down to water and carbon dioxide in 12 hours. Marihuana is not water soluble. It is fat soluble, and the active psychotropic ingredient (delta-9-THC) accumulates in the tissues of the body that are fat-laden, including the brain and sex organs, in the same manner as DDT. In animal experiments with radioactively tagged delta-9-THC, the THC was still detected in the brain, liver, lungs and reproductive organs two weeks after a single injection. THC accumulates in the system in the same way that DDT has been found to accumulate.

One does not hallucinate from one or two drinks. Hallucinations from alcohol usually occur only with far advanced disease, whereas marihuana's effect on the brain causes the hallucinogenic effects of distorted time and space and sound in some cases every time the drug is used even in small doses.

Scientific studies worldwide have shown that chronic marihuana use causes inhibition of cellular growth, reduction in sperm production, development of abnormal sperm cells, interference of the synthesis of important genetic material in the cell, interference with the immune system, destruction of chromosomes, abnormal embryonic developments and birth defects in experimental animals and, above all, brain damage.

The medical literature is also replete with scores of psychiatric studies which illustrate that the chronic use of marihuana can cause impaired judgment, diminished attention and concentration span, slowing of time sense, loss of motivation, loss of thought continuity, loss of learning ability and in numerous instances psychosis.

Although alcoholism is presently our most serious drug problem, marihuana has the potential of becoming an even greater problem, since it is being used by an uninformed public. One has to recognize that, for many, decriminalization is tantamount to legalization.

No one wants to throw young people into jail, but there are effective alternatives to decriminalization. In the Sacramento Citation-Diversion Program, for example, youths arrested for possession are referred to a drug information study course; upon its completion, their arrest records are wiped clean. Perhaps it is time for the media to interview reputable scientists, physicians and patients in drug rehabilitation centers concerning the harmful effects of marihuana before a whole generation of our youth is severely damaged because of ignorance.

NICHOLAS A. PACE, M.D.

VOTING RECORD OF REPRESENTATIVE JONATHAN B. BINGHAM

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. BINGHAM. Mr. Speaker, during the last 2 months, I have missed, or have not been recorded on several rollcall votes. I wish to record here what my positions would have been had I been recorded as voting:

Rollcall No. 104, motion to pass House Resolution 420 establishing Select Committee on Congressional Operation; "yea."

Rollcall No. 147, motion to suspend the rules and pass H.R. 5675, authorizing the Secretary of the Treasury to invest public moneys; "yea."

Rollcall No. 148, Representative DELLUMS' amendment to H.R. 5970—Defense authorization bill for fiscal year 1978—providing for reduction of troop strength by a total of 50,000, including a 17,000 reduction overseas; "aye."

Rollcall No. 205, House Resolution 541, motion to adopt rule to consider H.R. 6655, a bill to amend Federal laws pertaining to housing and community development; "yea."

S. 955—A GOOD EXAMPLE OF THE WRONG APPROACH TO DISASTER RELIEF

HON. MAX BAUCUS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. BAUCUS. Mr. Speaker, let me say at the outset that I support this bill. It is difficult to be against it. The West and the Midwest have suffered extremely adverse weather conditions for the past 18 months. Naturally, crops have been damaged or lost, and Federal crop insurance payments have skyrocketed. We will not have any crop insurance program to speak of unless we vote this $50 million addition to FCIC capital stock. In essence, we have no choice but to pass this bill.

What disturbs me is that this bill is so typical of our response to the drought. In this case we are patching up the Federal Crop Insurance Act. Soon we will be patching up the Farmer's Home Administration programs, or perhaps the Soil Conservation Service programs, or any one of the scores of programs which collectively fall in the category of disaster relief. A patch here and a patch there results in a patchwork. Unfortunately, our current disaster relief system, if one could call it that, is already an uncoordinated patchwork. We are patching up a patchwork.

The "patchwork" approach to planning would never be tolerated in the private sector. Any successful businessman knows that a commercial enterprise is not planned in separate parts, at separate times, and by separate people. The enterprise must be formed with due regard to the interdependence of the parts and with a view of the overall objective. In a similar manner, a disaster relief system should be a unified whole covering the entire range of natural disasters and avoiding overlap among its various components.

The current disaster relief system is a collection of loosely related programs which were passed at different times in response to different emergencies with little if any regard for the entire system. Control is divided among many agencies. As a result, the Federal Government responds slowly and incompletely to prolonged disasters such as the drought. When natural disasters expose the inherent weaknesses of our system, we respond by applying bandages such as the bill we are considering today. This is not legislation; it is mouth-to-mouth resuscitation.

I introduced a bill more than 2 months ago (H. Res. 384) to set up a Select Committee on Drought in the House. This committee would study the problem as a whole and would help us design a response to the drought that would be unified, thorough, and complete. We could work on the whole problem of drought, not just its individual components.

The House should pass S. 955, but we should resolve to avoid this type of legislating in the future. It is time to take up House Resolution 384 and stop approaching disaster relief on a piecemeal basis. It is time to start acting and stop reacting.

CONGRESSIONAL PUBLIC FINANCING

HON. JEROME A. AMBRO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. AMBRO. Mr. Speaker, I presented the following testimony last week to the House Administration Committee which has been holding 2 days of hearings on the congressional public financing legislation.

There has been some discussion recently about this proposal being an "Incumbents' Protection Bill." I would like to share with my colleagues a few of my observations about that inaccurate and grossly unfair depiction of this long-overdue legislation:

CONGRESSIONAL PUBLIC FINANCING

Mr. Chairman, during these hearings you will receive a wide diversity of testimony on the pros and cons of this Congressional Public Financing Bill. In reviewing your list of witnesses, I see the names of many colleagues who share my views in support of the legislation.

Rather than repeat what I expect will be the essential ingredients in their statements, rather than attempt to touch on every point in the bill, or comment on each controversy, I would like to just briefly address one aspect of it which I find particularly disturbing and misleading.

As you may know, I have supported this public financing concept for Congressional campaigns since first coming to Congress more than two years ago. I co-sponsored this legislation in the last Congress and again this year. I believe public financing places the public, the American people, in the position of being the predominant source of campaign funds, rather than the vested interests, Big Business, Big Labor, Big Oil or Big Agriculture, to name just a few.

Since becoming one of the sponsors of this bill three or four months ago, however, I have read and heard comment that public financing legislation is an "Incumbents' Protection Bill," that it is a legislative plot by Congress to insure the survivability or invulnerability of its own members. That is poppycock and it is the subject I would like to address today.

Let me back up a little, if I may. Last year, during the time I served as Chairman of the 82-member Freshmen Caucus, the first-term Congressmen represented by that organization faced an extremely difficult reelection effort, their first as incumbents.

We had been dubbed by the press "The Watergate Babies." The Democratic first-termers, many of whom come from traditionally Republican Congressional Districts, myself included, were swept into office in the aftermath of the Watergate Summer. It was generally conceded, and I believe accurately so, that many of us were elected primarily because of nationwide disatisfaction with Mr. Nixon's party.

Passions subside, memories fade and the political pendulum swings back the other way after two years, at least according to conventional wisdom at the time.

Both political parties, the press and the public at large expected a great number of the "Watergate Babies" to be defeated last

November. Within the Freshmen Caucus, we privately anticipated the loss of about 20 of our colleagues. That was the most optimistic forecast.

Although we believed that we had worked hard during our first two years in office, that we had represented the people in our districts aggressively and fairly, that we had made progress in reforming this battered institution; all of that notwithstanding, political reality seemed to spell doom for many Freshmen from traditionally Republican districts.

But November 3rd held a great surprise. The Freshman were returned to Congress in overwhelming numbers. Only two, in fact, were defeated and one of them under extraordinary circumstances that would have meant defeat for even a 10-term incumbent. Therefore, the backlash to the backlash, so to speak, accounted for the defeat of a lone, single member of our class of 82 Congressmen. Some who had won by as few as 700 votes in 1974, were reelected by a 13,000 vote plurality last November.

The pollsters, the press pundits and we, as well, were all wrong. As a group, we had pulled off a major political upset.

Mr. Chairman, the point of the story is this: the lesson of last year's Freshmen reelections is that if the Congress is interested in "Incumbents Protection", we should leave things exactly as they are.

If we are interested in political survival alone, we would reject legislation that includes spending limits, oppose the system of public financing where the challenger and the incumbent would share equally and receive up to half of his campaign funds from the public, rather than from the special interests' political committees which abound in this town.

And yet, the great majority of second-termers, those reelected in November without public financing, support this bill. If we were interested solely in "Incumbents' Protection" we would advocate keeping things exactly as they are. Why alter a successful formula?

Let us not be silly. There are, of course, advantages to incumbency. Challengers often have not had the visibility, do not have the name recognition or official record of Congressional incumbents. There are members of this institution who want that situation to remain the way it is. "Freeze out the opponents," they would say. "Use the advantages of office and continue getting reelected," they said.

So why support public financing? It would be hypocritical to lead one to believe that I wish to see my colleagues defeated. I do not. It would be phony to suggest that I want to see my party lose control of Congress. I do not.

But I do know that this institution is not held in very high regard by the American people. We must share a major part of the responsibility for the poor public perception of Congress.

If we are going to restore the image of Congress as an aggressive, independent, and responsible branch of government, we must demonstrate to the American people that we are willing to campaign head-to-head with challengers for our office. We must prove that we will campaign on our record in office and not on a limitless reservoir of campaign funds from Washington-based Power Brokers.

We must give challengers the same access to campaign funds as incumbents, and those funds must voluntarily come from the public, not the corporations or the unions.

I therefore ask this committee to favorably report out and the Congress to pass this bill, giving our next opponents the same opportunity for matching voluntary public campaign funds that we have.

I believe this proposal will help restore the image of Congress and increase public faith in this institution and I ask all of you to join me in support of it.

Mr. Chairman, if I may make one last point. I would like to add that the recent experiment in Presidential Public Financing is conclusive evidence that the concept accomplishes its principle goal that is, holding down runaway campaigns. In the last election, both former President Ford and President Carter spent one-third as much as Mr. Nixon in 1972 and one-half as much as Senator McGovern in that campaign. Both candidates accepted public financing; both received identical amounts of public funds and both abided by spending limits required by the law.

I don't think one could argue that the system didn't work to contribute to more sensible, reasonable political campaigning. In terms of a bottom-line price tag, Presidential campaigns were heading the way of the Federal budget. In my judgment, that escalation has ended with the drawing of Presidential Public Financing. Let's do the same with Congressional campaigns.

JUDGE J. KELLY STEELE

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. KETCHUM. Mr. Speaker, it is my great honor to call to the attention of the Congress and the Nation the outstanding service of Judge J. Kelly Steele to his community and to the bench of the Kern County Superior Court of California. Today we fondly celebrate his 62d birthday which follows his recent retirement from the county bench. Our debt or gratitude to him is immeasurable as we recount his full and productive career.

For over 25 years Judge Steele has handed down decisions which have laid the foundation for a stronger and more vibrant American society. During his early years as a successful lawyer he became the first full-time attorney employed by the city of Bakersfield, Calif. It was no wonder that in 1952 Gov. Earl Warren appointed him to the county superior court. Although Judge Kelly has stepped down from his permanent position in the municipal court, he fortunately will continue to serve California's Superior Court system in temporary jurist assignments throughout the State.

Judge Kelly's accomplishments, however, have not been limited to the courts. His work in such organizations as the Boys Club and the Boy Scouts of America, the Ancient Order of Druids, the American Red Cross, and the Lions Club of Bakersfield have been only a few of the many groups which he has served with distinction. In 1964 the Benevolent and Protective Order of the Elks rightly bestowed on him its Good Citizen Award for his great civil contributions.

It is my great personal privilege to honor the man, J. Kelly Steele, in this way for his unselfish devotion to his work and to his community. His extraordinary contribution will be a lasting example for generations to come.

WHEN DID I GROW OLD?

HON. MARC L. MARKS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. MARKS. Mr. Speaker, recently, the newspaper in Sharon, Pa., the Herald, published a letter to the editor from Mrs. Helen Schaller of Sharon, entitled, "When Did I Grow Old?"

Her letter was prompted by an issue at the Shenango Valley Mall that concerned the congregating of groups of older persons in the mall concourse.

Mrs. Schallers' feeling, I believe, are typical of millions of our seniors, and I would like to share the content of her letter with my colleagues and others:

WHEN DID I GROW OLD?

Editor, The Herald:

I was young once and fretted about the slow-moving talkative elderly who drove too slowly when I was in a hurry, and talked too much about things of which I was too restless to listen, such as their trips, their grandchildren, the Social Security or their retirement, their aches, their pains, their operations and their deaths.

And then one day, I woke up and looked in the mirror! I had wrinkles, I had bumps and flab in places that used to be firm, I found myself talking too much instead of listening. It suddenly hit me. I am not a young chick anymore; in fact I am almost in the class labeled Senior citizen.

How did this happen? I am still me. I do not remember passing that awful borderline. Where is the borderline? I can still work, I can still love and hate and walk, talk, hear and smell.

I can still listen with empathy to the younger ones telling of their crushes, their dates, their marriages, good or bad, their diets, their divorces, their deaths. I must admit it is pretty tough sometimes to keep my mouth shut when I get the urge to dish out advice. But then I try to remember that when I was young I did not appreciate someone boring me with these details. But I know of what they are talking because I have been there.

But suddenly, I am old. Not because I feel that way, but because society has labeled me that way. I must figure how to stretch my Social Security payments. It is not a heartening thought and I could get very depressed to dwell on it.

But there are many times when I come home to my apartment and feel a deep loneliness. There are no family noises, no meals to prepare for someone who is expecting a nice warm dinner. The house is too quiet.

I turn on the TV for the sound of voices.

Holidays come. My married children invite me to their homes for Sunday or holiday meals, and although they are especially considerate, I feel that my usefulness has ended. No one really needs me anymore.

Sometimes I go to the store, not because I need groceries, but to be around people, to hear mothers fretting over their little ones, or parents moaning about prices. It is almost like music to my ears. Sounds crazy, doesn't it?

But anyone who has ever been lonely, knows the feeling.

And the Mall; it is pure delight! I see people, all kinds. The young, old, in between. The fresh young smooth skinned girls and I picture how I looked and acted at that age, but also realize how immature I must have been. I see the old and think, I am almost there myself. Do I look as old as they?

I must keep up my courage. And then again I see an old acquaintance, someone I had not seen in a long time. I feel aglow just talking to them.

Occasionally I see a stranger who looks as lonely as I, and I smile: many times they smile back. It brings a warmth into my life and I go home usually with few purchases, but with a new perspective that life is not so bad, after all.

So, please, do not take away the few pleasures left the aged. Some day you too will look in the mirror and say, "Is that I? Where has my life gone?"

OPPORTUNITIES FOR ADOPTION ACT OF 1977

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mrs. BURKE of California. Mr. Speaker, today I am reintroducing the Opportunities for Adoption Act, a bill which I believe will substantially improve the prospects of adoption for more than 100,000 children now considered unadoptable because of the lack of clear direction and objectives in our multiple public and private adoption agencies.

Identical legislation has been introduced in the Senate by ALAN CRANSTON of California and cosponsored by Senators WILLIAMS, RIEGLE, RANDOLPH, PELL, BROOKE, CHURCH, DURKIN, HUMPHREY, INOUYE, ANDERSON, BIDEN, and MCINTYRE. Senate hearings were held on April 4 and the bill has been marked up and reported out of the Human Resources Committee.

It is estimated that there are at least 320,000 children living in foster homes or institutions across the country either because their legal status is uncertain or because they are considered difficult to place. Many of these are "special needs" children, generally defined as those who have not been adopted due to their age—usually over age 6—race, ethnic group, mental, physical, or emotional disability, or because they are members of a sibling group.

Briefly, the Opportunities for Adoption Act would address itself to three specific areas. First, it would promote the establishment of uniform adoption regulations in the United States in order to eliminate jurisdictional and legal obstacles to adoption. In all too many cases, it is difficult for adoptive parents to seek children in another State because of legal obstructions. My bill would open the prospective field for adoptive parents to the Nation as a whole, rather than just to individual States.

Second, the legislation would provide Federal financial assistance to States for the purpose of assisting adoption agencies and prospective adoptive parents in meeting certain costs of adoption on order to remove or alleviate the financial obstacles to adoption by qualified individuals.

Finally, the bill provides for the establishment of a National Office of Adoption Information and Services in the Department of Health, Education, and Welfare to insure quality standards for adoption services and to provide for a national adoption information exchange system to match children in need of adoption with prospective adoptive parents.

I would also call your attention to two provisions in section 103(b) of the bill which were added in an effort to increase the likelihood of adoption for children with special needs. The first, subsection 4(e), makes it possible for children with problems which will keep them dependent for an indefinite length of time to continue to receive a subsidy past their 18th birthday. Many children have remained unadoptable because of medical, psychological, or other problems which will keep them indefinitely dependent upon their adoptive parents.

The second provision, subsection 4(f) will enable a child, upon certification by the adoption agency, to continue to receive any supportive or supplemental aid to which he or she was entitled while in a foster care placement. This will further remove financial constraints which have denied foster children the love and security of a permanent family.

I would like to share with my colleagues an article written by Tom Wicker which appeared earlier this month in the New York Times. It details some of the problems which have confronted special needs of children and adoptive parents.

The article follows:

[From the New York Times, May 8, 1977]

"FRAGMENTING" CHILDREN

(By Tom Wicker)

At least 100,000 and perhaps 300,000 children with no families are in foster homes or institutions in this country, waiting—in most cases hopelessly—for adoption. Incredibly enough, nobody knows for sure how many such children there are, which suggests the lack of organization and cooperation in the field.

Costs can be pretty well documented, even if children can't be. The Federal Government is spending $453.5 million a year on foster care, and Federal and state spending combined totals $1.2 billion a year. These sums do not include, however, the human costs of shunting helpless kids around from foster family to foster family—an average of 2.7 foster homes for most, more for the hardest to place.

Senator Alan Cranston of California proposes to do something about this sorry situation, but the Carter Administration is opposed to his plan—not because of its $20 million first year cost, since the Cranston plan almost surely would effect great saving over the present system. But the bureaucracy has some larger scheme in mind and believes Mr. Cranston's proposals would "further fragment" the social services system; the Department of Health, Education and Welfare promises to have ready a comprehensive reform of this system, including child care, in 1979 or 1980.

To those concerned for children—or even just for tax dollars—the H.E.W. attitude toward the Cranston bill suggests a family that lets its house rot rather than give it a timely coat of paint. Why wait until 1979 or 1980, at a Federal-state cost of $1.2 billion a year, to improve the chances of 100,000 to 300,000 young people?

Some of these children are hard to place in adoptive homes because they are ten years old or more; about half are members of minorities; some are part of large sibling groups; and many are severely handicapped—or appear to be—emotionally or physically. Those long in the foster home system frequently have behavioral problems.

But there are other reasons such children are "hard to place." Lack of cooperation between different adoption agencies, lack of communication and uniform standards among the states, uncertain funding arrangements from state to state, adoption agency deficiencies in funds and staff (some agencies have workers with caseloads as high as 200 children apiece), rigid attitudes toward handicapped children in some agencies, and the absence of centralized leadership and information—all these help keep children in foster homes and institutions, when many could be adopted into permanent families.

The Cranston bill—up for committee approval this week—would authorize Federal subsidies to adoptive families, giving them the same incentives offered to foster families, particularly in the cases of children with medical needs. It would create a national information bank to collect and distribute data from all the states on children available for adoption, and a national registry to match children and willing families. A commission would be established to study state laws and recommend uniform standards for adoption.

A basic aim of the bill would be to push different agencies into combining resources, negotiating with one another, and eliminating barriers erected by local prejudices, outdated ideas and rigid attitudes. The subsidy approach, in particular, has solid precedents.

Since 1974, when New Jersey undertook such subsidies, 675 "hard-to-place" children have been adopted. In California, after subsidies were introduced, 847 such children were adopted last year at a saving in foster home expenditures estimated at $19 million. Forty states and the District of Columbia have subsidy legislation, although many states have no funds to implement the laws. Those that do report substantial savings, since foster care costs about $4,000 to $6,000 a year per child (depending on the state), institutional care costs at least twice that, and governments have to continue paying one or both for unadopted children until they are 18 years old.

Adoption subsidies are often lower than foster care payments, and also eliminate foster care and institutional administrative and overhead costs. Other provisions of the Cranston bill are expected to turn up many families willing to adopt even difficult children without subsidies.

Federal adoption subsidies would be available nationally and would underpin programs in states where funding might be uncertain or limited. And despite H.E.W. opposition, it's the Cranston approach that would centralize state efforts, and the latter that are "fragmented," to borrow the bureaucrats' word.

KOREA: WE MUST FACE REALITY NOW

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. DOWNEY. Mr. Speaker, I see in the press that some of our generals are publicly opposing President Carter's plan to withdraw ground troops from Korea. I recall that the last time one of our generals in Korea was publicly insubordinate, President Truman took decisive action; such action would not have been inappropriate in this case.

The central question is not whether

South Korea can or cannot survive without our ground forces.

The central question is this: Are the people of the United States willing to send more American men to die in another land war in Asia in defense of another corrupt and repressive dictatorship? If we are, we should keep our troops there and follow the advice of our generals as we did in Vietnam, with similar results to be expected.

If we are not, and I am not, we must pull our ground forces out as quickly as possible. If we fail to do this, we may find ourselves trapped into a war we do not want if our forces near the demarcation line are surrounded or captured, as they surely will be if war breaks out.

Do we want another Vietnam or do we not? This, not the military balance in Korea, is the question we must face.

DISSENTING VEIWS ON H.R. 6970

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. McCLOSKEY. Mr. Speaker, on Thursday of this week, we will be considering H.R. 6970, the controversial tuna-porpoise bill.

Mr. PRITCHARD and I will be offering several amendments to the committee bill, and wish to submit our additional views on the bill for the RECORD at this point since so few Members have had an opportunity to fully consider the difficult and complex issues raised by this emergency legislation's rapid evolution in the House.

The material follows:

DISSENTING VIEWS OF PAUL N. McCLOSKEY, JR., AND JOEL PRITCHARD ON H.R. 6970

We are deeply troubled by the haste and confusion in which the full committee has considered and reported out H.R. 6970.

This bill was not seen by any Member, save Chairman Murphy, until 1 hour prior to the convening of the markup session, at 9:30 a.m., Tuesday morning, May 18, 1977. At that markup, in 3 hours of discussion and before highly emotional spectators in a crowded hearing room, several amendments were added to the Chairman's draft. Few of us could do more than hastily scan the 11-page bill before we were voting on the specific amendments themselves. These amendments of necessity were drafted in great haste and some were so inconsistent with the language of the bill that they required special direction to the staff to clean up and conform their language.

Although the final bill was reported out on May 17 shortly after noon, 3 days later, on Friday morning, May 20 (with a noon deadline), these minority views are being written with no copy of the final language of the bill as reported yet in print: Neither legislative counsel nor committee staff are yet able to give even a draft copy of the bill allegedly reported out 3 days ago!

There is no reason or need for this type of action on a piece of legislation which can mean life or death to an entire industry. The bill also has material interest for many school children, to whom the balance struck between economic tuna fishing and porpoise mortality represents perhaps those children's primary view (and hopefuly respect) for the American political system at work.

Whatever H.R. 6970 may be when the bill is finally printed, it is a tribute to the remarkable leadership and driving energy of our chairman. These exceptional qualities, demonstrated when he won the Distinguished Service Cross as an infantry officer in Korea in 1951, and again in his 4 months of chairmanship of the committee, augur well for early and comprehensive resolution to the vexing questions of a new national maritime policy. We can't say enough for the chairman's efforts, leadership and fairness in guiding our committee. However, we want to strongly object to the manner in which the chairman has directed the legislative process in this particular instance. The chairman's purpose and rationale are perhaps best understood by reviewing the chronology of H.R. 6970's development.

For many months, the tuna industry had wanted no new legislation. As late as April 28, 1977, industry spokesmen were resisting the concept of legislative action by our committee to resolve the industry's problems with current Department of Commerce regulations.

This attitude apparently changed when Chairman Murphy met with industry leaders in San Diego on May 9.

A New York Times article, datelined San Diego, May 9, included the following:

"Owners of the $500 million fleet of 140 vessels voted to end their costly protest and go back to sea after conferring here today with Representative John M. Murphy, Democrat of Staten Island, who is chairman of the House Merchant Marine and Fisheries Committee. "We are going to gamble on the Congressman's assurances to us that he has the votes to assure House approval by June 1 of the bill he introduced last Thursday to liberalize the porpoise quota fixed on February 24 by the National Marine Fisheries Service," said Manuel Vargas, owner and skipper of the 1,000-ton seiner Saratoga.

On May 10, the Los Angeles Times reported:

"The latest message from Washington came from Representative John M. Murphy (D., N.Y.), chairman of the House Merchant Marine and Fisheries Committee, who said in San Diego Monday that he expects Congress will pass a measure by June to increase the number of porpoises which can be killed during a tuna catch.

* * * * *

"Murphy, however, said he believes his bill can be moved through Congress quickly, and will provide protection for marine mammals while also allowing more research on ways to fish for tuna without killing porpoises."

The following day, May 11, the Los Angeles Times reported:

"The reported decision to return to sea was made as a display of good faith in the positive legislative steps taken recently in Washington by the San Diego congressional delegation and Rep. John M. Murphy (D., N.Y.)

* * * * *

"On Tuesday, Murphy spoke by telephone from Washington to a large meeting of tuna industry leaders in San Diego and urged them to return to sea."

As of Friday, May 13th, the great bulk of the $500 million American tuna purse-seine fleet had gone to sea. On Monday, May 16th, the administration finally presented its own draft bill to the committee, and when the committee recessed late Monday afternoon, there was no way of knowing that the following day the chairman intended to disregard the administration's position almost entirely and to present a wholly new bill as a substitute for his original H.R. 6970.

By Tuesday, when the full committee met for markup, the tuna fleet was presumably 1,500 miles into the Pacific for prolonged voyages up to 2½ months. Why, then, should committee members not have at least a day or two to reflect on what the bill should contain and to consider the administration's draft bill? Why the incredibly hasty action to amend the Marine Mammal Protection Act?

There is good reason to give Chairman Murphy's new bill careful and serious review. The possibility of help from the Senate in curing any deficiencies resulting from our haste is not at all certain. History records an occasion when Thomas Jefferson and George Washington were breakfasting together. Washington asked, "Why did you pour that coffee into the saucer?" "To cool it," replied Jefferson. "Even so," said Washington, "we pour legislation into the senatorial saucer to cool it."

With respect to H.R. 6970, we should not count on the Senate to "cool it" and correct the deficiencies of H.R. 6970. The Senate's work in 1972 and the provisions they insisted on in 1972 did much to create the ambiguities in the Marine Mammal Act we now seek to resolve.

Most of all, this issue is too important for us to try to solve in 3 heated hours of first consideration of an 11-page bill.

Against this background, let us try to set forth five principles which have been proposed by the Carter administration and which, in our judgment, should be added to the bill on the floor next Thursday, May 26th, when the chairman hopes to meet his commitment to the tuna industry. We have added the specific amendments to achieve these goals at the end of these views.

1. Establishment of a declining quota.—The Marine Mammal Protection Act mandates that the incidental kill of marine mammals be reduced to insignificant levels approaching zero mortality. H.R. 6970 not only provides no positive mechanism to meet that mandate but in fact allows porpoise kill to remain at a constant level through the first quarter of 1979, a higher level than set by the Department of Commerce for 1977.

Therefore, we propose that we amend H.R. 6970 to add the provision suggested by the administration to meet that mandate.

Recognizing that the establishment of specific, declining year-by-year quotas is not feasible at this time, due to a lack of scientific data, the administration proposed that the total incidental kill authorized in 1980 be limited to no more than 50 percent of that authorized for 1977, and that the total kill authorized thereafter be reduced by at lease 50 percent every second year. This proposal included several safeguards for the tuna industry which would allow the Secretary of Commerce to modify these mandatory reductions in allowable kill, if necessary, to avoid "major and lasting economic and social disruptions" to the tuna industry. With slight changes in language, we believe the administration's proposal should be adopted.

2. Incentives to foreign governments to require their fishermen to meet the same standards we impose on our fishermen.—It seems to us fundamentally unfair to place restrictions on our fishermen to meet national goals which put them at a competitive disadvantage with foreign fishermen.

Therefore, we believe we should amend H.R. 6970 to include the provision suggested by the administration which would give the Secretary of the Treasury the power to ban the importation of all fish products from countries which do not meet U.S. standards. This provision would provide a strong incentive for foreign governments to conclude those negotiations which are required to be undertaken under H.R. 6970.

3. Requiring observers as a prerequisite to granting permission to transfer a vessel to foreign flag.—Some U.S. tuna fleet individuals have threatened to transfer their vessels to foreign flag because of the stringency of U.S. standards. Presently 14 applications for transfer are pending with the Secretary of Commerce.

While H.R. 6970 requires that the transferee agrees to comply with U.S. standards and to post a bond to ensure compliance, it does not require that the transferee agrees to have observers on board transferred vessels to insure compliance. Again, we strongly recommend consideration of the administration's proposal requiring that the transferee agree to an observer program, similar to that required on U.S. vessels, as a prerequisite to obtaining permission to transfer to a foreign flag.

4. Shifting the costs of the observer program from the public to the industry.—The full observer program is required primarily because of the lack of trustworthiness of the statistics provided by the tuna industry. Testimony in committee hearings showed that the porpoise kill on vessels with observers was reported to be four times greater than that reported by vessels which didn't have observers. No other conclusion can be drawn save that the skippers on the unobserved boats were not accurately reporting their porpoise kills. No industry spokesman could rebut this conclusion, or even tried to do so.

If an industry cannot be trusted to report accurate statistics and observers are therefore required to check their work, then this cost should be borne by the industry rather than the taxpayers. In addition, if the observer program is charged to the industry, there will be a strong incentive to use the advanced technology which the industry concedes can significantly reduce porpoise mortality. The cost of a full observer program (perhaps $5 million maximum per year) would be less than 1 percent of the vessel's operating expenses, and will increase the cost of tuna no more than one-half to 1 cent per pound. (The present costs were estimated in the 30-cent per pound range, with foreign-caught tuna at least 10 cents higher.)

The amendment suggested by the administration will shift all or most of the costs of the observer program (at the discretion of the Secretary) from the taxpayer to the industry, although this will presumably be passed on to the 84 percent of the American families who eat tuna.

In this connection, our testimony revealed that it is possible to save nearly all porpoises when a skipper has proper gear and uses extreme care. The following schedule reflects the 64 observed trips of tuna boats in 1976. Note that in one case, code No. 358, an individual skipper killed nearly 15 porpoises for every ton of tuna caught, while in a number of other cases (Code Nos. 174, 326, 332, 400, 432, 433, and 439) less than one porpoise was killed for every 500 tons of tuna caught. Obviously, many skippers are presently meeting the near-zero mortality goal. There seems little reason to believe that all skippers can't meet this goal within a very few years.

Bridge log data—1976 observed trips

	[1]	[2]	[3]	[4]
Vessel code:				
67	75	0	0	2
145	99	27	25	2
146	123	0	0	0
161	61	86	104	22
161	176	236	545	47
174	33	31	56	8
174	169	1	72	14
186	196	1,003	697	34
198	276	107	440	29
216	13	100	99	10
302	76	53	132	13
305	329	19	68	14
306	105	144	342	26
307	113	126	635	28
308	173	62	184	29
308	273	359	304	29
310	179	670	725	27
311	139	54	81	9
312	63	105	191	39
312	237	29	110	19
313	388	0	0	0
316	71	0	0	1
317	383	0	0	0
318	346	8	5	3
320	366	1,479	438	24
323	98	453	345	16
325	284	750	262	40
326	49	80	511	62
328	386	646	144	12
331	278	377	284	19
331	385	251	223	15
332	201	13	296	19
341	102	111	555	24
351	247	413	605	35
354	134	72	42	9
355	54	0	0	0
356	374	83	918	30
358	100	2,124	148	32
359	172	3	0	6
367	28	419	623	32
369	48	4	2	1
373	322	0	0	0
379	21	262	420	13
380	349	0	0	0
381	27	0	0	0
386	183	76	354	30
393	187	49	47	10
398	26	126	180	20
400	19	46	289	21
402	18	667	444	24
405	77	337	379	25
407	313	217	960	49
410	59	8	18	3
426	148	50	220	22
430	188	10	520	35
432	140	37	901	41
433	279	26	208	16
433	323	546	509	21
434	264	246	1,160	34
437	1	30	154	8
437	66	714	768	30
439	373	12	910	45
440	24	571	239	15
442	291	105	595	31
Total	64	14,633	19,457	1,274

[1] Trip number.
[2] Porpoise kill.
[3] Tons tuna on porpoise.
[4] Number of porpoise.

5. Establish a special protection for the Eastern spinner.—This goes to the very heart of the basic intent of the Marine Mammal Protection Act which has special provision to protect "depleted" species. The Eastern Spinner porpoise has been deemed "depleted" by the Government's scientists. Under the 1972 act, none can therefore be "taken". Since Eastern Spinners often swim in mixed schools, it imposes too severe a burden to require that fishermen be precluded from any accidental kills of the Eastern Spinner, but it also seems important that the bill give special protection to the Eastern Spinner in light of the special circumstances we are facing. At the upcoming International Whaling Commission next month, however, the U.S. position seeking to persuade Japan and Russia to cut back on whale kills will be tremendously undercut if we have just enacted legislation allowing the take of a depleted mammal without penalty.

What penalty should be imposed?

The administration's bill contained a carefully-drafted provision permitting the setting of purse seines on mixed schools containing Eastern Spinner, provided that the total kill was limited to a figure (6,500) which would allow the population to gradually increase. This seems fair, and in view of the Committee amendment to impose a $32 per porpoise penalty on all species, it would seem appropriate to increase this penalty for any Eastern Spinner killed above the industry kill rate set by the Department of Commerce.

PAUL N. MCCLOSKEY, Jr.
JOEL PRITCHARD.

PROPOSED AMENDMENTS TO THE MARINE MAMMAL PROTECTION ACT OF 1972

To accomplish the goals outlined above, I intend to offer the following amendments, most of the language of which was contained in the administration's bill:

I

That section 2 of the Marine Mammal Protection Act of 1972 (16 U.S.C. sec. 1361) is amended by deleting the word "and" at the end of subsection 5, replacing the period at the end of subsection 6 with "; and", and adding a new subsection (7) as follows:

(7) While substantial efforts have been undertaken to reduce the incidental mortality and incidental serious injury of marine mammals in the course of commercial fishing operations for yellowfin tuna, this mortality and serious injury should be further reduced and measures should be taken to develop and promote fishing techniques which do not result in the incidental taking of marine mammals.

II

Delete section ——[1] and insert in lieu thereof the following:

Paragraph (2) of subsection (a) of Section 101 of the Marine Mammal Protection Act of 1972 (16 U.S.C. Section 1371(a)(2)) is amended to read as follows:

(A) Except as provided in subparagraphs (B) and (C) marine mammals may be taken incidentally in the course of commercial fishing operations and permits may be issued therefor pursuant to section 104 of this act, subject to regulations prescribed by the Secretary in accordance with section 103 of this act. It shall be the immediate goal that the incidental mortality and incidental serious injury of marine mammals permitted in the course of commercial fishing operations be reduced to insignificant levels approaching a zero mortality and serious injury rate.

(B) During calendar year 1977 marine mammals may be taken incidentally in the course of commercial fishing operations for yellowfin tuna pursuant to the provisions of the regulations, permits, and certificates issued under this act in effect on April 15, 1977, except that the number of mammals from the eastern stock of spinner dolphin (*Stenella longirostris*) authorized to be taken shall be 6,500 killed or seriously injured, 549,000 encircled, and 820,000 pursued and the number of whitebelly spinner dolphin (*Stenella longirostris*) authorized to be taken shall be 11,200 killed or seriously injured, 1,402,000 encircled, and 2,120,000 pursued.

(C)(i) Subsequent to calendar year 1977 marine mammals may be taken incidentally in the course of commercial fishing operations for yellowfin tuna and permits may be issued therefor pursuant to section 104 of this act, subject to regulations prescribed by the Secretary in accordance with section 103 of this act. The incidental mortality and serious injury of marine mammals allowed shall be progressively reduced to insignificant levels approaching zero. The Secretary shall achieve this reduction by establishing annual quotas for affected species and populations that accomplish significant reductions in the total incidental mortality and serious injury each year and that ensure that no such species or population will be reduced below its level of optimum sustainable population. The total incidental mortality and serious injury authorized in calendar year

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Footnotes at end of article.

1980 shall be limited to no more than 50 percent of that authorized for calendar year 1977, and subsequent annual reductions shall be set at the discretion of the Secretary.

(ii) Any holder of or applicant for a permit to take marine mammals incidental to commercial fishing operations for yellowfin tuna may petition the Secretary for extraordinary relief to increase the limitation on total quotas set forth in clause (i) above at least 6 months prior to the time such limitation becomes applicable. The Secretary may, in consultation with the Marine Mammal Commission, grant such relief after an agency hearing on the record in which the petitioner shall have the burden of proving that:

(a) The total reduction required by the limitation, even if the best available fishing techniques and equipment and due care in fishing operations to minimize incidental mortality and serious injury of marine mammals are used, cannot be achieved without serious disruption of the tuna industry.

(b) An alternative limitation can be imposed that will avoid such serious disruptions and will be otherwise consistent with the provisions of this act.

(iii) During such period as the eastern stock of the spinner dolphin (*Stenella longirostris*) is determined by the Secretary to be depicted, the Secretary may issue permits for the taking of mammals from such stock incidental to commercial fishing operations for yellowfin tuna until December 31, 1981: *Provided*, That the number of spinner dolphin from such stock authorized to be taken each year shall be:

(a) Maintained at as low a level as possible and in any event shall not result in the killing or serious injuring of more than 6,500 of such stock,

(b) Limited to taking that is accidental or in association with other stocks of species for which a permit has been granted, and

(c) Limited so as to assure, on the basis of the best estimate, significant annual increases in such stock and the recovery of such stock to its optimum sustainable population as soon as possible but in no event later than December 31, 1981, and, on the basis of virtual certainty, that the present population of such stock will not be reduced.

(D) The Secretary of the Treasury shall ban the importation of commercial fish and products from fish which have been caught with commercial fishing technology which results in the incidental mortality or incidental serious injury of ocean mammals in excess of U.S. standards. The Secretary shall insist on reasonable proof from the government of any nation from which fish products will be exported to the United States of the effects of ocean mammals of the commercial fishing technology in use for such fish or fish products exported from such nation to the United States.

Section 101(a)(3)(B) of the Marine Mammal Protection Act of 1972 (16 U.S.C. § 1371 (a)(3)(B) is amended by inserting immediately before the words "during the moratorium" the words "and except as provided in section 101(a)(2) of this title,".

IV

Section ——[1] is amended by deleting "All costs incurred in the establishment and maintenance of the program shall be borne by the Department of Commerce" and inserting in lieu thereof:

"The Secretary shall establish and charge a fee for all or part of the costs incurred in the establishment and maintenance of the program. Such fees may be established on the basis of the number and kind of marine mammals authorized to be killed or seriously injured, and may provide an incentive to masters, owners, operators and crews of individual fishing vessels to reduce the incidental taking of such mammals, and in particular to reduce to the maximum extent possible the incidental mortality and serious injury of the eastern stock of spinner dolphin (*Stenella longirostris*). Such fees may be returned in whole or in part if the Secretary determines, in his discretion, that the return of such fee or portion thereof would further the purposes and policies of this act. All fees collected under this section shall be deposited into miscellaneous receipts of the Treasury."

V

Section ——[1] is amended by deleting "and" and inserting in lieu of the following:

"(2) agrees to allow observers approved by the Secretary to board and accompany such vessel in a manner consistent with subsection (d) of section 111 of this Act; and"

VI

Section ————[1] is amended by deleting "$32'" and inserting in lieu thereof "$32, except in the case of eastern spinner dolphin (*Stenella longirostris*) where such penalty shall be $100."

All of the above amendments, save for the additional penalty for incidental kill of eastern spinner, were proposed by the administration. The eastern spinner penalty of $100 is geared to the $32 penalty adopted in committee, and to further distinguish the special "depleted" status of this species.

Respectfully submitted.

PAUL N. MCCLOSKEY, Jr.,
Noon, May 20, 1977.
JOEL PRITCHARD,
Noon, May 20, 1977.

FEDERAL JUDGE WILLIAM CAMPBELL DISCUSSES GRAND JURY REFORM

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. EILBERG. Mr. Speaker, recently the Honorable William J. Campbell, U.S. district judge for the northern district of Illinois, testified before the Senate Judiciary Subcommitee on Antitrust and Monopoly. Specifically, Judge Campbell discussed some of the problems involved in the present Federal grand jury system, in an antitrust context.

Judge Campbell noted that the grand jury has effectively abandoned its function as a "protective bulwark—aaginst arbitrary and overzealous prosecutors." He recommends the abolishment of the grand jury and the use of an "information." I have introduced four resolutions, House Resolution 59, House Resolution 60, House Resolution 61 and House Resolution 62, each of which would eliminate the constitutional requirement of an indictment for infamous crimes. In hearings by the House Subcommitee on Immigration, Citizenship and International Law, we have explored and will continue to explore the continuing vitality of the grand jury as an indicting body.

Judge Campbell's testimony also supports my belief that whether or not the constitutional requirement of an indictment is eliminated, there is a clear need for reforms of investigatory grand jury procedures. Judge Campbell notes that the present grand jury system allows abuses, such as those involving immunity, notification to witnesses, and prosecutorial discretion. He indicates that one solution would be to reduce some offenses, here—antitrust offenses, to misdemeanors and thereby require preliminary hearings. H.R. 94 would accomplish the same result, but in a slightly different manner. To insure, as Judge Campbell recommends, preservation of testimony, review of charges by the judiciary, and accountability by the prosecutor, H.R. 94 would require a preliminary hearing in every case whether or not there is an indictment. Prosecutors, knowing that they would have to present their evidence at a preliminary examination, would be less likely to present hearsay or inadmissible evidence to the grand jurors to secure an indictment. In addition, they would be more likely to conduct preliminary examinations prior to indictment and thus increase the number of waivers by defendants of indictments.

I commend to my colleagues the very scholarly and knowledgeable presentation by Judge Campbell, excerpts of which follow:

STATEMENT OF HON. WILLIAM J. CAMPBELL

Mr. Chairman, I appreciate your kind invitation to appear today to testify regarding the trial of major antitrust litigation in the United States district courts. The federal courts are, and indeed have been, experiencing problems in processing these major antitrust cases for some time. Cases involving complex issues, virtually endless discovery, and the examination of thousands—and even millions—of documents result frequently in interminable delay and sap the resources of the courts to the detriment of other cases on the docket. I would like to commend you, Mr. Chairman, and the members of your subcommittee for your willingness to undertake the demanding task of seeking to improve the judicial handling of these major antitrust cases and the dedication you obviously are bringing to this effort. I can promise you that it will not be easy.

Let me say first of all that my remarks are my own and not necessarily those of the Judicial Conference of the United States or federal judges generally. . . .

Education of judges in the use of techniques to control, expedite and minimize expense in these types of cases—a continuing part of the work of the Federal Judicial Center—has in my judgment been the most effective means of aiding the judiciary in the trial of major antitrust cases. Yet a great many problems remain to be solved that cannot be solved by education alone. I would like to mention a few.

(1) extended and protracted grand jury proceedings in criminal antitrust cases frequently lasting a year of more. . . .

As to the function of the grand jury in antitrust criminal prosecutions, my experience has led me to the conclusion that this ancient and honorable institution has long outlived its usefulness and should be abolished. I have long advocated the abolition of the grand jury as a means of improving, economizing, and expediting the federal administration of criminal justice. Several years ago I corresponded at some length with your distinguished Chairman, Senator Kennedy, on this subject. I also respectfully direct your attention to my published views which will be found in 55 F.R.D. 229–253 and in Volume 64, No. 2, *Journal of Criminal Law and Criminology* (Northwestern University School of Law) at pp. 174 to 182. In considered judgment the grand jury as it is now being used in complex antitrust criminal cases is the principal cause of the delay, expense, confusion, and unfairness about which so much public complaint is heard today. Although the grand jury still performs in a cumbersome and dilatory fashion its traditional investigative function, it has completely abandoned its more important necessary and historical function of providing a protective bulwark to the citizenry against arbitrary and overzealous prosecutors. Its proceedings continuing to be *ex parte*; the complexity of the issues in antitrust cases continuing to cause the grand jurors always to follow the prosecutor's recommendations; the abuse of immunity still being practiced by prosecutors before it, and the continuing failure to inform witnesses who are themselves "targeted" for prosecution, as well as the corporation in whose investigation they are testifying, all add up to a complete abuse of this ancient protective duty of the grand jury.

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[1] At the time of the preparation of these views, a few minutes prior to the filing deadline, no copy of H.R. 6970, as reported, is available. Therefore, these amendments could not be specifically keyed to the appropriate sections of the bill.

Although, as the Chairman well knows, I still adhere to my recommendation that the federal government follow the lead of so many states and of England and abolish the grand jury. This would of course require the time consuming process of Constitutional amendment. The same result could however be immediately achieved in antitrust criminal proceedings, which this Committee is considering, by statutory amendment reducing all antitrust crimes from felonies to misdemeanors and proceeding in each case hereafter by information rather than indictment and reducing the penalty to fines and imprisonment of not more than one year under the following plan.

I favor a system which would bring theory into line with reality by placing the responsibility for initiating criminal prosecutions where it in fact already exists—with the prosecuting attorney. Prosecutions should be commenced upon the filing of an information signed by the prosecutor, and be followed by a probable cause hearing before a judicial officer who would determine whether there is sufficient evidence to allow the prosecution to continue to trial. A most salutary result of such a process would be the removal of the anonymity which presently enshrouds the exercise of prosecutorial discretion through the vehicle of the grand jury.

My suggestion would encompass the transfer to the prosecutor all powers which currently belong to the grand jury. Thus, for example, the subpoena power would be lodged with the prosecuting officer. The Department of Justice under the Antitrust Civil Process Act already possesses subpoena powers. Witnesses could be examined under oath as well as in secret, their testimony being recorded by an official court reporter. Testimony would thus be preserved for use at trial, if necessary. Authority to extend immunity for prosecution in exchange for testimony would also be given the prosecuting attorney. Indeed, federal prosecutors already enjoy such authority under the Omnibus Crime Act.

Upon reaching a determination that a prosecution should be initiated, the prosecutor would then filė a criminal information with the court in much the same fashion as indictments are now presented. A hearing to determine whether there is probable cause to proceed with the prosecution would then be scheduled. The hearing would be conducted before a judicial officer such as a magistrate. I suggest that the hearing be adversary in nature, with the accused given the right to appear with counsel, cross-examine the prosecution's witnesses and present evidence in his own behalf.

The benefits which would accrue from the system which I have described seem to me to be unlimited. The determination of whether a citizen would be required to answer criminal charges brought against him would be made by a member of the judiciary. The sham of the "autonomous" grand jury would be discarded in favor of a judgment made by one trained and skilled in the law, and more importantly not subject to the direction and control of the prosecuting agency. True independence would be restored, thereby revitalizing the concept that a citizen should be protected against unfounded accusation of crime, whatever its source.

Investigative powers so necessary to orderly enforcement of the antitrust laws would not be curtailed. They would simply be lodged with the prosecuting authority, where their *de facto* exercise has already come to reside. Constitutional guarantees would not be diluted in the slightest. Judges would remain available to entertain motions seeking to prevent any over-reaching by prosecutors. The civil analogue to such a procedure would be the protective order issued in the context of discovery disputes. Also, a transcript of the prosecutor's investigative proceedings would always be available for review by the judge.

The advantages which some contend flow from the secret nature of grand jury proceedings would also be preserved under the system I propose. Although this secrecy has been the subject of well-intended criticism in recent years, no one can question that in some cases it has its benefits during the investigatory phase of a prosecution. It is said to encourage disclosure by witnesses who have information concerning the commission of a crime, to prevent outside influences from contaminating the investigation, to prevent the accused from fleeing prior to being charged, to limit subornation of perjury, and to protect the innocent from the harm that might be visited upon them by disclosure of an investigation not leading to a formal charge. An example would be the exposure to class action suits predicated solely upon the appearance of innocent corporate executives as witnesses before the grand jury.

Perhaps the most significant by-product of my suggestion will be the focusing of responsibility of concomitant accountability for the initiation of a criminal prosecution with the prosecuting authority. No longer will the prosecutor be able to hide anonymously behind the shield of the grand jury. His decision to prosecute will be reviewable by a trained and independent legal officer. As with the conduct of our other institutions of government, public scrutiny will follow his actions. In my considered judgment, such a scheme cannot help but have a sobering impact upon the so-called "overzealous" prosecutor. Furthermore, our courts would be relieved of many cases now returned by grand juries at the urging of such prosecutors despite woefully insufficient evidence to convict.

Another important contribution which would result from the system I advocate would be a substantial increase in the efficiency and economy of our system of antitrust enforcement. It cannot be doubted that the operation of grand juries constitutes a very expensive and time consuming process in complex antitrust cases. Antitrust grand juries seem always to be held for the full statutorily permissible 18 months. Nor can we underestimate the unnecessary waste in the energies of our law enforcement and prosecuting personnel generated by the totally repetitious task of making presentations before the grand jury. The elimination of this needless squandering of resources would be a great boon to the administration of justice.

The foregoing procedure would in my opinion, should this Committee recommend it and it becomes law, do more to expedite the prosecution and punishment of price fixers and restore public confidence in our system of justice than anything else this Committee could do. Furthermore nothing would be lost in sanction or deterrence since the one-year imprisonment it provides would in practice exceed the average now imposed under felony charges and is well within the present suggested sentences less parole as outlined in the Department of Justice suggestions filed with this Committee. (See Guidelines for Sentencing, Department of Justice, February 24, 1977.)

EPA HIGH ALTITUDE REGULATIONS ARE DISCRIMINATORY

HON. HAROLD RUNNELS

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. RUNNELS. Mr. Speaker, the Environmental Protection Agency promulgated regulations which went into effect last year with respect to light duty motor vehicles used in high altitude areas of the country. The regulation requires separate emission certification for vehicles which are sold for principal use in 166 designated high altitude counties, located in 10 Western States. Since the beginning of the 1977 model year, the market for new cars in these areas has been significantly disrupted.

Due to the high cost of certification relative to the low volume market—2 to 3 percent of the national market—the manufacturers have chosen to certify only about 50 percent of their normal product offerings. Items such as standard transmissions and six cylinder engines are frequently unavailable. Additional emission control equipment which is necessary for high altitude certification causes available models to be priced significantly higher than their low altitude counterparts. The reduced availability of items which would otherwise be offered as standard equipment often forces high altitude customers to pay as much as $500 more for comparably equipped vehicles. In addition to these factors, there has been a marked reduction in fuel economy and a negative impact on driveability and performance in high altitude vehicles.

Despite the severity of these problems, the current EPA regulation offers little in the way of improving air quality in the high altitude metropolitan areas to which it applies. Due to the large influx of tourist vehicles, the percentage of cars equipped for high altitude is minimal. Additionally, due to pricing, selection, and performance disincentives, many high altitude purchasers travel to a neighboring low altitude area to buy their cars.

For the reasons cited above, I will soon be introducing an amendment to the clean air bill which would suspend the existing high altitude regulation and establish criteria to be considered by EPA prior to establishing any future regulation. The amendment provides that the Administrator must consider the economic impact upon consumers, franchised dealers, and the auto industry, the availability of technology capable of meeting emission standards at high altitude, and the impact of any proposed regulation upon air quality in the areas to which it shall apply. The amendment would also insure that the standards applicable in high altitude areas shall not impose a greater burden, in terms of percentage reductions in emissions, than standards applicable to non-high-altitude vehicles.

The high altitude regulation is a clear example of Government regulation exceeding the necessities imposed by the problem. Air quality problems in high altitude areas exist in only a few metropolitan areas. Yet the regulation has created a discriminatory market situation in many rural areas which experience no significant air pollution the year round. And it is in these rural areas where the problems created by the regulation are felt most acutely.

This amendment is designed to authorize EPA to reconsider this issue and to formulate a more reasonable approach to the problem of high altitude auto emissions. The legislation offers specific guidelines for EPA to follow when considering alternatives to the present regulation. Only in this way can we protect consumers and new car dealers in high altitude areas from any future discriminatory regulation on the part of EPA.

FORTY-THREE BILLION DOLLARS IN OIL IMPORTS IN 1977? STATE DEPARTMENT RESPONSE TO ENERGY/TRADE QUESTIONS

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. VANIK. Mr. Speaker, as chairman of the Ways and Means Trade Subcommittee, I have been concerned about the international aspects of the energy crisis and its impact on world trade and investment. In preparation for the Ways and Means energy hearings and as part of my work on the ad hoc Energy Committee, I have asked the administration a number of questions on trade-related aspects of our energy problems.

Following is a series of questions and answers which I have just received from the Department of State which provide valuable information on OPEC investments, U.S. balance-of-payments problems, and the problems created by the energy-price crisis for the world's less developed countries. In addition to detailing the nature of $32.5 billion in OPEC investment in the United States the information is noteworthy for stating that "oil imports could exceed $43 billion in 1977," and that the State Department expects "oil-importing countries as a group, including the United States, to have trade deficits for the foreseeable future."

This information, Mr. Speaker, is further evidence of the need for the strongest possible energy conservation program at the earliest possible date:

DEPARTMENT OF STATE,
Washington, D.C., May 14, 1977.

HON. CHARLES A. VANIK,
Chairman, Subcommittee on Trade, Committee on Ways and Means, House of Representatives.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of May 3, enclosing two of your recent speeches on energy issues and several questions to which you requested the Department to reply. The Secretary will be out of the country on May 17 and I have been asked to represent the Department at the hearing of the Ways and Means Committee that day.

I have read your speeches with interest and strongly concur that we must achieve significant reductions in our oil imports as soon as possible. Replies to your specific questions are enclosed. During my testimony before the Committee on Ways and Means, I will be glad to discuss these issues further, as well as others raised in your speeches.

Sincerely,

JULIUS L. KATZ,
Assistant Secretary for Economic and Business Affairs.

Enclosures: Questions and Answers.

QUESTIONS AND ANSWERS ON OPEC INVESTMENTS

OPEC INVESTMENTS—QUESTION 1

Q. What was the 1976 export figure for the combined OPEC countries? What is it projected to be in 1980? 1985?

A. We estimate that total exports from OPEC countries were approximately $128 billion in 1976. The size of their exports in future years will be largely determined by their oil prices and the rate of oil imports in the OECD countries. Assumptions can be made about these two factors, giving a forecast of the size of future OPEC exports. Assuming (a) constant real oil prices and 6 percent inflation per year and (b) OECD and LDC average growth rates from 1977 to 1980 of 4.2 percent and 4.5 percent respectively, we estimate that exports from OPEC countries would be $184 billion in 1980. Other assumptions would, of course, produce different forecasts. We have made no forecast of OPEC exports in 1985. Too much uncertainty would be involved in such a long range projection to make it meaningful.

OPEC INVESTMENTS—QUESTION 2

Q. What was the OPEC current account surplus in 1976? What is it estimated to be in 1980? In 1985?

A. We estimate that the aggregate current account surplus of OPEC countries was approximately $40 billion in 1976. The size of their combined surpluses in future years will be largely determined by their oil prices, the rate of oil imports in the OECD countries, and the rate of growth of OPEC imports. Assumptions can be made about these factors, giving a forecast of the size of future OPEC current account surpluses. Of these factors, OPEC's oil pricing policy will be the most important. Assuming (a) constant real oil prices and 6 percent inflation per year and (b) OECD and LDC average growth rates from 1977 to 1980 of 4.2 percent and 4.5 percent respectively, we estimate that the aggregate current account surplus for OPEC countries would be roughly $26 billion in 1980. Other assumptions would, of course, produce different forecasts. We have made no forecast of the OPEC surplus in 1985. Too much uncertainty would be involved in such a long range projection to make it meaningful.

OPEC INVESTMENT—QUESTION 3

Q. What were the OPEC financial assets in 1976? What are they projected to be in 1980? In 1985?

A. We estimate that the accumulated financial surpluses of OPEC countries were between $135 billion and $145 billion at the end of 1976. The size of this aggregate surplus in future years will be determined by the current account surpuses of OPEC countries. We expect these surpluses to remain large for the foreseeable future. The range of forecasts which have been made of the surpluses is very broad. As none of these forecasts can be used with much confidence, particularly the longer-term forecasts, we doubt that projections of OPEC's accumulated financial surpluses in 1980 or 1985 would be useful.

OPEC INVESTMENTS—QUESTION 4

Q. A critical factor in the financing of higher priced energy imports has been OPEC investment. What have been the changes in OPEC investment in the U.S. in the past five years? How much OPEC investment is there today in the U.S.? What is the level of OPEC investment that the Administration assumes for 1980? 1985? Of total OPEC investment, how much is placed in OECD countries? How much in non-oil LDCs?

A. The State Department does not itself collect data on OPEC investment. The following information has been provided to the State Department by the U.S. Treasury Department.

Oil exporting countries have added roughly $31.5 billion to the approximately $1 billion of investments they held in the U.S. at the end of 1972. As of March 31, 1977 placements in the U.S. by oil exporting countries were as follows:

	Amount $, billion	*Share in percent*
U.S. Treasury securities	13.8	42.5
Federal agency and corporate bonds	3.7	11.5
U.S. corporate stocks	4.1	12.5
Bank deposits	8.8	27.0
Liabilities of U.S. nonbanking concerns	2.1	6.5
Total	32.5	100.0

In recent months an increasing proportion of oil exporting country investments in the U.S. have been long-term in nature with an emphasis on debt securities. Investments in U.S. corporate stocks have been relatively small. Direct investment in the U.S. has been d*eminimus.*

Rough U.S. Treasury estimates of the worldwide disposition of OPEC surpluses in 1973–1976 are as follows:

ESTIMATED DISPOSITION OF OPEC INVESTIBLE SURPLUS 1974–76

[In billions of dollars]

	1974	1975	1976[1]
United States	12	12	11½
Short-term banks deposits and Treasury bills	(9.3)	(.3)	(.3)
Long-term banks deposits	([2])	(.8)	(.3)
U.S. Treasury bonds and notes	(.2)	(2.0)	(4.2)
Other domestic bonds and notes	(.9)	(1.6)	(1.2)
Equities	(.4)	(1.6)	(1.8)
Subtotal (banking and portfolio placements)	(10.8)	(6.3)	(7.8)
Other (including real estate and other direct investment, prepayments on U.S. exports, debt amortization, etc.)	(1.2)	(3.7)	(3.7)
Eurobanking market	22½	8	10½
United Kingdom	7½	¼	−1
Other developed countries	6	7¾	8
Less developed countries	4	6	6
Nonmarket countries	½	2	1¼
International financial institutions (including IMF oil facility)	3¾	4¼	1¾
Total allocated	56¼	38¼	38
Estimated cash surplus plus borrowings	59	43	42
Error of estimates of surplus and unidentified investments	2¾	1¾	0

[1] Preliminary.
[2] Less than $500,000.

We have made no attempt to estimate OPEC investment levels for 1980 or 1985 given the wide variations in the potential surpluses which these countries may accumulate. Over the past 3 years the proportions of their total investible surpluses placed in the U.S. has varied from 20 percent to 27.5 percent. It is important to note that these percentages derive from decisions made by governmental entities in a number of independent sovereign states whose investment objectives vary and, indeed, may change over time."

BALANCE OF PAYMENTS—QUESTION 2A

Q. The U.S. had a trade deficit of $5.9 billion for 1976. For the first three months of 1977 the trade deficit is already $5.9 billion and at the current rate our trade deficit for 1977 could be a staggering $23 billion. The high price of oil and the large volume of our oil imports is primarily responsible for the deficit. How does the Administration propose to cut the 1977 U.S. trade deficit?

A. There were special circumstances which caused the very large trade deficit in the first quarter of 1977. Most important were the slow growth of exports and the unusual increase in fuel imports, both due to the severe winter weather. We do not believe the 1977 trade deficit will be as large as the $23 billion figure you cited.

The Administration is currently advancing several important policies which will contribute to reducing U.S. trade deficits. A very large contribution can be made by the energy program. Both energy conservation and increased domestic production will reduce our imports of oil. As oil imports could exceed $43 billion in 1977, this reduction is particularly important.

In addition, the Administration has obtained a commitment from the German and Japanese Governments that they will undertake the policies necessary to achieve their GNP growth targets. This growth would increase their imports from the United States as well as from other countries and would absorb goods into their domestic economies which would otherwise be exported. The Administration has joined in a pledge with our major trading partners to avoid restrictionist measures which would curtail trade.

The Administration is also actively promoting our own exports and promoting continued liberalization of the world trading system. In the current Multilateral Trade Negotiations underway in Geneva, we are attempting to move toward an environment in which our exports will have greater access to all world markets and general trade will be expanded. At the same time, we must keep in mind that this environment will also involve greater access for imports into the United States.

Adequate adjustments in countries' exchange rates are extremely important in this environment and, for this reason, the Administration strongly supports the flexible exchange rate system. When the exchange rate of major currencies are allowed to float freely, trade deficits and surpluses which are not balanced by other transactions can be largely self-correcting.

BALANCE OF PAYMENTS—QUESTION 2b

Q. It appears that it will take some time for the Administration's energy plan to reduce our imports of foreign oil. In the meantime, it seems we will be experiencing large trade deficits for the next several years at least. How will these trade deficits affect non-energy related trade? The value of the dollar? How will these trade deficits be financed?

A. While the United States may not experience persistent trade deficits for the next several years—as recently as 1975 we had a $9 billion trade surplus—continued large imports of oil will make our foreign trade position much worse than it would be otherwise. It would be extremely difficult, however, to quantify the impact of these oil imports on our non-energy related trade. We have had large surpluses in our non-oil trade for several years and have had large surpluses in our trade with non-OPEC countries.

Economic theory tells us that our trade deficits, if taken in isolation, would cause the dollar to depreciate in foreign exchange markets. But, of course, one element—even a very large element—of our international transactions cannot be taken in isolation. Many types of transactions affect the value of the dollar. When we have net surpluses in these other transactions, they could be considered as "financing" the trade deficit.

In 1976, the United States had a trade deficit of approximately $9 billion but a surplus of about $8.5 billion in services and unilateral transfers. These balancing transactions left only a $0.6 billion current account deficit to be financed by the capital account. In 1977, the trade deficit will be larger than it was in 1976 but so will the surplus we have on the rest of the current account.

There have also been large flows of capital between the United States and other countries. These flows also affect the value of the dollar and help fiiance the trade deficit. In fact, the trade-weighted value of the dollar relative to other currencies has increased during the last year and a half during which the trade deficit rapidly expanded. This movement in exchange rates points out the importance of all elements shows how a deficit in one type of transaction can be offset by a surplus in another type of transaction.

BALANCE OF PAYMENTS—QUESTION 2C

Q. I have calculated that if we were currently importing no more than 6 million barrels of oil per day at today's prices of around $13 a barrel, we still would have run a deficit of $2 billion in the first quarter of 1977. While this is better than the $5.9 billion deficit we actually experienced, it is still an unacceptable level of deficit to experience over the next 8 years and, possibly, beyond. How much longer do you anticipate that the U.S. will be experiencing trade deficits?

A. There are many factors which will determine future trade deficits or surpluses. The U.S. economy has rebounded from the 1974–75 world recession faster and farther than most economies. This means our economy has had greater need for imports at a time when many other economies are experiencing slower growth in their imports from the United States. When economic activity accelerates in other countries, this pattern could change. As the United States already has a large trade surplus with non-OPEC countries as a group, we cannot expect them to increase this surplus so that it balances our trade deficit with OPEC countries. Rather, we expect oil-importing countries as a group, including the United States, to have trade deficits for the foreseeable future. The sharing of this deficit could certainly be better apportioned than it is now, and we are hopeful that necessary adjustment will soon be made. It is not possible, however, to predict when the United States will not be experiencing trade deficits. We can only be sure that a reduction of our oil imports will hasten the elimination of these deficits.

DISCHARGE PETITION

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. GRADISON. Mr. Speaker, on May 18, 1977, I signed a discharge petition for House Joint Resolution 234. The resolution, which is pending in the Judiciary Committee, proposes a constitutional amendment to limit the busing of schoolchildren.

Although I prefer the language of my own proposal, House Joint Resolution 450, which was introduced on May 9, 1977, I am fully aware that the Judiciary Committee has not taken any action on the busing issue since 1972. I am hopeful that the discharge petition for House Joint Resolution 234, which demonstrates the collective opposition to busing of more than 180 Representatives, will rouse the Judiciary Committee to act on this issue.

CLEAN AIR ACT AMENDMENTS OF 1977

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. ARCHER. Mr. Speaker, the existing no-growth provisions in this bill will affect every basic industry in this country. I am deeply concerned over the impact of "significant deterioration" and "nonattainment" provisions in the proposed legislation on the construction industry in general and my own district in particular. The construction industry is the country's largest single employer. employing 1 out of every 4 workers in this country.

The industry is just beginning to recover from one of the Nation's highest unemployment rates, over 15 percent. An estimated 115,000 people are employed in jobs relating to construction in the Houston area. Clearly, inhibiting new construction in major areas of the country will cost the Nation thousands of jobs and have severe repercussions on Houston's economy.

A balance must be struck to allow for controlled growth and new construction while insuring attainment of air quality standards and protection of priestine areas. The proposed legislation currently before us fails to provide this balance. The provision on significance deterioration, section 108, would deter new construction in major areas of the country without regard to the particular problems of various States and localities in their attempts to balance their energy, environment, and economic needs.

Houston is undergoing tremendous development and will be heavily relied upon to provide this Nation with energy resources. A great deal of the construction in this area is related to the development of energy resources. Amendments to these provisions need to be developed to allow for controlled growth, especially in the energy producing industries which provides these needed resources to the entire country.

Nonattainment provisions would also seriously impact the construction industry. Before allowing any new construction or expansion of a major facility, a State would be required to inventory all emissions, and based upon this inventory show "reasonable further progress" toward attainment of national standards in equal increments every 2 years. This includes not only major industrial sources, but all indirect sources as well, highways, airports, shopping centers, parking lots, and numerous others. Despite the deliberate exclusion of Federal indirect source requirements from the original bill, EPA would be allowed to force States to adopt indirect source controls as a trade-off for allowing any new construction of major facilities in nonattainment areas. At best the existing bill would provide minimal relief for some large industrial plants at the expense of controlling all indirect sources and minor facilities. Amendments to section 117 should be provided to allow for controlled growth in nonattainment areas without penalizing all indirect sources.

Mr. Speaker, I urge consideration of these serious problems before construction is halted, not to protect public health and welfare, but to appease no-growth advocates. Otherwise we are jeopardizing the construction industry without any net benefit to public health and the environment.

CHIEF WILLIAM L. TARR

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. SCHULZE. Mr. Speaker, Chief William L. Tarr of the Willistown Township Police Force in Malvern, Pa., leaves his job as protector of this community on June 30, 1977.

Chief Tarr is known as Bud to his many friends and acquaintances and he will leave behind years of involvement and interest, extra effort, and a kind concern for both the oldtimer and the newcomer. Bud epitomizes the type of policeman every community would like to have. He is known as a straight shooter, tough on those who break the law, and compassionate on those who need his help. He has led an award-winning police department for almost 20 years.

Bud has served with the Willistown Police Force since 1952, and as it's chief from 1958. He graduated from the prestigious FBI National Academy in 1962. He has always had the time for international, State, and regional police chiefs associations, as well as community projects. As an example of his wide range of activities Bud was awarded the Keystone AAA Award for his contribution to traffic safety, and the Paoli Optimist Club Award for outstanding community service.

Chief Tarr will be missed by all, except perhaps by his daughters, Patti Miller and Judy Martin, who have presented him with five grandchildren, and his golfing partners. They all now may be able to enjoy a larger share of his time. I wish Bud good luck and God speed in whatever the future will hold for this most special of people.

CLEAN AIR ACT AMENDMENTS

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. ROGERS. Mr. Speaker, I do not think there is any doubt that the Clean Air Act Amendments of 1977 are designed to protect the health of the American public. But I would also like to point out that it is also designed to protect the pocketbook of the American consumer.

Perhaps the most controversial issue of the bill relates to the Dingell-Broyhill substitute for title II—that is the provisions pertaining to new-car emission standards, warranties, and measures to assure the cars actually meet the standards they are supposed to.

In the Commerce Committee, when Representative DINGELL offered his amendment, he argued that his amendment is supported by the Justice Department. This is not so. As the attached letter from Attorney General Griffin Bell shows, the Justice Department supports the committee position and opposed the Dingell-Broyhill substitute.

Similarly, in the Commerce Committee, Representative DINGELL made it sound like the entire aftermarket parts and service industry support his amendment. This is not so. As the attached letters from MEMA, SEMA, APAA, and ASC indicate, the majority of the small automobile parts makers, dealers, service centers, and garages support the committee position and oppose the Dingell substitute. The only aftermarket support for the Dingell amendment comes from companies who are predominately parts suppliers to the new-car industry; that is, who are captives of Detroit.

One group Representative DINGELL did not represent as supporting his amendment was consumers. This is because consumer interests strongly support the committee position and oppose the Dingell substitute as the attached letter from Ms. Esther Peterson, Special Assistant to the President for Consumer Affairs, points out.

I would also like to attach for your interests and information letters I have received from the Consumer Federation of America and Consumers Union, and would like to insert them in the RECORD at this time:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., May 12, 1977.

HON. PAUL ROGERS,
Chairman, Subcommittee on Health and Environment, Committee on Interstate and Foreign Commerce, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of May 11, 1977, concerning the position of the Department of Justice on pending amendments to the Clean Air Act, and in particular to Title II of H.R. 6161.

After consulting with the relevant divisions of this Department, I am advised that the Justice Department's Antitrust Division has in the past commented critically on regulations proposed by the Environmental Protection Agency with respect to implementation of the warranty provisions under section 207 of the Clean Air Act, although I understand that upon further consideration, the Division has taken a less critical view. However, the Division's original comments were not intended to be and should in no way be construed as an endorsement of the Dingell substitute, which was offered in the House Commerce Committee.

After reviewing Title II of H.R. 6161 and the language of the Dingell substitute, I have concluded that, on balance, the Department would prefer the enactment of Title II of H.R. 6161. While there are specific provisions of Title II of H.R. 6161 with which the Department might not be in full accord, depending on their interpretation and implementation, I share your view that it represents an appropriate and fair balance of measures to protect the environment and assure free competition, free choice and consumer protection.

Yours sincerely,

GRIFFIN B. BELL,
Attorney General.

THE WHITE HOUSE,
Washington, May 18, 1977.

HON. PAUL G. ROGERS,
Chairman, Subcommittee on Health and the Environment, House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN ROGERS: I am writing in support of H.R. 6161, the Clean Air Act Amendments of 1977. I support this legislation as one who is both concerned about the adverse public health impact of a dirty environment and as a consumer advocate. H.R. 6161 is a reasonable and balanced approach towards achieving a cleaner and healthier environment, and I commend you for your leadership in this area.

I am particularly concerned, however, about the provisions of Title II as it relates to the warranty of emission control devices on new motor vehicles. I understand that H.R. 6161 (1) establishes an EPA parts certification program; (2) reduces the warranty on emissions control systems from five years-50,000 miles to 18 months-18,000 miles but only for a period of three years; and (3) requires the Federal Trade Commission to conduct a two-year study of the competitive impact of the longer warranty. I further understand that Congressman Dingell and Broyhill will seek an amendment to reduce the warranty permanently to 18 months-18,000 miles.

I am disturbed at any reduction of the warranty from the current requirements of five years-50,000 miles. However, I am cognizant of the potential anti-competitive impact of this requirement on small, independent repair garages and the after-market parts manufacturers, absent an EPA parts certification program. Accordingly, I understand why the sponsors of H.R. 6161 believe it is a needed compromise. It seeks to insure a continued competitive marketplace for automobile repairs and will, after three years, maintain the current emission control system warranty requirements.

The approach in the Dingell-Broyhill amendment is unsatisfactory. It would thrust a major new burden on consumers for maintaining the emission control system after 18,000 miles or 18 months—less than 20 percent of the life of the average vehicle. In view of the fact that state and local jurisdiction will, we hope, be increasingly engaged in regular inspections of emissions of motor vehicles, this amendment could have a serious detrimental impact on consumers.

There are other benefits of H.R. 6161 which are not included in the Dingell-Broyhill amendment:

It makes it illegal for an auto manufacturer to refuse to honor a warranty claim and authorizes EPA to enforce the warranty for car owners.

It keeps manufacturers from refusing warranty claims if the owner cannot show that all routine maintenance was done correctly.

It makes certain that the warranty covers emission control failures caused by any component of the car, not just by the special emission controls.

It allows car owners and independent auto service businesses to do repair work covered by the emissions warranty, instead of restricting this work to dealers.

In its current form, the Clean Air Act provides for a five-year-50,000 mile warranty only if the vehicle owner can show that his vehicle has been properly maintained according to the maintenance schedule in the owner's manual. This is a particularly difficult burden because it mistakenly assumes that the consumer can control the quality of the work performed by the mechanic who services his car. H.R. 6161 removes this burden but would still allow the manufacturer to refuse warranty coverage if the vehicle has been grossly abused. This approach relieves an almost impossible burden on the consumer and provides protection to the automobile manufacturer.

H.R. 6161 would also require auto manufacturers to build vehicles which can meet inspection test standards at the assembly line and would allow states to require that vehicles meet the state standards at the dealership prior to delivery to the consumer. These provisions are vitally important to ensure that consumers are not subjected to the inconvenience of getting repairs or adjustments made under the warranty should their new vehicle fail a state or local inspection test.

On this basis of public health and consumer protection, I urge you to vote in favor of H.R. 6161 and to reject the Dingell-Broyhill amendment.

Very truly yours,

ESTHER PETERSON,
Special Assistant to the President for Consumer Affairs.

CONSUMER FEDERATION OF AMERICA,
Washington, D.C., May 17, 1977.

Re Section 209(c) of H.R. 6161 requiring auto makers to honor the auto-emissions performance warranty for 18 months/18,000 miles for the first three model years after enactment, then restoring the 5 year/50,000 mile performance warranty.

Hon. PAUL ROGERS,
Chairman, Subcommittee on Health and the Environment, U.S. House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE ROGERS: Consumer Federation of America, the nation's largest consumer organization, is composed of over 200 national, state and local nonprofit organizations that have joined together to espouse the consumer viewpoint.

We support Section 209(c) of H.R. 6161 which restores the 5 year/50,000 mile auto emissions performance warranty the fourth model year after enactment of the legislation. We oppose the provision of the Dingell substitute bill which permanently reduces the performance warranty to 18 months/18,000 miles. CFA is opposed to this anti-consumer provision for the following reasons:

1. In urban areas having emission inspections, consumers whose cars fail the emission test beyond 18,000 miles will have to pay to have their cars remedied even when the cars were properly maintained. This could well create absolute consumer liability for the repair of autos that failed the test despite the fact that the manufacurer is responsible.

2. Reducing the performance warranty encourages the auto manufacturers to lower the quality on the assembly line. The reduced quality control may save the consumer one dollar ($1) in the sticker price of the automobile but may well cost the new car consumer $100 in repairs on the road when a car fails to meet the emission standards between 18,000 and 50,000 miles.

3. There is no persuasive evidence that reducing the performance warranty to 18,000 miles will improve the competitive position of the independent parts and service industries in relation to the monopolistic auto industry. More stringent measures such as antitrust actions and providing independents with access to warranty repairs are indispensable steps toward the accomplishment of this goal.

Very truly yours,

KATHLEEN F. O'REILLY,
Executive Director.
LINDA HUDAK,
Legislative Director.

CONSUMERS UNION,
Washington, April 15, 1977.

Hon. PAUL G. ROGERS,
Chairman, Subcommittee on Health and Environment, Committee on Interstate and Foreign Commerce, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of April 5, 1977 asking for the views of Consumers Union[1] on the proposed Clean Air Act Amendments of 1977. As you may know, the annual automobile issue of Consumers Union's magazine, *Consumer Reports*, published for April, 1977, featured a substantial feature on this issue, entitled "Emission Control: The Impossible Standards That Could Have Been Met." I am enclosing a copy of the April issue for your information.

In our view, automobile emission-control systems should be warranted for 50,000 miles and the manufacturer should be required to meet all costs of maintaining emission control system performance to that point. In order to assure that federal emission standards are met for the full 50,000 miles, each state should require an annual emission inspection of a vehicle as a condition for operation, at a cost to the vehicle owner of not more than $5.

We have considered the arguments that the 50,000 mile warranty standard proscribes competition in the emission control device replacement and repair industry. We believe that this problem is better approached by a requirement that the parts replacement and repair service required to keep a warranty in effect be designated by the manufacturer on the basis of performance, rather than by brand name or manufacturer-affiliation. Attempts to induce competition in the sale and servicing of emissions control devices by reducing the mandatory warranty period will not result in sufficient furtherance of the purposes of the Clean Air Act and may not result, either, in the competition which independent parts manufacturers and service dealers anticipate from such a lessening of the warranty requirement.

We are, therefore, opposed to any amendment to the Clean Air Act which would reduce the 50,000 mile warranty requirement. We hope that you will take this view and the reasons stated therefor into consideration when your subcommittee meets next week to mark up the 1977 Clean Air Act Amendments.

Sincerely,

MARK SILBERGELD,
Acting Director, Washington Office.

AUTOMOTIVE PARTS & ACCESSORIES ASSOCIATION, AUTOMOTIVE SERVICE COUNCILS, SPECIALTY EQUIPMENT MANUFACTURERS ASSOCIATION,
Washington, D.C.

Do not be misled into thinking that all manufacturers and sellers of automotive parts favor the Dingell-Broyhill "clean air" bill.

Our Associations, representing the *majority* of auto parts makers, volume retailers and independent garage owners across the country, wholeheartedly champion H.R. 6161, the Rogers' amendments to the Clean Air Act.

The Rogers' bill alone provides us with the protection we must have in light of the emission performance warranty mandated by Congress in 1970. H.R. 6161 allows small independent parts and service businesses to participate in all emission warranty work.

While the Dingell-Broyhill bill answers some of the automotive aftermarket's needs, the Rogers bill goes much further and provides our ultimate customers, the car owners, with the protection they deserve.

On the other hand, the Dingell-Broyhill alternative would deliver all emission-control warranty work to the new car dealers, foreclosing the small independents from significant markets. In addition to the dire effects the Dingell-Broyhill approach would have on our members and the livelihoods of their employees, it also would eliminate your constituents' rights to choose where they have their vehicles repaired and serviced during the warranty period. The Dingell-Broyhill bill also would discourage innovation and inflate the price of parts and service.

We urgently request that you vote for the Rogers' clean air bill when it reaches the House floor and thank you sincerely for your serious consideration.

Sincerely yours,

DON RANDALL,
Automotive Service Councils.
LINDA J. HOFFMAN,
Automotive Parts and Accessories Association.
J. RUSSELL DEANE, III,
Specialty Equipment Manufacturers Association.

LEARNING, SLOW BUT SURE

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. FINDLEY. Mr. Speaker, would that the common sense of country Illinois had control of policymaking concerning Cuba these past years. The editor emeritus of the Hillsboro and Montgomery County News, Mr. Bob Bliss, is the author of a perceptive comment on U.S. relations with Cuba which appeared in the News issue of May 16. The text follows:

LEARNING, SLOW BUT SURE

Formulators of foreign policy in the U.S. State Department are slow learners.

It has been 17 years since they picked up their marbles and went home in a huff when Fidel Castro took over control of government in Cuba. Finally the policymakers are coming around to realize that trying to dominate a neighbor's choices of government is not within their province.

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[1] Consumers Union is a nonprofit membership organization chartered in 1936 under the laws of the State of York to provide information, education, and counsel about consumer goods and services and the management of the family income. Consumers Union's income is derived solely from the sale of *Consumer Reports*, other publications and films. Expenses of occasional public service efforts may be met, in part, by nonrestrictive, noncommercial grants and fees. In addition to reports on Consumers Union's own product testing, *Consumer Reports*, with its almost 1.8 million circulation, regularly carries articles on health, product safety, marketplace economics, and legislative, judicial and regulatory actions which affect consumer welfare. Consumers Union's publications carry no advertising and receive no commercial support.

Anyone who has had a smidgeon of experience in a neighborhood knows that a fence-line dispute is well nigh irreconcilable. This bit of sociological reality applies to nations as well as neighborhoods.

When Castro took over Cuba's government he tossed out a lot of U.S. economic domination then in control of the vast Cuban sugar and tobacco industries. Many of our policymakers in Washington likewise were dominated by dollar diplomacy, all quite sensitive to the economic damage to U.S. businesses controlling the Cuban economy.

Retaliation was aimed at the Cuban people with U.S.-imposed economic embargoes and world trade sanctions. This would bring Castro to his knees, the Washington soothsayers predicted.

Seventeen years later U.S. State Department is finally recognizing that all their threats and bluffs did nothing more than make Castro a Cuban idol and hardened the Cuban determination to outsmart the Yankees.

The bitter pills of Korea and Viet Nam are of the same foreign policy prescription.

When those international fenceline disputes occur policy rigidity is hopeless. Problems can be solved only through negotiations which ease the stress to both sides.

Had Cuba's right to self-determination been recognized seventeen years ago and trade relations continued the Yankee negotiators would have maintained continuing economic pressure to attract sympathy toward our aims. We would have continued talking. So long as talk is stymied by a rigid position no relief can be resolved.

Neighbors with a fenceline dispute never calm the friction by building the fences higher and stouter nor by ceasing to speak with one another. So it is with nations.

Relaxation of travel restrictions to Cuba has permitted many U.S. business and political leaders to visit the island neighbor and to return home as advocates for resumption of relations with the Cubans.

Will it take another 17 years to admit the policy of sticking our noses into other nation's affairs is a violation of their rights to self-determination? The Korean nonsense has been going on for 27 years and the Viet Nam dispute nearly as long.

Perhaps this slow-learning process is sinking in deeply. We at least haven't rushed into South Africa and into the Middle East disputes to impose our might. We have learned to keep talking and to tacitly apply the persuaders with which a nation of great economic strength is so abundantly blessed.

Let there be an outpouring of the Good Neighbor policy in Cuba and elsewhere in troubled spots of the world. The policy of might makes right is wrong. It is dead and the nation should hope it is never again resurrected—R.R.B.

NATIONAL COUNCIL OF CHURCHES CALLS FOR GRAND JURY REFORM

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. EILBERG. Mr. Speaker, I would like to call to the attention of my colleagues a most thoughtful and comprehensive statement adopted on May 5, 1977, by the National Council of the Churches of Christ Governing Board, concerning the need for Federal grand jury reform.

The NCC resolution recognizes the need for church and ecumenical agencies to support this reform, which is now under study by the House Judiciary Subcommittee which I chair.

I commend to my colleagues' attention a Washington Post news account on May 7, 1977, of this NCC statement, along with the text of the resolution:

NATIONAL COUNCIL OF CHURCHES CRITICIZES GRAND JURY SYSTEM

(By Janis Johnson)

The National Council of Churches governing board has attacked the grand jury system as riddled with abuses and urged its 31 member denominations to resist efforts by governmental investigators to obtain confidential information from church files.

The unanimous action by the 150 delegates to the semi-annual meeting of the board in Cincinnati, completed yesterday, stemmed from a grand jury probe into purported links between a military Puerto Rican independence group and a controversial Hispanic social activist organization funded by the Episcopal church.

The federal investigation of bombings believed to be the work of the military FALN has led to the imprisonment on contempt charges of two women lay ministers of the Episcopal church's National Commission on Hispanic Affairs. They went to jail rather than testify before the grand jury. They have denied knowledge of the FALN or its members but said their resistance was "on principle."

In January Presiding Bishop John M. Allin voluntarily allowed the FBI into the Episcopal Church Center's office in New York for a week to look at non-confidential Hispanic commission files. He took this action after a subpoena served first on Bishop Milton Wood, church executive for administration, was withdrawn.

Officials of other churches have conceded they are uninformed on the implications that similar actions against their files would raise about religious liberty and separation of church and state.

In one resolution passed without dissent the governing board expressed "deep concern" over the jailing of the women "as a matter of great significance to all member churches of the National Council." It directed council president William P. Thompson to appoint a commission to meet with Bishop Allin and "aid him in securing the early release of the two women, to restore their salaries and to pay their legal expenses."

In a resolution on grand juries, pending development of a more thorough policy statement, the council declared that "the use of the grand jury's powers to harass and pursue political dissidents is a departure from its proper constitutional function (to protect citizens from unwarranted prosecutions) and is a great threat to public order, lawful government and true domestic security."

The statement listed a binding procedure for council agencies and urged member churches, which have about 40 million members, to adopt the same course of action.

RESOLUTION ON GRAND JURY ABUSE, ADOPTED BY THE NCCC GOVERNING BOARD, MAY 5, 1977

The Grand Jury is envisioned in American law as a protector of citizens from unwarranted prosecutions. It is for this reason that its proceedings are secret and it has compulsory process for summoning witnesses.

However, in recent years there is evidence to indicate that its great powers have sometimes been misused to harass and intimidate political dissidents, including the anti-war movement, the activist student movement, the trade union movement, the Roman Catholic peace movement, the feminist movement, and now seem to be aimed at the Chicago and Puerto Rican movements as well.

Since the October 1976 meeting of the Governing Board of the NCCC, several persons connected with the Hispanic ministries of the churches have been subpoenaed to testify before grand juries ostensibly inquiring into terrorist bombings, and some have gone to prison rather than divulge the names of persons they felt had been working with the church in good faith, lest they in turn be subjected to investigation.

Congress has never given the Federal Bureau of Investigation subpoena powers, yet agents today routinely threaten uncooperative persons with subpoenas from a grand jury, and often indeed serve such subpoenas upon them.

It is the Governing Board's firm conviction that the use of the grand jury's powers as an instrument of investigation in support of law enforcement rather than as an evaluator of evidence already gathered is a distortion of its quasi-judicial function. The use of the grand jury's powers to harass and pursue political dissidents is a departure from its proper constitutional function, and is a great threat to public order, lawful government, and true domestic security.

Therefore, the Governing Board of the National Council of Churches, in its continuing concern for human rights, including due process of law, freedom of association, the privilege against self-incrimination, the presumption of innocence and the free exercise of religion, adopts as its own procedure and urges upon the churches and ecumenical agencies the following course of action:

1. That churches and ecumenical agencies support legislation designed to enhance the rights to due process of law, freedom of association, effective legal counsel, the presumption of innocence and the privilege agains self-incrimination* of persons subpoenaed to testify before grand juries. As well as the problem of grand jury abuse, there are attempts by other Government agencies to intervene in the internal affairs of the churches. A full policy statement based on careful consideration of the legal ramifications needs to be developed. The Governing Board therefore also urges:

2. That each member denomination of the NCCC designate one person to keep in touch with the developments in this area and to represent it in developing a full policy statement on the subject of governmental intervention in the internal affairs of churches for presentation to a later session of the Governing Board.

In the meantime, church agencies, members and employees may well find themselves in the position of responding to inquires by Government agencies. Until the adoption of a full policy statement, the Governing Board of the NCCC adopts as its own procedure and urges adoption of the same by the member communions.

3. That, if and when any employee of a church or church agency is approached by government investigators (on matters related to that church or agency), the inquiry be handled by the senior officer available (with appropriate legal advice);

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*Though this is supposedly afforded by the grand of "use" immunity, the fuller "transactional" immunity that was formerly granted more adequately guards the privileges.

4. That the investigators be asked to state specifically in writing what information they want, their authority for seeking it, and whether it can be or has been obtained in any other way;

5. That the church or agency make contact with specialists in the ecumenical community, such as the Committee on Religious Liberty of the National Council of Churches, and seek advice of legal counsel familiar with church-state law to determine what information, if any, can properly be given in response to the inquiry;

6. That churches and ecumenical agencies not divulge names of contributors, members, constituents, or any persons or groups with whom they have been working in a relationship of confidence and trust;

7. That churches and ecumenical agencies not divulge without benefit of legal counsel and consent of persons concerned personnel files, correspondence or other confidential and/or internal documents or information;

8. That churches and ecumenical agencies not divulge without benefits of legal counsel and consent of persons concerned travel or expense records;

9. That the churches and ecumenical agencies inform any persons in their employment or membership about whom inquiries have been made that such investigations are in process.

10. That churches and ecumenical agencies give moral and material support (including continuing salary to employees) for those members and employees who for reasons of principle refuse to testify before a grand jury and risk jail rather than expose others to harassment—even if some consider their refusal unwise or unnecessary;

11. That churches and ecumenical agencies make particular provision to insure and protect the freedom of association and exercise of advocacy by members and staff in their ministries and relationships with social action agencies and oppressed and alienated groups.

12. In addition the dominations are urged to develop internal policies appropriate to their own polity and ecclesiology which will clarify their understanding of the meaning of confidentiality of communications within the fellowship and in the ministry of the church, so as to safeguard the relationship of confidence and trust that is essential to the existence and functioning of the church.

13. Churches which adopt the above recommendations should be aware that they, or their members, may be faced with the risk of civil penalties, including citations for contempt of court, in their effort to establish judicial recognition of the churches' right not to breach the relationship of confidence and trust which is essential to the functioning of the religious community.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in meetings as they concur.

As an interim procedure until the computerization of this information becomes operational, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, May 24, 1977, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 25

9:00 a.m.

Veterans' Affairs

To hold hearings on S. 247 and S. 1414, to provide recognition to the W.W. II Women's Air Forces Service Pilots and W.W. I Signal Corps telephone operators, respectively; and S. 129, to restore certain rights and benefits to certain Filipino combat veterans of W.W. II.

Until noon 318 Russell Building

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To continue hearings on S. 657, to establish an Earth Resources and Environmental Information System.

5110 Dirksen Building

Energy and Natural Resources

Energy Production and Supply Subcommittee

To resume hearings on S. 977, to conserve gas and oil by fostering increased utilization of coal in electric generating facilities and in major industrial installations.

4200 Dirksen Building

Human Resources

Education, Arts, and Humanities Subcommittee

To hold joint hearings with the House Subcommittee on Select Education to receive testimony on proposals to make the arts an integral part of our education system.

Until noon 2175 Rayburn Building

Select Small Business

To continue hearings on alleged restrictive and anticompetitive practices in the eyeglass industry.

424 Russell Building

Select Indian Affairs

To hold hearings on S. 660, seeking an agreement with the Cherokee, Choctaw, and Chickasaw Indian Tribes of Oklahoma for the purchase or lease of their rights in the riverbed of the Arkansas River.

Room to be announced

10:00 a.m.

Banking, Housing, and Urban Affairs

To continue hearings on bills dealing with Federal regulation and supervision of financial institutions (S. 1433, 895, 71 and 73).

5302 Dirksen Building

*Energy and Natural Resources

Energy Conservation and Regulation Subcommittee

To hold hearings on S. 19, S. 743, and H.R. 130, to provide for the protection of franchised distributors and retailers of motor fuel.

3110 Dirksen Building

Finance

Private Pension Plans and Employee Fringe Benefits Subcommittee

To continue joint hearings with Select Committee on Small Business on S. 285, proposed Tax-Exempt Private Pension Investment Act of 1977, and S. 901, proposed Pension Simplification Act.

2221 Dirksen Building

Governmental Affairs

Intergovernmental Relations Subcommittee

To continue hearings on S. 600, the Regulatory Reform Act of 1977.

6226 Dirksen Building

Joint Economic

To receive testimony on the economic impact of the President's energy proposals.

1114 Dirksen Building

Rules and Administration

To mark up resolutions requesting funds for activities of Senate committees and subcommittees.

301 Russell Building

Select Small Business

To hold hearings on S. 807, to authorize grants to assist individuals and small business concerns in developing solar energy equipment and energy-related inventions.

235 Russell Building

2:00 p.m.

Appropriations

Public Works Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects.

S-218, Capitol

2:30 p.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings on the impact on U.S. security of U.S. technological transfers to the Soviet Union.

3302 Dirksen Building

4:30 p.m.

Foreign Relations

To hold a closed hearing to receive a briefing from Secretary of State Cyrus Vance on the SALT negotiations.

S-116, Capitol

MAY 26

9:30 a.m.

Energy and Natural Resources

Public Lands and Resources Subcommittee

To hold hearings on S. 1338, to authorize the issuance of permits on public domain national forest lands for commercial outdoor recreation activities.

3110 Dirksen Building

Rules and Administration

To mark up S. 926, to provide for public financing of primary and general elections for the U.S. Senate, and the following bills to amend the Federal Election Campaign Act: S. 15, 105, 962, 966, 1320, and 1344.

301 Russell Building

Select Small Business

To continue hearings on alleged restrictive and anticompetitive practices in the eyeglass industry.

235 Russell Building

10:00 a.m.

Appropriations

Labor-HEW Subcommittee

To mark up proposed appropriations for fiscal year 1978 for the Departments of Labor, and Health, Education, and Welfare.

Room to be announced

*Foreign Relations

To hold hearings on the Convention on the Prevention and Punishment of the Crime of Genocide (Exec. O, 81st Cong., 1st sess.), to be followed by hearings on and consideration of pending nominations.

4221 Dirksen Building

Governmental Affairs

Energy, Nuclear Proliferation and Federal Services Subcommittee

To resume hearings on a report of the Commission on Postal Service, and to receive testimony on the effect of electronic communication on the postal service.

3302 Dirksen Building

Governmental Affairs
Subcommittee on Reports, Accounting, and Management.
To continue hearings to review the processes by which accounting and auditing practices and procedures, promulgated or approved by the Federal Government, are established.
6202 Dirksen Building

Human Resources
*Health and Scientific Research Subcommittee
To resume hearings on S. 1391, Hospital Cost Containment Act of 1977.
Until 12:30 p.m. 1114 Dirksen Building

Human Resources
Labor Subcommittee
To markup S. 995, to prohibit discrimination based on pregnancy or related medical conditions.
4232 Dirksen Building

Select Small Business
To continue hearings on S. 807, to authorize grants to assist individuals and small business concerns in developing solar energy equipment and energy-related inventions.
424 Russell Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue markup of proposed appropriations for fiscal year 1978 for the Departments of Labor and Health, Education, and Welfare.
Room to be announced

MAY 27

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Alfred Edward Kahn, to be a member of the Civil Aeronautics Board.
5110 Dirksen Building

Governmental Affairs
To hold hearings on the nominations of Jule M. Sugarman, of Georgia, and Ersa H. Poston, of New York, each to be a Civil Service Commissioner.
3302 Dirksen Building

JUNE 3

11:00 a.m.
Joint Economic
To hold hearings to receive testimony on the employment/unemployment situation in May.
1202 Dirksen Building

JUNE 6

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on H.R. 5675, to authorize the Treasury Department to make short-term investments of any portion of its excess operating cash balance.
5302 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To hold oversight hearings on the cable TV system.
235 Russell Building

Select Indian Affairs
To hold oversight hearings on the Indian Education Reform Act (Public Law 93–638).
Room to be announced

JUNE 7

8:30 a.m.
Finance
Health Subcommittee
To hold hearings on S. 1470, Medicare and Medicaid Administrative and Reimbursement Reform Act.
2221 Dirksen Building

9:30 a.m.
Energy and Natural Resources
To receive testimony on part D (natural gas pricing) of S. 1460, National Energy Policy bill.
3110 Dirksen Building

Select Small Business
To resume hearings on alleged restrictive and anticompetitive practices in the eyeglass industry.
424 Russell Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on S. 1397, to increase from 16 to 19 the size of the Board of Directors of FNMA.
5302 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To continue oversight hearings on the cable TV system.
253 Russell Building

Foreign Relations
To hold hearings on an agreement with Canada concerning the transit oil pipeline (Exec. F, 95th Cong., 1st sess.), and the Inter-American Treaty of Reciprocal Assistance (Exec., J. 94th Cong., 1st sess.).
4221 Dirksen Building

Human Resources
Health and Scientific Research Subcommittee
To hold hearings to evaluate information upon which the FDA based its decision to propose regulations banning the use of saccharin.
4232 Dirksen Building

Judiciary
Criminal Laws and Procedures Subcommittee
To hold hearings on S. 1437, Criminal Code Reform Act of 1977, and the following criminal sentencing bills: S. 31, 45, 181, 204, 260, 888, 979, and 1221.
2228 Dirksen Building

Joint Economic
Economic Growth and Stabilization Subcommittee
To hold hearings on economic development in rural areas.
1202 Dirksen Building

Select Indian Affairs
To continue oversight hearings on the Indian Education Reform Act (P.L. 93-638).
Room to be announced

10:30 am.
Appropriations
Transportation Subcommittee
To mark up proposed appropriations for fiscal year 1978 for the Department of Transportation.
S–128, Capitol

JUNE 8

8:30 a.m.
Finance
Health Subcommittee
To continue hearings on S. 1470, Medicare and Medicaid Administrative and Reimbursement Reform Act.
2221 Dirksen Building

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on S. 421, to establish a program to educate the public in understanding climatic dynamics.
5100 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on S. 1397, to increase from 16 to 19 the size of the Board of Directors of FNMA.
5302 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To continue oversight hearings on the cable TV system.
235 Russell Building

Energy and Natural Resources
Parks and Recreation Subcommittee
To hold hearings on S. 975, to improve the administration of the National Park System.
3110 Dirksen Building

Energy and Natural Resources
Energy Research and Development Subcommittee
To receive testimony on proposed legislation authorizing funds for fiscal year 1978 for nuclear programs of ERDA.
Room to be announced

Foreign Relations
International Operations Subcommittee
To hold oversight hearings on the role of the media, business, banking, labor, national security, etc. in the current and future international flow of information.
4221 Dirksen Building

Human Resources
Health and Scientific Research Subcommittee
To continue hearings to evaluate information upon which the FDA based its decision to propose regulations banning the use of saccharin.
4232 Dirksen Building

Judiciary
Criminal Laws and Procedures Subcommittee
To continue hearings on S. 1437, Criminal Code Reform Act of 1977, and the following criminal sentencing bills: S. 31, 45, 181, 204, 260, 888, 979, and 1221.
2228 Dirksen Building

Joint Economic
To hold hearings to review economic conditions, and to discuss the future outlook.
6202 Dirksen Building

2:30 p.m.
Foreign Relations
Arms Control, Oceans and International Environment Subcommittee
To resume hearings on S. 897 and 1432, proposed Nuclear Nonproliferation Act.
4221 Dirksen Building

JUNE 9

8:30 a.m.
Finance
Health Subcommittee
To continue hearings on S. 1470, Medicare and Medicaid Administrative and Reimbursement Reform Act.
2221 Dirksen Building

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommitteo
To continue hearings on S. 421, to establish a program to educate the public in understanding climatic dynamics
5110 Dirksen Building

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1432, Nuclear Non-Proliferation Policy Act of 1977.
6226 Dirksen Building

10:00 a.m.
Energy and Natural Resources
Energy Production and Supply Subcommittee
To hold oversight hearings on strategic petroleum reserves.
3110 Dirksen Building

Foreign Relations
International Operations Subcommittee
To continue oversight hearings on the role of the media, business, banking, labor, national security, etc., in the current and future international flow of information.
4221 Dirksen Building

Governmental Affairs
Reports, Accounting, and Management Subcommittee
To resume hearings to review the processes by which accounting and auditing practices and procedures, promulgated or approved by the Federal Government, are established.
6202 Dirksen Building

Judiciary
Criminal Laws and Procedures Subcommittee
To continue hearings on S. 1437, Criminal Code Reform Act of 1977, and the following criminal sentencing bills: S. 31, 45, 181, 204, 260, 888, 979, and 1221.
2228 Dirksen Building

Joint Economic
To continue hearings to review economic conditions, and to discuss the future outlook.
1202 Dirksen Building

JUNE 10

8:30 a.m
Finance
Health Subcommittee
To continue hearings on S. 1470, Medicare and Medicaid Administrative and Reimbursement Reform Act.
2221 Dirksen Building

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To continue hearings on S. 421, to establish a program to educate the public in understanding climatic dynamics.
5110 Dirksen Building

10:00 a.m.
Energy and Natural Resources
Energy Production and Supply Subcommittee
To continue oversight hearings on strategic petroleum reserves.
3110 Dirksen Building

Foreign Relations
International Operations Subcommittee
To continue oversight hearings on the role of the media, business, banking, labor, national security, etc., in the current and future international flow of information.
4221 Dirksen Building

JUNE 13

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on S. 657, to establish an Earth Resources and Environmental Information System.
235 Russell Building

Finance
Taxation and Debt Management Subcommittee
To receive testimony on proposals which seek to encourage economic growth and employment.
2221 Dirksen Building

10:00 a.m.
Energy and Natural Resources
To resume hearings on part D (natural gas pricing) of S. 1469, National Energy Policy bill.
3110 Dirksen Building

Governmental Affairs
Reports, Accounting, and Management Subcommittee
To resume hearings to review the processes by which accounting and auditing, practices and procedures, promulgated or approved by the Federal Government, are established.
6226 Dirksen Building

JUNE 14

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To continue hearings on S. 657, to establish an Earth Resources and Environmental Information System.
5110 Dirksen Building

Finance
Taxation and Debt Management Subcommittee
To receive testimony on proposals growth and employment.
2221 Dirksen Building

10:00 a.m.
Energy and Natural Resources
To continue hearings on part D (natural gas pricing) of S. 1469, National Energy Policy bill.
3110 Dirksen Building

Joint Economic
Economic Growth and Stabilization Subcommittee
To continue hearings on economic development in rural areas.
1202 Dirksen Building

JUNE 15

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To continue hearings on S. 657, to establish an Earth Resources and Environmental Information System.
235 Russell Building

10:00 a.m.
Foreign Relations
To hold hearings on treaties with Mexico and Canada on prisoner exchanges (Exec. D and H, 95th Con., 1st sess.).
4221 Dirksen Building

Joint Economic
Economic Growth and Stabilization Subcommittee
To continue hearings on economic development in rural areas.
6226 Dirksen Building

JUNE 16

9:00 a.m.
Veterans' Affairs
Compensation and Pension Subcommittee
To hold hearings on proposed increases in veterans' pensions.
6226 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
To hold oversight hearings on the effects of radiation on humans, i.e., health, safety, and environment.
5110 Dirksen Building

Energy and Natural Resources
Energy Production and Supply Subcommittee
To continue markup of S. 977, to conserve gas and oil by fostering increased utilization of coal in electric generating facilities and in major industrial installations.
3110 Dirksen Building

Foreign Relations
To continue hearings on treaties with Mexico and Canada on prisoner exchanges (Exec. D and H 95th Cong., 1st sess.).
4221 Dirksen Building

2:30 p.m.
Foreign Relations
Arms Control, Oceans and International Environment Subcommittee
To resume hearings on S. 897 and 1432, proposed Nuclear Nonproliferation Act.
4221 Dirksen Building

JUNE 17

9:30 a.m.
Veterans' Affairs
Health and Readjustment Subcommittee
To hold oversight hearings on veterans' employment-unemployment situation.
Until 12:30 p.m. 6226 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
To continue oversight hearings on the effects of radiation on humans, i.e., health, safety, and environment.
5110 Dirksen Building

JUNE 20

10:00 a.m.
Energy and Natural Resources
To resume hearings on part D (natural gas pricing) of S. 1469, National Energy Policy bill.
3110 Dirksen Building

JUNE 21

9:00 a.m.
Energy and Natural Resources
Energy Conservation and Regulation Subcommittee
To receive testimony on proposals embodied in parts A, B, C and G of S. 1469, the National Energy Act.
3110 Dirksen Building

JUNE 22

9:00 a.m.
Energy and Natural Resources
Energy Conservation and Regulation Subcommittee
To receive testimony on proposals embodied in parts A, B, C and G of S. 1469, the National Energy Act.
3110 Dirksen Building

Veterans' Affairs
Health and Readjustment Subcommittee
To hold hearings on the effectiveness of VA programs on mental health, alcohol and drug abuse, readjustment counseling, and health.
Until 2 p.m. 6226 Dirksen Building

10:00 a.m.
Joint Economic
Subcommittee on Economic Growth and Stabilization
To hold hearings to receive testimony from public pollsters on the current status of and future conditions affecting the economy.
1202 Dirksen Building

JUNE 23

10:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1547, to assure that all those providing communications services are able to use existing communications space on poles which are owned by regulated utilities, and to simplify FCC forfeiture provisions.
235 Russell Building

Energy and Natural Resources
To consider pending calendar business.
3110 Dirksen Building

JUNE 24

9:00 a.m.
Veterans' Affairs
Health and Readjustment Subcommittee
To hold hearings on proposed increases in rates of veterans' education benefits.
Until 2 p.m. 6226 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on S. 1547, to assure that all those providing communications services are able to use existing communications space on poles which are owned by regulated utilities, and to simplify FCC forfeiture provisions.
235 Russell Building

JUNE 27

9:30 a.m.
Veterans' Affairs
Health and Readjustment Subcommittee
To hold hearings on proposed legislation to amend the Veterans' Physician and Dentists' Pay Comparability Act.
Until noon 6226 Dirksen Building

Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings on legislation to amend the Truth in Lending Act, including S. 1312.
5302 Dirksen Building

Commerce, Science, and Transportation
To resume oversight hearings on the effects of radiation on humans, i.e., health, safety, and environment.
5110 Dirksen Building

JUNE 28

9:00 a.m.
Veterans' Affairs
Housing, Insurance, and Cemeteries Subcommittee

To hold hearings on S. 718, to provide veterans with certain cost information relating to the conversion of Government-supervised insurance to individual life insurance policies.
6202 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To continue hearings on legislation to amend the Truth in Lending Act, including S. 1312.
5302 Dirksen Building

Commerce, Science, and Transportation
To continue oversight hearings on the effects of radiation on humans, i.e., health, safety, and environment.
5110 Dirksen Building

JUNE 29

9:00 a.m.
Veterans' Affairs
Health and Readjustment Subcommittee
To resume hearings on proposed increases in rates of veterans' education benefits.
Until 2 p.m. 6226 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To continue hearings on legislation to amend the Truth in Lending Act, including S. 1312.
5302 Dirksen Building

Commerce, Science, and Transportation
To continue oversight hearings on the effects of radiation on humans, i.e., health, safety, and environment.
5110 Dirksen Building

JUNE 30

9:00 a.m.
Veterans' Affairs
Housing, Insurance, and Cemeteries Subcommittee
To continue hearings on S. 718, to provide veterans with certain cost information relating to the conversion of Government-supervised insurance to individual life insurance policies.
6226 Dirksen Building

JULY 12

10:00 a.m.
Foreign Relations
To hold hearings on the Vienna Convention on the Law of Treaties (Exec. L, 92d Cong., 1st sess.).
4221 Dirksen Building

JULY 13

10:00 a.m.
Foreign relations
To review the operation and effectiveness of the War Powers Resolution of 1973.
4221 Dirksen Building

JULY 14

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To receive a report from the National Commission on Supplies and Shortages on materials policy research and development.
5110 Dirksen Building

10:00 a.m.
Foreign Relations
To review the operations and effectiveness of the War Powers Resolution of 1973.
4221 Dirksen Building

JULY 15

10:00 a.m.
Foreign Relations
To review the operation and effectiveness of the War Powers Resolution of 1973.
4221 Dirksen Building

JULY 19

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee.
To receive a report from the National Commission on Supplies and Shortages on materials policy research and development.
5110 Dirksen Building

10:00 a.m.
Foreign Relations
To hold hearings on the following five tax treaties. Convention with Israel (Exec. C, 94th Cong., 2nd sess.); Convention with Egypt (Exec. D, 94th Cong., 2nd sess.); Convention with the United Kingdom (Exec. K, 94th Cong., 2nd sess.); Convention with the Republic of Korea (Exec. P, 94th Cong., 2nd sess.); and Convention with the Republic of the Philippines (Exec. C, 95th Cong., 1st sess.).
4221 Dirksen Building

JULY 20

10:00 a.m.
Foreign Relations
To hold hearings on the following five tax treaties; Convention with Israel (Exec. C, 94th Cong., 2nd sess.); Convention with Egypt (Exec. D, 94th Cong., 2nd sess.); Convention with the United Kingdom (Exec. K, 94th Cong., 2nd sess.); Convention with the Republic of Korea (Exec. P, 94th Cong., 2nd sess.); and Convention with the Republic of the Philippines (Exec. C, 95th Cong., 1st sess.).
4221 Dirksen Building

JULY 26

10:00 a.m.
Foreign Relations
To hold hearings on protocol to the Convention on International Civil Aviation (Exec. A, 95th Cong., 1st sess.), and two related protocols (Exec. B, 95th Congress, 1st sess.).
4221 Dirksen Building

HOUSE OF REPRESENTATIVES—*Tuesday, May 24, 1977*

The House met at 12 o'clock noon.

The Reverend David Lee Vail, Baptist minister, Reform, Ala., offered the following prayer:

Almighty God, creator of our national peace, and strength of our national defense, accept our effort at holy conversation.

In the midst of our humanness we pray for Your divine inspiration, that the United States might become a model of the will of God at work in community.

Our strongest cry of petition does not center in our Nation's future, but in her dynamic present, for we know that tomorrow can be only as strong as those foundational decisions we lay today. Anoint us that we may recognize ourselves with the potential of being the "Master's builders."

You are aware of the burden of guilt that we each may bear in our individual ways. Teach us the serenity that accompanies the acceptance of your forgiveness, teach us the power of forgiving others, likewise.

Be with those we love. Free our minds from worry and anxiousness over trivial matters. Protect us with Your love. Guide us with Your purpose. Make us truly, "One nation, under God, indivisible."

In the resurrected life of Jesus, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments, in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2. An act to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface coal mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes;

H.R. 4049. An act to amend the Regional Rail Reorganization Act of 1973 to authorize additional appropriations for the United States Railway Association;

H.R. 4301. An act to authorize appropriations for the National Sea Grant Program Act during fiscal year 1978, and for other purposes; and

H.R. 6692. An act to extend certain programs under the Education of the Handicapped Act.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1339. An act to authorize appropriations to the Energy Research and Development Administration for national defense programs for the fiscal years 1977 and 1978, and for other purposes.

REV. DAVID LEE VAIL

(Mr. BEVILL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BEVILL. Mr. Speaker, I was honored today to have Rev. David Lee Vail from Reform, Ala., in my congressional district, give the opening prayer on the floor of the U.S. House of Representatives.

Reverend Vail is a Baptist minister in Reform, Ala., and is presently completing his studies for the ministry at the New Orleans Baptist Theological Seminary in New Orleans, La.

As Reverend Vail embarks upon his lifetime service in the ministry, it is evident that he is and shall be an outstanding religious leader. I am happy to have the privilege of welcoming him to Washington and pleased that he was able to give the opening prayer today.

PERMISSION FOR SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, AND INTERNATIONAL LAW OF THE COMMITTEE ON THE JUDICIARY TO SIT TODAY AND TOMORROW DURING 5-MINUTE RULE

Mr. EILBERG. Mr. Speaker, I ask unanimous consent that the Subcommittee on Immigration, Citizenship, and International Law of the Committee on the Judiciary be permitted to sit today and tomorrow during the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION TO STRIKE H.R. 4319 FROM CONSENT CALENDAR

Mrs. SPELLMAN. Mr. Speaker, I ask unanimous consent that the bill H.R. 4319 be stricken from the Consent Calendar.

The SPEAKER. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

CONGRESSMAN RONCALIO COMMENDS PRESIDENT ON ENVIRONMENTAL MESSAGE

(Mr. RONCALIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RONCALIO. Mr. Speaker, I generally want to commend President Carter on his environmental address but call attention to two matters that I think are in error. The President plans an Executive order banning off-road vehicles from public lands without a detailed study or public hearings, and I think that is objectionable because I think no nonelected official in the Bureau of Land Management should have the right to close any area without the full participation of the public who owns and uses those public lands.

On predator control I think the message indicates that the White House staff is totally out of touch with the realities of the problem in the Rocky Mountain West. But overall I am pleased with the message.

We in the Congress are busy in the Committee on Interior and Insular Affairs now revising the 1892 mining laws, and we will, indeed, see that the best interests of the wilderness areas, wild and scenic rivers, and national parks are protected, consistent with the overall economy and the people in those areas. So I commend President Carter on his environmental message.

IS GENERAL SINGLAUB CORRECT?

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, in all the uproar over statements made by Maj. Gen. John K. Singlaub, one point seems to have been lost sight of: Is the general correct when he states that a phased withdrawal of American troops from Korea will lead to war?

President Carter's decision to withdraw those troops was first made public in the heat of a Presidential campaign. There is no evidence that he reached such a decision on the basis of advice from military experts. Once more it would seem we are being asked to pay the price of campaign oratory in the Carter campaign. I have not yet seen a single analysis of this promise that suggests it is based on military realities.

General Singlaub is a hero who has served his country well. His offenses, telling the truth to a reporter, is an act I have always thought of as a virtue. Indeed, as I recall it, one of the articles of impeachment brought against former President Nixon was precisely that he did not tell the truth. President Carter overreacted probably because he is trying to establish an image of a "tough guy" for the antimilitary leftwing constituency to whom he promised so much during the campaign. The entire affair deserves thorough congressional review and I hope such a hearing will present to the American people the real facts for the necessity of American troops being stationed in Korea.

PRESIDENTS ARE NOT ABOVE THE LAW

(Mr. LEVITAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVITAS. Mr. Speaker, I stand here about 1,000 feet away from the document called Magna Carta. Magna Carta established for free peoples the concept that no person is above the law, not even the King of England. That document and principle became the bedrock of our own constitutional government.

It was therefore with dismay that I heard the remarks of an ex-President of the United States, Richard M. Nixon, who said last week that the President of the United States by authorizing an action could make an act legal which is otherwise unlawful under the laws of the United States. In short, he proclaimed that a President is above the law.

Every person in a free, constitutional government must be subject to the law, including the President of the United States. It is a distressing and obscene comment upon our times to hear an ex-President say that he was above the law. I hope the people of America will reject that tyrannical position.

In a nation where law prevails and constitutional freedoms are to be preserved, all persons, Presidents included, are subject to that great maxim of liberty and freedom "sub deo et lege," "under God and the law."

INTERNATIONAL SECURITY ASSISTANCE ACT OF 1977

Mr. ZABLOCKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 6884) to amend the Foreign Assistance Act of 1961 to authorize international security assistance programs for fiscal year 1978, to amend the Arms Export Control Act to make certain changes in the authorities of that act, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Wisconsin (Mr. ZABLOCKI).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ICHORD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make a point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 33, as follows:

[Roll No. 277]

YEAS—400

Abdnor
Addabbo
Akaka
Alexander
Allen
Ammerman
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Ashbrook
Ashley
Aspin
AuCoin
Badham
Badillo
Bafalis
Barnard
Baucus
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bevill
Biaggi
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonior
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Caputo
Carney
Carr
Carter
Cavanaugh
Cederberg
Chappell
Chisholm
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Corman
Cornell
Cotter
Coughlin
Crane
Cunningham
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Davis
de la Garza
Delaney
Dellums
Derrick
Derwinski
Devine
Dickinson
Dicks
Diggs
Dingell
Dodd
Dornan
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Eilberg
Emery
English
Ertel
Evans, Colo.
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flippo
Flood
Flowers
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Fraser
Frenzel
Frey
Fuqua
Gammage
Gaydos
Gephardt
Gibbons
Gilman
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Grassley
Gudger
Guyer
Hagedorn
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Hansen
Harkin
Harris
Harsha
Heckler
Hefner
Heftel
Hightower
Hillis
Holland
Hollenbeck
Holt
Holtzman
Horton
Howard
Hubbard
Huckaby
Hughes
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kasten

Kastenmeier
Kazen
Kelly
Kemp
Ketchum
Keys
Kildee
Kindness
Koch
Kostmayer
Krebs
LaFalce
Lagomarsino
Latta
Le Fante
Leach
Lederer
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
Luken
Lundine
McClory
McCloskey
McCormack
McDade
McDonald
McFall
McHugh
McKay
McKinney
Madigan
Maguire
Mahon
Mann
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Mattox
Meeds
Meyner
Michel
Mikulski
Mikva
Milford
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Myers, Gary
Myers, Michael
Myers, Ind.
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Pattison
Pease
Pepper
Perkins
Pettis
Pickle
Pike
Pressler
Preyer
Pritchard
Pursell
Quayle
Quie
Quillen
Rahall
Railsback
Rangel
Regula
Reuss
Rhodes
Richmond
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Rousselot
Roybal
Ruppe
Russo
Ryan
Santini
Sarasin
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shuster
Sikes
Simon
Skelton
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Solarz
Spellman
St Germain
Staggers
Stangeland
Stanton
Stark
Steed
Steiger
Stockman
Stokes
Stratton
Studds
Stump
Symms
Taylor
Thompson
Thone
Thornton
Traxler
Treen
Trible
Tsongas
Tucker
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Volkmer
Waggonner
Walgren
Walker
Walsh
Wampler
Watkins
Waxman
Weaver
Weiss
Whalen
White
Whitehurst
Whitley
Whitten
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Fla.
Young, Mo.
Young, Tex.
Zablocki
Zeferetti

NAYS—0

NOT VOTING—33

Ambro
Applegate
Armstrong
Baldus
Brooks
Cornwell
Dent
Erlenborn
Florio
Forsythe
Giaimo
Harrington
Hawkins
Jenkins
Krueger
McEwen
Mazzoli
Metcalfe
Moss
Murphy, N.Y.
Patterson
Poage
Price
Roe
Rudd
Runnels
Sisk
Snyder
Spence
Steers
Teague
Vento
Young, Alaska

Messrs. BROWN of Ohio, IRELAND, and BADHAM changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 6884, with Mr. FUQUA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Monday, May 2, 1977, the bill had been considered as having been read and open to amendment at any point, and pending was an amendment offered by the gentleman from Missouri (Mr. ICHORD).

Without objection, the Clerk will again report the amendment.

There was no objection.

The Clerk read as follows:

> Amendment offered by Mr. ICHORD: Page 8, line 17, strike out "$2,214,700,000" and insert in lieu thereof "$12,114,700,000"; on page 9, line 17, strike out "sections" and insert in lieu thereof "section"; strike out line 18 on page 9 and all that follows through line 2 on page 11; and in line 3 on page 11, strike out "534" and insert in lieu thereof "533".

Mr. DIGGS. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

(By unanimous consent, Mr. DIGGS was allowed to proceed for 5 additional minutes.)

The CHAIRMAN. The gentleman from Michigan (Mr. DIGGS) will be recognized for 10 minutes.

Mr. DIGGS. Mr. Chairman, at the close of business yesterday the membership will recall that the gentleman from Missouri (Mr. ICHORD) introduced an amendment which would in effect cut out the special requirements fund in this bill for Africa amounting to some $100 million. I rise in opposition to the Ichord amendment. The proposal this amendment cuts out represents a historical departure from our past policies with respect to that part of the world and also represents the elevation of Africa to a level of priority that it has not heretofore enjoyed.

Mr. Chairman, we all know about the gentleman's historic concern with anything that he perceives as being inconsistent with American interests in variout parts of the world, and the gentleman always makes an interesting case for his viewpoint.

In reviewing his testimony, however, there are two or three points that particularly stick out. No. 1: He said:

> How can we inflict our alleged self-righteous values on a situation about which we are so ill-informed?

He said that the special Africa requirements fund would be destabilizing in a delicate situation in Zimbabwe, and he talked about the confusion over the definition of majority rule.

First of all, Mr. Chairman, the gentleman really did not address the basis upon which this special requirements fund was established. His entire comments were based upon what apparently is his perception that this is directly related to the Zimbabwe situation.

Mr. Chairman, I would like to call attention to the fact that the purpose of the fund has changed and that there is no money in it for Zimbabwe. It would be premature to try to establish such a fund prior to the time that such a government was either established or that an equitable constitutional mechanism had been set forth that was irreversible.

We do encourage our development assistance to Zimbabwe upon conclusion of any firm agreement.

Therefore, Mr. Chairman, it is the southern African requirements fund that we really are talking about here; and the objective of this fund is to provide assistance to those countries in Africa whose economies have been adversely affected by the political conflict in the southern region. The purpose of this fund is to alleviate the destabilizing effect of low revenues and interrupted rail lines and tens of thousands of refugees and villagers who have been disrupted by these forces.

When we talk about majority rule, Mr. Chairman, there appears to be some confusion over what some people perceive to be the complexity of that question. We are simply talking about those states that provide for universal suffrage, where participation in the political process is not denied for reasons of race, creed, or color. It is just as simple as that.

Mr. Chairman, it is unfortunate that when we talk about Africa, one of the first things some people bring up, as the gentleman brought up yesterday, is the singling out of Idi Amin as if he were the prototype of the African chief of state.

Mr. Chairman, there are no funds in here for Uganda, and I think this demonstrates the kind of problem we have in educating the Members of this House with respect to the implications of this particular measure.

Let me further say, Mr. Chairman, that if section 533 is deleted, it would do so at a very untimely period. The new administration is trying to forge a more progressive relationship with the African continent. I believe that to cut out this fund would be a grave error and an injustice at this particular time. We have just commemorated the 20th anniversary of the Marshall plan where our Government provided some $17 billion over a 5-year period to help the postwar recovery and to shore up economies in Western Europe.

Then in 1969 we had the multimillion-dollar Alliance for Progress program for aid to Latin America.

Then we spent $37.5 million for the Mekong River Delta project in Southeast Asia.

Also for the past 2 fiscal years we have spent substantial funds for the Middle East and set up a Middle East Special Requirements Fund. This bill contains $1,785,000,000 in military sales credits and security supporting assistance for Israel, Egypt and other Middle Eastern countries for fiscal 1978. Are we going to deny what is, in comparison, a paltry sum of $100 million to seven or eight states in Southern Africa, some of whom are among the world's least developed and most seriously affected by the rising oil prices and food prices and inflation and all the rest?

I think we should return to the purposes of the Southern African Special Requirements Fund as originally proposed; namely, to try to relieve the economic burdens in that part of the world caused by the liberation movements. Only after some consultations and some other considerations did we change, because of the prospective new Anglo-American initiative in Rhodesia, and we talked about using all of this money for the Zimbabwe development fund. The committee felt that since the initiatives in that area were subject to some justifiable skepticism based upon past dealings with Ian Smith and his administration, that the requirements ought revert back to the original purpose of the bill.

Mr. WHALEN. Mr. Chairman, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from Ohio, a member of the committee.

Mr. WHALEN. Mr. Chairman, I thank the gentleman from Michigan (Mr. Diggs) for yielding to me. I would like to associate myself with the remarks the gentleman has made. I believe if this amendment were adopted, it would have a disastrous consequence upon our relations with African states and it would also have a disastrous effect upon the effort of the administration to try and establish a new African policy.

Mr. Chairman, I would like to make one other comment and that is that the gentleman from Missouri (Mr. Ichord) yesterday invited all of us to visit Zimbabwe whenever possible. I am sure that the gentleman now in the well recalls that in January of 1972 that gentleman and I were planning to visit Rhodesia. I am sure that gentleman also recalls that we were denied entrance to that country.

My question, I guess, to the gentleman from Missouri (Mr. Ichord) would be: Where were you when we needed you?

Mr. Chairman, I urge opposition to the amendent.

Mr. ICHORD. Mr. Chairman, will the gentleman from Michigan now yield to me since my name has been mentioned so prominently?

Mr. DIGGS. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, with all due respect to my distinguished friend now in the well, the gentleman from Michigan (Mr. Diggs) and my equally distinguished friend, the gentleman from Ohio (Mr. Whalen), I think they have very much misconstrued my comprehension of the amendment and the language of the bill. I well understand that this money is not going to anyone in Zimbabwe.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. Whalen and by unanimous consent, Mr. Diggs was allowed to proceed for 3 additional minutes.)

Mr. ICHORD. I understand that the money is not going directly to any whites or blacks in Southern Rhodesia or Zimbabwe. It is going to majority-ruled countries in southern Africa to address the problem, et cetera, training assistance for Africans from Zimbabwe.

The gentleman tried to explain majority-ruled nations, and I am glad to have his assurance that Uganda will not be receiving any aid. But what is a majority-ruled country? The gentleman is familiar with all of the countries of southern Africa. Give me an example. What about Mozambique? Would Mozambique be eligible?

Mr. DIGGS. The special requirements fund does not specify by name the various countries that are to be included. That is up to the discretion, as the gentleman knows, of the administration according to the terms of this proviso. Further, I think we all understand what is meant by universal suffrage and political participation without respect to race, creed, or color. It is a concept that the gentleman in the well knows is established here in our country and established in various other parts of the world. The gentleman knows that, so I do not think we ought to get tangled up in semantics or legalisms.

Mr. ICHORD. If the gentleman will yield further, if majority rule then does not include representative rule, what countries in southern Africa have representative majority rule?

Mr. DIGGS. The gentleman knows full well what we are getting at when we talk about representative government. It means full participation in the political process by everyone regardless of race, creed, or color. It is just as simple as that—unless the gentleman wants to complicate an established concept that applies to his State, my State, and all over the United States. It is as simple as that.

Mr. ICHORD. I asked the gentleman about Mozambique. I asume, then, that Mozambique has majority representative rule.

Mr. DIGGS. As far as I know, no participation in the political process in that particular country is denied anybody based on race, creed, or color.

Mr. ICHORD. What I would like to know is what is the origin of this language? Who conceived this language? Did this come out of the hearts and minds of the members of the Committee on International Relations? Who wrote it?

Mr. DIGGS. The administration has no problem with the language, I will say to the gentleman, and I think it meets the language of the art in reference to that particular subject.

Mr. ICHORD. I thank the gentleman, but he has not communicated to me as yet.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. Bonker, and by unanimous consent, Mr. Diggs was allowed to proceed for 2 additional minutes.)

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from Washington.

Mr. BONKER. I thank the gentleman for yielding.

I understand that the gentleman from Maryland will be introducing an amendment that would further define the concept of majority rule. I wonder if the chairman of the committee would object to striking "majority rule" from the bill and just apply the fund to southern African countries, leaving it up to the administration to use its discretion on how that money should be appropriated.

Mr. DIGGS. There is a substitute amendment that is being prepared that I think will meet the gentleman's objection.

Mr. BONKER. I am familiar with the gentleman from New York's substitute amendment, and I think that might encounter opposition as well. We ought to strike any attempt to define what these countries are. We are talking about southern Africa in general, and we ought to leave it on that basis.

Mr. DIGGS. I thank the gentleman.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this debate has ranged far and wide from the specific point which is to strike section 533 of the bill. However, I have been reading that section again. I saw it in committee and opposed it at the time. But I would like to call the attention of the Members to some of the language.

For example, this $100 million shall be available only for the majority-ruled countries of southern Africa. The point that the gentleman from Missouri is trying to make—and he has not had too much success in getting the attention of Members—is that in fact they do not have majority rule in the practical sense. There may be theoretical majority rule, but not in the practical sense, because the so-called frontline countries are all either military governments or benevolent strong-man rule.

They are not majority rule countries in the sense of having an active, viable two- or three- or four-party system. They are at best, benevolent governments and at worst outright dictatorships.

Then I call to the attention of the Members page 10, line 7, which reads that these funds provided shall go to the "region adversely affected by block outlets for their exports"—and then it continues—"and by the overall strains of the world economy."

I presume that means for higher cost of oil or higher cost of manufactured goods. If we accept this principle that we should be providing additional funds to countries because of higher costs of products and the overall strains of the world economy, then we should provide assistance to many more countries and certainly to all the poor countries of Asia and Latin America. If that is a basic principle, then let us spell it out as a basic principle for foreign aid.

Then I note another section which calls for support for transition to majority rule. Presumably this is for training individuals. There are four different political factions in Rhodesia. How do we decide which one gets the special funding? Do we participate in factionalism?

I think this section will give the President and the State Department monumental headaches if they have to administer it.

Mr. ICHORD. Mr. Chairman, if the gentleman will yield, I wish to thank the gentleman for giving the gentleman from Missouri a definition. I now understand, that the term "majority rule country" is a euphemistic term for dictatorships whether they be of the benevolent type or even the communistic totalitarian type.

Mr. DERWINSKI. Mr. Chairman, as I personally use the term "majority rule" I do not think there is a country on the African continent that has majority rule as we know it. Majority rule includes, as

I would use the phrase, the participation of an active minority and majority rule would mean that the people in command are somewhat influenced by the electorate at the grassroots level. That is not the case in Africa. I do not say this as much in criticism as I do that it is a fact of life.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I think really what is meant by the definition of "majority rule" in this legislation is that the race of the chief executive is simply the race of the majority in the country. That is what we are talking about. As to the protection of minorities in majority-ruled countries, in Liberia, for example, which is one of the most pro-Western countries of Africa, one cannot vote or be a citizen or own land unless one is black. The white person has no political rights in Liberia.

Mr. SOLARZ. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I found the linguistic analysis of this amendment, which was offered us by my good friend, the gentleman from Illinois, most interesting, but I must say that also I find it ultimately unpersuasive, because we would have great difficulty, if this amendment is adopted, in bringing about a negotiated transition to majority rule in Zimbabwe.

Mr. ICHORD. Mr. Chairman, will the gentleman yield for a correction?

Mr. SOLARZ. I would be delighted to yield.

Mr. ICHORD. Mr. Chairman, it is my understanding that another speaker who has visited Zimbabwe will be coming along in a few minutes.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I will tell the gentleman, I am glad both of us have been there, and that both of us have not lost our commonsense.

Mr. SOLARZ. Mr. Chairman, I would observe, as one who has been to Zimbabwe, that this amendment is counterproductive, both in terms of our effort to facilitate transition to majority rule in Zimbabwe, on the one hand, and our effort to improve our relationship with black Africa, on the other.

In terms of majority rule in Zimbabwe, the fact is that our ability to bring about a negotiated transition will depend to a very significant extent on the willingness of the so-called front line black African states to use their influence with the Zimbabwe liberation movement in order to persuade them to accept whatever terms might be forthcoming from a future conference between the white regime of Ian Smith and the representatives of the Patriotic Front. Our ability to influence the front line black African states would be significantly impaired if this amendment were adopted and the resources which would otherwise be available to help these countries deal with the social and economic dislocations brought about by the conflict in Zimbabwe would, therefore, be eliminated. So to the extent we do have a significant stake in a transition to majority rule in Zimbabwe as rapidly as possible, a stake which I would hope every member of the committee would recognize we have, our ability to bring about that transition is significantly related to the extent to which these funds are available.

Second, I think it would significantly set back our relationship with the rest of black Africa, because the fact is that at the present time an armed conflict is proceeding in Zimbabwe. The Soviet Union is providing arms to the Zimbabwean Freedom Fighters. The Cubans are awaiting in the wings possibly to enter the fray at some future point.

We all know that we will never provide military assistance to the Patriotic Front. I do not think we should provide that assistance; but in the absence of providing military assistance to the Freedom Fighters who are attempting to establish majority rule in that country, it is very important for us to manifest our sympathy and support for those attempting to establish majority rule in nonmilitary ways.

This fund, this southern African special requirements fund, gives us an opportunity, by providing assistance to the frontline African states, to demonstrate in a very tangible and concrete way where our sympathies actually lie.

Now, I would submit that where we stand with respect to the struggle for majority rule in Zimbabwe, constitutes a kind of litmus test throughout the rest of Africa about where our sympathies are in terms of the African situation as a whole. If this amendment is adopted, if this special requirements fund is eliminated, we will be unable, not only militarily, but even economically, to express our sympathy for majority rule in Zimbabwe.

Indeed, and this is my final point, if the gentleman's amendment is adopted, it would not only knock out the $100 million for the special requirements fund, it would also eliminate the language in paragraph (d) on page 10.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. SOLARZ was allowed to proceed for an additional 2 minutes.)

Mr. SOLARZ. Mr. Chairman, it would also eliminate the language in paragraph (d) on page 10, in which the Congress expresses its support for the President's efforts to bring about a negotiated transition to majority rule in Zimbabwe.

Mr. Chairman, I would suggest to my colleagues on the committee that if this amendment is adopted and that language is struck, it will be interpreted not only in our country, but throughout the rest of the world, as an indication of the fact that the House of Representatives is, in fact, opposed to the President's efforts to bring about a negotiated transition to majority rule in Zimbabwe, which I think would be a diplomatic disaster.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from Missouri.

Mr. ICHORD. The gentleman has just mentioned the later language which concerns me, I would say to the gentleman, even more than the majority rule language that we have been wrestling with. We hear the term "Patriotic Front". May I ask the gentleman in the well as to whether he visited with the Patriotic Front while he was in Zimbabwe, or Southern Rhodesia, or Rhodesia, whatever name he wishes to call it?

Mr. SOLARZ. I met with Mr. Mugabe.

Mr. ICHORD. My question was, did the gentleman visit with the Patriotic Front?

Mr. SOLARZ. Well, I met with one of the leaders of the Patriotic Front.

Mr. ICHORD. The gentleman did not meet with the Patriotic Front, because the Patriotic Front was not even in existence at that time.

Mr. SOLARZ. I do not know what the gentleman means by meeting with the Patriotic Front. As I indicated, I did meet with one of their leading political spokesmen.

Mr. ICHORD. How long did the gentleman stay in Zimbabwe?

Mr. SOLARZ. I was in Rhodesia for 2 days.

Mr. ICHORD. For 2 days. What groups did the gentleman meet with? Give us some of the political groups that exist in Zimbabwe. I do not want this body to legislate on a subject that they know nothing about.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent Mr. SOLARZ was allowed to proceed for 2 additional minutes.)

Mr. ICHORD. What political organizations exist among the blacks in Rhodesia?

Mr. FASCELL. Mr. Chairman, did the gentleman yield to me or the gentleman from Missouri?

Mr. ICHORD. I understand that the gentleman yielded to me. If the gentleman wants to preempt my time, I will get it some other way.

The CHAIRMAN. The gentleman from New York has the floor. Who does he wish to yield to?

Mr. FASCELL. I am not trying to preempt the gentleman's time. Obviously, he can get more time. I just wanted to ask a question. He yielded to me, but I will be glad to sit down and let him yield to the gentleman.

Mr. SOLARZ. By the time the gentlemen have finished arguing, my time will expire and I will not be able to yield to anyone.

Mr. FASCELL. I just want to ask one question. Since we have already established very clearly over 2 days of debate that only three people have been to Zimbabwe, I am trying to find out whether the gentleman from Missouri is suggesting that only three people should vote on this issue.

Mr. SOLARZ. I would hope not.

Mr. ICHORD. The gentleman is erroneous in the statement that only three people have visited Zimbabwe. There are a great many more people that have been to Zimbabwe in this body other than three. That came out in the colloquy.

Mr. SOLARZ. The gentleman wanted to know with whom I met?

Mr. ICHORD. Yes.

Mr. SOLARZ. I met with representatives of the government of Ian Smith.

Mr. ICHORD. Did the gentleman meet with Ian Smith?

Mr. SOLARZ. Unfortunately, Mr. Smith would not see me, even though I requested an opportunity to meet with him.

Mr. ICHORD. Nkomo?

Mr. SOLARZ. I did not meet with Mr. Nkomo, but I did meet with one of his representatives.

Mr. ICHORD. Did the gentleman meet with Mugabe?

Mr. SOLARZ. I met with him in Quelimane which is in Mozambique. We met for about 2 hours.

Mr. ICHORD. How about Sithole? Did the gentleman meet with Sithole?

Mr. SOLARZ. I did not meet with Reverend Ndabaningi Sithole when I was there.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. ZABLOCKI. Mr. Chairman, I wonder if we could determine how many more speakers we have.

I ask unanimous consent that all debate on this amendment and all amendments thereto end at 1:15 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. BAUMAN. Mr. Chairman, some of us have been trying since yesterday to get the floor. The committee has monopolized the time, as is its right. I wonder if the gentleman would allow a bit more time?

Mr. ZABLOCKI. 1:20 p.m.

Mr. BAUMAN. That is a bit.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Chair recognizes the gentleman from Mississippi (Mr. BOWEN).

Mr. BOWEN. Mr. Chairman, I am pleased that I have had the opportunity to travel extensively in southern Africa. I have been in Zimbabwe, Malawi, Zambia, South Africa, Zaire, and about a dozen or more other countries there, and I am very keenly interested in that continent. As the expression was stated here yesterday, some Democrats are abnormally interested in Africa, and I think I might be included in that number. But I am very deeply disturbed about the very cryptic phrase that has been discussed here which is the basis of this legislation, "majority rule." I have looked for majority rule in Africa. I did not find it. However, I found oligarchies, dictatorships, and monarchies. I found people with titles such as His Excellency the Life President or Commander in Chief and Grand Master of Education, Science and Culture or Emperor for Life, and a variety of others. I did not find any majority rule.

That disturbs me about this legislation, since this $100 million can only be spent in majority-rule countries. Because there are no majority-ruled countries in southern Africa it is quite possible we would not be able to spend this money. I think that might be deeply disturbing to those people who apparently want to have this money bestowed upon the Angolans and their Cuban allies or upon the Marxists in Mozambique or upon other so-called frontline countries.

I believe that unless the committee can find some way to clarify this imprecise language about majority rule so that we can know precisely what we are voting for, I will support the Ichord amendment.

In addition, the committee has excluded Zaire and Malawi from any participation, along with South Africa and Rhodesia. Since the original purpose of this program as proposed by two administrations was to assist in the transition toward majority rule in Rhodesia, or Zimbabwe, it seems strange that the committee report excludes this country from participation, along with South Africa and two black African nations which happen to be friendly toward the United States, Zaire, and Malawi.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Chairman, I rise in opposition to the Ichord amendment. I think there is a substantial misunderstanding by the gentleman from Missouri, and others, as to the intent of this section of the bill. We seek here to strengthen the President's hand, that he might continue to work for a peaceful, negotiated settlement within Southern Rhodesia or Zimbabwe, and we seek to provide him the opportunity to give support to others who may be affected by conflict in that area or who have development needs. There is nothing in this section which is intended or could or would be used to help carry on armed conflict. This is not something intended to foment the spread of communism in Africa. Aid to Communist countries is already against our law, and nothing in this bill would alter that prohibition. It is, in contrast, intended to help the President by giving him an opportunity, if he needs to, to have funds to aid the process of peaceful change to the majority rule. I think that the gentleman may be well intended, but I think he misunderstands the nature of this section of the bill, the reason for which the funds would be used, and I think he can be reasonably certain that the President will not use it to foment strife or warfare or to help bring about the spread of communism. Indeed, it would be unlawful for him to do so, and unthinkable that he would so misuse his great responsibilities.

(By unanimous consent, Mr. BROOMFIELD yielded his time to Mr. DE LA GARZA.)

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. Mr. Chairman, I would like to mention something here that has not been covered at all during the debate.

I have in my congressional district in Texas, as I am sure also many of my colleagues, homes that do not yet have potable water, I have in my congressional district in Texas as many others of you here, homes that do not have access to a paved road so children can get to school, and we have homes there that have no electricity. So I was thinking that if we are all that interested in a majority-rule country, perhaps we should spend $100 million here in the good old U.S.A.

I want to say something else, and this is a subject we have skirted around a little bit. I regret to say that when my colleagues here speak of majority rule, they speak of blacks. They indicate that if there are more blacks than whites in a country and the blacks have control of the government, then this is good, no matter what form it takes. This is not so. It does not work that way in Africa. Our Ambassador to the United Nations was called a racist by his black brothers in Africa when he recently talked about black rule as related to rule by other other people.

Mr. Chairman, I would like to make that point very clear. When we think we are helping the black attain the dignity that God gave them of not being controlled against their wishes, we are falling prey to what we know as communism or Marxism. The Communists and the Marxists are the ones who are lurking like vultures in every African country that assumes independence. When we say that we will help majority rule, we are thinking black, but that is not the way it is going to work. New governments may be controlled by black Marxists, who will deter the very type of majority rule that my colleagues are talking about. It is not going to work. I pray to God that it does, but I do not believe it will.

We think we are going to give money and say that this will give the President a better hand. It is not going to accomplish that, because we in the Congress will limit military intervention when it is needed to achieve true majority rule. We are not going to give military aid if it is needed. So just saying money will achieve true majority rule, not so, my friends. This program will not let the President do what should be done. We say that money alone is going to keep the Marxists out, but that is not true. I wish it were, then I would vote for this amendment. We are dealing with emotion and with wrong premises.

So, Mr. Chairman, let us think about this. We could well use that $100 million here in this country. We could begin with my congressional district.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Chairman, the following language appears on page 10 of the committee bill:

> The Congress supports the President's efforts to bring about a negotiated transition to majority rule in Zimbabwe (Southern Rhodesia) and encourages the President upon the conclusion of a firm agreement on majortiy rule in Zimbabwe (Southern Rhodesia), to take the initiative in mounting an international effort to develop and support a special fund for Zimbabwe (Southern Rhodesia) to further economic justice and development under the new government.

It was my understanding that it was the administration's desire to secure the

$100 million we are talking about here to participate in that process of transition from white minority rule in Rhodesia to majority rule. Somehow that got sidetracked, although it is still contained in the theoretical objectives spelled out in the bill.

The committee report says that this money now authorized in this bill "represents a reprograming of the $100 million requested by the executive branch for the Zimbabwe development fund in order to provide, instead, necessary economic assistance to the southern African and 'front line' states affected by the political conflict in the region."

The political conflict in the region is the direct result not of white minority government in Rhodesia but is in fact the result of the aggressive actions taken by the so-called front-line countries which we are contemplating rewarding under the provisions of this bill.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, the issue of majority rule, in the context of southern Africa, the subject we are discussing, is, it seems to me, a false issue. The term has always meant, in any discussion of southern African issues, those regimes other than one in which a white minority regime excludes participation by the Africans in government. Rhodesia does exclude a large number of Africans, and, of course, in South Africa they are excluded altogeher.

But I think the important thing about this amendment is this: The provision in the bill which the amendment would strike is consistent with our development objectives in the rest of our Foreign Assistance Act. There is a specific requirement in the language of the bill that the money be spent in a manner consistent with section 102(d), and that provides that the money should be spent to increase agricultural productivity, reduce infant mortality, control population growth, promote greater consideration of income distribution, reduce rates of unemployment, and promote employment.

This is the kind of assistance some of those countries need. They have been severely impacted by the conflict in that part of the continent of Africa; and I think to give the President some discretion here would help ease the strain resulting from that conflict, and to help facilitate a settlement only makes good sense.

Mr. Chairman, I think it would be a great mistake to strike this language from the bill.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Chairman, I think sometimes we lose perspective in debate. We should consider exactly where this money is going to go and what it will finance.

Mr. Chairman, with respect to the countries as described in this section of the bill which the gentleman from Missouri (Mr. ICHORD) seeks to strike, several are already under the control of Communists, including Angola and Mozambique. In both of those cases they are receiving Soviet aid. If we give them $100 million to spread out over the region—and it is not just limited by this section to Rhodesia alone—it could be spread out to all countries in southern Africa and in the process we are, in effect, bailing out several Communist dictators.

Mr. Chairman, this is the first time, I think, that we have ever been asked in the Congress of the United States to authorize direct foreign aid as opposed to humanitarian relief to any Communist-dominated countries. We did not do it in Eastern Europe. We certainly would never come in and ask for aid for the Soviet Union, but we are aiding the Soviet Union's client states if we allow this section to remain in the bill.

Mr. Chairman, we are already giving humanitarian aid through the food-for-peace program and through other programs to some of these countries and we do not need this section in the bill. However, if we leave it in, we will be, in fact, giving blood money from the American taxpayers' pockets to finance the Communist control of southern Africa. We will be bailing out the economies which are dislocated by guerrilla warfare fomented by Cuban mercenaries, Russian agents, and other Communist-bloc representatives, all of them working on behalf of international communism.

Mr. Chairman, I know that our President says we are not supposed to be paranoid about communism, but we ought to be at least realistic. I urge a vote to strike the section.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. BAUMAN) has expired.

Mr. BAUMAN. Mr. Chairman, I have an amendment at the desk which has been printed in the RECORD.

The CHAIRMAN. Would the gentleman withhold his amendment until the limitation of time expires.

Mr. BAUMAN. Mr. Chairman, will the amendment then be in order and may it be offered prior to the vote on the Ichord amendment?

The CHAIRMAN. The Chair will advise the gentleman that the amendment will be in order as a perfecting amendment prior to the vote on the Ichord amendment.

Mr. BAUMAN. Mr. Chairman, in that case, I will withhold the amendment at this time.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Chairman, let me make it clear that there is no misunderstanding on the part of the gentleman from Missouri about the language in section 533. We have established the meaning of majority rule during debate. There is no misunderstanding on the part of the gentleman from Missouri about the intentions of the members of the Committee on International Relations.

Mr. Chairman, I do not attack the good intention of the members of the committee, but I do believe that we are unwittingly turning over Zimbabwe to minority black rule. The reason why I say that is that the only reason Nkomo is the leader of the Patriotic Front is that he is the brother-in-law of Kaunda, the benevolent dictator, perhaps, in Zambia. In fact, Nkomo himself almost pulled out, I would say to the Members of the House, of the Patriotic Front because of the control that the Cubans and the Russians exercise within the Patriotic Front. My position is: let the Rhodesians work their problems out themselves. Don't impose an external minority government on Rhodesia.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Chairman, the thought just occurred to me—and I do not think this point was made in the debate today or yesterday—that under this provision which the gentleman is trying to strike, if there are funds provided the Government of Mozambique, it will be the first time in the history of the aid program that we have given direct aid to a Marxist government, other than humanitarian assistance.

Mr. ICHORD. And those funds could be provided, under this language in the bill.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Chairman, we have had a rather heated debate over an amendment whose objective I would like to clarify.

The amendment of the gentleman from Missouri (Mr. ICHORD) would strike $100 million for the southern African special requirements fund which I advised the committee yesterday resulted from the reprograming of the executive branch request which was only for programs connected with the Rhodesian development fund.

Mr. Chairman, with respect to reprograming the $100 million for South African development funds, we have indicated very clearly in the committee report that it is not the intent of the committee that any of the funds earmarked in this section should go to South Africa, Southern Rhodesia, Zaire, or Malawi.

That section also provides that, insofar as practicable, security supporting assistance programs in southern Africa should be devoted to developing projects which will assist the very poorest of people.

We have heard it said that the program funds $100 million to bail out Communist countries. I would like to advise my friend the gentleman from Maryland (Mr. BAUMAN) that I would be the last to authorize funds to bail out Communist countries. Furthermore, there is a prohibition in the law, section 620(f) of the Foreign Assistance Act, which prohibits assistance to Communist countries.

Therefore I hope the amendment will be defeated.

The CHAIRMAN. Debate on the Ichord amendment has been concluded.

Does the gentleman from Maryland (Mr. BAUMAN) desire to offer his amendment?

Mr. BAUMAN. Not at this point, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. ICHORD).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ICHORD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 204, noes 208, not voting 21, as follows:

[Roll No. 278]

AYES—204

Abdnor
Alexander
Allen
Ambro
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Badham
Bafalis
Bauman
Beard, Tenn.
Bennett
Bevill
Bowen
Breaux
Brinkley
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Caputo
Carter
Cederberg
Chappell
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Coleman
Collins, Tex.
Conable
Corcoran
Cornwell
Crane
Cunningham
D'Amours
Daniel, Dan
Daniel, R. W.
de la Garza
Derwinski
Devine
Dickinson
Dornan
Duncan, Tenn.
Edwards, Ala.
Edwards, Okla.
Emery
English
Erlenborn
Evans, Del.
Evans, Ga.
Evans, Ind.
Flippo
Flowers
Flynt
Frenzel
Frey
Fuqua
Gammage
Gaydos
Ginn
Goldwater
Gonzalez
Goodling
Gradison
Grassley
Guyer
Hagedorn
Hall
Hammerschmidt
Hansen
Harsha
Hightower
Hillis
Holland
Holt
Hubbard
Huckaby
Hughes
Hyde
Ichord
Ireland
Jeffords
Jenrette
Johnson, Colo.
Jones, Okla.
Jones, Tenn.
Kasten
Kazen
Kelly
Kemp
Ketchum
Kindness
Lagomarsino
Latta
Le Fante
Leach
Lent
Levitas
Lloyd, Tenn.
Lott
Lujan
Luken
McClory
McDade
McDonald
McEwen
McKay
Madigan
Mahon
Marlenee
Marriott
Martin
Mathis
Michel
Milford
Miller, Ohio
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Mottl
Murtha
Myers, Ind.
Natcher
Nichols
O'Brien
Patten
Pettis
Pickle
Pike
Pressler
Pritchard
Pursell
Quayle
Quie
Quillen
Rahall
Railsback
Regula
Rhodes
Rinaldo
Risenhoover
Roberts
Robinson
Rousselot
Rudd
Runnels
Ruppe
Russo
Santini
Sarasin
Satterfield
Sawyer
Schulze
Sebelius
Shipley
Shuster
Sikes
Skelton
Skubitz
Slack
Smith, Nebr.
Staggers
Stangeland
Stanton
Steed
Steiger
Stockman
Stratton
Stump
Symms
Taylor
Thone
Traxler
Treen
Trible
Vander Jagt
Volkmer
Waggonner
Walker
Walsh
Wampler
Watkins
White
Whitehurst
Wiggins
Wilson, Bob
Wilson, C. H.
Winn
Wydler
Wylie
Yatron
Young, Alaska
Young, Fla.
Young, Tex.

NOES—208

Addabbo
Akaka
Ammerman
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Applegate
Ashley
Aspin
AuCoin
Badillo
Baldus
Barnard
Baucus
Beard, R.I.
Bedell
Beilenson
Benjamin
Biaggi
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonior
Bonker
Brademas
Breckinridge
Brodhead
Brown, Calif.
Buchanan
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carr
Cavanaugh
Chisholm
Clay
Conte
Conyers
Corman
Cornell
Cotter
Coughlin
Danielson
Davis
Delaney
Dellums
Derrick
Dicks
Diggs
Dingell
Dodd
Downey
Drinan
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Ertel
Evans, Colo.
Fary
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flood
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Fraser
Gephardt
Giaimo
Gibbons
Gilman
Glickman
Gore
Gudger
Hamilton
Hanley
Hannaford
Harkin
Harrington
Harris
Heckler
Hefner
Heftel
Hollenbeck
Holtzman
Horton
Howard
Jacobs
Johnson, Calif.
Jones, N.C.
Jordan
Kastenmeier
Keys
Kildee
Koch
Kostmayer
Krebs
Krueger
LaFalce
Lederer
Leggett
Lehman
Lloyd, Calif.
Long, La.
Long, Md.
Lundine
McCloskey
McCormack
McFall
McHugh
McKinney
Maguire
Mann
Markey
Marks
Mattox
Meeds
Meyner
Mikulski
Mikva
Miller, Calif.
Minish
Mitchell, Md.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Myers, Gary
Myers, Michael
Neal
Nedzi
Nix
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patterson
Pattison
Pease
Pepper
Perkins
Preyer
Rangel
Reuss
Richmond
Rodino
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roybal
Ryan
Scheuer
Schroeder
Seiberling
Sharp
Simon
Smith, Iowa
Solarz
Spellman
St Germain
Stark
Stokes
Studds
Thompson
Thornton
Tsongas
Tucker
Udall
Ullman
Vanik
Vento
Walgren
Waxman
Weaver
Weiss
Whalen
Whitley
Wilson, Tex.
Wirth
Wolff
Wright
Yates
Young, Mo.
Zablocki
Zeferetti

NOT VOTING—21

Brooks
Collins, Ill.
Dent
Florio
Forsythe
Hawkins
Jenkins
Mazzoli
Metcalfe
Mineta
Moss
Poage
Price
Roe
Sisk
Snyder
Spence
Steers
Teague
Van Deerlin
Whitten

The Clerk announced the following pairs:

On this vote:

Mr. Whitten for, with Mr. Florio against.
Mr. Teague for, with Mr. Metcalfe against.
Mr. Snyder for, with Mr. Hawkins against.
Mr. Spence for, with Mr. Mineta against.

Messrs. ANNUNZIO, EMERY, GINN, and EVANS of Georgia changed their vote from "no" to "aye."

Messrs. FOUNTAIN, MURPHY of Pennsylvania, ERTEL, McCORMACK, and FITHIAN changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BAUMAN

Mr. BAUMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BAUMAN: On page 10, at the end of line 8, add the following sentence: "As used in this section the phrase 'majority ruled countries' shall be defined as including only those countries in which there exists an established constitutional or legal system which does in fact and in practice provide for the regular popular election of governing officials by qualified voters who are guaranteed the right to vote without any restrictions because of race, creed or color."

Mr. BAUMAN. Mr. Chairman, since the House, in a rather historic vote, has just voted in favor of creating a special $100 million fund which, in part, will allow for the first time in our history for aid to Communist-dominated countries, I think that this amendment I am now offering might go part of the way toward alleviating the concern that was obviously evidenced in the closeness of that vote.

If the Members will read the section of the bill that was sought to be stricken by the amendment just voted on, they will notice that the $100 million shall be available only for the majority-ruled countries of southern Africa. Yesterday, during debate, I raised the question with the gentleman from Wisconsin (Mr. ZABLOCKI), the distinguished chairman of the committee, as to what majority rule meant in this context. He gave me assurances, at least as far as he was concerned, that majority rule meant a democratic system in which the people of all races, creeds, and colors had a right to vote for the officials of their governments. Others have offered the opinion that majority rule, as written in this section of the bill, means simply that the dictator or head of government, or whoever may control the country at the moment, is, in fact, of the same race as the majority of the people who live in the country, which certainly is not our understanding in this country of majority rule.

The amendment I have offered would simply define what majority rule means. It imposes upon these countries the necessity of moving toward a democracy if they are to, in fact, receive the foreign aid that this section authorizes. I think that this is consistent with past restrictions which are written into the law, which specifically in a number of instances forbid U.S. foreign aid to Communist-dominated countries and other countries which have not, in fact, brought democracy to their peoples.

Now, if we are serious about what we are doing in this section; if we are really serious about giving assistance in southern Africa for blacks, whites, and people of all races, then it is my humble opinion that we ought to write into this bill the formula for freedom that has worked so well in this country. Yes, we ought to try to advance our views about democracy in countries where Communist dictators have taken over in Africa and have slaughtered and enslaved thousands.

That is what my amendment is all about, and I would hope that if the sponsors of this section are really serious about helping the people in Africa, that they would stand up and vote for language that will bring true freedom—not the freedom of slavery by a dictator of one's own race—but freedom as we understand it in this country. That is all this amendment does.

I would hope that the Committee could accept its language.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Missouri.

Mr. ICHORD. I heard the colloquy between the chairman of the committee and the gentleman in the well—I believe it was yesterday—when we were considering this matter, and I would hope that the chairman would also accept this. Some of the Members have definitely given a construction to the term "majority rule" which would permit aid to Mozambique.

It would, even, as I read the definition, permit aid to Angola, would it not, I would ask the gentleman?

Mr. BAUMAN. I do not think there is any question that the section that now remains in the bill would permit aid to Angola, which is now serving as a base for guerrilla warfare, not only against Zaire, but will serve further as a base for attacks against the southwest African territory now called Namibia.

These countries are not allowing their citizens to have the right to majority rule, as that term is known to those of us in this country. I quite honestly think that if this section is to remain in the bill, it ought to be defined as to what "majority ruled" means.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. Mr. Chairman, I would like to congratulate the gentleman from Maryland on this amendment. In view of the vote on the last amendment, this becomes a very important amendment. I think every Member of the House should vote for it, and I thank the gentleman for offering the amendment.

Mr. BAUMAN. I thank the distinguished ranking minority member of the committee for his remarks.

AMENDMENT OFFERED BY MR. BONKER AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BAUMAN

Mr. BONKER. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. BONKER as a substitute for the amendment offered by Mr. BAUMAN: On page 9, line 21 strike "majority rule".

Mr. BONKER. Mr. Chairman, as the gentleman from Maryland (Mr. BAUMAN) knows, during yesterday's colloquy he had with the chairman of the committee, I suggested that majority rule was not a good concept. We should not have it in the language because it is a very difficult concept to define, as "majority rule" differs from country to country throughout the continents of the world. So I believe the best way to alleviate this problem is to strike reference to "majority rule" and just say that the special requirement fund will be made available to countries in southern Africa.

I think also we have operated too long under the mistaken notion to trying to transplant Western-style democracy throughout the world. It just simply does not work. So we have to consider assistance to these countries in terms of their own environment and their own set of circumstances. If we are to have any influence in Africa in the 20th century, it is going to have to be on their terms, and with the particular circumstances that exist in those countries.

So I think, Mr. Chairman, that we can best alleviate this problem by striking any reference to majority rule. Therefore, I ask the committee to adopt my substitute.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. BONKER. I yield to the gentleman from New York (Mr. SOLARZ).

Mr. SOLARZ. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman has offered a very creative substitute for the otherwise palpably pernicious proposal of the gentleman from Maryland. Let me say that if we have learned anything in the debate so far this afternoon, it is that even Noam Chonsky and the gentleman from Illinois (Mr. DERWINSKI) together could not figure out the meaning of "majority ruled." It is obviously a devisive phrase. The Members on that side of the aisle interpret it one way and the Members on this side of the aisle interpret it another way. Nobody really knows what it means. We know what we want to accomplish with this special requirement fund for southern Africa.

If we adopt the substitute amendment offered by the gentleman from Washington (Mr. BONKER), we eliminate the phrase, "majority rule," but the money in the fund remains intact to help the President in his efforts to promote a transition to a better form of government in Zimbabwe.

Mr. WHALEN. Mr. Chairman, will the gentleman yield?

Mr. BONKER. I yield to the gentleman from Ohio.

Mr. WHALEN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the gentleman's amendment. I think, as the gentleman has pointed out, the term "majority rule," does impose some difficulties in its interpretation. I think this is also true of the amendment offered by the gentleman from Maryland (Mr. BAUMAN).

Mr. Chairman, I believe, therefore, that the deletion of the term "majority rule," is in the best interests of this legislation, and I urge adoption of the substitute amendment offered by the gentleman from Washington (Mr. BONKER).

Mr. BONKER. Mr. Chairman, I thank the gentleman.

Mr. BOWEN. Mr. Chairman, will the gentleman yield?

Mr. BONKER. I yield to the gentleman from Mississippi.

Mr. BOWEN. Mr. Chairman, I thank the gentleman for yielding.

I believe the gentleman from Washington (Mr. BONKER) is moving in the right direction in attempting to provide these funds for just southern Africa.

I assume the intent of the language is also to strike the restrictive language found in the committee report which says that none of the money in this bill may be used for South Africa, Southern Rhodesia, Zaire, or Malawi. So, therefore, any country in southern Africa, at the discretion of the President, might be eligible to receive portions of this $100 million; is that correct?

Mr. BONKER. Mr. Chairman, I do not know if I could verify the effects of the amendment as it relates to the language in the committee report, but the President would retain the discretion of authorizing that money, or at least expending it, and he must also report to the House on how that money is going to be spent.

Mr. BOWEN. So the gentleman would hope that his amendment would be interpreted in such a manner that it could be applied to any country in southern Africa, including the four countries that were initially excluded in the language of the committee report?

Mr. BONKER. Yes, and it would be entirely at the President's discretion.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. Yes, I yield to the chairman of the committee.

Mr. ZABLOCKI. Mr. Chairman, I wonder if we could have some indication of the length of the gentleman's intended speech.

Will the gentleman yield further for the purpose of offering a motion to limit debate?

Mr. DERWINSKI. Mr. Chairman, I would ask the gentleman to allow me to take my time first, because when I finish, the Members will find that it will probably be so devastating that it will carry the day right now and we will not have to do anything else.

Mr. ZABLOCKI. Mr. Chairman, I will withhold by motion.

Mr. DERWINSKI. However, Mr. Chairman, if I do not accomplish my purpose, I will then yield so the gentleman may make his motion.

Mr. Chairman, what we have before us is one of these classic cases where a committee—and all of us on our committees face the problem—we are too near the trees to see the forest. What we are doing here—the majority at least—is this: You are deliberately providing funds for the so-called front-line countries in southern Africa. That is the intent of the language. That is the purpose of the $100 million.

However, in the process the author of the amendment, when it was inserted in this bill, became poetic. He used the term, "majority rule," because, after all, what is more noble than "majority rule"?

Then the bill comes to the floor. Here 435 Members, all eager to study the complexities of foreign affairs, look at this measure, what do we find? We find to the dismay of the sponsors of the original proposal that "majority rule" cannot really be defined, especially if we try to relate it to the four countries that are the intended recipients of this fund. So now the sponsors are retreating.

Yesterday during the debate one of the Members used that classic phrase that we on the committee regularly use, to "send a signal." We are always talking about sending signals or delivering messages, or we say we are giving notice either to the White House or the State Department, and sometimes we give notice to 150 governments of the world.

Now, what do you think will be interpreted as the signal the House is sending if we now adopt the amendment offered as a substitute by the gentleman from Washington (Mr. BONKER) and you strike this poetic reference to "majority rule"? You are signaling that the House of Representatives is turning its back on the concept of majority rule. You are saying that it does not matter what kind of a government a country has. You say they are entitled to support if they happen to be one of the favorite countries.

Mr. Chairman, we either support the concept of majority rule or we do not. It would seem to me that those of my colleagues on the committee who love to send signals ought to be scared to death of this amendment. They ought to be voting down the Bonker amendment and supporting the Bauman amendment, because then we would make clear our dedication to the workable principle of majority rule.

That is my interpretation of the issue before us. The issue is whether or not four countries bordering on what is now Rhodesia and what will soon be Zimbabwe will be the beneficiaries of the special fund. Two of those four countries happen to be Marxist governments, so for the first time in the history of an aid program you are giving aid directly to a Marxist government.

Mr. Chairman, I realize that there is a reference in section 620(f) which prohibits funds going to a Communist country. However, there will be some legal genius in the State Department who would suggest that actually the Congress is just prohibiting aid to a Communist country, and a Marxist country is different so that the prohibition may not apply. The facts of life, though, are that if there is a concept that all should endorse, it is majority rule.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Chairman, I want to thank the gentleman for his support of my amendment.

He is one of the foremost signal senders in Congress.

Mr. Chairman, I want to point out an unintended side effect of the Bonker amendment. If it is adopted, it would potentially allow for aid under this section to the Government of South Africa, if the President were willing—and I doubt he would be—but the Bonker amendment would withdraw the qualification of majority rule, which might be some small limitation.

Mr. ZABLOCKI. Mr. Chairman, the gentleman from Illinois (Mr. DERWINSKI) was so lucid that I am sure everybody now understands what the amendment and the amendment thereto contain.

Mr. Chairman, I ask unanimous consent that all debate on the Bonker substitute and the Bauman amendment be ended at 10 minutes after 2.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. BINGHAM. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ZABLOCKI. Mr. Chairman, I move that all debate on the Bonker substitute amendment and on the Bauman amendment end at 10 minutes after 2.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. SOLARZ).

Mr. SOLARZ. Mr. Chairman, I think it would be a mistake for us to get caught up in a linguistic dispute over the meaning of "majority rule," or over the wording of the gentleman from Maryland's original amendment.

The purpose of this fund is to help the President in his effort to bring about a transition to majority rule in Zimbabwe.

Mr. Chairman, I urge support for the Bonker amendment, which would eliminate the phrase "majority rule," but would leave the fund intact, and permit the President to do the job which needs to be done.

The CHAIRMAN. The Chair recognizes the gentlewoman from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. Mr. Chairman, I rise in support of the Bonker amendment.

(By unanimous consent, Mrs. FENWICK yielded the balance of her time to Mr. WHALEN.)

The CHAIRMAN. The Chairman recognizes the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Chairman, I rise in support of the Bonker amendment.

As I read the original amendment introduced by the gentleman from Maryland (Mr. BAUMAN), it certainly raises questions as to interpretation.

Making my own interpretation of the matter, it seems to me that most of the states in southern Africa, with the possible exception of Angola and Mozambique, would qualify for assistance under the provisions of this amendment, but that is only my interpretation.

Obviously, it would be left to the Executive Branch to make that determination. Therefore, in order that there be no question as to how the aid should be applied, I think that striking the words "majority rule" would be in the best interests of this legislation.

I therefore urge the passage of the Bonker amendment as a substitute for the Bauman amendment.

(By unanimous consent, Mr. ECKHARDT yielded his time to Mr. BINGHAM.)

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, I strongly support the Bonker substitute. It would simply put these southern African countries in the same category as other countries that are in this total program.

We did not insist on the kind of majority rule the gentleman from Maryland (Mr. BAUMAN) has in mind in Korea or in Argentina. Indeed, the gentleman from Maryland voted against the cut for Argentina yesterday.

But, more than that, there is a real trap in the wording of the Bauman amendment that I want to call to the attention of the Members. That is that in the definition of majority rule it leaves in the term "qualified voters," which means voters that may be qualified by high educational standards or by high property standards, so that would qualify Southern Rhodesia today as a majority ruled country.

I believe there is a real danger in any effort to define majority rule. The particular definition offered here is a sinister trap.

We should reject the amendment offered by the gentleman from Maryland (Mr. BAUMAN) and adopt the amendment offered by the gentleman from Washington (Mr. BONKER) as a substitute.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. ROUSSELOT).

(By unanimous consent, Mr. ROUSSELOT yielded his time to Mr. BAUMAN.)

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi (Mr. BOWEN).

Mr. BOWEN. Mr. Chairman, I would like to ask the chairman of the full committee, the gentleman from Wisconsin (Mr. ZABLOCKI) if it is his understanding of the amendment, as it is interpreted by the author of the amendment, the gentleman from Washington (Mr. BONKER) that it would be interpreted to make any and all nations of southern Africa eligible in the judgment of the President for participation in this funding and therefore would override the restrictive language which was placed in the report of the committee to deny the possibility of giving such assistance to Zimbabwe, South Africa, Zaire, and Malawi.

Mr. ZABLOCKI. Of course, it is not at this time the intent of the committee that funds would be available to the countries the gentleman from Mississippi has mentioned, but it would be within the discretion of the President that he could make funds available for South Africa and Rhodesia.

Mr. BOWEN. So the chairman agrees that this should be interpreted in such a manner so as to allow funds to those countries in Africa, Zaire, Malawi, Rhodesia, and South Africa, at the discretion of the President?

Mr. ZABLOCKI. That is correct.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, I support the amendment offered by the gentleman from Washington (Mr. BONKER) because I believe the area of southern Africa is filled with so many uncertainties that the President should have the maximum flexibility to respond to those uncertainties as they come along.

About a year or so ago the Congress very unwisely tied the hands of the President in regard to Angola. I think everyone today regrets that unwise action. Today we should not restrict the flexibility of the President in dealing with uncertainties in the future in southern Africa.

In my view, this amendment will effectively set aside restrictive language set forth in the committee report.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, I support the amendment offered by the gentleman from Washington (Mr. BONKER). If we adopt that we still have the provision in the law that bans aid to a regime which is guilty of a consistent pattern of gross violations of human rights unless the aid goes to the needy. That is the standard we have established now for all regimes and that standard would continue to apply to any countries eligible under the Bonker amendment.

So, Mr. Chairman, I support the Bonker amendment but if the Bonker amendment is defeated, then I will support the Bauman amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. I believe that the distinguished gentleman from Wisconsin (Mr. ZABLOCKI) indicated that the President will have discretion under this alteration of the language. My understanding was, if I may direct a question to that gentleman, that the President initially wanted the $100 million for Rhodesia as it makes the transition to majority rule rather than for the frontline nations, as spelled out in this bill.

Mr. ZABLOCKI. If the gentleman will yield, as I stated earlier, the $100 million was not requested for specific countries at the time but for programs in Southern Rhodesia.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, The Ichord amendment has been difficult for me to assess. But, after listening to the debate, I am led, despite the committee's opposition, to the conclusion that it is merely a subsidy for guerrilla warfare in southern Africa.

Giving $100 million to the so-called front-line African nations, two of which are Marxist countries, for training of persons from Zimbabwe and Namibia seems to me like pouring gasoline on a fire. If the funds are not strictly dedicated for military purposes they will certainly be used so that other local moneys can be used for military uses.

I do not think an international policy should be directed toward what seems to be certain warfare in an area in which there is terrible unrest anyway. For that reason it is necessary to amend the definition from "majority-ruled" countries to any southern African country per the Bonker amendment, or more closely define "majority-ruled" per the Bauman amendment. The latter is preferable but the former is better than the language of the bill, because it allows the President greater flexibility in an uncertain area. I am still of the belief that the Ichord amendment was our best alternative and should have been passed.

This whole bill is shaky to begin with. It has been said that were it not for the fact that there is plenty of money in the bill for Israel, it could not get more than a handful of votes. I will support the bill, partly because it is the first such request of a new administration despite the distressing fact that it is far too expensive.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. Mr. Chairman, I oppose the Bonker amendment and support the Bauman amendment on the basis that helping majority-ruled countries in southern Africa is a keynote to our American foreign policy. If we are to strike the language "majority ruled," we strike the very essence of our concern to provide help to majority-ruled countries and moreover, extend an open invitation to provide American aid to Marxist countries.

In supporting the Bauman amendment, I believe that we can better allow for American aid to more democratic countries—and not simply provide moneys, in an open-ended fashion, to Communist regimes in southern Africa.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Chairman, I think the choice is very clear here, and I think the Members ought to understand that. The section that we are talking about now allows funds only to go to majority-rule countries. If we take that phrase out of the bill, that specifically authorizes not only the potential of aid to countries such as South Africa, but it definitely authorizes aid to Communist-dominated countries such as Mozambique and Angola. Under any reasonable interpretation the phrase "majority rule" would not permit I would think, aid to those Communist countries, as the gentleman from Wisconsin has indicated. So our choice is to liberalize this section and almost guarantee the possibility of aid to Communist countries and other countries in this area that are not under any sort of majority rule, or to vote for a reasonable definition of what majority rule and democracy should be.

It was my understanding that the whole purpose of this section was to provide aid for the transition of these countries to a greater degree of freedom than they have had under colonialism or than they have had under the dictators that have replaced the colonial governments. If that is truly our objective, I cannot see any objection to defining in the section exactly what majority rule means. It would give impetus; it would give a reason for these countries to obtain this aid which we have been talking about. It will better their lives to move toward full democracy; otherwise this aid will be handed to countries which are not democracies, which are in fact dictatorships, which will bolster those dictators—some of them Communist, some of them Marxists, whatever one calls them—and indeed continue these people under the subjugation of governments that have very little respect for freedom.

I would hope that the Members would not wipe out majority rule as defined in the bill but instead would support the amendment I have offered which does, indeed, define it.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Chairman, this body over a year ago in effect overwhelmingly defeated the Bonker amendment when it soundly rejected a proposal to provide aid to Mozambique or close the port of Lourenco-Marques to Rhodesia.

I must agree with the gentleman from Maryland if this amendment is adopted the Members are voting for aid to Machel and Mozambique.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Chairman, I will vote for the Bauman amendment with or without the Bonker substitute, but it is so drawn that there are very few countries in the world, and certainly very few developing countries, that could meet its standards.

I would urge that the Bonker amendment gives the President more flexibility. His intent is clear. Indeed, aid to Communist countries is already against our law. Nothing in this section changes that condition.

Mr. Chairman, I urge that the Members give our President the weapon he needs to help bring about peaceful change and a hope for a settlement. I would, therefore, urge their vote for the Bonker substitute.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. BONKER).

Mr. BONKER. Mr. Chairman, the administration has requested authorization of $100 million this spring for a "Zimbabwe Development Fund" to help ease the transition to majority rule in Rhodesia. I believe that the administration is caught on the horns of an unworkable dilemma in simultaneously trying to meet the demands of both blacks and whites in Rhodesia. My arguments are contained in the attached paper which I include in the RECORD:

THE PRICE OF PEACE IN RHODESIA

The Carter Administration, following extensive consultations with the British, has this spring asked Congress to authorize $100 million "to promote peaceful transfer to majority rule in Zimbabwe" (Rhodesia). The $100 million would represent the 1978 US share of financing for a "Zimbabwe Development Fund." 18 other countries have been asked to join us in providing a target Fund figure of approximately $1.5 billion over five years—of which the first year US share would be $520 million.

Spurred by congressional unwillingness to issue a blank check for use in a situation obviously fraught with considerable risk, the Administration has struggled to develop a comprehensive outline of the political and economic purposes envisaged for such a large sum of American aid money. In so doing it has shed considerable light on strategies for Southern Africa now developing in Washington.

Virtually all of the testimony and documents submitted by the Administration to Congress in support of the proposal over the last two months have emphasized the Fund's prospective role in helping "insure a constructive economic transition during the initial period of majority rule and thus help maintain peace and progress in Southern Africa"—in short, to keep the lid on in Rhodesia while the blacks assume power. Administration spokesmen have emphasized that the Fund will seek a delicate balance between "rapid restructuring of the economy and government services to provide more training, education and economic opportunities for blacks and the maintenance of the confidence of whites in the future economic prospects of the country." Such balanced development, in the Administration's view, will not only promote political stability during a chaotic period of transition but even "encourage blacks and whites to work together for the future development of Zimbabwe and thus demonstrate that multiracialism is a viable option in Southern Africa."

The Administration's proposed Fund offers something for everybody:

For the black poor:

More and better farmland;

Aid in improving farm practices and technologies, transport and marketing facilities;

Infrastructure projects for new roads, villages, health, education and other social services.

For the black middle class who will run the country:

Training to assume skilled and managerial posts;

Better vocational and university training;

Social and economic infrastructure projects;

Home mortgage assistance to buy housing in "European" areas;

Balance of payments relief for the new government.

For the whites who choose to remain:

Continued Western interest in their welfare;

Security and minimum, or at least cushioned, disruption of lifestyle and economic livelihood;

Continuation of "job security and benefit programs";

Orderly compensation for land transferred to blacks;

Continued growth of the "modern" sector—mining, modern commerce and modern services industry.

For the United States and Britain:

Stability in Southern Africa and, consequently, dis-incentives to Russian and Cuban adventurism;

Continued access to raw materials and markets;

A sense of continuity with comfortable economic patterns in the area.

It sounds too good to be true—and it is. The Carter Administration, in trying to please everybody, has put itself on the horns of an unworkable dilemma. The creation of that dilemma stems back to the original Anglo-American peace plan for Rhodesia conceived by the two governments in mid-1976 and accepted by Ian Smith on September 24 (but rejected by the "front-line Presidents" of the five neighboring states two days later).

As part of the price for acceptance of the peace plan, Smith, in September, 1976, exacted from the Americans and British promises of "financial guarantees" for the white Rhodesian population. The guarantees reportedly covered property, land purchases and pensions. Administration spokesmen then and now flatly deny that there were any financial incentives in the plan to ease the departure of recalcitrant whites. In any event, the guarantees were said in news reports to amount to $1.5–2.0 billion—or $5500–$8,000 per white Rhodesian. A separate fund was to provide transitional aid to the new black government.

In presenting the economic package to the Congress, Secretary of State Kissinger combined the proposal of guarantees for whites with transitional aid for blacks. The resultant Kissinger "summary of ideas"—the parent of the Zimbabwe Development Fund—was meant "to ease the economic shocks of the transition to majority rule." State Department testimony of September 30, 1976, described the purposes of Kissinger's "ideas" more fully:

"The objective of this effort would be to maintain confidence in the future of Rhodesia. This proposal would be intended to give an incentive to those who have a positive contribution to make to stay in Rhodesia and work for the future of the country. Its overall aim would be to expand industrial and mineral production in Rhodesia; to enhance agricultural potential; and to provide the funds for necessary training and skills. Its broader purposes would be to equip black Rhodesians to take advantage of the opportunities which will be opened to them in a majority-ruled Rhodesia; to expand investment in the country; and to allow the economy to adjust to the removal of sanctions. . . . It is not a plan to buy out the holdings of the white Rhodesians. No one would be paid to leave."

The Kissinger plan, in plain talk, was still the same carrot created in mid-1976 to bring Ian Smith to heel. It was a thinly disguised bribe to the Rhodesian whites to (1) relinquish power; and (2) remain in an independent Zimbabwe to underpin the economy during the crucial transition years.

In the first months of 1977, the Carter Administration, uncomfortable with a plan which still blatantly favored Rhodesian whites, wrenched Kissinger's "summary of ideas" into its own plan for "balanced development" benefitting both blacks and whites. Therein lies the dilemma.

To coax peaceful white acquiescence to black rule and continuing white participation in the economy, the Carter proposal has maintained the Kissingeer emphasis on preserving the socio-economic status quo in Rhodesia. For to speak of a strong and expanding modern sector with continued white participation, as this Administration still does, and virtually ignore black demands for substantial income redistribution and wage increases is, in fact, an argument to keep things as they are.

The problem is that a change in the socio-economic structure is precisely what black Zimbabweans are demanding and, with political primacy and overwhelming numbers, will get one way or the other. For proof, look to the quick rejection last September by the "front-line Presidents" of an Anglo-American peace plan, which, while granting political independence, was still based on preservation of the socio-economic status quo. Such a plan, said the Presidents, "would be tantamount to legalizing the colonial and racist structures of power in Rhodesia."

It is blind to equate, as the American and British executives still appear to do, maintenance of the socio-economic status quo with any meaningful definition of political stability in Rhodesia. If anything, the reverse may be true.

That section of the latest Administration proposals aimed at directly benefitting blacks is a welcome advance over the Kissinger proposals but it still falls well short of meeting basic black expectations. No solution for Zimbabwe will remain stable for long unless it involves changes in the socio-economic stucture more significant than those now proposed.

The Administration is correct in its plans to try to keep the "modern" sector of an independent Zimbabwe viable and to encourage whites to help in that endeavor. But if the cost of maintaining that viability is a continuation of gross wage differentials, of white possession of the best land, of white swimming pools and maids, then the effort simply will not work. Black frustration will be too great and, with political power in their hands, it will be vented.

In short, the Administration's concept of "balanced" development is a chimera. Zimbabwe will be an overwhelmingly black African nation, with black African aspirations and black African resentment over years of colonial rule. Any American policy which ignores these facts is simply unrealistic.

The ideal solution in Rhodesia ought to guarantee to whites who choose to remain security of self and home, full political and civil rights, reasonable compensation for expropriated property, a fair share of the land, and a fair remuneration for their expertise and labor. But we should be under no illusion that our economic aid can buy these things for the whites. And we are foolish to try.

The most effective strategy for our aid in terms of building genuine long-term stability in an independent Zimbabwe would be to carry the Administration's current strategy several steps further down the path it has already travelled from the Kissinger proposals. Concentration should explicity be on the economic and social development of black Zimbabweans. They are the ones in need of development assistance; they will be the ones in power.

Specifically, the Zimbabwe Development Fund should:

(1) provide professional cross-cultural analytical assistance to Zimbabwean leaders during the transition to develop a coherent structure for a future Zimbabwean economy, including planning for:

Region-by-region land redistribution, resettlement, and the creation of social and economic services;

The role of foreign capital, investment and trade;

Wage structure and income redistribution that is both fair and economically realistic;

(2) focus development projects on the black community, primarily on:

Agriculture: Land tenure, training and other extension services, credit and marketing mechanisms for the small farmer;

Education: A massive push in primary education and vocational training; additional assistance in modern management, public administration, technical and professional training;

Health and Social Services, particularly in rural areas and black urban and mining communities.

(3) provide financial and balance-of-payments relief to compensate for the inevitable drop in productivity and revenue during the transition.

If the grassroots social and economic transition in Rhodesia can be managed peacefully, and if black, especially poor black, needs can be met, then the "modern" sector will survive well enough without bribes or carrots. Smith will head for the bargaining table with or without windfall guarantees for white economic privilege. It is in fact irresponsible for this country to promise Rhodesian whites a continuation of anything like the privilege they now enjoy. For those who remain, the transition will be tough, and it is naive to pretend otherwise. The best thing we can do for the Rhodesian whites is to help build long-term stability in Zimbabwe by ameliorating the social and economic roots of instability in the black community. For if the Fund does not meet deeply-rooted black aspirations, there is no way that it can meet ours.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI) to close the debate.

Mr. ZABLOCKI. Mr. Chairman, I rise in support of the Bonker amendment to the Bauman amendment. If the membership carefully examines the Bauman amendment they will see that it will cause serious problems. For example, it says majority-ruled countries would be defined as including only those countries in which there exists an established constitutional or legal system which does in fact and in practice provide for regular popular elections of Government officials by qualified voters.

There would be a question about qualified voters, as the gentleman from New York (Mr. BINGHAM) called to our attention. Would they qualify by race? Would race make them qualified voters in those countries?

I submit the President should have flexibility to use the limited amount of $100 million for the South African countries that are in the most need, particularly if assistance to those countries would be in the foreign policy interests of the United States.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. BONKER) as a substitute for the amendment offered by the gentleman from Maryland (Mr. BAUMAN).

The question was taken; and on a division (demanded by Mr. ZABLOCKI) there were—ayes 52, noes 51.

RECORDED VOTE

Mr. BAUMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 238, noes 173, not voting 22, as follows:

[Roll No. 279]

AYES—238

Addabbo
Akaka
Alexander
Ammerman
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Annunzio
Applegate
Ashley
Aspin
AuCoin
Badillo
Baldus
Barnard
Baucus
Beard, R.I.
Bedell
Beilenson
Benjamin
Biaggi
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonior
Bonker
Bowen
Brademas
Breckinridge
Brodhead
Brown, Calif.
Buchanan
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carr
Chisholm
Clay
Conable
Conte
Conyers
Corman
Cornell
Cotter
D'Amours
Danielson
Davis
Delaney
Dellums
Derrick
Dicks
Diggs
Dingell
Dodd
Downey
Drinan
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Calif.
Evans, Colo.
Evans, Ga.
Evans, Ind.
Fascell
Fenwick
Findley
Fish
Fisher
Flood
Foley
Ford, Mich.
Ford, Tenn.
Fowler
Fraser
Gephardt
Giaimo
Gilman
Ginn
Glickman
Gore
Gudger
Hamilton
Hanley
Hannaford
Harkin
Harrington
Harris
Hefner
Heftel
Hollenbeck
Holtzman
Horton
Howard
Hughes
Jacobs
Jeffords
Johnson, Calif.
Jones, N.C.
Jordan
Kastenmeier
Keys
Kildee
Koch
Kostmayer
Krebs
Krueger
LaFalce
Le Fante
Lederer
Leggett
Lehman
Levitas
Lloyd, Calif.
Long, La.
Long, Md.
Luken
Lundine
McCloskey
McCormack
McFall
McHugh
McKay
McKinney
Madigan
Maguire
Mann
Markey
Mattox
Meeds
Meyner
Mikulski
Mikva
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Moss
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Michael
Natcher
Neal
Nedzi
Nix
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pattison
Pease
Pepper
Perkins
Pike
Pressler
Preyer
Pritchard
Pursell
Quie
Rahall
Railsback
Rangel
Reuss
Richmond
Rinaldo
Roberts
Rodino
Rogers
Roncalio
Rooney
Rosenthal
Rostenkowski
Roybal
Ryan
Santini
Scheuer
Schroeder
Seiberling
Sharp
Shipley
Simon
Skelton
Slack
Smith, Iowa
Solarz
Spellman
St Germain
Staggers
Stanton
Stark
Steed
Steiger
Stokes
Studds
Thompson
Thornton
Traxler
Tsongas
Tucker
Udall
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Waxman
Weaver
Weiss
Whalen
Whitley
Wilson, C. H.
Wilson, Tex.
Wirth
Wolff
Wright
Wylie
Yates
Yatron
Young, Mo.
Zablocki
Zeferetti

NOES—173

Abdnor
Allen
Ambro
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
Badham
Bafalis
Bauman
Beard, Tenn.
Bennett
Bevill
Breaux
Brinkley
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Caputo
Carter
Cavanaugh
Cederberg
Chappell
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Coleman
Collins, Tex.
Corcoran
Cornwell
Coughlin
Crane
Cunningham
Daniel, Dan
Daniel, R. W.
de la Garza
Derwinski
Devine
Dornan
Duncan, Tenn.
Edwards, Ala.
Edwards, Okla.
Eilberg
Emery
English
Erlenborn
Ertel
Evans, Del.
Fithian
Flippo
Flowers
Flynt
Fountain
Frenzel
Frey
Fuqua
Gammage
Gaydos
Gibbons
Goldwater
Gonzalez
Goodling
Gradison
Grassley
Guyer
Hagedorn
Hall
Hammerschmidt
Hansen
Harsha
Heckler
Hightower
Hillis
Holland
Holt
Hubbard
Huckaby
Hyde
Ichord
Ireland
Jenrette
Johnson, Colo.
Jones, Okla.
Jones, Tenn.
Kasten
Kazen
Kelly
Kemp
Ketchum
Kindness
Lagomarsino
Latta
Leach
Lent
Lloyd, Tenn.
Lott
Lujan
McClory
McDade
McDonald
McEwen
Mahon
Marks
Marlenee
Marriott
Martin
Mathis
Michel
Milford
Miller, Ohio
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Pa.
Myers, Gary
Myers, Ind.
Nichols
O Brien
Pettis
Pickle
Quayle
Regula
Rhodes
Risenhoover
Robinson
Rousselot
Rudd
Runnels
Ruppe
Russo
Sarasin
Satterfield
Sawyer
Schulze
Sebelius
Shuster
Sikes
Smith, Nebr.
Stangeland
Stockman
Stratton
Stump
Symms
Taylor
Thone
Treen
Trible
Vander Jagt
Waggonner
Walker
Walsh
Wampler
Watkins
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Winn
Wydler
Young, Alaska
Young, Fla.
Young, Tex.

NOT VOTING—22

Brooks
Collins, Ill.
Dent
Dickinson
Fary
Florio
Forsythe
Hawkins
Jenkins
Mazzoli
Metcalfe
Poage
Price
Quillen
Roe
Rose
Sisk
Skubitz
Snyder
Spence
Steers
Teague

The Clerk announced the following pair:

On this vote:

Mr. Hawkins for, with Mr. Teague against.

Mr. BLANCHARD and Mr. VOLKMER changed their vote from "no" to "aye."

Mr. ABDNOR changed his vote from "aye" to "no."

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. BAUMAN), as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. CRANE

Mr. CRANE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CRANE: Page 9, line 19, immediately after "(a)" insert "(1)"; and on page 10, immediately after line 8, insert the following new paragraph:

"(2) No assistance may be furnished under this section to Mozambique, Angola, Tanzania, or Zambia."

Mr. CRANE. Mr. Chairman, as I am sure my colleagues are aware, section 7 of this bill contains provisions calling for $100 million in security supporting assistance funds for only the majority-ruled nations of southern Africa to help offset the adverse economic effects of the conflict in that region. Aside from the definitional problem involving the fact that Botswana is the only one of these nations which, in reality, has anything close to majority rule in a democratic sense, these provisions are fraught with some far-reaching implications. Not the least of these is whether the United States will, in fact, be encouraging the spilling of blood while, at the same time, be playing into the hands of the Soviet Union.

While I think we are all in agreement on the desirability of a change in Rhodesia's governing institutions, there are some very practical realities that have to be taken into account. For instance, section 7 of H.R. 6884 talks about aiding refugees, improving transportation and providing trade credits to compensate for the loss of export trade, all of which sounds innocent on the surface, but it is not as if this aid were going to some uninvolved third party who was no more than an innocent victim of somebody else's mischief. In fact, by aiding and abetting guerrilla warfare in Rhodesia, the nations of Tanzania, Zambia, Angola and Mozambique are themselves responsible for much of the hardship these security supporting assistance funds are intended to alleviate.

Regardless of one's feelings toward the Ian Smith regime, the record on guerrilla warfare is rather clear. For several years now, Zambia, Angola, and Mozambique—and also Botswana—have not only been harboring guerrillas but also allowing them to operate against Rhodesia from frontier bases. Moreover, in an interview last fall, Tanzanian President Julius Nyerere admitted that his country was in the business of training guerrillas and, if that were not enough, Zambian President Kenneth Kaunda just last week announced a state of war against Rhodesia, thus putting his military forces side by side with the guerrillas.

As for Angola, who can forget the fact that some 12,000 to 15,000 Cuban troops suppressed the black nationalist movement and installed the current pro-Soviet government of Agostinho Neto? And who can ignore the fact that, in addition to giving aid and comfort to Rhodesian rebels, Neto's people have been giving supplies, if not more, to those involved in the recent attack on Zaire?

Which brings me to a key point. The question at stake in Rhodesia is not just one of majority rule in one country but one of majority influence in all of southern Africa. Not only is Angola in the orbit of the Soviet Union, by virtue of the help it received in its so-called civil war, but Mozambique has proclaimed itself a Marxist state. Add to that the recent attack on Zaire, the statement of the Tanzanian President to the effect that he wished there were an African Cuba, the reports of guerrilla training being carried on by Russians, Chinese, and Cubans, and the fact that the guerrillas are equipped, in large measure, with weapons produced in Communist countries, and one must wonder who will be helping whom if this proposal is approved. The Soviets obviously have their foot well in the door in southern Africa; giving the guerrillas encouragement and their backers aid only helps the Soviets reach their objective and, as we all know, majority rule has never been one of their objectives. Anything but.

Which brings me to another point. By sending aid, and implicitly choosing sides, are we really going to promote majority rule in the democratic sense or are we simply going to facilitate the substitution of minority black rule for minority white rule? For no other reason than to avoid the latter, giving aid to countries who themselves are dictatorial in nature or who are alined with the Soviet Union or both, should be ruled out. These are the countries least likely to contribute in a positive manner to a peacefully negotiated settlement that will be fair to all parties.

In that vein, I cannot help but note that section 18 of this very same bill provides that—

> No assistance of any kind may be furnished for the fiscal year 1978 for the purpose, or which would have the effect, of promoting or augmenting, directly or indirectly, any military or paramilitary operations in Zaire unless the President determines that such assistance should be furnished in the national security interests of the United States.

Obviously, the same concept should apply to Tanzania, Zambia, Angola, and Mozambique, but since even nonmilitary aid frees up funds that can be used in support of guerrilla raids, that is impossible as long as any security-supporting assistance funds go to those nations. Accordingly, the only way I think we can be consistent and avoid any aid whatever going to countries that are actively engaged in military or paramilitary operations against Rhodesia is to cut them out of this bill and I have prepared an amendment that would do just that. The amendment is simple; it states that no funds authorized under this new section 533 which is to be created are to be used for assistance to Tanzania, Zambia, Angola, and Mozambique.

For those wondering why I have excluded Botswana from this limitation on the use of security-supporting assistance funds, the reasons are twofold. First, Botswana, while harboring guerrillas and repeating the rhetoric of the other so-called frontline nations, has not been as supportive of guerrilla activity as they have been. And, second, Botswana is one of the very few nations in black Africa that has a multiparty political system and a relatively nondiscriminatory multiracial society. Whites serve along with blacks in the Botswanan Parliament, and of all the frontline nations, Botswana is the only one that has shown an increase in white minority group population—from roughly 3,000 to 6,000—since gaining independence. Contrast this record to that of Mozambique, where President Samora Machel was quoted not long ago as saying he opposes any guarantees of minority rights for whites.

Of course, these remarks should not be construed to mean that I condone Botswanan support of guerrilla activity or that I would not favor cutting off any aid contained in this bill if that support continued indefinitely. What it does suggest is that, if we are going to give aid in the name of majority rule, we should insist that the recipient have some commitment not just to it, but to its essential corollary, the protection of minority rights. Looking at Tanzania, Angola, Mozambique, Zambia, and Botswana, only the latter has shown much indication of any such commitment and even there the support of guerrilla activity against Rhodesia suggests the degree of commitment is still in doubt.

At this point, I might simply mention that, last year, when the security supporting assistance bill came up, the House passed, by voice vote, my amendment to bar any funds from going to Mozambique. Later, when the foreign aid appropriations bill came along, the House, again by voice vote, passed a similar amendment which also covered Angola. Now, the House has not only the opportunity to reaffirm its previous stand but the chance to go the next logical step toward creating a favorable atmosphere in which purposeful negotiations can be conducted. That next step is, of course, adding Zambia and Tanzania to the list of nations which by virtue of their support of guerrilla warfare have disqualified themselves from further assistance.

Given the fact we have channeled aid to both Zambia and Tanzania in the not-too-distant past, this may seem like an unusual step. But, it certainly is in line with the President's stand on human rights—guerrilla warfare is not respecter of human rights—and it will keep us from bearing responsibility for future bloodshed. Moreover, it will not give encouragement to those who believe, as President Machel does, that there is no alternative to armed struggle and that "it is a mistake to speak of peaceful solutions when there is war." Of that type of philosophy, and the type of philosophy that views persecution as undesirable only when you are the victim, there is too much already—most of it either behind, or coming from, the Iron Curtain.

Mr. Chairman, I urge adoption of this amendment.

AMENDMENT OFFERED BY MR. DIGGS TO THE AMENDMENT OFFERED BY MR. CRANE

Mr. DIGGS. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> Amendment offered by Mr. DIGGS to the amendment offered by Mr. CRANE: In the text proposed to be inserted by the Crane amendment, immediately after "Zambia", insert", except that the President may waive this prohibition with respect to any such country if he determines (and so reports to the Congress) that furnishing such assistance to that country would further the foreign policy interests of the United States".

Mr. DIGGS. Mr. Chairman, I think it is important to point out, first of all, with all due respect to the objective of the gentleman from Illinois (Mr. CRANE), that we have a classical example here of how much we need to understand the dynamics of changing Africa. To link such diverse states as Zambia and Tanzania and Angola and Mozambique is to actually demonstrate an inadequate understanding of their fundamental differences. Because of the diverse roles that these countries play in southern African politics and the complexity of their relationships with other parts of Africa, the implications that flow out of those relationships represent a phenomenon that we just have to understand.

Mr. Chairman, let us take Mozambique, for example. I think it is important that we talk about these countries because many things have been said here today in the context of the north-south competitive situation that completely belie the facts as they presently exist and which really sound anachronistic as they relate to current international relations. Let us consider the unique position that Mozambique plays in the economics of southern Africa and how it serves as an axis between South Africa and the majority rule nations to the north.

Mr. Chairman, there have been references made to the Marxist ideology of that country. Without considering that these countries are essentially nationalistic and economic pragmatists, if that country was so repulsive with respect to its ideology and all of the implications flowing out of it, why is it that the Cabora Basa Dam, the largest dam in Africa, financed two-thirds by South African money, is still such an important element in the relation between South Africa and Mozambique itself?

Mr. Chairman, 80 percent of Mozambique's foreign exchange is generated from the employment of 60,000 Mozambiqueans in South Africa mines. A substantial part of the millions of dollars Mozambique receives in foreign exchange, for example, comes from the sale of gold paid to Mozambique by South Africa.

Malawi, a South African client state, ships about 90 percent of its exports through Mozambique. Swaziland shares a border with Mozambique, and no one would consider that country in any Marxist orbit. Many of its goods go through the port of Maputo. Swaziland even has fixed assets such as equipment, et cetera, in the port of Maputo. South African technical assistants still work on the railroads and in the harbors of Mozambique. Mozambique's port of Maputo takes the overflow of goods from South Africa that cannot be shipped from the ports of South Africa because they are being used to capacity; and despite the fact that South Africa and Mozambique are on opposite sides of the

Zimbabwe conflict and almost everything else the South African Government has not discouraged South African shippers from using the ports of Mozambique.

There are no Soviet bases in Mozambique, in Angola, in Zambia, or in Tanzania.

Mr. Chairman, Mozambique is important to the United States because of the influence that President Machel has with the Zimbabwe nationals. If we do not have the cooperation that President Machel can provide in connection with the negotiated settlements that are being pursued by the administration, then there is no question that our successes will be limited.

The amendment therefore offered by the gentleman from Illinois (Mr. Crane) as presently before us, would impede our efforts to bring about a negotiated peace in Zimbabwe.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. Diggs was allowed to proceed for 5 additional minutes.)

Mr. DIGGS. Mr. Chairman, I think we ought to recognize that Mozambique has a coastline of 2,000 miles on the Indian Ocean, making it one of the most strategic litoral states in that part of the world. It would be a grave mistake not to consider it within that kind of context.

Mozambique has over 30,000 refugees who have come into the country to escape the conflict in Rhodesia. They have suffered from an economy neglected by 10 years of internal war and the dearth of skilled manpower when the Portuguese walked off.

Let us talk about Zambia. Zambia has suffered most from sanctions against Rhodesia. Implementing sanctions against the Smith government has cost Zambia somewhere between $750 and $800 million since it closed its border with Rhodesia in January 1973. It costs an additional $10 million a month to keep the border closed.

There is no bilateral economic assistance program to Zambia this year.

Zambia has been badly hurt in addition through the drop in copper prices and it faces a severe balance of payments deficit.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, the Government of Zambia was on the same side with the United States in respect to what went on in Angola, if the gentleman from Michigan will recall. I do not know that it was a wise decision, but they were supporters of the same faction in Angola that the United States supported.

Mr. DIGGS. That is correct. Additionally, President Kaunda has had a moderating influence on the Nationalists and continues to do so.

Tanzania, which would be affected by the gentleman's amendment, is a country which has implemented a development program of aiding the poorest and seeking equitable distribution of economic wealth. They are pursuing policies within the new directions of our foreign aid mandate.

We are not a major donor in Tanzania in any case. Out of an expected $350 million in foreign assistance for fiscal 1978, the United States only proposes to provide some $7.8 million.

To preclude assistance in that area obviously would reduce our negotiating potentiality in a sensitive area.

We cannot, Mr. Chairman, in other words, continue the hypocrisy of maintaining and even increasing our economic relations with industrialized Socialist states like the Soviet Union and China and Eastern Europe while prohibiting economic relations and in certain cases, diplomatic recognition to Socialist states in the developing world.

So, Mr. Chairman, all my amendment does is simply leave it up to the discretion of the President. If he determines that the distribution of any of the proceeds of this fund will not be in the foreign policy interests of the United States then he has the discretion to prohibit it.

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Chairman, I would like to remind my distinguished colleague, the gentleman from Michigan (Mr. Diggs) that President Samora Machel has defined himself as a Marxist. I do not think there is any dispute about the interpretation of that term.

The gentleman from Michigan has mentioned the fact that there is considerable financing by South Africa still functioning, and that there are many Mozambiqueans in South Africa who are sending remittances home. I agree that the situation, the economic situation is in a shambles in their attempt to try to derive their economic wherewithal, and it is not at all totally dissimilar to that model of Communist ideology the Soviet Union turning to the United States to get them bailed out because of their inability to feed people, and because of the troubles with their politically infected technology they have to turn to the United States for their own self-serving reasons, but that is no rationality or reason for bailing them out with our taxpayers' dollars when they are taking aggressive actions against a country who is not against us.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. Maguire and by unanimous consent, Mr. Diggs was allowed to proceed for 2 additional minutes.)

Mr. DIGGS. I would also remind the Committee that Gulf Oil is doing business in Angola providing 80 percent of the revenues that that Government receives and is not having any problems that are related to the ideology of that particular country.

Mr. MAGUIRE. Mr. Chairman, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from New Jersey.

Mr. MAGUIRE. I thank the gentleman for yielding.

I just want to congratulate the chairman on his very fine statement. I would observe that the analogy, if that is what is attempted here by the gentleman from Illinois (Mr. Crane), linking countries like Tanzania and Zambia, and their leaderships, to totalitarian Communist states, is a totally erroneous and distorted and misleading analogy.

Most informed observers agree that Mr. Nyerere and Mr. Kaunda are two enlightened and thoughtful leaders in this world of ours. For us to simply cut them off on the mistaken assumption that we are dealing with an East-West type of issue here would be most ill considered. Such an action would ignore the fact that these leaders are representing their own people in an African country in an African context. This does not conform to the models that the gentleman from Illinois seems to have in his mind. To adopt the Crane proposal would be very shortsighted and would be against the interests not only of the people of the countries concerned but of our own country as well. I thank the gentleman for his statement.

Mr. DIGGS. I thank the gentleman for his thoughtful contribution.

Mr. Chairman, I yield back the remainder of my time.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the original Crane amendment and against the Diggs amendment.

First, Mr. Chairman, I would like to compliment the gentleman from Michigan (Mr. Diggs) for what was a very scholarly and objective discussion of the subject. It is a difficult subject. It is an emotional subject and extremely complex, no matter what angle one approaches it from.

I also commend the gentleman from Illinois (Mr. Crane)—and I hope he will accept this as a compliment; it is intended as such. Since I have known him for years to be a classical isolationist, I commend his keen interest in foreign affairs, and I commend him for now looking at global problems. I hope that this is a trend that he will follow now that he is taking a healthy look at foreign affairs.

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Illinois.

Mr. CRANE. I thank the gentleman for yielding.

I would simply remind the gentleman that one can have certain isolationist tendencies and simultaneously be profoundly concerned about the welfare of not only the security interests of this country but the taxpayers of this country in particular. If that is isolationism, I am in favor of it.

Mr. DERWINSKI. Having arrived at this mild repartee between us, I will continue to support your amendment.

If I were offering the amendment, I would probably not have included Zambia. I think in Zambia there is a distinction to be made. Theirs is more of a benevolent governmental rule. The other three countries the gentleman cited are much more hardline in their domestic control, especially, of course, Angola which is still in the midst of a civil war.

What bothers me about the Presidential waiver that our friend, the gentleman from Michigan, would provide is that if in the judgment of the President there would be financial assistance to the Government of Angola, the practical effect is this would shore up the government against whom we have invested funds just over a year ago. I would think that would be quite contradictory.

In the last 3 or 4 years proposals providing for Presidential waivers have met with intense opposition because there was a pattern to tie the President's hands in the conduct of foreign policy.

What the gentleman from Michigan proposes to do is to provide the classic waiver by which the President in this case, if he determines assistance is in our foreign policy interest, could waive the prohibitions the gentleman from Illinois would propose.

Evidently we are now moving in a new direction in foreign affairs, where Congress is starting to back off, retreat from its involvement, and provide the President with this kind of authority, and perhaps we will get to the point where our President will have as much leeway as F. D. R. did in the last days of World War II.

But what we see here is grand strategy. The gentleman from Illinois has a potent amendment. Unlike the earlier votes on the Bauman and Ichord amendments, which you could interpret any way you wished, this makes it very clear that we are going to be asked to vote to prohibit assistance to Mozambique and Angola.

Again the point has to be made that these are two Marxist governments, countries in which the governments came into power and are maintained in power by force of arms. If you vote against the Crane amendment you are voting assistance for two Marxist dictatorships that were imposed by force of arms.

That is a far cry from just voting on majority rule or striking a section from the bill.

So, much as I appreciate the parliamentary skill of the gentlman from Michigan (Mr. DIGGS), I would suggest a vote against the Diggs amendment and a vote for the Crane amendment.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from New York.

Mr. WOLFF. I thank the gentleman for yielding.

Mr. Chairman, in all of this debate that has been taking place, we lose sight of something called the Harkin amendment which is based on human rights and denies funds to countries which deny human rights to their people.

I hope we are not forgetting the fact that the Marxist countries do deny human rights to their people and this is already covered in the bill as it exists, therefore the President would be directed to withhold funds from these countries included in the amendment by the gentleman from Illinois (Mr. CRANE).

Mr. ZABLOCKI. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto end at 3 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. TSONGAS).

Mr. TSONGAS. Mr. Chairman, I am the only person in this Congress who has lived in an African country and speaks an African language. One thing we do not understand when we talk about words like Marxist is we speak about it in an East-West context. I think it is time, 20 years after the fact, that we in this Congress recognize what African nationalism is all about in Africa and understand what it is all about in relation to the black-white roles in Africa.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Chairman, as I earlier pointed out, our law already prohibits aid to a Communist country. Nothing in this bill changes that.

Further it is a mistake to so define all the countries on this list. Zambia, for example, opposed the Communist-backed faction in Angola during the struggle there. Tanzania is a nonalined country. In my judgment, the Diggs amendment provides a flexibility that is needed. There is constant change in Africa. We have countries today that are very close to our country that a few years ago were very much on some other side.

I think one thing we can be sure of is that this section as now written will be used by our President for good purposes, to bring about peace and promote peace in Africa.

The Diggs amendment provides the flexibility needed and I support it.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, I strongly support the Diggs amendment. If that should fail, I will offer an amendment at the close of debate to strike Zambia and Tanzania from the Crane amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, I support the Diggs amendment, because I feel that the Crane amendment is too restrictive in that it ties the President's hands for the entire period of this bill, for a full year, regardless of what political changes may occur within any of the countries. I think that would be a serious mistake.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRASER.)

Mr. FRASER. Mr. Chairman, to include in this amendment the country of Zambia really does a disservice to a country which has had moderate leadership, and which as I said earlier was with the United States with respect to the internal fights inside Angola. It is a country which has sought to build a system with increasing justice.

The same thing can be said about Tanzania. In that country there was held a conference on the problems of human rights in single-party nations. It was held in Dar Es Salaam last year. We would not find that kind of thing happening in any of the Communist countries or in the military dictatorships which many are supporting around here.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. SOLARZ).

Mr. SOLARZ. Mr. Chairman, I would hope that if the Diggs amendment is defeated, we would subsequently reject the Crane amendment. By prohibiting aid to those four frontline African states we would do a serious disservice to the President's efforts to bring about a negotiated transition to majority rule in Rhodesia. If we are going to oppose aid to these countries, on the grounds they may not be the embodiment of democracy, I would like to know how those who support that amendment justify foreign aid to many other foreign countries around the world which are not the embodiment of democracy either.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Chairman, I would only remind Members of this body that last year we voted to cut off any American assistance both to Angola and Mozambique. I think it was the right action then and I think it is the right action today.

I would urge my colleagues to vote down the Diggs amendment to my amendment on the grounds that adding Tanzania and Zambia to the original action of this House is consistent in light of the fact that they are engaged in violence against Rhodesia at the very time that country is trying to negotiate a peaceful transfer to majority rule in Rhodesia.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. DIGGS).

Mr. DIGGS. Mr. Chairman, I think it is important that the gentleman has introduced this amendment, because it has helped to focus attention upon the changing foreign policy interests of our Government, to permit Members to reflect upon the anachronism of prohibiting a distribution of our foreign aid assistance at the discretion of the President in any area where it furthers the foreign policy interests of the United States.

Mr. Chairman, I certainly hope that my amendment giving the President that discretion will be passed.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Chairman, I rise in support of the amendment of the gentleman from Michigan (Mr. DIGGS). As was pointed out and, indeed, the sponsor of the amendment, the gentleman from Illinois, has recogniped that there are differences in the four countries which would be denied aid if the gentleman from Maryland's amendment were adopted.

Now, South Africa is recognized as an extremely volatile area and one of the most sensitive to our foreign policy. We must have flexibility to be able to deal with governments in that area that are less than perfect. The amendment of the gentleman from Maryland would make such flexibility impossible. Therefore, I hope the committee would support the amendment of the gentleman from Michigan, in order to make it possible for the President of the United States to give assistance to those countries that are in need.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. Diggs) to the amendment offered by the gentleman from Illinois (Mr. Crane).

The question was taken; and on a division (demanded by Mr. Crane) there were—ayes 65; noes 34.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. Crane), as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. MILFORD

Mr. MILFORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Milford: Page 21, immediately after line 14, insert the following new section:

REVIEW OF ARMS SALES CONTROLS ON NONLETHAL ITEMS

Sec. 21. The President shall undertake a review of all regulations relating to arms control for the purpose of defining and categorizing lethal and non-lethal products and establishing the appropriate level of control for each category.

Mr. MILFORD. Mr. Chairman, my amendment would add a new section to the bill entitled "Review of Arms Sales Controls on Nonlethal Items."

The amendment very simply asks the President to review all regulations relating to arms control, with the purpose of defining those products which we sell as arms—items designed for destruction—and those products that are on the list only because they have military, as well as commercial, application.

In my view, the United States could make a lot of headway toward repairing its reputation as arms merchant of the world if we would stop calling navigation systems we use on our domestic airliners "lethal weapons" when we sell them overseas. Much of our so-called arms sales are not really arms, but because of Government regulations they are classified as arms by our own Government.

For example, it is my understanding that perhaps only one-third of what we classify as "arms" sold overseas are actually lethal weapons designed to cause death and destruction.

Perhaps another one-third is in the form of spare parts for these weapons or in the form of services which might or might not be for weapons.

A final third would come in a gray area of commercial items which have both military and nonmilitary uses.

I believe we got ourselves into this situation for two reasons,

One is our good intentions.

Since the enactment of the Mutual Security Act of 1954, Government regulations controlling the export of munitions have been repeatedly amended in a piecemeal fashion, to the point where they are obscure and are no longer directly responsive to the central issue. I think all of us in Congress are acutely aware that once a regulation is promulgated, it is awfully difficult to get it depromulgated.

As second reason why we face this problem is the rapid rate of our development of technology. Today's high technology item is often old-fashioned tomorrow, literally. Many of these technical items should be taken off our sensitive lists long before they are, but the listkeepers are bureaucrats with little, if any, technical expertise.

My amendment very simply asks that we mean arms when we say "arms,". It will keep us from unfairly identifying ourselves as "merchants of death" when so much of our so-called arms exports are truly useful, nonlethal, peaceful goods. Providing a country with those items which strengthen their economy and stabilize their position in the international community is a peaceful and humanitarian endeavor.

I submit that we need many definitions in this sphere: What are arms? What is advanced technology? Who defines the legitimate needs of a sovereign nation?

Let me give you a good example where our humanitarian enthusiasm has boomeranged and burdened good, peaceful, safe, humanitarian products in common use around the world with the arms stigma.

Inertial navigation systems, in common use by the world's airlines, are now classified as munitions and require special State Department license when they are sold as a part of commercial aircraft. Inertial navigation contributes enormously to the safe and efficient flow of peaceful civil traffic. By what tortured reasoning do we inhibit or deny free access to that technology?

There are other dramatic examples of this same kind of reasoning:

The C-130 transport aircraft sold for any use whatsoever is considered a lethal weapon under current practice.

Satellite communications systems built in this country and launched from this country under contract to a foreign country, but never physically delivered to that foreign government, are on the munitions list.

It is these items and many others like them which I sincerely hope could be reclassified off the "lethal weapons" list and onto some other list where they more truly belong.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. MILFORD. I yield to the chairman.

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman for yielding to me.

I have consulted with some of the Members on this side of the aisle, carefully studied the gentleman's amendment, and as I understand, it would require the President to undertake a review of our regulations relating to arms control. Is that true?

Mr. MILFORD. That is correct, Mr. Chairman.

Mr. ZABLOCKI. Mr. Chairman, I am prepared to accept the gentleman's amendment.

Mr. MILFORD. I thank the chairman.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. MILFORD. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, we on the minority side have had a chance to review the amendment, and we also accept it.

Mr. MILFORD. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. Milford).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SIMON

Mr. SIMON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Simon: Page 20, line 20, immediately after "purposes of" insert "or which are likely to have the effect of".

Mr. SIMON. Mr. Chairman, I offer an amendment to H.R. 6884, the International Security Assistance Act of 1977, to strengthen its prohibition on assistance for repression—section 19.

As presently drawn, that new section prohibits security-assistance if made "for the purpose of" aiding repression by foreign governments.

My amendment would strengthen and clarify this section.

I doubt that the United States would ever provide assistance for the purpose of helping a foreign government repress its people.

My amendment simply adds the words "or which are likely to have the effect of," requiring us to take more than a superficial look at the nature of the use of our arms assistance.

I recognize that such judgments are necessarily subjective. It is not the intent of this amendment to subject the executive branch to charges that it had violated the law if events turn out other than predicted. And, the amendment gives the administration ample flexibility. But, such judgments must be attempted, and it is within the policymaking role of Congress to demand that they be made.

Let me take an extreme example: President Idi Amin of Uganda asks for 500 machine guns for the stated purpose of repelling a foreign invader. Under the present language, that sale or assistance might be legal. But, under the language of my amendment, the consideration would have to be not only the stated purpose but "the likely effect," and under the latter consideration, there would probably be a denial of the sale or assistance.

My amendment strengthens this bill by setting a higher standard for security assistance decisionmaking by focusing attention on results as well as stated purposes.

This amendment requires no additional reports from the executive branch.

This amendment is stronger than the Department of State would like, but that Department's reluctance to take responsibility for its judgments and recommentions and to expose them to critical outside analysis illustrates the problem.

The text of my amendment is: page 20, line 20, immediately after "purposes of" insert "or which are likely to have the effect of."

I discussed this amendment with Representative Lester Wolff, the author of the section of H.R. 6884 which it would amend, and he agreed to accept it. I hope that you will also join me and support this amendment.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I yield to the gentleman from New York.

Mr. WOLFF. Mr. Chairman, I have read the amendment. I do think that it strengthens the prohibitions on assistance.

I feel very strongly that we should accept this amendment.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I yield to the gentleman from Illinois (Mr. Findley).

Mr. FINDLEY. I thank the gentleman for yielding.

Mr. Chairman, I would like to express my strong support for the gentleman's amendment.

Mr. SIMON. I thank the gentleman.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I yield to the gentleman from Wisconsin (Mr. Zablocki).

Mr. ZABLOCKI. I thank the gentleman for yielding. I wish to thank the gentleman from Illinois for extending the courtesy of sharing his amendment prior to offering it. As I advised the gentleman, I had some problem with the language, "which are likely to have the effect." As the gentleman recalls, I suggested this language would require the executive branch to have a crystal ball, because this is looking into the future, as to how one would interpret, and it would make it very difficult. Nevertheless, I am prepared to accept the gentleman's amendment, although I had some reservations about it.

Mr. SIMON. Mr. Chairman, I thank the chairman of the committee. I hope his reservations will prove unfounded. We still leave the judgment to the Department of State.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I yield to my colleague, the gentleman from Michigan (Mr. Broomfield).

Mr. BROOMFIELD. I thank the gentleman for yielding.

Mr. Chairman, we, too, have had a chance to review the amendment. I want to thank the gentleman for giving us the amendment in advance. We think it is a good amendment and we support it.

Mr. EDWARDS of California. Mr. Chairman, I wish to urge my colleague's support for the amendment offered by Mr. Simon to the International Security Assistance Act. As presently drafted, section 19 of H.R. 6884 really provides a loophole through which this Nation's legitimate concern for basic human rights could be dissipated due to the expediency of promoting our military aid programs.

The Simon amendment aims at correcting this problem by requiring the executive branch to take into account the likely outcome of security assistance transactions. Where it appears likely that the recipient government will use the assistance for repressive measures against its citizens, then the security assistance in question would not be forthcoming. In other words, Mr. Chairman, the Simon amendment merely requires that a reasonable judgment be made as to the ultimate effect of U.S. aid on the population which that aid is intended to help.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. Simon).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. VOLKMER

Mr. VOLKMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Volkmer: On page 11, strike subsection 2 of section 534.

Mr. VOLKMER. Mr. Chairman, this amendment is a very simple provision. It just strikes the provision that would allow the respective committees of the House and the Senate, after the President would give a reason to obligate additional funds for Portugal, to approve the use of these funds.

Mr. Chairman, I feel that it is imperative that a matter of this importance should be before Congress, both the full House and the Senate, as to whether or not additional funds for any reasons should be obligated. I do not disagree that additional funds may be necessary. I do not disagree that the President, if he certifies a total of $300 million from other loans, can loan additional funds, but I do feel that if for any other reason unknown to us at this time the President would propose to give additional funds or loan additional funds to Portugal, the full body of the House and the Senate should act upon it. We have done so previously, just this spring, and I feel that there would be sufficient time for the full body to act.

I also question the constitutionality of the redelegation of this authority back to a committee for an authorization of these additional funds.

For those reasons I urge the adoption of the amendment, and I would yield for any questions.

Mr. ZABLOCKI. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Missouri (Mr. Volkmer) contends that the provision requiring the appropriate committees to approve the obligation of sums authorized to be appropriated is unconstitutional, and on the basis of that understanding, he has introduced his amendment. However, a review of the statutes shows no less than 11 existing statutory provisions which condition the obligation of funds or other executive branch proposals on action by congressional committees. None have been determined unconstitutional. For example, section 103 of the Foreign Assistance Act of 1961, as amended, provides that none of the $200 million authorized to be appropriated for the International Fund for Agricultural Development may be obligated unless the articles of agreement for the fund are reviewed and approved by House International Relations and Senate Foreign Relations Committees. Such review and approval was completed earlier this session.

Similar provisions, Mr. Chairman, requiring the prior approval of the following committees appear in 10 other statutes: The House Education and Labor and Senate Labor and Public Welfare Committees; the House and Senate Public Works Committees; the House Committee on Interstate and Foreign Commerce; the Committees on Interior and Insular Affairs of the House and Senate; the House and Senate Committees for the District of Columbia; and the House and Senate Appropriations Committees.

Mr. Chairman, in addition to the numerous unchallenged precedents for this provision, I would point out that this requirement is particularly warranted for at least two reasons. There was a specific reason why we included this provision.

First, the United States has given Portugal considerable aid over the last several months. For fiscal year 1977 alone the estimated United States military and economic aid package to Portugal will be about $572 million. We need to encourage others, other nations in Europe and particularly and especially our NATO allies, to make the same effort. This amendment in the bill is a step in that direction; that is, to encourage other nations. It should serve as an incentive for other nations to join our country in aiding Portugal.

Second, the Congress was originally told that our $300 million contribution was to be part of a larger European loan package of around $700 million; yet we see few real firm commitments from other governments at this time. This provision, Mr. Chairman, is designed to give the leverage necessary to gain those commitments. That is why I believe this language should stay in the bill.

Mr. Chairman, I urge the defeat of the amendment.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, my amendment does not strike lines 8 through 11, which do provide that the President certifies to Congress that other countries have made firm commitments before January 1, 1980. That is not stricken. I agree with the gentleman that that language should remain in the bill, and that language is not stricken.

Therefore, all I am striking is that part relating to "for any other reason." The President, as I understand it, under subsection (2) would be entitled for any other reason, any reason unknown to any of us here now or unknown to any Member of the House, to certify why funds in excess of $200 million should be obligated, and the committees would not act and the rest of us would never know the reason why.

As to the delegation of authority of committees back to other committees, I agree that that provision is contained in statutory language, but I do not believe we will find it has ever been upheld. I believe each committee, by other means of determination, agrees that it is a constitutional authority or delegation of authority by the legislative branch. First of all, I think it is bad policy to delegate this type of authority back to a committee.

I am not saying that the gentleman and his committee will not act properly, but I feel that it is a matter that should be addressed. I am sure the gentleman will recognize that the provision he speaks of is not contained in my amendment.

Mr. Chairman, my amendment does not strike that provision which authorizes the additional funds.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. Zablocki) has expired.

(By unanimous consent, Mr. Zablocki was allowed to proceed for 30 additional seconds.)

Mr. ZABLOCKI. Mr. Chairman, in reply to the gentleman from Missouri (Mr. Volkmer), I find that his amendment reads: "On page 11, strike subsection (2) of section 534."

The prior amendment offered by the gentleman from Missouri, it seems, would be striking lines 3 through 22 on page 11. I, nevertheless, urge that the gentleman's amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. Volkmer).

The amendment was rejected.

AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Sawyer: Page 21, immediately after line 14, insert the following new subsection:

(c) It is the further sense of the Congress that the President should take all effective measures to assure that the Republic of Korea is cooperating fully with the investigations being conducted by committees of Congress.

Mr. SAWYER. Mr. Chairman, I first wish to commend the committee for its attention to the very serious issue of South Korean influence upon Members of Congress.

My amendment, which is a very simple one, seeks only to insure that the appropriate House committees investigating this matter will receive no less cooperation than that investigation being carried out by the Department of Justice.

I propose a new subsection (c) to state "the further sense of the Congress that the President should take all effective measures to assure that the Republic of Korea is cooperating fully with the investigations being conducted by committees of Congress."

Very important investigations on South Korean influence are now taking place in the House Committee on Standards of Official Conduct and the House Subcommittee on International Organizations, chaired by the very able gentleman from Minnesota, by Mr. Fraser.

Just 2 weeks ago 20 of the 21 Republican freshmen united to introduce a resolution calling for "prompt and determined action" in investigating South Korean wrongdoings. We are convinced this is the type of action wanted by the American people.

If, as has been suggested in recent newspaper accounts, the Department of Justice is reluctant to tackle this investigation full steam because of the potential political consequences, it is even more essential the Congress continue to move forward giving the entire South Korean situation a full and complete public airing.

The climate for cooperation between our Government and that of South Korea is very favorable. Just 2 weeks ago, President Carter received at the White House the new ambassador from the Republic of Korea, Mr. Kim Yong-Sik. A very dedicated, able professional diplomat, I believe this appointment symbolizes the importance with which the Government of the Republic of Korea views relations with the United States.

It is within this framework that the President as chief spokesman for our foreign policy can pursue the necessary effective measures to insure optimal cooperation between the Republic of Korea and Justice Department and congressional committee investigations.

I believe the Congress will be served well, the American people will be served well, and above all, the Nation's interest will be served well by this amendment and I urge its adoption.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, at the very outset, I want to thank the gentleman from Michigan (Mr. Sawyer) for making his amendment available to the chairman and the members of the committee.

In the language of my colleague, the gentleman from Ohio (Mr. Ashbrook), this may be an overkill amendment, since it is a sense of Congress amendment and just repeats what is already in the bill. After studying the amendment, however, I am prepared to accept the gentleman's amendment, even though it is redundant.

Mr. SAWYER. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. Zablocki), even though I do not agree with his observation.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, we also accept the amendment of the gentleman from Michigan (Mr. Sawyer) on this side of the aisle.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. Sawyer).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HARKIN

Mr. HARKIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Harkin: Page 15, line 18, strike "$675,850,000" and insert in lieu thereof "$665,575,000" and in line 22, strike "$2,098,500,000" and insert in lieu thereof "$1,995,750,000."

Mr. HARKIN. Mr. Chairman, the amendment I am offering will reduce the aggregate ceiling for foreign military sales to $1,995 billion for the fiscal year 1978. This is a reduction of $102.7 million, and that is 10 percent below the administration request and not quite 5 percent below the committee's recommendation.

In very simple terms, Mr. Chairman, all this amendment does is make a 5-percent across-the-board cut in the foreign military sales program and only the foreign military sales program.

However, I might also add that it does not affect in any way the earmarked funds for Israel in the Middle East.

Mr. Chairman, the purpose of my amendment is threefold:

First, to make less funds available to governments that systematically violate human rights.

Second, to encourage foreign governments to rely less on military means to resolve conflicts.

And third, to reduce the budget a little bit.

As I say, Mr. Chairman, the amendment provides for across-the-board, unspecified cuts, which leaves the administration with complete and total flexibility in implementing the reduction. They can take it from wherever they want.

It is likely, however, that the cuts will be concentrated on the Third World nations, Asia, Africa, and Latin America, because of the nature of our agreements with European and Middle Eastern nations.

At the same time, Mr. Chairman, the House will remain clearly committed to its policy as legislated in section 502B of the Foreign Assistance Act, which is the human rights amendment.

Mr. Chairman, the bill, as reported from committee, does contain reductions in foreign military sales for Ethiopia, Brazil, Argentina, El Salvador, and Guatemala, because of gross and systematic violations of human rights.

However, the bill ignores similar human rights situations in Indonesia, the Philippines, Thailand, South Korea, Nicaragua, Paraguay, Peru, and many other Third World nations.

Mr. Chairman, I do not think we can ignore involvement in these nations; and we should make it absolutely clear, by this action, that we will not finance arms for nations which continue their repressive authority.

Mr. Chairman, a disturbing trend in recent years is that arms sales and exports have become concentrated in the underdeveloped nations. Thus, those nations which are least able to afford and least able to responsibly utilize arms are doing the most buying. For example, in the developing countries of South America, Africa, and Asia, military spending has tripled in real terms in the last 15 years.

Mr. Chairman, the committee bill increases the amount of weapons in the world when we should be developing the means of reducing world armaments.

According to a 1975 Harris poll, 63 percent of the American people feel our Government has no justification for backing "authoritarian governments that have overthrown democratic governments."

And 73 percent of the American people oppose U.S. support of a military dictatorship "even if that dictatorship will allow us to set up military bases in that country."

Certainly, Mr. Chairman, every indication of public sentiment supports our phased-out withdrawal of support of foreign dictatorships.

The United States cannot force other governments to embrace democratic principles and economic justice, but neither should it base defense of its vital interests, or hopes of regional security, on governments which must use secret police, detentions without charges and torture to perpetrate their power.

I might also add that as recently as last week President Carter in a policy statement said:

> The United States will henceforth view arms transfers as an exceptional foreign policy implement.

The President also went on to say:

> The dollar volume of new commitment for weapons and weapon related items in fiscal year 1978 will be reduced from the fiscal year 1977 total.

The dollar volume this year in the committee bill is $76.4 million greater than in fiscal year 1977. Under my amendment the dollar amount would be $126.25 million less than in fiscal year 1977. So I would submit that the amendment I am offering is just a small, across-the-board, 5 percent cut with no exceptions from what country it has to come but leaves the administration with full flexibility to determine where the cuts will be made, and does, in fact, correspond more with the policy statement issued on May 20 by President Carter than does the committee bill itself.

Mr. Chairman, I urge the adoption of the amendment.

Mr. ZABLOCKI. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment offered by the gentleman from Iowa (Mr. HARKIN) would provide an across-the-board cut in foreign military sales financing. Such a cut would fall with disproportionate weight on programs in the non-Middle East, non-European countries.

No reductions can be made in some programs. For example, Congress earmarked $1 billion in FMS for Israel. The Jordan program has been earmarked at the level of $75 million, Spain is earmarked for $120 million, according to a treaty commitment.

Greece and Turkey levels conform to base agreements under negotiation or awaiting congressional action.

Because of these fixed programs, for example a 5-percent overall cut would translate into an approximately 25 percent cut for the other recipients, including Indonesia, Korea, Thailand, Kenya, Morocco, the Philippines, among others.

It would be impossible to avoid heavy reductions in the Korean program which constitutes an essential element of support for the President's stated policy of reducing U.S. ground forces in Korea.

Furthermore, Mr. Chairman, an across-the-board cut in appropriation authority for foreign military sales would have an even more drastic effect on these programs worldwide.

The Israeli program—repayment of half of which is forgiven—requires $550 million or 81 percent of the total $676 million.

A 10-percent cut would translate into more than a 50-percent cut. The amendment offered by the gentleman from Iowa (Mr. HARKIN) is about 5 percent, it translates into approximately a 25-percent reduction for recipients other than the Middle Eastern and European countries where we cannot reduce the actual funds provided.

Under these circumstances, as I have said, the programs in many countries would have to be eliminated or drastically cut, including the program in Korea.

Therefore, Mr. Chairman, I believe this is an ill-advised amendment and I urge a no vote on the amendment.

Mr. FRASER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when this bill was under consideration in our committee, some of us who have been concerned about the conduct of recipient governments in relation to the human rights problem offered no specific-country amendments. But it would be a mistake for the executive branch to assume that on that account we fully endorse the full amount of money that is provided in this legislation for some of these countries.

For example, with respect to Korea I think it might be noted that the last man to run against President Park, Kim de Jung—who got better than 45 percent of the vote—who had the temerity to sign a declaration calling for the restoration of democracy in South Korea, has not only been convicted and sentenced to a number of years in jail, but not long after the Assistant Secretary for the Far East was in Seoul, Kim de Jung was transferred to a jail far removed from Seoul, from his family, and family visits are now limited to a few minutes a month.

This is the same man of courage who ranks with the Solzhenitsyns and with the Sakharovs of this world, who was kidnaped by the KCIA from his hotel room in Tokyo I think it was in 1973. Our reward to South Korea is to send more military aid.

I did not offer an amendment cutting Korean aid because I am putting some trust—and I hope it is not misguided—in this administration to make clear its views on the human rights situation in Korea.

Look at the Philippines. Not long after a congressional delegation was in the Philippines and spoke to President Marcos, a woman named Mrs. Herrara, who has been a leader in a community organization in the slums of Manila, was arrested and tortured. Now President Marcos claims that those who tortured her are going to be court-martialed. But the tragic fact is that in the Philippines torture has been a common practice in the last half dozen years since martial law was declared. What is our reward to the Philippines? It is more military assistance.

There is a disgrace involved in American programs of military aid to these governments that can never be redeemed. I have supported these across-the-board reductions in the aggregate programs in the hope that the administration would find it made sense to make some modest reductions to some of these governments. My hope was to leave it to the administration in the belief that this could be coordinated with some of the quiet diplomacy, which I generally believe is the most effective, in pursuing the human rights concerns of the United States. That is why I offered an amendment similar to the amendment offered by the gentleman from Iowa.

His amendment would cut 5 percent from foreign military sales. It specifies no country. It exempts Israel because Israel is given $1 billion in a separate provision.

I think this is a good amendment. It will save the taxpayers some money—not much, but some money. But it might save our conscience and our soul.

Mr. HARKIN. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Iowa.

Mr. HARKIN. I thank the gentleman for yielding.

I want to compliment the gentleman in the well on his remarks, and I wish to associate myself with them completely.

I just might add in response to the chairman of the committee that a 5-percent cut across the board on everything would not really have probably that much effect on Korea. I just note that the amount for Korea for next year is 80-percent greater than it was last year, so a 5 percent across-the-board cut is not going to really deeply invade that 80-percent increase to Korea. I would hope that some of that money would be taken out of that total increase.

Mr. FRASER. I thank the gentleman.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman for yielding.

Is it not true that the gentleman's amendment would require a 5-percent cut out of the total? Are there not some countries where we could not cut across the board?

For example, there are some countries where we have programs which cannot be cut because of treaties. But is my understanding correct that we cannot cut across the board 5 percent because Israel, for instance, is locked in?

Mr. FRASER. Israel is not included, so the 5 percent would have to come from the balance of the others.

Mr. ZABLOCKI. Other countries that are locked in include Morocco, Tunisia, Kenya, Thailand, and Indonesia.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(By unanimous consent, Mr. FRASER was allowed to proceed for 3 additional minutes.)

Mr. HARKIN. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Iowa.

Mr. HARKIN. Mr. Chairman, not every country has to be cut 5 percent. I did not say that. Some countries would be cut more and some less. I leave that up to the President, but I did not say every country had to be cut 5 percent.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first I would like to discuss the point made by the gentleman from Iowa a moment ago when he raised the red herring of aid to Korea to justify his amendment. The reason for the apparent discrepancy in figures is because of the funding adjustment in the transition quarter which creates a disproportionate line item. We have to keep in mind the fact that General Brown is over in Korea negotiating the withdrawal of U.S. troops. We are going to be asked to provide additional funds over the years for Korea, not less.

I ask the Members not to fool themselves that we are going to strike a blow for economy by striking a blow at Korea. We are going to be required to maintain the balance there. If U.S. troops are withdrawn, we will have to invest more in the troops of Korea. I am sure no one wants the effectiveness of the South Korean troops to be reduced to the point where they would be subject to attack by North Korea. I am sure no one wants a repeat of that.

The gentleman from Minnesota (Mr. FRASER) was, of course, quite logical, because his issue is to deprive any country of assistance if the country does not abide by the gentleman's definition of human rights. But then in the earlier debate on aid for the so-called front line countries in Africa, we should have had a different result since they are great practitioners of human rights.

I think there should be some move for cutting off the anti-American countries. This amendment aims at American allies. This amendment would have an adverse effect on some of our key allies in addition to Korea.

One is Indonesia. If we ever face another Arab boycott, we know how important Indonesian oil is going to be. I might suggest Indonesia has come a long way in recent years in developing a basis of democracy, even though they do not have a system quite as perfect as ours.

Then there is Thailand. I do not have to tell the Members about our historic relations with Thailand.

Kenya is another country that would suffer. I do not happen to think Kenya has the most enlightened democracy in the world, but I understand the problems they have and they are slowly developing.

Morocco is one of the most pro-American countries in the Arab world. They just played a stabilizing role in resisting the invasion of Shaba Province.

Then Malaysia and the Philippines would also be affected.

There is one other point to make. Because of the fact that the gentleman excludes Israel, Spain, Greece, and Turkey from the effects of his cut, he is providing a 30-percent cut against these other countries. This is not a token gesture. This becomes a gutting amendment at that point.

If we want to invite a new invasion of South Korea by North Korea or add to the domestic problems in the Philippines or to the instability in Southeast Asia, where Thailand borders on Laos and Cambodia, support this amendment.

I would suggest if this amendment were adopted it would be a slap in the face to the foreign policy that President Carter is trying to develop.

I would suggest that if we have confidence in our President, and I should not have quite as much confidence in him as some Members do, but I have. What we should not do at this point is to short-change him in the first bill he receives to implement foreign policy. This is false economy. It is aimed at the wrong countries for the wrong purposes and the fact that to justify this misguided amendment we have to drag out the poor unfortunate Koreans, who do not have a single friend in the press these days and who are a easy target, is a bad legislative approach. This amendment if adopted would be a devastating blow to the conduct of foreign policy.

Mr. EDWARDS of California. Mr. Chairman, I wish to offer my strong support for the amendment offered by Mr. HARKIN to H.R. 6884, the International Security Assistance Act. This amendment, when combined with the reductions already mandated by the House International Relations Committee would result in a 10-percent reduction from the administration's request.

The purpose of the amendment is primarily to reduce the flow of weapons funding to governments that systematically engage in gross violations of internationally recognized human rights. At the same time it serves to encourage foreign governments to rely less on military means of resolving conflicts, while also decreasing the amount of money the United States spends on foreign aid.

I feel that the Harkin amendment is necessary to clearly establish this Nation's policy of support for the human rights of people throughout the world. While the United States cannot force other nations to adopt democratic principles, we must not base our hopes for regional stability and world peace on the granting of military assistance to governments which refuse to recognize the most fundamental human rights of their citizens.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. HARKIN).

The question was taken; and on a division (demanded by Mr. HARKIN) there were—ayes 16, noes 32.

Mr. HARKIN. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Seventy-two Members are present, not a quorum.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Iowa (Mr. HARKIN) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 139, noes 260, not voting 34, as follows:

[Roll No. 280]

AYES—139

Abdnor
Allen
Ambro
Ammerman
Anderson, Calif.
Applegate
Ashbrook
Aspin
AuCoin
Badillo
Baucus
Beilenson
Bennett
Bingham
Blouin
Bonior
Brademas
Brinkley
Brodhead
Brown, Calif.
Brown, Ohio
Broyhill
Burgener
Burke, Calif.
Burton, John
Burton, Phillip
Caputo
Carr
Cavanaugh
Chisholm
Conte
Corman
Cornell
Davis
Dellums
Devine
Downey
Drinan
Early
Eckhardt
Edgar
Edwards, Calif.
Emery
Evans, Del.
Evans, Ind.
Fithian
Ford, Tenn.
Fraser
Frenzel
Glickman
Gore
Grassley
Hammerschmidt
Hannaford
Harkin
Harrington
Heckler
Hightower
Holtzman
Hughes
Jacobs
Johnson, Colo.
Jones, Tenn.
Kastenmeier
Kemp
Ketchum
Keys
Kildee
Koch
Kostmayer
Krebs
Leach
Lehman
Lujan
McDade
Maguire
Mann
Markey
Marks
Marlenee
Mattox
Meeds
Miller, Calif.
Mitchell, Md.
Moakley
Moffett
Mottl
Murphy, Pa.
Natcher
Neal
Nolan
Oberstar
Ottinger
Panetta
Pattison
Pike
Pressler
Quillen
Rahall
Rangel
Reuss
Richmond
Rinaldo
Rodino
Rogers
Roncalio
Rosenthal
Roybal
Runnels
Scheuer
Schroeder
Schulze
Seiberling
Sharp
Shipley
Shuster
Simon
Slack
Smith, Nebr.
Stark
Stokes
Studds
Stump
Symms
Thone
Traxler
Trible
Tsongas
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Walker
Weaver
Weiss
Whitten
Wirth
Wylie

NOES—260

Addabbo
Akaka
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Archer
Armstrong
Ashley
Badham
Bafalis
Barnard
Bauman
Beard, R.I.
Beard, Tenn.
Benjamin
Bevill
Biaggi
Blanchard
Boggs
Boland
Bolling
Bonker
Bowen
Breaux
Breckinridge
Broomfield
Brown, Mich.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Carney
Carter
Cederberg
Chappell
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Coleman
Collins, Tex.
Conable
Conyers
Corcoran
Cornwell
Cotter
Coughlin
Crane
Cunningham
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
de la Garza
Delaney
Derwinski
Dickinson
Dicks
Diggs
Dingell
Dodd
Dornan
Duncan, Oreg.
Duncan, Tenn.
Edwards, Ala.
Edwards, Okla.
Eilberg
English
Erlenborn
Ertel
Evans, Colo.
Evans, Ga.
Fascell
Fenwick
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Mich.
Fountain
Fowler
Frey
Fuqua
Gammage
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Gradison
Gudger
Guyer
Hagedorn
Hall
Hamilton
Hanley
Hansen
Harris
Harsha
Hefner
Heftel
Hillis
Holland
Hollenbeck
Holt
Howard
Hubbard
Huckaby
Hyde
Ichord
Ireland
Jeffords
Jenrette
Jones, N.C.
Jones, Okla.
Jordan
Kasten
Kazen

Kelly
Kindness
Krueger
LaFalce
Lagomarsino
Latta
Le Fante
Lederer
Leggett
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Luken
Lundine
McClory
McCloskey
McCormack
McDonald
McEwen
McFall
McHugh
McKay
McKinney
Mahon
Marriott
Martin
Mathis
Meyner
Michel
Mikulski
Milford
Miller, Ohio
Mineta
Mitchell, N.Y.
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Moss
Murphy, N.Y.
Murtha
Myers, Gary
Myers, Michael
Myers, Ind.
Nedzi
Nichols
Nix
Nowak
O'Brien
Obey
Patten
Patterson
Pease
Pepper
Perkins
Pettis
Pickle
Preyer
Pritchard
Pursell
Quayle
Quie
Railsback
Regula
Rhodes
Risenhoover
Roberts
Robinson
Rooney
Rose
Rousselot
Rudd
Ruppe
Ryan
Santini
Sarasin
Satterfield
Sawyer
Sebelius
Sikes
Skelton
Smith, Iowa
Solarz
Spellman
St Germain
Staggers
Stangeland
Stanton
Steed
Steiger
Stockman
Stratton
Taylor
Thompson
Thornton
Treen
Tucker
Udall
Ullman
Vander Jagt
Waggonner
Walsh
Wampler
Watkins
Waxman
Whalen
White
Whitehurst
Whitley
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wolff
Wright
Wydler
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Young, Tex.
Zablocki
Zeferetti

NOT VOTING—34

Annunzio
Baldus
Bedell
Brooks
Clay
Collins, Ill.
Derrick
Dent
Fary
Flippo
Florio
Forsythe
Hawkins
Horton
Jenkins
Johnson, Calif.
Madigan
Mazzoli
Metcalfe
Mikva
Minish
Murphy, Ill.
Oakar
Poage
Price
Roe
Rostenkowski
Russo
Sisk
Skubitz
Snyder
Spence
Steers
Teague

On this vote:

Mrs. Collins of Illinois for, with Mr. Annunzio against.

Mr. Russo for, with Mr. Florio against.

Ms. HOLTZMAN, Mrs. SMITH of Nebraska, Mr. KREBS, and Mr. HAMMERSCHMIDT changed their vote from "no" to "aye."

Mr. ASHLEY changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. LENT. Mr. Chairman, I rise in support of this legislation. In particular, I congratulate the Committee on International Relations for recognizing what is at stake in the Middle East and providing the type of assistance which will help to promote peace in that important region.

A key element in the future stability of the Mideast is our security supporting assistance, which helps to assure economic and political stability in the recipient nations. All of the nations in the Mideast which receive U.S. assistance face serious economic problems in one form or another. Israel, for example, spends a major portion of its budget for national defense. I was pleased to note that the committee has recognized this problem, and has made $300 million of the $785 million security assistance package for Israel available for budget support on a grant basis.

With respect to military assistance, I am pleased that the committee has again recognized the need to back up Israel's struggle for peace by authorizing $1 billion in military sales to Israel, half of which does not have to be repaid. The harsh reality is that Israel needs considerable military assistance from the United States because otherwise it would face a severe arms balance disadvantage.

Mr. Chairman, the Middle East situation is as stable now as it has been in recent memory. We are, admittedly, a long way away from a permanent peace settlement, but I am certain that were it not for U.S. interest and assistance, instability would reign in the Middle East. I urge my colleagues to continue our commitment not only to a military balance in the Mideast, but to economic stability there as well. H.R. 6884 would help promote those goals.

Mr. BADILLO. Mr. Chairman, I rise in support of H.R. 6884, the international security assistance bill, but I do so with reservations. Although there are many aspects of the bill that deserve positive consideration, I am disturbed at the exhorbitant amounts of money that we are still putting into military assistance to dictatorial regimes that could be so much better spent as economic and development assistance. Although the amount requested in this bill is $46.1 million below the administration request, it is still an enormous $214.1 million above last year's authorization.

This is particularly ironic when we note that there is an authorization for $255 million worth of stockpiled defense artcles for use in a war emergency in South Korea. We are increasingly becoming involved in a catch 22 situation in Korea. We have finally agreed to withdraw our troops over the next few years. In exchange for that, we have, unfortunately committed ourselves to increasing military assistance so it can defend itself from the north. At the same time, we have no authorization for economic aid to South Korea, because of the repressive regime in that country. And so we end up spending arms to a country whose government we condemn, and no longer assist its people to develop.

I am pleased that an honest effort has been made by the committee to include language that will prohibit assistance from going to the most repressive regimes to enable them to suppress their citizens. Yet at the same time, the only four countries that we have eliminated from our military assistance package are those four countries that have rejected our aid. In fact, the largest increase in MAP aid for this year is to the Philippines, a country whose disrespect for human rights is increasingly publicized. Last year, country after country that was in violation of the human rights of its citizens had its aid cut as a clear signal that the United States was committed to a strong human rights policy. This year, there are only minimal cuts for four countries, and a $15 million cut for Zaire. I shall vote for the amendments that will delete the authorization for Zaire and cut military training and education programs in Argentina, and prohibit military sales to that country. It is frightening to think that we are training people, and providing the weapons, for them to shoot down their own citizens.

Of course, I applaud the $1 billion authorization for funding for Israel. It serves our best interests to affirm our support for our good friend in the Middle East. Israel is besieged, the change of government will bring new tensions that may bring the country closer to war. We must help Israel to help itself, if this bastion of democracy is to survive in the Middle East. At the same time, our authorizations of funds for the Arab countries will strengthen our influence with them and ease the road to a peaceful settlement of this troubling situation.

It is because of Israel that I shall vote for this bill. But I think it is about time that we thought more carefully about the long-range planning of our global future. What kind of security are we talking about where we secure the borders of countries supposedly our allies, while the people within those borders go hungry and illiterate? I hope that under the new administration, with its commitment to human rights and human development, there will be a redirection and restructuring of our policies for the future.

The CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. FOLEY) having assumed the chair, Mr. FUQUA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6884) to amend the Foreign Assistance Act of 1961 to authorize international security assistance programs for fiscal year 1978, to amend the Arms Export Control Act to make certain changes in the authorities of that act, and for other purposes, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Speaker, I offer a motion to recomit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. FINDLEY. I am, Mr. Speaker.

The SPEAKER pro tempore. The clerk will report the motion to recommit.

The Clerk read as follows:

Mr. FINDLEY moves to recommit the bill H.R. 6884 to the Committee on International Relations with instructions to report the same to the House forthwith with the following amendment:

Page 17, immediately after line 24, insert the following new subsection:

(e) Section 620(x) of such Act is amended by adding at the end thereof the following new paragraph:

"(3) The President may suspend any of the provisions of this subsection, section 505(d) of this Act, and section 3(c) of the Arms Export Control Act, with respect to Turkey if he determines that such suspension is necessary (A) to enable Turkey to fulfill its defense responsibilities as a member of the North Atlantic Treaty Organization, or (B) to meet overriding requirements of United States national security. Each such determination shall be reported in writing immediately to the Congress, together with a full and complete statement of the reasons supporting the determination and a detailed description of the assistance or sale with respect to which such determination applies.".

Mr. FINDLEY. Mr. Speaker, copies of this motion, which is a clear motion, may be found at the desk. I have a stack of copies here. I think Members would be well advised to read carefully the language before they vote. It may be that some of them could not hear because of the tumult.

The effect of the motion is to give the President an additional tool with which he can hopefully untangle the stalemate on Cyprus and improve our relations with Turkey. This motion gives the President the right under two very clear and limited circumstances to suspend the embargo on Turkey. It does not rescind the embargo. These two circumstances are the following: First of all, in order to enable Turkey to fulfill its responsibility under the North Atlantic Treaty Organization; and, second, to permit the President to fulfill overriding national security interests of the United States. These are the only two circumstances in which the President would be able to suspend the embargo on Turkey. Nevertheless, these are important exceptions, and I think all of us will recognize that if the stalemate continues, the Greek Cypriots are no better off than they were. I, myself, have come to the conclusion that until we provide a way to relieve the embargo situation, the stalemate will continue, and it is in that spirit that I offer this motion.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Pennsylvania.

Mr. MOORHEAD of Pennsylvania. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the motion. It does not end the embargo. The embargo will continue to be part of the law. It does have three effects: One, it gives the President flexibility to negotiate a passive settlement between two of our NATO allies; two, it strengthens the southeast flank of NATO; and three, it does recognize that there may be some absolutely overriding circumstances of U.S. national security.

Mr. FINDLEY. I thank the gentleman.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding.

I rise in support of the gentleman's recommittal motion. I really, Mr. Speaker, think it is about time we started treating Turkey as a friend and not an enemy.

Mr. FINDLEY. I thank the gentleman.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Florida.

Mr. GIBBONS. I thank the gentleman for yielding.

I am going to support the Findley motion to recommit because I think in the last 2 years this Congress has been building into this bill and into its foreign policy emphasis on human rights. I think that this gives our President, who has taken a real strong lead in the area of human rights, an added tool by which he can really do something constructive rather than just have the stalemate we have had between the Greeks and the Turks. This gives him a tool by which he can positively move forward in the field of human rights.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the motion. We have heard many appeals on the floor both yesterday and today to permit this new administration a certain flexibility in its conduct of international affairs. The situation in the eastern Mediterranean today is very tenuous, and it seems to me that, therefore, we in the Congress do have a very peculiar responsibility to permit this new American President to use his leverage where he can for what purpose—if the Members will read this motion—to protect the legitimate security interests of the United States.

I support the motion.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Arizona.

Mr. RHODES. I thank the gentleman for yielding.

I support the Findley motion to recommit. I think that it is absolutely imperative that the President of the United States have the flexibility which is necessary to save the southern flank of NATO, and it is very important that as far as Turkey and Greece are concerned, they both remain members of NATO. I think this will allow that to happen.

Mr. McCLOSKEY. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from California.

Mr. McCLOSKEY. I thank the gentleman for yielding.

I hope the Members will remember the service that Turkey gave to this Nation in 1950.

Mr. Speaker, I can remember the dark days of 1950 when Turkey almost alone of our allies volunteered to assist this country when we were fighting in Korea. It seems to me the situation today justifies granting the President this limited authority in the motion to recommit.

I urge support of the motion.

Mr. DAN DANIEL. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Virginia.

Mr. DAN DANIEL. Mr. Speaker, I thank the gentleman from Illinois (Mr. FINDLEY) for yielding and for offering this amendment.

Turkey has been one of our closest friends and allies over the years, and the fracture of our relationship with that country has not served well the interests of Turkey or the United States.

I strongly recommend that the amendment be adopted.

Mr. FINDLEY. Mr. Speaker, I urge support of the motion to recommit as a vote of confidence in the President.

Mr. ZABLOCKI. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, I think no one in the House can question my friendship and my concern for the people of Turkey. I have supported assistance to Turkey in the past but I must rise in opposition to the motion to recommit and ask my colleagues to vote to defeat that motion for the following reasons.

The proposal was not presented during our hearings in committee, nor was an amendment offered during the debate in the last 2 days.

We have been hearing about signals given to certain countries on some of the amendments. I wonder what signal will be given if this motion to recommit prevails? I submit, Mr. Speaker, regardless of what happens and no matter how we vote on this recommittal motion, it will give the wrong signal to either Greece or Turkey and possibly to both.

As I said, there was no mention of this important issue when we had the bill in committee or on the floor for the past 2 days. Therefore I submit this is the wrong way for the gentleman from Illinois to accomplish his objective.

The provisions in the bill relating to Turkey are the result of long and involved negotiations between the various Members of the House, the Senate, and the executive branch. Adoption of this motion could therefore result in an unraveling of the entire agreement.

I would like to further point out that in our bill we modified the restrictions vis-a-vis Turkey. The $175 million in foreign military sales are allowed. In addition the committee recommended that Turkey be allowed to complete the purchase of the F-4 aircraft by the best possible and mutually acceptable means. It is my understanding that the executive branch is trying to work out a solution in this regard with Turkey.

The committee recommended that a defense cooperation agreement with Turkey be supported in principle, and it is the hope of the committee that all factions on this particular issue in the United States, in Congress and in the executive branch, will try over the next few months to focus attention on the future needs and efforts to resolve the Cyprus impasse and the problems it has caused in Greece and Turkey.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, I am asking the distinguished chairman of the full committee whether or not we ought to be cautious about late-comers bearing gifts. The administration did not ask for this motion to recommit; did it?

Mr. ZABLOCKI. It is my understanding the administration did not.

Mr. FASCELL. Mr. Speaker, if the gentleman will yield further. Therefore, as far as the argument which has been made that it would give the administration some flexibility and latitude, that is a gratuitous argument at this point, since they have not asked for it.

Mr. ZABLOCKI. It certainly is.

Mr. FASCELL. As a matter of fact, one must be rather curious as to why this very, very important issue, in which the committee spent weeks working out a finely tuned package is brought up under a motion to recommit, with only 10 minutes debate, when in previous Congresses when this issue was raised we have spent a great deal of time in this body in discussing and debating this very important issue; it is obvious, and does not the gentleman agree, this is no way to try to resolve this very important foreign policy decision, now that we have already reached a very carefully agreed upon agreement between the Congress and the administration.

Mr. ZABLOCKI. I might say to the gentleman, if the administration were to come to the chairman and to the gentleman in the well with an amendment to do what the recommital motion is intending to do, I might have accepted it; but they did not.

Mr. FASCELL. Mr. Speaker, if the gentleman will yield further, in that we had absolutely no discussion as far as any amendment in the committee, either in the committee or the subcommittee, where is the chairman of the subcommittee?

Mr. ZABLOCKI. Mr. Speaker, I urge a no vote to the motion.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken.

Mr. BROOMFIELD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 150, nays 256, not voting 27, as follows:

[Roll No. 281]

YEAS—150

Abdnor
Ammerman
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Archer
Armstrong
Badham
Bafalis
Beard, Tenn.
Bennett
Bevill
Bingham
Bowen
Breaux
Brinkley
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill
Burgener
Burleson, Tex.
Butler
Carr
Carter
Cederberg
Chappell
Clausen, Don H.
Cleveland
Cochran
Coleman
Collins, Tex.
Conable
Corcoran
Crane
Cunningham
Daniel, Dan
Daniel, R. W.
de la Garza
Devine
Dickinson
Duncan, Oreg.
Edwards, Okla.
English
Erlenborn
Evans, Colo.
Fenwick
Findley
Flippo
Flowers
Flynt
Fountain
Frenzel
Fuqua
Gibbons
Goldwater
Gonzalez
Gradison
Gudger
Guyer
Hagedorn
Hall
Hammerschmidt
Hansen
Hightower
Hillis
Huckaby
Ichord
Jeffords
Jones, Okla.
Kazen
Kemp
Ketchum
Krueger
LaFalce
Lagomarsino
Latta
Leach
Lloyd, Tenn.
Lott
McClory
McCloskey
McDade
McDonald
McEwen
McKinney
Madigan
Mahon
Marriott
Mathis
Michel
Milford
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Pa.
Myers, Ind.
Nichols
Pettis
Pickle
Pritchard
Quayle
Railsback
Rhodes
Risenhoover
Robinson
Roncalio
Rudd
Runnels
Ruppe
Sarasin
Satterfield
Sawyer
Schulze
Sebelius
Shipley
Shuster
Sikes
Simon
Smith, Iowa
Smith, Nebr.
Solarz
Stangeland
Stanton
Steed
Steiger
Stockman
Stratton
Stump
Symms
Taylor
Thone
Thornton
Treen
Van Deerlin
Vander Jagt
Waggonner
Walsh
Wampler
Watkins
White
Whitten
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Young, Alaska
Young, Fla.
Young, Tex.

NAYS—256

Addabbo
Akaka
Alexander
Allen
Ambro
Anderson, Calif.
Applegate
Ashbrook
Ashley
Aspin
AuCoin
Badillo
Baldus
Barnard
Baucus
Bauman
Beard, R.I.
Beilenson
Benjamin
Biaggi
Blanchard
Blouin
Boggs
Boland
Bolling
Bonior
Bonker
Brademas
Breckinridge
Brodhead
Brown, Calif.
Buchanan
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Byron
Caputo
Carney
Cavanaugh
Chisholm
Clawson, Del
Clay
Cohen
Conte
Conyers
Corman
Cornell
Cornwell
Cotter
Coughlin
D'Amours
Danielson
Davis
Delaney
Dellums
Derrick
Derwinski
Dicks
Diggs
Dingell
Dodd
Dornan
Downey
Drinan
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
Emery
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fascell
Fish
Fisher
Fithian
Flood
Foley
Ford, Mich.
Ford, Tenn.
Fowler
Fraser
Frey
Gammage
Gaydos
Gephardt
Giaimo
Gilman
Ginn
Glickman
Goodling
Gore
Grassley
Hamilton
Hanley
Hannaford
Harkin
Harrington
Harris
Harsha
Heckler
Hefner
Heftel
Holland
Hollenbeck
Holt
Holtzman
Horton
Howard
Hubbard
Hughes
Hyde
Ireland
Jacobs
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Tenn.
Jordan
Kasten
Kastenmeier
Kelly
Keys
Kildee
Kindness
Koch
Kostmayer
Krebs
Le Fante
Lederer
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Long, La.
Long, Md.
Lujan
Luken
Lundine
McCormack
McFall
McHugh
McKay
Maguire
Mann
Markey
Marks
Marlenee
Martin
Mattox
Meeds
Meyner
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Mitchell, Md.
Moakley
Moffett
Mollohan
Moorhead, Calif.
Moss
Mottl
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Gary
Myers, Michael
Natcher
Neal
Nedzi
Nix
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pattison
Pease
Pepper
Perkins
Pike
Pressler
Preyer
Pursell
Quie
Quillen
Rahall
Rangel
Regula
Reuss
Richmond
Rinaldo
Roberts
Rodino
Rogers
Rooney
Rosenthal
Rousselot
Roybal
Ryan
Santini
Scheuer
Schroeder
Seiberling
Sharp
Skelton
Slack
Spellman
St Germain
Staggers
Stark
Stokes
Studds
Thompson
Traxler
Trible
Tsongas
Tucker
Udall
Ullman
Vanik
Vento
Volkmer
Walgren
Walker
Waxman
Weaver
Weiss
Whalen
Whitehurst
Whitley
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Mo.
Zablocki
Zeferetti

NOT VOTING—27

Annunzio
Bedell
Brooks
Collins, Ill.
Dent
Fary
Florio
Forsythe
Hawkins
Jenkins
Mazzoli
Metcalfe
Mikva
Minish
Murphy, Ill.
Poage
Price
Roe
Rose
Rostenkowski
Russo
Sisk
Skubitz
Snyder
Spence
Steers
Teague

The Clerk announced the following pairs:

On this vote:

Mr. Teague for, with Mr. Annunzio against.

Mr. Russo for, with Mr. Rostenkowski against.

Until further notice:

Mr. Dent with Mr. Hawkins.
Mr. Brooks with Mr. Florio.
Mr. Rose with Mr. Fary.
Mr. Mazzoli with Mr. Minish.
Mr. Price with Mr. Bedell.
Mr. Roe with Mr. Mikva.
Mrs. Collins of Illinois with Mr. Sisk.
Mr. Snyder with Mr. Metcalfe.
Mr. Murphy of Illinois with Mr. Spence.
Mr. Jenkins with Mr. Steers.

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BROOMFIELD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 242, nays 163, not voting 28, as follows:

[Roll No. 282]

YEAS—242

Addabbo
Akaka
Alexander
Allen
Ambro
Anderson, Ill.
Applegate
Archer
Ashley
Aspin
Badillo
Baldus
Baucus
Beard, R.I.
Beilenson
Benjamin
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Bonker
Brademas
Breckinridge
Brodhead
Broomfield
Brown, Calif.
Brown, Mich.
Buchanan
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Caputo
Carney
Carr
Cederberg
Chisholm
Clay
Cohen
Conable
Conte
Corcoran
Corman
Cornwell
Cotter
Coughlin
Cunningham
D'Amours
Danielson
Delaney
Derwinski
Dicks
Diggs
Dingell
Dodd
Downey
Drinan
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Erlenborn
Ertel
Evans, Colo.
Evans, Del.
Evans, Ga.
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flood
Foley
Ford, Mich.
Fowler
Fraser
Frenzel
Frey
Fuqua
Gammage
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Glickman
Gore
Gradison
Guyer
Hamilton
Hanley
Hannaford
Harrington
Harris
Heckler
Heftel
Hightower
Hillis
Hollenbeck
Holtzman
Horton
Howard
Hughes
Hyde
Ireland
Jeffords
Johnson, Calif.
Jordan
Kasten
Kildee

Koch
Kostmayer
Krebs
Krueger
LaFalce
Lagomarsino
Le Fante
Leach
Lederer
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Long, La.
Long, Md.
Lujan
Luken
Lundine
McClory
McCloskey
McDade
McEwen
McFall
McHugh
McKay
McKinney
Madigan
Maguire
Markey
Marks
Mattox
Meeds
Meyner
Mikulski
Milford
Mineta
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Moss
Murphy, N.Y.
Murtha
Myers, Gary
Myers, Michael
Nedzi
Nix
Nowak
O'Brien
Oberstar
Obey
Ottinger
Patten
Patterson
Pattison
Pease
Pepper
Perkins
Pettis
Pickle
Preyer
Pritchard
Pursell
Quie
Railsback
Rangel
Regula
Reuss
Rhodes
Richmond
Rinaldo
Rodino
Rogers
Roncalio
Rooney
Rosenthal
Roybal
Ruppe
Ryan
Santini
Sawyer
Scheuer
Seiberling
Sharp
Simon
Skelton
Smith, Iowa
Solarz
Spellman
St Germain
Stanton
Stark
Steiger
Stockman
Stokes
Stratton
Thompson
Traxler
Tsongas
Tucker
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Walgren
Walsh
Waxman
Weiss
Whalen
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wright
Wydler
Yates
Yatron
Young, Mo.
Young, Tex.
Zablocki
Zeferetti

NAYS—163

Abdnor
Ammerman
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Armstrong
Ashbrook
AuCoin
Badham
Bafalis
Barnard
Bauman
Beard, Tenn.
Bennett
Bevill
Blouin
Bonior
Bowen
Breaux
Brinkley
Brown, Ohio
Broyhill
Burgener
Burleson, Tex.
Butler
Byron
Carter
Cavanaugh
Chappell
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Coleman
Collins, Tex.
Conyers
Cornell
Crane
Daniel, Dan
Daniel, R. W.
Davis
de la Garza
Dellums
Derrick
Devine
Dickinson
Dornan
Duncan, Tenn.
Edwards, Ala.
Edwards, Okla.
Emery
English
Evans, Ind.
Flippo
Flowers
Flynt
Ford, Tenn.
Fountain
Ginn
Goldwater
Gonzalez
Goodling
Grassley
Gudger
Hagedorn
Hall
Hammerschmidt
Hansen
Harkin
Harsha
Hefner
Holland
Holt
Hubbard
Huckaby
Ichord
Jacobs
Jenrette
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Ketchum
Keys
Kindness
Latta
Lloyd, Tenn.
Lott
McCormack
McDonald
Mahon
Mann
Marlenee
Marriott
Martin
Mathis
Michel
Miller, Calif.
Miller, Ohio
Mitchell, Md.
Moffett
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Pa.
Myers, Ind.
Natcher
Neal
Nichols
Nolan
Oakar
Panetta
Pike
Pressler
Quayle
Quillen
Rahall
Risenhoover
Roberts
Robinson
Rose
Rousselot
Rudd
Runnels
Satterfield
Schroeder
Schulze
Sebelius
Shipley
Shuster
Sikes
Slack
Smith, Nebr.
Staggers
Stangeland
Steed
Studds
Stump
Symms
Taylor
Thone
Thornton
Treen
Trible
Volkmer
Waggonner
Walker
Wampler
Watkins
Weaver
White
Whitehurst
Whitley
Whitten
Wiggins
Wylie
Young, Alaska
Young, Fla.

NOT VOTING—28

Annunzio
Bedell
Brooks
Collins, Ill.
Dent
Fary
Florio
Forsythe
Hawkins
Jenkins
Mazzoli
Metcalfe
Mikva
Minish
Murphy, Ill.
Poage
Price
Roe
Rostenkowski
Russo
Sarasin
Sisk
Skubitz
Snyder
Spence
Steers
Teague
Wolff

The Clerk announced the following pairs:

On this vote:

Mr. Annunzio for, with Mr. Teague against.

Mr. Sarasin for, with Mr. Russo against.

Mr. Steers for, with Mr. Skubitz against.

Mr. Wolff for, with Mr. Snyder against.

Mr. Rostenkowski for, with Mr. Spence against.

Until further notice:

Mr. Brooks with Mr. Roe.

Mr. Hawkins with Mr. Bedell.

Mr. Florio with Mr. Jenkins.

Mr. Fary with Mr. Price.

Mrs. Collins of Illinois with Mr. Mazzoli.

Mr. Dent with Mr. Minish.

Mr. Sisk with Mr. Metcalfe.

Mr. Mikva with Mr. Murphy of Illinois.

Messrs. CORNWELL, BAUCUS, and ALLEN changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill H.R. 6884, just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4088, NASA AUTHORIZATION

Mr. FUQUA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4088) authorizing appropriations to the National Aeronautics and Space Administration for fiscal year 1978, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida? The Chair hears none, and, without objection, appoints the following conferees: Messrs. Teague, Fuqua, Roe, Lloyd of California, Milford, Wydler, and Winn.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6970, AMENDING MARINE MAMMAL PROTECTION ACT OF 1972

Mr. MEEDS, from the Committee on Rules, submitted a privileged report (Report 95–363) on the resolution (H.Res. 594) providing for the consideration of H.R. 6970, to amend the Marine Mammal Protection Act of 1972 with respect to the taking of marine mammals incidental to the course of commercial fishing operations, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CLEAN AIR ACT AMENDMENTS OF 1977

Mr. MEEDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 589 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 589

Resolved, That upon the adoption of this resolution it shall be in order to move, sections 402(a) and 401(b)(1) of the Congressional Budget Act of 1974 (Public Law 93–344) to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6161) to amend the Clean Air Act, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider, section 401(b)(1) of the Congressional Budget Act of 1974 (Public Law 93–344) to the contrary notwithstanding, the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and said substitute shall be read for amendment by sections, except that it shall be in order to consider an amendment striking out all of title II and inserting new provisions if offered by Representative Dingell or by Representative Broyhill at any time during the consideration of title II of said substitute for amendment. At the conclusion of the consideration of H.R. 6161 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without interviewing motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. Roncalio). The gentleman from Washington (Mr. Meeds) is recognized for 1 hour.

Mr. MEEDS. Mr. Speaker, I yield the usual 30 minutes for the minority to the distinguished gentleman from Tennessee (Mr. Quillen), pending which, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 589 provides for the consideration of H.R. 6161, the Clean Air Amendments of 1977. It is an open rule providing for 2 hours of general debate calling for waiver of the two provisions of the Budget Act which would otherwise preclude consideration. Section 402(a) of the Budget Act requires authorizations to be reported no later than May 15 preceding the beginning of the fiscal year in which it would take effect. Section 401(b)(1) prohibits consideration of new entitlement authority which would take effect before the beginning in the calendar year in which the bill is reported.

Mr. Speaker, the rule waives both points of order.

Upon conclusion of debate the bill shall be read for amendment under the 5-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce as an original bill. The rule waives points of order against the consideration of the substitute for failure to comply with section 401(b)(1) of the Congressional Budget Act.

In the consideration of the substitute as an original bill, the bill shall be read for amendment by sections under the 5-minute rule.

However, it shall be in order to consider an amendment striking out all of title 11 and inserting new provisions if offered by Representative Dingell or by Representative Broyhill at any time during the consideration of title 11 of said substitute for amendment.

The main purposes of the Clean Air Act Amendments of 1977 are as follows: First, to extend authorizations and appropriations for nonresearch activities under the Clean Air Act; second, to give a greater role and assistance for State and local governments in administration of the act; third, to recognize economic and energy factors which should be considered; fourth, to create incentives for the regulation of unregulated pollutants and sources of pollution; fifth, to aid the States and the Administrator to bring stationary and mobile sources into compliance and to keep them in compliance; sixth, to manifest legislative guidance and clearer legislative intent concerning issues on which there have been administrative or judicial dispute, viz, significant deterioration, new source standards of performance, tall stacks and intermittent controls, et cetera; seventh, to extend certain deadlines under the existing act; eighth, to establish uniform bases and procedures for standard setting under the act; ninth, to insure more effective, informed public involvement and decisionmaking under the act; tenth, to promote the utilization of new technologies for pollution choice, and small business in the administration of the act; and eleventh, to provide appropriate employee protection measures. In setting forth a statement of purposes of the bill, the committee has indicated that "the primary and overriding purpose of the bill remains the prevention of illness or death which is air pollution related and protection of the public health."

Mr. Speaker, this is important legislation. I urge the adoption of the rule so that the House may consider this legislation.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the able gentleman from the State of Washington (Mr. Meeds) has fully described the provisions of the rule, to allow the House to get down to the business of discussing the Clean Air Act amendments. We are all in favor of clean air, and living in harmony with nature.

On the other hand, I think that we do not quite understand that we must not only live in harmony with nature, but at the same time carry out the mandate to provide more jobs and more opportunities so that the American people can live well and bring home enough income to feed their families. If we were to go just one route, which many in this nation would like for us to do, then absolutely, if we pass this bill as it is presently written, hundreds of thousands of people will be out of employment. In the future, the nonattainment section of the bill will make it difficult for industry to expand, which expansion will create more jobs.

The nondeterioration provision creates quite a problem. Even in the Tennessee Valley, where I live, if this bill passes TVA will have to add scrubbers to all of its smoke stacks. The cost of those scrubbers will be over $300 million. Think what it will mean throughout the length and breadth of this land when utilities will be forced to spend millions and millions and millions of dollars. The only way that they can pass that on is to the consumer in high electric bills, which are now so high that people cannot afford to pay them and live comfortably as our founding fathers, when they established this great Nation of ours, intended.

If this bill passes, then higher electric rates are in the offing. It is a certainty. So why can we not, with all of our wisdom, with all of our judgment in solving the other problems of this Nation, why can we not get down to the business of solving the problems of living in harmony with nature and doing the things to provide jobs, to bring down high electric rates and high heating bills?

Yes, it is simple to do if we set our minds to doing it, because if we can go to the moon, we can accomplish any feat that we desire to do. Members of this House, this rule provides an amendment to title II, sponsored by the gentleman from Michigan (Mr. Dingell) and the gentleman from North Carolina (Mr. Broyhill), which will provide the auto industry a breathing spell to keep people on the payroll. I would urge the House, when we get down to amending the bill, to adopt this amendment.

Mr. Speaker, I want to say again, to emphasize, that I think if we set down a policy here in this House to say in crystal clear language that we seek to live in harmony with nature, and at the same time to do what has to be done to provide more jobs and more opportunities, then we will have a great country and not do damage to our environment.

Mr. Speaker, I have no requests for time, but I reserve the balance of my time.

Mr. MEEDS. Mr. Speaker, regardless of how one might feel about the merits—and some of us, I think, might disagree with the able gentleman from Tennessee—regardless of how one might approach that, however, I think everyone will agree that this is a fair rule. It is an open rule, and I think it provides for excellent consideration of all of the controversial aspects of this bill. I urge its adoption.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The **SPEAKER** pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MYERS of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 383, nays 1, not voting 49, as follows:

[Roll No. 283]

YEAS—383

Abdnor
Addabbo
Akaka
Allen
Ambro
Ammerman
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Applegate
Archer
Armstrong
Ashbrook
Ashley
Aspin
AuCoin
Badham
Badillo
Bafalis
Baldus
Barnard
Baucus
Bauman
Beard, R.I.
Beard, Tenn.
Beilenson
Benjamin
Bennett
Bevill
Bingham
Blanchard
Boggs
Boland
Bolling
Bonior
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Phillip
Butler
Byron
Caputo
Carney
Carr
Carter
Cavanaugh
Cederberg
Chappell
Chisholm
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Coleman
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Corman
Cornell
Cornwell
Cotter
Coughlin
Crane
Cunningham
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Davis
de la Garza
Dellums
Derrick
Derwinski
Devine
Dickinson
Dingell
Dodd
Dornan
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Eilberg
Emery
Erlenborn
Ertel
Evans, Colo.
Evans, Del.
Evans, Ga.
Evans, Ind.
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flippo
Flood
Flowers
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Fraser
Frenzel
Frey
Fuqua
Gammage
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Ginn
Glickman
Gonzalez
Goodling
Gore
Gradison
Grassley
Gudger
Guyer
Hagedorn
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Hansen
Harkin
Harrington
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Holland
Hollenbeck
Holt
Holtzman
Horton
Howard
Hubbard
Huckaby
Hughes
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.

Jordan
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Ketchum
Keys
Kildee
Kindness
Kostmayer
Krebs
Krueger
LaFalce
Lagomarsino
Latta
Le Fante
Leach
Lederer
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Lott
Lujan
Luken
Lundine
McClory
McCloskey
McCormack
McDade
McDonald
McEwen
McFall
McHugh
McKay
McKinney
Madigan
Maguire
Mahon
Mann
Marks
Marriott
Martin
Mattox
Meeds
Meyner
Michel
Mikulski
Milford
Miller, Calif.
Miller, Ohio
Mineta
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moss
Mottl
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Gary
Myers, Michael
Myers, Ind.
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pattison
Pease
Pepper
Perkins
Pettis
Pickle
Pike
Pressler
Preyer
Pritchard
Pursell
Quayle
Quie
Rahall
Railsback
Rangel
Regula
Reuss
Rhodes
Richmond
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rousselot
Roybal
Rudd
Runnels
Ruppe
Ryan
Santini
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shuster
Sikes
Simon
Slack
Smith, Iowa
Smith, Nebr.
Solarz
Spellman
St Germain
Staggers
Stangeland
Stanton
Stark
Steed
Steiger
Stockman
Stokes
Stratton
Studds
Stump
Symms
Taylor
Thompson
Thone
Thornton
Traxler
Treen
Trible
Tsongas
Tucker
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Waggonner
Walgren
Walker
Walsh
Wampler
Watkins
Waxman
Weaver
Weiss
Whalen
White
Whitehurst
Whitley
Whitten
Wilson, Bob
Wilson, Tex.
Winn
Wirth
Wright
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Young, Tex.
Zablocki
Zeferetti

NAYS—1

Quillen

NOT VOTING—49

Alexander
Annunzio
Bedell
Biaggi
Blouin
Bonker
Brooks
Burton, John
Collins, Ill.
Delaney
Dent
Dicks
Diggs
English
Fary
Florio
Flynt
Forsythe
Goldwater
Jenkins
Johnson, Colo.
Koch
Long, Md.
Markey
Marlenee
Mathis
Mazzoli
Metcalfe
Mikva
Minish
Moorhead, Pa.
Murphy, Ill.
Poage
Price
Roe
Rostenkowski
Russo
Sarasin
Shipley
Sisk
Skelton
Skubitz
Snyder
Spence
Steers
Teague
Wiggins
Wilson, C. H.
Wolff

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Alexander.
Mr. Dent with Mr. Bedell.
Mr. Wolff with Mr. Wiggins.
Mr. Murphy of Illinois with Mr. Diggs.
Mr. Rostenkowski with Mr. English.
Mr. Teague with Mr. Skubitz.
Mr. Steers with Mrs. Collins of Illinois.
Mr. Moorhead of Pennsylvania with Mr. Snyder.
Mr. Goldwater with Mr. Dicks.
Mr. Biaggi with Mr. Spence.
Mr. John Burton with Mr. Flynt.
Mr. Marlenee with Mr. Blouin.
Mr. Koch with Mr. Jenkins.
Mr. Sarasin with Mr. Long of Maryland.
Mr. Shipley with Mr. Roe.
Mr. Russo with Mr. Bonker.
Mr. Charles H. Wilson with Mr. Price.
Mr. Minish with Mr. Mazzoli.
Mr. Brooks with Mr. Skelton.
Mr. Fary with Mr. Sisk.
Mr. Florio with Mr. Mathis.
Mr. Mikva with Mr. Markey.
Mr. Delaney with Mr. Metcalfe.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

The motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in consideration of the bill, H.R. 6161, to amend the Clean Air Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6161) to amend the Clean Air Act, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. ROGERS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 6161, with Mr. DANIELSON in the Chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Florida (Mr. ROGERS) will be recognized for 1 hour, and the gentleman from Kentucky (Mr. CARTER) will be recognized for 1 hour.

The Chair recognizes the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to present to this body the Clean Air Act Amendments of 1977, H.R. 6161. This measure is the product of more than 2 years of careful subcommittee and committee deliberations and study. In the past 2 years, the proposals in this legislation have been the focus of nearly 70 subcommittee markups and the full committee met more than 25 times to consider it.

It has been more than 6 years since Congress enacted the Clean Air Act of 1970, a truly landmark piece of legislation. That act was designed as a Federal-State partnership to protect the public from dangerous air pollution. It employs federally set standards enforced by the State governments.

Events of the past 6 years have confirmed the importance of reducing air pollution where it exists and preventing it where it does not. Health threatening air pollution emergencies such as in Pittsburgh in 1975 or in Birmingham in 1970 seized our attention. But there are no headlines alerting us to the serious health and welfare effects of everyday levels of industrial pollution.

Increasingly, evidence compiled by the National Academy of Sciences and others demonstrates that there are potential serious health dangers from air pollutants at levels far below the standards set by the Environmental Protection Agency.

Similarly, there are perhaps 200 to 300 substances in the air for which sufficient data are not yet available on which to base firm health standards. We do know, however, that proven cancer-causing agents now have been reported in the ambient air. These include arsenic, polyvinyl chloride, and nitrosamines—the latter perhaps the most readly carcinogen known to man.

Clearly, continued strong action is needed to protect the public health and welfare.

But it is equally clear that over the past few years our Nation has been beset by serious economic and energy problems. These factors have presented a new challenge requiring a midcourse correction in the 1970 Clean Air Act; corrections which will help assure our Nation's continued economic growth and vitality.

During the committee's 2-year long deliberations on these amendments we heard widely divergent demands for changes in the law. There were those who argued for air pollution cleanup without concern for cost. Opposing them were those, who disregarding health and environmental concerns, would roll back the progress we have won over the past 6 years.

The committee bill rejects the arguments of both those extremes. Public health protections are not abandoned. The committee bill recognizes that we must continue to move forward to clean up existing air pollution and to minimize significant new air pollution problems.

But the committee recognizes that our Nation's economic, industrial, and energy resources are limited. Therefore, meeting our necessary clean air goals will take longer than we had originally planned and required under the 1970 act.

And we have written this bill to reflect these new realities.

Here are just a few examples of provisions of H.R. 6161 which assure a balancing of environmental goals with other social needs:

First. Section 106 provides 2 additional years, up until 1981, for plants ordered to convert to coal to meet air pollution requirements. These same plants would also be eligible for an additional 5-year extension—up to as late as 1986—under section 103.

Second. Section 117 provides a new, more flexible means of assuring continued economic growth in areas now exceeding primary air quality standards while continuing toward attainment of these standards which protect public health. The deadline for meeting health standards will be extended until as late as December 31, 1982. In the case of oxidants, the primary standard attainment date will be extended up to December 31, 1987. New sources could continue to locate in these so-called "nonattainment areas" as long as in the interim the State continued to make "reasonable further progress" toward meeting the primary air quality standard by the new deadline.

Third. Section 203 defers until 1980—as late as 1983 in the case of oxides of nitrogen—NO_x—final, new-car emission standards.

Fourth. Sections 103 and 112 authorize extensions and variances for industrial polluters where necessary, including where technology is not available or to allow a plant to develop and use new technology or to convert to burning coal.

Fifth. Section 202 authorizes, where necessary, extensions of currently infeasible transportation controls for States and localities.

Sixth. The Administrator's authority to require State and local governments to adopt or implement indirect source review programs is sharply restricted by section 201.

Seventh. Section 108, prevention of significant deterioration, restores broad authority to the States for determining the future air quality in presently clean air regions and strictly curtails EPA's authority to veto States' ultimate decisions.

Eighth. Section 115, authorizes any Governor to temporarily suspend State implementation-plan requirements where necessary during energy or economic emergencies.

Other important sections include:

Section 102, which requires the Administrator to meet a uniform standard of proof;

Section 111, requiring the Administrator to revise the current lax new-source performance standards so those performance standards actually reflect the pollution reductions that can be achieved by the best technological systems of continuous emission reduction. In determining which are the best systems of control the Administrator is directed to consider costs, energy requirements, and other non-air environmental impacts;

Section 204 establishes long-range emission standards for new heavy-duty trucks in 1985 and beyond.

So the new committee bill retains and strengthens the primacy of the commitment of the act to public health protection. But within that basic commitment the committee bill emphasizes these significant concerns:

First, the need for greater State and local authority over clean air programs;

Second, the need to assure proper consideration of the costs of cleaning the air; and

Third, the need to give greater recognition to the energy needs of this Nation.

As you know, public attention has focused on just three sections: Section 203—automobile emissions standards; section 117—nonattainment areas; and section 108—prevention of significant deterioration of clean air.

First, let me discuss the automobile standards. In the past, the previous administration proposed a 5-year freeze on current hydrocarbon—HC—and carbon monoxide—CO—standards and the complete abolition of the statutory-defined oxides of nitrogen—NO_x—standard in favor of an undetermined standard to be set by admiinstrative fiat. These proposed delays would have been in addition to the 3-year delays already granted under existing law.

Opposition to any further delay was heard from the National Association of Counties; National League of Cities; U.S. Conference of Mayors; numerous State Governors and air pollution Administrators; the American Medical Association; American Lung Association; American Public Health Association; and a large variety of commercial interests.

This year the Carter administration proposed a compromise set of standards which falls about midway between the previous 5-year moratorium proposals and the Commerce Committee proposal of last year.

The Commerce Committee included the President's proposal in H.R. 6161 as reported.

Although the President's position is not as stringent as many would have wished, it is a reasonable, fair, and workable compromise which merits the support of this committee and the House.

The fact that the President endorsed the automobile standards just days before presenting his energy message emphasizes his confidence that the standards will not compromise fuel economy.

The proposal has the full support of the President's chief energy adviser, James R. Schlesinger, Federal Energy Administrator O'Leary, Department of Transportation Secretary Adams, and the Environmental Protection Agency Administrator Costle.

Under section 203 of the committee bill, statutory emission standards for new automobiles and other light-duty vehicles for hydrocarbon emissions would be delayed until the 1979-model year. The full 90-percent carbon monoxide reduction would be delayed until 1981. In the case of the oxides of nitrogen—NO_x—standard, the 1981 standard would be 1.0 grams/mile. That standard would be retained permanently unless additional health studies demonstrated that the 1.0 grams/mile NO_x standard is inadequate to protect public health. If that is the case, the NO_x standard would be reduced to 0.4 grams/mile beginning in the 1983-model year.

Therefore, while the committee compromise is only slightly more stringent on HC and CO than earlier 5-year moratorium proposals, it balances that with additional flexibility on NO_x. The standards in the committee bill up to model year 1981 are less stringent than are currently being met in California cars. There can be no doubt, therefore, of the technological feasibility of the committee's proposal. I think you will agree that this is a reasonable approach.

It is our understanding that several criteria had to be met before the President proposed his plan for controlling automobile pollution. They include:

First, arriving at standards which would protect the public's health;

Second, insuring that the automobile emissions' schedule would not conflict with our goal of increasing automobile fuel economy as mandated by the Congress;

Third, insuring that the cost of such a program would be reasonable; and

Fourth, providing the manufacturers of automobiles with stability and enough lead time so as to not disrupt one of the Nation's largest industries or to cause unemployment.

The President Carter-committee proposal, therefore, properly balances protection of public health, economic and technical feasibility, and industry leadtime requirements, while assuring the Nation's 1980 and 1985 new-car fuel economy goals will be met.

Although the standards extend somewhat the timetable for reaching our goals, they will assure that we do continue the reduction of carbon monoxide—CO—and oxides of nitrogen—NO_x—necessary reductions which are all but set aside by the Dingell-Broyhill amendment.

Without the assurance that congressional intent will be achieved within an extended but still reasonable time frame, millions of Americans will continue to suffer serious health problems.

Since the remaining questions about fuel economy and emission standards relate to NO_x control, this provision will assure that the congressionally mandated fuel economy standards will not be compromised by emission standards. In fact, a joint FEA-DOT-EPA study confirms that the emission standards in the committee bill can be met while achieving national fuel economy goals. The validity of the projection was underlined by the fact that Volvo is selling in California in 1977, a 3,500-pound car using an American built three-way catalyst to meet the full 90-percent reduction standards. This 90-percent reduction was achieved with a 10-percent improvement in fuel economy.

In 1978, both General Motors and Ford Motor Co. will market cars in California using the three-way catalyst. Early certification data show that these cars, including a V–6 Buick, will exceed or come close to exceeding the full 90-percent statutory emissions reduction. At the same time, they are achieving a 5 to 25 percent better fuel economy than last year.

The President and his energy advisors have concluded there need be no difference in fuel economy between the Dingell-Broyhill proposal and the committee bill. The committee bill also includes special provisions covering diesel and other innovative technology. During the 1981 and 1982 model years, large automobile diesels would be allowed to meet a 1.5 grams/mile NO_x standard, rather than a 1.0 gram/mile. In the event of a 0.4 gram/mile standard in 1983, and beyond, any diesel certifying at 1.0 gram/mile for 100,000 miles or 10 years would be allowed to meet the 1.0 standard, not the 0.4 gram/mile. As FEA Administrator O'Leary told the Subcommittee on Energy and Power:

> These standards are . . . designed in such a way as not to preclude promising fuel efficient engine technologies such as the diesel.

Therefore, claims that diesel technology will be restricted by the committee-President Carter compromise are without foundation. In fact, the new Volkswagen economy Rabbit diesel, using no pollution controls whatsoever, is certified at 1.0 grams/mile NO_x a level not required by the committee bill until 1981.

Of course, despite the balance and flexibility of the committee compromise, amendments will be offered to this section. Some would tighten the standards, others, the Dingell-Broyhill amendment, would grant further delays and permanently weaken the oxides of nitrogen standard. I think this only demonstrates that the committee proposal is a balanced, reasonable approach, and I urge Members to reject this weakening amendment.

With respect to the control of emissions from motorcycles, section 204 of this bill contains the same provision as that passed by the House last year. That provision, I note, was also agreed to by the conferees. The provision would allow the Administrator to treat motorcycles in the same manner as heavy-duty vehicles and engines, or reclassify motorcycles as light-duty vehicles, or promulgate separate regulations under subsection (a), applying standards to the emission of air pollutants from motorcycles as a separate class or category.

In fact, since this legislation was last before the House, the Administrator has acted in this area and promulgated a separate category of motorcycle emissions regulations. The Administrator has already set regulations for the control of hydrocarbons and carbon monoxide through 1980 and indicated in publishing those regulations his desire, giving appropriate consideration to technological feasibility and the cost of compliance, to obtain the maximum possible emissions reduction. The Administrator's action would thus be fully consistent with and, indeed, compatible with one of the options available under this section of the bill.

One of the most difficult issues the committee faced in writing this bill is the problems of "nonattainment" areas, those regions of the country in which the air quality currently is worse than the allowable health standards. These standards were to be met no later than May 31, 1977.

Section 117 provides a new, more flexible means of assuring continued economic growth in areas now exceeding primary air quality standards while continuing toward attainment of these standards which protect public health. If States wish to take the committee approach rather than the Environmental Protection Agency's current offset policy, the deadline for meeting health standards will be extended until as late as December 31, 1982.

In the case of oxidants, the primary standard attainment date will be extended up to as long as December 31, 1987. New sources could continue to locate in these so-called "nonattainment areas" as long as in the interim the State continued to make "reasonable further progress" toward meeting the primary air quality standard by the new deadline. "Reasonable further progress" is defined to mean equal reductions in emissions every 2 years in the amount necessary to assure attainment by the required dates.

This provision has the strong support, to name just a few, of: the National Governors' Conference; National Council of State Legislatures; National Association of Counties; National League of Cities; U.S. Conference of Mayors; State and Territorial Air Pollution Program Administrators; the United Steel Workers; United Mine Workers; and the AFL-CIO.

The bill also incorporates measures to greatly facilitate the move toward greater use of coal. These provisions include automatic compliance deadline extensions until 1981 for sources ordered to convert to coal. Those ordered to convert to coal, as well as those converting voluntarily, will be eligible for an additional 5 years to come into compliance with clean air requirements.

The so-called "regional limitation" of existing law restricting coal conversion in areas exceeding health standards is relaxed to provide a more balanced approach. Additionally, authorities are provided for not counting increased emissions resulting from coal conversions against significant deterioration increments. The bill also includes emergency authority for a State to revise its implementation plan during energy or economic emergencies, thus allowing rapid conversion to coal which may exceed pollution requirements.

Now I would like to focus on section 108—"Prevention of Significant Deterioration."

The issue here is how much dirtier should we allow our air to become. And who should make these decisions.

The committee recognized that section 101(b) of the Clean Air Act of 1970 (P.L. 91-604) and the 1967 act before that, requires that air quality which is superior to the national primary and secondary ambient standards be protected from significant deterioration. But that act did not clearly spell out a nationally uniform process by which the air quality of clean air regions will be maintained. Section 108 of the committee bill spells out such a process and seeks to advance several underlying purposes. These purposes include:

First, protecting the public from harmful increases in pollution;

Second, providing adequate air resources for long-range industrial and energy development in all regions while minimizing increased health risks;

Third, maximizing State's rights and responsibilities while minimizing Federal agencies' involvement;

Fourth, protecting States from loss of jobs or tax revenues to other States which would relax control standards and permit significant deterioration of air;

Fifth, protecting air quality over certain national lands, particularly national treasures such as the Grand Canyon, and Yellowstone;

Sixth, quickly settling, by congressional action, current uncertainties surrounding this issue.

The committee considered several options, including simply leaving the act and current EPA regulations unchanged. But the committee firmly believes that Congress must settle these disputes now. Prolonged litigation must be ended, and Congress—not EPA and the courts—must bring it to an end now. Congressional action now would do so, by affirming the policy of prevention of significant deterioration under existing law.

Some in industry have proposed abolishing completely the current act's policy of preventing significant deterioration. The committee soundly rejected this proposal. While this approach also would end the uncertainty surrounding this issue, it completely fails to recognize the other national policy considerations—health, welfare, and economics—which I previously outlined. This "head in the sand" approach would convert the national ambient standards, which the 1970 act intended as a ceiling to be achieved by dirty areas, into a floor for the entire Nation. It would mean that before long, the entire country—from coast to coast, even the national parks—would be as polluted as some major urban, industrial areas.

The committee also turned away from other unreasonable extremes, which would lock up clean air areas and ban further industrial and economic growth.

The committee chose a middle ground. The proposal protects public health and welfare, and assures availability of future air resources for continuing industrial and energy development. It does so by establishing a process in which State and local governments are authorized to make the decisions.

The Carter administration supports the committee's approach to prevention of significant deterioration, and this is not surprising, since the bill assures continued economic growth for the Nation. Studies by both FEA and EPA, dating back to the previous administrations, demonstrate that under the "significant deterioration provisions" of H.R. 6161, even class II pollution limits would provide for substantial heavy industrial and energy development. Twice as much development would be allowed in a class III area. In fact, studies spanning almost [illegible] years and costing more than $1 million have led EPA to conclude:

> The House significant deterioration proposal will not prevent the construction of major industrial facilities . . . Under a three-class increment plan (. . . as provided for in the House bill . . .), all planned new sources would be able to build if desired by the States, providing they do not violate the existing national ambient air quality standards.

This analysis included electric utilities, pulp and paper mills, oil refineries, synthetic fuel plants, and copper smelters. Furthermore, the cost of the proposal is quite modest. EPA has concluded:

> That the major economic impact of the House proposal will be on the electric utility industry . . . (t)he House proposal would increase the industry's capital requirements over the next 15 years by a maximum of

$11.6 billion . . . a maximum increase of 2.7 percent . . . (t)he consumers' average annual electricity bill in 1990 would increase by a maximum of $14 per year . . . an increase of about 2.3 percent.

FEA projects the average consumer electric bill will increase by 0.6 percent to 1 percent by 1990. The Edison Electric Institute's own analysis essentially agrees with the FEA–EPA studies, showing very small cost increases—2 to 4 percent—over the next 15 years.

There is widespread public recognition of the careful balancing contained in this section. Here are just some of the endorsements that the committee's proposal has received: National Governors' Conference; National League of Cities; National Conference of Mayors; National Association of State Legislatures; National Association of Realtors; United Steel Workers; United Mine Workers; American Retail Federation; National Parking Association; and the American Lung Association.

Despite this broad support, amendments likely will be offered to this section. Some wish to strengthen the section by sharply reducing the amount of increased pollution allowed and by restricting State discretion over these decisions. Others may propose to strike the section in favor of yet another study.

I believe that each of these approaches would be unwise. The committee bill is balanced. It provides for fair and open State decisionmaking. It would be unwise to increase Federal controls and restrict State authority.

Similarly, calls for further delays and study are merely a smokescreen. Since 1972, more than 50 separate studies, by both Government and industry, have been conducted on this issue, various policy approaches to it, and present congressional proposals. Further delay will only result in continued uncertainty as to congressional intent, and further time-consuming litigation. These amendments would leave to the courts and Federal agencies the job of fashioning ultimate policy, without congressional guidance. The committee rejects such an approach as both unnecessary and unwise, and unfair to both industry and the States.

Mr. Chairman, the committee has produced a balanced bill. We have granted waivers, we have given extensions, and we have written in flexibility to consider the economy and energy and the technology available to meet goals and standards. We have taken into account resources available. We even allow for delays caused by strikes.

Some people have said that the 1970 act asked too much. But I do not think it asked too much. Perhaps we asked for healthier, cleaner air too soon.

But make no mistake about this legislation—its main thrust is clear—to clean up the pollution in the air—to restore healthy air to protect it where it still exists. This is each Americans' birth right.

Yes, the premise and the foundation of the Clean Air Act remains under this bill—the protection of the health of the people. That we committed ourselves to in 1970, and we remain so committed today.

As you may well know, the National Cancer Institute and indeed authorities around the world have estimated that as much as 90 percent of all cancers are environmentally related. I think we will see even more evidence to this in the coming years.

When we speak of protecting the public, we are also talking about protecting ourselves, protecting the men and women who work with us, and protecting the future generations.

I believe we have reached that balance. I think we have a responsibility to help, for it is a national goal to which we should all pledge our support. I urge all my colleagues to help through your support of this bill.

Mr. Chairman, I insert the following letter which I am sure will be of interest to the Members:

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
Washington, D.C., May 23, 1977.

Hon. PAUL G. ROGERS,
Chairman, Subcommittee on Health and the Environment, Committee on Interstate and Foreign Commerce, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request for information on the automobile emission standard levels set forth in H.R. 6161, as well as the alternatives suggested in the minority report to that legislation.

As you are aware, the Environmental Protection Agency, the Department of Transportation, and the Federal Energy Administration, recently prepared "An Analysis of Alternative Motor Vehicle Emission Standards" dated May 19, 1977. That study assesses air quality, health, cost, fuel economy, and economic consequences of specific auto emission control alternatives currently before the Congress. Certain key conclusions contained in that report are summarized below:

1. The Administration's proposed emission standards can be met with little or no fuel economy penalty compared with 1977 technology and emission standards if the industry employs the optimal fuel economy technology. The three agency study also shows that there is essentially no fuel economy difference between the Dingell/Broyhill proposal and H.R. 6161 unless the Administrator decides that an 0.4 gp NO_x standard is necessary. A review of the NO_2 health research findings would need to be completed before a conclusion can be reached on whether the 0.4 gpm NO_x level is necessary. At the 0.4 gpm level it is considered likely that the industry will select fuel optimal technology resulting in an $80 additional cost per vehicle and little or no fuel economy penalty compared to a 1.0 gpm standard. However, should least cost technology be chosen, it is estimated that fuel economy impacts for 1978–1985 model model year vehicles would range from a savings of 26,100 barrels per day to a loss of 32,900 barrels per day in calendar year 1985.

2. The Dingell/Broyhill proposal contains a waiver up to a 2.0 NO_x level. At this level there is a higher likelihood of continuing with existing cost optimal technologies, than of switching to the fuel optimized technology which is expected to result from the 1.0 gpm NO_x level as proposed in H.R. 6161. If 2.0 gpm NO_x remains the ultimate standard, as is possible under the Dingell/Broyhill amendment, 1978–1985 model year vehicles could consume in calendar year 1985 as much as 105,000 barrels per day more gasoline.

3. There are air quality gains from H.R. 6161 compared to the Dingell/Broyhill amendment. For example, the Dingell/Broyhill carbon monoxide standard proposal is estimated to result in a 65 to 130 percent greater number of violations of the CO air quality standard between 1980 and the year 2000 than is expected with the automobile emission standards in H.R. 6161.

In short, the three agency study indicates that there would be little or no fuel econmy penalties for cutting down on auto emissions if there is sufficient time for manufacturers to phase in fuel efficient technologies.

The automotive emission standards in H.R. 6161 reflect careful consideration of public health needs as well as cost, fuel economy impact, and technological feasibility and are consistent with the President's National Energy Plan. The Administration supports adoption of these provisions.

Sincerely,

Brock Adams, Secretary, Department of Transportation; Douglas M. Costle, Administrator, Environmental Protection Agency; John F. O'Leary, Administrator, Federal Energy Administration.

Mr. CARTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I urge my colleagues to give this bill a close and careful examination. The issues raised are extremely complex and controversial. Our actions here in the next few days will impact upon each and every individual in this Nation, and it is exactly the decisions we make on these issues which decide the extent to which our constituents feel the pinch.

Many of you no doubt remember when this body passed the Clean Air Act of 1970. In that legislation, we sought to provide a logical framework for the protection of the public by the setting of national primary and secondary ambient air quality standards. Primary standards are those requisite to protect the public health with an adequate margin of safety. Secondary standards are those requisite to protect the public welfare. Welfare includes, but is not limited to, effects on soils, crops, vegetation, manmade materials, animals, wildlife, weather, visibility and climate, damage to and deterioration of property, and hazards to transportation, as well as effects on economic values and personal comfort and well-being.

I want to state here and now I strongly support primary and secondary ambient air quality standards stringent enough to protect the public health and welfare.

It is my feeling that these allowable levels of pollution provide a sufficient Federal guideline for each State to determine its air standards consistent with its own needs as long as the uniform Federal standards are met as expeditiously as practicable.

As I have stated before, these amendments to the 1970 act are complex and controversial. For instance, one provision—section 108—prevention of significant deterioration—will establish an awkward national patchwork system of ceiling and increments for sulfur dioxide and particulates and mandates equally effective methods for other pollutants for which there are already national standards.

Administration of this section, intended to regulate air quality in areas cleaner than the national standards could prove cumbersome. Procedures for the allocation of permits under the preconstruction review mechanism could prove extraordinarily difficult.

The very areas of the country most affected by this provision are those rural and nonmetropolitan areas which have experienced a dramatic increase in growth and population.

Sections of this bill give special treatment to certain interests.

For example, in one provision, although the primary standard is to be met, emission limitations, which determine the actual level of pollution from a facility, are to be exceeded.

As I have stated previously, I strongly support ambient air standards stringent enough to protect the public health and welfare. Furthermore, I strongly favor keeping the air as pristine as possible over our national parks. However, pollution is wafted by the wind from west to east, and, unless primary and secondary standards are met everywhere, pollution will be carried from uncontrolled areas into our national parks and other clean areas.

Actually, all clean areas are at the mercy of areas which are permitted to exceed the primary and secondary standards. We can write all the legislation we want, but we can change the laws of nature not one whit.

All of us recognize the need to amend the 1970 act. I believe that if we are to give flexibility to the 1970 act, it should not be done in a selective manner. The Clean Air Act affects everyone, and relief should be granted in an across-the-board manner.

I want to see a bill enacted which treats all interests fairly.

I am sure the alarming increases in the cost of producing electric power are of concern to every Member of this body. We all must realize that any increase in cost will be passed along to consumers through a higher rate base.

I know I am not the only Member who has heard of the hardships a family must endure to pay the utility bill.

I have received estimates on the increased costs to consumers of electric power which provisions of this bill will create. Those estimates range between 25 and 40 percent above that which the consumer is already paying.

I might mention one example to illustrate my point.

Last year, Mr. Aubrey J. Wagner, Chairman of the Board of the Tennessee Valley Authority, advised me on two separate occasions that to comply with the Clean Air Act as amended by a similar set of amendments would mean TVA would spend $300 million the first year and $200 million every year thereafter for the foreseeable future.

My colleagues, what we have before us is substantially the same set of amendments. I urge caution. I think it important to proceed carefully.

I am convinced we can achieve our goal of a clean environment, a goal I heartily endorse, without creating undue and unnecessary financial hardship to be borne by the American people.

I include the following statistics submitted by the American Cancer Society.

MEMORANDUM

(1) How many new cancer cases each year? About 690 thousand predicted for 1977.

(2) What percent of concer is estiamted to be environmentally caused?

Between 75 and 90 percent.

(3) How many deaths per year from cancer?

About 385 thousand—or about 1,055 per day.

(4) What is the probability of getting cancer in one's lifetime?

Chances are about 1 in 4—or 54 million people living now will get cancer.

(5) How does cancer morality compare with other causes of death?

Cancer accounts for 1 of every 6 deaths in the country.

Mr. DEVINE. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the distinguished ranking minority member of the committee.

Mr. DEVINE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the Carter administration is charging along trying to be all things to all men. All of its pronouncements of what it will do in every field of government and human endeavor gives one the distinct feeling that we are being told that we can have "All this and Heaven, too."

It endorses the Clean Air Act as it came from the Interstate and Foreign Commerce Committee, even though it could clearly inhibit industrial growth and probably greatly discourage replacement of marginal facilities or the relocation of plants. It could and it will slow to a walk the expansion of electric generating facilities, particularly nuclear facilities. Certainly there would be no rush to invest in refineries, paper mills, or other production.

When wearing another hat and discussing energy, the administration also puts on a different face. The picture then is one of hustle and bustle about finding and using sources of energy. It talks about tapping that great national resource—coal—but blithley ignores the interplay between that activity and the Clean Air Act as here proposed. It talks about offshore oil and hedges it in so many caveats that they may never get around to it. There is great talk about research and new recovery techniques coupled with cutbacks in research funding.

We are now embarking on a multibillion dollar program for instant employment. If expansion is inhibited, just where are those jobs coming from? Not from the only place meaningful permanent employment is ever created—private industry. And while promising this great boon at astronomical cost, the next breath brings us assurance of balanced budgets—not now, of course, only later. Much later.

Into the juggling act is now thrown another ball—elimination of inflation. This apparently is going to be accomplished by subjecting every business, every product, every government, and every individual to so much regulation and so many rules that the cost of everything will be prohibitive. It is a cinch that products you cannot afford to buy cannot hurt you. The costs of every program outlined including the new all-encompassing environmental package inevitably add to consumer prices. Only a penny here and a penny there to hear program advocates tell it. But add them all up together and the name of the result is inflation.

But let me get back to the matter immediately at hand—the Clean Air Act. To hear the proponents of the committee bill tell the story, it is the most perfect piece of legislation presented to this House. I had begun to expect to see it carved on stone tablets. The tactic is to scare off any kind of opposition by putting up big scare signs about "people dying in the streets." If you disagree with the placement of a comma in this long and complex bill, you are naturally a black-hearted, dirty-air advocate.

Well, first of all, the public health issue is overblown because without any of the title I changes, the law gives EPA adequate authority to protect the public health. Looking at much of title I in that context makes this bill an example of massive legislative overkill.

Title II dealing with mobile emission sources has been the subject of even more discussion and disagreement. If you are confused by the blizzard of Dear Colleague letters on the subject, I am not surprised. Again, the committee proponents tried to give the impression that the subcommittee product was just so well worked out and so finely tuned that to argue against it was heretical. That ploy lasted until President Carter dreamed up a whole new set of numbers which emerged from somewhere in the blue. All of a sudden, the subcommittee numbers were replaceable and the new ones substituted. I do not recall any very convincing arguments or rationale for this sudden shift—but there they are. But we are told by some people that the Dingell-Broyhill numbers are terrible. No one with any sensitivity for clean air would ever be caught dead defending them. That is most interesting because this House accepted a set of numbers last September which were somewhat less stringent—as opposed to present law—than those now contained in the present Dingell-Broyhill amendment. That amendment sets fairly strict but reasonable and attainable standards for automotive engines.

This House has now been struggling with the legislation at one level or another for over 2 years. It should have been resolved long ago. If we now adopt unrealistic standards for the next few years, we will be back at this same old stand with the same urgent issues to resolve. We are here now and have the opportunity to dispose of the automotive issue for at least a while. Let us embrace the opportunity to put it to rest by agreeing to the Dingell-Broyhill amendment to title II.

Mr. MAGUIRE. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from New Jersey.

Mr. MAGUIRE. Mr. Chairman, I want to compliment the gentleman for drawing attention to preventive strategy, which really is the only one that holds any great promise for dealing with the cancer issue. We have, as the gentleman pointed out, one of every four Americans alive today that will get cancer; two out of three of those will die; two out of every three American families will have a member of their family contract cancer.

We do not know how to deal effectively with cancer after it is present. The only way we can really deal with it is to prevent it. That is the point the gentleman is making, and I want to commend him for that because I think this House needs to have that very clearly focused after deliberation on this bill.

Mr. CARTER. I thank the distinguished gentleman from New Jersey for his remarks, and say that he is quite correct; that prevention is the only way of avoiding cancer. There is no cure that I know of.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, I thank the distinguished gentleman from Kentucky. Whenever he speaks on subjects of health, I listen with great attention, because I know of his deep concern with this subject and also of his extensive knowledge.

Would the gentleman from Kentucky not confirm to me that whenever we create a leniency with respect to one type of pollution or one source of pollution, for instance, in the case of autos, assuming that we are going to keep an acceptable level of pollution that will not injure the health of our people, we have got to cut down somewhere else, do we not?

Mr. CARTER. That is exactly right, as I see it. Yes, sir.

Mr. ECKHARDT. I would hope that the Members of this House would understand, whenever they are persuaded to relax standards especially in one area, they may well be closing down the ceiling on the industries in their area. I believe that to be true, and I would ask the gentleman if he concurs.

Mr. CARTER. Yes, I do concur.

Mr. ECKHARDT. I thank the gentleman.

Mr. CARTER. I thank the distinguished gentleman from Texas for his remarks and for his addition to this colloquy.

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to the disinguished gentleman from Virginia (Mr. SATTERFIELD).

Mr. SATTERFIELD. Mr. Chairman, in my separate views printed in the report accompanying this bill, I addressed my concern over the adverse impact that this bill would have on our economy and our energy problem. I will not burden you now with a repetition of the reasons for that concern. I do wish to discuss, however, certain additional thoughts about the general impact of H.R. 6161.

The best of intentions and the noblest of goals are unfortunately not always enough. In order for Congress to act wisely we must examine all of the likely consequences of H.R. 6161, not just those we hope for.

I have long supported clean air legislation and cosponsored the 1970 Clean Air Act, despite its imperfections, because I believed that action by the Federal Government to improve air quality was essential to the Nation's health, but after studying the proposed amendments for 2 years I am forced to the conclusion that this measure will do far more harm than good. In particular, I feel that we have reason to be alarmed about the potential effect of this bill upon our energy situation and the health of our economy.

We have been assured by Mr. Costle, the new administrator of the environmental Protection Agency, that H.R. 6161 is compatible with the goals of the national energy plan. This, I, submit, is wishful thinking. Dr. Schlesinger gave a different impression in his testimony before the Energy and Power Subcommittee on May 12. I asked Dr. Schlesinger if the projections upon which the national energy plan is based took into account the new requirements imposed by this bill. He replied in the negative. Also, in response to my observation that some of the users of gas and oil who will be forced to switch to coal may only be able to avoid violating clean air requirements by going out of business, Dr. Schlesinger conceded that "in some cases that might be true."

The national energy plan assumes that the energy market will respond almost instantly to financial incentives to convert to coal. However, this bill will create an enormous counterincentive to coal conversion, and indeed to growth and change of any kind in the industrial sector. The constraints which this bill would impose will insure needless delay and expense at the very least, for marginal and speculative benefits. We are preparing at the outset to throw a regulatory wet blanket over our effort to deal effectively with the energy crisis. I fear that in the final two decades of this century we shall pay dearly for our shortsightedness, and the price shall include environmental sacrifices which could be avoided if balanced and reasonable steps were taken today.

One of the thorniest and most complex problems in this area involves the attainment of the air quality standard for photochemical oxidants, including ozone. For example, it has been estimated by the Virginia Air Pollution Control Board that if the people of Virginia stopped driving, industry shut down, and the electrical utilities extinguished their fires on the worst days in July, the national standard for ozone would still be exceeded as a result of naturally occurring oxidants over which the State has no control. Such a standard is clearly unreasonable. Yet as a result of the failure of Virginia to attain this standard, construction has been halted on a badly needed refinery in the Hampton Roads area. This refinery would be the cleanest which we have the technology to construct. It would produce low-sulfur fuels and lead-free gasoline. It would create 3,000 long-term construction jobs in an area where unemployment in the building trades is at 50 percent, and 2,500 more jobs related to the operation of the refinery. Finally, it would represent a $550 million capital investment in the economy of this country. Virginia is not the only State in violation of this unattainable national standard for photochemical oxidants. Recent figures show that the standard is being exceeded in 88 percent of the air quality control regions which monitor oxidant levels.

Our air quality goals can, and must, be achieved. However, we must realize that we have other goals which are equally as important to the quality of life in America as clean air, including the strength of the economy and the security of our future energy supplies. We have the choice of pursuing clean air goals in a flexible and reasonable way now, or possibly being forced to abandon them in the future.

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from California (Mr. WAXMAN). Both the gentleman from California (Mr. WAXMAN) and the gentleman from Virginia (Mr. SATTERFIELD) have been active members of the committee.

Mr. WAXMAN. Mr. Chairman, the legislation the House begins debating today is the product of over 2 years' work by the Health and Environment Subcommittee and the full Committee on Interstate and Foreign Commerce. The leadership of the subcommittee chairman, Representative PAUL ROGERS of Florida, in drafting these amendments deserves widespread recognition and approbation. Not only has he understood the proper course to be charted by the Clean Air Act Amendments of 1977, but he has sought to bring all the interested parties—industry and labor, environmentalists and citizens, Governors and mayors, and the relevant agencies of our Government—together. This has, generally, been accomplished.

It remains, however, that this legislation is under a concerted attack led by the Detroit automobile manufacturers, the United Auto Workers, the National Association of Manufacturers, the Business Roundtable, and some of the largest oil companies and utilities in the Nation. They have been fighting for special interest provisions which would make a mockery of our efforts to insure a continuing commitment to the goals established by the Clean Air Act of 1970. They have supported a series of amendments which would place the public health of the American people in jeopardy.

I believe our legislation represents a broad consensus of where our environmental efforts should be directed over the next decade, and what constitutes the best means to fulfill them. It has been a difficult and, at times, frustrating task, but it has been one which fully takes into account, the constraints of capital and energy even as it continues progress toward reducing air pollution.

The issues involved in this legislation are numerous and complex, and at times as intangible as the air we breathe. I, therefore, wish to review and comment on what I believe to be the major themes guiding our debates.

WHAT THE CLEAN AIR ACT SET OUT TO DO

The 1970 Clean Air Act, which was the culmination of a years-long environmental effort throughout the country, began a concerted effort to clean up the Nation's air in this decade. It directed the Environmental Protection Agency to establish air quality standards for the most pervasive and dangerous pollutants. The standards were to protect not only the health of the American people, but also against the damages pollution causes to crops, vegetation, and building materials. These standards were to be enforced within specific time limits, generally by 1975.

Of crucial importance, the States were given primary responsibility for achieving and enforcing these standards. They were to devise, subject to final review by EPA, a series of implementation plans designed to insure that the standards would be met on time.

The Clean Air Act of 1970 established a four-tiered pollution control program. First, each stationary source—utilities, refineries, smelters, and so forth—was directed to comply with emissions limitations on its effluents by adopting a continuous method of pollution control. These sources, in other words, were to adopt whatever equipment or use whatever fuel was necessary to meet the pollution standards. Only by each source assuming responsibility for its own emissions in this manner could the regional air quality standards be achieved.

Second, the Congress established deadlines for severely reducing the amount of pollution caused by automobiles. The law mandated that the three tailpipe pollutants—hydrocarbons, carbon monoxide, and oxides of nitrogen, or NO_x—be reduced 90 percent from their uncontrolled levels. This was to be accomplished by 1975 for hydrocarbons and carbon monoxide, and by 1976 for NO_x.

Clearly, the major emphasis of these amendments was on the control of the two most obvious and widespread sources of air pollution—automobiles and stationary facilities. But it was also evident at the time that, even if these sources were controlled to the levels contemplated under the law, several areas of the country—particularly around our major cities—would still experience pollution levels in excess of the ambient standards. The Clean Air Act, therefore, authorized the States to require the implementation of transportation and land use programs to control such important factors as commuting patterns and the siting of large facilities in order to insure that the standards would be met.

The Congress embarked on this comprehensive program because it was apparent that earlier attempts to control air pollution using less stringent methods, were inadequate. Involved were not merely questions of esthetics, but also the growing realization that air pollution posed a severe threat to the health of the American people.

THE PROGRESS ACHIEVED TO DATE

In the intervening 6 years, significant progress has been achieved in meeting the Nation's air quality goals, although much remains to be done. Nationally, the air is cleaner now that it was in 1970. There has been a 25-percent decrease in atmospheric levels of sulfur oxides, and a decrease of more than 14 percent in particulates—the two major pollutants from industrial sources. Overall, new cars marketed today are 67 percent cleaner than those sold in 1970.

On the other hand, of the country's 247 air quality control regions, 188 remain out of compliance with the standards for particulates, 34 for SO_2, 70 for oxidants and carbon monoxide, and 16 for NO_x. Disturbingly, an analysis of these figures reveals that, although most of these areas surround large cities, some cities have even shown increases in pollution while significant amounts of air pollution continue to be measured in rural areas.

An industry-by-industry examination of the status of compliance with the Clean Air Act's requirements shows that, although many facilities have been able to make the necessary adjustments, significant portions of many of them remain in violation of the law's requirements. Although there are some 200,000 stationary sources of air pollution in the country, only 15,000 of the 20,000 major sources have been brought into compliance or placed on compliance schedules—and that most of these violators are the largest polluters and, presumably, those in the best position to come into compliance. Indeed, such statistics raise the gravest questions as to whether those who have chosen to comply within a given industry have placed themselves at a competitive disadvantage with respect to those who remain outside the bounds of the law's requirements.

This is what must be weighed when we consider that 200 of the 480 coal-fired powerplants, 150 of the 200 steel complexes, 19 of 28 nonferrous smelters, 130 of 250 large refineries, 1,000 of 3,500 commercial boilers, and nearly half of the 320 municipal boilers in the country all remain in violation of the Clean Air Act.

Although the cost of pollution control is often cited by industry as being prohibitive, the cost of this program to date has not been excessive. Total national expenditures for air pollution control in 1975 were $15.7 billion—around 1 percent of our total output of goods and services—and a rate which has been constant for the past several years—and less than is being spent on water pollution control. Meanwhile, it has been conservatively estimated that the cost of air pollution in health and material damage exceeds $25 billion annually.

The fact remains that whether or not these recalcitrant polluters clean up their act, the American people are already paying—through either higher medical costs or days lost to illness or death, or because of damage to crops, animals or other property—the high price of air pollution. Air is a resource that does have a value, and the choice before us is whether that value will be internalized in the price of materials or externalized through widespread harm to the health of the American people. The question is not whether, but simply in what manner, this burden is to be borne.

All of these efforts were complicated and somewhat compromised by the oil embargo of 1973–74 and the ensuing recession. Utilities which had come to rely on oil rather than install scrubbers which would allow them to burn coal demanded relief from pending pollution control deadlines. Automobile manufacturers eagerly sought extensions for compliance with the statutory standards in exchange for greater promises to improve the fuel economy of their gas guzzlers. In the crisis atmosphere and state of energy siege which gripped the country—and which washed over the more reasoned voices who insisted that energy conservation and environmental protection were not mutually exclusive, but compatible—the Congress relented, postponing Detroit's requirements for a year, and giving the Nation's coal-fired powerplants until 1979 to come up with acceptable ways to burn our abundant coal reserves.

It was the issues raised during this debate—the balance between concerns over energy, the economy, the environment, and ultimately the question of the quality of future growth—which would shape this years' deliberations on this legislation.

THE CHALLENGE TO THE CONGRESS

The progress which has been achieved to date, and the realization of how far we remain from realizing the Clean Air Act's goals, reflects both the essential nature of congressional action in this area if our air is to be cleaner, and the need for such programs to be responsive to changing circumstances and conditions if they are to be effective. Although some critics have contended that if good faith efforts had been consistently undertaken by industry we would not be encountering deadlines which could not be realistically met, it is clear that several real problems have emerged which have contributed to the delays in meeting the law's requirements.

The fact remains that the mid-1975 deadlines for complying with the standards in the Clean Air Act have come and gone with significant numbers of major sources out of compliance, and with our automobiles well short of meeting the statutory standards.

At the same time, the growing body of scientific information clearly shows that the causes and effects of air pollution are more complex than previously thought. This evidence has revealed that air pollution hardly respects political boundaries—that it is borne in the atmosphere over long distances, contributing to environmental hazards sometimes hundreds of miles from its original source. Without continued efforts to reduce the loading of harmful pollutants into the air, it is conceivable that rather than becoming uniformly clean, our air could turn uniformly dirty.

Additionally, all of the data on health effects continues to show that whatever safety margins may have been thought to exist by virtue of the primary—or health—standard are small indeed. Epidemiological studies have concluded that there is no threshold level below which adverse effects do not occur, and that particularly susceptible populations, such as the very young and the elderly, would be afforded little relief even if the standards were met. Moreover, evidence that air pollution contributes to a variety of heart and lung diseases—pulmonary dysfunction, asthma, emphysema, chronic bronchitis—has been compounded by studies which have tentatively linked air pollution and cancer. If anything, therefore, both the Congress and EPA should err, if at all, on the side of caution in establishing and enforcing our air quality standards.

The challenge to this Congress, then, is to maintain adherence to the goals and standards of the law, while making the necessary adjustments and midcourse corrections which would insure that the goals will be met as quickly, and economically, and responsibly as possible. Our intent is to neither paralyze industry by applying unfairly burdensome requirements, nor jeopardize the health of the American people by allowing industry to construct massive shelters which would shield them from the implementation of the law.

I believe we have generally succeeded in this endeavor.

THE COMMITTEE BILL RESPONDS

In every area in which there were serious problems with compliance with the law's deadlines, the Commerce Committee has provided for a series of extensions from them. At the same time, we have imposed a new series of obligations upon those who seek these extensions in order to insure that they will not be abused and in the hope that at the expiration of these grace periods, these sources will be in full compliance.

We have been most generous. If adequate pollution control technology has not been demonstrated; if there is a shortage of technology; if the equipment is unavailable due to a strike or emergency; if construction has been delayed; if financing is unavailable; if a source wants to try out new technology—for all these reasons an extension of up to 5 years may be granted.

These extensions are fully responsive to the problems we heard from most segments of industry. These provisions meet their needs.

However, if these sources were primarily at fault for the circumstances which led them to seek these extensions, they are liable for a delayed compliance penalty in an amount which is designed to insure compliance as quickly as possible, and which should prevent any extension from creating a competitive disadvantage for those who are complying—and are therefore absorbing the costs for pollution control. All sources receiving extensions, moreover, must take steps to alleviate the reasons for the delay, and use the best feasible pollution control measures in the interim.

Such a scheme provides, therefore, extensions for all the legitimate obstacles which have prevented compliance to date, while cracking down on those who would seek to take advantage of the delays provided by law.

Our approach is balanced, reasonable, and fair.

We have, nevertheless, refused to back down on two sore points of contention with the industry: the use of tall stacks and intermittent controls as an acceptable means of pollution control. The Congress firmly intended in 1970 that all stationary sources adopt a continuous method of pollution control—either the application of filtering technology or the continuous use of cleaner fuels.

There has never been any misunderstanding, either by EPA or the courts, of our policy in this regard. And yet, the utility industry in particular has tried to gain acceptance for operating methods which only disperse harmful emissions over a large area, which are unreliable in practice and which mask each source's contribution to a region's air quality problems. The committee has unequivocally rejected the use of tall stacks and intermittent controls as a final means of compliance with the Clean Air Act's requirements. I feel that the committee has finally, after a half-dozen years, laid this argument to rest.

We have also continued to insist that all new sources be required to use the best available control technology on their plants. It makes the best of sense that any new complex, as part of its planning, factor in the best pollution control achievable. The committee's action in this regard reflects the judgment that pollution control should, more and more, be considered as a regular cost of doing business, and not simply as exception to expected capital outlays.

In order to encourage the development of new, more fuel-efficient, and more effective technology, the committee has provided a series of incentives for technology innovations. We fully expect major breakthroughs to result in part from the use of the opportunities provided in this bill.

Many areas of the country face the prospect that, even if all automobile standards and stationary source controls were met, additional steps to modulate the rate and patterns of auto traffic and the location of facilities—such as shopping centers—which attract cars, and hence pollution, would have to be undertaken to meet air quality standards. In and of themselves, these programs hold out the prospect of significantly affecting the way we go about our daily business.

However, in the absence of adequate public transportation in most of these areas, and because of the extensions we have granted for both stationary sources and automobiles, it seemed particularly unfair to compensate for these delays by maintaining strict adherence to our original transportation and indirect source control programs. And so we have directed EPA and the States to extend these regulations for several years, provided that our cities begin to commit themselves to improving their mass transit systems.

But it is important to remember that, in the last analysis, transportation controls not only reduce pollution but conserve energy by causing a switch from single-passenger commuting to group travel—an approach that is not only sane and prudent, but reflective as well of the compatibility between our environmental and energy goals.

The subcommittee also adopted an amendment I offered to allow States to delete gas rationing and vehicle retrofits from these plans. Such measures are extraordinarily unpopular; their imposition would cause widespread social and economic disruption. Their imposition by Federal agencies far removed from the scene would not only be unworkable, but also precisely the kind of solution which erodes people's faith in the legitimacy and desirability of environmental legislation. As far as these two discredited strategies are concerned, there simply has to be a better accommodation among the conflicting needs involved. My amendment will insure that one will be found.

In one of the most crucial areas of this legislation, the prevention of significant deterioration of air quality, the committee has outlined a major program designed to insure that our air which is cleaner than required by law, will remain clean. We have chosen to set aside from the ravages of air pollution the most pristine and fragile land resources in the Nation so that they may be protected and enjoyed by future generations of Americans. Our national parks, wilderness areas, and wildlife refuges should remain free from the encroachment of industry.

In response to the need for economic expansion, however, we have initially directed that most of the rest of the land in the country be open for vigorous and sustained amounts of growth. At the same time, we have required the States to carefully review their future planning, so that development occurs in an orderly and rational manner, with due regard to all the factors—energy development, economic growth, and environmental protection—which must be weighed in these decisions. By requiring all new sources to use the best available control technology, we have insured that as many facilities as possible will be able to use the limited air resources available to them.

Let there be no mistake: If we do not adopt a comprehensive nondegradation policy, it will be too late to reclaim the air once it has deteriorated to the level of the ambient standards—and too expensive as well. This legislation strikes the necessary balance between fostering economic growth and protecting our scarce clear air reserves.

We have also provided a new program to protect visibility in the national parks and other areas which have been specifically set aside from the ravages of heavy industrial growth. Visibility is the most precious air quality value in such places as the Grand Canyon. People flock to these areas particularly to enjoy their breathtaking vistas. It is, therefore, essential that, wherever possible, steps be undertaken to control pollution from sources which would diminish visibility. Accordingly, our legislation directs the States to impose strict emission limitations on major polluters which are today affecting visibility in these critical areas—by requiring retrofits of available technology if necessary—and to engage in long-range planning to insure that future growth will have only a minimal impact in this regard. I very much believe this is a prudent and responsible approach which will rebound to the benefit of all who look forward to enjoying our national parks for generations to come.

NONATTAINMENT

One of the most difficult clean air issues is the problem of nonattainment: Whether and under what circumstances to permit new industrial growth—and additional industrial pollution—in areas where the health standards are already being exceeded. The statutory deadline for compliance is June 30, 1977. If extensions of this attainment date are not provided, a literal reading of the Clean Air Act might preclude the granting of any new construction permits in these areas. If the attainment date is simply waived, new development could occur, but without any assurance that our clean air goals would ever be realized.

Nonattainment thus poses the most difficult policy problem in the law, as it infers a choice between clean air and jobs, protection of the public health and economic growth.

In anticipation of this problem, EPA promulgated late last year its "tradeoff" policy for such areas. It would permit new growth provided the new source could obtain reductions in emissions from existing sources in the area in an amount greater than the new pollution which would be brought in, thereby making "reasonable further progress" toward eventually meeting the health standards.

This policy has been severely criticized, with some justification. In some instances, these "tradeoffs" are difficult, if not impossible, to obtain. The policy discriminates against new sources who do not have any existing sources in the nonattainment area—so there are no pollution reductions immediately available, and no incentive for other existing sources to clean up to make room for a new—and perhaps competitive—source. This program has also had some unintended consequences: In order to secure the necessary tradeoffs, some large sources have brought up smaller ones—and then closed them down. One wonders about the antitrust implications of a large refinery purchasing a smaller one only to put it out of business in order to comply with the Clean Air Act.

At the same time, what is also at stake is the health of all who live in these areas. Literally millions are currently exposed to a severe risk of increased heart and lung disease from the excessive pollution levels in their communities.

The committee has carefully weighed these dilemmas and responded with a comprehensive approach designed to accommodate these sometimes conflicting needs.

First, we have provided extensions through 1987 for photochemical oxidants, and, until 1982 for all other pollutants.

Second, we have required all new sources to employ the "best, best" technology: Equipment which will insure the lowest achievable emission rate demonstrated for that class of source anywhere. The cost of compliance, because of the severity of the threat to health, is to be much less a consideration in nonattainment areas than elsewhere.

Third, the States are to revise their implementation plans, incorporating comprehensive emission inventories so that they know how much pollution is in the air, where it is coming from, and what reductions must be made to meet the new attainment dates.

Fourth, the States must make "reasonable further progress" in reducing pollution by achieving a specified percentage of reduction every 2 years. No new permits for new sources may be granted if the previous 2 years' progress in reducing pollution has not been achieved.

Fifth, these reductions may be achieved in a variety of ways: By establishing stricter emission limits for existing sources and, if necessary, by allowing the States, if they choose, to adopt the more stringent California standards for automobiles.

The committee's nonattainment policy, therefore, maintains the commitment to meeting the health standards by a date certain, and places the burden for doing so on the community as a whole. I believe this is as equitable and fair an approach as could be developed. I very much hope it contains the answer to this extraordinarily difficult problem.

AUTOMOBILE POLLUTION

The most controversial issue in the bill is the question of automobile pollution controls. We have been working on this legislation for over 2 years. In the last Congress, Representative MAGUIRE and I sponsored an amendment which was stronger than both the committee position and the Senate's proposal.

We offered such an amendment because we do not believe that the issue is between clean air and jobs, or clean air and fuel economy, but between dirty air and the health of the American people.

Nevertheless, an extremely concerted effort to overturn the committee's proposal is being undertaken by the Detroit automobile manufacturers and the United Auto Workers. Their amendment, sponsored by Representative JOHN DINGELL of Michigan and Representative JIM BROYHILL of North Carolina, would gravely threaten the public health and impose on our air pollution control efforts a nearly intolerable burden which would frustrate—perhaps irrevocably—any hope of achieving our clean air goals.

I believe that the preponderance of evidence clearly demonstrates that much more can be required of the automobile manufacturers than the committee bill dictates. Nevertheless, I fully support the committee's position, which maintains the integrity of the commitment to clean air first made by the Congress in 1970, and wish to share my reasoning with my colleagues.

First. The committee proposal provides the automobile manufacturers with the immediate relief they have requested for the next model year.

The legislation extends the current pollution standards for one more year, ending the regulatory uncertainty which has confronted the industry for the past several months.

Second. The committee is moderate and reasonable, demanding no more than what has already been achieved in practice.

The State of California has for more than a decade, because of its extraordinary air quality problems, established emission standards for automobiles more stringent than those required nationally. Currently, California's cars are, on the aggregate, 50 percent cleaner than the cars sold across the country. And its standards will become even tighter in 1980.

The committee bill would not require the imposition of standards stronger than the current California standards until 1981—or 4 years after they have been met in California. The automobile industry can easily make the transition toward these standards.

Third. For the most difficult pollutant to control—oxides of nitrogen (NO_x) the burden is on EPA to demonstrate the need for further limiting its emission.

The control of NO_x has been the most bitterly contested automobile pollution issue. The committee proposal would require that EPA find, before requiring the achievement of lower NO_x levels, that such controls are essential to protect public health.

This is a distinct reversal of the burden of proof which has governed pollution control to date. It assures that no greater controls than those necessary to prevent illness and disease from air pollution will be required.

Fourth. The Dingell-Broyhill amendment gravely threatens the health of the American people.

The Dingell-Broyhill amendment would repeal the full, antipollution standards for both carbon monoxide (CO) and NO_x—to the detriment of the health of the American people. Even the interagency task force report, on which the Dingell amendment so heavily relies, shows:

That for CO, under DINGELL, there will be 10 percent less improvement in air quality between now and the year 2000, causing 33,000 more excess person hours of disability per year than under the committee proposal—or 30 percent more adverse health effects; and

That for NO_x, such pollution under DINGELL will increase some 13 percent over current levels by the year 2000—while under the committee bill, it will decrease some 10 percent—causing between 2 and 6 million more excess attacks of lower respiratory disease in children over the next 20 years.

Carbon monoxide pollution induces cardiovascular disease. NO_x has been increasingly linked to the formation, in the atmosphere, of nitrosamines, one of the most potently carcinogenic substances known. Prudence demands that the Dingell amendment be rejected on these grounds alone.

Fifth. The committee proposal is fully consistent with the President's energy program, and will not cause any fuel penalty.

The President assured the committee, when he proposed the schedule we ultimately adopted, that the auto emissions proposal is fully compatible with our energy objectives. The committee bill has been endorsed by Dr. Schlesinger, FEA Administrator O'Leary, and Transportation Secretary Brock Adams.

There is no reason to believe that the trend in recent years—in which a 70-percent reduction in tailpipe emissions has been accompanied by a more than 40 percent improvement in fuel economy—will be reversed in the future.

Indeed, new Volvos sold in California are not only meeting the full statutory standards, but are enjoying a 10-percent fuel economy gain over previous models as well; 1977 cars in California are 5 percent more fuel efficient than the 1976 automobiles, even though the hydrocarbon standard was halved, and the NO_x standard reduced by 25 percent.

Study after study has documented that pollution control and fuel economy are not inherently linked, and that fuel economy improvements will be achieved with methods independent of emissions controls.

But even assuming the worst case estimates floated by Representative Dingell, they amount—using regular long division—to a fuel penalty of less than 1 percent of total U.S. daily oil consumption—an insignificant amount.

Sixth. Adoption of the Dingell-Broyhill amendment will place a greater burden on other industries to clean up more than they would otherwise be required. Adoption of the Dingell-Broyhill amendment will impede growth in dirty-air areas of the country.

Automobiles are the greatest single category of polluters in the country. Their control is essential to the success of air pollution reduction strategies everywhere. The more extensions granted Detroit, the more the States will be forced to crack down on other industries—steel, oil, utilities—to compensate for the difference.

Control of auto pollution also affects growth in our dirty-air areas. The more NO_x and CO from automobiles, the less opportunity there is for other sources which emit these same pollutants to have room to build.

This will inhibit growth and cost jobs. This is the real economic cost exacted by the Dingell-Broyhill amendment.

Seventh. The committee proposal will not cause higher unemployment in the auto industry.

Auto pollution controls have never been a significant factor in the cost of new cars. Even today, their total value is far less than the cost of air-conditioning.

EPA estimates that the manufacturers could meet the full statutory standards at a cost of only $150 more than the cost of the Dingell-Broyhill amendment. But even assuming it would cost $350 per car, what would be the effect on sales? In September, the average car price was raised by precisely that amount, and combined car-truck sales this year are expected to reach record levels—over 11 million units. Industry profits have also reached record levels: Combined first quarter profits were $1.3 billion. The recent 6-percent increase in steel is expected to translate into an additional $300 per car, yet auto executives are confident this will not diminish new car demand.

Set against these facts, the costs of the committee proposal seem a small price to pay for public health.

The Clean Air Act is clearly being singled out by Detroit as the fall guy for other economic ills which might again visit the industry. Clean air has nothing to do with Detroit's economic fortunes.

I believe the committee proposal makes generous concessions to the industry while maintaining our basic commitment to a clean environment.

I urge you to join the committee in defeating the Dingell-Broyhill amendment.

THE ISSUES BEFORE THE HOUSE

More than ever it is evident that the environmental concerns of the 1960's are the public health issues of the 1970's. Clean air is no longer merely a question of intangibles or aesthetics, but an issue that is as important as the purity of our food, the cleanliness of our water, the safety of where we work, and the quality of the health care we receive. Some still refuse, however, to believe the issue is as momentous as that.

This, then, is the challenge before the House: will it retreat under the assault of some powerful voices in industry or will it reaffirm—with the adjustments necessary—the Nation's commitment to reclaiming, protecting and enhancing our clean air resources? Will we sacrifice the long-term benefits to be obtained by staying the course we have previously charted for an ill-conceived, short-term deferral of responsibility for these efforts?

I trust we will not.

The Clean Air Act of 1970 reflected the realization that this job must be done; the Clean Air Act Amendments of 1977 affirm that the job can still be done.

Thank you, Mr. Chairman.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Kentucky (Mr. Carter).

Mr. CARTER. I thank the gentleman for yielding.

Mr. Chairman, of course, California has the right to adopt, and it has adopted, more stringent standards than the rest of the Nation.

Has it worked a hardship on the automobile industry to supply these automobiles or not?

Mr. WAXMAN. It has not worked a hardship on the automobile industry. As a matter of fact, they supported the California standard. They argued that it would be helpful to have an experimentation, a marketplace, to see if they could manufacture cars which meet a stricter standard and that they could extend those standards to the rest of the country. They are meeting a stricter standard now in California. I would be happy if we just extended the California standard, after a short delay, to the rest of the country, but we are not talking about doing that until the 1980's.

They can meet it, and in meeting that standard now it has not meant a greater cost to the consumers of California.

Mr. Chairman, I think I can say that I have a greater trust than some in the ability of the automobile manufacturers and, with them, the United Automobile Workers to perform what we are asking them to do, and that is to insure that our cars will be the source of fewer pollutants in the air. If that can be accomplished, we can better protect the public health.

Mr. CARTER. Mr. Chairman, I would like to ask the distinguished gentleman if the standards would include the 1.5 grams of NO_x per mile?

Mr. WAXMAN. That is my understanding.

Mr. CARTER. And have they reached that standard, which is more stringent than the 2 grams of NO_x per mile that we have as a standard today in other States?

Mr. WAXMAN. The gentleman is correct.

Mr. Chairman, I would indeed point out to the gentleman that in California there is the marketing of a car that is manufactured overseas which is meeting the ultimate standards we would have the automobile manufacturers meet somewhere down the road. They are doing it with an increase of fuel efficiency and a very small increase—only a $50 increase—in the cost of the automobile.

Mr. CARTER. Mr. Chairman, I thank the distinguished gentleman for yielding.

Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. Broyhill).

Mr. BROYHILL. Mr. Chairman, much of the debate over this bill has centered around an amendment that will be offered by myself and Mr. Dingell.

The auto emissions standards that we advocate will permit us to achieve our national clean air goals, and at the same time will not result in unreasonable cost increases in automobiles which would have to be borne by consumers.

John Dingell and I have repeatedly called for a balanced approach to a clean air program. It is my belief that our amendment represents the best combination of environmental, economic, and consumer concerns possible. Last year, an interagency study concluded that extreme pollution standards would result in much higher consumer costs with relatively little to show in the way of long-term air quality improvements. A recent update of that study only echoed that conclusion: That moderate, more feasible standards would achieve the same health benefits, at minimal cost to the consumer. It told us that we could take into consideration the economic factors and concerns of our citizens without sacrificing their health.

Our amendment, the mobile source emission standards, addresses several of the problems encountered when attempting to control automobile emissions. It protects the environment through a stringent schedule of pollution controls. It protects the individual by preserving his rights as a consumer. It protects the working American by incorporating an approach which is feasible both economically and technologically.

We have included in the amendment several provisions dealing with different segments of the automotive industry. These sections of the bill are intended to preserve a competitive situation and thus safeguard the rights of the consumer as well as of the independent businessman. Specific provisions address the "after market" parts industry as well as the thousands of independent repair and maintenance stations upon which we all depend. Our emissions schedule allows auto manufacturers opportunity to perfect and implement new, more efficient pollution-control technologies. This will be achieved without sacrificing either our economy or clean air goals.

The 1970 amendments to the Clean Air Act included a provision which has diminished competion in the automobile aftermarket and which threatens to have an even greater anticompetitive effect in the near future. The uncertainties surrounding the warranties provisions will give the consumer little choice but to return his vehicle to the dealer for warranty work, maintenance, and repair. The consumer might well have his service work performed more cheaply and as effectively by an independent service establishment, but he will be tied to an automobile dealer by the fear of losing his warranty protection. Our bill would provide that the maintenance instructions must include notice to consumers that they might have their service performed at independent service centers. It would also reduce the warranty to 18,000 miles or 18 months so as to lessen the anticompetitive effect and reduce consumer cost.

The purchase of an auto is often the second largest purchase of a lifetime. In my judgment there is no need to set such stringent standards as would drive up the cost to consumers in return for minimal environmental benefits.

It is imperative that we protect our society from air pollution that will cause harm to our public health and welfare. It is likewise essential that we not pursue these efforts in a manner that is injurious to other significant national interests. Another important social goal of this Nation is full employment. Jobs are important. Thus we should approach this whole subject of amendments to the Clean Air Act in a way which does not cost jobs or result in severe economic impact.

Mr. Chairman, some misstatements have been made regarding those who support the aftermarket (warranty) provisions in the Dingell-Broyhill substitute to the Clean Air Act Amendments, H.R. 6161. I would like to take this opportunity to show the House exactly who supports the Dingell-Broyhill substitute, so as to help clarify this controversial issue:

1. Automotive Service Industry Association, 230 North Michigan Avenue, Chicago, Illinois 60601; 7,000 member firms.
2. Automotive Wholesaler Association Executives, P.O. Box 6188—203 Park Lake Street, Orlando, Florida 32803; 9,000 member firms.
3. Automotive Wholesalers Assn. of Alabama, Montgomery, Alabama.
4. Automotive Wholesalers of Arizona, Scottsdale, AZ 85257.
5. Automotive Wholesalers of Arkansas, Malvern, AR 72104.
6. California Automotive Wholesalers Assn., Sacramento, CA 95825.
7. Chesapeake Automotive Wholesalers Assn., Annapolis, MD 21401.
8. Florida Automotive Wholesalers Assn., Inc., Orlando, Florida.
9. Georgia Automotive Wholesalers Assn., Tucker, Atlanta, GA.
10. Automotive Wholesalers Assn. of Idaho, Boise, ID.
11. Automotive Wholesalers of Illinois, Springfield, Il.
12. Indiana Automotive Wholesalers Assn. Indianapolis, IN.
13. Iowa Automotive Wholesalers Assn., Des Moines, IA.
14. Kentucky Automotive Wholesalers Assn., Lexington, KY.
15. Automotive Wholesalers Assn. of Louisiana, Baton Rouge, LA.
16. Michigan Automotive Wholesalers Assn., Lansing, MI.
17. Minnesota Automotive Wholesalers Assn., Minneapolis, MN.
18. Mississippi Automotive Wholesalers Assn., Jackson, MS.
19. Automotive Wholesalers Assn. of Missouri, Jefferson City, MO.
20. Montana Automotive Wholesalers Assn., Great Falls, MT.
21. Nebraska Automotive Wholesalers Assn., Omaha, NB.
22. Automotive Wholesalers Assn. of New England, Petersborough, NH.
23. New Jersey Automotive Jobbers Assn., Cherry Hill, NJ.
24. New Mexico Automotive Wholesalers Assn., Albuquerque, NM.
25. New York State Automotive Wholesalers Assn., Syracuse, NY.
26. North Carolina Automotive Wholesalers Assn., Raleigh, NC.
27. Automotive Wholesalers Assn. of North Dakota, Bismark, ND.
28. Ohio Automotive Wholesalers Assn., Columbus, OH.
29. Automotive Wholesalers of Oklahoma, Oklahoma City, OK.
30. Oregon Automotive Parts Assn., Portland, OR.
31. Pennsylvania Automotive Wholesalers Assn., Mechanicsburg, PA.
32. Rockey Mountain Automotive Wholesalers Assn., Denver, CO.
33. Automotive Parts Wholesalers Assn. of South Carolina, Columbia, SC.
34. Automotive Wholesalers Assn., of TN, Nashville, TN.
35. Automotive Wholesalers of Texas, Austin, TX.
36. Virginia Automotive Whoelsalers Assn., Richmond, VA
37. Washington Automotive Wholesalers Assn., Seattle, WA.
38. West Virginia Automotive Wholesalers Assn., Ravenwood, W. VA.
39. Wisconsin Automotive Wholesalers Assn., Madison, WI.
40. Automotive Engine Rebuilders Assn., 1238 Waukegan Road, Glenview, Illinois 60025: 1600 member firms.
41. Automotive Affiliated Representatives. 625 North Michigan Avenue, Chicago, Illinois 60611: 500 member firms.
42. Automotive Booster Clubs International, 1803 South Busse Road, Mt. Prospect. Illinois 60056: 3200 member firms.
43. Automotive Warehouse Distributors Assn. Inc., 1719 West 91st Place, Kansas City. Missouri 64114: 560 member firms.
44. Automotive Parts Rebuilders Assn., 6849 Old Dominion Drive, McLean, Virginia: 675 member firms.
45. American Parts System, 7800 Westpark Drive, Houston, Texas 77042: 1800 member firms.
46. The Distributors' Institute, 20 North Wacker Drive, Chicago, Illinois 60611: 47 member firms.
47. Equipment & Tool Institute, 1545 Waukegan Road, Glenview, Illinois 60025; 65 member firms.
48. International Mobile Air Conditioning Assn., 6116 North Central Expressway, Dallas, TX 75206; 500 member firms.
49. Independent Garage Assn. of Texas, 8311 Shoal Creek Boulevard, P.O. Box 9926, Austin, TX 78766; 2500 member firms.
50. National Automotive Parts Association, 10400 Higgins Road, Rosemont, Illinois 60018; 4200 member firms.
51. National Congress of Petroleum Retailers, 2021 "K" Street, N.W., Washington, D.C. 20006; 60,000 member firms.
52. Arizona Petroleum Retailers Assn., Phoenix, AZ.
53. Gasoline Retailers Assn. of Arkansas, North Little Rock, AR.
54. California Petroleum Retailers Assn., Fresno, CA.
55. Southern California Service Station Assn., Newport Beach, CA.
56. California Service Station Assn., Oakland, CA.
57. Petroleum Retailers Assn. of Colorado, Denver, CO.
58. Connecticut Gasoline Retailers Assn., North Haven, CT.
59. Allied Gasoline Retailers Assn. of Florida, Orlando, FL.
60. Georgia Assn. of Petroleum Retailers, Decatur, GA.
61. Hawaii Automotive & Retail Gasoline Dealers, Honolulu, HI.
62. Idaho Service Station, Idaho Falls, ID.
63. Illinois Service Station Operators Assn., Chicago, IL.
64. Indiana Service Station Dealers Assn., Indianapolis, IN.
65. Iowa Gasoline Dealers Assn., Des Moines, IA.
66. Kentucky Gasoline Dealers Assn., Louisville, KY.
67. Service Station Assn. of Louisiana, New Orleans, LA.
68. Pinetree Gasoline Retailers Assn., Augusta, ME.
69. Greater Washington/Maryland Service Station Assn., Rockville, MD.
70. Bay State Gasoline Retailers Assn., Belmont, MA.
71. Michigan Service Station Assn., Southfield, MI.
72. Minnesota Service Station Assn., Minneapolis, MN.
73. Mississippi Service Station Dealers Assn., Ocean Springs, MS.
74. Mid-American Gasoline Dealers Assn., Kansas City, MO.
75. Service Station Dealers Assn. of Missouri, St. Louis, MO.
76. Bozeman Retail Petroleum Dealers Assn., Bozeman, MT.
77. Nebraska Gasoline Retailers Assn., Omaha, NE.
78. Nevada Service Station Assn., Las Vegas, NV.
79. Gasoline Retail Dealers Assn. of New Hampshire/Vermont, Manchester, NH.
80. New Jersey Gasoline Retailer Assn., Springfield, NJ.
81. New York State Assn. of Service Stations, Mount Vernon, NY.
82. North Carolina Service State Assn., Raleigh, NC.
83. North Dakota Retail Gasoline Dealers Assn., Bismarck, ND.
84. Ohio Retail Gasoline Dealers Assn., Columbus, OH.
85. Pacific Assn. of Service Stations, Portland, OR
86. West Conference of Petroleum Retailers, Portland, OR

87. Pennsylvania Service Station Dealers Assn., Bala Cynwyd, PA.

88. Associated Retail Gasoline Dealers, Pittsburgh, PA.

89. Ocean State Service State Retailers Assn., North Kingstown, RI.

90. South Carolina Service Station Dealers Assn., Charleston, SC.

91. Tennessee Retail Gasoline Dealers Assn., Memphis, TN.

92. Texas Service Station Assn., Austin, TX.

93. Utah Assn. of Petroleum Retailers, Salt Lake City, UT.

94. Virginia Gasoline Retailers Assn., Richmond, VA.

95. West Virginia Gasoline Dealers Assn., Huntington, WV.

96. Retail Gasoline Dealers Assn. of Wisconsin, Madison, WI.

97. Production Engine Remanufacturers Assn., 1800 North Argyle Avenue, Suite 400 A, Hollywood, CA 90028: 184 member firms.

98. Automotive Dismantlers & Recyclers of America, 1,000 member firms, 1000 Vermont Avenue NW., Washington, D.C. 20005.

99. National Wheel & Rim Assn., 4836 Victor Street, Jacksonville, FL 32207. 41 member firms.

100. National Engine Parts Manufacturers Assn., 111 West Washington Street, Chicago, Illinois 60602:15 member firms.

101. U.S. Chamber of Commerce, Washington, D.C.: 68,000 member firms.

102. Highway Users Federation for Safety and Mobility, 1776 Mass. Avenue N.W., Washington, D.C. 20036: 6,000 member firms.

Total: 166,887 member firms.

Also attached is a list of the four organizations who have reportedly elected to support the Rogers bill with their respective membership strength as follows:

1. Automotive Service Council, 188 Industrial Drive, Elmhurst, IL 60126: 5,000 member firms.

2. Automotive Parts & Accessories Assn., 1025 Connecticut Avenue, N.W., Washington, D.C. 20036: 1,000 member firms.

3. Motorf and Equipment Manufacturers Assn., 222 Cedar Lane, Teaneck, N.J. 07666: 750 member firms.

4. Specialty Equipment Manufacturers Assn., 1101 East Valley Mall, Suite 200, El Monte, California 91734: 250 member firms.

Total, 7,000 member firms.

Since my colleagues may not be as familiar with the automotive "aftermarket" industry as they are with the rest of the industry I am having printed in the RECORD answers to the questions which have been asked most often regarding H.R. 4444 and the automotive aftermarket parts industry:

Questions and Answers on Clean Air Act Warranty Language

Question: If we reduce the length of the performance warranty as specified in H.R. 444/S. 919 how can Congress assure that the vehicle Manufacturers will continue to produce durable emission systems?

Vehicle manufacturers will still be required to produce a durable system in order to pass the 50,000 mile EPA certification test under the production warranty. We propose no change in length of the production warranty. Under the production warranty, the EPA not only certifies that the car's emission control system will last for 50,000 miles, but if a substantial number of systems fail during their on-the-road operation, the EPA can recall the entire lot for repair at the manufacturer's expense. Reduction of the performance warranty will not let the manufacturers off the hook regarding their requirement to produce a durable emissions system.

Question: Doesn't the performance warranty guarantee that the emissions system will perform for five years/50,000 miles?

No, it only attempts to define who will pay for repairs if the system does not perform.

Question: How does the production warranty work?

If the EPA learns that five or more systems have malfunctioned due to defects in materials or workmanship (as opposed to improper maintenance), it will instigate an investigation which could lead to a recall of all of that model or engine type. This protects the consumer against shoddy workmanship or the possibility that the engines actually produced do not replicate the engine originally certified.

Question: Why doesn't Congress just insist that the manufacturers accept parts and labor from anyone as satisfying the maintenance requirement of the performance warranty?

Because the vehicle manufacturer has a legitimate legal right to protect his contingent liability under the warranty by demanding that adequate replacement parts be used and that they be properly installed. While the issue was being fought out in the courts, consumers would protect their interests by following the maintenance instructions to the letter and the aftermarket would be crippled, perhaps fatally. In addition, it is likely the courts would sustain the manufacturers on this point. It is difficult to believe that the courts would hold that the vehicle manufacturer could be held liable for service work done outside the franchised dealership where a mechanic either put on the wrong part or put it on up side down.

Question: Why not just delegate the authority to correct this problem to the EPA?

Because the EPA has not shown any sensitivity to this threat and because it would just be ducking the issue on the part of Congress. EPA thinks the problem can be corrected with a parts certification program. It can't.

Question: Won't a parts certification program completely solve the problems of the aftermarket industry?

No. In fact, the House Small Business Committee found that the certification program itself was anti-competitive. Their objections: the great cost of even self-certifying will destroy many smaller manufacturers; the vehicle manufacturers could control certification to limit competition; there are expensive problems of due process; and it would require at least partial exemption for the industry from present antitrust laws. Industry has been working with the EPA since 1972 trying to develop a workable voluntary parts certification program. The EPA effort to get a voluntary parts certification program off the ground has been hampered by EPA's proposal to include 430+parts in its definition of the emissions system.

Question: Section 9 of H.R. 4444 defines an "emission control device or system" for both the production and performance warranties. Why?

In November 1976, EPA issued a proposed rule which seeks to circumvent the will of Congress by using a "backdoor" approach through regulations under the production warranty which would in actuality make it into a performance warranty. EPA's intent is clearly expressed in its proposed production warranty regulations when it stated "(the production warranty) could potentially be applicable in some cases where no specific defect was identified; in essence becoming a type of performance warranty." (Federal Register, November 16, 1976, Page 50567). By carefully defining an "emission control device or system" the intended applications of the warranties by Congress are made clear.

Question: What evidence exists that the present 50,000 mile performance warranty has added to the cost of the cars, and has proved anticompetitive, and has induced business away from the independent dealer?

There can be no answer to this question until the 5 year, 50,000 mile performance warranty is implemented by the EPA. The fact is that there is no present 5 year, 50,000 mile performance warranty. The Act provides that when a feasible short test is developed, the EPA shall issue regulations mandating the performance warranty. Since this has not been done, there cannot be said to be any additional cost added to the vehicle that would be attributable to the performance warranty nor can any anti-competitive effects be measured by something that is not implemented.

We have heard from many different sources that the problems posed by the warranty have not occurred even though the warranty has been on the books for six years. The reason for this is to often overlooked. There can be no problem until the EPA implements the warranty, and this has not been done as at this date. Thus, there has been no effect on competition, nor can there be until the warranty is implemented, but ASIA submits that this in no way means that the problem is not there.

Question: It has been six years since the 50,000 mile performance warranty was written into law. What percentage of the aftermarket business do the non-original equipment dealers presently hold?

This question is closely intertwined with the previous question. The 5 year, 50,000 mile performance warranty has been a part of the Clean Air Act for six years but, and this is vitally important—It Has Not Been in Operation for a Single Day—because it has not been implemented by the EPA, there can be no valid comparisons of the respective shares of aftermarket business before such implementation. At the present time, without the performance warranty in effect, free market conditions have the aftermarket doing 75 to 80% of all the repair work in the nation. After implementation of the performance warranty, the consumer loses his freedom of choice and a government mandated monopoly replaces that free market. Immediate remedial legislative action to eliminate this monopolistic effect is vitally needed.

Question: Since the performance warranty has not yet been implemented by EPA, is it a "real" problem to the aftermarket and consumers?

Indeed, the problem hangs very "real" over the head of the independent automotive aftermarket waiting to strike once the EPA develops the short, feasible test required for implementation of the warranty. Make no mistake about it, once the warranty is implemented, the result will be disaster for the independents and monopoly over all parts and services by the vehicle manufacturers. The consumer will suffer tremendously both from substantially increased costs of his vehicle and his loss of freedom of choice as to who services his vehicle and what parts are used. The economic fact of life is that the vehicle manufacturer, once he is faced with the tremendous legal obligation of the performance warranty must include the cost of that obligation in the price of the vehicle and the consumer who must pay that price has no choice except to return to the vehicle manufacturer not only for warranty work, but for all his maintenance and service, since to do otherwise might void his warranty and he cannot risk the loss of his substantial investment, regardless of any niceties in the law which he will not understand, nor will care to understand.

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from New Jersey (Mr. MAGUIRE), who is a very active and constructive member of the committee.

Mr. MAGUIRE. Mr. Chairman, I rise in support of H.R. 6161, the Clean Air Act Amendments of 1977.

I must say at the outset that it is a bit disappointing that the Members of the House must once again meet to discuss this extremely important and long-overdue environmental legislation. As my colleagues know, we have covered this ground before. During the 94th Congress the Committee on Interstate and Foreign Commerce worked for 18 months to improve the 1970 Clean Air Act, holding more than 80 subcommittee and full committee markups on the subject.

The full House spent the better part of several days in its consideration of the committee's actions. Yet all this hard work, not to mention the corresponding efforts of the other body, was undone when a single Member of the other body filibustered the Clean Air Act Amendments of 1976 to death in the closing hours of the 94th Congress.

Detroit was well represented in the gallery that afternoon. I am told that the auto industry lobbyists cheered the sudden turn of events and rushed to the phones to send back to their home offices the good news. They are now here again, of course, saying we had better act fast or else the auto industry will shut down or be otherwise crippled or undermined.

Even if it were conceivable that the Congress would, by not passing a bill in time, outlaw the 1978 cars—and that is inconceivable—I am compelled to ask: Whose fault would that be, since we have had these statutory standards on the books since 1970?

Not only the auto companies but the utilities, the oil companies, the steel industry, the smelter industries, and others joined in celebrating the fact that at least another year would pass before they would have to take the steps necessary to act to better protect the public health. Yet these are the same interests which continually complain about a lack of predictability in public policy.

"How can we plan when the Government will not decide on a clear policy?" they ask. But again I respond: Whose fault is that, really, when these same interests bend every effort to frustrate the adoption of a Clean Air Act with meaningful, clear pollution control targets and provisions for compliance?

In the 7 years since the Clean Air Act was passed we have made progress. Nationally, the air is cleaner than it was in 1970. On the other hand, most of our major cities, including New York, Chicago, Denver, and Los Angeles, still have not reached the primary air quality standards, and many of them—perhaps 26 of those cities—will not do so even by the year 2000, even if the administration proposals on auto emissions are adopted.

Automobiles have not met their emission goal. Hundreds of industrial plants are still out of compliance with the emission limitation, and the Congress has not yet enunciated a national policy on the prevention of air quality deterioration in presently clean areas. The health costs of these failures are massive.

Mr. Chairman, according to the EPA, the attainment and nonattainment for just one pollutant, sulfur dioxide, is counted in millions of episodes of aggravated heart and lung disease; millions of asthma attacks; and hundreds of thousands of attacks of respiratory diseases such as croup and bronchitis in children each year.

Not all of the effects of sulfur dioxide, carbon monoxide, and nitrogen oxides can be quantified today. We are even further away from quantifiable estimates on the effects of nitrates, sulfates, and other air pollution byproducts. One thing is clear: The more we learn, the more frightening the health hazards become. For example, abnormally high concentrations of nitrosamines, a family of deadly carcinogens, have recently been found in the air of several cities with air pollution problems.

Such an explosion of knowledge about environmental connections to disease is cause for both satisfaction and alarm. Alarm because it tells us that we are endangering our health if we disregard what the scientists are telling us, and satisfaction because we are at last learning how to save lives before, not after, people get sick or die.

The question we must ask ourselves is, Do we have the courage to change in response to this evidence or will we forgo these opportunities for a clean environment for the sake of short-term convenience or the patently self-serving objectives of powerful, well financed, special interests?

As Richard Ayres of the Natural Resources Defense Council states before the Health and Environment Subcommittee, social and environmental and health costs are very real in dollar terms.

He said:

> These are not costs you can wish away: They will be paid, regardless of what you do. The question is not whether they will be paid, but to whom—manufacturers of pollution control equipment, or manufacturers of hospital equipment.

Mr. Chairman, we will have to try to repair the damage or save people's health or their very lives after the damage has been done.

Of course, there are always those who say, "Not all the evidence is in." All the evidence is never in. What shocks me is that the critics of the philosophy embodied in this bill do not want to look at which way the arrow is so clearly pointing. When the sky gets cloudy and the wind starts to blow, one is best advised to take a raincoat and an umbrella. It is the same with clean air. It is really that simple; if we take precautions now, we will be far better off than if we wait until later, when we have an accurate body count.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. MAGUIRE. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I thank the gentleman for yielding, and I appreciate the gentleman's comments.

I just want to associate myself with his very fine statement and to congratulate him and our chairman, the gentleman from Florida (Mr. ROGERS), and the gentleman from Kentucky (Mr. CARTER), the ranking minority member, for their very fine contributions to this legislation.

Mr. MAGUIRE. Mr. Chairman, I thank the gentleman from New York (Mr. OTTINGER) for his comments.

With respect to auto emissions, we already have a body count. Epidemiologists reported 2 years ago that the severe gasoline shortage in 1974 was accompanied by an equally precipitous drop in deaths from cardiovascular and chronic lung disease in San Francisco County—33 percent and 17 percent respectively. Just last week, the Washington Post in an article which I commend to every Member reported that physicians at the University of Colorado Medical Center found a clear correlation between the number of people complaining of chest pains and shortness of breath and the carbon monoxide levels.

I would have been pleased if President Carter had offered a tougher proposal to the Congress on auto emissions. The administration's plan, which now constitutes section 203 of the committee bill, gives the manufacturers 3 more years to meet nationally the standards they are meeting in California right now. The provisions delay attainment of the statutory 0.4 NO_x standard for a total of 5 years. It would be invoked then only if the data on health effects support it.

But given the pressures that have been brought to bear, the compromise is acceptable. I hope my colleagues are aware that EPA Administrator Costle testified before two House subcommittees to the effect that the goals for a 90-percent reduction in automotive pollution, originally set in 1970, are attainable at reasonable costs and with no necessary fuel penalty.

I underline that, because that has been the principal red herring brought into this debate.

In making this judgment, Mr. Costle is supported not only by the most recent EPA staff analysis of the issue, but by the Department of Transportation and the Federal Energy Administration as well.

The Dingell-Broyhill substitute for title II, which abandons the statutory goals for two of the three regulated pollutants is billed as a compromise. Actually, it represents little change, if any, from the 1976 model—if I may use that phrase—Dingell-Broyhill proposal and in two respects it is distinctly worse. It abandons the goals for both carbon monoxide and nitrogen oxides.

Given the feasibility of meeting these standards from technical, economic, and energy conservation standpoints, there is absolutely no justification for the sacrifices in public health that this amendment portends.

Virtually all the attention given Dingell-Broyhill has focused on the emissions schedule, leaving other weakening provisions all but overlooked. For example, section 221 of the committee bill is stricken. This section allows States with extreme air pollution problems to adopt

California's stricter emission requirements. Why should not New Jersey or Colorado or the people of any other State be able to follow California's lead if they so desire?

But under Dingell-Broyhill they may not do so.

Dingell-Broyhill also strikes the committee provision mandating eventual implementation of a 50,000-mile warranty on emissions equipment, and eliminates the provision allowing States with inspection-maintenance programs to test new cars at the dealership.

Both of these provisions are needed to insure public acceptance of inspection-maintenance programs—programs that offer tremendous potential for both emissions control and fuel economy. Anyone doubting this potential might note that the average car in New Jersey is cleaner than the average car in California, even though California has had stricter emission standards for the past decade. The reason is that New Jersey has a statewide inspection-maintenance program.

Allowing permanent relaxation of the auto emissions standards, moreover, frustrates the intent of other major provisions of the bill. It will hinder the progress nonattainment areas are making toward the primary air quality standards, and would further reduce the possibilities for economic growth in these areas, since other industries would be forced to bear the cleanup burden that should rightly be shouldered by the auto industry.

The national commitment to burning more coal, a policy the committee bill supports, would also be frustrated. Our coal conversion program is expected to increase emissions of nitrogen oxides by about 10 percent. Adoption of Dingell-Broyhill could increase NO$_x$ emissions another 20 percent over the committee proposal.

The committee nonattainment policy allows these areas considerably more flexibility in choosing how they wish to reduce pollution than EPA's current tradeoff policy. Nevertheless, this new policy, if strongly enforced, will insure attainment in all these areas by 1987 at the latest.

Section 117 allows new sources of pollution to locate in a nonattainment area only if strict overall decrements in pollution levels are met every 2 years, thus assuring ultimate compliance.

Section 108, which is similar to last year's provision on significant deterioration, could well be stronger. In particular, I am not fully convinced that a class III designation, which grants pollution increases equal to 50 percent of the secondary standards, is necessary to permit heavy industrial and commercial development, given the fact that new sources will be required to use the best available control technology.

I do feel strongly that the so-called presumptive class I Federal lands, which is to say areas initially designated as class I but which may be redesignated to class II by the States, need some Federal protection. And I will offer an amendment for that purpose.

While it is sad that the 1970 Clean Air Act goals have not been met within the original timetable, that is behind us now. Now a basic and far more frustrating problem confronts us. Not only have we not reached the objective, we seem to have lost sight of it and to have lost a sense of forward motion and a sense of purpose. Restoration of a sense of purpose is that underlying theme of these amendments. They recognize that delay is in some cases justified and in other cases simply an unavoidable fact, but they do not abandon the objective of clean air. Thus the bill concedes that attainment of primary health standards in all of our cities is not immediately achievable, but does not permit cleanup efforts to stagnate. Instead these cities will go on a strict pollution decrement schedule to insure that the ambient standards will be met at least by 1987.

The bill concedes that the automobile industry cannot immediately meet the 90-percent emission reductions now set to go into effect this fall, but it does not relegate these standards to the slag heap, or to the status of a research goal, as the euphemism goes.

The bill concedes that not all polluting industrial facilities can immediately comply with the emissions reductions imposed on them, but it does not allow EPPA to continue its current policy of granting indefinite extensions to these sources.

Mr. Chairman, I commend the gentleman from Florida (Mr. ROGERS) our subcommittee chairman, for his leadership in shepherding these extremely complex and controversial amendments to the Clean Air Act through the committee process for the second year in a row. I also particularly want to thank the Committee on Interstate and Foreign Commerce staff for their wise counsel and their untiring efforts.

H.R. 6161 refines and reinvigorates the 1970 Clean Air Act. It offers the American people hope that the skies above our cities will not be forever brown, and insures that the skies above our precious wilderness lands will remain blue. I urge its passage without weakening amendments.

I thank the Members for their generous patience and time.

Mr. ROGERS. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Michigan (Mr. DINGELL.)

Mr. DINGELL. Mr. Chairman, it pains me greatly to be on the other side of the issue from my dear friend, the gentleman from Florida (Mr. ROGERS), a Congressman who came to Congress just a little bit before I did. It also pains me to be on the other side of the issue of that of Mr. CARTER. I find it very distressing that some people who call themselves environmentalists are on the other side, but I find it most troublesome that the administration and all of these people without the vaguest appreciation of what the facts are, like the queen in Alice in Wonderland, have taken their position. I find it extraordinarily curious that last week, almost three months or four months perhaps after I communicated with the White House requesting that a study by DOT-EPA-FEA be submitted, that the President on this matter has finally taken a position. Curiously enough, the study referred to was completed long after the President took his position, and so I can only assume that all of these good folks, like the queen in Alice in Wonderland, have come to the judgment that they would find the auto industry guilty and then would hold hearings and receive the evidence—a curious and extraordinary circumstance.

In consultation and cooperation with my good friend, the gentleman from North Carolina (Mr. BROYHILL), I will be offering an amendment at the appropriate time which is a carefully crafted proposal keeping intact much of the committee bill with regard to title II, but whose principal purpose is to establish a responsible schedule of air pollution controls and emission controls on automobiles. The consequences of that amendment and its success or failure are extremely important to this Nation. We are going now into a crisis which the President says requires a moral commitment equal to war. That amendment will save 140,000 barrels of petroleum a day. That amendment will give us the same health benefits, the same environmental benefits as the committee bill.

That amendment will preserve jobs, will maintain opportunity, will keep up employment, and has the support of almost every labor organization and almost every business organization. It is the kind of amendment that the Congress should adopt. It is one which is based on careful thought.

One of the most unjust and improper things that this body can do is to take a position without any appreciation of what the facts are. One of the evil things about this administration's handling of this matter is that they have sent us a study just last week which ostensibly justifies their position long after they have taken it. How that is to be justified escapes me.

The proposal which my good friend, the gentleman from North Carolina (Mr. BROYHILL) and I will offer is one which has the support of large numbers of our colleagues on both sides of the aisle. It is a proposal which will get us to the same air quality levels by 1990 as the administration bill will. There is no—I repeat no—quantified evidence of health benefits in favor of the administration proposal over the proposal which I have sponsored in concert with my colleague, the gentleman from North Carolina (Mr. BROYHILL).

One thing which is noteworthy about the amendment is that it is probably the fifth or sixth or perhaps the seventh amendment that has been sponsored by my dear friend, the chairman of the subcommittee, the gentleman from Florida (Mr. ROGERS). The gentleman from Florida (Mr. ROGERS) has told this body that each and every one of these amendments, widely differing in their content, was absolutely necessary to preserve pure air for the American people. I have come to the conclusion with some distress that my good friend, the gentleman from

Florida, stands firmly on principle but with both feet planted solidly in mid-air.

It grieves me to see the Congress have a piece of legislation presented to it without more careful consideration and I find it painful that the gentleman from Kentucky (Mr. CARTER), like the White Queen in Alice in Wonderland, should make up his mind first and then receive the information.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. Mr. Chairman, I will yield to my dear friend and perhaps he can explain how the White Queen does these things.

Mr. ROGERS. I did notice that my dear friend, the gentleman from Michigan, said that I was standing in midair.

Mr. DINGELL. In midair.

Mr. ROGERS. I want the gentleman from Michigan to know the air I am standing in is clean air.

Mr. DINGELL. And I want the gentleman from Florida to stand among clean air and in clean air and to breathe clean air. I want my dear friend, the gentleman from Florida, for whom I have great affection, to know that I drafted the first comprehensive clean air bill way back in the early 1960's. As the gentleman well knows, I have great affection for him.

Mr. ROGERS. I know that and I know the facts. I would say to the gentleman I will admit he has been a real champion of clean air, but he is off the track and we will try to get him back on.

Mr. DINGELL. I thank my good friend, and he is my good friend, and we will try to see to it that he writes a good bill.

My colleagues should know that the 140,000 barrels which will be wasted under this bill mean a drain on the American economy every year of about $3.5 billion. That means, according to Douglas Costle, an increased cost over current levels of $350 a car. The Federal requirements with regard to safety, air pollution, repair, and other things now add to the cost of an American automobile over $1,000. Those are EPA figures. That is $1,000.

A study last year by the Administration indicated that this legislation on air pollution emission controls would cost this Nation 800,000 jobs between now and 1985 and $8 billion in gross national product. That is an enormous price to pay. It is well worth paying if we get clean air from it, if we get better environment, if we get quantifiable health benefits. But Douglas Costle, the Administrator of EPA, has appeared before the Congress on a number of occasions and in each instance he said there is no quantifiable health benefit, no quantifiable environmental benefit that can be demonstrated from the standards which are imposed here.

Another thing, Mr. Chairman, that my colleagues should know, the cost per car in California, just supposing we have a yardstick, it is somewhere between $180 and $350 just to meet the additional California standards. The fuel penalty of cars running under California standards is somewhere between 12 and 18 percent fuel penalty. They can get one-half the number of cars they can buy anywhere else in the United States.

The remarkable piece of legislation that is before us did impose the thought and prospect on every American that our constituents will be compelled to buy a California-style automobile with all the penalties that exist. If anyone wants to know how the people in California like those automobiles, call up our friends in California and ask them how they like the cars as far as performance, fuel economy, or anything else.

We will also find something else. Citizens out there are busy disconnecting the stuff that EPA forces them to hang on their cars because of the California standards.

The proposal before us would cause us to go to 3.4 grams per mile of carbon monoxide. The administrator of the California Air Resources Board says:

> You don't need to go below 9 grams per mile of carbon monoxide.

The proposal before us would rule diesels off the road and diesels will give us a 25-percent fuel benefit.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. ROGERS. Mr. Chairman, I yield 1 additional minute to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I thank my friend.

If the gentleman from New Jersey (Mr. MAGUIRE) wishes me to yield, I will be happy to do so.

Mr. MAGUIRE. Mr. Chairman, talking about the California history, I just wanted to point out to the gentleman that the projections that have been made by EPA and the Department of Transportation for the future incorporate electronic improvements in engines and other technical improvements which were not part of the history of the last few years in California and that transforms the situation into a no-fuel penalty situation, as the gentleman may be aware.

Mr. DINGELL. Mr. Chairman, Mr. Costle was before the Committee on Interstate and Foreign Commerce with part of that and he could give the committee no assurance. Mr. Costle wants us to accept this on faith or perhaps accept it on hope or perhaps he believes it out of charity. None of these three virtues, great though they be, are reason for legislating in this extraordinary fashion.

Mr. Chairman, I urge the House to adopt my substitute amendment to title II of the clean air bill, H.R. 6161.

The evidence and data clearly shows that the Dingell-Broyhill substitute is in the best interest of the Nation as a whole. I am honored to have as the cosponsor of this substitute my friend and able colleague, Representative JAMES T. BROYHILL.

The clean air automotive related amendment, that we offered in the Interstate and Foreign Commerce Committee, April 27, resulted in a tie vote, 21 to 21, certainly not a conclusive vote and one that I am sure and hope will have an objective and affirmative response by the full House.

What is the Dingell amendment? First, the basis of the amendment is the bill our House colleague, JIM BROYHILL, and I prepared earlier this year and introduced as H.R. 4444, the Mobile Source Emission Control Amendments of 1977. Today, it has 121 cosponsors and many more who have urged its adoption in this substitute amendment form.

Since the committee action on April 27, the 21 to 21 tie vote, I alerted the full House that H.R. 4444 would be the basis of the floor amendment to the committee bill, title II, relating to mobile source emission controls. I have inserted in the amendments section of the CONGRESSIONAL RECORD, Monday, May 23, the language of my amendment to title II for the floor. It incorporates major portions of H.R. 4444 as the amendment to the committee bill. The amendment addresses a few other sections of title II of H.R. 6161, but leaves intact a majority of title II of H.R. 6161.

I would immediately point out that due to the subcommittee's markup in March and April and the subsequent committee and full committee markup, we have determined that we must address other sections of H.R. 6161 in our amendment. We have found other provisions in the committee bill that demand our attention as certain sections were found to impact upon other sections of our bill, H.R. 4444, and had to be addressed. The Members of the House have been informed of its contents.

There are 56 Democrats and 65 Republicans out of 121 cosponsors now listed on the bill that Congressman BROYHILL and I have introduced, H.R. 4444. I am pleased to report that we have the strong indication of many more who state they will vote for the amendment on the floor. I am pleased that this is not a Democrat versus Republican issue. The issue is much too broad and sweeping in national concern for party lines to be drawn.

COSPONSORS TO H.R. 4444

DEMOCRATS—56

John D. Dingell.
James J. Blanchard.
William D. Ford.
Dale E. Kildee.
Bob Traxler.
David R. Bowen.
Carroll Hubbard.
Lucien N. Nedzi.
Thomas L. Ashley.
Charles H. Wilson.
William M. Brodhead.
Robert L. F. Sikes.
Teno Roncalio.
Charles Whitley.
Glenn English.
Harold Runnels.
Tom Bevill.
Charles Wilson of Texas.
Dan Daniel of Va.
Bob Stump.
Austin J. Murphy, Pa.
Mike McCormack.
James R. Jones, Okla.
Charles C. Diggs, Jr.
Lamar Gudger.
Ike Skelton.
John LaFalce.
John Dent.
David E. Satterfield III.
Samuel S. Stratton.
John P. Murtha.
James M. Hanley.
Ted Risenhoover.
Bob Carr.
Joe D. Waggonner, Jr.

Wes Watkins.
Melvin Price.
Jerry Huckaby.
Andy Ireland.
G. V. Sonny Montgomery.
Harold L. Volkmer.
Henry J. Nowak.
Tom Steed.
Ronnie G. Flippo.
Dale Milford.
Marilyn Lloyd.
James R. Mann.
Ray Roberts.
Nick Joe Rahall II.
Robert H. Mollohan.
David L. Cornwell.
L. H. Fountain.
Max Baucus.
Jamie L. Whitten.
Dawson Mathis.
Sam B. Hall.

REPUBLICANS—65

James T. Broyhill.
William S. Broomfield.
G. William Whitehurst.
Thomas N. Kindness.
William M. Ketchum.
William F. Walsh.
Mark Andrews.
Robert E. Badham.
Elford A. Cederberg.
Thad Cochran.
James G. Martin.
Clarence J. Brown.
James C. Cleveland.
John J. Duncan.
Jack Edwards.
Frank Horton.
Philip E. Ruppe.
Edward J. Derwinski.
Willis D. Gradison, Jr.
Guy Vander Jagt.
Robert S. Walker.
Gene Taylor.
James M. Collins.
Steven D. Symms.
Donald J. Mitchell.
Dave Stockman.
James Abdnor.
Jack Kemp.
Elwood Hillis.
Marjorie Holt.
Carl Pursell.
Barry M. Goldwater, Jr.
Charles Thone.
M. Caldwell Butler.
Samuel L. Devine.
Trent Lott.
James P. Johnson.
Gene Snyder.
John Myers.
George M. O'Brien.
Harold S. Sawyer.
Tom Corcoran.
Mickey Edwards.
Garry Brown.
George Hansen.
William Dickinson.
Keith G. Sebelius.
Henry Hyde.
Eldon Rudd.
Joe Skubitz.
John N. Erlenborn.
James H. Quillen.
John Paul Hammerschmidt.
Benjamin A. Gilman.
Robert McEwen.
Larry Pressler.
L. A. Skip Bafalis.
Virginia Smith
Delbert Latta.
Louis Frey, Jr.
Dan Marriott.
Tom Hagedorn.
Barber B. Conable.
Tennyson Guyer.
John Ashbrook.

H.R. 6161, the Clean Air Act amendments, is sweeping, complex, controversial and includes numerous provisions that will affect the lifestyles of all of our citizens. Just the sections with which my amendment deals are major in scope.

My amendment would substitute the three major sections of H.R. 4444 for the appropriate sections in H.R. 6161, auto emissions, parts and warranties and high-altitude emission regulations. It would delete only one of the 22 sections of H.R. 6161 and would modify only three sections of H.R. 6161. Fourteen of the 22 sections of title II of H.R. 6161 are left intact by the Dingell-Broyhill amendment.

I support much of the Commerce Committee bill. However, I am doing the very best I can to insure that Congress enacts the correct provisions for title II. My amendment would delete and modify damaging sections of H.R. 6161 and not impose, as the committee bill does in title II, major automobile fuel penalties at a time when the Nation cannot afford wasted gasoline.

In the total perspective, my amendment would save gasoline rather than waste it as does H.R. 6161, provide savings for consumers rather than unreasonable and unnecessary higher consumer costs, as does H.R. 6161, reaches the same clean air objectives of the committee bill and provides certainty within the automobile manufacturing cycle which has such a major impact on the economy and jobs. New automotive technologies would survive under my amendment while H.R. 6161 locks out innovation and possible new development of more fuel-efficient engines and drivelines.

My amendment provides for more competition in the aftermarket parts industry by setting new automobile performance warranty provisions, which provide consumers more freedom of choice as to where they have their cars repaired. The antitrust division of the Justice Department has earlier announced that the warranty provision—the 18-month, 18,000-mile warranty—is necessary for competitive purposes.

My amendment to other provisions of H.R. 6161, such as vehicle inspection and maintenance retains the intent and concept of the same section in H.R. 6161. Similarly, my other few amendments do likewise.

I urge my colleagues to read the Dingell-Broyhill views in the committee report to accompany H.R. 6161. The separate views of myself, Representative BROYHILL and 16 other members of the Commerce Committee detail most of our arguments for my amendment.

In those views, I would point out that Congressman JOHN MOSS and I were able to obtain certain administration memoranda that reflect divergent opinions within the administration itself as to the auto emission schedule which was adopted to H.R. 6161. Our views in this report contain some of the other agencies' criticisms of the EPA proposed emission schedule and its impact on fuel economy, consumer costs and the question and uncertainty of their own health data. I would urge the House to fully review our views in this report and vote for the Dingell-Broyhill amendment.

I am also inserting at this point a few of the several letters from organizations and businesses supporting the Dingell-Broyhill amendment.

United Auto Workers—Mr. Leonard Woodcock and Mr. Douglas Fraser.

United Auto Workers—Mr. Howard Paster.

AFL-CIO—Mr. Andrew J. Biemiller.

American Automobile Association—Mr. John de Lorenzi.

National Automobile Dealers Association—Mr. Reed T. Draper.

Chrysler Corp.—Mr. John Riccardo.

Ford Motor Co.—Mr. Lee A. Iacocca.

General Motors—T.A. Murphy. And, there are many others.

Additionally, I insert in the RECORD at this point a letter from Volkswagen to Congressman ROGERS which points out that the lightweight, fuel efficient VW Rabbit diesel, while reaching low emission standards, "cannot be regarded as the benchmark for future standards." Volkswagen in their letter was referring to the fact that one test car must not be considered as a measurement that can be attained for an entire fleet of such mass produced vehicles. The letters follow:

UAW,
Detroit, Mich., May 19, 1977.

DEAR REPRESENTATIVE: As the United Auto Workers concludes its 25th Constitutional Convention with a change in leadership, we are writing on a matter of direct and major concern to our 1.4 million members.

As you know, Representatives Dingell and Broyhill will be offering an amendment to the Clean Air Act which incorporates the UAW recommended position on auto emissions. It is our sincere belief that our proposal provides fully for the public health, while avoiding the costly fuel penalty associated with unnecessarily stringent emission standards.

We urge your support of the Dingell-Broyhill amendment. Our Washington office is available to answer any questions you may have on the substance of this amendment. Thank you.

Sincerely,

DOUGLAS FRASER.
LEONARD WOODCOCK.

UAW,
Washington, D.C., May 17, 1977.

DEAR REPRESENTATIVE: The House will likely consider the Clean Air Act Amendments, H.R. 6161, next week and Representatives Dingell and Broyhill will be offering a substitute amendment for Title II, the Mobile Source title, of the bill.

The United Auto Workers supports strongly the Dingell-Broyhill Amendment, which incorporates the UAW recommendations on auto emissions standards, and urges you to vote for the Dingell-Broyhill Title II Amendment to H.R. 6161.

The auto emission provisions of the Dingell-Broyhill Amendment are designed to ensure that the public health is protected and that the principles of the 1970 Clean Air Act are achieved, while taking into due consideration important, related questions of auto fuel efficiency. In this regard, I would remind you that the UAW, in recognition of the severity of the national energy problem, and to achieve the goal of energy conservation, did support the enactment of mandatory mileage standards which take effect in the 1978 model year.

Permit me to set out for you in summary fashion the basis for our recommendations on auto emissions:

A) The emissions standards now in effect for the 1977 model year would remain in effect for the 1978 and 1979 model years because of the long lead time associated with auto production, certification to Federal standards for emissions and mileage, and conversion to meet new standards. The standards now in effect are: Hydrocarbons (HC), 1.5 grams per mile; Carbon Monoxide (CO), 15 grams per mile; and Oxides of Nitrogen (NO_x), 2 grams per mile.

B) Regarding hydrocarbons, the Dingell-Broyhill Amendment proposes to reduce HC emissions to .41 grams per mile in the 1980 model year. This is the original goal of the Clean Air Act and, because of the clear health danger associated with HC emissions which are strongly implicated in smog formation, we oppose any relaxation of the original goal in this regard.

C) Regarding carbon monoxide, the Dingell-Broyhill Amendment sets a standard of 9 grams per mile in the 1980 and subsequent model years. This is totally consistent with the need for air quality, although it is slightly higher than the original goal of 3.4 grams per mile. There are four reasons why we have come to the 9 gram standard:

1) According to EPA, every city in the country will meet air quality standards for CO by 1990 with the 9 gram standard.

2) While a 3.4 gram standard will reduce CO contaminants, based on a worst case example from the early 1970's, by 83 percent by 1990, the 9 gram standard will reduce those contaminants by 80 percent, a statistically negligible difference. This is based on a Transportation Department report.

3) The California Air Resources Board has set a 9 gram standard for CO and is unlikely to set a lower standard because of its finding that the standard is appropriate for protecting the public health.

4) With the foregoing evidence that the 9 gram standard is consistent with the public health, it then becomes highly desirable since it will facilitate the movement to smaller, more energy efficient engines which find it far more difficult to meet the 3.4 standard.

D) Regarding oxides of nitrogen, this is in many respects the most difficult problem because there is less evidence on the health consequences of NO_x standards, yet the strongest correlation between emission standards and mileage goals. Under our proposal the standard would be reduced to 1 gram per mile in the 1982 model year with authority for the EPA Administrator to raise the standard to no higher than 2 grams per mile if it is found to be consistent with public health needs and if the higher standard will permit substantial improvements in auto efficiency or the application of advanced or innovative technology. For example, diesel engines hold great promise for achieving our national goals of energy conservation, yet they cannot now meet a 1 gram per mile standard for NO_x. In no event could EPA raise the standard above the 1 gram goal unless it was first shown that an increase would be consistent with public health requirements.

As I noted, the provisions of the Dingell-Broyhill Amendment are designed to protect fully the public health while avoiding the significant fuel penalties that would result from the adoption of unnecessarily stringent standards. The additional views signed by almost a score of the Members of the Commerce Committee point out, on the basis of government analyses, that the emissions schedule reported by the Commerce Committee would entail *additional imports of 140,000 barrels of oil every day for seven years*. Clearly this runs directly counter to the need for energy conservation, and does so without any real gain in air quality.

As you probably know, Representatives Dingell and Broyhill offered a similar amendment in Committee where it received a 21 to 21 tie vote. They have now strengthened their amendment for floor consideration, carrying forward the auto emissions provisions outlined above, and a change in the performance warranty for emissions systems. I might note that the House last year overwhelmingly approved this change in the performance warranty, to set it at 18,000 miles or 18 months, because it protects the consumer's right of choice in having his car serviced and avoids the anticompetitive character of a longer warranty. The warranty provided in the Dingell-Broyhill Amendment is consistent with the unanimous recommendation of the House Small Business Commitee that the warranty period be reduced to promote competition, especially since the warranty change would not impede progress toward cleaner air.

One thing that is crucial toward achieving the goals of the Clean Air Act is periodic inspection and maintenance of all vehicles on the road. The Dingell-Broyhill Amendment does contain a section requiring *annual inspection and maintenance of all vehicles*.

Title II of H.R. 6161, as reported by the Commerce Committee, contains 22 sections. The Dingell-Broyhill Amendment keeps 15 of those sections intact, as well as keeping other sections with wording changes. The main differences between Title II as reported by the Committee and the Dingell-Broyhill Amendment are in the emissions and warranty sections described above. I encourage you to review the excellent additional views filed on H.R. 6161 by Representatives Dingell, Broyhill and others for a fuller explanation of the issues involved in the amendment.

Finally, I want to reiterate the complete and emphatic support of the United Auto Workers for the Dingell-Broyhill Amendment and again urge you to support this amendment when it comes before the House.

Thank you.

Sincerely yours,
HOWARD G. PASTER,
Legislative Director.

AFL–CIO,
Washington, D.C., May 18, 1977.

Hon. JOHN D. DINGELL,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE DINGELL: In its advocacy of legislation to improve the environment, the AFL–CIO has consistently sought to balance environmental concerns with employment needs. We firmly believe that the goal of an improved environment is wholly compatible with economic growth and that both can be pursued simultaneously. Recently, however, a new dimension has evidenced itself and attention must now also be focused on the energy crisis and its impact on the environment and industrial employment.

Concerning national environmental objectives, it is our understanding that the House will soon consider H.R. 6161—1977 amendments to the Clean Air Act. Title II of the legislation, which sets stringent auto emission standards, fails in our opinion to strike the necessary balance between environmental, employment and energy concerns. For example, the House Commerce Subcommittee on Energy and Power has estimated that the Title II auto emission standards if implemented would, by 1985, require the daily importation of an additional 140,000 barrels of oil. Thus dependence on foreign energy sources would be increased in conflict with national energy policy.

As to jobs, with the likelihood of strict, congressionally-mandated fuel economy standards ahead, the simultaneous imposition of rigid emission standards places the auto industry in a technological straitjacket without suffilent time to meet both goals and adequately develop both technologies in a compatible manner. Unless flexibility is assured insofar as the timetable for new emission and fuel economy standards is concerned, the jobs of thousands of workers in the auto and allied industries will be jeopardized as production of certain model lines will be abandoned for lack of time to develop new technologies. Add to this the ever increasing problem of auto imports and the potential for disaster in this major U.S. industry is obvious.

Providing the flexibility needed for the development of effective auto emission controls while still protecting the public health is the goal of a substitute amendment for Title II sponsored by Representatives John Dingell and James Broyhill. By extending existing auto emission standards for two years and phasing in rational and attainable air pollution control levels after that time, disruption of auto industry employment and national energy planning can be avoided.

The AFL–CIO endorses the Dingell-Broyhill amendment as a reasonable approach to a complex problem affecting several competing national priorities. We urge your vote in support of the Dingell-Broyhill amendment as a substitute for Title II of H.R. 6161 and then for passage of the bill as amended.

Sincerely,
ANDREW J. BIEMILLER,
Director, Department of Legislation.

AMERICAN AUTOMOBILE ASSOCIATION,
Falls Church, Va., May 20, 1977.

Re an amendment to H.R. 6161, the Clean Air Act Amendments of 1977.

Hon. JOHN D. DINGELL,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: The American Automobile Association, made up of more than 18.5 million consumer/motorist members, urges you to support HR 4444 (the Dingell-Broyhill bill) that will be offered on the House floor shortly as an amendment to HR 6161, the Clean Air Act Amendments of 1977.

It is our belief that the Dingell-Broyhill approach to controlling auto emissions is more rational and will cost the consumer less, while still improving air quality, than the standards proposed in HR 6161.

It is reasonable as witness the fact that both the auto manufacturers and the United Auto Workers support HR 4444. It also generally meets the criteria laid down in AAA's resolutions RG–1 Clean Air Amendments Act of 1970 and RG–4 Auto Efficiency Standards which were adopted last September by the delegates to the 1976 Annual Meeting of the Association.

One of the most important results of the adoption of HR 4444 would be a chance for automobile mechanics to narrow the gap which has widened steadily between engineering design and their ability to properly maintain controlled vehicles. With less design change, there will be time as well as opportunity for them to develop their skills and understanding of emissions control maintenance, which means lower cost to the consumer and less pollution on the road.

Conversely, HR 6161, as approved by House Commerce Committee members in late April, has an auto emissions timetable more stringent than necessary for cleaner air. Equally important, it threatens to increase gas consumption in a time of need for greater conservation and would tend to divert important research and development money away from the development of other, more efficient engines.

AAA's support of this amendment is conditioned upon its expectation that extension of the compliance deadline will afford the industry the time it needs to develop less complex, more effective emissions control technology. If adopted, our association will monitor the auto industry's record of progress toward achievement of these ends, and advise its members accordingly.

As you are aware, many of your colleagues are co-sponsors of this amendment. We ask you to take the most positive, less costly approach to emissions controls and support the proposed Dingell-Broyhill amendment. AAA's environmental staff (222-6351) and its automotive engineering staff (222-6216) will be happy to answer any questions you might have on this issue.

Yours sincerely,

John de Lorenzi,
Managing Director,
Public Policy Division.

National Automobile
Dealers Association,
McLean, Va., May 19, 1977.

Dear Member: As you are well aware, Clean Air legislation is scheduled to come before the House of Representatives on May 23-24. At that time, the Dingell/Broyhill Mobile Source Emission Bill (H.R. 4444) will be offered as a floor amendment to the Committee bill. The National Automobile Dealers Association, representing over 21,000 franchised new car and truck dealers, fully backs and strongly urges your support for the Dingell/Broyhill bill.

Debate on the Clean Air issue has been so extensive over the past two years that the facts have become muddled by charges and counter charges from all parties involved in the debate. In light of this, and because NADA feels that the facts in this issue fully support our position, NADA has put together a "detailed fact sheet" which addresses itself to several of the key issues involved in the Clean Air debate.

The fact sheet addresses the questions of public health, fuel economy, and cost increases. Any reasonable resolution of the problems involved in controlling mobile source emissions must attempt to balance these interrelated factors. The fact sheet also addresses several issues which have been misconstrued during the debate on Clean Air.

I hope that this fact sheet is useful to you as you make a final determination regarding the Dingell/Broyhill amendment. Based on a consideration of all available evidence, NADA strongly believes that H.R. 4444 contains the most reasonable approach to the mobile source emission problem guaranteeing continued progress toward cleaning up the air while minimizing the negative consequences associated with that effort. We strongly urge your support of the Dingell/Broyhill amendment.

Sincerely yours,

Reed T. Draper,
President.

Highland Park, Mich.,
May 23, 1977.

Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

With the introduction of your amendment to the Clean Air Act on the floor of the House, let me again give you our full support in your outstanding effort to balance the Nation's need for clean air with the need for energy conservation. In addition to protecting health, your amendment also provides us the vital lead time we need to insure maximum fuel economy. The consumers of the Nation owe you their gratitude.

John Riccardo,
Chairman of the Board, Chrysler Corp.

Ford Motor Co.,
Dearborn, Mich., May 23, 1977.

Hon. John D. Dingell,
House Office Building,
Washington, D.C.

Dear Representative Dingell: As debate nears on the Clean Air Act amendments, Mr. Ford and I thought it would be desirable to summarize why Ford Motor Company strongly supports the Dingell/Broyhill proposal. As you know, there are three major differences between H.R. 4444 and the Committee Bill; all three of these differences are critical to Ford Motor Company. The first of these involves the 1979 problem. The Committee Bill would require .41 grams per mile hydrocarbon standards in 1979 whereas H.R. 4444 would require this standard in model year 1980.

Reaching .41 pushes today's technology to the limits. In California, where we are meeting this standard today, those vehicles suffer an 11 percent fuel economy penalty as compared to their 49-state counterparts and we offer 40 percent fewer power-train combinations than we do in the 49 states. New technology is on the horizon which will overcome these difficulties. This fall we will field-test three-way catalysts on 30,000 1978-model Pintos in California and we will install electronic engine controls on a similar number of intermediate sized vehicles. In the 1979 model year we plan to bring these two technologies together in moderate volume. However, there is no way we can go across-the-board with three-way technology by the fall of 1978, so our 1979 model fleet would suffer the same kinds of problems as today's California fleet. According to the government studies I have seen quoted, this one-year pull ahead of .41 results in an air quality improvement too small to measure. The benefits in waiting one year for the improved technology appear obvious.

The second key difference in the Bills is that your amendment would retain 9 grams per mile CO as a final standard. We are convinced that a 9 gram level of CO control is more than adequate to safeguard the health of the nation, including the more critical urban areas of our major cities. The 9 gram per mile standard is very important because it is difficult to achieve low CO and NO_x simultaneously with three-way catalyst technology. The establishment of a 3.4 gram standard not only introduces cost penalties but increases system complexity, thus risking potential loss of reliability.

Finally, your bill would set the final NO_x standard at 1.0 grams, whereas the Committee Bill calls for EPA to decide by 1980 whether to require .4 NO_x for 1983—thus delaying a determination on the final NO_x standard until 1980. Even the Senate Public Works Committee has acknowledged that there is no data at present that supports a requirement for a .4 NO_x standard. And, as you know, this level would preclude the introduction of a number of important technology options, some of which have important fuel-efficiency advantages.

In our view, H.R. 4444 balances the important national objectives of fuel conservation, air quality improvement and economic stability in a way that is surely in the national interest.

Sincerely yours,

Lee A. Iacocca.

May 24, 1977.

Hon. John Dingell,
House of Representatives,
Washington, D.C.

As the House of Representatives finally takes up the Clean Air legislation this week, let me express the strong support of General Motors for the Dingell/Broyhill amendment.

The auto emissions schedule in your amendment is carefully drawn to optimize the necessary tradeoffs between fuel economy and the public health and to take into account the realities of technological advance and lead time.

It is the most stringent schedule which balances all the issues and should be adopted by the Congress.

T. A. Murphy,
Chairman, General Motors Corp.

Volkswagen of America,
March 21, 1977.

Hon. Paul G. Rogers,
Chairman, Subcommittee on Health and the Environment, House of Representatives,
Washington, D.C.

Dear Congressman Rogers: During testimony before your Subcommittee on March 9, 1977, Mr. Thomas Quinn, Chairman of the California Air Resources Board, made several statements regarding the emission performance of VW's Diesel Rabbit. In order that the hearing record accurately reflects the significance of emission levels obtained by Diesel Rabbits, we respectfully request that the following comments be included as part of the official record.

Mr. Quinn testified (pages 2-217 and 2-220 of the hearing transcript) that 1 gpm NO_x "is easily obtainable" citing the NO_x level of VW's Diesel Rabbit as support for his statement. Mr. Quinn referred to a NO_x level of "about 0.66 gpm" that was achieved by a VW Diesel Rabbit during recent running change testing by EPA.

We would like to point out that the NO_x level attained by this vehicle (actually 0.61 gpm) represents the result of only one measurement and other measurements show values up to 50% higher. Thus, the isolated test result from one vehicle cannot be used as representing the average NO_x level that can be attained by a particular engine concept.

The NO_x level of 0.61 gpm referred to by Mr. Quinn has no bearing on the *certification level* used to determine compliance of a vehicle. Mr. Quinn failed to take into account the deterioriation factor for the Rabbit Diesel (1.308), which raises the official certification NO_x value to 0.8 gpm. Furthermore, certification levels attained during testing do not account for the prototype-to-production slippage and measuring uncertainties which, within the automotive industry, amount to at least 50%.

Mr. Quinn stated that "as a by-product of those running changes we are seeing the NO_x emissions from . . . the '77 VW Diesels, going down significantly below 1, dropping from I think 1.3 or thereabouts down to about 0.66 gpm."

This statement gives the impression that the NO_x level of the VW Diesel has been reduced considerably from development to certification. It should be pointed out that there are two separate versions of the VW Diesel Rabbit. One version, which was originally certified with levels of 0.3 gpm HC, 1.0 gpm CO and 1.37 gpm NO_x, is currently being introduced in the U.S. This vehicle has exceptional performance characteristics; e.g. 0-50 mph in 11.5 seconds. The other version, the vehicle subject to the running change mentioned by Mr. Quinn, is a special fuel economy version that was certified at 0.78 gpm HC, 1.0 gpm CO, and 0.8 gpm NO_x. This version is not yet for sale in the U.S. and, because of its reduced performance (due to gear ratio changes), it is expected to appeal only to those consumers who are primarily concerned with fuel economy. The fuel economy Diesel's acceleration and climbing ability, especially in 4th gear, is significantly less than the base-model Diesel Rabbit mentioned above.

Furthermore, the "fuel economy" Diesel Rabbit, which had a NO_x certification level of 0.8 gpm, had a relatively high (for Diesel concepts) HC level of 0.78 gpm. As your Subcommittee weighs future NO_x standards, HC and CO standards must also be considered since the attainable levels of HC, CO and NO_x are interrelated. Under the existing statutory standard of 0.41 for HC (which most of the bills before Congress would continue), the "fuel economy" version of the Diesel Rabbit, as certified, could not be sold because of the excessive HC level. Therefore, reference to the NO_x certification level of 0.8 gpm NO_x should not be used as an indication that Diesel vehicles can meet future NO_x standards below 1.5 gpm when the HC standard remains at 0.41 gpm.

Because of the relationship between vehicle weight and NO_x levels (NO_x increases with increased vehicle weight), a very light vehicle like the Rabbit cannot be regarded as the benchmark for future standards, when the Diesel engine can and will be used in the full range of vehicle weight classes.

We are submitting with this comment a copy of our March 4, 1977 presentation to the California Air Resources Board. This information may be useful to other Subcommittee Members and staff and, if you wish, may be retained for the Subcommittee's files.

Sincerely yours,

——— ———.

Mr. Chairman, I would also point out that the Automotive Liaison Council fully supports Dingell-Broyhill and the language in our substitute which provides for more competition in the aftermarket parts industry and provides consumers wider freedom of choice. I want the House to be very clear on this point that 166,887 member firms, 102 associations, support the Dingell-Broyhill substitute amendment while only 7,000 member firms of a different organization support the committee bill, some of whom have indicated that they hope our parts and warranty provisions prevail through the House and the conference with the Senate. They truly want the provisions in Dingell-Broyhill.

Mr. Chairman, on behalf of Representative JAMES BROYHILL and myself, I am pleased to provide our colleagues in the House with a section-by-section summary of the substitute amendment we will offer to title II of the Clean Air Act Amendments of 1977, H.R. 6161, when the bill is taken up by the House this week.

We have inserted in the amendment section of the RECORD today, our substitute which contains 21 sections. Our amendment has been made in order by the House Rules Committee to be offered as a substitute to title II.

Include the following:

SECTION-BY-SECTION SUMMARY: DINGELL-BROYHILL MOBILE SOURCE EMISSION CONTROL SUBSTITUTE AMENDMENT TO BE OFFERED TO TITLE II OF CLEAN AIR ACT AMENDMENTS, H.R. 6161

SECTION 201—LIMITATION ON INDIRECT SOURCE REVIEW AUTHORITY

This provision is identical to the provision contained in the Committee bill and allows additional time for the States before they are required to implement programs for control of pollution from facilities (indirect sources such as shopping centers and sports arenas) which attract significant amounts of traffic.

SECTION 202—EXTENSION OF TRANSPORTATION CONTROL COMPLIANCE DATES

This provision is identical to the provision contained in the Committee bill and allows a more realistic time frame within which cities and metropolitan areas must implement transportation control measures (such as preferential carpool/bus lanes, toll bridges, public transportation, etc.)

SECTION 203—LIGHT-DUTY MOTOR VEHICLE EMISSIONS

The schedule of emission standards in this section is similar to the Dingell-Broyhill (Train-EPA) provision which was overwhelmingly adopted by the House on September 15, 1976, by a vote of 224 to 169, and which was previously introduced in the 95th Congress, as H.R. 4444 with 121 cosponsors. The standards in this section reflect the agreement reached by Dingell-Broyhill, Senators Riegle and Griffin, and Mr. Leonard Woodcock of the United Auto Workers.

This agreement provides that automobiles manufactured during model years 1978 and 1979 meet the same emissions standards applicable for model year 1977, that is: 1.5 grams per mile hydrocarbons, 15.0 gpm carbon monoxide, and 2.0 gpm oxides of nitrogen. For 1980 and subsequent model years the hydrocarbon standard requires a full 90 percent reduction from the levels emitted in model year 1970, or .41 gpm hydrocarbons. For 1980 and subsequent model years the carbon monoxide standard is 9.0 gpm. For 1980 and 1981 the oxides of nitrogen standard is 2.0 gpm.

For 1982 and subsequent model years the NO_x standard is 1.0 gpm which the EPA Administrator is permitted to revise up to 2.0 gpm for periods of two or more model years if he determines in a suspension proceeding that such standard should be revised due to (1) the lack of available, practicable, emission control technology to meet such standard, during such period, (2) the cost of compliance with such standard, and (3) the impact of such standard on motor vehicle fuel consumption. No such revision may be made if the Administrator determines that it would endanger public health.

Additionally, the Administrator may waive the standard of 1.0 gpm NO_x up to 2.0 gpm during any period of four or more model years beginning with the model year 1982 if he determines that a waiver is necessary to permit the use of an innovative power train technology that can produce a substantial energy saving compared to conventional power trains. No waiver may be granted if the Administrator determines it would endanger public health.

Auto Emissions Schedule, Dingell-Broyhill/Fraser-Woodcock (UAW)

	HC (gpm)	CO (gpm)	NO_x (gpm)
1978–79	1.5	15.0	2.0
1980–81	.41	9.0	2.0
1982 and thereafter	.41	9.0	[1] 1.0–2.0

[1] Suspension or waiver for NO_x based on EPA Administrator decision, if public health would not be endangered.

This auto emission schedule provides certainty in the industry and job certainty. It is environmentally balanced with the energy conservation demands of the nation and provides savings for consumers while improving air quality and protecting public health.

SECTION 204—EMISSION STANDARDS FOR HEAVY DUTY VEHICLES OR ENGINES OR CERTAIN OTHER VEHICLES OR ENGINES (SUCH AS MOTORCYCLES)

This provision is identical to the provision contained in the Committee bill and places into statutory law, emission standards similar to those required for automobiles.

SECTION 205—AIRCRAFT EMISSION STANDARDS

This provision is identical to the provision contained in the Committee bill and authorizes the Secretary of Transportation to disapprove any aircraft emission standard required by the Administrator, if he finds that the standard would create a hazard to aircraft safety.

SECTION 206—ASSURANCE OF PROTECTION OF PUBLIC HEALTH AND SAFETY

This provision is identical to the provision contained in the Committee bill and requires that automobile manufacturers show, as a condition of obtaining certification of their vehicles or engines, that emission control systems that are used to meet emission standards will not produce other pollutants in concentrations which will create an unreasonable risk to health.

SECTION 207—TEST PROCEDURES FOR MEASURING EVAPORATIVE EMISSIONS

This provision is identical to the provision contained in the Committee bill and requires that EPA revise its test procedures so that the test will measure all evaporative emissions from an automobile.

SECTION 208—VEHICLE INSPECTION AND MAINTENANCE

This section requires an annual emission inspection of light duty vehicles which are registered to persons who live or maintain their principal place of business in an area where transportation control measures were required as of June 30, 1975. This provision contains broader authorities to EPA than does the Committee bill, but also allows greater flexibility to the Administrator to structure an inspection program that is workable, effective, and requires only necessary adjustments to vehicles. As in the Committee bill these programs shall be implemented not later than two years after date of enactment of this Act.

SECTION 209—WARRANTIES AND MOTOR VEHICLE PARTS CERTIFICATION

This provision, which the automotive aftermarket, small business parts industry, describes as critical to their continued existence as a viable force in the free marketplace, would do the following: (It is contained in H.R. 4444, Dingell-Broyhill)

1. Reduce the current federally mandated performance warranty from 5 years or 50,000 miles to 18 months or 18,000 miles.

2. Provide for a self-certification program under regulations to be promulgated by EPA, through which the independent parts manufacturer or rebuilder may continue to serve its traditional role in the automotive aftermarket.

3. Require the motor vehicle manufacturer to prominently disclose in its maintenance instructions "notice that maintenance, replacement, or repair of the emission control devices and systems may be performed by any automotive repair establishment or individual using any automotive part which has been certified . . ."

4. Provide a meaningful and rational definition of the term "emission control device or system" as a catalytic converter, thermal

reactor, or other component installed on or in a vehicle for the sole or primary purpose of reducing vehicle emissions, excluding those vehicle components which were in general use prior to model year 1968.

SECTION 210—PARTS STANDARDS: PREEMPTION OF STATE LAW

This section, from H.R. 4444, Dingell-Broyhill, provides that if the Federal government establishes a program to certify parts which may be used in a vehicle so as not to result in a failure of the vehicle to meet applicable emission standards, then the States, except California, are preempted from establishing their own certification programs.

SECTION 211—PROTECTION OF COMPETITION; ASSURANCE OF CONSUMER FREEDOM OF CHOICE

This section provides that if the Attorney General finds that the auto manufacturer's practices in regard to its emission control warranty are resulting in unfair or anticompetitive conditions, he shall so notify the Administrator of EPA. The Administrator is then authorized to promulgate such rules as are necessary to minimize or eliminate these conditions and protect the consumer's freedom of choice.

SECTION 212—ANTI-TAMPERING PROVISION

This section extends the existing prohibition against knowing removal of or tampering with automotive emission controls to cover independent repair and service businesses, and selling, leasing, trading, and fleet operations. A civil penalty of up to $2500 per vehicle is established for violations of this prohibition.

SECTION 213—COST OF VAPOR RECOVERY SYSTEMS TO BE BORNE BY OWNER OF RETAIL OUTLET

The EPA has promulgated regulations which require the installation of costly vapor recovery devices at retail gasoline stations in certain areas. The purpose of these requirements is to catch the fumes which come out of the tank while gas is being put into a car. This section is identical to the Committee bill and provides that the costs of vapor recovery systems would be borne by the owner of storage tanks and pumps and not by the franchise retailer.

SECTION 214—HIGH ALTITUDE PERFORMANCE ADJUSTMENTS

This section, which includes the same provision approved by the House and adopted by the Conference, and as contained in H.R. 4444, Dingell-Broyhill, exempts the adjustments of emission control systems of high altitude vehicles from the anti-tampering provision of existing law, if the adjustment does not adversely affect emission performance. The manufacturer is required to submit to the Administrator adjustment instructions.

In addition, this section adds a new provision which authorizes EPA to conduct a new rulemaking proceeding to determine the most appropriate method of implementing the Act's mobile source emission requirements for model year 1978 and thereafter with respect to light duty vehicles intended for principal use in high altitude areas. EPA is directed to consider the economic impact of any such regulation upon consumers, franchised dealers and the manufacturers, the state of the art of emission control technology, and the probably impact of such regulation on air quality in the affected areas.

SECTION 215—FILL PIPE STANDARDS

This section is identical to the provisions contained in the Committee bill and authorizes the Administrator to prescribe fill pipe standards for new motor vehicles to assure effective connection between the fill pipe and any certified vapor recovery system.

SECTION 216—ONBOARD HYDROCARBON TECHNOLOGY

This section is identical to the provision contained in the Committee bill and requires the Administrator to consider the feasibility of prescribing standards for new motor vehicles to require the use of certain technologies which would minimize vapor emissions. If the Admniistrator makes certain findings concerning costs, fuel economy, feasibility, etc., he is directed to promulgate such standards.

SECTION 217—CARBON MONOXIDE INTRUSION INTO SUSTAINED USE VEHICLES

This section is identical to the provision contained in the Committee bill and requires the Administrator, in cooperation with the Secretary of Transportation, to conduct a study to determine if carbon monoxide gas is intruding in vehicles such as schoolbuses, taxis, and police cruisers.

SECTION 218—IMPLEMENTATION OF MOTOR VEHICLE EMISSION WARRANTIES

This section provides that it is a prohibited act for automobile manufacturers to fail or refuse to comply with the emission control warranty.

SECTION 219—TESTING OF FUELS AND FUEL ADDITIVES

This provision is identical to the provision contained in the Committee bill and requires the testing and the submission of test results as a prior condition of registration for any new fuel or fuel additive.

SECTION 220—TESTING BY SMALL MANUFACTURERS

This section is identical to the provision contained in the Committee bill and exempts motor vehicle manufacturers with projected annual U.S. sales of 300 or less from the requirement for 50,000 mile certification testing of such vehicles.

SECTION 221—CALIFORNIA WAIVER

This section is identical to the provision contained in the Committee bill and allows the State of California to adopt its own auto emission standards if such standards will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standards.

FUEL WASTE OF H.R. 6161

There is a waste of motor fuels under the Committee/Administration emission standards, which have no proven cost-benefit. This is concluded from specific information pertaining to gasoline consumption by light duty motor vehicles as discussed by the several government analyses cited and the Administration agency memoranda obtained by Congressmen Moss and Dingell.

Fuel penalty estimates of the Committee standards range from eight to 20 percent compared to current emission levels. EPA's own penalty estimate is as high as eight percent, based on its March 21, 1977, Impact Of Several Alternative Automobile Emission Control Standards Upon Fuel Economy And Costs, revised, April 11, 1977. DOT's estimates are at least five percent or higher, based on recently obtained DOT documents. OMB's high 13 percent penalty estimate is based on other obtained Administration documents. The manufacturer estimates are as high as 20 percent fuel penalties as cited in DOT's, February 28, 1977, Data And Analysis For 1981–1984 Passenger Automobile Fuel Economy Standards.

The more stringent California emission standards for 1977 of .41 HC, 9.0 CO and 1.5 NO$_x$, are penalizing fuel economy of that fleet of cars compared to the current Federal, 49-state fleet. The California penalty is found to be as high as 12 percent with model availability, especially the more fuel efficient cars, restricted from the state due to the tighter standards in effect.

Therefore, for purpose of analysis, we assume that fuel penalty estimate, based on the Committee bill, to be in the range of 10 percent. That fuel penalty would be mainly for automobile model years 1981 through 1985. We have computed fuel losses through 1985 as the statutory program on mandated auto fuel mileage standards under the Energy Policy and Conservation Act of 1975 extend through 1985 while the proposed auto emission schedules reach new statutory standards, with waivers or suspensions, early in the 1980's and are in effect for the future model years unless Congress revises the law.

Again, the range of a 10 percent fuel penalty assumption also is concluded by referring to data from the Administration documents which include auto manufacturer fuel loss reports filed with the government to fulfill governmental agency requirements.

The Department of Transportation, "Data And Analysis For 1981–1984 Passenger Automobile Fuel Economy Standards," February 28, 1977, the Executive Summary, "Impact Of Emission Standards," states, Emission standards more stringent than current values (1.5/15.0/2.0) could, however, reduce engine-related fuel economy improvements. The extent of such effects will be a function of the time phasing of the standards, as well as a function of the engine and emission control technologies employed.

The Dingell-Broyhill schedule would set a certain and attainable timetable for more stringent emission standards which would not adversely affect fuel economy to the degree by which H.R. 6161 would penalize fuel efficiency and the nation's balanced objectives for clean air and energy conservation.

The DOT analysis was prepared to aid the Department as it is required by authority under EPCA, to establish mandatory auto fuel mileage standards, by July 1, 1977, for model years 1981–1984, reaching the statutory standard of 27.5 for 1985.

We agree with DOT that there will be substantial downsizing, weight reduction, stream-lining, wider spread use of radial tires, improved gasoline, spark ignited engines and drivelines, greater use of electronics and increased production of the fuel efficient diesel engine, which will contribute to national fuel savings, *but, nevertheless,* and as the DOT analysis states, "This projected improvement is, however, not only a sensitive function of particular drivetrain/vehicle combinations, but also is *subject to the required emission level.*" The DOT analysis further states, "In both the spark ignition engine improvement and dieselization cases, there is an *added risk* associated with timing of future emission control standards." (Emphasis added)

A fuel economy/emission control table comparing 1.0 NO$_x$ to 0.4 NO$_x$, in the DOT analysis quotes manufacturer estimated fuel losses ranging as high as a "20 percent" fuel loss stated by one automaker while two other major manufacturers could not submit a loss figure. The inability to supply such loss figures results from the fact that the companies have been unable to identify specific technologies which might be available to attain 0.4 NO$_x$ on projected mass produced vehicles.

This is one-half of the highest range estimate, if 0.4 NOx were mandated in 1983 under the Committee/Administration proposal which appears most likely based on EPA comments and testimony. Using the 10 percent penalty, and comparing the Dingell-Broyhill 1.0 NO$_x$ standard (beginning in 1982) with the Committee/Administration probable standard of 0.4 NOx (beginning in

1983) results in the following fuel penalty, 1983–1985;

11.56 billion gallons of gasoline—1983 through 1985.

This figure is derived by comparing the 1.0 to the .4 standard for model years 1983, 1984 and 1985.

The calculation is made on the assumption that there will be continued annual new car sales of 10 million units each of which can be expected to attain a useful lifetime of 100,000 miles. Using the new car fleet expected average fuel economy data contained in the five-agency analysis: 24.7 miles per gallon in model year 1983; 26.2 mpg in 1984; and 27.1 mpg in 1985; the total gasoline consumption of the Dingell-Broyhill car for model years 1983–85 would be 115.6 billion gallons. Assuming the 10 percent fuel penalty of the Committee/Administration car and its .4 NO_x standard for those model years the fuel consumption of H.R. 6161 would be 126.5 billion gallons, or a waste of 11.56 billion gallons relative to the Dingell-Broyhill standards.

The calculation again is based on data from the Administration's, February, 1977, "Analysis Of Effects Of Several Specified Alternative Automobile Emission Control Schedules Upon Fuel Economy And Costs," as prepared by the five agencies.

Furthermore, while the above calculation refers to the fuel loss of model years' 1983–1985, analysis based on the February, 1977, five agency, interagency study yields additional fuel losses for model years' 1981 and 1982. For example, in 1981 the Dingell-Broyhill proposal remains at 2.0 NO_x while H.R. 6161 reduced to 1.0. This would result in a fuel penalty of 3.16 billion gallons of gasoline for model year 1981. In 1982, the Dingell-Broyhill standards remain slightly less stringent than the Committee/Administration proposal which results in a .7 billion gallon penalty for H.R. 6161 for model year 1982. The cumulative fuel penalty associated with the Committee/Administration proposal for model years 1978–1985 is in excess of 15 billion gallons of gasoline, or 2.41 billion gallons of gasoline a year, or 5.87 million gallons of gasoline a day, or 140,000 barrels of oil per day, relative to the fuel savings of the Dingell-Broyhill-UAW schedule.

The government analyses available to Congress, although none are integrated to aid the Congress, are overly optimistic in cases where fuel economy estimates are lower than those high estimates we have pointed out. The previously noted OMB memo, and others cited, make this point as do the manufacturers of automobiles and auto emission parts. The three-way catalytic manufacturers have testified their product may meet the tighter 1.0 NO_x standard by 1982 for full fleet production. The automakers have testified they cannot meet the 0.4 NO_x standard that likely would be imposed under the Committee bill by 1983 and cite fuel penalties of the 1.0 NO_x level.

The technology is not there and the fuel penalty and consumer costs of the Committee's stringent standards are unnecessary as there are no proven major air quality gains to be achieved and, if there are any, they are minimal.

Administration Auto Emission Study Confirms Consumer, Environmental, and Fuel Savings of Dingell-Broyhill

An analysis of automobile emission control standards has finally been produced and still shows the consumer and auto fuel mileage savings of the Dingell-Broyhill auto emission schedule and the waste that would occur under the Commerce Committee/Rogers/Environmental Protection Agency standards contained in H.R. 6161. Dingell-Broyhill would continue the same rapid rate of air quality improvements as would the Committee bill standards. Dingell-Broyhill is environmentally sound.

However, inasmuch as the new analysis from EPA, dated May 19, just arrived in Congress late Friday, May 20, and was produced *after* the EPA announced, April 18, its position on auto emissions, the analysis appears to be an attempt to vindicate the EPA's previously announced position. The analysis from EPA states that it was done in conjunction with the Department of Transportation and the Federal Energy Administration, however, DOT and the Office of Management and Budget, according to Administration documents obtained by Congressman John Moss, indicate divergent opinions on auto emissions within the agencies. DOT and OMB have been critical of EPA, as is noted in our SEPARATE VIEWS contained in the Commerce Committee Report to accompany H.R. 6161 and such views as signed by 16 other Committee colleagues.

On March 11, 1977, we wrote to the Administration requesting an integrated update of the 1976 analysis of emission schedules regarding fuel economy, health impacts and consumer savings. The analysis was never done for the Congress, despite our several appeals, before the Administration took a position. Even when EPA testified on its position April 18, it failed to produce an integrated or complete analysis. But now, in the 11th hour, as H.R. 6161 and the Dingell-Broyhill substitute are scheduled for House Floor action, starting tomorrow, EPA delivers on May 20, to a chosen few Members of the House, the somewhat suspect analysis.

Although this lengthy document (62 pages) is prepared in such a manner as to present the Administration's schedule in the best possible light, a quick overview of this "late" so-called new analysis still indicates that the Dingell-Broyhill proposal is the most fuel and cost efficient emissions schedule while at the same time protecting public health. For example, the interagency report of May 19 indicates that the consequences of the Administration's proposal could be a fuel penalty of up to eight percent, an increase of the purchase price of each vehicle of $340 and with no resultant significant improvement in air quality as compared to Dingell-Broyhill. The study even states that in order to meet the Administration's 1979 standards of .41/9/2.0 the industry would have to delay the introduction of their 1979 models by six months.

Apparently this interagency analysis was contrived immediately prior to the House consideration of the Clean Air Act Amendments of 1977 in an effort to subvert the consideration of the Dingell-Broyhill Floor Amendment. Nevertheless, the facts still indicate a vote FOR the Dingell-Broyhill amendment to be in the national interest.

A Time Bomb, Conserve Energy: Dingell-Broyhill

A new international study, Energy Global Prospects; 1985–2000, foresees energy shortages—a good reason to adopt the Dingell-Broyhill mobile source emission control amendment.

The world faces possible oil shortages as early as 1981 and we definitely will lack adequate energy supplies around the turn of the century if action is not taken immediately. The auto emission schedule in the Dingell-Broyhill amendment for the Floor on the clean air bill, H. R. 6161, will help conserve energy. I urge you to vote for the amendment published in today's Congressional Record.

The Workshop on Alternative Energy Studies (WAES), an international forum sponsored by the Massachusetts Institute of Technology, spent two and one-half years researching the global prospects for energy up to the year 2000. The WAES national teams and the headquarters staff at MIT projected demand for energy and supplies which resulted in prospective total energy shortages beginning to develop after 1985 for the non-Communist world. Project director Dr. Carroll L. Wilson of MIT said of the report: "This is not a doomsday report. It's a time bomb. . . . We've tried to pin down ways in which it will explode if the free world does not act soon enough." (Washington Post, May 17, 1977, page 1)

The WAES study also foresees oil shortages as demand for oil reaches and exceeds oil production capacities. The unnecessarily stringent auto emission standards of H. R. 6161 (Rogers) would drive us further into the hands of unreliable foreign oil sources. In making the above projection, the study used two models: high and low levels of growth in demand with limited and unlimited production. The worst case scenario sees oil shortages as early as 1981 and the best case sees it arising in 1989. In either case "The fact is at some future date the available supply of oil is unlikely to meet desired demand and such demand will have to be modified." (Energy Global Prospects 1985–2000, page 19)

Representing the report as a call to action, Dr. Wilson urges conservation as the method to gain time in which to prepare for and act to alleviate the energy shortage. "Time is our most precious resource. It must be used as wisely as energy." (WAES World Energy Report, May 16, 1977)

The emission schedule embodied in H.R. 6161 would waste 15 billion gallons of gasoline (1978–1985), relative to the savings of energy of the Dingell-Broyhill standards. This figure is based in large part on data from the Administration's February, 1977, "Analysis Of Effects of Several Specified Alternative Automobile Emission Control Schedules Upon Fuel Economy And Costs." The savings in consumption that result from the Dingell-Broyhill amendment to the clean air bill (Rogers) will serve to increase the time available to further prepare for the coming energy shortage. We must not enact standards which would speed the oil depletion process as would Section 203 of H. R. 6161 and accelerate any oil shortages. The Dingell-Broyhill standards serve the proper time frame to save energy while this nation prepares for the "moral equivalent of war" on energy waste, to quote the President.

Dingell-Broyhill correctly responds to the energy conservation demand called for by the WAES study and by President Carter—it must be enacted.

Diesel Savings

Are you aware that the Commerce Committee clean air bill, H.R. 6161, outlaws the diesel and the potential for other innovative-driveline technologies that may prove to be not only extremely fuel efficient but also reach low auto emission levels?

There are two major problems in the clean air bill by Representative Paul Rogers which must be addressed regarding diesels.

It is important to note that auto manufacturers testifying before both the Health and Environment Subcommittee on clean air and before the Energy and Power Subcommittee on auto fuel economy recently, agreed to the need for the NO_x suspension or waiver proceeding by EPA under the Dingell-Broyhill emission schedule for 1982 and beyond. Automakers, both foreign and domestic, who produce or plan to produce diesel engines for their models testified to the need for the Dingell-Broyhill 1.0 NO_x standard in 1982 and future model years to include the waiver to allow for the energy savings of the diesel engine to be realized and for the diesel to be put into mass production. Emission testing by manufacturers and government agencies of the various small and large diesel engines concludes that the NO_x standard should not be set below 1.5, or the diesel would be lost for mass production. They have, in fact, urged that the NO_x standard remain at 2.0. The diesel can claim up to a 25 percent fuel efficiency improvement above the spark ignited, gasoline powered vehicle, but that savings could be lost for the nation if diesels are outlawed or not encouraged for mass production.

The Committee bill would have the effect of outlawing diesels under 4,500 pounds which are, of course, the most fuel efficient diesels. Both small and large diesels, including the GM Oldsmobile diesel to be introduced in model year 1978 at current emission standards, would be lost under the Committee's proposed standards and authority for EPA to lower the NO_x level to 0.4. The 1978 model GM Oldsmobile diesel is projected to weigh in at less than 4,500 pounds. Diesels cannot now attain 0.4 NO_x and could not be certified under EPA durability test procedures at 1.0 NO_x. Dingell-Broyhill encourages increased production of diesels and their related fuel economy improvement. The Committee bill does not.

Several manufacturers, Volvo, Toyota, Volkswagen, GM and others do have diesel plans. Mercedes, Peugeot, and others have diesels in production and the vast majority are diesels under the 4,500 pound class. They would be lost under the Committee bill. Foreign and domestic automobile manufacturers support the Dingell-Broyhill amendment along with the UAW, AFL-CIO and other labor organizations.

LABOR ORGANIZATIONS, BUSINESSES AND OTHER GROUPS SUPPORTING THE DINGELL-BROYHILL SUBSTITUTE AMENDMENT

UAW.
AFL-CIO.
National Automobile Dealers Association.
American Automobile Association.
Automobile Importers Association of America.
American Association of Railroads.
Railway Labor Executives Council.
United Transportation Union.
Transportation Association of America.
Motor Vehicle Manufacturers Association—domestic automakers.
Highway Users Federation.
American Farm Bureau Federation.
Foreign Auto Manufacturers.
National Grange.
American Petroleum Institute.
National Congress of Petroleum Retailers.
Car and Truck Rental and Leasing Association.
Discover America Travel Association.
American Trucking Associations.
Recreational Vehicles Institute.
National Rural Lettercarriers Association.
Rubber Manufacturers Association.
Automotive Liaison Council.
Automotive Service Industries Association.
Automotive Parts Rebuilders.
Automotive Warehouse Distributors Association.
Numerous Major Automotive Suppliers.
U.S. Chamber of Commerce.

Mr. ROGERS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Texas (Mr. KRUEGER), a member of the full Committee on Interstate and Foreign Commerce.

Mr. KRUEGER. Mr. Chairman, I think it important that we should look again at the Clean Air Act of 1970. Clearly, the only way the country can hope, overall, to improve the quality of its air is through Federal legislation. It is never to the individual benefit of a single citizen to reduce pollution. It is only collectively that we can improve the quality of the air we breathe. It is, therefore, both timely and proper that we should review and improve this landmark piece of legislation.

At the same time, as we do this, I think it important that collectively we recognize some of the possible impacts on both employment in this Nation, and on our hope to resuscitate our economy; because if we set standards for which there is no known health benefit, but for which, if the law is enforced, we will have a shutdown of new industrial development, I do not think we will be thanked by the American people.

Now, there are a variety of levels of emissions and of air standards which the new amendments would enforce. I address my comments, not to the various emissions, such as hydrocarbons, sulfur dioxide, nitrous oxide, and particulate matter, but to the question of photochemical oxidants.

Photochemical oxidants are not direct emissions from industrial sources. Rather, they result from precursors such as the hydrocarbons and nitrous oxides which I have just mentioned. The problem we face, my colleagues, is that in those areas of the United States in which we have monitoring of photochemical oxidants, 88 percent of the U.S.A. is found to be a nonattainment area—88 percent of the country is not in compliance.

This means that, after the end of this month, if the EPA actually enforces the law as it now stands, it would be required to instruct State environmental agencies to stop further industrial construction unless those States will comply with a so-called trade-off policy. The trade-off policy has been described recently in an article, among other places, in the Washington Post on May 15. The present bill would codify existing EPA policy, and effectively make trade-off policy the law of the land.

The Post article mentions that Standard Oil of Ohio, in California wishes to buy three drycleaning plants. It wishes to buy them, not in order that it can enter into a horizontal merger, but, rather, in order to unload its tankers. These tankers will release hydrocarbons, and Sohio has to buy the right to add these hydrocarbons to the environment. It will do this by purchasing rights to hydrocarbon pollution. Currently the three drycleaning companies release hydrocarbons in their cleaning processes. Sohio plans to buy these companies, and reduce their direct hydrocarbon emissions. Sohio will then be allowed by the EPA to apply the unused pollution from their drycleaning plants to the pollution from tankers which they wish to unload. This seems to me, at best, a questionable policy. Yet, in spite of the claims of Members who support all aspects of the present bill, the trade-off policy will be the only policy we have. Waivers to this policy will be meaningless. If we are concerned with fostering economic recovery, we should all take caution, in all States, from a recent policy decision that has been proposed by the Texas Air Control Board.

We are told by a Houston Post article last week that the chairman of the Texas Air Control Board has proposed that the board might stop issuing permits for any industrial development in areas exceeding ambiant air quality standards. Remember that not only Houston, but also 88 percent of the country exceeds these standards. The 50 largest industrial projects in Texas, totaling billions of dollars, would be stopped. Some of the areas that are in grave noncompliance in other States include Cincinnati, St. Louis, San Jose, New York, New Jersey, Pennsylvania, Chicago, and Los Angeles.

To what extent are they out of compliance? Well, no region is supposed to exceed the standard of acceptable oxidant standard for more than 1 hour. Last year Los Angeles exceeded the oxidant standard for more than 200 days; Houston for 50, and St. Louis for 60. That is an indication of how far away we are from being able to comply with the law. I think it is poor legislative to pass laws that we know cannot be observed.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ROGERS. Mr. Chairman, I yield 1 additional minute to the gentleman from Texas.

Mr. KRUEGER. I think it is poor policy to pass laws that we do not expect to be enforced. I think we need to realize that if the law is enforced, we stand the very real possibility of stopping further industrial construction in something like 88 percent of the country, until we can work out a so-called trade-off policy. And the trade-off policy is a poor policy. It will trade off jobs, and is a very, very dangerous thing for our economy.

Therefore, at the appropriate time, I will offer an amendment, in conjunction with my colleague from Texas (Mr. GAMMAGE) that will direct itself to this problem.

Mr. CARTER. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. LENT).

Mr. LENT. Mr. Chairman, I rise in support of H.R. 6161 as reported by the Committee on Interstate and Foreign Commerce. I also want to commend my friend and chairman of the Health and the Environment Subcommittee, PAUL ROGERS, for his outstanding work in bringing before this body a well-balanced and workable piece of legislation which will continue the progress begun in 1970 toward a better environment for all our citizens.

Many people have claimed that the 1970 act called for too much. I simply do not agree. The goals set forth in that legislation are good ones which we should strive to attain. I believe, however, that in 1970 the Congress may have set an unrealistic timetable for achieving those goals, and I believe we should adjust the timetable to take into consideration the present state of our technology, together with present economic and energy supply situations. H.R. 6161 recognizes the realities of our present situation.

Obviously, the most talked about facet of the legislation is the auto emissions provision, and I would urge my colleagues to accept the language presently in the committee bill.

One cannot make light of the auto industry's problems in trying to manufacture automobiles which not only get good gas mileage but also do not pollute the air. In recognition of these problems, Congress has several times voted to delay the imposition of legally mandated standards on light duty vehicle emissions. I question how much longer we can delay. Automobiles are our single greatest source of pollution. In my suburban district, and many others, auto pollution accounts for 70 percent or more of all pollution. Anyone who has seen the haze over Washington, D.C. and felt its effects in the past few days must know about auto pollution, because that is the primary cause of Washington's air quality problems.

The Congress will soon be called upon to make a choice between the committee bill and the so-called Dingell-Broyhill amendment. To me, there is no choice. In the committee version, we have given the auto industry what it wanted most—a respite from new emission standards in the 1978 model year. We have set a reasonable timetable for meeting the 90-percent emission reductions for hydrocarbon, carbon monoxide, and nitrogen oxide, or NO_x emissions. Indeed, where NO_x is concerned, we have placed on the EPA Administrator the burden of proof that NO_x is harmful, not on the industry. Under the Dingell-Broyhill proposal, we will never, in the foreseeable future at least, meet the standards set forth in 1970.

As I did last year, I want to call to my colleagues' attention the results of a study of New York metropolitan area police officers presumably subject to air pollution while on duty. The results are startling. The officers who were studied showed abnormally high levels of carbon monoxide in their blood, a high incidence of high blood pressure, breathing problems, and abnormal heart action. There can be no doubt but that the environment is a cause of this situation.

The auto emissions section, section 203 of this bill, is but one of the complex issues we will face in considering the Clean Air Act. In general, we must, if we are to do the public a service, balance a number of worthwhile goals. If our economy is to recover from its present predicament, it must grow. If we are to reduce our reliance on foreign sources of energy, we must conserve. If we are to protect our citizens from a whole variety of illnesses, we must continue our progress toward clean air. Let us not have the health of our citizens take third place. We can make reasonable progress in all three areas by enacting H.R. 6161, and I urge my colleagues to support it.

Mr. ROGERS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, my able colleague, the gentleman from Texas (Mr. KRUEGER), has well defined the problem, but it is a problem of the existing law and not of the bill that is now before us. All the problems concerning oxidants are problems which have been addressed in this bill, and a perfectly reasonable way of permitting compliance has been provided. Presently, it is true that to require oxidants to be reduced to 0.08 milligrams would be very difficult to achieve; and, as the gentleman from Texas has said, some 88 percent, I believe, of those areas in which oxidants have been checked are not in compliance. That is precisely the reason why the bill provides that there may be as much as another 10 years to meet the standard that would be applicable today. But the bill requires a tradeoff. It requires that persons utilize this other means, this slower means of complying.

Mr. CARTER. Mr. Chairman, will the gentleman yield,

Mr. ECKHARDT. I yield to the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. I thank the gentleman for yielding.

Mr. Chairman, the gentleman is correct, as I understand it, they do have 10 years in which to meet the standard and each 2 years they are supposed to show an improvement in emission levels. Is that not correct?

Mr. ECKHARDT. That is precisely correct.

Mr. CARTER. If the gentleman will yield further, does not the gentleman think that this same principle really should be applied to other areas that have similar conditions? We have made this allowance for the gentleman's area, on his amendment, as it happened, and I thought it was a very good amendment. We have given allowances for nonferrous smelters. And in that I do not believe we required an improvement each 2 years as we have in this. Does not the gentleman think we should require improvement or a diminution of the emissions in the nonferrous smelters as we require diminution of the emissions in this particular area of Texas?

Mr. ECKHARDT. Mr. Chairman, I think the gentleman's argument makes eminently good sense. I think we need to look at the amendment. But certainly there should never be a relaxation of existing standards unless two things accompany it: No. 1, that there be a requirement that plants built after such relaxing of standards use the best technology to achieve the objective of clean air; and, No. 2, that there be some requirement of accomplishment in increments until the final day comes about.

If we do not do that latter, we run into exactly the same question as we have time and time again with automobiles. We get to the end point, and then we say we just cannot do it, so we have to relax the standards. In case of oxidants, if we do not require an accomplishment of interim improvements and police these interim improvements at the end of 10 years, they will say, "Oh, we still cannot do it, and we don't know what caused it."

And then, of course, we delay again enforcement of clean air standards.

Mr. CARTER. Mr. Chairman, I thank the distinguished gentleman for yielding, and I must say I agree with him.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Florida.

Mr. ROGERS. Mr. Chairman, I think what the distinguished gentleman from Kentucky (Mr. CARTER) has said is true. I think he is correct when he says that wherever there are nonattainment areas, no matter where they are located, if they are presently over the standard, all of those areas qualify under this provision to clean up that nonattainment area. In those areas that are cleaner, of course, they are allowed to go up in certain instances as high as the primary standard.

The CHAIRMAN. The time of the gentleman from Texas (Mr. ECKHARDT) has expired.

Mr. CARTER. Mr. Chairman, I yield 2 additional minutes to the distinguished gentleman from Texas (Mr. ECKHARDT).

Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Chairman, I have asked the gentleman to yield for the purpose of asking this question.

I beg to disagree with the chairman of the subcommittee on this one point. I believe the Neiman-Marcus portion of this bill leaves regulation of indirect sources and decisions concerning construction of indirect sources up to the States, and there is no Federal control in that area; is that correct?

Mr. ECKHARDT. Mr. Chairman, perhaps the chairman of the subcommittee can answer that question, and I yield to him for that purpose.

Mr. ROGERS. Mr. Chairman, it would be covered if it is in a nonattainment area, no matter what it is, whether it is a store or anything else.

Mr. CARTER. Mr. Chairman, I believe if the gentleman will look up the legislation and go over that carefully, he will find control is left for 10 years up to the States, and that there are no requirements for improvement of the air quality in that area.

Mr. ROGERS. Where there is a nonattainment area, there has to be an increment of improvement.

Mr. CARTER. Mr. Chairman, if the gentleman will yield further, I feel honestly, after going over this and as I told the Members previously, that when we get to the other body, there will be this distinguished gentleman who will ask us—and with great force and fervor—to give this same consideration to the steel companies that we have given to the nonferrous industries.

What does my distinguished friend, the gentleman from Texas (Mr. ECKHARDT), think about that? Should we do that?

Mr. ECKHARDT. Mr. Chairman, I would rather make a decision at the time the amendment is framed in final form. But I would say to the gentleman that if any relaxation is granted, there should be some requirement of attainment in equal increments until the ultimate date on which the requirement is set.

Mr. CARTER. And that should apply to each segment of industry equally and equitably; is that correct?

Mr. ECKHARDT. Mr. Chairman, the gentleman states the principle extremely well.

The CHAIRMAN. The time of the gentleman from Texas (Mr. ECKHARDT) has again expired.

Mr. CARTER. Mr. Chairman, I yield 1 additional minute to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I only wish to take this additional time to thank the very learned gentlemen on both sides of the aisle for permitting me to be a spectator with respect to this debate.

The CHAIRMAN. The gentleman from Texas (Mr. ECKHARDT) has consumed 3 minutes of the time of the gentleman from Kentucky (Mr. CARTER), who now has 41 minutes remaining.

The gentleman from Florida (Mr. ROGERS) has 7 minutes remaining.

Mr. ROGERS. Mr. Chairman, I yield back the balance of my time.

Mr. CARTER. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Texas (Mr. COLLINS).

Mr. COLLINS of Texas. Mr. Chairman, I have enjoyed sitting in on these sessions that we have had on clean air during the past few weeks.

Just now I picked up the document that represents our finished work and looked at it. It comprises 235 pages of an old bill that was scratched out and 239 pages of a new bill. It is as big as a dictionary, but unlike a dictionary, it is not a self-explaining book.

This is one of the most complicated pieces of legislation that we have ever put out here in the House. It is an inconsistent piece of legislation.

Our ranking minority member has time and again in committee brought out the fact that we take special situations and we provide for them in one way or another, but, on the other hand, the poor fellow who does not get taken care of will not know what hit him possibly for 2 or 3 years. The long-range impact of this bill on America is going to be tremendous.

The cost of it has never been successfully calculated, and I do not know that anyone today really knows what the cost of this bill is going to be. It costs so much in so many ways.

I know that I was talking to the power and light company in our area, and one phase of clean air that has come in will affect the cost of our electricity by 15 percent and possibly 20 percent. They have put in what they call a scrubber system, and they had asked if they could just simply not have the scrubber in operation and shut off the plant for 3 hours a week when they did not need it. However, because we demand that scrubber all the time, they have to keep it there. They have a tremendous capital investment in it, and they have a tremendous maintenance investment. It takes a tremendous amount of energy to make that scrubber run all the time when we could have shut down the plant for 3 hours and we would have been better off and would have had lower cost electricity.

Mr. Chairman, this is only one example of costs. We are going to see costs up and down the line, constantly growing, because it is not just the cost of equipment.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. COLLINS of Texas. I yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Chairman, I thank the distinguished gentleman for yielding.

Instead of scrubbers, the best available control technology in the State of Kentucky, according to the Chairman of the Kentucky Public Service Commission, Mr. Barkley Stirgall, would cost each user of electricity an increase in excess of 40 percent on the average bill.

That is quite a sore subject. Utility bills have increased so much that I certainly would agree with the gentleman's remarks.

Mr. COLLINS of Texas. Mr. Chairman, I appreciate the gentleman's bringing that out because when they come in and start asking about the electric bill, it is a sore subject.

Today in committee we had some poor old lady on social security, receiving $140 a month—that is all she is living on. She talked about how much it hurts her when the electric bill goes up. She did not know that right there in that very room we were working on a plan to increase it more.

Mr. Chairman, I think it ought to be brought forth to the public that the electric companies themselves are not villains in causing the bills to go up. It is this type of legislation which we are putting on the books despite the fact that we have not completely thought out all of the possible alternatives.

Mr. Chairman, we had an experience in our own committee this past week which was a shuddering experience.

A few years ago, in Congress we passed a bill that was to prevent children's sleepwear from catching on fire. Some Members said that they had heard of children needlessly burning, and I am very sympathetic with respect to that.

However, it turns out, upon checking, that all the figures are not in. No one knew how many children died as a result of fire. It was just said that it was something that needed attention.

We moved in on it, and we said, "You have to make all sleepwear in America out of nonflammable material, out of material that is not going to burn." We said that in one-syllable words, so we decreed that everything had to be made so that it would not burn.

What was interesting, Mr. Chairman, is that we brought an amendment out on the floor just 3 years ago and we said that we would like to have them test this fabric. We told that to the manufacturers although they objected to the way we had rushed in, and we forced this legislation to be put on the books.

On our side of the aisle we brought up an amendment asking that tests be made before anything was done. Instead, the House voted that down and said no, that would delay it. We rushed the matter through and decreed that the fabric was to be made nonflammable. That was to be done immediately.

This past week, at our hearing we had an opportunity to see what is happening, because the children of America, from ages 0 to 14, have been sleeping in a fabric treated with what is known at Tris.

Mr. Chairman, I have been worried about this subject for a year and a half because I hate for my grandchildren to be in sleepwear that is just saturated with chemicals, from their toes to their neck and all down their sleeves, sleeping in it all night long.

At any rate, they used this chemical. I did not know the chemical could cause cancer. They had run an exhaustive study, over and over again, and it has proved that it does have a cancer causing substance in it. They say it will not cause cancer immediately. They say it will take perhaps 20 years.

Mr. Chairman, what is interesting is that we had perhaps 500 children who might be wearing sleepwear which caught fire and perhaps we might be able to save 200 lives a year.

However, in the case of Tris there are 50 million children involved, and an expert said the other day that we have exposed from 1 to 10 percent of those children. As a result of this, that means we were exposing possibly 2 million children when we were trying to save 200.

I feel the same way about this bill. We have got to ask ourselves what is this going to do for clean air?

Clean air is a real problem in some parts of our country. I have been out to Los Angeles and I never saw anything like the way those people have to suffer. Up in New York it is not too good, either. We can think of a lot of places where we are not proud of our air. We are trying to improve it in my own hometown down in Texas. But, Mr. Chairman, we cannot solve all of the problems of America in 1 single day.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. COLLINS of Texas. I yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Chairman, I thank the distinguished gentleman from Texas (Mr. COLLINS) for yielding.

I remember quite well the legislation about which the gentleman from Texas was talking. We created a worse measure by trying to prevent something that was lesser. We wanted to prevent children being burned by fire from a very far-fetched possibility, so that the result was two-faced, as I see it.

Since the gentleman has mentioned the cost of electricity, I would like to go a little further and say that the Tennessee Valley Authority area, part of that area is in my district, and Aubrey Wagner, who is chairman of the board of directors, has said a similar set of amendments will cost the TVA $300 million the first year and $200 million each year for the foreseeable future. Well, one can see what that is going to do.

However, I must say that I believe we can stay within the confines of this bill, as I see it, and attain our goals. It is absolutely necessary that we do protect the health of the public and its welfare but I believe we can attain these standards without this huge expenditure and without its costing every one of our constituents this much money.

Mr. COLLINS of Texas. Mr. Chairman, I would like to say to my good friend the gentleman from Kentucky, whenever our constituents get their electric bills after this legislation becomes the law, we are going to see some changes here.

I appreciate the remarks of the very fine gentleman from Kentucky (Mr. CARTER). The gentleman has some of the finest folks in the world down there in Kentucky. One thing they truly know is what a dollar is worth. A dollar means a lot to them down there. And when these electric bills start coming thundering down the road there will be some changes made, and they will say to us in the Congress: What is wrong with you folks? Do not go so fast and wild; do not get carried away with these things.

Let me add that we spend money too fast. Just the other day, I saw in the paper that we were holding the line; and then the next day I picked up the paper and found that we have increased the budget $61 million over last year.

Our constituents want to know when we bring up bills like this one what it is going to do to them, what it is going to do to those who are operating small businesses.

There are so many things about this bill that disturb me, and one of them is the great big book that I hold in my hand. It is a real elephant size book. Your constituents will have to study this in the future and know what is in it, but in order to do that it will take a genuis. But, do you know what we have done in this bill? We have said if you do not follow it, and know what is in it, then we are going to stick you for $25,000 a day.

Just take a little business that might get stuck like that? That would mean $750,000 a month. But we have put the big word in it, and we say it covers everything.

The CHAIRMAN. The time of the gentleman from Texas (Mr. COLLINS) has expired.

Mr. CARTER. Mr. Chairman, I yield 2 additional minutes to the gentleman from Texas.

Mr. COLLINS of Texas. Mr. Chairman, I thank the gentleman for yielding me the additional time.

Mr. Chairman, I would just like to add that there are going to be a lot of people in this country who with all the best of intentions are going to get caught for not knowing what is in this book. And then we require them to know when we sit here and we say: If you do not study it and know it entirely, whether you know it or not, we have the big word in here.

When we discussed this in the committee I asked a question about it. I said, "What do they do?"

They said, "If we do not have the requirement in the bill then they will not study the book hard enough."

Well, Mr. Chairman, it takes more than studying this book to know what is involved.

If they in any way violate it, we are going to stick them $750,000 a month even though there could be an injunction to get it straightened out.

We have worked for the overkill in legislation before. We came through with a master overkill in this clean air bill, and I hope that America has a chance to review it. I hope that my colleagues have a chance to review the bill, and before it is passed, I hope we have an opportunity to send it back to committee.

Mr. Chairman, all of us want to have clean air in America, but H.R. 6161 is not the way to achieve it. This bill may have the best of intentions, but I believe it will be harmful to our economy and other important national goals. It will cause higher costs for consumers through its effect on utility rates, transportation, energy, and manufactured products.

All industry is not treated in the same manner in this bill. There are special exceptions for certain industries. Although other industrial activities suffer, often the most docile lobby groups have been provided relief, with uninformed support for the whole bill being the price for the same.

An example of rigidity in this bill is the noncompliance penalty—section 105—which in last year's bill was styled "excess emission fee." Under this provision, if a source has been given a delayed compliance order for inability to comply with an applicable requirement and such inability results entirely from circumstances beyond the control of the source's owner, then it is exempt from the noncompliance penalty. Last year, it could be exempt if it were primarily beyond the control of the source's owner—a more flexible approach.

An example of harshness is the provision for assessment of civil penalties—section 104. This would allow courts to apply a penalty of up to $25,000 per day of violation whether or not the violation was knowingly committed. In view of the complexity of the act and the regulations it has spawned, not to mention this lengthy bill, this seems quite unfair. This is particularly so in light of the injunctive relief already provided in the act which should be sufficient in of itself.

Excessive reporting regulations, cumbersome procedures, and a veritable blizzard of regulations would be forthcoming after the passage of this bill. Deserving particular citation, but not approbation, are section 103—delayed compliance orders, 105—noncompliance penalty, 108—prevention of significant deterioration, and 117—nonattainment areas. The last thing our economy needs is another increase in paperwork generated by Government regulations.

Last, much of our pollution problem has been brought on by concentration of industries in or near large urban areas. Unfortunately, in the guise of preventing the spread of pollution, this bill actually severely restricts growth in areas that particularly need it.

Mr. BROWN of California. Mr. Chairman, it is with some misgivings, and primarily out of a spirit of compromise that I rise in support of H.R. 6161, the Clean Air Act Amendments of 1977. My reasons for supporting this legislation are fairly simple. This bill is substantially the same as S. 3219, the conference report on the Clean Air Act Amendments of 1976 that was not approved in the last Congress due to a filibuster. I believe we fought the battles last year that I would be inclined to fight this year if I believed the results would be different. Since I see little difference between the committee bill and last year's conference report, I feel somewhat bound to support today what I was reluctantly willing to support last year.

The main difference between this year and last year is the support of the President for the philosophy and the proposals in the legislation before us. Last year the congressional majority and the Republican administration were at near total odds over clean air legislation. Fortunately for us, and the country, this is no longer the situation. No where is this change more evident than over automobile emission standards.

My own views on auto emission standards are quite well known. I have taken a long and personal interest in automotive issues, and auto emissions in particular. These views can be found in the CONGRESSIONAL RECORD over the last decade, because I have been fighting for effective Federal auto emission standards in this body for at least that long. At each stage in the debate the American automobile companies find another excuse to further delay cleaning up their engines. And somehow the Congress or the administration falls for their excuses, and grants further delays.

The debate over the Dingell-Broyhill amendment is nothing more than an attempt by the automobile companies to get the whole loaf, instead of the half a loaf that the committee and the administration propose to give them. If an amendment is proposed to strike the lenient auto emission provisions of the bill before us, I will support it. However, I am willing to support the compromise committee position in opposition to the Dingell-Broyhill amendment with the clear understanding that other States will not have to wait for the Federal emission timetable, and the delays proposed in this bill are, once and for all, the last extension that Detroit gets.

Mr. Chairman, there is little more that I want to say here today. As chairman of the Subcommittee on Environment and the Atmosphere of the Committee on Science and Technology, I have worked quite closely with the Environmental Protection Agency and Chairman ROGER'S Subcommittee on Health and the Environment. Some provisions of this bill originated in my subcommittee while others I supported in their original form as an individual Congressman. A full explanation of my views can be found in the general debate of last year on pages H8324 to H8326 of the August 4, 1976, CONGRESSIONAL RECORD. I remain available to any of my colleagues for discussion of this bill, and my interest in it. In addition, I expect to join in the discussion of particular sections of this bill as we proceed. Finally, I wish to congratulate the members and staff of the Subcommittee on Health and the Environment of the Committee on Interstate and Foreign Commerce for a job already well done.

Mr. TRAXLER. Mr. Chairman, tomorrow the Dingle-Broyhill amendment will be offered to title II of this bill. I support that amendment.

The year long certification process for the 1979 models will begin in the midsummer of 1977, just a few months away. One of the first steps in the process for auto manufacturers is to describe to the EPA, in great detail, the emission control systems they will use on each of the models they intend to produce in the model year. Thus, for the auto manufacturers, lead time for engineering their 1979 model emission control systems is virtually non-existent.

As a result of the lack of time for designing new emission control systems, the auto manufacturers have little choice but to plan to use emission controls already developed. To meet the standards proposed in H.R. 6161 for 1979, therefore, would require manufacturers to use systems similar to those being used in California to meet current standards in that State. This system consists essentially of an oxidizing converter with an air pump to oxidize HC and CO and back pressure exhaust gas recirculation to control NO_x.

General Motors estimates that to meet the .41/9/2 standard on the Federal test procedure will result in a fuel economy penalty ranging from 5 to 15 percent, compared to the current Federal standards of 1.5/15/2. Because of the lack of lead time to invent new technology or greatly refine the existing California system, the fuel economy penalty for 1979 is likely to be in the upper portion of that range. If this standard is delayed until 1980, however, as provided for in H.R. 4444, GM estimates the additional lead time will permit it to refine the system and minimize the fuel economy losses.

Assuming the mid-point in the 5 to 15 percent estimate of fuel economy penalty for 1979 models, or 10-percent, if GM builds 5,000,000 vehicles in the 1979 model year and each of those vehicles is driven 10,000 miles for 10 years, the total fuel waste due to the premature mandating of the .41/9/2 standard would be 2,923,976,608 gallons over the lifetime of the 1979 fleet of GM cars.

This is wasted gasoline that need not be wasted. The health effect due to delaying .41/9/2 standard to 1980 would be virtually unmeasurable.

Furthermore, fuel is not the only waste. Total excess cost to consumers for the extra 2,923,976,608 gallons of gasoline, assuming gasoline at 60 cents per gallon, would be $1,754,385,965. Assuming gasoline at 65 cents per gallon, the excess cost would be $1,900,584,795.

I hope all the Members will support the Dingell-Broyhill amendment for the above reasons.

Mr. KILDEE. Mr. Chairman, tomorrow the Dingell/Broyhill substitute will be offered.

I rise in support of the Dingell/Broyhill substitute to the committee bill. This bill is environmentally sound and will save 2.41 billion gallons of gasoline a year and up to $350 a car according to Government studies. Also according to these studies, the difference in air quality improvements under the two bills is too small to measure. Clearly, the Dingell/Broyhill approach is in the public interest.

Over the years we have witnessed disputes among many segments of our society as to what should be done about automotive exhaust controls and when it should be done. Without reciting the differences of the past, I call to your attention the impressive coalition that has come together in support of the Dingell/Broyhill bill. This is the first time, to my knowledge, that the United Auto Workers, the National Automotive Dealers Association, the AFL–CIO and the automotive producers—both foreign and domestic—have united to support a single clean air proposal—the Dingell/Broyhill bill.

Mr. CARTER. Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the Clerk will now read by sections the committee amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment, and it shall be in order to consider an amendment striking out all of title II and inserting new provisions if offered by the gentleman from Michigan (Mr. DINGELL) or by the gentleman from North Carolina (Mr. BROYHILL) at any time during the consideration of title II.

The Clerk will read.

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that section 1 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. CARTER. Reserving the right to object, Mr. Chairman, I think that our agreement was that the Committee would rise after general debate. Therefore, Mr. Chairman, this goes a bit further than that, and I would hope that the Chairman would ask that the Committee rise.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Florida.

Mr. ROGERS. I thank the gentleman for yielding.

Of course, I will do that. I thought it had been cleared with the gentleman from Kentucky to read just the table of contents. That is all this is.

Mr. CARTER. Yes, but there will be a great many more Members here tomorrow, and there is just the possibility that they would not be pleased to see a bill considered as read.

Mr. ROGERS. Mr. Chairman, I have no objection, and I withdraw my request.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. WRIGHT) having assumed the chair, Mr. DANIELSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6161) to amend the Clean Air Act, and for other purposes, had come to no resolution thereon.

JOHN A. McCANN

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADDABBO. Mr. Speaker, it is a source of pride to all who know them when students graduate from college, particularly so if they have graduated with high marks. But is especially satisfying that I inform the Members of the House that John A. McCann, 22, of Ozone Park, N.Y., has received a bachelor of arts degree from the State University of New York at Binghamton. A major in political science and member of Pi Sigma Alpha, the national honor society, John is being considered for college honors and membership in Phi Beta Kappa.

While this is satisfying to his family and to his many friends, it is all the more inspiring because John has been blind since birth.

Today and tonight, John and two other of the Nation's top blind students, Ralph D. Black of California, and Steve A. Pollo, of Michigan, will be honored at the White House "in recognition of the extraordinary scholarship, determination and intellectual vigor" displayed in earning their degrees. Each of these outstanding and brave youngsters will be awarded a $500 award.

I would like the Members to listen to John's accomplishments for a minute. He was a founding member of the Binghamton Association for Disabled Individuals and has served as chairperson and president of this association. His activities and his talents run in many directions. He runs several miles every day and is a member of the Triple Cities Runner's Club. He is a folk singer and frequently entertains at campus and community coffeehouses. He recently won the top prize in a campus talent competition. He plans to enter Harvard Law School this fall.

Now, to get through school, all of John's books were transcribed onto tape cassettes as were the test questions. He typed out the answers himself and committed to memory all of the information contained in the recorded books. Recording for the Blind, now in its 26th year of operation, made the difference in John's life, and because of it, he has an enviable future ahead of him.

We in New York are proud of John and his accomplishments. We wish him well in his future endeavors. And we say thank you to the many unselfish individuals around the Nation who have made Recording for the Blind so successful. Please keep up the good work, all of you.

CONGRESSMAN CLIFFORD ALLEN OFFERS BILL TO ESTABLISH ECONOMIC INDEPENDENCE FOR NONEMPLOYED MARRIED SPOUSE

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, on May 23, 1977, I introduced a bill which has long-range beneficial implications for the welfare of women in this country, and is not without benefits for men. The bill is H.R. 7358. It is a simple provision. It would put as a condition of the use of the lower joint tax rate for married couples a requirement that both marital partners—regardless of the income of each, and even if one devotes his or her efforts exclusively as a homemaker—concede and either swear or affirm on the 1040 that each, in fact, owns half of all the income, assets, and liabilities of the marriage partnership, excluding premarital assets and liabilities.

This concept could also have the effect of cutting in half the inheritance tax that would have to be paid by the surviving spouse in the event of the death of either.

The joint income tax rate, being favorable, is a privilege which Congress, for good and substantial reason, can condition.

H.R. 7358 would condition it by effectively converting into a reality what has always before been no more than a fiction—the fiction of the joint income of a married couple. For all the millions of married women who are homemakers, as well as for all the working married women whose salaries are less than those of their husbands, there has never been a legally enforcible right to half of all the family income and assets, and these women have been signing joint income tax returns merely in the capacity of figureheads.

This bill simply says that the word "joint," referring to income in the Internal Revenue Code, shall mean exactly that in reality.

I suggest to the esteemed Members of the House that this Nation would not condone legally classifying any other group of persons as economic dependents, but all these years we have closed our eyes and permitted married women, particularly those who are not employed outside the home, to be economic dependents, with all the unfortunate consequences which follow to those living nonetheless in an economic world. In most States, such women do not have a legal right, as a result of being married, to any more than the necessities, and they may have to file for a legal separation even to assert that meager right.

This bill would be just one step toward rectifying this unjustifiable and ancient inequity.

If a nonemployed married woman and her husband signed such a special oath, conceding and attesting that she in fact owned one-half of all the family income, assets and liabilities, and her husband signed a similar oath in order to qualify for the joint rate, such a woman would then establish strong evidence which could rebut any presumption that when either dies, the partner owned all the property and should pay an inheritance tax based on the value of the total estate, instead of just half; thereby reducing the inheritance tax by at least 50 percent for the surviving spouse.

There are other implications. If a nonemployed married woman and her husband both swear that each owns one-half,, there would be no reason why such a woman, for example,, could not make social security contributions based on her one-half to establish her own independent social security account; nor why she could not establish her own pension plan; nor why she could not establish credit in her own name based on her half ownership. Many other benefits would ensue.

Needless to say, if the marriage were such that the husband were the dependent spouse, the same results would flow to him.

Economic dependency is an outmoded hangover from an ancient era. It is not suited to modern-day life. It can cause untold hardship. I call on all who are interested in simple justice to support H.R. 7358.

DOUBLE STANDARD APPLIED TO DISSENT AT WHITE HOUSE

(Mr. McDONALD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDONALD. Mr. Speaker, last Friday the press reported that Maj. Gen. John K. Singlaub, our Chief of Staff in Korea, has stated relative to Korea that: "If we withdraw our ground forces on the schedule suggested, it will lead to war." However, he further stated that if the decision to withdraw sticks: "We will execute it with enthusiasm and a high level of professional skill." Taken in the context of his second statement, it hardly sounds like a rebellion does it? The President, nevertheless, found it necessary to summon him to Washington and remove him from his job.

On the other hand our Ambassador to the United Nations, Andrew Young, nearly every day has to be corrected by the State Department for some declaration that is contrary to U.S. policy or an insult to a friendly nation. Insofar as I am aware, he has yet to be called on the carpet at the White House. Indeed, the President appears to have assumed an attitude of benign neglect in his case. While Andy Young, who suffers from a severe case of "hoof in mouth disease," pontificates on subjects he knows nothing about, General Singlaub was talking in the area of his expertise.

And as everyone is aware, the withdrawal of U.S. troops from Korea has been a major foreign policy goal of Communist North Korea since we first clashed over there. We all remember what happened in Korea in 1950 when we made the mistake of saying Korea was outside our perimeter of defense. Let us not repeat it. Let us listen very closely to what General Singlaub is trying to tell us.

On February 24, 1977, Young told the House Foreign Affairs Committee that free elections and majority rule in Rhodesia would be an unacceptable solution, since the Government of Mozambique, which he characterized as "moderate" demanded that Rhodesia be turned over to those engaged in "armed struggle" and "not ratified by elections." This is not the policy of our Government with its concern for human rights.

Today's Washington Post reported that while in South Africa he sent personal greetings to the wife of jailed terrorist Nelson Mandela. According to the House Committee on Internal Security Staff Study on "Terrorism"—August 1, 1974—Mandela had been assigned by the South African Communist Party to lead the terrorist group "Spear of the Nation" which carried out a spree of violence and murder until their leadership was arrested. Remnants of the group continue to function. Unlike Andy Young, our country is on record as unalterably opposed to terrorism.

Even the black leadership in Africa has referred to Young's "racism." He is a major embarrassment to the United States.

We can hope, Mr. President, that we are not going to have an administration where some are more equal than others, a la George Orwell's Animal Farm. But at this point it appears that some persons in the Carter administration can publicly buck policy and others cannot. If we are not to have a double standard, Mr. President, Andy Young should be removed. Perhaps he could be an Ambassador to Antartica. Since the penquins there, according to their coloration are both black and white, they would not suffer from his black versus white rhetoric.

SALUTE TO DR. WERNHER VON BRAUN

(Mr. FUQUA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FUQUA. Mr. Speaker, on May 7th in Dallas, Tex. I attended the National Space Institute's salute to Dr. Wernher von Braun, its founder.

I was impressed that over 70 percent of the people honoring Dr. van Braun had nonaerospace backgrounds. This is a significant statistic in that it shows that many people from diverse backgrounds recognize that Dr. von Braun's accomplishments are not limited to his leadership in rocket technology but also include his successes in bringing about space technology which has benefited all mankind.

Hugh Downs, president of the National Space Institute, stated at the salute that the National Space Institute is dedicated to carrying on programs to inform the public on how directly and indirectly space and its benefits are helping solve earthly problems such as integrated energy sources, health, food development, communications, and economic stimulation, to name a few.

The National Space Institute, a nonprofit public educational organization, is to be commended and supported in its programs.

I would like to enter into the RECORD two statements regarding Dr. Wernher von Braun from President Carter and Vice President MONDALE, as delivered by Hugh Downs.

I hope that my colleagues in the House will join with me in saluting Dr. Wernher von Braun, great scientist, human being, and family man.

The statements follow:

THE WHITE HOUSE,
Washington, D.C., May 4, 1977.

America has been richly blessed with those whose dreams are mighty and with those whose hands and minds are skilled to bring dreams to life. Seldom, however, has one individual alone combined the genius to both dream and give his dreams reality. Wernher von Braun has done this. Because of him our nation was able to cross the final frontier of space and take a giant step for scientific exploration and for the good of all mankind.

What benefits to human life will be derived from space we are just beginning to learn. But we can be certain that Wernher von Braun, dreamer and realist, will forever be remembered as one of the few who saw a bright future for mankind beyond the earth.

I wholeheartedly join with the members of the National Space Institute which he founded in honoring his celebrated accomplishments.

JIMMY CARTER.

THE VICE PRESIDENT,
Washington, D.C.

I truly regret that I cannot attend the salute to Dr. Wernher von Braun in Dallas on May 7th.

Our nation is deeply grateful for Dr. von Braun's outstanding contributions to our national space program.

The founding of the National Space Institute is a great accomplishment, and we all hope that its achievements will help find new solutions to mankind's problems.

Please convey to Dr. von Braun and his wife my heartiest congratulations and best wishes on this special occasion.

WALTER F. MONDALE.

PRESIDENT'S ENERGY MESSAGE

(Mr. SKUBITZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, in the CONGRESSIONAL RECORD of May 11, 1977, I inserted a letter regarding the President's energy message. I would like to share this followup to that letter with my colleagues:

DEAR CONGRESSMAN JOE: I was sittin' home yesterday evenin' when Emma Sue Johnson from down to the Library came running' to the house all excited like and speechless. Now Joe, there ain't much that excites Emma Sue—and I ain't never seen her speechless before—so I got real concerned.

Well anyway, Joe, she just kept shovin' this Congressional Record at me and pointin' dumbfounded like, at them pages. Why, the way that lady was actin' I thought you fellas must a declared war or balanced the budget or somethin'—so I thought I had better have a look.

When I saw what ole Emma Sue was a-pointin' at, I couldn't believe it, Joe. Right there—in black and white—on Page 4318 with John Ashbrook of Ohio and Herbert Burke of Florida, was the remarks of Spud Cabbagehead of Kansas!

Boy, was I excited Joe—to think my name is now a part of history. My grandchildren will be able to read about Grandpa Cabbagehead in their school books—thanks to you, Joe.

You know, Joe, in reference to that letter—a few of them bureaucrats are lettin' old President Carter's cat out of the bag. What I mean is this—you remember how Jimmy told all us poor folks that 5¢ a gallon gas tax was for our own good? He said that was so cause the proceeds would be used to help us poor folks and pay for energy rebates.

Now Jimmy—he's pretty smart—he didn't want them oil companies to get that 5¢ cause they would just go out and blow it lookin' for more oil. Jimmy figured that the government should control that 5¢ so the government could make sure it went to the needy rather than the greedy. Now I'd say Jimmy lacks a basic understanding of the fundamentals of greed cause it ain't never occurred to him that folks who are too poor to save any money and too rich to get any Federal handouts can get awful greedy.

Anyway, Joe, that brings me to the nitty-gritty of this needy-greedy matter. This fella Brock Adams—he's done some quick math and discovered that since a 1¢ a gallon price increase for gas gives the oil companies $1 billion—a 5¢ a gallon gasoline tax will set the government smack dab in the middle of a $5 billion windfall profit pool of cold cash.

So, ole Brock Adams—seeing what the Pentagon refers to as a "target of opportunity"—suggests to the press that maybe he should have the $5 billion for mass transportation. Now come next month, Joe, you can bet a few more bureaucrats will have proposals for using that dough.

Joe, do you honestly believe Jimmy and his friends are gonna let the poor folks get their hands on $5 billion? Of course they ain't—that speech was just a sales pitch to get us to support the President's program. Joe, us poor folks know who's needy—we're just beginnin' to wonder who's greedy.

Sincerely,

BILL "SPUD" CABBAGEHEAD.

IMPORTANCE OF POSTAL SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HANLEY) is recognized for 60 minutes.

Mr. HANLEY. Mr. Speaker, momentous problems face this 95th Congress. The heavy workload we have already experienced is eloquent testimony to this fact.

Energy, tax reform, foreign policy, inflation, unemployment, and seemingly hundreds of other crucial issues are crowding center stage. With fresh initiatives coming from a new administration and a new leadership in Congress, it is an exciting time indeed.

So exciting, in fact, that the mention of important but less glamorous issues often brings a yawn—or hostility toward an issue which is so pedestrian.

I am here today to discuss just such an issue.

All of us are at least vaguely aware of the overwhelming importance of the Postal Service to our constituents. Most of us are acutely aware since we get a steady flow of complaints.

But we are resentful that our valuable time should be wasted on such a mundane issue. Someone should be able to solve it without bothering us, we say.

The time has come, however, for all of us to go beyond rhetoric, simplistic solutions, and press release politics. We need to work together seriously to attempt to achieve a working consensus on the future of the Postal Service.

And make no mistake, the future of the Postal Service is bleak indeed.

We have heard the financial statistics quoted to us time and time again, so I will not repeat them here today. Suffice it to say that the Postal Service's very existence is threatened for a multitude of reasons.

Of course, the mail is an essential factor in almost every aspect of this vast Nation's economic, social, and cultural life. It is the one arm of Government which touches the lives of every American.

The Postal Service is in a great state of flux. The Postal Reform Act of 1970 is undergoing close scrutiny; major changes in postal operations and policies are in the wind.

Increasing rates are causing businesses not covered by the postal monopoly to look elsewhere for delivery. The bottom is dropping out of the parcel business. And the current revolution in electronic communications may soon relegate the delivery of hard copy to households and businesses to an insignificant place in our economy.

When we passed the Postal Reorganization Act of 1970, many hoped the postal "problems" would merely fade away.

It has not. In fact, from the congressional viewpoint, more significant policy issues may have to be decided now than there were in 1970—policy issues which could decide the fate of the Postal Service and which will certainly have an impact on communications policy for the next several decades.

During the past few years, the Postal Service has been the butt of much well-deserved criticism, much of it from me and my subcommittee. To put it in a nutshell, many American people feel strongly that service has deteriorated and that the Postal Service has lost sight of the fact that it is first and foremost a servant of the people.

Postal Service officials, of course, make strong pronouncements to the contrary. And they are sincere, for the most part. But slick public relations gestures and speeches fall on deaf ears when the listeners know what inconsistent service has done to their cash flow, their receipt of orders, their social life or what have you. All the statistics in the world showing that the Postal Service achieves its delivery standards 95 percent of the time are not going to convince the businessman who has lost a day or two—or three, four or more—of interest because a batch of checks was sent to Des Moines by mistake, or whose latest shipment of books has become lost in the mail after having been mangled in bulk mail centers.

Top postal officials need to become more sensitive to the criticism they are receiving, they need to listen to people who are suffering from erratic mail service.

Congress cannot deliver the mail, though there are many constituents who believe that we can and do. Congress does not want to get back into the day-to-day operations of the Postal Service.

Prior to 1970, many Members had effective vetoes over contracts, could almost dictate where a post office would be placed, were principally responsible for the appointment of postmaster, and exercised influence in a thousand and one other ways. I most emphatically do not want to return to this type of postal system. And for the Postmaster General to suggest otherwise is almost maliciously misleading.

We should never lose sight of the fact that Congress has a very direct responsibility to set policy, through legislation, for our Government. We have not only the right, but the responsibility, to do our best to see that Government agencies serve the people efficiently and effectively.

To listen to many postal officials, you would think that this basic tenet of democracy had somehow escaped them during their school days.

The next 2 years may well be the most significant in the history of mail delivery in this country. We have had 6 years to assess the strengths and weaknesses of the Postal Reorganization Act of 1970. The decisions we make during the 95th Congress may set the pattern for the operations of the Postal Service for decades to come.

Last year, we passed, and the President signed, a bill which set the stage for future action. Public Law 94-421 gave the Postal Service $1 billion to help cover past debts. But it did many other things. It stated clearly that Congress intended to get back into the postal policymaking business by declaring temporary moratoriums on service cuts, rate increases, and post office closings. It changed the system for setting rates, in anticipation of even greater changes in the future. And it established a Commission on Postal Service appointed jointly by the President and the leaders of the House of Representatives and the Senate.

The Commission was asked to give us a broad series of recommendations on important areas such as public service financing, postal rate making, Postal Rate Commission operations, appointment of the Postmaster General and others.

In addition, the Commission was given a broad mandate to define postal problems as it saw them and come up with some proposed solutions.

Frankly, I am quite ambivalent about the report.

I am disappointed in the tone and the tenor of the final product. It seems that again we are being told that the American public must accept poorer service, higher rates, and greater appropriations.

I recognize the difficulties, but I frankly hoped that the Commission itself would have spent more time trying to pursue ways service could be improved and rates held at a relatively reasonable level rather than to accept at face value the doomsday prophecies of the Postal Service's management.

I am particularly disturbed that the Commission was highly critical of management but failed to recommend any significant changes in the Board of Governors or the appointment of the Postmaster General. Indeed, while it pinpointed many problems caused by management, it made no recommendations or comments on management structure.

I am also disturbed by the Commission's failure to recommend more adequate public service funding and to specify what these funds should be used for.

Finally, I am perplexed that there is almost no mention of the role which Congress should take, except in a negative sense. The Commission was created because Congress was deeply concerned that the Postal Service was not serving the people as well as it should. Congress wants and should have an expanded role in postal affairs. I am sorry that the Commission addressed this very legitimate concern only indirectly.

However, to be fair, the Commission report had some good points. High on the list was its support of greater postal involvement in electronic communications and its criticism of the paucity of the Postal Service's Research and Development Program. Many other points, such as the insistence that the Postal Service do a better job in recruiting, and promoting women, were very well taken.

We have held hearings on the Commission report and are now developing legislation upon which we will hold an extensive series of hearings where all affected parties will be given an opportunity to be heard.

I do not yet know what every provision of that legislation will be, I can indicate some directions though.

First, I hope that Congress will endorse the concept of a Postmaster General appointed by the President and confirmed by the Senate. This will in no way foreshadow a return of the patronage ridden Postal Service of the past. But it will restore the principle of accountability to the people which I believe has been lost under the current system. We have an ineffectual Board of Governors with fixed terms; there are no stockholders nor voters to whom the Postmaster General is ultimately accountable. Since I do not expect to turn the Postal Service into a stock-issuing private corporation, the only answer is a return to accountability to publicly elected officials. The arguments used by the Commission against appointment by the President are, in my opinion, weak and specious.

I also anticipate that there will be a strong move to abolish the Board of Governors. Its only useful function now is to appoint the Postmaster General and his chief deputy. With that function gone, the Board will be superfluous. It is superfluous now.

During our extensive hearings in the past four years, we have found little evidence that the Board of Governors is more than a sounding board and ratifier for the plans of the Postmaster General. The Board has not seen fit to hire its own staff and has no source of advice other than that which is spoon-fed to them. The men who serve on the Board of Governors are outstanding in their own fields, but have neither the time nor the inclination to make a significant impact on postal policy.

The amazing thing about the Commission recommendations that the Board not be abolished is that the Commission was highly critical of the inactivity of the Board to date. The Commission's failure to recommend a substantive change in top management structure shows a lack of understanding of the devastating impact of mismanagement over the past several years.

However dramatic these two issues may be, they are relatively minor in the overall context of postal policy.

We have already set the stage for continuing oversight over the Postal Service budget. Hearings were held in March on the budget material presented by the Postal Service pursuant to Public Law 94-421.

In addition, I expect that we will redefine the purpose of public service appropriations to the Postal Service, call for an increase in these appropriations, and insist on periodic congressional authorization of money rather than the carte blanche we now give the Postal Service. Soon, the ERA of general appropriations for public service will vanish. Congress will no longer allow the Postal Service to spend more than a billion dollars of appropriated money without knowing what the money is being spent for.

I also expect that we will pursue various methods to reinvolve Congress in the post ratemaking process. I doubt that this will take the form of returning the entire ratemaking process to Congress, though this is a possibility. However, I am sure that we will actively pursue the efficacy of various means which we can use to make the congressional voice stronger. Perhaps it will be in the form of a veto power, perhaps it will be through legislation outlining more definitely ratemaking methods and principles.

I am convinced, however, that many in Congress are beginning to realize that the setting of postal rates is a significant public policy issue which should not be left solely to economists and statisticians.

As I said before the Postal Service is in a state of flux, and I sincerely hope that while the process of change and reassessment of the function of the Postal Service is going on, the top management of the Service is seriously looking into the vast area of telecommunications.

What is going to be the future of the U.S. Postal Service? I fear, if the discussion of that most important issue is left only to the present postal management, that it will be studied until the Service is an obsolete agency.

We are entering a new era of communications. The next generation may well use a computer as we use a pen. Vast funds are already being electronically transferred, bypassing the Postal Service and drastically reducing U.S. Postal Service volume. And as you well know, when we talk about declines in volume, we are talking about a decrease in postal revenues and subsequent cutbacks in service, increases in subsidiaries or both.

The Postal Service has a history of walking around sensitive areas with blinders on. But this time it must not.

This time it must realize that the future of the Postal Service is now. Many acknowledged professionals in the area of telecommunications, both inside the Government and in the private sector, will tell you that unless the Service moves immediately to adopt modes of electronic point-to-point communications it does not have much of a future.

As we turn the corner into the world of this new technology we must remember that the U.S. Postal Service is a communications service and that in order to serve the public it must adapt to a new environment in the communications field of which it is such an important part.

Above all, we must return to the concept of service which has been so important in our country's history. This recognition does not mean that we can not look to the future; that we can not use the best management techniques to achieve our goals. It does mean that the people of this country will again be the most significant planning factor in postal policy.

Mr. THONE. Mr. Speaker, the U.S. Postal Service is again trying to discriminate against those who live in rural America. This inequality will result if the Postal Service is allowed to reduce service and to close thousands of post offices.

When faced with a need to raise prices, most private enterprises try to combine this bad news with the good news of improvements in products or services. But the Postal Service, supposedly run like a business, proposes simultaneously hikes in rates and massive cuts in service.

The Postal Service is considering closing 17,000 post offices over the next few years. Nearly 80 percent of the post offices in Nebraska would be closed under the guidelines being considered.

This would be wholesale slashing of service to rural America. Because of distances from retail centers, the rural resident is more dependent upon the Postal Service and a post office than is the urban resident.

The post office is also the social center and economic hub of the small community. Often, the closing of a post office may mean the death of a small town. It is ironic that this Congress has voted many millions of dollars for the Rural Development Act, whose purpose is to maintain and revitalize small towns. At the same time, we in Congress can not stand by while the Postal Service closes up thousands of post offices.

The proposed reduction of service from 6 days per week to 5 days would weigh most heavily upon rural residents. Nearly 80 percent of the subscribers to the Fairbury Journal-News now receive a paper through the mails on Saturday. The end of Saturday delivery combined with the Monday holidays decreed by Congress would mean that often during the year the Saturday Fairbury paper would arrive on Tuesday.

Most small dailies in Nebraska achieve about half their distribuition through the mail. With Monday holidays and no Saturday delivery, many subscribers would receive three daily papers on Tuesdays. Newspapers cannot give that kind of service and survive. Yet, the circulation of these papers cannot be handled by carriers as in the big cities.

One of the reasons for establishing a postal service when America began was to encourage communication and education by means of the mails. The big city managers of the Postal Service are losing sight of that goal. They seem bent on taking the word "service" out of the name of their agency.

For a short range solution, Congress should prohibit the Postal Service from ending Saturday delivery. For a lasting solution, we must rid ourselves of the nonpostal managers of the Postal Service. We must abolish the independent corporation. We must have a Postmaster General appointed by the President and responsible to Congress.

Mr. ROUSSELOT. Mr. Speaker, I would like to thank my colleague on the Post Office and Civil Service Committee, Jim Hanley, chairman of the Subcommittee on Postal Operations and Services, for once again focusing the attention of the House on the continually growing problems of the U.S. Postal Service. If there is one topic certain to bring forth complaints, comments, and "horror stories" during visits to our congressional districts, it is the Postal Service. Representative Hanley is to be commended for his efforts, both in full committee and as subcommittee chairman, to examine the operations of the Postal Service and to "nudge" the USPS into the 20th century.

Mr. Speaker, as a member of the Post Office and Civil Service Committee since coming to Congress in 1970, I have listened to hours of testimony and debate pertaining to the future of the Postal Service and its function in our society today. There is little or no disagreement that since 1971, when the Post Office Department was magically transformed by Congress into a Government corporation, the quality of mail service has deteriorated at an alarming rate. As a result of the Postal Reorganization Act of 1970, which I opposed, Congress effectively eliminated itself from any real control over the Postal Service. We relinquished the authority and responsibility, granted to us by the Constitution, to set postal rates and transferred this power to a board of individuals over which Congress would have next to no authority.

Members of Congress supporting the 1970 act presumed that with the adoption of the provisions of the legislation the Postal Service would become self-sufficient, but tax dollars are still being used, in ever-increasing amounts, to support the operation of the U.S. Postal Service. Citizens are being asked to support the Postal Service through taxes, and to also bear the burden of increases in postal rates over which their elected representatives have virtually no control. To add insult to injury, as the rates have gone up, the quality of service has gone down. Citizens, on the verge of revolt over this situation, are appealing to their representatives in Congress to reclaim their rightful control over the Postal Service and restore sound management and fiscal policies.

Americans will be subsidizing the Postal Service to the tune of $1.7 billion in fiscal year 1977. This fact combined with increased postal rates shows that the Postal Reorganization Act has not worked. It is time for Members of Congress to seriously consider the future of communications in this country and the role the Postal Service will play. We must carefully and thoughtfully study the recommendations of the Commission on Postal Service, reported to Congress on April 18, and we must also seriously consider the repeal of the private express statutes to introduce the stimulus of competition into the nearly moribund body of the Postal Service.

As many of my colleagues know, I have regularly introduced legislation (H.R. 2731) which would repeal the private express statutes and end the postal monopoly on first-class mail. It has been estimated that by 1985 over 40 percent of all first-class mail will be sent by electronic message. As my colleague, Jim Hanley, well knows because he chairs the subcommittee which has held hearings on this question, 10 percent of all social security checks are already being electronically transferred directly to the recipient's bank.

During hearings held before the Subcommittee on Postal Operations and Services on April 6, 1977, Dr. Louis T. Rader, Chairman of the U.S. Postal Service Support Panel, Committee on Telecommunications, National Research Council, testified that the Support Panel has "reservations about the ability of the USPS to meet the Nation's need for a complete mail service in the future." I think this is an important comment because, historically, Americans have found faster and more efficient ways of transferring their messages. Thus, the postal monopoly on first-class mail will be eliminated in a kind of "natural selection," because private industry cannot afford the luxury of an inefficient, overly expensive postal system.

I urge my colleagues to consider the elimination of the postal monopoly of first-class mail. We have only to recognize what the alternatives will be—ever increasing Federal subsidies, skyrocketing postal rates, and rapidly deteriorating service. I believe that the statutory postal monopoly has no economic justification. As John Haldi writes in the American Enterprise Institute Study on the postal monopoly:

> The monopoly is no longer an important source of governmental revenue and in no way promotes better or cheaper mail service. In fact, it probably impedes the development of better systems for delivering written communications.

Support for the repeal of the private express statutes is essential to any serious attempt to reform the Postal Service and save it from a bloody and expensive death.

Mrs. HOLT. Mr. Speaker, I am distressed to learn that the U.S. Postal Service is recommending that mail delivery be reduced from 6 to 5 days. While I am fully aware that the Postal Service has suffered from massive deficits, I am not prepared to accept the simplistic solution that essential services be reduced.

Saturday mail delivery is not a luxury that can be dispensed with willy nilly. For many of my constituents who are dependent upon rural route mail deliveries, such service on Mondays through Saturdays does not mean receipt of mail alone. It also means the pickup of outgoing letters deposited in the mail box. Some of the folks are senior citizens who lack transportation and therefore find it either extremely inconvenient or indeed quite costly to run down to the closest post office to mail their letters. At a time when President Carter, Congress, and all levels of government are concerned about energy conservation, it certainly does not make sense for the Postal Service to make insignificant savings at the expense of a large number of postal patrons—particularly those who are served by route deliveries which is increasingly the prevalent mode of mail service to residences in my district and probably in other parts of the country.

Another point to remember is that whenever a Federal holiday falls on a Monday, it will be a long 3-day delay in mail delivery and pickup for these patrons.

Mr. Speaker, recently I was visited by a number of my constituents and others representing the National Association of Letter Carriers. They are gravely concerned that reduction of mail delivery from 6 to 5 days would threaten their jobs. I believe the concern expressed by them is a valid one that merits serious consideration by Congress. The challenge is on the Postal Service to improve management without curtailment of service.

Mr. HALL. Mr. Speaker, it will come as no surprise to the Members of this House when I report that the vast majority of my constituents in east Texas are thoroughly disgusted with the manner in which their Postal Service is now being conducted.

I can offer no instant and comprehensive solution that will satisfy everyone, but I would like to make these several statements on fundamentals which should be built into the substructure of whatever changes are adopted by the House.

First, I reject the idea that the Postal Service is a business which must be self-supporting.

Second, I hold to the traditional view that the Postal Service is like the cement that holds the building blocks of our Nation together. It must be properly maintained at whatever cost.

Third, the House must resist the temptation to penalize rural areas and smaller communities simply because their volume of postal business falls below the national norm.

Fourth, I strongly urge we not be trapped by the assumption that all we need is a new layer of bureaucrats even if they are hand picked by the new administration.

Fifth, to my mind the Postal Service is similar to our national defense. They cost lots of money, but they are both necessary to preserve a free democratic society. We are nevertheless obliged to make sure that they are cost-effective.

And sixth, 5-day delivery is a simplistic delusion. It is clearly the worst of both worlds—obviously, we get less service, and by reducing commercial efficiency we would also decrease our ability to maintain that service with tax dollars.

Mr. DON H. CLAUSEN. Mr. Speaker, I would like to take this opportunity to bring to your attention an example of inequity in mail delivery service which has recently occurred in my district. A new subdivision of homes in Sonoma County has gone without mail delivery for months. Meanwhile, neighboring homes, adjacent to or across the street from the new subdivision, are receiving door-to-door delivery. This may very well be an extreme example of the inequities within the present system. However, if inequities such as this are possible, I believe the system needs careful reevaluation.

When amendments to the Reorganization Act are considered we should look at the trends in current Postal Service policy. Proposals to change 6-day delivery service to 5 days, closings of small rural post offices, and the elimination of door-to-door delivery point to cutbacks in service. The Postal Service has the responsibility to provide mail delivery service to every person. We are and have been at a crisis point when this responsibility is not met.

The problems and difficulties within the system are primarily a result of decisions at the management level. As I have stated in the past, it is my opinion that the letter carriers and service personnel have a high degree of commitment. The combination of an equitable solution to the problem before us and the commitment and conscientious effort on the part of the Postal Service rank and file will lend itself to fulfilling the aim of the Postal Reorganization Act of 1971. The elimination of inequities and efficiency in mail delivery service will provide the best possible service to every person. We need to get the Postal Service back on the track, and I look forward to assisting in this effort.

Mr. ADDABBO. Mr. Speaker, I want to thank the able gentleman from New York (Mr. HANLEY) for taking the time this afternoon to discuss this matter of postal delivery, which is an issue of growing concern to the people of the United States.

I also want to note my pleasure in the decision of Congressman HANLEY to move quickly on this legislation to amend the Postal Reorganization Act. As he has noted so well, the Nation is fast approaching a real crisis in postal service.

I have long been an eager advocate of the postal workers who, as a group, are dedicated men and women who have performed above and beyond the call of duty so often on behalf of their country.

But I am deeply concerned about the viability of this system itself. It is not working well at all. It is running at a large financial loss and it is not providing the basic services that American citizens need and deserve. It falls to us in the Congress to provide the platform on which a well needed rebuilding of the postal system and a revitalization of the services, can be based.

We have a tendency in this Nation to ignore the good and to concentrate on the bad. I hope we will not do that in this case, because what we need is good postal service, not scapegoats. I want to make sure that we have a well-functioning mail system in this country. That is the bottom line that we in the Congress must address ourselves to. I would note that I am not nearly as concerned about the financial deficit as I am about the inability of the system to provide delivery of the mail. The Post Office was originated as a public service, not as a profit making organization. If it must run at a loss, then we must try to minimize the loss as best we can. But the true function of the mail system is to deliver communications between citizens and that goal must be reached with some reliability. One of the problems in America today is that it very often takes ten days for mail to reach one city from another.

The public and the people whose livelihood depend on the mail delivery system must have full opportunity to be heard before the Congress takes any final action on a reorganization plan. I have full faith that Congressman HANLEY will insist and go to great extremes to make sure that that happens. I want to offer him my full support in conducting the hearings that will result in the reorganization of the postal system and I want to tell the American people, if I may, that one way or another, Congress must insure a decent mail delivery system. I think we can do these things and I think it is one of the most important things that will face the Congress this year. Thank you.

Mr. FINDLEY. Mr. Speaker, I am happy that prospects are brighter for most Americans to still have a post office nearby. But, unfortunately, chances that they will continue to receive mail on Saturdays look dimmer.

Postmaster General Benjamin F. Bailar is expected to request permission from the Postal Rate Commission to end Saturday deliveries starting in early 1978. An increase in first-class postage to 15 cents is also projected.

What hurts the future for Saturday deliveries is a Commission on Postal Service recommendation to cut service to 5 days a week. Fortunately the Commission favored retaining rural post offices since they are especially important to small communities. It felt, however, that continued Saturday delivery would mean an even bigger boost in postal rates.

In part the Commission on Postal Service was right. My spring questionnaire shows that, of the nearly 8,000 constituents whose returns have been tabulated so far, 81 percent are against increased postal rates in order to continue Saturday delivery.

But the Commission was wrong to think that dropping Saturday service is an answer.

Many Americans in rural communities depend on mail for medical supplies and their social security checks. Delays could cause hardship.

Millions living on farms and in small towns also get newspapers through the mail. And rural families supply many of their needs through mail order shopping.

Eliminating Saturday mail delivery would result in a large backlog of mail for carriers to deliver on Mondays, causing further delays.

My hope is that the Postal Service can find some other way to cut costs.

Mr. PICKLE. Mr. Speaker, I know that every standing committee in the Congress has difficult and major legislation before it; but one of the most difficult to handle will be that confronting the Post Office and Civil Service Committee this session.

At a time when people are complaining about the Postal Service and the cost of its services, it is difficult to get anyone to say a good word about the postmasters and post offices of our country. I would first like to point out to this House that we have the best postal system in the world, and always have had. The difficulties we have today stem not from a lack of good service by each individual. Postal rates are going up, and it looks like that will be inevitable. Some services will have to be curtailed and that may be inevitable. I sure hope we can stop short of cutting out the delivery of mail on Saturdays, though, and the closing of most of our small rural post offices.

Whatever the Congress does with respect to the Postal Service, I do think it is time for the Congress to assume control again of either the rates or the wages currently set by the Postal Service management. While I do not approve of the approach the Congress took in establishing the postal corporation, I recognize that the Congress must still play a part in making up the deficit that the Post Office Department inevitably is faced with. If the Congress has to cover this deficit, then the Congress has a right to express itself more fully in either the area of wages or rates.

I can assure you that the Congress does not want to get back into the patronage business, but it is a bad mistake for the Congress to put itself in a position where we would have no voice in the operation of the Postal Department. We must have some voice in the course that this agency takes, and I therefore will lend an attentive ear to try to find a better solution.

Mr. BEDELL. Mr. Speaker, I would like to thank the gentleman from New York (Mr. Hanley) for this opportunity to speak out on the great problems facing the Postal Service.

As a life-long small businessman who understands the importance of serving one's customers well in order to succeed, I am totally astounded at the management decisions being made in the Postal Service. I would like to emphasize that these are management-level problems; it is the postal workers, the local postmasters, and the lettercarriers who are doing all they can to make the system work, in my opinion.

A cardinal rule in business is that if you wish to succeed you increase, rather than decrease, the services or goods you provide to the public. We see the exact opposite continue to happen in the operations of the Postal Service. Last year, we were told that the only way to resolve the Postal Service's financial problems was to eliminate some 12,000 rural post offices and raise the cost of postage. Only a court order saved the post offices, but stamps went up to 13 cents for first class and the resulting loss of business has caused postal volume, and total postal revenues, to fall.

Now the Postal Service is following the same policy. It is seeking to cut out 6-day mail service, and it still says drastically higher postal rates will be required in the years to come.

Where will this cycle of less service and higher prices stop? How could any private enterprise stay in business by employing such a philosophy? How long will the patience of Congress and the American people last?

When the Congress created the Postal Service, it was hoped that by establishing a quasi-public corporation, new financial independence and better management practices could be achieved. It seems to me that that has not been the case; certainly the Postal Service could not continue without the increasing congressional appropriations it seeks each year.

The time has come to reexamine what we have created. None of us would like to return to the days when Congressmen appointed post masters; a solution which would increase political pressures within the organization is certainly not the answer. Yet we must increase congressional scrutiny over the Postal Service to be assured that its public responsibilities and its fiscal obligations are met.

The legislation recently introduced by the gentleman from California (Mr. Charles Wilson) offers a different approach to this manegement problem, and I am proud to be a cosponsor of it. Rather than returning to the old Post Office Department, he proposes that we make the Postmaster General again be responsive to the Senate through the confirmation process, and that the Board of Governors be eliminated.

Putting one man at the helm of this unwieldy organization strikes me as a good first step toward restoring some logic to its operations. Certainly if we had one individual responsible for the management decisions rather than a board, and if that individual were directly accountable to the administration and to Congress, I believe progress could be made towards improving the Postal Service.

A second element of Mr. Wilson's bill would stop the planned termination of 6-day delivery. To this I add my support, and I hope that every Member will carefully evaluate the prospects of terminating 6-day delivery.

Rural areas particularly depend upon 6-day service. Farmers depend upon market information and publications delivered through the mail, and termination could have a costly impact upon them. Rural residents in particular depend upon the mails for newspaper delivery, and other delivery, where the city dweller has access to private carriers.

Finally, the Postal Service plan would require rural residents to travel to their nearest post office on Saturday or whatever day delivery is halted in order to receive their mail. In my district, that could mean a round trip of many miles for many individuals; hardly an energy efficient practice. It would certainly work a hardship upon those without transportation, and I do not believe it conforms to the President's energy goals.

I would like to congratulate Chairman Hanley of the Postal Operations Subcommittee for his initiative in this area, and I am looking forward to the activity of the subcommittee in this area. Let us bring to the floor a bill encompassing some of these ideas, along with a provision providing for a floor vote on 6-day delivery.

Mr. ABDNOR. Mr. Speaker, I commend my colleague, the Honorable James Hanley, for again focusing our attention on the continuing crisis in the Postal Service. All of us have done a lot of talking about everything that is wrong with the Postal Service in our newsletters, press releases, radio tapes, and other communications to the home folks.

But, we have been most loath to bite the bullet and put some action behind our words. Frankly, it does not seem to me we are any closer to finding a solution to the Postal Service problems than we were when we last passed the buck to the Commission on Postal Service.

Mr. Speaker, in my repeated testimony before both the House committee and before the Commission on Postal Service, I have stressed the role of the Postal Service in its operations in rural areas, noting that the Postal Reorganization Act of 1970 (Public Law 91-374) says, in part:

> The Postal Service shall provide a maximum degree of effective and regular postal service to rural area communities and small towns where post offices are non-sustaining. No small post office shall be closed because of a deficit, it being the specific intent of the Congress that effective postal services be assured to the residents of both urban and rural communities.

There is little question that this provision in the original legislation is at odds with the stipulated objective of making the Postal Service self-sufficient. It is also important that we, as well as the Postal Service, recognize that the Postal Service is a public service providing a necessary structure of communication for the country, and as such, by definition and by structure, dependent upon Government subsidization. How much subsidy Congress will give and how much control over the Postal Service Congress will have are at the heart of the decisions we must soon make.

It is no great revelation that the problem confronting the Postal Service is a problem of economics. The Postal Service continues to be highly labor intensive with 85 percent of postal expenses going for employees, most of who are represented by powerful unions. Only postmasters and supervisors are not included under the national labor agreement of the Postal Service.

Included in recent contracts are "no-layoff" provisions, maintaining this relative structure of postal expense. This, together with the constraints imposed on postal rates, apparently is being taken by many to mean that closing post offices is one of the few avenues possible for reducing the deficit.

Closing post offices, increasing postal rates, cutting various services, and increasing postal subsidies are the most popular proposals advanced for reducing the postal deficit. There is another alternative we do not talk about, and quite frankly, it is time we did. This alternative rests in addressing the present compensation provisions which constitute some 85 percent of postal costs.

I do not subscribe to the theory that "everything must continue to go up," when it comes to wages and salaries. Careful examination can and ought to be given by all entities of Government to the massive outlays which are being made to personnel. What is wrong with saying: "Hold your horses. Let us think about stabilizing and holding the line for a while" instead of always saying: "We have got to pay more."

Somewhere and sometime we must say: "Enough is enough." There is no way in the world to stop inflation and these spiraling increases in the costs of living we have all experienced unless we stop the great pump primer in the first place: the continually escalating increase in wages and salaries.

I am not calling for the Postal Service—or any other branch of Government—to reduce wages to a previous level. What I am saying is let us hold the line. The contract reached by the Postal Service can certainly stand review because of the built-in escalation which has resulted.

Mr. Speaker, if 85 percent of the Postal Service annual budget is for pay, with little or no possibility of reduction; if an additional 5 percent or so of the budget is for energy—and this will be going up, not down, it is obvious we are not going to solve the economic problems of the Postal Service with what is left.

As starting points on the road to a solution for the continuing crisis in the Postal Service, I believe we should consider provisions of legislation introduced by my colleagues, Hon. Charles H. Wilson of California and Hon. Bill Alexander, which I have been pleased to cosponsor.

Congress has a serious obligation to the people of this Nation to get to work on this problem. We have already studied it to death.

Mr. Speaker, I would like at this point to read into the Record, an editorial which appeared May 19, 1977, in South Dakota's largest daily newspaper, the Sioux Falls Argus-Leader:

Congress Should Act to Change Postal Service's Status

The 95th Congress has one crucial question on its hands affecting all Americans. That is the problem of the U.S. Postal Service and what to do about it.

How Congress reacts to that problem may determine whether the promised renaissance of the national legislature in holding a tighter rein on the presidency and bureaucracy is meaningful or just some more hot air.

Postmaster General Benjamin Bailar says the Postal Service will start work within 60 days to boost first-class postage rates as much as three cents while cutting deliveries to five days a week. He promised corresponding increases for other classes of mail. He said the higher rates would probably take effect in the second quarter of 1978 and the delivery cuts in the first months of the year. Bailar has also said the agency will resume closing post offices in areas where it feels service will not be hurt.

Thus, citizens of this country have been promised more deterioration in postal service, and higher rates. Only the government can handle the business of moving the mails for all Americans. Bailar's program would be a disaster for rural America. It would also be harmful to urban areas.

U.S. Rep. Charles Wilson, D-Calif., and U.S. Rep. James M. Hanley, D-N.Y., who are chairman of two postal subcommittees, are drafting legislation to make major changes in the law that created the independent postal service in 1970. Wilson wants to abolish the Postal Board of Governors and make the postmaster general a presidential appointee again. He wants to give Congress power over rate increases. However, neither he nor Hanley has proposed new subsidies. Presumably, they're waiting for an indication from the White House. A new subsidy could cause problems for President Jimmy Carter's promise for a balanced budget by 1981.

It is odd that Congress can appropriate money for aid to foreign countries and other projects, but can't vote money to provide this country with an efficient, on-time postal service. A five-day schedule is not sufficient for most Americans, and will only result in further clogging of the mails on weekends.

The preceding Congress ducked the postal question by referring it to a study panel. The time for further discussion has long since passed. The members of this Congress will have to stand up on the postal service question. Their constituents will count how they stand.

Congress should do two things: (1) abolish the postal service as an independent agency and return it to cabinet status, with appointment of the postmaster general by the president and (2) subsidize the mails to the extent necessary to ensure an efficient, on-time service.

The comments in this editorial are well taken and should be heeded as we work for a solution. As I pointed out earlier, however, it is high time we stopped talking about working, and got to work.

Mr. HARKIN. Mr. Speaker, the U.S. Postal Service is once again talking about wholesale closings of small town post offices.

Earlier this month, Postmaster General Benjamin Bailar told a U.S. Senate subcommittee that the Postal Service is considering reinstating a policy of gradually reducing the number of post offices in rural communities. He said the closings would come at the rate of about 300 post offices per year, a rate equal to that in effect before Congress voted a temporary moratorium on the small post office closings last year.

The Postmaster General's testimony is certainly disconcerting in its own right. But taken in context with a recently internal Postal Service memorandum, it is truly frightening.

The memorandum recommends closing 17,000 of the 30,000 post offices in the Nation, as an economy measure. That is 57 percent of this Nation's total post offices. Most of those which would be axed are in rural America.

The Postal Service brass in Washington is simply looking to small town post offices as the easy way out of their financial difficulties.

I thought we stopped them once. When they were talking last year about closing 12,000 rural post offices, over 50 Members of Congress and I sued to stop them. Congress set a moratorium on small post office closings. We established an outside, independent commission of experts who studied postal problems and in their report issued just last month, specifically recommended small town post offices be preserved.

Now we find the Postal Service is ignoring the expressed intent of Congress and the judgment of independent experts and are instead continuing to pursue the easy answer to their problems, at the expense of rural Americans.

We have a serious problem in the Postal Service that must be corrected.

That problem is the "big business mentality" of the Postal Service brass in Washington. They look at the Post Office as a big business, designed to make money.

It is not. The Post Office is designed to provide an essential service, and rural Americans have the same right to that service as urban Americans.

If it takes a law by Congress to make the Postal Service brass understand that, then Congress is just going to have to pass a law.

Mr. EILBERG. Mr. Speaker, I share the growing sense of concern and dismay of my colleagues over the continued deterioration of the mail delivery system in this country.

Very candidly, Mr. Speaker, the American people feel they are being ripped off. The cost of mailing their letters has gone steadily upward, while the quality of the system has gone steadily down.

Under the Postal Reorganization Act, we took the old U.S. Post Office and renamed it the U.S. Postal Service. Unfortunately, although the Congress inserted the word "service" into their name, the people running this system have systematically taken the concept of service right out of it.

In the few years that this new postal system has been operating, the cost for mailing a letter has skyrocketed from 6 cents to 13 cents—and we face an increase to 15 or 16 cents in early 1978. And what does the Postal Service propose to give us for this increase? A cut in deliveries from 6 days a week to 5.

A few weeks ago, Mr. Speaker, Mr. James M. Jackson, president of the Keystone Branch No. 157 of the National Association of Letter Carriers, AFL–CIO, sent a letter to Mayor Frank L. Rizzo of Philadelphia, expressing his concern about this situation. Because Mr. Jackson's letter on this subject is instructive, I ask to include it at this point in the Record:

Dear Mayor Rizzo: I am certain you are aware of the recommendations made by the U.S. Postal Commission. There has been a great deal of publicity concerning the elimination of Saturday mail deliveries.

On the surface, to many people, this sounds like an excellent proposal. The elimination of Saturday services could possibly cause the elimination of between 1,600 and 1,700 jobs at the Philadelphia Post Office. Philadelphia can ill afford the loss of so many jobs.

My organization of Philadelphia Letter Carriers, all 3,500 members, are vitally interested in preserving the service and saving the jobs so important to the Postal Workers, their families and the City of Philadelphia.

We urge you to use the influence of your high office, contacting the Philadelphia Congressional delegation and make them aware of the hardship this curtailment would cause on everyone concerned.

Sincerely,

JAMES M. JACKSON,
President.

Mayor Rizzo responded to Mr. Jackson, and was kind enough to share his letter with me. Here, Mr. Speaker, is what the mayor of Philadelphia had to say on this subject:

DEAR MR. JACKSON: I share your concern over the proposal that would eliminate Saturday mail deliveries.

It does not follow that postal authorities should be reducing service at the same time the cost of mail is rising.

I agree that the City of Philadelphia can ill afford to lose jobs that such curtailment of Saturday service would mean.

I have forwarded a copy of your letter to our Congressional delegation in order that the members may be apprised of your views.

Sincerely,

FRANK L. RIZZO.

Acting on this expression of alarm from the mayor of of Philadelphia and from a prominent trade union official in that city, I proceeded to write to the Postmaster General on this subject. I include the text of that letter at this point:

DEAR MR. POSTMASTER GENERAL: I want to take this opportunity to express my deep concern over proposals that would eliminate Saturday mail deliveries.

I have been advised that this curtailment of service would cause the elimination of between 1,600 and 1,700 jobs at the Philadelphia Post Office—an action that would be a severe economic blow to a city which has been reeling under the adverse effects of repeated cutbacks in government services in recent years.

Beyond the economic impact which this would have on Philadelphia, I am concerned about the implications that such cutbacks in service and employment would have nationwide. We are far from having recovered from the recent recession, and substantial cutbacks in postal employment would, I am afraid, negate those small gains which we have already made.

In addition, I must say that I find it difficult to comprehend how the Postal Service could be talking about cutbacks in service at a time when the volume of mail continues to rise, and when the cost of mail rises at an even faster rate.

I will be looking to you for assurances that these proposed cutbacks will not take place.

Sincerely,

JOSHUA EILBERG.

I have just received a letter from the Office of the Postmaster General in response to my expression of concern. It was signed by Jim Finch, Assistant Postmaster General for Government Relations, and it reads as follows:

DEAR CONGRESSMAN EILBERG: This is in response to your letter of May 5 to Postmaster General Benjamin F. Bailar concerning possible adjustments to the present frequency of mail delivery service and the potential impact of such adjustments on postal employment.

The Postal Reorganization Act Amendments of 1976 (P.L. 94–421) established the Commission on Postal Service to review various aspects of postal operations. The Commission's report and recommendations to the President and Congress were submitted April 18.

Included in the report was a proposal to reduce delivery days from the current six to five. The Postal Service has done a considerable amount of analysis on this suggestion and the legislative committees of the House and Senate are now holding hearings on the report. The Commission's proposal may or may not be acted upon legislatively, depending upon the results of those proceedings.

In any event, employees in the regular workforce would be protected against possible loss of their jobs in keeping with the "no-layoff" provisions of our National Labor/Management Agreement.

If I can be of further assistance, please let me know.

Sincerely,

JIM FINCH,
Assistant Postmaster General,
Government Relations.

Mr. Speaker, it is long since time that the Congress did something about this matter. I believe that we erred in taking the postal system out from under the direct control of the Congress—the people's voice in our National Government. It is my hope that we act firmly and decisively—not only with respect to the cutback in postal deliveries, but also with respect to these runaway postal prices and the collapse of any semblance of service to the American people.

Mr. SEBELIUS. Mr. Speaker, I appreciate this opportunity to discuss problems within our Postal Service and possible solutions to them. I want to express my appreciation to the Honorable JAMES M. HANLEY, of New York, chairman of the Subcommittee on Postal Operations and Services, for his continued leadership in exercising needed strong Postal Service oversight responsibility. I also wish to express my thanks to the Honorable CHARLES H. WILSON of California, chairman of the Postal Personnel and Modernization Subcommittee, for his leadership in drafting reform legislation of which I am a cosponsor.

Mr. Speaker, my primary concern is the continued deterioration of postal service in our rural areas. I am privileged to represent the 57-county First Congressional District of Kansas; a district that typifies rural and small-town America. Within the postal district area that includes a majority of my congressional district, there are 454 third-class and 133 fourth-class post offices.

Back in 1973, my office conducted a special study regarding Postal Service within the "Big First" District. The report was the result of a listening and inspection tour conducted in the spring of that year. I will not take time to go over the conclusions of this study except to say that the very first suggestion I made was that Congress should continue to exercise its oversight responsibility through periodic hearings and legislation if necessary. That is what we are doing today and I again commend my colleagues for their continued leadership.

Mr. Speaker, my first concern is the recommendation of the Commission on Postal Service that postal delivery be reduced to 5 days a week and the apparent decision by the Postmaster General and USPS officials to implement that recommendation.

I would only point out that in terms of this proposed policy we have been down this road before. I am reminded of the 1975 report by the General Accounting Office to the Congress that an alleged $100 million could be saved by closing some 12,000 rural post offices without affecting the quality of service. Now, we hear reports from within the depths of the USPS think-tank that the USPS would really like to close down all post offices in communities with a population of 1,000 or less.

In terms of public reaction in farm country, the result was predictable as far as the GAO report of 1975 was concerned, and it has been the same story as far as the current proposed termination of Saturday service. I have received many letters, petitions, telegrams, telephone calls, and personal complaints.

Let me illustrate my point again by going back to the GAO study of 1975. The GAO conclusion came after interviewing approximately 700 people in 28 States. These patrons were simply asked if service had deteriorated after their post office had been closed.

This question ignores the fact that personnel and service capability were taken away from the small post office back in 1970. This is like asking someone if they prefer walking after taking the engine out of their car.

In addition, while there are always specific figures in regard to how much expense is involved for rural postal service in all of these policy recommendations, there is no comparable yardstick to measure the personal, business, and community loss that results if the post office was to be closed, if Saturday service is to be discontinued, when routes are consolidated, hours are reduced, and cutbacks in personnel take place. In fact, deterioration of postal service has already cost rural areas severe personal, business, and community losses contrary to what postal authorities believe and would have us believe.

I say this because the Postal Service relies to a great extent upon the original destination information system, the ODIS test, to measure patron service. According to the ODIS test, next day delivery within sectional center limits occurs about 98 percent of the time in my district.

The problem is that the ODIS test does not measure time for mail to be collected, transported, prepared for postmarking, sorted for delivery by carriers and clerks, and delivered, because it is assumed most mail is postmarked the same day it is mailed and that a carrier delivers the mail on the day he receives it. In addition, Sundays and holidays are not computed. I can predict with certainty that with the termination of Saturday service, Saturdays will not be counted either. I only wish the Postal Service would measure service from the time the patron mails the letter to the time the recipient receives it.

In brief, overnight service, as measured by the ODIS test and publicized by postal authorities, is in many instances 2 and 3 overnights.

Mr. Speaker, I submit with the termination of Saturday service that our 2 or 3 overnight problem will increase to 4 and 5, especially in the delivery of newspapers, advertising matter, and parcels. We have some 18 daily newspapers and 86 weekly newspapers serving citizens of the "Big First" District. Personally, I think our citizens enjoy the finest grassroots journalism and free flow of information our Nation has to offer.

We already have a situation where more and more we find there is no way to assure next day delivery of many daily newspapers through the mail. It is not uncommon to receive two or three daily newspapers on a Tuesday and none at all on other days.

Mr. Speaker, I make special mention of this problem because it illustrates the kind of indirect but related effect a change of postal policy can have upon the daily lives of our rural citizens. Last week, I received a timely and pertinent letter from the circulation manager of one of our more prominent daily newspapers. His accounting of the current situation is typical of the kind of problem now being faced by many of our daily and weekly newspaper publishers. This letter stated:

> In 1917, rural free mail delivery service was extended to most rural areas in the United States. The development of this delivery system was important in the development of farm areas. For the first time, the farmer could receive his newspaper daily by mail. Now, 60 years later, the Commission of Postal Service has recommended the abolition of Saturday mail delivery service because of cost.
>
> A year ago, Postmaster General Bailar testified that the elimination of Saturday mail delivery would save the Postal Service $350 million a year. This savings is unrealistic in light of the decreasing volume of newspapers placed in the mail due to continuing service problems and curtailment of delivery services.
>
> With the elimination of Saturday delivery, newspapers will have to take a long, hard look at the whole delivery picture. We will be forced to take steps to regain control of that portion of our business that is in the Postal Service's hands and reduce our dependence on it.
>
> The Postal Service will lose considerable revenue should this happen. This year, our second class postage bill will be about $218,668. In 1970, prior to the Postal Service taking over the Post Office Department, our second class postage bill amounted to $122,357. Our bill this year will be $69,310 higher than 1970, a 79% increase!
>
> Our mail subscriber total is now 3,750 lower than in 1970 due to the continuing cutbacks in Postal Service delivery making same day delivery of morning newspapers impossible in many areas. Also, many subscribers cannot afford the increased subscription rates made necessary by the spiraling second class postage charged to newspapers.
>
> The termination of Saturday mail delivery will create a major hardship for our 11,500 mail subscribers, many of whom are rural residents without access to other daily newspapers. The real victim of the proposed elimination of Saturday service is the individual subscriber, the small town resident, and the farmers who must depend on the Postal Service for their reading material.

Now to some extent I sympathize with the Commission. Like the General Accounting Office and like all of the planners, specialists, and experts within the U.S. Postal Service, the Commission members had the tough chore of recommending actions to resolve problems within our Nation's postal service; problems that are national in scope and that concern billions of dollars.

After 26 days of public hearings in 21 cities and hearing from 525 witnesses, the Commission reported their recommendations and it appears as if termination of Saturday service and increased postal rates have been moved from the back to the front burner by the Postmaster General. And, true, in our metropolitan areas there are businesses which do not depend on Saturday delivery to provide normal public services. But Saturday service is crucial to the average farm family.

I wish to stress rural patrons have been down this road before and it is filled with assurances and promises that turn into "chuck holes." I would not be so wary of proposals to change postal policy were it not for the fact that what has been promised in the past has been contrary to practical results in our rural areas.

The plain fact of the matter is that rural service has been cut to the marrow of the bone. Cost dictates now filter down through regional, district, and sectional center offices with success measured by how much costs can be cut and standardized. Service has deteriorated regardless of what the ODIS test says.

In order to cut costs, window service is curtailed but, "there is no loss in service." Tell that to the farmer, businessman, or elderly patron who must now conform to the new limited hours of operation. Lobby access has been reduced, but, "there was no loss in service." Tell that to patrons who were used to picking up or delivering their mail before or after work and during the noon hour. Too many times my office has checked into complaints regarding reduced lobby access to find that groundless claims of vandalism were merely excuses given by officials who left local postmasters no alternative but to find some way to meet cost and personal reduction dictates.

Rural routes have been consolidated to bring costs into line with the number of miles serviced and work performed by rural carriers, but, "there was no loss in service." Tell that to the rural patron who now receives his mail in the late afternoon as opposed to early morning. Box rents have increased. Rural patrons no longer have the opportunity to receive mail via their rural route and maintain a box within the local post office with the expectation they could pick up their mail after church on Sunday or after coming to town.

In 1974, the Postal Service announced with great fanfare, the limit on rural mail delivery had been extended from .07 to 1 mile. I was pleased to make this announcement in conjunction with our local postal officials. We had many requests. Then came the other shoe—requests were denied when it was determined extensions could not be granted on dirt roads defined as not passable the year round. Of the patrons concerned, fully 80 percent live on dirt roads in my district.

To make matters worse, some postmasters granted the extension based upon the good will and dedication of many carriers who could see no reason why they could not go the extra mile on the same dirt road they had always traveled. In fact, the decision was really determined by local cost dictates involving fuel conservation.

Mr. Speaker, in the gold star effort to reduce costs, we have even experienced an attempt to standardize regulations for cleaning persons, and when patrons complain about mail carriers cutting across lawns and gardens in my own hometown, they are told it is postal policy to cut corners and save time.

In the think-big department, regional bulk mail center facilities costing millions of dollars were installed to expedite mail and parcel delivery. Two years ago in the middle of harvest, we had a swarm of implement dealers complaining to our office that redirecting parcel post through a bulk mail center hundreds of miles away from the original district center, delayed arrival of crucial parts to the extent the dealer could have driven to the company and back and made faster time. We pleaded with district officials to at least delay modernization of the system until harvest was completed. The implement dealers now utilize the United Parcel Service and the farmer pays the difference. This is progress?

Our postmasters, the great majority of which are dedicated and responsible public servants, have had local decision-making authority taken from them. They must face the public but can do little about the situation. They cannot even authorize an occasional in-pouch delivery system back through the sectional center delivery system.

I am reminded of the case where a local newspaper publisher asked if it would not be possible to place a small bundle of newspapers on a mail delivery truck that had finished its route and would be traveling back through a neighboring town several miles away. The answer, of course, was "no." Next day delivery was guaranteed through the sectional center system. But, the neighboring community was in another sectional center which meant the newspapers had to go through two sectional centers in order to get there from here. It so happened a postal employee on temporary loan to the post office within the community of the newspaper publisher was also experiencing problems. She could not obtain her check on next day delivery via the same route and that fouled up some USPS paperwork regulations. So, each time the mail truck would dead end in the community, the back doors of the truck would open to allow one single check to be delivered through an in-pouch delivery system—but no newspapers. Complaints, high water, and a congressional inquiry could not change the system. The postal employee was transferred.

I might add at this juncture that long ago we gave up corresponding with postal officials here in Washington. We have had much more success in working with our district, sectional center, and local postal officials in the kind of response we received, the time in which we receive responses, and the number of times in which we can achieve practical results. Such was not always the case. I remember well the infamous and unofficial but binding "gag rule" following the Postal Reorganization Act under which local postal officials could not even talk to Members of Congress. Our conversations then were limited to a few brave souls who confided "off the record" with us in a scenario that resembled a "grade B" spy movie.

Mr. Speaker, let me emphasize again it is my belief that if we do not exercise strong oversight responsibility, the U.S. Postal Service is going to reform, modernize, and streamline service in our rural areas right out of business. It is alleged by the cost cutters that extension of rural delivery would represent preferable service to many rural patrons as opposed to the continuation of a community post office. The argument is made that instead of walking to the post office, the patron will have the benefit of the rural carrier dropping off the mail.

With all due respect to the service provided by our Kansas rural carriers, I do not think the treatment most rural patrons receive in their community post office can be compared to rural delivery. The service given to a farmer standing in the wind, rain, snow, or worse, waiting to deal with a rural carrier does not measure up to the service he receives at his convenience.

Mr. Speaker, if we follow all of this to its logical conclusion, about the only thing we will have left in our rural areas will be automated stamp machines and perhaps the opportunity for rural patrons to travel to the sectional center post office hundreds of miles away to see a computer terminal. I believe there is considerable practical evidence to show that our Nation's postal policy has been discriminatory to rural patrons and that if we do not take appropriate action, we will experience further deterioration to the detriment of our citizens.

As a cosponsor of H.R. 7295, I again commend Chairman WILSON for his leadership in this regard and I wish to go on record as strongly supporting the combined efforts of Mr. WILSON and Mr. HANLEY in drafting legislation to prevent the elimination of 6-day service.

Mr. BARNARD. Mr. Speaker, I rise to congratulate and join my esteemed colleague from New York as he works toward a reform of our Postal Service.

Every Member here surely numbers complaints about the mail among the strongest and most frequent coming from his district. It is very much an issue in people's minds.

Hardly a day passes here in Washington that I do not get letters of concern from constituents who are dissatisfied with their mail service.

Hardly ever do I visit a town in my district that someone does not come up and ask what is to be done about the U.S. mail.

The fact is that Americans are using the mails more than ever and that the Postal Service is handling more letters than ever.

But it also seems that more mail is being lost and mishandled than ever. And in the fact of deteriorating service, the Postal Service is hinting very broadly at a rate increase and a simultaneous end to Saturday service.

When we also consider that the Service is projecting a deficit of $1.7 billion next year, it is an inescapable conclusion that things are just not going to get better by themselves. We are going to have to take action.

I am sympathetic to the problems of rising usage and inflation which face the Postal Service. Every American business has had the same problems. Many have triumphed in the face of these adversities by reorganizing and streamlining from the top down.

It may be that this approach is in order for the Postal Service. About one thing I am certain, however.

Providing inexpensive, efficient, and reasonably fast mail service has long been one of the most basic functions of the Federal Government.

Every individual, every family, and every business has a deep and vital interest in good mail service—often their livelihoods depend on it. We in Congress have the final responsibility to see that it is provided.

Mrs. SMITH of Nebraska. Mr. Speaker, I greatly welcome this opportunity to express my views on the operation and conduct of the U.S. Postal Service. I wish to expressly thank the gentleman from New York (Mr. HANLEY) for arranging to make this time available.

It seems very ironic, indeed, that to be heard on this subject, a Member of Congress has to take to the floor of the House of Representatives. When I take the problems of my constituents to the Postal Service, too many times they fall on deaf ears. The main reason for this, of course, is that as it is presently constituted, the U.S. Postal Service—and the Postmaster General and his staff in Washington in particular—are answerable to no one. The Congress, duly elected representatives of the people, is not in the chain of command.

Every day I receive letters and phone calls from my district about one service reduction or another that Postal Service management has perpetrated in some small community or on some poor individual. My district is largely rural and composes about three-fourths of the land area of the State of Nebraska. My constituents provide the food and fiber that America depends upon. They inhabit the small towns and farms and ranches that are the backbone of America. They work hard and they pay taxes just like Americans living in big cities and on the East coast.

But, Mr. Speaker, they do not always enjoy the same benefits as those Americans. For the most part, transportation is difficult, recreation opportunities are limited, cultural opportunities are sparse, health care services are far between and their communication system is limited. Because of these disadvantages, the U.S. mail takes on an added importance.

Has the U.S. Postal Service recognized this special need in rural America? For the most part, it has not. Its response has been to penalize rural America, because the delivery of mail in those wide open spaces, that those of us who come from there love so much, is not "efficient." That seems to be the only criteria upon which the Postal Service currently is basing its operations.

Now, Mr. Speaker, no one can argue against the worthy goal of efficient postal operations. For many years the Congress and the people of this country were distressed at the mismanagement and huge budget deficits of the old Post Office Department. But, somewhere along the line, in the effort to correct these deficiencies, the "service" aspect of the Postal Service has oftentimes been neglected.

Thus, in recent months we have heard pronouncements—both unofficial and official—that have greatly disturbed the people of my district. They believe that in any effort to achieve more "efficiency" they will be the first to be sacrificed. Their alarms are based on concrete facts:

Rural routes are being consolidated in unwarranted numbers in my district;

Smalltown post offices are being downgraded as a result—only a moratorium on the closing of smalltown post-offices mandated by the Congress has saved many from being closed outright. Although that moratorium expired on March 15, I have sponsored legislation to extend it to this fall so the Congress can consider some permanent changes to the procedure for closing post offices.

A proposal has been advanced by the Postal Service to begin halting the Saturday delivery of mail.

A Postal Service study has recommended that 57 percent of the Nation's post offices could be closed without hurting service.

The last item is laughable. The people of my district know where the post office closings will begin. They will begin in the small towns throughout the country, because their operations are not "efficient," according to current Postal Service standards.

It is ironic that the Postal Service seems to be doing everything in its power to kill off rural America, at the same time the Congress seeks to develop programs designed to strengthen rural America. It does not seem to make much sense.

Mr. Speaker, rural America greatly depends on the Postal Service and needs effective service to survive. Yet, Postal Service policies have been designed to significantly reduce service to these areas. Let me provide the following scenario:

A small town with a rural route originating from its post office loses its permanent postmaster. No attempt is made by the Postal Service to replace the permanent postmaster. Then, an announcement is made, for reasons of economy, the rural route from that small town post office will be changed to originate from a nearby, larger town. Patrons of the affected rural route will experience a delay in receiving their mail, because they are now part of that larger rural route coming from a town farther away. For reasons of economy, once again, Saturday mail delivery is dropped. Delays of incoming and outgoing mail are experienced. No weekend newspapers are delivered. The farmer and rancher is further isolated from his local community. Businesses are adversely affected because their weekend advertisements do not reach the customers. Newspapers lose advertising revenue and their operations are hurt.

The Postal Service now says that in the interests of economy and convenience it is closing the small town post office. The local citizens have no recourse. The Postal Service feels perfectly justified in doing this, because the smalltown post office no longer has a postmaster or a rural route or has Saturday delivery. It seems a simple step to close it down.

Without a post office, that small town's businesses find it difficult to continue their operations. Some close; some move to other communities. As the business community deteriorates, the farmers and ranchers are forced to go to other more distant places for basic services. Soon, it becomes more and more costly for them to obtain machine parts, petroleum products, hardware, clothing, and the like. Farm prices are low; they can no longer afford to stay on the land. End of scenario.

Thus, the character of rural America can be changed by the actions of the Postal Service. The Congress must not let this happen. Action is needed by the Congress because, unfortunately, there are few, if any, in the Postal Service management in Washington who realize how great an impact change in the Postal Service operations can have on small towns and rural residents. Maybe they do not even care.

Recently, I sent a letter to the Postmaster General outlining some of the concerns I have just expressed. I sent a copy of that letter to every small town postmaster in my district. Rural letter carriers, newspaper editors, and postal patrons throughout the third district also saw copies of that letter. I asked that if anyone would care to comment on my observations, I would welcome their contributions. The response has been amazing. It revealed a deepseated distrust of the Postal Service management and its intentions toward rural America. Most postmasters who responded asked that their names be kept in confidence, because of suspeeted reprisals by the Postal Service.

Mr. Speaker, so that my colleagues might have the opportunity to read some of the comments I received, I ask unanimous consent that my letter to the Postmaster General and excerpts of comments on that letter from some of my constituents be printed in the Record at the end of my remarks.

The letter follows:

Washington, D.C.,
March 31, 1977.

Hon. Benjamin F. Bailar,
Postmaster General,
U.S. Postal Service,
Washington, D.C.

Dear Mr. Postmaster General: The purpose of this letter is to express my concern about the increasingly negative attitude of the U.S. Postal Service toward rural America and its concerns.

During the past three months I have noticed a trend that I find very disturbing. That is, the increasing number of proposals to consolidate rural routes throughout my Congressional District. I can only assume that the Third District of Nebraska has not been singled out, but that this policy is being carried out in other areas.

You can be assured that I continue to be interested in efficient operations and cost saving attempts of the Postal Service. I have always believed that the Postal Service should be run in the best interests of *all* the American people. In the past, there have been several rural route consolidations in my District that have been to the advantage of both the Postal Service and the patrons.

However, there also have been several actions by the Postal Service which I feel are discriminatory and lack sensitivity to the unique situation of rural areas.

It is my belief that there is a systematic movement within the Postal Service in Washington to deny the people of rural America basic postal services. This supposedly is being done in the name of more efficient operations. I disagree with this approach. I believe that it is bad for *all* of America.

I would like to give you an opportunity to explain your policy concerning postal service in rural America, and more specifically, in my Congressional District. Therefore, I invite you to meet with me at a time to be arranged by our staffs to discuss this important matter. Specifically, I would like to know the status of each rural route in the Third District of Nebraska and whether or not the Postal Service has plans to consolidate any of these routes. This request is being made because in the past three months I have received word that at least three existing rural routes in my District were being consolidated with other rural routes.

In the case of Tryon, Nebraska, we were able to delay action by the Postal Service until April 9. Several weeks ago, I submitted to your office a plan worked out by the good people of McPherson County, which I believe would be more effective than the proposed consolidation. To date, I have received no word on the acceptability of this plan.

In the case of Gurley, Nebraska, in spite of united opposition from patrons on the rural route in question, another consolidation was made. We have not given up on stopping that one, however.

Just this week I received word from Naponee, Nebraska, that there is planned a consolidation of the Naponee rural route with one coming from Bloomington.

In all of these cases, I was informed of the Postal Service's proposed action by constituents—not by the Postal Service. In all of these cases the patrons of these rural routes felt the Postal Service gave them no opportunity to oppose the consolidation or to provide an alternate plan. That is why they contacted me.

If there is a master plan to do away with a great number of rural routes in my District, I would like to know about it. I hope you can tell me when we meet.

As you well know, there is a great fear in rural America that the Postal Service is waiting for the opportunity to close many post offices. This feeling is prevalent in spite of reassurances by the Postal Service. Action by the Postal Service to consolidate rural routes, which in most cases means poorer service and delays in mail delivery for patrons, just reinforces this attitude. Without Congressional intervention, many rural areas would have lost their post offices a long time ago, resulting in a drastic reduction in services.

The people of the Third District elected me to represent their interests in the Nation's Capital. This I intend to do. I believe that the actions of the Postal Service to cut back on services to rural America will lead to the destruction of those areas. That is a situation this country cannot afford.

Rural America is the main source of food and fiber for this country and much of the world. The people who produce the food and fiber are just as important as those who live in populated urban areas. They are not, however, being treated equally by the Postal Service.

I look forward to meeting with you to discuss this unfortunate situation.

Sincerely,

Virginia Smith,
Member of Congress.

I recently completed 20 years as a rural mail carrier. During those years, I have witnessed many changes, most of which I would call good. During the past three or four years however, a few steps have been implemented which make me wonder if management has forgotten that the last word of our department's name is service! It seems to me they care little about the ones who serve, the general public.

The latest "boo-boo" they are currently considering is the 5 day per week delivery schedule. As one who has patiently endured the consequences of a few 3 day week-end holidays, I know what the situation would be if we followed that schedule each week—Catastrophic! If this thing really goes through I know nearly all my patrons will be most unhappy. The farming community generally has only one afternoon each week when they can sit down to relax in a favorite chair and pick up the "funnies" or yesterday's papers, and that is on Sunday. If we don't deliver on Saturday, news is "old hat."—Rural mail carrier.

I think that the closing of postoffices in small rural communities is a negative approach to postal problems. In view of the fact communication is so important to people, it seems outlandish to think that the United States of America, the richest nation in the world, cannot afford to have a post office in each rural town that is easily accessable to all citizens where they can mail a letter, buy stamps and pick up their mail at their convenience during normal business hours.

In my own town, I can tell you that if the postoffice were to close, it would be a traumatic experience for the townspeople. I venture to say that 90 percent of the people come to the postoffice daily, and many of them twice daily. For some people, I am sure this trip to the postoffice is somewhat like a social event, for even though they might not receive any mail that day, it gives them a chance to socialize a little and talk to their friends.

As you are no doubt aware, the postmasters' organizations are presently involved in litigation over salary matters,—the gist of it being that rank and file employees have received raises of some $1500 per year since July 1, 1975, while postmasters have received only token raises during this time.

In my own case, this "token" raise has been only $325 since July 1, 1975. In many small town post offices, the rural carrier, who is supervised by the postmaster, receives a higher salary than the postmaster. This kind of salary schedule can only result in discouraging talented and qualified people from seeking to advance to supervisory and leadership positions. I also think it is deplorable that postmasters have to resort to court action to get fair salary treatment.

Again, I say that the richest nation in the world should be able to afford the best postal service in the world for all of the people.—Postmaster.

My personal feeling is the Postal System will never be any better under the present system and Postmaster General. Unless he is again appointed by the President with the approval of Congress he will not be answerable to anyone. I recall your experience along these lines when the Balden and Ayr Post Offices were considered for closing. If my memory serves me, he refused to see you for a couple of weeks. I felt that if he would not make himself available to a Congressman, he should have been dismissed immediately. I can not visualize anything being accomplished until this office is again back in the control of the President and Congress. Any subsidies forthcoming would just be squandered for things like Bulk Mail Centers or some other fiasco.

I hope no one has been fooled by the fact that we have operated in the black the last two quarters. I find this hard to believe. If it is true perhaps I can shed some light as to how this was achieved. Last Saturday morning I received notice that my Salary is to be cut from $12,760 to $11,544. The revenue in this office has dropped from 34 units to 29. This was accomplished by consolidating the mail route. In the process, they transferred 15 families to another route and 4 to another. My work load remains the same or increased as instead of one separation from one rural route, I now have two separations for two routes plus all the mail to be forwarded to the families transferred to the other routes. Yet I am to take a cut in pay. $12,760 this day and age is no great wage. Last fall, if my children would have been living at home, I would have been considered poverty level and my son would have qualified for meals at reduced rates at school. If they down grade a Postmaster far enough, he will either quit or transfer, creating a vacancy which will be grounds to close another office for another great savings. Little does it matter if you cut service or ruin the system as long as it looks like your operating in the black and can hang on to your own job.

I feel very strongly on this subject. I think the biggest problem with the Postal System today is the Postmaster General and his office and the fact that he doesn't seem to be answerable to anyone.—Postmaster.

I am writing about the Post office. I have been a city carrier for 16 years. Since it has been put into a corporation there has been many changes.

One in the last two years is that a rural route is to be filed by the rural substitute. If he has 1 year in he gets the job. It used to be that a city carrier or clerk with seniority would get the job.

I think that it was better when it was under Congress.

In the first place it was never suppose to make a profit. All the postoffices in the world do not make any profit. Even Japan which has the most people per square mile.

So I don't see how they expect us to when we have the least people per square mile.

They keep adding on to the city routes and still we are suppose get the work done in 8 hours.

I have been reading our postal record magazine that the disability has gone up by 600 percent. So you can see by 1980 disability will be costing the Government 1 billion dollars.

It would be better to have more people working than disabled.

The cut out 100,000 postoffice jobs now. Know wonder the service is getting worse.—Letter carrier.

Our rural post offices should be kept open and our customers served the same as the urban areas and they are equally entitled to the same service.

I shall close in knowing you are really working for the rural post offices in your 3rd Congressional District and we are most thankful to you and I truly respect you for your continued efforts in this area and it means so much to me to keep my post office open and all my customers really want it that way too—we'll be working with you—Postal Service employee.

Small town Postmasters and some other postal employees have had no pay increases of any kind for a long time and no cost of living allowance either. Those employees represented by Labor Unions have had several pay raises and "cost of living" allowance increases.—Postmaster.

This, one might hope, could bring a fresh outlook to our Postal System: one wherein "profit and loss" considerations might be replaced with "service" to the people (patrons of a fair and benevolent system)—thus re-instated as top priority.

Our Law-and-policy Makers like you, Virginia, are the only last hope of many a beleagured Postmaster in the NCD (Non-City-Delivery) Post offices who have lost salary compensation, clerk help, and pride in the system. Not because they do not have jurisdiction over a *City* Route! (Rural and/or Star Routes, no matter the length & number, do not count for categorizing thus.)

We need a right angle turn in the attitude of Postal management. So that the only representative of the U.S. government in a small community, the Postmaster, can continue to serve in pleasure and in pride.

The rural people in America are most honest, hard-working and deserving of their leaders consideration.—Postmaster.

It is my belief that the Congress—the elected representatives of the people—has the responsibility and duty to enact by legislation which will mandate public service considerations by the Postal Service.

As a result, I am proposing legislation to deal with three specific aspects of mail service to rural America. The bill I intend to introduce includes provisions to:

Insure that Saturday mail delivery is not halted.

Established a procedure to prohibit the closing of small town post offices without a public hearing and without the permission of the majority of the persons served by it.

Insure that a rural route cannot be consolidated without a public hearing and without permission of the rural route patrons.

I am still in the process of refining the legislation and I plan to introduce it formally at an early date. But, Mr. Speaker, I believe this synopsis of the bill gives you an idea of its directions and goals. It will make the Postal Service not only responsive to the Congress, but will insure that the Postal Service is responsive to the will of the people it serves. It is intended to prevent further reduction of service to our Nation's rural areas by the Postal Service. I ask my colleagues from all areas of the country to join me in preventing the Postal Service from ruining rural America.

Mrs. SPELLMAN. Mr. Speaker, it appears that what neither snow, nor rain, nor heat, nor gloom of night could accomplish, the U.S. Postal Service intends to do with a mere stroke of the pen.

I refer, of course, to the termination of Saturday postal delivery. I oppose the proposed action by the Postal Service and I find it ironic that the proposal is being put forward during the month which marks the 202d anniversary of the founding of the postal system by the Continental Congress.

The stated purpose then was to provide "the best means of establishing posts for conveying letters and intelligence through this Continent." I would assume that is still the purpose. And yet we find ourselves at the point where we are disestablishing posts and cutting back on the frequency of conveyance.

It is clear, I believe, that today—even more than when this country was founded—we need a full commitment to the integrity and efficiency of the postal system. Our goal must be nothing less than the provision of efficient and prompt service to persons all across the Nation.

Because of my commitment to the continuing viability of the postal system, I am deeply disturbed by the number of post office closings I have encountered during the past year. I represent an urban district in which shopping center branches convenient to population centers are vital. There is very little mass transit available in our areas so these branches are essential for senior citizens, handicapped persons, and others who could not possibly get to a "main" post office.

There are understandable economic reasons for closing unnecessary operations. The Congress itself has urged economies. But the pellmell chopping out of these branches is certainly counterproductive.

For instance, a post office in Laurel, Md., has been closed. The facility was very close to large numbers of senior citizens and low-income residents, many of whom have no private means of transportation. There is no mass transit.

What this means to my constituents is $3.50 in round-trip taxi fares every time they want to mail a birthday present to grandchildren, mail Christmas gifts, receive or send a registered letter, even to purchase stamps. Is this convenient, accessible public service?

So far, our solutions to the postal system's economic crunch have all been negative: cut back on services, close down branch offices. I would like to suggest consideration of two positive steps. First, I believe the Postal Service should give serious consideration to the implementation of mobile post offices. Like bookmobiles—which are such an asset to libraries—this system would allow the post office to serve many communities on a published schedule. Residents who had lost access to postal facilities due to closure would know exactly when and where service would be available.

Second, I would like to see the Postal Service experiment with flextime—and I have introduced enabling legislation—so that areas with large concentrations of workers with traditional 9-to-5 hours would not be shortchanged in availability of postal services.

Perhaps we should look into the impact which might result from eliminating Saturday service to businesses and offices, some of which are not open on Saturdays in any event. Under no circumstances, however, can I support the reduction of residential Saturday delivery.

I appreciate this opportunity to present my views and I am especially grateful to Chairman Hanley for his leadership in sponsorship of the special orders.

In closing, let me say that I hope the time is not too far distant when we will be able to solve the complex problems of our postal system. Then we will be able to say, as Edward Everett did in his Mount Vernon Papers:

> When I contemplate the extent to which the moral sentiments, the intelligence, the affections of so many millions of people—sealed up by a sacred charm within the cover of a letter—daily circulate throughout the country, I am compelled to regard the Post Office as the right arm of our modern civilization.

Mr. LE FANTE. Mr. Speaker, in the near future, this Congress will consider the validity of a number of recommendations made by the Commission on Postal Services to the financially beleaguered Postal Service. At this time, I would like to focus on a few of those recommendations that concern me and a number of my constituents.

Mr. Speaker, ever since the enactment of the Postal Reorganization Act of 1970, the Postal Service has spent $4.5 billion more than it received from postal revenue, congressional appropriations, and interest on investment income. The reasons for such deficit spending include competition from advanced electronic communication systems, poor management, the recession, and rising costs. In any case, the present trend is likely to continue, which prompted the Commission on Postal Services to make the following recommendations, much to my dismay and to that of a great number of postal workers.

The Commission recommended consolidation of a number of urban post offices to offset the costs in areas with concentrated populations. And, in its most controversial recommendation, the Commission proposed to cut mail deliveries to 5 days a week stating that 80 percent of the individuals polled in a Nielsen survey favored the 5-day a week delivery plan as a "means of controlling costs." Mr. Speaker, those polled were not asked how they felt about the job losses as a result of such proposals.

Since 1970, employment in the postal service has declined from 741,216 to 678,949 employees. The Commission estimates that an additional 18,000 positions will eventually be lost through attrition if one delivery day a week is cut from the postal schedule alone. Although no job loss estimate due to post office consolidation has been made, you can be sure there will be no gains.

The end result of these proposals are obvious at first glance. Therefore, we must carefully review the Commission's proposals and the Postal Reorganization Act of 1970 and draw our own conclusions.

As a Representative of an area suffering from one of the highest unemployment rates in the country, averaging 15 percent, I strongly oppose any recommendations that will further reduce employment levels. But job losses is not the only issue. What about the service due to the American people? As stated in the Postal Reorganization Act of 1970, the primary function of the postal service is to, "provide postal services to bind the Nation together through the personal, education, literary, and business correspondence of the people," and to "provide prompt, reliable, and efficient service to patrons in all areas and to render postal service to all communities." Mr. Speaker, how can the postal service continue the fine service it has always been expected to provide if the recommendations by the Commission are implemented?

Mr. ALEXANDER. Mr. Speaker, recent initiatives by Postmaster General Bailar to proceed with reduction to 5-day mail delivery and an increase in the cost of first-class postage without congressional consultation are yet another clear example of the heavily padded insulation that surrounds the U.S. Postal Service.

Refusing even to appear before the House Post Office and Civil Service Subcommittees that have oversight responsibilities for the Postal Service, Postmaster General Bailar has solicited the lobbying efforts of large mail users in his behalf.

Bailar has long contended that he came to the Postal Service to assure a more businesslike operation. He is now engaging in the politics which he staunchly proclaims should be kept out of the Postal Service.

While we have long known that the Postal Service suffers from the maladies of favoritism, waste, and inefficiency, it now is afflicted with a fourth—arrogance.

Given the Postmaster General's defiance of the Congress and the people for which the Postal Service was created to serve, I believe it in the best interest of the American people that he resign, either on his own initiative or at the insistence of the Postal Service Board of Governors.

These events make swift action on substantive postal reform legislation even more incumbent on the Congress. My bill to require a biennial authorization and appropriation for the Postal Service will restore a measure of accountability that has been missing since reorganization, without reverting to the "politicized" post office department of years gone by.

The House overwhelmingly adopted a proposal similar to mine last year. The Senate balked. I will offer my proposal again this year should it not be included in the committee bill and believe support for such accountability is even greater in both Houses of the Congress.

Mr. GILMAN. Mr. Speaker, I want to thank the most able chairman of the Subcommittee on Postal Operations and Services, on which I have the privilege to sit and also a distinguished colleague, fine neighbor, and good friend from New York, Mr. Hanley, for this opportunity to address myself to the subject of the U.S. Postal Service, one of the more serious issues facing this Congress. The Postal Service is a striking example of public service gone awry, producing, instead of good will for Government, only hardship, uncertainty, and most of all, distress among postal service consumers.

I recognize, as do most of my colleagues, that there is no one answer to the financial dilemma confronting the Postal Service. For every plus proposal to the way out of this dismal situation, there is a correspondingly negative consequence, or, in other words, a zero-sum game. As an example, there is no doubt that we can cut some postal costs by reducing mail delivery to 5 days a week. Yet the consequences of that action poses a very real hardship for small businesses, rural constituents, and postal workers.

Inflation, skyrocketing oil prices, and fixed labor costs have contributed substantially to the Service's precarious financial state. This is not to excuse, however, the mismanagement that has prevailed at the Postal Service costing the taxpayers to the tune of a $1 billion bulk-mail system that does not operate as it is supposed to and will never produce the revenue anticipated; an almost unbeatable headstart to competitors in the field of electronic communications; and dubious service decisions alienating almost everyone involved.

Faced with an identical crisis in postal service last year, demanding the bold and innovative action, we bowed instead to political pressure in an election year and opted for a face-saving study that we realized would produce little substance and not much innovation.

Accordingly, I was neither surprised nor dismayed by the final conclusions and recommendations contained in the Postal Commission's report. Last year, when considering the Postal Reorganization Act Amendments of 1976—and I am quoting from the Record at that time—I stated that:

> I cannot envision just how a blue-ribbon commission with a brief duration of four to five months can possibly uncover any new remedies that have not already been endlessly discussed and debated either in committee or on the floor of the House. However, given the political reality of present circumstances, I am prepared to adopt a "wait and see" attitude and let a fresh Congress grapple with the Commission's recommendations on the mammoth problems of the Postal Service should the Congress be unwilling or unable to accomplish something in their own right.

But, it is obvious that the "wait and see" period did not accomplish too much. I consider the Postal Study Commission report to be cosmetic, with little in-depth analysis of organizational or structural problems, all at an outrageous cost of three-quarters of a million dollars.

Essentially the major recommendations of this blue-ribbon panel, boiled down, was to propose a cutback in service at a time when our constituent mail is complaining of inadequate service; to conduct referendums on whether or not to close post offices and maybe close them up if there is a postmaster who is retiring and there is attrition in consumers utilizing that post office; to discard obsolete services; to emphasize timely delivery; to explore possible entry into the field of electronic communications; and to increase both postal subsidies and rates. If there are any new initiatives lurking in this forest of recommendations, I have failed to ferret them out.

The two able chairmen of our postal subcommittees are now preparing hearings on omnibus postal legislation. The timetable for the consideration will be stringent since we must act before the Postal Service decides to implement unilaterally any of the recommendations of the Postal Study Commission or prepares a new round of rate proceedings leading to an even higher first-class stamp.

I applaud their initiative and will support their efforts to reach a realistic solution that will insure the future of the Postal Service.

I would like to suggest some provisions that I hope will appear in the final version of the legislation:

First, a clear cut definition of what constitutes public service;

Second, a level of subsidy that will reflect the above definition and afford the Postal Service an opportunity to get back on its feet, financially;

Third, the strongest possible language indicating our intent that the Postal Service in the short term proceed forthwith in joint ventures with private industry in the application of electronic communications technology, and concurrently, undertake an extensive research and development program to insure competitiveness in phase 3 of electronic communications technology;

Fourth, a more accurate interpretation of attributative cost and those factors that should or should not be included in arriving at an acceptable attributive cost-ratio figure;

Fifth, abolition of the Board of Governors of the Postal Service;

Sixth, Presidential appointment of the Postmaster General;

Seventh, greater emphasis on research and development reflected in budgetary outlays; and

Eighth, improved Postal Rate Commission procedures.

I thank the gentleman from New York (Mr. HANLEY) for affording me this time and the opportunity to engage in a special order on a subject of such far-reaching consequence to all Americans.

GENERAL LEAVE

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that all Members be permited 5 legislative days in which to extend their remarks, and to include therein extraneous material, on the subject of the special order speech today of the gentleman from New York (Mr. HANLEY).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

WHAT THE SECRET MINUTES OF FEDERAL RESERVE BANKS MEETINGS DISCLOSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized 60 minutes.

Mr. REUSS. Mr. Speaker, for many years the House Banking Committee has taken seriously its oversight responsibilities toward the Federal Reserve System and its 28,000 employees.

We have tried everything from moral suasion to attempts at complete audits by the General Accounting Office. Our efforts, handicapped immeasurably by the Federal Reserve's all-encompassing claim of "independence," have yielded only sporadic results. We have simply never been able to obtain full and complete information about the various activities of the Federal Reserve System.

Recently, the committee has acquired minutes of the boards of directors meetings of the 12 Federal Reserve banks. These came to the committee after Federal Reserve Board Chairman Arthur Burns challenged some conclusions of the Banking Committee's August 1976 report raising serious questions about the 12 Reserve banks and the potential for conflicts of interest in the boards of directors, which are dominated by banking and business interests. This was the report entitled, "Federal Reserve Directors: A Study of Corporate and Banking Influence."

In a series of letters, I asked the Fed to produce the minutes from the various meetings of the boards of the Federal Reserve banks for 3 selected years, 1972, 1974, and 1975. As set forth in my letter to Dr. Burns of September 23, 1976:

> These records are important to the oversight and legislative responsibilities of the Committee.

What these minutes reveal about the operations and attitudes of the Federal Reserve—by its regional boards of directors and the governing board in Washington—is disturbing.

Even with 904 deletions made by the Fed, presumably dealing with "sensitive" matters such as personnel discussions, delicate transactions of foreign central banks, or items dealing with bank security, these minutes raise the most serious questions about the use of power and money by a public agency.

The minutes show that—

When legislation that would have subjected the Federal Reserve System to closer scrutiny by the Congress was under consideration, the Fed used the Boards of Directors of its Reserve banks, with their business and financial constituency, in lobbying campaigns against the legislation—a practice forbidden other Government agencies. The Fed has extended its lobbying to State legislatures as well.

The Fed has engaged in clandestine attempts to encourage commercial banks to make loans to particular recipients; namely, real estate investment trusts and utilities, while denying to the Congress that it was doing so.

It has permitted a director whose law firm represented an interested party to vote on a matter involving the failure of Franklin National Bank.

It has made subsidized loans to its own employees.

It has permitted directors of the Reserve banks to vote themselves $600 retirement gifts.

Any one of these activities by itself would be cause for concern. Taken together, they form a pattern of disdain for public accountability. They show a history of behind-the-scenes manipulations to ward off legitimate investigations by the Congress.

The Federal Reserve has been granted a large measure of independence from both the executive and legislative branches. This independence is intended to shield the Fed from passing political winds in the conduct of monetary policy. It is not intended to relieve the Fed of accountability to the public. It is not intended to authorize activities in which other government agencies would not dare engage. It is not intended to cloak official monkeyshines in a veil of secrecy.

I. LOBBYING EFFORTS IN THE U.S. CONGRESS

In 1974 and 1975 the Congress was the subject of a barrage of lobbying by the commercial banks against two bills affecting the Federal Reserve—both bills that have been badly needed in the public interest.

One bill, approved by the House Banking Committee on July 10, 1975, would have authorized an audit of the Federal Reserve System by the General Accounting Office. The bill specifically exempted from the audit both monetary policy and foreign transactions.

There is no good reason why the Fed should be exempt from the kind of audit that is routinely made of virtually every other agency and department of the Federal Government. The Fed handles transactions which total at least $30 trillion a year. Its portfolio is valued at about $96 billion, equal to 24 percent of the privately-held national debt. The Federal Reserve System is free to spend the nearly $6 billion it receives in interest on these securities in virtually any way it chooses without being accountable to anyone. The Fed also is entrusted with major regulatory responsibility for the commercial banking system. For Congress to exercise its responsibility to oversee the Federal Reserve System, such an audit is clearly needed.

The second bill, the so-called "Government in the Sunshine" Act, required generally that meetings in which the public interest is decided be open to public scrutiny. The bill passed, but with substantial exemptions for the Federal Reserve.

A reading of the minutes of the Reserve Bank boards of directors meetings demonstrates that the Fed has gone well beyond the bounds of propriety to generate lobbying against these bills. With the Federal Reserve Board in Washington serving as the command center, a well-orchestrated lobbying campaign was mounted, using the members of the boards of directors as the point men. They would indeed be valuable operators in any lobbying campaign. The bankers and businessmen who make up the majority of these boards of directors are men with powerful ties into the board rooms of banks and corporations all over the country. They also enjoy strong ties into the most powerful trade associations. It is no wonder, from what we see in these minutes, that such organizations as the Business Roundtable and the American Bankers Association geared up for an all-out defense of the Federal Reserve.

Let us look at some of the lobbying efforts against these two pieces of legislation, as revealed by the directors meetings.

On February 19, 1974, President Frank E. Morris of the Boston Federal Reserve Bank called on his board of directors to contact the Members of Congress to promote the Federal Reserve's position on an earlier version of the GAO audit bill.

The official minutes of this meeting state—page 95 of Federal Reserve Bank of Boston directors' minutes 1972, 1974, 1975, as delivered to the House Banking Committee:

> Mr. Morris also called attention to the fact that H.R. 10265, which would provide for a G.A.O. audit of the Federal Reserve System had not died in the House Rules Committee but was expected to reach the floor of the House of Representatives on or about March 5. He indicated that the System's position was to support an amendment, to be proposed by Rep. Ashley of Ohio, which would limit the scope of the audit so as to exclude monetary policy actions, but to continue to oppose the bill, even if amended, on the final vote. *The directors were encouraged to let Members of the House know their views on the bill.*" (Emphasis added.)

On May 23, 1974, Gov. George W. Mitchell, then Vice Chairman of the Federal Reserve Board of Governors, appeared at the directors meeting of the Chicago Federal Reserve Bank. A description of his remarks is presented in the minutes of that meeting—page 157, Federal Reserve Bank of Chicago minutes of the board of directors for 1974, as delivered to the House Banking Committee:

> Governor Mitchell also noted that the GAO audit bill should come up for vote next week on the floor of the House. Reserve bank directors have been helpful in contacting Congressmen and hopefully the bill can be at least amended to restrict the type of audit if chances for outright elimination lessen.

Mr. Robert P. Mayo, president of the Chicago Federal Reserve Bank, then called on the directors, who are primarily private bankers and businessmen, to conduct a lobbying campaign against the GAO audit bill in the same place:

> Mr. Mayo commented further on the GAO audit bill, noting that it is House Bill number 10265 and should be up for consideration on May 29. He then *requested each director to make whatever calls seem natural to him in order to encourage support for the Federal Reserve position.* Although basically the System would prefer to see the entire bill defeated because of its monetary policy review aspects, if that is not possible then the Ashley amendment, restricting the GAO to a financial audit is favored. (Emphasis added.)

Mr. Mayo followed through on his campaign in the June 27 meeting by thanking the directors who contacted Members of Congress to secure support for the Federal Reserve position.

The minutes of this meeting reveal the following—in the same place, page 169:

> The GAO audit bill recently passed the House of Representatives, but was limited to a financial audit. There is no prospect of Senate action this session, however, Mr. Mayo thanked those directors who were able to contact members of Congress to secure support for the Federal Reserve position.

On December 18, 1975, Governor Mitchell returned to the Chicago Fed and complimented them on their lobbying performance. He said:

> The System remains strong and viable and support from Reserve Bank directors in dealing with Congress has been very helpful.

The Banking Committee's August 1976 study shows who the directors are. Seventy-three of the one hundred and eight directors of the Federal Reserve banks, almost 70 percent, are shown to have been either then or in the past officers, directors, or employees of financial institutions. In many cases, not only are the directors connected with commercial banks, they are also top officials in bank lobbies—the American Bankers Association and various State banking associations.

The Fed was proud of its success in enlisting the bankers as unofficial, unregistered lobbyists for the Fed. The Richmond Fed's chairman, Robert W. Lawson, bragged about it publicly. In a speech to the American Bankers Association in Hot Springs, Va., on October 5, 1975, Lawson congratulated the bankers for their great lobbying assist to the Fed. He said:

> The bankers in our district and elsewhere did a tremendous job in helping to defeat the General Accounting Office bill. It shows what can be done when the bankers of the country get together.

We heard about that remark in Congress at the time, of course. What we have not been able to document, until these minutes were made available, was that the campaign was heavily orchestrated by the Fed itself.

The pattern of organized Fed lobbying is also seen in connection with attempts to get the Fed totally exempted from the "Government in the sunshine" bill. On December 11, 1975, the Chicago Fed's President Mayo reported to his directors on this legislation. After noting the alleged consequences of opening directors meetings to the public, he then described the organization of the lobbying effort, indicating that Ward J. Larson—senior vice president, general counsel, and secretary to the board of the Chicago Fed—would follow up with each director on his lobbying activities—pages 318–319, Federal Reserve Bank of Chicago, minutes of the board of directors for 1975, as delivered to the House Banking Committee:

> Mr. Mayo reported that a "Government in Sunshine" bill has already passed the Senate, requiring all federal agencies headed by a body of two or more members appointed by the President to conduct business at meetings open to the public. Even in those instances where a majority of the members vote to close the meeting a verbatim transcript must be made and retained for at least two years.
>
> While this bill does not appear to apply to the individual reserve banks, it does apply to the Board of Governors and possibly to the FOMC, (Federal Open Market Committee) and this application concerns us directly as a System.
>
> A similar bill, H.R. 11007, will be voted upon soon by the Government Operations Committee of the House. We would hope that the Federal Reserve System could be totally excluded from the bill—or at least that it be exempt from the requirement that a verbatim transcript be made of all closed meetings.
>
> Keeping a verbatim transcript would clearly inhibit discussion and could cause members to speak only for the record. While such a transcript would be subject to court subpoena, *even more critical to the system would be the scrutiny of the Congress.* As you can see this legislation is particularly sensitive with regard to Board discussions on monetary policy and bank regulatory matters. (Emphasis added.)
>
> Mr. Mayo then read a list of Committee members from this district. He *asked each director to think about possible contacts* to explain Federal Reserve concern and indicated that Mr. Larson *would be in touch with each director tomorrow as a follow-up.* (Emphasis added.)

The compelling evidence of extensive lobbying on the part of the Fed raises very serious questions. Attempts by regulatory agencies to orchestrate lobbying campaigns against bills affecting their agencies are illegal when money appropriated by the Congress is used. Section 1913 of title 18 of the United States Code provides as follows:

> No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.
>
> Whoever, being an officer or employee of the United States or of any department or agency thereof, violates or attempts to violate this section, shall be fined not more than $500 or imprisoned not more than one year, or both; and after notice and hearing by the superior officer vested with the power of removing him, shall be removed from office or employment.

The Fed is technically exempt from this statute because its funds are not appropriated by Congress. But the spirit which prompted the ban on organizing lobbying by officials of other agencies should certainly be observed in practice by the Federal Reserve as well. The Federal Reserve, after all, is a regulatory agency. It holds great power over financial institutions. It has extensive regulatory powers over bank holding companies and member banks. It approves or disapproves loans to banks from the discount window. It approves the establishment of Edge Act corporations, which are international banking and holding companies through which the banks hold interest in over 2,000 foreign financial institutions.

Despite this, the prestigious Federal Reserve Board in Washington puts its members on the road, visiting the Reserve Banks to encourage bankers and businessmen sitting on the Bank boards to become involved in a massive lobbying campaign.

I am distressed that Chairman Burns apparently believes that it is "an entirely legitimate activity" for Federal Reserve Bank directors to communicate with "bankers, journalists, and public people" about legislation which the Fed does not like. Bankers are regulated by the Federal Reserve; any communication from the Fed about legislative lobbying has implicit in it the suggestion that the regulators can give or withhold favors in return for support. The following colloquy of January 21, 1975 is instructive—hearings before the Subcommittee on Financial Institutions Supervision, Regulation and Insurance of the Committee on Banking, Currency and Housing, House of Representatives, 94th Congress, first and second session, page 2006:

> Chairman Reuss. Let me now get into the area of politics, which you brought up several times this morning in connection with the audit bill for the Fed. On October 1, 1975, the American Banker carried an interesting story on your Reserve Bank chairman in Richmond, Robert L. Lawson.
>
> The headline was, "Federal Reserve Board Official Hails Bank Role in Killing GAO Audit of the Fed." And then it went on to describe his speech to a bankers group, in which he said:
>
> "Banks played a key role in blocking a Congressional audit of the Federal Reserve Board. The bankers in our district and elsewhere did a tremendous job in helping to defeat the GAO bill. It shows what can be done when the bankers of the country get together."
>
> My question is: If you get the support of the banks on an issue which is of great concern to you, whether Congress has the right to audit your books or not, are they not likely to expect in return kind treatment from you as a regulator? They would not get it, of course, but are they not likely to expect it?
>
> Dr. Burns. As for Mr. Lawson's statement, let me merely remind you that, as I indicated in my testimony, we have in the System 269 directors, and neither I nor the Board can be responsible for what individual directors may or may not say.
>
> Chairman Reuss. Did not the Federal Reserve people, to your knowledge, communicate with the banks about bank lobbying against the audit bill?
>
> Dr. Burns. I played no part in this activity at all, not because I would consider it wrong, but because I did not have the time.
>
> Chairman Reuss. My question was, with respect to people at the Fed, was there not a little communication there?
>
> Dr. Burns. Yes. That is to say, there was some communication between our various directors, not with bankers as such, but with bankers, journalists, business people. I do not know whom they contacted. And that, I think, is an entirely legitimate activity. After all, do not Members of the Congress want to hear from their constituents?

Think what would happen if the Federal Power Commission enlisted the executives of the oil and gas companies it regulates to lobby Congress on legislation of concern to the FPC. Congress would be outraged. And it would be clearly illegal.

It is a fine line to draw between the intent of this section of the criminal code, which prohibits the use of appropriated funds for lobbying, and the Fed's use of funds which would otherwise be paid into the Federal Treasury. It is all, in reality, the taxpayers' money. In fact, in other instances the Fed itself has argued that Federal Reserve System funds are in fact Government funds. The Office of Management and Budget recently issued "Guidelines for Reducing Public Reporting to Federal Agencies" which said:

> Federal agencies are not to engage in any data collection activities which are not financed wholly by Federal funds.

In a letter to Senator Lee Metcalf, chairman of the Governmental Affairs Subcommittee on Reports, Accounting and Management, Dr. Burns stated:

> We believe that System funds may be viewed as "Federal funds", as distinguished from private funds, within the limited context of the provision of the OMB guideline in question.

In other words, when it suits its purpose, the Fed claims that it is no different from other Government agencies simply because its funds are not appropriated.

Congress, therefore, should remove this distinction between the Fed and other agencies by applying to the Fed the same restrictions on lobbying that govern other agencies.

II. LOBBYING EFFORTS IN STATE GOVERNMENTS

Lobbying efforts by the Fed System are not confined to the U.S. Congress. The Fed also organizes lobbying against bills it opposes in State legislatures. The minutes of the Philadelphia Fed for May 4 and May 18, 1972, describe a lobbying effort in New Jersey which involved enlisting private commercial banks and the New Jersey Bankers Association against a bill which might have attracted independent banks away from the Fed—pages 57–58, Federal Reserve Bank of Philadelphia board minutes—1972, 1974, and 1975, as delivered to the House Banking Committee:

> President Eastburn said there was a Bill in the New Jersey Assembly to permit nonmembers to keep up to 50 percent of their reserves in government securities. He indicated that this Bank had been in touch with New Jersey bankers, the New Jersey Bankers Association and key legislators to express the feeling that the Bill would be divisive, inequitable, and disruptive, and would have an adverse effect on membership. He reported that the Bill had recently been sent back to Committtee. -------------- (name omitted) said he would meet with the Governor to discuss the Bill.

And then 2 weeks later, the Philadelphia minutes contain a followup report—in the same place, page 62:

> ——— (name omitted) reported that the proposed New Jersey Legislation, which would permit banks to invest part of their reserves, had been sent back to Committee. He said he had talked with the Governor who will look into the situation.

The pattern of lobbying with the U.S. Congress against the GAO audit bill and the Sunshine Act appears to be carried through by the regional banks for State legislation. The bank, as the Philadelphia minutes show, mobilizes the State bankers association and local bankers in its legislative campaigns.

The skimpiness of the minutes and the omission of the name of the contact to the Governor compels the conclusion that this was not a formal, above-board effort to state the Fed position through proper official channels.

This secrecy, especially for an agency involved in bank regulation, is not in keeping with the spirit of accountability of government agencies. After all, the Fed has a half-nelson on the banks it regulates, and should not be in a position of intimidating them into supporting the Fed position on legislation.

III. FEDERAL RESERVE ROLE IN ENCOURAGING PRIVATE COMMERCIAL BANK LOANS TO REAL ESTATE INVESTMENT TRUSTS AND PUBLIC UTILITIES

Whatever the propriety of the Federal Reserve attempting to encourage commercial bank loans to particular recipients, if it does so the Congress is certainly entitled to know about it.

During hearings on the Subcommittee on Domestic Monetary Policy of the House Banking Committee on February 6, 1975, there was an allegation by Andrew Brimmer, former Governor of the Federal Reserve System, that the Fed was engaging in efforts to encourage loans to real estate investment trusts—REIT's.

The following day we questioned Dr. Arthur Burns about these allegations. He acknowledged that Fed officials had talked with banks and real estate investment trusts "to find out what they could about the nature of the difficulty." But he added that—

> The Board did not involve itself in any thing that could remotely be described as credit allocation.

The matter was then pursued by Congressman Neal—pages 276–277, hearings before the Subcommittee on Domestic Monetary Policy of the Committee on Banking, Currency and Housing, House of Representatives, February 4, 5, and 6, 1975:

> Mr. Neal. You are familiar with the testimony of Andrew Brimmer?
>
> Dr. Burns. Well, I am learning about it.
>
> Mr. Neal. Let me just read you a couple of sentences. (Of Brimmer's testimony).
>
> "As this committee knows, while the Federal Reserve Board has been strongly opposed to any formal system of credit allocation by commercial banks, the Board in fact has been doing just that. Last year the Board, primarily through the Reserve Banks, took an explicit and active role in counseling commercial banks with respect to loans to real estate investment trusts, and so on."
>
> Dr. Burns. That is a strange interpretation of what the Federal Reserve did, and I am sorry to say that it is inaccurate.
>
> Mr. Neal. Well, I think the broader question is—the concept mentioned is that credit is in fact being allocated, and it is either being allocated by the Federal Reserve Board or by banks or it is going to be allocated by the U.S. Congress, and I think what we are trying to talk about is who should allocate credit.
>
> And unless you are saying that in fact credit is not allocated, and only a free market determines where credit goes. Is that what you are saying?
>
> Dr. Burns. I am saying that the Federal Reserve System has not played and should not play any role in the direct allocation of credit. My position is that the Federal Reserve System should continue to concern it-

> self with the general condition of the financial system. It should not seek to direct credit into one channel or into another. This has never been its responsibility, and in my judgment it would be a mistake to assign that responsibility to the Board."

It now appears from the minutes of several Federal Reserve banks that on the same day Chairman Burns appeared before our committee, and denied that the Federal Reserve System was encouraging commercial banks to loan money to particular recipients, the boards of directors of the San Francisco Federal Reserve Bank and the New York Federal Reserve Bank were discussing actions they had taken to encourage loans to real estate investment trusts and public utilities.

From the San Francisco Federal Reserve Board, board of directors meeting, February 6, 1975—pages 226–227, minutes of directors' meetings, Federal Reserve Bank of San Francisco, 1975, as delivered to the House Banking Committee:

> It was noted that the next topic—discussion of two articles that appeared in the February 1, 1975 issue of *Forbes* relating to the Federal Reserve and to the real estate investment trust industry—had been placed on the agenda at the suggestion of Mr. Dahl. (The *Forbes* article charged that extensive credit allocation efforts were being conducted by the Federal Reserve.) Mr. Balles (President of the Bank) then *summarized the low-key contacts that had been made at the request of the Board of Governors to a few of the larger banks in the Twelfth District last fall to encourage credit availability to real estate investment trusts and public utilities* within the limits of prudent credit judgment, and he noted the propriety of the role of the Federal Reserve in the provision of liquidity to major segments of the economy. He had been unaware of the matter prior to reading the articles, Mr. Dahl stated, which raised a question as to the scope of communications to the directors concerning Federal Reserve activities. Mr. Balles indicated that in connection with the subject activity, it has been decided that the System approach would be handled on a low-profile, need-to-know basis, in view of the sensitivity of the financial markets at the time and the damaging effect thereon of rumors that might arise relative to actions taken by the Federal Reserve. During discussion of the allegations contained in the *Forbes'* article, Chairman Wilson indicated that he shared Mr. Dahl's viewpoint and President Balles stated that he would convey the concern of the directors in this regard to the Board of Governors. (Emphasis added).

From the New York Federal Reserve Bank board of directors meeting, February 6, 1975—page 550, minutes of meetings of the board of directors of the Federal Reserve Bank of New York, 1975, pages 513–752, as delivered to the House Banking Committee:

> Mr. Debs (First Vice President) reported on a meeting he attended at the offices of the Board of Governors on February 4, 1975, to review the general situation in the Real Estate Investment Trust industry with emphasis on *the role that the Federal Reserve Banks have played with respect to facilitating communications between individual real estate investment trusts and individual banks* that are members of syndicates providing credit to such institutions. He said that over the past several months, the officers of this Bank had, from time to time, contacted one or more individual commercial banks in an effort to open channels of communication between such banks in respect to the status of various matters relating to credit arrangements for certain real estate investment trusts. He reviewed the circumstances under which such contacts were made, and he said that in all such cases involving this Bank, the objective of such contacts was to insure that adequate communication existed between the parties concerned, recognizing that ultimate credit judgment with respect to individual Trusts rested with the management of the banks contacted. He commented on the current situation in the Real Estate Investment trust industry, and he summarized the views of the Board of Governors of the Federal Reserve System in respect to this matter as expressed during a meeting on February 4. A discussion followed. (Emphasis added.)

Apparently, all the Reserve banks were playing this game. Why was the Congress misled about the Fed's efforts at credit allocation?

Whatever one's view of the efforts by the central bank to influence the placement of commercial loans to particular recipients, certainly it is poor public policy for this practice to be conducted as a private matter between the Fed and the banks over which it has control. If such activities are going on, and it is obvious they are, the Congress is entitled to know about it.

These are particularly relevant questions in view of the massive built-in conflict of interest that exists at the regional banks, where individuals with close ties to the banking industry dominate the boards of directors.

IV. MR. GILPATRIC AND FRANKLIN NATIONAL BANK

Potential conflicts of interest are abundant in the boards of directors of the Reserve banks. Three of the directors by law are bankers, and the other six often have close ties to financial institutions. These potential conflicts of interest are apparently not guarded against very carefully, as is brought out dramatically by the following episode.

In 1974, the board of directors of the New York Reserve Bank held lengthy, secret deliberations on how to handle the crisis caused by the impending bankruptcy of the Franklin National Bank.

On October 7, 1974, the directors of the New York Fed were discussing the Franklin case. The minutes show—page 453, minutes of meetings of the board of directors of the Federal Reserve Bank of New York, 1974, pages 254–512, as delivered to the House Banking Committee:

> Mr. Debs (First Vice President) then reviewed and commented on the overall plan whereby, in the event of such insolvency, the Federal Deposit Insurance Corporation would be appointed Receiver, and would accept bids from certain banks for the assumption of certain liabilities and assets of Franklin National Bank. He said that, as was reported to the directors earlier, the Federal Deposit Insurance Corporation plan also contemplated an agreement between this Bank and the Federal Deposit Insurance Corporation whereby the Federal Deposit Insurance Corporation would assume Franklin National Bank's indebtedness to this Bank, and a substantial part of Franklin's assets would remain with the Federal Deposit Insurance Corporation, which would liquidate such assets and use the proceeds of such liquidation to repay the assumed indebtedness to this Bank over a three-year period. In this regard, he referred to and commented on the proposed "Agreement of Assumption of Indebtedness" (No. 10261) between this Bank and the Federal Deposit Insurance Corporation.
>
> Mr. Debs then presented the officers' recommendation that they be authorized to enter into the proposed "Agreement of Assumption of Indebtedness" (No. 10261) between this Bank and the Federal Deposit Insurance Corporation and he requested the directors' concurrence in the proposed draft letter to the Comptroller (No. 10258).
>
> An extended discussion followed, during which the directors expressed their concurrence in the text of the draft letter to Mr. Smith (Comptroller of the Currency), it being understood that such letter would be transmitted to Mr. Smith immediately following the meeting.
>
> During the course of the discussion, Mr. Gilpatric noted that the law firm of Cravath, Swaine and Moore, of which he is a partner, is counsel to the Chemical Bank, one of the prospective bidding banks under the Federal Deposit Insurance Corporation's plan described by Mr. Debs. Mr. Gilpatric said that he personally had not participated in the rendering by the firm of any legal services to Chemical Bank and that, after consideration, he had concluded that under the circumstances the relationship between the firm of Cravath, Swaine and Moore and the Chemical Bank was not grounds whereby he should disqualify himself from voting as a director of this Bank on the matters before the directors today. The other directors present said that they had also considered whether or not there were any grounds on which they should disqualify themselves from voting on these matters and they indicated that they were satisfied that no such grounds existed. Whereupon, it was duly and unanimously voted. . . .

The October 17, 1974, minutes—at the same place, page 458, then report that the Comptroller had declared Franklin National insolvent on October 8, 1974, and that "such declaration was in part based on this bank's letter to the Comptroller" in which the directors of the New York Fed had concurred.

Thus, Mr. Gilipatric voted on a resolution in which a client of his law firm was an interested party. It is not reassuring that Mr. Gilpatric and the board of directors, after reflecting on his apparent conflict of interest as revealed in the minutes, decided that there were not sufficient grounds for disqualification from voting on the termination of the Franklin National Bank loan.

V. LOANS TO FEDERAL RESERVE EMPLOYEES AT BELOW-MARKET INTEREST RATES

According to the minutes of the Federal Reserve Bank of New York directors' meeting of July 17, 1975, page 646, and December 18, 1975, page 740, and internal operating bulletin No. 4 of June 4, 1976, the New York Federal Reserve Bank has a fund for making small loans to employees. For the period 1935–75, the employees at the New York bank were charged a 3-percent interest rate, while ordinary citizens were paying perhaps 12 or even 18 percent for short-term loans. In 1975, with permission of the board of governors, the interest rate on these loans was raised to the discount rate, recently under 6 percent, which is below the market rate of interest—12 to 18 percent—for personal loans. Officers of the New York bank served on the Committee on Confidential Loans to Employees, which is in charge of deciding who gets the money. At the Cleveland Reserve Bank, in 1974, loans were made at the prime rate—8 to 11 percent then—except for "tuition" loans, which were interest-free.

The Fed has never informed Congress of the funds at all. Why should the banks be making low-interest loans to their employees out of funds that would otherwise be returned to the Treasury? This is just one of the areas of the Fed's budget which calls for formal congressional oversight.

V. LARGESSE FOR RETIRING DIRECTORS

The Board of directors of the St. Louis Federal Reserve Bank decided at their April 11, 1974, meeting to increase from $20 to $30 the amount to be spent for employee mementos as part of the bank's employee recognition and appreciation program. The Christmas spirit took over, however, when the board of directors considered retirement mementos for themselves. The directors, who serve only 3-year terms, voted on June 6, 1974, to raise the limit on their own retirement mementos for themselves from $350 to $500, "recognizing that inflation precludes any lesser amount from being feasible"—Page 111, Federal Reserve Bank of St. Louis, minutes as delivered to the Housing Bank Committee—an ironic bit of monetary escalation in an agency which bills itself as the nation's chief inflation-fighter.

No justification exists for Federal Reserve directors to vote themselves any gifts at all out of the public's funds.

VII. DELETIONS AND FAILURE TO PROVIDE IMPORTANT DETAILS IN THE DIRECTORS' MINUTES

Most of the minutes of the directors' meetings are little more than an annotated agenda where important topics are merely recorded as having been discussed.

Several examples illustrate the lack of details in the minutes.

After a murder and three related shootings inside the Richmond Federal Reserve Bank, there must have been quite a discussion at the next board of directors' meeting. However, the minutes of March 9, 1972, at Richmond report simply—Page 19, Federal Reserve Bank of Richmond, board of directors, 1972, 1974, and 1975 Minutes as delivered to the House Banking Committee.):

> Mr. Heflin reported on the incident last Tuesday, when one of the Bank's guards shot and wounded four other members of our Security force, one fatally. He said that the other three had been released by the hospital.

After a visit by Gov. Philip E. Coldwell to the Richmond board meeting on April 10, 1975, the minutes reveal only the subjects of his comments—at the same place, Page 298.:

> After being introduced by Chairman Lawson, Governor Coldwell commented on three matters of importance to the Federal Reserve System: (1) response of the Federal Reserve System to the Congressional Resolution on the conduct of monetary policy, (2) supervision and regulation of banks by the Federal Reserve System, and (3) the Board of Governors' newly formed Membership Committee. A brief discussion followed Governor Coldwell's remarks. The meeting recessed at 11:00 a.m. and reconvened at 11:15 a.m.

The "minutes" are hardly complete without a report of what Governor Coldwell said about these subjects. This omission is acute, but not as extreme as the report on what Governor Coldwell said at the Kansas City board of directors 7 days later—page 263, Federal Reserve Board of Kansas City, minutes 1972, 1974, and 1975, as delivered to the House Banking Committee:

> Chairman Person presented Governor Coldwell, who spoke on problems currently being faced by the Board of Governors and the Federal Reserve System. The meeting, on proper motion, adjourned at 12 o'clock noon.

Such deficient reports help to insure that no record of matters of substance will ever be available, and that members of these boards will be insulated from public accountability.

In addition to the lack of detail in most of the minutes, the copies of the minutes we received contained 904 deletions. The minutes look like a Swiss cheese, with deletions dotting the critical pages. It was as if the committee had received the most-secret files of the CIA, rather than the records of a public agency dealing with economic policy.

Fuller disclosure by the Fed should be required. This should include a more detailed record of meetings; the budgets of the Federal Reserve Banks, including salaries of the employees and gifts the directors give themselves; and such matters as complete details of contracts for remodeling and real estate purchases.

There is no good reason, for instance, why only the bank presidents' salaries are made public and other salaries over $20,000 are not. Chairman Burns said, in a June 25, 1974, letter to the late Chairman Wright Patman, that public knowledge of these salaries would subject these employees to the possibility of robbery and kidnaping. There is no reason to keep the salaries of Federal Reserve employees and officers secret when the salaries of all branches of the Federal Government are put in the public record. If the Federal Reserve seeks to justify the salaries it pays to its bank presidents, such as $95,000 to the president of the New York Federal Reserve Bank, why must it not also be called upon to justify the salaries paid to other officers of the bank?

The Federal Reserve System has engaged in activities well beyond what is allowed any government agency, and which have been kept secret from the Congress and the American public.

The revelations from even these censored minutes give clear evidence of the need for a thorough look at the operations of the Federal Reserve System, from the board of governors to the boards of directors of the Reserve banks.

The House Committee on Banking, Finance and Urban Affairs will endeavor to obtain a full explanation of these activities from Fed officials.

Mr. ROSENTHAL. Mr. Speaker, I wish to associate myself with the remarks of Mr. Reuss, the distinguished chairman of the House Committee on Banking, Finance and Urban Affairs. The deep concern he has expressed today about the propriety of some of the operations of the Federal Reserve System is shared by most of us whose congressional responsibilities include close scrutiny of this agency.

Publishing by Mr. Reuss of the minutes of the boards of directors' meetings of the 12 Federal Reserve banks significantly advances our understanding of the operations of the Federal Reserve System. The efforts of Mr. Reuss will contribute to more effective oversight of the Federal Reserve by Congress and ultimately to improvements in the outlook and operations of this all-important agency.

Significantly, the minutes confirm a number of the findings of other congressional committees regarding Federal Reserve operations. A striking example of this relates to conflicts of interest inherent in the Federal Reserve's handling of the Franklin National Bank failure. In its report on the Franklin failure, the House Government Operations Committee pointed out that when the Federal Reserve advanced Franklin $1.7 billion, it knowingly granted unsecured creditor banks such as its own member banks an invalid preference vis-a-vis other unsecured creditors of Franklin.

From the minutes Mr. Reuss has made available, we now learn that the potential for a conflict of interest actually became a reality. The Federal Reserve Bank of New York permitted one of its directors who was also a partner of the law firm representing the Chemical Bank to participate in the Franklin loan decision. The Chemical Bank is a member of the Federal Reserve System and was one of those unsecured Franklin creditors which benefited from the Federal Reserve loan.

The minutes of Federal Reserve directors' meetings reveal several other deficiencies in the operations and attitudes of Federal Reserve leadership. Federal Reserve lobbying against legislation it regards as threatening, its efforts to allocate credit to overextended businesses such as REIT's, its permissive attitude toward potential conflicts of interest within its boards of directors, and its failure to discourage subsidized employee loans and generous retirement gifts for directors, are practices disclosed in the minutes that must be terminated.

Such activities underscore the need for General Accounting Office authorization to audit the Federal Reserve System. The Federal Reserve regulates over 1,000 banks with assets aggregating over $200 billion. While its mission goes to the very foundation of our economic system, it operates under an unwarranted cloak of secrecy. A GAO study published last January provided the public and Congress with only a glimpse of the Federal Reserve's internal operations—that study dealt only with the Federal Reserve's bank regulatory operations. A far more general audit is needed.

I have introduced legislation to accomplish this goal (H.R. 2176), and hearings on this legislation by the Government Operations Subcommittee on Commerce, Consumer and Monetary Affairs have been completed. Eventual passage of this legislation authorizing the GAO to audit the Federal Reserve System will greatly contribute to improvements in the practices and procedures of this agency. My colleagues and I are indebted to Mr. Reuss for making the public more aware of the workings of the Federal Reserve System and, thereby, helping to make the case for this and other reform legislation.

Ms. OAKAR. Mr. Speaker, my distinguished colleague from Wisconsin, chairman of the Committee on Banking, Finance and Urban Affairs raises several serious points in regards to his attempts to acquire information from the Federal Reserve's Board of Governors.

The members of the Committee on Banking are charged with a vital oversight function. The Federal Reserve System falls within our province of responsibility. On occasion, the Congress in its wisdom has seen fit to exempt the Fed from certain legislative restraints and intrusions. This, however, has never been intended as carte blanche or an all-encompassing independence. If that were to be the case, neither the executive nor legislative branch would have sufficient control over the primary instrumentality of U.S. monetary policy. This is not and cannot be the case.

The gentleman from Wisconsin has requested that the chairman of the Board of Governors supply the Banking Committee with information that is necessary for the fulfillment of our appointed duties. Following months of protracted correspondence over the release of this information, Chairman Reuss received an edited version of the requested documents.

This, in itself, is a prerogative that the Board of Governors should not have. The committees of Congress must have the opportunity to review the information that it deems necessary to the fulfillment of its charge.

I am convinced that the gentleman from Wisconsin does this Congress and the American people a great service by drawing our attentions to this and other questionable activities of the Federal Reserve. I support his efforts to obtain a full accounting of the matter as well as the commencement of a full and thorough examination of the operations of the Federal Reserve System.

GENERAL LEAVE

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that all Members be permitted 5 legislative days in which to extend their remarks, and to include therein extraneous material, on the subject of the special order speech today of the gentleman from Wisconsin (Mr. Reuss).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

LEGISLATION TO PROVIDE DEVELOPMENT AND ENFORCEMENT OF STANDARDS RELATING TO RIGHTS OF PATIENTS IN MEDICAL FACILITES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. Cohen) is recognized for 10 minutes.

Mr. COHEN. Mr. Speaker, today I am pleased to introduce new legislation with Congressman Pepper that will provide for development and enforcement of standards relating to the rights of patients in medical facilities. This bill represents the culmination of several years of investigation and effort directed at finding appropriate and responsive means to assure the rights of patients receiving medical care. It permits patients to become active participants in the decision affecting their own health and bodies.

The Bill of Rights assures that basic civil rights are an inalienable condition of U.S. citizenship. Despite these constitutional guarantees, however, there are countless instances each year in which the rights of patients are infringed. Mentally impaired persons are involuntarily committed or released from institutions without provisions for care. Our older and poorer citizens in hospitals and nursing homes live in fear that attempts to seek better care or to complain about inadequate care would inevitably lead to further hardship. At present, our courts need direction to effectively undertake review of such grievances.

Although provisions which deal with patient rights in institutions are included in medicaid and medicare regulations, the enforcement of these rights has been woefully inadequate. At present, the only remedy is a total cutoff of Federal reimbursement. As a consequence, the Federal Government has been reluctant to withdraw its share of dollars from a home if such action would force the home to close.

For example, if a person's medical records are not treated confidentially, not only is the aggrieved patient left with no compensation for the violated right, but he and others in the home might suffer greater damage by relocation. This state of affairs calls for replacement of the present form of enforcement of the patient's rights with a graduated and reasonable system of sanctions and safeguards which promote effective enforcement. My bill would accomplish this purpose.

First, it would enable us to implement basic guarantees to compassionate treatment of patients, including:

First. The right to present grievances on behalf of himself and others to medical facility staffs, administrators, or any other appropriate person;

Second. The right to receive adequate and appropriate medical care and to be informed of one's medical condition and proposed treatment, including the right to refuse medication and treatment;

Third. The right of confidentiality in treatment of medical records;

Fourth. The right to maintain basic civil or religious liberties;

Fifth. The right to manage one's own financial affairs;

Sixth. The right to privacy in treatment and caring for personal needs;

Seventh. The right to fair and equal treatment;

Eighth. The right not to be arbitrarily discharged or transferred from a facility; and

Ninth. The right to be free of physical and mental abuse.

Second, every facility or agency which participated in medicare or medicaid would be required to provide all patients or patient advocates a copy of this bill of rights, including a description of enforcement procedures. Health care providers would develop a written plan and provide appropriate staff training to implement each patients' right included in the statement.

Third, violation of these basic rights would lead to the imposition of a fine set by the Secretary and payable to individual patients or, where this were not possible, to their heirs. In no case would these penalties be less than $100 for each proven violation. Equally important, such action would not preclude any other civil or criminal action which could be instituted by the patient, State, or provider.

Fourth, procedures for quick adjudication of violations would be set forth. These procedures would allow patients who believed their rights have been abridged, or persons acting in their behalf, to lodge a complaint with the State agency primarily responsible for enforcing medicare and medicaid. This agency would investigate the complaint, keeping the identity of the complainant confidential, insofar as possible, and would report to the complainant and the provider within 10 days. If a violation were found, the State agency would impose statutory damages, which the provider would be required to pay immediately into an escrow fund. The agency decision could be appealed within 60 days in U.S. district court. If court action were necessary and the complainant prevailed, he would be awarded legal costs and reasonable attorney's fees as well as his statutory damage. Furthermore, penalties would be imposed for harassment on the part of either the complainant or the facility.

Fifth, this bill also contains safeguards which would allow class actions against facilities by groups of patients similarly affected.

Sixth, the Secretary would be directed to actively encourage the involvement of nursing home patient advocates and ombudsmen in promoting enforcement of patient rights. Existing programs, such as those incorporated in the Older Americans Act or concerned public and private interest parties could be utilized. at the option of the patients involved.

Seventh, safeguards would be provided to prevent retaliation against patients by a facility, its agent, or employees. This would help to insure confidential discussions of a patient's experiences with facilities or agencies as part of the routine facility certification process.

Eighth, and critical to the success of this bill, would be the provision for Federal reimbursement of the States' costs in monitoring and enforcing these provisions under both medicare and medicaid. Without such funds States would not be able to implement these provisions fairly and effectively.

Ninth, statutory damages paid to any individual would not constitute income for the purposes of determining eligibility for Federal assistance under title XIX of the Social Security Act or any other Federal program. We must avoid the kind of catch-22 situation all too frequent in our medicaid, supplemental security income, title XX, and other public assistance and service programs, in which small payments to individuals temporarily put them above a designated income level, making them ineligible for services they are currently receiving. Imagine the difficulty this could cause for older persons who were discharged from nursing homes or could no longer receive home health services because a small award temporarily put them above the eligibility level.

We have seen new interest recently in patients' rights and health care. The Health Services Administration of the Department of Health, Education, and Welfare held a national symposium in May 1976. Among the suggestions set forth were:

First. Upon entering any health care facility every patient should be presented with a copy of the patients' bill of rights;

Second. Patients should have access to patient advocates who are responsible to the patient, rather than to the facility; and

Third. A grievance procedure should be developed for patients to quickly and inexpensively protect their rights.

Even more recently a task force was established by the AFL-CIO to investigate abuses in nursing homes. In March, after 2 years of extensive study, this task force stressed in the strongest possible language that a patient's bill of rights should be developed for nursing homes.

Mr. Speaker, I believe my bill is responsive to the need to develop a moderate, fair, and enforceable set of standards in this area. I am hopeful that my colleagues will join me now in supporting this legislation to make specific, realistic, and enforceable patient rights a reality.

This month's issue of Trial magazine featured an article written by Robert N. Brown on patients' rights and the need for adequate enforcement mechanisms. Portions of the article follow for the benefit of my colleagues:

A BILL OF RIGHTS FOR NURSING HOME PATIENTS

(By Robert N. Brown)

RESOLVING PROBLEMS ARISING IN THE HOME

If you have clients residing in a nursing home, numerous problems are likely to come to your attention. They range from the seemingly trivial, like cold food, to more serious problems such as failure to account properly for funds, billing disputes, and injuries suffered as a result of negligence or intentional activity by nursing home employees. None of these problems should be ignored. Even the most trivial problems can be of considerable importance to the institutionalized individual. Many problems can be resolved informally through conversations with the staff of the nursing home. Particularly important are the home's social work staff (if one exists) and the nursing home administrator.

If your attempts to resolve the matter informally are unsuccessful; you should contact the state health department (or other state agency responsible for nursing home regulation). An increasing number of states have established 'complaint centers to handle grievances concerning nursing homes. Do not hesitate to file a formal complaint with the department, although the obligation of the department to act on your complaint varies widely from state to state.

In addition, nearly every state now has a nursing home ombudsman program responsible for responding to complaints about nursing homes, (unfortunately, many of these offices are understaffed, and frequently they are ineffective). Further, in some localities, there are nursing home patient advocacy organizations which can help resolve patient complaints.

A particular difficulty with the state complaint resolution process is that the sanctions available for violation of nursing home standards are ineffective. For the most part, states rely upon the delicensure of nursing homes as their principal sanction. This has proven ineffective and states increasingly are looking toward fines, injunctions, and reimbursement sanctions as substitutes for the suspension or revocation of a nursing home's license.

PATIENT'S BILL OF RIGHTS

Entering a nursing home as a patient is a traumatic event. While many nursing homes are excellent facilities where care is provided compassionately and well, many facilities are sadly deficient and patient abuse is fairly common. There is, therefore, a significant need for devices to insure that nursing home residents are not abused. The law provides some of these devices or, more accurately, forbids many of the abuses which are common, but provides no meaningful way for these prohibitions to be enforced. Thus, for example, laws relating to theft and assault apply to behavior in nursing homes as well as outside such facilities. Likewise, nursing home residents lose none of their civil rights guaranteed by the Constitution and by state and federal statutes by virtue of their residence in a nursing home. However, despite the existence of these protections, abuse of patients in nursing homes continues.

In recognition of the failure of other sources of protection for the nursing home patient, HEW has issued regulations conferring upon nursing home patients certain rights deemed of special importance. There are separate rights provisions for skilled nursing facilities and for intermediate care facilities (20 C.F.R. § 405.1121[k]; 45 C.F R. § 249.12[a][1]).[1] These provisions require that in order for nursing homes to participate in Medicare and Medicaid programs they must establish patients' rights policies. These policies must contain safeguards in certain designated areas such as handling of patient funds, use of physical and chemical restraints, confidentiality of patient records, participation by patients in medical decision-making, assurances of patients' ability to meet with friends and others privately, assurances that patients are entitled to file complaints, assurances that patients can participate in religious activities, limitations upon the ability of nursing homes to discharge patients, and limitations upon the ability of facilities to require patients to perform work for the facility. In addition, a few states (e.g. New York and Maryland) have adopted their own nursing home patients' rights provisions.

Unfortunately, although they are a step in the right direction, these regulations are loosely worded and contain exceptions which undercut their force and effectiveness. Many important rights are excluded from the regulations, and, worse still, they contain no effective mechanism for their enforcement. Additional sanctions (i.e. fines and injunctions) are needed for effective public enforcement, as well as devices for private civil enforcement. In addition, consideration should be given to the adoption of internal administrative sanctions for failure to comply with nursing home patients' rights. The following is an explanation of rights covered by the regulations.

Personal Liberty. The right to move freely within a nursing home and to leave the nursing home for brief periods can be important to patients. Often, however such freedom is discouraged by nursing homes, sometimes out of fear of the patient injuring him or herself, other times for reasons of convenience. Except where a patient has been declared to be mentally incompetent by a court, he or she is free to come or go freely within and without the institution. The patients' rights provisions, both for skilled nursing facilities and for intermediate care facilities, limit the ability of these facilities to restrain patients either by means of drugs or by use of physical restraints. Both of these provisions contain exceptions, however, allowing restraints to be used without a doctor's prescription "when necessary to protect the patient from injury to himself or to others." Although helpful, the regulations are subject to varying interpretations and a facility may seek to justify its use of restraints on the grounds that a patient would otherwise injure himself. Additional authority limiting the ability of a facility to restrict the personal liberties of a patient can be derived from tort law inasmuch as a nursing home's refusal to permit a patient to leave the facility can be viewed as false imprisonment. (C.f. *Big Town Nursing Home, Inc.* v. *Newman,* 461 S.W. 2d 195 [Tex. Civ. App. 190]) And many states have established restrictions on the use of drugs and physical restraints in nursing homes.

Right to participate in medical decision making. A patient is entitled to participate in all decisions regarding his or her medical care. The patients' rights provisions for both skilled and intermediate care facilities state that patients are entitled to information concerning their medical condition. This information may be withheld, however, if the patient's physician believes that the information would be harmful to the patient and has so indicated in the patient's record. Even without explicit authority in the patients' rights regulations granting a patient the right to full participation in his medical treatment, the doctrine of implied consent confers this right. In addition, the patients' rights regulations require that a patient be notified in advance of any transfer or discharge. Finally, a patient is entitled to access to a physician. Federal regulations require that a nursing home provide a patient with access to a doctor whenever necessary and require that patients be seen periodically by their physicians although these periodic visits are infrequent (20 C.F.R. § 405.1123[b][c]; 45 C.F.R. § 249.12[b][6]).

Right of privacy. Although moving into a nursing home entails some loss of privacy, a patient still is entitled to a substantial amount of privacy in a nursing home. He or she is entitled to visit privately with doctors, friends, relatives, ministers, social workers, lawyers, and others. Likewise, he or she is entitled to send and receive mail unopened and to use a telephone in privacy. The patient also is entitled to privacy in treatment, dressing, bathing, and using the toilet, and is entitled to keep a reasonable number of personal possessions while in the home, and finally, is entitled to private visits with his or her spouse. Further, a patient is entitled to confidential treatment of his medical and financial records which cannot be distributed without the patient's consent except in limited circumstances.

Right to control finances. A private patient (i.e. one whose care is not reimbursed by Medicare or Medicaid) can be required to pay a deposit as a precondition to admission to a nursing home. However, Medicare clearly prohibits preadmission deposits and Medicaid impliedly does (20 CFR. § 405.610; 45 C.F.R. § 250.30[a] [6]).

Footnotes at end of article.

A common financial problem in nursing homes is that a facility will charge a patient for services for which the facility has been reimbursed by Medicaid or Medicare, or will charge the patient an excessive amount for services rendered. These practices are illegal under both Medicaid and Medicare. Both programs require that facilities accepting reimbursement from the programs accept this reimbursement as payment in full for services rendered to Medicare and Medicaid recipients. Facilities are not permitted to charge patients or patients' families additional sums for these same services, although the facility lawfully may charge a patient for a service rendered which is not reimbursed by Medicare and Medicaid (42 U.S.C. § 1395 cc; 45 C.F.R. § 250.30[a][6]).

Unless he has been declared legally incompetent and has had a guardian appointed to manage his funds, a patient is entitled to exercise decisionmaking powers concerning his assets. Quite often a patient will turn some funds over to the nursing home to be kept in a personal account to satisfy his or her personal needs. This is especially true of patients with limited funds who are eligible for Medicaid. Most of these patients' income is required to be turned over to the nursing home to partially reimburse the home for services rendered. Only a small sum monthly may be retained for a patient's personal needs. The patients' rights provisions for skilled nursing facilities and for intermediate care facilities permit patients to manage their personal funds themselves but allow patients to delegate this responsibility to nursing homes. If a patient chooses to entrust the home with these funds, the regulations require that the delegation be in writing and conform to state requirements. The regulations also require that a patient be given a quarterly accounting of the handling of his or her funds. Some states impose further restrictions on handling patient funds.

Right to information. The isolation of nursing home patients is one reason for their plight. Similarly, the lack of information regarding the quality of nursing homes contributes to the ineffectiveness of public regulation of homes by the states. Patients now are clearly entitled to information concerning all charges by a nursing home, and patients and the public at large are entitled to know who the owners of a nursing home are and have access to summaries of nursing home inspection reports.[2] Patients also are entitled to receive a copy of their rights under the federal bill or rights provision.

Freedom of speech, religion and assembly. The Bill of Rights provisions specifically state that a patient is entitled to visit privately with anyone of his choice, and to engage in religious and social activities. The provisions also specify that a nursing home is to encourage a patient to voice grievances and to file complaints concerning deficiencies in the facility. The facility is forbidden from any act of reprisal against a patient who exercises this right.

These statements will help to insure that retaliatory acts will not occur. Yet, supression of complaints remains fairly common in nursing homes despite the issuance of these regulations. The patients' rights provisions limiting the right of a facility to discharge or transfer a patient except for medical reasons are helpful in retaliatory eviction situations. Also useful in retaliatory eviction situations are the notice clauses commonly contained in nursing home contracts calling for advance notice of a certain period prior to discharge of a patient. In addition, one can argue that a nursing home resident is a tenant who may not be evicted except by recourse to judicial proceedings.

Right to procedural protections. One of the most disruptive events in the life of a nursing home resident is the possibility of transfer from the facility. There is substantial evidence that the health of a nursing home patient is substantially jeopardized by being transferred from a facility to which he or she has become accustomed.[3] Undesired transfers can result from a decision that a nursing home must be closed because it fails to meet state and federal standards of quality, or as a result of a decision that a patient no longer requires the level of care provided by that facility. Whatever the cause, it is important that a nursing home patient have an opportunity to contest the decision resulting in the necessity of his being transferred.

The most frequent reason why a patient may be transferred from a nursing home is that the patient has been found not to require a level of care provided in that facility. The decision is made by the facility's utilization review committee (or similar body). Although the federal Medicaid fair hearing regulations can be interpreted to require advance notice of such a decision, some states have taken the position that nursing home patients are not entitled to prior notice of a decision that their care will no longer be reimbursed by Medicaid, nor are they entitled to continued medical assistance until such time as a hearing decision is rendered. In these states, litigation may be needed to force that notice and hearings be provided. (E.g. *Feld v. Berger*, F. Supp.— [S.D.N.Y. Civ. No. 75-5610, 12/28/76].)

Medicare also has a utilization review procedure under which a patient's continued need for nursing home care will be reviewed periodically. Where a facility's utilization review committee has determined that the patient no longer needs the level of care available in that facility, the committee forwards this information to the fiscal intermediary handling Medicare claims (i.e. Blue Cross/Blue Shield) and notifies the patient of this decision. Under Medicare regulations, the facility cannot be reimbursed more than three days after the patient has received notification of the utilization review decision. While the patient ultimately is entitled to administrative review of this decision, the review is not available until after the nursing home has submitted a claim for services, which likely will not take place for some time. Thus, a patient is put in a position of having to make other plans for care (either transfer from the facility to a less expensive facility or to agree to pay the facility himself).

What this means is that the patient is not given an opportunity to contest the utilization review decision at a meaningful time. One can argue that this is a denial of equal protection and a violation of the due process clause of the Fifth Amendment as construed by *Goldberg* v. *Kelly* 397 U.S. 254 (1970). In one successful case, the Tenth Circuit ruled that prior notice and a hearing are required before implementation of a utilization review committee's decision. (*Martinez* v. *Richardson*, 472 F.2d 1121 [10th Cir. 1973]; C.F. *Himmler* v. *Weinberg*, ______ F. Supp. ______ [E.D. Mich., Civ. No. 39294, 10/15/76]). However, the difficulties in formulating viable theories to impose a system of prior notice and hearing in the Medicare utilization review context are formidable. The Supreme Court has not been eager to venture into the equal protection quagmire recently and in several decisions has narrowed the range of private conduct which will be regarded as state action.

ENFORCING PATIENTS' RIGHTS

Although there are substantive flaws in the regulations conferring rights upon nursing home residents, a more serious difficulty is that no specific enforcement device is created by the regulation. Instead, patients' rights violations are treated just like other violations of federal nursing home standards: a home may be ordered to correct the violation and the home's license can be revoked if corrections are not made. Since this remedy is seldom invoked, other sanctions are needed. Indeed, some states now utilize fines and reimbursement reductions as alternatives to license revocation. Even these potentially powerful devices are inadequate, however, and should be augmented by private actions by patients and their families.

Statutory actions. As part of a nursing home reform package, New York recently enacted a law specifically authorizing nursing home patients to sue homes which deny them rights or benefits conferred by state or federal laws or regulations or by contract. The law authorizes the court to enter injunctive or declaratory relief as well as compensatory and punitive damages and authorizes suits to be maintained as class actions. In addition, the law establishes minimum damages for patients' rights violations and authorizes the payment of attorneys' fees to successful plaintiffs (N.Y. Public Health Law § 2801-d [McKinney's 1976]). This is a desirable approach and should be emulated by other states. The law would be strengthened, however, by specifically authorizing actions by patients' families and other interested parties, thus eliminating potentially serious problems of standing.

Tort actions.[4] A nursing home undertakes to provide care and medical services to its residents. If it fails to do so, or does so negligently, and a patient dies or is injured, the home may be liable. Similarly, the home may be liable for injuries intentionally caused by employees to residents of the home.

A patient seeking to establish liability for negligence must prove that the harm he suffered was caused directly by breach of a duty owned to him by the home. Important factors in negligence actions involving nursing homes are the standard of care owned by the home and problems establishing proximate cause.

In the few cases which have dealt with nursing home liability, the courts have considered a patient's age and physical and mental condition in determining whether reasonable care was exercised. Because of the frailty of many patients, a high standard of care has been imposed on nursing homes. As in other areas of health care litigation, courts increasingly are looking toward federal and state standards in determining whether a home was negligent. With respect to nursing homes, federal conditions of participation, the Life Safety Code, and state regulatory standards can be utilized to establish liability. Of course, these standards also may be used by a home to avoid liability.

A problem which arises in negligence cases involving nursing homes is proof of causation. Often an injury will occur where a patient is left unattended. In these situations, homes have escaped liability because courts found the home's action not to have proximately caused the injury or have found the patient to have been contributorily negligent. In addition, some injuries suffered by nursing home residents are non-traumatic, making proximate causation difficult to establish.

Homes also are liable for intentional actions of employees. Thus, if a patient is injured by an employee who is physically abusive, the home is liable. Homes may be liable where restraints are used for the convenience of staff rather than where medically necessary. And they may be liable for undertaking procedures without the informed consent of the residents and for such actions as retaliatory transfer or other interference with a resident's exercise of his rights.

A troublesome aspect of tort liability is that of assessing damages. Many nursing home patients have outlived their actuarial life expectancy. Because loss of future earning power is an important element of damages, awards for elderly patients may be lower

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Footnotes at end of article.

than for younger persons. Still substantial judgments can be obtained. An elderly person's death may result in the loss of his estate of substantial Social Security, pension, or other benefits, and these losses are compensable. In addition, damages for medical expense, for pain and suffering, and punitive damages can be awarded. Nevertheless, these problems led New York to adopt its minimum damages provision. Other jurisdictions should follow New York's lead.

Ordinarily, a contractual relationship exists between nursing home and patient. Thus, actions may be initiated for damages or to enforce the contract. In addition to routine contract litigation, the following should be considered:

(a.) Third-Party Beneficiary. A nursing home resident whose care is paid for by Medicaid or Medicare may be a third-party beneficiary of the provider agreement entered into by the home and HEW in which the home promises to provide care meeting state and federal standards and HEW promises to reimburse the home for this care. Where the care provided fails to meet these standards, a resident should be entitled to sue the home as the third-party beneficiary of the provider agreement.

(b.) Breach of Warranty. As a result of state and federal standards governing the quality of care in nursing homes there may be a warranty of compliance with these codes which nursing home residents can utilize to require facilities to provide adequate care. Nursing home residents generally contract with the home in which they reside. While these agreements seldom mention state and federal standards, residents are entitled to expect that the care contracted for will be of decent quality, measured by these standards. Sellers of goods and services are held to warrant that the items they sell are of average quality and fit for ordinary use. Similarly, in many jurisdictions landlords are held to warrant that dwellings they offer for occupancy comply with local housing codes. This approach should be available to nursing home residents as well.

(c.) Illegal Contract. Failure to meet state or federal standards or licensing requirements may be raised as a defense in an action by a home for payment for services rendered. This defense was recognized in *Culverhouse* v. *Altanta Association for Convalescent Aged Persons, Inc.*, 127 Ga. App. 574, 194 S.E.2d 299 (1972), which denied a recovery to a nursing home because the home's administrator was not licensed as required by state law.

(d.) Actions against the state or federal government. In addition to actions against nursing homes, it may be appropriate to initiate actions against the state or the federal government where it appears that requirements imposed by law or regulation are not being met. Examples of such litigation are mandamus actions to require that complaints be processed, or that a nursing home's license be suspended or revoked, and actions to enjoin issuance of a license or certification for federal reimbursement where statutory prerequisites have not been satisfied.

CONCLUSION

The problems of nursing home patients will not be solved easily. Years of public apathy have left a legacy of isolation and neglect which will not soon be eradicated. Nevertheless, forceful advocacy by the private and public bar will be a crucial element in the efforts to alleviate these problems. I trust that the bar will rise to the challenge.

FOOTNOTES

[1] Except where otherwise indicated, the specific rights described in the next portion of this article are derived from these sections.

[2] Charges: 45 C.F.R. § 249.12(a) (1) (iii) (B) (2); 20 C.F.R. § 405.1121(k) (2). Owners: 45 C.F.R. § 249.33(a) (3); 20 C.F.R. § 45.1121(a). Inspections: 20 C.F.R. § 422.430(b) (19); 45 C.F.R. § 250.70(a).

[3] A number of studies on this issue are listed in Hitov, *Transfer Trauma: Its Impact on the Elderly*, 8 Clearinghouse Review 846 (April 1975).

[4] Many of these ideas are developed more fully in Brown, *An Appraisal of the Nursing Home Enforcement Process*, 17 Ariz. L. Rev. 304 (1975). See also, Nursing Home Liability, 37 Am. Jur. Proof of Facts 623 and the reports of the United States Senate Special Committee on Aging, *Nursing Home Care in the United States.*

PRODUCT LIABILITY PROBLEMS BESET DISTRIBUTORS TOO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. WHALEN) is recognized for 5 minutes.

Mr. WHALEN. Mr. Speaker, earlier this year I chaired an ad hoc, bipartisan panel that investigated the nature and extent of product liability insurance problems affecting manufactureres in five congressional districts, including my own district in Dayton, Ohio.

The five ad hoc panel members presented our findings to the House Small Business Subcommittee on Capital, Investment, and Business Opportunities at a hearing held on April 4. On May 2, I inserted a summary of our testimony into the RECORD, page 13177.

More recently, a constituent of mine called my attention to the fact that product liability insurance problems are not limited solely to manufacturers. Increasingly, wholesalers and industrial distributors are being brought into product liability litigation, and there have been some judgments against these types of firms.

This represents a departure from previous legal doctrine because the middleman has not been held liable for product defts. Today, however, distributors are now being traditionally forced to make unanticipated outlays to obtain very expensive product liability insurance. As my constituent explained in a letter to me:

> Our company is primarily a distributor of industrial products, selling to industrial firms. We carry product liability because when there is a claim, suits are filed against everyone in the channel of distribution . . . Even though we had had no claims or judgments, our product liability insurance has increased 250 percent in the last three years.

Mr. Speaker, in its April 27 issue, Business Week magazine carried a very informative, yet concise, article on the increasing product liability exposure of wholesalers and the problems this is causing. At this point in the RECORD, I wish to insert that item. The text follows:

[From Business Week magazine, Apr. 27, 1977]

STUNG BY RISING LIABILITY COSTS

For the nation's 250,000 distributors, the soaring cost of product liability insurance is especially ironic. Most of them have never manufactured a single defective product—because most do not do any manufacturing. In fact, they may not even see the goods. Yet they are increasingly being drawn into litigation, along with the manufacturers of the industrial equipment they distribute. As a result, liability insurance for distributors is getting harder, and dearer, to come by.

A good example of what is happening to costs is the case of Modern Handling Equipment Co., a Bristol (Pa.) distributor with sales of $16 million in 1976. When the company's liability insurance was canceled last year, President Joseph McEwen had to scramble to find a replacement. Though he has never had a judgment against him, he ended up paying an annual premium of $92,400—or 140% more than his 1975 premium—and his deductible was raised to $40,000 from $15,000. "The whole thing is getting out of hand," says a chagrined McEwen, who posted aftertax profits last year of only $155,000.

And McEwen's experience is far from unique. Other distributors have seen their rates jump 5 to 10 times without a corresponding increase in liability losses. Part of the problem is the decreasing number of insurance companies willing to write liability coverage. Those that are left, says Louis R. Marchese, counsel for the National Association of Wholesaler-Distributors (NAW), are just not sure how to compute future risk. "It's almost as if they're picking premiums out of a hat," he declares.

Tort law changes. Distributors are being hit particularly hard because insurance rates are usually based on gross sales, notes Louis H. T. Dehmlow, president of the GLS Fiberglass Div. of Great Lakes Terminal & Transport Corp. in Chicago. This distorts the rate a distributor pays, he says, since the real size of his business is the 12% to 25% of sales that represents his markup. So, in relation to the value he is adding by moving products from here to there, the distributor is "getting clobbered," Dehmlow says.

To get at the roots of the problem, the NAW is organizing task forces to push for state-by-state reform of the rules guiding tort law, the branch of civil jurisprudence under which product liability cases are tried. If the incidence of lawsuits and awards to injured workers can be diminished, insurance costs should decline. The NAW does not propose to subvert tort law, Marchese emphasizes, but only to redress what he regards as the now-cockeyed balance between plaintiff and defendant. Under the concept of "absolute" liability that has been taking hold, he explains, user negligence is no defense and the seller may be held financially responsible for injuries involving his product without regard to fault.

Some of the items on the NAW's want list are "evidentiary" in nature: They would make the plaintiff's case more difficult to prove, Marchese observes, but would not let a manufacturer of a defective product off the hook. The NAW is also giving high priority to a statute of limitations. Such a law would establish the maximum number of years after a product is sold that suits could be filed for alleged defects.

A statute of limitations is crucial to machinery distributors such as Modern Handling Equipment, which sells forklift trucks. Such machinery has a comparatively long life, may pass through many hands, and may be modified and altered along the way. President McEwen points out that forklifts are inherently clumsy vehicles that often are driven by inexperienced operators. "Sooner or later," he says, "one is going to be involved in an accident."

Lobbying problems. So far, the NAW has organized task forces in Georgia, Indiana, Illinois, Michigan, and Texas. In other states, manufacturers' associations and other state groups are also working for reform. Dennis R. Connolly, counsel for the American Insurance Assn., which has a list of recommended changes similar to the NAW's estimates that 140 bills dealing with tort reform have been introduced in 25 states.

The NAW chose to take action on the state level because product liability cases normally are litigated in state courts, and the outcome is at least influenced by state laws. However, some experts regard lobbying in state legislatures as a long-drawn-out way to achieve a nationwide change. Indeed, Victor E. Schwartz, project director of the Commerce Dept.'s task force on product liability, believes that state-by-state action could have possible negative effects. He is worried that states passing reforms may "become a dumping ground for hazardous products."

McEwen, on the other hand, is more worried about the future of distributors if some measure of reform is not achieved. If the manufacture of certain products is driven outside the U.S. by the present interpretation of liability, then the domestic distributor will become the primary target of lawsuits. This is already happening in the case of small power tools imported from foreign manufacturers, McEwen reports.

Historic ruling. One bright note for distributors such as McEwen was struck last month in a decision by the Nebraska Supreme Court. It ruled that when a "defective" product is knowingly used despite the defect, "no basis for recovery under the doctrine of strict liability in torts exists." Although the decision applied to a Caterpillar tractor, the American Machine Tool Distributors Assn. is hoping that it will serve as a precedent for other products.

The historic decision has yet to be tested in other cases, but Neafie B. Scarborough, Jr., president of Clipper Machinery Co. in Cleveland and chairman of AMTDA's product safety and liability committee, is hopeful. The ruling, he notes, overturns the liberalized interpretation of liability, which holds the seller absolutely liable. That interpretation, he says, "should never have been applied to machine tools in the first place."

COMMUNITY DEVELOPMENT FUNDING FOR SMALLER COMMUNITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. GRASSLEY) is recognized for 10 minutes.

Mr. GRASSLEY. Mr. Speaker, I would like to take this opportunity to thank my colleagues on both sides of the aisle who voted for my amendment to the Housing and Community Development Act of 1977. That amendment, which received overwhelming support, carved out of the new urban development action grant program, a 25-percent set-aside for smaller communities. In particular, I want to express my appreciation to my colleague from Oklahoma (Mr. WATKINS), who cosponsored the amendment and whose efforts and support were invaluable.

Certainly the vote, which saw majorities among both parties, and among all but seven State delegations, was a vindication for the arguments of equity and fairness which were made in support of the amendment. The difficulty of a small community competing against the New Yorks and Detroits was clearly recognized. I can only wonder how many more votes would have been attracted to my amendments had we had the opportunity to consider a speech given by Patricia Roberts Harris, Secretary of HUD, before the Citizens Housing and Planning Council in New York City, just a few days earlier. In her May 5 remarks, Mrs. Harris again demonstrated the HUD bias toward big cities when it comes to the action grant program. Although disclaiming any advance commitments, Secretary Harris used the action grant program as an example of the new administration's concern for New York City, saying that—

> New York is the kind of city that could benefit dramatically from this proposal.

That suggestion is even harder to appreciate when considered in light of the committee report that accompanied H.R. 6655. The report emphasizes that priority in dealing out action grant money is to be given to communities which have their funding reduced as the hold-harmless provision phases out. New York City is not even a hold-harmless community. In addition, it is a gainer, not a loser, in community development block grant funds and has been gaining funds yearly under the regular formula and stands to receive even greater funding under the new dual formula. New York City gained an additional $50 million in fiscal year 1977, over fiscal year 1976, and will increase its annual grant by another $77 million to $225,687,000 in fiscal year 1980. That increase over 4 years represents more money than the entire set-aside voted for small cities last week.

Why then should New York City be singled out as a city that could "benefit dramatically" from the program? Since past performance is supposed to be one of the criteria for selection and New York City, traditionally, is exceptionally slow in utilizing community development program funds, it would appear that New York is the antithesis of the intended recipient. Perhaps, since, as the HUD release of Mrs. Harris' speech reveals, HUD thinks the city will benefit from the dual formula because "its hold-harmless provisions are scheduled for phaseout" it is due to a basic misunderstanding of the program. Evidently, someone has passed the word to help out New York City without a thorough knowledge of the law or congressional intent. Hopefully, someone at HUD will discover that the CD program already makes the Nation's largest city a gainer, not a phaseout candidate.

Finally, I would like to expand on the response to an argument that was made in debate last week by the opposition to the Grassley-Watkins amendment. In the debate, it was suggested that the Congress needed to do no more for smaller communities because "94 or 95 percent of the categorical HUD community development funds prior to the start of the block grant program in 1974, went to large cities." Thus, it was argued that the committee has already dramatically increased the small communities' share of the pie in the regular block grant program and nothing extra should be done in the action grant program.

I have no idea where this "94 or 95 percent" figure came from or what it is based upon. But, it obviously is the result of a general misunderstanding of my amendment on the part of its opponents. The facts that I have seen do not correspond in the slightest to the figures quoted in debate concerning previous categorical program funding for smaller communities.

Specifically, my amendment applies to all cities under 50,000 in population, urban or rural, so long as they are not central cities of a standard metropolitan statistical area. Using hold-harmless as a measure of past categorical program activity, which hold-harmless was designed to be, small hold-harmless communities account for 22 percent of the total hold-harmless calculations for all entitlement and hold-harmless cities and counties. That is a far cry from 5 or 6 percent. Further, this is not a full measure of past small community experience with the old categorical HUD programs because small cities receiving water and sewer, open space or neighborhood facility grants are not accounted for in hold-harmless. If they were, the figure would be closer to 30 percent.

An equally logical comparison of small city, big city participation is to look at the past distribution of urban renewal funds. That is particularly useful since the action grant program resembles urban renewal in purpose. According to the HUD 1972 Urban Renewal Directory, the last year such figures are available, 25.5 percent of all urban renewal funds since the start of the program were being used by cities under 50,000 in population.

These facts simply confirm the wisdom of adopting an amendment to the action grant program under H.R. 6655 that sets aside 25 percent of the funds for smaller communities. As the National League of Cities pointed out in its supportive letter, the Nation's small cities deserve no less than equitable treatment in a program designed to strengthen the continued viability of all urban communities.

Once again, I thank my colleagues for their support and I trust that if a similar amendment is not added to the Senate bill, the House conferees will hold firm for the House position as represented by the vote of 279 to 129.

HOUSE CONCURRENT RESOLUTION 165—HELSINKI, HUMAN RIGHTS AND U.S. FOREIGN POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, testimony was recently given before our Commision on Security and Cooperation in Europe by Dr. Lev E. Dobriansky of Georgetown University. Titled "Helsinki, Human Rights and U.S. Foreign Policy," the lengthy presentation is noteworthy for its precise clarification of human rights as a fundamental, working concept in our foreign policy and for its specific recommendations regarding the Belgrade Conference. Based on House Concurrent Resolution 165, which my colleagues and I have submitted, the recommendation concerning the two unique cases of religious genocide in the U.S.S.R.—the Ukrainian Catholic and Orthodox Churches—occupies a prime, substantive position in this closely reasoned exposition. As an appetizer for the reader's further inquiry into the presentation, I submit here some of its excerpted chief points:

HELSINKI, HUMAN RIGHTS AND U.S. FOREIGN POLICY

(Testimony by Dr. Lev E. Dobriansky)

PRE-HELSINKI

My observations leading up to Helsinki are thoroughly pertinent to the operations and objectives of this Commission. They convey a formed perspective which, I believe, cannot but receive consideration for your future action. Toward the end of July 1975—on the very eve of President's Ford's departure for Helsinki—it was my privilege to participate in a meeting with the President, who quite ably explained his reasons for going to Helsinki. It should be noted that the announcement of the Conference on Security and Cooperation in Europe had been made the week before, not with accident during Captive Nations Week, and many had already interpreted the scheduled CSCE as a psycho-political victory for Moscow. The President delivered a fine statement of justification, but it became quickly evident that a follow-up programming of this particular project would be virtually zero. My own suggestion for an initial reiteration by the President of the statement's cardinal points was brusquely negated the following day at Andrews Air Force Base on the misguided advice of the Secretary of State. The usual rot about irritating the Russians was the offered explanation. In this and similar undertakings with Moscow, any intent to irritate is non-existent; but there is every intent to be honest with ourselves and the facts, and to the extent this intent is realized, we will gain even greater respect from the Russians.

For the documentation of this and other observations during this phase, I respectfully request, Mr. Chairman, that my article on "CSCE and The Captive Nations" be included as part of this testimony.[1] . . . In the contrived framework of representation, the three Baltic nations, Byelorussia, Ukraine, Georgia, Armenia and others were not directly represented at Helsinki. Moscow's supposed representation of them via the USSR state was legally insubstantial and awkwardly indirect. That, for example, Ukraine, the largest non-Russian republic in all of Eastern Europe, was not directly represented reflects ill on Moscow and poorly on the judgment of our negotiators. . . .

The seemingly exclusive stress by the West on the third basket is clearly misplaced. From an analytical point of view, Basket One, which the so-called socialist states emphasize, can be maintained as being more fundamentally important for human rights in their total integrated sense than any of the other baskets. If our approach in Belgrade is to be logical and effective, then a reordering of emphases is itself in order, starting with Basket One and its essential principle on the self-determination of peoples and nations and adjusting this reorder to a precisely ordered conception of human rights. Much is uttered nowadays about human rights, but the indistinctions are glaring and confusing, and the subject requires far more thought than has been shown in all concerned spheres of our society.

THE SCALE OF HUMAN RIGHTS

Related to all the first three baskets of the Accords, human rights as voiced by the President in terms of a firm commitment assume the dynamic role of a common denominator into all issues between men and among groups and nations, even into the various freedoms man has talked about and aspired to for so long a time. A healthy and determinative shift occurs here, from to be free to the inherent right to be free.

Thus, in the generic order of human rights, there is first the category of personal rights. These rights cover a broad, metaphysically-based range of the right to live, to multiply, to hold property, to develop, to express oneself and so forth in the ways of personal choices for free action, and always without encroachment or coercive effect upon others with similarly founded rights. When personal rights to mobilize, associate and socialize are exercised, the sphere of civil rights is entered into, interpreted in the Latin civilis or citizen. On this higher and broader plane of collective expression, civil rights of group assembly, worship, work, oral and written speech, opportunity for development, representation and the like come into more aggregative play. Lastly, and still more extensive, the highest category of national rights, expressive of a moral organism called a nation with all its attributes of geographical territory, history, language, religion and so on, encompasses crystallized rights of existence, development and growth, the balanced and responsible exercise of which safeguards the expression of personal and civil rights and also contributes to international order, law, peace and an expanding community of free and responsible nations in whatever form of chosen state.

By what one can readily observe, the uses of this objective scale of human rights are especially necessary for an effective treatment of the Helsinki baskets and the measurement of signatory compliance with them. The rife confusion is signified by the almost exclusive emphasis on Basket three, the single currency of "national minorities of the USSR."

Dissidents in the USSR differ in the emphases they place on human rights, according to our scale of human rights and regardless of degrees of overlap. Jewish dissidents seek mainly the exercise of their personal right to mobilize and emigrate; Russian dissidents express on the whole their civil rights to assemble, to criticize without fear of imprisonment, to be represented and so on; non-Russian dissidents stress chiefly their national rights to preserve their cultures and languages, to govern and determine for themselves, and in some instances to secede from the so-called Union.

Though given to a broader context and wider horizons of analysis, it need scarcely be adumbrated that the standard captive nations analysis warmly embraces the issue of human rights in toto and as an intrinsic "natural." As applied to Eastern Europe, meaning not erroneously to the borders of the USSR but to the Urals line, the captive nations reality possesses a relative analytic ultimacy that logically renders the discussion of other issues secondary, though not second in importance. Put another way, if there were no captive nations in Eastern Europe, there would be no need to discuss Helsinki, NATO, SALT, etc.

Because of the lack of this well-grounded perception there was a reflection of a mental attitude similar to that prior to the Czecho-Slovak eye-opener in 1968, when in high places it was claimed that there were no more satellites in Central Europe. Desperate recourse to the President's Captive Nations Week proclamation only served to confirm this further because its vague generalities represented just another version bearing little resemblance to Congress' resolution of 1959.[2]

TWO OUTSTANDING GENOCIDAL CASES

In concentrating on two outstanding genocidal cases in the USSR—which I stress at the outset are of continuous and current import since Helsinki and in the name of human rights—I should like to make a few preliminary points. From my own studies and direct experience with the House's famous Kersten Committee two decades ago, I doubt that there is any nation that has suffered repressions of human rights on a massive scale, for the length of time, and in an extensive variety of ways under what is called communism, but more realistically Soviet Russian domination, than has the Ukrainian nation since 1918. You name it, the Ukrainian people have had it—imposed wars, man-made famines, Potemkin representations, Russification . . .

Most of these ugly negations of human rights in Ukraine have continued in the post-Stalin period in varying degrees and in more subtle ways. In the repression of rights on all three levels—personal, civil and national—a long inventory of names can be compiled of arrests and imprisonments before and after Helsinki. Because the Commission has received these names from numerous sources, let me just mention a few here: Vyacheslav M. Chornovil, journalist, re-arrested.

This approach in tackling the problem is, of course, necessary and documentative. However, in my judgment, unless it is strongly supplemented by a structured, institutional approach—which on our scale of human rights as applied to Ukraine must realistically be askewed to the level of national rights—inventory-taking alone will tend to be dispersive and will certainy be diluted by the typical Russian tactic of offset.

It is for these reasons that I want to zero in on what is unique and deserving of world attention, namely, Moscow's religious genocide of the Ukrainian Orthodox and Catholic Churches in Ukraine. This concentration on the structural, institutional level combines all three concerns of personal, civil and national rights, and strikes at the spiritual core of a people and nation. . . . Furthermore, it must be emphasized that although there are innumerable cases of religious persecution in atheistic USSR, most related to the deprivation of personal and civil rights and some to national rights, the fact is that the institutional objects, no matter how circumscribed, still remain in being. The imposing cases of the Ukrainian Orthodox and Catholic Churches do not fall into this category. For centuries reflective of the spirituality of the Ukrainian nation, the two Churches were liquidated under Stalin, and the horrible condition of this religous genocide continues to this day, with heavy disintegrative impact on the nation as a whole.

At this point, Mr. Chairman, in support of these general facts I request that my article on "Imperialism, Religious Persecution and Genocide" and an accompanying statement on the subject be included as parts of this testimony.[3] More than adequate details appear in these two productions. Suffice it to point out here that the Ukrainian Autocephalous Orthodox Church was institutionally liquidated in the mid-30's, and its properties were absorbed in a wave of Russification by the Russian Orthodox Church. The Ukrainian Catholic Church suffered the same genocidal fate in 1945. A Catacomb existence really applies to the faithful of both institutions to this day. . . .

These two outstanding cases of religious genocide as pertains to the national rights of the largest non-Russian nation in Eastern Europe have been brought up time and time again. During hearings on the Genocide Convention, the Communist take-over of the non-Russian nations now in the USSR, and religious persecution in the USSR the subject was discussed. . . . In Congress itself, a drive has been generated for the resurrection of the two Churches, and this copy of H. Con. Res. 165, I request be appended to my remarks here.[4]

A NEW DIRECTION IN U.S. FOREIGN POLICY

The accumulation of all the cases of repressed human rights in Eastern Europe, both individual and institutional, both before and after Helsinki, would lack effective significance without a rational accommodation within an altered framework of our foreign policy. . . .

The President's commitment to this single standard is clear and unequivocal. For example, in March he stated at the U.N., "no member of the United Nations can claim that mistreatment of its citizens is solely its own business. Equally, no member can avoid its responsibilities to review and to speak when torture or unwarranted deprivation

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Footnotes at end of article.

of freedom occurs in any part of the world." The retorts by Brezhnev and Gromyko are pointedly significant. On March 21, Brezhnev said, "We will not tolerate interference in our internal affairs by anyone and under any pretext."[5] What was overlooked by the media is that in the same speech to the so-called All-Union Trade Union Congress he also said: "We have quite a definite opinion about the order reigning in the world of imperialism, and do not conceal this opinion"; in the USSR "There are no oppressed, exploited classes; there are no oppressed, exploited nationalities"; and regarding dissidents, "To protect the rights, freedoms and security of 260 million Soviet people from the activities of such renegades is not only our right but is also our sacred duty." Soon thereafter Gromyko added, "We want stability in our relations. We would like them to be founded on the principles of peaceful coexistence and even better that they should be friendly."[6]

With no violation of contexts, these are the main contrasting points that we shall hear as the human rights issue grows. The all-important question is how will we handle these stereotyped Russian arguments. In 1961, Khrushchev continued his apoplectic reaction to the Captive Nations Week Resolution by challenging us to discuss imperialism. In his U.N. address President Kennedy accepted the challenge but failed to follow up on it. This time the Carter Administration has invited the Russians to debate openly "the principles that guide our respective societies before the court of world opinion."[7] This augurs well for a much-needed open and honest foreign policy, based in principle and morality and without, from our end, indulging in any Cold War rhetoric.

One of the monumental political blunders of the Nixon/Kissinger period was the Executive's unqualified endorsement of the principle of non-interference in internal affairs in the Moscow agreement of May 1972. The traditional, imperial Russian conception and abuse of this principle vary radically from its meaning and use in the West. In essence, from the Russian viewpoint, what is mine is mine; what is yours will be mine, so don't interfere. . . .

As to there being no "oppressed" and "exploited" classes and, even more important, nationalities in the USSR, these matters also will come out in the wash as the court of world opinion reviews the facts. The important thing is to talk about them, publicize and review them, if the court is to render an opinion. In addition, there is no such thing as "Soviet people," but to assert that 260 million persons in the USSR are threatened by comparatively few dissidents of different nationalities, this is a confession of fear itself as concerns the expression of human rights. As the discussion grows on a global scale, we should anticipate more of such fearful confessions. Brezhnev's brazenness is revealed by the openness of his opinion about the mythical "world of imperialism" and his profound fear of having that different world focus its attention on the real imperialism and colonialism in Eastern Europe and Asia. Finally, on Gromyko's points, we, too, seek genuine stability in the friendliest of ways, but surely not on the basis of the Russian conception of "peaceful coexistence. . . ."

The benefits of integrating human rights into our foreign policy can be immense. First, it will mean the recovery of moral U.S. leadership in the world and a courageous initiative and offensive to advance human rights globally. Second, since a successful foreign policy rests on an effective combination of values (principles) means (knowledge, political, military etc.) and strategy, the more that is popularly learned about the USSR, particularly its majority non-Russian complex, the greater will be the chances for human rights fulfillment, popular support of the policy, and for peace itself. . . .

RECOMMENDATIONS

In summary form, my recommendations to this Commission are as follows:

(1) For Belgrade, to place high on the agenda an appeal to Moscow for the restoration of the Ukrainian Autocephalous Orthodox and Catholic Churches that had been genocided by Stalin. As a signatory to the Genocide Convention, its position is untenable;

(2) In furtherance of real inter-national agreement, to urge the direct signations of Ukraine and Byelorussia, which are in the U.N., to the Helsinki Accords and, as sponsored by numerous scholars in international law, to advance the idea of direct diplomatic relations with these non-Russian republics, which we recognize both de jure and de facto in the U.N. It is almost ludicrous that the largest non-Russian nation in Eastern Europe is permitted to remain unseen backstage;

(3) In the tone and spirit set by the President, to advance the human rights issue by openly laying out all the accumulated cases of Moscow's continuing violation and deprivation of these rights within the USSR;

(4) Toward international order through the rule of law, to press for accountability in terms of the U.N. Charter, the Declaration of Human Rights, the Genocide Convention and other legal instruments upholding human rights; and

(5) As concerns Basket 2, to maintain in the face of growing pressures the Jackson-Vanik Amendment and credit restrictions and to propose for us and our allies the development of a genuine linkage between trade and human rights. . . . This is not the compromising Kissinger type of linkage, which abused the poltrade concept. On this, Mr. Chairman, I request that this contribution of mine to a current work, "The Politico-Economic Significance of US–USSR Trade," be also included as part of this testimony.[8]

FOOTNOTES

[1] "CSCE and The Captive Nations," *The Ukrainian Quarterly*, Autumn 1975. pp. 247–257.

[2] See *Tenth Anniversary of the Captive Nations Week Resolution, 1959–1969*, US GPO, Wash. 1969: also the forthcoming volume on *The Bicentennial Salute to the Captive Nations*, US GPO, Wash. 1977.

[3] "Imperialism Religious Persecution and Genocide," *The Ukrainian Quarterly*, Autumn, 1976; Dr. Walter Dushnyck, "Genocide of Ukrainian Churches By Communist Regime in Ukraine," New York, March 1977.

[4] H. Con. Res. 165, "To Seek the Resurrection of the Ukrainian Orthodox and Catholic Churches in Ukraine."

[5] *The Washington Post*, March 22, 1977.

[6] *The Washington Post*, April 1, 1977.

[7] *The Washington Post*, March 23, 1977.

[8] "The Politico-Economic Significance of U.S.-USSR Trade," *Nationalism in the Soviet Union and Eastern Europe*, University of Detroit, 1977.

LEGISLATIVE BRANCH DISCLOSURE ACT OF 1977

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. PREYER) is recognized for 5 minutes.

Mr. PREYER. Mr. Speaker, I am today introducing on behalf of myself and several members of the Select Committee on Ethics, the Legislative Branch Disclosure Act of 1977. Hearings will be held on this legislation on June 2 and June 7 and the select committee hopes to report a disclosure bill for the legislative branch by mid-June.

On March 2 of this year the House amended its rule XLIV by overwhelmingly approving the recommendations of the Committee on Administrative Review to require financial disclosure statements for Members, officers, and high-ranking employees of the House. The Senate approved similar disclosure requirements shortly thereafter.

At the time that these new rules were under consideration it was understood that the House and Senate disclosure rules should be incorporated into statute for two principal reasons.

First, if the objectives of disclosure are to be fully realized, and if the reporting system is to be equitable, then full disclosure should apply to candidates for Congress as well as Members. Candidate disclosure is essential if the public is to be able to make a responsible and informed judgment on the potential for conflict of interest by elected officials.

Second, disclosure requirements can be effectively enforced only if civil and penal sanctions can be imposed for refusal to file, incomplete filing, or for knowing and willful falsification of financial disclosure statements. Only by statute can these two goals be accomplished.

One of the major responsibilities of the Select Committee on Ethics is to incorporate the House Disclosure Rules into statute. The committee intends to move expeditiously on this matter in close cooperation with other committees of the House which will be considering financial disclosure legislation for the executive and judicial branches of the Federal Government.

The need for financial disclosure legislation is readily apparent.

National attention is now focused on the issue of Government ethics because of the understandable loss of public confidence in the integrity of government officials resulting from events of recent years. But while it is true that the actions of a few have hurt our institutions, it is my strong belief that the vast majority of Members of Congress, and other Government officials, maintain the highest standards of personal conduct and do not in any way abuse the public's trust.

Nevertheless, it is very important that the Congress quickly take effective action to deter and minimize potential and avoidable conflicts of interest and to provide the public with all the information that it needs to monitor any potential conflicts.

This does not mean that the legitimate purposes and goals of disclosure legislation should result in the unnecessary invasion of privacy of Members, officers, or employees of the Congress, or their families. Disclosure should be required only for those items which are relevant to a potential conflict of interest, and the requirements should not be so burdensome as to turn everyone required to file into a part-time accountant. Therefore, I respect the notion that Members should not be required to make public their income tax returns, which contain a list of private information which has nothing to do with potential conflict of interest. Nor is a detailed net financial worth statement necessary to accomplish the purpose of financial disclosure legislation.

But, I believe that the Select Committee on Ethics will recommend a tough and realistic approach to financial disclosure which will assure the public that the Congress is not "hiding" anything. We cannot, of course, draw up rules or laws that will assure that power will never be abused or that all conflicts of interest can be completely eliminated. But we can, at the least, extend to the judgment of the people whether we are worthy of their trust.

Mr. Speaker, a summary, of the provisions of the Legislative Branch Disclosure Act of 1977 follows:

THE LEGISLATIVE BRANCH DISCLOSURE ACT OF 1977 SECTION-BY-SECTION SUMMARY

Section 1: Short Title: Act to be cited as the Legislative Branch Disclosure Act of 1977.

Section 2: Coverage: Annual financial disclosure reports must be filed by Senate and House Members, officers, professional staff members of Committees, principal assistants to Members and any candidate for the House or Senate.

Section 3: Filing of Reports: No later than May 15, 1978 and each year thereafter, all persons covered in Section 2 must file a report with the Clerk of the House or Secretary of the Senate, as appropriate. The Clerk or Secretary must transmit reports of Members to the Secretary of the State represented by the Member on the same day the report is filed and transmit all reports to the Senate Ethics or House Committee on Standards of Official Conduct. By June 15, 1978 and each June 15 thereafter the Clerk and Secretary will compile all Members' reports for printing as House and Senate documents which shall be made available to the public.

Section 4: Contents of Reports: Each report filed must contain the following information:

(1) Income—source and amount of income, including, honoraria, aggregating over $100.

(2) Gifts—source, description and value of gifts of transportation, lodging, food and entertainment aggregating over $250 from any one source, except from relatives or the result of personal hospitality; and the source, description and value of all other gifts aggregating over $100 in value. Gifts from a relative, or under $35, are exempted from disclosure.

(3) Reimbursements—amount and identity aggregating $250 or more a year from any individual source.

(4) Personal Liabilities—identity and category of value of each personal liability owed over $2,500.

(5) Securities Transactions—identity, date, and category of value of any securities or commodities futures transactions exceeding $1,000, unless donation to charity or tax exempt organizations.

(6) Holdings—identity and category of value, if $1,000 or more, of any property held in a trade or business or for investment or the production of income.

(7) Real estate—identity, date and category of value if $1,000 or more of any interest in real property, including holdings, sale or purchase but excluding personal residences.

(8) Trusts—holdings and income from any trust or other financial arrangement if person reporting received income or has equity interest; and if known, the holdings and sources by category of value, or the total holding by category of value.

General—Items 5 through 7 to be reported by categories of value (not more than $5,000; greater than $5,000, but not more than $15,000; greater than $15,000, but not more than $50,000; greater than $50,000, but not more than $100,000; or greater than $100,000) and the financial interests of the spouse should be included if they are constructively controlled by the person reporting.

Section 5: Accessibility of Reports: Within 15 days after a report is filed, the Clerk or Secretary shall make it available for public inspection.

Section 6: Compliance Procedures: The appropriate House and Senate Committees shall: (1) establish procedures for review of reports to determine whether they have been filed in a timely manner, are complete, and in proper form; and, (2) refer a matter to the Attorney General if a person fails to report or files a false or incomplete report.

Section 7: Failure to File or Falsifying Reports: The Attorney General may bring a civil action for falsification or failure to file, with a civil penalty up to $10,000, or for knowingly falsifying a report or failing to report, a criminal fine of $10,000 and/or one year in jail may apply.

Section 8: Definitions.

RESTRICTED POSITIONS IN HATCH ACT REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. CLAY) is recognized for 30 minutes.

Mr. CLAY. Mr. Speaker, I understand that when the House resumes consideration of H.R. 10 it is the intention of the gentleman from Missouri (Mr. VOLKMER) to offer an amendment relating to the definition of "restricted position." I appreciate the gentleman's concern with respect to this matter. The "restricted position" issue is a difficult one which both the Subcommittee on Civil Service and the Committee on Post Office and Civil Service considered the issue most carefully. In the event the gentleman from Missouri does offer his amendment, however, I would be compelled to offer a substitute amendment which I would urge my colleagues to support. My substitute amendment is printed in today's RECORD.

My substitute for the amendment offered by Mr. VOLKMER is really a restatement of the provision concerning restricted positions which the Committee on Post Office and Civil Service adopted during its consideration of H.R. 10. Quite frankly, since the committee adopted its restricted position amendment, some question has arisen as to whether the committee language is sufficiently clear to effectuate the committee's intent with respect to which positions may be designated as restricted.

I want to stress two points concerning the restricted position issue. First, it was with extreme reluctance that the Committee on Post Office and Civil Service agreed to include a provision permitting certain positions to be restricted. Retaining existing Hatch Act restrictions on any employee runs directly counter to the right to participate in the political process. This House last year overwhelmingly passed similar legislation which contained no provision for restricted positions. The committee, however, recognized that the administration felt strongly about having some provision relating to restricted positions, and acceded to the administration's position by including such a provision.

The second point I wish to stress is that any provision which permits certain positions to be restricted must be carefully and, in the committee's view, narrowly drawn. It is imperative that positions which may be designated as restricted are carefully limited to those for which political activity restrictions are essential to insure the public's confidence in the integrity of the Government. It is also imperative that the agency which decides which positions will be restricted be required to weigh the affect of denying certain employees the right to participate in the political process against the supposed benefit to be achieved by restricting such activities, that is, maintaining public confidence in the integrity of the Government.

My substitute amendment strikes the appropriate balance with respect to the restricted position issue. With all due respect, the gentleman's amendment does not. My substitute amendment specifically requires that the Civil Service Commission make a finding that "the restrictions on political activity imposed on" an employee in a restricted position "are justified in order to insure the integrity of the Government or the public's confidence in the integrity of the Government." The gentleman's amendment merely provides that a determination be made that "public interest requires a restriction on political activity." There is no requirement that the Commission, in deciding which positions are to be restricted, take into consideration the effect of denying an employee his right to participate in the political process.

My substitute clearly sets out the classes of positions which may be restricted. There are three such classes. First, employees who are substantially engaged in foreign intelligence activities relating to national security. Second, certain employees who are engaged in civil or criminal law enforcement, including any inspections or audits under civil or criminal laws. Finally, certain employees who are engaged in awarding, administering, or monitoring contracts, grants, licenses, subsidies or other benefits. With regard to these classes of positions which may be restricted, my substitute and the gentleman's amendment are very similar.

There is a big and critically important difference, however, between my substitute and the gentleman's amendment, and that difference pertains to which employees within each of the classes may be restricted. My substitute provides much narrower criteria for determining restricted positions and insures that only those employees with real decisionmaking authority, in other words those employees who could actually influence inspections, investigations, audits, contracts and grants, and to whose decisions in these areas the public could possibly impute political motives.

The types of employees who could be restricted under my substitute are as follows:

First, in the law enforcement, inspection, and audit area, those employees at the supervisory level who have the authority to make binding decisions on employees under their control or administrative direction, that is employees with respect to whom they are superiors—as defined by the bill—with regard to who shall be the subject of any investigation, audit, inspection, or other enforcement action. In other words, the employee who decides who will be the subject of a criminal investigation, whose tax return will be audited, or which meat processing plant will be inspected, and who dispatches employees under his supervision to actually conduct an investigation, audit, or inspection.

Second, in the area of contracts, grants, licenses, subsidies, or other benefits, the employee who has the authority to actually award such grants, contracts, licenses, and so forth, and the employee with supervisory responsibilities for awarding, administering, or monitoring such contracts, grants, or other benefits. There is a further qualification that the contracts, grants, or other benefits in question must involve funds or other interests having a substantial monetary value. This qualification is the same as the provision contained in the reported bill.

If we need a restricted position provision, it should be limited to those employees who really have clout; to those employees at the supervisory level who really call the shots. That is what my substitute does.

The gentleman's amendment would permit the Commission to restrict not only those employees who have this clout, but also line employees who, despite the fact that they engage in auditing, investigating, or inspecting activities, really have no authority with respect to the final outcome of these actions or with respect to who is the target of the actions. We have never been able to determine just how many employees could be restricted under the gentleman's amendment, but estimates have ranged into the hundreds of thousands. I believe that such a broad provision relating to restricted positions is inconsistent with the main purpose of this bill—restoring political rights to Federal employees.

I want to make another point and hopefully clear up some confusion. It has been argued that providing for restricted positions will protect the public from the possibility of partisan considerations entering into Government decisions. This simply is not the case. If an employee is inclined to make a decision, award a grant, or order an investigation for political reasons, he will do so whether or not he is retained under the existing Hatch Act restrictions. The purpose of restricting certain employees is really to preclude any public perception that because an individual is politically active, political considerations may enter into his decisions. The fact that he is in a restricted position cannot, and will not, prevent an unscrupulous employee from taking actions for political or other improper reasons. Indeed, the present restrictions on political activity do not of themselves prevent such misuse of official authority. I stress, however, that other provisions in the bill such as section 7323 deal specifically with the misuse of official authority, influence, or information by employees for political purposes, and that these provisions are much stronger than similar provisions in existing law. In this connection, I urge my colleagues to review the statement on pages 12–13 of the committee report and to compare section 7323 of the bill, and the explanation of that section which appears on page 32 of the committee report with its comparable provision in existing law (5 U.S.C. 7324 (a)(1)).

Finally, my substitute amendment makes a clarifying change in section 7326(d)—page 38, line 14—by adding language which excludes from the provisions of that section employees in restricted positions. Since an employee who is in a restricted position could not engage in prohibited political activities, including the running for office, he would not be entitled to engage in such activities merely by going into "leave status." This is the situation under the present Hatch Act regulations, and there is no intent to change it. Likewise, the provisions of section 7326 of title 5, as proposed in the bill, which relate to leave and notification in the case of employees running for office, would not apply to those who hold restricted positions.

HATCH ACT REFORM AMENDMENTS

Mr. Speaker, when consideration of H.R. 10, the Hatch Act reform bill, is resumed in the very near future, the time limitation on debate which was adopted by the Committee of the Whole last Wednesday will still be in effect. Because debate on pending or proposed amendments will be extremely limited, I wish to advise my colleagues of my views. I strongly urge and would greatly appreciate their support.

An initial matter which is of the utmost concern is the effect of the Ashbrook amendment [see Record for May 18, 1977, page 15424. I have no quarrel with paragraph (1) of that amendment which provides that no employee organization shall coerce employees for political purposes. As a statement of policy it is fine. Certainly no individual should be subjected to political coercion from any source. Other parts of the bill contain specific provisions which not only prohibit coercion but are also enforceable under the mechanisms established under the bill.

Paragraph (2) of the Ashbrook amendment is a different matter. It would, inadvertently I believe, require radical changes with respect to how employee organizations may use dues, fees, or assessments received from their memberships. Although I understood that the amendment was intended to be consistent with existing law in this area, it clearly goes much farther. By prohibiting the use of dues, fees, and assessments for any political purpose the amendment would prohibit the use of dues for such purposes as: First, newsletters or other communications to organization members and their families if they could arguably be viewed as political; and second, registration and get-out-the-vote campaigns aimed at members and their families. The prohibition on the use of dues by any political education or action committee—for any purpose could preclude the use of any dues, fees, or assessments in connection with the establishment or administration of a separate segregated fund to be utilized for political purposes. None of these activities which the Ashbrook amendment would prohibit are prohibited under the Federal Election Campaign Act of 1971, as amended.

I do not believe a bill such as H.R. 10, which relates primarily to restrictions on political activity by Federal employees, is an appropriate vehicle for creating new prohibitions on the use of union funds for political purposes. At the same time, I have no objection to including in the bill provisions that express congressional intent that political coercion by anyone is not to be tolerated, or provisions that are consistent with existing law with respect to the use of union funds. To insure that the Ashbrook amendment achieves these purposes and does not inadvertently alter present law in this area, I shall offer an amendment to provide that the language of the Ashbrook amendment shall not be construed to make unlawful any activities which are not presently unlawful under existing law. I strongly urge your support of this amendment.

A second matter of importance is the Volkmer restricted position amendment which may be offered [see Record for May 18, page 15457]. An identical amendment was considered and rejected by the Committee on Post Office and Civil Service [see committee report pages 12, 13]. It is my view that only employees who have the authority to award contracts or other benefits of substantial monetary value, or who have the authority to decide who shall be the target of investigations, audits, or inspections, and who are ultimately responsible for the integrity of such actions should be restricted.

Mr. Volkmer's amendment would restrict not only these firstline individuals, but also anyone who is involved in the carrying out of these actions. His amendment would also restrict the subordinates who merely do the legwork in terms of gathering information, and who really do not have the authority to determine the final outcome of such actions or who will be subject to such actions. This is too broad a definition of restricted position. I will offer a substitute to insure that only those employees who actually have real authority could be restricted. My amendment is printed and a detailed explanation of that amendment appears in today's Extension of Remarks. I urge a "yes" vote on my substitute for the Volkmer amendment, and if my substitute fails, a "no" vote on the Volkmer amendment.

Also pending is an Ashbrook amendment to strike the words "with respect to whom such employee is a superior" on page 34 of the reported bill. The effect of this amendment would be to prohibit an employee from soliciting, accepting, or receiving a political contribution from any other employee—note, the amendment would not prohibit an employee from giving to another employee and, as a result, contributions could be given but not accepted. This is a bad amendment which could effectively preclude employees from participating in a crucial part of the electoral process, that is, campaign fundraising. I urge a "no" vote on the Ashbrook amendment to page 34.

Mr. Rousselot has pending an amendment which would require employees who are candidates to take leave 90 days prior to a primary or general election. I believe this amendment is unwise and would arbitrarily impose financial hardships on employees who would, necessarily under the amendment, be required to take extended leave without pay whether or not their political activity was in any way interfering with their job performance [see committee report page 14]. The bill specifically prohibits political activity on duty, and existing civil service regulations prohibit any outside activity which is not compatible with the proper discharge of the duties and responsibilities of Government employment. These safeguards are more than sufficient to insure that if an employee's activities as a candidate interfere with his job, he will either have to go on leave or terminate his candidacy. A blanket arbitrary rule mandating leave is unnecessary and unfair. I urge a "no" vote on the Rousselot mandatory leave amendment.

Mr. Ashbrook also has pending an amendment to page 35 which would prohibit an employee from soliciting contributions from any person he audits, regulates, investigates, or inspects. This amendment is unnecessary and in fact is duplicative of the Solarz amendment which was adopted by the Committee of the Whole [see Record for May 18, page 15409]. I urge a "no" vote on the Ashbrook amendment to page 35.

An amendment to pages 46 and 47 may be offered by the Minority which would require the Civil Service Commission annually to inform every employee, in writing, of his political rights and the restrictions on political activity. This written information would have to be provided not later than 60 days prior to the earliest primary or general election in the particular State where the employee is located. The Committee on Post Office and Civil Service struck an identical provision from the introduced bill because it had been advised by the Civil Service Commission that the requirement was impractical and could be costly—2.8 million annual notices would be required—[see committee report, pages 15, 16, 54]. To insure that employees would be adequately informed, the Committee included a provision establishing a special office to conduct an educational program and to provide counsel and advice to employees—see section 7329 on page 46. This is a more practical approach than requiring individual annual notices, and I urge a "no" vote on the minority annual notice amendment.

Mr. Ertel may offer an amendment to strike out the provision on page 40 which requires that an employee who is charged be advised that unless he answers the charges his failure to answer could be treated as an admission of the charges [see Record for May 18, page 15457]. I understand the gentleman's concern that this provision could be interpreted so that the Commissioners could treat an employee's decision not to provide evidence as an admission of his guilt. This is not the intent of the provision. Rather, the provision is intended to insure that an employee is advised that unless he chooses to contest the charges the Commissioners in their discretion may proceed to a final determination without the necessity of a formal hearing. Section 7327(d)(1) specifically authorizes the Commissioners in their discretion to forego a hearing unless an answer is filed, or in other words, unless the employee contests the charges. If the employee does contest the charges a hearing is mandatory. This approach is consistent with procedures in other disciplinary actions. I believe that the gentleman's amendment should be modified to insure that an employee is made aware that unless he contests the charges the Commissioners may in their discretion proceed to a final decision without first holding a formal hearing on the matter. In such a case, they would of course consider the evidence provided by the enforcing authority in determining whether the charges are valid. If the gentleman's amendment is modified in this fashion I would have no objection to it.

Finally, a motion to recommit with instructions may be offered by Mr. Derwinski. I, of course, urge a "no" vote on the motion to recommit.

I firmly support H.R. 10, and with the exception of my amendment to clarify the scope of the Ashbrook amendment. I do not believe further amendments are necessary to insure that the bill will achieve the result which the Members of the House so overwhelmingly supported last Congress, that is, restoring to Federal civilian and postal workers their rights to participate in the political process and insuring that they and the public are protected from improper political influences and solicitations. I therefore strongly urge that you oppose any additional amendments which may be offered to weaken the bill or deprive employees of rights accorded under the bill, and that you vote "yes" on final passage of H.R. 10.

THE BEDELL-THONE MEAT MARKET REPORTING REFORM BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. Bedell) is recognized for 15 minutes.

Mr. BEDELL. Mr. Speaker, I am introducing legislation today, with Congressman Charles Thone, which would require a tightening of standards in the accuracy and completeness of information reported on large, commercial sales of meat and meat products.

Importantly, this bill will also go far in clearing up the claims of corruption in segments of the domestic meat market because of the possibilities for manipulating enormous quantities of meat and very substantial sums of money by a dishonest few, at the expense of livestock producers, consumers and those in the marketing and processing industries who are endeavoring in all good faith.

A possible tool for such manipulation has been and continues to be the Yellow Sheet: the exclusive guide and usual basis for at least 70 percent of all U.S. wholesale meat sales in this country.

The Yellow Sheet is published daily during the business week by the National Provisioner of Chicago. It reports to meat brokers, packers, processors, and anyone who has an interest in the meat industry, on a large variety of items, including live cattle and hog prices, selected futures prices and wholesale prices for meat, crude vegetable oils, hides, inedible tallow and grease, to name a few. Prices for those items are obtained from meat buyers and sellers over the telephone with information accepted from anyone selling large quantities of meat.

There is now absolutely no guarantee that the information received by the Yellow Sheet, and in turn published by them, is complete, truthful, or in any way an accurate reflection of what is happening in the marketplace.

And yet, it is the sales price reported in the Yellow Sheet which will in turn usually determine the price—"at the Sheet"—to be received on new and future meat items.

Few people in the meat trade consider the Sheet price quotes to be either accurate or reliable. Over the years, many have come to know it as a probable means of market and market price manipulation. However, almost everyone in the billion dollar meat industry uses it, if for no other reason than—"it's the only game in town."

With the legislation we are introducing today, I propose that we substantially clean up that "game."

There are a number of manipulative ploys, all using the Yellow Sheet, which have been cited by the General Accounting Office, the USDA's Packers and Stockyards Administration and many, many others over the years. Three possible devices were described in a December 6, 1974, Wall Street Journal article focusing on the Yellow Sheet and its effect on the meat market. These are:

First Alleged Scheme: the packer-to-packer highball. Hypothetical example: A major packing company has several 100-carload contracts to deliver beef "at the sheet" as of the close of market on a Thursday. That afternoon, with the market lingering around Wednesday's close of, say, 61 cents a pound for the particular grade of beef involved, the packer approaches another packer and asks to buy two carloads of the beef to fill an alleged shortage. The first packer bids 63 cents a pound. That deal is transacted and reported to the Yellow Sheet, which-accurately-reports a closing transaction of 63 cents, and doesn't mention names. Thus a two-carload sale (a carload contains roughly 40,000 pounds) raises the price of the pre-arranged 100-carload sales by two cents a pound, or by $80,000 for each 100 carloads. By the time the meat reaches the dinner table, this two-cent increase can become five or 10 cents a pound allegedly, packers will return these favors for each other as needed.

Second alleged scheme: the high-low processor split. Hypothetical example: A packer (which slaughters cattle) and a processor (which cuts them up and wholesales the meat, functions that may be performed by the packer itself) want a 15-carload transaction at 60 cents a pound. But the packer, with heavy orders scheduled to be sold that day "at the sheet," is riding a recently highballed price of 62 cents reported to the Yellow Sheet and doesn't want to lower the market just before the close. So the packer sells 10 carloads at 59 cents, then the remaining five carloads at 62 cents. The money exchanged is the same as if all 15 carloads has been sold at 60 cents—but the sheet stays up: The Yellow Sheet can be told that the last price was 62 cents.

Third Alleged Scheme: the savings on the sly. Example: The sales manager for a Chicago processor says that on November 8 he called a Yellow Sheet reporter to learn the current market price for superior yield grade, 500- to 700-pound cattle. He says he was told

> the price had risen to 62 cents a pound from 61½ cents earlier, on the basis of a six-carload sale for 62 cents a pound by (an Omaha packing company). The sales manager says that he tried to find out if the sale was packer-to-packer or packer-to-processor but that the Yellow Sheet never gives out that information. Then, he says, a Chicago broker offered to sell him some loads of the same cattle from the Omaha packing company for an equivalent price of 60½ cents (that is, not including transportation costs, which the 62 cents price also didn't include) provided he wouldn't report the 1½ cent drop in price to the Yellow Sheet. "The broker told us there was no way if we reported (the sale) he would admit it—he woud deny it," the (Chicago) sales manager says—and the sales manager turned the deal down.
>
> (The Chicago broker) confirms this story, and says, "This doesn't happen just occasionally—it happens innumerable times. If you want a bargain, you have to keep it quiet. Any of the major packers would do it."

Mr. Speaker, it should be noted at this point that the Yellow Sheet has been named an unindicted co-conspirator in a suit by a group of cattle producers against a number of chainstores. The case is now pending action in a Federal court. The plaintiff producers charge in their suit that marketing chains have conspired with one another to pay prices for meat lower than they should have been, thereby reducing the producers' income. The Yellow Sheet is allegedly the means by which the chains exchanged information.

I certainly have no desire to increase the scope of Government regulation. However, in this instance, I believe that reform is called for and reasonable regulation is long overdue.

Quoting again from the Wall Street Journal article,

> Manipulation is largely responsible for the unprecedented swings in prices that have beset the wholesale meat industry in the past few years, clipping ranchers on the low end of the swing and the meat-eating public on the high end.

If meat sold in this country is going to continue to be sold based on the Sheet, or based on the USDA's Market News Service Reports, or on any other publication, these services are going to have to report only that price information which I can absolutely assure my people—be they farmer, consumer, packer or processor—is as honest and accurate as is humanly possible.

I believe that the overwhelming majority of those honest people throughout the meat production and marketing chain will welcome this type of reform and realize what it can mean in promoting a more open, fair and stable marketplace.

Briefly, the provisions of the Bedell-Thone meat market reporting reform bill include the following:

First. Anyone who knowingly reports false, inaccurate or incomplete information on sales or transfers of meat or meat products would be subject to a fine of not less than $10,000 and up to $100,000.

Second. Mandatory reporting of all sales or transfers is not required.

Third. The Packers and Stockyards Administration would have direct authority and responsibility for conducting daily monitoring of any meat sales. It would have the power to demand information from any involved party in such sales.

Fourth. Information on packer-to-packer sales would be listed separately in any publication listing market price levels.

Following is a text of the legislation which Congressman Thone and I are introducing today:

H.R. 7393

A bill to require that all reports concerning certain sales of meat and meat food products meet standards set by the Secretary of Agriculture concerning accuracy and completeness

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress makes the following findings:

(1) Large sales and transfers of meat and meat food products are interstate and international in character and involve billions of dollars each year.

(2) Reports concerning large sales and transfers of meat and meat food products, even reports which are instrastate in character, directly affect interstate sales and prices of meat and meat food products in both retail and wholesale markets.

(3) Large sales and transfers of meats and meat food products are carried out to a substantial extent in interstate and foreign commerce and through the means and instrumentalities of such commerce.

(b) On the basis of the findings stated in subsection (a), the Congress determines that the provisions of this Act are necessary and proper for the purpose of carrying out the powers of Congress with respect to regulating commerce and establishing uniform and effective laws regulating reports concerning large sales and transfers of meat and meat food products.

SEC. 2. Whoever knowingly makes a report, concerning any sale or transfer of meat or meat food products of 40,000 pounds or more, which does not meet requirements (concerning accuracy and completeness) imposed with respect to such reports by the Secretary of Agriculture in rules issued pursuant to this Act and section 553 of title 5, United States Code, shall be fined not less than $10,000 or more than $100,000.

SEC. 3. For the purpose of determining whether or not reports described in section 2 meet the requirements described in such section, the Secretary, through the Packers and Stockyards Administration, may monitor sales and transfers of meat and meat food products of 40,000 pounds or more and may require persons involved in such sales and transfers to make information concerning the prices and quantities of such sales and transfers available to the Administration for inspection.

SEC. 4. As soon as practicable after the date of the enactment of this Act but not later than 180 days after such date, the Secretary of Agriculture shall issue and implement rules to carry out the provisions of this Act. Such rules shall at least require that reports (including ones made by the Department of Agriculture) concerning sales and transfers of meat and meat food products of 40,000 pounds or more shall have information pertaining to sales and transfers made by a packer to another packer or to a processor owned or controlled by a packer separate from information pertaining to other sales and transfers, and shall not be included in the totals of transactions.

SEC. 5. As used in this Act, the term—

(1) "meat food product" means any product capable of use as human food which is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, or goat; except that products which contain meat or other portions of such carcasses only in a relatively small proportion (as determined, by rule, by the Secretary of Agriculture) are not included; and

(2) "packer" means any person engaged in the business—

(A) of buying livestock for purposes of slaughter;

(B) of manufacturing or preparing meats or meat food products for sale or shipment; or

(C) of marketing meats, meat food products; or livestock products in an unmanufactured form.

SEC. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

HELSINKI'S UNFULFILLED PROMISES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Rosenthal) is recognized for 5 minutes.

Mr. ROSENTHAL. Mr. Speaker, Izrail Zalmanson, like so many other prisoners of conscience, has been repeatedly harassed and persecuted simply for his desire to emigrate to Israel.

It is for these valiant prisoners, and for their families and loved ones that we here in Congress are conducting this vigil.

The plight of Mr. Zalmanson, my "adopted prisoner," is typical. He is serving his 7th year of an 8-year sentence for "treason, anti-Soviet propaganda, and anti-Soviet organization." All these charges were the result of his desire to emigrate to Israel.

When arrested in 1970, Izrail Zalmanson was a full-time student at Riga Polytechnic Institute. He had applied for an exit visa but withdrew his application when he was threatened with expulsion from the institute and induction into the army. Along with 15 other Soviet Jews, he was subsequently arrested and charged with the "crimes" listed above. He was tried at the now infamous first Leningrad trial, convicted and sentenced.

In his final appeal to the court, Zalmanson stated,

> The desire to live and work in the state of Israel—my spiritual fatherland—is the chief aim of my life.

His years of hard labor have been characterized by harassment and blatant antisemitism. Over the years, any freedoms he was sparingly granted have slowly eroded. His visitation privileges were cut, probably to shield his deteriorating health from the public, and he was subjected to extended periods of solitary confinement at the slightest excuse. A small misstep or leaving his shoes untied or perhaps stumbling over a rock were all sufficient reasons for persistent persecution.

Officials at the labor camp forced him to work at machinery which they knew were dangerous for his high blood pressure. Inmates and prison guards taunted him, calling him a "dirty Jew." And he was repeatedly threatened with prolonged sentences at the labor camp or, worse, transfer to the notorious Vladimir prison.

Several months ago, those threats became reality. After repeated verbal and physical attacks by a fellow inmate, Zalmanson struck back, whereupon the guards picked him up, and he was summarily sent to Vladimir.

His health and welfare at that time were poor, and no word has been heard from him since. It is difficult to receive reports from prisoners once they have been moved to such places as Vladimir, and there is no way of knowing when we will hear from him again.

His only crime was being a Jew and wanting to emigrate to Israel. The Helsinki Agreement, which was signed and endorsed by the Soviet Union calls for free movement of peoples, particularly for the unification of families.

Izrail Zalmanson's uncle and sister are anxiously awaiting his arrival in Israel. It is my hope that they will be able to reunite with him shortly.

CONGRESSIONAL BUDGET FOR FISCAL YEAR 1977

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. GIAIMO) is recognized for 5 minutes.

Mr. GIAIMO. Mr. Speaker, on behalf of the Committee on the Budget, and as called for by the Congressional Budget Act, I am reporting to the House on the status of the fiscal year 1977 congressional budget under the most recently adopted budget resolution.

Since my last report to the House on April 27, a number of changes have occurred in the current level of spending in addition to the decision by the House and Senate to revise the third budget resolution for fiscal year 1977. The need to revise the third budget resolution for fiscal year 1977 was made necessary by a decision of the President to withdraw his request for the $50 rebates and special payments to individuals, which was sustained by the actions of the House Ways and Means Committee and the Senate Finance Committee on the recently completed tax bill.

In addition, the President submitted to the Congress on April 22 a series of budget reestimates which reflect the continuing spending shortfall for the current fiscal year. These spending reestimates and the decision on the rebate proposal caused the Budget Committee to revise the spending ceilings and the revenue floor in the third resolution to reflect actual budget decisions and realistic spending goals.

With regard to the current level of spending and revenues, the Congress has taken two actions in recent weeks which complete all major legislative actions on the fiscal year 1977 budget resolution. With the enactment of the Economic Stimulus Appropriation and the Tax Reduction and Simplification Acts, the Congress has ratified the major portions of this year's congressional budget. These two measures continue to provide necessary stimulus to the economy to create needed jobs.

In conclusion, Mr. Speaker, the following table clearly illustrates that the Congress has little room left under its budget ceilings and revenue floor to enact additional spending or revenue legislation. I would urge my colleagues to join with me in a vigorous examination of any new spending or revenue measure for the remainder of this fiscal year.

The table follows:

CHANGES TO THE CURRENT LEVEL OF SPENDING FOR FISCA YEAR 1977

[In millions of dollars]

	Budget authority	Outlays	Revenues
Current level as of Apr. 22, 1977	448, 500	410, 397	356, 000
Economic Stimulus Supplemental Appropriations bill (H.R. 4876)	+15, 110	+3, 321	-------
Removal of previously scored continuing resolution authority provided in H.R. 4876 above	−1, 384	−1, 165	-------
Tax Reduction and Simplification Act (H.R. 3477)			−2, 600
Reestimates of spending and revenues based upon submission of President Carter (Apr. 22, 1977)	+273	−4, 342	+3, 300
Current level as of May 17, 1977	462, 499	408, 211	356, 700
Appropriate level in the 4th budget resolution	470, 200	409, 200	356, 600
Amount remaining	7, 701	989	100

COMMITTEE ON THE BUDGET
Washington, D.C., May 19, 1977.
Hon. THOMAS P. O'NEILL, Jr.,
Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedures which it had adopted in connection with its responsibilities under Sec. 311 of the Congressional Budget Act of 1974 to provide estimates of the current level of revenues and spending. I am herewith transmitting the the status report under S. Con. Res. 19, the Fourth Budget Resolution for FY 1977. This report reflects the amended resolution of May 17, 1977 and estimates of budget authority, outlays, and revenues based on all completed action on spending and revenue measures as of close of legislative business, Tuesday, May 17, 1977.

Sincerely yours,
ROBERT N. GIAIMO,
Chairman.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1977 CONGRESSIONAL BUDGET ADOPTED IN SENATE CONGRESSIONAL RESOLUTION 19

REFLECTING COMPLETED ACTION AS OF MAY 17, 1977

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	470, 200	409, 200	356, 600
Current level	462, 499	408, 211	356, 700
Amount remaining	7, 701	989	100

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and which exceeds $7,701 million for fiscal year 1977, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in S. Con. Res. 19 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate and which would result in outlays exceeding $989 million for fiscal year 1977, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in S. Con. Res. 19 to be exceeded.

REVENUES

Any measure that would result in a revenue loss exceeding $100 million for fiscal year 1977, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in S. Con. Res. 19.

CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., May 18, 1977.
Hon. ROBERT N. GIAIMO,
Chairman, Committee on the Budget, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311(b) of the Congressional Budget Act, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays and estimated revenues in comparison with the appropriate levels for these items contained in the most recently agreed to concurrent resolution of the 1977 budget. The current level estimates are as of close of business May 17, 1977.

This report reflects the changed resolution of May 17, 1977 and reestimates of budget authority, outlays, and revenues based on recent CBO analyses.

[In millions of dollars]

	Budget authority	Outlays	Revenues
1. Enacted	462, 471	408, 183	359, 300
2. Entitlement authority and other mandatory items requiring further appropriation action	28	28	-------
3. Continuing resolution authority			
4. Conference agreements ratified by both Houses			−2, 600
Current level	462, 499	408, 211	356, 700
Concurrent resolution of May 17, 1977	470, 200	409, 200	356, 600
Amount remaining (under appropriate level)	7, 701	989	100

ALICE M. RIVLIN, *Director.*

PARLIAMENTARIAN STATUS REPORT SUPPORTING DETAIL FISCAL YEAR 1977 AS OF CLOSE OF BUSINESS MAY 17, 1977

[In millions of dollars]

	Budget authority	Outlays
I. Enacted:		
Permanent appropriations and trust funds	209, 283	191, 579
Offsetting receipts	−53, 732	−53, 732
Previously enacted (94th Cong., 2d sess.)	265, 488	260, 089
Enacted this session:		
Urgent Power Supplemental (Public Law 95–3)	6	6
Energy Research and Development Deferrals (H. Res. 305, 306, and 307)		18
Budget Rescission Bill, 1977 (Public Law 95–10)	−48	---------
Urgent Supplemental Appropriation for Disaster Relief (Public Law 95–13)	200	200
Second Budget Rescission for fiscal year 1977 (Public Law 95–15)	−664	−47
Extension of Federal Supplemental Unemployment Benefits (Public Law 95–19)		528
Spring Supplemental Appropriation (Public Law 95–26)	26, 826	6, 747
Economic Stimulus Supplemental Appropriation (Public Law 95–29)	15, 110	2, 794
Total, enacted	462, 471	408, 183
II. Entitlement authority and other mandatory items requiring further appropriation action:		
Function 800—Claims and judgments:		
Estimated requirements	86	86
Offsetting receipts (Indian claims)	−58	−58
Total, entitlement authority	28	28

III. Continuing resolution authority		
IV. Conference agreements ratified by both Houses		
Total current level, as of May 17, 1977	462,499	408,211
Concurrent resolution of May 17, 1977	470,200	409,200
Amount remaining:		
Over ceiling		
Under ceiling	7,701	989

Note: Detail may not add due to rounding.

IDI AMIN SWIMS IN BLOOD, BUT THE U.N. SAYS NOTHING

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the atrocities committed daily by Uganda's President Idi Amin are well known to my colleagues, and I have aired my disgust for his brutalities on numerous occasions. The International Commission of Jurists last week presented a 170-page report to the United Nations which says that between 80,000 and 90,000 Ugandan's were murdered by Amin in 1971 and 1972 and that killings continue. The death toll to date is estimated at over 100,000.

Amin has created a situation in which the law enforcement authorities are themselves beyond the law and beyond basic human decency. They are free to rape, maim, torture, and execute with abandon and without fear of retribution. There is no law in Uganda. And Amin is the accuser, judge, and executioner, whose paranoia perceives enemies behind every tree and whose demented, twisted mind dreams up gruesome means of execution. The recently reported slaughter of Christian tribesmen by smashing their heads with sledge hammers is one example. Most of those killings are carried out by the State Research Department, which Amin personally directs.

In face of what is clearly the worst, systematic violation of human rights in the world today, I ask bitterly, Why has the United Nations made no protest? Why has the U.N. Human Rights Commission taken no action? By its continued silence, the U.N. is proving itself to be a farce and the United Nations Charter and the Universal Declaration on Human Rights to be meaningless pieces of paper. And why has the Organization of African Unity said nothing? How can the civilized countries of Africa continue to associate themselves with the genocide being carried out in Uganda?

Meanwhile, the British are to be commended for refusing to allow Amin to visit Britain and to attend the upcoming meeting of the Commonwealth nations. Amin has let it be known that he intends to replace Queen Elizabeth as head of the Commonwealth. Putting aside his fantasies he will never be known as anything but the butcher of Uganda.

It is our duty as members and leaders of the civilized world to do everything in our power to bring pressure upon Uganda to improve the human rights situation there. We cannot rest until President Amin is gone and his bloody legacy comes to an end.

TESTIMONY IN SUPPORT OF H.R. 2439: THE PATIENTS AT MANHATTAN STATE PSYCHIATRIC CENTER AND THEIR RELATIVES HAVE NOWHERE ELSE TO TURN

(Mr. KOCH asked and was given permisison to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, in November of last year I was approached by families whose relatives were institutionalized at Manhattan State Psychiatric Center in New York City. The relatives were concerned about the poor physical conditions, the lack of medical care and the lack of protection afforded the patients at the facility. These relatives had no one else to turn to, so they turned to their Congressman. And the investigation which I undertook, which is described in detail in my testimony which I am appending, did not alleviate the situation either. Because of this experience, I was convinced that these patients, their relatives, the staff at the hospital and their Representative in Congress have to be able to turn to Federal law enforcement to enforce basic human rights if there is to be an appreciable change in institutions like Manhattan State.

It is for this reason that I am a cosponsor of H.R. 2439, which would grant the Attorney General of the United States authority to institute civil actions on behalf of institutionalized persons who are being denied their constitutional rights. I had the opportunity to testify on May 18, on behalf of this legislation before the House Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice, chaired by Congressman ROBERT KASTENMEIR. A copy of my prepared remarks follow. If any of our colleagues are interested in obtaining any of the documents referred to in the testimony, they should not hesitate to contact me.

TESTIMONY OF CONGRESSMAN EDWARD I. KOCH

Mr. Chairman, I am pleased to be here this morning in support of H.R. 2439 which would grant the Attorney General of the United States authority to institute civil actions on behalf of institutionalized persons who are being denied their constitutional rights. As a cosponsor of H.R. 2439, I am pleased that this Subcommittee is formally considering this important legislation.

I am aware that the U.S. Department of Justice endorsed this legislation, and I believe in his testimony Assistant Attorney General for the Civil Rights Division, Drew S. Days, III, detailed the current situation in the courts with respect to civil-rights cases concerning institutionalized persons which necessitates this legislation. Because you have his excellent testimony already before you, I do not wish to elaborate on the legal issues involved but wish to address two basic areas. The first is my own recent inquiry into an institution in New York which bears upon this legislation. The second concerns political objections that have been raised with respect to H.R. 2439.

Mr. Chairman, last November I was approached by families whose relatives were institutionalized at Manhattan State Psychiatric Center on Wards Island in New York City. The relatives were concerned about the poor physical conditions, the lack of adequate medical care and the lack of protection afforded the patients at the facility.

As a result of those discussions on November 4, 1976, my staff and I conducted an unannounced on-site inspection of the facility. The conditions I found there were deplorable. The total lack of security complained of by the relatives was evidenced by my ability to enter the island and the facility without encountering a single security or staff person until I was actually on one of the wards. We were taken to where the patients slept. The floor was filthy with dust and ants, the mattresses were strewn about the room, most of them lacked sheets and blankets and it was clear that the patients were not provided any individual privacy. There wasn't any privacy provided in the bathroom facilities either. We were told the three toilets in the bathroom were used by both men and women but two of them did not have any curtain or door. In addition, there was no soap available for washing. The staff informed us that there was a chronic shortage of clothing and that the patients received a change of clothing only once a week. Many of the pieces of clothing that were distributed were basically rags.

Following the visit on November 8, I wrote a 6-page, 63 question letter to Dr. Lawrence Kolb, Commissioner of the Department of Mental Hygiene for the State of New York who is responsible for overseeing the facility. I am making available for the record a copy of that letter, the response and the attached memorandum which I received from Regional Director Alvin Mesnikoff dated November 23, 1976. Subsequently, I made his response available to the Manhattan State Citizen Group which had originally approached me and I asked them for their comments. The Citizens Group provided me with a detailed response, which I am also submitting for the record, which outlined the many areas of the Director's response with which the group took strong exception. I want to bring this citizen's group memorandum to your special attention because it highlights very basic problems at the institution some of which the State Department of Mental Hygiene in effect admitted to. These include the fact that violent patients are not separated from other patients and the fact that patients are allowed to leave the hospital freely without significant attempts to stop them or subsequently locate them. The citizens also raise some additional facts and questions concerning the facility which led me to the conclusion that the State was not being forthright and was not willing to meaningfully confront the horrible conditions.

Because I was so concerned with the situation, I then wrote to the Mental Health Administration within the Federal Department of Health, Education, and Welfare and requested that they undertake an investigation of the facility. My letter to the Administrator James D. Isbiter, the responses from H.E.W. and the reports which were the result of the H.E.W. investigation are also appended for the benefit of the Subcommittee. Briefly, H.E.W.'s own investigation confirmed my own findings. Their investigators also found the facility basically unclean and improperly supervised. However, their investigation has not improved the conditions. Evidence of that are the reports which appeared in the New York Post of Monday, May 16, and Tuesday, May 17, copies of which I am appending. One graphic sentence from the May 16th article read as follows:

"The 1500 mental patients at Manhattan State Hospital live under constant threat of murder, rape, assault and theft because of inadequate security."

The Post cites hospital records which show 3 rapes, 38 assaults, 42 patient fights, 24 injuries, and 93 patient escapes in the month of April, 1977 alone. Additionally, the paper goes on to cite many specific incidents of violence and assaults which need not be spelled out here. The fact is that the basically deplorable conditions still exist.

Mr. Chairman, I am not a mental health expert, but it is clear to me that the basic purpose of an institution such as Manhattan State is that of providing the patients with treatment. The lack of cleanliness, the lack of adequate closing and the lack of privacy all contribute to patient's problems not their treatment. Our institutions are in fact exacerbating the problems of their patients rather than treating them and making the patients better.

Furthermore, it is clear to me that the State of New York and the hospital itself were not responsive to the legitimate concerns of staff and of the relatives of the patients. These relatives had no one to turn to so they turned to their Congressman. And even the investigation of a U.S. Congressman did not alleviate the situation. The State was not responsive to me either. I am providing this history so that you can graphically see that the patients and their staff, and their Representative in Congress, have to be able to turn to Federal Law Enforcement and in particular the Justice Department, to enforce basic human rights if there is to be an appreciable change in the conditions at Manhattan State. If H.R. 2439 does not become law, my constituents have nowhere else to turn and are left no meaningful options.

Mr. Chairman, my second point relates to a memorandum from the National Association of Attorneys General received by all Members of the House and Senate which states the organization's opposition to the legislation we are discussing this morning. The Attorneys General association argues that different levels of government ought not sue each other but rather ought to construct solutions involving cooperation between the federal government and state and local governments. Quite frankly, I am unimpressed with the arguments of those who believe that the federal government does not have a basic obligation to intervene on behalf of individuals whose basic rights are being denied, even when they are being denied by one of the 50 states. It is central to my own concept of federal/state relations that one of the primary functions of the federal government must be to insure that basic principles of human dignity and individual freedom embodied in the Federal Constitution are not restricted by any state or person. I do not believe that states' rights include the right to run institutions which do not provide the institutionalized person with his or her basic rights.

I would like to believe that the Attorney General of every state has made every effort to assure that persons confined in institutions in that state are afforded the full panoply of state and federal statutory and constitutional rights as well as those rights viewed as minimally acceptable under professional health and treatment standards. The states certainly have had the opportunity to insure minimal levels of treatment and health standards but they have not done so.

The simple outrageous fact is that the states are spending taxpayer dollars defending practices of institutions which are indefensible. Rather than working with the federal government to create better institutions, the state governments engage in foot dragging and lengthy, costly court battles which serve neither the public nor the institutionalized person. I certainly hope that this Subcommittee will see through these state-rights arguments, and will understand that states that are willing to meet the federal government half-way and willing to work cooperatively with the federal government to improve the standards of their institutions have nothing to fear with the enactment of H.R. 2439.

Mr. Chairman, in conclusion I want to again convey my appreciation for the opportunity to testify on behalf of H.R. 2439 and I urge its adoption.

THE HANDICAPPED KNOW WHAT IS NEEDED TO ADDRESS THEIR CONCERNS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, this morning several of my colleagues and I met with representatives from the New York State delegation to the White House Conference on the Handicapped. The White House Conference, initiated by the Rehabilitation Act of 1973, is the culmination of years of effort and volumes of time and expertise on the part of dedicated people concerned with disabilities throughout the country. The delegation from New York State has been no exception, and the recommendations and issues they brought to us this morning deserve the immediate attention of the Congress.

I know my office has been concerned with addressing the issues that concern our handicapped citizens. I have introduced legislation to include the handicapped in the Civil Rights Act, to provide for arbitration rights for the handicapped in Federal employment, to establish programs to enable the disabled to live independently, hold jobs, and further their educations, and to provide the elderly and handicapped with architectural access to polling places, which has all been developed with the assistance of the handicapped who best know their own needs. It is my hope that the White House Conference on the Handicapped will serve as a focal point for organizing the concerns of the New York State delegation and other State delegations that we might move ahead with a national program to actively insure that the rights of our disabled citizens are indeed fulfilled.

I would like to bring the delegation's recommendations to the attention of the rest of the Congress, that other Members might better appreciate that answers to the problems do exist; and that it is our responsibility to take action to implement those answers:

HIGHLIGHTS

The following New York State report contains over 200 separate recommendations for consideration at the White House Conference on Handicapped Individuals and by the State and Federal Legislatures. In this section, we highlight the 16 recommendations which we consider top priority.

Whereas, individuals with disabilities, persons perceived to have a disability and their families, have traditionally been discriminate against, and their human, civil and constitutional rights denied;

Whereas, the attitude of society, both overt and covert, has consistently caused individuals with disabilities and persons perceived to have a disability to be apart from society's mainstream, rather than part of it;

Whereas, access to transportation, housing, public and private buildings and areas, cultural and recreational events have been strewn with both architectural and communication barriers;

Whereas, fiscal and programmatic disincentives have denied and deprived individuals with disabilities of health (physical, mental and emotional), education, housing, social welfare and employment opportunities;

Whereas, inappropriate and costly institutionalization is a plague on all society in both human and economic terms and denies to individuals the right to a life of dignity in the least restrictive setting;

Therefore be it resolved that the following major recommendations be adopted and implemented through appropriate means, effectively, efficiently and expeditiously:

1. Add to the federal (anti-discrimination) Civil Rights Act of 1964 "all persons with disabilities and persons perceived to have disabilities."

2. Appropriate a sum sufficient for a program of public works by which unemployed construction and other related trades workers will be hired to remove architectural and communication barriers in public and semipublic buildings and areas.

3. Initiate the study of and removal or correction of all fiscal, programmatic and bureaucratic disincentives and discriminatory and exclusionary language in Federal, State and local attitudes, regulations and directives.

4. Provide New York State and Federal fiscal support to enable an orderly transition from institutionalization to alternatives in community based housing, (re)habilitation programs and services.

5. Create and fund New York State and Federal systems of advocacy and ombudsman services for all persons with disabilities, persons perceived to have disabilities and their families.

6. Consolidate all national advisory committees and commissions into a single coordinated and coordinating entity, and enact legislation enabling states to do like wise.

7. Caption all publicly funded television programs and all television newscasts as an aid to those with hearing impairments and also for those learning disabilities.

8. Assure that persons with disabilities and persons perceived to have a disability and their families, have full representation on governing boards and policy-making bodies at all levels of planning in agencies which serve them.

9. Initiate, through each school district, programs of early identification, as well as appropriate education and related services for children from infancy, and provide funding and sufficient and appropriate safeguards to assure privacy and prevent discrimination.

10. Research, develop and implement through all available means, including media, an ongoing program of community awareness to dispel myths pertaining to individuals with disabilities and persons perceived to have disabilities.

11. Create a system of tax relief and incentives and/or subsidies to assure that no one need suffer either financial loss or deprivation of his or her rights and dignity because of a disability.

12. Provide subsidies, incentives and such other assistance as necessary to assure availability of barrier-free facilities (architectural, communication, mobility and social).

13. Mandate through relevant statutes and regulations that financial assistance and health and mental health services are the right of all individuals in need of such services.

14. Provide qualified interpreters, recordings, braille documents and other communication aids for individuals with sensory and other impairments at all public and publicly funded hearings and meetings.

15. Provide from New York State and Federal sources excess cost funding which would

pay all costs for students with handicapping conditions that exceed the average cost per nonhandicapped pupil.

16. Provide New York State and Federal fiscal support to both public and private employers to foster the hiring and promotion of persons with disabilities and persons perceived to be disabled.

PRESS REPORTS FAVORABLY ON OSHA'S "COMMONSENSE" APPROACH TO THE TASK OF PROVIDING SAFE AND HEALTHFUL WORKPLACES

(Mr. GAYDOS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GAYDOS. Mr. Speaker, the American worker can well be pleased that OSHA is moving ahead in the field of occupational disease and will focus virtually all of its efforts in the future on the most serious hazards for workers.

Additionally, it is gratifying to note the acceptance by segments of the business community of OSHA's "commonsense" approach to the task of providing safe and healthful workplaces. I refer specifically to an article in the Washington Post, dated May 20, 1977, in which the U.S. Chamber of Commerce was quoted as saying the changes were "highly welcome" and a "step in the right direction," especially the emphasis on consultation to encourage voluntary compliance. And, from the same article:

> The National Federation of Independent Business, one of the largest small-business organizations, said the Marshall order was a breakthrough.

Articles from the Washington Star, May 19, 1977, New York Times, May 20, 1977, Washington Post, May 20, 1977, the Wall Street Journal, May 19, 1977 follow:

[From the Washington Star, May 19, 1977]

"COMMONSENSE" BECOMES OSHA'S NEW PRIORITY

(By Cristine Russell)

The Labor Department today announced a major shift in the agency's job health and safety program, designed to focus more resources on serious occupational disease problems and to eliminate or simplify unnecessary regulations of the Occupational Safety and Health Administration.

In announcing the "shift to common sense priorities," Labor Secretary Ray Marshall called the new emphasis "an important turning point in the history of OSHA," which businessmen often cite as the most obnoxious example of federal regulation.

"In announcing these new priorities today, we are trying to do two important things. One is to get the monkey of unnecessary and complex government regulations off the backs of small business. And the other is to focus our limited resources on the most serious health and safety problems faced by American workers," Marshall said at a press conference today.

"We need to bring common sense into the occupational safety and health program. We've been chasing minnows and letting the whales get away. I think that's a bad way to fish," he said in a statement issued at the press conference.

Marshall put top priority on improving OSHA when he took the Labor job and spent a day working as an OSHA inspector in a factory outside Philadelphia.

"The worst thing about wasting time and money on nitpicking regulations," he said, "is that you shortchange the fight against the most serious dangers to human life and limb in the high-risk workplaces. From now on OSHA is going to get serious about serious dangers."

The new OSHA administrator, Dr. Eula Bingham, announced that in launching what she called "an all-out effort to combat occupational illnesses and disease," the agency is going to refocus our inspection efforts on the most serious workplace health and safety problems.

"Beginning this year," Bingham said, "95 percent of OSHA's inspections will be devoted to those industries with the most serious problems, such as construction, manufacturing, transportation and the petrochemical industries."

Bingham outlined other changes in OSHA's approach, many of which attempt to improve the previously strained relations between the regulatory agency and small businesses:

Since most small businesses are what OSHA considers "low-risk industries," the new inspection priorities would mean that 80 percent of small businesses can count on their likelihood of being inspected dropping by nearly two-thirds—from 1 in 500 to 1 in 1,300. Chances of inspections would increase for "high-risk" businesses, both small and large.

Penalties for violations that have no impact on employe health or safety will be eliminated entirely.

OSHA will appoint a special assistant for small business to head a task force. The agency also plans to distribute small-business handbooks with simple checklists and self-help guides designed to assist businessmen in complying with the complex law, and will provide more consultative services for those with questions.

Educational efforts will be expanded to help explain OSHA's rules to both workers and employers.

In attempting to simplify and eliminate unnecessary rules, the agency is reviewing more than 5,000 safety standards, of which many are what she called "Mickey Mouse rules that burdened employers without really protecting workers."

"In the past," Bingham said, "OSHA actually cited businesses for not having proper coat hooks in toilet stalls. The rule is now abolished. The United States Department of Labor has more important things to do than hang employers up on silly little rules."

The OSHA administrator also questioned a rule on the exact height above the ground that fire extinguishers must be installed. "Does it really make sense to require that the fire extinguisher in a basketball team's locker be at the same height as the fire extinguisher in a jockeys' room? We're going to start developing standards that deal directly with making workplaces safe and healthy, instead of dictating specifics that have nothing to do with protecting workers."

As a new booklet prepared for distribution around the country (and including a statement of support from President Carter) points out, OSHA's emphasis in the past has largely been on safety rather than health.

More than 100,000 inspections—94 percent of all inspections—have been safety-oriented, compared to fewer than 7,000 health inspections. Safety personnel number more than 1,000; health personnel less than 400. And while there are over 5,000 established safety standards, OSHA has issued only 15 specific health standards—largely regulating cancer-causing chemicals—in its six years of existence.

"We're going to get tough on the health hazards in the workplace that cause irreversible injury—cancer, nerve damage, leukemia, lung disease, and all the rest," said Bingham.

Marshall, looking back on the history of OSHA, had some strong words for the previous administration: "This was a program forced upon a reluctant administration by Congress. The tangled history of its first six years illustrates what happens when people are asked to enforce legislation they don't believe in. In many ways, the program has been sabotaged from the beginning. . . . The result has been chaos."

[From the New York Times, May 20, 1977]

U.S. SAFETY AGENCY BEING REVISED TO FOCUS ON MAJOR WORK HAZARDS

(By David Burnham)

WASHINGTON, May 19.—Ray Marshall, Secretary of Labor, announced today that the Occupational Safety and Health Administration will focus virtually all of its efforts in the future on the most serious hazards for workers and attempt to gradually eliminate "nitpicking regulations."

The change of emphasis was announced at a news conference by Mr. Marshall and Dr. Eula Bingham, head of the much criticized Labor Department agency.

Some labor unions and organizations such as Congress's General Accounting Office have charged that, in its first five years of operation, the health and safety administration has had no overall impact on the occupational health conditions that are estimated to result in the death of 100,000 workers each year. Business groups, on the other hand, have concentrated their fire on what they called "horror stories" about the arbitrary application of rules concerning such things as the number of coat hooks in rest rooms and the height of fire hydrants.

Mr. Marshall said that after studying the agency and the criticisms of it he had come "to the sad conclusion that both business and labor were right."

"O.S.H.A. did have too many petty regulations," he said, "O.S.H.A. had neglected long-term health problems in order to enforce some petty standards not directly affecting safety or health."

QUESTIONED ON IMPACT

The Labor Secretary was asked what made today's announcement of a changed emphasis at the health agency different from similar announcements that were made in the last few months of the Ford Administration. Mr. Marshall said that the previous Administration had talked about improving the agency, but the record showed that it "had not done much." He added: "We believe in the law. We intend to make it work."

In the past, the agency has concentrated on safety rather than health problems. In the fiscal year 1976, for example, it made 101,819 safety inspections, but only 6,977 health inspections. Since its establishment in 1971, the agency has promulgated more than 5,000 safety standards, but only 15 new health standards.

At the news conference, Dr. Bingham promised that O.S.H.A. was "going to get tough on the health hazards that cause irreversible injury—cancer, nerve damage, leukemia and lung disease."

At the same time, the official said, the agency would begin withdrawing and simplifying the large number of safety regulations intended to guard against minor injuries, would hire a special assistant to work with small-business men and would expand education programs designed to help all businesses.

"Some industries, such as construction, manufacturing, transportation, petro-chemicals, are much more dangerous than others and it makes sense to focus our limited inspection resources in those high-risk industries," Dr. Bingham said.

EFFORTS ON DANGEROUS INDUSTRIES

She added that, under the new program, "95 percent of O.S.H.A.'s inspection efforts will be devoted to the most serious health and safety hazards." The other 5 percent will go to the lower-risk sectors of the economy such as wholesale and retail trade, finance institutions and service industries.

Dr. Bingham also said she expected that the agency would begin issuing rules covering large groups of substances, such as those known to cause cancer, rather than continuing to issue a separate rule for individual chemical compounds.

[From the Washington Post, May 20, 1977]

OSHA Will Quit "Nitpicking," Go After Big Hazards

(By Helen Dewar)

A new government drive to crack down on major occupational health and safety hazards instead of "nitpicking" small businesses with "Mickey Mouse" regulations was announced yesterday by Labor Secretary Ray Marshall.

"There will be no more petty regulations like those dealing with coat hooks in bathrooms . . . We're going to stop the absurd practice of printing 15 pages of regulations, in small type, on the safety of ladders," Marshall said in outlining what he described as a "new era" for the often criticized and ridiculed Occupational Safety and Health Administration.

Industry had criticized OSHA for harassing businesses with trifling but burdensome safety rules, and organized labor has accused OSHA of ignoring serious health hazards, and Marshall said both are right.

"The worst thing about wasting time and money on nitpicking regulations," said the secretary, "is that you shortchange the fight against the most serious dangers to human life and limb in high-risk workplaces."

Key elements of the new policy, as unveiled at a press conference by Marshall and Eula Bingham, the new OSHA chief, includes:

Devoting 95 per cent of OSHA's inspections, instead of the current 80 to 85 per cent, to such high-risk industries as construction, manufacturing, transportation and petrochemicals.

Substantially reducing inspections of small businesses engaged in less dangerous work (an estimated 80 percent of the total of all small businesses), although auto repair shops, dry cleaners, building materials stores and other more hazardous small businesses will face increased inspection.

Stressing development of health regulations for broad categories of potentially deadly dangers, such as cancer-causing substances, rather than detailed prescriptions for individual job risks—epitomized by OSHA's 35 pages of rules on the design of "Exit" signs.

Simplifying regulations that are "needlessly detailed, complicated or unclear" and eliminating others that are outdated or unnecessary, many of which were designed as guidelines by private groups or other governmental agencies and imposed as OSHA regulations by congressional directive.

Suspending penalties for standards violations that "have nothing to do with worker health or safety" until the standards are rewritten or revoked.

Offering handbooks with simple check lists and other self-help guides, professional consultative services and an increased educational effort to encourage voluntary compliance.

"We are going to stop trying to regulate every detail of life in every office, store and factory . . . We are going to simplify our regulations so that everyone can understand them . . . Instead of regulating by flat, we're going to stress preventative consultations with small business," Marshall said.

But mainly, he said, "we're going to focus our efforts on the real health and safety problems which American workers face."

Marshall said yesterday's announcement was aimed at part in proving that "we mean business" to OSHA's critics, some of whom have been pushing in Congress to repeal the six-year-old program.

He said the OSHA changes he was announcing have the "strong backing" of President Carter, who has said he wants to "enforce the law rigidly" but with "a maximum amount of support from labor and industry." Marshall said with a smile: "What the President has a strong interest in I have a strong interest in."

The immediate reaction to Marshall's announcement was positive.

The U.S. Chamber of Commerce said the changes were "highly welcome" and a "step in the right direction," especially the emphasis on consultation to encourage voluntary compliance.

AFL–CIO spokesman Albert J. Zack said the approach was "excellent, sound and sensible."

And the National Federation of Independent Business, one of the largest small-business organizations, said the Marshall order was a breakthrough. "If this is true, amen," said a spokesman for the group.

Asked at the press conference why he believed he could change OSHA when his predecessors failed despite repeated efforts, Marshall said, "We believe in this law . . .: the previous administrations did not."

Holding out a yardstick by which the new program can be measured, Bingham said "substantial progress" should be discernible in three months and "even more progress" in a year. Yesterday's action was the second major step to strengthen OSHA since Marshall and Bingham took over. Last month they announced a 90 percent reduction in permissible worker exposure to benzene, a chemical believed to cause leukemia.

[From the Wall Street Journal, May 19, 1977]

Safety Agency Will Tighten Regulations on Health Hazards, Drop Trivial Rules

(By Walter S. Mossberg)

WASHINGTON.—Ever since its establishment in 1970, the Occupational Safety and Health Administration has been criticized for doing too many of the wrong things and not enough of the right things.

The agency (widely known by its acronym, OSHA), is supposed to protect the health and safety of workers. But hardly anyone believes it does that well.

Businessmen see OSHA as a conglomeration of impractical Washington bureaucrats harassing business with inane but costly rules about such things as the need for coat hooks on the doors of toilet stalls. Labor unions say the agency is too timid to challenge business for failing to curb serious health hazards, such as cancer-causing chemicals.

Now the Carter administration has concluded that OSHA must drastically change course. If it doesn't, officials believe Congress will put the agency out of existence. "It's crucial to our survival that we change," says Eula Bingham, assistant secretary of Labor in charge of OSHA.

At a news conference today, the Labor Department will announce that it has decided to "redirect" the agency. OSHA soon will begin dropping dozens of regulations that employers regard as nit-picking, such as 35 pages of rules on the design of "exit" signs. It also will reduce inspections of generally nonhazardous businesses.

But the agency will get tougher in other ways. It plans to issue more rules regarding severe health hazards and to make more use of an emergency power (hardly ever used in the past) to restrict use of dangerous substances. OSHA also will focus much of its attention on four major industries—construction, heavy manufacturing, transportation and petrochemicals—that are considered especially hazardous. And it will keep the pressure on some other industries, large and small, that it considers potentially dangerous; these include auto repair, building materials and dry cleaning.

"GET ON WITH THE REAL JOB"

"We have to admit where the failures and mistakes are and get on with the real job of saving lives," Assistant Secretary Bingham says. The agency "has been enforcing rules that have caused us to come under ridicule and attack and have undermined the whole climate for OSHA's work."

Eliminating trivial rules and increasing the emphasis on severe health problems have been proposed before by OSHA officials in previous administrations. A few useless safety rules have been dropped occasionally, and President Ford's last OSHA chief had begun trying to focus more of the agency's work on health problems.

But current OSHA officials say the previous efforts lacked strong support from the White House. This time, Assistant Secretary Bingham says, "the President is as committed as I am."

Labor unions also are lining up behind the plan, even though it may mean the elimination of some safety rules that they favor. "They don't want to see the agency go down the drain," the new OSHA boss says. "Besides, our trouble isn't just with employers. If a worker thinks our standards are ridiculous, he or she isn't going to support us, either."

Some of organized labor's safety activists appear delighted by the proposed policy changes. Says Frank Wallick, a United Auto Workers official and author of a book on job safety: "The stuff they're cutting out is trivial. They've had the idea in the past that, if everybody wears safety shoes, they'll be safe—even though they're breathing in chemicals that cause cancer."

OTHER PEOPLE'S RULES

Last week, the General Accounting Office chided OSHA for having issued fewer than 20 health standards since its inception. The GAO recommended, among other things, that OSHA—which has had four bosses and four reorganizations in its brief past—improve its management practices.

Criticism of the slow pace of standards-writing highlights an ironic situation that underlies the agency's problems: Most of the thousands of regulations that OSHA enforces were drawn up by private safety groups, predecessor agencies or industry itself. Congress ordered OSHA to adopt most of them as federal regulations and it did so in 1971.

This body of rules never drafted by OSHA has provided critics with a litany of horror stories about silly, unreasonable regulations. For instance, in plants where aisles for walking have been marked on the floor with white paint, the rules require that they be repainted yellow. The rules also specify that fire extinguishers weighing less than 40 pounds be mounted five feet up on walls.

When such rules were voluntary, "companies knew they could ignore the ones that didn't make sense," says Assistant Secretary Bingham. But now that they have the force of federal regulations, they're tough to obey and tough to enforce as well. "OSHA compliance officers who are really concerned with health and safety," she says, "don't want to spend their time on these small items either."

Some of the rules seem contradictory. For instance, companies have complained that OSHA requires them to install "rest" platforms every 30 feet on tall, permanent caged-in ladders attached to high towers. But the same rules allow them to use 75-foot portable aluminum ladders, without guard cages or rest stops, leaning up against the same towers.

PLANS FOR REVISING RULES

The agency's reputation for nit-picking has also spawned inaccurate but damaging stories. Last month, for example, Business Week magazine reported that, at Dow Chemical Co., "it cost $60,000 per plant to lower all railings from 42 inches to the OSHA-required 30 inches to 34 inches, although Dow studies found the higher level was safer." In fact, Dow Chemical didn't lower any railings, didn't spend any money on railings, and wasn't ordered by OSHA to change any railings.

To solve the problem, the agency plans to revise hundreds of standards—a process that is already under way. But that job is time-consuming, because formal legal procedures must be followed. One major revision—covering platforms, ladders and other working surfaces—was proposed in 1973 but still hasn't been made final. Assistant Secretary Bingham says major revisions will be made within six months.

In the meantime, however, she has ordered OSHA employes to begin producing administrative revisions of the standards—a process that doesn't require legal proceedings The effect of these administrative changes is to retain the rules but to order OSHA inspectors to stop enforcing them or to allow employers greater leeway in complying with them.

"We'd like to get rid of rules like the ones requiring split toilet seats," she says, "and we'd like to say that, as long as a fire extinguisher can be reached, we're not going to cite people because it's not the required height."

In the past, regulations that were widely criticized as ludicrous have sometimes been quietly abandoned by OSHA. In 1974, the agency told inspectors that platform guard rails didn't really have to be exactly 42 inches high, as the rule specified. And, in 1973, the agency exempted small firms from a widely criticized rule requiring separate restrooms for male and female employes, even in tiny shops.

However, the new OSHA chief says that such revisions "were put on the back burner before" and that she intends to speed up their issuance. "It upsets me greatly," she says, "that we're saddled with all these nitpicking rules, for which we often have no justification, but we still don't have a tunneling standard—even though 14 people have died putting in the Washington subway."

While expanding its work in certain large and hazardous industries, OSHA plans to reduce the number of routine, scheduled inspections at generally safe work places. "There's going to be a very, very significant decrease in inspections of nonhazardous sectors, such as service industries, insurance agencies and the like," says Frank Greer, a Bingham aide.

In the past, OSHA has sometimes set out to increase inspections in certain hazardous industries, but these efforts have foundered because OSHA's limited manpower has been stretched thin by incoming complaints. The law requires that complaints be investigated, and the agency has been especially fearful of ignoring them ever since it missed discovering the dangerous effects of the chemical kepone, in Virginia, because it failed to follow up a worker's complaint.

But the new OSHA leadership plans to impose, for the first time, a priority ranking for complaints. All complaints will be checked, but those involving the least hazardous situations will be acted on last. In that way, OSHA hopes to reduce the time it spends inspecting such sites as the gasoline station owned by President Carter's brother Billy that the agency checked last month after receiving a complaint.

OSHA also wants to spend more money underwriting state programs of penalty-free consultation with small-business men to help them comply with complicated federal safety rules. OSHA hopes that the change will prompt states to increase this service and will set more small businesses to use it. To do that, it wants the annual consultation budget raised to \$10.4 million from \$6 million.

In addition, the agency plans to seek extra funds to expand a program to educate workers and employers about occupational safety. A new, simply written guide for small business men has already been produced in limited numbers, and OSHA officials say one formerly critical Republican Senator was so impressed with an advance copy that he asked for several thousand to mail to constituents.

ASSISTANT SECRETARY OF LABOR FOR OCCUPATIONAL SAFETY AND HEALTH TESTIFIES BEFORE THE SUBCOMMITTEE ON COMPENSATION, HEALTH, AND SAFETY ON OSHA'S NEW COMMON SENSE APPROACH

(Mr. GAYDOS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GAYDOS. Mr. Speaker, the Assistant Secretary of Labor for Occupational Safety and Health, Dr. Eula Bingham, testified before the Subcommittee on Compensation, Health, and Safety on May 23, 1977. Perhaps one of the most significant aspects of Dr. Bingham's testimony related to OSHA's new approach in dealing with the small business community. From her testimony, I quote the following:

But I am emphatically opposed to any exemption of small business or small farms from OSHA coverage. Exemptions by size of employment establishment are simplistic approaches to the problem of improving the administration of the Act. The employees of such workplaces are no less deserving of protection than those working for larger firms. Can we in good faith, as a matter of national policy, maintain that the lives of some workers are of less value than those of others? I can cite for this Subcommittee numerous examples of the most horrible workplace accidents and illnesses suffered by employees of even the smallest business establishments. The effect of these incidents upon their families and co-workers is devastating. Depending upon the definition used, small business employers can constitute from sixty-eight to ninety percent of the Nation's employers.

We must not deprive the employees of such a significant segment of our economy of the protection which Congress has decreed they deserve. Common sense regulatory decisions and a commitment to making this program work are the most responsive solutions to the problems pointed out by OSHA's critics.

The remainder of Dr. Bingham's testimony was also enlightening and I commend it to my colleagues. The full text of Dr. Bingham's testimony follows:

STATEMENT OF EULA BINGHAM, ASSISTANT SECRETARY OF LABOR FOR OCCUPATIONAL SAFETY AND HEALTH

Mr. Chairman, Members of the Subcommittee: I thank you for the opportunity to appear today. I would like to discuss with you my plans for leading the Occupational Safety and Health Administration (OSHA) in the most effective manner possible for protecting America's workforce. Upon assuming office in March, I quickly realized that this agency was perceived as being overly concerned with trivial workplace regulations at the expense of real threats to worker safety and health. I am also aware that members of this subcommittee and others who worked so hard to secure enactment of the Occupational Safety and Health Act of 1970 intended that OSHA should concentrate on the workplace problems which truly threaten workers' lives. Thus, I have begun to redirect the priorities of this agency.

While OSHA recently began to focus its resources on occupational health problems, the agency's emphasis in this area must be increased. The extent of workplace health tragedy in America is appalling. The National Institute for Occupational Safety and Health has estimated that there are approximately 100,000 deaths each year from occupational disease; many of us in the environment medical community believe this to be an extremely conservative estimate. Numerous chemicals and substances used in the workplace cause cancer in those exposed; others often result in irreversible disease. The resultant cost to worker health and well-being of his or her family is intolerable. We must take steps to stem the environmental epidemic which is affecting the working men and women of this Nation.

In addition, the issue of occupational disease goes beyond the plant gate; its ramifications may affect the health of every community in the Nation. We are only beginning to learn the harmful effects of exposure to toxic substances in the workplace. Recent studies for instance, indicate that lead and vinyl chloride monomer affect both male and female reproductive processes.

To date OSHA has not issued enough health standards. I intend to enhance our capability to address health problems. The emergency temporary standard limiting exposure to benezene, a substance used in numerous industries, which can cause leukemia, is the first product of our efforts. This standard included a readily understandable guide for employers to help in applying its provisions.

I believe we can go further and examine alternative strategies to the substance-by-substance standards-setting method which the agency has used in the past. One approach to be studied is the classification of potential carcinogens by the degree of carcinogenicity. This would allow uniform regulatory action for each class of carcinogens. We are seeking the advice of the National Advisory Committee on Occupational Safety and Health as well as others from the private sector in formulating an occupational health standards strategy.

In order to ensure worker protection through these standards, OSHA requires a well-trained, highly motivated compliance staff. We particularly seek physicians, epidemiologists, nurses, and other members of the medical profession, as well as additional industrial hygienists. I intend to use my background and contacts in the environmental medicine community to enlist the services of such skilled personnel. Meanwhile, OSHA's present compliance officers are being cross-trained in order that safety specialists will be able to recognize health problems and begin taking corrective actions. The training curriculum for OSHA compliance officers has also been revised to emphasize sensitivity to the needs and problems of those small business employers who are inspected. Compliance officers are being instructed that where possible, they may make general suggestions concerning hazard abatement methods at the close of each workplace inspection. This will enable the employer to immediately begin planning the means by which workplace violations can be corrected. As we issue more health regulations and improve the training of our inspectors, many of the sources of complaint about trivial regulations should subside; the compliance program will be focused on the critical workplace problems.

Along with an increased emphasis on occupational health, OSHA will carefully examine existing safety standards. These regulations, the majority of which were adopted from existing consensus standards, are sometimes unduly complex, vague, or have no direct or immediate relationship to employee protection. Where necessary these rules will be revised or eliminated. Presently, about twenty-five percent of the existing standards are undergoing revision. Numerous town meetings and other public forums have been used to gather information for this effort. In addition, OSHA will expand the use of de minimis notices for violations of those standards which have no direct or immediate relationship to safety or health. These notices carry neither a proposed monetary penalty nor a requirement for abating violations.

OSHA currently employs approximately 1,400 Federal compliance officers. Realistically, we cannot expect to inspect annually more than two or three percent of those work establishments covered by the Act.

We must concentrate on those industries and workplaces which present the gravest threats to their employees. We intend to focus ninety-five percent of the inspection resources on those industries with the most serious safety and health problems such as construction, manufacturing, transportation, and petrochemicals. No more than five percent will be devoted to areas such as wholesale and retail trade, finance, or the service industries; furthermore, inspections within these sectors will be directed to the highest hazard workplaces. Thus, for eighty percent of the small business establishments in the less dangerous industries, OSHA's inspection rate will decrease from approximately one inspection in every 500 work establishments to one in every 1,300 establishments per year.

The effectiveness of OSHA's efforts to eliminate workplace hazards depends ultimately upon the willingness and ability of the Nation's employers to comply with this program. I am confident that most employers, when aware of the potential hazards in the work environment, will cooperate with OSHA's efforts to protect their employees. In many small businesses the employer is often working alongside the employee; the employer is often exposed to the same hazards as the employees. Thus, there should be a mutual concern for conditions in the workplace. It is OSHA's responsibility to provide assistance in understanding and complying with our regulations. This is particularly important for small business employers who often have neither sufficient technical expertise nor financial resources to comply with OSHA's requirements.

To assist these employers the agency has encouraged the States to provide on-site consultative services. The consultant points out workplace hazards and applicable OSHA standards, and suggests means of abatement. Currently, thirty-six States or jurisdictions provide this assistance either through their own occupational safety and health programs or through contracts with OSHA. Such consultation is available to about seventy-five percent of the employers covered by the Act. We have recently proposed to increase from fifty to ninety percent the Federal share of the contracts with States who wish to provide on-site consultation. All States, with or without their own safety and health programs, will be eligible to receive increased funding. Hopefully, by increasing the number of participating States, we can ensure the availability of consultation to about ninety percent of the Nation's employers. We may never have one hundred percent State participation in this program; therefore, we will be using such private sector consultative sources as universities, community colleges, consulting firms, and extension centers.

One of the most effective tools for eradicating workplace hazards is to increase awareness of both employers and employees to the dangers faced in their specific work environment. OSHA is considering undertaking an expanded educational effort designed to acquaint employers with the necessity for a hazard-free workplace, the nature of proper work practices, and methods for working with OSHA. We may use the resources of the academic community in this effort as well as such techniques as home study courses designed for employers. Small business organizations could be asked to assist in disseminating educational materials to their members.

In order to gain a first-hand understanding of the problems which small business employers have with this program and ways in which we can assist this sector, I will shortly be appointing a special assistant for small business. I am seeking an individual with broad knowledge of the small business community, who will report directly to me and will communicate with small business organizations and individual employers.

Shortly, a Small Business Task Force, with a designated member in each of OSHA's ten regional offices, will be established to coordinate small business assistance. As a prototype of this effort OSHA's Chicago Regional Office is now testing a program in which experienced OSHA employees are serving as direct contacts with small business employers seeking assistance in eliminating safety and health hazards. Through advice over the telephone, appearances before local employer associations, direct mailings, and referrals to existing consultation programs, we hope to improve our relationship with employers in this midwest region. There are indications that much of the concern expressed by small business employers is based more upon the fear of the unknown than upon actual experience with OSHA. Our goal here is to establish easily available informational sources to dispel any employer concerns about the program.

Another type of assistance is the OSHA Handbook for Small Businesses. This publication is designed to assist small business employers in meeting OSHA requirements prior to an inspection. It includes a self-inspection checklist and a list of sources of assistance in evaluating workplace safety and health conditions. Over one million copies have been printed and are being distributed through OSHA field offices, State labor departments, local safety councils, insurance companies, and business associations. The demand for this publication has exceeded our supply and additional copies will be printed.

To aid small business employers who require financial assistance in correcting workplace conditions, OSHA works with the Small Business Administration (SBA). SBA provides loans after OSHA field offices determine that the requested use of the funds would adequately correct cited violations. In order to improve this relationship we are revising the current Memorandum of Understanding between the two agencies; we are also working with SBA to expedite safety and health local applications.

Several administrative changes have been made in OSHA's compliance program to consider the financial burden on small business employers without sacrificing employee protection. OSHA eliminated monetary penalties for other than serious, willful, or repeated violations when those penalties would amount to less than fifty dollars. This eliminates what was considered by many to be a "nuisance" penalty. The agency also increased the percentage by which a proposed monetary penalty can be reduced based upon the size of the employer's business. This enables OSHA to maintain flexibility toward the small business employer when penalties are necessary for workplace violations.

I believe that the cumulative effect of the initiatives which I have described will improve the relationship between OSHA and the business community. By attaining employer support we can more effectively protect the employees. We are sincere in the desire to provide assistance to employers. But I am emphatically opposed to any exemption of small business or small farms from OSHA coverage. Exemptions by size of employment establishment are simplistic approaches to the problem of improving the administration of the Act. The employees of such workplaces are no less deserving of protection than those working for larger firms. Can we in good faith, as a matter of national policy, maintain that the lives of some workers are of less value than those of others? I can cite for this subcommittee numerous examples of the most horrible workplace accidents and illnesses suffered by employees of even the smallest business establishments. The effect of these incidents upon their families and co-workers is devastating. Depending upon the definition used, small business employers can constitute from sixty-eight to ninety percent of the Nations employers. We must not deprive the employees of such a significant segment of our economy of the protection which Congress has decreed they deserve. Common sense regulatory decisions and a commitment to making this program work are the most responsive solutions to the problems pointed out by OSHA's critics.

This subcommittee has my commitment to administer OSHA in the manner which Congress intended—focusing on workplace dangers which truly threaten workers health and safety. I believe we can do this fairly and effectively, making proper use of available resources. I welcome your ideas and assistance in making OSHA a highly professional agency, respected by those concerned with the work environment. I look forward to working with you in protecting America's working men and women.

DO WE NEED AN OFFICE OF CONSUMER ADVOCACY?

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, Earl W. McMunn, director of public affairs of the Harvest Publishing Co., and contributor to the Ohio Farmer, wrote an article on this subject on May 21. I feel our colleagues in the Congress should have the benefit of his views and, accordingly, reprinted hereafter is Mr. McMunn's editorial "Consumerists Offer Expensive Protection":

LET'S REASON TOGETHER

(By Earl W. McMunn)

CONSUMERISTS OFFER EXPENSIVE PROTECTION

Professional consumerists are beating the drums for another layer of costly and stifling government regulation. They are pushing for legislation to spend $60 million over the next three years in an Office of Consumer Advocacy.

It is claimed the new agency would "give consumers clout" by intervening in federal regulatory proceedings "which substantially affect a consumer interest." That means meddling in just about every aspect of government, since we are all consumers and are "substantially" affected by so many federal regulations.

A basic question is whether the sponsors are honest in "telling it like it is." They promise new power to consumers. That means individuals—all of us. But they don't bestow power by taking away individual freedom. This is what happens every time we create a new agency of government. We give up another portion of our freedom.

As consumers, we hold the power so long as we hang onto our rights of individual choice. Ours is the right to choose one product while rejecting another.

Customer power to choose is the power to order almost unlimited amounts of some products, while driving others from the marketplace. In an open market no one is forced to buy anything. When government regulators take over, consumers lose this basic and all-important protection.

But professional consumerists have another goal. They want power for themselves. They believe in their own wisdom to make choices affecting the everyday lives of others. Theirs is a creed that "government knows best." And they want to rule. They don't believe the average individual is wise enough to know what he should buy or how his money should be spent.

This zeal for managing the lives of others is paying off big—for the professional protectors! It is creating millions of non-productive jobs, both in and out of government. It is costing consumers billions. And the end is not in sight. Every new proposal adds to the total. Farming the land is big business. But farming taxpayers could be larger.

Estimates vary as to the cost of federal regulations. One report from the Federal Trade Commission placed the economic waste from regulatory overkill and anticompetitive practices at $80 billion. The General Accounting Office has placed the annual cost of defective regulation at $60 billion per year. And a study by the Executive Branch boosted that total to $120 billion. This figures out to $2,000 per family per year.

Is this protection for consumers? Making them pay an average of $2,000 per family every year for regulations which are not needed?

A major argument for the Office of Consumer Advocacy is that no agency of government is now protecting the interests of consumers and that this new agency is needed. This argument has a hollow sound, at least to those who believe government should be the servant of the people and not the master.

The truth is that any demand likely to improve the lot of consumers can now be lodged with some agency of government—sometimes with several. Ours is already the world's most massive collection of agencies, bureaus, courts, laws and regulations. All are alleged to protect someone against something. Isn't it silly to claim that just one more agency can succeed in doing what the massive bureaucracy had failed to do?

During the recent political campaign there was outspoken criticism of existing bureaucracy. Many voters interpreted this as a signal that government would be cut back—not expanded.

But those with ambition to rule want still more government and they are out to provide it. In fact, professional consumerists are more firmly entrenched in positions of power than ever before. Esther Peterson is now consumer advisor to President Carter. Carol Foreman, a former executive director of the Consumer Federation of America, is an assistant secretary of agriculture.

Professional consumer protectors are making the Office of Consumer Advocacy their Number one lobbying goal for the year. Ralph Nader has labeled the proposed agency as a "strike force" that will "revolutionize" the government. The important question is whether it will "revolutionize" or "paralyze."

Are we frittering away our substance with non-productive paperwork when we should be producing useful goods and services? Many thoughtful individuals believe this is what we are doing.

Numbered in this group is Dr. Clifford M. Hardin who rates the growth of federal regulation as one of the major domestic problems of our day. Hardin has studied the issue from several vantage points. He served as dean of agriculture at Michigan State University, Chancellor at the University of Nebraska, U.S. Secretary of Agriculture, and is now vice-chairman of the board of the Ralston Purina Company.

Hardin says his concern is not with the idea of regulation or even with the central purpose of most regulatory legislation. Rather, it is "with such things as overlapping and duplication of requests for information—often in different formats; directly conflicting rules from separate agencies; rules that are out of date but which are not removed and finally, perhaps most importantly, the growing obsession with minutia—items that have little, if anything, to do with protecting the consumer, the environment, the safety and welfare of employees for the growth of competitors."

The proposed consumer advocacy agency would cost millions to start. But that is only a beginning. The real cost is in what it would do to the whole process of government.

The agency would have the power to intervene in all rule-making procedures of other government agencies. Also, it would have the power to sue any agency that in the view of the Consumer Advocacy Agency did not act in the best public interest in its rules and regulations.

What an administrative nightmare this would create. And, what a gold mine for professional consumerists. Many areas of the economy are already bogged down in a morass of government regulations and red tape. Actions are delayed—sometimes for years—while waiting for a government decision. This is bad enough when decisions are forthcoming from a single agency.

What happens when one agency is granted the power to sue another? Productive business could be brought to a halt. Everyone knows government rule-making is slow enough already. But drag the rule-making process through the courts and you guarantee obstruction and delay without end.

Our lawmaking process is supposed to be in the hands of Congress. They are elected officials and subject to recall when voters are unhappy. Not so for most members of regulatory agencies. They are a part of the entrenched bureaucracy. And lawmaking by regulatory edict has become one of the big governmental activities of our time.

In seating a regulatory agency, the Congress grants powers to frame and administer regulations which have the full force of law. Agencies are quick to use this authority to build an ever-increasing web of power and influence. Unintentionally or otherwise, these regulations may turn out to be overlapping or contradictory. Imagine what hapens when you create an agency for "official meddling." Opportunities are unlimited!

A 1974 study by the Library of Congress shows our federal lawmakers passed 404 laws. These were neatly contained in two bound volumes. That same year, the federal bureaucracy issued 7,496 new or amended regulations. These filled 34 large volumes. And, since 1970 the volume of new regulations has been growing at a rate of about 25 percent a year! Here is an unlimited field for intervention and meddling. This is what activists are looking for. Give professional consumerists control over the rule-making process, and they could write more law than our elected lawmakers.

Advocates of big government justify every proposal on the basis of "what it will do *for* people." Ignored or glossed over is what it will do to them. The price tag is never displayed.

One of the greatest threats to the people of this country is the threat of big government. Every decision you turn over to someone in government is a decision you no longer can make for yourself. It is impossible to have freedom and stifling government bureaucracy at the same time. Choose government intervention and you lose your freedom. It is as simple as that.

Yes, every demand known to man can now be lodged with some agency of government. This doesn't mean that all should be granted. But a super agency with power over other existing agencies can create staggering costs, endless confusion and less freedom to make individual choices. All this in the name of "consumer protection." It is really promotion for professional consumerists. With consumers paying the bill!

WHAT WILL CODE OF ETHICS PRODUCE?

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, the Congress has been busily engaged in policing itself and adopting a code of ethics, as well as creating a Committee on Standards of Official Conduct. We are frantically trying to improve our image as well as increase our popularity in the polls above the traditional used car dealer or garbage collector.

The results raise a rather large question mark in the overall matter as set forth in a column by Bob Wiedrich in the Chicago Tribune, May 10. It might be of interest to all Members:

Too Many Laws for Our Own Good

(By Bob Wiedrich)

The Post-Watergate thrust for political ethics may have created a Frankenstein monster that could gobble us up with needlessly restrictive laws.

That is what Acting Mayor Michael Bilandic told a group of restaurateurs worried about proposed truth-in-advertising legislation that could require they nutritionally back up claims their soup of the day is hearty.

Under the guise of ethics legislation, Bilandic said reformers have created a breed of professional legislators whose sole reason for being will be the writing of new laws—whether they are needed or not.

That will be the only way they can justify their existence, he explained. And by spending all their time thinking up new ways to legislate, they will further remove government from the people.

When Congress passed codes of ethics sharply restricting the sources and amounts of outside income that can be earned by its members, Bilandic said, it set the stage for an environment in which Capitol Hill will be deprived of a vast range of knowledge and experience.

Congress, he said, was created with the philosophy that its ranks should be drawn from every walk of life to reflect every facet of the nation.

Doctors, lawyers, farmers, and practitioners of other professions and crafts would contribute specialized knowledge to the country, thereby enriching the wisdom and expertise with which the nation was governed.

Now, Bilandic said, that philosophy may have gone down the drain with the passage of codes of ethics restricting to 15 per cent of a legislator's salary or $8,625 the amount of outside income that can be earned annually.

The professional legislators will bring nothing to Congress in outside experience, he said.

And the nation will be the loser in another manifestation of what he characterized as "the post Watergate syndrome." It is the same philosophy, Bilandic continued, that dictates that for every wrong in society there must be a new piece of legislation.

It is tragic, he said, that some still believe that government is a cure-all for every ill and that honestly motivated men are incapable of solving problems without governmental intrusion.

"Every time somebody runs for high office," he said, "they promise to return government to the people.

"But as soon as they are elected, they start taking government away from the people. I think they should be required to sign an oath with their own blood to keep their promise."

What prompted Bilandic's remarks was a discussion before members of the Chicago and Illinois Restaurant Association of some of the potentially silly fall-out that could result from truth-in-advertising bills pending in Congress.

Patrick O'Malley, president of the National Restaurant Association, warned that if the legislation passed, restaurant owners billing soup as wholesome or hearty on menus would have to prove such claims.

A diet special of cottage cheese and fresh fruit would have to be substantiated by a calorie count. They would have to prove that a dish called delicious actually was.

And, we suppose, evidence would be required that the Hollywood fruit plate would assure customers a screen test.

Well, that's how ridiculous some of the legislation being spawned by Congress looks today.

Picture how much worse it might be tomorrow if Capitol Hill becomes totally populated by professional legislators with absolutely nothing else to do but legislate and whose perspectives of the country end at the Potomac River.

They would be out of touch with reality. They would have little concept of the everyday problems confronting their constituents.

In fact, there are those who suggest they might not even visit their districts except at election time because there would be no interest other than legislation to lure them back.

Further, as full-time legislators with nothing else to fall back on if ousted from office, they probably would be completely lacking in independence.

They would be more amenable to pressure from special interest groups—unions, business, or whatever—because they would be more dependent on their support for survival of their livelihood—their congressional paycheck.

Without a doubt, a professional legislator would feel compelled to constantly legislate and to exceed sensible bounds on budgeting just to please those keeping him in office.

In passing the codes of ethics, Congress was reacting to public demands for political purity. But we think the results will be proven to be purely cosmetic.

Those with a penchant for corruption will steal regardless and find ways to mask it. For it is impossible to legislate honesty. Integrity and morality have to come from the heart, not from a piece of paper.

And a breed of professional legislators dependent wholly on the public payroll, we fear. will evolve into a deaf, dumb, and blind monster.

PRESIDENT CARTER CONTINUES TO OPPOSE FUNDING OF CLINCH RIVER BREEDER REACTOR

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, on Thursday, May 19, at a meeting at the White House in the presence of you and some 30 other Members of Congress, I pointed out to President Carter that recent articles in the press had indicated that his announced position opposing further funding for the Clinch River breeder reactor might be softening and that I understood that some members of the House Science Committee had cited this as a basis for their support of the committee's recent vote to continue funding that project. I asked the President if he would give us the facts as to his present position.

In response, President Carter stated that his position has not changed at all and that he is still opposed to any further funding for the Clinch River breeder reactor. He reiterated that the estimates available to him indicated that it would be at least 25 years before we would need to consider the use of breeder reactors and that all he supports at present is a continuation of research in this field.

He also stated that he felt that it was important for the United States to continue to urge other countries to follow our lead in this matter, in order to reduce the danger of proliferation of nuclear weapons, and that he felt that the response that the administration had recently received from other countries with breeder reactor projects was encouraging.

TO FREE DR. IOSIF BEGUN

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, I would like to share with my colleagues the story of Dr. Iosif Begun, a Russian Jew who is caught in the midst of the continuing struggle in the Soviet Union over human rights issues.

Dr. Begun was arrested and imprisoned in Moscow on March 20 on the grounds that he leads "a parasitic way of life." His trial was first scheduled for the end of this month; it was then pushed forward; and I learned last week that it is now set for the first week in June.

Dr. Begun is a graduate of the Radio Technical School of Moscow University. He held the position of senior scientific worker at the Central Science Research Institute of Economics until 1971 when he was dismissed because he applied for an exit visa to Israel. After his dismissal he worked for a short time as a telephone operator and a night watchman until he was unable to hold these jobs because of constant harrassment by Soviet authorities. Since January of 1972 Begun has been tutoring Hebrew and mathematics and has been attempting to be officially registered as a private tutor. His requests have been denied on the grounds that "Hebrew is not taught at the universities"—it is my understanding that other teachers of Hebrew have been licensed by Soviet authorities during the time that Begun filed his request.

Iosif Begun is a pawn in a cruel Catch-22 situation. He was dismissed from his original job because of his desire to emigrate to Israel; he is unable to find employment because he lacks the necessary papers which were taken away from him after he applied for the visa; he is charged with "parasitism" because of his "inability" to find work.

Even though Dr. Begun has experienced undue persecution during the past 6 years, he remains outspoken in his commitment to his cultural background, his religion, and his desire to emigrate to Israel. He continues his membership on the Organization Committee of the Symposium on Jewish Culture in the U.S.S.R. and has authored a paper, "National Culture and Self-Consciousness as a Factor of Preservation of National Minorities." He was one of four Jews who lodged a defamation suit against Soviet television for the broadcasting of the anti-Jewish film, "Traders of Souls."

It is my understanding that Dr. Begun is engaged in a hunger strike and that his condition is deteriorating daily. I have written to Ambassador Dobrynin on several occasions protesting the arrest of Iosif Begun. Last week, Congressman Rosenthal and I sent a telegram to General Secretary Brezhnev urging him to drop all charges against Begun.

The arrest and detainment of Dr. Begun violate the basic principles of the Helsinki accords which both the United States and the Soviet Union signed in good faith and commitment. Dr. Begun must not be allowed to die in prison and it is our responsibility—as citizens of the free world—to speak out against his arrest and to support and defend his freedom.

"SMALL HYDROELECTRIC POWER PROJECTS ACT OF 1977"

(Mr OTTINGER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, I am introducing legislation, the purpose of which is to get started in tapping the immense hydroelectric potential of the tens of thousands of existing small dams across the Nation.

The bill I have introduced would authorize the Federal Power Commission to issue low-interest loans and grants to prove the economic, technical, and environmental feasibility of utilizing dams all across the country—without constructing any new dams whatsoever. The aim is to stimulate municipalities, electric cooperatives, industrial development agencies, nonprofit organizations, individuals, and corporations other than private utilities to build small turbine-driven power stations of up to 15,000 kilowatts in existing dams.

This program will put the Federal Power Commission in a position to promote such small hydroelectric installations. This is a job for which the Commission is ideally suited; it has proven its abilities in the hydroelectric field over the last 50 years. Moreover, the bill would encourage the Commission to treat all applications for licenses for small hydroelectric facilities in an expedited fashion.

By utilizing the capacity for hydroelectric production from the more than 49,000 existing small dams, the Nation could replace up to 1 million barrels of oil per day and save American consumers about $5.5 billion annually. The conservation of precious fuel resources, the environmental benefit in not burning those fuels, and the cost-savings more than warrant adoption of this measure. Indeed, President Carter, in his "factsheet" issued with his energy message on April 20, endorsed the idea of placing turbines in small, existing dams. In the national energy plan, issued subsequently by the Executive Office of the President, the following statement appears:

> New or additional hydroelectric generating capacity at existing dams could be installed at less than the cost of equivalent new coal or nuclear capacity. Many of these sites are small, but could generate 3 to 5 megawatts, and are located near major demand centers currently dependent on imported fuel oil. Installation of additional generating capacity at existing sites could conceivably add as much as 14,000 megawatts to the nation's generating potential.

The city of Vanceburg, Kentucky's municipal utility, is installing 140,000 kilowatts of capacity in existing dams on the Ohio River at a cost of about $60 million. If Vanceburg were to install 1 million kilowatts of hydroelectric capacity—the equivalent of a nuclear power station—the cost would be $480 million, or less than half the going rate for nuclear plants at $1 billion.

In fact, the Federal Power Commission estimates that by tapping existing dams in the Ohio River Basin alone, 2 million kilowatts of new capacity could be developed, producing 8,800,000,000 kilowatt hours of electricity per year, enough to serve the total electricity needs—commercial and industrial, as well as residential—of 800,000 people—cities the size of Cleveland, Dallas, the District of Columbia, Indianapolis, and Sacramento.

The potential hydroelectric capacity in New England and New York is such that if only 10 percent of the presently untapped dams were developed for hydroelectric power production at an average capacity of 5,000 kilowatts, we could have 1,745,000 kilowatts of new capacity, all of which would be independent of any fuel requirement. And the savings in fuel would be equivalent to 12,570,000 barrels of oil per year, with a cost saving of $188,500,000 annually. The output would equal 7,640,000,000 kilowatt hours of electricity per year, or enough to supply the total needs—commercial and industrial, as well as residential—of 764,000 people.

Following is a list of the six New England States and their present dams, both tapped and untapped:

[Energy output in millions of kilowatt-hours per year]

State	Number of dams	Dams with power	Installed capacity (kilowatts)	Energy output
Connecticut	530	18	128, 920	390
Maine	439	72	536, 497	2, 740
Massachusetts	1, 040	51	223, 245	840
New Hampshire	472	30	417, 992	1, 250
Rhode Island	139	1	1, 500	4
Vermont	241	50	198, 308	83

From every standpoint—energy conservation, cost, and the environment—utilization of our existing hydroelectric power potential makes good sense. This legislation should hasten and encourage its utilization. The text of the legislation and a fact sheet on small hydroelectric potential in the United States follows:

H.R. 7417

A bill to amend the Federal Power Act to provide for the encouragement of the licensing and development of small hydroelectric power projects in connection with existing dams on the waterways of the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Small Hydroelectric Power Projects Act of 1977".

SEC. 2. Part I of the Federal Power Act is amended by adding at the end thereof the following new section:

"SEC. 30. (a) The Congress declares that, because of the impending shortages of fossil fuels and the urgent need to develop environmentally acceptable sources of electric energy to meet the future needs of the Nation, the public interest requires the rapid development of the hydroelectric potential of the numerous existing dams on the Nation's waterways which are not being used to generate electric power, if such development can be shown to be technologically and environmentally feasible and economically beneficial to the recipient of any grant or loan under this section.

"(b) The Federal Power Commission shall establish a program to encourage municipalities, electric cooperatives, industrial development agencies, nonprofit organizations, and persons to undertake the development of small hydroelectric projects, and take such steps as may simplify and expedite the licensing procedures under this Act in connection with such projects.

"(c)(1) The Commission shall make grants of up to fifty percent of the project costs of each small hydroelectric project (and may make commitments to make such grants) on a finding by the Commission that such project will—

"(A) promote the installation of similar projects by exhibiting the technical and economic feasibility of the generation of electric energy by such projects and of the use of such energy;

"(B) encourage the design, production, and marketing of appropriate, generating control, and related equipment for the development of such projects; and

"(C) result in gathering and making available to the general public information regarding design, costs, equipment, and operations which will encourage the installation of other such projects.

"(2) In making grants under this subsection, the Commission shall give priority to projects proposed by municipalities, electric cooperatives, industrial development agencies, nonprofit organizations, and persons, other than private utilities; except that projects proposed by private utilities, or in which private utilities participate jointly with others, may be eligible for grants under this section on a finding by the Commission that no other project can carry out the purposes of paragraph (1) of this subsection and that the proposed project cannot be reasonably carried out by any municipality, electric cooperative, industrial development agency, nonprofit organization, or person, other than such a private utility.

"(d)(1) To encourage the development of small hydroelectric projects, the Commission may make low interest loans of up to fifty percent of project costs of small hydroelectric projects proposed by municipalities, electric cooperatives, industrial development agencies, or persons, other than private utilities.

"(2) Loans pursuant to this subsection shall be made only on a finding by the Commission that—

"(A) the project will carry out the purposes of this section;

"(B) the municipalities, electric cooperative, industrial development agency, nonprofit organization, or person proposing the project does not have available alternative financing which the Commission deems appropriate to carry out the project; and

"(C) in the case of persons, industrial development agencies, and nonprofit organizations, that the operation of the project will result in substantially increasing employment or preventing a substantial loss of employment in the area to be served by the project.

"(3) Loans made pursuant to this section shall bear interest at the discount or interest rate used at the time the loan is made for water resources planning projects under section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–17(a)) and the terms of such loans shall be no less than twenty-five and no more than fifty years, as the Commission deems appropriate.

"(4) Amounts repaid under loans made pursuant to this subsection shall be deposited into the Treasury as miscellaneous receipts.

"(e) The Commission shall encourage applicants for licenses for small hydroelectric power projects to make use of public funds and other assistance for the design and construction of fish and wildlife facilities which may be required in connection with any development of such project.

"(f) In making grants and loans and issuing licenses for small hydroelectric power projects, the Commission shall encourage joint participation, to the extent otherwise permitted by law, by municipalities, electric cooperatives, industrial development agencies, nonprofit organizations, and persons, other than private utilities.

"(g) Nothing in this section shall be construed to preclude licensees of small hydroelectric power projects from entering into contracts to sell electric energy to private utilities under such terms and conditions as the Commission may approve, if the Commission finds that the energy sold is in excess of the energy which may otherwise be reasonably provided and directly and economically beneficial to persons who are consumers.

"(h) Notwithstanding any other provision of law, licensees of small hydroelectric power projects may not be charged for the water used to operate projects which are licensed under this Act unless there is a consumptive use of such water to the detriment of rights in such water existing before the date of such license.

"(i) Licensees of small hydroelectric power projects shall furnish the Commission with such information as the Commission may require regarding equipment and services proposed to be used in the design, construction, and operation of projects licensed pursuant to this Act and the Commission shall have the right to forbid the use in such project of any such equipment or services it finds inappropriate for such project by reason of cost, performance, or failure to carry out the purposes of this section. The Commission may make public information it obtains under this subsection.

"(j) Notwithstanding any other provision of this section, the amount of any loan or grant under this section to any project (including any other amount of Federal funds loaned or contributed for such project) shall not exceed seventy-five percent of the total project cost.

"(k) There is hereby authorizd to be appropriated for each of the fiscal years ending before October 1, 1980—

"(1) $50,000,000 for grants made pursuant to subsection (c); and

"(2) $50,000,000 for loans made pursuant to subsection (d).".

SEC. 3. Section 3 of the Federal Power Act is amended by adding at the end thereof the following new paragraphs:

"(17) 'small hydroelectric power projects' means any project of not more than twenty thousand horsepower (fifteen thousand kilowatts) of installed capacity.

"(18) 'electric cooperative' means any cooperative association eligible to receive loans under section 4 of the Rural Electrification Act of 1936 (7 U.S.C. 904).

"(19) 'industrial development agency' means any agency which is permitted to issue obligations the interest on which is excludable from gross income under section 103 of the Internal Revenue Code of 1954.

"(20) 'project costs' means the cost of all facilities of a project.

"(21) 'private utility' means any person engaged in transmission, or distribution, or both, of electric energy for profit.

"(22) 'non-profit organization' means any organization which is described in section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1954 and exempt from tax under section 501(a) of such Code (but only with respect to a trade or business carried on by such organization which is not an unrelated trade or business, determined by applying section 513(a) to such organization)."

Sec. 4. Section 10(e) of the Federal Power Act (16 U.S.C. 803(e)) is amended by inserting before the period at the end thereof the following: ": *Provided further*, That, for licenses involving Government dams issued subsequent to December 31, 1975, the annual charge shall be no more than one dollar for each kilowatt of installed capacity".

Fact Sheet on Small Hydroelectric Potential in the United States

There are 49,000 dams in the Nation which are 25 feet high or higher, only 800 of theso are presently licensed to produce power.

There are thousands of dams even smaller, many of which could be tapped for small hydroelectric production.

Full utilization of the potential in the existing dams could reduce our national energy consumption by the equivalent of at least one million barrels of oil daily. This could also save American consumers about $5.5 billion per year, and could reduce our oil imports by as much as 10 percent.

The Federal Power Commission estimates that as much as 2 million kilowatts of capacity could be gained just by tapping existing dams in the Ohio River Basin. If developed, such capacity could produce 8,800,000,000 kilowatt hours of electricity per year, enough to serve the total electricity needs (commercial and industrial, as well as residential) of 800,000 people. Cities such as Cleveland, Dallas, the District of Columbia, Indianapolis and Sacramento have populations of around 800,000.

The City of Vanceburg, Kentucky is installing turbines in two Ohio River dams, for a total capacity of 140,000 kilowatts and a cost of about $60 million. If Vanceburg were to install 1 million kilowatts of hydroelectric capacity—the equivalent of a nuclear power station—the cost would be $480 million, or less than half the going rate for nuclear plants at $1 billion.

New England has 2,861 dams, only 222 of which currently produce electric power. If only 10 per cent of the untapped dams were developed for hydroelectric production, with installations of an average of 5,000 kilowatts each, an additional capacity of 1,430,000 kilowatts would result. This could produce 6.26 billion kilowatt hours and could serve the total electricity needs (commercial and industrial, as well as residential) of 626,000 people. The people of New England could save up to 10.3 million barrels of oil per year; at a cost of $15 per barrel, this would amount to $154.5 million annually.

New York State has 769 dams, with only 143 licensed for power production. Two of the 143 are the huge installations on the Niagara and St. Lawrence Rivers (2.1 million kilowatts and 1.8 million kilowatts, respectively), owned by the State's Power Authority. The remaining 141 are all small installations. If 10 per cent of the 626 untapped dams were developed at an average capacity of 5,000 kilowatts each, 315,000 kilowatts could be developed, capable of producing 1.38 billion kilowatt hours per year. This would be sufficient to meet the total electricity requirements (commercial and industrial, as well as residential) of a city the size of the State's capitol, Albany, and could achieve savings of 2,270,000 barrels of oil per year and $34 million annually.

Legislation Introduced for Small Hydroelectric Projects in Existing Dams

Congressman Richard L. Ottinger (D-N.Y.) today introduced legislation that would start tapping the hydroelectric potential of the thousands of existing small dams across the Nation and generate enough inexpensive electricity to replace the equivalent of 3 million barrels of oil yearly in three years.

"If we could develop all the hydroelectric potential of the more than 49,000 undeveloped small dams in the United States, we could replace up to 1 million barrels daily and save American consumers about $5.5 billion annually," Ottinger said. He added that his measure would be a "small but significant step toward that goal."

Ottinger's bill authorizes the Federal Power Commission to undertake a program of grants and low-interest loans to stimulate municipalities, electric cooperatives, industrial development agencies, non-profit organizations, individuals and corporations (other than public utilities) to build small turbine-driven power stations up to 15,000 kilowatts in existing dams. The funding—$50 million each for the grant and loan programs each year for three years—could build as many as 15 plants each year, Ottinger said.

The measure would permit grants and loans of up to fifty per cent of the project cost, but would limit total Federal contribution in each project to 75 per cent.

Ottinger, who is ranking member of the Energy and Power Subcommittee of the House Commerce Committee, said that he would offer the bill as an amendment to the President's energy package which is currently before the Subcommittee.

A fact sheet on the potential for small hydroelectric development in existing dams is attached.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Snyder (at the request of Mr. Rhodes), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Stangeland) to revise and extend their remarks and include extraneous matter:)

Mr. Cohen, for 10 minutes, today.
Mr. Whalen, for 5 minutes, today.
Mr. Grassley, for 10 minutes, today.
Mr. Kemp, for 15 minutes, today.

(The following Members (at the request of Mr. Kildee) to revise and extend their remarks and to include extraneous material:)

Mr. Annunzio, for 5 minutes, today.
Mr. Gonzalez, for 5 minutes, today.
Mr. Koch, for 15 minutes, today.
Mr. Flood, for 15 minutes, today.
Mr. Preyer, for 5 minutes, today.
Mr. Drinan, for 30 minutes, today.
Mr. Bingham, for 15 minutes, today.
Mr. Clay, for 30 minutes, today.
Mr. Bedell, for 15 minutes, today.
Mr. Rosenthal, for 5 minutes, today.
Mr. Giaimo, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Gaydos, to extend his remarks in the body of the Record, notwithstanding the fact that it exceeds two pages of the Congressional Record and is estimated by the Public Printer to cost $724.50.

(The following Members (at the request of Mr. Stangeland) and to include extraneous matter:)

Mr. Bauman in 10 instances.
Mr. Findley in three instances.
Mr. Cohen.
Mr. Skubitz.
Mr. Crane.
Mr. Bob Wilson in three instances.
Mr. Burke of Florida.
Mr. Goldwater in two instances.
Mr. Conte.
Mr. Kemp in three instances.
Mr. Frenzel.
Mrs. Heckler.
Mr. Broyhill in two instances.
Mr. Rinaldo.
Mr. Abdnor.

(The following Members (at the request of Mr. Kildee) and to include extraneous matter:)

Mr. Anderson of California in three instances.
Mr. Gonzalez in three instances.
Mr. Kostmayer in two instances.
Mr. Murphy of Illinois.
Mrs. Burke of California in two instances.
Mr. Hamilton.
Mr. Rodino in two instances.
Mr. Gaydos in 10 instances.
Mr. Lehman.
Mr. Beard of Rhode Island.
Mr. Blouin.
Mr. Rose.
Mr. Mazzoli.
Mr. Walgren.
Mr. Byron in two instances.
Mr. Bonior.
Mr. Scheuer in three instances.
Mr. Wright.
Mr. Waxman.
Mr. Panetta.
Mr. Fraser in two instances.
Mr. McDonald in three instances.
Mr. Moakley.
Mr. Leggett.
Mr. Bonker.
Mrs. Schroeder.
Mr. Miller of California in two instances.
Mr. Teague.
Mr. Drinan.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1443. An act to amend the Privacy Act of 1974 to extend the life of the Privacy Protection Study Commission to September 30, 1977.

ADJOURNMENT

Mr. KILDEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 25, 1977, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1563. A letter from the Secretary of the Air Force, transmitting notice of the Air Force's decision to close Richards-Gebaur Air Force Base, Mo., and transfer the Air Force Communications Service to Scott Air Force Base, Ill., pursuant to section 613 of Public Law 89-568 and section 612 of Public Law 94-431; to the Committee on Armed Services.

1564. A letter from the Assistant Secretary of State for Congressional Relations, transmitting reports on political contributions made by Frederick Irving, Patrick J. Lucey, and Marvin Weissman, Ambassadors-designate to Jamaica, Mexico, and Costa Rica, and their families, pursuant to section 6 of Public Law 93-126; to the Committee on International Relations.

1565. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense equipment to Iran (Transmittal No. 77-15), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

1566. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a draft of proposed legislation to terminate further construction of the Cross Florida Barge Canal Project; to the Committee on Public Works and Transportation.

1567. A letter from the Acting Comptroller General of the United States, transmitting a report on the examination of the financial statements of the National Credit Union Administration for fiscal years 1976 and 1975; jointly, to the Committee on Government Operations, and Banking, Finance and Urban Affairs.

1568. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to implement the Convention on the Prevention and Punishment of the Crime of Genocide; jointly, to the Committees on the Judiciary, and International Relations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. SCHROEDER: Committee on Post Office and Civil Service. H.R. 6804. A bill to establish a Department of Energy in the executive branch by the reorganization of energy functions within the Federal Government in order to secure effective management to assure a coordinated national energy policy, and for other purposes; with amendments (Rept. No. 95-346, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. ZABLOCKI: Committee on International Relations. Report on allocation of budget totals under the first concurrent resolution on the budget for fiscal year 1978 (Rept. No. 95-360). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. A report on Subdivision to Subcommittees of Budget Totals agreed to in first concurrent resolutions on the budget (S. Con. Res. 19) for fiscal year 1978; (Rep. No. 95-361). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. A report of the Committee on Education and Labor pursuant to section 302(b) of the Congressional Budget Act of 1974; (Rept. No. 95-362). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 594. Resolution providing for the consideration of H.R. 6970. A bill to amend the Marine Mammal Protection Act of 1972 with respect to the taking of marine mammals incidental to the course of commercial fishing operations, and for other purposes. (Rept. No. 95-363). Referred to the House Calendar.

Mr. UDALL: Committee on Interior and Insular Affairs. Report of the Committee on Interior and Insular Affairs pursuant to section 302(b) of the Congressional Budget Act of 1974; (Rept. No. 95-364). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. THOMPSON:

H.R. 7388. A bill to amend the Service Contract Act of 1965 to extend its coverage to professional employees; to the Committee on Education and Labor.

By Mr. ADDABBO:

H.R. 7389. A bill to amend section 303 of the Communications Act of 1934 to require that radios be capable of receiving both amplitude modulated (AM) and frequency modulated (FM) broadcasts; to the Committee on Interstate and Foreign Commerce.

By Mr. APPLEGATE:

H.R. 7390. A bill to amend the Railroad Retirement Act of 1974 to make 60 years the required minimum age for the receipt of certain spouse's benefits; to the Committee on Interstate and Foreign Commerce.

By Mr. BEARD of Rhode Island (for himself, and Mr. St Germain):

H.R. 7391. A bill to amend the Railroad Revitalization and Regulatory Reform Act of 1976 in order to eliminate certain matching requirements in funding of station and fencing improvements in the Northeast Corridor; to the Committee on Interstate and Foreign Commerce.

By Mr. BEARD of Tennessee (for himself and Mr. Chappell):

H.R. 7392. A bill to amend the Endangered Species Act of 1973 in order to clarify the provisions of the act regarding Federal agency cooperation; to the Committee on Merchant Marine and Fisheries.

By Mr. BEDELL (for himself and Mr. Thone):

H.R. 7393. A bill to require that all reports concerning certain sales of meat and meat food products meet standards set by the Secretary of Agriculture concerning accuracy and completeness; to the Committee on Agriculture.

By Mr. de la GARZA (for himself, Mr. Baldus, Mr. Bowen, Mr. Brown of California, Mr. Coleman, Mr. Fithian, Mr. Glickman, Mr. Jeffords, Mr. Jones of Tennessee, Mr. McHugh, Mr. Panetta, Mr. Richmond, Mr. Thone, and Mr. Whitley):

H.R. 7394. A bill to provide for furthering the conservation, protection, and enhancement of the Nation's soil, water, and related resources for sustained use, and for other purposes; to the Committee on Agriculture.

By Mr. FISH (for himself, Mr. Pattison of New York, Mr. Ryan, Mr. Luken, Mr. Gilman, and Mr. Addabbo):

H.R. 7395. A bill to terminate the granting of construction licenses of nuclear fission powerplants in the United States pending action by the Congress following a comprehensive 5-year study of the nuclear fuel cycle, with particular reference to its safety and environmental hazards, to be conducted by the Office of Technology Assessment, and for other purposes; jointly, to the Committees on Interior and Insular Affairs, Interstate and Foreign Commerce, and International Relations.

By Mr. FOLEY (for himself, Mr. Akaka, Mrs. Boggs, Mr. Bowen, Mr. Coleman, Mr. English, Mr. Fithian, Mr. Hagedorn, Mr. Hubbard, Mr. Jones of Tennessee, Mr. McHugh, Mr. Richmond, and Mr. Volkmer):

H.R. 7396. A bill to amend the U.S. Grain Standards Act with respect to recordkeeping requirements and supervision fees, and for other purposes; to the Committee on Agriculture.

By Mr. McKINNEY:

H.R. 7397. A bill to amend the Railroad Revitalization and Regulatory Reform Act of 1976 in order to eliminate certain matching requirements in funding of station and fencing improvements in the Northeast Corridor; to the Committee on Interstate and Foreign Commerce.

By Mr. MARLENEE:

H.R. 7398. A bill to require that imported meat and meat food products made in whole or in part of imported meat be subjected to certain tests and that such meat or products be identified as having been imported; to require the inspection of imported dairy products and that such products comply with certain minimum standards of sanitation; to require that the cost of conducting such tests, inspections, and identification procedures on imported meat and meat food products and on dairy products, as the case may be, be borne by the exporters of such articles, and for other purposes; to the Committee on Agriculture.

H.R. 7399. A bill to amend the Meat Import Quota Act of 1964 to define fresh, chilled, and frozen meat, and for other purposes; to the Committee on Ways and Means.

By Mr. MURPHY of New York (for himself, Mr. Breaux, Mr. Pritchard, Mr. Bauman, Mr. Treen, Mr. Whitehurst, Mr. Risenhoover, Mr. Derwinski, Mr. Charles Wilson of Texas, Mr. Collins of Texas, Mr. Heftel, Mr. Lott, Mr. Hughes, Mr. Bob Wilson, Mr. Abdnor, Mr. Scheuer, Mr. Zeferetti, Mr. Rogers, Mr. Ginn, Mr. Young of Alaska, Mr. Leggett, Mr. Akaka, Mr. Oberstar, Mr. Dornan, and Mr. Anderson of California):

H.R. 7400. A bill to promote the orderly development of hard mineral resources in the deep seabed, pending adoption of an international regime relating thereto; jointly, to the Committees on Merchant Marine and Fisheries, and Interior and Insular Affairs.

By Mr. PREYER (for himself, Mr. Bolling, Mr. Cederberg, Mr. Cochran of Mississippi, Mr. Flowers, Mr. Frenzel, Mr. Hamilton, Mrs. Heckler, Mr. Kastenmeier, Mr. Mazzoli, Mr. Meeds, Mr. Obey, Mr. Sawyer, Mr. Stratton, and Mr. Udall):

H.R. 7401. A bill to provide for complete financial disclosure by Members of the House of Representatives, Senators, officers of either House of Congress, and certain individuals employed by Members, Senators, or committees of either House of Congress; to the Select Committee on Ethics.

By Mr. SEIBERLING:

H.R. 7402. A bill to amend the Clayton Act to prohibit restraints of trade in the transportation of petroleum, and for other purposes; to the Committee on the Judiciary.

H.R. 7403. A bill to amend the Clayton Act to prohibit the suppression of certain technology, and for other purposes; to the Committee on the Judiciary.

By Mr. STRATTON:

H.R. 7404. A bill to provide for the payment of losses incurred as a result of the ban on the use of the chemical Tris in apparel, fabric, yarn or fiber, and for other purposes; to the Committee on the Judiciary.

By Mr. SYMMS (for himself, Mr. Anderson of California, Mr. Armstrong, Mr. AuCoin, Mr. Cohen, Mr. Corcoran of Illinois, Mr. Dickinson, Mr. Duncan of Tennessee, Mr. Jacobs, Mr. Jeffords, Mr. Nichols, Mr. Pattison of New York, Mr. Regula, Mr. Snyder, and Mr. Schulze):

H.R. 7405. A bill to expand the medical freedom of choice of consumers by amending the Federal Food, Drug, and Cosmetic Act to provide that drugs will be regulated under that act solely to assure their safety; to the Committee on Interstate and Foreign Commerce.

By Mr. WHALEN (for himself, Mr. Harris, and Mr. Neal):

H.R. 7406. A bill to protect citizens' privacy rights, establishing guidelines for access to third party records, regulating the use of mail covers, limiting telephone service monitoring, and protecting nonaural wire communications; jointly, to the Committees on Banking, Finance and Urban Affairs, and the Judiciary.

By Mr. COHEN (for himself and Mr. Pepper):

H.R. 7407. A bill to amend the Social Security Act to direct the Secretary of Health, Education, and Welfare to develop and provide for the enforcement of standards relating to the rights of patients in certain medical facilities; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. FINDLEY (for himself, Mr. Weaver, and Ms. Oakar):

H.R. 7408. A bill to terminate age discrimination in employment; to the Committee on Education and Labor.

By Mr. FLORIO:

H.R. 7409. A bill to improve the reliability, safety, and energy efficiency of transportation and to reduce unemployment by providing funds for work in repairing, rehabilitating, and improving essential railroad roadbeds and facilities; to the Committee on Interstate and Foreign Commerce.

H.R. 7410. A bill to incorporate the National Federation of Music Clubs; to the Committee on the Judiciary.

By Mr. LEACH:

H.R. 7411. A bill to amend title 13, United States Code, to provide for the publication of data relating to the foreign ownership of property within the United States, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SEIBERLING:

H.R. 7412. A bill to amend the Mineral Leasing Act of 1920, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SHARP:

H.R. 7413. A bill to add Muncie to the places where U.S. District Court shall be held for the Indianapolis Division of the Southern District of Indiana; to the Committee on the Judiciary.

By Mr. WHITEHURST (for himself, Mr. Badillo, Mr. Brodhead, Mr. Dornan, Mr. Fascell, Mrs. Fenwick, Mr. Goldwater, Mr. Kemp, Mr. Ketchum, Mr. Lagomarsino, Mr. Panetta, Mr. Quie, Mr. Rodino, and Mr. Simon):

H.R. 7414. A bill to permit the private, noncommercial ownership of feral burros and wild horses; jointly to the Committees on Interior and Insular Affairs, and Merchant Marine and Fisheries.

By Mr. YOUNG of Missouri:

H.R. 7415. A bill to amend the Airport and Airway Development Act of 1970 relating to airport site selection; to the Committee on Public Works and Transportation.

By Mr. GIBBONS:

H.R. 7416. A bill to amend the Federal Financing Bank Act of 1973 to require that the receipts and disbursements of the Federal Financing Bank be included in the Federal budget, and for other purposes; jointly, to the Committees on Ways and Means and Banking, Finance and Urban Affairs.

By Mr. OTTINGER:

H.R. 7417. A bill to amend the Federal Power Act to provide for the encouragement of the licensing and development of small hydroelectric power projects in connection with existing dams on the waterways of the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS:

H.R. 7418. A bill to amend the Public Health Service Act to regulate activities involving recombinant DNA and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FINDLEY:

H.J. Res. 483. Joint resolution to amend the Constitution of the United States to provide for balanced budgets and elimination of the Federal indebtedness; to the Committee on the Judiciary.

By Mr. JACOBS (for himself, Ms. Keys, Mr. Harkin, Mr. Quayle, Mr. Rousselot, and Mr. Winn):

H.J. Res. 484. Joint resolution to amend the Constitution of the United States to provide for balanced budgets and elimination of the Federal indebtedness; to the Committee on the Judiciary.

By Mr. LOTT (for himself, Mr. Dickinson, Mrs. Boggs, Mr. Hansen, Mr. Poage, Mr. Duncan of Tennessee, Mr. Carter, Mr. Hall, Mr. Bevill, Mr. Dornan, Mr. Sikes, Mr. Mathis, Mr. McDonald, Mr. Hughes, Mr. Treen, Mr. Simon, Mr. Charles Wilson of Texas, Mr. Mann, Mr. Badham, Mr. Waxman, Mr. Baucus, and Mr. Cleveland):

H.J. Res. 485. Joint resolution to restore posthumously full rights of citizenship to Jefferson F. Davis; to the Committee on Post Office and Civil Service.

By Mr. NOWAK:

H.J. Res. 486. Joint resolution relating to the publication of economic and social statistics for Americans of Balto-Slavic origin or descent; jointly, to the Committees on Education and Labor, and Post Office and Civil Service.

By Mr. FRASER (for himself, Mr. Clay, Mr. Conte, Mr. Conyers, Mr. de Lugo, Mr. Early, Mr. Ertel, Mr. Ford of Michigan, Mr. Gilman, Mr. Harkin, Mr. Harrington, Mrs. Heckler, Mr. Heftel, Ms. Holtzman, Mr. Hughes, and Mr. Lloyd of California):

H. Res. 595. Resolution to establish a Select Committee on Welfare Reorganization for the purpose of studying the problems which arise in the interaction of programs dealing with welfare benefits and of formulating new legislation to restructure the present welfare system in light of such problems, and for other purposes; to the Committee on Rules.

By Mr. FRASER (for himself, Mr. McHugh, Mr. Mann, Ms. Mikulski, Mr. Murphy of Pennsylvania, Mr. Neal, Mr. Panetta, Mr. Pattison of New York, Mr. Pease, Mr. Pursell, Mr. Roybal, Mr. Thone, Mr. Walker, Mr. Walsh, and Mr. Zeferetti):

H. Res. 596. Resolution to establish a Select Committee on Welfare Reorganization for the purpose of studying the problems which arise in the interaction of programs dealing with welfare benefits and of formulating new legislation to restructure the present welfare system in light of such problems, and for other purposes; to the Committee on Rules.

By Mr. KETCHUM:

H. Res. 597. Resolution to abolish the positions of majority printer and minority printer in the House of Representatives, and for other purposes; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

165. By the SPEAKER: Memorial of the Legislature of the State of California, relative to pasture and grazing land; to the Committee on Agriculture.

166. Also, memorial of the Legislature of the State of Washington, relative to permitting retroactive applications for Federal cost-sharing grants for water projects to relieve the effects of the current drought; to the Committee on Agriculture.

167. Also, memorial of the Legislature of the Territory of Guam, relative to payment by the Government of Guam of a portion of its income tax collections to the United States; to the Committee on Interior and Insular Affairs.

168. Also, memorial of the Legislature of the State of Washington, relative to marine measurements; jointly, to the Committees on Science and Technology, Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENJAMIN:

H.R. 7419. A bill for the relief of Vasilios Georgios Valcanos; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII.

114. The SPEAKER: presented a petition of the City Council, York, Pa., relative to the telephone industry; to the Committee on Interstate and Foreign Commerce.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 10

By Mr. ASHBROOK:

Strike out the necessary number of words.

Strike out the requisite number of words.

Strike out the next to the last word.

Strike out the last word.

Strike out the penultimate word.

By Mr. DERWINSKI:

Page 28, strike lines 1 through 11, and insert in lieu thereof the following:

"(1) 'employee' means any individual, employed or holding office in the United States Postal Service; and a Congressional employee as defined by section 2107 of this title."

On page 33, immediately following line 18, insert:

"(g) any employee who exercises his rights under this subchapter as a political campaign manager and who fails to carry his assigned precinct, ward, township, county or state for his political candidate or party shall not be discriminated against for his failure to carry out his political assignment and shall not be deprived of any employment, compensation, promotion, or assignment to which he is otherwise entitled."

On page 35, line 23, strike out the word "or", and in line 25, insert the word "or" immediately after "Office;" and immediately following line 25, insert the following:

"(D) in a position of a confidential or

policy-determining character which is excepted from the competitive service;"

By Mr. LOTT:

On page 33, after line 18, insert the following:

"(e) An employee who takes, directs others to take, recommends, processes, or approves any personnel action shall—

"(1) do so on the basis of the character, abilities, knowledge, and skills of the individual involved, and

"(2) do so without regard to the political affiliation association, or activity of the individual involved, and without regard to any special consideration inconsistent with this or any other provision of law.

"(f) For the purpose of this subsection, 'personnel action' means an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, or a performance evaluation, with respect to an employee in, or applicant or eligible for, a position in the competitive service, or in the excepted service in the executive branch (other than a position excepted from the competitive service because it is of a confidential or policy-determining character)."

On page 51, beginning with line 9, strike out all through line 14, and insert the following:

"SEC. 3. (a) The amendments made by this section shall take effect on January 1, 1979."

By Mr. TAYLOR:

On page 28, strike out line 12 and insert in lieu thereof: "including any such individual who enters on approved leave without pay, but does not include a member of the uniformed services;"

On page 36, line 3, strike out "or", and in line 6, strike out the period and insert a semicolon and the word "or", and immediately following line 6, add the following:

"(4) In any geographic area outside the area encompassing the political subdivision of the elective office for which he is a candidate, or for which he is supporting the candidacy of any other person, provided however, that such political activity shall be limited to the political subdivision in which he is a resident."

H.R. 5959

By Mrs. SCHROEDER:

On page 17, strike lines 20 through 24, and insert in lieu thereof the following: "is repealed."

H.R. 6161

By Mr. BREAUX:

On page 296, strike out lines 4 through 23 and insert in lieu thereof the following:

"(c)(1) Each applicable implementation plan shall contain an area classification plan based on maximum allowable increases in ambient concentrations of, and maximum allowable levels of ambient concentrations of, sulfur dioxide and particulate matter. In the case of increases based on concentrations permitted under national ambient air quality standards for any period of twenty-four hours or less, such regulations shall provide that the Governor of the State may, upon application of any person and after notice and opportunity for hearing, permit the maximum allowable increases specified for each pollutant to be exceeded during five percent of the hours of the year with respect to such pollutant in Class I and Class II areas. Whenever maximum allowable increases for any pollutant are exceeded for two or more periods of exposure, if one or more of such periods is within a longer period of exposure for which a maximum allowable increase is also exceeded, for purposes of the preceding sentence the number of hours shall be determined only on the basis of such longer period. Concentrations of any pollutant for any period of exposure in any Class I area shall not be permitted under the preceding sentence to exceed the maximum allowable concentrations applicable to such pollutant for such period of exposure for Class II areas; and concentrations of any pollutant for any period of exposure in any Class II area shall not be permitted under such sentence to exceed the maximum allowable concentrations applicable to such pollutant for such period of exposure for Class III areas. Such classification plan shall apply to all areas in each State where the national primary and secondary ambient air quality standards for any air pollutant are not being exceeded. Such classification plan shall provide for designation of all such areas as either Class I, Class II, or Class III as to each such pollutant. Until such designation is effective, all such areas shall be deemed to have been designated as Class II, except as may be otherwise provided under paragraph (3)(B)."

By Mr. CARTER:

Page 269, beginning in line 5, strike out "(other than a" and all that follows down through "(3))" in line 8.

Page 271, line 2, strike out "121(b(1) and which" and insert in lieu thereof "121(b)(1) or 121(b)(3) which inability".

Page 271, line 2, after "121(b)(3)" insert "or an order under section 113 issued before the date of the enactment of this section which has the effect of permitting a delay or violation of any requirement of this Act (including a requirement of an applicable implementation plan)"

Page 271, line 2, strike out "121(b)(1) and which" and insert in lieu thereof "121(b)(1) or an order under section 113 issued before the date of enactment of this section which has the effect of permitting a delay or violation of any requirement of this Act (including a requirement of an applicable implementation plan) which inability"

By Ms. HOLTZMAN:

Page 370, line 13, insert "(a)" after "202."

Page 378, after line 22, insert the following:

(b) Section 110(c)(2) of such Act is amended by inserting at the end thereof the following new subparagraph:

"(F)(i) Any measure in an applicable implementation plan which requires a toll or other charge for the use of a bridge located entirely within one city shall be eliminated from such plan by the Administrator upon application by the Governor of the State, which application shall include a certification by the Governor that he will revise such plan in accordance with clause (ii).

"(ii) In the case of any applicable implementation plan with respect to which a measure has been eliminated under clause (i), not later than one year after the date of the enactment of this subparagraph, such plan shall be revised to include the provisions which would be required under section 123(b)(5)(B) and (6)(B) if an extension were granted under section 123.

"(iii) Any revision of an implementation plan for purposes of meeting the requirements of clause (ii) shall be submitted in coordination with any plan revision required under section 123(c) or (d).".

Page 477, immediately after line 21 insert the following new section:

IMPLEMENTATION PLANS WHICH REQUIRE BRIDGE TOLLS

SEC. 320. Section 110(c)(2) of such Act is amended by inserting at the end thereof the following new subparagraph:

"(F)(i) Any measure in an applicable implementation plan which requires a toll or other charge for the use of a bridge located entirely within one city shall be eliminated from such plan by the Administrator upon application by the Governor of the State, which application shall include a certification by the Governor that he will revise such plan in accordance with clause (ii).

"(ii) In the case of any applicable implementation plan with respect to which a measure has been eliminated under clause (i), not later than one year after the date of the enactment of this subparagraph, such plan shall be revised to include the provisions which would be required under section 123(b)(5)(B) and (6)(B) if an extension were granted under section 123.

"(iii) Any revision of an implementation plan for purposes of meeting the requirements of clause (ii) shall be submitted in coordination with any plan revision required under section 123(c) or (d).".

Page 477, line 23, strike out "320" and insert in lieu thereof "321".

Amend section 202 by inserting "(a)" after "202.", and by inserting at the end of section 202 the following:

(b) Section 110(c)(2) of such Act is amended by inserting at the end thereof the following new subparagraph:

"(F)(i) Any measure in an applicable implementation plan which requires a toll or other charge for the use of a bridge located entirely within one city shall be eliminated from such plan by the Administrator upon application by the Governor of the State, which application shall include a certification by the Governor that he will revise such plan in accordance with clause (ii).

"(ii) In the case of any applicable implementation plan with respect to which a measure has been eliminated under clause (i), not later than one year after the date of the enactment of this subparagraph, such plan shall be revised to include the provisions which would be required under section 123(b)(5)(B) and (6)(B) if an extension were granted under section 123.

"(iii) Any revision of an implementation plan for purposes of meeting the requirements of clause (ii) shall be submitted in coordination with any plan revision required under section 123(c) or (d).".

Amend section 202 by inserting "(a)" after "202.", and by inserting at the end of section 202 the following:

(b) Section 110(c)(2) of such Act is amended by inserting at the end thereof the following new subparagraph:

"(F)(i) Any measure in an applicable implementation plan which requires a toll or other charge for the use of a bridge located entirely within one city shall be eliminated from such plan by the Administrator upon application by the Governor of the State, which application shall include a certification by the Governor that he will revise such plan in accordance with clause (ii).

"(ii) In the case of any applicable implementation plan with respect to which a measure has been eliminated under clause (i), not later than one year after the date of the enactment of this subparagraph, such plan shall be revised to include the provisions which would be required under section 123(b)(5)(B) and (6)(B) if an extension were granted under section 123.

"(iii) Any revision of an implementation plan for purposes of meeting the requirements of clause (ii) shall be submitted in coordination with any plan revision required under section 123(c) or (d).".

By Mrs. LLOYD of Tennessee:

Insert "or a local coal utilization order under subsection (b)(4)" before the word "may" in line 19, page 251.

Insert "or a local coal utilization order under paragraph (4)" before the word "may" in line 8, page 254.

Delete the word "or" in line 12, page 225.

Replace the period in line 6, page 256, with "; or"

Insert the following new paragraph after line 6, page 256;

(4)(A) such source is an existing coal-fired electric powerplant;

(B) compliance by the plant with the emission limitation or standard for sulfur oxides provided in the applicable implementation plan would require either the installation of a technological system of continuous emission reduction, as defined in section 111, or the burning of coal acquired from areas other than the area comprising the traditional source of coal supply for the plant;

(C) national primary and secondary ambient air quality standards for sulfur oxides could be achieved around the plant by using continuous emission reduction measures other than those specified in subparagraph (B) either alone or in combination with dispersion techniques (other than intermittent or supplemental controls) which are in existence, or on which construction has begun on or before May 1, 1977;

(D) the owner or operator of the plant agrees to employ the measures and techniques specified in subparagraph (C) if a local utilization order is issued under this paragraph; and

(E) either—

(i) the costs of installing and operating such technological system of continuous emission reduction would exceed the increase in costs, if any, which would result from the acquisition of coal from the new area or areas rather than from the traditional supply area, or

(ii) the least costly of the emission reduction alternatives specified in subparagraph (B) is significantly more costly than the measures and techniques specified in subparagraph (C).

Sources for which a local coal utilization order has been issued under subsection (b) (4) shall not be subject to the provisions of subsections (c) or (d) or to the provisions of section 122, except to the extent that compliance schedules are established under subsection (c)(1) for the installation of the measures and techniques specified in subsection (b)(4)(C).

By Mr. MAGUIRE:

Page 300, line 25, strike out "In" and all that follows down through line 8 on page 301 and insert in lieu thereof: "No Federal lands which are initially designated as class I and which may be redesignated as class II may be so redesignated unless the Federal land manager concurs in such redesignation."

By Mr. PREYER:

Page 465, strike out line 1 and all that follows down to the closing quotation marks in line 5.

By Mr. RUNNELS:

Pago 424, after line 25 insert:

(c) Section 202 of such Act is amended by adding the following new subsection at the end thereof:

"(f)(1) The high altitude regulation in effect with respect to model year 1977 motor vehicles shall not apply to the manufacture, distribution, or sale of 1978 and later model year motor vehicles. Any future regulation affecting the sale or distribution of motor vehicles or engines in high altitude areas of the country shall take effect no earlier than model year 1981.

"(2) Any future regulation applicable to high altitude vehicles or engines shall not require a percentage of reduction in the emissions of such vehicles which is greater than the required percentage of reduction in emissions from motor vehicles as set forth in section 202(b). This percentage reduction shall be determined by comparing any proposed high altitude emission standards to high altitude emissions from vehicles manufactured during model year 1970. In no event shall regulations applicable to high altitude vehicles establish a numerical standard which is more stringent than that applicable to vehicles certified under non-high altitude conditions.

"(3) Before promulgating any high altitude regulation referred to in paragraph (2), the Administrator shall consider and make a finding with respect to—

"(A) the economic impact upon consumers, individual high altitude dealers, and the automobile industry of any such regulation, including the economic impact which was experienced as a result of the regulation imposed during model year 1977 with respect to high altitude certification requirements;

"(B) the present and future availability of emission control technology capable of meeting the applicable vehicle and engine emission requirements without reducing model availability; and

"(C) the likelihood that the adoption of such a high altitude regulation will result in any significant improvement in air quality in any area to which it shall apply."

By Mr. SEIBERLING:

Section 203(a), page 379:

Line 11, strike "1978" and insert in lieu thereof "1979"

Line 17, strike "years 1979 and" and insert in their place "year."

SENATE—*Tuesday, May 24, 1977*

(Legislative day of Wednesday, May 18, 1977)

The Senate met at 8:30 a.m., on the expiration of the recess, and was called to order by Hon. PATRICK J. LEAHY, a Senator from the State of Vermont.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God whose grace is sufficient for all our needs, may Thy spirit brood over us, awakening our minds, alerting our consciences, kindling our hearts. In a world so full of uncertainties, keep us sure of Thee. Hold before us a vision of the world not as it is but as it ought to be.

Make us thorough craftsmen of the legislative art. Keep us from being swept into unwise decisions without mature thought and evaluation. Keep us from wasting time or delaying actions for which the people long and for which we are responsible. And when night falls upon us, give us thankful hearts and peaceful rest.

We pray in His name who is Lord of all life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 24, 1977.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. PATRICK J. LEAHY, a Senator from the State of Vermont, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. LEAHY thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, May 23, 1977, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS

Mr. CRANSTON. Mr. President, I ask unanimous consent that all committees may be permitted to meet during today's session of the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the distinguished acting minority leader seek recognition?

Mr. STEVENS. We will yield back the minority leader's time, Mr. President.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Kentucky (Mr. HUDDLESTON) is recognized for not to exceed 15 minutes.

RECOMMENDATIONS ON INTELLIGENCE ACTIVITIES

Mr. HUDDLESTON. Mr. President, on January 27, 1975, the U.S. Senate adopted Senate Resolution 21, establishing a select committee to conduct an investigation and study with respect to intelligence activities carried out by or on behalf of the Federal Government. Adoption of that resolution initiated the most exhaustive inquiry ever undertaken by the Congress into the various entities of of the U.S. intelligence community, including the Central Intelligence Agency, the Federal Bureau of Investigation, the National Security Agency and the Defense Intelligence Agency.

Almost 10 months later that committee undertook the release of a series of reports, beginning with an examination of assassination plots against foreign leaders and culminating in the release of proposed recommendations for improving intelligence activities and guaranteeing that the intelligence agencies operate within the law and in accord with the principles of a democratic society.

The first recommendation of the committee to be adopted was that there be established a permanent Senate committee with both authorization and oversight responsibilities for the intelligence community. That committee came into existence almost exactly a year ago with the passage of Senate Resolution 400, which mandated that the committee study, among other matters:

The extent and nature of the authority of the departments and agencies of the executive branch to engage in intelligence activities and the desirability of developing charters for each intelligence agency or department;

The organization of intelligence activities in the executive branch to maximize the effectiveness of the conduct, oversight, and accountability of intelligence activities; to reduce duplication or overlap; and to improve the morale of the personnel of the foreign intelligence agencies;

The conduct of covert and clandestine activities and the procedures by which Congress is informed of such activities;

The development of a uniform set of definitions for terms to be used in policies or guidelines which may be adopted by the executive or legislative branches to govern, clarify, and strengthen the operation of intelligence activities.

As chairman of the Subcommittee on Charters and Guidelines of the Select Committee, I am pleased to report to the Senate today on the progress we have made toward those mandated goals. First, however, I would like to thank Senator HATFIELD who previously served as vice chairman of the subcommittee and Senator MATHIAS, the present vice chairman, for their very valuable assistance. The work of the subcommittee has been carried out in cooperation with the entities of the intelligence community as well as with experts both inside and outside the Government. Our contacts with personnel in the previous administration resulted in a useful exchange of ideas and information. We have been in close and continuing contact with the current administration, and I am encouraged and gratified by its commitment to the enactment of charters which will not only authorize by law the activities of the intelligence agencies and provide for a greater degree of accountability but also set clear and firm limits on agency activities.

I am, and I believe justifiably, proud of our committee's record. I believe we have demonstrated that it is possible to balance the rights of citizens of a free and democratic society to know of and understand the activities which their Government undertakes in their name with the very real and legitimate national security needs of a nation in today's world. I believe the proposals which we will be presenting in the weeks and months ahead will reflect this balance and our appreciation of the need to maintain it.

I have always been committed to a strong and effective intelligence community, responsive to the needs of both national security and the Constitution. My service on the previous Senate committee which investigated intelligence activities and on the present committee which oversees them has only reinforced that commitment. I recognize that the commitment involves activities which we would in many instances prefer our Government not to have to undertake. I recognize that it involves a degree of secrecy which in a model world we could forgo.

But, though those agencies must generally operate in secret, I do not accept the proposition that they need be unaccountable, unobjective, uncoordinated, wasteful of resources, or unmindful of the rights of our citizens.

Our intelligence agencies are said to have a limited constituency, but in some ways we are all constituents. Our Nation could have no strategic arms agreements without the means of verification which they provide. Without their estimates of enemy strength, claims for defense spending would increase dramatically. Our military planning would be impaired; foreign policy options restricted. Attempts to control the proliferation of nuclear weaponry and technology would be hampered. Our knowledge of economic trends and resource allocations in an increasingly competitive and yet interdependent world would be limited. Efforts to combat terrorism and narcotic trafficking would inevitably fail.

Our task, thus, begins here, with the need for a strong and effective intelligence community. But, it extends well beyond that. Our charters and guidelines efforts are addressed to many needs.

It is my intention, as chairman of this subcommittee, to present in the next several months charters for all the intelligence agencies. Drafting, redrafting, and further redrafting has been underway for some time.

In the interim, I would like, first, to discuss the objectives of our efforts and, secondly, to sketch some of the possible approaches for attaining those objectives.

First and foremost, the intelligence community must be reestablished on sound legal and constitutional grounds.

Two hundred years ago in the Massachusetts Constitutional Convention, John Adams described the ideal government as one "of laws and not of men." This description is not now fully applicable to the governance of the intelligence activities of the United States. Of the various entities in the intelligence community, only one, the Central Intelligence Agency, was established by law; and the 1947 National Security Act which created it is vague as to its authorities, silent as to its procedures, unilluminating as to limitations on it. This is perhaps understandable when we remember that the CIA's statutory charter was written immediately after World War II, before America had any experience with a peacetime intelligence agency. The CIA provisions of the National Security Act of 1947 were, in fact, treated almost as an afterthought in the great national debate over the unification of the armed services.

Yet, the CIA stands alone among the intelligence agencies in that it has a statutory charter. The National Security Agency, which operates in the fragile world of signals intelligence, has no such charter. The Defense Intelligence Agency, which serves both the Secretary of Defense and the Joint Chiefs of Staff, is solely a product of executive branch initiative. The FBI's sensitive counterintelligence function is nowhere authorized specifically by statute.

This absence of statutory law is not inadvertent. Neither, the executive branch nor Congress has, in the past, shown much willingness to base our intelligence activities firmly in law. Some of this was due to an understandable concern about the need for secrecy in intelligence activities.

A more troubling reason for the lack of statutory law has been the executive branch's fear of congressional involvement in intelligence activities. For example, in 1971 President Nixon rejected one principal recommendation for reform of the intelligence community offered by then Deputy Director of OMB, James Schlesinger, because the changes proposed would have required congressional action—such action, that administration thought, was to be avoided even if it meant a continuation of divided responsibility, unproductive duplication and ever increasing waste of intelligence resources.

The same executive branch hesitation flawed the issuance of Executive Order 11905, which was released in the spring of 1976, to govern the foreign intelligence activities of the United States. This Executive order has been criticized by many as a "1 minute to midnight" attempt to preempt congressional action. One former high official of the intelligence community noted that it was not meant to "rationalize" U.S. Government intelligence activities but to "tranquilize" the Congress.

This executive branch reluctance to involve Congress, coupled with congressional hesitation to probe perhaps unpleasant secrets or to challenge the leadership of the President in the area of foreign affairs, resulted in the constitutional division of responsibilities being rendered "inoperative" in the field of intelligence.

Furthermore, what little law exists in this area is unsatisfactory. Much is left out. While the CIA has been responsible for collection of intelligence abroad, there is no such charge in the National Security Act. The drafters sought to avoid a statutory provision which would suggest that the United States was engaged in espionage in foreign lands. Covert action, which during the 1950's was a major factor in CIA activities, is authorized only by an expansion interpretation of the directive to the CIA "to perform such other functions and duties relating to intelligence affecting the national security" as the National Security Council directs.

Although the recent Executive order was a step forward in defining the missions of various agencies, it lacks two essential characteristics of statutory charters. First, it can be changed at the will of the President. Though President Ford and President Carter have moved to curb abuses, the history of Presidential misuse of our vital intelligence agencies is legion. More permanent statutory measures which reflect the will of Congress and the public must be established.

Second, there are no penalties for violation of the Executive order. Intelligence agency personnel are, overwhelmingly, honorable people. Yet, neither the executive nor the legislative branches has seen fit to make clear what they can and cannot do. Neither branch has been willing to say "This is the law—although you are engaged in secret activities, you are not above it." Neither branch has, until recently, made clear that violations of existing law will be swiftly and surely punished.

Many of the abuses, many of the improprieties which have been revealed undoubtedly stem from the lack of clear guidance, standards and principles for these agencies. To reaffirm their roles, specify the parameters of action and clearly state what is not permissible would reassure those men and women who work within the intelligence community, generally without recognition or appreciation. And, it would reassure the American people that necessary activities go forward uncorrupted; that their Government neither condones nor promotes lawlessness. Action in derogation of public trust begets mistrust. Mistrust erodes support for necessary institutions and vital activities.

Second, accountability must be increased and responsibility for intelligence activities focused. This requires an examination of the authority of the Director of Central Intelligence—a subject which has been the focus of almost all the studies of the intelligence community.

At present, the DCI's role in crucial areas is ambiguous. While the DCI is charged with coordinating national intelligence activities, 80 percent of the resources of the Intelligence Community are beyond his direct control. No clear boundaries exist between national intelligence activities for which he is responsible and the expensive and complex departmental and tactical intelligence activities over which he has no real authority.

In another area, the DCI is responsible for protecting intelligence sources and methods from unauthorized disclosure. Yet, he is without specific authority with which to accomplish this, and the CIA is forbidden law enforcement powers. While charged with the production of intelligence—and the statute does not even require that it be "foreign" intelligence—the CIA is barred from "internal security" functions. Given this, the DCI might not know how to respond to a Presidential request for information on possible foreign links to domestic antiwar protests. Is this legitimate foreign intelligence? Is this beyond the CIA's jurisdiction, given the prohibition on internal security functions? One director of Central Intelligence was not able to decide and, thus, was born Operation CHAOS, which involved massive intrusion in the legitimate political activities of U.S. citizens.

Executive Order 11905, while providing some direction to the DCI, did not eliminate all the contradictions in his role—in fact, it created new ones. Under the Executive Order, the Committee on Foreign Intelligence, composed of the DCI, the Assistant to the President for National Security Affairs and the Deputy Secretary of Defense for Intelligence, was charged with establishing policy priorities for the production and collection of national intelligence; yet, the DCI was required, by the same Executive Order, to develop national intelligence requirements and priorities.

The Executive order thus begs the question as to whether the DCI would be able to set the requirements which "drive" our intelligence activities. The DCI was charged with ensuring "the development and submission of a national intelligence budget," while the Committee on Foreign Intelligence was supposed to "control budget preparation of the national intelligence program," and the Secretary of Defense had the responsibility to "direct, fund and operate" NSA.

In drafting legislative charters, we will, to the extent consistent with national security needs, prepare clear statements regarding what is legal and what is prohibited. We will work closely with the Subcommittee on Intelligence and the Rights of Americans to protect the individual rights of Americans from abuse either at the hands of foreign intelligence services or by their own government. We will centralize accountability and control and provide the DCI with the resources he needs. And, we will not forfeit our commitment to an effective intelligence community.

In this effort, we must guarantee that the best use is made of intelligence resources. Intelligence activities involve a number of pursuits—collection from open sources, from personnel stationed in various parts of the world, from persons operating in a clandestine manner and from a series of highly sophisticated technical means.

As in other areas, technology carries a high price. Also as in other areas, we cannot afford the luxury of unnecessary and duplicative activities. Instead, we must focus anew on identification of needed information and determination of the best means of acquiring such information.

We must insure that intelligence processing and production is of the highest quality. Our existence depends upon it. Both military and economic security requires that the best of information and analysis be available to those charged with decisionmaking in our Nation.

We must seek to provide objective finished intelligence products—not products marked by personal bias, loyalty to a political program, unnecessary emphasis on or expectation of the repetition of history, or theoretical rather than real perspectives. Again, wise policy requires no less. Policy based upon incorrect or unobjective information is dangerous policy, policy unlikely to succeed. From Pearl Harbor to the Bay of Pigs, the lesson is clear that misperceptions carry with them the seeds of failure and loss.

We must structure the decisionmaking process in the intelligence community so that it is more considered, more accountable. Two hundred years after John Adams, we remain a government of laws and not of men. We remain a nation committed to morality, decency and the dignity of the individual. We remain a government of checks and balances and of elected officials who must answer to the people. Because of the nature of intelligence activities, a full public accounting is impossible. But that does not mean that accountability is impossible. New means must be developed to provide surrogate procedures as a substitute for the open discussions of governmental activity possible in other, less sensitive areas.

We must develop standards and directions for especially sensitive activities. While the potential for gain from covert and certain human clandestine operations is great, so is the potential for embarrassment and harm. Before such actions are initiated, it must be clear that potential benefits outweigh potential risks. We must be sure that politically responsible officials of our Government have reviewed and understood their impact.

We must restore to those within the intelligence community the pride and confidence which an effective intelligence community merits. Low morale helps no institution. This is especially true where integrity and independence of judgment is required. In the forefront of our objectives must be efforts to insure that the community regains confidence in its own abilities to serve within clear guidelines, to restore the community to a position where it will attract and retain personnel of the highest quality and to set the community upon a foundation which can claim the trust of the American people.

We must protect fully and completely legitimate national secrets. Disclosure of the details of intelligence activities would threaten human life. Disclosure of other legitimate national secrets would result in irreplacable and irreparable losses to our country, including a loss of access to vital intelligence such as that now used in verifying our SALT agreements. Such secrets must be protected. Yet, protection of national secrets must be done in a manner consistent with the right of the public to know as much as possible about the activities of their government.

We must guarantee that individual rights and liberties are not abridged. A society that fails to protect the basic rights of its citizens undermines itself, destroying its own basis and legitimacy. A society that degrades its citizens degrades itself.

The question, thus, becomes, how do we meet these multiple, diverse and, in some instances, seemingly conflicting objectives. I would suggest we consider the following:

Charters can be enacted for each of the intelligence agencies describing the extent and nature of their authorities and setting firm limits on their activities. This would reduce dramatically the possibilities of abuse, particularly those abuses affecting the rights of Americans, and eliminate those conflicts in authority which now plague the intelligence community. Statutory charters could provide legitimacy for intelligence activities vital to our security, thereby allowing the talented and dedicated individuals who maintain our first line of defense to act more confidently and forthrightly rather than shirk duties for fear of being reprimanded on the basis of unstated rules or "secret charters" withheld from them. Statutory charters would allow employees who seek to obey the law to resist improper pressures—pressures to perform illegal acts or more subtle pressures to distort an intelligence product whose clarity and objectivity must be its claim to support.

The role of the Director of Central Intelligence can be strengthened by separating the Director from the daily responsibility for managing the CIA and providing him with the staff and authority to allocate inteligence resources and produce finished intelligence reports based upon the work of the various entities. For example, to achieve strong centralized control of collection, the DCI could be given the authority to set communitywide intelligence requirements, evaluate collection programs and effect budget allocations.

In processing intelligence, he could be authorized to assign tasks of common concern to specific intelligence agencies, insure coordination and provide for the dissemination and distribution of information to the users who need it. In production, he could be required to evaluate intelligence consumer needs, give due consideration to the unique needs of departments and military commanders, insure that analysis presents differing interpretations and views and evaluate the quality of production.

The executive branch can be required to follow specified standards and procedures in approving activities in which the U.S. role is not to be apparent or publicly acknowledged or activities involving especially sensitive clandestine collection of inforamtion.

Certain activities and procedures can be specifically prohibited.

Legislation based on the 30 years' experience with peacetime intelligence which we have gained since the establishment of the Central Intelligence Agency should allow the clearing of bureaucratic undergrowth and the construction of a more accountable, efficient, responsive and law-abiding intelligence community for the 21st century.

I hope that this report will be regarded as an opening of the dialog which must take place if those charters are to come into being and the intelligence community set upon the proper course for that century.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Maryland (Mr. Mathias) is recognized for not to exceed 15 minutes.

Mr. MATHIAS. Mr. President, I thank the distinguished Senator from Kentucky (Mr. Huddleston) for the speech that he has just made to the Senate. The Subcommittee on Charters and Guidelines, over which Mr. Huddleston presides, and of which I am vice chairman, is charged with responsibility to draft fundamental legislation—legislation which is greatly needed. When I say fundamental legislation, I mean that the proposed laws which Senator Huddleston and his committee will present to the Senate will, when enacted, significantly reinforce an area of the Constitution that for a long time has needed attention from the legislative branch of the Government.

There has been a great deal of criticism that Congress passes too many laws, and that there ought to be a moratorium on the introduction of new legislation.

When I was elected to the General Assembly of Maryland some years ago, I was told by an old country lawyer to go to Annapolis and to pass one law, a law that would repeal the code. In accord with this view, I must say I would agree with that sentiment in many areas of national policy, but that is not, however, the case in the area of intelligence activities.

The experience of the United States over the past four decades has shown that war, national emergency, short-term crises of various kinds, and a broad range of secret activities have remained outside of normal constitutional processes. The last 40 years is replete with examples of arbitrary, unilateral, and often secretive actions taken by the Executive which in some cases have had harmful effects on the security and the well-being of the country, and in far too many cases have worked to erode and undermine a fundamental premise of our Government, which is that no significant actions of national policy can be taken by a single branch of Government acting alone.

On the contrary, there must be an interaction between the three branches, working in their appropriate ways. It required 43 years to end the national emergency declared by President Franklin D. Roosevelt in 1933 to deal with the economic depression of that time.

Each administration from the early thirties until recent years has conducted secret activities, many of which were unknown to Congress. These activities included the dispatch of personnel, both civilian and military, as well as equipment to foreign nations which were engaged in hostilities; the negotiation and conclusion of secret agreements—all of this without the knowledge of Congress. An even greater range of activities was conducted by the executive with the knowledge of only a handful of the members of the legislative branch.

The abuses of the intelligence agencies, which is so much a part of the national consciousness in recent years, was in part due to this growing and accretive practice of secret activities undertaken by the executive branch alone.

It is important to indicate that legislation to remedy the absence of clear and unambiguous guidelines in intelligence activities will be of great value to those who are employed in the intelligence community. On the absence of firm statutes, some agencies and employees of the intelligence agencies have been led into error by direct or emplied orders of their superiors. They, I am sure, are loyal and dedicated men and women who wanted to do the right thing. In the absence of statutory guidelines, their most available measure of what was right was embodied in the secret orders they received. A body of law which sets the permissible limits of activity will be a great protection to members of the intelligence community. It will be a shield for those who might be ordered to perform acts beyond the authority of their agencies, and it will be a compass for those who chart the course of those agencies.

In the absence of this body of law, there has been erosion of the constitution. To correct the process of erosion, the Senate has asked the Select Committee on Intelligence to construct a system of laws which will permit secret activities to take place within the constitutional framework. In the coming months, the select commitee will develop, consider, and report to the Senate omnibus legislation which will provide legitimacy and governance for the intelligence activities of the United States.

In my view, the underlying premise for this comprehensive legislation will be to provide a process for decisionmaking by both the legislative and executive branches, a process for review and accountability for both branches, and a procedural means for both branches to consider policy and performance even in the most fragile and secretive areas of national policy.

Except in the most extreme emergency circumstances, the President should not take any significant action of national policy without an appropriate approval or disapproval by the legislative branch. If it is a matter of new policy, Congress should certainly be asked for its support. If it is a matter of an activity which involves money, or the transfer of resources to another country, or if the action might affect the security, well-being or reputation of the United States, Congress must be aware of these activities and must be involved in an approval process.

During the past year, the Select Committee on Intelligence has been pioneering and developing new ways to deal with the troublesome issues created by the operation of secrecy in an open, constitutional society. We have invented a means to approve and to account for the funding of secret activities. The committee's authorization process has enabled the Senate, through the Committee on Intelligence, to examine every aspect of intelligence activities in great detail. Further, the full classified record is available to every Member of the Senate. In this way, every Senator has the opportunity, for the first time, to know what he is voting for in the area of intelligence activity.

Through new statutes, the Committee on Intelligence is seeking to establish a pattern of joint responsibility between the constitutional branches of Government, a pattern which will include full access to information provided under circumstances which assure the protection of valid national secrets. We also intend to make rigorous accountability a standard requirement for all intelligence activities. With these purposes included within a framework of law, I believe Congress can strengthen the constitutional system of shared responsibility.

Mr. President, I yield the floor.

FOOD AND AGRICULTURE ACT OF 1977

The ACTING PRESIDENT pro tempore. Under the previous order the Senate will now resume consideration of S. 275, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (S. 275) to provide price and income protection for farmers and assure customers of an abundance of food and fiber at reasonable prices and for other purposes.

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. The question is on the amendment by the Senator from Oklahoma (Mr. BELLMON), on which the yeas and nays have been ordered.

Who yields time?

Mr. HUDDLESTON. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, the pending amendment is that offered by the distinguished Senator from Oklahoma, to strike the emergency food reserve. The distinguished Senator from Minnesota (Mr. HUMPHREY) desires to discuss this amendment, and I have been informed it will be an hour to an hour and a half before he can get to the Senate floor. Under those conditions, I think it is advisable to lay aside the Bellmon amendment temporarily and try to proceed with some other amendments.

I would appreciate it if the staff on both the Democratic and Republican sides would inform all Senators who have amendments they desire to take up today to come to the floor immediately, so that we can proceed to some other amendments while awaiting the arrival of Senator HUMPHREY for the discussion of this amendment.

I yield to the distinguished Senator from Oklahoma.

Mr. BELLMON. I thank the distinguished chairman.

Mr. President, I wonder if the chairman would agree with me that we could ask unanimous consent at this time that the vote on the Bellmon amendment occur at 12:30.

Mr. TALMADGE. I hope that would be the case. I would prefer, however, we await the arrival of the Senator from Minnesota to set a time certain. If we fix a time for the vote on the Bellmon amendment, we might be in the middle of discussing some other amendment at 12:30, and I would hate to interrupt the orderly routine at that time.

I would be happy to agree to vote at a time certain as soon as the Senator from Minnesota arrives, and then to proceed with the discussion on both sides of the issue.

I hope that the Senator from Oklahoma will defer asking for a time certain at this particular time.

Mr. President, if the attachés will inform Senators who have amendments to come to the floor, I ask unanimous consent that I may suggest the absence of a quorum without the time being changed——

Mr. DOLE. Will the Senator yield?

Mr. TALMADGE. Yes.

Mr. DOLE. I just advise the distinguished chairman that Senator HELMS is on his way with an amendment.

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without the time being charged to either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ANDERSON). Without objection, it is so ordered.

Mr. TALMADGE. I think the distinguished Senator from North Carolina has an amendment he would like to offer at this time.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 326

Mr. HELMS. Mr. President, I ask unanimous consent that the pending amendment be laid aside for the consideration of the amendment I am going to offer.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from North Carolina (Mr. HELMS) for himself, Mr. BELLMON, Mr. MORGAN, Mr. BARTLETT, Mr. TOWER, Mr. BENTSEN, Mr. SCHMITT, Mr. DOMENICI, Mr. HARRY F. BYRD, JR., and Mr. THURMOND proposes amendment numbered 326.

The amendment is as follows:

> On page 158, line 21, insert "(1)" after "(c)".
>
> On page 159, line 14, strike out the quotation marks and the second period.
>
> On page 159, between lines 14 and 15, insert the following:
>
> "(2) The Commodity Credit Corporation in each of the three producing areas referred to in paragraph (1) shall require the designated area marketing association of peanut producers or agents of the Secretary to establish separate pools, and maintain complete and accurate records by area and type, for quota peanuts handled under loans and for 'additional' peanuts produced without a contract between handler and producer. Net gains on peanuts in each pool shall be distributed in proportion to the value of the peanuts placed in the pool by each grower. Net gains for quota peanuts in each pool shall be the net gains over all costs plus an amount from the pool for 'additional' peanuts sold as quota peanuts equal to any loss on quota peanuts in the pool. Net gains for 'additional' peanuts shall be the net gains over and above loan indebtedness and other losses for 'additional' peanuts less any amount allocated to offset any loss in the quota pool.".

Mr. HELMS. Mr. President, this amendment, submitted by Senator BELLMON and myself and several other Senators, would mandate the Secretary of Agriculture to do what he has assured many of us that he intends to do anyhow—that is, to maintain area-type pools for peanuts that are placed under Government loan.

There are three major peanut growing areas in the United States, Mr. President: The Southeast, which includes Georgia, Alabama, Florida, and Mississippi; the Southwest, which includes Texas, Oklahoma, and New Mexico; and the Virginia-Carolina area, which includes Virginia and the two Carolinas.

There are four types or varieties of peanuts: The runner type, the Spanish type, Virginia-Carolina type, and Valencia. This amendment would require that a separate peanut pool be maintained in each of the three producing areas for each type of peanut; in other words, records would be kept for peanuts handled under Government loans by area and by type.

Mr. President, here is an example of how area-type pools work. Spanish peanuts produced by Texas farmers which are grown under a Government loan would be kept in the Southwest Spanish peanut pool. If these peanuts were sold later at a price above the loan, the profit would go into the Southwest Spanish pool, and later would be distributed to Spanish peanut farmers in the Southwest growing area, in proportion to the value of the peanuts placed in the pool by each grower.

The advantage of area-type pools over a national peanut pool is that growers would be encouraged to grow the type of peanuts that are in demand.

Mr. President, Secretary Bergland has told me both in conversation and in writing that he supports the area-type pool. However, I must be frank, the Secretary now says he would prefer to handle the accounting procedures for peanuts administratively rather than legislating the area-type pools.

I would have no objection to allowing the administration to handle area-type pools administratively except that this program, Mr. President, is a 5-year program beginning with the 1978 crop, and a new administration could be in office the last 2 years of the program and could abolish area-type pools.

Also, when one watches the goings and comings of people in Government and politics, it is not inconceivable that Secretary Bergland may not choose to remain in his present post of Secretary of Agriculture. Therefore, it seems obvious that the peanut growers are entitled to some assurance that the area-type peanut pools which Secretary Bergland has endorsed will survive any change in the post of Secretary of Agriculture.

The language in the pending amendment is broad language which gives the U.S. Department of Agriculture complete flexibility to set up area-type pools.

Mr. President, I quote from a letter Secretary Bergland wrote on May 9, 1977, to the Honorable W. R. POAGE of the House of Representatives:

> DEAR MR. POAGE: This Administration would like to work in harmony with peanut producers and the processing industry in maintaining a viable peanut program.
>
> The use of area-type pools in the computation of profits or losses on peanut loan stocks and subsequent distribution of net gains to producers are highly compatible with this goal. Area-type pools may be expected to encourage producers to respond to the needs of the industry by allowing local shellers to bid on a desired type of peanuts and have local producers receive the profits . . .

Mr. President, these are the words of the Secretary of Agriculture:

> . . . It is our intention to implement the area-type pool concept in the interest of efficient and effective administration of the peanut price support program.
>
> However, this concept will require a complex bookkeeping system involving maintenance of records showing receipts and expenditures by producers on possibly 26 separate pools. Therefore, we believe that it is

> imperative in the development of this system of pool accounting that the Department have the authority to modify the pool system by regulations if necessary to keep the program viable.
>
> Thank you for your interest.
>
> Sincerely,
>
> BOB BERGLAND.

Mr. President, this issue is quite simple. Should Congress write area-type pools into the law? Or should we allow area-type pools to be handled administratively, on the assumption that my friend, Bob Bergland, will be the Secretary of Agriculture for the next 6 years?

I suggest that the Senate should adopt the pending amendment to insure that peanut producers will have an incentive to grow the type of peanuts in demand rather than grow varieties that are in oversupply.

Mr. President, I wish to request the yeas and nays, but I do not believe there are enough Senators in the Chamber for a sufficient second. I reserve the remainder of my time.

Mr. TALMADGE. Mr. President, will the Senator yield at this point?

Mr. HELMS. I am delighted to yield to the able Senator from Georgia.

Mr. TALMADGE. If the Senator will strike the word "shall" from the amendment and insert in lieu thereof the word "may," I will be deligheted to accept it—he has already read the letter from Secretary Bergland—that is his intention; but he wants some flexibility in the program, because he pointed out, as the Senator has read in the last paragraph of the letter, and I read it again:

> However, this concept will require a complex bookkeeping system involving maintenance of records showing receipts and expenditures by producers on possibly 26 separate pools. Therefore, we believe that it is imperative in the development of this system of pool accounting that the Department have the authority to modify the pool system by regulations if necessary to keep the program viable.

So, if the Senator will agree to what the Secretary has urged upon the Senate, I will be happy to accept the amendment.

Mr. HELMS. The Senator is always most cooperative, and he knows and I know that we agree on this proposition. There is no conflict whatsoever, Mr. President, between the able Senator from Georgia and the Senator from North Carolina. The able Senator is on record as favoring the area-type pools for peanuts.

I do not quite understand, first of all, how the USDA arrived at the possibility of 26 separate pools, unless the Department anticipates the development of a great many new varieties. There are three areas, and four types of peanuts. It seems to me that would be a maximum of 12 separate pools.

Moreover, the Secretary of Agriculture already has the authority to do this under existing law, so an amendment saying "may," I say to the able Senator from Georgia, would be superfluous.

What the Senator from North Carolina wants—and I am sure the Senator from Georgia wants—is to give the peanut growers some assurance that if Bob Bergland should leave office, they could count on this. I do not doubt the good faith of Secretary Bergland one bit. I have been tremendously impressed with him, but I do think that the peanut growers are entitled to this assurance. I believe the Senator from Georgia also desires this, because he included this very language in S. 3275, a bill that he introduced last year.

So I hope the Senator from Georgia will understand the position of the Senator from North Carolina. I am extremely reluctant to accept the modification of the amendment, unless some concrete assurance can be given to the peanut growers of my State.

Mr. TALMADGE. Will the Senator yield further?

Mr. HELMS. Yes.

Mr. TALMADGE. I point out to my friend and distinguished colleague on the committee that if Secretary Bergland leaves, we anticipate that the Committee on Agriculture, Nutrition, and Forestry, the Senate, and Congress will still be in existence. So we can act legislative at that time, I point out to my distinguished friend.

If the Senator will not modify his amendment I will be constrained to oppose the adoption thereof for the reasons the Department has pointed out. Peanut varieties change; the demand for peanut varieties change. What may be in short supply today may be in surplus tomorrow. If we get locked in rigidly with legislation without the flexibility that the Department needs we could not have an effective pool, as I see it. For that reason, I am constrained to oppose the amendment, unless the Senator will modify his amendment in accordance with what the Secretary has recommended.

Mr. HELMS. Mr. President, let me say again that I thoroughly understand the position in which the distinguished Senator from Georgia, the chairman of the committee, finds himself. But it seems to me that the area-type pools will actually encourage growers not to produce peanuts in surplus.

It so happens that the Virginia-Carolina type of peanut produced by the growers in Virginia and the two Carolinas is not in surplus. I think that each variety and each area should stand on its own footing.

Most respectfully, I simply cannot agree to modify the amendment without some concrete assurance to my peanut growers. I say again that I understand the position of the able chairman of the committee.

Mr. TALMADGE. Mr. President, I yield myself such time as I may take.

The Department has been administering area pools through the history of the program. Only in the last few years has Virginia-Carolina implemented area type pools.

In order for the administration to administer a viable program it is imperative that Congress not restrict the Secretary to such a degree that he cannot administer a viable program.

Type pools are not currently being maintained in all areas. Type pools are currently being maintained in the Virginia-Carolina in an attempt to discourage production of runner-type peanuts in that area.

We believe that area-type pools, if properly set up and administered, will be compatible with the objectives of this legislation. We realize that the area-type pools will tend to increase CCC outlays. However, the benefits derived from encouraging producers to respond to the needs of the industry by allowing local shellers to bid on a desired type of peanut and have local producers receive the profits will more than offset the additional cost.

The proposal as written is subject to serious misinterpretation. For example.

First. If a producer grows two different types of peanuts and (a) puts the type in long supply under quota loan for high support with a subsequent loss to the Government and (b) the type in short supply under additional peanut loan with a subsequent profit, does the Secretary have the right to use the profits from his nonquota production to offset the Government's losses on his quota production?

Second. "Net gains on peanuts in each pool shall be distributed in proportion to the value of the peanuts placed in the pool by each grower." What is meant by "value of the peanuts"? Is it loan value going into the pool or market value going out of the pool?

Those are the Department's exact words. You can see the complexity of the situation if we do not allow the Secretary some flexibility in operating the program.

Under this amendment, there would be established three area association pools for peanuts. Each pool would operate separately from the other two.

Each association would maintain complete records by type for quota peanuts handled under loans and for nonquota peanuts delivered to it by producers.

Quota peanuts would be placed under loan in each pool at $420 per ton and nonquota peanuts placed under loan at the lower price support level.

If any net gains—over certain costs—result from the sales of either quota peanuts or nonquota or both kinds of peanuts in any pool the net gains would be distributed to producers in proportion to the value of the peanuts placed in that pool by each grower.

Under this arrangement, any pool might realize gains and distribute these gains to producers in that pool, while losses suffered in other pools are borne by the Government.

Is the distinguished Senator from North Carolina ready to vote on his amendment?

Mr. HELMS. Mr. President, before we get to that point, let us discuss for a moment what the able chairman of the committee has said.

He has pointed out that there will always be an Agriculture Committee and there will always be a Congress to oversee the actions of the Secretary of Agriculture. As the Prince of Denmark once said, that is a consummation devoutly to be wished.

Did I correctly infer that the able Senator from Georgia will go to the mat with the Senator from North Carolina and others who insist on the continuation of area type pools, in the event of a change of Secretary of Agriculture?

Mr. TALMADGE. The Senator is correct.

Mr. HELMS. Well, Mr. President, I must confess that it is always extremely uncomfortable for me to differ with my friend from Georgia, because we agree so often. I believe I perceive a clear and reasonable accommodation. With his assurance, I see no reason why we should not modify the amendment to read "may" instead of "shall," because I believe that the Senator from Georgia, the Senator from North Carolina, and others interested in the peanut growers can prevail upon the Department of Agriculture at the appropriate time to maintain the area-type peanut pools in the event there is an effort to discontinue them or convert them to a national pool.

With the Senator's assurance, as stated in this colloquy, I accept the Senator's modification. I appreciate his interest and cooperation.

Mr. TALMADGE. Let me see if I understand what the Senator has done. On line 7 of the first page of the amendment, he is striking the word "shall" and inserting in lieu thereof the word "may"?

Mr. HELMS. That is correct.

Mr. TALMADGE. Under those conditions, Mr. President, the Senator has a right to modify his amendment, as the yeas and nays have not been ordered——

Mr. HELMS. That is correct.

The PRESIDING OFFICER. The amendment is so modified.

Mr. Helms' amendment (No. 326), as modified, is as follows:

On page 158, line 21, insert "(1)" after "(c)".

On page 159, line 14, strike out the quotation marks and the second period.

One page 159, between lines 14 and 15, insert the following:

"(2) The Commodity Credit Corporation in each of the three producing areas referred to in paragraph (1) may require the designated area marketing association of peanut producers or agents of the Secretary to establish separate pools, and maintain complete and accurate records by area and type, for quota peanuts handled under loans and for 'additional' peanuts produced without a contract between handler and producer. Net gains on peanuts in each pool shall be distributed in proportion to the value of the peanuts placed in the pool by each grower. Net gains for quota peanuts in each pool shall be the net gains over all costs plus an amount from the pool for 'additional' peanuts sold as quota peanuts equal to any loss on quota peanuts in the pool. Net gains for 'additional' peanuts shall be the net gains over and above loan indebtedness and other losses for 'additional' peanuts less any amount allocated to offset any loss in the quota pool.".

Mr. TALMADGE. Mr. President, I am prepared to accept the amendment as modified.

Mr. DOLE. Mr. President, I shall be a member of the conference. I want to assure the distinguished Senator from North Carolina, based on what the chairman has said, that anything we can put in the conference report to underscore his concern as chairman of the conference on our side, I will be happy to do.

Mr. HELMS. I thank the Senator.

Mr. TALMADGE. Mr. President, if the Senator will yield, I am informed that similar language is already in the House bill.

Mr. HELMS. That is correct.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time.

Mr. HELMS. Mr. President, I would like to have a brief quorum call so that I may inform cosponsors of the amendment concerning developments. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I yield back the remainder of my time.

Mr. TALMADGE. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment, as modified, of the Senator from North Carolina.

The amendment, as modified, was agreed to.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TALMADGE. Mr. President, I hope that Senators who wish to offer amendments will come to the floor and do so. We have at least two more amendments that I know will be proposed, one by the distinguished Senator from Oklahoma (Mr. Bellmon), which has been laid aside temporarily, and another that will be offered by the distinguished Senator from Maine (Mr. Muskie). I am informed that the Senator from Minnesota (Mr. Humphrey) will not be here for at least another hour. We can take up the Bellmon amendment as soon as he arrives. Senator Muskie is engaged, and will not be prepared to offer this amendment until sometime after noon today.

Are there any Senators on the floor who have amendments to offer at this time?

I am informed that the distinguished Senator from South Carolina (Mr. Thurmond) has entered the Chamber, and will have an amendment to offer at this time.

The PRESIDING OFFICER. Without objection, that amendment will be in order at this time. The Senator from South Carolina is recognized.

AMENDMENT NO. 328

Mr. THURMOND. Mr. President, I call up my amendment No. 328, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Carolina (Mr. Thurmond), for himself and others, offers an amendment numbered 328.

The amendment is as follows:

On page 205, line 8, strike out "a strike" and, after the period, insert: "Notwithstanding any other provision of this Act, no household shall be eligible to participate in the food stamp program if the head of the household is on strike against his emloyer as the result of a labor dispute, except where such household was eligible for participation in such program prior to the strike against his employer. This ineligibility shall not apply in any case in which the head of a household is not working because of an employer lockout. As used in this subsection, the term 'head of the household' means the member of any household who provides over one-half of the support for the household.".

Mr. THURMOND. Mr. President, in addition to the present cosponsors of the amendment—Senators Goldwater, Hatch, Helms, McClure, Scott, Tower, and Wallop—I ask unanimous consent to add the names of the following Senators: Mr. Curtis, Mr. Garn, and Mr. Schmitt.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, this issue has been before the Senate previously. It is a simple issue. Should persons engaged in a strike be eligible to participate in the food stamp program?

Mr. President, I introduced legislation on February 1, 1977, similar to that which I introduced in previous sessions of Congress, which would prohibit the distribution of food stamps to a household where the head of that household is engaged in a strike. I feel very strongly about this issue. When food stamps are given to strikers, the Federal Government injects itself into the dispute on the side of labor. This is not fair. It is not fair to the other side of the bargaining table, and, most of all, it is not fair to the American taxpayers who must bear the cost of the food stamp program.

We must keep this issue in perspective. First, strikes are voluntary. The strikers had a choice and were not coerced into staying off their jobs. Second, strikes are for a limited duration, in most cases, lasting only a few days or weeks. Third, strikes are foreseeable in most cases, strikers know for a long time beforehand of the forthcoming strike, and consequently, have time to prepare for it. Fourth, it is an acknowledged fact that labor wage scales are comparable to those for the rest of society. When considering all these points, it does not make sense for us to subsidize, with taxpayers' money, those engaged in trying to obtain a settlement with increased personal benefits for the strikers. Taking care of strikers should be handled by the union, with union resources, for its own members and not by society as a whole with citizens' tax money. Mr. President, I do not believe that a majority of Americans are aware that striking workers can receive food stamps. When they do realize that fact, they will be outraged.

It has been aptly pointed out that individuals are not breaking any laws when they obtain food stamps, and union officials are only doing their jobs when trying to find assistance for their members. We must admit that the fault lies in Congress, where changes in the laws are needed to correct this injustice. It is up to us as elected officials of the American people to stand up for what is right and not use public funds to become involved in a private dispute between businesses and a select group of our working force.

In my opinion, credibility has to be restored to the food stamp program. The food stamp program was designed to assist the truly needy, and that is what it should do. My amendment will restore a measure of that credibility.

The PRESIDING OFFICER. Who yields time?

Mr. MELCHER. Mr. President, this is an old issue. We have constantly reviewed this question every time a Food Stamp Act is before us.

The first relevant question that comes to mind is, how many people are involved?

The criteria for applying for food stamps and getting approved for food stamps for a family are rather rigorous.

It is a question of meeting the eligibility: How much is the income of the family? What are the assets of the family? In most instances, strikers cannot meet those eligibility requirements.

What family of a striker, for instance, has liquid assets of $1,500 or less?

What family of a striker has only a home where they live and their personal property, a car, their tools of a trade, and no more than $1,500 in assets over and above those items?

Very few. That is the answer.

In April 1975, the House Agriculture Committee study determined that the percentage of households containing a striker was approximately 0.2 percent, or 5,500 households, in the United States. Then, when we look at the requirements of those households in order to become eligible for food stamps, we come down to just a limited number of people, very limited.

So what is equitable for those households? Consider a strike. Some of the workers vote for a strike and some vote against a strike. A majority of a local or a union involved must vote for the strike. Many of those strikers' families are not involved in an affirmative vote for the strike. Is it equitable to say to those families who meet the requirements of the food stamp eligibility if they need food stamps for the nutrition of their families, "No, you cannot have them because the worker happens to be on strike"?

I do not think so. I believe the Food Stamp Act is for people who cannot have proper nutrition without the help of food stamps.

Second, the question then is, What is the cost to the Government in providing the food stamps for strikers?

We have asked for that figure repeatedly. We have found that the amount is so little that it is hard to determine what it is.

I feel the committee approach to this has been consistent. It has said that food stamps should be allowed on the basis of the nutritional requirements of the families involved.

We also say in the act, if there are strikers who are not working but who apply for food stamps, they must be willing to take a job, not at the struck plant but somewhere else, if minimum wages are offered.

With those requirements—meeting the eligibility tests for assets, which are very stringent, and meeting the requirement of applying for a job and accepting a job if it is available at minimum wage or better but not at the struck plant—I think we have applied the criteria to strikers which is in the public interest.

The Food Stamp Act requires that under the present law and under the committee amendment. I believe that is good enough, that it is equitable and it is fair.

Mr. HELMS. Mr. President, I join the distinguished senior Senator from South Carolina (Mr. THURMOND) in cosponsoring this amendment. This is a matter of simple equity and principle: The working taxpayers of America should not be forced to subsidize strikers who deliberately walk off the job. This amendment would prohibit the distribution of food stamps to individuals receiving them only because the head of the household is on strike.

The food stamp program was established in 1964 to help provide an adequate diet for those Americans whose incomes are below the poverty level due to their inability to work. The American people want to help the truly needy of our society—but only the truly needy who are unable to support themselves.

Congress included a work requirement in the Food Stamp Act which makes it plain that the congressional intent in designing the food stamp program was that it should not benefit those who refuse to work.

Congress has failed, however, specifically to prohibit employed workers, who qualify for the program only because of their participation in a strike, from receiving benefits under the program. The interests of the American consumer and taxpayer, and the maintenance of our system of free collective bargaining demand that such a prohibition be established.

Free collective bargaining has been chosen by Congress as the system of labor-management negotiation best able to promote economic stability and avoid industrial strife. This system protects the rights and interests of workers, companies, and consumers. The imperative fundamental premise of free collective bargaining is absolute Government neutrality in the labor-management contest. While the Government acts to oversee and referee the process, the results of the contest are determined by the independent bargaining strengths of the parties.

Public assistance to either side in a labor dispute violates the concept of free collective bargaining and violates the rights of the opposing party. Public assistance in the form of the distribution of food stamps to strikers' households has the undeniable effect of giving a distinct economic advantage to the union in the collective bargaining contest.

The duration of strikes has increased significantly since the advent of welfare payments to strikers. To continue to make these payments will only fuel this trend, thus bringing more pressures on our already troubled economy and further undermining the principles of free collective bargaining which is so vital to the American free enterprise system. In this era of perilous inflation, constantly rising taxes, and public discontent with the state of the economy, we should be particularly sensitive to the needs of the working American, who is both taxpayer and consumer. I believe we should respond to any opportunity to lighten the burdens of inflation and taxes and especially when this can be done without hardship to any legitimate recipient of Government services. Due to the average annual income of most union members and the strike benefits available from union funds, few strikers can plead that they are subjected to hardship through no fault of their own simply because they are denied food stamps to which they are not entitled.

The granting of welfare benefits to strikers deals a double blow to the taxpayer-consumer. Food stamp benefits allow workers to prolong strikes and drive up the costs of production, which are ultimately passed on to the consumer. Our current inflation has been made worse by subsidized, lengthy strikes, and the abnormally high settlements and decreased production of goods and services. By using tax dollars to subsidize strikers, the Government is increasing the consumer's tax burden while using his money to drive up the cost of the very goods and services he must buy.

Now is the time to break the vicious circle which penalizes every American taxpayer and consumer. By prohibiting distribution of food stamps to strikers, Congress can reduce the cost of the program to the taxpayer and reduce the rate of inflation.

Mr. TOWER. Mr. President, I support the amendment of my colleague from South Carolina (Mr. THURMOND) to make strikers ineligible for food stamps. I have cosponsored this legislation in the past and am proud to cosponsor again this language which could save the taxpayer about $50 million.

The food stamp program was designed to provide assistance to those who are unable, for reasons beyond their control, to secure a nutritionally adequate diet. There is no justification for allowing some members of society who are voluntarily unemployed to share in the benefits of this program. There is especially no justification when those people are voluntarily unemployed as a tactic to improve their financial status. This is a loophole that has permitted relatively affluent families to participate in the program.

Making food stamps available to strikers places Government on one side of the bargaining table. It prolongs settlement of labor disputes, and it raises the ultimate cost of goods and services to the consumer.

A Wharton School of Finance study documented the massive use of food stamps in major steel, electrical, automotive, and other strikes in 1969–71 at a cost to the public of $240 million. Before this new form of governmental aid, strike funds were used to support members on strike. The taxpayer should not be asked to underwrite, and, in effect, to replace such funds.

Mr. MELCHER. Mr. President, I move to table the amendment.

The PRESIDING OFFICER (Mr. CLARK). That motion is not in order until all time on the amendment has expired or been yielded back.

Mr. MELCHER. May I inquire how much time is left on the amendment?

The PRESIDING OFFICER. The proponent has 26 minutes remaining.

Mr. MELCHER. Mr. President, I will renew my motion at a later time.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. Does the distinguished Senator from North Carolina desire to utilize some time?

Mr. HELMS. Senator THURMOND had to leave the floor for a moment.

Mr. TALMADGE. How much time does the Senator desire?

Mr. HELMS. I was going to suggest the absence of a quorum.

Mr. TALMADGE. I believe we should have the yeas and nays on this amendment.

I ask unanimous consent, Mr. President, that we may have a quorum call to get 11 Senators to the floor to ask for the yeas and nays on this amendment. I understand a number of Senators are involved in hearings.

UNANIMOUS-CONSENT AGREEMENT—NO RECORD VOTES TO OCCUR PRIOR TO 12:15 P.M.

Mr. TALMADGE. Mr. President, I ask unanimous consent that we have no record votes until 12:30, and that whatever record votes we order between now and 12:30 occur back to back, beginning at 12:30.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. MELCHER. Mr. President——

Mr. TALMADGE. Mr. President, I ask unanimous consent that any record votes that we order between now and 12:30 be deferred until 12:30, and that all votes that we order between now and 12:30 begin at 12:30, back to back at that time.

The PRESIDING OFFICEER. Is there objection?

Mr. DOLE. Reserving the right to object, I would only suggest that that would fall right during the policy luncheon which starts at 12:30. If there were a number of votes, I guess it would probably eliminate the policy luncheon.

Mr. TALMADGE. What would the Senator suggest?

Mr. DOLE. Twelve o'clock.

Mr. TALMADGE. I understand the hearing will not end uptown until 12 o'clock.

Mr. DOLE. 12:15.

Mr. TALMADGE. 12:15. I modify my request, Mr. President.

The PRESIDING OFFICER. Is there objection? The Chair hears none. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without the time being charged to either side. As soon as we have 11 Senators on the floor, it will be my purpose to ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum. Aides will please ask their Senators to come to the Chamber. Immediately following the obtaining of yeas and nays, I understand Senator CLARK will be ready to offer his amendment.

The PRESIDING OFFICER. The Chair advises the Senator that the motion to table has not yet been made and it is not possible to get the yeas and nays on that possible motion at this time except by unanimous consent.

Mr. TALMADGE. We will yield back the remainder of our time at this point, Mr. President.

Mr. HELMS. The Senator could ask unanimous consent that it be in order to ask for the yeas and nays at this time.

Mr. TALMADGE. I understand it is the policy of the leadership not to get the yeas and nays by unanimous consent. That was the reason I was asking for a quorum call to get 11 Senators into the Chamber.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on a motion to table.

The PRESIDING OFFICER. Is there objection? The Chair hears none. It is so ordered.

Mr. TALMADGE. I yield back the remainder of my time on this amendment and ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. TALMADGE. Under the unanimous-consent agreement, this vote will occur at 12:15.

The PRESIDING OFFICER. That is correct.

Mr. TALMADGE. I understand the distinguished occupant of the Chair has an amendment he will offer if he can be replaced in the Chair.

Mr. MELCHER. Mr. President——

The PRESIDING OFFICER (Mr. HUDDLESTON). The Senator from Montana.

Mr. MELCHER. Mr. President, at the point prior to the time when the time had expired on the amendment, I had made the motion to table the amendment. The time had not expired. The time has now been yielded back.

The PRESIDING OFFICER. Time has not been yielded back.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The proponent of the amendment has not yielded back his time. The motion is not in order until the proponent (Mr. THURMOND) has used or yielded back his time.

Mr. THURMOND. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The motion is in order.

Mr. MELCHER. Mr. President, I move to lay the amendment on the table. I understand the unanimous-consent request was for the yeas and nays to occur at 12:15.

The PRESIDING OFFICER. That is correct.

Who yields time?

UP AMENDMENT NO. 288

Mr. CLARK. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read as follows:

The Senator from Iowa (Mr. CLARK) proposes unprinted amendment numbered 288.

Mr. CLARK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 118, between lines 11 and 12, insert a new section 501 as follows:

"TARGET PRICE FOR THE 1977 CROP

"SEC. 501. (a) Title I of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof a new section 112 as follows:

"TARGET PRICE FOR THE 1977 CROP OF CORN

" 'SEC. 112. Notwithstanding any other provision of this Act, the established price for the 1977 crop of corn shall be $1.85 per bushel.'

"(b) This section shall become effective October 1, 1977, and the provisions thereof shall be retroactive to cover payments to producers for the 1977 crop of corn and other feed grains."

On page 118, line 13, strike out "SEC. 501" and insert in lieu thereof "SEC. 502".

Mr. CLARK. Mr. President, I am proposing to amend S. 275 to provide for an increase in the target price for corn for the 1977 crop year. As it is now written, S. 275 applies primarily to the 5 crop years beginning with the 1978 crop year. The price support mechanisms for the 1977 crop year will, in most cases, be governed by the provisions of the 1973 act. The Senate Committee on Agriculture, Nutrition and Forestry made an exception, however, in the case of wheat because of the current surplus of that commodity.

S. 275 contains a substantial increase in the wheat target price for the 1977 crop year. This amendment would add to the bill a similar exception in the case of corn. It would increase the corn target price for the 1977 crop year from the current $1.70 to $1.85. In other words, under the current year, if no further action is taken, the corn target price, or guaranteed price, will be $1.70. We are suggesting that that be lifted by 15 cents per bushel.

The issue of 1977 corn target prices was not considered by the committee because conditions at that time did not appear to warrant it. In fact, that is why I decided not to offer this amendment in the committee. Planting of the 1977 crop is well under way now, and the acreage farmers intend to plant to corn can be seen more clearly than at that time. The recently released USDA estimates indicate that good weather in the Corn Belt this summer could lead to another record corn crop and to corn prices in the $1.75 to $1.80 range.

I say quite frankly, Mr. President, that I do not expect the crop to be that big. I personally do not think that this target price of $1.85 will ever be paid to anybody, because I do not think that it is going to reach that level. But it is at least conceivable that we could have, let us say, a 7 billion bushel corn crop and that, in the first 6 months of the marketing period, in fact, prices could get that low. We are really talking about trying to protect farmers if, indeed, the prices go very, very low.

Market prices for corn as low as $1.70 or $1.75 would have a disastrous economic impact on Iowa farmers and corn producers everywhere, since the current cost of production is estimated to be in the range of $2.22 a bushel. In other words, corn producers may well find themselves in much the same boat as wheat producers before the year is out.

In light of this situation and in the interest of equity and logic, we should extend to corn producers the same consideration we have already extended to wheat producers by providing them with an increased measure of protection against economic losses during the current crop year through a higher target price.

Mr. President, the proposed increase is obviously a very modest one. It would provide protection for only a part of the cost of production. As I say, the cost of production is generally estimated now, for corn, to be $2.22. I am suggesting a target price of $1.85. That is significantly below the cost of production.

As I say, the standards set by the Talmadge bill for 1978 and later years, for example, would show the cost of production, I think quite accurately, as significantly higher. It should have only a modest increase, if any at all, because there is a good chance that the weather will not, in fact, hold up that well.

I might point out that the estimated costs that the Department may have or OMB may have, are, of course, possible exposures under the best of weather circumstances, possible. The Corn Belt is dry in many places and subsoil moisture is short. Pest damage has already reduced crop prospects somewhat in some areas. Many things can go wrong with a crop between the planting and the harvest. However, the $1.75 corn price that the USDA projects under good weather, with 1977 costs, would mean bankruptcy for many American farmers unless they have more protection that the $1.70 target price now provides.

Mr. President, the House of Representatives has already recognized the importance of increasing this protection and has provided for a 1977 target price of $1.85 in the House bill. I hope that the Senate will support me in this effort to bring our legislation into conformity with the protection provided in the House bill. Indeed, most of the public debate about this legislation has been that the Senate bill is too expensive, that the Senate bill costs too much; that, in fact, we ought to go to the House levels. That is exactly what this amendment does, so far as corn is concerned, in 1977. It simply goes to the House levels.

Mr. TALMADGE. Mr. President, I yield myself such time as I may need.

Let me say at the outset that December corn futures now are selling on the Chicago Board of Trade at $2.49 a bushel. So if the farmer desires to protect himself, all he has to do is sell his crop for future delivery on the futures market and he will be protected for this year's crop. Yesterday, in Davenport, Iowa, corn was selling for $2.34 a bushel.

The trouble with this amendment, Mr. President, is that it adds a $0.5 billion exposure, according to the Office of Management and Budget. This $0.5 billion is added to a bill they say is already too high, a bill that they say will be vetoed if we send it to the White House in its present form. What this amendment would do, while probably offering no protection whatever to the farmers, would be to increase the possibility of a veto by the President of the United States.

This amendment would increase the target price for the 1977 crop of corn from $1.70 to $1.85 per bushel. I have pointed out that the same farmer could sell his corn for December delivery on the Chicago Board of Trade today for $2.49 per bushel.

The committee bill does not increase the target price for the 1977 crop of corn above the $1.70 per bushel that has already been announced by the Secretary of Agriculture. The Secretary has also announced an increase in the loan level of corn to $1.75 a bushel. Thus, the pending amendment would set the target price for the 1977 crop of corn at 10 cents a bushel above the loan level. The U.S. Department of Agriculture estimates that every cent exposure under the target price concept of corn involves a potential cost of $50 million.

When we are talking about $50 million for every cent that the target price is above the loan level we should multiply this 10 cent difference by $50 million, and we have an additional $500 million exposure. Thus, the 10 cent price exposure would be a potential cost of $.5 billion.

While the purpose of this amendment is laudable and while it is quite possible that the price of corn will not fall below $1.85 a bushel for the current crop year, I do not feel we can further exacerbate the problems we are having in connection with the cost of this bill by adopting this amendment.

The committee bill is already in grave danger of being vetoed by the President. In fact, the President indicated he will veto the committee bill unless we reduce the budgetary impact of this legislation.

Mr. President, because I want a bill and not an issue, because I want a bill that hopefully can be signed into law, I must regretfully oppose the pending amendment.

The two items we have in this bill that are very expensive are wheat and feed grains. The committee has worked on a 5-year average of the cost of the bills, including favorable weather and variable weather.

Under the variable weather situation, wheat would cost an average of $659 million a year. Under favorable weather conditions, wheat would cost the taxpayers $1,117 million a year.

Feed grains, Mr. President, under variable or bad weather conditions, would cost an average of $554 million for each of the 5 years; if the weather is favorable, $1,931 million.

So we have a total for wheat and feed grains combined, under favorable weather conditions, a potential cost to the Government of $4 billion annually.

That is the reason why the President of the United States has stated that if this bill comes to the White House in its present form, it will be vetoed. And the amendment of the distinguished Senator from Iowa, my friend and a very valued member of the committee, would add an exposure of $500 million more.

I, therefore, must regretfully ask the Senate reject the amendment.

Does the Senator want to use more time?

Mr. CLARK. Just a couple of minutes, and I understand the Senator from Indiana wants 5 minutes.

Mr. TALMADGE. If the Senator is agreeable, I assume he wants the yeas and nays?

Mr. CLARK. Yes, I do.

Mr. TALMADGE. Then we will get a quorum on the floor and ask for the yeas and nays and have this vote immediately following the vote on the motion to table, offered by the distinguished Senator from Montana.

Mr. CLARK. Mr. President, I yield 5 minutes to the Senator from Indiana.

Mr. LUGAR. Mr. President, I appreciate this opportunity to associate myself with the remarks made by the distinguished Senator from Iowa.

It seems to me that the question is one of equity, and I speak for a good many corn farmers—and a good many corn farmers, really, throughout the United States—who face a potential exposure that is equally as dire as the budgetary exposure that we are discussing this morning.

The facts of life, at least on farms that are producing corn this year, are that the weather has been favorable and the planting has gone well. It appears that the crop is likely to be very large. It appears that under those circumstances which the Department of Agriculture would characterize as the most favorable weather circumstances, the price of corn at time of harvest, and maybe some weeks thereafter, will fall precipitately.

We have attempted during the deliberations of the Committee on Agriculture to take a look at the very severe predicaments faced currently by wheat farmers in this country. I am sympathetic with those citizens and have supported an adequate target price for wheat farmers.

We have heard testimony from a great many young farmers who have taken on substantial obligations in trying to carry on the agricultural industry in Kansas, in the Dakotas, and in States which are greatly dependent on wheat and do not have flexibility in beans, have not ever had the flexibility in corn.

In the case of corn farmers—at the time we were discussing how it applied to the wheat farmers—we did not have in front of us the dire predictions of how large that crop was going to be. So far as I can tell, under the worst of circumstances, a bushel of corn will be sold at a price on the market that does not come close to any of the estimates made of the price of a bushel of corn in terms of production costs.

This is the meaning of target price, as I think all of us see it, that at least the variable expenses of the farmer for producing a bushel of corn or wheat or beans, or any other commodity, would be met. The idea is that farmers would be kept in business, literally, by having their costs met, even if they had no profits in prospect.

In 1977, the $1.85 target price for corn will probably not meet the costs of many farmers in this country, but it will at least offer an indication that the United States of America would be best served by their continuing in that business.

I appreciate the point which has been made by the distinguished chairman of our Committee on Agriculture, Nutrition and Forestry, and he has tried to shepherd this bill to make certain it could be passed and signed.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. LUGAR. I am happy to.

Mr. CLARK. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LUGAR. Mr. President, I simply point out, as the distinguished Senator from Iowa has said, that the estimates we are making over a 5-year period are only that. They cover all sorts of circumstances of weather, of potential export markets, of all of the hazards that are required of the agricultural industry.

I suggest that, if in fact we have a target price of $1.85, the Secretary of Agriculture might be stimulated to order much greater export effort with regard to corn; that, in fact, our entire industry might be moved to think of greater uses so that the exposure is lessened.

I hope there are some incentives, really, in that factor alone.

In any event, it seems to me that equity demands increase in the support price in 1977 to $1.85 for corn.

I am hopeful that we will not have to make many deficiency payments and that, in fact, we will move along our corn crop under the normal feed processes, export processes, other industrial processes. In any event, I would like to see corn farmers throughout the country offered the assurance that the U.S. Senate cares about them.

I think this is a visible expression of that with the estimates, at least, that could go either way in terms of incidence of cost.

Mr. CLARK. Mr. President, I yield 2 minutes to the Senator from Oregon.

Mr. HATFIELD. Mr. President, I thank the Senator from Iowa for yielding.

I wonder if the chairman of the Committee on Agriculture, Nutrition, and Forestry will yield for a question.

Mr. TALMADGE. I am delighted to yield to the distinguished Senator from Oregon.

Mr. HATFIELD. I thank the Senator.

Mr. President, it is my understanding that the chairman of the Committee on Agriculture, Nutrition, and Forestry, the Senator from Georgia, has requested that all amendments dealing with the international exposure, such as Public Law 480, be deferred, and be offered at the time the foreign assistance bill comes to the floor, rather than the present time?

Mr. TALMADGE. The Senator is correct, for this reason, I say to the Senator. The jurisdiction of Public Law 480 with its foreign aspects is vested in the Committee on Foreign Affairs, or International Affairs, as I believe they call it now, in the House.

The jurisdiction with reference to Public Law 480 with relation to its domestic affairs is in the Committee on Agriculture and Forestry of the House.

The jurisdiction on the Senate side is completely within the jurisdiction of the Committee on Agriculture, Nutrition, and Forestry.

We reported Public Law 480 and made many changes which we thought substantially improved it.

But because of the jurisdictional situation yesterday, I offered an amendment to strike Public Law 480 insofar as its foreign aspects are concerned. When the bill that is now at the desk, which has been reported by the Committee on Foreign Relations, is made the pending business, I expect to offer our committee's version of Public Law 480 as a committee amendment to the bill that has been reported by the Committee on Foreign Relations. At that time, the Senator will have ample opportunity for any discussion or any amendments he desires to offer to that bill.

Mr. HATFIELD. I thank the Senator. If he will yield for one further question——

Mr. TALMADGE. I yield.

Mr. HATFIELD. Such an amendment that I would propose would be to strike tobacco from the Public Law 480 program, and it would be in order in the foreign assistance bill?

Mr. TALMADGE. Yes.

Mr. HATFIELD. I thank the Senator from Georgia. I also thank the Senator from Iowa for yielding.

Mr. TALMADGE. I thank the Senator from Oregon.

Mr. President, I ask unanimous consent that the rollcall on the Melcher motion to table, which has been set for 12:15, take 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I ask unanimous consent that immediately following the rollcall on the Melcher vote to table, 10 minutes be allotted for the rollcall on the amendment of the Senator from Iowa.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Is the Senator prepared to yield back all his time, Mr. President?

Mr. CLARK. I have three other people who want to speak briefly.

First, I yield a minute to the Senator from Montana.

Mr. MELCHER. Mr. President, we are going to hear repeatedly, I think, reference to a veto if the bill happens to exceed the request made by the administration.

But I point out that if the bill is vetoed, the cost of the peanut program over the next 5 years, instead of being $277 million, as estimated by the Department, under the terms of the bill, will be escalated to $1,148 million, a little over four times the estimated cost if the bill were enacted.

I think that will have to be one of the considerations of the President if he should choose to veto the bill—that, for peanuts, the cost under the existing program for the next 5 years will be $1,148 million, as compared to $277 million if the bill is signed into law.

So threats of veto should be taken, I think, with a grain of salt; because carried with that veto will be this high escalation of cost for the peanut program, which is a very important program to peanut producers, but is only involved with a limited number of producers of this country. Yet, it would drastically escalate the costs of that portion of the act for the peanut program.

Mr. CLARK. I thank the Senator very much for pointing that fact out.

I believe the Senator from Nebraska asked me to yield time, and I yield 5 minutes to the Senator from Nebraska.

Mr. CURTIS. I thank my distinguished friend from Iowa.

Mr. President, first, I would like to appeal to the majority leadership of the Senate to arrange the schedule so that the Senate of the United States can once more become a deliberative body.

What we are having this morning is an extended meeting of the Committee on Agriculture, Nutrition, and Forestry. A moment ago I saw one Senator here who was not on that committee, and that is all.

Here we are talking about a multibillion dollar bill. We are entitled to leadership in the Senate that will arrange a schedule so that Senators can be here. If mornings are for committees, let us have it that way. Why stand here in obstruction of every move that would compel Senators to stay on the floor? We cannot expect to legislate intelligently.

I believe there are some things that those who are not on the committee ought to know about this legislation. They will never find them out. One is that the costs of welfare in this bill are three times the farmers' costs. The food stamp program now costs $6 billion. This bill will increase it by over $2 billion. Yet, the committee will have to defend itself against attacks from the Committee on the Budget that say nothing about the big costs, the welfare costs, in it.

Mr. President, it is rather disturbing to have one faction of a bill soar to the skies. Not only is there no talk of a veto in reference to food stamps getting out of hand. Amendments were offered in the committee to reduce the food stamp program, and who jumped up to oppose every one of them? The same administration that threatens a veto if they cannot write every line of the price support program. Where was he before he had that job? I am told that the gentleman led the lobby here in Washington, the hunger lobby. Today he is an official in the Department of Agriculture.

I know both political parties have been accused of forgetting the farmer because he is such a small minority. Well, I suppose that all through the years both bodies were a little guilty, but now it has come to pass. The high spots in the Department of Agriculture are filled not by agriculturists, but by individual lobbyists for militant consumer groups and hunger groups, and everybody knows it is a fact.

I have always been rather moderate in my belief about price supports. You can get them too high and they are not in the farmers' interests. But what I object to is turning the Department of Agriculture over to the nonagricultural interests, zooming the expenses by billions of dollars that have nothing to do with agricultural stability or prices, and then zeroing in on that small 30 percent of the bill and threatening a veto.

For that reason, I shall support the amendment of the distinguished Senator from Iowa. It is not a budget question at all. It has been well said that we need a prod behind the administration to promote exports vigorously. How does a target price work? It means that if the average price received reaches that target price, it does not cost anybody anything.

I have heard nonsense before, but nothing like that I heard in the budget figures presented to the Committee on Agriculture, Nutrition, and Forestry, where they have some new terms such as "possible exposure," or whatever it was. They put it up on the blackboard, and it was so ridiculous that if you raised the loan price clear up to the target price, there was no exposure, the exposure was zero, which is as ridiculous as can be. Yet, they had the audacity to present that and say, "here is the danger to the budget." It was not only nonsense; it was false.

They actually argued—and everybody who was present knows it is true—that if the loan price equaled the target price, their exposure was zero. Well, if you get that loan price too high, it is very expensive.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. CURTIS. It is very expensive.

Mr. CLARK. I yield 2 minutes to the Senator from Kansas.

Mr. DOLE. I thank the Senator from Iowa for yielding.

I share the views expressed by the Senator from Nebraska. As I recall the blackboard illustration, if the loan rate for wheat is $5 and the target price is $5, there is no budget exposure. The more the difference between the target and loan rate, the more exposure, and they called it maximum exposure.

It seems to me that we have allowed these budget figures to control what we do in Congress. Now we are suggesting that. even though the price of corn is about $2.30 a bushel, by raising the target price to $1.85 for the 1977 crop, it would somehow cost money.

I agree with the distinguished Senator from Iowa, that in fairness, since we did provide some relief for wheat farmers—I am not certain how long it will last, but we will have a vote later today—we should do the same for others. We are not suggesting we raid the Treasury. That is not the point of the amendment. I am certain the Senator from Iowa hopes it will not cost one dime. I do not believe it will.

With reference to a veto, it seems to me it is still too early to talk about a veto. I can quote what the President said on August 25, 1976, at the Iowa State fair, when he talked about the veto, and the Senator from Iowa was there that day; at least, he said what a fine fellow the Senator was. I remember the Presidential candidate said:

> The result of this Republican farm policy is farmers are going broke trying to produce food for the American consumer that they cannot afford to buy.

He talked about the 1975 farm bill that President Ford vetoed. He said:

> Congress tried to give the rural farmer a chance when it passed the emergency farm bill in 1975, but one of the first things that President Ford did was to veto this farm bill.

In that farm bill the Senate passed the support target price was $3.41 for wheat. They raised the loan rate to $2.25, and I think corn was $1.87.

So I suggest that when we look at what we passed in the Senate in 1975, certainly costs have increased since then. The Senator has a reasonable amendment; I will support it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CLARK. Mr. President, I yield myself 2 minutes to try to summarize my own feeling about the amendment.

I argue that if the commodity exchange traders feel that they can pay $2.49 for December corn, they certainly feel that as to the corn on the market, the market price is not apt to fall more than 64 cents a bushel to below $1.85. The fact is that the Bureau of the Budget and USDA have estimated the exposure of this amendment to be a half billion dollars. I suppose it is possible that the weather could be so very good that corn prices conceivably could go below $1.85 a bushel. I think that is very unlikely, but it is just possible.

My argument is simply that if the prices do not go below $1.85 then this amendment will not cost one cent; if indeed they do go below $1.85, I find it difficult to believe that anyone thinks they should not receive a support price.

If we estimate by our bill that corn would cost $2.22 a bushel to produce, then certainly providing $1.85 a bushel as a protection is very minimal, indeed. It is much below what we intend to provide over the next 5 years in the bill that is before us and that clearly has the support of this body.

So I think to simply go to $1.85 if the weather becomes so good that indeed prices go that low is not an inordinate amount to provide for protection of farmers.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. DOLE. The Senator from Kansas, I think, may have misspoken when he mentioned the 1975 emergency farm bill. I said $1.87 was the target price. That was the loan rate proposed in that bill. The target price was $2.25, even higher than the Senator from Kansas quoted.

But I share the views expressed by the Senator from Iowa, and I hope we win.

Mr. TALMADGE. Mr. President, is the Senator prepared to yield back the remainder of his time?

Mr. CLARK. I yield back the remainder of my time.

Mr. TALMADGE. I yield back the remainder of my time.

The yeas and nays have already been ordered, and the vote will occur about 12:25 p.m.

Senator Curtis is in the Chamber. Does he have some amendment he wishes to offer at this time, or has any other Senator an amendment to offer?

Mr. CURTIS. Yes, I have an amendment to offer.

Mr. TALMADGE. All right.

UP AMENDMENT NO. 289

Mr. CURTIS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the amendment is in order, and the amendment will be stated.

The legislative clerk read as follows:

> The Senator from Nebraska (Mr. Curtis) proposes an unprinted amendment numbered 289.

Mr. CURTIS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with and the amendment be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 208, between lines 13 and 14, insert the following:
>
> (c) Coupons issued to eligible households shall be negotiable at approved foodstores only if the same member or representative has presented (along with any other information required by the Secretary) at each such signing a card containing the signature and photograph of the member or representative, as the case may be. Such card may be any card issued by the Federal, a State, or a local government. The Secretary shall provide that State or local agencies shall issue, without charge to the household, such a card to any household which can verify that no member or authorized representative of the household has such a card.
>
> "(d) The Secretary shall, by regulation, provide means for enabling a household in which no member is physically or otherwise able to meet the conditions of subsection (c) of this section to negotiate its coupons in a manner which will assure their use only by the intended beneficiary.
>
> On page 208, line 14, strike out "(c)" and insert in lieu thereof "(e)".
>
> On page 208. line 19, strike out "(d)" and insert in lieu thereof "(f)".
>
> On page 209, line 16, strike out "(e)" and insert in lieu thereof "(g)".
>
> On page 209, line 20, strike out "(f)" and insert in lieu thereof "(h)".
>
> On page 219, line 3, strike out "and" after the semicolon.
>
> On page 219, line 5, strike out the period and insert in lieu thereof a semicolon and the word "and".
>
> On page 219, between lines 5 and 6, insert the following:
>
> "(15) for the establishment of an earnings clearance system (which system shall be consistent with the Privacy Act of 1974 (5 U.S.C. 552a), insofar as it provides for the use of information from non-Federal records) for the purpose of checking the actual income and assets of a household aaginst those reported by such household, except that the Secretary may exempt any State from the requirement of this clause if

the Secretary determines that it would be impracticable or impossible for such State to comply with it.

On page 220, between lines 21 and 22, insert the following:

"(1) The Secretary shall establish a system operated at the national level for the purpose of providing information to State agencies in order to assist such agencies in preventing households from receiving benefits under this Act in more than one State or in more than one political subdivision within a State.

Mr. DOLE. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. CURTIS. I yield.

Mr. DOLE. Mr. President, I ask unanimous consent that Kathy Bishop, Marshall Matz, and Mary Wheat be accorded the privilege of the floor during consideration of S. 275 and rollcall votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MELCHER. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. MELCHER. Mr. President, I ask unanimous consent that during the consideration of this bill and votes thereon, Ben Stong, of my staff, be accorded the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. Mr. President, I ask unanimous consent that during the consideration of the agriculture bill and all debates and votes thereon, Dave Swope, of my staff, be permitted to be on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I ask unanimous consent that Mary Hayes, of my staff, be granted privileges of the floor during the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. Mr. President, a while ago I saw in the Chamber another Senator who was not on the Agriculture Committee. I was hoping he was going to stay. I wanted to convince him. But maybe there will be another day.

This amendment relates to the food stamp program. It will save us about $100 million and will not take a calorie away from a needy person.

It goes to the administration of food stamps and to stop fraud and abuse. Every few days, we pick up our papers and we read about someone being prosecuted for fraud in various welfare programs. How many are getting away with it? How many lesser cases are costing the taxpayers a great amount of money?

Furthermore, we have an obligation to the honest people of the country, those who are so needy they have to have food stamps to supplement their diet; they are entitled to some protection against being lumped off as a part of a group that are not conscientious and not honest.

What this bill would do would be to mandate a photo identification card, a national application cross-check, and an earnings clearance system in the food stamp program.

I had delivered a one-page analysis of my amendment for Senators who are here to listen and for those who are absent.

Here is what it does:

Effective measures are needed urgently to deal with three critical problems: Lack of recipient identification, the lack of means to detect multiple applications, and lack of any means of accurately verifying reported income.

This amendment would call for four related changes:

A photo identification card. Well, that is tough. That is just as tough as what you had to go through when you got your driver's license, and you earned the money to pay for that. It was your money.

What is so harsh about asking for a photo identification for food stamps? That is now used in a number of jurisdictions for public assistance and for many other purposes.

Second, a national application cross-check, to assist States in the prevention of multiple applications for or receipt of food stamps.

What is wrong with that? How will that deny anything to the worthy poor?

Third, an earning clearance system. An earning clearance system is simply a method whereby the recipients' reports of earned income are cross-checked with employer reports of earned income, regularly made to the State for such purposes as unemployment insurance and disability insurance.

Mr. President, this proposal, as I say, would save in the neighborhood of $100 million. It is essential. I offered this amendment in the committee. The committee did not accept it, but they know that this reform is long overdue, and they authorized a sort of pilot project in one area.

Now, a pilot project is not necessary. One Eastern Governor has indicated that his public assistance caseload dropped by 11 percent when they had to show up to be photographed.

Mr. President, at the present time, food stamps are scattered around; you do not have to have any identification to speak of to get them, and none to spend them. But how about the people who work and pay for their own groceries? Can they go into a grocery store and get their checks cashed without some identification?

This program is run very loosely. It was only a little over a year ago that we had a big scandal here in Washington over food stamps. What is wrong with requiring identification, with cross-checking to prevent the same person from filing more than one application? What is wrong with checking the income—or lack thereof—that the applicant claims with his employer?

Mr. President, that is the essence of my amendment. I think we should take note of the fact that one State reduced its caseload on welfare by 11 percent, by requiring the applicants to be photographed. That is important.

Does anyone think this is not necessary? A very reputable doctor in my State, in whom I have great confidence, was in my office a few days ago, and he said that of the appointments made under the medicaid program for individuals to come in for an office call, one-half of them never showed up.

Perhaps in some cases they had some problems with transportation or something else, or even though they were ill, they had a chance to work a little. I am not saying that half of them were dishonest. All I am saying is that these programs are very loosely run, very unfair to the taxpayers, and very unfair to the needy of the country, because we are headed toward a situation where they will all have to bear the brunt of public sentiment against it.

Mr. President, how much time have I consumed?

The PRESIDING OFFICER (Mr. CLARK). The Senator has 10 minutes remaining.

Mr. CURTIS. I reserve the remainder of my time.

The PRESIDING OFFICER. The Chair stands corrected. The Senator has used 10 minutes.

Mr. CURTIS. I reserve the remainder of my time.

Mr. TALMADGE. Mr. President, I ask unanimous consent that Nancy Foster, of Senator STONE'S staff, be permitted to be present on the floor during the consideration of S. 275, including all rollcall votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. I yield the distinguished Senator from Montana such time as he may require.

Mr. BELLMON. Mr. President, will the Senator from Montana yield for a unanimous-consent request?

Mr. MELCHER. I yield.

Mr. BELLMON. I ask unanimous consent that Mr. Ron Ernst of my staff be granted floor privileges during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MELCHER. Mr. President, I ask unanimous consent that Jim Stasny, of my staff, be granted floor privileges during the consideration of S. 275 and all amendments and votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MELCHER. Mr. President, the committee considered this proposal by the Senator from Nebraska (Mr. CURTIS), and the committee does not disagree with the spirit nor the purpose of the proposal. The committee noted, first of all, that States now have the authority and the power to make such a requirement within their respective States, to require the identification of a food stamp recipient, that he carry a picture or a card for such purposes as the Senator has outlined.

But the committee decided that the act of this year should direct the Secretary to implement pilot projects testing the effect of requiring recipient photo identification cards, implementing an earnings clearance system, and establishing application cross-checks between critical jurisdiction and project areas, and report to the approriate congressional committees within 1 year after the effective date of this act.

The pilot projects are not just sort of a haphazard, routine work of the Department of Agriculture. The pilot projects are to be a cross section, and to take into consideration all of the aspects of the identification of food stamp recipients. It has to be a well-developed and well-planned pilot project, and the results thereof are to be reported to Congress, to the appropriate committees, within 1 year.

The effect of what this requirement would mean can be dealt with at that time. What is the effect, for instance, on the elderly, where we allow the incapacitated elderly to have someone else pick up the food stamps for them?

We are not sure. The committee cannot determine from available information what the effect of this requirement would be. We know in many instances that the elderly find the hassle connected with applying for food stamps to be of such magnitude that they are reluctant to even undergo the procedures of applying for food stamps. We think that is one of the defects of the present act. We think those elderly whose income is limited are precisely the people for whom the Food Stamp Act has been drawn, enacted, reenacted, and modified by various amendments by Congress during the past several years.

We believe that many elderly who should have food stamps are not now applying. To the extent that they are eligible and their nutritional needs are not met, the Food Stamp Act is not fulfilling the obligation and responsibility that Congress has put upon it to assist the people in this country who are nutritionally in need of a supplement to their diets, which the Food Stamp Act can provide.

We feel that the committee's action was correct—to have a 1-year pilot study program undertaken across the length and breadth of this country, to guide the future actions of Congress as to what is needed in this identification procedure.

To go beyond that would probably create more inequities than it solves. I believe the committee action is sufficient at this time. After the year of pilot projects has been completed and the report submitted to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition and Forestry, we will be better guided on how to implement this requirement.

It is not that the committee disagrees with the spirit nor the intent of Senator CURTIS in his amendment; it is simply that the committee found that perhaps it is premature at this time. For that reason, Mr. President, when the time has been used up or yielded back, I will make a motion to table the amendment.

Mr. TALMADGE. Does the Senator from Nebraska desire more time?

Mr. CURTIS. Yes. I yield myself 5 minutes.

Mr. President, this is not an untried proposal. There is no need for a pilot test. The only thing that a pilot test serves is an argument to defeat the amendment. Several States have used identification and cross-check to lower the load, and they have made more resources available for the poor.

It should also be kept in mind by the Senate that we are enlarging the food stamp program and starting off on a new venture. Here is what the committee has provided, and it is well that we check on who receives this.

A person will not have to be poor to receive food stamps. According to the committee's action, a family of four can qualify for food stamps with income of $10,610. Here is how they arrive at that: The poverty index is $5,850; a standard deduction is $720; 20 percent work-related expenses is $2,120; excess shelter costs are $900; child care deduction is $1,020. That is a total of $10,610.

Mr. President, a few weeks ago I was on a panel to discuss the gauranteed annual income. Do Senators know what the proponents of the guaranteed annual income claim? I checked on this. We have it in the food stamp program. It is here, and they say they are going to convert it to a cash equivalent within a couple of years.

It takes the amount of the earnings and supplements it up to that figure. It includes child care, shelter costs, and all of these things.

I was astounded that a learned man, one of the leading economists of the country, who believed in the guaranteed annual income, made a case that all of the principles of the guaranteed annual income were in the food stamp program as now proposed.

Well, that is not what this proposed amendment is about. This amendment merely requires that there be identification of the people who ask for it.

Those who pay for their own groceries have to be identified many times in life. They have to have their photograph taken.

Then it provides that there shall be a cross-check to eliminate the same person making more than one application. These are to be checked nationally.

Then it requires there be a check with the employer concerning the income or lack thereof claimed by the applicant, and with the records on unemployment compensation, and the like.

Mr. President, I hope the Committee on Agriculture, Nutrition, and Forestry will not deny the right of a Senator to present his amendment to the entire Senate.

The PRESIDING OFFICER (Mr. ALLEN). The time of the Senator has expired.

Mr. CURTIS. I yield myself 1 additional minute, Mr. President.

I hope the committee will not deny the right of a Senator to present his amendment to the entire Senate. Those who are members of the Committee on Agriculture, Nutrition, and Forestry are the only Members now present. There is not another Senator in the Chamber. Before anybody else finds out about my amendment, they propose to table it.

Mr. President, it is time everybody looked into this food stamp business. It is leading not to better treatment of the poor. The poor do not have much to do with this. This is enlarging it to include almost everybody.

Mr. President, I yield 5 minutes to the distinguished Senator from North Carolina.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from North Carolina.

Mr. HELMS. I thank the Chair, and I thank the able Senator from Nebraska for yielding to me.

Mr. President, the Senator from Nebraska is on sound ground when he says that the Senate had better take a look at this food stamp program, its enormous cost, its incredible growth.

This program started in 1964, Mr. President. The first year it had 386,255 participants. By 1975, the participants had increased to 18 million, an increase of 4,719 percent in 11 years.

This bill will take the number of participants up to 19 million, I am informed.

The first-year cost of the food stamp program was $30,478.604. Now we are budgeting it at $6 billion, which represents, if my calculations are correct, about a 20,000-percent increase over 1964 in terms of cost.

One person in 552 participated in 1964. By 1975, one out of every 13 people participated and received food stamps.

As the Senator from Nebraska has indicated, it is too bad more Members of the Senate are not in the Chamber. As he said, the only Senators present are the members of the Agriculture Committee.

We have discussed and debated this subject up and down.

There reportedly will be a motion to table; Senators will then come in. They will ask somebody, "How shall I vote?" Senators will cast their votes without hearing a syllable of debate. That will be it. It seems a very poor way to operate the word's greatest deliberative body, Mr. President.

I wish this Senate could go to North Carolina with me and listen to some of the small businessmen, listen to the farmers who are looking for employees to help them harvest the crops. They cannot find them, because so many are on welfare, drawing food stamps. Sadly, more and more people just plain would prefer not to work for a living. And the Federal Government is encouraging that attitude.

I return to the statement of the Senator from Nebraska, who warned that the Senate had better take a close look at the food stamp program and how it is mushrooming. A 20,000-percent increase in the cost of any Federal program should be enough to give any Senator, and certainly the taxpayers, pause. But does the Senate care, Mr. President, about the cost of any Federal welfare program? Apparently not. Apparently not.

I support the amendment of the Senator from Nebraska, Mr. President. I commend him for submitting it. I do hope we can have an up or down vote instead of a tabling motion.

I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. Mr. President, is the Senator from Nebraska prepared to yield back the remainder of his time?

Mr. CURTIS. Mr. President, I have a request for 2 minutes from the Senator from Oklahoma. If no other requests come to me, I shall be happy to yield back my time. However, I should like to propound this parliamentary inquiry:

If a motion is made to table, are we entitled to an immediate vote?

The PRESIDING OFFICER. There would be an immediate vote on a motion to table which is made after the expiration of all time, or the yielding back of all time.

Mr. CURTIS. I shall insist upon an immediate vote if there is a motion to table.

Mr. TALMADGE. Will the Senator yield to me?

Mr. CURTIS. I am happy to yield.

Mr. TALMADGE. I assume the Senator desires a yea or nay vote?

Mr. CURTIS. Yes.

Mr. TALMADGE. I propose that, immediately after we yield back our time, I will suggest the absence of a quorum and get enough Senators on the floor to order a yea or nay vote. Then I assume the Senator from Montana expects to make a motion to table. We shall order the yeas and nays on that. Then we shall set a time certain.

Mr. CURTIS. No. I shall insist upon a vote on the tabling motion immediately at the time it is made.

The PRESIDING OFFICER. That vote could not come before 12:15, under a unanimous-consent agreement.

Mr. CURTIS. A further parliamentary inquiry: Did I correctly understand the Chair to rule that a vote on the tabling motion would come immediately?

The PRESIDING OFFICER. It would be immediately if there were no request for a yea or nay vote. There is an agreement that there will be no yea or nay votes today before the hour of 12:15.

Mr. TALMADGE. Will the Senator yield to me at that point?

Mr. CURTIS. Yes, I yield.

Mr. TALMADGE. We have already ordered one vote at 12:15, to take 15 minutes, and another vote that will take 10 minutes thereafter. The Republican conference begins, as I understand it, at 12:30. Senator DOLE and I have agreed with the minority leader that we shall set any other votes to occur at 2 p.m.

The PRESIDING OFFICER. A voice vote or a division vote would be in order at any time the motion to table is made.

Mr. TALMADGE. Mr. President, a quorum call would also be in order, would it not?

The PRESIDING OFFICER. Yes.

Mr. CURTIS. On whose time?

Mr. TALMADGE. No one's. It is a constitutional right.

The PRESIDING OFFICER. The quorum call would be in line with the wishes of the Senator.

Mr. CURTIS. I propound the parliamentary inquiry once more: The Chair has ruled that if there is a motion to table an amendment, there shall be a vote immediately.

The PRESIDING OFFICER. Yes, provided a yea or nay vote is not requested and obtained. That would allow a voice vote on the motion to table or a division vote on the motion to table, but not a rollcall vote, under the unanimous-consent agreement that has been entered into.

Mr. CURTIS. Further parliamentary inquiry: How can the Chair deny a request for a yea or nay vote if the required number of Senators second it?

The PRESIDING OFFICER. The Senator can get the yea and nay vote, but he cannot get it before the hour of 12:15, under the unanimous-consent agreement that has been entered into by the Senate, which, of course, is binding on the Senate.

Mr. CURTIS. It is my understanding that that agreement related to votes on amendments.

The PRESIDING OFFICER. It has to do with rollcall votes.

Mr. CURTIS. I ask that the RECORD be produced.

Mr. TALMADGE. I believe we can settle this matter in short order if the Senator will yield to me.

Mr. CURTIS. I yield.

Mr. TALMADGE. We have 11 Senators on the floor now who can second a request for a yea and nay vote. I am informed that the Senator from Montana is agreeable to a yea and nay vote, up and down. I propose that we both yield back our time at this point, order the yeas and nays on the Senator's amendment, and schedule a vote at 2 p.m.

Is that agreeable to the Senator?

Mr. CURTIS. As soon as I yield to the Senator from Oklahoma 2 minutes. I promised him that.

The PRESIDING OFFICER. The Chair states that the Journal shows that the agreement is that there be no votes of any sort before 12:15—rollcall votes.

Mr. CURTIS. I yield 2 minutes to the distinguished Senator from Oklahoma.

Mr. BELLMON. Mr. President, I have some documents which I wish to have printed in the RECORD that I hope will put the cost, or likely changes in the cost, of the food stamp program into some perspective. Before I do that, I want to say that I am troubled by the conclusions that have been reached by both the USDA and the Congressional Budget Office on the effects of title XII of S. 275.

A letter signed by Mr. Bob Greenstein, who is Special Assistant to the Secretary of Agriculture, says:

> At present, 17.5 million persons participate in the program. We estimate that 34 million persons are eligible. Under the Senate Committee bill, 19.2 million persons would participate, and 28.8 million would be eligible.

Mr. President, as I understand the change we are making, there is no reason for the roughly 10 million people that Mr. Greenstein feels would not participate to stay out of the program. If they are eligible, they are going to get these food stamps more or less automatically. It seems to me that his estimate that participation would only go from 17.5 to 19.2 million is a gross underestimate of what is likely to happen. I think the committee ought to watch what happens and, if it turns out that most of these 28.8 million who are eligible acually get into the program, the costs are going to be astronomical.

The CBO's study of this change in our law comes to an even more remarkable conclusion. They conclude as follows:

> Approximately 1.2 million current recipients would be made ineligible by the provisions of Title XII in fiscal year 1978. Average benefits for current recipient households would increase by approximately 1.2 percent to $85.30 per month. Offsetting the reduction in participation would be an increase associated with eliminating the purchase requirement; participation, it is estimated, would increase by approximately 1.2 million persons when the provision is fully implemented. Including the benefits received by new participants, the average benefit per household would increase to $89.20 in fiscal year 1978.

On the one hand, we have a letter from CBO saying there will be no increase in participation. On the other hand, the Department of Agriculture estimates there will be an increase of about 1.7 million people, up to 19.2 million. Yet there are 28.8 million people eligible. In my judgment, most of those will be getting on the program.

I think that we have opened a Pandora's box, Mr. President, and that the budgetary impact of this change in the food stamp program is far more than anyone is able to anticipate today.

I ask unanimous consent that these documents be printed in the RECORD.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., May 24, 1977.

Hon. HENRY BELLMON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BELLMON: We are responding to your request for information on the food stamp program. At present, 17.5 million persons participate in the program. We estimate that 34 million persons are eligible. Under the Senate Committee bill, 19.2 million persons would participate, and 28.8 million would be eligible.

Sincerely,

BOB GREENSTEIN,
Special Assistant to the Secretary.

CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., May 13, 1977

Hon. HERMAN E. TALMADGE,
Chairman, Committee on Agriculture, Nutrition, and Forestry, Russell Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached revised cost estimate for S. 275, the Food and Agriculture Act of 1977. A cost estimate for Title XII, Food Stamps, was previously submitted under separate cover; it is also included in the estimate for S. 275.

Should the Committee so desire, we would be pleased to provide further details on the attached cost estimate.

Sincerely,

JAMES BLUM,
FOR ALICE M. RIVLIN,
Director.

TITLE XII

It was assumed that the major provisions of Title XII would be fully implemented in fiscal year 1978. However, the impact of eliminating the purchase requirement was assumed to be only half of its full potential in fiscal year 1978, with full impact in fiscal year 1979. Because program authorization is extended only through fiscal year 1979, budget authority estimates are limited to fiscal years 1978 and 1979, with outlays also occurring in fiscal year 1980.

BUDGET OBLIGATIONS (BA) AND OUTLAYS (O)

[In millions of dollars]

	Fiscal year—		
	1978 [1]	1979	1980
Current policy:			
Budget authority	5,354	5,467	
Outlays	5,145	5,466	210
Title XII impact:			
Budget authority	—8	+278	
Outlays	—8	+261	+17
Total after bill:			
Budget authority	5,346	5,745	
Outlays	5,137	5,727	+227

[1] Fiscal year 1978 outlay figures do not include outlays from prior year obligations.

In fiscal year 1978, budget authority and outlays in the food stamp program would be reduced by $8 million. In fiscal year 1979, because of the estimated full-year impact of eliminating the purchase requirement, total budget authority would increase by $278 million and outlays by $261 million. The estimated benefit cost of eliminating the purchase requirement in fiscal year 1978 would be $269 million, in fiscal year 1979 the full-year benefit cost would increase to $538 million.

The Leahy amendment, adopted in the final bill, reduced the standard deduction from $80 to $60; this provision would have increased savings by approximately $340 million. Offsetting the reduction would be the excess shelter deduction which would increase cost by $430 million. The Dole amendment for child care deduction would increase outlays by approximately $31 million. Finally, increased outlays associated with allowing a deduction computed as 20 percent of earned income would be approximately $320 million.

Current policy estimates for fiscal years 1978 through 1982 were based on CBO economic assumptions as of February 5, 1977. In general, the number of food stamp recipients under current policy continue to show a decline throughout the estimating period, declining from a monthly average of 17.1 million in fiscal year 1977 to 16.2 million in fiscal year 1978.

Costs under the proposal have been estimated based on a simulation of the major eligibility provisions on a representative sample of food stamp recipients in September 1975. Dollar levels for standard deductions in fiscal year 1978 and 1979 were adjusted to real dollar levels for September 1975. It was assumed that the distribution and characteristics of recipients in fiscal years 1978 and 1979 would be comparable to the population characteristics in September 1975. Therefore, if major changes in the current population characteristics were to occur over time, these estimates would not be applicable.

Estimated costs for the provision lowering the age of the dependent child from 18 to 12 for work registration requirements was not made. Based on discussions with the Bureau of Indian Affairs, National Tribal Chairman's Association, and the National Congress of Indians, no cost estimate has been made for the provision which would allow recognized tribal organizations to administer the food stamp program. While federal costs would increase under this provision the magnitude of that increase is indeterminant based on the available data.

The cost estimate includes approximately $7 million in outlays associated with Section 19 of the bill authorizing one-eighth of one percent of previous year appropriations for funding demonstration projects and research studies.

OTHER EFFECTS OF TITLE XII

Approximately 1.2 million current recipients would be made ineligible by the provisions of Title XII in fiscal year 1978. Average benefits for current recipient households would increase by approximately 1.2 percent to $85.30 per month. Offsetting the reduction in participation would be an increase associated with eliminating the purchase requirement; participation, it is estimated, would increase by approximately 1.2 million persons when the provision is fully implemented. Including the benefits received by new participants, the average benefit per household would increase to $89.20 in fiscal year 1978.

About 33 percent of the current recipients would lose $5 per month or more in benefits under the proposal, 43 percent would remain unchanged (defined as a loss or gain of no more than $4 per month in benefits) and 24.6 percent would gain more than $4 per month in benefits. The majority of households losing benefits lost between $5 and $15 in monthly benefits, while the majority of those gaining benefits gained between $5 and $15 per month.

Benefits are concentrated in households with incomes below poverty, 91 percent of the total benefits would go to such households compared to the current program estimate of 86.5 percent. Despite the allowance for excess shelter deductions, the New England states would continue to lose approximately $25 million in benefits, a decline of about 9 percent from the current program. The west-central and southeast regions of the country would have increased benefits of $70.0 million and $98 million respectively. (See Table 1.)

TABLE 1.—DISTRIBUTIONAL ANALYSIS OF SENATE AGRICULTURE COMMITTEE BILL WITH ESTIMATED CURRENT POLICY IN FISCAL YEAR 1978 (FULL YEAR IMPACT)

[Dollar amounts in millions]

	Fiscal year 1978		Fiscal year 1978		Change from current policy	Change as a percent of current policy levels
	Current program	Percent	Amount	Percent		
Total bonus	$5,011.5	100.0	$5,288.0	100.0	+$276.5	+5.5
Characteristics of population:						
Poverty status (percent):						
L.T. to 1	4,337.2	86.5	4,817.4	91.1		+11.1
1 to 1.25	435.6	8.7	387.6	7.3	−48.0	−11.0
1.26 to 1.50	143.9	2.9	74.0	1.4	−69.9	−48.6
1.50+	94.8	1.9	10.6	.2	−84.2	−88.8
Working poor	1,200.6	23.6	1,348.4	25.5	+147.8	+12.3
Aged	653.0	13.0	655.7	12.4	+2.7	+.4
Public assistance	2,878.4	57.4	3,104.0	58.7	+225.6	+7.8
Family size:						
1	433.8	8.6	444.2	8.4	+10.4	+2.3
2	676.8	13.5	692.7	13.1	+15.9	+2.3
3	864.8	17.3	899.0	17.0	+34.2	+4.0
4	906.5	18.1	947.0	17.9	+40.5	+4.4
5	677.2	13.5	713.9	13.5	+36.7	+5.4
6	533.9	10.7	571.1	10.8	+37.2	+7.0
7 and more	918.4	18.3	1,020.6	19.3	+102.2	+11.1
Region of country:						
Mid-Atlantic	1,325.6	26.5	1,390.7	26.3	+65.1	+4.9
South East	1,139.4	22.7	1,237.4	33.4	+98.0	+8.6
Mid West	984.2	19.6	1,047.0	19.8	+62.8	+6.4
Western	592.2	11.8	597.5	11.3	+5.3	+.1
West Central	681.0	13.6	750.9	14.2	+70.0	+10.3
New England	289.2	5.8	264.4	5.0	−24.8	+8.6

Mr. CURTIS. Mr. President, I yield 1 minute to the distinguished Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that the rollcall vote to occur on the Curtis amendment be printed in the RECORD, not only at the place it actually occurs, but also at a point in the RECORD at the conclusion of the debate on the amendment, so that there will be no doubt in the mind of any reader of the RECORD as to how Senators voted on this particular amendment.

Mr. TALMADGE. I certainly have no objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Is the Senator from Nebraska prepared to yield back his time?

Mr. CURTIS. Yes, I yield back the remainder of my time.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time.

I ask for the yeas and nays on the Curtis amendment.

The PRESIDING OFFICER. All time has been yielded back. Is there a sufficient second on the request for the yeas and nays? There is a sufficient second.

The yeas and nays were ordered.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the vote on the Curtis amendment occur at 2 p.m.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. There will be a vote on the Curtis amendment at 2 p.m.

(By unanimous consent, the vote on Mr. CURTIS' amendment No. 289 appears at this point in the RECORD as well as the point at which the vote occurred later in the day.)

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Michigan (Mr. RIEGLE), and the Senator from Tennessee (Mr. SASSER), are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE), would vote "nay".

The result was announced—yeas 37, nays 57, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—37

Allen
Bartlett
Bellmon
Biden
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Chiles
Curtis
Danforth
Domenici
Durkin
Eastland
Garn
Goldwater
Griffin
Hansen
Hatch
Hayakawa
Helms
Laxalt
Long
Lugar
Nunn
Randolph
Roth
Schmitt
Schweiker
Scott
Sparkman
Stafford
Stennis
Stevens
Talmadge
Thurmond
Tower
Wallop
Zorinsky

NAYS—57

Abourezk
Anderson
Baker
Bayh
Bentsen
Brooke
Bumpers
Burdick
Cannon
Case
Chafee
Clark
Cranston
Culver
DeConcini
Dole
Eagleton
Ford
Glenn
Hart
Haskell
Hatfield
Hathaway
Heinz
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Leahy
Magnuson
Mathias
Matsunaga
McClure
McGovern
McIntyre
Melcher
Metcalf
Metzenbaum
Morgan
Moynihan
Muskie
Nelson
Packwood
Pearson
Pell
Percy
Proxmire
Ribicoff
Sarbanes
Stevenson
Stone
Weicker
Williams
Young

NOT VOTING—6

Church
Gravel
Kennedy
McClellan
Riegle
Sasser

So the amendment was rejected.

AMENDMENT NO. 323

Mr. TALMADGE. Mr. President, I believe Senator McGovern is prepared to offer an amendment.

Mr. McGOVERN. Mr. President, I have an amendment at the desk on behalf of the Senator from Kansas (Mr. Dole), the Senator from Minnesota (Mr. Humphrey), and myself. I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from South Dakota (Mr. McGovern), for himself, Mr. Humphrey, and Mr. Dole, proposes an amendment.

On page 229, line 16, delete "1978 and 1979.", and insert in lieu thereof "1978 through 1982.".

The PRESIDING OFFICER. Without objection, the Bellmon amendment will continue to be set aside for the consideration of this amendment.

Mr. McGOVERN. Mr. President, I ask unanimous consent that Mr. Owen Donley of my staff be granted the privilege of the floor during deliberations on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, I first want to take just a moment to commend the chairman of our committee (Mr. Talmadge) for the manner in which both the farm bill and the food stamp reform legislation have been handled this year. I have served on the Committee on Agriculture now for some 15 years and the committee has never performed its work more conscientiously than it has on this legislation. We have been meeting for some 6 weeks in hearings and markup sessions, many of those sessions beginning at 8 o'clock in the morning. I just want to express a feeling that I think is shared by every member of that committee, that we are extremely fortunate to have the chairman we do, who has heard every one fairly—members of the committee and witnesses and the Department representative.

I think we have brought to the floor here a responsible piece of legislation both for the farmers of America and also in the food stamp sections.

Mr. TALMADGE. Will the Senator yield?

Mr. McGOVERN. Yes.

Mr. TALMADGE. I am profoundly grateful for the very generous remarks that the distinguished Senator from South Dakota made with reference to me.

In more than 20 years in the Senate, I have never seen members of our committee, on both sides of the aisle, perform with such a sense of dedication and such a sense of responsibility, meeting at 8 a.m. for 12 consecutive days, with a quorum present every time.

Also, I make the same comment with reference to our staff. As the Senator knows, we have a thoroughly professional, dedicated staff that serves not only our committee but also every Member of the Senate. I am very proud of the fact that we have the staff that I think is as good as any staff of any committee in the U.S. Senate.

Mr. McGOVERN. I certainly agree with the Senator.

Mr. McLeod and his associates have served the members of that committee with great effectiveness and all of us are indebted to them.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. McGOVERN. Yes, I yield to the distinguished majority leader.

Mr. ROBERT C. BYRD. Reference has been made to Mr. McLeod. Mr. McLeod was a student in my class at the American University on the legislative process, which I taught. He was one of the A plus students, and not all of them made A plus; some of them flunked.

Mr. TALMADGE. Will the Senator yield?

Mr. McGOVERN. Yes.

Mr. TALMADGE. May I say that Mr. McLeod was an apt student and he had an apt teacher.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. McGOVERN. Mr. President, the legislation before us, as I said earlier, is a moderate proposal. The agricultural bill does not, frankly, go as far as I wish it did in terms of assuring farmers fairer returns, but it is a compromise bill.

It is probably the best bill we could bring out of the Senate Committee on Agriculture and I think the same thing is true of the food stamp reform bill.

One fact is clear to every member of that committee on both sides of the aisle, the Democrat and Republican members alike, and that is that on the farm bill in particular, we substantially improved that legislation over the proposal that came to us from the administration.

There are those who have suggested that it is too early in 1977 for Members of the Congress to express any difference of opinion with the executive branch. But when one considers that this is a 5-year bill that we are dealing with and that we are going to have to live with it through 1982 and that we are being asked to vote on it now, the time to express differences of opinion is not after the legislation is locked in for the next 5 years, but at the present moment.

I think that some logic prevails with regard to other major proposals that we are going to have to evaluate here in Congress.

It is not our responsibility to agree with everything sent to us from the executive branch. As a matter of fact, we have the basic legislative responsibility to determine the course of legislation both in 1977 and beyond, and that responsibility falls on us with special weight when one considers that we are dealing with a multiple year program and not something that will operate only through the balance of 1977.

There is only one amendment that I personally intend to offer on the floor, having made clear that I am not fully satisfied with the provisions of either the farm bill or the food stamp bill. Nevertheless, we had an opportunity on the committee to make our case and to make it loud and clear, and on some of the matters I was interested in we did not go as far as I had hoped. But there is one issue that was resolved in the committee, or I should say it was lost in the committee on a 9-to-9 vote, on a tie, with all members present, nine members voting "aye" and nine members voting "no."

So it did seem to me that this is an issue that ought to be resolved finally by the full Senate. Only the nature of the parliamentary rules under which we operate on amendments kept us from carrying that in committee, but as Senators know, when an amendment is offered and it is a tie vote, we lose. Nevertheless, it means there are at least as many Senators that favored the amendment as those who were opposed to it.

The amendment I am talking about is the one the clerk has just stated that would extend the life of the food stamp program to the same period covered by the farm bill, namely, a 5-year extension instead of the 2-year extension now applicable to the food stamp program.

This amendment is extremely important, in my judgment, for an efficient administration of the food stamp program. It is a very complicated matter. It will probably take a minimum of 6 months to implement anything that we do here in Congress in 1977; and, almost before we get these new food stamp reforms in operation, if we go forward with the 2-year extension, we will have to face the issue of the Food Stamp Reform Act.

We faced that issue last year. Members of the Senate will recall that the Senate moved, after considerable debate and study and hearings, a food stamp reform proposal that died in the House of Representatives. Now it is back again this year.

If we go to a 2-year program, it will be back with us again in the next Congress. So that we will be faced with the situation of having dealt with the thorny issue of food stamp reform three times in that many Congresses.

I think all the logic of efficient administration and a fair evaluation of the program calls for our extending the food stamp program for as long as we handle the farm program.

I might just say that, as a pragmatic matter, we have found it good operating procedure in Congress to relate what we do on food stamps to what we are doing on the farm bill and to keep those two programs as part of the same package. I see no reason to depart from the procedure that we followed in the past.

The major argument, Mr. President, for departing from past precedent and limiting the food stamp program to only

2 years while we extend the agricultural programs for 5 years is the contention that President Carter is going to send up a welfare reform program that conceivably—and I say conceivably because it is not at all clear yet—could call for a phaseout of food stamps and certain other assistance programs and their replacement with a single, unitary system of income maintenance of one kind or another.

However, that is only one possibility. Other proposals, as I understand it, that the administration is examining, would call for continuing the food stamp program and simply modifying certain other aspects of our public assistance programs.

But even if one were to grant that the phasing out of food stamps could very well be a part of the administration's welfare reform program, the President, himself, has said that that program probably will not be in operation before 1981, which means that we will have to reexamine again what to do about food stamps in the next Congress, long before we have an operating welfare reform program.

Beyond all this, Mr. President, Senators know that even if we extend the food stamp program for 5 years, that does not preclude the actions of Congress at any time in making modifications we think are in the interest of a better program.

But what it does mean is that those who are operating the program in the States, in the local communities, will know that there is some stability to what we are doing, and they can plan ahead a program of 5 years' duration.

It strikes me that is a better way for Congress to do business. It is a better program to offer to our States and to the local communities that have benefited from this program.

It is not as though we have hastily drafted this legislation. We have been working on food stamp reform now very hard ever since 1974. I think we have ironed out most of the difficulties in the various legislative proposals. We have incorporated what is best in the suggestions of a number of Senators.

So, Mr. President, I very much hope that this bipartisan proposal that Senator Dole, Senator Humphrey, and I are offering will be accepted by the Senate. I think it represents a strengthening of what is already a reasonably good program now before us.

Mr. President, the amendment before us is extremely important for an efficient administration of the food stamp program. It would authorize the program for 5 years—through 1982.

Under the committee bill the food stamp program would be authorized for only 2 years. The amendment to extend the authorization beyond 2 years failed in committee on a tie, 9 to 9.

I honestly cannot remember our authorizing a program as big and complicated as the food stamp program for a period as short as 2 years. With the comprehensive nature of the reform before us, I imagine it will take up to 6 months to implement. That means the reforms will be in operation for only a year before we would again have to hold hearings and evaluate the food stamp program.

As we all know, food stamp reform has been under consideration since President Ford announced a 30-percent increase in the cost of stamps back in 1974. Public Law 94-4, passed early in 1975, prohibited that action and we have been attempting to reform the program ever since. Last year the Senate passed a reform bill but the House failed to act. Today food stamp reform is again before us. If we authorize the food stamp program for only 2 years, we will also have to face food stamp reform in the next Congress.

The major argument in favor of only a 2-year bill seems to be that President Carter will be sending a welfare reform bill to the Congress this year and, therefore, it is not necessary to extend the food stamp program for longer than 2 years. The implication is that welfare reform will cash-out the food stamp program and that a major reform of the welfare system can be implemented in 2 years. As I understand it, the President has not yet finalized his welfare reform plan, and some of his options would retain the food stamp program.

In addition, sending the plan to Congress is a lot different from passing and implementing welfare reform. As the Washington Post observed in a recent editorial:

> Our sense of it is that welfare reform, once drafted, is going to take some considerable time in getting through the Congress—if it does get through.

In his recent welfare reform message, President Carter admitted that welfare reform could not be enacted and implemented in less than 4 years—not before 1981.

I would therefore suggest that we extend the food stamp program for the life of the farm bill—4 or 5 years.

This does not mean that we could not amend it if welfare reform does become a realtiy or if the program needs amending for other reasons. It simply means that we are not at this time requiring a complete reexamination of the program just 1 year after the reforms will be implemented.

I ask unanimous consent that a letter to our Senate colleagues by Senators Dole, Humphrey, and myself be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Select Committee on
Nutrition and Human Needs,
Washington, D.C., May 23, 1977.

Dear Colleague: Food stamp reform is again before the Senate as Title XII of the Food and Agriculture Act of 1977. The Agriculture, Nutrition, and Forestry Committee on which we serve has labored long and hard on this difficult topic over the course of several years.

Amendments on a variety of issues were discussed. The bill we arrived at is very simliar to the proposal made by the Administration. It contains provisions to eliminate the purchase requirement, and sets a standard deduction of $60, along with additional allowances for excess shelter costs, work expenses, and the cost of dependent care. It is a compromise between the different viewpoints expressed in the Committee, and we ask your support for the Committee bill.

There was a question, however, on which the Committee members were evenly divided, 9-9. This was whether to authorize the program for two years or for five years, the length of the farm bill. The Committee bill, S. 275, would extend the program for only two years. We believe that it is important for the program to be authorized for a longer period and will offer an amendment on the floor to that effect.

With the comprehensive nature of the reform before us, it is unlikely that the plan could be implemented in less than six months. This means the reforms will be in operation for only a year before we would again have to hold hearings and evaluate the food stamp program.

As you know, the Senate passed a food stamp reform proposal in the last Congress but the House failed to act. Today, food stamp reform is again before us. If we authorize the food stamp program for only two years, we will have to face food stamp reform in the next Congress, for the third time in as many Congresses.

Since President Carter has announced that welfare reform could not be enacted and implemented in less than four years—if it is enacted at all—we suggest that the food stamp program be extended for that period.

This does not mean, of course, that we could not amend the program if welfare reform does become a reality or if the program needs amending for other reasons. It simply means that we are not at this time requiring a complete re-examination of the program just one year after reforms will be implemented.

Sincerely,

George McGovern,
Robert Dole,
Hubert H. Humphrey.

Mr. DOLE. Mr. President, will the distinguished Senator yield?

Mr. McGOVERN. Yes, I yield to the Senator from Kansas.

Mr. DOLE. I think the Senator from South Dakota has touched on some of the basic reasons why it should be a 5-year program.

We overlooked one thing when we discussed the food stamp program. We talk about all the abuses, the rip-offs and fraud. Of course, there have been great efforts by everyone in the committee to tighten up the program, and it is the opinion of this Senator that it has been done to a great extent.

We also took the forward step of eliminating the purchase requirement so that those truly in need can now participate. At the same time, we tried to make certain that those who should not be in the program should be eliminated.

The food stamp program does help. We are also talking about some input or some help to the American farmer, and the food stamp program does help; because when people have a better diet as a result of benefits from the food stamp program, they buy more food, and that indirectly helps those producers who, in many cases, are in dire straits right now.

With reference to whether it should be 5 years or 2 years, as Senator McGovern pointed out, the vote was 9 to 9 in the committee. I do not think there is any strong feeling about why it should not be 5 years, but it seems to the Senator from Kansas that the argument advanced is that we are going to have welfare reform. Well, President Nixon was going to have welfare reform. He had a family assistance program that was going to make a broad sweep and reform welfare.

That did not happen. The point I make is that it is probably going to be 4 or 5 years before we have any welfare reform.

I think the situation has changed since the family assistance program was offered by President Nixon. The food stamp program is itself part of that change. I would guess that we may come to the conclusion that we do not need sweeping welfare reform, but that we need some incremental approach. In my view, the dramatic growth of the food stamp program is probably the most important welfare change since the passage of the Social Security Act; because whether we intend it or not, through the food stamp program we do aid the working poor. They receive more now than they would have received under the most liberal plan offered at that time by the distinguished Senator from Connecticut (Mr. RIBICOFF) when we were trying to work out some compromise in President Nixon's family assistance program.

So even had we enacted that family assistance program in 1972, with the advent of the food stamp program and with food stamps being adjusted automatically every 6 months according to the price of food, we have done a great deal to reform the welfare system.

It would seem to me that that is another reason why the food stamp program ought to be extended for 5 years. When we come around to a consideration of welfare reform, we ought to take into account the benefits of this program, rather than assume the necessity of sweeping reform. We ought to take a look at how much benefit we have had from the food stamp program.

So I support and cosponsor the amendment of the distinguished Senator from South Dakota, and I hope that the 5-year provision will be adopted.

Mr. McGOVERN. I thank the Senator from Kansas for his contributions. I agree fully with the point he has made.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. I yield myself such time as I may take.

Mr. President, I ask unanimous consent that Mr. Bill Motes of Senator Clark's staff be granted the privileges of the floor as long as this bill is pending before the Senate, including votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, S. 275 authorizes the food stamp program for 2 additional years through fiscal year 1979. The amendment before us would extend that to 5 years, through fiscal 1982.

Mr. President, the administration made two requests: One, to eliminate the purchase price, and the other to extend the program for 2 years.

I voted against the elimination of the purchase price because it changed the food stamp program from a nutrition program to an outright welfare program or an income maintenance program.

We have had a lot of talk about welfare reform in this country, and I think everyone wants welfare reform. I think the recipients of welfare want welfare reform; the taxpayers want welfare reform. I think every Member of the Senate wants welfare reform.

But if we continue to provide free gimmicks, to provide for families who do not work and greater maintenance than for those families who do work, we will never get welfare reform.

One of the big problems at the present time, Mr. President, is transfer payments. Of the total budget of about $400 billion a year, transfer payments, including social security, now amount to about $200 billion; transfer payments, not including social security, amount to about $100 billion.

As I recall the statistics, Mr. President, we have about 70 million people in the United States now who are the beneficiaries of transfer payments in one form or another. We have about 75 million productive Americans who work for a living and pay income taxes. In other words, we have almost as many citizens who are getting their benefits from transfer payments as we have citizens who are working for a living and paying income taxes.

About the first thing I learned on a farm, as a boy, was that you could not have more people riding the wagon than you have pulling. We are almost in that position in the United States today, and that is the reason why we have millions of people in this country who are constantly unemployed, millions of people who do not want to be employed because they can get free public housing and free medical attention. Now they can get free food stamps, and some of them can work occasionally from time to time and say, "Don't you give me a check. I am not going to work if you give me a check, but if you pay me under the table, I will do it." In other words, do not deprive those with extra earned incomes of the benefits that we have voted from time to time to give to people who do not work for a living.

Mr. President, the study of English history is a very sad and unfortunate situation. During my lifetime I have seen the mightiest empire the world has ever known decline and degenerate into a fourth-rate power, and the reason was that the politicians in Great Britain made it more attractive for people not to work than to work.

Yet, Congress every day is trying to do the same thing here, in the United States of America. A family of four living in New York City at the present time, when you include the benefits they can get from the U.S. Government, receives what amounts to more than $6,800 a year.

How can we expect members of that family to go out and seek jobs when they are better off loafing than they are working? If the amendment that is proposed by the distinguished Senator from South Dakota is agreed to, we are going to do more to perpetuate that very program. We are going to make welfare reform more and more difficult. We are going to let people know:

> Yes, you just continue to loaf. You are going to get benefits. You don't have to work in this country. Uncle Sam is generous. Uncle Sam is the great provider. The taxpayers will take care of you. We can make you healthy, wealthy and wise by act of Congress.

That has been the trend in this country for too long, Mr. President, and it is time that we try to correct it.

If we adopt this amendment it will prejudice consideration of welfare reform alternatives by holding out the possibility of continuing and expanding free food stamps as a substitute for real welfare reform.

Under existing law, Mr. President, we have in excess of 35 million Americans who are eligible for food stamps. Heretofore, they had to pay a small portion of their income for those food stamps. The premium of benefits they receive for the food stamps depends on the income they earn. But this amendment now changes all that. You do not pay a dime for your food stamps; you get them free. We have about 50 percent of the eligible people in the country participating in the food stamp program now, even though they have to pay a modest sum for their food stamps. It is reasonable to assume that the other 50 percent are not going to participate if you are going to give away food stamps free?

Food stamps are money, money to purchase food. I do not know of anyone yet who is going to decline to accept free money. What is that going to mean? I think we can expect at least 85 percent of the people who are eligible for food stamps to participate. If we have that, it is going to increase the cost of this bill by $1 billion to $2 billion a year more than what the Agriculture Committee did in eliminating the purchase price. Even according to the Department of Agriculture's own figures—and they made the recommendation—this bill is going to cost $200 million to $300 million more than the existing law.

Mr. CURTIS. Mr. President, will the Senator yield for an observation?

Mr. TALMADGE. I yield to my friend from Nebraska.

Mr. CURTIS. I congratulate my chairman on his observation. I am sure that some Senators do not understand exactly what is happening by eliminating the purchase price, but some do. It is the establishment of a guaranteed annual income. But there is something else. It works to the disadvantage of the hungry, the undernourished, and the malnourished.

Under the present system, you have to take some of your own money, put it with the Government money, and you get food stamps, and the food stamps cannot be used for anything else. So in order to get the money from the Government for food stamps, you have to use some of your own and you get some stamps. It is only for food. So that means that regardless of the human frailties of the head of the household, the family members have some food stamps to supply their needs. When you give the stamps away free, there is no requirement that they use some of their own income to take care of needs of nutrition for their own children. I am not talking about simply the gain in dollars. I am talking about the fact that if they do not have to commit any of their own money, they can use it all for something else—all for dope, liquor, or wasted in gambling, or anything else they want to do.

Under the existing plan, they have to pledge it and use for food some of their own money. This proposal goes against all of that. It was interesting to be in that committee room. We had all avid lobbyists there wearing badges—EPR, eliminate the purchase requirement.

I thank the Senator for yielding.

Mr. TALMADGE. The Senator is exactly right.

The free food stamps proposal converts the program from a nutrition to an out and out welfare or income maintenance program. If the amendment offered by the distinguished Senator is agree to, it will create the false impression that a free food stamp program is still a nutrition program and, as such, was extended to coincide with farm and food legislation.

It will make it exceedingly difficult, if not impossible, for the administration to "cash out" the food stamps in welfare reform.

It would make it easier for the administration to delay the implementation of the extensive food stamp program changes required by S. 275. Why should they speed implementation when they can sit on their hands and wait for welfare reform?

To put it bluntly, 5 years is too long for legislation that should be back for major revisions within 2 years, no matter what we do here today.

I point out again. Mr. President, that this 2-year extension was identical to what this administration asked for because they expect their welfare reform to come in and cash out food stamps.

The food stamp provisions of S. 275 create a new welfare program, free food stamps. This was done in the expectation that welfare reform legislation will "cash out" the program. The administration made this very clear in its presentation to the committee, and the committee recognized this in accepting the administration's proposal and rejecting the 5-year extension.

To create a new welfare program and then extend it past the point where it should be folded into a welfare reform plan is a bit like having your cake and eating it too. Elimination of the purchase requirement is the first step toward welfare reform. To extend the food stamp authorization for 5 years would, at the very least, give the appearance of exempting free food stamps from the welfare reform debate which it should be an integral part of.

Mr. President, in its vote on a long-term authorization for free food stamps, the Senate has its first real chance to express its commitment to welfare reform.

Retention of the 2-year authorization proposed by the administration and accepted by the committee would put the American public on notice that we will pursue meaningful welfare reform.

Approval of a 5-year extension would only create an excuse for postponing the day of reckoning.

Mr. President, in conclusion, I know of nothing that this country needs more today than meaningful welfare reform. When we have countless millions of people throughout America who are finding it more attractive not to work than to work, something is fundamentally wrong. This Nation is losing its work ethnic. We are being swamped with imports from Japan, Germany, and other countries. We have been outworked, outproduced, and outnegotiated in recent years. Our balance of payments deficit this year is going to be in excess of $20 billion. If this country is going to survive as the land of the free and the home of the brave, a land of opportunity, as we have had, for our children and grandchildren, we have to get back to some of the old-fashioned American virtues such as working.

For that reason, I ask the Senate to reject this amendment and let us insist that the administration come forth with welfare reform that will make it more attractive to work in America than it is to loaf.

Is the Senator prepared to yield back the remainder of his time?

Mr. DOLE. Mr. President, will the Senator yield 2 minutes?

Mr. McGOVERN. I yield 2 minutes to the Senator from Kansas.

Mr. DOLE. Mr. President, I appreciate the comments of the distinguished chairman of the committee. I should like to make as a part of the record some good reasons why the purchase requirement was eliminated and should have been eliminated, because it does many positive things in addition to improving program accessibility. That is the number one thing.

Food stamp reform has to be two-sided. You have to let people into the program who could not otherwise participate, and you have to eliminate those who should not be participating.

In addition, we eliminate vendor fraud, streamline the program, reduce administrative costs, reduce black marketing of food stamps, and reduce Government regulation.

I ask unanimous consent that a statement entitled "Reasons in Support of Elimination of the Purchase Requirement" be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REASONS IN SUPPORT OF ELIMINATION OF THE PURCHASE REQUIREMENT

1. Improve program accessibility:

Less than 20% of elderly poor and 40% of households below poverty line are in the program. Studies indicate purchase requirement is the reason.

EPR expected to bring in 2.5 to 3 million new recipients.

2. Eliminate Vendor Fraud:

Last year, the Helms' Food Stamp Vendor Accountability Act strengthened regulations to cut back on vendor fraud. EPR goes even farther.

3. Streamline the Program:

Now have 15,000 check-cashing firms, banks, post-offices, welfare agencies, corner stores, fire stations, etc. selling stamps. Much red tape would be eliminated.

4. Reduce Administrative Costs:

Reduction in cost of food stamp sale transactions.

Reduction in cost of printing and distributing coupons (about $3 billion worth of coupons removed from circulation).

Reduction in Federal accounting and inventory control costs.

House Ag. Comm. staff estimates annual administrative savings to be $36 million.

USDA studies show that EPR would save the states and Federal government several million man hours.

5. Reduce Black Marketing of Food Stamps:

EPR would reduce circulation of food stamps by 40%.

6. Less Government Regulation:

EPR would mean less "big brother government" telling recipients how much to spend for food, when to purchase food, and how to budget their money.

At what price do we force citizens to shape their budgets the way Washington wants them to?

7. Pointless to argue purchase requirement maintains nutritional well-being if it keeps families off the program entirely.

8. If one argues that EPR is income supplement, then one has to admit that it's an income supplement specifically for food consumption.

FREE FEDERAL PROGRAMS

Education

1. Basic Educational Opportunity Grant—about $1.7 billion this year. $1600 per student. Student contributes only if possible.

2. Supplementary Education Opportunity Grant—$240 million.

3. State-Student Incentive Grant—about $44 million.

Agriculture

4. Disaster Payments—ran $430 million in crop year 1976. Given if natural disaster prevents planting crop, or if it reduces yield to less than ⅔ normal crop.

5. Deficiency Payments—Deficiency payments when market drops, to producers with allotments for cotton, wheat, and feedgrains. Maximum is $20,000 for wheat and $50,000 for cotton.

6. Dairy and Beekeeper indemnification Programs—Can receive indemnification if milk/bees are contaminated/killed from pesticides or circumstances beyond their control. FY '77—beekeepers will receive about $3.7 million, and dairy producers about $350,000.

Nutrition

7. School lunch program—presently, 10 million children *daily* receive free lunches.

8. WIC—about $200 million spent on the program.

9. Commodities Supplemental Food Program—over 100,000 recipients monthly (forerunner to WIC).

10. Child Care Feeding Program—$114 million in '76 to children in institutions.

Welfare

11. SSI—aid to blind, disabled, and aged—$5.2 billion in FY '77.

12. AFDC.

13. Medicaid—$8 billion in FY '76.

14. Unemployment Compensation—recipient doesn't pay, although employer does.

Labor

15. Management Training Programs (CETA) $6 billion in FY '76 (includes Job Core, Work Incentive).

16. Legal Services—$100 million.

Mr. DOLE. Insofar as the free program concept is concerned, that may raise a few hackles, but this is not the only free Federal program. In fact, for example, there were some agriculture disaster payments programs, amounting to $430 million last year. Producers did not pay anything for those.

In addition, we have deficiency payments, dairy and beekeeper indemnification programs, school lunch programs, WIC, the commodities supplemental food program, child care feeding programs, SSI, aid to families with dependent children, medicaid, unemployment compensation, and educational opportunity grants which have no purchase requirement, and all these items add up to billions of dollars.

I think perhaps we ought not to single out one program. We should review them, tighten them up and do all those things the chairman has indicated, but there are a great number of such programs in the Federal Government. Some are perhaps meritorious, and some certainly need review. But it seems to me on the question of whether this program should be 2 years or 5 years, it would be one thing if we could be assured a welfare reform in 2 years. President Nixon was going to have welfare reform 7 or 8 years ago, and we still do not have welfare reform. It seems to this Senator that we ought to have the food stamp program as an ongoing program while we consider the future of welfare reform.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. HUMPHREY. Mr. President, it is very likely we will attain welfare reform in the next year or two. Whether the extension of the food stamp program for 5 years is absolutely essential is a matter for debate. I do feel that if we have an extension for just 2 years, with what reform we have by then in the program, we will just get started on the new food stamp operation, only to find out we have to go over it all again.

Therefore, I hope that we might arrive at a better understanding, so we would not have to spin our wheels constantly looking at the food stamp program year after year.

I suggested to the chairman, and I suggest now, that if we had a little larger time frame, we would not be encouraging what we would call the lack of work for those who are receiving public assistance, but that we could at least have a better operation of the program than constantly taking it out, pulling it up by the roots, and looking to see whether or not it is still alive.

I think we ought to leave it planted long enough to make it operative and make it efficient.

I therefore join with Senators McGovern and Dole in support of the Dole-McGovern amendment. It is extremely important for an efficient administration of the food stamp program to extend it beyond the 2 years provided for in the committee bill.

It is simply not good policy to authorize a program as big and complicated as the food stamp program for a period as short as 2 years. If it takes a day, it will take 6 months to implement food stamp reform. That means the reforms will be in operation for only a year before we would again have to hold hearings and evaluate the food stamp program.

Food stamp reform has been under consideration since President Ford announced a 30-percent increase in the cost of stamps back in 1974. Last year, the Senate passed a reform bill, and today food stamp reform is again before us. If we authorize the food stamp program for only 2 years, we will also have to face food stamp reform in the next Congress.

The major argument in favor of only a 2-year bill is that the President will be sending a welfare reform bill to the Congress this year. Well, I applaud that action. But a bird in the hand is worth two in the bush. You do not end a program before its replacement is ready to go. I have been through welfare reform before.

Sending the plan to Congress is a lot different from passing and implementing welfare reform.

In his recent welfare reform message, President Carter admitted that welfare reform could not be enacted and implemented in less than 4 years—not before 1981.

I would, therefore, suggest that we extend the food stamp program for the life of the farm bill—4 or 5 years.

This does not mean that we could not amend it if welfare reform does become a reality or if the program needs amending for other reasons. It simply means that we are not at this time requiring a complete reexamination of the program just 1 year after the reforms will be implemented.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. TALMADGE. We gave the administration exactly what they asked for, which was to eliminate the purchase requirement and to extend the program 2 years.

Mr. HUMPHREY. That was before the President came out with his most recent proposal. It is also my understanding that our colleagues in the other body, at the committee level, though they have not arrived at any decision, have proposed 4 years.

Mr. TALMADGE. Then it would be in conference in any case, even though we adopted the amendment.

Mr. HUMPHREY. That is correct.

Mr. TALMADGE. Mr. President, is the Senator from South Dakota prepared to yield back the remainder of his time?

Mr. McGOVERN. Yes; I have no further requests for time.

Mr. TALMADGE. Then I would suggest that we follow this procedure: If we have enough Senators on the floor, that we order the yeas and nays, and schedule a vote to follow the vote on the Curtis amendment, which is scheduled for 2 p.m., and that there be a 10-minute rollcall at that time. Is that agreeable?

Mr. McGOVERN. That is agreeable.

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, without the time being charged, to request that attachés ask Senators who are in the vicinity of the Chamber to come to the floor, so that we may have a sufficient second to ask for the yeas and nays.

The PRESIDING OFFICER. We have them now.

Mr. TALMADGE. We have them now? Then, Mr. President, I ask for the yeas and nays on the McGovern amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. TALMADGE. I ask unanimous consent that the vote on the McGovern amendment follow immediately on the vote of the amendment of the Senator from Nebraska (Mr. Curtis), and that the rollcall vote be limited to 10 minutes at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I yield to the Senator from Kansas to call up an amendment.

The PRESIDING OFFICER. Without objection, the consideration of the Bellmon amendment will be further postponed to follow the consideration of the amendment of the Senator from Kansas.

AMENDMENT NO. 311

Mr. PEARSON. Mr. President, I call up my amendment No. 311, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. Pearson) proposes an amendment numbered 311.

Mr. PEARSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

After section 101(b) in the bill insert a new subsection as follows:

(c)(1) The Congress hereby specifically reaffirms the historical policy of the United States to foster and encourage the family farm system of agriculture in this country. The Congress firmly believes that the maintenance of the family-owned farm system is essential to the social well-being of the Nation and the competitive production of adequate supplies of food and fiber. The Congress further believes that any significant expansion of nonfamily owned large-scale corporate farming enterprises will be detrimental to the national welfare. It is not the policy or the intent of Congress that agricultural and agricultural-related programs be administered exclusively for family farm operations, but it is the policy and the express intent of the Congress that no such program be administered in a manner that will place the family farm operation at an unfair economic disadvantage.

(2) In order that the Congress may be better informed regarding the status of the family farm system in the United States, the Secretary of Agriculture shall submit to the Congress, not later than July 1 each year, a written report containing current information on trends in family farm operations and comprehensive national and State-by-State data on nonfamily farm agricultural operations in the United States. The Secretary shall also include in each such report (1) information on how existing agriculture and agriculture-related programs are being administered to enhance and strengthen the family farm system of agriculture in the United States, (2) an assessment of how Federal laws may be serving to encourage the growth of nonfamily farm operations, and (3) such other information as the Secretary deems appropriate or determines would aid the Congress in protecting, preserving, and strengthening the family farm system of agriculture in the United States.

Mr. PEARSON. Mr. President, this amendment is a reaffirmation of a principle of American public policy as to farms and agriculture, in that it seeks to declare a policy of protection and promotion of family farming.

The only new provision is a separate subsection, after section 101(b), calling upon the President to make a report to Congress not only as to the status of the family farmer, but also as to the organization of the farm program within this country.

Mr. President, a long standing principle of American domestic policy has been the protection and promotion of the family farm system of agriculture. The purpose of this amendment that I now offer is to simply reaffirm and make clear the historic commitment on the part of the U.S. Congress to this basic policy objective of encouraging the family farm system in this country.

The amendment declares that Congress firmly believes that the maintenance of the family home farm system is essential to the social well-being of the Nation and the competitive production of adequate supplies of food and fiber. Moreover, the amendment states that Congress believes that any significant expansion of nonfamily owned, large-scale corporate farming would be detrimental to the national welfare.

Mr. President, this amendment breaks no new ground, declares no new principle. Rather it simply makes explicit what has always been implicit in our national public policymaking process. From the Revolutionary period to the present there has been a national judgment to the effect that the family farm system was much preferable to other forms of agriculture production units. And, indeed, for the most part, the family farm system has dominated the American agricultural scene.

But we are entering an uncertain period. New forces are at work which may bring a new threat to the competitive position of the family farm. Therefore, it seems particularly appropriate that we take this opportunity to reaffirm the Congress longstanding commitment to protecting, preserving, and strengthening the family farm system of American agriculture.

Aside from making this general declaration of policy, this amendment that I offer requires that the Secretary of Agriculture submit annual reports to the Congress containing current information on trends in family farm operations but also on large-scale corporate or other nonfamily farm types of agricultural operation. In these reports the Secretary will provide the Congress an analysis of how various Federal programs are being administered on behalf of family farm agriculture and also on how various Federal programs may either by design or default serve to encourage the growth of nonfamily, farm-type operations.

These reports, of course, will provide us the information needed to assure that we are able to act on an appropriate and timely basis, in the adoption of Federal legislation to fulfill our commitment to maintaining the family farm system of agriculture in this country.

Mr. President, I understand this amendment has met with the approval of the chairman and ranking minority member of the committee, and I urge its adoption.

Mr. TALMADGE. Mr. President, I have not had a chance to look at it. What does it do?

Mr. PEARSON. It just reaffirms our present policy.

Mr. TALMADGE. Oh, yes, I have, indeed.

Mr. President, I think this is a good affirmation of policy for American agriculture, declaring that we support the family farm. I urge its acceptance, and yield back the remainder of my time.

Mr. DOLE. Mr. President, I, of course, have discussed this amendment with my distinguished colleague from Kansas, as well as with the other members of the committee. It is a good statement, as the distinguished chairman has stated, and we are willing to accept the amendment on this side.

Mr. PEARSON. Mr. President, I yield back the remainder of my time, and urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 311) of the Senator from Kansas (Mr. PEARSON).

The amendment was agreed to.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PEARSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PEARSON. Mr. President, I ask unanimous consent that a full statement in support of the amendment be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

FAMILY FARM AMENDMENT

From the Revolutionary period to the present we have sought in this Nation to promote, protect, and maintain a family farm system of agriculture. By the early 1800's our forefathers had made the commitment that the vast public domain—all the agricultural land that came to constitute the territorial United States—would be turned over to private ownership in family size units. It was a conscious and deliberate decision to form an owner-operated type agriculture over large scale, estate and plantation type agriculture. The decision was based in part on the belief that the family farmer was best suited for subduing the frontier and producing the necessary food and fiber. But equally important, the decision was based on the conviction that for social and political reasons small scale, family farming was preferable to large scale estate farming. Indeed, men like Thomas Jefferson believed that democracy could survive only if the bulk of the citizens was made up of family farmers and independent village artisans. In any case, the agrarian ethic and the early land policies culminating in the Homestead Act of 1862 had a profound effect in shaping the economic, social, and political character of the Nation.

We have never deviated from that national commitment forged during the Revolutionary period and refined during the first half of the 19th century. It is true we never sought to dismantle the large estates and plantations but we never sought to consciously promote their growth. It is true also that we have not been altogether successful in promoting and protecting the family farm system, but our intent to do so has always formed the base of our agricultural policy deliberation. In short, our agricultural policies have been intended as family farm policies, and today despite many shortcomings and many failures we have the finest agricultural system—both in its economic and social aspects—in the world.

The amendment which I submit does not establish any new program. It does, however, require the Secretary of Agriculture to provide the Congress with annual reports containing current information on trends in family farm operations and date on large-scale corporate or non-family type of agricultural operations. In these reports, the Secretary will also provide the Congress with an analysis of how these existing programs are being administered on behalf of family farm agriculture and also how other Federal programs either by design or default may be serving to encourage the growth of non-family farm type of operations.

These reports will provide Congress with the information needed to improve our operational definition of family farms and to better judge trends in the organizational structure of agriculture and as a consequence how we may improve upon existing programs and better shape future Federal farm programs.

Today the family farm is rather firmly entrenched and clearly the dominant production unit in agriculture. But we are entering an uncertain period. New forces are at work which may bring a new threat to the competitive position of the family farm.

Therefore, it seems to me that the time is appropriate for us to make explicit what has always been implicit in our agricultural policy deliberations. To this end, I introduce an amendment to S. 275 specifying that Congress affirms its longstanding commitment to protecting, preserving, and strengthening the family farm system of American agriculture.

I believe this is a non-controversial amendment, but at the same time an extremely important and useful one.

UP AMENDMENT NO. 290

Mr. McGOVERN. Mr. President, I have a perfecting amendment at the desk. I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Dakota (Mr. McGOVERN) proposes an unprinted amendment numbered 290: On page 260, line 21—

Mr. McGOVERN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 260, line 21, strike out "enrolled families" and insert in lieu thereof the following: "low income families as well as other appropriate nutrition education programs".

Mr. McGOVERN. Mr. President, the Extension Service has a good nutrition education program underway that the Committee on Agriculture, Nutrition, and Forestry wishes to build upon with the program in section 1316 of S. 275.

However, it has been brought to my attention that the wording in section 1316(b) may limit the flexibility of this effort. The purpose of this amendment is to assure that the Extension Service will have the necessary flexibility to carry out the full intent of the section.

Mr. TALMADGE. Mr. President, I have examined this amendment; I think it is a perfecting amendment that does what the vote in the committee intended, and I urge the Senate to accept it.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. McGOVERN. I yield back the remainder of my time.

Mr. TALMADGE. Mr. President, earlier in the day——

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. TALMADGE. Yes, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota.

The amendment was agreed to.

Mr. TALMADGE. Mr. President, earlier in the day the Bellmon amendment was the pending business, and we delayed action on it because of Senator HUMPHREY's being delayed. Are Senator BELLMON and Senator HUMPHREY now ready to proceed with the Bellmon amendment at this point?

Mr. HUMPHREY. Yes, I think we are.

Mr. TALMADGE. Then, Mr. President, I ask that the Senate proceed to the consideration of the Bellmon amendment.

Mr. ZORINSKY. Mr. President, I ask unanimous consent that Richard Fitzsimmons of my staff have the privilege of the floor during the debate and votes on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BELLMON. Mr. President, I yield to the distinguished Senator from North Carolina.

UP AMENDMENT NO. 291

Mr. HELMS. Mr. President, I send to the desk an unprinted technical amendment which I believe the distinguished manager of the bill is willing to accept. I ask for the immediate consideration of the amendment.

Mr. TALMADGE. Mr. President, I have examined this amendment. I hope the Senate will agree to it. I believe it is what we already have inserted into the committee bill by a vote of the committee. This will make certain that it is clear.

Mr. HELMS. I thank the chairman.

The PRESIDING OFFICER. Is there objection to the consideration of the amendment? Hearing no objection, the amendment will be stated.

The legislative clerk read as follows:

> The Senator from North Carolina (Mr. HELMS) proposes an unprinted amendment numbered 291.
>
> On page 288, line 17, insert "and cure" after "to dry".
>
> On page 289, line 6 insert "and cure" after "to dry".
>
> On page 291, line 22, insert "curing barns," after "Greenhouses".

The PRESIDING OFFICER. Is all time on the amendment yielded back?

Mr. TALMADGE. Mr. President, I yield back my time.

Mr. HELMS. I yield back my time, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was agreed.

Mr. HELMS. I move to lay that motion on the table, Mr. President.

The motion to lay on the table was agreed to.

AMENDMENT NO. 324

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BELLMON. Mr. President, the amendment which was pending when the Senate convened this morning is an amendment that had been discussed earlier. Is it necessary to have it called up again?

The PRESIDING OFFICER (Mr. ZORINSKY). The amendment is automatically before the Senate.

Mr. BELLMON. I thank the Chair.

Mr. President, my opposition to International Emergency Food Reserve, so-called, goes back to the days of the Freeman administration, when Secretary Freeman was in charge of the Department of Agriculture, in which, at least in the opinion of a lot of producers, the grain that was then owned by the Commodity Credit Corporation and under the control of the Secretary of Agriculture was used on many occasions to manipulate the market and to cause prices received by farmers to go down time after time.

I am concerned that no matter what the purpose for which this grain in the International Emergency Food Reserve may be intended, if the Secretary has authority, as the amendment gives him, to dispose of this grain to deal with emergencies in the United States, as it states at the bottom of page 163, or that he may rotate the stocks, as it states in line 17 on page 165, the Secretary will have enormous potential to influence the prices received by farmers for the grain they grow.

It is conceivable to me that a Secretary of Agriculture, if he chose, could decide to rotate grain any time he felt the price of grain was going up to levels higher than he thought desirable. He would simply find some grain and decide to dump 100 million bushels or so on the market, automatically bringing the market price down. Even though he never got around to selling a bushel of it, the word would go out that he was selling and, therefore, the prices the farmers received would be hurt.

The same thing is true so far as emergencies are concerned. He could decide there was an emergency, if the price of soybeans reached $8 a bushel, start dumping soybeans, and bring prices back in line.

I have great sympathy with those who want a food reserve to deal with international food emergencies, but if we give the Secretary of Agriculture control over 240 million bushels of grain that could come into the domestic market, we will not have an international emergency but an emergency condition here at home. The pressures will be enormous on the Secretary of Agriculture.

I feel this whole section should be stricken, that we should not subject American food producers to the abuse they previously received under Secretary Freeman. The danger here is that this sort of thing could arise again. That is the reason I have offered the amendment and why I believe the amendment should be approved.

Mr. HUMPHREY. Mr. President, I have the highest regard for the distinguished Senator from Oklahoma, and particularly for his dedication to the needs of our family farmers and our agricultural economy.

The PRESIDING OFFICER. Who yields time?

Mr. HUMPHREY. I have some time, do I not?

Mr. TALMADGE. Mr. President, I yield my time to the distinguished Senator from Minnesota.

Mr. HUMPHREY. I thank the chairman.

Mr. President, I do feel that this provision in the bill, No. 1, follows the proposals which were made in the executive branch of Government.

Second, and more important, this provision of an international emergency food reserve just recognizes what have been and what continue to be the facts of the international food situation. There are times when we do need an international food reserve.

The point that the Senator from Oklahoma makes is one that I believe we can readily correct; or if there is merit to his argument, we can remedy any defect that might be in the proposed legislation, as written in S. 275.

The Senator from Oklahoma is primarily concerned with the fact that in that portion of the bill under section 111, page 165, it reads as follows:

> "(e) Notwithstanding any provision of this Act, the Secretary shall provide for the periodic rotation of stocks of the International Emergency Food Reserve to avoid spoilage and deterioration of such stocks, utilizing insofar as practicable programs authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, and other Federal programs, but any quantity removed from the reserve for rotation purposes shall be promptly replaced with an equivalent quantity.".

One way we can strengthen that section is to remove the words "insofar as practicable." That takes out any of the flexibility the Secretary might have.

The point here is that if we have any kind of stocks owned by the Government, we ought to be able to rotate them so as not to have spoilage.

Second, in the proposal as in the bill, it says that any quantity removed for purposes of rotation due to spoilage must be promptly replaced with an equivalent quantity.

In other words, if the Secretary were to rotate the stocks in order to prevent spoilage, he must buy as much as he rotates. He must buy as much as he sells.

In other words, there cannot be any dumping, as we have seen in past years, of so-called reserve stocks upon the commodity market or the farm market.

The Senator from Oklahoma is rightly concerned about the possibility of some Secretary of Agriculture having the authority under so-called reserves as we had them in the past, though we called them surpluses, of dumping those stocks at a time the Secretary felt it was convenient for the Commodity Credit Corporation to do so, or at a time the Secretary felt there was the possibility of spoilage.

I am fully aware of those days. This amendment was not drawn up without some knowledge of what had happened in the past. Therefore, the provision that we are talking about specifically says that in the rotation of stocks to prevent any spoilage, he must buy in as much as he sells. Therefore, he cannot depress that farm market. Until that kind of language is adopted, there is always the danger that the Secretary of Agriculture, under any terms, could put stocks into the market that the Government might acquire through default on loans of whatever it may be, or under some kind of a reserve section.

I do not want that to happen. I want to be sure that this particular feature of this bill is exactly what it says, an International Emergency Food Reserve.

By the way, that would be dependent upon our getting together with other countries in order to bring about an international emergency reserve. For example, we authorize the President to enter into negotiations with other nations to develop an international system of food reserves, to provide for humanitarian food relief needs, and to establish and maintain a food reserve as a contribution of the United States toward the development of such a system, to be made available in the event of food emergencies in foreign countries.

The language in the bill says "or in the United States." I think that is inadvertent and should be stricken. That is page 163, line 25.

The bill states:

> The reserve shall be known as the International Emergency Food Reserve.
>
> "(b) The Secretary shall, as soon as practicable, build minimum stocks of food (including processed and blended foods insofar as practicable)—

I think this is very much in line with what the Senator from Oklahoma wants—

> for the International Emergency Food Reserve of no less than two million tons as an indication of the commitment of the United States to the establishment of an international system of food reserves. Pursuant to an international agreement on food reserves, the Secretary is authorized to increase the stocks to a level not greater than six million tons.

I call to the attention of the Senator from Oklahoma his very well designed desire that as much of the food as possible that is being held in whatever reserve be processed or blended foods. I am sure that the Senator from Oklahoma has had some interest in seeing that that was done, because that does, in a very real sense, insulate and isolate from the normal market of agricultural products any amount of food that might be held in reserve.

To continue, on page 165 of the bill, on line 19 and line 20, we knock out those words "insofar as practicable" and make the rotation of stocks subject to the Public Law 480 program. In other words, if there is going to be any sell-out of this reserve, it must, for purposes of rotation, go into the Public Law 480 program. That way, then, we do not depress or even run the danger of any depressing of the market prices of the domestic producers.

I believe that with those protections, I say to the Senator, we have a good provision here, one that could be very helpful.

Mr. BELLMON. Will the Senator yield? I have time on my own. I can use it.

Mr. HUMPHREY. Yes, I yield.

Mr. BELLMON. Mr. President, I appreciate the remarks of the distinguished Senator from Minnesota. I agree with the objective he has in mind in creating the International Emergency Food Reserve. There are times, certainly, when it will be invaluable. I am sure he is as concerned as I am that, as world population grows, we are going to need such a device even more.

I want to be sure I understand. The Senator does not intend that any of this grain—once it gets into the International Food Reserve, that grain will never again come back into the American market place?

Mr. HUMPHREY. That is correct. I think we ought to have an amendment, which I shall present, where we can say, for example, that, notwithstanding any other provision of law, none of the stocks of food in the International Food Reserve shall be included in the Secretary's determination of carryover of wheat, feed grains, rice, or soybeans. So we really set it up almost as if we were putting it behind concrete walls and saying: "For purposes of markets, for purposes of distribution domestically; for purposes of target prices, loan prices, and so forth, this is isolated and insulated from any of the calculations on carryover that the Secretary of Agriculture may have."

Mr. BELLMON. The Senator is absolutely convinced that, under the terms of the suggestions he is making, no future Secretary of Agriculture could use the stocks that are acquired under the terms of this provision to depress the prices farmers receive for their products?

Mr. HUMPHREY. I say to the Senator that I am, because it requires that, for whatever sell-out there is from the reserve, there must be an equal buy-in. Also, when we limit the purpose of the rotation to the use of the Public Law 480 program, I think then we give an extra restriction and control.

The legislative history of this particular provision should be clear that the Senator from Oklahoma and other Senators here, including the Senator from Minnesota, are cognizant of past practices of the Department of Agriculture; namely, that in the name of an emergency of spoilage, or the possibility of spoilage, stocks are taken from the Commodity Credit Corporation and dumped into the market, thereby depressing price. That is not permitted under this provision. It is not permitted whatsoever.

For example, I repeat, if we sell out, we have to buy in an equivalent amount. If we move it out for purposes of rotation, we move it out through the Agricultural Trade and Development Act, Public Law 480 act, so we do not have this flexibility, "insofar as practicable," that is in the language of the bill as presently written. We shall strike out that "insofar as practicable," leaving no flexibility for the Secretary.

I want it clear, as author of this provision, that there is no authority whatsoever for the Secretary of Agriculture to use this food as an emergency, under the terms of an emergency, to depress prices in the marketplace of the United States.

Mr. BELLMON. Will the Senator agree that on page 165, line 23, the word "promptly" read "immediately," then?

Mr. HUMPHREY. That is correct.

The PRESIDING OFFICER. The hour of 12:15 having arrived, the Senate will proceed to vote on a motion to table amendment No. 328. The yeas and nays have been ordered.

Mr. HUMPHREY. Mr. President, may we conclude this?

Mr. BELLMON. Mr. President, I ask unanimous consent that Senator HUMPHREY and I be allowed to proceed for 2 more minutes on this present proposition.

Mr. TALMADGE. That is agreeable to me, I say to both Senators. I think they are in agreement. Why not send the amendment to the desk and have it be agreed to and quit talking about it?

I ask unanimous consent that the vote be deferred for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BELLMON. Mr. President, I believe I can modify my amendment without asking unanimous consent.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. BELLMON. I ask unanimous consent that the order for the yeas and nays be vacated.

Mr. TALMADGE. Mr. President, I object to that. I ask unanimous consent that—oh, the Senator means on his amendment. I have no objection.

Mr. HUMPHREY. We do not need a rollcall vote on this.

The PRESIDING OFFICER. Is there objection to vitiating the order for the yeas and nays? There is no objection. Without objection, it is so ordered.

UP AMENDMENT 292—SUBSTITUTE FOR AMENDMENT 324

Mr. BELLMON. I modify my amendment and send the language to the desk.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. BELLMON. I yield back the remainder of my time.

Mr. TALMADGE. I am prepared on behalf of the committee to accept the amendment. I yield back my time.

The PRESIDING OFFICER. The clerk will state the modification.

The second assistant legislative clerk read as follows:

> The Senator from Oklahoma (Mr. BELLMON) proposes unprinted amendment No. 292 in the nature of a substitute for printed amendment 324.
>
> On page 163, line 25, strike the words "or the United States";
>
> On page 165, lines 19 and 20, strike the following: "insofar as practicable,";
>
> On page 165, lines 21 and 22, strike the words "and other Federal programs,"
>
> On page 165, line 24, strike out the quotation marks and the last period and insert the following: "Notwithstanding any other provision of law, none of the stocks of food in the International Emergency Food Reserve shall be included in the Secretary's determination of the carryover of wheat, feed grains, rice or soybeans."

Mr. HUMPHREY. We have discussed the text of this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the substitute amendment was agreed to.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 328

Mr. TALMADGE. I ask unanimous consent that we proceed with the yeas and nays on the vote as scheduled.

The PRESIDING OFFICER. The question now is on agreeing to the motion to lay on the table amendment No. 328. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Tennessee (Mr. SASSER) are necessarily absent.

The result was announced—yeas 56, nays 38, as follows:

[Rollcall Vote No. 160 Leg.]

YEAS—56

Abourezk
Anderson
Bayh
Biden
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Chafee
Clark
Cranston
Culver
Durkin
Eagleton
Ford
Glenn
Hart
Haskell
Hatfield
Hathaway
Heinz
Huddleston
Humphrey
Inouye
Jackson
Javits
Leahy
Long
Magnuson
Mathias
Matsunaga
McGovern
McIntyre
Melcher
Metcalf
Metzenbaum
Moynihan
Muskie
Nelson
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Riegle
Sarbanes
Schweiker
Sparkman
Stafford
Stevens
Stevenson
Weicker
Williams
Young

NAYS—38

Allen
Baker
Bartlett
Bellmon
Bentsen
Byrd, Harry F., Jr.
Chiles
Curtis
Danforth
DeConcini
Dole
Domenici
Eastland
Garn
Goldwater
Griffin
Hansen
Hatch
Hayakawa
Helms
Hollings
Johnston
Laxalt
Lugar
McClure
Morgan
Nunn
Packwood
Roth
Schmitt
Scott
Stennis
Stone
Talmadge
Thurmond
Tower
Wallop
Zorinsky

NOT VOTING—6

Bumpers
Church
Gravel
Kennedy
McClellan
Sasser

So the motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the distinguished Senator from Iowa (Mr. CLARK). The yeas and nays have been ordered. This will be a 10-minute rollcall vote. The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Tennessee (Mr. SASSER) are necessarily absent.

The result was announced—yeas 25, nays 69, as follows:

[Rollcall Vote No. 161 Leg.]

YEAS—25

Abourezk
Anderson
Baker
Bayh
Bentsen
Burdick
Clark
Culver
Curtis
Dole
Domenici
Eagleton
Hart
Haskell
Humphrey
Lugar
Matsunaga
McGovern
Melcher
Metcalf
Pearson
Riegle
Stevenson
Tower
Zorinsky

NAYS—69

Allen
Bartlett
Bellmon
Biden
Brooke
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chafee
Chiles
Cranston
Danforth
DeConcini
Durkin
Eastland
Ford
Garn
Glenn
Goldwater
Griffin
Hansen
Hatch
Hatfield
Hathaway
Hayakawa
Heinz
Helms
Hollings
Huddleston
Inouye
Jackson
Javits
Johnston
Laxalt
Leahy
Long
Magnuson
Mathias
McClure
McIntyre
Metzenbaum
Morgan
Moynihan
Muskie
Nelson
Nunn
Packwood
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Sarbanes
Schmitt
Schweiker
Scott
Sparkman
Stafford
Stennis
Stevens
Stone
Talmadge
Thurmond
Wallop
Weicker
Williams
Young

NOT VOTING—6

Bumpers
Church
Gravel
Kennedy
McClellan
Sasser

So Mr. CLARK's amendment was rejected.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE addressed the Chair.

Mr. TALMADGE. Mr. President, may I make a statement first?

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. TALMADGE. Mr. President, for the information of the Senate, two record votes have been stacked up back to back beginning at 2 p.m. They were scheduled in order to give the Republican Conference an opportunity to meet without disruption. Several Senators have discussed with Senator DOLE and me noncontroversial amendments. I hope that we can consider some of those and get them out of the way.

Mr. BAYH. Mr. President, will the Senator yield 30 seconds?

Mr. TALMADGE. I yield 30 seconds to the Senator.

Mr. BAYH. Mr. President, I appreciate the courtesy of the Senator from Georgia.

I ask unanimous consent that Nels Ackinson and Fred Williams, of my staff, be granted the privilege of the floor during debate and votes on this matter.

I thank my friend from Georgia for yielding.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that James Hill, of my staff, be accorded the privilege of the floor during debate and votes on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARTLETT. Mr. President, I ask unanimous consent that Mr. Ed King, of my staff, be accorded the privilege of the floor during debate and votes on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I ask unanimous consent that Wayne Fletcher of the staff of the Select Committee on Nutrition and Human Needs be granted the privilege of the floor during deliberations on S. 275.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent that Barbara Washburn, of Senator JAVITS' staff, and Allen Moore and Kermit Almstedt, of Senator DANFORTH's staff, be accorded the privilege of the floor during the consideration of S. 275.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I ask unanimous consent that Lee Verstandig and Nancy Borrow, of my staff, be accorded the privilege of the floor during consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that Mr. Joe Kinney, of my staff, and James Thornton, of the staff of the Joint Economic Committee, be accorded the privilege of the floor during the debate on this bill and rollcall votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, may I now bring up an amendment?

Mr. TALMADGE. Certainly. Amendments are in order.

Mr. MUSKIE. Mr. President, will the Senator yield 1 minute?

Mr. HUMPHREY. I yield to the Senator from Maine.

Mr. TALMADGE. May we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MUSKIE. Mr. President, I apologize for the fact that I did not hear the statement the distinguished floor manager of the bill made a few moments ago with respect to amendments. Is it his desire to delay my amendment?

Mr. TALMADGE. I cannot hear the Senator. May we have order in the Senate? Will the Senator use his loudspeaker?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MUSKIE. Mr. President, I compliment the Senator. I am not often accused of not being heard. Is it the Senator's desire to withhold calling up my amendment for a while? I simply did not hear that part of the discussion.

Mr. TALMADGE. The Senator may, at any time he wishes, propose his amendment. It is probably the most important amendment that will be proposed to this bill and one vigorously supported by the administration, I may say. We have two recorded votes scheduled back to back for 2 p.m. We have one or two noncontroversial amendments that we can accept in short order.

Senator HUMPHREY desires to have a

colloquy that will take just a very short period of time.

If it is agreeable with the Senator and agreeable with the ranking minority member, I suggest that at 1 p.m. we proceed to consider the amendment to be offered by the distinguished Senator from Maine (Mr. Muskie). The time limit will be 1 hour. That will take us to 2 p.m., and then we have two scheduled back-to-back votes at 2 p.m. We can vote on the Muskie amendment at the conclusion of the other two votes.

Is that agreeable to the Senator from Kansas and the Senator from Maine?

Mr. MUSKIE. It is agreeable to me. I am flexible.

Mr. DOLE. It is agreeable to me, if we can take care of a few of these minor amendments before that time.

Mr. TALMADGE. We have 10 minutes, for a colloquy with the Senator from Minnesota and then one or two of those matters prior to taking up the Muskie amendment.

Mr. McCLURE. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. TALMADGE. I yield.

Mr. McCLURE. Mr. President, I ask unanimous consent that Frank Cushing, of my staff, have the privilege of the floor during the consideration at all stages and voting on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I ask unanimous consent that at 1 p.m., the distinguished Senator from Maine (Mr. Muskie) be recognized to call up his amendments, with the vote thereon to occur after we complete the other two votes scheduled for 2 p.m.

Mr. MUSKIE. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 293

Mr. HUMPHREY. Mr. President, I have here an amendment that I have discussed with the chairman, which I shall first offer; then I will have a colloquy with the chairman on a section of the bill.

I send to the desk my amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. Humphrey), for himself and others, offers an unprinted amendment numbered 293.

The amendment is as follows:

On page 169, line 19, insert the following:

EMERGENCY FEED PROGRAM

Sec. 1008. This section may be cited as the Emergency Feed Act of 1977.

Sec. 1009. (a) Notwithstanding any other provision of law, the Secretary may implement an emergency feed program for assistance in the preservation and maintenance of livestock in any area of the United States including Puerto Rico and the Virgin Islands, where, because of flood, drought, fire, hurricane, earthquake, storm, or other natural catastrophe, the Secretary determines that an emergency exists.

(b) The Secretary shall not provide assistance under this Act to any person unless all of the following conditions created by the emergency are present:

(1) The person must have suffered a substantial loss in the livestock feed normally produced on his farm for his livestock;

(2) The person must not have sufficient feed for his livestock for the projected period of the emergency; and

(3) The person is required to make feed purchases in quantities larger than the quantities of feed purchases that he would normally make.

(c) Persons eligible for assistance under this Act may be reimbursed under the program for not to exceed 50 per centum of the cost of the feed purchased by such eligible persons or at such lower rate as may be established by the Secretary.

(d) The Secretary shall carry out the program authorized by this Act through the Commodity Credit Corporation.

(e) The Secretary is authorized to issue such rules and regulations as he determines necessary to carry out the provisions of this Act.

Sec. 1010. Any person who disposes of any feed for which he has been reimbursed under this program, in any manner other than as authorized by the Secretary, shall be subject to a penalty equal to the market value of the feed involved, to be recovered by the Secretary in a civil suit brought for that purpose, and, in addition, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $10,000 or imprisonment of not more than one year.

Sec. 1011. The fifth and sixth sentences of section 407 of the Agricutural Act of 1949, as amended (7 U.S.C. 1427), section 421 of the Agricultural Act of 1949, as amended (7 U.S.C. 1433), and the Act of September 31, 1959, as amended (73 Stat. 574, 7 U.S.C. 1427 note) are hereby repealed.

Mr. HUMPHREY. Mr. President, this amendment is on the emergency feed program. It will be cited in the act as the Emergency Feed Act of 1977.

The whole purpose is to place this emergency feed program, which today is under the jurisdiction of the Federal Disaster Assistance Administration, under the jurisdiction of the Department of Agriculture, because it is the Secretary of Agriculture who has the mechanism for the distribution of the emergency feed for domestic purposes when we have national disasters that from time to time afflict our production areas.

This amendment would provide for an emergency feed program for assistance in the preservation and maintenance of livestock in any area of the United States, including Puerto Rico and the Virgin Islands, where, because of flood, drought, fire, hurricane, earthquake, storm, or other national catastrophe, the Secretary determines that an emergency exists. It is merely the transfer of administrative authority to permit the proper administration.

Mr. TALMADGE. Mr. President, Senator Dole and I have examined the amendment offered by the Senator from Minnesota. We think it is a good amendment, and should be accepted by the Senate, and we urge that the Senate do so.

Mr. HUMPHREY. As I say, the amendment would permit the Secretary of Agriculture to implement an emergency feed program for assistance in maintaining the viability of our livestock in an emergency situation. I am pleased that the Senator from Minnesota (Mr. Anderson) and the Senator from South Dakota (Mr. McGovern) join me in offering this amendment.

There is nothing controversial about this amendment. It costs no money. What it does is to vest authorities currently held by the Federal Disaster Assistance Administration to the Secretary of Agriculture. As such, this amendment will legislate what has normally happened as a result of administrative practice.

I emphasize that I believe it is important the Secretary of Agriculture have this authority. The Department of Agriculture, as I am sure the Members of this body know, have very extensive services at the local level with the Farmers Home Administration and the Agriculture Stabilization and Conservation Service.

The administration strongly supports this amendment. This provision was accepted by the House committee in its version of the farm bill.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. HUMPHREY. I yield back the remainder of my time.

Mr. TALMADGE. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment was agreed to.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, I wish to engage the distinguished chairman of the committee in a discussion, for a moment, on the dairy price support program, which is designed and intended to assure an adequate supply of pure and wholesome milk to meet current needs, reflect changes in the cost of production and assure a level of farm income adequate to maintain productive capacity sufficient to meet anticipated future needs.

Given adequate administration, the program has proven its ability to accomplish these purposes. As I have already indicated, the amendments proposed in this legislation would further strengthen the program and assist in achieving these stated goals.

There are two aspects of program administration that have, in the past, tended to undermine achievement of the purposes of the program.

The first of these relates to the policies of the Commodity Credit Corporation with regard to the management of government stocks of dairy products acquired under the dairy price support program. While the statute provides that CCC may sell such products for unrestricted use at the higher of the market price or 105 percent of the purchase price, the practice generally employed for a number of years prior to April 1, 1976; had been to offer such stocks at the higher of the market price or 115 percent of the purchase price. This differential allowed normal market forces to work effectively and encouraged the carrying of normal inventory needs by both processors and users while still making government stocks available as a market buffer during periods when prices might rise substantially.

Effective April 1, 1976, the resale price for dairy products owned by CCC was reduced to the statutory minimum. This was coupled with a move to rotate Government owned stocks of nonfat dry milk by offering product for unrestricted domestic use on a bid basis.

In pursuit of the latter policy, bids were accepted substantially below the then effective CCC purchase price for nonfat dry milk of 62.4 cents per pound. Offers as low as 58 cents per pound, 4.4 cents below the CCC purchase price were accepted.

The effect of this practice was to demoralize the market, depress the price of nonfat dry milk and prices paid farmers for milk, and to impair the ability of the price support program to deliver the announced level of price assurance to farmers for milk made into butter and nonfat dry milk. In addition, it also tended to increase CCC purchases by discouraging processors and users from carrying normal inventories. The whole question, of course, is one of management of inventories.

I ask the distinguished Senator from Georgia, the chairman of the Committee on Agriculture, Nutrition, and Forestry, if it is not his understanding that the management of inventories held by the Commodity Credit Corporation is to be undertaken in such a manner as to encourage normal trade practices including inventory management and to bolster farm prices as intended by the price support program.

Mr. TALMADGE. This has always been my understanding. The law does provide substantial flexibility to the Secretary of Agriculture, but it is not intended that this is to be used in a manner which can actually depress farm income or interfere with commercial market operations. We should commend Secretary Bergland for the actions he has taken to correct these problems in connection with the daily price support program for the 1977–1978 marketing year. It is my understanding that the minimum resale price for CCC owned dairy products has been established at the higher of the market price or 110 percent of the CCC purchase price. Further, the bid basis sales of nonfat dry milk for unrestricted use have been, at least for the time being, suspended. Both of these moves are in keeping with the basic intent of the price support program.

Mr. HUMPHREY. It has always been the intent of Congress that the announced level of price assurance under the dairy price support program be available, on a national average, to all dairy farmers. During 1973–74 and the 1976–77 marketing years, the Commodity Credit Corporation purchase prices for butter and nonfat dry milk were set at levels which, when market prices for these products were at such levels, denied dairy farmers whose market was a plant producing these products the opportunity to realize this price assurance.

Illustrative of the situation, the price support level for manufacturing grade milk was set at $8.26 per hundredweight on October 1, 1976. The CCC purchase prices announced in connection with that price support level was such that the price of milk made into butter and nonfat dry milk was effectively supported at only $8.11 while milk manufactured into Cheddar cheese in 40-pound blocks was supported at $8.41.

Does not such action, in the view of the distinguished chairman of the Committee on Agriculture, Nutrition and Forestry, tend to deny many dairy farmers the price assurance intended under the price support program?

Mr. TALMADGE. Such a policy does effectively deny dairy farmers whose market is a plant producing butter and nonfat dry milk the same price assurance afforded those able to sell their production to a cheese plant. In the administration of the program, care must be taken to assure that the announced level of price support is available to farmers, on a national average, on a nondiscriminatory basis.

Again, I must point out that Secretary Bergland has acted to remove this "tilt" from the price support program. This is an action for which he is to be commended.

Mr. HUMPHREY. Mr. President, I thank the chairman. This will be very helpful in clarifying the legislation we have before us.

Mr. President, I do have one or two other amendments, but I understand we have a 1 o'clock, unanimous-consent agreement, so I suppose I should withhold them for a later time. I would like to discuss them with the Senator from Kansas.

UP AMENDMENT NO. 294

Mr. DOLE. Mr. President, I send to the desk an amendment in behalf of myself and Senators EASTLAND, JOHNSTON, and LONG, and ask for its immediate consideration. .

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE), for himself and others, proposes an unprinted amendment numbered 294.

The amendment is as follows:

Insert at the appropriate place in the bill the following: "Section 408 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by adding the following subsection:

"Bagged commodities for the purpose of financing by the Commodity Credit Corporation under this act shall be considered 'exported' upon delivery at port, and upon presentation of a dock receipt in lieu of an onboard bill of lading."

Mr. DOLE. Mr. President, this amendment has been discussed on both sides. It was initiated by Senator EASTLAND. There is no disagreement to the amendment, but I would just like to make it a part of the RECORD.

It would allow for participation of small businesses and farmer-owned cooperatives in Public Law 480 title 1 bagged commodity sales. It would apply to rice, flour, beans, and other commodities. It is acceptable on this side of the aisle, if it is with the chairman.

I ask unanimous consent to have printed in the RECORD a statement explaining what the amendment would do.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT

A. Present situation:

1. Current responsibility of PL–480 Title I bagged commodity seller is to place commodity in an FAS position. (FAS=Free Alongside Ship).

2. Seller has no control over arrival and/or positioning of ocean freight.

3. Late arrival of vessel at port to pickup commodity often occurs; thus seller is exposed to financial penalty for having commodity on the docks (without having received payment) even though the sales contract has been complied with.

4. Seller is not paid by CCC until his commodity has been loaded aboard ship even though sale was made on the basis of placing the commodity at the port.

5. Because of risk with delayed shipping only large sellers participate in PL–480 Title I bagged commodity sales, while small businesses and farmer-owned cooperatives are precluded from selling under PL–480. A few sellers dominate.

B. What proposed amendment will do:

1. Allow participation of small businesses and farmer-owned cooperatives in PL–480 Title I bagged commodity sales.

2. Make this portion of PL–480 program more competitive by allowing greater participation.

3. Payment on the basis of a dock receipt conforms to current commercial practice for export of bagged commodites. (Payment upon delivery at the dock is standard for Title II PL–480 purchases).

Mr. TALMADGE. Mr. President, the amendment is certainly acceptable to me. I have examined the amendment and discussed it with its author. I think it is a helpful amendment, and I hope the Senate will agree to it.

Mr. DOLE. I yield back the remainder of my time.

Mr. TALMADGE. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment was agreed to.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TALMADGE. Mr. President, does the Senator from Minnesota desire to propose an amendment at this time?

Mr. HUMPHREY. Mr. President, I do have an amendment. I do not know whether it has been discussed with the minority. The Senator from Kansas, in the action in the committee, took a very strong position on Public Law 480 procedures to avoid any chance of improper abuses and denied, for example, the right of any agent to be involved in Public Law 480 sales. I have an amendment that would still permit an agent to proceed with Public Law 480 sales, but only when the agent has been approved by the Secretary of Agriculture.

I ask the Senator if that is acceptable to him. May I have the attention of the Senator from Kansas?

Mr. DOLE. Yes.

Mr. HUMPHREY. Did the Senator hear what I had to say?

Mr. DOLE. Not totally.

Mr. HUMPHREY. The Senator may recall that when the committee accepted his amendments intended to tighten the administration of Public Law 480 procedures, we abolished any use of the agent in the sale of a title I commodity, or in title I funds, and rightly so, because I think the agent idea had been abused. There was no doubt about it. We saw that in the rice programs, in particular.

My amendment would restore the right of the agent, provided that the agent was cleared and had been approved by the Secretary of Agriculture.

Mr. DOLE. Mr. President, I say to the distinguished Senator from Minnesota that, because of the time, if we could perhaps take up this one after the Muskie amendment, I would have a chance to focus on it. But the Senator has another one on solar energy to which I have no objection.

Mr. HUMPHREY. Mr. President, the amendment on solar energy which I had put in the bill channeled the funds through the State departments of agriculture. This amendment would authorize funds for this purpose through the land grant colleges, through State experiment stations and cooperative extension services instead of through State departments of agriculture.

I think it will give more flexibility, because some of the departments at the State level are not equipped or prepared to really undertake such a program. I offer the amendment.

Mr. TALMADGE. Mr. President, I have examined the amendment and I have no objection to it.

UP AMENDMENT NO. 295

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. Culver). The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Minnesota (Mr. Humphrey) proposes on unprinted amendment No. 295.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 288, line 23, insert ", including solar heat, wind, and biomass" after "tion".

On page 288 delete lines 24 and 25, and on page 289, delete lines 1 through 6 and lines 22 through 24, and on page 290, delete lines 1 and 2.

On page 289, line 18, insert ", including solar heat, wind, and biomass" after "radiation".

On page 291, line 7, insert ", including solar heat, wind, and biomass" after "radiation".

On page 291, line 7, insert the phrase "related to agriculture" immediately following the word "projects" where it appears.

On page 292, beginning with line 4, strike out all that follows down through line 21 on page 298, and insert in lieu thereof the following:

"Sec. 1346. The Secretary of Agriculture shall carry out a program of competitive grants to persons and organizations, subject to the requirements and conditions specified in section 2(b) of the Act of August 4, 1965 as amended, for carrying out research and development relating to uses of solar energy with respect to farm buildings, farm homes, and farm machinery (including, but not limited to, equipment used to dry on cune farm crops, forest products, and to provide irrigation); research and development relating to uses of biomass derived from solar energy, including farm and forest products, byproducts, and residues, as substitutes for nonrenewable fuels and petrochemicals.

"Sec. 1347(a) In order to promote the establishment and operation of solar energy demonstration farms within each State and Territory of the United States, the Secretary of Agriculture shall distribute funds to carry out the activities described in subsections (b) and (c) of this section and section 1348 of this title to State extension services and State agricultural experiment stations, forestry schools eligible to receive funds under the McIntyre-Stennis Act as amended, and colleges eligible to receive funds under the Act of August 30, 1890, as amended, including Tuskegee Institute (herein after referred to as "eligible institutions"), in accordance with such rules and regulations as the Secretary may prescribe.

"(b) The eligible institutions in each State shall—

"(1) By mutual agreement determine which solar energy projects shall be demonstrated in that state.

"(2) Establish, in cooperation with the State department of agriculture, and local nonprofit research groups in such State, at least one large model farm—

"(A) which demonstrates all the solar energy projects determined, pursuant to paragraph (1) of this subsection, to be useful and beneficial to the State;

"(B) which is located in the State on land owned or operated by that State and, if practicable, on the State agricultural experiment station farm land;

"(C) which includes other farming practices, such as raising livestock and crops, in order to provide a model of a farm using solar energy as a means of heating, cooling, drying crops, and providing other farming needs.

"(3) Sell the products of the model farm established under paragraph (2) and deposit any funds received through such sales into the miscellaneous receipts of the State agricultural experiment station of the land grant university in such State.

"(4) Provide tours of such model farm to farmers and other interested individuals.

"(5) Determine the costs of energy, the income and the total cost of such model farm.

"(6) Annually compile a report concerning energy usage, income costs, operating difficulties, and farmer interest with respect to the model farm and individual farm demonstrations established under this subsection and shall submit the report to the Secretary of Agriculture along with any recommendations concerning project changes and specific needs of such farm or demonstrations.

"(c) The results obtained from each model farm which prove to be economically practical will be extended to other farms in each State through the State cooperative extension service as part of its ongoing energy management and conservation educational programs.

"Sec. 1348. During each calendar year after the first two calendar years for which eligible institutions in a state receive grants under this title, the eligible institutions shall by mutual agreement establish not less than ten demonstrations of solar energy projects which they shall select from among the projects demonstrated on the model farm established under section 1347. Such demonstrations shall be carried out on farms which are already operating in the state.

"Sec. 1349. In order to provide for research and development projects having a national or regional application, the Secretary of Agriculture shall establish in existing federal facilities or in cooperation with State and local government agencies, including State departments of agriculture, colleges and universities, or other qualified persons and organizations, including local non-profit research groups, no less than three nor more than five regional solar energy research and development centers in the United States, to be variously located so as to reflect the unique solar characteristics of different latitudes and climatic regions within the United States. Funds used in the operation of such regional centers may be used for the rehabilitation of existing buildings or facilities to house such centers, but may not be used for the construction or acquisition of new buildings.

"Sec. 1350. There are hereby authorized to be appropriated such funds as are needed to carry out the provisions of this subtitle.

"Sec. 1351. As used in sections 1345, 1346, 1347, 1348, and 1349 of this title, the term "solar energy" means energy (other than energy derived from fossilization process) obtained from solar radiation, including solar heat, wind, and biomass.".

On page 298, line 23, strike out "1351", and insert in lieu thereof "1352".

Mr. HUMPHREY. Mr. President, my amendment is to subtitle H of S. 275 to strengthen the effectiveness of those provisions related to solar agricultural energy research and development.

My amendment would:

Assure the greatest use of existing facilities and professional expertise by establishing model and demonstration farms within the extension and research institutions of each State. The State agricultural experiment stations and the Cooperative Extension Services already own numbers of farms which could be adapted or converted to the needs of solar energy demonstrations;

Assure cooperation among the research and extension institutions and the State departments of agriculture by requiring mutual agreement on research projects to be demonstrated and the establishment of model farms;

Provide for the establishment and operation of several regional agricultural solar energy research and development centers to undertake projects having either national or regional implications; and

Provide a broad flexible base for appropriating funds which would implement activities according to need by all pertinent agencies and institutions. The current language in the bill would restrict research to USDA inhouse agencies. The specific dollar authorizations now in the bill for the demonstration farms and for research and extension could produce rigidities in funding that would not be in accordance with actual need. My amendment would provide the flexibility needed in this regard.

Mr. President, I have developed this amendment in cooperation and in consultation with the U.S. Department of Agriculture.

I would estimate the funding level for the activities authorized in subtitle H. as it would be as amended by my amendment, to be the same as reported by the committee—between $30 million and $50 million per annum. However, the first and second year funding levels would likely be substantially less than this amount.

Mr. President, I urge adoption of my amendment.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. HUMPHREY. I yield back my time, Mr. President.

Mr. TALMADGE. I yield back my time, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. TALMADGE. I move to lay that motion on the table, Mr. President.

The motion to lay on the table was agreed to.

Mr. TALMADGE. The hour of 1 p.m. has arrived, Mr. President. I believe Senator MUSKIE has an amendment. I ask unanimous consent that there now be a quorum call, with the time not to be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 296

Mr. MUSKIE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Maine (Mr. MUSKIE) proposes an unprinted amendment No. 296: On page 106, line 6, delete "$2.90" and insert in lieu thereof "$2.65".

Mr. MUSKIE. Mr. President, as chairman of the Senate Budget Committee, I am deeply concerned about the budget implications of this bill not only for fiscal year 1978 but for the later years covered by it, fiscal years 1979 through 1982. This bill is the first major spending bill to be considered by Congress this year. It is a spending bill because the largest programs in this bill are entitlement programs which permit little, if any, real control through the appropriations process.

The Congressional Budget Office estimates the 5-year direct spending impact of the farm income support programs in this bill at over $24 billion, not to mention food stamps, Food for Peace, and other programs.

From the standpoint of the budget, the major problems with this bill occur in the area of farm income programs for fiscal year 1978 and future years.

If this bill is enacted and fully funded, and if other agriculture programs are funded as expected, the agriculture function could be almost $1 billion over the first budget resolution for fiscal year 1978.

In addition to this fiscal 1978 excess, commodity programs would then virtually double by fiscal year 1982 under the terms of this bill.

The first budget resolution for fiscal year 1978, Mr. President, which Congress has just adopted, was based on the March 15 report to the Budget Committee by the Committee on Agriculture, Nutrition, and Forestry, which made no recommendations for change in existing commodity program support levels.

S. 275 violates the budget resolution assumption by including a provision which increases the target price for the 1977 wheat crop to $2.90 a bushel. As a result, outlays for fiscal 1978 for wheat price supports will increase by about $475 million above the assumptions in the first budget resolution.

Similarly, the bill includes price support provisions for wheat and feed grains in later years which virtually double the cost of the commodity program.

The administration did not request this change in the target price for wheat, and the President has stated, through the Secretary of Agriculture, that he will veto this bill if this provision is retained.

It is my understanding that the chairman of the Senate Agriculture Committee did not favor the increase in the wheat target price to $2.90 per bushel for the 1977 crop when the amendment to S. 275 was adopted by the Agriculture Committee. This target price for wheat exceeds by nearly $500 million the $4.35 billion outlay target for the agriculture function as provided in the first budget resolution.

In addition, the international grain reserves provisions in title X of the bill could cost an estimated $170 million in fiscal 1978, depending on actions permitted to be taken by the Secretary of Agriculture. This amount would also be above the first budget resolution agriculture targets. However, I understand that Senator BELLMON has been assured by Secretary Bergland that this provision will not result in fiscal year 1978 outlays.

There are also new authorizations in the bill for agriculture research, which if fully funded, would cost an estimated $0.2 billion over current policy. The first budget resolution can accommodate the new initiatives in agricultural research and services of about half this increase. The Appropriations Committee, in its March 15 report to the Budget Committee, indicated that it would fund about $0.1 billion of new initiatives for agriculture research and services, and I simply point out that this restraint on the part of the Appropriations Committee will be necessary if the budget totals of the first resolution are to be maintained.

Mr. President, I also point out that, under current agriculture law, the President has ordered a sugar producers subsidy program which is estimated to cost about $200 million in fiscal year 1978, an amount which was not anticipated in the first budget resolution. While this does not directly involve S. 275, it causes further pressure on the fiscal 1978 budget.

Mr. President, if we are to balance the budget early in the next decade as the President has suggested many times, then we must face up to the fact that this bill proposes about $8 billion more spending in fiscal years 1979 through 1982 than the administation has requested for wheat and feed grains price supports. This is an increase over the President's request of about $2 billion per year. Congress cannot preach that it wants a balanced budget while setting in motion such large entitlement increases.

Let me emphasize again that there are three major problems with this bill as reported. First, it would exceed the fiscal 1978 first budget resolution targets for agriculture that were approved only last week by the Congress. Second, it would cause uncontrollable future outlays which far exceed current policy in later years. Third, as a result of these excesses, this bill will be vetoed by the President, and we may not have needed farm programs enacted in time for important planting decisions for the 1978 crops.

The major reason for the breach in the fiscal 1978 agriculture spending totals is the significant increase in this bill for 1977 wheat price supports. Let me point out again that this feature of the bill was not mentioned in the March 15 report by the Agriculture Committee to the Budget Committee, nor was it mentioned in subsequent communications to the Budget Committee prior to the markup of the first budget resolution. There was some mention of this provision in a Budget Committee review of the estimated outlays for fiscal 1977, but that discussion specifically related to fiscal 1977 outlays and not to fiscal 1978 outlays. Following the markup, in an exchange of correspondence initiated by the chairman of the Agriculture Committee, I made it clear that a provision to increase wheat supports such as is now contained in S. 275 would exceed the first budget resolution assumptions then being considered by the Senate. While the conference agreement on the first budget resolution did increase outlays for the agriculture function, the increase was caused solely by a later estimate of the cost of existing programs and does not alter the guidance given in that letter. Mr. President, I ask unanimous consent that this exchange of correspondence be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY,
Washington, D.C., April 29, 1977.

Hon. EDMUND S. MUSKIE,
Chairman, Committee on the Budget,
Washington, D.C.

DEAR MR. CHAIRMAN: The Senate Committee on Agriculture, Nutrition, and Forestry is presently considering omnibus farm legislation which will revise and extend the support prices for commodities. In actions taken to date, the Committee has tentatively agreed to a provision increasing the target price and loan rate for the 1977 crop of wheat. There is a possibility that this change would increase outlays in fiscal year 1977 by approximately $13.5 million and in fiscal year 1978 by approximately $500 million.

I would appreciate your advising me (1) whether the proposed increase in outlays for fiscal year 1977 would be within the level of outlays in the most recently agreed to concurrent resolution on the budget for fiscal year 1977, and, (2) whether the proposed increase in outlays for fiscal year 1978 would be within the contemplated level of outlays in the first concurrent resolution for fiscal year 1978.

I would also appreciate knowing whether a bill reported out of this Committee containing the proposed increase in the 1977 target price and loan rate for wheat would be subject to any point of order under the Congressional Budget Act.

I would appreciate a formal response from vou on this issue as soon as possible.

With every good wish, I am

Sincerely,

Herman E. Talmadge,
Chairman.

U.S. Senate,
Committee on the Budget,
Washington, D.C., May 4, 1977.

Hon. Herman E. Talmadge,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, D.C.

Dear Herman: This is in response to your letter of April 29 requesting my advice concerning the budgetary effect of legislation tentatively agreed to by the Senate Committee on Agriculture, Nutrition, and Forestry.

An increase in outlays of approximately $500 million in fiscal year 1978 cannot be accommodated within the Function 350, Agriculture, target proposed in the First Budget Resolution for fiscal year 1978 unless major reductions are made in other Function 350 programs. In considering Function 350 during markup on the First Budget Resolution for fiscal year 1978, the Senate Budget Committee used the latest information available from CBO concerning the expected level of outlays in fiscal year 1978 for current law. In arriving at the recommended targets of $2.2 billion in budget authority and $3.7 billion in outlays, the Committee did not explicitly provide for any legislative increases in fiscal year 1978 outlays for price supports to farmers. Thus, an additional $500 million in outlays from new legislation could only be accommodated within the $3.7 billion recommended target if reductions were made in existing price support programs—changes I understand are impractical at this time—or in other programs in this function, chiefly agriculture research and services.

The Office of Management and Budget has recently reestimated total outlays for fiscal year 1978 for Function 350 as part of its April 1977 budget reestimates. Based upon initial rveiew by CBO, the Senate Budget Committee determined that no adjustment to the reported targets for Function 350 for FY 1978 was necessary. There are likely to be significant reestimates both up and down in many functions between now and the adoption of the Second Budget Resolution for fiscal year 1978 in September. For that reason, the Committee decided there was no need to make adjustments in the presently recommended targets for the fiscal year 1978 First Budget Resolution.

I am deeply concerned, however, that administrative actions already announced by the Secretary of Agriculture could increase outlays for price supports to a much higher level, resulting in Function 350 total outlays much higher than the $3.7 billion included in the First Budget Resolution as reported in the Senate. In the event that the Senate Agriculture Committee also agrees to report an omnibus farm bill with substantial increases in target prices for the 1977 crop, the Agriculture function outlays could be in the range of $5.0 billion or more in fiscal year 1978, with probable increases in future years.

What I am saying is that if there is no restraint in the new farm bill, it will become increasingly difficult to find money for other worthy new programs and to balance the budget for fiscal year 1981.

With respect to fiscal year 1977, an increase in outlays of approximately $13.5 million would add further to the existing Function 350 ceiling which has already been breached. It would not necessarily exceed the overall ceiling on outlays in the Third Budget Resolution for fiscal year 1977 agreed to on March 3, nor would it necessarily exceed the amended fiscal year 1977 aggregate outlay ceiling now being proposed by the Senate Budget Committee in the Committee amendment to S. Con. Res. 19. The Third Budget Resolution for fiscal year 1977 contained an overall outlay ceiling of $417.45 billion, with an outlay ceiling for Function 350 of $3.0 billion. The Senate Budget Committee now recommends for fiscal year 1977 a revision to the Third Budget Resolution, with an overall outlay ceiling of $408.8 billion, including an outlay ceiling for Function 350 of $4.5 billion. An increase of $13.5 million in outlays would not exceed these revised ceilings. But, the pressures on these spending ceilings are very substantial, and many worthy programs are now competing for the remaining 1977 dollars.

With respect to technical points of order relating to a bill reported by the Agriculture Committee concerning target price and loan rate adjustments, I can only answer your question after review of the specific legislation. I can offer the following considerations: points of order under the Budget Act concerning spending levels relate to the budget as a whole, not to individual functions, so it would be unnecessary to review the entire relationship of proposed legislation to the relevant Resolution before a complete response could be given.

As you are aware, specific sections of a bill must be interpreted in the context of the legislation as a whole. With this understanding, I would point out the following:

Any new entitlement contained in the Omnibus Farm measure must have an effective date of October 1, 1977, or later in fiscal year 1978, to avoid a point of order under Section 401(b) of the Budget Act. It is my understanding that the section pertaining to wheat presenetly expires on December 31, 1977; thus any extension of an entitlement effective January 1, 1978, is not subject to a point of order. If, however, there is created a new entitlement affecting fiscal year 1977, the effective date of the authority for that entitlement must also be October 1, 1977, or laer, or it, too, will be subject to a point of order under Section 401(b).

As you know, if there are any authorizations for the enactment of new budget authohrity for fiscal year 1978 contained in the measure, the bill must be reported by May 15, which I believe is your intention. If there is any authorization for the enactment of fiscal year 1977 budget authority in the reported Omnibus Farm bill, then, as you know, a waiver resolution waiving Section 402(a) of the Budget Act must be reported as well for reference to the Budget Committee.

The Budget Committee staff is available for further consultation once a final draft of the Omnibus Farm bill is completed.

With best wishes, I am.

Sincerely,

Edmund S. Muskie.

Mr. MUSKIE. It is for this reason that I have offered the pending amendment, which reduces the 1977 wheat crop target price to $2.65 per bushel, thus reducing fiscal year 1978 outlays by about half a billion dollars. This action is essential if the agriculture function is to remain within the budget totals. The President has indicated, through the Secretary of Agriculture, that he will not oppose the agriculture bill if this amendment is adopted and if later year outlays for price-support programs under this bill are reduced to the level proposed by the administration. I point out that wheat farmers will be receiving a significant increase in farm income if this $2.65 per bushel target-price level is adopted—nearly 20 cents per bushel above the current level of $2.47 per bushel that has been proposed by the President. It has been estimated that an increase to $2.65 per bushel will significantly increase net farm income.

I ask unanimous consent that a letter from the Secretary of Agriculture, indicating that an amendment of this kind is needed if we are to prevent unnecessary delay in farm legislation this year, be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of Agriculture,
Washington, D.C., May 23, 1977.

Hon. Edmund S. Muskie,
Chairman, Senate Budget Committee,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Concern has been expressed in the Senate about the potential impact on the budget for Fiscal Year 1978 of three provisions of S. 275, the Food and Agriculture Act of 1977, as reported by the Committee on Agriculture, Nutrition, and Forestry.

The provisions are: (1) the increase of $2.90 (from $2.47 in existing law) in the target price for wheat for the 1977 crop year; (2) creation of a stock of not less than 2 million tons of food for an International Emergency Food Reserve; and (3) authority for the Secretary to acquire up to 75 million bushels of wheat, food grains, and soybeans.

The Department opposes an increase in the established price for 1977 crop wheat as proposed in S. 275.

However, the President is deeply concerned about the financial plight of many wheat producers, and he has authorized me to endorse an increase in the target price for 1977 crop wheat to $2.65 per bushel, but on the condition that the Administration's legislative proposals for wheat and feed grains for the 1978 and subsequent crop years are adopted.

As I have outlined previously, the President has proposed an income support rate (target price) of $2.90 per bushel for wheat in the 1978 crop year, with adjustments in future years to reflect changes in non-land production costs, and a minimum market support (loan) rate of $2.25. The President also has proposed an income support rate and market support rate of $2 per bushel for corn in the 1978 crop year, with adjustments in the income support rate in subsequent years to reflect changes in non-land production costs.

The Department estimates the additional cost of deficiency and disaster payments with an income support rate of $2.65 at $408 million; the additional cost of an income support rate of $2.90 per bushel, as proposed in S. 275 would be $883 million. An amendment which would reduce the income support rate for wheat to $2.65 would have $475 million from our estimated total cost of S. 275 for the 1977 crop year.

Moreover, using the Department's cost estimates based on favorable weather, the Administration's proposal would have an average of $1.9 billion annually in Fiscal Years 1979 through 1983, compared with the cost of S. 275.

Section 1002 of S. 275 would amend the Agricultural Act of 1949 to authorize the President to negotiate with other nations to create an International Emergency Food Reserve, and to authorize the Secretary to acquire not less than 2 million tons of food for such a reserve, increasing the stockpile to not more than 6 million tons upon completion of an international agreement.

The Department estimates that the cost of acquiring 2 million tons of food grains in Fiscal Year 1978 would be $170 million, with an annual cost of $16 million in subsequent years for storage and maintenance of such a stockpile.

This cost estimate, however, assumes that the Secretary would purchase the full minimum amount authorized in FY 1978, instead of in FY 1977. Making such purchases in the current fiscal year would mean only the $16 million for storage and maintenance would be added to FY 1978 outlays.

Section 1003 of S. 275 gives the Secretary authority to purchase feed grains, wheat, soybeans, hay, or other livestock forages for use in the emergency livestock feed program authorized by the Agriculture and Consumer Protection Act of 1973.

The Department would prefer, as an alternative to acquiring and maintaining stocks for use in alleviating feed grain shortages for livestock producers, an amendment which would authorize the Department to issue to eligible livestock producers in areas affected by drought, vouchers which would be used to obtain feed grain at a rate of not more than 2 cents per pound.

Such a proposal has been advocated by the President as part of his comprehensive drought assistance package, and the Department strongly endorses its inclusion as an amendment to S. 275.

The Department estimates the cost of emergency livestock feed program at $75 million in Fiscal Year 1978. This year about $86 million is being expended for this purpose. The $75 million will not be an additional outlay since funds for an emergency livestock feed program are already in the budget for the Federal Disaster Assistance Administration. I should point out that the authority in Section 1003 is discretionary with the Secretary, and that adoption of the President's proposed voucher system would make it unnecessary for the Department to incur any costs under Section 1003 in Fiscal Year 1978 or in subsequent years.

Sincerely,

Bob Bergland, *Secretary.*

Mr. MUSKIE. Mr. President, I urge the Senate to adopt my amendment to bring S. 275 more closely in line with the first budget resolution targets.

I point out that even if the wheat target price for the 1977 crop is reduced as I have proposed, title X of the bill should be amended to reduce the potential budget impact of the international and domestic grain reserve programs unless the Secretary of Agriculture, as he has indicated to Senator Bellmon, is able to hold down those outlays in fiscal year 1978.

At some point, after we deal with the pending amendment, Mr. President, I would like to discuss the fiscal 1979–82 costs of this bill with the chairman of the Senate Agriculture Committee and would like to have his views on this matter at an appropriate point during this debate.

Let me close by saying that now is not the time to commit the Federal Government to additional spending not contemplated in either the congressional budget or the President's budget requests. The agriculture targets adopted by Congress in the first budget resolution contain generous amounts for farm programs. The Senate adopted a spending total of $3.7 billion for agricultural outlays. The conference raised that target to $4.35 billion—almost to the House level. Congress has now agreed upon that amount. The deficit for fiscal 1978 is already projected at $64.6 billion. We simply cannot afford to push this deficit any higher. If we do so for agriculture, equally compelling arguments will be made for other new programs which were not assumed in the first budget resolution. Congress must not abdicate its obligation to take the responsible course in its spending decisions.

Mr. President, with that, I reserve the remainder of my time.

Mr. CURTIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. CURTIS. Mr. President, I yield myself 5 minutes.

Mr. President, I think that it is interesting that the distinguished chairman of the Committee on the Budget brings in this amendment.

The bill before us is a combination, an agriculture bill and a welfare bill. The food stamp program is costing us about $6 billion a year now, or nearly so. The bill before us, reported by the committee, will call for an additional $2 billion in expenses for the food stamp program.

I ask the distinguished chairman of the Budget Committee if he expects to offer any amendment relating to the food stamp program.

Mr. MUSKIE. I say to the distinguished Senator that on the food stamp program submitted to us by the Agriculture Committee, it was assumed by the Budget Committee that it was within the budget.

Mr. CURTIS. I am afraid the Senator did not understand my question.

Mr. MUSKIE. Will the Senator allow me to finish my answer?

Mr. CURTIS. Surely.

Mr. MUSKIE. If the Senate wished to reduce those amounts, they should have initiated that reduction. If they wished that, they should have put it in a letter which the Agriculture Committee submitted to the Budget Committee in its March 15 report.

It is not for me to second-guess the Agriculture Committee on those amounts.

With respect to wheat price supports, the amount we are talking about here was not recommended to us by the Agriculture Committee in its March 15 report, so it is outside the assumption of both the Agriculture Committee and the Budget Committee.

Mr. CURTIS. That is all well and good, but I am wondering if the distinguished chairman is interested in the budget and to lessen the deficit or is just interested in the resolution.

Here we have a situation with desperately low wheat prices for the first time in many years. The price of wheat is below the price of corn. Here is a farm bill, and the welfare part of it is about three times the cost of the agricultural part. We have an amendment picking out one commodity, and in order to lesson the budget—and I am for that—we decide on that action.

Here is another gigantic program that has increased in cost a great deal. The food stamp program was started in 1964. It only cost $360 million. This year it is going to reach nearly $6 billion.

Here is what that is. The number of participants is a 3,908-percent increase over the original enrollment. The expenditures have increased by 16,220 percent of the program's original cost.

We have a bill before us that will increase this program by somewhere between $2 and $2.5 billion.

I ask the distinguished chairman of the Budget Committee, if we adopt his amendment regarding wheat, how much will it lessen the Federal deficit?

Mr. MUSKIE. By $500 million.

Mr. CURTIS. By $500 million.

Now, the Senator bases that on the fact that the price of wheat will not go up?

Mr. MUSKIE. We base that on CBO estimates of the outlays that will be driven by the policy laid down in this bill, taking into account the normal process which has been used for estimating those costs.

Mr. President, I ask unanimous consent to have printed in the Record at this point a letter dated May 24, 1977, from the Director of CBO, outlining the method by which these estimates are made.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Congressional Budget Office,
U.S. Congress,
Washington, D.C., May 24, 1977.

Hon. Edmund S. Muskie,
Chairman, Senate Budget Committee, Carroll Arms Building, Washington, D.C.

Dear Mr. Chairman: Subsequent to preparing our May 13 analysis of the costs of S. 275, the Congressional Budget Office has reviewed the cost estimates developed by the Department of Agriculture for the commodity provisions of that bill. Based on this review, we believe that there is no reason at the present time to modify our estimate of the costs of S. 275.

The CBO projections of market prices, yields, and export levels are based on five-year historical trends. These projections do not reflect the impact of unusually good or bad weather, either in the United States or abroad, on yields or U.S. exports in any year. Under this methodology, both yields and U.S. exports increase at moderate rates during the forecast period, with yields somewhat below the USDA "favorable" projections and exports somewhat above. Thus, the CBO forecast reflects long-term normal trends and roughly corresponds to USDA's "favorable" conditions. If weather conditions in the future are significantly worse on average than in the last five years, the costs of S. 275 would be substantially below the CBO estimate. On the other hand, if weather conditions are significantly better than in recent years, the costs of the bill would be much greater than currently projected.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

Alice M. Rivlin,
Director.

Mr. MUSKIE. Mr. President, as the Senator knows, the CBO is our estimating arm, and they have had a pretty good record.

There are, of course, uncertainties when we try to predict weather for a year, let alone 5 years in advance. There are uncertainties when we try to project market prices. But somebody has to evaluate the budgetary impact of these programs, and the CBO has looked at all of the relevant data, including OMB's and USDA's evaluations.

The response to my request this morning, which produced the letter I have had printed in the RECORD, has really confirmed the estimates upon which this amendment is based.

I understand the uncertainties. The distinguished Senator from Minnesota (Mr. HUMPHREY) yesterday, in an eloquent speech, discussed those uncertainties. I am sorry there are those uncertainties, but we have to accept the best estimates we can get.

The CBO is our investigating arm in order to try to estimate the budgetary impact of these and all entitlement programs, including food stamps, social security, unemployment compensation, and many other entitlement programs subject to the same vagaries. They are the estimating arm. These estimates are based on economic conditions, are based on weather, and on demographics. But OMB and CBO do the best they can to make these estimates, and both institutions have considerable experience.

Mr. CURTIS. I am sure those estimators are likable persons. I would like to see them replaced with a few farmers. But here is the situation: If the price of wheat goes up to this target price, it costs the Federal Treasury nothing.

The price of wheat now is disastrously low, but if we look back 2 or 3 years, when we had a successful export program going and got rid of some of this wheat, the price rose far beyond the figure we are talking about here.

One of the advantages of a target price is that if the price reaches that figure, the Government has no obligation. That is a good way to keep the hands of the Government off the export of grain.

Last year on the export of grain we had two moratoriums, or embargoes—I guess that was 2 years ago. My party was in power. I condemned it then; I condemn it now.

Due to consumer pressures and other factors, we were sending out wheat. The wheat reached a good price. We had a chance to sell more to Russia; it was embargoed. We were selling wheat to Poland and it was embargoed, not because we were running short here, but in order to lower the price.

Only about 4 percent of the people in the United States that produce food and 100 percent of them eat it. So it is a good political gimmick to play to the galleries the so-called consumers.

But in the history of our agricultural programs, the Federal Treasury has not had to pay out a dime on target prices.

One of the reasons we should keep this target price where the committee decided is that if the State Department or anybody else attempts to interfere with the export of grain, it will cost the Government money and, consequently, there will be no such interference.

Frankly, I am pretty much of a private enterpriser. I think all farm programs should be held to a minimum. But I rose to speak not so much in opposition to what the distinguished chairman of the Budget Committee was doing in this particular instance, but in protest to the idea of picking out a minority of a minority, one commodity, where you are going to practice economy and then go on building up and building up and building up this welfare state of ours.

About 19 million people are drawing food stamps now. If we do not do something about it, it is going to reach 50 million.

The bill before us provides that a family of four can have as much as $10,000 in income and still get food stamps. I say if the Budget Committee really is interested in the budget of the United States, they should turn to that section and offer some amendments.

By the one amendment alone of doing away with the purchase price in the food stamps, we are inviting a $2 billion cost.

What is the position of the chairman of the Budget Committee? He says that is all right because it is in the resolution. Mr. President, the national debt cannot be paid with resolutions; the budget cannot be balanced with resolutions. You have to lower expenditures, and if in the name of economy you want to lower expenditures, turn to the big items of the bill where we are rapidly moving toward the welfare state.

Mr. President, have I used my 5 minutes?

The PRESIDING OFFICER. Yes, the Senator's 5 minutes have expired.

Mr. CURTIS. I yield the floor.

Mr. DOLE. Mr. President, I yield 5 minutes to the distinguished Senator from North Dakota.

Mr. YOUNG. Mr. President, I feel very strongly that the amendment of my friend from Maine should be defeated. Wheat is probably the most hazardous crop of all to raise. You have to export two-thirds of it in order to get even a fair price.

It is produced in all of the 48 contiguous States. Sometimes you can make money on it, but probably the surest way to go broke is to raise wheat. By Government standards for fair prices on parity, the price of wheat should be $5.08 a bushel. That is supposed to be a fair price with respect to the standard established by the Federal Government.

The average farm price of wheat today is around $2.20 a bushel, and the cost of production, by almost every university that has gone into it, is around $3 a bushel.

We would not have been in any trouble now, I believe, if it had not been for the embargo placed on wheat a few years ago. Wheat had gone up to, as I said, $5 a bushel, for most wheat; durum wheat was up to $9 a bushel. Now wheat is around $2.20 a bushel, the farm price. This means that many thousands of farmers are going to go broke, and it will be mostly the younger farmers, if this price guarantee is being lowered still more. This is the only hope of the farmer.

The Democratic State executive committee of my State last week passed a resolution condemning the administration's position in lowering price supports for wheat and other grains. They even went so far as to say they would be looking for another candidate for President if he continues his present policy, and this is just to give you some idea of how the people feel in North Dakota. It is not a party issue. Everyone is involved directly or indirectly in the farming business.

Mr. President, I hope that the committee position on the target price will remain. I think it is fair enough.

Mr. McGOVERN. Mr. President, will the Senator yield me a little time?

Mr. DOLE. I yield.

Mr. McGOVERN. Mr. President, I rise in opposition to the amendment offered by the distinguished chairman of the Budget Committee, Senator MUSKIE, for this reason: The committee has worked very hard in trying to arrive at a figure that would do nothing more than provide farmers with a return equal to the cost of production.

Now, that is something that is fairly easy to compute. We know pretty much what the ingredients are that go into the cost of producing wheat. Even that, at best, is an estimate, but at least we know the chemicals, we know the labor value, we know something about the tax costs, about land costs, and so on, and we worked out what I think is a very meager formula for determining the cost of production, in which it was proposed that the land factor be equated to the average cost of land over the last 35 years.

You could not begin to replace land at that figure. If you were actually to figure in the land costs at the value of land today, we would have had to raise the cost-of-production estimate on wheat considerably above $2.90 a bushel.

But the Senator from Maine is raising one objection against this $2.90 figure, and that is based on a guess as to what the cost of the program will be to the Treasury. There is absolutely no way that figure can be determined, for the simple reason that no one knows what the weather is going to be; no one knows what the market price is going to be, and anyone who had that information could become one of the wealthiest people in this country simply by playing the commodity markets.

If you had control of the weather and you had control of information as to what market prices would be over the next year or 2 years or 5 years, you could indeed, be a very wise and profitmaking individual. But there is no way that anyone can determine what the cost of this program is going to be because of these variables of market price and weather.

What we do know is that, looking back over the last few years, if we were to compute what has happened on weather and what has happened on market prices over the last 5 years, we could estimate that this program as it now stands, at $2.90 a bushel for wheat, would be well within the budget limits suggested by the administration and by the Senator's committee.

So, Mr. President, recognizing that no Member of the Senate and no member of the Budget Committee and no one else can really tell us what weather and price conditions are going to be in the coming year, we are led to a more practical device, and that is to try to figure out what is a fair return to the farmer. That is the only criterion that makes any sense, it seems to me.

I think our committee has approached this very moderately. We set a figure of $2.90 for the 1977 crop year. Three years ago, farmers were selling wheat on the world market at over $4 a bushel. We do not know where it will go in 1977. It might go that high again, it might go to $3 or $3.50, anywhere in that range, which means that this program would cost the Federal Government nothing. We would end up with a zero impact on the budget.

So I hope that instead of going on somebody's guess as to whether or not it is going to rain this summer, as to whether or not there is going to be drought in the Soviet Union or India or China or somewhere else, factors that we cannot control and cannot even predict with any certainty; that instead of trying to guess what the market price is going to be, we legislate here on the basis of what we believe to be a fair price, based on cost-of-production factors.

We are going to be voting a little later this year on a minimum wage proposal that again is designed to try to insure that the workers in this country at least have enough to meet the reasonable standards of life. I do not see how we can do any less for the wheat farmers of the country. I hope very much that this amendment, based entirely on guesswork and projections over the future that no one can control, will be rejected, and that the careful work which the committee has put into this bill be retained.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. DOLE. Mr. President, I yield myself 5 minutes.

Mr. President, I certainly have no quarrel with my chairman on the Budget Committee presenting his argument. I hope it is not successful. It seems to me that there was notice to the Budget Committee, and I think the record indicates there might be notice. In addition, at the very time we were marking up the farm bill, the Budget Committee was making their estimates and we were unable to make predictions on the policy proposed for 1978 and later calendar years.

Let us simply take a look at the facts. First of all, I am very distressed that the administration is up here trying to beat down the farmer instead of trying to help the farmer. If we learned anything in the last campaign, and I learned some, it was that the present administration made great promises to the American farmer and the last administration made some mistakes that hurt the American farmer. That was the big farm debate all over America: Embargoes on the one side and what Candidate Carter promised on the other side.

Now have President Carter, through his Secretary of Agriculture, almost daily threatening a veto if we do anything for the American farmer.

What are the facts?

The agriculture function in the budget resolution is the smallest of all. We are talking about $4.35 billion total. If we are talking about $111 billion in the national defense function, $147 some billion in welfare, we would not think of about $500 million having any impact. But $500 million looks quite large in a function that starts off with only $4.35 billion.

S. 275 impacts the budget in three different functions—function 150, function 350, and function 600. It is only function 350 that has received any criticism. As the distinguished Senator from Nebraska pointed out earlier, no one complained about the cost of the food stamp program, but suddenly we find, as the Senator from North Dakota pointed out, that in the Wheat Belt we are in a disaster situation. Wheat producers are not asking for welfare. We adopted the target price concept as a farm program in 1973. In 1975, under urging from Democrats in Congress and others of us from the Farm Belt, we passed a bill in the Senate that called for target prices for wheat for 1975, not 1977, at $3.46 a bushel. We are asking $2.90, and we are getting static from the White House and the Secretary of Agriculture and, of course, now properly raised through the Budget Committee because of what I consider to be a mistake.

Mr. CURTIS. Mr. President, will the Senator yield for a question?

Mr. DOLE. I am happy to yield to the Senator from Nebraska.

Mr. CURTIS. I am very familiar with the mistakes of the embargoes.

The distinguished Senator alluded to the position of the Carter-Mondale people during the campaign. As the Senator knows, we have our loan rate on wheat and we have a target price. What was the Carter-Mondale position prior to the election?

Mr. DOLE. Prior to the election, I might say, Senator MONDALE came to Wichita, Kans., and talked about a $3 target; and, in fact, we have that.

Mr. CURTIS. That was a loan rate.

Mr. DOLE. Loan rate, the Senator is right. That is even better. The loan rate this year is $2.25. They have not seen fit to raise it at all.

Mr. CURTIS. What is their position on the loan rate of $2.47 that the commitee wrote in for next year?

Mr. DOLE. They are opposed to that. They are opposed to anything that provides an increase for income protection for the American farmer.

Mr. CURTIS. What bewilders me are their figures. They tell us that if we raise the loan rate high enough so that it meets the target price, the impact on the budget is zero. Can the Senator quite subscribe to that?

Mr. DOLE. That is part of the budget process and is based on maximum exposure; if the target price and loan level are the same, there is no exposure. Some have calculated $5 loan rates and $5 target prices, and then we would have no budget problem.

Mr. CURTIS. If we make it a $5 loan price and $4.95 target price, we would make a nickel a bushel.

Mr. DOLE. It would be a bargain. It would be a great cost to the Government and probably would not help agricuture in the long run, but it would satisfy the budget process. That is how foolish some of it is.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOLE. I yield myself 3 additional minutes.

I also point up that the Budget Committee was notified on April 29, 1977 of the proposed increase in target price and loan rate of the 1977 wheat crop and the possibility that this change would increase outlays in fiscal 1978 by approximately $500 million.

I thought, and still think, that the committee felt it was a good-faith effort to advise the Budget Committee at the earliest possible time of this change in total estimated outlays for fiscal year 1978.

I wish to remind the distinguished chairman of the Budget Committee of his frequent comments in this Chamber and during the several markup and conference sessions on the fiscal 1978 budget that the Budget Committee does not deal with line items. If this is not a line item, I do not know what a line item is. They reached in and picked out a wheat program and offered an amendment of the Budget Committee to cut price protection for wheat farmers from $2.90 to $2.65. If that is not a line item amendment, then the Senator from Kansas does not understand a line item.

It is, therefore, not appropriate to pinpoint the wheat support programs as a cause for the increase; but, rather, the Senate must consider the cost of this bill in its entirety, as the distinguished chairman of the Budget Committee has often suggested.

As stated yesterday during the debate, the purpose of this bill overall is the maintenance of a strong agriculture production base, essential for supplying our increased domestic food needs.

Mr. President, even using the budget outlay figures for fiscal year 1977, the variation is even more dramatic. The first concurrent resolution was agreed to in May, and it points up how much the change and how rapid the change is in the agriculture function. The first concurrent resolution agreed to in May of last year listed total outlays for function 350 at $1.9 billion. This was raised to the level of $2 billion in the second concurrent resolution and $3 billion in the third concurrent resolution, and finally to $4.5 billion on May 11, when conferees agreed that outlays for fiscal year 1977 would be $2.6 billion more than anticipated a year earlier.

The point I make is that we are going to have a second resolution, and we can take care of it. We will not thwart the budget process. But based on exchanges the Senator from Kansas had in the

Budget Committee, it would seem to me there is enough flexibility in the budget to accommodate this overage, if there should be overage, because of increased protection to wheat producers, by increasing the target price to $2.90.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MUSKIE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Maine is recognized for 5 minutes.

Mr. MUSKIE. Mr. President, I listened with interest to the type of rationale in which my good friend from Kansas is indulging.

Let us not delude ourselves about this budget process. Either the first concurrent resolution is meaningless or it is not. If all it is is an open invitation to every committee to come in between May 15 and September 15 and ignore the targets that are set in the first concurrent resolution, we might as well junk the process; because, by September 15, when the second resolution is to be adopted, all of the appropriations bills are scheduled to have been passed and all of the spending bills such as this one are scheduled to have been passed. So if the first concurrent resolution is meaningless and if the targets are meaningless and are to be ignored at the invitation of every authorizing committee, then all that will happen is that the appropriations bills will set the targets and the spending of these appropriations bill will be responsive to every pressure group, the way they were prior to the budget process.

The first concurrent resolution sets targets that were intended to be abandoned or changed only if a solid case could be made.

Mr. President, with respect to this function, the first budget resolution was adopted by Congress 10 days ago. What is there in this bill that could not have been anticipated by March 15, when the Agriculture Committee had the duty to report any changes in law which it contemplated?

There was an exchange of correspondence between the chairman of the Agriculture Committee and me during markup on the first concurrent resolution, and that identified the issues which have arisen subsequently. What happened to the debate on the first budget resolution in this Chamber? Why did not members of the Agriculture Committee at that point sell this bill? They did not raise the issue. They allowed the Senate to act on the basis of the assumptions in the Budget Committee's first concurrent resolution. This issue was never raised in this Chamber. We were never asked, as a Senate, to consider raising the functional totals to accommodate this bill. Now, the resolution having been written into law 10 days later, we are asked to change it.

There is another interesting argument offered by the Senator from South Dakota, that because of the uncertainties of the market, because of the uncertainties of weather, because of the uncertainties of exports, it is all guesswork anyway, so why should we not, by implication, just give the Agriculture Committee a blank check?

What else do we do in the first concurrent resolution, if we do not try, as we do with social security, with food stamps, and with other entitlement programs? Why should we not give them all a blank check?

One of the reasons why I oppose this bill on the grounds I have stated is that what we are putting in place is another uncontrollable entitlement program, which will make the guesswork of the future even more guesswork than this.

Where was the Appropriations Committee, I ask my good friend from North Dakota, with respect to this program? The Appropriations Committee, in its report to the Budget Committee, recommended $1.2 billion for farm stabilization programs, and that is all. That committee did not recommend as much as the Budget Committee for farm income stabilization programs. It fell short by almost $2 billion.

Now my good friends say to the Budget Committee, "What is all this guesswork you are indulging in? What kind of penalty are you trying to impose on the farmers of America? Why did you not provide in your budget resolution somehow for this program?"

Well, Senators can delude themselves all they wish. No one is more aware than I, because I get the pressures from all Senators, how uncomfortable these budget ceilings and these constraints are.

I was very much interested in the Senate debate on the first budget resolution. Thirty-one votes were cast against it. Of the 31 Senators who voted against it—because the deficit was too large—18 voted for increases in that resolution that raised the deficit. Some Senators may think that is the way to handle a congressional budget resolution, but it is not my idea.

So I get to the floor, and immediately Senators who are interested in one program or another—food stamps for some, agriculture for others, something else for someone else, veterans programs for some—will indulge in the happy exercise of voting for increases in their programs, and then come to me crying because the chairman of the Budget Committee imposes the restraint of the budget process.

Well, it is too bad, gentlemen. It is just too bad. But I am not going to walk away from this floor and fail in my duty to the Senate. This bill busts the budget, and it is the kind of issue that could have been anticipated on March 15, could have been anticipated in May, could have been anticipated in the conference on the budget, or could have been anticipated when the conference report came to the Senate. But nobody raised the issue. And I am told now, 10 days later, that I am being unreasonable in suggesting the limitations of that very budget resolution.

Gentlemen, I do not buy it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MUSKIE. I reserve the remainder of my time.

Mr. McGOVERN. Mr. President, will the Senator yield to me for a question or two? I would like to propound a couple of questions to him

Mr. MUSKIE. Mr. President, do I have any time remaining?

Mr. DOLE. Mr. President, the Senator from Kansas has only two minutes. I promised one minute to the Senator from Montana. I could yield on the bill, but we have a vote scheduled for 2 o'clock.

I yield the Senators 1 minute each.

Mr. MUSKIE. Mr. President, do I have any time left?

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. MUSKIE. I will be happy to yield 2 minutes to the Senator from South Dakota.

Mr. McGOVERN. I would like to propound a couple of questions, if I may.

Mr. President, I cannot understand the apparent absolute certainty of the Senator from Maine about the justice of his cause. I would like him to tell the Senate on what basis he arrives at the decision that the wheat provision is going to cost a half-billion dollars.

It is not a question of Senators speaking in time on this matter. We do not know what the weather cycle is going to be. We do not know what the marketplace will be. What we do know is roughly what the cost of production is.

Will the Senator from Maine tell us how he arrived at the conclusion that this provision of the bill will cost a half-billion dollars more than he thinks it should?

Mr. MUSKIE. Mr. President, the question was discussed at great length in the last hour. I realize that the Senator from South Dakota was not here, but he has not left me much time to answer as fully as I could have answered earlier.

On the basis of the time left to us, I put in the RECORD earlier a letter describing the process——

Mr. McGOVERN. I am familiar with that, but just to bring the matter to a head, is not what the Senator is doing is estimating that, assuming the best possible weather conditions——

Mr. MUSKIE. That is not true, may I say to the Senator, and his letter will explain that it is not true.

Mr. McGOVERN. Will the Senator tell us in the nutshell?

Mr. MUSKIE. I will be happy to read it, if I have time:

> The CBO projections of market prices, yields, and export levels are based on five-year historical trends. These projections do not reflect the impact of unusually good or bad weather, either in the United States or abroad, on yields or U.S. exports in any year. Under this methodology, both yields and U.S. exports increase at moderate rates during the forecast period, with yields somewhat below the USDA "favorable" projections and exports somewhat above. Thus, the CBO forecast reflects long-term normal trends and roughly corresponds to USDA's "favorable" conditions. If weather conditions in the future are significantly worse on average than in the last five years, the costs of S. 275 would be substantially below the CBO estimate. On the other hand, if weather conditions are significantly better than in recent years, the costs of the bill

would be much greater than currently projected.

If that is an inadequate basis for making these projections, may I say to the Senator, we need to develop a better basis. But this is the one that has been used, examined, and justified.

Mr. McGOVERN. Does it include the 5-year price average, as well as the 5-year weather conditions?

Mr. MUSKIE. I take it that it does, because the first sentence in the paragraph implies as much.

Mr. McGOVERN. I am sorry we do not have more time.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Kansas is recognized for his remaining 2 minutes.

Mr. DOLE. Mr. President, I yield my 2 minutes to the Senator from Montana.

Mr. MELCHER. I thank the distinguished Senator from Kansas.

Mr. President, the bill is already too low on the 1977 target price for wheat; $2.90 is too low. Yet, because of budgetary restraints, there is an effort now to lower that which is already too low, even lower it to $2.65.

Costs have gone up. What has the Senate done, or Congress done, or anyone done, to keep the costs of wheat farmers stable, so they can have their production, meet their bills, and stay in business?

What is the real issue involved here? Are wheat farmers to be hung—hung on the basis of budgetary objections? Or is survival for wheat farmers more important? I think it is in the national interest that we allow wheat farmers to survive. We need the wheat here; we need the wheat throughout the world. It is flour; it is bread; it is food. To hang ourselves and the wheat farmers of America up on the basis of a budgetary restraint, for the very modest amount now in the bill, would be rather foolish. I hope the Senate will reject the amendment out of hand.

Mr. HEINZ. Mr. President, I rise in strong support of the amendment by my distinguished colleague from Maine. As a member of the Budget Committee which he chairs, I can testify that he is a man of both compassion and commonsense. And I hope the amendment he offers today with command of the same respect he has earned and deserves.

Mr. President, whatever our party affiliation, I think we are all coming to realize at last that the Federal budget is not mana from heaven. It consists mainly of hard-earned tax dollars of our citizens. Another portion of it is deficit-spending, which unfortunately is not so hard-earned. Now, there may be other important things in life besides balancing the budget or reducing taxes, but I ask you to read your latest batch of constituent letters and name more than a handful. Clearly it is a priority of the new administration. It has traditionally been a priority for the Republican Party. Today it is becoming a goal shared by an increasing number of Americans of both parties.

Fiscal responsibility does not mean we should be petty and stingy. No one is against spending money for legitimate needs as a general principle. The Congress was established to do just that. I myself have offered bills that are not free. But the question is not simply whether to spend or not to spend: it is, rather, on what chosen few things should we spend our finite resources?

It is used to be that when a committee reported a measure to the full Senate, it was presumed worthy and usually routinely approved. The Federal cash register kept clinging and clanging from all those sales that were rung up.

Mr. President, this is precisely why Congress finally got around to establishing a budget committee. It meant it to be a special committee that would have the responsibility to step back a little ways and take a good and hard look at overall spending, to weigh priorities, and to set reasonable limits. It was not always to be a pleasant responsibility. But if we are to get a grip on spending and deficits, it is a necessary responsibility. As Chairman Muskie has frequently said, the committee is under no illusion that our job is only to find and expunge the bad programs. The fact is, there are no bad programs. Every program has its justifications and its supporters, particularly those programs that have been reported out of the authorizing and appropriating committees. But if we begin with the premise that our taxpayers will allow us only a finite pie to play with, it becomes the Budget Committee's job to slice it up and make the hard decisions in the Nation's interest.

Now, I will be the first to doff my hat to the American farmer. Although a dramatically decreasing percentage of the population since the turn of the century, farmers, in a very real sense, remain the backbone of our country. It is not only that they literally provide us with our sustenance; it is moreover that they provide us with much of our heritage, with the timeless, homespun, down-to-Earth values that we have long cherished.

But the issue today is not what we think of our farmers. The level of the price support is not established as a reward or a punishment for the job we think farmers are doing. A target price is set on a more specific and practical basis: What is a fair price he should be remunerated for all the vagaries of this unusual business so that he will want to stay in it? There is no question of supporting the general principle that the farmer be insured against unpredictable weather, against a glut in supply or a sudden drop in demand. The justification for the income support program for farmers is not so different from that for unemployment compensation, SSI benefits, and other such programs that allow our citizens to ride out serious bad luck.

But the point is, the figure assumed by the Budget Committee is quite adequate at $2.65 a bushel. It is considerably more than that proposed by the President, himself a farmer. The glaring fact is, however, that the target price proposed by the Agriculture Committee stands to breach the fiscal year 1978 budget resolution, in the agriculture category, by a whopping $500 million. In future years, moreover, the cost of such a program over "current policy" is projected to be truly staggering.

Mr. President, the American farmer deserves better than having the Government interfere in his life. The Government is big enough and our farmers do not want a welfare program like this one. As it is, I would not advocate leaving the farmer entirely to the fates of the free market, but neither will I swing to the other extreme and advocate a system of agricultural socialism, and that is what this bill proposes.

Mr. President, there is a difference between being generous and being lavish and extravagant. I would urge compassion for the farmer, but I would also urge compassion for the taxpayer. I think a wheat price of $2.65 insures compassion for both. I will support the Muskie amendment, and I urge my colleagues to do likewise.

The PRESIDING OFFICER. The question now occurs on unprinted amendment No. 289.

Mr. TALMADGE. Mr. President, I ask unanimous consent that when we vote on the Muskie amendment, the rollcall vote be limited to 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Has the Senator asked for the yeas and nays on the Muskie amendment?

Mr. TALMADGE. I ask for the yeas and nays on the Muskie amendment, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. Church), the Senator from Alaska (Mr. Gravel), the Senator from Arkansas (Mr. McClellan), the Senator from Massachusetts (Mr. Kennedy), the Senator from Michigan (Mr. Riegle), and the Senator from Tennessee (Mr. Sasser) are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. Riegle) would vote "nay."

The result was announced—yeas 37, nays 57, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—37

Allen
Bartlett
Bellmon
Biden
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Chiles
Curtis
Danforth
Domenici
Durkin
Eastland
Garn
Goldwater
Griffin
Hansen
Hatch
Hayakawa
Helms
Laxalt
Long
Lugar
Nunn
Randolph
Roth
Schmitt
Schweiker
Scott
Sparkman
Stafford
Stennis
Stevens
Talmadge
Thurmond
Tower
Wallop
Zorinsky

NAYS—57

Abourezk
Anderson
Baker
Bayh
Bentsen
Brooke
Bumpers
Burdick
Cannon
Case
Chafee
Clark
Cranston
Culver
DeConcini
Dole
Eagleton
Ford
Glenn
Hart
Haskell
Hatfield
Hathaway
Heinz
Hollings
Huddleston
Humphrey

Inouye
Jackson
Javits
Johnston
Leahy
Magnuson
Mathias
Matsunaga
McClure
McGovern
McIntyre
Melcher
Metcalf
Metzenbaum
Morgan
Moynihan
Muskie
Nelson
Packwood
Pearson
Pell
Percy
Proxmire
Ribicoff
Sarbanes
Stevenson
Stone
Weicker
Williams
Young

NOT VOTING—6

Church
Gravel
Kennedy
McClellan
Riegle
Sasser

So the amendment was rejected.

VOTE ON AMENDMENT 323

The PRESIDING OFFICER (Mr. SARBANES). The question now occurs on agreeing to amendment No. 323, on which the yeas and nays have been ordered.

Mr. CURTIS. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. Whose amendment is that? How is the amendment identified other than by number? Who offered it?

The PRESIDING OFFICER. It is amendment No. 323, proposed by Mr. DOLE—called up by Senator MCGOVERN for himself, Mr. DOLE, and Mr. HUMPHREY.

The yeas and nays have been ordered. The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Michigan (Mr. RIEGLE), and the Senator from Tennessee (Mr. SASSER) are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) would vote "yea."

The result was announced—yeas 46, nays 49, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—46

Abourezk
Anderson
Baker
Bayh
Brooke
Burdick
Case
Clark
Cranston
Culver
Danforth
DeConcini
Dole
Durkin
Eagleton
Ford
Hart
Hatfield
Hathaway
Heinz
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Kennedy
Leahy
Mathias
Matsunaga
McGovern
Melcher
Metcalf
Metzenbaum
Morgan
Moynihan
Pell
Percy
Randolph
Ribicoff
Sarbanes
Stafford
Stevens
Stevenson
Weicker
Williams

NAYS—49

Allen
Bartlett
Bellmon
Bentsen
Biden
Bumpers
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Curtis
Domenici
Eastland
Garn
Glenn
Goldwater
Griffin
Hansen
Haskell
Hatch
Hayakawa
Helms
Johnston
Laxalt
Long
Lugar
Magnuson
McClure
McIntyre
Muskie
Nelson
Nunn
Packwood
Pearson
Proxmire
Roth
Schmitt
Schweiker
Scott
Sparkman
Stennis
Stone
Talmadge
Thurmond
Tower
Wallop
Young
Zorinsky

NOT VOTING—5

Church
Gravel
McClellan
Riegle
Sasser

So Mr. MCGOVERN'S amendment was rejected.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. CURTIS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HAYAKAWA addressed the Chair.

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 296, by the Senator from Maine (Mr. MUSKIE), on which the yeas and nays have been ordered, and on which 5 minutes of debate remain, equally divided between Senator MUSKIE and Senator DOLE.

Mr. DOLE. Mr. President, I yield to the distinguished Senator from California for a unanimous-consent request.

Mr. FORD. Mr. President, may we have order?

The PRESIDING OFFICER. Will the Senator suspend until we have order in the Chamber? Will Senators please take their seats and clear the aisles?

The Senator from California.

Mr. HAYAKAWA. Mr. President, I ask unanimous consent that Randall Fawcett be granted the privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Peter Parham be granted the privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. Mr. President, I ask the same privilege for R. J. Reynolds of my staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. I ask the same for Lyle Morris of my staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I ask the same for William Hendrix and Hank Welch of my staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask the same, Mr. President, for Steve Perles of my staff.

The PRESIDING OFFICER. Without objection. it is so ordered.

Mr. SCHMITT. Mr. President, I ask unanimous consent that Emma-Lou Gale of my staff be granted access to the floor for the remainder of debate on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, I ask unanimous consent that David Sprague, of my office, be accorded floor privileges during debate on this issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HASKELL. Mr. President, I ask unanimous consent that Robert Liberatore and Nancy Dotten, of my staff, have the privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that Carlton Andrus, of my staff, be granted privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas.

Mr. DOLE. Mr. President, let me say in just 2½ minutes why I feel it is so important that we defeat the Muskie amendment.

Mr. TALMADGE. Mr. President, may we have order, so that we can hear the distinguished Senator?

The PRESIDING OFFICER. Will the Senators please take their seats?

The Senator from Kansas.

Mr. DOLE. First, I commend my distinguished chairman of the Budget Committee for his vigorous leadership in trying to protect the budget.

Second, I point out that we are concerned about whether or not we can demonstrate a need for a target price of $2.90 for wheat for the 1977 crop or whether it should be $2.65.

Based on the testimony and based on the statements made by a number of Senators on this floor, I do not know of anyone who can produce wheat for $2.90 a bushel.

Let us take a look at the variation in estimated outlays in the First and Third Concurrent Resolutions. They range from $1.9 billion in the First Concurrent Resolution to $4.5 billion in the Third Concurrent Resolution, a variation of $2.6 billion.

You just cannot determine with any great accuracy what the situation is going to be in agriculture, because of the weather, and because of other variations. I suggest as strongly as I can that we are just not talking about the selfish interests of the wheat producers in America. We are talking about food production. There is a certainty of one thing, and that is that the target price at $2.90 is reasonable; the target price of $2.90 is needed. In fact, the target price, as the Senator from Montana said, ought to be higher than $2.90, and that view is shared by the two Senators from Colorado and others on this side.

I say to those who want to support the administration, go back and look at their campaign statement. In 1975, the Senate passed a target price for wheat of $3.46 a bushel. We are just asking for $2.90. It should have the support of the administration instead of resistance from the administration.

I say, on behalf of all wheat producers, in all the 27 States in which wheat is grown that this is a needed amendment. It is not an irresponsible amendment; it is not a budget buster.

We did notify the Budget Committee. This Senator raised it twice in the Budget Committee. We can take care of it in the second concurrent resolution. If we are saying we have to stick to the first concurrent resolution, then we are saying the budget process is meaningless.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Maine is recognized for 2½ minutes.

Mr. TALMADGE. Mr. President, may we have order, so that we can hear the Senator?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MUSKIE. This bill provides, over the next 5 years, spending for farm price supports of $24 billion. That is $2 billion more a year over the 4 years following

1978 than was requested by the President's budget. That is $8 billion.

With respect to fiscal 1978, it raises spending above the ceiling for the agricultural function by $0.5 billion, and this just 10 days after the congressional budget has been put in place.

The spending proposed in this bill was not reported to the Budget Committee on March 15 by the Committee on Agriculture. The request did not surface from the Committee on Agriculture, and I put correspondence into the RECORD today to document that, at the time of the budget resolution markup.

It was not raised on the floor of the Senate at a time when it was appropriate to raise it for those who thought this program was needed. So we did not have the opportunity to discuss it at that time. It will have the effect of raising the deficit for 1978 by $0.5 billion.

I understand the problems of the farmers, and I understand the difficulties of projecting market prices, weather, outlays, and all the rest of it. Those uncertainties plague the budget process, plague the farmer constantly, but that does not absolve us of the responsibility of trying to carry out our responsibilities.

That fact is that the estimates upon which I had reached the budgetary conclusions that I had described are estimates that are concurred in by all of the technicians in OMB, in the USDA, and in the CBO, our own estimating arm. The best estimates are that this bill will breach the budget ceiling.

I agree with the Senator from Kansas that there must be some flexibility between the first and second budget resolutions, but not to the point where the first budget resolution is meaningless. If the first budget resolution exercises no discipline, then whatever discipline is exercised prior to the second budget resolution must be done in individual spending bills like this. What kind of discipline would you guess that would be? It will be no discipline.

I urge the Senate to support my amendment to cut that spending out of this bill.

The PRESIDING OFFICER. All time has expired.

The question now occurs on agreeing to the amendment of the Senator from Maine, on which the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) would vote "nay."

The result was announced—yeas 46, nays 50, as follows:

[Rollcall Vote No. 164 Leg.]

YEAS—46

Bellmon
Biden
Brooke
Bumpers
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chafee
Chiles
Clark
Culver
Danforth
DeConcini
Durkin
Garn
Glenn
Griffin
Hatch
Hathaway
Hayakawa
Heinz
Hollings
Javits
Johnston
Mathias
McIntyre
Metzenbaum
Morgan
Moynihan
Muskie
Nunn
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Sarbanes
Sasser
Schweiker
Scott
Stafford
Stevenson
Weicker
Williams

NAYS—50

Abourezk
Allen
Anderson
Baker
Bartlett
Bayh
Bentsen
Burdick
Cranston
Curtis
Dole
Domenici
Eagleton
Eastland
Ford
Goldwater
Hansen
Hart
Haskell
Hatfield
Helms
Huddleston
Humphrey
Inouye
Jackson
Kennedy
Laxalt
Leahy
Long
Lugar
Magnuson
Matsunaga
McClure
McGovern
Melcher
Metcalf
Nelson
Packwood
Pearson
Schmitt
Sparkman
Stennis
Stevens
Stone
Talmadge
Thurmond
Tower
Wallop
Young
Zorinsky

NOT VOTING—4

Church
Gravel
McClellan
Riegle

So Mr. MUSKIE's amendment was rejected.

Mr. MUSKIE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. METCALF. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order. Senators will please clear the aisles, and take their seats.

AMENDMENT NO. 329

Mr. METCALF. Mr. President, I call up my amendment No. 329, which is at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> The Senator from Montana (Mr. METCALF) proposes an amendment numbered 329.

Mr. METCALF. Mr. President, I ask unanimous consent to dispense with the further reading of the amendment, and I shall explain it briefly.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 191, beginning with the comma on line 11, strike out all down through the comma on line 18 and insert in lieu thereof the following: ", (3) in the case of those persons who are sixty years of age or over or who receive supplemental security income benefits under title XVI of the Social Security Act, and their spouses, meals prepared by and served in senior citizens' centers, apartment buildings occupied primarily by such persons, public or private nonprofit establishments (eating or otherwise) that feed such persons, private establishments that contract with the appropriate agency of the State to offer meals for such persons at concessional prices, and meals prepared for and served to residents of federally subsidized housing for the elderly.".

The PRESIDING OFFICER. The Senator will suspend until the Senate is in order.

Mr. BUMPERS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Montana yield for a parliamentary inquiry?

Mr. METCALF. Yes, I yield.

Mr. BUMPERS. Is there a time limitation on this amendment?

Mr. METCALF. I will take about a half minute.

Mr. DOMENICI. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. METCALF. I yield.

Mr. DOMENICI. I ask unanimous consent that Gary Ritchie of my staff have the privilege of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I ask unanimous consent that Len Parkinson of my staff be accorded the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I make the same request on behalf of Barbara Washburn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROOKE. Mr. President, I make the same request on behalf of Barbara Harris of my staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METCALF. Mr. President, these unanimous-consent requests have probably taken more time than I shall take on my amendment.

A constituent of mine who is disabled and under age 60 lives in one of these subsidized elderly housing projects. He cannot use his food stamps to buy food and supplies provided for the elderly in that housing project.

I asked the Department of Agriculture if that could be taken care of, and they said no, that it would have to be taken care of by an amendment to the food stamp bill.

My amendment merely provides that a person who is disabled, who is getting these benefits, the food stamps, and is under the age of 60, can participate in the regular food service that is provided in these subsidized housing projects.

In other words, a young man or young woman who is totally disabled does not have to get in the wheelchair and drive down to some other place to buy food, when the elderly can buy food in that congregated housing project.

I have here a letter from Carol Tucker Foreman, Assistant Secretary for Food and Consumer Services, Department of Agriculture, which says:

> The amendment has no cost, and we see no problems with it. The amendment simply allows SSI recipients who are already on the food stamp program to pay with stamps for meals served at congregate feeding centers, and allows both elderly and non-elderly residents of federally subsidized housing for the elderly who are already on the food stamp program to use stamps at their housing facilities.

This amendment will not affect many people. It may affect only my constituent. But it will be helpful in allowing constituents who are disabled and under the age of 60 to use their food stamps for this congregated meal service.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. Mr. President, I have examined the amendment of the distinguished Senator from Montana, and I have discussed the amendment with my distinguished colleague from Kansas. It seems a worthy amendment. What it would do would be to permit disabled persons who are living in homes for the elderly to pay for their food with food stamps, as the elderly can now do.

I see no objection, and I would urge the Senate to adopt it.

Mr. DOLE. Mr. President, if the Senator will yield, I think it is a worthy amendment, and we are willing to accept it on our side.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. TALMADGE. I yield back the remainder of my time.

Mr. METCALF. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 329) of the Senator from Montana.

The amendment was agreed to.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CURTIS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 297

Mr. CURTIS. Mr. President, I send to the desk an amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

> The Senator from Nebraska (Mr. CURTIS) proposes an unprinted amendment numbered 297.

Mr. CURTIS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with, and that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 189, strike out lines 15 through 17 and insert in lieu thereof the following:

"(b) 'Authorization card' means the document issued by the State agency to an eligible household which shows the face value of the coupon allotment the household is entitled to be issued and the amount to be paid by such household for such allotment."

On page 195, line 23, strike out the period and insert in lieu thereof the following: "which shall have a greater monetary value than the charge to be paid for such allotment by eligible households.".

On page 209, beginning with line 24, strike out all down through line 16 on page 210 and insert in lieu thereof the following:

"VALUE OF THE COUPON ALLOTMENT AND CHARGES TO BE MADE

"SEC. 8. (a) The face value of the coupon allotment which State agencies shall be authorized to issue to any households certified as eligible to participate in the food stamp program shall be in such amount as the Secretary determines to be the cost of a nutritionally adequate diet, adjusted semiannually by the nearest dollar increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics in the Department of Labor to be implemented commencing with the allotments of January 1, 1974, incorporating the changes in the prices of food through August 31, 1973, but in no event shall such adjustments be made for households of a given size unless the increase in the face value of the coupon allotment for such households, as calculated above, is a minimum of $2.00.

"(b) Notwithstanding any other provision of law, households shall be charged for the coupon allotment issued to them, and the amount of such charge shall represent a reasonable investment on the part of the household, but in no event more than 30 per centum of the household's income: *Provided*, That coupon allotments may be issued without charge to households with income of less than $30 per month for a family of four under standards of eligibility prescribed by the Secretary: *Provided further*, That the Secretary shall provide a reasonable opportunity for any eligible household to elect to be issued a coupon allotment having a face value which is less than the face value of the coupon allotment authorized to be issued to them under subsection (a) of this section. The charge to be paid by eligible households electing to exercise the option set forth in this subsection shall be an amount which bears the same ratio to the amount which would have been charged under subsection (b) of this section as the face value of the coupon allotment actually issued to them bears to the face value of the coupon allotment that would have been issued to them under subsection (a) of this section.

"(c) The value of the coupon allotment provided to any eligible household which is in excess of the amount charged such households for such allotment shall not be considered to be income or resources for any purpose under any Federal or State laws including, but not limited to, laws relating to taxation, welfare, and public assistance programs.

"(d) (1) Funds derived from the charges made for the coupon allotment shall be promptly deposited in a manner prescribed in the regulations issued pursuant to this Act, in a separate account maintained in the Treasury of the United States for such purpose. Such deposits shall be available, without limitation to fiscal years, for the redemption of coupons.

"(2) (A) The Secretary shall by regulation prescribe the manner in which funds derived from the distribution of coupons (charges made for coupon allotments) shall be deposited by coupon vendors. The regulations shall contain provisions requiring that coupon vendors promptly deposit such funds in the manner prescribed by the Secretary: *Provided*, That such regulations shall, at a minimum, require that such deposits be made weekly: *Provided further*, That such regulations shall, at a minimum, require that upon the accumulation of a balance on hand of $1,000 or more, such deposits be made within two banking days following the accumulation of such amount.

"(B) Any coupon vendor, or any officer, employee, or agent thereof, convicted of violating the regulations issued under subparagraph (A) of this paragraph shall be fined not more than $3,000, or imprisoned not more than one year, or both.

"(3) (A) Coupon vendors receiving funds derived from the distribution of coupons (charges made for coupon allotments) shall be deemed to be receiving such funds as fiduciaries of the Federal Government, and such coupon vendors shall immediately set aside all such funds as funds of the Federal Government. Funds derived from the distribution of coupons (charges made for coupon allotments) shall not be used, prior to the deposit of such funds in the manner prescribed by the Secretary, for the benefit of any person, partnership, corporation, association, organization, or entity other than the Federal Government.

"(B) Any coupon vendor, or any officer, employee, or agent thereof, convicted of violating subparagraph (A) of this paragraph shall be fined not more than $10,000, or a sum equal to the amount of funds involved in the violation, whichever is the greater, or imprisoned not more than ten years, or both: *Provided*, That if the amount of such funds is less than $1,000, such vendor shall be fined not more than $3,000, or imprisoned not more than one year, or both.

"(4) (A) The Secretary shall by regulation require that upon the deposit, in the manner prescribed by the Secretary, of funds derived from the distribution of coupons (charges made for coupon allotments), coupon vendors shall immediately send a written notice to the State agency, accompanied by an appropriate voucher, confirming such deposit. In addition to such other information deemed by the Secretary to be appropriate, such regulations shall require that the notice contain—

"(i) the name and address of the coupon vendor;

"(ii) the total receipts of such coupon vendor derived from the distribution of coupons (charges made for coupon allotments) during the deposit period;

"(iii) the amount of the deposit;

"(iv) the name and address of the depository; and

"(v) an oath, or affirmation signed by the coupon vendor, or in the case of a corporation or other entity not a natural person, by an appropriate official of the coupon vendor, certifying that the information contained in such notice is true and correct to the best of such person's knowledge and belief.

"(B) Any coupon vendor, or any officer, employee, or agent thereof, convicted of failing to provide the notice required under subparagraph (A) of this paragraph shall be fined not more than $3,000, or imprisoned not more than one year, or both.

"(C) Any coupon vendor, or any officer, employee, or agent thereof, who knowingly provides false information in any notice required under subparagraph (A) of this paragraph shall be fined not more than $10,000, or imprisoned not more than ten years, or both.

"(5) (A) The Secretary shall by regulation require each coupon vendor at intervals prescribed by the Secretary, but not less often than monthly, to send to the Secretary, or his designee, a written report of the vendor's operations during such period under the food stamp program. In addition to such other information deemed by the Secretary to be appropriate, the regulations shall require that the report contain—

"(i) the name and address of the coupon vendor;

"(ii) the total receipts of the coupon vendor derived from the distribution of coupons (charges made for coupon allotments) during the report period;

"(iii) the total amount of deposits made by the vendor of funds derived from the distribution of coupons (charges made for coupon allotments) during such period;

"(iv) the name and address of each depository receiving such funds from such vendor; and

"(v) an oath, or affirmation, signed by the coupon vendor, or in the case of a corporation or other entity not a natural person, by an appropriate official of the coupon vendor, certifying that the information contained in the report is true and correct to the best of such person's knowledge and belief.

"(B) Any coupon vendor, or any officer, employee, or agent thereof, convicted of failing to provide any notice required under subparagraph (A) of this paragraph shall be fined not more than $3,000, or imprisoned not more than one year, or both.

"(C) Any coupon vendor, or any officer, employee, or agent thereof, who knowingly provides false information in any notice required under subparagraph (A) of this paragraph shall be fined not more than $10,000, or imprisoned not more than ten years, or both.

"(6) The Secretary may by regulation require State agencies to provide periodic reports to the Secretary, or his designee, containing a consolidation of the respective coupon vendor's notices to such State agencies at such intervals as the Secretary in his discretion deems appropriate.

"(7) The Secretary and the United States Postal Service shall jointly arrange for the prompt deposit of funds collected by the Postal Service on behalf of a State from charges made for coupon allotments.

On page 220, beginning with "Treasury" in line 6, strike out all down through line 8 and insert in lieu thereof "separate account authorized by section 8 of this Act, a sum equal to the amount by which the value of any coupons issued as a result of such negligence or fraud exceeds the amounts that was charged for such coupons under section 8(b) of this Act.".

On page 224, line 6, insert "purchase," before "issuance".

On page 229, line 14, insert "(a)" after "Sec. 19.".

On page 229, line 22, strike out the quotation marks and the second period and insert in lieu thereof the following: "Such portion of any such appropriation as may be required to pay for the value of the coupon allotments issued to eligible households which is in excess of the charges paid by such households for such allotments shall be transferred to and made a part of the separate account under section 8 (d) of this Act.

"(b) In any fiscal year, the Secretary shall limit the value of those coupons issued which is in excess of the value of coupons for which households are charged, to an amount which is not in excess of the portion of the appropriation for such fiscal year which is transferred to the separate account under the provisions of subsection (a) of this section. If in any fiscal year the Secretary finds that the requirements of participating States will exceed the limitation set forth herein, the Secretary shall direct State agencies to reduce the amount of such coupons to be issued to participating households to the extent necessary to comply with the provisions of this subsection.

"(c) If the Secretary determines that any of the funds in the separate account created under section 8(d) of this Act are no longer required to carry out the provisions of this Act, such portion of such funds shall be paid into the miscellaneous receipts of the Treasury.".

Mr. CURTIS. This amendment restores the purchase requirement that is now in existing law. I have for distribution to Senators a one-page explanation of it.

Mr. President, at the present time there is a purchase requirement for food stamps. It means that for persons of low income to have their food bill subsidized through food stamps, they must participate in it and pledge a part of their income for the purchase of food.

I have an illustration to show how the present law works. These figures are 1 year old, but they illustrate the system.

The poverty level a year ago was $5,500. We are talking about a family of four. The monthly food expenditure for a family of four, under the Department of Agriculture's thrifty diet plan, was $166.

In other words, if a family of four had $5,500 a year, they would need $166 per month for a thrifty diet.

Now, if the family has zero income, they would get, under existing law, $166 in food stamps, and this is something that we should keep in mind. The argument to do away with the purchase price causes some people to believe that under the present law, poor people cannot get food stamps. The family with zero income can get all their food stamps free now, and they will get enough stamps so that they can purchase what is called the thrifty diet plan, under the estimate of the Department of Agriculture.

If the family had $200 monthly income after deductions, it would be required to pay not to exceed 30 percent of that amount, or $60, and, in return, that family would get $166 in food stamps. So this family that makes $200 a month is not asked to spend $166 for food. They are asked to spend $60, and in return they get $166 in food stamps. This is what we call the purchase requirement.

If the family of four—these, as I say, are last year's figures, but they illustrate the point—have a monthly income of $400, they would be required to pay 30 percent of that amount, or $120; but for their $120 they get $166 worth of food.

The present program is built in so that they pay a portion of their income toward $166 worth of food stamps. As I said a minute ago, if their income is zero, they get the $166 in food stamps free. So the family that has $400 a month pays $120, and they get $166 worth of food stamps.

That is the present system. The bill before us would take out the purchase requirement. You would not have to purchase stamps. You would not have to put any of your own money in. The stamps would be given away.

They say that we are doing this for simplicity. Mr. President, it is an expensive simplicity. This new plan, eliminating the purchase price, will cost $2 billion.

$2 billion. I base these figures on those assembled by the distinguished chairman of the committee when the matter was considered a year ago.

We know what the participation is in programs like the AFDC and related programs. On that basis, it is estimated, particularly when they convert this to a cash program, that what the committee has proposed will cost $2 billion.

We lose something else, Mr. President, when we abandon the purchase requirement. If the food stamps are free, then the family does not have to commit some of their own money to buy food. They can spend it all on other things. An errant parent might spend it all on liquor, on dope, whatnot. Not many of them would do that.

However, they would get the stamps free, so it will not contribute to good diet.

Under the present system, if a family of four had a $200 a month income, by paying $60 they would get $166 worth of food stamps. In other words, they have to take some of their own money and put it into the food bill. That is not only a sound moral, good instruction, and good discipline, but also, it is good from the standpoint of diet. When they reach down and get $60 out of their pocket, and, with the Government's help, buy $166 worth of food stamps, we know that the $166 worth of food is going to go on the table to feed their children. But if there is no purchase requirement, then it freezes all of the individual's income to spend as they please.

They may not be an errant family, they may have good intentions, but the money slips away for other things, and they do not have as much food as if there was a purchase requirement. The only way they can get subsidized food now is to spend some of their money for food.

Mr. President, we should keep in mind that the food stamp program is a program to promote nutrition, to take care of the hungry, the malnourished, and the undernourished. It is not intended to cure all ills. We have other Government programs. We have the general welfare programs. We have medicaid. We have rent subsidies. We have school lunches. We have meals on wheels. We have many other things.

Do not be swayed by the argument that they need some supplemental income and that we ought to do it a certain way.

The committee, in my mind, made a very grave mistake, a mistake that will cost $2 billion a year, a mistake that will mean less food on the tables for the families which need it. If they get their stamps free, they do not have to spend any of their own money. There is no way anybody can get stamps under the present program without going the full way. They can buy parts of it, but, proportionately, they have to put in some of their own money.

Mr. President, I am sure some very well-meaning people over the country have said, "If our people are poor and and hungry, why make them buy food stamps?"

If they have no income, they do not have to buy stamps, under the existing law. If they have a little income, they have to pay just a little bit. If a family of four have $200 income, they pay $60 and get $166 worth of food. It is graduated in that manner.

Mr. President, it would have been worthwhile if the entire Senate could have been in the Agriculture Committee room when this subject was considered. The place was so full of lobbyists that one could not get to his chair—the hungry marchers, lobbyists from all types of groups. They wore badges: "EPR," Eliminate the Purchase Requirements. Arguments? No. Supporting facts? No. Pressures. Emotions. This leads many people to believe that the poor could not get food stamps if they did not have any money to buy them. When Secretary Hardin was Secretary of Agriculture, he brought in a plan whereby people with no income would get stamps free. That is the law now.

Yet, these pressure groups who invaded that room wearing their badges—EPR, Eliminate the Purchase Requirement—would have us believe that poor people with no income could not get food stamps. But that is not true at all. Under my amendment, we would continue the present plan.

I believe the amendment will save $2 billion.

Mr. President, we should not go into this business of free food stamps for everybody, because when we do, we will be well on our way to the guaranteed annual income. By reason of other amendments in this bill, a family of four is going to be able to have $10,600 in income and still be eligible for food stamps.

They plan to convert that to a cash program. Well, there is some argument for it.

Here are the items included in this $10,000: The poverty index is $5,850; the standard deduction, $720; work related expenses, excess shelter costs, child care deductions—in other words, a cash program to bring their income up to a certain limit.

We should not move in the direction of a guaranteed annual income through the back door. We should hold hearings on it, get all the facts, present our arguments, and make a decision.

What is happening in this bill is that we are entering the guaranteed income through the back door.

Mr. President, there is no reason to eliminate the purchase requirement. Those without funds get free stamps now, and those with funds pay but a small portion which does commit them to using some of their money for life's first necessity. If they reach into their pockets and buy some food stamps or pay their part of it, we have some assurance that food will go on the table.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. McGOVERN). Who yields time?

Mr. TALMADGE. Mr. President, I yield 5 minutes to the distinguished Senator from Vermont.

Mr. LEAHY. I thank my distinguished chairman.

Mr. President, I will be brief, I must speak in opposition to this amendment.

I believe the elimination of the purchase requirement is essential to a streamlining and a proper utilization of the food stamp program as we know it today. Not only does it improve access, but also, it simplifies the program's operations. I compliment the distinguished Presiding Officer (Mr. McGOVERN) and Senator DOLE for placing this in the program.

Mr. President, currently we have 17.3 million recipients paying over $3 billion a year to 15,000 check-cashing firms, banks, post offices, welfare offices, town clerks, churches, even fire stations, and corner stores. Each year these $3 billion worth of stamps are printed, shipped, stored, issued, redeemed, and reconciled. Banning the purchase requirement would completely eliminate the cash transactions which have a greater potential for abuse. It would cut administrative costs at every level.

I must point out, Mr. President, that last year my office did a study of the administrative costs of the food stamp program. We found that the costs of administration were substantially higher, much, much higher, than any kind of a comparable program. One of the biggest reasons for those huge administrative costs was the purchase requirement.

Eliminating the purchase requirement itself would save $25 million to $36 million a year in administrative costs alone.

It would cut the number of stamps in circulation by approximately 40 percent, reducing the cost of printing, shipping, storage, and accounting for the stamps, as well as the potential for black marketeering of food stamps. I think that is extremely important—that and the fact that the Department of Agriculture began last year a study of those particular companies or vendors who have used the purchase requirement and the amount of money involved in it as a way of maintaining a profit—because of the potential abuse, when such money is deposited without interest being paid to the Government. I realize that that is only a small part of the situation with food stamps, and most vendors are totally honest. This removes the potential problem with the others.

Therefore, Mr. President, I intend, for the reasons I stated, to oppose this amendment in my vote on the floor.

Mr. President, I yield back the remainder of my time.

Mr. CURTIS. Mr. President, how much time have I used?

The PRESIDING OFFICER. The Senator has used 14 minutes. He has 16 remaining.

Mr. CURTIS. Mr. President, I am very much interested in the remarks just made. We are going to save all this in administration. They still will need vendors. They still will have to issue food stamps. They still will have to take applications. They still will have to ascertain the income of the applicant and his family. I hope they still do some checking on it afterward.

Let us take the claim for full faith. We are asked to save $36 million and spend $2 billion. We are asked to increase the cost of the program by $2 billion to save $36 million in administrative expense. I was not a mathematics major, but I can figure that out. That is eight-tenths of 1 percent.

Mr. LEAHY. Will the Senator yield?

Mr. CURTIS. I am happy to yield.

Mr. LEAHY. The Senator from Vermont was not in any way suggesting that we have a tradeoff of $36 million for a matter of billions of dollars. The question of how much this might add in people going on the program, of course, as solely a question of whether those people who are presently eligible for the program will be kept off the program through the lack of the basic amount of money for the purchase requirement, would go on and on. That question is going to remain with us. That is the first hurdle, the first philosophical question, as well as financial question, that has to be answered on the elimination of purchase requirements.

We have to ask whether we are willing to have these people who might otherwise be eligible on the program when they would not be on otherwise.

Assuming that we answer that philosophical and financial question, whether we shall let these otherwise eligible people be on the program, then we can look at the other aspect of it.

The other aspect, of course, that should be considered totally separately, is the savings of administrative costs. There will be very substantial savings of administrative costs.

I definitely agree with the distinguished Senator from Nebraska that other costs will be involved. But those costs result from the decision of whether we will or will not eliminate the purchase requirements, and whether we will or will not make the program available to people who might not otherwise be able to get on the program.

I am not suggesting in any way the tradeoff of administrative costs for whatever increased costs there might be by extra people getting on the program.

Mr. CURTIS. Mr. President, this program was intended to give food to people who are not getting enough food, who are hungry, undernourished, malnourished. It was never intended as an overall welfare program, to supply all their needs. It is a nutrition program.

That is why it is handled by the Department of Agriculture. That is why it is handled by the committee that is handling it. We are building this up and making it attractive, spreading it to more people. And, Mr. President, there are not that many hungry people in the country.

If we only have one hungry person, I want him taken care of. What I am arguing against is the abuses that turn this into a program just to provide more money to people who would like to have a little more. I am for keeping this program as it was intended, a program to make it possible for those who just cannot get enough to eat to get enough to eat.

How has it grown? The number of participants has increased 3,908 percent since this program started. The expenditures have increased by 16,220 percent during the first 12 years of its life.

Mr. President, we are asked today to increase this program over present costs by somewhere from $2 billion to $2.5 billion.

This was not a one-sided argument in the Committee on Agriculture, Nutrition, and Forestry. There was substantial support for keeping the present system.

Mr. President, I reserve the remainder of my time.

Mr. TALMADGE. Mr. President, as the distinguished Senator from Nebraska knows, I concur with him on this issue. I lost in the Senate Committee on Agriculture, Nutrition and Forestry.

I think this is going to make the program vastly more expensive, and it is going to cost far more than the Department of Agriculture and others in the administration have estimated. I think it is very likely that, in the end, it will cost about $2 billion a year more than the present program.

I stated at the time the committee acted that I hoped that, at the very earliest opportunity, we would have welfare reform, cash the food stamp program out, and pay money or dollars in lieu thereof. There is absolutely no justification for continuing a welfare program, under the guise of a nutrition program, with food stamps. With what we are doing now, if this bill becomes law, we shall be issuing food stamps, which is really U.S. currency that can be spent only for food. They will be given away free. We have over 35 million Americans who will be eligible for this free money for the purchase of food. It will cease at that time to be a nutrition program. It will become a welfare program. It will become an income maintenance program.

If we are going to have a program of that nature, they ought to be paid in dollars rather than in food stamps under the guise that it is a nutrition program.

I do not think any further debate will change any votes. If the Senator from Nebraska has no request at the time, I yield such time as he may desire to the Senator from Kansas.

Mr. DOLE. I thank the distinguished Senator from Georgia and my distinguished colleague from Nebraska. They understand that I am on the other side. They may not understand why, but they understand that I am on the other side.

I have been the subject of some discussion, I assume—all in fun, but this is an important program. I favor eliminating the purchase requirement, for the reasons I stated earlier this morning. I am not certain I convinced anyone then. I certainly share the views expressed by everyone who wants to tighten up the program.

I want to put in the record, even though some may argue about the accuracy, the estimate from the Congressional Budget Office which places the figure for eliminating the purchase requirement at $540 million in fiscal year 1978. Whether or not we agree with the purchase requirement elimination, I think we all agree that we have tightened up the program. There are going to be fewer participants—approximately 900,000—who will be ineligible under the provision of the present bill. There may be about 1.2 million people who will become eligible because we eliminate the purchase requirement.

Senator CURTIS has properly pointed out that if you are on welfare and do not have any money, you do not pay for stamps now. If you have very little income, you pay very little. But there are other categories where, sometimes, people do not have the front-end money; and, even though they can take care of it on a different basis—once per month, or whatever—it does seem to some of us that there are some pluses in eliminating the purchase requirement.

This morning I recited a comment on Federal programs, for which no one paid anything, including the disaster program by which farmers last year received about $430 million for crop disasters in 1976. They did not pay any purchase requirement, but they received that much money from the Federal Government.

Deficiency payments were paid to rice producers; they did not make any payment.

We have had dairy indemnity programs. Nobody made a payment, but they got a Federal subsidy. The school lunch programs, the WIC program, the supplemental feeding program, child care feeding program, medicaid, and so on are given free.

This just is not one isolated program where everything is given free because it is the food stamp program.

I ask unanimous consent to have printed in the RECORD the letter from the Congressional Budget Office.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE.

Hon. GEORGE MCGOVERN,
Chairman, Select Committee on Nutrition and Human Needs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Based on your request of March 11, the Congressional Budget Office has completed its estimate of the budgetary cost of S. 845, amendments to the Food Stamp Act of 1964. The enclosed report summarizes the estimated cost of this bill for fiscal years 1978 and 1979. Also briefly discussed is the estimated distributional impact on current policy recipients.

In general, the proposal would increase budget authority by approximately $585 million in fiscal year 1978, $650 in fiscal year 1979. Total program costs would be approximately $5.9 billion in fiscal year 1978, increasing to $6.1 billion in 1979. These figures compare to current policy estimates of $5.4 billion in fiscal year 1978, and $5.5 billion in fiscal year 1979.

Approximately 880,000 current policy recipients would be made ineligible under the major provisions of the bill in fiscal year 1978, but 1.2 million persons would begin to participate as a result of eliminating the food stamp purchase requirement. The estimated cost of eliminating the purchase requirement would be $540 million in fiscal year 1978.

We must emphasize that the validity of any cost estimate is, of course, dependent upon the methodologies and assumptions used and the availability of supporting data. These are specified in the enclosed report. Should you so desire, we would be pleased to provide further details on the cost estimate.

With best wishes,
Sincerely yours,
ALICE M. RIVLIN,
Director.

[From the Congressional Budget Office]

COST ESTIMATE

1. Bill Number: S. 845

2. Bill Title: Amendments to the Food Stamp Act of 1964

3. Bill Status: As introduced March 1, 1977

4. Purpose of Bill:

Federal Food Stamp Program (Function 600): S. 845 is designed to tighten program accountability and simplify eligibility standards in the federal food stamp program. The program's authorization is extended through fiscal year 1982. The bill is an authorization and does not directly provide budget authority. Actual funding is subject to appropriation actions.

S. 845 eliminates the current program requirement that eligible households purchase food stamps. Instead of purchasing stamps, eligible households would receive an allotment of stamps required to purchase a nutritionally adequate diet reduced by an amount equal to 30 percent of the household's income. The bill eliminates the current practice of allowing special itemized deductions from income for determining benefits and eligibility, and substitutes a monthly standard deduction of $100 for all households in the United States and $60 for households in Puerto Rico, the Virgin Islands and Guam. In addition to the standard deduction households would be allowed to deduct: (1) 20 percent of all earned income; (2) dependent care deductions but not to exceed $85 per month; and (3) an amount not to exceed $50 a month for such times and in such project areas that the Secretary of Agriculture determines to be suffering hardship conditions. (This latter provision was not costed.) The standard deductions would be adjusted semiannually beginning July 1, 1978 to reflect changes in the special price deflation CPI less food.

The proposal amends the current definition of gross income and would include that portion of educational loans and scholarships not used for tuition or mandatory fees. All households with gross incomes minus deductions falling below the nonfarm income poverty guidelines as prescribed by the Office of Management and Budget would be eligible to participate. The OMB prescribed poverty guidelines would be adjusted semiannually. Further, beginning in July 1978 poverty guidelines would be adjusted to reflect the most current consumer prices.

The bill would require that the 30-day period immediately preceding the date of application or recertification be used to determine eligibility and benefits levels. For emergency situations the bill provides that households with no income after deductions at the time of application receive the opportunity to secure food stamps within two days.

5. Cost estimate:

It was assumed that the provision of the bill would be fully implemented in fiscal year 1978. In fiscal year 1978 budget authority would be increased by approximately $585 million, outlays by $562 million over current policy estimates. Estimates for fiscal years 1978 and 1979 are shown below:

BUDGET OBLIGATIONS (BA) AND OUTLAYS (O)

Fiscal year 1978:	
Current policy (BA)	$5,354
S. 845 impact (BA)	585
Total	5,939
Current policy (O)	5,354
S. 845 impact (O)	562
Total	5,920
Fiscal year 1979:	
Current policy (BA)	5,467
S. 845 impact(BA)	650
Total	6,117
Current policy (O)	5,466
S. 845 impact (O)	644
Total	6,110

6. Other Effects of Bill:

Approximately 880 thousand current policy recipients would be made ineligible by the provisions of S. 845 in fiscal year 1978, approximately 750 thousand in fiscal year 1979. Offsetting the reduction would be an increase in participation associated with eliminating the purchase requirement; participation as estimated would increase by approximately 1.2 million persons in both years under this provision.

[In fiscal years]

	Current policy		S. 845	
	1978	1979	1978	1979
Average monthly participation (millions):				
Households	4.951	4.842	4.986	4.907
Persons	16.187	15.833	16.529	16.292
Average monthly transfer:				
Bonus per household per month	84.35	88.03	93.90	97.90
Bonus per person per month	25.80	26.92	28.32	29.48
Current participating households gaining or losing:				
Lose more than $5	NA	NA	1.497	1.449
No change	NA	NA	1.232	1.218
Gain more than $5	NA	NA	2.222	21.95

Average benefits for participant households would increase by approximately 11 percent in fiscal year 1978, and a similar amount in 1979. About 30 percent of the current policy recipients would lose $5 per month or more in benefits under the proposal; about 25 percent would remain unchanged and 45 percent would gain more than $5 per month in benefits in 1978.

Excluding the distributional effects of eliminating the purchase requirement, S. 845 would reduce benefits going to the Mid-Atlantic Western and New England regions. The southeast, Midwest and West Central regions would experience an increase in benefits:

[Dollar amounts in millions]

Region	1978 current policy	1978 S. 845	Change	Change percent of current policy
All	$5,011.5	$5,056.6	+45.1	+0.9
Mid-Atlantic	1,325.6	1,314.3	−11.2	−.8
Southeast	1,139.4	1,188.2	+48.8	+4.3
Midwest	984.2	1,012.3	+28.1	+2.9
Western	592.2	563.5	−28.7	−4.8
West Central	680.9	729.0	+48.1	+7.1
New England	189.2	249.0	−40.2	−13.9

7. Basis for Estimate:

Current policy estimates for fiscal years 1978 and 1979 were based on CBO economic assumptions as of February 5, 1977. In general, the number of food stamp recipients under current policy continue to show a decline throughout this period, declining from a monthly average of 17.1 million in fiscal year 1977 to 16.2 million in 1978.

Costs under the proposal have been estimated based on a simulation of the major eligibility provisions on a representative sample of food stamp recipients in September 1975. Estimated impact of the proposal which would eliminate the food coupon purchase requirement was based on a simulation conducted on the Transfer Income Model for fiscal year 1978 and exogenously adjusted to be compatible with the major provisions of S. 845.

Based on the CBO economic assumptions the standard deduction would become $105 in July 1978, $110 in July 1979. Further, the income poverty guidelines would be adjusted upward in July 1978, 3.6 percentage points higher than what would be the case without the adjustment provision in S. 845. The cost of a nutritionally adequate diet was assumed to be the projected cost of the Thrifty Food Plan.

Analyzed separately the cost of the special child care deduction in fiscal year 1978 was estimated to cost $30.5 million. The provision allowing 20 percent of earned income to be deducted would increase cost by approximately $310 million in fiscal year 1978. In fiscal year 1978, corrected for cost savings in shipping, storage and transportation, eliminating the purchase requirement in S. 845 is estimated to increase costs by $540 million, increasing to $568 million in fiscal year 1979.

8. Estimate comparisons: None.

9. Previous CBO estimate: No previous estimates of this specific bill have been conducted by CBO. S. 2451 as introduced in the 94th Congress, including similar provisions as S. 845 was estimated to increase program outlays by approximately $1.1 billion in fiscal year 1976. *See, The Food Stamp Program: Income or Food Supplementation?* CBO, January 1977.

10. Estimate prepared by: G. William Hoagland (225-1260)

11. Estimate approved by: Robert Reischauer, Assistant Director Human Resources; James Blum, Assistant Director for Budget Analysis.

U.S. SENATE,
Washington, D.C., March 11, 1977.

DR. ALICE RIVLIN,
Director, Congressional Budget Office, Capitol Hill Annex, Washington, D.C.

DEAR DR. RIVLIN: Senator Dole and I have introduced a bill, S. 845, which would make major changes in the food stamp program.

I would like your office to provide me with an estimate of the cost of this bill, relative to current policy, for fiscal years 1978 and 1979.

Please include also an estimate of the distributional impact this legislation would have, by the various characteristics of the population.

In your estimates, use the most current methodology available and please specify the assumptions used.

Thank you for your assistance.

Sincerely,

GEORGE MCGOVERN,
Chairman.

Mr. DOLE. Mr. President, I think I have already had printed in the RECORD the other two analyses.

It just seems to me that we want the program to work. We want those who are eligible to participate. At this point, whether we call it nutrition or welfare, is a matter of semantics. We want those who should participate to do so because of their economic status. We ought to make the program accessible. That is what we do in eliminating the purchase requirement.

Though I dislike disagreeing with my chairman and my friend from Nebraska, in this case I must.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. DOLE. Yes.

Mr. DOMENICI. I see some of the advantages, I say to my good friend from Kansas, but I have read a little about it and I am prepared with an argument that seems to indicate there is a disadvantage to the bill from the nutrition standpoint as contrasted with the amendment.

It is that a number of families will have less food stamps in total dollars of food stamps, because, if they do not have to have any money, they will just get a lesser amount and it will be in food stamps.

An example sometimes given is that of a family now entitled to $80 worth of stamps, $40 of their own and $40 in stamps; but $80 worth of stamps.

Is it true that, under the bill, that family might just get $40 in food stamps and there would be no requirement that the other $40 be used for food because it did not buy stamps?

Mr. DOLE. Correct. I do not quarrel with that.

I just point out that most people try to supplement their diet with the food stamp program. They will spend a certain number of dollars on food, in any event. We are just trying to make it possible to have supplemental assistance for those who do not have the front end money.

I cannot say in every case they will spend the same amount of money if we eliminate the purchase requirement. I do not know of any evidence that indicates anything to the contrary.

Mr. DOMENICI. But does the evidence show that many might have less food?

Mr. DOLE. I do not know of any evidence in the testimony—maybe there is some—that that could happen. We will find out when the program is initiated.

There is some evidence that some poor people in this country are just too proud to stand in line for food stamps and I do not know exactly what we can do about that.

We have to concern ourselves with the fact that from time to time some people in America may be poor, and then their pride competes with their poverty. Sometimes they might not make application for food stamps because they do not want to stand in line and suffer that embarrassment.

Maybe that is not a good argument for a program of this magnitude, but I think we can state with validity that elimination of the purchase requirement will cut down on the length of time a recipient spends waiting in line.

Mr. DOMENICI. The Senator does not mean they will not have to qualify and still stand in line sometimes, under the committee bill, does he?

Mr. DOLE. They may have to stand in line to be certified or to buy food in the store; that is right. But they would not have to stand in line monthly or weekly to buy their allotment of stamps.

Mr. DOMENICI. Does the Senator mean that those who now do not want to put up their money and apply and get their stamps, might find this easier. Is that what the Senator is saying? What will be easier for those people?

Mr. DOLE. The first thing is that they do not have to dig up the money to purchase the stamps.

Mr. DOMENICI. I understand that. Is that what makes them wait in line?

Mr. DOLE. I beg pardon?

Mr. DOMENICI. Is that what makes them wait in line, the fact that they have to dig up money?

Mr. DOLE. No. But, as I understand, the food stamps will be distributed to the elderly and handicapped so they will not have to stand in long lines.

Here is a report from HEW which should answer both questions:

> In a recent survey (the 1976 Survey of Income and Education, Bureau of the Census and DHEW), Food Stamp recipients were asked whether they purchased in a store more food in a month than could be paid for with food stamps. Some 63 percent of Food Stamp recipients said they purchased food over and above the program coupon allotment. Virtually all of these households spent more than $5 a month on food over and above the coupon allotment and 33 percent of Food Stamp recipients reported spending $26 a month or more above the allotment on food. For these 63 percent of recipients, the current Food Stamp Program is not inducing any higher food expenditures than would a Food Stamp Program without a purchase requirement.

I could read on in the report, but the point is that this study indicates many persons spend more than their coupon allotment on stamps.

Mr. DOMENICI. They may spend more than their present food stamp allotment. Is that right?

Mr. DOLE. Right.

Mr. DOMENICI. But what about the issue of whether this will be enticement for those who are now, for some reason, reluctant to use the program? I do not understand that part.

Mr. DOLE. Maybe I did not state it correctly.

I just suggest that there are some people in the country who are not going to participate because they do not have the money.

Senator CURTIS says that a person on welfare pays very little. But there are some who do not have the funds to get the stamp bonuses.

We are going to eliminate the purchase requirement and let them participate in the program.

Mr. DOMENICI. I understand that.

Mr. DOLE. Right.

Mr. DOMENICI. I think I have discussed on a number of occasions, and I have heard, that many Americans, especially old people who are entitled today to food stamps, are not using them.

My question is, Is there anything about the committee bill that is more likely to cause that kind of person to use this bill?

I do not find anything in it that makes——

Mr. DOLE. There may not be anything specific, I would have to check. Maybe the Senator is correct in that area.

I suggest we are trying to make it possible for those with low income to participate in the food stamp program by eliminating the purchase requirement and by switching to a standard deduction.

As far as I am concerned, this is probably the largest welfare reform since passage of the Social Security Act. In a vote of 11 to 7 in our committee, we same down on the side of eliminating the purchase requirement.

Let us say we will have a 2-year program and find out whether the program really helps those who need help. We can attack all the problems of abuse and cite horrible examples, and they can tell us of a great many people did not participate in the program because of the purchase requirement. Our bill will increase participation by about 1.2 million. Senator CURTIS may be correct in saying it will be higher. But we are convinced we will lop off about 900,000 by tightening the program and add about 1.2 million who should have been in for some time and were not because they could not put up the cash.

Mr. DOMENICI. I thank the Senator.

Mr. TALMADGE. Mr. President, I have had a request for time. Does the Senator from Nebraska want a vote on this?

Mr. THURMOND. I would like to have 2 minutes.

Mr. CURTIS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. CURTIS. I yield to the distinguished Senator from South Carolina 3 minutes.

Mr. THURMOND. Mr. President, I support the amendment offered by the distinguished and able senior Senator from Nebraska, Mr. CURTIS.

By elimination of the purchase requirement, the food stamp program then becomes an income supplement program and the participants might just as well be given the money. The elimination of the purchase requirements will no longer assure the participants in the food stamp program will devote a proper share of their resources for food, which is what I thought was the original intent of the program. In my opinion, it ceases to be a nutrition program.

Arguments have been put forth that families do not have sufficient funds to purchase food stamps. However, one must remember that there is no purchase requirement for families with small incomes or no income at all. In addition, under the purchase requirement system, a family which has difficulty in purchasing their stamps at one time may purchase portions of their food stamp allocations at four different times during the month.

Mr. President, I believe the purchase requirement necessitates a measure of discipline by the food stamp participant, which I think the American taxpayers have a right in demanding. I support this amendment and urge my colleagues to do likewise.

Mr. President, I think this is an important amendment, and I hope the Senate will sincerely consider it, because we feel it will have a measure of benefit in bringing more sanity into this program.

Mr. TALMADGE. Mr. President, I ask unanimous consent that this vote be limited to 10 minutes. If the Senator from Nebraska is ready to yield back his time?

Mr. CURTIS. I am.

Mr. DOLE. Reserving the right to object, I understand, Mr. President, there is a standing objection to this.

Mr. TALMADGE. We have had 10-minute record votes.

Mr. DOLE. They followed 15-minute votes and it was on the theory that some Senators are so far away that it is difficult to make the second vote. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CURTIS. I yield back my time.

Mr. TALMADGE. I yield back my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Nebraska. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) would vote "nay."

Mr. STEVENS. I announce that the Senator from California (Mr. HAYAKAWA) is necessarily absent.

The result was announced—yeas 31, nays 64, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—31

Allen
Baker
Bartlett
Bellmon
Byrd,
Harry F., Jr.
Byrd, Robert C.
Curtis
Domenici
Eastland
Garn
Goldwater
Griffin
Hansen
Hatch
Helms
Laxalt
Long
McClure
Nunn
Roth
Schmitt
Schweiker
Scott
Sparkman
Stennis
Stevens
Talmadge
Thurmond
Tower
Wallop
Young

NAYS—64

Abourezk
Anderson
Bayh
Bentsen
Biden
Brooke
Bumpers
Burdick
Cannon
Case
Chafee
Chiles
Clark
Cranston
Culver
Danforth
DeConcini
Dole
Durkin
Eagleton
Ford
Glenn
Hart
Haskell
Hatfield
Hathaway
Heinz
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Leahy
Lugar
Magnuson
Mathias
Matsunaga
McGovern
McIntyre
Melcher
Metcalf
Metzenbaum
Morgan
Moynihan
Muskie
Nelson
Packwood
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Sarbanes
Sasser
Stafford
Stevenson
Stone
Weicker
Williams
Zorinsky

NOT VOTING—5

Church
Gravel
Hayakawa
McClellan
Riegle

So Mr. CURTIS' amendment was rejected.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

UP AMENDMENT NO. 298

Mr. MUSKIE. Mr. President, I call up an amendment which I sent to the desk earlier.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Maine (Mr. MUSKIE) proposes unprinted amendment No. 298.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 106, line 25, delete "85 percentum of the cost of" and insert in lieu thereof "$2.25 per bushel."

On page 107 delete lines 1 to 4.

On page 108, line 3, delete $3.10" and insert in lieu thereof "$2.90".

On page 108, line 7, delete "$3.10" and insert in lieu thereof "$2.90".

On page 119, line 1, delete "(A)" and "crop, and".

On page 119 delete lines 2 and 3.

On page 119, line 4, delete "in the case of the 1979".

On page 120, line 10, delete "equal to the cost of production. The cost of" and insert in lieu thereof "$2.00 per bushel for each of the 1978 through 1982 crops of corn."

On page 120 delete lines 11 to 14.

On page 120, line 15, delete "1970."

Mr. MUSKIE. Mr. President, I say to my colleagues that earlier this afternoon I offered an amendment which undertook to cut back the target price for wheat for fiscal 1978, which shows up as outlays in the 1978 budget. That provision in the bill busts the budget; but a majority of the Senate voted to support the bill. So we are now half a billion dollars over this year's budget target in the agriculture function.

The amendment I have just called up is a logical extension of the first amendment, in that it undertakes to cut back the target prices for wheat and feed grains for the 4 years following 1978.

The implication of the vote that the Senate has already cast is that the first step in that 5-year program is approved, and I think the Senate's position on the next 4 years ought not to be ambiguous. The Senate ought to vote up or down whether or not to put in motion the uncontrollable spending that is triggered by this bill.

This bill covers $24 billion of spending for price support programs for fiscal years 1978 through 1982. That is $8 billion more than was requested by the administration, or $2 billion more a year.

The Senate is quite aware of the growth of uncontrollable spending in our budgets. In the 1978 budget, 77 percent of the spending is uncontrollable. It takes the form of entitlements and other forms which make it impossible for the Senate or the Appropriations Committee to do anything about more than 23 percent of the total spending.

This bill adds to that uncontrollable spending for the 5 years beginning with fiscal year 1978, and I think the Budget Committee ought to have the guidance of the Senate as a whole on whether or not that trend should be continued, and should gain momentum, as a result of this bill.

The Budget Committees can only be the creatures of the Senate and the House of Representatives. If Members tell us that is the way it has to be, that is the way we will report it to the Senate.

(Mr. MOYNIHAN assumed the chair as Presiding Officer at this point.)

Mr. CURTIS. Mr. President, will the distinguished Senator yield for a question?

Mr. MUSKIE. Yes, of course.

Mr. CURTIS. I am not trying to reargue the amendment we just voted on. The Senate has spoken; why fight about it? But had that amendment been agreed to, would the expenditures under the argiculture bill be in line with the budget resolution?

Mr. MUSKIE. As reported out of the committee, it still would have been—and I indicated the other pressures on the committee—above the resolution.

Mr. CURTIS. No, no. If the amendment we just voted on——

Mr. MUSKIE. The Senator's amendment?

Mr. CURTIS. Restoring the purchase price; if that had carried, would the bill have been in line with the resolution?

Mr. MUSKIE. No, it would not. It would still have exceeded the resolution by roughly $230 million.

Mr. CURTIS. I cannot understand that, because the amendment we turned down had a price tag, a high one of $2 billion and a low one of $500 million.

Mr. MUSKIE. I do not want to be confused as to what amendment the Senator is talking about.

Mr. CURTIS. I am talking about the amendment I just offered, which restored the purchase requirement for food stamps.

Mr. MUSKIE. That is what I thought. The answer to the Senator's question is this: The savings that would have been generated by the Senator's amendment just defeated would have been $270 million. The excess cost of this bill that I tried to eliminate with my amendment was close to $500 million. So the difference between the two is $230 million.

My amendment was defeated. If the Senator's amendment had been agreed to, it would have reduced the excess above the budget by $270 million.

Mr. CURTIS. Of course, my figures show it would save $2 billion, and the minimum I got is that it would save something over $500 million.

Mr. MUSKIE. I understand that every Senator has his own estimating machinery. It is very handy to have your own when you come to the floor, because you can challenge CBO, OMB, and USDA, and say, "These are the Muskie estimators, and they are more accurate than any official agencies or any other Senators." But I have the responsibility, may I say to the Senator, of using the CBO's estimate, because that is the institution created by the Senate. The figures I have given the Senator on my amendment as well as on his are CBO's estimates.

I yield to the Senator from Oklahoma.

Mr. BELLMON. Mr. President, I thank the distinguished Senator from Maine.

The farm bill is a very complicated document for those who do not work with it. I call the attention of the chairman of the Budget Committee to the fact that in this bill we also have a provision for a set-aside. If the Secretary of Agriculture will use that provision in the out years, and succeed in getting supply and demand in somewhat of a reasonable balance, so that market prices come up somewhat closer to the costs of production as this bill anticipates them doing, then these outyear costs will be substantially less than would be the case if the set-aside is not used.

I want to be sure that the chairman of the Budget Committee realizes this. I am not sure the Senator has caught my point, but I am saying that because of the set-aside provisions of this bill, if the Secretary will use those, he can bring supply and demand into closer balance, which will strengthen the market, and in that way reduce the cost of the program to the Treasury.

Mr. MUSKIE. Mr. President, I know that the distinguished Senator from Oklahoma, whose background and expertise in this field I respect greatly and value as a contribution to the Budget Committee's deliberations on agricultural problems, has made this argument in committee and has made it to me personally, and it is persuasive.

But I would like to say that in so far as our estimate of what the costs of these programs will be is concerned, USDA, which has the flexibility to which the Senator has referred, comes out with about the same estimate of the cost of this bill as does CBO.

Now, whether or not the Secretary has taken into account the flexibility which the Senator describes, I do not specifically know. I would be more than happy at some time, with the Senator from Oklahoma, to discuss that point with the Secretary of Agriculture, and it might be useful to us. But at this point I think we have to depend on the estimate that we have.

Mr. DOMENICI. Mr. President, will the Senator yield?

Mr. MUSKIE. If the Senator from New Mexico will permit me to finish presenting the amendment, it will not take but 3 or 4 minutes, and then I will yield to him.

Mr. DOMENICI. I will be pleased to do so. Then I shall have a few questions.

Mr. MUSKIE. Yes. What this amendment would do specifically is this: It would set the target price for the 1978 and later crops of wheat at $2.90 a bushel, as contrasted to the bill, which sets the target price at $3.10 a bushel. For years subsequent to that, the target price would be adjusted to reflect changes in production costs under S. 275.

Second, the amendment would set the target price for corn and other feed grains in relation to corn at $2 a bushel for 1978 and later years. The bill would set it at $2.28 a bushel, with subsequent changes which would reflect production cost changes.

With respect to minimum loan rates, the amendment would set minimum loan rates of $2.25 a bushel for wheat and $2 a bushel for corn in 1978 and subsequent years. The bill would set the loan rate at not less than 85 percent of the cost of production, adjusted annually to reflect changes in the cost of production.

The reasons for the amendment are these, and I think they are almost self-evident, from the argument I have made this afternoon:

First, it would reduce potential outlays for the years fiscal 1979 through fiscal 1982 by an average of roughly $2 billion annually.

Second, it would maintain flexibility and market orientation of loan rates to keep American farm products competitive in export markets instead of pricing them out of competition with escalating loan rates.

Third, it would cover farmer production costs without guaranteeing a profit and without further escalating land costs, as would be the case under the pending bill.

Finally, since this is entitlement legislation, once this bill is enacted into law at the higher rate, it would become virtually impossible to reduce spending that is generated by these new targets.

I have the responsibility to present this issue. I believe we have a responsibility, frankly, as an institution, to support the budget and to be concerned about the out-year consequences of what we do.

It is interesting that in the vote that was taken on my earlier amendment today, 18 of those who voted against my amendment—in other words, 18 of those who voted to increase spending, to bust the budget, to increase the deficit—voted against the first concurrent resolution in May.

If those 18, whose vote in May counseled budgetary restraint, had stayed with me on my first amendment, we would have carried it by an overwhelming margin.

What concerns me, and I say this in all candor, is this: The Budget Committee has now lost four successive votes on the Senate floor, three in connection with the first concurrent resolution and one this afternoon. Amendments supported by groups with a particular interest, which it is their privilege to advance, have found it possible to form coalitions to win votes for their point of view against the budget.

If this kind of practice develops, say Senators of various genius at detecting such trends, and if it develops real momentum, we can kiss the budget process good-bye.

That vote is behind us. We cannot take it up again. But now we are going to vote on the question of whether or not, for the fiscal year 1979 through 1982, to increase uncontrollable outlays in those fiscal years to the tune of $2 billion a year annually.

That is the issue in this amendment. Senators surely are capable of understanding it. They are capable of voting it. I am going to leave it up to them. At this point I yield to my good friend from New Mexico, if he wishes.

Mr. DOMENICI. I do have a question for the Senator from Maine. I have not been able to find the answer to it.

It is my understanding that we have had a target price on wheat for 3 years and we have not expended any money under that target price. Is that correct?

Mr. MUSKIE. I think that is true. That is true, in part, of course, for unusual reasons that influenced the market price. We had overseas sales. Perhaps that was the biggest unanticipatable development in the years that made that a certainty. But the very fact that farmers want these target prices as protection indicates that there is a risk as to what the market price will be. If that risk exists, it exists for Uncle Sam as well, when Uncle Sam commits to a target price. We happen to have come through those 3 years without deficiency payments of any consequence, and I gather none at all.

Mr. DOMENICI. I just wonder, did we, in any of the 3 years, estimate that it would cost us anything?

Mr. MUSKIE. The staff tells me that we did not include any estimates for deficiency payments in the last 2 budget years.

Mr. DOMENICI. The Senator is referring to target payments. Is that correct?

Mr. MUSKIE. Well, that is the same thing. We estimated that no outlays would occur.

Mr. DOMENICI. Why not?

Mr. MUSKIE I believe because of the unusual market conditions which promoted high agricultural prices. As the Senator knows, escalating food prices were very much a part of the inflation picture in 1974, 1975, and 1976. On the basis of recent historical experience, and relying upon the judgment of experts in this field, which we were not, we estimated that no deficiencies or no outlay effects would be generated by such a program. We relied upon the judgment of the Committee on Agriculture as well as the USDA, and other appropriate agencies.

Mr. DOMENICI. I asked the question. Certainly, I knew the answer, but I wanted the chairman of the Budget Committee to share with me that answer. The reason was that the market did not produce a situation in which this target came into play.

Mr. MUSKIE. That is correct. But I remind the Senator that I believe he attended the seminar we had this year on the prospects for agricultural prices in agricultural programs in the years that lie ahead. We are carrying over, I understand, 1.2 billion bushels of wheat. That certainly suggests that the upward pressure on prices that came from unanticipated overseas sales is not likely to have the same impact on market prices in the future as we experienced in the last couple of years. The carryover problem is a very serious one in terms of these programs and the risks that they may develop.

Mr. DOMENICI. I am not going to argue with the Senator about whether or not we carried anything in 1975 or 1976 under agriculture for budget authority or outlays. I am going to check it myself. It is my opinion that we did, and then we did not spend any money, because the estimates did not materialize. I will return to that in a moment.

I just want to say to my good friend from Maine that I believe I am as concerned about the budgetary process as he is. I want to explain my reason for not supporting him the previous time and my reason for not supporting him now. I have no further questions, but I am going to discuss this.

I come from a State which does not have wheat in the same abundance as some of the other agricultural States, although it is an important commodity. I will say to my good friend from Maine——

Mr. MUSKIE. Will the Senator yield so I may ask for the yeas and nays?

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. I say to my friend from Maine that I believe I am as concerned as he is about the budgetary process. I have on occasion, however, thought there were items of interest in America, substantively speaking, that were important enough for me to even consider voting so that the process might not work. I did that once in a conference, as the Senator knows. I was so concerned about a target figure in conference that I said, "Perhaps even the budget process ought to go down the drain on this one."

I do not say that today, because we are between the First Concurrent Resolution and the Second Concurrent Resolution.

I do say to the Senator from Maine that if he had gone into the wheatfields of my State in the last 7 or 8 months, he would have seen young men and old men who have been farming in the high plains of New Mexico and across the border in Kansas and Texas. They would come to the Senator and bring their books, I say to my friend from Maine, bring them to him in a public hearing.

Mr. MUSKIE. Will the Senator yield?

Mr. DOMENICI. Let me finish this thought.

The Senator does not need a subpena or a committee of this Senate. They would bring their books in front of the Senator and say, "Let us show Senators what it costs to produce a bushel of wheat." They show it costs 80 cents, 90 cents, or $1.20, on one farm where I saw the books, to produce the bushel of wheat. Look at the price wheat is bringing today. They say, "We did that the year before last, and we will do it for 2 years. But we are going to go broke."

We sit here today quibbling about whether we are going to give them a realistic target which I think our agricultural experts say is needed to keep them from leaving the scene as small entrepreneurs and businessmen. I say I have to go with them.

For 4 or 5 years we told them, "Produce, produce." The policy of this country was that. We got rid of billions of dollars in subsidies while they were producing and while the open and free market took care of it.

I say to the Senator and to the Members of the Senate, when they need us now, after 3 years when they did not get a penny from us, when they produced almost all of our foreign trade that equalized against our money going for oil—almost the only export business that was worth anything to America—we are going to say to them, "We don't want to give you a target price that will let you produce wheat and make a living."

And it will not. The target price that the Senator is cutting will not make them a living. It is a sort of minimal type of prevention from bankruptcy, if you have capital assets in your farm to borrow on again for 1 more year.

Mr. MUSKIE. Will the Senator yield?

Mr. DOMENICI. One more minute.

To my way of thinking, I look at this about the way I look at disasters in the Budget Committee. We do not plan for disasters in that First Concurrent Resolution. If someone comes along and says, "The disaster target figure there under public works only has $100 million in it and we had some big floods in this country, so let's break the target between First and Second Concurrent Resolutions," there is not a Senator around that is unwilling to break it for a disaster.

I say to my friends in the Senate that the wheat farmers in Ameria are in a disaster, just as surely as the disaster that came when the Teton burst. We found enough money in this budget down here to break the Second Concurrent Resolution for that one—not the first one—because people needed help.

I believe that as to the figure that has been offered as the basic target, we will not pay anything under that, I say to my friends in the Senate, unless the price of wheat goes below that which it will cost any reasonable American farmer to produce it.

I have more confidence than that in the marketplace. I do not believe we are going to pay this $2 billion a year that we are talking about. But I think it is a fair assurance to the farmers of America, especially the wheat farmers, that we expect them to continue to grow wheat for us and for the world and to be the strong backbone of our export market.

I know the Senator is concerned about farmers. He is concerned about ranchers. But he is also very concerned about the budget. So am I. I just choose, in this one, to gamble on the side of some people we owe, in my opinion, a guarantee that that is the barebones minimum. If that breaks the First Concurrent Resolution, I, as one of the Senator's committee members, who supports most everything he does, say that before we get through the Second Concurrent Resolution, with reestimates and other items that we will find, I am quite confident we will not be far off in the Second Concurrent Resolution when the Senate gets through with the rest of its work.

Having said that, I want to make one last point. I think this kind of entitlement program is very, very difficult for the chairman of the Committee on the Budget to be extremely certain on, because there are big contingencies.

Mr. MUSKIE. Will the Senator yield on that point?

Mr. DOMENICI. I am pleased to yield.

Mr. MUSKIE. Who said that the chairman of the Budget Committee was certain about these matters?

Mr. DOMENICI. Well——

Mr. MUSKIE. I have listened to the Senator for several minutes here, putting thoughts in my mouth that I never entertained.

Mr. DOMENICI. If we are not certain, then, I am suggesting we ought to go with the wheat farmer on this one. I guess that is what I am saying to my good friend.

Mr. MUSKIE. Let me respond to that.

I say to my good friend that his speech would be very moving to me, very moving, but for one thing: The Senator said that he could have taken me to his wheat fields 8 or 9 months ago and made the case for this bill. Why did not someone do so? The Senator knows, as well as I do, that the structure of this budget process is designed to surface ideas that respond to the real problems of our people. If Senators in this room who are close to the wheat farmers' problems knew, 8 months ago, that something like this was needed, they had a responsibility to develop it, to produce it, and report it to the Committee on the Budget by March 15. And they did not.

The Agriculture Committee did not. The Appropriations Committee did not. It did not surface until this bill came to the floor.

This bill was being considered in the Committee on Agriculture while we were marking up the budget resolution. Why, then, did not someone, in the Senate floor debate on the budget resolution, bring this bill to the floor and say, "Sorry, we did not quite finish this bill in time to submit it to the Budget Committee, but it ought to be considered by the Senate"?

It should have been brought to the floor at the time of the debate on the budget resolution.

Because it was not, the Senator from New Mexico says to me that I am trying to impose a $2.65 target price on the wheat farmers. By what right does the Senator from New Mexico make any such charge? I am enforcing the budget resolution. That is my responsibility.

If the budget resolution is not what it should have been with respect to these problems, who bears the responsibility? Who bears the responsibility? Those who are close to the problem, who did not move soon enough; those who are in a position to write new legislation and move it to the floor; those who are close enough to the problem to raise the issue when we are debating the budget resolution. And none of that was done.

We approved the budget resolution 10 days ago, just 10 days ago. Now, if the Senator thinks that the wheat farmers are the only people who have problems in this country that ought to be reflected in the budget, he is mistaken. The Senator knows that, in the very first budget resolution the Budget Committee ever considered, I advocated in committee $10 billion of programs to deal with the problems of the unemployed, to deal with the problems in cities and communities whose revenues were shrinking, to stimulate the economy. And the Senator was one of those in committee who voted against my proposal.

Mr. DOMENICI. Which one?

Mr. MUSKIE. The $10 billion stimulus package. The Senator voted against the proposal. I came to the floor and defended, not my $10 billion stimulus package, but defended what you of the majority decided in the budget resolution was in the national interest.

Mr. DOMENICI. How much was that?

Mr. MUSKIE. If I come to the floor every time my heart is stirred by problems back home, I am going to offer amendments like this one. Why should I not? I have voted against positions I have taken in the Budget Committee over and over again, positions I believed in. But the Senator tells me there is a different standard that ought to hold; that if a member of the Budget Committee is sufficiently moved by people problems, he responds to his own instinctive generosity and forgets the process.

Six members of the Budget Committee voted against my earlier amendment. That is their prerogative. But is the day going to arrive when only the chairman of the Budget Committee votes to support the congressional budget? Who else has a responsibility to do that?

Does the Senator think I take gratification out of coming here and stimulating the kind of criticism the Senator has indulged in, that I am trying to impose a substandard of living on the wheat farmers of his State and other States? I surely do not. What I am fighting for is a process which, if it works, will make it possible for us to do a better job—not only for the wheat farmers, but also for all whose problems will not be adequately served by an overstrained budget, by wasted resources, or by an inadequate sense of priorities. And if that process will not do it, then there is no way of doing it.

So, once in a while I have to say "No" to worthy causes, and I will have to vote for them when I can. But I cannot have it both ways as, apparently, some Senators would.

I repeat that 18 Senators who voted against my amendment earlier this afternoon voted against the budget resolution in May when it had too high a deficit.

Now, what kind of budget process is that?

The PRESIDING OFFICER. The time of the Senator from Maine has expired.

The Senator from Georgia has 30 minutes.

Mr. TALMADGE. Mr. President, how much time does the Senator want?

Mr. MELCHER. Three minutes.

Mr. TALMADGE. I yield 3 minutes to the distinguished Senator from Montana.

Mr. MELCHER. I thank the chairman.

Mr. President, we in this country are really blessed with a great agriculture. We fulfilled, I believe, Jefferson's dreams of developing agricultural capability that is greater than that of any other country on Earth.

Jefferson foresaw that if we developed that kind of agricultural economy in the United States, the crops of America would find their way all around the world.

Wheat is one of those crops. American wheat is known, sought for, and used in more than 30 other countries, either in cash purchases or through food for peace.

The argument was made earlier this afternoon that there was not enough time concerning the 1977 crop for such a figure as $2.90 per bushel target price on wheat. We settled that—I hope we settled it—by a vote rejecting the amendment offered by the distinguished Senator from Maine.

But here we are, back on the same argument, not talking about what necessary time there is for the congressional budget process, but we are talking about what is the target price for the 1978 crop and the three succeeding crops.

The price in the bill for 1977, for the 1978 crop and for the succeeding crops, is already too low. It is not satisfactory. It is not enough. Farmers have escalating costs.

As has been stated earlier today and stated yesterday, Congress in its wisdom passed a bill setting the target price for 1975 wheat at $3.10 and the cost escalated from then.

That particular bill was vetoed. But Congress found it right on the 1975 crop at $3.10.

Costs have gone up for wheat farmers since that time.

The Senator from Maine argues that we have a serious problem with a mounting surplus of wheat. That is not a problem.

Mr. MUSKIE. Will the Senator yield?

Mr. MELCHER. Yes, I am delighted to yield to the Senator.

Mr. MUSKIE. I do not think I said anything like that. I referred to the carryover we have.

Mr. MELCHER. That is right.

Mr. MUSKIE. But what is unreasonable is that is not a judgment I suggested.

Mr. MELCHER. The Senator referred to it, the carryover, as a serious problem.

Mr. MUSKIE. No, I did not.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. MELCHER. One additional minute.

Mr. MUSKIE. Might I state what I intended to say?

Mr. MELCHER. Yes.

Mr. MUSKIE. What I said was that the carryover, 1.2 billion bushels of wheat, reduces the possibility that overseas sales might generate upward pressures on prices in a way that they did when we had a coincident high overseas sales and a smaller carryover.

The Senator knows more about this problem than I do. But that was what I intended to say.

Mr. MELCHER. I appreciate the clarifying remarks of the Senator from Maine, and I think he puts it in a much better perspective.

Having an abundance of wheat is a blessing. It is in the national interest to have it. We should not be worrying here over whether we are adding a little to the price to allow these wheat farmers to survive until the day the wheat demand is such that the marketplace is aware the price of wheat is not $2.90 a bushel, $3.10 a bushel, but where the marketplace is a fair price—about $4 or $4.25 for a bushel of wheat.

That is what we are about here now in this bill, trying to give the wheat farmers a survival price—not an adequate price, but a survival price—until a better day, until the market itself provides an adequate price structure, to give them not only their cost of production, but some slight margin of profit, also.

Mr. President, I hope the amendment of the Senator from Maine is defeted.

Mr. DOMENICI addressed the Chair.

Mr. TALMADGE. I yield 4 minutes to the distinguished Senator from New Mexico.

Mr. DOMENICI. I thank the Senator from Georgia.

Mr. President, I say to my good friend from Maine that if I said something that was a personal affront to him, I apologize. I did not intend it. I never intended it, and I am sorry if I left any implication that he personally was doing anything to anyone with his amendment.

I understand the responsibility the Senator bears.

Having said that, let me say I do not believe we can take targets like the one we have before us in the first concurrent resolution that have a number of items within it when we report them.

I do not see how we can come to this floor with such specificity about one program within it.

What I am saying is that one of us could come here and say that food stamps were $3 million, $4 million, $5 million too high, and if we cut that we would be within the budget.

Somebody could come here and say the agricultural research is $150 or $200 million too high and propose we cut it.

The programs within this target are looked at en bloc by the Budget Committee. The good Senator is perfectly within his rights to predict that if this particular one moves as recommended by the committee, the target may be busted.

But I suggest that there are many programs within that target, and we have the prerogative of looking at all of them.

Having said that, I am going to say that the price of wheat has even been—since the Budget Committee considered its first concurrent resolution. Maybe that is justification to reconsider a target level that will cause American farmers to go broke and to add a bit to the target as protection to keep a few of them in business who have had to sacrifice for all these years.

Another thing, many people have talked about the inflationary impact during the big crisis we had 3 years ago when wheat went up.

I say, in behalf of the wheat farmer, that wheat was as high as $5.10 and $5.25 a bushel. We heard people across this land talking about what it was going to do to the price of bread. Well, I say to my fellow Senators, the price of wheat is $1.85 a bushel.

If that kind of logic held, a loaf of bread ought to be worth about 30 or 40 percent less today than it was at $4.25 and $5.25. It is higher. So those who are worried about the inflationary impact when wheat will once again get to the price where our farmer can make a living ought to study those statistics.

How come bread is higher today, when wheat is $1.85 a bushel, than it was when it was $5.25 a bushel? That is what the Senator ought to be thinking about if he is worried about that.

Having said that, I repeat that I am staunchly in support of the budget process. I admire and respect the chairman of the Budget Committee. But if ever there was a cause for us to put in a contingency, this is it. I look at this as a contingency. We may never need it, yet we have to add it up in this budget process. If ever there was a cause to put in the target figures that are recommended by the committee, it is for the wheat farmers of the United States.

If we want to stand here today and talk about the worst possible case, if everything goes down the drain, and we have to pay out under this particular target, and that is what it is going to cost, perhaps what the Senator from Maine said—I hope we do not have to; I hope things get better—but the bare minimum that we owe them is a realistic target price.

I say to my good friends in the Senate, that even with it, the wheat farmer will not make a living. I submit that this is a contingency for which we ought to provide. Let it be accommodated in the second concurrent resolution, and no one need be embarrassed if we cannot stay within the target on this one. We will reconcile it in the next 3 or 4 months. It is probably the best use of contingency dollars that any of us could make for the future of our country.

Mr. TALMADGE. Mr. President, I yield such time as the distinguished Senator from Kansas may desire.

Mr. DOLE. Mr. President, I will just take a moment. I think the distinguished Senator from New Mexico has said it much better than the Senator from Kansas can, but I will remind those who may have been here for the last vote that we were then talking about the 1977 target price for wheat.

That issue has been settled. We are not just talking about the wheat producers and the wheat program. The issue now includes corn, grain sorghums, barley, rye, and oats, so it has expanded now, and again I do not fault my distinguished chairman of the Budget Committee. In fact, I voted for the first concurrent resolution and voted for the conference report, and I am a member of that committee.

But I understood, when that committee was formed, that we were not bound by the first concurrent resolution, and that we were to look at the total budget. We did not try to "line-item" and pick out selective programs.

I think the distinguished Senator from Mexico, the distinguished Senator from Montana, and others have made the point about the plight of the American wheat producer or farmer in general.

If we want to get back to specifics, the administration recommended a $7.20 target price for rice. We did not accept that administration recommendation. We raised it to $8.40 for rice.

I remind my rice producer friends that the committee spent a lot of time looking at all the testimony and all the espects of the bill, and after 17, 18, or 20 some sessions, we came to the floor with a good program, fair to all commodity producers.

I do not fault the chairman for raising the budget implications, but I do suggest that we are not bound by the first concurrent resolution. We still have a conference to go to. We may have to make some decisions in the conference that may vary the figures. So I hope the Muskie amendment is defeated. Again I suggest that this does not touch just the wheat program. Now we are talking about a great many more commodity programs.

Mr. TALMADGE. Mr. President, does the distinguished Senator from Maine desire me to yield to him?

Mr. MUSKIE. I do.

Mr. TALMADGE. I yield 2 minutes to the Senator from Maine.

Mr. MUSKIE. I thank my good friend, the floor manager, who has been so considerate in this whole debate.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the distinguished chairman of the Committee on Agriculture dated April 4, 1977.

The interesting thing is that subfunction 351, farm income stabilization programs, is listed in this letter with budget authority of $1.5 or $1.6 billion, with outlays of $1.2 billion—that is the base—and no change recommended. Let me repeat, no change recommended.

This is April 4 of this year. The number that is included is less than the number we included in the resolution. No change is recommended.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY,
Washington, D.C., April 4, 1977.
Hon. EDMUND S. MUSKIE,
Chairman, Senate Budget Committee, Washington, D.C.

DEAR MR. CHAIRMAN: I understand that there was some confusion about the budget recommendations of the Committee on Agriculture, Nutrition, and Forestry, when you took up function 350 today. I think the following information will set the record straight.

The Committee's recommended changes to the President's budget in millions include:

[In millions of dollars]

	Base	Change	Total
351:			
BA	1, 588	NC	1, 588
O	1, 188	NC	1, 188
352:			
BA	1, 193	244	1, 437
O	1, 196	235	1, 431
Total:			
BA	2, 729	244	2, 973
O	2, 333	235	2, 568

Since that time the base has been changed. However, our net increases should be maintained. In addition, there is $800 million of increase outlays in subfunction 351 that the Committee fully anticipates for fiscal 1978. This should be added to the 351 and 350 funding for fiscal 1978.

I trust this information will be of benefit to your Committee.

With every good wish, I am,

Sincerely,

HERMAN E. TALMADGE.

Mr. MUSKIE. With respect to the suggestion of the Senator from New Mexico that I am posing the worst possible case, I have had to answer that argument at least three times this afternoon. These estimates are not based on the worst possible case. I put in the RECORD a letter from Alice Rivlin, Director of CBO, explaining the basis on which the estimates are made. They are not the worst possible case; they are an effort to project normal expectations based upon the last 5 years of historical trends. It is not the worst possible case. Some basis has to be used, and if the Senator from New Mexico or anybody else has a better base to suggest that we can adopt as a uniform basing policy, I would be glad to consider it. But I have to use the estimates prepared for us, and they are not the worst possible case.

Mr. President, I have talked too much today, and I do not find that this kind of talk rests comfortably with my colleagues. I ask unanimous consent to have printed in the RECORD an article that appeared in the Washington Post on Sunday on the congressional budget process.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 22, 1977]

CONGRESSIONAL BUDGET PROCESS

(By James L. Rowe, Jr.)

The going has been tough for the congressional budget process in recent weeks. So tough, in fact, that observers might conclude Congress had clamped down severely on its spending and, as a result, was having troubles with self-discipline.

Congress did have difficulties with self-discipline, but it is not apparent that they stemmed from a real tightening of the purse. Overall spending for fiscal 1978 will be about 12.6 per cent higher than in 1977—outlays of $460.95 billion in 1978 compared with $409.2 billion in the current fiscal year.

When the House Budget Committee had a chance to initiate savings by cutting back on impact aid to school districts, the committee dropped the idea although every President since Eisenhower has opposed the aid.

The process came close to breaking down in the House, where conservatives, claiming too little was being offered for defense, succeeded in boosting spending in that sector. But these same conservatives did not like the overall deficit, so they joined with liberals irked by the high defense spending to defeat the overall budget resolution.

Reb. Robert N. Giaimo (D-Conn.), chairman of the House Budget Committee, hammered out a compromise acceptable to to enough Democrats to report out a budget a week later.

But it contained several billion dollars less for defense than did the Senate version. House conferees headed by Giaimo, and Senate conferees led by their budget committee chairman, Edmund S. Muskie (D-Maine), squabbled for three days until they agreed on a defense figure about midway between the House and Senate proposal, but a little closer to the House's.

To hear the defense proponents such as Rep. Richard Ichord (D-Mo.), Rep. Omar Burleson (D-Tex.) or Sen. Ernest F. Hollings (D-S.C.) talk, an adequate national defense was being endangered by liberal spending programs.

"How are we going to beef up NATO?" demanded Rep. Delbert L. Latta (R-Ohio), ranking minority member on the House committee during the conference. "With food stamps?"

As it turned out the committees voted for both guns and butter.

Military spending, which took a substantial real increase in the 1977 budget, rose 12.2 per cent, from $98.9 billion to $111 billion.

Non-defense spending such as housing and other social programs did not take it on the chin, however, as the debate on the House floor might have led some to believe. After the interest on the public debt is removed from nondefense programs, outlays will rise 12.7 per cent this year.

While spending plans for 1978 were rising sharply despite rhetoric to the contrary, Congress did hold back a bit on boosting budget authority—which permits agencies to commit themselves to spend money either in the next fiscal year, which starts Oct. 1, or later.

In defense procurement programs, for example, budget authority might be much more important than outlays. A five-year, billion-dollar weapons program might have only $10 million in outlays the first year.

But again, defense budget authority rose by 8.9 per cent; non-defense budget authority, by 5.7 per cent.

Also, while the budget process permitted large increases in defense and non-defense spending, it did trim back by many billions some of the plans submitted by authorizing committees in mid-March.

The real, if temporary, breakdown in the congressional budget process—set up to give Congress the same ability to judge overall spending as the executive branch possesses—did not come because of any substantive belt-tightening this year, despite what was said during the congressional debate.

Interviews with staffs of the committees as well as legislators themselves indicate that the several impasses can be attributed instead to the convergence of several factors:

A substantial minority of congressmen on both sides of the aisle felt that their pet programs—social or defense—could do better without a budget process, without measuring them against other priorities. Even Sen. Pete V. Domenici (R.-N. Mex.), a strong supporter of the buget process, admitted at the House-Senate conference that he could not support a budget which he felt cut too much from defense.

The AFL-CIO has opposed the budget process from its inception, fearing that it would force Congress to cut spending on those programs organized labor supports.

There was a lapse on the part of the House leadership during the first debate on the budget resolution when defense spending was boosted substantially with the help of some administration lobbying. Then other spending was boosted, resulting in a budget that satisfied no one.

The loss of some automatic votes in order to preserve a fledgling process that is now two or three years old.

The House always had more problems than the Senate in writing a budget. That is due partially to the bi-partisan approach the committee has taken under Muskie, with Sen. Henry L. Bellmon (R-Okla.) more of a partner than ranking opposition. But it also comes about because Muskie, wisely or otherwise, has challenged the Senate appropriations committees less than the House committee has—first under Brock Adams of Washington state, who is now Transportation Secretary, and then under Giaimo.

[In billions of dollars]

Function	Carter update (Apr. 22, 1977)	Congress (May 17, 1977)
FISCAL 1978 OUTLAY ESTIMATES		
Defense	$112.8	$111.00
International affairs	7.2	7.30
General science	4.7	4.70
Natural resources, energy	20.9	20.00
Agriculture	4.4	4.35
Commerce	19.9	19.40
Community development	9.9	10.80
Education, training	27.0	27.20
Health	44.6	44.30
Income security	148.7	[1] 147.70
Veterans' benefits	18.8	20.20
Law enforcement	3.8	3.85
General government	4.0	3.85
Revenue sharing	9.7	9.70
Interest	40.9	43.00
Allowances	1.2	.90
Offsetting receipts	−16.0	−16.30
Total	462.6	461.95
	Carter	Congress
1978 BUDGET ESTIMATES		
Outlays	$462.6	[1] $461.95
Revenues	404.7	[1] 397.30
Deficit	57.9	64.65
Budget authority	498.9	503.45

[1] Congressional outlay figures adjusted to conform to President's. President treats earned income credit as an outlay, Congress as a revenue offset. So the $1,000,000,000 of earned income credit has been added both to Congress outlays and Congress revenue estimates. Does not affect deficit, but is an unresolved accounting controversy.

Mr. MUSKIE. I will read the first two paragraphs. I know we are accused of being "Scrooge" here, in effect, this afternoon.

The going has been tough for the congressional budget process in recent weeks. So tough, in fact, that observers might conclude that Congress had clamped down severely on its spending and, as a result, was having troubles with self-discipline.

Congress did have difficulties with self-discipline, but it is not apparent that they stemmed from a real tightening of the purse. Overall spending for fiscal 1978 will be about 12.6 percent higher than in 1977—outlays of $460.95 billion in 1978 compared with $409.2 billion in the current fiscal year.

The spending was at those levels because we responded to Senate committees as well as the administration and groups with particular problems. We responded to the Committee on Agriculture. We went farther than the Committee on Agriculture asked us to go.

We responded to the higher numbers that the House Committee on Agriculture put in for outlays in this function because we wanted to give as much room as possible.

Now I am accused of being a Scrooge: "Don't be too tight, don't be too restrictive," and "This budget is too tight and too restrictive."

I do not know what we have to do. The Senator from Virginia (Mr. HARRY F. BYRD, JR.) berated us in May for proposing spending $50 billion more in fiscal 1978 than in fiscal 1977. He said, "Why is this necessary?"

Well, I hope Senator BYRD is getting a lesson from the debate on the Senate floor this afternoon. It is necessary because the Budget Committee has tried to respond to the judgment of other committees on real needs, and now we are told that the response has been inadequate insofar as the Committee on Agriculture is concerned—that it is inadequate.

Well, how many more times are we going to hear that argument from other committees reading this record, reading the vote of steady defeats by the Budget Committee? We are going to get other evidence because the response of the Budget Committee was inadequate.

I am willing to lay odds that that is what is going to happen. So the first resolution targets are going to prove meaningless. The real targets are going to be set in the appropriations bills and the spending bills, and then in the second concurrent resolution all we are going to do is to add up the totals of what we have spent in the appropriations bills and in spending bills such as this, and come back to the Senate and say, "There is your budget discipline. You told us what to do. Targets meant nothing. The Senate has maximum flexibility."

So we add them up, add up the bills as they come through, these appropriations and entitlement bills, and whatever the total is, that is going to be our second concurrent budget resolution.

The budget resolution will survive forever after because that is the way we always did it for most of the last 200 years, and we are going to start doing it all over again, and maybe that is the way the Senate likes it.

Mr. TALMADGE. Mr. President, I know of no other request for time, so if the Senator is ready to yield—I believe he has used all his time—I am prepared to yield back the remainder of my time and vote.

I yield back the remainder of my time, and I believe the yeas and nays have been ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Michigan (Mr. RIEGLE), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) would vote "nay."

Mr. STEVENS. I announce that the Senator from Nevada (Mr. LAXALT) is necessarily absent.

The result was announced—yeas 43, nays 51, as follows:

[Rollcall Vote No. 166 Leg.]

YEAS—43

Allen
Biden
Brooke
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chafee
Chiles
DeConcini
Durkin
Garn
Glenn
Griffin
Hatch
Hathaway
Heinz
Helms
Hollings
Javits
Leahy
Mathias
McClure
McIntyre
Metzenbaum
Morgan
Moynihan
Muskie
Nunn
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Sarbanes
Sasser
Schweiker
Scott
Stafford
Wallop
Weicker
Williams

NAYS—51

Abourezk
Anderson
Baker
Bartlett
Bayh
Bellmon
Bentsen
Bumpers
Burdick
Clark
Cranston
Culver
Curtis
Danforth
Dole
Domenici
Eagleton
Eastland
Ford
Goldwater
Hansen
Hart
Haskell
Hatfield
Hayakawa
Huddleston
Humphrey
Inouye
Jackson
Johnston
Kennedy
Long
Lugar
Magnuson
Matsunaga
McGovern
Melcher
Metcalf
Nelson
Packwood
Pearson
Schmitt
Sparkman
Stennis
Stevens
Stone
Talmadge
Thurmond
Tower
Young
Zorinsky

NOT VOTING—6

Church
Gravel
Laxalt
McClellan
Riegle
Stevenson

So, Mr. MUSKIE's amendment was rejected.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TALMADGE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. TALMADGE. Mr. President, for the information of the Senate, if we may have order so I can be heard, I know of no other controversial amendments. I know of three or four amendments, which have been discussed with the committee and with the staff, that we can accept, and they should take only a few minutes.

So if the Senators who have submitted those amendments that have been cleared with the managers of the bill will present them, I think we can make very rapid progress and be able to pass this bill within the next hour.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

UP AMENDMENT NO. 299

Mr. MELCHER. Mr. President, I call up an amendment which I have at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. MELCHER) offers an unprinted amendment numbered 299:

On page 200, line 25, insert the following: After "ent" insert a comma and add, "regardless of the dependent's age,"

Mr. MELCHER. Mr. President, this is an amendment that I think will be accepted both by the chairman of the committee and the ranking Republican member of the committee. It makes clear that in computing the household income and avowing the deductions for dependent care, the dependent may be a dependent of any age. It could be an elderly person or an incapacitated person requiring care in the household, and the age would not be a point. I believe this merely clarifies the intent of the committee.

Mr. TALMADGE. Mr. President, the Senator has stated the amendment correctly. I have had the privilege of examining it and discussing it with the ranking minority member, and we agree that the amendment only makes clear language already adopted and in the bill; so I urge the Senate to approve the amendment.

Mr. MELCHER. I thank the chairman.

Mr. TALMADGE. I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Montana yield back the remainder of his time?

Mr. MELCHER. I yield back the remainder of my time, and urge a vote.

The PRESIDING OFFICER (Mr. HUDDLESTON). The question is on agreeing to the amendment of the Senator from Montana.

The amendment was agreed to.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. EAGLETON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 300

Mr. EAGLETON. Mr. President, I have an unprinted amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Missouri (Mr. EAGLETON) proposes an unprinted amendment No. 300.

Mr. EAGLETON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 318, between lines 12 and 13, insert a new section as follows:

AUTHORITY TO DEFER PAYMENTS ON CERTAIN EMERGENCY FARM LOANS

SEC. 1608. Section 331 of the Consolidated Farm and Rural Development Act is amended by adding at the end thereof a new subsection as follows:

"(j) in any area eligible for emergency loans under subtitle C, permit, at his discretion, the deferral of principal and interest on any outstanding loans made, insured, or held by the Secretary under this title, or under the provisions of any other law administered by the Farmers Home Administration, for not to exceed three years from the date of such deferral.".

On page 318, line 14, strike out "Sec. 1608" and insert in lieu thereof "Sec. 1609".

Mr. EAGLETON. Mr. President, this unprinted amendment would authorize the Farmers Home Administration to defer principal and interest payments on any outstanding FmHA loan for up to 3 years in areas that have been declared eligible for disaster assistance.

This amendment would fill a gap in our present disaster loan program, which allows the FmHA to pile loan on top of loan but denies it the authority to grant simple loan extensions which is often the only kind of help a farmer needs. I understand that the Small Business Administration Act authorizes these kinds of deferrals but the most the FmHA can do is carry some loans on a delinquent basis. Few farmers I know have an interest in acquiring that kind of blot on their credit rating.

For the farmers caught up in disaster situations, repayment of past Farmers Home Administration loans is a serious burden. New loans will not help farmers already strapped by payments on outstanding disaster-relief loans. In some cases, I believe the deferral of existing FmHA loan obligations may even make new loans unnecessary. The purpose of the disaster-relief loan program is to get the small farmer back on his feet, not to drive him further into a financial sinkhole. By granting repayment deferrals on these loans we will save money in the long run, both in terms of agricultural production and in terms of loans which will eventually be paid back rather than defaulted.

I think there is a pressing need for this kind of loan authority and I hope the manager will accept the amendment.

Mr. President, I have discussed this amendment with both the chairman of the committee (Mr. TALMADGE) and the ranking Republican member of the committee (Mr. DOLE).

Mr. TALMADGE. Mr. President, the Senator has discussed the amendment with both Senator DOLE and myself. It would permit the Farmers Home Administration only permit, not make mandatory—a 3-year moratorium on principle and interest in disaster areas. Under those conditions, inasmuch as it is permissive, and inasmuch as it is limited only to disaster areas, I believe it is a good amendment, and I urge the Senate to adopt it.

Mr. DOLE. We have no objection on this side.

Mr. MAGNUSON. Will the Senator yield for a question?

Mr. EAGLETON. I yield.

Mr. MAGNUSON. I know the Senator, in speaking about disaster areas, is talking about hurricanes, or things of that kind. In my area of the country, and in other places, there is a question of drought. Then the question is, when does it become a disaster? There is no water, but the results may be the same as from a storm or a flood.

Would this apply to that situation if the Governor of the State had asked that it be declared a disaster area? Once it is declared a disaster area, would this amendment then apply?

Mr. EAGLETON. That is correct. Once the Governor requests and the President certifies a certain area as a disaster area, then it is permissive that forgiveness be exercised in those areas. It is not mandatory.

Mr. MAGNUSON. It is permissive to have this moratorium.

Mr. EAGLETON. That is correct.

Mr. DOLE. Mr. President, I would like to speak briefly of the difficulties resulting from the past severe winter weather in northwest Kansas and portions of the neighboring States of Nebraska and Colorado.

FARMERS HIT HARD

On the night of March 10, and through the entire day of March 11, and part of March 12, 1977, a very severe blizzard struck northwest Kansas, northeast Colorado, and southwest Nebraska. The driving snowstorm created destruction of electric utility lines, livestock, fences and fence poles, and much more that has yet to be assessed. The hardships endured by the people of these areas have been great. Farm families, in particular, are faced with absorbing the cost of the disaster at a time when they already are paying extremely high costs of energy. In addition, farmers of northwest Kansas, northwest Colorado, and southwest Nebraska have been hard hit by declining commodity prices.

CARTER'S INSENSITIVITY

It is beyond me to understand how the administration can justify the denial of Federal assistance to the affected areas in these three States. How can President Carter, who throughout his campaign repeatedly acknowledged the plight of the farmer and promised to assist in improving the farm industry, turn his back on what is clearly a farm-related major disaster? The lack of Federal assistance is very likely to affect the agriculture-based economy of the affected areas. This impact will eventually affect all Americans through their food costs.

POLITICAL GAMES

I have recently become very concerned as to the degree political decisions have played in the denial of Federal assistance in what is a very important function in our country—food production.

NEED FOR CLARIFICATION

Mr. President, as I understand, the Federal Disaster Assistance Administration has been exerting its principal efforts in looking for ways these affected areas might survive without Federal assistance—and not how they can truly provide fast and efficient assistance to major disaster victims.

The Federal Disaster Assistance Administration has tried to divert attention away from their responsibility of providing Federal grant assistance by emphasizing the availability of Rural Electrification Administration—REA—loans. These loans are at 2-percent interest over a 35-year payback period—a measure which only spreads the hardship of disaster victims over a long period of time. Some of these areas are still paying on REA loans of past disasters.

Mr. President, once and for all, the intent of Congress and the role of the administration with respect to the Federal disaster assistance law needs to be clarified beyond any further misunderstanding.

Mr. President, I personally suggest that the President meet with Members of Congress from the affected States as soon as possible. A meeting with the President would serve to clarify and tie together the many loose ends that have developed throughout this very uncoordinated process.

The PRESIDING OFFICER. Is all time yielded back?

Mr. TALMADGE. Mr. President, I yield back the remainder of my time.

Mr. EAGLETON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. EAGLETON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 301

Mr. CHILES. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Florida (Mr. CHILES), for himself and Mr. DOMENICI, proposes an unprinted amendment No. 301.

Mr. CHILES. Mr. President, I ask unanimous consent to dispense with the reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 220, strike out lines 9 through 21 and insert in lieu thereof the following:

"(h) Notwithstanding any other provision of law, the Secretary and the Secretary of Health, Education, and Welfare shall develop a system by which (1) a single interview shall be conducted to determine eligibility for the food stamp program and the Aid to Families With Dependent Children Program under part A of title IV of the Social Security Act and, to the greatest extent feasible, for the supplemental security income program under title XVI of the Social Security Act. To the greatest extent feasible, eligibility determination forms for food stamp applicants who are recipients of, or applicants for, benefits under the Social Security Act programs referred to above shall not include information collected in connection with such Social Security Act programs; and (2) where administratively feasible, applicants for and recipients of Social Security or Supplemental Security Income benefits may apply for food stamps at Social Security offices and be certified for food stamp eligibility in such offices.

On page 227, after line 13, insert the following:

"(d) The Secretary shall establish a realistic set of national error tolerance level goals to improve quality control and administrative efficiency under this Act. Separate goals shall be set with regard to:

"(1) Value of overissuance of food stamp allotment for households which fail to meet basic program eligibility requirements;

"(2) value of overissuance of food stamp allotment for eligible households;

"(3) value of food stamp allotment underissued to eligible households; and

"(4) invalid decisions to certify or deny eligibility.

Interim tolerance levels shall be established for achievement at the end of one year and two years following the date of enactment of this section.

"(e) (1) Each State shall be required to develop and submit to the Secretary for approval, as a part of the plan of operation required to be submitted under section 11(d), a quality control plan for the State which shall specify the actions such State proposes to take in order to meet the error tolerance goals established by the Secretary. The quality control plan for any State shall specify the anticipated caseload work for the coming year and the manpower requirements needed and the specific administrative mechanisms proposed to be used to carry out the food stamp program in such State and to meet the error tolerance goals established by the Secretary.

"(2) The Secretary shall approve any quality control plan submitted by any State if he determines such plan will achieve the goals established.

"(3) As used in this section, the term 'quality control' means monitoring and correcting the rate of errors committed in determining the correct level of benefits to be provided households upon certification of their eligibility.

(4) If any State fails substantially to carry out the State quality control plan approved by the Secretary for such State for such year, the Secretary shall withhold from the State an amount equal to not less than 10 per centum of the funds which would otherwise be payable to such State under Subsections (a) and (c) of this section for such fiscal year.

On page 227, line 14, after "DEMONSTRATION" add a semicolon and the following: "PROGRAM EVALUATION; ANNUAL REPORT".

On page 228, between lines 19 and 20, insert the following:

"(d) (1) The Secretary shall prepare and submit to the Congress, at the same time the President submits his budget to the Congress each year, an annual evaluation plan setting forth the Department of Agriculture's plans for evaluating the major objectives of the food stamp program, the extent to which such objectives are being achieved, and the cost and time requirements for carrying out such plans.

"(2) The Secretary shall indicate in his annual evaluation plan the issues and objectives to be evaluated. Such issues and objectives shall specifically include—

"(A) the nutritional intake of the individuals participating in the food stamp program;

"(B) the relative fairness of the food stamp program between different income levels and age groups;

"(C) the relative fairness of the food stamp program as between different regions of the United States;

"(D) an evaluation of the success of the outreach programs; and

"(E) an evaluation of any other issues and objectives specified by the Secretary.

"(e) The Secretary shall prepare and submit to the Congress, at the same time the President submits his budget to the Congress each year, a report entitled 'Annual Report on the Food Stamp Program'. The Secretary shall include in such report—

"(1) a summary of the achievements, failures, and problems of the States in meeting the quality control goals established under section 16(d) of this Act;

"(2) recommendations for an analysis of quality control goals for the next one and two year periods;

"(3) a summary of all evaluation activities conducted by the Department of Agriculture in accordance with the annual evaluation plan provided for in subsection (d) of this section;

"(4) recommendations for program modifications based upon an analysis of quality control and evaluation information;

"(5) recommendations for any additional issues for evaluation; and

"(6) such other recommendations for legislative or administrative action as the Secretary may deem appropriate.

On page 229, line 17, strike out "one-eighth" and insert in lieu thereof "one-fourth".

On page 262 insert between lines 10 and 11 the following new section:

"NUTRITIONAL STATUS MONITORING

SEC. 131(a). The Secretary and the Secretary of Health, Education and Welfare shall formulate and submit to the Congress, within ninety days after the date of enactment of this section, a proposal for a comprehensive nutritional status monitoring system, to include:

(1) an assessment system consisting of periodic surveys and continuous monitoring, to determine the extent of risk of nutrition-related health problems in the United States; which population groups or areas of the country face greatest risk; and the likely causes of risk and changes in the above risk factors over time;

(2) a surveillance system to identify remediable nutrition-related health risks in individuals or local areas, in such a manner as to tie detection to direct intervention and treatment. Such system should draw on screening and other information from other health programs, including those funded under titles V, XVIII and XIX of the Social Security Act and section 330 of the Public Health Service Act; and

(3) program evaluations to determine the adequacy, efficiency effectiveness and side effects of nutrition-related programs in reducing health risks of individuals and populations.

(b) The proposal shall coordinate activities under existing authorities and make recommendations for any additional authorities necessary to achieve a comprehensive monitoring system.

Mr. CHILES. Mr. President, this amendment, on behalf of myself and Senator DOMENICI, would make several changes to the bill. We have discussed this amendment with the chairman and the ranking member of the committee.

The first provision would require a single eligibility interview and, as much as possible, identical forms to be used not only for the food stamp recipient, but also for an AFDC household and for an SSI recipient. This amendment strengthens the provisions in the committee bill to get the different agencies to work together.

This would be easier for both the recipient and the workers. It would reduce the paperwork, and it would help the elderly who find it difficult to travel from office to office.

Also, it would provide for improvements in the area of quality control. We now see that some 44 percent of the cases have errors. Nonprocedural errors resulted in over-issuance of bonus value in excess of $600 million.

This amendment would create a workable system of State quality control plans to deal with each State's problems in a realistic way.

The amendment also puts teeth in the system by mandating that at least 10 percent of the administrative reimbursement would be withheld if a State substantially fails to meet its own plan.

It recognizes that satisfactory improvement in error rates would have to evolve over a period of time, and requires the Secretary to set national goals each year and report to Congress on achievements and problems.

In the area of program evaluation, we recognize that no reforms are perfect and we need to study the program each year. Our amendment would mandate evaluation of Congress major concerns the nutritional effects, cost, fairness, and efficiency of the program.

The next provision requires the Secretaries of Agriculture and HEW to submit a joint proposal for a comprehensive nutritional status monitoring system. We have found that there is entirely too low a level of knowledge of what causes malnutrition, of what geographical areas and social groups suffer most, of what the actual health effects of malnutrition are and of what programs are effective in overcoming malnutrition.

Secretary Bergland recently said:

> We know more about the nutritional needs of a dairy cow than about the nutritional needs of children.

To have an adequate nutritional status monitoring program, we need three major components: First, an assessment that would be done through surveys and spot checks, to measure the nutritional status of the population; second, a surveillance system to detect nutrition-related health problems in individuals and see that they get treated; third, program evaluation to check on the effectiveness of Federal programs in solving nutrition-related health programs.

This would require a joint effort by many agencies in Agriculture and HEW to put all the pieces together in a coordinated system.

Mr. President, we have prepared this amendment in consultation with the chairman and the ranking member of the committee. I urge its adoption.

Mr. TALMADGE. Mr. President, Senator DOLE and I have both examined this amendment and we believe it improves the bill. We urge the Senate to agree to it.

Mr. DOLE. I might just say, if the Senator will yield, that I am aware of his interest. In fact, this amendment may parallel some of the discussion we have had in the Budget Committee about trying to tighten up the program. I believe it is a good amendment.

Mr. CHILES. I thank the Senators.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the amendment.

The amendment was agreed to.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHILES. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 302

Mr. BROOKE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Massachusetts (Mr. BROOKE) proposes an unprinted amendment No. 302.

On page 199, line 11, insert after the word "volunteers" the following: "and persons engaged in work training programs".

Mr. BROOKE. Mr. President, I offer this amendment to the food stamp section of S. 275. It is a simple amendment which I believe would rectify a potentially unfair provision of the bill. I hope the distinguished chairman and ranking minority member of the Agriculture Committee will accept my amendment.

Section 5 of the bill's food stamp title defines the term "income" so as to exclude certain items which either represent no real gain to the household or are simply too difficult to compute.

However, there is one exclusion which omits one group as worthy as that analogous group which is included in the exclusion. Although the income not included in the exclusion is very minor, the hardship inflicted on the individuals involved will be very harsh, if what I believe is the intent of this income exclusion is not carried out. My amendment attempts to complete the intent of the income exclusion.

Subsection 4(d) of the income exclusion section of the food stamp title excludes, among other things "reimbursements to volunteers which do not exceed expenses actually incurred and which do not represent a gain or benefit to the household * * *" The point of this section is simply not to penalize a person who volunteers to undertake some public service task—for example, those who help drive elderly people to food stores and get reimbursed for their gas costs, or seniors who might work with ACTION's RSVP program. Since the money they received is just to reimburse them for the expenses they already paid, there is no reason to count it as "income" under the food stamp program. This is a logical income exclusion.

However, as now written, this section is too restrictive and substantially penalizes those engaged in work training programs. Clearly, if we recognize the necessity of making an exception to the rule for volunteers, we should also do it for people who have no choice but to make an expenditure in order to receive training for work. Their reimbursement no more represents additional income than the allowed reimbursement to volunteers.

One example which is very common is the situation in which a low-income person, through one of our education or training programs, is given an allowance to travel to and from a training program or school. My amendment would disregard any reimbursement—whether made in advance or after the student paid the money—to the extent that it was used to cover the educational expense, such as travel, for which it was intended.

Therefore, my amendment adds to the words "to volunteers" from the income exclusion in the committe bill the words "and those engaged in work training programs." This amendment thus makes the income exclusion section pertaining to reimbursements applicable also to people engaged in work training programs.

My amendment does not seek to disregard income which in any way is intended to cover living expenses, or to contribute to any expense not associated with the purpose of the reimbursement. For example, if our training program participant were to receive—in addition to the transportation allowance—any payment or grant intended to cover medical expenses or shelter expenses, that most certainly would count as income. But I think it eminently unfair to count a travel reimbursement as income, when it is clearly not available to the household for any other purpose than that for which it was intended.

This is not a complicated amendment. I believe it is fair and completes the intent of the reimbursement section of the income exclusion provision. I therefore urge its adoption.

I know that the distinguished chairman of the Committee on Agriculture and the ranking minority member agree to it.

Mr. TALMADGE. Mr. President, Senator DOLE and I have discussed the amendment with the Senator who presented it. We think it is a fair and wise amendment. We urge the Senate to accept the amendment.

I yield back the remainder of my time.

Mr. BROOKE. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. TALMADGE. I move to reconsider the vote by which the amendment was agreed to.

Mr. BROOKE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 303

Mr. TOWER. Mr. President, I have an amendment at the desk. I ask that it be considered.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read as follows:

The Senator from Texas (Mr. TOWER) proposes an unprinted amendment numbered 303.

Mr. TOWER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 161, line 1, insert "AND FEED GRAINS" after the word "WHEAT".

On page 161, line 3, insert "and feed grains" after "wheat".

On page 161, strike out line 4, and insert in lieu thereof the following: "able to store wheat and feed grains when they are in abundant supply and extend".

On page 161, line 5, strike out the word "its" and insert in lieu thereof "their".

On page 161, line 6, after the word "wheat", insert "and feed grains".

On page 161, line 14, after the word "wheat", insert "and feed grains".

On page 161, line 16, after the word "wheat", insert "and feed grains".

On page 161, line 17, strike out "is" and insert in lieu thereof "or feed grains are".

On page 161, line 23, after the word "wheat", insert "and feed grains".

On page 162, line 5, after the word "wheat", insert "and feed grains".

On page 162, line 8, insert at the beginning of the line the words "or feed grains".

On page 162, line 10, after the word "wheat", insert "or feed grains".

On page 162, line 12, after the word "wheat", insert "or feed grains".

On page 162, line 18, strike the word "wheat" and insert in lieu thereof the words "such commodity".

On page 162, line 25, after the word "wheat", insert "or feed grains".

On page 163, line 2, strike the word "wheat", and insert in lieu thereof "such commodities".

On page 163, line 2, strike out "Such quantity", and insert in lieu thereof the words "The quantity of wheat".

On page 163, line 11, after the word "wheat", insert "or feed grains".

Mr. TOWER. Mr. President, this amendment provides that, in the event the Secretary of Agriculture should determine a need for an extended storage program for a feed grain, the program will be administered as the wheat storage program provided for in title 10 of S. 275.

This amendment has been requested by the Grain Sorghum Producers Association, and by the Texas Grain Sorghum Producers Board. It is my understanding that the administration has no objection to the amendment, as it would continue the present flexibility and discretion of the Secretary which is essential in such a program.

Under the present law, the Secretary may administer an extended storage program for feed grains and wheat, and indeed, he has announced such a program for wheat already. This "reseal" program offers greater flexibility to market grain to the producer, and offers a solution, albeit only a partial one, to oversupply conditions.

At this time, feed grains are not in as large a supply as wheat, and no comparable program for any of the feed grains—barley, oats, corn or sorghum—is contemplated. However, throughout the life of this bill, it may very well be that such a reseal program would be justified and desirable. In that case, Mr. President, this amendment would provide the same guidelines for administration as are provided for wheat in the bill before us.

I point out that there is no cost to this amendment, either present or projected. As I said earlier, the authority to establish an extended storage program is already in the hands of the Secretary. This amendment, then, is simply a matter of conforming the programs for future administration.

Mr. President, it is my understanding that the managers of this bill are willing to accept the amendment. Would the Senator from Georgia, the chairman of the committee, confirm that understanding?

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. TOWER. I yield to the Senator from Georgia.

Mr. TALMADGE. Mr. President, the Senator has discussed this amendment with both the ranking minority Member and myself. We have examined it and we think it is a good amendment. We urge the Senate to agree to it.

All it does is give the same right of reseal for feed grains that is already in the bill for wheat.

Mr. TOWER. The Senator is correct.

Mr. TALMADGE. I think it is only fair and equitable.

I urge the Senate to approve the amendment.

Mr. TOWER. I thank the distinguished chairman.

Mr. TALMADGE. I yield back the remainder of my time.

Mr. TOWER. I yield back my time.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. TALMADGE. I move to reconsider the vote by which the amendment was agreed to.

Mr. TOWER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 304

Mr. TOWER. Mr. President, I send an amendment to the desk and ask that it be stated.

The **PRESIDING OFFICER.** The amendment will be stated.

The assistant legislative clerk proceeded to read as follows:

The Senator from Texas (Mr. TOWER) proposes unprinted amendment No. 304.

Mr. TOWER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

On page 189, strike out lines 15 through 17 and insert in lieu thereof the following:

"(b) 'Authorization card' means the document issued by the State agency to an eligible household which shows the face value of the coupon allotment the household is entitled to be issued and the amount to be paid by such household for such allotment.

On page 195, line 23, strike out the period and insert in lieu thereof the following: "which shall have a greater monetary value than the charge to be paid for such allotment by eligible households.".

On page 209, beginning with line 24, strike out all down through line 16 on page 210 and insert in lieu thereof the following:

"VALUE OF THE COUPON ALLOTMENT AND CHARGES TO BE MADE

"SEC. 8. (a) The face value of the coupon allotment which State agencies shall be authorized to issue to any households certified as eligible to participate in the food stamp program shall be in such amount as the Secretary determines to be the cost of a nutritionally adequate diet, adjusted semiannually by the nearest dollar increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics in the Department of Labor to be implemented commencing with the allotments of January 1, 1974, incorporating the changes in the prices of food through August 31, 1973, but in no event shall such adjustments be made for households of a given size unless the increase in the face value of the coupon allotment for such households, as calculated above, is a minimum of $2.00.

"(b) Notwithstanding any other provision of law, households shall be charged for the coupon allotment issued to them on the basis of the following table:

If the monthly net income of the household is—		The amount to be charged the household shall be an amount equal to the following percentage of the net monthly income
More than—	But equal to or less than—	
$0	$30	0
30	60	10.0
60	90	15.0
90	120	20.0
120	150	22.5
150	180	25.0
180	210	27.5
210	Any amount in excess of $210	30.0

Coupon allotments may be issued without charge to households with income of less than $30 per month for a family of four under standards of eligibility prescribed by the Secretary. The Secretary shall provide a reasonable opportunity for any eligible household to elect to be issued a coupon allotment having a face value which is less than the face value of the coupon allotment authorized to be issued to them under subsection (a) of this section. The charge to be paid by eligible households electing to exercise the option set forth in this subsection shall be an amount which bears the same ratio to the amount which would have been charged under subsection (b) of this section as the face value of the coupon allotment actually issued to them bears to the face value of the coupon allotment that would have been issued to them under subsection (a) of this section.

"(c) The value of the coupon allotment provided to any eligible household which is in excess of the amount charged such households for such allotment shall not be considered to be income or resources for any purpose under any Federal or State laws including, but not limited to, laws relating to taxation, welfare, and public assistance programs.

"(d)(1) Funds derived from the charges made for the coupon allotment shall be promptly deposited in a manner prescribed in the regulations issued pursuant to this Act, in a separate account maintained in the Treasury of the United States for such purpose. Such deposits shall be available, without limitation to fiscal years, for the redemption of coupons.

"(2)(A) The Secretary shall by regulations prescribe the manner in which funds derived from the distribution of coupons (charges made for coupon allotments) shall be deposited by coupon vendors. The regulations shall contain provisions requiring that coupon vendors promptly deposit such funds in the manner prescribed by the Secretary: *Provided*, That such regulations shall, at a minimium, require that such deposits be made weekly: *Provided further*, That such regulations shall, at a minimum, require that upon the accumulation of a balance on hand of $1,000 or more, such deposits be made within two banking days following the accumulation of such amount.

"(B) Any coupon vendor, or any officer, employee, or agent thereof, convicted of violating the regulations issued under subparagraph (A) of this paragraph shall be fined not more than $3,000, or imprisoned not more than one year, or both.

"(3)(A) Coupon vendors receiving funds derived from the distribution of coupons (charges made for coupon allotments) shall be deemed to be receiving such funds as fiduciaries of the Federal Government, and such coupon vendors shall immediately set aside all such funds as funds of the Federal Government. Funds derived from the distribution of coupons (charges made for coupon allotments) shall not be used, prior to the deposit of such funds in the manner prescribed by the Secretary, for the benefit of any person, partnership, corporation, association, organization, or entity other than the Federal Government.

"(B) Any coupon vendor, or any officer, employee, or agent thereof, convicted of violating subparagraph (A) of this paragraph shall be fined not more than $10,000, or a sum equal to the amount of funds involved in the violation, whichever is the greater, or imprisoned not more than ten years, or both: *Provided*, That if the amount of such funds is less than $1,000, such vendor shall be fined not more than $3,000, or imprisoned not more than one year, or both.

"(4)(A) The Secretary shall by regulation require that upon the deposit, in the manner prescribed by the Secretary, of funds derived from the distribution of coupons (charges made for coupon allotments), coupon vendors shall immediately send a written notice to the State agency, accompanied by an appropriate voucher, confirming such deposit. In addition to such other information deemed by the Secretary to be appropriate, such regulations shall require that the notice contain—

"(i) the name and address of the coupon vendor;

"(ii) the total receipts of such coupon vendor derived from the distribution of coupons (charges made for coupon allotments) during the deposit period;

"(iii) the amount of the deposit;

"(iv) the name and address of the depository; and

"(v) an oath, or affirmation signed by the coupon vendor, or in the case of a corporation or other entity not a natural person, by an appropriate official of the coupon vendor, certifying that the information contained in such notice is true and correct to the best of such person's knowledge and belief.

"(B) Any coupon vendor, or any officer, employee, or agent thereof, convicted of failing to provide the notice required under subparagraph (A) of this paragraph shall be fined not more than $3,000, or imprisoned not more than one year, or both.

"(C) Any coupon vendor, or any officer, employee, or agent thereof, who knowingly provides false information in any notice required under subparagraph (A) of this paragraph shall be fined not more than $10,000, or imprisoned not more than ten years, or both.

"(5)(A) The Secretary shall by regulation require each coupon vendor at intervals prescribed by the Secretary, but not less often than monthly, to send to the Secretary, or his designee, a written report of the vendor's operations during such period under the food stamp program. In addition to such other information deemed by the Secretary to be appropriate, the regulations shall require that the report contain—

"(i) the name and address of the coupon vendor;

"(ii) the total receipts of the coupon vendor derived from the distribution of coupons (charges made for coupon allotments) during the report period;

"(iii) the total amount of deposits made by the vendor of funds derived from the distribution of coupons (charges made for coupon allotments) during such period;

"(iv) the name and address of each depository receiving such funds from such vendor; and

"(v) an oath, or affirmation, signed by the coupon vendor, or in the case of a corporation or other entity not a natural person, by an appropriate official of the coupon vendor, certifying that the information contained in the report is true and correct to the best of such person's knowledge and belief.

"(B) Any coupon vendor, or any officer, employee, or agent thereof, convicted of failing to provide any notice required under subparagraph (A) of this paragraph shall be fined not more than $3,000, or imprisoned not more than one year, or both.

"(C) Any coupon vendor, or any officer, employee, or agent thereof, who knowingly provides false information in any notice required under subparagraph (A) of this paragraph shall be fined not more than $10,000, or imprisoned not more than ten years, or both.

"(6) The Secretary may by regulation require State agencies to provide periodic reports to the Secretary, or his designee, containing a consolidation of the respective coupon vendor's notices to such State agencies at such intervals as the Secretary in his discretion deems appropriate.

"(7) The Secretary and the United States Postal Service shall jointly arrange for the prompt deposit of funds collected by the Postal Service on behalf of a State from charges made for coupon allotments.

On page 220, beginning with "Treasury" in line 6, strike out all down through line 8 and insert in lieu thereof "separate account authorized by section 8 of this Act, a sum equal to the amount by which the value of any coupons issued as a result of such negligence or fraud exceeds the amount that was charged for such coupons under section 8(b) of this Act.".

On page 224, line 6, insert "purchase," before "issuance".

On page 229, line 14, insert "(a)" after "Sec. 19.".

On page 229, line 22, strike out the quotation marks and the second period and insert in lieu thereof the following: "Such portion of any such appropriation as may be required to pay for the value of the coupon allotments issued to eligible households which is in excess of the charges paid by such households for such allotments shall be tranferred to and made a part of the separate account created under section 8 (d) of this Act.

"(b) In any fiscal year, the Secretary shall limit the value of those coupons issued which is in excess of the value of coupons for which households are charged, to an amount which is not in excess of the portion of the appropriation for such fiscal year which is transferred to the separate account under the provisions of subsection (a) of this section. If in any fiscal year the Secretary finds that the requirements of participating States will exceed the limitation set forth herein, the Secretary shall direct State agencies to reduce the amount of such coupons to be issued to participating households to the extent necessary to comply with the provisions of this subsection.

"(c) If the Secretary determines that any of the funds in the separate account created under section 8 (d) of this Act are no longer required to carry out the provisions of this Act, such portion of such funds shall be paid into the miscellaneous receipts of the Treasury.".

Mr. TOWER. Mr. President, this amendment is very simple: It establishes a purchase requirement graduated by income, so that the "poorest of the poor" are in fact the ones who will overwhelmingly benefit by any change in the purchase requirement. I believe, as Senator Curtis and others have stated so well, that it is essential that we maintain the nutritional focus of the food stamp program and that we retain the purchase requirement. It is entirely possible, however, to restructure it so that we demonstratably follow through with our intention to help those who can least afford to help themselves.

The scale that I am offering today, therefore, cuts the purchase requirement significantly for large numbers of the food stamp population who are at the lowest end of the economic spectrum. Over half of the entire food stamp population would have their purchase requirements reduced. Of those at the poverty level or below, 68.5 percent would gain or would continue to pay nothing whatever for food stamps. Of those from 50 to 75 percent of the poverty index, 75.6 percent would gain from $5 to $50 per month. Of those from 25 to 50 percent of the poverty index, moving down the economic spectrum, almost 80 percent would realize a similar gain. Those who have gross income of less than 25 percent of the poverty index would find that 100 percent gain or have no change from the fact that they pay nothing for their food stamps anyway.

Mr. President, this amendment has the central and significant feature that it redirects aid to persons who need it most. If we really believe that we should be helping the most needy, the most unfortunate of our society—and not permitting the "richest of the rich" to flood the food stamp program through the elimination of the purchase requirement—for they are the ones who will come in—we should adopt the Tower amendment.

The actual scale is as follows:

If the monthly net income of the household is—		The amount to be charged shall be the following percentage of monthly net income
More than—	But equal to or less than—	
0	$30	0.0
$30	60	10.0
60	90	15.0
90	120	20.0
120	150	22.5
150	180	25.0
180	210	27.5
210	Any amount in excess of $210	30.0

Last year's food stamp substitute, authored by the distinguished Senators from Kansas (Mr. Dole) and from South Dakota (Mr. McGovern) set the purchase requirement at 27.5 percent. The benefit reduction rate in the bill before us is 30 percent—across the caseload. Clearly, the provisions of scale are infinitely preferable if we are interested in helping poor persons. The Members will note that the only persons who have a purchase requirement of 30 percent under my amendment, in contradistinction to the committee bill, are those with net income of $210 per month or higher.

We should remember, however, that under the other provisions of the committee bill, there are numerous generous deductions. For persons who use all of the deductions, the only ones who would have a purchase requirement of 30 percent would be those with income of $6,450 and above. Other maximums are shown in the tables attached.

One of the more common groups is working families with children, who may not be eligible for the excess shelter deduction, but who are eligible for child care, work-related expense, and standard deductions. The poverty level for a family of four is currently $5,850. All those with gross incomes of $4,875 and below will have a purchase requirement of 27.5 percent or less—below that which is in the committee bill, which contains a benefit reduction rate of 30 percent. Only those above $4,875, under the terms of my amendment, will pay 30 percent.

If a family is eligible for all of the deductions, all of those at the poverty line or below, for a family of four or less, will have a purchase requirement of 25 percent or less: Far below what was required in last year's Dole-McGovern substitute—27.5 percent or is required in this year's committee bill—30 percent.

Finally, Mr. President, I make what may be the most compelling point of all: We can adopt this graduated purchase requirement, assisting many more poor families than the provisions of the committee bill would do, at—according to the Congressional Budget Office—absolutely no increase in current program costs. That is in sharp distinction to the estimates we have heard on the cost of eliminating the purchase requirement, which range from $500 million to $2 billion, more or less, depending upon the premises used. But this fact is unmistakably clear: The Tower amendment will benefit far more poor persons than will elimination of the purchase requirement. In some cases, the benefit reduction rate in the committee bill will actually cause harm to poor persons, because it is set at 30 percent. Far more equitable, and far more helpful to those at the lower end of the economic spectrum, are the provisions of the graduated purchase requirement that I offer today.

I ask unanimous consent to have printed in the Record a table prepared by the Congressional Budget Office which shows the impact upon individual income groups of the graduated purchase requirement.

There being no objection, the table was ordered to be printed in the Record, as follows:

Working families with children, eligible for the excess shelter deduction, child care deduction, work-related expense deduction, and standard deductions

	Percent
$0–$3,750	0
3,750– 4,200	10.0
4,200– 4,650	15.0
4,650– 5,100	20.0
5,100– 5,550	22.5
5,550– 6,000	25.0
6,000– 6,450	27.5
6,450 and above	30.0

Nonworking childless families, not eligible for excess shelter deduction, but eligible for standard deduction

	Percent
$0–$1,080	0
1,080– 1,440	10.0
1,440– 1,800	15.0
1,800– 2,160	20.0
2,160– 2,520	22.5
2,520– 2,880	25.0
2,880– 3,240	27.5
3,240 and above	30.0

Working childless families, not eligible for excess shelter deduction, but eligible for work-related expense and standard deductions

	Percent
$0–$1,350	0
1,080– 1,800	10.0
1,800– 2,250	15.0
2,250– 2,700	20.0
2,700– 3,150	22.5
3,150– 3,600	25.0
3,600– 4,050	27.5
4,050 and above	30.0

IMPACT OF GRADUATED PURCHASE REQUIREMENT (TOWER AMENDMENT) UPON FOOD STAMP CASELOAD

[In percent]

	Those at (percent of poverty index)—						
	Less than 25	25 to 50	50 to 75	75 to 100	100 to 125	125 to 150	150 and above
Gain $30 to $49	0.2	0.6	0.1	0.2	0.3	0.1	0
Gain $16 to $29	7.3	32.6	10.0	2.0	2.4	1.1	0
Gain $5 to $15	11.8	46.4	65.5	46.4	13.9	5.9	.2
No change	80.7	18.1	16.5	28.5	28.9	8.5	.1
Lose $5 to $15	0	1.8	5.4	16.9	30.6	18.2	8.1
Lose $16 to $29	0	0.3	1.6	3.5	11.8	27.7	53.9
Lose $30 to $49	0	.1	.6	1.9	6.8	24.5	21.9
Lose more than $50	0	0	.3	.5	5.2	13.9	15.8

Source: Congressional Budget Office.

Mr. TOWER. Mr. President, I move adoption of the amendment.

I reserve the remainder of my time.

Mr. CURTIS. Will the Senator yield for an observation?

Mr. TOWER. I yield to the Senator from Nebraska.

Mr. CURTIS. I have given some attention to the Senator's amendment. By his graduated purchase requirement, he has really geared this program in favor of the people who really need it.

Mr. TOWER. That is correct.

Mr. CURTIS. I commend him for coming up with this suggested solution. I hope it is adopted.

Mr. TOWER. I thank the Senator from Nebraska.

The whole thrust of this is to put the food stamp program where it belongs—to the poor. I think it is scandalous when one can pick up the Sunday comic section and see a full-page ad that says, "Send off $4.95 and we will send you a copy of this booklet that will tell you how you can qualify for food stamps if you make $20,000 a year." This is ridiculous.

I think that the resources for this program ought to go to the poor. There is no program that is more cheated on and more scandalous than the food stamp program. They buy junk food with it. People of high incomes are entitled to food stamps. I think the time has come for us to reinforce the original idea and see that the benefit gets to the poor.

The TALMADGE. Mr. President, I yield myself such time as I may need.

As the Senator from Texas, and I think virtually every Member of the Senate, knows, I was opposed to eliminating the purchase price on food stamps. The reason I opposed it was that it converted the food stamp program—which I considered quite worthy in its origin; was one of the principal authors, as a matter of fact—into an outright welfare program or an income maintenance program. Unfortunately, many amendments have been agreed to in the Senate in recent years that got the support level for food stamps quite high.

The Senator is entirely correct when he points out that there were advertisements in the papers all last year, saying—

> Send me $3.50 and I will show your family how you can get on food stamps even though you earn $16,000 a year.

That was true. If you know how to pyramid the deductions, a family with very high income could get on food stamps. We have tried to eliminate that by putting a standard deduction in our present bill. In my judgment, the present bill goes much too high. I opposed the elimination of the purchase requirement.

As the Senator from Nebraska pointed out, a person can still be considerably above the poverty level and be eligible to receive food stamps free now. The Senate has expressed its will on that. I got that feeling in committee. Senator CURTIS offered an amendment this afternoon, and his amendment was rejected by a vote of 64 to 31. So the Senate has indicated that it wants people to get food stamps free. I think the Senator from Texas will see that that is true when we proceed to vote on his amendment.

So far as I am concerned, the Senator from Georgia supports the principle of payment in accordance with resources for food stamps. The amendment of the Senator from Texas is quite complex, because it changes the percentage of payment with income in 10 or 15 different categories. But it does retain the principle of some payment, which I support.

I am prepared to yield back the remainder of my time and vote for the Senator's amendment.

Mr. TOWER. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

(After a pause). The Chair is in doubt. Senators in favor of the amendment will rise and stand until counted.

Mr. HUMPHREY. Mr. President, has all time been used on this?

The PRESIDING OFFICER. All time has been used or yielded back.

Mr. HUMPHREY. Mr. President, I ask for a division on this amendment, at least.

The PRESIDING OFFICER. That is what the Chair is in the process of doing.

Those opposed to the amendment will rise and stand until counted.

On a division, the amendment was rejected.

The PRESIDING OFFICER. The Chair has just announced that the amendment has been rejected.

Mr. CURTIS. Mr. President, I ask for a recount of the division vote.

The PRESIDING OFFICER. The Chair has already announced the results.

Mr. CURTIS. I ask for a recount. The Chair is in error. It was 7 to 3.

The PRESIDING OFFICER. The Senator may ask for reconsideration of the vote.

Mr. CURTIS. No, they will just get in troops and beat me.

UP AMENDMENT NO. 305

Mr. STEVENS. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Alaska (Mr. STEVENS) proposes unprinted amendment numbered 305.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 315 between lines 20 and 21 insert the following:
>
> "(c) Sec. (a) Section 310B(a) of Subtitle A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)) is amended by striking out the period at the end of the first sentence and inserting in lieu thereof the following: ', and the conservation, development, and utilization of water for aquaculture purposes.'.
>
> "(b) Such section is further amended by adding at the end thereof a new sentence as follows: 'As used in this subsection, the term

"aquaculture" means the culture or husbandry of aquatic animals or plants by private industry for commercial purposes including the culture and growing of fish by private industry for the purpose of creating or augmenting publicly owned and regulated stocks of fish.' "

Mr. STEVENS. Mr. President, my amendment to S. 275, The Food and Agriculture Act of 1977, is designed to correct a deficiency in Department of Agriculture directives which inadvertantly prohibits the Department of Agriculture from granting loans for certain types of fish aquaculture and hatchery facilities.

The Department of Agriculture, through its business and industrial loans program of the Farmers Home Administration, already grants loans for aquaculture projects. This program is a very fine one which has brought aquaculture facilities to many parts of the United States. When this program was created aquaculture was envisioned only as a fish farming operation in which the fish were held throughout their life cycle in a closed system. In recent years, the state of the science of aquaculture has advanced markedly.

Scientists now tell us that anadromous fish are among the most successfully raised aquaculture crops. Salmon, for example, has been raised in the New England area and many streams in New England now are again inhabited by Atlantic salmon. In my home State, Alaska, we hope that salmon hatchery facilities will be able to rebuild the salmon stocks depleted by foreign fishermen.

The definition of aquaculture established by the Department of Agriculture now prohibits funding for those aquaculture projects, such as salmon, which release juvenile fish into public waterways. This effectively precludes industry from engaging in those aspects of aquaculture which we now believe to be potentially the most beneficial to the economies of many regions of the United States.

Mr. President, I would urge each of my colleagues here in the Senate to vote favorably on this amendment.

I want to emphasize that we are not creating a new program here, nor are we asking for new funding. This amendment merely corrects a deficiency in the Department of Agriculture's definition of aquaculture which has arisen as a result of advancements in the state of the science of aquaculture.

Mr. President, very simply, I will summarize what this amendment does.

This amendment would apply the agriculture provisions of this bill to that portion of the fishing industry that is involved in trying to propagate new stocks of salmon on the Atlantic Coast, in the Great Lakes, and on the west coast, to the fishermen of the sea.

We have made great strides in most impoundments which would close off lakes and retain the water in the lakes a little longer so that salmon fry can have greater maturity by the time they would be released into the sea.

We have had the experiment in the Puget Sound area, where artificial peaks were created to retain the salmon fry, again to give them feed so that they could go to sea as more mature salmon, even though they were still salmon fry.

We would like to have this section included in order to insure that the Department of Agriculture, as it deals with the utilization of water and its conservation program for aquaculture development, includes these types of projects.

I have amended this amendment after discussion with the manager of the bill, so it deals with the private industry side that is doing this. It is not research. It is actual participation by the farmers of the sea. I think it is in order, and I appreciate the Senator's help.

Mr. TALMADGE. The Senator did discuss this amendment with both the distinguished Senator from Kansas and the Senator from Georgia, as well as our staff. In its original form, the Senator had some features we thought were objectionable, but the Senator has modified the amendment to meet that objection.

I think now it is a good amendment. I hope the Senate will agree to it.

Mr. STEVENS. I thank the Senator.

Mr. President, I yield back my time.

Mr. TALMADGE. I yield back the remainder of my time.

Mr. STEVENS. I ask for the adoption of my amendment.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment was agreed to.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Is there further amendment?

UP AMENDMENT NO. 306

Mr. HUMPHREY. Mr. President, I have an amendment which I send to the desk. I have discussed it with the chairman and the ranking member.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Minnesota (Mr. HUMPHREY) proposes unprinted amendment No. 306:

On page 171, line 7, after the word "prohibit" insert a comma and the following: "unless waived by the Secretary,".

Mr. HUMPHREY. Mr. President, this is a technical amendment. This amendment merely permits the Secretary of Agriculture within the terms of this bill, as he so wishes to permit it on the sale of Public Law 480, title I products, to permit an agent to be responsible for such sale, as well as a company.

Mr. DOLE. Will the Senator yield?

Mr. HUMPHREY. Yes.

Mr. DOLE. Mr. President, we have discussed this amendment and with the change made by the distinguished Senator from Minnesota, where we could add the words "by the Secretary," we have no objection to the amendment.

Mr. HUMPHREY. Mr. President, when our committee accepted amendments proposed by the Senator from Kansas (Mr. DOLE) intended to tighten administration of Public Law 480 procedures to avoid any chance of improper abuses, we concurred in his objective. We still do. However, Mr. Chairman, I am proposing a substitute amendment which I believe preserves the good intentions with less risk of damage to operations of the program and less reflection upon legitimate businessmen supplying commodities and services under the program.

From the inception of this program Congress has always made clear the intent that normal channels of trade be used to carry out the title 1 section, essentially a long-term credit program, rather than let it become total government-to-government transactions. One of the purposes of Public Law 480 is to encourage development of private trade, and to do that we have always found it desirable to work through private trade channels rather than have government take over such trade functions.

Whenever we find it necessary to legislate restrictions on private enterprise to safeguard against abuses of public funds, we want to be sure we are not penalizing the majority of legitimate businessmen in our zeal to eliminate the abuses of a few. That is my purpose in seeking the language changes I propose.

Since the committee bill was reported, several major suppliers have advised us some of the restrictions imposed would make it virtually impossible for them to effectively participate in the program—firms that have a responsible record of participation under these programs with never the slightest indication of any wrongdoing.

They say the use of designated agents is the normal marketing practice upon which they have built their export business, and they see no justification for the Government telling them how to run their business. They say their agents perform valuable bonafide services for them at less cost than adding fulltime direct staff or being compelled to maintain officers of their own at marketing points, including Washington.

They say they now report who their agents are to the operational staffs for Public Law 480 in USDA, and that such agents are subject to approval by USDA. My amendment would require approval by the Secretary of Agriculture.

Whatever improvements may be needed in procurement procedures seem more properly the role of USDA in establishing its regulations for Public Law 480, rather than in the legislation itself, and that is one of the purposes for inclusion in this bill of a section calling for a special task force to review the entire operating procedures during the next year.

I am pleased that the Senator from Kansas is willing to accept the change I have proposed, with the understanding that the obectives he is seeking to achieve of preventing any abuses should be the main thrust of that special task force's work.

The PRESIDING OFFICER. Is all time yielded back?

Mr. HUMPHREY. Yes.

Mr. TALMADGE. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment was agreed to.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 307

Mr. TALMADGE. Mr. President, on behalf of the committee, I send to the desk an amendment that makes several technical changes in S. 275. It would correct typographical and clerical errors. It would not make any changes of a substantive nature to the language of the bill.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Georgia (Mr. TALMADGE) proposes technical amendments, unprinted amendment numbered 307.

The amendment is as follows:

On page 99, line 12, strike out "persons", and insert in lieu thereof "person".

On page 100, line 22, strike out "section", and insert in lieu thereof "subsection".

On page 101, line 10, strike out "section", and insert in lieu thereof "subsection".

On page 107, line 8, strike out "379b(c)", and insert in lieu thereof "379b".

On page 109, line 20, strike out "subsection (c)", and insert in lieu thereof "subsection (c)(1)".

On page 111, line 14, strike out "yields.", and insert in lieu thereof "yields.".".

On page 113, line 20, insert ", as amended," after "1949".

On page 114, line 16, strike out "he", and insert in lieu thereof "the Secretary".

On page 114, line 19, strike out "he", and insert in lieu thereof "the Secretary".

On page 114, line 24, strike out "379b(c)", and insert in lieu thereof "379c".

On page 115, strike out lines 9 and 10.

On page 118, line 1, strike out "to reflect", and insert in lieu thereof "which provide".

On page 118, line 12, insert "; SET-ASIDE PROGRAM" after "PRICE".

On page 119, line 22, strike out "section", and insert in lieu thereof "subsection".

On page 120, line 1, strike out "section" and insert in lieu thereof "subsection".

On page 121, strike out line 1.

On page 123, line 16, insert "actual" before "yields".

On page 124, strike out lines 10 and 11, and insert in lieu thereof the following: "bility for loans, purchases, and payments on corn, grain sorghums, and, if designated by the Secretary, barley, respectively, the pro-".

On page 127, line 10, insert "; SET-ASIDE PROGRAM" after "PRICE".

On page 133, strike out "Notwithstanding" on line 5 and all that follows down through "effective" on line 6, and insert in lieu thereof "Effective".

On page 136, line 18, strike out "he", and insert in lieu thereof "the Secretary".

On page 137, line 23, strike "he", and insert in lieu thereof "the Secretary".

On page 138, line 10, strike out "he", and insert in lieu thereof "the Secretary".

On page 138, line 13, strike out "he", and insert in lieu thereof "the Secretary".

On page 144 beginning on line 8, strike out "(but in no event on a greater acreage than the acreage", and insert in lieu thereof the following: "(but, beginning with the 1978 crop, only on that portion of the allotment acreage".

On page 145, line 13, insert ", as amended," after "1938".

On page 146, line 7, insert ", as amended," after "1938".

On page 148, line 3, strike out "following", and insert in lieu thereof "following".

On page 152, line 22, strike out "title", and insert in lieu thereof the following: "part and title I of the Agricultural Act of 1949, as amended".

On page 154, line 20, strike out "112(b)", and insert in lieu thereof "109(b)".

On page 155, line 5, strike out "(g)", and insert in lieu thereof "(f)".

On page 155, line 13, strike out "(h)", and insert in lieu thereof "(g)".

On page 155, line 25, strike out "(i)", and insert in lieu thereof "(h)".

On page 156, line 3, strike out "112(c)", and insert in lieu thereof "109(c)".

On page 156, line 8, strike out "(j)", and insert in lieu thereof "(i)".

On page 156, line 15, strike out "(k)", and insert in lieu thereof "(j)".

On page 157, line 22, strike out "of each of the following", and insert in lieu thereof "for each of the 1978 through 1982".

On page 159, line 22, strike out "price support", and insert in lieu thereof "price-support".

On page 162, line 25, insert "to be stored under the program" after "wheat".

On page 167, line 25, strike out "thereof" immediately before the word "and".

On page 169, line 15, strike out "he", and insert in lieu thereof "the Secretary".

On page 170, line 20, strike out "of title I".

On page 171, line 1, insert immediately after "semicolon" the following: "and the word 'and' ".

On page 187, line 14, strike out "sistant", and insert in lieu thereof "sistance".

On page 199, line 18, insert a comma after the word "including".

On page 199, line 19, insert a comma after the word "to".

On page 214, line 17, strike out "operations", and insert in lieu thereof "operation".

On page 215, line 1, insert a comma after "cluding".

On page 215, line 5, insert a comma after the word "forms".

On page 215, line 6, strike out "subsection (3)", and insert in lieu thereof "paragraph (3) of this subsection".

On page 216, line 5, strike out "subsection", and insert in lieu thereof "paragraph".

On page 216, line 6, insert immediately after "(7)" the following: "of this subsection".

On page 216, line 11, strike out "subsection", and insert in lieu thereof "section".

On page 224, line 5, strike out "provisions", and insert in lieu thereof "provision".

On page 224, line 11, strike out the comma, and insert in lieu thereof a period.

On page 226, line 14, strike out "including but not limited to", and insert in lieu thereof "including, but not limited to,".

On page 228, line 6, strike out "include but are not limited to", and insert in lieu thereof, "include, but are not limited to,".

On page 229, line 15, strike out "is", and insert in lieu thereof "are".

On page 241, beginning on line 13, strike out "There" and all that follows down through "in" in line 14, and insert in lieu thereof the following: "The Secretary shall establish within".

On page 243, beginning on line 7, strike out "Colleges" and all that follows down through line 8, and insert in lieu thereof "College and University Forestry Research Organizations".

On page 244, line 12, strike out "effectiveness", and insert in lieu thereof "effectiveness".

On page 249, line 21, insert "food and agriculture research" immediately before "policies".

On page 254, line 22, insert a comma after "and 308)".

On page 255, line 15, strike out "440–42", and insert in lieu thereof "440–442".

On page 255, line 18, strike out the period after "582a–7)", and insert in lieu thereof a comma.

On page 260, line 5, strike out "Act", and insert in lieu thereof "title".

On page 261, line 8, strike out "will", and insert in lieu thereof "shall'.

On page 261, line 19, strike out "officials", and insert in lieu thereof "officers".

On page 262, line 6, strike out "Act", and insert in lieu thereof "title".

On page 270, line 9, strike out "or".

On page 270, line 10, strike out "eligible institution".

On page 270, line 11, insert "under section 1325 of this title" after "appropriation".

On page 271, line 15, strike out "In", and insert in lieu thereof "If".

On page 279, line 4, strike out "Federal Extension Service", and insert in lieu thereof "Extension Service of the United States Department of Agriculture".

On page 280, line 12, strike out "ascertain", and insert in lieu thereof "determine".

On page 282, line 3, strike out "covered into the Treasury", and insert in lieu thereof "carried to surplus".

On page 287, line 1, strike out the comma after "institutions", and insert in lieu thereof "and".

On page 287, line 5, strike out "after the enactment of this section".

On page 287, line 6, strike out "ascertain", and insert in lieu thereof "determine".

On page 287, beginning on line 14, strike out "remains" and all that follows down through the period in line 16, and insert in lieu thereof the following: "was not obligated during such preceding fiscal year, such amount shall not be made available to that institution for any fiscal year subsequent to such fiscal year.".

On page 288, line 4, strike out "thereof", and insert in lieu thereof "therefor".

On page 290, line 21, insert "of Housing and Urban Development" after "Secretary".

On page 291, line 8, insert "ENERGY" after "SOLAR".

On page 304, line 22, insert "of Agriculture" after "Department".

On page 305, line 3, insert "of Agriculture" after "Department".

On page 305, line 10, insert "of Agriculture" after "Department".

On page 306, line 1, insert ", where applicable," after "and".

On page 308, line 5, strike out "title", and insert in lieu thereof "section".

On page 308, line 10, strike out "This title", and insert in lieu thereof "The provisions of this title".

On page 308, line 15, strike out "SURPLUS", and insert in lieu thereof "EXCESS".

On page 310, line 25, strike out the semicolon, and insert in lieu thereof a comma.

On page 312, line 3, strike out "producers", and insert in lieu thereof "producer's".

Mr. TALMADGE. Mr. President, I move the adoption of the technical amendments.

The PRESIDING OFFICER. Is all time yielded back?

Mr. TALMADGE. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia.

The amendment was agreed to.

UP AMENDMENT NO. 308

Mr. CURTIS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Nebraska (Mr. Curtis) proposes an unprinted amendment No. 308:

On page 200, beginning with line 3, strike out all down through line 8 on page 202 and insert in lieu thereof the following:

"(e) In computing household income, the Secretary shall allow a standard deduction in the case of any household of an amount equal to 25 per centum of the poverty index established for households having the same number of members as such household.

Mr. CURTIS. Mr. President, this amendment is rather simple to understand. I will not take long to present it.

Mr. President, I do ask for the yeas and nays.

The PRESIDING OFFICER. It there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. CURTIS. Mr. President, this amendment would make eligible for food stamps a family whose income does not exceed 125 percent of the poverty level.

For instance, the poverty index for a family of four at the present time is $5,850. This would mean that under my proposal they could have income of the poverty level plus 25 percent, or the cutoff would be $7,313.

The committee bill itemizes the deductions, whereby one would take a flat 25 percent. They have a standard deduction of $720. Twenty percent work-related expenses, $2,120. Excess shelter costs, $900. Child care deduction, $1,020. Not every family would use all of these, but it could go to $10,610.

I think we are extending this program beyond the needs to meet the problem of undernourishment, malnutrition, and hunger.

This has nothing to do with the purchase price. It merely is a cutoff. It would simplify the situation, in that they would just figure 25 percent above the poverty level in order to establish that 25 percent reduction, because when people work they have certain expenses. This would save $500 million.

Quite frankly, it would mean in some instances that a family of four, if they had over $7,313 in income, would be outside of the program.

Under the committee bill, if they lived in an area where they had these shelter costs, they were spending money for child care, they could go as high as $10,610. But even without child care and excess shelter costs, they could reach over $8,000.

This would lower the eligibility requirement. It would restrict the cost. It would mean, by holding down this expense, that much less money to borrow, that much less deficit, that we would retard inflation, and we would be serving all the people in the country.

I think we would also conform the program to its original intent.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. Does the Senator from New York desire some time?

Mr. JAVITS. Will the Senator proceed? I may wish to speak but not right now.

Mr. TALMADGE. Mr. President, as the Senator from Nebraska knows, I supported a more modest provision than the Senate committee agreed to. We did agree to it.

I will vote for the Senator's amendment. I cannot accept it on behalf of the Committee on Agriculture, Nutrition, and Forestry, because it is not the position of our committee. It is the position of the Senator from Georgia. The committee has not agreed to it. I cannot accept it on behalf of the committee.

Unless a Senator wants some time, I yield back the remainder of my time for a vote.

Mr. CURTIS. I yield back my time.

Mr. JAVITS. Mr President, I would like 2 minutes.

Mr. TALMADGE. I yield 2 minutes to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, I am opposed to this amendment, and I hope the Senate will reject it.

The reason for my opposition, Mr. President, is that this bill does have one weakness: Insofar as the food stamps are concerned, it is not adjusted to varying standards of living, especially in high-cost areas of the United States.

This is simply another effort to level it down even further.

I have not tried to do anything about it on the upside. I told the manager of the bill, having consulted with Senator Dole and Senator Humphrey, who have been so critically important to the food stamp part of the bill, that I thought what they had done in making the various compromises they had made was in balance and deserving of the support of a person like myself who was involved with it, because of my own constituency and because of these higher living costs which obtain not only in my State, but also in other industrial States.

But I cannot feel that it would be fair to cut it down further, to an even lower standard, not dependent upon individual situations such as respecting shelter which is a very important point as far as we are concerned.

I entertained the idea of an amendment, but rejected it, because I did wish to stay with those who were the architects of what I considered to be a fair and just package, and it is for those reasons that I hope the Senate will reject this amendment.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. JAVITS. Yes, of course.

Mr. DOLE. I share the views expressed by the Senator from New York. I think also that this might be a strong work disincentive. That is the one thing we are trying to avoid. We are trying to provide incentives for the working poor. We tried to do that in the proposal presented to the Senate, and I hope the amendment will be defeated.

Mr. TALMADGE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Nebraska. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. Church), the Senator from Alaska (Mr. Gravel), the Senator from Arkansas (Mr. McClellan), the Senator from Michigan (Mr. Riegle), and the Senator from Illinois (Mr. Stevenson) are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. Riegle) would vote "nay."

Mr. STEVENS. I announce that the Senator from Arizona (Mr. Goldwater), the Senator from Michigan (Mr. Griffin), the Senator from Nevada (Mr. Laxalt), and the Senator from Illinois (Mr. Percy) are necessarily absent.

The result was announced—yeas 27, nays 64, as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—27

Allen
Bartlett
Bentsen
Byrd, Harry F., Jr.
Curtis
Eastland
Garn
Hansen
Hatch
Hayakawa
Helms
Hollings
Johnston
Long
McClure
Morgan
Nunn
Roth
Schmitt
Scott
Sparkman
Stennis
Talmadge
Thurmond
Tower
Wallop
Zorinsky

NAYS—64

Abourezk
Anderson
Baker
Bayh
Bellmon
Biden
Brooke
Bumpers
Burdick
Byrd, Robert C.
Cannon
Case
Chafee
Chiles
Clark
Cranston
Culver
Danforth
DeConcini
Dole
Domenici
Durkin
Eagleton
Ford
Glenn
Hart
Haskell
Hatfield
Hathaway
Heinz
Huddleston
Humphrey
Inouye
Jackson
Javits
Kennedy
Leahy
Lugar
Magnuson
Mathias
Matsunaga
McGovern
McIntyre
Melcher
Metcalf
Metzenbaum
Moynihan
Muskie
Nelson
Packwood
Pearson
Pell
Proxmire
Randolph
Ribicoff
Sarbanes
Sasser
Schweiker
Stafford
Stevens
Stone
Weicker
Williams
Young

NOT VOTING—9

Church
Goldwater
Gravel
Griffin
Laxalt
McClellan
Percy
Riegle
Stevenson

So, Mr. Curtis' amendment was rejected.

The PRESIDING OFFICER. Who yields time?

UP AMENDMENT NO. 309

Mr. HOLLINGS. Mr. President, I call up my amendment at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from South Carolina (Mr. Hollings), for himself and Mr. Magnuson, proposes an unprinted amendment numbered 309:

Page 314, beginning on line 22, strike out "marine".

Page 315, line 3, strike out "marine".

Mr. HOLLINGS. Mr. President, this is just the striking out of one word. I have checked it through with the distinguished chairman of the Agriculture Committee and the minority side.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. HOLLINGS. I am glad to yield to the Senator from Georgia.

Mr. TALMADGE. Mr. President, I have examined the amendment of the distinguished Senator from South Carolina, and discussed it with the ranking minority member.

The Committee on Agriculture, Nutrition, and Forestry has jurisdiction of aquaculture in fresh water, and the Committee on Commerce has jurisdiction of aquaculture in marine water. Unfortunately, in drafting the bill, we used the word "marine" when we should not have. I hope the Senate will agree to the amendment of the Senator from South Carolina.

Mr. HOLLINGS. I appreciate the interest that the Committee on Agriculture, Nutrition and Forestry has shown regarding freshwater aquaculture. The Committee on Commerce, Science, and Transportation is concerned with marine fisheries and marine aquaculture. I hope that the two committees can continue to cooperate in looking at the needs of this Nation which can be met through aquaculture.

Mr. TALMADGE. This is my hope, also.

Mr. HOLLINGS. I understand that there is a close relationship between the National Oceanic and Atmospheric Administration in the Department of Commerce, the lead agency for marine aquaculture, and the Department of Agriculture, lead agency for freshwater aquaculture programs. Let me express my hope that this good relationship also continues to prosper to use aquaculture as a tool for meeting the needs of the Nation.

Mr. TALMADGE. I thank the Senator from South Carolina (Mr. HOLLINGS). He has expressed the desires of this committee, also.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. HOLLINGS. I yield back the remainder of my time.

Mr. TALMADGE. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

UP AMENDMENT NO. 310

Mr. HAYAKAWA. Mr. President, I send to the desk an amendment.

It may sound curious, coming from an ex-college president, but I would like to see the Senate adopt an amendment that would deny food stamps to college students

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from California (Mr. HAYAKAWA) proposes an unprinted amendment numbered 310.

The amendment is as follows:

On page 205, line 19, strike out "a bona fide student enrolled at least half time in any recognized school or training program (except that any such person shall be subject to the requirements of subsection (d)(1) of this section during any period of more than thirty days when such school or program is in vacation or recess); (D)".

On page 205, line 25, strike out "E" and insert in lieu thereof "D".

On page 206, beginning with line 14, strike out down through line 22 and insert in lieu thereof the following:

"(e) No individual shall be eligible to participate in the food stamp program if he is enrolled in an institution of post-secondary education and such enrollment is a substitute for full-time employment, as determined by the Secretary in accordance with regulations issued by him; however, no household shall be disqualified from participation in the food stamp program under this Act because an able-bodied member of such household, other than the head of such household, is enrolled in an institution of post-secondary education and his enrollment is a substitute for full-time employment (as determined by the Secretary); but the benefits to which any such household is entitled under this Act shall be determined without regard to any such member or members of such households."

Mr. HAYAKAWA. Mr. President, this year, the food stamp program will cost the American taxpayers approximately $6 billion. That is a lot of bread. Unfortunately, it is also a lot of soda pop, potato chips, sugar candy, and junk food. In many cases, it is a lot of steaks and pastries purchased by persons who use food stamps to live better than their hardworking neighbors.

As a cosponsor of S. 1295, the Tower-Michel National Food Stamp Reform Act, I point out that there is a comprehensive solution to the ills of the food stamp program, although it is not at all like the food stamp provisions of S. 275, the Food and Agriculture Act of 1977. But I want to concentrate on one of the program's specific problems, something which is especially offensive to every working American. And that is the use of food stamps by college students.

I wish I could reveal just how many college students use food stamps, but I do not have that figure. No one has that figure, because the bureaucrats at the Food and Nutrition Service have never seen fit to collect it. We do, however, know that most college students do not abuse food stamps. They do not exploit for their own convenience a program set aside for the poor. The idealism and plain, old-fashioned honesty of young Americans keep them from doing such a thing. But at some universities, the participation rate is considerable. A few years ago, 65 percent of the food stamp recipients in Madison, Wis.—the site of the University of Wisconsin—the place where I got my degree, by the way—were college students. At San Francisco State, more than 13 percent of the students—and almost 16 percent of the graduate students—were on the food stamp dole last year.

And yet, at a recent press conference announcing the introduction of S. 1295, the Tower-Michel National Food Stamp Reform Act, two Members of Congress were asked by a newsman whether it was right to make hungry college students do without food stamps.

Mr. CURTIS. Mr. President, may we have order?

Thte PRESIDING OFFICER. The Senate will be in order. The Senator from California will suspend until order is restored. Senators will cease their conversations on the floor, so that the Senator from California may be heard. The Senator may proceed.

Mr. HAYAKAWA. I would like to see that newsman ask the same question in the factories of America, where men and women—who get just as hungry as college students—pour steel, move iron, and mix their sweat with the oil of machines to form the lifeblood of the American economy.

I wish that newsman could ask his question on the farms of America, where youngsters, many of them younger than college students, clean out the stables before sunup and do their homework after sundown.

I wish that newsman could ask his question to the young men and women, many of them teenagers, who at this very moment are on duty along the DMZ in Korea, near the Berlin Wall, and at Guantanamo Bay.

Is it right to make hungry college students do without food stamps? You bet it is.

Students are already beneficiaries of many programs of assistance. In private colleges, despite their high tuition, the ultimate cost of education is supplied by endowments by generous alumni or by other benefactors, who make these very wealthy private colleges even wealthier. In public colleges, the low tuitions are possible only because of enormous taxpayer subsidies; and in a system like the University of California system and the California junior and senior colleges, they are very heavily subsidized by the taxpayers, and I do not know why the students should get an additional subsidy in the form of food stamps.

One of the rights we enjoy as Americans is our freedom, and among our freedoms is the right not to work, as long as we are willing to accept the consequences of our leisure. One of those consequences may be lack of food. At least it used to be, before the Federal Government decided that those who would rather not work should have access to the pocketbooks of those who do.

A college education is a good thing, and millions of young people sacrifice to have it. They work part time or alternate semesters to scrape up enough money for tuition and books. But they make calculated choices, giving up present satisfactions in order to broaden their horizons, improve their minds, and better their future careers. Most of them are willing to accept the responsibility for self-support that comes with their choice of an education. But some are really unwilling to do so. For some, a college education is a postponement of responsibility, a postponement of facing the realities of existence. This becomes even more true when they are tempted to the welfare trough by the refusal of the Congress to impose any meaningful impediment to it.

Let no one contend that the provisions of S. 275 would prohibit this abuse. They would not. They require a college student only to state that he is not being claimed as a dependent by persons who are themselves not eiligible for food stamps. There is absolutely no checking mechanism. Any student who claims to be on his own, or who says he is part of a food stamp family, will automatically qualify for the program.

The distinguished former Secretary of Agriculture, Ezra Taft Benson, discussed this mater a few days ago with the students of Brigham Young University where, I am sure, student abuse of the food stamp program is rare. He gave them sound counsel, and one must wish that college presidents throughout the country had the guts to say the same things to their students:

> If you don't have the finances to complete your education, drop out a semester and go to work and save. You do not earn food stamps or welfare payments. The price you pay for something-for-nothing may be more than you can afford.

It is imperative that the Senate express its will on this matter, preferably by a rollcall vote in the clear light of day. Before the workers of America, under the scrutiny of 17-year-old secretaries, 18-year-old farmers, 19-year-old waitresses, 20-year-old stevedores, and 21-year-old grocery clerks, every Member of the Senate can indicate whether he wants to make those young taxpayers subsidize the grocery bills of their peers who choose not to work while in college.

That is why, Mr. President, I am offering an amendment to S. 275 to end collegiate oppression of the workers. Our decision on this issue may well be the highlight of our consideration of the entire farm bill.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. Mr. President, I yield myself such time as I may require.

Mr. President, the committee tried to deal with the issue of college students from affluent families drawing food stamps. Nothing makes the average American taxpayer madder than to know that college students from affluent families are receiving food stamps. We dealt with it in two ways, Mr. President.

No. 1, if the student is either claimed or eligible to be claimed as a tax deduction for income tax purposes, that student would be precluded from drawing food stamps.

No. 2, we also provided that in any recess period or vacation period of the college of more than 30 days, the work requirement test would be required, requiring students to comply with the work requirement during any vacation of more than 30 days. The committee does not believe a student food stamp user should be exempt from the work test during summer vacations while other recipients are required to meet the work requirements.

We believe these provisions will largely meet the criticism about students from affluent families drawing food stamps. I hope the amendment of the Senator from California, who is a very fine, able, and valiant member of our committee, will be rejected.

Mr. DOLE. Will the Senator yield?

Mr. TALMADGE. I yield such time as the Senator from Kansas may require.

Mr. DOLE. The Senator from Georgia may have touched on this, but as I understand the criteria now, the student must be from an eligible household. They have to come from a poor family.

Mr. TALMADGE. That is correct.

Mr. DOLE. It seems to me we have pretty well touched bottom. Maybe there should not be any food stamps for any student. The way the bill is worded, they have to come from an eligible family.

Mr. TALMADGE. Will the Senator yield?

Mr. DOLE. Yes.

Mr. TALMADGE. Either an eligible family or must have completely severed their relationship from the family concerned. If Sam Jones is in college and his father, Albert Jones, claims him as a deduction for income tax purposes, he is ineligible, period. That would eliminate him. If he is eligible to be claimed as a tax deduction, even though the parent does not make that claim, he is still ineligible.

So the criterion that the Senator from Kansas stated is correct. If he could be claimed as an income tax exemption under the law, he is ineligible.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. HAYAKAWA. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. CURTIS. Mr. President, will the Senator yield 3 minutes?

Mr. HAYAKAWA. I yield.

Mr. CURTIS. Mr. President, in the illustration cited, the father could be in the 50-percent bracket. By waiving the $750 personal exemption, he would lose a tax of about $375. But the student could draw $50 in food stamps. He is on his own. His father does not claim him as a dependent. He could draw $50 a month. So it is a good deal. Of course, his father could waive claiming him as an exemption.

Suppose the young man says he is married. He does not receive $50 in food stamps, but receives $92.

If what has been done clears up this problem, they have done it in a rather complicated way. I do not think it clears up the problem. Therefore, I am going to support the amendment of the distinguished Senator from California. The amendment makes it clear cut that the young Americans, the middle age Americans, and older Americans, are not to be taxed to provide free food for college students, in the light of all the other benefits of loans, grants, subsidies, scholarships, as well as the subsidized institutions.

Mr. HATCH. Will the Senator yield?

Mr. HAYAKAWA. I yield.

Mr. HATCH. Mr. President, I can remember when I was attending the University of Pittsburgh, or shortly after, when I was practicing law, there were a number of graduate doctoral students who were emancipated from their parents and who would clearly fit within the exclusion listed by the chairman of the committee. They had full tuition, they had books, and they had other benefits coming to them. They used food stamps to get by.

I can remember the hundreds if not thousands of students who went to school with me who worked for 60 cents an hour to be able to support their families.

I think we are encouraging the wrong thing. Maybe for the poor it is another matter, but there are just hundreds and even thousands of students in this society who would come under this particular bill and would be able to get food stamps who do not deserve them, who have the capacity to get out and work, who should work, just like everybody else who feels they should work.

I believe the Senator's amendment is worth while. I frankly believe there is no reason for any young person who wants to get himself through school to not find the means, the jobs, and the way to be able to do it.

When I say that, I am talking about somebody who has personal experience in this area. I worked my way through school. We had children when we graduated from law school, and one child when we graduated from college. I can remember working 30 hours a week when I was going to law school, just so I did not have to ask anybody for anything. Maybe that is a situation many people do not face, and maybe there are those who have much greater difficulties than I had.

I cannot imagine anybody having any greater difficulty going through school than I had. I do not want to impose that upon them, but I do see thousands of students, who really do not deserve having food stamps, receiving them because they do not fit within the framework of this particular bill.

They have not been excluded from the bill. Some of these people live better than any students on campus. I think Senators will find that to be true if they go to the many college campuses, especially the graduate schools in our colleges throughout the country.

I urge my colleagues to vote for this amendment of the Senator from California.

Mr. DOLE. Mr. President, I will just take a moment. A belief may exist which may not be accurate.

Contrary to the popular belief that we have literally millions of students participating in the program, the record reflects, from a survey done by the USDA, the percentage of students in the program is about 1.3 percent of all participants. Some of these students are older students; some are veterans. Some are Vietnam veterans and other veterans and older students who have families to support. That adds up to about 200,000 students.

I do not know how many millions of students we have in America, but 200,000 students, according to the USDA survey, are participants. Many of these are the people the Senator from Utah mentioned, the poor students who come from poor families, or veterans and others, older students with families. I just wanted that statement made a part of the RECORD.

Mr. TALMADGE. If the Senator from California is prepared to yield back the remainder of his time, so is the Senator from Georgia.

Mr. HAYAKAWA. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the

Senator from California. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. Church), the Senator from Alaska (Mr. Gravel), the Senator from Arkansas (Mr. McClellan), the Senator from Michigan (Mr. Riegle), the Senator from Illinois (Mr. Stevenson), and the Senator from New Jersey (Mr. Williams), are necessarily absent.

I further announce that if present and voting, the Senator from Michigan (Mr. Riegle), would vote "nay."

Mr. STEVENS. I announce that the Senator from Arizona (Mr. Goldwater), the Senator from Michigan (Mr. Griffin), the Senator from Nevada (Mr. Laxalt), the Senator from Illinois (Mr. Percy), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

The result was announced—yeas 26, nays 63, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—26

Bartlett
Bellmon
Byrd,
  Harry F., Jr.
Curtis
Danforth
Domenici
Eagleton
Eastland
Garn
Hansen
Hatch
Hatfield
Hayakawa
Helms
Hollings
McClure
Morgan
Proxmire
Roth
Schmitt
Schweiker
Scott
Thurmond
Tower
Young
Zorinsky

NAYS—63

Abourezk
Allen
Anderson
Baker
Bayh
Bentsen
Biden
Brooke
Bumpers
Burdick
Byrd, Robert C.
Cannon
Case
Chafee
Chiles
Clark
Cranston
Culver
DeConcini
Dole
Durkin
Ford
Glenn
Hart
Haskell
Hathaway
Heinz
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Leahy
Long
Lugar
Magnuson
Mathias
Matsunaga
McGovern
McIntyre
Melcher
Metcalf
Metzenbaum
Moynihan
Muskie
Nelson
Nunn
Packwood
Pearson
Pell
Randolph
Ribicoff
Sarbanes
Sasser
Sparkman
Stafford
Stennis
Stevens
Stone
Talmadge
Wallop

NOT VOTING—11

Church
Goldwater
Gravel
Griffin
Laxalt
McClellan
Percy
Riegle
Stevenson
Weicker
Williams

So Mr. Hayakawa's amendment was rejected.

UP AMENDMENT NO. 311

Mr. HATCH. Mr. President, I call up my unprinted amendment which is at the desk.

The PRESIDING OFFICER (Mr. Matsunaga). The amendment will be stated.

The legislative clerk read as follows:

> The Senator from Utah (Mr. Hatch) proposes an unprinted amendment numbered 311.

Mr. HATCH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 117, beginning with line 24, strike all down through line 10 on page 118.

Mr. HATCH. Mr. President, I ask unanimous consent that Craig Roberts of my staff be granted privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I called up my amendment which is at the desk to delete section 410 of S. 275 in the belief that this provision is both unnecessary and counterproductive. Let me read section 410:

> To assure world production of wheat at prices to reflect adequate protection to producers, it is the sense of Congress that the President continue to negotiate for an agreement with other major wheat exporting countries such as Canada, Australia, and Argentina, and major wheat importing countries to establish and maintain a mutual minimum world price for wheat at no less than the average cost of production of wheat in the United States, adjusted to reflect the cost of transportation to export points during the calendar year immediately preceding the year for such determination.

Under the existing international commodity agreement on wheat we have the authority to share information and consult with other nations on problems of trade and production. This agreement has no economic provisions; however, any new agreement that is concluded between the Secretary and other countries must be brought to the Senate for approval. The authority and responsibility to approve any new international wheat agreement rests with the Senate. This section is unnecessary and superfluous. The fact is that this sense of the Congress resolution will not only fail to solve the problem, it will make the situation worse. The basic problem in wheat that we are facing now, the reason the price is depressed, is because there is too much wheat being produced for the market.

By fixing the price at an artificially high minimum, we would encourage even more production in the world and the surpluses that we are experiencing now would never be worked off. Higher minimum levels would bring marginal producers into the market and would aggravate the condition of oversupply. If we encourage inefficient producers to stay in wheat, this will prevent them from shifting to a more suitable crop. There is no monopoly on planting a wheat seed. If the major wheat producing countries of the world try to maintain an artificially high price for wheat based on average production cost in the United States then other areas in the world that do not normally engage in production of wheat will have an incentive to enter into the market. This is particularly true in the way this bill calls for calculation of cost of production.

Historically, U.S. costs of production have been low. But because of new provisions and new definitions of costs of production that would include a management fee and a cost of land in the calculation of that formula, it is likely that we will see a significant escalation in average production costs. The United States, Australia and Canada, try as they might, cannot control the world market. A cartel in a commodity such as wheat—a commodity that is comparatively easy to move into and out of production, and the kind of commodity for which substitutes such as corn are so readily available, that type of cartel just cannot be effective.

This reality is evident if we examine the history of commodity agreements. The conclusion I reach is that they just do not work. Countries abide by these agreements in the short run, when it is to their own advantage. But these agreements break down under the pressures of supply and demand. Most of the International Wheat Agreements, including the current one, have been limited to noneconomic matters. But the one serious attempt at price-setting, the International Wheat Agreement of 1967, severely distorted and disrupted the international wheat market and finally collapsed as market supply forces destroyed the agreed minimum prices. But even if the governments were really committed to enforcing these agreements, could they?

The complexity of the international market makes it impossible to effectively enforce this kind of arrangement. There are a multiplicity of quality types of wheat, of grades of wheat. The opportunities for cheating are abundant. It is a realtively simple thing to change the grade and quality labeling of wheat with which you are dealing. Add to this the other complications of the international market: Differences in monetary systems, fluctuating exchange rates, constantly changing transportation costs.

The fact is that a government would have to devote a large sum of taxpayers' money and resources to policing international transactions and to controlling the related domestic operations. In a complex economy like the United States with thousands of producers and literally hundreds of thousands of market transactions, and in an international market as complicated as world commerce in wheat, it would take an expensive cumbersome bureaucracy to even attempt to police the agreements. Even given this kind of machinery the history is clearly against the workability of this kind of agreement.

But even more serious than the question of whether or not this kind of arrangement is workable and enforceable we have to look at the cost and the impact on international trade. I believe this kind of proposal is the camel's nose under the tent. It sets the stage for further Government encroachment, not only in agricultural trade but also in transactions involving industrial products. As countries more and more accumulate trade deficits, due in large part to the oil cartel, the pressure to find ways to expand exports and hold down imports will grow. These pressures are already evident, and a disturbing precedent will be set if we pursue the kind of agreement called for by section 410 in S. 275.

The reality is that the only way we can establish these minimum prices is through export agreements based on specified market shares. Such export agreements will penalize the economically efficient producers and invite the uneconomic producer to stay in the marketplace. We have a situation where a bunch of politicians divide up markets on the basis of what is politically expedient, not economically sound. This destroys the incentive to the producer. The farmers that I have dealt with just do not have faith in politicians to come up with a sensible division of markets. Additionally it destroys the incentives of the international marketeers to go out and develop markets for American wheat. But I am not so concerned about the impact upon these large exporters as I am concerned about the devastating impact that this kind of agreement could have on the long-run growth of our economy and on the farmers who grow wheat for export.

If we are to gain concessions for expanding trade in American agricultural products—and that kind of trade is the way we earn foreign exchange to pay for increasing imports of oil and other scarce natural resources—then we must link agricultural trade to the big picture.

Much criticism has been leveled at past trade negotiations. But the problems have resulted mainly from the commodity-by-commodity approach represented by these wheat agreements rather than an overall approach that links both expansion of agricultural trade and expansion of trade in industrial goods. The Trade Act of 1974 calls on the President to work for the reduction of trade barriers to U.S. products. Commodity agreements that restrict expansion of U.S. wheat production and exports are destructive to the overall expansion of agricultural trade, the type of trade in which the United States has a competitive advantage.

This kind of attempt at international price fixing in wheat would never be tolerated under U.S. antitrust laws. By putting such a section as section 410 in our farm legislation, we are legitimizing the concept of an international cartel, we are encouraging price-fixing internationally, a policy that we have found abhorrent and made illegal in our domestic markets.

One of the greatest problems we have today is that the international economy is being victimized by a cartel in petroleum and petroleum products. By this action, we are lending credibility to that cartel. We are strengthening that cartel. We are endorsing the concept of a cartel. There are many underdeveloped countries that would like to set up cartels in other commodities. They want just such agreements. They view them as a way of reordering the international economic order and redistributing wealth from the productive nations to the comparatively unproductive nations.

Incidentally, I have been serving on the Joint Economic Committee, and Third World countries are coming in and demanding that we set up an international commodity price-fixing market system that benefits them to the exclusion of America, Germany, and Japan.

I am totally against this. I do not think it helps us and really does not help them, because then they become subservient and dependent on their one- or two-product economy, rather than trying to grow and encourage good business growth instead of dependency growth.

Section 410 strengthens the "beggar thy neighbor" approach to economic growth. It runs counter to American values. It runs counter to American interests. Of course that is not what is envisioned by the sponsors of this section. They believe that American wheatgrowers can benefit by this price-fixing scheme. But actually price fixing is a two-edged sword. These kinds of commodity agreements are destructive to the free market system. I believe that history shows supply and demand to be the best long-run guarantor and protector of the farmer's welfare.

If today, government can enter into the market to prop up prices, to establish minimum prices, history shows that government can also intervene against the interests of growers for the purpose of holding prices down in periods of less abundant supply than today's market. This could set a precedent to establish, informally, ceilings on prices, for the purpose of subsidizing Third World nations through restricting price increases in the future.

This is hardly a far-fetched circumstance. If we go back and look at the nature of agricultural production and agricultural markets, it is very likely that today's surplus production and depressed prices situation will be followed by a period of increasing prices and restricted supplies. It is exactly in those circumstances when American farmers have been traditionally able to take advantage of market situations to expand their production, to expand their market penetration abroad. Section 410 offers the American farmer, the American wheat producer, the short-run hope of stability. But I think he pays too high a price for an exchange of what I think is an illusion of stability, an illusory promise of stabilized conditions. He gives up his freedoms and his opportunity to expand his markets and to increase his profitability in the long run.

So I urge my colleagues to accept this amendment. I think the farmers of America will thank them in the future.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HUMPHREY. I yield time to the Senator from Montana, whatever time he desires.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. Mr. President, I shall not take much time in debating this section of the bill. It is, as the Senator from Utah has stated, a very short section, and he read it into the RECORD.

Of the countries we sell wheat to year in and year out, one of our best customers is Japan. We have developed that market, and they have learned in their country to use an increasing amount of American wheat.

When the Japanese buying delegation was over here negotiating for grain sales, for wheat sales, a few months ago they made a point: "We want to be assured of supply. We have about 2 weeks' supply in Japan at any given time of wheat available for our consumers, so it is necessary for us to know that supply is available. We would favor a negotiated minimum price if it would lead to the assurance of steady supply."

They told us that. They buy wheat from Canada, and they told Canada the same thing.

All this section says is that it is the sense of Congress that Secretary Bob Bergland, representing the President, continue what he has already started, talks with Canada, Australia, and other great wheat-producing countries, to see whether it is possible to arrive at an agreement at a minimum world price.

We say in this statement, in rather boilerplate language, "Mr. President, we think you are doing right." We say, in effect, "Bob Bergland, keep on negotiating." We say, "Probably it will lead just to a situation where Japan wants assurance of a stable supply of wheat to buy from the major wheat-producing countries such as ourselves, Canada, Australia, and Argentina."

I think it is good for farmers in the United States, as it is for farmers in these other countries, to know that there is a price at which they can produce wheat to sell abroad. Two-thirds of our crop goes abroad every year. Farmers should know what price that is going to be. If they do know that and it covers their costs of production, we are going to have benefited our farmers as well as the farmers in other countries that produce wheat.

What will we do for taxpayers? If we have the minimum price agreement high enough to cover these costs, it will cover the cost of the target price and loan rates, and we will not have the problem that Senator MUSKIE outlined this afternoon in the debate concerning what effect target prices have on the budget and the Treasury.

We hope that this rather short section encouraging the President through Secretary Bergland to continue what they have already started to negotiate a minimum world price will come to fruition, will be successful, and the outcome will be a protection of the producers of wheat, the farmers in this country, and the American taxpayers.

Mr. HUMPHREY. Mr. President, I note that this matter was worked out in committee after considerable discussion with members of the committee. It is, as has been said, a sense of Congress. The committee did adopt it, and I hope that the Senate will support the work of the committee on this particular provision. These are only guidelines. It suggests, I think, a reasonable process for helping our producers.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. HATCH. I yield to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. I do not want to disagree with my distinguished colleagues from Minnesota and Montana. But I feel very strongly that the provision in its present form probably does not hurt anything because it does not require anything. It says it is the sense of Congress that the agreement be entered into. I understand it is any agreement that will come before the Senate. But based on history, we have had a very poor record when we have entered into international grain agreements. We have always been left holding the bag. In fact, the 1967 wheat agreement had pricing provisions, and it fell apart because the United States was the only country that adhered to the minimum prices. Everyone else undersold us, and we ended up in not a very good position.

So I suggest that there was an agreement worked out in the committee to accommodate the interest, the very sincere interest, of the distinguished Senators from Montana and Minnesota; and I think the Senator from Kansas suggested we change it from a mandatory provision to one that indicates a sense of Congress, on the basis it does not hurt to talk as long as we do not negotiate anything. That was more or less the way we understood it.

I applaud the distinguished Senator from Utah for raising what I consider a very valid argument against such an agreement. I support his efforts.

Mr. HATCH. I appreciate that.

Let me make a one or two sentence comment, and then I understand my Democratic colleagues need to depart from the Chamber. So I agree to a voice vote on this amendment, to accommodate them.

My feelings are these. As a member of the Joint Economic Committee, I have seen these trends toward having the United States enter, to its disadvantage, into world commodity price fixing agreements to benefit Third World countries because "we owe it," they say, and I see this as a very bad trend. I see this paragraph as a bad trend, and I have not heard any arguments that tell me these types of agreements have done us any good in the agricultural field. In fact, they have not.

I simply wish to raise one question. Why should American farmers undergo the risk of price controls in order to guarantee Japan a supply of wheat—or anyone else, for that matter? The minimum prices cannot be negotiated; they are the result of market processes of supply and demand, and I do not think we can get away from that. I hope we do not.

So, at this time I yield back my time, and I submit to a voice vote.

Mr. HUMPHREY. I yield back my time.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Utah.

The amendment was rejected.

The PRESIDING OFFICER. Is there any further amendment to be proposed?

Mr. DOLE. Mr. President, I do not have an amendment. I shall present a statement in the RECORD at this point with reference to an amendment which would not be appropriate to offer now because we have separated it from Public Law 480. I discussed this amendment with the distinguished Senator from Minnesota. It is the so-called blended foods amendment. We will consider it at the appropriate time when the bill is before us.

Mr. HUMPHREY. On the foreign aid bill.

Mr. DOLE. Mr. President, this amendment is intended to help tide over developing countries which have been receiving food aid in the form of title II grants under Public Law 480 in making the transition from food aid recipients to full trading partners and purchasers of nutritious U.S. foods under title I concessional sales. The amendment adds to title I of the Agricultural Trade and Development Act of 1954 a new section 112.

Subsection (A) of this section declares it to be U.S. policy to assist those title II food aid recipients of enriched flour, high protein, blended or fortified foods to combat hunger and malnutrition among lower income population groups, especially children, through the continued provision of these nutritious foods in title I. Toward that end, subsection (B) provides the President the authority in entering into agreements for the sale of nutritious commodities of this nature to waive title I repayment obligations of up to that part of the product value which is attributable to the costs of processing, enrichment, or fortification. Granting of such waiver will be contingent upon reasonable assurance both that these benefits will be passed on to the individual recipients of the foods and that the nations involved have a reasonable potential for transition to commercial purchasers of the foods. Commodity agreements in which the waiver is exercised are expected to consist of a combination of enriched flour, whole grains and high protein blends, as is common under title II grants.

Multiple benefits will accrue from the adoption of this amendment and the costs are projected to be modest in relation to the benefits to needy individuals. The report on a similar amendment in the other body indicates costs amounting to perhaps $5 million in the first year of operation and no more than a small percentage of the title I total. Additionally, the use of the waiver for any particular country is intended to be of limited duration, reflecting the country's potential to become self-sufficient. In the meantime, the disadvantaged in recipient countries will be able to maintain the necessary protein and caloric dietary balance for healthy development while the United States develops healthy trading partners.

Mr. President, I urge the favorable consideration of this amendment.

I ask unanimous consent to have this amendment printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 318, line 13, insert the following and renumber the following sections accordingly:

"SEC. 2. Title I of the Agricultural Trade and Development Act of 1954 is amended by adding the following section:

"SEC. 112. (a) The Congress hereby declares it to be the policy of the United States to assist developing countries in the transition from food assistance recipients to full trading partners of the United States and to assist those nations which have been recipients of enriched flour or high protein, blended or fortified foods under title II of this Act to continue to combat hunger and malnutrition among the lower income segments of their population, especially children, through the continued provision of these foods under title I of this Act.

"(b) The President, in entering into agreements for the sale of enriched flour or high protein, blended or fortified foods under this title with countries which (1) give assurance that the benefits of any waiver under this section will be passed on to the individual recipients of such foods, and (2) have a reasonable potential for transition to commercial purchasers of such foods, may make provisions for a waiver of repayment of up to that part of the product value which is attributable to the costs of processing, enrichment, or fortification.

"(c) Notwithstanding any other provision of this Act, the amount of the repayment waived under this section shall not be considered a cost of the Commodity Credit Corporation reimbursable under the provisions of section 403 hereof.

"(d) In implementing this section due care shall be taken to minimize the impact of these provisions on other commercial and concessional sales of whole grains and that, where feasible, agreements under this Act utilizing the authority contained herein will provide for sales of these commodities."

Mr. DOLE. Mr. President, the Senator from Kansas supports the Food and Agriculture Act of 1977. I think this bill is good for farmers and that on the whole, it will be beneficial to most of them.

One thing we have clearly established is the very great need for this legislation. Farmers—especially wheat farmers—are in severe financial straits. That may be something of an understatement.

For the past several months, wheat prices at local elevators have been well under $2 per bushel. That compares, when we first began this marketing year on wheat early last summer, with a price at the Kansas City Board of Trade of $4.13 per bushel and a price at the Chicago Board of Trade of $4.40 per bushel. Wheat prices have been cut in half. The Senator from Kansas knows of no other industry that takes the kind of cut in prices and in cash flow that the farm sector has taken this year, and that still remains in business.

The need, as I said, has been well established in the many days of hearings we held on this legislation. In addition to the hearings we conducted in the Agriculture Committee, the Senator from Kansas personally chaired four field hearings in representative locations in the State of Kansas. We had hearings in Goodland, Manhattan, Hutchinson, and Winfield, Kans. In formal testimony and in informal conversation we received individual statements of the difficulty farmers are facing.

RISING COSTS

At the same time wheat prices and other farm prices have been declining, the costs of production have been going up. There has been no respite in the rising costs of tractors, combines, trucks, and other pieces of equipment that farmers depend on.

In a great many cases, farmers are financially committed for equipment they have already purchased. They have taken out loans from the banks and they have payments to make. Many of those loans were made on the basis of wheat prices and corn prices at a level substantially higher than the market now provides. So farmers are faced with a difficult problem: How to pay their debts and meet their obligations with farm prices at the present low level.

This is a matter that extends far beyond the farm sector. There are thousands of workers involved in the industries that support agriculture. There are all the farm equipment manufacturers and their employees. There are fertilizer and chemical industry employees.

With many farmers facing bankruptcy, and many other farmers being forced to cut back on their operations due to the current level of commodity prices, we have an effect that will be detrimental to many other industries.

CONSUMER INTEREST

The present situation in the commodity market has not come about as a result of any failure on the part of farm producers. Farmers must make a living just as everyone else. They work hard to produce the biggest and the best quality crop they can.

That is in the interest of consumers. That is why Americans are able to spend the smallest portion of their disposable income on food of any major country in the world.

But the great abundance of food can cause problems and we are seeing the result of it right now. In wheat production, farmers have produced several tremendous, record-setting crops for the past several years running.

They have done that with at least the implicit urging, and sometimes the explicit urging, of the Department of Agriculture to go all out in full production.

Farmers have done so wel that now we have an overabundance. Consequently, the supply greatly exceeds the demand and prices have dropped.

So now many farmers are facing financial disasters unless we provide some assistance. If many farmers go out of business, it will not be in the interest of consumers. This legislation, by providing some price stability, will be in the interest of farmers, consumers, and the country as a whole.

MODERATE LEGISLATION

Mr. President, the key portion of this legislation—the real benefit to farmers—is in the target price increases for 1977 and 1978. We provide a wheat target price of $2.90 per bushel and $3.10 per bushel for wheat in 1977 and 1978, respectively. These target price levels are very moderate proposals. Many farmers have indicated their cost of production is substantially higher than these figures. What we have attempted to do is provide a target price level that is meaningful to most farmers. It is a reasonable proposal that I believe will help meet the basic cost of production for most farmers.

In my view, this is the very minimum level of assistance we should contemplate providing to farmers. There are many farmers who need and would like to see higher target prices and loan rates. But I believe this is responsible legislation. It will not unnecessarily encourage excessive overproduction, yet it will provide meaningful assistance without an excessive drain on the Treasury.

EARLIER PROMISES

This legislation certainly does not meet the promises that were made by some prior to November 2 last year.

As one who appeared frequently as a political candidate during that time, I heard those promises on a very frequent basis.

On August 25, 1976, at the Iowa State Fair for example, President Carter—then candidate Carter—said, "We need a guarantee of a decent price for the farmer and a reasonable price for the consumer." The target price level we provide in this legislation is hardly a decent price for farmers. The target price levels we have here are the bare minimum we must provide if most farmers are to get any meaningful assistance in staying in business during this period of low prices. These levels are hardly a decent price, and they certainly do not warrant the veto threats that are coming out of the White House.

It is just totally inconsistent to compare the promises for a decent price on the one hand and the recent veto threats on the other.

There is another Carter quote from the same occasion: "If I am elected you will have our price supports at least to equal production costs and you can depend on that, too." This legislation is the bare minimum we can responsibly approve if we are trying to put support prices equal to production costs. As I have indicated, many farmers have production costs substantially higher than this.

There were even statements during the recent campaign that production costs are much higher than that, and that we should provide price supports higher than what we have in this bill.

In October of 1976, Vice President Mondale—then Senator Mondale—said in Wichita, Kans., "Production costs we estimate here in Kansas are at least $3 depending on your costs." Then, he said, "Our position is, that the loan levels ought to be at production levels."

So the promises during the campaign were that we should have price supports in the neighborhood of $3 per bushel for wheat. Now we are hearing veto threats on target price levels that are even less than $3 per bushel.

The Senator from Kansas simply does not feel the President can responsibly veto this moderate bill, in view of the even higher levels his ticket was advocating a few months back.

MANY IMPROVEMENTS

This bill includes a great many improvements in farm-oriented legislation other than target price increases. The Senator from Kansas has had longstanding interests in many of these programs, and it may be helpful to just touch on a few of those improvements we have included.

RESEAL PROGRAM

In order to give producers greater marketing flexibility, and to keep a greater amount of grain in their hands, rather than under the control of the Government, we have provided authority for a reseal program. This provision allows for original or extended price support loans.

For wheat and feed grains at the same support level provide in the bill. It provides for loans of not less than 3, nor more than 5 years. It provides for payments to cover the cost of storing wheat or feed grains to the farmer, loan interest rates based on the cost of money borrowed by the Government, the optional redemption of loans regardless of their maturity date whenever their market price reaches a level between 140 and 160 percent of the loan level, and automatic termination of the loan when market prices reach 200 percent of the loan level. It provides for about 300 to 700 million bushels of wheat to be accommodated under the program, with some flexibility if we use this as a portion of the U.S. commitment to an international grain reserve.

This bill also provides the framework for establishing an international emergency food reserve. This effort is not new. We attempted to accomplish this under the last administration, and as we have seen before, the effort is always fraught with difficulties. But hopefully the provision in this bill may be helpful in establishing an international agreement to set up a reserve for humanitarian relief for foreign nations that have severe short-fall problems or natural disasters.

PUBLIC LAW 480

We have also included provisions to improve the operation of the food for peace Public Law 480, program. Farmers have long been supportive of this humanitarian program. It provides the opportunity to share our agricultural abundance with many countries that greatly need assistance. Many of those countries in the past subsequently have become good commercial customers of ours for example, Japan and Italy.

The Public Law 480 changes we have made include an increase in the authorization for Public Law 480 shipments. In addition, we have given the Secretary more flexibility in meeting the requirements that Public Law 480 donations go to the very poorest countries. While we certainly want those in greatest need to get the maximum benefit available, we did see last year that many of these nations simply cannot absorb all the assistance we have to offer. The greater flexibility this bill provides will allow other countries that have a higher per capita income, yet a great need for assistance, to receive some benefit. We are also concerned about tightening up the program to end abuses and kickbacks that have been identified in the operation in the program in the past.

STORAGE FACILITY LOANS

We have included several provisions in this bill which hopefully will be of some benefit in alleviating the grain storage shortage we expect to exist this fall. We have recently been hearing reports about the tight situation on storage facilities for the wheat harvest this spring.

However, the problems with that are small compared to the difficulties of storing the huge feed grain crop this fall. Farmers desperately need additional storage facilities. This loan program should provide some additional help.

One provision gives the Secretary the authority to use loan guarantees as well as direct loans to assist farmers in constructing or purchasing on-farm storage facilities.

A second provision requires the Secretary to offer loans or loan guarantees for the construction of facilities to store high moisture content grain. This provision is especially important from the point of view of the energy savings that can be achieved with high moisture grain. Most corn and feedgrain is fed to livestock in a moist condition, just as it is harvested. The present technology is to dry the grain after harvest for storage and then add moisture when it is blended in livestock feed.

By storing high moisture content grain, we can achieve a great deal of energy savings by eliminating the drying step. Suffice to say that we use as much energy drying grain as we do to produce the entire crop. Hopefully this provision will result in a great deal of benefit to farmers in coming years by reducing the farm energy requirements.

AGRICULTURAL RESEARCH EXPANDED

Farmers in Kansas and in other States are well aware of the tremendous benefits that have been achieved from agricultural research. Those improvements have been helpful not just to farmers, but to consumers through larger and higher quality crops at lower costs.

Yet over the past several years, we have allowed the priority on agricultural research to decline. This bill would double the amount of dollar expenditures we make available for agricultural and nutrition research. This program, in my view, will be a great asset to the entire country in the years ahead.

FOOD STAMP PROGRAM

One of the greatest achievements in this bill, in my view, is the portion that reforms the food stamp program. Basically, the changes we have made will insure that food stamps get to those who need the assistance more promptly, and insure that those who do not need the assistance do not get them unnecessarily.

For example, we have tightened up the restrictions on higher income families to keep them receiving food stamps. We have set a maximum income ceiling for the first time in the history of the program. We have also greatly simplified the program. This will make it easier to control abuse of the system. The simplification of the program will also make it more responsive to the needs of the truly poor.

CONSERVATION IMPROVEMENTS

In recent years, there have been many farmers in my office or contacting my office to comment about the difficulties in getting a watershed program going. The watershed program is one of the most cost-effective and beneficial programs we have in existence for soil and water conservation. Yet there have been a great many difficulties in getting watershed programs approved.

This provision of the bill streamlines the program's administrative process. It eliminates the need to get congressional approval on the small watershed projects. It reduces the paperwork requirements. Hopefully, the changes we have made here will have a beneficial, practical affect for the watershed programs in Kansas and in other States.

LONG-TERM CONSERVATION

One focus of the conservation program changes is to emphasize cost sharing agreements for long-term conservation practices. It is the long-term conservation practices that ultimately are most beneficial to farmers and ranchers. The long-term practices are also the most important from the point of view of the taxpayers whose dollars are used in cost sharing agreements. The emphasis on long-term practices is certainly one we can all support and applaud.

FIRE PROTECTION

The Senator from Kansas has long been identified with the rural community fire protection program. Under this program we have achieved some substantial improvements in fire protection in many rural communities in Kansas and other States.

In this bill, we are extending the program for 3 years. Hopefully we can continue to initiate and upgrade fire protection in rural communities.

Mr. President, this bill provides the bare minimum we can expect in a comprehensive farm bill. I support this bill and I urge my colleagues to do the same.

ADDITIONAL STATEMENTS SUBMITTED ON S. 275

Mr. BURDICK. Mr. President, I have spent a good deal of time meeting and talking to individual farmers and farm organizations concerning our agricultural economy. In my judgment, this farm bill, S. 275, falls short of the price protection needed to meet the needs of both farmers and consumers.

Anyone who looks at farmers' cost of production will realize that the target and loan prices included in this measure are low. With market prices as they are today, adequate target prices and loan rates are badly needed. To illustrate the critical nature of this problem, I would like to refer to a recent USDA report which assessed the financial situation of our farm economy. This report, reflecting a survey of 400 bankers in 9 States—including North Dakota—stated that one-third of the farmers borrowing from banks in these nine States have major problems concerning income and credit. Correspondingly, our farmers' realized net income—their purchasing power—last year was 10 percent less than it was 4 years ago.

In my own State, these sharp declines in farm prices reflected a decrease of 6.5 percent in per capita income. The U.S. Department of Commerce claims that North Dakota was one of only 5 States which failed to keep pace with the inflationary spiral.

I am voting for this bill not because it is sufficient but simply because it appears it is the best we can get. There is considerable price protection in the bill, and we must have some price protection if we are to maintain a viable agriculture.

BUDGET AMENDMENT REBUTTAL

Mr. DOLE. Mr. President, the Senator from Kansas strongly opposes the amendment by the Senator from Maine (Mr. MUSKIE).

The Senator from Kansas is a member of the Budget Committee. Nobody shares the view of the Senator from Maine about holding down Federal expenditures and maintaining our budget discipline more strongly than the Senator from Kansas.

But it makes little sense to use the first concurrent budget resolution to argue in favor of lower target prices for wheat. Even if budgetary considerations were a valid factor in this discretion, they would only be one side of the issue. There is also the need for increased target prices and farm assistance.

DESPERATE NEED

One thing we are fully certain about is that a 1977 target price of $2.90 per bushel for wheat is fully justified on the merits. At the beginning of the marketing year, wheat prices at the Kansas City Board of Trade were $4.13 per bushel and the price at the Chicago Board of Trade was $4.40 per bushel. Presently, the cash prices at local elevators in Kansas are less than $2 per bushel.

Mr. President, this is a severe financial impact. No other industry that the Senator from Kansas knows of could stand this kind of revenue decline and still stay in business. Perhaps the Senator from Maine (Mr. MUSKIE) can understand the economic impact we are talking about here.

RISING COSTS

We are talking about the level of farm income being cut roughly in half. In recent years, wheat farmers bought equipment and other essential production items on the basis of wheat prices at a level much higher than present. They have loan payments coming due. The bankers are demanding payment and the choice is to make the payment or face foreclosure.

That is what we are talking about here. Many farmers are facing bankruptcy. They are staring financial disaster in the face. They are greatly in need of some form of Federal assistance.

Surely every Senator who has some wheat farmers or even corn and feed grain farmers in his State will understand the desperate conditions farmers are in.

In the Senate Agriculture Committee, we held many days of hearings on the situation in agriculture. The Senator from Kansas has personally heard testimony and informal comments from hundreds of farmers. The economic conditions among wheat and feed grain producers are extremely critical.

The conditions are especially critical for young farmers who are trying to start out. The Senator from Kansas has heard a great deal of talk about how we should assist the younger farmers in order to have a strong agriculture in the future. That is what we are talking about with this target price of $2.90 per bushel.

If some meaningful assistance is not forthcoming, many young farmers will be forced out of business. Those are the ones who have high land costs and high equipment costs, who are just trying to get started.

REASONABLE LEVEL

It is not as if the target price level of $2.90 per bushel is excessive. We are only trying to provide some reasonable target price that approaches the average cost of production level.

It is very difficult to say that $2.90 per bushel on wheat is even near an average cost of production. Many farmers have production costs at $4 per bushel or higher. For many farmers, the target price level of $2.90 per bushel is inadequate to even cover their minimum cost of production.

What we are trying to do with this level is to provide a reasonable and moderate target price level that will be meaningful to many farmers. It is the lowest level that is acceptable in view of the conditions in Agriculture.

CONSUMER INTEREST

The present situation in the wheat and feed grain markets have not come about as a result of any failure on the part of farm producers. It has come about by farmers doing what they do best. Every farmer trys to raise the biggest crop and the best quality crop he can produce.

That is in the interest of consumers. That is why we, as Americans, are able to spend about the smallest portion of our disposable income on food, of any major country in the world.

So it is in the interest of consumers and the country as a whole to provide the reasonable target price that this legislation proposes. It is desperately needed by the great majority of American wheat and feed grain farmers.

BUDGET RESOLUTION NOT LINE ITEM

Mr. President, let us look at the budgetary considerations directly. This amendment when we judge it on the merits, is simply not valid, and it seems to the Senator from Kansas it is not any more valid when we add budgetary considerations to the analysis.

First, the budget resolution is not a line item measure. The Senator from Maine, the chairman of the Budget Committee, has said many times that the budget resolution does not make any line item issue valid or invalid. The Senator from Kansas believes in that.

It seems to the Senator from Kansas that if we really believe what we say about the budget resolution not being a line item measure then we cannot accept this amendment which is being offered strictly on the grounds that the budget resolution does not accommodate a target price of $2.90 per bushel.

If the Senator from Maine wishes to use the budget resolution to justify a position against a line item issue, why does he choose target price levels. Why does he not choose some other issue that is in the farm bill or outside the farm bill?

CONGRESSIONAL PRIORITY

When we started marking up the budget resolution this year, the Senator from Maine may recall that when adjustments were made for savings in the 1977 fiscal year, we started with a current policy figure for fiscal year 1978 of $0.9 billion for programs and $1.1 billion for research.

As the Senator from Kansas recalls, we added about $0.1 for new initiatives for programs, bringing the total to $1 billion for programs. We added about $0.1 for new initiatives in research bringing the total to about $1.2. Adding the two together, we came out with about $2.2 billion in total outlays for the agriculture function. Then came numerous actions taken by the Carter administration. We had the dairy price support increase, which not even the dairy producers expected.

The Senator from Kansas has nothing against dairy producers. They have real needs, and dairy price supports are essential to them. We have some dairy producers in Kansas, but not even the dairy producers expected the increase that the Carter administration provided. It was unnecessary in view of the economic conditions in the dairy industry.

So why does the Senator from Maine use the budget resolution to attack wheat target prices when they are desperately needed and yet does not say anything about the large increase in dairy price supports. Since we started with the total outlay for the agriculture function of $2.2 billion we added $1.5 billion for actions by the Carter administration, such as the dairy price support increase. That brought us to a total of $3.7 billion. Since the Senate passed its budget resolution and we went to the conference committee, the outlays in the agriculture function, increased to $4.35 billion. Again, it was the result of actions by the Carter administration.

It was the impression of the Senator from Kansas that the budget resolution was intended to be a mechanism for setting congressional priorities. Yet we have had our priorities dictated by the Carter administration. We have had budget outlays in the agriculture function exactly doubled from what we started out with by actions of the Carter administration.

It was the view of the Senate Agriculture Committee that a target price of $2.90 per bushel on wheat had a high priority and should be approved by Congress. We felt that the budget resolution should include the flexibility to accommodate a 0.5 increase in the total outlay figure of 4.35.

BUDGET COMMITTEE DISCUSSION

The Senator from Maine (Mr. MUSKIE) may recall that we discussed this matter of higher target prices in the Budget Committee. The chairman of the Budget Committee may recall the Budget Committee markup we had on April 27 after the Carter administration pulled back the rebate proposal. The Senator from Kansas discussed target price levels and their impact on the budget with the chairman of the committee and the committee staff at that time.

The chairman pointed out at that time that we have allowed a degree of flexibility in the overall spending ceiling. The understanding of the Senator from Kansas was that if the 0.5 could not be accommodated in the function outlay figure of 4.35, then it could be accommodated in the flexibility within the overall spending ceiling of $460.95 billion.

ESTIMATES QUESTIONABLE

Mr. President, there is no certainty that there will even be any additional costs due to a target price level of $2.90 per bushel. We are talking about the cost of deficiency payments on a crop that has not even been harvested yet.

It seems to the Senator from Kansas that it is just too early to make any kind of concrete predictions about the prices of the 1977 wheat crop and the kind of deficiency payments we can expect. The level of deficiency payments that would be made under the $2.90 per bushel target price are totally dependent on the level of wheat prices in the first 5 months of the 1977 market year. Yet those farm prices are the most volatile prices of any sector of our economy.

The Senator referred earlier to the sharp decline in wheat prices from about $4 to about $2. As quickly as farm prices go down, they can also go back up. It is a function of weather and market conditions. There is nothing to suggest that the Chinese or the Indians or the Russians or some other foreign buyer will not come into the market. There is nothing to say that we will not have a change in the weather such as to result in sharply increased market prices. As I said, we have not even harvested the crop yet, and it is extremely questionable to make the concrete predictions that the amendment is based on.

FLEXIBILITY IN PROCESS

Mr. President, the budget process was designed to accommodate precisely this kind of difficulty. That is why we have the second concurrent budget resolution. It is to adjust the budget resolution in view of economic changes that we could not predict with certainty at the time of the first concurrent resolution. As the chairman of the Budget Committee pointed out in a letter to the Agriculture Committee on May 3, 1977, "There are likely to be significant reestimates both up and down in many functions between now and adoption of the second budget resolution for fiscal year 1978 in September. For that reason, the committee decided there was no need to make adjustments in the presently recommended targets for the fiscal 1978 year first budget resolution."

That is exactly what we are talking about here. It is too early to tell what the deficiency payments under the $2.90 per bushel target price. It is something we can address in the second concurrent resolution if necessary.

NOT VIOLATION OF BUDGET

The Senator from Kansas is not saying that we should ignore the budget resolution or the budget process or budget discipline. The Senator from Kansas is simply saying that it is not correct to use the budget resolution and the overall spending target to defeat a line item issue.

If the Senator from Maine—the chairman of the Budget Committee—wishes to attack the spending levels in this bill, the Senator from Kansas would suggest that it not be done in a discriminatory basis.

Why should we use the budget resolution to discriminate against wheat producers? They certainly are in much greater financial difficulty than, say, dairy producers or livestock producers or perhaps other kinds of producers.

The Senator from Kansas believes in

the budget process and in budget discipline. But as a member of the Senate Budget Committee, the Senator from Kansas must oppose this effort to use the budget resolution in a manner contrary to what it was intended.

EARLIER PROMISES

Mr. President, it is an incredible irony that this amendment has stemmed from the opposition of the Carter administration. The dear colleague letter of the Senator from Maine (Mr. MUSKIE) cites the veto threat of President Carter if the farm bill passes the Senate in its present form.

Yesterday, we received letters from the Secretary of Agriculture in the Carter administration talking about the potential impact of the fiscal year 1978 budget of the $2.90 target price for wheat.

Mr. President, it was only about 7 months ago that the Senator from Kansas—who was a political candidate at that time—heard numerous promises by the Carter/Mondale ticket in support of higher price supports.

On August 25, 1976, President Carter—then candidate Carter—told the farmers at the Iowa State Fair, "If I'm elected, you will have our price supports at least equal to production costs, and you can depend on that too."

Mr. President, what about all the farmers in Iowa and Kansas and Nebraska and Oklahoma and Texas and other States who are depending on President Carter's promise. The President said we will have price supports at least equal to production costs. It is very difficult to say that $2.90 per bushel is anywhere near production cost. For a great many farmers we can say that it is definitely below production costs. At the very best we can only say that it is the bare minimum that should be provided for any average production cost estimate. It does not include the extremely high land costs that many farmers are facing. It is far below the target prices that we said the cost of production figures in 1975 when Congress passed the 1975 Emergency Farm Act.

In October of 1976 Vice President MONDALE—then Senator MONDALE—told our Kansas farmers in Wichita, "production costs we estimate here in Kansas are at least $3.00 depending on your costs." Then, he said, "our position is that the loan levels have to be at production levels."

This bill with a target price of $2.90 per bushel is even below what Vice President MONDALE promised. There are farmers who depended on the Carter/Mondale ticket to keep their promises. It just seems to me that we should reject the arguments of the Carter administration now which are totally inconsistent with their earlier promises.

Mr. President, the target price level of $2.90 per bushel is clearly warranted on the merits and the needs of farmers. The amendment of the Senator from Maine is not justifiable on the basis of the budget resolution. The Senator from Kansas strongly believes we should reject this amendment.

Mr. DURKIN. Mr. President, I rise in support of this legislation and, in particular, I would like to address your attention to title X, which would establish a much-needed domestic and international grain reserve program.

I well recognize the need for such reserve programs, for I have, myself, introduced legislation to create a domestic grain storage program, a program designed to be compatible with establishment of an international grain storage program.

As Members of Congress, we spend most of our time debating and considering proposals aimed at immediate problems demanding urgent attention. For example, one of the first measures we considered this Congress involved emergency legislation to provide temporary relief to a critical natural gas shortage. Similarly, the energy legislation we will shortly be considering is 11th hour legislation. The simple but sad truth is that the crush of urgent matters all too often squeezes out consideration of preventive legislation—legislation aimed at dealing with problems before, not after, they develop. The advantage of the Food and Agriculture Act of 1977 is that it is forward looking, anticipating problems not yet before us, but which are certain to develop in the near future.

We are fortunate to be experiencing a "fat" year as far as agriculture is concerned. United States production has been high during the past 2 years, and most other major countries, including the Soviet Union, the People's Republic of China, and India—which often must call upon the United States for substantial food imports—apparently had abundant harvests last year. However, because we are, as yet, unable to control one of the most important ingredients in the production of our basic foods—the weather—we will also continue to suffer from lean years, as well. It was only 3 years ago that we were plagued by worldwide famine and, already, we are hearing about a potential agricultural production catastrophe in the drought-stricken areas of our country west of the Mississippi. Additionally, reports are coming from China and the Soviet Union that these countries are, or will be, moving onto world markets to purchase grains to make up shortfalls in their own production. We are not yet suffering the severe problems of the early 1970's, but neither are we free of the threat of another massive increase in domestic food prices and a massive increase in the number of people starving throughout the world.

Although not from a State traditionally thought of as a "farm state," I support this legislation, because it will benefit consumers and farmers alike. Not only would it prevent shortages which would drive up prices for everything from bread to beef, but it would, also, help stabilize prices paid to our farmers and prices paid by our consumers.

Because the Food and Agriculture Act of 1977, like the legislation I have introduced, would help prevent widespread starvation, world food shortages, and domestic price increases, and would provide needed price stability for our farmers and consumers, I support this bill, and urge the support of my colleagues for this important measure.

FARM AND FOOD STAMP LEGISLATION—1977

Mr. McGOVERN. Mr. President, permit me for a moment to commend the distinguished chairman of the Senate Committee on Agriculture, Nutrition, and Forestry, Mr. TALMADGE, for his devotion and patience during the hearing and markup stages on this year's farm bill. His model bill, which in most instances was used as the format for receiving testimony and later for executive sessions, represented a degree of legislative craftsmanship not ordinarily seen in the modern-day Senate. Knowing that the basic course for agriculture in this country for the coming 4 or 5 years was the prize, the chairman conducted almost daily sessions starting on February 22—with almost every interest industry or farm group heard with attention and courtesy. Careful interrogation by members of the committee cataloged the precise position of those who would furnish production tools as well as those who would produce the food and fiber as well as account for a major portion of our export traffic in the world community. Other Members of the body should be aware of the unprecedented markup sessions on the bill commencing at 8 o'clock in the morning and lasting almost 2½ weeks. The sure hand of the chairman opened each session and closed most of them. In all my years of service in this body I cannot recall a more extensive and intensive legislative experience. Though the chairman and I differed on a few features of the bill, his even-handed manner and genuine spirit of fairness to me as well as to other members of the committee will serve to make this experience memorable for me.

Efficient workmanship by committees seldom comes off well without superior staff support. In this respect I want to congratulate the staff experts of the Agriculture Committee. Under the able direction of Staff Director Mike McLeod, the committee had the ability to move forward efficiently on a daily basis equipped with the technical data and visual aids so that rational, if not unanimous, decisions on substantial matters could be reached with minimum confusion. I strongly commend Mr. McLeod and his associates.

Mr. President, I do not want to belabor my remarks leading to floor consideration of this measure, but I would feel remiss if I did not mention the useful and cordial efforts of the Department in this legislative effort, particularly those of the Department's chief economist, Howard Hjort. Though some of the time I found myself at odds with the Department, I do want to commend the impressive knowledge and data which made Mr. Hjort such a useful advisor to the committee during markup.

Mr. President, the scope of the legislation before us is far reaching and deserves the complete attention of each Member of the body. We are charting the basic course for our agriculture economy well into the 1980's. There is a growing recognition among our people of the significant role the farmer plays in the modern world. Time was when production was taken for granted—the role of the farmer was either forgotten or social emphasis was placed upon devices which were geared to guarantee cheap food prices for consumers. Some previous administrations tended to view producers and consumers as natural enemies. I can congratulate the present Secretary of Agriculture for his early efforts to reverse this trend. The community of interest between the beginning of the food chain and its end is graphically evident today as population expands and world boundaries shrink.

Farmers today make up only 4 percent of our national population, but the remaining 96 percent are more and more aware that the well being of the 4 percent is intimately entwined in the standard of living that they have so long taken for granted. As the 96 percent continue to become protected in their life course through devices such as minimum wage, pension plans, fringe benefits, and income protection, farmers, too, have equal rights to their share of a good life through support protections for the products they raise—their only bargaining tool.

For my part of this dialog, I am not satisfied with support levels for wheat and feed grains contained in the bill reported. If the underlying philosophy of minimal price supports is to be based on cost of production it should be based on full cost of production, not that cost formula which is made to fit into an arbitrary budget ceiling set by the Budget Bureau. Farm returns should be targeted at the full cost involved in marketing a bushel of wheat or a bushel of corn. It is not inappropriate, I think, to point out that France approaches farm policy as an integral part of that Nation's social policy. The French view a $6 billion farm program in that relatively small country as an annual cost of doing business. It makes farmers secure, they have production guarantees, and most important of all, the program keeps them out of the cities where many would end up if the farm program were weaker. I am not suggesting a similar program in our country, but I do think that the French experiment is illustrative of a certain social consciousness that, for farmers, we have tended to gloss over in recent decades.

I introduced farm legislation this year which would have protected the 1977 crop instead of starting with the 1978 crop as the committee bill did. My bill would have set target prices in 1977 for wheat at $3.10 and corn at $2.52 with loan levels at 85 percent. I continue to believe that this is the most responsible approach. Action in the committee resulted in emphasis on the 1978 crop and targeted wheat at $3.10 and $2.28 for corn, but accepted by recommendation for loans at 85 percent instead of 75 percent as set forth in the committee bill. Farmers in my State are not satisfied with these figures and neither am I. In floor action I shall support efforts to raise them. Let me caution Senators with a mind at reducing payments to figures lower than those contained in the floor bill—these are the lowest possible figures that farmers can live with if they are going to continue to produce food and fiber, with petroleum costs set by an international cartel and constant increases of as much as 15 percent annually in other production ingredients. Those who intend to take American agriculture for granted may tend to reduce farm returns to please consumer constituents. But I warn those so inclined that the farmer is at a point in the cost-price squeeze where he can no longer feed our people at a loss. Reduction rather than increase in supports is a ruinous road that if followed may lead to social problems in years to come when city planners will be faced with finding these farmers a job in population centers on the one hand and wondering where our abundant food supply has gone on the other.

Mr. President, I have served in this Chamber for 15 years. I am well aware of the surpluses of past years and what we formerly referred to as the "farm problem." The "farm problem" today is one of giving the farmer a fair deal. The farmer cannot survive harvesting a crop with a $35,000 combine and receiving a price that continues to hover only slightly over 50 percent of parity. The administration calculates costs of supporting farmers at an unrealistic formula they call "maximum budgetary exposure" and then cry for cutbacks. Let me suggest that if this administration and those that preceded it applied this same rigid standard for the construction of the B–1 bomber, the fabrication of warships, and similar tools of war, they would have a much smaller defense outlay. Somehow "cost overruns" in armaments do not raise the same concern as "agricultural parity."

Mr. President, what we do here on this measure will have a major impact on rural America for years to come. Our city residents have a firm stake for they must be fed and clothed. Needless to say, the better we do our job the better our people will fare.

Mr. President, I am pleased to be speaking on behalf of the Food Stamp Act of 1977 as reported by the Agriculture Committee. I commend the committee and Chairman TALMADGE for the able and expeditious way in which this legislation was handled.

The bill represents a compromise between the different viewpoints expressed in the Committee on Agriculture. We considered amendments on a variety of issues, and arrvied at a bill which is very similar to the proposal made by the administration.

The bill will tighten up eligibility standards through use of a standard deduction which replaces many of the itemized deductions currently allowed in the food stamp program. The standard deduction serves to set a limit on gross income for the first time and will eliminate the possibility of middle-income families gaining access to food stamps.

In addition, the bill makes allowances for the special costs of working families so as not to diminish the work incentive in the program. A deduction for shelter costs was retained in order to insure that residents of high-cost areas of the country are not unduly penalized.

The most significant reform of the food stamp program contained in the food stamp bill is the elimination of the purchase requirement. EPR, as we call it, would eliminate the primary barrier to the participation of eligible households. At the same time, EPR would cut the time and effort needed to administer the program and save $25 to $36 million in administrative cost.

At present many of the neediest families cannot afford to buy into the food stamp program. It is not merely a question of the actual amount of the purchase price; the problem is compounded by the fact that this amount must be paid in a lump sum once or twice a month. Even for middle-income families, scraping up an entire months' food budget at one time would be difficult, for many low-income families it is nearly impossible.

USDA has estimated that elimination of the purchase price would bring 3.2 million new participants into the food stamp program. These are people who have always been eligible, but who have not been able to afford the stamps.

EPR would also streamline the administrative process, saving $25 to $36 million in administrative costs. EPR would cut the number of stamps in circulation by approximately 40 percent, reducing the cost of printing, shipping, storage, and accounting for these stamps as well as the potential for black marketeering of food stamps. In addition, EPR would reduce and simplify the number of forms which State agencies now have to submit to USDA.

Currently, there are nearly 15,000 vendors selling food stamps, over half of which are private profitmaking organizations. While the vast majority are honest, there have been major abuses of the program by vendors. EPR would do away entirely with cash transactions and make it easier for the stamps to be dispensed at welfare offices or by post offices, thus cutting out many of these vendors.

Perhaps the most important reason to eliminate the purchase requirement, however, has to do with the effect of a standard deduction. Food stamp reform started this year with the assumption that there would be a standard deduction. Every comprehensive bill introduced had a standard deduction. Yet a standard deduction without elimination of the purchase requirement would make the program less accessible than it is today, and would tend to discourage participation.

The current itemized deductions were developed not to avoid a gross income cap, but to make sure that a household's purchase price would be based on income actually available for the purchase of food. The current itemization of hardship allowances allows households to pay for stamps based on their actual disposable income—the money available for the purchase of food. By using a standard deduction instead of itemized deduction, a household's net food stamp income is no longer the same as its actual net disposal income. The purchase price would be based on a net food stamp income that has no relationship to disposable income available for the purchase of stamps. In short, with a standard deduction and no EPR not only do benefits go down for some, but the purchase price would go up. The result would surely be an increase in the number of households that could not afford to buy into the food stamp program.

There has been some concern that EPR would somehow undermine the nutritional basis of the food stamp program. Because, with EPR, the full food budget would not be set aside on the first of the month, it is felt that food stamp recipients would not spend as much for food.

Recent data developed by HEW indicates that this would not be the case. According to preliminary figures from the survey of income and education, 63 percent of food stamp recipients who bought their full allotment spent additional money on food. Thirty-three percent of recipients spent over $25 more than the allotment.

According to the HEW report:

> The 63 percent of Food Stamp recipients who are already spending more on food than the coupon allotment should have no reduction in food expenditures. . . . Perhaps only a quarter of current recipients are then likely to be affected by EPR. How much their food expenditures might decline is unknown. However, since low-income households spend their money much like other households, . . . food expenditures of these households shouldn't be greatly altered.

In addition to eliminating the purchase requirement, the bill which we reported contains a number of provisions which tighten eligibility standards and crack down on fraud.

This bill lowers the net income eligibility limits to the poverty line, now about $5,850 for a family of four. This is nearly $1,000 below current net income eligibility limits. The standard deduction, in conjunction with the net income limits, serves to set a gross income limit on the program for the first time.

Together, these two provisions would eliminate 8.6 percent of current participants, or 1.4 million people, according to USDA computer estimates. Almost all participants with incomes over 150 percent of the poverty line are made ineligible by the provisions of the committee bill. Another 22 percent, 3.4 million people, would have their benefits decreased. This means that a total of 4.8 million people, over 30 percent of those now receiving food stamps would lose some or all of their benefits under this bill. According to CBO the USDA estimate is conservative; CBO estimates that 39 percent of currently participating households would become ineligible or lose benefits.

Automatic eligibility for those receiving AFDC or SSI is eliminated under this bill. These households would have to qualify for food stamps according to the same income and resource standards as any other household.

The committee bill also contains tough work registration provisions. Applicants for food stamps would be required to maintain an active job search. A household head who voluntarily quits a job would be taken off the program for a 60-day period.

Several new antifraud provisions have been included in the bill. Federal funding would be provided for 75 percent of the cost of investigations carried out by the States into suspected fraud. Households found guilty of fraud could be disqualified from the program for up to 1 year.

The emergency food stamp program, which has caused some problems this past winter, has been modified. The Secretary will no longer hand out food stamps "without regard to income and other financial resources" in a disaster situation.

All of these provisions restrict the number of persons who will have access to the food stamp program.

The food stamp bill which we have reported to the floor is a compromise bill. The committee voted to eliminate the purchase requirement, but it also greatly tightened up the program, and will eliminate many who I personally believe deserve assistance. Those individual suffering an extraordinary hardship will no longer be served. The standard deduction of $60 adopted by the committee is $40 less than the $100 Senator DOLE and I proposed. Concern over the budgetary impact shaved approximately $300 million off our original bill.

The committee has labored long and hard on this difficult topic. Last year after many days of hearings and markup the Senate passed S. 3136 but the House failed to act before the end of the session. Today food stamp reform is again before us.

The bill that we have reported is an intricately woven piece of legislation. The main package of EPR, the standard deduction of $60 plus a shelter allowance, dependent care allowance, and work allowance represents the best judgement of the committee.

If any of the major elements of the bill as it stands were to be modified, the entire compromise would be lost. Therefore, I urge the Senate to adopt the structure of this bill as it stands, and I have agreed to oppose all substantive amendments to the committee bill.

SECTION 1121—USE OF NONPRICE SUPPORTED COMMODITIES UNDER PUBLIC LAW 480

Mr. RIEGLE. Mr. President, I would like to say a few words about a section of the farm bill (S. 275) that is very important to the many bean growers in my State of Michigan. I am speaking about a sense of the Congress resolution, adopted by the committee, that deals with the "Food for Peace" or the Public Law 480 program. The resolution calls for a policy of nondiscrimination between price supported and nonprice supported commodities in considering export assistance for those commodities eligible under the Public Law 480 program.

Mr. President, this resolution is in response to an action taken by OMB in the interagency process of approving commodities both for export financing under concessional sales and for the donation program. OMB made a decision to prohibit dry edible beans from the list of commodities to be funded through title I and title II of the Public Law 480 program. The decision, made against the recommendation of both the State Department and the Department of Agriculture, was based on the fact that dry beans are not a price supported commodity. Nonetheless, OMB did approve one 4,000 ton sale of beans to Egypt, but refused to fund any others and furnished no reason for the discriminatory approval. Besides OMB not holding any responsibility for programing the Public Law 480 program, there is nothing in legislation or regulation prohibiting the programing of nonprice supported commodities.

Because of the huge supplies of price supported wheat and rice, OMB argues that these commodities should take precedence over nonprice supported commodities when determining the items to be funded through the Public Law 480 program. The argument is based on the obligation the Government has to store any surplus of price supported foodstuffs. OMB sees reducing the supplies of wheat and rice through the Public Law 480 program as a means of cutting costs to the Government. Reasonable as this argument may be, it is not a just way to deal with a surplus product whose nutritional value far exceeds other donated commodities. In addition, this high protein food stores well for long periods of time and is a staple food item in most countries of the world.

Currently, dry bean producers receive no aid from the Federal Government in the form of price supports. Yet they face a surplus crop and they are selling at the cost of production. Bean producers are not yet asking for their commodity to be price supported. However, if they cannot receive some assistance through the Public Law 480 program, they may have to resort to requesting that their price support program be reactivated.

Furthermore, bean producers are dismayed that OMB would approve funding for one sale and then refuse funding for other sales. Efforts have been made by the House Appropriations Subcommittee on Agriculture to solicit from OMB a motive for their action in this matter. As yet, the subcommittee has received no response. If OMB has no real reason, then a move should be made to rescind their decision and approve funding for the sale of beans through Public Law 480. On the other hand, if OMB, indeed, has a reason, then both the Congress and the bean industry are due an explanation.

Michigan produces more beans than any other State in the Union. Last year, for example, Michigan bean farmers produced 4.5 million bags of beans; yet the domestic market was only able to absorb 3.5 million bags. In addition to their domestic troubles, bean producers are now facing stiff competition from Argentina and Canada for their principal markets in Europe. Consequently bean producers are looking for new foreign markets. The Public Law 480 program has the potential for developing markets overseas for the bean industry. Lebanon, Guinea, Zaire, Jamaica, and Haiti, for example, need beans but cannot afford to buy them on a commercial basis. Through title I of Public Law 480 which instructs the Commodity Credit Corporation to make loans on highly favorable terms to finance the sale of U.S. agricultural commodities to developing nations, beans could be made available to these countries who may eventually become viable markets.

It is my hope, Mr. President, that through the language in the report of the House Appropriations Subcommittee on Agriculture which directs OMB to provide a reason for any sale disapproval for the Public Law 480 program, along with the language in this bill (S. 275), OMB will finally cooperate with the Department of Agriculture, the Congress, and the bean industry.

Mr. TOWER. Mr. President, I am so strongly opposed to most of the provisions of title XII of the farm bill that it would almost have to be amended section by section before I would find it acceptable.

I have a food stamp reform bill (S. 1295) which is still pending in the Agriculture Committee and which I believe deserves further consideration. In the nature of a true reform, it would have saved between $1 and $1½ billion. This food stamp title can only increase the cost of the program, which we estimate at $5.6 billion for 1976.

We assume now that only about 50 percent of those actually eligible for food stamps participate in the program. Proponents claim that by making food stamps free, and thereby removing the primary obstacle to participation, they will still only increase participation by 17 percent. This is also in spite of the fact that the administrative difficulty avoided by eliminating the purchase requirement will result in the operation of many more outlets. Either the purchase requirement is the main obstacle to participation in the program or it is not. And if it is the main obstacle, then we can expect the cost of the program to soar and participation to approach 100 percent. It is ludicrous to advance this device as a money saver.

The bill which I had introduced was not scrooge like. It set eligibility for a family of four at the poverty line plus 15 percent for work-related expenses. With itemized and standard deductions, S. 275 would raise that ceiling by nearly $4,000. Either the poverty line means something or it does not, and with S. 275 in mind, I have decided that it has no significance at all as the starting point point for public responsibility for private needs.

My bill set an assets limitation on qualifying for the food stamp program that was almost excessively generous—a family of four with a member 65 or older could have $60,250 in assets, including home, car, personal and income property and still be eligible for the program. S. 275 has nothing but a requirement that the Secretary study the feasibility of an assets limitation.

My bill would establish a minimum of 90 days disqualification for knowingly transferring assets with intent to qualify for the program. S. 275 has no restriction in this area whatever.

S. 275 allows the students of comfortable parents to qualify for food stamps. Mine would have made them ineligible. After all, why ask taxpayers who cannot afford higher education for themselves or their own children to subsidize it for those who can?

S. 275 allows strikers to use the food stamp program as leverage to exert pressure for higher wages. By making them ineligible, my bill would have kept the Government from taking sides in labor disputes and from contributing to the resulting rise in prices in goods and services to the consumer.

My bill would have required the Department of Agriculture to expand its nutrition education programs. S. 275 overlooks this need while discouraging, through elimination of the purchase requirement, participants from devoting an appropriate share of their income to food. In addition, my bill would have prohibited the use of food stamps for junk food. S. 275 makes no effort whatsoever to insure that food stamps are actually spent on nutritious commodities.

Ironically enough, in an effort to simplify administration, S. 275 eliminates the categorical eligibility of households qualifying for supplemental security income benefits—the aged, the blind, and the disabled—precisely that group for whom application for food stamps should be easiest.

Proponents of S. 275 point proudly to the fact that it will eliminate $3 billion worth of food stamp coupons from the system—as though there were something approximating a $3 billion savings in administration. This emphasis is misleading, and the so-called simplification of transaction will only encourage further dependence among those who might otherwise attain a level of self-sufficiency.

I can see quite clearly that the food stamp program has lost all touch with its original purpose of distributing healthful surplus farm commodities to truly impoverished households. I earnestly hope that the Agriculture Committee will strive to restore the integrity of original intent in future deliberations on food stamp reform. There is much to be done that title XII avoids, and I hope that future efforts will confront the most critical issues underlying this public assistance program head on.

Mr. DOMENICI. Mr. President, we are today considering S. 275, the Food and Agriculture Act of 1977. I would like to take this opportunity to discuss with the full Senate some of the points I made on March 14 of this year to the Senate Committee on Agriculture and Forestry.

Prior to presenting that testimony, and since, I have had the opportunity to travel my State and talk with farmers, ranchers and members of the rural financial institutions who have supported our agricultural producers for many years. They nor I can remember a time in recent years when more instability and uncertainty confronted the producers in my State and in the entire Rocky Mountain region. In fact, our farmers are facing a new economic equation—increasing costs of production such as energy and fertilizer, and falling prices resulting in lower returns. This situation is compounded by an uncertain water supply aggravated by this year's drought.

Escalating costs of production and the general problems facing agricultural producers, especially in the energy area, have been well illustrated by Jack Muse, president of the New Mexico Wheat Growers Association. At a meeting I held earlier this year in Clovis, N. Mex., Mr. Muse presented testimony from which I would like to read a few excerpts:

> I have been asked to relate some facts concerning the effect of energy costs on my operation. In considering this matter, the fact just kept coming to my mind that the greatest energy shortage or problem lies in the hearts of our farmers. Never before, in the 12 years I have been farming, have I seen the attitude and motivation of farmers at such a low state. The aggressiveness and determination which has for so long characterized the farmers in the southwest seems to have been eroded by fall embargoes, low prices, high production costs, huge carryover projections, and little prospect for any improvement in any of these areas.
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> I have prepared a chart showing the relationship of fuel costs for my wells and several different equipment items. A quick look at comparisons of 73–76 total costs for fuel give a very vivid picture of what higher energy costs are doing to farmers. It seems that the cost of natural gas for pumping is the most severe increase. While diesel fuel and gasoline prices have about doubled, the cost of natural gas has tripled, and is projected to be quadrupled by the summer of 1977.
>
> To illustrate more vividly what has happened on my farm. . . . My normal wheat production is about 600 acres with an average yield of 65 bushels per acre, for a total of 39,000 bushels which is worth $91,650 at $2.35 per bushel. Due to many high costs of production items, but principally the high cost of natural gas for pumping, I have reduced my wheat average for 1977 to 240 acres of dry land, which has a potential of 20 bushels per acre for a total of 4,000 bushels or $11,280 at $2.35. This amounts to a loss of $80,370 in gross income. I would also like to point out that this is a loss to the local business community, state and the nation. If the estimated farm dollar is circulated four times, what does this really mean to the local economy?

These are telling comments from a young, aggressive farmer and I would ask my colleagues to keep them in mind when casting their vote on this farm legislation.

Farm and food policy has been widely discussed and publicized this year by all the interested parties—producer, middleman, and consumer. Some will say this legislation goes too far, costs too much and will result in higher food prices. Others will say it does not go far enough, exposes the farmer to the vagaries of the market and the weather, and will drive the small and marginal producer out of business causing higher prices in the long run. However, I feel this bill is a fair compromise between those who would set target prices and loan levels so high as to distort our market and get Government back in the business of running agriculture, and those who would offer inadequate protection resulting in the demise of our small farmers and the destruction of our rural economy. I urge my colleagues to support the bill as reported.

Mr. HUMPHREY. Mr. President, today we will vote, and I hope pass, overwhelmingly, the 1977 omnibus farm bill, S. 275. It is a good bill, the product of long hours of work led by the able chairman from Georgia, my friend HERMAN TALMADGE. Together we worked to put together a piece of legislation that helps our farmers and protects the interests and well-being of agriculture; and makes sure that people around the world will have enough healthful food to nourish themselves and their families.

I am especially proud of the provisions in S. 275 which improve the food stamp program, a program that has worked, and continues to work, as the mainstay of our antihunger efforts in this country. In recent years, we have been working to protect the program; to guarantee that its benefits would be available for the poor who depend on its assistance; and to react to cutback proposals from the White House and many of my colleagues in this Chamber.

Well, this year, it seems we came to our senses. This year we made some progress. This year we realized we had a good program here—one that worked—and we are going to shore up its weak points and build on its strengths. I believe our committee bill does that very well indeed.

Not coincidentally, we have a man in the White House that sent us a fairly decent bill, one with a positive direction and a notion of making the program serve our people better. We have taken the administration's lead, improved upon it a bit, and offer the Senate a bill today that is responsible and meaningful.

ELIMINATION OF THE PURCHASE REQUIREMENT

An important element of our bill is the elimination of the purchase requirement for food stamps—EPR as it is now called. This is the basic reform we sought, and I am proud to have included it in the legislation I authored early in this session. EPR will help to solve the basic problem in the program: Lack of access. Thus, we intend to see a very quick implementation of this reform. While I expect it to take some time to set up the new mechanisms for distributing assistance, these administrative tasks should be completed soon. EPR is extremely important, and we expect this innovation to be firmly in place within a half-year of the enactment of this legislation.

EPR will make access easier. But we have not stopped at that one reform. We additionally call for efforts to establish convenient points of certification and issuance, and to make sure these offices are well-staffed and available to all potential recipients. For example, we expect that offices will be open at reasonable hours, including evening hours or Saturday hours to accommodate our working poor participants who often cannot get to offices during the working day. We also expect the States to make concerted efforts consistent with this intent to bring the offices closer to people. There is no reason, for example, for applicants or recipients to travel more than 2 hours round trip to reach a certification or issuance point. I hope the States will make every effort to use satellite offices, and to place certification personnel in offices and buildings that are frequented by eligible people who may be unwilling to travel to an unfamiliar setting to ask for assistance. Simply stated, we expect a real effort to make sure all eligible people have a real opportunity to participate.

I believe the States will be able to make these efforts because we have simplified program administration. EPR, of course, will make their issuance tasks more manageable. And the deduction scheme will make certification less time-consuming. At the same time, we have provided for stricter controls on the length of the certification period so that the State agency will not be burdened by excessive recertification. Under this bill, the vast majority of households will have 3-month certifications, with many having longer times, especially the elderly for whom year-long certification periods are required. The shorter periods, even during initial certification, can only be used hereafter for those households with extremely volatile income circumstances, such as migrants or those workers out on strike. In the past, both recipients and administrators have been burdened by overly short certification periods; we have eased that burden in this bill.

We have written into law a requirement that applicants receive an application upon request, that they be certified within 30 days of applying, with benefits retroactive to the date of application. In other words, persons in immediate need should be certified immediately. It is expected that zero purchase households and households facing special problems—such as loss or theft of benefits—will be hand-issued their food stamp benefits at least within 48 hours from the time they make their first request for assistance. This should end the practice of delay that plagues so many food stamp offices.

PLUGGING THE LOOPHOLES

We took these steps to speed up the delivery process and to improve access, because we also moved to better target the money we are spending on our food assistance programs. Unfortunately, we have had to cut out some needy families in the process, households who, while in need of some assistance, were not in the dire position of other households who were not getting any assistance at all. So we have tightened up the ship, and focused our efforts at the poorer of the poor.

We have cut eligibility back significantly. We have established the poverty line as the net income eligibility cutoff. The poverty line, the committee found, was the best available indication of need on which we could all agree. Thus, the poverty line will be used for the first time to determine food stamp eligibility. Of course, the poverty line has its problems, and I believe it bears little relationship to the formula originally used in the midsixties when it was established. At that time, USDA's economy food plan was to be about one-third of the poverty line; now, that 1-to-3 relationship is lost. But in establishing any new poverty lines—if they are rethought for Alaska or Hawaii or created for Puerto Rico and the territories—we would expect the administration to stick to the original methodology that created them. The cost of food is too basic to our cost of living for its place in our only definition of poverty to be eroded. Indeed, I would imagine that if this were done for some of the outlying areas, that the amounts would even exceed the poverty line for the mainland since the cost of food in those areas is higher. In such instances, as is probably the case in Puerto Rico, the eligibility standards for that area would be the same as the standard for the U.S. mainland since we prohibited higher eligibility standards for the territories.

Just as we felt the need to establish eligibility ceilings to afford the cost of some other reforms we have not been able to substantially increase benefit levels. The law will now require that the coupon allotments—the amount of stamps each household gets—be based on the thrifty food plan. This plan uses actual prices of food in grocery stores, taking into account any applicable food sales taxes, so as to determine the cost of food to feed a hypothetical family of four under the thrifty food plan. Prior to this legislation, we had simply stated that the coupon allotments provide a nutritionally adequate diet, and had not specified the basis for such determination.

For the first time, we have attempted to give the Secretary of Agriculture some better guidance as to the methods of computing income for eligibility and benefit purposes. I believe this to be an important improvement in the program as we attempt to rationalize what is, and more importantly, what is not income for a household. We have excluded the following from the computation of income for food stamp program purposes: First, all vendor and inkind payments to a household, such as Government housing or medical assistance; second, highly irregular income; third, all educational loans and grants to the extent they are used for tuition and fees at institutions of higher education, like universities, vocational schools, and other employment preparatory institutions; fourth, all loans, whether from lending institutions or friends; fifth, reimbursements for expenses that do not benefit a household, such as travel reimbursements; sixth, money used for the care of a person outside the household; seventh, earnings of a student under 18 years old; eighth, nonrecurring lump-sum payments, such as retroactive social security benefits or a tax refund; ninth, the cost of producing self-employment income; and tenth, as in the present regulations, any income that any other law excludes as income for public assistance programs like the food stamp program, such as money given to foster grandparents or CETA workers.

The deduction formula in the bill also breaks new ground. First, we provide for a work incentive deduction of 20 percent of all earned income. This deduction is to be applied in any working situation, such as regular employment or work-training, to cover work-related expenses and any payroll withholdings, such as for taxes and social security. The 20 percent deduction covers all the workrelated deductions in the current program, except dependent care, and is much more administratively desirable. Second, we call for a standard deduction of $60 for all households. Third, the legislation allows a dependent care deduction of up to $85 a month to cover the cost of such care to allow a person to work, look for work pursuant to a work registration requirement, or get training in preparation for work. Finally, we disagreed with the administration and provided an excess shelter deduction in lieu of $20 in the standard deduction. This deduction is to take into account the expenses a household has each month for the whole spectrum of shelter costs, for example, rent or mortgage, utilities and phone, and taxes, the same as allowed as part of shelter costs in the present program. The deduction is for the amount of shelter costs which exceed 50 percent of the household's income after the other deductions have been subtracted.

One of the most important aspects of this deduction is to allow some notion of individualized treatment in the program, while balancing administrative convenience, and we expect the Department to make sure that households get deductions to which they are entitled. We do not want to hear of caseworkers telling an applicant "It's much more simple if we just take these other deductions and skip the shelter deduction because you're probably not eligible anyway." We put that deduction there, because we want people to have it based on their projected shelter costs in the coming month, and we want the Department to make sure the States understand it. Obviously, under this projection of income and expenses system, it would be impossible to force people to actually pay these shelter costs before they are entitled to a shelter deduction. Caseworkers should look at the household's projected situation during the upcoming certification period and figure out what income will be available in the certification period and what expenses that income will have to cover.

The current program has a built-in cost of living escalation because it allows deductions for the actual cost of certain items. In switching to a standard deduction, we have provided a special cost of living adjustment. The standard is to be updated to the nearest $5 increment whenever the consumer price index indicates a price increase of $2.50 or more.

FRAUD

Finally, we made sure the recipients' responsibilities were clearly laid out in the law. Households would have to report any changes in household income or circumstances. Those households whose heads were found to have committed fraud would be knocked out of the program for up to a year. These fraud determinations could be made only by a court or by a State agency, assuming that the agency determination was based on due process notice and hearing procedures, and the household had exhausted its judicial right to appeal. In essence, we want to insure that household eligibility due to fraud allegations are not affected until a household had a chance to test such important allegations in a court of law. In cases of a household receiving benefits, because of an error, whether that error is an honest mistake on the part of a caseworker or a recipient, the State agency would not be able to require repayment, neither as a condition of eligibility or through recoupment procedures. This is an important consideration because, currently, many households are intimidated into making restitution of moneys they received in error through no fault of their own and they no longer have the funds to repay.

Mr. President, this legislation truly reforms the food stamp program by carefully and more narrowly targeting the people we want to help, and then making sure that all of those who want their entitlement honestly have the opportunity to acquire it. That is the best we can do, as I believe this bill accomplishes that purpose. I urge my colleagues in this Chamber to support the committee's bill and to vote for its adoption.

Mr. CLARK. Mr. President, I rise in support of S. 275, the 1977 farm bill. It is a strong bill—one which provides American agriculture a range of important protections, and yet contains the flexibility farmers need to tailor their production to changes in supply and demand. I want to commend Chairman TALMADGE for his foresight in drafting this extremely complex bill early last fall, and for his efforts in working through a very rigorous series of hearings and a long and difficult markup in time to meet the tight deadline imposed by our new budget structure. The result is a good bill—one which I hope will be passed into law.

At the time when Chairman TALMADGE was beginning drafting this bill, American agriculture was operating under vastly different conditions than is the case today. Prices of most commodities were favorable, although cattle prices, to name an exception, had been depressed for some time. In general, however, strong export demand had strengthened farm prices enough for the 1974–76 period that most of the provisions of the 1973 act were in mothballs. Last summer, it appeared that the Congress should concentrate upon extending the provisions of the 1973 act with a few important changes—but that domestic and overseas demand would continue to be strong and that farm prices would very likely continue to be well above costs and that we could continue to hold our price support mechanisms in reserve.

The 1976 crop changed that view. Good weather around the world increased production dramatically last year, and suddenly we have a very real concern that we may have a significant surplus in wheat.

We have strong signals that another year of good weather in the corn belt, absent a crop failure around the world, will put corn growers in exactly the same shape as wheat growers are in now.

The lesson is clear. Agriculture is still as subject as it ever was to violent swings of overproduction during good weather and underproduction during bad weather. Good and bad weather frequently strike much of the crop producing area of the world the same way at the same time, worsening the gluts and the shortages as well. And the result is that farmers still suffer prices below cost of production when they have good weather, and they suffer the loss of their crops when weather is bad. Either case is economic disaster for farmers, and for consumers as well because these swings provide the wrong production incentives far too much of the time. It is increasingly clear that we need to refine and maintain the programs we have developed over the past 40 years.

The draft farm bill before us today does this well. It directly addresses all of the major problems found in the 1973 act—it modernizes our farm programs and makes them more responsive and flexible. I want to comment briefly on a number of improvements that I think should be supported strongly.

First, the bill provides for strong support levels. In 1978, the price on corn is supported with a loan rate of $2 and a target price of $2.28. In future years, the loan is to be 85 percent of cost of production, while the target price is to be set at the average cost of production for a bushel of corn. I believe this is a fair and workable support system, and that these levels are adequate. They will cover most costs of production for most farmers, but will not guarantee farmers a profit. They should give farmers the support they need, but not be so high as to price us out of world markets or attract land speculators to come into agriculture and bid land prices out of reach of farmers.

Second, the outmoded and unfair allotment system is abandonded and replaced with a new system of basing target price deficiency payment coverage on current planted acreage. This should end the practice of planting to "protect an allotment" and permit farm production to respond more rapidly to changes in demand, or to supply shortfalls.

Third, the existing disaster payment program has been strengthened, and the process of converting that program entirely to an insurance program has been begun. No one is eligible for payment except in cases where a crop is damaged in a significant way. But, coverage is extended to 100 percent of planted acres rather than the outmoded allotment, as was the case before. I believe that this is not only a stronger program now, but a fairer one as well.

Fourth, the payment-limitation section of the bill has been strengthened to prohibit payment of target price deficiency payments to certain corporations in an effort to make investment in farm land less attractive to large corporations.

Fifth, a major program to build on-the-farm storage facilities has been begun, both with existing authority and with changes in this draft bill. The program includes facility loans with lower down payments and more favorable terms.

In addition to its commodity provisions, the bill contains other major provisions as well.

For example, the bill authorizes a major expansion of the land grant research program on food production and on animal health. Many groups around the Nation have long been concerned that our investment in research has not been keeping pace with inflation, and that we are consuming our capital investment in research. This bill provides for a strengthened and better coordinated research effort, headed by the Secretary of Agriculture with a substantial increase in authority for funding. Too many times we have found our increases in productivity stopped cold by problems that we must then wait months or years for research to solve. The current outbreak of pseudorabies is such a case. Research was proposed years ago on pseudorabies, but was not undertaken because of lack of funds. This bill should give our strong and effective land grant system more of the support and coordination it needs to anticipate problems such as this one and complete the work needed to overcome it.

The bill also strengthens the food-for-peace program through new funding authority for title II, and through new authorities to use proceeds of title I concessional sales to help poor countries build storage facilities and to invest in rural development and other local development programs in recipient countries.

However, I believe that the committee amendment that limits use of title II aid in countries which have expropriated U.S. property was a serious mistake. I hope that the Senate will strongly support efforts to remove that restriction. I believe this provision will now be considered in connection with the foreign aid bill. I will support such an effort. The title II program is a humanitarian program, focused on human need. It is handled by voluntary agencies, and it moves food aid very directly to the poor people of the world.

To limit that program because of actions the governments of those poor nations have taken greatly weakens the humanitarian objectives of the program, with, I believe, little impact of the governments involved and small chance of achieving the policy objectives intended. It will be seen by the world as a callous and petty act, and it will greatly weaken this worthwhile program.

The bill also strengthens the food stamp program by removing some of the administrative problems that have been so troublesome for that program. The requirement that recipients of that program purchase their stamps was removed. The complex deduction calculations were simplified and, to an important extent, standardized. I believe this will make fraud and deception more difficult, and make the program more effective.

As I said, Mr. President, this is a broad and complex bill with many sections. I think it is a strong bill, and I urge the Senate to support it and move quickly to approve it. Clearly, American agriculture needs to have for this crop year the strengthened supports contained in this bill.

Mr. President, President Carter is concerned that this bill is too costly. It is costly, under some circumstances. However, I urge the President to carefully examine the circumstances of these costs before he considers vetoing the bill on the grounds of costs. First, before the costs the President fears will materialize, we must have a price disaster in the farming communities of this Nation. If we have $2 corn and $2.47 wheat, that is a true disaster and it means bankruptcy and loss of farms for many, many farmers unless adequate Government protections are provided. Support levels lower than this are too far below cost of production to be considered adequate. Should an emergency of this kind arise, the President would be justified in making the expenditures required to alleviate the problem, even though the impact on the National Treasury would be large.

Second, a major share of the expected costs to the Treasury here are not true costs. They are accounting costs. They appear because the Government must account for the cost of a loan in the year in which the loan is made. But they neglect to show any value at all for the grain upon which the loan is taken. If the loan is repaid, or if the grain reverts to the Government, at least part of the cost of the program is recovered. Clearly it is inequitable to charge the whole cost of the loan to these farm programs with no recognition at all of either the likelihood of the loan's being repaid, or the economic or social value of the grain itself. Given the size of today's world population, and the uncertainties of world weather, and given our experience of the shortages of the past few years, this kind of bookkeeping seems to be shortsighted at best.

I hope the President will take these facts into consideration when he examines the new farm bill this year. I hope Congress will stand solidly on the merit of the bill we are considering today and send up a strong bill. And I hope we will insist that the President look carefully at the values of farm programs as well as their costs when he considers whether or not to approve the new bill.

Mr. President, I urge the Senate to pass S. 275 with the levels now contained in the bill. I hope the House will agree with this strong bill, and that the President will sign it into law.

Mr. LEAHY. Mr. President, I rise in support of the committee's bill, the Food Stamp Act of 1977. The bill which we have reported out constitutes the first major overhaul of the food stamp program since the passage of Public Law 91–671, and makes many long overdue improvements in the way the program will operate. When the 1971 amendments were enacted, Congress was dealing with a program still in its formative years. In the years since that legislation, however, the food stamp program has matured and expanded into a nationwide program which represents America's most important resource in our efforts to combat hunger and malnutrition.

This process of expansion, however, has greatly increased public and congressional awareness of the program, and brought to light many areas which require revision. In fashioning the bill which we have reported out, we have had the benefit of the work we did in the last Congress on reforming the food stamp program, and consequently the bill which we are now considering is the product of a long and thoughtful analysis of all aspects of the food stamp program. As a result, we have separated out those concerns which are legitimate from those concerns which arose from public misunderstanding of how the program really works and who is receiving its benefits.

I would like to explain the most important revisions made by the committee bill in terms of the major questions it addresses.

WHO WILL BE ELIGIBLE?

Under the committee's bill, basically all low-income households with incomes below the poverty line will be eligible to receive food stamp assistance if they meet the various eligibility criteria we have set forth. While we have retained the concept of using a household as the basic unit for determining eligibility and benefits, we have changed the definition of household that was incorporated in Public Law 91–671. Section 3(i) will now define a household as a group of people living together who purchase food and prepare their meals together. Previously, the definition of a household was a three-part definition that required that, in order for a group of people to be considered a household for food stamp purposes, they must share common cooking facilities and purchase food together and constitute one economic unit. All three tests had to be met before the group could apply and receive benefits as one household. Experience with this definition of a "household," however, has shown that it is often confusing and difficult to apply for both recipients and the administering agencies. So we have amended the definition of household to make clear that it is a simple, two-part test, and as long as both tests are met, the definition has been satisfied.

Of course, individuals who live alone, or who live with others but purchase or prepare food separately, would be able to apply for food stamps on their own. Similarly, individuals who live with others but pay only a fixed amount for room or board may also qualify separately. The only exception to this would be where individuals live in a boardinghouse or an institution. By boardinghouse, we have in mind an establishment whose sole purpose is to provide residents with meals for compensation. We are obviously not talking about extended families who may live with each other, where individual family members pay only a fixed amount for their food and their share of the shelter expenses. For example, it is very common for families with young children to also include a grandmother or other older relatives as well as grown children who are working and living at home, but paying only for their share of the food and rent. It is certainly not our intention to classify this group of people as a boardinghouse. Rather, each family member who is not taking responsibility for purchasing or preparing the meals but is eating at home would be able to apply for food stamps based on his or her own income and resources.

In addition to the ineligibility of persons who live in boardinghouses and institutions, there are two other exceptions to persons who would not fit into the definition of household, and therefore would not be eligible for assistance. The first exception is found in section 6(f), where we have provided that a person who is not a U.S. citizen may not participate in the program unless that person is admitted for permanent residence or is here under color of law.

Thus, aliens who have received pardons or have received amnesty under President Carter's announced plan to deal with illegal immigrants would be able to receive food stamps if they are otherwise eligible. In essence, persons who have entered the country and are not under an order of deportation could apply and become eligible for assistance.

The second exception applies to recipients of supplemental security income—SSI—who live in cash-out States, as defined in section 6(g) of the bill. As long as SSI recipients live in States where the cashed-out amount has been extended to all SSI recipients as part of their grant, whether they be mandatorily supplemented under section 212(a) of Public Law 93-66 or optionally supplemented under section 1616(a) of the Social Security Act, there would be no eligibility for food stamps.

The committee has settled on the income poverty guidelines for the nonfarm United States prescribed by the Office of Management and Budget as the criteria by which to measure whether a household is in need of food stamp assistance, because we believe this is the most appropriate measure of need. In adopting the poverty line in section 5(c) of the bill, we recognize that different eligibility standards will be required for Alaska and Hawaii, and may be established for the territories. One of the problems with determining eligibility for Puerto Rico, Guam, and the Virgin Islands is the fact that there is currently no official poverty line for these territories, whereas there is an official poverty line for Alaska and Hawaii.

If separate eligibility criteria are established for the territories, we would expect these criteria to be developed in the same manner as the present poverty line for the contiguous United States was developed. This would base the poverty line in the territories on the cost of food, since the economy food plan—which served as the basis for the poverty line in the United States—is based on the cost of food. This might mean that the poverty line in places like Puerto Rico is higher than the poverty line in the contiguous United States. In any event, however, the eligibility standard for Puerto Rico, Guam, and the Virgin Islands could not exceed the standards for the contiguous United States, though they might very well equal them.

HOW WILL ELIGIBILITY BE DETERMINED?

In order to insure that food stamp assistance is limited to those households who are truly in need of assistance, the committee bill fashions a two-prong test of a household's financial circumstances, which requires an evaluation of both income and assets.

With respect to assets, we have retained the discretion to set the assets limitation which is part of the present act. While we expect that the assets requirements will remain essentially the same as USDA's present regulations, we have directed the Secretary to undertake a study of this matter in order to ascertain what limitation on assets will both exclude nonneedy households and treat needy households equitably. In this regard, we are concerned that the assets limitations now incorporated in the programs regulations have not been updated since July 1971. It would, therefore, be appropriate for the Secretary to include as part of his study an assesssment of the need for a higher assets limitation, as well as the need for annual or semiannual updates.

In carrying out the study, we are also concerned that the Secretary will look to the assets actually available to people, which requires evaluating the value of assets in terms of equity in the assets, rather than fair market value. In coming up with recommendations for new assets requirements, we also expect the Secretary to keep in mind that the food stamp program is intended to assist both the long-term poor and those who are only temporarily in need because of unemployment or a temporary drop in earning. We do not foresee an assets requirement which would require households in temporary need to sell off their possessions before qualifying for aid, such as by setting nationwide arbitrary limitations on the cost of a house that can be owned, since such an approach would only create inequitable problems for people in high cost-of-living areas. Such an approach was tried out in the SSI program and resulted in many more problems than it remedied.

For the purpose of ascertaining whether a household's income falls below the poverty line, the committee has spelled out precisely what will be included in income and what must be excluded. Under section 5(d)(1) of the bill, all indirect, or vendor payments, will be excluded. Unless the household receives a payment directly in the form of money, the payment would not be counted as income. We have also excluded all income from educational loans, grants, scholarships, fellowships, veterans' benefits and other similar sources so that those low-income households which seek to enhance their education further will not be penalized. In order to qualify for this exclusion, the education or training must take place at an institution of higher education, which would include colleges and universities, technical or vocational schools, trade schools and correspondence schools.

Under section 5(d)(4) of the bill, we have excluded all loans except for deferred education loans, since the income from these loans must be repaid. I think we are well aware that low-income households must often rely on loans in order to meet unexpected expenses or, when income is especially low, just to meet the basic necessities of life. We would include in this exclusion loans from friends and relatives as well as secured loans from commercial institutions, since many poor households do not have the credit to obtain commercial loans and must go to family or friends to obtain the necessary money.

We have taken care of the needs of self-employed people in section 5(d)(7) by providing an exclusion for the expenses related to producing income from self-employment. In excluding the costs related to self-employment income, we envision exclusions which conform with the IRS regulations governing allowable expenses for self-employment, so that people who rely on their own initiative to make their living are not subject to one set of regulations for tax purposes and another set of regulations for food stamp purposes. The cost of feeding a boarder would also be included as an allowable cost—and, hence, an income exclusion—if the cost of feeding a boarder is part of a household's self-employment income.

In section 5(d)(8), we make provision for disregarding income that by law is specifically excluded from consideration as income for public assistance or food stamp purposes. This provision would exclude benefits for food stamp income computations from programs that are specifically excluded for public assistance purposes, such as the CETA program.

These income exclusions which I have mentioned, along with other exclusions set forth in the committee bill, are intended to remove from consideration income which is not really available to the household in order to meet its basic needs. These income exclusions basically track the present program rules, which are set forth in USDA's program regulations. The complex set of itemized income deductions incorporated in the present program regulations have not been retained, however. Rather, the committee bill replaces these itemized deductions with a standard deduction and a limited number of extraordinary deductions from income—a new system which is intended to simplify the administration of the program and to make the program more equitable for all recipients.

All households will be entitled to a basic standard deduction of $60, which must be adjusted semi-annually to the nearest $5 anytime the Consumer Price Index for all items other than food reflects a change of $2.50 or more. Those households which have earned income will be entitled to a 20 percent deduction, applied to income from work or a work training program, to offset their taxes and other work or training-related expenses.

In addition, we have added a separate deduction for child care costs, up to $85 a month, for a household that must incur child care expenses in order to work, receive training, or look for employment. Finally, we have added a deduction for households whose total shelter costs exceed 50 percent of their income after these other deductions have been taken. These shelter costs include not only rent or mortgage payments, but also all utilities and the cost of basic telephone service. We have added this shelter deduction in recognition of the fact that families often have little or no control over rising shelter and utility costs, and should not have to choose between shelter and food when shelter costs begin to assume a disproportionate share of the household budget.

Thus, when households are certified, they will receive an extra shelter deduction if their projected cost of meeting their shelter needs in the upcoming certification period exceeds 50 percent of their net income—their gross income minus all of the other deductions.

In the process of calculating a household's income, we expect that the certification worker will necessarily get some picture of the household's circumstances over the past thirty days. This information, combined with primary reliance on the household's own expectations of what its income and allowable expenses will be in the coming months, will enable the eligibility worker to determine whether past income or anticipated income will best indicate the household's projected income during the certification period. Whichever system best indicates that projected income will serve as the basis for determining household eligiblility and benefit levels.

The committee has chosen this scheme in section 5(f) of the bill, rather than an averaging process, because we believe it retains the flexibility which the program must have to react to household needs, especially in light of the fact that we have replaced the itemized deduction system with a standard deduction system. In order to deal with the special circumstances of self-employed people and people who receive predetermined annual salaries for work performed during part of a year, such as teachers—but not including farmworkers or seasonal laborers not holding annual contracts—we have specified a 12-month accounting period for such persons over which income must be averaged. Except for this special category, however, averaging will not be allowed.

This information about a household's projected income will also determine the number of months for which households will be certified. In section 3(c) of the bill we have specified a minimum certification period of 3 months, with longer certification periods of up to a year for households with no employable member or households which rely primarily on self-employment income.

While we have also made provision for shorter certification periods, we do not expect certification periods of less than 3 months to be used, even in initial certifications, except for households who are very likely to have a change in income shortly, such as migrants, persons on strike, or people who are awaiting benefits from a new source of income, such as unemployment compensation. Except for these limited circumstances, we expect all food stamp households to be certified for three months or more, since use of unnecessarily short certification periods results in high state administrative costs, and runs contrary to our intentions to have the program administered efficiently and effectively.

In order to insure that eligible households experience no interruption and benefits at the end of a certification period, section 11(d)(4) provides that households which seek to be recertified at least 15 days before the end of the certification period must receive their coupon allotments for the following month no later than 1 month from the date of their last coupon issuance. For most households, this provision will mean that the coupon issuance for the first month of the new certification period will probably occur around the first day after the end of the preceding certification period.

In order to insure that this protection is carried out, the States will have to devise a system which advises people that their certification period will end, and provides enough advance notice of this fact to allow households to be recertified in time to experience no loss in benefits. For most households—who will be recertified for 3 months or longer—this notice and recertification requirement should be routine. For households certified on a monthly basis, however, special steps will have to be taken so that these households can be recertified and benefit from the flexibility of a 1-month certification period, which must of necessity be based on the most up-to-date information.

Thus, for 1-month households, recertification on the 15th of the month may not make sense, since information about what the income is likely to be for the next month may not yet be available. The States will therefore have to make special arrangements for households certified on a monthly basis so that they can continue to get their stamps near the first of the following month, even though the recertification takes place near the end of the month. Under any circumstance, we expect that the maximum will be done to insure that no eligible households experience any interruptions in their vital food stamp assistance.

In order to make the food stamp program more accessible, section 11(d)(2) of the committee bill requires not only prompt action but reasonably accessible points and hours of certification. This means that the certification centers must be close to where the low-income people are, and should not be further than 2 hours round trip by public transportation. In areas where there is no public transportation, such as in rural areas, or where public transportation is very limited, States will have to resort to traveling certification workers or mobile issuance centers in order to insure that eligible households are not denied the right to participate because of their place of residence.

Similarly, the hours during which the certification centers must be open must also be convenient to the low-income population. Since we do not expect working households to have to give up a day's pay in order to obtain the food stamp assistance they need. Each State will have to make some provision for night or weekend hours of certification.

The same considerations that apply with respect to access to certification centers must also apply to issuance centers. Under the provisions of section 11(d)(13) of the committee bill, the States will have to comply with standards set by the Secretary for issuance points and hours. We would expect these standards to make provision for special issuance hours for working households, and to require the States to provide for mobile or mail issuance whenever issuance centers are more than 2 hours away by public transportation. We feel that the 2-hour round trip by public transportation guidelines is a good limitation on maximum distances that people should travel, since this concept is already incorporated in the present work requirement regulations which provide that a job offer may be refused if the jobsite requires round trip travel greater than one-fourth of the normal work day—8 hours—a total of 2 hours for traveling back and forth.

HOW DO HOUSEHOLDS APPLY?

The changes which the committee bill makes in the operation of the program, particularly with regard to elimination of the purchase requirement and the use of a standard deduction, are intended to simplify the way the program works, and therefore speed up delivery of benefits to needy households. In order to insure that this occurs, however, the committee bill mandates prompt response, within 30 days, to a household's first attempts to obtain aid. Thus, under section 11(d)(2), a household could initiate the application process by either going to a certification office or, in the case of people who are unable to reach the office, by indicating by mail or telephone that assistance is being requested.

Once this initial contact is made, the household would be given the right on the same day to fill out an application form and to turn it in. Within 30 days from that first request for aid, the certification process would have to be completed and, for eligible households, the authorization card would have to be provided. For households that apply in person, the 30 day maximum certification review and issuance period would begin on the day they walk into an office. For households that seek to apply by telephone or by mail, the 30 days would begin to run from the date of the phone call or the receipt of the letter. The authorization card to be issued would provide benefits retroactive to the date of application.

We have made a special provision, in section 11(d)(9) of this bill, for households with very low incomes. Under this section, when an applicant household has no income after the income exclusions and deductions have been applied, it would be entitled to expedited treatment. Preferably, this would mean that the household is seen and certified right away, though we do not expect that the household would have to wait more than 48 hours in any circumstances. In order to insure that these households are able to obtain food stamp assistance immediately upon application, the States would have to make provision for the hand issuance of an authorization card.

WHAT BENEFITS WILL BE PROVIDED?

Without question, the most significant change we are making in the food stamp program is the elimination of the purchase requirement. Under the committee bill, households will no longer be required to purchase their stamps in order to benefit from the bonus amount. Rather, they will receive only the bonus portion, which will be the difference between the allotment for their household size and 30 percent of their income after deductions. The allotments themselves must be based on the actual cost—meaning, retail food prices plus food sales taxes—of a nutritionally adequate diet for a family of four persons, determined in accordance with the Secretary's thrifty food plan. This coupon allotment system, pegged at the actual cost of the thrifty food plan, is designed to insure that poor people have realistic access to good nutrition.

The allotment for a family of four would become the basis of the allotments for all other household sizes, with adjustments made on the basis of economies of scale. The coupon allotments would also vary for households that reside in Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands. Presently, the coupon allotments for these places are based on prevailing food prices, which tend to be higher than the contiguous United States. We expect this system to continue, and we re-enact the limitation that the allotments for the territories may not exceed the allotments for the contiguous States or Alaska or Hawaii, whichever is highest, even if the food prices in the territories prove to be higher than the food prices in the highest cost State.

In order to ensure that allotments will keep up with changes in the price of food, we have provided for a semiannual coupon allotment update, with adjustments made to the nearest dollar. Thus, a change of $0.50 or more in the price of food for any sized household would result in the allotment.

WHERE CAN THE STAMPS BE USED?

We expect the changes which the committee bill makes in the program to greatly improve access to the program for needy households. We are also concerned about recipients being able to make the best use of the added food purchasing power they get through participation in the food stamp program. Thus, in section 3(g) of the bill, we have made a special provision for both aged and nonaged persons, who are too disabled to prepare their meals, by providing that these persons may use their food stamps to purchase home-delivered meals. In determining disability under this section, we do not expect a stringent standard to be established—as is done in determining eligibility for SSI—but rather a reasonable standard based on a person's evaluation of his or her abilities to prepare food at home.

Under section 3(l) of the bill, we have defined a retail store as an establishment whose sales for staple food items makes up at least 50 percent of its business. This represents a balance between allowing as many stores as possible to participate without opening up the Program to stores which primarily sell beverages, candy and similar food items. In carrying out this provision, however, we expect USDA to exercise a certain amount of flexibility, so that households that reside in areas with a limited number of food outlets are not left without a place to use their stamps.

In recognition of the increasing number of food co-ops which are being organized throughout the country, we have included these co-ops under the definition of retail store. The use of these co-ops are to be encouraged in every way, since they provide low-income families which use food stamps with yet another way to increase their food purchasing power. Thus, if a co-op is run on a nonprofit basis, even though it may not be incorporated or have a tax-exempt status, it would be able to sell food for food stamps.

WHAT RIGHTS AND RESPONSIBILITIES DO RECIPIENTS HAVE?

Up to this point I have discussed the many improvements that the committee bill makes in fostering access to the program and making the program more efficient. In simplifying the program, however, the committee did not want to create opportunities for client abuse of the program, or State abuse of clients' rights. Therefore, we have imposed certain additional obligations on recipients which they must comply with in order to obtain assistance. At the same time, we have provided an administrative mechanism for allowing clients to dispute actions that they believe are improper.

In order to insure that accurate information is obtained, clients must cooperate in verifying necessary information. Under section 6(c) of the committee bill, a household that refused to cooperate at its initial application or subsequent recertification would be ineligible. This does not mean, of course, that clients who are unable to provide the necessary information will be deemed ineligible. If an employer refuses to provide necessary verification of income to the applicant, the certification worker must assist the client in getting this information. Similarly, if a client is not able to fully understand what information he or she must furnish, the certification worker must again assist the client in getting the information necessary for certification.

Once a household is enrolled in the program, it must promptly report all changes in income or household circumstances. Under section 6(c) of the bill, this report is to be made on a form designated by the Secretary, and this is the only form, and the only kind of reporting system, which will be permitted. Once the changes are reported to the certifying office, the certification office staff would have to act on those changes quickly so that the necessary adjustments are made without delay.

Any client who fraudulently abuses the program will be subject not only to stiff criminal penalties, but to a period of disqualification as well. Under section 6(b) of the bill, any household which has been found guilty of fraud, either in a court of appropriate jurisdiction or through a State agency administrative hearing, can be disqualified from the program for up to 1 year. Since fraud is a crime, the appropriate forum for ascertaining that fraud has been committed is normally a court. In some instances, however, the initial determination might be made through State agency administrative channels. In those cases where the State agency hearing determines that there has been fraud, the disqualification cannot take place until the client has either waived his or her right to appeal the decision to court, or until such appeal has been concluded and the court has provided a final adjudication of whether fraud has occurred. We make this absolutely clear when the bill indicates that a State agency determination of fraud is to "have no effect on household eligibility if it is subsequently reversed by a court of appropriate jurisdiction." Certainly, the failure to permit clients to exhaust their judicial rights, and disqualifying them before they did so exhaust their rights, would have an effect on household eligibility even if retroactive benefits were subsequently available upon a favorable vindication of such clients' position in court.

When no fraud has been found, of course, the household should not be penalized in any way. Thus, the only circumstances under which the client would be liable for repaying stamps issued to it is where those stamps have been determined to have been obtained fraudulently. We certainly do not envision clients being taken off of the program for any misunderstandings, or due to the agency's own error.

In addition to their responsibilities to provide accurate information and to promptly report changes, eligible households have another major responsibility, and that is to support themselves through gainful employment when they are able to do so. I believe that most people want to work and will do their best to provide for themselves and their families when given a chance. But people who are able to work but just do not want to should not be allowed to subsist with the aid of the food stamp program. For this reason, the committee bill retains the strong work requirement which was added to the Food Stamp Act in Public Law 91-671, and adds some additional provisions.

Under section 6(d)(1)(ii), for example, the Secretary is permitted to establish a job search and reporting requirement. This is to insure that where household members are unemployed, they are actively seeking a job. In implementing this provision, however, we expect the Secretary to take into account the circumstances where a job search requirement may not be productive. In any area with unemployment rates of 6 percent or more, for example, it makes little sense to force unemployed people to go out and pound the pavement for jobs that do not exist.

In addition, we do not expect a job search and reporting system which is so complex to administer that it proves administratively cumbersome and inefficient and simply becomes an exercise in paperwork. Thus, in situations where there is high unemployment or where implementation of job search requirements would be very difficult or inefficient or cost-ineffective, they should not be implemented.

In order to insure that people who have jobs keep them, section 6(d) (1) (iii) provides a disqualification for people who voluntarily quit their jobs without good cause. Good cause, of course, would include such factors as threats to health or safety, unreasonable travel distances, night hours, location of work, or unreasonable difficulties with an employer. Similarly, section 6(d) (1) (iv) of the committee bill imposes a disqualification on households who refuse an offer of employment without good cause. Good cause refusal of a job would include refusal to work at any site that is subject to a strike, regardless of the legal status of such a strike.

While I believe that the recipient responsibilities I have just outlined are entirely reasonable, I am also aware that there will be times when clients and agencies will get into disputes about the proper application or interpretation of the work requirements and other aspects of the program. In order to protect the client's basic rights, we have provided for an administrative mechanism for resolving these differences. Under section 11(d) (10), households are assured of the right to a fair hearing before the State may implement action which adversely affects their participation in the food stamp program.

This provision is essentially the same as in the present law, which means it must comport with all due process requirements. This requires that the hearing and decision must occur before the adverse action is implemented, and this would include reductions or determinations in assistance that are scheduled to occur at the end of a certification period. Without this basic right to contest the action before it occurs, the hearing would hardly be fair. Similarly, a hearing must be conducted before an impartial State official who had no part in the initial action which is the subject of the hearing, in order to insure that the decision is truly impartial.

When it turns out that an eligible household has been denied benefits, section 11(d) (11) of the Committee bill requires a prompt cash payment to the household to make up for the lost benefits. Ordinarily this payment of retroactive benefits will be the result of a fair hearing decision, which must be rendered within 60 days of the request for a hearing. However, there will be occasions when the agency discovers its own mistake and is able to ascertain from its own records that it has failed to provide a household with all the benefits to which it is entitled. In these cases, the States will have to initiate the repayment on their own, without waiting for a fair hearing decision. These automatic payment situations would also include a State's failure to process applications within the required 30-day period, and retroactive benefits would have to be provided back to the month of the date of application.

WHAT ARE THE STATES' RESPONSIBILITIES?

Up to this point, I have described the committee's bill primarily in terms of its effect on food stamp recipients, for it is the needs of these low-income households which caused Congress to create food stamp program in the first place, and which impels us to continue and improve the program now. Yet the changes which this legislation will make in the operation of the program will obviously have an immediate and enormous impact on the States, since they are responsible for running the program on a day-to-day basis. Most of the States' responsibilities are spelled out in section 11 of the bill, and I have already discussed most of these provisions in terms of how they will work when implemented. These responsibilities include providing reasonably accessible certification and issuance points: insuring prompt certification of eligible households; and providing for fair hearings and retroactive benefits.

The State's first responsibility, of course, is to insure that—if it decides to participate in the program—that the program will be in operation in every political subdivision. The only exception to this obligation involves the administration of the program on Indian reservations, and I will speak to this aspect of the bill later. Except for those instances in which Indian tribes run the program, however, the States are responsible for making sure that the program is operated in accordance with the provisions of the statute and the rules and regulations promulgated by USDA, though the States may not go beyond these regulations. As section 5(b) of the committee bill makes clear, the States may not take any action, or implement any regulation, which would have the effect of denying participation to eligible households, reducing their benefits, or discouraging them from obtaining all of the benefits which they are entitled to under the eligibility and benefit standards established by the statute and regulations.

One specific responsibility which I have not discussed up to this point is outreach, which is required by section 11(d) (1) of the bill. The outreach provision was first added to the Food Stamp Act as part of the 1971 amendments. It was enacted because Congress wanted to make sure that the benefits of Public Law 91-671, which greatly expanded the program, would reach all those who were eligible. Therefore, we required the States to inform eligible households of the availability and benefits of the food stamp program and to insure their participation.

In the committee bill, we have amended the outreach requirement by deleting the insure participation language, and making the outreach requirement more specific. We have taken the insure participation language out of the act because we have specifically mandated actions in other parts of the bill which would, in fact, insure participation by simplifying the program, making it more accessible to recipients, and requiring that the program run more efficiently. This does not mean that outreach is no longer a major State responsibility, however. To the contrary, since the legislation we are voting on will make sweeping changes in the way the program works, effective outreach will be more important than ever. Thus, under secion 11(d) (1) of the committee bill, States will continue to have an obligation to inform low-income households about how the program works and what benefits are available.

This obligation to inform specifically extends to all families which receive aid to families with dependent children, supplemental security income, and unemployment compensation, as well as benefits under other similar programs like social security and black lung aid, and must include a description of how the program works, an application form, instructions on how to fill it out, and instructions on how to verify eligibility.

In order to deal with the special needs of those low-income people whose primary language is a language other than English, the States will have to have materials printed in the appropriate languages and employ bilingual personnel. In order to insure that the bilingual personnel requirement is effectively implemented, the States should hire personnel in proportion to the number of non-English-speaking low-income persons who reside in the geographic area being served.

WHAT ARE USDA'S RESPONSIBILITIES?

While the responsibility to run the program on a daily basis falls to the States, ultimate responsibility for the program rests with USDA. Thus, running throughout the committee bill are aspects of the program that must be clarified by USDA before the States may take any action toward implementation. I have already described many of these responsibilities in discussing how the committee's bill will affect food stamp recipients. I would like to speak now to the specific responsibilities assigned to the Secretary which I have not talked about before.

Under section 4(c) of the bill, the Secretary is granted authority to implement those rules and regulations which he deems necessary and appropriate to insure the efficient and effective operation of the program. Because these rules and regulations flesh out the provisions of the statute, and are vitally important to the way the program runs, we are requiring that all rulemaking on the food stamp program must be carried out under the Administrative Procedure Act. This means that the regulations under which the program operates are to be published in the Federal Register for public comment, that these comments are to be considered in promulgating the final regulations, and that the final regulations shall explain why the final regulations were adopted and respond to significant questions and criticisms made by the public. The only exception to the public rulemaking requirement are those rules exempted by 5 U.S.C. 552. Even these rules, however, should be published in their final form in the Federal Register, so that all those who have an interest in the food stamp program may have ready access to all of the program's guidelines.

Once these rules and regulations are issued, we expect them to be followed. In order to insure that the States in fact comply with their responsibilities under the statute, we have provided the Secretary with specific authority, under section 11(f), to take the States to court if they do not follow the law. This does not mean, of course, that the States will be relieved of their obligations to insure that the program is properly run at the local level. Nor does this mean that individual recipients will not continue to have the right to redress their grievances in court; that right is not to be interfered with in any way. But we do intend for USDA to act quickly if a State refuses to live up to its legal obligations. Therefore, when USDA becomes aware of irregularities in the operation of a State program, it should inform the State immediately, and should try to work out a satisfactory solution which will quickly bring the State into compliance with the law and its plan of operation. But if this cooperation is not forthcoming, the authority to seek injunction relief should be utilized in cooperation with the Attorney General.

In order to assist the States in running the food stamp program properly, we have directed the Secretary to provide the States with standards by which they can judge their own performance. Thus, while the States are responsible for insuring that the program is run efficiently and effectively, section 16(b) of the bill requires the Secretary to promulgate the standards for achieving this goal, specifically including staffing standards on the number of clients a caseworker can be responsible for and the kinds of training that eligibility workers and supervisors will require to understand the program and keep abreast of program changes. In developing these staffing standards, the Secretary must insure that the standards will effectuate the prompt action requirements we have specified in section 11 of the bill, and that households will not be required to make more than one trip for certification due to inadequate staffing.

If a State fails to adhere to the efficiency and effectiveness requirements, the Secretary is to cut off administrative matching funds. Initially, the amount withheld should cover the costs of the activity which has been found to be out of compliance, though if this sanction proves ineffective, additional funds are to be withheld. While the States are to be given a chance to make a good faith effort to comply, noncompliance for political or fiscal reasons would not be acceptable. Thus, an uncooperative State legislature or local welfare board could not be used as an excuse for failing to follow the law.

Because we are extremely concerned that the food stamp program operate as efficiently as possible, we expect the Secretary to develop and quickly implement a monitoring system that will furnish reliable and timely information about the States' performances. In the initial stages of the implementation of this legislation, close and frequent monitoring will be essential.

In order to test out new ideas for making the program work better, section 17 of the bill authorizes demonstration authority for the first time. No demonstration project would be acceptable, however, if it results in denying or reducing benefits for otherwise eligible households. Extreme care will be required in setting up demonstration projects to make sure that the project will not have any adverse effects on the participation of needy households.

In section 20 of the bill, we have directed the Secretary to implement the provisions of this legislation quickly. In order to insure that the most important provisions of this legislation—such as the elimination of the purchase requirement—are operative within 6 months of the passage of this legislation, the Secretary will have to act very quickly to publish and promulgate regulations. Rapid implementation of this legislation will also require the Secretary to provide special assistance to the States so that they have as much advance knowledge of the details of the regulations as soon as possible.

Finally, the bill provides much needed assistance to Indians. The bill: First, requires the Secretary to offer the food stamp program and/or the commodity distribution program upon the request of a tribe's governing board; second, requires the provision of a nutritionally adequate diet—offering all of the foods of the thrifty food plan based on the food preferences of Indians—to all Indians participating in the commodities program; third, provides for the tribes to run the programs upon request, if the Secretary determines that they are capable to do so; fourth, offers technical assistance and training to tribes that wish to qualify to run their own programs; fifth, guarantees 100 percent administrative funding for tribes or States that run food programs on Indian reservations, including funds to establish cooperatives and other food sales systems necessary to make the food stamp program functional on reservations; sixth, permits Indians to use stamps to obtain fishing and hunting equipment, similar to provisions currently in effect for Alaskan Natives; and seventh, requires a study of the programs on Indian reservations. These fine provisions, offered by Senator YOUNG, will substantially assist impoverished Indians throughout the country.

In sum, then, this is an excellent bill that deserves the approval of all Members of the Senate. I, therefore, urge its adoption by an overwhelming margin.

Mr. CLARK. Mr. President, I rise in support of the Agriculture Committee's bill which makes major improvements in our food stamp program. The bill makes great strides toward reaching those persons most in need of the program's benefits while at the same time simplifying program administration, and tightening up eligibility provisions. In order for these positive changes to be experienced as soon as administratively possible, it is expected that the new statutory provisions, particularly elimination of the purchase requirement, are to be implemented by the States within 6 months from the enactment of the bill. Thus, the Secretary should immediately initiate the rulemaking process and promulgate final regulations as soon as administratively possible.

The bill contains several provisions in addition to those which eliminate the purchase requirement and impose a standard deduction system which are intended to expedite and make the certification process less cumbersome and more responsive to the needs of recipients and State administrators.

Among the delivery of benefit provisions are the sections which address the length of the actual certification period. Certification periods shorter in duration than 3 months should be implemented only for households with very fluctuating incomes, such as seasonal farmworkers, people on strike, and the recently unemployed who may be awaiting a determination on a claim for other benefits. Thus, for the purposes of administrative efficiency, the exception to the minimum 3-month certification period contained in section 3(c) should be applied strictly and the implementation of shorter certification periods viewed as inconsistent with the efficiency and effectiveness requirements of section 16(b). However, where monthly certification is necessary, it is important to have as much up-to-date information about the household as possible.

Nonetheless, this important information should be acquired without interruption in assistance simply because of the process of acquiring it. Hence, for monthly certifications, there must be provision of benefits at the beginning of each month even though the reapplication for aid may have occurred just before the end of the certification period. Moreover, to facilitate the implementation of the prompt issuance requirements under section 11(d)(4) for households with lengthier certification periods, each State shall implement a notification system to promptly advise people that their certification period will expire and make arrangements for timely recertification.

A related certification provision requires States to act quickly whenever income changes are reported by an eligible household. This should help in reducing the current overpayment and underpayment rates which exist in the Program. However, section 6(c) should in no way be construed to permit States to impose any form of monthly reporting system or to penalize households who have difficulty cooperating because of education, language or disability problems, as opposed to households who willfully refuse to cooperate.

Other excellent provisions aimed at making the program function more smoothly are those found in sections 11(d)(2), 11(d)(3), 11(d)(9), 11(d)(13), and 16(b). These sections of the bill mandate that food stamp certification and issuance centers be reasonably accessible to potential and current recipients, and that the application process be as speedy as possible. It is envisioned that such centers will be no further than 2 hours round-trip by public transportation from all applicants' homes. This may mean in some cases that mobile certification and issuance units—if the mail system is not used—will be required to do the job of making the program accessible. Moreover, hours of operation must be designed in a manner which allows working households to gain access to the program without losing a day's pay. This envisions some flexibility such as operation of local offices on selected evenings and weekends.

To insure that the certification process does not take too long, USDA should ascertain the type of verification that is necessary to complete a certification. The States must be prohibited from needlessly lengthening the certification process by requesting verification beyond that which is required by Federal regulations.

Also toward this end, the 30-day processing time period—between the first request for aid and the actual provision of assistance, retroactive to the date of application—is to commence at the time of the first reasonable expression by a person of his or her desire to apply for program benefits. Even though an appointment system is used for completing the application form, the date which starts the 30-day period running is to be the date a person first visits the certification center or requests assistance by telephone.

Obviously, this requires each welfare office to institute some form of logging such personal and telephone assistance requests. Finally, in order to insure speedy processing, there must be sufficient staff in local offices to preclude delays solely caused by staff shortages and overwork. It is evident that fiscal excuses are not available as a legal justification for forcing applicants to return to the certification office due to understaffing.

The Secretary should formulate staffing standards and then monitor those standards carefully to impose effective sanctions whenever States persist in inappropriate staffing patterns. Thus, a "good faith" failure to comply by a State should be an unavoidable excuse, such as an act of nature, for failure to comply with this unambiguous legislative mandate governing program administration.

Last of the provisions relating to the processing of applications are those found in section 11(d)(9) which affects people who are found to have no income after application of allowable income exclusions and deductions set forth in sections 5(d) and (e). These households are those who by definition are the most urgently in need of food purchasing power.

In the past, many complaints have been raised about standard certification procedures which fail to respond quickly enough to make the provisions for emergency assistance meaningful. The term "expedited basis," to have meaning in fact, means either immediate hand issuance or certification and issuance within 48 hours from the time an applicant so situated makes his predicament known to local administering officials. There must be an efficient and responsive system for delivery of benefits to persons in immediate need.

The bill contains remedies for fraud which should be strictly enforced but practices of excessive verification and slowness of processing must not be employed to withhold benefits from persons requiring emergency assistance.

The bill also contains several excellent provisions that clarify and revise benefit-and-income calculations. Initially, it is noted that the best measure of determining need for food assistance is an evaluation of income actually available to an applicant household during any certification period. The requirement under the bill, section 5(f), is to look forward and backward and to thereby determine as accurately as possible what the income situation will be over the span of the certification period.

It is imperative that utmost reliance be placed on the household's expectation about its anticipated income and, in any event, the process that best facilitates what the income situation during the upcoming certification period will actually be, must be used. Additionally, the 12-month averaging system envisioned by clause 5(f)(1) is not intended to affect seasonal laborers; it is intended to apply to teachers—and others—who are hired by contract on a yearly basis but whose actual work takes place during a lesser period.

In the computation of income, loans from friends and relatives should be excluded from income to the same extent that other loans are excluded from income, and absolutely no vendor or in-kind benefits or payments are to be counted in the income computation. All loans for studies at an institution of higher learning—including universities, vocational schools, and other institutions preparatory for employment opportunities—are to be excluded from the income computation. The cost of self-employment income which is to be excluded from the income computation should be consistent with IRS regulations pertaining to calculating the cost of self-employment income. And all benefits from programs that exclude their benefits from being counted as income for public assistance purposes are to be excluded in the food stamp income calculations.

In terms of computing allowable deductions, several points need explanation. First, the calculation of shelter expenses—for purposes of determining whether an excess shelter deduction should be provided—should be based on the projected costs of shelter during the upcoming certification period; this means that actual payments of such future costs should not be a condition precedent for calculating such costs in determining whether an excess shelter deduction is appropriate.

Second, the shelter deduction computation is intended to cover the cost of rent, mortgage payments, and all utility costs, including gas, electricity, water, sewage, and telephone.

Third, any cost-of-living increase, resulting in a $2.50 or more deduction update should cause a deduction increase of $5 since we require deduction updates to be rounded to the nearest $5 increments. Fourth, a 20-percent deduction for earned income—including income from a job or training program—is to be applied to insure equity for working families. Fifth, the dependent care deduction should be available for people who are working as well as those who are searching for jobs.

The act's guarantee of a "nutritionally adequate diet" is to be statutorily codified upon enactment of the bill to require use of the Secretary's "thrifty food plan." To guarantee that the requirements of the thrifty food plan are achieved, it is incumbent that the actual cost of that plan—including retail food costs as well as applicable sales taxes—be calculated in computing the coupon allotments for households participating in the program. Similarly, when the cost of the thrifty food plan for a particular household is increased semiannually by 50 cents or more, the coupon allotment should be rounded up to the nearest $1.

Section 3(j) makes clear that the coupon allotments for the territories are to remain the same as now, with the continued provision that they are not to be greater than the allotments for all of the 50 states—including Alaska and Hawaii. Therefore, as long as the allotments in the territories are equal to or lower than the coupon allotments for the highest allotment State(s), they will continue in effect.

Furthermore, if separate eligibility standards are to be established for the territories, then OMB's calculations and factors for establishing any such standards must employ the same procedures and methodologies utilized in establishing the poverty line for the contiguous United States. That means that the cost of food would be the base ingredient for establishing the poverty line in the territories, a factor that would probably result in a poverty line that equals, or is higher than, the poverty line in the United States—particularly inasmuch as the cost of food is higher in the territories. In such a situation, the eligibility standards in the territories would equal the standards in the contiguous United States, since we prohibit higher eligibility standards for the territories.

Numerous practical problems have arisen in the implementation of the concept of what constitutes a "household" in the food stamp program. Therefore, the existing definition has been modified to specify two criteria: A group of persons must purchase and prepare food together if they are to be deemed a household. Unless both these factors are present in any living situation, a group of individuals living together shall not be considered a single household. Moreover, both roomers and boarders may qualify under this bill as separate households as long as they do not reside in a boardinghouse. In applying this disqualification for boardinghouse situations, we expect that USDA will not perpetuate its mechanical and rigid definition of a boardinghouse.

We hope that commonsense will prevail in the establishment of a boardinghouse definition so that it covers homes established specifically for commercial gain, not living arrangements based on rigid limitations on the number of people who are rooming or boarding with a family, thereby inequitably disqualifying large families that are paying others for their room and board.

As a reading of the bill reflects, the committee's work has consisted of considerable effort aimed at tightening up the provisions of the program pertaining to the work requirements, administrative remedies to eliminate errors, and measures to prevent fraudulent issuance and receipt of program benefits.

First, the bill in sections 6(4)(1) (ii) and (iii) defines the work registration requirements. If the household head is offered a job and refuses to accept that offer of employment, the bill provides that the entire household is ineligible for assistance. However, this rule should not be applied in an unrealistic fashion to exclude households from participation where good cause for any such refusal has been established.

A good cause refusal to accept employment should incude refusals based upon distance, safety, health, and transportation factors. A person should also not be forced to accept employment in a dangerous neighborhood or to take night work. Also, good cause for an employee's unilateral termination of employment would be established when an employee left work due to unreasonable conditions created by an employer. Likewise, no person should be forced to take a job at a site subject to a strike or lockout, regardless of the judicial status of such a strike or lockout.

In implementing any job-search requirement, reasonableness should be the guideline for the Secretary. For example, it would be unreasonable for the Secretary to strictly apply job search and reporting requirements in regions of the country experiencing high unemployment such as places experiencing unemployment in excess of 6 percent. Likewise, any reporting system created should not be so administratively complex or expensive that the value of its implementation is outweighed by a small likelihood of actual jobs being secured. In such situations, the Secretary is expected to dispense with a job-search requirement since it would be unreasonable to implement it.

The problem of fraudulent receipt of food stamp benefits has been seriously considered in the committee's deliberations. Upon a final determination of fraud, the entire household is excluded from program participation for up to 1 year. Although this provision will operate in some instances to the detriment of innocent children who are household members, it was thought necessary to protect the integrity of the program.

On the other hand, to insure fairness and due process protections to alleged wrongdoers ineligibility should not be applied until a household has had its day in court or has exhausted its opportunity for judicial review of an agency determination.

Hence, benefits should continue until such a final determination is rendered so as to protect against incorrect State agency determinations resulting in ineligibility, which determinations may subsequently be overturned. We, therefore, get tough on perpetrators of fraud while retaining fairness for people who have not been adjudicated guilty of wrongdoing. In so doing, we do not imply that any sanctions should be taken against people who have received overpayments due to unintentional errors. Obviously, nonwillful administrative or recipient errors should not result in depriving a needy family of minimum food subsistence needs.

Turning to the related process of administrative redress of grievances, sections 11(d)(10), 11(d)(11), and 11(f) establish these mechanisms. First, the term "fair" hearing—that is available to persons challenging administrative decisions—implies that any such hearing fully comply with the requirements of due process of law. This means, at a minimum, that any "fair" hearing must be conducted by an impartial State decisionmaker who was in no way connected with the case.

Prior notice of any intended reduction or termination in aid, including actions proposed to be taken at the end of a certification period, must be given setting forth a brief statement of the facts and specific regulations relied upon for any proposed action, and insuring that aid shall continue unabated until a fair hearing decision is rendered. This incorporates the basic rudiments of due process as articulated, on several occasions, by the Supreme Court.

Finally, we require, in section 11(d)(3), that any hearing process be conducted with the speed necessary to make a hearing decision meaningful, which in no case shall be in excess of 60 days from the date of any fair hearing request.

Additionally, in setting forth available remedies for State agency actions, section 11(f) envisions that the Secretary will pursue legal remedies against recalcitrant State agencies that do not comply with Federal law or plans of operations. This section, however, should not be read as restricting in any manner the rights of private parties to bring actions on their own, with or without the participation or cooperation of the Attorney General. In saying this, however, it must be remembered that the States retain the clear duty of enforcing the governing Federal regulations and the plans of operation in all political subdivisions of the State.

Since States by virtue of this duty of supervision may ultimately be held liable for the unlawful practices of county administrative agencies, States are encouraged to develop their own State statutes providing independent judicial remedies to enforce program obligations. But this legislation makes it absolutely clear that the Secretary of USDA is to move quickly to obtain compliance with Federal requirements, either through judicial intervention with the Attorney General or by withholding sufficient amounts of administrative reimbursements to deter improper administration of the program.

We hope that the burden upon States in administering the program will be somewhat alleviated by the establishment of joint certification operations, at social security offices, for persons applying for the SSI and food stamp programs. It is our expectation that every effort will be made by the Secretaries of HEW and USDA to implement such an efficient certification system.

The bill also establishes legislative requirements for the procedures that the Secretary is to utilize in fulfilling his rulemaking responsibilities. Pursuant to section 4(c) of the bill, except for those instances specifically exempted under section 552 of the Administrative Procedure Act, all rulemaking affecting the food stamp program should be promulgated according to the requirements of the Administrative Procedure Act. This includes publication of proposed rules, solicitation of public comments, as well as publication of bases and purpose statements upon the final promulgation of regulations. Furthermore, all materials finally promulgated—even those exempt under 5 United States Code section 552—should be made available to the public by publication in the Federal Register or some other form of mass distribution.

Inherent in the new mandate of uniform national standards, no State is permitted to take any action or promulgate any regulation which would result in denying, reducing or discouraging the receipt of aid to the households that qualify for assistance under the national eligibility standards established by enactment of this legislation.

This year the committee was again unable to produce a definite solution to the myriad of problems of how assets should fairly be treated for purposes of program eligibility. Therefore, the bill directs the Secretary to prescribe the types and amounts of financial resources an eligible household may own. The Secretary is also directed to study and develop means of improving the effectiveness of resource standards in limiting participation to households in need of food assistance.

One of the areas that the Secretary should consider in this study is the need for an annual or semiannual updating of the resource limitations. We are obviously concerned over the fact that there have been no updates in the resource standards since July 1971.

The problems of establishing an assets test are very difficult ones which can be expected to force the Secretary to make some hard decisions. The challenge for the Secretary is to recommend assets tests that retain as much fairness as possible, thereby retaining such principles as looking to equitable value that a family owns rather than market value of possessions. Moreover, the Secretary should not prescribe regulations that are likely to have the inequitable effect of forcing impoverished households to sell necessities and thereby become totally destitute to remain eligible for assistance.

The terms of making the program more responsive to the needs of elderly recipients, the bill envisions a liberal construction of the "disability" determination for purposes of using food stamps for meals-on-wheels services. Hence, this determination should be flexible based on an assessment by the recipient of his or her inability to adequately prepare meals. Also, in order for a State to "cash-out" its SSI recipients, both optionally and mandatorily supplemented SSI recipients must receive the benefits of any cash-out.

As some of you will undoubtedly note, the "insure participation" language of the outreach requirement has been deleted from this year's bill. It is, therefore, essential that the "information" aspect of that requirement be fully and vigorously pursued. All AFDC, SSI, unemployment insurance, social security, black lung, and veterans' benefit recipients should receive information on the food stamp program, together with application forms and instruction on how to apply.

It is also mandatory that the State agency employ—not rely on volunteers—non-English-speaking persons at local levels of the administrative bureaucracy in proportion to the ratio of such persons who live in the geographical locality being served by the program.

In order to insure that people have access to the program, an applicant "retail food store" should not be denied the right to participate merely because the store's owner, manager, or employees happen to be food stamp recipients. The process of approving "retail food stores" for participation should be accomplished in a manner which does not leave areas unserved by the unavailability of stores. For example, pursuant to section 3(l)(4), a nonprofit cooperative need not be incorporated or have 501(c)(3) tax-exempt status under the Internal Revenue Code to qualify as an eligible food store.

Four more important provisions which need mention without a good deal of explanation are the following. First, the term "institution of higher education" as used in section 5(d)(3) is meant to be interpreted broadly to include vocational schools or other institutions that provide training for employment.

Second, the phrase "under color of law" as used in section 6(f) should be applied to include aliens not subject to any order of deportation—for example, aliens who are in the United States and who have been pardoned, received amnesty, or exoneration by the executive branch.

Third, the nutrition education mandate of section 11(e) should not be read as authorizing prohibitions on the types of food that might otherwise be purchased under the act.

And fourth, the demonstration authority granted to the Secretary in section 17 shall not be implemented in a manner that results in a denial or reduction of benefits to any household eligible for the program under the uniform standards enacted by this legislation.

Among the most outstanding provisions of the bill are those which seek to adapt the food stamp program and make available the commodity distribution program on Indian lands. The nutritional well-being of our native American Indian population is far worse than that of any other group in the country. The time is long overdue for making the food programs accessible and workable for our American Indian people. The bill's provisions do this in several ways.

Tribal administration, either separately or concurrently with the food stamp and commodity distribution programs, is authorized on Indian lands upon tribal request and a determination by the Secretary that the requesting tribe is capable of efficient and effective administration. Aggravated geographic and serious cultural barriers to Indian participation should be significantly remedied by the provisions which seek to bring the programs to the tribes.

The bill provides adequate financing of both tribal and State administration so that the special food needs of Indian people may finally be addressed in a meaningful fashion. And the bill makes sure that commodity assistance, wherever provided, offers nutritionally adequate diets based on Indian food preferences.

In sum, this bill is an important step toward streamlining and improving our Nation's fundamental food program and is deserving of widespread support. I trust that everyone will be able to take pride in the passage of this legislation which reaffirms the Congress commitment to eliminate hunger for our needy citizens.

SHELTER DEDUCTION DIFFERENTIAL IS IMPORTANT TO RHODE ISLAND

Mr. PELL. Mr. President, the food stamp program is of immense importance to my State of Rhode Island. Last year, we suffered from the highest statewide unemployment rate in the Nation, and our very long stretch of high unemployment, dating back to 1973, has placed tens of thousands of Rhode Islanders in a position of reliance upon the benefits of this valuable social program.

I am particularly interested today in the matter of the standard deduction and the additional shelter cost deduction. I have long maintained that Federal programs which distribute benefits according to some sort of formula, should take into consideration as part of that formula the higher cost of living associated with cold-climate States.

There is no question that it costs more to live in a cold weather State, than in a warm or temperate weather State or region of our country. I recently asked the Library of Congress to prepare an update of a report they first prepared for me in 1974. That first report indicated that the average difference in the cost of living between a cold State and a warm State, for a family on a low-income budget, was as great as $1,600 per year, and that most of that difference was directly attributable to a difference in the cost of shelter including energy cost differentials.

The Library's latest report, dated May 18, 1977, and based upon data taken in the fall of last year, indicates that the difference in shelter costs alone between average warm cities and average cold cities, is $902 per year for a low-income family. Equally indicative of the importance of factoring in climate related differences is the fact that the Library estimates that the total difference in average family costs between two representative cities for which we have complete data, Austin, Tex., and Boston, Mass., is $2,217 for a low-income family.

Mr. President, the amendment language which Senator LEAHY put in this bill in the Agriculture Committee, and which I cosponsored with him at that time, takes this important cost differential into account, and treats the differential in shelter costs fairly and equitably.

Without this language, New England and Rhode Island would be unfairly mistreated by this legislation and by the food stamp program.

I urge my colleagues to support this important provision of the bill.

THE FOOD AND AGRICULTURE ACT: THE PROMISE OF RESEARCH

Mr. SCHMITT. Mr. President, I simply want to take a few moments to commend the Senate Agriculture Committee on reporting out the Food and Agriculture Act of 1977. It is a fine piece of legislation and one which reflects great cooperation and compromise of all members involved. I am happy to vote in support of this bill.

I am concerned about sections of the bill involving the food stamp program, and the inherent dangers of expanding the programs without really improving help for those most in need. On the other hand, I am most encouraged by the expansion of agricultural research programs.

Adequate research in many areas will be supported by this legislation. Potential research areas of particular interest to New Mexicans relate to specific problems such as the eradication of the range caterpillar which damages thousands of grazing acres in New Mexico each year. The development of drought and insect resistant rangeland grasses is needed as are studies of erosion from wind and water. More emphasis is needed in the development of solar energy to reduce costs of irrigation and for use in crop drying. New irrigation techniques should be developed to reduce waste of precious water. More efficient desalinization techniques are needed for productive use of existing brackish water in addition to advanced research into crops that can be cultivated in such waters. Other areas of particular interest to our farmers and ranchers are improved weather forecasting, insect forecasting, and fertilizers for arid climates.

Much has been done in the past, but the farmer's expenses continue to climb faster than income. Weather conditions continue to plague the best laid plans. However, little attention is really given to helping the farmer stay in business. Through legislation such as the Food and Agriculture Act of 1977, our technological knowledge can be applied to our agricultural needs and help keep our farmers in business. Through such efforts our country can remain the leader in providing food and fiber for the world at great human and economic benefit.

Mr. McGOVERN. Mr. President, I am pleased to support the committee bill, currently pending before us, that makes substantial revisions in the food stamp program. I feel that the program is in need of reform so that the American people approve of our continued feeding efforts and so that hungry persons are fed properly. To clarify why I strongly support the committee's bill, I will go over many of the significant sections in the bill and explain what they are designed to accomplish.

Section 3(c): This section provides that certification periods for all households must be at least 3 months, with certification periods of up to a year for certain households. The only exceptions which the bill authorizes, either for initial certification or for recertification, are for households who are almost certain to have a change in income in a period shorter than 3 months. The best examples of these kinds of households would be migrants, people on strike, and recently unemployed people who have a benefit claim pending. This does not mean, however, that recent unemployment in and of itself would be a reason to assign a household to a certification period of less than 3 months.

Section 3(g): In this section we have specifically provided for the use of food stamps by both aged and nonaged persons who are disabled, and therefore unable to prepare their own meals. If these individuals believe they are unable to meet their own food preparation needs, they would be able to use their food stamps to purchase home-delivered meals.

Section 3(i): This section redefines households using a two-part test, which requires that a group of people must purchase and prepare their food jointly in order to be considered as one household. The present definition of a household requires a three-part test, under which all three criteria must be met. The simplified two-part approach should be easier for recipients to understand and for the States to administer. Under the committee's approach, individuals who share living quarters with others but purchase or prepare their food separately would be able to apply for food stamps on their own.

We have also made clear in the new definition that individuals who live with others but pay a fixed amount for their food can qualify separately. This is a change from the present law, which makes boarders ineligible. The only exception to the eligibility of boarders is where they reside in a boarding house, which is a commercial establishment whose primary purpose is to furnish meals, or meals and lodging, to residents.

Section 3(j): This section defines a nutritionally adequate diet as the actual cost of feeding a hypothetical family of four persons on the thrifty food plan. Whatever it actually costs the hypothetical family to obtain the thrifty food plan, keeping in mind that households in half the States must pay State sales taxes on food in addition to retail food prices, becomes the allotment for all four-person households, and the allotments for other size households are adjusted from this standard using economies of scale.

The bill also provides for separate allotments for Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands. At present, the allotments for these places are based on the actual cost of food, which is higher than the contiguous United States.

This system will continue to be used, including the limitation that the allotments for Puerto Rico, Guam, and the Virgin Islands can never exceed the allotments for the 50 States, even if higher food prices would justify exceeding the allotments for all of the 50 States.

In order to insure that the allotments keep up with increases in the price of food, the bill provides for a semiannual update in January and July of each year, based on the cost of food for the 6-month period ending the previous September and March. Allotments are to be adjusted to the nearest dollar, which means any increase of 50 cents or more would trigger an allotment increase of $1.

Section 3(1): This section limits the participation of retail stores to establishments whose sale of staple food items makes up more than 50 percent of their business. In applying this requirement, however, the Secretary should carefully use his discretion, since many rural areas and poor neighborhoods have limited grocery facilities. The prohibition of this section should not be applied in such a way that eligible households in a particular area wind up with no place to spend their stamps.

In order to encourage low-income families to utilize food co-ops, which make their food stamps go even further, the bill specifically includes co-ops in the definition of a retail store. Unlike commercial establishments, however, food co-ops are not set up to make money, but to save money for their members. Many of these co-ops are informally organized and run entirely by volunteers. They are often unincorporated and have not received tax-exempt status from their State or Federal tax authorities. It is not our intention to make these small co-ops have to spend a lot of time and energy becoming incorporated and tax exempt just to be able to accept food stamps. If the co-ops appear to be responsibly run, they should be allowed to accept food stamps.

Section 3(p): This section indicates that a "tribal organization," for purposes of administering the food stamp program, can be an intertribal organization that joins several tribes. This intertribal organization could be an already existing organization which serves other purposes, or it could be established solely for the purpose of running the food stamp program.

Section 4(b): This section provides that Indian tribes themselves must decide whether there is to be concurrent or separate operation of the food stamp and commodity distribution programs on a reservation. Thus, if a tribal government chooses the commodity distribution program and wants to run it, it must be allowed to do so if it has the capability to do so.

Once a tribal organization assumes administrative responsibilities, it will be in a position to assess what it will cost to administer the commodities program. These costs, including the cost of storing and distributing the commodities, should be paid by the Secretary unless he has proof that the tribe's determination of the costs is wrong.

Section 4(c): This section requires that the rules and regulations promulgated by the Secretary must be carried out in accordance with the requirement of United States Code section 553 of the Administrative Procedures Act. In order to comply with this requirement, rules and regulations will have to be published in proposed form in the Federal Register so that the public can have a chance to consider the regulation and comment on it. The Secretary will have to take these public comments into consideration and respond to them when the final regulation is published. The only exceptions to this rule that I can foresee would be the rules and regulations exempted under title 5, United States Code, section 552, which would include rules and regulations that simply clarify existing regulations.

These clarifying regulations would not have to be promulgated for public comment, though they should be placed in the Federal Register when they are issued in final form so that the public has ready access to all of the rules and regulations under which the program is to be run.

Section 5(c): This section adopts the nonfarm poverty guidelines published by the Office of Management and Budget as the official eligibility standard. This standard was chosen because it provides a reasonable guideline for judging the income level below which households are unquestionably impoverished, and thus in need of assistance. Since there are separate poverty lines for the contiguous United States, Alaska, and Hawaii, implementation of this requirement for those locations will be easily accomplished. However, there is now no separate poverty line for Puerto Rico, Guam, and the Virgin Islands, which means that the Secretary will either have to use the guidelines for the contiguous United States or calculate, through OMB, a poverty line for each of the territories. If the latter approach is chosen, the methodology that was originally used to set the present poverty line in the 48 continental United States should be used. This would base the poverty line, essentially, on the cost of food. The only limitation that is be placed on poverty lines for each of the territories is that they cannot exceed the poverty line for the mainland States. Consequently, since food prices are higher in the territories than they are in the 48 States, we expect the eligibility standards to be the same in the territories as they are in the contiguous States.

Section 5(d)(1): This section totally excludes from income, for food stamp purposes, any payment not received directly by the household in the form of cash. These payments, which are usually referred to as vendor payments or in-kind benefits, are not to be considered in any way for purposes of ascertaining eligibility and benefits.

Section 5(d)(3): This section excludes from income educational loans, grants, and scholarships and other moneys received by a household to attend an institution of higher learning. This exclusion would therefore apply to the costs of education and training colleges at universities, vocational and technical schools, trade schools, correspondence schools, and other education or training programs.

Section 5(d)(4): In this section of the committee bill, all loans, except deferred educational loans, have been excluded from income. Thus, any loan from a commercial establishment would be excluded. Since low-income households often have to rely on friends or relatives to borrow money, these types of unsecured loans would also be excluded if they can be verified.

Section 5(d)(7): This section specifically provides for the exclusions of expenses attributable to self-employment income. In order to make this exclusion understandable for recipients and administrators alike, these expenses should conform to the self-employment expenses allowed by the Internal Revenue Service. In addition, the cost of feeding boarders is to be excluded for persons, who do not run boarding houses, that derive income from this activity.

Section 5(d)(8): This section excludes from food stamp income computations money derived from another program whose benefits must be disregarded for food stamp purposes. Since the food stamp program is clearly a public assistance program, this exclusion would also extend to such programs as CETA, where benefits are to be ignored for public assistance purposes.

Section 5(e): This is one of the most important sections of the bill, since it replaces the current itemized deduction scheme with a limited number of deductions. Under this section, all households will be entitled to a $60 standard deduction. Households that have income from work or from a work training program would be entitled to receive a deduction of 20 percent of their earned or work training income.

To deal with households that must incur child care expenses in order for a household member to work, attend school or a training program, this section allows a child care deduction of up to $85 a month. Finally, for households whose total shelter costs are greater than 50 percent of their income after the other deductions have been applied, the committee bill provides a shelter deduction of up to $75 a month. This shelter deduction will be based on the shelter expenses that will be incurred in the forthcoming certification period, and includes rent or mortgage payments plus all utilities and the cost of basic telephone service. Of course, since projected circumstances will be used in determining eligibility and benefits, prospective shelter costs—not actual payments—will form the basis for this deduction.

In order to keep the standard deduction up to date, the committee has made a provision for periodic cost-of-living adjustments. The adjustments are to be made to the nearest $5, which means that any cost-of-living increase of $2.50 or more would result in a $5 increase in the standard deduction.

Section 5(f): Under the committee bill, eligibility and benefits are to be based on the income and allowable expenses that the households anticipate in the forthcoming certification period. These figures may be based on the household's experience over the last 30 days, or may be based on anticipated income and expenses. In order to pick the figures that are most appropriate, the bill requires the certification worker to look at both past income and anticipated income, and to pick the figure that is most appropriate to the household for the upcoming certification period. This approach makes more sense than an averaging process, since it retains a certain amount of flexibility in the program which, of course, is desirable.

The only exception to the process I have described is for households where income is derived from self-employment or from predetermined annual salaries covering work performed only part of the year. The most obvious example of the latter category is teachers, though other households might also fit this exception. The 12-month averaging process does not apply to migrants, however, even though they work only part of the year.

Section 5(g): While the committee bill makes extensive changes in the income standards of eligibility, no change has been made in the other financial requirement dealing with assets. The present resource requirements will remain in effect while the Secretary undertakes a study to determine what resources test will be most appropriate. In considering a new assets test, the Secretary should take into account the fact that the present assets requirement has not been updated since it was first implemented in July 1971. The need for updating the present figures and providing for a periodic cost of living adjustment should be carefully considered. In addition, the study which we have directed should evaluate the real value of the resources actually available to low-income households, which means an evaluation of resources based on a household's equity in these resources rather than their fair market value.

Additionally, the Secretary should keep in mind that the food stamp program is also intended to help families who are temporarily in need because of unemployment or other temporary situations. It is for these reasons that the Committee rejected an averaging, or retrospective, approach to income. Since we intend to allow households temporarily in need to use the food stamp program until they can get back on their feet, it would be unacceptable to have an assets test which caused the household to lose its past gains by selling off its possessions just to qualify for food stamps.

Section 6(b): Although the committee bill makes misuse of the food stamp program a criminal offense in section 15, this section provides additional safeguards against abuse by providing a disqualification period of up to a year for households that have been determined to have obtained food stamps through fraud.

Because fraud is a serious offense, however, the committee bill provides certain protections so that recipients will not suffer the drastic penalty of losing their eligibility until there has been a judicial determination that fraud has occurred, or the household has decided not to resort to the courts. Therefore, if a State agency decides to deal with a fraud case through administrative channels, giving the recipient a chance to dispute the contentions in a fair hearing, and the hearing rules against the recipient, this determination is not final until one of two things happens.

In the first situation, the recipient could decide not to appeal the fair hearing decision in court, in which case the decision would become binding. In the second situation, the recipient decides to appeal the fair hearing decision in court, in which case no action can be taken until the judicial proceedings are finished and there has been a judicial finding that fraud has, in fact, occurred.

If a State decided to bypass the fair hearing route and refer the fraud case directly to the courts, the same thing would happen. That is, no adverse action could be taken against the households until there had been a judicial finding of fraud. Thus, whether the case reaches the court directly or after a fair hearing, recipients must be given the right to have their day in court before they are penalized.

Section 6(c): This part of the committee bill places an affirmative obligation on households which are making an initial application, or seeking recertification, to cooperate with the certifying office in furnishing the information that will be necessary in order to establish eligibility. Failure to cooperate, however, is not to be confused with an inability to cooperate, for there will be some households that will not be able to understand or comply with all of the regulations relating to establishing eligibility without assistance. In addition, households may be unable to furnish certain information because a party who has the information, and who the applicant has no control over, my refuse to cooperate. The most frequent example of this situation is an employer who refuses to verify employment or wages. In these types of cases, the caseworker must look elsewhere for verification, and assist the household in establishing eligibility.

Once the eligibility has been established and a household is enrolled in the program, it will have an affirmative obligation to report changes in income and other household circumstances which might affect eligibility or benefits. This reporting is to be accomplished using the forms and the methods prescribed by the Secretary, and no other type of reporting system will be permitted. Of course, reporting changes in income is a two-way obligation, since once the change is reported, the States will have to respond quickly to implement whatever change is necessitated by the new information.

Section 6(d)(f)(iii): This section is intended to prevent able-bodied adults who are employed from leaving a job without good cause. Under this section, a job could not be refused unless it poses a threat to the health or safety, is dangerous, requires unreasonable travel time, or is at night.

Section 6(d)(1)(iv): This section deals with employable household members who refuse to take a job without good cause. The same consideration with respect to good cause that I just described with respect to the previous section would also apply here. In the case of a refusal to take a job, however, there is another circumstance where no penalty would occur. This is the situation where the job offered is at a site where there is a strike or lockout. This kind of job does not have to be accepted, even if the strike or lockout has been enjoined.

Section 6(f): This section makes ineligible aliens who have not been lawfully admitted for residence, or who though here illegally, have received a pardon or amnesty. If President Carter's proposal for dealing with illegal immigrants is put into effect, many of the aliens who would otherwise be ineligible under this section would be able to get food stamps. For all others who have entered this country in violation of our laws, food stamps would be unavailable if there has been a determination by the Immigration and Naturalization Service that such individuals should be deported.

Section 6(g): This section continues the present disqualification for SSI recipients who reside in cash-out States. Under this section, as long as a State provides the food stamp bonus to all SSI recipients as a part of their supplement, the State would be considered a cash-out State.

Section 9(a): This section sets forth criteria which are appropriate for determining whether a store should be allowed to accept food stamps. I want to point out that the committee has not excluded from retail store eligibility any store that is owned, operated, or staffed by food stamp recipients. Such a disqualification would be totally inconsistent with the work requirement, and would be impermissible under the committee's bill. It would also contradict basic notions of fair play and equal protection.

Section 11(d): This section requires that, if a State elects to participate at all, it must insure that the food stamp program is in operation in every part of the State. The only exception that has been carved out is when an Indian tribe requests to run the program. In these situations, the tribe will be entitled to administer its own program if it is able to do so.

Section 11(d)(1): This section of the bill redefines the outreach activities which the States must undertake. The language with respect to insuring participation that is not in the statute has been taken out because of the specific requirements the committee bill adds which are intended to accomplish this result. Thus, rather than simply requiring the States to insure participation, we are specifically mandating convenient certification and issuance procedures, prompt action, home visits, and the like. This does not mean, however, that outreach is no longer important. Indeed, it is the very first activity specified in this part of section 11, which outlines State responsibilities.

With new legislation making many households newly eligible and changing the whole way the program operates, effective outreach will be vital. Since AFDC, SSI, and unemployment compensation recipients are readily identifiable, the committee bill directs that these groups be provided with information, application forms, and instructions. In addition, any other group of people that can be identified as potentially eligible should be reached the same way. Examples of these additional groups would be social security recipients, recipients of general assistance, families eligible for medicaid, recipients of veterans' benefits, temporary disability insurance, and the like. The States, then, must take affirmative steps to inform all low-income people about how the food stamp program works, so that the people that we intend to benefit from this legislation actually have the chance to participate.

Additionally, under this section of the committee bill, States will have to employ both bilingual materials and bilingual personnel in areas where there are concentrations of non-English speaking people. This represents a change from the present law, which merely requires the States to utilize volunteers. Now we are requiring that bilingual personnel be hired. In carrying out this provision, we would expect the States to hire such personnel in proportion to the non-English speaking segments of the population.

Section 11(d)(2): I believe this is one of the most important sections of the committee's bill. This provision requires a number of things. First, it requires that, on the very first occasion an applicant appears at a food stamp office to make an application, such an applicant must be allowed to fill out an application and file it, to indicate for the record the date that the household first attempted to obtain assistance. Within 30 days from the first oral or written request for aid, the food stamp office must process the application and provide eligible households with their first allotment. This allotment is retroactive to the date of application, thereby providing full monthly benefits for the month in which an application is made. For households that seek to apply by telephone or mail, the 30-day period begins to run from the date of the call or the receipt of the letter. As this section of the bill makes clear, when households cannot go to the certification office to be certified, certification will have to take place by a home visit, or by mail application with telephone verification.

Of course, prompt action is not going to accomplish very much if the locations and hours of the certification offices make the office inaccessible to the low-income population. For this reason, we are specifically requiring the States to insure that offices are reasonably accessible.

In areas where there is no public transportation or what transportation there is offers very infrequent service, the State should either provide multiple certification offices or utilize mobile certification vans or roving certification workers.

The requirement for reasonably accessible hours has been added primarily to meet the needs of working households who may only be able to apply at night or on weekends. Having required low-income households to support themselves through work where they can, we are not going to make them give up a day's pay in order to obtain the assistance we have made available through this legislation.

Section 11(d)(3): To insure that the requirement for prompt certification is complied with, USDA should indicate clearly to the States exactly what verification will be required to establish eligibility and benefit levels. Additional verification requirements not authorized by USDA would be illegal.

Section 11(d)(4): This provision has been added to make sure that households are recertified without a lapse in benefits.

Under this section, any household which sought to reapply at least 15 days before its certification ended would be guaranteed the right to continuous participation. This is so because virtually all households will receive their allotments on or near the first of the month. Thus, any household which applied for recertification by the 15th of the month would have to receive its first authorization card for the new certification period at the normal time. In order to implement this section, the States will have to provide households with enough advance notice of the end of a certification period that the household may make a timely request and the States will have the time to process these recertifications.

Section 11(d)(9): This section of the bill has been designed to deal with the needs of households who have no income after the exclusions and deductions are applied. Since households in such dire financial straits may not be able to wait for 30 days to receive assistance, the section of the bill requires expedited treatment. For these emergency cases, certification will have to take place immediately. In order to insure that emergency households which are found eligible can obtain their food stamps as soon as possible, the States should make provision for over-the-counter or hand issuance of the first authorization card.

Section 11(d)(10): This section guarantees recipients the chance to contest adverse actions before they occur, and this right is consistent with the fundamental due process rights granted every person under our Constitution. In implementing this requirement, the Secretary should continue the present system, but make two improvements. First, insure that fair hearings are available to contest adverse action at the end of certification periods, with a provision for continuation of benefits until the hearing is held and decided. Second, the hearing must be held before an impartial State official who had no part in making the initial decision which is being contested. This latter condition seems almost too obvious to mention, though it is not provided for in several States. A hearing decided by the same official who made the initial decision would not be fair in any sense of the word.

Section 11(d)(11): This section requires the States to make up for wrongfully denied benefits by a cash payment. Under the present regulation fair hearings must be held and a decision rendered within 60 days of the date such hearing was requested, and this is the best definition of promptness for purposes of this section. Of course, not all refunds will come about because of fair hearing decisions, nor should a recipient have to resort to a fair hearing when the wrongful reduction or termination is the State's own fault and it is discovered without a hearing. In cases where the State discovers its own error, or knows it will not be able to comply with a particular requirement, such as 30-day prompt action, retroactive benefits should be provided automatically to the date of application for aid.

Section 11(d)(13): This section mandates reasonably accessible points and hours of issuance, and is identical in intent to the similar requirement of accessible points and hours of certification set forth in section 11(d)(2), which I have already discussed. Thus, if issuance offices are remotely located, provisions should be made for mobile issuance vans or multiple offices open the first several days of the month. And, in order to meet the needs of working households, issuance offices should offer night or weekend hours.

Section 11(e): This section reflects the committee's concern that low-income households that participate in the food stamp program make the best possible use of the program by purchasing the most nutritious foods. This is not to be taken as authority for specifying which foods can be purchased, however, since that issue is resolved by the definition of food found in section 3(g) of the committee's bill.

Section 11(f): This section provides the Secretary with the authority to seek injunctive relief in the courts when a States refuses to comply with the law. This section thus provides an additional sanction to the withholding of administrative funds, which is authorized by section 16(b) of the bill. These two sections are not alternatives, but two approaches to the same problem, both of which might be necessary to bring a recalcitrant State back into line.

While we expect that power to seek injunctive relief will enable the Secretary to bring about State compliance more quickly than in the past, it would be naive to overlook that old adage about the wheels of bureaucracy turning slowly. Thus, while we expect the process of correcting problems to be speeded up, this section is not to be interpreted as interfering in any way with the right of individual recipients or groups of recipients, in class actions or otherwise, to take their case to court.

Moreover, this section in no way relieves the States of their obligations to insure that the law is fully complied with at the local level. The State agencies that operate the food stamp program are still responsible for what goes on in their State. When the Secretary learns of program violations at the State or local level, however, the State must be informed immediately, and given a chance to work the problem out. USDA should fully cooperate with the State in trying to resolve the problem quickly, though it should not accept as an excuse for noncompliance with the law political or fiscal constraints, since the States have voluntarily agreed to follow the program rules as a condition of participation.

Thus, where program violations have occurred and USDA and the States cannot reach an agreement, the power to seek injunctive relief is available.

Section 16(b): This section establishes the so-called E. & E. requirement, which is designed to insure that the States operate the food stamp program efficiently and effectively. One of the things that Congress has been most concerned about is the complexity and inefficiency of the present system. The committee has responded to this concern throughout the bill by spelling out in detail how we want the program to operate.

To insure that our intentions are realized, we have directed the Secretary to develop standards by which to judge whether a State's food stamp operation is, in fact, efficient and effective. These standards must include staffing standards, which place limits on the number of cases each worker can be responsible for and what kinds of training eligibility workers and supervisors must have in order to do their jobs well. These staffing standards are intended to insure expeditious treatment of applications and recertification, and to prevent recipients from being turned away from offices because the staff is overworked. Similarly, the staffing standards should indicate what kinds of training should be provided to people that have responsibility for different aspects of the program. An eligibility worker who has received little or no training and has no way to find out about changes in the regulations is not going to be efficient and effective.

Staffing standards, of course, are only one example of what E. & E. is about. The final E. & E. regulations must deal with every aspect of the program, so that the States know what is expected of them. Once the States have the regulations, however, they have responsibility for implementing them. Therefore, if a State fails to comply with the E. & E. requirements, it faces not only the court action authorized by section 11(f) but the withholding of administrative matching funds as provided for in this section. In applying the fiscal sanctions authorized by section 16(b), the Secretary is to first cut off all matching funds which are related to the area of the law where the noncompliance has occurred. In cases of blatant disregard of the provisions of the statute and the USDA regulations promulgated under it as well as State plans of operation, it may be necessary to cut off all matching funds until the State corrects its violations.

In considering whether a State's noncompliance is for good cause, the Secretary should look for circumstances which are truly beyond the State's control, such as a natural disaster. But political or fiscal problems must be considered within the State's control. When a State agrees to participate in the food stamp program, it does so voluntarily, knowing full well that, in agreeing to operate the program, it also agrees to follow the Federal guidelines.

Moreover the food stamp programs brings millions of Federal dollars into States, thereby benefiting not only the recipients but the general economy as well.

As my remarks with regard to E. & E. have indicated, we place great importance on full compliance with the section. For this reason, we do not believe it is enough for USDA to merely promulgate the E. & E., standards and then sit back and see what happens. A strict Federal monitoring of the States' performance will be critical, especially in the first year of the implementation of this legislation. Therefore, we will be looking to USDA for accountability in making sure that this section of the legislation is quickly and meanigfully implemented.

Section 16(c): This section applies only to program costs connected with administration of the program on Indian reservations. These costs will essentially be determined by the tribe, and would include certain costs not normally associated with the food stamp program, such as funds neccessary to run tribal nonprofit food sales systems and mobile grocery stores and food co-ops.

Section 17: This section provides the Secretary with demonstration authority for the first time, because we believe that some experimentation is necessary to find additional ways to make the program work better. The only restriction that must be placed on such demonstration projects is this: No project can result in a denial or reduction of benefits to households that would otherwise be eligible if they resided in an area where no demonstration project was in effect. Thus, no demonstration project which undercuts the eligibility or benefit levels of any recipient, as established in the legislation, would be allowed.

Section 1203: This section of the committee bill reflects our concern that the provisions of the legislation be implemented as soon as possible. In order to insure prompt implementation, USDA will have to move with more than usual speed in getting program regulations written and properly promulgated. In the interim, however, the States must be given some initial guidance in what will be required of them, so that they can begin planning immediately upon, the passage of this legislation what they will have to do to implement the law quickly. Thus, USDA will have to move quickly and forcefully on all fronts to make sure that what needs to be done is done.

Section 4(a) of the commodity distribution section: This provision is applicable to Indian tribes that elect to have the commodity distribution program either separately or concurrently with the food stamp program. What this section does is require that where the commodity program is in operation, each household on the reservation must receive commodities of a sufficient quantity and quality to insure that the same nutritionally adequate diet that is provided by the food stamp program is available through the commodity program.

I commend the Senator from Florida on his quality control amendment. The Senator has held hearings on the food stamp program and has devoted particular attention to the quality control area.

Mr. Chiles' amendment would provide for goals that the States and USDA could work toward in lowering the number of errors they make. It is appropriate that these goals be set in terms of the amount of food stamps issued rather than in terms of cases. Some so-called errors involve nothing more than a lack of signature on an application or a caseworker's worksheet. Others involve significant amounts of money.

I note that Mr. Chiles' amendment would set a goal, to be determined after appropriate study, on the amount of the allotments overissued to households that fail to meet basic program eligibility requirements. The Senator from Florida has framed this provision well. Clearly, if a household has income over the eligibility limits, it has failed to meet the basic eligibility requirements, and any food stamps issued to such a household have been overissued. On the other hand, if a household's file contains an administrative complexity error—such as a lack of a signature or the lack of a work registration card—then the food stamps issued to such a household cannot be said to have been overissued because correction of the error would result in no change in the household's proper benefits.

This use of a distinct category for ineligibility due to failure to meet basic program eligibility requirements is something USDA has done for some time. It is an appropriate category, and it signifies the most serious type of food stamp error. Mr. Chiles has written his amendment to focus, in part, on this category of error.

Mr. Chiles' amendment would also set goals for the amount of allotments overissued to eligible households, for allotments underissued to eligible households, and for the percentage of cases that resulted in improper terminations or denials.

In addition, I note that Mr. Chiles is not interested simply in setting goals. He sets out a whole program for actually reaching these goals at the end of a number of years. USDA would set interim tolerance levels for achievement by States at the end of 1 and 2 years. Separate levels would be set for each State based on what is reasonable for each State to achieve. The Secretary would require States to submit plans annually that involve major training programs for certification workers so that the number of errors may be reduced.

Thus, if the Secretary found that a State was not faithfully implementing its quality control plan, he could withhold a part of the Federal share of the State's administrative costs. This penalty would not result from a simple failure by a State to meet an interim tolerance level goal, but from a finding by the Secretary that the State had not made a good faith effort to comply with its own plan.

It is important that State plans not merely be pieces of paper. They must be carried out.

Mr. President, I commend the Senator for his amendment. I think it is a thoughtful and prudent way to tighten up the program and give it better administration and answer some of the criticism.

There is another part of the Chiles amendment that I would like to clarify. The first part of the amendment strikes out the committee's language authorizing the certification of SSI recipients and social security offices. The committee had decided to leave that flexibility with the Secretary.

The Chiles amendment, however, removes that discretion and mandates that all SSI, social security, and AFDC recipients be certified for food stamps at the same time they are certified or recertified for those programs. The Secretary would not be required to establish this joint application process in those areas where there are so few SSI recipients as to make it impractical to set up such a system.

As part of this process, we expect a simplified form for recipients of these programs by which they can make joint application for food stamps, and the Social Security Act programs at the social security offices. We further expect that by virtue of this one interview, their eligibility for food stamps would be determined even if they are found to be ineligible for the Social Security Act programs.

Mr. HEINZ. Mr. President, I must reluctantly oppose the farm bill because of the levels of price supports it sets. As indicated in my earlier remarks today, I regard them as nothing short of extravagant: extravagant in the sense that our farmers do not need them, and extravagant in the sense that our taxpayers cannot afford them. They amount to dropping a $500 million bomb on our budget, since this is the amount by which they exceed the target for agriculture Congress just adopted earlier this month.

It is unfortunate that the commodity provisions are linked with the new food stamp and Public Law 480 provisions, which I consider worthy of support. However, we cannot line-item our approval for this omnibus bill.

Reform and extension of the food stamp program are urgently needed, and if those provisions stood alone, this bill would have my unhesitating support. But despite its obvious good features, I cannot now support a bill which in its entirety places such an unnecessarily heavy burden on the American taxpayer.

I have supported two amendments to trim the level of target prices—and, therefore, costs to the taxpayers—back to fair and affordable levels. In fact, these were very modest reductions, offered by Senator Muskie in the spirit of compromise. It is unfortunate that they were narrowly rejected.

In considering this bill, I believe we have a great responsibility, not just to the integrity of the budget process, but to the American people, to insure an intelligent balance in our national priorities. The overgenerous farm subsidies in this bill simply go too far, and for that reason, I must oppose it.

Hopefully, my vote will encourage the House and Senate conferees to bring back a conference report all of us can support with a clear conscience.

Mr. THURMOND. Mr. President, first, I would like to commend the distinguished and able chairman of the Agriculture, Nutrition, and Forestry Committee, the senior Senator from Georgia, Mr. Talmadge, and the ranking minority member of this committee, the distinguished Senator from Kansas, Mr. Dole, for their leadership in reporting out this very important piece of legislation. The agriculture portion of this legislation affects every American, be it directly as a farmer or indirectly as a consumer.

I am glad that the provision of this bill, dealing with the extension of the major farm commodity programs, has incorporated a "cost of production" formula for determining target prices and loan levels. In my opinion, this approach is now superior to the system of tying support prices to the parity index.

In the past, I have argued for a farm policy which would provide for target and loan prices at reasonable levels, somewhere above the average variable, "out-of-pocket" costs of production, but below average total costs of production. This will encourage farmers to produce crops for which market demand is sufficient to enable them to recover production costs. Yet, they would be protected against sudden, drastic declines in commodity prices. These support prices must be carefully monitored and set at a level which would allow the market to efficiently allocate agricultural commodities most in demand.

This reasonable approach is the essential feature of a responsible farm policy based on free enterprise with stability. This kind of intermediate, national agricultural policy recognizes the need for flexibility to cope with changing market demand and productivity gains. It also makes it possible to avoid excessive payments and unwanted surpluses. Fundamentally, it affirms the need for reasonable stability in commodity prices. Extreme instability, such as we have had in some years, is harmful to farmers, food handlers and processors, and consumers. Such instability creates unnecessary costs in the form of increased risks and inefficiency of resource use. These unstable conditions result in an atmosphere of suspicion, resentment, and contempt among the various groups in the food production and distribution chain.

This concept recognizes the importance of agriculture to society; the unique, highly competitive structure of American agriculture; and the many problems of food and fiber production. Properly implemented, it will combine the best points of a market-oriented agriculture with reasonable guarantees of market stability, achieved by spreading the costs of agricultural risks among all of us who depend on farm products for survival.

I am pleased to see that this legislation would modify requirements that three-quarters of Public Law 480 title I commodities be distributed to countries with a per capita gross national product of $300 or less. At best, the need for this provision was a short-run phenomenon and the change recommended in this bill will increase the effectiveness of the program. It is generally recognized that this program has made valuable contributions to building international relationships between the United States and other countries in the world. However, we must continually reassess the program in order to assure that we have the best program possible.

I am also pleased to see the increased emphasis placed on agricultural research. I believe deeply in the necessity for continued agricultural research and for the effective dissemination of this information to the men and women engaged in producing food and fiber for this country and much of the rest of the world. In the past, joint efforts by Federal Government and State governments have been instrumental in providing many of the advancements in farm mechanization, cultivation practices, and crop varieties.

Under the leadership of the land-grant universities, the agricultural experiment stations have led the way in research, and the Cooperative Extension Service has been responsible for getting this information to those engaged in agricultural production. Both have been successful and both are to be commended.

However, I feel that this is not the time to let up. We must continue to support agricultural research. With no increase, in real terms, for agricultural research since 1967, it seems that the "writing on the wall" is clear; we must expand the support for agricultural research, and I support an increased emphasis as provided in this bill.

Finally, I would like to make a few comments on the food stamp provision of this bill. I support the position of the distinguished chairman that there is a critical need for meaningful reforms in the food stamp program. In my opinion, credibility has to be restored to the food stamp program. The food stamp program was designed to assist the truly needy, and that is what it should do.

Our great Nation was founded on the work ethic. The toil of our forefathers has enabled us to enjoy the high standard of living which we do today. We must continue to reward an individual according to his work and contribution to society. When an individual is able to work, he must be encouraged to find and keep a job where he is productive to society. We must not reach a point in this country where there is only an insignificant difference for an individual between working in a productive job and spending his time in an unproductive capacity.

I have reservations about certain parts of the bill; in particular, certain sections dealing with the food stamp program, as I have discussed earlier. However, I will support this legislation. I feel that it is in the best interest of the country to move forward with measures that will address the needs of American agriculture and the American consumer.

(This concludes additional statements submitted on S. 275, Food and Agriculture Act of 1977.)

SEVERAL SENATORS. Vote! Vote!

Mr. TALMADGE. Mr. President, I have no further amendments to be proposed. If there be no further amendment to be proposed, I ask for the third reading of the bill.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. TALMADGE. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

All time having been yielded back and the yeas and nays having been ordered, the clerk will call the roll.

The legislative clerk called the roll.

Mr. MUSKIE (after having voted in the negative). Mr. President, on this vote I have a pair with the distinguished Senator from Idaho (Mr. CHURCH). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Michigan (Mr. RIEGLE), the Senator from Illinois (Mr. STEVENSON), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that if present and voting, the Senator from Michigan (Mr. RIEGLE) would vote "yea."

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Nevada (Mr. LAXALT), the Senator from Illinois (Mr. PERCY), the Senator from Virginia (Mr. SCOTT), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I further announce that, if present and voting, the Senator from Arizona (Mr. GOLDWATER) would vote "nay."

On this vote, the Senator from Illinois (Mr. PERCY) is paired with the Senator from Nevada (Mr. LAXALT). If present and voting, the Senator from Illinois would vote "yea" and the Senator from Nevada would vote "nay."

The result was announced—yeas 69, nays 18, as follows:

[Rollcall Vote No. 169 Leg.]

YEAS—69

Abourezk
Allen
Anderson
Baker
Bartlett
Bayh
Bellmon
Bentsen
Brooke
Bumpers
Burdick
Cannon
Clark
Cranston
Culver
Curtis
Danforth
DeConcini
Dole
Domenici
Durkin
Eagleton
Eastland
Ford
Glenn
Hart
Haskell
Hatfield
Hathaway
Hayakawa
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Leahy
Long
Lugar
Magnuson
Matsunaga
McGovern
McIntyre
Melcher
Metcalf
Metzenbaum
Morgan
Moynihan
Nelson
Nunn
Packwood
Pearson
Randolph
Sarbanes
Sasser
Schmitt
Schweiker
Sparkman
Stafford
Stennis
Stevens
Stone
Talmadge
Thurmond
Tower
Young
Zorinsky

NAYS—18

Biden
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Chafee
Chiles
Garn
Hansen
Hatch
Heinz
Helms
Mathias
McClure
Pell
Proxmire
Ribicoff
Roth
Wallop

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Muskie, against.

NOT VOTING—12

Church
Goldwater
Gravel
Griffin
Laxalt
McClellan
Percy
Riegle
Scott
Stevenson
Weicker
Williams

So the bill (S. 275) was passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Food and Agriculture Act of 1977".

TITLE I—PAYMENT LIMITATION FOR WHEAT, FEED GRAINS, UPLAND COTTON, EXTRA LONG STAPLE COTTON, AND RICE

SEC. 101. Effective only with respect to tne 1978 through 1982 crops, section 101 of the Agricultural Act of 1970, as amended, is amended to read as follows:

"SEC. 101. (a) Notwithstanding any other provision of law and subject to the provisions of subsection (b) of this section—

"(1) The total amount of payments which a person shall be entitled to receive under one or more of the annual programs established under the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Act of 1949, as amended, for the 1978 through 1982 crops of wheat, feed grains, upland cotton, extra long staple cotton, and rice shall not exceed $50,000.

"(2) The term 'payments' as used in this section shall not include loans or purchases, or any part of any payment which is determined by the Secretary of Agriculture to represent compensation for disaster loss or resource adjustment (excluding land diversion payments).

"(3) If the Secretary determines that the total amount of payments which will be earned by any person under the program in effect for any crop will be reduced under this section, the set-aside acreage for the farm or farms on which such person will be sharing in payments earned under such program shall be reduced to such extent and in such manner as the Secretary determines will be fair and reasonable in relation to the amount of the payment reduction.

"(4) The Secretary shall issue regulations defining the term 'person' and prescribing such rules as the Secretary determines necessary to assure a fair and reasonable application of such limitation: *Provided,* That the provisions of this section which limit payments to any person shall not be applicable to lands owned by States, political subdivisions, or agencies thereof, so long as such lands are farmed primarily in the direct furtherance of a public function, as determined by the Secretary. The rules for determining whether corporations and their stockholders may be considered as separate persons shall be in accordance with the regulations issued by the Secretary on December 18, 1970.

"(b) No payment otherwise payable under the annual programs established under the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Act of 1949, as amended, for the 1978 through 1982 crops of wheat, feed grains, upland cotton, extra long staple cotton, and rice may be made to any person except—

"(1) a sole proprietorship farming operation (including any individual operating a farm as a tenant);

"(2) a corporation or other entity engaged in a farming operation if a controlling interest in such corporation or other entity is held by individuals engaged primarily in farming;

"(3) a small business corporation as defined in section 1371(a) of the Internal Revenue Code of 1954;

"(4) a trust or similar arrangement which involves the production of wheat, feed grains, cotton, or rice, and which was established on or after the date of enactment of the Food and Agriculture Act of 1977 by one or more persons who would have been eligible for payments under this subsection had such persons been engaged in a farming operation themselves on the land with which such trust or similar arrangement is concerned;

"(5) a trust or similar arrangement which involves the production of wheat, feed grains, cotton, or rice, and which was established by any person prior to the date of enactment of the Food and Agriculture Act of 1977;

"(6) an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 and which is exempt from taxation under section 501(a) of such Code;

"(7) a partnership or similar arrangement in which each partner or owner would, if engaged in a farming operation on his own, be eligible for payments under this subsection; and

"(8) any State, political subdivision, or agency thereof.".

(c)(1) The Congress hereby specifically reaffirms the historical policy of the United States to foster and encourage the family farm system of agriculture in this country. The Congress firmly believes that the maintenance of the family owned farm system is essential to the social well-being of the Nation and the competitive production of adequate supplies of food and fiber. The Congress further believes that any significant expansion of nonfamily owned large-scale corporate farming enterprises will be detrimental to the national welfare. It is not the policy or the intent of Congress the agricultural and agricultural-related programs be administered exclusively for family farm operations, but it is the policy and the express intent of the Congress that no such program be administered in a manner that will place the family farm operation at an unfair economic disadvantage.

(2) In order that the Congress may be better informed regarding the status of the family farm system in the United States, the Secretary of Agriculture shall submit to the Congress, not later than July 1 each year, a written report containing current information on trends in family farm operations and comprehensive national and State-by-State data on nonfamily farm agricultural operations in the United States. The Secretary shall also include in each such report (1) information on how existing agriculture and agriculture-related programs are being administered to enhance and strengthen the family farm system of agriculture in the United States, (2) an assessment of how Federal laws may be serving to encourage the growth of nonfamily farm operations, and (3) such other information as the Secretary deems appropriate or determines would aid the Congress in protecting, preserving, and strengthening the family farm system of agriculture in the United States.

TITLE II—DAIRY

DAIRY BASE PLANS

SEC. 201. Section 201(e) of the Agricultural Act of 1970, as amended, is amended by striking out "1977" and inserting in lieu thereof "1982", and by striking out "1980" and inserting in lieu thereof "1985".

MILK PRICE SUPPORT

SEC. 202. Section 201 of the Agricultural Act of 1949, as amended, is amended—

(1) by striking out the second sentence in subsection (c) and inserting in lieu thereof a new sentence as follows: "Notwithstanding the foregoing, effective for the period beginning on the date of enactment of the Food and Agriculture Act of 1977 and ending March 31, 1979, the price of milk shall be supported at not less than 80 per centum of the parity price therefor."; and

(2) by adding at the end thereof a new subsection (d) as follows:

"(d) Effective for the period beginning on the date of enactment of the Food and Agriculture Act of 1977 and ending March 31, 1979, the support price of milk shall be adjusted by the Secretary at the beginning of each semiannual period after the beginning of the marketing year to reflect any estimated change in the parity index during such semiannual period. The Secretary is authorized to adjust the support price of milk at the beginning of each remaining quarter in the marketing year to reflect any substantial change in the parity index during such quarterly period. Any adjustment under this subsection shall be announced by the Secretary not more than thirty days prior to the beginning of the period to which it is acceptable.".

TRANSFER OF DAIRY PRODUCTS TO THE MILITARY AND VETERANS HOSPITALS

SEC. 203. Section 202 of the Agricultural Act of 1949, as amended, is amended by striking out "1977" in subsections (a) and (b) and inserting in lieu thereof "1982".

DAIRY INDEMNITY PROGRAM

SEC. 204. The Act of August 13, 1968 (82 Stat. 750, as amended; 7 U.S.C. 450 j, k, and l), is amended—

(1) effective October 1, 1977, by inserting after the first sentence a new sentence as follows: "The Secretary is also authorized to make indemnity payments for milk, or cows producing such milk at a fair market value to any dairy farmer who is directed to remove his milk, and to make indemnity payments for dairy products at a fair market value to any manufacturer of dairy products who is directed to remove his dairy products, from commercial markets because of (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer or manufacturer, or (2) residues of chemicals or toxic substances not included under the first sentence of this section if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer or manufacturer: *Provided*, That no indemnity payment may be made for contamination resulting from such residues of chemicals or toxic substances if the Secretary determines within thirty days of the application for payment that other legal recourse is available to the farmer or manufacturer."; and

(2) by striking out "June 30, 1977" in section 3 and inserting in lieu thereof "September 30, 1982".

PRODUCER HANDLERS

SEC. 205. Section 206 of the Agricultural Act of 1970, as amended, is amended by inserting after "Agriculture and Consumer Protection Act of 1973" the following: "and the Food and Agriculture Act of 1977".

TITLE III—WOOL

DECLARATION OF POLICY

SEC. 301. Section 702 of the National Wool Act of 1954, as amended, is amended to read as follows:

"SEC. 702. It is hereby recognized that wool is an essential, strategic, and energy-efficient commodity which is not produced in the United States in sufficient quantities and grades to meet the domestic needs; and that the desired domestic production of wool is impaired by predatory animals and by the depressing effects of wide fluctuations in the price of wool in the world markets. It is hereby declared to be the policy of Congress, as a measure of national security and to promote the general economic welfare, a positive balance of trade, and the efficient use of the Nation's resources, to encourage the continued domestic production of wool at prices fair to both producers and consumers in a manner which will assure a viable domestic wool industry in the future.".

EXTENSION OF ACT AND SUPPORT PRICE

SEC. 302. Section 703 of the National Wool Act of 1954, as amended, is amended—

(1) by striking out "1977" in subsection (a) and inserting in lieu thereof "1982";

(2) by striking out "1977" in subsection (b) and inserting in lieu thereof "1976", and by inserting immediately before the period at the end of subsection (b) a new proviso as follows: ": *Provided further*, That for the marketing year beginning January 1, 1977, and ending December 31, 1977, the support price for shorn wool shall be 85 per centum (rounded to the nearest full cent) of the amount calculated according to the foregoing formula, and for the marketing years beginning January 1, 1978, and ending December 31, 1982, the support price for shorn wool shall be 90 per centum (rounded to the nearest full cent) of the amount calculated according to the foregoing formula"; and

(3) by striking out "1977" in subsection (c) and inserting in lieu thereof "1976".

TITLE IV—WHEAT

LOAN RATE AND TARGET PRICE FOR 1977 CROP

SEC. 401. (a) Title I of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof a new section 108 as follows:

"LOAN RATE AND TARGET PRICE FOR THE 1977 CROP OF WHEAT

"SEC. 108. Notwithstanding any other provision of this Act—

"(a) The established price for the 1977 crop of wheat shall be $2.90 per bushel.

"(b) The Secretary shall make available to producers loans and purchases on the 1977 crop of wheat at not less than $2.25 per bushel. The Secretary may not reduce the effective loan level by any deductions for storage costs.".

(b) This section shall become effective October 1, 1977, and the provisions thereof shall be retroactive to cover loans and payments to producers for the 1977 crop of wheat.

LOAN RATES AND TARGET PRICES FOR THE 1978 THROUGH 1982 CROPS

SEC. 402. Effective beginning with the 1978 crop, section 401 of the Agricultural Act of 1970, as amended, is amended by striking out "1971 through 1977" and inserting in lieu thereof "1971 through 1982", and section 107 of the Agricultural Act of 1949, as it appears therein, amended to read as follows:

"SEC. 107. Notwithstanding any other provision of law:

"(a) Loans and purchases on each crop of wheat shall be made available at such level as the Secretary determines appropriate, but not less than 85 per centum of the cost of production. The cost of production per bushel for the 1978 crop is determined to be $2.91. For each of the 1979 through 1982 crops, the cost of production shall be determined in accordance with section 411 of the Agricultural Act of 1970. The Secretary may not reduce the effective loan level by any deductions for storage costs.

"(b) If a set-aside program is in effect for any crop of wheat under section 379b of the Agricultural Adjustment Act of 1938, as amended, payments, loans, and purchases shall be made available on such crop only to producers who comply with the provisions of such program.

"(c)(1) Payments shall be made for each crop of wheat to the producers on each farm in an amount determined by multiplying (A) the amount by which the higher of—

"(i) the national weighted average market price received by farmers during the first five months of the marketing year for such crop, as determined by the Secretary, or

"(ii) the loan level determined under subsection (a) for such crop,

is less than the established price per bushel times in each case (B) the farm program acreage for wheat determined in accordance with subsection (d)(3) of this section (but in no event on a greater acreage than the acreage actually planted to wheat for harvest), times (C) the farm program yield for wheat determined in accordance with subsection (e) of this section. The established price for the 1978 crop of wheat shall be $3.10 per bushel. For each of the 1979 through 1982 crops, the established price shall be equal to the cost of production as determined by the Secretary in accordance with section 411 of the Agricultural Act of 1970, but in no event less than $3.10 per bushel. The total quantity on which payments would otherwise be payable to a producer for any crop under this paragraph shall be reduced by the quantity on which any disaster payment is paid to such producer for the crop under paragraph (2)(B) of this subsection.

"(2)(A) Effective only with respect to the 1978 and 1979 crops of wheat, if the Secretary determines that the producers on a farm are prevented from planting any portion of the acreage intended for wheat to wheat or other nonconserving crops because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the Secretary shall make a prevented planting disaster payment to the producers on the smaller of (i) the acreage intended to be planted to wheat or (ii) the acreage planted to wheat for harvest (including any acreage which the producers were prevented from planting to wheat or other nonconserving crop in lieu of wheat) in the immediately preceding year multiplied by 75 per centum of the program yield established by the Secretary for the farm for the current year times a payment rate equal to 33⅓ per centum of the established price per bushel for wheat.

"(B) Effective only with respect to the 1978 and 1979 crops of wheat, if the Secretary determines that because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the total quantity of wheat which the producers are able to harvest on any farm is less than the result of multiplying 75 per centum of the program yield established by the Secretary for the farm for such crop during the current year times the acreage planted to harvest for such crop in such year, the Secretary shall make a farm disaster payment to the producers at a rate equal to 33⅓ per centum of the established price for the crop for the deficiency in production below 75 per centum for the crop.

"(3) The Secretary shall provide for the sharing of payments made under this subsection for any farm among the producers on the farm on a fair and equitable basis.

"(d)(1) In the event payments are required to be made for any crop of wheat under subsection (c)(1) of this section, the Secretary shall determine a national program acreage for such crop. The national program acreage for wheat shall be the number of harvested acres the Secretary determines (on the basis of the weighted national average of the farm program payment yields for the crop for which the determination is made) will produce the quantity (less imports) that the Secretary estimates will be utilized domestically and for export during the marketing year for such crop. If the Secretary determines that carryover stocks of wheat are excessive or an increase in stocks is needed to assure desirable carryover, the Secretary may adjust the national program acreage by the amount the Secretary determines will accomplish the desired increase or decrease in carryover stocks.

"(2) The Secretary shall determine a program allocation factor for each crop of wheat. The allocation factor (not to exceed 100 per centum) for wheat shall be determined by dividing the national program acreage for the crop by the number of acres which the Secretary estimates will be harvested for such crop: *Provided*, That in no event shall the allocation factor for any crop of wheat be less than 90 per centum.

"(3) The individual farm program acreage for each crop of wheat shall be determined by multiplying the allocation factor by the acreage of wheat planted for harvest on the farms for which individual farm program acreages are required to be determined.

"(e) The farm program payment yield for each crop of wheat shall be the yield established for the farm for the previous crop year, adjusted by the Secretary to provide a fair and equitable yield. If no payment yield for wheat was established for the farm in the previous crop year, the Secretary is authorized to determine such yield as the Secretary finds fair and reasonable. Notwithstanding the foregoing, in the determination of yields, the Secretary shall take into account the actual yields proved by the producer. If the Secretary determines it necessary, the Secretary may establish national, State, or county program payment yields on the basis of historical yields, as adjusted by the Secretary to correct for abnormal factors affecting such yields in the historical period, or, if such data are not available, on the Secretary's estimate of actual yields for the crop year involved. In the event national, State, or county program yields are established, the farm program payment yields shall balance to the national, State or county program payment yields.".

SET-ASIDE PROGRAM

SEC. 403. Effective beginning with the 1978 crop of wheat, section 402 of the Agricultural Act of 1970, as amended, is amended to read as follows:

"SEC. 402. (a) Effective only with respect to the 1978 through 1982 crnps of wheat, section 379b of the Agricultural Act of 1938, as amended, is amended to read as follows:

"SEC. 379b. (a)(1) The Secretary shall provide for a set-aside of cropland if the Secretary determines that the total supply of wheat will, in the absence of such a set-aside, likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency: *Provided*, That whenever the carryover of wheat at the end of a marketing year exceeds 175 per centum of domestic use for such marketing year, the Secretary shall require a set-aside of cropland for the next succeeding crop of wheat. If a set-aside of cropland is in effect under this subsection, then as a condition of eligibility for loans, purchases, and payments authorized by section 107 of the Agricultural Act of 1949, as amended, the producers on a farm must set aside and devote to conservation uses an acreage of cropland equal to a specified percentage, as determined by the Secretary, of the acreage planted to wheat (including any set-aside or diverted acreage) in the preceding crop year, as adjusted by the Secretary to correct for abnormal factors affecting such acreage in the preceding year. The Secretary may limit the acreage planted to wheat. The set-aside acreage shall be devoted to conservation uses in accordance with regulations issued by the Secretary which will assure protection of such acreage from wind and water erosion throughout the current calendar year. The Secretary may permit producers to graze or harvest hay from the set-aside acreage.

" '(2) The Secretary may make land diversion payments to producers of wheat, whether or not a set-aside for wheat is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of wheat to desirable goals. Such land diversion payments shall be made to producers on a farm who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers. The amounts payable to producers under any such land diversion contracts may be determined through the submission of bids for such contracts by producers in such manner as the Secretary may prescribe or through such other means as the Secretary determines appropriate. In determining the acceptability of contract offers, the Secretary shall take into consideration the extent of the diversion to be undertaken by the producers and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.

" '(3) If the operator of the farm desires to participate in the program formulated under this subsection, the operator shall file his agreement to do so no later than such date as the Secretary may prescribe. Loans and purchases on wheat, payments authorized by section 107(c) of the Agricultural Act of 1949, as amended, and payments under this subsection shall be made available to producers on such farm only if the producers set aside and devote to approved soil conserving uses an acreage on the farm equal to the number of acres which the operator agrees to set side and devote to approved soil conserving uses, and the agreement shall so provide. The Secretary may, by mutual agreement with the producer, terminate or modify any such agreement entered into pursuant to this subsection if the Secretary determines such action necessary because of an emergency created by drought or other disaster, or in order to prevent or alleviate a shortage in the supply of agricultural commodities.

" '(b) The Secretary shall provide for the sharing of payments made under this section for any farm among producers on the farm on a fair and equitable basis.

" '(c) In any case in which the failure of a producer to comply fully with the terms and conditions of the program formulated under this section precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases, and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the default.

" '(d) The Secretary is authorized to issue such regulations as the Secretary determines necessary to carry out the provisions of this section.

" '(e) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.'

"(b) Section 379b(c) of the Agricultural Adjustment Act of 1938, as amended, shall not be applicable to the 1978 through 1982 crops of wheat.".

NONAPPLICABILITY OF PROCESSOR CERTIFICATE REQUIREMENT

SEC. 404. Section 403(b) of the Agricultural Act of 1970, as amended, is amended by striking out "July 1, 1973 through June 30, 1978" and inserting in lieu thereof "July 1, 1973, through June 30, 1983".

SUSPENSION OF MARKETING QUOTAS; CONFORMING AMENDMENT

SEC. 405. Effective beginning with the 1978 crop of wheat, section 404 of the Agricultural Act of 1970, as amended, is amended to read as follows:

"SEC. 404. Effective only with respect to the 1978 through 1982 crops, the Agricultural Adjustment Act of 1938, as amended, is further amended as follows:

"(1) sections 331, 332, 335, 336, 338, and 339 shall not be applicable to the 1971 through 1982 crops of wheat;

"(2) sections 333 and 334 shall not be applicable to the 1972 through 1982 crops of wheat; and

"(3) by adding in the first sentence of section 385 after the words 'parity payment,' the words 'payments under the wheat and feed grain set-aside programs,'.".

SUSPENSION OF QUOTA PROVISIONS

SEC. 406. Section 406 of the Agricultural Act of 1970, as amended, is amended by striking out "1971 through 1977" and inserting in lieu thereof "1971 through 1982".

APPLICATION OF TERMS IN THE AGRICULTURAL ACT OF 1949

SEC. 407. Section 408 of the Agricultural Act of 1970, as amended, is amended by striking out "1971 through 1977" and inserting in lieu thereof "1971 through 1982".

COMMODITY CREDIT CORPORATION SALES PRICE RESTRICTIONS FOR WHEAT AND FEED GRAINS

SEC. 408. Section 409 of the Agricultural Act of 1970, as amended, is amended by striking out "1971 through 1977" and inserting in lieu thereof "1971 through 1982".

COST OF PRODUCTION

SEC. 409. Title IV of the Agricultural Act of 1970, as amended, is amended by adding at the end thereof a new section 411 as follows:

"COST OF PRODUCTION

"SEC. 411. (a) The Secretary of Agriculture shall determine for each of the 1979 through 1982 crops of wheat, corn, and upland cotton the cost of production to be used in the establishment of loan and payment rates for each commodity. The determination shall be based on the Secretary's estimate of the costs incurred in the production of the crop, taking into consideration joint products such as the value of cottonseed and the value of grazing in the case of wheat, and shall include, but not be limited to—

"(1) a charge for all direct or variable costs, such as labor, power and machinery, seeds, fertilizer and chemicals, custom services, irrigation, interest on operating capital, and other materials;

"(2) a charge for overhead costs (a proportionate share, if applicable), such as personal property taxes, electricity, sales taxes, insurance, farm auto costs, and other such costs not directly related to the production of a specific crop;

"(3) a charge for management; and

"(4) a charge for land based on a composite land allocation using share rent, cash rent, and average acquisition value.

"(b) Yields used in determining per unit costs shall be based on the most recent five-year weight national average harvested yields for wheat and cotton and the most recent five-year weighted national average yields of corn harvested for grain.".

INTERNATIONAL AGREEMENT ON WHEAT PRICES

SEC. 410. To assure world production of wheat at prices which provide protection to producers, it is the sense of Congress that the President continue to negotiate for an agreement with other major wheat exporting countries such as Canada, Australia, and Argentina, and major wheat importing countries to establish and maintain a mutual minimum world price for wheat at no less than the average cost of production of wheat in the United States, adjusted to reflect the cost of transportation to export points during the calendar year immediately preceding the year for such determination.

TITLE V—FEED GRAIN PROGRAM

LOAN RATE AND TARGET PRICE; SET-ASIDE PROGRAM

SEC. 501. Effective only with respect to the 1978 through 1982 crops of feed grains, section 501 of the Agricultural Act of 1970, as amended, is amended to read as follows:

"SEC. 501. Effective only with respect to the 1978 through 1982 crops of feed grains, section 105 of the Agricultural Act of 1949, as amended, is amended to read as follows:

"'SEC. 105. Notwithstanding any other provision of law—

"'(a)(1) The Secretary shall make available to producers loans and purchases on each crop of corn at such level as the Secretary determines appropriate, but not less than (A) $2 per bushel in the case of the 1978 crop, and (B) 85 per centum of the cost of production as determined in accordance with section 411 of the Agricultural Act of 1970 in the case of the 1979 through 1982 crops.

"'(2) The Secretary shall make available to producers loans and purchases on each crop of barley, oats, and rye, respectively, at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value of such commodity in relation to corn and other factors specified in section 401(b) of this Act, and on each crop of grain sorghums at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value and average transportation costs to market of grain sorghums in relation to corn.

"'(b)(1) In addition, the Secretary shall make available to producers payments for each crop of corn, grain sorghums, and if designated by the Secretary, barley, computed by multiplying (A) the payment rate times (B) the farm program acreage for the crop determined in accordance with paragraph (5) of this subsection (but in no event on a greater acreage than the acreage actually planted to feed grains for harvest) times (C) the farm program yield for the crop determined in accordance with paragraph (6) of this subsection. The payment rate for corn shall be the amount by which the higher of—

"'(i) the national weighted average market price received by farmers during the first five months of the marketing year for such crop, as determined by the Secretary, or

"'(ii) the loan level determined under subsection (a) for such crop,

is less than the established price per bushel. The established price shall be equal to the cost of production. The cost of production per bushel for the 1978 crop of corn is determined to be $2.28. For each of the 1979 through 1982 crops, the cost of production shall be determined by the Secretary in accordance with section 411 of the Agricultural Act of 1970. The payment rate for grain sorghums and, if designated by the Secretary, barley, shall be such rate as the Secretary determines fair and reasonable in relation to the rate at which payments are made available for corn. The total quantity on which payments under this paragraph would otherwise be payable to a producer for any crop shall be reduced by the quantity on which any disaster payment is paid to such producer for the crop under paragraph (2)(B) of this subsection.

"'(2)(A) Effective only with respect to the 1978 and 1979 crops of feed grains, if the Secretary determines that the producers on a farm are prevented from planting any portion of the acreage intended for feed grains to feed grains or other nonconserving crops because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the Secretary shall make a prevented planting disaster payment to the producers on the smaller of (i) the acreage intended to be planted to feed grains, or (ii) the acreage planted to feed grains for harvest (including any acreage which the producers were prevented from planting to feed grains or other nonconserving crop in lieu of feed grains) in the immediately preceding year multiplied by 75 per centum of the program yield for feed grains established by the Secretary for the farm for the current year times a payment rate equal to 33⅓ per centum of the established price per bushel.

"'(B) Effective only with respect to the 1978 and 1979 crops of feed grains, if the Secretary determines that because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the total quantity of feed grains which the producers are able to harvest on any farm is less than the result of multiplying 75 per centum of the program yield established by the Secretary for the farm for such crop during the current year times the acreage planted to harvest for such crop in such year, the Secretary shall make a farm disaster payment to the producers at a rate equal to 33⅓ per centum of the established price for the crop for the deficiency in production below 75 per centum for the crop.

"'(3) In the event payments are required to be made for any crop of feed grains under paragraph (1) of this subsection, the Secretary shall determine a national program acreage for such shop. The national program acreage for feed grains shall be the number of harvested acres the Secretary determines (on the basis of the weighted national average of the farm program payment yields for the crop for which the determination is made) will produce the quantity (less imports) which the Secretary estimates will be utilized domestically and for export during the marketing year for such crop. If the Secretary determines that carryover stocks of feed grains are excessive or an increase in stocks is needed to assure desirable carryover, the Secretary may adjust the national program acreage by the amount the Secretary determines will accomplish the desired increase or decrease in carryover stocks.

"'(4) The Secretary shall determine a program allocation factor for each crop of feed grains. The allocation factor (not to exceed 100 per centum) for feed grains shall be determined by dividing the national program acreage for the crop by the number of acres which the Secretary estimates will be harvested for such crop: *Provided*, That in no event shall the allocation factor for any crop of feed grains be less than 90 per centum.

"'(5) The individual farm program acreage for each crop of feed grains shall be determined by multiplying the allocation factor by the acreage of feed grains planted for harvest on the farms for which individual farm program acreages are required to be determined.

"'(6) The farm program payment yield for each crop of feed grains shall be the yield established for the farm for the previous crop year, adjusted by the Secretary to provide a fair and equitable yield. If no payment yield for feed grains was established for the farm in the previous crop year, the Secretary is authorized to determine such yield as the Secretary finds fair and reasonable. Notwithstanding the foregoing, in the determination of yields, the Secretary shall take into account the actual yields proved by the producer, If the Secretary determines it necessary, the Secretary may establish national, State, or county program payment yields on the basis of historical yields, as adjusted by the Secretary to correct for abnormal factors affecting such yields in the historical period, or, if such data are not available, on the Secretary's estimate of actual yields for the crop year involved. In the event national, State, or county program payment yields are established, the farm program payment yields shall balance to the national, State, or county program payment yields.

" '(c)(1) The Secretary shall provide for a set-aside of cropland if the Secretary determines that the total supply of feed grains will, in the absence of such a set-aside, likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. If a set-aside of cropland is in effect under this subsection, then as a condition of eligibility for loans, purchases, and payments on corn, grain sorghums, and, if designated by the Secretary, barley, respectively, the producers on a farm must set aside and devote to conservation uses an acreage of cropland equal to a specified percentage, as determined by the Secretary, of the acreage planted to feed grains (including any set-aside or diverted acreage) in the preceding crop year, as adjusted by the Secretary to correct for adnormal factors affecting such acreage in the preceding year. The Secretary may limit the acreage planted to feed grains. The set-aside acreage shall be devoted to conservation uses in accordance with regulations issued by the Secretary which will assure protection of such acreage from wind and water erosion throughout the current calendar year. The Secretary may permit producers to graze or harvest hay from the set-aside acreage.

" '(2) The Secretary may make land diversion payments to producers of feed grains, whether or not a set-aside for feed grains is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of feed grains to desirable goals. Such land diversion payments shall be made to producers on a farm who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers. The amounts payable to producers under any such land diversion contracts may be determined through the submission of bids for such contracts by producers in such manner as the Secretary may prescribe or through such means as the Secretary determines appropriate. In determining the acceptability of contract offers, the Secretary shall take into consideration the extent of the diversion to be undertaken by the producers and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.

" '(3) If the operator of the farm desires to participate in the program formulated under this section, he shall file his agreement to do so no later than such date as the Secretary may prescribe. Loans and purchases on feed grains included in the set-aside program and payments under this section shall be made available to producers on such farm only if the producers set aside and devote to approved soil conserving uses an acreage on the farm equal to the number of acres which the operator agrees to set aside and devote to approved soil conserving uses, and the agreement shall so provide. The Secretary may, by mutual agreement with the producer, terminate or modify any such agreement entered into pursuant to this section if the Secretary determines such action necessary because of an emergency created by drought or other disaster, or in order to prevent or alleviate a shortage in the supply of agricultural commodities.

" '(d) The Secretary shall provide for the sharing of payments under this section among producers on the farm on a fair and equitable basis.

"'(e) In any case in which the failure of a producer to comply fully with the terms and conditions of the program formulated under this section precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases, and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the default.

"'(f) The Secretary is authorized to issue such regulations as the Secretary determines necessary to carry out the provisions of this section.

" '(g) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.' ".

TITLE VI—UPLAND COTTON PROGRAM

SUSPENSION OF MARKETING QUOTAS

SEC. 601. Effective beginning with the 1978 crop of upland cotton, section 601(1) of the Agricultural Act of 1970, as amended, is amended by striking out "1971 through 1977" and inserting in lieu thereof "1971 through 1982".

COTTON PRODUCTION INCENTIVES; LOAN RATE AND TARGET PRICE; SET-ASIDE PROGRAM

SEC. 602. Effective only with respect to the 1978 through 1982 crops of upland cotton, except as otherwise provided herein, section 602 of the Agricultural Act of 1970, as amended, is amended by striking out that portion through the first colon and section 103(e) of the Agricultural Act of 1949, as it appears therein, and inserting in lieu thereof the following:

"SEC. 602. Effective beginning with the 1978 crop of upland cotton, except as otherwise provided herein, section 103 of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof a new subsection (e) as follows:

" '(e)(1) The Secretary shall, upon presentation of warehouse receipts reflecting accrued storage charges of not more than sixty days, make available for the 1978 through 1982 crops of upland cotton to cooperators nonrecourse loans for a term of ten months from the first day of the month in which the loan is made at such level as will reflect for Strict Low Middling one and one-sixteenth inch upland cotton (micronaire 3.5 through 4.9) at average location in the United States the smaller of (i) 85 per centum of the average price (weighted by market and month) of such quality of cotton as quoted in the designated United States spot markets during the four-year period ending July 31 in the year in which the loan level is announced, or (ii) 90 per centum of the average, for the first two full weeks of October of the year in which the loan level is announced, of the five lowest priced growths of the growths quoted for Strict Middling one and one-sixteenth inch cotton C.I.F. Northern Europe (adjusted downward by the average difference during the period April 15 through October 15 of the year in which the loan is announced between such average Northern Europe price quotation of such quality of cotton and the market quotations in the designated United States spot markets for Strict Low Middling one and one-sixteenth inch cotton (micronaire 3.5 through 4.9)). The loan level for any crop of cotton shall be determined and announced not later than November 1 of the calendar year preceding the marketing year for which such loan is to be effective, and such level shall not thereafter be changed. The rate of interest on loans to cooperators under the provisions of this paragraph shall be established quarterly by the Commodity Credit Corporation on the basis of the lowest current interest rate on ordinary obligations of the United States. Nonrecourse loans provided for in this subsection shall, upon request of the cooperator during the tenth month of the loan period for the cotton, be made available for an additional term of eight months: *Provided*, That such request to extend the loan period shall not be approved in a month when the average price of Strict Low Middling one and one-sixteenth inch cotton (micronaire 3.5 through 4.9) in the designated spot markets for the preceding month exceeded 130 per centum of the average price of such quality of cotton in such markets for the preceding thirty-six-month period: *Provided further*, That whenever the Secretary determines that the average price of Strict Low Middling one and one-sixteenth inch cotton (micronaire 3.5 through 4.9) in the designated spot markets for a month exceeded 130 per centum of the average price of such quality of cotton in such markets for the preceding thirty-six months, notwithstanding any other provision of law, the President shall immediately establish and proclaim a special limited global import quota for upland cotton subject to the following conditions:

" '(A) The amount of the special quota shall be equal to twenty-one days of domestic mill consumption of upland cotton at the seasonally adjusted average rate of the most recent three months for which data are available;

" '(B) If a special quota has been established under this subsection during the preceding twelve months, the amount of the quota next established hereunder shall be the smaller of twenty-one days of domestic mill consumption calculated as set forth above or the amount required to increase the supply to 130 per centum of the demand;

" '(C) As used in clause (B) the term "supply" means, using the latest official data of the Bureau of the Census, the United States Department of Agriculture, and the United States Department of the Treasury, the carryover of upland cotton at the beginning of the marketing year (adjusted to four hundred and eighty-pound bales) in which the special quota is established plus production of the current crop plus imports to the latest date available during the marketing year, and the term "demand" means the average seasonally adjusted annual rate of domestic mill consumption in the most recent three months for which data are available plus the larger of average exports of upland cotton during the preceding six marketing years or cumulative exports of upland cotton plus outstanding export sales for the marketing year in which the special quota is established;

" '(D) When a special quota is established under the provisions of this subsection, a ninety-day period from the effective date of the proclamation shall be allowed for entering cotton under such quota; and

" '(E) Notwithstanding the foregoing provisions of this subsection, a special quota period shall not be established that overlaps an existing special quota period. Notwithstanding any other provision of law, the foregoing provisions of this subsection with respect to extension of the loan period and to proclamation of the special quota shall become effective upon the date of enactment of the Food and Agriculture Act of 1977 even though the cotton may be of a crop prior to the 1978 crop.

" '(2) Payments shall be made for each crop of upland cotton to the producers on each farm at a rate equal to the amount by which the higher of—

" '(A) the average market price received by farmers for upland cotton during the calendar year which includes the first months of the marketing year for such crop, as determined by the Secretary, or

"'(B) the loan level determined under paragraph (1) for such crop,

is less than the established price per pound times in each case (i) the farm program acreage for cotton determined in accordance with paragraph (7) of this subsection (but in no event on a greater acreage than the acreage actually planted to cotton for harvest) times (ii) the farm program yield for cotton determined in accordance with paragraph (8) of this subsection. The established price for the 1978 crop of upland cotton shall be 51.1 cents per pound. For each of the 1979 through 1982 crops, the established price shall be equal to the cost of production as determined by the Secretary in accordance with section 411 of the Agricultural Act of 1970. The total quantity on which payments would otherwise be payable to a producer for any crop under this paragraph shall be reduced by the quantity on which any disaster payment is paid to such producer for the crop under paragraph (3)(B) of this subsection.

"'(3)(A) Effective only with respect to the 1978 and 1979 crops of upland cotton, if the Secretary determines that the producers on a farm are prevented from planting any portion of the acreage intended for cotton to cotton or other nonconserving crops because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the Secretary shall make a prevented planting disaster payment to the producers on the smaller of (i) the acreage intended to be planted to cotton, or (ii) the acreage planted to cotton for harvest (including any acreage which the producers were prevented from planting to cotton or other nonconserving crop in lieu of cotton) in the immediately preceding year multiplied by 75 per centum of the program yield established by the Secretary for the farm for the current year times a payment rate equal to 33⅓ per centum of the established price for the crop.

"'(B) Effective only with respect to the 1978 and 1979 crops of upland cotton, if the Secretary determines that because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the total quantity of cotton which the producers are able to harvest on any farm is less than the result of multiplying 75 per centum of the program yield established by the Secretary for the farm for such crop during the current year times the acreage planted to harvest for such crop in such year, the Secretary shall make a farm disaster payment to the producers at a rate equal to 33⅓ per centum of the established price for the crop for the deficiency in production below 75 per centum for the crop.

"'(4) The Secretary shall provide for the sharing of payments made under this subsection for any farm among the producers on the farm on a fair and equitable basis.

"'(5) In the event payments are required to be made for any crop of upland cotton under paragraph (2) of this subsection, the Secretary shall determine a national program acreage for such crop. The national program acreage for upland cotton shall be the number of harvested acres the Secretary determines (on the basis of the weighted national average of the farm program payment yields for the crop for which the determination is made) will produce the quantity (less imports) that the Secretary estimates will be utilized domestically and for export during the marketing year for such crop. If the Secretary determines that carryover stocks of cotton are excessive or an increase in stocks is needed to assure desirable carryover, the Secretary may adjust the national program acreage by the amount the Secretary determines will accomplish the desired increase or decrease in carryover stocks.

"'(6) The Secretary shall determine a program allocation factor for each crop of upland cotton. The allocation factor (not to exceed 100 per centum) shall be determined by dividing the national program acreage for the crop by the number of acres which the Secretary estimates will be harvested for such crop: *Provided*, That in no event shall the allocation factor for any crop of cotton be less than 90 per centum.

"'(7) The individual farm program acreage for each crop of upland cotton shall be determined by multiplying the allocation factor by the acreage of cotton planted for harvest on the farms for which individual farm program acreages are required to be determined.

"'(8) The farm program payment yield for each crop of upland cotton shall be the yield established for the farm for the previous crop year, adjusted by the Secretary to provide a fair and equitable yield. If no payment yield for cotton was established for the farm in the previous crop year, the Secretary is authorized to determine such yield as the Secretary finds fair and reasonable. Notwithstanding the foregoing, in the determination of yields, the Secretary shall take into account the actual yields proved by the producer. If the Secretary determines it necessary, the Secretary may establish national, State, or county program payment yields on the basis of historical yields, as adjusted by the Secretary to correct for abnormal factors affecting such yields in the historical period, or, if such data are not available, on the Secretary's estimate of actual yields for the crop year involved. In the event national, State, or county program payment yields are established, the farm program payment yields shall balance to the national, State, or county program payment yields.

"'(9)(A) The Secretary shall provide for a set-aside of cropland if he determines that the total supply of upland cotton will, in the absence of such a set-aside, likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. If set-aside of cropland is in effect under this paragraph, then as a condition of eligibility for loans, purchases, and payments on upland cotton, the producers on a farm must set aside and devote to conservation uses an acreage of cropland equal to a specified percentage, as determined by the Secretary, of the acreage planted to upland cotton (including any set-aside or diverted acreage) in the preceding crop year, as adjusted by the Secretary to correct for abnormal factors affecting such acreage in the preceding year. The Secretary may limit the acreage planted to upland cotton. The set-aside acreage shall be devoted to conservation uses in accordance with regulations issued by the Secretary which will assure protection of such acreage from wind and water erosion throughout the current calendar year. The Secretary may permit producers to graze or harvest hay from the set-aside acreage.

"'(B) The Secretary may make land diversion payments to producers of upland cotton, whether or not a set-aside for upland cotton is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of upland cotton to desirable goals. Such land diversion payments shall be made to producers on a farm who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers. The amounts payable to producers under any such land diversion contracts may be determined through the submission of bids for such contracts by producers in such manner as the Secretary may prescribe or through such other means as the Secretary determines appropriate. In determining the acceptability of contract offers, the Secretary shall take into consideration the extent of the diversion to be undertaken by the producers and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.

"'(10) If the operator of the farm desires to participate in the program formulated under this subsection, he shall file his agreement to do so no later than such date as the Secretary may prescribe. Loans and purchases on upland cotton and payments under this subsection shall be made available to the producers on such farm only if producers set aside and devote to approved soil conserving uses an acreage on the farm equal to the number of acres which the operator agrees to set aside and devote to approved soil conserving uses, and the agreement shall so provide. The Secretary may, by mutual agreement with the producers, terminate or modify any such agreement entered into pursuant to this subsection if the Secretary determines such action necessary because of an emergency created by drought or other disaster, or in order to alleviate a shortage in the supply of agricultural commodities.

"'(11) The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

"'(12) In any case in which the failure of a producer to comply fully with the terms and conditions of the program formulated under this subsection precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases, and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the default.

"'(13) The Secretary is authorized to issue such regulations as the Secretary determines necessary to carry out the provisions of this subsection.

"'(14) The Secretary shall carry out the program authorized by this subsection through the Commodity Credit Corporation.

"'(15) The provisions of subsection 8(g) of the Soil Conservation and Domestic Allotment Act, as amended (relating to assignment of payments), shall apply to payments under this subsection.'".

COMMODITY CREDIT CORPORATION SALES PRICE RESTRICTIONS

SEC. 603. Effective beginning with the 1978 crop of upland cotton, section 603 of the Agricultural Act of 1970, as amended, is amended to read as follows:

"SEC. 603. Effective only with respect to the period beginning August 1, 1978, and ending July 31, 1983, the tenth sentence of section 407 of the Agricultural Act of 1949, as amended, is amended by deleting all of that sentence from the beginning to and including the words '110 per centum of the loan rate, and (2)' and inserting in lieu thereof the following: 'Notwithstanding any other provision of law, (1) the Commodity Credit Corporation shall sell upland cotton for unrestricted use at the same prices as it sells cotton for export, in no event, however, at less than 115 per centum of the loan rate for Strict Low Middling one and one-sixteenth inch upland cotton (micronaire 3.5 through 4.9) adjusted for such current market differentials reflecting grade, quality, location, and other value factors as the Secretary determines appropriate plus reasonable carrying charges and (2)'.".

MISCELLANEOUS COTTON PROVISIONS

SEC. 604. Effective beginning with the 1978 crop of upland cotton—

(a) Section 604 of the Agricultural Act of 1970, as amended, is amended to read as follows:

"Sec. 604. Section 408(b) of the Agricultural Act of 1949, as amended, is amended by inserting a colon in lieu of the period at the end of the first sentence and adding the following: '*And provided,* That for the 1978 through 1982 crops of upland cotton, a cooperator shall be a producer on a farm who has set aside the acreage required under section 103(e).'.";

(b) Section 605 of the Agricultural Act of 1970, as amended, is amended to read as follows:

"Sec. 605. Effective only with respect to the 1978 through 1982 crops, section 385 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding in the first sentence after the words 'parity payment,' the words 'payments under the cotton set-aside programs,'."; and

(c) Sections 607 and 608 of the Agricultural Act of 1970, as amended, are each amended by striking out "1971 through 1977" and inserting in lieu thereof "1971 through 1982".

SKIPROW PRACTICES

Sec. 605. Section 612 of the Agricultural Act of 1970 is amended by striking out "1974 through 1977" and inserting in lieu thereof "1974 through 1982".

PRELIMINARY ALLOTMENTS FOR 1983 CROPS OF WHEAT, FEED GRAINS, AND UPLAND COTTON

Sec. 606. Notwithstanding any other provision of law, section 379 of the Agricultural Adjustment Act of 1938, as amended, shall remain applicable for reconstitution purposes for the 1977 acreage allotments for wheat, feed grains, and upland cotton, and the permanent State, county, and farm allotments for the 1977 crops of wheat, feed grains, and upland cotton, adjusted for any underplantings in 1977, shall again become effective as preliminary allotments for the 1983 crops of such commodities.

TITLE VII—RICE

NATIONAL ACREAGE ALLOTMENT AND ALLOCATION

Sec. 701. Effective beginning with the 1978 crop of rice, section 101 of the Rice Production Act of 1975 is amended by striking out "1976 and 1977" each place it occurs and inserting in lieu thereof "1976 through 1982".

LOAN RATES, TARGET PRICES, AND SET-ASIDE FOR THE 1978 THROUGH 1982 CROPS

Sec. 702. Effective beginning with the 1978 crop of rice, section 101 of the Rice Production Act of 1975 is amended by—

(a) striking out "1976 and 1977" immediately following "Effective for the", and inserting in lieu thereof "1976 through 1982"; and

(b) amending section 101(g) of the Agricultural Act of 1949, as it appears therein, by—

(1) amending paragraphs (1) through (6) to read as follows:

"(1) The established price for the purpose of making payments on rice under this subsection shall be $8 per hundredweight in the case of the 1976 crop, adjusted to reflect any changes in the index of prices paid by farmers for production items, interest, taxes, and wage rates during the period beginning on the date of enactment of the Rice Production Act of 1975, and ending July 31, 1976; for each of the 1977 through 1982 crops, the established price shall be the established price for the preceding year's crop adjusted to reflect any changes in the index of prices paid by farmers for production items, interest, taxes, and wage rates during the twelve-month period immediately preceding July 31 of the crop year for which the established price is determined: Provided, That any increase that would otherwise be made in the established price for the 1976 through 1982 crops to reflect a change in the index of prices paid by farmers may be further adjusted to reflect any change in (A) the national average yield per acre of rice for the three calendar years preceding the year for which the determination is made, over (B) the national average yield per acre for the three calendar years preceding the year previous to the one for which the determination is made.

"(2) The Secretary shall make available to cooperators in the several States of the United States, loans and purchases on the 1976 crop of rice at a rate equal to $6 per hundredweight, adjusted to reflect any changes in the index of prices paid by farmers for production items, interest, taxes, and wage rates during the period beginning on the date of enactment of the Rice Production Act of 1975 and ending July 31, 1976: *Provided,* That any increase in the rate of loans and purchases for the 1976 crop to reflect a change in the index of prices paid by farmers may be further adjusted to reflect the change described in the proviso in paragraph (1) of this subsection. Loans and purchases for each of the 1977 through 1982 crops shall be established at such rate as bears the same ratio to the loan rate for the preceding year's crop as the established price for the current year's crop bears to the established price for the preceding year's crop. Loans and purchases for each of the 1976 through 1982 crops shall be made available to cooperators on a farm with respect to a quantity of rice determined by multiplying the allotment by the yield established for the farm, as determined in the manner described in the second sentence of paragraph (4) of this subsection.

"(3) The Secretary shall make available to cooperators payments for each of the 1976 through 1982 crops of rice grown in the several States of the United States at a rate equal to the amount by which the established price per bushel for the crop of rice exceeds the higher of—

"(A) the national average market price received by farmers during the first five months of the marketing year for such crop, as determined by the Secretary; or

"(B) the loan level determined under paragraph (2) for such crop.

"(4)(A) The payments for each of the 1976 through 1982 crops shall be made available to cooperators on a farm with respect to a quantity of rice determined by multiplying the allotment (but, beginning with the 1978 crop, only on that portion of the allotment acreage actually planted to rice for harvest) in the current year by the yield established for the farm. The yield for the farm for any year shall be determined on the basis of the actual yields per harvested acre for the three preceding years: *Provided,* That the actual yields shall be adjusted by the Secretary for abnormal yields in any year caused by drought, flood, other natural disaster, or condition beyond the control of the cooperator. The total quantity on which payments would otherwise be payable due to a cooperator for any crop under this subparagraph shall be reduced by the quantity on which any disaster payment is paid to such cooperator for the crop under subparagraph (C) of this paragraph.

"(B) Effective only with respect to the 1978 and 1979 crops of rice, if the Secretary determines that the persons involved in producing rice on a farm are prevented from planting all or any portion of the acreage allotments of producers on the farm or the farm acreage allotment to rice or other nonconserving crops because of drought, flood, or other natural disaster, or condition beyond the control of the producer, the Secretary shall make a prevented planting disaster payment to cooperators on a farm in an amount determined by multiplying (i) the number of such acres so affected, times (ii) the yield established for the farm, times (iii) 33⅓ per centum of the established price for rice, except that the Secretary shall make no payment pursuant to this sentence on a farm from which acres were transferred under section 352(d) of the Agricultural Adjustment Act of 1938, as amended, with respect to the transferred acreage.

"(C) Effective only with respect to the 1978 and 1979 crops of rice, if the Secretary determines that because of drought, flood, or other natural disaster, or condition beyond the control of the producers, the total quantity of rice which the persons involved in producing rice on a farm are able to harvest on the acreage allotments of producers on the farm or the farm acreage allotment is less than the result of multiplying 75 per centum of the yield of rice established for the farm times the acreage within the allotment planted to rice for harvest in such year, the Secretary shall make a farm disaster payment to the cooperators on a farm for the deficiency in production below 75 per centum of the crop at a rate equal to 33⅓ per centum of the established price.

"(D) Any payment made under subparagraps (B) and (C) of this paragraph with regard to acres transferred under section 352(d) of the Agricultural Act of 1938, as amended, shall be calculated with respect to the farm yield established on the farm to which such acres were transferred.

"(5) The Secretary shall provide for a set-aside of cropland if the Secretary determines that the total supply of rice will, in the absence of such set-aside, likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. If a set-aside of cropland is in effect under this paragraph, then as a condition of eligibility for loans, purchases, and payments under this subsection, the cooperators on a farm must set aside and devote to conservation uses an acreage of cropland equal to a specified percentage of the farm acreage allotment as determined by the Secretary. The Secretary may limit the acreage planted to rice. The set-aside shall be devoted to conservation uses in accordance with regulations issued by the Secretary which will assure protection of such acreage from wind and water erosion throughout the current calendar year. The Secretary shall permit cooperators to graze or harvest hay on set-aside acreage.

"(6) The Secretary may make land diversion payments to cooperators, whether or not a set-aside for rice is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of rice to desirable goals. Such land diversion payments shall be made to cooperators who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secertary with such cooperators. The amounts payable to cooperators under any such land diversion contracts may be determined through the submission of bids for such contracts by cooperators in such manner as the Secretary may prescribe or through such other means as the Secretary determines appropriate. In determining the acceptability of contract offers, the Secretary shall take into consideration the extent of the diversion to be undertaken by the cooperators and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.";

(2) amending paragraph (13)(A) by inserting immediately after "Notwithstanding any other provision of law" the following: "and effective only with respect to the 1976 and 1977 crops of rice"; and

(3) adding a new paragraph (14) at the end thereof as follows:

"(14) Notwithstanding any other provision of law and effective only with respect to the 1978 through 1982 crops of rice, the total amount of payments which a person shall be entitled to receive during a crop year under the rice program shall be determined in accordance with the provisions of section 101 of the Agricultural Act of 1970, as amended.".

SUSPENSION OF MARKETING QUOTAS AND OTHER PROVISIONS

Sec. 703. Effective beginning with the 1978 crop of rice, section 103 of the Rice Production Act of 1975 is amended by striking out "1976 and 1977" and inserting in lieu thereof "1976 through 1982".

UNUSED ACREAGE ALLOTMENTS

Sec. 704. Effective beginning with the 1978 crop of rice, section 301 of the Rice Production Act of 1975 is amended by striking out "1976 and 1977" and inserting in lieu thereof "1976 through 1982".

FINALITY OF DETERMINATIONS

Sec. 705. Effective beginning with the 1978 crop of rice, section 302 of the Rice Production Act of 1975 is amended by striking out "1976 and 1977" and inserting in lieu thereof "1976 through 1982".

DEFINITION OF COOPERATOR

Sec. 706. Effective beginning with the 1978 crop of rice, section 303 of the Rice Production Act of 1975 is amended by striking out "1976 and 1977" and inserting in lieu thereof "1976 through 1982".

APPLICATION OF TERMS IN THE AGRICULTURAL ACT OF 1949

Sec. 707. Effective beginning with the 1978 crop of rice, section 304 of the Rice Production Act of 1975 is amended by striking out "1976 and 1977" and inserting in lieu thereof "1976 through 1982".

TITLE VIII—PEANUTS

ANNUAL MARKETING QUOTA AND STATE ACREAGE ALLOTMENT

Sec. 801. Section 358 of the Agricultural Adjustment Act of 1938, as amended, is amended as follows:

(a) Subsections (a) and (e) shall not be applicable to the 1978 through 1982 crops of peanuts.

(b) Subsection (c)(1) is amended, effective for the 1978 through 1982 crops of peanuts, by striking out the period at the end of the second sentence and adding the following: ": *Provided*, That the peanut acreage allotment for the State of New Mexico shall not be reduced below the 1977 acreage allotment as increased pursuant to subsection (c)(2) of this section.".

NATIONAL ACREAGE ALLOTMENT, NATIONAL POUNDAGE QUOTA, FARM POUNDAGE QUOTA, AND DEFINITIONS

Sec. 802. Effective for the 1978 through 1982 crops of peanuts, section 358 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof new subsections (k) through (p) as follows:

"(k) The Secretary shall, not later than December 1 of each year, announce a national acreage allotment for peanuts for the following crop taking into consideration projected domestic use, exports, and a reasonable carryover: *Provided*, That such allotment shall be not less than one million six hundred and fourteen thousand acres.

"(l) The Secretary shall, not later than December 1 of each year, announce a minimum national poundage quota for peanuts for the following marketing years of the following amounts: 1978, 1,680,000 tons; 1979, 1,596,000 tons; 1980, 1,516,000 tons; 1981, 1,440,000 tons; and 1982, 1,440,000 tons. If the Secretary determines that the minimum national poundage quota for any marketing year is insufficient to meet total esimated requirements for domestic edible use and a reasonable carryover, the national poundage quota for the markeing year may be increased by the Secretary to the extent determined by the Secretary to be necessary to meet such requirements.

"(m) For each farm for which a farm acreage allotment has been established, a farm yield for peanuts shall be determined. Such yield shall be equal to the average of the actual yield per acre on the farm for each of the three crop years in which yields were highest on the farm out of the five crop years 1973 through 1977; *Provided*, That if peanuts were not produced on the farm in at least three years during such five-year period or there was a substantial change in the operation of the farm during such period (including, but not limited to, a change in operator, lessee who is an operator, or irrigation practices), the Secretary shall have a yield appraised for the farm. The appraised yield shall be that amount determined to be fair and reasonable on the basis of yields established for similar farms which are located in the area of the farm and on which peanuts were produced taking into consideration land, labor, and equipment available for the production of peanuts, crop rotation practices, soil and water, and other relevant factors.

"(n) For each farm, a farm base production poundage shall be established equal to the quantity determined by multiplying the farm peanut acerage allotment by the farm yield determined in accordance with subsection (m) of this section.

"(o) For each farm, a farm poundage quota shall be established by the Secretary for each marketing year equal to the farm base production poundage multiplied by a factor determined by the Secretary, such that the total of all farm poundage quotas will equal the national poundage quota for such marketing year. The poundage quota so determined beginning with the 1979 crop for any farm shall be increased by the number of pounds by which marketings of quota peanuts from the farm during the immediately preceding marketing year were less than the farm poundage quota: *Provided*, That total marketings shall not exceed actual production from the farm acreage allotment: *Provided further*, That the grower must have planted in such "preceding marketing year that part of the farm allotment estimated on the basis of the farm yield to be sufficient to produce the total farm poundage quota: *Provided further*, That if the total of all such increases in individual farm poundage quotas exceeds 10 per centum of the national poundage quota for the marketing year, the Secretary shall adjust such increases so that the total of all increases does not exceed 10 per centum of the national poundage quota.

"(p) For the purposes of this part and title I of the Agricultural Act of 1949, as amended—

"(1) 'quota peanuts' means, for any marketing year, any peanuts which are eligible for domestic edible use as determined by the Secretary, which are marketed or considered marketed from a farm, and which do not exceed the farm poundage quota of such farm for such year;

"(2) 'additional peanuts' means, for any marketing year, any peanuts which are marketed from a farm and which are in excess of the marketings of quota peanuts from such farm for such year but not in excess of the actual production of the farm acreage allotment!

"(3) 'crushing' means the processing of peanuts to extract oil for food uses and meal for feed uses, or the processing of peanuts by crushing or otherwise when authorized by the Secretary; and

"(4) 'domestic edible use' means use for milling to produce domestic food peanuts and seed and use on a farm.".

TRANSFERS OF PEANUT ACREAGE ALLOTMENTS

Sec. 803. Effective for the 1978 through 1982 crops of peanuts, section 358a of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof new subsection (i) as follows:

"(i) Notwithstanding any other provision of this section, transfers shall be on the basis of the farm base production poundage, and the acreage allotment for the receiving farm shall be increased by an amount determined by dividing the number of pounds transferred by the farm yield for the receiving farm, and the acreage allotment for the transferring farm shall be reduced by an amount determined by dividing the number of pounds transferred by the farm yield for the transferring farm.".

MARKETING PENALTIES; DISPOSITION OF ADDITIONAL PEANUTS

Sec. 804. Effective for the 1978 through 1982 crops of peanuts, section 359 of the Agricultural Adjustment Act of 1938, as amended, is amended by—

(1) striking out in the first sentence of subsection (a) "75 per centum of the support price for" and inserting in lieu thereof "120 per centum of the support price for quota";

(2) inserting after the first sentence of subsection (a) the following new sentence: "The marketing of any additional peanuts from a farm shall be subject to the same penalty unless the peanuts, in accordance with regulations established by the Secretary, are placed under loan at the additional loan rate under the loan program made available under section 109(b) of the Agricultural Act of 1949 and not redeemed by the producers or are marketed under contracts between handlers and producers pursuant to the provisions of subsection (i) of this section";

(3) striking out "normal yield" in subsection (a) and inserting in lieu thereof "farm yield"; and

(4) adding at the end thereof new subsections (f) through (j) as follows:

"(f) Only quota peanuts may be retained for use as seed or for other uses on a farm and when so retained shall be considered as marketings of quota peanuts. Additional peanuts shall not be retained for use of a farm and shall not be marketed for domestic edible use. Seed for planting of any peanut acreage in the United States shall be obtained solely from quota peanuts marketed or considered marketed for domestic edible use.

"(g) Upon a finding by the Secretary that the peanuts marketed from any crop for domestic edible use by a handler are larger in quantity or higher in grade or quality than the peanuts that coulld reasonably be produced from the quantity of peanuts having the grade, kernel content, and quality of the quota peanuts acquired by such handler from such crop for such marketing, such handler shall be subject to a penalty equal to 120 per centum of the loan level for quota peanuts on the peanuts which the Secretary determines are in excess of the quantity, grade, or quality of the peanuts that could reasonably have been produced from the peanuts so acquired.

"(h) The Secretary shall require that the handling and disposal of additional peanuts be supervised by agents of the Secretary or by area marketing associations designated pursuant to section 109(c) of the Agricultural Act of 1949. Quota and additional peanuts of like type and segregation or quality may, under regulations prescribed by the Secretary, be commingled and exchanged on a dollar value basis to facilitate warehousing, handling, and marketing.

"(i) Handlers may, under regulations prescribed by the Secretary, contract with producers for the purchase of additional peanuts for crushing, export, or both. All such contracts shal be completed and submitted to the Secretary (or if designated by the Secretary, the area association) for approval prior to June 15 of the year in which the crop is produced.

"(j) Subject to the provisions of section 407 of the Agricultural Act of 1949, as amended, any peanuts owned or controlled by the Commodity Credit Corporation may be made available for domestic edible use in accordance with regulations established by the Secretary. Additional peanuts received under loan shall be offered for sale for domestic edible use at prices not less than those required to cover all costs incurred with respect to such peanuts for such items as inspection, warehousing, shrinkage, and other expenses plus (1) 100 per centum of the loan value of quota peanuts if the additional peanuts are sold and paid for during the harvest season upon delivery by the producer, or (2) 105 per centum of the loan value of quota peanuts if the additional peanuts are sold after delivery by the producer but not later than December 31 of the marketing year, or (3) 107 per centum of the loan value of quota peanuts if the additional peanuts are sold later than December 31 of the marketing year.".

REPORTS AND RECORDS

SEC. 805. Effective for the 1978 through 1982 crops of peanuts, the first sentence of section 373(a) of the Agricultural Adjustment Act of 1938, as amended, is amended by inserting immediately before "all brokers and dealers in peanuts" the following: "all farmers engaged in the production of peanuts,".

PRICE SUPPORT PROGRAM

SEC. 806. Effective for the 1978 through 1982 crops of peanuts, title I of the Agricultural Act of 1949, as amended, is amended by adding a new section 109 as follows:

"PEANUT PROGRAM

"SEC. 109. Notwithstanding any other provision of law—

"(a) The Secretary shall make price support available to producers through loans, purchases, or other operations on quota peanuts for each of the 1978 through 1982 crops at such levels as the Secretary finds appropriate, taking into consideration the eight factors specified in section 401(b) of this Act, and any change in the index of prices paid by farmers for productions items, interest, taxes, and wage rates during the period beginning January 1 and ending December 31 of the calendar year immediately preceding the marketing year for which the level of support is being determined, but not less than $420 per ton. The levels of support so announced shall not be reduced by any deductions for inspection, handling or storage: *Provided*, That the Secretary may make adjustments for location of peanuts and such other adjustments as are authorized by section 403 of this Act.

"(b) The Secretary shall make price support available to producers through loans, purchases, or other operations on additional peanuts for each of the 1978 through 1982 crops. In determining support levels, the Secretary shall take into consideration the demand for peanut oil and peanut meal, expected prices of other vegetable oils and protein meals, and the demand for peanuts in foreign markets. The Secretary shall announce the level of support for additional peanuts of each crop not later than February 15 preceding the marketing year for which the level of support is being determined.

"(c)(1) In carrying out subsection (a) and (b) of this section, the Secretary may make warehouse storage loans available in each of the three producing areas (described in 7 CFR part 1446, section 1446.4 of the General Regulations Governing 1974 and subsequent Crop Peanut Warehouse Storage Loans published by the Commodity Credit Corporation) to a designated area marketing association of peanut producers which is selected and approved by the Secretary and which is operated primarily for the purpose of conducting such loan activities. Such associations may be used in administrative and supervisory activities relating to price support and marketing activities under this section and section 359 of the Agricultural Adjustment Act of 1938, as amended. Such loans shall include, in addition to the price support value of the peanuts, such costs as such association may reasonably incur in carrying out such responsibilities in its operations and activities under this section and section 359 of the Agricultural Adjustment Act of 1938, as amended.

"(2) The Commodity Credit Corporation in each of the three producing areas referred to in paragraph (1) may require the designated area marketing association of peanut producers or agents of the Secretary to establish separate pools, and maintain complete and accurate records by area and type, for quota peanuts handled under loans and for 'additional' peanuts produced without a contract between handler and producer. Net gains on peanuts in each pool shall be distributed in proportion to the value of the peanuts placed in the pool by each grower. Net gains for quota peanuts in each pool shall be the net gains over all costs plus an amount from the pool for 'additional' peanuts sold as quota peanuts equal to any loss on quota peanuts in the pool. Net gains for 'additional' peanuts shall be the net gains over and above loan indebtedness and other losses for 'additional' peanuts less any amount allocated to offset any loss in the quota pool.".

SALE, LEASE, AND TRANSFER OF PEANUT ACREAGE ALLOTMENTS

SEC. 807. Effective for the 1978 through 1982 crops of peanuts, section 358a(a) of the Agricultural Adjustment Act of 1938, as amended by—

(1) striking out ", if he determines that it will not impair the effective operation of the peanut marketing quota or price-support program,"; and

(2) striking out "may" each place that term occurs and inserting "shall" in lieu thereof.

PRESENTATION OF ACREAGE AND POUNDAGE QUOTA

SEC. 808. Effective for the 1978 through 1982 crops of peanuts, section 377 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding after the words "farm acreage allotment for such year" the following: "or, in the case of peanuts, an acreage sufficient to produce 75 per centum of the farm poundage quota".

TITLE IX—SOYBEANS

LOANS AND PURCHASES

SEC. 901. Effective only with respect to the 1978 through 1982 crops of soybeans, title II of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof a new section 204 as follows:

"SEC. 204. Notwithstanding any other provision of law, the Secretary shall make available to producers loans and purchases on each crop of soybeans at such level, not less than $4 per bushel, as the Secretary determines appropriate in relation to competing commodities and taking into consideration domestic and foreign supply and demand factors.".

TITLE X—GRAIN RESERVES

PRODUCER STORAGE PROGRAM FOR WHEAT

SEC. 1001. Title I of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof a new section 110 as follows:

"PRODUCER STORAGE PROGRAM FOR WHEAT AND FEED GRAINS

"SEC. 110. (a) The Secretary shall formulate and administer a program under which producers of wheat and feed grains will be able to store wheat and feed grains when they are in abundant supply and extend the time period for their orderly marketing. The Secretary shall establish safeguards to assure that wheat and feed grains held under the program shall not be utilized in any manner to unduly depress, manipulate, or curtail the free market. The authority provided by this section shall be in addition to other authorities available to the Secretary for carrying out produced loan and storage operations.

"(b) In carrying out the producer storage program, the Secretary may provide original or extended price support loans for wheat and feed grains at the same level of support as provided by this Act under terms and conditions designed to encourage producers to store wheat and feed grains for extended periods of time in order to promote orderly marketing when wheat or feed grains are in abundant supply. Among such other terms and conditions as the Secretary may prescribe by regulation, the program shall provide for (1) repayment of such loans in not less than three years nor more than five years; (2) payment to producers of such amounts as the Secretary determines appropriate to cover the cost of storing wheat and feed grains held under the program; (3) a rate of interest determined by the Secretary based upon the rate of interest charged the Commodity Credit Corporation by the United States Treasury, except that the Secretary is authorized to provide for recovery of amounts paid for storage, and for the payment of additional interest or other charges in the event such loans are repaid by producers before the market price for wheat and feed grains has reached the price levels specified in clause (4) of this subsection; (4) conditions designed to induce producers to redeem and market the wheat or feed grains securing such loans without regard to the maturity dates thereof whenever the Secretary determines that the market price of wheat or feed grains has attained a specified level which is not less than 140 per centum nor more than 160 per centum of the then current level of price support for wheat or feed grains as determined by the Secretary; and (5) conditions prescribed by the Secretary under which the Secretary may require producers to repay such loans plus accrued interest thereon, refund amounts paid for storage, and pay such additional interest and other charges as may be required by regulation, whenever the Secretary determines that the market price for such commodity is equal to or greater than 200 per centum of the then current level of price support for wheat determined by the Secretary pursuant to this Act.

"(c) The Secretary shall announce the terms and conditions of the producer storage program as far in advance of making loans as practicable. In such announcement, the Secretary shall specify the quantity of wheat or feed grains to be stored under the program which the Secretary determines appropriate to promote the orderly marketing of such commodities. The quantity of wheat shall be no less than three hundred million bushels nor more than seven hundred million bushels: *Provided*, That such maximum amount may be adjusted by the Secretary as required to meet such commitments as may be assumed by the United States pursuant to an international agreement containing provisions relating to grain reserves.

"(d) Notwithstanding any other provision of law, whenever the extended loan program authorized by this section is in effect, the Commodity Credit Corporation may not sell any of its stocks of wheat or feed grains for unrestricted domestic use at less than 110 per centum of the minimum price at which producers may redeem and market wheat held under such program.".

INTERNATIONAL EMERGENCY FOOD RESERVE

SEC. 1002. Title I of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof a new section 111 as follows:

"INTERNATIONAL EMERGENCY FOOD RESERVE

"SEC. 111. (a) The President is authorized to enter into negotiations with other nations to develop an international system of food reserves to provide for humanitarian food relief needs, and to establish and maintain a food reserve, as a contribution of the United States toward the development of such a system, to be made available in the event of food emergencies in foreign countries. The reserve shall be known as the International Emergency Food Reserve.

"(b) The Secretary shall, as soon as practicable, build minimum stocks of food (including processed and blended foods insofar as practicable) for the International Emergency Food Reserve of no less than two million tons as an indication of the commitment of the United States to the establishment of an international system of food reserves. Pursuant to an international agreement on food reserves, the Secretary is authorized to increase the stocks to a level not greater than six million tons.

"(c) As soon as practicable, following the effective date of an international agreement on food reserves, the Secretary shall adjust the maximum level of stocks to such level as may be established as a provision of the United States participation in such international agreement. The Secretary shall reestablish such reserve to the level prescribed under the respective cases provided for above by the earliest possible date following any action under subsection (d) which has drawn the reserves to a level less than two million tons. Such reserve may be acquired by the Commodity Credit Corporation as the result of defaults on loans made under price support programs administered by the Secretary. The Secretary may also acquire such reserve through purchases by the Commodity Credit Corporation on the market to the extent that quantities acquired by the Commodity Credit Corporation under price support operations are inadequate.

"(d) Food in the International Emergency Food Reserve may be disposed of only under the following circumstances:

"(1) Such food may be utilized for the purpose of providing humanitarian relief in any foreign country which suffers a major disaster, as determined by the President.

"(2) Such food may be utilized for the purpose of assisting any developing country to meet its food requirement in any year in which there has been such a severe shortfall in food production, as determined by the Secretary, as to warrant the use of United States food for such purpose.

"(e) Notwithstanding any provision of this Act, the Secretary shall provide for the periodic rotation of stocks of the International Emergency Food Reserve to avoid spoilage and deterioration of such stocks, utilizing programs authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, but any quantity removed from the reserve for rotation purposes shall be promptly replaced with an equivalent quantity. Notwithstanding any other provision of law, none of the stocks of food in the International Emergency Food Reserve shall be included in the Secretary's determination of the carryover of wheat, feed grains, rice or soybeans."

DISASTER RESERVE

SEC. 1003. Section 813 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1977 (87 Stat. 239; 7 U.S.C. 1427a), is amended as follows:

(a) Subsection (b) is amended to read as follows:

"(b) The Secretary shall acquire such commodities through the price support program. However, if the Secretary determines that no wheat, feed grains, or soybeans are available through the price support program at locations where they may be economically utilized to alleviate distress caused by a natural disaster, the Secretary is authorized to purchase through the facilities of the Commodity Credit Corporation such wheat, feed grains, soybeans, hay, or other livestock forages as the Secretary deems necessary for disposition in accordance with the authority provided in subsection (d) of this section. The Secretary may maintain such wheat, feed grains, or soybeans so acquired in reserve inventories in accordance with the provisions of this section or the Secretary may acquire wheat, feed grains, soybeans, or other livestock forages at such locations, at such times, and in such quantities as the Secretary finds necessary and appropriate and may pay such transportation and other costs as may be required to permit disposition of such wheat, feed grains, soybeans, hay, and other livestock forages under susbection (d) of this section.".

(b) Subsection (d) is amended to read as follows:

"(d) The Secretary is also authorized to dispose of such commodities only for (1) use in relieving distress (A) in any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands of the United States, (B) in connection with any major disaster or emergency determined by the President to warrant assistance by the Federal Government under the Disaster Relief Act of 1974 (88 Stat. 143; 42 U.S.C. 5121), and (C) in connection with any emergency determined by the Secretary to warrant assistance pursuant to section 407 of the Agricultural Act of 1949, as amended (63 Stat. 1055, as amended; 7 U.S.C. 1427), or the Act of September 21, 1959 (73 Stat. 574, as amended; 7 U.S.C. 1427 note); or (2) use in connection with a state of civil defense emergency as proclaimed by the President or by concurrent resolution of the Congress in accordance with the provisions of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251-2297).".

DIRECT FARM STORAGE FACILITY LOANS

SEC. 1004. Section 4(h) of the Commodity Credit Corporation Charter Act (62 Stat. 1070, as amended; 15 U.S.C. 714b(h)) is amended by striking out the fourth proviso in the second sentence and inserting in lieu thereof the following: "And *provided further*, That to encourage the storage of dry or high moisture grain, soybeans, and rice, and high moisture forage and silage on farms, where the commodities can be stored at the lowest cost, the Corporation shall make secured loans to growers of such crops needing storage facilities when such growers shall apply to the Corporation for financing the construction or purchase of suitable facilities for such storage, and these loans shall be deducted from the proceeds of price support loans or purchase agreements made between the Corporation and the growers, and the interest rate charged for these loans shall be based upon the rate of interest charged the Corporation by the United States Treasury.".

FARM STORAGE FACILITY LOAN GUARANTY PROGRAM

SEC. 1005. (a) In order to assist agricultural producers to construct or purchase farm storage facilities for dry or high moisture grain, soybeans, and rice, and high moisture forage and silage, the Secretary of Agriculture is authorized to guarantee secured loans made to producers for the construction or purchase of such facilities.

(b) Loans guaranteed under this section shall be guaranteed with respect to 80 per centum of the total construction or purchase cost of the storage facility, including cost of foundations, electrical systems, grain handling systems, and site preparation; except that in no event may any such loan be guaranteed for any amount in excess of $50,000.

(c) The Secretary of Agriculture shall not limit the amount of storage space available to a borrower upon which a loan may be based under this section to less than the average quantity of the commodity concerned produced by the borrower during the two preceding crop years.

(d) The term of any such loan shall be for any period, but not in excess of ten years.

(e) The loan guaranty program provided for in this section shall be carried out by the Secretary of Agriculture through the Commody Credit Corporation.

REGULATIONS

SEC. 1006. The Secretary is authorized to issue such regulations as the Secretary determines necessary to carry out the provisions of this title.

EMERGENCY FEED PROGRAM

SEC. 1007. This section may be cited as the "Emergency Feed Act of 1977".

(a) Notwithstanding any other provision of law, the Secretary may implement an emergency feed program for assistance in the preservation and maintenance of livestock in any area of the United States including Puerto Rico and the Virgin Islands, where, because of flood, drought, fire, hurricane, earthquake, storm, or other natural catastrophe, the Secretary determines that an emergency exists.

(b) The Secretary shall not provide assistance under this Act to any person unless all of the following conditions created by the emergency are present:

(1) The person must have suffered a substantial loss in the livestock feed normally produced on his farm for his livestock;

(2) The person must not have sufficient feed for his livestock for the projected period of the emergency; and

(3) The person is required to make feed purchases in quantities larger than the quantities of feed purchases that he would normally make.

(c) Persons eligible for assistance under this Act may be reimbursed under the program for not to exceed 50 per centum of the cost of the feed purchased by such eligible persons or at such lower rate as may be established by the Secretary.

(d) The Secretary shall carry out the program authorized by this Act through the Commodity Credit Corporation.

(e) The Secretary is authorized to issue such rules and regulations as he determines necessary to carry out the provisions of this Act.

(f) Any person who disposes of any feed for which he has been reimbursed under this program, in any manner other than as authorized by the Secretary, shall be subject to a penalty equal to the market value of the feed involved, to be recovered by the Secretary in a civil suit brought for that purpose, and, in addition, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $10,000 or imprisonment of not more than one year.

(g) The fifth and sixth sentences of section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), section 421 of the Agricultural Act of 1949, as amended (7 U.S.C. 1433), and the Act of September 31, 1959, as amended (73 Stat. 574, 7 U.S.C. 1427 note) are hereby repealed.

EFFECTIVE DATE

SEC. 1008. The provisions of this title shall become effective October 1, 1977.

TITLE XI—PUBLIC LAW 480

AUTHORITY FOR THE COMMODITY CREDIT CORPORATION TO ACT AS PURCHASING OR SHIPPING AGENT UNDER TITLE I

SEC. 1101. Section 102 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by inserting immediately before the first colon "and, when requested by the purchaser of such commodities, may serve as the purchasing or shipping agent, or both, in arranging the purchasing or shipping of such commodities".

RESTRICTIONS ON TITLE I SALES PROCEDURES

SEC. 1102. Section 103 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended—

(1) by striking out the word "and" at the end of paragraph (p);

(2) by striking out the period at the end of paragraph (q) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding at the end thereof a new paragraph (r) as follows:

"(r) with respect to the sale of any food commodities financed under this title, require purchases to be made on the basis of a public tender, publicly opened in the United States, and prohibit, unless waived by the Secretary, the payment of any commissions to any selling agent.".

INCREASED APPROPRIATION LIMIT FOR TITLE II

SEC. 1103. The first sentence of section 204 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by—

(1) striking out "$600,000,000" and inserting in lieu thereof "$750,000,000",

(2) striking the words "the preceding calendar year" and inserting in lieu thereof "prior calendar years", and

(3) by striking the words "preceding year" and inserting in lieu thereof "prior years".

AVAILABILITY OF COMMODITIES

SEC. 1104. Section 401 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by striking the period at the end of the last sentence thereof and inserting in lieu thereof a comma and the following: "unless the Secretary of Agriculture determines that some part of the supply thereof should be used to carry out the humanitarian or development purposes of this Act.".

VALUATION OF COMMODITIES ACQUIRED THROUGH PRICE SUPPORT PROGRAMS

SEC. 1105. Section 403 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by—

(1) inserting "(a)" immediately after the section designation; and

(2) adding at the end thereof a new subsection (b) as follows:

"(b) Notwithstanding any other provision of law, in determining the reimbursement due Commodity Credit Corporation for all costs incurred under this Act, commodities from Commodity Credit Corporation inventory, which were acquired under a domestic price support program, shall be valued at the export market price therefor, as determined by the Secretary of Agriculture, as of the time the commodity is made available under this Act.".

EXTENSION OF THE PROGRAM

SEC. 1106. Section 409 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by striking out "1977" and inserting in lieu thereof "1982".

USE OF NON-PRICE-SUPPORTED COMMODITIES UNDER PUBLIC LAW 480

SEC. 1107. It is the sense of Congress that there be no discrimination between "price-supported" and "non-price-supported" commodities in the programing of commodities under the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480).

SPECIAL TASK FORCE ON THE OPERATION OF PUBLIC LAW 480

SEC. 1108. (a) It is the sense of Congress that attention be given to handling, storage, transportation, and administrative procedures in order to make improvements in the operation of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480). Toward this objective, the Secretary of Agriculture shall appoint a special task force to review and report upon the administration of the Act.

(b) Such review shall include, but not be limited to, organizational arrangements for the administration of Public Law 480, or parts thereof, title I allocation criteria and procedures, quality control including handling and storage through the first stage of distribution in the recipient country, and regulation of business and organizations to which services are contracted under Public Law 480.

(c) No later than eighteen months following enactment of this Act, the Secretary of Agriculture shall transmit to the Congress the report of such task force along with administrative actions the Secretary has or intends to take as a result of such report, and recommendations, if any, for legislative changes.

REVISED REGULATIONS GOVERNING OPERATIONS

SEC. 1109. Section 408 of the Agriculture Trade Development and Assistance Act of 1954, as amended, is amended by adding the following subsection:

"(d) (1) No later than six months following the date of enactment of this subsection, and at each two-year interval thereafter. the Secretary of Agriculture shall issue revised regulations governing all operations under title I of this Act, including operations relating to purchasing countries, suppliers of commodities or ships, and purchasing or shipping agents. The regulations shall include, but not be limited to, prohibitions against conflicts of interests, as determined by the Secretary, between (A) recipient countries (or other purchasing entities) and their agents, (B) suppliers of commodities, (C) suppliers of ships, and (D) other shipping interests.

"(2) The regulations shall be designed to increase the number of exporters participating in the program, especially small business corporations and cooperatives. In this respect, the regulations shall limit—unless waived by the Secretary—the financing of any commodity exported during any fiscal year by any individual, cooperative, firm or subsidiary, or affiliate thereof, to no more than 25 per centum by volume of the planned programing of such commodity as reported under subsection (b) of this section.

"(3) All revised regulations governing operations under title I and title III of this Act shall be transmitted to Congress by the Secretary as soon as practicable after their issuance.

BAGGED COMMODITIES

SEC. 1110. Section 408 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by adding the following subsection:

"Bagged commodities for the purpose of financing by the Commodity Credit Corporation under this Act shall be considered 'exported' upon delivery at port, and upon presentation of a dock receipt in lieu of an on-board bill of lading.".

EFFECTIVE DATE

SEC. 1111. The provisions of this title (except for section 1121) shall become effective October 1, 1977.

TITLE XII—FOOD STAMPS AND COMMODITY DISTRIBUTION PROGRAMS

FOOD STAMP ACT OF 1964 AMENDMENTS

SEC. 1201. Effective October 1, 1977, the Food Stamp Act of 1964, as amended, is amended to read as follows:

"SHORT TITLE

"SECTION 1. This Act may be cited as the 'Food Stamp Act of 1977'.

"DECLARATION OF POLICY

"SEC. 2. It is hereby declared to be the policy of Congress, in order to promote the general welfare, to safeguard the health and well-being of the Nation's population by raising levels of nutrition among low-income households. The Congress hereby finds that the limited food purchasing power of low-income households contributes to hunger and malnutrition among members of such households. The Congress further finds that increased utilization of food in establishing and maintaining adequate national levels of nutrition will promote the distribution in a beneficial manner of our agricultural abundance and will strengthen our agricultural economy, as well as result in more orderly marketing and distribution of foods. To alleviate such hunger and malnutrition, a food stamp program is herein authorized which will permit low-income households to obtain a nutritionally adequate diet through normal channels of trade by increasing food purchasing power for all eligible households who apply for participation.

"DEFINITIONS

"SEC. 3. As used in this Act, the term—

"(a) 'Allotment' means the total value of coupons a household is authorized to receive during each month.

"(b) 'Authorization card' means the document issued by the State agency to an eligible household which shows the allotment the household is entitled to be issued.

"(c) 'Certification period' means the period for which households shall be eligible to receive authorization cards. In the case of a household all of whose members are included in a federally aided public assistance or general assistance grant, the period shall coincide with the period of such grant. In the case of households containing at least one member sixty-five years of age or older, and no wage earners, the period shall be one year: *Provided*, That members of such households shall report any change in income in excess of $25 per month. In the case of all other households the period shall be not less than three months: *Provided*, That such period may be up to twelve months for any household consisting entirely of unemployables, primarily self-employed persons, or persons sixty through sixty-four years of age, or as short as circumstances require for those households as to which there is a substantial likelihood of frequent changes in income or household status, and for any household on initial certification, as determined by the Secretary.

"(d) 'Coupon' means any coupon, stamp, or type of certificate issued pursuant to the provisions of this Act.

"(e) 'Coupon issuer' means any office of the State agency or any person, partnership, corporation, organization, political subdivision, or other entity with which a State agency has contracted for, or to which it has delegated functional responsibility in connection with, the issuance of coupons to households.

"(f) 'Drug addiction or alcoholic treatment and rehabilitation program' means any such program conducted by a private nonprofit organization or institution which is certified by the State agency or agencies designated by the Governor as responsible for the administration of the State's programs for alcoholics and drug addicts pursuant to Public Law 91–616 (Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970) and Public Law 92–255 (Drug Abuse Office and Treatment Act of 1972) as providing treatment that can lead to the rehabilitation of drug addicts or alcoholics.

"(g) 'Food' means (1) any food or food product for home consumption except alcoholic beverages, tobacco, and hot foods or hot food products ready for immediate consumption except as authorized pursuant to clauses (3), (4), and (5) of this subsection, (2) seeds and plants for use in gardens to produce food for the personal consumption of the eligible household, (3) in the case of those persons who are sixty years of age or over or who receive supplemental security income benefits under title XVI of the Social Security Act, and their spouses, meals prepared by and served in senior citizens' centers, apartment buildings occupied primarily by such persons, public or private nonprofit establishments (eating or otherwise) that feed such persons, private establishments that contract with the appropriate agency of the State to offer meals for such persons at concessional prices, and meals prepared for and served to residents of federally subsidized housing for the elderly, (4) in the case of persons sixty years of age or over and persons who are physically or mentally handicapped or otherwise so disabled that they are unable adequately to prepare all of their meals, meals prepared for and delivered to them (and their spouses) at their home by a public or private nonprofit organization or by a private establishment that contracts with the appropriate State agency to perform such services at concessional prices, (5) in the case of narcotics addicts or alcoholics served by drug addiction or alcoholic treatment and rehabilitation programs, meals prepared and served under such programs, and (6) in the case of certain eligible households living in Alaska or members of an Indian tribe, equipment for procuring food by hunting and fishing, such as nets, hooks, rods, harpoons, and knives (but not equipment for purposes of transportation, clothing, or shelter and not firearms, ammunition, and other explosives) if the Secretary determines that such households are located in an area of the State where it is extremely difficult to reach stores selling food and which depend to a substantial extent upon hunting and fishing for subsistence.

"(h) 'Food stamp program' means the program operated pursuant to the provisions of this Act.

"(i) 'Household' means (1) an individual who lives alone or who, while living with others, customarily purchases food and prepares meals for home consumption separate and apart from the others, or else pays compensation to the others for such meals, or (2) a group of individuals who live together and customarily purchase food and prepare meals together for home consumption or else live with others and pay compensation to the others for such meals. In neither event shall any individual or group of individuals constitute a household if they reside in an institution or boarding house. For the purposes of this section, residents of federally subsidized housing for the elderly and narcotics addicts or alcoholics who live under the supervision of a private nonprofit institution for the purpose of regular participation in a drug or alcoholic treatment program shall not be considered residents of institutions.

"(j) 'Nutritionally adequate diet' means, the diet required to feed a family of four persons consisting of a man and a woman twenty through fifty-four, a child six through eight, and a child nine through eleven years of age, determined in accordance with the Secretary's thrifty food plan. The cost of such diet shall be the basis for uniform allotments for all households regardless of their actual composition, except that the Secretary shall (1) make household size adjustments taking into account economies of scale, (2) make cost adjustments in the thrifty food plan for Alaska and Hawaii to reflect the cost of food in those States, (3) make cost adjustments in the thrifty food plan for Guam, Puerto Rico, and the Virgin Islands of the United States to reflect the cost of food in those States, but not to exceed the cost of food in the fifty States and the District of Columbia, and (4) adjust the cost of such diet every January 1 and July 1 to the nearest dollar increment to reflect changes in the cost of the thrifty food plan for the six months ending the preceding September 30 and March 31, respectively.

"(k) 'Reservation' means the geographically defined area or areas over which a tribal organization (as that term is defined in section 3(p) of this Act) exercises governmental jurisdiction.

"(l) 'Retail food store' means (1) an establishment or recognized department thereof or house-to-house trade route, over 50 per centum of whose food sales volume consists of staple food items for home preparation and consumption, such as meat, poultry, fish, bread, cereals, vegetables, fruits, dairy products, and the like, but not including accessory food items, such as coffee, tea, cocoa, carbonated and uncarbonated drinks, candy, condiments, and spices, (2) an establishment, organization, or program referred to in subsections (g) (3), (4), and (5) of this section, (3) a store purveying the hunting and fishing equipment described in subsection (g)(6) of this section, and (4) any private nonprofit cooperative food purchasing venture including those in which the members pay for food purchased prior to the receipt of such food.

"(m) 'Secretary' means the Secretary of Agriculture.

"(n) 'State' means the fifty States, the District of Columbia, Guam, Puerto Rico, the Virgin Islands of the United States, and the reservations of an Indian tribe whose tribal organization meets the requirements of this Act for participation as a State agency.

"(o) 'State agency' means (1) the agency of State government, including the local offices thereof, which has the responsibility for the administration of the federally aided public assistance programs within such State, and in those States where such assistance programs are operated on a decentralized basis, the term shall include the counterpart local agencies administering such programs, and (2) the tribal organization of an Indian tribe determined by the Secretary to be capable of effectively administering a food distribution program under section 4(b) of this Act or a food stamp program under section 11(d) of this Act.

"(p) 'Tribal organization' means the recognized governing body of an Indian tribe (including the tribally recognized intertribal organization of such tribes), as the term 'Indian tribe' is defined in the Indian Self-Determination Act (25 U.S.C. 450b(b)), as well as any Indian tribe, band, nation or community holding a treaty with a State government or any tribe recognized by the State in which it resides.

"ESTABLISHMENT OF THE FOOD STAMP PROGRAM

"SEC. 4. (a) The Secretary is authorized to formulate and administer a food stamp program under which, at the request of the the State agency, eligible households within the State shall be provided with an opportunity to obtain a nutritionally adequate diet through the issuance to them of an allotment. The coupons so received by such households shall be used only to purchase food from retail food stores which have been approved for participation in the food stamp program. Coupons issued and used as provided in this Act shall be redeemable at face value by the Secretary through the facilities of the Treasury of the United States.

"(b) In jurisdictions where the food stamp program is in operation, there shall be no distribution of federally donated foods to households under the authority of any law, except that distribution may be made (1) on a temporary basis under programs authorized by law to meet disaster relief needs, or (2) for the purpose of the supplemental food program. Distribution of commodities, with or without the food stamp program, shall also be made whenever a request for concurrent or separate food program operations, respectively, is made by tribal organization. In the event of distribution on all or part of an Indian reservation, the agency of the State government which has the responsibility for the administration of the federally aided public assistance programs in the area involved shall be responsible for such distribution, except that, if the Secretary determines that the tribal organization is capable of effectively and efficiently administering such distribution, then such tribal organization shall administer such distribution: *Provided*, That the Secretary shall not approve any plan for such distribution which permits any household on any Indian reservation to participate simultaneously in the food stamp program and the distribution of federally donated foods. The Secretary is authorized to pay such amounts for administrative costs of such distribution on Indian reservations as he finds necessary for effective administration of such distribution by a State agency or tribal organization.

"(c) The Secretary shall issue such regulations consistent with this Act as the Secretary deems necessary or appropriate for the effective and efficient administration of the food stamp program and shall promulgate such regulations in accordance with the procedures set forth in section 553 of title 5 of the United States Code.

"ELIGIBLE HOUSEHOLDS

"SEC. 5. (a) Participation in the food stamp program shall be limited to those households whose income is determined to be a substantial limiting factor in permitting them to obtain a nutritionally adequate diet. Assistance under this program shall be furnished to all eligible households who make application for such participation.

"(b) The Secretary shall establish uniform national standards of eligibility (other than the income standards for Alaska, Hawaii, Guam, Puerto Rico, and the Virgin Islands of the United States established in accordance with subsections (c) and (e) of this section) for participation by households in the food stamp program in accordance with the provisions of this section. No plan of operation submitted by a State agency shall be approved unless the standards of eligibility meet those established by the Secretary, and no State agency shall impose any other standards of eligibility as a condition for participating in the program.

"(c) The income standards of eligibility shall be the income poverty guidelines for the nonfarm United States prescribed by the Office of Management and Budget adjusted annually pursuant to section 625 of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2971d), for the forty-eight States and the District of Columbia, Alaska, Hawaii, Puerto Rico, the Virgin Islands of the United States, and Guam, respectively: *Provided*, That in no event shall the standards of eligibility for Puerto Rico, the Virgin Islands of the United States, or Guam exceed those in the forty-eight States in the contiguous United States: *Provided further*, That the income poverty guidelines for the period commencing July 1, 1978, shall be made as up to date as possible by multiplying the income poverty guidelines for 1977 by the change between the average 1977 Consumer Price Index and the Consumer Price Index for March 1978, utilizing the most current procedures which have been used by the Office of Management and Budget, and the income poverty guidelines for future periods shall be similarly adjusted.

"(d) Household income for purposes of the food stamp program shall mean all income from whatever source excluding only (1) any gain or benefit which is not in the form of money payable directly to a household, (2) any income in the certification period which is received too infrequently or irregularly to be reasonably anticipated, but not in excess of $30 in a quarter, (3) all educational loans, grants, scholarships, fellowships, veterans' benefits, and the like to the extent that they are used for tuition and mandatory school fees at an institution of higher education or school for the handicapped, (4) all loans other than educational loans on which repayment is deferred, reimbursements to volunteers and persons engaged in work training programs which do not exceed expenses actually incurred and which do not represent a gain or benefit to the household, and moneys received and used for the care and maintenance of a third-party beneficiary who is not a household member, (5) income earned by a child who is a member of the household, who is a student, and who has not attained his eighteenth birthday, (6) moneys received in the form of nonrecurring lump-sum payments, including, but not limited to, income tax refunds, rebates, or credits, retroactive lump-sum social security or railroad retirement pension payments and retroactive lump-sum insurance settlements: *Provided*, That such payments shall be counted as resources, unless specifically excluded by other laws, (7) the cost of producing self-employed income, and (8) any income that any other law specifically excludes from consideration as income for the purpose of determining eligibility for the food stamp program.

"(e) In computing household income, the Secretary shall allow a standard deduction of $60 a month for each household, except that households in Alaska, Hawaii, Guam, Puerto Rico, and the Virgin Islands of the United States shall be allowed a standard deduction determined by the Secretary in accordance with the best available information on the relationship of actual or potential itemized deductions claimed under the food stamp program in those areas to such deductions in the forty-eight contiguous States and the District of Columbia. Such standard deductions, starting July 1, 1978, shall be adjusted every July 1 and January 1 to the nearest $5 to reflect changes in the Consumer Price Index of the Bureau of Labor Statistics for items other than food for the six months ending the preceding March 31 and September 30, respectively. All households with earned income shall be allowed an additional deduction of 20 per centum of all earned income (other than that excluded by subsection (d) of this section), to compensate for taxes, other mandatory deductions from salary, and work expenses. Households shall also be entitled to (1) an additional deduction, not to exceed $85 a month per household, for the actual cost for payments necessary for the care of a dependent, regardless of the dependent's age, and for a household member to accept or continue employment, or training or education which is preparatory for employment, and (2) an excess shelter expense deduction whenever the monthly amount expended by a household for shelter exceeds an amount equal to 50 per centum of monthly household income after all other applicable deductions have been allowed: *Provided*, That the amount of such excess shelter expense deduction shall not exceed $75 a month in the forty-eight contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, Puerto Rico, and the Virgin Island of the United States, an amount determined by the Secretary in accordance with the best available information on the relationship of the actual shelter costs in those areas to such costs in the forty-eight contiguous States and the District of Columbia.

"(f) Household income shall be calculated by the State agency for the purpose of determining household eligibility. The State agency in calculating household income shall take into account the income reasonably anticipated to be received by the household in the certification period for which eligibilty is being determined and the income which has been received by the household during the thirty days preceding the filing of its application for food stamps so that the State agency may reasonably ascertain the income that is and will be actually available to the household for the certification period except that for (1) those households which by contract for other than an hourly or piecework basis, or by self-employment, derive their annual income in a period of time shorter than one year, income shall be calculated by being those households which receive nonexcluded income of the type specified in subsection (d)(3) of this section, income shall be calculated by being averaged over the period for which it is provided.

"(g)(1) The Secretary shall prescribe the types and allowable amounts of financial resources (liquid and nonliquid assets) an eligible household may own.

"(2) The Secretary is directed to study and develop means of improving the effectiveness of such resource requirements in limiting participation to households in need of food assistance and shall implement and report the results of such study and his plans to the appropriate committees of the Senate and House of Representatives no later than June 1, 1978.

"(h) The Secretary shall, after consultation with the official empowered to exercise the authority provided for by section 302(a) of the Disaster Relief Act of 1974, establish temporary emergency standards of eligibility for the duration of the emergency for households that are victims of a disaster which disrupts commercial channels of food distribution, if such households are in need of temporary food assistance and if commercial channels of food distribution have again become available to meet the temporary food needs of such households. Such standards as are prescribed for individual emergencies may be promulgated without regard to section 4(c) of this Act or the procedures set forth in section 553 of title 5 of the United States Code.

"ELIGIBILITY DISQUALIFICATIONS

"SEC. 6. (a) In addition to meeting the standards of eligibility prescribed in section 5 of this Act, households and individuals who are members of eligible households must also meet and comply with specific requirements of this section to be eligible for participation in the food stamp program.

"(b) No household shall be eligible to participate in the food stamp program for a period of up to one year after the head of the household has been found either by a court of appropriate jurisdiction to have been guilty of fraud in connection with its participation in the food stamp program or by a State agency, after notice and hearing at the State level, to have fraudulently obtained coupons. The determination by a State agency that fraud has been committed shall have no effect on household eligibility if it is subsequently reversed by a court of appropriate jurisdiction.

"(c) No household shall be eligible to participate in the food stamp program if it refuses to cooperate in providing information to the State agency that is necessary for making a determination of its eligibility or for completing any subsequent review of its eligibility. Every household that is participating in the food stamp program shall report or cause to be reported to the State agency, on a form designed or approved by the Secretary, changes in income or household circumstances that the Secretary deems necessary in order to assure accurate eligibility and benefit determinations. Except for the reporting requirement contained in section 3(c) of this Act, the reporting requirement prescribed by this subsection shall be the sole such requirement for reporting changes in income or in household circumstances for participating households.

"(d)(1) Unless otherwise exempted by the provisions of subsection (d)(2) of this section, a household shall not be eligible for assistance under this Act if it includes a physically and mentally fit person between the ages of eighteen and sixty who (i) refuses at the time of application and once every six months thereafter to register for employment in a manner determined by the Secretary; (ii) refuses to fulfill whatever reasonable reporting and inquiry about employment requirements as prescribed by the Secretary; (iii) is head of the household and voluntarily quits any job without good cause unless the household was certified for benefits under this Act immediately prior to such unemployment: *Provided*, That the period of ineligibility shall be sixty days from the time of the voluntary quit; or (iv) refuses without good cause to accept an offer of employment at a wage not less than the higher of either the applicable State or Federal minimum wage, or 80 per centum of the wage that would have governed had the minimum hourly rate under the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206(a)(1)), been applicable to the offer of employment, and at a site or plant not then subject to a strike or lockout.

"(2) A person who otherwise would be required to comply with the requirements of subsection (d)(1) of this section shall be exempted from such requirements if he or she is (A) currently subject to a work registration requirement under title IV of the Social Security Act, as amended (42 U.S.C. 602), a parent or other member of a household with responsibility for the care of a dependent child under age twelve or of an incapacitated person: (B) a parent or other caretaker of a child in a household where there is another able-bodied parent who is subject to the requirements of this subsection; (C) a bona fide student enrolled at least half time in any recognized school or training program (except that any such person shall be subject to the requirements of subsection (d)(1) of this section during any period of more than thirty days when such school or program is in vacation or recess); (D) a regular participant in a drug addiction or alcoholic treatment and rehabilitation program; or (E) employed a minimum of thirty hours per week or receiving weekly earnings which equal the minimum hourly rate under the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206 (a)(1)), multiplied by thirty hours.

"(3) To the extent that a State employment service is assigned responsibility for administering the provisions of subsection (d) it shall comply with regulations issued jointly by the Secretary and the Secretary of Labor, which regulations shall be patterned to the maximum extent practicable on the work incentive program requirements set forth in title IV of the Social Security Act (42 U.S.C. 630 et seq.) and shall take into account the diversity of the needs of the food stamps work registration population.

"(e) No individual who is a member of a household otherwise eligible to participate in the food stamp program under this section shall be eligible to participate in the food stamp program as a member of that or any other household if he (1) has reached his eighteenth birthday, (2) is enrolled in an institution of higher education, and (3) is properly claimed or could properly be claimed as a dependent child for Federal income tax purposes by a taxpayer who is not a member of an eligible household.

"(f) No individual who is a member of a household otherwise eligible to participate in the food stamp program under this section shall be eligible to participate in the food stamp program as a member of that or any other household unless he or she is (1) a resident of the United States and (2) either a citizen or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 203(a)(7) or section 212(d)(5) of the Immigration and Nationality Act).

(g) No individual who receives supplemental security income benefits under title XVI of the Social Security Act, State supplementary payments described in section 1616 of such Act, or payments of the type referred to in section 212 (a) of Public Law 93–66, as amended, shall be considered to be a member of a household for any month, if, for such month, such individual resides in a State which provides State supplementary payments (1) of the type described in section 1616(a) of the Social Security Act and section 212(a) of Public Law 93–66, and (2) the level of which has been found by the Secretary of Health, Education, and Welfare to have been specifically increased so as to include the bonus value of food stamps.

ISSUANCE AND USE OF COUPONS

"SEC. 7. (a) Coupons shall be printed under such arrangements and in such denominations as may be determined by the Secretary to be necessary, and shall be issued only to households which have been duly certified as eligible to participate in the food stamp program.

"(b) Coupons issued to eligible households shall be used by them only to purchase food in retail food stores which have been approved for participation in the food stamp program at prices prevailing in such stores: Provided, That nothing in this Act shall be construed as authorizing the Secretary to specfy the prices at which food may be sold by wholesale food concerns or retail food stores: Provided further, That eligible households using coupons to purchase food may receive cash in change therefor so long as the cash received does not equal or exceed the value of the lowest coupon denomination issued.

"(c) Coupons issued to eligible households shall be simple in design and shall incude only such works or illustrations as are required to explain their purpose and define their denomination. The name of any public official shall not appear on such coupons.

"(d) The Secretary shall develop an appropriate procedure for determining and monitoring the level of coupon inventories in the hands of coupon issuers for the purpose of providing that such inventories are at proper levels (taking into consideration the historical and projected volume of coupon distribution by such issuers). Such procedures shall provide that coupon inventories in the hands of such issuers are not in excess of the reasonable needs of such issues taking into consideration the feasibility with which such coupon inventories may be resupplied. The Secretary shall require each coupon issuer at intervals prescribed by the Secretary, but not less often than monthly, to send to the Secretary or his designee, which may include the State agency, a written report of the issuer's operations during such period. In addition to such other information deemed by the Secretary to be appropriate, he shall require that the report contain an oath, or affirmation, signed by the coupon issuer, or in the case of a corporation or other entity not a natural person, by an appropriate official of the coupon issuer, certifying that the information contained in the report is true and correct to the best of such person's knowledge and belief.

"(e) The Secretary shall prescribe appropriate procedures for the delivery of coupons to coupon issuers and for the subsequent controls to be placed over such coupons by coupon issuers in order to insure adequate accountability.

"(f) Notwithstanding any other provision of this Act, the State agency shall be responsible to the Secretary for any financial losses involved in the acceptance, storage, and issuance of coupons.

"VALUE OF ALLOTMENT

"SEC. 8. (a) The value of the allotment which State agencies shall be authorized to issue to any households certified as eligible to participate in the food stamp program shall be equal to the cost to such households of a nutritionally adequate diet reduced by an amount equal to 30 per centum of the household's income, as determined in accordance with section 5 of this Act, rounded to the nearest whole dollar: *Provided*, That for households of one and two persons the minimum allotment shall be $10 per month.

"(b) The value of the allotment provided to any eligible household shall not be considered to be income or resources for any purpose under any Federal, State, or local laws including, but not limited to, laws relating to taxation, welfare, and public assistance programs, and no participating State or political subdivision thereof shall decrease any assistance otherwise provided an individual or individuals because of the receipt of an allotment under this Act.

"APPROVAL OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS

"SEC. 9. (a) Regulations issued pursuant to this Act shall provide for the submission of applications for approval by retail food stores and wholesale food concerns which desire to be authorized to accept and redeem coupons under the food stamp program and for the approval of those applicants whose participation will effectuate the purposes of the food stamp program. In determining the qualifications of applicants, there shall be considered among such other factors as may be appropriate, the following: (1) the nature and extent of the food business conducted by the applicant; (2) the volume of coupon business which may reasonably be expected to be conducted by the applicant food store; and (3) the business integrity and reputation of the applicant. Approval of an applicant shall be evidenced by the issuance to such applicant of a nontransferable certificate of approval.

"(b) No wholesale food concern shall be authorized unless the Secretary determines that its participation is required for the effective and efficient operation of the food stamp program. In addition, no firm shall be authorized as both a retail food store and as a wholesale food concern at the same time.

"(c) Regulations issued pursuant to this Act shall require an applicant retail food store or wholesale food concern to submit information which will permit a determination to be made as to whether such applicant qualifies, or continues to qualify, for approval under the provisions of this Act or the regulations issued pursuant to this Act. Regulations issued pursuant to this Act shall provide for safeguards which limit the use or disclosure of information obtained under the authority granted by this subsection to purposes directly connected with administration and enforcement of the provisions of this Act or the regulations issued pursuant to this Act.

"(d) Any retail food store or wholesale food concern which has failed upon application to receive approval to participate in the food stamp program may obtain a hearing on such refusal as provided in section 14 of this Act.

"REDEMPTION OF COUPONS

"SEC. 10. Regulations issued pursuant to this Act shall provide for the redemption of coupons accepted by retail food stores through approved wholesale food concerns or through banks, with the cooperation of the Treasury Department, except that retail food stores defined in section (3)(l)(4) of this Act shall be authorized to redeem their members' food coupons prior to receipt by the members of the food so purchased and private nonprofit organizations or institutions which serve meals to narcotics addicts or alcoholics in drug addiction or alcoholic treatment and rehabilitation programs shall not be authorized to redeem coupons through banks.

"ADMINISTRATION

"SEC. 11. (a) The State agency of each participating State shall assume responsibility for the certification of applicant households and for the issuance of coupons and the control and accountability thereof. There shall be kept such records as may be necessary to ascertain whether the program is being conducted in compliance with the provisions of this Act and the regulations issued pursuant to this Act. Such records shall be available for inspection and audit at any reasonable time and shall be preserved for such period of time, not less than three years, as may be specified in the regulations issued pursuant to this Act.

"(b) Certification of a household as eligible in any political subdivision shall, in the event of removal of such household to another political subdivision in which the food stamp program is operating, remain valid for participation in the food stamp program for a period of sixty days from the date of such removal.

"(c) In the certification of applicant households for the food stamp program there shall be no discrimination by reason of race, sex, religious creed, national origin, or political beliefs.

"(d) The State agency (as defined in section 3(o)(1) of this Act) of each State desiring to participate in the food stamp program shall submit for approval a plan of operation specifying the manner in which such program will be conducted within the State in every political subdivision. In the case of all or part of an Indian reservation, upon the request of a tribal organization, the State agency (as defined in section 3(o)(1) of this Act) shall be responsible for conducting such program on such reservation unless the Secretary determines that the State agency (as defined in section 3(o)(2) of this Act) is capable of effectively and efficiently conducting such program, in which event such State agency shall be responsible for conducting such program and submitting for approval a plan of operation specifying the manner in which such program will be conducted: *Provided*, That the Secretary, upon the request of a tribal organization, shall provide the designees of such tribal organization with appropriate training and technical assistance to enable them to qualify as expeditiously as possible as a State agency pursuant to section 3(o)(2) of this Act: *Provided further*, That a State agency (as defined in section 3(o)(1) of this Act), before it submits its plan of operation to the Secretary for the administration of the food stamp program on all or part of an Indian reservation, shall consult in good faith with the tribal organization about that portion of the State's plan of operation pertaining to the implementation of the program for members of the tribe, and shall implement the program in a manner that is responsive to the needs of the Indians on the reservation based on the ongoing input of the tribal organization. Such plan of operation shall provide, among such other provisions as may be required by regulation—

"(1) that the State agency shall (A) inform low-income households about the availability, eligibility requirements, and benefits of the food stamp program, including, but not limited to, notification to aid to families with dependent children, supplemental security income, and unemployment compensation recipients, distribution of application forms, and associated instructions in filling out such forms, and on the documentation required pursuant to paragraph (3) of this subsection, (B) not conduct any other outreach activities of a noninformational nature in those areas in which a federally funded community action program is in operation and conducting food stamp outreach, and (C) use appropriate bilingual personnel and printed material in the administration of the program in those portions of political subdivisions in the State in which a substantial number of members of low-income households speak a language other than English;

"(2) that each household which contacts a food stamp office in person during office hours to make what may reasonably be interpreted as an oral or written request for food stamp assistance shall receive and shall be permitted to file an application form designed or approved by the Secretary for participation in the food stamp program on the same day that such contact is first made, with appropriate provision for reasonably accessible points and hours of certification as determined by the Secretary, or for telephone contact by, mail delivery of forms to and mail return of forms by, and subsequent home or telephone interview with the elderly, physically or mentally handicapped, and persons otherwise unable, because of transportation difficulties and similar hardships, to appear in person at a certification office or through a representative pursuant to paragraph (7) of this subsection, so that such persons may have an adequate opportunity to be certified properly;

"(3) that the State agency shall thereafter promptly determine the eligibility of each applicant household by way of verification only of income other than that determined to be excluded by section 5(d) of this Act and such other eligibility factors as the Secretary determines to be necessary to implement sections 5 and 6 of this Act, so as to complete certification of and provide an allotment retroactive to the period of application to any eligible household not later than thirty days following its filing of an application;

"(4) that the State agency shall insure that each participating household which seeks to be certified another time or more times thereafter by filing an application for such recertification no later than fifteen days prior to the day upon which its existing certification period expires shall, if found to be still eligible, receive its allotment no later than one month after the receipt of the last allotment issued to it pursuant to its prior certification;

"(5) the specific standards to be used in determining the eligibility of applicant households which shall be in accordance with sections 5 and 6 of this Act and shall include no additional requirements imposed by the State agency;

"(6) that (A) the State agency shall undertake the certification of applicant households in accordance with the general procedures prescribed by the Secretary in the regulations issued pursuant to this Act, (B) the State agency personnel utilized in undertaking such certification shall be employed in accordance with the current standards for a Merit System of Personnel Administration or any standards later prescribed by the United States Civil Service Commission pursuant to section 208 of the Intergovernmental Personnel Act of 1970 modifying or superseding such standards relating to the establishment and maintenance of personnel standards on a merit basis, and (C) the State agency shall undertake to provide a continuing, comprehensive program of training for all personnel undertaking such certification;

"(7) that any applicant household may be represented in the certification process and that any eligible household may be represented in coupon issuance or food purchase by a person other than a member of the household so long as that person has been clearly designated as the representative of that household for that purpose by the head of the household or the spouse of the head, and, where the certification process is concerned, the representative is an adult who is sufficiently aware of relevant household circumstances;

"(8) safeguards which limit the use or disclosure of information obtained from applicant households to persons directly connected with the administration or enforcement of the provisions of this Act or the regulations issued pursuant to this Act;

"(9) that households in immediate need because of no income as defined in sections 5 (d) and (e) of this Act receive food stamps on an expedited basis;

"(10) for the granting of a fair hearing and a prompt determination thereafter to any household aggrieved by the action of the State agency under any provision of its plan of operation as it affects the participation of such household in the food stamp program or by a claim against the household for an overissuance;

"(11) for the prompt cash payments to households of the value of any allotment or portion thereof which has been wrongfully denied or terminated;

"(12) for the submission of such reports and other information as from time to time may be required by the Secretary;

"(13) for compliance with standards set by the Secretary with respect to reasonably accessible points and hours of coupon issuance; and

"(14) for indicators of expected performance in the administration of the program.

"(e) To encourage the purchase of nutritious foods, the Secretary shall develop and disseminate printed materials through the State agencies and other available means, which materials shall be designed to advise low-income persons on buying and preparing more nutritious and economic meals.

"(f) If the Secretary determines that in the administration of the food stamp program there is a failure by a State agency to comply with any of the provisions of this Act, the regulations issued pursuant to this Act, or the State plan of operation submitted pursuant to subsection (d) of this section, the Secretary shall immediately inform such State agency of such failure and shall allow the State agency a specified period of time for the correction of such failure. If the State agency does not correct such failure within that specified period, the Secretary may refer the matter to the Attorney General with a request that injunctive relief be sought to require compliance forthwith by the State agency and, upon suit by the Attorney General in an appropriate district court of the United States having jurisdiction of the geographic area in which the State agency is located and a showing that noncompliance has occurred, appropriate injunctive relief shall issue.

"(g) If the Secretary determines that there has been negligence or fraud on the part of the State agency in the certification of applicant households, the State shall, upon request of the Secretary, deposit into the Treasury of the United States, a sum equal to the face value of any coupon or coupons issued as a result of such negligence or fraud.

"(h) Notwithstanding any other provision of law, the Secretary and the Secretary of Health, Education, and Welfare shall develop a system by which (1) a single interview shall be conducted to determine eligibility for the food stamp program and the Aid to Families With Dependent Children Program under part A of title IV of the Social Security Act and, to the greatest extent feasible, for the supplemental security income program under title XVI of the Social Security Act. To the greatest extent feasible, eligibility determination forms for food stamp applicants who are recipients of, or applicants for, benefits under the Social Security Act programs referred to above shall not include information collected in connection with such Social Security Act programs; and (2) where administratively feasible, applicants for and recipients of Social Security or Supplemental Security Income benefits may apply for food stamps at Social Security offices and be certified for food stamp eligibility in such offices.

"CIVIL MONEY PENALTIES AND DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS

"SEC. 12. Any approved retail food store or wholesale food concern may be disqualified for a specified period of time from further participation in the food stamp program, or subjected to a civil money penalty of up to $5,000 for each violation if the Secretary determines that its disqualification would cause hardships to food stamp households, on a finding, made as specified in the regulations, that such store or concern has violated any of the provisions of this Act or of the regulations issued pursuant to this Act. Such disqualification shall be for such period of time as may be determined in accordance with regulations issued pursuant to this Act. The action of disqualification or the imposition of a civil money penalty shall be subject to review as provided in section 14 of this Act.

"DETERMINATION OF DISPOSITION OF CLAIMS

"SEC. 13. The Secretary shall have the power to determine the amount of and settle and adjust any claim and to compromise or deny all or part of any such claim or claims arising under the provisions of this Act or the regulations issued pursuant to this Act, including, but not limited to, claims arising from fraudulent and nonfraudulent overissuances to recipients. Such powers with respect to claims against recipients may be delegated by the Secretary to State agencies.

"ADMINISTRATIVE AND JUDICIAL REVIEW

"SEC. 14. Whenever an application of a retail food store or wholesale food concern to participate in the food stamp program is denied pursuant to section 9 of this Act, or a retail food store or wholesale food concern is disqualified or subjected to a civil money penalty under the provisions of section 12 of this Act, or all or part of any claim of a retail food store or wholesale food concern is denied under the provisions of section 13 of this Act, or a claim against a State agency is stated pursuant to the provisions of section 13 of this Act, notice of such administrative action shall be issued to the retail food store, wholesale food concern, or State agency involved. Such notice shall be delivered by certified mail or personal service. If such store, concern, or State agency is aggrieved by such action, it may, in accordance with regulations promulgated under this Act, within ten days of the date of delivery of such notice, file a written request for an opportunity to submit information in support of its position to such person or persons as the regulations may designate. If such a request is not made or if such store, concern, or State agency fails to submit information in support of its position after filing a request, the administrative determination shall be final. If such a request is made by such store, concern, or State agency, such information as may be submitted by the store, concern, or State agency, as well as such other information as may be available, shall be reviewed by the person or persons designated, who shall, subject to the right of judicial review hereinafter provided, make a determination which shall be final and which shall take effect thirty days after the date of the delivery or service of such final notice of determination. If the store, concern, or State agency feels aggrieved by such final determination, it may obtain judicial review thereof by filing a complaint against the United States in the United States court for the district in which it resides or is engaged in business, or, in the case of a retail food store or wholesale food concern, in any court of record of the State having competent jurisdiction, within thirty days after the date of delivery or service of the final notice of determination upon it, requesting the court to set aside such determination. The copy of the summon and complaint required to be delivered to the official or agency whose order is being attacked shall be sent to the Secretary or such person or persons as he may designate to receive service or process. The suit in the United States district court or State court shall be a trial de novo by the court in which the court shall determine the validity of the questioned administrative action in issue. If the court determines that such administrative action is invalid, it shall enter such judgment or order as it determines is in accordance with the law and the evidence. During the pendency of such judicial review, or any appeal therefrom, the administrative action under review shall be and remain in full force and effect, unless an application to the court on not less than ten days' notice, and after hearing thereon and a showing of irreparable injury, the court temporarily stays such administrative action pending disposition of such trial or appeal.

"VIOLATIONS AND ENFORCEMENT

"SEC. 15. (a) Notwithstanding any other provision of this Act, the Secretary may provide for the issuance or presentment for redemption of coupons to such person or persons, and at such times and in such manner, as he deems necessary or appropriate to protect the interests of the United States or to insure enforcement of the provisions of this Act or the regulations issued pursuant to this Act.

"(b) Whoever knowingly uses, transfers, acquires, alters, or possesses coupons or authorization cards in any manner not authorized by this Act or the regulations issued pursuant to this Act shall, if such coupons or authorization cards are of the value of $100 or more, be guilty of a felony and shall, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than five years, or both, or, if such coupons or authorization cards are of a value of less than $100, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than $1,000 or imprisoned for not more than one year, or both.

"(c) Whoever presents, or causes to be presented, coupons for payment or redemption of the value of $100 or more, knowing the same to have been received, transferred, or used in any manner in violation of the provisions of this Act or the regulations issued pursuant to this Act shall be guilty of a felony and shall, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than five years, or both, or, if such coupons are of a value of less than $100, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than $1,000 or imprisoned for not more than one year, or both.

"(d) Coupons issued pursuant to this Act shall be deemed to be obligations of the United States within the meaning of section 8 of title 18, United States Code.

"(e) Any coupon issuer or any officer, employee, or agent thereof convicted of failing to provide the report required under section 7(d) of this Act or of violating the regulations issued under section 7(d) and (e) of this Act shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

"(f) Any coupon issuer or any officer, employee, or agent thereof convicted of knowingly providing false information in the report required under section 7(d) of the Act shall be fined not more than $10,000 or imprisoned not more than five years, or both.

"ADMINISTRATIVE COST-SHARING AND QUALITY CONTROL

"SEC. 16. (a) The Secretary is authorized to pay to each State agency an amount equal to 50 per centum of all administrative costs involved in each State agency's operation of the food stamp program, which costs shall include, but not be limited to, the cost of (1) outreach, (2) the certification of applicant households, (3) the acceptance, storage, protection, control, and accounting of coupons after their delivery to receiving points within the State, (4) the issuance of coupons to all eligible households, and (5) fair hearings: *Provided*, That the Secretary is authorized to pay each State agency an amount equal to 75 per centum of the costs of State food stamp program investigations and prosecutions.

"(b) The Secretary shall (1) establish standards for the efficient and effective administration of the food stamp program by the States, including, but not limited to, staffing standards such as caseload per certification worker limitations, and (2) instruct each State to submit, at regular intervals, reports which shall specify the specific administrative actions proposed to be taken and implemented in order to meet the efficiency and effectiveness standards established pursuant to clause (1) of this subsection. If the Secretary finds that a State has failed without good cause to meet any of the Secretary's standards, or has failed to carry out the approved State plan of operation under section 11(d) of this Act, the Secretary shall withhold from the State such funds authorized under subsections (a) and (c) of this section as the Secretary determines to be appropriate.

"(c) Notwithstanding the provisions of subsection (a) of this section, the Secretary shall pay any State agency (as defined in sections 3(o)(1) and 3(o)(2) of this Act) that administers the food stamp program on an Indian reservation an amount equal to 100 per centum of the costs necessary to administer the program, including, but not limited to, the administrative activities described in section 16(a) of this Act, and the costs for establishing and operating tribally owned and operated nonprofit food sales systems in areas which are not reasonably served by existing retail food systems.

"(d) The Secretary shall establish a realistic set of national error tolerance level goals to improve quality control and administrative efficiency under this Act. Separate goals shall be set with regard to:

> "(1) value of overissuance of food stamp allotment for households which fail to meet basic program eligibility requirements;
>
> "(2) value of overissuance of food stamp allotment for eligible households;
>
> "(3) value of food stamp allotment under-issued to eligible households; and
>
> "(4) invalid decisions to certify or deny eligibility.

Interim tolerance levels shall be established for achievement at the end of one year and two years following the date of enactment of this section.

"(e)(1) Each State shall be required to develop and submit to the Secretary for approval, as a part of the plan of operation required to be submitted under section 11(d), a quality control plan for the State which shall specify the actions such State proposes to take in order to meet the error tolerance goals established by the Secretary. The quality control plan for any State shall specify the anticipated caseload work for the coming year and the manpower requirements needed and the specific administrative mechanisms proposed to be used to carry out the food stamp program in such State and to meet the error tolerance goals established by the Secretary.

"(2) The Secretary shall approve any quality control plan submitted by any State if he determines such plan will achieve the goals established.

"(3) As used in this section, the term 'quality control' means monitoring and correcting the rate of errors committed in determining the correct level of benefits to be provided households upon certification of their eligibility.

"(4) If any State fails substantially to carry out the State quality control plan approved by the Secretary for such State for such year, the Secretary shall withhold from the State an amount equal to not less than 10 per centum of the funds which would otherwise be payable to such State under subsections (a) and (c) of this section for such fiscal year.

"DEMONSTRATION; PROGRAM EVALUATION; ANNUAL REPORT AUTHORITY

"SEC. 17. (a) The Secretary is authorized to conduct on a trial basis, in one or more areas of the United States, demonstration projects designed to test program changes which might increase the administrative efficiency of the food stamp program and improve the delivery of food stamp benefits to eligible households. The Secretary may waive the requirements of this Act to the degree necessary for such projects to be conducted, except that (1) no project shall be implemented which would lower or further restrict the income or resource standards or benefit levels provided for by this Act, and (2) no such waiver shall be made for a period in excess of one year in any one area.

"(b) The Secretary is authorized to conduct demonstration projects designed to identify means of improving outreach programs for the elderly in rural areas. Such projects may include, but are not limited to, developing better use of the mails in improving outreach as well as the feasibility of utilizing mobile certification facilities.

"(c) The Secretary shall implement pilot projects testing the effects of requiring recipient photo-identification cards, implementing an earnings clearance system, and establishing an application cross-check. These projects shall be carried out in a statistically significant number of project areas, or parts of project areas, in geographically dispersed urban and rural regions. Not later than one year after the effective date of this Act, the Secretary shall report to the appropriate committees of Congress on the results of these pilot projects, including any observations or recommendations which the Secretary may deem appropriate.

"(d)(1) The Secretary shall prepare and submit to the Congress, at the same time the President submits his budget to the Congress each year, an annual evaluation plan setting forth the Department of Agriculture's plans for evaluating the major objectives of the food stamp program, the extent to which such objectives are being achieved, and the cost and time requirements for carrying out such plans.

"(2) The Secretary shall indicate in his annual evaluation plan the issues and objectives to be evaluated. Such issues and objectives shall specifically include—

"(A) the nutritional intake of the individuals participating in the food stamp program:

"(B) the relative fairness of the food stamp program between different income levels and age groups;

"(C) the relative fairness of the food program as between different regions of the United States;

"(D) an evaluation of the success of the outreach programs; and

"(E) an evaluation of any other issues and objectives specified by the Secretary.

"(e) The Secretary shall prepare and submit to the Congress, at the same time the President submits his budget to the Congress each year, a report entitled 'Annual Report on the Food Stamp Program'. The Secretary shall include in such report—

"(1) a summary of the achievements, failures, and problems of the States in meeting the quality control goals established under section 16(d) of this Act;

"(2) recommendations for an analysis of quality control goals for the next one and two year periods;

"(3) a summary of all evaluation activities conducted by the Department of Agriculture in accordance with the annual evaluation plan provided for in subsection (d) of this section;

"(4) recommendations for program modifications based upon an analysis of quality control and evaluation information;

"(5) recommendations for any additional issues for evaluation; and

"(6) such other recommendations for legislative or administrative action as the Secretary may deem appropriate.

"STUDY OF NUTRITIONAL NEEDS OF INDIANS

"SEC. 18. The Secretary shall conduct a study to determine the special nutritional needs of Indians and the responsiveness of the food stamp and commodity distribution programs to these needs. In so doing, the Secretary shall make a determination as to whether current food program services provide Indians with reasonable access to nutritionally adequate diets based on their unique needs and circumstances. The Secretary shall report the findings to the appropriate committees of Congress within one year after the effective date of this Act, and shall take whatever corrective actions are necessary and authorized under this Act. The Secretary's study shall be conducted in consultation with appropriate officials in the Department of the Interior and Indian Health Service within the Department of Health, Education, and Welfare, as well as with tribal organizations and participants in the food stamp and commodity distribution programs.

"AUTHORIZATION FOR APPROPRIATIONS

"SEC. 19. To carry out the provisions of this Act, there are hereby authorized to be appropriated such sums as Congress may appropriate for fiscal years 1978 and 1979. Not to exceed one-fourth of 1 per centum of the previous year's appropriation is authorized in each such fiscal year to carry out the provisions of section 17. Sums appropriated under the provisions of this Act shall, notwithstanding the provisions of any other law, continue to remain available until expended.".

CONFORMING AMENDMENTS

SEC. 1202. (a)(1) Section 3(b) and section 4(c) of Public Law 93-86 are repealed.

(2) The last sentence of section 416 of the Act of October 31, 1949 (as added by section 411(g) of Public Law 92-603), is repealed.

(3) Section 8(c) of Public Law 93-233 is amended by striking out "the last sentence of section 3(e) of the Food Stamp Act of 1964 (as amended by subsection (a) of this section)" and inserting in lieu thereof "section 6(g) of the Food Stamp Act of 1977".

(4) Section 8(f) of Public Law 93-233 is amended by striking out everything through "during such period," and inserting in lieu thereof "The amendment made by subsection (e) shall not".

(b) The amendments made by this section shall be effective October 1, 1977.

IMPLEMENTATION

SEC. 1203. (a) The Secretary of Agriculture shall implement the Food Stamp Act of 1977 as expeditiously as possible consistent with the efficient and effective administration of the food stamp program. The provisions of the Food Stamp Act of 1964, as amended, which are relevant to current regulations of the Secretary governing the food stamp program, shall remain in effect until such regulations are revoked, superseded, amended, or modified by regulations issued pursuant to the Food Stamp Act of 1977. Coupons issued pursuant to the Food Stamp Act of 1964, as amended, and in general use as of the effective date of the Food Stamp Act of 1977, shall continue to be usable to purchase food, and all other liabilities of the Secretary, States, and applicant or participating households, under the Food Stamp Act of 1964, as amended, shall continue in force until finally resolved or terminated by administrative, or judicial action or otherwise.

(b) Pending proceedings under the Food Stamp Act of 1964, as amended, shall not be abated by reason of any provision of the Food Stamp Act of 1977, but shall be disposed of pursuant to the applicable provisions of the Food Stamp Act of 1964, as amended, in effect prior to the effective date of the Food Stamp Act of 1977.

(c) Appropriations made available to carry out the Food Stamp Act of 1964, as amended, shall be available to carry out the provisions of the Food Stamp Act of 1977.

COMMODITY DISTRIBUTION PROGRAMS

SEC. 1204. (a) Effective October 1, 1977, section 4(a) of the Agriculture and Consumer Protection Act of 1973, as amended, is amended to read as follows:

"SEC. 4. (a) Notwithstanding any other provision of law, the Secretary shall, during fiscal years 1978, 1979, 1980, 1981, and 1982 purchase and distribute sufficient agricultural commodities to maintain the traditional level of assistance for food assistance programs as are authorized by law, including, but not limited to, distribution to institutions, supplemental feeding programs wherever located, disaster areas, summer camps for children, and the United States Trust Territory of the Pacific Islands, as well as for Indians, based on their food consumption patterns, that provide them with a nutritionally adequate diet whenever a tribal organization requests the distribution of federally-donated commodities for the Indians under its jurisdiction either separately or concurrently with the food stamp program. Implementation of this section shall be carried out only with funds which are appropriated from the general fund of the Treasury, and in no event shall it be carried out with funds derived from permanent appropriations."

(b) Effective October 1, 1977, the Agriculture and Consumer Protection Act of 1973, as amended is amended by—

(1) redesignating section 5 as section 6; and

(2) inserting after section 4 a new section 5 as follows:

"COMMODITY SUPPLEMENTAL FOOD PROGRAM

"SEC. 5. (a)(1) In carrying out the supplemental feeding program (hereinafter referred to as the 'commodity supplemental food program') to which reference is made in section 4 of this Act, the Secretary of Agriculture shall pay to each State or local agency administering any such program all administrative costs in any fiscal year not in excess of an amount equal to 20 per centum of the amount of the value of commodities made available to the State or local agency for such program in such fiscal year. In no case shall any State or local agency receive less for administrative expenses in any fiscal year than it received in the fiscal year in which this section was enacted.

"(2) Within six months after the date of enactment of this section, each State or local agency participating in the commodity supplemental food program shall submit to the Secretary a report describing the manner in which nutrition education services are being provided to the recipients of food under the program. The payment of administrative expenses by the Secretary under paragraph (1) of this subsection shall not, however, be conditioned upon the submission of such report by any State or local agency.

"(3) During the first three months of any commodity supplemental food program, or until such program reaches its projected caseload level, whichever comes first, the Secretary shall pay those administrative costs necessary to commence the program successfully.

"(b) The Secretary of Agriculture shall take into account medical and nutritional requirements and cultural eating patterns to the extent necessary to provide, in conjunction with other Federal food programs, a nutritionally adequate diet for recipients under the commodity supplemental food program.

"(c) The Secretary of Agriculture shall make appropriate provision for equivalent substitutions of commodities where shortages occur in the commodity supplemental food program.

"(d)(1) Administrative costs for the purposes of the commodity supplemental food program shall include, but not be limited to, expenses for information and referral, operation, monitoring, nutrition education, start-up costs, and general administration including staff, warehouse, and transportation personnel, insurance, and administration of the State or local office.

"(2) In carrying out the commodity supplemental food program, the Secretary of Agriculture shall require that the food made available to any recipient under such program include, but not be limited to, the following: dried egg mix, canned fruits, canned fruit juice, canned vegetables, iron fortified cereal, infant cereal, canned meat and canned poultry, evaporated milk, instant fortified nonfat dry milk peanut butter, instant potatoes, dried beans, and corn syrup. In addition, the Secretary shall require that the food contain commercially formulated preparations specifically designed for women or infants in those cases where, in the opinion of qualified medical personnel, such formulations are necessary to meet the medical and nutritional needs of the individual program recipient involved.

"(3) During each fiscal year the commodity supplemental food program is in operation, the same types and varieties of commodities in the same proportional amounts as are available at the beginning of the fiscal year (or as were available during the fiscal year ending June 30, 1976, whichever is greater) shall be maintained throughout the fiscal year.

"(e) The program authorized by this section shall be carried out supplementary to the special supplemental food program, the food stamp program (without regard to whether an area is under the food stamp program), and the food distribution program. The commodity supplemental food program shall operate side by side with any existing special supplemental food program, if the State or local agency responsible for carrying out such commodity supplemental food program establishes safeguards to prevent participation by households and individuals in both the commodity supplemental food program and the special supplemental food program.

"(f) No State or local agency may prohibit children under six years of age from receiving benefits under the commodity supplemental food program if they are otherwise eligible to receive such benefits.

"(g) The Secretary of Agriculture is authorized to issue such regulations as may be necessary to carry out the commodity supplemental food program.".

TITLE XIII—FOOD AND AGRICULTURAL RESEARCH AND EXTENSION

Subtitle A—Food and Agricultural Research and Extension. Planning, Coordination, and Dissemination of Findings

FINDINGS AND DECLARATIONS

SEC. 1301. (a) Congress finds that—

(1) the Federal Government of the United States has provided funding support for food and agricultural research and extension for many years in order to promote and protect the general health and welfare of the people of the United States;

(2) the Federal Government's support of food and agricultural research and extension has significantly contributed to the development of the Nation's agricultural system;

(3) the agencies conducting federally supported food and agricultural research were established at different times in response to different and specific needs and their work is not fully coordinated;

(4) these agencies have only been partially successful in responding to the needs of all persons affected by their research;

(5) useful information produced through federally supported food and agricultural research is not being efficiently transferred to the people of the United States;

(6) Federal funding levels for food and agricultural research and extension in recent years have not been commensurate with needs stemming from changes in United States agricultural practices and the world food and agricultural situation; and

(7) new Federal initiatives are needed in the areas of—

(A) research to find alternatives to technologies based on fossil fuels;

(B) research to find solutions to environmental problems caused by technological changes in food and agricultural production techniques;

(C) aquacultural research and extension;

(D) research and extension to improve the management and use of the Nation's natural and renewable resources to meet the increased demand for forest products, conserve water and soil resources, and properly manage rangelands;

(E) improving and expanding the extension programs, especially in the areas of energy conservation, forestry, and home economics;

(F) research and extension to meet specific regional needs and to capture the benefits of regional diversity in food and agricultural production; and

(G) research on climate, drought, and weather modification as factors in food and agricultural production.

(b) It is hereby declared to be the policy of the United States that special measures as set forth in this subtitle shall be undertaken to improve the coordination, planning, and dissemination of food and agricultural research, identify needs and establish priorities for such research, and assure the full achievement of national food and agricultural research and extension objectives.

(c) It is further declared that the Secretary of Agriculture should have the primary role in the overall national food and agricultural research and extension effort and in implementing the intent of Congress as expressed in this subtitle, in cooperation with other Federal departments and agencies, the States, colleges and universities, and user groups.

DEFINITIONS

SEC. 1302. When used in this subtitle—

(a) the term "food and agricultural research" means research in the fields of agriculture, forestry, aquaculture, associated marketing systems, water and soil resources, home economics, human nutrition, and animal health;

(b) the term "Secretary" means the Secretary of Agriculture of the United States;

(c) the term "Department of Agriculture" means the United States Department of Agriculture;

(d) the term "Joint Council" means the Joint Council on Food and Agricultural Research and Extension;

(e) the term "Users Advisory Board" means the Users Advisory Board for Food and Agricultural Research and Extension;

(f) the term "State agricultural experiment stations" means those institutions eligible to receive funds under the Act of March 2, 1887 (24 Stat. 440–442, as amended; 7 U.S.C. 361a–3611);

(g) the term "State cooperative extension services" means those organizations established within the States for the purpose of conducting cooperative agricultural extension work pursuant to the Act of May 8, 1914 (38 Stat. 372–374, as amended; 7 U.S.C. 341–343, 344–346, 347a, 348, and 349);

(h) the term "extension" means the education programs conducted by State cooperative extension services; and

(i) the term "agricultural and mechanical colleges" means those institutions eligible to receive funds under the Act of July 2, 1862 (12 Stat. 503–505, as amended; 7 U.S.C. 301–305, 307 and 308), or the Act of August 30. 1890 (26 Stat. 417–419, as amended; 7 U.S.C. 321–326 and 328), including the Tuskegee Institute.

FEDERAL SUBCOMMITTEE ON FOOD AND RENEWABLE RESOURCES

SEC. 1303. Section 401(h) of the National Science and Technology Policy, Organization and Priorities Act of 1976 (90 Stat. 471; 42 U.S.C. 6651(h)) is amended by adding at the end thereof the following: "Among such standing subcommittees and panels of the Council shall be the Subcommittee on Food and Renewable Resources. The duties of this subcommittee shall be to—

"(1) review Federal research and development programs relevant to domestic and world food and fiber production and distribution;

"(2) promote planning and coordination of food and agricultural research in the Federal Government; and

"(3) recommend policies and other measures concerning food and agricultural research for the consideration of the Council. The subcommittee shall be composed of the representatives of each of the following departments or agencies: the Department of Agriculture, the Agency for International Development of the Department of State, the Department of the Interior, the Department of Health, Education, and Welfare, the National Oceanic and Atmospheric Administration of the Department of Commerce, the Energy Research and Development Administration, the National Science Foundation, and the Environmental Protection Agency. The principal representative of the Department of Agriculture shall serve as the chairperson of the subcommittee.".

JOINT COUNCIL ON FOOD AND AGRICULTURE RESEARCH AND EXTENSION

SEC. 1304. (a) The Secretary shall establish within the Department of Agriculture a committee to be known as the Joint Council on Food and Agricultural Research and Extension, which shall have a term of five years.

(b) the Joint Council shall be composed of the following twenty-two members who are directly involved in the national food and agricultural research and extension effort—

(1) seven members from the Department of Agriculture designated by the Secretary, including the assistant secretary who has jurisdiction over food and agricultural research, who shall serve as Co-Chairperson, and the administrators of the major research and extension agencies or bureaus within the Department of Agriculture;

(2) seven members from other Federal departments and agencies—

(A) a representative designated by the Administrator of the Environmental Protection Agency,

(B) a representative designated by the Administrator of the Agency for International Development of the Department of State,

(C) a representative of the Food and Drug Administration of the Department of Health, Education, and Welfare, and a representative of the National Institutes of Health of the Department of Health, Education, and Welfare, designated by the Secretary of the Department of Health, Education and Welfare,

(D) a representative designated by the Administrator of the National Oceanic and Atmospheric Administration of the Department of Commerce,

(E) a representative designated by the Administrator of the Energy Research and Development Administration, and

(F) a representative designated by the Director of the National Science Foundation;

(3) a representative designated by the Executive Committee for the Division of Agriculture of the National Association of State Universities and Land-Grant Colleges (who shall serve as Co-Chairperson);

(4) a representative designated by the Experiment Station Committee on Organization and Policy;

(5) a representative designated by the Chairperson of the Association of State College and University Forestry Research Organizations;

(6) a representative designated by the Extension Committee on Organization and Policy;

(7) a representative designated by the Commission on Home Economics of the National Association of State Universities and Land-Grant Colleges;

(8) a representative designated by the agricultural and mechanical colleges eligible to receive funds under the Act of August 30, 1890 (26 Stat. 417–419, as amended; 7 U.S.C. 321–326 and 328);

(9) a representative designated by the American Association of Universities; and

(10) a representative designated by the President of the National Academy of Sciences.

The Secretary is authorized to appoint ex officio members to the Joint Council.

(c) The Joint Council shall meet at least once during each three-month period. At least one meeting each year shall be a combined meeting with the Users Advisory Board.

(d) The Secretary shall provide clerical assistance and staff personnel to the Joint Council to carry out its duties.

(e) The Joint Council shall—

(1) provide a forum for the interchange of information among the organizations represented by the members of the Joint Council that will assure improved awareness among these organizations concerning the research and extension programs, results, and directions of each organization;

(2) develop and review the effectiveness of a system, for use by the Secretary, of compiling, maintaining, and disseminating information about each federally supported food and agricultural research and extension project and, to the maximum extent possible, information about private research and extension projects conducted by colleges and universities, foundations, contract research groups, businesses, and others. Information about private research and extension projects shall not be included in this system unless they are partially or entirely funded by the Federal Government or the organizations sponsoring the projects request in writing the inclusion of information about such projects;

(3) develop and recommend methods of expanding cooperation in research and extension through national, regional, and interstate research and extension programs, for submission to the Department of Agriculture

and other departments and agencies of the Federal Government, and other institutions conducting food and agricultural research and extension;

(4) develop a system, for use by the Secretary, of reviewing and evaluating food and agricultural research and extension programs;

(5) develop and review the effectiveness of guidelines, for use by the Secretary, in making competitive grants under section 1311(b) of this title;

(6) periodically review developments in food and agricultural research and determine the high priority research areas, and submit annual reports identifying the high priority research areas to the Secretary for use in making competitive grants under section 1311(b) of this title; and

(7) prepare and submit to the Secretary, not later than December 31 of each year, a statement of the recommendations of the Joint Council developed pursuant to the requirements of section 1307(a) of this title. The statement shall also include—

(A) the Joint Council's recommendations as to unified national, regional, or interstate food and agricultural research or extension programs to be implemented during the following fiscal year, delineating suggested areas of responsibility for Federal and State agencies in carrying out such programs, and the overall planning, evaluation, coordination, and support necessary for such programs, and

(B) a summary of food and agricultural research and extension achievements made during, and the status of ongoing projects as of the end of, the prior fiscal year for the research and extension programs conducted by the organizations represented by the members of the Joint Council.

Minority views, if timely submitted, shall be included in the submission. The Secretary shall submit copies of the statement to the Subcommittee on Food and Renewable Resources of the Federal Coordinating Council for Science, Engineering, and Technology, and the Users Advisory Board.

USERS ADVISORY BOARD FOR FOOD AND AGRICULTURAL RESEARCH AND EXTENSION; WORKING PANELS

Sec. 1305. (a) The Secretary shall establish within the Department of Agriculture a board to be known as the Users Advisory Board for Food and Agricultural Research and Extension, which shall have a term of five years.

(b) The Users Advisory Board shall be composed of the following twenty-five members to be appointed by the Secretary—

(1) five members representing producers of agricultural commodities, forest products, and aquacultural products,

(2) five members representing consumer interests,

(3) four members representing farm suppliers and food and fiber processors,

(4) four members representing food marketing organizations,

(5) two members representing environmental groups,

(6) two members engaged in rural development work,

(7) two members engaged in human nutrition work, and

(8) one member representing animal health groups.

(c) The Users Advisory Board shall select a Chairperson and Vice-Chairperson from its membership, at its first meeting each year, who shall serve in those positions for a term of one year.

(d) The Users Advisory Board shall meet at least once during each four-month period. At least one meeting each year shall be a combined meeting with the Joint Council.

(e)(1) The Users Advisory Board shall be divided, for the performance of the duties prescribed in subsection (1) of this section, into five working panels, each composed of five members of the Users Advisory Board, with general responsibilities, respectively, as follows—

(A) user group 1—agricultural input requirements;

(B) user group 2—agricultural and food production;

(C) user group 3—food marketing;

(D) user group 4—human nutrition; and

(E) user group 5—forestry and renewable resources.

(2) Membership on the working panels shall be for a term of one year and members may select the working panel on which to serve. However, whenever more than five members of the Users Advisory Board wish to serve on the same working panel, membership shall be determined by drawing lots.

(3) Determination of the membership of the working panels shall be made, under the supervision of the Chairperson of the Users Advisory Board, at the first meeting of the Users Advisory Board each year.

(4) The working panels shall each select a Chairperson. The Chairperson and Vice-Chairperson of the Users Advisory Board may not serve as Chairperson of a working panel.

(5) The working panels shall meet at least once during each four-month period. All members of the Users Advisory Board shall be advised of each meeting of the working panels and, if they are not members of the working panel holding the meeting, may participate in the meeting on a nonvoting basis.

(f) The Chairperson and Vice-Chairperson of the Users Advisory Board and the Chairpersons of the working panels shall constitute an executive board.

(g) The Secretary shall, after consultation with the executive board, provide clerical assistance and staff personnel to the Users Advisory Board to carry out its duties. In addition, the Secretary shall employ, with the advice and consent of the executive board, a person to serve as staff director for the Users Advisory Board. The staff director shall be deemed to be in a confidential or policymaking position excepted from the Civil Service competitive service requirements of title 5 of the United States Code. The staff director shall be an ex officio member of the Users Advisory Board and all working panels.

(h) The Users Advisory Board shall—

(1) annually review and assess—

(A) the food and agriculture research policies, programs, goals, and priorities of Federal departments and agencies performing food and agricultural research;

(B) the relationship of the Federal Government with the agricultural and mechanical colleges and State agricultural experiment stations, and with other colleges and universities in the United States which conduct or have the capacity to conduct food and agricultural research, and with State cooperative extension services; and

(C) the extent of food and agricultural research and extension being conducted by private foundations and businesses, and the relationships of such research and extension to federally supported food and agricultural research and extension; and

(2) prepare and submit to the Secretary, not later than November 30 of each year, a statement of the recommendations of the Users Advisory Board developed pursuant to the requirements of section 1307(a) of this title. The statement shall also include a report of the reviews and assessments made pursuant to paragraph (1) of this subsection and a review and an assessment of the allocation of funds for food and agricultural research and extension by the organizations represented on the Joint Council for the preceding fiscal year.

Minority views, if timely submitted, shall be included in the submission. The Secretary shall make the statement available to the Subcommittee on Food and Renewable Resources of the Federal Coordinating Council for Science, Engineering, and Technology, and the Joint Council.

(i) The working panels shall—

(1) conduct public workshops and meetings with interested persons to assure that, to the maximum extent possible, the views and comments of all such persons are obtained; and

(2) transmit summaries of the views and opinions obtained to the Secretary.

FUNDING OF FOOD AND AGRICULTURAL RESEARCH AND EXTENSION PROGRAMS

Sec. 1306. It is the sense of Congress that, in order to assure that federally supported food and agricultural research and extension programs receive adequate funding and that necessary additional funding be provided for high priority food and agricultural research and extension programs, including, but not limited to, those initiatives specified in section 1301(a)(7) of this title, Federal funding for food and agricultural research and extension programs should equal, in any fiscal year, an amount not less than one-half of 1 per centum of the total value of personal consumption expenditures for food in the United States for the preceding calendar year plus one-half of 1 per centum of the gross value of agricultural exports from the United States for the preceding calendar year, as reported by the Department of Commerce. Nothing herein shall prevent the President from requesting or Congress from appropriating amounts greater than the level specified by this section.

EXAMINATIONS AND RECOMMENDATIONS WITH RESPECT TO APPROPRIATIONS

Sec. 1307. (a)(1) The Joint Council and the Users Advisory Board shall annually examine federally supported food and agricultural research and extension programs, identify the priority needs for those programs, and make recommendations as to allocations of responsibilities and levels of funding among these programs. The recommendations shall be submitted to the Secretary as provided in this subtitle.

(2) The fifth and final statement of recommendations made pursuant to this subsection shall include recommendations for the programs over the next succeeding five-year period.

(b) A statement of the recommendations shall be submitted by the Secretary of Agriculture to the President, the Speaker of the House of Representatives, and the President of the Senate not later than February 15 of each year, and the first such statement shall be due on February 15, 1979.

RULES AND REGULATIONS

Sec. 1308. The Secretary of Agriculture is authorized to prescribe such rules and regulations as the Secretary deems necessary to carry out the provisions of this subtitle.

GENERAL PROVISIONS

Sec. 1309. (a) Any vacancy in the Joint Council or the Users Advisory Board shall not affect their powers under this subtitle and shall be filled in the same manner as the original position.

(b) Members of the Joint Council may designate representatives to attend meetings of the Joint Council whenever they are unable to attend.

(c) The Joint Council and Users Advisory Board are authorized to delegate any functions to their individual members, and to make such rules and regulations as are necessary for the conduct of business, except as herein otherwise provided.

(d) Members of the Joint Council and Users Advisory Board shall serve without compensation, if not otherwise officers or employees of the United States, except that they shall, while away from their homes or regular places of business in the performance of services under this subtitle, be allowed travel expenses, including per diem in lieu of subsistence, as authorized under section 5703 of title 5 of the United States Code.

APPROPRIATIONS

SEC. 1310. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this subtitle.

Subtitle B—Food and Agricultural Research Grants

SEC. 1311. Section 2 of the Act of August 4, 1965 (79 Stat. 431; 7 U.S.C. 4501), is amended to read as follows:

"SEC. 2. (a) In order to promote research in food, agriculture, and related areas, a research grants program is hereby established in the Department of Agriculture.

"(b) The Secretary of Agriculture is authorized to make competitive grants, for periods not to exceed five years duration, to State agricultural experiment stations, colleges, universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals, for research to further the programs of the Department of Agriculture. To the greatest extent possible the Secretary shall allocate these grants to high priority research taking into consideration, when available, the determinations made by the Joint Council on Food and Agricultural Research and Extension identifying high priority research areas.

"(c) The Secretary of Agriculture is authorized to make grants, for periods not to exceed five years in duration, to agricultural and mechanical colleges eligible to receive funds under the Act of July 2, 1862 (12 Stat. 503–505, as amended; 7 U.S.C. 301–305, 307 and 308), or the Act of August 30, 1890 (26 Stat. 417–419, as amended; 7 U.S.C. 321–326 and 328), including the Tuskegee Institute, and State agricultural experiment stations to facilitate or expand on-going State-Federal research programs that (1) require funding in excess of normal program levels, (2) promote excellence in research, (3) promote the development of regional research centers, or (4) promote the research partnership between the Department of Agriculture and such colleges or State agricultural experiment stations.

"(d) The Secretary of Agriculture shall make annual grants to support the purchase of equipment, supplies, and land, and the construction, alteration, or renovation of buildings, necessary for the conduct of food and agricultural research, to—

"(1) each State agricultural experiment station in an amount of $100,000 or an amount which is equal to 10 per centum of the funds received by such station under the Act of March 2, 1887 (24 Stat. 440–442, as amended; 7 U.S.C. 361a–361i), and the Act of October 10, 1962 (76 Stat. 806–807, as amended; 16 U.S.C. 582a, 582a–1–582a–7), whichever is greater: *Provided*, That of any amount in excess of $50,000 made available under this paragraph during any year for allotment to a State agricultural experiment station, no payment thereof shall be made in excess of the amount which the station makes available during that year for the purposes for which grants under this paragraph are made available; and

"(2) each accredited college of veterinary medicine and State agricultural experiment station which receives funds from the Federal Governemnt for animal health research, in an amount which is equal to 10 per centum of the animal health research funds received from the Federal Government during the previous fiscal year.

Any State agricultural experiment station or college eligible for annual grants under this subsection may elect to defer the receipt of an annual grant for any fiscal year for up to five years: *Provided*, That the total amounts deferred may not exceed $1,000,000. Application may be made for receipt of deferred grants at any time during the five years, subject to the matching funds requirement of this subsection and the availability of appropriations under this subsection.

"(e) Each recipient of assistance under this section shall keep such records as the Secretary of Agriculture shall, by regulation, prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grants, the total cost of the project or undertaking in connection with which such funds are given or used, and the amount of that portion of the costs of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit. The Secretary of Agriculture and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this section.

"(f) The Secretary of Agriculture shall limit allowable overhead costs, with respect to grants awarded under this section, to those necessary to carry out the purposes of the grants.

"(g) There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this section.

"(h) The Secretary of Agriculture is authorized to prescribe such rules and regulations as the Secretary deems necessary to carry out the provisions of this section.".

Subtitle C—National Food and Human Nutrition Research and Extension Program

FINDINGS AND DECLARATIONS

SEC. 1312. (a) Congress hereby finds that there is increasing evidence of a relationship between diet and many of the leading causes of death in the United States; that improved nutrition is an integral component of preventive health care; that there is a serious need for research on the chronic effects of diet on degenerative diseases and related disorders; that nutrition and health considerations are important to United States agricultural policy; that there is insufficient knowledge concerning precise human nutritional requirements, the interaction of the various nutritional constituents of food, and differences in nutritional requirements among different population groups such as infants, children, adolescents, elderly men and women, and pregnant women; and that there is a critical need for objective data concerning food safety, the potential of food enrichment, and means to encourage better nutritional practices.

(b) It is hereby declared to be the policy of the United States that the United States Department of Agriculture conduct research in the fields of human nutrition and the nutritive value of foods and conduct human nutrition education activities, as provided in this subtitle.

DUTIES OF THE SECRETARY OF AGRICULTURE

SEC. 1313. In order to carry out the policy of this subtitle, the Secretary of Agriculture of the United States shall develop and implement a national food and human nutrition research and extension program that shall include, but not be limited to—

(a) research on human nutritional requirements;

(b) research on the nutrient composition of foods and the effects of agricultural practices, handling, food processing, and cooking on the nutrients they contain;

(c) surveillance of the nutritional benefits provided to participants in the food programs administered by the Department of Agriculture;

(d) research on the factors affecting food preference and habits; and

(e) the development of techniques and equipment to assist consumers in the home or in institutions in selecting food that supplies a nutritionally adequate diet.

RESEARCH BY THE AGRICULTURAL RESEARCH SERVICE

SEC. 1314. (a) The Secretary of Agriculture shall establish research into food and human nutrition as a separate and distinct mission of the United States Department of Agriculture, and the Secretary shall increase support for such research to a level that provides resources adequate to meet the policy of this subtitle.

(b) The Secretary, in administering the food and human nutrition research program within the Agricultural Research Service, shall periodically consult with the administrators of the Federal agencies that have responsibility for programs dealing with human food and nutrition, as to the specific research needs of those agencies.

STUDY

SEC. 1315. The Secretary of Agriculture shall perform a study assessing the potential value and cost of establishing regional food and human nutrition research centers in the United States. This assessment shall examine the feasibility of using existing Federal facilities in establishing such centers. The Secretary shall complete this study and submit a report setting forth the findings of the study and recommendations for the implementation of these findings, as a part of the plan the Secretary is required to submit to Congress pursuant to section 1318 of this title, not later than one year after the effective date of this title.

NUTRITION EDUCATION

SEC. 1316. (a) The Extension Service of the Department of Agriculture shall establish a national education program which shall include, but not be limited to, the dissemination of the results of food and human nutrition research performed by the Agricultural Research Service and the State agricultural experiment stations under the direction of the Cooperative State Research Service.

(b) In order to enable low-income individuals and families to engage in nutritionally sound food purchasing and preparation practices, the expanded Federal nutrition education program conducted under section 3(d) of the Act of May 8, 1914 (38 Stat. 373, as amended; 7 U.S.C. 343(d)), shall be expanded to provide for the employment and training of professional and paraprofessional aides to engage in direct nutrition education of low-income families as well as other appropriate nutrition education programs. Funds for carrying out the provisions of this subsection shall be allocated to each State in an amount which bears the same ratio to the total amount to be allocated as the population of the State living at or below 125 per centum of the income poverty guidelines prescribed by the Office of Management and Budget (adjusted pursuant to section 625 of the Economic Opportunity Act of 1964 (86 Stat. 697, as amended; 42 U.S.C. 2971d), bears to the total population of all the States living at or below 125 per centum of the income poverty guidelines, as determined by the last preceding decennial census at the time each such sum is first appropriated. To the maximum extent practicable, programs aides shall be hired from the indigenous target population. The provisions of this subsection shall not preclude the Extension Service from developing educational materials and programs for persons in income ranges above the level designated in this subsection. As used in this section and section 1317 of this title, the term "State" means any one of the fifty States and the District of Columbia, Guam, Puerto Rico, and the Virgin Islands of the United States.

NUTRITION EDUCATION PROGRAMS

SEC. 1317. In order to encourage nutrition education programs in the classrooms and lunchrooms of elementary and secondary schools, the Secretary of Agriculture shall, in consultation with appropriate offices in the Department of Health, Education, and Welfare, develop and distribute to State departments of education a comprehensive set of educational materials on food and nutrition education which shall be appropriate for all levels of the elementary and secondary education system.

REPORT TO CONGRESS

SEC. 1318. The Secretary of Agriculture shall submit a comprehensive plan for implementing the national food and human nutrition research and extension program provided for by this subtitle to Congress within one year after the effective date of this title. The plan shall include, but not be limited to, recommendations relating to research direction, funding levels, needed facilities grants, and use of Federal facilities in cooperation with States and others, necessary to achieve the policy set forth in section 1312 of this title.

NUTRITIONAL STATUS MONITORING

SEC. 1319(a). The Secretary and the Secretary of Health, Education, and Welfare shall formulate and submit to the Congress, within ninety days after the date of enactment of this section, a proposal for a comprehensive nutritional status monitoring system, to include:

(1) an assessment system consisting of periodic surveys and continuous monitoring, to determine the extent of risk of nutrition-related health problems in the United States; which population groups or areas of the country face greatest risk; and the likely causes of risk and changes in the above risk factors over time;

(2) a surveillance system to identify remediable nutrition-related health risks in individuals or local areas, in such a manner as to tie detection to intervention and treatment. Such system should draw on screening and other information from other health programs, including those funded under titles V, XVIII and XIX of the Social Security Act and section 330 of the Public Health Service Act; and

(3) program evaluations to determine the adequacy, efficiency effectiveness and side effects of nutrition-related programs in reducing health risks of individuals and populations.

(b) The proposal shall coordinate activities under existing authorities and make recommendations for any additional authorities necessary to achieve a comprehensive monitoring system.

RULES AND REGULATIONS

SEC. 1320. The Secretary of Agriculture is authorized to prescribe such rules and regulations as the Secretary deems necessary to carry out the provisions of this subtitle.

Subtitle D—Elimination of Requirement for Allocation of Hatch Act Funds for Marketing Research

SEC. 1321. Section 3(c) of the Act of March 2, 1887 (24 Stat. 441, as amended; 7 U.S.C. 361c(c)), is amended by—

(a) striking out paragraph 4; and

(b) redesignating paragraph 5 as paragraph 4.

Subtitle E—Animal Health Research

PURPOSE

SEC. 1322. It is the purpose of this subtitle to promote the general welfare through improved health and productivity of domestic livestock, poultry, aquatic animals, and other income-producing animals which are essential to the Nation's food supply and the welfare of producers and consumers of animal products; to facilitate the effective treatment of, and, where possible, prevent, animal and poultry diseases in both domesticated and wild animals which, if not controlled, would be disastrous to the United States livestock and poultry industries and endanger the Nation's food supply; to minimize livestock and poultry losses due to transportation and handling; to protect human health through control of animal diseases transmissible to humans; to improve the health of companion animals which support an industry of major economic importance and which contribute significantly to the quality of family life; to improve methods of controlling the births of predators and other animals; and otherwise to promote the general welfare through expanded programs of research to improve animal health. It is recognized that the total animal health research efforts of the several State colleges and universities and of the Federal Government of the United States would be more effective if there were close coordination between such programs, and it is further recognized that colleges of veterinary medicine and departments of veterinary sciences and animal pathology, and similar units conducting animal health research in the State agricultural experiment stations, are especially vital in training research workers in animal health.

DEFINITIONS

SEC. 1323. When used in this subtitle—

(a) the term "eligible institutions" means those State agricultural experiment stations eligible to receive assistance under the Act of March 2, 1887 (24 Stat. 440–442, as amended; 7 U.S.C. 361a–361i), and accredited colleges of veterinary medicine;

(b) the term "dean" means the dean of a college of veterinary medicine;

(c) the term "director" means the director of a State agricultural experiment station;

(d) the term "State" means any one of the fifty States and the District of Columbia, Guam, Puerto Rico, and the Virgin Islands of the United States;

(e) the term "Secretary" means the Secretary of Agriculture of the United States;

(f) the term "Advisory Board" means the Animal Health Science Research Advisory Board; and

(g) the term "animal health research capacity" means the capacity of an eligible institution to conduct research on animal health, as determined by the Secretary.

AUTHORIZATION TO THE SECRETARY OF AGRICULTURE

SEC. 1324. In order to carry out the purpose of this subtitle, the Secretary is hereby authorized to cooperate with, encourage, and assist the States in carrying out programs of animal health research at eligible institutions, in the manner hereinafter described in this subtitle.

ANIMAL HEALTH SCIENCE RESEARCH ADVISORY BOARD

SEC. 1325. (a) The Secretary shall establish a board to be known as the Animal Health Science Research Advisory Board which shall have a term of five years, and which shall be composed of the following eleven members—

(1) a representative of the Agricultural Research Service of the Department of Agriculture,

(2) a representative of the Cooperative State Research Service of the Department of Agriculture,

(3) a representative of the Animal and Plant Health Inspection Service of the Department of Agriculture,

(4) a representative of the Bureau of Veterinary Medicine of the Food and Drug Administration of the Department of Health, Education, and Welfare,

(5) seven members appointed by the Secretary—

(A) two persons representing accredited colleges of veterinary medicine,

(B) two persons representing State agricultural experiment stations, and

(C) three persons representing national livestock and poultry organizations.

The members shall serve without compensation, if not otherwise officers or employees of the United States, except that, while away from their homes or regular places of business in the performance of services for the Advisory Board, they shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized under section 5703 of title 5 of the United States Code.

(b) The Advisory Board shall meet at the call of the Secretary, but at least once annually, to consult with and advise the Secretary with respect to the implementation of this subtitle and to recommend immediate priorities for the conduct of research programs authorized under this subtitle, under such rules and procedures for conducting business as the Secretary shall, in the Secretary's discretion, prescribe.

APPROPRIATIONS FOR CONTINUING ANIMAL HEALTH RESEARCH PROGRAMS

SEC. 1326. (a) There are hereby authorized to be appropriated such funds, not to exceed $25,000,000 annually, as Congress may determine necessary to support continuing animal health research programs at eligible institutions. Funds appropriated under this section shall be used to meet expenses of conducting animal health research, publishing and disseminating the results of such research, contributing to the retirement of employees subject to the provisions of the Act of March 4, 1940 (54 Stat. 39–40, as amended; 7 U.S.C. 331), administrative planning and direction, and to purchase equipment and supplies necessary for conducting such research.

(b) Funds appropriated under subsection (a) of this section for any fiscal year shall be apportioned as follows:

(1) Four per centum shall be retained by the United States Department of Agriculture for administration, program assistance to the eligible institutions, and program coordination.

(2) Forty-eight per centum shall be distributed among the several States in the proportion that the value of and income to producers from domestic livestock and poultry in each State bears to the total value of and income to producers from domestic livestock and poultry in the United States. The Secretary shall determine the total value of and income from domestic livestock and poultry in the United States and the proportionate value of and income from domestic livestock and poultry for each State, based on the most current inventory of all cattle, sheep, swine, horses, and poultry, published by the United States Department of Agriculture.

(3) Forty-eight per centum shall be distributed among the several States in the proportion that the animal health research capacity of the eligible institutions in each State bears to the total animal health research capacity in the United States. The Secretary shall determine the animal health research capacity of an eligible institution, with the advice, when available, of the Advisory Board.

(c) In each State with one or more accredited colleges of veterinary medicine, the deans of the accredited college or colleges and the director of the State agricultural experiment station shall develop a comprehensive animal health research program for the State based on the animal health research capacity of each eligible institution in the State, which shall be submitted to the Secretary for approval and shall be used for the allocation of funds available to the State under this section.

(d) Whenever a new college of veterinary medicine is established in a State and is accredited, the Secretary, after consultation with the dean of such college and the director of the State agricultural experiment station and, where applicable, deans of other accredited colleges in the State, shall provide for the reallocation of funds available to the State pursuant to subsection (b) of this section between the new college and other eligible institutions in the State, based on the animal health research capacity of each eligible institution.

(e) Whenever two or more States jointly establish an accredited regional college of veterinary medicine or jointly support an accredited college of veterinary medicine serving the States involved, the Secretary is authorized to make funds distributable to the States pursuant to subsection (b) (2) of this section available for such college in such amounts that reflect the combined relative value of and income from livestock and poultry in the cooperating States, such amount to be adjusted, as necessary, pursuant to the provisions of subsections (c) and (d) of this section.

APPROPRIATIONS FOR RESEARCH ON NATIONAL OR REGIONAL PROBLEMS

SEC. 1327. (a) There are hereby authorized to be appropriated such funds, not to exceed $15,000,000 annually, as Congress may determine necessary to support research on specific national or regional animal health problems.

(b) Funds appropriated under this section shall be allocated by the Secretary to eligible institutions for work to be done, as mutually agreed upon between the Secretary and the applicable eligible institution or institutions. The Secretary shall, whenever possible, consult the Advisory Board in developing plans for the use of these funds.

AVAILABILITY OF APPROPRIATED FUNDS

SEC. 1328. Funds available for allocation under the terms of this subtitle shall be paid to each State or eligible institution at such times and in such amounts as shall be determined by the Secretary. Funds shall remain available for payment of unliquidated obligations for one additional fiscal year following the year of appropriation.

WITHHOLDING OF APPROPRIATED FUNDS

SEC. 1329. If the Secretary determines that a State is not entitled to receive its allocation of the annual appropriation under section 1326 of this title because of its failure to satisfy requirements of this subtitle or regulations issued under it, the Secretary shall withhold such amount. The facts and reasons concerning the determination and withholding shall be reported to the President; and the amount involved shall be kept separate in the Treasury until the close of the next Congress. If the next Congress shall not direct such sum to be paid, it shall be carried to surplus.

REQUIREMENTS FOR USE OF FUNDS

SEC. 1330. (a) With respect to research projects on problems of animal health to be performed at eligible institutions and supported with funds allocated to the States under section 1326 of this title, the dean or director of each eligible institution shall cause to be prepared and shall review proposals for such research projects, which contain data showing compliance with the purpose in section 1322 of this title and the provisions for use of funds specified in section 1326(a) of this title, and with general guidelines for project eligibility to be provided by the Secretary with the advice, when available, of the Advisory Board. Such research proposals that are approved by the dean or director shall be submitted to the Secretary prior to assignment of funds thereto with a brief summary showing compliance with the purpose of this subtitle and the Secretary's general guidelines.

(b) Each dean or director shall also submit an annual report stating the accomplishments of research projects funded under this subtitle on a project-by-project basis and shall account for all funds received by the institution under the provisions of this subtitle, at such times and on such forms as the Secretary shall prescribe. If any portion of the allotted moneys shall by any action or contingency be diminished, lost, or misapplied, it shall be replaced by the State or eligible institution concerned and, until so replaced, no subsequent appropriation shall be allotted or paid to such State or institution.

MATCHING FUNDS

SEC. 1331. No funds in excess of $100,000, exclusive of the funds paid for research on specific national or regional animal health problems under the provisions of section 1327 of this title, shall be paid by the Federal Government to any State under this subtitle during any fiscal year in excess of the amount from non-Federal sources available to and budgeted for expenditure by eligible institutions in the State during the same fiscal year for animal health research. The Secretary is authorized to make such payments in excess of $100,000 on the certificate of the appropriate official of the eligible institution having charge of the animal health research for which such payments are to be made. If any eligible institution certified for receipt of matching funds fails to make available and budget for expenditure for animal health research in any fiscal year sums at least as much as the amount for which it is certified, the difference between the Federal matching funds available and the funds budgeted for expenditure by the eligible institution shall be reapportioned by the Secretary to other eligible institutions of the same State if there be any which qualify therefor, and, if there be none, the Secretary shall reapportion such difference to the other States.

ALLOCATIONS UNDER THIS SUBTITLE NOT SUBSTITUTIONS

SEC. 1332. The sums appropriated and allocated to States and eligible institutions under this subtitle shall be in addition to, and not in substitution for, sums appropriated or otherwise made available to such States and institutions pursuant to other provisions of law.

RECORDS

SEC. 1333. Each recipient of Federal assistance under this subtitle, pursuant to grants, subgrants, contracts, subcontracts, loans, or other arrangements, entered into other than by formal advertising, and which are otherwise authorized by this subtitle shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

ACCESS TO RECORDS

SEC. 1334. The Secretary of Agriculture and the Comptroller General of the United States, or any of their duly authorized representatives, shall, until the expiration of three years after completion of the project or undertaking referred to in section 1333 of this title, have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients of Federal assistance which in the opinion of the Secretary or the Comptroller General may be related or pertinent to the grants, subgrants, contracts, subcontracts, loans, or other arrangements referred to in section 1333.

RULES AND REGULATIONS

SEC. 1335. The Secretary is authorized to prescribe such rules and regulations as the Secretary deems necessary to carry out the provisions of this subtitle, and to furnish such advice and assistance as will best promote the purposes of this subtitle.

Subtitle F—Small Farm Research and Extension

SMALL FARM RESEARCH AND EXTENSION

SEC. 1336. Section 502 of the Rural Development Act of 1972 (86 Stat. 671; 7 U.S.C. 2662), is amended by—

(a) amending subsection (c) to read as follows:

"(c) SMALL FARM RESEARCH PROGRAMS.—Small farm research programs shall consist of programs of research to develop new approaches for upgrading small farmer operations through management techniques, agricultural production techniques, farm machinery technology, new products, new marketing techniques, and small farm finance."; and

(b) by adding at the end thereof a new subsection (d) as follows:

"(d) SMALL FARM EXTENSION PROGRAMS.—Small farm extension programs shall consist of extension programs to improve operations of small farmers using, to the maximum extent practicable, paraprofessional personnel to work with small farmers on an intensive basis to improve management techniques, agricultural production techniques, farm machinery technology, marketing techniques, and small farm finance, and to increase utilization by small farmers of existing services offered by the United States Department of Agriculture and other public and private agencies and organizations.".

PROGRAM MONEYS

SEC. 1337. Section 503 of the Rural Development Act of 1972 (86 Stat. 672, as amended; 7 U.S.C. 2663), is amended by—

(a) inserting in subsection (a) a comma and the phrase "except subsections (c) and (d) of section 502," following the phrase "this title";

(b) redesignating subsections (c), (d), and (e) as (e), (f), and (g), respectively;

(c) adding the following new subsections (c) and (d) to read as follows:

"(c) There are hereby authorized to be appropriated to carry out the purposes of subsections (c) and (d) of section 502 of this title not to exceed $20,000,000 for each of the fiscal years ending September 30, 1978 and September 30, 1979.

"(d) Such sums as Congress shall appropriate to carry out the purposes of this title pursuant to subsection (c) of this section shall be distributed by the Secretary as follows:

"(1) 4 per centum to be used by the Secretary for Federal administration;

"(2) 19 per centum to be allocated among the several States to carry out the programs authorized in subsection (c) of section 502 of this title, in an amount for each State which bears the same ratio to the total amount to be allocated as the number of small farmers located in that State bears to the total number of small farmers in all of the States, as determined by the Secretary.

"(3) 77 per centum to be allocated among the several States to carry out the programs authorized in subsection (d) of section 502 of this title in an amount for each State which bears the same ratio to the total amount to be allocated as the number of small farmers located in that State bears to the total number of small farmers in all of the States, as determined by the Secretary."; and

(d) deleting in subsection (f), as redesignated by subsection (b) of this section, the word "and" following "(b)" and inserting a comma and the phrase "and (d)" following "(c)" in the first sentence.

DEFINITION OF SMALL FARMER

SEC 1338. Section 507 of the Rural Development Act of 1972 (86 Stat. 674; 7 U.S.C. 2667, is amended by adding at the end thereof a new subsection (c) to read as follows:

"(c) 'Small farmer' means any farmer with gross sales from farming of $20,000 or less per year.".

REPORTS

SEC. 1339. The Rural Development Act of 1972 (86 Stat. 657–677, as amended), is amended by adding at the end of title V thereof a new section 509 to read as follows:

"REPORTS

"SEC. 509. The Secretary shall evaluate annually the effectiveness of the programs established under subsections (c) and (d) of section 502 of this title and make a report to Congress no later than February 1 of each year on that evaluation and the operation of the programs during the preceding fiscal year.".

Subtitle G—1890 Land Grant College Funding

RESEARCH FACILITIES

SEC. 1340. The Act of July 22, 1963 (77 Stat. 90–92, as amended; 7 U.S.C. 390, 390a–390k), is amended by—

(a) inserting in section 3(2) after the second semicolon the following: "including the Connecticut Agricultural Experiment Station at New Haven, Connecticut, and the Ohio Agricultural Experiment Station at Wooster, Ohio, and the colleges eligible to receive funds under the Act of August 30, 1890 (26 Stat. 417–419, as amended; 7 U.S.C. 321–326 and 328), including the Tuskegee Institute;"; and

(b) adding a new sentence at the end of section 5, as follows: "In a State having more than one eligible institution the Secretary shall devise procedures to insure that the facility proposals of the eligible institutions in such State provide for a coordinated agricultural research program among eligible institutions in such State.".

SUPPORT FOR EXTENSION WORK

SEC. 1341. (a) There are hereby authorized to be appropriated annually, beginning in fiscal year 1979, such sums as Congress may determine necessary to support continuing cooperative agricultural extension work as provided in the Act of May 8, 1914 (38 Stat. 372–374, as amended; 7 U.S.C. 341–343, 344–346, 347a, 348–349), at colleges eligible to receive funds under the Act of August 30, 1890 (26 Stat. 417–419, as amended; 7 U.S.C. 321–326 and 328), including Tuskegee Institute (hereinafter referred to as "eligible institutions") in addition to funds appropriated under the Act of May 8, 1914, but not in excess of 4 per centum of the amount appropriated under the Act of May 8, 1914, for the same fiscal year. Funds appropriated under this section shall be used for expenses of conducting extension programs and activities and for contributing to the retirement of employees subject to the provisions of the Act of March 4, 1940 (54 Stat. 39–40, as amended; 7 U.S.C. 331).

(b) The funds appropriated annually under this section shall be distributed among States for use by eligible institutions as follows:

(1) four per centum of the sums appropriated each year shall be allotted to the Extension Service of the United States Department of Agriculture for administrative, technical, and other services, and for coordinating the extension work of the Department of Agriculture and the several States, territories, and possessions; and

(2) of the remainder so appropriated: 20 per centum shall be allocated among the eligible institutions in equal proportions; 40 per centum shall be allocated among the eligible institutions in the same proportion that the rural population of the State in which the eligible institution is located bears to the total rural population of all the States in which eligible institutions are located as determined by the last preceding decennial census at the time such sum is first appropriated; and 40 per centum shall be allocated among the eligible institutions in the proportion that the farm population of the State in which the eligible institution is located bears to the total farm population of all the States in which eligible institutions are located as determined by the last preceding decennial census at the time such sum is first appropriated. The allotments to Tuskegee Institute and Alabama Agricultural and Mechanical University shall be determined as if each institution were in a separate State.

(c) The State Director of the Cooperative Extension Service and the administrative head for extension at the eligible institution in each State shall jointly develop a program for the agricultural extension work that assures that the overall State cooperative extension program is coordinated, comprehensive, and complies with the basic purposes of the cooperative agricultural extension program.

(d) On or about the first day of October in each year, the Secretary of Agriculture shall determine as to each State whether it is entitled to receive its share of the annual appropriation for cooperative agricultural extension work under this section and the amount which it is entitled to receive. Before the funds herein provided shall become available to any State for any fiscal year, plans for the work to be carried on under this section shall be submitted by the proper officials of each eligible institution and approved by the Secretary of Agriculture. Such sums shall be paid in equal quarterly payments in or about October, January, April, and July of each year to the treasurer or other officer of the State duly authorized to receive the same, and such officer shall be required to report to the Secretary of Agriculture on or about the first day of April of each year, a detailed statement of the amount so received during the previous fiscal year and its disbursement, on forms prescribed by the Secretary of Agriculture.

(e) If any portion of the moneys received by the designated officer of any State for the support and maintenance of cooperative agricultural extension work, as provided in this section, shall by any action or contingency be diminished, lost, or misapplied, it shall be replaced by such State and until so replaced no subsequent appropriation shall be apportioned or paid to such State. No portion of such moneys shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings, or the purchase or rental of land, or in college-course teaching, lectures in college, or any other purpose not specified in this section. It shall be the duty of each eligible institution, annually, on or about the first day of January to make to the Governor of the State in which it is located a full and detailed report of its operations in extension work, including a detailed statement of receipts and expenditures from all sources for this purpose, a copy of which report shall be sent to the Secretary of Agriculture.

(f) If the Secretary of Agriculture finds that a State is not entitled to receive its share of the annual appropriation, the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the expiration of the next Congress. If the next Congress shall not direct such sum to be paid, it shall be carried to surplus.

(g) Official mail consisting of correspondence, bulletins, and reports in furtherance of the purposes of this section, shall be transmitted in the mails of the United States under penalty indicia: *Provided*, That each item shall bear such indicia as are prescribed by the Postmaster General and shall be mailed under such regulations as the Postmaster General may from time to time prescribe. Such items may be mailed from a principal place of business of the eligible institution or from an established subunit of that institution.

(h) Persons employed by eligible institutions to perform activities funded under this section shall be eligible to receive appointments as agents without compensation in the Federal service in accordance with regulations of the Secretary without regard to the provisions of the civil service laws.

(i) Persons so appointed shall be deemed to be Federal employees for the purposes of chapters 81, 83, 87, and 89 of title 5 of the United States Code.

SUPPORT OF RESEARCH

SEC. 1342. (a) There are hereby authorized to be appropriated annually, beginning in fiscal year 1979, such sums as Congress may determine necessary to support continuing agricultural research in furtherance of the purposes specified in the Act of March 2, 1887 (24 Stat. 440–442, as amended; 7 U.S.C. 361a–361i), at colleges eligible to receive funds under the Act of August 30, 1890 (26 Stat. 417–419, as amended; 7 U.S.C. 321–326 and 328), including Tuskegee Institute (hereinafter referred to as "eligible institutions") in addition to funds appropriated under the Act of March 2, 1887, but not in excess of 15 per centum of the amount appropriated under the Act of March 2, 1887, for the same fiscal year. Funds appropriated under this section shall be used for expenses of conducting research, printing and disseminating the results of such research, contributing to the retirement of employees subject to the provisions of the Act of March 4, 1940 (54 Stat. 39–40, as amended; 7 U.S.C. 331), administrative planning and direction, the purchase and rental of land, and the construction, acquisition, altering, or repair of buildings necessary for conducting research.

(b) The eligible institutions are authorized to plan and conduct research in cooperation with each other and such agencies, institutions, and individuals as may contribute to the solution of agricultural problems; and moneys appropriated pursuant to this section shall be available for paying the necessary expenses of planning, coordinating, and conducting such cooperative research.

(c) The funds appropriated annually under this section shall be distributed as follows:

(1) 3 per centum shall be available to the Secretary of Agriculture for administration of this section; and

(2) the remainder shall be allotted among the eligible institutions as follows: 20 per centum in equal shares to each eligible institution; 40 per centum shall be allocated among the eligible institutions in the same proportion that the rural population of the State in which the eligible institution is located bears to the total rural population of all the States in which eligible institutions are located as determined by the last preceding decennial census at the time that such sum is first appropriated; and 40 per centum shall be allocated among the eligible institutions in the same proportion that the farm population of the State in which the eligible institution is located bears to the total farm population of all the States in which eligible institutions are located as determined by the last preceding decennial census at the time that such sum is first appropriated. The allotments to Tuskegee Institute and Alabama Agricultural and Mechanical University shall be determined as if each institution were in a separate State.

(d) The Director of the State agricultural experiment station in each State where an eligible institution is located and the administrative head for agricultural research at the eligible institutions in such State shall jointly develop a program for research that assures that the overall agricultural research program of the State is coordinated, comprehensive, and complies with the basic purposes of the cooperative State-Federal agricultural research program.

(e) Sums available for allotment to the institutions under the terms of this section shall be paid to each eligible institution in equal quarterly payments beginning on the first day of October of each year upon vouchers approved by the Secretary of Agriculture. The President of each such institution authorized to receive allotted funds shall appoint a chief administrative officer for agricultural research and a treasurer or other officer shall be appointed by the governing board of the institution. Such treasurer or other officer shall receive and account for all funds allotted to the institution under the provisions of this section and shall report, with the approval of the chief administrative officer for agricultural research, to the Secretary of Agriculture on or before the first day of December of each year, a detailed statement of the amount received under provisions of this section during the preceding fiscal year, and of its disbursement on schedules prescribed by the Secretary of Agriculture. If any portion of the allotted moneys received by the authorized receiving officer of any eligible institution shall by any action or contingency be diminished, lost, or misapplied, it shall be replaced by the institution concerned and until so replaced no subsequent appropriation shall be allotted or paid to such institution.

(f) Bulletins, reports, periodicals, reprints of articles, and other publications necessary for the dissemination of results of the researches and experiments funded under this section, including lists of publications available for distribution, shall be transmitted in the mails of the United States under penalty indicia: *Provided,* That each publication shall bear such indicia as are prescribed by the Postmaster General and shall be mailed under such regulations as the Postmaster General may from time to time prescribe. Such publications may be mailed from the principal place of business of the eligible institution or from an established subunit of such institution.

(g) The Secretary of Agriculture is hereby charged with the responsibility for the proper administration of this section, and is authorized and directed to prescribe such rules and regulations as may be necessary to carry out its provisions. It shall be the duty of the Secretary to furnish such advice and assistance as will best promote the purposes of this section, including participation in coordination of research initiated under this section by the eligible institutions, from time to time to indicate such lines of inquiry as to the Secretary seem most important, and to encourage and assist in the establishment and maintenance of cooperation by and between the several eligible institutions and the State agricultural experiment stations, and between them and the United States Department of Agriculture.

(h)(1) On or before the first day of October in each year, the Secretary of Agriculture shall determine as to each eligible institution whether it is entitled to receive its share of the annual appropriations for eligible institutions under this section and the amount which thereupon each is entitled, respectively, to receive.

(2) Whenever it shall appear to the Secretary of Agriculture from the annual statement of receipts and expenditures of funds by any eligible institution that any portion of the preceding annual appropriation allotted to that institution under this section was not obligated during such preceding fiscal year, such amount shall not be made available to that institution for any fiscal year subsequent to such fiscal year.

(3) If the Secretary of Agriculture shall withhold from any eligible institution any portion of the appropriations available for allotment, the facts and reasons therefore shall be reported to the President and the amount involved shall be kept separate in the Treasury until the close of the next Congress. If the next Congress shall not direct such sum to be paid, it shall be carried to surplus.

(4) The Secretary of Agriculture shall make an annual report to Congress of the receipts and expenditures and work of the eligible institutions in all the States under the provisions of this section and also whether any portion of the appropriation available for allotment to any institution has been withheld and if so the reasons therefor.

(i) Nothing in this section shall be construed to impair or modify the legal relation existing between any of the eligible institutions and the government of the States in which they are respectively located.

Subtitle H—Solar Energy Research and Development

AGRICULTURAL RESEARCH

SEC. 1343. The Act of June 29, 1935 (49 Stat. 436–439, as amended; 7 U.S.C. 427 and 427i), is amended by—

(a) inserting after "electricity and other forms of power;" in the third sentence of section 1 the following: "research and development relating to uses of solar energy with respect to farm buildings, farm homes, and farm machinery (including equipment used to dry and cure crops and provide irrigation);";

(b) adding at the end of section 1 the following new sentence: "For purposes of this section, the term 'solar energy' means energy (other than energy derived from the fossilization process) obtained from solar radiation, including solar heat, wind, and biomass."; and

AGRICULTURAL EXTENSION

SEC. 1344. The Act of May 8, 1914 (38 Stat. 372–374, as amended; 7 U.S.C. 341–343, 344–346, 347a, 348 and 349), is amended by—

(a) inserting after "subjects relating to agriculture" in section 1 the following: ", uses of solar energy with respect to agriculture,";

(b) adding at the end of section 1 the following new sentence: "For purposes of this Act, the term 'solar energy' means energy (other than energy derived from the fossilization process) obtained from solar radiation, including solar heat, wind, and biomass.";

(c) inserting after "demonstrations in agriculture" in section 2 the following: ", uses of solar energy with respect to agriculture,"; and

RURAL DEVELOPMENT

SEC. 1345. (a) Section 303 of the Consolidated Farm and Rural Development Act (75 Stat. 307, as amended; 7 U.S.C. 1923) is amended by inserting "(a)" immediately before the first sentence and by adding the following new subsection at the end of such section:

"(b) For purposes of this subtitle—

"(1) the term 'improving farms' includes the acquisition and installation of any qualified solar energy thermal conversion system in any residential structure located on a family farm; and

"(2) the term 'qualified solar energy thermal conversion system' means solar heating and cooling equipment (within the meaning of the Solar Heating and Cooling Demonstration Act of 1974) which meets the minimum property standards prescribed by the Secretary of Housing and Urban Development or such later or revised appropriate and available standards as may be prescribed by the Secretary of Housing and Urban Development.".

(b) Section 312(a) of the Consolidated Farm and Rural Development Act (75 Stat. 310, as amended; 7 U.S.C. 1942(a)) is amended by—

(1) inserting after "poultry, and farm equipment" in clause (2) the following: "(including equipment which utilizes solar energy)"; and

(2) adding at the end of such section the following new sentence: "For purposes of this section, the term 'solar energy' means energy (other than energy derived from the fossilization process) obtained from solar radiation, including solar heat, wind, and biomass.".

SOLAR, ENERGY RESEARCH INFORMATION SYSTEM

SEC. 1346. The Secretary of Agriculture shall, through the Cooperative State Research Service and other agencies within the Department of Agriculture which the Secretary considers appropriate, in consultation with the Energy Research and Development Administration, the Agricultural Institute of the National Academy of Sciences, and private and nonprofit institutions involved in solar energy research projects, by June 1, 1978, and by June 1 in each year thereafter, make a compilation of solar energy research projects related to agriculture which are being carried out during such year by Federal, State, private, and nonprofit institutions and the results of such projects. Such projects may include, but are not limited to, those dealing with heating and cooling methods for farm structures and dwellings (such as greenhouses, curing barns, and livestock shelters), storage of power, operation of farm equipment (including irrigation pumps, crop dryers, and anaerobic digesters), and development of new technology to be used on farms which are powered by solar energy.

SEC. 1347. The Secretary of Agriculture shall carry out a program of competitive grants to persons and organizations, subject to the requirements and conditions specified in section 2(b) of the Act of August 4, 1965, as amended, for carrying out research and development relating to uses of solar energy with respect to farm buildings, farm homes, and farm machinery (including, but not limited to, equipment used to dry or cure farm crops, forest products, and to provide irrigation); research and development relating to uses of biomass derived from solar energy, including farm and forest products, byproducts, and residues, as substitutes for nonrenewable fuels and petrochemicals.

DEMONSTRATION FARMS

SEC. 1348. (a) In order to promote the establishment and operation of solar energy demonstration farms within each State and territory of the United States, the Secretary of Agriculture shall distribute funds to carry out the activities described in subsections (b) and (c) of this section and section 1349 of this title to State extension services and State agricultural experiment stations, forestry schools eligible to receive funds under the McIntyre-Stennis Act as amended, and colleges eligible to receive funds under the Act of August 30, 1890, as amended, including Tuskegee Institute (hereinafter referred to as "eligible institutions"), in accordance with such rules and regulations as the Secretary may prescribe.

(b) The eligible institutions in each State shall —

(1) By mutual agreement determine which solar energy projects shall be demonstrated in that State.

(2) Establish, in cooperation with the State department of agriculture, and local nonprofit research groups in such State, at least one large model farm—

(A) which demonstrates all the solar energy projects determined, pursuant to subparagraph (1) of this subsection, to be useful and beneficial to the State;

(B) which is located in the State on land owned or operated by that State and, if practicable, on the State agricultural experiment station farm land;

(C) which includes other farming practices, such as raising livestock and crops, in order to provide a model of a farm using solar energy as a means of heating, cooling, drying crops, and providing other farming needs.

(3) Sell the products of the model farm established under paragraph (2) and deposit any funds received through such sales into the miscellaneous receipts of the State agricultural experiment station of the land grant university in such State.

(4) Provide tours of such model farm to farmers and other interested individuals.

(5) Determine the costs of energy, the income and the total cost of such model farm.

(6) Annually compile a report concerning energy usage, income costs, operating difficulties, and farmer interest with respect to the model farm and individual farm demonstrations established under this subsection and shall submit the report to the Secretary of Agriculture along with any recommendations concerning project changes and specific needs of such farm or demonstrations.

(c) The results obtained from each model farm which prove to be economically practical will be extended to other farms in each State through the State cooperative extension service as part of its ongoing energy management and conservation educational programs.

MODEL FARMS

SEC. 1349. During each calendar year after the first two calendar years for which eligible institutions in a State receive grants under this title, the eligible institutions shall by mutual agreement establish not less than ten demonstrations of solar energy projects which they shall select from among the projects demonstrated on the model farm established under section 1348. Such demonstrations shall be carried out on farms which are already operating in the State.

REGIONAL SOLAR ENERGY RESEARCH AND DEVELOPMENT CENTERS

SEC. 1350. In order to provide for research and development projects having a national or regional application, the Secretary of Agriculture shall establish in existing Federal facilities or in cooperation with State and local government agencies, including State departments of agriculture, colleges and universities, or other qualified persons and organizations, including local nonprofit research groups, no less than three nor more than five regional solar energy research and development centers in the United States, to be variously located so as to reflect the unique solar characteristics of different latitudes and climatic regions within the United States. Funds used in the operation of such regional centers may be used for the rehabilitation of existing buildings or facilities to house such centers, but may not be used for the construction or acquisition of new buildings.

AUTHORIZATION OF APPROPRIATIONS

SEC. 1351. There are hereby authorized to be appropriated such funds as are needed to carry out the provisions of this subtitle.

DEFINITIONS

SEC. 1352. As used in sections 1346, 1347, 1348, 1349, and 1350 of this title, the term "solar energy" means energy (other than energy derived from fossilization process) obtained from solar radiation, including solar heat, wind, and biomass.

Subtitle I—Hydrocarbon Research and Development

GRANTS FOR RESEARCH ON INDUSTRIAL HYDROCARBONS FROM AGRICULTURAL COMMODITIES AND FOREST PRODUCTS

SEC. 1353. The Secretary of Agriculture shall make grants under this section to colleges and universities with capacity for agricultural research for the purpose of conducting research related to (1) the production and marketing of coal tar for the manufacture of agricultural chemicals and alcohol-blended motor fuel (such agricultural chemicals to include, but not be limited to, fertilizers, herbicides, insecticides, and pesticides), (2) the production and marketing of alcohol made from agricultural commodities and forest products as a substitute for alcohol made from petroleum products, and (3) the production and marketing of other industrial hydrocarbons derived from agricultural commodities and forest products. There is authorized to be appropriated for the purpose of carrying out the provisions of this section, $3,000,000 for the fiscal year ending September 30, 1978, and such sums as may be necessary for the four subsequent fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, except that the total amount of such appropriations shall not exceed $24,000,000 duirng the five-year period beginning October 1, 1977, and ending September 30, 1982, and not in excess of such sums as may thereafter be authorized by law for any subsequent fiscal year: *Provided*, That not more than a total of $3,000,000 may be awarded to the colleges and universities of any one State.

PILOT PROJECTS FOR THE PRODUCTION AND MARKETING OF INDUSTRIAL HYDROCARBONS FROM AGRICULTURAL COMMODITIES AND FOREST PRODUCTS

SEC. 1354. Title V of the Consolidated Farm and Rural Development Act of 1972 is amended by adding at the end thereof a new section as follows:

"SEC. 509. (a) The Secretary of Agriculture is authorized and directed to formulate and carry out a pilot program for the production and marketing of industrial hydrocarbons derived from agricultural commodities and forest products for the purpose of stabilizing and expanding the market for such commodities and products and expanding the Nation's supply of industrial hydrocarbons.

"(b) The Secretary of Agriculture shall provide for four pilot projects for the production of industrial hydrocarbons from agricultural commodities and forest products by guaranteeing loans not to exceed $15,000,000 per project to public, private, or cooperative organizations organized for profit, or nonprofit, or to individuals for a term not to exceed twenty years at such a rate of interest agreed upon by the borrower and lender.

"(c) No loan may be guaranteed under this section unless (1) research indicates the total energy content of the products and byproducts to be manufactured by the loan applicant will exceed the total energy input from fossil fuels utilized in the manufacture of such products and by-products, or (2) such other conditions as the Secretary deems appropriate to achieve the purposes of this section are met.

"(d) In order to assure the recipients of loans made under this section with a dependable supply of agricultural commodities at a stable price for use in the pilot projects provided for under this section, the Secretary is authorized to enter into long-term contracts, not exceeding five years, with the recipients of such loans. Such contracts shall guarantee the recipients of such loans a specified quantity of agricultural commodities annually at mutually agreed upon prices, but in no case shall the agricultural commodities be sold under any such contracts at less than the price support level prescribed for the commodity concerned unless the product is out of condition, unstorable, or sample-grade or lower, as prescribed in Department of Agriculture standards.

"(e) The Secretary of Agriculture shall purchase such quantities of agricultural commodities as may be necessary to comply with the terms of agreements entered into under this section.

"(f) The provisions of this section shall be carried out through the Commodity Credit Corporation.".

EFFECTIVE DATE

SEC. 1355. The provisions of this title shall become effective October 1, 1977.

TITLE XIV—DEPARTMENT OF AGRICULTURE ADVISORY COMMITTEES

PURPOSES

SEC. 1401. The purposes of this title are to—

(a) require strict financial and program accounting by advisory committees of the Department of Agriculture;

(b) assure balance and objectivity in the membership of such advisory committee; and

(c) prevent the formation or continuation of unnecessary advisory committees by the Department of Agriculture.

DEFINITIONS

SEC. 1402. When used in this title—

(a) the term "Secretary" means the Secretary of Agriculture of the United States;

(b) the term "Department of Agriculture" means the United States Department of Agriculture; and

(c) the term "advisory committee" means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof which is established or utilized by the Department of Agriculture in the interest of obtaining advice or recommendations for the President or the Department of Agriculture, except that such term excludes any committee which (1) is composed wholly of full-time officers or employees of the Federal Government, or (2) is established by statute or reorganization plan, or (3) is established by the President.

ESTABLISHMENT OF ADVISORY COMMITTEES

SEC. 1403. No advisory committee shall be established by the Department of Agriculture unless the Secretary determines that—

(a) the advisory committee will serve an essential function;

(b) the proposed membership for the advisory committee represents a balance of differing views;

(c) the proposed work and goals of the advisory committee cannot be carried out by an existing advisory committee;

(d) the proposed budget of the advisory committee reflects the reasonably anticipated costs of performing the function of the advisory committee; and

(e) the establishment of the advisory committee is in the public interest.

ADDITIONAL DUTIES OF THE SECRETARY

SEC. 1404. In addition to any responsibilities which the Secretary has under the Federal Advisory Committee Act, as amended, or other provision of law with respect to advisory committees, the Secretary shall insure that all advisory committees—

(a) comply with all provisions of law relating to advisory committees, including this title;

(b) submit all reports and recommendations in written form;

(c) retain a written record of any responses made by the Department of Agriculture to the recommendations of the advisory committees; and

(d) do not exceed their proposed budgets by 10 per centum or $500, whichever is greater, without receiving prior approval for such additional expenditures from the Secretary as provided under section 1408 of this title.

MEMBERSHIP ON ADVISORY COMMITTEES

SEC. 1405. (a) No person other than an officer or employee of the Department of Agriculture shall serve on an advisory committee for more than six consecutive years.

(b) No person shall simultaneously serve on more than one advisory committee unless authorized by the Secretary.

(c) All advisory committees shall, to the extent practicable, have—

(1) a balanced membership reflecting the differing views of the groups substantially affected by the matters to be considered by such advisory committees; and

(2) ethnic, racial, and sexual balance.

(d) Each member of an advisory committee shall use his or her full name and principal place of residence, and shall provide the Secretary with (1) the names of persons or companies by whom he or she is employed, (2) his or her principal occupation, and (3) his or her major sources of income. Such information shall be forwarded to the appropriate committees of Congress having legislative jurisdiction or oversight responsibility with respect to the agency within the Department of Agriculture which established the advisory committee, as part of the annual report provided for in section 1408 of this title.

(e) Not more than one officer or employee of any corporation or other entity, including all subsidiaries and affiliates thereof, shall serve on the same advisory committee at any one time, unless excepted by the Secretary.

ADVISORY COMMITTEE CHARTER REQUIREMENTS—OPERATING COSTS

Sec. 1406. In addition to complying with the other requirements of section 9(c) (G) of the Federal Advisory Committee Act, each advisory committee shall provide the following information to the Secretary when it files its charter—

(a) a statement that the estimate of annual operating costs developed pursuant to section 9(c) (G) of the Federal Advisory Committee Act is inclusive of all private and public moneys to be spent by or on behalf of the advisory committee; and

(b) specific estimates of—

(1) the amount of Federal funds that will be used annually to support directly or indirectly the operation of the advisory committee;

(2) the dollar value of the time and the expenses that will be incurred annually by Federal agencies and employees in assisting in the operation of the advisory committee;

(3) the travel expenses, including per diem or subsistence in lieu thereof, that will be incurred annually by advisory committee members and Department employees in attending meetings of the advisory committee, including travel performed in support of the advisory committee's operation; and

(4) all expenses that will be paid annually by sources outside the Government, including, but not limited to, expenses borne by the committee members or other individuals, such as their employers, corporations, organizations, associations, or labor organizations.

ANNUAL REPORT

Sec. 1407. (a) In addition to the other requirements of section 10 of the Federal Advisory Committee Act, as amended, each advisory committee within the Department of Agriculture, including all advisory committees as defined in section 1402(c) of this title and all other advisory committees within the Department of Agriculture established by statute or reorganization plan or established by the President, shall prepare, at least annually, a written report which shall contain—

(1) a description of all recommendations and suggestions it has provided to any executive department, agency, or other authority of the United States, or of any State, or to any individual during the immediately preceding year;

(2) a description of the response it has made during the immediately preceding year to specific recommendations and suggestions from any executive department, agency, or other authority of the United States, or of any State, or from any individual;

(3) an itemization, in detail, of all costs incurred by it during the immediately preceding year, including, but not limited to—

(A) public money spent on transportation for advisory committee members and other Department of Agriculture employees engaged in the business of the advisory committee, including individuals who are not members of the advisory committee;

(B) per diem allowances for temporary duty expenses for advisory committee members and for Department of Agriculture employees engaged in the work of the advisory committee who are not members of the advisory committee;

(C) salaries and consultant fees paid to the advisory committee members, guest presenters, or other advisors or assistants to the advisory committee at meetings of the advisory committee;

(D) the value of Department of Agriculture staff support time spent on the business of the advisory committee;

(E) the cost of leasing, renting, or purchasing equipment, meeting rooms, and supplies for the advisory committee;

(F) any additional cost involved in meetings of the advisory committee, including receptions, luncheons, dinners, and entertainment;

(G) miscellaneous expenses, with a separate category for any major expense item peculiar to the advisory committee; and

(H) such other expenses or cost items as may be relevant to full disclosure of the costs of operating the advisory committee; and

(4) a list of the members of the advisory committee and, where applicable, the background information on each member required to be submitted under section 1405 of this title.

(b) The report required by this section shall be transmitted to the Secretary, the appropriate committees of Congess having legislative jurisdiction or oversight with respect to the agency within the Department of Agriculture which established the advisory committee, and the Library of Congress. A copy of such report shall also be available at the central location of each such advisory committee's files.

BUDGET PROHIBITIONS

Sec. 1408. (a) No advisory committee shall expend funds in excess of its estimated annual operating costs by more than 10 per centum or $500, whichever is greater, unless it files a request therefor with the Secretary prior to any such expenditure which shall specify the use to which such funds will be put together with a comprehensive explanation as to why such expenditures were not known at the time of the annual estimate of operating costs, and the Secretary approves such request.

(b) The Secretary shall not approve the release of any funds under the Secretary's control to an advisory committee for any such overrun expenditure unless the Secretary finds that such funds are essential to the performance of the advisory committee's mission and the need of such funds could not have been reasonably anticipated.

TERMINATION OF ADVISORY COMMITTEES

Sec. 1409. (a) The Secretary shall terminate any advisory committee upon a finding that any such advisory committee—

(1) has expended funds in excess of its estimated annual operating costs by more than 10 per centum or $500, whichever is greater, without having obtained the prior approval of the Secretary pursuant to the provisions of section 1408 of this title;

(2) has failed to file in a timely manner all reports required under the provisions of the Federal Advisory Committee Act, as amended, or this title;

(3) has failed to meet for two consecutive years;

(4) has failed to issue any written reports other than reports required under the Federal Advisory Committee Act, as amended, and this title for two consecutive years;

(5) has failed to comply with any provision of the Federal Advisory Committee Act, as amended, or this title;

(6) is responsible for functions which otherwise would be or should be performed by Federal employees; or

(7) does not serve or has ceased to serve an essential public function.

(b) Any advisory committee terminated under the provisions of this section may be reestablished only under the procedures set out in section 9 of the Federal Advisory Committee Act. If an advisory committee terminated under the provisions of this section is reestablished, all records, reports, and the complete files of such advisory committee so terminated shall be maintained together with the files of such reestablished advisory committee.

EFFECTIVE DATE

Sec. 1410. The provisions of this title shall become effective on October 1, 1977.

TITLE XV—RURAL DEVELOPMENT AND CONSERVATION

Subtitle A—Rural Community Fire Protection Program

DISPOSITION OF EXCESS FEDERAL PROPERTY TO RURAL FIRE FORCES

Sec. 1501. Section 402 of the Rural Development Act of 1972 (86 Stat. 670; 7 U.S.C. 2652) is amended by inserting "(a)" before the first sentence and adding at the end thereof new subsections (b) and (c) as follows:

"(b) The Secretary, with cooperation and assistance from the Administrator of General Services, shall encourage the use of excess personal property (within the meaning of the Federal Property and Administrative Services Act of 1949) by rural fire forces receiving assistance under this title.

"(c) To promote maximum program effectiveness and economy, the Secretary shall closely coordinate the assistance provided under this title with assistance provided under other fire protection and rural development programs administered by the Secretary".

REPORTS TO CONGRESS

Sec. 1502. Section 403 of the Rural Development Act of 1972 (86 Stat. 671; 7 U.S.C. 2653) is amended by (1) striking out "Report.—" and inserting in lieu thereof "Reports.—(a)"; and (2) adding at the end thereof new subsection (b) as follows:

"(b) Not later than March 1 of each year, beginning in the calendar year 1978, the Secretary of Agriculture shall submit a report to Congress regarding the operation, during the preceding fiscal year, of the program provided for under this title. The Secretary shall include in such report the number of applications for assistance filed by each State during such fiscal year, the number of such applications approved by the Secretary, the amounts allocated to each State, and the purposes for which such allocations were made. The Secretary shall also include in the report any comments and recommendations for improving the program as the Secretary deems appropriate.".

EXTENSION OF APPROPRIATIONS AUTHORITY

Sec. 1503. Section 404 of the Rural Development Act of 1972 (86 Stat. 671, as amended; 7 U.S.C. 2654) is amended by adding at the end thereof the following new sentence: "There is further authorized to be appropriated to carry out the provisions of this title not to exceed $7,000,000 for each of the fiscal years ending September 30, 1978, September 30, 1979, and September 30, 1980.".

Subtitle B—Congressional Approval of Watershed Projects

Sec. 1504. The Watershed Protection and Flood Prevention Act, as amended, is amended as follows:

(a) Section 2(3) is amended by striking out "$250,000" and inserting in lieu thereof "$1,000,000".

(b) Section 5(3) is amended by striking out "$250,000" and inserting in lieu thereof "$1,000,000".

(c) Section 5(4) is amended by striking out "$250,000" and inserting in lieu thereof "$1,000,000".

Subtitle C—Congressional Approval of Resource Conservation and Development Project Loans

Sec. 1505. The third sentence of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (50 Stat. 525, as amended; 7 U.S.C. 1011 (e)), is amended by striking out "$250,000" and inserting in lieu thereof "$500,000".

Subtitle D—Watershed Loan Authority

Sec. 1506. The last sentence of section 8 of the Watershed Protection and Flood Prevention Act, as amended, is amended by striking out "five million dollars" and inserting in lieu thereof "$10,000,000".

Subtitle E—Multiyear Set-aside Contracts

Sec. 1507. Section 1005 of the Agricultural Act of 1970, as added, is amended by striking out "1977" and inserting in lieu thereof "1982", and by striking out "1974 through 1978" and inserting in lieu thereof "1974 through 1982".

Subtitle F—Agricultural Conservation Program

Sec. 1508. Section 8 of the Soil Conservation and Domestic Allotment Act (49 Stat. 1149, as amended; 16 U.S.C. 590h), is amended—

(a) by striking out the first three sentences of subsection (b) and inserting in lieu thereof the following:

"The Secretary is authorized to carry out the policy and purposes specified in section 7(a) of this Act by providing financial assistance to agricultural producers for carrying out enduring conservation and environmental enhancement measures. Eligibility for financial assistance shall be based upon the existence of conservation or environmental problems which cause a reduction in the productive capacity of the Nation's land and water resources or cause a degradation of environmental quality.

"The amount of financial assistance to be provided shall be that portion of the cost of effectuating the physical installation of conservation and environmental enhancement measures which the Secretary determines is necessary. In determining the level of payment, consideration will be given to—

"(1) the agricultural producer's inability to carry out the needed measures with such producer's own resources,

"(2) the amount of expected conservation or environmental benefit accruing to society,

"(3) the total cost of carrying out the needed measures,

"(4) the degree to which the agricultural producer benefits from other public programs aimed at conservation and environmental enhancement, and

"(5) the degree to which appropriate conservation or pollution abatement practices will be applied in the absence of financial assistance.

The Secretary, in formulating the national program, shall take into consideration—

"(1) the need to control erosion and sedimentation from agricultural land and to conserve the water resources on such land,

"(2) the need to control pollution from animal wastes,

"(3) the need to facilitate sound resources management systems through soil and water conservation,

"(4) the need to encourage voluntary compliance by agricultural producers with Federal and State requirements to solve point and nonpoint sources of pollution,

"(5) national priorities reflected in the National Environmental Policy Act and other current congressional and administrative actions,

"(6) the degree to which the measures contribute to the national objective of assuring a continued supply of food and fiber necessary for the maintenance of a strong and healthy people and economy, and

"(7) the type of conservation measures needed to improve water quality in rural America."; and

(b) by striking out the first three paragraphs of subsection (e) and inserting in lieu thereof the following:

"Payments made by the Secretary under subsection (b) of this section to agricultural producers shall be divided among landlords, tenants, and sharecroppers in proportion to the extent such landlords, tenants, and sharecroppers contribute to the cost of carrying out the conservation or environmental enhancement measures. The maximum payment which may be made to any person shall be determined by the Secretary.".

APPROPRIATIONS, AUTHORIZATIONS AND ALLOCATIONS OF FUNDS

Sec. 1509. Section 15 of the Soil Conservation and Domestic Allotment Act (49 Stat. 1151, as amended; 16 U.S.C. 590o), is amended—

(a) by adding at the end of the first sentence three new sentences as follows: "The amount appropriated shall be available until expended. A specified amount or percentage of the appropriation shall be designated for long-term agreements based on farm and ranch conservation plans approved by local conservation districts, where such districts are organized. The Secretary shall distribute the funds available for financial assistance among the several States in accordance with their conservation needs, as determined by the Secretary."; and

(b) by striking out the second paragraph.

EFFECTIVE DATE

Sec. 1510. The provisions of this title shall become effective October 1, 1977.

TITLE XVI—MISCELLANEOUS PROVISIONS

INCLUSION OF AQUACULTURE AND HUMAN NUTRITION AMONG THE BASIC FUNCTIONS OF THE DEPARTMENT OF AGRICULTURE

Sec. 1601. (a) Section 520 of the Revised Statutes (7 U.S.C. 2201), is amended by striking out the phrase "agriculture and rural development" and inserting in lieu thereof the phrase "agriculture, rural development, and fresh water aquaculture, and human nutrition".

(b) Subsection (a) of section 526 of the Revised Statutes (7 U.S.C. 2204(a)), is amended by striking out the phrase "agriculture and rural development" and inserting in lieu thereof the phrase "agriculture, rural development, and fresh water aquaculture, and human nutrition".

BEEKEEPER INDEMNITY PROGRAM

Sec. 1602. Section 804(f) of the Agricultural Act of 1970, as amended, is amended by striking out "December 31, 1977" and inserting in lieu thereof "December 31, 1982".

AQUACULTURE LOAN AUTHORITY

Sec. 1603. (a) Section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011(e)), is amended by inserting immediately after the words "land utilization" the following: "or plans for the conservation, development, and utilization of water for aquaculture purposes".

(b) Section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, is further amended by inserting immediately before the second sentence a new sentence as follows: "As used in this subsection, the term 'aquaculture' means the culture or husbandry of aquatic animals or plants.".

(c)(1) Section 310B(a) of substitle A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)) is amended by striking out the period at the end of the first sentence and inserting in lieu thereof the following: ", and the conservation, development, and utilization of water for aquaculture purposes.".

(2) Such section is further amended by adding at the end thereof a new sentence as follows: "As used in this subsection, the term 'aquaculture' means the culture or husbandry of aquatic animals or plants by private industry for commercial purposes including the culture and growing of fish by private industry for the purpose of creating or augmenting publicly owned and regulated stocks of fish.".

RESCUE OPERATIONS BY THE SECRETARY OF AGRICULTURE ON NATIONAL FOREST SYSTEM LANDS

Sec. 1604. Section 3 of the Act of May 27, 1930 (46 Stat. 387; 16 U.S.C. 575), is amended to read as follows:

"Sec. 3. (a) The Secretary of Agriculture is authorized in cases of emergency to utilize personnel and equipment and incur such expenses as may be necessary in—

"(1) searching for persons lost within the National Forest System;

"(2) providing emergency medical services for persons seriously ill or injured within the National Forest System and while in transit to the nearest medical facility;

"(3) transporting persons seriously ill or injured within the National Forest System to the nearest medical facility or to the nearest place where the sick or injured person may be transferred to interested parties or local authorities; and

"(4) transporting persons who die within the National Forest System to the nearest place where the body may be transferred to interested parties or local authorities.

"(b) The Secretary of Agriculture may cooperate with any State or political subdivision thereof in conducting activities under this section, and the Secretary may reimburse cooperators under terms of a written agreement for expenditures incurred in connection with services and materials provided under this section.

"(c) There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this section.".

OTHER RESCUE OPERATIONS BY THE SECRETARY OF AGRICULTURE IN CASES OF EMERGENCY

Sec. 1605. (a) The Secretary of Agriculture is authorized, when called upon by local or State authorities, in cases of emergency, to utilize personnel and equipment and incur such expenses as may be necessary in—

(1) searching for lost persons;

(2) providing emergency medical services for persons seriously ill or injured at the place where such persons are located and while in transit to the nearest medical facility;

(3) transporting persons seriously ill or injured to the nearest medical facility or to the nearest place where the sick or injured persons may be transferred to interested parties or local authorities; and

(4) transporting dead persons to the nearest place where the body may be transferred to interested parties or local authorities.

(b) There is authorized to be appropriated such amounts as may be necessary to carry out the provisions of this section.

FILBERTS

SEC. 1606. Section 8e of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, is amended by inserting after "oranges, onions, walnuts, dates," the following: "filberts,".

DAILY RELEASE BY THE SECRETARY OF AGRICULTURE OF REPORTS OF EXPORT SALES OF AGRICULTURAL COMMODITIES

SEC. 1607. Section 812 of the Agricultural Act of 1970 (87 Stat. 238; 7 U.S.C. 612c–3), is amended by inserting immediately after the third sentence thereof a new sentence as follows: "When the Secretary requires that such information be reported by exporters on a daily basis, the information compiled from individual reports shall be made available to the public daily.".

CONTRACTS WITH LAND OWNERS TO UTILIZE THEIR LANDS FOR PUBLIC USE

SEC. 1608. (a) The Secretary of Agriculture (hereinafter in this section referred to as the "Secretary") may provide for payment to any producer in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if such producer agrees to permit access, without other compensation, to all or such portion of the farm as the Secretary may prescribe by the general public, for outdoor recreation, subject to applicable State and Federal regulations. The Secretary after consultation with the Secretary of the Interior shall develop guidelines for providing for (1) providing technical assistance for wildlife and habitat improvement practices, (2) reviewing applications of producers for the public land use option and selecting eligible areas based on desirability for outdoor recreation, (3) determining accessibility, (4) evaluating effects on surounding areas, (5) considering esthetic values, (6) checking compliance by cooperators, and (7) carrying out programs of wildlife stocking and management on the acreage included in the program.

(b) Any agreement may be terminated by mutual agreement with the producer if the Secretary determines that such termination would be in the public interest.

(c) Funds are authorized to be appropriated to the Secretary of the Interior for use in assisting the State wildlife agencies to carry out the provisions of this section and in administering such assistance.

(d) In carrying out the program, the Secretary shall not during any fiscal year (1) enter into agreements with producers which would require payments to producers in any calendar year under such agreements in excess of $10,000,000 plus any amount by which agreements entered into in prior fiscal years require payments in amounts less than authorized for such years, or (2) enter into agreements with States or local agencies which would require payments to such State or local government agencies in any calendar year under such agreements in excess of $10,000,000 plus any amount by which agreements entered into in prior fiscal years require payments in amounts less than authorized for such years. For purposes of applying the foregoing limitations, the annual payment shall be chargeable to the year in which performance is rendered regardless of the year in which it is made.

15 PER CENTUM RESERVE ON GUARANTEED LOANS

SEC. 1609. The Consolidated Farm and Rural Development Act is amended at section 310(b) (7 U.S.C. 1932(a)) by adding at the end thereof a new sentence as follows: "From the funds appropriated to carry out this title, the Secretary shall retain as a reserve against losses an amount equal to not less than 15 per centum of the full amount of any contractual liability which the Secretary incurs on account of loans guaranteed under this title, rather than the full amount of such liability.".

AUTHORITY TO DEFER PAYMENTS ON CERTAIN EMERGENCY FARM LOANS

SEC. 1610. Section 331 of the Consolidated Farm and Rural Development Act is amended by adding at the end thereof a new subsection as follows:

"(j) in any area eligible for emergency loans under subtitle C, permit, at his discretion, the deferral of principal and interest on any outstanding loans made, insured, or held by the Secretary under this title, or under the provisions of any other law administered by the Farmers Home Administration, for not to exceed three years from the date of such deferral.".

EFFECTIVE DATE

SEC. 1611. The provisions of this title shall become effective October 1, 1977.

TITLE XVII—WHEAT AND WHEAT FOODS RESEARCH AND NUTRITION EDUCATION ACT

SHORT TITLE

SEC. 1701. This title may be cited as the "Wheat and Wheat Foods Research and Nutrition Education Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 1702. Wheat is basic to the American diet and the American economy. It is grown by thousands of farmers and consumed, in various forms, by two hundred and fifteen million people in this country.

The size of the American wheat crop and how it is marketed and ultimately consumed determines whether many of our citizens will receive adequate nourishment. Wheat has a strong impact on both the physical and economic health of America. Additional research on the optimal use of wheat products can improve the American diet. Consumer education about the nutritional value and economic use of wheat products can enhance our national welfare.

It has long been recognized that it is in the national public interest to have a regular, adequate, and high quality wheat supply. It would be extremely difficult, without an effective coordinated research and nutrition education effort, to fully accomplish this objective. Such a programed effort of research and nutrition education is of great importance to wheat producers, processors, end product manufacturers and consumers alike.

It is therefore declared to be the policy of the Congress and the purpose of this Act that it is essential in the public interest through the exercise of the powers provided herein, to authorize and enable the creation of an orderly procedure, adequately financed through an assessment for the development and initiation of an effective and continuous coordinated program of research, and dissemination of the results of research through nutrition education, designed to improve and enhance the quality and make the most efficient use of American wheat, processed wheat, and wheat end products to insure an adequate diet for all Americans. The maximum rate of assessment authorized hereunder would represent an infinitesimal proportion of the overall cost of manufacturing wheat end products. Therefore, it is not expected that such assessment would significantly affect the retail price of those products. Furthermore, any such price effect is expected to be more than offset by the increased efficiency in end product manufacture and increased consumer acceptance, due to nutritional improvements in those products, which may be expected to follow from adoption of a plan under this Act. Nothing in this Act shall be construed to provide for control or production or otherwise limit the right of individual wheat producers to produce wheat.

DEFINITIONS

SEC. 1703. For the purposes of this Act:

(a) The term "wheat" means all classes of wheat grains grown in the United States.

(b) The term "processed wheat" means the wheat-derived content of any substance (such as cake mix or flour) produced for use as an ingredient of an end product by changing wheat grown withihn the United States in form or character by any mechanical, chemical, or other means.

(c) The term "end product" means any product which contains processed wheat as an ingredient and which is intended, as produced, for consumption as human food notwithstanding any additional incidental preparation which may be necessary by the ultimate consumer.

(d) The term "wheat producer" means any person who grows wheat within the United States for market.

(e) The term "processor" means any person who commercially produces processed wheat within the United States.

(f) The term "end product manufacturer" means any person, who commercially produces an end product containing processed wheat within the United States, but such term shall not include such persons to the extent that they produce end products on the premises where such end products are to be consumed by an ultimate consumer, including, but not limited to, hotels, restaurants, and institutions, nor shall such term include persons who produce end products for their own personal, family, or household use.

(g) The term "research" means any type of research to advance the nutritional quality, marketability, production, or other qualities of wheat, processed wheat, and end products.

(h) The term "nutrition education" means any action to disseminate to the public information resulting from research plans or projects concerning the economic value of nutritional benefits of wheat, processed wheat, and end products.

(i) The term "Council" means the Wheat Industry Council established pursuant to section 1706 of this Act.

(j) The term "Department" means the United States Department of Agriculture.

(k) The term "Secretary" means the Secretary of Agriculture, or any officer or employee of the United States Department of Agriculture who is authorized to exercise the powers and perform the duties of the Secretary.

(l) The term "person" means any individual, partnership, corporation, association, or other entity.

(m) The term "United States" means the several States and the District of Columbia, including any territory or possession.

ISSUANCE OF ORDERS

SEC. 1704. (a) Whenever the Secretary has reason to believe that the issuance of an order will tend to effectuate the declared policy of this Act, he shall give due notice and opportunity for hearing upon a proposed order. Such hearing may be requested and proposal for an order submitted by an organization certified pursuant to section 1714 of this Act, or by any interested person affected by the provisions of this Act, including the Secretary.

(b) After notice and opportunity for hearing as provided in section 1704(a), the Secretary shall issue an order if he finds, and sets forth in such order, upon the evidence introduced at such hearing that the issuance of such order and all the terms and conditions thereof will tend to effectuate the declared policy of this Act.

PERMISSIVE TERMS IN CONGRESS

SEC. 1705. Orders issued pursuant to this Act shall contain one or more of the following terms and conditions, and, except as provided in section 1706, no others:

(a) Providing for the establishment, issuance, effectuation, and administration of appropriate plans or projects for nutrition education, both within the United States and in international markets with respect to wheat, processed wheat, and end products, and for the disbursement of necessary funds for such purposes: *Provided*, That in carrying out any such plan or project, no reference to a private brand or trade name shall be made if the Secretary determines that such reference will result in undue discrimination against wheat, processed wheat, and end products of other persons: *And provided further*, That no such programs shall make use of unfair or deceptive acts or practices in behalf of wheat, processed wheat, and end products or unfair or deceptive acts or practices with respect to quality, value, or use of any competing product;

(b) Providing for establishing and carrying on research or studies with respect to sale, distribution, marketing, utilization, or production of wheat, processed wheat, and end products and the creation of new products thereof to the end that the marketing and utilization of wheat, processed wheat, and end products may be encouraged, expanded, improved, or made more acceptable, and for the disbursement of necessary funds for such purposes;

(c) providing that processors, distributors of processed wheat, and end product manufacturers shall maintain and make available for inspection by the Secretary or the Council such books and records as may be required by any order issued pursuant to this Act and for the filing of reports by such persons at the time, in the manner, and having content prescribed by the order, to the end that information and data shall be made available to the Council and to the Secretary which is appropriate or necessary to the effectuation, administration, or enforcement of the Act, or of any order or regulation issued pursuant to this Act: *Provided*, That all information so obtained shall be kept confidential by all officers and employees of the Department of Agriculture, the Council, and by all officers and employees of contracting agencies having access to such information, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving the order with reference to which the information so to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit (1) the issuance of general statements based upon the reports of the number of persons subject to an order or statistical data collected therefrom, which statements do not identify the information furnished by any person, (2) the publication, by direction of the Secretary, of general statements relating to refunds made by the Council during any specific period, or (3) the publication by direction of the Secretary of the name of any person who has been adjudged to have violated any order, together with a statement of the particular provisions of the order violated by such person. Any such officer or employee of the Department, the Council, or a contracting agency violating the provisions of this subsection shall, upon conviction, be subjected to a fine of not more than $1,000 or to imprisonment for not more than one year, or to both, and if an officer or employee of the Council or Department of Agriculture shall be removed from office;

(d) Providing for exemption of specified end products, or types or categories thereof, from the assessments required to be paid under section 1706 under such conditions and procedures as may be prescribed in the order or rules and regulations issued thereunder.

(e) Terms and conditions incidental to and not inconsistent with the terms and conditions specified in this Act and necessary to effectuate the other provisions of such order.

REQUIRED TERMS IN ORDERS

SEC. 1706. Orders issued pursuant to this Act shall contain such terms and conditions as to provide—

(a) for the establishment and appointment by the Secretary of a Wheat Industry Council which shall consist of not more than twenty members and alternates therefor, and to define its powers and duties which shall include only the powers enumerated in this section, and shall specifically include the powers (1) to administer such order in accordance with its terms and provisions, (2) to make rules and regulations to effectuate the terms and provisions of such order, (3) to receive, investigate, and report to the Secretary complaints of violations of such order, and (4) to recommend to the Secretary amendments to such order. The term of an appointment to the Council shall be for two years with no member serving more than three consecutive terms, except that initial appointments shall be proportionately for two-year and three-year terms;

(b) that the Council and alternates therefor shall be composed of wheat producers or representatives of wheat producers, processors or representatives of processors, end product manufacturers or representatives of end product manufacturers, and consumers or representatives of consumers appointed by the Secretary from nominations submitted by eligible organizations or associations certified pursuant to section 1714, or, if the Secretary determines that a substantial number of wheat producers, processors, end product manufacturers, or consumers are not members of, or their interests are not represented by any such eligible organizations or associations then from nominations made by such wheat producers, processors, end product manufacturers, and consumers in the manner authorized by the Secretary, so that the representation of wheat producers, processors, end product manufacturers, and consumers on the Council shall be equal: *Provided*, That in making such appointments, the Secretary shall take into account, to the extent practicable, the geographical distribution of wheat producers, processors, end product manufacturers, and consumers throughout the United States;

(c) that the Council shall, subject to the provisions of subsection (g) of this section, develop and submit to the Secretary for his approval any research plans or projects and nutrition education plans or projects resulting from research, and that any such plan or project must be approved by the Secretary before becoming effective;

(d) that the Council shall, subject to the provisions of subsection (g) of this section, submit to the Secretary for his approval budgets on a fiscal period basis of its anticipated expenses and disbursements in the administration of the order, including probable costs of research and nutrition education projects;

(e) that, except as provided in sections 1705(d) and 1707, each end product manufacturer shall pay to the Council, pursuant to regulations issued under the order, an assessment based on the number of hundredweights of processed wheat purchased, including intracompany transfers of processed wheat, for use in the manufacture of end products, from processors, distributors, or (in the case of intracompany transfers) related companies or divisions of the same company. Such assessment is to be used for such expenses and expenditures defined above, including provisions for a reasonable reserve, and any referendum and administrative costs incurred by the Secretary and the Council under this Act, as the Secretary finds are reasonable and likely to be incurred under the order during any period specified by him. The circumstances under which such a purchase or intracompany transfer will be deemed to have occurred will be prescribed by the Secretary in the order. Such assessment shall be calculated and set aside on the books and records of the end product manufacturer at the time of each purchase or intracompany transfer of processed wheat, and shall be remitted to the Council in the manner as prescribed by the order. In order to enable end product manufacturers to calculate the amount of processed wheat they have purchased, persons selling or transferring processed wheat in combination with other ingredients to such end product manufacturers for use in the manufacture of end products, shall disclose to such end product manufacturers, as prescribed by the Secretary in the order, the amount or proportion of processed wheat contained in such products. The rate of assessment shall not exceed five cents per hundredweight of processed wheat purchased or transferred. The Secretary may maintain a suit against any person subject to such assessment for the collection of such assessment, and the several district courts of the United States are hereby vested with jurisdiction to entertain such suits regardless of the amount in controversy;

(f) that the Council shall maintain such books and records, which shall be open to the Secretary for inspection and audit, and prepare and submit such reports from time to time, to the Secretary as he may prescribe, and for appropriate accounting by the Council with respect to the receipt and disbursement of all funds entrusted to it;

(g) that the Council, with the approval of the Secretary, may enter into contracts or agreements for development and carrying out of the activities authorized under the order pursuant to section 1705 (a) and (b) and for the payment of the cost thereof with funds collected through the assessments pursuant to the order. Any such contract or agreement shall provide that such contractors shall develop and submit to the Council a plan or project together with a budget or budgets which shall show estimated costs to be incurred for such plan or project, and that any such plan or project shall become effective upon the approval of the Secretary, and further, shall provide that the contracting party shall keep accurate records of all of its transactions and make periodic reports to the Council of activities carried out and an accounting for funds received and expended, and such other reports as the Secretary may require;

(h) that the Council, with the approval of the Secretary, may invest, pending disbursement pursuant to a plan or project, funds collected through assessments authorized under this Act in, and only in, obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank which is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States;

(i) that no funds collected by the Council under the order shall in any manner be used for the purpose of influencing governmental policy or action, except as provided by subsection (a) (4) of this section; and,

(j) that the Council members, and alternates therefor, shall serve without compensation, but shall be reimbursed for their reasonable expenses incurred in performing their duties as members of the Council.

EXEMPTION

SEC. 1707. Any end product manufacturer who does not purchase more than two thousand hundredweight of processed wheat per year for use in the manufacture of end products shall be exempted from specific provisions of this Act under such conditions and procedures as may be prescribed in the order or rules and regulations issued thereunder.

REQUIREMENT OF REFERENDUM

SEC. 1708. The Secretary shall conduct a referendum as soon as practicable among end product manufacturers not exempt hereunder who, during a representative period preceding the date of the referendum, as determined by the Secretary, have been engaged in the manufacture of end products, for the purpose of ascertaining whether the issuance of an order is approved or favored by such manufacturers. Qualified end product manufacturers may register with the Secretary by mail to vote in such referendum during a period ending not less than thirty days prior to the date of the referendum. Within ten days thereafter, the Secretary shall determine which end product manufacturers are eligible to vote in such referendum and cause to be published the list of such eligible voters. The Secretary shall issue ballots to all such persons who have so registered and been declared eligible to vote. No order issued pursuant to this Act shall be effective unless the Secretary determines (1) that votes were cast by at least 50 per centum of such registered end product manufacturers, and (2) that the issuance of such order is approved or favored by not less than two-thirds of the end product manufacturers voting in such referendum or by a majority of the end product manufacturers voting in such referendum if such majority manufactured end products containing not less than two-thirds of the total processed wheat contained in all end products manufactured by those voting in the referendum, during the representative period defined by the Secretary: *Provided,* That at the time of the registration provided under this section each end product manufacturer so registered shall certify to the Secretary the amount of processed wheat contained in the end products manufactured by such end product manufacturer during such representative period. The Secretary shall be reimbursed from assessments collected by the Council for any expenses incurred for the conduct of the referendum. Eligible voter lists and ballots cast in the referendum shall be retained by the Secretary for a period of not less than twelve months after they are cast for audit and recount in the event the results of the referendum are challenged and either the Secretary or the courts determine a recount and retabulation of results is appropriate.

REFUND

SEC. 1709. (a) Subsequent to the approval by the Secretary of the annual budget of the Council or amendments thereto, a summary of such budget or amendments thereto, including a brief general description of the proposed research and nutrition education programs contemplated therein, shall be published in the Federal Register. All end product manufacturers not exempt hereunder shall have sixty days from the date of such publication within which to elect, under such conditions as the Secretary may prescribe, by so indicating to the Council in writing, by registered mail, to reserve the right to seek refunds under subsection (b) of this section. Only those end product manufacturers who make such an election, under the described procedure, shall be eligible for refunds of assessments paid during the one-year period immediately following the expiration of such 60-day period.

(b) Notwithstanding any other provisions of this Act, any end product manufacturer who has been subject to and has paid an assessment, but who has reserved the right, under subsection (a) of this section, to seek a refund, and who is not in favor of supporting the programs as provided for herein shall have the right to demand and receive from the Council a refund of such assessment: *Provided,* That such demand shall be made by such end product manufacturer in accordance with regulations and on a form and within a time period prescribed by the Council and approved by the Secretary, but in no event more than ninety days after the end of the election period described in subsection (a) of this section or any other period in which the assessments are due and collectable, and upon submission of proof satisfactory to the Council that the end product manufacturer paid the assessment for which refund is sought, and any such refund shall be made within sixty days after demand is received therefor.

PETITION AND REVIEW

SEC. 1710. (a) Any person subject to any order may file a written petition with the Secretary, stating that any such order or any provision of such order or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

(b) The district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling, provided a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to make such further proceedings as, in its opinion, the law requires.

ENFORCEMENT

SEC. 1711. (a) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating any order or regulation made or issued pursuant to this Act. Any civil action authorized to be brought under this Act shall be referred to the Attorney General for appropriate action: *Provided,* That nothing in this Act shall be construed as requiring the Secretary to refer to the Attorney General minor violations of this Act whenever he believes that the administration and enforcement of the program would be adequately served by suitable written notice or warning to any person committing such violation.

(b) Any end product manufacturer or other person who willfully violates any provision of any order issued by the Secretary under this Act, or who willfully fails or refuses to remit any assessment or fee duly required of him thereunder, shall be liable to a penalty of not more than $1,000 for each such offense which shall accrue to the United States and may be recovered in a civil suit brought by the United States: *Provided,* That (a) and (b) of this section shall be in addition to, and not exclusive of, the remedies provided now or hereafter existing at law or in equity.

SUSPENSION AND TERMINATION OF ORDERS

SEC. 1712. (a) The Secretary shall, whenever he finds that any order issued under this Act, or any provisions thereof, obstructs or does not tend to effectuate the declared policy of this Act, terminate or suspend the operation of such order or such provisions thereof.

(b) The Secretary may conduct a referendum at any time, and shall hold a referendum on request of 10 per centum or more of the number of end product manufacturers subject to the order to determine whether such manufacturers favor the termination or suspension of the order, and he shall suspend or terminate such order within six months after he determines that suspension or termination of the order is approved or favored by a majority of the end product manufacturers voting in such referendum who, during a representative period determined by the Secretary, have been engaged in the manufacture of end products, or by end product manufacturers who produced end products containing more than 50 per centum of the total processed wheat contained in all end products manufactured during such period by the end product manufacturers voting in the referendum.

(c) The termination or suspension of any order, or any provision thereof, shall not be considered an order within the meaning of this Act.

INVESTIGATIONS: POWER TO SUBPENA AND TAKE OATHS AND AFFIRMATIONS: AID OF COURTS

SEC. 1713. The Secretary may make such investigations as he deems necessary for the effective carrying out of his responsibilities under this Act or to determine whether any person subject to the provisions of this Act has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provisions of this Act, or of any order, or rule or regulation issued under this Act. For the purpose of such investigation, the Secretary is empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpena to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found.

CERTIFICATION OF ORGANIZATIONS

SEC. 1714. The eligibility of any organization to represent wheat producers, processors, end product manufacturers, or consumers to request the issuance of an order under section 1704(a) and to participate in the making of nominations under section 1706(b), shall be certified by the Secretary. The Secretary shall certify any organization which he finds to be eligible under this section and his determination as to eligibility shall be final. Certification shall be based, in addition to other available information, upon a factual report submitted by the organization which shall contain information deemed relevant and specified by the Secretary for the making of such determination, including, but not limited to, the following:

(a) Geographic territory covered by the organization's active membership.

(b) Nature and size of the organization's active membership, including, in the case of an organization other than a consumer organization, the proportion of the total number of active wheat producers, processors or end product manufacturers represented by the organization.

(c) Evidence of stability and permanency of the organization.

(d) Sources from which the organization's operating funds are derived.

(e) Functions of the organization.

(f) The organization's ability and willingness to further the aims and objectives of this Act: *Provided*, That the primary consideration in determining the eligibility of an organization, other than a consumer organization, shall be whether its membership consists primarily of wheat producers, processors, or end product manufacturers who produce a substantial volume of wheat, processed wheat, or end products, respectively, and whether the organization is based on a primary or overriding interest in the production, processing, or end manufacture of wheat or wheat products, and the nutritional attributes thereof: *And provided further*, That the primary consideration in determining the eligibility of a consumer organization shall be whether (i) a principal purpose of the organization is to promote consumer interests, consumer research, or consumer education, (ii) such organization has a broadly representative constituency of consumers, with active membership participation on a regular basis, and (iii) the organization has demonstrated in such report, to the Secretary's satisfaction, its commitment to the achievement of the objectives of this Act.

EFFECT ON OTHER PROGRAMS

SEC. 1715. Nothing in this Act shall be construed to preempt or interfere with the workings of any other program relating to wheat or wheat foods research or nutrition education organized and operating under the laws of the United States or any State.

REGULATIONS

SEC. 1716. The Secretary is authorized to make such regulations with the force and effect of law, as may be necessary to carry out the provisions of this Act and the powers vested in him by this Act.

PROVISIONS APPLICABLE TO AMENDMENTS

SEC. 1717. The provisions of this Act applicable to orders shall be applicable to amendments to orders.

SEPARABILITY

SEC. 1718. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION

SEC. 1719. Effective October 1, 1977, there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated such funds as are necessary to carry out the provisions of this Act. The funds so appropriated shall not be available for payment of the expenses or expenditures of the Council in administering any provisions of any order issued pursuant to the terms of this Act.

EFFECTIVE DATE

SEC. 1720. The provisions of this title shall become effective October 1, 1977.

TITLE XVIII—FEDERAL GRAIN INSPECTION

RECORDS

SECTION 1801. Section 12(d) of the United States Grain Standards Act (90 Stat. 2882; 7 U.S.C. 87a(d)) is amended by striking out "shall, within the five-year period thereafter, maintain complete and accurate records of purchases, sales, transportation, storage, weighing, handling, treating, cleaning, drying, blending, and other processing, and official inspection and official weighing of grain," and inserting in lieu thereof the following: "shall maintain such complete and accurate records for such period of time as the Administrator may, by regulation, prescribe for the purpose of the administration and enforcement of this Act,".

SUPERVISION FEES

SEC. 1802. (a) Section 7(j) of the United States Grain Standards Act (90 Stat. 2873; 7 U.S.C. 79(j)) is amended to read as follows:

"(j) The Administrator shall, under such regulations as he may prescribe, charge and collect reasonable fees to cover the estimated cost of official inspection except when the official inspection is performed by a designated official agency or by a State under a delegation of authority. The fees authorized by this subsection shall, as nearly as practicable and after taking into consideration any proceeds from the sale of samples, cover the costs of the Service incident to its performance of official inspection services in the United States and on United States grain in Canadian ports, excluding administrative and supervisory costs. Such fees, and the proceeds from the sale of samples obtained for purposes of official inspection which become the property of the United States, shall be deposited into a fund which shall be available without fiscal year limitation for the expenses of the Service incident to providing services under this Act.".

(b) Section 7(A)(1) of the United States Grain Standards Act (90 Stat. 2877; 7 U.S.C. 79a(1)) is amended to read as follows:

"(1) The Administrator shall, under such regulations as he may prescribe, charge and collect reasonable fees to cover the estimated costs of official weighing and supervision of weighing except when the official weighing or supervision of weighing is performed by a designated official agency or by a State under a delegation of authority. The fees authorized by this subsection shall, as nearly as practicable, cover the costs of the Service incident to its performance of official weighing and supervision of weighing services in the United States and on United States grain in Canadian ports, excluding administrative and supervisory costs. Such fees shall be deposited into a fund which shall be available without fiscal year limitation for the expenses of the Service incident to providing services under this Act.".

(c) Section 21 of the United States Grain Standards Act of 1976 (90 Stat. 2886) is amended by striking out "those Federal administrative and supervisory costs incurred within the Service's Washington office or not directly related to the official inspection or the provision of weighing services for grain" and inserting in lieu thereof the following: "Federal administrative and supervisory costs related to the official inspection or the provision of weighing services for grain".

(d) Section 27 of the United States Grain Standards Act of 1976 (90 Stat. 2889) is amended by striking out ", who pays fees when due, in the same manner as prescribed in section 7 or 7A of the United States Grain Standards Act, as amended by this Act,".

(e) The provisions of this section shall become effective October 1, 1977.

ESTABLISHMENT OF TEMPORARY ADVISORY COMMITTEE

SEC. 1803. (a) In order to assure the normal movement of grain in an orderly and timely manner, the Secretary of Agriculture shall establish a temporary advisory committee to provide advice to the Administrator of the Federal Grain Inspection Service with respect to the implementation of the United States Grain Standards Act of 1976. The advisory committee shall consist of not more than twelve members, appointed by the Secretary, representing the interests of grain producers, consumers, and all segments of the grain industry, including grain inspection and weighing agencies. Members of the advisory committee shall be appointed not later than thirty days after the date of enactment of this Act.

(b) The advisory committee shall be governed by the provisions of the Federal Advisory Committee Act.

(c) The Administrator of the Federal Grain Inspection Service shall provide the advisory committee with necessary clerical assistance and staff personnel.

(d) Members of the advisory committee shall serve without compensation, if not otherwise officers or employees of the United States, except that members shall, while away from their homes or regular places of business in the performance of services under this Act, be allowed travel expenses, including per diem in lieu of subsistence, as authorized under section 5703 of title 5 of the United States Code.

(e) The advisory committee shall terminate eighteen months after the date of enactment of this Act.

(f) There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this section.

TECHNICAL AMENDMENTS

SEC. 1804. The United States Grain Standards Act (39 Stat. 482–485, as amended; 7 U.S.C. 71, 74–79, 79a and 79b, 84–87, and 87a–87h) is amended as follows:

(a) Section 3 is amended by—

(1) striking out "grain sorghum" in subsection (g) and inserting in lieu thereof "sorghum";

(2) amending subsection (m) to read as follows:

"(m) the term 'official agency' means any State or local governmental agency, or any person, designated by the Administrator pursuant to subsection (f) of section 7 of this Act for the conduct of official inspection (other than appeal inspection), or subsection (c) of section 7A of this Act for the conduct of official weighing or supervision of weighing (other than appeal weighing);";

(3) inserting "for" immediately after "under standards provided" in subsection (x); and

(4) amending subsection (y) to read as follows:

"(y) the term 'supervision of weighing' means such supervision of the grain weighing process as is determined by the Administrator to be adequate to reasonably assure the integrity and accuracy of the weighing, such physical inspection of the premises at which the grain weighing is performed as will reasonably assure that all the grain intended to be weighed has been weighed and discharged into the elevator or conveyance, and the certification of the weight of the grain weighed under such supervision, by official inspection personnel;".

(b) Section 4(a) is amended by striking out "grain sorghum" and inserting in lieu thereof "sorghum", and inserting a comma after "equipment calibration and maintenance".

(c) Section 7 is amended by—

(1) designating the third sentence in paragraph (2) of subsection (e) as paragraph (4) of subsection (e) and inserting it at the end of subsection (e);

(2) amending subsection (f) by—

(A) in the first sentence of paragraph (2), inserting "or State delegated authority pursuant to subsection (e)(2) of this section" immediately after "Not more than one official agency", inserting "inspection" immediately before "provisions of this Act", and striking out ", but this paragraph shall not be applicable to prevent any inspection agency from operating in any area in which it was operative on August 15, 1968";

(B) striking out "No" in the second sentence of paragraph (2) and inserting in lieu thereof "Except as authorized by the Administrator, no";

(C) designating the second sentence of paragraph (2) as paragraph (3) of subsection (f); and

(D) designating the third sentence of paragraph (2) as paragraph (4) of subsection (f);

(3) striking out "subsections (e) and (f)" in paragraph (1) of subsection (g) and inserting in lieu thereof "subsection (f)"; and

(4) adding at the end of subsection (i) a new sentence as follows: "All or specified functions of such inspections shall be performed by official inspection personnel employed by the Service or persons operating under a contract with the Service.".

(d) Section 7A is amended by—

(1) inserting "official weighing or" immediately after "The Administrator is authorized to cause" in subsection (b);

(2) amending paragraph (2) of subsection (c) by—

(A) in the first sentence, inserting "or supervision of weighing" immediately after "to delegate authority to perform official weighing", inserting "official weighing or" immediately before "supervision of weighing, if such agency or person qualifies", and striking out "number" and inserting in lieu thereof "under";

(B) in clause (A) of the second sentence, striking out "at export elevators", and inserting "or supervision of weighing" immediately after "official weighing"; and

(C) inserting "official weighing or" immediately before "supervision of weighing" wherever this phrase appears in clause (B) of the second sentence;

(3) adding at the end of subsection (d) a new sentence as follows: "All or specified functions of such weighing shall be performed by official inspection personnel employed by the Service or persons operating under a contract with the Service.";

(4) striking out the second sentence of subsection (e);

(5) amending subsection (f) by—

(A) in clause (2), striking out "employ" and inserting in lieu thereof "permit", and inserting "and who are approved by the Administrator" immediately before "to operate the scales"; and

(B) in clause (3), striking out "employees of the facility" and inserting in lieu thereof "persons other than official inspection personnel", and striking out "employees to operate" and inserting in lieu thereof "such persons to operate";

(6) inserting "or supervision of weighing" immediately after "official weighing" in subsection (g);

(7) inserting "or local governmental agency" immediately after "No State" in subsection (i); and

(8) adding at the end of subsection (i) a new sentence as follows: "Not more than one official agency or State delegated authority pursuant to subsection (c)(2) of this section for carrying out the weighing provisions of this Act shall be operative at one time for any geographic area as determined by the Administrator to effectuate the objectives stated in section 2 of this Act.".

(e) Section 7B is amended by—

(1) inserting "for the purposes of official inspection, official weighing, or supervision of weighing" immediately before "of grain located at all grain elevators" in subsection (a); and

(2) inserting "for the purposes of this Act" immediately after "no person shall use" in subsection (c).

(f) Section 8 is amended by—

(1) amending subsection (a) by—

(A) inserting ", other than appeal weighing," immediately after "supervision of weighing" in clause (1);

(B) striking out "of grain" in clause (2) (B) and inserting in lieu thereof "(including appeal weighing) of grain in the United States, or of United States grain in Canadian parts"; and

(C) in clause (3), inserting "or governmental agency" immediately after "(3) to contract with any person", and striking out "specified sampling and laboratory testing" and inserting in lieu thereof "specified sampling laboratory testing, and similar technical functions"; and

(2) adding at the end of subsection (e) a new sentence as follows: "The Administrator may compensate such personnel at any rate within the appropriate grade of the general schedule as he deems necessary without regard to section 5333 of title 5 of the United States Code.".

(g) Section 11 is amended by—

(1) inserting "official weighing or" immediately before "supervision of weighing" in paragraph (3) of subsection (b);

(2) in the first sentence of paragraph (5) of subsection (b), inserting "official weighing or" immediately before "supervision of weighing except", and inserting "director," immediately before "officer, employee,"; and

(3) inserting "or State agency delegated authority under this Act" immediately after "official agency" in subsection (c).

(h) Section 12 is amended by—

(1) inserting ", every State agency delegated authority under this Act," immediately after "official agency" wherever this phrase appears in subsections (a), (b), and (c); and

(2) striking out "delegate authority of this Act" in subsection (c) and inserting in lieu thereof "delegated authority under this Act".

(i) Section 13(a) is amended by—

(1) inserting ", or that any weighing service under this Act has been performed with respect to grain" immediately before the semicolon at the end of paragraph (6);

(2) striking out in paragraph (11) "5, 6, 7(f) (2), 7A, 7B(c), 8, 11, or 12" and inserting in lieu thereof "5; 6; 7(f) (2), (3), or (4); 7A; 7B(c); 8; 11; 12; or 17A";

(3) striking out "testing" in paragraph (12) and inserting in lieu thereof "weighing"; and

(4) in paragraph (13), striking out "the grain" and inserting in lieu thereof "grain", and inserting "the" immediately after "observing the loading of".

(j) Section 16 is amended by—

(1) striking out, in subsection (a), the second sentence and all that follows "or other person;" in the first sentence down through "by the Administrator," and inserting in lieu thereof the following: "and prescribe such rules, regulations, and instructions as the Administrator deems necessary to effectuate the purposes or provisions of this Act. Such regulations may require, as a condition for official inspection or official weighing or supervision of weighing, among other things, (1) that there be installed specified sampling, handling, weighing, and monitoring equipment in grain elevators, warehouses, and other grain storage or handling facilities,

(2) that approval of the Administrator be obtained as to the condition of vessels and other carriers or receptacles for the transporting or storing of grain, and

(3) that persons having a financial interest in the grain which is to be inspected (or their agents) shall be afforded an opportunity to observe the weighing, loading, and official inspection thereof, under conditions prescribed by the Administrator."; and

(2) striking out "additional" in subsection (f).

(k) Section 17A is amended by striking out "All persons registered" in paragraph (1) of subsection (b) and inserting in lieu thereof "All persons required to register".

(l) Section 17B is amended by inserting "notice of" immediately after "Administrator or the Secretary of" in clause (2) of subsection (b).

(m) Section 21 is amended by striking out "Sec. 21" and inserting in lieu thereof "Sec. 19".

Sec. 1805. (a) Section 8(b)(3) of the United States Grain Standards Act of 1976 (90 Stat. 2874) is amended by inserting "(which may include the application of statistical tolerances for expected variations)" immediately after "error rates of such agencies".

(b) Section 27 of the United States Grain Standards Act of 1976 (90 Stat. 2889) is amended by—

(1) striking out all that follows "Sec. 27." down through "without a designation under the United States Grain Standards Act, as amended by this Act" and inserting in lieu thereof the following: "This Act shall become effective thirty days after enactment hereof; and thereafter no State or other agency or person shall provide official inspection or official weighing or supervision of weighing under the United States Grain Standards Act, as amended by this Act, at an export port location without a delegation of authority or other authorization under such amended Act, and no agency or person shall provide official inspection service or official weighing or supervision of weighing under such amended Act in any other area without a designation or other authorization under such amended Act";

(2) inserting "or other authorization under such Act" immediately after "may continue to operate in that area without a delegation or designation"; and

(3) striking out "and export elevators located at export port locations" in clause (3).

HARD RED WINTER WHEAT

Sec. 1806. (a) Notwithstanding any other provision of law, no person acting under a license or authorization to perform official functions under the United States Grain Standards Act shall certify or otherwise state in writing, or perform any analysis to determine, (1) the subclass of Hard Red Winter wheat on the basis of color or on the basis of the dark, hard, and vitreous kernel content, or (2) the percentage of dark, hard, and vitreous kernels in Hard Red Winter wheat.

(b) The provisions of this section shall become effective May 1, 1977, except that a certification or analysis as described in subsection (a) may be performed after May 1, 1977, if pursuant to the requirements of any written contract for the sale of Hard Red Winter wheat entered into and signed prior to the date of enactment of this Act.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized in the engrossment of S. 275 to make any necessary technical and clerical corrections.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARITIME APPROPRIATIONS AUTHORIZATION ACT, 1978

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 134.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1019) to authorize appropriations for the fiscal years 1978 and 1979 for certain maritime programs of the Department of Commerce, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science and Transportation with amendments.

Mr. INOUYE. Mr. President, the purpose of this measure (S. 1019) is to authorize appropriations for the programs of the Maritime Administration for fiscal year 1978 and to authorize an additional Assistant Secretary of Commerce.

The aggregate sum to be authorized is $551,774,000.

The programs and the funding levels are—$135 million for construction-differential subsidy. These funds will assist U.S. shipyards to build and sell commercial ships to U.S. operators at prices equivalent to prices for similar ships built in foreign shipyards. This request together with approximately $100 million appropriated in previous years will fund the construction of seven ships in fiscal year 1978.

The $372.1 million is authorized for operating-differential subsidy. Under this program funds are paid to U.S.-flagship operators to enable them to compete in United States and world trade with foreign-flag ships. Basically, operating subsidy compensates U.S. ship operators, who provide services at world market rates, for the differential between United States and foreign operating costs. Substantially higher wages which are paid to U.S. seamen comprise the major component of this differential. Although wage increases in a number of major foreign countries are greater than here in the United States, the base starting point was much lower. Thus for the foreseeable future, operating subsidy is necessary to continued operation of the U.S.-flag merchant marine. I am happy that the officials of the Office of Management and Budget have eliminated a proposed moratorium on the extension of ODS contracts beyond June 30, 1978. Any such moratorium would seriously jeopardize continued operation by a number of U.S.-flag operators.

$20.7 million is authorized for the research and development program of the Maritime Administration. It is through this effort that the Federal Government supports industry research to reduce shipbuilding and operating costs. Private industry participates in cost-sharing on many projects. This insures that the ultimate products and advances resulting for research will be developed and utilized by industry. The Commerce Committee increased this item by $2.4 million to permit the Maritime Administration to continue its participation in a Energy Research and Development Administration—ERDA—project to develop an ocean thermal energy conversion—OTEC—pilot plant. This project envisions the construction of an industrial plant ship which will generate electricity and produce ammonia for domestic consumption.

$5.1 million is authorized for the National Defense Reserve Fleet program through which the Maritime Administration maintains cargo-carrying and military auxiliary ships to supplement the active U.S.-flag merchant fleet in time of war or national emergency. This reserve fleet is maintained at locations in the James River in Virginia, Beaumont, Tex., and Suisun Bay, Calif.

$14.6 million is authorized for the operation of the U.S. Merchant Marine Academy at Kings Point, N.Y. This Federal institution provides a 4-year undergraduate program and eligibility for its approximately 200 yearly graduates for a Navy Reserve commission and for a third mate or third assistant engineer license.

$4.1 million is authorized for assistance to the State marine schools located in California, Texas, Michigan, New York, Massachusetts, and Maine. Under this program which is authorized by the Maritime Academy Act of 1958, each of these schools receives a Federal grant of $100,000 annually. The committee increased this from $75,000 by an amendment to this legislation now under consideration. An annual subsistence payment of $600 is also made to a certain number of students attending these schools.

In addition to these specific authorizations, the bill authorizes supplemental appropriations as may be necessary to cover increases in pay or other employee benefits at the Merchant Marine Academy.

The bill also authorizes an additional Assistant Secretary in the Department of Commerce. This Assistant Secretary would be the principal adviser to the Secretary for congressional relations.

This matter has been debated at length by the committee, and the committee is pleased to recommend its passage.

Mr. President, I ask unanimous consent that the committee amendments to S. 1019 be considered and agreed to en bloc and that the bill as thus amended be regarded as original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 312

Mr. HATHAWAY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Maine (Mr. HATHAWAY), for himself and Mr. MUSKIE, proposes an unprinted amendment No. 312.

Mr. HATHAWAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 23, strike "$4,170,000" and insert in lieu thereof "$5,370,000".

On page 3, between lines 12 and 13, add a new section as follows:

"SEC. 4. Section 6(a) of the Maritime Academy Act of 1958, as amended (46 U.S.C. 1385(a)), is amended by striking '$600' and inserting in lieu thereof '$1200'.".

On page 3, line 13, strike "Sec. 5" and insert in lieu thereof "Sec. 6".

Mr. HATHAWAY. Mr. President, on behalf of myself and Mr. MUSKIE, I am offering an amendment to the maritime authorization bill to increase the student cadet subsidy at State maritime schools from $600 to $1,200 per year. This increase is long overdue. The student cadet subsidy was originally authorized in 1958, and has remained $600 since that time. This increase would affect students who are eligible for the subsidy in the State maritime schools which are located in Maine, Michigan, California, New York, Texas, and Massachusetts.

As background, the State cadet subsidy is a subsistence allowance which is provided to students attending these State maritime academy schools to help defray the cost of uniforms, textbooks, and other expenses. The underlying basis for it is that there is a strong Federal interest in maintaining a well-trained U.S. Merchant Marine, that students attending the maritime schools do not have the same opportunity for outside summer employment as other students, because of the need to spend summer training time on board ship, and that they have special expenses such as uniforms which other students do not have meet.

This rationale for the State school cadet subsidy is still operative today. However, the cadet subsidy has remained at $600 since its enactment in 1958. The impact of inflation in the 19 years since that time is well known. The doubling of the subsidy is justified on the basis of inflationary increases alone.

According to the Congressional Research Service of the Library of Congress, the consumer price index has risen 102.4 percent, resulting in a decrease in purchasing power to $296. If the purchasing power of these payments were to be made equal to their purchasing power when they first began to be made in 1958, they would have to be raised to $1,214.40 per year. Similar payments to Army and Navy ROTC cadets were raised from $600 to $1,200 per year approximately 5 years ago. After a lengthy study of maritime training institutions in the United States, the Ad Hoc Committee on Maritime Education and Training which was appointed during the 93d Congress recommended that these subsistence payments to cadets at State maritime academies be increased from $600 to $1,200 per year. The Ad Hoc House Subcommittee this year also recommended the increase to $1,200 per year.

I would emphasize at this point, however, that the increase in the individual cadet subsidy itself in no way affects the number of students receiving the subsidy or entering our maritime institutions. There is presently a ceiling on the number of students in each freshman class who may receive the subsidy. This ceiling number is 673 and was set by the Maritime Administration in 1972 on the basis of the pre-Vietnam manpower needs. The subsidies themselves are not transferable from one student to another, and are paid on a monthly pro rata basis and credited to the students' school accounts to cover the necessary expenses.

The estimated cost per year of this amendment is approximately $1.2 million. Since the subsidy is nontransferable and is prorated, based upon attendance, the figure is not precisely a matter of simple mathematics. Approximately $1,200,000 is needed for the student subsidy at the $600 rate. A doubling of the basic stipend would of course double this figure per year.

A bit of history on this increase in the cadet subsidy may be instructive. In 1975, the House adopted this increase in the cadet subsidy as an amendment to the maritime authorization bill; it was later deleted in conference, because a report was due from the House Ad Hoc Committee on Maritime Education and Training. This report was subsequently printed, and recommended a doubling of the subsidy. However, a General Accounting Office report had then been requested on all of the maritime schools—Federal, State, and union.

Hence, an attempt last year to increase the subsidy was defeated on the grounds that it should be deferred pending the GAO report. On the Senate side, a modified increase to $900 per year was adopted as an amendment to the MarAd authorization bill, but was again deleted in conference pending the GAO report.

This history of the past efforts to enact the increase illustrates the problems which have occurred in discussion of the cadet stipend increase. First, the argument has been made that this increase will just provide more trained individuals than there are jobs, and result in further unemployment in the maritime industry. As pointed out above, this is just not so. The two issues are not related to one another; the number of students receiving the stipend is controlled by MarAd and is not affected by an increase in the individual amount.

Second, pending reports have been used as a reason for deferring action on the increase. Yet two reports recommending the increase have already appeared and the third report expected from the General Accounting Office is not expected to speak to this precise issue.

I feel that it is time to recognize the fact that this increase in the cadet subsidy is a question of simple equity to the student, accounting for the increase in costs since 1958. By insuring that realistic financial support is available to these State maritime students, the quality of the education and of the students able to attend State maritime schools will be enhanced, with the long-term benefit of upgrading the quality of our merchant marine forces.

Mr. President, I have discussed this matter with the manager of the bill. The amendment has already been adopted by the House of Representatives. I understand the manager of the bill is agreeable to accepting the amendment.

Mr. INOUYE. Will the Senator yield?

Mr. HATHAWAY. I yield.

Mr. INOUYE. Mr. President, I believe the Senator from Michigan also wanted to be listed as a cosponsor.

Mr. HATHAWAY. The Senator is correct. Mr. President, I ask unanimous consent that the name of the Senator from Michigan (Mr. GRIFFIN) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, the amendment which Senator HATHAWAY and I are offering to the Maritime Administration Authorization Act seeks to raise the subsidy given cadets attending State maritime academies from $600 per year to $1,200 per year.

The State academy cadet stipend was originally authorized in 1958 at $600 per year to encourage qualified students to take up the challenging and rigorous career of merchant marine officer. We still need to offer an incentive. In fact, as the technology of ships has become more sophisticated we need even better-trained personnel. Yet, we all know that $600 in 1977 is not the same as $600 in 1958. In fact, in real terms the $600 has declined by more than one-half through inflation. Since 1958, the Consumer Price Index has risen 102 percent, reducing the actual purchasing power from $600 to $296.

The issue is not a new one to Congress. Last year Senator HATHAWAY, Senator GRIFFIN, and I stood before you asking for an increase in the student subsidy. We offered a similar amendment and the same arguments. We reached an agreement. Unfortunately, we lost in conference. In the 95th Congress, H.R. 4963 contains a provision raising the allowance to $1,200. If our amendment is successful today, then perhaps this time we can manage to treat our maritime cadets equitably, by giving them subsidies equal to those paid to Army and Navy ROTC cadets. Those subsidies were raised from $600 to $1,200 about 5 years ago.

We do not need to get into a discussion about increasing the numbers of cadets in the maritime academies receiving subsidies. That is a red herring. There is a ceiling of 673 on the number of students in each freshman class who may receive the subsidy. That is not the issue here. The only question at hand is whether we will be able to attract top talent to do the type of skilled work required if we do not provide enough incentive.

The same reasons which led us to believe in a strong and well-trained United States Merchant Marine are as true today as they were in 1958. The highly trained manpower provided to our merchant marine from these State academies comprises a vital element in the seapower of the United States which we cannot afford to neglect.

Our traditions as a seagoing nation are long and well-established. We can be justly proud of those Americans who have devoted their lives to the sea. We have taken pride in our support of the kind of special education which trains people for the rigors of sea life. We cannot turn our back on those people now. My State has a great shipbuilding and seagoing tradition which goes back 300 years. I know that the Marine Academy at Castline does an outstanding job training its 597 students. I think we cannot ignore it nor the other fine academies and their approximately 2,400 students in Massachusetts, Michigan, Texas, California, and New York.

The increase in the cadet's subsidy is long overdue. Let us give those fine students some relief now.

Mr. President, I am happy to join my colleague and Senator GRIFFIN, as we did last year, in asking for this increase. I make the point that the present stipend was originally authorized in 1958 at $600 per year to encourage qualified students to make up the challenging and rigorous career of a merchant marine officer.

Since 1958, the consumer price index has risen 102 percent, reducing the actual purchasing power from $600 to $296.

The effect of this amendment is simply to keep the stipend in effect even with the increase in the consumer price index.

I am happy to join with my colleague.

Mr. INOUYE. Mr. President, this matter has been discussed, and I am pleased to accept the amendment submitted by my distinguished friend from Maine. It has been cleared with the minority members and with the majority members.

Mr. STEVENS. Mr. President, we do approve this amendment. It has been discussed in the committee.

I did have an amendment that I was going to offer concerning one additional State academy, which we will defer until consideration of the authorization bill for next year.

Mr. INOUYE. The Senator is correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HATHAWAY. Mr. President, I thank the Senator very much for his cooperation in this regard.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill (S. 1019), as amended, was passed, as follows:

S. 1019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Maritime Appropriation Authorization Act for Fiscal Year 1978".

SEC. 2. Funds are authorized to be appropriated without fiscal year limitation as the appropriation Act may provide for the use of the Department of Commerce, for the fiscal year 1978 as follows:

(1) for acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships, not to exceed $135,000,000;

(2) for payment of obligations incurred for operating-differential subsidy, not to exceed $372,109,000;

(3) for expenses necessary for research and development activities, not to exceed $20,725,000;

(4) for reserve fleet expenses, not to exceed $5,137,000;

(5) for maritime training at the Merchant Marine Academy at Kings Point, New York, not to exceed $14,633,000; and

(6) for financial assistance to State marine schools, not to exceed $5,370,000.

SEC. 3. There are authorized to be appropriated for the fiscal year 1978, in addition to the amounts authorized by section 2 of this Act, such additional supplemental amounts for the activities for which appropriations are authorized under section 2 of this Act, as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law, and for increased costs for public utilities, food service, and other expenses of the Merchant Marine Academy at Kings Point, New York.

SEC. 4. Section 4 of the Maritime Academy Act of 1958 (46 U.S.C. 1383) is amended by striking out "$75,000" and inserting in lieu thereof "$100,000".

SEC. 5. Section 6(a) of the Maritime Academy Act of 1958, as amended (46 U.S.C. 1385 (a)), is amended by striking "$600" and inserting in lieu thereof "$1,200".

SEC. 6. (a) There shall be in the Department of Commerce, in addition to the Assistant Secretaries provided by law as of the date of the enactment of this Act, one additional Assistant Secretary of Commerce who shall be appointed by the President, by and with the advice and consent of the Senate. Such Assistant Secretary shall receive compensation at the rate prescribed by law for Assistant Secretaries of Commerce, and shall perform such duties as the Secretary of Commerce shall prescribe.

(b) Section 5315 of title 5, United States Code, is amended by striking out paragraph (12) and inserting in lieu thereof:

"(12) Assistant Secretaries of Commerce (8).".

The title was amended so as to read:

A bill to authorize appropriations for fiscal year 1978 for certain maritime programs of the Department of Commerce, and for other purposes.

Mr. HATHAWAY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DISASTER RELIEF ACT AUTHORIZATIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 197.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6197) to amend the Disaster Relief Act of 1974 to provide for authorization of appropriations thereunder through fiscal year 1978.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to the consideration of the bill.

UP AMENDMENT 313

Mr. BURDICK. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Dakota (Mr. BURDICK) proposes unprinted amendment No. 313.

On page 1, line 5, strike "September 30, 1978", and insert in lieu thereof "September 30, 1980".

Mr. BURDICK. Mr. President, this amendment extends the period of authorizations for an additional 2 years over that provided in the House bill. The disaster program is ongoing and is being reviewed by the Committee on Environment and Public Works later this year in oversight hearings. An extension of only 1 year at this time is not sufficient to allow reasonable functioning of the program during this period.

Following oversight hearings, the committee may recommend changes in the Federal disaster relief effort. Included in such recommendations could be a change in the authorization format. However, a degree of certainty will be provided if a 3-year extension of authorizations is provided now.

Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 6197) was read the third time and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BURDICK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BURDICK. Mr. President, I ask unanimous consent that Order No. 128, S. 1512, be removed from the unanimous-consent Calendar and that action thereon be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSIDERATION OF MEASURES ON UNANIMOUS CONSENT CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, with reference to certain measures on the Consent Calendar, that the Senate proceed to the consideration of Calendar Order Nos. 119, 140, 151, 159, 164, and 200.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATIONS FOR CONTINUED CONSTRUCTION OF THE SAN LUIS UNIT, CENTRAL VALLEY PROJECT, CALIFORNIA

The Senate proceeded to consider the bill (H.R. 4390) to authorize appropriations for continuation of construction of distribution systems and drains on the San Luis unit, Central Valley project, California, to mandate the extension and review of the project by the Secretary, and for other purposes, which had been reported from the committee with amendments as follows:

On page 5, line 12, strike "interim contract on the San Luis Unit, or any";

On page 5, line 16, following (contract numbered 14-06-200-2020-A)," insert "or any temporary contract extending more than one hundred and eighty days beyond December 31, 1977,".

Mr. CRANSTON. Mr. President, I support H.R. 4390, as reported by the Senate Committee on Energy and Natural Resources.

This bill, which is substantially the the same as S. 1358 which Senator HAYAKAWA and I introduced on April 22, would accomplish three objectives. First, it authorizes an additional appropriation of $31,050,000 for fiscal year 1978 for the continuation of construction on the distribution system and drains on the San Luis unit, Central Valley project, California. This additional authorization is necessary so that construction can continue beyond fiscal year 1977. Otherwise as many as 600 jobs could be jeopardized in an area already suffering substantial unemployment.

Second, H.R. 4390 directs the Secretary of the Interior to appoint a task force to review the management, organization and operations of the San Luis unit to determine whether there has been compliance with the letter and the spirit of the 1902 Reclamation Act and the initial authorization of the San Luis unit, the act of June 3, 1960.

The bill specifies 10 separate issues for the task force to review and on which a report is to be completed and submitted to the congressional authorizing committees no later than January 1, 1978. The issues to be reviewed include a number of controversial questions that have been raised over the years about the organization, management and operations of the Westlands Water District, within the San Luis unit. I am hopeful that the task force will conduct a fair and thorough analysis of the 10 specified issues and that its report to the Congress will provide the answers needed to resolve the Westlands issue.

Third, the bill prohibits the Secretary from approving any new or amendatory contracts during the period in which the task force is conducting its investigation. The Energy and Natural Resources Committee amended the bill in markup to make clear that this prohibition will not affect certain specific temporary contracts. As the committee report makes clear, those contracts which are eligible for the 180-day extension specified in the amendment are those enumerated in Commissioner Higgonson's May 6 testimony before the Senate Energy and Natural Resources Committee: First, operation of the Coalinga Canal and certain other project facilities operated by the Westlands Water District at no expense to the United States; second, provision of power from the Central Valley project for pumping water above the San Luis Canal; third, delivery of 6.000 acre-feet of municipal and industrial water to the Westlands Water District; and fourth, delivery of 50,000 acre-feet of water to the Westlands Water District from the Mendota Pool.

The amendment is acceptable to me with the clear understanding that the 180-day extension provision is not applicable to the repayment contract of April 1, 1965, or the water service contract of June 5. 1963. The point, of course, is that during the period of investigation by the Secretary's Task Force, there should be no loopholes allowing for increased water deliveries or for altered repayment obligations. These are highly controversial topics and deserve the careful scrutiny of the task force and the review of its ultimate recommendations to the Congress.

Mr. President, I am hopeful that this bill will be swiftly approved so that the construction of the drains and distribution system in Westlands will not cease, and so that the task force can get started right away on an important and long-overdue investigation of the allegations and controversies involving the Westlands Water District.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95-144), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE MEASURE

If enacted, H.R. 4390 would authorize the appropriation of funds for fiscal year 1978 for continuing construction of the distribution system and drains of the San Luis Unit, Central Valley project, California. In addition, the measure provides for the establishment of a task force to review the management, organization, and operation of the San Luis Unit. The task force is to report to the Congress, the results of an examination of specific issues enumerated in the act, no later than January 1, 1978.

BACKGROUND

The San Luis Unit was authorized by the act of June 3, 1690. At the time of authorization, the project was envisioned as being comprised of two elements; (1) major project features such as dams, reservoirs, canals, and pumping plants, and (2) water distribution systems and drains. Appropriations were separately identified for the two elements. The authorization for major project features provided for cost indexing but the authorization for the distribution system and drains did not provide for indexing.

Subsequently, expenditures for the second element of the project have reached the authorized ceiling.

The Senate Interior Committee and the Senate Small Business Committee have held joint hearings to examine allegations of irregularities and nonconformance with reclamation law in regard to the operation of the San Luis and in particular the Westlands Water District. H.R. 4390 recognizes the seriousness of the allegations and mandates a study of project operations with a report to the Congress.

Inasmuch as the authorization is limited to fiscal year 1978, the Congress will have a further authorization measure before it during the 2d Session of the 95th Congress. The study will provide information for consideration at that time.

Construction of the San Luis Unit has been underway for approximately 15 years. The administration's budget request to the Congress for fiscal yeear 1978 includes the funds which would be authorized by H.R. 4390 and the anticipated expenditure was included in the submittal of the Senate Committee on Energy and Natural Resources to the Senate Budget Committee Pursuant to section 301 (c) of the Congressional Budget Act (Publication No. 95-7, March 1977).

LEGISLATIVE HISTORY

H.R. 4390 was introduced by Mr. Sisk on March 2, 1977. On April 20, the Subcommittee on Water and Power of the House Interior and Insular Affairs Committee held a hearing to take public and administration testimony on H.R. 4390. The bill was subsequently reported to the floor of the House on April 29, where it was approved on May 2 by a vote of 377 ayes to 14 nays.

A companion measure to H.R. 4390, S. 1358 was introduced by Senators Cranston and Hayakawa on April 22, 1977. A hearing was held before the Public Lands and Resources Subcommittee of the Senate Committee on Energy and Natural Resources on May 6, to take public and administration testimony on S. 1358 and H.R. 4390. During the course of the hearing, the administration testified in favor of passage of H.R. 4390, if suitably amended.

COMMITTEE AMENDMENTS

Administration testimony during the May 6 hearing and the Department of the Interior's formal comments on H.R. 4390 pointed out the need to amend section 3 in order to allow the Secretary of the Interior to extend certain temporary service contracts appurtenant to the San Luis Unit, and due to terminate on December 31, 1977.

The specific arrangements listed by Keith Higginson, Commissioner of the Bureau of Reclamation, during his testimony before the Subcommittee are: (*a*) operation of the Coalinga Canal and certain other project facilities operated by the Westlands Water District at no expense to the United States, (*b*) provision of power from the Central Valley Project for pumping water above the San Luis Canal, (*c*) delivery of 6,000 acre-feet of municipal and industrial water to the Westlands Water District, and (*d*) delivery of 50,000 acre-feet of water to the Westlands Water District from the Mendota Pool.

The amendments adopted by the Committee will prevent a lapse in operations pending resolution of policy issues and execution of any amendatory arrangements following submission of the study by the task force, and will permit extension of the aforementioned operations for a period of 180 days.

It is the Committee's explicit concern that the language contained in the final version of H.R. 4390 should in no context be considered as precluding participants in the San Luis Unit from availing themselves of the programs and assistance made available pursuant to the Drought Authority Act of 1976-77 (Public Law 95-18).

COST AND BUDGET CONSIDERATIONS

In accordance with section 252(a) of the Legislative Reorganization Act of 1970, the Committee provides the following estimate of costs.

H.R. 4390, as reported by the Committee, authorize the appropriation of $31,050,000 for fiscal year 1978.

Pursuant to section 403 of the Congressional Budget Act, the Congressional Budget Office prepared the following cost estimate based upon the assumption of passage into law of H.R. 4390.

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, D.C., May 9, 1977.

Hon. HENRY M. JACKSON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, 3106 Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 4390, a bill to authorize appropriations for continuation of construction of distribution systems and drains on the San Luis Unit, Central Valley project, California, to mandate the extension and review of the project by the Secretary, and for other purposes.

Should the Commitee so desire, we would be pleased to provide further details on the attached cost estimate.

Sincerely,
ROBERT A. LEVINE,
(For Alice M. Rivlin, Director).

CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE

MAY 9, 1977.

1. Bill number: H.R. 4390.

2. Bill title: A bill to authorize appropriations for continuation of construction of distribution systems and drains on the San Luis Unit, Central Valley project, California, to mandate the extension and review of the project by the Secretary, and for other purposes.

3. Bill status: As referred to the Senate Committee on Energy and Natural Resources, May 3, 1977.

4. Bill purpose: This legislation authorizes to be appropriated for fiscal year 1978, $31,050,000 for continuation of construction of distribution systems and drains on the San Luis Unit, Central Valley Project, California. However, no funds are to be expended until the Secretary obtains a pledge from the affected districts indicating their intention to repay the costs associated with the construction authorized by this act. The bill also directs the Secretary of the Interior to establish a task force to review the management, organization and operations of the San Luis Unit.

5. Cost Estimate:

[In millions of dollars; fiscal years]

	1977	1978	1979	1980	1981	1982
Authorization level	----	31.05	----	----	----	----
Net costs:						
Estimated costs	0.10	10.45	10.35	10.35	----	----
Less: Estimated repayments	----	----	.25	.50	0.75	1.00
Net costs	.10	10.45	10.10	9.85	−.75	−1.00

6. Basis of estimate: It is assumed that all of the $31 million will be appropriated, and it is estimated that it will be expended evenly from fiscal year 1978 through fiscal year 1980. The task force costs have been estimated to be $200,000; half in fiscal year 1977 and half in fiscal year 1978. The estimate of repayments to the government is based on the assumption that a repayment contract will be approved in fiscal year 1978, and that the affected districts will begin repaying for those portions of the project already in operation. The amount to be repaid each year is calculated by dividing the amount expended for the completed portions by 40 years (the maximum time for repayment after completion).

7. Estimate comparison: None.

8. Previous CBO estimate: This estimate is identical to the one submitted to the House Committee on Interior and Insular Affairs, April 29, 1977, except for the change in title.

9. Estimate prepared by: Kathy Weiss (225-7760).

10. Estimate approved by:

ROBERT A. SUNSHINE,
(For James L. Blum, Assistant Director for Budget Analysis).

REGULATORY IMPACT EVALUATION

In compliance with paragraph 5 of the Rule XXIX of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 4390.

The act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals. The measure authorizes appropriations for fiscal year 1978 and mandates the establishment of a Task Force to examine the operations and management of the San Luis Unit of the Central Valley Project in California.

While it is true that personal information will be gathered during the study to be performed by the task force, this will be accomplished by holding public hearings and the examination of existing public documents and records. Therefore, it is the Committee's belief that there will be no discernible impact on personal privacy.

"Paperwork" as a result of the measure will consist primarily of the record of public hearings to be held by the task force and the preparation and presentation of the report to the Congress as required by section 2.

EXECUTIVE COMMUNICATIONS

The pertinent legislative reports and communications received by the Committee from the Department of the Interior setting forth executive agency recommendations relating to H.R. 4390 follow:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 6, 1977.

Hon. HENRY M. JACKSON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department concerning S. 1358, and H.R. 4390, as passed by the House of Representatives, two substantially identical bills which would amend the Act of June 3, 1960 (74 Stat. 156), authorizing the Secretary of the Interior to construct the San Luis Unit, Central Valley Project, California, to authorize additional appropriations for continued construction of distribution systems and drains and to mandate a study of the project by the Department of the Interior.

The Department supports enactment of either bill, with two amendments. The bills are identical except for the title and the provision in H.R. 4390 which would require a pledge of repayment by the District prior to committing the funds authorized. Inasmuch as H.R. 4390 has already been passed by the House, consideration of that bill may allow for more expeditious action.

H.R. 4390 authorizes an appropriation of $31,050,000 for fiscal year 1978 to continue work on the San Luis Unit. It establishes a task force to review the project and prohibits further contracts by the Department with the Westlands Water District pending the outcome of the study. After completion of the study, no such contract could be executed unless Congress has been notified and had not disapproved it within 90 days.

We support enactment of the bill because it provides for continued progress on the Unit, with funding limited to the period required for a needed review of the project. Any substantial addition or change in the development, planning, and financial structure of the Unit at this time is undesirable because developments anticipated in the near future will have a substantial effect on policy and planning for the Unit.

The Department is already undertaking a review of the San Luis project, with particular emphasis on the proposed amendatory water service and distribution system contract with Westlands Water District. The study in the bill will augment this review.

The existing water service contract between the United States and the Westlands Water District, which was signed on June 5, 1963, provides for the purchase by Westlands of water delivered from the Central Valley Project to the District. A second contract between the United States and the Westlands Water District, dated April 1, 1965, provides for the construction of a water distribution and drainage collector system to distribute water to the project lands and to remove drainage water from those lands that need drainage service and calls for repayment by Westlands. The work that already has been completed on the distribution system and collector drains and the work now in progress approaches the maximum repayment amount provided in the repayment contract. It therefore will be necessary to amend the contract to provide for additional repayment if construction is to continue beyond that now completed or underway.

An amendatory water service and distribution system contract has been under negotiation with Westlands Water District for several years. The purpose of that contract was to combine and update the previous two contracts and to provide for changes that have occurred since the original contracts were signed. A proposed amendatory contract was approved by the Assistant Secretary, Land and Water Resources on March 28, 1975. A further modification in the amendatory contract was approved in August 1975. Copies were made available to appropriate congressional committees. The processing of the amendatory contract was not completed by the district during 1975 and 1976 and on January 19, 1977, further revisions in the proposed amendatory contract were approved by the Assistant Secretary.

The proposed amendatory contract has been the subject of considerable discussion and debate among various interested parties. Upon assuming my duties as Secretary of the Interior, I stated that a further review would be made of the proposed amendatory contract before it is acted upon. That review is now in progress and could be readily conformed to the terms of the bill. It was initially designed to consider various questions that have been raised regarding the Westlands contract and the San Luis project, including administration of excess land laws, water rates, the start of repayment on the distribution system and collector drains, the amount of water to be furnished to Westlands, the construction of new wells for integration of ground water with surface supplies, and the impact on the Sacramento-San Joaquin Delta of diversions to the San Luis Unit.

A second development relating to the project involves a lawsuit filed by Contra Costa County Water District concerning the adequacy of the environmental impact statement on the San Luis Unit and related matters. A stipulation and order filed with the court on April 5, 1977, provides that the United States will prepare a supplement to the environmental impact statement on the San Luis Unit and submit copies to the court not later than April 1, 1979. Pending completion of the supplemental environmental impact statement and further action by the court, the United States may continue to deliver water to Westlands Water District and execute short-term water service contracts but no such water service contract can have a term longer than the pendency of the court action. The net effect of that portion of the stipulation is that no long-term action can be taken on an amendatory contract relating to water service to Westlands until the supplemental environmental statement is completed and the court has determined that the supplement complies with the requirements of the National Environmental Policy Act. However, the stipulation did provide that the United States and Westlands Water District may negotiate a contract for continued construction and completion of water distribution, drainage, and groundwater integration facilities, including wells, in Westlands Water District.

Thirdly, there is now being reviewed by the Department of Interior a co-operative agreement between the United States and the State of California which would affect many aspects of the operation and financing of the Unit.

The bill is compatible with these related developments. While we basically support the bill, there are two changes I recommend to make the bill more manageable.

As originally proposed, the bill's provision for a task force study called for the Commissioner of Reclamation, the Assistant Secretary for Land and Water Resources, the Solicitor of the Department, and the Comptroller General to be mandatory members of the task force study group, and provided me with the discretion to appoint other members from among the general public, the State of California, and the Westlands Water District. A subsequent Committee amendment in the House made membership of the latter groups on the panel mandatory.

I strongly believe that the membership requirements now provided by the bill may make the task force an unwieldy one and could make it very difficult for the group to function efficiently and to achieve quality results in the time provided.

While we have no objection to include representatives of the State, Westlands, or the public, should candidates be proffered, the bill provides no guidelines or limitations as to who or how many of each of those groups shall be represented or how they should be selected, and it gives me no discretion to select from those groups. The provision could cause delay, uncertainty, or disruption of the task force proceedings. We much prefer the discretionary provision as it was previously written.

The operation of the Coalinga Canal and other project facilities by Westlands, the furnishing of power from the Central Valley Project, the delivery of municipal and industrial water, and the deliveries of agricultural water from the Mendota Pool are not covered by the June 5, 1963, water service contract with Westlands. In the past, we have covered the aforementioned items by annual temporary contracts. The current annual contracts will terminate on December 31, 1977. The terms and conditions of these arrangements are separate and apart from the June 5, 1963 contract and do not by themselves modify or affect the 1963 contract. It is desirable that those arrangements be continued until an amendatory contract with Westlands is consummated in accordance with the provisions of H.R. 4390. We suggest that a provision in section 3 allowing for a 180-day extension of those agreements would solve the short term management problem presented by the bill without conflicting with the bill's purpose.

We also wish to confirm our understanding and our intention regarding the repayment and water service contracts with Westlands in the light of the authorization of $31 million in the substitute language for H.R. 4390 which was adopted at the markup. As stated in the Departmental testimony of Mr. Higginson on April 20, 1977, the repayment contract of April 1, 1965, with Westlands is for an amount not to exceed $157,048,000. If the funds authorized to be appropriated in H.R. 4390 are in fact appropriated and expended, the costs incurred with respect to the Westlands distribution system and drains will exceed the repayment contract amount.

We understand that it was the intention of section 1 of the bill to allow us to proceed with such expenditures, notwithstanding the provision of the repayment contract of April 1, 1965. Before Reclamation commits itself to costs that would exceed the present repayment amount, the board of directors of Westlands would be required to pass an appropriate resolution acknowledging its obligation to repay the additional costs and its intention to sign a formal contract covering the additional payment after the report of the task force and the amendatory contract have been submitted to Congress, as contemplated by the legislation. Such a resolution would not legally obligate the District, but it would be evidence of its good faith and intentions.

We intend to seek the presentation and approval of such a resolution at a meeting of the board in the near future, and will also make repayment of the $31 million a firm position in future negotiations of an amendatory contract, and in consideration of any future authorization and appropriation requests for the project.

For the record, we would also like to note our view that the proposed bill, including section 1, does not alter or abrogate existing provisions of the San Luis Act or related contracts except to the extent necessary to authorize the single appropriation of $31,050,000 for fiscal year 1978, and to assure that those funds, and only those funds, may be expended to continue work on the San Luis Unit without application of legislative and contractual limitations that might otherwise apply. Apart from this, the San Luis Act and related contracts would remain in full force and effect.

The bill is intended to provide an interim, short-term solution to the problem. It would prevent disruption of the construction program on the distribution systems and drains, but would extend that construction only to a limited extent, affording some reasonable period for the resolution of the several problems now outstanding in the structure and operation of the San Luis Unit and for the introduction of appropriate legislation to effect those resolutions.

We therefore recommend that the bill be swiftly enacted.

The Office of Management and Budget advises that it has no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

GUY R. MARTIN,
Assistant Secretary.

STATE VETERANS' HOME ASSISTANCE IMPROVEMENT ACT OF 1977

The Senate proceeded to consider the bill (H.R. 3695) to amend title 38 of the United States Code in order to revise and improve the program of making grants to the States for the construction, remodeling, or renovation of State home facilities for furnishing hospital, domiciliary, and nursing home care for eligible veterans, and for other purposes, which had been reported from the Committee on Veterans' Affairs with an amendment to strike out all after the enacting clause and insert the following:

That this Act may be cited as the "State Veterans' Home Assistance Improvement Act of 1977".

SEC. 2. Subchapter V of chapter 17 of title 38, United States Code, is amended by striking out section 644 in its entirety.

SEC. 3. Subchapter III of chapter 81 of title 38, United States Code, is amended by—

(1) amending section 5031(c) to read as follows:

"(c) The term 'construction' means the construction of new domiciliary or nursing home buildings, the expansion, remodeling, or alteration of existing buildings for the provision of domiciliary, nursing home, or hospital care in State homes, and the provision of initial equipment for any such buildings.";

(2) amending section 5031(d) to read as follows:

"(d) The term 'cost of construction' means the amount found by the Administrator to be necessary for a construction project, including architect fees, but excluding land acquisition costs.";

(3) amending section 5032 to read as follows:

"The purpose of this subchapter is to assist the several States to construct State home facilities for furnishing domiciliary or nursing home care to veterans, and to expand, remodel, or alter existing buildings for furnishing domiciliary, nursing home, or hospital care to veterans in State homes.";

(4) amending section 5033 to read as follows:

"(a) There is hereby authorized to be appropriated $15,000,000 for the fiscal year ending September 30, 1978, and a like sum for the succeeding fiscal year. Sums appropriated pursuant to this section shall be used for making grants to States which have submitted, and have had approved by the Administrator, applications for carrying out the purposes and meeting the requirements of this subchapter.

"(b) Sums appropriated pursuant to subsection (a) of this section shall remain available until expended.";

(5) amending section 5034(2) to read as follows:

"(2) General standards of construction, repair, and equipment for facilities constructed with assistance received under this subchapter.";

(6) striking out in section 5034(3) "nursing home";

(7) striking out in section 5035(a) "for furnishing nursing home care";

(8) amending section 5035(a)(4) by striking out "nursing home care to veterans" and inserting in lieu thereof "to veterans the level of care for which such application is made"; by striking out "10 per centum" and inserting in lieu thereof "25 per centum"; and by striking out "nursing home" and inserting in lieu thereof "such level of";

(9) amending section 5035(b)(3) to read as follows:

"(3) the application contains such reasonable assurances under subsection (a) of this section as the Administrator may determine to be necessary, and";

(10) inserting in section 5035(c) "notice and" after "applicant";

(11) amending section 5035(d) by inserting "(1)" before "Upon"; by striking out "requested with respect to such project in such application," and inserting in lieu thereof "so approved,"; and by inserting at the end of subsection (d) the following new paragraph:

"(2) No one State may receive in any fiscal year in the aggregate under this subchapter more than one-third of the amount appropriated for carrying out this subchapter in such fiscal year.";

(12) striking out in section 5035(e) "approved application" and inserting in lieu thereof "application, whether or not approved,"; and

(13) amending section 5036 by striking out "of facilities for furnishing nursing home care"; by inserting immediately before the comma following the word "subchapter" where it first appears "(except that the Administrator, pursuant to regulations which the Administrator shall prescribe, may at the time of such grant provide for a shorter period than twenty, but not less than seven, years, based on the magnitude of the project and the grant amount involved, in the case of the expansion, remodeling, or alteration of existing facilities)"; by striking out "nursing home care" where it appears the second time and inserting in lieu thereof "domiciliary, nursing home, or hospital care"; and by striking out "facilities," where it appears the third time and inserting in lieu thereof "construction (but in no event an amount greater than the amount of assistance provided for such construction under this subchapter),".

SEC. 4. (a) The heading at the beginning of subchapter III of chapter 81 of title 38, United States Code, is amended by striking out "Nursing Home Care" and inserting in lieu thereof "Domiciliary, Nursing Home, and Hospital Care".

(b) The table of sections at the beginning of chapter 17 of such title, is amended by striking out

"644. Authorization of appropriations.".

(c) The table of sections at the beginning of the heading of subchapter III of chapter 81 of such title, is amended by striking out "NURSING HOME CARE" and inserting in lieu thereof "DOMICILIARY, NURSING HOME, AND HOSPITAL CARE".

SEC. 5. (a) Except as provided in subsection (b) of this section, the amendments made by this Act shall be effective October 1, 1977.

(b)(1) The terms and conditions of any grant made prior to October 1, 1977, under section 644 of title 38, United States Code, and regulations prescribed thereunder, shall remain in full force and effect unless modified, by the mutual agreement of the parties, in accordance with the provisions of subchapter III of chapter 81 of such title, and regulations prescribed thereunder, in effect after September 30, 1977.

(2) With respect to any grant made prior to October 1, 1977, under subchapter III of chapter 81 of such title, the Administrator of Veterans' Affairs shall, upon application of a grantee, modify the terms and conditions of such grant to comply with the provisions of such subchapter as amended by this Act, and regulations prescribed thereunder, and shall promptly notify each such grantee of the grantee's right to request such modification.

Mr. CRANSTON. Mr. President, on January 19, the administration sent to the Congress a proposed bill relating to Veterans' Administration programs of grant assistance for State veterans' homes nursing care, domiciliary, and hospital facilities. The essential purposes of that proposal were to revise and improve these programs—by consolidating the statutory provisions relating to them—and to increase from $10 to $15 million the combined annual authorization of appropriations for these programs.

The Senator from West Virginia (Mr. RANDOLPH), a senior member of the Committee on Veterans' Affairs, introduced the administration-requested measure on March 30 as S. 1189. That bill was a companion to H.R. 3695, which the House of Representatives passed on April 4. Senator RANDOLPH's sponsorship of this legislation reflected his continued deep concern for the needs of elderly veterans, those principally served by the State veterans' homes. Moreover, it was on his recommendation that the committee, in its report accompanying this legislation, directed the Chief Medical Director of the VA's Department of Medicine and Surgery to include complete consideration of the appropriate scope and role of State veterans' home programs in a current VA study—mandated by Public Law 94–581—of its health care programs with reference to the increasing average age of veterans. Senator RANDOLPH's actions in these respects were just one further, timely manifestation of the dedication and leadership he has for years exhibited in the field of veterans' health care and other veterans matters.

Joining the Senator from West Virginia (Mr. RANDOLPH) as cosponsors of S. 1189 were six other members of the Committee on Veterans' Affairs: the Senator from Florida (Mr. STONE), the Senator from New Hampshire (Mr. DURKIN), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Vermont (Mr. STAFFORD), the Senator from South Carolina (Mr. THURMOND), and the Senator from Wyoming (Mr. HANSEN).

I also ask unanimous consent, Mr. President, that I may be added as a cosponsor at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. On April 27, 1977, the committee's Subcommittee on Health and Readjustment conducted a hearing on this and other measures. Those who presented testimony at that time included the Deputy Administrator of Veterans' Affairs, Rufus M. Wilson, the Chief Medical Director, Dr. John D. Chase, and other representatives of the Veterans' Administration. Testimony was also received from representatives of veterans' organizations and the National Association of State Veterans Homes.

Mr. President, the administration-proposed legislation would have served the primary objectives of consolidating the VA State assistance program for hospital and domiciliary facilities with that for nursing homes, as well as authorizing new grants for the construction of new State home domiciliary facilities and for the expansion of existing buildings for State home domiciliary and hospital facilities, and increasing the annual authorization of appropriations. However, the committee found in its review of the bill, and in its consultations with VA officials, that further improvements were necessary if the relevant statutory provisions were to serve as the best possible foundation for the future of these construction grant-assistance programs, which we expect to play an increasingly vital role in providing needed facilities for the rapidly increasing numbers of elderly veterans.

Thus, several changes were made in the legislation; and in a May 11 meeting, the committee unanimously voted to report favorably H.R. 3695 with an amendment in the nature of a substitute.

The Administrator of Veterans' Affairs stated in a May 16 letter to the committee that the committee bill was "preferable to" the measure which earlier had been submitted for introduction and passed by the other body.

Mr. President, I ask unanimous consent that the text of that letter appear in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

VETERANS' ADMINISTRATION, OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,
Washington, D.C., May 16, 1977.

Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This will respond to your informal request for a report by the Veterans' Administration on H.R. 3695, 95th Congress, as amended, a bill to amend title 38 of the United States Code in order to revise and improve the program of making grants to the States for the construction, remodeling, or renovation of State home facilities for furnishing hospital, domiciliary, and nursing home care for eligible veterans, and for other purposes.

The legislation considered by the House of Representatives was identical to a draft bill submitted by the Veterans' Administration. Accordingly, we indicated full support for that bill. However, it later became apparent that there were some technical deficiencies in the legislation we had proposed, and it was for this reason that we indicated at the hearing on this measure before your subcommittee that some revisions needed to be made, and we would be happy to work with your staff in making necessary changes to the bill. Since the hearing, our general counsel staff has been working closely with your Committee staff to perfect the bill. We believe the bill, which has been ordered reported by your Committee, is preferable to that we earlier submitted for introduction to both the House and Senate, and, therefore, we favor the enactment of such amended bill.

We are advised by Office of Management and Budget that there is no objection to the presentation of the report from the standpoint of the Administration's program.

Sincerely,

MAX CLEVELAND, *Administrator.*

Mr. CRANSTON. Mr. President, this legislation comes at a time when the VA is confronting a significant change in the composition of the American veteran population. Nearly half of all living veterans fought in World War II, and the year 1980 will mark the 35th anniversary of the end of that war. By 1980, the average World War II veteran will be 60 years old. In the next 10 years, the number of veterans 60 years of age or older will more than double, from 4 million to almost 9 million.

Present VA facilities are not adequate to cope with the special medical needs of today's elderly veterans. The VA's 88 nursing homes are filled to capacity, with long waiting lists for admission to most of them. The same is true of the 16 VA domiciliary facilities. Some State nursing homes and domiciliary facilities are also running at or near capacity. It is very clear that much needs to be done to prepare for the enormous number of elderly veterans who will require extended care before the next decade has passed.

SUMMARY OF H.R. 3695 AS REPORTED

Mr. President, the basic purpose of H.R. 3695, as reported, which I will refer to as the committee bill, is to consolidate and expand two existing Veterans' Administration programs of grant assistance to State home extended-care facilities for veterans. One such program provides for grant assistance for the remodeling of State veterans' home domiciliary and hospital facilities; the other provides such assistance for the construction of new State veterans' home nursing care facilities, for the remodeling of existing buildings to provide such care, and for initial equipment in both cases. Current law authorizes annual appropriations of $5 million for each of these programs; the committee bill, would authorize a $5 million increase in the combined levels—a total annual authorization of $15 million for the consolidated programs for fiscal years 1978 and 1979. In addition, this bill would provide new authority for grant assistance for the new construction of State home domiciliary facilities, for the expansion of such facilities and State home hospital facilities, and for initial equipment in both cases.

The committee bill has two main substantive sections:

Section 2, which repeals the existing statutory provision authorizing appropriations for making grants for the remodeling of State home domiciliary and hospital facilities and governing the operation of this grant program (section 644 of title 38, United States Code); and

Section 3, which consolidates the construction grant-assistance programs under section 644 (for State home domiciliary and hospital facilities) and under subchapter III of chapter 81 of title 38 (for State home nursing care facilities) into subchapter III, and creates new statutory authority for grants for the construction of new domiciliary facilities and the expansion of domiciliary and hospital facilities, and for initial equipment in both categories.

Other substantive improvements made by section 3 in the programs so consolidated would:

First: Increase the total annual authorization for the consolidated programs by $5 million—from the $5 million currently authorized for each of the two programs—to a total of $15 million for each of the fiscal years 1978 and 1979.

Second: Remove the 3-fiscal-year limitation on the availability of sums appropriated for the consolidated programs and substitute an "antilapsing" provision which makes such funds available for expenditure "until expended."

Third: Expand, to include domiciliary and hospital facilities, the scope of the requirement that no more than a fixed percentage of the resident population of a grant-assisted State nursing home may consist of persons other than patients receiving care as veterans; and raise the allowable nonveteran population from 10 to 25 percent in order to make appropriate allowance for veterans' spouses, surviving spouses, and Gold Star mothers (mothers of service-persons who died in the line of duty).

Fourth: Incorporate in the consolidated programs the existing provision under the domiciliary and hospital program whereby no one State can receive in any given fiscal year more than a fixed percentage of the total amount appropriated for the program in that fiscal year; and increase that limit from 20 percent to one-third.

Fifth. Expand, to include domiciliary and hospital projects, the statutory nursing home program recapture provision (under which the VA can enforce assurances that the completed project will continue to be used principally as promised by "recapturing" 65 percent of the value of any facility converted to a principal nonconforming use within 20 years of the completion of the project); allow the Administrator, pursuant to regulations, to reduce the recapture period to not less than 7 years in the cases of expansion, remodeling, and alteration; and limit recapture in any event to not more than the amount of grant assistance provided for the project in question.

Sixth. Expand, to include domiciliary and hospital facilities, the requirement that the Administrator prescribe by regulation general standards governing construction, repair, and equipment and the furnishing of care at grant assisted facilities.

Section 5 of the committee bill provides for an October 1, 1977, effective date with a "savings" provision for hospital and domiciliary grants made under the section to be repealed (sec. 644 of title 38), and gives existing nursing home program grantees the right of obtaining grant modifications consistent with the new act and regulations thereunder (principally to apply for the discretionary shortening of the recapture provision for expansion, remodeling, and alteration projects and to be governed by the more liberal provision for nonveteran residents).

BACKGROUND

Mr. President, the Federal Government's program of assistance to State homes for veterans began on August 27, 1888, with the enactment of an act to provide aid to State or territorial homes for the support of disabled soldiers and sailors of the United States. The act made provision for annual per capita contributions to the 11 States which at that time provided domiciliary care for disabled veterans in State homes. In 1939 the 79th Congress, in Public Law 250, amended the 1888 statute to extend such assistance to hospital care provided in State homes.

Public Law 88–450, enacted August 19, 1964, further extended Federal assistance to State homes to include nursing home care, and established separate per diem rates for domiciliary care and nursing home care. The 1964 statute also authorized annual appropriations of $5 million for the making of State home grants by the Veterans' Administration to pay 50 percent of the costs of constructing new nursing care facilities, expanding or remodeling buildings for use as nursing care facilities, and initially equipping such facilities.

On December 30, 1969, through the enactment of Public Law 91–178, Congress authorized a separate per diem rate for State home hospital care and established a grant-assistance program providing 50-percent Federal funding for the remodeling of existing hospital and domiciliary facilities. That statute authorized annual appropriations for such grants of $5 million.

Public Law 93–82, enacted August 2, 1973, raised the maximum amount of VA participation in individual projects in both the nursing home and the domiciliary and hospital facility programs from 50 percent to 65 percent.

Since the 1964 enactment of the first authority for construction grants for State homes (limited to nursing home facilities) in Public Law 88–450, the VA has provided grants totaling $54 million to 22 States for nursing home construction, expansion, and remodeling projects. These grants have supported new construction projects for 4,733 nursing home beds, 3,355 of which are already in use. Of the 1,378 beds currently in various phases of construction, 560 will be activated in fiscal year 1978 and 818 in fiscal year 1979. Grants under this program have also supported nursing home expansion or remodeling projects, the latter having been undertaken for such purposes as improving patient privacy and making alterations related to fire safety.

Since the 1969 enactment of authority for domiciliary and hospital remodeling grants in Public Law 91–178, the VA has provided 16 States with $9 million for domiciliary and hospital facility remodeling projects, primarily for fire safety and updating improvements.

In total, Mr. President, the State home program has grown from the original 11 homes in 11 States in 1888 to 40 homes, one of which has two annexes, in 30 States and the District of Columbia. Currently a total of 15,815 beds is available for the care of veterans in State homes. Of these, 8,517 are used for domiciliary care, 5,971 for nursing home care, and 1,327 for hospital care. In fiscal year 1976, 26,573 veterans received care in State homes. In addition, 15 States provided care for veterans' spouses, widows and Gold Star mothers in their State homes. The total cost of running the State home system is approximately $80 million annually. Currently, States bear approximately three-quarters of this total operational cost, and the Federal Government through the per-diem program, pays the remainder—$22.2 million in fiscal year 1976.

Mr. President, in order that all Senators and the public may have a full understanding of the various provisions of this measure, I ask unanimous consent that there be inserted in the Record at this point pertinent excerpts from the committee report (No. 95–166) accompanying this bill.

There being no objection, the material was ordered to be printed in the Record, as follows:

Discussion

Future Role of Veterans' State Homes

In providing for the consolidation and expansion of the State home construction grant-assistance programs for nursing care facilities and domiciliary and hospital facilities, the Committee bill also provides a modest increase (both to combat the impact of inflation on construction costs and to expand the level of assistance available) in the capacity of those programs and lays the groundwork for an improved system to meet the needs of the rapidly growing numbers of elderly veterans for extended care facilities. In its January 19, 1977, letter transmitting a draft bill for consolidation of the programs, the Veterans' Administration stated that several States had expressed interest in constructing new domiciliary facilities and that there were more requests for nursing home construction than could be funded. The Committee notes with approval the sustained and growing interest among the States in participating in these valuable programs, and is hopeful that the consolidated State home grant-assistance programs will play an important role in the Veterans' Administration's overall strategy to respond to the needs of the expanding numbers of elderly veterans.

The State home program has long been recognized as a high-quality, cost-efficient alternative to the provision of extended care in VA facilities. This legislation is thus very timely and should be the first in a concerted series of steps this year and next to prepare to deal with the medical needs of our elderly veterans. Section 117 of the Veterans Omnibus Health Care Act of 1976 (Public Law 94–581), requires the Chief Medical Director of the VA's Department of Medicine and Surgery to complete a study (to be reported to the appropriate Congressional Committees by October 21, 1977) of the VA's health care programs "with reference to the increasing average age of the eligible veteran population." The Committee directs the Chief Medical Director to include in such study complete consideration of the scope and role of the State veterans' home program in addressing this problem. In view of the threefold increase in the costs of construction for nursing home beds under this program since 1965—from approximately $10,000 to more than $30,000—the study should also consider the need for further expansion of this program and an increase in the Federal share of the costs of construction, expansion, and remodeling. The Committee expects that the report should make appropriate recommendations on these questions.

New Project Authority

Under current law, grants under section 644 of title 38 can be used only to remodel modify, or alter existing hospital or domiciliary facilities in State homes. According to the VA, several States would like Federal assistance in constructing new domiciliary facilities. Clause (1) of section 3 of the Committee bill, by redefining the term "construction" at section 5031(c) of title 38, expands the authority for the making of grants to include grants for the construction of new domiciliary facilities. No provision, however, is made for grants for the construction of new hospital facilities.

In the cases of both hospital and domiciliary facilities, clause (1) of section 3 also creates new authority for grants for the expansion of domiciliary and hospital facilities and for the initial equipping of both newly constructed domiciliaries and buildings which are expanded, remodeled, or altered for the provision of domiciliary or hospital care in State homes.

Increased Authorizations

Clause (4) of section 3 of the Committee bill provides authorization for annual appropriations of $15 million for fiscal years 1978 and 1979. This represents a $5 million increase over the current annual appropriations authorizations of $5 million for each of the two programs (sections 644(a) and 5033(a)). Both the rapid rate of inflation in construction costs over the past several years and expressed State interest in these programs are sufficient to warrant this increase.

Antilapsing Provision

At present, moneys appropriated for grants under both the nursing home and the hospital and domiciliary programs are available only until the end of the second fiscal year following the year in which such moneys are appropriated. By virtue of these provisions (existing sections 644(d) and 5033(b)), the VA returned a total of $1,010,472 to the Treasury due to the lapsing of appropriations during the period 1966 through 1973.

The reasons for such lapsing have been twofold:

(1) Construction bids were lower than the preliminary estimates according to which funds had been committed. In some projects, a considerable delay (1 or 2 years) occurred between the time the VA committed funds on the basis of a project estimate and the time bids were received.

(2) Actual construction costs proved to be lower than expected.

The amendments in clause (4) of section 3, of the Committee bill change section 5033 (b) to make funds appropriated for all State home grants available "until expended". However, the Committee stresses that this provision is not intended to permit any substantial deferral of obligations and expenditures. The VA is expected to continue to proceed to make grants in an orderly, consistent pattern under this language, and is directed to notify the appropriate committees of Congress in advance of any plan to defer any substantial amount of an annual appropriation to a subsequent year.

Provision of Care to Nonveterans

Clause (8) of section 3 of the Committee bill amends section 5035(a)(4) to include domiciliary and hospital facilities within the existing requirement applicable to assisted nursing home facilities that no more than a fixed percentage of the bed occupancy at a grant-assisted facility shall consist of persons other than veterans.

In its review of this requirement, the Committee learned that fifteen State homes have traditionally admitted veterans' spouses and the surviving spouses of deceased veterans, as well as Gold Star mothers. There is a concern that the existing 10-percent limit may preclude the admission of some married couples, even though both are in need of care, thus causing the separation of families. Also, the veterans' spouse often outlives the veteran and remains at the State home facility, thereby possibly preventing the admission of another married couple if the nonveteran limit is too low.

The Committee has accepted recommendations to raise the nonveteran limit from 10 to 25 percent in the interest of avoiding situations in which families would be separated. In so raising this limit, however, it is not the Committee's intention that there be any further movement toward the admission of nonveteran-related persons—that is, those who are neither veterans nor the spouses, surviving spouses, or Gold Star mothers of veterans.

Clause (8) of section 3 of the Committee bill would also require grant applicants to provide assurance that the completed project will be used principally for "the level of care" (that is, either nursing home, domiciliary, or hospital care) for which the application is made. This would preclude postcompletion shifting of the principal use of a facility from one level of care to another without VA approval, as well as a cessation of any veteran-care use.

Individual States' Shares

Clause (11) of section 3 of the Committee bill adds a new paragraph (2) to section 5035(d). This new paragraph is based on the existing section 644(b), which prohibition against any one State's receiving in any fiscal year more than 20 percent of the amount appropriated for that fiscal year for the domiciliary and hospital grant program. At present, no such limit exists on the share of the nursing home grant appropriations which one State may receive, although present sections 5034(1) and 5035(b)(4) preclude the making of any grant which would cause any State to have more than 2½ beds per 1,000 veterans.

The Committee believes that, in order to foreclose the possibility of inequitably large grants to a few States, some limit should be placed on the amount any one State may receive under the consolidated programs. On the other hand, VA officials have expressed concern about introducing this limit into the nursing home construction field. They also point out that the existing limit sometimes leads to uneconomical results for domiciliary construction; for example, larger projects are sometimes split into 2 years in order to stay below the limit, and such extending of the period of construction means higher costs.

In balancing these considerations, the Committee bill sets an annual limit on grants to any one State under the consolidated subchapter of one-third of the amount appropriated in any given fiscal year. Assuming the consolidated programs are fully funded, this would allow any one State to receive $5 million in one fiscal year and thus, taking into account the State's mandatory 35-percent matching funds, to mount projects totaling $7.7 million. At present construction cost levels for State home nursing care facilities ($30,000 per bed), this amount would support the new construction of, for example, nursing care facilities with a total of more than 250 beds in a single State in one year.

"Recapture"

Section 5036 of title 38 is a "recapture" provision under the existing nursing home construction grant program. It provides the teeth for VA enforcement of assurances that the completed project will continue to be used principally to carry out the purpose of the grant (as codified in present section 5032). At present, section 5036 gives the VA the option of recapturing 65 percent of the value of a State nursing home facility which the State converts, within a 20-year period, to a principal use other than nursing home care for veterans.

Clause (13) of section 3 of the Committee bill would (a) expand the 20-year recapture provision to include domiciliaries and hospitals; (b) allow the Administrator, pursuant to regulations, to limit recapture to 7 years in the cases of expansion, remodeling, and alteration; and (c) limit the amount of recapture to the value of the grant-assisted construction at the time of conversion or to the amount of the grant assistance provided for the project in question, whichever is the lesser.

Inclusion of some statutory recapture provision for domiciliary and hospital projects seems necessary to the Committee. At present, the Administrator has established by regulation under section 644 a 7-year recapture period for assisted domiciliary and hospital remodeling projects, even though the existing statutory 20-year period applies at present under section 5036 to remodeling and expansion of nursing home facilities. However, the VA has indicated that a substantial amount of grant assistance has been and will be applied to minor modifications in older domiciliary, hospital, and nursing care buildings, frequently to make fire-safety improvements. Automatic application of a 20-year recapture provision would seem unwise in the cases of such relatively minor projects as a new sprinkling system, fire doors, and quicker egress. Such an extended recapture provision might even tend to discourage such desirable improvements. The Committee bill, therefore, would allow the Administrator, pursuant to regulations he shall prescribe, to provide for shorter recapture periods (not less than 7 years) for expansion, remodeling, and alteration project grants.

Also, to foreclose the possibility of an unjust enrichment of the Federal Government in the case of appreciation in the value of a grant-assisted facility between the time of construction or remodeling and the time of conversion to a use other than that intended, the Committee bill adds to section 5036 language which limits recapture to the amount of assistance provided under the consolidated programs.

SECTION-BY-SECTION ANALYSIS OF H.R. 3695 AS REPORTED

SECTION 1

Provides that this Act may be cited as the "State Veterans' Home Assistance Improvement Act of 1977".

SECTION 2

Repeals present section 644 of subchapter V of chapter 17 of title 38, United States Code, which provides authorizations for appropriations of $5 million each year through fiscal year 1979 for making grants to States to assist in the remodeling, modification, or alteration of hospital or domicilary facilities in State homes providing care and treatment for veterans. The existing section also establishes certain conditions governing the making of such grants. By virtue of section 3 of the Committee bill, this grant program is consolidated with a similar program of Veterans' Administration grant assistance for the construction, expansion, and remodeling of State home nursing care facilities under present subchapter III of chapter 81.

SECTION 3

Amends subchapter III of chapter 81 of title 38 (relating to the program of construction grant-assistance for State home nursing care facilities) to consolidate State home construction grant-assistance programs and to make certain improvements in those programs.

Clause (1) of section 3 amends subsection (c) of present section 5031 (defining the the term "construction") to expand the definition of "construction" (and thus the scope of subchapter III) to include the construction of new domiciliary or nursing home buildings and the expansion, remodeling, or alteration of existing buildings for the provision of domiciliary, nursing home, or hospital care in State homes, and the provision of initial equipment for such buildings. The new definition changes existing law by making provisions for grants for the construction of new domiciliary facilities, for the expansion as well as the remodeling and alteration of hospital and domiciliary facilities, and for the initial equipping of newly constructed domiciliaries and of such expanded, demodeled, or altered domiciliaries and hospitals. Grants for the construction of new State home hospital facilities are not authorized.

Clause (2) of section 3 amends subsection (d) of present section 5031 (defining the term "cost of construction") to expand the definition of "cost of construction" by deleting the specific, limiting reference to nursing home facilities. That deletion, in conjunction with the new definition of "construction", broadens the scope of this definition to include the domiciliary and hospital facility program. The Committee has been advised by the Veterans' Administration that the phrase "architect fees" in this clause has been construed to mean "architect-engineer fees", and no changes are made in the underlying language on this point.

Clause (3) of section 3 amends present section 5032 (declaring the purpose of this subchapter) to broaden the declaration of purpose to encompass the domiciliary and hospital grant-assistance programs, as well as the nursing home program. This section also establishes the operative scope of the subchapter III program.

Clause (4) of section 3 amends subsection (a) of present section 5033 (authorizing appropriations for the making of grants approved by the Administrator of Veterans' Affairs) to authorize annual appropriations of $15 million for the consolidated programs in fiscal years 1978 and 1979—an increase of $5 million over the current annual authorization of $5 million for each of the two existing programs—and amends subsection (b) of present section 5033 (limiting the availability of appropriations) to provide that funds appropriated pursuant to subsection (a) of present section 5033 will remain available until expended. Under existing law (subsection (d) of present section 644 and subsection (b) of present section 5033) appropriations are available only until the end of the second fiscal year following the fiscal year for which they were appropriated. Moneys not obligated within that time must be returned to the Treasury.

Clause (5) of section 3 amends clause (2) of present section 5034 (relating to regulations establishing certain physical standards for nursing home care facilities) by deleting the specific reference to nursing home care and thus broadening the scope of that subsection to the consolidated programs, and by deleting language that is unnecessary in light of the definition of "construction" in subsection (c) of section 5031.

Clause (6) of section 3 amends clause (3) of present section 5034 (relating to regulations governing general standards of nursing home care) by deleting the specific reference to nursing homes and thus broadening the scope of the clause to the consolidated programs.

Clause (7) of section 3 amends subsection (a) of present section 5035 (governing applications for grant assistance) by deleting the specific reference to nursing home care and thus broadening the scope of the subsection to the consolidated programs.

Clause (8) of section 3 amends subsection (a) (4) of present section 5035 (requiring that at least 90 percent of the grant-assisted nursing home facility's bed occupancy must consist of veterans receiving nursing home care) to require grant applications to give reasonable assurances that, upon completion of a grant-assisted construction project, the facility will be used principally for the intended level of care (that is, either domiciliary, hospital, or nursing home care) and that at all times at least 75 percent of the bed occupancy of the facility will consist of veterans receiving the level of care for which the application was made.

Clause (9) of section 3 amends subsection (b) (3) of present section 5035 (relating to certain findings which the Administrator must make in approving grant applications) to simplify the wording of the subsection by deleting summary descriptions of the kinds of assurances grant applications must provide under subsection (a) of present section 5035 and substituting a cross-reference to those assurances.

Clause (10) of section 3 amends subsection (c) of present section 5035 (relating to the procedure which the Administrator must follow in denying a grant application) to require that, before disapproving a grant application, the Administrator provide the applicant with notice as well as an opportunity for a hearing.

Clause (11) of section 3 amends subsection (d) of present section 5035 (relating to the maximum Federal share of construction project costs and the procedures for making grant payments) by redesignating it as paragraph (1) of subsection (d) and by providing that, upon approving a grant application, the Administrator shall certify the amount "so approved" to the Secretary of the Treasury. At present, subsection (d) of present section 5035 seems to require the Administrator, upon granting approval, to certify the amount "requested" in the application.

This clause also amends subsection (d) by adding a new paragraph (2), which limits the total amount any one State may receive under this subchapter in any given fiscal year to one-third of the amount appropriated for carrying out this subchapter in that fiscal year. Under existing law governing the hospital and domiciliary facility grant program (subsection (b) of present section 644), no one State may receive in any one fiscal year more than 20 percent of the amount appropriated for that program; and no such percentage limitation is placed on nursing home facility construction grants, although paragraph (1) of present section 5034 and subsection (b) (4) of present section 5035 preclude the making of any grant which would cause a State to have more than 2½ beds per 1,000 veterans.

Clause (12) of section 3 amends subsection (e) of present section 5035 (relating to the approval of amendments to applications) to make clear that amendments to applications not yet approved, as well as amendments to approved applications, are subject to approval in the same manner as original applications.

Clause (13) of section 3 amends section 5036 (providing the Federal Government with a "recapture" option to enforce the assurances that completed projects will continue to be used principally for the purposes for which the grant was made, under which the Administrator may elect to recapture 65 percent of the value of a facility that ceases to be so used) by making conforming changes necessitated by the broadening of subchapter III to include hospital and domiciliary grant assistance; by giving the Administrator discretion, pursuant to regulations, to limit recapture to 7 years in the case of the expansion, remodeling, or alteration of a hospital, nursing home, or domiciliary facility; and by limiting any recapture to the value of the grant-assisted construction at the time of conversion to an unintended principal use or the amount of the grant assistance extended to the project in question, whichever is the lesser.

SECTION 4

This section makes conforming changes in chapter and subchapter headings and in the tables of sections.

SECTION 5

Subsection (a) of section 5 establishes an effective date of October 1, 1977, except as provided in subsection (b) of this section.

Subsection (b) (1) of section 5 contains, with respect to grants made under and prior to the repeal of present section 644 (the existing authority for the State home domiciliary and hospital facility grant program), a "savings" provision under which the terms and conditions of such grants remain intact unless modified by mutual agreement in accordance with the new Act and regulations prescribed thereunder.

Subsection (b) (2) of section 5 provides, with respect to nursing home grants made prior to the effective date of this Act, that the grantees shall have the right, upon application, to obtain modification of the terms and conditions of such grants in accordance with the provisions of the new Act and regulations prescribed thereunder. This subsection (b) (2) also requires the Administrator to give each such grantee prompt notice of the right to request such modification.

Mr. CRANSTON. Mr. President, in closing I want to pay tribute to all members of the Committee on Veterans' Affairs for their bipartisan support of this measure and note my special gratitude for the contributions and cooperation of the ranking minority member of the full committee, Mr. STAFFORD, who has such a deep interest in the State home program and has been a leader in this field. I also wish to thank for their hard and effective work committee staff members Ed Scott, Michael Burns, Jon Steinberg, Larry White, Harold Carter, Garner Shriver, and Gary Crawford. Lastly, Mr. President, I wish once again to thank my good friend, the Senator from West Virginia (Mr. RANDOLPH), for his splendid cooperation in this effort.

I urge my colleagues to support H.R. 3695 as amended.

Mr. RANDOLPH. Mr. President, on March 30, with Senators STONE, DURKIN, MATSUNAGA, STAFFORD, THURMOND, and HANSEN, I introduced S. 1189. If enacted it would revise and improve the program of making grants to the States for construction, remodeling, or renovation of State home facilities for furnishing hospital, domiciliary, and nursing home care for eligible veterans and other purposes.

Under existing law, the Veterans' Administration is authorized to make grants to the States for remodeling existing State hospital and domiciliary facilities. It also provides for constructing new State nursing home facilities.

States that do not presently operate domiciliary facilities cannot participate in the Federal grant program, since present law limits the remodeling of homes to those States that now operate State homes.

Our bill would authorize the use of funds for the construction of new State home domiciliaries in the same manner as is now provided for State nursing home care. Each of these programs is authorized an annual appropriation of $5 million. The authorization of an additional $5 million for a total annual authorization of $15 million would provide for the consolidated programs through fiscal years 1978 and 1979.

The Veterans' Affairs Committee met on May 11 to mark up S. 1189. Under the able leadership of Chairman ALAN CRANSTON, the members unanimously reported H.R. 3695, with an amendment in the nature of a committee substitute instead of S. 1189.

It is my strong belief that the VA domiciliary and nursing home care programs must be expanded and refined to meet the challenge of an aging veteran population. Presently, all World War I veterans are over 65—their average age is 80 plus; 1.3 million World War II veterans are now age 65 or older. According to the VA, by mid-1980, nearly 3 million veterans will be 65 or more, representing 29.5 percent of all U.S. males in that age group. By 1990—only 13 years away—almost 7 million veterans will be in this age category, with the peak coming in 1995 when there will be over 7.8 million aged veterans. They will represent 65.1 percent of all U.S. males in this age group. We know generally as persons move into the over 65—retirement phase of life—their incomes are reduced drastically and illness strikes with greater frequency and intensity.

Today over 10.000 veterans are being treated and cared for in State nursing homes. Congress should do everything it possibly can to encourage more States to construct and operate medical facilities for the care and treatment of the aged veteran.

Mr. President, this measure has received the support of veterans' organizations, the National Association of State Veterans' Homes and the Veterans' Administration. I urge the Senate to approve this vital veterans legislation.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 95–166), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Summary of H.R. 3695, as Reported

BASIC PURPOSE

The basic purpose of H.R. 3695, as reported (referred to as the "Committee bill" hereinafter), is to consolidate and expand two existing Veterans' Administration programs of grant assistance to State home extended-care facilities for veterans. One such program provides for grant assistance for the remodeling of State veterans' home domiciliary and hospital facilities; the other provides such assistance for the construction of new State veterans' home nursing care facilities, for the remodeling of existing buildings to provide such care, and for initial equipment in both cases. Current law authorizes annual appropriations of $5 million for each of these programs; the Committee bill, would authorize a $5 million increase in the combined levels—a total annual authorization of $15 million for the consolidated programs for fiscal years 1978 and 1979. In addition, this bill would provide new authority for grant assistance for the new construction of State home domiciliary facilities, for the expansion of such facilities and State home hospital facilities, and for initial equipment in both cases.

SUMMARY OF PROVISIONS

The Committee bill has two main substantive sections:

Section 2, which repeals the existing statutory provision authorizing appropriations for making grants for the remodeling of State home domiciliary and hospital facilities and governing the operation of this grant program (section 644 of title 38, United States Code); and

Section 3, which consolidates the construction grant-assistance programs under section 644 (for State home domiciliary and hospital facilities) and under subchapter III of chapter 81 of title 38 (for State home nursing care facilities) into subchapter III, and creates new statutory authority for grants for the construction of new domiciliary facilities and the expansion of domiciliary and hospital facilities, and for initial equipment in both categories.

Other substantive improvements made by section 3 in the programs so consolidated would:

1. Increase the total annual authorization for the consolidated programs by $5 million—from the $5 million currently authorized for each of the two programs—to a total of $15 million for each of the fiscal years 1978 and 1979.

2. Remove the 3-fiscal-year limitation on the availability of sums appropriated for the consolidated programs and substitute an "antilapsing" provision which makes such funds available for expenditure "until expended."

3. Expand, to include domiciliary and hospital facilities, the scope of the requirement that no more than a fixed percentage of the resident population of a grant-assisted State nursing home may consist of persons other than patients receiving care as veterans; and raise the allowable nonveteran population from 10 to 25 percent in order to make appropriate allowance for veterans' spouses, surviving spouses, and Gold Star mothers (mothers of service-persons who died in the line of duty).

4. Incorporate in the consolidated programs the existing provision under the domiciliary and hospital program whereby no one State can receive in any given fiscal year more than a fixed percentage of the total amount appropriated for the program in that fiscal year; and increase that limit from 20 percent to one-third.

5. Expand, to include domiciliary and hospital projects, the statutory nursing home program recapture provision (under which the VA can enforce assurances that the completed project will continue to be used principally as promised by "recapturing" 65 percent of the value of any facility converted to a principal nonconforming use within 20 years of the completion of the project); allow the Administrator, pursuant to regulations, to reduce the recapture period to not less than 7 years in the cases of expansion, remodeling, and alteration; and limit recapture in any event to not more than the amount of grant assistance provided for the project in question.

6. Expand, to include domiciliary and hospital facilities, the requirements that the Administrator prescribe by regulation general standards governing construction, repair, and equipment and the furnishing of care at grant-assisted facilities.

Section 5 of the Committee bill provides for an October 1, 1977, effective date with a "savings" provision for hospital and domiciliary grants made under the section to be repealed (section 644 of title 38), and gives existing nursing home program grantees the right to obtain grant modifications consistent with the new Act and regulations thereunder (principally to apply for the discretionary shortening of the recapture provision for expansion, remodeling, and alteration projects and to be governed by the more liberal provision for nonveteran residents).

BACKGROUND

History of State veterans' home assistance programs

The Federal Government's program of assistance to State homes for veterans began on August 27, 1888, with the enactment of an Act to provide aid to State or territorial homes for the support of disabled soldiers and sailors of the United States. The Act made provision for annual per capita contributions to the 11 States which at that time provided domiciliary care for disabled veterans in State homes. In 1939 the 79th Congress, in Public Law 250, amended the 1888 statute to extend such assistance to hospital care provided in State homes.

Public Law 88–450, enacted August 19, 1964, further extended Federal assistance to State homes to include nursing home care, and established separate per diem rates for domiciliary care and nursing home care. The 1964 statute also authorized annual appropriations of $5 million for the making of State home grants by the Veterans' Administration to pay 50 percent of the costs of constructing new nursing care facilities, expanding or remodeling buildings for use as nursing care facilities, and initially equipping such facilities.

On December 30, 1969, through the enactment of Public Law 91–178, Congress authorized a separate per diem rate for State home hospital care and established a grant-assistance program providing 50-percent Federal funding for the remodeling of existing hospital and domiciliary facilities. That statute authorized annual appropriations for such grants of $5 million.

Public Law 93–82, enacted August 2, 1973, raised the maximum amount of VA participation in individual projects in both the nursing home and the domiciliary and hospital facility programs from 50 percent to 65 percent.

Since the 1964 enactment of the first authority for construction grants for State homes (limited to nursing home facilities) in Public Law 88–450, the VA has provided grants totaling $54 million to 22 States for nursing home construction, expansion, and remodeling projects. These grants have supported new construction projects for 4,733 nursing home beds, 3,355 of which are already in use. Of the 1,378 beds currently in various phases of construction, 560 will be activated in fiscal year 1978 and 818 in fiscal year 1979. Grants under this program have also supported nursing home expansion or remodeling projects, the latter having been undertaken for such purposes as improving patient privacy and making alterations related to fire safety.

Since the 1969 enactment of authority for domiciliary and hospital remodeling grants in Public Law 91–178, the VA has provided 16 States with $9 million for domiciliary and hospital facility remodeling projects, primarily for fire safety and updating improvements.

In total, the State home program has grown from the original 11 homes in 11 States in 1888 to 40 homes, one of which has two annexes, in 30 States and the District of Columbia. Currently a total of 15,815 beds is available for the care of veterans in State homes. Of these, 8,517 are used for domiciliary care, 5,971 for nursing home care, and 1,327 for hospital care. In fiscal year 1976, 26,573 veterans received care in State homes. In addition, 15 States provided care for veterans' spouses, widows and Gold Star mothers in their State homes. The total cost of running the State home system is approximately $80 million annually. Currently, States bear approximately three-quarters of this total operational cost, and the Federal Government through the per-diem program, pays the remainder—$22.2 million in fiscal year 1976.

Addressing the needs of growing numbers of elderly persons for extended-care facilities

This legislation comes at a time when the VA is confronting a significant change in the composition of the American veteran population. Nearly half of all living veterans fought in World War II, and the year 1980 will mark the thirty-fifth anniversary of the end of that war. By 1980, the average World War II veteran will be 60 years old. In the next 10 years, the number of veterans 60 years of age or older will more than double, from four million to almost nine million.

Present VA facilities are not adequate to cope with the special medical needs of today's elderly veterans. The VA's 88 nursing homes are filled to capacity, with long waiting lists for admission to most of them. The same is true of the 16 VA domiciliary facilities. Some State nursing home and domiciliary facilities are also running at or near capacity. It is very clear that much needs to be done to prepare for the enormous number of elderly veterans who will require extended care before the next decade has passed.

COST ESTIMATE

In accordance with section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91–510, 91st Congress), the Committee, based on information supplied by the Congressional Budget Office, estimates that the 5-year cost resulting from the enactment of the Committee bill would be $0.5 million in fiscal year 1978; $2.5 million in fiscal year 1979; $4.5 million in fiscal year 1980; $2.5 million in fiscal year 1981; and $0 in fiscal year 1982. A detailed breakdown of these costs, as estimated by CBO, over the 5-year period follows:

Congressional Budget Office

Cost Estimates

1. Bill number: H.R. 3695.

2. Bill title: Veterans' State Home Assistance Improvement Act of 1977.

3. Bill purpose: To revise and improve the program of making grants to the States for the construction, remodeling or renovation of State home facilities for furnishing hospital, domiciliary, and nursing home care for eligible veterans. H.R. 3695 reenacts the two State home grant programs as a single provision of law, and authorizes the use of funds for the construction of new State home domiciliaries. The total amount of the authorization will be $15 million, or an increase of $5 million per year over the present combined authorization levels.

4. Cost estimate (in millions).

Authorization levels

Budget authority:	
1978	$5
1979	5

[In millions]

	1978	1979	1980	1981	1982
Projected total outlays:					
1978	$0.5	$2.0	$2.5	--	--
1979	--	.5	2.0	2.5	--
Total outlays	.5	2.5	4.5	2.5	--

5. Basis for estimate: Projected outlays are based on CBO estimates for spendout levels for Grants to State Homes. These spendout levels are 10 percent for the first year, 40 percent for the second year, and 50 percent for the third year. Appropriations levels are assumed to equal authorized amounts.

6. Estimate comparison: Not applicable.

7. Previous CBO estimate: Identical estimate was transmitted to the House Committee on Veterans' Affairs on March 21, 1977.

8. Estimates prepared by: Mary Plaska.

9. Estimate approved by:

James L. Blum,
Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In compliance with paragraph 5 of rule XXIX of the Standing Rules of the Senate, the Committee on Veterans' Affairs has made an evaluation of the regulatory impact which would be incurred in carrying out the Committee bill. The results of that evaluation are described below.

The Committee bill would provide for the consolidation and expansion of existing programs of construction grant-assistance to State veterans' home nursing care, domiciliary and hospital facilities and for a $5 million increase in the combined annual authorization of appropriations for those programs in fiscal years 1978 and 1979. In light of the nature of this legislation, its regulatory impact will be minimal.

In a few areas the Committee bill may have some regulatory impact. Such impact would result primarily from the increased amount, and the new types, of construction activity for which provisions of the bill would authorize the making of grants. Thus, the Committee expects that a $5 million increase in the annual authorizations for construction grants for fiscal years 1978 and 1979 (as provided in clause (4) of section 3 of the bill) would mean that additional numbers of contractors would bid on, and receive awards of, contracts funded in part by the increased funding, and would thus become subject to Veterans' Administration regulations governing the procurement process. Likewise, the Committee expects that there would be new types of construction as a result of the new provision (by virtue of the redefinition provided by clause (1) of section 3 of the Committee bill of the term "construction" in present section 5031(c) of title 38, United States Code) for grants for the new construction of State home domiciliary facilities, for the expansion of State home domiciliary and hospital facilities, and for initial equipment in both cases. The existing construction grant-assistance program for State home nursing care facilities, however, already includes these kinds of construction projects for nursing care facilities; and the regulations, forms, and procedures to be applied both to the increased construction activity and the new types of domiciliary and hospital construction would be substantially identical to those used in the existing nursing home construction program.

It should also be noted that the proposed merger of the domiciliary and hospital construction grant-assistance program into the similar nursing home program would subject the former to statutorily mandated regulations in certain areas—general standards for construction, repair, and equipment in completed, grant-assisted hospital and domiciliary facility construction (clause (2) of present section 5034); general standards for furnishing care at grant-assisted hospital and domiciliary facilities (clause (3) of present section 5034); applications for grant assistance, and procedures for approving grants and making grant payments (present section 5035); and recapture of funds granted for remodeling or alteration of buildings to be used to furnish State home domiciliary or hospital care (present section 5036). In all but one of these areas, regulations governing the domiciliary and hospital grant-assistance program (under section 644) already exist even though not specifically required under current law. The exception is that new regulations governing general standards for construction, repair, and equipment of completed, grant-assisted hospital and domiciliary facility construction would be required under the Committee bill. New regulations establishing these standards would possibly generate some additional contract work for private businesses at the hospital and domiciliary facilities concerned and thus produce a consequent regulatory impact on the businesses which submit bids for and receive such contracts.

However, the most significant substantive changes which the Committee bill would make in the regulatory provisions of existing law are actually liberalizing changes which would lessen the regulatory-impact of current law on the States which participate in the State home construction grant-assistance programs. Thus, clause (8) of section 3 of the bill would amend present section 5035(a)(4) to reduce from 90 percent to 75 percent the allowable percentage of non-veterans residing in State home nursing care facilities; and clause (13) of section 3 of the bill would amend present section 5036 to provide for a more limited "recapture" period for nursing home projects and for a less onerous limit on the amount of recapture in all cases.

The following analysis is based on above-mentioned:

A. Estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses:

Regulations prescribed under present law (existing section 644 of title 38 and subchapter III of chapter 81) directly apply only to the agencies and instrumentalities of those States which choose to make application for grants under the State home assistance programs. The Committee bill would not change existing law in this respect. Thus, only those businesses which compete for and receive contracts funded pursuant to the availability of additional funds under the two programs and generated by the requirements of standards established by new regulations, as discussed above, would be affected by the Committee bill and, even in such cases, the regulatory impact would be indirect.

It is not possible for the Committee to estimate the number of businesses which would bid on and receive contracts which, but for the bill, would not have been awarded. Those numbers will depend upon the size and nature of the projects which would be undertaken under the new grant-assistance programs, as modified and expanded by the Committee bill, and that information is not presently available. The number of such contractors is, however, certain to be relatively small given the overall size of the program expansion.

B. Determination of the economic impact of such regulations on individuals, consumers and businesses affected:

The economic impact of the regulations on businesses which choose to bid on, and accept awards of, contracts on construction projects assisted by grants made possible by the Committee bill would not be any greater than the impact of ordinary government procurement regulations.

No economic impact on individuals and consumers is foreseen.

C. Determination of the impact on the personal privacy of the individuals affected:

No regulations prescribed under the provisions of the Committee bill would have any impact on the personal privacy of any individuals.

D. Determination of the amount of additional paperwork that will result from regulations to be promulgated under the bill:

All new regulations which would be prescribed under the provisions of the Committee bill would be in the nature of replacement regulations or, in the cases of regulations relating to the new types of construction activity for which the Committee bill provides, would be slight modifications of existing regulations for similar construction activities presently authorized. Therefore, such new regulations would not, by virtue of the requirements of the bill, call for the submission of any new kinds of data in addition to that which is presently required under existing law and regulations. Regulations which would be promulgated under the Committee bill thus would result in no appreciable additional paperwork, except for that which would necessarily accompany the increased level of grant and construction activity which the bill would create.

FISHERMEN'S PROTECTIVE ACT AMENDMENTS

The Senate proceeded to consider the bill (S. 1184) to amend section 7(e) of the Fishermen's Protective Act of 1967, as amended, which had been reported from the Committee on Commerce, Science and Transportation with an amendment on page 1, beginning with line 8, insert the following:

"Sec. 10. (a) After July 1, 1977, the Secretary may make a loan to the owner or operator of any vessel of the United States which is documented or certified as a commercial fishing vessel if—

"(1) he receives an application for a loan under this section after such date; and

"(2) he determines that such vessel, or its fishing gear, was lost, damaged, or destroyed by any vessel (or its crew or fishing gear) of a foreign nation.

Any such loan—

"(A) may be for an amount not exceeding the value of such loss, damage, or destruction;

"(B) shall be conditional upon assignment to the Secretary of any right to recover for such loss, damage, or destruction;

"(C) shall bear interest at the rate of 2 per centum per annum; and

"(D) shall be subject to such terms and conditions as the Secretary deems necessary or appropriate for the purposes of this section.

The Secretary shall use the Fishermen's Protective Fund created under section 9 for the amounts of any loan made under this section. Loans may be made for any loss, damage, or destruction occurring within one year prior to, and anytime after, July 1, 1977.

"(b) The Secretary, in conjunction with other agencies or departments, shall investigate each incident of loss, damage, or destruction for which a loan was made under this section. If he determines that the owner or operator who received the loan was not at fault, the Secretary shall cancel repayment of such loan and refund to such owner or operator any principal and interest payments thereon made prior to the date of such cancellation.

"(c) The Secretary, with the assistance of the Attorney General and the Secretary of State, shall take appropriate action, pursuant to the provisions of title 28, United States Code, to collect on any right assigned to him under subsection (a). Amounts collected under this subsection shall—

"(1) if such loan was canceled pursuant to subsection (b), be paid into the Fishermen's Protective Fund created under section 9, to the extent of the amount so canceled;

"(2) if not so canceled, be applied to the repayment of such loan; or

"(3) to the extent not used pursuant to paragraph (1) or (2), paid to the owner or operator who assigned such claim.

"(d) For the purposes of this section, the term 'Secretary' means the Secretary of Commerce".

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (e) of section 7 of the Fishermen's Protective Act of 1967, as amended (82 Stat. 729, as amended; 22 U.S.C. 1977), is further amended by deleting the date "October 1, 1977" and inserting in lieu therefor "October 1, 1979".

"SEC. 10. (a) After July 1, 1977, the Secretary may make a loan to the owner or operator of any vessel of the United States which is documented or certified as a commercial fishing vessel if—

"(1) he receives an application for a loan under this section after such date; and

"(2) he determines that such vessel, or its fishing gear, was lost, damaged, or destroyed by any vessel (or its crew or fishing gear) of a foreign nation.

Any such loan—

"(A) may be for an amount not exceeding the value of such loss, damage, or destruction;

"(B) shall be conditional upon assignment to the Secretary of any right to recover for such loss, damage, or destruction;

"(C) shall bear interest at the rate of 2 per centum per annum; and

"(D) shall be subject to such terms and conditions as the Secretary deems necessary or appropriate for the purposes of this section.

The Secretary shall use the Fishermen's Protective Fund created under section 9 for the amounts of any loan made under this section. Loans may be made for any loss, damage, or destruction occurring within one year prior to, and anytime after, July 1, 1977.

"(b) The Secretary, in conjunction with other agencies or departments, shall investigate each incident of loss, damage, or destruction for which a loan was made under this section. If he determines that the owner or operator who received the loan was not at fault, the Secretary shall cancel repayment of such loan and refund to such owner or operator any principal and interest payments thereon made prior to the date of such cancellation.

"(c) The Secretary, with the assistance of the Attorney General and the Secretary of State, shall take appropriate action, pursuant to the provisions of title 28, United States Code, to collect on any right assigned to him under subsection (a). Amounts collected under this subsection shall—

"(1) if such loan was canceled pursuant to subsection (b), be paid into the Fishermen's Protective Fund created under section 9, to the extent of the amount so canceled;

"(2) if not so canceled, be applied to the repayment of such loan; or

"(3) to the extent not used pursuant to paragraph (1) or (2), paid to the owner or operator who assigned such claim.

"(d) For the purposes of this section, the term 'Secretary' means the Secretary of Commerce".

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

UP AMENDMENT 314

Mr. ROBERT C. BYRD. Mr. President, I send to the desk a technical amendment on behalf of Mr. MAGNUSON.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD), for Mr. MAGNUSON, proposes an unprinted amendment in the nature of a technical amendment 314.

On page 1, line 8, delete "July 1, 1977" and insert "October 1, 1977".

On page 2, line 21, delete "July 1, 1977" and insert "October 1, 1977".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1184

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (e) of section 7 of the Fishermen's Protective Act of 1967, as amended (82 Stat. 729, as amended; 22 U.S.C. 1977), is further amended by deleting the date "October 1, 1977" and inserting in lieu therefor "October 1, 1979".

"SEC. 10. (a) After October 1, 1977, the Secretary may make a loan to the owner or operator of any vessel of the United States which is documented or certified as a commercial fishing vessel if—

"(1) he receives an application for a loan under this section after such date; and

"(2) he determines that such vessel, or its fishing gear, was lost, damaged, or destroyed by any vessel (or its crew or fishing gear) of a foreign nation.

Any such loan—

"(A) may be for an amount not exceeding the value of such loss, damage, or destruction;

"(B) shall be conditional upon assignment to the Secretary of any right to recover for such loss, damage, or destruction;

"(C) shall bear interest at the rate of 2 per centum per annum; and

"(D) shall be subject to such terms and conditions as the Secretary deems necessary or appropriate for the purposes of this section.

The Secretary shall use the Fishermen's Protective Fund created under section 9 for the amounts of any loan made under this section. Loans may be made for any loss, damage, or destruction occurring within one year prior to, and anytime after, October 1, 1977.

"(b) The Secretary, in conjunction with other agencies or departments, shall investigate each incident of loss, damage, or destruction for which a loan was made under this section. If he determines that the owner or operator who received the loan was not at fault, the Secretary shall cancel repayment of such loan and refund to such owner or operator any principal and interest payments thereon made prior to the date of such cancellation.

"(c) The Secretary, with the assistance of the Attorney General and the Secretary of State, shall take appropriate action, pursuant to the provisions of title 28, United States Code, to collect on any right assigned to him under subsection (a). Amounts collected under this subsection shall—

"(1) if such loan was canceled pursuant to subsection (b), be paid into the Fishermen's Protective Fund created under section 9, to the extent of the amount so canceled;

"(2) if not so canceled, be applied to the repayment of such loan; or

"(3) to the extent not used pursuant to paragraph (1) or (2), paid to the owner or operator who assigned such claim.

"(d) For the purposes of this section, the term 'Secretary' means the Secretary of Commerce".

SAN FRANCISCO BAY AND GREAT DISMAL SWAMP NATIONAL WILDLIFE REFUGES AND THE TINICUM NATIONAL ENVIRONMENTAL CENTER AUTHORIZATIONS

The Senate proceeded to consider the bill (S. 1237) to extend the authorizations for appropriations for the San Francisco Bay and Great Dismal Swamp National Wildlife Refuges, and the Tinicum Environmental Center, which had been reported from the Committee on Environment and Public Works with amendments as follows:

On page 1, line 3, strike "(86 Stat. 399)" and insert "(86 Stat. 400)";

On page 2, beginning with line 11, strike through and including line 14 and insert in lieu thereof the following:

SEC. 3. The Act of June 30, 1972 (86 Stat. 391) establishing the Tinicum National Environmental Center, as amended by the Act of October 18, 1976 (90 Stat. 2528), is amended—

(1) by striking "Wanamaker Avenue" in the last sentence of section 2 and inserting in lieu thereof "Darby Creek"; and

(2) by amending section 7 to read as follows:

"SEC. 7. For the period beginning July 1, 1972, and ending September 30, 1980, there are authorized to be appropriated $11,100,000 to carry out the purposes of this Act.".

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act of June 30, 1972 (*86 Stat. 400*) establishing the San Francisco Bay National Wildlife Refuge is amended to read as follows:

"SEC. 5. For the period beginning July 1, 1972, and ending September 30, 1980, there are authorized to be appropriated $9,000,000 for the acquisition of lands and waters and interests therein as authorized by section 4 of this Act, and $11,300,000 for carrying out other provisions of this Act.".

SEC. 2. Section 4 of the Act of August 30, 1974 (88 Stat. 801), establishing the Great Dismal Swamp National Wildlife Refuge is amended to read as follows:

"SEC. 4. For the period beginning July 1, 1974, and ending September 30, 1980, there are authorized to be appropriated $20,000,000 for the acquisition of lands and waters and interests therein as authorized under section 3 of this Act, and $5,500,000 for other purposes.".

SEC. 3. The Act of June 30, 1972 (86 Stat. 391) establishing the Tinicum National Environmental Center, as amended by the Act of October 18, 1976 (90 Stat. 2528), is amended—

(1) by striking "Wanamaker Avenue" in the last sentence of section 2 and inserting in lieu thereof "Darby Creek"; and

(2) by amending section 7 to read as follows:

"SEC. 7. For the period beginning July 1, 1972, and ending September 30, 1980, there are authorized to be appropriated $11,100,000 to carry out the purposes of this Act.".

The amendments were agreed to.

Mr. HEINZ. Mr. President, the legislation which we are about to consider today is of particular interest to me and to all the citizens of Pennsylvania. H.R. 5493 would authorize the appropriation of $11.1 million for the preservation of the last remaining salt water marshland in the Commonwealth of Pennsylvania. In 1972, Congress created the Tinicum National Environmental Center. The refuge's 1,200 acres provide a unique outdoor laboratory for the purpose of exploration and development of new techniques in the field of environmental education and interpretation. Tinicum is the first environmental center in the United States. With the passage of this legislation the Interior Department will be able to expand the present area, and also fulfill the intent of the original legislation.

The citizens in and around the Delaware County area have made the Tinicum National Environmental Center a local priority. Not only have individuals banded together to form a citizen's group for the purpose of raising money locally, but additionally Delaware County officials have pledged to eliminate four sewage treatment plants, that discharge treated waste into the lagoon, at a cost to the couny of $8.42 million. In closing, I would like to recognize the people who have worked so diligently and arduously to make this dream a reality. The citizen's group, Concerned Area Residents for Preservation of Tinicum Marsh—CARP—the League of Women Voters, and the Delaware County officials are to be commended for the fine effort that they have expended on behalf of all the residents of Pennsylvania. Their time and effort has assured our State of a fine facility of which we can all be most proud.

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House on H.R. 5493.

The PRESIDING OFFICER (Mr. MATSUNAGA) laid before the Senate H.R. 5493, an act to extend until October 1, 1980, the appropriation authorizations for the Seal Beach, Great Dismal Swamp, and San Francisco Bay National Wildlife Refuges.

The PRESIDING OFFICER. Without objection, the bill will be considered as having been read twice by its title, and the Senate will proceed to its consideration.

UP AMENDMENT NO. 315

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. CULVER, I send to the desk an amendment and ask that it be stated by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD) for Mr. CULVER, proposes unprinted amendment No. 315,

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, line 1, line 8, strike all through line 5 on page 2, and insert the following:

SEC. 2. The Act of June 30, 1972 (86 Stat. 391) establishing the Tinicum National Environmental Center, as amended by the Act of October 18, 1976 (90 Stat. 2528), is amended—

(1) by striking "Wanamaker Avenue" in the last sentence of section 2 and inserting in lieu thereof "Darby Creek"; and

(2) by amending section 7 to read as follows:

"SEC. 7. For the period beginning July 1, 1972, and ending September 30, 1980, there are authorized to be appropriated $11,100,000 to carry out the purposes of this Act.".

Mr. CULVER. The Senate is currently considering legislation to extend funding for the acquisition and development of several national wildlife refuges. S. 1237 contains authorizations for the San Francisco Bay Refuge in California, the Great Dismal Swamp Refuge in Virginia, and the Tinicum Environmental Center in Pennsylvania. Two similar House bills are now pending at the desk. These are H.R. 2817, reauthorizing funding for the Tinicum Environmental Center, and H.R. 5493, reauthorizing funding for San Francisco Bay, Great Dismal Swamp, and a fourth refuge, Seal Beach in California.

Mr. President, with two exceptions the intent of the Senate and House bills are identical. First, the House bill authorizes continued funding for Seal Beach, while the Senate bill does not. This is because the Interior Department has testified that funding for the area, which is part of the Naval Weapons Station in Seal Beach, Calif., is not necessary unless the area is transferred from the Defense Department to the Interior Department. There are no such plans at this time.

Second, the House proposes to extend funding for the Tinicum Center indefinitely, while the Senate authorization would expire at the end of fiscal year 1980. Acquisition and development of this refuge have been slow, and I believe that by limiting funding for 3 years we will provide the Interior Department with an incentive to get on with the work on this refuge. The Department has testified that a 3-year funding limit would not adversely affect their activities at the Center.

Therefore, I propose an amendment to H.R. 5493 which would strike the Seal Beach authorization and insert in lieu of it a 3-year authorization for the Tinicum Environmental Center.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 5493) was passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that consideration of Calendar Order No 159, S. 1237, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which H.R. 5493 passed.

Mr STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SAFE DRINKING WATER ACT AUTHORIZATIONS

The bill (S. 1528) to amend section 2 of the Safe Drinking Water Act (Public Law 93–523) to extend and increase authorizations provided for public water system, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Safe Drinking Water Act Amendments of 1977".

SEC. 2. Subsection 2(a) of the Safe Drinking Water Act (88 Stat. 1660) is amended—

(1) by amending section 1442(c) (88 Stat. 1684) to read as follows:

"(c) There are authorized to be appropriated to carry out the provisions of this section $17,000,000 for the fiscal year ending September 30, 1978.";

(2) by amending section 1443(a)(5) (88 Stat. 1684) to read as follows:

"(5) For purposes of making grants under paragraph (1) there are authorized to be appropriated $20,500,000 for the fiscal year ending September 30, 1978.";

(3) by amending section 1443(b)(5) (88 Stat. 1685) to read as follows:

"(5) For purposes of making grants under paragraph (1) there are authorized to be appropriated $6,000,000 for the fiscal year ending September 30, 1978."; and

(4)(A) by amending section 1444(a) (88 Stat. 1684) by striking out "The Administrator may make grants" and inserting in lieu thereof "The Administrator shall offer grants"; and

(B) by amending section 1444(c) (88 Stat. 1686) to read as follows:

"(c) For the purposes of making grants under subsections (a) and (b) of this section there are authorized to be appropriated $25,000,000 for the fiscal year ending September 30, 1978.".

SEC. 3. There are authorized to be appropriated to the Environmental Protection Agency for research and development activities under the Safe Drinking Water Act $16,000,000 for the fiscal year ending Sepember 30, 1978.

JUDICIAL DISTRICT OF NORTH DAKOTA

The bill (S. 195) to amend title 28, United States Code, to provide that Bottineau, McHenry, Pierce, Sheridan, and Wells Counties, North Dakota, shall be included in the Northwestern Division of the Judicial District of North Dakota, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 114 of title 28, United States Code, is amended—

(1) by striking out "Sheridan", "Wells" in subparagraph (2).

(2) by striking out "Bottineau", "McHenry', "Pierce", in subparagraph (3).

(3) by striking out the entire subparagraph (4) and inserting in substitution thereof the following new subparagraph (4):

"(4) The Northwestern Division comprises the counties of Bottineau, Burke, Divide, McHenry, McKenzie, Mountrail, Pierce, Renville, Sheridan, Ward, Wells, and Williams.".

SEC. 2. This Act shall be effective one hundred and twenty days after date of enactment.

SEC. 3. Nothing in this Act shall affect the composition or preclude the service of any grand or petit jurors summoned, empaneled, or actually serving in the Northwestern, Northeastern, or Southeastern Divisions of the Judicial District of North Dakota on the effective date of this Act.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95-211), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF BILL

The bill realines the Southeastern, Northeastern, and Northwestern Divisions of the Judicial District of North Dakota by transferring Bottineau, McHenry, and Pierce Counties from the Northeastern Division to the Northwestern Division and transferring Sheridan and Wells Counties from the Southeastern Division to the Northwestern Division. The restructured divisions will reduce the average distance which litigants, attorneys, and jurors in these counties must travel to the nearest place of holding court by approximately 100 miles.

An identical bill (S. 2887) passed the Senate in the 94th Congress, but the House took no action.

STATEMENT

The State of North Dakota constitutes a single Federal judicial district comprised of four divisions. The divisions approximate quadrants and are accordingly designated as the Northwestern, Northeastern, Southeastern, and Southwestern Divisions.

Bottineau, McHenry and Pierce Counties lie in the northcentral part of the State of North Dakota. They form the extreme western and northern part of the Northeastern Division of the judicial district in which court is held only in Grand Forks on the far eastern border. The distance from Bottineau, the county seat of Bottineau County, to Grand Forks is 192 miles. The corresponding distance from Towner, county seat of McHenry County, is 165 miles, and from Rugby, county seat of Pierce County, 146 miles.

In the Northwestern Division court is held in Minot, which lies near the eastern border of that division. All of the above mentioned counties are significantly closer to Minot than Grand Forks. Placing Bottineau, McHenry, and Pierce Counties in the Northwestern Division would reduce travel to the Federal courthouse from the county seat of each county by 113, 120, and 82 miles respectively.

Sheridan and Wells Counties lie in the central part of the State. They form the extreme northwestern part of the Southeastern Division. In the Southeastern Division court is held in Fargo on the far eastern border of the division. Consequently, it is necessary to travel 201 miles from McClusky, county seat of Sheridan County, and 173 miles from Fessenden, county seat of Wells County, to the Federal courthouse in Fargo. Alineing Sheridan and Wells Counties with the Northwestern Division would reduce the mileage to the Federal courthouse by 117 miles when traveling from McClusky and 83 miles when traveling from Fessenden.

The interests of the Government, litigants and members of the bar of the counties affected would be served by reduction in travel distance and time. There would also be a saving for the Government in the mileage fee paid to jurors who are called to jury service from these five counties. Lawyers in the counties affected have endorsed this realinement, as have the Federal district judges for the District of North Dakota.

The committee believes that this realinement has a meritorious purpose and recommends its favorable consideration.

COST

No additional cost to the Government is involved.

COMMUNICATIONS

This measure has the support and approval of the Judicial Conference of the United States, as is evidenced by the following letter from the Deputy Director of the Administrative Office of the U.S. Courts:

ADMINISTRATIVE OFFICE OF THE
U.S. COURTS,
Washington, D.C., April 8, 1976.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further reference to your letter on February 20, 1976, transmitting for study and report S. 2887, a bill to amend title 28, United States Code, to provide that Bottineau, McHenry, Pierce, Sheridan, and Wells Counties, N. Dak., shall be included in the Northwestern Division of the Judicial District of North Dakota.

The Judicial Conference of the United approval of the proposal.

States, at its session on April 7, 1976, considered the provisions of S. 2887 and voted its

Sincerely,

WILLIAM E. FOLEY,
Deputy Director.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider, en bloc, the votes by which the various bills were passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TRANSFER OF MEASURES TO UNANIMOUS CONSENT CALENDAR

Mr. ROBERT C. BYRD. Mr. President, the following calendar orders have been cleared for action by unanimous consent: Nos. 160, 161, 162, 198, 196, and 201. I ask that the clerk transfer those measures to the Unanimous Consent Calendar.

The PRESIDING OFFICER. They will be so transferred.

ADDITIONAL COURT JUDGES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed now to the consideration of S. 11.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 11) to provide for the appointment of additional district court judges, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. HARRY F. BYRD, JR. Mr. President, the pending legislation would create an additional 109 permanent Federal district judges, and 4 temporary ones. It would also add 35 circuit court judgeships and create an 11th Circuit Court of Appeals.

In terms of both district court judges and appeals court judges, this would represent the largest single increase in the size of the Federal judiciary in the history of our country.

Less than 14 months ago—on April 1, 1976, to be precise—the Senate passed the omnibus judgeship bill No. S. 287. While that legislation died in the House and thus did not become law, it provided for 45 additional district judges. Companion legislation would have authorized seven additional circuit judges.

To me, it is not realistic to believe that our country needs this year more than twice as many new Federal district judges as it needed last year and five times as many new circuit judges.

I cannot support the pending legislation—and will vote against it—because I do not believe it reasonable or necessary to create 113 new Federal district judges and 35 new circuit judges.

While some additional judges are undoubtedly necessary, the huge figures contained in this bill are excessive and unreasonable.

As an aside, a more fundamental question comes to mind: That is to what extent the Federal courts have, through their own expansive interpretations of Federal governmental and judicial jurisdiction, contributed to their own congestion.

A few examples: The creation of an omnibus plan for the assignment of tenants in the Chicago housing system—the development and supervision of a districtwide school desegregation proposal—the suspension of elections in order to insure that districting and annexation plans of a municipality conform with the Voting Rights Act—all of these involved enormous amounts of judicial time.

So long as judicial decrees continue to expand into policymaking areas, the addition of district judges is like pouring sand into a funnel—and, I fear, could further erode the freedoms of the American people.

Mr. President, I shall vote against the pending measure.

Mr. SCOTT. Mr. President, I have considerable sympathy with the position of my distinguished colleague from Virginia, yet I am a member of the Senate Judiciary Committee that reported this bill.

There is doubt in my mind that we need the number of judges that the committee recommended, but we had a report by Senator McCLELLAN, the distinguished Senator from Arkansas, and it was for a lesser number of judges.

Senator McCLELLAN did submit this to the full committee after he conducted hearings, but a substitute was offered by the Senator from Massachusetts (Mr. KENNEDY) and it was adopted by a rollcall vote of the committee.

I voted against the amendment. I would have preferred the number of judges that was recommended by the Senator from Arkansas. But the Senator from Massachusetts felt that we should follow the recommendations of the Judicial Conference and should add a few extra judges, and that is how the committee arrived at the number that was reported and the number that is before the Senate today.

So while I indicate general concurrence with the comments of my distinguished colleague, as a member of the committee and participating in its deliberations I feel that I should vote in favor of this bill.

It may be that it will pass tonight on voice vote and I am not going to request a rollcall at this late hour. Yet, the record will show my position, as well as my senior colleague from Virginia.

Mr. ROBERT C. BYRD. Mr. President, I want to thank both of the distinguished Senators from Virginia (Mr. HARRY F. BYRD, JR., and Mr. SCOTT) for their willingness to proceed with a voice vote at this time on the passage of the bill and not ask for a rollcall vote.

Mr. BENTSEN. Mr. President, I rise today in strong support of S. 11, a bill that will create urgently needed Federal judgeships.

George Washington once said that "The administration of justice is the firmest pillar of government." In Texas and other areas of the Nation, the administration of justice has been hampered by ever-increasing burdens on our judicial system. Case filings have increased and the cases filed have become more complex. For example, not counting routine cases such as immigration matters, with no increase in the number of Federal judges, civil and criminal filings in Texas have increased approximately 25 percent since 1971, causing a backlog of cases that can only frustrate the administration of justice. Fast growing regions require a judiciary capable of meeting the needs of the people. The bill before us today will help meet these needs, by creating 10 new judgeships for Texas and others across the Nation.

Mr. President, S. 11 incorporates years of hard work by the Senate Judiciary Committee and the Judicial Conference of the United States. I commend their work and support their proposal. It addresses the complaints of those who believe that our overburdened system now provides neither maximum efficiency nor speedy justice. It will meet the challenge of increasingly complex cases, fast-growing population, and stable economic growth. It will bring increased certainty to the law and fairness to the legal process. It will bring increased efficiency to our judicial system. To be sure this is not the final answer to the problems that plague our Federal court system. Further changes are needed and we will continue to work toward them under the Speedy Trial Act and other measures. I do believe that this bill provides a substantial step forward.

Mr. President, the House Judiciary Committee has begun action on similar legislation. Hearings have been held and the compelling need for these judges is now widely recognized. The bill before the Senate today can only serve to underscore once again the need for these judges and the support of the Congress. I believe this proposal is sound, and I urge its enactment.

Mr. KENNEDY. Mr. President, the final passage of S. 11, creating new Federal district judgeships, is clear evidence of the Senate's attempt to deal with the flood of litigation which threatens to undermine the entire Federal judicial system. All those interested in combating our soaring crime rate would agree that swift justice is an absolutely essential ingredient in any crime fighting package. Yet, as Chief Justice Burger has recently pointed out, the "explosion of Federal litigation" in the past decade has not resulted in any appreciable increase in the number of Federal judges to handle the mushrooming caseload. The result has been unconscionable backlog and delay, delay which is unfair to the accused, other litigants, and society alike.

S. 11 meets this problem head on by giving the Nation's Federal courts the personnel to do the job; to attack the mounting caseload waiting to be tried. By adopting the recommendations of the Federal Judicial Conference—the policy arm of the Federal judiciary—the Senate ratifies the approach taken by the Conference, an approach which gives special weight to court backlog and projected needs as well as current filings.

My own State of Massachusetts shows the nature of the crisis. Since 1961 Federal litigation has doubled yet no new additional judgeships have been created. Court backlog is a disgrace, traceable to both the flood of litigation and the complex nature of the caseload in Massachusetts. S. 11 will provide Massachusetts long overdue relief by providing four additional judgeships to the six it already has.

A compelling case has been made for the creation of these new Federal judgeships. Today—when swift and certain justice has become a wish rather than a reality—the Senate must not nitpick with the Judicial Conference over the creation of a judgeship here or there.

Mr. President, S. 11 is an important response to a critical problem. I urge its enactment.

Mr. ROTH. Mr. President, before us today is legislation that will substantially increase the number of Federal judges. I rise not to oppose this legislation but to join my fellow citizens across this Nation who are deeply concerned about the expanding role of the judiciary. The growth of this third branch of Government has been dramatic and unprecedented. And while the increase in courtroom caseloads has been equally unprecedented, the role of the judiciary in force-drafting social change is a matter of grave concern to the members of this body.

Over the past 25 years we have seen judicial responsibility vastly expand. Judges now intervene, almost at will, in social and political affairs once clearly the reserve of the legislature. The "new" judiciary now includes within its purview educational policy, highway standards, mental health and auto safety, to name only a few areas. Courts have handed down decrees which affect hospital administration, penal institutions, child support, voting registration, and natural resource allocation. The judiciary has moreover, exercised its will in limiting the size of college football squads, banning smoking in public places, and setting school tax rates.

Today, in liberal and conservative circles alike, we hear the cry of too much law. The lovely lady of justice has a headache from the "litigation explosion."

The number of civil suits filed in Federal courts has doubled since 1960 and the extraordinary rise in civil litigation has been paralleled in the criminal area.

Mr. President, I am concerned that the Federal judiciary is treading dangerously near the swirles and eddys of the legislative arena—and in so doing has blurred the delicate boundary between these once separate branches of Government. This development alarms me as a citizen and as a Member of this body; it alarms many distinguished members of the bar and, if they were with us today, it would most particularly alarm the distinguished contributors to the Federalist.

The courts perform a vital function in curbing abuses in the legislative and executive branches and this testifies to the genius of our Founding Fathers. In addition, the courts provide a forum for the resolution of individual conflicts. However, the courts were not created to dictate policy to the legislatures of this country or to its citizens as has become common practice.

When Federal court judges modify the Constitution in the guise of "interpreting" it, they usurp prerogatives properly belonging to the elected representatives of the people. By ruling on the basis of "enlightened" social policy rather than law, the courts become a super legislature responsible to no one. They become a continuing constitutional convention without elected delegates and, in a very real sense, a judicial obligarchy decreeing to the States and the Congress what they must do.

There is no single course of judicial conduct which reflects an abrupt departure from past traditions. There are, however, several features taken as a whole, which make today's judiciary contrast sharply with the more stable exercise of judicial function in the past.

The recent loosening of requirements of jurisdiction, standing, and ripeness have enabled courts to focus on issues involving great principles. A court need not decide a case on the facts before it, but instead may make broad sweeping generalities which affect all segments of our society.

In its rulings and decisions on abortion, the Supreme Court imposed such severe limitations on permissible legislation that no abortion law in the United States remained valid. In these cases, the court did not address the rights or responsibilities of the parties before them but concentrated instead on giving substantive content to the term "liberty" in the 14th amendment. Instead of simply declaring the Texas Criminal Abortion Statute unconstitutional in Roe against Wade the Court dictated terms to every legislature in the country.

In the Wade decision, Mr. Justice Blackman found that the 14th amendment concept of liberty is "broad enough to encompass a woman's decision whether or not to terminate her pregnancy." A complex timetable followed resembling an intricate piece of legislation detailing at what stages of a woman's pregnancy a legislator could or could not interfere with an abortion. In dissent, Justice Rehnquist stated that the decision "partakes more of judicial legislation that it does of a determination of the drafters of the 14th amendment." Justice Holmes probably would have agree. As he wrote:

> I think the proper course is to recognize that a legislature can do whatever it sees fit to unless it is restrained by some express prohibition in the Constitution.

Mr. President, the unwarranted judicial intrusion into every facet of our daily life is now common. For example, in Chicago a judge has literally taken over hiring practices and administration of the cities police force. In Boston, a Federal judge is virtually making every decision concerning the school system. It has been asserted that the real Governor of Alabama in many respects is Federal District Court Judge Frank M. Johnson, Jr., an unelected life time appointee who can and does regularly defy the legislature and public opinion. By his own court orders Judge Johnson has taken charge of the State's mental health and prison system, its overall hiring practices, the property tax levy, voting registrations, school desegregation efforts, and even the system of legislative representation.

To further illustrate the point, I question the wisdom of the courts to be involved in such issues as capital punishment, disciplining schoolchildren, length of policemen's hair and the ordering of sexual unidentifiable job description for policy officers. Can our system continue to function when energy projects, transportation systems, and welfare reform are constantly reviewed and changed by the judiciary? Regardless of the merits of some of these cases I believe that such issues can best be settled by the legislative and executive branch.

Supreme Court Justice John M. Harlan said that—

> The Constitution is not a panacea for every blot upon the public welfare; nor should the court, ordained as a judicial body, be thought as a general haven for reform movements.

The judiciary has apparently not taken Judge Harlan's words seriously. To the extent any court perceives its function as one of making fundamental value choices for society, while ignoring traditional constitutional values, then to that extent the court is exercising its power illegitimately.

Mr. President, legislative overreaching may result in a sacrifice of individual protection secured by the Constitution. Judicial overreaching, however, may result in the sacrifice of the most fundamental right of the people to govern themselves. It is this self-governing right that we must preserve. The people through their elected representatives and through their individual actions must have the ability to control their destiny.

Many believe the courts should act whenever Congress either has not done so or when Congress passes a law with which they disagree. Those who hold these views are intoxicated by the quick, simple way in which the courts can decree what they deem to be desirable social ends. Recourse to the courts avoids the often slow and frustrating effort necessary to analyze the problems, devise precise solutions, and form a political majority to help press their causes.

Those who profess to believe in democracy, but who are impatient with its requirements, think that the judicial process and the legislative process are interchangeable. There is fundamental error in this assessment.

Chief Justice Burger addressing this issue recently stated:

> Those who would look to judges, and especially tenured federal judges, to innovate and reshape our society will do well to ponder what remedy is available if the world shaped by the judicial process is not to their liking. I suggest that this approval be considered against the background of our traditions and history which began with a revolution instituted to overthrow a government that was beyond recall by the votes of the people.

The Chief Justice went on to conclude:

> It was never contemplated in our system that judges would make drastic changes by judicial decision.

That is, of course, what the legislative function and the rulemaking function is all about.

Mr. President, many respected Americans are sharing my concern over the role of the judiciary. Philip Kurland, University of Chicago constitutional law expert, believes "the judiciary has become the primary lawmaker in our society." Nathan Glazer, Harvard University sociologist, thinks "we have an imperial judiciary—intruding in people's lives in a manner unparalleled in our history."

Alexander Hamilton wrote that the judiciary was "the least dangerous" branch of Government. Hamilton conceived the courts as having "neither the force nor will but merely judgment." A benchmark for a proper judicial role in Hamilton's time and in our time is discretion. The cornerstone of our governmental system insists that a judge refuse to substitute will for judgment.

While I am critical of the courts' repudiation of the principles of federalism and the separation of power which lie at the heart of our democratic form of government—I must also place responsibility on the Congress.

The Constitution grants all legislative power to the Congress. The Constitution allows the Congress, in its wisdom, not to exercise the power granted. However, the Constitution does not allow another branch of Government to exercise legislative power. Just as the courts must check the Congress or the President for acting beyond the scope of legal authority, so must the Congress check judicial excess. To do otherwise equally repudiates the principles of federalism and separation of powers.

The Congress in the past has studied the doctrine of separation of powers and judicial restraint. Ideally the courts will correct their interference with legislative and executive prerogatives. If they do not do so, it is up to the Congress to take action.

There have been a number of proposals offered to alter current judicial direction. Many of these merit consideration. I reiterate and do so emphatically that if the courts do not keep themselves within their constitutional boundaries then there is no alternative but for the Congress to rise up and meet this challenge.

I am pleased there have been lately a number of congressional attempts to limit judicial abuse. Congress, in article III, section I of the Constitution, could curb courts of limited jurisdiction. If it is the considered sense of the Congress that the courts are exercising "will" instead of "judgment," Congress could strip them of this jurisdiction as simply as it established them. If the courts continue their present interference there may be no alternative course other than to limit jurisdiction, to insure the separation of powers conceived by the Founding Fathers.

I would recommend and urge that the Judiciary Committee undertake additional studies on the basic issues involved in the apportionment of constitutionally delegated powers between the Federal legislative and judicial branches. An in-depth study conducted by the committee perhaps in conjunction with outside authorities would help the public and the Congress to focus on judicial excesses.

Mr. President, this Nation deserves to have the best legal scholars and technicians appointed to the Federal bench. The wide range of issues and their impact upon society demands that a Federal judge be knowledgeable, industrious, and dedicated.

The Constitution empowers the President to appoint Federal judges with the "advice and consent of the Senate." The judicial appointment process has unfortunately been traditionally politicized. Upon the passage of this bill it may be time for the Congress to reflect upon the judicial selection making process. I was encouraged to see that the administration has at least in theory endorsed a closer look at the appointment process.

In addition, Congress should look at the life tenure system of a Federal judge. We must, in order to preserve self-government, hold the judiciary up to public accountability. Accountability, Mr. President, is the essential link in providing a responsive and responsible judiciary.

The judiciary should not make policy or attempt social change. It is not accountable to the people for whom the policy for change is made. Unlike the other two branches of Government, the judiciary does not have to face the voters for the decision it reaches. Although this secures some independence for the courts, it does not allow the people for whom the judiciary was fashioned to have a direct input to the decisionmaking process. Simply stated, the absence of popular control or accountability is undemocratic because it is a denial of self rule.

I will not quarrel with those who say that a Federal judge should be immuned from public pressure and influence. Indeed, I agree that judicial integrity demands freedom from interference. We should not confuse interference, however, with a person being held responsible and accountable for his actions.

Mr. President, as my distinguished colleagues consider expanding the Federal judiciary, I hope that they reflect upon the current make-up of the judiciary and its future role. The country urgently needs judges who are disciplined in the tradition of judicial self restraint, judges who have the ability to set aside their personal views of what is best for society and perform their duty in interpreting our laws within the parameters of the Constitution.

Mr. PERCY. Mr. President, the omnibus judgeship bill provides three additional and badly needed judgeships for the State of Illinois; two for the northern district and one for the eastern. In addition, it provides one additional seat for the Seventh Circuit Court of Appeals which includes Illinois in its jurisdiction.

On March 3 of this year, I sent a letter to the distinguished chairman of the Senate Judiciary Committee, Senator EASTLAND, urging the committee to adopt the recommendations of the Judicial Conference as embodied in amendments Nos. 40 and 42 to this bill. In particular, I stress the need for additional Federal judges in Illinois where the average ratio of judges to population far exceeds the national average ratio.

I think the committee should be commended for the thorough job it did in acting on the recommendations of the Judicial Conference and I am very pleased that the additional judgeships that were recommended for Illinois were included in the committee's bill.

At this point, I ask unanimous consent that a copy of my letter to Chairman EASTLAND be inserted in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON
GOVERNMENT OPERATIONS,
Washington, D.C., March 3, 1977.

Hon. JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: As you know, following the quadrennial survey of the need for additional judges in the United States District Courts and Courts of Appeal, the Judicial Conference, in a report published in September, 1976, recommended that 106 new district court judgeships be created. The report noted that the backlog of pending cases has more than doubled since the Congress last reviewed the situation in 1968.

The increase in the workload of the federal courts and the concomitant delay to litigants has been alarming to all of us who are concerned with the speedy and efficient administration of justice throughout the country. Indeed, as the Chief Justice of the Supreme Court has recently stated, the courts are overburdened and the Congress, in whose hands the creation and maintenance of the judiciary lies, has an affirmative obligation to the people to provide them with an adequate and effective judiciary before it acts to pass new laws which the courts must then administer.

My own state of Illinois is sorely in need of additional judges to handle the litigation generated by its more than 11,000,000 residents. I do not wish to belabor statistics. The Judicial Conference did an outstanding job in gathering data which speaks eloquently on the pressing need for increasing the number of judgeships in Illinois. However, one statistic, which appeared in the April, 1976 report of the Committee to Study Federal Judicial Districts in Illinois and which was brought to the Senate Judiciary Committee's attention in the testimony of Chief Judge Henry S. Wise, stands out above all others: whereas the average ratio of judges to population throughout the judicial districts in this country is 1: 511.928, in Illinois the ratio is a startling 1: 653,763.

The Judicial Conference advocates the creation of two additional judgeships in the Northern District of Illinois and one in the Eastern District of Illinois. These judgeships would do much to remedy the imbalance in the ratio of judges-to-population which currently exists. But, more importantly, it would provide much-needed assistance in the two districts which generate the most litigation in the state and whose judges are now diligently laboring to accomplish the Herculean task of disposing of that litigation with the speed and efficiency demanded of our judiciary.

I therefore urge the Committee of the Judiciary to adopt the recommendations of the Judicial Council as embodied in Amendment 40 to S. 11. the Omnibus District Court Judgeship Bill. Moreover, I would urge that the Committee duly consider and adopt Amendment 42 to S. 11 which proposes to increase the number of Courts of Appeal judgeships. By considering and recommending both these amendments as they now stand, the Congress may move quickly to get its judicial house in order.

Sincerely,

CHARLES H. PERCY,
U.S. Senator.

Mr. STENNIS. Mr. President, I strongly support the committee's recommendation to divide the Fifth Circuit Court of Appeals into two separate circuits, that is, a new fifth circuit and a new 11th circuit.

The history of the fifth circuit establishes clearly that the caseload of that court has long since reached the point where additional manpower and resources are needed if that court is to dispense justice promptly in accord with the fundamental principles of due process.

Since the number of authorized judges in the fifth circuit was increased to 15 in 1968, the number of cases filed with it has increased 230 percent and the number of cases terminated has increased by 213 percent. The number of filings per judge was 242 in 1976. The total number of appeals filed in 1976 was 3,629 and this is a tremendous workload by any judicial standard. As the committee points out, by any reasonable standard the fifth circuit today needs 26 judges and I agree with its conclusion that this number of judges could operate most efficiently if marshaled into separate and more compact courts. At the same time, by increasing the total number of judges to 26, we will have provided sufficient manpower to handle the caseload and reduce the number of cases per judge to more manageable figures.

This is in keeping with the position of Hon. Warren E. Burger, Chief Justice of the Supreme Court, although he would go even further. In his February 1977 "Annual Report on the State of the Judiciary," he said, in discussing the fifth circuit, that any "solution that will be realistic for the next 10 years should create three divisions of the fifth circuit with at least 25 circuit judges, allowing some room for future expansion without creating courts of appeals so large as to be unmanageable. Appeals in the fifth circuit increased from 715 in 1962 to 3,629 in 1976."

Mr. President, I submit that the recommendation of the committee is a reasonable and logical solution to what is an increasingly difficult problem and I hope it will be adopted by the Senate.

Mr. HATFIELD. Mr. President, my comments about the omnibus judgeship bill might be broken down into some parochial thoughts concerning the need for the two new slots in our State provided by the bill, and then followed by some thoughts on the changing role of the judiciary in our lives.

In Oregon, the two new positions created by this bill are needed badly. I know from the discussions my staff and I have had with the able chief counsel, Bill Westphal, and my colleagues on the committee, that everyone is aware of the unique factors in our State that are putting a heavy strain on our existing three judges. As the report on last year's bill indicated, the judgeship bill approved then called for only one new slot for our State. If this were the only new position created, our judges would fall farther and farther behind in trying to provide timely justice to litigants in Oregon.

Mr. President, the very able presiding Federal district court judge in Oregon,

Otto Skopil, did an outstanding job in preparing material for review by the committee concerning the need for the two new slots. I ask unanimous consent that this material appear at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. District Court,
District of Oregon,
Portland, Oreg., April 12, 1977.

Senator Mark O. Hatfield,
Russell Senate Office Building,
Washington, D.C.

Dear Senator Hatfield: I am very happy to respond to your inquiry about the recommendations for an additional judge for the District of Oregon made by the staff of the Senate Judiciary Committee.

I am enclosing my response to the recommendation. I have attempted to answer some of the specific recitals and the reasons given for the recommendation. In addition, I have set forth some of the specific factors which I feel require the creation of two additional judgeships for the District of Oregon. It is my understanding that the Senate Judiciary Committee intends to mark-up the bill on April 18, 1977. I think it would be appropriate if you could direct a letter to each member of the Senate Judiciary Committee. It is my preference that the letter be directed to each member of the committee rather than to the person chairing the committee. I will rely upon your good judgment in this respect.

You may use all or any of the portions of my response in advancing Oregon's need for additional judges. It may be that the presentation is too long. If so, the material presented has been organized to enable you to use only those portions entitled: "I. Staff Recommendation", "II. Recommendation of the Judicial Conference", "III. Criteria for New Judges", and "IV. Factors Unique to Oregon", and the conclusion, together with the comparison chart.

After you have read the response, if you have any questions about the material presented and time will permit you to call, please feel free to do so. If you do not have the time, perhaps Walter Evans could call me.

I am also enclosing the "Management Statistics for the United States Court" for the year 1976. It may be helpful to you. This is the source of the statistical information used by William Westphal, acting Chief Counsel for the Senate Judiciary Committee. It covers each district in the United States. The statistics for the District of Oregon appear at page 109. A comparison of the statistics of each district with the national average may be observed by opening the foldout on the back cover.

I am sincere in the request for the additional two judges. I am satisfied that the need is apparent.

Sincerely,

Otto R. Skopi, Jr.,

Response to Staff Recommendation on Judgeships for the District of Oregon

I. STAFF RECOMMENDATION

The staff of the Senate Judiciary Committee has recommended only one additional judgeship for the District of Oregon. The staff gave the committee the following reasons for its recommendation:

"The committee recommended one judgeship in S. 287. Filings in 1976 are the same as in 1975. However, the Judicial Conference recommends a second new judge on the basis of projected filings for 1980. A fourth judge will reduce the current level of filings to 357 per judge. The court, which makes effective use of magistrates, was recently given a second full-time magistrate. While it is argued that a fifth judge would permit court to be held at Klamath Falls, which is 299 miles from Portland, the committee notes that Klamath Falls has the smallest population of any of the statutory places of holding court. Further, not even a part-time magistrate has been established at that place. Court is held at Medford which is approximately 72 miles from Klamath Falls. The committee in the past has rejected both caseload and population projections as a basis for creating new judgeships.

"The committee recommends one additional judgeship."

The staff recommendation is not a fair statement.

Oregon is not requesting a fifth judge merely to enable it to hold court in Klamath Falls. A fourth and fifth judge is requested (1) to maintain a current docket, (2) to reduce the increasing backlog of cases, (3) to reduce the time from filing to disposition, (4) to reduce the time from issue to trial, (5) to reduce the number of cases pending for more than three years, and (6) to allow the court to sit regularly in the locations within the district designated by statute.

Klamath Fals is served by a magistrate. In 1973, a full-time position of magistrate/bankruptcy judge was established in Eugene, Oregon. Because the magistrate/bankruptcy judge traveled to Klamath Falls to perform bankruptcy functions, it was decided that he could at the same time perform magistrate duties. This procedure eliminated the need for a part-time magistrate in Klamath Falls at a saving to the taxpayer.

It is suggested that the Klamath Falls cases be tried in Medford. Klamath Falls is located east of the Cascade Mountain Range; Medford is located to the west of the Range. During the winter season the 72-mile trip is a very difficult one. It is far more practical and less expensive to have the court travel to Klamath Falls to hold court than to have all of the Klamath Falls litigants, attorneys, and witnesses travel to Medford. The court must travel from Portland to hold court in either Medford or Klamath Falls.

Further, a fourth judge will reduce the filings to 363 per judge, not 357 as stated in the recommendation.

The following information is submitted in support of the creation of two judgeships.

II. RECOMMENDATION OF THE JUDICIAL CONFERENCE

The Judicial Conference of the United States has recommended two new judgeships for the District of Oregon. The recommendation of the Judicial Conference is the result of a 1976 "quadrennial survey" of district courts' needs conducted by the Administrative Office of the United States Courts under the direction of the Subcommittee on Judicial Statistics of the Judicial Conference. The Subcommittee's findings were carefully reviewed by the Conference's Committee on Court Administration and subsequently approved by the entire Conference in September of 1976.

The Judicial Conference is comprised of the Chief Justice of the United States Supreme Court, the Chief Judge of each of the Circuit Courts of Appeals, the Chief Judges of the Court of Claims and the Court of Customs and Patent Appeals, and one district judge from each circuit elected by the district and circuit judges of that circuit for a three-year term.

The recommendation of the Judicial Conference should be accorded substantial weight. This body reflects the collective experience and study of the federal judiciary. It has collected comprehensive statistical data before arriving at its conclusions. Its recommendation of two judgeships for the District of Oregon is based upon a thorough consideration of all the factors—not just a select few—which bear upon the effective functioning of our courts.

III. CRITERIA FOR NEW JUDGESHIPS

The Senate Subcommittee on Improvements in Judicial Machinery has established certain criteria for the creation of new judgeships. The statistical guidelines are:

1. 400 raw or weighted filings per judgeship;
2. Terminations in excess of the national average;
3. Bench time averages of 110 or more days per judge per year; and
4. Efficient use of existing judicial resources, supporting personnel, and procedural services.

The second, third, and fourth criteria are clearly satisfied by the District of Oregon. Terminations (436) exceed the national average (386). Bench time averages 129 days per judge. The district operates efficiently and has in fact employed its first full-time magistrate so effectively that a second was recently approved and appointed.

The first criterion is satisfied as to one district judgeship but not as to the second. This criterion is, of course, one element to be considered in determining how many additional district judgeships should be created. It should not, however, be conclusive. Two new district judgeships are essential now if the District of Oregon is to function effectively. The needs of each district are different, depending upon many interrelated factors.

IV. FACTORS UNIQUE TO OREGON

In many ways the District of Oregon is unique.

1. It presently has the equivalent of four active judges. Although Judge Solomon is on senior status, he continues to work on a full-time basis. He is over seventy years of age. He is not in good health. He will not be able to maintain this level of activity indefinitely.

2. Despite the achievements of the district—sixth in the nation in trials per judge, thirty-first in terminations per judge—the backlog of cases continues to grow. In 1971 there were 954 pending cases. In 1976 there were 1468.

3. The fact that the court has an increasing backlog of cases, even though Judge Solomon is working full-time, proves that four judges in Oregon are not sufficient. Five judges are needed.

4. Oregon is among the seven largest districts geographical. By statute, court is to be held in six different places within the district. 57% of the district's population is located within the Portland metropolitan area, 43% in the remainder of the district. The court is presently devoting 82% of its time to the Portland area and only 18% to the remainder. Approximately 25% of one judge's time is devoted to traveling.

5. Oregon is required to try more cases to accomplish the same number of terminations as the average district court. In Oregon 47% of the defendants in criminal cases plead guilty. The national average is 65.9%. In Oregon 87.1% of the civil cases settle. The national average is 91.8%. This difference means that in Oregon 48 more criminal cases and 56 more civil cases must be tried per year to accomplish the same number of terminations as the average district court. Oregon does not obtain the average number of guilty pleas and settlements because historically the judges have not tolerated the filing of frivolous civil cases or of criminal cases involving minor offenses. Sanctions are imposed. The consequences of serious criminal charges mandate a trial. Nuisance value civil cases are settled before filing.

6. Oregon is the sixth fastest growing state in the nation (9.4% growth in Oregon versus a national average of 4.8%) and the fastest

growing state on the Pacific Coast (California's growth rate is 6.1%, Washington's only 3.8%).

7. In 1976 the three active judges, with the full-time help of the senior judge, tried 246 cases, or 82 cases per active judge. The 246 cases tried by the three active judges equals the number of cases which would be tried by five judges at the national average of 49 trials per year. Yet the backlog continues to increase. With five judges in the District of Oregon, it will be necessary for each of the five judges to try more than the national average of 49 trials per judge to maintain a current docket, even without any reduction in the backlog.

V. FACTS ABOUT THE DISTRICT OF OREGON

Existing judgeships

Since 1949 the District of Oregon has been served by three district judges. The case filings, however, have increased almost fourfold during the intervening period: from approximately 400 cases per year in 1949 to some 1,500 cases per year today.

At present, the work of the court is performed by three active judges, one senior judge, two full-time magistrates, and one half-time magistrate, the latter located in Eugene.

Geography and population

The District of Oregon encompasses all of the state, extending 300 miles from north to south and 400 miles from east to west. The district is among the seven largest in the nation. The present three judges serve a population of over 2,300,000.

By federal statute, the court is directed to sit in Coquille, Eugene, Klamath Falls, Medford, and Pendleton, as well as in Portland. All court personnel except the half-time magistrate reside in Portland. As a result, each session held in a location other than Portland requires travel over long distances—112 miles to Eugene, 215 miles to Pendleton, 239 miles to Coquille, 277 miles to Medford, and 299 miles to Klamath Falls. The shortest trip, to Eugene, takes at least two hours; the longest, to Klamath Falls, may take well over seven hours under adverse travel conditions. The equivalent of 25% of one judge's time must be devoted to travel.

Court statistics

The change over the years in raw filings per judgeship in the District of Oregon is shown below:

	1962	*1971*	*1976*
Civil	179	313	399
Criminal	87	96	85
Total	266	409	484

Other relevant statistics per judgeship for the district for 1976 are as follows:

	Oregon	National average
Pending cases	489	401
Weighted filings	531	432
Terminations	436	386
Trials completed	82	49
Bench time (days)	129	110

VI. PRESENT NEEDS OF THE DISTRICT

A careful examination of the court statistics for the District of Oregon indicates clearly the pressing need for additional judgeships.

Raw filings per judgeship have increased over the last five years from 409 to 484, an increase of 18%. The raw filings do not, however, tell the whole story. Analysis of the nature of those filings shows that the workload of the court has increased more than the statistics on raw filings would indicate.

Over the same five-year period, weighted filings for the district have grown from 373 to 531, a 42% increase. But even the weighted filings do not adequately reflect the court's workload. The District of Oregon has an unusual number of certain types of cases—such as those involving environmental law, federal securities law violations, maritime law, and Indian fishing rights—which are very time-consuming but are given no extra weight in determining weighted filings.

Moreover, the ratio of civil to criminal cases in the district has been increasing dramatically. Between 1971 and 1976 civil filings per judgeship increased from 313 to 399 while criminal filings per judgeship declined from 96 to 85. Oregon is first in the Ninth Circuit and twenty-fourth in the nation in civil filings per judgeship. Experience has indicated that the workload imposed upon a judge in the district for a civil case is much greater than the workload imposed for a criminal case.

Neither the raw filings nor the weighted filings reflect the number of cases which actually require trial before a district judge. The number of cases disposed of before trial by guilty plea or by settlement in Oregon has historically been lower than the national average (47% guilty pleas in Oregon versus 65.9% national average and 87.1% settlements in Oregon versus 91.8% national average). The difference in guilty plea rates means that each district judge must try an additional 16 criminal cases a year. The difference in settlement rates results in an additional 19 civil trials for each judge. Obviously, judges in the District of Oregon must devote much more time to pretrial matters and to trials themselves than is true in most districts. Thus, the judges in this district complete an average of 82 trials per year, compared to a national average of 49.

Because so many cases go to trial, the District of Oregon must try more cases than most districts in order to achieve the national termination average. Nevertheless, the district has maintained a high level of terminations: 436 compared to a national average of 386. This high degree of efficiency has been attained in part through the pioneering efforts of the district in the effective use of magistrates. In addition, the district employs comprehensive pretrial conferences in virtually all cases, thereby ensuring maximum efficiency during trial. In 1976 a total of 734 pretrial conferences were conducted—577 of them by the senior judge who resides in Portland. The efficiency attained in this district would not have been possible without that senior judge. Because of his efforts, the court presently has the equivalent of four active judges. Judge Solomon, who was appointed to the bench in 1949 and assumed senior status in 1971, continues to work on a full time basis. He relieves the active judges of substantial responsibility for the call calendar, criminal calendar, pretrial conferences, and court-tried cases. Judge Solomon is over seventy years of age. He is not in good health. He will not be able to maintain this level of activity indefinitely.

Despite the achievements of the district, the backlog of cases continues to grow at an alarming rate. The District of Oregon has 489 pending cases per judgeship compared to a national average of 401. Only eighteen of the nation's 94 districts have more pending cases. During the last five years, the district has experienced a 400% increase in the percentage of civil cases over three years old. Oregon now ranks seventy-eighth in the nation in median time from filing to disposition for criminal cases and fortieth for civil cases. The median time for bringing a civil case from issue to trial increased in 1976 to 14 months, a 40% increase in time over 1975. The number of triable criminal defendants in pending cases over one year old has increased 19% since 1974. Faced with this backlog, the district cannot continue trying to play catch-up with too few judges. Unless two additional judges are provided, the court will never reduce its backlog enough to catch up with the regular annual increases.

VII. PROJECTED NEEDS OF THE DISTRICT

The present needs of the District of Oregon clearly justify the creation of two additional judgeships. The urgency of the requirement for the second judgeship is even more apparent when the projected needs of the district are examined.

The Judicial Conference's recommendation of two judgeships for the District of Oregon is based largely upon the 1976 "quadrennial survey" conducted by the Subcommittee on Judicial Statistics. The staff of the Senate Judiciary Committee has questioned the weight given by the Conference to the projected workload figures developed from the survey. Examination of past projections for the District of Oregon reveals however, that the projections have proved very accurate. The 1972 "quadrennial survey" (based on data from the preceding six years) projected 1,490 total filings for the District of Oregon in 1976. Actual filings for last year were 1,452.

Population trends cannot be ignored in projecting the future needs of the District of Oregon. The state of Oregon is the sixth fastest growing in the nation. Its growth rate of 9.4% between 1970 and 1975 compares with a national rate of 4.8% and a rate in the other Pacific Coast states of 6.1% in California and 3.8% in Washington. The impact of too few district judges will be much greater in Oregon than in slower-growing states.

In 1970 there were approximately 509,000 citizens for each district judge on a nationwide basis. The ratio in Oregon in 1975 was 764,225 citizens for each district judge. If one additional judgeship is created, the ratio based on projected population in 1980 will be reduced to 624,246. If two additional judgeships are created, the ratio will be reduced to 499,326. Without the second judgeship, Oregon's burgeoning population cannot be served adequately.

Geographic distribution of Oregon's population is also important. The size of the district and the distances and travel times to the statutory locations for holding court are described above. At present, 82% of the court's time is devoted to the Portland metropolitan area, where 57% of the state's population resides. Only 18% of the court's time is devoted to the remaining 43% of the population in the rest of the state. This population is growing rapidly. Without an additional two judgeships, the court will not be able to fulfill its statutory duty to provide service to all of the state's citizens.

VIII. COMPARISON WITH OTHER DISTRICTS

In most cases the staff of the Senate Judiciary Committee has concurred with the recommendations of the Judicial Conference. In the case of the District of Oregon, however, the staff recommends only one additional judgeship instead of the two recommended by the Conference.

The following table compares statistics for the District of Oregon with those for selected districts where the staff concurs with the Judicial Conference as to the number of judgeships which are required. The first three columns show per judge raw case filings based on actual data for 1976: the first of these columns shows per judge filings based on the existing judgeships in each district; the second, per judge filings based on the additional judgeships recommended by the staff; and the third, per judge filings for the District of Oregon based on the two judgeships recommended by the Judicial Conference. The last three columns are similar except that they show per judge weighted case filings. The data set out in the table reveal that denial of a second judgeship to the District of Oregon merely because it does not satisfy the over-400 criterion for raw or weighted case filings would indeed be arbitrary and unreasonable.

COMPARISON BETWEEN DISTRICTS RECEIVING FULL NUMBER OF JUDGESHIPS RECOMMENDED BY THE JUDICIAL CONFERENCE AND THE DISTRICT OF OREGON

District	Raw filings			Weighted filings		
	Existing [1]	Additional [2]	Requested [3]	Existing [1]	Additional [2]	Requested [3]
Oregon	484 (3)	363 (1)	290 (1)	531 (3)	398 (1)	319 (1)
Other districts:						
Middle Alabama	474 (2)	316 (1)		466 (2)	311 (1)	
Eastern Arkansas	596 (2)	298 (2)		615 (2)	308 (2)	
Connecticut	388 (4)	310 (1)		432 (4)	346 (1)	
Northern Indiana	342 (3)	257 (1)		374 (3)	281 (1)	
Southern Indiana	379 (4)	303 (1)		382 (4)	306 (1)	
Minnesota	364 (4)	291 (1)		406 (4)	325 (1)	
Nevada	398 (2)	265 (1)		427 (2)	285 (1)	
Eastern North Carolina	426 (2)	284 (1)		475 (2)	317 (1)	
Middle Tennessee	449 (2)	299 (1)		469 (2)	313 (1)	
Western Washington	480 (3½)	305 (2)		479 (3½)	305 (2)	

[1] Filings per judge based on existing judgeships.

[2] Filings per judge based on additional judgeships as recommended by the Senate Judiciary Committee staff.

[3] Filings per judge for District of Oregon based on additional judgeships (2) for Oregon as recommended by the Judicial Conference of the United States.

IX. CONCLUSION

Based upon the established criteria and on the factors unique to the District of Oregon, it is evident that the district should receive two additional judgeships. The authorization of only a single additional judge will fulfill neither the present nor the projected needs of the district.

Mr. HATFIELD. Mr. President, I submitted a statement at the hearings chaired by my distinguished colleague from Arkansas, Senator McCLELLAN, at which time Judge Skopil testified and answered questions from Senator McCLELLAN and Bill Westphal. I ask unanimous consent that my statement appear at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MARK HATFIELD

Mr. Chairman, thank you for providing this opportunity for Oregon to state its case for two badly needed new judgeships. I appear here today in company with Chief Judge Otto R. Skopil, Jr. of the United States District Court for Oregon.

Since Judge Skopil's appointment to the court in June of 1972, his record of service has been a distinguished one. The judge and I have known each other—and worked with each other—almost all our lives. Following our student years at Willamette University, and our years in the Navy, our individual efforts on behalf of that University, Marion County, and the State of Oregon, have almost always been joint ventures as well as individual efforts. When Judge Skopil was appointed to the bench, I fully expected his work to win praise and respect. In the past five years I have repeatedly been pleased when lawyers and citizens throughout the state have confirmed those expectations.

As you know, I am not an attorney. I certainly do not come here today as an expert witness. Because Judge Skopil is the witness most qualified to present the best evidence in this case, and because I realize that you have a very heavy schedule today, I will not take very much of your time. There are, however, a few points which I believe I may more appropriately bring before you than could Judge Skopil.

In both the 91st and 92d Congresses I sponsored bills to create an additional judgeship in Oregon. In the 93d and 94th Congresses I supported this Committee's objective and deliberate efforts to responsibly meet the need for more judgeships nationwide. Your decision in the last Congress to create another judgeship in Oregon was approved by the entire Senate, and later approved by the House Judiciary Committee. Only the crush of business in the last days of the second session prevented final passage of a bill in the House. I am confident that the recommendations you report in S. 11 in this Congress will meet with similar approval.

For that very reason, however, I believe I must urge that this time you recommend not just one new judgeship for Oregon, but rather the two which the court genuinely needs. I fully realize that the Judicial Conference of the United States, in formulating its recommendation for two additional positions for this court, acknowledged the fact that current statistical data would fully justify only one new seat, and premised its recommendation for the second new seat upon a projection of caseload growth through the year 1980. Given this Committee's legitimate concern four years ago that judgeships created upon the basis of projected caseloads might well be proven unnecessary due to unforeseen jurisprudential developments, I realize that there may be some reluctance to send a recommendation for two new seats to the full Senate. Nevertheless, I am today asking that you do just that for several reasons.

First, I have been told that—unlike the recommendations sent to the Congress from the Judicial Conference in 1972—those recommendations now before you are—in most cases—premised squarely upon actual workload profiles. Only in 16 of the 67 districts reviewed, did the Judicial Conference recommend a new seat based in whole or in part upon projected caseloads. Yet those 16 districts carry profiles as varied as the regions of this nation.

In Massachusetts, as well as Arizona—in Indiana, as well as Maryland—the Judicial Conference has found that local considerations require a recommendation based upon projected caseloads. While I would not presume to assess the work of courts in Massachusetts or Arizona—in Indiana or Maryland—I would like to briefly state my belief that Oregon has a solid case.

Since 1949, when the last new judgeship among our existing three was added, the population in the State of Oregon has increased over 40 percent—and the caseload in our federal court in Oregon has increased by 33 percent. In spite of the conscientious efforts made by our judges, the trend of the past 28 years is rapidly overtaking them. Last year Judge Spokil and his two brothers each tried 82 cases. Their efforts resulted in Oregon ranking 6th out of 94 districts nationwide in cases tried. Yet the backlog of cases nevertheless grew.

The pending caseload figure for Oregon in fiscal year 1976 was 49 cases per judge. That number of pending cases placed Oregon 19th out of 94 districts nationwide in case backlog. It represents more than a year's worth of work for each judge now sitting. Yet those three judges tried 82 cases each last year, more than judges in 88 other districts. I personally do not believe we can ask them to give more than they are giving today. When they are working as hard as they are—and not even beginning to hold their own—we cannot fail to recognize that if help is to be provided, Congress must provide it. I simply do not think the addition of only one more judge to the Oregon bench will do the job.

As the statistics which you have before you clearly show, Oregon's caseload—both civil and criminal—has steadily increased in almost every year. With only one additional seat, I do not think this court will ever have an opportunity to reduce its backlog of cases enough to catch up with the regular annual increases. While I recognize the danger of relying upon projections, I think that—in Oregon's case—we can look at 28 years of growth and conclude that the greater danger lies in refusing to recognize that the pattern will not reverse itself. When the past 28 years are weighed against the very conservative Judicial Conference projection for the next 4 years, I have to conclude that we are more apt to err by doing too little than we are to err by doing too much.

Thank you for permitting me to be here today. With genuine pleasure, let me present Chief Judge Otto R. Skopil, Jr.

Mr. HATFIELD. Mr. President, I wish to close this statement with a few remarks about what I see as a broadening of the role of Federal judges. More and more decisions affecting our lives are not being made by elected officials, but by the courts. Some of this is a long-overdue recognition of rights that have been ignored by executive and legislative officials at the local, State, and national level.

Judges in some instances are being forced to decide matters that belong more in the area of the legislative bodies. I question whether this is a proper function. My thesis is that we, as legislators, bear the responsibility to be more precise in drafting our laws. Failure to be precise creates areas open to differing interpretation by administering agencies and departments. Regulations to implement our laws then are challenged in court by parties who question the interpretation.

I regret that one factor in the current imprecision used in our laws is that fuzzy language can be seen to mean what each of two opposing sides wants it to mean. Thus, Congress can avoid making tough choices that would alienate one side in a dispute by deliberately choosing a fuzzy word, or using a vague standard. Thus, opponents of some proposal may see in the vague imprecise word or phrase something that they want to see. Supporters also see in this word or phrase what they wish to see. Congress plays its role as a compromisor, an accommodator of conflicting views, a resolver of differences of opinion, but in so doing, we avoid having to face squarely those who would oppose a proposal if we had been precise in defining what we sought to do.

After Congress passes a law using imprecise terms, the appropriate agency then holds hearings prior to issuing the implementing regulations. In most cases, these hearings bring before the agency's hearing panel the same parties who testified on the proposal when it was before Congress. Statements are received by the agency or department in much the same way we receive them. Informal rulemaking is the norm, rather than formal rulemaking, where cross-examination and other procedural steps make the proceedings more judicial in nature.

After the agency or department issues its rules and regulations, some precision necessarily is incorporated into the law.

At this point, an aggrieved party, which might be either a supporter or opponent of the original legislation, claims that the rules and regulations do not reflect congressional intent, or have some other flaw, and the rules are appealed.

A Federal judge then reviews the administrative record, and it is his or her decision that is implemented. Often the judge might be looking at almost the same testimony before the administrative body that we in Congress reviewed when considering the legislation originally.

We must ask ourselves if this is the way our federal system was designed to operate. Judges are making decisions on matters legislative in nature. How many times have we heard that "the courts will decide" an interpretation of some tough issue. Thus, by our reluctance to take a clear stand on some proposal, we invite, and even encourage, judicial interpretation of the law.

Naturally, this is not a matter black and white. I do not wish to leave the impression I am questioning the proper role in judicial interpretation of our laws. I only am pointing out that we in the Congress have a responsibility to be as precise as possible in drafting measures before us. In so doing, I admit that we will face tougher decisions and harder choices. Fewer fuzzy words and phrases might mean fewer laws, where opponents of precise language would face the tough issues at the beginning instead of taking the matter to court later in the process.

I submit that we should guard against these lapses in precise language. We should encourage the philosophical debate here in Congress, not before the agencies or in the courts. By being as clear as possible in conveying the intent of Congress, we will make it easier for the administrative bodies to implement our laws. We also will make clear from the beginning what we expect a law to do and not do, and thus save our courts from lawsuit after lawsuit to settle issues that more properly should be before the Congress.

Mr. STONE. Mr. President, Senate passage of S. 11, the omnibus judgeship bill, is a very important step toward rescuing the Federal judiciary from a workload that has reached crisis proportions. I would like to thank the members of the Judiciary Committee, particularly Chairman JAMES EASTLAND and Senators JOHN MCCLELLAN and EDWARD KENNEDY for recognizing the importance of this legislation and guiding it to the floor so early in the session. I would also like to commend the committee for adopting the recommendations of the Judicial Conference, thereby helping to insure that the courts will not be so terribly overburdened at the time of the next survey by the Judicial Conference in 1980.

The Conference uses a sophisticated projection technique for predicting future caseload. It has recommended 19 judgeships to meet the need that will arise in the district courts before the next quadrennial survey. In testimony before the Senate Judiciary Committee, I urged the committee to add these judges. If these judgeships are not authorized now, in 4 years we will be faced with a situation similar to the one that exists today.

It has been 7 years since Congress authorized any new Federal district judgeships. During that time the population of Florida has increased by 25 percent and the caseload in the district courts has reflected that growth. The caseload in the southern district of Florida increased 74 percent during that period. The judges are working beyond capacity to move the cases to completion.

The burden the judges have had to bear is more readily apparent than the terrible price that has been exacted from the litigants who have seen their businesses ruined and their loved ones die while waiting to recover a monetary judgment. Several people have written or visited my office to tell me of personal hardships they have experienced as a result of waiting years for their cases to come to trial. We pride ourselves as a nation on assuring justice for all. We cannot allow neglect of our judiciary system to create inequities for our citizens.

The increase in workload at the district court level has resulted in a similar increase in the Nation's courts of appeals. I am pleased that the Judiciary Committee has included the restructuring of the fifth circuit in S. 11 and that the committee has provided for additional circuit court judges.

I hope that the House will act quickly on this legislation. Every day of delay increases the hardship on the judiciary and on the citizens who are waiting for their day in court.

Mr. CRANSTON. Mr. President, today the Senate completes action on S. 11, the omnibus judgeship bill, which will provide a large and much-needed increment of judges to the Federal judiciary.

The State of California receives seven new Federal district judges in this bill: Two in the eastern district, Sacramento; one in the northern district, San Francisco; one in the middle district Los Angeles; and three in the southern district, San Diego.

I wish to commend the Judiciary Committee for acting promptly to approve the full recommendations of the Judicial Conference of the United States for new Federal district judges. I am also pleased that the committee adopted the recommendations of the Conference for 24 additional judges on the U.S. courts of appeals as provided in my amendment number 42. The committee went a step further—a step which I applaud to reorganize the fifth circuit and to add six new judges for the new 11th circuit, consisting of Texas and Louisiana, and five new judges for the new fifth circuit, consisting of Alabama, Florida, Georgia, Mississippi, and the Canal Zone.

"Justice delayed is justice denied." S. 11 assures that our Federal district courts and appellate courts will not continue to be jammed up with cases waiting to be heard simply because there are not enough judges to do the work. The bill is the result of several years deliberation and study. The recommendations of the Judicial Conference and the Judiciary Committee are based upon objective, though differing, criteria in measuring need for new judges.

The action of the Senate in approving S. 11 will not only add new judges at the trial court level in California, but of equally critical significance, the bill adds 10 new judges to the badly overworked Ninth Circuit Court of Appeals for the United States.

Nearly 9 years have passed since Congress last enacted legislation to create additional judgeships for the U.S. courts of appeals. It is a tribute to the hardworking Federal judiciary that the Federal appellate courts have been able to keep up with an ever-increasing caseload. But the situation in the ninth circuit, which includes California, Arizona, Nevada, Hawaii, Oregon, Washington, Idaho, Montana, Alaska, and Guam, has reached crisis proportions.

Federal appellate justice in the ninth circuit is subject to inordinate delays. In 1968 with 13 judges, the circuit terminated 919 appeals; in 1975, still with 13 judges, the circuit terminated 2,450 appeals but the backlog numbered 2,636. Delays of 2 years are not unusual.

Virtually everyone agrees on the need for more judges in the ninth circuit. The 10 new judges recommended by the Judicial Conference are included in S. 11. The addition of new judges will improve matters considerably.

But the ninth circuit does have other problems. The large number of judges, the vast territory encompassed by the circuit, and the huge caseload have eroded the effectiveness of the court over the years. There are several proposals to solve these problems. All of them have merit and all are the subject of controversy.

I am confident in the ability of the leadership of the ninth circuit to cope successfully with these problems as new judges are added. S. 11 provides that 1 year after appointment of the 10th judge, the court shall report to Congress a plan for reorganizing the court. I want to assure the members of the judiciary serving on the circuit and the members of the bar of the court that I will lend my best efforts to fair and sensible solutions to the continuing problems of the circuit.

I wish to thank my distinguished colleague from Montana (Mr. METCALF) who is a longtime friend of Chief Judge Jim Browning of the ninth circuit and a staunch supporter of the circuit's needs. Senator METCALF was an original coauthor with me of amendment No. 42 adding new circuit judges. He took the lead in organizing all 18 Senators from the ninth circuit States in unanimously supporting the amendment and in successfully persuading the Judiciary Committee that reorganization issues involving the ninth circuit should not stand in the way of creating the necessary new judgeships.

I also wish to commend the vigorous efforts of Senator MCCLELLAN who acted at the request of the distinguished chairman of the Judiciary Committee, Mr. EASTLAND, to hold early hearings on S. 11 and who was most courteous and considerate in his reception and treatment of my amendment.

The ninth circuit is most fortunate in having two fine Senators serving on the committee. Senator DECONCINI of Arizona who worked hard for approval of S. 11 as the new chairman of the Subcommittee on Improvements in Judicial Machinery and Senator LAXALT of Nevada who has been most supportive throughout.

Mr. President, we all know that S. 11 did not spring full grown this January. I would be negligent if I did not recognize the hard and painstaking work of the distinguished former chairman of the Subcommittee on Improvements in Judicial Machinery, Mr. BURDICK, who established objective criteria for determining whether to create a new Federal judgeship. I also wish to mention the work of Bill Westphal, counsel to the subcommittee, who for many years has contributed greatly to solving the hard problems of the administration of courts in the United States. Bill consistently has not hesitated to ask hard questions of positions advocated by Senators in a manner which contributes greatly to the legislative process.

Finally, I salute the fine hand of my distinguished leader Senator ROBERT C. BYRD who once again has steered the Senate across the shoals of controversy with hardly an oarsman getting wet.

Mr. PACKWOOD. Mr. President, today the Senate can take a giant step forward in the effort to increase the efficiency and productivity of America's Federal courts by its approval of S. 11. the omnibus judgeship bill. I am pleased to be a cosponsor of this legislation which creates 107 new district judgeships and 25 new circuit judgeships nationwide. The need for these additional judges is immense, and nowhere is this more evident than in my home State of Oregon.

The number of new district judgeships reflects the findings of the Judicial Conference which, in 1976, made a survey of Federal judgeship needs. Its study of the justice system in the district of Oregon revealed that a need exists for two new judges. The last district judgeship was created in 1949, and since then our population has nearly doubled. The numbers of filings and case terminations per judge and the bench time spent by each judge all show that even with the general efficiency of the court, the caseload is too large for the three existing Federal judges.

On the basis of these facts, the Judicial Conference wisely recommended that Oregon receive two additional judges, and the Senate Judiciary Committee accepted that recommendation and incorporated it into the bill which we have before us today.

In 1968, the Ninth Circuit Court of Appeals, which includes Oregon, was a court of 13 judges. In that year, 1,182 appeals were filed. In 1976, with the same number of judges, the amount of filings rose to 2,731—an increase of over 230 percent. Although the case terminations per judge have increased from 71 in 1968, to 188 in 1976, the number of filings has magnified so disproportionately that at the end of last year there were 2,636 cases pending. Because certain cases receive priority by statute, some low-priority case appeals could take as long as 2 or 3 years to be decided. Even with the high quality of judges and the most advanced courtroom techniques, the facts show that the existing 13 judges simply cannot handle the overwhelming caseload. Additional judges are desperately needed.

S. 11 would ease this tremendous burden by providing the ninth circuit with 10 additional judges.

Mr. President, because of the high crime rate, Americans are looking to the courts for justice, even for protection. And it is up to the Congress to augment the ability of the courts to serve the people who turn to them for help. No one should be denied a speedy trial or equal access to justice simply because of a lack of judicial manpower.

Mr. President, I would like to take this opportunity to congratulate the members of the Judiciary Committee for recognizing this and for providing us with a remedy in the Omnibus Judgeship bill. I also want to urge my colleagues in the Senate to support this legislation. If it is approved by the Congress and signed into law by the President, I am confident that it will help to guarantee to each American his or her right to a capable and efficient Federal justice system.

(This concludes additional statements submitted on S. 11, Additional Court Judges.)

Mr. ROBERT C. BYRD. Mr. President, I believe the Senate is ready to vote.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). The question is, shall the bill pass, as amended?

So the bill (S. 11) was passed, as follows:

S. 11

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President shall appoint, by and with the advice and consent of the Senate, two additional district judges for the northern district of Alabama, one additional district judge for the middle district of Alabama, three additional district judges for the district of Arizona, two additional district judges for the eastern district of Arkansas, one additional district judge for the northern district of California, three additional district judges for the eastern district of California, one additional district judge for the central district of California, two additional district judges for the southern district of California, two additional district judges for the district of Colorado, one additional district judge for the district of Connecticut, one additional district judge for the northern district of Florida, three additional district judges for the middle district of Florida, five additional district judges for the southern district of Florida, five additional district judges for the northern district of Georgia, one additional district judge for the southern district of Georgia, two additional district judges for the northern district of Illinois, one additional district judge for the eastern district of Illinois, one additional district judge for the northern district of Indiana, one additional district judge for the southern district of Indiana, one additional district judge for the southern district of Iowa, one additional district judge for the district of Kansas, two additional district judges for the eastern district of Kentucky, four additional district judges for the eastern district of Louisiana, one additional district judge for the Middle district of Louisiana, one additional district judge for the western district of Louisiana, one additional district judge for the district of Maine, two additional district judges for the district of Maryland, four additional district judges for the district of Massachusetts, three additional district judges for the eastern district of Michigan, two additional district judges for the western district of Michigan, one additional district judge for the district of Minnesota, one additional district judge for the eastern district of Missouri, two additional district judges for the western district of Missouri, one additional district judge for the district of Nevada, one additional district judge for the district of New Hampshire, one additional district judge for the district of New Jersey, one additional district judge for the district of New Mexico, one additional district judge for the northern district of New York, one additional district judge for the eastern district of New York, one additional district judge for the eastern district of North Carolina, one additional district judge for the middle district of North Carolina, one additional district judge for the western district of North Carolina, one additional district judge for the northern district of Ohio, one additional district judge for the southern district of Ohio, two additional district judges for the northern, eastern, and western districts of Oklahoma, two additional district judges for the district of Oregon, two additional judges for the middle district of Pennsylvania, four additional district judges for the district of Puerto Rico, three additional district judges for the district of South Carolina, one additional district judge for the district of South Dakota, one additional district judge for the middle district of Tennessee, three additional district judges for the northern district of Texas, one additional district judge for the eastern district of Texas, five additional district judges for the southern district of Texas, one additional district judge for the western district of Texas, one additional district judge for the district of Utah, two additional district judges for the eastern district of Virginia, two additional district judges for the western district of Virginia, one additional district judge for the eastern district of Washington, one additional district judge for the western district of Washington, one additional district judge for the southern district of West Virginia, and one additional district judge for the western district of Wisconsin.

(b) The existing district judgeship for the eastern and western districts of Kentucky, heretofore provided for by section 133 of title 28 of the United States Code, shall hereafter be a district judgeship for the eastern district of Kentucky only, and the present incumbent of such judgeship shall henceforth hold his office under section 133, as amended by this Act.

(c) The existing district judgeship for the eastern and western districts of Washington, heretofore provided for by section 133 of title 28 of the United States Code, shall hereafter be a district judgeship for the western district of Washington only, and the present incumbent of such judgeship shall henceforth hold his office under section 133, as amended by this Act.

(d) In order that the table contained in section 133 of title 28 of the United States Code will, with respect to each district therein, reflect the changes in the number of judgeships made by section 1 of this Act, such table is amended to read as follows:

Districts	*Judges*
Alabama:	
Northern	6
Middle	3
Southern	2
Alaska	2
Arizona	8
Arkansas:	
Eastern	3
Western	1
Eastern and western	2
California:	
Northern	12
Eastern	6
Central	17
Southern	7
Colorado	6
Connecticut	5
Delaware	3
District of Columbia	15
Florida:	
Northern	3
Middle	9
Southern	12
Georgia:	
Northern	11
Middle	2
Southern	3
Hawaii	2
Idaho	2
Illinois:	
Northern	15
Eastern	3
Southern	2
Indiana:	
Northern	4
Southern	5
Iowa:	
Northern	1
Southern	2
Northern and southern	1
Kansas	5
Kentucky:	
Eastern	5
Western	3
Louisiana:	
Eastern	13
Middle	2
Western	5
Maine	1
Maryland	9
Massachusetts	10
Michigan:	
Eastern	13
Western	4
Minnesota	5
Mississippi:	
Northern	2
Southern	3
Missouri:	
Eastern	4
Western	5
Eastern and western	2
Montana	2
Nebraska	3
Nevada	3
New Hampshire	2
New Jersey	10
New Mexico	4
New York:	
Northern	3
Eastern	10
Southern	27
Western	3
North Carolina:	
Eastern	3
Middle	3
Western	3
North Dakota	2
Ohio:	
Northern	9
Southern	6
Oklahoma:	
Northern	1
Eastern	1
Western	2
Northern, eastern and western	4
Oregon	5
Pennsylvania:	
Eastern	19
Middle	5
Western	10
Puerto Rico	7
Rhode Island	2
South Carolina	8
South Dakota	3
Tennessee:	
Eastern	3
Middle	3
Western	3
Texas:	
Northern	9
Eastern	4
Southern	13
Western	6
Utah	3
Vermont	2
Virginia:	
Eastern	8
Western	4
Washington:	
Eastern	2
Western	5
West Virginia:	
Northern	1
Southern	3
Northern and southern	1
Wisconsin:	
Eastern	3
Western	2
Wyoming	1

SEC. 2. The President shall appoint, by and with the consent of the Senate, one additional district judge for the southern district of Florida, one additional district judge for the eastern district of Kentucky, one additional district judge for the district of Minnesota, and one additional district judge for the southern district of West Virginia. The first vacancy in the office of district judge in the judicial districts named in this section occurring five years or more after the effective date of this Act shall not be filled.

SEC. 3. The Director of the Administrative Office of the United States Courts is authorized to place five positions in grade 16, six positions in grade 17, and four positions in grade 18 of the General Schedule, in lieu of the four supergrade positions authorized by existing law and three positions allotted by the Civil Service Commission.

SEC. 4. The President shall appoint, by and with the advice and consent of the Senate, one additional circuit judgeship for the first circuit, two additional circuit judgeships for the second circuit, one additional circuit judgeship for the third circuit, three additional circuit judgeships for the fourth circuit, two additional circuit judgeships for the sixth circuit, one additional circuit judgeship for the seventh circuit, one additional circuit judgeship for the eighth circuit, ten additional circuit judgeships for the ninth circuit, one additional circuit judgeship for the tenth circuit, and two additional circuit judgeships for the District of Columbia.

SEC. 5. That section 41 of title 28 of the United States Code is amended to read in part as follows:

"The twelve judicial circuits of the United States are constituted as follows:

"Circuits	*Composition*
* * * * *	
Fifth	Alabama, Florida, Georgia, Mississippi, Canal Zone.
* * * * *	
Eleventh	Louisiana, Texas.
* * * * *	

SEC. 6. On the effective date of this Act the nine active circuit judges of the fifth circuit whose official station is located in the States of Alabama, Florida, Georgia, and Mississippi are assigned as circuit judges of the fifth judicial circuit as redesignated by this Act; and the six active circuit judges whose official station is located in the States of Louisiana or Texas are assigned as circuit judges of the eleventh judicial circuit as constituted by this Act. The seniority in service of each of the judges so assigned shall run from the date of his original appointment to be a judge of the fifth circuit as it existed prior to the effective date of this Act.

SEC. 7. A circuit judge in senior status of the old fifth circuit on the day of the effective date of this Act may elect to be assigned to either the new fifth circuit or to the eleventh circuit and he shall notify the Director of the Administrative Office of the United States Courts of the election made by him.

SEC. 8. Where on the day prior to the effective date of the new courts of appeal created by this Act any appeal or other proceeding has been filed with the Circuit Court of Appeals for the Fifth Circuit as constituted before such date—

(1) If any hearing before said court has been held in the case, or if the case has been submitted for decision, then further proceedings in respect to the case shall be had in the same manner and with the same effect as if this Act had not been enacted.

(2) If no hearing before said court has been held in the case, and the case has not been submitted for decision, then the appeal, or other proceeding, together with the original papers, printed records, and record entries duly certified, shall, by appropriate orders duly entered of record, be transferred to the circuit court of appeals to which it would have gone had this Act been in full force and effect at the time such appeal was taken or other proceedings commenced, and further proceedings in respect of the case shall be had in the same manner and with the same effect as if the appeal or other proceeding had been filed in said court.

SEC. 9. The President shall appoint, by and with the advice and consent of the Senate, five additional judges for the fifth circuit as redesignated herein and six additional judges for the eleventh circuit: *Provided*, That the appointments made under this section shall become effective on the date specified in section 12 of this Act: *And provided further*, That at the earliest practicable date after the date of enactment of this Act the President shall submit to the Senate of the United States his nominations for the additional judges authorized in this section and that after such submission the Senate shall proceed to consider such nominations at the earliest practicable date prior to the date specified in section 12 of this Act.

SEC. 10. Section 48 of title 28 of the United States Code is amended to read in part as follows:

"§ 48. Terms of court

"Terms or sessions of courts of appeals shall be held annually at the places listed below, and at such other places within the respective circuits as may be designated by rule of court. Each court of appeals may hold special terms at any place within its circuit.

"Circuits	*Places*
* * * * *	
Fifth	Atlanta, Birmingham, Jacksonville, Miami, and Montgomery.
* * * * *	
Eleventh	New Orleans and Houston.
* * * * *	

Provided, however, That the court of appeals of the new fifth circuit is authorized to hold terms or sessions of court at New Orleans until such time as adequate facilities for the court are provided at Atlanta.".

SEC. 11. Section 46 of title 28, United States Code, is amended to read in part as follows:

"§46. Assignment of judges; panels; hearings; quorum

* * * * *

"(c) Cases and controversies shall be heard and determined by a court or panel of not more than three judges, unless a hearing or rehearing before the court en banc is ordered by a majority of the circuit judges of the circuit who are in regular active service. A court en banc shall consist of all circuit judges of the circuit in regular active service."

* * * * *

Sec. 12. The creation of courts of appeals for the fifth circuit as redesignated herein and for the eleventh circuit including the exercise of jurisdiction conferred by this Act upon those courts, shall become effective on October 1, 1977.

Sec. 13. In order that the table contained in section 44(a) of title 28, United States Code, will, with respect to each circuit reflect the changes in the number of judgeships made by sections 4, 5, 6, and 9 of this Act, such table is amended to read as follows:

"Circuits	*Number of judges*
District of Columbia	11
First	4
Second	11
Third	10
Fourth	10
Fifth	14
Sixth	11
Seventh	9
Eighth	9
Ninth	23
Tenth	8
Eleventh	12.".

Sec. 14. Within one year from the date on which the last of the ten new judges autorized by this Act is appointed to the court of appeals for the ninth judicial circuit, the judicial council of the ninth circuit and the Judicial Conference of the United States shall, jointly or severally, submit to the Congress recommendations for such rule making authority or for such statutory amendments as may be necessary to provide for the effective and expeditious administration and disposition of the business of the court.

Sec. 15. (a) Section 1337, of title 28 of the United States Code, is amended to read as follows:

"§ 1337. Commerce and antitrust regulations; amount in controversy, costs

"(a) The district courts shall have original jurisdiction of any civil action or proceeding arising under any Act of Congress regulating commerce or protecting trade and commerce against restraints and monopolies: *Provided, however*, That the district courts shall have original jurisdiction of an action brought under and by virtue of paragraph (11) of section 20, chapter 1, or section 319, chapter 8 of title 49 of the United States Code, only if the matter in controversy for each receipt or bill of lading exceeds $10,000, exclusive of interest and costs.

"(b) Except when express provision therefor is otherwise made in a statute of the United States, where a plaintiff who files the case under and by virtue of paragraph (11) of section 20, chapter 1, or section 39, chapter 8, of title 49 of the United States Code, originally in the Federal courts is finally adjudged to be entitled to recover less than the sum or value of $10,000, computed without regard to any setoff or counterclaim to which the defendant may be adjudged to be entitled, and exclusive of any interests and costs, the district court may deny costs to the plaintiff and, in addition, may impose costs on the plaintiff.".

(b) Section (b) of section 1445, of title 28 of the United States Code, is amended by striking the number "$3,000" and substituting therefor the number "$10,000".

(c) The chapter analysis of chapter 85, title 28, is amended in part to read as follows:

"1337. Commerce and antitrust regulations; amount in controversy, costs.".

Sec. 16. Such sums as may be necessary to carry out the purposes of this Act are hereby authorized to be appropriated.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended so as to read:

A bill to provide for the appointment of additional district and circuit judges, for the creation of a new fifth judicial circuit and a new eleventh judicial circuit, and for other purposes.

SECURITIES AND EXCHANGE COMMISSION AUTHORIZATIONS, 1978

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration, without any action occurring thereon today, of Calendar Order No. 155.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1311) to amend the Securities Exchange Act of 1934 to authorize specified amounts to be appropriated for the Securities and Exchange Commission for fiscal years 1978–80.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking, Housing, and Urban Affairs with an amendment to strike all after the enacting clause and insert the following:

That section 35 of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by striking the words ". For fiscal years succeeding the 1977 fiscal year, there may be appropriated such sums as the Congress may hereafter authorize by law." and inserting in their place the following: ", and not to exceed $58,290.000 for the fiscal year ending September 30, 1978. For fiscal years succeeding the 1978 fiscal year, there may be appropriated such sums as the Congress may hereafter authorize by law.".

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, are there any orders for the recognition of Senators that have been entered into previously?

The PRESIDING OFFICER. There are no orders.

Mr. ROBERT C. BYRD. I thank the Chair.

Has there been any morning business today?

The PRESIDING OFFICER. No, there has been no morning business.

Mr. ROBERT C. BYRD. I thank the Chair.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business.

The PRESIDING OFICER. Without objection, it is so ordered.

ORDER FOR PRINTING OF S. 826

Mr. RIBICOFF. Mr. President, I ask unanimous consent that S. 826, the bill creating a Department of Energy, be printed, as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:45 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its clerks, announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 1862. An act to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans; to increase the rates of dependency and indemnity compensation for their survivors; and for other purposes;

H.R. 5645. An act to raise the limitation on appropriations for the United States Commission on Civil Rights;

H.R. 6501. An act to amend section 360 of title 38, United States Code, to provide increased awards of service-connected compensation to certain veterans who have suffered the loss or loss of use of paired extremities; and

H.R. 6502. An act to amend title 38 of the United States Code to provide an automobile assistance allowance and to provide automotive adaptive equipment to veterans of World War I.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the enrolled bill (S. 1443) to amend the Privacy Act of 1974 to extend the life of the Privacy Protection Study Commission to September 30, 1977.

The enrolled bill was subsequently transmittance, current speed, and many oth-

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDING OFFICER laid before the Senate the following communications which were referred as indicated:

EC–1372. A letter from the Assistant Secretary of Defense transmitting, pursuant to law, the July–December 1976 listings of Department of Defense contracts negotiated under authority of Section 2304(a)11 and

2304(a)16 (with an accompanying report); to the Committee on Armed Services.

EC-1337. A letter from the Acting Comptroller General of the United States transmitting, pursuant to law, a report entitled "Examination of Financial Statements of the National Credit Union Administration for the Fiscal Years ended June 30, 1976 and 1975 (FOD-77-6) (with an accompanying report); to the Committee on Banking, Housing, and Urban Affairs.

EC-1374. A letter from the Assistant Secretary of the Interior transmitting, pursuant to law, an application by the Santa Maria Water Control and Improvement District—Cameron County No. 4, Santa Maria, Texas, for a supplemental loan under the Small Reclamation Projects Act (with accompanying papers); to the Committee on Energy and Natural Resources.

EC-1375. A letter from the Assistant Secretary of the Interior transmitting, pursuant to law, an application by the Whitney Irrigation District of Dawes County, Nebraska, for a loan under the Small Reclamation Projects Act (with accompanying papers); to the Committee on Energy and Natural Resources.

EC-1376. A letter from the Secretary of the Treasury transmitting, pursuant to law, an interim report for the calendar year 1976 on antirecession fiscal assistance to State and local governments (with an accompanying report); to the Committee on Environment and Public Works.

EC-1377. A letter from the Assistant Legal Adviser for Treaty Affairs of the Department of State transmitting, pursuant to law, international agreements other than treaties entered into by the United States within the past sixty days (with accompanying papers); to the Committee on Foreign Relations.

EC-1378. A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "What Defense Says About Issues in Defense Manpower Commission Report—A Summary" (FPCD-77-40) (with an accompanying report); to the Committee on Governmental Affairs.

EC-1379. A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Government Printing Office Production and Management Controls—Improvement Opportunities" (LCD-77-410) (with an accompanying report); to the Committee on Governmental Affairs.

EC-1380. A letter from the Chairman of the Federal Deposit Insurance Corporation transmitting, pursuant to law, Parts II and III of the Privacy Act System Inventory and Exemption information report of the FDIC on its implementation of the Privacy Act for the Year 1976 (with an accompanying report); to the Committee on Governmental Affairs.

EC-1381. A letter from the Mayor of the District of Columbia transmitting, pursuant to law, the Status Report on Alcoholism, Program and Planning in the District of Columbia (with an accompanying report); to the Committee on Governmental Affairs.

EC-1382. A letter from the Executive Secretary to the Department of Health, Education, and Welfare transmitting, pursuant to law, a document which has been transmitted to the Federal Register for publication on the Upward Bound Program (with an accompanying document); to the Committee on Human Resources.

EC-1383. A letter from the Deputy Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a follow-up report on the recommendations of the Federal Council on the Aging (with an accompanying report); to the Committee on Human Resources.

EC-1384. A letter from the Assistant Secretary for Congressional Relations of the Department of State transmitting a draft of proposed legislation to implement the Convention on the Prevention and Punishment of the Crime of Genocide (with accompanying papers); to the Committee on the Judiciary.

EC-1385. A letter from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, 481 reports covering the period May 1 through May 15, 1977 concerning visa petitions which have been approved according the beneficiaries of such petitions third- and sixth-preference classification under the Immigration and Nationality Act (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

The PRESIDING OFFICER laid before the Senate the following petitions which were referred as indicated:

POM-203. Assembly Joint Resolution No. 3 adopted by the Legislature of the State of California relative to pasture and grazing land; to the Committee on Agriculture, Nutrition, and Forestry:

"ASSEMBLY JOINT RESOLUTION No. 3

"Whereas, The Legislature of the State of California hereby commends the Farmers Home Administration for its effective management of the shift-in-land-use loans program, which was established under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921, et seq.) to aid in the development of grazing and pasture facilities; and

"Whereas, The existing funds for carrying out such a program are inadequate to effectively promote family size farms and ranches in this country; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectively memorializes the President and the Congress of the United States to substantially increase the funds that may be used for the shift-in-land-use program under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921, et seq.), as implemented pursuant to Section 1823.55 of Title 7 of the Code of Federal Regulations; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Agriculture, to the Secretary of Interior, to the Director of Farmers Home Administation, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-204. Senate Joint Memorial No. 110 adopted by the Legislature of the State of Washington requesting that the Department of Agriculture permit retroactive applications for federal cost-sharing grants for water projects to relieve the effects of the current drought; to the Committee on Agriculture, Nutrition, and Forestry:

"SENATE JOINT MEMORIAL No. 110

"Whereas, The current drought in eastern Washington and throughout the western United States is of great magnitude and is having serious effect on the production of crops and the conservation of soils in many areas; and

"Whereas, The legislature and executive branches of government in Washington State have cooperated to provide emergency authority and funding to prepare for and help avert the potential disaster; and

"Whereas, Recent federal legislation has established a drought relief and water conservation program to provide federal cost-sharing grants to citizens undertaking water production and conservation projects; and

"Whereas, Many citizens commenced such emergency projects upon the introduction of federal legislation on March 2, 1977, with the understanding that federal assistance would be available; and

"Whereas, The Federal Agricultural Stabilization and Conservation Service has administratively decided to provide cost-sharing grants to only those projects commenced subsequent to the Congressional enactment; and

"Whereas, This decision denies assistance to any worthwhile projects which were commenced to relieve the water shortage which has existed for many months prior to the recent federal legislation; and

"Whereas, This decision is contrary to the Congressional intent to assist citizens in obtaining and conserving water during this serious drought;

"Now, therefore, Your Memorialists respectfully pray that the Department of Agriculture allow citizens to make retroactive application to March 1, 1977, for federal cost-sharing grants for water projects undertaken to relieve the effects of the current drought.

"And be it further resolved, That copies of this resolution be immediately transmitted to the Honorable Jimmy Carter, the President of the United States; each member of Congress from the State of Washington; Robert Bergland, Secretary of Agriculture; and Robert J. Mondloch, Acting Director of the Environmental Land Use Division of the Agricultural Stabilization and Conservation Service."

POM-205. Senate Joint Memorial No. 109 adopted by the Legislature of the State of Washington requesting recognition of the need for uniformity and data quality control in marine measurements and establishment of a national program of standards and procedures; to the Committee on Commerce, Science, and Transportation:

"SENATE JOINT MEMORIAL No. 109

"Whereas, The State of Washington has striven diligently to protect and enhance the high quality of its precious inland and coastal waters; and

"Whereas, The State of Washington has for five years been the headquarters of a facility for the calibration of water quality instruments, the Northwest Regional Calibration Center, operated for the National Oceanic and Atmospheric Administration by the Oceanographic Institute of Washington, the action arm of the Oceanographic Commission of Washington, a state agency; and

"Whereas, Your Memoralists have been advised by the Oceanographic Commission of Washington that there are accepted standards for only a few marine measurements such as conductivity, temperature, pressure, and current direction, but not for the majority, including oxygen, pH, light tansmittance, current speed, and many others; and

"Whereas, The statutes of many state governments have set limits on the changes in water quality parameters that are permitted to occur; and

"Whereas, Such statutes when enforced become the basis for subsequent judicial action; and

"Whereas, It is necessary to specify the means by which measurements used to determine conformance with such statutes shall be authenticated as to the means by which and the manner in which they were taken; and

"Whereas, The problem is of sufficient magnitude, national scope, and scientific complexity that it is unlikely to be solved by independent action by the States;

"Now, therefore, Your Memorialists respectfully pray that the Administration and the Congress recognize the pressing need for developing better uniformity and data quality control in marine measurements and charge the National Bureau of Standards, in cooperation with the National Oceanic and Atmospheric Administration and such other federal agencies as may be appropriate, with developing a national program of standards and procedures for this purpose; and

"Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable Jimmy Carter, President of the United States, the Secretary of Commerce, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-206. House Joint Resolution No. 36 adopted by the Legislature of the State of Alaska relating to a comprehensive study of welfare reform by the President of the United States; to the Committee on Human Resources;

"HOUSE JOINT RESOLUTION No. 36

"Whereas the President of the United States has begun a comprehensive study of welfare reform and requested a report from the Secretary of Health, Education and Welfare by May 1, 1977; and

"Whereas there is a critical need for a comprehensive, well-integrated welfare program to replace the multitudinous, complex and overlapping programs presently existing; and

"Whereas the magnitude of the welfare problem is directly related to the high unemployment rate presently existing; and

"Whereas welfare reform should be undertaken with the idea that no one who can work and can find employment should be supported by public funds; and

"Whereas it is appropriate that the State of Alaska make recommendations as to such reform;

"Be it resolved that the Alaska State Legislature respectfully recommends to the President and the Congress the following desirable features in the reformed welfare system:

"(1) First reliance shall be placed on stimulating the private economy to provide jobs for all who are able to work.

"(2) When the private economy is not able to supply all necessary jobs, a system of public works and public service projects shall be instituted offering employment to all who are unable to find work in the private sector.

"(3) Any person subject to the work requirement who is unwilling to work shall be denied welfare benefits. Exemptions to the work requirement may be granted on the basis of age, mental or physical illness, need to care for children or seriously ill family members, and for specified educational purposes.

"(4) Welfare benefits for those unable to work shall be administered through one program with one set of criteria.

"(5) The public works and public service program, and the welfare program, shall be funded by the federal government but administered by the states.

"(6) Payment for work on public works and public service projects shall be at approximately 75 per cent of the union scale in the geographic area when directly employed by a political subdivision.

"(7) Welfare payment rates shall reflect differences in the cost of living in the affected areas and shall be set by the states in conjunction with the Secretary of Health, Education and Welfare."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EAGLETON, from the Committee on Governmental Affairs:

Without amendment:

S. 1322. A bill to revise the basis for estimating the annual Federal payment to the District of Columbia for water and water services and sanitary sewer services furnished to the United States (Rept. No. 95-229).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PROXMIRE, from the Committee on Banking, Housing and Urban Affairs:

William Antonio Medina, of Maryland, to be an Assistant Secretary of Housing and Urban Development.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. JACKSON, from the Committee on Energy and Natural Resources:

Adrian Paul Winkel, of Maryland, to be High Commissioner of the Trust Territory of the Pacific Islands.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. JACKSON. Mr. President, the committee on Energy and Natural Resources today approved the nomination of Adrian P. Winkel as High Commissioner of the Trust Territory of the Pacific Islands.

I ask unanimous consent that Mr. Winkel's statement to the committee at the hearing on his nomination and his financial statement submitted to the committee be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY ADRIAN P. WINKEL AT CONFIRMATION HEARING ON NOMINATION FOR POSITION OF HIGH COMMISSIONER, TRUST TERRITORY OF THE PACIFIC ISLANDS

Mr. Chairman and Members of the Committee: I am honored to appear before you as President Carter's nominee for appointment to the position of High Commissioner of the Trust Territory of the Pacific Islands. I appreciate the importance of the Senate's "advice and consent" function as a significant part of our constitutional system of checks and balances and I sincerely trust that, in the performance of that function, you will find me to be qualified to perform the duties of the office for which I have been nominated.

As a part of the information I have provided to the Committee, a statement was included concerning my evaluation of those aspects of my experience which I considered to be applicable to the position of High Commissioner. I will not repeat that information in this statement except to refer to portions of it as they relate to the following discussion.

The duties and responsibilities of the High Commissioner, like the functions of all positions, can be broken down into a number of elements. The following elements are not offered as a definitive analysis of the position but, rather, for the purpose of illustrating three broad elements which, in my judgment, are basic aspects of the High Commissioner's responsibilities.

First, I consider it to be a fundamental duty of the High Commissioner to be, within the councils of the executive branch of the U.S. government, a spokesman, an advocate for what the people of the Trust Territory, through their leaders, and the government of the Trust Territory agree, are the legitimate and necessary needs of Micronesia if it is to achieve the economic, social and political development called for by the Trusteeship Agreement. It would be my intention to be such an advocate.

Secondly, after the executive and legislative branches of the United States government have acted to develop, authorize and appropriate the necessary programs and funds for the Trust Territory, I would consider it to be my duty to insure that the funds are expended and the purposes of the programs achieved in the most productive manner possible. In other words, I would consider working to make the Trust Territory government as administratively effective and efficient as possible one of the highest priorities.

The importance of the administrative performance of the Trust Territory government is illustrated by the study made by this Committee of the administration of public works activities. Subsequently, as you know, a comprehensive program for putting in place by 1981 an adequate infrastructure of public facilities in each of the Districts was agreed upon. Now, just within the last days, I have read that Mr. J. Knox McConnell has resigned as president of the Micronesian Development Bank with the statement that it will not be possible to interest investors in the Trust Territory until an adequate infrastructure is in place. I do not know if this is a valid conclusion but, in any case, it serves to highlight the critical nature of improving the administrative practices and procedures of the Trust Territory government.

The administration of the territories of the United States, and particularly the Trust Territory of the Pacific Islands involves unique characteristics impinging upon all major aspects of national policy, including defense, foreign relations, and the United Nations, as well as the customary domestic policy elements. Knowledge of and sensitivity about the possible impact of administrative actions on all of the agencies of the United States government and its policies is, therefore, a third element of the High Commissioner's responsibility. I believe that my 13 years of service as a Congressional staff member, as well as my general administrative experience in government, gives me a thorough background of understanding of the complicated relationships existing between the Trust Territory, the United States government and the United Nations. Accordingly, I would strive to insure that my administrative decisions would be based upon all of these interrelated considerations without undue emphasis on some elements to the exclusion of others.

Finally, an awareness of and sensitivity of Micronesian cultural values and goals is an essential quality to be possessed by the High Commissioner of the Trust Territory. Nineteenth century colonial attitudes and policies will no longer be accepted by the people of Micronesia or by the United Nations. I have worked with the leaders of all parts of Micronesia and I trust I have earned their respect and trust. I have represented the rights and interests of both the Micronesian people and the government of the United States as fairly and equitably as possible; and, as High Commissioner, I would continue to do so.

Thank you for your consideration.

COMMITTEE ON INTERIOR AND
INSULAR AFFAIRS,
Washington, D.C.

INFORMATION REQUESTED OF PRESIDENTIAL NOMINEES

Rule 9 of the Rules of the U.S. Senate Committee on Interior and Insular Affairs requires that each Presidential nominee considered by the Committee shall submit a financial statement sworn to by the nominee as to its completeness and accuracy. Under the rule all such statements must be made public by the Committee unless the Committee in executive session determines that special circumstances necessitate a full or partial exception to this requirement. Rule 9 also provides that at any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any member, any other witness shall be under oath.

In order to assist the Committee in its consideration of nominations, each nominee is requested to complete the attached Financial Statement and Statement For Completion By Presidential Nominees.

The original and twenty (20) copies of the requested information should be made available to Honorable Henry M. Jackson, Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C. 20510 (Attn: Staff Director) as soon as possible.

FINANCIAL STATEMENT

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) and all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

Assets

Cash on hand and in banks, $1,000.00.

Real estate interests, including mortgages—add schedule, personal residence, $70,000.00.

Personal property, $6,000.00.

Liife insurance—cash value, $9,800.00.

Savings, $33,000.00.

Retirement—cash value U.S. Govt. Emp. Program, 1st Fed. S. & L. Assoc. Bethesda, Md., $14,400.00.

Total assets, $134,200.00.

Liabilities

Real estate mortgages payable—add schedule, personal residence, $29,000.00.

Total liabilities, $29,000.00.

Net worth, $105,200.00.

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers: None.

2. Are any assets pledged? (Add schedule.) No.

3. Are you currently a party to any legal action? No.

4. Have you ever declared bankruptcy? No.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Winkel, Adrian Paul.

Position to which nominated: High Commissioner, the Trust Territory of the Pacific Islands.

Date of nomination: April 22, 1977.

Date of birth: April 19, 1915

Place of birth: Breckenridge, Minnesota.

Marital status: Married.

Full name of spouse: Isabel Frances (Browne) Winkel.

Names and ages of children: John—35; Thomas—33; Gregory—29; Matthew—26; Mark—23; Mary—22.

Education, institution, dates attended, degrees received, and dates of degrees:

Breckenridge H.S., 1928–32, Diploma.

N. Dakota State School of Science, 1932–35, Cert.

St. John's Univ., 1935–37, B.A., 1937.

U. of Wisc. Law Sch., Smr , 1939.

U. of Minn. Grad. Sc., Smr., 1940.

Notre Dame Univ. Grad. Sch., 1941–42.

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Partial college tuition scholarship—Minn. Assoc. of Colleges.

Full graduate tuition scholarship and expenses—Univ. of Notre Dame.

Memberships: List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations. None.

Employment record: List below all positions held since college, including the title and description of job, name of employer, location, and dates.

Mar., 1973 to Present—U.S. House of Reps., Cmte. on Interior & Insular Affairs; Congressman Phillip Burton; Staff Consultant on Territories; Washington, D.C.

May, 1971–Mar., 1973—U.S. House of Reps., Congressman Phillip Burton; Staff Assistant; Washington, D.C.

Aug., 1969–Aug., 1970—On full severance pay; U.S. P.O. Dept.

March, 1969–Aug., 1969—U.S. P.O. Dept.; Deputy Regional Director; Minneapolis, Minn.

April, 1961–March, 1969—U.S. P.O. Dept.; Regional Dir.; Minneapolis, Minn.

June, 1960–April, 1961—State Central Cmte., Democratic Party of Minn.; Chairman; Minneapolis, Minn.

Sept., 1957–June, 1960—City of St. Paul; Cmsnr. of Public Works, member of City Council; St. Paul, Minn.

Aug., 1955–Sept., 1957—State of Minn. Dept. of Taxation; Assistant to Cmsnr. of Taxation; St. Paul, Minn.

Jan., 1949–Aug., 1955—U.S. House of Reps.; Congressman Eugene J. McCarthy; Staff Assistant; Washington, D.C.

Sept., 1947–Jan., 1949—College of St. Thomas; Instructor; St. Paul, Minn.

Sept., 1943–Sept., 1947—Marquette Univ. & high school; Instructor; Milwaukee, Wisc.

Sept., 1942–Sept., 1943—U.S. Rubber Company; Production Control Assistant; Mishawauka, Indiana.

Sept., 1941–Sept., 1942—Notre Dame Univ.; Graduate Assistant; S. Bend, Indiana.

Sept., 1937–Sept., 1941—St. John's College Prep. School; Instructor Collegeville, Minn.

Government experience: List any experience in or direct association with Federal, State, or local government, including any advisory, consultative, honorary or other part-time service or positions.

Administrative Assistant to Member of Congress—6½ years.

Assistant to State Commissioner of Taxation—2 years.

Commissioner of Public Works and Member of City Council, St. Paul, Minn.—3 yrs.

Regional Director, U.S. Post Office Department—8 years.

Staff Assistant to Member of Congress—2 years.

Staff Consultant to a Committee of the U.S. House of Representatives—4 years.

Published writings: List the titles, publishers and dates of any books, articles, or reports you have written. None.

Qualifications: State fully your qualifications to serve in the position to which you have been named.

Future employment relationships: 1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate. Yes.

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization. No.

3. Has anybody made you a commitment to a job after you leave government? No.

4. Do you expect to serve the full term for which you have appointed? Yes.

Potential conflicts of interest: 1. Describe any financial arrangements or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated. None.

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated. None.

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated. None.

4. List and describe any lobbying activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation at the national level of government or for the purpose of affecting the administration and execution of national law or public policy. None.

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to the above items.

I do not perceive that any conflict of interest is disclosed by my responses to the above items. However, if any such conflict developed, I would immediately divest myself of the resources, or disassociate myself from the relationships which constituted the conflict of interest.

QUALIFICATIONS

Some months ago, the leaders of the Congress of Micronesia emphasized "experience in public administration" as the quality they thought most important in choosing a High Commissioner. I believe I have such experience, not only in a quantitative sense as measured by positions held and years served, but also qualitatively as measured by performance on the job. I enjoy a reputation for being an effective public administrator at all levels of government—municipal, state and federal—and have been so considered by tho persons for whom I have worked, as well as by those who have worked for me and by those most directly affected by any decisions.

My administrative experience, namely, providing a large variety of public services for large populations, including all elements of management-planning, programming, budgeting and execution—is very comparable to the administrative functions of the High Commissioner of the Trust Territory. In turn, the success of such efforts is dependent on the ability of the administrator to maintain effective relationships with his colleagues and fellow workers, interested citizens' groups, other units of government including legislative bodies ranging from municipal councils to the Congress of the United States, the news media, etc. My administrative work at each of the three levels of government in which I have served involved all of these activities to a substantial degree.

The administration of the territories of the United States, and particularly the Trusteeship of the Pacific Islands, involves unique characteristics impinging upon all major aspects of national policy, including defense, foreign relations, and the United Nations, as well as the customary domestic policy elements. The jurisdiction of Congressional Committees is sometimes involved as well as a corresponding functional overlap in some of the Executive Departments.

Knowledge of and sensitivity about the possible impact of administrative actions on all of the agencies of the United States Government and its policies is, therefore, a crucial aspect of the High Commissioner's responsibility. I believe that my 13 years of service as a Congressional staff member, as well as my general administrative experience in government, gives me a thorough background of understanding of the complicated relationships existing between the Trust Territory, the United States government and the United Nations. Accordingly, my administrative decisions would be based upon all of these interrelated considerations without undue emphasis on some elements to the exclusion of others.

Finally, a cultural awareness of and sensitivity to the Micronesian values and goals is an essential quality to be possessed by the High Commissioner of the Trust Territory. Nineteenth century colonial attitudes and policies will no longer be accepted by the people of Micronesia or by the United Nations. I have worked closely with the leaders of all parts of Micronesia and I believe I have earned their respect and trust. I have represented the rights and interests of both the Micronesian people and the government of the United States as fairly and equitably as possible; and, as High Commissioner, I would continue to do so.

Thank you for your consideration.

By Mr. WILLIAMS, from the Committee on Human Resources:

Peter G. Bourne, of the District of Columbia, to be Director of the Office of Drug Abuse Policy.

Lee I. Dogoloff, of Maryland, to be Deputy Director of the Office of Drug Abuse Policy.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. DECONCINI, from the Committee on the Judiciary:

Michael D. Hawkins, of Arizona, to be U.S. attorney for the District of Arizona.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. SPARKMAN, from the Committee on Foreign Relations:

Patrick J. Lucey, of Wisconsin, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico.

Ronald I. Spiers, of Vermont, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Turkey.

Frederick Irving, of Rhode Island, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Jamaica.

Marvin Weissman, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Costa Rica.

Adrian S. Fisher, of the District of Columbia, for the rank of Ambassador while serving as the U.S. Representative to the Conference of the Committee on Disarmament.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Political Contributions Statement

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Gov. Patrick J. Lucey.

Post: Ambassador to Mexico.

Contributions, donee, amount, and date:

1. Self, none.
2. Spouse, none.
3. Children and Spouses, none.
4. Parents, Gregory C. Lucey—

National Dem. Com.: $15, April 28, 1973; $10, August 13, 1973; $15, November 2, 1975; $15, February 6, 1976; $10, September 14, 1976.

Presidential Victory Fund: $10, August 28, 1976.

Total, $75.

Mrs. Lucey died in 1972.

5. Grandparents died many years ago; prior to 1973.

6. Brothers and Spouses—

Gregory F. Lucey, S.J.: None.

J. Roger Lucey, S.J.: none.

7. Sisters and Spouses—

Mr. and Mrs. Wm. L. Keegan (Kathleen): none.

Mr. and Mrs. Robert E. Dyer (Verona): none.

Mr. and Mrs. Bernard R. Watson (Eleanor) $50 (about) to Al Baldus.

Eleanor Lucey, O.P.: none.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

PATRICK J. LUCEY.

Political Contributions Statement

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Ronald I. Spiers.

Post: Ankara.

Contributions, amount, date, and donee: (If none, write none).

1. Self, Ronald I. Spiers: None.
2. Spouse, Patience B. Spiers: None.
3. Children and spouses, Mrs. Deborah May; Peter Spiers; Martha Spiers; Sarah Spiers: None.
4. Parents, Tomas H. Spiers, father; mother deceased: None.
5. Grandparents, all deceased.
6. Brothers and spouses, Mr. and Mrs. T. H. Spiers, Jr.: None (see note below).
7. Sisters and spouses, Mr. and Mrs. Henry George: None (see note below).

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

RONALD I. SPIERS.

Political Contribution Statement (May 1973–May 1977)

Nominee: Frederick Irving.

Post: U.S. Ambassador to Jamaica.

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: None.
3. Children—

Mr. and Mr. Richard Irving: None.

Barbara Irving: None.

Susan Irving: None, 1977; $110, 1973–76.

Joseph A. Rieser, Jr. (spouse of Susan, married, February, 1976): None, 1977; $25 1976, Stepanian for Congress Committee.

4. Parents: Deceased.
5. Grandparents: Deceased.
6. Sister, Mrs. Rose Levin (spouse deceased): None.
7. Brothers, Mr. and Mrs. Samuel Irving: $225 total, 1976 only; half to Dem. and half to Rep. Senatorial Campaign Committees.

Mr. and Mrs. Louis Irving (brother is civilian, civil service employee with U.S. Army in South Korea. Will make effort to contact but feel certain answer will be "none" for all years.)

Mr. and Mrs. Daniel Irving (unable yet to contact, but feel certain answer will be "none").

Mr. and Mrs. Morris Irving (same as above).

I have listed above the names of each member of my immediate family including their spouses. I have asked each of those whom I have been able to contact to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

FREDERICK IRVING.

Political Contributions Statement

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee—Marvin Weissman.

Post—Ambassador, Costa Rica.

Contributions; amount; date; and donee:

1. Self—None.
2. Spouse—None.
3. Children and Spouses—None.
4. Parents—None.
5. Grandparents—None.
6. Brothers and Spouses—None.
7. Sisters and Spouses—None.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

MARVIN WEISSMAN.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Political Contributions Statement

Nominee—Adrian Sanford Fisher.

Post—Rank of Ambassador while serving as the U.S. Representative to the Conference of the Committee on Disarmament.

Contributions; amount; date; and donee:

1. Self—See attachment.
3. Children and Spouses—Laura D. Fisher, none; Louise S. Fisher, none.
4. Parents—Hubert F. Fisher and Louise S. Fisher, deceased before reporting period.
5. Grandparents—Edward J. Sanford, Emma C. Sanford, Frederick Fisher, Maryanna Fisher, all deceased before reporting period. See attachment.
7. Sisters and Spouses—None.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

ADRIAN S. FISHER.

ADRIAN SANFORD FISHER ATTACHMENT

Contributions: 1 and 2—

Amount: date; and donee:

$50.00, May 1973, Coalition for a Democratic Majority.

$10.00, May 1973, Drinan.

$250.00, May 1974, Democratic Study Group Dinner for Averell Harriman.

$200.00, June 1974, Mathias.

$100.00, May 1976, Udall.

$250.00, July 1976, Carter.

$250.00, September 1976, Carter.

6—

Hubert F. Fisher, Jr.—Deceased June, 1974. An inquiry addressed to his Executor has disclosed no information as to campaign contributions in the period covered.

I have been unable to get in touch with his widow, Lucy Barbaro Fisher, but I do not believe she made any contributions.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated:

H.R. 1862. An act to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans; to increase the rates of dependency and indemnity compensation for their survivors; and for other purposes; to the Committee on Veterans' Affairs.

H.R. 6501. An act to amend section 360 of title 38, United States Code, to provide increased awards of service-connected compensation to certain veterans who have suffered the loss or loss of use of paired extremities; to the Committee on Veterans' Affairs.

H.R. 6502. An act to amend title 38 of the United States Code to provide an automobile assistance allowance and to provide automotive adaptive equipment to veterans of World War I; to the Committee on Veterans' Affairs.

H.R. 5645. An act to raise the limitation on appropriations for the United States Commission on Civil Rights; placed on the Calendar.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, May 24, 1977, he presented to the President of the United States the enrolled bill (S. 1443) to amend the Privacy Act of 1974 to extend the life of the Privacy Protection Study Commission to September 30, 1977.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. STONE:

S. 1587. A bill to amend the Internal Revenue Code of 1954 to exempt certain State and local government retirement systems from taxation, and for other purposes; to the Committee on Finance.

By Mr. DURKIN:

S. 158. A bill to amend the Social Security Act to provide for the payment of out of hospital prescription drugs, eyeglasses, hearing aids and dentures; to the Committee on Finance.

S. 1589. A bill to amend title II of the Social Security Act to eliminate the reconsideration stage in benefit determinations, to eliminate the five-month waiting period for disability benefits, and to establish higher earnings limitation for demonstrating an individual's ability to engage in substantial gainful activity; to the Committee on Finance.

By Mr. DOMENICI:

S. 1590. A bill to incorporate the American Ex-Prisoners of War, Incorporated; to the Committee on the Judiciary.

By Mr. BURDICK:

S. 1591. A bill for the relief of Visitacion C. Ramirez, M.D., Vicente A. Ramirez, Emmanuel Ramirez and Eseban Ramirez; to the Committee on the Judiciary.

By Mr. CHILES (for himself and Mr. STONE):

S. 1592. A bill to terminate further construction of the Cross-Florida Barge Canal Project; to the Committee on Environment and Public Works.

S. 1593. A bill to provide a study of certain segments of the Oklawaha River for potential addition to the National Wild and Scenic Rivers System; to adjust the boundary of the Ocala National Forest, Florida; and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PROXMIRE:

S. 1594. A bill to revise and extend the Renegotiation Act of 1951; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DURKIN (for himself and Mr. MCINTYRE):

S. 1595. A bill to prohibit any State from imposing a tax on the income derived by any individual from services in the Federal area within such State if such individual is not a resident or domiciliary of such State or of any other State which imposes a tax on income; to the Committee on Finance.

By Mr. RANDOLPH (for himself, Mr. STAFFORD, Mr. JAVITS, and Mr. WILLIAMS):

S. 1596. A bill to establish a National Center for the Handicapped; to the Committee on Human Resources.

By Mr. MAGNUSON (for himself and Mr. PEARSON) (by request):

S. 1597. A bill to formalize common international safety requirements for the approval, examination, and inspection of containers, within the jurisdiction of the United States and used in international transport, to maintain a high level of safety of human life, to facilitate international container transport, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PELL (for himself, Mr. ROTH, Mr. WEICKER, Mr. CASE, Mr. BIDEN, Mr. MATHIAS, Mr. SARBANES, Mr. RIBICOFF, Mr. WILLIAMS, Mr. CHAFEE, Mr. JAVITS, and Mr. HEINZ):

S. 1598. A bill to amend the Railroad Revitalization and Regulatory Reform Act of 1976 in order to eliminate certain matching requirements in funding of station and fencing improvements in the Northeast Corridor; to the Committee on Commerce, Science, and Transportation.

By Mr. SPARKMAN (by request):

S. 1599. A bill to amend legislation regarding the International Boundary and Water Commission—The United States and Mexico; to the Committee on Foreign Relations.

By Mr. MATSUNAGA:

S. 1600. A bill to amend title 5 of the United States Code in order to provide that certain benefits to which employees of the United States stationed in Alaska, Hawaii, Puerto Rico, or the territories of the United States are entitled may be terminated under certain conditions, and for other purposes: to the Committee on Governmental Affairs.

By Mr. STONE (for himself and Mr. PERCY):

S.J. Res. 60. A joint resolution to request the President of the United States to call a White House Conference on Energy Conservation; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STONE:

S. 1587. A bill to amend the Internal Revenue Code of 1954 to exempt certain State and local government retirement systems from taxation, and for other purposes; to the Committee on Finance.

LEGISLATION TO PROTECT STATE PENSION PLANS

Mr. STONE. Mr. President, I am today introducing legislation which would correct a possible, unintended result following the enactment of the Pension Reform Act of 1974. Some Internal Revenue Service interpretations of section 501 and section 6058 of the Internal Revenue Code, as amended by the Pension Reform Act of 1974, have raised the distinct possibility that State pension plans would be subject to Federal income taxation and be burdened by certain Federal Government reporting requirements.

Having reviewed the history of the Pension Reform Act of 1974, I am convinced that Congress did not intend either of these results. Taxation of State pension fund income by the Federal Government would threaten the financial viability of these employee-pension plans and would be contrary to the constitutional principle of nontaxation by the Federal Government of State property and income.

This problem has been considered by the National Governors Conference and the National Conference of State Legislatures. It is my understanding that a number of present State pension plans face the threat of Federal taxation of their income unless legislation is enacted to correct these recent IRS rulings.

The legislation I introduced today would simply exempt State and local government retirement systems from Federal income tax liability and the burden of unnecessary reporting requirements. I urge the Senate Finance Committee to review this matter carefully and expeditiously. The integrity of our State pension plans and the future economic security of their beneficiaries are at stake.

Mr. President, I ask unanimous consent that the text of the bill I am introducing today be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 501(c)(11) of the Internal Revenue Code of 1954 (relating to teachers' retirement fund associations) is amended to read as follows:

"(11) (A) Retirement systems, trusts, or funds of a State, a political subdivision of a State, or an agency or instrumentality of a State or a political subdivision or a State.

"(B) Teachers' retirement fund associations of a purely local character, if—

"(i) no part of their earnings insures (other than through payment of retirement benefits) to the benefit of any private shareholder or individual, and

'(ii) the income consists solely of amounts received from public taxation, amounts received from assessments on the teaching salaries of members, and income in respect of investments.".

(b) The amendment made by subsection (a) shall apply to taxable years beginning after September 2, 1974.

SEC. 2. (a) Section 6058 of the Internal Revenue Code of 1954 (relating to information required in connection with certain plans of deferred compensation) is amended by redesignating subsection (d) as (e), and by inserting after subsection (c) the following new subsection:

"(d) EXCEPTION.—This section shall not apply with respect to plans maintained by a State, a political subdivision of a State, or an agency or instrumentality of a State or a political subdvision of a State.".

(b) The amendment made by subsection (a) shall apply with respect to plan years beginning after September 2, 1974.

By Mr. DURKIN:

S. 1588. A bill to amend the Social Security Act to provide for the payment of out of hospital prescription drugs, eyeglasses, hearing aids and dentures; to the Committee on Finance.

ADDING DRUGS, DENTURES, VISION SERVICES, AND HEARING AIDS TO MEDICARE COVERAGE

Mr. DURKIN. Mr. President, medicare recognizes both the increased need for medical services as one grows older as well as the increased burden such costs present to those on fixed and limited incomes. But in failing to provide coverage for certain important services, medicare has neglected to fulfill its goal. I refer to the lack of coverage for out of hospital prescription drugs, dentures, vision services, and hearing aids.

While prescription medicine may be provided in the hospital, it is not covered when provided on an outpatient basis. To the extent that health care can be provided out of the hospital this is cost effective and beneficial in preserving a person's general well-being. Prescription drugs out of the hospital provide an important link in the pattern of health care for the elderly and should not be denied any individual because of high costs.

The other conditions which I submit should be covered by medicare are often neglected by the elderly because of prohibitively high costs. Failing vision, hearing and dental conditions especially afflict the elderly. An inability to have these conditions adequately treated is unhealthy both physically and emotionally. The ability to fully participate in daily life is enhanced if appropriate treatment is made available.

Omitting such care from medicare does a significant disservice to those who should benefit from the program. Accordingly, I propose that we amend this act and bring medicare to a level where it realistically serves the health needs of our senior citizens.

I ask unanimous consent that the text of the bill be printed in the RECORD at this time.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1588

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1861(s) of the Social Security Act is amended by—

(1) redesignating paragraphs (10) through (13) as paragraphs (14) through (17); and

(2) striking "and" after paragraph (8);

(3) striking the period after paragraph (9) and substituting a semicolon; and

(4) inserting after paragraph (9) the following:

"(10) eyeglasses;
"(11) prescription drugs;
"(12) hearing aids; and
"(13) dentures.".

SEC. 2. (a) Section 1862(a)(7) of the Social Security Act is amended by striking "eyeglasses or eye examinations for the purpose of prescribing, fitting, or changing eyeglasses, procedures performed (during the course of any eye examination) to determine the refractive state of the eyes, hearing aids or examinations therefor".

(b) Section 1862(a)(12) of such Act is amended by striking "or replacement of teeth or structures directly supporting teeth,".

SEC. 3. Section 1864(a) of the Social Security Act is amended by striking "(10) and (11)" and substituting "(14) and (15)".

By Mr. DURKIN:

S. 1589. A bill to amend title II of the Social Security Act to eliminate the reconsideration stage in benefit determinations, to eliminate the 5-month waiting period for disability benefits, and to establish higher earnings limitation for demonstrating an individual's ability to engage in substantial gainful activity; to the Committee on Finance.

DISABILITY INSURANCE REFORMS

Mr. DURKIN. Mr. President, today I am introducing a bill to reform the disability insurance program. Every day my office receives calls and letters from people who have applied for disability insurance, but receive nothing but frustration. Just about everyone dreads having to grapple with bureaucratic procedures. But for the person who is disabled the bureaucratic obstacles and the economic burden of waiting for benefits seem insurmountable. Unnecessary delays cause tremendous problems for the disabled and negate the original purpose and spirit of disability insurance.

People earn the right to disability insurance by working in a job covered by the Social Security Act. But this right is disgracefully denied many of those who qualify for benefits by intolerable delays in granting benefits and a definition of "disability" which has not kept pace with an inflationary economy.

Obviously, the program which was enacted to help the disabled should be more responsive to the needs of the people it was created to aid. Therefore I propose three changes to make it easier to qualify for disability benefits and to expedite the application process.

The first and perhaps worst problem encountered by the person making a disability claim is that the administrative process from initial application until final adjudication consumes an excessive amount of time. Contributing to this delay is a reconsideration requirement which is inefficient. After the initial determination is made by the State, the disabled person has 60 days to request a reconsideration. But this level of appeal does little to weed out nonmeretricious claims since almost 50 percent of the claims which are appealed are reversed by the administrative law judges. Based on this evidence, I propose to eliminate the reconsideration level of appeal and allow appeal directly to the ALJ's.

Another grossly unfair provision which I propose to eliminate is the 5-month waiting period before a disabled person may collect disability benefits. Under the present law, entitlement does not occur until 5 months after the onset of the disability. Furthermore, if the determination of disability is made after the 5-month period, the beneficiary receives benefits retroactively only to the beginning of the 5-month date, not the start of the disability. If a person is determined to be eligible for disability, he should receive benefits for the full period of his disability.

The earnings test is the third unreasonable provision in the disability insurance program which I propose to change. Under the current regulation a disabled person is considered gainfully employed and ineligible for benefits if he receives $200 a month in income. This earnings ceiling is in no way reflective of what an individual needs to maintain a decent standard of living.

Such a low earnings test in effect does more harm than any possible good. The $200 limit can extinguish initiative to seek employment because of fear of losing necessary benefits. Further it limits the desire of people to accept rehabilitation.

My proposal is twofold. The earnings test should be set by law, and not regulation, and I propose that it be raised to $300 a month. Further, to guarantee that it reflect changes in the economy, this new limit will be tied to the limit for retirees which has an automatic increase. Whichever amount is higher will be used to determine the limit for disability.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1589

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ELIMINATION OF THE FIVE-MONTH WAITING PERIOD FOR DISABILITY BENEFITS

SECTION 1. (a) The first sentence of section 223(a)(1) of the Social Security Act is amended by striking out "(1) for each month" and all that follows down through "the first month in which he is under such disability" and inserting in lieu thereof the following: "for each month beginning with the first month during all of which he is under a disability and in which he becomes so entitled to such insurance benefits".

(b)(1) The first sentence of section 223(a)(2) of such Act is amended by striking out "in—" and all that follows down through "and as though" and inserting in lieu thereof the following: "in the first month for which he becomes entitled to such disability insurance benefits, and as though".

(2) The second sentence of section 223(a)(2) of such Act is amended by striking out "subparagraph (A) or (B) of such sentence, as the case may be and inserting in lieu thereof "such sentence".

(c)(1) Section 223(c)(2) of such Act is repealed.

(2)(A) The heading of section 223(c) of such Act is amended to read as follows:

"DEFINITION OF INSURED STATUS"

(B) Section 23(c) of such Act is further amended by striking out "For purposes of subparagraph (B) of this paragraph, when the number of quarters" in the last sentence of paragraph (1) and inserting in lieu thereof the following:

"(2) In applying paragraph (1)(B), when the number of quarters".

(d)(1) Section 216(i)(2)(A) of such Act is amended by striking out ", but only" and all that follows and inserting in lieu thereof a period.

(2) Section 222(c)(5) of such Act is repealed.

(e) The amendments made by subsections (a), (b), and (c) shall apply only with respect to monthly benefits under section 223 of the Social Security Act, or under section 202 of such Act on the basis of the wages and self-employment income of an individual entitled to benefits under such section 223, for months after the month in which this Act is enacted. The amendment made by subsection (d)(1) shall apply only with respect to applications for disability determinations filed under title II of the Social Security Act on or after the date of the enactment of this Act. Subsection (d)(2) shall take effect on the date of the enactment of this Act.

ELIMINATION OF RECONSIDERATION STAGE IN BENEFIT DETERMINATIONS

SEC. 2(a) The second sentence of section 205(b) of the Social Security Act is amended by inserting "(without requiring any prior reconsideration of such decision or any other intervening administrative action or proceeding)" immediately after "such applicant and such other individual".

(b) The amendment made by subsection (a) shall apply in the case of any decision of the Secretary of Health, Education and Welfare under title II of the Social Security Act with respect to which the period prescribed under the third sentence of section 205(b) of such Act has not run on the date of the enactment of this Act.

ESTABLISHING HIGHER EARNINGS LIMITATION FOR DETERMINING AN INDIVIDUAL'S ABILITY TO ENGAGE IN SUBSTANTIAL GAINFUL ACTIVITY

SEC. 3. (a) The first sentence of section 223(d)(4) of the Social Security Act is amended by inserting immediately before the period at the end thereof the following: "; except that, under the criteria so prescribed, no individual whose monthly earnings do not exceed $3.600/year or (if higher) the exempt amount established under section 203(f)(8), shall be regarded as having demonstrated, by reason of the amount of his earnings, his ability to engage in substantial gainful activity".

(b) The amendment made by this Act shall be effective upon the date of enactment of this Act.

By Mr. DOMENICI:

S. 1590. A bill to incorporate the American Ex-Prisoners of War. Incorporated; to the Committee on the Judiciary.

AMERICAN EX-PRISONERS OF WAR, INC.

Mr. DOMENICI. Mr. President, on September 8, 1943, the State of New Mexico granted a certificate of incorporation to an association known as the Bataan Relief Organization. In 1949 this group was renamed the American Ex-Prisoners of War and was incorporated by the State of Washington.

The American Ex-Prisoners of War is comprised of men and women who, in the service of their country, have suffered as wartime prisoners at the hands of enemy nations. The membership includes one Spanish American War veteran, many World War I and II veterans of both theaters, and Korean and Vietnam war veterans—all of them formerly POW's. Today the organization has a nationwide membership of well over 5,000 and recognizes 61 chapters and 8 affiliates.

These brave patriots have endured not only the horrors of combat, but also the agony of often prolonged internment in the prisons of cruel enemies. Nevertheless, they did not waiver in their faith and allegiance to their country and continue to work, even today, toward assisting their disabled comrades and the widows and orphans of those who made the ultimate sacrifice.

In order for the American Ex-Prisoners of War to be fully effective in meeting their goal of service to their members and their country, and due to their unique experience, it is imperative that they be granted a Federal charter. Therefore, Mr. President, I am most proud today to send to the bench a bill which would provide them with such charter. I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1590

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following persons: Mel Madero, Albuquerque, New Mexico; Henry Goodall, Houston, Texas; Memory Cain, Santa Barbara, California; Delmar Spivey, Largo, Florida; Robinson Risner, Oklahoma City, Oklahoma; George E. Day, Elgin Air Force Base, Florida; Charles Morgan, San Antonio, Texas; Joseph G. Schisser, San Leon, Texas; Herman Molen, Las Vegas, Nevada; Joseph B. Upton, St. Louis, Missouri; Edgar Van Valkenburg, St. Petersburg, Florida; Pauline Brown, Tampa, Florida; Joseph R. Perry, Anaheim, California; Thornton E. Hamby, Arlington, Texas; Charles Morgan, San Antonio, Texas; Harry E. Steen, El Paso, Texas; Carl Allen, Macon, Georgia; James Atwell, Winter Park, Florida; Jack Aldrich, Albuquerque, New Mexico; Ernest Armijo, Los Lunas, New Mexico; William Mattson, Cheshire, Oregon; Donald T. Morgan, Tacoma, Washington; Eugene J. Shannahan, Williamsburg, Iowa; Stanley G. Sommers, Marshfield, Wisconsin; Anna Bressi, Mechanicsburg, Pennsylvania; Felix Stankus, Ipswich, Massachusetts; Jack D. Warner, Hammon, Oklahoma; Harold L. Page, Buckley, Washington; John Romine, Muskogee, Oklahoma; Albert W. Braun, Phoenix, Arizona, and their successors, are created and declared to be a body corporate by the name of the "American Ex-Prisoners of War, Incorporated" (hereafter in this Act referred to as the "corporation"), and by such name shall be known and have perpetual succession, and the powers, limitations, and restrictions contained in this Act.

COMPLETION OF ORGANIZATION

SEC. 2. The persons named in the first section of this Act are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of a constitution and bylaws, not inconsistent with this Act, and the doing of such other acts as may be necessary to carry out the provisions of this Act.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation shall be—

(1) to encourage fraternity for the common good;

(2) to foster patriotism and loyalty;

(3) to assist the widows and orphans of deceased ex-prisoners of war;

(4) to assist ex-prisoners of war who have been injured or handicapped as a result of their service;

(5) to maintain allegiance to the United States of America;

(6) to preserve and defend the United States from all of her enemies; and

(7) to maintain historical records.

CORPORATE POWERS

SEC. 4. (a) The corporation shall have power—

(1) to sue and be sued, complain, and defend in any court of competent jurisdiction;

(2) to adopt, alter, and use a corporate seal;

(3) to appoint and fix the compensation of such officers, directors, trustees, managers, agents and employees as its business may require;

(4) to adopt, amend, and alter a constitution and bylaws, not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(5) to contract and be contracted with;

(6) to charge and collect membership dues, subscription fees, and receive contributions or grants of money or property to be devoted to the carrying out of its purposes;

(7) to take and hold by lease, gift, purchase, grant, devise, bequest or otherwise any property, real or personal, necessary for attaining the objects and carrying into effect the purposes of the corporation, subject to applicable provisions of law in any State (A) governing the amount of real and personal property which may be held by, or (B) otherwise limiting or controlling the ownership of real or personal property by a corporation operating in such State;

(8) to transfer, encumber, and convey real or personal property;

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, subject to all applicable provisions of Federal or State law;

(10) to adopt, alter, use and display such emblems, seals and badges as it may adopt; and

(11) to do any and all lawful acts and things necessary and proper to carry out its objects and purposes.

(b) For the purpose of this section, the term "State" includes the District of Columbia.

PRINCIPAL OFFICE: SCOPE OF ACTIVITIES: DISTRICT OF COLUMBIA AGENT

SEC. 5. (a) The principal office of the corporation shall be located in Tampa, Florida, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place and may be conducted throughout the various States, the Commonwealth of Puerto Rico, and the possessions of the United States, and in other areas throughout the world.

(b) The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the corporation, and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the corporation.

MEMBERSHIP: VOTING RIGHTS

SEC. 6. (a) Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided by this Act, be as set forth in the constitution and bylaws.

(b) Each member of the corporation, other than honorary and associate members, shall have the right to one vote on each matter submitted to a vote at all meetings of the members of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 7. (a) Upon the date of enactment of this Act, the membership of the initial board of directors of the corporation shall consist of the following named persons: Mel Madero, Albuquerque, New Mexico; Charles Morgan, San Antonio, Texas; Joseph G. Schisser, San Leon, Texas; Herman E. Molen, Las Vegas, Nevada; Joseph B. Upton, St. Louis, Missouri; Edgar Van Valkenburg, St. Petersburg, Florida; Pauline Brown, Tampa, Florida; Joseph Perry, Anaheim, California; Thornton E. Hamby, Arlington, Texas; Charles Morgan, San Antonio, Texas; Harry E. Steen, El Paso, Texas; Carl Allen, Macon, Georgia; James Atwell, Winter Park, Florida; Jack Aldrich, Albuquerque, New Mexico; Ernest Armijo, Los Lunas, New Mexico; William Mattson, Cheshire, Oregon; Donald T. Morgan, Tacoma, Washington; Eugene Shannahan, Williamsburg, Iowa; Stanley G. Sommers, Marshfield, Wisconsin; Anna Bressi, Mechanicsburg, Pennsylvania; Felix Stankus, Ipswich, Massachusetts.

(b) Thereafter the board of directors of the corporation shall consist of such number as shall be selected in such manner, and shall serve for such terms as may be prescribed in the constitution and bylaws of the corporation.

(c) The board of directors shall be the governing board of the corporation and shall during the intervals between corporation meetings be responsible for the general policies and program of the corporation. The board of directors shall be responsible for all finances of the corporation.

OFFICERS; ELECTION OF OFFICERS

SEC. 8. (a) The officers of the corporation shall be Commander, Senior Vice Commander, three Junior Vice Commanders, Adjutant, Treasurer, and the National Directors. The duties of the officers shall be as prescribed by the constitution and bylaws.

(b) Officers shall be elected annually at the annual meeting of the corporation.

USE OF INCOME; LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director, or be distributable to any such person during the life of the corporation or upon dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers of the corporation in amounts approved by the board of directors of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan to an officer, director, or employee of the corporation, and any officer who participates in the making of such loan, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 10. The corporation, and its officers, directors, and duly appointed agents as such, shall not contribute to or otherwise support or assist any political party or candidate for office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 12. The corporation shall have no power to issue any shares of stock nor to declare nor pay any dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 13. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having authority under the board of directors, and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 14 (a) The accounts of the corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be made by the corporation to the Congress not later than six months following the close of the fiscal year for which the audit is made. The report shall set forth the scope of the audit and include such statements, together with the independent auditor's opinion of those statements, as are necessary to present fairly the corporation's assets and liabilities, surplus or deficit with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the corporation's income and expenses during the year including (1) the results of any trading, manufacturing, publishing, or other commercial-type endeavor carried on by the corporation, and (2) a schedule of all contracts requiring payments in excess of $10,000 and any payments of compensation, salaries, or fees at a rate in excess of $10,000 per annum. The report shall not be printed as a public document.

USE OF ASSETS ON DISSOLUTION OR LIQUIDATION

SEC. 15. Upon final dissolution or liquidation of the corporation, and after discharge or satisfaction of all outstanding obligations and liabilities, the remaining asset of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto. Such distribution shall be consistent with the purposes of the corporation.

EXCLUSIVE RIGHT TO NAME, EMBLEMS, SEALS, AND BADGES

SEC. 16. The corporation shall have the sole and exclusive right to use and to allow or refuse to others the use of the terms "American Ex-Prisoners of War", and the official American Ex-Prisoners of War emblem or any colorable simulation thereof. No powers or privileges hereby granted shall, however, interfere or conflict with established or vested rights.

TRANSFER OF ASSETS

SEC. 17. The corporation may acquire the assets of the American Ex-Prisoners of War, Inc., chartered in the State of Washington, upon discharging or satisfactory providing for the payment and discharge of all the liability of such corporation and upon complying with all laws of the State of Washington applicable thereto.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 18. The right to alter, amend, or repeal this Act is hereby expressly reserved to the Congress.

By Mr. CHILES (for himself and Mr. STONE):

S. 1592. A bill to terminate further construction of the Cross Florida Barge Canal project; to the Committee on Environment and Public Works.

S. 1593. A bill to provide a study of certain segments of the Oklawaha River for potential addition to the National Wild and Scenic Rivers System; to adjust the boundary of the Ocala National Forest, Fla.; and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CHILES. Mr. President, I introduce on behalf of myself and Senator STONE legislation to terminate further construction of the Cross Florida Barge Canal project. We are taking this action with the hope the Congress will finally put the barge canal project to rest.

The President in his environmental message has called for a termination of the barge canal project and we are today introducing the administration's legislation to accomplish that end.

The Governor and the Florida Cabinet, sitting as head of the Department of National Resources, have recommended against completion of the canal. Further, the Army Corps of Engineers, after a detailed examination of the project, giving consideration to all environmental and economic factors, has concluded that completion is not warranted. It is clear the barge canal is not a viable undertaking on either environmental or economic grounds and it is time for the Congress to recognize that situation.

The Cross Florida Barge Canal project called for the development of a high level barge canal about 107 miles long extending from the St. Johns River at Palatka, Fla., to deep water in the Gulf of Mexico near Yankeetown. Discussion of a canal across the northern portion of Florida dates back to 1826.

In the 1930's active efforts were initiated to purchase right-of-way and in 1935 construction of a sea-level canal was begun under provisions of the Emergency Relief Appropriations Act. Work was suspended in 1936 after expenditure of approximately $5 million of Federal funds. In 1942, the Congress authorized the Cross-Florida Barge Canal project and this authorization remains in effect today. Based on an economic study by the Army Corps of Engineers in 1962, Congress appropriated funds for construction and work began in 1964. By 1971 construction was one-third completed when the President by Executive order halted work on the project to prevent potential environmental damage. The Governor and the Florida cabinet suspended any further support for the canal until completion of a new cost-benefit ratio and environmental impact statement. Funds were appropriated for a restudy by the Corps of Engineers and became available in January 1974.

In mandating the corps to undertake a restudy, the committee recommended:

> The study should give consideration to all environmental and economic factors including those involved in the alternatives of completing or modifying the route and design. In addition, the study should include an evaluation of all environmental and other factors requisite to a determination of appropriate action to be taken in the management of completed portions of the project. Such a study, including the preparation of an environmental impact statement as required by Section 102 of the National Environmental Policy Act, has never been provided for the project, and the Committee believes that it is essential that such information be available before final determinations can be made concerning follow-on actions that are warranted in connection with the project.

The Corps of Engineers was assisted in the environmental assessment project by an Interagency Coordinating Group consisting of Federal and State agencies. Among the participating agencies were the Department of the Interior, Environmental Protection Agency, Department of Agriculture, Forest Service, and State agencies including the Department of Natural Resources, Florida Game and Fresh Water Fish Commission, the Canal Authority and the Department of Administration.

Concern with the potential environmental damage the canal would incur prompted initial efforts to stop construction and undertake a restudy. The completed environmental impact statement makes clear that this concern was well justified. The Department of the Interior, Department of Agriculture, Environmental Protection Agency, and the Council on Environmental Quality, as members of the Washington-level Policy Group, concluded that hydrologic, pollution, fish and wildlife, recreation, and other environmental considerations as presented in the impact statement warranted a strong recommendation against completion of the canal.

Of particular importance is the threat construction and operation of the canal would pose for the Florida Aquifer and consequently Florida's water supply. The Florida Aquifer is a water-filled underground layer of fragmented limestone which provides the region's supply of freshwater. Twenty-eight miles of the canal would cut down into this limestone, raising the possibility of interchange between canal waters and the rest of the aquifer. Information developed by professional hydrologists and geologists points to the prospect of serious contamination of the aquifer if such an interchange should take place.

Another primary environmental concern is the Oklawaha River system. The Oklawaha River basin is a subtropical ecosystem containing an unusual diversity of habitats with their associated plant and animal life. Its value is underscored by the fact that it is the only river of this type in central or south Florida remaining in a relatively natural setting. Completion of the canal would result in the loss and degradation of this unique river valley with its wildlife and recreational opportunities.

Economic as well as environmental factors argue against continuation of the barge canal project. The Governor and Florida cabinet in 1972 requested a new cost/benefit ratio analysis to include up-to-date interest rates and construction costs and a reevaluation of recreational benefits to determine if the canal represented a prudent expenditure of taxpayers' dollars. The court, in releasing impounded restudy funds, also required that the restudy report include a current cost/benefit evaluation.

The corps' restudy report and evaluation by Federal and State agencies warrant the conclusion that the canal cannot be justified as a good investment. By almost any standard of measure the comprehensive cost of completing and operating the canal outweighs the economic benefits to be derived. It is only through use of an unrealistic interest rate of 2⅞ percent that a benefit-to-cost ratio greater than "1" can be achieved. If the project is evaluated with interest rates used on currently authorized projects the annual average losses for the canal would be prohibitive.

Other factors pointing to the economic unfeasibility of the project include the failure to adequately assess the cost of adverse effects on environmental quality; the absence of valuation placed on the Oklawaha River ecosystem; and no evidence of significant economic development or activity that may be attributable to canal completion.

The combination of environmental and economic considerations presents a most convincing case for terminating authorization for further construction of the Cross-Florida Barge Canal. Perhaps most compelling is the conclusion of the corps itself that—

> When the marginal economic justification is combined with adverse environmental impacts, the combined total effect does not favor completion.

The legislation we are introducing on behalf of the administration provides for a termination of authority for further construction of the canal. The Secretary of the Army, acting through the Chief of Engineers, is authorized to operate and maintain the existing facilities and lands of the project pending further disposition of the project.

Further, a study is authorized of certain segments of the Oklawaha River for potential addition to the National Wild and Scenic Rivers System. The boundaries of the Ocala National Forest would be extended to include lands north and west of the Oklawaha River and the Secretary of Agriculture authorized to acquire lands held or acquired by the Florida Canal Authority within the boundary of the Ocala National Forest.

Senator Stone and I look toward prompt action by the Congress in settling the issue of the barge canal which has too long been an unresolved question in the State of Florida. The President has acted in a forthright manner and we will support his efforts in this regard.

Mr. President, I ask unanimous consent that the text of the legislation we are introducing be printed in the Record.

There being no objection, the bills were ordered to be printed in the Record, as follow:

S. 1592

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That authority for further construction of a high-level lock barge canal from the Saint Johns River across Florida to the Gulf of Mexico in accordance with Public Law 675, 77th Congress (56 Stat. 703) is hereby terminated.

Sec. 2. The Secretary of the Army, acting through the Chief of Engineers, is authorized to operate and maintain the existing facilities and their appurtenant lands of the Cross-Florida Barge Canal project as he determines to be necessary, pending further disposition by law of the project and its facilities and lands.

S. 1593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 5(a) of the Act of October 2, 1968 (82 Stat. 910; 16 U.S.C. 1276) is amended by adding the following new subsection:

(59) "Oklawaha, Florida: The segment between the Dead River Swamp downstream to its confluence with the St. Johns River."

Sec. 2. The boundary of the Ocala National Forest, Florida, is hereby extended to include the lands north and west of the Oklawaha River as shown on the map dated March 1977, on file with the Chief of the Forest Service, Department of Agriculture, Washington, D.C., and available to the public in the office of the appropriate regional forester, forest supervisor, and forest ranger.

Sec. 3. Within the boundary of the Ocala National Forest as extended by section 2 to this Act, lands owned in fee by the United States and administered by the Corps of Engineers, Department of the Army, are hereby transferred to the Secretary of Agriculture to be administered and made a part of the Ocala National Forest, Florida: *Provided, however,* that the Secretary of the Army, acting through the Chief of Engineers, is authorized to operate and maintain the existing facilities of the Cross-Florida Barge Canal project within the extended boundaries of the Ocala Forest pending further disposition.

Sec. 4. The Secretary of Agriculture is authorized and directed to acquire lands held or acquired by the Canal Authority of the State of Florida within the boundary of the Ocala National Forest, as extended, with donated or appropriated funds, by purchase, gift, or exchange. For acquisition of fee title to lands held or acquired by the Canal Authority of the State of Florida, the Secretary of Agriculture is authorized to pay no less than the purchase price paid by the Canal Authority plus interest compounded annually at the average rate at which the Authority borrowed funds for project acquisition purposes over the total period of financial commitment by the Authority.

By Mr. PROXMIRE:

S. 1594. A bill to revise and extend the Renegotiation Act of 1951; to the Committee on Banking, Housing, and Urban Affairs.

RENEGOTIATION REFORM ACT OF 1977

Mr. PROXMIRE. Mr. President, the bill I have introduced to strengthen the Renegotiation Act represents a long overdue reform of the law and reorganization of the renegotiation program.

MASSIVE LOBBYING EFFORT

It is hardly a coincidence that a massive lobbying effort to kill or cripple the renegotiation program is now underway.

For years, large defense contractors have been able to escape effective renegotiation due to the many loopholes in the law and laxity on the part of those entrusted with its enforcement.

PRESIDENT SUPPORTS STRENGTHENED RENEGOTIATION

For the first time in my recollection, we have a President who has gone on record in support of a strengthened renegotiation program, and who is doing something about it.

President Carter has named a new chairman, known for his advocacy of a vigorous renegotiation program, and two new members with excellent credentials and experience, have been appointed to the Board.

But as prospects for effective implementation of the law have brightened under the new administration, so have the defense contractors stepped up their lobbying efforts to undermine the program.

The lobbyists and their allies in the Pentagon and Congress seem afraid the Renegotiation Board might now be more effective in carrying out its responsibilities.

EXCESS PROFITS ON DEFENSE CONTRACTS SHOULD BE ELIMINATED

One crucial fact about defense contracting stands out: Private business firms should not be permitted to reap excessive profits on Government contracts relating to national security.

The problem of excessive defense profits, sometimes referred to in oversimplified form as profiteering, has plagued the Nation from the earliest times. Only with the establishment of the renegotiation program during World War II, and of a similar program during the Korean war, did we begin to bring the problem under control.

At the end of the Korean War, it was recognized that defense spending would remain high, close to war-time levels, and that it was necessary to continue the renegotiation program.

INDEPENDENCE FROM CONTRACTING AGENCIES

Today, with defense spending and defense contract awards rising, it is more important than ever that a strong, effective capability for recovering excess profits be retained.

It is vital that this capability be under civilian control in an agency independent of the departments of Government which award the contracts in question.

SPURIOUS ARGUMENT TO ABOLISH BOARD

The argument that the Renegotiation Board should be abolished in order to save the taxpayer money is spurious and cynical.

It is as if President Nixon had argued that the Office of the Special Watergate Prosecutor should be abolished as a savings to the taxpayer.

The Renegotiation Board is one of the few Government agencies which returns more funds to the Treasury than it spends. The deterrent value of an effective renegotiation program by itself is worth its costs.

The bill I have introduced is similar to the bill introduced by Representative Joseph Minish, H.R. 5959, and reported favorably by the House Committee on Banking, Finance and Urban Affairs.

HIGHLIGHTS OF PROXMIRE BILL

To summarize the highlights of the bill:

First, the Renegotiation Board is restructured. Fixed 5-year terms are provided for the members, who up until now have been serving at the pleasure of the President.

Second, the Renegotiation Act is extended for 5 years.

Third, a number of loopholes are closed. The exemption for oil and gas is eliminated and the percentage-of-completion method of accounting is prohibited.

Fourth, the Board's focus is redirected away from the smaller firms to the larger defense contractors. Renegotiation is authorized by division and by product line. The minimum amount of Government sales subject to renegotiation is raised from $1 million to $5 million.

Fifth, teeth are put into the Renegotiation Act. The Board is given authority to issue subpenas. Penalties are provided for failures to file or for the furnishing of false or misleading information and the Board is given authority to perform selective audits.

PRESIDENT'S MESSAGE

In his inflation message to Congress of April 15, 1977, President Carter said that he intended to streamline Federal purchasing practices, and he went on to say:

> We will also insist upon a strengthened Renegotiation Board which bears down hard on excessive profits in Government contracts.

There is no doubt in my mind about the commitment of this administration to an effective and vigorous renegotiation program. There is also no doubt about my own conviction of the need for this program and the vital contribution it can make, not only in the fight against inflation, but in the elimination of one of the most notorious and abhorrent practices associated with defense contracting.

By Mr. DURKIN (for himself and Mr. McIntyre):

S. 1595. A bill to prohibit any State from imposing a tax on the income derived by any individual from services in the Federal area within such State if such individual is not a resident or domiciliary of such State or of any other State which imposes a tax on income; to the Committee on Finance.

Mr. DURKIN. Mr. President, the bill I am submitting today is intended to clarify existing Federal law and correct an injustice that has existed in the State of New Hampshire since 1969.

Since 1969, citizens of New Hampshire working at the Portsmouth Naval Shipyard have been forced to pay a Maine State income tax even though they do not receive any benefits from that State. The State of Maine has relied on the Buck Act, passed by Congress in 1947, to justify this tax. However, a reading of the legislative history of the Buck Act clearly indicates that Congress did not intend to give States the authority to tax nonresident workers on the wages earned in a Federal area. The bill I am introducing will restore Congress original intent. My bill provides that a State does not have the power to tax income received by an individual for services performed in a Federal enclave when that individual is not a resident of the State imposing the tax and is a resident of a State that does not have an income tax.

Presently, 3,745 New Hampshire citizens are employed at the Portsmouth Naval Shipyard. The Portsmouth Naval Shipyard is located on two islands that were once under the jurisdiction of the State of Maine. However, on January 10, 1863, the Portsmouth Naval Shipyard, Seavey Island, was ceded to the Federal Government by act of the Maine Legislature; under this act. The State of Maine reserved only the right to serve civil and criminal processes within the ceded territory. The State of Maine failed to reserve the right to tax persons transacting business within the ceded territory.

Both in Maine and other parts of the country, difficulty and confusion arose in the administration of State sales and use taxes when goods were sold outside of the Federal property but delivery was made to the Federal area. Retailers, whose place of business were outside of the Federal area, contested the imposition of sales and use taxes on the ground that the title to the property being sold passed once it entered into the Federal area, and, since the sale occurred on land over which the State lacked authority, the imposition of State taxes was improper.

The Buck Act was intended to clarify existing law and to make it clear that the State had the power to tax these goods.

The Buck Act, as stated by the House report, was intended to "clearly establish the authority of the State to impose its sales tax with respect to sales completed by delivery on Federal areas, and except insofar as the State tax might be a prohibited burden upon the United States would not, with the exception hereinafter noted, impose any duty upon any person residing or located upon the Federal area. Such action would merely remove any doubt which now exists concerning the authority of the State to require retailers located within the State and off the Federal areas to report and pay the tax on the gross receipts from their sales in which delivery is made to a Federal area."

The Senate report echoes the House report, and states that the act would "merely remove any doubt" regarding the authority of the State to require retailers to "pay the tax on the gross receipts from their sales when delivery is made to a Federal area."

The Buck Act was to do no more. Congress' intent was clearly spelled out in the House and Senate reports and in neither report is there any indication that the act should be construed to allow a State to tax the personal income received by nonresident individuals working in a Federal enclave. However, the courts have not followed Congress' intent.

On January 1, 1969, the Maine income tax became effective. Under the provisions of this act, the State of Maine began to tax New Hampshire citizens working at the Portsmouth Naval Shipyard. A suit was brought by two New Hampshire citizens against the State of Maine alleging that the tax was improper and unconstitutional. Despite the fact that the Federal Government provides police and fire protection at the shipyard, sanitation services, snow removal services, and all other similar type services, the Maine Supreme Court found that the tax was constitutional. In arriving at this conclusion, the court expanded the scope and intent of the Buck Act. This bill is designed to remedy the court's unnecessary and unbridled expansion of the Buck Act and to restore to the act its original intent.

The New Hampshire citizens who are presently being taxed by the State of Maine are the unsung heroes of our defense efforts. They form an integral and vital part of our national defense effort.

for they are responsible for the building of the submarines which form the backbone of our naval strength. These citizens receive no benefits from the State of Maine. As I have already indicated, the Federal Government is responsible for the maintenance and care of the roads on the Portsmouth Naval Shipyard and the Navy provides hospital and sanitation facilities. All that the State of Maine does for these citizens is take their hard-earned money and place it into the Maine State treasury.

Indeed, there is a sinister double standard involved here. If one of the Portsmouth naval workers who is a resident of New Hampshire wants to go hunting or fishing in Maine, he would be required to pay the out-of-State license fee, which is approximately $85, even though he is taxed as a Maine resident. A Maine resident, however, would pay only a nominal fee of $10 for the same hunting license. There are out-of-State residency requirements which must be met if an individual wants to obtain a lobster or fishing license which cannot be met by a New Hampshire resident even though he pays the Maine State income tax. In view of the fact that these citizens do not receive any social or welfare benefits from the State of Maine, it should be clear that the Buck Act was never intended to allow the State of Maine to tax these hard-working citizens.

This bill is simple and equitable. And I would urge the support of this body to remedy an unjust situation which has gone on for just too long.

By Mr. RANDOLPH (for himself, Mr. Stafford, Mr. Javits, and Mr. Williams):

S. 1596. A bill to establish a National Center for the Handicapped; to the Committee on Human Resources.

NATIONAL CENTER FOR HANDICAPPED

Mr. RANDOLPH. Mr. President, today I am introducing a bill to establish a National Center for Handicapped. It is most appropriate that on this day as the representatives of all the States and Territories begin their important work in the White House Conference on Handicapped Individuals, that we indicate our participation in their efforts by the introduction of this bill. The measure, which is cosponsored by Senators Stafford, Javits, and Williams, establishes a center to serve as the central office for the coordination of programs for the handicapped. Its major thrust will be to bring together the resources of the Department of Health, Education, and Welfare in order to more effectively serve the handicapped. Its first task will be the development of the design for implementation which will come from the White House Conference on Handicapped Individuals.

I was gratified to hear, in his remarks at the opening ceremonies of the White House Conference, President Carter endorse the idea of a central agency or department to coordinate all programs for the handicapped within Government. It is my hope that the Congress and the administration will work together to expedite this measure and the commitment expressed by the President.

The National Center for Handicapped will, by training personnel to effectively operate model educational centers and rehabilitation workshops, not only upgrade the existing personnel pool, but also disseminate the best of educational and training practices. The National Center will be the focal point of research designed to expand educational and employment opportunities for handicapped persons. Handicapped persons will also directly benefit from the activities of the model educational centers and rehabilitation workshops.

It is my desire, too, that the efforts of this National Center will result in improved opportunities for those handicapped Americans not reached by the existing systems. For example, handicapped Americans living in rural areas and Native American handicapped individuals are unfortunately too often overlooked because no viable means of providing services to them has been developed. The National Center will have as one of its purposes the challenge of devising effective ways of reaching out to and serving heretofore neglected handicapped Americans.

The structure encompassed in this legislation is to provide models that will assist State and local entities to increase and expand their capacity to serve handicapped individuals and their families. The function of these models will stimulate State and local governments to use their own resources to reach the goal to providing equal opportunities to all handicapped Americans within their communities.

If this Nation is to honor its commitment to provide equal opportunities to handicapped Americans, it is essential that a pool of expertise and knowledge be available to upgrade the existing services so that handicapped Americans may receive appropriate education and training designed to maximize their capacity for independent living.

I have long been committed to the enforcement of equal rights for the handicapped. As chairman of the Senate Subcommittee on the Handicapped, I have continued and reinforced this commitment. The dollars spent to provide services to handicapped Americans are a Federal investment which converts dependence into independence.

I ask unaninmous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1596

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Center for the Handicapped Act".

FINDINGS AND PURPOSE

Sec. 2. (a) The Congress finds that—

(1) there are a large number of handicapped individuals in the United States who are in need of rehabilitative and educational services;

(2) model educational centers and rehabilitation workshops provide education, job training and other valuable services for handicapped individuals;

(3) new model educational centers and rehabilitation facilities are opening rapidly, requiring trained professional personnel;

(4) there is a shortage of trained education and rehabilitation administrators, managers, and placement personnel to operate existing facilities; and

(5) expansion of research activities is required in order to improve educational opportunities, training, and placement of handicapped individuals in employment.

(b) It is the purpose of this Act to establish a National Center for the Handicapped to serve as an educational, research, and service model for handicapped individuals throughout the country.

ESTABLISHMENT

Sec. 3. (a) There is established a National Center for the Handicapped (hereafter referred to as the "Center") within the Office of the Secretary of the Department of Health, Education, and Welfare.

(b) The Center shall be under the general supervision and direction of a Board of Trustees (hereafter referred to as the "Board") which shall consist of nine voting members, appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary of Health, Education, and Welfare for Human Development, the Assistant Secretary of Health, Education, and Welfare for Education, the Commissioner of the Rehabilitative Services Administration, and the Deputy Commissioner for Education of the Handicapped shall serve on the Board as non-voting members.

(c) At least five of the voting members of the Board shall be handicapped individuals.

(d) The Board shall report directly to the Secretary of Health, Education and Welfare.

(e) The President shall designate one member of the Board as the Chairman.

(f)(1) Members of the Board who are not regular full-time employees of the United States shall, while serving on the business of the Board, be entitled to receive compensation at rates fixed by the Chairman, but not to exceed the maximum daily rate prescribed for GS–18 of the General Schedule under section 5332 of title 5, United States Code, including travel time for each day they are engaged in the performance of their duties as members of the Board, and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out their duties under this Act.

(2) Members of the Board who are employed by the Federal Government shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out their duties under this Act.

(g) A quorum shall consist of five voting members of the Board.

(h) The Board shall meet at least once per calendar quarter.

FUNCTIONS

Sec. 4. (a) In order to carry out the purposes of this Act the Center shall—

(1) provide training and continuing education for model educational center and rehabilitation workshop personnel designed to increase their skills in performing more effectively and efficiently;

(2) develop training programs for handicapped persons to teach skills which will lead to employment;

(3) develop and implement new approaches and techniques for the training and placement of severely handicapped persons;

(4) conduct applied research under controlled conditions to test and evaluate new techniques in education, training and placement;

(5) conduct economic analyses and forecasts, and identify labor market demands for, and employment areas available to, handicapped individuals;

(6) study and analyze methods by which to increase the utilization of existing community resources;

(7) provide information services concerning education, training and placement;

(8) operate model educational centers for handicapped persons;

(9) operate model rehabilitation workshops for handicapped persons;

(10) develop barrier-free model and demonstration centers utilizing new methods of eliminating architectural barriers in coordination with the Architectural and Transportation Barriers Compliance Board; and

(11) perform such other tasks as the President or the Secretary of Health, Education, and Welfare may require.

(b) The Center shall carry out its functions either directly or by way of grant or contract.

COMPONENTS

Sec. 5. (a) The Center shall consist of an education component, a research component, and a service component.

(b) The education component shall—

(1) develop and conduct training and continuing education programs for administrative and managerial rehabilitation and education personnel designed to emphasize the administrative, managerial, rehabilitative, and educational aspects of operating a rehabilitation facility or educational center;

(2) establish internship programs for rehabilitation and educational facility managers and staff, combining classroom study and on-the-job training in a model center or workshop setting; and

(3) work closely with other rehabilitation and educational centers to coordinate curriculums, exchange faculty and materials, and expand available training.

(c) The research component shall—

(1) investigate and evaluate prior research efforts having applicability to the employment of handicapped individuals;

(2) conduct research to amplify the findings of prior research efforts when appropriate;

(3) utilize the educational centers and rehabilitation workshops to evaluate newly developed programs; and

(4) arrange for educational and rehabilitation training and research to be conducted by private industry. (d) The service component shall—

(1) operate model rehabilitation workshops and educational centers;

(2) provide practical training for handicapped individuals;

(3) serve as an on-the-job training facility for students and interns;

(4) serve as a practical laboratory and research facility for the education and service components of the Center; and

(5) serve as a national model for rehabilitation and educational facilities and methods.

OFFICERS

Sec. 6. (a) (1) The Center shall be headed, under the general supervision and direction of the Board, by an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, within 90 days after the date of enactment of this Act.

(2) Section 5316 of title 5, United States Code (relating to positions at level V of the Executive Schedule) is amended by adding at the end thereof the following new paragraph:

"(141) Administrator, National Center for the Handicapped.".

(b) The Administrator shall, with the advice of the Board, appoint and fix the compensation of a Deputy Administrator without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates, but the individual so appointed shall not receive compensation in excess of the rate prescribed for GS–18 of the General Schedule under section 5332 of title 5, United States Code.

ADMINISTRATIVE PROVISIONS

Sec. 7. In order to carry out its functions under this Act the Center is authorized to—

(1) appoint and fix the compensation of such additional officers and employees as may be necessary to carry out such functions, except that to the extent the Center deems such action necessary, not more than 25 individuals may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates, but no individual so appointed shall receive compensation in excess of the rate prescribed for GS–18 of the General Schedule under section 5332 of such title;

(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it will be used for the purposes of the Center, and to use, sell, and otherwise dispose of such property for the purpose of carrying out the functions of the Center under this Act;

(3) receive, and use, sell, or otherwise dispose of, in accordance with paragraph (2), money and other property donated, bequeathed, or devised to the Center with a condition or restriction, including a condition that the Center use other funds of the Center for the purpose of the gift;

(4) hold such hearings as may be required to carry out the provisions of this Act;

(5) prescribe such regulations as it deems necessary governing the manner in which its functions shall be carried out;

(6) appoint task forces and study committees composed of such private citizens and officials of Federal, State, and local governments as it deems desirable to advise the Center with respect to its functions under this Act;

(7) secure from any Federal agency, including any independent establishment or instrumentality of the United States, or from any State or political subdivision thereof, information required in the performance of its functions under this Act;

(8) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code (but at a daily rate not to exceed the daily rate prescribed for GS–18 of the General Schedule under section 5332 of such title);

(9) accept and utilize the services of volunteers and non-compensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(10) enter into contracts, grants, or other arrangements, or modifications thereof, necessary to carry out the provisions of this Act;

(11) provide for the making of such reports (including fund accounting reports), and the filing of such applications in such form and containing such information as the Center may reasonably require;

(12) make advances, progress, and other payments which the Center deems necessary to carry out the provisions of this Act, without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529);

(13) lease land, office space and other facilities, and, notwithstanding any other provision of law, purchase land, office space and other facilities; and

(14) make other necessary expenditures.

REPORTS

Sec. 8. The Center shall transmit to the Congress and to the President of the United States an annual report of its activities, including an accounting of funds received and expended, not later than the last day of each fiscal year beginnig with the fiscal year 1978.

AUTHORIZATION

Sec. 9. There are authorized to be appropriated for the purpose of carrying out the provisions of this Act $10,000,000 for the fiscal year 1978 and such sums, not to exceed $60,000,000 for any fiscal year, as may be necessary to carry out the provisions of this Act for each of the succeeding fiscal years.

EFFECTIVE DATE

Sec. 10. This Act shall become effective on the date of enactment of this Act.

By Mr. MAGNUSON (for himself and Mr. Pearson) (by request):

S. 1597. A bill to formalize common international safety requirements for the approval, examination, and inspection of containers, within the jurisdiction of the United States and used in international transport, to maintain a high level of safety of human life, to facilitate international container transport, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. MAGNUSON. Mr. President, I introduce today, at the request of the Department of Transportation and on behalf of myself and my colleague, Mr. Pearson, the International Safe Container Act.

I ask unanimous consent that the text of the bill and the letter of transmittal be printed in the Record.

There being no objection, the bill and letter was ordered to be printed in the Record, as follows:

S. 1597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Safe Container Act".

Sec. 2. As used in this Act—

(1) "Secretary" means the Secretary of Transportation or his delegate;

(2) "Convention" means the International Convention for Safe Containers and the Annexes thereto (CSC), done at Geneva, December 2, 1972;

(3) "container" means a container as defined by the Convention;

(4) "international transport" means the transportation of a container—

(A) to any place within the jurisdiction of the United States from a foreign country;

(B) by United States carriers between foreign countries; or

(C) from any place within the jurisdiction of the United States to a foreign country;

(5) "United States" includes the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marianas, the Trust Territory of the Pacific Islands, and any territory or possession of the United States;

(6) "new container" means a container the construction of which commences on or after the date the Convention comes into force for the United States;

(7) "existing container" means a container which is not a "new container";

(8) "owner" means the person who owns the container, or the lessee or bailee if a written lease or bailment agreement provides for the lessee or bailee to exercise the owner's responsibility for maintenance and examination of the container;

(9) "Safety Approval Plate" means a safety approval plate as defined in Annex I to the Convention.

Sec. 3. (a) A container subject to this Act is—

(1) A new container which is used or intended to be used in international transport; and

(2) an existing container which is still in use in international transport on a date five years after the date on which the Convention comes into force. An existing container may be made subject to this Act prior to that date at the owner's request if the container has been approved in accordance with this Act.

(b) A container designed and used exclusively for air transport is not subject to this Act.

Sec. 4. (a) All containers subject to this Act shall meet the minimum safety standards and other requirements prescribed by the Convention.

(b) The owner of any container subject to this Act who is domiciled or has his principal office in the United States shall have such container approved in accordance with this Act or by the Administration of another Contracting Party to the Convention.

Sec. 5. (a) The Secretary shall enforce this Act and shall prescribe regulations including—

(1) procedures to revoke approval and to invalidate the Safety Approval Plate of a container which no longer meets the requirements of the Convention or this Act;

(2) fees which may be charged for services associated with the approval and examination of containers; and

(3) the development, collection, and furnishing of data concerning container safety and other studies relating to the international transport of containers.

(b) The Secretary shall also prescribe regulations setting forth the procedures for—

(1) the initial approval of containers or container designs meeting the safety standards of the Convention;

(2) authorizing and attaching Safety Approval Plates;

(3) the periodic examination of approved containers to assure continued compliance with the safety standards of the Convention. The Secretary may, subject to such regulations, supervision, and review as he may prescribe, delegate to any person or public or private agency any function provided for by the regulations promulgated under this subsection.

Sec. 6. (a) To assure compliance with this act the Secretary may inspect or require to be inspected at the owner's expense containers in international transport. If a container subject to this Act does not have a valid Safety Approval Plate attached, the Secretary may issue a detention order to remove the container from service until the owner of the container establishes to the Secretary's satisfaction that the container meets the minimum safety requirements prescribed by the Convention.

(b) A container bearing a valid Safety Approval Plate authorized by a country which is a party to the Convention shall be considered to be in a safe condition unless there is significant evidence that the container creates an obvious risk to safety. If there is significant evidence that a container bearing a valid Safety Approval Plate is in a condition which creates an obvious risk to safety, the Secretary may issue a detention order to remove the container from service until it is restored to a safe condition.

(c) In conjunction with a detention order, the Secretary may take or order appropriate action to exclude or remove unsafe containers from commerce. The Secretary may permit the movement of an unsafe container to another location under whatever restrictions he considers necessary. The owner of the container involved shall pay for or reimburse the Secretary for expenses arising from actions taken pursuant to this subsection. Funds received by the Secretary in reimbursement shall be credited to the appropriations bearing the cost thereof.

(d) The owner or his agent or, when the identity of the owner of the container is not apparent from the container or shipping documents, the custodian shall be promptly notified in writing of the detention order. The notification shall reasonably identify the containers involved and reasonably describe the condition which gave rise to the detention order. The owner, his agent, or custodian may petition the Secretary, in a manner prescribed by regulation, for review and reconsideration of the detention order. The petitioner may, at his own expense, obtain and submit additional evidence and the opinions of independent evaluators to the Secretary for his consideration. The detention order shall remain in effect until the container is declared safe or until it is permanently removed from service.

(e) If there is reason to believe that a container approved by a foreign country was defective at the time of approval, the Secretary shall notify the country which issued the approval.

Sec. 7. (a) When a container is moved in violation of a detention order, any owner, or owner's agent, or custodian who—

(1) has knowledge or reason to know of the order and

(2) negligently or willfully causes or permits the container to be moved in violation of the order

shall be subject to a civil penalty not to exceed $5,000 for each container. Each day the container remains in commerical service while the detention order is in effect shall be treated as a separate violation.

(b) The Secretary shall assess and collect any penalty incurred under this section. No penalty shall be assessed until after the person charged has been given notice and an opportunity for a hearing. In assessing a penalty, the Secretary shall take into consideration the gravity of the violation, the hazards involved, and the record of the person charged. The Secretary may mitigate, remit, or compromise any penalty assessed. Upon failure to collect a penalty the Secretary shall request the Attorney General to commence an action in any district court of the United States for the penalty.

Sec. 8. (a) No person shall discharge or in any manner discriminate against an employee because the employee has reported the existence of an unsafe container or reported a violation of this Act to the Secretary or his agents.

(b) An employee who believes that he has been discharged or discriminated against in violation of this section may, within 30 days after the violation occurs, file a complaint alleging discrimination with the Secretary of Labor.

(c) The Secretary of Labor may investigate the complaint and, if he determines that this section has been violated, bring an action in an appropriate United States district court. The district court shall have jurdisdiction to restrain violations of subsection (a) of this section and order appropriate relief including rehiring and reinstatement of the employee of his former position with back pay.

(d) Within 90 days of the receipt of a complaint filed under this section the Secretary of Labor shall notify the complainant of his intended action.

Sec. 9. (a) The Secretary of State, with the concurrence of the Secretary, may propose amendments to the Convention or may request a conference for amending the Convention in accordance with Article IX of the Convention. An amendment communicated to the United States in accordance with Article IX (2) of the Convention may be accepted for the United States by the President, with the advice and consent of the Senate. The President may make a declaration that the United States does not accept an amendment.

(b) The Secretary of State, with the concurrence of the Secretary, may propose amendments to the Annexes of the Convention, may propose a conference for amending Annexes to the Convention and shall consider and act on amendments to the Annexes of the Convention adopted by the Maritime Safety Committee and communicated to the United States in accordance with Article X(2) of the Convention. If a proposed amendment is approved by the United States, the amendment shall enter into force in accordance with Article X of the Convention. If any proposed amendment is objected to, the Secretary of State shall promptly communicate the objection as provided in Article X(3) of the Convention.

(c) The Secretary of State with the concurrence of the Secretary, shall appoint an arbitrator when one is required to resolve a dispute within the meaning of Article XIII of the Convention.

Sec. 10. (a) The effective date of subsection (a) of section 4 of this Act shall not be earlier than the date of entry into force of the Convention for the United States pursuant to Article VIII of the Convention.

(b) The provisions of this Act or of any regulation hereunder shall be taken to be in addition to and not to derogate from the provisions of any other Act or regulation.

(c) The Secretary of Defense, in consultation with the Secretary of Transportation, may modify the application of this Act with respect to cargoes of military significance moving in response to an emergency situation in containers aboard transportation assets owned by, controlled by, or under contract to the United States Government.

Sec. 11. (a) There are authorized to be appropriated those sums necessary to carry out the provisions of this Act.

The Secretary of Transportation,
Washington, D.C., May 9, 1977.
Hon. Walter F. Mondale,
President of the Senate,
Washington, D.C.

Dear Mr. President: This letter transmits a proposed bill.

"To formalize common international safety requirements for the approval, examination, and inspection of containers within the jurisdiction of the United States and used in international transport, to maintain a high level of safety of human life, to facilitate international container transport, and for other purposes."

This proposed legislation implements the International Convention for Safe Containers signed at Geneva on December 2, 1972. By the terms of the Convention, it will come into force one year after the deposit of the tenth instrument of ratification, which occurred on September 6, 1976. The United States Senate gave its Advice and Consent to the Convention on September 15, 1976, but as yet the United States has not deposited its instrument of ratification.

The containers subject to the Convention are intermodal cargo containers which are designed to be carried interchangeably by land and sea carriers. Containerized cargo, which now dominates international shipping, is shipped faster than non-containerized cargo and is more secure from damage and pilferage. Presently there are between 1.5 and 2 million containers in worldwide use. Of those, approximately 50% (worth aproximately 1.5 billion dollars), are owned by Americans.

The Convention sets uniform structural requirements to insure that containers can be safely loaded and handled. Under the Convention, all containers constructed after the Convention comes into force must meet its specified structural requirements. Existing containers are given five (5) additional years to meet the standards. To minimize the delay which would be caused by repeated border and other safety inspections, the Convention prescribes procedures by which a container can be approved as safe and marked with a Safety Approval Plate signifying the approval.

A container so marked will move more readily through international commerce since all parties to the Convention are required to recognize the Safety Approval Plate as presumptive proof that the container is safe. Thus any inspection subsequent to the initial approval will be limited to ascertaining the existence of the Safety Approval Plate and a check for obvious defects.

American owned containers will be required to meet the standards of the Convention whenever they travel in a foreign country which is a party to the Convention whether or not the United States ratifies the Convention or legislatively creates its own mechanisms to approve containers. Thus, absent legislation, American container owners will be forced to seek approval and Safety Approval Plates from foreign authorities if their containers are to move in international trade as easily as the containers of their foreign competitors.

The proposed legislation, which is to be enforced by the Secretary of Transportation, implements the Convention by making structural requirements prescribed by the Convention mandatory for American Containers, and sets forth authority for approving containers, for issuing Safety Approval Plates, and for periodic re-examination of approved containers.

In conformity with the Convention, the proposed legislation states that a Safety Approval Plate will be presumptive evidence that the container is safe. A container bearing a valid Safety Approval Plate may be ordered withdrawn from transport by means of a Detention Order if there is "significant evidence that the container creates an obvious risk to safety". This is in accord with the Convention. The Detention Order can be tailored to permit movement of the container, at the owner's expense, to another location for repairs or other disposition. If a container is moved in violation of a Detention Order the person responsible is subject to a civil penalty of up to $5,000 for each container for each day of violation.

The proposed legislation authorizes the Secretary of Transportation to designate nongovernment entities to perform all acts relating to the approval and periodic re-examination of containers. Although the Secretary will regulate and supervise the entire approval and re-examination process, the relationship between the person designated to approve containers and the container owner will be contractual. The costs of the services will be paid by the owners of the containers.

A container which does not have a Safety Approval Plate is still permitted to engage in international commerce. However, it must still meet the safety standards imposed by the Convention and the burden is on the owner to establish that those Convention standards are met. A container without a Safety Approval Plate may be detained until the owner meets this burden of proof.

The proposed legislation contains an anti-discrimination provision to protect employees who report violations of the Act. This provision is modeled after the anti-discrimination provision in the Occupational Safety and Health Act of 1970.

Since most of the costs associated with approving containers are borne by container owners, implementation of the Convention will only require $76,500 for additional Department of Transportation annual operating expenses. The added Federal expenditures will relate only to issuing regulations and overall supervision of the Act. Department of Transportation personnel can perform necessary enforcement inspections in conjunction with their other duties.

It would be appreciated if you would lay this proposal before the Senate. A similar proposal has been submitted to the Speaker of the House of Representatives. I earnestly request prompt action on this proposal to assure continued high levels of safety in the American container industry while permitting it to remain competitive with foreign shippers.

The Office of Management and Budget has advised that enactment of this legislation would be consistent with the Administration's objectives.

Sincerely,

BROCK ADAMS.

By Mr. PELL (for himself, Mr. ROTH, Mr. WEICKER, Mr. CASE, Mr. BIDEN, Mr. MATHIAS, Mr. SARBANES, Mr. RIBICOFF, Mr. WILLIAMS, Mr. CHAFEE, Mr. JAVITS, and Mr. HEINZ):

S. 1598. A bill to amend the Railroad Revitalization and Regulatory Reform Act of 1976 in order to eliminate certain matching requirements in funding of station and fencing improvements in the Northeast Corridor; to the Committee on Commerce, Science, and Transportation.

FEDERAL RAIL IMPROVEMENT ACT OF 1977

Mr. PELL. Mr. President, today I am introducing, along with my colleagues—Senators ROTH, WEICKER, CASE, BIDEN, MATHIAS, SARBANES, RIBICOFF, WILLIAMS, and CHAFEE—a bill to amend the Railroad Revitalization and Regulatory Reform Act of 1976, in order to eliminate certain matching requirements in funding of station and fencing improvements in the Northeast Corridor. In doing so, I am delighted that Congressman EDWARD BEARD, my distinguished colleague from Rhode Island, is introducing comparable legislation in the House of Representatives to alleviate this problem. I appreciate his initiative and interest in this area.

Under title VII of the 1976 Railroad Revitalization Act, the Northeast Corridor improvement project was created in order to establish, within 5 years, regularly scheduled and dependable intercity rail passenger service between Washington and Boston. The statutorily mandated time for these trains—2 hours and 40 minutes between Washington and New York, and 3 hours and 40 minutes between New York and Boston—each with five intermediate stops—should offer an excellent alternative to crowded vehicular traffic in our Nation's most densely populated corridor. Although I believe that much faster trains and more frequent service will be necessary to meet the demands of our energy-deficient future, I am nevertheless pleased that these steps are being taken to upgrade corridor rail service at this time. Special credit should be given to Secretary Adams who personally took steps to insure that construction work would start on schedule this spring and to Kenneth Treve Sawyer, general manager of the Northeast Corridor improvement project, who has exercised extremely sound judgment and leadership over all of this massive effort.

Mr. President, I take special pleasure in observing the progress in this program, for it was my legislative efforts from 1962 through 1965, along with the personal interest of Presidents Kennedy and Johnson, that led to the demonstration projects in the Northeast Corridor—the Metroliners and TurboTrains which proved that the public would readily return to rail passenger service, if the service were fast, reliable, comfortable, courteous and safe. For example, Metroliners were introduced into service by Penn Central on January 16, 1969, and ridership between New York and Washington increased 8 percent the first year. The Penn Central carried more than 2 million passengers on that route during its first 2 years of operation. Revenues increased nearly 50 percent in 1969 over the previous year. The TurboTrain experiment, carried out on a very limited basis by the Federal Government, handled more than 60,000 passengers between Boston and New York in its first year of operation—beginning April 8, 1969—and was termed quite successful. Ridership in the corridor has continued steadily upward since that time.

I also take particular pride in this effort, because many of the advantages of rail travel in our Nation's urbanized corridors, that I forecast in my 1966 book, "Megalopolis Unbound," are now becoming a reality.

During the years since that time, several members of this body gave tremendous effort to bring the corridor project into being: my former senior colleague, John O. Pastore, who exercised great leadership on the Commerce and Appropriations Committees; former Senator Vance Hartke, who chaired the Subcommittee on Surface Transportation for many years; and the distinguished chairman of the Senate Commerce Committee, WARREN MAGNUSON. Because of their combined efforts, along with the work of many, many others, this complex legislation was brought through in excellent form. I believe that this project will spawn high-speed rail service in other highly populated corridors, and will be a God-send as our dwindling supply of petroleum necessitates reduced automobile use in coming years. The modest public investment to improve rail travel will reap decades of rewards, not only for those in the Northeast, but eventually all over the country.

My enthusiasm for the Northeast Corridor Improvement Project is, however, mingled with a very deep concern that there may be a stumbling block to its successful implementation. Of particular concern is the fact that the eight States and the District of Columbia which comprise the corridor are having substantial difficulty in meeting their 50 percent share of fencing and nonoperational station elements required by section 703(1)(B) of the 1976 Railroad Revitalization and Regulatory Reform Act (45 U.S.C. section 853(1)(B)).

The plight these jurisdictions find themselves in, Mr. President, is real. Although they are enthusiastic supporters of the Northeast Corridor Improvement Project, they are in desperate financial straits. Meeting their 50 percent share of fencing and nonoperational station elements over the next few years will be an onerous burden, and in some cases impossible. The following figures illustrate the amount of money each State must raise, above and beyond already strained State budgets, in meeting its financial obligations under the act.

	Fencing	Stations	Total
Massachusetts	$3.9	$12.5	$16.4
Rhode Island	6.1	5.0	11.1
Connecticut	12.5	9.7	22.2
New York	2.5	2.5	5.0
New Jersey	6.1	17.5	23.6
Pennsylvania	5.0	6.7	11.7
Delaware	2.6	9.2	11.8
Maryland	10.8	13.5	24.3
District of Columbia	.35	14.2	14.55

Mr. President, fencing and nonoperational station elements are two crucial aspects of the Northeast corridor improvement project. If trains are to be moving at speeds up to 120 miles per hour through the highly populated Northeast, satisfactory fencing must be in place to protect those who live and work near the route as well as train crews and passengers. Sadly, many States will be unable to raise the revenue necessary to construct such fencing. The idea for the project was conceived by the Federal Government, yet it was, by necessity at the time, divided into Federal and State funding shares. While the States in the region supported the entire project, they were unable to offer financial backing for its completion. Nevertheless, they were saddled with a sizable burden and are now straining under its weight.

Another dilemma is the financial stress placed on many municipalities in the region who must come up with the 50 percent share for nonoperational station elements. These are elements in and around train stations, which do not affect the direct operation of trains, but which are essential to the operation of adequate rail service. Parking lots, access areas to stations, access areas to interfacing modes of transportation, and passenger and visitor services are a few examples of nonoperational station elements. These facilities must be in place if the public is to be encouraged to use public transportation, and they are essential to the ultimate profitability of rail passenger service. Yet if municipalities cannot provide their share, these vital elements will be missing and the entire project will suffer for many years.

Mr. President, this bill, if enacted, would provide the necessary Federal funding to assure timely completion of the Northeast corridor improvement project. Its success will have a tremendous impact on this Nation's ability to meet its energy and transportation crises.

I ask unanimous consent that the bill be inserted in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1598

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 703(1)(B) of the Railroad Revitalization and Regulatory Reform Act of 1976 is amended by striking out the last sentence.

2. That section 704(a)(2) of the Railroad Revitalization and Regulatory Reform Act of 1976 is amended by striking $150,000,000 and in its place inserting $300,000,000.

Mr. MATHIAS. Mr. President, I am pleased to join my colleague, Senator Pell, in sponsoring this bill to assure that fencing, station parking, and station access is completed in a timely manner as part of the Northeast corridor railroad improvement program.

As the Maryland Secretary of Transportation noted in a letter to DOT Secretary Brock Adams—

> FRA has developed a Northeast Corridor project that will meet the Congressionally mandated trip-time goals at the expense of adequate fencing and parking. Imagine flashy-looking trains zipping up and down an unfenced Northeast rail line with many empty seats, since few people in our auto-dependent society will be attracted to stations having little or no parking available.
>
> . . . First of all, common sense dictates that if trains are going to run on upgraded track at speeds of up to 125 miles per hour, people, animals, and automobiles should be kept out of the right-of-way to the extent feasible. . . . Regarding the matter of station access and parking, if the Northeast Corridor project is to be in the business of transporting passengers by rail, than an integral part of that service must be to provide adequate road access to the station vicinity, and some reasonable level of parking. The lack of either of these will surely doom the project to failure. . . .
>
> Given the Department's present revenues there is absolutely no way we could even partially fund the non-federal match in the foreseeable future without eliminating some other vital highway, port, airport, rail or transit project from our Consolidated Transportation Program. I understand that the two local jurisdictions involved, Baltimore City and Prine Georges County, are in no better financial condition than we to make the matching commitment. . . .
>
> We are very interested in seeing the Northeast Corridor Project a reality. It is, without question, the best long-term solution to the enormous transportation problem in the sprawling northeastern megalopolis. But I firmly believe the project will be doomed unless we can develop alternatives to the present funding dilemma.

I believe that letter, Mr. President, sums up the situation in Maryland as well as other States traversed by the Northeast corridor rail system.

Interstate rail travel in this highly urbanized region can go a long way to alleviating our auto dependency, and air pollution, while providing fast, efficient movement of people and goods. The Congress committed itself to that proposition when it established the Northeast rail improvement program. We now have a responsibility to provide the money to do the job properly.

By Mr. SPARKMAN (by request):

S. 1599. A bill to amend legislation regarding the International Boundary and Water Commission, the United States and Mexico; to the Committee on Foreign Relations.

Mr. SPARKMAN. Mr. President, by request, I introduce for appropriate reference a bill to provide additional authorization for the U.S. section of the International Boundary and Water Commission, United States and Mexico, to carry out its responsibilities during fiscal year 1978.

The bill has been requested by the Department of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the Record at this point, together with a section-by-section analysis and the letter from the Assistant Secretary of State for Congressional Relations to the President of the Senate dated May 18, 1977.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 1599

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

Section 1. Section 2(2) of the Act of September 19, 1966 (80 Stat. 808; 22 U.S.C. 277 d–31) as amended by the Act of October 18, 1973 (87 Stat. 452; Public Law 93–126) is further amended by inserting immediately after the figure $25,000, the following: "based on estimated calendar year 1976 costs plus or minus such amounts as may be justified by reason of ordinary fluctuations in operation and maintenance costs involved therein,".

Sec. 2. Section 3 of the Act of August 10, 1964 (78 Stat. 386; 22 U.S.C. 277d–28), as amended by the Act of October 18, 1973 (87 Stat. 452; Public Law 93–126) is further amended by inserting immediately after the figure $30,000, the following: "based on December 1975 prices plus or minus such amounts as may be justified by reason of ordinary fluctuations in operation and maintenance costs involved therein,".

Sec. 3. Section 103 of the Act of September 13, 1950 (64 Stat. 847; 22 U.S.C. 277d–3), as amended by the Act of August 19, 1964 (78 Stat. 494; Public Law 88–448) is further amended by striking out "$100 per diem" in the second sentence, and inserting in lieu thereof "the maximum daily rate for GS–15 of the General Schedule.".

Section-by-Section Analysis

Section 1. Act of September 19, 1966.—The Act of September 19, 1966 authorizes U.S. participation in one half of the costs of the operation and maintenance by Mexico of the Morillo Drain. This act set a limit of $20,000 which was increased to $25,000 by the Act of October 18, 1973 (87 Stat. 452). The proposed amendment would authorize the annual amount to include such amounts as may be justified by mandatory fluctuations in costs and would eliminate the necessity for subsequent amendments required because of price level increases.

Section 2. Act of August 10, 1964.—The Act of August 10, 1964 authorizes operation and maintenance of emergency flood control works on the lower Colorado River. It set a limit of $25,000 which was increased to $30,000 by the Act of October 18, 1974 (87 Stat. 452). The proposed amendment authorizes the annual amount to include such amounts as may be justified by mandatory fluctuations in costs and would eliminate the necessity for subsequent amendments required because of price level increases.

Section 3. Act of September 13, 1950.—Section 103 of the Act of September 13, 1950 limits payment to consultants to $100 per day. The proposed amendment would substitute the daily rate for GS–15 as the maximum amount allowable, since it is becoming increasingly more difficult to hire needed consultants at the $100 per day limit and the proposed amendment conforms with the existing practices of various other federal agencies.

Department of State,
Washington, D.C., May 18, 1977.
Hon. Walter F. Mondale,
President of the Senate.

Dear Mr. President: In accordance with Section 16 of the Act of August 1, 1956, as amended (22 U.S.C. 2680), there is transmitted herewith proposed legislation for the Department of State that would provide additional authorization for the United States Section of the International Boundary and Water Commission, United States and Mexico, to carry out its responsibilities during fiscal year 1978.

A section-by-section analysis explaining the proposed legislation is enclosed.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the presentation of this proposed legislation for the consideration of the Congress.

Sincerely,
Douglas J. Bennet, Jr.,
Assistant Secretary for Congressional Relations.

Enclosures: 1. Proposed Legislation; 2. Section-by-Section Analysis.

By Mr. MATSUNAGA:

S. 1600. A bill to amend title 5 of the United States Code in order to provide that certain benefits to which employees of the United States stationed in Alaska, Hawaii, Puerto Rico, or the territories of the United States are entitled may be terminated under certain conditions, and for other purposes; to the Committee on Governmental Affairs.

Mr. MATSUNAGA. Mr. President, I am today introducing a bill that would terminate home leave privileges for Federal employees who were hired in the 48 contiguous States.

Twenty-three years ago the Federal Government was unable to find in Alaska, Hawaii, Guam, Puerto Rico, and U.S. territories much needed, highly skilled technicians in certain fields, primarily in the area of defense support and maintenance activities. Consequently, it was necessary to recruit skilled employees on the mainland and transfer them to these strategically crucial areas where the need existed.

Transportation to these areas was often prolonged and arduous, and living conditions were frequently below, or at least radically different than, that in the 48 States. A system of benefits was then created to compensate mainland-hired employees for their service in these "hardship posts"; among them was a home leave every 2 years—in essence a round trip ticket to the employee's home on the mainland.

In the past 23 years there have been many changes in this situation, not the least of which is that Hawaii and Alaska have become States. There have been enormous technological advances in transportation and communications, making travel to any of these areas a matter of hours rather than days, and communications a matter of minutes rather than hours. Living conditions have similarly been upgraded to the point that lifestyles, even in such widely varying places as Alaska and Guam, are virtually identical to those on the mainland.

Furthermore, these changes mean that residents of Alaska, Hawaii, Guam, Puerto Rico, and the territories now have access to education and training comparable to that of mainland residents. Without a doubt, most of the positions now filled by mainland-hired employees could easily be filled by residents of that particular area.

Yet, the law continues to consider these areas as "hardship posts" lacking indigenous skilled workers, and mainland-hired Federal employees still receive special benefits accordingly.

A March 2, 1977 report by the General Accounting Office notes that, in a review of five Federal agencies in Alaska, qualifying employees used travel benefits amounting to $595,850 in fiscal year 1975. The GAO also found significant misuse of benefits where employees used their travel privileges to tour the country, instead or, or in addition to, visiting their home of record. Of course, most employees did use the benefits to visit friends and family at their former homes.

The inappropriateness of the continuation of these benefits is obvious. In these days of high inflation and a growing public debt, the Federal Government cannot afford to hand out free roundtrip vacations.

The bill I have introduced today recognizes that in certain instances, the Government will still have to turn to the mainland to recruit skilled workers. At the same time, local workers must be utilized to fill all positions for which they qualify in terms of education and training. The measure achieves this balance by allowing any Federal agency to terminate the special benefits of any mainland-hired employee only when there are qualified local residents available for the position, the employee's "tour" or contract with the agency has expired, and the employee refuses reassignment to a similar job on the mainland. The beneficiaries themselves could not in good conscience object to this proposal.

I, therefore, urge favorable and timely action by the Senate.

By Mr. STONE (for himself and Mr. Percy):

S.J. Res. 60. A joint resolution to request the President of the United States to call a White House Conference on Energy Conservation; to the Committee on Energy and Natural Resources.

Mr. STONE. Mr. President, I am joining with the distinguished Senator from Illinois (Mr. Percy) in introducing today a Senate joint resolution requesting the President of the United States to call a White House Conference on Energy Conservation.

As most Americans now understand, our country faces a serious energy crisis. President Carter has addressed the country on this matter and has made certain proposals to Congress to solve this problem. The President has recognized that whatever specific solutions may ultimately be adopted by Government, no solution can be effective unless it has the full support of the American people. Because of the importance of public understanding and support and because energy conservation certainly represents an important ingredient in any energy policy, a White House Conference on Energy Conservation can be significant in the implementation of an effective energy policy. As set forth in the resolution, the Conference would include Representatives of Congress; State and local government officials; representatives of energy industries, public utilities, environmental and conservation organizations, consumer organizations, industrial and financial trade associations, small businesses, organized labor, academic and scientific communities, agricultural groups, public transportation and public transit; and individual citizens with particular expertise in the energy field.

The Conference would prepare a report for the President which shall be made public and transmitted to the Congress. The report would recommend any administrative and legislative action deemed necessary to implement the recommendations contained in the report.

Under the provisions of the resolution, the Conference shall be called by the President not later than December 31, 1978. A National Energy Conservation Planning and Advisory Council is established by the resolution for the purpose of organizing the Conference.

Mr. President, I have previously urged the convening of a more comprehensive energy conference for the purpose of developing a national energy policy. On January 14, 1977, I introduced Senate Joint Resolution 11, which has 12 cosponsors, directing the President to call such a conference. I discussed such a conference with President Carter and Dr. Schlesinger. Because the President was anxious to proceed with an early energy proposal, it was determined inadvisable to hold such a conference before the announcement of the President's energy plan on April 20. Nevertheless, I continue to believe that it is important for public understanding and support of a national energy policy for the widest possible discussion of energy policy and its impact on our complex society.

Inasmuch as the President's energy plan emphasizes energy conservation, I believe the convening of a Conference on Energy Conservation would contribute to the understanding and support for the President's program.

Mr. President, as the Senate knows, Senator Percy has been a leader for energy conservation. He has contributed significantly to the development of the idea of a National Energy Conservation Conference, and I salute him for his efforts. I am pleased that we are able to join together in this effort and urge the adoption of this resolution.

Mr. President, I ask unanimous consent that the text of the resolution be printed in the Record following my statement and that of Senator Percy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I am pleased and honored to cosponsor this Senate joint resolution urging the President to call a White House Conference on Energy Conservation. I am particularly pleased that the prime sponsor is the distinguished Senator from Florida (Mr. Stone) who had the foresight many months ago to propose Senate Joint Resolution 11 calling for a White House Conference on Energy Policy. It is our intention that the proposal we are introducing today be developed in connection with Senate Joint Resolution 11.

Mr. President, there are serious environmental and economic constraints on developing new sources of energy supply. Nonrenewable sources of energy are being exhausted globally and the United States is becoming increasingly dependent on imported oil. This situation points to the need for energy conservation. While there are tremendous opportunities for using energy more efficiently, the nation has failed in its conservation efforts through institutional, economic, and informational blockages. It is precisely to help overcome these obstacles and take advantage of the huge conservation opportunities open to us that Senator Stone and I are introducing this Senate joint resolution requesting the President to call a White House Conference on Energy Conservation.

Such a conference would be planned and conducted under the direction of a National Energy Conservation Planning and Advisory Council, composed of 15 members representing all facets of American society.

Mr. President, we need a wise national energy policy—a policy which encourages the use of conservation energy, that energy we can produce through the use of more efficient technology in our everyday lives. Recently, Senator Stone joined Senator Humphrey and myself in launching the Alliance To Save Energy. The alliance is a private nonprofit organization, working to foster a climate of acceptance for conservation energy. For conservation energy to become a reality, it must have the commitment of the American people.

I am pleased to also have the opportunity to work with the distinguished Senator from Florida in this legislative effort to reach the same goal. A National Conference on Energy Conservation will provide a forum in which representatives from all fields can meet, discuss the issues, and develop proposals for public and private action.

The executive and legislative branches need the benefit of the experience and expertise of all sectors in the development and implementation of a national energy conservation program. A National Conference on Energy Conservation will provide the focal point and vehicle for such input, just as national conferences have served as a catalyst for action on other issues of nationwide concern in the past.

I urge early action on this resolution. We cannot afford to wait.

S.J. Res. 60

Whereas, with each passing day, the United States is further from reaching a goal of energy independence;

Whereas, with energy prices increasing and serious political and environmental constraints on new sources of supply, energy conservation must be widely utilized as an important means to attain energy independence;

Whereas, traditional, nonrenewable energy sources are being exhausted worldwide;

Whereas, despite the existence of many technologically feasible ways of saving energy, the Nation has not utilized effective strategies and technologies to encourage energy conservation;

Whereas, the formulation of such strategies and the utilization of energy saving technology requires the distribution of information through private organizations, the public sector, and national conferences: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That this resolution be cited as the "White House Conference on Energy Conservation Resolution."

Sec. 2. The President of the United States is urged to call a White House Conference on Energy Conservation as soon as practicable following the date of the approval of this resolution but not later than December 31, 1978, in order to develop recommendations and stimulate a national assessment of problems, and solutions to problems, involving energy conservation.

Sec. 3. (a) Any such conference, if called, shall be planned and conducted under the direction of the National Energy Conservation Planning and Advisory Council (hereinafter referred to as the "Council"), established pursuant to subsection (b) of this section. Each Federal department and agency shall provide such cooperation and assistance to the Council, including the assignment of personnel, as may reasonably be required by the Chairman of the Council.

(b) There is established a National Energy Conservation Planning and Advisory Council, appointed by the President of the United States, composed of fifteen members who shall be representative of the categories referred to in section 4 of this resolution.

(c) The President, at the time of appointment, shall designate one member to serve as Chairman and one to serve as Vice Chairman. Any vacancy in the Council shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

(d) It shall be the function of the Council to—

(1) make all arrangements and preparation for the Conference, and to provide guidance and planning for the Conference;

(2) request the cooperation and assistance of such Federal departments and agencies having responsibilities in areas involving energy conservation;

(3) prepare and make available necessary background materials for the use of delegates to the White House Conference on Energy Conservation; and

(4) prepare and distribute such interim reports of the White House Conference on Energy Conservation as the Council deems appropriate.

(e) The Council shall have the power to appoint and fix the compensation of an Executive Director, and such additional staff personnel as it deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title, and to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $125 a day for individuals.

(f)(1) Any member of the Council who is otherwise employed by the Federal Government shall serve without compensation in addition to that received in his regular employment.

(2) Members of the Council, other than those referred to in paragraph (1), shall receive compensation at rates not to exceed the daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each day they are engaged in the performance of their duties (including traveltime); and, while so serving away from their homes or regular places of business, they shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

Sec. 4. For the purpose of ascertaining facts and making recommendations concerning energy conservation, the Council shall take such action as may be necessary to bring together, as participants in the Conference, the following:

(1) Members of the Congress and Federal, State and local government officials with responsibility over energy policies and programs;

(2) representatives of energy industries;

(3) representatives of public utilities;

(4) representatives of environmental and conservation organizations;

(5) representatives of consumer organizations;

(6) representatives of industrial and financial trade associations;

(7) representatives of small businesses;

(8) representatives of organized labor;

(9) representatives of the academic and scientific communities;

(10) representatives of agricultural groups;

(11) representatives of public transportation and public transit; and

(12) individual citizens with particular expertise in the energy field.

Sec. 5. A final report of the White House Conference on Energy Conservation shall be submitted by the Council to the President not later than one hundred and twenty days following the date on which the conference is called, and the findings and recommendations included therein shall be immediately made available to the public. The Council shall, within ninety days after the submission of such final report, transmit to the President and the Congress their recommendations for administrative action and legislation necessary to implement the recommendations contained in such report.

Sec. 6. The Council shall cease to exist one hundred and twenty days ater the submission of the final report required by section 5 of this resolution.

Sec. 7. For the purpose of this resolution, the term "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

Sec. 8. There is authorized to be appropriated such sum, not to exceed $5,000,000, as may be necessary to carry out this resolution.

Sec. 9. Sections 3, 4, 5, 6, 7, and 8 of this resolution shall take effect only if the President of the United States calls a White House Conference on Energy Conservation pursuant to section 2 of this resolution and publishes a notice to that effect in the Federal Register.

ADDITIONAL COSPONSORS

S. 394

At the request of Mr. Culver, the Senator from New Hampshire (Mr. Durkin) and the Senator from Nevada (Mr. Cannon) were added as cosponsors of S. 394, the Bridge Replacement and Rehabilitation Act of 1977.

S. 514

At the request of Mr. Ribicoff, the Senator from South Dakota (Mr. Abourezk) was added as a cosponsor of S. 514, a bill to amend title XVIII of the Social Security Act to authorize payment under the supplementary medical insurance program for optometric and medical vision care.

S. 701

At the request of Mr. Pell, the Senator from New Hampshire (Mr. McIntyre) was added as a cosponsor of S. 701, the Emergency Educational Assistance Act.

S. 743

At the request of Mr. Durkin, the Senator from Oregon (Mr. Hatfield) and the Senator from Iowa (Mr. CLARK) were added as cosponsors of S. 743, a bill to provide for the protection of franchised distributors and retailers of motor fuel; to encourage conservation by requiring that information regarding the octane rating of automotive gasoline be disclosed to consumers, and to prevent deterioration of competition in gasoline marketing.

S. 1200

At the request of Mr. ABOUREZK, the Senator from Minnesota (Mr. ANDERSON), the Senator from Alaska (Mr. GRAVEL), the Senator from New Mexico (Mr. SCHMITT), the Senator from Vermont (Mr. LEAHY), the Senator from Montana (Mr. METCALF), the Senator from Kentucky (Mr. FORD), the Senator from New York (Mr. JAVITS), the Senator from Missouri (Mr. DANFORTH), the Senator from Vermont (Mr. STAFFORD), the Senator from Colorado (Mr. HART), and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of S. 1200, to amend the Consolidated Farmers' Home and Rural Development Act.

S. 1209

At the request of Mr. PROXMIRE, the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1209, the civil defense consolidation bill.

S. 1236

At the request of Mr. KENNEDY, the Senator from Minnesota (Mr. ANDERSON) was added as a cosponsor of S. 1236, to eliminate the business expense deductions for first-class air travel.

S. 1414

At the request of Mr. DURKIN, the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponsor of S. 1414, the World War I Women's Signal Corps bill.

S. 1455

At the request of Mr. BAYH, the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 1455, a bill to amend the Social Security Act to increase to $5,100 the annual amount individuals may earn without suffering deductions from benefits and to phase out such a limitation for workers 65 years of age and over.

S. 1499

At the request of Mr. MATSUNAGA, the Senator from West Virginia (Mr. ROBERT C. BYRD) was added as a cosponsor of S. 1499, a bill to amend the Child Abuse Prevention and Treatment Act to prohibit the sexual exploitation of children and the transportation and dissemination of photographs or films depicting such exploitation.

S. 1526

At the request of Mr. BARTLETT, the Senator from New York (Mr. JAVITS), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Nevada (Mr. LAXALT) were added as cosponsors of S. 1526, a bill providing for the establishment of an Associate Administrator for Women's Business Enterprise within the Small Business Administration.

S. 1575

At the request of Mr. HUDDLESTON, the Senator from Minnesota (Mr. ANDERSON) was added as a cosponsor of S. 1575, the Farm Production Protection Act of 1977.

S. 1578

At the request of Mr. BENTSEN, the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of S. 1578, to protect the confidentiality of the identities of certain employees of the Central Intelligence Agency.

SENATE RESOLUTION 166

At the request of Mr. CULVER, the Senator from New York (Mr. JAVITS) was added as a cosponsor of Senate Resolution 166, to provide for the reorganization of administrative services of the Senate.

SENATE CONCURRENT RESOLUTION 27—SUEMISSION OF A CONCURRENT RESOLUTION RELATING TO STATUES OF MARTIN LUTHER KING AND CARL HAYDEN

(Referred to the Committee on Rules and Administration.)

Mr. HUMPHREY submitted the following concurent resolution:

S. CON. RES. 27

Resolved by the Senate (the House of Representatives concurring), That (a) in honor of Martin Luther King, Junior, the great civil rights leader, and Carl Hayden, who served in the United States Congress longer than any other man in history, the Joint Committee on the Library (hereinafter referred to as the "Committee") is authorized and directed to procure a bust or statue of Dr. King and a bust or statue of Senator Hayden and to cause such busts or sculptures to be placed in a suitable location in the Capitol as determined by the Committee.

(b) Expenses incurred by the Committee in carrying out this concurrent resolution, which shall not exceed $3,000 per bust or statue, shall be paid out of the contingent fund of the Senate on vouchers approved by the Chairman of the Committee.

IN HONOR OF MARTIN LUTHER KING, JR., AND CARL T. HAYDEN

Mr. HUMPHREY. Mr. President, I am today submitting a Senate concurrent resolution which would authorize the Joint Committee on the Library to procure statues of Dr. Martin Luther King, Jr., and Senator Carl Hayden, to be placed in the Capitol.

Thousands of people, from throughout the country and the world, pass through the Capitol each year. Many are schoolchildren who are seeing American history first-hand. It is time that we added yet another chapter to the visual history in the Capitol by placing statues of these two outstanding Americans where they may be viewed by all who pass.

I had the opportunity of serving in the Senate with Carl Hayden. Through his long and industrious career in public service, he distinguished himself as a good and honorable man, a conscientious public servant of the people of Arizona and of America.

Carl Hayden served in the U.S. Senate longer than any man in our Nation's history—42 years. Before that he served in the House for 14 years. For more than half a century, a period of great and profound changes and events in our Nation and the world, Carl Hayden played a vital role in quietly but effectively guiding the hand of governmental leadership.

The avoidance of public praise was a hallmark in the character of Carl Hayden, but I know he would be proud to be honored in this way by his colleagues and the people he served so well for so many years.

Dr. King lived a life of vision, dedication, leadership, and peace. I believe it is of the greatest importance that his profound contribution to the moral and social growth of America be recognized and kept before our attention. His absolute dedication to the achievement of human freedom and equality has left a permanent imprint upon the history and the conscience of our Nation.

As a recipient of the Nobel Peace Prize, he symbolized the genuine greatness to which all men should aspire. He could have been content with international recognition, but he was determined to summon the courage of an entire people of a great nation to follow the course of reconciliation and to reject the descent into violence.

It remains for us to honor Martin Luther King, Jr., for his works and acts of courage, standing up for human dignity and freedom in our daily lives, and in rooting out discrimination and inequality in schools and employment, in housing and in public office.

Therefore, Mr. President, I am proud to be introducing this concurrent resolution today, to honor the lasting contributions made to our Nation and the world by Carl T. Hayden and Martin Luther King, Jr., by erecting statutes to commemorate them in the Capitol of the United States.

Mr. President, a similar concurrent resolution was passed by both Houses on the last day of the second session of the 94th Congress. Regretfully, there was not sufficient time to resolve minor differences in the respective versions of this legislation and achieve final action prior to adjournment. However, I am hopeful that, in light of this favorable action, Congress will give early approval to the legislation I have introduced.

AMENDMENTS SUBMITTED FOR PRINTING

HOUSING AND COMMUNITY DEVELOPMENT ACT—S. 1523

AMENDMENTS NOS. 332 THROUGH 335

(Ordered to be printed and to lie on the table.)

FLOOD INSURANCE AMENDMENTS

Mr. EAGLETON. Mr. President, I send to the desk a number of amendments to S. 1523, the Housing and Community Development Act of 1977. These amendments all have to do with the national flood insurance program. I ask unanimous consent that the text of the amendments be printed in the RECORD at this point and that the amendments themselves be printed and lie on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 332

On page 54, between lines 7 and 8, insert the following:

SEC. 312. Section 1305(c) of the National Flood Insurance Act of 1968 is amended by adding at the end thereof the following flush sentence: "In addition, notwithstanding the provisions of section 1315, the Secretary shall make flood insurance available for property in other States or areas or subdivisions thereof where the Secretary finds that the failure of participation is not attributable to the individual making application for the insurance and that such individual has made good faith effort to encourage participation.".

AMENDMENT NO. 333

On page 54, between lines 7 and 8, insert the following:

SEC. 312. Section 1346 of the National Flood Insurance Act of 1968 is amended by adding at the end thereof the following:

"(g) A contract under this section may not prohibit any pool or insurance company from offering flood insurance in the private market.".

AMENDMENT NO. 334

On page 54, between lines 7 and 8, insert the following:

SEC. 312. Section 1340 of the National Flood Insurance Act of 1968 is amended by adding at the end thereof the following:

"(c) Notwithstanding any other provision of this section, any determination made pursuant to subsection (a) shall not become effective prior to the date on which both Houses of Congress have agreed to a concurrent resolution stating in substance that they approve such determination.".

AMENDMENT NO. 335

On page 54, between lines 7 and 8, insert the following:

SEC. 312. (a) Section 202(b) of the Flood Disaster Protection Act of 1973 is amended to read as follows:

"(b) In addition to the requirements of section 1364 of the National Flood Insurance Act of 1968, each Federal instrumentality described in such section shall by regulation require the institutions described in such section to notify (as a condition of making, increasing, extending, or renewing any loan secured by property described in such section) the purchaser or lessee of such property of whether, in the event of a disaster caused by flood to such property, Federal disaster relief assistance will be available to such property.".

(b) Section 3(a)(4) of such Act is amended by striking out all after "mortgages or mortgage loans" and inserting in lieu thereof the following: "but shall exclude assistance pursuant to the Disaster Relief Act of 1974 (other than assistance under such Act in connection with a flood);".

AMENDMENT NO. 336

(Ordered to be printed and to lie on the table.)

Mr. MATHIAS. Mr. President, I ask unanimous consent that the text of my amendment be printed in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

AMENDMENT NO. 336

At the appropriate place in the bill, insert the following: That section 1810(a)(6) of title 38, United States Code, is amended to read as follows:

"(6) To purchase a one-family residential unit in a condominium housing development or project, if such development or project is approved by the Administrator under such criteria as he shall prescribe.".

CLEAN AIR ACT AMENDMENTS—S. 252

AMENDMENT NO. 337

(Ordered to be printed and to lie on the table.)

Mr. CANNON (for himself, Mr. Laxalt, and Mr. Danforth) submitted an amendment intended to be proposed by them jointly to the bill (S. 252) to amend the Clean Air Act, as amended.

PORTS AND WATERWAYS SAFETY ACT AMENDMENTS—S. 682

AMENDMENTS NOS. 338 AND 339

(Ordered to be printed and to lie on the table.)

Mr. BROOKE submitted two amendments intended to be proposed by him to the bill (S. 682) to amend the Ports and Waterways Safety Act of 1972; to increase the use of vessels of the United States to carry imported oil; and for other purposes.

OPPORTUNITIES FOR ADOPTION ACT—S. 961

AMENDMENT NO. 340

(Ordered to be printed and to lie on the table.)

Mr. ROTH (for himself, Mr. Allen, Mr. Anderson, Mr. Danforth, Mr. DeConcini, Mr. Eastland, Mr. Garn, Mr. Goldwater, Mr. Hatch, Mr. Hatfield, Mr. Hayakawa, Mr. Heinz, Mr. Helms, Mr. Huddleston, Mr. McClure, Mr. Schweiker, and Mr. Thurmond) submitted an amendment intended to be proposed by them jointly to the bill (S. 961) to promote the healthy development of children who would benefit from adoption by facilitating their placement in adoptive homes, and for other purposes.

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS—S. 1344

AMENDMENT NO. 341

(Ordered to be printed and referred to the Committee on Rules and Administration.)

Mr. STONE. Mr. President, in a recent column by political commentator David S. Broder, entitled "What 'Election Reform' Really Meant," he discusses the results of a survey of candidates in the last Federal election. The survey, which was authorized by the Federal Election Commission, revealed some interesting facts about the election and the types of campaigns that were run by the candidates.

Before the FEC began its comprehensive survey, I mailed my own questionnaire to 740 candidates in the general election, which comprised slightly more than half of the total number participating in that contest. Nearly 40 percent responded. Unlike the FEC survey which covered a broad range of topics, my survey focused on the area that the FEC survey revealed has created the greatest burden on the candidates—the reporting requirements. The majority of the candidates who responded made extensive comments about the operation of the reporting requirements and their impact on campaigns.

A comparison of the results of the two surveys indicate that Broder was correct when he wrote:

> The evidence is that the regulatory aspects of the [Federal Election Campaign Act of 1971, as amended] are strong enough and probably need simplification. Most candidates are overregulated; they are no more corruptible than church mice, and just as poor.

The FEC survey reports that 61 percent of the independent and third party candidates spent less than $1,000 on their 1976 campaigns, as did 14 percent of the Democrats and 6 percent of the Republicans. Of these candidates, only 1 percent won in the general election. A number of conclusions could be drawn from this data taken by itself, but when added to the results of my questionnaire the conclusion is that the reporting requirements impose the greatest burden on the candidates who have the least campaign resources and the least chance of winning—the independent and third party candidates.

Approximately 36 percent of the independent and third party candidates responded that interpreting the requirements and filing the reports imposed a great burden on their campaign, as opposed to 26 percent of the major party candidates. Yet, as the FEC data shows, a substantial majority of the candidates that are not members of a major party, do not spend enough money on their campaigns for there to be any real public benefit in burdening them in this manner.

Some of the comments in response to my survey from independent and third party candidates are worth noting:

> [We] received several pounds of materials and regulations even though our entire expenses were approximately $30.
>
> The sophistication required to fill out the forms is enough "to deter the common citizen's participation in the process."
>
> Our small party has had to devote considerable resources to record-keeping and filing reports, efforts which certainly could not be matched by newer groupings of citizens just becoming involved in the electoral process. The law effectively denies political expression to those not skilled in interpreting legal jargon or wealthy enough to hire lawyers and accountants *unless* they choose to remain inside the two established parties which can help make resources available. . . .

Of course, major party candidates felt the burden of the requirements too, but they had the resources to comply. One candidate who lost in a Senate race noted that his campaign spent nearly $30,000 to comply with the law. Another major party candidate wrote:

> I believe that these reports make it almost mandatory for a candidate to bring in professional accounting help and this is a big handicap to a low budget campaign.

Broder notes that the candidates who responded to the FEC survey felt that the Federal election laws are tilted in favor of the incumbents. Congress is slowly trying to grapple with the inherent advantages of incumbency. Whether those advantages can ever be neutralized is questionable, but Congress can and should eliminate any unnecessary handicaps on the minor challengers.

A question that we lawmakers, who are in overwhelming numbers, members of a major party, must ask is, whether the benefit gained from requiring reports from very low-budget campaigns is worth the risk of erecting insuperable financial or psychological barriers to non-major-party candidates.

For this reason I am submitting an amendment to the Federal Election Campaign Act which would authorize the Federal Election Commission to waive the reporting requirements for candidates who certify that they do not anticipate expending or receiving in excess of $1,000 on their election campaign. If, during the campaign, a candidate who was granted a waiver exceeds the $1,000 limit, he would become subject to the requirements. The watchful eyes of opponents and the media will enforce this provision. It may be that this exemption should be limited to third party and independent candidates so that unopposed, major-party incumbents who do not need to spend much money on reelection would still have to report. However, this is a determination that the FEC is best equipped to make.

While I personally believe in a strong two-party system, I respect the right of any American to challenge this system and or to form a new party. The major parties have undergone transformation in the past and if they are to reflect a growing nation, they will undergo changes in the future. We do not need to fear change or challenge and we should be very careful not to hinder them.

ADDITIONAL STATEMENTS

THE ARROGANCE OF THE FEDERAL BUREAUCRACY

Mr. LAXALT. Mr. President, the appalling arrogance of the Federal bureaucracy has to be seen to be believed; not only once, but over and over again. We have all heard horror stories about OSHA, EPA, and the whole litany of Federal harassment of small business. But periodic reminders are necessary for us to realize that not only have things grown no better, they are actually getting worse.

My constituent, Dale McKenzie, has been literally set upon by the EPA Office of Civil Rights in region X out of Seattle, Wash. He has a construction project in the small town of Lebanon, Nev., with a grand total of two employees, but no recognized minorities.

Consequently, he is being ordered to take "affirmative action" to increase the representation of minorities on this project. Do not bother us with availability problems or labor-management agreements say the EPA bureaucrats. Just produce to fit our statistical formulae. The arrogance of this letter is astonishing.

Mr. President, for reasons put best by Mr. McKenzie, I ask unanimous consent that the text of the letter he received be printed in the RECORD. As my sharp-tongued constituent put it in his cover letter to me:

> Herewith for your amazement is an example of bureaucratic "b - - - s - - -."

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Seattle, Wash., April 27, 1977.
Re C410446-2, city of Lebanon.
MR. DALE MCKENZIE,
McKenzie Construction, Inc.
Sparks, Nev.

DEAR MR. MCKENZIE: We have carefully reviewed each Monthly Employment Utilization Report (Standard Form 257) submitted by your firm for the above referenced project. We note from the reports that minorities have been significantly underutilized or have not been utilized at all in all trades represented on the project.

Such underutilization of minorities in the above trades on the project gives this agency reasonable cause to believe that you have not taken affirmative action to recruit and hire minorities for the above trades as required by EPA Equal Opportunity Regulations Title 40 CFR Part 8, Sections 8.4 and 8.8. (see attached).

The contractor bears the burden of demonstrating to this agency that it has made every good faith effort to recruit and hire minority workers for all trades on this project. You are hereby officially notified that you are required to take the necessary corrective measures as set forth in EPA Opportunity Regulations, Title 40 CFR Part 8, Sec. 8.8 to improve your equal opportunity compliance posture in all trades used on this project.

Failure or inability to obtain minorities from the various trade unions alone will not be accepted by this Agency as an excuse for not utilizing minorities in all trades on the project. Pursuant to EPA Equal Opportunity Regulations, Section 8.8, the fact that a contractor has a Collective Bargaining Agreement with a construction trades union providing for the exclusive referral of workmen to the contractor, and the union is unable or unwilling to refer or dispatch minorities to the contractor upon the contractors written or verbal request, such will not excuse the contractor from taking affirmative action to recruit and hire minorities from sources other than the union.

If affirmative action has not been taken to include minorities in each trade on this project in thirty (30) days from the date of this letter or by the time you submit your next Monthly Employment Utilization Report, whichever comes first, this office will forthwith issue a Show Cause Notice to your firm pursuant to OFCC Regulations 60-1.26 and 60-1.28 for the convening of an informal Show Cause Hearing to be held in this office to assess the contractor's affirmative action efforts and to determine the contractor's ability to comply with EPA Equal Opportunity Regulations 40 CFR Part 8 and Executive Order 11246.

If you have any further questions regarding these matters, please write or call the undersigned at (206) 442-1356 in Seattle, Washington.

Sincerely,
STEVEN H. BORCHARDT,
Contract Compliance Officer, Office of Civil Rights.

TEXAS SMALL BUSINESS AWARD WINNER

Mr. TOWER. Mr. President, I am pleased to take the opportunity afforded by the President's proclamation of National Small Business Week to express my own appreciation of the small business community.

It is also a pleasure to pay recognition to the Texas small business person of the year, Marie Tapply Tarvin of El Paso.

In its announcement of these awards in the 50 States, the Small Business Administration explained that the criteria used in selecting the winners included "length of time in business, employee and sales growth, financial well-being, original entrepreneurship, innovativeness, response to adversity, and contributions to community projects."

Ms. Tarvin's accomplishments are part of a longstanding tradition in Texas of self-reliance and productivity. As a matter of fact, when Texas declared its independence in 1836, the dedication to the rights of free commerce was made a part of the original declaration of independence. Since that time, Texans have fiercely guarded against any infringement of their individual rights. Most cherished has been the right of an individual to protect the product of his or her labors from forfeit or other outside interference. It is that attitude which set a precedent for our State's tremendous success in commerce.

Ms. Tarvin's achievements exemplify the spirit of self-reliance, ingenuity, and energy which has made Texas great. Starting in 1969 with one van and one client, Ms. Tarvin built her delivery service to the extent that she now operates from the El Paso International Airport with 35 full time employees and 30 vehicles. Her billings have increased 30 percent annually during the last 7 years. In 1974, Ms. Tarvin was aided in her expansion by an SBA loan.

In the spirit of providing opportunities for others, Ms. Tarvin has worked closely with vocational and probation institutions to hire exoffenders and the educationally disadvantaged.

To Ms. Tarvin, I express my thanks for your contributions to your city and the State and the Nation. We are very proud of you as an individual and as an outstanding representative of the small business community which is so vital to the well-being of our national economy.

MONTANA WILDERNESS STUDY BILL

Mr. MELCHER. Mr. President, I rise to protest the passage in my absence Wednesday, May 18, of the Montana wilderness study bill, S. 393, and my protest runs both to the wisdom of the bill and the manner in which it was passed.

As the bill was drafted and presented to the Senate it had serious flaws that should have been noted and considered by the Senate.

The measure would segregate nine substantial areas of national forest land in Montana for a 5-year wilderness study, then for another 2 years while the President determines and reports his recommendations in regard to them to the Congress, and then indefinitely until Congress orders otherwise. That is essentially the same status as areas in the permanent national wilderness system—they are in the system until Congress, by law, takes them out.

I certainly hope that Congress will never order any of the fine, pristine wilderness areas that have been set aside for permanent wilderness out of that status, but it can do so, and the proposed wilderness study areas in Montana will have the same status as permanent wilderness, to be maintained as wilderness until Congress orders them out.

To my knowledge, there are some areas and portions of areas worthy of wilderness consideration in S. 393, but there are also areas that simply do not come close to wilderness merit which should not be removed indefinitely from multiple-use management.

I requested at the committee hearing and feel strongly that there should be hearings in Montana near the nine proposed study areas for public input, and much more careful consideration of the merits of each area before indefinite withdrawal for preservation is ordered by law.

I held a personal hearing in Montana recently on an area in the so-called endangered wilderness bill and found, in addition to private inholdings and cutover areas in one of them, that about 50 percent of the land in a major portion, and 35 percent of the total is privately owned alternate sections, held by owners who testified that they intend to proceed with timber harvesting, as they have every legal right to do plus a legal right of access over the alternate Forest Service sections to the sections they propose to harvest.

I had intended to at least put into the RECORD my objections to S. 393 and to vote against it.

The bill was reported by committee on Friday, May 16. On Monday the bill appeared on the General Orders Calendar and later moved to the Unanimous Consent Calendar. On Tuesday, I had to leave at about noon to attend our youngest son's high school graduation in Montana. Then on Wednesday—less than the 3 full days after the measure was reported from committee—it was passed without objection because I was not present and had been given no notice of the plan for such expedited action.

Both an objection and a point of order against passage before 3 full days after reporting would have been available to me, but those rights passed me by in my absence.

Under the circumstances, I will have no recourse but to present my strong objections to the bill in its present form to my former colleagues in the House, where I hope and trust provision will be made for hearings in Montana, the nature of the areas will be studied, and a scalpel will be used to carve out those areas and portions of areas which clearly do not meet wilderness standards and should not be locked up "until Congress directs otherwise"—indefinitely—making resources of considerable multiple-use value unnecessarily inaccessible for many years to come.

I am aware that the new Assistant Secretary of Agriculture Robert Cutler has advised the House that he is unilaterally rewriting the National Wilderness Preservation Act of 1964 to disregard roads, cutover areas, transmission lines or other deficiencies to make "instant wilderness" out of areas that strike his fancy. He is not going to let the definition in the act of 1964 bother him. Section 2(c) of that act states:

> A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude of a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic or historical value.

I have helped during four terms in the House to put a lot of areas in the National Wilderness System, and I am proud of that system. It is a great national asset. I consequently deplore the rush to give wilderness status to areas which do not meet the criteria of the act of 1964, which will make it impossible to say in the future that the National System is composed of pristine areas of original wilderness, and thereby sacrifice the best safeguard the system has against efforts to diminish it. If we are going to put mined, cutover, roaded, checkerboard ownership and like areas into the system, it is going to become known as just another bunch of land.

If there is a desire to create a "quasi wilderness" system of lands that have been exploited, so be it. That would be a new category of limited recreation activities of less than wilderness status. Congress can pass judgment on such a proposal and judge its merit for what it is—segregation of land for a single purpose use which does not meet the standards of the act of 1964.

But Congress is entitled to know what it is doing; namely, breaking down the standards of the 1964 act to make every square inch of the public domain eligible for inclusion in the new system regardless of past exploitation and modification.

It may be that some leaders of the wilderness movement today want to do that. I doubt that all of them do. I doubt that fathers of the wilderness system concept would appreciate the current efforts to prostitute the system of pristine natural areas that they conceived.

For the protection of the Wilderness System itself, some sort of standards must be maintained or wilderness designation will mean nothing more than a bunch of land removed from multiple-purpose use management—some cutover, some mined, some criss-crossed by transmission lines, some woven with log roads—which have been segregated for single purpose use.

THE PANAMA CANAL

Mr. HATFIELD. Mr. President, in a continuing effort to keep Oregonians appraised of major issues being debated in Congress, I have developed a series of background statements which attempt to objectively review each topic in some detail. Recently we have heard of continuing developments in the negotiations governing a new treaty with Panama over the canal issue. With the idea that it might be of some interest given the timeliness of the subject, I ask unanimous consent that the backgrounder I have just recently completed on the Panama Canal issue be printed in the RECORD.

There being no objection, the backgrounder was ordered to be printed in the RECORD, as follows:

HATFIELD BACKGROUNDER: THE PANAMA CANAL

Few controversies in the history of our country have been as prolonged, complex, or emotional as that surrounding the Panama Canal issue. For over half a century, arguments have raged over the way the U.S. came to build, own and control this unique passage between the seas. Now, as Congress approaches considerations of a new treaty governing the Panama Canal, it is important that concerned citizens be informed of the major issues surrounding this historic controversy. This backgrounder is an effort to review those issues and to lend perspective to the debate over a new Panama Canal treaty.

HISTORY

On a cool Washington evening at 6:40 p.m. on November 18, 1903, Secretary of State John Hay took a pen from an inkstand that had belonged to Abraham Lincoln and signed a treaty with the Envoy Extraordinary and Minister Plenipotentiary of the new Republic of Panama. The pact authorized the construction and operation of a most remarkable project—a canal linking the Atlantic and Pacific Oceans to stretch across and intersect the fledgling nation of Panama. The signing of the Hay-Bunau-Varilla treaty was the final act of an extraordinary series of historical events which bear importantly on efforts to negotiate a new treaty. More than anything else, it was the political and diplomatic posture of the United States during this period which has resulted in the Panamanian demands during this century for a new, more equitable treaty.

French Panama Canal Co.

The U.S. was not the first to attempt to build a passage between the Atlantic and the Pacific. Twenty years earlier the French Panama Canal Company had been organized under the leadership of Ferdinand de Lesseps, known worldwide as the architect of the Suez Canal. After seven years of work, 14,000 workers had dug some eleven miles of canal—half the total necessary—through the Isthmus of Panama, then a part of Colombia. But the company failed in its efforts, after a series of disasters, including outbreaks of malaria, yellow fever, floods, landslides, and finally charges of political corruption and bribery. Financing of the company collapsed.

The New Panama Canal Company was formed to liquidate the machinery, buildings and contracts of its predecessor. By December, 1898, a strong interest had developed in the United States for an interoceanic canal. The Company's directors sought to find a market in the United States for these properties and for the vision of joining the oceans together to facilitate American trade.

For the next four years the U.S. Senate deliberated over the route of a new canal. Many thought that the disastrous conditions encountered by the French in the Isthmus of Panama should be avoided at all costs in favor of a new canal through Nicaragua. By the spring of 1901 it appeared that the pro-Nicaraguan forces in the Senate would prevail in the debate.

At this point a young Frenchman, Philippe Bunau-Varilla, who had worked as an engi neer in the ill-fated French canal effort, became a key figure in the maneuverings. Relentless and single-minded, he set about to convince the U.S. that not only was the route through Panama the appropriate one, but that the $40 million worth of abandoned French equipment should be purchased to continue the Panamanian effort.

The Hay-Herrán Treaty

On June 19, 1902, a heated debate began in the U.S. Senate over the respective merits of the Panama and Nicaragua routes. Thanks in part to the legislators' concern over volcanic activity in Nicaragua, and in even larger measure to the tireless urging of Bunau-Varilla and his supporters, the Senate approved the Panama route. The action directed President Theodore Roosevelt—a strong advocate of an interoceanic canal—to seek an agreement with Colombia for "perpetual control" of a canal zone in Panama.

But Colombia had her own negotiating position. Among other demands, she wanted to lease the zone to the U.S. for one hundred years and to keep a specific acknowledgement of her sovereignty in the area. Moreover, she wanted the canal zone to be neutral, with Colombia responsible for its defense (the U.S. would only be allowed to land troops at Colombia's request). Finally, she sought separate Colombian and American courts to deal with Colombians in the zone who violated American laws.

On March 17, 1903, the Senate ratified the Hay-Herrán Treaty which encompassed some (but by no means all) of the Colombian demands. The Treaty was soundly condemned in the Colombian Congress as a sellout of Colombian interests. Colombia demanded more money as an initial payment and more rights in the zone. President Roosevelt responded in a heated note to Secretary Hay in the summer of 1903:

"Make it as clear as you can to Beaupré (U.S. Minister to Colombia). Those contemptible little creatures in Bogota ought to understand how much they are jeopardizing things and endangering their own future."

The Colombian Senate was unintimidated. Calling it a shameful sellout, the Hay-Herrán Treaty was rejected on August 12, 1903.

Panamanian revolt

Although the rejection of the Treaty infuriated Roosevelt, Bunau-Varilla was determined that the prospects for a Panamanian route be kept alive. For the next four months he met with various American leaders, including Roosevelt and Hay. He became convinced that a "revolt" was necessary to break the thin political cord which connected Panama and Colombia—and set out to create one.

Some 500 Colombian soldiers stationed on the Isthmus had not been paid in months. For the sum of $100,000 ($200 per soldier), Bunau-Varilla persuaded the military to go along with the planned uprising. On the designated day—November 3, 1903—insurgents and soldiers declared the revolution in Panama City. While not officially endorsing the coup, U.S. officials had been forewarned. U.S. vessels had been dispatched to the harbor of Colón. With the guns of the U.S.S. Nashville trained on them from the harbor, the remaining loyal Colombian troops withdrew and the bloodless revolt ended with scarcely a shot being fired.

Many historians believe that the U.S. cooperation with Bunau-Varilla in initiating the successful secession of Panama from Colombia was in clear and direct violation of the 1846 compact between the U.S. and Colombia. While Roosevelt's part in the revolt is not entirely clear, he later took credit for the coup, asserting that it was a necessary step toward building the canal. The Panamanian flag of independence (sewn together some weeks before by Mme. Bunau-Varilla in Highland Falls, N.Y., with silk purchased at Macy's) was raised in Panama City. The nation of Panama was promptly recognized by the U.S. Immediately thereafter Buanu-Varilla (still in the U.S.) created the title of Envoy Extraordinary, and then assumed it himself.

Using his self-conferred title, Bunau-Varilla proceeded to draft the treaty which largely governs the Panama Canal to this day. The terms were essentially those of the Hay-Herrán Treaty, which had been flatly rejected by Colombia four months before. The differences were much more beneficial to the U.S. Under the Hay-Bunau-Varilla Treaty of 1903 the size of the Canal Zone was increased by 60 percent, to a width of ten miles. The U.S. was allowed to station armed forces where it wished. To define jurisdiction in the Zone, Bunau-Varilla drafted a simple formula:

"The Republic of Panama grants to the United States all the rights, power and authority within the zone mentioned . . . which the United States would possess and exercise if it were sovereign of the territory . . . to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority."

With this document, the 12-day-old country of Panama signed away a portion of itself to the United States. No Panamanian was present at the historic moment. The cost to the U.S. was $10 million initially, followed by an annual sum of $250,000.

The energetic Frenchman, Bunau-Varilla, had realized his dream. A passage between the oceans would be finished at last. But the manner in which the U.S. gained rights to the Panama Canal under the treaty remains one of the great controversies—and dramas—of U.S. history.

Negotiations

Given the questionable circumstances surrounding the establishment of the Canal Zone, it is not surprising that the Panamanians have been seeking a new treaty. In 1936 and again in 1955 the U.S. agreed to revise the agreement, increasing Panama's annual fee and relinquishing the right of the U.S. to intervene in the internal affairs of Panama.

These revisions, however, did not remove Panama's most fundamental objection to the 1903 treaty—its allowance for the U.S. to exercise power as "if it were sovereign" over some 500 square miles of Panamanian territory. Dissatisfaction with the present situation erupted in demonstrations in 1959. Again in 1964 riots broke out in Panama in which three United States servicemen and 21 Panamanians were killed.

Negotiations toward a new Panama treaty begin in January, 1965, and have continued under Presidents Johnson, Nixon, Ford and Carter with little progress thus far. In February, 1974, Secretary of State Kissinger and Foreign Minister Tack of Panama signed a statement of principle which provides the basis for the present negotiations.

REASONS FOR NEGOTIATIONS

Panama's interests

Panamanians view the 1903 treaty as an anachronism—one of the last vestiges of U.S. "gunboat diplomacy" and colonialism. Their main objections to the 1903 treaty are as follows:

The U.S. exercises power as "if it were sovereign" over the most valuable section of Panamanian territory.

The U.S. maintains a full-fledged government in the Zone including its own police force, courts and jails to enforce U.S. laws on Panamanian as well as U.S. citizens.

The Zone divides the country in half, seriously hindering Panama's urban and economic growth.

Panama has no voice in the operation of the Canal and does not receive an equitable share of the economic benefits from the Canal operations.

The U.S. continues to maintain a formidable military presence in the Zone.

The U.S. controls all facilities servicing Panama's deep water ports and limits Panamanian participtions in commercial enterprises in the Zone.

U.S. interests

The goals of the U.S. in the negotiations are to develop a new treaty relationship with Panama which would:

Provide a long-range assurance of a secure, efficient canal that is open to world shipping without discrimination.

Reduce sources of friction between the U.S. and Panama over past policies.

Clearly show to the rest of Latin America U.S. interest in cooperation rather than confrontation in solving differences of opinion which affect U.S.-Latin American relations.

STATUS OF NEGOTIATIONS

The U.S. and Panamanian negotiations have reached agreement on three main points. As described by Ambassador Ellsworth Bunker, the chief U.S. negotiator, the provisions agreed upon are:

(1) Jurisdiction over the Canal Zone will pass to Panama through an agreed transition, with the United States returning the right to use those areas necessary for the operation, maintenance and defense of the Canal;

(2) Operation of the Canal during the duration of the treaty will be primarily the responsibility of the United States—with growing participation by Panamanians at all levels in the day-to-day operations of the Canal in order to prepare for Panama's assumption of this responsibility at the time the treaty terminates;

(3) Defense of the Canal will be primarily the responsibility of the U.S. during the life of the treaty, with Panama granting "use rights" for this purpose and with Panamanian participation in accordance with its capabilities.

Details have yet to be worked out on numerous unresolved issues:

(1) The duration of the treaty, which the Panamanians have been unwilling to extend beyond the year 2000;

(2) The amount of economic benefit to be derived by Panama;

(3) The right of the U.S. to expand the size of the Canal in the future if it wishes to do so;

(4) A formula acceptable to both Panama and the U.S. concerning the ongoing neutrality of the Canal after the treaty ends; and

(5) The size and location of the land and water areas needed for defense and operation of the Canal.

MAJOR ISSUES

If these issues could have been resolved easily, a new treaty would have been signed long ago. But strong arguments can be made on both sides on a number of points.

The economic issues

The Panama Canal has long been of great value to U.S. commerce and is a vital artery for world trade. In recent years about 17% of all U.S. export and import ocean-going business have used the Canal. Of the total cargo tonnage transiting the Canal each year, about 35% goes to, or comes from, ports in the U.S.

The Canal is even more important to the commerce of Panama and other Latin American nations. More than 30% of Panama's foreign exchange earnings and 13% of its Gross National Product are attributed today to the Canal. More than 50% of the foreign trade of Nicaragua, El Salvador and Ecuador moves through the Canal. In recent years, however, the share of Panama's GNP attributable directly or indirectly to the Canal has slightly diminished as other sectors of Panama's economy have expanded. At one time, for example, over one-third of Panama's GNP was derived from the Canal.

While the Canal continues to be an important avenue of international trade, two factors may affect the future importance of the Canal for world trade. First, tolls for the use of the Canal must be increased in the future for the waterway to continue to be economically viable. Tolls were little changed until 1974 when they were increased 20%. It is expected they will have to be increased again in the years ahead, thus making the Canal less competitive with other international trading routes, such as transcontinental railroad shipments.

The second factor affecting the future economic importance of the Canal is the increasing size of ships. Neither supertankers nor large container ships can presently use the Canal. As a result, the Canal may become less important in recent years as the trend in larger shipping continues. It is clear for the present, however, that any prolonged disruption in Canal traffic would cause serious disruption in world trade and would be a serious economic blow to Panama.

Opponents

Critics of a new treaty claim that the best way to insure the continued economic importance of the Canal is for the U.S. to maintain its control over the waterway. The U.S. should begin a modernization program to expand the Canal, thus increasing the economic benefits.

Opponents go on to point out that the Canal is a highly sophisticated operation which requires U.S. technological expertise. It can never be adequately maintained by a small, underdeveloped country with few technical experts and inadequate financial competence. Nor could Panama undertake the task of modernizing the Canal, opponents claim. Left to control the Canal, Panama would probably be forced to increase tolls, thus driving away carriers by making alternative world routes more feasible. Bankruptcy and political unrest would follow. According to opponents, a Canal closure would have serious repercussions on various sectors of the U.S. economy, such as the coal industry in West Virginia or the grain belt in the Midwest.

Proponents

Those who advocate a new treaty point to a recent report indicating that only 1 percent of the U.S. GNP passes through the Canal. Moreover, a Library of Congress study states that "Many alternative trade routes exist for the most important commodities and more would become economically competitive if the Canal were closed."

Proponents of a new treaty calim that continued U.S. dominance over the Canal will not insure long-term economic stability. On the contrary, if the U.S. insists on maintaining the status quo it runs the risk of creating increased political discontent in the region. This could result in damage to, or the closing of, the Canal. A cooperative management of the Canal, resulting from a new treaty, would best assure the continuing economic stability of the waterway and at the same time neutralize present resentment in Panama over U.S. dominance in the region.

Advocates also point out that Panamanians already comprise more than 80 percent of the employees of the U.S.-owned Panama Canal Company (which has the responsibility to operate the Canal). While only a small number of these individuals are presently in management positions, after a period of U.S. training Panamanians will be able to share more equally in the technical burden of operating the Canal. By being reasonable, proponents claim, a new treaty can symbolize a new economic partnership between the U.S. and Panama which insures world carriers of an open, neutral Canal for many years.

The legal issues

Ever since the signing of the 1903 treaty, questions have arisen over the rights the U.S. is entitled to exercise within the Canal Zone. Some have attempted to compare U.S. interests in the Zone with our historical claims to Alaska and the Louisiana Purchase. The debate over the question of U.S sovereignty has become more pronounced as the final outline of a new treaty becomes clearer.

Opponents

Critics of present negotiations argue that the Canal Zone and the Canal itself are legally acquired territory, paid for and developed by the United States. With the 1903 treaty and the payment of $10 million, the U.S. replaced Panama "in perpetuity" as sovereign in the Zone. Both the 1936 and 1955 treaties reaffirm this U.S. control over the Zone.

Moreover, opponents claim, conveying rights to the Canal to Panama would be comparable to returning Alaska to Russia or the Louisiana Purchase to France. Indeed, U.S. courts have held on a number of occasions that the Canal is U.S. territory. In the 1907 case of *Wilson* v. *Shaw*, for example, the Supreme Court of the U.S. said: "It is hypercritical to contend that the title of the United States to the Canal Zone is imperfect and that the territory described does not belong to this nation because of the omission of some of the technical terms used in the ordinary conveyances of real estate."

Proponents

Advocates of a new treaty strongly disagree with this view. They believe that a careful reading of the 1903 treaty reveals that the U.S. clearly does not have sovereignty over the Panama Canal. The $10 million payment was not for the purchase of the Canal Zone, but in compensation for rights, power and authority the U.S. would exercise there. Moreover, the 1903 treaty is clearly different from the conveyance of the Louisiana Purchase or the buying of Alaska because in the Canal Zone the U.S. acts under the treaty only as "if it were sovereign."

If the U.S. were sovereign, advocates point out, anyone born in the Zone, regardless of the nationality of his or her parents, would be an American citizen. But persons born in the Zone of Panamanian parents are considered by our government to be Panamanians, not Americans. If the U.S. were sovereign, moreover, the American flag alone would fly in the Zone, and the Canal Zone would have delegates in the U.S. Congress. But our flag flies along with the Panamanian flag in the Zone, and there is no representation in Congress.

As for legal precedents, advocates point to other court decisions which make indefinite the question of ownership and sovereignty. For example, in *Luckenbach Steamship Co.* v. *United States* the Zone's ports are considered foreign ports for the purposes of transportation of the mail. And in a 1948 case (*Vermily Brown* v. *Connell*) the Supreme Court referred to the Zone as "admittedly territory over which we do not have sovereignty."

The strategic defense issues

The Panama Canal has long been considered by military experts as strategically important to the U.S. because of our dependence on the sea for large-scale logistical support. It has been used effectively for the rapid shifting on military forces and supplies between the oceans. The Canal, in short, has provided flexibility to our defense operations in the past.

The Canal's strategic importance has diminished, however, with the advent of aircraft carriers and nuclear submarines which are too large to use the waterway. In addition, the Canal's vulnerability to attack is one reason that U.S. policy planners have come to prefer alternative routes for the movement of military forces and equipment.

There is today in Panama an American military force of about 22,000 persons, including dependents. They are there to carry out the U.S. responsibility under the 1903 treaty to defend the Canal. The actual combat and support forces total about 9,400. For the use of 14 military bases in the Zone, the U.S. pays Panama $1.9 million annually. By comparison, we pay $20 million annually for three bases in Spain.

Opponents

Those opposed to a new treaty believe strongly that the only way to insure that the Canal remains open to international traffic is for the U.S. to retain responsibility for the defense of the Canal. They argue that the continuing importance of the Canal to U.S. interests is too vital to be left in the hands of the Panamanians.

History has shown time and again, they point out, the importance of flexibility in military maneuvers, and the Canal provides such versatility. In addition to such logistical considerations, the U.S. presence in the Canal serves as a strategic deterrent to increasing Communist influence in Latin America and as a stabilizing factor for pro-U.S. governments in the region. Moreover, opponents add, Panama's small National Guard is totally incapable of defending the Canal from attack.

Some opponents also assert that the present Panamanian regime of General Omar Torrijos is a Communist-oriented government dominated by leftist radicals and influenced by Castro's Cuba. Panama is a land of endless political intrigue and turmoil. To convey rights and defense of the strategic Canal—the "juglar vein of the Americas"—to an unstable, undemocratic government would be the height of folly, according to treaty critics.

Proponents

Those advocating a new treaty dismiss these arguments as holdovers of the "gunboat diplomacy" mentality. They claim the Canal is clearly not as strategically important as it once was. According to them, three factors remain the key to understanding the Canal's diminished importance:

(1) It is extremely vulnerable to attack, not only by the sopisticated power of modern weaponry, but by a few skilled saboteurs as well.

(2) The U.S. now relies less on naval mobility and more on fleets operating independently in the Atlantic and Pacific Oceans.

(3) The inability of large aircraft carriers and nuclear submarines—the backbone of our oceanic defenses—to transit the Canal.

Proponents point to Defense Department estimates that 100,000 U.S. troops and intense logistical support would be necessary to defend the 50-mile long Canal from direct attack. This commitment would have to be continuous—and would cost many billions of dollars. They add that because of the Canal's vulnerability to attack, alternative military routes have long since been established in the event of hostilities.

As for the political leanings of the Torrijos government, proponents disagree that the present government is Communistic. They point to the fact that no responsible U.S. official either in the Department of State or the Department of Defense have said that Torrijos is a Communist. The present government is strongly nationalistic and comprises a number of political elements of both the left and the right. Indeed, proponents point out, Panama encourages a thriving private sector in the local economy. Advocates believe that the Canal issue transcends the ideologies of Panamanian governments. All past governments, be they military or civilian, have made clear their dissatisfaction with the treaty. A new treaty with Panama, emphasizing shared responsibilities over defense of the Canal, is the surest way of removing the major issue being exploited by the Communists, proponents argue, thus strengthening U.S.-Latin American relations generally.

CONCLUSION

In recent years, the Panama Canal issue has unfortunately been a victim of oversimplified logic. Opponents of the present negotiations decry the "give-away" of the Panama Canal while others in Latin America threaten violence to destroy this last vestige of American imperialism. Nationalistic emotions on both sides have been overheated and exploited for political reasons. The resulting delay in negotiations has seriously threatened the shaping of a workable compromise which would protect interests of both the U.S. and Panama.

The choice for the U.S. is not between a new treaty and the status quo. The choice is between bringing the concessions extracted from Panama in 1903 into line with modern realities, or facing some unsettling and possibly violent alternatives.

Those who oppose a new treaty must then be asked to be held accountable for the possible radicalization of Panamanians and indeed other Latin American nations. Those opposed to a new treaty must be willing to commit potentially 100,000 troops and tens of billions of dollars to Panama indefinitely, in order to protect the Canal from hostile elements in that region of the world. Those opposed to a new treaty must be prepared to deal with the growing estrangement of Latin American nations from an intransigent U.S. government—which encourages national independence on the one hand and yet stubbornly refuses to foster such independence in the case of Panama. Those who oppose the new treaty must ask themselves why they are unwilling to consider compromising with one of America's strongest historical allies in Latin America, and they must be held responsible if that alliance is broken by our inability to deal fairly with a former friend.

We live in a far different world than that of Teddy Roosevelt and Philippe Bunau-Varilla. As we approach the final decades of the 20th century the last of the major colonial empires—that of Portugal in Africa—has now been dismantled. As our industrial base has expanded, we have become more dependent on raw materials from other nations of the world and on constructive relationships which insure peace and guarantee the free flow of trade. We have become more dependent on alliances, and—in a nuclear age—less able to use the threat of force. In this modern age the 1903 treaty is an anachroism—a relic from a strangely attractive, yet vastly more simple, age.

But a new treaty, property drafted, will not exclude the U.S. from operation or defense of the Canal. On the contrary, I believe it will help to insure an open, neutral Canal for many years into the future. Both the U.S. and Panama have a great deal at stake in the negotiations which are now being conducted. Both parties have an essential interest in keeping the Canal open. Both parties would clearly be hurt if the Canal were closed.

The present negotiations are a test of whether two nations can work as partners in an enterprise of great importance to each of them. If we ignore the opportunity for cooperative change, or if we simply oppose a new treaty through neglect of the facts, our future relations with Panama will become vastly more forbidding and complex. But if we grasp this opportunity for constructive change we can both protect our vital interests in the Canal and strengthen our political and diplomatic influence with the emerging nations of Latin America for decades into the future.

IN TRIBUTE TO EDNA TAUFAASAU, WINNER OF LIBERTY BELL AWARD FOR SERVICE TO THE PEOPLE OF HAWAII

Mr. MATSUNAGA. Mr. President, during law week, the Hawaii Bar Association awarded its coveted Liberty Bell Award to the Honorable Edna Taufaasau for her many years of outstanding service to the people of Hawaii.

Mrs. Taufaasau, a former director of the Hawaii State Department of Personnel Services, will retire on May 31, upon completion of her current term on the Hawaii State Labor and Industrial Relations Appeals Board. A nonlawyer working in a law-related field, she was saluted by the Bar Association not for "monumental opinions of gem-like legal reasoning," but for "provding the necessary practical outlook of a lay person in a process which balances the rights of employees to appropriate compensation for work-related injuries against the rights of employers to provide benefits only to those legitimately entitled to them."

Edna Taufaasau can be justly proud of this award for she has brought the light of commonsense and pragmatism to public service at both the national and State levels. In 1959, when Hawaii became the 50th State, she was serving as Assistant Director of the U.S. Civil Service Commission Office in Honolulu. Upon my strongest recommendations, and because of her outstanding achievements in that post, she was selected by Gov. John A. Burns, in 1962, to head the important State Department of Personnel Services. In that post, Mrs. Taufaasau helped to create Hawaii's modern merit system, leaving the State with an outstanding body of well-qualified civil servants when she stepped down in 1969. As a member of the Appeals Board, which has jurisdiction over workers' compensation appeals, she has balanced compassion for injured workers with concern for the program's integrity.

Mr. President, I take this means of extending heartiest congratulations to this outstanding public servant. In the hope that her story will inspire others to greater service, I ask unanimous consent that an article about the Bar Association's tribute, from the Honolulu Star-Bulletin, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Honolulu Star-Bulletin, May 9, 1977]

Bar Honors Taufaasau

Edna Taufaasau, who will end many years of public service May 31, has been presented this year's Liberty Bell Award by the Hawaii State Bar Association as part of its celebration of Law Week.

The award is made in recognition of outstanding contributions and work by a nonlawyer in a law-related field.

Taufaasau will retire May 31 as a member of the State Labor and Industrial Relations Appeals Board, which serves as an administrative court to hear workers' compensation cases.

Before being appointed to the board in 1969 by the late Gov. John A. Burns, she served as the head of the State Department of Personnel Services.

Attorney Peter C. P. Char, who presented Taufaasau with the award, said: "During her long career of government service, she has worked for the people, including social work for those who are visually handicapped."

Taufaasau "has left her mark in the field of workers' compensation," he said, "not by monumental opinions of gem-like legal reasoning and research, but more importantly, by providing the necessary and practical outlook of a lay person in a process which balances the right of an employe to appropriate compensation for work-related injuries against the right of an employer to provide benefits to only those legitimately injured on the job."

TRUTH IN LENDING SIMPLIFICATION ACT

Mr. TOWER. Mr. President, I am pleased to join in the introduction of S. 1501, the Truth in Lending Simplification Act of 1977, aimed at correcting deficiencies in the 1969 truth in lending law which have served to confuse consumers about credit transactions, and have overburdened businesses with paperwork demands.

S. 1501 is a revised version of legislation which my distinguished colleague, Senator JAKE GARN and I introduced in the 94th Congress. It would correct unforeseen problems with the original law by returning the emphasis of truth in lending to information which can help the consumer to compare credit costs. In practice, the Truth in Lending Act has confused the consumer with too much information, inhibiting the ability to make sound credit decisions.

While the law was imminently well intentioned, consumers have been glutted with information on contract terms, raising legitimate questions about how useful the law is in helping the consumer make intelligent choices. Under S. 1501, only the essential items necessary for making credit choices will be required on disclosure forms.

Simplifying forms for the consumer will also simplify and reduce the paperwork for credit firms and small retailers, another objective of this legislation. A regulatory nightmare has been spawned as a result of compliance procedures imposed on small business and, ultimately, the American taxpayer is forced to shoulder the burden of a vast and costly bureaucracy established to write, interpret, and reinterpret truth in lending regulations.

The complexity of the Truth in Lending Act has also led to confusion and varying court opinions on definitions of terms in loan transactions. Clearly defined terms and consolidated sections will allow the Federal Reserve System and the courts to agree on the law's interpretation. We can clear up the confusion of the present law, and at the same time provide meaningful information to the consumer and reduce the paperwork of businesses.

Another important feature of the bill is the simplification of the advertising of credit costs to encourage more credit advertising. Disclosure at the time of the signing of the credit contract probably comes too late to perform a useful shopping function. On the other hand, truthful advertising offers the best mechanism for credit shopping.

The provisions of S. 1501 fall into three categories relating to simplification of the disclosure requirements, removal of ambiguities and improvement of the administration of the Truth in Lending and Fair Credit Billing Acts. More specifically, the bill would:

Simplify the Truth in Lending Act by exempting agricultural credit from truth in lending disclosures and eliminating disclosure of items such as closing cost charges unrelated contract terms, default provisions, and a description of security interest;

Resolve ambiguities by allowing verification of credit information in open-end accounts, eliminating the right of recission in vacant lots, making clear that fees absorbed as overhead need not be included in the finance charge and clarifying the disclosure of the amount financed;

Improve the administration of the Truth in Lending and Fair Credit Billing Acts by authorizing the Federal Reserve Board to file annual reports on a consolidated basis, allowing for form changes by industry on an annual basis with a 9-month leadtime, requiring annual rather than semiannual mailing of billing rights notifications, simplifying the requirements for the identity of transactions under the Fair Credit Billing Act, deleting the Federal Reserve's authority to administratively designate unfair billing practices, correcting inequities in the procedure for exercising the right of recission, simplying the advertising of credit terms, and eliminating civil liability where there is substantial compliance.

Mr. President, it is imperative for Congress to take prompt action on this much needed reform measures.

IRAN AND THE INVOLVEMENT OF THE UNITED STATES

Mr. EAGLETON. Mr. President, the Washington Post has recently published a penetrating series of articles on Iran which are distinguished for their clarity of expression and deep insights into conditions in that Persian Gulf country. The writer, an American who is married to the daughter of a high Iranian Government official, has had unusual opportunities to meet Iranians and Americans at various levels during his travels. Accordingly, the reporting and analysis set forth in his series are worthy of serious attention.

What happens in Iran, to understate the obvious, is important to the United States for several reasons. We helped block Soviet expansion into Iran after World War II. We were intimately involved in the Shah's coming to power. During the past quarter century we have provided generous amounts of economic and military assistance. Iran's oil supplies are important to the world economy, contribute to stability in the Middle East, and her geopolitical situation acts as an obstacle to Soviet expansion toward the Persion Gulf. We enjoy special intelligence facilities in Iran.

I have been troubled about the course of United States-Iranian relations for some time, and particularly since visiting Iran in November 1976 with a Senate delegation chaired by Senators RIBICOFF and BAKER. Upon our return Senator CULVER and I filed a report expressing our concerns. We pointed out Iran's lack of stable political institutions. Despite a "foundation of mutual interests", we wrote, "our relations with Iran today are far too dependent on a highly personalized relation with the Shah." Reports of torture, widespread human rights violations, secret police suppression in and outside of Iran conflict with American values and standards of conduct.

Senator CULVER and I also pointed out the dangers to United States-Iranian relations because of "Ugly American" frictions caused by the huge numbers of American military technicians now living in Iran. We pointed to the dangers inherent from the huge and well-publicized arms sales of recent years—intensified dangers because the Iranians are simply unable to absorb our highly advanced technology so quickly.

Mr. President, the Washington Post articles are replete with documentation of the concerns which Senator CULVER and I expressed. A review of the series titles underscores the seriousness of the situation: "Shah's Vision of Progress Clashes with Iran Reality"; "Army is the Keystone of Shah's Power"; "SAVAK: A Feared and Pervasive Force"; "SAVAK Said at Work in Washington"; "Arms Quarrels Strain U.S.-Iran Ties"; "The Shah's Americans."

Frankly, Mr. President, I found "The Shah's Americans," to be the single most disturbing piece of overseas reporting in many years. The article is comparable to the early Vietnam reporting of Bernard Fall and David Halberstam. The same telltale signs of an unhealthy American impact on the Vietnamese culture are showing up in Iran: trying to make another America along the Persian Gulf; buying American food at reduced PX prices: ignoring native food; living apart from natives in exclusive, subsidized houses; showing little comprehension of a rich local culture; drunken motorcycle rides through religious shrines; rubbing natives' nerves raw. It is the Saigon crowd again representatives of an official Washington policy which is ignorant of its inherent contradictions and frictions, unwilling to circumvent short-term profit for long-range benefits. This course, if we persist, will be neither in the best interests of Americans or Iranians.

Because I believe my colleagues will benefit from the Washington Post series I ask unanimous consent to have the articles printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 8, 1977]

SHAH'S VISION OF PROGRESS CLASHES WITH IRAN REALITY

(By Richard T. Sale)

If she did not get treatment quickly, his wife would die, the doctor was telling the peasant.

We were in the room of a hovel in a village near Karaj, Iran. The doctor and I had entered a small, enclosed mud yard that had a row of low sheds at the back. The yard stank of human filth and was a litter of hoes, shovels and farm tools.

Now, inside, the peasant, who must have been 60 and who spoke only Turkish, stood and listened. He wore a sheepskin cap, his earnest, weak eyes had bushy brows, a gray stubble covered his deep-sunk cheeks. He smiled in a silly, attentive uncomprehending way, showing his bad, gapped teeth.

Nearby, his wife sat at the center of the small, bare floor. A tiny baby rested on her stomach, while another, naked under its dress, moved fidgety and crablike on the floor. There were no furnishings in the room; no tables, no bed, no electric lamps. Weak light came from a kerosene lamp, and a cheap kerosene heater took the chill off the room. The woman kept bracing herself upright, her eyes glazed and unseeing, away within herself.

The poor villager, who had never traveled much, was talking to a U.S.-educated doctor from Tehran who wore $200 suits, owned his own hospital, had two summer houses with swimming pools and made $240,000 a year. Linguistic and cultural differences made the two men unintelligible to each other.

The peasant was speaking, making gestures. He had to work at Princess Sham's palace and who would look after the children. His wife could not go to the hospital. The doctor exploded in oaths: She would die, did he understand? The peasant thought, then looked at the doctor shyly and shrugged, "Then she dies."

The shah's government claims that Iran is modernizing rapidly, that, thanks to its newfound oil wealth, it will be on the same industrial level as France or West Germany in less than a decade. It is an extravagant claim that overlooks the agricultural, peasant based, religion-ridden nature of Iranian society. For the majority of Iranians, the pattern of life is changing only very slowly.

Although it is the shah's habit to speak of the "Shah-People Revolution" as if it has fused his nation into a single cohesive mass, there are 61,000 villages just like the one near Karaj. Most lack piped water, sanitation, doctors, electricity; the villagers' diet of rice is so poor, the doctor from Tehran said, that people exist on four to five grams of protein a week. People hunt for undigested oats in the droppings of horses.

It's all skin deep said an Iranian art student in Teheran. Many Iranians feel that the shah underrates the conservative, Third World nature of Iranian society. Iran is a political entity embracing several nationalities—Armenians, Jews, Kurds, Arabs, Turcomans, Azebaijanis, plus the great Persian tribes: the Lurs at Zagros, the Baktiari near

Isfahan, the Quashq near Shiraz, the Baluchis to the south.

Each of these groups has tenacious loyalties to its own region, customs, traditions and language, and resents its subjugation by Teheran. More than a quarter of the country does not even speak Persian, the sole official national language. Minorities cling instead to one of four major dialects.

Religion has given Iran the only unity its citizens have ever known. It is estimated that 98 percent of Iranians believe in Islam, 90 per cent of them in the state religion, Shiite Islam.

In 1935, when the present shah's father began building the six wide, asphalted avenues that run from Teheran ("hot place") up the Elborz Mountains to Shemiran ("cool place"), there were religious disturbances. For, according to the Shiite belief, the Shiite messiah, the hidden Eman, had to make his way to his people through the old crooked city streets.

The conservative temper of the populace has not changed much since then. Last year, when the shah changed the calendar from the Islamic one to a system of dating based on the coronation of Cyrus the Great, there were more disturbances. The country's worst riots in 13 years, these were led by religious leaders who equated U.S. aid with Iranian bondage and viewed the shah as an enemy of Islam.

The shah and his father shared the view that Islam stands in the way of Iran's economic development.

The father, Reza Shah, picked a pre-islamic name, Pahlavi, for his dynasty, forbade women to wear veils, set up secular schools to replace Islamic ones, put French or Belgian civil law in place of religious law.

His son, Mohammed Reza, has tried to be more tactful: He has claimed to have had religious visions, he has visited the Islamic shrines and employs reliable Moslem clergymen at court.

Yet the present shah's policy is basically the same as his father's. He sold the religious-administered lands, imprisoned the religious leaders. To modernize itself, the shah obviously believes, Iran must become secular.

"Pack of lies," said a government chaffeur throwing down a copy of the government newspaper Kahan on the front seat of the Chevrolet.

The shah often claims that the aims of the crown, and those of the masses are identical, and appeals to national pride by talking of military might and industrial glory. But it is one thing to control the masses through the police and another thing to mobilize their support for his programs.

Except for modern Turkey, no Moslem government before the shah's ever tried to develop European-style nationalism. Historically, Moslems were not political, but religious subjects. There was a great distance between the people and the crown, born of an indifference fostered by religion. "Those who ridicule the one-party system do not realize that under Islam, there was never any kind of legislative process at all," said an Iranian diplomat's wife.

Ostensibly a constitutional monarchy, Iran's system is labeled by the shah "progressive" or "national" democracy, as opposed to the weak, Western parliamentary kind. It is supposed to be "a well-ordered political and administrative organization in which the great majority of the Iranian people participate," according to the shah. In reality is a dynasitc dictatorship, based on police force and plebiscite.

The monarchy does appear to have the support, albeit passive, of the bulk of the people. The shah boasts of this support, pointing to a January 1963 referendum in which 6 million people approved his reforms by a margin of 12 to 1.

But, it is sometimes asked how legitimate is a referendum indicating 98 per cent approval when 80 per cent of the electorate is illiterate? As an Iranian painter noted, "When do the people really speak. A statement by the shah is a statement by the shah. It is a statement made in the name of the people, Not by the people."

Political parties were completely unknown in Iran until 1949, when the Communists formed the first one, the Masses Party. In 1957 and 1958, the shah establish a two-party system. This was mainly a tactic to help obtain U.S. aid, government insiders now concede.

The new one-party state, centered around the National Resurgence Party, was promulgated in March 1975. The joke in Tehran is that before 1975 there was the "yes" party and the "of course" party, and that since both were inefficient the shah decided to transform them into the National Resurgence Party.

A teacher in Tehran complained, "There's a new TV show about it every night, to brainwash the public. It's all false. Nobody believes in it, nobody. It's one fake pretension after another."

Yet this woman, so firm in her opposition to the shah, said: "Given the mentality of the Iranian people, it would be 10 times worse here under any other regime."

Iranian official spokesmen often speak of Iran's "national revival" and its "transformation from a backward, feudal rural society" to a country "about to enter the ranks of the world's most advanced nations." Yet the sheer growth of industrial output, without reference to agricultural production investment attitudes, is an inadequate index to economic development.

Land reform in Iran has been a failure.

"Do you realize that if the country were blockaded, Iran could only feed itself for 34 days?" a government official said.

From a position of self-sufficiency in the mid-1960s, Iran now spends $1.4 billion a year on food imports. making it one of the largest food importers in the world. The figure is expected to hit $2 billion in the current year and may well rise to $4 billion by 1985.

Urbanization is hardly widespread. While Tehran grows by leaps and bounds, such provincial cities as Mashed or Bandar Pahlavi have lost population. Even Tehran's boomtown growth is the result of agricultural depression, the mass abandonment of the countryside.

Industralization has been sudden, drastic and contrary to deeply ingrained modes of thought.

"The shah had only one source of his labor, and that was in the peasantry," a Cabinet minister said. Yet that peasantry believes in a religion that views Western aid as degrading submission and Western science as a new, vicious kind of ignorance.

"Iran is a very, very uneducated society," a Tehran investment banker said, "Fifty years ago" a painter said, "we didn't even have surnames."

Everywhere, I encountered utter disbelief in Iran's ability to handle advanced technology.

Seventeen of 20 nuclear reactors being built in Iran are in an earthquake zone.

The Soviet-built steel mill at Isfahan, set up in exchange for piping Iranian natural gas to the Soviet Union, is located where it cannot obtain proper coking fuel.

The official of a West German-built nuclear reactor spoke of Iranian nuclear technicians "stacking lead bricks" around the entrance to the reactor; of fission rods cracking; of an Iranian reaching to grasp heavily radiated materials with no protective equipment and no gloves saying, "It's hot."

"My God," the official said, "some of these guys don't know what germs are, and they want to learn about radioactivity."

There is nothing in Iran's past to have prepared it for the complexities of industrialization. "You have to remember," said an American who lived in Shiraz, "that all decisions for centuries were made in regard to subsistence—life was fixed, immovable."

Traditional Islamic education, with its parrot-fashion memorization, has been no help.

"They memorize a goddam book once, and it's supposed to be good forever," said an executive of McDonnell-Douglas. "You try and tell them a technique is changed, been updated, and they say they know—they read the book."

A helicopter pilot for Sikorsky said that Iranians "can't react, can't improvise in response to the spur of the moment." He said that Iran had lost five giant model 212 minesweeping helicopters "because no one could make up their minds who was flying the ship." The 212s cost $3 million apiece, plus $2 million in spare parts contracts. "They crash a lot of goddamned planes," said a U.S. military man.

Iran is full of foreigners who do the work that Islam has taught Iranians it is humiliating for them to do. Lower-caste Pakistanis, Indonesians, Arabs sweep the streets, pick up refuse, shine shoes, do the scut work of the cities. Koreans and Filipinos do almost all the maintenance for Iran's air force. Drivers from Portugal and the Philippines keep Iran's transport system moving. Americans, West Germans, Japanese—almost as house servants, no matter how highly they are paid—keep the industry of Iran running.

"Iran will never industrialize," said a young journalist in Tehran. Deep-rooted attitudes account for the waste and inefficiency, he said. Many Iranians believe that there is a basic anarchy in the Persian temperament that defies technology and will not submit to it. "The Iranians are genuine humanists," said a professor of history at the University of Tehran. Accordingly, they believe man is the supreme end, a machine only an inferior means.

An American consultant for Emerson Electronics said, "We deal with things in a purely technical way; they see no sense in it."

An Iranian corroborated this: "You think we are careless, inefficient, but when we do what is wrong, we fall of our own free will, and is that not a kind of freedom?"

The speaker was a student pilot.

By their slowness, their ineptness, Iranians are waging a kind of guerrilla war against a modernization they do not want.

But the shah does want it and his is the operative vision. If his nation is to be great, he has said, it must modernize as fast as possible, race to build itself up before the revenues from its diminishing oil run out.

The shah has been compared to Peter the Great, the modernizer of 18th-century Russia. But, as Rousseau wrote of Peter:

"He saw his people were uncivilized. He tried to turn them into Europeans instead of making them Russians. He urged his subjects to be what they were not, and so prevented them from becoming what they might have been."

What the shah is attempting may lie not beyond the capacity of his vision but beyond the character of his people.

[From the Washington Post, May 12, 1977]

The Shah's Americans

(By Richard T. Sale)

The Bell Helicopter complex is at Isfahan, its modern office hidden deep in the city in an unmarked cement building close by the local Pepsi plant. The Bell people were not happy to find a reporter at the door.

Are you really an American? They asked. A credential? Well, we can't talk here: Phones are tapped, there are microphones in the walls. Could we go for a drive?

In the car, the boyish brown-haired 35-year-old man was saying, "You never know. Here if you talk about something they don't like, you're out, 24 hours later, you're out—with no time to sell your household goods, your car, your other possessions. And you never know what they are going to regard as being harmful to their security? They change their minds every minute."

Suddenly his small car stopped short, we had almost collided with a jitney cab. "Can you imagine giving a constitution to this bunch of monkeys?" he asked rhetorically.

For America, Iran has become big business. Non-oil U.S.-Iranian trade rose from $400 million in 1972 to more than $2 billion in 1975, quintupled. Iranian-American arms deals have totaled $15 billion over the past six years, including expensive U.S. support-service contracts. Each year, the American presence has grown. There are now 31,000 Americans in Iran.

Yet passing money has not made Iranians and Americans friends. "The conclusion is inescapable that Iran's industrialization, so drastic and so sudden, is being supported by Americans on high salary with no interest in the country and an active dislike of its people," said a former AID official at the State Department.

"You are not really travelers," said a young Tehran painter. "You are tourists. A traveler is interested in what is done differently from his own country. You Americans resent everything that is not exactly the same as what you have at home."

"Our ambition is to make as much of America out here as we can," said the wife of a Bell technician at Isfahan. "We owe it to our children."

The Americans stationed in Iran rarely make any attempt to eat the native food. They buy their goods at reduced prices at the PX, their housing is subsidized, they live apart from the natives. They have their own schools, and their socializing is done together. "They make it insultingly plain that they are used to better at home," said a Pakistani diplomat's wife.

The Defense Department forbids Americans to consume local dairy products, claiming that they do not satisfy U.S. pasteurization standards. Special flights of C–130s bring in tons of milk; milk, eggs and butter of "acceptable quality."

The insult is not lost on their hosts. "We eat them, the whole country eats them, and we are not sick," a Tehran schoolgirl said.

An American businessman and his wife were booked by their Iranian hosts at the Park Hotel, considered by most European visitors to be the most gracious in Tehran. The couple left because they "stay only in deluxe hotels and calling the Park deluxe is really stretching the word a bit."

They switched to the Hilton, but sitting in the lobby of the American-built hotel full of unconvincing modern copies of Persian furnishings, they complained that the furniture looked as it had not been changed in 10 years.

"A main bond of association for Americans abroad is to run down the country they're in," said an American woman, divorced from an Iranian who works for the Ministry of Science.

Shortages, high prices, the crooked character of Persians, attempts to cheat them—these are constant themes of private American conversations. Such talk helps create an impression among the Americans that they are encircled by hostile forces, and they make little or no effort to break the circle by taking an interest in the local culture.

"Most of you do not do us the courtesy of knowing our language, although we know yours," an Iranian engineer said.

Most Americans know nothing of Islam, either. The result is that they often see something sinister where there is only something different.

An American woman wrote of houses in Iran being surrounded by walls; she felt it spooky, not knowing that walls around houses were built for the seclusion of women, a requirement of Islam. A man who worked four years in Iran for the State Department remarked that Persian men seemed to shave only when they had to, that most displayed a spiky, heavy growth of three or four days. "A little beard is pleasing to Allah," was the reply. What he had thought was uneptness was in fact religious observance.

Bell, like many American defense contractors in Iran, is involved in training, maintenance and support for the Iranian military. The shah's helicopter force is second only to the U.S. inventory. He has 500 military Bell helicopters, plus another 100 Augusta Bell models.

Since Iran's shortage of skilled labor and technical management is acute and chronic, Iran has had to rely on Bell to keep the Iranian helicopter fleet flying.

Bell says its machines are of the latest military type. They need eight to 10 hours of intensive maintenance for every hour of flight. Bell's contingent is the largest American group in Iran, including the military. As of April 1975. Bell had more than 1,700 active employees there and 6,000 dependents. Those numbers increased by 8 percent last year.

Isfahan, where the 45-acre Bell base is located, is a sizable city 457 miles from Tehran. It is said to contain more blue onion-domed mosques than any other city in Iran. To make the overseas assignment attractive, the home company offered financial enticements; tripled salaries and boosts in position. There were also tax breaks that amounted to a federal subsidy.

Bell told its people Iran was a hardship post and tried, largely in vain, to discourage families from going along. But for the normal two-year assignment, the rewards looked big, and many took the bait. A Bell personnel official described the community his company brought:

"What you have here are ex-military professionals, the guys who liked Saigon, the mid-level fellows who don't know any other way of making a living. The money's good, so they came."

Said a friend of his, "I don't know why we seem to have chosen to recruit so many of our people from the jails of Texas and Tennessee."

It's a rough, tough, knock-'em-back, country-music, Coors beer-drinking crowd. They are arrested frequently for starting fights, for public drunkenness. They have ridden their motorcycles through the great Shah Mosque, one of the most sacred Moslem shrines in the city, the equivalent of "playing your transistor during an audience with Pope Paul," said an American secretary.

At the base one night, a pilot, married to a German girl, beat her up. That night she slit his throat. A language instructor for a Bell subcontractor summed it up: "Most are out of their depth. They're poor white trash here for only one reason: to make beaucoup bucks."

The psychological stresses of isolation, of inedible local food, of not knowing the language, the shortage of women—these were bad enough, but the real shock came when the American community realized that the shah was going to run a strict shop. To leave the country Bell employees need exit visas that must be approved by the government every three months.

"The way to become paranoid is to hang around us a while," said an instructor for Telemedia, a Bell subcontractor.

Upon arrival, Bell employees are instructed never to refer to the shah by name in public nor to mention the Empress Farah Diba, except in code. One overheard criticism and a Bell employee could find himself on a plane, with most of his personal possessions confiscated. So, among the Americans of Isfahan, the shah—King of Kings and Light of the Aryans—is referred to as "Fred," "Clark Kent" and "Pepe." As a couple, the emperor and empress are called "Ken and Barbie" or "George and Martha."

Iranian security at the base is strict, and punishment for violations swift. A man took a photo of a F–14; he was gone. Another was found walking in a restricted area; he was shipped home. Another was expelled from the country for lacking proper identification while on the base.

"There is literally nothing to do," said a Bell English teacher. Leisure means beers at a local hotel bar, griping, playing bridge, seeing a movie now and then.

One night near Christmas, in Isfahan, a big event for the evening was to go up the street to an English language theater showing "Anatomy of a Murder."

"Christ, I've seen the Goddamned thing already 10 times," a Bell technician said. But he went.

Islam keeps the sexes rigidly segregated. "Just getting a spot of leg here can really be awfully difficult," a pilot said. The boys were sending a colleague from Isfahan down to Shiraz to reconnoiter after reports that the Iranian government ran some brothels down there.

Despite the American attitudes toward them, the average Iranians are eager to be liked. They are proud of their civilization: its art, its poetry and its tradition of hospitality. When I indicated a knowledge of certain Persian traditions, a cab-driver refused to let me pay. Even fumbling attempts to speak Farsi are met with delight and assistance. The generosity of the most common, ordinary peasant is embarrassing: You ask for a cigarette, and he tries to press the whole pack upon you "Iranians are only primitive in their knowledge of machines, not people," said a diplomat.

Perhaps the heaviest blow for the Americans fell Oct. 4, when President Ford signed into law new tax rules that cut the amount of foreign-earned income that is exempt from U.S. taxation. The new rules reached back to Jan. 1, 1976, which meant the most Americans abroad owed considerable additional taxes, since their withholding rates had been based on the old levels.

The companies promised to make good the losses, but the change meant complications, company staff cuts, an increase in foreign competition.

"It's suicidal," said the president of a California road-building company in Iran, "It'll drive us out, and Japan and West Germany will take over."

For others, it shattered any hopes they might have had. Said one sad-faced, chubby Bell housewife: "I wanted to buy things when I got home: a house, stuff like that, and where could I make the money I could here? Now all I'm doing is counting the days until I get out. I'm never coming back."

[From the Washington Post, May 13, 1977]

ARMS QUARRELS STRAIN U.S.-IRAN TIES

(By Richard T. Sale)

When Gen. Hassan Toufanian, Iran's Chief arms-procurement officer, arrived in Washington in late January 1976, he was in a constrained rage and bearing the shah's personal instructions.

For months, Iran's discontent with its U.S. arms deals had been building. Inflated spare parts and service costs, programs overruns, delays, rising prices—the situation had become intolerable to the shah.

Jan. 19, meeting over a Pentagon lunch with Secretary of Defense Donald H. Rumsfeld, Toufanian bitterly expressed the shah's discontent. According to Iranian sources, Rumsfeld insulted the shah's representative, undoubtedly not realizing that for Iranians, it was tantamount to insulting the shah himself.

Rumsfeld responded to Toufanians complaints by saying the difficulty was that Iran was corrupt, according to persons who have read Iranian internal reports of the meeting. Toufanian replied that Rumsfeld was "uninformed" and "not his own man."

Toufanian said, "How can Iran be responsible for Grumman and Litton cost overruns as reported by your own U.S. press?" He then asked the defense Secretary, the Iranian version continues, if Rumsfeld thought His Imperial Majesty a fool.

Angered, Rumsfeld is alleged by sources to have said to Toufanian, "Don't try and get around me. Remember, Kissinger and I have to approve all exports."

Since that exchange more than a year ago, the situation has not improved.

"It's raw, it's awfully raw, more than anyone dares show," said an insider on the American side. He was referring to Iran's worsening mood over its U.S. arms dealings. Said another, "From the way we've behaved, they're lost all trust in us."

For the U.S. military, sales to Iran have become a major instrument of foreign policy. American arms sales to Iran have totaled more than $15 billion during the past six years, making Iran the single largest purchaser of U.S. equipment. Most of the American defense contractors who were involved in Vietnam—companies like Hughes, Litton, Grumman, Bell—are deeply involved in Iran as well.

"In Iran, U.S. contractors knew they had a sucker for a customer," said a veteran intelligence official. Arms experts point out that while Iran's army is well equipped and well trained, the doctrine of U.S. foreign military sales has been "Sell, sell, sell."

The attempt to use arms deals to help correct the cash-flow imbalance created by oil price rises has "totally confused the difference between an arms balance and a military balance," the source said. Superiority of numbers is not superiority of performance, as the Arab-Israeli wars have proved.

Yet, if Iran claims to have been burned by bad deals, it is hardly shy of the fire. The shah is pressing the Carter administration for even more arms than Iran received under President Ford.

Pending deals include Iran's purchase of 250 land-based F–18 fighters from Northrop, the nation's third-largest defense contractor, for as much as $4 billion—a contract Northrop President Thomas V. Jones claims could double his company's size by 1984.

Just last month, Washington approved a $1.1 billion Iranian purchase of seven Boeing 707 airlines for an early-warning system known as AWACS. The planes contain the most advanced airborne warning and control systems.

It was in May 1972 that President Nixon, on his way back with national security adviser Henry Kissinger from talks in the Soviet Union, landed in Tehran for a 24-hour stopover. In an unprecedented decision, Nixon agreed to sell the shah the highly advanced F–14 fighter plane and any other kind of conventional weapons systems. Within a year Iran became the bazaar for an American arms bonanza as the three military services and arms salesmen converged on Tehran.

"What you had were corporate experts whose whole purpose was to convince the shah he needed every weapon they had in the sales brochure," said a highly placed Pentagon source.

Secretary of Defense James Schlesinger saw the inequity of selling sophisticated hardware to a Third World country that could not absorb, operate or maintain it. In 1973 he sent Richard R. Hallock as his personal but unofficial representative, as "a kind of technical inspector general" to advise the shah on weapons purchases, according to a knowledgeable account. Hallock is the man who got the U.S. army to adopt the M–16 rifle and is a recognized authority on organizing intelligence activities.

Although only a retired U.S. Army colonel, a civilian with no official position, Hallock was put to work on Iran's most sensitive defense projects—the Strategic Tailoring Plan, an overall defense system, mainly for the air force; Project Seek Sentry, an air defense radar network; Seek Switch, a multibillion dollar integrated civilian-military telephone system; IBEX, a commercial electronic surveillance system operated with CIA help.

The specifications for Seek Sentry were written by the shah himself. They required that radars, able to pick up objects flying as low as 500 feet be placed on 41 mountaintops in Iran. The program was to have cost $2 billion and would have overstretched Iran's manpower and technical capacity, Tehran and Pentagon insiders say.

Just as he had with IBEX and Seek Switch, Hallock cut Seek Sentry way back. "He reduced it by a whole order of magnitude," said Maj. Gen. Alton Slay, head of the U.S. Air Force Research and Development.

At every meeting the shah had with Toufanian and U.S. Ambassador Richard Helms regarding top-secret projects, Hallock was present. For the U.S. military mission in Tehran, which had always been the chief influence in arms-sales matters, the exclusion bred bitterness.

In September 1975, an official senior civilian representative from the Pentagon arrived. He was Eric Von Marbod, a former Pentagon comptroller. Hallock did not enjoy being displaced. "It was like tying two cats together by their tails and hanging them over a clothesline," said a Pentagon source.

The one thing that remained unchanged was the conduct of American arms contractors, who congressional sources say were "wildly out of control."

For example, in Sept. 1976, Jones, Northrop's president, got Toufanian to sign a letter to the Pentagon saying Iran wanted to buy 250 F–18 fighters. Experts say this was practically a duplication of Iran's already existing order for 160 F–16's, for which Iran is paying $9 billion. 'They're a comparable airplane," said a U.S. Air Force general.

"It's like Vietnam," a former consultant for Northrop said. "First we sell it to them, they don't work it as well as we do, so we end up operating it ourselves."

There are serious allegations that U.S. contract personnel have been involved in past Iranian military operations.

In Tehran, several contractor sources claimed that U.S. and British pilots, while supposedly advisors, actually flew close ground support in the Kurdish rebellion against Iran and have been flying spy flights over the war zone of Oman. Disguised as training missions, the planes used were F–14s, some of those sold to Iran under a government-to-government military sales contract dating from 1975.

It was that kind of plane that was shot down by a rocket over South Yemen Nov. 27, 1976. Iran immediately claimed pilot error on a training mission and demanded immediate return of the crew and wreckage. "There could well have been an American pilot on that plane," said a former consultant for Northrop in Tehran. There were rumors in the capital that the pilot was indeed American.

The Pentagon has denied the allegations, saying it saw no reason to disagree with a recent U.S. Senate study of arms sales to Iran that said no American personnel had ever been involved in combat for the Iranians.

Yet a top staffer on a congressional intelligence committee said, when asked about the allegations, "I have evidence, but we can't, I don't think we should, give you evidence of that kind."

Meanwhile, Iranian indignation with the arms situation has continued to grow. In Tehran this year, Gen. Toufanian was claiming that it cost $100,000 a year merely to get a low-level U.S. aircraft mechanic to stay and work in Iran.

There was also shocked anger over incredible, unanticipated price rises. In a 15-month period American inflation had caused a $2 billion additional charge on arms bills that already totaled $10.4 billion. In another instance, just three months after General Dynamics had quoted a $2.1 billion figure for 300 F–16 aircraft in 1975 dollars, the Pentagon upped the price to $8.8 billion for only 100 of the F–16s. As a result, Iran angrily demanded that the contract be renegotiated.

According to a source who saw the unedited tape, when Barbara Walters was interviewing the shah for an ABC–TV special, she mentioned American arms merchants, and the shah lost his temper. The program had to be postponed while the scene was edited out.

To critics of military procurement, the shah's dissatisfaction comes as no surprise. They charge that Pentagon programs have habitually been mismanaged. Sen. William Proxmire (D-Wis.) claimed that as of June 1971, for example, cost overruns on some 45 major weapons systems amounted to $35 billion.

Economist Seymour Melman, another critic, has written: "The quality of production management in the military industry and the quality of its products are for the most part a closed book, inaccessible to outsiders."

According to a top congressional staffer, "The chief defect of foreign military sales is that to this day there is no mechanism of inspection for quality." One of his colleagues added, "America's inspection system is completely ineffective."

Where, for instance, the U.S. Department of Agriculture inspects grain sold overseas to guarantee its quality, the only thing that stands behind any arms deal is the word of the U.S. Government. "It's a system designed by contractors to screw the Iranians," said an intelligence veteran.

To many Americans, the U.S. arms relationship with Iran simply reflects "the whole problem of trying to do business overseas," in the words of an American who has dealt in Iran for 20 years. Commissions and kickbacks to middlemen to get orders "are part of the normal way business is done" there, he said.

"You're a fool if you go into a foreign country and try to reform the standard," he added.

Most American arms contractors are avoiding the anti-bribery scrutiny of federal regulatory agencies by using European subsidiaries to make the questionable payments to middlemen. According to a top official at Rockell International, "The U.S. company makes a total bid on a job in Iran, except its bid price includes the price of a 3 to 5 per cent payoff."

A former Iranian bank auditor claims that the payoff on corporate arms orders is much higher. "In private arrangements between agents and the subsidiary of the parent company, agents make as much as 20 to 40 per cent of the contract cost," he said.

According to the Rockwell official, it is the European subsidiary, that with the knowledge of its American parent company makes contact with the "foreign individuals" who accept the kickbacks.

"The genius of the system is that the U.S. company does not get involved. It knows the bids of its European subcontractor are inflated, but it accepts the padded figures. That way their own audit will be acceptable to U.S. authorities," the Rockwell official said.

Such kickbacks are often added back into the overall prices of arms contracts, according to Pentagon sources.

In public statements, Toufanian has claimed that if an American arms company can afford commission fees such as the $4.5 million paid to Ablomath Mahvi for landing the IBEX contract, Iran is hardly getting its arms at the lowest possible price.

U.S. officials claim that they are subject to many discussions that begin with an Iranian middleman saying such things as "It's a shame this is dragging out so long. If I only had 'X' amount of dollars, I could have the problem cleared up in two weeks." "It's time to take your hat and hit the road when you hear that kind of talk" said the veteran businessman.

Some Pentagon officials, recognizing that military sales are a major aspect of Iranian-American relations, claim that things are coming under control, thanks to the U.S. Arms Control and Exports Act, which polices all arms sales in excess of $25 million.

Pentagon optimism ignores such cases as Northrop's Jones, who "with his gift for building appetities" as a Pentagon official put it, got Iran to state that it was ready to spend $4 billion for a plane it did not need. This alarmed Pentagon officials so much that they asked for the assistance of the Senate Foreign Relations Committee to try to stop the sale.

Other U.S. officials say the outlook is gloomy. Said the intelligence veteran, a longtime observer of Iran, "Our relations are much more strained than they show, and all because of some damned arms salesmen."

"I wish," said a retired U.S. Air Force general involved in Iran, "both sides would be above-board."

[From the Washington Post, May 9, 1977]

SAVAK: A FEARED AND PERVASIVE FORCE

(By Richard T. Sale)

TEHRAN, IRAN.—The room had the usual signs of Persian hospitality.

At its end, in front of the glass-windowed bookshelves, a low wooden table stood dressed by a colorful cloth. A stack of plates and peeling forks stood between two neat pyramids of oranges, piled like little cannonballs.

The door opened. An imprisoned couple entered. The woman was short and dark, her head covered with a cheap cotton cloth that she clutched tightly under her chin. She nodded deferentially, "Salaam." Her husband, a short man with swarthy, sallow skin, also gave a greeting.

They sat down on one side of the long central table, facing the single, close-barred window eight feet from the floor. A Mr. Vadei, the interpreter, went and sat down on the other side, facing them.

They both wore those crumpled, deliberately mis-sized blue prison denims. The interpreter wore a tailored brown tweed suit with a large flowery tie that flowed down below his belt buckle.

Vadei had elegant manners, a friendly, hearty smile that rarely disappeared from beneath his bushy mustache.

"Go ahead," he said to me, "you may ask them anything you wish."

Prisons, the Iranians say, are located in every major city. In Tehran, the most important is considered to be Evin. It is said to include the chief torture facility of SAVAK, the Iranian secret service. Very few prisoners, it seems, are allowed to see close relatives, and no visitors at all are permitted.

Although it stands within two miles of the Royal Tehran Hilton, if one did not know where the prison was one would not find it.

After a right turn off the Shahanshah (King of Kings) Expressway, the village of Evin stands on both sides of a crooked road that runs downhill. At the bottom, there is: a pink, brick-walled compound built so close to the foot of a mountain that it is hard to see.

The military control it. Soldiers checked the car at the front gate. At the sight of Vadei, troops with M-16s, clad in khakis stuffed into paratroop boots and wearing red-banded caps, stiffened and stood at attention.

Vadei was once a general in the army, and SAVAK, like the national police, is in the hands of the army. The task of the police is to control the enemies of the state.

The shah constantly claims that his main opposition comes from the left, the "Red Threat"—guerrillas who get their guidance from Moscow. Yet some of his most persistent, virulent opposition continues to come from the right, from the "Black Threat" of the ordinary populace and their leaders—the Moslem clergy who claim to represent the voice of the masses.

Warfare with this Black Threat has been going on for some time.

Islam is not just a religion, it is a social order, so when the shah had his premier announce in 1962 that the religion was simply another institution, he was regarded by the mullahs as a blasphemer.

Islam was the largest landowner in the country after the shah himself. The real outrage came when the shah went to the most sacred city in Iran, Qum, and with his own hands gave private persons deeds to the mosques and land.

The bloody and widespread religious-led riots of June 1963 were the result.

"I abhor the Black reaction even more than the Red destruction," the shah said afterward. The struggle continues.

Parviz Sabeti, deputy director of SAVAK, engaged in the following exchange in an interview with me:

Question: Riding outside of Isfahan, I passed a prison on the left side of the road. I am told it was built four years ago, contains a thousand men, all of whom are political prisoners, is that true?

Sabeti: That is right.

Question: I was told that they were religious protesters: religious leaders—mullahs.

Sabeti: True. You know that since the White Revolution, the mullahs have been against universal suffrage, the freedom of women, the distribution of the land. We have had to treat them very badly, very harshly.

The White Revolution is the label given to 12 edicts the shah promulgated providing for the nationalization of forests, land reform, suffrage for women, and other public health and literacy problems.

The two prisoners I met at Evin were what the shah calls "Islamic Marxists." He claims all his enemies are "Marxists or people who call themselves "Islamic Marxists.' "

I asked the couple how long they had been there. A year and ten days exactly, they replied.

Did their families know where they were? Vadei said the families had been notified of their arrest but had had no word since then. No date had been set for their trial.

Was there an attorney present at their interrogation? The eyes of both grew evasive. "They say yes," Vadei replied for them.

Why were they against the shah? It was she who spoke, passionately, earnestly.

"The shah is not for the benefit of the people," she said.

Vadei sat listening, keeping a slight smile, amused in back of his keen eyes.

"In the old days, there was unity between the leaders and the people," she said.

Not any more? No, she anwered.

Was there also unfairness in the distribution of wealth? She hesitated.

"She asks you to repeat," said Vadei.

But there was no need. After a pause, she replied that the economic teachings of the Koran are based on respect for the sacred nature of private property. The Koran expresses definite opposition to the extreme concentration of wealth in the hands of a single person or group, she said.

Vadei broke in, smiling widely. "We see here that those who oppose use religion as a cover. They have been duped by the Marxists."

Her husband sat there. He had averted his eyes during the entire exchange.

I took their phone number and promised to call their parents to say I had seen them and they were well.

Vadei and I then took a tour through the cells of Evin. The prison has a capacity of 400. Vadei said it contained only 90 inmates at that time.

We walked down bright, empty yellow corridors with many locked, solid beige doors. High on each door was a severe steel flap with a level silver handler. Vadei occasionally yanked one open. Inside, a startled figure in blue would quickly rise to its feet. Suddenly, Vadei pulled open a flap. There was the couple we had interviewed earlier.

Civil rights have never played much of a part in the political tradition of Islamic nations such as Iran, where the responsibility is not of the state toward the individual, but of the individual toward the state.

As a prominent government supporter, Sen. Taher Zial put it, "First of all, freedom of the individual cannot be an absolute right, but must be consistent with the public interest."

It is the shah and the chief security agencies under his personal direction that determine exactly what the public interest is. SAVAK is only one of those agencies. Others include the Special Intelligence Bureau or the J-2 branch of the Imperial Iranian Armed forces. SAVAK is the best known, but its own view of its role has been hardest to get on record.

Its official title is State Security and Intelligence Organization, founded in 1957 with U.S. financial aid and technical assistance.

It is also alleged to cooperate closely with the Israelis. Innumerable Iranians, including many a position to know, told me that the Israelis oversee SAVAK's techniques.

Officials of the Washington-based Center for National Security Studies say they suspect that the CIA still makes an annual payment to SAVAK.

SAVAK has also been called the shah's "personal bodyguard" by the Iranian opposition. The government says this is nonsense but still admits that the shah is the chief political institution of the state.

SAVAK headquarters is in the east of the city of Tehran. To enter, one must pass through a very severe looking low concrete gate. One then passes a glass booth and enters a brick-walled compound of about 25 acres housing 1,500 men. Two green army trucks with heavy machine guns mounted behind their cabs were parked inside the day I visited.

There has been a running battle between the shah and the foreign press over the number of SAVAK agents. Deputy Sabeti ridiculed the popular estimates: "Can you imagine 300,000 Savaks in a nation of 34 million?"

The best estimate I had heard was 20.000.

"There are 3,500 to 4,000," said Sabeti. "And that includes drivers, servants, the man who brings you tea."

The best the shah had admitted to was 1,500. Premier Amir Hoveyda had admitted only to 2.500.

The real question is, where does SAVAK end and the rest of the Iranian military establishment begin?

There is the Imperial Iranian Gendarmerie an 85,000 man force responsible for security in all cities of fewer than 5,000. The gendarmerie has U.S. advisers. There is the national police, which numbers about 70,000. Then there are counter-insurgency forces.

Asked if SAVAK did not have total access to their resources and manpower, and if SAVAK's orders did not take precedence, Sabeti answered: "It is true they cooperate very closely with us."

SAVAK's greatest triumph has perhaps been psychological. The SAVAK are spoken of as people who know everything, hold everything in their hands and have friends and helpers everywhere.

In Tehran, I was told that close members of my wife's family were SAVAK. (My wife is Iranian and her father is the deputy information minister.)

Back in Washington I asked two apparently inseparable Iranians whom I had known for years if the other was SAVAK. Neither was sure.

"They handcuffed him to a radiator and left him. The radiator grew hot, the heat spread through the steel cuffs. He began to scream. They let him scream for six hours."

The speaker was not Iranian, but a New York taxi driver, telling of an incident he had witnessed at a local precinct. I drew the conclusion that there is police torture everywhere.

In Iran, as elsewhere, it is against the law.

Said Deputy Director Sabeti, "In the first place, under Article 131, torturing is forbidden. The penalty is six years. If the torturered prisoner dies, then his torturer is immediately executed."

"On the spot?" I asked.

"On the spot," he replied.

Asked if anyone had ever been prosecuted and found guilty under Article 131, Sabeti replied, "not yet," leaving open whether anyone had been executed for the offense.

Vadel, the ex-general and interpreter—although the U.S.-educated Sabeti spoke perfect English—interjected, "They are too afraid of us to torture."

It takes very little to become a political suspect in Iran, for every action may have political significance.

All crime is, in a sense, political. Profiteering is putting personal interests before those of the state. Criticizing the shah belittles his authority and weakens the state's prestige, hence its authority.

The Communist threat is the most frequent reason given for police repression in Iran. "Here dissenters are different," insisted Sabeti. "We know for a fact that almost all of those who give us trouble get their orders directly from the Soviet Union embassy here in Tehran."

Sabeti said that a dossier is started on a person "only if he is involved in anti-government activities." He amended that to say, "Or if we have the slightest indication he may become involved; then files and surveillance begin immediately."

At another point, he said, "If the opinion of dissenters were regarded as being helpful to the enemy then any activity, direct or indirect, would be treason."

He attributed Iranians' fear of SAVAK to their "being influenced by foreign journalists' accounts. Some of the foreign journalists come here . . . They see SAVAK behind every tree." When I described seeing people afraid to speak of them except in a whisper, Sabeti said calmly, "There is no fear of SAVAK among the people."

Measures to suppress real or imagined Communists and terrorists also succeed in intimidating the populace at large.

Sabeti said that in the last seven years, terrorists of all kinds in Iran had killed 33 persons "from VIPs to innocent victims." He also said that 200 terrorists have been killed.

There is no doubt that political order in Iran seems somewhat insecure. There are frequent police sweeps of city sections to search out terrorists. The Tehran papers carry headlines like "Woman Terrorist Executed Before Firing Squad" or "Eight Terrorists Killed, 11 Captured." Since no one trusts the media, rumors circulate constantly of a theater having been bombed or some installation destroyed.

The Shah has said that there is no need to torture. The state can control men's right to work.

Agreeing that, like any other agency, SAVAK is susceptible to political influence, Sabeti denied that there is any such thing as a blacklist.

I was told of a man who had quarreled with his business partner. The case was still before the courts, but, because the partner had influence with SAVAK, the business was closed.

I told him of another case, that of an Iranian marked "political" who had returned from the United States. He kept getting fired from his jobs after only two or three days without explanation. This went on for eight months until he was recruited by Mansour Rafizadgh, alleged to be the chief SAVAK officer in the United States. He reportedly said the man would be allowed to leave Iran and return to the United States on condition that he infiltrate student organizations there and report on them to SAVAK.

Sabeti still insisted, "There is not this kind of economic reprisal," and "There is no blacklist."

When Gen. Hassan Toufanian, the shah's vice minister of war, discovered that an agent for Rockwell had helped to obtain a contract between that company and Iran, he wrote angrily: "I am authorized to state that due to the interference of Mr. Abolfath Mahvi . . . his name should be put on the blacklist."

Later, I tried to reach the couple I had interviewed at Evin, using the number SAVAK had given me. I tried it 30 times. Four days later, Iranian friends in Tehran were still trying for me. It never answered.

[From the Washington Post, May 10, 1977]

SAVAK Said at Work in Washington—Iranian Secret Police Agents Strike Fear Among Students

(By Richard T. Sale)

"The government of Iran's surveillance of its students is truly abysmal, really insidious," said an Iranian scholar at the University of Chicago.

"The reputation of SAVAK is so chilling that nothing really even needs to happen in order for that reputation to begin to work."

He said he had never seen such "total fear" as there was among Iranian students.

That same fear showed in the faces of Reza Zanjanifer, and his wife as they sat in their cramped flat in Adams-Morgan.

For months, since the Iranian government canceled his scholarship in September, he had been living as an illegal alien in a deeply foreign culture. His J-1 student visa was also canceled; he had no means of getting work; he was married. Most of all, he was afraid.

The Iranian secret police, SAVAK, had asked him to spy on his fellow students at George Washington University, and he had refused.

The shah has given American colleges and universities a total of $12 million in the past four years. Because of its shortage of technical manpower and the breadth of Iran's development programs, the Iranian government is concentrating on a major unannounced program to send students to the United States for advanced training. Iranian students here number somewhere between 22,000 and 50,000.

Although that makes them the largest foreign student group in the country, no one seems to know exactly where they are. Accurate statistics do not seem to exist. The Iranian embassy says it does not know. The Immigration and Naturalization Service keeps no records nor does the State Department—both referred inquiries to the Institute of International Education in New York, whose figures—complete only for 1975–76—are based on a census troubled by "nonresponse."

Libraries, registrars, admissions and census people and institute researchers say simply that general totals are not broken down by university, state or region. Most individual institutions divulged their totals after reluctant delay. Howard University's admissions office said, "We don't give that kind of information out over the phone."

Yet one can piece together a general picture. The majority of Iranian students are in junior colleges, technical schools and undergraduate populations of big universities.

Some large groups occur in rather unlikely places. The foreign student adviser of the University of Chicago spoke of a junior college in Kentucky that had "no Iranian students three years ago and suddenly got 300 of them."

In Washington-area universities, the growth has also been astonishing. In 1968, for example, American University had only three students from Iran; today it has more than 300. At George Washington, the number went from 82 in the spring of 1974 to more than 400 by the spring of 1977.

"It's become a lucrative arrangement, just bringing bodies over here," said a professor at AU. Tuition-supported institutions have found a boom in the charges of foreign students, he said.

It has not been an unmixed blessing.

"The enormous number of Iranian students can change the sociology of an entire university," an Iranian professor at GW said.

An Iranian professor at American University said that the Mary Graden Center, a student cafeteria, "looks like a university in Tehran, there are such large numbers of Iranian students there now."

"Is it advisable, really, to have this many foreign student here?" he asked.

University administrators point to a number of housing, language and cultural problems. Officials call it a "major sociological problem" to relocate anywhere from 20,000 to 50,000 Iranian students every year.

"The culture they enter is deeply, deeply foreign to them," said an American University faculty member, adding that with the continuing influx of such huge numbers, he could foresee universities in the United States "which would become essentially Iranian universities."

When interviewed by CBS–TV investigative reporter Mike Wallace on the program "60 Minutes" in October, the shah admitted that he had placed agents to spy on the Iranian students in America.

SAVAK agents work here under bilateral agreement made in 1959, Iranian embassy sources said. It permits the CIA to work in Iran. The sources also said that the Baghdad Pact of 1955 authorized the exchange of intelligence agents among its signatories "for defensive purposes."

In Iran, unlike America, politics and education are not distinct. An Iranian spokesman said: "First of all, it must be understood that freedom of the individual is not an absolute right, but must be consistent with the public interest." To Iran, loyalty to the state is a condition of education.

American universities are quick to maintain that they would never accept endowments or agreements from a foreign government that would infringe upon freedom of thought.

A professor at AU disagreed: "It's naive to think that there won't be strings attached—there will be, but they won't be written down." The university, he said, will be required to learn how to "act on half-words, to learn what is required of it before the requirement is actually stated."

If there was one thing Zanjanifer feared, it was being thought "political" by his embassy. He avoided any discussion groups but one: Every Monday at the GW's Marvin Student Center, a group of Iranian students got together for informal discussions about the history of their country. Zanjanifer is convinced that an informer in the group sized his views up as leftist. His grades were excellent, a 3.4 average out of a possible 4, so it seemed silly to sorry.

But then came his first and last political demonstration.

In March 1976, between 100 and 150 Iranian students gethered at 16th and Harvard Streets NW for a march on the embassy of the sultanate of Oman. The student group set off, their faces hidden behind dark masks. They walked in a long, shuffling procession, some shouting at the top of their voices. In front of the Oman embassy, tired and very hot, Zanjanifer loosened his mask a minute to get a breath of air. A plump South Asian man took his picture.

In July, Zanjanifer got a note from his embassy that simply said to get in touch with them. It did not say why. Zanjanifer did not go. He did not think it was serious and was busy taking exams.

On Aug. 17, according to GW files, Fatola Samly, counselor for educational affairs at the Iranian embassy, wrote to Philip D. Grub, Ayramehr professor of multinational management, a shah-endowed chair; a special assistant to the university president and Zanjanifer's faculty adviser.

Samly said that on instructions of authorities in Tehran, Zanjanifer's scholarship was being canceled. Since the embassy lacked Zanjanifer's current address, would Prof. Grub notify Zanjanifer of the cancellation? Grub did so Aug. 19, and also notified the university's student accounts section.

"The embassy had my current address," insists Zanjanifer. "They were mailing my quarterly scholarship checks to that address."

Greatly alarmed, Zanjanifer wrote to Grub of his "continuing quest for knowledge" and his "loyalty to the shah." Then he went to the embassy to inquire about the matter. He talked to Samly, who told him he would look into it, Zanjanifer says.

In late August or early September the phone rang one afternoon in Zanjanifer's flat. According to the ex-student, an unidentified male voice said:

"You've been writing a lot of letters to different people in order to be forgiven. You've been saying you've done nothing, but we know you've done a lot—we have documents.

"Now we have a suggestion for your future, and it's to your benefit to accept it. If you want to be forgiven, write in detail the names of your friends, any meetings you may have gone to, the people you saw there . . ." The caller said he would call back within a few days.

Following the caller's directions, Zanjanifer sent a long letter to the Iranian consul's office in New York, marked for the attention of Mansur Rafizadegh, a member of Iran's U.N. delegation. Widely alleged to be the top SAVAK officer in the United States, he is presently residing in Washington, D.C.

A few days later the phone rang again. The anonymous voice was angry: "You have written bull. This is all childish. You have lost your future and your family. Think it over."

SAVAK then made it plain, Zanjanifer says, just what it would cost him to have his scholarship reinstated—he must go to work for SAVAK, infiltrate student groups at GW and spy on them for the embassy.

SAVAK asked him two or three times, a final pitch coming in late October, he says. Some time during October, Zanjanifer received a letter from Grub, who promised to intercede. On Nov. 10, 1976, on GW letterhead, Zanjanifer received the following letter from Prof. Grub, which senior university officals would later describe as "inexplicable."

"During my recent visit to Tehran I took your case up . . . I asked for reinstatement of your fellowship. I referred to Dr. Samly. Both (persons the writer talked to) were in concurrence that your fellowship should be reinstated. You should work out the procedure with Dr. Samly.

"I am confident that your efforts in the program and your work upon your return to Iran will justify the implicit faith all of us have in you. I am also confident that your contribution to Iran will be very positive as you progress in your career.

"Yours sincerely."

A week after Grub's letter, the minister of education visited from Tehran and Samly was unavailable because he was escorting the minister. When Zanjanifer finally met him, Samly simply shook his head. Zanjanifer mentioned Grub's letter but quoted Samly as saying: "There is no hope for you."

Grub confirmed the information we had reecived about his activities. He said, "I sent a memo on September 2 to . . . student accounts saying please rescind my earlier memo and allow Zanjanifer to register as his status is being reconsidered by the embassy.

"I told Zanjanifer I was working on this. We had meetings two or three times before the cancellation took effect."

Grub said the scholarship was canceled because the Iranian embassy had received a report that Zanjanifer had said he was not going to return to Iran when he completed his education. "Here the government was forking over $450 a month, and Zanjanifer was going to violate his agreement," said Grub. "People got wind of the word he was going to take his money and blow. To what degree it was investigated, I don't know."

Grub maintains that it was "my responsibility to inform him his scholarship had been curtailed."

"In fact," said Grub. "I told him I would intercede for him in Tehran. I took his case up with two Cabinet-level officials in the Ministry of Science and Higher Education. . . .

"Zanjanifer had given me his word and I had checked with some of the other students, in a discreet way, of course, to see if we had a student who was telling the truth or pulling a fast one."

Because of problems like Zanjanifer's, there is growing feeling among GW officials that "It would perhaps be better if Iranian students were educated in their own country," according to a high university source.

The source also blamed university policies, however, saying that universities had become so "embogged" in business transactions that they have forgotten their original purpose.

Another faculty member recalled that 100 American college presidents visited Tehran during 1974, adding: "It was like arms sales. No one was waiting for the shah to say 'This is what I want'—they were there to tell him, 'This is what you need.' "

Told of the criticism, GW President Lloyd Elliot said: "I'm sure you understand that at the time, we, as a country, were interested in improving our relationship with Mideast countries," adding, "We didn't foresee these political problems."

In 1974, GW awarded the shah an honorary degree. Shortly thereafter Iran donated $1 million to establish the Ayramehr Chair of Multinational Management. Upon a recommendation of Dean Page of GW's school of business, the chair was given to Grub, then senior professor at the school of business.

"From documents I've seen, like resumes and things, Dr. Grub was going to Iran for a long time before this chair thing, perhaps as a consultant," said Grub's secretary in the Iranian program Zanjanifer took part in.

President Elliot noted that Grub had been "heavily involved" in previous university proposals on projects with Iran.

University officials insist, however, that a faculty member's duties in advising a foreign student program are very limited.

"We only certify that the student is enrolled and that he's completing his work satisfactorily," said Vice President Fred Narramore of the comptroller's office. "Everything else is between the student and his government."

The administration of GW says it is at a loss to account for Grub's actions.

"We would certainly never notify a student directly about his scholarship being canceled or deal directly with foreign authorities about his status," said Elliot.

Meanwhile Reza Zanjanifer is waiting for U.S. authorities to either allow him to stay in the United States as an "undue hardship case," or, if that fails, grant him political asylum.

Zanjanifer's father is a poor shopkeeper in Tehran, and the son fears that his parents could well go to prison.

[From the Washington Post, May 11, 1977]

ARMY IS THE KEYSTONE OF SHAH'S POWER

(By Richard T. Sale)

In the captured German Foreign Office files of the U.S. National Archives is a letter sent in November 1940 by Soviet Foreign Minister Vyacheslav Molotov to Nazi Foreign Minister Joachim von Ribbentrop. It says, in part, "The territorial ambitions of the Soviet Union lie south of Soviet territory in the direction of the Persian Gulf."

In August 1941, in concert with Britain, the Soviets invaded Iran, seizing Azerbaijan, Iran's chief northwestern province. In 1945, at the end of World War II, two Soviet-backed governments were set up there. They were not crushed by the shah's armies until December 1946, six months after President Truman forced the Soviet occupation troops to withdraw.

On Dec. 11, 1976, the annual celebration of Azerbaijan's liberation took place 15 miles outside of Tehran, on the road to Karej.

Down the road to the left, out of sight, massed squares of troops were drawn up. Across the vast plain, clean and empty in the weak winter sun, rose folded red-brown mountains, slightly whitened at their tops by fresh snow.

The spectator stands were filling solid. Tea was served hot and eagerly taken by everyone. A few spectators sat trying to get warm in front of cheap kerosene heaters. Some were uniformed, their overcoats ablaze with medals.

After a wait we saw a covered car coming, a Mercedes. A woman's figure leaned forward from the back seat, waving: the empress.

Then one's eye was caught by a movement down to the right, far down the road. A small caravan was starting. In front was a single mounted rider, astride a spirited bay horse. The clatter of hoofs came to us, clipped and clear. Behind the single figure, on dark horses, came a squad wearing silver breastplates and helmets, tricolor pennants fluttering from the tips of their lances.

The leader sat his horse well, and as he drew abreast, a rippling took place in the crowd as it rose to its feet, hands clapping, but with a certain restraint, tolerant but not kind. On came the figure, the shah on the horse, clad in a khaki uniform with jodphurs, his hand barely touching the outsized peak of his military cap.

Around me people rose and applauded politely. They were, it turned out, a reliable, handpicked crowd: secret police officials, old generals, senators, senior bureaucrats. The mounted shah passed from sight. For a minute there silence, then, in the distance, rose a vast steady male cheering as he came within sight of his troops.

The army is everywhere in Iran, but no one speaks of it. In every town one comes across a train of parked khaki trucks along a curb, men in green fatigues lounging about a headquarters doorway. If you drive over the Elborz Mountains you suddenly pass a barbed-wire enclosure, grim and featureless, where uniformed men with bayoneted M-16s turn and look at you coldly as you pass.

It was Reza Shah, the shah's father, says the scholar Amin Bahani, "who instinctively understood the lesson of European history—that the emergence of a unified national state coincides with the development of a national standing army." Under Reza Shah, the army became the chief representative of the new elite and the new order. Marvin Zonis, a scholar on Iran, wrote: "The loathing of many Iranians to the House of Pahlavi is chiefly based on their loathing of the army."

Under Reza Shah, the army was raised to social heights that surpassed those of many of the old families. After the 90,000-man army was defeated in three days when Britain and Russia invaded in 1941, feelings against the Pahlavi dynasty ran high. A Cabinet minister told me that when the present shah took power, he had to be taken through the streets secretly, to avoid mobs of demonstrators.

Today, Iran's army is the largest in the Persian Gulf region, numbering more than 300,000 plus 81,000 in the air force and 18,500 in the navy. Military conscription is for 25 years—two years of active military service and 23 years of reserve.

In the name of the Nixon Doctrine, which requires regional powers to conduct their own defense, Washington set Iran up as a kind of super gendarme for the area.

When Middle East oil-exporters, led by the shah, raised their prices in 1973, Iran seized the chance the new wealth offered to begin a military buildup that dwarfed anything in the region. By the time it has finished its weapons-purchasing program, Iran will have more British-made Chieftan tanks than the British, more American-built Phantom F-4 fighter-bombers than Israel; plus 80 F-14s, the most advanced tactical jets in the U.S. Navy's inventory, and the largest troop-carrying Hovercraft fleet in the world.

Iran's importance to the United States consists of three factors: its anticommunism, its oil and its strategic location. All three factors are closely tied to Anglo-American oil interests in the Middle East.

At the end of World War II, the coal-powered industry of war-wrecked Europe was in the hands of Communist-controlled labor unions. To counter this and what he regarded as the spread of "international communism," President Truman sent $400 million in military aid to Turkey and Greece and sped the U.S. 6th fleet to the Mediterrean. In Tehran, the U.S. Army Mission Headquarters (ARMISH) was established in 1947.

Meanwhile, labor troubles in the coalfields plagued the Continent, and the American oil companies raced to develop their Middle East oil reserves to market in Western Europe.

When the anti-Western Premier Mohammed Mossadegh fell in 1953 and the shah was returned to the throne by the CIA, the chief benefit to the West was that the route by which American-owned Middle Eastern oil made its way to Western Europe had been secured.

"Iran is the windpipe," a veteran business consultant for Iran said recently. Iran controls the northern shore of the Straits of Hormuz, through which oil must pass. Some 80 percent of Japan's oil supply, 75 percent of Israel's, 85 percent of Australlia's and 40 percent of U.S. oil requirements filled from abroad pass through the straits.

The security of the straits is a major Iranian defense aim. The most serious fear is that one day they could be mined and Americans are flying mine-sweeping missions in the Persian Gulf.

In Shiraz, I interviewed a Sikorsky pilot from Olympia, Wash., who said he was flying such missions in the big 212 helicopter. He showed me both his company and his Iranian army ID.

An official at the State Department who deals with Iranian affairs denies that such missions are military but admitted that they would become so "the first time a mine is found."

"You cannot imagine the bitter humiliation of having a national life where you can only do what another, a foreign will, allows you to do; where you are never free from their scrutiny, their meddling, their contempt."

The speaker was an Iranian educator, and I have heard his passionate loathing of Russia echoed in many Iranian voices—in men like Ambassador Ardeshir Zahedi and Gen. Hassan Pakravan, a former head of SAVAK, Iran's secret police.

The Soviet Union to the north, with its 1,250 mile-long common border, and Iraq, Russia's ally, to the northwest, are Iran's two biggest defense worries. Three times in this century the Russian bear has slouched south and badly mauled the Iranian lion.

The impotent chagrin at having seen their country conquered, occupied, petitioned is a deep grievance for Iranians. But the Iranian military establishment has purposes that go beyond any probably impossible dream of major resistance to a Soviet attack.

American critics of arms for the shah often ignore the armed forces importance for the stability of his regime; the critics do not, however, ignore the fact that the armed forces give Iran major leverage over its less-armed neighbors—Iraq, Pakistan, Afghanistan, Saudi Arabia and all the Arab emirates of the Persian Gulf.

For Iranians, their new Westernized army satisfies considerations of prestige as well as of strategy and tactics. It symbolizes their breath-taking rise to power. The huge military acquisitions keep morale and loyalty high not only in the army itself, but among the country's elite generally.

One day in the mountains, the deep valleys covered by a fresh, sugar-white snow, I walked with an Iranian official. Dark clumps of bare trees marked distant farms. The winter country was peaceful and quiet, not a soul in sight and the only sound the cawing of a single crow. "This, this is the land we refuse to give to the Russians," said the prominent Iranian.

For him and many others, Iran's new military might is a symbol of how far they have come from the past.

"TERRORISTS" APPEAL TEHRAN SENTENCES

(By William Branigan)

TEHRAN, IRAN, May 10.—Eleven Iranian "terrorists" convicted of Communist affiliations last month began a series of personal pleas for leniency before a military appeals court today.

The proceedings, which have been opened to foreign journalists and the public, are widely viewed as an attempt by Iran to improve its human-right's image abroad. U.S. Secretary of state Cyrus R. Vance is scheduled to arrive here Thursday.

The 11, one woman and 10 men, including an army officer, pleaded guilty last month to charges that they belonged to the "revolutionary wing" of the outlawed Iranian Tudeh (Communist) Party. They also admitted links with eight alleged terrorists killed in a shootout with police last Christmas.

All of the accused have foreign university degrees and were sentenced April 12 after what critics called a "show trial," to prison terms ranging from life to three years.

Their appeal session began yesterday with the military prosecutor demanding life sentences for the eight defendants who did not receive the maximum punishment.

The proceedings had all the appearance of being staged, as five defendants mechanically read confessions they had handwritten on government letterhead paper. In their appeals they praised Shah Mohammed Reza Pahlavi and blamed their alleged subversive activities on corrupting foreign influences. They asked for reduced sentences.

A relative of one of the defendants, interviewed during a recess, expressed confidence that the sentences would be reduced or commuted by the Shah. When asked if the outcome had been arranged beforehand, the relative hesitated and replied nervously, "I don't know."

The 11 have said they were well treated. The appeal hearing is expected to be concluded before Vance arrives late Thursday for a three-day visit. During his trip, Vance will confer with the shah and attend a meeting of the Central Treaty Organization.

n today's appeals, two defendants, both 40-year-old executives who drew life sentences, confessed that they had received guerrilla training in China. They said they abandoned their plan to provoke a peasant revolution in Iran after they returned and saw what they said was the Shah's success in combating feudalism and ridding the country of foreign domination.

None of the defendants was charged with any actual terrorist actions in Iran.

Another appellant, Abbas Malekzadeh Milani, 29, who earlier drew a 12-year prison sentence, struck a nationalistic note in his plea.

"I left the country when Iran still had no political independence and was being exploited," said Milani, holder of a doctorate from the University of California. "I loved my country and wanted to change this bad situation."

Milani, a first lieutenant in the army, was performing compulsory military service as a university lecturer in Tehran when he was arrested late last year. He confessed, that he had joined the Confederation of Iranian Students, a leftist grouping of dissident Iranians studying abroad.

Four steel-helmeted soldiers stood guard with submachine guns inside the courtroom as about 30 spectators, most of them relatives, silently watched the proceedings.

Outside the building two truckloads of armed soldiers waited in the landscaped military compound, near Tehran's Qase Prison.

Periodically, the spectators and defendants cast sideward glances at a press gallery where four foreign correspondents covering the rare public trials were seated.

SAVING ENERGY FOR ECONOMIC GROWTH

Mr. PERCY. Mr. President, many Americans are beginning to realize that cutting energy waste is one of the keys to continued economic growth for this Nation. In the past, many of us have taken it for granted that we must have exponential increases in our energy use in order to have an expanding economy. At last, we have begun to reexamine this view.

Not all of us may realize that leaders of the American business community are in the forefront of this reexamination. On April 21, the day after President Carter presented his energy program to Congress, there was a meeting of 50 national directors of voluntary organizations at the American Jewish Committee offices in New York City. Many of them were well-known business leaders. The speaker was Elmer Winter, who last week completed his term as president of the American Jewish Committee. His message was that energy conservation serves the interests of business as well as the national interest.

Mr. Winter presented facts showing that it is sound economics to reduce energy waste. He noted, for example, that Minneapolis Honeywell has slashed its energy consumption by a third without sacrificing growth in production. General Motors has saved the equivalent of 5 million barrels of oil since 1972. A.T. & T. has reduced its demand for energy by 9 percent since 1973 with no layoffs and no economic tradeoffs. What is more, A.T. & T. has embarked on a policy of zero growth in energy demand.

Mr. President, I would like to point out that Elmer Winter, who is a member of the Executive Board of the Alliance to Save Energy, went on to challenge his colleagues in industry to take three voluntary steps now to save energy in their own and the national interest:

First, each corporation that has not done so should analyze its energy use system and determine how much saving can be achieved without limiting the prospect of expanded production;

Second, trade associations can and should do a great deal more to transmit energy-saving ideas among their members; and

Third, many corporations should consider expanding transportation facilities to enable their employees to go to and from work with less use of private automobiles.

Mr. President, we can only have an effective national energy program if all sectors of our society do their part. Moreover, I believe we all prefer the voluntary approach to saving energy. Thus, I call my colleagues' attention to this brief summary of Mr. Winter's interesting address about what industry has been doing in the recent past—and what they can do in the short-term future.

OUTSTANDING HOOSIER BUSINESSMEN AND NATIONAL SMALL BUSINESS WEEK

Mr. BAYH. Mr. President, this week has been designated by President Carter as National Small Business Week. As a fitting tribute to small business, the week will be marked by speeches and ceremonies across the country, noting the important social and economic role of independent business in the United States. I am happy to join the President and my colleagues in dedicating this week to small businessmen in Indiana and throughout the Nation.

As part of this important celebration, I would like to extend my congratulations to two fellow Hoosiers, Steve and Mark Corey, who recently received awards from the Small Business Administration for their outstanding achievements as small businessmen in Indiana. Sons of immigrant parents, the Corey brothers are outstanding examples of the perseverance and determination of small businessmen who succeed in the free enterprise system. After a disastrous fire destroyed their Hobart bakery in 1974, the Corey brothers, assisted by the Bank of Indiana and the Small Business Administration, worked diligently and succeeded in reopening their bakery. Despite major problems that might have ended most businesses, the Coreys persevered and demonstrated their extraordinary ability for hard work, responsibility, and a spirit of enterprise. I am proud and extremely pleased that the Coreys have received the national recognition they so richly deserve for their exemplary efforts and achievements.

Mr. President, independent enterpreneurs and small businessmen have been responsible for an integral part of America's progress. They are bulwarks of our country's economy, society, and democratic political system. Small firms have always been an important source of imagination and innovation. Furthermore, these businesses play a vital role in preserving our Nation's business principles of a competitive economy and free entry into the marketplace. Today, 97 percent of all American businesses are classified as small businesses. They account for 48 percent of our gross national product and provide 55 percent of all business jobs.

Small business also makes a valuable social contribution. The opportunity to engage in a private firm allows individuals to win security, self-respect, and self-sustenance. Small business helps sustain the social welfare and civic life of small American communities. On a personal level, small business provides individuals with a tremendous sense of individual freedom and satisfaction. All these qualities are essential to the strength and stability of our Nation.

Mr. President, for America's third century, we must insure the ability of our citizens to start a small firm and to stay in business. Small businesses often need help in determining, implementing, and financing the solutions to business problems created by the numerous and complex economic and social trends of modern society, and the Federal Government must remain attentive to these needs. Mr. President, National Small Business Week is an appropriate tribute which reminds us of the importance of small business in the life of our Nation. It is my privilege to join in saluting the millions of Americans participating in small businesses throughout the United States.

A TRIBUTE TO THE SMALL BUSINESS ENTREPRENEUR

Mr. TOWER. Mr. President, it is fitting that this week has been set aside to commemorate small business.

Our country and prosperity have been built upon the values underpinning small business entrepreneurship.

Small business has provided creative opportunities through which countless Americans have found self-fulfillment.

For many generations it has been the means for upward mobility in our economic and social order.

In today's largely impersonal marketplace it provides a human force for a moment at the development of small business in America.

Let us look for a moment at the development of small business in America.

THE AMERICAN SMALL BUSINESS HERITAGE

In the period before the Civil War, comparatively small single owners, or frequently copartnerships, controlled practically every industrial field. Individual proprietors owned the cotton and wooden mills of New York and the iron and steel factories of New York and Pennsylvania. The manufacture of sewing machines, firearms, and agricultural implements, which was started on a great scale during the Civil War, was in the hands of a private owner or partnership. Most food and consumer goods were produced and sold locally. Every town had its shoe shop, bakery, and slaughter house.

From the Civil War up to the 1890's everything seemed to favor these hardworking, capable Americans. Tariffs protected the domestic firms. The completion of the railway net and the inpouring of great numbers of immigrants greatly expanded the markets. A surplus of farm production provided the means to pay for imports. Wages were low and natural resources abundant.

If Jefferson were to come upon the scene, in many parts of the country he would have found his ideal of a self-sufficient democracy striving for achievement by a nation of small businessmen. But the forces which had been unleashed by our expansion West, the activity of the Civil War, and the maturing of an industrial society were to change much of this.

The end of the Civil War brought new advances in the industrialization of America. With the capital plan and the profits origination in that period, the entrepreneurs resumed railway building and building construction. The heavy-goods industries were strengthened and expanded. The manufacturers of iron, lumber, brick, petroleum products, and glass were stimulated; so were those of machinery generally, mechanical transportation equipment, and agricultural implements. Markets and ready capital gave spur to invention, new processes, and new plants.

Great economic gains were made during this period. The iron, steel, and foundry industries lead in mass production techniques that brought greater productivity of labor. According to a Bureau of Labor report of 1886 cited by historian Louis M. Hacker, over the previous 15 or 20 years, productivity had increased 50 to 70 percent in agricultural implements, 80 percent in boots and shoes, 65 percent in silk manufacturers.

Much of our industrial advances can be attributed to small business entrepreneurship. For example, John D. Rockfeller at the age of 19 started a commission house and then at 23 with savings from that endeavor formed a partnership to operate a small refinery to produce illuminating oil. Cyrus H.

McCormick started building his reaping machine on his Virginia farm. Nearly 10 years passed before he sold his first machine. It was later that he established his successful factory at Chicago. Henry Ford's earliest broker was "Coffee Jim," the proprietor of a quick-lunch wagon at which the inventor ate his midnight meal after a hard evening's work. With money advanced by "Coffee Jim," Ford built the machine which won the Grosse Point races which brought him the recognition necessary to attract additional capital for his new venture to produce an automobile within the reach of every American.

The small enterprisers were the precursors of industrial development in my State of Texas. In 1866, Lyne T. Barret used an auger, fastened to a pipe and rotated by a cogwheel driven by a steam engine to drill in Nacogdoches County the first drilled well to produce oil. Barret's contrivance embraced the basic principle of rotary drilling that has been used since, although with much improvement. Later, in January 10, 1901, a mining engineer, Capt. A. F. Lucas at Spindletop, brought in the first salt dome oil gusher. This created a sensation throughout the world, and encouraged exploration and drilling in Texas that has continued since.

The wildcatter epitomizes the daring, perserverance, and ingenuity of the Texas adventurous entrepreneurs. One of the most renowned of this breed of resourceful Texan was C. M. "Dad" Joiner, who defied the predictions of the geologists and discovered the East Texas oil field near Turnertown and Joinerville in Rusk County. This led in the thirties to the biggest leasing campaign in history.

These stories abound illustrating the role individual enterprise played in building the most productive economic system to be devised by man.

But with the economic gains there were social costs.

Trusts and monopolies appeared on the scene squeezing out competition and the opportunity for new entries into the business world.

Although there is some evidence that there was a rise in real wages in the period 1867 to 1872, labor did not feel that it was participating fully in the productivity increase. This, coupled with the displacement of workers from the crafts and farms, gave rise to the movement toward national trade unions.

Prosperity was followed by depression; a downturn took place following the end of the Civil War. The recovery was soon followed by the panic of 1873.

All of this brought cries for Government intervention.

The era of laissez-faire, if it existed at all, was over.

The antitrust laws were enacted to preserve competition in the market. The labor laws followed to protect the worker from exploitation. Still later, the Central Government moved to smooth out the business cycle. Although most of these reforms were necessary and benefited small business, they sowed the seeds of many of today's problems and placed strains on the Founding Fathers' concepts of limited government.

This suggests some of the major problems facing small business.

PROBLEMS FACING SMALL BUSINESS

Unsound Government policy has been the heaviest milestone around the neck of small business. Foremost is inequitable taxation and burdensome regulation. The typical single proprietorship must complete numerous complex forms each month for some Government agency or taxing authority. While the large corporations have expensive accountants and lawyers to untangle this maze, the proprietor must spend much of his time struggling with the forms or go outside for costly professional help. If small enterprise is to continue as a significant factor in our society, this deluge of forms and regulations must be curtailed.

Taxation is penalizing success and destroying initiative. Although considerable progress was made in the Tax Reform Act of 1976 in reducing estate and small business tax rates, much more needs to be done to simplify the business tax forms and to encourage savings and investment.

Reckless Government spending has fueled the flames of inflation and wreaked havoc on small business. The recent upsurge in prices has put a severe strain on the profit margins of small firms. The cost of new inventory often exceeds the prices the small merchant can charge his customer. To compound this, in seeking to finance the huge deficit, the Government is pushing up interest rates and crowding out private borrowers.

WHAT CAN GOVERNMENT DO TO HELP?

Our country was founded on the constitutional principle of limited government and the conviction that all governments are a potential menace to liberty. High value was placed on the concepts of liberty and equal opportunity. Many saw free men as having an instinctive self-knowledge that steers their initiative to the careers and positions they are likeliest to be good at. These were the same values that guided the individual enterprisers of the 19th century to build our industrial base. Without retreating from the gains made to assure fairplay and equal opportunity in the marketplace, we must place limitations on the growth of the central government.

On the other hand, Government can play a positive role within constitutional limits in unleashing the forces of individual initiative and enterprise to continue economic growth and to assure a high standard of living for Americans. For example, through wise tax and patent laws, Government can encourage technological development necessary for future growth. Where scientific breakthroughs are too expensive and risky for private venture capital, the Government can finance experimentation as it did in the space program.

THE FUTURE OF SMALL BUSINESS

I have great confidence that individual American enterprise will meet the challenges of the decades ahead. The American entrepreneur is essentially a problem solver. This band of talented self-sufficient men and women will continue to work to build upon the social and economic gains of their predecessors and in achieving their own self-fulfillment contribute to the well-being of their fellow countrymen.

DEFINING THE ISSUE

Mr. McGOVERN. Mr. President, on Thursday, May 19, I addressed an audience assembled at the Plaza Hotel in New York City under the sponsorship of the Fund for New Priorities in America.

I attempted in that address to define some of the "hard choices" which the President recently reminded us have to be made. It is very important that we choose wisely how we are going to allocate our Federal budget.

There were those who argued a decade ago that we could have both guns and butter, that we could fight a war in Vietnam, build "a great society" at home, and do all of this without raising wartime taxes. They were wrong. Our economy was inflated, the war was lost, and the "great society" was postponed. The fact is that today we cannot build a new $100 billion bomber fleet, endorse a $120 billion Pentagon budget, postpone tax reform and still avoid inflation and further delay of needed improvements in our society. It is a question of priorities.

Those priorities include reducing military waste, closing unfair tax loopholes, and putting our people back to work rebuilding our cities, our railways and our public transit systems. This is the way to both a balanced Federal budget and a balanced, just economy.

I ask unanimous that the text of my remarks at the New York meeting be printed in the Record:

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Power of the Pentagon

The topic for my remarks as listed in tonight's program "Power of the Pentagon" has been overtaken by events.

"I, of course, do not mean to imply that the Pentagon has been diminished. On the contrary, the $120 billion revised military budget endorsed by the Administration is a strong signal to the arms builders that they can still expect support in the lavish style to which they are accustomed. Our foreign policy still reflects an outdated and self-defeating militarism. Millions of American workers are still locked into a dependence on arms outlays for jobs, because there is no plan and no commitment to convert wartime industries to peace. The hardest bargaining on arms control is still not so much with the Russians as with the Pentagon. We are still going ahead with systems like cruise missiles and hard target warhead that can render the arms limitation talks a futile exercise when the latest round has scarcely begun.

But the seemingly permanent war economy is only part of what troubles me tonight. As you probably know, I have lately been involved in a dialogue of sorts with President Carter on the directions and priorities of his Administration. It began on May seventh when I delivered the keynote address to the annual convention of Americans for Democratic Action. And I thought it would be appropriate tonight to reflect further on some of the issues I raised then.

In a speech to the United Auto Workers in

Los Angeles Tuesday, the President said we have to "make some hard choices about how we spend the taxpayers money. We can't afford to do everything."

I assume that everyone would agree with that statement. No society is rich enough to do everything. No responsible government leader can avoid making hard choices. And obviously government, no matter how responsible or competent, cannot solve all our problems. So let us take these obvious banalities, or straw men, as the case may be, out of the debate.

What, then, are the hard choices? The choice is not between inflation and unemployment. We have had too much of both of those evils and we must do better to curb both of them. But I insist at the outset that unemployment is the worst possible solution to inflation. That was true under previous administrations and it will be true if it is tried under the present administration. Nor is the choice a rhetorical battle between something called liberalism and something else called conservatism. I do not even believe the central choice is between Democrats and Republicans. (It is sometimes hard to tell the difference.) Nor is the choice between generational approaches as my friend, Gary Hart, has suggested. Indeed, I have frequently found more innovation and imagination among my seniors than among my juniors. I hasten to add that no Senator has devoted more time to probing the ideas and aspirations of our brightest young minds across America than I have. But the choice is not between ages or labels; the choice lies in the content of public policy. The choice is not so much more government spending or less, but what we will spend our money for and how.

Will we build a B–1 bomber fleet that will eventually cost us a hundred billion dollars, or will we build a modern rail and public transit system?

Will we put the idle to work reclaiming our crumbling inner cities, or will we pay them unemployment compensation and welfare to continue in their idleness and despair?

Will we leave our health care to a system that makes us all vulnerable to a sudden, bankrupting illness, or will we develop a workable system of national health insurance and a new emphasis on preventive health measures to keep us from needless illness?

Will we have a tax system that tilts toward the rich and the clever, or one that is fair to all?

Will we permit the oil corporations to triple the price of gas while leaving our farmers to produce our food at less than the cost of production?

And if I may be permitted one historical question: should we have poured $150 billion into the Indochina quagmire, or should we have addressed the needs of our sorely troubled cities?

These are some of the hard choices that must be made within the limits of a finite government working with finite resources.

The President has also been suggesting that liberals are hard to please—that if they get ninety-five percent of what they want, they complain about the missing five percent. But if there is to be a retreat in 1977 on the cautious campaign pledge of 1976 of a $5 to $7 billion cut in arms, then it is the Pentagon—not the liberals—who will get, not ninety-five percent but ninety-nine percent. And it will be the jobless, the poor, the sick and the homeless who will keep getting lectures on the need to balance the budget.

Obviously this dispute is not over. But the reaction of the White House is only part of the problem. Some liberals in the Congress, along with opinion shapers in the press and elsewhere, have tried to dismiss the views I voiced as the wishful musings of a bygone era, when people still thought government really could make our society better. I regard that as a tired and cynical response.

So I first want to reaffirm here a basic belief—that this nation can still keep the promise of "liberty and justice for all."

It is sad that this belief has become controversial—that so many in very high places now dismiss as a hopeless dream the most fundamental promise of America.

Today a new kind of chic rhetoric contends that there is little or nothing that government can do about our most serious domestic needs. I do not accept this doctrine of nothing ventured, nothing lost. I reject the notion that the world's most richly endowed nation lacks the wisdom and the will to build a decent society for all.

I have raised questions not because I wish President Carter ill, but because our first obligation both to the President and to our fellow citizens is to speak openly and honestly our convictions about our society and its problems.

Some have taken that to mean a nostalgic longing for the specific cures and programs of the New Deal. But I long ago recognized that the economics of that day are insufficient now. Indeed, some of the proposals advanced by progressives in recent years would involve dismantling New Deal remedies and replacing them with new ideas.

But my views are rooted in a Democratic tradition that I hold as precious and as fundamental. It is the view that government is not simply a bemused bystander observing the economy from the sidelines; that it is instead an active participant in economic decisions; that government has an obligation to defend the public interest and a special responsibility to defend the most vulnerable among us.

It is this principle that I find is being diminished. Some callously say "we will not" fulfill those obligations. Others say it is naive even to believe that we could if we would. But it all comes out the same way in the end. Whether the policy is based on a philosophy or on an excuse, the unemployed are still without jobs, and the economic deck is still stacked against those most in need.

It may be that we are now suffering the most enduring and by far the most damaging consequence of the Watergate era. Mr. Nixon may be achieving in exile what he could never have accomplished in office. In the short run his disgrace helped the Democrats win elections. But in the longer term the venality and corruption of his Administration discredited the government itself—the only instrument we have for humane social and economic change.

So if regulatory agencies were perverted into agents of the industries they were supposed to control, today's fashionable answer is to end regulation. If government employment programs have been abused by administrators who did not want them to work, let us instead give tax breaks to industry and hope that it will trickle down to the workers. Above all, let us balance the budget, and then see about the unbalanced social injustice that afflicts so many of our people.

The message seems to be that if government is not inevitably corrupt, it is at least inherently incompetent.

So government makes adjustments around the edges while the dominant economic force remains with the "invisible hand" of the market.

It is an easy answer. Perhaps it is even politically wise. After Vietnam and Watergate expectations are low.

But this cynical negativism is not responsible statesmanship. And even if it proves to be electorally safe—I think we will come to look back to this time with regret. President Ford restored a measure of honesty and openness to the White House. My plea to a new Democratic President, with a Democratic Congress, is that imaginative leadership now be restored; that we reclaim our commitment to justice; that we indeed make the hard choices—but with full debate and some measure of compassion and common sense.

I believe with our national founders that government has a clear obligation "to promote the general welfare." As a U.S. Senator living in a safe and comfortable neighborhood, I cannot fully enjoy that comfort when others are afflicted by bad housing, dangerous neighborhoods, a distressful workplace, and poor public services. For the past few months of teaching a Monday night course at Columbia University, I have come every week on 125th Street across from Harlem. Each time I am struck again by the contrast—idle workers, urban decay, crumbling neighborhoods—and the hidden costs of crime and chronic dependence. Obviously there is work there to be done. But there are no jobs, because no one will pay to do the work of making homes liveable and streets safe. The plight of the cities is one of the great forgotten issues of 1977—while wistfully hoping for a balanced budget.

It is not that I want to spend federal money for the sake of spending. Indeed, I am appalled at the waste of tax dollars—including an expenditure of $150 billion for a senseless Asian war that did nothing but kill and destroy. Nor do I think all social welfare programs are efficient and well run. But to advocate a sound health care system, a just tax system, fair returns to our farmers, and the employment of the jobless in rebuilding our cities is not the same as throwing money at problems. It is the application of intelligence and compassion to establish the conditions of justice for all.

National health insurance is not throwing money at problems. It is the expenditure of a specific sum of money in a well-planned manner so that Americans will no longer have to choose between the neglect of their health and the route to bankruptcy. The present system is the worst method of throwing endless money at our unending problem: billions of dollars a year wasted on what President Carter as a candidate rightly denounced as "an inefficient non-system, which leaves us unhealthy and unwealthy at the same time."

In fact a reformed structure of national health care will cost no more than Americans now pay for that disastrous non-system—a fact which those who profit from the disaster have concealed, distorted, or conveniently ignored.

Nor is it throwing money at problems to employ the jobless. In fact, full employment would mean a net gain of $50 billion a year in federal revenues. Those who are at work pay taxes instead of consuming them in the form of unemployment compensation and food stamps. And it is not throwing money at problems to reform the welfare system. An intelligently designed reform not only can get the monkey of bankruptcy off the backs of cities and states; it can also begin to break the cycle of poverty, so that this generation of the poor will not be condemned to raise another generation to the same grim fate.

The Democratic Party pledged all this and more in 1968, 1972, and 1976. But now government officials are providing, and editorial writers are approving, the fashionable notion that hardly anything can be done—at least not until some future, conveniently distant year, when they will find other reasons to wait longer. Of course, it is easy to counsel delay from the comfortable perches of influence and power. Those who say it do not have to live with the consequences of their own theory. It is the spectale of the privileged, living very well, telling ordinary workers, sorry, you will just have to struggle along.

I am appalled at men living in the luxury of Georgetown or Bethesda insisting that not much can be done about the forty percent of Black teenagers who are out of work in the slums of Detroit.

I am appalled at those who have the best jobs in our society deciding that others must remain jobless to protect us from inflation.

Of all the excuses offered for postponing justice, the most persistent is the fear of inflation. Just once why don't they warn that because of inflation, we cannot afford a B-1 bomber? Is it inflation to employ the jobless, but national security to build a useless weapon? Arthur Burns, the proven economic failure of three Republican Administrations, has emerged as a powerful economic force in this Democratic White House. His role is a more revealing symbol than any town meeting. He has his allies in the inner councils where the decisions are really made. Despite the better advice of Vice-President Mondale and others, they are recycling the failures of the Republican past and reimposing them on the economy.

It is time to look squarely at that much misunderstood phenomenon—inflation. In truth the cause of the current inflation is not so much an excess of social programs as an excess of monopoly power which permits prices to be raised irrespective of supply and demand.

In 1972 the Bureau of Economics of the Federal Trade Commission estimated that the country's monopolies overcharged consumers by an amount equal to roughly six percent of the Gross National Product each year. That was at a time when the experts believed that about one-third of the total economy was monopolized. It is worse now. But under that study's formula, in today's economy, the overcharge amounts to nearly $108 billion beyond what prices would be if true competition prevailed. Expert testimony before the Senate Antitrust Subcommittee last week set the rip-off ever higher, at $150 billion.

The concentration of economic power is a dominant reason why the old answers to inflation will not work; indeed, why tight budgets, tight money, high interest rates and high unemployment tend to have the opposite effect, to produce more inflation than before. Many primary industries can operate without reference to the forces of supply and demand. Instead, they set their prices according to target returns—basically, according to how much they want to earn. And when they know the government plans to limit economic growth, a phenomenon known as "anticipatory pricing" comes into play. They raise their prices, so even though they will sell less in a stagnant economy, they can still meet their target return. Those price hikes then ripple through the economy. As a result, consumer prices keep rising even when we have shameful unemployment rates of seven percent and more.

Everyone is aware of the inflationary impact of the 1974 and 1977 oil price rises by the OPEC cartel. Everyone knows that throwing more people out of work and balancing the budget would not make those oil prices go down. High employment and budget deficits did not make them go up. What is less widely understood—because it is less abrupt—is that the same kind of administered pricing is constantly at work in the United States. And high unemployment will not stabilize those prices either.

So a first answer to inflation is either to restore competition to the economy, or to invoke a system of selective price restraints in concentrated industries. With today's kind of inflation, high unemployment will not help at all. And high interest rates only compound the problem, as they add still more to the cost of operating a business or a farm, or buying a home, or educating a child.

The President apparently shares his predecessor's aversion to any price control beyond cajolery. And there is also scant reason for hope on deconcentration. The telling signals were in the National Energy Plan. The words were against deregulation of natural gas—but the program called for tripling the price, to produce a windfall of between $36 billion and $60 billion beyond a fair return by 1985. At the same time, most domestic oil will move up toward OPEC levels, regardless of how much it costs to produce. And in contrast with campaign statements in favor of horizontal divestiture in the energy industry, the energy message told us the same thing the oil companies have been telling us—that there is no need for action to prevent the oil companies from buying up competing sources of energy such as coal.

Apparently the oil companies, too, will get at least ninety-nine percent of what they want. The distinguished economic columnist, Hobart Rowan, has written that they are getting what they have long wanted. And the consumer will pay.

The overriding message is that if we want to control inflation, we must either regulate prices or we must carry the fight on deconcentration. The Industrial Reorganization Act designed by a giant of the Senate, the late Phil Hart, would be an ideal beginning. And if we want to control the deficit, the right answer is the same answer that was promised last fall—to end military waste, and to make full employment the first priority of this Administration.

I want American business to make money. I want American business to invest. But I want that to happen not because of administered pricing and special tax privileges, but because there is full employment, a healthy economy, and a thriving demand in the market.

It is unconscionable to postpone these priorities for another four years. Anyone can preside over things as they are. But that was not the way in which Americans won a New Freedom, secured a New Deal, or approached a New Frontier. The Democratic pledge to the people has never been that we cannot do better. We must always strive for new means to fulfill the oldest ideals of our national existence.

Our gravest difficulty today is not a recession of the economy, though we have experienced two of them in recent years. Rather it is that much of our leadership seems to suffer from a depression of spirit—what Franklin Roosevelt called "nameless, unreasoning, unjustified terror which destroys needed efforts to convert retreat into advance." Governmental inaction may give some of the business community confidence, but it plays havoc with the lives of countless others. I believe with Roosevelt that what we have to fear is timid, fearful, self-serving cautions that the answer to our shortcomings is more of the same. I believe, with Roosevelt, that under an Administration which is Democratic in action as well as in name, "this great nation will endure, will revive, and will prosper"—not for some who are privileged, but for all the people.

SENATE PASSES SMALL BUSINESS DISASTER LOAN AMENDMENTS

Mr. PERCY. Mr. President, on Thursday, May 19, the Senate passed H.R. 692, authorizing funds for the Small Business Administration for fiscal year 1978. I was pleased to support this legislation guaranteeing continuation of the important programs administered by the SBA. Many small businessmen in Illinois have taken the time to contact me to reiterate their own support for Federal programs that advocate the interests of the small business community which plays such a key role in the economies of our State and Nation.

In particular, I would like to comment on one section of the bill which expands the definition of "disaster" to include economic injury without physical damage. This section incorporates the language of S. 1305, also reported by the Small Business Committee, which augments the existing disaster relief programs administered by the SBA. Upon certification by the Governor of a State that businesses in an area of his State have suffered economic injury from an extraordinary, severe, and temporary economic dislocation or natural condition, the SBA may make a declaration of disaster and extend loans to qualified applicants at 6⅝ percent. The severe winter weather and drought experienced recently in many parts of the country have underlined the need for such a program and have clearly demonstrated that "disaster" may often occur without physical damage. I support this provision and hope that speedy action by the conference committee on this legislation will bring this much needed aid to the States which suffered this past winter.

H.R. 692, as passed by the Senate, also incorporates other changes into the existing disaster relief programs by lowering interest rates on disaster loans and providing certain forgiveness levels. It lowers the interest rate on loans for damage to principal residences from 6⅝ percent to 1 percent, 2 percent, and 3 percent respectively for loan increments of $5,000, $5,000 to $10,000, and greater than $10,000. Forgiveness is based on a sliding scale related to the damages as a percent of market value of the residence. All loans to repair physical damage to business will be made for 3 percent, thanks to an amendment offered on the floor by the distinguished majority leader, the Senator from West Virginia (Mr. ROBERT C. BYRD).

Mr. President, I applaud the efforts of the committee to make these improvements in disaster relief programs of the Small Business Administration. In March of this year, I introduced a disaster-related measure to provide substantial Federal assistance for hauling water to drought-stricken rural towns and livestock producers. The bill was referred to the Agriculture Committee and will receive consideration as part of a comprehensive review by that committee of all disaster relief programs under its jurisdiction. The Committee on Environment and Public Works also plans a review of programs under its jurisdiction. I believe the efforts of all the appropriate committees can make a real contribution to the development of comprehensive and coordinated Federal disaster relief programs and guarantee that disaster victims can rebuild their homes and businesses as quickly as possible.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, today the Foreign Relations Committee begins its consideration of the Genocide Convention. This marks the fourth time over the last quarter-century that the committee has held hearings on this most important issue. I had the privilege of presenting the initial testimony to the committee this morning.

As I have stated innumerable times on the floor of the Senate, ratification of the Genocide Treaty is a matter of prime importance.

There exists no constitutional barriers to ratification. Becoming a party to the convention will in no way jeopardize our national interest. Rather, ratification will vividly demonstrate our most proper concern for human rights by placing us on record condemning this most heinous of crimes.

The Senate now has the opportunity to act on this United Nations convention. Let us not miss this chance.

Mr. President, I ask unanimous consent that my remarks in support of the Genocide Convention before the Foreign Relations Committee be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

TESTIMONY BY SENATOR WILLIAM PROXMIRE

Thank you, Mr. Chairman.

Mr. Chairman, first I would like to congratulate you on scheduling these hearings. This is an extremely important subject. One which I care deeply about. And I am very grateful for this opportunity to be your first witness.

As you pointed out, the Genocide Convention has been pending before the Senate since President Truman first submitted it for ratification in 1949.

Think about that for a moment. 1949 to 1977. That's a full quarter century. An entire generation has been born and grown to adulthood during those years, and still the Senate has not acted.

It is not the fault of your Committee, Mr. Chairman. Your Committee has held hearings in 1950, 1970, 1971 and again today. This Committee has recommended prompt Senate ratification four times now. But a forceful minority has prevented the Senate from voicing its will.

In your previous hearings, this Committee has developed a long record in support of this treaty's ratification. We all know the arguments of the Convention's opponents. I firmly believe that they are as frivolous today as when they were first voiced in 1950. But I do not intend to take the Committee's time this morning rehashing old ground. I discussed these points in great detail during my appearance before this Committee in 1970, and I am sure that the witnesses who follow will adequately cover them again.

This morning I would like to briefly outline why I believe this Convention is so terribly important, why I have voiced my support for it almost every day on the floor of the Senate since our opening session in 1967, and review the further developments since your last hearings that make ratification this year urgent.

THE PURPOSE OF THE GENOCIDE CONVENTION

Mr. Chairman, there is no human rights treaty that has been subject to more detailed scrutiny and engendered more controversy than the Genocide Convention. Every line, every phrase, every syllable has been studied over and over.

What then is this treaty about that it warrants such attention?

Its purpose is quite clear. The Genocide Convention attempts to safeguard under international law the most fundamental human principle—the right to live.

It is that simple. It is that complex.

The treaty language attempts to prevent the destruction of a national, ethnic, racial or religious group by defining genocide, outlawing it, and establishing procedures for trying and punishing violators.

These are nice phrases. Grand abstract principles.

But let's face it: we are talking about the planned, premeditated murder or extermination of an entire group of people—the most vicious crime mankind can commit.

THE ORIGINS OF THE GENOCIDE CONVENTION

None of us can envision the monstrosity of 6 million Jews put to death in concentration camps—the most hideous genocide committed in our lifetime. But it is in this context that this human rights document was conceived.

In December, 1946, the United Nations General Assembly, appalled at detailed reports of Nazi atrocities, unanimously adopted a resolution declaring genocide a crime under international law. Two years later the General Assembly gave its unanimous approval, 55–0, to the text of this Convention.

What is not widely recognized is the important role played by the United States in the drafting of the Convention during those years and our instrumental role in securing the unanimous vote within the General Assembly for this Convention. Critics who portray this treaty as some sort of Communist plot simply ignore the historical record.

For example, it was John Maktos of the United States who chaired the Ad Hoc Committee of the Economic & Social Council of the United Nations, which drafted the Convention's text.

The draft of that Ad Hoc Committee was approved 5 to 1 with 1 abstention. The dissenting vote was cast by the Soviet delegate with the Polish delegate abstaining. Thus it was the United States position that was upheld, not that of the Soviet Union.

The United States signed the Genocide Convention two days after its approval by the General Assembly, and it was transmitted to the Senate on June 16, 1949.

GROWING POLITICAL SUPPORT FOR THE GENOCIDE CONVENTION

Mr. Chairman, few treaties have enjoyed broader political support.

In submitting this treaty for ratification, President Truman supported it in the strongest possible terms. Subsequent Administrations, Republican and Democratic alike, have renewed that endorsement.

In his recent address before the United Nations General Assembly, President Carter has committed himself to ratification as well.

It is important to note that support for this treaty has not been based solely in the State Department. Successive Attorneys General have repeatedly certified the Constitutionality of the Convention and concluded that the objections of the opponents are without merit. In addition, the Defense Department has specifically given its support.

Two important non-governmental groups have scrutinized this treaty.

The American Bar Association is one of them. The Bar initially raised a number of objections to the Genocide Convention in its testimony in 1950. In the intervening years the Bar recognized that its objections had not withstood the test of time and unanimously reversed its position last year.

Also, the American Civil Liberties Union has carefully reviewed allegations of threats to civil liberties posed by this treaty and concluded that these fears are unwarranted.

Of course, we all know how intensely—how deeply—the Jewish groups feel about the Convention, and rightly so. But I think few members of the Senate recognize how deeply this matter is felt by all denominations. This is not solely a "Jewish issue." Catholic and Protestant groups, most notably the National Council of Churches, have been outspoken in their support.

This Thursday you will be hearing from Arthur Goldberg, who will be representing the Ad Hoc Committee on the Human Rights and Genocide Treaties. That organization represents a coalition of 52 labor, religious, civic and nationality groups that support ratification.

WHY THE GENOCIDE CONVENTION DESERVES RATIFICATION

The list of supporters goes on and on.

Why do so many groups support ratification?

First and foremost, on moral grounds. The United States is the only major nation, except the People's Republic of China, that has not joined in condemning this heinous crime. In fact, all of our major NATO and SEATO allies have acceded to the treaty. We stand alone among free Western nations.

Second, our failure to ratify this treaty has been a constant source of embarrassment to us diplomatically that has puzzled our allies and delighted our enemies. During your 1970 hearings former U.S. Ambassador to the United Nations, Charles Yost, detailed the way this fact was smugly thrown in our diplomats' faces whenever we had protested gross violations of human rights in other nations. There is no logic in continuing to provide others with a club with which to hit us.

Third, our ratification will strengthen the development of international law in this crucial area of human rights. As you know, Mr. Chairman, the development of international law is a slow and tedious process, requiring the concurrence of all of the major powers. Our inaction impeded the development of these fundamental moral principles.

Fourth, as a party to the Convention we would be in a better position to use our moral influence to bear in specific cases where genocide is alleged. For example, State Department personnel have written me in the past and indicated that our efforts to halt the genocide that occurred during the Nigerian Civil War would have been far more effective had we been a party to the Convention. Instead we were viewed as moral hypocrites.

Fifth, U.S. ratification at this time will help to spur renewed interest in the treaty among the newly emergent nations of the world.

NEW IMPETUS FOR RATIFICATION

The case for prompt Senate action is even stronger today than when this Committee last held hearings.

First, we have a President who has given human rights a new priority—their proper priority—in the foreign policy of our nation. He has committed himself to new initiatives in the human rights era, and he has clearly let the Senate know that he considers the ratification of the Genocide Convention an important first step.

Second, the American Bar Association has endorsed the Convention strongly in a unanimous reversal of its previous stand. I have mentioned this point before, but it bears repeating since the Bar Association's position was the cornerstone of the opponents' case.

Third, we now have a specific endorsement of the Genocide Convention by the Defense Department. The General Counsel of the Department and the Judges Advocate General of the three military services wrote to Harry Inman of the American Bar Association in early 1976 endorsing the Convention. I ask unanimous consent that the text of these letters be included in the hearing record following my testimony.

Fourth, by ratifying the two Conventions on the Political Rights of Women, despite formal opposition by the American Bar Association, the Senate has demonstrated a new willingness to end the backlog of human rights treaties that are pending before the Senate.

CONCLUSION

Mr. Chairman, it is clear that the Genocide Convention is a moral document. It is a call for a higher standard of human conduct. It is not a panacea for injustice.

But in the same way that the Geneva Conventions for the Treatment of Prisoners of War have improved the treatment of prisoners of war, the Genocide Convention will also make an important step toward civilizing the affairs of nations.

In closing my testimony in 1970 I recalled the words of the late Chief Justice Earl Warren, who said, "we as a nation should have been the first to ratify the Genocide Convention."

My plea to this Committee and my colleagues in the Senate is: let us not be the last!

TRIS

Mr. THURMOND. Mr. President; the confusion that has resulted from the Consumer Product Safety Commission's ban on the fire retardant chemical TRIS and TRIS-treated children's sleepwear continues.

The impact of this tumultous situation on the American business community is more alarmingly revealed every day. Rational capitalism, in order to succeed, must be based on some constants. In an environment subject to some form of governmental "watchdogging," one such constant must be the expectation that any oversight be reasonable, not capricious, consistent, not arbitrary, With the ban on TRIS-treated fabrics, sleepwear manufacturers were caught in the middle, with the Federal bureaucracy being both the "rock" and the "hard place."

One obvious and anticipated reaction to all of this has already occurred—withdrawal by a large textile concern from the supplying of fabric for children's sleepwear. On Wednesday, May 11, an article appeared in the Wall Street Journal reporting the withdrawal of Springs Mills, Inc., from the business of supplying fabric for children's sleepwear. The article's author is an unnamed staff reporter, but I would like to commend that person for an accurate job of reporting.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 11, 1977]

SPRINGS MILLS' DIVISION TO END PRODUCTION OF FABRIC USED IN CHILDREN'S SLEEPWEAR

NEW YORK.—Springs Mills Inc.'s apparel fabrics division said it will cease production of fabric for children's sleepwear because of what it termed "unpredictable governmental policies" controlling that product area.

James P. Kelley, president of Springs Mills' apparel fabrics division, said that "government policies, standards and procedures relating to children's sleepwear and flame retardancy have proven unpredictable illogical and unfair."

He was referring to recent action in which the Consumer Products Safety Commission ordered the recall of all children's sleepwear from retail shelves after it was discovered that garments treated with Tris, a flame retardant chemical, were linked to cancer. Tris is one of a number of chemicals used to treat children's sleepwear. The original CPSC ruling on April 7 said that consumers could return unwashed garments to retailers, who could return their total inventory of Tris-treated children's sleepwear to the garment manufacturers.

The division is one of the largest suppliers of fabric for that market in the U.S.A. spokesman for M. Lowenstein & Sons, Inc., another large supplier, said his company intends to continue supplying the sleepwear manufacturers with fabrics treated with flame-retardant chemicals other than Tris.

The pajama manufacturers, most of which are small-volume concerns, complained that if they didn't get any government relief, many would be forced to file for bankruptcy. In a subsequent court hearing, a federal judge ordered the government to spread the cost of refunds for garments to everyone in the business, including retailers, garment makers, fabric weavers, yarn producers and the chemical company making Tris.

SLEEPWEAR FABRICS

At the time, several makers of children's sleepwear predicted that the fabric makers such as Springs Mills would cease producing fabrics for them, rather than get involved with more controversy. One sleepwear manufacturer told a congressional small business subcommittee that the entire sleepwear industry's annual volume is only about $500 million, and that each of the major mills that supplies the industry does at least that amount of volume a year. "This (the children's sleepwear industry) is peanuts to the mills," said Stephen E. Schnitzer, executive vice president of the Pajama Corp. of America and a member of the steering committee of the Independent Cutters and Sewers of Children's Sleepwear.

Other manufacturers agreed with Mr. Schnitzer and said that if the mills dropped this particular business segment, it wouldn't put much of a dent in their respective volumes.

Even if the entire industry, from retailers to chemical producers, pitch in to help defray the costs of taking back children's sleepwear, many of the manufacturers still say they'll have financial problems because they'll be able to get back only the cost of the fabric used, which—they allege—is about one-third of the cost. The Small Business Administration has interpreted one of its disaster loan programs to be applicable to apparel makers severely affected by the CPSC ban on Tris-treated apparel and fabric, and can apply for loans under the program.

FLAME-PROOF FABRICS

One major reason cited for the fabric manufacturers shying away from further production of children's sleepwear is that the fabrics for this market must still be flameproof. They're unsure that other chemicals being used won't similarly be withdrawn at a future date, they said.

Springs Mills' Mr. Kelley said, "We want to supply this market. It's been a good one for Springs. But because we don't know what future regulatory charges may be, we simply can't justify the risk of participating in this market."

He said that current orders for children's sleepwear fabrics will be filled. He said the flame-retardant fabrics produced by Springs Mills since last year use a different finish from that banned by the CPSC, and have passed every known test for those fabrics. "However, our product has a topical finish and indications are that major retailers will move away from such finishes in ordering children's sleepwear for next spring," he said.

THE PUBLIC DIPLOMACY DEBATE

Mr. PERCY. Mr. President, on May 9, I inserted in the RECORD a copy of a letter from Frank Stanton to Elmer Staats, the Comptroller General, in which Mr. Stanton was adversely critical of the GAO report entitled "Public Diplomacy in the Years Ahead—An Assessment of Proposals for Reorganization." I now wish to place in the RECORD Mr. Staats' reply to Mr. Stanton.

Also, I want to bring to the attention of my colleagues a summary of the 28th report to Congress by the U.S. Advisory Commission on Information, of which Hobart Lewis is Chairman.

Neither Mr. Staats' letter to Mr. Stanton, nor the report of the Advisory Commission, supports my position on restructuring the international information, culural affairs, and broadcasting activities of the U.S. Government. Nevertheless, the letter and report contribute importantly to the ongoing debate on public diplomacy, and in fairness they deserve our deliberate consideration. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., May 11, 1977.

DR. FRANK STANTON,
New York, N.Y.

DEAR FRANK: I have your letter of April 26 commenting on a draft of our report, "Public Diplomacy in the Years Ahead—An Assessment of Proposals for Reorganization."

The interest we share in improving U.S. conduct of international information and cultural activities has raised issues on which reasonable and informed persons can differ.

Our report, issued on May 5, a copy of which has been sent to you, seeks to contribute to the current congressional and public consideration of those issues by clarifying and evaluating the practical implications of the Panel's proposals from our independent vantage point. Since our report takes issue with all but one of your proposals, your disappointment comes as no surprise. I feel compelled, however, to comment on your observation that our report did not fairly treat certain issues.

You suggest a bias in our report on the ground, in part, that it leaves the impression of almost universal opposition to the Panel's report and does not acknowledge that it has many supporters.

Your suggestion fails to take into account these facts about our report, which:

Begins its discussion of each Panel proposal with both a summary of the proposal and a careful recapitulation of the Panel's own supporting argument, largely in the Panel's own words;

Describes your report as "the product of a prominent and unusually well qualified group of individuals" (the published text adds that it "has gained support from other such persons");

Points out that the Panel's report "has been (except for one minor proposal) fully endorsed by the Murphy Commission;"

Records the general support among those we consulted for the Panel's proposal to consolidate the cultural functions of State and USIA; and

Notes that the report was an outgrowth of concerns expressed by congressional committees and the advisory commissions among others over the effectiveness of U.S. public diplomacy.

Accordingly, I believe our report does take due note of the support your proposals have received.

You further suggest that our report offers criticism of the Panel's proposals that are "consistently * * * based on facts or opinions originating in USIA, or otherwise related to the defense of USIA's vested interests."

The sections in chapters 2 through 5 entitled "Response of Critics" offer, as our report explains, a synthesis of the views of others we consulted. Those sections are essentially confined to criticism of the Panel's proposals. There are three reasons for this:

The Panel's own case is carefully set forth in our sections immediately preceding those covering the response of critics.

We found an impressive body of responsible opinion not only in USIA but in State and elsewhere strongly opposed to most of the Panel's proposals—opinion buttressed by facts and analyses that clearly deserved to be considered on their merits and that had not hitherto been brought together in a manner facilitating systematic consideration of your report and the alternatives.

Very few of the favorable comments we heard added materially to the Panel's own statement of its rationale. Since our report sets forth that rationale, the inclusion of such additional comments would have been redundant.

Those sections in chapter 2 to 5, however, are not entirely confined to criticism: in a number of instances where the data we obtained did provide additional insights supportive of a Panel proposal, we took explicit account of them. You will find examples of this in our discussion of USIA's Wireless File (p. 12 of the published report), possible variants to the proposed Information and Cultural Affairs Agency (pp. 21-22), the options for relating the information-cultural agency to the State Department (pp. 23-24), the need to protect the Voice of America's professional integrity (pp. 29 and 32-33), and the importance of managing the proposed consolidation of U.S. cultural functions in a manner to prevent downgrading or politicizing our cultural programs (pp. 12 and 23).

Your letter states that you found "among those best informed * * * a distinct majority" sympathetic to the Panel's approach, and "practically unanimous support" among "the most senior USIA officers who have retired." So far at least as the surviving former directors of USIA are concerned, most of them share our assessment of the Panel's recommendations.

I must emphasize, however, that our review does not purport to have conducted a poll—among the "best informed" or any other group—to determine the ratio of yeas to nays. As noted above, our objective was to clarify and evaluate independently the practical implications of the Panel's proposals.

In this effort, as our report noted, "the insights of the working professionals have been indispensable." As our report also noted, however, we could not regard those insights as determinative, and we "also considered the views of qualified individuals whose personal or professional interests would not be affected by implementation of the Panel's report." Of the more than 100 persons we consulted for this review, some 27 were officers of the State Department and 20 of USIA in Washington. Of the remainder, some 41 were officers of one agency or the other stationed in four widely scattered U.S. embassies. We also consulted representatives of the Office of Management and Budget, National Security Council, Congressional Research Service, Murphy Commission, both U.S. Advisory Commissions, the academic community, and private organizations doing contract work for the Bureau of Educational and Cultural Affairs. As you know, we also studied the transcripts of the Panel's meetings with its witnesses.

In light of all these considerations, I believe your charge of bias is quite unwarranted.

Concerning your suggestion of misrepresentations and distortions, these appear to be little more than our differences with you in matters of interpretation and judgment. The only example you cite is our statement that the Panel fails to identify the problems that its proposed reorganization would cure. That was and remains, in our view, one of the most serious and puzzling aspects of your Panel's report. When you cite pages 4 and 41 of your report to show that the Panel did identify the problems that would be solved by reorganization, it becomes clear that you have not understood our point. What your report describes on those pages is the present "organizational framework of public diplomacy," which the Panel regarded as "at variance with logic." What is missing in your report is any attempt to identify and demonstrate serious or chronic defects in the quality, efficiency, or impact of the country's information and cultural programs—defects of such nature and importance as to justify the major reorganization you propose.

As our report pointed out (pp. 6-7), "The Panel does not analyze the U.S. informational-cultural product, nor does it claim to have identified serious defects in it. Indeed, the report has high praise for the work of both agencies." The closest the Panel came to dealing with this crucial aspect of the matter appears in its statement that the proposed structural changes would "permit the deeper changes of content and purpose all desire." Your report does not clarify the nature of the "deeper changes" it anticipated beyond a passing reference elsewhere to the need for credible and reciprocal programs.

From your letter, and from our staff's recent interviews with you and the Panel's project director, however, it appears that you and at least some of your Panel associates did have serious reservations about the quality and relevance of these programs. Thus, you now say that "USIA has been often and dramatically out of touch with the policy it is supposed to articulate." That charge is not substantiated by the evidence we were able to get at State or elsewhere. But if the Panel believed that to be true, would it not have been the Panel's fundamental obligation to say so—and then to document it?

Concerning your view that our report is a defense of the status quo and that our recommendations are vague:

—We say in our report, "To question a particular set of proposals for reorganizing an institution is of course not to imply a blanket endorsement of the institution or to deny the need for constant adaptation to change."

Our report endorses one of the Panel's major proposals for reorganization (consolidating State's and USIA's cultural functions).

A careful reading of our report will disclose several other specific suggestions for change, or for study of possible change, including our proposal to develop a new charter for U.S. public diplomacy.

Our report states that GAO's review "is confined to the Stanton Panel recommendations." We did, however, enumerate in the final chapter "certain nonorganizational changes that we believe will merit consideration in the ongoing effort to improve U.S. public diplomacy." (We are currently conducting reviews of some of those other possibilities).

In your letter, you observed that the most serious deficiency of our report was its failure to understand your distinction between policy information and general information. On this issue, we can say little more than what we have already said—

"Like many other observers, GAO believes the two kinds of information are often mutually reinforcing and difficult in practice to separate. The primary responsibility for articulating and advocating as well as formulating U.S. foreign policy is vested in the President and the Secretary of State. A role of the U.S. Information Agency is to give resonance abroad to authoritative definitions and interpretations of that policy under State Department guidance. For the most part this work appears to be done professionally and to the State Department's general satisfaction. GAO believes the U.S. Information Agency should retain its policy information role."

We do not believe that information and cultural programs of other countries are in practice as hermetically compartmentalized as you suggest. We remain convinced that the present trend toward closer integration of U.S. work in this field should be encouraged.

Most of the other statements in your letter relate to our differences of interpretation or judgment on issues that perhaps, for present purposes, have been sufficiently explored in your report and ours. I might, however, make the following further observations:

Contrary to your letter, we neither endorsed nor rejected your Panel's proposal to transfer USIA's policy advisory function to the State Department. What we said was that this proposal raised at least four specific questions that should be clarified before a decision is reached.

You suggested that our report "is unable to arrive at a clear recommendation" as to how the information-cultural agency should be organized is puzzling. The report unambiguously recommends a unified information-cultural operation administered by a single agency with State Department policy guidance. As to whether the agency should retain USIA's present independent status or be assigned to State on the model of the Arms Control and Disarmament Agency, we said that either alternative could work, that each had distinct advantages and shortcomings, and that the matter should be further studied.

Finally, as to whether the Voice of America should become independent as the Panel proposed—or "quasi-independent" as your letter puts it—there is nothing in our report that would remotely justify your inference that we regard the "corruption of news" as "essential for reasons of state." We believe the functions of government radio differ in some important respects from those of commercial broadcasting and that those differences must be appropriately reflected in structure and management. Moreover, we do not believe the case for VOA independence can rely on the question of credibility, because we found evidence that VOA has good credibility.

Sincerely yours,

ELMER B. STAATS,
Comptroller General
of the United States.

U.S. ADVISORY COMMISSION
ON INFORMATION,
Washington, D.C.

The 28th Report to Congress issued by the U.S. Advisory Commission on Information reaffirms the importance of the original mission of the U.S. Information Agency (USIA) as formulated in Public Law 402. It urges the Agency to make new and reinvigorated efforts to inform, educate and persuade people in other countries about the United States, its people, policies and way of life. The televised series "Roots" based on Alex Haley's book is held up as an example of how an effective mass communications medium in the U.S. can change attitudes on important issues. The Commission counsels USIA that media products of comparable quality could lead to more informed publics abroad and to a better understanding of the U.S. that would flow from changed attitudes.

Since the publication of the Commission's 27th Report in 1974, members of the Commission have reexamined at great length and studied carefully the major reports and studies of USIA that have been proposed by government bodies as well as private groups. The Commission has weighed the merits of various recommendations concerning the optimum and most effective location of USIA and the Voice of America (VOA) in the U.S. Government and has reached the following conclusions and recommendations:

1. USIA should not be returned to the Department of State as that Department is currently organized and constituted. The structure of USIA must include all elements of public diplomacy—fragmentation is not the answer. The Agency should remain independent at this time if efficiency as well as effective operations are to be maintained. In the meantime, the Commission suggests that the two Government agencies most expert in Government organization and administrative management, the Office of Management and Budget (OMB) and the General Accounting Office (GAO), conduct studies that would explore the possibilities of a more consolidated and integrated Department of Foreign Affairs.

2. The cultural and educational affairs programs in the Department of State should be reunited with the government foreign information programs, and merged with USIA whose officers administer all of these programs abroad.

3. The Voice of America must remain a vital participant in the U.S. Information Agency, but its Director should be elevated in rank, commensurate with his or her responsibility and authority, and become a Deputy Director of USIA.

4. Journalism and diplomacy can, do and must mix at USIA and at the Voice of America for the benefit of both professions and to the lasting advantage of the nation. The frequent tension between the two on scores of complex daily issues is, in the Commission's views, healthy. For it produces a more accurate, reliable, authoritative Voice of America and at the same time a more responsive diplomacy that becomes sensitive to the hourly and daily needs of an international broadcaster. This tension and clash have made possible and expanded the dimensions of openness in the U.S. foreign affairs establishment.

5. For what has been overlooked is that USIA has been a 24-year experiment in openness within the usually secretive and more cloistered diplomatic establishment. The USIA Office of Information policy has continually—indeed daily—prodded the Department of State when appropriate or other agencies on related matters for a) quick responses to foreign policy issues arising in or being treated by the mass media, and b) rapid and occasionally instantaneous release of information in order that these issues can be clarified and illuminated officially and authoritatively by the Voice of America and by USIA officers abroad. USIA's Public Affairs Officers (PAO's) in American embassies and consulates also play a key role in expanding the amount and kind of information that is disseminated to people in other lands.

6. USIA is a seriously and severely undercapitalized agency which should be remedied if the mission assigned to it by the Congress has any chance of being accomplished. Since 1964, its personnel and funds have steadily declined to a point where the Agency's current resources must be carefully husbanded for routine operations in order that special projects responding to new opportunities can be undertaken. The challenge to acquire and hold larger audiences goes unmet. Dr. George Gallup, a member of this Commission, has addressed this question in a special letter to Chairman Hobart Lewis that is included in this Report.

7. The Commission, taking into account the impact of the visits to the Soviet Union, Eastern Europe, and the People's Republic of China, by former Presidents Nixon and Ford, and reiterating the need to promote and sustain a relaxation-of-tensions atmosphere, calls for "patience and fortitude" in improving communications channels and contacts with the peoples of these countries. For the Commission contracts the rate of change in communist countries with the U.S. and other Western countries.

8. The Commission applauds the successful efforts of President Carter and the Congress to recapture the initiative in the ideological arena and in the struggle over issues before the court of world opinion. The cause of human rights is probably the most revolutionary principle in the world. The President's sustained interest in espousing it represents a continuing, albeit complex, challenge to those who guide the affairs of USIA. An effective and prudent use of this principle will inspire hundreds of millions throughout the world.

9. The Commission reiterates its confidence in USIA as the unique American governmental instrument with the capability of competing in the ideological arena by engaging the communist countries in debate, in dialogue and in exchanges, from now to eternity. For we continue to believe that despite occasional and sometimes eggregious errors that are committed from time to time in the United States and despite lapses if not failures in policy judgments of a domestic as well as foreign nature, a) the American emphasis on self-criticism, self-examination and self-correction, and b) the basic American ethos and drive to encourage and release the free, creative and productive resources of this nation, will combine to leave no doubt concerning the eventual outcome of this ideological contest. For the pursuit of truth and a willingness to stand up to its disclosures and consequences is the best and most durable of ideologies. This maybe is as true for science as it is for a free and open society. This is the major message that USIA should, and we think does, relate to the rest of the world.

10. The Commission commends USIA for its success in promoting worldwide understanding of the American Bicentennial. The Agency should begin to plan now, as it did 10 years before the Bicentennial, for a different but equally important kind of recognition and celebration of the 200th anniversary of the ratification of our Constitution and its Bill of Rights.

11. Finally, the Commission believes that the time has come for Congress itself to reexamine the basic statutes that created and contain the legislative authority for establishing foreign information and cultural programs. For much has changed. It should address and reconsider the relationship of USIA to the world of 1980 rather than the world of 1950. It should review the adequacy of past legislation and of USIA's relationship not only to the present times but to the emerging future.

12. The Appendices to this Report contain foreign public opinion data and charts accumulated by USIA over a 20-year period covering foreign perceptions of the U.S. (sometimes referred to as "U.S. prestige"), trends in the image of U.S. strength and foreign opinion of arms control issues.

INSTANT VOTING—A DANGEROUS PROCEDURE

Mr. HARRY F. BYRD, JR. Mr. President, the American Conservative Union recently polled all of the State Secretaries of State in order to seek opinions on the administration's "instant registration" proposal from those who would be required to administer it. Those polled opposed the measure by a ratio of 5 to 2.

Ohio Secretary of State Ted W. Brown felt that "this plan represents a regression to the days of bought and bartered votes and stolen elections."

New Mexico State Secretary Ernestine Evans pointed out that once fraud is committed, "the secret ballot makes nullification of the fraudulent votes impossible."

On May 20, the Washington Post published an editorial on the problem of instant registration entitled "Instant Voters." The Post noted that the Carter proposal would not considerably increase the number of voters because it would not remove the major voting barrier—voter apathy. The editorial concludes that the States should be allowed to decide the registration question for themselves.

This conclusion is the theme of a May 22 article by Columnist David Broder, also published in the Post. Mr. Broder concludes that the principal fallacy of election day registration is not that it would invite widespread fraud or even that it would not significantly increase voter turnout, but rather that it "violates the sound principle of federalism."

Mr. President, I feel that the election officials of the State of Virginia are currently doing an excellent job of balancing the competing policies in order to develop a fair and honest election process. And I feel that they should be allowed to continue to pursue this policy without the heavy-handed intervention of the Federal Government. I am convinced that the Carter proposal is totally unsound and could lead to wholesale fraud.

I ask unanimous consent that last Friday's editorial in the Post and the article by David Broder be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INSTANT VOTERS

It's not clear whom President Carter had in mind when he told the United Auto Workers the other day that "some powerful special interests are trying to kill the electoral reform bill, because they don't want working people to register and to vote." That formulation may serve the President's interest—and perhaps his party's—in bringing about instant, election-day voter registration. But one need not be a "special interest" in order to see grave defects in the bill. To sum our own view in Mr. Carter's terms, we *do* want working people and others to register and vote—but not necessarily on the same day.

The bill's wrongheadedness starts with its premise that pre-registration is a major barrier to voting. That used to be true. But registration rules and procedures have been greatly eased since 1960—and the percentage of voting-age Americans who turn out in presidential elections has been dropping anyway. The primary causes of the decline are demographic changes, public disenchantment and apathy—forces that can't be countered by a law. While simplifying pre-registration—by using a postcard system, for example—is a good idea in itself, it does not necessarily lead to larger turnouts at the polls. Even abolishing pre-registration may affect the turnout less than the nature of a given campaign. Last November, turnouts were a few percentage points above 1972 levels in the four states with instant registration. But they were also higher in most Southern states, where pre-registration is still required.

It's generally assumed that larger turnouts would help the Democrats, which is why partisan lines are drawn so sharply on this bill. The basic question, though, is whether democracy as well as Democrats would be well served by making election-day registration available in every precinct in the land. An impressive array of state and local election officials, among others, say no. They predict widespread fraud if they can no longer obtain signature cards and verify addresses of all potential voters before election day. Requiring voters to show IDs and sign an affidavit at the polling place may deter fraud in Minnesota and other states where elections are generally scandal-free. In areas with more turbulent traditions, though, stronger precautions have proven desirable—as Rhode Island's secretary of state said in Senate testimony excerpted for the Record on this page.

The administration's bill presents other problems, too. It would compel most states to rewrite their election laws in short order, and to train many new precinct workers to process instant registration. It would trample on the tradition of state governance of state and local elections. States would have to either extend instant registration across the board or suffer the cost and confusion of running elections under two different sets of rules. Finally, the federal grants for administration and "voter outreach" strike us as virtually impossible to police without bureaucratic controls so elaborate that the states will rebel and the Federal Election Commission will collapse.

All in all, the more we study this proposal, the worse it looks. We have no quarrel with instant registration, or no registration, where the integrity of elections is not jeopardized thereby. But the states ought to make that judgment for themselves. We see no current abuses so flagrant, and no potential benefits so great, as to justify the dangers this program would open up and the disruption it would cause. If the Democrats want to get more voters to the polls, they should try to do so in the time-honored way: through good political organization, a sound choice of issues, strong candidates and vigorous campaigns.

The Case Against Election Day Registration

(By David S. Broder)

On the eve of his nomination last July, Jimmy Carter went before his former colleagues in the National Governors' Conference and spoke admiringly of the "new humility" he said he could discern "about the federal government's ability to legislate problems away."

That speech, full of concern about "the erosion of the role of states," provides the proper context for discussing President Carter's proposal for Election Day voter registration.

A reporter who has listened to the White House briefing on this bill, covered some of the hearings and committee drafting sessions and read most of the testimony, has trouble believing that the so-called "universal registration" bill (a misnomer) is either the god-send or the nightmare it is sometimes called.

The case has not been made by its advocates that simply allowing people to register at the polls will cure voter alienation and reverse the downtrend in election turnouts that many find so disturbing. Nor have the critics proved that it is impossible to enroll voters on election day without inviting fraud.

The evidence and arguments on both sides are, frankly, skimpy. There is more basis for the belief that expanding the electorate by abolishing preregistration requirements for federal elections would help Democratic candidates. The non-voters are disproportionately poor, young, ill educated, non-Caucasian and prone to be Democrats. But that fact neither condemns nor blesses the Carter plan in the eyes of a neutral observer.

What is most unmistakable about his proposal is that it will expand the role of the federal government in the administration of elections and affect different states and localities in very different ways.

At heart, the administration bill is one more categorical federal grant-in-aid program, an addition to the vast catalogue of Washington-mandated and financed enterprises ranging from agricultural conservation to zoological research.

It would create a new Washington bureaucracy under the administrator of voter registration in an area where states and localities so far have struggled along on their own. It would spawn new administrative, auditing and enforcement procedures, new guidelines and regulations, for carrying out its high purpose of sparing every American the burden of registering in advance to vote.

It employs the familiar federal mixture of carrots and sticks. Those states that meet its minimum requirements would get a basic financial reward from Washington—35 cents a voter. Those that do more of what Washington thinks best will get an even bigger present from Uncle Sam.

All this, of course, costs something—an estimated $53 million for the first two years. But the greater cost, judging from the testimony, may be the disruption of normal election administration in many localities.

As Rep. Don. L. Bonker (D-Wash.) observed, "Registration is neither the main bulwark against election fraud nor the engine of citizen participation in government. [It is] largely an administrative device to help election officials rationally and efficiently plan the conduct of elections."

The testimony of those officials should carry special weight. As John H. Hanly, the chairman of the Chicago Election Commissioners, told Congress: "If you enact an impracticable statute, it is the election authorities throughout the nation who will suffer the failure and all the ensuing abuse and blame."

Mr. Hanly, though a Democrat, opposed the Carter bill. So did officials from Philadelphia, Los Angeles, Monroe County, N.Y., and Rhode Island, among others.

Their concerns were practical, not philosophical. They are not wicked people trying to lock the doors to the polls. They are just local people concerned about how this new federal program will affect them.

Their critical view was not unanimous. The secretary of state of Minnesota, which as Election Day registration, endorsed it strongly, and officials of Connecticut and Montgomery County, Md., said they thought it would work well in their jurisdictions.

A sensible person reading this record would conclude that Election Day registration is an idea that suits some places much better than others. It is a idea that was tried in a handful of states in 1972. It is deserving of further experiment and likely to receive it—if the federal government does nothing.

What is totally lacking in the record is a compelling case for federal preemption of the voter-registration field. This is no energy crisis requiring massive federal intervention. There is no demand here for help from local officials or citizens.

Nor is there a showing of state and local indifference to the problem of expanding the suffrage. Quite the contrary. The record clearly shows most states have made innovative efforts to reduce the barriers to voting by a variety of means—including Election Day registration—that they deem suitable for their particular circumstances.

In his speech to the governors' conference, Carter said: "I believe it is time that the federal government recognize that states and localities retain a special knowledge of local problems. . . . We will," he promised, "have a government structure that encourages rather than stifles local flexibility."

Carter apparently forgot that speech when he submitted his mandatory Election Day registration bill. What's wrong with his bill is not that it is a plot to guarantee permanent Democratic control of the White House and Congress or a blatant invitation to fraud.

What's wrong is that it egregiously violates the sound principle of federalism Carter himself espoused before the governors. Where is that "humility about the federal government's ability to legislate problems away" now?

NATIONAL SMALL BUSINESS WEEK

Mr. DeCONCINI. Mr. President, this week has been designated by President Carter as National Small Business Week. The appropriateness of the President's action is beyond question. The small business community is the cornerstone of our Nation's free enterprise system, a well spring of new ideas and inventive genius, and a continuing testimony to the enterprising vitality of our people.

Congress has expressed its concern for the continued viability of small business firms by establishing the Small Business Administration, which became the first independent agency of the Federal Government charged with the duty to aid, counsel, assist, and protect the interests of small business.

Few people realize the impact which small business has on our national economy. A few years ago well over 8 million small firms accounted for 97 percent of all businesses, provided for more than half of the employment in private business, 48 percent of business output and 43 percent of the gross national product.

I am a small businessman myself and can attest on the basis of my personal experience to the manifold opportunities provided by this sector of our economic system. At the same time, Mr. President, I am fully cognizant of the menace to small business and the values it sustains posed by increasing bigness in all spheres of American life.

It is imperative that in the process of making national policy we never lose sight of the interests and problems of small businessmen and women who personify the spirit of independent initiative so critical to the effective functioning of our free enterprise system.

S. 790—PROTECTING THE MARGINAL WATERWAYS

Mr. CHAFEE. Mr. President, among the inaccurate allegations that have been circulated about S. 790 is the statement that it would drive marginal, high-cost waterways out of business. That is not a fair evaluation of S. 790, as it was introduced. It certainly is not a fair evaluation of the bill, as reported out of the Committee on Environment and Public Works.

The committee added language, at Senator Domenici's recommendation, directing the Secretary of Transportation to set user fees so as not to cause any severe economic impact on any particular group of users.

That is a fair approach, and I hope that the Members will focus on this language, which appears on page 8, line 7 of the bill:

> In establishing user charges under this Section, the Secretary is directed to assure that user charges that apply to any particu-

> lar existing segment of the inland waterways of the United States shall be set at a level so as not to cause serious economic disruption among the commercial users of such segment.

Of course, there is one further protection built into the bill. This is the automatic review of user charge regulations by the Congress, which is specifically laid out in the bill. Between these two items, user charges can not cause damage to waterway interests, or communities dependent on waterways.

NATIONAL SMALL BUSINESS WEEK

Mr. WEICKER. Mr. President, President Carter has designated May 22 through May 28, as National Small Business Week, in honor of the millions of small businessmen and women who are the backbone of our economic system. The statistics concerning small business are impressive: Over 95 percent of enterprises in the country—10 million—are considered small business; they provide the livelihood for over 100 million people; they represent 48 percent of the Nation's GNP.

As ranking minority member of the Senate Select Small Business Committee, I am made aware constantly of the plight of small business in our country. Too often we overlook the hardships we, as legislators, impose on the small entrepreneur when we enact laws which purport to be for the betterment of society. Therefore, we can only applaud when efforts are begun to apply laws in a rational, sensible manner. The resent announcement by Secretary of Labor, Ray Marshall, that OSHA regulations will henceforth be concerned primarily with those industries which pose the greatest potential risk to safety and health, is an example to be followed. Similarly, recent hearings, held jointly by the Senate Committee on Finance and the Senate Select Committee on Small Business, address the administrative problems of the Employment Retirement Income Security Act (ERISA), and the recommendations suggested should be welcomed by small businessmen and their employees.

The qualities which we associate with a successful business person are the qualities which we think of as particularly American—independent, innovative, steadfast, and sensible. The private sector must be assured that this spirit will never be extinguished.

Each year the Small Business Administration honors individuals who are outstanding small businessmen and women. The small business person of the year for the State of Connecticut is William A. Rice, president, Rice Packaging, Inc., Ellington, Conn. Mr. Rice founded this company just 10 years ago. The firm provides a complete service for merchandising a product, including a survey of needs, market-analysis, and the packaging of the product.

I am pleased to join with the Small Business Administration in honoring Mr. Rice and the designees from the other States, for their achievements.

PRESIDENT CARTER'S HOSPITAL COST CONTROL PLAN DESERVES SUPPORT

Mr. PELL. Mr. President Carter recently sent the Congress a thoughtful and important piece of health care-related legislation, the Hospital Cost Containment Act of 1977. This legislation is a broad and urgently necessary attempt to place reasonable limits on a major health care problem of the past decade—the explosion in hospital medical charges.

Forty percent of American's health care budget is spent in hospitals—a total of about $55.4 billion per year within hospital walls. This cost has increased at a rate far exceeding the other sectors of our Nation's economy. In the last 25 years the cost of a day's stay in a hospital has increased almost 1,000 percent, while the overall Consumer Price Index for all items has increased by 136 percent. In the last 10 years a day's hospital stay increased by 15 percent, as compared to a 6-percent increase in the Consumer Price Index.

The reasons behind these cost increases are not difficult to find. Under our medical-economic system, which is characterized by a lack of competition in the delivery of care and by a predominantly third-party payer system, there is too little incentive to keep the costs of care down; and even a tendency to increase the frequency of care, even if that care is unnecessary. Outside factors, too, have contributed to this inflation, especially the practice of defensive medicine and the recent increases in the rate of liability and malpractice insurance.

However, recent experiments with cost controls show that they can work, and work well, to limit cost increases without any diminution in the quality of patient care.

Our State of Rhode Island has been a leader in several forms of hospital-oriented cost control, and these point the way for the President's effort to succeed. Rhode Island has, for the last 3 years, been carrying out a prospective reimbursement planning program, covering all of the voluntary hospitals in the State, Blue Cross, and the State's Department of Health and Budget Office. Under this prospective system, inflationary increases were kept about five points below the Nation as a whole. Our experience with this prospective system proves that the President's plan can work effectively.

Second, we in Rhode Island are well-acquainted with another cost control device which offers what I believe to be the best existing answer to medical care and delivery problems: the Health Maintenance Organization. I hope that, as the administration becomes deeply involved in health policymaking, it will give special attention to the development of its HMO program.

Let me share with my colleagues just a few statistics on how cost effective HMOs really are. In Rhode Island, we have a growing HMO, the Rhode Island Group Health Association, which was the first federally certified HMO under the Federal HMO Act, and which now has an enrollment of 22,000 members. Their hospital inpatient utilization rate is 415 inpatient days per year per thousand members. The comparable Blue Cross utilization rate in my State is 780 days per year per thousand members. This translates into a savings of 365 hospital days per year per 1,000 persons for RIGHA over the traditional Blue Cross plan. If RIGHA membership averages 22,000 for this year; and I hasten to add that it is growing, so this will be a conservative figure, and if the same figure for utilization continues, RIGHA members will have 8,030 fewer hospital days this year than an equal number of general population patients. Using the average hospital daily cost charge in Rhode Island of $220 per day, this means that the difference will amount to a $1,766,600 savings in hospital costs this year. I believe that this is where we can really get a grip on medical inflation, while at the same time guaranteeing the best possible quality of care to patients.

Mr. President, the Carter proposal is a bold step, and it is already controversial; but I believe that it is workable, and it is certainly most urgently needed. If we cannot contain hospital costs, then we will not be able to afford comprehensive national health insurance. In fact, if we cannot restrain these costs, more and more individuals will not be able to purchase basic health insurance at all because it will be priced right out of the pocketbooks of middle income families.

The problem is as simple as that. I urge my colleagues to carefully consider the alternatives and to support the administration's worthy initiative in this area.

ARTS IN TROUBLE

Mr. DECONCINI. Mr. President, I venture to guess that no Member of this body is unaware of the importance of the arts to the development of a full and rich life. Yet, the Congress has been extremely reluctant to move toward the development of a national arts policy. Granted, we have made some extremely significant first steps; but much remains to be done.

We have many pressing national problems, and I would not suggest that we make the development of the arts in America our No. 1 priority. Nonetheless, we must face the fact that as we peer into the future the nature of our society is likely to change. The machine revolution is creating—and if we are able to cope with our energy problems—a society in which the amount of leisure time will dramatically increase.

In the past, the arts were essentially the preserve of the leisure class which constituted only a tiny fraction of the population. But the numbers of persons who have the time to spend in esthetic pursuits is increasing. As a matter of national policy, we should be prepared to expose our young to the arts so they can develop their sense of appreciation. It is largely through the arts that we expand and transmit the essential values of our civilization from one generation to the next. It would be a sad comment, indeed, if American civilization which has been so marvelously successful in eliminating drudgery from the life of man did not provide the means for individuals to expand their own intellectual horizons as well.

I ask unanimous consent, Mr. President, to print in the Record a commencement address to the Arizona State University College of Fine Arts delivered last year by the chairman of the communication and theater department, Prof. William E. Arnold.

There being no objection, the address was ordered to be printed in the Record, as follows:

ARTS IN TROUBLE

As many of you know I have served as Acting Dean of the College of Fine Arts at Arizona State for the past academic year. Therefore it is not surprising that at the last minute due to a cancellation, that I serve as the acting commencement speaker. Usually in a commencement address the speaker gives a charge to the graduating class. With the current employment prospects for students, not only in the Fine Arts, but in many disciplines, you may choose to charge us. However, I am sure that you will look back on the many years that you have had here as good years and recognize that some of us, particularly those on the faculty, like it so much that we stay on forever. In fact it's suggested that we may never graduate.

Except for some of the basic skills you have developed, you will not remember all of the specific information given to you in the forty-two courses that you have taken at this institution. You will not remember the year of the Franco-Prussian War. You will not remember Mathematical Set Theory. You will not remember the five themes of the novel "The Red Badge of Courage." You will not even have memories of the local hang out, art store, the theatre, and even your memory of dorm food will fade. While these memories fade, let us hope that you will not forget everything that you have learned.

Let us hope that you will remember at least three basic skills that you have or will learn as you go through life. First, let us hope that you have learned what you need to know with regard to basic information. As you look around society today, you will soon see that there is too much information. There are too many magazines, too many newspapers, and too much information coming through other forms of the mass media. None of us has enough time in any one day to absorb all of the information that is being directed toward us. Within all of this information, you have the right to know just about anything that you want to know. Although the issue of National Security is being debated right now, an informed electorate is the best. Coupled with your right to know, you have the right not to know. You have the right to select the information that you want to receive and leave other information on the wayside. You may already know too much about the Patty Hearst trial or Watergate. You have the right to select what information you want to be exposed to.

The second basic skill that I hope that you have developed is that you have learned how to find out what you need. Let us hope that the University has given you the skills necessary to discovery. With all of the information that is around, you need to know how to select, analyze, and discover Hopefully you will have also developed skills in critical analysis.

Finally, let us hope that you have learned how to cope with the rapid changes that our society is undergoing. Toffler has talked about "future shock" and what happens when society moves too rapidly. Although a few people are tuning out as the world is moving too fast, this doesn't look like a viable option for many of us. Hopefully you will be able to cope with the change that you will be facing in your lifetime.

With these basic skills in mind, let me be more specific as to where you are right now, and where I hope that you will go. Each of you should be proud of the accomplishments that you have made this year. I could spend all of my remaining time just listing these accomplishments, but I won't. I won't because I am worried that while we are being creative in the arts. our environment to express this creativity is in danger. Why do I feel this way? Let us look briefly at the national picture for fine arts.

It was quoted that "The arts are not only intrinsical and basically enjoyable, but they serve a purpose beyond themselves. They are not luxuries of education but experiences which make education worthwhile." Later "There is a general awakening to the importance of the arts; their value is being realized industrially, educationally, commercially, artistically as never before. . . . With this awakening of interest it becomes increasingly clear that the arts are soon to be accorded the importance they deserve as instruments of education and that they will have their definite values not as ends in themselves so much as means in fitting for life." These sound like statements that have been made in the press recently about the arts. Unfortunately, these statements were made in 1899 by John Dewey and in 1906 by the President of the Western Drawing and Manual Training Association, respectively. Similar feelings are still being expressed today and these feelings are in the same hopeful tones. Recently, the New York State Commission on Cultural Resources declared, "The arts not only belong in the schools but the schools and curriculums are incomplete without them." It is frightening to believe that we have made so little progress on integrating the arts in education.

In a survey conducted by Louis Harris in 1973 and then another survey in 1975, we get a feeling for how the general American public deals with the arts. The American people are looking for quality of experience to fit the quality of life. In this they have used the arts as the central part of that quality. In the Harris national survey that was conducted in 1973, 89% of the people felt it important to the quality of life in their communities to have access to facilities like museums, theatres, and concert halls. When the study was updated by the National Committee for Cultural Resources, they found 93% felt that the facilities were important. Looking at those individuals who gave the facilities top rating of very important, the quality of life rose from 57% in 1973 to 69% in 1975.

Americans not only view the arts as important to their quality of life, but to the healthy economic environment. In 1973, 80% of the public felt that the facilities were important to the business and to the community. Two years later that proportion increased to 85%.

In the April 10, 1976 issue of the San Antonio Light, the editorial writer suggested as did the representative in state government, that "unless drastic action is taken, hundreds of college and thousands of community theatre groups, school music and art programs, museums, symphony orchestras and dance companies will be forced to shut down." They went on to suggest that in San Antonio many of the community arts projects face financial difficulty. Their conclusion was that they hoped that in a short period of time that they will hear the residents of their community saying, "Pay your taxes and support the arts." Thus on a local level, the concern is there for the arts, but the funds have not yet been forthcoming.

Obviously, the pictures indicate that on one hand we feel that the arts are important but on the other hand, we are not willing to support them financially. A brief look at the federal level of expenditure is also revealing. The current federal appropriation of 189 million represents an outlay of 29 cents per capita spent on the arts and humanities. This is a meager sum when compared with the per capital outlay of $380 for defense, $110 for health, $50 for education and $4 for public transportation. We have a long way to go at the federal level.

While we at the university ,do not accept the plight of the arts, we are now forced to work with restricted budgets, crowded studio space, potential limited enrollment in many of our courses, and restricted travel funds for our bands and choirs. The situation does not look promising for the arts.

The situation is not going to change unless we, each and every one of us, are willing to do something that we have generally considered distasteful, become political. If we are wanting support for the arts, we are going to have to go out and politic for them. This is essential for our survival.

Attitudinally, we can see that we all support the arts and feel that they are worthwhile. Behaviorally, we are attending arts related activities in record number. The question then becomes: would we support the arts financially? In a poll taken by Harris, he indicated that 64% of the American tax paying public would be willing to pay $5 a year to support the arts, while 47% would pay $25 a year and 36% would pay $50 a year. It is very apparent that Americans are ready to support the arts and humanities in this way.

Fortunately, we have an opportunity at the national level to do something about our desires to contribute to the arts. Representative Frederick Richmond, Congressman from New York, has introduced House Resolution 8274. This bill would provide an opportunity for individuals to make financial contributions, in connection with the payment of their federal income tax, for the advancement of the arts and humanities. Believe it or not, he introduced this bill in June 1975. This would be similar to the funding check off box on the IRS form where taxpayers can indicate willingness to make a contribution to the endowments, member organization of the National Council for Arts and Humanities, a federal agency. Taxpayers could have a portion of their tax overpayment contribution to the endowment or could make an outright contribution. In either way the funds would be tax deductible and would go directly to endowment projects rather than to federal administrative budgets. Obviously, such a bill cannot be passed without enthusiastic support from across the country. Representative Richmond feels that the bill could raise 1.8 billion dollars annually for the arts. However, he needs our support for the bill and endorsements from local arts and educational organizations and prominent individuals. He would also like names and addresses of supporters to be sent for a national mailing list. He would like events and meetings organized to discuss the bill. He would like media used to highlight the bill's unique funding concept.

Frankly, that's only a beginning. I would like to go a step further. I plan to seek through our local legislatures a similar bill to be amended to our State income tax provisions. We need to act now.

Each of us needs to create, communicate, and cultivate. We need to create new friends and supporters for the arts. We need to communicate our needs and our concerns for the arts to our constituents and to our legislators. And finally, we need to cultivate financial support so that the arts can serve in America. I ask that you join in and take part and support your arts.

Let me thank each of you for being our students and sharing your ideas and information. Let me thank each of your parents in the audience for trusting us with your children who are now adults.

As you leave the university look on your departure not as an end, but as a beginning. Represent and support your disciplines of art, communication, dance, humanities, music, and theatre. We will prosper from your support.

FAKE ID AND VOTER REGISTRATION

Mr. LAXALT. Mr. President, within a few weeks, this body will be voting on S. 1072, the instant voter registration bill. In so doing, one of our foremost tasks will be to weigh the purported benefits of greater convenience against the dangers of fraud. Since the administration seems determined to ignore the advice of its own experts in the Justice Department, it is especially important that we realize what is the potential for abuse under this legislation.

In this regard, Mr. President, I would like to call your attention to a fascinating and, moreover, alarming story reported by CBS newsman Mike Wallace last spring. Mr. Wallace conducted a very simple experiment: He assigned a researcher from his "60 Minutes" documentary program to build a phony identity from ground up. With little difficulty, the researcher was able to procure a birth certificate, a State unemployment card, a social security card, a food stamp card, a driver's license, and a U.S. passport. CBS actually filmed the researcher, fibbing her way with total success from one records office to the next.

The point, Mr. President, is that any person who is bent on violating our election process can obtain with minimal difficulty, the meager identification required to vote under this legislation. The possibility that this fraudulent act might be uncovered subsequent to the election is of little solace; the damage to the integrity of the ballot box would have been done. In view of the seriousness of this problem, I am hopeful that my colleagues will recognize the need to maintain advance registration and to reject this ill-conceived proposal.

Mr. President, at this time, I ask unanimous consent that the text of the Wallace report, which was originally broadcast on May 16, 1977, be printed in the Record.

There being no objection, the text of the Wallace report was ordered to be printed in the Record, as follows:

Fake ID

Mike Wallace. More than $10-billion a year—that is how much fake ID costs this country. That's the conclusion of a special Federal task force that's been looking into the problem of fake ID for more than a year now. They have found that fake ID is used by everyone from the Weathermen underground, hiding out from the FBI, to illegal aliens to heroin smugglers, who use it to slip past our borders. Fake ID, in short, has ballooned into a national problem of massive proportions. And it may interest you to know that the film you're about to see, which we first broadcast about six months ago, is now being used to train U.S. passport officers and consular officials on the problem of fake ID.

How easy is it to get fake ID? Well, you can step into stores like these in just about any city in the country, and five minutes later walk out with a laminated ID card. Or you can send your picture to small outfits like Eden Press in California. For five dollars, they'll sell you what appears to be an official state ID card from any state in the country you want and with any name you want. And it's all legal. They also do a smaller business in what appear to be (but are not) official birth certificate forms, high school and college degrees.

Barry Reid runs Eden Press.

Barry Reid. Well, I originally began because I wanted to help people who've had severe defects in their background, such as through bad service record, credit records, bad marriage, business failing of some kind, or even a criminal background—people who wanted seriously to begin a new life with a new identification.

Wallace. Barry Reid's fastest moving item is a pamphlet called "The Paper Trip"—a do-it-yourself guide to establishing false ID in what Reid says is the most foolproof way, not by getting the kind of identity cards that he prints up, but by getting the real thing—documents issued to you under an assumed name by the Government itself.

Walking proof that the process really does work is this young man, Matthew Steen, alias Eric Gilbert Dietz, alias T. Swingle Frick, III, alias Romez Tormey. In 1970, while a student at Berkeley, Steen went underground as a member of the militant Weathermen organization. Before he was arrested in 1971, Steen says he had obtained a hundred-fifty different identities—almost all of them courtesy of various Government agencies.

What kind of documents are we talking about?

Matthew Steen. Birth certificates, notarized birth certificates, driver's licenses from various states, occasionally Social Security cards, and other superficial types of identification, like library cards, et cetera.

Wallace. And you had no real difficulty in doing this?

Steen. No.

Wallace. By the time the FBI got to him in 1971, Steen acknowledges he had used various fake ID's to rip off the Bank of America. He'd buy a set of Traveller's Checks; then, a couple of weeks later, claim they'd been lost or stolen—and get replacements. He had doubled his money.

How much did you make this way?

Steen. Somewhere between fifty and a hundred thousand dollars.

Wallace. Among the official documents Matt Steen obtained under assumed names was a U.S. passport. Well, for decades, the head of the passport office in Washington has been keenly aware of the fake ID problem—Frances Knight.

Ms. Frances Knight. This has been going on for years. Identity fraud is nothing that—that is new in this Administration or in this decade. And yet, nobody—including the—the brains of the Department of Justice—have been able to come up with anything to stop it. It's been increasing.

Wallace. The key to building a false identification is getting this precious document, a certified copy of a birth certificate. This one was issued with little fuss, right here in the Municipal Building in downtown Washington, where they have a record, as you can see, of everyone ever born in the District of Columbia.

Across the country there's a hodge-podge of offices like these, more than 7,000 of them in the cities and counties and state capitals, which can issue copies of such birth certificates. And what do you have to do to get one of these? Just jot down a few facts about yourself or about the person whose name, whose identity, you are illegally assuming.

The man in charge of the Washington, D.C. office is John Crandall. I asked Mr. Crandall if it might not be possible that the young woman in the checkered shirt whom we were filming was an imposter, applying for the certificate of a person who had actually died years ago.

John Crandall. We would have no way of knowing. That's right.

Wallace. And you just don't know?

Crandall. No we don't. We have no way of telling at this point.

Wallace. So what you have here is a legal document that this woman can use—for whatever purposes.

Crandall. For whatever purpose. To claim estates, to inherit money, to get passports, to get unemployment. For almost anything.

Wallace. And if she were an imposter—I'm sure she's not, but if she were an imposter—she could use it for fraudulent purposes?

Crandall. Yes, she certainly could.

Wallace. To rip off whatever she wanted to rip off?

Crandall. I think I better ask her if she's going to.

Here you are, Miss Diane. You're not going to use that for fraudulent purposes, are you?

"Miss Diane." No.

Crandall. No. [Chuckling]

"Miss Diane." No, of course not!

Wallace. In fact, that young woman was an imposter. Her real name is Lucy Spiegel and she is a 60 MINUTES researcher. The certified birth certificate she got was that of a child who had died almost twenty years before. But the people in the D.C. Birth Records Office had no way of knowing that. You see, most places, when someone dies, no note of that is made on his or her birth certificate.

Over the weeks that followed, we set out with Lucy to see just how impressive a set of documents she could accumulate—all of them ID's issued by Federal or state agencies—all of them obtained under an assumed name, just as if Lucy herself were a fugitive from the law.

The first test of her new birth certificate came when Lucy turned up at a State of Maryland office to apply for an official-looking Age of Majority Card, issued in place of a driver's license to young people for everything from proving they're old enough to buy a drink, to cashing a check.

Clerk. Your birth certificate, please.

Wallace. Aside from that birth certificate, Lucy also presented an ID card she'd been issued just a few hours earlier by the State Employment Office, for which she had had to show absolutely no ID whatsoever.

In all the government offices where we filmed, the people in charge knew that we were doing a story on false ID, but they did not know that the applicant we spent the most of our time filming was actually our researcher and that she was applying under an assumed name.

I asked the State of Maryland examiner if just possibly, despite her ID, Lucy might not be an imposter.

There's a big market in—in false ID.

Examiner. Yeah.

Wallace. And so all of this could be false. She looks like an honest person—person. That's an awful thing to say.

Examiner. Yeah, it could be. It could be.

Wallace. And she could use this to—rip off a bank, forge a check, open a charge account—and with no intention of paying.

Examiner. She could.

WALLACE. Ten minutes later, Lucy received her ID card.

EXAMINER. Miss? Everything's right? Name? Date of birth?

LUCY. Uh-huh, yup, that's it.

WALLACE. Next step—applying for a Social Security number, and that's the nearest thing we have to a national identity card. You need one for opening a bank account or filing income tax returns, for getting a job, collecting unemployment insurance or welfare benefits. To get such a card, you must have good current ID—and, once again, a birth certificate.

SOCIAL SECURITY CLERK. Do you have a proof of age with you?

LUCY. I have my birth certificate.

SOCIAL SECURITY CLERK. May I see it, please?

All right, thank you very much. You should be receiving this within six weeks.

WALLACE. Next, the State of Maryland Welfare Office, where Lucy went to sign up for food stamps under her assumed name—a felony under Federal law. Nationwide, the cost of food stamps has mushroomed to almost six billion dollars a year. With her new ID cards, Lucy had no trouble passing a routine interview with a skilled social worker. She also presented some fake letters to prove that she was needy.

I asked the social worker if there wasn't a problem with people using false ID's to get food stamps—because I heard in some testimony before the Congress there was one woman in Arkansas who got 23 different food stamp cards.

SOCIAL WORKER. You know, it's practically impossible for us to go into great detail. We ask for identification and we use what you—we get.

So this is yours now, and you should carry it with you at all times.

LUCY. Okay.

DRIVING INSPECTOR. Learner—Learner's card, please.

WALLACE. Next step—to apply for a vital piece of ID—a driver's license, required for cashing checks, for all manner of transactions. To get her Maryland license, Lucy presented the learner's permit she had received by mail (no ID had been needed to get it) and then, again, that certified copy of a birth certificate. Most of us consider a driver's license to be proof positive that a person is who she says she is. But many of those who issue driver's licenses know better.

DRIVING INSPECTOR. We sell the driver's license to drive a car with. If they—people want to take this as identification, that's entirely up to them.

WALLACE. A few days later, Lucy received her driver's license in the mail, in someone else's name.

But one of the most valued pieces of identification in the world today is this one—a U.S. passport. American passports are produced under the tightest security, with sophisticated printing techniques designed to make forgery difficult. The black-market price for a genuine U.S. passport can run as high as $5,000. The customers? Military deserters, illegal aliens, drug smugglers, organized crime. With such a false passport, they can walk right past the keen-eyed inspection of U.S. Immigration officers. They have a watch list of more than 40.000 individuals wanted by assorted agencies from the FBI to Selective Service, but that list won't do them much good if a criminal is travelling with a passport issued in somebody else's name.

IMMIGRATION AGENT. As far as Immigration purposes, we have to verify that the picture in the passport matches the person coming in.

60 Minutes Producer BARRY LANDO. And if it matches?

IMMIGRATION AGENT. If it matches, then it's good.

WALLACE. To get a passport under another name, a person doesn't have to steal or forge one; he can just apply for one—with false ID—a felony under Federal law.

To apply for her passport under an assumed name, Lucy just walked into a post office in Bethesda, Maryland, filled out an application and produced some of the ID's she had collected. Two weeks later, her false passport arrived in the mail.

The total take from Lucy's paper chase? A certified copy of a birth certificate; a temporary letter from the Social Security office (her Social Security card followed a few weeks later); a Maryland driver's license; a Maryland Age of Majority card; a State unemployment card; a food stamp card; and a gold-embossed American passport.

Now, of course, people collect false ID with a purpose. Last year, American businessmen lost more than a billion dollars accepting checks that ultimately bounced, and most of the people they got those checks from used fake ID.

Lucy opened a checking account at a Maryland bank. And then, armed with a personalized set of checks but little money in her account, she demonstrated just how great a menace a person with a collection of fake ID can be.

A reflex camera in the window of a D.C. camera shop caught Lucy's eye.

CAMERA SHOP MERCHANT. The price is ninety-five dollars, and there's a four-seventy-five dollar tax.

LUCY. Okay.

MERCHANT. Ninety-nine-seventy-five.

LUCY. All right.

MERCHANT. You pay by check, right?

LUCY. Right.

MERCHANT. Okay.

WALLACE. With her purse full of fake ID, Lucy had no problem getting her check accepted.

As far as you're concerned, this lady's okay?

MERCHANT. Yes.

WALLACE. You're sure?

MERCHANT. I'm quite sure.

WALLACE. Another purchase at a nearby store—a denim suit and blouse. Price tag: ninety-three dollars.

On a sunny afternoon in Georgetown, Lucy picked up a Bulova wristwatch for ninety-three dollars.

Then came a smart woman's blazer and slacks: seventy-five dollars.

Finally, a lamb's wool coat for two hundred thirty-six dollars and twenty-five cents.

Total amount of goods purchased: six hundred and thirty-six dollars and thirty cents. Yet, Lucy had only about a hundred dollars in her account under a phony name.

Now, if she had wanted to get away from it all and set up in another city with another identity, no problem there either. Lucy simply walked into an Eastern Airlines ticket office in downtown Washington and picked up a one-way ticket to Mexico City on a flight due to leave that evening. Again, the people at Eastern Airlines knew we were doing a story on false ID, but they had no notion that Lucy had any connection with us.

To pay for her ticket, she wrote a check under her assumed name for a hundred and sixty-one dollars and twenty-five cents, and backed up that check with her false ID.

AIRLINE AGENT. . . . One-way. Check-in one hour before departure time.

LUCY. All right.

AIRLINE AGENT. Okay?

LUCY. Okay.

WALLACE. I wonder if I could ask you some questions?

AIRLINE AGENT. Sure.

WALLACE. First of all—forgive me—this young woman could simply go to Mexico and disappear from sight, and Eastern Airlines would be out a hundred and seventy dollars-odd?

AIRLINE AGENT. That's right. Well, I'm quite satisfied that she is okay. I mean—

WALLACE. Why?

AIRLINE AGENT. Well, I just have that feeling. After all, I have been in the business twenty-eight years. I should know a little about accepting checks.

WALLACE. The key piece of ID Lucy presented to the Eastern Airlines agent to get her ticket was her U.S. passport. Well, a few hours later, we returned that document to Frances Knight, head of the U.S. Passport Office, and told her how easily Lucy had managed to get it.

Ms. KNIGHT. That's quite possible, and I'm sure that it's being done much more often than we know. We—We do apprehend some of these people who do it, and—

WALLACE. Well, if you want to go in, if I want to go in, and assume a false identity of somebody, let's say, who I know is about my age but is already dead, I can do that because it won't be on that birth record.

Ms. KNIGHT. That's right. That's right. And we have been warning the Government about this for years.

WALLACE. Does it occur to you that by talking this candidly about how to put together phony ID, we are conducting a "How To" course for folks who are looking in on us at this moment?

Ms. KNIGHT. Well, I think most of the people who want to do this type of thing already know about it. There have been books written on it. There are ads in the newspapers saying, "Come to us and we'll give you ID cards, we'll give you driver's license, we'll give you military discharge papers. You name it, we've got it!"

WALLACE. So you're not worried about that. What you're saying is to the Congress of the United States or the President of the United States, "Look, we've got a problem! Why don't you get off your backs and solve it?"

Ms. KNIGHT. That's a nice way of putting it, yes. I—That's what I would say. But we've been warning them for thirty-five years.

WALLACE. As we said, that film is now being used as a training film for passport officers and U.S. Consular officials. And by the way, everything our researcher, Lucy Spiegel, bought has been returned. Her phony documents have also been returned, for most of what we did was illegal. What's to do about all this? That special Federal task force on fake ID will shortly be issuing proposed solutions. They say there is no need for a national identity card, as some people have suggested. Instead, they call for a rigorous tightening up in issuing copies of birth certificates. And they also call for some sort of nationwide system for cross-indexing births and deaths so that when a person dies, that fact will be indicated on his birth certificate.

SMALL BUSINESS WEEK

Mr. BARTLETT. Mr. President, the week of May 22 through May 28 is National Small Business Week and I would like to take this opportunity to express my continued strong support for our Nation's most innovative, productive, and flexible sector. Small businesses provide in the neighborhood of 52 percent of all employment in the United States and produce nearly 50 percent of our gross business product. Socially as important is the fact that small businesses have traditionally been the means by which individuals could express their own creativity and freedom while at the same time earning a living. Small business is the essence and heart of the American dream of prosperity and self-determination.

In the proclamation establishing a National Small Business Week the President said:

> A successful small business is evidence of the independence, initiative and hard work of the man or woman who owns and operates it. Their spirit has been, and will continue to be, a major factor in our nation's growth.

I agree completely, nevertheless it is becoming increasingly obvious that the major challenge to the spirit of our small business men and women is the Federal Government itself. Tax policies, paperwork, government licensing, regulations, inspectors, minimum wages, and governmental restriction of entry into certain industries are all examples of activities by the Federal Government which affect the ability of small businesses to survive. An alarming proportion of a businessman's time and money is being expended to satisfy the demands of Government. Time and money that could be more productively used.

National Small Business Week is an altogether fitting occasion to reaffirm our belief in a competitive marketplace relatively free from Government intervention. To the extent that there is any justification for the Government to interfere in the economy at all, it is to improve the competitive conditions of the marketplace. Unfortunately, recent history is not encouraging in this regard. All too many of the Federal Government's actions since World War II have served to sap the vitality and spirit traditionally inherent in our free enterprise system. The Government has in effect institutionalized ever-increasing levels of unemployment and inflation. I hope that the observance of National Small Business Week will serve to highlight this growing struggle between the demands of the Government and the freedoms of the individual, for nowhere are the issues and stakes more apparent than in the operation of small business.

Mr. President, I ask unanimous consent that an article by Mr. Peter Jay, Great Britain's designated Ambassador to the United States, be printed in the Record.

Mr. Jay points out the difficulties Great Britain has found itself in by ignoring, for too long, the essentially different functions that the economic and political institutions of a country are meant to serve.

There being no objection, the article was ordered to be printed in the Record, as follows:

England's Sickness—London's Envoy-Designate Blames the Economic Crisis on Popular Democracy

(By Peter Jay)

We in Britain are a confused and unhappy people. So are those of our fellows on the continent of Western Europe who have their wits about them. So, too, are our many friends in the United States who rightly see in the anguish of the United Kingdom the advanced stages of a disease that has already taken hold throughout Western Europe and that is beginning to show in unmistakable symptoms in the United States.

We are unhappy because the foundations of our prosperity seem to be eroding faster and faster and because we can neither find nor agree upon any sure remedy for this decay. We are confused because we do not clearly understand why all this is happening to us, whether it is due to the malefactions of subversive groups, the incompetence of governments, defects of national character, the rhythms of history, the luck of the draw, or what.

The search for someone to blame adds to the confusion and the bitterness. Government and governed become more and more alienated from one another. The governors believe the governed to be irretrievably greedy, feckless, idle and recalcitrant, while the governed believe the governors to be stupid, corrupt, powercrazed and unrepresentative. Likewise, class is set against class, the middle classes denouncing the rapacity of the worker while the workers rail at the privileges and the hypocrisy of the better-off.

In Britain region is set against region, and seperatism gains steady support in Ulster, in Scotland, in Wales and, by reaction, in England itself. Only the Labor Party can any longer claim a vestige of nationwide support, and even it could not get even 30 per cent of the potential electorate to support it in 1974; but for London and Bristol, the Labor Party would be virtually unrepresented from the whole of the south of England.

The fissures spread out in all directions like an ice fall: disintegration in slow motion. Labor unions, business management and financiers are locked in a triangle of mutual vituperation and incomprehension. Union leaders point to the lack of investment in productive industry. Industrialists complain that the capital markets and the banks do not support them because the financiers' time horizons are too short and their understanding of industry is negligible. And the investors ask how they can be expected to put up capital when the unions preempt all, or more than all, the potential return on new plant and equipment.

Weak labor unions with low-paid members loudly support same-all-'round ceilings on pay increases while their stronger brothers, in entrenched industrial positions with higher-paid workers, stoutly defend their "differentials" and angrily compare their lot with standards enjoyed by bloated capitalists, whom they still imagine—not always wrongly—to be living like a caricature of a 19th Century railway baron. The media criticize everyone and everything; almost everyone blames the media for the lack of national unanimity and commitment.

It is an unedifying spectacle and an unprofitable arrangement. Nor does it touch at any point on the true causes of the problem. These causes are deep-seated and general, embedded in the very organization of our society. They are also complex and abstract. There are no guilty men, but there are defective institutions.

The political and economic organization of modern liberal democracies is dedicated, above all, to the satisfaction of individual wants. How are we to establish what individuals want? By asking them. How are we to ensure that they get what they want, at least so far as possible? By letting them make the decisions. How do we arrange that? By letting them elect their governments and by letting them spend their money in a free competitive marketplace.

This engagingly simple political philosophy may indeed have been a useful antidote to the depredations practiced on mankind by authoritarian and paternalist regimes in the name of higher values. But, alas, it already has built into it the tension that lies at the root of our present troubles. For, as the Austrian economist Joseph Schumpeter pointed out, the marketplace for votes and the marketplace for goods operate according to vastly different and frequently incompatible criteria. When the domains of the economic and political marketplaces overlap—as they often do—they come into serious conflict.

The political arena is a marketplace in votes. Rival teams organize themselves to win a majority or at least a plurality of support so they can exercise power. The only cost of voting for one team is that you cannot vote for another. The teams naturally and inevitably seek to outbid each other by offering more of whatever they think the voters want. There is no mechanism that requires bids to be internally consistent or forces voters to balance more of one good against more of another.

The economic arena is—or at least supposedly starts out as—a marketplace in money. But here the individual chooses quite differently. He makes small decisions all the time instead of one big decision every few years. Each decision is marginal, to spend his next penny on a little more of this rather than a little more of that. He does not have to pledge all his income for the next few years to one of a short list of comprehensive packages.

The conflict between the different logics of political and economic choice is most clearly manifest in the relationship between unemployment and inflation. Since [John Maynard] Keynes, since the war, since the British *Employment Policy* White Paper of 1944, and since the American Employment Act of 1946, a pledge of full employment has been an indispensable ingredient in any bid for electoral victory.

After the experiences of the 1930's, almost every voter—or so all politicians have assumed—has regarded the avoidance of mass unemployment as an overriding political objective. After the writings of Keynes and even more after the simplified popularization of his writings and their endorsement by government, the politicians and the public have also assumed that the means of securing high employment always lay at hand.

Whenever unemployment looked like it was rising to politically embarrassing levels, the response was to put more spending power into people's pockets, whether by cutting taxes, increasing government spending or easing credit conditions through monetary policy.

It was recognized in theory that one might go too far in this direction, overheat the economy and cause inflation. But it was not doubted that there was a safe zone in which something approaching full employment could be maintained without running risks of serious inflation.

The economic realities were unhappily different.

The truth is that in the short term—for the first year or two—demand management, the regulation of spending power, mainly affects the real volume of spending, output and therefore employment, while in the longer run it mainly affects the price level. The notion inherent in the popular understanding of Keynes—that an economy could be indefinitely underemployed through deficient demand without prices eventually being forced down sufficiently to clear markets, including the labor market—was a dangerous misunderstanding of the unhappy experiences of the 1930s.

Nonetheless, the belief was almost universal in British economic circles and increasingly predominant in American and European cities that, provided overheating of the economy was avoided (and with it "overfull employment"), budget deficits and the associated expansion of the money supply could be used more or less without limit to head off any incipient rise in unemployment.

At the same time, there were objective reasons why unemployment was likely to rise above the levels regarded as "full employment," even in the absence of any positively deflationary actions by government and the central bank. These were and are of two kinds, both barely recognized and little understood: the general imperfections of the labor market; and the operation of what is variously known as "free collective bargaining" and as "trade union monopoly bargaining."

Imperfections of the labor market include anything that keeps job seekers and vacancies from being instantly matched to one another. As the pattern of demand and the techniques of supply constantly evolve different kinds of workers are required by different entrepreneurs in different places. It takes time to convert some workers from one role to another. Others can never be converted and have to be replaced by a new and differently trained generation.

The role of free collective bargaining may be regarded as a second and separate reason why conventional postwar full employment policies were incompatible with price stability—or indeed with a stable rate of inflation—or it can be seen as a special case of the first general reason. The latter way of putting it emphasizes the monopolistic character of collective bargaining by labor unions.

The effect of charging a monopoly price for labor must be to reduce "sales," that is, employment, below the market-clearing level. Some people will get paid more than they would under perfect competition in the labor market, but others will not get jobs at all.

The effect, therefore, of a widespread pattern of monopolistic bargaining in the labor market will be to increase the numbers unemployed—in other words, to raise the "natural" rate of unemployment. This, as has often been pointed out, is in itself a once-and-for-all effect. But like the once-and-for-all effects of other labor market imperfections, it gives rise to an accelerating, eventually explosive rate of inflation when it is combined with a government commitment to maintain by demand management a lower rate of unemployment than this new "natural level."

As soon as unemployment begins to approach the higher "natural" rate, government rushes in with injections of additional spending power, whether by fiscal or monetary means. These monetary or fiscal injections initially increase demand and so check or reverse the rise in unemployment. But this creates an imbalance of supply and demand in the labor market. Either unemployment is now below the natural rate, or it is below the rate that is needed just to inhibit the further exercise of labor unions' monopoly bargaining power.

In consequence, the price of labor rises once again. If final prices are not raised to cover this, businesses close and unemployment rises once again. If prices do go up, consumers' incomes will buy less, the volume of sales falls, output falls and unemployment rises once again. Whereupon government is forced to intervene again with another injection of extra spending power.

Before long, consumers and pay bargainers—indeed, everyone involved in the economy—gets used to inflation. It becomes built into expectations, and so the stimulative effects of any given amount of governmental "reflation" are eroded. Governments then begin to increase the dose; there is no end to this process of trying to keep the actual inflation rate permanently ahead of constantly catching-up expectations until the stage of hyperinflation—and breakdown—is reached.

Surely, it will be said, Western democracy is not going to wreck itself on such absurd and obvious nonsense. Unfortunately, it probably will, at least on the eastern side of the Atlantic.

It takes more and more inflation (or bigger and bigger balance-of-payments deficits, which are in some circumstances an inflation substitute) to achieve—or, more often, to fail to achieve—any given employment level. This evidence has been overlooked because we have all been watching the ends of the seesaw go up and down, without seeing that the fulcrum on which the whole contraption rests is steadily rising.

Even if the danger is fully appreciated, it is far from clear that the right action will be possible. The logic of ballot-box choice enables us—indeed, almost forces us—to vote for full employment without thereby also voting for the means to achieve it, which must include a willingness to sell one's own labor at a market-clearing price. Even that would not be enough. Everyone else would have to be committed to such individual bargaining, and that would imply the end of collective bargaining and therefore of unions in their main historic role.

It would further be necessary to vote for other measures that would reduce the "natural" level of unemployment until it coincided with our chosen definition of full employment. This could certainly include in Britain an end to subsidized municipal housing.

Thus, even though the mass of voters may dislike inflation more than they dislike unemployment, the logic of ballot-box choice may still give rise to inflationary policies. Voters can vote against inflation—or imagine they are voting against inflation—but actually to stop inflation they would have to vote against collective bargaining, housing subsidies, and the like. Even the statesman who fully perceives the nature of the dilemma is debarred from campaigning accordingly. He knows—or thinks he knows—that this would be the road to political extinction, which, as he will say, solves nothing.

Likewise, the fully intelligent citizen is debarred from voting for an option that no party puts forward. Even if the fully perceptive statesman and the fully intelligent voter could somehow establish contact, it is still not certain that it would be rational for the voter to support the statesman. The voter may fear the certainty of a deep and prolonged recession for three or four years more than he fears the eventual crash to which he knows traditional policies must one day lead.

So we reach the depressing conclusion that the operation of free democracy appears to force governments into positions (the commitment to full employment) that prevent them from taking steps (fiscal and monetary restraint) that are necessary to arrest the menace (accelerating inflation) that threatens to undermine the condition (stable prosperity) on which political stability and therefore liberal democracy depend. In other words, democracy has itself by the tail and is eating itself up fast.

There is nothing inevitable, in the absolute sense, about a process that consists of human actions. We could all decide to travel a different route; but that is an extremely difficult thing for people in groups of many millions to do in the absence of a system that reconciles public with private goods, that harmonizes the logic of political choice with the logic of economic choice.

INDIAN WATER RIGHTS

Mr. DeCONCINI. Mr. President, the Select Committee on Indian Affairs is presently considering legislation of enormous importance to my State of Arizona. The bill, S. 905, purports to be a solution to the problem of Indian water rights. Unfortunately, it falls far short of the mark. As it stands, the bill is unacceptable to me and to the vast majority of the people of Arizona.

Clearly, the five central tribes of Arizona have a case for more water, and I believe that the non-Indian people of Arizona are anxious to see an equitable resolution of those claims. However, S. 905 does not represent such an equitable solution; it merely shifts inequities. Furthermore, there is much about the bill that is unrealistic in terms of the amounts of surface water available in my State.

I am convinced that we will eventually be able to work out the problems in a manner which does not discriminate against any group. But there is need for considerable discussion and the development of new alternatives and approaches. I have suggested that a task force be established, composed of Indians and non-Indians, under the auspices of the Interior Department, to study the question with a view to proposing a realistic legislative initiative.

I ask unanimous consent, Mr. President, to have my testimony before the Select Committee on Indian Affairs printed in the Record. There being no objection, the testimony was ordered to be printed in the Record, as follows:

Statement of Senator DeConcini

Mr. Chairman, I am supportive of the concept of legislation to help resolve the State of Arizona's water problems which directly or indirectly affect all of the citizens of the State.

Today I intend to introduce legislation that would authorize and direct the Secretary of the Interior to pump and deliver at least 70,000 acre feet of water, but as much as 100,000 acre feet annually from nearby Federal lands to the Ak Chin Indian Reservation. My bill's purpose is not to discriminate against any non-Indian land owners or other persons but to fulfill the historic and legal obligation of the United States toward the Ak Chin Community. It is my wish that this bill might serve as a model for other central Arizona Indian reservations.

S. 905, the bill which we are concerned with today, contains a section—(104(b) of title I)—similar to the Ak Chin bill in that available local ground water would be pumped and delivered to the Papago Farms Project on the Papago Reservation. This specific section would help to fulfill the Federal Government's obligation to the

Papagos but would not discriminate against non-Indians.

I previously stated my support of legislation rather than litigation as a means of resolving our State's water difficulties. However, portions of S. 905, if enacted as introduced, would disrupt existing social and economic values in Arizona out of proportion to the benefits that would accrue to the Indians.

Section 201(a) of Title II authorizes the Secretary of the Interior to acquire private lands having State water rights and transfer these water rights to the Central Arizona tribes. The Secretary may purchase these lands through voluntary sales or by eminent domain proceedings. In my view this condemnation process places the Federal Government in a discriminatory posture relative to non-Indian landowners. Indians and non-Indians alike should be treated equitably, but this particular section of S. 905 would allow one segment of our society, non-Indians, to be dispossessed of property so that another group, Indians, may benefit.

Mr. Chairman, not only does S. 905 treat private landowners inequitably, it specifically singles out a particular group, landowners in the Wellton-Mohawk Project. Section 201(a) of Title II directs the Secretary to "give a priority to the acquisition of lands within the Wellton-Mohawk Division of the Gila project before acquiring any lands elsewhere . . ."

I will not go into great detail as to what impact such an action will have on this area of Arizona. The Wellton-Mohawk representatives' statements should give you all the necessary information, but I would like to point out what the costs and impact of buying out the Wellton-Mohawk Division would be, as estimated by the Bureau of Reclamation. The cost to the Federal Government for such a buyout is estimated at $332 million; termination of farming operations would eliminate an annual crop production of $37 million which accounts for a total economic impact on Arizona of about $235 million per year, including $32 million in annual tax revenues. Approximately 9,500 persons would be directly or indirectly displaced by this action.

The amount of water theoretically gained from such a buyout—300,000 acre feet—would supposedly be transferred to the Central Arizona tribes via the Central Arizona Project when it is completed. But such a transfer presents difficulties that are not addressed in S. 905. According to the Bureau, to transfer 300,000 acre feet of water would require either enlargement of CAP facilities, or the reduction by about 100,000 acre feet per year—approximatey 10 percent—of the water which would be delivered to other CAP users. As you know, major segments of the Central Arizona Project are now under construction. Modification of these facilities would be difficult and expensive.

One of the underlying assumptions of S. 905 is that the buyout of Wellton-Mohawk would eliminate the necessity for a desalinization plant near the border with Mexico, resulting in great savings to the United States. However, according to the Bureau of Reclamation, although a buyout of Wellton-Mohawk would largely eliminate the return flows from that Project to the Colorado, it would not eliminate the need for facilities to control the salinity of water delivered to Mexico under the terms of the present agreement with that country. Hydrological experts within the Bureau argue—and I quote—"Should the facilities of the Central Arizona Project be utilized to transport purchased main-stream water, the removal of 300,000 acre feet per year of presently diluting flows would cause the salinity of the Colorado River between Parker Dam and Mexico to increase by about 5 milligrams per liter . . .", thus causing the need for a desalting plant, but probably on a lesser scale. In other words, the reduction of mineral pick-up is not proportional to the decrease in the total amount of flowing water. Therefore, the major savings to the Government which the proponents of S. 905 anticipate because of the elimination of the desalinization plant are unlikely to occur.

Not only will the enactment of S. 905 as introduced have a significant disruptive effect on the Yuma, Arizona area, but the Bureau of Reclamation has also estimated the impact on the remainder of Arizona by extrapolating the results of its Wellton-Mohawk study. If enacted, S. 905 would:

1. Displace as many as 40,000 persons;

2. Cost the Federal Government approximately $1.2 billion;

3. Disrupt activities which now generate annual economic activities of over $900 million which in turn create about $120 million in annual tax revenues.

Water in Central Arizona, as you are well aware, Mr. Chairman, is at a premium. Streamflow is very erratic. This has forced us to construct storage reservoirs on the major water courses to store surplus flows for use when runoff is low. Below-normal runoff has resulted in little or no available surface water. This has caused the Bureau of Reclamation to estimate that there are about 400,000 acre feet of firm surface water available in all of Central Arizona. Title I of S. 905, on the other hand, calls for the acquisition of over 1,000,000 acre feet annual of "firm water rights."

I ask, Mr. Chairman, where is this amount of water going to be obtained? And, if it could be obtained, how could this be done without seriously disrupting the socioeconomic values of our State?

A distinction needs to be drawn between arable and irrable land. These two terms appear to be used interchangeably by the authors of S. 905. Arable land refers to land that has the *potential* for agricultural production. Irrigable land, conversely, is arable land *with* water. The problem in Arizona is not so much the lack of arable land, but the lack of water with which to realize its potential. Therefore, the acreages ennumerated in Title I need to receive serious scrutiny.

Mr. Chairman, because of the undue burden enactment of S. 905 as introduced would place on various groups of Arizona citizens, it is my recommendation that a task force of concerned Indian and non-Indian Arizona citizens be formed under the auspices of the Department of the Interior for the sole purpose of carefully studying alternatives to those proposed in S. 905. I am prepared to take an active role in the formation of such a task force and wish to contribute in whatever way I can to the successful discharge of its responsibilities. Items which might be considered under such a framework would be:

(1) The current Central Arizona Project water allocations

(2) Quantification of the actual acreages available for irrigation in light of existing water supplies and,

(3) Determining the allocation of available water resources.

The report of the task force should be consummated in a timely fashion and its recommendations reported to the Congress for implementation.

In summary let me restate what I believe to be the prerequisite for a reasonable settlement of the issues addressed by this proposed legislation.

First, the Federal Government must fulfill its historic and legal responsibilities as trustee to the Native American Citizens of Arizona. Second, and of equal importance, it must find a way of meeting these responsibilities that avoids imposing unfair and discriminatory burdens on Arizona's non-Indian population. Third, striking an equitable balance between these two competing considerations, in my judgment, calls for a legislative rather than a judicial approach. Questions of such a sensitive and complex character entail difficult political choices that courts are ill-equipped to make. Decisions on such issues are better left to the legislative process.

HIGHLIGHTS

Mr. LAXALT. Mr. President, adequate raw materials, including energy resources, for our national growth are a subject of overriding importance to every citizen of this country, as indeed they are to those of our major allies. The problems of adequate supplies at reasonable prices are now intertwined with the world economy and with international politics, to a degree that they have not been in the past. It is most timely, therefore, that serious study by a group of scholars has been devoted to this interaction. Their findings, just published as the book "Raw Materials and Foreign Policy," by the International Economic Studies Institute in Washington, result from a 2-year interdisciplinary analysis. It included not only the main facts regarding the present and likely future U.S. position in over two dozen industrially vital raw materials, but also America's international relationships with both major suppliers and consumers. This complex subject is also given a valuable historical perspective from the standpoint of the evolution of policies of both the industrialized and raw material exporting countries.

Other sections deal specifically with OPEC and other cartels, with seabed resources, and with possible U.S. national policy tools, ranging from stockpiles to tax, subsidy. trade, private investment, and foreign assistance measures. The study also gives badly needed attention to the subject of strengthening international law and institutions and to structuring the U.S. Government for a more coherent foreign economic policy.

Because of the scope and timeliness of the Institute study, I ask that the study's summary "Highlights" be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

HIGHLIGHTS

The Institute's comprehensive study of the raw materials and foreign policy interaction finds that the world does not face short- or even medium-term physical exhaustion of resources. But the United States and other consumers must expect continuing problems in selected materials—for which they are still not adequately prepared. In America, this unpreparedness reflects the country's unique historical abundance of domestic resources, and the slow pace of adaptation to international developments.

The authors recognize that to eliminate all risks of shortages or international price manipulation would be neither desirable nor feasible because of the excessive costs that would be entailed. But they assess the risks as larger than they need to be. There is a wide variety of policy options which can diminish the threats to U.S. security and well-being and to a healthy and cooperative world economy posed by materials risks.

The analysis suggests that the country is exposed to problems of national significance in aluminum and bauxite, chromium, copper, the platinum group metals and, of course, petroleum, which receives extensive consideration as a critical case. Moderate dangers exist in cobalt, fluorspar, manganese, mercury, tantalum, tin, tungsten, zinc, and natural rubber, while others represent less concern from the policy standpoint, although they may constitute significant problems for specific industries.

The central finding is that the dangers posed are more political or qualitative in nature than economic and quantitative. This conclusion is inescapable, largely because raw materials have become a battleground in conflicts over other issues as well as over the allocation of benefits from materials development and use. The subjects of contention range from conservation and ecological policies to the role of multinational corporations and the North-South conflict between industrialized and developing countries, and various commodity stabilization proposals. The "resource power" now being exerted by so many nations, together with the erosion of basic principles of international law wrought by "sovereign absolutism" has inhibited the costly investments needed for the long-range development of raw materials.

The study confirms that the capital, technology, and management skills necessary for productive utilization of the world's resources are to be found in the private sector, and that a strong case can be made for the relative efficiency of market mechanisms. Nevertheless, there will be situations where the national interest requires the use of selected government policy instruments, including tax incentives, national stockpiles, subsidies to trade, and aid programs. But these powerful tools often have undesirable side effects. Thus they should be used selectively and with caution, and be targeted primarily at problems which are beyond the reach of market forces, such as actions by foreign governments or cartels.

Three broad national policy objectives are recommended:

America should limit its vulnerability to external pressures by exerting as much control over the nation's materials supply position as is consistent with acceptable economic costs and international political complications. Production and conservation of raw materials—and particularly of petroleum—should be encouraged in parallel with efforts to improve the diversification and reliability of foreign sources. Seabed resources have a significant medium- and long-range role to play in such diversification.

The United States should seek closer international cooperation on raw materials matters. Ways should be sought to involve the other major consumers, through placing a higher priority on resource questions in our bilateral and multilateral diplomacy than they have customarily had. Special efforts are also needed with major raw materials supplying countries using available bargaining leverage to insure open and reliable access. (The consumer and producer countries warranting particular attention are analyzed in Part III.)

A coherent foreign economic strategy should be developed by the government, and it must accord greater priority to resource objectives. This effort requires a revitalized foreign economic policymaking focus in the White House to oversee a streamlined grouping of operating agencies, plus a coherent national materials information system and mechanisms to bring government and industry together more effectively in the materials field.

The study recognizes the current strength of OPEC; but it questions the legitimacy of that cartel operation and stresses that defense and deterrence measures against political curtailment of supply must be accelerated—for example by quicker decontrol of domestic oil and gas prices, conservation programs that mean business, and speeded-up development of alternative energy sources. Such measures will also improve the world's ability to undercut OPEC's monopoly pricing power and facilitate a return to a more open market system.

Although the book also takes a firm line against the rhetorical and other excesses of the "New International Economic Order," particularly the notion of a double standard of behavior among rich and poor countries, it advocates expanded voluntary cooperation with Third World countries, and increased foreign assistance programs. These initiatives should give special priority to countries where mutual cooperation is possible on areas of common interest, such as the development and use of natural resources. Strengthening international law and organizations is also an important objective. The Institute's analysis is skeptical as to whether OPEC's success can be repeated in other materials; but it stresses that even unsucessful attempts at emulation can be harmful and destabilizing to the world economy. Compensatory finance and trade preferences are therefore favored over international buffer stocks and commodity price manipulation. But for the long term, an efficient allocation of private capital investment to expand raw material resources and capacity is required.

The book concludes that, with the proper leadership, the United States can reduce raw materials and foreign policy risks to acceptable levels and contribute to a more smoothly functioning and equitable world political economy. But the authors caution that the extremes of panic and sensational prescription on the one hand, or indifference and complacency on the other, can reduce our chances of getting through the difficult 15 years ahead with a healthy and cooperative international economic system.

The problems addressed in this two-year interdisciplinary study of industrially vital raw materials can be characterized as economic symptoms of a political disease. But the symptoms are themselves serious enough to warrant consideration of the policy options and programs described, even as the United States tries to develop an imaginative foreign economic strategy for the future which can better cope with the underlying malaise.

WORLD TRADE WEEK—ENHANCING THE U.S. GOVERNMENT'S ROLE

Mr. INOUYE. Mr. President, President Carter has proclaimed the week of May 22–28 World Trade Week. The purpose of the proclamation is to emphasize the importance of international trade in the domestic and the international economy.

The United States has a special interest in preserving world trade because our two-way trade is greater than any other nation's. In 1976, we exported approximately $115 billion and imported $121 billion.

In spite of this vast turnover in trade, many Americans appear to be unaware of how important world trade is in maintaining our standard of living. Each billion dollars of exports generates tens of thousands of jobs. More than a third of our annual agricultural output is exported. Without overseas markets we would all be poorer.

However, world trade has also brought with it problems that have not been satisfactorily resolved. Last year we sustained a merchandise trade deficit of $5.9 billion, and the 1977 deficit may be in the $15-20 billion range. Such a deficit is clearly unsustainable for very long in spite of capital inflows which have historically bolstered our balance of payments accounts.

Regrettably in some instances, the problem of this trade imbalance has not been understood by those in Government. There are many economists who believe that monetary adjustments can achieve a balanced trade account. In support of this thesis, they initiated reductions in our export promotion budget—already meager compared to our industrial competitors. Hard work and intelligent marketing are the necessary companions of currency adjustments. Time and experience have proved them wrong. Their influence persists however, both within the Executive and the Congress. I look forward to the new administration to undertake strong and bold efforts to reinvigorate our export sector.

Other trade problems abound and require expeditious action. The trade adjustment assistance programs have failed to achieve their original objectives in resolving problems caused by imports. Other countries still maintain barriers to American products and provide extensive incentives for their exporters. Hopefully the current GATT negotiations will assist in the removal of barriers.

Trade has been a great vehicle for the revival of the world economy since the Depression and the Second World War. The other industrialized nations have always accorded trade policy an importance far exceeding the priority our Government and society have given it. I would hope that during this week we shall all focus on this crucial area and strengthen our determination to improve our export performance.

ENERGY

Mr. WALLOP. Mr. President, in February the executive council of the AFL–CIO issued a thoughtful statement on energy. It is not surprising that an organization that is concerned with the welfare of millions of workers and their families would issue such a timely statement.

As reasonable people strive for the painstaking solutions to our energy crisis, it is reassuring to know that an organization, such as the AFL–CIO, is actively seeking the difficult answers. When it comes to energy, the interests of labor and management are essentially coincident. Both want, and indeed demand, a comprehensive energy program that is calculated to achieve energy security and environmental compatibility.

To both labor and management, energy security means job security.

Mr. President, I ask unanimous consent that the highlights of their statement be printed in the RECORD.

There being no objection, the highlights were ordered to be printed in the RECORD, as follows:

STATEMENT BY THE AFL–CIO EXECUTIVE COUNCIL ON ENERGY

"The AFL–CIO has long urged the government to take decisive action. This is not a time for muddling through. We urge the President to set in motion a comprehensive energy program that will move the nation on the road to energy security. With that in mind, we have noted below some of the elements that we feel are essential to the development of a sound program.

"Coal has been under attack by environmentalists and nuclear energy is the target of a well-organized drive to ban its use. The basis of that campaign is that nuclear energy is not safe. We do not agree with that assessment. The record of safety in the nuclear industry is among the best in all industry.

"Every effort must be made to accelerate the development of coal and nuclear power while protecting the environment and maintaining stringent safety and health standards. Meanwhile, facilities to provide enriched uranium should be expanded and the procedures for licensing of nuclear facilities should be expedited to eliminate costly and unnecessary delays.

"Development of oil and gas reserves on the U.S. outer continental shelf provides an excellent opportunity for the United States to increase domestic oil and gas production. Development of new offshore areas could reduce U.S. oil imports by 10–15 percent in 1980 and 10–30 percent in 1985–1990.

"At the same time, America must direct its efforts toward developing such other sources of energy as solar, geothermal, biomass, shale oil, coal liquefaction and gasification. These energy sources will be neither cheap nor developed overnight."

SENATE PARKING

Mr. HOLLINGS. Mr. President, all too often we tend to think in terms that any problem can be solved by acquiring more land or spending additional massive sums. Thus, it is encouraging when we see a problem being solved by the use of a little ingenuity rather than by the acquisition of additional lands and expenditures of large sums of money. I speak, of course, with respect to the manner in which the so-called Senate parking problem has and is being met.

Mr. President, I wish to take this brief opportunity to commend the Sergeant at Arms of the Senate, Nordy Hoffmann, for the manner in which he has dealt with Senate parking. Faced with a reduction in the space available to him for parking purposes due to new construction, the Sergeant at Arms set out to determine the parking habits and parking needs of Senate employees. He did this by sending a questionnaire to each employee. After evaluating the questionnaires returned to him and obtaining other relevant data, the Sergeant at Arms instituted a so-called parking attendant system on the two major Senate lots. As a result, the Sergeant at Arms has been able to provide parking facilities for the handicapped and carpoolers and has managed to increase the parking on the two major lots by an amount in excess of 60 per centum for each such lot. As I mentioned, Mr. President, this was accomplished without acquiring any additional lands.

Again, Mr. President, I believe that this type of action as an approach to problem solving should be recognized, encouraged, and commended.

INTERNATIONAL CONFERENCES AND TAX REFORM

Mr. MOYNIHAN. Mr. President, it can, I think, be said that in recent years there has been a growing awareness among students of American government that the process which Joseph Schumpeter called "the consequest of the private sphere by the public sphere" has gained a distinct momentum in American life. In the end, Schumpeter wrote, this would destroy liberal society. He left us with the ironical thought that the destruction would be primarily the work of persons with liberal objectives.

In this context I would like to commend a recent guest editorial in Science by Lewis M. Branscomb, vice president, office of the chief scientist, of the IBM Corp., of Armonk, N.Y. Dr. Branscomb is, of course, formerly a distinguished officer of the Federal Government.

As a sometime vice president and member of the board of directors of the American Association for the Advancement of Science, I am pleased that our journal Science has directed our attention to the scientific and technological damage which our tax legislation may be doing to the United States, albeit the object of the legislation limiting tax benefits had very different purposes in mind. I especially call atention to Dr. Branscomb's remark:

> Can you imagine the Japanese Government discouraging companies from learning about foreign technical advances?

Mr. President, I ask unanimous consent that the editorial I have referred to be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

INTERNATIONAL CONFERENCES AND TAX REFORM

(By Lewis M. Branscomb)

A provision of the Tax Reform Act of 1976 inflicts an unfair penalty on self-employed inventors, consulting engineers, and scholars without goverment grants or travel support from tax-exempt organizations. It may also severely limit the willingness of some industrial employers of scientists and engineers to sponsor their attendance at international scientific conferences.

The new provision seeks to close a "loophole"; it prevents deducting as a business expense the costs of travel to more than two foreign "conventions" per year. When a purely U.S. organization holds a convention in one of the spas of Europe or the Caribbean, and serious business is restricted to an hour or two of frivolous programming each day, there is no reason why the taxpayers of America should share the conventioneer's expense.

But the language of the new law, and the interpretation of it provided by the congressional staff report, fails to distinguish such a tax-subsidized vacation from an international conference on arid zone agriculture, a general assembly of the International Union of Pure and Applied Chemistry, a seminar at Trieste on many-body theory, or a conference on tropical medicine sponsored by the World Health Organization. The rules apply equally to foreign "conventions or seminars" attended by people from many nations and to those attended exclusively by Americans. Sales conventions, trade association conventions, professional society meetings, and internationally sponsored scientific meetings are caught in the same act.

Even for the two conferences per year that can be treated as a business expense, only deductions for tourist class travel and daily total costs not exceeding the allowances of U.S. government civil servants are permitted. Paper documents must be obtained to verify that the conference met at least six hours per day and that the individual was in his seat at least four of these hours. Even so, industrial employers' tax departments may have reason to worry about how narrow a test of relevance to business success the Internal Revenue Service may demand, when a scientist or engineer from the company's research laboratory has been authorized to attend an international conference.

Well-managed companies will continue to send their scientists to the meetings they need to attend, even if it means paying a tax premium for the privilege. But we all know how inexorable are the pressures of a congressional determination that more than a minimum of trafficking in international science is not a legitimate activity for businesses. Some business people may respond to the government's new rules by turning off conference participation by their people altogether.

Who will be the loser? The U.S. economy may be affected, as American companies find it harder to keep up with the scientific base on which their overseas competitors are building. (Can you imagine the Japanese government discouraging companies from learning about foreign technical advances?) Industries will be just a little less sensitive to nature's warnings about environmental, health, and resource implications as corporate awareness of world science contracts. For the poor nations of the world, international scientific activity represents a thin thread of access to the industrial world's technical knowledge. They are unlikely to look on new governmental restraints in sharing that knowledge as compatible with the high ideals of global development often espoused in this country.

The damage could easily be repaired; for example, by excluding from the restrictive provision foreign conferences where the location is reasonable in light of the number of foreign participants and their geographical dispersion. Some kind of change is needed, as Congress examines repair of technical defects in the new law this spring. We should make every effort to see that Congress acts. A good start would be to notify our congressmen, and I urge those of us who have a stake in this to do so.

CHANGE IN OSHA POLICY

Mr. STENNIS. Mr. President, on April 29, 1977, I introduced S. 1429. The purpose of this bill is to amend the Occupational Safety and Health Act of 1970 so as to relieve employers from the overwhelming burdens and frustrations of OSHA rules, standards, and regulations which are unreasonable and which often have no logical relation to employee safety and health.

My proposed amendments are intended to make the act more flexible and less restrictive, and to relieve employers from many of the onerous and burdensome rules and regulations promulgated under the act. As I said, in introducing the bill, there is a continued and increasing groundswell of opposition to and criticism of OSHA and the manner in which it is being administered and interpreted.

I pointed out that the act and the regulations issued under it were particularly burdensome upon smaller employers because many of these do not have the resources, either financial or otherwise, to interpret and implement what has become literally a flood of technical, complex and voluminous rules and regulations.

In view of my very strong feelings about this matter, I am very pleased that the opposition to and outcry against the OSHA program has been recognized by the Department of Labor. I was extremely gratified by the announcement by Secretary of Labor Ray Marshall last Thursday that the OSHA program will be redirected so as to crack down on major occupational health and safety standards instead of "nitpicking" small businesses with "Mickey Mouse" regulations. The Secretary is to be commended for recognizing the seriousness of the situation and the fact that, by concentrating on trifling and insignificant safety rules, the important task of protecting employees against real and serious dangers to their health and safety could be neglected.

This is a very welcome first step in the right direction and is certainly in accord with the principles I espoused in introducing S. 1429 and with what I believe to have been the true intent of the Congress in creating OSHA. The Secretary's statement certainly entitles us to expect that OSHA will now substantially get off the back of low-risk small businesses and devote its time, energy, and resources to the real hazards existing in high-risk industries.

I again commend the Secretary for his recognition of the problems in this field and for the new policy which he has announced. I hope this new policy will be implemented quickly and completely. I will watch the future developments in this area with great interest.

CHILDPROOF MATCHBOOKS

Mr. DURKIN. Mr. President, on Easter morning, a house burned down in Dover, N.H. Two young children were injured, one of them critically. The fire marshal ruled that this fire was definitely caused by children playing with matches.

On May 5, after 3 painfully slow years of deliberation, the Consumer Product Safety Commission issued safety regulations for matchbooks. As unbelievable as it may seem, these final regulations contained no provisions for childproofing matchbooks.

The Consumer Product Safety Commission was created by the Congress expressly to protect the public against product hazards. The Commission was created to help prevent such tragedies as the one that occurred in Dover. It appears that once again, the Consumer Product Safety Commission has forfeited its mandate. I have spoken out on this subject before, and I feel compelled to do so again.

The Easter fire I have cited is as tragic as it is commonplace. If children playing with matches cause so much death and destruction, then it seems that childproof matchbooks would be the bottom line of any standard. The Commission, on the other hand, ruled out further consideration of such a standard during August of last year. The Commission closed its eyes to any advancements in the state of the art 9 months prior to the issuance of a final safety standard.

Not only did the Commission's standard fail to deal with childproofing matchbooks, they also failed to include any provisions limiting the burn time or burn distance of a match. I find it unbelievable that after 3 years of deliberation and study, the Commission has failed to set standards on any of these vital areas.

Instead, many of the standards the Commission finally has adopted simply rehash practices already undertaken by much of the industry, such as mandating the placement of the friction area on the back of the matchbook.

After 5 years of existence, this is only the third final standard that the Commission has issued under the Consumer Product Safety Act. The inaction has been appalling enough. But when the few actions taken are as meager and ineffective as this standard on matches, I have to wonder whether the Commission is serving any purpose at all other than squandering $40 million of the taxpayers' money every year.

S. 790—THE IMPACTS OF USER CHARGES

Mr. WALLOP. Mr. President, one of the more controversial questions in any discussion of S. 790 and waterway user charges focuses on the "impacts" of a system of waterway user charges. How will they affect the big barge companies, the industries receiving or shipping goods via water, the prices paid by consumers?

The waterway operators sometimes argue that we lack information on how user charges would affect prices and costs. That is not accurate. Numerous studies have been made on this point. The most comprehensive ones were prepared by the Department of Transportation, which has issued its conclusions in two reports, one last summer, one this past March.

Since it is unlikely that my colleagues will have the opportunity to read these studies completely, I ask unanimous consent that excerpts from these two reports be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

ANALYSIS OF THE IMPACTS OF USER CHARGES

The Department of Transportation recently completed studies evaluating the impact of user charges and various types of user charge systems.

The following seeks to identify several types of barge movements, and to trace the costs through to the public, if user charges are imposed. The Corps study tends to focus on individual waterways. The study by the Department of Transportation examines commodities, and is, therefore, more useful in this review. DOT concludes:

"In general, user charge impacts on regional market prices for commodities shipped by water were found to be not substantial. Delivered commodity price impacts rarely exceeded one or two percent for 100 percent recovery of OM & R (operating, maintenance, and rehabilitation) on the Mississippi River System."

DOT ON GRAIN SHIPMENTS

"The present cost to move a ton of grain from Peoria to New Orleans is estimated at $3.11 per ton, without a user charge. For a system to recover half the operation and maintenance costs, the price would rise to between $3.37 and $3.66, depending on the type of charge. Thus the maximum effect would add 55 cents to the freight costs, or less than ½ of 1 per cent to the value of the grain. . . . It was difficult to discuss product market effects or modal diversion with a user charge impact on grain prices of less than 0.1 percent (one-tenth of one percent) generated by 10 percent recovery levels. . . .

"Based on a national average farm price per bushel of $2.70, $3.68, and $5.25 per bushel for corn, wheat, and soybeans, farm revenue per bushel along the Illinois River would fall .71 percent, .56 percent, .39 percent for the three crops under a segment toll. This assumes full pass-back of user charges and no mitigating actions by the farmer. Such options would, of course, decrease impacts on farm income."

DOT ON FERTILIZER SHIPMENTS

"Analysis of final demand indicates that impacts as large as one-tenth of one percent of final grain prices are unlikely"—as a result of increased fertilizer costs resulting from a full user charges system.

"Furthermore, since forty-one percent of fertilizer shipments move by water to farms, the price of fertilizer was increased, using a weighted average of tolls on existing fertilizer flows from the Gulf to the Midwest producing areas. The price of fertilizer was increased by .4 percent per ton in response to the imposition of 100 percent cost recovery on waterways."

DOT ON COAL SHIPMENTS

"To haul coal between Pittsburgh and St. Louis, waterway carriers now enjoy about a 60 cents-per-ton advantage over rail; user charges would eliminate 15–30 cents of this. On a longer move from western Kentucky to Minneapolis and New Orleans, there presently is a waterway advantage of about $1.20 a ton." Cost increases of up to 74 cents per ton, more than the user charges, "would have no impact on the waterway share of this coal traffic."

A Dayton Power and Light plant on the Ohio River receives all of its annual supply of fuel (4,000,000 tons of coal) by river. According to DOT, a user charge that recovered all the operation and maintenance costs would add 10 to 20 cents a ton to the average cost of $20 a ton for coal. Worked out to the consumers, DOT calculates a use charge would add "less than a hundredth of one cent" per kilowatt hour to consumer costs, which average close to 3 cents a kilowatt hour.

A major coal-burning utility on the Monongahela River is the Ft. Martin plant of Monongahela Power Co., which consumed 2½ million tons of coal in 1972. It received a substantial portion by barge, with an average length of haul of less than ten miles. "A segment toll (100 percent OM&R) would raise delivered price per ton of coal by one cent per ton; a fuel tax by less than one cent.

impact on final electricity prices would be negligible," concludes DOT.

"For the (TVA) Colbert Plant (100 percent water transport and 100 percent coal use) the segment toll would average 4 to 8 cents/ton or a .4 to .8 percent increase in the delivered price of coal. With a 100 percent pass-through to the consumer, electricity prices for the plant would rise by less than one-one hundred of one cent from 3.56 cents/KWHR."

DOT ON OIL SHIPMENTS

The Havana Power Plant of the Illinois Power Company is a large user of No. 6 residual oil. "In 1972, the utility consumed 291,000 tons of oil. The burn-mix was 29 percent coal and 71 percent oil, with a delivered cost per ton for oil in 1974 of $74.63. The user charges on oil moving by barge to Havana would be larger in absolute terms because the major flow originates 684 miles down the GIWW (Gulf Intercoastal Waterway) in Texas. The 100 percent OM&R segment toll per ton is $1.14 and the fuel tax (higher because it taxes the lower Mississippi segment at a rate double its segment toll) is $1.45. The impact on delivered price per ton of oil ranges between 1.5 and 1.9 percent. The weighted by fuel type impact on electricity costs ranged from .35 to .94 percent. The utility is committed to barge delivery of residual and the price increase would be passed along to residential and industrial users."

DOT ON GASOLINE SHIPMENTS

"Cincinnati, Ohio, received the majority of its gasoline from Huntington, West Virginia and New Orleans by water in 1974. The segment toll from Huntington was 8 cents per ton—the fuel tax 14 cents per ton—compared to barge costs of about $2.50. Segment tolls from New Orleans are 52 cents per ton; fuel tax $1.00 per ton—compared to barge costs of 6–7 dollars. The cost per ton (delivered) of retail gasoline in Cincinnati in 1972 was $190.68. Impacts of user charges on gasoline retail prices range from .04 percent for a segment toll from Ohio River origins to .5 percent for a fuel tax from New Orleans origins."

Fuel prices, of course, have risen significantly since 1972, reducing the percentage impact of any user charge.

DOT ON STEEL SHIPMENTS

"The vice president for purchasing for a major steel producer volunteered, however, that tolls of these magnitudes would have minimal impact on the routing of relatively high-valued manganese ore and concentrates. If this is the case, steel production costs would increase an average of .5 to 5 cents per ton (for the segment toll and fuel tax respectively) based on a manganese ore consumption of 12.9 lbs. per ton of steel produced," the DOT noted.

Impacts Found From the DOT Study—March 1977

"In spite of differences in approach and findings, some common conclusions of the recent user charge studies can be drawn:

"Recovery of 100 percent of the Federal OM&R expenditures on the Mississippi River (and tributaries) waterway system is unlikely to result in traffic losses in excess of 10 percent of system wide ton-miles under either a fuel tax or segment toll. Obviously, initial recovery of 10 percent of these outlays would have considerably smaller impacts, perhaps less than one percent of system ton-miles. . . .

"It was found that inland waterway ton-miles may be reduced as much as ten percent by the recovery of 100 percent of annual federal operating expenditures on rivers via a segment-specific toll. Adjustments by economic agents such as shippers, carriers and producers to the changes in transportation prices should act to lower these traffic impacts in the long-term. . . .

"It was found that delivered commodity price impact rarely exceeded one or two percent for 100 percent recovery of federal OM&R expenditures and were more commonly only a fraction of one percent. Projected market forces other than user charges were generally found to have a more substantial impact than navigation cost recovery. . . .

"Vessel *license fees* could be set to recover the fixed portion (dredging, etc.) of federal costs while a lockage fee may be used to collect any variable costs associated with waterways operation. Using the amount of traffic diversion as the measure of inefficiency in resource allocation under an option, those recovery mechanisms with the least diversion and highest payback levels would be preferred. Preliminary analysis reveals that the vessel license fee may best meet these criteria. . . .

"Assuming 59 percent of federal navigation costs are recovered from barges and 41 percent from towboats (the 59:41 ratio reflects the relative investment levels in towboat and barge fleets for the inland river system), an annual barge fee would be $3.13 per ton of load capacity and the annual towboat fee would be $18.40 per horsepower. A typical barge tow (involving a 5000 HP towboat and nine 195'x35' dry cargo barges) would pay a registration fee of $134,000 per year, or about 10 percent of current operating costs for that tow. It was found that license fees would tend to minimize overall traffic impacts because carriers could spread them over traffic most able to bear the burden, unlike other options where carriers may not be able to lessen the impact on divertable traffic. . . .

"Lockage fees are an option proposed to recover federal outlays for navigation-related locks and dams as well as other variable system costs. For 100 percent recovery of locks related costs, a uniform fee of $171.20 (at 1972 traffic levels) per system lockage would be required."

"Estimated traffic diversion of about 10 percent of system ton-miles via a 100 percent OM&R user charge would not necessarily have adverse financial impacts on the average barge carrier. Debt repayment and equipment financing could be carried out at pre-user charge levels with unallocated cash flow. True carrier impacts would depend on examination of actual firm financial statements. . . .

"Initial recovery of 10 percent of these expenditures would have considerably smaller effects, perhaps less than one percent of system ton-miles. . . .

"In general, these price and income effects were measured in fractions of one percent, although certain commodities may experience slightly larger increases. . . .

"Adding appropriate company overhead expenses, the fee would increase annual operating costs by slightly over ten percent (well within the range predicted under fuel taxes or segment tolls). . . .

"The immediate impact of a vessel license fee would be in the form of an addition to carrier fixed costs—equivalent in carrier accounts and pricing strategy to overhead, insurance, or capital cost items. Because the tax would not be attached to specific shipments (except where equipment is in fully dedicated service or under annual contract) carriers will distribute the burden of the registration fee according to what 'the traffic will bear.' Spot barge grain rates which fluctuate 100–300 percent between peak and slack shipping seasons are an indication that carriers currently cover their private fixed costs differentially over the year in response to market conditions. . . .

"We can see that in 1974 the composite carrier had an ROE (Return on Equity) which compares very favorably with that of American industry, and that even in the poor year, 1975, ROE didn't fall too far. For 1973–75 it averaged about 14 percent in the baseline scenario. This would seem to be adequate to finance the degree of long-term growth which companies in this industry are facing. . . . For the three years 1973–75 this gross return-on-total capitalization averaged 15.2 percent in the baseline scenario. . . .

"Assuming barge operators were able to reduce operaing costs by at least 25 percent of the overall 10 percent revenue reduction, less than normal returns on equity would result but still allow a 5 percent dividend if desired. . . .

"Although segment tolls are relatively high in comparison to other rivers, coal traffic on the Monongahela, Allegheny, and Kanawha Rivers should not be adversely affected by user charges. Average barge haulage of coal is between ten and twenty-five miles on the rivers. Overall impacts of user charges on final delivered price ar minimal and less than five percent of barge rates. . . .

"A phased implementation of user charges would limit absorption of the tolls by barge and terminal operators by allowing natural traffic growth to offset any traffic diversion caused by the tolls and by permitting the orderly retirement of uneconomic facilities and equipment. . . .

"The analysis of Illinois River grain procurement patterns suggests potential diversion ranging from between 10 percent (Peoria and downstream) and 20 percent (at Morris) of existing barge traffic under a segment toll approach, to between 20 and 30 percent (or more) or traffic under a fuel tax approach. . . . Actual traffic diversion as high as 50 percent of our estimates of potential diversion would be extremely surprising to most grain industry analysts even in a 10 year time frame. . . .

"The only other movement of iron ore relevant to this study is iron ore which is imported at the Lower Mississippi port complex and moves up the Mississippi River by barge. This movement, which has remained relatively constant—in the vicinity of 500 thousand tons—in recent years, turns east at Cairo and terminates along the Ohio and Monongahela Rivers. This volume accounts for less than 2 percent of the estimated 25 to 30 million tons of ore consumed in that area. . . .

"User charges for the recovery of 100% of Federal OM&R expenditures on the inland waterway system would have small impacts on the cost of producing steel in the areas bordering the river system—a fraction of 1 percent of total costs even for the worst case."

FOREIGN DIRECT INVESTMENT IN THE U.S. ENERGY SECTOR

Mr. INOUYE. Mr. President, on Wednesday, my distinguished colleague, the senior Senator from Kentucky (Mr. HUDDLESTON) introduced and won adoption of an amendment to S. 826 which would require the Secretary of the new Department of Energy to report to the Congress annually on the activities of foreign direct investors in the U.S. energy sector.

I would like to add a few thoughts to his brief and excellent statement to fill in the legislative history of this amendment and provide guidance to the Secretary in preparation of the annual report.

Implicit in President Carter's energy message is recognition that the energy market is a global market which ties together the producer, consumer, and distributor. The day when any single corporation or country could dominate an energy industry has passed—even for so important a producer as Saudi Arabia, which depends on foreign corporations to sell its products and invest its revenues.

The development of an interdependent world economy has likewise resulted in the opening of the U.S. economy to foreign direct investment—FDI—and in the growth of foreign multinational corporations with the ability to challenge American enterprises overseas and domestically.

As Senator HUDDLESTON accurately noted in his introductory statement, in 1974 the FEA, pursuant to an amendment which he had drafted, reported that foreign ownership in U.S. energy activities approximated 2.4 to 12 percent in the various industries within the energy sector. Based on publicly available information, the report estimated that foreign investors controlled assets of approximately $8.2 billion in the petroleum industry in 1973. A later, and more accurate, report issued by the Commerce Department in 1976, using 1974 as the base year, revealed that total FDI in the petroleum industry alone was $6.4 billion, with subsidiaries controlling assets of $28.5 billion, or more than three times the total estimated by the FEA.

The message from this disparity in figures is clear. We, in fact, do not know enough about FDI in the United States and particularly in the sensitive area of energy. Government information is spotty, often inconsistent, and inadequate for policy-making purposes. There appears to be little interest in the executive branch in knowing more about the activities of FDI in the U.S. economy in spite of the growing role which foreign multinationals are playing. It was Senator HUDDLESTON's and my conviction that this area needs more attention which prompted our amendment.

Since 1973, when this issue first came to the public prominence, I have opposed enactment of restrictions of FDI as unwarranted, and I believe that time has vindicated this position. However, by the same token I do not endorse the view that we should shut our eyes to the possibility of abuse by foreign investors. In developing our energy policy, I think that it would be of legitimate concern to the Congress if, for example, OPEC countries were to gain a significant investment position in our domestic refining or downstream distribution facilities. Interesting policy questions would also be raised if for example, we were to discover large exports of petroleum from the United States by foreign multinationals at a time when we face a severe domestic oil shortage.

Our recent history is full of examples of abuses by multinational corporations and their home governments. In some cases, such companies have interfered in the domestic political processes of the host country. In other cases, the home country has attempted to enforce its laws and policies extraterritorially, thereby frustrating the host country's policies. It would be naive for anyone to assume that the relations between the United States and foreign MNCS will be permanently untroubled, and, therefore, we should not ignore the potential for future strains.

For the purposes of the report, a "foreign direct investment" has been defined as ownership or control of 10 or more percent of a domestic company's voting equity. Although this initially appears to be a very low figure, in fact it has been shown that the overwhelming majority of companies which have interests at this low level also own a majority interest and thus exercise meaningful control over the domestic American company.

A great deal of information on FDI is readily available through public sources. Data on the magnitude of FDI is collected by many Federal Government agencies, particularly the SEC and the Bureau of Economic Analysis of the Department of Commerce, which is charged with the responsibility for collecting statistics on FDI in the United States. According to a study conducted at the behest of the Council on International Economic Policy, available information is not collected in a centralized fashion nor collated in a meaningful way. Moreover, there is a great deal of data that can be obtained from private sources such as the Conference Board, newspapers, financial publications, trade journals, et cetera.

The Huddleston-Inouye amendment deliberately gives the Secretary wide latitude in determining the subjects on which he is to report in addition to the two items specified in the bill. Because of the exigencies of every reporting year, public concerns will differ. Among the topics which should be considered are the following: financing mechanisms; form of investment; that is, new investment or acquisition; diversification by foreign investors into nonrelated fields, if any; R. & D. activities; changes in foreign investment patterns within the energy sector; identity and residence of investors; impact of investment on employment; impact on U.S. inflation of energy-related FDI; and relationship of FDI to activities of such investors outside the United States.

In short, it is our desire that the summary report present a concise, perceptive description and analysis of FDI in U.S. energy sources and its relationship to the global movement of capital and energy-related investment generally. I believe that this amendment will have important ramifications, and I look forward with great anticipation to the annual report.

A NEW WATERGATE?

Mr. HATCH. Mr. President, for the first several months of this year I had the privilege of serving as a temporary member of the Senate Interior Committee. In February we held hearings on the recently enacted S. 7, the strip mining bill. As part of my research into the bill it came to my attention that a report prepared by an independent consultant, ICF Inc., for EPA and the Council on Environmental Quality concluded that the adverse impacts of the strip mine legislation on coal production in this country could be substantial.

I had in my possession a January 24, 1977, edition of the final draft copy of the report and a later version of the final draft copy dated February 1. It turned out that our witnesses, Mr. O'Leary of FEA and Secretary of Interior Andrus, had only seen the Febuary 1 version, a version which substantially altered the conclusions reached in the January 24 original final draft. In questioning and subsequent hearings on the alterations it became clear to me that there was no adequate justification for the changes, and that in fact the alterations were made in response to pressure from the White House staff.

Now it looks as if this same practice of altering the facts to fit the administration's preconceived notions has occurred again. An editorial in the May 20 edition of the Wall Street Journal entitled "ERDAgate." The editorial details how an in-house report on the impact of deregulation concluded that at $2.25 per MCF—the current price for gas sold in intrastate markets—the United States would be awash in natural gas. But these results were in conflict with the President's proposals calling for a regulated price of $1.75 per MCF for gas sold in both interstate and intrastate markets. So the powers at ERDA quashed the first version, and 5 days later reissued the report with analysis and conclusions that supported the President's contentions that deregulation would result in drastic increases in the price of natural gas without producing adequate new supplies.

This doctoring of results to fit a preconceived pattern suggests that what might be underway is a power grab and not an energy program. I hope that the President has not been captured by a band of militantly antigrowth radicals who are convinced that the answer to Government-fostered energy shortages is more Government controls. These people are intent upon drastically altering the American life style and inducing energy famine in our country, and they will not let anything, including the facts, stand in their way. I urge every Member of Congress to read this editorial, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ERDAGATE!

We were frankly astonished at the reaction to our April 27 editorial, "1,001 Years of Natural Gas": telephone messages from high officials, a deputation from Exxon, an urgent letter from Robert Fri, acting administrator of the Energy Research and Development Administration. Naturally, the attention made us curious.

Having put together most of the pieces, we can now report on the cause of the excitement. Deep in the bowels of ERDA, an outfit called the Market Oriented Program Planning Study (MOPPS) had solved the energy crisis for five days in April. It took that long for the administration, the oil companies and ERDA to snuff out the solution and get the crisis back on the track. They thought they had driven a wooden stake through the heart of the MOPPS solution, but here in our editorial the monster was rising again.

In January, about 70 ERDA people were thrown into a task force to study potential supply and demand. In most resource studies, such a thing as prices never appears. So apparently nobody thought it was necessary to warn the MOPPS people against calculating supply curves, that is, calculating how much gas would be available at different prices in an unregulated environment. In their innocence, they tried to apply a little economics.

The study estimated that at $2.25 per thousand cubic feet (mcf) the nation would be awash in natural gas. From $2.50 to $3 we'd be engulfed with it. MOPPS reckoned that at $2.50 the U.S. would have about 45 years' worth of natural gas at current levels of consumption. The price would have to go higher to tap some of the unconventional sources, like geopressured methane, which conceptually would last us for a thousand years. But why would anyone worry about these exotic sources if we had 45 years' worth of the usual stuff likely to be available at lower prices?

Indeed if that were true how could there be an energy crisis? How could the President go on television with ringing calls for sacrifice? Why should American taxpayers be scared into coughing up billions of dollars—something like 5% of GNP—to cause conservation? How could Exxon recoup its investments in gasification research and coal properties by supplying gas from these sources at $3.75 per mcf?

The innocent scientists and technicians in MOPPS had no idea what vested interests their simple calculations threatened. Even more to the point, bearing this unwanted message to the White House would be a black mark against the ERDA bureaucracy. The Federal Energy Administration would be in a position to gobble up all of the best spots when the two were merged into the new Department of Energy.

Given these realities, there was only one answer to the no-energy-crisis crisis. The ERDA brass recalled the MOPPS study, and threw out all the charts that had been so innocently put together over the months. By April 6, it had a "revised" MOPPS study, with the charts looking much like those from the FEA.

In these five days, the price projections jumped so high that the energy crisis was back in business. Mr. Carter's regulated gas price of $1.75 looked good, because MOPPS II showed that higher prices in an unregulated market won't do much good anyway. And surely it would be prudent to give Exxon and other coal-gasification people a few billion dollars of tax money to spend on their plants.

A higher price can even be given to exotic sources like geopressured methane; Mr. Fri assures us ERDA will do the research on that. Gas sources of two or three generations hence do not threaten anyone. The problem as allowing prices of ordinary gas to rise into the $1.75–$3.00 range, where if MOPPS I is right they would bring on the next generation of gas at threateningly low prices. While promising to do the research, ERDA has disbanded the MOPPS I crew, reassigning its members to study almost anything else but natural gas.

Now we have no idea whether the price figures in MOPPS I are correct. It is certainly possible for other groups in the administration to dispute them in all good faith. And clearly Exxon has made serious investment decisions on the basis of other numbers though perhaps tempered with "political reality." But to us the MOPPS I estimates seem not at all implausible, given the one thing we know for sure about natural gas: Since the Phillips decision in 1954 its price has been held at not only artificially but, in recent years, ridiculously low levels. Most of the gas found has only been a byproduct of oil exploration. It stands to reason that if looking for gas suddenly becomes profitable a lot will suddenly be found. But the point is—the point of our original editorial was—that no one will know until the price is deregulated.

MOPPS certainly does show, though, how many vested interests need the energy crisis. The President needs a war to fight. Without an energy crisis the energy bureaucracies cannot grow. The energy companies are turning into a regulated industry, all of which try to dampen innovation. We now hear energy czar James Schlesinger bragging that privately most companies do not favor deregulation. This is not yet true, but in tima the proposed policies certainly would reduce the oil companies to the state of the airlines.

With all of this clout behind the energy crisis, it is scarcely surprising that crude but effective message goes out: But gosh, boys, there has to be an energy crisis, so don't nobody find no energy.

THE INITIATIVE PROCESS

Mr. ABOUREZK. Mr. President, I call to the attention of the Senate a recent action by the City Council of the District of Columbia. On May 17, the City Council, by a unanimous vote, passed the first amendment to the Home Rule Charter. This amendment extends to the citizens of Washington, D.C., the rights of initiative, referendum, and recall.

I, for one, am particularly interested in the process of adopting laws by initiative. The initiative process allows citizens to propose new laws by obtaining a specified number of signatures on a formal petition. If a sufficient number of certified signatures are gathered, the proposed law can be adopted by a majority vote at the next election. Twenty-three States presently allow the initiative as one form of citizen lawmaking. In 1898, my home State of South Dakota became the first State to adopt the use of the initiative.

In order for this first amendment to the District of Columbia Home Rule Charter to become law, it must be approved by the voters in the November 1977 election. If approved by the residents of the District, both Houses of Congress must pass affirmatively on this charter amendment within 30 working days.

Mr. President, I ask unanimous consent that an article appearing in the Washington Star on May 18, 1977, dealing with this major home rule change be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Star, May 18, 1977]

The Stage Is Set for Major Home Rule Changes

(By Philip Shandler)

District citizens this fall will have the chance to vote themselves the power to put city laws on the books, recall standing laws they don't like and oust elected officials—if Congress ultimately approves the idea.

The stage for such plebiscites was set by the City Council yesterday as it unanimously approved so-called intiative/referendum/recall legislation. If District residents vote to accept the measure, Congress then must approve it within 30 days or it dies.

The legislation would amend the city's home rule charter for the first time, giving citizens law making and law recall authority and allowing them to remove elected officials from office, all through the petition process.

Currently, legislation is solely the responsibility of the council, with reviews by Congress and the White House. And at present, there is no way to remove elected city officials except through the polling booth.

Backers of the new legislation said citizens hold this authority in 23 states and several hundred local jurisdictions, but in most jurisdictions residents still may only change the law by working through their legislatures.

The closest jurisdiction where citizens have this power is in Anne Arundel County, according to the Committee for Initiative, Referendum and Recall. Efforts to extend the authority in limited form throughout Maryland have failed thus far.

Because yesterday's legislation would amend the District's city charter—overhauled in the process that restored a measure of home rule to the city in 1975—it must be approved by the voters. It will be put on the ballot in the general election in November.

Congress then must approve the charter changes by a majority vote of each chamber in much the same way it approves the city's budgets now.

Even with the proposed new authority, citizens couldn't initiate laws to spend money, or recall spending, taxing or emergency legislation. The council would retain that authority.

To put other proposed legislation on a ballot, however—or to request a vote to recall legislation—5 percent of the registered voters from at least five of the city's eight wards could petition the Board of Elections and Ethics. That amounts to about 13,500 persons, according to the elections board.

The board would have to submit the proposed legislation to a public vote no less than 90 days and no more than 114 days after it gets the petitions. A majority vote at the polls would either make the proposed legislation law or recall an existing law.

Laws voted in this way, however, would be subject to the same 30-day congressional review that applies to council-passed legislation.

If a citizen doesn't like the way the election board phrased a proposal for the ballot, he could ask the Superior Court to change it.

The charter amendment to permit citizens to oust elected officials would apply to all except the city's delegate to Congress.

A city official would be subject to a recall vote by ballot within four months after petitioning by 10 percent of the voters in a ward if the official is a ward representative on the council or Board of Education. A petition of 10 percent of the voters throughout the city would be required if the official is an at-large member of the council or the mayor.

Elected city officials, all of whom serve four-year terms, could not, however, be recalled in their first or last year in office.

And the proposal calls for at least one year between recall efforts dealing with the same official.

Vacancies would be filled the same way they are filled now, by interim appointment by the official's party, followed by special elections.

Council members Polly Shackleton and Arrington Dixon sought to have restrictions on lobbying now in effect applied to special interest representatives in connection with any initiative and referendum activity.

But they withdraw their amendments after Chairman Sterling Tucker and other council members said that the amendments could, as Tucker put it, "psychologically impede" citizens from the new process.

COLUMNIST JACK ANDERSON IS RIGHT: SALE OF CYBER 76 COMPUTER TO SOVIETS SHOULD BE VETOED

Mr. HELMS. Mr. President, over the past several years, the United States has exported large quantities of valuable American technology to the Soviet Union, the Communist bloc nations, and other nations which have nonmarket economies.

These nations do not allow the freedom and competition of a free-market economy. All priorities are set by central planners, and decisions that normally would be made by businessmen competing in a free and open marketplace are made by bureaucrats. The results have been predictable: waste, inefficiency, low quality workmanship, and low-grade technology.

Additionally, some of the nations to which the United States has exported its vital technology have demonstrated continuing hostile intentions toward this country, its political and economic philosophy, and its interests around the world.

It is no secret that the Soviet Union does not possess the technological capability of the United States. Nor are the Soviets likely to improve their technological capability, given the nature of their system, without a massive and continuing influx of high-quality American technology.

In essence, the United States is being asked by the Soviets to help them make up for the deficiencies in their system. Amazingly, we are falling all over ourselves to do just that.

Just how damaging to our national security such high technology transfers can be was brought to light in an article that appeared in the Washington Post this morning. Entitled, "A Super-Computer for the Soviets," the article by Jack Anderson and Les Whitten points out that the Department of Commerce is about ready to approve the sale to the Soviets of what I am reliably told is the most sophisticated computer now made in the United States.

This computer, according to Messrs. Anderson and Whitten, "could be turned against us to track U.S. missiles, planes, and submarines. It is also capable of decoding sensitive U.S. intelligence transmissions." And that is not all the Cyber 76 can do. "Not only can it be used for tracking and decoding, but it could also improve the production of nuclear warheads, multiple-headed missiles, aircraft and other military hardware," Anderson and Whitten point out.

Mr. President, nearly 3 weeks ago, I cast the lone vote in this body against legislation which continues to allow the sales of such advanced technology as Cyber 76. The process by which such sales are approved are cloaked in such secrecy that it is virtually impossible for even a U.S. Senator to find out what is being sold.

Fortunately, I received reliable information about the proposed Cyber 76 sale at the time the act allowing such secrecy was being extended. Because of the prohibitions written in the act, I did not feel that it was appropriate to discuss the sale in public at that time.

Now the public has been told by two reporters. Is this how the public and their representatives in the Congress are to be warned about the potential dangers of governmental decisions? Unfortunately, the legislation which Congress approved set up the secret procedures allowing the sale of Cyber 76.

I could not support the Export Administration Amendments of 1977, the legislation which extends this procedure.

Nor can I support the sale to the Soviet Union of one of our Nation's most advanced pieces of technology. I am concerned that the Cyber 76 may not only be advanced computer technology, but that it also may be a highly sophisticated weapon. As such, it is entirely reasonable that Senate committees with oversight on arms control—namely, the Armed Services on whose Arms Control Subcommittee I serve, as well as the Foreign Relations Committee—may want to consider the propriety of the Cyber 76 sale, as well as the sale of other advanced American technology due to their weapon potential.

Mr. President, the President, who has final word on technology transfer to Communist bloc countries, should not approve the sale of Cyber 76, in this Senator's opinion. I urge him not to approve the sale, and I urge my colleagues to read the Anderson-Whitten column, so that they may be made aware of the real problem involved.

Mr. President, I ask unanimous consent that the column, "A Super-Computer for the Soviets," by Jack Anderson and Les Whitten, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 24, 1977]

A SUPER-COMPUTER FOR THE SOVIETS

(By Jack Anderson and Les Whitten)

Control Data is preparing to sell the Soviets a $13 million electronic brain, which could be turned against us to track U.S. missiles, planes and submarines. It is also capable of decoding sensitive U.S. intelligence transmissions.

The miracle machine is the Cyber 76, which will soon be on its way to the Soviet Union unless there is a last-minute stop order. It not only will be the largest computer ever delivered behind the Iron Curtain, but it is more than a decade ahead of the Soviets' own computer technology. It operates at least 20 times faster than anything the Soviets produce.

A top-secret, interagency study warns tersely that the Soviets can convert the Cyber 76 to military use. Not only can it be used for tracking and decoding, but it could also improve the production of nuclear warheads, multiple-headed missiles, aircraft and other military hardware.

There is no sure safeguard to prevent this, the study declares. An intelligence source put it more bluntly. "For a few bucks," he told us, "we're willing to give the Soviets the means to destroy us. We're becoming our own executioners."

Government officials, citing the strict secrecy, refused to show us a copy of the study. But sources with access to the original draft have told us of its warnings. They fear it may be softened in order to make the computer deal more palatable.

Control Data executives, in repeated meetings with U.S. officials, have insisted that the Cyber 76 will be used by the Soviets strictly to study the weather. The company kept hammering at Washington to get an export license. Final Commerce Department approval of the deal, according to our sources, was imminent until our inquires caused some hesitation.

The sale of computers to Russia was pushed originally by ex-Secretary of State Henry A. Kissinger. Eager to promote detente, he overruled military objections to earlier computer sales. Now that the Soviets have already received lesser computers, they will be enraged if the Cyber 76 is withheld from them, say our sources.

One high official source, talking to us in confidence, related how a mysterious Soviet official showed up in the United States a few years ago. The Central Intelligence Agency immediately spotted him as a man with a purpose. He had come here, the CIA warned, to seek strategic U.S. computers.

The State Department, under Kissinger, persuaded the CIA to soften its warning and to pass off the visitor as merely the house guest of Soviet Ambassador Anatoli F. Dobrynin.

This helped lead to computer sales not only to Russia but also to China and Hungary. In return for these sophisticated computers, according to an International Trade Commission report, the Soviets have offered the U.S. "horses, asses and mules" at favored prices. Russia's famous vodka will also be sold to the United States at a tariff of $1.25 a gallon, instead of the present $5.

Frustrated U.S. officials complain that the Soviets are getting the best of the deal. They have gained strategic advances from the computers that have already been delivered, these officials assert. But the Cyber 76 would give them a technological boost that no amount of vodka could justify, they say.

The secret study declares categorically that the wonder machine both could and would be misused by the Kremlin for military purposes. Those officials who favor the sale contend, however, that the Soviets will use the Cyber 76 to increase their participation in a world meteorological network. The result, they say, would be better international weather data, larger crops and fewer unexpected natural disasters.

A spokesman for Control Data assured our reporter John Schuber that the computer can be set up in Moscow in a way to prevent any misuse. Any diversion to military use, he said, could be detected immediately. Then Control Data would pull out its technicians and refuse parts to the Soviets, thus crippling the electronic monster.

But other computer experts told our reporter Tony Capaccio that Control Data's arguments are spurious. One former Control Data executive, referring to the alleged safeguards, said derisively: "That's a joke." Other experts agreed that the Soviets could train their own technicians, and eventually locate parts from other countries.

Footnote: At the Commerce Department, spokesmen confirmed that the secret study disclosed "some problems" relating to safeguards against the misuse of the Cyber 76. But the draft report, said the spokesman, wasn't final.

AUTO COMPANIES AND POLLUTION STANDARDS

Mr. ABOUREZK. Mr. President, there has been a great deal of controversy surrounding proposed amendments to the Clean Air Act, particularly those sections dealing with auto emissions standards. The automakers have consistently argued that they could not meet the standards imposed by the law. In a May 24 article in the Wall Street Journal, however, we are given some very disturbing insight into these threats. The article states that the industry is already planning to meet only the most unrestrictive regulations now being considered by the Congress, even though one major manufacturer has already submitted a report to the Government indicating that it could use three-way converters on at least some of its cars as early as 1979 if necessary.

I make no claim to be an expert on auto emissions. It is obvious to me, however, that the claims of industry to be unable to meet tough Federal standards must be viewed with a great deal of skepticism. Were we to rely on their estimates of the costs and feasibility of meeting pollution goals, I have serious doubts that we would make much progress at all. More disturbingly, if the automakers withhold the application of available technology, and claim that its application is not feasible, and Congress accepts this practice, then, in effect, the automakers are legislating on clean air, not the Congress. This would have the most profound implications not only for public health, but for responsible government.

I ask unanimous consent that the full text of this important article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

GM Unveils Plan To Phase in New Device for Cleaner Air on All Its Autos by 1982

Detroit.—General Motors Corp. unveiled a plan to gradually phase in "three-way" catalysts on all its cars by 1982 to meet tougher antipollution laws with a "minimal" loss in fuel economy.

Auto makers have been experimenting for some time with the promising new type of auto exhaust clean-up device, which chemically neutralizes noxious tailpipe fumes before they reach the atmosphere. Indeed, one foreign car using a version of the new system is already on sale in California. However, Detroit auto makers have been reluctant to give the new catalysts a blanket endorsement because of worries about its cost and complexity.

The statement by E. M. Estes, GM president, in a speech prepared for delivery at the Economic Club of New York last night, however, was the first public commitment by a U.S. auto maker to install the device nationwide by a specific date.

Previously, General Motors has said that it plans to put the three-way catalyst on some cars in California next year and expand their use in that state in 1979 and 1980. But it had skirted the question of when it would put what Mr. Estes termed a "second generation catalyst system" on all cars. Ford Motor Co. also has announced plans to put three-way catalysts on some California cars next year but hasn't yet stated a time-table for use nationwide.

The "three-way" catalyst cleans the exhaust of all three pollutants regulated by environmental laws. Current catalytic converters, which are installed on most cars, control emissions of hydrocarbons and carbon monoxide but don't reduce nitrogen oxides. Those pollutants currently are reduced by modifications to the engine, which can hurt fuel economy.

The timetable announced by Mr. Estes for use of the system on 100% of the auto maker's cars in slower than many environmentalists and pollution regulators would like.

It assumes that auto makers will be required to make further clean-up of tailpipe pollution at a pace following the so-called Dingell-Broyhill Amendment to the federal Clean Air Act currently being argued in Congress. The Dingell-Broyhill bill is the least stringent emissions proposal given any chance of passage, It is supported by the auto industry and the United Auto Workers Union.

In fact, there's evidence that, if required to, auto makers could put versions of the "three-way" system on their cars somewhat sooner than the 1982 date outlined by Mr. Estes.

For example, Ford last month filed a document with the federal government indicating that it would use some engines with versions of the "three-way" catalyst as early as 1979 if it had to meet more stringent standards than those in the Dingell-Broyhill proposal. And the document said that "with some risk" Ford could have "three-way" converters available for most of its product line in 1980 if tough standards demanded it.

In a similar filing last month, GM told the government: "Our capability to develop and produce a customer and environmentally satisfactory three-way system for nationwide use by 1980 is extremely speculative." GM, at that time, didn't flatly rule out widespread national use of the units if it had to resort to them, however.

Auto makers have cited several reasons why they are wary of rapidly adopting the new catalyst technology.

In last night's speech, Mr. Estes asserted that GM needs until 1982 because it will take time to assure sufficient supplies of the rare metal rhodium, used in the system to catalyze, or convert, nitrogen oxides into harmless gases. The world's only known sources of rhodium are in the Soviet Union and South Africa.

He also maintained that delaying across-the-board installation of the device will allow GM to "learn as we go." Although GM introduced the original catalytic converter on all its 1975 models, Mr. Estes said the second-generation device is "a very sophisticated system" that would need a longer phase-in period.

Auto makers also would like to move gradually into the use of the new catalyst systems because it would give them a chance to refine the efficiency of the system and reduce its use of materials such as rhodium, thereby reducing its cost. GM, for example, told the government last month: "We must learn how to use less rhodium and develop more durable sensors if the system is to be extended to nationwide production."

And Ford has projected in its documents that, after a year or so of using the new pollution-control device, it expects to be able to make refinements that will help improve the mileage impact of the systems. Indeed, Ford appears to be somewhat more optimistic than Mr. Estes in assessing the ultimate gasoline-saving potential of the "three-way" catalyst concept.

Mr. Estes, in his speech, said the system being planned by GM would show only small fuel-economy losses compared with today's cars—"just a few percent compared to, say, 15 percent losses without it."

Ford, in its filing with the government, has outlined some basic "three-way" catalyst systems that would yield mileage losses of several percent but also indicated that it thinks it could make some more sophisticated "three-way" systems that would yield absolute gains of a few percent over today's cars.

One even shows a 1 percent advantage at proposed standards considerably tougher than those contained in the Dingell-Broyhill Amendment. Ford has estimated the retail cost to consumers of its basic systems at as low as $110 a car and its most elaborate ones at as high as $400.

THE ELECTORAL COLLEGE

Mr. STEVENS. Mr. President, the electoral college was created by the Founding Fathers in the Constitution to insure that an equitable balance would be maintained between small and larger States during the election of our Presidents. This system, which is one of the wonders of democracy has worked consistently for almost 200 years. Periodic attempts to amend the electoral college have fortunately not been successful.

I am convinced that we need the electoral college to maintain the balance which our forefathers sought between the small States and the large States. I feel that I am in a particularly unique position to discuss this issue because I represent the largest State in the Union in terms of physical mass, yet it has one of the smallest populations in the Union. There is a real need in our country to insure that the election of our Presidents continue to reflect the needs of all Americans. The electoral college was unique and brilliant means to achieve this objective and should not be altered without long and hard thought on the matter.

An excellent article on the electoral college was recently published by George F. Will, this year's winner of the Pulitzer Prize for commentary. I commend this article to other Members of the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Don't Fool With the Electoral College

(By George F. Will)

President Carter has joined Sen. Birch Bayh's crusade to abolish the electoral college, the world's most tested and vindicated mechanism for choosing a Chief Executive. For years the Indiana Democrat has been advocating direct election so "the people" can choose presidents, and because the electoral college is "undemocratic" and dangerous.

One of Bayh's terrors is the "faithless elector" who does not vote for the candidate who carries his state. Actually, of the 17,000 electors since 1789, about 10 have been "faithless," none has altered an election. If this specter haunts Bayh, it can be exorcised by abolishing the office of elector, and leaving the electoral college in peace.

Bayh also says the electoral college must go because in three elections (1824, 1876, 1888) the electoral-vote winner was not the popular-vote winner. Actually, even if in "only" 45 of 48 elections the same person won both, that would not justify Bayh's calling the electoral college "electoral roulette."

In 1876 and 1888, exuberant fraud on both sides probably involved more votes than the narrow victory margins. In 1824 all four candidates were together on ballots in only five of 24 states. Six states (including New York) had no elections: the legislators selected the electors. Only about 350,000 of the 4 million eligible white males voted. Andrew Jackson won 38,149 more votes than John Quincy Adams, but neither had a majority of electoral votes. So the House of Representatives decided, picking Adams.

JUSTIFYING REVISION

This was before the emergence of the two-party system. But Bayh says the events of 1824 (and 1876 and 1888) justify fundamental constitutional revision.

Actually, an electoral-vote victory by a candidate who loses the popular vote by a substantial margin is improbable and has never happened. And only extremely dogmatic majoritarians think democracy would be "subverted" (Bayh's word) if the electoral colleage gave the Presidency to a candidate who lost the popular vote by a wafer-thin margin. It is odd to say that the "nation's will" could be "frustrated" in a standoff.

Bayh is fond of the somewhat feverish thought that under the electoral college a candidate "could" win with just 25 per cent of the vote by narrowly winning in the eleven largest states, even if he did not get a single vote in any other state.

But under direct election a candidate "could" sweep Alaska's 231,000 eligible voters, lose 49 states by an average of 4,700 votes, and win. This "possibility" is about as probable as the one that Bayh is fond of imagining.

Bayh is not apt to produce what Madison was too sober to attempt, a constitutional arrangement under which no unwanted outcome is even theoretically possible. Serious people consider probabilities, not possibilities. And direct election would make probable a grave difficulty.

The electoral-vote system, combined with the winner-take-all rule (a custom, not a constitutional requirement), discourages ideological third parties: such parties are unlikely to win pluralities in many states, so they are effectively shut out of the decisive electoral-vote competition. But direct elections would incite such parties. They could hope to prevent any candidate from receiving a national majority, or even an impressive plurality of popular votes.

SUBSTANTIAL DANGER

Bayh's remedy for this defect in direct elections poses a substantial danger. He proposes a second election, a runoff between the two leaders, if neither gets 40 per cent the first time. But a runoff would be an incentive to minor parties. They would try to force a second vote so they could sell their support.

Bayh evidently is undisturbed by the fact that direct election might frequently produce "41 per cent" presidents. The electoral college has only produced three presidents with such low pluralities, in 1824, before the two-party system developed, and in 1860 and 1912, when the two-party system was in disarray. But Alexander Bickel of Yale warned that direct elections might make disarray permanent:

"The monopoly of power enjoyed by the two major parties would not likely survive the demise of the electoral college. Now, the dominance of two major parties enables us to achieve a politics of coalition and accommodation rather than of ideological and charismatic fragmentation, governments that are moderate, and a regime that is stable."

The genius of the Constitution is the effect it has on the *character* of majorities. The electoral college promotes unity and legitimacy by helping to generate majorities that are not narrow, geographically or ideologically, and by magnifying (as in 1960, 1968, 1976) narrow margins of victories in the popular vote.

Such considerations are of no interest to single-minded majoritarians, who consider democracy a matter of mere numbers. They note that in 1976, 123,545 Alaskans determined three electoral votes, one for each 41,181 voters, but in California (7,867,043 voters, 45 electoral votes) there was only one electoral vote for each 174,823 voters. Is an Alaskan four times more powerful than a Californian? Is a Californian more powerful because he helps to determine a larger bloc of electoral votes? Bayh says that in any case, the system is "undemocratic." His understanding of democracy has the charm of simplicity: "Every vote should count the same." That, he says, is constitutional propriety, as stated by the Supreme Court in its "one man, one vote" reapportionment ruling. But Bickel revealed the foolishness of this argument by expressing it this way: "It is time for the system to be ideologically pure. The Court has said that the Constitution commands equal apportionment. We should, therefore, reapportion the Presidency. In effect, we must now amend the Constitution to make it mean what the Supreme Court says it means."

ARITHMETICAL MAJORITARIANISM

As Irving Kristol and Paul Weaver have written: "In recent decades, the democratic idea has been vulgarized and trivialized. From being a complex idea, implying a complex mode of government, appropriate to a large and complex society, the idea of democracy has been debased into a simple-minded arithmetical majoritarianism—government by adding machine."

Defenders of the electoral college are defending not an eighteenth-century artifact, but a system that has evolved, shaping and shaped by all the instruments of politics, especially the two-party system. It is an integral part of a constitutional system with premises too subtle and purposes too varied to be summed up in slogans like "one man, one vote." Bayh insists that the electoral college "is, by simple definition, undemocratic." But this constitutional democracy was not devised by, and should not be revised by, persons addicted to simple definitions of democracy.

U.S. AID AND COMFORT FOR WORLD TORTURERS

Mr. ABOUREZK. Mr. President, William Goodfellow and James Morrell of the Center for International Policy have written yet another timely article on continuing U.S. aid to countries having gross human rights violations. Because the Senate will be considering the issue of human rights in several bills in the near future, I ask unanimous consent that their article from the Los Angeles Times be printed in the RECORD.

There being no objection, the article was ordered to be printed the RECORD, as follows:

[From the Los Angeles Times, May 19, 1977]

U.S. AID AND COMFORT FOR WORLD TORTURERS

(By William Goodfellow and James Morrell)

"Trining Taken. Given XYZ. Urgent."

This cryptic telegram came into the Capitol Hill office of the Friends of the Filipino People about two weeks ago. Decoded, it meant, "Trinidad Herrera has been arrested and severely tortured. Please help."

Trinidad Herrera, 35, is president of a Manila community organization representing some 175,000 slum dwellers. Arrested and placed in a military torture center, she was given electrical shocks on very sensitive areas of the body. She emerged from the ordeal a virtual vegetable, according to her lawyer, able merely to sit and stare blankly with tears rolling from her eyes.

But only when you know the full story does the import of this incident begin to sink in. This same woman had been a frequent guest at the presidential palace, where she used to sit down with President and Mrs. Marcos to discuss the problems of slum dwellers. The journey from presidential palace to military torture chamber was swift and inexplicable—except in terms of the capriciousness of absolute power.

The harrowing news about Trinidad Herrera arrives just as the U.S. Senate is beginning to consider an important measure that would mandate applying human-rights criteria to operations of the World Bank and Asian Development Bank—two U.S.-supported international organizations that lend huge sums to the Philippines and several other nations where cases such as Herrera's are commonplace.

At issue is the Harkin amendment, an existing human-rights measure pushed through Congress last year by Rep. Tom Harkin (D-Iowa). In its present form, however, the amendment affects only U.S. participation in the Inter-American Bank and parts of this country's bilateral aid program. If the Senate extends the measure to the World and Asian banks, U.S. directors of these banks would be required to vote against a loan to any government guilty of a "consistent pattern of gross violations of internationally recognized human rights." (The extension has already been approved by the House.)

The Harkin amendment makes an exception only for aid that is "directed specifically for programs which serve the basic human needs of citizens" of repressive countries. Although some projects funded by the World Bank or the Asian Development Bank are aimed at basic needs, a review of their programs in the Philippines since fiscal 1974 indicates that 63% of World Bank and 56% of Asian Bank aid has gone to industrial development, utility construction and balance-of-payments support for the Philippines, none of which can be described as providing direct benefit to the needy. U.S. directors of international banks do not have the final say, but loans for these projects will still be jeopardized if the Harkin amendment is extended.

Ironically, the Harkin amendment faces an uphill battle in the Senate because President Carter—the acknowledged champion of human rights—opposes it. When the measure was still before the House, Carter and his aides managed to persuade Rep. Henry S. Reuss (D-Wis.), chairman of the Banking Committee and once a fervent believer in the Harkin amendment, to drop it in favor of a vague and tortuous formula directing U.S. representatives to use their "voice and vote" to channel loans away from human-rights violators. Whereas the Harkin amendment flatly mandates the U.S. directors to vote "no" on such loans, the Administration version neatly avoids the issue, giving the State Department complete discretion to continue U.S. support for such loans.

For a while it seemed that the Harkin amendment was doomed in the House. It was voted down in committee. The President and secretary of state publicly decried it as "inflexible." Yet, on April 6, pro-human rights liberal Democrats joined anti-foreign aid conservative Republicans in a so-called "unholy alliance" to save the Harkin amendment.

However, the measure is in deep trouble in the Senate, where the Foreign Relations Committee has approved the Administration's formula. Even Sen. George S. McGovern (D-S.D.), who is becoming one of Carter's strongest critics, went along with the committee's unanimous vote. In defending the Administration plan, State Department officials have described it as a carrot-and-stick approach: Continue aid now as an inducement to good behavior, while retaining the option of a future cutoff as leverage.

Though the Senate may accept this argument, the Administration may find it more difficult to achieve success when it comes time to resolve differences with the House. For some members of the lower body have concluded that no amount of rhetoric—not even by the President—will change inhuman policies in nations receiving U.S. funds.

"It has been my observation that countries will keep on doing what they want to do as long as the money keeps coming, and they will more or less ignore the rhetoric," said Rep. Clarence D. Long (D-Md.), chairman of the House appropriations subcommittee on foreign aid. "I don't think anybody is going to believe us until we cut it off. Our leverage is not going to work until we use it." The carrot-and-stick approach is fine, Long said, "but let's use the stick now and then."

The stakes in this debate are enormous, for any human-rights amendment that emerges from Congress—if any actually does—would set crucial terms for distributing an unprecedented $5.2 billion U.S. contribution to the World Bank and the Asian Development Bank. The figure is exceptionally high because as the United States has reduced its bilateral aid program in recent years, the World Bank and other international institutions have emerged as the leading financial supporters of many needy nations.

Among these prospective recipients, unfortunately, are several of the world's most repressive regimes. In the last fiscal year, for instance, South Korea received $325 million from the World Bank, $220 million from the International Monetary Fund and $135 million from the Asian Bank, as against $204 million in U.S. military aid and $136 million in Food for Peace. Or take the Philippines, which obtained $268 million in World Bank loans, $248 million in IMF credits and $119 million in Asian Bank loans, as against $94 million in direct U.S. military and economic aid. As for Indonesia, it got $517 million in World Bank and $125 million in Asian Bank loans, as against $133 million in all direct U.S. aid.

Cuts in direct U.S. assistance are merely symbolic if they are small, such as those to Argentina, Uruguay and Ethiopia announced earlier this year by the Administration. They have far-reaching effects when they involve huge sums, such as those dispensed by the international banks.

The latest word is that Trinidad Herrera has been released by Filipino authorities, but thousands like her remain imprisoned by U.S.-supported regimes around the world. It is their plight that the Senate is considering—and their doom that could be sealed if the extension of the Harkin amendment is voted down.

TRIBUTE TO PAUL ENGLE

Mr. CLARK. Mr. President, this spring, Prof. Paul Engle, one of America's most distinguished poets and a renowned teacher of creative writing, will retire after 40 years of service on the University of Iowa faculty.

In addition to his many significant contributions to the fields of literature and education, Professor Engle has played an important role for his country as an international ambassador of understanding and good will. Together with his wife, Huahling Nieh, a Chinese novelist born on the mainland, he founded the international writing program at the University of Iowa in 1967. During the past decade, this program has provided a major stimulus to world literature by bringing writers from around the globe to the Iowa City campus and providing them with the time and a congenial environment for pursuing their creative endeavors—not to mention a unique opportunity to learn about America by actually living in a Midwestern community.

In successfully launching and maintaining support for the international writing program, Professor Engle and his wife have demonstrated special entrepreneurial talents by raising all of the necessary funding. To date, they have attracted over $2 million from foundations, corporations, and other sources to support the international writing program and the older Iowa Writer's Workshop, which he directed for many years.

Reflecting the important contribution the international writing program has made to world understanding, Professor Engle and his wife, who also is a professor at the University of Iowa and serves as codirector of the program, in 1976 were nominated by former workshop participants for the Nobel Peace Prize. Professor Engle also has served for many years as an American Specialist for the Department of State, a post that has taken him around the world to lecture on recent American poetry.

Raised in Cedar Rapids, Professor Engle began writing poetry while a high school student and has never stopped. In 1932 he received an M.A. degree from the University of Iowa, presenting as his thesis an original book of poems entitled "Worn Earth," which won the Yale Series of Younger Poets prize that year.

After a year of advanced graduate study at Columbia University, Professor Engle was honored by appointment as a Rhodes Scholar. His 3 years of study in England reads like the script from a movie of that period, "A Yank at Oxford." In addition to earning two degrees from Oxford University, he served as wicket keeper of the Merton College cricket team and rowed on the College First Eight, winning an oar in his final year. After traveling extensively in Europe, he returned to join the faculty of the Iowa Writers Workshop in 1937. Under his leadership, the Writers Workshop achieved worldwide recognition.

Professor Engle's long list of published works include nine other books of poetry in addition to "Worn Earth: Embrace, American Song," "Corn, West of Midnight," "American Child in 1945, American Child in 1956—Enlarged Version," "The World of Love, Poems in Praise," and "A Women Unashamed." He currently is completing a new book of poems, to be called "Engle Land." He also wrote a libretto in verse for the opera "Golden Child" and collaborated with Huahling Nieh on a translation of "Poems of Mao Tse-tung."

His numerous prose works include a novel, "Always the Land; a Prairie Christmas" and "An Old Fashioned Christmas," books of reminiscences; "Golden Child," a prose narrative with songs; "Who's Afraid?" a children's story; "Poet's Choice,"—with Joseph Langland—"O. Henry Prize Stories," annually, 1954 through 1959; "Reading Modern Poetry," with Warren Carrier; and "On Creative Writing." He and Huahling Nieh also collaborated on the "Iowa Translation Series," which to date includes books from Korean, Chinese, Romanian, Japanese, Serbian, Russian, Greek, Polish, and the languages of Yugoslavia and India.

He additionally edited "Midland," a collection of 25 years of fiction and poetry from the University of Iowa's writing workshops. Professor Engle's most recent published prose work, "Women in the American Revolution," appeared in 1976.

Last year, the Engle published "Writing From the World: Poetry, Fiction and Criticism in Translation and in Original English, by Members of the International Writing Program." Besides providing the libretto for "Golden Child," he has written texts for three other musical compositions by Phillip Bezanson: "Requiem for the Iowa Dead," which was published in Life magazine, "Seven Songs," and "Cantata, Song of the Cedar," and contributed to the "American Heritage Cookbook."

Professor Engle also has been active in the electronic media. His television and radio experience includes work with Alistair Cooke on the BBC; dialogs with English writers over joint national hookups on the BBC and NBC; guest appearances on such TV shows as "Wide, Wide World," the Arthur Godfrey show and the "Today" show, as well as on various Iowa Public Broadcasting Network programs, and he also was a script writer for the "Omnibus" show.

Professor Engle has lectured in all 50 States, Europe and Asia, and also has traveled widely to meet writers as a visitor for the Rockefeller Foundation. He is a member of the Advisory Committee on Arts and the Program Advisory Committee of the John F. Kennedy Cultural Center in Washington, D.C., and is the only poet to have served on the National Council of the Arts.

In addition to his Rhodes Scholarship, he has twice held Guggenheim Fellowships and has received fellowships from the Rockefeller and Ford Foundations. At the University of Iowa, he holds the Clark Ansley Professorship of Creative Writing. In 1970, he was honored by Iowa Gov. Robert D. Ray through the proclamation of Iowa Poetry Day and in 1973 was presented with a hand-lettered tribute of appreciation from the Department of State for "sustained and significant contribution to international understanding, through decades of dedicated encouragement and inspiration to creative writers from his own and other lands." His most recent honor was one of the first two founder's medals ever given by his undergraduate alma mater, Coe College, which is awarded to persons of "national and international accomplishment."

The nomination of the Engles for the Nobel Peace Prize was initiated by Ahmed Muhamed Imamovic, a Yugoslav poet and painter, on behalf of all participants in the international writing program and was initially endorsed by University of Iowa President Willard L. Boyd. The nomination subsequently was endorsed by a number of prominent individuals such as W. Averell Harriman, former Governor of New York State and Ambassador to the Court of St. James, the Soviet Union and Ambassador at Large to the Department of State; J. Burke Knapp, senior vice president, operations, International Bank for Reconstruction and Development; Roger L. Stevens, chairman, John F. Kennedy Center for the Performing Arts, and Iowa Governor Robert D. Ray.

On the occasion of his retirement from the University of Iowa faculty and as codirector of the international writing program, I wish to acknowledge through this tribute the innumerable and inestimable contributions he has made to his native State of Iowa, to the Nation, and to the world.

TENNESSEE BARBERS AND COSMETOLGISTS DONATE DAY'S EARNINGS TO ST. JUDE'S HOSPITAL

Mr. SASSER. Mr. President, I commend a recent act of voluntarism by private citizens who are members of one of Tennessee's professional groups. Recently, all of the barbers and cosmetologists in Tennessee designated 1 day to help St. Jude Children's Hospital in Memphis. And each of them donated his or her entire day's earnings to that outstanding institution.

St. Jude is the largest children's medical research hospital in the world. It is the first and only institute established for the sole purpose of conducting basic clinical research into the causes and cures of catastrophic children's illnesses. Its childhood nutrition research program is widely respected.

May 22 was designated as National Barbers' and Cosmetologists' Day in Tennessee in recognition of this gracious contribution to the community, to the country, and to afflicted children everywhere. I would like to join Congressman HAROLD FORD of Memphis in commending the fine spirit of Tennessee's barbers and cosmetologists.

As Senator Robert F. Kennedy once said:

> Each time a man stands up for an ideal or acts to improve the lot of others, he sends out a tiny ripple of hope.

I am proud to represent these outstanding men and women.

DR. KOSTADIN VAKLEV

Mr. HOLLINGS. Mr. President, on May 17, 1977, the South Carolina General Assembly passed a concurrent resolution requesting the Immigration and Naturalization Service of the U.S. Department of Justice to reevaluate and change its decision revoking the application for citizenship of Dr. Kostadin Vaklev and allow him to render vital medical services to the residents of Jasper County. I would concur in this resolution as I have already introduced S. 1541, a bill for the relief of Dr. Kostadin Vaklev.

On behalf of the senior Senator from South Carolina (Mr. THURMOND) and myself, I ask unanimous consent that this resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A CONCURRENT RESOLUTION

Whereas, it is an accepted fact that there is a need for doctors in the rural areas of the State and Nation; and

Whereas, Jasper County had the good fortune of locating and obtaining the services of an able and qualified medical practitioner, Dr. Kostadin Vaklev, who was an alien, coming to Jasper County from the Bahama Islands; and

Whereas, for the first time in recent history the residents of Jasper County were able to obtain the services of a medical doctor without the necessity of going out of the county; and

Whereas, Dr. Vaklev, believing that he had complied with the requirements of the United States Immigration and Naturalization Service and would in due time become a citizen of the United States, without knowing the consequences of his action, returned to the Bahama Islands for the purpose of moving his personal effects to Ridgeland in Jasper County; and

Whereas, this action was a technical violation of the immigration and naturalization laws, which resulted in the revocation of his application for citizenship and a notice from the Immigration and Naturalization Service that he would have to leave the country in the near future; and

Whereas, the people of Jasper County will suffer a great loss if this oustanding doctor is forced to leave the Jasper County community because of an innocent act.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

That the Immigration and Naturalization Service of the United States Department of Justice is hereby requested to reevaluate and change its decision to revoke the application for citizenship of Dr. Kostadin Vaklev and allow him to continue to render vital medical services to the people of Jasper County.

Be it further resolved that a copy of this resolution be sent to the Attorney General of the United States, the head of the Immigration and Naturalization Service of such department, the Vice President of the United States, the Speaker of the United States House of Representatives and each member of Congress representing South Carolina.

A DEPARTMENT OF EDUCATION

Mr. CLARK. Mr. President, one of the highest objectives of government should be to foster an educated, informed, and enriched public. The Federal Government's role in public education, while not insignificant, hardly reflects the kind of commitment that is necessary to obtain that objective.

In order to help make education a priority of the Federal Government, it seems logical and necessary to consolidate and coordinate the various education programs that are now dispersed among some 20 Federal agencies. A separate voice is needed for education, and this requires the establishment of a Department of Education.

Today, most education programs are buried within the Department of Health, Education, and Welfare, a department in which $136 billion is devoted to health and welfare and just $9 billion goes to education. This fact alone contributes to the low stature of education programs within the Department of HEW, for, as any student of government will state, the importance of a program is directly related to its budget.

I believe the current organizational structure is detrimental for this Nation's future, for it promises continued financial strife for States and localities that must withstand the burden of the increasing costs of education. In fact, the Federal contribution to elementary, secondary, and higher education has actually decreased over the last decade, in terms of its share of total education spending.

Furthermore, a separate Department of Education is needed to coordinate the Federal education effort and to make that effort a more effective one. President Carter and Congress are committed to streamlining the operation of the Federal Government, and the fragmentation of education programs provides us with a perfect opportunity to act upon the promise to reorganize the Government.

For these reasons, I decided to become an original cosponsor of S. 991, the bill introduced by Senator RIBICOFF to establish a Department of Education. While I am not wedded to each and every proviison of this bill, I do think its underlying principle is a wise one that should be promptly considered by Congress.

Earlier this year, when I had not yet decided to cosponsor S. 991, I asked Iowa State Superintendent of Public Instruction Robert Benton for his views on this matter, and I would like to share them with my colleagues. I ask unanimous consent that Dr. Benton's letter and a summary of S. 991 be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF IOWA, DEPARTMENT OF PUBLIC INSTRUCTION,
Des Moines, Iowa, April 12, 1977.

Senator DICK CLARK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CLARK: This is a response to your letter of March 2, 1977, in which you asked that I list the reasons for my asking you to support a separate department of education.

In my opinion, a separate department of education is needed to provide leadership, develop major educational policy, and insure effective enforcement of educational equal opportunity in this country. Existing federal programs are fragmented and need to be consolidated. In order to facilitate educating and preparing children for a complex, fast-changing society, the federal educational institution must be strong and recognized for its important roles.

Education is one of America's biggest businesses, but it is being short-changed as a part of HEW. In FY 1954, HEW spent less than $2 billion of which approximately $235 million was expended for education. The HEW budget for FY 1978 is almost $160 billion; however, only $8.1 billion is earmarked for education. More than 90% of HEW's budget is required by law and, thus, uncontrolled. Education items are controllable and thus subject to reductions which have been made.

Reorganization and consolidation of over forty federal departments, agencies, and bureaus conducting educational programs are needed. As a presidentially appointed member of the Commission on Federal Paperwork, I can attest to the fact that this forty-department involvement creates chaos for state and local education agencies, particularly in the data gathering and paperwork areas. A single agency with authority to supervise, administer, and regulate these activities is needed. The existing fragmentation must be eliminated in order to reduce waste, inefficiency, and duplication. Coordination is needed to prevent educational agencies from being deprived of adequate levels of support.

In addition to the reasons stated above, a full cabinet level position is needed to give education a strong voice with direct access to the Congress and the President. Congress would have a single well organized data bank of information to answer questions Congress raises.

I'm sorry that you felt you could not join Senator Ribicoff in co-sponsoring a bill that proposes to establish a separate department of education, but I would hope that you, as a former educator, would see fit to support his proposal if and when it comes up for Senate consideration. I am enclosing for your information a copy of a fact sheet on Senator Ribicoff's proposal.

Thank you for your consideration.

Sincerely yours,

ROBERT D. BENTON, Ed.D.,
State Superintendent of Public Instruction.

Enclosure.

COMMITTEE ON GOVERNMENTAL AFFAIRS, U.S. SENATE

The Department of Education Act of 1977: Basic Components Introduced by SENATOR RIBICOFF.

Findings and Purposes: Education is of fundamental importance to the nation. Existing Federal programs are fragmented. Department should be established to provide leadership, develop major educational policy, insure effective enforcement of educational equal opportunity.

Structure: Under the Secretary of Education, there would be an Under Secretary, a General Counsel, an Inspector General, and four Assistant Secretaries (for Legislation and Public Affairs, Intergovernmental Relations, Evaluation and Planning, and Administration and Management). Each officer would be subject to Senate confirmation.

Transfer of Functions:

1. The Education Division of DHEW.
2. The Headstart program in HEW's Office of Child Development.
3. DHEW Advisory Committees which primarily concern education.
4. DHEW grant program for the construction of public broadcasting facilities.
5. DHEW Civil Rights Office—enforcement of education-related functions.
6. National Foundation on the Arts and Humanities.
7. Administration of present laws concerning Gallaudet College, Howard University, American Printing House for the Blind.
8. Defense Department's Armed Forces dependent schools.
9. Operation of Indian schools by the Bureau of Indian Affairs, Department of the Interior.
10. The National School Lunch program, Department of Agriculture.
11. The Graduate School of the Department of Agriculture.
12. The college housing loan program, HUD.
13. The Education Directorate, National Science Foundation.

Federal Interagency Committee on Education: Chaired by the Secretary of Education, the Committee would be composed of various representatives from other Departments and agencies. Its main purpose is to assure effective coordination of Federal programs affecting education. The Committee would meet six times a year and report annually to the Secretary.

National Advisory Commission on Education: The Commission would be composed of 15 members, appointed by the President, who have a demonstrated commitment to the educational needs of the nation. Its purpose would be to assist the Secretary in the formulation of Federal policy with respect to the appropriate role of the government in Education and to review the administration, regulations for, and operation of Federal education programs.

Inspector General: The Inspector General will provide and supervise policy direction for auditing and investigative activities in the Department. Other duties include conducting activities to promote economy and efficiency while preventing and detecting fraud and abuse in DoE programs. He/she could be removed only by the President.

LOBBYING REFORM LEGISLATION

Mr. THURMOND. Mr. President, I have before me a news article by Dr. Richard L. Lesher, president of the U.S. Chamber of Commerce, concerning lobbying reform. His statement is, I think, very succinct and one with which I agree. Very often, Congress—although well intentioned—tends to "overlegislate." Present rules and regulations which require lobbyist registration and the filing of reports are examples of just such a situation.

In addition, both Houses of Congress are now considering "reform" lobbying legislation with potentially serious constitutional implications. Dr. Lesher's "Voice of Business" article spells all of this out very well, and I ask unanimous consent that my remarks and his statement be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

LOBBYING REFORM: HOW TO DO IT RIGHT

WASHINGTON.—Washington is a city much given to cures worse than the disease. The lobbying reform legislation being contemplated by Congress furnishes ample evidence of that problem.

Some kind of reform is certainly needed, partly because of the real abuses which occasionally occur and especially because of the numerous defects of the existing law.

But such abuses as there have been hardly justify the serious threats to our constitutional liberties that have slithered into some of the "reform" bills.

What's wrong with the present rules? As things now stand, individuals or organizations must register and file reports with the House and Senate when, among other things, their "principal purpose" is to influence national legislation.

How do you decide what your principal purpose is? No one seems to know. This elusive and subjective requirement places conscientious people in the untenable position of not knowing what they must do to comply with the law. For the same reason, the vague language has made a farce of enforcement, which is no longer even attempted.

This situation, plus the scandals of recent memory, have given rise to numerous pieces of "reform" legislation.

Consequently, both the House and the Senate are now considering lobbying reform bills that would inhibit the discussion of legislation in private newsletters, compel private organizations to disclose their membership lists, classify as "lobbying" the process of informing the members of an organization about legislation of interest to them, impose complex and costly burdens of red tape both on the "professional" lobbyist and on those who make only incidental and infrequent contacts with Congress, and hold over the heads of all the threat of criminal penalties for failure to comply with these draconian regulations.

Anyone who doesn't recognize such proposals as a serious threat to the constitutional rights of petition, free speech, free press and assembly is dangerously naive. Indeed, with respect to disclosure of membership lists the Supreme Court has consistently recognized that "... compelled disclosure can seriously infringe on privacy of association and belief guaranteed by the First Amendment."

Compelled disclosure was, in fact, one of the tactics used by recalcitrant state governments against the National Association for the Advancement of Colored People during the early days of the civil rights struggle. It is wrong because it permits partisans to learn the identity of the members of an opposing organization in order to harass or intimidate them individually.

Inhibition is the net effect of all these rules taken together. Obviously, many individuals and organizations would refrain from presenting their views to Congress if they had reason to fear criminal penalties for failure to comply with complicated procedures requiring the advice of a lawyer to fathom.

In any case, many of these heavy-handed reform proposals are born of a popular misconception of lobbyists as sinister types who head for Capitol Hill with lots of money in their pockets and no votes and leave it with lots of votes and no money. Sure it has happened. But it's not common. That kind of activity is ultimately counterproductive and the truly Washington-wise know it.

What should a good lobbying reform bill embody?

It should be simple and easy to understand.

It should be fair and equitable in its coverage.

It should have reasonable reporting requirements which are not so complex that they inhibit the free expression of opionion.

It should not apply to persons who contact Congress infrequently.

It should not have a "chilling effect" on the exercise of the rights of petition and assembly.

Anything that goes very far beyond these simple requirements is likely to be a greater evil than those it purports to prevent.

ENERGY SAVER? NO. EVALUATING A GAS-GUZZLER TAX

Mr. DECONCINI. Mr. President, the Congress is about to undertake a major effort on energy. President Carter has proposed a comprehensive package of many parts. Among those is a tax on gas guzzlers and a rebate on energy-efficient automobiles. In the interest of presenting to my colleagues a variety of different analyses of these proposals, I am introducing into the RECORD a brief study done by Prof. W. Philip Gramm and S. Charles Maurice, economists at Texas A. & M. University. Their conclusion is an interesting one, and I think the administration should comment on the possibility that we may be embarked upon a course that will increase the total number of cars beyond its normal level. Just as the Congress has no wish to deprive individuals of their right to own and operate automobiles, I also do not think that Congress ought to encourage the purchase of superfluous numbers of cars, no matter how fuel efficient.

I ask unanimous consent, Mr. President, to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENERGY SAVER? NO—EVALUATING A GAS-GUZZLER TAX

(By W. Philip Gramm and S. Charles Maurice)

An important and controversial part of President Carter's energy plan is the tax on gas guzzlers and the subsidy on high mileage models.

Most discussion of the proposed tax-subsidy plan has centered around its impact on the automobile industry and the possible responsiveness of the automobile purchaser to the tax and subsidy. Much less discussion has taken place concerning whether or not the proposal will achieve its stated objective, reduced gasoline consumption.

While there are a growing number of people who believe that price does not affect the demand for energy or automobiles, there exist no empirical foundations for such contentions. The imposition of an excise tax on large automobiles with low-gas mileage ratings will reduce the purchase of such automobiles below the level that would have existed in the absence of the tax. While many, and perhaps most, purchasers of luxury automobiles will not be induced to buy small cars by the imposition of the tax, marginal purchasers certainly will.

No doubt, however, the elasticity of demand for large automobiles is fairly price inelastic so that the fall in purchases of gas guzzlers in response to moderate taxation is likely to be disappointing to the Carter Administration. Potential savings in fuel will also be moderated by movements from large to medium-size cars rather than from large to small cars.

NEW LIFE FOR OLD GUZZLERS

The potential fuel savings produced by the tax on low-gas-mileage cars won't be the only impact, however. Also, the tax on new gas guzzlers will expand the market value and the life of old gas guzzlers.

The impact of the tax on used cars will work just as the cessation of production of convertibles has prolonged the life of existing convertibles and induced convertible fanciers to invest heavily in maintaining those models in existence. By expanding the life of old gas guzzlers, the beneficial impact of the fuel efficiency tax in reducing new car purchasers will be partially offset because old gas guzzlers are in most cases less gas efficient than newer models.

The rebate subsidy on high-gas-mileage cars will probably have a much larger impact on sales than will the tax on larger automobiles; this is because consumers of small cars will normally be more responsive to price changes than consumers of larger cars. A subsidy of roughly the same percentage magnitude as the tax on big cars can be expected, therefore, to produce a significantly larger percentage increase in the purchase reduction in the purchases of large cars.

INDUSTRY'S TRANSFORMATION

The stimulatory impact of the tax-subsidization plan on total sales is amplified by the adjustments that are already under way in the automobile industry. The gas guzzler is on the way out due to higher gas prices and Federal mandates on fuel economy. The degree of adjustment that has already occurred is evidenced by the fact that under the Carter plan the purchaser of a full-sized Buick LeSabre would get a $90 rebate.

At the current rate of industry transformation from low- to high-gas-mileage models, the tax-subsidy scheme will increasingly become a subsidy that will significantly increase the number of automobiles in operation and create a large drain on the Treasury. Travel by auto will increase. Over time, as older models wear out, the average mileage rating of the American automobile will no doubt rise at an accelerated rate as a result of the tax subsidy. But this does not mean that gasoline consumption in the United States will fall.

The potential for a perverse effect on fuel consumption exists largely because small automobiles are not just a substitute for big automobiles. They are also a substitute for car pooling, for buses and trains, and even for walking.

Subsidizing small cars will induce more families to become two- and three-car families; it will induce people who do not own an automobile to purchase one. To the extent that these automobiles are used to eliminate the burden and inefficiency involved in car pooling, the use of mass transit, and walking, gasoline consumption will rise.

Moreover, a higher average gas mileage rating reduces the cost of automobile transportation to consumers. We can expect people to respond to the reduced cost of driving by using their automobile more and to substitute automobile use for other modes of transportation, more efficient in terms of gasoline usage.

Thus it's possible that policy makers who have suggested the tax-subsidy scheme have neglected some key elements in assessing the potential impact of their energy program.

In order to demonstrate the feasibility of the tax-subsidy scheme, it would be necessary to show that the positive impact of the decrease in the number of new low-mileage cars purchased will not be more than offset by the increase in gasoline consumption produced by the prolonged life of old gas guzzlers, the increase in the number of automobiles in operation, the increased auto use, and the substitution of small cars for mass transit.

THE BURDEN OF PROOF

Given our knowledge of the price responsiveness of the demand for automobiles and the degree to which driving can and has been substituted for more energy-efficient modes of transportation, certainly the burden of proof of the feasibility of the tax-subsidy scheme must clearly rest with the proponents. Thus far, not only has no proof come forward, but the potential problems with the plan have not even been recognized or discussed.

To the extent that the tax-subsidy scheme and the April 20th message are indicative of the President's total energy program, governmental-induced cures for our energy problems do not appear to be forthcoming.

Fortunately, there is another mechanism at work, which, despite the best efforts of Government to thwart its functioning, can and will produce relief. Adam Smith described it best.

"The uniform, constant, and uninterrupted effort of every man to better his condition, the principle from which public and national, as well as private opulence is originally derived, is frequently powerful enough to maintain the natural progress of things toward improvement, in spite both of the extravagance of government, and of the greatest errors of administration. Like the unknown principle of animal life, it frequently restores health and vigour to the constitution, in spite, not only of the disease, but of the absurd prescriptions of the doctor."

JACK ANDERSON ARTICLE ON SALE OF CYBER 76 COMPUTER TO SOVIETS

Mr. THURMOND. Mr. President, columnists Jack Anderson and Les Whitten are to be commended for their article entitled, "A Super Computer for the Soviets" which appeared in today's issue of The Washington Post newspaper.

Several weeks ago I revealed in a speech that our Government was considering the sale of the Cyber 76 computer to the Soviets, but the Washington press ignored my remarks.

Now, Mr. Anderson and Mr. Whitten have laid out the issue in a syndicated column that reaches newspapers around the country. The result, I predict, will be an outpouring of letters from our citizens protesting this sale.

This computer is just one example of the massive transfer of our technology to unfriendly nations such as the Soviets. Last year I opposed sale of the modern Cyber 73 computer to the Soviets. Unfortunately, this sale went through.

The Cyber 76 computer is years ahead of any machine ever developed in this field. Experts say it is 29 times more powerful than the Cyber 73 and only a small number exist in the Free World.

Although the Soviets say they wish to use it for weather research, this computer would be of inestimable value in many defense areas. To name a few, I would list nuclear weaopns research, intelligence collection and dissemination, and satellite photography. It has miniature integrated circuits and massive computational capabilities.

If this sale is approved, it would be a mistake of mammoth proportions by the Carter administration. The Defense Department leadership should oppose this sale, and they have the right to do so, although the President has the final decision.

Besides the sales of advanced technology to Communist and third-power nations, we are indirectly subsidizing Soviet defense efforts by continuing to extend long-range credits to them on a multitude of products.

The key plus in our defense picture, our advanced technology and manufacturing know-how, is being parceled out for the dollar bill we often chase too hard.

Mr. President, I have written President Carter urging disapproval of this application. I know he will study this matter carefully because of its far-reaching defense applications.

In closing, I ask unanimous consent that this article by Mr. Anderson and Mr. Whitten be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From The Washington Post, May 24, 1977]

A SUPER-COMPUTER FOR THE SOVIETS

(By Jack Anderson and Les Whitten)

Control Data is preparing to sell the Soviets a $13 million electronic brain, which could be turned against us to track U.S. missiles, planes and submarines. It is also capable of decoding sensitive U.S. intelligence transmissions.

The miracle machine is the Cyber 76, which will soon be on its way to the Soviet Union unless there is a last-minute stop order. It not only will be the largest computer ever delivered behind the Iron Curtain, but it is more than a decade ahead of the Soviets' own computer technology. It operates at least 20 times faster than anything the Soviets produce.

A top-secret, interagency study warns tersely that the Soviets can convert the Cyber 76 to military use. Not only can it be used for tracking and decoding, but it could also improve the production of nuclear warheads, multiple-headed missiles, aircraft and other military hardware.

There is no sure safeguard to prevent this, the study declares. An intelligence source put it more bluntly. "For a few bucks," he told us, "we're willing to give the Soviets the means to destroy us. We're becoming our own executioners."

Government officials, citing the strict secrecy, refused to show us a copy of the study. But sources with access to the original draft have told us of its warnings. They fear it may be softened in order to make the computer deal more palatable.

Control Data executives, in repeated meetings with U.S. officials, have insisted that the Cyber 76 will be used by the Soviets strictly to study the weather. The company kept hammering at Washington to get an export license. Final Commerce Department approval of the deal, according to our sources, was imminent until our inquiries caused some hesitation.

The sale of computers to Russia was pushed originally by ex-Secretary of State Henry A. Kissinger. Eager to promote detente, he overruled military objections to earlier computer sales. Now that the Soviets have already received lesser computers, they will be enraged if the Cyber 76 is withheld from them, say our sources.

One high official source, talking to us in confidence, related how a mysterious Soviet official showed up in the United States a few years ago. The Central Intelligence Agency immediately spotted him as a man with a purpose. He had come here, the CIA warned, to seek strategic U.S. computers.

The State Department, under Kissinger, persuaded the CIA to soften its warning and to pass off the visitor as merely the house guest of Soviet Ambassador Anatoli F. Dobrynin.

This helped lead to computer sales not only to Russia but also to China and Hungary. In return for these sophisticated computers, according to an International Trade Commission report, the Soviets have offered the U.S. "horses, asses and mules" at forward prices. Russia's famous vodka will also be sold to the United States at a tariff of $1.25 a gallon, instead of the present $5.

Frustrated U.S. officials complain that the Soviets are getting the best of the deal. They have gained strategic advances from the computers that have already been delivered, these officials assert. But the Cyber 76 would give them a technological boost that no amount of vodka could justify, they say.

The secret study declares categorically that the wonder machine both could and would be misused by the Kremlin for military purposes. Those officials who favor the sale contend, however, that the Soviets will use the Cyber 76 to increase their participation in a world meteorological network. The result, they say would be better international weather data, larger crops and fewer unexpected natural disasters.

A spokesman for Control Data assured our reporter John Schuber that the computer can be set up in Moscow in a way to prevent any misuse. Any diversions to military use, he said, could be detected immediately. Then Control Data would pull out its technicians and refuse parts to the Soviets, thus crippling the electronic monster.

But other computer experts told our reporter Tony Capaccio that Control Data's arguments are spurious. One former Control Data executive, referring to the alleged safeguards, said derisively: "That's a joke." Other experts agreed that the Soviets could train their own technicians, and eventually locate parts from other countries.

Footnote: At the Commerce Department, spokesmen confirmed that the secret study disclosed "some problems" relating to safeguards against the misuse of the Cyber 76. But the draft report, said the spokesman wasn't final.

FOREIGN RELATIONS COMMITTEE: DIRECT SPENDING ALLOCATIONS

Mr. SPARKMAN. Mr. President, in compliance with section 302(b) of the 1974 Congressional Budget Act, I am submitting on behalf of the Committee on Foreign Relations its report on direct spending allocations under the committee's jurisdiction as provided by the first concurrent resolution on the budget for fiscal 1978. Since this resolution altered the committee's 1977 allocation as well, I am also submitting a revised report for fiscal 1977.

I ask unanimous consent that the two reports be printed in the RECORD.

There being no objection, the reports were ordered to be printed in the RECORD, as follows:

COMMITTEE ON FOREIGN RELATIONS REPORT TO THE SENATE PURSUANT TO SEC. 302(b) OF THE CONGRESSIONAL BUDGET ACT

[In thousands of dollars]

Subcommittee/budget function/program	Budget authority	Outlays
FISCAL YEAR 1978 ALLOCATION		
Subcommittee on Foreign Assistance:		
National defense (050):		
Advances, foreign military sales	5,359,627	7,243,457
Liquidation, foreign military sales fund	0	-4,500
Subtotal	5,359,627	7,238,957
International affairs (150):		
Technical assistance trust funds	4,000	4,000
Peace Corps trust funds	195	195
Subtotal	4,195	4,195
Subcommittee on International Operations:		
International affairs (150):		
Payment to Foreign Service retirement	66,000	66,000
International Center, Washington D.C	3,254	2,507
Department of State trust fund	837	837
Gifts and bequests, National Commission on Educational, Scientific, and Cultural Cooperation	50	45
Educational exchange trust fund	225	254
Department of Transportation trust fund	7,200	7,200
U.S. Information Agency trust fund	76	76
Subtotal	77,642	76,919
Commerce and Transportation (400):		
Department of Commerce trust fund	4,309	5,064
Income Security (600): Foreign Service retirement and disability fund	161,187	96,692
Total allocation to Senate Foreign Relations Committee	5,606,960	7,421,827
REVISED FISCAL YEAR 1977 ALLOCATION		
Subcommittee on Foreign Assistance:		
National defense (050):		
Advances, foreign military sales	6,508,667	7,600,000
Liquidation, foreign military sales fund		-7,000
Subtotal	6,508,667	7,593,000
International affairs (150):		
Technical assistance trust funds	4,000	4,000
Peace Corps trust funds	235	235
Subtotal	4,235	4,235
Subcommittee on International Operations:		
International affairs (150):		
Payment to Foreign Service retirement	57,100	57,100
International Center, Washington, D.C	1,422	2,456
Department of State trust fund	837	962
Gifts and bequests, National Commission on Educational, Scientific, and Cultural Cooperation	50	50
Educational Exchange trust fund	225	236
Department of Transportation trust fund	5,562	5,694
U.S. Information Agency trust fund	76	211
Japan-United States trust fund		580
Educational Exchange (Finland, World War I)		506
Subtotal	65,272	67,795
Commerce and Transportation (400):		
Department of Commerce trust fund	4,252	4,884
Income security (600):		
HEW—Gifts and donations (trust fund)	0	5
Foreign Service retirement and disability fund	159,301	83,010
Subtotal	159,301	83,015
Total allocation to Senate Foreign Relations Committee	**6,741,727**	**7,752,929**

PROPOSED ARMS SALES

Mr. SPARKMAN. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is immediately available to the full Senate, I ask unanimous consent to have printed in the RECORD notification I have just received. A portion of the notification, which is classified information, has been deleted for publication, but is available to Senators in the office of the Foreign Relations Committee, room S-116 in the Capitol.

There being no objection, the notification was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY ASSISTANCE AGENCY AND DEPUTY ASSISTANT SECRETARY (SECURITY ASSISTANCE), OASD/ISA,
Washington, D.C., May 24, 1977.

In reply refer to: I-8612/76ct

Hon. JOHN J. SPARKMAN,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding under separate cover, Transmittal No. 77-15, concerning the Department of the Air Force's proposed Letter of Offer to Iran for major defense equipment, as defined in the International Traffic in Arms Regulations (ITAR), estimated to cost $20 million and support costs of $11.5 million for a total estimated cost of $31.5 million.

Sincerely,

H. M. FISH,
Lieutenant General, USAF.

TRANSMITTAL NO. 77-15—NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective Purchaser: Iran.

(ii) Total Estimated Value:

	Million
Major defense equipment*	$20.0
Other	$11.5
Total	$31.5

*As included in the U.S. munitions list, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of Articles or Services Offered: [Deleted] ALQ-119-12 electronic countermeasures (ECM) pods plus two years of spare parts and associated support equipment.

(iv) Military Department: Air Force.

(v) Sales Commission, Fee, etc. Paid, Offered or Agreed to be Paid: None.

(vi) Date Report Delivered to Congress: 24 May 1977.

MENAHEM BEGIN—LIKUD PARTY WINNER

Mr. ABOUREZK. Mr. President, the success in the Israeli elections of Menahem Begin's party, the Likud, will place not only Begin, but his point of view in a position of primacy within Israel. For those in the United States who had labored under the illusion that the continued supply of overwhelming military power to Israel would make negotiations easier, the words and past record, not only of Begin's party but of the majority of parties and people in Israel on the issue of territories, negotiating a settlement, and concessions, as represented in this article from the Washington Star of May 18, 1977, and the transcript of Mr. Begin's interview on ABC's Issues and Answers on Sunday, May 21, 1977, will make interesting reading.

I ask unanimous consent that both of these be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

BEGIN'S VICTORY AT THE POLLS CAPS A TUMULTUOUS CAREER

Tel Aviv.—Just a month after a heart attack raised doubts that he could go on leading his party, Menahem Begin was back on the campaign trail, his fiery oratory anchored on the theme that Israel should under no circumstances withdraw from the West Bank of Jordan or the Gaza Strip.

Today Begin stands first in line to become Israel's next prime minister, and his Likud bloc has displaced the Labor party of David Ben-Gurion and Golda Meir which had dominated the Jewish state since its birth in 1948.

But the bonfire of Jewish nationalism that still burns fiercely in Begin's heart could spell trouble for the Carter administration's plans for Israel to give up those two pieces of real estate in exchange for peace with the Arabs.

It was Begin's ninth attempt to gain the prime ministership. His victory crowns a life of militancy, during which he has waged an unrelenting war against the British authorities who ruled Palestine before 1948, against the Arabs who opposed the creation of a Jewish state, and against the dominant Labor Party.

To the British authorities in Palestine, he was Terrorist No. 1, with a price on his head.

And he was once forcibly ejected from the Knesset, the Israeli parliament, for unruly filibustering.

Begin was born Aug. 13, 1913, in Poland, the son of a teacher, worked in the Zionist youth movement, studied law and migrated to Palestine in 1942.

Believing that only tough militancy would establish the Jewish nation, he founded the Irgun Zva'i Leumi terrorist army. His guerrillas raided Arab villages, killing 250 persons in one. They tortured two British soldiers to death in reprisal for the hanging of Irgun men and blew up Jerusalem's King David Hotel, killing 95 British soldiers.

"You call me a terrorist, but I call myself a freedom fighter," he said later. "Everything I did was for the freedom of the Jewish people, which had never known mercy from any persecutor."

He became a politician when Israel became a nation in 1948 and led his Herut (Freedom) party into the Knesset. But his militancy revived in 1952 when he led bloody riots against Prime Minister Ben-Gurion's decision to accept reparations from West Germany for the Nazi murder of six million Jews. Begin's father had been one of the victims.

Herut grew in every election, expanding its vote by aligning with other rightist groups, and in 1973 Begin formed the Likud coalition of six parties. But for many Begin could not shake off his extremist image.

His opponents called him a closet fascist because of his inflammatory speeches and his movement's anthem, with its lines: "From the pit of rot and ashes, in blood and sweat will arise a race that is strong and brave and honorable. . . ."

His critics claim Begin is so imbued with Jewish identity that he has no time or understanding for the Arabs. His associates say the Arabs will only respect a tough Israeli and will trample a moderate.

The Jewish socialists also fear Begin is against organized labor because he wants forced arbitration of strikes. They call him a business supporter in suit and tie who contrasts with the shirtsleeves image of the average Israeli.

Diminutive, balding, with gapped teeth and thick glasses, Begin is a cartoonist's delight, but nobody laughs when he speaks in gruff, booming tones.

In claiming the election victory, Begin quoted from Abraham Lincoln, promising "to bind up the nation's wounds . . . to achieve and cherish a just and lasting peace among ourselves and with all nations."

But first he paid tribute to his wife, Leah, the mother of his three children, with a paraphrase of Jeremiah:

"I remember thee, the kindness of thy youth, the love of thine espousals, when thou wentest after me, in a land that was sown with mines."

INTERVIEW OF MENAHEM BEGIN—LIKUD PARTY WINNER

Mr. Clark. Mr. Begin, welcome to Issues and Answers.

Your stunning victory in this week's elections has aroused concern in the United States that it will be difficult for President Carter to pursue his campaign for Middle East peace because of your hard-line against giving up any of those so-called occupied territories.

Is there any compromise in your position that could provide a middle ground between you and President Carter?

Mr. Begin. Well, I hope to form the new government of Israel in the next few weeks, after the publication officially of the results of the elections, and present planning. If after that, as I heard the statement made by President Carter I am invited to the White House, it will be a pleasure and an honor to go and meet President Carter, and we shall have a frank discussion about the issues concerning the future of our land.

I will put it very simply. I believe that Judea and Samaria are an integral part of our sovereignty. It's our land. It was occupied by Abdullah against international law, against our inherent right. It was liberated during the 6-day war when we used our right of national self-defense, and so it should be. We want to live together with the Arabs in equality of rights, in peace, in human dignity, in human progress. Nothing wrong with that. A Jewish majority, an Arab minority. Free people believe that in one country men of various origins can live together in peace and in understanding.

We in the Sinai and on the Golan Heights I believe in the accomplishment of a peace treaty we can find a line which will assure the interests of all the sides concerned.

Mr. Clark. Permit me, if I may, to state President Carter's position. He has said in recent months there would have to be substantial withdrawal by Israel from the occupied territory, the captured territory, with only minor adjustments in the borders that existed before your victory in the 1967 war.

Mr. Begin. I read that.

Mr. Clark. Of course, he is talking about the entire west bank. Isn't that position in almost total conflict with your own pledge to the Israeli voters—and you have said in effect that you would annex the occupied or captured territory.

Mr. Begin. No, I didn't use the word annex because it is a complete misrepresentation.

Mr. Clark. But you would not give an inch—

Mr. Begin. You annex foreign land. You don't annex your own country. It is our land. You don't annex it. I would like to point out that I read a statement by President Carter, and indeed he said almost complete withdrawal to the lines of Fourth of June, 1967, with minor modifications. To us it means the revival of the Rogers plan.

May I remind you that when the Rogers plan was presented to us in December, 1969, I was then a member of the government of national unity under Mrs. Meir. Mrs. Meir, the Premier, called in the New York Times correspondent and said: "If any government of Israel ever accepted that plan, the Rogers plan, it would commit treason." Mrs. Meir said so. I would like to point out we have on this a national consensus. It is not only the point of view of the ——— but of all the parties except the Communists to reject unconditionally and under any circumstances that proposal of the minor modifications in the lines of the Fourth of June. And when Secretary Rogers visited our country, he participated at his initiative in a session of our foreign affairs committee.

I took the floor and I pointed out to him the paradox. The only party in Israel which supports his plan is the Communist Party completely subservient to Moscow. Whereas all the parties represent the 150 members out of 120 of the Knesset rejected it. So this is not a problem of our party but the national consensus.

Mr. Clark. But there has been a strong feeling in the United States that there was a prospect for movement as long as the labor government was in power, where you appear to be totally unyielding on this.

Mr. Begin. I explain to you what is the matter with that statement made by President Carter. He would encounter complete the position by the previous government as well, by Mr. Peres or Mr. Rabin. They ought to reject that withdrawal to the lines of June 4, 1967 and the creation of a so-called Palestinian State, much the same. But I hope there won't be any conflict. Why should there be a conflict between us and the United States? I will try to explain to President Carter. He knows perfectly well the Bible. I understand he knows this country by right belongs. Then there is a question of our national security. If we should withdraw from Judea and Samaria, please understand, everybody should have a look, a glimpse at the map. All our cities and towns would be in the range of the conventional artillery provided by the Soviet Union to the Palestinian State and the range of that artillery now is 40 kilometers, 800 meters. Not only Jerusalem would be in crossfire, even Tel Aviv, Rehovot, Beersheba. All our civilian towns, all the civilian population. It is just inconceivable that we should agree to such a mortal danger to our mothers and sisters and women and children.

On the other hand I would like to bring out as I am going to do when I am in Washington, to everybody to whom I will have privilege to talk, it is also very detrimental to the vital interest of the United States and the free world. Such a Palestinian State would in no time turn into the central base of the Soviet Union. It is not coincidence that during that strategic conference in Moscow, Mr. Castro was present and Mr. Arafat.

at the very same time, and both were received by Mr. Brezhnev and Podgorny and Gromyko, the greatest rulers of the Soviet Union. But Castro is at least the prime minister of a country. We regret it became a Communist country. But Mr. Arafat and his henchmen lead a group of, I may say openly, with the Nazi attitude toward the Jewish people, they want to destroy our people and yet he talked to the highest leaders of the Soviet Union at the very same time. No coincidence because Moscow wants to take now the free world, let me say by two moves, one in Africa with the help of the Cubans and one in the Middle East with the help of those who call themselves Palestinians.

Now please note that Moscow already rules Ethiopia, South Yemen, Somalia, has a base in Libya, in Syria and Iraq. Should the free world allow another base here in the heart of the Middle East? I think it would be folly. And therefore I contend—

Mr. Clark. We want to talk more about the Communist threat but we have a number of other questions we want to get into.

Mr. Seamans. Mr. Begin, you have invited the Arab leaders to meet with you when you become prime minister.

Mr. Begin. I did.

Mr. Seamans. But there is a widespread reaction that we have all heard in the Arab countries that your election victory has been a very difficult problem for them, they think you are an extremist and they can't negotiate with you.

What would you have to negotiate with the Arab countries who continue to demand a total withdrawal from the occupied territory?

Mr. Begin. I don't call those territories occupied. They are liberated territories Judea and Samaria are occupied by Abdullah and Hussein with no basis whatsoever in international law. Through the invasion and aggression, and they corrected it. So they are now occupied territories. But let us leave out semantics. If the Arab leaders whom I invited to meet me in a peace conference—we want peace, we don't want another war—refuse, do refuse to talk to me, the practical result will be that I won't talk to them and it won't be unique.

Five prime ministers of Israel suggested to the Arab rulers the same: "Meet me, anyplace, any time. We are ready to talk peace," and they refuse. So it will be only a repetition of Arab intransigence not to talk about peace. All of us, starting from Mr. Ben Gurion through Mr. Sharret, Eshkol, Golda Meir, Rabin, and if I become prime minister it will apply to me, all of us wanted to talk to them peace. "Let us sit down around the table."

Actually you don't conduct negotiations for peace treaties on television. You do it in a room at a peace conference and everybody has got his proposals and their proposals may be completely different from ours or vice versa. But you talk peace. If they refuse, so they will have refused for the sixth time so then we shall know that they are very intransigent as they are. Because if they demand of us totally to withdraw to the lines of the 4 of June 1967, they should know that no one in this country except the Communists, and they have only six members in the new Knesset, out of 120, nobody in this country will accept it.

Mr. Seamans. On the basis of what you said, do you really think a reconvening of the Geneva Peace Conference is possible?

Mr. Begin. It is absolutely possible and I would like to tell you that if, as I heard yesterday Mr. Vance and Mr. Gromyko agreed that the Geneva conference should be convened in the autumn, in the fall. If it is convened by the two great powers, and all the delegations will come, I will be ready to lead the Israeli delegation and speak on behalf of Israel and Zionism which is the liberation movement of the Jewish people.

Mr. Clark. But, Mr. Begin, though there is a new Geneva conference, isn't your uncompromising position against giving up any of the captured territories likely to put you on a collision course with the Arab world, and there is a strong feeling already being reflected in comments around the world that your election has increased the danger of a new Middle East war.

Mr. Begin. Well, I don't think there is any substance in this story.

My friend, please understand, Mr. Clark, the Arabs don't accept any Israeli plan. They rejected the Allon plan totally and unconditionally. And the Allon plan means give up parts of Judea and Samaria. That plan was presented to King Hussein three times and he said three times "Totally unacceptable." If you meet him, ask him. He will repeat that statement.

Mr. Seamans. Mr. Begin, President Carter has assured the Arab leaders of his support for a homeland for the Palestinians. Presumably including part of the West Bank, which you say you will not give up.

How could he back down on that promise without destroying his effectiveness and credibility in working for a Middle East peace.

Mr. Begin. I wish all the best to President Carter, and I surely wouldn't like to do anything which would be detrimental to his authority. He is the leader not only of the United States but also of the free world, and we respect him very highly. However, I would like to point out that we don't know what he meant by that expression "homeland for the Palestinians." He said one day he will explain what it means. Let me hope that he will explain it to me when I meet him, when I have the honor to see him.

I think the Palestinians have a homeland. They live now in their places, in the cities. Who are the Palestinians? They are Arabs.

You know I call myself a Palestinian. Palestine is a foreign translation of the famous indelible word "the land of Israel," and therefore we are all Palestinians. We want to give the Arabs in our country a free option of citizenship, cultural autonomy, so they can educate their children in their language and their heritage, in their religion. They have a homeland. They will live together with us, in peace.

As far as this so-called Palestinian state is concerned, separate us, take away from those 70 kilometers between the Mediterranean and the Jordan, 54 kilometers, Mr. Seamans, and leave us 14 kilometers from the sea on the line of congaelia Kalkilya, 15 kilometers on the line of Netanya or 22 kilometers on the line of Tel Aviv, or 25 kilometers on the line of Ashkelon, is putting in the gravest danger of the State of Israel. We cannot allow, we cannot afford, such a danger. Six million Jews in one generation were killed. We don't want to see our children and women massacred again in our time. It is a matter of our life. Please understand it as a matter of our life.

Mr. Seamans. Now you said Mr. Carter did not make his reference to the homeland for the Palestinians clear. Do you feel that this statement contributed to your election victory?

Mr. Begin. Oh, no, I wouldn't say President Carter interfered in the elections of Israel. I didn't want Israel to interfere in the American elections. I wouldn't like to see the American President helping any side. I don't think he helped anybody. I can only regret, as an Israeli citizen, before the victory, before the election, the decisions by the new Administration about the concussion bombs and selling of the 24 KFIR planes to Ecuador were negative. I think we should have taken it up long ago, and we may take it up again. Of course, the United States takes its own decisions, but from time to time we have to point out that they may be corrected and revised, and if I meet him, I surely will speak about this problem with President Carter, but I don't think that the steps undertaken by the President influence the voters of Israel.

Mr. Clark. Mr. Begin, please correct me if I am wrong, but there is a presumption in the United States that Israel is totally dependent for survival on American economic and military aid. Now if you defy the official policy of the American Government—and again, this uncomprising stand on returning any of the captured territory. Aren't you jeopardizing our continuing support, or do you feel you can get along without it?

Mr. Begin. You ask me to correct you if you are wrong, so I am going to correct you. It is not true that the assistance given to us originally by the United States is unilateral. It is very important. We appreciate it very highly, and we are grateful. It is not unilateral.

May I tell you, Mr. Clark, that for six years, when this little country stood on the eastern bank of the Suez Canal, we helped your country very much, indeed, in the most delicate sphere, avoiding casualties in your army.

You then were involved in a horrible, cruel war in Viet Nam, and we, this little country, forced the Soviet Union to send their ships with the munitions and weapons to the Tonkin Bay via the Cape of Good Hope, the longest sea lane on the globe, with the delay of every sail of 16 days and for six years—the public opinion in your country should know these facts—for six years you can make the count, how many weapons and the munitions we prevented from coming into the hands of your enemies and how many thousands of Americans soldiers we saved from being wounded or killed.

Or, I will give you another example——

Mr. Clark. I believe the American people understand, this very special relationship between your country and ours, but you cannot get away from the hard fact that we are currently providing you in recent years something about $2 billion a year in economic and military aid. My question to you is, are you so committed to going your own way that you could get along without that aid? Are you not dependent on us?

Mr. Begin. Please let me continue.

Mr. Clark. I would appreciate an answer to that question.

Mr. Begin. You will get it, but if you let me continue my answer. I would like American public opinion to know that in August 1970—there were hundreds of Syrian Soviet tanks poised on the border of the Jordan ready to invade. The Sixth Fleet was moved to the eastern part of the Mediterranean, but the Sixth Fleet with atomic bombs not to be used, they are produced not to be used, they don't have artillery, they don't have tanks, they asked us to make the move. We made a move and the Syrians had to withdraw and confrontation was avoided. Another service to America and to the free world.

What I would like to point out is, their assistance in the economic field and supply of weaponry is of great importance, given to us by America, and we are very grateful.

Why should it discontinue?

You know that President Carter——

Mr. Clark. Wouldn't you?

Mr. Begin. Excuse me. You know what President Carter said to President Ford, that during the so-called reassessment: you, President Ford, and Dr. Kissinger, almost brought Israel to her knees. It is inconceivable that the man who said so condemning such a policy should repeat it.

Mr. Clark. But——

Mr. Begin. And I don't think—and Professor Brzezinski told me personally that he doesn't think in order to use pressure against Israel, that help would be withdrawn, it won't. I don't believe President Carter will withdraw help from Israel, the ally of the United States, a faithful ally of the free world, because of possible differences of opinion.

Mr. CLARK. But those differences are critical. If you feel to reach an accommodation with the Carter Administration on this—

Mr. BEGIN. I believe we shall reach an accommodation—

Mr. CLARK. —on this vital issue of territorial concessions, won't you be jeopardizing losing American aid? You do not think you would?

Mr. BEGIN. My friend, no. It is vital to our life and to our future, and I will try to explain it to President Carter. For President Carter and the United States Government it is a matter of policy. To us, it is a problem of survival, Mr Clark, and this I am going to explain, and there won't be any conflict. Why should there be a conflict?

Mr. SEAMANS. You spoke about American public opinion, the deep concern in Washington over your election. How do you plan to try to change that? Will you work through Israel's friends in Congress or some public opinion campaign in America?

Mr. BEGIN. We shall undertake great public opinion; we shall, of course, talk to the Members of Congress. We have great friends in Congress, great friends. I know them personally as well. I met Senators and Congressmen for many years. They perhaps listen to me, and they know that we are going to talk to them, listen to them, of course. We are going to talk to the American people. You know those two facts that I told you about the help rendered by Israel to the United States are absolutely unknown in the United States. Whenever I told them to the American intelligencia, I was asked the question: why do we hear it for the first time? And there were people of great intelligence, also people who worked in the government, for the first time. Why is it a secret? It shouldn't be a secret.

We have a community of interest. We should be allies. We should help each other. Communism is spreading, taking over country after country. We want to prevent it in the Middle East. We do prevent it. We are the central factor preventing Communism from taking over, so let us stand together for the interests of our countries and also for human liberty.

Mr. CLARK. We would like to talk a bit, Mr. Begin, about the PLO.

Mr. BEGIN. Why don't you say the so-called PLO?

Mr. CLARK. The so-called PLO I will accept. Would you consider territorial concession if the so-called PLO recognized Israel's right to exist, something that our government and the Carter Administration has been working to achieve?

Mr. BEGIN. Perhaps I will say something which may be a surprise to you. We don't ask the so-called PLO to recognize our right to exist. We got our right to exist 3,700 years ago, from the God of Abraham. Yitzhak Ya'acov and those killers who come to kill our children; we don't ask them to recognize our right to exist. We want to negotiate peace treaties with the Arab governments and countries. We exist, and we have a right to exist exactly as any other people. We don't want to destroy the Arab people. They want to destroy the Israeli people. That is the difference. And as far as the so-called Palestinian state is concerned, to be ruled by the so-called PLO, again there is a national concession. It is not the policy of the Likud; it is the policy of the Israeli people.

Mr. CLARK. One more quick question, if I may. Are there any conditions under which you would consider participation by the so-called PLO in a Geneva conference such as a joint delegation with Jordan?

Mr. BEGIN. Not at all. They cannot participate in the negotiations. They have a so-called Palestinian charter in which they say in Article 19 that the formation of the State of Israel is null and void from its inception. What are we going to negotiate with them? The destruction of the State of Israel? That is absolutely absurd. So they are not partners to our problems.

Mr. CLARK. We are now out of time. I am sorry to interrupt you. Thank you for being with us on Issues and Answers.

Mr. BEGIN. Thank you.

ANNOUNCEMENT OF POSITION ON VOTE

Mr. CLARK. Mr. President, I would like the RECORD to show that if I had been here for the vote on the Bumpers amendment to the surface mining bill (Rollcall No. 156) on Friday, May 20, 1977, I would have voted no.

The PRESIDING OFFICER. The RECORD will so indicate.

(This concludes additional statements submitted by Senators.)

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, what is the pending matter before the Senate now?

The PRESIDING OFFICER. The pending business before the Senate is S. 1311, a bill to amend the Securities Exchange Act of 1934.

Mr. ROBERT C. BYRD. Mr. President, I thank the Chair.

ORDER FOR RECESS TO 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 o'clock tomorrow morning .

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF S. 1311 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders have been recognized on tomorrow morning, the Senate proceed immediately to the consideration of Calendar Order No. 155, S. 1311, the bill to amend the Securities Exchange Act of 1934.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM THIS WEEK

Mr. ROBERT C. BYRD. Mr. President, among other measures which the Senate may be considering during the remainder of this week are the following, and it should be understood that this is not an exclusive list.

Nor will these measures be taken up necessarily in the order named. As I say, among those measures are the following: Calendar Order No. 141, S. 961, child development; Calendar Order No. 146, S. 1242, youth employment training; Calendar Order No. 147, H.R. 2992, the CETA bill; Calendar Order No. 149, S. 682, the tanker safety bill; Calendar Order No. 155, S. 1311, the SEC amendment, which is the first measure up tomorrow; Calendar Order No. 170, S. 1131, on the Nuclear Regulatory Commission.

Mr. President, as I say, that is not to be considered an exclusive list. I merely name those measures as being among the measures it is hoped the Senate will act upon before departing for the nonlegislative period holiday.

Conference reports, being privileged matters, may be called up, of course, at any time, and votes could occur thereon. There are at least seven measures in conference at this time. Other measures cleared for action will also be taken up. I would anticipate rollcall votes daily.

Now, I would not anticipate the Senate being in session beyond the hour of 6 o'clock tomorrow evening for the same very wholesome reason that it was not in session beyond that hour one day last week, Thursday. Upon that occasion our friends across the aisle had a very delightful evening with delectable food and lots of fun, nourishment, and music and, I suppose, no dancing?

Mr. STEVENS. We danced.

Mr. ROBERT C. BYRD. You danced. So the friends of mine on this side of the aisle are going to have something along the same lines tomorrow night. Some people refer to it as a shindig. It is said that I may be asked to play a tune or two on my violin. I do not know why I was not asked to attend last Thursday's function to play my violin. It is a nonpartisan violin. It knows no political party. It plays just as well for Republican ears as it does for Democratic hearts, and I am not complaining. It is merely an observation that I wish to indulge in at this moment.

I see my distinguished friend, the very able minority leader, who has drawn his sword and is prepared to parry my thrust and is already mounting his faithful steed, and is getting ready for the charge, so I yield.

Mr. BAKER. Mr. President, I would not for one moment joust with the majority leader, especially on a matter on which he is so accomplished, and that is the rendition of musical selections in public.

I must say that the Republicans have much going for them, and they had a successful and delightful evening, and in no way can we hope to compete with the musical selections of the majority leader.

I must observe, however, the last time I watched the majority leader play in public some of the front row broke out in tears, and I commented later they must have been moved by the eloquence of his presentation. He said no, they were moved because they were musicians. [Laughter.]

Mr. President, I envy the majority leader his great talent and I wish him well in his dinner occasion on tomorrow night, and I assure him that on the next Republican occasion we will solicit his aid and assistance in regaling our audience with his renditions.

Mr. ROBERT C. BYRD. Mr. President, I have a few times in my life said too much and spoken when I should have been listening, and I think this is one of those occasions.

PROGRAM

Mr. ROBERT C. BYRD. Now, Mr. President, on tomorrow the Senate will meet at 10 o'clock. After the two leaders or their designees have been recognized, the Senate will proceed to the consideration of Calendar Order No. 155, S. 1311. Rollcall votes may occur thereon and on other matters during the day.

SWEARING-IN CEREMONY OF AMBASSADOR MANSFIELD

By the way, tomorrow at the hour of 3:45 p.m., there will be a swearing-in ceremony in which our very beloved and distinguished former majority leader, Mr. Mike Mansfield, will be given the oath of office for his new assignment which, I am sure, he will enjoy, and in which we all look forward to seeing him engage upon, that of being U.S. Ambassador to Japan.

(At this point Mr. MATSUNAGA assumed the chair.)

Mr. ROBERT C. BYRD. That swearing-in ceremony will be conducted in S-207, just outside the Chamber. There will be a brief reception immediately following the swearing-in ceremony, and I am confident that all of my colleagues on both sides of the aisle will want to greet our former majority leader and wish him well and also, hopefully, Mrs. Mansfield will be there and we will be able to greet her likewise, and wish them a very happy visit and very delightful and satisfying service, continuing as it is on behalf of the United States of America.

The reception will not last long. The Senate will resume its business immediately thereafter and will continue until about 6 o'clock in the evening.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Yes; I yield.

Mr. BAKER. I, too, encourage, indeed I urge, our colleagues to attend the ceremony of the administering of the oath of office to Ambassador Mansfield.

Mr. President, I wonder if the majority leader—I have not spoken to him about this—but since the Senate is going to be in recess anyway for that occasion, and since so much of Mike Mansfield is invested in this Chamber, I wonder if it would be possible or I wonder if it would be appropriate to consider administering the oath of office in this Chamber instead of S-207?

Mr. ROBERT C. BYRD. Mr. President, I do not believe we ought to do that. The arrangements have already been made for S-207, and I think Mr. Mansfield really would prefer it that way.

Mr. BAKER. I want to express my willingness to agree to a consent order of that type if it was appropriate, but it seems the arrangements already made would prevent that change, and I fully understand.

Mr. ROBERT C. BYRD. Yes, I thank my friend and very distinguished counterpart on the other side of the aisle for his thoughtfulness and his consideration.

RECESS UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I guess that is about it for today. If there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 10 o'clock tomorrow morning.

The motion was agreed to; and at 7:39 p.m., the Senate recessed until tomorrow, Wednesday, May 25, 1977, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 24, 1977:

DEPARTMENT OF STATE

John C. West, of South Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Saudi Arabia.

Albert W. Sherer, Jr., of Connecticut, a Foreign Service officer of the class of Career Minister, for the rank of Ambassador while serving as the head of the U.S. Delegation to the preparatory meeting in Belgrade of the Conference on Security and Cooperation in Europe (CSCE) commencing June 15, 1977 and thereafter as a member of the U.S. delegation and head of the delegation's working group at the main CSCE meeting in the autumn.

Melissa F. Wells, of New York, a Foreign Service officer of class 2, to be the Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3303 and 3305:

ARMY PROMOTION LIST

To be colonel

Adams, Paul M. Jr., 386-32-0544.
Adessa, Athony, J., 156-24-8969.
Ainslie, Robert E., 560-36-4632.
Ames, William I., 026-22-0349.
Anderson, Andrew H., 107-20-4558.
Anderson, Benjamin, 527-36-5847.
Anderson, Thurman E., 255-50-1705.
Andre, Nick J., 227-36-0932.
Andrew, Donald G., 376-26-5584.
Arena, Darrel R., 390-24-8909.
Ayers, Robert E., 267-38-8490.
Baddaker, William L., 342-24-7291.
Ball, Duard D., 447-28-9115.
Bambery, James R., 542-26-1742.
Bayer, William S., 512-26-7604.
Bell, Frederick D., 217-28-9015.
Bell, Robert S., 254-30-7425.
Bell, Wiley W., 441-20-7792.
Belteau, Robert J., 341-20-6420.
Benedit, Edward B., 149-22-1185.
Biggerstaff, Allan, 176-32-4982.
Blackledge, David W., 312-28-6543.
Blalock, Charlie L., 419-34-9581.
Blanche, John G., 438-38-0349.
Blastos, Constantin, 025-22-4650.
Bleeker, James F., 396-24-6459.
Bole, Albert C., 441-38-0106.
Boucher, Leo P., 041-26-7377.
Bowers, James M., 057-24-0147.
Boyle, Dean G., 234-38-9202.
Boyle, Richard D., 036-20-3100.
Brain, Tom H., 199-22-4900.
Brandt, Leo M., 387-24-9318.
Brannon, William W., 256-40-1005.
Breckenridge, Robert, 082-32-0934.
Brock, Mervin E., 544-26-5802.
Brookshire, Grail L., 254-44-4603.
Brophy, Jeremiah J., 057-22-8476.
Brosious, George D., 395-22-7498.
Brown, Arthur E., 424-24-4091.
Brown, Charles W., 505-52-7062.
Brown, Harry W., 525-46-1883.
Browne, Robert T., 453-38-3692.
Brownlee, Emory W., 257-48-2717.
Brownlee, Robert W., Jr., 493-26-2250
Bruen, John D., 359-22-6681.
Bukoski, James R., 392-26-8661.
Bullock, Charles A., 444-26-6996.
Burdeshaw, William, 253-44-4871.
Burnett, Clark A., 352-24-7320.
Burr, Richard A., 016—24—1759.
Burress, James H., 430-36-0739.
Busck, Albert A., 262-38-5302.
Butler, Robert E., 444-40-9009.
Caldwell, James K., 444-30-4581.
Canedy, Charles E., 020-24-8362.
Cannon, Archie S., 227-30-1791.
Cannon, Sammy J., 555-40-9046.
Canonico, John N., 155-22-9813.
Carrasco, Valentine, 113-22-1408.
Caruso, John P., 116-20-7477.
Cassels, Kenneth G., 265-26-8271.
Chaffin, Jimmie M., 548-40-5705.
Chaney, Otto P., 245-38-6781.
Ching, Harry L., 575-28-8557.
Ching, John Y., 576-24-4640.
Churchill, Ralph T., 442-24-1926.
Clark, Donald O., 399-26-7859.
Cole, Raymond F., 052-28-3525.
Cole, William A., 521-52-0587.
Coleman, Edward R., 002-20-8707.
Coleman, James P., 547-38-6846.
Collins, Ashby F., 233—44—5464.
Conner, Donald H., 208-16-7663.
Conover, Nelson P., 417-38-9320.
Cooper, Robert G., 419-40-0323.
Corbett, Cleveland, 241-44-1151.
Corbett, William T., 424-22-8564.
Corliss, Reginald H., 003-26-0413.
Cottingham, John B., 248-44-9565.
Cousland, Walter C., 579-52-7649.
Craig, Robert B., 557-34-8745.
Cranford, Charles R., 421-44-2845.
Craver, Roger H., 170-26-6271.
Creighton, Neal, 245-62-0715.
Cress, William, 526-54-3253.
Crim, William T., 499-24-2335.
Crosby, Robert L., 573-24-9744.
Cross, George M., 445-14-3649.
Crowell, William B., 039-20-9830.
Cunningham, Martin, 407-28-8778.
Currey, Charles E., 232-38-6314.
Curry, Jerry R., 165-22-9599.
Daniels, Thomas W., 239-24-7659.
Daniels, Walter C., 261-46-6722.
Daoulas, Arthur, 023-22-8771.
Davis, Willys E., 254-44-4479.
Davisson, Henry L., 176-32-5011.
Dawson, Wallace H., 245-40-4150.
DeJarnette, Larry N., 407-44-6256.
Delbridge, Norman G., 383-24-5493.
Delsanto, Michael, 036-22-7017.
Denison, William E., 209-12-9403.
Derouen, Milton Jr., 456-46-9425.
Derrick, George E., 526-32-1144.
Dewald, Arthur B., 200-22-9300.
Dickson, Lee C., 025-22-6794.
Dillard, William H., 226-30-2072.
Dinges, Edward A., 059-24-7372.
Dobson, Dale E., 482-24-6686.
Dodge, Griffin N., 525-50-8999.
Dolfi, Eugene, 202-24-3239.
Donahue, Robert J., 023-24-4584.
Doty, Benjamin E., 519-30-2651.
Drenz, Charles F., 177-22-3507.
Duffy, James P., 158-22-7753.
Dukkony, Stephen J., 411-42-4160.
Dunn, James F., 047-24-0863.
Dunn, James H., 210-14-7913.
Dyson, William E., 229-34-4389.
Early, Felix, L. Jr., 231-34-8962.
Edmonds, Maurice O., 267-36-0098.
Edwards, Jerry S., 383-22-9387.
Egbert, George L., 379-22-1790.
Eineigl, Raymond J., 456-30-4057.
Elder, Robert L., 402-38-8938.
Erickson, Alfred H., 534-28-4547
Evans, Winston K., 457-52-4816
Feilke, Glenn T., 465-64-1839.
Feist, Robert J., 501-42-8631.
Ferullo, Generoso J., 026-22-6084.
Fiala, Charles J., 320-34-6818.
Fifer, William A., 183-26-1663.
Fincham, Jack E., 224-32-0786.

Fischer, Richard F., 265-32-9795.
Fischer, Richard L., 715-10-5739.
Fisher, George E., 143-28-4872.
Fiertzheim, Henry A., 394-22-3333.
Foster, Howard R., 448-18-1260.
Fowler, Thomas R., 460-56-1320.
Fox, Lothar, 253-22-5692.
Franklin, Charles D., 492-34-2422.
Franseen, Leonard R., 439-44-2411.
Friedersdorff, Louis, 467-36-3644.
Friend, Donald F., 297-24-9779.
Gimple, Lloyd A., 550-40-8294.
Glover, Rupert F., 526-32-9917.
Godwin, Ralph L., 242-34-4226.
Godwin, William C., 258-46-5433.
Goetz, Jerald L., 545-34-8758.
Green, Alford W., 432-42-5381.
Green, William T., 355-24-4175.
Greer, George D., 141-22-8427.
Greynolds, William, 403-38-8965.
Grier, Reginald C., 130-18-4263.
Griffin, Guilford W., 412-34-2157.
Gruen, Robert W., 483-32-0624.
Grum, Allen F., 449-36-8020.
Guidroz, Evans J., 433-38-6128.
Hall, Alvin O., 454-32-8776
Hamner, Charles T., 309-26-4561.
Hance, Carl W., 248-52-7646.
Harrick, Stephen R., 235-42-8797.
Harris, William H., 171-28-1123.
Hawley, Richard S., 569-26-6404.
Hawik, Robert C., 149-24-7472.
Hayes, Alva W., 431-46-6882.
Hayes, Walter P., 024-26-0496.
Hayward, Barton M., 083-24-5417.
Heiberg, Elvin R., 081-32-3110.
Heitzke, Kenneth S., 398-24-1066.
Henry, Cecil M., 252-42-8932.
Henslick, James R., 560-38-8793.
Hermann, Ullrich, 257-60-1266.
Heyward, James O., 250-38-9748.
Hicks, William W., 244-44-8782.
Hight, Adolph A., 257-42-3262.
Hodges, Albert P., 723-03-7591.
Holley, James P., 442-32-7090.
Howard, Newman A., 175-22-9530.
Hughes, Bernard C., 577-46-4589.
Hungerford, Franklin, 489-26-1190.
Hurd, Philip S., 526-34-9959.
Hutchens, Douglas L., 417-26-2832.
Hutchinson, Cary B., 463-36-0643.
Hyatt, Frederic D., 080-26-3910.
Ice, Ronald E., 316-22-0857.
Ingram, Harvie T., 417-34-0467.
Iverson, Harold E., 398-24-1147.
Jackson, Wilfred A., 257-34-6675.
Jenes, Theodore G., 533-24-4241.
Johnston, Johnny J., 458-34-3051.
Jones, Bernard P., 052-22-7405.
Junot, Arthur J., 438-32-8426.
Katt, Beaufort C., 498-36-0807.
Keaton, Jack L., 284-24-5306.
Kelley, William B., 218-24-0034.
Kells, Robert A., 157-24-4518.
Kelman, Manfred, 155-22-0484.
Kempf, Neil H., 397-24-6937.
Kiefer, Charles A., 084-24-8768.
Kinney, Philip R., 007-20-4040.
Klingenfus, Emil J., 340-26-8767.
Kloke, John G., 395-26-8716.
Klugh, James R., 249-48-5919.
Knoebel, Frederick, 137-24-2013.
Kobata, Katsuji, 328-24-7678.
Kretzer, Alonzo S., 495-28-0334.
Krueger, William H., 486-36-4753.
Kunze, Melton H., 457-44-1527.
Lacquement, Hubert, 341-24-7362.
Laflam, Robert J., 003-26-5411.
Lampkin, George W., 463-38-3888.
Land, Joe E. Jr., 248-38-5801.
Larson, Harry D., 543-28-5743.
Lawrence, Norman R., 290-26-1271.
Lawrence, Richard D., 452-44-8487.
Lawrence, William J., 530-14-5520.
Lax, Joseph O., 259-40-3380.
Leathers, Billy J., 261-38-7825.
Ledford, William V., 237-42-3150.
Lees, Robert E., 038-20-7164.
Leonard, Richard E., 517-28-7284.
Leszcynski, Joseph, 199-24-6567.
Lindsay, James J., 391-26-8187.
Linka, James E., 480-26-3371.
Long, James L., 525-54-0696.
Lutsch, John W., 194-22-2591.
Lynch, Gordon P., 039-18-2284.
Malone, Dandridge M., 264-42-5990.
Marder, Everett J., 018-22-8879.
Martin, Quinton T., 198-24-5646.
Martina, John R., 179-28-4293.
Masters, Barrie P., 129-26-0055.
Matthews, Frank A., 553-30-5296.
Maurer, William W., 520-28-1108.
Mayhew, Charles H., 250-52-2995.
Mays, George G., 265-30-6510.
McClelland, Thomas, 267-34-3194.
McCluskey, James F., 447-22-7181.
McConnell, Lewis J., 369-30-6674.
McCormack, Robert F., 256-38-9600.
McCrea, J. Hollis VI, 517-30-7258.
McDonald, John R., 483-48-3607.
McDonald, Payton R., 424-32-6432.
McGillicuddy, Cornelius F., 019-24-9340.
McGlade, Joseph G., 181-20-8565.
McGregor, Thomas, 564-38-6400.
McKnight, Don A., 132-22-6017.
McLeod, John S., 248-50-7136.
McMurrer, James E., 578-40-6692.
McNutt, Donald L., 198-22-1884.
Meadows, Benjamin T., 436-38-1734.
Mehl, Walter J., 560-36-6160.
Meloy, Guy S., 460-64-4230.
Mensch, Donald H., 471-26-9412.
Meredith, Alvin L., 200-20-1689.
Merritt, Allen S., 137-24-2050.
Merritt, Jack N., 446-22-2608.
Meyer, Richard M., 385-22-1969.
Mikle, Franklin O., 083-24-6103.
Miley, James F., 480-20-1694.
Miller, Harold L., 429-56-5189.
Miller, Kenneth M., 033-22-2738.
Miller, Leon M., 302-28-4085.
Miller, Richard A., 444-26-3450.
Minix, Thomas E., 254-42-6038.
Mitchell, William H., 577-44-4902.
Mitchum, Dwyer K., 413-32-4782.
Moffett, Norman A., 564-30-9633.
Monclova, Irving, 581-68-7349.
Moore, Gordon E., 496-32-5812.
Moore, Patrick J., 444-28-4068.
Moran, John F., 010-22-3919.
Moretti, Francis C., 039-12-6251.
Morgan, Ernest R., 225-38-9199.
Morris, Henry F., 221-18-9657.
Morsey, James A., 296-24-0256.
Motsko, Myron M., 209-22-1203.
Mott, Carl M., 287-22-8151.
Mountel, Robert A., 294-24-9610.
Moye, Harold W., 248-44-0566.
Muller, Robert W., 097-20-4918.
Munn, William R., 284-30-0066.
Murphy, Alvin F., 228-28-2277.
Murphy, Donald G., 349-24-8945.
Negris, Rocco, 035-20-2592.
Nerone, Francis A., 204-22-7504.
Nesbitt, Thomas E., 476-20-7971.
Neuberger, Jack A., 557-34-5902.
Noah, Max W., 260-42-5646.
Noll, Wallace W., 490-44-8533.
Nowalk, Charles L., 062-28-7914.
Oates, John T., 410-64-3755.
Oblinger, John B., 295-26-3909.
Ochis, Ronald F., 469-24-9075.
Odiorne, David W., 194-24-9973.
Olsen, Edmund J., 136-24-5423.
Oquinn, James J., 438-24-9971.
Ornstein, Alvin, 131-24-6197.
Otis, Glenn K., 084-20-5938.
Owens, Joe S., 486-34-4079.
Papajohn, Carroll, 479-28-8347.
Parker, David H., 026-26-4436.
Parker, Hassel L., 256-46-3941.
Parsons, Thomas R., 439-28-0387.
Peterson, Thorwald, 508-32-2873.
Petterson, Charles, 146-22-1829.
Phillips, Edward L., 227-30-9730.
Pigg, Jimmy L., 400-36-9806.
Pins, Dwane F., 503-22-3356.
Ponder, Arno L., 496-20-6128.
Presson, Charles W., 300-22-3866.
Priem, Charles M., 303-30-3506.
Prillaman, John P., 224-34-9264.
Pugliese, Nicholas, 105-18-8622.
Raisig, Paul J., 265-44-4894.
Ralls, Dan H., 263-36-1449.
Randels, Dale K., 479-24-4349.
Ratcliff, Walter A., 433-38-6549.
Rathburn, Vinton L., 018-22-7808.
Rawlinson, William, 416-28-1296.
Rector, Lloyd K., 239-38-3417.
Redic, Maxie O., 248-32-3845.
Renner, William D., 257-38-6696.
Rhyne, Hal B., 240-40-7470.
Richards, David A., 532-28-5618.
Rickard, Daniel S., 540-46-2967.
Rickards, Donald A., 019-22-5688.
Rinehart, Jack L., 543-28-0399.
Rittgers, Forest S. 052-26-2736.
Robinson, Robert E., 122-22-5642.
Rogers, Clare R., 103-24-1309.
Rogers, Ellietson D., 225-34-0067.
Rogers, John C., 265-46-9244.
Rosenstein, Marvin, 548-38-5809.
Rumph, Horry L., 248-36-0937.
Rush, Early J., 215-28-1702.
Rynott, Keith J., 480-24-0826.
Scales, David E., 283-30-2992.
Schowalter, Edward, 437-38-0080.
Schroeder, Robert L., 449-64-3405.
Schumacher, David J., 308-22-9730.
Schwarz, Charles E., 467-36-1756.
Schweizer, Robert L., 280-28-0414.
Scibilia, Anthony J., 084-24-2366.
Scott, Hugh A., 282-26-1639.
Segal, Robert, 146-24-9420.
Seigle, John W., 286-20-4871.
Shaw, Donald E., 064-22-8262.
Sheard, Joe H., 438-38-2209.
Shields, Roger J., 033-24-3150.
Sievers, Ralph H., 223-38-6896.
Simmons, Jerry A., 266-38-9684.
Simmons, Marvin E., 561-32-3781.
Simpson, Henry E., 410-36-7594.
Sims, Emmott W., 434-38-8372.
Small, Harold I., 033-22-1368.
Smith, David C., 565-34-1525.
Smith, Marion G., 254-42-9140.
Smith, Raymond C., 410-34-6871.
Smith, William H., 245-60-8320.
Smythe, John D., 229-32-7599.
Snell, Ira, Jr., 280-22-7130.
Sorrels, Charles V., 462-42-2342.
Speir, Montgomery T., 241-32-3236.
Spinks, Raymond F., 248-44-3250.
Spotts, Rodney W., 271-28-1633.
Stallings, Joseph L., 151-20-5164.
Stanberry, Billy M., 456-44-9433.
Stelmachowicz, Peter, 211-22-2263.
Stevens, Perry G., 430-50-3627.
Steverson, James R., 262-36-9765.
Stewart, Bernard L., 368-30-6787.
Stillwell, John W., 058-20-5846.
Stoessner, Richard, 290-20-0424.
Stotser, Don M., 413-38-2371.
Stoudemire, Harry B., 251-40-4618.
Stuart, James R., 468-32-3189.
Sullivan, Roland R., 074-22-1404.
Sullivan, William F., 016-22-4420.
Sunell, Robert J., 542-30-1249.
Suso, Anthony, 210-20-7686.
Swanson, Carl O., 533-28-8218.
Tanzer, John B., 025-22-2081.
Tate, Clyde J., 223-32-2497.
Teal, James A., 259-34-7955.
Thomason, David A., 564-40-1183.
Thompson, Howard B., 115-18-1090.
Thurman, Maxwell R., 237-42-0668.
Tolbert, James R., 247-40-7073.
Tompknis, Hiram K., 081-32-8409.
Ton, James G., 094-28-2605.
Travas, John E., 141-24-3315.
Troutman, Gregory L., 246-38-8207.
Tucker, Charles E., 463-40-2248.
Underhill, Victor S., 553-32-0405.
VanCamp, Joseph L., 235-46-9550.
Vandermeer, Richard, 040-24-3443.
Vernon, Graham D., 262-38-2927.
Vidrick, Robert L., 287-26-5204.
Viereck, Ennis A., Jr., 449-36-9716.
Vilas, John R., 391-26-4793.
Visscher, Robert E., 370-30-8327.
Vorhies, Harold W., 569-34-3373.

Wallis, Charles R., 112-32-5826.
Walton, Ben L., 464-32-9833.
Wardinski, Michael, 355-18-5801.
Watkins, William W., 070-22-8167.
Watts, William E., 100-22-3323.
Weidenthal, Carlton, 280-28-4795.
Weinstein, Kenneth, 042-24-8140.
Wells, Arthur D., 343-22-5730.
Wells, Don R., 327-24-3991.
Welzel, Lewis A., 148-22-0606.
Wereszynski, Henry, 125-20-2311.
West, Pleasant H., 423-30-3005.
Williams, Howard M., 411-52-9707.
Williams, Thomas E., 705-16-3793.
Wilson, Dwight L., 456-46-0710.
Wilson, Gene F., 408-44-6287.
Wilson, Gerald F., 391-24-0428.
Wilson, Jack D., 507-32-5384.
Wilson, Joseph C., 466-32-3784.
Wilson, Robert E., 264-40-6595.
Wisdom, Donald A., 101-24-2841.
Wisyanski, David A., 183-24-8645.
Witherell, John R., 081-32-6266.
Wolfe, Oren, 444-28-4695.
Wood, Joseph S., 417-38-8711.
Wright, Lewis W., 221-20-0537.
Wubbena, William L., 577-36-0963.
Wyatt, Lloyd L., 259-32-7419.
Yoxtheimer, Donald, 192-26-6336.
Zabcik, Franklin M., 458-52-7771.
Zargan, Robert T., 183-24-6712.
Zeleznikar, Louis J., 333-24-6657.

CHAPLAIN CORPS

To be colonel

Bainbridge, Clarence, 179-20-7524.
Boggs, James R., 241-28-1570.
Ettershank, John P. 147-24-1067.
Johnson, Kermit D., 473-26-8531.
Kriete, Charles F., 407-28-4612.
Lamm, Harold C., 170-28-7386.
Logan, John D., 217-28-6625.
Martin, William A., 251-36-5644.
Mueller, Edward M., 287-22-6035.
Willers, Ralph K., 150-24-1902.

WOMEN'S ARMY CORPS

To be colonel

Jefferies, Vashti V., 169-20-3690.
Smith, Ann B., 257-38-2725.

DENTAL CORPS

To be colonel

Belzile, Joseph D., 005-34-5741.
Brudvik, James S., 502-30-3249.
Cavazos, Edmund Jr., 451-52-0479.
Chandler, Hubert T., 235-50-1736.
Cheatham, Joe L., 430-38-3181.
Getter, Lee, 064-26-0545.
Huey, Robert M., 266-40-0710.
Kopp, Edgar N., 207-26-0185.
Lane, James J., 336-26-0067.
Lefler, Billie B., 429-54-0656.
Qualman, Harold C., 370-36-2659.
Ross, Lincoln A., 579-40-9571.
Saari, James T., 333-22-7717.
Shimoda, Larry M., 576-28-8085.
Zingale, Joseph A., 285-28-4802.

MEDICAL CORPS

To be colonel

Ballard, Anthony, 528-36-0387.
Bass, James W., 434-30-7097.
Bedynek, Julius L., 572-40-9683.
Buchanan, Darrell S., 460-54-9397.
Buker, Robert H., 577-32-5934.
Canfield, Craig J., 543-34-2949.
Cape, Richard F., 299-26-1490.
Chaney, Samuel A., 272-28-7027.
Cox, Donald W., 283-28-9897.
Deubler, Keith F., 508-26-7653.
Duffy, Michael M., 005-34-4907.
Gaskill, Harold V., 481-26-8887.
Hieger, Leroy R., 509-24-8988.
Hill, Jay M., 529-28-9412.
James, Frank K., 529-24-4115.
Jaques, Darrell A., 384-24-9379.
Johnson, Merrill C., 118-24-7640.
Juden, Alexander G., 465-40-2050.
Lafollette, Bruce F., 523-34-1886.
Lemay, Sonley R., 456-58-1895.
Major, John E., 251-52-4125.
McGranahan, George, 456-46-7591.
Patterson, Peter H., 007-30-9899.
Pruitt, Basil A., 473-32-4221.
Robinson, James P., 470-30-5316.
Sollie, Stanley C., 477-30-5915.
Sowell, John M., 250-36-7508.
Stracener, Carl E., 436-40-9699.
Stutzman, Ray E., 515-26-9065.
Taft, Foster H., 560-30-9930.
Tuthill, Dallas B., 090-32-1015.

MEDICAL SERVICE CORPS

To be colonel

Axtens, Frank W., 156-20-8435.
Bentley, William R., 401-36-5123.
Brissee, John A., 389-32-8933.
Campbell, William A., 415-36-9909.
Dowdy, Fred, Jr., 251-38-4456.
Drenner, Buckley L., 233-44-2889.
Fisher, James B., 529-32-0341.
Johnson, Marion P., 260-42-5975.
Killo, William S., 208-22-7067.
Krueger, George R., 502-16-0264.
Mateer, Charles A., 503-24-2667.
Slack, Dana S., 565-26-5576.
Sperling, Gerald J., 204-12-0312.
Temperilli, John Jr., 041-22-3687.
Thomas, Tommy, 427-40-6571.
Thompson, John H., 494-24-1561.
Triano, Donald H., 124-26-7687.
Trudeau, Thomas L., 126-26-8371.
Webb, Richard III, 318-20-9463.

ARMY MEDICAL SPECIALIST CORPS

To be colonel

Day, Donna J., 555-38-2472.
Metcalf, Virginia A., 433-46-9622.
Schmechel, Marilyn, 505-36-1630.
Street, Dorothy R., 355-36-7538.

VETERINARY CORPS

To be colonel

Anthony, Wallace L., 510-14-6443.
Fischer, George F., 496-34-4460.
Oakes, Richard G., 331-20-9775.

ARMY NURSE CORPS

To be colonel

Butcher, Anna, H., 235-44-1582.
Carr, Mary J., 176-32-6626.
Keneson, Lorene F., 536-28-0426.
McCarthy, Rosemary, 032-12-8821.
Nichols, Glennadee, 416-20-7340.
Tauorney, Teresa J., 132-18-3219.
Wisler, Marie G., 548-20-2437.

The following-named officers for promotion in the Army of the United States, under the provisions of title 10, United States Code, section 3442 and 3447:

DENTAL CORPS

To be colonel

Balaban, Bernard, 128-28-4435.
Bass, Kenneth D., 044-24-0656.
Bole, Charles T., 301-28-5563.
Brasher, James W., 417-46-0641.
Chinn, Clarence Y., 575-32-5026.
Combs, Frank F., 494-32-1508.
Connelly, Mark E., 558-42-1452.
Cox, Frederick L., 137-28-4900.
Engelhardt, Herbert, 123-26-0550.
Frost, John M., 060-26-1483.
Granata, James S., 062-22-1005.
Heitman, Kenneth L., 373-34-5983.
Hoffman, Jerry I., 318-30-1434.
Hourigan, Matthias, 201-24-5216.
Houston, James E., 184-28-1332.
Johnson, Billy, 518-32-0266.
Kate, William Jr., 141-22-9524.
Kennermer, Thomas O., 422-40-6908.
Konzelman, Joseph L., 137-26-6249.
Larson, Wayne J., 472-32-3794.
Lauttman, Richard J., 213-30-2307.
Mariano, Robert L., 063-26-5115.
Miller, Joe H., 579-42-9776.
Mueninghoff, Leonard, 262-54-3473.
Munoz, Noya O., 223-40-4328.
Nelson, John F., 518-38-1318.
Paquette, Omer E., 128-22-8017.
Plank, Harold E., 482-32-4439.
Post, Arthur C., 516-36-1305.
Rubin, Morton, 209-12-1402.
Schwartz, Roy S., 474-30-4067.
Shade, Ned L., 176-20-5676.
Smith, Donald E., 475-24-0679.
Snyder, Alvin J., 219-30-1394.
Sparks, Grady L., 409-44-8464.
Strock, Richard G., 470-34-4018.
Taylor, Peter F., 267-48-8039.
Thomas, William M., 411-50-6869.
Walker, Alton L., 259-50-6281.
Zielke, David R., 362-34-4069.

MEDICAL CORPS

To be colonel

Austin, Ernest, 262-46-4319.
Broskey, Richard D., 204-14-4735.
Cole, Edward F., 266-40-8345.
Fahrni, John H., 503-32-6060.
Hall, Augustus A., 451-48-7280.
Henderson, Robert L., 421-46-0380.
Lewis, Charles W., 233-50-2389.
Llewellyn, Craig, H., 179-30-6343.
Ream, Norman W., 522-40-7345.
Runyan, Thomas E., 476-30-7982.
Sohn, Albert J., 196-22-5506.
Taylor, John F., 414-58-6909.
Tsoulos, Demetrics, 332-30-4659.
Vose, Paul C., 018-22-7524.
Welch, Richard D., 435-36-4621.

MEDICAL CORPS

To be lieutenant colonel

Hamlin, Elvin R., 326-36-4641.
Jordan, William P., 160-32-8753.
Kang, Isamu Y., 206-42-6275.
Kwan, Marcus R., 564-58-5926.
Privitera, Charles R., Jr., 101-34-2190.
Restituto, Reyes N., 091-44-0123.
Schwartz, Michael L., 258-66-0893.
Trout, Hugh H. III, 226-50-7084.
Ycok, Jong Y., 054-46-3789.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code sections 3284 and 3299:

ARMY PROMOTION LIST

To be major

Asmuth, George W., 398-34-8781.
Boberek, Frank M., 093-30-0792.
Bowling, Ernest R., 236-58-5953.
Brown, Charles Q., 457-56-3836.
Clark, Carlton L., 031-30-2274.
Clark, Paul C., Jr., 245-52-7846.
Forgach, Peter A., 232-26-1313.
Gilreath, Charles E., Jr., 249-64-7601.
Godbolte, Cordell S., 162-28-7424.
Gudat, Frank F., 452-66-6005.
Hammons, Richard D., 533-36-8731.
Head, Jorj C., 136-32-2059.
Johnson, Richard A., 389-36-9944.
Mabardy, David M., 521-50-3899.
Mahoney, McKenna S., 262-52-5721.
Manning, Charles F., 091-28-5297.
Meder, William A., 224-52-4513.
Mercado, Alejandro, 581-66-7689.
Mouw, James W., 452-60-2863.
Mueller, Tommy R., 405-46-6530.
Nickens, Joseph E., Sr., 219-26-6455.
Phillips, Billy J., 445-34-4412.
Roleke, Richard B., 141-30-2261.
Rowe, David H., 214-36-8050.
Siebenaler, Donald L., 465-60-6489.
Sosnowski, John J., 141-30-2107.
Thomas, Stanley E., 314-38-1577.
Torres, Manuel, 461-48-5384.
Trocki, John A., Jr., 144-32-8583.
Williams, Rowdy L., 441-38-5547.

CHAPLAIN CORPS

To be major

Schmidt, Ardon O., 557-42-0437.

ARMY PROMOTION LIST

To be captain

Acock, John H., Jr., 343-58-6980.
Bridges, Hubert, Jr., 375-44-9852.
Brown, Doris L., 121-24-7330.
Bussert, John R., 328-38-5221.
Clausi, Enrico A., 359-40-6483.
Crowe, Dennis W., 575-44-5347

Danielson, Roger L., 258-76-6623.
Dickinson, Thomas R., 248-72-4371.
Draker, David L., 467-80-4731.
Fiske, Roger C., 385-46-6105.
Fitzsimmons, Richard H., 484-58-9484.
Hesters, Allan E., 261-90-0765.
Kane, Thomas M., 468-56-1400.
Larson, William W., 504-52-1515.
Lewis, Daniel W., 021-36-0183.
Molter, Robert W., 052-38-4760.
Reeves, Earl L., Jr., 479-44-3399.
Regan, David, 566-74-2496.
Snell, Allen S., Jr., 248-72-1513.
Stevens, John L., 031-34-8370.
Sullivan, Julian A., Jr., 447-44-0245.
Veiga, Edgar N , 212-48-1494.
Vejrostek, William F., Jr., 527-86-1541.
Weber, Keith A., 388-44-2628.

JUDGE ADVOCATE GENERAL CORPS

To be captain

Allen, Paul T., Jr., 236-68-0300.
Browning, Joseph W., 461-80-2667.
Dickinson, James G., 296-42-0933.
Finch, William L., 231-70-6570.
Fuchs, Lawrence M., 262-96-2565.
Hamilton, John R., 284-42-6322.
Hargus, Patrick K., 534-48-2005.
Juechter, Alfred H., Jr., 186-38-8651.
Ketels, Donald L., Jr., 166-38-0709.
Lance, Charles E., 451-76-7974.
Lemberger, Jerome L., 563-58-5126.
McDade, Lawrence G., 033-38-1523.
Meyer, Carl F., Jr., 282-32-6793.
Nagle, James F., 138-38-8981.
Richardson, Chester A., Jr., 543-58-3315.
Riley, Dennis J., 210-36-4799.
Simmons, Harvey O., III, 119-40-0409.
Spitz, Terry L., 567-76-7528.
Stauffer, Ronald E., 547-80-4050.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298:

ARMY PROMOTION LIST

To be first lieutenant

Owen, Terry W., 418-72-5302.
Pinkston, Stephen B., 548-74-1536.
Remley, Steven L., 487-56-4614.
Snyder, Marc, 249-38-3873.

IN THE NAVY

The following-named midshipmen (Naval Academy) to be permanent ensigns in the line or staff corps of the Navy, subject to the qualifications therefor as provided by law:

Philip J. Aarons
Edward L. Abner, II
John A. Achenbach
George W. Ackley, III
Daniel A. Acton
James P. Adams, II
Walter R. Adams
Richard B. Adcock
William S. Adsit
Andrew A. Ahlgren
David J. Aland
Mark E. Alcamo
Thomas D. Aldern
David K. Allsopp
John S. Althans
Robert W. Andersen
Brian S. Anderson
Edward C. Anderson
Kenneth R. Anderson
Mark B. Anderson
Michael D. Anderson
Wilhelm F. Anderson
Alan C. Angleman
Dennis D. Antonio
Reynaldo A. Arellano
Thomas J. Arminio
David M. Armitage
Steven P. Artzer
Mark M. Atkisson
Robert W. Atwood
Charles E. August
Peter P. Ayotte
Glenn S. Bacon
Calvin L. Bagby
Michael E. Bain
David W. Bair
Daniel K. Baker
Duane M. Baker, Jr.
Ronald J. Banchak
Randall W. Bannister
Gregory W. Baran
Robert D. Barbaree, Jr.
Kirk A. Barker
Joseph L. Barnes
Robert L. Barnes
Ronald A. Barnes
Claude E. Barron
Bradley J. Barth
George F. Barton, III
Roy C. Bass
Thomas E. Bauer
Domitito M. Baysic
Daniel S. Beach
David C. Beam
James M. Beaver
Michael C. Beck
Lawrence C. Becker
Mark E. Becker
Thomas J. Behrle
Robert D. Bender
Jerry F. Bennett
David L. Bentley
Daniel M. Bereck
Jeffrey F. Berg
James R. Berger
John L. Bernard, III
Joseph M. Berner
Steven M. Besco
James M. Bethmann
Thomas L. Biery, Jr.
Anthony J. R. Bilotti
John M. Bird
Joe C. Blake
James A. Blasko
Michael J. Blazin
Glen M. Blinde, Jr.
Brooks O. Boatwright, Jr.
Joseph Bogovich
Eugene J. Bojarski, Jr.
Charles C. Boley, Jr.
Harry P. Bolich, Jr.
Derek R. Bonner
George W. Booker
La Selle B. Booker
Mark M. Borchers
Morris R. Bosage III
James E. Boyle
Raymond E. Bozman
Herbert W. Bracewell, Jr.
Mark J. Bradley
David A. Brady
John J. Branson III
Charles H. Breen
Thomas P. Breyer
Dean P. Brezack
Stephen D. Bridges
Douglas H. Briganti
Ronald W. Brinkley
William K. Bristow
Kevin W. Brock
Michael F. Brock
Forrest E. Brooks III
Michael F. Brown
Theodore H. Brown, Jr.
Ples J. Bruce, Jr.
Laurence P. Brundage
Michael R. Brunskill
Henry H. Brus III
Mark A. Brynestad
Gregory J. Buchanan
Bruce J. Buck
Kevin P. Buck
Kennard M. Buddenbohn
David W. Bullard
David A. Burdine
Bruce T. Burkett
Christopher T. Burnett
Robert V. Burnette
Michael W. Burns
John C. Burton
Daniel F. Busch
Dempsey Butler III
William J. Butler
Gregory L. Byrd
Julius S. Caesar
Christopher C. Cain
Nathaniel F. Caldwell, Jr
Michael F. Calfee
Michael J. Callahan
Joseph D. Camacho
Bruce A. Campbell
Thomas L. Campbell
Michael F. Canders
Paul J. Cappellino
Michael A. Capponi
James J. Cardosi
Michael J. Carey
Michael F. Caron
Larry I. Carpenter
Lester E. Carr, III
Sean J. Carroll
Harold H. Casey
John R. Casey, Jr.
Jeffrey P. Caulfeild-James
Peter M. Caulk
Frank T. Cerabino
Matthew Chabal, III
Erik Chaum
Robert Chesnut, II
James L. Childress
Harold O. Christensen, Jr.
Edward A. Christofferson, III
Frank P. Chrzanowski
Jeffrey R. Cinciripino
Gene R. Cioni
William A. Claridge
Kenneth E. Clark
Mark A. Clark
Mark D. Claussen
John L. Clay, Jr.
Christopher M. Cleaver
William J. Clement Jr.
Joe D. Clements, Jr.
Alan R. Clever
Lawrenco E. Clifford, Jr.
John A. Cloward
Richard D. Coan
Guy B. Cofield, Jr.
Michael D. Cohn
James O. Cole, Jr.
Paul T. Colman
Gary L. Colton
David L. Comis
Robert A. Condry
John M. Connard
Patrick J. Conroy
Wallace J. Conway, III
Gerald V. Cook
Raymond H. Cook
Clifton M. Cooksey
David R. Cooper
Gregory H. Cooper
Philip J. Corbett, IV
Hugh T. Cornett
Gregory J. Cornish
Jose R. Corpus
David D. Coss
Michael J. Coulbourne
Raymond F. Coulombe, Jr.
James D. Coulson
Timothy J. Coverick
Raymond P. Crevier, Jr.
Michael L. Crow
Winston K. Crow
Steven K. Crowe
Richard N. Current
Michael J. Daigle
Dennis F. Dalton
William T. Damico
William D. Daniels
Jeffrey J. Davis
Paul L. E. Davis
Van K. Davis, Jr.
Robert M. Dawson
Dirk J. Debbink
Richard S. Dela Cruz
Shan R. Delmar
Jeremias F. DeMelo, Jr.
William K. Dennis
Rex Derby
Phillip A. DeRose
Paul E. Diego
Thomas E. Diggs, II
Christopher W. Diller
Timothy D. DiMenna
Mark Diunizio
Rodney D. Dodsworth
James P. Dolan
Christopher E. Dory
Patrick E. Downer
Brian W. Dowsley
James J. Dranchak
Robert E. Droppa
George D. Duchak
James D. Duncan
William S. Durbin
James E. Eckrich
Rustin J. Eckstrom
Charles R. Eischen
Frederick Eliot, Jr.
Thomas O. Ellinwood, Jr.
David S. Elliott
Glenn D. Elliott
Walter L. Ellison, Jr.
Thomas L. Elmore
Stuart F. Elwing, II
Lawrence A. Endacott
Peter W. Engel
Edgar R. Enochs
Glen F. Ericson
Stephen J. Eshman
Warren B. Estes
David A. Evensen
Robert C. Eves
James F. Fairbank
Patrick J. Fallon
Richard M. Faulkner
Christopher E. Feeney
John F. Feiler
William H. Felker, III
Dan E. Fenn, Jr.
David Filippini
Peter C. Filkins
Stuart H. Finlayson
David C. Finley
Mark T. Finley
Peter J. Finley
Carl B. Fisher
Roger G. Gleischer
Francis S. Fogarty
Scott A. Fontaine
Andre P. Foster
Gregory A. Foster
Samuel M. Fox, IV
Stephen C. Fox
Dennis M. Farnich
Richard F. Frank
Randal C. Franke
Donald E. Franklin
David L. Frederick
John M. Freeman, Jr.
Gerald T. Frentz
Thomas J. Frey, Jr.
Michael S. Frick
Leith Y. Fujii
George A. Fullerton
Dirk M. Gallagher
Jose L. Galvan
Richard E. Galvin
Gary P. Gambarani
Benjamin A. Garcia
Edward L. Garcia
Stephen A. Garcia
John S. Gardner
Mark P. Gardner
William P. Garland
Jeffrey D. Garmon
Hal E. Garrigues
Bret C. Gary
James C. Gassaway
David H. Gates
Louis J. Geanuleas
Daniel Gearing
John W. Geary
James R. George
Harry J. Gerhard
Stephen A. Giesen
Neil T. Gillespie
Robert J. Gilman
Robert R. Girard
Corey J. Glab
Eugene M. Golda
Henry Gonzales, Jr.
Robert A. Goodrum
William A. Goodwin
Douglas E. Goolsby
Richard A. Gooner
Jeffrey A. Gorman
Thomas M. Gorman
James W. Gould
Dale R. Govan
Paul D. Graaff
Kenneth A. Graber
John C. Grace
John S. Graham
Kelvin F. Graham
Brendan L. Gray
Gregory C. Gray
Francis J. Greco
Peter D. Green
Thomas G. Greene
Harold D. Gretzky
Gary L. Grice
Dennis R. Grimes
Robert E. Groh, Jr.
Greg R. Gullette
Christopher R. Gunderson
Dennis A. Haines
David L. Hall
John A. Hall
Clinton H. Hallman, Jr.
Robert N. Hamblin, Jr
Ricky T. Hammonds
Michael S. Hamner
Clark D. Handy
Keith D. Haney
Douglas E. Hannum
Daniel L. Hansen
Richard P. Hansen
Robert C. Hansen, Jr.
Stephen W. Harden
Scott H. Harding
June T. Hardy, Jr.
Russell S. Harper
Scott F. Harper
Joseph H. Harrington, Jr.
James D. Hartigan
William C. Hartman
Thomas A. Hawkins
David T. Hayes
Isaias A. Hazlewood
Jeffrey H. Heely
Andrew J. Hegeman
Thomas A. Hejl
Eric A. Helleberg
George W. Henning, Jr.
Zachary A. Henry, Jr.
William J. Herberger
George F. Herning
John S. Herr, Jr.
Ronald W. Hertwig, Jr.
Charles D. Heughan
John S. Hicky
Raymond L. Higgins
Michael L. Hill
Thomas S. Hill
William G. Hirko
Cary J. Hithon
Albert R. Hochevar
Brian F. Holl
Paul J. Hollich
Jeffrey L. Holloway
Robert F. Holman
Gary M. Holst
Jeffrey M. Hoobler
Stephen C. Horbiak
Arthur W. Horn, Jr.
David A. Householder
Douglas L. Hovland
Reginald L. Howard
Mark A. Hugel
Thomas K. Huisman
Daniel T. Hunt
Thomas H. Hutchinson III
Peter M. Hyers
Lawrence J. Indiviglia
Stephen R. Irvin
William H. Ittner
Charles G. Ivey
Leon Jackson, Jr.
Steven C. Jackson
William E. Jackson
David S. Jameson
Charles E. Jamison, Jr.
Ralph E. Janikowsky
Mark T. Jee
James S. Jenkins
Robert P. Jenks
Timothy S. Jenks
David W. Jensen
Daniel J. Jerabek
Michael S. Johnson
Richard E. Johnson
Thomas W. Johnson
Wesley H. Johnson
David L. Jones
Donald D. Jones
Michael P. Jones
William P. Jones
Robert G. Julian
Daniel F. Kaluzny
John S. Kamen
Keith M. Kaniut
Corwin J. Karaffa
John A. Karels
Christian Kast
Robert J. Kautter
William J. Kear
John J. Kearney
Mark C. Keefe
Thomas F. Keeley
William M. Keeney
John S. Kellogg
James M. Kelly

Robert C. Kennedy, Jr.
Mark W. Kenny
Steven J. Keough
Joseph D. Kernan
Rande M. Kessler
Edward F. King
Kilton D. Kingsman
Frederic M. Kinkin
Kevin J. Kinports
Mark A. Kirk
David M. Kirkman
Richard C. Kirsten
Martinus M. Klijn
Peter M. Knoetgen
Kerry K. Knoizen
Richard J. Knowski
John T. Knox
Gary S. Kollmorgen
George W. Korchowsky
Joseph G. Kovalchik
Mark S. Kozicz
Michael A. Kranz
Clifford W. Krcha, Jr.
Konrad S. Kroszner
Richard F. Kuehne
Michael F. Kuhn
Paul A. LaBossiere
Thomas J. Lagerstrom
Mark E. Lamb
Robert C. Lamb, Jr.
Daniel M. Lambert
Scott R. Langer
Craig E. Langman
James E. Lare
Leo W. Latonick
Larry M. Laughlin
Michael P. Laviano
George P. Lawlor
Patrick J. LeBlanc
Jeffrey W. Lee
Steven M. Lessard
William J. Lester
Bradford F. Lewis
James K. Liming
Thomas E. Lindner
Jerry M. Linenger
Donald J. Link
Frederick L. Litty III
Gregory T. Lizama
James C. Lochry
Samuel J. Locklear III
James A. Lockley
Alan L. Lohman
Aaron Long IV
Jeffrey J. Long
Michael S. Longmeier
Alexander K. Lopes, Jr.
Timothy Lorentz
Gary J. Lovan
James G. Luehman
Charles M. McCarthy
Julian D. McCarthy
Michael C. McCord
Glenn A. McCormick
Robert O. McCoy
Bradford N. McDonald
James C. McDonald
John F. McGowan IV
Richard J. McGraw, Jr.
Thomas P. McIlravy
James F. McIsaac
Thomas B. McKee
George F. McKenzie
Archibald McKinlay VI
Paul G. McMahon, Jr.
Michael J. McNamara
Richard A. McNeil
Morgan J. McQuiston
Michael K. McVay
Richard D. McWhorter, Jr.
John C. MacKercher, Jr.
John Madaio
Robert H. Magee
Michael P. Magnotti
Terence E. Mahoney
Michael J. Mair
Gary A. Maloche
George E. Manaskie
Richard L. P. Marcantonio
Joseph P. Marques, Jr.
Jerome K. Mathre
Eugene C. Matranga
Harry G. Maugans
Richard L. Maurer
Paul J. Mazich
Richard W. Meanor
Douglas L. Meinis
Douglas C. Meister
John W. Melear
Stephen S. Merchant
Norman G. Meres
Harry F. Meyers
David R. Mickle
William J. Mickler, Jr.
Kenneth D. Milhoan
Forrest A. Miller
James R. Miller
Jerrold L. Miller
Ronald L. Miller, Jr.
Samuel C. Miller III
William H. Millward
Peter J. Misiewicz
Gary W. Mitchell
Roger V. Mitchell
Paul M. Momany
Randall K. Moon, Jr.
Carl R. Moore
Robert J. Morin
Shawn B. Morrissey
Jeffrey A. Morse
Michael F. Moylan
Robert W. T. Mulloy
Keith D. Munson
Kevin P. Murphy
Scott F. Murphy
Christopher C. Murray
Michael N. Musser
Phillip J. Nacoste
Allan R. Nadolski
Scott T. Neidhold
John S. Nelson
Philip B. Nelson
Robert F. Nichols, Jr.
James T. Nickerson
Jerome T. Nosky
Donald J. Nowicki
Patrick S. O'Brien
Brian T. O'Callaghan
Joseph J. O'Conor
Stephen J. O'Leary III
Daniel P. Olivier
Daniel J. O'Lone
Peter R. Olsen
Mark C. Ospeck
Thomas A. Osseck, Jr.
Richard W. O'Sullivan
Peter H. Ozimek
David G. Paddock
Nicholas J. Padula
Clinton L. Pagano, Jr.
Frank E. Pagano
David I. Paist
Charles S. Paramore
Joel M. Parker
Chis L. Pashos
William E. Patterson, Jr.
Stephen J. Perris
Christopher R. Perry
Lawrence J. Peruffo
Thomas R. Pickles
Francis S. Pierce
Mark J. Piscioneri
George G. M. Platz
Loren R. Plisco
Carl D. Plyler, Jr.
Dean R. Podracky
John J. Polcari
David L. Powell
Robert D. Powell
Robert J. Prodoehl
James S. Propheter
Paul A. Przyborski
Michael J. Puz
David C. Pyle
Keith J. Quigley
Kevin M. Quinn
Charles M. Racoosin
Raymond P. Ragusky
David L. Raunig
John A. Read
Oliver M. Read IV
William H. Readman
Michael E. Reed
David J. Reidy
Jeffrey A. Reinhart
Paul E. Reinhart
Steven M. Reenie
Wayne R. Repeta
Gregory S. Rice
Robert K. Rice
William L. Richards
Alan D. Richardson
Paul D. Ring
Edward B. Rogers III
Marvin L. Rogers
Mitchell A. Rosenberg
Carlos A. Rosende
Mickey V. Ross
Charles V. Rossi
Robert D. Rotz
Edward J. Rourke, Jr.
Harry V. Rouse IV
James L. Rowley
Peter J. Rucci
Thomas A. Russell
Christopher J. Ryan III
Daniel F. Ryan
Vincent S. Sadd
Thomas F. Salacka
Mark B. Samuels
David W. Sanders
Steven D. Sanders
Robert C. Sanderson, Jr.
Jeffrey K. Sapp
Colin W. Sargent
George A. Sarrell
Martin B. Sattison
Stanley L. Saunders, Jr.
Gregory R. Sawyer
Daniel J. Schenke
Walter P. Schlaepfer
Steven C. Schlientz
Michael L. Schmit
Jesse B. Schrum
David M. Schubert, Jr.
Mark A. Schuler
John J. Schwanz
Donald B. Scott, Jr.
Michael L. Scott
Michael L. Scullin
Richard T. Seaberg
Steve A. Seal
Albert G. Seither, Jr.
Roger W. Seldon
Richard E. Self
John M. Sharp
Thomas P. Shaw
Kenneth L. Shearer
James E. Sheldon
Scott S. Shephard
Robert H. Sheppard
Roger C. Sheppard
Barry S. Sherman
Eric G. Shewbridge
Daniel R. Shinego
John M. Shmorhun
Daniel R. Sigg
Sale S. Sihrer
John A. Sill
Lawrence T. Simmelink, Jr.
Ray C. Simmons
Dennis L. Simon
Lawrence D. Simpson
Robert A. Sinibaldi, Jr.
Peter J. Sisa
Benjamin L. Sitler
Walter M. Skinner
Kevin R. Skjei
David J. Skocik
Lee T. Slaughter
Mark A. Slivka
Bruce E. Smith
Bruce H. Smith
Bruce S. Smith
Charles S. Smith
Daniel M. Smith
Douglas M. Smith
Eric C. Smith
Gergory F. Smith
John S. Smith
John W. Smith, Jr.
William O. Smith
Richard L. Snead
Mark S. Snow
Mark L. Sobczak
William F. Sobotka III
Monty S. Sooter
Robert M. Souders
Christopher J. Spada
Keith N. Spangenberg
Frank W. Spence
John W. Spencer, Jr.
John S. Spiker
George G. Sprung
Christopher L. Stathos
George V. Station
John G. Steele
John W. Steinmuller, Jr.
Thomas A. Stenstrom
Mark Stephenson
Thomas L. Stevenson
Donald L. Stewart II
Roger E. Stewart
Ron J. Sticinski
William M. Stiles
Jeffrey J. Stone
Richard H. Stone
Joseph M. Storto
Matthew J. Streeter
John L. Stride, Jr.
Peter W. Stromann
Alfred E. Stuart, Jr.
William K. Stulb
Michael R. Sturm
George T. Sullivan
Kevin J. Sullivan
Thomas C. Sullivan
James F. Surch, Jr.
Robert D. Sutter
Dane C. Swanson
Charles W. Swinton III
Andrew B. Tamayo
Richard L. Taylor
Richard L. Thayer
Scott M. Thomas
Daniel D. Thompson
George W. Thompson, Jr.
Reginald Thompson
Richard T. Thompson
Robert L. Thompson
Timothy N. Thomson
John E. Thorp
Michael L. Thorp
Owen G. Thorp III
Pierre J. Thuot
John M. Tierney, Jr.
Bradley J. Tilgner
Albert A. Tobin, Jr.
Myles B. Toguchi
Raymond J. Tranchant
Kenneth R. Trass
Jon W. Travis
Richard C. Trimble
James Tripodi
Marc L. Troiani
Michael S. Trueblood
Raymond E. Trygstad
Michael P. Tryon
William V. Tsai
Charles J. Tuozzolo
Craig W. Turley
Elijah A. Turner
David L. Vail
Daniel T. Vallerie
John F. Varney
Billy L. Vasquez
Robert E. Vassar
Rodney D. Vaught
Thomas A. Vecchiolla
John G. Venerella
William R. Venohr
John R. Verbrycke IV
Albert P. Verhofstadt
Michael J. Vieten
James R. Vilbert
John E. Viotto
Robert R. Vogel
Frederick N. Vogt
Richard A. Voytek
John F. Vuolo
David S. Wade
David C. Wagner
Frank W. Wagner
Paul D. Wagner
Dale W. Wainwright
Daniel M. Walborn
Gary L. Waldron
Richard A. Wall, Jr.
Joseph A. Walsh
Patrick M. Walsh
Jeffrey A. Warmington
James L. Warren
Vincente L. Washington
Jeroen J. Waterreus
Charles L. Watkins
James D. Watkins
Marc A. Watson
Jeffrey D. Weddle
Stephen G. Weingart
Bruce R. Weiss
Jeffrey W. Wendel
Michael R. Wertz
Kent D. White
Richard W. White
Thomas C. White
William L. White
Timothy L. Whited
Richard M. Whitehurst
Daniel J. Whitsett
Barry N. Wilbur
Robert L. Wilde
David L. Wilkinson
Bary C. Willcox
Bernard P. Williams III
Kent A. Williams
Andrew H. Wilson
Douglas H. Wilson
Joel L. Wilson
John R. Wilson
Lyle S. Wilson
Robert G. Wilson, Jr.
Terry L. Wilton
Henry G. Wischmeyer
James P. Wisecup
Randel W. Wood
Ronald S. Wood
Winston D. Wood
Winston D. S. Wood
Mark D. Worrilow
Eric J. Wright
Garland P. Wright, Jr.
Kenneth F. Wright
Edward P. Yetsko
Stephen A. Young
Stephen L. Young
Walter H. Yourstone, Jr.
David Ziemba
Leonard A. Zingarelli

The following-named (Naval Reserve Officers Training Corps candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to the qualifications therefor as provided by law:

John W. Moore.
Carlton W. Puryear, Jr.

The following-named Navy enlisted scientific education program candidate to be a permanent ensign in the line of the Navy, subject to the qualifications therefor as provided by law:

Ernest G. Encino.

The following-named (U.S. Navy officers) to be appointed permanent lieutenants in the Medical Corps of the U.S. Navy, subject to the qualifications therefor as provided by law:

Ens John H. Nading, USN.
Ens Kevin T. Wand, USN.
Ens Thomas G. Williams, USN.

The following-named (U.S. Navy officers) (retired)) to be reappointed from the temporary disability retired list as a permanent captain, in the line, in the U.S. Navy, subject to the qualifications therefor as provided by law:

Capt. R. T. Tolleson, USN (Retired).

The following-named chief warrant officer to be appointed a temporary chief warrant officer, W-3, in the U.S. Navy, subject to the qualifications therefor as provided by law:

*Robert J. Boyle, aviation electronics technician.

The following-named enlisted candidates to be appointed temporary chief warrant officers, W-2, in the U.S. Navy, in the classification indicated, subject to the qualifications therefor as provided by law:

Harry T. Chadbourne, ordnance technician (surface).

Harold C. Earls, underwater ordnance technician (surface).

The following-named officer to be appointed a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law:

Kenneth M. McDonald.

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* Appointment sent out Ad Interim (During the recess of the Senate).

EXTENSIONS OF REMARKS

ANDREW YOUNG HANDLES SOUTH AFRICAN TRIP WELL

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. SIMON. Mr. Speaker, the manner in which Ambassador Andrew Young has handled himself on his recent visit to South Africa fully justifies the confidence the President has placed in him and the belief of many of us who were his colleagues in the House that he would end up being a great asset to this Nation and to the hopes and yearning of many people everywhere.

Thrust into the position of U.N. Ambassador without great experience in the international arena, he has stubbed his toe a time or two, but those of us who know him know that he has the fundamental ability—and more important than that—wisdom and compassion, to handle his new responsibilities well.

Many of those who are his critics today will be singing his praises tomorrow.

Our former colleague, Andrew Young got off to a fast start at the United Nations, receiving more attention than probably any U.N. Ambassador ever has in his first months. He has taken original and often controversial positions, including two I disagree with. But Ambassador Young has rendered our country a great service by stimulating new thinking about the United Nations, and our relationship to that organization and to Africa.

Ambassador Young has almost singlehandedly succeeded in raising the priority of United States-African relations to a level where significant attention is now focused on that area for almost the first time. As a result, real change seems possible, and we seem to be shaping events rather than merely reacting to them.

Ambassador Young also has shown how the position of U.S. Representative to the United Nations can be used creatively to influence events far beyond the debating hall in New York. As a result, he has not only increased American influence at the United Nations and throughout the world, but also has emerged as one of the most effective and influential representatives to the United Nations.

I hope that, as time goes on, Ambassador Young will impart new vitality to the United Nations and U.S. foreign policy in other areas: For example, I hope that he will make strenuous efforts to recruit and place appropriately qualified Americans in United Nations jobs to counteract the growing political exploitation of that organization by countries which do not share its democratic ideals. I hope that he will be able to use his position to advance the cause of human rights, including the Soviet Union and Eastern Europe.

As a member of the Commission on Security and Cooperation in Europe, I am particularly aware of the continuing violations of those rights by the Soviet Union and its client states. Finally, I hope that he will find time to devote attention to Latin America—an area almost as grievously neglected as Africa and one which is equally important.

Andy Young's performance at the United Nations reflects well on the United States and this House, where he once served. He deserves our commendation and encouragement.

THE PRESIDENT'S ENERGY MESSAGE

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. EVANS of Delaware. Mr. Speaker, I am extremely pleased that the appropriate committees of the House have begun work on President Carter's energy message. In my opinion, there is no greater priority facing this body than to develop a comprehensive energy plan for our country.

It has been several years since the gas lines of 1973 and 1974 yet the American people are still waiting for us to develop a concrete and far-ranging plan and to deal with energy problems. America simply cannot wait any longer.

I want to commend President Carter for focusing public attention on this serious matter. We do have an energy problem in this country and we must begin to find ways of solving it.

We waste enormous amounts of energy in this country and thus conservation must be a major part of an energy plan. Many of President Carter's conservation ideas such as tax credits for insulation, are excellent. In addition, I believe the Congress must move more aggressively in the area of mass transit. I was disappointed that the President did not give greater attention to our Nation's national mass transit needs in his address. Our people, particularly in urban and suburban areas, must have alternatives other than the automobile and I think increased funding in this area will be money well spent.

I also believe that greater incentives need to be given to consumers to buy American-made, high mileage cars. This approach will both decrease energy usage and provide jobs for Americans.

Unfortunately, however, the President's message was only half a message. He spoke eloquently of reducing demand but proposed little to increase the supply of oil and natural gas. I fully realize that our fossil fuel resources are finite, and we must accelerate our research developments into alternative energy sources, such as solar, geothermal and nuclear power, with appropriate safeguards.

Until those sources are able to come in line to a greater degree, we must continue to rely on fossil fuels. For that reason, I support the phased regulation of natural gas as a way of increasing exploration for this fuel, and preventing crises such as the one we saw last winter.

I am also, opposed to increases in the gasoline tax that the President proposed. The increasing taxes included in the President's plan would be a heavy burden for most lower and middle income families especially those who live in urban and rural areas, and those who use a car to go to work or do the family shopping. Additionally, it has been shown that increased prices have little effect in decreasing demand for gasoline. It was not so very long ago that gas prices were under 40 cents. Prices have gone up substantially since then yet driving continues unabated. A gasoline tax is extremely regressive and would hurt those least able to pay.

Finally, what disturbs me most about the President's plan is that his proposals would mean even bigger Government than we have now. New bureaucracies would have to be set up to administer the complicated tax and rebate schemes. We need less, not more Government involvement in our lives and hopefully any plans that we in the Congress enact will build on the strengths of our free enterprise system.

But, Mr. Speaker, we must act on an energy plan. The ball is in our court. The American people demand that a comprehensive, reasoned and fair energy plan be enacted. I am confident that Congress, working in concert with the President can develop that fair program. We cannot wait any longer.

A TRIBUTE TO REV. EDGAR R. EDWARDS

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mrs. BURKE of California. Mr. Speaker, it is indeed an honor for me to join the Brotherhood Crusade in a tribute to Rev. Edgar R. Edwards, in recognition of his generous and untiring work to build a better community by improving the physical, political, and spiritual climate of Los Angeles.

Added to his diverse duties as pastor of the Immanuel United Church, Reverend Edwards organized and now administers a nonprofit program which serves, free of charge, 1,500 breakfasts per month for schoolchildren. The nutritional benefits of these meals, provide an essential ingredient toward the healthy growth of hundreds of less fortunate children in the Los Angeles area.

With foresight and skill, Reverend Edwards has worked to build the black political leadership of Los Angeles. He was instrumental in the initial elections of all of today's black leaders, including Superior Court Judge Billy Mills, Mayor Tom Bradley, Councilman Gilbert Lindsay and myself. In this way Reverend Edwards has brought public recognition to the importance of the problems and strengths of the black community.

As a board member of the American Civil Liberties Union, Reverend Edwards helped form and supervise the Police Malpractice Complaint Center in south central Los Angeles.

These are only a few of the works that stand as a monument to Reverend Edwards. He is indeed a man who has added much strength and dignity to the whole community. We are all in his debt.

WHAT WE MEMORIALIZE ON MARITIME DAY

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. EILBERG. Mr. Speaker, today, May 22, is Maritime Day—a day set aside by the President of the United States to pay tribute to the U.S.-flag merchant marine.

As we honor America's merchant sailors, I think it is well for us to pause for a moment to consider what it is that we are memorializing.

America's national security and economic well-being are intimately linked to our maritime resources. Like all world powers, the United States cannot guarantee its independence without a shipping capability. Yet while U.S. waterborne foreign trade has quintupled in magnitude within the last decade, the U.S. merchant fleet has dwindled until it is but a shadow of its former size.

Since the end of World War II—when the U.S. fleet totaled some 6,000 vessels and carried 63 percent of American foreign trade—the number of privately owned U.S. merchant ships has dropped steadily. In 1976, fewer than 577 American-flag vessels carried less than 5 percent of U.S. foreign trade cargoes.

While U.S. crude oil and petroleum imports have increased to more than 8 million barrels per day; and while U.S. waterborne imports of aluminum, chromium, manganese, nickel, tin, and zinc account for more than 50 percent of total U.S. requirements, the U.S. merchant marine not only has failed to grow, it has been reduced sharply in size.

In recent years, foreign vessels have virtually monopolized the movement of vital U.S. trade. The Soviet fleet, alone, has risen in number to some 1,700 vessels, advancing its world fleet standing to sixth place. Considering that a viable merchant marine is indispensable to our defense capability, further erosion of the merchant fleet could spell disaster for our future.

As the urgency of the problem becomes increasingly obvious—and it is obvious, Mr. Speaker, to those of us who sit on the Committee on Merchant Marine and Fisheries—it is most appropriate that the United States bear in mind the value and contribution of its merchant fleet. If, as we enter our Nation's third century, we want to preserve our political and economic independence, I believe we must today and every day strive to give foundations to our security by building and maintaining a modern U.S. merchant marine.

This Maritime Day, Mr. Speaker, we pay deserved tribute to the men who go down to the seas in ships. But we must make this more than a day for remembering past maritime glories; we must make it, instead, a day of commitment to the revitalization of our merchant fleet.

UNIFORM BANKRUPTCY LAW

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. EDWARDS of California. Mr. Speaker, today I introduce, with the gentleman from Virginia (Mr. Butler) and the other members of the Subcommittee on Civil and Constitutional Rights, a bill to establish a uniform law on the subject of bankruptcies. This bill is the clean bill that the subcommittee reported favorably to the full Committee on the Judiciary last week. It is the product of over 6 years of study and work by the Commission on the Bankruptcy Laws of the United States, on which my colleague, the gentleman from California (Mr. Wiggins) and I were privileged to serve, by the National Conference of Bankruptcy Judges, by the National Bankruptcy Conference, and by numerous other interested groups.

The subcommittee has been working on this bill for over 2 years, with 35 days of hearings in the last Congress, and 22 days of intensive, detailed markup by the subcommittee during the past 2 months.

I am pleased to report that the subcommittee voted unanimously to report this bill favorably to the full committee. We will continue to work for prompt action by the Judiciary Committee and by the full House.

Mr. Speaker, this is historic legislation. It is the first major revision of our Nation's bankruptcy laws in nearly 40 years. It is the most extensive and important revision since the current bankruptcy law was enacted nearly 80 years ago. With the enormous changes in our credit economy, with the explosive growth of consumer credit, and with the continued development of reorganization law, both the bankruptcy law and court system have begun to be strained. This bill will modernize bankruptcy law and procedure to bring it into conformity with current legal thought and practice in other areas of the law. It is an important bill. I urge my colleagues and all concerned to assist us in bringing the present horse-and-buggy bankruptcy law and system into the last quarter of the 20th century.

Mr. Speaker, though the subcommittee will not file a formal report on the bill, I refer my colleagues to my statement in the Record on January 4, 1977, for a brief explanation of the bill. The subcommittee has made some changes since H.R. 6 was introduced, but the basic thrust of the bill remains the same. In addition, the subcommittee will soon publish a statement explaining the new court system contained in the bill. That statement should be available next week.

THE LABOR UNIONS AND COMMON SITUS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. CRANE. Mr. Speaker, now that the dust has had time to settle, it is apparent that the March 23 vote on common situs picketing was one of the most important in recent years. Not only did it prevent employees of a single subcontractor from closing down an entire job site, but it has had a profound impact on organized labor's entire legislative agenda. Of all the proposals the union bosses have presented and on which speedy action was expected, the only significant one to reach the House floor has been the Hatch Act—and it died aborning.

In analyzing the common situs vote and its ultimate impact, many people are inclined to focus on the effectiveness or ineffectiveness of this or that lobbying organization. However, as Columnist Allan Brownfeld points out, there is far more to it than that. Indeed, he suggests a growing feeling in this country, borne out by subsequent public opinion polls, that labor unions have too much power as it is.

For those interested in the deeper meaning of common situs, I recommend Mr. Brownfeld's article and insert it in the Record:

Picket Bill Defeat Brought Out Proof of Unions' Low Support

(By Allan C. Brownfeld)

Organized labor believed that with a predominantly Democratic Congress and a Democratic President it could get any kind of legislation it wanted. In their pursuit of ultimate power over the American society, the labor bosses sought legislation which would have permitted a single union to strike against all contractors, subcontractors and other workers on a construction site. In effect, this legislation, called "common situs," would have enabled a single union to shut down the entire construction site.

The overwhelmingly Democratic House of Representatives, however, refused to follow the marching orders of the labor leaders. Eighty-eight Democrats joined 129 Republicans in defeating this legislation. The entire congressional delegation from President Carter's state of Georgia voted against the common situs bill, as did such prominent House Democrats as Sam Gibbons, Al Ullman, George Mahon and Lee Hamilton.

The House Democratic leadership, of course, went along with the unions. In attempting to explain the stunning defeat in the House, Rep. Tip O'Neill, D-Mass., the Speaker of the House, could only say that it was because businessmen and conservatives lobbied hard against the bill and labor did not lobby enough for it. "When you get careless along the line, the train goes off the track," said the Speaker, by way of chiding labor for its lethargy.

It is not as simple as that, however much labor leaders and their supporters in the Congress may argue that it is. The fact is that the common situs bill was a grab for power, to be followed by an effort to repeal right to work laws, dramatically increase the minimum wage, and pursue a host of other long-cherished AFL–CIO goals. The labor leaders did put pressure on the Congress. That pressure, however, was not nearly as great as the outrage of the overwhelming majority of Americans who oppose such power in the hands of autocratic labor bosses.

A survey conducted by the Roper Organization and released just days before the House vote showed that three out of every four Americans oppose the kind of coercive picketing that would have been legalized by passage of the common situs bill. The study showed that 77 per cent of the public feels that a construction union "should only be allowed to picket the work of the contractor with whom it has a dispute and not the whole building site." This opinion was expressed by 73 per cent of the blue collar workers, 64 per cent of the union members, 73 per cent of the Democrats, 79 per cent of the Independents, and 76 per cent of the people who call themselves Liberal.

President Carter himself recognized that this was bad legislation wtih little public support. He said that he would sign it if the Congress passed it—but that is all he said. His own budget director, Bert Lance, said that he was against it. Secretary of the Treasury Blumenthal, rather than endorse the bill, said that he had "no opinion" about it. In the House, the opponents made all of the rhetorical points. Freshman Rep. Mickey Edwards, R-Okla., played a leading role on the floor and noted that "Calling this a bill for equal treatment of workers is like calling a pork chop a salami in order to sell it at a delicatessen."

Commenting on the House vote, one of the leading opponents of the common situs bill, Reed Larson of the National Right To Work Committee, declared that "The picketing bill was designed to deprive some of America's hardest working men and women of their right to earn a living without joining a union. It would have given building trades unions the power to shut down an entire building site whenever they had an alleged 'grievance' with even one subcontractor working on the job. It goes without saying that the thing that grieves union officials most is the fact that many construction workers, like the majority of workers in other occupations, would rather not join unions. The bill was designed to force them to do so."

Larson also pointed out that "The bill was designed to test big labor's strength in the 95th Congress. There's no doubt that had it passed, we would have faced a major assault on Section 14(b) of the Taft-Hartley Act and state right to work laws."

The unfortunate fact is that what union leaders want and what workers want are often radically different. Prof. Emerson Schmidt, in his important book, "Union Power And The Public Interest," writes that, "The interests of union officials are rarely identical with those of union members . . . Proposals against the interests of the members and the society as a whole are rarely identical decked out in false colors, and accepted . . . Most of labor's demand are aimed at lower output, higher costs and a shift of income to the members of the more aggressive and powerful unions . . . Every reduction of output or cost-raising step gained, by one union tends to place a burden on all other workers. Workers, in our exchange economy, work primarily one for another, not for the employer."

The American people view big labor, big government and big business as forces often hostile to individual freedom. Most polls show that big labor is at the bottom of the public's list. This vote reflected that reality—whatever Tip O'Neill may say.

NUCLEAR ENERGY

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. BINGHAM. Mr. Speaker, popular support for the President's efforts to control the spread of nuclear weapons capability is crucial to the success of those efforts. There is increasing evidence that the American public supports very strong measures to halt nuclear proliferation. For example, a recent Harris poll showed that the administration's efforts to block the proposed export of the complete nuclear fuel cycle to Brazil were supported by a resounding 64 to 13 percent margin. The same Harris poll found that an 80 to 11 percent majority of Americans believe that "if too many countries get a nuclear capability, some irresponsible country is bound to set off a bomb that could blow up the Earth in World War III." In addition, 65 percent of those polled disapproved the building of nuclear powerplants in countries that do not have them now.

This broad support for the President's nonproliferation policies is often obscured by the criticisms voiced by those who feel that President Carter's nonproliferation proposals should be opposed because they might curb nuclear exports. The nuclear industry lobby has been instrumental in pressing this argument. In fact, according to a recent article in the New York Times:

> The industry has become the cheerleader for (foreign) opposition, giving these countries all the ammunition they can use . . . (unhappiness with the Carter nonproliferation proposals) has been galvanized, catalyzed by the American nuclear industry.

Mr. Speaker, the proper place to debate the merits of nuclear export policy legislation is here in the U.S. Congress. I would hope that those who disagree with the various proposals before the Congress would take issue with them here rather than working in collusion with foreign capitals to undermine the policy initiatives of the U.S. Government. Any efforts to pursue the latter course, rather than the former, can only hurt the credibility of our new policies and thus weaken not only our nonproliferatio initiatives, but ultimately the integrity of the nuclear industry itself.

The texts of the Harris poll and the Times article follow:

[From the Chicago Tribune, Mar. 10, 1977]

Harris Survey: Atomic Exports Feared

(By Louis Harris)

A 65-to-17 per cent majority of Americans opposes the United States and other technologically advantaged countries building nuclear power plants for countries that don't have them now.

According to this latest survey of 1,466 adults, an 80-to-11 per cent majority feel that "if too many countries set a nuclear capability, some irresponsible country is bound to set off a bomb that could blow up the earth in World War III."

In one of its first moves, the Carter administration registered official objections to a West German program to help Brazil set up nuclear power facilities. When Vice President Walter Mondale visited Chancellor Helmut Schmidt, he raised the subject, but apparently no satisfactory assurances were received. A 64-to-13 per cent majority of the American people is convinced that "the Carter administration is right to try to get West Germany to halt its building a nuclear power plant for Brazil."

In addition, sizable majorities of the public disapprove of this country giving nuclear development assistance to a number of other nations, ranging from Iran and Egypt in the Middle East, to Australia, Japan, Taiwan and Pakistan in Asia, and to Argentina and Brazil in Latin America. A 58-to-24 per cent majority opposes the U.S. offering any nuclear power assistance to Australia, one of the country's closest allies.

Americans clearly have a double standard on the question of nuclear energy. A 62-to-21 per cent majority wants to see nuclear power plant construction speeded up at home. But a 45-to-31 per cent plurality rejects the argument that "nuclear power is the future source of cheap energy, and we ought to give it to all nations under proper safeguard conditions." In 1974, a narrower 42-to-40 per cent plurality rejected this proposition. It is evident that support for exporting nuclear power assistance has deteriorated over the past few years.

The only substantial argument in favor of exporting nuclear power capabilities that the public buys is that "it is better that countries of the world get nuclear power from the U.S. and its allies than from the Russians," a view endorsed by a 53-to-17 per cent majority. However, this argument is decisively outweighed by the bigger worry that nuclear power facilities abroad can somehow be used to produce nuclear weapons.

The American people are also worried about the international arms traffic. A 3-to-1 majority feels that too much emphasis has been put on weapons sales which they oppose. The Carter administration has pledged to try to de-escalate the arms traffic now going on in all parts of the world. In the roster of weaponry, of course, people feel that the nuclear capability is the most dangerous and potentially devastating.

Recently, the Harris Survey asked the cross section:

An increasing number of countries who do not have enough energy are turning to nuclear power as a major source of energy. However, only a few countries in the world have the technical know-how to build nuclear power plants. The new Carter administration is worried that if too many countries have nuclear power plants they can convert that nuclear know-how into producing atom bombs. Do you approve or disapprove the building of nuclear power plants in countries that don't have them now?"

	Total public percent
Approve	17
Disapprove	65
Not sure	18

"Would you approve of the U.S. giving nuclear reactors and nuclear development assistance to [the following countries] or would you disapprove?"

[In percent]

	Total public		
	Approve	Disapprove	Not sure
Australia	24	58	18
Japan	15	68	17
Brazil	11	71	18
Argentina	10	72	18
Taiwan (Nationalist China)	9	73	18
Pakistan	8	73	19
Egypt	8	74	18
Iran	7	74	19

"Let me read you some statements about nuclear power development aboard. For each, tell me if you tend to agree or disagree."

[In percent]

	Total public		
	Agree	Disagree	Not sure
POSITIVE			
It is better that countries of the world get nuclear power from the U.S. and its allies than from the Russians	53	17	30
Nuclear power is the future source of cheap energy, and the thing to do is give it to all nations under proper safeguard conditions	31	45	24
NEGATIVE			
If too many countries get a nuclear capability, some irresponsible country is bound to set off a bomb that could blow up the earth in World War III	80	11	9
The Carter administration is right to try to get West Germany to halt its building a nuclear power plant for Brazil	64	13	23

Carter's Nuclear Energy Policies Prompt Complex Lobby Efforts

(By David Burnham)

WASHINGTON, May 13.—President Carter's proposals to alter the direction of nuclear technology in the United States and impose tighter restrictions on the international exchange of some nuclear equipment have prompted complex waves of lobbying aimed at Congress and executive branch policy makers.

To the corporations, unions, public affairs lobbying groups and individuals mounting the various lobbying efforts, the stakes are large: the sale of billions of dollars of American-made equipment, the jobs these sales would generate and the less tangible but powerful fear that the existing controls would make it easy for dozens of new nations or even terrorist gangs to arm themselves with nuclear weapons.

Beyond these immediate concerns are broader questions of whether the world and its separate nations will have enough energy to fuel their economies in the coming decades.

Most of the lobbying efforts have been focused on several distinct questions. They include the following:

Should the United States, as President Carter has proposed, halt construction of a commercial prototype of the fast-breeder reactor? Many in industry argue that the breeder reactor, which produces more fuel than it expends, is essential to the long-term use of nuclear power. Critics contend that in producing that fuel it would add to the world's environment large amounts of plutonium, a substance that is not only highly toxic but also can be used to make nuclear weapons.

Should the United States, as President Carter has proposed, abandon plans to extract plutonium from the spent uranium produced by conventional reactors?

Exactly how much pressure can the United States effectively exert on other nations, many of them old allies, in an attempt to persuade the world to tighten various international controls over the export of nuclear equipment that could ultimately enable countries such as Brazil and Pakistan to arm themselves with nuclear weapons?

Dr. Joseph Dietrich, chief scientist of Combion Engineering Inc. and the current president of the American Nuclear Society, said that nuclear industry had "been speaking out, as we ought to," in presenting its answers to these questions.

"We don't think President Carter's policy is a good one. This doesn't mean we aren't concerned about proliferation. But we have seen nothing to back up the proposition that the Administration's policy is an effective way to counter proliferation," he said, adding that he was speaking only for himself, not his company or the society.

The industry lobbying effort was viewed in a considerably different light by those who support Mr. Carter's policy. "Many countries were obviously unhappy with the new effort of President Carter," said one of the senior nuclear officials in the United States Government, who asked not to be named. "But the expression of this unhappiness has been galvanized, catalyzed by the American nuclear industry. The industry is trying to fan the existing discontent to panic the Carter people."

A State Department official echoed much the same sentiment. "The industry has become the cheerleader for the opposition, giving these countries all the ammunition they can use," he said.

As an example of industrial lobbying through foreign countries, these officials cited press dispatches from a mid-April conference in Persepolis, Iran, partly sponsored by the American Nuclear Society, which said that representatives from 41 nations had adopted a resolution opposing President Carter's initiative.

Dr. Dietrich, one of the hosts at the conference, denied that the conference ever voted on any resolution. "That story is in error," he said, adding that he had prepared a nine-point statement summarizing both the formal and informal views of the delegates.

The nuclear industry is not the only one launching its lobbying from foreign bases. Three months ago an anti-nuclear Washington group called New Directions asked three citizen groups in Germany to write President Carter to plead for a strong stand against the breeder reactor. New Directions then distributed the letter to Washington reporters.

More recently, Paul L. Leventhal, a former staff member of the Senate Government Operations Committee, disclosed in a speech in Salzburg, Austria, that 200 tons of uranium ore had disappeared from the high seas in November of 1968 and almost certainly had ended up in Israel. Mr. Leventhal cited the incident as new evidence that existing security controls on nuclear supplies are inadequate.

SHORING UP THE SOCIAL SECURITY SYSTEM

HON. CHARLES E. GRASSLEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. GRASSLEY. Mr. Speaker, problems with the social security system have made the news frequently in recent years. A report released by the Social Security Board of Trustees last year warned that the system could be nearly broke by 1981. Several weeks ago President Carter unveiled a plan to shore up the social security system. Unfortunately, the plan would do little to help and could, in fact, prove disastrous.

The administration proposal did contain one important improvement which I support. It would correct a mistake Congress made 5 years ago in establishing the present formula for benefits. That formula adjusts benefits for future retirees for increases both in consumer prices and earnings. It would result in today's younger workers earning far more in social security, upon retirement, than their contributions would justify. Because of the mistake by Congress, by 1990 some people could be retiring on higher social security income than they earned their last day on the job. Correcting the mistake will certainly reduce the system's financial woes.

However, another Carter proposal is not as wise. The President wants to increase contributions employers make while backing only minor increases in contributions of employees. Increasing employer contributions would discourage businesses from hiring more workers, since those businesses would end up paying a great deal more for social security taxes. They would probably also pass on higher costs to American consumers, through higher prices.

A third proposal, to transfer $14 billion in general revenues to social security, would set a dangerous precedent. Ever since the system was established in 1935, it has been financed solely by the special taxes paid by employees and employers. The system was designed to form the base for a private retirement program. Eliminating that tradition, by financing the system through general taxes, would make social security a form of welfare. This change would probably give many pensioners the feeling that they were taking handouts from the Government, and it would reduce their sense of dignity.

Under the Carter proposal, the Federal Government would be transferring money derived from a tax system in which the better off pay higher taxes. Thus social security would become an income redistribution program.

Transferring general revenues to social security would also subject the system to political considerations. Every time more funds were needed, Congress would have to vote on the authorization. In election years, Members would undoubtedly increase the funds, thereby increasing the budget deficit, and pushing up inflation. The process would simply create more havoc for the elderly, who already have trouble coping with this hidden tax.

On the other hand, Members might tend to let the system slide in nonelection years. I doubt that many senior citizens would want their retirement checks to rest on the election year whims of politicians.

Because of strong opposition from members of both parties, including the Democrat chairman of the House Ways and Means Committee, who will have a major voice in this legislation, it is doubtful the administration plan will be approved in its entirety.

However, Congress must come to grips with the long-range problem of financing social security in the next few years.

Aside from correcting the formula, as Carter suggested, we should change Federal policies which encourage mandatory retirement. Allowing people to work as long as they desire would provide senior citizens with more money as well as enhance their freedoms. It would also mean more taxes would be paid into the social security system.

Governmental policy should also allow individuals to save more money, through incentives such as reduced or deferred taxes. We should promote the creation of large private pension funds, like individual retirement accounts, so retirees do not have to depend entirely on social security payments.

Finally, Congress should thoroughly review the system and all alternatives. I have urged the House Select Committee on Aging, of which I am a member, to conduct such a sweeping study and to come up with workable suggestions to improve the system.

THE SCHOOL SYSTEM ON LONG ISLAND

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. DOWNEY. Mr. Speaker, recently I was discussing the quality of life in my district and I cited the excellence of the school systems on Long Island. "So many schools in my district received commendations and awards and are generally known for their superiority in various fields."

Recently, the Connetquot Elementary School, located on Merrick Street, Islip Terrace, N.Y., in recognition for their outstanding school newspaper the Young Idea, received a "first place certificate," presented by the Association at Columbia University on March 18, 1977, in its 53d annual contest of the Columbia Scholastic Press Association.

This particular school and its principal, Vincent J. Sulpizio, are a superlative example of dedication to a community and its young people.

In a letter to the students I expressed my pride in their achievement and hopes that theirs will be an example for others also seeking recognition for a "job well done."

CONSTITUTIONAL LID ON TAXING AND SPENDING POWER OF FEDERAL GOVERNMENT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. CRANE. Mr. Speaker, rumor has it that the administration will send its tax reform package to Congress early this summer, and the special interests are already gearing up to their piece of the pie. The Ways and Means Committee—after having tussled with the President's energy plan—will then be saddled with another long, drawn-out political football game.

What I propose here is a simple, straightforward alternative to this nightmare: Tax limitation by constitutional amendment on both the national and State levels.

Putting a constitutional lid on the taxing and spending power of the Government is an idea whose time has come. Under the tax limitation concept, taxes and spending are held to a defined percentage of the total income of the people, thereby preventing a State legislature or the Congress from increasing taxes faster than increases in personal income, except in emergencies. If, for example, the percentage were based on the previous year's per capita income versus the rate of taxation on State and Federal levels, no increases in the determined tax share of personal income would be allowed.

In 1900, government at all levels was taking 3 percent of the national income for taxes. By 1950, it was 26 percent. Today it is more than 40 percent and is projected to go beyond 50 percent by the 1980's. The only "tax reform" that will put a halt to this governmental usurpation of hard-earned dollars is the method I am advocating: Constitutional tax limitation. Without such a plan, American freedoms will be lost as the majority of each individual's means is spent according to the government's dictates.

What such an amendment—or whatever means is appropriate per State—will not do is cause a shift of State taxes to local governments—the proportion of State revenues paid to all units of local government could not be reduced below that percentage in effect upon the passage of the amendment. Thus, property taxes will not rise. Nor will local school financing suffer, since any new State-mandated educational programs must be financed entirely by the State.

What the tax limitation amendment will do is insure that any local or property tax hikes will be enacted only after the proposal is put to a vote by those affected. If excess revenue is ever collected, the Government may not spend it; those moneys must be refunded pro rata on the next year's income tax returns. In the case of a financial emergency, the Governor or President must give the State legislature or Congress the exact figures on needed funds and two-thirds or three-fourths of that body must approve the increase for that year alone. In short, tax limitation will force State and Federal Governments to operate within strict budgetary limits—just as each and every individual American has always had to learn to do.

A campaign on two fronts is now being initiated. Constitutional tax limitation amendments—tailored to meet each State's revenue requirements and personal income tax base—must be adopted on a State-by-State basis nationwide. At the same time, every effort must be made to secure the adoption of a similar amendment by Congress to the U.S. Constitution. This item has already been tested in Michigan, where Proposal C was placed on the November ballot by a coalition of Democrats and Republicans, liberals and conservatives, urban dwellers and farmers who solicited over 350,000 petition signatures and the endorsements of nearly one-half of the Michigan legislature. Although the proposal failed there last November, there is every indication that even broader support for this amendment could be rallied now.

Tax limitation will work. Nobel laureate Professor Milton Friedman says it is the only available concept that will directly attach the Government's fiscal irresponsibility which is inevitably paid for in inflation and taxes. I urge all my colleagues to join in a bipartisan effort at home and in Washington to give taxpayers a say in how much they contribute to Government spending by adopting the only tax reform measure that makes any sense: Constitutional tax limitation.

CINCINNATI'S SPEECH AND HEARING CENTER WORKS TO BUILD UNDERSTANDING

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. GRADISON. Mr. Speaker, the ability to develop speech and hearing skills and to verbally exchange ideas is one of our most essential attributes. Communication is the binding force in every human culture and the dominant influence in each of our personal lives. It is through speaking and hearing that we mold understanding and the ability to participate in the mainstream of American life. Yet, this year, more than 20 million Americans will suffer from some form of speech, language, or hearing disorder.

May is devoted to Better Speech and Hearing Month, an annual observance in which pathologists, audiologists, and other concerned citizens focus public attention on the services available to the communicatively handicapped. Too often a young child's hearing problem can be interpreted as a lack of intelligence and the child falls further and further behind in classwork when a simple hearing aid could correct the problem.

The Cincinnati Speech and Hearing Center has been active in educating the public in the greater Cincinnati area. This year, they will continue to provide free hearing screening tests from a mobile van, as well as providing free consultation for Cincinnatians with speech, language, and hearing problems. This service has been a great success in our area where it provides over 700 audiometric—hearing—tests in a 3-day period to individuals who, otherwise, might not avail themselves to this type of service. Of these 700 persons tested, more than 30 percent require further testing because of detectable speech or hearing deficiencies.

Speech and hearing impairments comprise the largest single handicapping condition in the United States, and organizations like the Cincinnati Speech and Hearing Center provide an invaluable service to our community.

CONGRATULATORY MESSAGE TO LOCAL 599 WINNERS OF 20-YEAR SERVICE MEDALLIONS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. KILDEE. Mr. Speaker, I want to take this opportunity to commend 22 persons who have distinguished themselves with 20 years each of service as elected officials of UAW Local 599, serving the workers of the Buick Motor Division plant in Flint, Mich.

Local 599 is one of the Nation's oldest UAW locals, receiving its charter on January 10, 1939, only 2 years after the sitdown strikes in Flint that led to the birth of the UAW-CIO. It has a long history of strong local leadership, and began last year honoring those officers who had 20 or more years of elected service. The honorees received the Walter P. Reuther Distinguished Service Award, which is an appropriate honor to be given in the name of the man who devoted his life to helping others obtain social justice and enjoy a better life.

Members of the United Auto Workers can take pride in the knowledge of belonging to a progressive union that is universally recognized for its social leadership as well as for its dedication to the well-being of its members.

I am proud to bring to the attention of my colleagues this year's winners of the Walter P. Reuther Distinguished Service Award from UAW Local 599, many of whom have also served in leadership positions with the international union. The winners are:

Norm L. Bissell Jr., Don Budzinski, Glen Carver, Albert Christner, Howard Clemens, Russell Easton, Bond French, Billy Hutchinson, Al Johnson, William C. Johnson, John Lukes.

Walter Niec, Henry B. Oginsky, Robert L. Price, Hershel Pritchard, James W. Renshaw, William F. Sargent, Glen Stack, Don Stornello, Robert Suhr, Jack Wagner, Clare Wheeler.

HUMAN RIGHTS IN SOUTH AFRICA

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mrs. COLLINS of Illinois. Mr. Speaker, it is once again necessary to call to my colleagues' attention the continuing denial of fundamental human rights by the Government of South Africa to its black citizens.

On this occasion, the Vorster regime has chosen to banish from her Soweto home, Mrs. Winnie Mandela, the wife of Nelson Mandela, imprisoned leader of the African National Congress party. The South African Minister of Justice has offered no reason for this action other than to deny that it was related to the possible visit of U.S. Ambassador Andrew Young to Soweto this past weekend.

As is so often the case with the actions of the South African Government, it is not necessary to debate the morality of the situation because the facts speak for themselves. I wish to insert into the RECORD the following report by John F. Burns, published in the May 19 issue of the New York Times:

SOUTH AFRICA, AMID UPROAR, EXILES WIFE OF IMPRISONED BLACK LEADER

(By John F. Burns)

JOHANNESBURG, May 19.—The South African Government has provoked a fresh storm over its practice of "banning" political opponents by exiling a black woman, Winnie Mandela, from her modest but comfortable home in the black area of Soweto to a three-room house in a black area 200 miles away where she has no friends or family ties.

Mrs. Mandela is the wife of Nelson Mandela, the leader of the African National Congress, who is serving a life sentence on Robben Island, the Atlantic fortress built for the country's most important political prisoners. That, and the severity of her banishment, have attracted unusual publicity in a country grown accustomed to such cases.

"The ugly thing done to Mrs. Mandela is devastating to her and to South Africa," The Rand Daily Mail, a relentless opponent of apartheid, said in an editorial this morning. An opposition member of Parliament, David Dalling, described it as "brutal" and said it should waken South Africans to the absence of civil liberties here.

The 43-year-old Mrs. Mandela, the mother of three children, was in her home, outside Johannesburg, when a squad of policemen arrived at dawn on Monday. They loaded her furniture and other possessions onto a truck, and took Mrs. Mandela and her youngest child, Zindzi, aged 16, to the small town of Brandfort in the Orange Free State.

After washing in the laundry of a whites-only hotel, the two were taken to a nearby township that, like Soweto, is restricted to blacks. The region is strange to them, apparently having been chosen for its remoteness from the major urban areas that are the main centers of black political activity.

The Mandelas' house, No. 802, has no electricity, no running water and no stove.

Justice Minister James T. Kruger refused to discuss his reasons for the banishment, other than saying that it had nothing to do with a possible visit to Soweto this week by Andrew Young, the United States representative to the United Nations.

Laws providing for banishment have been in effect here for 50 years, but the practice became common only after the present Government came to power in 1948. Some 150 people are banned at present.

The banning orders, issued under the Internal Security Act, one of dozens of laws controlling dissent, vary. But they always prohibit attendance at gatherings, political or otherwise, and frequently limit the individual to meeting no more than one person outside his family at a time.

The individual's movements are sharply circumscribed, usually to the township where he or she lives, sometimes to the city it adjoins. Banishment to another area of the country is relatively unusual.

Mrs. Mandela's problems with the Government go back to the time of her husband's imprisonment, on sabotage charges, in 1964. In 1969–70, she spent 19 months in jail before being acquitted twice on charges of subversive activities. After her second acquittal, she was banned for five years. The restricting order confined her to the Soweto subdivision where she lived and forbade her to leave her house at nights and on weekends.

Last August she was arrested again and held for four months. On her release, she was banned for another five years, although she was permitted to work, as a $400-a month credit controller in Johannesburg. This week, her employer, Henry Hirsch, said he had no intention of dismissing her, and would continue "to look after her."

SKATING ON THIN ICE

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. SKUBITZ. Mr. Speaker, I am sure most of my colleagues have had cases where constituents wanted to hire aliens and experienced difficulty in obtaining certifications from the Department of Labor. Certainly, I favor hiring American workers first whenever qualified persons are available. However, employers who cannot find Americans to fill certain jobs often have to go to extremes to prove their case.

One of my favorite examples is that of a hospital in my district which had an opening for a maintenance engineer. They had a young man from India who wanted the job. The hospital contacted the labor offices in Kansas and surrounding States and diligently placed advertisements in several of the larger newspapers and trade publications. They had one qualified applicant—another person from India.

Just last week the Wall Street Journal published an article which demonstrates that no one is exempt from the requirement of advertising for qualified employees. I thought my colleagues might enjoy reading this item and it is herewith reprinted:

The Icemen Hireth

The Cincinnati Stingers hockey team advertises for a $1,500-a-week defenseman ("two years major league experience necessary"). The team has been trying to get its regular defenseman, a Canadian, certified as a permanent U.S. resident. But a government agency considering the case required the team to place the ad to learn whether any qualified U.S. citizens want the job.

RETIREMENT BENEFITS FOR USDA EMPLOYEES

HON. JOHN BRECKINRIDGE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. BRECKINRIDGE. Mr. Speaker, last Congress, I was privileged to sponsor congressional legislation, H.R. 12827, to provide Federal retirement credit for certain tobacco inspectors for service on a license basis during the early 1950's. Today, I have reintroduced this important bill for consideration by the 95th Congress.

The bill I introduced last year provided that 19 inspectors, many of them residents of my district, would be permitted to receive credit toward civil service retirement for varying periods between 1950 and 1954. During this time they were licensees of the Agricultural Marketing Service, U.S. Department of Agriculture. They received technical supervision from Federal officials.

For the tobacco inspectors named in this private bill, the possibility of getting retirement credit for years worked on a license basis for the Tobacco Division, Agriculture Department, is extremely important. Since their service began in the 1950's many of them are nearing the retirement milepost. The impetus for this proposal came from the grassroots, from a group of embattled tobacco inspectors who belong to local 1555, National Federation of Federal Employees.

These workers are not asking for a giveaway benefit or free annuities at the taxpayers' expense. They are fully aware that they must pay into the civil service retirement and disability fund, with 3 percent interest, an amount equal to the amount they would have had to contribute under title 5 of the United States Code for these years of service. These deposits must be made within 4 years from the bill's enactment or the retirement date, whichever comes first. Such payments may be made in a lump sum or, with the permission of the employee, withheld in equal installments from basic pay.

Mr. Speaker, traditionally, the Department of Agriculture has shown little concern for the interests and welfare of these dedicated career employees. Tobacco inspectors work away from home and family. The warehouses where the tobacco is stored and where they spend many hours are either cold or hot, noisy, and dirty. But despite these unpleasant working conditions, these employees have high productivity. Most of them make a lifetime career of inspecting and develop a professional attitude toward their duties. We have every reason to be proud of these fine men and women.

This private retirement bill seeks to correct an inequity by giving employees an opportunity to earn credit toward a pension for years of service performed on behalf of the American people. These inspectors deserve a decent standard of living for their twilight years for humanitarian reasons as a reward for a job well done, often under demanding conditions. My bill would make the proper adjustment toward civil service retirement, giving the employees named in the proposal an opportunity to pay into the retirement fund in order to qualify for credit. All my bill would do is provide a little extra money for these individuals to live on during their twilight years. The cost would be an infinitesimal fraction of the Federal pension fund.

Mr. Speaker, a copy of the bill is reproduced below. I urge the House Judiciary Committee to consider this important piece of legislation before the end of the 95th Congress. The bill follows:

H.R. —

A bill for the relief of certain employees of the Department of Agriculture

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) for purposes of subchapter III of chapter 83 of title 5, United States Code, each individual designated in section 2 shall, upon satisfaction of the conditions stated in subsection (b), be allowed credit for the period specified in section 2 with respect to such individual, during which the individual was a licensee of the Agricultural Marketing Service in the United States Department of Agriculture.

(b) An individual designated in section 2 shall be allowed the credit described in subsection (a) only if—

(1) not later than the end of the eighteenth-month period beginning on the date of the enactment of this Act or not later than the date of retirement of the individual, whichever occurs first, such individual files a written request for such credit with the authority administering the Federal retirement program under which such credit is to be allowed; and

(2) not later than the end of the four-year period beginning on the date of the enactment of this Act or not later than the date of retirement of the individual, whichever occurs first, such individual deposits, with interest at 3 per centum per annum, into the Civil Service Retirement and Disability Fund an amount equal to the amount the individual would have been required to contribute to such fund if during the period specified in section 2 with respect to such individual he had been required to contribute to such fund, such amount to be paid in a lump sum or, at the option of the individual, in equal installments withheld from the basic pay of the individual.

SEC. 2. The individuals to whom credit shall be given, and the periods for which credit shall be given, pursuant to the first section, are as follows: James S. Barr of King, North Carolina (August 8, 1950, to February 28, 1954); Robert L. Cochran of Robersonville, North Carolina (August 17, 1950, to March 31, 1954); Paul T. Donovan of Shelbyville, Kentucky (July 1, 1953, to March 31, 1954); Ray W. Douglas of Durham, North Carolina (July 1, 1952, to February 28, 1954); Hollis M. Estes of Shelbyville, Kentucky (July 1, 1951, to February 28, 1954); Bascom B. Evans of Bracey, Virginia (July 2, 1951, to March 31, 1954); Eugene W. Feagan of Brooksville, Kentucky (July 2, 1951, to March 31, 1954); Tazwell G. Hunt of Danville, Virginia (August 1, 1950, to March 31, 1954); Norton R. Kelly of Rocky Mount, Virginia (August 1, 1950, to February 28, 1954); Arnett R. LaMaster, Junior, of New Castle, Kentucky (July 2, 1951, to December 31, 1952); James S. Love of Danville, Virginia (July 1, 1953, to December 31, 1953); John I. Morton of Alexandria, Virginia (August 1, 1950, to March 31, 1954); Mack D. Pridgen of Rocky Mount, North Carolina (July 18, 1950, to March 31, 1954); Gorrell C. Prim of Yadkinville, North Carolina (July 1, 1952, to February 28, 1954); Wiliam M. Roberts of Paris, Kentucky (July 1, 1953, to March 31, 1954); William L. Sames of Lexington, Kentucky (July 1, 1953, to March 31, 1954); Carlton W. Sawyer of Mullins, South Carolina (July 1, 1953, to November 30, 1953); E. Wesley Tennill of New Castle, Kentucky (July 2, 1951, to March 31, 1954); Ezra B. Vance of Sadieville, Kentucky (July 2, 1951, to March 31, 1954); Wesley W. Venable of Winston-Salem, North Carolina (August 1, 1950, to March 31, 1954); and James W. Webb of Las Crosse, Virginia, August 1, 1950, to March 31, 1954).

TRIBUTE TO CHAPLAIN OF THE HOUSE—DR. EDWARD G. LATCH

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. MAHON. Mr. Speaker, last month during the Easter season the Scottish Rite of Free Masonry of the District of Columbia paid tribute to the beloved Chaplain of the House of Representatives, our own Dr. Edward Gardiner Latch, a 33d degree Mason.

Dr. Latch has been our revered spiritual leader in the House since 1966. I wanted to share with Members of this body the remarks about Dr. Latch made on that occasion by Mr. Renah F. Camalier, 33d degree Mason and Deputy of the Supreme Council of the District of Columbia.

Mr. Camalier's remarks are as follows:

During the Easter Season, when our thoughts traditionally and necessarily turn to spiritual matters, it is entirely proper that our Scottish Rite pay tribute to one of its outstanding spiritual leaders. The Rev. Edward Gardiner Latch, D.D., 33°, has served this Rite as chaplain for many years, guiding, comforting and inspiring us often and effectively.

He is a native-born son of Philadelphia, Pennsylvania, receiving his college and seminary training at Dickinson College and Drew Theological Seminary. He also studied at Northwestern University, and in 1960 he received an L.H.D. degree from the American University. His wife, Rieta van der Vies Latch, has been his constant inspiration over the years.

Ordained in the Methodist Church in 1924, Dr. Latch has served as pastor in various Methodist Churches in the Greater Metropolitan area of Washington, D.C., including Vienna-Oakland and Arlington, Virginia, Chevy Chase, Maryland, and The Metropolitan Memorial United Methodist Church—The National Church of Methodism in Washington, D.C. During his pastorate at Metropolitan-Memorial, he was elected Grand Chaplain of the Grand Lodge of Masons and served for several years.

Illustrious Brother Latch was raised to the degree of Master Mason on May 16, 1921, at Baltimore, Maryland, in Concordia Lodge No. 13. In 1944 he petitioned Benjamin B. French Lodge No. 15, Washington, D.C. for affiliation where he served faithfully as Chaplain for many years. Recently Dr. Latch received his 50 year pin from the Grand Lodge.

He has served Scottish Rite Freemasonry long and well, being invested as a Knight Commander of the Court of Honor on October 19, 1955, and coroneted on October 23, 1959, as an Inspector General Honorary, 33°.

After twenty-six years of ministering at Metropolitan Memorial, he became Pastor Emeritus of that church in 1967, to accept election as Chaplain to the United States House of Representatives.

Read the following cherished words of respect and praise from some of America's National Statesmen:

"As a member of the House, I listened closely to Dr. Latch when he opened the legislative day with words of calm and reasoned prayer. He spoke with moderation and dignity. He reinforced the unity of our common bond."—President Gerald R. Ford.

"It is Dr. Latch who never lets us forget that we are mere instruments of the Supreme Law-Giver, who are temporarily loaned a share of authority that we must not abuse. It is he who inspires us to do what is right, rather than what is expedient."—Thomas P. (Tip) O'Neill, Speaker, House of Representatives.

"Dr. Latch's prayers have been uplifting to our spirits, and have directed us to raise our standards of thinking and acting, in wisdom and honesty."—John J. Rhodes, Minority Leader, House of Representatives.

"By his presence, as well as by his words, Dr. Latch reminded us each day that whatever our diversity of interests and views, we are indeed One Nation Under God and, however grave our national problems, we cannot fail in our appointed tasks, if In God We Trust."—Leslie C. Arends, Member, U.S. House of Representatives. (Ret.).

"Each prayer (i.e. of Dr. Latch) has reminded Members of the House of their obligation to our Heavenly Father, and has related the events of each succeeding day to their place in His Divine Plan."—Carl Albert, Former House Speaker.

Rev. Latch, we extend our hands in appreciation and love, recognizing you as a man "of honor, rectitude and goodwill." We wish to acknowledge that your presence and inspiring good works have aroused anew, within all, kindred impulses of honesty, sincerity, and brotherly love which you have, individually and collectively, pledged toward each other. Your brethren of the Scottish Rite join in expressing their gratitude for both your friendly spirit and your inspirational guidance. It is our wish that the Supreme Architect of the Universe protect you and keep you strong in His Service, for our enlightenment and assistance for many years to come.

GROUNDBREAKING EXERCISES FOR NEW SWIMMING POOL AT HIGH SCHOOL IN NORTHEAST PHILADELPHIA

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. EILBERG. Mr. Speaker, on Friday of this week, groundbreaking ceremonies have been scheduled for the new $842,500 indoor swimming pool at Lincoln High School in northeast Philadelphia, which I am privileged to represent in the U.S. Congress.

The new pool is a joint project of the city of Philadelphia and the board of education, with the board supplying $300,000 of the cost and the city the remainder.

Mayor Frank L. Rizzo, Recreation Commissioner Robert W. Crawford, Councilman Joseph L. Zazyczny and Dr. Robert L. Poindexter, executive deputy superintendent of the board of education, will participate in the ground breaking.

The pool will be constructed in a new building that will measure 150 by 60 feet. The pool itself will be 25 meters in length and will range in depth from 5 to 3½ feet. There also will be a 30-by-30-foot diving pool with a depth of 12 feet, 6 inches. Two diving boards will be inserted in the area.

The pool will be attached to the existing building. In the building area, space will be converted into locker rooms, lavatories, showers, filtration system and director's office. It will be utilized by the board during school hours and by the department at other hours.

TOP FBI OFFICIAL SCORES INSTANT VOTER REGISTRATION BILL

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. FRENZEL. Mr. Speaker, a top FBI official, James Adams, assistant to the Director, said on May 17 in testimony before the Senate Judiciary Committee, that the voting day registration bill could make it easier for persons with false ID's to register and vote in Federal elections. He said this bill would result in "more problems." The UPI dispatch follows:

VOTER REGISTRATION

WASHINGTON.—A top FBI official said today the administration's instant voter registration bill could result in "more problems" arising from the widespread use of phony identifications which he estimated was costing taxpayers "billions of dollars a year."

James Adams, assistant to FBI Director Clarence Kelley, said the voter registration bill could make it easier for persons with false identifications to successfully register and vote in Federal elections under the administration's proposal.

The registration bill approved by the Senate Rules Committee would allow eligible voters to be instantly registered at the polls by showing proof of identification.

Adams made his comments during testimony before the Senate Judiciary Committee on a bill that would make it a Federal crime to falsely obtain, possess, manufacture, sell, or transfer a fraudulent Federal document proving one's identity.

His testimony relating to the voter registration bill came in response to questions from Sen. Orrin Hatch, R-Utah, who said the sale and use of phony identification papers of all types was "becoming so rampant in our society that virtually anyone can obtain them."

CONTINUING CRISIS IN FOSTER CARE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. MILLER of California. Mr. Speaker, 2 years of intensive personal investigation have culminated in the introduction of H.R. 5893, the Foster Care and Adoption Reform Act of 1977, which I have introduced with nearly 30 of my colleagues. Within the last 2 weeks, substantive portions of this legislation have been incorporated into H.R. 7200, which was unanimously approved by the Subcommittee on Public Assistance and Unemployment Compensation 1 week ago.

Mr. Speaker, there is a crisis affecting the 350,000 children in foster care in this country, and that crisis will continue unless the reform measures contained in H.R. 7200 are enacted into law. It is a continuing crisis born of large numbers of children being removed from their homes needlessly, because preventive services were not available. It is a crisis of thousands of children languishing for years in placement, at enormous cost to Federal, State, and local governments, because we do not provide adequate reunification services, incentives to adoption, or periodic case reviews. It is a crisis because many children in foster care are inappropriately placed in institutions or at great distances from their parents—not because that placement is suitable for the child, but because it is convenient or cheaper for the placing agency.

The Foster Care and Adoption Reform Act, and its principal features contained in H.R. 7200, would introduce cost-effectiveness into a costly and wasteful system by moving out of placement those children who could be better served elsewhere, often in their natural homes or in permanent adoptive placements. We would then be able to concentrate our efforts on the needs of the child, and his or her family, who really requires foster care services.

A key feature of a reformed Federal policy is the full funding of title IV-B of the Social Security Act, child welfare services. Currently authorized at $266 million, appropriations have never exceeded one-sixth that amount, throwing an enormous burden—about $365 million—on the State and local governments. Full funding of title IV-B, as proposed in H.R. 5893 and H.R. 7200, would encourage the funding of proven service programs which can significantly reduce the need or duration of foster placements.

A number of studies, and the testimony of child welfare experts, have all documented the paucity of preventive and reunification services available. I would like to share these views with my colleagues. In subsequent extensions, I will provide additional information on the need for immediate and comprehensive reform of the faster care and adoption system, which I believe will provide a sound background for my colleagues in their consideration of this crucial legislation.

Carol J. Parry, assistant commissioner, Special Services for Children, New York City:

> Today, there are over 29,000 New York City children in foster care. In part, that number is so high because we are not capable of providing timely assistance to families in need when their problems are not yet at the critical stage. Unfortunately, in the same way that we do not make these essential supportive services available as early as possible, we cannot depend on a suitable array of services for viable alternatives to placements. I fear that too many decisions to place are made by default, simply because a more appropriate and possibly less costly service or grouping of services is not available. It is essential that the financial incentives for preventing a child from coming into care be at least equal to those for providing foster care once the family has been broken up. These incentives should be used for intensive casework, homemakers, day care, day treatment, multiservice neighborhood centers, and live-in parent substitutes.

From a report prepared by the State of Minnesota, department of public welfare:

> What are some of our concerns? Prevention is a primary concern. Undoubtedly, many foster care placements could have been prevented if other programs geared toward strengthening families and keeping them intact had been given high priority along with funding to make them possible. Such services should include family life and parenting education as part of a youngster's secondary school curriculum; counseling programs for families to assist them through periods of stress, with particular emphasis upon marital counseling for couples; family subsidies and employment opportunities as means for preventing the stress that develops when families face overwhelming financial burdens; early case-finding to identify potential problem situations; in-home services such as homemakers, as a means for helping families before their situation deteriorates to the point of requiring more drastic measures.

A report on the foster care system, by the childhood and government project, School of Law, University of California at Berkeley:

> One of the most serious problems facing troubled families is their inability to seek and receive help—and the welfare bureaucracy's inability to provide the variety of services and aid that families need.
>
> In many cases, services that might obviate the need for out of home placement are simply not available through public agencies. Because of the way federal and state responsibility for children has been exercised, alternatives short of removing the child from parental custody have not developed. Because these alternatives are now unavailable, public agencies continue to remove children from their parents without developing the means to protect them within their homes or to strengthen families once children are taken away.

Alfred B. Herbert, Jr., adoption director, Black Child Development Institute:

> Of highest priority, is a system of preventive services which will prevent the breakdown of families, and be able to provide support in time of crisis, and to keep children out of foster care.
>
> The second would be that there need to be mechanisms established which would insure the continuity of care and continuation of services. This is both prior to a child entering care, while he is in care, that he receive specialized medical services, and also after care, so that when a child is discharged there also should be services provided to the family to prevent the child from coming back into foster care again.
>
> In some instances many of the children are just turned out literally with no preparation for experiencing the adult world, with no job training, or what have you, and this only creates a problem, and they may eventually wind up in prison, or other kinds of things, which are neither good for society nor the child.

Dr. Albert J. Solnit, director, Child Study Center, Yale University:

> One of the underlying factors in these family breakups is our willingness to spend our resources to support children away from their original home. We seem incapable of bringing our resources to bear upon supporting and strengthening the parents so their children can remain with them in the family while crises, deprivations, and traumatic events are mastered by intact families who receive appropriate support and services.
>
> Tragically, the further we take children away from their parents in time and distance, the more of our money, time, and energy we are willing to expend on them, insuring high costs for conditions that are damaging to children.

GAO study, "Children in Foster Care Institutions," February 1977, commissioned by Congressmen GEORGE MILLER and JOHN BRADEMAS:

> Placing agencies did not always provide required foster care services. This lack of service, which the agencies attributed to excessive caseloads, may result in children receiving inappropriate care or remaining longer than necessary in foster care. We believe that the Federal regulations could be improved by specifying what should be included in case plans and how the plans should be documented. Also, HEW needs to devote more resources to monitor the program.
>
> Visiting the children and their families is an important factor in providing effective care, and we believe such visits should be required. These visits would require additional caseworker time which agencies stated is now insufficient to meet existing service requirements. We, therefore, believe that HEW must consider the caseload levels that would be needed to provide sufficient time for agencies to effectively carry out required foster care services.

HEW study, "Foster Care in Five States" (1976):

> Although many children were placed in foster care under emergency conditions which precluded thorough study, in a great many cases the family situation was known by the placement agency, or another agency, for some time previous to placement. *In spite of this fact, every state study cites insufficient case planning and lack of consideration of alternatives to foster care as serious failures of the program.* (Emphasis added.)

This same study indicated that in some States, well over half of the children in foster care had been offered no services prior to removal from the home.

ESTEL GRIGGSBY

HON. HAROLD L. VOLKMER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. VOLKMER. Mr. Speaker, I take great pride in honoring a person from my hometown of Hannibal who is retiring this week after 21 years of service to the Hannibal Catholic school system.

Mr. Estel Griggsby is a native of Hannibal, father of one grown child and an elder at the Willow Street Christian Church.

He has long been active in community affairs, was an officer in the American Legion and was past commander of the local American Legion post. He is a past Master Mason and member of the Corinthian Braxton Lodge No. 5.

On May 25, Mr. Griggsby will be 65 and will be retiring that day after 21 years of work in the maintenance service for the Hannibal Catholic school system.

On the day he retires, the schoolchildren will give him a much needed day of rest and honor him by taking over his duties for that day.

I think this is a very appropriate honor for a man, who through his long years of service has exemplified the traditional American values of hard work and service to the community.

I join with the many other citizens of Hannibal in noting this day.

FATHER MAYNARD GEIGER DIES—HIS MARK REMAINS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. LAGOMARSINO. Mr. Speaker, look for a man who would reject all else to devote his life to his church and his fellow man and you will find very few capable of accepting. Father Maynard Geiger was such a man. He died on May 13, 1977, in his room at Old Mission Santa Barbara.

He was, among other things, accepted as the leading authority on the life of Fray Junipero Serra and in 1959, after 15 years of research the "Life and Times of Fray Junipero Serra" was published. It won for him the Henry R. Wagner Memorial Award from the California Historical Society.

Born in Lancaster, Pa., August 24, 1901, Father Geiger moved to California in 1913, graduated from St. Anthony's Seminary adjacent to Old Mission Santa Barbara, and was ordained a priest at the Old Mission on June 9, 1929. He was historian, archivist, scholar, and priest and was responsible for the 3-story library archives at the Old Mission. Completed in 1968, it is his memorial.

Santa Barbara was his beloved city. In a sermon at the Old Mission in 1958, he praised her this way:

> We should be grateful for the mere fact that we live here in beautiful and cultured surroundings; for the inspiration we derive from our colorful history and traditions; for the vision and wisdom, the courage and optimism of those who went before us, for the good material things of life we enjoy; for a kindly Providence that has abundantly blessed us, and for the esteem with which we are held across the world.

Because of this life of dedication, of devotion to faith, of love for his fellow man, of spiritual and cultural guidance at the expense of personal comfort, I ask the Members of the House to join with me and Father Geiger's thousands of friends in expressing our deep sense of loss at his passing.

HUMAN RIGHTS IN THE BACK YARD

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. EDWARDS of California. Mr. Speaker, the concern for human rights must include breaches of human and civil rights within the United States.

I commend to my colleagues the following statement by Elena Hess, executive director, Self-Determination for D.C.:

HUMAN RIGHTS IN THE BACK YARD

In 1977, the United States has a President who makes "Human Rights" the major theme of his administration. So deep is his concern for human rights that he has been willing to risk the success of his first major foreign policy initiative—his arms proposals to the Soviet Union—by continuing to speak out strongly on the issue.

The International Covenants on Human Rights declare "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and cultural development."

The first place in which the President and the Senate must insure compliance with these principles is within the United States itself. They will not have to look far to find an abridgment of human rights in America. In their own capital, there exists a serious breach of human and civil rights. Over 700,000 American citizens who are residents of the District of Columbia—a number greater than the population of ten states (New Hampshire, Idaho, Montana, South Dakota, North Dakota, Delaware, Nevada, Vermont, Wyoming and Alaska)—are not allowed to govern themselves.

They have no final say over their city's local affairs, nor a voting representative in their national legislature. Only since 1964 have District residents been allowed to vote for President. While permitted a demeaning nonvoting representative in the House of Representatives, they have not even the semblance of representation in the Senate.

Congress not only makes the laws and ratifies the treaties which govern the national affairs of District residents, but also makes the decisions which control the city's day to day management. Although a DC Home Rule Charter was passed by Congress in 1973, it delegated a severely limited measure of self-government to DC residents. Congress reserved the major elements of power for itself, chiefly by its retention of all appropriations and budget authority. Last year, for example, Congress vetoed a budget measure proposed by the DC City Council which would have maintained public transit fares at their current level. The elected DC council had sought through the measure to encourage commuters to use the mass transportation system which has cost hundreds of millions of dollars. It was told by Congress, instead, to raise the bus and subway fares to pay the costs. Whatever the decision on this question should have been, should not it have been made by the elected representatives of the people affected, and not by the Congress, a body in which the District of Columbia citizens do not even have a voting member?

Doubtless, President Carter, with his commitment to human rights, will soon see that his first act of good faith in his concern for human rights, should be to make the United States a model for the world. He can take a major step by taking a firm stand on the principle of District rights, and by leading the Congress toward a successful campaign for voting representation for the citizens of the District of Columbia in both houses of the United States Congress, and by using the power of his office to bring full local self-government to Washington. Less than equal representation in the House and Senate and full, autonomous home rule for the 700,000 citizens of the District of Columbia creates a second class of citizens on the doorstep of the free world's leading human rights advocate.

WORLD DAY FOR SOLIDARITY WITH SOVIET JEWRY

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. BROOMFIELD. Mr. Speaker, June 12 will be observed throughout much of the country as World Day for Solidarity with Soviet Jewry. This day will provide an opportunity for American Jews and Christians alike to demonstrate their concern for the plight of Soviet Jews.

While more than 180,000 Jews still in the U.S.S.R. have requested and received invitations to emigrate to Israel from relatives in that country, little more than 1,000 Jews a month are granted permission to leave. Meanwhile, harassment of Jews seeking to emigrate has increased, with a new wave of "show-trials" against selected Jews.

Moscow engineer, Anatoly Sharansky—a key leader in both the Jewish emigration movement and the group of Soviet activists monitoring U.S.S.R. compliance with the human rights provisions of the Helsinki Accord—is expected to be brought to trial, a move to discredit the Jewish emigration movement and the concern of the U.S. Government over Soviet compliance with the Helsinki Accord. A second Moscow Jew, Dr. Yosef Begun, has been charged and is to be tried June 8, for having no steady source of income—a situation created by the Soviet authorities who had him fired from his job when he applied to emigrate to Israel. Twenty-five others Jews languish in prison camps as punishment for having sought permission to leave the Soviet Union for Israel.

Even more ominous has been the anti-Semitic propaganda campaign launched through the Soviet news media in January. This campaign has been reinforced by a recent police crackdown both on national contributors to the only existing Jewish cultural publication in the U.S.S.R. and on a group of Jewish scientists who have been holding professional seminars following dismissal from their jobs as a consequence of applying for exit visas.

Jews throughout the Soviet Union are frightened. The intensified Soviet campaign against both those choosing to remain in the U.S.S.R. and those desiring to emigrate makes the situation of all Soviet Jews precarious. Let us use World Day for Solidarity with Soviet Jewry to show Soviet Jews that our thoughts are with them and that they are not alone.

THE WAR AGAINST DRUG ABUSE

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. MURPHY of Illinois. Mr. Speaker, we face a national catastrophe if we do not respond to our country's growing drug menace with the "moral equivalent of war."

But presently the battle against drug abuse is a costly fight our Nation is losing. Consider these grim facts:

First, Narcotics addiction has doubled in the past 3 years.

Second. Federal agents have largely failed in their efforts to stop the flow of drugs into our country.

Third. Drug abuse costs the Nation at least $27 billion per year.

Fourth. Over 50 percent of the individuals convicted of a heroin or cocaine charge are either out on the street or eligible to go out on the street within a year of their imprisonment.

Mr. Speaker, the House Committee on Narcotics Abuse and Control, on which I serve, is now looking into the nature and scope of narcotics abuse. I would like to bring to the attention of my colleagues an article I have written on our committee's findings and recommendations thus far. The article appeared in the Daily Calumet on May 10, 1977.

DRUG ADDICTION CLIMBS; CURRENT LAWS NOT ENOUGH

President Carter recently told our nation that we face a "national catastrophe" unless we respond to our rapidly dwindling energy supplies with the "moral equivalent of war."

But we face yet another national catastrophe if we do not respond to our country's growing drug menace with the same "moral equivalent of war."

A war against drug abuse is needed to protect our society from addicts who commit crimes to support their drug habits. It is needed to protect our young people from profit-hungry drug-peddlers. It is needed to save addicts from their own self-destruction.

Presently, however, the battle against drug abuse is a costly fight our nation is losing. Consider, if you will, these grim facts about drug abuse today:

Narcotics addiction has doubled in the past three years. There are now some 800,000 heroin addicts and hundreds of thousands of other drug abusers in the U.S. today.—Federal agencies have largely failed in their efforts to stop the flow of drugs into our country.—Drug abuse costs the nation at least $27 billion per year. Nearly 40 per cent of this cost can be attributed to crimes committed by the 400,000 untreated, daily heroin users.

Over 50 per cent of the individuals convicted of a heroin or cocaine charge are either out on the street or eligible to go out on the streets within a year of their imprisonment.

These are bleak facts and statistics. They are discouraging. The question is: can we do anything about the growing drug menace?

To learn what we can—and must—do to combat drug abuse is the task of the House Committee on Narcotics Abuse. In July 1976, I and 18 other members of Congress were appointed to the committee, which is chaired by Lester Wolff (D-N.Y.).

The committee's mission is to study the nature and scope of narcotics abuse, and to make appropriate recommendations based on our findings.

In February, the Narcotics Committee issued some of its intial findings and recommendations. Among these are:

Federal government agencies have failed to coordinate their efforts in combatting drug abuse, which is now reaching epidemic proportions. In response to this, the Narcotics Committee is calling for the centralization of Federal government efforts to reduce the supply and demand of narcotics.

Specifically, the panel recommends the creation of a Narcotics Division within the Justice Department. The division would coordinate the prosecution and investigation of drug dealers with the Drug Enforcement Administration (DEA).

Reduction of narcotics supplies is the single most effective weapon in fighting drug abuse. The Narcotics Committee noted that drug flow into the U.S. was reduced when Turkey temporarily agreed in 1972 to ban opium growing. The problem is, without multinational bans on poppy growing, the source of narcotics merely shifts from one country to another. Accordingly, the narcotics panel is calling for a worldwide conference of drug-producing and drug-using nations to reduce the supply of narcotics. Agreements to ban or limit opium production must be expanded to include approximately 10 other nations.

Current laws dealing with drug pushers are not strict enough. To remedy this, some of us on the committee have sponsored a bill that would impose mandatory minimum prison sentences and restrict parole eligibility for drug pushers. Such legislation is necessary if we are to end "revolving door justice"—that system of light sentences and easy bail that makes the battle against drugs so ineffective. If our country truly views narcotics trafficking as a serious offense, then it is time we make sure that convicted offenders go to prison for their crimes.

There are not enough adequate drug treatment programs and facilities to serve the dramatically increased number of heroin users. Less than one-third of the current 800,000 heroin addicts is now receiving drug treatment.

To make drug treatment more effective and efficient, the committee suggests increased Federal funding for treatment programs, and the introduction of a heroin substitute (LAAM). LAAM would require less frequent visits by addicts to treatment facilities. Though we must wage the "moral equivalent of war" to successfully combat drug abuse, the Narcotics Committee recognizes that drug abuse is an age-old problem that often defies solution. A 17th century philosopher once said: "We always strive toward what is forbidden and desire the things we are not allowed to have. Men of leisure are never deficient in the ingenuity needed to enable them to outwit laws framed to regulate things which cannot be entirely forbidden." But, if we cannot completely eradicate the drug problem, the Narcotics Committee believes that at least we can control it, and most importantly, reduce it.

ANOTHER REASON TO SIGN DISCHARGE PETITION NO. 1

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. MOTTL. Mr. Speaker, I would like to share with you an article entitled "Probusing 'myth' disputed by black spokesman," which appeared on the top of page one of the Cleveland Plain Dealer on Sunday, May 22, 1977.

A courageous black journalist, Tony Brown, the host and executive producer of the television program "Black Journal," has joined with the vast majority of Americans in publicly denouncing court-ordered forced busing.

Mr. Brown maintains that a silent majority in the black community are opposed to forced busing just as most white people are. I am delighted that Mr. Brown is corroborating what I have been saying for some time. I furthermore applaud Mr. Brown for his strong stand on this most important issue.

I also agree with this noted journalist in his views that forced busing results in white flight to the suburbs and has an adverse effect on the quality of education for our children.

I would like to insert in full the article in the Plain Dealer which outlines the views of Tony Brown.

PRO-BUSING "MYTH" DISPUTED BY BLACK SPOKESMAN

(By Robert G. McGruder)

Tony Brown, black journalist and lecturer, believes there is a silent majority in the black community that opposes busing and the emphasis on school desegregation rather than jobs and other problems.

Brown, 44, is the host and executive producer of "Black Journal," a black public affairs program distributed by the Public Broadcast Service and seen here on WVIZ-TV (Channel 25). The program is in its ninth year.

Its presentation "Does Busing Work?" will be shown here May 30 at 10 p.m. Brown, in Cleveland last week for the National Association of Market Developers Inc. meeting and to do research on school desegregation here, answers the question with an emphatic "no."

The effectiveness of busing must be measured against the criteria, Brown said. "Does it increase educational skills and does it improve race relations?"

There is no scientific evidence that it does either, and there is more scientific evidence that it does the opposite, he said.

Polls have indicated that 51% of black Americans oppose busing, as do 85% of the whites, Brown said. "In the opening of the program we did on busing, we said that the only blacks who have access to the media are black leaders, and black leaders are overwhelmingly in favor of busing. You never hear the majority view. You never hear of the Harris poll that says 51% of the blacks are against it," Brown said.

"All you hear is the NAACP speaking for us, and therefore we are for busing. The majority of black people have no voice," he said.

Brown also charged that black leadership is intimidated and afraid to speak out, that the NAACP has been elevated to the status of sacred cow and above criticism by blacks.

His investigation of school desegregation has shown him that it results in white flight out of the schools, reduced opportunity for parental involvement because of transportation problems, problems for the pupils placed in strange and sometimes hostile settings.

Much of the show was based on a study of desegregated schools in Riverside, Calif., where, Brown said, black children encountered white children from different socioeconomic levels and hostile teachers. The results were higher anxiety levels and lower grades, he said.

"To a great extent the so-called civil rights cases being filed are self-serving because they are simply keeping the lawyers in business," Brown said.

Most of the lawyers are white or they are blacks who work for whites, and they cannot speak for him or the poor black people in Hough or Watts or Harlem, Brown said.

"How can they say these poor black people are more interested in being with some white people than they are in getting a job? Why is it that the focus of the civil rights lawyers is not on job discrimination and other areas that are killing black people?

"We are not starving to death from a lack of integration. The black community is starving to death from lack of employment. Why is not the emphasis on economic growth?" Brown asked.

Economic parity, jobs and job promotions, apprentice programs, protection against job discrimination, access to institutions such as labor unions should be the thrust of the civil rights movement, not social engineering in the schools, Brown said.

Brown admitted that in situations where basically all-black and all-white schools exist, the resources tend to go to the white schools, although he said Cleveland is an exception where the money has gone into the black schools.

However, Brown said, the black community has been shortchanged because it has failed to demand more. "We have never asked for equality so we don't have equality. We have only asked to be with whites."

Now is the time for blacks and whites who oppose busing to work together for more rational school desegregation programs than those that have been offered, Brown said.

"Whites who oppose desegregation are now understanding that they can't have their cake and eat it too. They can't keep their lily-white schools and have all the money too. The whites who want to keep their neighborhoods the way they are and their schools the way they are can help desegregate areas that can be desegregated and still deliver quality education and help race relations.

"The potential is there now for sharing resources that will help the black community stop the deterioration of our schools."

A school that is all-black can be a good school, Brown said. The 1954 Supreme Court decision was correct in saying separate segregated school systems are wrong. But today that is being interpreted to mean that any black school, because it is black, is inferior, Brown said.

"I don't think that chasing white people is the answer to black problems. If white people don't want to be with black people they have the mobility to avoid it for the rest of the millennium," he said.

"I reject the fact that integration means that you are better off if you are with whites. I think that what we need is to develop ourselves and strengthen our institutions. We need good schools and we have a history of good schools. I think that Cleveland East High is a good school, and it is predominantly black."

CONGRESSMAN PETER RODINO, JR., HONORED

HON. HAROLD L. VOLKMER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. VOLKMER. Mr. Speaker, on May 22, 1977, our esteemed colleague, the Honorable PETER W. RODINO, JR., received an honorary degree, doctor of humane letters, honoris causa, from Georgetown University.

In recognition of the honor he received, I want to share the following text of the commencement program with our colleagues:

PETER WALLACE RODINO, JR.

Born, Newark, New Jersey, 1909.

Educated, University of Newark (Rutgers), LL.B., 1937.

Delegate to the International Committee for European Migration, 1962–1972; Chairman, 1971–1972.

Delegate to the North Atlantic Assembly.

Congressional Service, Assistant to the majority whip and member of the House Steering Committee; former chairman of Immigration and Nationality Subcommittee; chairman of Monopolies and Commercial Law Subcommittee.

Chairman, House Committee on the Judiciary, 1973 to present.

The President and Directors of Georgetown College, to all who shall view these presents: Greetings and peace in the Lord.

The soil of this Republic has nurtured many heroes. Today, with great pride, Georgetown University honors one of them, Peter Wallace Rodino, Jr., born of parents who came from their native Italy, they ingrained in Peter a love for his heritage, together with an appreciation of what their new land offered in opportunity and for service. He learned well, and today is equally at home with the complexities of his legal profession as he is with the subtleties of "Celeste Aida."

In the Congress of the United States since 1949, he has risen to the highest rank of its leadership. As a member and now Chairman of the House Committee on the Judiciary, he has scored many triumphs, including the elimination in the Immigration Act of 1965 of the odious national origins quota.

In the gravest political crisis we have faced since the Civil War, his conduct, bearing and skill shored up the faith of our people that there still remained integrity, dedication and honesty in our public servants and institutions.

Addison's 18th Century portrayal of the noble Roman Cato applies to today's American Peter Wallace Rodino, Jr.:

A Roman soul is bent on higher views:
To civilize the rude, unpolish'd world,
And lay it under the restraint of laws;
To make man mild and sociable to man,
To cultivate the wild, licencious savage
With wisdom, discipline, and liberal arts,
The embellishment of life. Virtues like these
Make human nature shine, reform the soul,
And break our fierce barbarians into men.

It is therefore, with the greatest of esteem, that the President and Directors of Georgetown University proudly and happily proclaim Peter Wallace Rodino, Jr., Doctor of Humane Letters, honoris causa.

In testimony whereof they have issued these their formal letters patent, under their hand and the Great Seal of the University at Georgetown in the District of Columbia, this twenty-second day of May, nineteen hundred and seventy-seven.

TIMOTHY S. HEALY, S.J.,
President.
VIRGINIA M. KEELER,
Secretary.
MICHAEL P. WALSH, S.J.,
Chairman, Board of Directors.

CONSUMER UNREST STAGGERING

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. WAXMAN. Mr. Speaker, a great deal of misinformation has been circulated recently about the creation of the Consumer Protection Agency. Intense lobbying by business interests has sought to create the erroneous impression that the public is opposed to the creation of an agency, whose sole mandate would be to give consumers a fair shake before Federal regulatory bodies.

Just last week, a Harris survey, conducted at the request of the Sentry Insurance Co., was released which addressed this very important issue of public support. The survey confirmed that a clear majority of the American people are in support of the Consumer Protection Agency.

Therefore, the Consumer Protection Agency is not only a good idea in terms of regulatory reform but the Harris survey illustrates that it is righly popular as well.

Mr. Speaker, because of the intense interest in this legislation, I request that two articles discussing the findings and implications of the Harris survey be printed in the RECORD at this point:

[From the New York Times, May 17, 1977]

SURVEY SHOWS DISTRUST OF BUSINESS AND SUPPORT FOR CONSUMER AGENCY

(By Frances Cerra)

A national public opinion survey has reported that the American public a higher priority on the solution of consumer buying problems than on air and water pollution or restoring integrity to government.

The survey, conducted by the Louis Harris and Associates polling on behalf of Sentry Insurance, also found that the public had great confidence in consumer leaders and endorsed, by 52 percent to 34 percent, with the rest undecided, the creation of a Federal consumer protection agency.

The results of the survey were released yesterday at a Washington news conference held by Esther Peterson, President Carter's consumer adviser. Mrs. Peterson said the results proved that "the public is fed up with our current marketplace system—they blame business for shoddy products and warranties."

WARNING TO BUSINESS

She used the opportunity to push for creation of a Federal consumer protection agency, which is supported by the Carter Administration. A bill to create such an agency narrowly passed the House Government Operations Committee last week after intensive lobbying by business interests.

Louis Harris, who also appeared at the conference said the poll showed that "the cellars of America are cluttered full with products consumers bought and couldn't use," because of "woefully inadequate post-sale services and shoddy workmanship."

A spokesman for Sentry Insurance said that the insurance carrier has sponsored the poll because John Joanis, the board chairman, believes that the business community needed to understand the depth of consumer unhappiness in order to respond to it.

The survey was compiled from 2,032 interviews with a representative national group of adults that was conducted late last year. In addition, six groups of opinion leaders, among them consumer activists and senior business executives, were also polled to see how well their attitudes corresponded with those of the general public.

When handed a list of issues facing the nation and asked to choose which two or three were of "the highest concern and priority for the next Administration," 18 selected "helping consumers to get a fair deal when shopping," which placed it below inflation, unemployment, Federal spending, welfare reform and Federal taxes, but above establishing a national energy policy, restoring integrity of Governments, controlling air and water pollution and national health insurance, among other things.

Fifty-nine percent of those questioned agreed with the statement that "most companies are so concerned about making a profit they don't care about quality," and 65 percent agreed that people with problems or complaints about purchases often found it "very difficult" to get them corrected. Paradoxically, however, 52 percent thought that "most companies do a good job of providing reasonable products at fair prices."

ADS CALLED MISLEADING

In answer to questions about advertising, 46 percent said they thought most or all of television advertising was seriously misleading while 23 percent held the same view about print advertising.

The survey also found that none of the groups of opinion leaders accurately mirrored the concerns of the public. But the consumer activists differed mainly in that they considered the problems to be more serious than did the general public, while the business executives held generally opposite views to the public attitudes.

The survey summary described this attitude difference as a "gulf" which should be "a cause of real concern to the more thoughtful managers who are anxious to improve the public standing of business."

[From the Washington Post, May 17, 1977]

CONSUMER UNREST STAGGERING

(By Marian Burros)

Pollster Louis Harris yesterday said an opinion research survey conducted by his firm shows broad public support for the consumer movement accompanied by a deep disenchantment with the business community's response to consumer needs.

Harris called the study a "landmark," documenting the phenomenal growth of the consumer movement which he said is "staggeringly" larger than similar ones of the past such as the populist, labor or equal-rights-for-blacks movements.

"The consumer constituency dwarfs all of them," Harris told an audience of congressmen, business executives and consumer affairs specialists on Capitol Hill.

He also said consumers are disgusted with a whole range of problems they blame on business: soaring prices, products of questionable safety, false advertising claims, "woefully inadequate" service, warranties and guarantees that don't mean anything.

lack of redress and "extreme difficulties in receiving common justice in the marketplace."

More than 2,000 persons were interviewed for the survey, commissioned by Sentry Insurance: a cross section of 1,510 Americans and 522 persons from leadership groups made up of consumer activists, senior business managers, business and government consumer affairs specialists, and insurance and noninsurance regulators.

According to the survey, the business leaders were less in touch with the public's wants and needs than any of the other groups. The consumer activists were more extreme in their criticisms and demands on business than was the public, but the survey says people turn to them for help because they do not believe business will reform itself or that big government can regulate it. Instead, the public wants the regulatory process opened up for citizen participation by individuals and by consumer activists.

The public does not lay all of the blame for its problems on business and government. It is critical of its own ability to shop properly: Sixty-five per cent said most consumers do not make proper use of product information already available.

But even though 72 per cent of them think they are better shoppers than they were a decade ago, 50 per cent feel that overall they get a worse deal in the marketplace today than they did 10 years ago with few exceptions: Seventy per cent feel that product labeling is better and 60 per cent say that products are safer.

The majority are generally optimistic about the future but feel that the problems which have worsened in the last 10 years will continue to deteriorate in the next 10. Fifty-five per cent believe the life of products will get shorter and that it will be more difficult to get things repaired; 46 percent believe the difference between manufacturers' claims and product performance will increase.

Harris says such answers are "a clear early warning to business . . . for far-reaching changes in management and regulation of business."

Some of the same areas of business about which people gripe the most now such as car mechanics and garages are those which will bear watching in the future, but leading everyone's list of targets for consumer action are the food industry, hospitals and the medical profession.

Another area in which the public and the leadership groups agree is on the impact of the consumer movement. To a greater or lesser degree all say that it has given consumers a better deal, that it has kept business on its toes and that it is here to stay.

At the same time, the value of the consumer movement in the eyes of business is "in stark contrast to all other groups sampled." While 59 per cent of the public believes the consumer movement reflects consumers' feelings, only 29 per cent of the business managers do; 67 per cent of the public does not think consumer activists are trouble makers, but only 32 per cent of the business community feels that way. And only 5 per cent of them think consumer activists take the cost of their demands into account, while 43 per cent of the public does.

At the same time that the majority of the public acknowledges that consumer activists' demands have increased the cost of some products, they say they are willing to pay these costs.

At yesterday's briefing, Harris said this ought to make business realize that "if you deliver value for money, people will pay for it."

And in order to get better and safer products and services, the public is willing to try new techniques, which is not surprising because they do not think the old techniques are working.

They support creation of an agency for consumer protection—which is the subject of very heated debate in Congress right now—by 52 to 34 per cent. There also is considerable interest in compulsory consumer education in school; creation of an independent laboratory to test product safety; complaint bureaus in each city; consumer affairs specialists as senior officers in large companies; and consumer representatives on the boards of directors of these companies.

According to the survey, "There is no question" that the business community is "in real trouble with the American people on the consumer issue."

The survey concludes that if business performance in the next 10 years "cannot match the public's expectations, then the ground swell of dissatisfaction, already so strong, will become more strident and more hostile."

NEW LIBRARY: PEOPLE-POWER IN SALAMANCA N.Y.

HON. STANLEY LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. LUNDINE. Mr. Speaker in an era when local communities are clamoring for more and more Federal assistance and local initiatives no longer are sufficient to solve local problems it is extremely refreshing to hear about the community efforts of the people of Salamanca, N.Y.

For the past 15 years, Salamanca, a small city in New York State's southern tier, has worked for a new public library. However, all of the city's attempts for Federal and State aid to construct such a building failed. So the people of Salamanca began their own fund-raising campaign to make a public library a reality.

They sold bricks for 10 cents each and 2 by 4 boards that were to be used for the inside walls. A public auction was held. The partially remodeled former supermarket, the library's new location, was transformed into a nightclub for an evening. Volunteers spent 6 hours each evening doing carpentry, plumbing, and electrical work. To lessen the load on moving day, residents were asked to check out 10 or more books—more than 8,000 books were checked out. On opening day, April 30, 100 volunteers transferred 20,000 books to the new library site.

Salamanca has tremendous problems. Economically, the city is severely disadvantaged. Several local industries have either closed or relocated; unemployment is estimated to approximate 20 percent of the workforce.

But the people of this city pulled together. They recognized a real need in their community and meeting that need became their goal. The new library in Salamanca, N.Y., is a fine tribute to the creativity, ambition and cooperation of the citizens there. The people-power which produced that building can be a shining example to communities everywhere.

UNIONS: THE PRICE OF MANDATORY MEMBERSHIP

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. DEL CLAWSON. Mr. Speaker, the notion that someone else knows better than we do what is best for us has always been abdurately resisted by Americans. We have a long history, too, of insistence on freedom of choice in all the most important individual decisions we are called upon to make. Therefore, it was with particular appreciation that I noted the column of William Raspberry in the Washington Post of May 20. Mr. Raspberry calls attention to both of these principles in relation to proposals for compulsory unionization of Government workers. His column follows at this point in the RECORD:

UNIONS: THE PRICE OF MANDATORY MEMBERSHIP

(By William Raspberry)

When I came to work at The Washington Post nearly 15 years ago, I was approached by members of the reporters' union, the Newspaper Guild, who solicited my membership. They answered my questions about the organization, sold me on the advantages of belonging and I joined.

When I became a member of a panel on a local television station a few years back, no member of the American Federation of Television and Radio Artists (AFTRA) approached me and told me anything at all. Nobody spoke of the advantages of membership or urged me to consider joining.

My producer simply announced that I would have to join if I wanted to work. He had no choice in the matter, and neither did I.

Guess which system I preferred. Guess which system the unions prefer.

The question of compulsory union membership is in the news again, this time for government workers. The House is considering two pieces of legislation (one introduced by Rep. William Clay of Missouri, the other by Rep. William Ford of Michigan), both of which require employees in exclusive-recognition union agencies either to join the union or to pay dues as if they belonged, which is the same thing.

It takes no genius to figure out why unions like exclusive bargaining rights or why they prefer mandatory membership (or dues payment) to voluntary membership. They are afraid that if employees were left to make the choice on their own, many of them wouldn't join—either because management would put pressure on them not to join or because they simply would choose not to.

Employer pressure can be a real problem, and, from the unions' point of view, so can "free-riding"—the acceptance of the benefits of collective bargaining without paying the cost of collective bargaining. But in the minds of some workers, the mandatory-membership cure is just another disease.

The National Alliance of Postal and Federal Employees recently testified against exclusivity, arguing that the big unions often fail to pursue discrimination complaints or equal-opportunity programs.

The predominantly black alliance, smallest of the five postal unions and not affiliated with the AFL-CIO, may have been arguing for its life, since success of the Clay or Ford bills could mean the effective demise of the alliance. But its argument is interesting nonetheless.

"Those who have failed to represent all of the federal workers now ask you to legislate a monopoly—union shop—which could enslave all the working people," the alliance told the hearing.

"Employees who refuse to pay dues to an exclusive union are not freeloaders and deadbeats. Some pay dues to [the alliance] and we are anxious to perform the service for which they have paid. Others are those people who choose not to join because that is their right, [for] which they owe no one an explanation."

Alliance president Robert White bases much of his opposition to mandatory unionism on what he calls discriminatory practices of the AFL-CIO unions, although the American Postal Workers Union, to take one example, has far more black members than the predominantly black alliance. Still, his insistence that unions ought to compete for members has a certain appeal—even if it does happen to coincide with the view of the conservative National Right to Work Committee.

Quite apart from the philosophical implications of voluntary association, requiring unions to compete for their members has the salutary effect of forcing the unions to pay close attention to the desires and needs of their members and potential members. Unions with compulsory memberships tend to develop agendas that have nothing to do with, and often contradict, what the individual members see as their best interests.

If unionism is as good for workers as the unions claim, there should be no problem attracting members. If they want to force you to buy what they're selling, they must doubt the intrinsic attractiveness of the product.

BALANCE OF TRADE DEFICIT LIKELY TO APPROACH $23 BILLION IN 1977 DUE TO ENERGY IMPORTS

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. VANIK. Mr. Speaker, in response to written questions on the impact of the energy crisis on American trade, Treasury Secretary Blumenthal has provided me with data on various aspects of our balance of payments situation, OPEC investments, and the effect of the energy-price crisis on the developing countries of the world.

The following information—with emphasis added—is particularly noteworthy. It is one more piece of evidence of the need for the strongest possible conservation program:

QUESTION. The United States had a trade deficit of $5.9 billion for 1976. For the first three months of 1977 the trade deficit is already $5.9 billion and at the current rate our trade deficit for 1977 could reach $23 billion. The high price of oil and the large volume of our oil imports is primarily responsible for the deficit. How does the Administration propose to cut the 1977 U.S. trade deficit?

ANSWER. *On the basis of current evidence, it is not at all unlikely that our total trade deficit this year* (measured on the balance of payments basis) *could amount to something approaching the $23 billion figure cited.* The $5.9 billion deficit for the first three months cited in the question reflects Census data. On a balance of payments basis—which excludes military sales exports and includes oil imports through the Virgin Islands, plus a number of other adjustments—this first quarter trade deficit was actually $6.9 billion. Compared with last year, that would be an increase of about $14 billion—of which roughly half would probably represent increased volume and prices of petroleum and product imports.

The high price of oil and the large volume of our oil imports are wholly responsible for the deficit. Fuel imports in 1977 may exceed $43 billion. Excluding fuel imports our trade balance will still show a very large surplus.

Apart from the effort to reduce fuel imports the Administration does not intend to undertake policies designed specifically to reduce the trade deficit.

FBI'S ANTITERRORIST SQUADS SUBJECTED TO WITCHHUNT

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. McDONALD. Mr. Speaker, last month a retired Federal Bureau of Investigation supervisor was indicted on charges stemming from the search for fugitive members of the terrorist Weather Underground Organization (WUO) in the early 1970's.

On April 14, 1977, when John J. Kearney left the U.S. Courthouse in Manhattan following his arraignment, he found 300 off-duty FBI agents assembled on the courthouse steps. Their spokesman told John Kearney that they had come to show "personal support to you and to give testament to your just and moral leadership over a period of years in the fight against the enemies of our Nation—anarchy and terrorism."

Predictably the Communist Party's newspaper, the Daily World, published a vicious gloating account of the indictment and quoted "civil liberties lawyer" Leonard Boudin as saying the assembly of FBI agents gave him "the uncomfortable feeling of Storm Troopers in Nazi Germany. * * * It really disturbed me." It is interesting that the CPUSA press did not mention that "civil libertarian" Boudin has been the legal representative for the Cuban Communist regime since the early 1960's, or that his legal career includes serving as a leader of the Communist Party's two top "legal" fronts which support terrorism, the National Lawyers Guild (NLG) and the National Emergency Civil Liberties Committee (NECLC).

Leonard Boudin has made a specialty of defending persons charged with espionage. One of his first notorious cases was that of Stalinist spy Judith Coplon, arrested in the fact of handing over secret Justice Department material to a Soviet embassy attache. More recently, Boudin defended Daniel Ellsberg who stole the Pentagon Papers.

Leonard Boudin himself is intimately connected with the Weather Underground Organization. Not only is he the father of WUO fugitive Kathy Boudin; but more important Boudin appears now to be a policy maker for the terrorist group. Well informed radical sources report that in mid-1975, Leonard Boudin organized a meeting of a dozen NLG members to work out legal strategy for the "surfacing" of the terrorist fugitives. The plan for the "inversion," as the WUO terms their reappearance, came from the lawyers themselves, not from the WUO Central Committee.

I believe that it is necessary to review some of the circumstances which handicapped the FBI's attempt to apprehend the WUO terrorists. First, at the time the Weatherman faction of SDS began to prepare for clandestine terrorism, the FBI had closed out its student informant programs. The Weathermen were primarily recruiting from the campuses and high schools so that the FBI had very few informants in contact with the group. When the Weathermen did disappear, only one FBI informant, a relatively recent recruit who was not in the leadership faction, was able to go with the underground. His identity was revealed when one member of the group was arrested at an early stage.

The WUO from the start had developed a sophisticated system of contacts, letter drops, "safe houses," rural commune hideouts, and the like. Some of the top WUO leaders had received intensive training in terrorism while in Cuba; others were in contact with old Communist Party and Comintern organizers who were familiar with the rudaments of clandestine operations.

From the beginning of the Weathermen faction, the group had recruited revolutionary lawyers from the National Lawyers Guild as members of the group. Abuse of claims of attorney-client privilege was expected to protect them from investigations. As an officer of the court and member of the bar, a lawyer is bound to urge his client to surrounder to the legal process and to aid his client in preparing the best possible defense, not aid and abet a client to escape or to commit further crimes.

So in the spring of 1970 the FBI was faced with attempting to apprehend the members of a tightly organized revolutionary terrorist organization with a well-developed support system in which it had no informants to provide information. It should be remembered that the Weather Underground, contrary to its propaganda, did not at first carry out "symbolic bombings" of empty buildings. The Weathermen bombers were exploding nail-packed anti-personnel bombs designed to maim and mangle the victims. It was one of these bombs which exploded prematurely in the New York townhouse killing Ted Gold, Terry Robbins, and Diana Oughten.

Although the revolutionaries and their "liberal" allies support an expanded witchhunt against the FBI agents and supervisors who have sought the terrorists, Americans who understand decency and patriotism are raising their voices to demand an end to the disgraceful actions being taken against the FBI agents who have acted in good faith, without any criminal intent or hope of personal gain, in the interest of their country.

I am pleased to present for my colleagues attention a resolution passed by Atlanta Metropol, Inc., a private association of law enforcement officers and corporate security directors; and a commentary from Marx Lewis, chairman of the Council Against Communist Aggression:

ATLANTA METROPOL, INC.,
Tucker, Ga.

RESOLUTION

Whereas, Atlanta Metropol, Inc., an association of over 100 federal, state and local law enforcement agencies and corporate security directors reviewed at their May 4, 1977 monthly meeting the problems confronting the FBI and law enforcement throughout the United States as a result of the indictment of former FBI Agent John Kearney, and

Whereas, the membership recognized the serious effect this action by the Department of Justice had on the morale of the dedicated men and women employed by the FBI, and

Whereas, the group expressed deep concern and frustration as a result of the indictment because of the impact it may have on the ability of enforcement agencies throughout the United States to investigate and ferret out terrorist, who murder, bomb and use fear as their tools to accomplish their radical goals, and

Whereas, the membership realized the responsibility of law enforcement to the citizens of this country to enforce the law which guarantees the rights of life, liberty and pursuit of happiness, which are superior to any terrorist or radicals who disregard the law, take lives, hold hostages and have no regard for this nation, now

Therefore, be it resolved that Atlanta Metropol, Inc., joints the millions of concerned who oppose the indictment of any FBI or former FBI agent for actions conducted in the best interest of our country without any criminal intent, and be it

Further resolved, that the United States Department of Justice show as much leniency to loyal, dedicated FBI agents as that agency, and the United States Government have shown CIA officials and draft evaders and others whose actions were not considered illegal because of the era. The era is now and it is time strong support and respect be shown law enforcement officers for dedicated efforts and support and concern for the rights of terriorist and radicals be secondary as they have chosen by their illegal intentions and acts, and be it

Further resolved, that copies of this resolution be forwarded to the President and Attorney General of the United States and the U.S. Senators and Congressman from Georgia.

ENOUGH OF THIS NONSENSE

Ex-CIA Agent Philip Agee has been afraid to return to the United States. He feared arrest and prosecution because he flip-flopped and became a Marxist-Leninist he has been spilling U.S. secrets and fingering CIA agents. He has said he wants to destroy the CIA. The CIA has had to spend millions to transfer and protect agents Agee fingered, but they could not protect them all.

Recently Agee was ordered out of Britain. The British charge that he maintained contacts with foreign intelligence agents and had been involved in activities "that could be harmful to the security of the United Kingdom." Agree has said that he thinks this is related to the arrest of a large number of Western intelligence agents in Poland. He says he is not to blame, but there is no denying that he has put many agents in jeopardy.

On March 21, Ben Civiletti, the new head of the Criminal Division of the Justice Department, was reported to have informed Philip Agee that he would not be prosecuted under the Espionage Act if he came home. Two months earlier, Civiletti's predecessor had informed Agee that he might be prosecuted.

So now Philip Agee, who has dishonored the oath he swore when he joined the CIA and has put many a CIA agent in jeopardy, is free to come home, become a TV personality, and clean up on the college lecture circuit. He can thank Ben Civiletti.

But don't think that Ben Civiletti is soft on crime. No, sir.

He has, according to a Washington Post story on March 31, advised the Attorney-General that charges should be brought against FBI agents and officials who in the past did the kind of thing that made Peter Graves & Co. TV heroes. Do you remember "Mission Impossible"? You can still see it in re-runs. Do you remember those exciting episodes where the heroes risked their lives to surreptitiously enter offices or homes to obtain information or carry out operations that higher authority had ordered in the national interest?

Did it occur to you that Peter Graves and his associates in these dramas were engaging in criminal acts for which they might be prosecuted and sent to jail by their own government that had ordered and financed their operations?

It seems utterly ridiculous. But *not* to Ben Civiletti of our Justice Department. He wants to prosecute the real "Mission Impossible" guys. He wants to send to jail the courageous FBI agents who risked their lives making surreptitious entries—just like Peter Graves & Co.—to get needed information to combat terrorists such as the notorious Weather Underground and subversive groups working to destroy the freedoms all of us enjoy.

Get the picture? Philip Agee, the man who has spilled his secrets to the world, including the communists, is told that he faces no charges and that he can safely return to the U.S. and carry out his nefarious activities. The loyal, dedicated FBI agents that were carrying out orders to get the goods on the likes of Agee are told that they had better prepare for a long legal battle, because Ben Civiletti wants to throw the book at them and put them in jail while Agee cleans up on the college lecture circuit.

You think it sounds crazy? It is crazy!

It's true! On April 7, an ex-FBI agent was indicted for actions he took trying to capture Bernardine Dohrn, leader of the terrorist Weather Underground. This indicates that Attorney-General Bell is going along with Civiletti's crazy recommendations. We are revolted by this brand of politics in the Justice Department. The time has come to express our outrage. Speak up! Tell Attorney-General Griffin Bell what you think of the topsy-turvy "justice" he is dispensing on the recommendation of Ben Civiletti. Maybe sanity can be restored to Justice.

COUNCIL AGAINST COMMUNIST
AGGRESSION,
MARX LEWIS, *Chairman.*

McCAFFREY COMMENTS ON H.R. 5400, VOTER REGISTRATION

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. LENT. Mr. Speaker, Joseph F. McCaffrey, of WMAL, has long been respected on Capitol Hill for his perspective and informed commentaries on the Congress and its activities. In his commentary of last Thursday, May 19, 1977, Mr. McCaffrey summed up his objections to H.R. 5400, the Universal Voter Registration bill, in clear and concise terms.

I feel that this commentary on H.R. 5400 by a journalist noted for his knowledge of Government should be brought to the attention of my colleagues, and place it in the RECORD at this point:

Next week the House of Representatives has a chance to kiss our free elective system good bye—and it might just do that.

It will be asked to approve an instant voter registration bill which, if passed into law, will end government of the people, by the people and for the people.

It's the rip-off bill, and despite the fact that experts have testified that it would open the door to some of the greatest vote fraud in history—it just may be on its way to enactment.

This bill is so bad that even ward leaders in Baltimore, not known as the political puritanical capital, say "it is going to make crooks out of all of us."

The temptation will be so strong to win elections by registering the dead, and the non-existent that eventually we'll be counting more votes than there are American citizens.

This is, without doubt, one of the most amazing pieces of legislation that ever hit Capitol Hill. The American people deserve better?

TWO PIONEERS IN AMERCIAN AVIATION

HON. STANLEY LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. LUNDINE. Mr. Speaker, Friday marked the 50th anniversary of the flight of Charles A. Lindbergh's *Spirit of St. Louis* across the Atlantic in man's first solo, nonstop ocean crossing, a feat recognized by us all as a milestone in this Nation's aviation history.

This House has been asked, in a resolution by Mr. DOWNEY which I have cosponsored, to salute this accomplishment. I wholeheartedly endorse that action and I would like briefly to mention why, as well as to enter into the RECORD an enlightening article printed in the Elmira, N.Y. Star-Garzette on May 15, 1977.

The article, written by Peter Esposito of the Star-Gazette, relates that precisely 8 years before the Lindbergh crossing, the very first ocean crossing by air took place. That flight was made in an aircraft built by one of America's great pioneers of aviation and a native of my 39th Congressional District of New York, Glenn Hammond Curtiss.

Curtiss' accomplishments in the history of aviation are well recorded. His Curtiss Aeroplane Co. and later the Curtiss-Wright Co., were mainstays of this Nation's defense efforts in both the First and Second World Wars. The Curtiss Jenny, one of the world's best known airplanes, trained the leaders of this Nation's air efforts.

It is an interesting point that Lindbergh himself trained in a Curtiss Jenny and later barnstormed through the early 1920's in his own Jenny. That aircraft is now preserved in a Long Island museum. Curtiss, like Lindbergh, shunned public life. Yet Curtiss' contribution to manned flight in this Nation was more substantial than the "Lone Eagle" when viewed over the long run. Glenn Curtiss himself, though, would not have wished any but the most profound congratulations on Mr. Lindbergh, either at the time of the crossing or now.

Lindbergh's courage in crossing the Atlantic alone and nonstop was ideal for Curtiss' primary dream: to awaken this country to the potential of flight. To that end, Curtiss also took his aircraft and his reputation abroad to participate in the earliest international air competition—including Paris—and came home to America with international recognition and awards. Glenn Curtiss will forever hold the Aero Club of America aviator's license No. 1, given to him on June 8, 1911, by the prestigious Federation Aeronautique Internationale.

And, while Friday marked the 50th anniversary of Lindbergh's flight, Saturday marks the 99th anniversary of Curtiss' birth in the village of Hammondsport, N.Y., in my district. Charles Lindbergh was in flight on the day that Glenn Curtiss turned 49 years of age, an appropriate gift to Curtiss' dream of world-spanning aviation.

Mr. Speaker, I offer my personal congratulations and the congratulations and respect of my congressional district to Mr. Lindbergh on this date. Certainly my district—the birthplace of Glenn Hammond Curtiss—knows better than most the courage and work necessary for any man to gain stature as a pioneer in aviation.

Thank you for this opportunity. The article follows:

LINDBERGH'S FLIGHT RECALLS EARLIER ATLANTIC CROSSING

(By Pete Esposito)

HAMMONDSPORT.—The observance of the 50th anniversary of the first solo non-stop flight across the Atlantic, by Charles A. Lindbergh May 20–21, 1927, recalls that the first transatlantic flight was made eight years earlier in a plane built by another famous aviation figure, Glenn H. Curtiss, inventor of the flying boat who was born here.

The Curtiss-built NC–4 Flying Boat that was first to fly the Atlantic May 16–31, 1919, reflected the lessons learned in designing and testing another Curtiss plane that was designed to fly the Atlantic in 1914, the America, which was built here.

The outbreak of World War I in Europe forced a halt to the effort with the America, renewed after the war's end with the successful NC–4 in 1919.

Lindbergh was among the many pilots whose first steps towards niches in aeronautical history were made possible through Curtiss achievements.

Lindbergh took some of his first flying lessons in a Curtiss Jenny, a World War I era pilot trainer that became an aviation mainstay, popular well into the 1930s, a favorite mount of the colorful barnstorming pilots of the roaring 20s.

Lindbergh bought a surplus Army Jenny after the war and during the early 1920s barnstormed in the West. He ended his aerial gypsy life in 1924 to become an Army aviation cadet. The Jenny Lindbergh owned has been fully restored and, authenticated by Lindbergh himself shortly before he died in 1974. It is displayed in a museum on Long Island.

The coincidental events and facts involving Curtiss and Lindbergh are interesting. Lindbergh's historic flight in 1927 fell on Curtiss' birthday, May 21. The 100th anniversary of Curtiss' birth will be marked next year.

The Curtiss NC–4 flight across the Atlantic, with several planned stops, was made in May during Curtiss' birthday and eight years almost to the day before Lindbergh's epic solo flight.

Curtiss and Lindbergh were both known to be relatively quiet types, not given to outgoing chatter with anyone. However, both were known to be "one of the guys" with close friends. Both also were known to dislike public speaking, especially Curtiss.

Merrill Stickler, curator of the Glenn H. Curtiss Museum of Local History here, said there is no known evidence that Curtiss and Lindbergh ever met or that they ever corresponded.

Curtiss was more or less retired from aviation and busy with real estate development in Florida by the time Lindbergh came into the international spotlight in 1927. Curtiss died three years later at the age of 52

Lindbergh flew other Curtiss planes after his famed New York-Paris solo flight. Photos in the Curtiss museum shows him with Curtiss planes in the late 1920s and early 1930s. Lindbergh also flew the models made by other aircraft manufacturers.

There is one known Lindbergh contact with a member of Curtiss' immediate family. One of the hundreds of telegrams of condolence that came to Mrs. Curtiss at her husband's death in July, 1930, was one from Charles and Anne Lindbergh.

Curtiss had invented the flying boat, making its first successful flight from Keuka Lake here, only two years earlier when his "America" was launched in June, 1914. The twin-engine craft was then the biggest in the world, with a wing span of 72 feet and featured one of the first enclosed cabins for its two-pilot crew.

Creation of the America was financed by Rodman Wanamaker of the wealthy mercantile Wanamaker family.

Curtiss was never intended as a pilot for the America on its planned transatlantic attempt. He had pretty much given up flying by then. He is believed to have test-piloted it only once.

Wanamaker had proposed that one of the America's two pilots should be British, to stress the durability of Anglo-American friendship and mark the 100th anniversary of the Treaty of Ghent in 1814 which officially ended the War of 1812 with Great Britain.

As a result, Lt. John Porte, an English test pilot in the Royal Navy Flying Corps, whom Curtiss had met while on business in England, was selected as chief pilot for the America.

But the outbreak of World War I scratched the effort to fly the Atlantic with the America. It was later sold to the British for patrol duty, along with an exact duplicate.

Some of the first Navy pilots who learned to fly at the Curtiss school here in the years just before the outbreak of World War I were in key posts by the time the United States got into the war in 1917. And among major naval aviation projects was collaboration with Curtiss and his associates to produce four huge flying boats, one of them the NC–4.

The end of the war in 1918 halted all such work, but it was resumed later to attempt a transatlantic flight.

The NC–4 and two sister ships started the effort together in May, 1919. Two were forced down and only the NC–4 finished the flight from Rockaway Naval Station on Long Island to Nova Scotia to Newfoundland to the Azores and Lisbon, officially ending May 31 at Plymouth, England.

The NC–4 refurbished to mint condition, is displayed at the Naval Museum in Pensacola, Fla.

EULOGY TO DAD

HON. RAYMOND F. LEDERER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. LEDERER. Mr. Speaker, my district reflects the ethnic diversity which has enriched and strengthened American society. Several weeks ago, a son paid an eloquent tribute to his immigrant father in which he expressed the wonder and admiration that every American feels toward those brave and ambitious forebears who sought and achieved the American dream in this land of opportunity. The story of James Peter Liacouras exemplifies not only the achievement of those who share his Greek ethnic heritage but also the triumph of hundreds of thousands of other "founding fathers" whose lives have given flesh to the vision of "life, liberty, and the pursuit of happiness" which animated the children of immigrants who created America in 1776.

Mr. Speaker, I wish to share with my colleagues in the House the following "Eulogy to Dad," James Peter Liacouras, September 14, 1890, to March 23, 1977," delivered at the memorial services in the St. George Greek Orthodox Cathedral of Philadelphia, on March 29, 1977:

Reverend Clergy, Mother, Family and Friends: All of us know the familiar chronicle of the early 20th century immigrant and the American Dream. That generation was legendary. Dad was one of them. Dad's American Dream and successes were like so many others.

He immigrated to the United States in 1906 from his birthplace of Harokopion, Mesinia, Greece. He was poor but industrious, and began working hard immediately. Following a year of formal schooling at St. Joseph's House for Industrious Homeless Boys in Philadelphia (just two blocks from this Cathedral), he worked as a delivery boy for the A&P Stores, later joining his older brothers in a family grocery business. For nearly 50 years thereafter, the Liacouras Brothers' Market was well known in Center City as a retail store specializing in fancy groceries, meats and first-class service. It was located in the center of "Little Greece," first at 10th and Locust Streets, and later at 10th and Spruce.

The Liacouras Grocery Store in the early teens and 20's was more than a grocery. It was like a general store and an American Express Office for the newly arrived Greeks in the area. As Uncle Gerasimos Lagakos explained last night to the grandchildren in a spontaneous oration at the foot of my father's bier: it was a place to send and pick up oral messages and packages to loved ones in Greece, or, for those few who could read and write, to mail letters home. My father and his brothers made traditional food and other provisions available to the new immigrants; they would arrange for money orders for the newcomers to send back home to even poorer relatives, and Dad would merrily and conscientiously ride his bicycle across the city to do these chores for the benefit of others. The Liacouras Brothers were the friendly faces and voices in a sea of strangers for those poor but industrious new immigrants.

During the 1930's and 40's, my sisters and I worked in the store after school and on Saturdays. We can thus confirm the popular myth that the Liacouras Grocery Store was indeed an exceptional institution. In later years (at the age of 60), Dad replaced the grocery store with the James Hotel & Bar at the same location, but I doubt whether he ever fully adjusted to it because he knew and loved the grocery store for so long.

Dad was, first and foremost, a family person; he loved Mother, his children and grandchildren, provided for them, and was completely devoted to them.

Mother, my sisters, their husband Bill, Nick and Franz, Ann—Dad never distinguished between children-in-law and children—and the twelve grandchildren (Val, Eleni, Damian, Dean, Jamie, Maria, Jason, Alexa, Lisa Jimmy, Steve and Greg) were the most continuous beneficiaries of his love and devotion. Yet this love extended to his parents, Mother's parents, his brothers and sisters, nephews and cousins, Mother's brothers and sisters, nephews and cousins, their husbands, wives and children, as well as the families of distant relatives and friends—in other words, to everyone in the "extended Greek family" which numbers in the hundreds. Dad loved the family not only collectively but individually. He was intensely interested in the well being of each person, and proud of their achievements.

For the larger family, Dad's strength of character was sometimes overshadowed by his humor and modesty. He was the practical joker, the bousouki player, the host at family "bottoms up" parties.

There was so much more to him. He loved music and art of any kind; he was gregarious but never overbearing; he never overstayed—in fact, he always seemed to leave too soon; he was a strong listener, the selfless giver, the doer. Since, however, he was not loud or flashy, some of us may not have put all of these qualities together in Dad.

He lived according to the classical Greek injunction "universality, moderation, excellence." This combination of modesty and moderation may, to some, have momentarily lost Dad in a crowd; but following reflection, he made a deep and lasting impression.

Dad was a profound yet simple and direct person. He reduced complexity into simplicity. He was sensitive yet forgiving, honest in his every thought and action. He never deceived himself or others. He disliked everything false. He was a pioneer, a trailblazer and fiercely independent, yet he respected tradition and supported the larger community. He was totally self-effacing, yet with a pride and demand on himself and others to do the best possible job, and to see it through.

My father was a strong supporter of the Greek community, but he fully accepted differences in backgrounds and cultures. He adjusted admirably to the pluralism in America. He loved America. Dad treasured Greek traditions, but he also looked beyond them, or other group identities, and based his decisions on individual merit.

In all my life, in the privacy of our home or in any other forum, I never once heard my father utter a single ethnic, religious or racial slur. Just think of that in the context of those times.

Dad helped others achieve what he could not. This was, of course, true of so many others in his remarkable generation. The immigrants who came to America worked hard and sacrificed themselves for their children to achieve what was denied or unavailable to them. Dad had only one year of formal schooling in the United States, but he was a lot smarter and more profound than I will ever be. Who knows what else he would have accomplished in business, art and the professions if he had even half our opportunities. He never wavered in support for others "to better themselves."

Consistent with the spirit of Dad's desire to help others, the family and friends of Jimmy Liacouras—as he was always referred to—have established the James Peter Liacouras Memorial Scholarship Fund at Temple University. We thus honor his life and that of our Mother with whom he shared 54 beautiful years. We would hope that the life of Jimmy Liacouras, a poor and industrious boy who immigrated to the New World and to a life of hard work, honesty, simplicity, creativity, humility, love, happiness and accomplishment in the United States, will be an inspiration for others outside the family to carry on in his spirit.

Jimmy Liacouras lives. He lives in the hearts and minds of everyone who had even a brief encounter with this humble child of God. For those of us who knew him best, Dad was the kind of person we have never known before, and will not see the likes of again. We thank God for giving him to us, and for all these years we had at his side.

I want to end in my father's spirit of looking to the future.

There are two incidents which help capture part of Dad's humor, forward look, simplicity and practically. Just a few weeks ago, one of the grandchildren noticed that Dad was deep in thought about something, and asked him what he was thinking about. Dad's response was "I am figuring out how much money I have." The grandchild responded: "And how much is that?" To which Dad replied: "Whatever I have not spent." We all know that money was not something that drove Dad; his humor continued to the end, giving us lessons for the future.

A final incident concerning his future orientation was his elaborate plan during these past few agonizing months, to open up a business for his grandchildren, and if needed, a job for me to insure my own independence. It was, of course, to be connected with food—a restaurant of sorts—and was to be his final legacy to the family. He had even picked the name: "Jimmy's Miracle." His great concern was that he could not wait to get the new business started, and he wanted us to get on with it.

Dad looked to the future, and did not dwell on infirmity, past disappointments or accomplishments.

It is up to us to follow his example.

To his grandchildren: it is up to you to carry on what your grandfather started, to do good for others, to follow his example and his life, making up for the mistakes and deficiencies of your parents, his children (Universality, Moderation, Excellence).

Finally, on behalf of our family I like to express our deep appreciation to Reverend Mamalis, the Board of Directors of St. George's Greek Orthodox Cathedral of Philadelphia, and the Archdiocese for making the Cathedral available for the viewing last evening. Dad was a simple person. It would not have occurred to him to have such a honor bestowed on him. Yet, it was an entirely appropriate tribute for this child of God and his lifetime of good work. This was, after all, the Church where he worshipped during his 71 years in America, and St. George's is located in the middle of the neighborhood where, for 55 years, he worked and did good for others.

A TRIBUTE TO REV. ROBERT A. WRIGHT

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mrs. BURKE of California. Mr. Speaker, it is indeed an honor for me to join with the Brotherhood Crusade in a tribute to Rev. Robert A. Wright. His dedication to religion and education has strengthened the Los Angeles community in innumerable ways.

As executive director of the Community Care and Development Services, Reverend Wright directs a program which benefits the whole community with services ranging from child care to senior citizen counseling. His experiences have included those of teacher, principal, and pastor, both in Louisiana and California.

He serves as director of Christian education for the Christian Methodist Church whose area is covered by Alaska, Washington, Oregon, Utah, California, Arizona, New Mexicc, and Oklahoma. He also serves as associate minister of Phillips Temple C.M.E. Church of Los Angeles.

His outstanding community service includes working with the Boy Scouts, the YMCA, the South Central Area Welfare Planning Council, and the Watts Health Council, to name a few.

He uses his shrewd knowledge of the business world toward the best interests of all in the community. He daily directs the work of five corporate structures whose combined fiscal operations total $7.2 million per year. He has also served faithfully as treasurer and manager of the Los Angeles Council of Churches Federal Credit Union.

Reverend Wright's dedicated activities will continue to benefit us all. It is a pleasure to participate in bringing recognition to such an outstanding person.

THE HAYMARKET PEOPLES FUND: RESOURCE FOR REVOLUTION

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. McDONALD. Mr. Speaker, periodically I have called to my colleagues' attention instances in which tax exempt foundations have provided money to revolutionary individuals and groups. In some of these cases elements of fraud have been apparent such as when "public education" is construed to include political propagandizing, or when the donor has perhaps been misled as to the nature of the project being funded. That latter element appears minimal with regard to the Haymarket Peoples Fund.

The Haymarket Peoples Fund, HPF—the name is a tribute to the anarchist-provoked bombing and riot in which eight Chicago policemen were killed—was organized in 1974 by a small group of wealthy young Marxists "embarrassed to be connected to their money" as a tax-exempt organization under section 501 (c)(3) of the Internal Revenue Code. According to its staff, the HPF was established to provide money to groups in New England involved in political "organizing" for "social change" and who are not able to obtain funds from other sources.

The concept of the Haymarket Fund originated with George Pillsbury, 27, and David Crocker, 28, who both are heirs to large flour industry fortunes. After an upbringing he has described as being "sheltered in an expensive Minneapolis suburb and an exclusive eastern prep school, St. Paul's," Pillsbury took a bachelors degree in "urban studies" at Yale. It was as a Yale undergraduate in New Haven that Pillsbury decided "our system is structured to keep * * * many people * * * inescapably trapped at the bottom of the pyramid."

George Crocker has described a similar revelation:

> I remember being in a college economics class in the 60's where we were studying the classic pyramid. The professor was pointing to the small number of people on top that something had to be done about to effect social change. I suddenly realized I was on the top and was one of the folks something had to be done about.

Most of the Haymarket money comes from a tiny handful of people, although the group has begun direct mail solicitations of small contributions. HPF staffers state:

> Our donors understand that the social change Haymarket supports and that they support will mean less money and privilege for them. In that sense the change is not in their interests. It is a contradiction for them to contribute to Haymarket. * * * Our donors don't give us money to patch up society; they give to Haymarket with the hope of transforming it.

The Haymarket Peoples Fund makes grants three times a year in amounts ranging generally from $500 to $2,500. Only groups engaged in political "organizing," broadly defined as "getting people to see their interests are the same as their neighbors" are eligible for grants approved by eight local advisory boards—one for each New England State, but two in Massachusetts and Connecticut—whose members total 34 persons.

HPF grants concentrate in the areas of housing and tenants organizing, welfare rights, food stamp and relief issues, the prison movemenet where HPF provided funds to the organization from which the terrorist Melville/Jackson Brigade arose, and "anti-imperialist" propaganda projects. In 1975, Haymarket distributed approximately $88,000 from a total of 24 donors to 80 organizations. In 1976, $122,000 was distributed among 115 groups. Although Haymarket notes that some of its original donors are running through their trust funds and are now soliciting donations from less wealthy radicals, most of its money still comes from heirs of the Sears and Roebuck, DuPont, Pillsbury, and IBM fortunes.

HPF is especially boastful that its 1976 grants "have been timely and especially crucial in the struggle to stop nuclear power at Seabrook and elsewhere, with allocations to the Granite State and Clamshell Alliances." These two coalitions are primarily responsible for the mass demonstration and sit-in at the Seabrook, N.H., nuclear powerplant site in which over 1,400 trespassers were arrested. Although according to New England press accounts approximately one-half the demonstrators came from Massachusetts, none of the Haymarket staff were reported among them. Apparently Haymarket prefers to hold coats.

The Haymarket office staff, who operate from plain, but comfortable and well-equipped two-floor offices at 2 Holyoke Street, Cambridge, Mass. 02138, 617-661-8558, consist of four full-time and three part-time workers. They are George Pillsbury, David Crocker, Janet Axelrod, Julia Scott, Judy Sutphen, Linda Hillyer, and Deborah Wright.

Staff spokeswoman Janet Alexrod, 25, has said that—

> "We believe there is a vast number of people who are at the political level already. People alienated from their jobs, families, from movies they see. These people will make the revolution, and it's these people Haymarket has chosen to affect.

The HPF board members include:

List of HPF Board Members

Cheryl Abruzze—most recently an organizer for the Citizens' Action Program (CAP) which is a Massachusetts cousin of the anti-utility Georgia Power Project in "challenging the rising costs, rate structure and ownership of local utility companies."

Sam Barnes—a woman who worked for three years with the old SDS—derived Africa Research Group (ARG), a support group for Soviet-backed African Marxist terrorist organizations, who is now teaching at the Boston Community School and Bunker Hill Community College;

David Barry—active in "rank-and-file" union organizing at St. Elizabeth's Hospital in Brighton, MA, active for several years in "workplace and community organizing," and a member of the militant Dorchester group, Racial Unity Now;

Ann Froines—a veteran pro-Vietnamese communist activist who is coordinator of the women's studies program at the University of Massachusetts Boston Campus. She was previously active with the Indochina Peace Campaign and is currently involved with the Indochina Curriculum Group and Friends of Indochina Organizing Committee.

Maria Garcia—a Philippines national who has been working in Boston for three years with Friends of the Filipino People and its Philippines Information Bulletin which support a number of leftist opponents of the Marcos government including the Maoist terrorist New Peoples Army (NPA). According to Haymarket, "Presently she is working at the Goddard-Cambridge Graduate School of Social Change and is helping Haymarket contact new third world and anti-imperialist groups in the area."

Donna Karl—active with the Marxist-dominated 1199 Hospital Workers Union, formerly active with the Medical Committee for Human Rights (MCHR) during the period it was controlled by the Communist Party, U.S.A.—it now is dominated by Maoists, and formerly active with the prison movement support organization called the Attica Health Defense Group. After spending some time observing the Portuguese revolutionary process a year ago, Karl helped prepare a special issue of Radical America on the Portuguese revolution. Since moving to the greater Boston area in 1972, Donna Karl has worked as a nurse/health coordinator at the Somerville Headstart Daycare Program.

Walter Porter—active with the African Liberation Support Committee (ALSC), a terrorist support group, and with the newspaper, Struggle. Porter lives in Dorchester and is employed in the Mayor's Office for Human Rights "on affirmative action for city government" where he "acts as an employment counselor and complaint investigator."

Among the Haymarket Peoples Fund's services "as a resource to the movement * * * in other capacities besides fundraising" last year were provision of office space in the HPF's drop-in center for the July 4 Coalition, the Castroite-led grouping which staged a counterbicentennial demonstration in Philadelphia last July 4; for the Native American Solidarity Committee, NASC, a support group for the violence-prone and terroristic American Indian Movement, AIM, that is staffed by revolutionaries from the National Lawyers Guild, the Weather Underground's Prairie Fire Organizing Committee, PFOC, and their allies; the United Farm Workers Union; and for the Gnomon Copy organizing drive by district 65, Distributive Workers, long dominated by the Communist Party. Haymarket made over 40 emergency grants totaling $2,325 of from $50 to $200 "for conferences, strike support, rallies, etc."

The Haymarket Fund provided the initial loan for the anti-CIA "teach-in" held in May 1976 at Boston University which featured the Center for National Security Studies/National Lawyers Guild/Counter-Spy magazine cabal which was repaid to Haymarket from conference registration receipts; and also provided the $1,500 deposit for the charter of 15 buses so that the July 4 Coalition could transport demonstrators to the Philadelphia counterbicentennial demonstration.

Among the "anti-imperialist" groups funded by the HPF in 1976 were the Boston Coalition for the Liberation of South Africa; Friends of Indochina, an outgrowth of the Indochina Peace Campaign which "continues to do political work about the Indochina war"; the Indochina Curriculum Group, "a group of teachers who have developed a curriculum and materials on Southeast Asia and the war in Vietnam for use in secondary schools"; the New Haven, Boston, and Springfield, Mass., chapters of the Puerto Rican Solidarity Committee, PRSC, a front for the Castroite Communist Puerto Rican Socialist Party which supports several terrorist groups; and the Angola Media project in Connecticut which used its Haymarket money to produce a slide tape hailing the "dramatic rise" of the Marxist-Leninist MPLA terrorists put in power by the U.S.S.R. and its Cuban troops.

Other recipients of Haymarket 1976 grants were the Tenants First Defense Committee, which is supporting a radical tenants union fighting a conspiracy suit filed against it by a landlord; Dorchester's Racial Unity Now; the People's Voice, a Somerville-based radical labor newspaper; the Cambridge Women's Center and its offspring, the Women's School; the Boston Community School Labor Program headed by former SDS organizer Michael Ansara; and the Continental Walk for Disarmament and Social Justice, a project of the militant socialist/pacifist War Registers League. Said Haymarket, "our funds supported the Boston-Washington part of this nationwide walk."

The prisoner organizing movement received considerable benefits from Haymarket, with grants to the Boston Bail project; the prison book program of the Redbook Store; Question Mark, a Norfolk prison newspaper; and the Northeast Prisoners Association, NEPA, which dissolved in 1976 when investigations of the terrorist Sam Melville, Jonathan Jackson Brigade, led to the prison movement.

In the area of the media, Haymarket grants "to lay down the foundations for revolutionary change" went to the Allston Brighton Community News which serves as a "house organ" for local radical groups; East Boston Community News which has been printing for 6 years; the 5-year old Lowell Communicator; the Sunday New Collective which produces a weekly program on the University of Massachusetts-Amherst radio station; and two Vermont publications, the Rutland Voice and the monthly Public Occurrence.

The appropriately titled Black Panther School of Freedom Fighting in Boston's Roxbury District received Haymarket money, as did the Maine Gay—homosexual—Task Force—"Haymarket's grant went toward their statewide newsletter which serves to coordinate activities"—and the Massachusetts chapter of the National Lawyers Guild which, said Haymarket, "has spent the last year and our funds keeping black and Latin activists out of jail."

The Haymarket People's Fund channeled $30,580 in "donor-directed" grants to such projects as the Atmore-Holmans Defense Fund; the monthly Dollars and Sense, a Somerville-based economic journal in which many New American Movement activists are involved in writing up Marxist economic concepts "in a readable and understandable way and from a radical perspective;" Third World Newsreel; the antinuclear utility Granite State Alliance; WBUR radio at Boston University; and Urban Planning Aid, "New England's largest and most important resource organization for low-income and working class organizing."

Haymarket has clearly stated its revolutionary political requirements for the recipients of its grants; but HPF is not the only group which feels Urban Planning Aid should be generously funded. Urban Planning Aid, UPA, receives $20,000 of its yearly budget from the U.S. Government, specifically from the Community Services Administration, the successor to the Office of Economic Opportunity. Codirector of Urban Planning Aid is Polly Halfkenny, whose activities also include serving on the staff of the Communist Party's Boston area indoctrination center, the Center for Marxist Education at 550 Massachusetts Avenue in Cambridge; who is an organizer for the National Alliance Against Racist and Political Repression, NAARPR, the Communist Party's prison movement front; and who additionally was a sponsor of the July 4 Coalition's counterbicentennial demonstration last year.

The UPA activists, with funds from both Haymarket and the American taxpayers, work to organize attacks on the very concept of private ownership of property and the right to rent real estate for a fair return.

Recognizing that many groups Haymarket would like to fund "are clearly not within the guidelines of the IRS exempt designation" such as "union organizing, legislative work around issues such as rent control or anti-imperialist activity in connection with the Philippines, Angola, or Latin America," HPF set up another entity, Rank & File, Inc., to receive non-tax-exempt, non-tax-deductible contributions which are then distributed to projects and organizations clearly not legally fundable by Haymarket whereas HPF continues to make grants to groups with dubious qualifications routinely. Haymarket describes the process:

> What happens is after all grant decisions have been made by the Haymarket screening board, the staff goes down the list and figures out which grants can be made from the Peoples Fund account and which can be made from Rank & File. The process is the same. All decisions continue to be made by the same community screening board. Only the checks are different.

In 1976, the non-tax-exempt Rank & File distributed $25,000 to such groups as:

LIST OF GROUPS

Boston Information Center on Panama—*"A group working to provide educational material * * * to help the Panamanian people regain control over the Canal and end the U.S. colonial presence * * *"* Sheppard Bliss of the Goddard-Cambridge School of Social Change has been the main organizer of the U.S. Committee for Panamanian Solidarity, whose supporters are drawn from the New Left Castroites.

Support for an unsuccessful strike by United Electrical Local 262 at the Cambion plant in Cambridge, Mass.

Campaign for a Democratic Foreign Policy (CDPP)—*"one of the two national organizations which grew out of the Indochina Peace Campaign after the liberation of Vietnam. The focus of their work in foreign policy, in particular lobbying to end U.S. support of right-wing dictatorships and advocating substantial cutbacks in the U.S. military budget."* The Campaign is the "grass roots" section of the Coalition for a New Foreign and Domestic Military Policy (CNFMP) which from its Maryland Avenue headquarters lobbies on Capitol Hill for identical goals.

For the People—a Fall River-New Bedford radical newspaper organizing among the Portuguese ethnic communities.

Prostitutes Union of Massachusetts (PUMA)—which supports prostitutes *"with emotional, medical and legal help."*

The Newspaper—"an organizing tool for Lynn's progressive groups working on a variety of issues, most recently a city-wide rent control campaign."

Lynn Rent Control Coalition—*"formed around fighting an unsuccessful battle to bring rent control to Lynn."*

Chicarelli Tenants' Union—Cambridge, Mass.

Jamaica Plain Tenant Action Group—*"A three year old tenant organization in Jamaica Plain and Roxbury * * * ready to help other tenants fight rent increases, stop evictions * * *. They also produce a monthly community newspaper, the Jamaica Plain Community News."*

Hard Times—*"A five year old working class political organization in East Cambridge, they are currently organizing tenants of Gross family buildings, who rival the Chicarellis * * *. They also actively supported the Cambion Strike, * * *."*

Somerville Tenants' Union—*"concentrates on rent control, anti-racism, welfare, and workplace activities. A grant has also gone to Sommerville Free Press, the Union's monthly newspaper."*

Workers' Organization for Reform and Democracy—*"A Fall River-New Bedford group growing out of the Textile Workers Union of America. They are mobilizing the rank and file * * * around * * * health and safety issues and the quality of union representation."*

Tenants First Coalition—*"made up of five tenant unions from FHA developments * * *. They have successfully stoppe rent increases for public housing projects and halted over 1500 eviction attempts."*

As the review of Haymarket People's Fund and Rank & File, Inc., grants indicates, this organization has provided the money for the majority of the principal Marxist New Left organizing projects in the greater Boston area, and for a substantial number of others in New England.

Haymarket also helped organize the Liberty Hill Foundation in Los Angeles which has already provided some $25,000 to Marxist organizing projects, and has begun work on forming another similar foundation in Dayton, Ohio.

The Rank & File, Inc., operation is clearly lawful in its giving non-tax-exempt money to ideologically like-minded projects; however, it is an affront to the American taxpayer and certainly a violation of the spirit of the law that Haymarket donors should receive a tax break for giving money to terrorist support groups like the Puerto Rican Solidarity Committee—educational?—or for the production of pro-Vietnamese Communist propaganda.

BUSINESS, STATE, LOCAL GOVERNMENTS AND SENIOR CITIZENS OPPOSE DINGELL-BROYHILL

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. ROGERS. Mr. Speaker, we will be voting on the Clean Air Act Amendments of 1977 in just a day or so. And there is one point which I would like to make about the support which H.R. 6161 has beyond the normal support of environmentalists.

H.R. 6161 is not a case of environmentalists versus business. Among those who support this legislation are prominent health groups such as the American Medical Association, the American Lung Association, the American Pediatrics Association, the American Public Health Association, American College of Chest Physicians, American Society of Internal Medicine, Association of Schools of Public Health, and the American Medical Students Association.

And because they are adversely affected by the ills that polluted air brings, the American Association of Retired Persons, the National Retired Teachers Association, and the Council of Senior Citizens have joined in support of the bill and in opposition to the Dingell-Broyhill amendment.

These are millions of older Americans who are told they cannot live their normal lives when their area of the Nation is under an air pollution alert such as we had here this weekend. These are the people who are told to stay indoors, because the automobile pollution reached a level where the resulting smog would be harmful to those older Americans.

Because the bill is fair, balanced, and gives more determination to the State and local governments, H.R. 6161 has the endorsement of the National Association of Counties, National Conference of State Legislatures, National Governors' Conference, National League of Cities, and U.S. Conference of Mayors.

But in addition to those who are concerned about the health of our citizens and those who are concerned about our environment are many distinguished and substantial business associates and groups.

The American Retail Federation, employing more than 12 million people and representing 34 percent of the gross national product endorse this legislation and oppose the Dingell-Broyhill amendment. So too do the realtors, the homebuilders, the parking association, the shopping center people, the industrial parks people, the hotel-motel people, and the land developers.

I would like to insert into the RECORD some of the groups which do support the amendments to the Clean Air Act which the committee has passed and are in opposition to the Dingell-Broyhill amendment. They are:

Alabama Attorney General's Office.
American Association of Retired Persons.
National Retired Teachers Association.
National Council of Senior Citizens.
National Council on the Aging.
Urban Elderly Coalition.
American Hotel-Motel Association.
American Land Developers.
American Lung Association.
American Medical Association.
American Pediatrics Association.
American Public Health Association.
American College of Chest Physicians.
Cleveland Clinic Foundation.
American Society of Internal Medicine.
Association of Schools of Public Health.
American Medical Students Association.
American Public Transit.
American Retail Federation.
United States Attorney General's Office.
Automotive Parts and Accessories Association.
Automotive Service Councils, Inc.
Motor and Equipment Manufacturers Association.
Specialty Equipment Manufacturers Association.
Building Owners and Managers Association.
Center for Auto Safety.
Citizens for Clean Air.
Consumer Federation of America
Consumers Union.
Federated Department Stores.
Florida Petroleum Association.
Food Marketing Institute.
Friends of the Earth.
Independent Gasoline Marketers.
Society for Independent Gasoline Marketers of America.
Industrial Gas Cleaning Institute.
International Council of Shopping Centers.
J. C. Penney.
League of Women Voters of the United States.
Montgomery Ward and Company.
Motorcycle Industry Council, Inc.
National Association of Chain Drug Stores.
National Association of Counties.
National Association of Home Builders.
National Association of Industrial Parks.
National Association of Realtors.
National Association of Women Highway Safety Leaders.
National Audubon Society.
National Clean Air Coalition.
National Conference of State Legislatures.
National Governors' Conference.
National League of Cities.
National Oil Jobbers Council.
National Parking Association.
National Parks and Conservation Association.
National Realty Committee.
National Retail Merchants Association.
National Wildlife Federation.
Sears, Roebuck and Company.
U.S. Conference of Mayors.

They know that until Detroit cleans up the automobile, all other forms of business will be forced to bear the burden and that is not good business. And they know that air pollution curtails their normal life, if indeed it does not shorten it considerably.

PRISONERS OF CONSCIENCE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. ROSENTHAL. Mr. Speaker, millions of Jews are being held as virtual prisoners today in the Soviet Union. Their crime is the faith of their fathers. We have no way of knowing how many other Soviet Jews wish to emigrate to Israel or to the United States and elsewhere. But we do know the number is great and that as it grows, as more and more Soviet Jews seek emigration visas, more and more find themselves in Soviet jails.

And those not thrown in jail are prosecuted and persecuted in other ways. They may find themselves out of a job or demoted or subjected to other forms of retaliation and harassment.

One of those jailed is Iosef Begun, a former mathematician who is in prison on the "Catch-22" charge of "parasitism," the Soviet euphemism for unemployment. Begun lost his job, because he applied for an exit visa to go to Israel. This is a common result when Soviet Jews seek to emigrate.

He then worked periodically as a watchmaker, but was sent to prison three times in 1972, because he lacked required documents which were confiscated when he applied for a visa. He finally lost that job on still another "Catch-22"—absence from work. Shortly before his arrest—made last March when he tried to enter the U.S. Embassy in Moscow—he was teaching Hebrew and had tried to become officially certified as a private tutor. That request was denied ostensibly, because Hebrew is not taught in Soviet universities.

Begun's trial is now scheduled for June 8, having been postponed three times already. The future looks bleak for this prisoner and other Jews who have been thrown out of their jobs for seeking to emigrate.

Not only Jews but all persecuted minorities and others wishing to emigrate from the Soviet Union must be free to do so, and those who wish to remain in the land of their birth should be able to do so without fear and to live freely.

One of the standard principles of humanity is that persons should be allowed to come and go as they please, to live in the land of their choice

Soviet treatment of Jews and other Russian minorities is a violation of the Universal Declaration of Human Rights, adopted by the United Nations General Assembly on December 10, 1948. It especially goes against article 7, guaranteeing equal protection of the law to all citizens and prohibiting arbitrary arrest; article 13, which gives "Everyone—the right to leave any country, including his own"; and article 18, which says:

> Everyone has the right to freedom of thought, conscience and religion . . . (and) to manifest his religion in teaching, practice, worship and observance.

The Soviets also have failed to observe the human rights provisions of the Helsinki Agreement on Security and Cooperation in Europe. In August 1975, the Soviet Union pledged to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion, or belief, for all without distinction as to race, sex, language, or religion."

These are the very principles being violated today in the Soviet Union, where Jews are unable to practice their religion, read their literature, observe their ancient traditions, and know the richness of the cultural heritage; where they are being arrested arbitrarily and being denied the right to emigrate to the land of their choice.

It has been more than 40 years since Jewish education and study was permitted in the Soviet Union. Only a tiny handful of synagogues now exist in a country of 3.5 million Jews.

The pogroms of the Czars have been replaced by the assimilation programs of the Soviets. The purpose is the same—to eliminate the Jews.

HUMAN RIGHTS FOR SOVIET JEWS

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. RUDD. Mr. Speaker, the Arizona Council on Soviet Jewry and the Valley Young Republicans of Maricopa County, Ariz., have made joint efforts to secure human rights and free emigration for Jewish men, women, and children in the Soviet Union.

They have repeatedly sought ways to stop religious, economic, political, and other persecution of Soviet citizens by the Soviet Government.

The Helsinki Agreements of 1975 and the U.N. Declaration of Human Rights require an end to this repression by the Soviet Government against its people. But despite efforts of our Government and private American citizens and groups to bring human rights to Soviet people, especially minority groups, this unwarranted persecution has continued.

Just one example of this Soviet persecution is the Alekssander Roisman family of Novosibirsk, U.S.S.R., which has tried unsuccessfully since 1970 to obtain exist visas for emigration to Israel.

Members of the Arizona Council on Soviet Jewry met Mr. Roisman, a mechanical engineer, during a trip to the Soviet Union. He was dismissed from his job when he accepted an invitation from Israel to emigrate in 1970, and Mrs. Roisman, a surgeon, has been refused the right to practice medicine.

According to Michal Rubinoff, a member of Valley Young Republicans, Mr. and Mrs. Roisman, along with their two sons, Paul and Leo, have for almost 7 years been subjected to complete ostracism, extreme terror by the KGB—Soviet secret police—economic hardship, and virulent anti-Semitism.

Mr. Roisman's father was murdered in a Nazi concentration camp during Germany's occupation of the Ukraine in World War II. His mother, who is 74 years old, was permitted to emigrate to Israel because of a serious heart condition.

Mr. Speaker, the Roisman family is just one sad example of the inhumane Soviet persecution of Jewish citizens. There are thousands of others. I believe that Members of Congress owe freedom-loving people throughout the world their every effort to achieve human rights for all such persecuted citizens seeking freedom and personal dignity.

The efforts of Arizona citizens in behalf of the Roisman family were recognized by the Hon. Donna Carlson and the Hon. Jim Skelly, members of the Arizona House of Representatives, who introduced House Concurrent Memorial 2006 urging Congress and the Secretary of State of the United States to exert all possible efforts to secure exit visas from the Soviet Government for the Alekssander Roisman family.

That concurrent memorial passed the Arizona State Legislature on May 17, 1977, and is now being duly transmitted to the Congress by Arizona Secretary of State Wesley Bolin.

I would like to include Arizona House Concurrent Memorial 2006 at this point in the Record:

[State of Arizona, 33rd Legislature, 1st Regular Session, H.C.M. 2006]

A Concurrent Memorial

Urging the Congress and Secretary of State of the United States to exert all efforts possible to secure exit visas from the Government of the Union of Soviet Socialist Republics for the Alekssander Roisman Family.

To the Congress and Secretary of State of the United States:

Your memorialist respectfully represents:

Whereas, the Alekssander Roisman family of Novosibirsk, Siberia, Union of Soviet Socialist Republics, has been waiting for six years for exit visas to emigrate to Israel; and

Whereas, as the result of first applying for exit visas, Roisman, an engineer, has lost his job and has been refused the opportunity for gainful employment except for a six-month job as a night watchman; his wife, a surgeon, has only been allowed to work part-time and their two sons have been harassed and ostracized in school and in the streets; and

Whereas, the Roisman family's only desire is to live in Israel; and

Whereas, the Roisman family's desire to emigrate is part of a movement comparable historically to the exodus from Egypt; and

Whereas, no Jewish family has been allowed to emigrate from Novosibirsk in over six years; and

Whereas, the Soviet refusal to allow the Roisman family to emigrate is in violation of numerous international agreements and basic humanity.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the Congress and Secretary of State of the United States exert all possible efforts to effectuate the granting of exit visas for the Alekssander Roisman family.

2. That the Secretary of State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the House of Representatives of the United States, each Member of Congress of the United States, the American Ambassador to the Union of Soviet Socialist Republics and to Alekssander Roisman.

Mr. Speaker, I have communicated with the Secretary of State on this matter of the Alekssander Roisman family. I would now like to include in the Record the March 7, 1977 response I received from Kempton B. Jenkins Acting Assistant Secretary of State for Congressional Relations:

Department of State,
Washington, D.C., March 7, 1977.

Hon. Eldon Rudd,
House of Representatives.

Dear Mr. Rudd: Thank you for your inquiry of February 22 requesting on behalf of Mr. and Mrs. Israel Ulian information concerning the Roisman family who have not been permitted to emigrate from the Soviet Union to Israel.

I can assure you that the Soviet Government has been made aware of the widespread concern in the United States for Soviet Jews refused exit visas for Israel. We have impressed upon the Soviet Government repeatedly, and at every level, the importance which our people, Congress, and this Administration attach to humanitarian matters, including family reunification and the right of emigration; and we continue to follow up with the Soviet Government about implementation of the Final Act of the Conference on Security and Cooperation in Europe. We hope our efforts will be helpful to those seeking to emigrate.

I hope the above information will be helpful to you in responding to Mr. and Mrs. Ulian.

Sincerely,
Kempton B. Jenkins,
Acting Assistant Secretary for Congressional Relations.

Mr. Speaker, the plight of the Roisman family is sadly evident from the following biographical and other factual data provided to me by the Valley Young Republications:

Biographical Information on the Roismans

PERSONAL

Alekssander Pavlevich Roisman, age 47, mechanical engineer, born in the Ukraine. Raisa Roisman, age 45, medical surgeon, graduate of Moscow State University. Paul Roisman, age 15; Leo Roisman, age 13.

BACKGROUND

Alekssander Roisman was immediately dismissed from his job when he accepted an invitation to obtain a visa for his family to emigrate to Israel in 1970. He became a "Refunsenik" or a Soviet Jew who has been denied an exit visa by the government. Mrs. Roisman was also fired from the full-time practice of medicine. Along with their two sons, Paul and Leo, the entire family became subject to complete social ostracism, extreme KGB (Soviet Secret Police) terror, economic hardship, and virulent anti-Semitism.

Mr. Roisman's father was murdered by the Nazis in a concentration camp during the German occupation of the Ukraine during World War 2. His mother was recently permitted to leave the U.S.S.R. for Israel when Soviet authorities found out that the 74-year-old woman has a serious heart condition. The entire Roisman family travelled to Moscow to see the elder Roisman off to Israel via Vienna. The family deemed it unwise to leave the two boys alone in Novosibirsk. These feelings about possible problems proved to be well founded when they returned home and found the words, "Death to the Jews!" carved on their front door.

The Roismans have been virtually barred from participating in Novosibirsk community affairs and social functions. Their only friends are other "Refuseniks" who have also filed for visas in the years since 1970. Paul and Leo have been ignored in public school and the former has on occasion been physically harassed.

Paul Roisman is two years away from being drafted into the Red Army. His visa application was turned down and he was unable to accompany his grandmother to Israel. The seriousness of the situation is evident in that there is a mandatory five years of actual military service and two years in the reserves, along with a minimum of five years regime duty which is often extended for "Refuseniks." It is possible that Paul Roisman might not be able to emigrate until the 21st century.

Life is extremely difficult under regular Soviet circumstances. For "Refuseniks" such as the Roismans, it is worse. They are without a telephone and communication with the outside world has to be guarded. Since being dismissed from his job in 1970, Alekssander Roisman has worked a total of six months as a watchman at a local school. Raisa Roisman is occasionally asked to help treat patients at the local military command post. Nevertheless, Roisman used a Bible to teach himself fluent Hebrew and to help Bar Mitzvah his sons. He has also learned English through self-teaching.

LOCALE

Novosibirsk is situated in western Siberia, north of Outer Mongolia. One million people live in the city, including sixteen thousand Jews. The one synagogue in Novosibirsk is old, small, dilapidated, and seldom used since it is under constant KGB surveillance.

ANTISEMITISM

Though it is supposedly illegal, Jews have always been discriminated against by the Soviet regime. Hebrew was banned in 1917 and Zionism is likened to fascism by the government. No Jews hold positions of importance in the Soviet government. Three million Jews live in the U.S.S.R. and 180,000 have filed for exit visas. This year, 13,000 Jews were allowed to emigrate. Most Jews in the U.S.S.R. are awaiting the outcome of present "Refuseniks" before asking for exit permits.

CURRENT STATUS

No family has been permitted to leave Novosibirsk since 1970.

I have today introduced House Concurrent Resolution 228, concerning the Roisman matter. As I have previously stated, the sad situation facing this one family is being repeated thousands of times over for other persecuted Jewish and other minority families in the Soviet Union.

I wish to highlight our insistence on human rights for the Roisman family as a symbol of our insistence for full human rights for all Soviet people. Arizona citizens at the grassroots level have achieved recognition of this matter through their Arizona State Legislature.

Congress must now send a stern message to Soviet officials—and a message of hope to all enslaved people in Communist nations—that the American people are enraged and concerned over this continuing Communist barbarism.

I include my House concurrent resolution at this point in the RECORD:

H. CON. RES. 228

Whereas the firm and open stand on human rights of past and present Administrations reflects an ideal which has long inspired the American people: Respect for liberty of the individual; and

Whereas the Union of Soviet Socialist Republics has ratified many human rights conventions, but consistently denied human rights to citizens under the control of its Communist government; and

Whereas the Soviet government has especially persecuted and harassed Jewish people such as the Alekssander Roisman Family of Novosibirsk, Siberia, and refused their human right to emigrate freely to their chosen home in Israel; and

Whereas a State initiates aggression against the world community by persecuting its own citizens' honest and lawful behavior; and

Whereas this action by the Soviet government assaults the decency, honor, and dignity of all freedom-loving people throughout the world, demanding intercession by the government of the United States in behalf of individual freedom and dignity: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring). That it is the sense of Congress that this continued violation of human rights by the government of the Union of Soviet Socialist Republics, including refusal of the right to emigrate to its citizens, represents a breach of faith with the people of the United States of America and the entire international community, and that guarantees of human rights and freedom to emigrate for all people under the domination of the Soviet government should be a prerequisite for any future agreement and trade between the United States of America and the Union of Soviet Socialist Republics.

THE 50TH ANNIVERSARY OF THE LINDBERGH FLIGHT

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. LENT. Mr. Speaker, May 20, 1977, marked the 50th anniversary of a solo flight across the Atlantic ocean which inspired more emotion and more changes in the lives of Americans than any other single act of daring in our history. For when Charles A. Lindbergh lifted his heavy monoplane, the "Spirit of St. Louis" from Roosevelt Field on Long Island that rainy May morning 50 years ago, he set in motion a train of events which continue to shape our lives today.

As a boy, I grew up close to Roosevelt Field, and remember the awe with which I heard over and over again the story of that rainy-day takeoff. Although the airfield has been put to other uses now, old time area residents still point out to visitors the telephone wires along the road at the end of the field, which Lindy's plane barely cleared at the start of his flight. Just as the memories of that flight still persist, so does the inspiration for development of aviation which Lindbergh's flight ignited. That inspiration is still at work on Long Island, as it is in many other parts of the Nation. Long Island's aerospace industry continues to flourish, and helped to build the lunar module which landed men on the Moon, after they crossed another massive barrier to man's achievements—250,000 miles of space.

On May 7, in fact, one of the communities in the Fourth Congressional District, Baldwin, dedicated a plaque at its new Historical Museum commemorating the fact that space equipment, built by the Grumman Corp. which started its business in Baldwin in 1929, had played a major role in achieving the successful Moon landing. In that ceremony, "From Baldwin to the Moon," there was an impressive recounting of the never-ending efforts on the part of far-seeing citizens of Baldwin to help plan and shape the growth and development of the community and its businesses and industries. This development took place despite depression, war, and a myriad of smaller problems. And it is well to remember that Baldwin is simply a microcosm of what has happened in hamlets, villages, towns, and cities all over our Nation during the past 50 years.

Just as Charles A. Lindbergh called on the help of businessmen and the skills of the engineers, scientists, and workmen in the fledgling aviation industry to help turn his dream into reality, so today we must continue to make it possible for the fruitful partnership of dreamer, scientist, worker, and businessman to continue to improve our society and its life, and to help produce solutions to the problems which some of the past years of change have created.

Charles Lindbergh summed up this idea in one word, the title of the book he wrote about his flight. It was called, simply, "We."

We, all of us, have it in our power to chart and direct our future course, through energy shortages, inflation, recession, and whatever other challenges face us. Working together, we can convert dreams into solutions for our problems. That fact was brought home to me with poignant force 3 weeks ago. During an inspection in Puget Sound, Wash., of the newest techniques in the field of aquaculture, the technology of developing and expanding the food resources of the rivers, seas, and coastal waters, I met and talked with Jon Lindbergh, one of the sons of the man who made aviation history half a century ago. Jon is pioneering in the different field of aquaculture. He is working with those who are looking for better ways to increase the world's food supply. It may very well be that in future years the name of Jon Lindbergh will be honored for helping to defeat hunger in the world, just as his father's name is being honored today for the inspiration his solo flight across the Atlantic provided.

Mr. Speaker, as we recall that unique achievement in celebrating the 50th anniversary of the flight, may we here in Congress continue to keep that inspiration fresh in our memory as we work to master the challenges and problems which face us today.

LA ALIANZA HISPANA

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. MOAKLEY. Mr. Speaker, I would like to share with my colleagues the text of an article which recently appeared in the Boston Globe.

The article, written by Anne Kirchheimer, details the growth of a multiservice center which seeks to assist Spanish-speaking residents of Boston. La Alianza Hispana, has grown to become the principal social and economic service for Spanish-speaking people in Boston. Its work is to be commended as it enters into a new and dynamic period of growth in its new location:

ALIANZA'S NEW HOME SYMBOLIZES NEW HOPE

(By Anne Kirchheimer)

Five years after receiving Federal funds for new office space, La Alianza Hispana, Boston's largest multiservice center for Spanish-speaking residents, is operating out of its new home at 409 Dudley St., Roxbury.

To many people who live and work in the Dudley Street area, La Alianza Hispana's (Spanish Alliance) newly renovated, three-story office building is a sign of hope for the neighborhood that is dotted with boarded up buildings and rubble-filled lots.

"La Alianza now represents a new image for the Roxbury-North Dorchester Hispanic community. Buildings are very important for people's identity and renovation certainly gives everybody a new source of pride," said one Spanish speaking architect.

The actual renovation of the brick building that formerly housed Boston police station 9 took only about a year, but a series of unforeseen problems and inadequate funding caused the project to lag for five years.

First, La Alianza had to come up with matching funds for the $243,000 granted the agency by the US Dept. of Housing and Urban Development (HUD). That problem was solved when the city of Boston provided La Alianza with $220,000 from revenue sharing funds.

Then, the bidding process began. The first bids came back over the budget. On the second bid, a contractor was accepted, but was eventually ordered off the job when his company went bankrupt.

On the third bid, the Thomas Construction Co. of Winthrop received the work, which got under way in December 1975.

Over the years it took to get the job completed, La Alianza's leadership—its board of directors and administrator—changed several times. With each personnel change, design plans for the renovations had to be reviewed and reassessed.

"By city standards this was a small job, but it needed a lot of personal involvement—almost as much as getting a high school built," said one member of the Spanish-speaking community.

To Lydia Mercado, Boston Redevelopment Authority (BRA) district planner for Dorchester's Uphams Corner area, the fact that the city spent time and money on the rehabilitation of the building is a positive sign.

"It is an investment and any type of investment in the neighborhood is good," she said.

For Angeles Rodriguez, executive director who runs the agency's half million dollar budget for housing, youth, educational, recreational and employment services, the building is a physical symbol that the Spanish-speaking are settling and putting down roots in the Dudley street area.

"This is a turning point for Alianza—moving from a storefront to becoming an institution in the community," she said.

For persons like Enrique Velasco, 76, of 12 Wheatland Av., Dorchester, La Alianza Hispana is a necessity. He is glad that the agency has a permanent home because he utilizes its services almost daily.

"La Alianza does everything for the Latinos. It's the only agency we have (here) and it's the best. When I don't have transportation or certain understanding at other agencies like Social Security or the hospital, Alianza has helped me," said Velasco who doesn't speak English.

"We are so happy to have Alianza in a nice, secure place now."

Although all the rehabilitation work is completed and Alianza's 35 staff members are running its English-as-a-second-language classes, housing referral services and employment counseling from their new offices, there are still some things to be done on the building.

Money is needed for security railings on stairways, landscaping, a storm door, carpeting and kitchen cabinets.

In the next few months, Alianza will start renovating a vacant fire station next door. The idea is to turn the building into a community recreation center and a place to hold additional classes.

Already, 200 Hispanic men from the nearby community have volunteered to work on the project.

"I really like the idea of people donating free labor because I like to encourage that type of community involvement," said Stuart Marwell who has been personally involved with the Alianza project for two years.

SRI LANKA MARKS FIFTH ANNIVERSARY

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. McCLORY. Mr. Speaker, yesterday, May 22, was a special one in Sri Lanka. This island nation of 13 million people in the Indian Ocean marked the fifth anniversary of the adoption of a republican constitution.

Nowhere should this be more commended than in this city where three coequal branches of government labor to insure that the rights and privileges of the American people are protected under the law.

I have visited Sri Lanka. I have seen firsthand its extraordinary beauty. I have learned something of its long history, much of it under other forms of governments. I have seen many of its people work to make their new Government succeed. I wish them well.

Sri Lankan spokesmen have much over which to rejoice. They point to an education system providing free education from kindergarten to university. They tell us that the literacy rate now is almost at 89 percent.

Proudly, they observe that in the last two decades Sri Lanka's infant mortality has been halved to 40 per thousand, and that life expectancy at birth currently is 69 years.

Mr. Speaker, birth rates for all nations are viewed as critical. In Sri Lanka, I am told, that has dropped from about 3.3 percent in the decade of the 1950's to 1.7 percent in the 1970's.

As the leadership of Sri Lanka observes, the two major issues facing small nations without great wealth are raising the standard of living—the quality of life—while protecting and enhancing political freedoms. We all know this is not easy, but Sri Lanka feels it has done creditably in both these crucial areas.

Mr. Speaker, Sri Lanka will hold elections later this year. This is the eighth time that its citizens have been able to vote for their leaders since gaining independence from Great Britain in 1948. They are a member of that significant community of nations we call the Third World and we need to listen to them as well as to try to help in ways that are productive.

I also am sure that in addition to Sri Lanka's efforts at insuring individual freedoms, it also will look to the benefits which come from expanding private enterprise.

Mr. Speaker, the nation of Sri Lanka is particularly fortunate to have as its representative in Washington Ambassador Neville Kanakaratne. Ambassador Kanakaratne's intelligent approach to his duties as the personal representative of the Sri Lankan nation is particularly valuable in promoting good will, economic contacts, and good social and political relations between our two nations.

Mr. Speaker, I hope other Members of the House of Representatives will join me in congratulating the people of Sri Lanka on this important anniversary. On a globe in which all nations are tightly meshed, the achievements of our friends mean much to us.

THE PROPOSED FDA BAN ON SACCHARIN

HON. ANDREW MAGUIRE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. MAGUIRE. Mr. Speaker, the proposed Food and Drug Administration ban on saccharin has drawn severe criticism from some in the medical community and the general public alike. The Canadian tests have been subject to unscientific criticisms. Animal test dosage levels have been improperly equated with human consumption quantities of "800 cans of diet soda per day." The rate of bladder cancers evidenced by diabetics has been presented as proof positive that saccharin does not cause increased numbers of these cancers among its heaviest users, despite the inherent defects of epidemiological studies.

Of even greater significance in this debate is the future of the Delaney clause to the Federal Food, Drug, and Cosmetic Act which forbids the use of any ingredient which has been shown to cause cancer in animals or man. It has been suggested by many people that the Delaney clause should be abolished or modified to qualify FDA's authority for the withdrawal of cancer-causing food additives from the market.

I commend the following article by Charles F. Wurster to the attention of all parties interested in this matter. It is the clearest statement I have seen anywhere of the critical scientific and policy issues involved in this controversy.

Mr. Wurster is associate professor of environmental sciences at the State University of New York at Stony Brook and is a trustee of the Environmental Defense Fund. He is the author also of an article on this subject which appeared in the New York Times on Sunday, March 20, 1977:

THE PROPOSED FDA BAN ON SACCHARIN

The saccharin issue has involved a great deal of public misunderstanding and misinformation regarding the behavior of carcinogens, test procedures for identifying carcinogens, and interpretation of the relevance of such tests to human health considerations. Most of these arguments are not new, having been heard before in connection with other carcinogens, such as DDT, dieldrin, cyclamates, vinyl chloride, diethylstilbestrol and asbestos. I would like to discuss several points that have been raised.

HUMAN EXPOSURE TO SACCHARIN

The claim that saccharin has been used for 80 years with no evidence of harm is misleading. It is equally illogical to claim that 80 years of saccharin use has been accompanied by millions of cancer deaths from unknown causes, and that saccharin probably is one of the causes. There is no evidence of harm from saccharin because such evidence is extremely difficult to obtain. But no evidence is not the same as negative evidence, or evidence of safety. For 300 years there was no evidence that tobacco smoking caused cancer.

We do not know what causes the majority of cancers, and if saccharin were a cause of many of them, we would not know it. Tumors have no labels telling us what initiated their development decades ago.

It is not necessarily true that because saccharin causes bladder tumors in rodents it would cause bladder tumors in man. It could cause cancer of the colon, for example, which has been increasing in our population for decades without explanation. If saccharin is a human carcinogen, as is probable, we therefore do not even know what form of cancer it might be causing. In our search for evidence, then, we don't know what we are looking for. The extreme difficulty in relating cause and effect in cancer development is not generally appreciated. This is one reason why cancer is such an insidious disease.

TEST FOLLOWED ACCEPTED GUIDELINES

Experiments showing that saccharin causes cancer in rats were consistent with National Cancer Institute guidelines for such testing and were excellently performed. High doses are normally and properly used to increase the sensitivity of the test. High doses permit the test to be performed on a small, manageable number of animals (30–100). Schneiderman of the National Cancer Institute (Congressional testimony, 21 March 1977) estimated that if a lower dose were tested, the rat equivalent of 2 or 3 cans of diet soda per day, for example, then 25,200 animals would be required for statistical significance, and the experiment would cost $4,000,000. This would be 40 times the cost of the higher-dose, fewer-animal experiment that was actually run, probably meaning that 39 other chemicals would not be tested at all. The expensive, low-dose experiment would not provide more useful information in any event. The predictive value of high-dose experiments for the human response has repeatedly been demonstrated. The test has been uniformly accepted by experts in the field of chemical carcinogenesis.

Numerous drugs, food additives, cosmetics and other chemicals are registered and marketed on the strength of safety indicated by negative results in such tests. Now that one chemical—saccharin—has produced cancers in this test, some people want to discard the test procedure, as well as the law prohibiting the addition of cancer-causing additives to foods. It reminds us of the ancient ruler who beheaded messengers bearing bad news. Is the test valid only when it yields the results we would like to hear?

RISK CANNOT BE WEIGHED

The best estimate of the relationship between dose and response (number of individuals with tumors) is that it is linear to very low doses (K. S. Crump, et al., Cancer Research *36*, 2973–9, 1976). There is no evidence for the existence of a threshold, or "safe dose" for any carcinogen. A reasonable estimate of risk *for the test animals* at low dosage is therefore available by extrapolating from the data at high dosage. This concept would apply to risk for man as well, but only on the assumption that man and rodent are of equal sensitivity. This is an undependable assumption, however, since man may be substantially more or less sensitive than rodents. Data showing cancers at high dosage in rodents therefore tell us there is a cancer risk, but they do not reliably tell us the *magnitude* of that risk. The Delaney Clause recognizes this limitation by not allowing the Food and Drug Administration to weigh benefits and risks for food additives, since neither FDA nor anyone else can dependably quantify the risk from exposure to a carcinogen (N. Mantel and M. Schneiderman, Cancer Research *35*, 1379–86, 1975).

SACCHARIN RISK REAL, BUT CANNOT BE QUANTIFIED

The Canadian study showing that saccharin causes cancer in rats is only the latest—and best—of several experiments demonstrating carcinogenicity of the chemical in rats and mice (G. T. Bryan, et al., Science *168*, 1233–40, 1970, among others). It is beyond reasonable doubt that saccharin causes cancer in rodents and is therefore a likely cancer-causing chemical for humans. Since there are no adequate human epidemiological data for saccharin, however, the extent of the risk cannot be estimated reliably.

Based on 200,000,000 Americans consuming an average of one bottle of diet soda daily, if saccharin caused one cancer in every 5,714 people (as extrapolation of the rat data might predict, assuming people and rats to be equally sensitive to saccharin), this one chemical alone would cause 35,000 additional cancers in our population. But the margin of error in this estimate is so large that saccharin could cause anywhere from no cancers to millions of cancers. Such an evaluation of risk is useless for determining public policy.

DELANEY CLAUSE ESSENTIAL

The Delaney Clause of the Federal Food, Drug and Cosmetic Act prohibits the deliberate addition of cancer-causing additives to foods. It is a wise law precisely because it does not allow FDA to weigh risks, once an appropriate test produces cancer. To require FDA to weigh human cancer risks from animal data is to demand the impossible. Political pressure would enter such a spurious weighing process if allowed to by law. Sooner or later a potent carcinogen would slip by to cause thousands or millions of cancers. The Delaney Clause prohibits discretion where none can be exercised; it prevents game-playing with the public health.

During the last 20 years, numerous national and international committees of experts have considered and endorsed the soundness of this law. If we hope to reduce the toll of cancer in future decades, we should not tamper with the Delaney Clause and allow cancer-producing chemicals to be added to our food.

BENEFITS OF SACCHARIN

Confusion exists in the minds of many regarding the function of saccharin. Saccharin is a flavoring agent, and nothing more, in the diet. Its benefits begin and end with the taste buds. It does not cause weight loss, contain "negative calories," or control diabetes. There are no dietary or nutritional requirements that are satisfied by saccharin. Weight is determined by the intake of calories, not by the intake of saccharin.

Many people believe that the sweet taste of saccharin satisfies the desire for sweets, thereby reducing their consumption of sugar-containing sweets. Yet it may not always work that way. Since saccharin does not raise blood sugar, it may not satisfy hunger. By tasting sweet but not satisfying the desire for sweets, saccharin may actually enhance one's "sweet tooth" and increase caloric intake in some individuals. It may not be merely a coincidence that consumption of saccharin, consumption of sugar, obesity and diabetes all have been increasing simultaneously in the United States. How many market shopping carts pushed by obese people are piled high with calorie-laden foods—plus diet soft drinks? The benefits of saccharin are not entirely clear.

SMOKING, AUTOS AND OTHER HAZARDS

Society tolerates many hazards, including tobacco smoking, driving automobiles, and excessive caloric intake. It does not follow that because Society accepts *some* hazards, it should accept *all* hazards. Cancer is the second greatest killer in America, and future decades will witness a still greater toll if we are not vigilant in regulating those relatively few chemicals known to be cancer-causing. Cancer is an especially insidious disease, and Government must play a special role in minimizing public exposure to carcinogens. Much human cancer is preventable. Is it more proper for Government to prevent communicable diseases by requiring immunization than to prevent cancer by banning certain cercinogens? It seems illogical to argue that we lose our freedoms, with Government regulating all hazards, just because the hazard from carcinogens is tightly regulated. The rights to contact carcinogens, or to remain susceptible to communicable diseases, seem flimsy human rights to defend. Perhaps the right to good health is more important.

TELEPHONE COMPETITION AND INTERCONNECTION

HON. DAN MARRIOTT

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. MARRIOTT. Mr. Speaker, recently the 42d Legislature of the State of Utah adopted a joint resolution expressing their concern over competition within the telecommunications industry.

I concur with their thinking and would like to share this with my colleagues in the House of Representatives:

TELEPHONE COMPETITION RESOLUTION, 1977—S.J.R. No. 32

A joint resolution of the 42d Legislature of the State of Utah memorializing the Congress of the United States, in investigating telephone competition and interconnection, to consider the effects of any legislative action in the area on telephone rates applicable to the general public, and particularly to low-income individuals and small businesses; memorializing the Federal Communications Commission to delay full implementation of its policies fostering competition until Congress has had the opportunity to complete its investigation and develop national policy; and directing that copies of the resolution be forwarded to various appropriate individuals

Be it resolved by the Legislature of the State of Utah:

Whereas, increased competition within the telecommunications industry and its effect on basic residential telephone rates is a matter of great public concern; and

Whereas, much discussion has been generated regarding the possible benefits of such competition to the large users of telephone communications services and to the manufacturers of customer-provided devices; and

Whereas, these discussions have indicated that the widespread use of private transmission services and customer-provided devices may cause increased costs for residual telephone service, with the result that much if not all the increased costs will, of necessity, be paid by the utilities' small business and residential customers, including persons in lower income groups and those on fixed incomes; and

Whereas, it is the duty of every public utility servicing Utah customers to furnish such adequate, efficient, just and reasonable service, instrumentalities, equipment and facilities as are necessary to promote the safety, health, comfort and convenience of its patrons; and

Whereas, it has come to the attention of the members of this legislature that the United States Congress has had under its consideration legislation concerning possible limitations on competition in the telecommunications industry.

Now, therefore, be it resolved, that the 42nd legislature of the State of Utah does hereby express its interest and concern regarding the Congressional investigation into telephone competition and interconnection.

Be it further resolved, that Congress is requested to include in its deliberations a full inquiry into the possible economic impact of any action it may contemplate, with the view of providing complete assurance that its action will not have an adverse effect on telephone rates applicable to the general public, and particularly to low-income individuals and small businesses so that the public interest will be served.

Be it further resolved, that the Federal Communication Commission is requested to delay full implementation of its policies fostering competition until Congress has had the opportunity to complete its investigation and to develop national policy.

Be it further resolved, that copies of this resolution be forwarded to the President and Vice-President of the United States, to the President of the Senate, to the Speaker of the House of Representatives, to each member of Utah's Congressional Delegation, to the Chairman of the Federal Communications Commission, and to the Governor of the State of Utah.

ADDRESS OF CONGRESSMAN BRADEMAS TO NOTRE DAME CHAPTER OF PHI BETA KAPPA

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. BRADEMAS. Mr. Speaker, on May 21, 1977, I had the privilege of delivering the Phi Beta Kappa address to students who were initiated into the Notre Dame chapter of this society, and I include my own remarks on this occasion.

REMARKS OF CONGRESSMAN JOHN BRADEMAS, INITIATION OF NEW MEMBERS OF UNIVERSITY OF NOTRE DAME CHAPTER OF PHI BETA KAPPA, MAY 21, 1977

I count it an honor to have been invited to speak to you on the occasion of the initiation of members of the Notre Dame Chapter of Phi Beta Kappa.

It is for several reasons that I am gratified to be with you today.

As the Representative in Congress of the district which embraces the University of Notre Dame, I rejoice in the opportunity to join you in welcoming so many distinguished world and national leaders who come here this weekend to do honor to the remarkable man who has led this institution for the past twenty-five years.

FATHER HESBURGH

Father Hesburgh is a person who in ways emulated by no one I know has combined the roles of priest and prophet, educator and public servant.

I need not here dwell overlong on the many dimensions of his career. I shall say only that the visit to Notre Dame today and tomorrow of such persons as President Carter, Speaker O'Neill, Senator Mansfield, and Federal Reserve Board Chairman Burns; together with eminent religious leaders like Archbishop Jadot, the Apostolic Delegate to the United States; outspoken champions of human rights like Cardinal Kim of South Korea, Cardinal Arns of Brazil and Bishop Lamont of Rhodesia as well as other outstanding figures from the fields of law and business and education speaks more eloquently than can I of the regard in which Father Hesburgh is held not only in our own country but elsewhere in the world.

That Father Hesburgh has just launched the "Campaign for Notre Dame", a five year $130 million capital grants drive, aimed at placing Notre Dame among the nation's top ten universities in endowments, is a further reflection of his enduring commitment to making this great center of learning greater still.

There is a second reason I am pleased to be with you. As you have heard, I am one of twenty-four members of the Senate of Phi Beta Kappa, governing body of the Society. I am now in my second term as a Senator—the only six years term, by the way, to which I expect ever to be elected!

A third reason I was glad to accept Professor Brinkley's invitation to address you is that during my nineteen years as a member of the House of Representatives, I have invested much time and energy in writing laws to open the doors of educational opportunity to young people and to strengthen the colleges and universities which provide that education.

So I feel at home with you here this morning and I congratulate you warmly on your achievement.

But let me ask what your becoming a member of a society now two centuries old means to you.

Is there a peculiar significance to be attached to the honor which you mark today?

You are all aware, as Phi Beta Kappa officials will tell you at the drop of a key chain, that you are in reasonably impressive company. For example, five members of Jimmy Carter's Cabinet and six of the nine Supreme Court Justices are members of the Society as are some thirty Congressmen and even a dozen United States Senators.

And there's little question that being a member of Phi Beta Kappa should help if you apply for graduate school and give more lustre to your resumé when you go job hunting.

Yet I should like to assign a somewhat nobler meaning to your initiation into this Society.

Our motto is "Philospohia Biou Kubernétēs", "love of wisdom, the helmsman of life."

So allow me today to take advantage of this joyous event to offer just a few lessons that I would derive from this motto, lessons that I hope have some relevance for persons being initiated into Phi Beta Kappa in the summer of '77.

First, I would remind you that it is not merely wisdom but the "love of wisdom" that is the ideal of the Society.

KEEP ON LEARNING

And to me that phrase means at the very least that you must keep on learning.

For some of you, perhaps, your experience at Notre Dame may be your last formal education but for all of you, your membership in Phi Beta Kappa says that you are in some sense marked men and women. And you will fail in your responsibility as persons who pretend to be educated if you do not continue throughout your life the commitment to learning that has by definition brought you to this ceremony today.

We are, happily, much more sensitive than we used to be to the awareness that life cannot be neatly categorized into periods of education, of work, of retirement—consecutive, separate, irreversible.

That this university has a Center of Continuing Education is a symbol of that awareness at Notre Dame.

So when you leave here, whatever you undertake to do as a vocation, do not leave off learning—and I speak not only of the theories and techniques necessary for success in your chosen field. I hope that you will seek to keep your mind alive in other areas of knowledge as well.

LEARNING ABOUT AND THROUGH THE ARTS

It is not, however, solely to the cognitive process that I refer when I admonish you to continue learning throughout life. In his essay of nearly seventy years ago, "The Spirit of Learning," Woodrow Wilson, in defining "the educated man," declared, "He can see, he can discriminate . . . he has insight and comprehension. His mind is a practiced instrument of appreciation. . . ."

I suggest to you most respectfully that the insight and comprehension and appreciation which ought to characterize educated men and women should extend beyond the life of the mind to embrace the imagination and the emotions as well—in short, to aesthetic learning.

As some of you know, I have also in Congress responsibility for legislation to support the arts—painting and poetry and prose, the theater, opera and dance. And only next week I shall be holding hearings in the House of Representatives on the report which a commission headed by David Rockefeller, Jr. has been preparing on the significance of the arts in American education. Tom Bergin, Dean of the Center for Continuing Education at Notre Dame, is one of the most active members of this panel and I know that he shares my conviction that men and women who call themselves educated must be alive to learning of and through the arts. It is no surprise then that the report of the Rockefeller commission is entitled, "Coming to Our Senses."

But the "love of wisdom" which should characterize the members of Phi Beta Kappa is not exhausted by either the life of the mind or of the senses.

LEARNING ABOUT VALUES

There is a third kind of learning of which I should like to say a few words—learning about values.

For in the wake of Vietnam and Watergate and the wave of revelations about the enthusiasm of American free marketeers for bribery both foreign and domestic, one could fairly ask, "What are our values and how do we teach them in America?"

I trust it will not be thought partisan if I observe that we were only this week reminded of this question with Richard Nixon's remarkable defense of unlawful acts to protect what he called the "national security." "When the President does it," Mr.

Nixon declared, "that means that it is not illegal."

Such an assertion—such a belief—on the part of an American President should in itself be enough to spur us to ask about what in an earlier time was called "moral education."

I know that this question of values has much concerned Father Hesburgh and that he has initiated experiments at Notre Dame that may prove helpful to our understanding of how to teach values.

Derek Bok, President of Harvard, has also forcefully argued that the time has come for colleges and universities to play a more vigorous role in this respect. "If other sources of ethical values," he says, "have declined in influence, educators have a corresponding duty to contribute in any way they can to the moral development of their students." And he has offered specific suggestions for designing appropriate courses to meet this duty.

My point here is simply to contend that the "love of wisdom" should include an apprehension that a person cannot be said to be humanely educated who cannot identify moral problems and define ethical issues.

LEARNING FOR PUBLIC SERVICE

There is a final dimension which I believe should distinguish the members of Phi Beta Kappa, and it is that special sense—the Greek sense—of responsibility for the well-being of the broader society.

That most eminent of American historians. Henry Steele Commager, has put my point succinctly. It is time, he said, to "revive the passion for public enterprise that animated the generation of the Founding Fathers."

I agree. For at least a part of the answer to Vietnam and Watergate is more politics, not less, not only more informed and knowledgeable politics but more open, spirited, feisty public life.

And persons who have enjoyed the blessings of a university education have, in my view, an obligation at least to participate in the processes of making decisions about their community and their country and the world.

Some of you, I hope, will take up careers in public service. But none of you, I hope, will retreat from the broader civic responsibility of which Pericles reminded his fellow citizens in the Athens of the fifth century.

And that responsibility is not, in the twentieth century, alone to your city, or indeed, to your country but, as Father Hesburgh has so often reminded us, to the wider world of humankind.

These then are some of the lessons that I make bold to offer on this day of your initiation into the fellowship of Phi Beta Kappa. I hope that the motto of our Society—"Philosophía Bíou Kubernétés"—will mean for all of you: first, a commitment to learning throughout your lives; second, a celebration of the joys of learning, through the mind and through the senses; third, an awareness that educated men and woman must know moral values, too; and fourth and finally, a determination to contribute to the good of one's kinsmen in the human family.

One hundred and forty years ago, in his famous essay, "The American Scholar," Ralph Waldo Emerson wrote, "The scholar is that man [and were Emerson alive today, I am sure he would add, 'and woman'!] who must take up unto himself all the ability of the time, all the contributions of the past, all the hopes of the future."

Here at Notre Dame, you have taken up all three and have done so spendidly.

I salute you.

GOVERNMENT GONE AWRY

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. RUSSO. Mr. Speaker, today's article on the Social Security Administration explores the concept that Government is now a self-propelling force, that changes must be shielded from everyone until the last moment and the prospects for reducing the error rate in social security programs.

Government has now grown so large in the last 25 years that, in many aspects, it has taken on a life of its own. Few positions in an agency are appointive and many civil servants remain through several different Presidential administrations, which lends stability to the system but also makes drastic changes almost impossible. But new leadership, strong and vigorous, can make a significant difference as Joseph Califano, new Health, Education, and Welfare—HEW—Secretary has shown.

Califano assumed the leadership reins at HEW and began moving quickly, but secretly. In order to shield his moves from potentially inhibiting forces, he had to assemble his materials outside HEW. The changes assigned program responsibility functionally and should reduce Government expenditures by $2 billion. Califano's statements on the differences in Government since he left at the end of the Johnson administration are extremely interesting.

Finally, the series notes that the prospects for reducing errors in our welfare programs are very slight. The forms are extremely complicated, the programs interlap, and thus payments rise or fall with every change in lifestyle and new programs continue to come.

Congress must realize the impact creating new programs has on an agency and its employees and spread the load around or make sure the manpower and technology is in place before setting a target date for implementation.

The article follows:

[From the Washington Post, Mar. 29, 1977]

GOVERNMENT GONE AWRY

(By Haynes Johnson)

For decades, Social Security has administered the largest retirement program in the world. It has delivered with great efficiency and elan billions of dollars each month to tens of millions of Americans.

Several years ago Congress decreed that Social Security also should get into the welfare business. In 1974 the agency began administering a Supplemental Security Income program. Immediately, it became embroiled in problems and controversy. Its offices were besieged with a new class of claimants. Its record of efficiency was shattered. Its morale deteriorated.

Two months ago a new administration came to power. In the process of its first attempt to reorganize the government—an effort to bring order out of disorder, to streamline the workings of the bureaucracy—Social Security was directly affected. The agency was given administrative oversight for still another segment of the huge welfare population—some 11 million parents and children receiving billions of dollars each year under the Aid to Families with Dependent Children program.

The news was a shock.

"This just says to us we're heading more and more into the welfare business," one employee said. "And that's not what we need."

Another was more explosive. "Christ, another program. Who needs it? Does anybody understand what's happening to us? The President doesn't understand. OMB (the Office of Management and Budget) doesn't understand. Hell, we've had it with reorganizations—illogical reorganizations that we don't understand, yet we're supposed to explain them to our people and make them understand and accept it.

Not everyone in Social Security reacted negatively. Some see it as a challenge that the agency will master. But the move reinforces a point that keeps being hammered home during these last months of exploring the world of government through the limited perspective of one of its agencies. As someone along the way remarked, "The system is corrupting itself."

He didn't mean corruption in the simple sense we write about in the newspapers—theft, bribery, fraud, greed. He meant government is growing out of control, all right, but not because of any single factor. It has become a victim of forces that inexorably propel it into greater and greater endeavors, creating greater and greater problems. "The whole society is involved in a rip-off, if you want to put it that way," he said.

The experience of Social Security would seem to bear that out. "We've been considerably frustrated at all levels," one of its managers says, "as public expectations about our role are continually being raised and we're continually being asked to perform tasks that we think we're not equipped to perform."

That doesn't take into account the reasons for the current reorganization, of which Social Security was only a part, nor the complexities in carrying it out.

The reasons are simple enough—the desire of new managers in a new administration to see if they can make the government work better. That was the pledge from Jimmy Carter on down. And the difficulties are clear enough, too—can anyone really make a difference?

The target, in this case, was not Social Security but the sprawling department that reaches into every corner of our lives. Social Security happens to be only one of that department's many tentacles.

As a symbol of the government, and the bureaucracy, the Department of Health, Education, and Welfare stands alone.

"No enterprise that I know of, government or otherwise, has ever grown as fast and reached out into so many areas," says a bureaucrat who has watched HEW change from within since the 1950s. "That may be a reflection of something else, of what's happening in society generally.

"Life in America, and life in the Western world, has just become very complex. The dynamics of change are very rapid, perhaps even overwhelming. HEW's a reflection of that. HEW today is now self-propelling. It has a motion and thrust all its own. You can change the leadership and the tempo will pick up. Its effort may pick up or decline, depending on the quality of its people, but there's a certain amount of activity that's inevitable now. It just propels itself along. That's true of the whole government, though.

"Look at the uncontrollability of the federal budget. Look at the Congress. The Congress is continually looking for new space. Its appetite for new offices is insatiable."

As Social Security Commissioner Bruce Cardwell pointed out in an article in Monday's Post, another change is affecting American society. Its changing attitudes about work itself, found in every corner and segment of society today, in or out of government.

In that same period of HEW's growth, as more and more demands were placed on it with more and more bureaus created to oversee more and more programs, the obvious occurred. Morale declined, errors increased, service to the public suffered.

"I don't know how to get the bureaucracy back to where I used to recognize it, particularly in these big departments," says an HEW official.

"My general impression over the 25 years and various agencies I've been in is that the bureaucracy has gotten slower. They have reacted to what's happening in government by going into their holes. They're digging in, hunkering down."

He has only one solution: "Unless you get cues down through the bureaucracy that this is government under pressure and we've all got to behave differently, we aren't going to make it. To get control you've got to shake up the bureaucracy. And you've got to move fast."

That is what happened to HEW—and Social Security—in these early days of the Carter administration. How it was accomplished, and under what circumstances, tells a great deal about government today. And it raises as many questions as it answers.

When Joseph A. Califano, Jr., took over as HEW Secretary two months ago he found many changes from the government he had known during his days in the Pentagon and the White House in the 1960s. The power of Congress had increased greatly, and the congressional staffs were vastly more influential. Government regulations had become unbelievably complex, and programs more intertwined and unmanageable. The bureaucracy was both dispirited and distrustful. And it was much more difficult to exercise authority. In his department alone Congress had enacted thousands of things that an HEW Secretary couldn't change. The only way to get change was through legislation. That meant asking Congress' permission. You were a pawn, a hostage, whichever way you moved.

Califano was determined to move swiftly in carrying out the President's—and his own—public pledges to reorganize his department. He was confident, too, that by realignment and eliminating overlapping functions, better administration could be achieved at far less cost.

He had another concern: any attempt to change HEW's structure would have to be done under tightest secrecy.

It hadn't taken him long to learn that virtually everything he did leaked instantaneously from the bureaucracy to congressional sources, special-interest groups and the press.

"I have come to the conclusion that everything I sign is a public document within 24 hours of the time I sign it," he says. "The only things that may not be public documents that fast are the memoranda I send to the President, because we hold them so tightly here. But everything else—excerpts from letters I've written, memos out of my office—I have to assume will leak."

Califano wanted to make certain his plans for HEW were secure. As someone who worked with him on the project put it: "To be brutally frank, if you let it seep out on you you'll never get it done." He meant that various interest groups could combine with their respective allies on the Hill to throttle it.

The security surrounding Califano's reorganization move is a measure of how difficult it can be to change government today. There are 145,000 employees in HEW. Aside from Califano, only five persons in all of HEW knew what was being contemplated. They were pledged to tightest secrecy.

After extensive private meetings the reorganization plan was finally put together. Califano faced another problem. He had to have briefing papers and charts ready before presenting the idea to the President.

"I had no sense I could get copies of briefing papers, plus all those charts, put together here at HEW without having it leak all over hell," he recalls.

He went to Harold Brown, the new Secretary of Defense, whom he had known in his own Pentagon period. Brown agreed to have the charts and papers prepared at the Pentagon.

On March 2 Califano briefed the President at the White House. For more than an hour he went through the details before an audience composed of Carter, Vice President Mondale, OMB Director Bert Lance and presidential aides Jack Watson, Stuart Eizenstat and Harrison Welford.

The President was pleased, the plan was approved. Five days later Califano briefed the Cabinet and then announced the reorganization to the public as "the most far-reaching in the department's 24-year history."

Califano's first thoughts about his reorganization centered strongly on the Social Security Administration. He was thinking of moving two critical and controversial welfare programs—Medicaid and AFDC—into Social Security. The agency already had been given a federally subsidized welfare program for the nation's aged, disabled and blind (SSI). It also was administering Medicare.

One of his advisers objected. "I told him at that meeting, 'Hey, boss, you're putting 97 per cent of your money under one guy,'" he recalled, "'Do you really want to do that? When you do that you're creating a super-super agency head.'"

In the end, Medicare was transferred from Social Security as part of the formation of a new health-care administration. Social Security administratively was given AFDC to go along with its other welfare benefits program, SSI. That put HEW's cash-assistance programs under a single administrator, just as health-care functions were being placed together under a separate unit. It would eliminate fragmentation, Califano reasoned. It was logical. It should simplify management funtcions and save as much as $2 billion in the next two years.

It was also believed that putting the two programs under Social Security would lead to substantial reductions in error rates of SSI and AFDC. Social Security alone had been working intensively to cut errors, with marked success: rates in SSI have been cut at least in half. The cost had been high—a billion dollars in incorrect payments in its first two-year period—but about a third of that money has been recovered or settled. Still, error rates in both programs remained high. Latest figures for SSI show an 8 per cent payment error. For AFDC it's a 9.1 per cent rate.

The long-term impact of AFDC on Social Security is unclear, in part because the entire question of welfare reform is being studied within HEW. State and local governments still pass out their AFDC welfare payments in offices across the country. But Social Security now is assuming overall quality control as well as seeing that federal guidelines are carried out. If fraud exists, it's the ultimate responsibility of the federal government to root it out.

Probably the greatest concern within Social Security is that the AFDC program—with 11 million beneficiaries getting $9 billion a year—ultimately could turn into another SSI experience.

Califano and his top advisers had discussed the impact of these moves on Social Security. They had weighed morale and other factors. They were aware, as one said, that people there "generally felt the SSI experience was more than they ever wanted to face again."

Califano says, "I guess I was not as aware of the problems with SSI." He had visited the agency's headquarters in Baltimore and come away with several strong impressions.

"My instinctive reaction was how incredibly big it is," he says, "with those 300 or more million people on those computer tapes, and how incredibly dreary some of that work must be for the individuals. I felt sorry for the people that were reading those microfilms.

"I've done my share of legal research, reading old documents on microfilm, and it's grim, tough. It sears your eyes. But I was impressed, I guess, that they've come a long way from a few years ago. Then you couldn't have a radio when you were sitting there. They've got much more frequent breaks now. They've learned that that pays off."

What has not been learned, it seems clear, is something more fundamental. Perhaps the HEW reorganization will turn out to be the model for the rest of government. Perhaps it will save billions of dollars, although that is doubtful. Perhaps it is a hopeful beginning, for Carter, Califano—and the country.

This reorganization does not touch, however, nor was it intended to, some of the deeper problems of government. It does not address questions of pressures from the top building on the workers below, on outside demands for more and more programs and more and more laws and more and more regulations, on complexities of declining morale and technological tangles.

It certainly does not address the personal frustrations felt by many people on the front line of government today.

"We're being asked to deal with things that a bureaucrat isn't really trained to do," says a government employee. "Look at the SSI program, for instance. (The federal welfare program for the aged, the blind and the disabled is now run by Social Security). In California a federal bureaucrat out in a district office has to go and see if your aunt changed living arrangements from month to month to determine if she stays on welfare or if her SSI benefits go up or down. We have to go in and ask her if her cooking arrangements are different from last month to next month. No way!

"If we don't and we find out by our quality control that her cooking arrangements have changed and she should get less money, that's an error. I don't think anybody understands the complexity of that. I don't think anybody understands that the federal bureaucrats can't do that without errors. We'll never get those errors down I think, below 15 per cent. That's almost an impossible situation."

Too often, emloyees react all too similarly. They do just enough to get by. "You don't get your psychic income out of the office," one says. "You do the best you can, and try not to get too frustrated. You gut it out."

As we have been reporting these past three days, Social Security is an agency with a great record of public service presently experiencing considerable strains. Some of its wounds are self-inflicted. Most are not. What makes it so signal a case is the irony of its dilemmas. One stands out sharpest of all. Social Security has become a victim of its own achievements.

"It's the rewards for success," says an HEW official who participated in shaping the current reorganization plans. "Every one of those programs that was given to Social Security was given not because it made so much logical sense to put them in there. In many cases it didn't. They were put there because of the fact that here was an organization that had a reputation of being able to get things done.

"Generally speaking, there was no problem you couldn't give Social Security. They brought Medicare up from nothing to on board in a period of 18 months after the law was passed. That was an unbelievable administrative task. I don't know of any other example of a new program getting off the ground like that. And when SSI was given to them, wasn't the decision based upon the fact that they could do it? That was the only place that could do it?"

Of course Social Security workers say that, precisely, was part of the problem. They speak about reaching—or overreaching—the saturation point in terms of programs, services and benefits. They speak of programs eventually turning inward and becoming self-destructive. They speak of struggling to simplify legislative fiats affecting those programs. "I don't think Congress is interested in simplification," one person says wearily, "because the law is so filled with provisions that protect somebody. I really don't think anybody is interested."

From the top echelons at HEW the perspective differs. The most critical problem Social Security faces, you'll hear, lies with its computer systems technology. "My assessment of the problem of morale and the image of Social Security going downhill over the last five or six years," that same official says, "is that 90 per cent of it is tied to systems problems. And I don't think they recognize that. I think they blame it on overwork. But the overwork is because they haven't been able to get the systems to respond in time to do the work. So people end up having to do it."

Again, the irony: Social Security officials say so much of their time is spent on technology—on worrying more about machines than people—that its proudest traditions are in danger. It was Social Security's greatest source of pride to be thought of as the people's friend, the agency closest to the citizen. For a number of the reasons we've been suggesting, that public and personal role grows more difficult.

One more observation. In all the public talk about the excesses of government, a great deal of time and attention are spent on fraud and scandal in administering programs. Politicians seize on that. They pledge to remove welfare cheaters and reduce cost overruns. Fine enough. What doesn't receive as much attention is perhaps the greater corruption—the attempt to do more than is prudent or possible and the failure to account for the real costs of placing greater burdens on government.

This is a story without an end.

No final clarion message emerges from this glimpse into government. In months to come, other agencies and organizations will be examined. Perhaps other lessons will be learned. But Social Security alone provides disturbing evidence of government gone awry. And the words of one of its managers are worth pondering.

"My own personal conviction," says Robert Bynum, associate commissioner for program operations, "is that the President and Congress ought to be very, very careful about enacting new programs to take care of what is apparent as a need without very, very thoroughly and carefully looking at everything else that's already on the books that somebody else has responsibility for. And somehow in that process they must insist that you undo some things that have been done.

"If we don't do that, if this President and this Congress don't somehow get a grasp on how to do that over the next four years, then we are truly going to reach a chaotic kind of situation in this country."

HAPPY BIRTHDAY JOHN WAYNE: THE MEANING OF AN AMERICAN MAN

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. KEMP. Mr. Speaker, it would be impossible to count—much less to name—the American movie idols over the past 40 years. Either the products of big-budget promotion campaigns figures who caught the American mood until it changed again, most have come and gone.

It is unusual when someone captures the imagination of the American people and holds it year after year. It is rare indeed when they hold it decade after decade. That happens only when the actor is genuine, the emotions he evokes consistent, and when his personal life and commitments are bigger than those portrayed on the screen.

Such an actor, such a man, is John Wayne. John Wayne is a folk hero in this country. All the snobbish, chic criticisms about John Wayne has failed to dent either him, his image, or his career. The Duke knows how to make an honest living, what the theatre crowds want and expect. He knows his issues and he has been on the right side of the controversies which would have divided our country and people. And what he has brought into the box offices across America has brought employment and enjoyment to thousands of people.

George Fowler has written an essay on the occasion of the Duke's 70th birthday this week, May 26. This is a particularly interesting piece because it looks at the basic theme which has underlaid the long line of John Wayne films, putting that theme into the context of our time. The item appeared in the curent issue of Human Events

I wish John Wayne a happy birthday, and I am sure I speak for Members of Congress and for millions of people in wishing him many more active years. As a friend, I admire him and thank him for his consistent efforts on behalf of America and the principles upon which it was founded.

The article follows:

JOHN WAYNE AT 70: THE MEANING OF AN AMERICAN MAN

(By George Fowler)

I live in a country full of healthy, responsible grown men who are hopelessly in love with John Wayne, so I'll just offer a short 70th birthday tribute to this remarkable legend of our highest instincts without indulging in any spasms of sycophantic sentimentality.

He was born Marion Morrison on May 26, 1907, in Winterset, Iowa. He is about as basic American breed as you can get short of Indian blood—of pioneer Scots, Irish and English stock. The family moved to Glendale (Los Angeles County), Calif., where he spent his boyhood as a top student-athlete and owner of a dog named Duke. The guys at the firehouse transferred the monicker from the dog to the boy.

As a man he is loathed and demeaned by sanctimonious "liberals" and a whole mess of bug-out-on-America hypocrites who nevertheless hug our shores and know every last dot in their bankbooks and stock portfolios although they bemoan capitalism to the skies.

But Duke is top shelf with freedom fans, who thrill to the big guy's charge. For three bucks a throw or a seat before the tube it's Standup Time again, if only for a couple of hours. A tall walk in the exercise yard of our mind before returning to the cultural decomposition of all that we earned at such a terrible price. It was O.K. to stand in the blooded slush at Valley Forge, but these shoes cost me $85.

At USC, Duke Morrison kept his scholarship and gridiron grades high, and formed one of his many deep lifelong friendships, with teammate Ward Bond. In 1952 Bond, Wayne, Marine Colonel-actor Glenn Ford and the beloved Charles Coburn were among the few film celebrities to stand with the presidential candidacy of Sen. Robert A. Taft Sr. in a year when most of Hollywood was split between the glamor of Ike and the liberal chic of Adlai.

After college Bond got his sidekick a job lugging props on a movie lot, where he caught the attention of Raoul Walsh. Director Walsh, one of the creative masters who practiced social moderation with Jack Barrymore, W. C. Fields and Errol Flynn, thought the name "John Wayne" sounded very upright and American, just right for the kid. He starred Wayne as the wagon boss in *The Big Trail*, an early talkie classic of stirring patriotic tone—the "Keep 'em moving, we can make it!" courage of the Westward Breed.

Director Howard Hawks and Wayne would team in Wayne's totally arresting concept of the driven cattleman in the 1947 classic *Red River*, with Walter Brennan and Harry Carey. But to the switch-pullers of film opinion Duke was not a "serious actor," and his outspoken conservatism was grinding to many in the traumatically split Hollywood of the late '40s.

Nonetheless, Wayne finally won the Oscar for Best Actor 23 years later for his 1969 Sheriff Rooster Cogburn eyepatch role in *True Grit*. It is generally considered a composite award to make up for the many years of snobbish dismissal of a guy who has given so much to his industry and employed so many Americans at fair wages.

After *Big Trail*, Wayne lapsed into a long string of oaters and melodramas (he was usually his own stuntman) until John Ford cast him as the Ringo Kid in *Stagecoach*. Ford, of course, would become a guiding friend as well as professional intimate of the younger man. Ford, Harry Carey and the more widely known Douglas MacArthur are Wayne's proclaimed hero figures. An avid history student, Duke often expresses high admiration for an unscrupulous but all-moxie British patriot, Winston Churchill.

After Roosevelt connived us into World War II on the "allied" side (sorry, no Oval Office tapes, but what an addition to the record they would make!), Ford was commissioned a commander in the Navy and shot some of the most important combat footage in the Pacific theater. Wayne, by then a father of four in his mid-30s with a permanently jammed shoulder (from a surfing spill), repeatedly begged Ford and others of influence to get him into the fray despite his status. He later demanded—and received—official okay to visit combat troops throughout the world.

Eventually Duke resigned himself to his homefront propaganda-entertainment role before the cameras, but his self-imposed humiliation lasted for years. Wayne haters, of course, totally and gleefully misrepresent this chapter of his life.

In February 1944 the Motion Picture Alliance for the Preservation of American Ideals (MPA) was formed—a relatively early date for founding an openly anti-Communist organization, in Hollywood or anywhere else. Supported by John Ford and mogul Walt Disney and largely quarterbacked by such as Jim McGuinness, Borden Chase, Eugene Lyons, Adolph Menjou and writer Morrie Ryskind, movie colony anti-Communists had a counterforce to the ultra-leftist Communist surge of the depression-war years. While the lefties accused the MPA of being "right wing" and "fascist," the fact is that it had strong labor support, with at least two of its presidents coming from labor's ranks.

Wayne followed Ward Bond as a president of MPA and also served on the board of directors of the Screen Actors Guild (around the time that a soon-to-be-converted liberal Democrat named Ronald Reagan was its president).

There had been much bitter hangover sentiment among screen conservatives against Communist and fellow-traveller actors, many of whom had recanted. Wayne went to bat for Larry *The Jolson Story* Parks, who had broken with the Communist party and had been a friendly witness before the Senate Internal Security subcommittee. "Why not encourage people who are coming over to our side?" Duke reasoned.

The tall Celt's compassion and quiet help has never been withheld from friends and associates who have known rough moments, with alcoholism having taken a particularly heavy toll. Himself a non-problem drinker of great liquid capacity, he stuck with those who were losing control of their lives because of the disease. Some made it back; a few didn't. But the strong personal loyalties, so evident in their work, held like a Scottish regiment no matter the outcome.

To this detached observer the most beloved of the Wayne classics is *The Quiet Man*. Here is a joyous experience of the John Ford gang (including a couple of Duke's kids) having an outrageously good time while turning in a magnificent professional effort as they romp across the fields of Mayo. The wild and beautiful west of Ireland. an art work never to play the artsy-sickle snob circuit. Ford-Wayne-O'Hara-McLaglen - Bond - Fitzgerald-Shields-Natwick and the rest. Some of them with us and some geographically with God.

It personifies a tone of life that we must retrieve if we are to reverse ourselves from the masochistic tailspin of this prideless age.

The unique genius of the Ford-Wayne morality play is that questions of pride and honor, right and wrong, are never far from the moments of self-deflating humor and human frailty.

Pompous bureaucrats and crooked Indian agents are gleefully routed. Good and bad alike catch a few knuckles in the mush. Only the unredeemable are served buckshot salad. At times some bad men must be killed or the good cannot live. And some, over the years, have despised Wayne for so effectively projecting this unpleasant portion of liberty's dues.

The Wayne concept is not the individualism of human detachment as seen through Howard Roark in Ayn Rand's *The Fountainhead*. Rand, for all her inspirational value, is non-American. The Ford-Wayne ethic is pure American identity. It is the ideal of man's individuality as continually interrelated with the challenges faced by his people under their common flag.

The Wayne figure is the catalyst who can only hope to prevail by rallying the good against evil. Individual liberties won through collective but voluntary effort; the citizen-soldier spirit of our founding republicanism.

In only slightly differing ways, this is what he attempted to portray in his two great outpourings of money and heart, *The Alamo* and *The Green Berets*. Both of these mammoth efforts were viciously panned and vilified, dismissed as rightist message films and artistic duds. Even now, few can view either of them with complete critical dispassion. But perhaps a Texan's view of *The Alamo*, expressed to us in Dallas in 1964, says it best: "Hell, we didn't think it was a bad movie. It was a pretty good movie. And we knew what Wayne was trying to do, trying to say. That's what counts with us." Viewing *Alamo* on national TV May 1, many now assess it as a stirring and beautifully composed film under Wayne's producer-director leadership.

Aside from the movies, Duke Wayne lives well but quietly in Newport Beach, Calif., among more loved ones than even a fine man should expect. His partisan political activities have been mostly confined to GOP campaign assignments, one being an impressive short address before the 1968 Republican National Convention—unfortunately aired during a little-viewed daytime session.

He was to speak at the 1976 Kansas City gathering, but the forces of Gerald Ford and Nelson Rockefeller, the sour grapes master of the "If I can't pitch, I'm taking my bat and ball and going home" school, had the pro-Reagan Duke bumped from the program.

Rocky and his paladins rightly foresaw what the very appearance of himself might set off in the high-voltage carnage chamber, especially among helium-butt delegates still burping from their White House repasts. That's the last thing they wanted going out over Walter Cronkite's magic box.

But his true grit campaign moment came in 1964. Thinned and weak at the time of his cigarette cancer operation, he nevertheless went through with the gruelling taping sessions required for a half-hour, one-man program and other efforts. Wayne knew full well that the '64 ticket hadn't a prayer, that the strain could have serious effects. But he is the constant man, a person who stands, regardless. As we've known all along, John Wayne really is John Wayne.

So he's 70 now, and we've come a way with him along the trail. The long, unique stride and warmly antagonistic voice are known to the world, but they are ours. Others may appreciate and enjoy; only the American knows, feels it inside.

The magnificent land crossed and settled. The towns and the farms. The striving people in abundance and in drought. If you punched your way out of a slum, where majesty was a public park, you know. He reminds us that our intrepid forefolk, their souls risen from the Plains earth, are our wealth, our spiritual lode. And now we must draw on them. Now that it is late, we must listen to their truth or know a darkness that will not soon lift.

Hopefully, after we've all been replaced a few times over, Americans will still look up at that blessed composition of red, white and blue cloth and say from the gut: "That's my flag, the proudest and finest national symbol in the history of man. So don't anyone dare touch it. Don't even think about it." Because this is John Wayne country.

CANCER RESEARCH FUNDING

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. MINISH. Mr. Speaker, we will soon be called upon to approve the 1978 fiscal year budget recommendation for the National Cancer Institute. It concerns me that the House Appropriations Committee has not seen fit to recommend full funding for cancer research as provided for by this body's authorization. I insert in the RECORD, for the benefit of my colleagues, a statement I have released explaining the need for the full appropriation:

Congressman Joseph G. Minish, 11th District, New Jersey, this week called upon the members of the House Appropriations Committee to fully fund cancer research programs for the 1978 fiscal year. The House of Representatives authorized a budget of $936 million for Federal cancer research, but the Appropriations Committee recently included less than $832 million in its recommendations.

In a letter to Representative George H. Mahon of Texas, Chairman of the House Appropriations Committee, Minish exhorted his colleague to restudy the matter. "Cancer is the most feared disease now faced by the nation," the letter said, "We cannot let the need to economize interfere with the vital research being done to eradicate this killer."

Minish has been in the lead as an advocate of a total federal commitment to eliminate cancer. He was an original sponsor of the "Conquest of Cancer Act," which eventually led to the enactment of the cancer attack program in 1972.

The New Jersey lawmaker's letter also pointed out that "The scourge of cancer has touched each and every one of us. Because it does not discriminate in the selection of its victims, Americans of all ages and walks of life are stricken by the disease. There is not a man or woman among us who has not lost a friend or loved one as a result."

Cancer is the second leading cause of death among Americans today. The disease has taken the lives of over 300,000 victims per year since 1970. The U.S. Department of Health, Education, and Welfare estimates that $1.8 billion are spent annually by cancer victims on hospital visits alone. The total cost of treating the disease reaches into the tens of billions of dollars when doctors' fees, outpatient treatments and lost time from work are included.

"There is every good reason to believe that a total commitment to cancer research will result in the eventual end of the disease as a threat," the Minish letter continued. "Forty years ago, a cancer patient had a 20 percent chance of surviving for five years; today that chance is 33 percent. With a total commitment on the part of the Federal government, it is the hope of the nation that the threat of cancer will soon be as slim as that of the plague."

SOCIAL SECURITY COST-OF-LIVING INCREASES

HON. HERBERT E. HARRIS II

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. HARRIS. Mr. Speaker, I am today introducing legislation to insure that cost-of-living adjustments for social security beneficiaries do not result in a decrease in the amount of assistance a beneficiary might also receive from veterans' and similar programs.

The purpose of the annual social security cost-of-living adjustment is to help preserve the purchasing power of individuals living on fixed incomes; it is not a "raise" in the sense that it does not increase the "real" income of a beneficiary. Unfortunately, however, social security beneficiaries who also receive assistance under the veterans' programs, supplemental security income, aid to families with dependent children, medicaid and similar State and Federal programs "lose" the cost-of-living increase.

The benefit levels of many programs are based upon the amount of available income, including social security retirement benefits. As social security payments increase, even if only to account for inflation, the benefits under other programs are cut. For example, when social security grants a cost-of-living increase, the Veterans' Administration reduces the benefits to recipients of veterans' programs who also receive social security benefits.

Because cost-of-living increases are not disregarded when veterans' or similiar benefits are determined, the social security cost-of-living increase is "washed out" of an individual's total income. That is, total income does not reflect the full social security cost-of-living increase since the benefits under other programs are reduced.

The problem is not that social security does not pass on the cost-of-living adjustment; it does. Rather, the problem is that other assistance programs reduce their benefit levels when a cost-of-living adjustment for social security is made.

To correct this problem, under my bill, the social security cost-of-living increase would be disregarded for purposes of determining benefit levels under Federal and State assistance programs.

SMALL MINER DECRIES MINERAL MYOPIA

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1977

Mr. SANTINI. Mr. Speaker, last week Congressman ABRAHAM KAZEN, chairman, Mines and Mining Subcommittee, conducted field investigation hearings in Elko, Nev., on proposed BLM surface management regulations.

Mr. Tom Norris, a "small miner," testified before our committee. By way of definition, a "small miner" does not describe all miners under 5 feet in height. He is a representative of all of those persons who are either prospecting or mining for a mineral resource and are doing so alone or as a member of a small group.

The "small miner" has been responsible for over 80 percent of the active mining operations in the U.S.A. today. Further, 64 percent of the nonfuel mining operations in our country today are conducted by nine or fewer men.

Mr. Norris is expressing his very real fears and objections to the irrational and arbitrary rulemaking process that has placed both his and other small miner's livelihood, and this Nation's mineral capacity in jeopardy. He says it very well:

> I am Tom Norris, a small miner of barite from Battle Mountain, Nevada. I'll be among the first to go out of business if these rules of the BLM are implemented. Guys like me are not financially, mentally, and especially temperamentally able to cope with these regulations. Forget the bonding requirements. The rules themselves, the maps, the mining plans, the long delays for approval and the red tape we do not understand will kill us.
>
> Nevertheless, we feel that we are a link in the production chain of minerals and perform a worthwhile service to the industry and the nation. And to freeze us out now, at a time when the mineral shortage is more acute than the energy shortage and our balance of payments is in deficit makes no sense to us whatsoever.
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> The principal issue is reclamation and we believe reclamation for these deep-seated vein type deposits is undesirable for the reason that future economic ore is covered and geologic evidence is destroyed; and that is not the way mines are developed. It is also hard for us to understand the economic sense of reclaiming land at a cost of a few hundred to several thousands of dollars per acre when that land is only worth 35 dollars per acre when reclaimed. Holland has been handling this problem differently and satisfactorily for centuries. When the demand and the price of tulips justify it, people go out in the sea, reclaim the land and grow them. When the land is worth reclaiming it will be reclaimed.
>
> The public may think that some big bad old mining company is going to reclaim this land for them free, but business looks to the bottom line and that is the line after taxes. You can disrupt the industry and cause some of us to go broke; but ultimately the consumer is going to pay the bill because they are the only ones that there are, to pay the bills.
>
> The rules are vague and leaves too much to the interpretation of words; hence, too much authority is vested in the hands of the authorized officer of the B.L.M.
>
> We've already gone through this with MESA where there is no uniform agreement among the administrating officers as to just what the rules say . . . You can live with one man and the next cuts your head off. Incidentally, insurance rates for my classification have increased some 300% in the last 3 years since MESA has arrived and they cannot prove that they have cut the accident rate by any more than the percentage of mines they have closed.
>
> We resent the fact that these rules made by an entrenched bureaucracy (and which most certainly will be further interperted by the courts) will have the effect of law. We want our laws made by congress and our legislatures who we elect.
>
> This harassment to our industry is caused by environmentalists. These rules have little to do with the primary environmental problems of air and water quality. In the name of cleaning up the environment we have progressed into areas such as visual resource and cultural resources, and conservation. The B.L.M. is unable to distinquish between harm to the environment and just plain sloppiness.
>
> In order to save the friendly dolphins we have just succeeded in killing our domestic tuna fishing industry, but we haven't saved the dolphins. We don't kill them but foreign fishing fleets that don't care about the dolphins do. The B.L.M. is going to have the same kind of luck when they start regulating the mines. If we are forced to spend money on reclamation and other environmental controls we will be uncompetitive with the Third World Nations who are our competition and not interested in cleaning up their mess. And we are right up against the peg now. The B.L.M. won't make a dent in cleaning up the environment either because the base from which they start is too small. 100 percent of nothing is still nothing. Ony .16 percent of the land nation wide has been used for mining in the last 40 years, and 40 percent of that has been reclaimed. That's since the advent of the bulldozer when we miners started to rant, rave, rip and tear up the landscape according to Mr. Andrus. Less than one half of one percent

has been used for mining since the bronze age. A pretty cheap price to civilization is worthwhile.

Secretary Andrus says our land is our heritage and we must conserve it for future generations. We don't quarrel with conservation, it will buy us a little time; but conservation will *not* protect future generations for long. These deposits are finite.

But if government will leave business a little latitude in which to operate they will always have something to sell. That is the name of the game. It may not be lead pipe, it may be plastic. It may not be gasoline, it may be alcohol or something else. But you can bet your bottom dollar that whatever it is you can build your car out of it and you can run your car on it.

The only legacy we can leave posterity that will do them any good is freedom and technology. And the best thing we can do right now for posterity is keep a sound economy that will foster research and development for their technology and eliminate a few rules for their freedom. This and not conservation will insure that their legacy is passed on to them intact.